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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

## SENATE—*Wednesday, April 21, 2010*

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, thank You for being our strength and shield, for we trust You to guide our steps. Bring unity to our lawmakers so they will be a force for good for the American people and the world. Refresh their faith, renew their vision, and rekindle their courage so that they can find common ground and glorify You in the living of their days. Lord, stir their hearts with the presence of Your spirit, preparing them to be instruments of Your will.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 21, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 1 hour. During that time, Senators will be able to speak for up to 10 minutes each. The majority will control the first 30 minutes; the Republicans will control the final 30 minutes.

Following morning business, the Senate will turn to executive session to debate the nomination of Christopher Schroeder to be an Assistant Attorney General. There will be up to 3 hours for debate prior to a vote on confirmation of this nomination.

Upon disposition of the Schroeder nomination, the Senate will consider the nomination of Thomas Vanaskie to be U.S. circuit judge for the Third Circuit. There will be 3 hours of debate prior to a vote on confirmation of the Vanaskie nomination.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### HONORING ROBERT J. O'MALLEY

Mr. REID. Mr. President, every one of our servicemembers deserves the unqualified appreciation and admiration of the Senate and our entire Nation. Today, I wish to salute the service of one such soldier, a man who first answered his country's call in World War II and has not stopped.

Bob O'Malley served our Nation with distinction in the 10th Mountain Division in combat in Europe. He was a sergeant and a squad leader who led his men bravely and with honor. He put his life on the line on many occasions to protect his men and to fight for freedom against Nazi Germany and was recognized with his squad's admiration, the Combat Infantry Badge and, because he was wounded, a Purple Heart.

But he has not stopped serving his country. Bob came to Washington in 1965 and worked for Congressman Robert Sweeney before starting a 27-year career with the Doorkeeper of the House of Representatives. That is where I first met him, as a young Member of Congress. The Doorkeeper, Mr. Molloy, and Mr. O'Malley, had a suite of offices and it was kind of a hangout for Democratic Members of the House; especially it was a way for new Members of the Congress to become acquainted with what was going on over there. They were very caring about new Members and always pointed us in the right direction. I have always remembered those two men for all the good deeds they did on my behalf.

His was a 27-year career with the Doorkeeper. As I indicated, that is where I met him. By the time the war in Afghanistan started in 2002, Bob had retired from service in the House of Representatives. Most retirees are content to seek a well-earned life of leisure, but Sergeant O'Malley did not. He signed up for a new and worthy mission, waking every day to serve our Nation's wounded warriors. When the war started, he went back to work as a volunteer—again a volunteer—supporting and caring for the men and women of the 10th Mountain Division, his old unit. He has made countless visits to Walter Reed, this great medical center where these wounded warriors come to recuperate. On all these visits to Walter Reed, he spent countless hours talking and sharing stories about the Division and taking his fellow veterans to ball games and other events, including the sharing of meals on many occasions. When many of these wounded warriors could not make it home for the holiday, Bob would reach into his own pocket and pay for Thanksgiving, Christmas, and New Years dinners for soldiers and their families at some of the finest eateries in the Washington,

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

DC, area. Bob says that helping soldiers recover from their war injuries has added years to his life. We know it has added years to the lives of those he helps.

Bob O'Malley would be the first to tell you this is not a one-man mission. He has had help from many different areas. When he decided to help those wounded on the battlefield, for example, he enlisted the help of another veteran, Dom Visconsi, Sr., an original member of the 10th Mountain Division in World War II. He asked Dom to help and Dom was happy to help entertain and support these troops. Many of Bob's friends soon joined the cause as well, and they are a constant presence for the soldiers, whether here or at home. Our Army would not be the best place in the world without the work of veterans such as Sergeant O'Malley, whose life has been synonymous with service, sacrifice, and selflessness.

He is an inspiration to me, our Armed Forces, and our country. He is a hero, and I am proud to call him a friend.

Would the Chair announce morning business now.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the final 30 minutes.

The Senator from Rhode Island is recognized.

## SALUTING OUR WOUNDED WARRIORS AND BOB O'MALLEY

Mr. REED. Mr. President, first, let me join Majority Leader REID in saluting these incredible Americans who are with us today, wounded warriors and Bob O'Malley. As someone who served 12 years in the U.S. Army, my appreciation is profound for what you have done and continue to do. Thank you very much.

I have a circuitous connection with the 10th Mountain Division. My classmate, Buster Hagenbeck, commanded the 10th Mountain Division in Afghanistan, and I was there to visit those great soldiers several times. Thank you for your service and thank you for your inspiration.

## FINANCIAL REGULATORY REFORM

Mr. REED. Mr. President, I am here today not only to salute these great Americans but also to talk about the urgency of bringing the issue of Wall Street reform to the Senate for open debate and final passage. We have weathered and witnessed the worst financial crisis in the history of the country. We have seen wealth, trillions of dollars of wealth, evaporate because of this financial crisis. To hear people now talking about, well, this is not a good bill—the question is not whether we should delay further or go forward. The question is going forward with purpose, amending the bill on the floor, if necessary, in an open and transparent way so the American public can see we are moving forward on perhaps their No. 1 priority related to the economy, and economic recovery and financial reform are integrated key elements. We cannot have long-run economic success without fundamental financial reform.

We are here today essentially to urge that the anticipated vote on Monday to proceed to the bill be affirmed overwhelmingly to send a message to the American people we are on the job for them, we are doing the work we have to do. We have to deal with a complex and significant legislative measure—but we have to do it now. The time for discussion, the time for consideration privately, has passed. Now we have to act.

I think we have to act because we should recognize the status quo is unacceptable. Those on the other side who have been saying: Not now, not now, not now, essentially are defending the status quo. We have to ask several questions. Who does the status quo favor? It favors the remaining big banks and other financial institutions. We have seen, over the last several days, that these banks are reporting record profits, mostly based on trading. Here is another irony. Because of the system we have today, we are in desperate need of economic activity at the local level, the infusion of capital, lending—all those things. Where are the banks making their huge profits? On trading, essentially taking their money and other people's money and not investing in new productive capacity, but betting on financial products. That is not, in my view, what we should be doing at this moment. We have to recognize that if we do nothing, the banks will continue to operate as they have.

That, I think, has to be corrected. The second question is, what activities are protected by the status quo? I will tell you. Exotic derivative trading. We saw this week where the Securities and Exchange Commission has made allegations against Goldman Sachs. Now, that will be determined in a court of law.

However, the complexity of the transaction engaged in by Goldman and others, the creation of a synthetic collateralized debt obligation, to translate, was essentially picking out some representative mortgage funds and then betting on them. Somebody took the side that said they would still pay; some would take the side that they would default.

What did that add to our economic capacity? In fact, one of the ironies of this whole crisis is there was such a proliferation of these toxic mortgage bonds that they no longer could sell them at a profit, so they started essentially creating virtual or synthetic securities.

Again, what has it added to the economic productivity of the United States? Not much. In fact, some would argue nothing at all. We have to have a financial sector which performs one of the essential functions of any financial sector, the allocation of capital to productive uses: highways, buildings, education support, all of those things that not only return a profit to the investors but also build up our economic capacity and build up our wealth over the long term.

Other activities that will be protected by the status quo include not only derivatives trading, but dark pools of capital, huge private equity funds that are shadowy in terms of their investment strategy, even to regulators, and the credit rating agencies. They are continuing to operate, and, frankly, we have to say their performance in the last several years was disappointing, and that is being very diplomatic. But they will continue to operate as they have in the past because we will not get the reform that is so necessary.

Of course, the Wall Street salary structure, the incentive compensation, also will continue to be unaffected. So for all of these activities, if you are comfortable with them, then vote against the motion to proceed on Monday evening. If you are uncomfortable with them, if you do not want to see the remaining banks continue to operate as they have, then you have to vote, in my view, to move forward to debate this bill and engage on this issue.

Now, the third question we have to ask is, what does the status quo do for consumers and taxpayers? The answer is very little, if anything at all. We saw in this whole situation consumers who were in some cases misled. In some cases it was obvious they could not afford the credit arrangement they were signing on to, but the incentive on the other side was not to look behind the veneer of the borrower but simply to get the loan closed and then sell it off for securitization profits.

We have to change those incentives, and if we do not proceed to this legislation, we do not have a chance of doing that. So we have to move forward. Some have claimed, the Republican leader and others, that this is just a partisan exercise. It has not been a partisan exercise. We have been, under the

leadership of Chairman DODD, engaged in this effort for months and months and months.

Some people might have forgotten around here, but we started the mark-up of the financial reform bill November 19 of last year. We had a bill. Senator DODD brought it to the committee. We started opening statements, and then everyone said: We have not had time enough to do this. We want more discussion.

Senator DODD, even with the urgency of moving on this measure, said: Fine. I respect my colleagues. I respect the process. We will stop. We will start talking.

Well, the negotiations went on and on and on. It was clear there was no sense of urgency on the other side to move to a decisive vote. Then he engaged other Members. Senator CORKER and others entered the discussion. I have been discussing derivatives in a very thoughtful way with Senator GREGG for months. But we have reached the point now where we have to take deliberate action and make some decisions.

We have to move to the floor, to debate and votes and final passage. This is something we have to continue to move forward. The way to move forward is to vote on the motion to proceed on Monday evening.

We have heard claims that this is a bailout bill, which I think would be a huge shock to many of my colleagues on the committee who have been working on this for months and months, Senator CORKER and Senator WARNER particularly, who crafted many of the provisions in this area.

The reality is, if we do nothing, which is the effect of voting against the cloture motion—if we do nothing, we could have a crisis next week. Greek sovereign debt—there is huge turmoil in Europe about Greek bonds, the ability of the Greek Government to pay, the need for support. If those talks collapse and suddenly throughout the financial system there is a rush away from sovereign debt, not just Greek debt but other countries, what will happen? We do not quite know, I suspect, who is holding all of this debt and what are the systemic effects. We have to be prepared for something like that.

The notion that this crisis has passed and we can go about our merry way without dealing with these issues is naive. The way to deal with it is to establish a resolution mechanism. Senator WARNER and Senator CORKER have done a remarkable job of crafting one. One of the questions they struggled with the most is who is going to pay for the resolution.

Frankly, they stepped up to the plate today and said: Let's put the banks on the line for the first $50 billion. That makes sense to me because it is clear who is going to pay: not the taxpayer but the banks. But, in any case, we cannot engage in this discussion of the mechanism and how it will finally come out until we bring the bill to the floor, debate it, and vote upon amendments or changes. That is what we have to do. But this legislation is clearly not a bailout for the banks. If it was, they would be supporting it.

Frankly, all the newspapers I read suggest the intense lobbying effort against the bill is by the banks, which, coincidentally, seems to favor the position of those who do not want to proceed to the bill. So I think we are in a situation where we have to proceed forward. As I said, if we do not move forward, we are going to have a significant issue of confidence by the American people and others in the stability of our financial system. These are complex, intricate issues. They require debate and discussion. I do not think anyone should be presumptuous enough to stand here and say: We know exactly what to do, and we are going to do it without the consent and without the input of all of our colleagues. But that consent and input comes, ultimately, on the Senate floor through debate, discussion, and voting.

Now, again, where are we if we do not take up this measure next week? Well, the $600 trillion market in derivatives will remain opaque, complex, confusing, and a potential vulnerability for our financial system. I say $600 trillion because when we talk about derivatives markets, billions are—you know, that is a rounding error. It is trillions of dollars, and a miscalculation, a mistake, a misjudgment in that market has huge consequences.

The big banks who sell complex, toxic instruments to pension plans, essentially taking savings and trading them, gambling with them, in some respects, they will continue to do that. They will not only take pension savings, but they will take municipalities' money in fancy bond arrangements that the municipalities never needed.

All of these things will continue.

Unregulated mortgage lenders will continue to go out and operate under the originate-and-sell model, which has led to so many problems. Payday lenders that are charging, in some cases, 900 percent interest will continue to be unregulated. Credit card companies, even after our efforts with the credit card legislation, will continue to try to circumvent the rules to maximize their profit.

The bottom line is, the people who benefit from delay, from taking the course of action of delay and denial, I would say, because this urge to suggest this is a bailout bill is denying the facts of the bill, will be financial institutions and not consumers and not taxpayers.

So, as a result, I would urge all of my colleagues on Monday to vote to proceed to this bill. Again, we have to ask three questions. This will be decided on Monday evening. The status quo favors the banks. If you want to favor the banks, then vote against cloture. The status quo operates to allow all sorts of arcane and exotic activities which we know have posed significant threats to our financial system.

If you want these activities to continue unimproved, uncorrected, vote against cloture. The status quo disfavors consumers and taxpayers. So if you want to see them continue to be on the short side of the sale, vote against cloture. I would urge we vote for cloture, we move forward to debate real ideas about how to improve our financial system, protect consumers, and strengthen our economy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

## ISRAEL'S 62ND ANNIVERSARY

Mr. CARDIN. Mr. President, I rise today to express my congratulations to Israel on the 62nd anniversary of its independence.

This week, America's closest ally in the Middle East, Israel, commemorated its Independence Day, Yom Ha'atzmaut, 1 day after its Memorial Day, Yom Hazikaron, and 1 week after Holocaust Remembrance Day, Yom HaShoah.

While Independence Day is about celebration for the people of Israel, this Memorial Day was marked by somber ceremonies and national grief over the loss of their soldiers. Nationwide sirens and moments of silence emphasize the sacrifices all Israelis have made living in their thriving, free and democratic state. These intensely personal losses in such a small country underscore the continuing threats faced by Israelis, the scale of their efforts and the importance of a Jewish homeland.

I commemorated last week's observance of Yom HaShoah in Baltimore, where I joined fellow community members to view a movie marking the 50th anniversary of Adolf Eichmann's capture and trial. Eichmann was a premier architect of the Holocaust. Rather than dealing with such a war criminal through forceful vengeance that would have been understandable, Israel prosecuted Eichmann by following the rule of law and his trial was a model of transparency and justice. This display of our shared values of law, justice, and fairness help to illustrate why the United States and Israel have continued to build upon our "special relationship" for six decades.

I observed Israel Independence Day at an event focused on the growing threat of a nuclear Iran. If Iran acquired this capability, it would be an unequivocal "game changer" in the Middle East and, indeed, throughout the world. An undeniable threat to Israel and the United States, a nuclear

Iran cannot become a reality. We therefore must do all in our power to prevent Iran from acquiring nuclear capabilities. One of our first steps should be immediate enactment of powerful and effective economic sanctions against Iran, and the foreign companies that do business with this rogue nation.

While we work to minimize the key threats to Israel's security, we must also focus on opportunities for peace in the Middle East. Israel has always been prepared to pursue those opportunities and make peace with its neighbors. Over the past six decades, despite diplomatic gestures, multiple Arab countries have repeatedly attacked Israel. We should not forget that it was the Palestinian's leaders who walked away from the negotiation table at Camp David in 2000, on the eve of what would have been a historic breakthrough for peace.

Today, it is Israel who continues to acknowledge the necessary framework for any peace agreements, a two-state solution. While Israel has shown willingness for direct negotiations, the Palestinians continue to be, an unreliable partner in moving forward towards peace. How can Israel make peace with any partner whose so-called ''moderate'' Fatah leaders are not willing to meet directly with Israelis leaders and whose Parliament is controlled by Hamas, an organization still sworn to the destruction of Israel?

I am proud to have joined with 75 of my colleagues in reaching out to Secretary of State Clinton in a recent letter which included a reaffirmation of this fact as well as a reminder, that not only do the U.S. and Israel share common values but also common interests. Top among these interests is restarting the peace process and preventing Iran from becoming a nuclear state.

This is precisely why the role of the United States in this process must be one of an honest broker. President Obama must not place wrongful or unreasonable pressure on Israel or, worse, to put forward a proposal without Israel's consent.

Since Israel's founding 62 years ago, every American administration has worked to strengthen the bonds between the U.S. and Israel. This has been vital for Israel, as the nation is under constant threat of military and terrorist attacks, economic boycotts and diplomatic hostility, often merely due to the fact of its very existence. At this critical moment, when Iran is moving forward with its nuclear program and simultaneously strengthening Hezbollah's capacity to attack Israel, it is imperative the Obama administration say in clear and unambiguous language that we stand with the people of Israel and will do all in our power to protect our shared values and national bonds.

As Israel celebrates its anniversary, let us all proclaim that the U.S. continues its unbreakable alliance with our closest ally in the Middle East.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

## TRIBUTE TO SENATOR DENNIS CHAVEZ

Mr. UDALL of New Mexico. Mr. President, I rise today to pay tribute to a man who served New Mexico and the entire country with distinction for more than three decades in Washington, a man who dedicated his life to being a champion for the least of us. That man is Senator Dennis Chavez, the Nation's longest serving Hispanic U.S. Senator. This month we mark the 122nd anniversary of his birth. In everything he did, Senator Chavez showed his concern for the underdog. He fought for public education because he knew what it could do to help the children of struggling families become successful adults. He supported farmers because he knew how difficult life can be in the small communities where the trains don't stop and the roads don't go. And he fought for civil rights because Senator Chavez believed equality of opportunity is the core of the American creed.

Dennis Chavez fought for the underdog because he was an underdog. Born into poverty in Valencia County, NM, Chavez walked along a difficult road to the pinnacle of political power. A child of an isolated small town, he would see the world and help to shape it. A high school dropout, he earned a law degree and became a lawmaker. A victim of ethnic discrimination, he wrote legislation that would eventually make employment discrimination illegal and, then, unthinkable.

Dennis Chavez was a man of conviction. He also was a man of courage. At the height of anti-Communist sentiment in the 1950s, Senator Chavez was one of the first to denounce the activities of Joseph McCarthy. Here is what he said on the Senate floor during the McCarthy hearings in 1950:

> I should like to be remembered as a man who raised a voice . . . and I devoutly hope not a voice in the wilderness . . . at a time in the history of this body when we seem bent upon placing limitations on the freedom of the individual. I would consider all of the legislation which I have supported meaningless if I were to sit idly by, silent, during a period which may go down in history as an era when we permitted the curtailment of our liberties, a period when we quietly shackled the growth of men's minds.

My father, who died last month, served in the U.S. Congress with Dennis Chavez in the late 1950s and early 1960s. He always said what he saw in Senator Chavez was a visionary and a man of courage. When Senator Chavez left this world in 1962, he was eulogized by Vice President Lyndon Johnson. In that eulogy, Vice President Johnson remembered Senator Chavez as ''a man who recognized that there must be a champion for the least among us.''

Four years later, when the U.S. Congress placed Senator Chavez's statue in Statuary Hall, Rev. John Spence summed up the man nicely. Spence said Senator Chavez was ''ever a champion of the underdog, the poor and oppressed.''

But it is the quote inscribed at the bottom of the statue that best reveals the legacy of Senator Dennis Chavez. Written in three languages, Spanish, English and Navajo, it reads simply:

> He left a mark that will never be forgotten in the hopes that others would follow.

El Senador makes me proud to be a New Mexican and humble to follow in his footsteps as a Senator representing the great State of New Mexico. America is a better place because of Senator Chavez. For that, we honor him today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## FINANCIAL REGULATORY REFORM

Mr. DEMINT. Mr. President, good morning.

I rise in opposition to the piece of legislation that Chairman DODD is calling financial reform. All Republicans want to reform our financial system and fix the things that have caused so much financial distress in our country. But rather than address the underlying causes of the 2008 financial crisis, this bill would institutionalize government bailouts for those it chooses are too big to fail. If Democrats were serious about financial reform, they would work with Republicans to permanently end too big to fail, to curb the power of the Federal Reserve, and to address the government distortions in the mortgage market that led to the financial meltdown. This bill does none of these.

Instead of focusing on solving these problems, the Democrats have eagerly crafted another massive bill designed to increase centralized government planning, and they are vilifying anyone who dares to oppose it.

Without bringing any more accountability to the government actors who

contributed to the causes of the financial crisis, this bill simply represents additional regulation without real reform. Despite a recent Pew poll stating that more than 80 percent of Americans support ending bailouts, this bill ensures they will continue. The bill requires the government to keep a list of financial companies it considers too big to fail, and it provides these companies with a $50 billion slush fund to help them when they get in trouble.

In one respect the Democrats may be right in saying they would not let the bailouts take place like they did in the past. If their bill passes, the next TARP bailout would not even be voted on by Congress. That is because this slush fund empowers the Treasury, the Federal Reserve, and the FDIC to pump money to ailing banks without asking for any permission from Congress.

There have been rumors that this slush fund could be removed. I hope it will be. But even if that is done, the bill will still perpetuate too-big-to-fail policies.

Additional programs in the bill will still allow the FDIC to guarantee the debts of financial companies in trouble, and they will also allow the Treasury to still selectively bail out the creditors of failing institutions. The bill also fails to stop the Federal Reserve from propping up financial companies as it did AIG. It additionally expands the Fed's reach by creating a new consumer protection bureau inside the Federal Reserve. With its extensive jurisdiction and its unchecked ability to micromanage lending, it should be considered the anticonsumer bureau. This new bureau will have sweeping authority to regulate almost anything it regards as financial activity. From car dealers to other companies that offer financing for their products, to software companies that help people manage their money, this massive new bureaucracy is certain to increase regulatory burdens on community banks, credit unions, and many others who had no role whatsoever in the financial crisis, as well as to raise consumer costs and kill jobs.

Before we rush to give the Fed more control over our economy, we need more information about its activities surrounding the 2008 financial crisis. Even to this day, the Fed refuses to provide information about the extent to which they have used taxpayer money for the bailouts, and it is unacceptable to keep this kind of secrecy. Legislation to fully audit the Fed continues to enjoy widespread support, and I will continue to champion this audit of the Federal Reserve.

I would also like to see this bill bring some much needed accountability to Fannie Mae and Freddie Mac. These government entities that dominate the mortgage market and hold $5 trillion in debt were ringleaders in the chain of buying, securitizing, and spreading toxic subprime mortgages that led to the financial collapse. Since the government took them over in 2008, taxpayers have been forced to give them $127 billion so far, and there is no end in sight. The Obama administration handed them a blank check last Christmas Eve by lifting the $400 billion cap on government aid, ensuring endless bailouts in the future.

Real reform would address the ongoing crisis at Fannie Mae and Freddie Mac. Although the Democratic bill is completely silent on this issue, I intend to see that we find a way to reduce their holdings and divorce them from government ownership. We cannot deny the fact that these two government entities were a major cause of the financial crisis. Yet they are not even mentioned in this so-called financial reform.

Reform would not be complete without also addressing the underwriting issues that led to the explosion of risky lending that fueled the housing bubble. This bill leaves the Community Reinvestment Act and Fannie Mae's and Freddie Mac's affordable housing goals untouched. Each required significant increases in mortgage lending to lower income borrowers, which led to a decrease in the underwriting standards to make more loans to folks who could not afford to pay them back. These bad practices became contagious in the industry.

If we do not deal with these housing policy problems that led to unsafe lending, as well as Fannie Mae's and Freddie Mac's sizable ability to sustain demand for such loans by still buying them, we risk continuing a boom-or-bust housing cycle that saddles taxpayers with the consequences of mortgages given to borrowers who likely cannot afford to pay them back.

Meanwhile, Fannie Mae and Freddie Mac keep getting bailed out by the taxpayers. That is the kind of impervious backing a reckless bank could only dream of getting, and that is the same kind of deal Democrats are now offering to the big banks they pretend to despise.

Despite all the rhetoric coming from my Democratic colleagues, this bill does not crack down on Wall Street. In fact, Wall Street loves it. It turns the relationship between Wall Street and Washington into a freeway. The best way to get tough on Wall Street would be to make sure those banks have the same freedom to fail as the banks who did not get bailed out by the government in the last few years.

Ruling out special treatment for these big banks would be the harshest punishment possible. So instead of ending too big to fail, Democrats are constantly inventing new ways to break down barriers between Washington control and Wall Street. That is not how you stand up to big banks; that is how you deal them in.

It is important we fix the problems that caused our financial meltdown. But it is even more important to recognize that this political vehicle that is being called financial reform is just a lot more government control, a lot more government takeovers, an overreach by the Obama administration, with very little financial reform.

This is not fair to the American people. It perpetuates too big to fail. It essentially guarantees future bailouts. It does not fix the core causes of the problems, and, again, it expands big government control over thousands of community banks, credit unions, and businesses that had nothing to do with this financial crisis. I am afraid it is just another crisis being used as an excuse to expand government without solving real problems.

Republicans are standing by and eager to work with Chairman DODD and other Democrats to fix the problems in this bill so we can present real reform to the American people. I urge my colleagues on the other side to stop trying to stick another bill down our throats and down the throats of the American people and work with us to do what the American people expect.

With that, I yield back and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request?

Mr. DEMINT. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

## HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor as a physician who has practiced orthopedic surgery in Casper, WY, for 25 years.

I come to offer a second opinion on the health care bill that was recently passed and signed into law. My opinion on this bill is very different than what I have heard from the administration, from the Speaker of the House, and from the majority leader because my opinion is that this bill—now law—is going to be bad for patients, bad for patients all around this country, bad for health care providers: The doctors, the nurses, the folks who work in our hospitals, the therapists. I believe it is going to be bad for the taxpayers—people who are going to be left with this large bill to pay for a bill that is not to save a health care system but to create new entitlements and new obligations.

As I have looked at this, it struck me last week when they were having the debate in England. They are having an election, and the candidates for Prime Minister were having a debate. It was the first nationally televised debate ever in England in an election. They compared it to the Kennedy-Nixon debate when people were up there debating and discussing.

The question presented to the Prime Minister of England was: What about the national health service? Those of us on my side of the aisle have been very concerned that with this new law we are going to be seeing a nationalization of our health care in a way like we are seeing in other countries, whether it is Canada, whether it is England—a system I think is not what the American people want.

But I wish to read to you from the transcript of the debate because they asked the Prime Minister, Gordon Brown, about the National Health Service. He said:

My priorities for the health service are that we give people personal guarantees—

So this is what he is promising—

that every individual patient will know they will get a cancer specialist seen within two weeks if [they] need it. They'll get a diagnostic test within one week, and the results to them. They will also be able to know that their operation—

So now they know they have cancer—

will be in 18 weeks if you're any patient in need of an operation.

So here you are, you have had your opportunity to see a cancer doctor, you have had your test, you have your diagnosis. What is the best the people of England are being promised by their Prime Minister? The best they can expect is to have an operation within 18 weeks.

The question here is, How many Americans, how many Members of this body, how many people across this country are going to see that as satisfactory? Because that is where we are heading with this health care bill that is now signed into law. How many people want that: You will have your operation in 18 weeks.

So here you are, if you are diagnosed next week in the United States—if this were the situation they have now in Britain—you would be looking at having your operation in September. See you in September. Come back for your operation. Now you can worry about it. You can worry about your diagnosis of cancer the rest of April, all of May, all of June, all of July, all of August. That is what the candidate for Prime Minister and the current Prime Minister of England is promising the people of that country with their national health system—a system that is the model of many people on the other side of the aisle of what they want American medicine to be like.

This story, once again, demonstrates that coverage does not equal care. Because everyone in Britain has coverage, but they sure cannot get care. Then you ask yourself: Does it truly matter? Does 4½ months—18 weeks—of waiting for your cancer surgery truly matter? There is not just the emotional worry of: Is that cancer spreading within my body? Should I leave the county of England and go to the United States where I can get immediate care? You have to worry because the statistics back up the fact that the care in the United States is much better than it is in England—not that the doctors are any better here than they are in England but that the timing of when you can receive the care from those qualified professionals is much better in the United States.

So if you take a look at the statistics behind this from the researchers who look at this—and I will just go through it because my wife is a breast cancer survivor. She has had a series of three operations. She has been through chemotherapy twice, and she is now surviving 6 years after her diagnosis. I am grateful she was treated in the United States, where the day after the diagnosis was made they wanted to get in immediately to do the operation.

So let me tell you, it says that today the United States leads the world in treating cancer. These are scientific studies. For breast cancer, for instance, the survival rate, after 5 years, among American woman—a woman who is diagnosed in the United States with breast cancer and is treated—83 percent are still alive 5 years later. For the women in Britain, 69 percent. Where do you want to get your care? The bigger question is, When do you want to get your care?

For men with prostate cancer, the survival rate is 92 percent in the United States; 74 percent in France; 51 percent in Britain. American men and women are more than 35 percent more likely to survive colon cancer than their British counterparts.

In an article from the August 2008 edition of Lancet Oncology, the cancer Journal there, the United States is No. 1 again. In almost every category, Americans survive cancer at higher rates than patients in other developed countries. American cancer patients have a higher survival rate for every major form of cancer than patients in Canada and Britain.

American women have a 35-percent better chance of surviving colon cancer than British women. American men have an 80-percent better survival rate for prostate cancer. American survival rates are also better than survival rates in France.

You can go on and on with this, but it is evidently clear—evidently clear—that the timing on when one gets their care is critical.

It is interesting to me that just this week—just this very week—the President made his nomination for a new Director of the portion of the Health and Human Services Department that deals with Medicare and Medicaid. The President has been in office for 15 months. We have had a debate and discussion in this body for almost all that time on health care. In this body, the Democrats have voted to cut Medicare by $500 billion from our seniors who desperately depend upon Medicare.

Why is it the President has waited 15 months to finally nominate someone to be the head of the part of government that oversees Medicare and Medicaid? The President has put 15 million to 16 million more people on Medicaid, has cut Medicare, has told us we can trust him on this. Yet he would not put somebody up to go through the confirmation process to head Medicare and Medicaid? Why? Because, in my opinion, he did not want anybody to answer the questions because they are tough questions. Why wouldn't you nominate somebody for all that time and leave the post open, essentially, and not have somebody to come to Congress and say what are the implications to the American people of dumping another 16 million people onto Medicaid, of cutting $500 billion from Medicare?

Well, because the person he has put in has a long history of a love of rationing care. It is a Dr. Donald Berwick. He has a history of support for government rationing of government health care resources on the grounds of cost—not on the grounds of quality, not on the grounds of survivability but on the grounds of cost.

He has said, as recently as last June:

The decision is not whether or not we will ration care—the decision is whether we will ration with our eyes open.

So here we are, the newly nominated person has basically said: I am going into this to ration care. He is a big supporter of what they have going on in Britain right now. In Britain, they call it NICE. It stands for National Institute for Health and Clinical Excellence. Well, this is what Dr. Berwick has said about it. He said:

Those organizations are functioning very well and are well respected by clinicians, and they are making their populations healthier and better off.

Well, let me tell you what a London doctor, a colon cancer specialist, had to say. This doctor said:

A lot of my colleagues also face pressure from managers not to tell patients about new drugs.

He said:

There is nothing in writing, but telling patients opens up a Pandora's box for health services trying to contain costs.

He further went on—this now being again Dr. Berwick saying about this British group:

NICE is an extremely effective and conscientious, valuable and—importantly—knowledge-building system.

What did the BBC, the British broadcast group, say? They say:

Doctors are keeping cancer patients in the dark about expensive new drugs that could extend their lives . . . A quarter of the specialists—

one in four specialists—

polled by Myeloma UK said they hid facts about treatments for bone marrow cancer that may be difficult to obtain from the National Health Service. Doctors said they did not want to ''distress, upset, or confuse'' patients if drugs had not yet been approved by

the National Health Service drugs watchdog NICE.

So when we take a look at the British health care system: 18 weeks of a wait—which is the promise from the Prime Minister in the debate last week—18 weeks from when you are diagnosed with cancer until you have your operation. That is their aspirational goal. It makes you wonder what it is now. It has to be a lot longer than 18 weeks. So I would tell my colleagues it is no surprise that in the latest polls that were out this morning, the Quinnipiac poll, polling done this past week: Do you support passage of the health care reform bill? Less than 4 in 10 Americans, only 39 percent, approve of what this body crammed down the throats of the American people, whereas over half of all Americans disapprove of what this administration—this President, HARRY REID, NANCY PELOSI, and this Congress—has now forced upon the American people.

The American people have great cause to worry about what they are going to face in their health care, in their health care decisions; if they are going to be able to keep the doctor they like seeing. Those are the questions, and those are the concerns of the American people. My colleagues know my second opinion on the health care bill that we were told by NANCY PELOSI: You have to pass it before you get to find out what is in it.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

## ORDER OF PROCEDURE

Mr. CORKER. Mr. President, could I make an inquiry as to the time remaining? I see Senator HUTCHISON is here.

The ACTING PRESIDENT pro tempore. The Republican side has 8 minutes 27 seconds.

Mr. CORKER. I need about 4 minutes, but if the Senator from Texas wishes to go first, that is fine.

Mrs. HUTCHISON. Then I will split the remaining time, unless—is there any further time? What is the order of business after the 8 minutes?

The ACTING PRESIDENT pro tempore. After the expiration of morning business, the Senate will proceed to executive session.

Mr. CORKER. I understand we might extend, with permission, for 10 more minutes, is that correct?

The ACTING PRESIDENT pro tempore. That is correct. If there is unanimous consent, that is correct.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to extend morning business for 10 minutes, and that the added time be split between Senator CORKER and myself; and if a Member of the majority comes forward, we will certainly agree to allow the equal time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, if there were 4 minutes and we added 10, I would have 9 minutes and Senator CORKER would have 9 minutes?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Tennessee.

## FINANCIAL REGULATORY REFORM

Mrs. HUTCHISON. Mr. President, I rise today to speak on financial regulatory reform. During the current economic downturn, we have seen far too many Americans lose their jobs, homes, and their savings. Today, 15 million of our citizens are still out of work, and national unemployment continues to hover near 10 percent.

It is this uncertain climate in which we consider financial reform legislation. The crisis is going to remain in the forefront of our national consciousness for years to come, mainly due to the immense government intervention that was pushed through over the past year and a half, attempting to stabilize our frozen credit markets but instead accumulating massive debt that threatens to harm our economy much worse than the original problems.

The current legislation continues the government's failed ''too big to fail'' policy. Too big to fail perverts free market capitalism and suggests that entities can privatize their profits, yet socialize their risks, and taxpayers foot the bill. The American taxpayer should not be forced to pay the gambling debts of risky bets made by large financial institutions.

Republicans and Democrats alike agree that we must end too big to fail, but the bill that is being proposed does not do that. Chairman DODD's bill provides both the FDIC and the Treasury Department emergency authority to provide broad debt guarantees in times of ''economic distress'' to ''struggling firms.'' As written, it is foreseeable that the FDIC or Treasury could step in to prop up a firm under any circumstance, all without seeking to resolve and unwind the firm.

The chairman's bill authorizes continued emergency lending authority for the Federal Reserve, but conceivably only for large banks. Under the Dodd bill, the Federal Reserve would retain supervisory authority over bank holding companies with assets over $50 billion. The Federal Reserve supervision essentially predesignates the firms that are too big to fail. These banks would have the implicit backing of the government and the taxpayers and, with it, the competitive advantage, giving it access to cheaper credit from lenders expecting to be made whole. This puts our Nation's community and independent banks at a severe competitive disadvantage.

I will offer an amendment, if this bill comes to the floor, to permit community banks to remain under the supervision of the Federal Reserve. If the Fed supervises only the largest firms, it will gear monetary policy toward these large financial institutions, effectively leaving out the voice and real-time experience of community bankers in my State and across the country.

While the large financial institutions were making bad bets on subprime mortgage markets, community banks were making home and business loans to local customers. Local community banks provide the lending and deposit services for our Nation's small businesses so they can operate, invest, create jobs, and drive our economy. It is this business lending that will help create jobs and grow our economy.

Tom Hoenig, President of the Federal Reserve Bank of Kansas City, said recently that our Nation's largest banks would be well served to take lessons from our community banks. Why? Because community banks have been committed to providing the credit and services needed for small business. They know their customers, and they can make good, solid loans that are supportable.

In Texas, Richard Fisher, President of the Dallas Federal Reserve Bank, said the provision in the bill would leave the Dallas Federal Reserve jurisdiction with only one or two bank holding companies, down from 36 member banks, for $74 billion in assets that he now has supervisory authority over. The Fed should know the needs and the economic conditions throughout the country, not just New York and Washington, DC.

It is precisely the ability to foster bottom-up growth through small businesses that sets community banks apart from other financial institutions. Unlike the big financial institutions we see in the headlines for bailouts and bonuses, community banks don't have a systemic risk to our financial system and they are not identified as primary contributors to our latest crisis.

However, community banks would soon be subjected to a considerable amount of new costs and regulatory burdens as a result of this legislation. Community banks are already regulated. They are well regulated. Adding additional layers of Federal bureaucracy with limitless authority would be a burden that would only serve to hamper the ability of community banks to effectively provide depository and lending services to America's consumers and small businesses.

Community banks should not be punished as a result of this legislation. We should preserve and enhance our dual banking system, not impose additional Federal regulations that stifle their ability to serve their communities.

I am also concerned about the direction of the regulation of over-the-

counter derivatives. In the wake of the collapse of the mortgage market where the use of derivatives and even derivatives of derivatives helped cause great losses to banks and nearly brought our economy to its knees, it is important that Federal regulators have a greater understanding of this derivatives market. We have Members on both sides of the aisle who are negotiating these terms. Republicans and Democrats have the same goal. We want to end too big to fail. We want to end bailouts. We want to assure that our community banks still have the capability to serve Main Street customers.

The bill before us that is not being brought to the floor because it did not have any input from the Republican side does not achieve those goals. So we are now meeting in small groups. We are meeting with the Secretary of the Treasury and others within the administration to try to come to terms that would do the right thing and meet the goal that we all agree is the goal. That is what is going on right now in the Senate.

It is my great hope—and I see my colleague from Tennessee who is also on the Banking Committee with me, and he too is a part of the negotiations and wants to bring this bill to the floor—we can do something good for our economy. Passing the bill or letting it come to the floor and roll out of here in its present form would not achieve that objective. So I welcome my colleague from Tennessee, who has been a major player in this debate. He has been a major reason that we are coming to a point at which I think we can have a successful bipartisan bill.

I will say that our chairman and ranking member, Chairman DODD and Senator SHELBY, have been meeting for weeks to try to come to terms. So I think everyone is sincere at this point that we want a bipartisan bill. Financial regulation is not political. The consequences of passing a bad bill are huge for our country, for every American. We can do this.

I welcome the comments of my colleague from Tennessee and I look forward to his continuing leadership so we can have a bill that will help the consumers in our country, stabilize our economy and, most of all, will bring the unemployment rate down from 10 percent so that more Americans can go to work.

Thank you, Mr. President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, typically when we come to the floor to speak, we don't like to wait for another Senator who wants to speak; we want to speak and go back to what we were doing, but today I am so glad I had the opportunity to hear the remarks of the Senator from Texas.

Both of the Federal Reserve leaders in Kansas City and Dallas have added tremendously to this debate. No one has been more of a supporter for community banks than the Senator from Texas. I could not agree more with everything the Senator said regarding the Fed keeping community banks. My sense is that by the time the bill comes to the floor, it will either have that in it, or let me say to my colleague right now that I will cosponsor the amendment the Senator brings forth, because I think the Senator is absolutely right, that the Federal Reserve should keep the smaller State-chartered Fed members. The fact is this rearranging the deck chairs serves no purpose, so I could not agree more.

I also agree with the Senator regarding derivatives. I notice the Senator from Texas has a microphone if she wishes to comment. I am going to speak based on what the Senator said on derivatives, but if it is OK, I would like the Senator from Texas to be able to respond.

Mrs. HUTCHISON. Mr. President, I appreciate the remarks of the Senator from Tennessee and, of course, I welcome his cosponsorship of the amendment. It is essential. I couldn't support this bill if we shut the Fed off from Tennessee and Texas and California. Then we might as well all move to New York.

New York doesn't want any more people, I am sure. They are well populated. But most of all, I want to make sure that the Main Street bankers and the small businesses of all of our States are known to the Fed, and the way they are known to the Fed, of course, as the Senator knows, is that their local Federal Reserve bank knows their issues and problems and needs, because they have the ability to serve those banks, which is not allowed in the bill before us.

I thank the Senator from Tennessee for his leadership. I look forward to coming up with something we can all support.

Mr. CORKER. Mr. President, that brings me back to where I want to be. The fact is, there are a lot of people coming to the floor and a lot of things are being said in the press. First, I think we are going to end up with a bipartisan bill before the actual vote to proceed takes place. I believe that is being led by Senators DODD and SHELBY. They are the point people. You cannot have eight negotiators. I believe that is where we are headed. So when I hear a lot of the rhetoric on the floor and other places, I think it is just rhetoric; but at the end of the day, I think we will end up with a solid bipartisan bill. I hope it is one I can support. Obviously, I am giving input on that.

That leads me to this. There have been folks who have come to the floor talking about the Republicans supporting Wall Street by not supporting the Dodd bill in its present form. That is ridiculous. What is happening—some reporter made comments yesterday about Republicans and that I slammed the Dodd bill. That is not true. I was emphatic about two things: One, Republicans are not representing Wall Street. Candidly, when I look at the bill—and my friend from Delaware will actually agree with this—there is not much in this bill that is very offensive to Wall Street, to be candid.

This bill focuses on three topics. What I have said to my colleagues is this: Whenever we have regulations, the big guys get bigger, right? The small guys are the ones who bear the brunt of regulation. What we are all trying to do, as Senator HUTCHISON laid out, on our side of the aisle is make sure this legislation deals appropriately with community bankers and manufacturers in Iowa, Texas, and other places. In fact, there are issues with the bill that we need to work out.

Candidly, to say that Republicans are representing Wall Street could not be further from the truth. There is not much in this bill that is very offensive to Wall Street, to be candid. I am not saying we should go out of our way to be offensive, but anybody who looks at what this bill says would know there is not much in the bill that is that offensive. The fact is, we are putting derivatives on clearinghouses, which I hope happens. I think that is a good thing. I think we need to get as much of that done as possible, where if somebody's money is bad, they have to put money up that day. It alleviates some of the systemic risk. We deal with resolving a firm that fails. I think that is appropriate.

Hopefully, we will get consumer protection back into the middle of the road. By the way, that is a section of the bill that, if it is not handled properly, won't affect the JPMorgans and Citigroups and Banks of America. It will affect community bankers. All we are trying to do on our side—and this is what I was emphatic about yesterday—is trying to make sure this bill is in balance. I think we can do that.

Look, there is not much in this bill that is particularly offensive to Wall Street. To say that those of us who want to get it right for everybody else in the country are defending Wall Street was way off the mark, not true.

Second, there are many things in the bill that are good. There are some things that aren't so good that I think are being worked out right now. That is typically what happens when we have a bipartisan discussion. Each side brings their particular strengths to a bill. We all represent different points of view and, when we work together, we end up with a good bill.

One of the things that troubles me—and I was very emphatic about it yesterday, and will be again today and tomorrow, as I have been for a long time—is that this bill doesn't even deal with underwriting. At the end of the

day, at the bottom of this upside down pyramid, the crisis began because we had a lot of mortgages in this country that should have never been written in the first place. Then we had firms that were way overleveraged that were doing that. Then we spread the pain through $600 trillion in notional value around the world. It started with the fact that a lot of loans were written that should not have been written. I don't think this bill even addresses that. I think that is a little bit of an issue.

If we come to the floor with a template that deals with consumer protection, systemic risk, and derivatives, I hope my colleagues on the other side of the aisle will join in with many Members on this side of the aisle to correct that. At the end of the day, if we continue to write loans that should not be written, and we continue to securitize them, and if we continue to spread them around the world, we have not done much in this legislation. So I have been emphatic about that, and I have wanted these two pieces of the legislation to balance as it relates to the rest of the country, making sure our underwriting is done appropriately. Do I believe those are things that are important? Yes. Do I think we are going to address those? I hope so on the underwriting, but I am not sure. I cannot tell if people are willing to make sure that Americans across this country have to live in a semidisciplined way as it relates to mortgages. I hope we get there because I think it is important.

In closing, in spite of all the rhetoric about bailouts and not bailouts and Wall Street and not Wall Street, I think what is happening in rooms and offices around the Hill is that negotiations are taking place that will get us to a place where we at least have a template, a piece of legislation that can be embraced in the beginning in a bipartisan way, and then what I hope will happen—I know my friend from Delaware will be highly engaged in this, because he has been focused on this for a long time—what I hope happens, after we get the base template together, is that we have a vigorous debate on the floor about where we need to go from there. There are other pieces—I would consider them to be central—but I am OK with legislation coming to the floor where we have a balance between resolution, derivatives, and consumer protection. Then let's go from there and have the kind of debate I think our country would love to see us have in public, focused not on rhetoric—because we have plenty of substance on this issue—but on substance, and let's do something that will stand the test of time. I think we are going to do that. As a matter of fact—and I know my time is up—I think this bill has the opportunity in the next few days, and once we begin debate on the floor, which I hope will happen in a bipartisan way—I think this bill is potentially the beginning of us being able to function in an appropriate way in this body. That is what I hope happens.

That is why for weeks and months I have been saying that I think at the end of the day we are going to end up with a bipartisan bill. I hope it has some important elements in it, such as the ones I mentioned, that will allow me to support it. Whether that happens—and I hope it happens—or not, I hope we have a vigorous debate and end up with a good product.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## EXECUTIVE SESSION

## NOMINATION OF CHRISTOPHER SCHROEDER TO BE AN ASSISTANT ATTORNEY GENERAL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Christopher Schroeder, of North Carolina, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I rise today to express my support for Chris Schroeder's nomination to be Assistant Attorney General for the Office of Legal Policy in the Department of Justice.

Before I go any further, I want to state for the record that Chris Schroeder is a long-time colleague and great friend. Not only did we work together for Senator BIDEN, but for the past 20 years we have co-taught a course on the Congress at Duke Law School—a course that for many of those years was cosponsored by the law school and the Stanford School of Public Policy.

Chris is currently the Charles S. Murphy Professor of Law and Professor of Public Policy Studies at Duke, as well as director of Duke's Program in Public Law.

Chris was born in Springfield, OH, received his B.A. from Princeton University, a master of Divinity from Yale, and his J.D. from the University of California at Berkley, where he was editor in chief of the California Law Review.

He is married to Katherine T. Bartlett, former dean and current A. Kenneth Pye Professor at Duke Law School. Chris and Kate have three wonderful children.

During his legal career, Chris has excelled in private practice, government service, and academics.

Following his graduation from law school, Chris practiced law in San Francisco, gaining valuable experience in a wide variety of both State and Federal practice.

In 1979, he became a law professor at Duke, where he has been a respected and prolific scholar, an invaluable administrator, and a committed and effective teacher.

He has authored and edited several books, including a leading casebook on environmental law, ''Environmental Regulation: Law, Science and Policy,'' now in its sixth edition.

He also has published countless articles in law reviews and journals, on an impressive range of topics, including environmental law, federalism, Federal courts, executive and legislative power, and national security.

Chris's teaching is just as broad and deep as his scholarship. Over the course of his career, he has taught environmental law, constitutional law, comparative constitutional law, administrative law, civil liberties and national security, Federal policymaking, the Congress, government, business and public policy, an environmental litigation clinic, toxic substances regulation, land use planning, water law, philosophy of environmental protection, property, and civil procedure.

Chris is a true renaissance man. I can personally attest to the quality of Chris's teaching, having co-taught with him for 20 years. Here in the Senate, we have many former students doing excellent staff work on both sides of the aisle.

Chris has also contributed his legal and policy expertise to practical problems affecting the health and safety of the community. He served on National Academy of Science and Institute of Medicine committees to evaluate the use of human intentional dosage studies by the EPA and the adequacy of the U.S. drug safety system.

Duke has also recognized Chris's considerable administrative skills. In addition to serving as co-chair of the Center for the Study of the Congress, with me, and the director of Program in Public Law, Chris has chaired the school's appointments committee, served on the dean's selection committee, and served as a member of the university's judicial board.

In the 1990s, while at Duke, he took several leaves of absence for positions in public service. As a result, he has considerable experience in government, which will stand him in good stead at the Office of Legal Policy.

He has served in several capacities in the Senate, including as special nominations counsel and then he was the No. 1 staffer as chief counsel for the Judiciary Committee.

He also held numerous positions in the Department of Justice, including counselor to the Assistant Attorney General of the Office of Legal Counsel,

Deputy Assistant Attorney General, and acting Assistant Attorney General.

In short, Chris Schroeder has the experience, the intellect, and the judgment necessary to be a superb leader of the Office of Legal Policy.

Just as important, he has the character and integrity to help the Attorney General continue to restore the public faith in the Department of Justice.

The Office of Legal Policy, OLP, has a wide range of important responsibilities within the Department of Justice. Let me read from the description on the DOJ Web site:

The major functions of the Office of Legal Policy are to:

Develop strategies and programs to implement legislative, programmatic and policy initiatives;

serve as a liaison to the Executive Office of the President and other agencies on policy matters;

conduct policy reviews of legislation and other proposals and support and coordinate Departmental efforts to advance the Administration's legislative and policy agenda;

assure policy consistency and coordination of Departmental initiatives, briefing materials and policy statements;

provide support and policy expertise in conjunction with other components to implement effectively major departmental and administration initiatives in the criminal and civil justice areas; assist the President and the Attorney General in filling all Article III and certain Article I judicial vacancies; coordinate regulatory development and the review of all proposed and final rules developed by all Department components; To serve as liaison to the Office of Management and Budget and other agencies on regulatory matters: Track and coordinate departmental implementation of statutory responsibilities and reporting requirements.

In sum, OLP is responsible for developing the high-priority policy initiatives of the Department of Justice. The Assistant Attorney General for OLP serves as the primary policy adviser to the Attorney General. OLP is the place within the Department where critical long-term planning gets done. OLP also handles special projects that implicate the interests of multiple Department components and coordinates the regulatory development and review of all proposed and final rules developed by the Department. Finally, OLP advises and assists the President and the Attorney General in the selection and confirmation of Federal judges.

Chris's extraordinary career and exemplary character render him uniquely qualified to lead OLP. As we saw from his confirmation hearings in the Judiciary Committee back in June, Chris has excellent credentials and broad experience in law and government. He fully understands the special role at the Department of Justice and is deeply committed to the rule of law.

He has broad support from lawyers of all political and judicial philosophies. Just as an example, A.B. Culvahouse, former White House Counsel to President Reagan, gave Chris a ringing endorsement, describing him as having "the requisite maturity, experience, and confidence to work constructively across institutional, interest group, and party lines to advance the public interest."

Ken Starr was similarly enthusiastic in his endorsement, saying:

Chris has a particularly keen and nuanced sense of what the founding generation was seeking brilliantly to achieve: balanced government. From both practical experience and engaged scholarship, he understands deeply the appropriate role of the coordinate branches.

Before I conclude, I would like to give my colleagues a little better sense of Chris Schroeder outside of his professional life because I think his model character is something we should all bear in mind as we consider his nomination.

Chris has deep roots in the Durham, NC, community. He and his wife Kate have been members of the Pilgrim United Church of Christ for 30 years. This is the church in which Kate and Chris have raised their three children, and it has been an important part of their family life. Chris has been a member of every elected board or committee of his church. He has been the chairman of the fellowship committee several times—a job he cherishes because of the simple pleasures that come from providing good meals and hospitality at church events of every description. Chris has also taught Sunday school for over 20 years at Pilgrim, most often a Bible study class.

Chris has also been a member of the board of directors of the Meals on Wheels program in Durham which supplies lunches to elderly and shut-in members of the Durham community. Besides having served in a leadership position for Meals on Wheels, Chris and colleagues from the Duke University faculty drive one of the Meals on Wheels routes every Friday. They have been doing this for more than 20 years.

Chris and his children have also been active in the CROP Walk, an annual event in Durham and many other cities around the country that raises funds for local as well as international food programs. Chris is proud of the fact that Pilgrim United Church of Christ is regularly among the leaders among churches its size in raising funds in the CROP Walk.

In selecting Chris Schroeder, the President has chosen wisely. Based on our long association, I know him to have a piercing intellect, impeccable judgment, and unparalleled integrity. I am proud to call him my friend. I urge my colleagues to confirm him without delay.

Mr. President, I ask unanimous consent that any time in a quorum call during the debate on the Schroeder nomination be charged equally to both sides.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that 5 minutes be set aside for the chairman during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### FINANCIAL REGULATORY REFORM

Mr. BURRIS. Mr. President, in early 1933, just after Franklin Roosevelt was sworn in as President, the Great Depression was at its worst. The American economy had been shaken to its core. Financial institutions had closed, people's life savings had evaporated, and no one knew where to turn. That is when the unthinkable happened: Much of the American commercial banking system collapsed.

President Roosevelt and his colleagues in the House and Senate sprang into action. Congressman Henry Steagall and Senator Carter Glass, both Democrats, worked with the President to write sweeping reform legislation. They set out to get the economy back on the road to recovery. The resulting law—known as the Glass-Steagall Act of 1934—helped to lay the foundation for sensible bank regulation in this country. It would come to define America's financial landscape in the decades that followed the Depression.

Mr. President, it is in this spirit that I ask my colleagues to join me today in supporting major financial reform and making sure that the Volcker rule is included in our financial legislation. If we pass the bill that has been introduced by Senator DODD, we can help prevent another economic crisis and reinstate some of the basic protections included in Glass-Steagall.

Almost 80 years ago, this legislation established the FDIC, which still insures bank deposits—and it drew a sharp distinction between commercial banks and investment banks. In the wake of economic collapse, Congress recognized that these dueling roles often came with massive conflicts of interest. In some cases, this resulted in risky behavior. In others, fraud.

So Glass and Steagall designed their bill to set up a barrier between commercial banks and investment banks. The law prevented these two activities from mixing and kept financial professionals honest and accountable. For

much of the next half century—as our economy recovered from the Great Depression and prosperity returned to America—the system worked just as it was intended.

As a former banker, I can personally speak to the significance of the Glass-Steagall Act in helping to keep our financial system on an even keel. This important law was essential to the stability of our economy—right up to the moment when my Republican friends repealed it—a little more than a decade ago.

In 1999, the Republican Congress decided there was no longer a need to keep commercial and investment banks separate, so they passed a bill that rolled back key portions of the Glass-Steagall Act. Unfortunately, President Clinton signed it into law, and with the stroke of a pen, the walls between commercial banks and investment banks were torn down.

Almost overnight, commercial institutions started to move into this fresh territory. They started to underwrite CDOs and mortgage-backed securities. Then they began to trade them. Commercial lenders even created new investment vehicles, which bought these very same securities. Without the Glass-Steagall Act, it was a free-for-all.

As soon as the regulations were removed, big banks swooped in without regard to responsible lending practices. Conflicts of interest sprang up everywhere. Fraud was allegedly committed by some of our largest and most respected institutions. Then, 2 years ago, our economy went into a massive downward spiral—a great recession from which we are still trying to recover.

The repeal of Glass-Steagall certainly did not cause this financial crisis on its own. But many believe it was a contributing factor, and unless we can take action to close this regulatory gap, the absence of Glass-Steagall could expose our economy to major systemic risk in the future.

So, today, as the Senate stands on the verge of considering major financial reform, I would urge my colleagues to reinstate some of these protections. We must prevent big banks from engaging in these irresponsible practices ever again. That is why I am proud to support the Volcker rule, which my friend, Senator DODD, has included in his financial reform bill.

This provision will prevent traditional banks from making private equity investments. It will stop them from running hedge funds. It will help keep them from placing bets on the market. As a key part of Senator DODD's bill, the Volcker rule will essentially serve as a modernized version of the Glass-Steagall Act.

It would stop short of reinstating the old law of 1933, but it would help to prevent fraud, discourage conflicts of interest, and keep large banks from engaging in reckless behavior. It would also allow us to help regulate mergers among our biggest banks so we can prevent the market from becoming too concentrated or incurring systemic risk.

Mr. President, I believe each of these key components is a necessary part of any financial reform bill. That is why I am proud to join Senator DODD, as well as President Obama, in supporting the Volcker rule. Colleagues, let's learn from the events of history. Let's impose fair and reasonable regulations so a handful of banks would not be able to undermine the American economy with a few foolish decisions. Let's pass a financial reform bill that includes the Volcker rule.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

(The remarks of Mr. FEINGOLD and Mr. LEAHY are printed in today's RECORD under ''Morning Business.'')

Mr. LEAHY. Madam President, today the Senate will finally confirm Professor Chris Schroeder to lead the Office of Legal Policy at the Department of Justice. I say ''finally'' because he was nominated by President Obama nearly 11 months ago. Professor Schroeder was first nominated to this position on June 4, 2009. He appeared before the Senate Judiciary Committee last June. He was reported favorably last July, a year ago, without dissent from both Republican and Democrat members on the committee. But then he sat on the Executive Calendar for 5 months, blocked by mysterious holds from the Republican side. Then, as the last session drew to a close, Republican Senators objected to carrying over Professor Schroeder's nomination into the new session, so it had to be sent back to the White House. The President had to renominate him. The President did that, to his credit. His nomination was reconsidered, reported favorably by the Judiciary Committee by a rollcall vote, with a majority of the Republicans voting for him. That was nearly three months ago.

Professor Schroeder is a scholar and public servant who has served with distinction on the staff of the Senate Judiciary Committee and in the Justice Department and has support across the political spectrum. The Judiciary Committee has received letters of support for Professor Schroeder's nomination from Arthur B. Culvahouse, Jr., former White House Counsel to President Ronald Reagan; Ken Starr, former Solicitor General under former President George H.W. Bush; 11 former high-ranking officials at the Justice Department; and Dean David F. Levi of Duke Law School, where Professor Schroeder has taught for many years.

Madam President, I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR THE NOMINATION OF CHRISTOPHER SCHROEDER TO BE ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL POLICY

(As of April 21, 2009)

CURRENT AND FORMER PUBLIC OFFICIALS

Arthur B. Culvahouse, Jr., Former White House Counsel to President Reagan, 1987–1989.

Joint letter from former Department of Justice Officials [Eleanor D. Acheson, former Assistant Attorney General for the Office of Policy Development; Walter E. Dellinger III, former Assistant Attorney General for the Office of legal counsel, former Acting Solicitor General; Jamie S. Gorelick, former Deputy Attorney General; Randolph D. Moss, former Assistant Attorney General for the Office of Legal Counsel; Beth Nolan, former Deputy Assistant Attorney General for the Office of Legal Counsel; H. Jefferson Powell, former Deputy Assistant Attorney General for the Office of Legal Counsel, former Principal Deputy Solicitor General; Teresa Wynn Rosenborough, former Deputy Assistant Attorney General for the Office of Legal Counsel; Lois J. Schiffer, former Assistant Attorney General for the Environment and Natural Resources Division; Howard M. Shapiro, former General Counsel, Federal Bureau of Investigation; Richard L. Shiffrin, former Deputy Assistant Attorney General for the Office of Legal Counsel; Seth P. Waxman, former Solicitor General].

Kenneth Starr, Former Solicitor General, Duane and Kelly Roberts Dean and Professor of Law.

OTHER SUPPORTERS

David F. Levi, Dean, Duke Law School.

O'MELVENY & MYERS LLP
*Washington, DC, July 14, 2009.*

Hon. PATRICK J. LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. JEFF SESSIONS,
*Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR SESSIONS: I write to endorse the nomination of Christopher H. Schroeder of North Carolina to serve as Assistant Attorney General for the Office of Legal Policy.

I am sure the Committee on the Judiciary is well aware of Chris Schroeder's substantial record of academic accomplishment as a chaired professor at Duke Law School and of his distinguished public service with the Department of Justice Office of Legal Counsel and with the Senate Judiciary Committee. Perhaps less well known is Chris Schroeder's part-time private practice association with our law firm, O'Melveny & Myers, from January 2002 to the present, the last four years in an ''of counsel'' position. As Chair of the Firm, I can attest Chris has provided exemplary legal services to the Firm and its clients, while working on highly complex legal matters. His capacity for keen analysis, his

great maturity and judgment, and his ability to work in a constructive and purposeful way with others, have impressed both his colleagues and our clients.

Chris Schroeder's experience as counsel to our firm adds yet another dimension to his qualifications for office, making Chris one of the rare individuals who has excelled in academic law, in public service to both the legislative and executive branches of the national government, and in private practice. This diversity of experience and perspective will serve the Justice Department and the country well if Chris is confirmed as head of the Office of Legal Policy.

From my time as White House Counsel to President Reagan until now, I know how important it is to have senior Justice Department office holders who not only are first-rate lawyers, but also have the requisite maturity, experience and confidence to work constructively across institutional, interest group and party lines to advance the public interest. I believe that Chris Schroeder will be one of those leaders. I am pleased to endorse his nomination.

Yours very truly,

ARTHUR B. CULVAHOUSE, Jr.,
*Chair.*

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JUNE 23, 2009.

Re Nomination of Christopher Schroeder to serve as Assistant Attorney General.

U.S. SENATE,
*Committee on the Judiciary,*
*Washington, DC.*

DEAR CHAIRMAN LEAHY, RANKING MEMBER SESSIONS, AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE: We are all former Department of Justice officials who worked closely with Chris Schroeder when he served as a Deputy Assistant Attorney General, and later Acting Assistant Attorney General, in the Office of Legal Counsel in the 1990s. Many of us have also known and worked with Chris in a variety of other settings. Based on our broad range of experiences, we all offer our enthusiastic support for Chris' nomination to serve as the Assistant Attorney General for the Office of Legal Policy.

Chris brings together a broad range of talents, experience and perspective that make him an ideal candidate to lead the Office of Legal Policy. First, Chris is a superb lawyer. He is a distinguished scholar, with an expertise in public law and policy. He has taught classes on constitutional and administrative law, on civil liberties and national security, and on the Congress. As acting head of the Office of Legal Counsel, he grappled with some of the most difficult legal issues in the executive branch and, in the course of doing so, earned the broad respect of others throughout the government.

Chris would also bring to the job extensive knowledge of the workings of the Department of Justice, and a deep respect for the Department as an institution. Equally importantly, Chris has worked extensively with other offices throughout the government, and he has a clear understanding of the interagency process. As a result, Chris would know how to ensure that Department of Justice policy judgments are fully informed by others in the executive branch.

Similarly, Chris also understands how the legislative process works. He would be well positioned to ensure that the Department's policy judgments are consistent with the laws Congress enacts and that they are informed by the judgment and experience of those in the legislative branch. Chris served as chief counsel to the Senate Judiciary Committee, and he understands how important it is to work effectively with Members of Congress on both sides of the aisle in formulating effective public policy.

In addition, Chris would bring to the job the perspective of a lawyer who has engaged in the private practice of law. As a result, he would also understand how Department of Justice policy might affect the legal profession, and he has the experience to understand the practical implications of those policy decisions.

Finally, and most importantly, Chris is a balanced, fundamentally fair, and honest person. He has excellent judgment and a compelling sense of what is right. All of us have worked with Chris, and we can all affirm that he is a colleague of the highest order.

In short, Chris would bring to the job the perfect mix of experience: he is a distinguished scholar; he has worked in the Department of Justice, for the Congress, and in private practice; and he has the integrity and judgment the job demands. For all of these reasons, we believe that Chris is superbly well-qualified to serve as the Assistant Attorney General for the Office of Legal Policy.

Respectfully,

Eleanor D. Acheson (former Assistant Attorney General for the Office for Policy Development), Walter E. Dellinger III (former Assistant Attorney General for the Office of Legal Counsel; former Acting Solicitor General), Jamie S. Gorelick (former Deputy Attorney General), Randolph D. Moss (former Assistant Attorney General for the Office of Legal Counsel), Beth Nolan (former Deputy Assistant Attorney General for the Office of Legal Counsel), H. Jefferson Powell (former Deputy Assistant Attorney General for the Office of Legal Counsel; former Principal Deputy Solicitor General), Teresa Wynn Roseborough (former Deputy Assistant Attorney General for the Office of Legal Counsel), Lois J. Schiffer (former Assistant Attorney General for the Environment and Natural Resources Division), Howard M. Shapiro (former General Counsel, Federal Bureau of Investigation), Richard L. Shiffrin (former Deputy Assistant Attorney General for the Office of Legal Counsel), Seth P. Waxman (former Solicitor General).

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SCHOOL OF LAW,
PEPPERDINE UNIVERSITY,
*Malibu, CA, June 22, 2009.*

Hon. PATRICK J. LEAHY,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

Hon. JEFF SESSIONS,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR LEAHY AND SENATOR SESSIONS: It is my privilege to endorse, and heartily so, the nomination of Christopher Schroeder to be Assistant Attorney General for the Office of Legal Policy. Having known Chris for many years, I know him not only to be a distinguished professor at my beloved alma mater, but—as befits his fine reputation—I also know him to be a thoughtful and measured person. He has sound judgment. Indeed, Chris is quite well known, and again rightly so, for his balanced, careful writing.

Equally relevant, Chris served with great distinction in the Department of Justice in the highly important Office of Legal Counsel. He has thus been fully engaged in fashioning the advice and counsel that is foundational to our system of the rule of law. Having also served in the Article I branch, Chris has a particularly keen and nuanced sense of what the Founding generation was seeking brilliantly to achieve: balanced government. From both practical experience and engaged scholarship, he understands, deeply, the appropriate role of the co-ordinate branches.

In short, based on both his personal character and professional qualifications, I enthusiastically recommend him to you for confirmation to this very important role at the Justice Department.

Yours sincerely,

KENNETH W. STARR,
*Duane and Kelly Roberts Dean and Professor of Law.*

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DUKE UNIVERSITY SCHOOL OF LAW,
*Durham, NC, June 19, 2009.*

Hon. PATRICK J. LEAHY,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

Hon. JEFF SESSIONS,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR LEAHY AND SENATOR SESSIONS: I am the Dean of Duke Law School. Previously I was U.S. Attorney in the Eastern District of California (1986–1990) and then a United States District Judge in the same district (1990–2007). I am writing in my personal capacity to endorse the nomination of Christopher Schroeder to be Assistant Attorney General for the Office of Legal Policy.

Professor Schroeder is currently a distinguished member of the Duke Law School faculty, and the Charles S. Murphy Professor of Law. His scholarship is well recognized across a range of subject areas, including constitutional law, administrative, and environmental law. He is the author of dozens of articles and books in these fields, and has the reputation of a fair, thoughtful teacher who respects all points of view.

Professor Schroeder also directs Duke Law School's Program in Public Law. This Program in Public Law exposes law students to the opportunities and value of public service as part of their professional careers, through speaker series, workshops, conferences and other programs. The Program engages topics that are newsworthy and often controversial, in order to provide students an informed basis for evaluating the public debate about them. I have participated in a number of events sponsored by the Program and have been impressed both with the quality of Professor Schroeder's own contributions, and with the even-handedness of points of view that he consistently brings to the programming. His leadership of this program demonstrates, again, a balanced, fair-minded person who respects, and is respected by, people from many different backgrounds and perspectives. Professor Schroeder is not an ideologue.

Professor Schroeder also has considerable government experience both in the Department of Justice and in the United States Senate. In the Department of Justice, he has served in the Office of Legal Counsel, including as its Acting Assistant Attorney General. Through that experience he has gained knowledge of the organization and operation of the Department, as well as of many of the policy issues that regularly face the Department of Justice. His prior work at Justice provides valuable preparation for the leadership position to which he has been nominated. In the United States Senate, he has served as Chief Counsel to the Senate Judiciary Committee and in several other capacities as well. I know from my conversations

with him that he appreciates the responsibilities of the Senate and the Congress, and possesses a genuine respect for the role of the legislative branch in our constitutional system. This orientation, too, will be an asset in leading the Office of Legal Policy, which often works closely with members of Congress in developing policy initiatives.

Professor Schroeder possesses the intellect, skill, training, reliability, and disposition to make him an effective and dynamic director of the Office of Legal Policy. He is someone in whom the members of the Senate and the American people can be confident. He has distinguished himself in every endeavor that he has undertaken. I am certain that he will do so as the AAG for the Office of Legal Policy. I highly recommend him for this position.

Sincerely,

DAVID F. LEVI.

Mr. LEAHY. Madam President, Chris Schroeder is well known to many of us in the Senate. He has served in a number of positions, including chief counsel for the Judiciary Committee when the chairman was then-Senator JOE BIDEN. He spent years in private practice and as a professor, including for the last 10 years as director for the Program in Public Law at Duke University Law School. He has also served in a number of high-ranking positions at the Justice Department making him extraordinarily well prepared for the position to which he has been nominated. In fact, in my nearly 36 years here, it is hard to think of somebody more well qualified.

Look what he has done. He graduated from Princeton University, received his master of divinity from Yale Divinity School before earning his law degree from the University of California at Berkeley Boalt Hall in 1974. There is no question that he is well qualified to run the Office of Legal Policy.

For somebody who is going to be confirmed easily, it shouldn't be necessary for the majority leader to have to file cloture in order to end the Republican filibuster. The Senate should be able to at least have an up-or-down vote on Professor Schroeder's nomination. What has this place come to when we have filibusters on routine nominations such as this?

I remember, when I first came here, probably the biggest nomination we had before a heavily Democratic-controlled Senate was a nomination by a conservative Republican President, Gerald Ford, for the U.S. Supreme Court. President Ford nominated a well respected Republican from Chicago seen as a conservative; John Paul Stevens. We took that nomination from the Republican President 2½ weeks after that nomination arrived here. We all voted for John Paul Stevens to be confirmed for the Supreme Court, including myself. In fact, I am one of only three Senators still here who voted, with Senator INOUYE and Senator BYRD being the other two.

What have we come to when we have a nominee who is as extraordinarily well qualified as Professor Schroeder, who is going to be confirmed, but he has to get past a Republican filibuster.

The 11 months it has taken us to consider this nomination is a far cry, incidentally, from the way the Democrats treated President Bush's nomination to run the Office of Legal Policy. A Democratic majority confirmed President Bush's first nominee to head that division, Viet Dinh, by a vote of 96 to 1 only 1 month after he was nominated and only 1 week after his nomination was reported by the committee. The 3 nominees of that office who succeeded Mr. Dinh—Daniel Bryant, Rachel Brand, and Elisabeth Cook—were each confirmed by a voice vote in a far shorter time than Professor Schroeder's nomination has been pending. None of these nominations were returned to the President without explanation. None of them required cloture to be filed before being considered.

What is going on when a Republican President is treated with fairness but a Democratic President, President Obama, is treated this way? It makes me think of what one of the leaders of the Republican Party said last year: I want this President to fail. If you have an objection to a nomination, vote against it, but none of us should want the President of the United States to fail because if the President fails, America fails and we all suffer, Republicans and Democrats alike. We have to get out of this mindset that if President Obama is for something, everybody has to find ways to block it.

I agree with Senator FRANKEN's observation on the Senate floor earlier this week concerning the Schroeder nomination. He remarked that perhaps Republicans were blocking this nomination because Professor Schroeder has been nominated to lead the office that vets potential judicial nominees. Well, he is right, as is Senator KAUFMAN, who has spoken so eloquently on behalf of Professor Schroeder today.

To deflect criticism for Republican delays and obstruction of judicial nominations that have left 25 judicial nominations languishing on the Executive Calendar, Senate Republicans have tried to place the blame on the administration for sending too few nominees to the Senate. But these same Republicans have held up Professor Schroeder's nomination to lead the division of the Justice Department involved with reviewing and preparing judicial nominations for nearly a year. In other words, they stopped the person who is supposed to do the initial review on judicial nominations and then said: Oh, my goodness, President Obama is not sending up enough nominations. Come on. Come on. This is like a burglar saying: I should be excused for burglarizing this warehouse because you had such nice things in the warehouse to steal. It is your fault for having nice things to steal. How can you blame me for stealing them? What they are saying is: It is President Obama's fault for not moving through judges who have to be vetted by somebody we are blocking from vetting them.

I know the Department and the administration would be grateful to have Professor Schroeder help them prepare judicial nominations. He has shown that he has a deep understanding of the proper role of a judge tasked with interpreting the Constitution. As he emphasized in a response to a question from Senator SESSIONS:

> Any interpretation of the Constitution must begin with the document's text, history, structure, and purpose, as well as judicial precedent . . . [A] fundamental qualification for anyone being considered for a judicial appointment is that he or she understand the Constitution has binding force that must be applied faithfully in cases that come before any court, independent of his or her own policy or preferences.

So, again, I thank Senator KAUFMAN. He is one of the most valued members of the Judiciary Committee and somebody I am going to miss sorely when he retires this year. I thank him for his dogged efforts in support of Professor Schroeder's nomination and for his assistance in managing the debate so well today.

I congratulate Professor Schroeder and his family on his confirmation. I have every confidence he will be an effective and devoted public servant.

I might note—I see the distinguished Senator from North Carolina, who is presiding over the Senate today. Among the 25 judicial nominees stalled before a final Senate vote, there were two courts of appeal nominees for North Carolina. I know the distinguished Presiding Officer took a totally nonpartisan attitude toward recommending these judges and has worked extraordinarily hard, and I hope Judge Wynn and Judge Diaz will soon be allowed by Senate Republicans to be considered and voted on. They are supported by both the distinguished Presiding Officer, Senator HAGAN, and the other distinguished Senator from North Carolina, Senator BURR. So they are supported by a Democrat and a Republican.

Incidentally, Judge Wynn was reported out of the committee 18 to 1. Most of us would love to win elections by that kind of a margin. Judge Diaz was reported unanimously 3 months ago.

So let's stop this unprecedented kind of stalling and clear these 25 judicial nominees.

I see nobody else seeking recognition.

Madam President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to vote on confirmation of the nomination of Christopher Schroeder, with the time until then equally divided and controlled as previously ordered; further, that any other provisions of the previous order with respect to the nomination remain in effect.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. LEAHY. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEMIEUX. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEMIEUX. I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

FINANCIAL REGULATORY REFORM

Mr. LEMIEUX. Madam President, I come to the floor of the Senate today to talk about the issue of financial regulatory reform, an issue that is consuming the good efforts and time of many of our colleagues in the Senate. It is an issue that is very important to the future economic health and viability of this country.

As we go about our lives, even in this difficult economy, I think it is easy to forget how bad things were just a couple of years ago, how bad things were in the fall of 2008. It is important for us to remember the situation that we were put in, where our stock market fell precipitously, where our financial institutions were on the verge of collapse, where the Congress was forced to step in to give billions of dollars of taxpayer money to save the financial institutions, to avoid what was perceived at the time to be a situation as dire as that which happened in the late 1920s when the Great Depression started.

It is important for us to remember that terrible, challenging time as we evaluate what we should do now to prevent that time from happening again. We should be looking back to the causes of that crisis in order to figure out the solutions we should impose today.

There has been good work done among Members of both sides of the aisle. Senators DODD, SHELBY, CORKER, and others on the Banking and Finance Committee have been working overtime to come forward with a piece of legislation that will help put us in a situation where we will no longer have companies too big to fail which could have us going back to the American taxpayer to bail out Wall Street to save our financial institutions. We should never be put in that position again, so I commend the work that is being done. I am hopeful we will have a bipartisan product.

There are pieces of this legislation as it is currently constructed which give me concern; that they would cause a bailout to again be a situation that the Congress has to address gives me great concern. There is particular legislation as part of this package which would set up a fund of $50 billion with certain companies designated as too big to fail. I think that is a wrong strategy. I think, therefore, we are guaranteeing future bailouts. We are saying to these companies: You are too big to fail. The Federal Government is giving you its stamp of approval. We will come in and rescue you with taxpayer dollars—or shareholder dollars, for that case.

I think that creates the wrong incentive. I think it promotes risky behavior and at the same time creates an unfair playing field for those institutions which have played by the rules, which have had sound financial management. We should not forget in this debate and discussion that the way business is supposed to work in this country is you put together a venture to sell a product or a service. If you succeed, you have a profit. If you fail, you go out of business. The failures of the American economic system are in many ways just as important as the successes.

Where would we be if technologies that proved to be failures were subsidized and preventing better technologies from coming forward? That doesn't make any sense for consumers. It doesn't make any sense for the American way of life. We need to make sure businesses can fail if they do not succeed.

We have a system of bankruptcy in this country that is admired around the world that, in an orderly way, takes companies into its procedures and either reorganizes them or liquidates them. That should be the way the process works. We do not want to continue to support bad businesses with bad practices and bad ideas. We want the good businesses to succeed, and we certainly do not want to create a playing field where the businesses that run the right way are at a disadvantage. So I have problems with that portion of the bill.

There are other portions of the bill with which I have trouble. Certainly, we should not be in a situation of more taxpayer bailouts or even shareholder bailouts.

I wish to talk today about the causes of the prior crisis and what this bill needs to do to make sure that crisis does not happen again. If we go back to 2007–2008, we can see in hindsight what led to this financial meltdown. In a State such as mine, Florida, we have been particularly impacted by the meltdown that occurred because the basis of this meltdown was residential property and the mortgages that went along with that property.

In a State such as mine, in Florida, we have been very fortunate over the past 30 years or so because as we have had slowdowns in our real estate economy—which is a main driver of the economy in Florida, construction of real estate—other parts of the market have been able to step in and succeed when real estate construction fell back. Never before, until this most recent crisis, was the financial market wedded with the real estate market.

Let's look back at the circumstances that occurred. Sometime during the early 2000s, a process started whereby banks and lending institutions would give mortgages to people who did not have the ability, in all honesty, to afford the home they were purchasing. There was a type of loan in Florida, and I am sure in other parts of the country, called the Ninja loan—no income, no job. Why would any lending institution give you a loan if you were not creditworthy in order to obtain that loan.

I had the opportunity to purchase my first home back in 1995. When I did, I could only put down 15 percent. My bank required me to get mortgage insurance in order to make it to the 20 percent deposit requirement. That was the way it was in this country. There was a time when you tried to obtain a mortgage where the bank was very vested in you being able to pay because they were holding the note.

Sometime in the early 2000s, the process started whereby mortgage brokers and banks could sell off your mortgage into the marketplace because we started to securitize mortgages, make mortgages trading instruments. When that happened and when now the mortgage broker or the bank that generates a fee from the writing of the mortgage of itself can take that mortgage and send it off, sell it off to somebody else, we created a bad incentive.

The bad incentive was, I don't care about the creditworthiness of the person to whom I am loaning the money because I no longer have to hold the mortgage. So the creation of these instruments, these securitized instruments to trade mortgages created that bad incentive, and all of a sudden mortgages were being written to people who otherwise did not have the credit and didn't have the likelihood of repaying them.

What did that do? Easier money meant prices became inflated. Most folks in Florida and all around this country did not look at the price of the home they were purchasing, they looked at their monthly payment. Interest rates were extremely low, money was easy to get, a downpayment was no longer a requirement. This helped the building business, the home construction business to take off—more homes, more mortgages.

The financial markets on Wall Street found that putting together these mortgage-backed securities, these large trading instruments with thousands, tens of thousands of mortgages, was very profitable for them. They could trade these back and forth and they, too, could receive a commission

on the sale of these products. That made them money. Guess what. They were not responsible if they went under either.

In order for all of this to work, someone had to vouch for the worthiness of these large mortgage-backed securities, these trading instruments of mortgages. Wall Street looked, as it always has looked, to these rating agencies such as S&P, Moody's, Fitch—and guess what. They came along and allegedly looked at these products and stamped them as being AAA, the highest level of creditworthiness, very unlikely to have any problems with them where the person who purchased some kind of instrument on them would not get paid let alone lose their investment.

The challenge was that the rating agencies did not understand the mortgages that were in these products. They didn't do the due diligence, and we protect them by Federal law from any recourse. They didn't have any skin in the game either.

So now we have the borrower with no skin in the game because they didn't have to put anything down on their house—they are basically renting. We have the bank and mortgage broker with no skin in the game because they don't have to hold the mortgage on their books. We have the financial firms with no skin in the game because they are just trading these large securitized instruments, and worse still they create what they call synthetic agreements where you do not have to hold any of these mortgages yourself. You are just creating sort of a shadow trading instrument that trades off of the same underlying mortgage when, in fact, it doesn't hold them. It is like me betting that your house will burn down without me having an interest in your house.

We created this long chain of people in the marketplace, from the borrower to the mortgage broker bank to the financial institution to the rating agency, who had no skin in the game on these transactions. The sale of these market-backed securities, and later the credit default swaps which was the insurance policies against them, created huge fees for the financial firms.

We did, for the first time in this history, something we had never done before. We put the prime asset of most Americans—their home—in play on Wall Street. Year after year the demand for these mortgages drove the excess. More and more, poorer and poorer mortgages went to feed the beast on Wall Street. At the end of the day, the housing market couldn't sustain itself, and when the mortgages started to fail, when people started to not be able to make their payments, when the increase in property prices could not increase any more because gravity affects everything after a while, the whole system in 2007 and then 2008 began to fall apart, and we found out that companies such as AIG were all entangled in buying and selling insurance products on these products; that they had huge exposures, that Wall Street banks had $5, $10, $15 billion or more in exposure and some of the biggest institutions that we know from Wall Street failed—at first bought up by other companies and then ultimately bailed out by you, the taxpayer. I go through this history and explain it in the best way I know how. It is a very complicated topic, because what we do in this reform bill has to address the skin-in-the-game problem. So to my friends, Senator DODD, Senator SHELBY, Senator CORKER, Senator WARNER, and others, who are in the midst of negotiating the bill that will come to this floor, I have made three suggestions as to what we need to do to make sure we do not replicate this problem again.

First, these rating agencies, which are captive to the investment banks whose products they rate, can no longer be held harmless to not do the due diligence required and stamp AAA on products they do not investigate and do not understand. But for these rating agencies, this crisis probably would not have happened. But for them, but for the imprimatur of their AAA stamp, people would not have slept well at night buying a product they did not understand. It is like Consumer Reports. Consumer Reports says, this is a great car. It is safe. You as a consumer do not understand the modern workings of a car with all of its computer technology, but you buy Consumer Reports, and you read it. It tells you this is the safest car in America, so you feel safe putting your wife and your kids in that car.

But you did not know under this circumstance that the very rating agencies that were rating these products, one, were not doing any due diligence, and, two, were being paid by the investment banks whose products they were rating. That has got to change.

Suggestion No. 2. In terms of residential mortgage underwriting, if a broker or bank is going to write some exotic-type mortgage where there is little to nothing down, then they should be required to maintain a portion of those mortgages on their books. Let them bear the risk. Do not let the bank shift it off so it can become securitized in the marketplace, entangle all of our financial institutions, and put us, the taxpayer, at risk. If we make those banks hold some of these nontraditional mortgages, I guarantee you they will do a better job of making sure the people they are lending money to are good creditworthy investments for them.

The third suggestion is this: The issuers of securitization, including these synthetic—which basically means manufactured, not real—collateralized debt obligations also should be required to retain a substantial stake of the instruments they market. They have to have skin in the game as well, so that if these instruments fail, they are going to lose money.

We have got to understand, not only in this discussion but throughout the problems we address, the incentives we are creating. We cannot have a financial market system whereby there is no exposure to me in any part of the equation, because that is going to encourage bad behavior. It is the same reason why we got it wrong on health care reform. Because as long as we have third-party payers, Medicare and Medicaid insurance companies, we, the consumers, have little interest in the cost we are paying. Therefore, costs do not go down.

It is the same brewing problem we are going to have when a recent statistic says that 47 percent of Americans do not pay taxes. If 47 percent of Americans do not pay taxes, do they actually care if the U.S. Government does a good job of spending money effectively and efficiently? The incentive is for them not to care, because it is not their money.

We have got to address this issue today in the financial markets, and tomorrow in all of the legislation we pass.

Americans, banks, consumers, in all forms, whether we are buying health care services or financial products, whether we are buying a home or trading on Wall Street, we have to have skin in the game, or we create bad incentives that harm our country.

With that, I conclude my remarks and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DERIVATIVES

Mr. BROWN of Ohio. I know the Democrats are a bit shorter than that in time. If a Republican comes, I will yield the floor more quickly if they ask.

I only have a couple of things I want to say. I just came earlier from the Agriculture Committee meeting where we passed legislation, bipartisanly, to regulate derivatives. It was a major step in financial reform. The discussion was vigorous, the discussion was not contentious, but there was a good bit of

disagreement. But in the end, the committee voted bipartisanly for stronger derivative legislation. It will provide financial stability by requiring banks to put capital behind their trades. It will use transparency and accountability to prevent Wall Street banks from taking advantage of their business customers. It will reduce speculation that fuels bubbles in markets such as natural gas and mortgages.

We understand derivatives can be used responsibly by businesses to hedge commercial risk. But commercial businesses make up a relatively small part of the derivatives business. It used to make up a much larger part. A lot of the synthetics, CDOs, and other derivatives have become way more commonplace and, parenthetically but importantly, put us in the position that we are in as a nation in our economy.

I commend Senator LINCOLN for her advocacy and leadership in voting out a strong derivatives regulation. The reason this is so important is we know what happened because of Wall Street excess. What happened is some homeowners in Bryan, OH, lost their homes. We know that retirees in Ravenna, OH, lost a good bit of their wealth. We know that workers in Dayton, OH, lost their jobs. That is repeated in Charlotte, and Raleigh, and Asheville, NC. It is true in Marietta and Cleveland and Bedford, OH, that because of Wall Street excesses, too many people lost their homes, lost their wealth, lost their retirement, lost their jobs.

This legislation today, coupled with Senator DODD's legislation coming out of Banking, was bipartisanly passed. It will move us in the right direction. It was bipartisan but not a compromise of Wall Street. When bipartisanship means bring Wall Street to the table to write the legislation, that is not what the American people want. What bipartisanship means is that our committee writes strong language and Republicans and Democrats, at least one Republican and Democrats, come together. That is what we ought to do. That is the direction we should go. That is what responsible governing is all about.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General?

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. BENNETT), and the Senator from Nebraska (Mr. JOHANNS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 121 Ex.]

YEAS—72

| | | |
|---|---|---|
| Akaka | Graham | Murkowski |
| Baucus | Grassley | Murray |
| Bayh | Hagan | Nelson (NE) |
| Begich | Harkin | Nelson (FL) |
| Bennet | Hatch | Pryor |
| Bingaman | Inouye | Reed |
| Boxer | Johnson | Reid |
| Brown (MA) | Kaufman | Rockefeller |
| Brown (OH) | Kerry | Sanders |
| Burris | Klobuchar | Schumer |
| Cantwell | Kohl | Sessions |
| Cardin | Kyl | Shaheen |
| Carper | Landrieu | Shelby |
| Casey | Lautenberg | Snowe |
| Collins | Leahy | Specter |
| Conrad | LeMieux | Stabenow |
| Corker | Levin | Tester |
| Dodd | Lieberman | Udall (CO) |
| Dorgan | Lincoln | Udall (NM) |
| Durbin | Lugar | Voinovich |
| Feingold | McCaskill | Warner |
| Feinstein | Menendez | Webb |
| Franken | Merkley | Whitehouse |
| Gillibrand | Mikulski | Wyden |

NAYS—24

| | | |
|---|---|---|
| Barrasso | Cornyn | Isakson |
| Bond | Crapo | McCain |
| Brownback | DeMint | McConnell |
| Bunning | Ensign | Risch |
| Burr | Enzi | Roberts |
| Chambliss | Gregg | Thune |
| Coburn | Hutchison | Vitter |
| Cochran | Inhofe | Wicker |

NOT VOTING—4

| | |
|---|---|
| Alexander | Byrd |
| Bennett | Johanns |

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, a motion to consider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

## THOMAS I. VANASKIE TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The ACTING PRESIDENT pro tempore. The clerk will report the next nomination.

The legislative clerk read the nomination of Thomas I. Vanaskie, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 3 hours of debate on this nomination. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senate just devoted more than 3 hours to the nomination of Chris Schroeder. I am glad that after many months the Senate has finally been allowed to act on that nomination and gratified that he received a bipartisan confirmation vote. After months of delay no Republican came to the Senate to speak in opposition to the nomination in the 3 hours that Republicans insisted be set aside to debate it. Senator KAUFMAN spoke in favor; I spoke in favor. Not a single opponent came to debate. That wasted more of the Senate's time when we should be considering other matters. We could be debating Wall Street reform, patent reform, or clearing the way for some of the other 100 Presidential nominations being stalled. We should have been.

With respect to the President's judicial nominees, we are well behind the pace I set as chairman when the Senate was considering President Bush's nominees during the second year of his Presidency. By this date in President Bush's second year, the Senate, with a Democratic majority, had moved ahead to confirm 45 of his Federal circuit and district court judges. So far during President Obama's Presidency, Senate Republicans have only allowed votes on 18 of his Federal circuit and district court nominations. During the first 2 years of President Bush's Presidency we moved forward to confirm 100 of his judicial nominees. Republican obstruction of President Obama's nominations makes it unlikely that the Senate will reach 50 such confirmations. Last year they allowed only 12 Federal circuit and district court nominees to be confirmed, the lowest number in more than 50 years.

Today, thanks to the perseverance of the majority leader and the Senators from Pennsylvania, we will consider and I hope confirm the 19th of President Obama's Federal circuit and district court nominees, Judge Thomas Vanaskie. It has been more than 4 months since Judge Thomas Vanaskie's nomination to fill a judicial emergency on the U.S. Court of Appeals for the Third Circuit was reported favorably by the Judiciary Committee with strong bipartisan support. His nomination has the support of both of his home State Senators, Senator SPECTER and Senator CASEY. He has more than 15 years of Federal judicial experience having served as a district court judge in Pennsylvania since 1994. The American Bar Association Standing Committee on the Federal Judiciary has unanimously rated him well qualified to serve as a circuit judge on third circuit. His nomination is not controversial. Yet, it has taken months to get consent from the other side for an up-or-down vote on Judge

Vanaskie's nomination and that did not occur until the majority leader was forced to file cloture to end the stalling. Judge Vanaskie is one of the 25 judicial nominees still being stalled from final Senate consideration.

I appreciate the significant steps taken by the majority leader to address the crisis created by Senate Republican obstruction of the Senate's advice and consent responsibilities. Their refusal to promptly consider even the most noncontroversial nominations is a dramatic departure from the Senate's traditional practice of prompt and routine consideration of noncontroversial nominees. The majority leader's decision to file cloture was an unfortunate but necessary step, resulting from Senate Republicans' refusal month after month to join agreements to consider, debate and vote on this nomination. Those practices have obstructed Senate action and led to the backlog of almost 100 nominations pending before the Senate, awaiting final action. These are all nominations favorably reported by the committees of jurisdiction. Most are nominations that were reported without opposition or with a small minority of negative votes. Regrettably, this has been an ongoing Republican strategy and practice during President Obama's Presidency.

The vote on the confirmation of Judge Vanaskie's nomination is the first vote on judicial nominations that the Senate will hold in 5 weeks. Despite the dozens of judicial nominations ready for Senate consideration, none has been allowed to move forward for over a month to fill longstanding vacancies in the Federal courts. Of the 25 pending judicial nominations, 18 were reported from the Senate Judiciary Committee without any Republican Senator voting against. I have been urging the Senate Republican leadership for months to allow votes on these noncontroversial nominations and to enter into time agreements to debate the others. We need to clear the backlog of nominations and move forward.

I am pleased that the Senate tomorrow will consider another judicial nomination, that of Judge Denny Chin to the Second Circuit Court of Appeals. His nomination was reported by the Judiciary Committee unanimously, but it has also been stalled from Senate consideration for more than 4 months. Senate Republicans should lift their secret holds and also allow votes on the remaining 23 judicial nominations currently pending final action by the Senate. If we are allowed to act on the judicial nominations reported favorably by the Senate Judiciary Committee but on which Senate Republicans are preventing Senate action, we will more than double the number of judicial nominations confirmed by the Senate this Congress, and bring the number of confirmations in line with the number we confirmed at this point during President Bush's first two years in office.

Judicial vacancies have skyrocketed to over 100, more than 40 of which have been designated ''judicial emergencies.'' Caseloads and backlogs continue to grow while vacancies are left open longer and longer. On this date in President Bush's first term, not only had the Senate confirmed 45 Federal district and circuit court judges but there were just seven judicial nominations on the calendar. All seven were confirmed within 9 days. By the end of this month, which is nine days from now, we should clear the backlog that Republican obstruction has created and vote on the judicial nominations stalled on the Senate Executive Calendar.

By this date during President Bush's first term, circuit court nominations had waited less than a week, on average, before being voted on and confirmed. By contrast, currently stalled by Senate Republicans are circuit court nominees reported by the Judiciary Committee 5 months ago, in November of last year. The seven circuit court nominees the Senate has been allowed to consider so far have waited an average of 124 days after being reported before being allowed to be considered and confirmed.

Judge Vanaskie was born and raised in Shamokin, PA. He is one of seven children raised by two working parents. He graduated magna cum laude from Lycoming College in 1975 and cum laude from Dickinson School of Law in 1978, where he was an editor of the law review. After law school, he spent 2 years as a law clerk to the Honorable William J. Nealon, then Chief Judge of the United States District Court for the Middle District of Pennsylvania. Prior to joining the Federal bench, Judge Vanaskie spent 14 years in private practice.

In 1994, Judge Vanaskie was confirmed by voice vote to serve as a United States District Court Judge for the Middle District of Pennsylvania. He served as the Chief Judge of the Middle District from 1999 to 2006, and has sat by designation with the Third Circuit Court of Appeals on several occasions. He has also served as cochair of the Third Circuit Library Resources Task Force and as a member of the Board of Directors of the Federal Judges Association. He is presently the chair of the Third Circuit Judicial Council's Information Technology Committee. His work in the area of technology in the courtroom has won him widespread admiration and appreciation.

I congratulate Judge Vanaskie and his family on what I expect will be strong bipartisan vote in favor of his confirmation to serve on the Third Circuit. It is long overdue.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

NOMINEES JIM WYNN AND AL DIAZ

Mrs. HAGAN. Mr. President, there are two judicial nominees on the calendar from North Carolina who I believe would be confirmed by this body overwhelmingly. Judges Jim Wynn and Al Diaz, nominees for the Fourth Circuit Court of Appeals, were both approved by the Senate Judiciary Committee in January. Judge Diaz had the vote of every single member of the committee, and just one Senator opposed Judge Wynn.

The reality of this situation, though, is that North Carolina has been waiting for one of these judges since 1994. That is 1994. Since then, there has been only one judge from North Carolina on the 15-judge panel of the Fourth Circuit Court of Appeals, even though North Carolina is the largest and fastest growing of the five States in the Fourth Circuit. Partisan bickering has continually blocked qualified North Carolinians from confirmation since the court's establishment back in 1891.

But in consultation with both me and Senator BURR, the President has appointed two highly qualified, experienced, and fairminded North Carolina judges: Al Diaz and Jim Wynn. Judge Diaz, of Charlotte, a Business Court judge, handles extremely complex business cases. Before that, he was a State superior court judge. Judge Wynn, of Cary, is a 19-year veteran of the North Carolina Court of Appeals and formerly served on the North Carolina Supreme Court. The American Bar Association has given them both its highest possible rating. They both have served our country in the military. They have the support of Democrats and Republicans, including my North Carolina Senate colleague, Senator RICHARD BURR. They have no real opposition that I am aware of.

Finally, we have not one but two qualified and bipartisan choices to serve North Carolina and our country on the Fourth Circuit. I am hopeful that we are close to confirming these two outstanding nominees for the Fourth Circuit. I will continue working with my colleagues to ensure they are confirmed as swiftly as possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise today to speak about the nomination we are considering in the next few hours, which is the nomination of Judge Thomas I. Vanaskie.

I can't tell you how proud I am to talk about his nomination. I have known him for a long time. I think it goes without saying that—and I join a lot of people who have spoken about him already and know him—I strongly support his nomination and confirmation for a seat on the United States

Court of Appeals for the Third Circuit. Tom Vanaskie is a legal scholar, he is fair minded, and he has unquestioned integrity and ability. He is an experienced Federal judge since his appointment in 1994. On top of all that, he is a decent, compassionate man.

The Standing Committee on the Federal Judiciary of the American Bar Association has unanimously rated Judge Vanaskie well qualified to serve as a judge on the United States Court of Appeals for the Third Circuit.

Judge Vanaskie's biography highlights both his scholarly and professional accomplishments and the highest esteem in which he is held by his colleagues in the legal profession. He graduated magna cum laude from Lycoming College in Williamsport, PA, where he was also an honorable mention all-American football player, a first-team academic all-American, and he was the college's outstanding male student athlete, and the recipient of the highest award given to a graduating student.

Then he went to Dickinson School of Law in Pennsylvania, from which he graduated cum laude in 1978, where Judge Vanaskie served as an editor of the law review and received the M. Vashti Burr award, a scholarship given by the faculty to the student deemed ''most deserving.''

After graduating from law school, Judge Vanaskie served as a law clerk for Judge William J. Nealon, chief judge at the time of the U.S. District Court for the Middle District of Pennsylvania.

Judge Vanaskie practiced law for two highly regarded Pennsylvania law firms before his appointment to the United States District Court for the Middle District of Pennsylvania in 1994. He became the Middle District's chief judge 5 years later, in 1999, and completed his 7-year term in that capacity in 2006.

He was appointed by Chief Justice Rehnquist to the Information Technology Committee of the Judicial Conference of the United States, where he served as chairman for 3 years. He also participated in several working groups at the Administrative Office of the U.S. Courts, most recently on the Future of District CM/ECF Working Group, tasked with determining the design and development of the next generation of the Federal judiciary's electronic case filing program.

Finally, he is an adjunct professor at Dickinson School of Law and has been active in civic and charitable endeavors in northeastern Pennsylvania. Like me, he is a northeastern Pennsylvania native and resident.

Just a few accolades about his service from a wide variety of people. We could read a number of these. I will highlight a few: Lawyers who have appeared before Judge Vanaskie have expressed tremendous respect for his intellectual rigor and the disciplined attention he brings to the matters before him.

One attorney, who tried over a dozen cases before Judge Vanaskie, has described him as ''objective, fair, analytical, dispassionate, extraordinarily careful, and very respectful of appellate authority.'' This same lawyer, the same practitioner, said he had not always agreed with Judge Vanaskie's decisions, but he always felt his rulings reflected what the judge considered to be the most appropriate result and the result that he was obligated to impose under the law.

A U.S. district court judge, William J. Nealon, for whom he clerked, described him as follows:

> Superbly qualified. He's outstanding, he's brilliant, he's objective, and he's tireless.

Judge Vanaskie recognizes that for many citizens, his decisions will be the final word on their claims before the court. He treats people with respect and honors their right to be heard. His deep understanding of and respect for the rule of law will serve him well in ruling on cases and authoring opinions that will be influential in the Third Circuit Court of Appeals and beyond.

For all these reasons and many others, I am proud to stand in support of Judge Vanaskie and urge his confirmation today.

With that, I ask unanimous consent that all quorum calls during the controlled time on the Vanaskie nomination be equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## FINANCIAL REGULATORY REFORM

Mr. CASEY. Mr. President, I rise today to talk about a major issue that will be before the Senate very shortly, and which we have spent some time on in the Agriculture, Nutrition and Forestry Committee over many weeks and days, but most recently today in a markup. I will talk about that in a couple moments.

It is time that the Senate, in the next couple of days and weeks, focuses on passing comprehensive reform measures that will put an end to Wall Street's reckless endangerment of our economic system. For too long—in fact, for many years now—we have allowed this system to be in place, where high-risk deals were cut on Wall Street. Some people made a lot of money, but our economy went into the ditch because of it.

It wasn't always like that. For decades following the Great Depression, we enjoyed a financial system that worked—worked for American families and small businesses. It is pretty simple when you think about it, and it has been successful at the same time. Local banks, operating in communities across the Nation, took deposits and made loans for homes, cars, or businesses. People knew their bankers and their bankers knew them. Each party was invested in the success of the other. During this time, our economy thrived. It experienced prolonged growth and innovation. These benefits were felt across the board by people across our economy and our country.

Let's contrast that period of growth and shared prosperity with what has happened in the last few years, and even over the last 30 years. This most recent period can be characterized by the massive growth of the financial sector.

In 1978, commercial banks held $1.2 trillion in assets, equivalent to 53 percent of gross domestic product. By the end of 2007, that same measurement, what commercial banks held in assets, had grown to $11.8 trillion or 84 percent of gross domestic product. So the percentage went from 53 to 84, and the number went from $1.2 trillion to $11.8 trillion in assets. Unlike the preceding period, this growth was not spread across the real economy to households and businesses. Instead, it was explicitly shifted away from families and communities and concentrated on Wall Street.

The impact of this concentration has been acute. People used to rely on local institutions, but they now face a financial service marketplace dominated by a few banks with retail outposts sprinkled across the country.

Instead of supporting small businesses, little league teams, or families, as did their local predecessors, these megabanks gather deposits from Main Street and then slice and dice them and leverage them to the hilt and use the hard-earned wages and savings of Americans to make a handful of people very rich.

Make no mistake about it, the megabanks profited tremendously from this new model. Over the last 30 years, profits and compensation in the banking industry have skyrocketed. From 1948 to 1979, the average compensation in the banking sector was more or less the same as any other job in the private sector. Today, bankers earn, on average, two times what other private sector employees take home.

Simply stated, American families and small businesses are no longer the

customer in this broken system. Instead, these institutions function to make wealth for themselves and their stockholders.

A clear example of this can be found in recent news stories detailing the record profits of these megabanks—record profits in a time of historically high unemployment and a bad economy. These profits were not made through savvy lending to their customers. In fact, in the case of JPMorgan Chase, Citigroup, and Bank of America—three of our largest megabanks—they have cut lending through a key Small Business Administration lending program by between 85 and 90 percent from 1 year to the next.

These multibillion dollar profits have been made through high-risk trading operations with money deposited by families and businesses. The banks are expecting people in our communities to shoulder all of the risk, while getting none of the upside.

Something has to give in this situation. These megabanks, these big companies, are entitled to make profits, but we will no longer allow them to continue to use the federally insured deposits of working people as capital for their money-making schemes. We need commonsense rules that separate conventional commercial banking operations from high-risk financial gambles.

In no area is this need for reform more apparent than in the so-called derivatives market. A derivative is a high-risk bet that the value of another financial instrument, or commodity, or other product will go up or down. It is a bet. For years, Wall Street fought and won the battle to keep derivatives unregulated. In this highly unregulated market, Wall Street could place bets on bets, without backing them up. Therefore, when the underlying weakness of assets became apparent, the derivatives market went bust—along with it, the Wall Street banks playing in the market, causing the need for the massive bailout of these institutions.

To prevent another catastrophe, we need a strong regulation of the derivatives market. Today, the Senate committee of which I am a member, the Committee on Agriculture, Nutrition and Forestry, had a markup session. What we are talking about is members of the committee talking on amendments and then voting for final passage of the bill out of committee. That is a markup. We had that markup session today on the Wall Street Transparency and Accountability Act of 2010.

I applaud our chairwoman, Senator LINCOLN, for her work on putting forth a bill that cracks down on the reckless activities of Wall Street. I also commend her and other members of the committee for reporting it out of committee so we can incorporate it into the Banking Committee bill we will be considering on the floor soon.

The Wall Street Transparency and Accountability Act of 2010 will add those two important words to our financial system, both transparency and accountability. In particular, it will impose it on the derivatives market, No. 1, by requiring that derivative transactions—most of them—be cleared through a central clearinghouse; second, require real-time reporting, similar to a stock exchange, of the transactions that parties are entering into.

Besides a more transparent market, the most important provision in this bill is the requirement that commercial banks that have FDIC-insured accounts can no longer trade on the derivatives market. This provision will force commercial banks to refocus on what should be their No. 1 priority—the customer—instead of just profits and their own stockholders.

Our current financial system is broken and no longer works for families and small businesses. When I travel across the Commonwealth of Pennsylvania, I often hear about the financial difficulties people are experiencing. We have close to record-high unemployment, 582,000 people out of work. A lot of people lost their jobs or their homes or both, and, in so many ways, their hopes and their dreams. Then they read in the paper every day it seems about record profits of these big megabanks.

They think: What about me and my family? Why can't I get a loan? They will ask people like me: Why is the interest rate being raised on my credit card? Questions such as these have persisted for so long now. Did we not bail out these megabanks on Wall Street already so they can continue to lend money to people like me or their customers? Those are the questions I get.

The answers to each of these questions are the same. These institutions have failed the American people. It is that simple. By extension, they have helped to collapse our economy. Thank goodness we are starting to turn, seeing some job growth in our economy. But we need financial institutions that focus on the needs of our families and our small businesses once again.

Senator LINCOLN's bill is a step in the right direction. We are not there yet. With that bill and with the work we will do on the Banking Committee bill, we can begin to restore not only transparency and accountability and sunlight, but I believe we can restore some measure of confidence in our financial system and make it work better for real people, for families, and for small businesses and also to strengthen our economy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. DODD. Mr. President, I wish to take a few minutes this afternoon, if I may, to discuss further the efforts in financial regulatory reform.

I would be remiss if I did not note the contribution of the Presiding Officer to this effort. I thank him personally once again. He is a member of the Banking Committee and has expressed strong interest in this legislation and various parts of it, and I thank him for it.

Today I wish to talk about aspects of the bill. I have been talking about this bill on the floor over the last several days, issues such as too big to fail, which we aggressively address in our legislation. I talked about the efforts that have been made to try to forge a comprehensive bill, a strong bill. We have involved, we have invited virtually everyone interested to participate in the product. I am proud to say many did offer their ideas and thoughts as we tried to develop a proposal that was not only strong and broad based but attracted, again, a strong group of our colleagues, both Democrats and Republicans, to this effort.

Over the days, we have spent a lot of time discussing the impact of Wall Street reform on large financial firms, big banks, investment banks, nonbanks, corporate executives, Federal regulators, and other power players in the financial sector—that has been the subject of a great deal of attention—and the complicated subject matters of derivatives—how they work, how they apply—shadow economies, black pools, systemic risk—all this language and discussion that sometimes can leave the average citizen feeling as though we are talking in a foreign language about these matters.

The question they ask is: How does this affect me? I am glad you are going to try to clean this up, but what is happening with all of this that has some positive impact on my life as a taxpayer, as a working American? I would like to know what is being done to see to it that my interests are going to be considered as you are trying to resolve all of these larger questions that somehow seem very distant to my concerns every day.

Today I wish to take a few minutes to talk about the impact of this legislation on millions and millions of our fellow citizens who are not financial wizards—and would be the first to tell you so—they are not big wigs on Wall Street, major players in large banks and financial institutions. They are people just trying to build a nest egg for their families, invest in their futures, maybe take a loan out to buy an automobile, a home, send a child to college because that child has done everything they have asked them to do over the years and now wants to go on to that educational opportunity and needs the resources to do so.

The stories are myriad. There are many. The demands are obviously clear. Unfortunately, as we know and many Americans found out the hard way over the last few years, our current financial system leaves consumers too often vulnerable to being deceived into purchasing risky products, if not outright ripped off by greedy Wall Street firms and others. After all, at the heart of the financial crisis that has cost our Nation so dearly were the subprime mortgages sold by unscrupulous lenders to Americans who did not understand their terms and who never, ever could have afforded them, and the lenders knew it. They knew going into it. Yet they lured them into those arrangements, with great damage done to individuals and to the economy as a whole.

Wall Street's unquenchable thirst for profits and utter disregard for ordinary consumers led to a pattern of greed and recklessness that darn near led to creating a complete collapse of our financial markets and our economy. Millions of Americans lost their jobs, around 8.5 million. Seven million homes have gone into foreclosure, many lost forever. Retirement earnings, as I have said over and over, evaporated in some cases almost instantaneously as a result of the collapse of our economy. Maybe more important than all of that—as hard as it is if you lost your home, your job, your health care—is they lost their faith and sense of optimism and confidence in our financial system in this country, that loss of confidence, that loss of optimism, that loss of belief that while you may make a bad bet on a stock, the system was sound and fair. It would treat you fairly, and you were not going to get hurt because we had a good system in place. That confidence, that faith has been lost. That may be more important than everything else I have mentioned in terms of the future strength of our economy and our country.

To add insult to injury, those same Americans then saw those same firms collecting billion-dollar bailouts at the expense of the taxpayer—and paying million-dollar bonuses to the same executives whose bad decisions put us in the mess in the first place and who would have been out of a job had the bailout not occurred.

The bailout allowed those financial institutions to survive and their expression of gratitude was to write themselves a huge bonus check and being able to do so only because in this Chamber we voted 75 to 24 to stabilize our financial system—a decision I believe was the right one. I think we made the right call in doing it, as difficult as it was. But at the end of all that, major executives in these companies then rewarded themselves as the head of these institutions because we—mostly the taxpayers, by the way—came up with the resources to make it possible for those institutions to survive.

So the American people are angry and with good reason. But they are also wondering: Who is looking out for us? Whose job is it to make sure this doesn't happen again? While our current system pays lip service to consumer protection, those responsibilities are divided among some seven different regulators for whom consumer protection is just an afterthought, in too many cases, to their primary safety and soundness missions that they are responsible for as well. The result is, regulators put the interests of banks and large financial institutions, in too many cases, before the interests of the consumers who rely on those institutions for their long-term economic security.

If this sounds like a recipe for failure, that is because it is. Assistant Secretary of the Treasury Michael Barr testified before our Banking Committee not long ago, and he said:

> Today's consumer protection regime just experienced massive failure. It could not stem a plague of abusive and unaffordable mortgages and exploitative credit cards despite clear warning signs. It cost millions of responsible consumers their homes, their savings, and their dignity. And it contributed to the near collapse of our financial system. We did not have just a financial crisis, we had a consumer crisis.

That massive failure could happen again. Today, we are in no different position than we were in 2007, 2008, and 2009. Nothing has changed. Yet we are on the brink of creating change that could make a difference in this very area. So today those massive failures are still lurking out there, and the same consumers who lost their homes, lost their jobs, lost their retirement, lost their health care are in no different position should another crisis happen tonight or tomorrow. It is exactly the same system, exactly the same structure, exactly the same so-called regulators out there charged with protecting consumers from the kinds of problems that led us to the difficulties we are in today. Again, the financial products and practices being devised on Wall Street, even as we speak, will make it even more difficult in many ways. Are they safe? Are they exploitative? We have no idea, and neither do the American people because no one is looking out for them at this juncture.

Our legislation answers the question of who is looking out for ordinary Americans when they interact with our financial systems. The bill we will present to our colleagues in just a matter of hours in this Chamber creates an independent Consumer Financial Protection Bureau, a watchdog with bark and with bite. This new bureau will not have any job more important than helping American consumers make smart financial decisions—because protecting, educating, and empowering American consumers will be their only job.

This bureau will have an independent Director, appointed by the President and confirmed by the Senate. It will have a dedicated and independent budget paid by the Federal Reserve Board. It will be empowered to write consumer protection rules governing any institution, whether it is a bank or a payday lender that offers consumer financial services or products. It will have a new Office of Financial Literacy to ensure that consumers are able to understand the products and services they are being offered and a national toll-free consumer complaint line so, for the first time, Americans have somewhere to go when they need to report a problem.

When I talk to people back in my home State, they understand it is their responsibility to make smart decisions about their family finances, and nothing in our bill suggests otherwise. That is the first line of defense, so we all bear responsibility to learn more, to pay attention, and to understand the financial arrangements we are getting into. I am not saying anything different. Unlike Wall Street, they are not looking to shirk that responsibility. They welcome that responsibility, but they would like to understand it better. What they need is clear, accurate information so they can make those good decisions and a cop on the beat to stop abusive practices when they occur. That is what our legislation, which will soon be before this body, does.

Our legislation finally puts consumers in control of their financial lives by requiring large financial institutions and credit card companies to tell them what they are selling in plain English so the purchaser doesn't need a master's in business administration to understand. It will finally put an end to the practices that have become almost standard operating procedure—skyrocketing credit card interest rates, the explosion of overdraft fees, predatory lending by mortgage firms, and more.

This Congress has taken steps to address these abusive practices, passing the Credit CARD Act, which was authored by the members of our committee—again, I thank the Presiding Officer for having been a part of that—and forcing large banks to change their overdraft fee policies.

But credit card companies continue to look for ways around the new rules, and history shows them to be pretty good at getting away with it as well.

Between 1997 and 2007—in that decade—credit card companies engaged a wide variety of, frankly, unethical practices—from so-called double-cycle billing and universal default to retroactive and arbitrary interest rate hikes. In that entire decade—a decade

in which literally millions of our fellow citizens were overcharged or outright ripped off by these banks—there were just nine formal enforcement actions taken by the seven regulators in our national government. Let me repeat that. In that entire decade—when nearly every single citizen in this country could talk about one horror story after another, where rates were increased, fees were enlarged, and every gimmick and trick was used to squeeze every last nickel out of a consumer's pocketbook—there were only nine formal enforcement actions taken by the regulators at the national level.

There are stories similar to the one I heard from Mario Livieri of Branford, CT. Mario is a 75-year-old retired homebuilder who accidentally overdrew his account by $2. I am not making this up. Mario is 75 years old and a small business contractor. He overdrew his account by $2 and was charged $35. The bank took several days to notify him that the account was overdrawn. In the meantime, of course, additional minor purchases yielded three additional $35 fees, for a total of $140, which Mario Livieri was charged because he was $2 overdrawn in his banking account.

Unfortunately, that story by this individual in my State can be repeated millions of times all across the country. A $2 mistake made by a conscientious individual, and one that he was unaware of until notified later, and every subsequent purchase he made brought an additional $35 fee until he had a bill—before he discovered the mistake—of $140 because of being $2 overdrawn. That used to go on all the time, and in too many cases it still does. When Mario protested, the bank waived one of the four $35 charges, but they told him there was nothing he could do to fight the fees because the practice was perfectly legal.

Then there are the auto dealers that have been shown to take advantage of military servicemembers, the shady payday lenders that prey on minority communities, and a wide range of malicious actors who look to take advantage of American consumers. This bill that will be before this body, which passed out of our committee, puts an end to those abuses, and that is why it is supported by the Military Coalition, civil rights groups, consumer rights groups, and more. It is also why it is opposed by large financial institutions whose business strategies are based too often on taking advantage of their very own customers.

Let me take a moment to put an end to some of the malarkey we have been hearing from the Wall Street crowd. The large banks are paying for ads now claiming that this legislation will impose new restrictions on dentists and butchers and other Main Street merchants. That is not true. You and I know this. But that kind of falsehood that goes out across the country is exactly the kind of propaganda they are determined to engage in to undermine this legislation.

These rules we have crafted apply only to firms engaged in offering consumer financial services or products, not the butcher, not the laundromat, and not the dentist. An entity must be engaged in financial services or products. Just because your butcher lets you keep a tab or your dentist offers a payment plan doesn't mean these new rules apply.

Moreover, this legislation doesn't seek to strangle innovation in the financial sector. Quite the opposite. That innovation is part of what keeps America prosperous. We are not dictating what products can be offered any more than the Consumer Product Safety Commission directs what toymakers can invent. But just as the Consumer Product Safety Commission watches out for toys that could hurt children, the independent Consumer Financial Protection Bureau will watch out for products that will hurt someone's finances so customers and consumers can make smart decisions.

The large financial institutions have tried to push this notion that this legislation creates an enormous burden on small community banks. Let me address that. How nice of them to look out for their competitors, the ones they have been trying to drum out of business for decades. But the fact is, the small community banks with $10 billion or less in assets will not see any regulatory changes. They will not be charged any fees or assessments. They will follow the same rules they follow today. Even better, these small community banks will be able to operate on a level playing field without the unfair competition from the underregulated or unregulated shadow banks that don't operate with any rules whatsoever.

So this legislation has many important objectives, from ending taxpayer bailouts to establishing an early warning system so future financial crises can be nipped in the bud before they threaten our entire economic system. But for millions of Americans who don't pay much attention to what goes on, on Wall Street, except when they have to write a check to bail out the firms that live there, perhaps nothing in this bill will impact their lives more directly than the new independent Consumer Financial Protection Bureau. Finally, there will be a cop on the beat watching out for them.

The safety and soundness of our financial institutions are critically important. I am not arguing against that at all. But that is not the only consideration. As this real estate bubble was building up, we were told over and over that the system was safe and sound. Why? Because people were making money. It was growing in profits. What we failed to look at and understand was it may have been safe and sound from that narrow perspective, but for the consumers who were relying on these financial institutions for their economic security, it was anything but safe and sound. With the establishment of this bureau, for the first time in the history of our country, we are saying that financial products ought to be no different than any other product consumers buy. There ought to be a place where someone can go when they have been deceived or defrauded in the use of these financial products.

If your lawnmower breaks or your car malfunctions, we get all sorts of reports, as recently seen with recalls of products because they are unsafe for a consumer to use. Why shouldn't that also exist if someone is out there purchasing a financial product that could put them in great danger—in fact, bankrupt them and ruin their life because they have been deceived and drawn into a financial arrangement because it was a quick profit-making operation for the lender, but it put the consumer at great risk—and ultimately causes, as we have seen in millions of cases, the ultimate financial ruin of individuals, families, and businesses. Thus, we have established a parity between physical products you may buy and financial products you may engage in.

Finally, Americans will be able to rely on clear and accurate information about their family finances. They will know that someone will be looking out for them. There is no better way to restore faith against the loss of homes, the loss of jobs, the loss of retirement—all of which have occurred—and perhaps the greatest tragedy of all being the loss of faith in our financial system. We need to restore that. The absence of that will not make this get better. Every single other thing we do will not achieve its goal if Americans don't have confidence in our financial systems—the faith that it is there, it is safe; that they can be secure in the knowledge that when they deposit a hard-earned paycheck, when they buy an insurance policy, when they buy a stock, when they engage in financial activity, the structure, the system there is not unfair. It is not out there to deceive them, to defraud them, to take advantage of them, but to see to it they are protected. That is our goal in this bill.

My hope is that my colleagues will allow us to get to this debate. If you have objections or ideas, let's have that full-throated debate that has been the history of this Chamber on important matters that have come before us in the past. We ought not be denied that opportunity again on this bill.

But I wanted to take a moment to talk about the consumer protection efforts on this legislation, and I again compliment my colleague in the chair,

the Presiding Officer, because he has been a champion in our short service together on this committee on the very issues I have addressed today, and I thank him for his commitment and passion for these issues.

I yield the floor, and I see my colleague and friend from Arizona, so I will not note the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, before I begin talking about this bill specifically, I wish to compliment Chairman DODD for the hard work he has put into this matter. I believe it is important for us to reach a bipartisan consensus, and many of the things we just discussed are matters on which we can reach a consensus. That is the goal of Republicans.

I am concerned that there has been some politicization of this issue by many on the other side and, frankly, some in the administration. I know, for example, that Senator CHAMBLISS, a Republican, and Senator LINCOLN, a Democrat, worked very closely together and had virtually, I am told, reached an agreement on the derivative issue as it pertains to the jurisdiction of their Agriculture Committee, only to be told by the White House that was not acceptable and that Chairman LINCOLN needed to go back and redo it the way they wanted it done. As a result, the bill was passed out of the Agriculture Committee on an almost partisan line. The same thing was true of the legislation that came out of the Banking Committee.

While Chairman DODD is here, let me make this point. He suggested this morning that there are Republicans who support this bill, he knows, but that they are being told by Republican leadership that they can't support it. I want to make it clear that our leadership does not operate that way. One reason I know that is because I am one of our leadership. Our members of the Republican caucus think for themselves.

We came to a conclusion unanimously in the Republican conference that the partisan bill that came out of the Banking Committee—and it was partisan; it was written by Democrats, not Republicans, and it was passed on a party-line vote—that bill was not the way to move forward. It was partisan, it was flawed and, among other things, it would provide for perpetual bailouts and therefore didn't achieve the first goal of the legislation, which was to finally end the taxpayer bailouts.

So all 41 of us wrote to the leader and said we will not vote to proceed to that bill because it is a partisan bill. It would be better if we could work together in a bipartisan way to bring a bill to the floor of the Senate that represented not just Republican ideas but a combination of Democratic and Republican ideas that had been negotiated by the members of the Banking Committee, members of the Agriculture Committee, and others. That would ordinarily be the way we would take up a bill here on the Senate floor.

Having said that, I am still confident, based upon what Senator SHELBY and other Republicans on the Banking Committee have said, that it is possible to reach a bipartisan consensus. I know Chairman DODD and Senator SHELBY have been working hard every day on various aspects of the bill to try to reach a conclusion.

The second point I wish to make is that one should not describe the bill that passed out of the Banking Committee as the end of the story, as a successful bill that is going to solve all of these problems. I do not think it will. It does not end taxpayer bailouts, for example, and at a minimum, it seems to me it ought to do that. So in just a few minutes here, I would like to describe some of the things that I think the bill should address and that I hope are being addressed in the bipartisan negotiations.

I am sure it is obvious that it is very difficult—once a bill comes to the floor and you have a chairman and leader supporting the bill, with 59 Senators on their side of the aisle, it is very hard to amend that bill. That is one reason Republicans would like to see a bill brought to the floor that already has bipartisan consensus, and then, yes, we can work our will on the bill and maybe amend it, maybe not, but at least we know it is not going to be a purely partisan proposition.

There has been much attention paid to the $50 billion fund that is created by this bill. While it is true that the financial institutions, of course, pay the money, supply the money that goes into that fund, we all know where the money eventually is paid—the costs are passed on to the consumers. But that is not the real problem because there are other funds, such as the FDIC fund, for example, which the banks obviously pass on to their consumers in order to have an ability to take care of their expenses to creditors should they not be able to do so.

But what this bill does is not just create this $50 billion fund but also continuing government obligations beyond that. It provides not an orderly bankruptcy type of procedure for the resolution of a failed company but, rather, an ad hoc procedure determined by bureaucrats who are not accountable to anybody and who can apply pretty much any rule they want to the winding down of the institution.

What does that do? Today—and frankly, it has been this way for two centuries—we have a series of laws that dictate what happens in the event of the failure of a company. Primarily, these are our bankruptcy laws. You know in advance what happens. If you are a company that cannot make it and you go bankrupt, there are two basic ways you can file bankruptcy, one in which you totally liquidate, the other in which you reorganize. In those two situations, the law provides for what happens to your creditors.

By definition, bankruptcy means you cannot pay all your debts. So who gets paid and who doesn't and how much and in what order—all of that is resolved by the bankruptcy laws and by the laws built up as precedent applied in the bankruptcy courts. That is why you know—when you either lend money to an institution or you invest in it in equity investments, you have an idea of where you stand, where your loan or equity investment stands in the order of priority should the entity fail. For example, a secured creditor would be very high on the list. Security means you have something to fall back on to take from the company if they can't pay their debt to you. As a result, you can lend the money at a lower rate because you don't have to account for that risk when you lend the money. It is a good way for companies to borrow money. Granted, they have to have something that backs it up. Sometimes it is even the personal guarantee of the CEO of the company. But you get a pretty cheap loan if you do that because the lender knows he or she or it is going to get its money back. By the same token, if you need money pretty badly and don't have any more security, you might ask people to invest in your company or to borrow money on an unsecured basis. Well, you are going to get charged a higher rate of interest on that because there is more risk to the investor or to the lender. But in every case, they know where they stand in the event you can't make it or you fold.

What this bill does is substitute an unknown, untested process for the tried-and-true rules of bankruptcy. Nobody is suggesting there could not be some modification of the bankruptcy process or rules that might govern these particular institutions. They are unique institutions in some respects, and to the extent the rules should be tailored in order to fit these circumstances, they could be. But that is not what is done in this legislation. Instead, new entities are created and bureaucrats are allowed to decide when a company could destabilize the markets and therefore decide what to do about it. Their range of options is essentially unlimited. The bottom line is that taxpayers could end up being on the hook for the bailout. That is true with the FDIC, it is true with the Fed, and this legislation has specific language in it that provides for that.

There are those who say: Why don't we just get rid of this $50 billion fund, and then the problem will go away. No, that problem doesn't go away unless you correct the other language as well.

I will not try to substitute my judgment for that of others who say we

need a $50 billion fund. I will say this: Creating that fund makes it more likely than less that risks will be taken and that therefore there will be instability in the market. I also suspect that those who have an implicit guarantee from the fund are more likely to receive credit, for example, at a lower rate because there is much of an assurance on the part of the lender or the equity investor that they will get their money back. So there are some downsides to having this fund.

But those aside, if you want to do away with the fund, OK. If you want to keep the fund, OK. But what you should not do is provide that beyond that, the taxpayers are on the hook. Here is the problem. Lehman Brothers, I am told, had well over $600 billion in liabilities, and a $50 billion fund does not go a long way toward resolving a $600 billion liability. In the case of Fannie Mae and Freddie Mac, which are not even dealt with in this legislation even though they were the prime causes of the problem—and by the way, that is a deficiency in the law that needs to be corrected. I hope these negotiations will provide something in that regard. But they have now created—it is about $6.3 trillion in obligations. Guess who is on the hook for those obligations. Congress never passed a law that said the taxpayers were going to be on the hook, but that is exactly the result of the actions taken by the bureaucrats who decide these matters now.

I do not want to create a perpetual situation where not Congress, not the courts, but bureaucrats—by the way, I do not use that term pejoratively. ''Government officials''—let's use that term. Unelected government officials, to whom we give the power, simply decide who gets bailed out, when, under what circumstances, who gets paid back, who doesn't get paid back, and how much it is going to cost the taxpayers. That, in essence, is what is provided for in this legislation.

So when folks say this is a bill we need to support because it ends too big to fail, that is wrong because it doesn't end too big to fail and taxpayers are still on the hook.

If those things are fixed, then my criticisms in this respect go away. But we have not heard from these negotiations that is being done. So I told my colleagues: Don't come to the floor and say this is a great bill, it solves all these problems, it ends too big to fail, and there is nothing wrong with it. There are some things wrong with it that need to be fixed. Let's do those things. I assume, on a bipartisan basis, if you just ask the abstract question of every 100 of the Senators, do you think we ought to end too big to fail, the answer would be yes. Ask our constituents—yes. Then we can get down to the nitty-gritty.

What about the language in the bill that says the FDIC ''will guarantee the obligations of banks'' under certain circumstances? That is language that has to be carefully either defined, limited, crabbed, or eliminated, or we are going to have taxpayers continuing to be on the hook for these obligations.

As I said, we haven't done anything to Fannie and Freddie in the legislation, and that is going to continue to mean a continuing taxpayer obligation as well.

As I said before, too, those firms, the ones deemed too big to fail, have an advantage over the smaller banks, the community banks. My colleague just mentioned those a moment ago. We just met with the community bank representatives in Arizona, and they fear this kind of provision will make them uncompetitive vis-a-vis the big boys. As a result, what we will eventually end up with is a few really big banks and maybe some that aren't, in kind of a medium-size operation, and almost all of the smaller banks having to go out of business because of this anticompetitiveness that will result from the legislation.

One of the other ways in which what I have been talking about occurs is through section 113, the so-called Financial Stability Oversight Council. This is one of the entities that allow for these backdoor bailouts. It gives the Federal Reserve the authority to prop up any nonbank company that the council, this new council, deems to be a potential threat to systemic stability in our economy. This is a board based in Washington. It decides which institutions get special treatment. It gives these bureaucrats tremendous latitude to pick winners and losers, again resulting in a competitive advantage and disadvantage. What determines whether a nonbank is a threat to stability? What are the criteria? Among other possible considerations, ''any other factors that the council deems appropriate.'' That is pretty much an open book—''any other factors that the council deems appropriate.'' I would think, if Congress is going to try to legislate in this very complex and difficult area, we would try to give pretty specific direction to the Federal authorities, to whom we give great power, as to how we want it exercised, and I don't think this meets the test—''any other factors that the council deems appropriate.'' Take that out of the bill. Let's have a bipartisan negotiation to do that. If somebody can demonstrate to me why that would have to be left in, then great, but these are the kinds of things that lead me to the conclusion that, no, we should not agree to consider the bill that came out of the Banking Committee on a purely partisan basis because there are problems in it.

Today, the Wall Street Journal says:

> The Dodd bill allows too much discretion to federal regulators to determine which firms to regulate and how, which firms to rescue or close down, and which creditors to reward and how. . . .

Exactly what I was just saying. It goes on to conclude:

> The Dodd bill also extends the FDIC's resolution authority (subject to other executive approval) beyond deposit-taking institutions to any financial company deemed to be systemically important. And it gives the FDIC the discretion to discriminate among creditors as it judges who gets paid what as part of a resolution. . . .Recall how the White House exploited its authority under TARP to trash Chrysler's creditors and give unions a better deal.

Now, that is not the only section. Section 1155 of the bill is entitled ''Emergency Financial Stabilization.'' This is another way in which the bill guarantees bailouts and puts them into the law and leaves the taxpayers on the hook.

Under this section, the FDIC would be allowed to create a new program of unlimited size to guarantee the obligation of depositories and holding companies with depositories.

What does this mean since there is no requirement that a company that receives, guarantees, and defaults on its obligations be taken into an FDIC receivership, bankruptcy, or resolution? The FDIC and Treasury can prop up whatever company they choose. This authority can be exercised without congressional approval.

It is one of the reasons I have said I think there needs to be some element of bankruptcy or other process prior to the instigation of this particular kind of authority. We cannot say this bill ends taxpayer bailouts as long as we have all of those sections in it.

Finally, there is much said about consumer protection. Does anybody know anybody who does not favor consumer protection? I think we all do. There are questions about how to intelligently do it. We can create a lot more cost to consumers if we make the regulations so costly and inefficient that they end up paying more money than they would have otherwise. That is, I fear, what can happen here. It happened with the credit card legislation we passed. I think it is predicted that it can happen here as well.

It could easily happen with businesses we do not even intend to cover. I know I have heard from dental offices and car dealerships. When we think about Wall Street bailouts, we do not think about our next-door neighbor who sells cars, or maybe our neighbor who is a dentist. But if they have an installment plan where it takes 4 months—where you can get up to 4 months to pay your bill to them, boom, you can be covered by provisions here. Then all of the consumer protections apply and so on.

Let's be careful that in an effort to make sure Wall Street handles its affairs properly that we do not impose conditions on Main Street, the folks we would like to see thrive, particularly in

times of recession, in a way that would end up either causing them more expenses or, at worst, even making them uncompetitive with these so-called bigger guys.

Restraining credit is a big way to do this, requiring that they have to apply capital not to building their businesses but to somehow backing up their credit issuance, even though that is not the main part of their business.

Just quoting briefly from the New York Post:

New restrictions on credit . . . are likely to cost our economy tens of thousands of jobs a year.

And:

Reductions in credit—

Which would result here—

means declines in job creation. Many small business start-ups use home equity debt or credit cards as their source of funding.

There is not a lot of home equity debt to be had these days. A lot of our homes are not mortgageable at the present time, so credit cards are maxed out and so on. Well, that is a difficult way to do it. But we have to make sure if small businesses are doing this that the credit flows are not stopped because of provisions of this bill.

In an op-ed in the New York Post today, Mark Calabria pointed out:

The bursting of the housing bubble largely eliminated the first option.

That is the mortgaging of your home to get additional credit.

Now Washington is trying its best to kill the second.

That is the credit card provision.

[The Dodd bill's] proposed ''consumer protections'' would reach beyond credit cards and restrict the availability of all forms of credit, while raising costs.

Now, nobody intends this result. I do not think anybody in this body wants to impose additional costs, especially on smaller businesses or on startup businesses. It is simply an inevitable result of a policy that is written too broadly. We need to be careful how we do it. We need to ensure we do not write it so broadly that friends we want to protect are not adversely impacted.

They have been coming to my office. Folks you never dream of who would be covered by this act are coming in and saying: Here is how this bill could affect me. Please make sure it does not.

All I urge my colleagues on the other side of the aisle to do is, take these concerns on board—they are not partisan concerns—and make sure when these negotiations figure out how to amend the bill, that we take into consideration the things we are raising. They are not partisan concerns. They are concerns of everyday Americans, and we owe it to our constituents to think these things through and, if need be, change the bill.

I am sure even Senator DODD would say the bill is not perfect. If there are things we need to see changed in it, then let's do that.

The last point has to do with another element of consumer protection. A lot of folks do business in more than one State. In fact, some of the larger companies do business in all States, and it is cost efficient for them if there is one rule, if there is one regulator, so that they do not have to, for example, figure out what every single State requires in terms of different consumer protections or notice or whatever it might be, and then have to comply with all 50 States, some of which may be contradictory, as well as a Federal regulator.

So up to now we have pretty much had a Federal regime that has preempted the State jurisdiction in some of these areas. Well, as I understand it, the legislation does away with a significant component of that and would allow the State regulators to impose individual requirements on these companies that are doing business throughout the United States. So we could have the anomalous situation where we have lots of different requirements.

Some of you have seen ads on TV. It says: Call now to get your $29.95 knife. If you call right now, you will get another one thrown in for free. Then the last 10 seconds of the ad has some guy reading in very fast language: Offer not valid in New Mexico, New York, Arizona, Tennessee, Oregon, and so on and so on. You cannot even follow what he is saying. But the reality is, there are a lot of different requirements.

So what we would like to try to do is have things be as uniform as possible to keep the costs down because the greater the costs, the more the cost to the consumer. Unfortunately, as I said, however, this bill creates a patchwork of regulatory regimes that expand the number of regulators by 50 in certain areas. As a result, it is going to be much more difficult to comply with and much more costly.

If we believe we understand what is necessary in consumer protections, then let's provide for it. If we think we do not, that we need to leave this to a lot of other regulators, then let's not try to make the rules ourselves. Just let them do it. But we should not do both.

In addition to that, the chairman talked about safety and soundness. This is a technical term that essentially has regulators requiring banks and other financial institutions to carry a certain amount of reserves so that if people want their money back out of the bank, the bank has enough money to give to them. No bank believes every day 100 percent of its deposits are going to be called back by its depositors. But they have to have a certain percentage of those funds on deposit so if you go and say: I want my money out of the bank, they have enough money to give it to you or, if they have loans go bad, they have enough to carry those loans, and so on. That is what the safety and soundness requirements of the regulators do. It is a good thing.

Those same people can also provide for consumer protections, and say: Look, we know the bank needs to reserve a certain amount of money, and we also know, consistent with that, they need to ensure the protection of their consumers in a certain way.

What is difficult is when we separate these two functions, as this legislation does, so we have one group saying to the bank here is what you have to do for safety and soundness purposes, and we have another totally independent group saying, we do not care anything about that, but here is what you have to do for consumer protection.

We can end up with duplicative, overlapping, costly, and sometimes even inconsistent requirements, all of which make it more difficult for these institutions to give a cheaper product, a better loan, a credit card with a lower interest rate, or whatever it may be.

I just urge my colleagues, everyone is for consumer protection. Everyone is for safety and soundness. Let's try to do this in a way that does not impose such great burdens, especially on the smaller folks, that they are not able to be competitive and provide their consumers, about whom, after all, we should be mostly concerned, with the cheapest product that is backed by the safety and soundness of the institutions.

Incidentally, on this last point, some who are a little more cynical have said: Well, maybe this is being done for a more nefarious purpose. If every single attorney general in the country can go out and hire trial lawyers on a special contract to bring class action lawsuits because of a violation of State laws, then we have a brandnew cause of action for the trial lawyers to do even better than they have done in the past.

I am not going to suggest that is the motivation, but I am going to suggest that I see nothing in the bill that will prevent that. As long as that is a potential, then, Katey, bar the door.

So, again, there are many things in this legislation that are not partisan in terms of we all want to protect the same folks. But there are questions that have been raised that need to be dealt with. I think it would be far better to take the time, to have Republicans and Democrats sitting down and going through all of these issues carefully, writing up a bill on which they can agree, bring that bill to the floor so the rest of us can then look at it, and hopefully we would all say: Gee, that is a lot better product than we thought.

It is not exactly as I would have done it. It looks like there are some compromises in there, but after all, that is what the process is when we have little

more than half of the body of one party and less than half of the other party. That is how we get things done.

I can assure you this and assure my colleagues on the other side, Republicans want to work with our Democratic friends to get a good bill that all of us can support and that will be good for our country.

I think if we can work in good faith toward that end, we will be much happier with the result than if it is the result of a partisan or a near-partisan vote in this body and likewise in the House of Representatives.

I thank my colleagues for their patience and am happy to yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to engage in a colloquy with Senator KAUFMAN for up to 30 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I want to believe what I just heard. I do. I believe the genuineness and the sincerity of the words from my colleague from Arizona. I also, though—and I agree with him there are things we need to fix in this bill. There always are. And we can work to improve it.

I met only 2 hours ago a dozen manufacturers from Ohio—mostly metalworking companies, stamping, bending metal, all of that—who came to see me to talk about credit. Their frustration with the banking system and Wall Street is pretty deep and pretty intense. Anger, frustration—I will not speak for them, to be sure. But it is pretty clear that Wall Street has not served them well and has not served this country well.

As I said, I know we need to fix some things about this bill. A guy years ago told me: Don't tell me what you believe. Show me what you do; I will tell you what you believe.

When I listen to leadership on the other side, especially to our colleague from Kentucky, I really do watch what he does, not just what he says. I know he says this bill does not work because it will mean more bailouts. That is battle tested, focus group tested, poll tested. That is the right thing to say you are against the bill.

But more than that, I watch what he does, and I watch what Republicans have done on this bill. Back in December 100 bank lobbyists met with Republican leadership in the House to talk about how to defeat any kind of Wall Street reform.

Earlier this month, Senator MCCONNELL and Senator CORNYN—Senator MCCONNELL, the Republican leader; Senator CORNYN is head of the Senate Republican Campaign Committee—went to New York and met with 25 hedge fund and other Wall Street executives to figure out how to defeat the bill and to do what—you know, what you would expect. The best way to beat this bill is elect more Republicans. We need help. All of that.

So when I hear them talk about bipartisan, that they want a bipartisan bill, what they really mean, and I know Senator KAUFMAN and I have talked about this—what they really mean is, we want Wall Street to come to the table and help us write the bill. That is what is bipartisan, in the same way that "bipartisan" in the health care bill of the last year was, we want to invite the insurance companies to the table and have them help write the bill.

The public wants bipartisan. They want us to work together. They want us to cooperate. We do that in a lot of things. But on a big bill like this, the public does not want bipartisan if it means: Let's get Wall Street and the five biggest banks in the country to write this bill and then we can all be happy and let's get along and let's have legislation that way.

Then I hear over and over, Senator MCCONNELL, you know, kind of getting a little bit—the leader gets a little upset when he talks about this bill. It is a little bit like when you throw a rock at a pack of dogs, the dog that yelps is the one you hit.

That is kind of what is going on here.

(The remarks of Mr. BROWN and Mr. KAUFMAN pertaining to the introduction of S. 3241 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWN of Ohio. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to vigorously, enthusiastically support the nomination of U.S. district court judge Thomas I. Vanaskie for the Court of Appeals for the Third Circuit.

Judge Vanaskie is someone known to me personally for the better part of two, perhaps even three decades as a practicing lawyer in Pennsylvania, as a judge on the Middle District Court. I had the privilege of recommending him, originally, for the district court during the Clinton administration. I have had the privilege of joining with Senator CASEY in recommending him to President Obama for the Court of Appeals for the Third Circuit.

Judge Vanaskie has a spectacular record. He is a graduate of Lycoming College, in 1975, with a BA degree, magna cum laude; Dickinson Law School in 1978, cum laude. He was a law clerk to Judge William Nealon from 1978 through 1980. For those who know Judge Nealon, he is a masterful judge, a paragon, a great person to learn from. Judge Vanaskie was in private practice in Scranton from 1980 to 1994. He was confirmed to the U.S. District Court for the Middle District of Pennsylvania on February 10, 1994.

Judge Vanaskie has been awaiting confirmation for some time now. He has had his hearing. He was reported out of the Judiciary Committee by a vote of 16 to 3. He is an outstanding jurist.

During the course of the discussions on the Judiciary Committee, where I have served during all of my tenure in the Senate, there was nothing really said in any way which was substantive in opposition. The contention was raised that he has cited foreign law, the law of other countries, but that is in keeping with the decisions of the Supreme Court in the United States, which has cited foreign legal precedents—not that they are binding. They are not the U.S. Constitution. They are not decisions in the U.S. Federal judicial system. But they have been recognized by the Supreme Court as worthy of some consideration.

It is regrettable that Judge Vanaskie has been caught up in the partisan battle in the Senate. This is a part of a broader picture of gridlock in the Congress of the United States, as we have seen the popularity and approval rating of Members of the House and Senate fall precipitously because of what America is seeing going on in this body and across the Rotunda in the House of Representatives. We see a stimulus package where there is very little willingness on the part of people on the other side of the aisle to negotiate with people on this side of the aisle. We have seen a health care package enacted into law without a single vote in the Senate. In the House of Representatives, 176 Republicans said no and 1 said yes. On reconciliation, all 177 said no; all 41 in the Senate said no.

There has been a point reached where there is really an issue of whether there can be governance at all with an obstructive minority standing fast. We have seen a slight break in ranks when the issue came up on the vacation for the payroll tax. One Republican stood up and voted with Democrats. That led a few others to join. And on unemployment compensation, again, one Republican took the lead, and a few others joined. I think it is realistic to conclude that it is the pressure from back home. There are some on the other side of the aisle who may sensibly calculate—I do not fault them for the calculation—but they have to have some flexibility if they want to return to this body.

We have had concerns on Wall Street which are overwhelming with what has gone on in the economy: the precipitous great recession, which has engulfed America and has engulfed the

world. And for a lengthy period of time, there has been resistance to any real negotiation by the other side of the aisle.

Finally, within the last day or two, there has been some willingness to consider legislation on the Wall Street issue, but I think that has come about as a result of public pressure. It is, simply stated, impolitic to be against reforming Wall Street, considering what has gone on.

It would be my hope these cracks in the die would lead to some substantial shift in position so we could return to the bipartisanship which was present in this body when I was elected in 1980. At that time, we had Mac Mathias of Maryland, who was willing to cross the aisle, and Mark Hatfield of Oregon similarly and John Danforth of Missouri, Lowell Weicker of Connecticut and Bob Stafford of Vermont and John Heinz of Pennsylvania and John Chafee of Rhode Island and Bill Cohen of Maine, so that when we had the so-called Wednesday club, it was full. That has dwindled so that the moderates can meet in a telephone booth today. We ought to go back to the days of just a little bipartisanship.

We had an enormous problem in 2005 when the shoe was on the other foot and the filibustering was being done on this side of the aisle. Fortunately, we were able to work through that problem. There was a flirtation with the so-called nuclear constitutional option, which would have changed the rules on filibuster. We preserved the procedure of the Senate, the tradition of the Senate, to be the ''saucer which cools the tea'' as the expression was used during the colonial days. I think it is very important to maintain that tradition and that procedure. It was the coolness of the Senate which saved the independence of the Federal judiciary and the impeachment proceeding of Supreme Court Justice Chase of 1805 and preserved the independence of the Presidency and the acquittal on the impeachment proceeding of Andrew Johnson, when a controversy arose with the claim being made that there had to be congressional or senatorial approval to fire a Secretary of War, and he barricaded himself in the office. President Johnson refused to seek Senate consent to fire the Secretary of War. Articles of Impeachment were filed and he was saved by the vote of the Senator from Kansas. Growing up in Kansas, there was great pride in the State about that courageous Senator who stood and later was defeated. Maybe that—I would not make any predictions of the cost of standing up.

So it is important to maintain the traditions of this body, but we have to do it in the context of capacity to govern. Supreme Court Justice Jackson, in a somewhat different context, said the Constitution is not a suicide pact. Whatever rules we have are not substitutes for our capacity to govern.

We have seen this pattern illustrated by the nomination of Barbara Keenan of Virginia for the Fourth Circuit. Judge Keenan's nomination was stalled for 4 months, and after the time-consuming process of cloture, her nomination was approved 99 to nothing. Well, if she can be approved 99 to nothing, why require the filing of cloture? Why tie up this Senate for the better part of 2 days?

May the RECORD show that the distinguished Presiding Officer, the junior Senator from Minnesota, is nodding in agreement with my statements. That is a procedure we lawyers use to perfect the RECORD. But that has been the policy—tying up this body, going to cloture, the delay, and then overwhelming confirmations; not all unanimous but very substantial, and I predict that is what will happen with Judge Vanaskie when the roll is called a little later this afternoon.

One additional note. These proceedings take a very heavy toll on the nominee. Judge Vanaskie is a man devoted to public service. When he was practicing law in Scranton, his paycheck was a great deal bigger than when he became a Federal judge. When he comes into the process of the nominating procedure and he is questioned and his writings are impugned because he follows the Supreme Court of the United States, it is a jolt and it is hard on the Vanaskie family and it is hard on the community. I have had many calls from the people in Judge Vanaskie's community saying: What is going on in the Senate? What is going on? What is happening? Repeated calls. Finally, I decided to write a column for the Scranton Times Tribune, explaining what happens in the Senate as to why the delay has occurred.

So I am glad to see this brought to a close. I hope we will move the appointments of the President. Consideration is being given to limiting the filibuster, not having it apply to members of the administration. We all concede, as a governmental doctrine, the President ought to have the right to name his own team but maintaining the filibuster for judicial nominations where we are talking about lifetime appointments. But this is a good and true man and he has been subjected to a process which is fundamentally unfair. I am glad to see it brought to an end this afternoon.

I ask unanimous consent that the copy of the article which I wrote for the Scranton Times Tribune, dated February 26, 2010, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Scanton Times Tribune, Feb. 26, 2010]

GOP DELAYING VANASKIE APPOINTMENT

(By Arlen Specter)

Republican inaction on nominations is paralyzing the work of the Senate and putting the government's ability to confront the nation's challenges at risk.

We have seen much obstructionism by the minority in this Congress, but nothing compares to the gridlock on nominations. During President Obama's first year, 46 executive nominees waited at least three months to be confirmed, 45 waited at least four months, and nine took six months or longer. Inaction on these qualified nominees, many in defense-related and national security posts, is unacceptable.

This applies to nominations for federal judgeships, many to important or long-vacant jurisdictions. Currently, 14 judicial nominees, who have been approved—in many cases unanimously—by the Senate Judiciary Committee are awaiting confirmation in the face of Republican objections, many of them specious or just plain outlandish. It is time to put partisan politics aside and work to fill these positions as quickly as possible.

Take the case of Judge Thomas I. Vanaskie, nominated by President Obama last August to the U.S. Circuit Court of Appeals for the Third Circuit. The Senate Judiciary Committee voted 16–3 in support of his nomination on Dec. 3. More than two months later the nomination still awaits confirmation.

Judge Vanaskie's appointment, like so many of this administration's, has been stalled by political posturing. The near certainty of his eventual confirmation only adds to the charade. When Senate Majority Leader Harry Reid recently called for a vote on a long-delayed circuit court nomination, the Republicans voted to confirm unanimously. One legitimately wonders whether partisanship is not the only explanation for the delay.

The Senate can force a vote by resorting to the time-consuming step known as cloture, which takes up two days of the Senate's time. If cloture were to be invoked in each of the 67 currently pending nominations that have been approved by committee, it would take most of the year to deal with nominations. This is an intolerable imposition on the Senate's time and business.

Judge Vanaskie is eminently qualified to serve on the Third Circuit, as evidenced by his 16-year record on the U.S. District Court for the Middle District of Pennsylvania and the overwhelming bipartisan support he received from the Senate Judiciary Committee. He has built a reputation for consistency and judicial restraint, backed by a first-class legal mind and even temperament.

Republican objections to his nomination are specious. One criticism—that Judge Vanaskie inappropriately cites foreign law precedents—was ably explained in his testimony before the Judiciary Committee that he was following Supreme Court decisions when it relied upon foreign sources in Lawrence v. Texas and Roper v. Simmons. In Lawrence, the Supreme Court majority cited the European Court of Human Rights in a decision overruling its own prior precedent on the criminalizing of consensual gay sex. In Roper, the court cited international law to support a ruling striking down the death penalty when applied to individuals who committed murder before they were 18. In short, Judge Vanaskie was merely following the Supreme Court's lead. Following precedent is mandatory, not grounds for rejecting his elevation to the Third Circuit.

There is no reason to further delay the nomination of this highly qualified jurist to the Third Circuit Court of Appeals. The Senate should carry out its constitutional duties promptly and promote this eminently qualified judge.

Mr. SPECTER. I thank the Chair and yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that the vote on confirmation of the nomination of Judge Thomas Vanaskie occur at 5:30 p.m. today, with the time until then divided as previously ordered and the remaining provisions of the order governing consideration of this nomination still in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I briefly wish to share a few thoughts about Judge Thomas Vanaskie, who has been nominated for the Third Circuit Court of Appeals—a very important position. He currently serves on the U.S. District Court for the Middle District of Pennsylvania. I do intend to support his nomination, giving deference to the President, but I would just like to share a thought or two about his testimony before the Judiciary Committee.

Judge Vanaskie testified he believed American courts should not use foreign law in interpreting the Constitution, but he did believe the Supreme Court properly used foreign law in cases such as Lawrence v. Texas, and I think that is a bit contradictory. He also testified that the Supreme Court properly used foreign law in Roper v. Simmons, where the Court concluded that the Constitution, because of ''evolving standards of decency,'' would now prohibit States from imposing the death penalty on juveniles who commit murder. I think that is a legitimate public policy issue to discuss, but the question is, Does the Constitution say a State is not able to decide at what age people are executed?

Judge Vanaskie said, at another point, that foreign law was relevant to determining fundamental constitutional rights. Well, our Constitution is the one we have, and judges, if they are faithful to their oath, will enforce our Constitution—the one we have. It is difficult for me to comprehend how somebody could conclude that a legal action in the European Union would provide illumination to a judge on how to interpret our Constitution and what the Founders meant and the plain meaning of its words.

So I think this is a bad philosophy, and it evidences a detachment of the judiciary from the limited role they are given. We have limited powers, the President has limited powers, and the courts have limited powers. Courts are not empowered to reinterpret our laws and our Constitution based on some better idea they think they may find in France. They are not. This is not a little bitty matter. It is a trend that is occurring in our courts, and I am disappointed that several of the President's nominees seem to be seduced by these ideas, including speeches made by Justice Sotomayor where she talked about how she favored Justice Ginsburg's views about that.

So I wish to give this judge the benefit of the doubt. He did say he didn't follow this doctrine to the full extent of it, and I will give him the benefit of the doubt. But also, some of his statements indicate that he may yet be seduced by this idea. He had difficulty articulating any limit on the commerce clause. The commerce clause says Congress can regulate commerce. Does that mean everything? Does regulating commerce mean you can reach down into Oklahoma and tell an individual farmer: You have to have insurance? That raises a serious question of constitutional power, and does that impact interstate commerce? Well, you could theoretically conjure up a way that it could, but I want to know that a judge understands there is some limit to the amount of reach the Federal Government can have.

We have had a number of people complaining about the process of confirmation and judges languishing before the Senate. In particular, my friend, Senator WHITEHOUSE, noted the nominations of Judge James Wynn and Judge Albert Diaz to the Fourth Circuit. Senator WHITEHOUSE hasn't been here but since 2006, so maybe he isn't familiar with some of the procedures that have gone on before. Wynn and Diaz's nominations have been pending in the Senate for only 167 days. That is half the time—half the time—that President Bush's circuit court nominees waited—350 days.

In fact, four of President Bush's nominees to the Fourth Circuit never received any hearing, and they were highly qualified nominees. Those nominees—Mr. Steve Matthews, Chief Judge Robert Conrad, Judge Glen Conrad, and former Maryland U.S. attorney Rod Rosenstein were well qualified and had the bipartisan support of their home State Senators. Yet they were blocked steadfastly from ever moving forward. President Bush nominated Steve Matthews in September of 2007 to the same seat on the Fourth Circuit for which Judge Diaz has now been nominated and expects to be confirmed—and will be confirmed, I am sure.

For Senators to be whining about how long it takes Judge Diaz to move along, in a fairly steadfast way, in light of what was done to Mr. Matthews, is a bit much to me, I just have to tell you. We all know this is a robust body. We don't mind speaking our minds. But Mr. Matthews had the support of his home State Senators and received an ABA rating of ''qualified.'' He was a graduate of Yale Law School, had a distinguished career in private practice, and he waited 485 days for a hearing and never got one. So his nomination was returned and expired in January of 2009.

Another of President Bush's nominees, Chief Judge Robert Conrad, was nominated to the seat for which Judge Wynn is now nominated. He had the support of his home State Senators, received an ABA rating of unanimous ''well-qualified,'' which is the highest rating. Judge Conrad met Chairman LEAHY's standard for a noncontroversial consensus nominee. He had received bipartisan approval by the committee when he was confirmed by a voice vote to be U.S. attorney and later district court judge for the District of North Carolina. He was then chief judge. Senators BURR and Dole sent letters in support of that confirmation. Yet he was blocked.

I know he can make decisions because, if I am not mistaken, I used to say he was the point guard for the University of North Carolina basketball team. I think that was incorrect. I think he was point guard for Clemson. Regardless, anybody who can play a point guard in the ACC can make decisions. He was chosen out of all the prosecutors in America by Attorney General Janet Reno to conduct a very sensitive investigation of President Clinton, when he was accused of some wrongdoing. He conducted that and concluded no charges ought to be brought. This was a highly qualified person. Yet he was blocked.

My time is up, but I know every nominee is not brought up immediately or when some people would want to call up the nomination. It requires unanimous consent to bring up a nominee, to immediately get a vote, and unanimous consent isn't always given, so it does slow down people. I do believe we ought not to unnecessarily delay persons, but I would want to say that the alacrity by which President Obama's nominations are moving far surpasses anything like the difficulties that President Bush's nominees had. I have been here, I have seen it, and I know that to be a fact.

I hope we can create a climate where judges have a reasonable time on the

calendar, that they have hearings in the Judiciary Committee, that there is opportunity to raise objections, when they are made, and the nominee comes to the floor and eventually can be brought up for a final confirmation vote. That would be my request.

I see it is time for the vote, and so I yield the floor.

Mr. LEAHY. Mr. President, the Senate just devoted almost 3 hours to the nomination of Thomas Vanaskie. Senate Republicans demanded this extended time for debate. I thank Senator SPECTER and Senator CASEY for their statements. The Senators from Pennsylvania know Judge Vanaskie best, and strongly support him.

I was glad to see Chairman DODD, Senator BROWN of Ohio and Senator KAUFMAN come to use some of the time to talk about Wall Street reform. That is what we should be working on. Wall Street reform, patent reform, and other matters that are important to the American people are what we should be debating. I was glad to see that time not wasted in another extended quorum call because those who demanded this time to debate the nomination did not use it.

I was glad to hear Senator HAGAN talk about the two North Carolina nominees to the Fourth Circuit. They are among the 25 judicial nominees that Republicans have objected to considering even though they were voted out of the Judiciary Committee unanimously or nearly so.

With respect to the President's judicial nominees, as I have said, we are well behind the pace I set as chairman when the Senate was considering President Bush's nominees during the second year of his presidency. By this date in President Bush's second year, the Senate with a Democratic majority, had moved ahead to confirm 45 of his Federal circuit and district court judges. So far during President Obama's Presidency, Senate Republicans have allowed votes on only 18 of his Federal circuit and district court nominations. During the first 2 years of President Bush's Presidency we moved forward to confirm 100 of his judicial nominees. Republican obstruction of President Obama's nominations makes it unlikely that the Senate will reach 50 such confirmations. Last year they allowed only 12 Federal circuit and district court nominees to be confirmed, the lowest number in more than 50 years.

Today, thanks to the perseverance of the majority leader and the Senators from Pennsylvania, we will consider and confirm only the 19th of President Obama's Federal circuit and district court nominees. I have already noted Judge Vanaskie's qualifications. There is no dispute that he is well qualified. Indeed, the only concern his opponents have raised is their fixation that no Federal judge be aware of foreign law. As Senator SPECTER has explained, the matter on which Judge Vanaskie is criticized was a case involving an international treaty. To those whose ideology clouds their judgment, I remind them that the Constitution of the United States, our Constitution, expressly provides that the judicial power of the United States extends to cases arising under the Constitution, laws of the United States "and Treaties." Treaties are international by their nature. How treaties are interpreted by other courts in other jurisdictions is relevant. In fact, Justice Scalia observed, when writing for the unanimous Court in Zicherman v. Korean Air Lines Co., 516 U.S. 217, 226 (1996):

> Because a treaty ratified by the United States is not only the law of the land, see U.S. Const., Art. II, § 2, but also an agreement among sovereign powers, we have traditionally considered as aids to its interpretation the negotiating and drafting history (travaux préparatoires) and postratification understanding of the contracting parties.

I appreciate the significant steps taken by the majority leader to address the crisis created by Senate Republican obstruction of the Senate's advice and consent responsibilities. Their refusal to promptly to consider nominations is a dramatic departure from the Senate's traditional practice of prompt and routine consideration of noncontroversial nominees. The majority leader was required to file five cloture motions to break through the logjam. I, again, urge the Senate Republican leadership to reverse its course and its obstructionist practices. Those practices have obstructed Senate action and led to the backlog of almost 100 nominations pending before the Senate awaiting final action. These are all nominations favorably reported by the committees of jurisdiction. Most are nominations that were reported without opposition or with a small minority of negative votes. Regrettably, this has been an ongoing Republican strategy and practice during President Obama's Presidency. I hope it will now, finally, be abandoned and we will be allowed to make progress after weeks and months of delay.

The vote on the confirmation of Judge Vanaksie's nomination is the first vote on judicial nominations that the Senate will hold in 5 weeks. Despite the dozens of judicial nominations ready for Senate consideration, none has been allowed to move forward for over a month. These are nominations to fill longstanding vacancies in the Federal courts. Of the 25 pending judicial nominations, 18 were reported from the Senate Judiciary Committee without any Republican Senator voting against. I have been urging the Senate Republican leadership for months to allow votes on these noncontroversial nominations and to enter into time agreements to debate the others. We need to clear the backlog of nominations and move forward.

Judicial vacancies have skyrocketed to over 100, more than 40 of which have been designated "judicial emergencies." Caseloads and backlogs continue to grow while vacancies are left open longer and longer. On this date in President Bush's first term, not only had the Senate confirmed 45 Federal district and circuit court judges, but there were just seven judicial nominations on the calendar. All seven were confirmed within 9 days. By the end of this month, which is 9 days from now, we should clear the backlog that Republican obstruction has created and vote on the judicial nominations stalled on the Senate Executive Calendar.

By this date during President Bush's first term, circuit court nominations had waited less than a week, on average, before being voted on and confirmed. By contrast, currently stalled by Senate Republicans are circuit court nominees reported by the Judiciary Committee as long ago as five months, in November of last year. The seven circuit court nominees the Senate has been allowed to consider so far have waited an average of 124 days after being reported before being allowed to be considered and confirmed.

I congratulate Judge Vanaskie and his family on what I expect will be strong bipartisan vote in favor of his confirmation to serve on the Third Circuit. His confirmation is long overdue.

The PRESIDING OFFICER (Mr. FRANKEN). Under the previous order, the question is, Will the Senate advise and consent to the nomination of Thomas I. Vanaskie, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Mr. CASEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) was necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Nebraska (Mr. JOHANNS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 122 Ex.]

YEAS—77

| | | |
|---|---|---|
| Akaka | Brown (MA) | Corker |
| Alexander | Brown (OH) | Dodd |
| Baucus | Burris | Dorgan |
| Bayh | Cantwell | Durbin |
| Begich | Cardin | Feingold |
| Bennet | Carper | Feinstein |
| Bingaman | Casey | Franken |
| Bond | Collins | Gillibrand |
| Boxer | Conrad | Graham |

| | | |
|---|---|---|
| Gregg | Lincoln | Schumer |
| Hagan | Lugar | Sessions |
| Harkin | McCain | Shaheen |
| Hatch | McCaskill | Shelby |
| Inouye | McConnell | Snowe |
| Johnson | Menendez | Specter |
| Kaufman | Merkley | Stabenow |
| Kerry | Mikulski | Tester |
| Klobuchar | Murkowski | Udall (CO) |
| Kohl | Murray | Udall (NM) |
| Kyl | Nelson (NE) | Vitter |
| Landrieu | Nelson (FL) | Voinovich |
| Lautenberg | Pryor | Warner |
| Leahy | Reed | Webb |
| LeMieux | Reid | Whitehouse |
| Levin | Rockefeller | Wyden |
| Lieberman | Sanders | |

NAYS—20

| | | |
|---|---|---|
| Barrasso | Cornyn | Inhofe |
| Brownback | Crapo | Isakson |
| Bunning | DeMint | Risch |
| Burr | Ensign | Roberts |
| Chambliss | Enzi | Thune |
| Coburn | Grassley | Wicker |
| Cochran | Hutchison | |

NOT VOTING—3

| | | |
|---|---|---|
| Bennett | Byrd | Johanns |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 or 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SECRET HOLDS

Mr. GRASSLEY. Mr. President, I have not listened to every speech on the Senate floor in the last week or so where there has been a lot of talk about secret holds and everything. But since I have been in the Senate working with Senator WYDEN in a bipartisan way over the course of maybe a decade, not to do away with holds but to have a transparency of holds, and seeing those things compromised, and then particularly to see exception taken to what has happened when this side of the aisle has put on holds, and then considering when Senator WYDEN and I did try to do something, that was gutted by people on the other side of the aisle. So I would appreciate it if Democratic Members of the Senate would listen while I explore some of the history so that they know this bipartisan effort, that if it had been done the way Senator WYDEN and I did it before it was gutted, we would not have a lot of problems today that we have.

So I wanted to go into my remarks, but I preface it with what I just said. There has been a lot of talk recently on the Senate floor about secret holds. For a practice with so much bipartisan guilt to go around, it is interesting that the discussion has taken on a partisan tone. Republicans are being accused of being particularly egregious offenders when it comes to circumventing disclosure requirements.

Let me say that if any of my colleagues have holds on either side of the aisle, they ought to have the guts to go public and to go public the minute they put the hold on, not like the mysterious way it is done now, which amounts to nothing. It has been my policy for years to place a brief statement in the CONGRESSIONAL RECORD each time I placed a hold, with a short explanation of why I placed the hold. I did that before there was ever any Wyden-Grassley proposal. The current disclosure requirements for secret holds have been discussed quite a bit lately, as has bipartisan work with Senator WYDEN to address the issue. It is important I give a little background about how we got where we are today.

After many attempts to work with various leaders over the years on policy to make all holds public, Senator WYDEN and I decided the only way to settle this matter once and for all was for the full Senate to adopt a very clear policy. In the 109th Congress, Senator WYDEN and I were successful in passing an amendment to the ethics reform bill by a very wide vote of 84 to 13 to require public disclosure of holds. That bill was never enacted, but the identical provision was included in the ethics bill passed by the full Senate at the very beginning of the 110th Congress. Members may recall the Democrats had just secured a majority in both houses of Congress. Then, in a process that has become all too familiar under the past two Democratic Congresses, there was no conference committee. Instead, in a twist of irony, the so-called Honest Leadership and Open Government Act was rewritten behind closed doors by the Democratic leadership. Lo and behold, the public disclosure provision Senator WYDEN and I had worked so hard on, which the Senate had overwhelmingly adopted on that 84 to 13 vote, had been altered, and altered significantly. Keep in mind, under Article I, section 5 of the Constitution:

> Each House may determine the Rules of its Proceedings . . .

That means that the House of Representatives has no say whatsoever about the Senate rules. When the full Senate speaks on a matter of Senate procedure, that should be the final word, particularly if it is 84 to 13. I want to be clear, the current weak disclosure requirements we now have are not the ones originally proposed by Senator WYDEN and this Senator. In fact, at the time I came to the floor and criticized the specific changes, because I saw they would be ineffective. And ineffective they are.

Let me reiterate some of those criticisms I initially aired to the Senate on two occasions: August 2, 2007, and September 19, 2007. In the version the Senate originally passed, we allowed 3 days for Senators to submit a simple public disclosure form for the record, just like adding oneself as a cosponsor to a bill. This was intended simply to give time to perform administrative functions of getting the disclosure form to the Senate floor, not to legitimize secrecy for the period of 3 days. The rewritten provision gives Senators 6 session days. That might not sound so bad but wait to see how that actually works out in practice. First, it doesn't take a week to send an intern down to the Senate floor with a simple form saying one is putting a hold on a bill. The change I find most troubling is that the 6 days until the disclosure requirement is triggered begins only after a unanimous consent request is made and objected to on the Senate floor. That is too late. I will explain how that is ineffective. By that point, a hold could have existed for quite some time, perhaps without the sponsor of the bill even realizing it. In fact, most holds never get to the point where an objection is made on the floor, because the threat of a hold prevents a unanimous consent request from being made in the first place. So maybe this 6 days is never even triggered.

The original Wyden-Grassley provision required disclosure at the time the hold was placed. That is where it ought to be today. We have heard lately about how the minority party has used the weak disclosure requirements to avoid making holds public. However, this change made it far less likely that majority party holds would ever, in fact, become public. Since the majority leader controls the Senate schedule, he would hardly object to his own request to bring up a bill or nominee. He would simply not bring up a bill or nominee being held up by a member of his own party, and we might never know that there was a hold on it at all.

Why were these provisions changed? Simply, I don't know. I don't know who does know, because I can't be sure who it was who rewrote these provisions in secrecy behind closed doors. The majority party should be careful now, as they complain about Republicans exploiting loopholes in the disclosure requirements for holds. Both parties are guilty of using secret holds. But we can't blame Republicans for the fact that the current disclosure requirements are weak and ineffective. Again, there is plenty of blame to go around when it comes to using secret holds, but I am hopeful this recent attention to the problem can result in a bipartisan consensus to end secret holds once and for all. That is something we hope, Senator WYDEN and I, other people will talk to us about. We would like to move in this direction. I, for one, am

happy to work with anyone on either side of the aisle to that end.

It should be stressed that this has been a bipartisan effort. Everybody in this body talks about bipartisanship. When this was watered down, it wasn't watered down in an environment that I know about where any Republicans were present.

Mr. WYDEN. Will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. WYDEN. First, let me tell the Senator from Iowa how much I have enjoyed working with him on this. We have had, as incredible as it sounds, a 10-year campaign to try to end secrecy in the Senate, just so people know a little bit about it. I always think when people hear about a hold in the Senate, they probably think it is a hair spray or a wrestling move or something like that. Isn't it correct that a hold, the ability to block a nomination or a piece of legislation, is one of the most powerful tools a Member of the Senate has today to influence policy?

Mr. GRASSLEY. Mr. President, Senator WYDEN is absolutely right. It is a very powerful tool.

Mr. WYDEN. And with respect to transparency, what he and I have focused on all these years, people asked: Are you trying to abolish a hold? I think he and I have said we believe Senators ought to have a right to weigh in on something important. But at a time when the public wants transparency and openness and accountability, a Senator who wants to use what the Senator has said is an extraordinary power, the real public interest is satisfied by that Senator having to disclose promptly that they are imposing a hold; is that correct?

Mr. GRASSLEY. Mr. President, Senator WYDEN is correct. I would add this point, that not only is it transparency that is essential—and it happens that way—but also a lot of times holds are put on because there is something wrong. We have to know what it is somebody believes is wrong, if we are going to work out some sort of a compromise.

Mr. WYDEN. One additional point, is it the Senator's sense, because we have talked about this often as we have been watching the spectacle of all these secret holds, that the central problem is it is triggered too late and it takes too long to kick in? Is that a fair statement of what needs to be changed? We need to get the openness earlier? It needs to be triggered earlier, and it needs to get into the public domain earlier; is that correct?

Mr. GRASSLEY. Mr. President, the Senator is correct. The present rules are practically not much better than what we have always operated under. So there isn't transparency, and it isn't done soon enough.

Mr. WYDEN. I express my appreciation to the Senator from Iowa for giving me the opportunity to work with him. He and I have pursued a lot of issues in the past. Very often those issues are part of television news debates and the like. Obviously, the secret hold would not be something on Main Street in Des Moines or Portland that people know about. This is the time to get this right once and for all. We sought to do it literally for a decade. A number of majority leaders, Democratic and Republican, said they wanted to get this done. Yet as of this day, I personally believe it continues to be abused and flagrantly so. At a time when the American people are looking at these challenging economic circumstances, they deserve a government that is truly open, truly accountable, and truly transparent. That has been what has guided our bipartisan efforts over this last decade. I appreciate the Senator coming to the floor this evening. There are not that many opportunities to advance a truly bipartisan agenda. He has given us the opportunity to do that tonight.

I look forward to working with my colleague to once and for all get secret holds abolished in the Senate.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, to continue this topic, we need to kind of put into perspective a little bit about why this secret hold has become such a detrimental practice. When Willy Sutton was asked why he robbed the bank, he said: That's where the money is. Secret holds are where the power is. Senator GRASSLEY and I have outlined the enormous effect a secret hold can have on a piece of legislation but, frankly, one of the other points that needs to be made is that a secret hold is a very powerful weapon that is available to a lobbyist.

I expect that practically every Senator has gotten a request from a lobbyist asking if the Senator would put a secret hold on a bill or nomination in order to kill it without getting any public debate and without the lobbyist's fingerprints appearing anywhere. If you can get a U.S. Senator to put an anonymous hold on a bill, it is like hitting the lobbyist jackpot. Not only is the Senator protected by a cloak of anonymity but so is the lobbyist.

A secret hold lets lobbyists play both sides of the street and can give lobbyists a victory for their clients without alienating potential or future clients. Given the number of instances where I have heard a lobbyist asking for secret holds, I am of the view that secret holds are a stealth extension of the lobbying world.

In the U.S. Senate, there has been an effort to improve the rules and have stricter ethics requirements with respect to lobbyists. It seems to me it would be the height of irony if the Senate were to adopt a variety of changes to curtail lobbying, as we have done in the past, without doing away with what, in my view, is one of the most powerful tools that can be available to lobbyists.

The overwhelming majority of our citizens, in every corner of the land, be it Alaska or Oregon or Rhode Island, say they want public business done in public. If you walk down the streets of this country, I do not think you could find 1 out of 100 people who would have any idea what a hold is or what a secret hold is all about. But the fact is, these secret holds in the U.S. Senate can dramatically affect and change the lives of our citizens, and our people will not even know about it.

The hold—the ability to block a piece of legislation, block a nomination—cannot even, in a number of instances, end up being discussed on the floor of the Senate. Literally, the Senate will not even get a peek, will not even get the briefest look, at a particular issue that may involve millions of our citizens, billions of dollars, and affect the quality of life of citizens in every corner of the land.

So what this is all about, what Senator GRASSLEY and I have been working for lo, this past decade, what I have heard colleagues talk about—and Senator WHITEHOUSE has spoken eloquently about this—is we believe now is the time, once and for all, to permanently wipe the secret hold off the rulebooks of the Senate.

It is one thing if a Senator exercises the extraordinary power that a hold presents. It is quite another when they cannot be held accountable because they exercise this power in secret. So the average person in America may not know what a secret hold is, but I am very certain they want the Senate to do its business in public.

I want to express my appreciation to Senator GRASSLEY, who has left the floor, for working with me over this past decade to end what I think is a simply inexplicable denial of the public's right to know. That is what this is essentially about. This is a denial of the public's right to know. With colleagues on both sides of the aisle, I am determined to, this time, get this changed, shorten the period, to make it easier to trigger the requirements of public disclosure.

Mr. President, I know my colleague from Rhode Island is interested in getting in this issue. I look forward to his comments and yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to engage for 5 or 10 minutes in a colloquy with the distinguished Senator from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I, first of all, want to salute Senator WYDEN of Oregon for his long work on this issue. He has been working on this issue since before I came to the Senate, before I had any experience of secret holds, and saw—as we are seeing right now—their pernicious effect.

At present, we are looking at probably a little less than 80 secret holds by Republicans of President Obama's nominees—some judges. In the past few days, Senator MCCASKILL and I have come to the floor to push some of these nominees forward, to ask unanimous consent they go forward.

In one case, a nominee was a judge who was supported by both a Democrat and a Republican—the Senators from his home State—who had passed out of the Judiciary Committee by a unanimous rollcall vote of 19 to 0. They have been held for months and months. The distinguished Senator from Arizona, Mr. KYL, was put in the unfortunate position, since he had voted for this nominee in committee, to have to come to the floor and raise an objection to the unanimous consent request for a judge who he voted for in committee and one of his Republican colleagues supported—the home State Senator supported—to have to object to that nomination going forward because somebody had a secret hold.

We went through a great deal of these. I want to salute Senator MCCASKILL. She carried the greater part of the burden. I only tried to move a few. I think she tried to move over 70 by the time the day was done. I really want to extend my appreciation to her for that.

I say to Senator WYDEN, as I understand it, the rule is that now that these unanimous consent requests have been made, there is a 6-day-of-session period that has now begun to run, and at the end of that 6 days, our Republican colleagues will be obliged to disclose publicly their holds, who is holding it, and what their reason is.

I understand there is a potential loophole, which is they could pull sort of the old switcharoo, and in the 6-day period the Senator or Senators with the hold could all release their hold so that at the end of the 6-day period they have no hold to disclose, but they could connive with another colleague to put in a new hold, since the unanimous consent request, so they can start the process all over and hide their accountability.

But it strikes me those are really the only two choices our Republican colleagues have: They either have to divulge or they have to engage in a game of switcharoo, connivance with another Republican colleague to try to duck out from under the rule which was passed I think by 92 votes. It has very strong bipartisan support.

I say to Senator WYDEN, I just wanted to clear that understanding with the Senator since he is an expert on this issue, that the clock is running, that they have 6 days to come clean about this; and that the only two ways out are either to divulge or connive with another Senator to engage in a little switcharoo.

Mr. WYDEN. Or I think there might be a third option, of course, which is to lift the hold. But the Senator has done a very careful and thoughtful analysis of the situation and particularly this situation of what Senator GRASSLEY and I came to call the ''rotating hold,'' simply shifting to another person—something that has been done often over the years by Democrats and Republicans. I think now is the time to get this changed. By the way, the Senator is absolutely correct on the bipartisan nature of the rule change. The vote was 84 to 13. There was overwhelming bipartisan support for it.

The Library of Congress has actually put together a very thoughtful historical analysis featuring the discussion of things such as the ''Mae West'' hold, which came to be known as the ''come look me over'' hold, which I gather was not a full-fledged hold but it might actually blossom into one.

So the Senator is absolutely right about what the choices are. That is why it is time, once and for all, to get this changed. I so appreciate the Senator, and also Senator MCCASKILL from Missouri, coming and highlighting the fact that this has again gotten out of hand.

The historical analysis of this has been that the hold was something that would be used rarely. The hold was for something of great consequence. Yet now it seems we have these secret holds that are simply thrown out for nominations and pieces of legislation because someone has some modest interest or is carrying out a different agenda, and I think that is why the secrecy is so unfortunate.

I thank my colleague.

Mr. WHITEHOUSE. So to have 80 secret holds by one party, all at once pending in the Senate, is not consistent with the history of the use of this procedural tactic in this body. Is my understanding correct?

Mr. WYDEN. The Senator is absolutely right about the fact that 80 secret holds is clearly not what Senator GRASSLEY and I and reformers thought would happen. Given all these secret holds, you would think at the back of the Executive Calendar—which is page 19; it is entitled ''Notice of Intent to Object to Proceeding''—given what the distinguished Senator from Rhode Island has pointed out, one would think that page 19, ''Notice of Intent to Object to Proceeding,'' would be filled with these names if the rule was being honored.

I say to the Senator, both you and I are holding up this page 19 with nary a word on it.

Mr. WHITEHOUSE. We are looking at an empty page.

So just to summarize, the clock has run as a result of this series of unanimous consent requests Senator MCCASKILL and I have put forward. The 6 days have begun. By the end of that, one of three things—as the Senator has corrected me—will have happened. Either the hold will have been lifted, and then we can move to unanimous consent and clear these individuals who the President has nominated and get them to work for the American people or, two, the Senator who has the secret hold will have to acknowledge publicly and become transparent and clear and candid with the rest of the body about who they are holding and why, or, three, they can engage in this rather obscure, shall we say, game of rotating holds, what I called the switcharoo, ducking out before the time runs and getting somebody else to actually have your hold for you but get in a proxy.

Given this was a rule that was adopted with a very strong vote, a very strong bipartisan vote, and that it is now a rule of the Senate, what comment would the Senator have on that third tactic in terms of its merit and appropriateness, if we find it is being used at the end of the 6 days? Would that spur the need for reform of this rule?

Mr. WYDEN. It surely would. I am grateful to the Senator from Rhode Island for prosecuting the reform case. I have talked with Senator GRASSLEY about it, and with Senator MCCASKILL and the Senator, and I think this is the time.

There are two points with respect to the secret hold: one as it relates to the institution and one as it relates to an individual Senator. With respect to the institution, in this example, the Senator has given us scores of these secret holds. I think this serves to undermine the credibility of the institution at a crucial time in American history. It is no secret Americans are divided on a host of issues.

Well, if the Senate insists on doing so much important business in secret—which is what happens if you honor these secret holds—I think that just undermines the institution. Because I think, first and foremost, you are absolutely right to zero in right now where we have all these secret holds.

Secondly, with respect to an individual Senator, what seems particularly important—the Senator and I share an interest in health care and a variety of economic issues—suppose an individual Senator works for years and years to try to build a bipartisan coalition on an issue and then is done in by an unknown or secret opponent, an unknown, unseen opponent who has been able, in effect, to block all that bipartisan work in secret.

So I want the Senator to know I am four-square behind his efforts to get this changed. Senator GRASSLEY and I have been talking about it. I think

there is an opportunity to make this bipartisan.

I will also say, in closing—and the Senator has been kind to give me all this time—I do not think the secret hold passes the smell test of openness in American government. It is time to change it. I look forward to working with my colleague to finally, after all of these years, get this done and send the secret hold off into the dust bin of history.

Mr. WHITEHOUSE. The legacy of the Senator from Oregon on this, with 10 years of work, is very impressive to this newer Senator. I appreciate so much what he and Senator GRASSLEY have done over the years to begin to put an end to this practice.

I think the straw that broke the camel's back—or maybe the 80 straws that broke the camel's back—was the absolute avalanche of secret holds that has confronted our new President from this Republican minority. It has come to the point where the President, I think fairly, believes his ability to staff his own administration is being compromised by people who will not stand and be counted and be accountable for the reason for their opposition. It is being done in the dark, secretly, and without any accountability. I agree that needs to be put to an end.

So I urge people who are watching this: The sixth day has begun—6 days of session. At the end, we will know who is doing this or we will be able to clear these nominees, and we will have broken this unfortunate practice, to a significant degree or we will have learned something I think very unfortunate about our friends on the other side; that is, that they have agreed to connive with one another to play a switcharoo and bring in a new Senator to dodge the clear import of the rule that the Senator from Oregon and Senator GRASSLEY worked on, on a bipartisan basis, to put into effect in this body and which was approved by an enormous majority of this body. So the clock is running and we will see. We will learn a lot about this institution and our colleagues in 6 days. I thank the Senator for his leadership on this issue.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## 40TH ANNIVERSARY OF EARTH DAY

Mr. FEINGOLD. Mr. President, I come to the floor to recognize the 40th anniversary of Earth Day and to remember the man who founded Earth Day, the late Wisconsin Governor and Senator Gaylord Nelson.

Before he was the founder of Earth Day, and one of the Nation's greatest conservationists, he was a son of Wisconsin. He was a young boy growing up in the town of Clear Lake, WI, amid the great natural beauty of our State. When asked how he developed his lifelong interest and dedication to the environment, Nelson would say ''by osmosis'' while growing up in Clear Lake, WI.

He reflected the very best of our State from the beginning, building on Wisconsin's long tradition of environmental conservation. Our State passed landmark forest and waterpower conservation acts during the progressive era and lays claim not only to Gaylord Nelson but to other giants of the conservation movement such as Aldo Leopold, John Muir, and Sigurd Olson.

All of them were inspired, as Nelson was, by the beautiful Wisconsin wilderness. The natural beauty of our State charted the course of Nelson's life, from the shores of Clear Lake to the banks of the Potomac, where he changed the way we think about our planet and changed the law to protect the water we drink and the air we breathe.

There are few Members of this body, past or present, who have left such a valuable legacy. So I am proud to help celebrate that legacy with a resolution in the House and Senate celebrating the 40th anniversary of Earth Day and its founder. As we look ahead to the many challenges we face, we can draw strength from the example Gaylord set for us all. He drove tremendous change and, with Earth Day, created a new momentum that has been critical to so many efforts to protect the health of our environment.

Gaylord also understood the connection between the two great Wisconsin traditions of fiscal responsibility and conservation. Too often, a Federal program that is wasting taxpayer dollars is also laying waste to our air, our water or our public lands. The Nation's outdated mining laws are a perfect example. These laws allow the mining companies to mine on our public lands for next to nothing and leave behind an environmental mess for taxpayers to clean up.

Gaylord fought to change those laws, and when I was elected to the Senate, he asked me to take up this fight and I have. I have made it part of my Control Spending Now Act, legislation to cut the deficit by about $½ trillion over the next 10 years. If we scrap these outdated mining laws, we can save taxpayers hundreds of millions of dollars and protect the public lands that belong to the American people. They do not belong to the mining companies.

I am also working on another environmental issue that has a special connection to Gaylord Nelson; that is, clean water. The man from Clear Lake did so much for clear, clean water everywhere, including being a champion of the Clean Water Act.

Today, the Clean Water Act is under threat because two recent Supreme Court decisions have jeopardized its protections. Those decisions put nearly 20 million acres of wetlands habitat and more than 50 percent of our stream miles in the lower 48 States at risk. These waters could now become polluted or wiped out altogether unless Congress takes action.

I am working to see that Congress stands up to the special interests that want to roll back the Clean Water Act's protections and ensure that these bodies of water can continue to provide drinking water, wildlife habitat, recreation, and support for industry and agriculture for generations of Wisconsinites to come.

So I have joined with Minnesota Representative JIM OBERSTAR to introduce the Clean Water Restoration Act. This bill is designed to accomplish one basic and important goal: ensure that the Clean Water Act of 1972 stays in place. There are no new regulations in our legislation, only a return to the original intent of the Clean Water Act, which has protected our waters for more than 35 years.

Gaylord Nelson and others have done so much to protect the health of our waters, and we owe it to them and to ourselves to carry that legacy forward. That is what I seek to do in the Senate with the Clean Water Restoration Act.

We face many other challenges as well. Of course, climate change looms largest of all. We need to address the serious problem of climate change and do so without unfairly hurting Wisconsin, which relies on coal for much of its energy needs. If we do this right, we have an opportunity to pass legislation that will reduce greenhouse gas emissions and create energy jobs here in America. We can help American businesses gain a competitive advantage developing new renewable energy and energy efficient technologies.

The desire to protect our air, our water, and our planet will bring people together tomorrow, all around the world. They will talk about global issues we face and the local environmental issues in their communities that they want to address. They will

organize, mobilize, and galvanize new momentum for change.

That is exactly what Gaylord Nelson intended. He knew the power of people coming together and what that could mean for the air we breathe, the water we drink, and the national parks and public lands we all cherish. He knew that these natural resources connect us all and that Earth Day would bring us together to protect them.

I am so grateful to have known Gaylord Nelson, and I am proud of the legacy he left behind. As we celebrate the 40th anniversary of Earth Day, we remember the man from Clear Lake who came to this body inspired by the beautiful Wisconsin landscape of his childhood and in the end made a better world for us all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would say to my distinguished friend from Wisconsin, I was delighted to hear those words about Gaylord Nelson. I had the privilege of serving for a term with Senator NELSON. He was down-to-earth, respected by all in this body, and he had a commitment to the environment rarely ever matched. The Senator from Wisconsin has said it far more eloquently than I could. But I think how fortunate we are that we have this Senator from Wisconsin who has carried out that commitment to the environment, that commitment to the best ideals of our government. I know our dear, departed friend Gaylord Nelson would be so proud to have the Senator here representing Wisconsin.

Mr. FEINGOLD. Mr. President, let me thank the Senator from Vermont for his kind words, for his remembering Gaylord Nelson, and, of course, for the incredible legacy of his own for the environment, coming from one of the most beautiful States in this country, Vermont. I thank him.

## 95TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, we teach our children that genocide, wherever it occurs, is a crime against humanity that must never be tolerated or ignored. That is why it is so important for the United States to always recognize genocide for what it is and acknowledge when it takes place.

Between 1915 and 1923, the Ottoman Empire carried out genocide against the Armenian people. However, the United States has yet to recognize this stain on history by its rightful name despite an irrefutable body of evidence documenting the atrocities.

Diplomats, members of the military, humanitarians, journalists and others from the United States and around the world saw with their own eyes the deportation, starvation, drowning and murder of an estimated 1.5 million Armenians. And there are countless testimonies from victims who lived to tell of their experiences.

The American Ambassador to the Ottoman Empire, Henry Morganthau, wrote:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal the fact.

There were great efforts made by Americans to relieve the suffering of the victims of what would become the first genocide of the 20th century. Powerful leaders of industry and government did speak out. Schoolchildren and poor families contributed mightily to try to save lives by donating whatever they could. American farmers sent food to reduce starvation.

Yet in the 95 years since the Armenian Genocide began, the word ''genocide'' has not been used by the United States to describe the atrocities carried out against the Armenians.

The United States has always been a beacon to the world—standing up for what is right and just. Now is the time for the United States to join countries such as Argentina, Belgium, Canada, Chile, Cyprus, France, Greece, Italy, Lebanon, Lithuania, the Netherlands, Poland, Russia, Slovakia, Sweden, Switzerland, Uruguay, Venezuela, and more than 40 U.S. States and unequivocally affirm the Armenian Genocide.

## TRIBUTE TO RITA McCAFFREY

Mr. LEAHY. Mr. President, a distinguished and giving Vermonter will be retiring after nearly 40 years of working on behalf of Vermont's prisoners and former prisoners. Rita Whalen McCaffrey is stepping down in May as the Executive Director of Dismas of Vermont, a residential program that helps former prisoners transition and reintegrate into society. Opened in Burlington in 1986, Dismas of Vermont has grown to provide supportive housing in three homes and three satellite apartments in the Burlington and Rutland communities, and has served more than a thousand men and women in the past 25 years.

Rita has engaged hundreds of Vermonters from all walks of life through the years to actively participate in the Mission of Dismas: to reconcile former prisoners with society and society with former prisoners through participation in a supportive family-like community. The Dismas model Rita founded in Vermont is powered by volunteers who cook and share the evening meal, choose to live in the community with the residents, and participate as active board members. The act of mutual reconciliation happens because community members come into the home and become a part of the Dismas family.

Rita's strong commitment to building and encouraging community support for former prisoners exemplifies the charitable spirit that has made Vermont one of the best places in the country to live. Her efforts have changed the direction of many lives and encouraged many to work towards reconciliation and respect. By steering former prisoners away from crime and toward a more constructive path, her work has also made the community a safer and better place to live. She leaves a legacy that is as inspiring as it is impressive, and her successor will have large shoes to fill.

As she moves on from a career path that began in 1974, I congratulate Rita for her invaluable service and leadership and I wish her a happy retirement.

## TRIBUTE TO DR. WILLIAM TORTOLANO

Mr. LEAHY. Mr. President, one of my fondest memories of my undergraduate days at St. Michael's college was getting to know both Dr. William Tortolano and his extremely accomplished wife Martha.

I could tell many stories about the Tortolanos and the times they were also part of the Leahy family. I would rather let a story in the Burlington Free Press about his retirement after a 50-year career at St. Michael's speak for me, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, April 20, 2010]

ST. MICHAEL'S COLLEGE PROFESSOR DEPARTS WITH CONCERT

(By Matt Sutkoski)

St. Michael's College emeritus professor William Tortolano has made big, varied contributions to the school in his 50-year career there.

He's taught humanities and music, directed the chorus, gave and organized countless performances, and even designed the organ in St. Michael's chapel.

So it stands to reason his going-away gift to the community is just as varied.

The free concert at 7:30 p.m. today in the chapel will feature his beloved organ, even more beloved family members, the Vermont Gregorian Chant Schola, the St. Michael's College Chorale and a wide range of musical selections.

Tortolano, 80, is founder and first chairman of the St. Michael's College fine arts department. He also founded the St. Michael's Chorale and was its director for 28 years.

Music extends deeply into his personal life. He married a musician, his three children are accomplished musicians and his grandchildren are headed in the same direction, he said. ''They were not forced into it, obviously. This was something they wanted to do,'' Tortolano said.

Tonight's concert will feature two of his children, and a grandson, a senior majoring in music at Boston College and a cellist.

Tortolano said he had some experience with organ design because he took a course

on the subject while at the New England Conservatory of Music, and he has always been interested in the instrument.

He designed the organ for the Chapel of St. Michael the Archangel with the structure's acoustics in mind. ''It has to fit the acoustics, the reverberations. You don't buy it at Walmart or anything,'' he said.

He completed the organ's design in 1962; the chapel opened in 1964; and the organ was installed in 1966, he said. At the time, it cost $13,500, which in today's dollars would be more than $97,000, according to the Consumer Price Index inflation calculator. That's not particularly expensive for a custom-made organ, he said.

St. Michael's College's student body was strictly male when Tortolano joined the faculty. He was in charge of the chorus, but as more women became students, he created a new St. Michael's Chorale in 1970, when the college became co-ed and eventually disbanded the all-male group.

Tortolano said the Chorale is among his best memories of his career. True, he performed for the Pope, and at Notre Dame, and Cambridge University. But he said he takes great joy in remaining in touch with past Chorale members and attending reunions.

This semester, Tortolano is teaching humanities, but this will be his last year, and the concert is his official retirement.

He won't just sit back. ''I feel very good, and I keep very busy,'' he said. He'll continue in music; he'll do workshops and recitals. And, Tortolano says, he'll look back fondly at his five decades at St. Michael's.

''It's been a great experience,'' he said.

## ADDITIONAL STATEMENTS

### TRIBUTE TO JANET KURLAND

• Mr. CARDIN. Mr. President, I would like to ask my colleagues to join me in recognizing Janet Kurland, a great Baltimore social worker, who is being honored next Monday by the Edward A. Myerberg Senior Center.

For decades, Janet has been a trailblazer in policies and practices pertaining to the elderly and their families. Among her many accomplishments, she was instrumental in establishing the Northwest Senior Center in 1976, the predecessor to the Myerberg Center that honors her today.

Since first receiving her master of social work degree in the early 1960s, Janet has set the gold standard for practices in gerontology. Her current work as the senior care specialist at the Jewish Family Services of Baltimore, a place where she has worked in different capacities for over 40 years, is just one highlight of what has been an outstanding career.

Janet is a sought-after consultant who has developed manuals and training courses credited with advancing best practices that have benefited the elderly in housing, life care communities, and health care facilities. Her professional uniqueness lies in her ability to carefully and compassionately assess the dynamics and needs of individuals and families in order to improve the lives of all senior citizens.

In 2001, Janet was the first recipient of the Daniel Thursz Distinguished Service Award from Kehilla, a Baltimore Jewish communal professionals association. She is also recognized by her students as an excellent teacher for the post-masters course she teaches at the University of Maryland School of Social Work called ''The Aging Process.''

Not only has Janet made in impact in Baltimore, but she could easily be called a world ambassador for the elderly as well. She has traveled extensively in Poland, Russia, Israel, China, and Kenya to train social workers and to work with elderly populations. She is highly engaged in the world around her and has proven that compassion and care can easily transcend different cultures and language barriers. Her belief that elderly people often have an untapped internal capacity to live more fully than even they themselves can imagine continues to be an inspiration for many people around the globe.

I urge my colleagues to join me in congratulating Janet on this award and in thanking her for her many years of dedicated service to our older population. The Edward A. Myerberg Senior Center, the Jewish and greater Baltimore senior community, in fact seniors around the world are benefitting from Janet Kurland's expertise and dedication.•

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4360. An act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center''.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5510. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–346, ''Fiscal Year 2010 Balanced Budget and Spending Pressure Control Plan Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5511. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–349, ''Newborn Safe Haven Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5512. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–350, ''Small Business Stabilization and Job Creation Strategy Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5513. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–351, ''Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5514. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–352, ''Prohibition Against Selling Tobacco Products to Minors Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5515. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–353, ''Third and H Streets, N.E. Economic Development Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5516. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–354, ''Foster Care Youth Identity Protection Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5517. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–355, ''Jubilee Housing Residential Rental Project Real Property Tax Exemption Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5518. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–356, ''Campbell Heights Residents Real Property Tax Exemption Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5519. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–357, ''Disposition of the Property Formerly Designated as Federal Reservations 129, 130, and 299 Approval Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5520. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–358, ''Old Morgan School Place, N.W., Designation Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5521. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–359, ''Special Event Exemption Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5522. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–360, ''SOME, Inc., Technical Amendments Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5523. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–361, ''IHOP Restaurant #3221 Tax Exemption Clarification Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5524. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–362, ''Tregaron Conservancy Clarification Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5525. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–368, ''Msgr J. Mundell Way Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5526. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–369, ''Ronald H. Brown Way Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5527. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–370, ''Rev. Dr. Edward Thomas Way Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5528. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–371, ''Council Cable Autonomy and Control Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5529. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–372, ''Tenth Street Community Park Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5530. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–373, ''Abe Pollin City Title Championship and Title Trophy Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5531. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–374, ''Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5532. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–375, ''H Street, N.E. Small Business Streetscape Construction Real Property Tax Deferral Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5533. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–376, ''Adams Morgan Main Street Group Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5534. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–377, ''Lis Pendens Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5535. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–378, ''Certified Capital Companies Improvement Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5536. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–379, ''Safe Release of Inmates Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5537. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–380, ''Uniform Unsworn Foreign Declarations Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5538. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–381, ''DC Circulator Bus Jurisdiction Expansion Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5539. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–382, ''Energy Efficiency Financing Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5540. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''National Industrial Security Program Directive No. 1'' (RIN3095–AB63) received in the Office of the President of the Senate on April 15, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5541. A communication from the Senior Procurement Analyst, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation Rewrite'' (RIN1093–AA11) received in the Office of the President of the Senate on April 15, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5542. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–41; Introduction'' (FAC 2005–41) received in the Office of the President of the Senate on April 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5543. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–41; Small Entity Compliance Guide'' (FAC 2005–41) received in the Office of the President of the Senate on April 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5544. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2009–005, Use of Project Labor Agreements for Federal Construction Projects'' ((RIN9000–AL31)(FAC 2005–41)) received in the Office of the President of the Senate on April 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5545. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2009 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–5546. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyglyceryl Phthalate Ester of Coconut Oil Fatty Acids; Exemption from the Requirement of a Tolerance; Technical Correction'' (FRL No. 8436–3) received in the Office of the President of the Senate on April 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5547. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled ''Cost and Impact on Recruiting and Retention of Providing Thrift Savings Plan Matching Contributions''; to the Committee on Armed Services.

EC–5548. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), Department of Defense, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC–5549. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Home Loan Bank Directors' Eligibility, Elections, Compensation and Expenses'' (RIN2590–AA03; RIN2590–AA31; RIN2590–AA34) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5550. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 108 Community Development Loan Guarantee Program: Participation of States as Borrowers Pursuant to Section 222 of the Omnibus Appropriations Act, 2009'' ((RIN2506–AC28)(Docket No. 5326–F–02)) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5551. A communication from the Acting Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the details of the Office's compensation plan for fiscal year 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5552. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, an annual report on the actions taken by the Commission relative to the Fair Debt Collection Practices Act during 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–5553. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Tire Fuel Efficiency Consumer Information Program'' (RIN2127–AK45) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5554. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Theft Protection and Rollaway Prevention'' (RIN2127–AK38) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5555. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Air Brake Systems'' (RIN2127–AK62) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5556. A communication from the Deputy Assistant General Counsel, Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Enhancing Airline Passenger Protections: Extension of Compliance Date for Posting of Flight Delay Data on Web Sites'' (RIN2105–AE00) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5557. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–1166)) received in the Office of the President of the Senate on April 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5558. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 767–200, –300, and –300F Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0978)) received in the Office of the President of the Senate on April 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5559. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Lampasas, TX'' ((RIN2120–AA66) (Docket No. FAA–2009–0925)) received in the Office of the President of the Senate on April 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5560. A communication from the Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a report relative to the disclosure of financial interest and recusal requirements for Regional Fishery Management Councils and Scientific and Statistical Committees; to the Committee on Commerce, Science, and Transportation.

EC–5561. A communication from the Acting Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas Sulphur Operations in the Outer Continental Shelf—Oil and Gas Production Requirements'' (RIN1010–AD12) received in the Office of the President of the Senate on April 15, 2010; to the Committee on Energy and Natural Resources.

EC–5562. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices and Communication Protocols for Public Utilities'' (FERC Docket No. RM05–5–017) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Energy and Natural Resources.

EC–5563. A communication from the Secretary of the Department of Energy, transmitting, pursuant to law, a report relative to a National Academy of Sciences study regarding the use of full-fuel-cycle measurements as part of the Department of Energy's appliance standards program; to the Committee on Energy and Natural Resources.

EC–5564. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Kentucky State Implementation Plan'' (FRL No. 9139–1) received in the Office of the President of the Senate on April 16, 2010; to the Committee on Environment and Public Works.

EC–5565. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee; Visibility Impairment Prevention for Federal Class I Areas; Removal of Federally Promulgated Provisions'' (FRL No. 9138–9) received in the Office of the President of the Senate on April 16, 2010; to the Committee on Environment and Public Works.

EC–5566. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Transportation Conformity Requirement for Bernalillo County'' (FRL No. 9140–2) received in the Office of the President of the Senate on April 16, 2010; to the Committee on Environment and Public Works.

EC–5567. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Salt Creek Tiger Beetle'' (RIN1018–AT79) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Environment and Public Works.

EC–5568. A communication from the Director of the U.S. Geological Survey, Department of the Interior, transmitting, pursuant to law, a report entitled, ''Mineral Commodity Summaries 2010''; to the Committee on Environment and Public Works.

EC–5569. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Fiscal Year 2008 Superfund Five-Year Review Report to Congress''; to the Committee on Environment and Public Works.

EC–5570. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Annexes to the Fiscal Year 2009 Annual Report on U.S. Government Assistance to and Cooperative Activities with Eurasia; to the Committee on Foreign Relations.

EC–5571. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents'' (RIN0910–AG33) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5572. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Emergency Management for Higher Education Grant Program'', received in the Office of the President of the Senate on April 14, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5573. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Family Violence Prevention and Services Program for fiscal years 2007–2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5574. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to Indian Health Service funding for contract support costs of self-determination awards; to the Committee on Indian Affairs.

EC–5575. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Table of Excluded Nonnarcotic Products: Nasal Decongestant Inhalers Manufactured by Classic Pharmaceuticals, LLC'' (Docket No. DEA–329F) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on the Judiciary.

EC–5576. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Cancellation of Rule of Practice 41.200(b) before the Board of Patent Appeals and Interference Proceedings'' (RIN0651–AC46) received in the Office of the President of the Senate on April 15, 2010; to the Committee on the Judiciary.

EC–5577. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the quarterly report of the Department of Justice's Office of Privacy

and Civil Liberties; to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–97. A resolution adopted by the Senate of the General Assembly of the State of Tennessee urging Congress to adopt legislation that would postpone the Environmental Protection Agency's effort to regulate greenhouse gas emissions from stationary sources using existing Clean Air Act Authority; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 200

Whereas, the U.S. Environmental Protection Agency's (EPA's) plan to regulate greenhouse gas (GHG) emissions from new cars and light trucks will trigger the same regulation of GHG emissions from stationary sources like manufacturing facilities, power plants, hospitals, and commercial establishments; and

Whereas, regulating greenhouse gas emissions from stationary sources under the Clean Air Act might be a great anchor on manufacturing and the economy in general; and

Whereas, the pending EPA effort might burden progress on two of the nation's top priorities, environmental improvement and economic recovery, by imposing onerous permitting requirements that will significantly delay or even eliminate investments in new energy-efficient technologies; and

Whereas, over four million jobs were lost in 2009, and the EPA's proposed regulations have the potential to cause even further job losses; and

Whereas, the regulatory requirements of the Clean Air Act will overwhelm state agencies, which are not equipped to handle the estimated six million permitting requests anticipated; and

Whereas, only Congress can act to avoid the significant costs and burdens imposed by such regulations on stationary sources, which even the EPA admits will lead to ''absurd results'': Now, therefore, be it

*Resolved by the Senate of the One Hundred Sixth General Assembly of the State of Tennessee*, That we hereby encourage the United States Congress to adopt legislation that would postpone The Environmental Protection Agency's effort to regulate greenhouse gas emissions from stationary sources using existing Clean Air Act authority until Congress adopts a balanced approach to address climate and energy supply issues without crippling the economy. Be it further

*Resolved*, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, and to each member of Tennessee's Congressional delegation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 3236. A bill to expand the National Domestic Preparedness Consortium to include the SUNY National Center for Security and Preparedness; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. INOUYE, and Mr. CRAPO):

S. 3237. A bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. SPECTER, Mr. CASEY, Mr. LAUTENBERG, Mr. MENENDEZ, and Mrs. GILLIBRAND):

S. 3238. A bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 3239. A bill to repeal unwarranted provisions from the Patient Protection and Affordable Care Act and to more efficiently use taxpayer dollars in health care spending; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. KYL):

S. 3240. A bill to increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. KAUFMAN, Mr. CASEY, Mr. MERKLEY, Mr. WHITEHOUSE, and Mr. HARKIN):

S. 3241. A bill to provide for a safe, accountable, fair, and efficient banking system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED (for himself, Mr. LEMIEUX, and Mr. BROWN of Ohio):

S. 3242. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR:

S. 3243. A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER (for himself, Mr. INHOFE, Mr. KYL, and Mr. CRAPO):

S. Con. Res. 59. A concurrent resolution expressing the sense of Congress that the United States should neither become a signatory to the Rome Statute of the International Criminal Court nor attend the Review Conference of the Rome Statute in Kampala, Uganda in May 2010; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 308

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 308, a bill to amend title 23, United States Code, to improve economic opportunity and development in rural States through highway investment, and for other purposes.

S. 309

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 309, a bill to amend title 23, United States Code, to improve highway transportation in the United States, including rural and metropolitan areas.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd anniversary of the founding of the United States Army Command and General Staff College.

S. 493

At the request of Mr. CASEY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 718, a bill to amend the Legal

Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 1060

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1060, a bill to comprehensively prevent, treat, and decrease overweight and obesity in our Nation's populations.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 2995

At the request of Mr. CARPER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 2995, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 3078

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3078, a bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes.

S. 3098

At the request of Mr. MERKLEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3098, a bill to prohibit proprietary trading and certain relationships with hedge funds and private equity funds, to address conflicts of interest with respect to certain securitizations, and for other purposes.

S. 3122

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3122, a bill to require the Attorney General of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. 3164

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3164, a bill to amend the Internal Revenue Code of 1986 to extend financing of the Superfund.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. CON. RES. 55

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 55, a concurrent resolution commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of the State of Wisconsin.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3239. A bill to repeal unwarranted provisions from the Patient Protection and Affordable Care Act and to more efficiently use taxpayer dollars in health care spending; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to repeal unwarranted and inappropriate "sweeteners" that were added to the Patient Protection and Affordable Care Act in the days before final passage of the bill.

These "sweeteners" are unjustifiable and only detract from our collective goal of putting America's health care system on a better and more sustainable path. They also undermine public confidence in the legislative process and in elected representatives in Congress.

In some cases, there are valid policy or fairness reasons why certain states or interests may receive seemingly different treatment. But several provisions were included in the health reform bill that create, rather than diminish, inequity.

This legislation would repeal four provisions in the Patient Protection and Affordable Care Act. These provisions are not supported by policy rationales and do not address any inequity in current policy. Simply put, they are intended to provide an undeserved windfall to specific states.

This legislation also amends one provision in the Patient Protection and Affordable Care Act providing increased Medicaid assistance to States recovering from natural disaster. Because there is some justification for Louisiana receiving additional help to cope with the continued aftermath of Hurricane Katrina, my legislation leaves this provision intact, but it decreases the amount of assistance available.

I was pleased to support the Patient Protection and Affordable Care Act. That law will strengthen America's health care system and reduce the national deficit and the five changes to the law that I am proposing would help us better meet those goals.

By Mr. BROWN of Ohio (for himself, Mr. KAUFMAN, Mr. CASEY, Mr. MERKLEY, Mr. WHITEHOUSE, and Mr. HARKIN):

S. 3241. A bill to provide for a safe, accountable, fair, and efficient banking system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BROWN of Ohio. Mr. President, when you look at Wall Street and you look at the relationship between far too many Senators and Wall Street, that is what got us into this mess. For the last 10 years the deregulation of the Bush administration, the people they appointed to watch, such as the head of mine safety in the Bush years was a mining executive, we paid the price for that, the people in my State, people in West Virginia. Too often families pay the price for a government not aggressive enough to regulate mine safety. We paid the price in this country because we didn't have a government aggressive enough to make the banks and Wall Street behave. That is why they were able to overreach.

That is why the legislation Senator KAUFMAN and I are introducing, with Senators CASEY, WHITEHOUSE, MERKLEY, and others, will address the issue of too big to fail. Too big to fail is not what you do if these banks are in trouble, how you pull them apart when they are about to fail, and we want to make sure we don't spend taxpayer dollars to bail them out. We make sure they don't hurt the whole financial system. Too big to fail means don't let them get too big. Even Alan Greenspan, hardly an ally in regulating the banking system, says too big to fail means too big. That is what Senator KAUFMAN and I are addressing in our legislation.

Let me give some numbers. Fifteen years ago, the six largest U.S. banks had assets equal to 17 percent, one-seventh. Fifteen years ago, the six largest U.S. banks had assets equal to 17 percent of overall GDP. Today the six largest banks have assets equal to 63 percent of overall GDP. Three of these megabanks have close to $2 trillion of assets on their balance sheets.

When that happens, we are setting ourselves up for one more round of serious problems. That is why homeowners in Youngstown lost their homes. That is why retirees in Sidney, OH lost a lot of their wealth. That is why workers in Newark, OH lost jobs—because we had a banking system that was overreaching, excessive, that became too greedy, and we didn't do enough about it.

Here is what has happened. The Ohio manufacturers I talked to this morning want to grow. They want to hire people. They have orders. They have capacity. They just can't get loans. Three of the largest banks slashed their SBA lending by 86 percent over the last year. SBA loans went from 4,200 in 2007 in Ohio alone to 2,100. At the same time banks have increased their Wall Street trading by 23 percent. Something was wrong in the last 10 years. We paid the price in the last 2 years. But something is still wrong when these banks get bigger and bigger. They trade more and more, and they lend to Main Street less and less.

That is why the legislation Senator KAUFMAN and I introduced with several other Senators today speaks to this. We need banks to serve this country. Ultimately, it is which side one is on. Are you going to side with Wall Street or Main Street?

Today in the Agriculture Committee we had Republicans and Democrats together passing legislation, strong legislation to regulate derivatives. It is a first, good bipartisan step. Senator GRASSLEY, a Republican from Iowa, joined all of us on the committee to pass a strong bill, not a bill that Wall Street helped to write but a bill that works for American consumers, American small business, American homeowners and workers.

I yield to Senator KAUFMAN.

Mr. KAUFMAN. I agree with what Senator BROWN is saying. This is a very complex bill. It is a very complex area. But what we are talking about is a very simple proposition. We can either limit the size and leverage of too big to fail financial institutions, such as the bill which Senator BROWN and I are offering now will do or we will suffer the economic consequences of their potential failure later. I personally believe breaking apart too big to fail banks is a necessary first step in preventing another cycle of boom, bust, and bailout. Even if they do that, this bill is required if, in fact, we are going to limit too big to fail.

This debate is a test of whether the power of that idea can spread and gain support. Although it is clearly the safest way to avoid another financial crisis, this idea must overcome tremendous resistance from Wall Street banks and their politically powerful campaigns against any kind of structural financial reform. Moreover, the idea must overcome the inertia and caution in a Congress drawn to easier ideas that may work. But how much should we gamble that they will work? Limiting size and leverage are fail-safe provisions to prevent a dangerous outcome. Senator BROWN and I are proposing a complementary idea to limit the size and leverage, not a substitute for breaking the banks apart.

The current banking bill has many important provisions we support. But under its approach, we must hope the financial stability oversight council can identify systemic risks before it is too late. We must hope that regulators will be emboldened to act in a timely manner when before, in the recent past, they failed to act. We must hope better transparency in financial data will produce early warning signals of systemic dangers so clear that a council and panel of judges will unhesitatingly agree. We must hope that capital requirements will be set properly in relation to risks that all too often remain purposefully hidden from view. We must hope that resolution authority will work, when we know it has no cross-border authority to resolve global financial institutions.

Under the current bill, we must hope all future Presidents will appoint regulators as determined to carry out the same strict measures preached belatedly by today's regulators who have been converted by the traumatic experience of their own failures.

All rules to restrict excessive risk taking in banking have a half life. That is because the financial sector is full of very smart people with an incentive to find their way around the rules, particularly to load up on risk, as this is what provides them their excessive profits and gigantic bonuses. I would rather not pin the future of the American economy on so much hope. I would rather Congress act now, definitively and responsibly, to end too big to fail.

The changes in regulations envisioned today in the bill we are proposing would help initially, particularly until the next free market candidate who wins appoints regulators who only believe in self-regulation. This bill establishes hard lines. One of the greatest sayings is: Good fences make good neighbors. This builds the fences. Then we let the regulators do it, and we don't have to worry about the President picking the right regulators. Our bill would provide a legislative size and leverage restriction that would last far longer than the half life of who is appointed to be regulator. We want this to operate for a generation.

In 1933, our forebears, after the Great Depression, made hard rules. They passed Glass-Steagall. They set up the FDIC. They set rules against margins, and they set the uptick rule. We should do no less. Remember, when they passed those bills in 1933, they helped us avoid a financial crisis for almost 50 years.

Some argue we need massive banks, but recent studies show that with over $100 billion in assets—and by the way, these banks, as Senator BROWN said, have over $2 trillion worth of assets—financial institutions no longer achieve additional economies of scale. They simply become dangerous concentrations of financial power that benefit from an implicit government guarantee that they will be saved if they fail. With this implicit guarantee, these firms will continue to have every incentive to use massive amounts of short-term debt to finance the purchase of risky assets. This bill would deal with their ability to be able to do that and would stop it. They would go on and be able to do this without us. They have done it in the past, and there is no reason to think they won't do it in the future until they cause the next crisis and taxpayers must bail them out again. While $100 billion banks would be smaller, they are not small banks. Such banks would have no trouble competing around the world.

Under this bill, we would still have banks far bigger than even that size. People say: Look at other countries. Look what they are doing. Just because other countries subsidize megabanks banks that could send those countries spiraling into a financial crisis should not make us want to do the same.

Everyone agrees—as the Senator from Arizona said—the most important thing is too big to fail. How much can we risk that by doing what other countries are doing, when they are creating banks that are clearly too big to fail? Most people in the oil industry did well under the breakup of Standard Oil, including its shareholders, and the breakup of AT&T helped the telecom industry become more dynamic, competitive, and profitable.

The current Senate bill contains many important provisions that address the causes of the financial crisis, but why risk leaving oversized institutions in place when they potentially are too big to fail? Instead, we should meet the challenge of the moment and have the courage to act, as in this bill, to limit the size and practices of these literally colossal financial institutions, the stability of which are a threat to our economy. This bill is the best hope to ensure future decades of financial stability and the livelihoods of the American people. This bill will put the days of too big to fail forever behind us.

Mr. BROWN of Ohio. I thank Senator KAUFMAN.

Some people think about this as a pretty big step, to decide we want to limit the size of banks. It is not something we like to do. We don't want to do more regulation than we have to. We don't want to tell successful companies not to grow. But when we look at what has happened in the past, as Senator KAUFMAN said, we did this right in

the 1930s, and it protected our financial system, with a few hiccups but no serious problems until the end of this last decade, when President Bush and the Congress, starting with President Clinton—President Bush accelerated it and weakened regulation—repealed regulation and appointed, you might use the term ''lapdogs''—that might not be a senatorial sounding word.

Mr. KAUFMAN. Lapdogs is another way of saying people who believe self-regulation will work.

Alan Greenspan also was quoted as saying we should breakup the banks; Standard Oil wasn't bad. At the time he said, after it was over, a year later he gave a speech and said: I really thought self-regulation would work. I am dismayed that it didn't.

The way I put it, it is as if there were a whole group of folks, not just in the financial regulatory area but all over the government, who basically believed the markets are great. I am a big believer in markets, but I also like football. The idea that someone would say: Football is great, but those referees keep blowing their damn whistles. Let's get the referees off the field so football players can be football players. We know what would happen if we pulled all the referees off the field in a game. I wouldn't want to be in the second pileup.

That is what we said with this. We said we are going to pull the referees off the field and see what happens. These were good people. They just didn't believe they had to regulate, and we are now seeing the results.

People say to us, when we propose these things—I have had several press people say to me—why don't we leave it up to the regulators? They can set these numbers. We shouldn't set these numbers.

Let me read from a couple things. The 1970 Bank Holding Company Act amendments gave the Fed the power to terminate a company's authority to engage in nonbanking activities, basically doing what we are talking about doing, if it finds such action is necessary to prevent undue concentration of resources—I wonder if that went on recently—decreased or unfair competition, conflicts of interest, or unsound banking practices. The Fed had the power to do this. They did not do it.

The Financial Institutions Reform Recovery Enforcement Act also gave regulators the power to restrict an institution's growth and limit its size.

What we are talking about now is giving the regulators essentially what they already have in the present bill. What Senator BROWN and I are saying—and the other cosponsors—is, the buck stops here. We should tell the regulators what these percentages are going to be. Because if we leave it up to the regulators, as Senator BROWN said, these are very powerful people and very powerful institutions.

They hire the very best people to come and make their arguments.

So if you are sitting there running a regulatory agency and you are saying: Oh my God, I don't want to do this, I don't want to shrink these things down—and remember one other thing too. As bad as things were in this latest crisis, think about what has happened during this crisis. They have all exploded. What did we have happen? JPMorgan Chase now includes Washington Mutual, a $400 billion bank. Bank of America now includes Merrill Lynch. We can go on from there. Wells Fargo now has Wachovia. These things were big. We had this mess. We deregulated. We put the regulators in. We changed laws. Now they are bigger. As the Senator says, their assets are 63 percent of the gross domestic product of this country. Fifteen years ago, they were 17 percent of gross domestic product.

What do we have to do before someone sends the message that these things are too big and that this Congress not pass the buck to the regulators, who did not do the job in the past? Let me just say this. I think the world of our regulators now. I do not think there are people in regulating now who basically believe they should not be regulated.

In 1933, we made a decision that helped us through three generations. What are we doing as Senators on the floor passing legislation based on the fact: I trust my regulators now. Why are we not passing legislation that will work over the next two or three generations—something that will work whether we get a President who believes in the fact that we should have a market or not, whether we have a good regulator or a bad regulator? Why shouldn't the Senate of the United States do its job and basically lay out restrictions of the kind that are in this bill so the regulators have them? Then they can enforce it. They can do the enforcement, which is their job. We should send a clear message to people that this is what we have to do.

Mr. BROWN of Ohio. Exactly. I say to Senator KAUFMAN, you made a point maybe 5 minutes ago that some of the smartest people in the country are working on Wall Street. There is a huge incentive for smart people to go to Wall Street and be creative and invent new financial instruments to stay, in many ways, a step ahead of the regulators, in some sense, a step ahead of the ''sheriff,'' if you will. Those regulators, who are paid probably one-tenth or one-hundredth—regulators are paid decent middle-class salaries that most Americans would be very happy with. But some of these very smart people on Wall Street are paid 100 times, 1,000 times—millions, tens of millions of dollars, and there is a huge incentive for them to figure out how to stay ahead of the regulators.

That is why it is so important that we have strong regulators. We always work to do that, and we have good regulators. It is important that a President appoint people who have the public interest in mind, which Presidents have not always done in the last decade. It is important that we write different rules, and that is exactly what we want to do to keep these banks from being so big.

We had problems with rating agencies that gamed the system. We had problems with mortgage brokers. We had problems with Wall Street. We had problems with people creating these new CDOs and other financial instruments, particularly these so-called synthetic ones that had no real basis in any wealth creation for society, only wealth creation for each other. Ultimately, that does not work for Wall Street. It certainly does not work for our country.

So in summary, as to this legislation that five or six of us are introducing today, we will likely offer it as an amendment in the next week or two. We ask our colleagues to support it. If we are going to deal with too big to fail, we surely want to deal with it on the end if there are banks that are about to fail. But we need to, sort of, ahead of time, in anticipation, deal with it by not letting these banks—no matter how good the regulators are—not letting these banks get too big.

Mr. KAUFMAN. We just have to give the regulators the tools they need to do their job, and the guidelines because we know what these guidelines are. These are not really terribly strict guidelines; they are just to have the ability to stop what is going on now, to get banks back to the size where they can be managed.

As Senator BROWN said, these banks have a competitive advantage because when they are too big to fail, not only do we have to worry about bailing them out, but all their interest rate charges are lower. We know that. The interest rate charges on CDs with these major banks—they get higher interest rates than the other banks, and it is unfair competition for all the other small banks around this country.

As I said in the beginning, this is a very simple proposition: Is the Senate going to do its job to make sure we have in place the ability to keep these banks from being too big to fail and preparing so we never have to get to the resolution authority?

Mr. BROWN of Ohio. If we do what Senator KAUFMAN said, if we do this right, it will take care of this problem so it does not happen in the next two or three generations, the way people in the 1930s did, or if we do not do it right, we are back at this in 5 or 10 or 15 years.

Mr. KAUFMAN. By the way, let me say one thing about that. I am not for overregulation. But can you imagine, if

we have another problem, what the regulation would be like then? Do you know what the proposals would be on this floor if, in fact, we have another problem? It would be draconian. It is important for all of us. We all care about our capital markets. One of the things that drive this country and make us great is the capital markets. We want them to be credible and we want them to be fair and we want them to work.

So we want to make sure we do not get faced with this. I think that is exactly what Senator BROWN and I are trying to do. We are trying to do a little bit of prevention here so we never get to that end of the road where we have to get involved in resolution authority.

Mr. BROWN of Ohio. These capital markets which worked so well for many years are not working for local manufacturers, for small businesses today.

Mr. KAUFMAN. Right.

Mr. BROWN of Ohio. I thank Senator KAUFMAN.

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Mr. REED (for himself, Mr. LEMIEUX, and Mr. BROWN of Ohio):

S. 3242. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce with Senator LEMIEUX and Senator BROWN of Ohio, the Teacher and Principal Improvement Act, to foster the development of highly skilled and effective educators.

We are slated to reauthorize the Elementary and Secondary Education Act—ESEA—this Congress for the first time since 2001. My top priority for reauthorization is to build the capacity of our Nation's schools to enhance the effectiveness of teachers, principals, school librarians, and school leaders.

Decades of research have demonstrated that improving teacher and principal quality as well as greater family involvement are the keys to raising student achievement and turning around struggling schools. Studies have found that more than 50 percentile points of the difference in student academic performance is attributed to teacher quality. The world's top performing education systems invest heavily in supporting and developing teachers. Teachers in top-ranking countries such as Finland and Singapore get 100 hours of fully paid professional development training each year. It is clear that the United States must also increase its investments in our educators to stay academically competitive in an ever-expanding global economy.

Unfortunately, every year across the country thousands of effective teachers leave the profession—many within their first years of teaching. A 2003 study by Richard Ingersoll found that one-third of all new teachers quit after three years. That turnover rate increases to nearly half—one out of every two new teachers hired—after 5 years. A report by the National Commission on Teaching and America's Future also estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is $7.3 billion annually.

However, research has shown that comprehensive mentoring and induction reduces teacher attrition by as much as half. New teachers need extra support and guidance. As such, our bill would help schools implement the key elements of effective multi-year mentoring and induction for beginning teachers, including rigorous mentor selection; ongoing mentoring with paid release time; training for mentors; and the use of research-based teaching practices such as the National Board for Professional Teaching Standards.

The bill also significantly revises ESEA's current definition of ''professional development'' to foster an ongoing culture of teacher, principal, school librarian, and staff collaboration throughout schools. All too often current professional development still consists of isolated, check-the-box activities instead of helping educators engage in sustained professional learning that is regularly evaluated for its impact on classroom practice and student achievement. Effective professional development is collaborative, job-embedded, and data-driven. Research has shown that this type of professional development has a positive impact on student learning.

Research has also increasingly emphasized the important role that effective evaluation systems can play in teacher and principal development. Unfortunately, most evaluation systems nationwide have significant flaws, including a lack of: clear standards of expected performance; meaningful differentiation of teacher performance; ongoing evaluations and classroom observations; and rigorous training of evaluators. As such, our Teacher and Principal Improvement Act would for the first time in federal law require school districts to establish rigorous, fair, and transparent evaluation systems to assess whether teachers and principals are having positive impacts on student learning. If evaluation is done right, it provides teachers and principals with individualized ongoing feedback and support on their strengths, weaknesses, and areas in need of improvement.

Principals and school leaders also have a critical role to play in leading school improvement efforts and managing a collaborative culture of ongoing professional learning and development. Research has shown that leadership is second only to classroom instruction among school-related factors that influence student outcomes. As such, this bill would provide ongoing high-quality professional development to principals and school leaders, including multi-year induction and mentoring for new administrators. In this way, we will ensure that principals and school leaders possess the knowledge and skills to use student data to inform decisionmaking, communicate with families and local communities, and design and implement strategies for addressing student needs, including for students with disabilities and English Language Learners.

Additionally, our bill recognizes the importance of creating compensated leadership opportunities for teachers to take on additional roles and responsibilities outside the classroom, which will increase collaboration and the sharing of expertise among teachers and staff and improve instructional practices throughout the school. It also seeks to include for the first time in law a requirement that districts conduct surveys of the working and learning conditions educators face so this data could be used to better target investments and support.

Another precedent set as part of this legislation is that it requires an independent, formal review of professional development, mentoring, and evaluation programs. This review would look at whether these programs are effectively implemented and raise student achievement; retain effective teachers; improve classroom and leadership practice; and increase family and community involvement. We must ensure that our teachers and school leaders not only have access to high-quality professional development opportunities, but also know whether or not those programs are actually working to improve classroom practice and student learning.

Lastly, throughout the bill, school district collaboration with teachers and staff is viewed as a key element, particularly in the development and implementation of the teacher evaluation system. Research has shown that true ''teacher buy-in'' is an important factor in ensuring the sustained success of school reform efforts. In Rhode Island, we have seen in recent months an example of this as the Providence School District, educators, and the local teacher's union partnered together to embark on critical school improvement efforts. I am pleased that the Administration also has recently recognized the importance of teacher buy-in when it awarded the first Race to the Top grants to Delaware and Tennessee—both states that had applications with nearly 100 percent local teacher union support.

I worked with a range of education organizations in developing this bill, including the Alliance for Excellent Education; American Federation of

School Administrators; American Federation of Teachers; American Association of Colleges for Teacher Education; Association for Supervision and Curriculum Development; Center for American Progress; Educational Testing Service; National Association of Elementary School Principals; National Association of Secondary School Principals; National Board for Professional Teaching Standards; National Commission on Teaching and America's Future; National Middle School Association; National Staff Development Council; National Writing Project; New Teacher Center; New Teacher Project; Pi Lambda Theta; and Teacher Advancement Program. I thank them for their input and support for the bill.

I urge my colleagues to cosponsor this bipartisan bill and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3242

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Teacher and Principal Improvement Act''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important in-school factor influencing student learning and achievement.

(2) A report by William L. Sanders and June C. Rivers showed that if 2 average 8-year-old students were given different teachers, 1 of them a high performer, the other a low performer, the students' performance diverged by more than 50 percentile points within 3 years.

(3) A similar study by Heather Jordan, Robert Mendro, and Dash Weerasinghe showed that the performance gap between students assigned 3 effective teachers in a row, and those assigned 3 ineffective teachers in a row, was 49 percentile points.

(4) In Boston, research has shown that students placed with high-performing mathematics teachers made substantial gains, while students placed with the least effective teachers regressed and their mathematics scores decreased.

(5) McKinsey & Company found that studies that take into account all of the available evidence on teacher effectiveness suggest that students placed with high-performing teachers will progress 3 times as fast as those placed with low-performing teachers.

(6) A 2003 study by Richard Ingersoll found that new teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly one-half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

(7) A report by the National Commission on Teaching and America's Future estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is $7,300,000,000 annually.

(8) Research by Thomas Smith, Richard Ingersoll, and Anthony Villar has shown that comprehensive mentoring and induction reduces teacher attrition by as much as one-half and strengthens new teacher effectiveness.

(9) A recent School Redesign Network at Stanford University and National Staff Development Council report by Linda Darling-Hammond, Ruth Chung Wei, Alethea Andree, Nikole Richardson, and Stelios Orphanos found that—

(A) a set of programs that offered substantial contact hours of professional development (ranging from 30 to 100 hours in total) spread over 6 to 12 months showed a positive and significant effect on student achievement gains; and

(B) intensive professional development, especially when it includes applications of knowledge to teachers' planning and instruction, has a greater chance of influencing teacher practices, and in turn, leading to gains in student learning. Such intensive professional development has shown a positive and significant effect on student achievement gains, in some cases by approximately 21 percentile points.

(10) Recent reports from the Center for American Progress, Education Sector, Hope Street Group, and the New Teacher Project have collectively demonstrated the significant flaws in current teacher evaluation and implementation, and the necessity for redesigning these systems and linking such evaluation to individualized feedback and substantive targeted support in order to ensure effective teaching.

(11) Research by Kenneth Liethwood, Karen Seashore Louis, Stephen Anderson, and Kyla Wahlstrom found that—

(A) leadership is second only to classroom instruction among school-related factors that influence student outcomes; and

(B) direct and indirect leadership effects account for about one-quarter of total school effects on student learning.

(12) Research by Charles Clotfelter, Helen Ladd, Kenneth Leithwood, and Anthony Milanowski has shown that the quality of working conditions, particularly supportive school leadership, impacts student academic achievement and teacher recruitment, retention, and effectiveness.

(b) PURPOSES.—The purposes of this Act are to build capacity for developing effective teachers and principals in our Nation's schools through—

(1) the redesign of teacher and principal evaluation and assessment systems;

(2) comprehensive, high-quality, rigorous multi-year induction and mentoring programs for beginning teachers, principals, and other school leaders;

(3) systematic, sustained, and coherent professional development for all teachers that is team-based and job-embedded;

(4) systematic, sustained, and coherent professional development for school principals, other school leaders, school librarians, paraprofessionals, and other staff; and

(5) increased teacher leadership opportunities, including compensation for teacher leaders who take on new roles in providing school-based professional development, mentoring, rigorous evaluation, and instructional coaching.

**SEC. 3. DEFINITIONS.**

Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by striking paragraph (34) and inserting the following:

''(34) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means comprehensive, sustained, and intensive support, provided for teachers, principals, school librarians, other school leaders, and other instructional staff, that—

''(A) fosters collective responsibility for improved student learning;

''(B) is designed and implemented in a manner that increases teacher, principal, school librarian, other school leader, paraprofessional, and other instructional staff effectiveness in improving student learning and strengthening classroom practice;

''(C) analyzes and uses real-time data and information collected from—

''(i) evidence of student learning;

''(ii) evidence of classroom practice; and

''(iii) the State's longitudinal data system;

''(D) is aligned with—

''(i) rigorous State student academic achievement standards developed under section 1111(b)(1);

''(ii) related academic and school improvement goals of the school, local educational agency, and statewide curriculum;

''(iii) statewide and local curricula; and

''(iv) rigorous standards of professional practice and development;

''(E) primarily occurs multiple times per week during the regular school day among established collaborative teams of teachers, principals, school librarians, other school leaders, and other instructional staff, by grade level and content area (to the extent applicable and practicable), which teams engage in a continuous cycle of professional learning and improvement that—

''(i) identifies, reviews, and analyzes—

''(I) evidence of student learning; and

''(II) evidence of classroom practice;

''(ii) defines a clear set of educator learning goals to improve student learning and strengthen classroom practice based on the rigorous analysis of evidence of student learning and evidence of classroom practice;

''(iii) develops and implements coherent, sustained, and evidenced-based professional development strategies to meet such goals (including through instructional coaching, lesson study, and study groups organized at the school, team, or individual levels);

''(iv) provides learning opportunities for teachers to collectively develop and refine student learning goals and the teachers' instructional practices and the use of formative assessment;

''(v) provides an effective mechanism to support the transfer of new knowledge and skills to the classroom (including utilizing teacher leaders, instructional coaches, and content experts to support such transfer); and

''(vi) provides opportunities for follow-up, observation, and formative feedback and assessment of the teacher's classroom practice, on a regular basis and in a manner that allows each such teacher to identify areas of classroom practice that need to be strengthened, refined, and improved;

''(F) regularly assesses the effectiveness of the professional development, and uses such assessments to inform ongoing improvements, in—

''(i) improving student learning; and

''(ii) strengthening classroom practice; and

''(G) supports the recruiting, hiring, and training of highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification or licensure.'';

(2) by adding at the end the following:

''(44) EVIDENCE OF CLASSROOM PRACTICE.—The term 'evidence of classroom practice'

means evidence of classroom practice gathered through multiple formats and sources, including some or all of the following:

''(A) Demonstration of effective teaching skills.

''(B) Classroom observations based on rigorous teacher performance standards or rubrics.

''(C) Student work.

''(D) Teacher portfolios.

''(E) Videos of teacher practice.

''(F) Lesson plans.

''(G) Information on the extent to which the teacher collaborates and shares best practices with other teachers and instructional staff.

''(H) Information on the teacher's successful use of research and data.

''(I) Parent, student, and peer feedback.

''(45) EVIDENCE OF STUDENT LEARNING.—The term 'evidence of student learning' means—

''(A) data, which shall include value-added data based on student learning gains and teacher impact where available, on State student academic assessments under section 1111(c); and

''(B) other evidence of student learning, including some or all of the following:

''(i) Data, which shall include value-added data based on student learning gains and teacher impact where available, on other student academic achievement assessments.

''(ii) Student work, including measures of performance criteria and evidence of student growth.

''(iii) Teacher-generated information about student goals and growth.

''(iv) Formative and summative assessments.

''(v) Objective performance-based assessments.

''(vi) Assessments of affective engagement and self-efficacy.

''(46) LOWEST ACHIEVING SCHOOL.—The term 'lowest achieving school' means a school served by a local educational agency that—

''(A) is failing to make adequate yearly progress as described in section 1111(b)(2), for the greatest number of subgroups described in section 1111(b)(2)(C)(v) and by the greatest margins, as compared to the other schools served by the local educational agency; and

''(B) in the case of a secondary school, has a graduation rate of less than 65 percent.

''(47) SCHOOL LEADER.—The term 'school leader' means an individual who—

''(A) is an employee or officer of a school; and

''(B) is responsible for—

''(i) the school's performance; and

''(ii) the daily instructional and managerial operations of the school.

''(48) TEACHING SKILLS.—The term 'teaching skills' means skills that are consistent with section 200 of the Higher Education Act of 1965 and that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;

''(D) develop and effectively apply new knowledge, skills, and practices;

''(E) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, related to teaching and learning;

''(ii) are specific to academic subject matter;

''(iii) focus on the identification of students' specific learning needs, (including children with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels), and the tailoring of academic instruction to such needs; and

''(iv) enable effective inclusion of children with disabilities and English language learners, including the utilization of—

''(I) response to intervention;

''(II) positive behavioral supports;

''(III) differentiated instruction;

''(IV) universal design of learning;

''(V) appropriate accommodations for instruction and assessments;

''(VI) collaboration skills; and

''(VII) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

''(F) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);

''(G) effectively manage a classroom, including the ability to implement positive behavioral support strategies;

''(H) communicate and work with parents, and involve parents in their children's education; and

''(I) use age-appropriate and developmentally appropriate strategies and practices.''; and

(3) by redesignating paragraphs (1) through (39), the undesignated paragraph following paragraph (39), and paragraphs (41) through (48) (as amended by this section) as paragraphs (1) through (18), (21) through (28), (30) through (40), (42) through (46), (48), (19), (20), (29), (41), and (47), respectively.

**SEC. 4. SCHOOL IMPROVEMENT.**

Section 1003(g)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6303(g)(5)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) permitted to be used to supplement the activities required under section 2502.''.

**SEC. 5. TEACHER AND PRINCIPAL PROFESSIONAL DEVELOPMENT AND SUPPORT.**

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

**''PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP**

**''SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.**

''(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) GRANTS.—From amounts made available under section 2504, the Secretary shall award grants, through allotments under paragraph (3)(A), to States to enable the States to award subgrants to local educational agencies under this part.

''(2) RESERVATIONS.—A State that receives a grant under this part for a fiscal year shall—

''(A) reserve 95 percent of the funds made available through the grant to make subgrants, through allocations under paragraph (3)(B), to local educational agencies; and

''(B) use the remainder of the funds for—

''(i) administrative activities and technical assistance in helping local educational agencies carry out this part;

''(ii) statewide capacity building strategies to support local educational agencies in the implementation of the required activities under section 2502; and

''(iii) conducting the evaluation required under section 2503.

''(3) FORMULAS.—

''(A) ALLOTMENTS.—The allotment provided to a State under this section for a fiscal year shall bear the same relation to the total amount available for such allotments for the fiscal year, as the allotment provided to the State under section 2111(b) for such year bears to the total amount available for such allotments for such year.

''(B) ALLOCATIONS.—The allocation provided to a local educational agency under this section for a fiscal year shall bear the same relation to the total amount available for such allocations for the fiscal year, as the allocation provided the State under section 2121(a) for such year bears to the total amount available for such allocations for such year.

''(4) SCHOOLS FIRST SUPPORTED.—A local educational agency receiving a subgrant under this part shall first use such funds to carry out the activities described in section 2502(a) in each lowest achieving school served by the local educational agency—

''(A) that demonstrates the greatest need for subgrant funds based on the data analysis described in subsection (b)(3); and

''(B) in which not less than 40 percent of the students enrolled in the school are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq).

''(b) LOCAL EDUCATIONAL AGENCY APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this part, a local educational agency shall submit to the State educational agency an application described in paragraph (2), and a summary of the data analysis conducted under paragraph (3), at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall include—

''(A) a description of how the local educational agency will assist the lowest achieving schools served by the local educational agency in carrying out the requirements of section 2502, including—

''(i) developing and implementing the teacher and principal evaluation system pursuant to section 2502(a)(3);

''(ii) implementing teacher induction programs pursuant to section 2502(a)(1);

''(iii) providing effective professional development in accordance with section 2502(a)(2);

''(iv) implementing mentoring, coaching, and sustained professional development for school principals and other school leaders pursuant to section 2502(a)(4); and

''(v) providing significant and sustainable teacher stipends, pursuant to section 2502(a)(6);

''(B) a description of how the local educational agency will—

''(i) conduct and utilize valid and reliable surveys pursuant to section 2502(b); and

''(ii) ensure that such programs are integrated and aligned pursuant to section 2502(c);

''(C)(i) a description of how the local educational agency will use subgrant funds to target and support the lowest achieving schools described in section 2501(a)(4) before using funds for other lowest achieving schools; and

''(ii) a list that identifies all of the lowest achieving schools that will be assisted under the subgrant;

''(D) a description of how the local educational agency will enable effective inclusion of children with disabilities and English language learners, including through utilization by the teachers, principals, and other school leaders of the local educational agency of—

''(i) response to intervention;

''(ii) positive behavioral supports;

''(iii) differentiated instruction;

''(iv) universal design of learning;

''(v) appropriate accommodations for instruction and assessments;

''(vi) collaboration skills; and

''(vii) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

''(E) a description of how the local educational agency will assist the lowest achieving schools in utilizing real-time student learning data, based on evidence of student learning and evidence of classroom practice, to—

''(i) drive instruction; and

''(ii) inform professional development for teachers, mentors, principals, and other school leaders; and

''(F) a description of how the programs and assistance provided under section 2502 will be managed and designed, including a description of the division of labor and different roles and responsibilities of local educational agency central office staff members, school leaders, teacher leaders, coaches, mentors, and evaluators.

''(3) DATA ANALYSIS.—A local educational agency desiring a subgrant under this part shall, prior to applying for the subgrant, conduct a data analysis of each school served by the local educational agency, based on data and information collected from evidence of student learning, evidence of classroom practice, and the State's longitudinal data system, in order to—

''(A) determine which schools have the most critical teacher, principal, and other school leader quality, effectiveness, and professional development needs; and

''(B) allow the local educational agency to identify the specific needs regarding the quality, effectiveness, and professional development needs of the school's teachers, principals, and other school leaders, including with respect to instruction provided for individual student subgroups (including children with disabilities and English language learners) and specific grade levels and content areas.

''(4) JOINT DEVELOPMENT AND SUBMISSION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall—

''(i) jointly develop the application and data analysis framework under this subsection with local organizations representing the teachers, principals, and other school leaders in the local educational agency; and

''(ii) submit the application and data analysis in partnership with such local teacher, principal, and school leader organizations.

''(B) EXCEPTION.—A State may, after consultation with the Secretary, consider an application from a local educational agency that is not jointly developed and submitted in accordance with subparagraph (A) if the application includes documentation of the local educational agency's extensive attempt to work jointly with local teacher, principal, and school leader organizations.

**''SEC. 2502. USE OF FUNDS.**

''(a) INDUCTION, PROFESSIONAL DEVELOPMENT, AND EVALUATION SYSTEM.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teacher and principal quality through a system of teacher and principal induction, professional development, and evaluation. Such system shall be developed, implemented, and evaluated in collaboration with local teacher, principal, and school leader organizations and local teacher, principal, and school leader preparation programs and shall provide assistance to each school that the local educational agency has identified under section 2501(b)(2)(C)(ii), to—

''(1) implement a comprehensive, coherent, high quality formalized induction program for beginning teachers during not less than the teachers' first 2 years of full-time employment as teachers with the local educational agency, that shall include—

''(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, including requirements that the mentor demonstrate—

''(i) a proven track record of improving student learning;

''(ii) strong interpersonal and oral and written communication skills;

''(iii) exemplary teaching skills, particularly with diverse learners, including children with disabilities and English language learners;

''(iv) skill in enabling the effective inclusion of diverse learners, including children with disabilities and English language learners;

''(v) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

''(vi) willingness and experience in using real-time data, as well as school and classroom level practices that have demonstrated the capacity to—

''(I) improve student learning and classroom practice; and

''(II) inform instruction and professional growth;

''(vii) skill in engaging in successful collaboration with other teachers, other school leaders, and staff;

''(viii) extensive knowledge of planning effective assessments and analysis of student data;

''(ix) ability to address needs of adult learners in professional development;

''(x) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring;

''(xi) skill in promoting teacher reflection through formative assessment processes, including conversations with beginning teachers using evidence of student learning and evidence of classroom practice; and

''(xii) ability to improve the effectiveness of the mentor's mentees, as assessed by the evaluation system described in paragraph (3);

''(B) a program of high quality, intensive, and ongoing mentoring and mentor-teacher interactions that—

''(i) matches mentors with beginning teachers by grade level and content area, to the extent practicable;

''(ii) assists each beginning teacher in—

''(I) analyzing data based on the beginning teacher's evidence of student learning and evidence of classroom practice, and utilizing research-based instructional strategies, including differentiated instruction, to inform and strengthen such practice;

''(II) developing and enhancing effective teaching skills;

''(III) enabling effective inclusion of children with disabilities and English language learners, including through the utilization of—

''(aa) response to intervention;

''(bb) positive behavioral supports;

''(cc) differentiated instruction;

''(dd) universal design of learning;

''(ee) appropriate accommodations for instruction and assessments;

''(ff) collaboration skills; and

''(gg) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

''(IV) using formative assessments to—

''(aa) collect and analyze classroom-level data;

''(bb) foster evidence-based discussions;

''(cc) provide opportunities for self assessment;

''(dd) examine classroom practice; and

''(ee) establish goals for professional growth; and

''(V) achieving the goals of the school, district, and statewide curricula;

''(iii) provides regular and ongoing opportunities for beginning teachers and mentors to observe each other's teaching methods in classroom settings during the school day;

''(iv) models innovative teaching methodologies through techniques such as team teaching, demonstrations, simulations, and consultations;

''(v) aligns with the mission and goals of the local educational agency and school;

''(vi)(I) acts as a vehicle for a beginning teacher to establish short- and long-term planning and professional goals and to improve student learning and classroom practice; and

''(II) guides, monitors, and assesses the beginning teacher's progress toward such goals;

''(vii) assigns not more than 12 beginning teacher mentees to a mentor who works full-time, and reduces such maximum number of mentees proportionately for a mentor who works on a part-time basis;

''(viii) provides joint professional development opportunities for mentors and beginning teachers;

''(ix) may include the use of master teachers to support mentors or other teachers;

''(x) improves student learning and classroom practice, as measured by the evaluation system described in paragraph (3); and

''(xi) assists each beginning teacher in—

''(I) connecting students' prior knowledge, life experience, and interests with learning goals; and

''(II) engaging students in problem-solving and critical thinking;

''(C) paid school release time of not less than 90 minutes per week for high quality mentoring and mentor-teacher interactions;

''(D) foundational training and ongoing professional development for mentors that support the high quality mentoring and mentor-teacher interactions described in subparagraph (B); and

''(E) use of research-based teaching standards, formative assessments, teacher portfolio processes (such as the National Board for Professional Teaching Standards certification process), and teacher development protocols that supports the high quality mentoring and mentor-teacher interactions described in subparagraph (B);

''(2) implement high-quality effective professional development for teachers, principals, school librarians, and other school

leaders serving the schools targeted for assistance under the subgrant;

''(3) develop and implement a rigorous, transparent, and equitable teacher and principal evaluation system for all schools served by the local educational agency that—

''(A)(i) provides formative individualized feedback to teachers and principals on areas for improvement;

''(ii) provides for substantive support and interventions targeted specifically on such areas of improvement; and

''(iii) results in summative evaluations;

''(B) differentiates the effectiveness of teachers and principals using multiple rating categories that take into account evidence of student learning;

''(C) shall be developed, implemented, and evaluated in partnership with local teacher and principal organizations; and

''(D) includes—

''(i) valid, clearly defined, and reliable performance standards and rubrics for teacher evaluation based on multiple performance measures, which shall include a combination of—

''(I) evidence of classroom practice; and

''(II) evidence of student learning as a significant factor;

''(ii) valid, clearly defined, and reliable performance standards and rubrics for principal evaluation based on multiple performance measures of student learning and leadership skills, which standards shall include—

''(I) planning and articulating a shared and coherent schoolwide direction and policy for achieving high standards of student performance;

''(II) identifying and implementing the activities and rigorous curriculum necessary for achieving such standards of student performance;

''(III) supporting a culture of learning and professional behavior and ensuring quality measures of classroom practice;

''(IV) communicating and engaging parents, families, and other external communities; and

''(V) collecting, analyzing, and utilizing data and other tangible evidence of student learning and evidence of classroom practice to guide decisions and actions for continuous improvement and to ensure performance accountability;

''(iii) multiple and distinct rating options that allow evaluators to—

''(I) conduct multiple classroom observations throughout the school year;

''(II) examine the impact of the teacher or principal on evidence of student learning and evidence of classroom practice;

''(III) specifically describe and compare differences in performance, growth, and development; and

''(IV) provide teachers or principals with detailed individualized feedback and evaluation in a manner that allows each teacher or principal to identify the areas of classroom practice that need to be strengthened, refined, and improved;

''(iv) implementing a formative assessment and summative evaluation process based on the performance standards established under clauses (i) and (ii);

''(v) rigorous training for evaluators on the performance standards established under clauses (i) and (ii) and the process of conducting effective evaluations, including how to provide specific feedback and improve teaching and principal practice based on evaluation results;

''(vi) regular monitoring and assessment of the quality and fairness of the evaluation system and the evaluators' judgements, including with respect to—

''(I) inter-rater reliability, including independent or third-party reviews;

''(II) student assessments used in the evaluation system;

''(III) the performance standards established under clauses (i) and (ii);

''(IV) training and qualifications of evaluators; and

''(V) timeliness of teacher and principal evaluations and feedback;

''(vii) a plan and substantive targeted support for teachers and principals who fail to meet the performance standards established under clauses (i) and (ii);

''(viii) a streamlined, transparent, fair, and objective decisionmaking process for documentation and removal of teacher and principals who fail to meet such performance standards, as governed by any applicable collective bargaining agreement or State law and after substantive targeted and reasonable support has been provided to such teachers and principals; and

''(ix) in the case of a local educational agency in a State that has a State evaluation framework, the alignment of the local educational agency's evaluation system with, at a minimum, such framework and the requirements of this paragraph;

''(4) implement ongoing high-quality support, coaching, and professional development for principals and other school leaders serving the schools targeted for assistance under such subgrant, which shall—

''(A) include a comprehensive, coherent, high-quality formalized induction program outside the supervisory structure for beginning principals and other school leaders, during not less than the principals' and other school leaders' first 2 years of full-time employment as a principal or other school leader in the local educational agency, to develop and improve the knowledge and skills described in subparagraph (B), including—

''(i) a rigorous mentor or coach selection process based on exemplary administrative expertise and experience;

''(ii) a program of ongoing opportunities throughout the school year for the mentoring or coaching of beginning principals and other school leaders, including opportunities for regular observation and feedback;

''(iii) foundational training and ongoing professional development for mentors or coaches; and

''(iv) the use of research-based leadership standards, formative and summative assessments, or principal and other school leader protocols (such as the National Board for Professional Teaching Standards Certification for Educational Leaders program or the 2008 Interstate School Leaders Licensure Consortium Standards); and

''(B) improve the knowledge and skills of school principals and other school leaders in—

''(i) planning and articulating a shared and clear schoolwide direction, vision, and strategy for achieving high standards of student performance;

''(ii) identifying and implementing the activities and rigorous student curriculum and assessments necessary for achieving such standards of performance;

''(iii) managing and supporting a collaborative culture of ongoing learning and professional development and ensuring quality evidence of classroom practice (including shared or distributive leadership and providing timely and constructive feedback to teachers to improve student learning and strengthen classroom practice);

''(iv) communicating and engaging parents, families, and local communities and organizations (including engaging in partnerships among elementary schools, secondary schools, and institutions of higher education to ensure the vertical alignment of student learning outcomes);

''(v) collecting, analyzing, and utilizing data and other tangible evidence of student learning and classroom practice (including the use of formative and summative assessments) to—

''(I) guide decisions and actions for continuous instructional improvement; and

''(II) ensure performance accountability;

''(vi) managing resources and school time to ensure a safe and effective student learning environment; and

''(vii) designing and implementing strategies for differentiated instruction and effectively identifying and educating diverse learners, including children with disabilities and English language learners;

''(5)(A) create or enhance opportunities for teachers to assume new school leadership roles and responsibilities, including—

''(i) serving as mentors, instructional coaches, or master teachers; or

''(ii) assuming increased responsibility for professional development activities, curriculum development, or school improvement and leadership activities; and

''(B) provide training for teachers who assume such school leadership roles and responsibilities; and

''(6) provide significant and sustainable stipends above a teacher's base salary for teachers that serve as mentors, instructional coaches, teacher leaders, or evaluators under the programs described in this subsection.

''(b) SURVEY.—A local educational agency receiving a subgrant under this part shall conduct a valid and reliable full population survey of teaching and learning, at the school and local educational agency level, and include, as topics in the survey, not less than the following elements essential to improving student learning and retaining effective teachers:

''(1) Instructional planning time.

''(2) School leadership.

''(3) Decision-making processes.

''(4) Teacher professional development.

''(5) Facilities and resources, including the school library.

''(6) Beginning teacher induction.

''(7) School safety and environment.

''(c) INTEGRATION AND ALIGNMENT.—The system described in subsection (a) shall—

''(1) integrate and align all of the activities described in such subsection;

''(2) be informed by, and integrated with, the results of the survey described in subsection (b);

''(3) be aligned with the State's school improvement efforts under sections 1116 and 1117; and

''(4) be aligned with the programs funded under title II of the Higher Education Act of 1965 and other professional development programs authorized under this Act.

''(d) ELIGIBLE ENTITIES.—The assistance required to be provided under this section may be provided—

''(1) by the local educational agency; or

''(2) by the local educational agency, in collaboration with—

''(A) the State educational agency;

''(B) an institution of higher education;

''(C) a nonprofit organization;

''(D) a teacher organization;

''(E) a principal or school leader organization;

''(F) an educational service agency;

''(G) a teaching residency program; or

''(H) another nonprofit entity with experience in helping schools improve student achievement.

**''SEC. 2503. PROGRAM EVALUATION.**

''(a) IN GENERAL.—Each program required under section 2502(a) shall include a formal evaluation system to determine, at a minimum, the effectiveness of each such program on—

''(1) student learning;

''(2) retaining teachers and principals, including differentiating the retainment data by profession and by the level of performance of the teachers and principals, based on the evaluation system described in section 2502(a)(3);

''(3) teacher, principal, and other school leader practice, which shall include, for teachers and principals, practice measured by the teacher and principal evaluation system described in section 2502(a)(3);

''(4) student graduation rates, as applicable;

''(5) teaching, learning, and working conditions;

''(6) parent, family, and community involvement and satisfaction;

''(7) student attendance rates;

''(8) teacher and principal satisfaction; and

''(9) student behavior.

''(b) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in subsection (a) shall also measure the effectiveness of the local educational agency and school in—

''(1) implementing the comprehensive induction program described in section 2502(a)(1);

''(2) implementing high-quality professional development described in section 2502(a)(2);

''(3) developing and implementing a rigorous, transparent, and equitable teacher and principal evaluation system described in section 2502(a)(3);

''(4) implementing mentoring, coaching, and professional development for school principals and other school leaders described in section 2502(a)(4);

''(5) ensuring that mentors, teachers, and schools are using data to inform instructional practices; and

''(6) ensuring that the comprehensive induction and high-quality mentoring required under section 2502(a)(1) and the high impact professional development required under section 2502(a)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117.

''(c) CONDUCT OF EVALUATION.—The evaluation described in subsection (a) shall be—

''(1) conducted by the State, an institution of higher education, or an external agency that is experienced in conducting such evaluations; and

''(2) developed in collaboration with groups such as—

''(A) experienced educators with track records of success in the classroom;

''(B) institutions of higher education involved with teacher induction and professional development located within the State; and

''(C) local teacher, principal, and school leader organizations.

''(d) DISSEMINATION.—

''(1) IN GENERAL.—The results of the evaluation described in subsection (a) shall be submitted to the Secretary.

''(2) DISSEMINATION.—The Secretary shall make the results of each evaluation described in subsection (a) available to States, local educational agencies, and the public.

**''SEC. 2504. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2011 and such sums as may be necessary for each succeeding fiscal year.''.

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By Mr. PRYOR:

S. 3243. A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. PRYOR. Mr. President, I rise today to discuss the related problems of corruption at the U.S. border with Mexico, turf wars between Federal investigators of corruption, and inadequate screening for corruption of law enforcement personnel. Solving these problems is crucial to ensuring we have a system that keeps drugs out, guns in, and maintains an effective defense against efforts by drug cartels to infiltrate parts of the Department of Homeland Security tasked with border security.

The Mexican cartels that dominate drug trafficking into the U.S. are sophisticated, ruthless, and well-funded. They operate widely in Mexico through bribery and corruption and smuggle up to $25 billion of illegal drugs as well as people into the U.S. They also smuggle illegal guns and drug money back into Mexico. In 2009, drug violence in Mexico resulted in over 9,600 murders. Already this year there have been over 3,300 murders. Some of the illegal drugs and money goes to and through my State of Arkansas.

The cartels used to operate differently in the U.S. relying mostly on stealth and a U.S. distribution network that reportedly includes operations in an estimated 230 American cities. In my State, the network includes the cities of Little Rock, Fort Smith and Fayetteville. The heightened U.S. border defenses have put a squeeze on cartels. They have tried to regain an advantage by exporting to the U.S. their experience and success in bribing and corrupting government officials who can facilitate their business.

Today, I am introducing legislation and sending a letter with three other senators to the Secretary of the Department of Homeland Security to reverse what has become a successful campaign by drug cartels to infiltrate U.S. law enforcement. At risk here is more than drug trafficking. National security is also threatened because border weaknesses can be exploited by terrorists to transport operatives and weapons into the U.S.

At a recent hearing I chaired in a subcommittee of the Homeland Security Committee, witnesses revealed that while an array of U.S. Government agencies have been targeted for infiltration by the cartels, the U.S. Customs and Border Protection, known as CBP, has been shockingly susceptible to the threat. Federal investigators testified that 129 CBP officials have been arrested on corruption charges since 2003. In addition, the DHS Inspector General opened 576 allegations of corruption within CBP in 2009. Now, the vast majority of CBP officers are good, decent, hard-working people. That is why we need to help them root out those that are corrupting the system.

Some of CBP's susceptibility to infiltrate is the result of the high-threat environment in which CBP works. But it is also because the dramatic increases in staff levels since 2003—which is a good thing—means that the agency doesn't always meet its own guidelines for screening of job applicants and existing employees. That is not as good, and we need to take action to make sure that the processes in place to uncover infiltration and corruption are effective.

Established personnel integrity policies call for polygraph examinations and background investigations of all job applicants for CBP law enforcement positions as part of the screening process prior to being offered employment, however less than 15 percent received the full screening in 2009. CBP also has a 10,000 person backlog on these reinvestigations of existing personnel.

There are also indications that there may be coordination and information sharing problems between the DHS components responsible for investigating corruption. Evidence of these problems include a December 16, 2009, memo from the DHS Inspector General's office and a March 30, 2010, Washington Post article detailing a lack of coordination between Federal investigators regarding corruption cases.

As we seem to learn over and over again, cooperation and coordination by Federal, state, and local law enforcement is essential to identifying and defeating threats to our national security. The threat of infiltration by drug cartels is no different.

I am deeply concerned that the department responsible for the security of our homeland is falling short in these important areas.

To address these problems, I am sending a letter along with Senators FEINGOLD, WYDEN, and BURRIS to DHS Secretary Napolitano requesting that she resolve turf issues between investigators and integrity screening shortcomings at CBP. I ask unanimous consent that this letter be inserted in the RECORD after my statement.

I am also introducing the Anti-Border Corruption Act of 2010. My bill requires DHS to address the integrity

screening problems at CBP and make progress reports to Congress. Specifically, it requires that DHS take such actions as necessary to ensure that the backlog of periodic background investigations is cleared up within 60 days. It also requires job applicants to receive the polygraph test as required by DHS policy within 2 years.

Finally, I close with a message about and to the men and women at Customs and Border Protection. Despite the unfortunate actions of a few that dishonor a proud tradition at CBP, we know the vast majority of CBP employees are patriotic, honest, and hardworking. We know and value the contribution they make to the safety of America and the risks that they take on our behalf. They deserve and have our thanks, support, and commitment to help them weed out bad elements in their organization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 3243

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Anti-Border Corruption Act of 2010''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) According to the Office of the Inspector General of the Department of Homeland Security, since 2003, 129 U.S. Customs and Border Protection officials have been arrested on corruption charges and, during 2009, 576 investigations were opened on allegations of improper conduct by U.S. Customs and Border Protection officials.

(2) To foster integrity in the workplace, established policy of U.S. Customs and Border Protection calls for—

(A) all job applicants for law enforcement positions at U.S. Customs and Border Protection to receive a polygraph examination and a background investigation before being offered employment; and

(B) relevant employees to receive a periodic background reinvestigation every 5 years.

(3) According to the Office of Internal Affairs of U.S. Customs and Border Protection—

(A) in 2009, less than 15 percent of applicants for jobs with U.S. Customs and Border Protection received polygraph examinations;

(B) as of March 2010, U.S. Customs and Border Protection had a backlog of approximately 10,000 periodic background reinvestigations of existing employees; and

(C) without additional resources, by the end of fiscal year 2010, the backlog of periodic background reinvestigations will increase to approximately 19,000.

**SEC. 3. REQUIREMENTS WITH RESPECT TO ADMINISTERING POLYGRAPH EXAMINATIONS TO LAW ENFORCEMENT PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.**

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after the date of the enactment of this Act, all applicants for law enforcement positions with U.S. Customs and Border Protection receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after the date of the enactment of this Act, U.S. Customs and Border Protection initiates or completes all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before the date of the enactment of this Act.

**SEC. 4. PROGRESS REPORT.**

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through the date that is 2 years after such date of enactment, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress made by U.S. Customs and Border Protection toward complying with section 3.

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APRIL 21, 2010.

Hon. JANET NAPOLITANO,
*Secretary, Department of Homeland Security, Washington, DC.*

DEAR SECRETARY NAPOLITANO: In a recent hearing in the Homeland Security and Governmental Affairs Subcommittee on State, Local, and Private Sector Preparedness and Integration on the corruption of U.S. officials by Mexican drug cartels, senior officials of the Department of Homeland Security (DHS) testified that drug cartels are specifically targeting and infiltrating federal law enforcement agencies along the southwest border. These corruption activities encompass almost every layer of the DHS border security strategy.

Of concern are indications that there may be coordination and information sharing problems that result in duplication of investigative efforts between the DHS components responsible for investigating corruption. Evidence of these problems include the attached December 16, 2009, memo from the DHS Inspector General's office asserting jurisdiction over corruption investigations currently being carried out by the Customs and Border Protection Internal Affairs and a March 30, 2010, Washington Post article detailing a lack of coordination between Federal investigators regarding corruption cases. We ask that you assist these DHS components in developing clearly defined roles and responsibilities regarding corruption investigations to ensure proper sharing of information and prevention of duplicative investigations. It is our belief that cooperation and participation by Federal, state, and local law enforcement is essential to eliminating this growing threat to our national security.

Also of concern was testimony regarding significant, growing corruption within U.S. Customs and Border Protection (CBP) where 129 officials have been arrested on corruption charges since 2003. The DHS Inspector General reported that it had opened 576 allegations of corruption within CBP in 2009. It appears that CBP has been susceptible to infiltration and corruption because it occupies the front line in the prevention of smuggling and illegal border crossings into the U.S., its dramatic increases in staff levels since 2003, and DHS not meeting its own guidelines for integrity screening of job applicants and existing employees.

Hearing testimony established that although DHS integrity policies call for polygraph examinations and background investigations of all new job applicants for CBP law enforcement positions as part of the screening process prior to being offered employment, less than 15% received the full screening in 2009. Testimony also established that periodic reinvestigations are required of current law enforcement personnel to uncover signs of corruption. CBP currently has a 10,000 person backlog of periodic reinvestigations, with the number expected to rise to 19,000 by the end of this year.

These shortcomings pose a clear national security risk. We believe this issue requires your immediate attention and would like you to examine and specify what DHS is currently doing to properly address these problems. We look forward to working with you to solve this problem.

Sincerely,

RUSSELL D. FEINGOLD.
MARK L. PRYOR.
RON WYDEN.
ROLAND W. BURRIS.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 59—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES SHOULD NEITHER BECOME A SIGNATORY TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT NOR ATTEND THE REVIEW CONFERENCE OF THE ROME STATUTE IN KAMPALA, UGANDA IN MAY 2010

Mr. VITTER (for himself, Mr. INHOFE, Mr. KYL, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 59

Whereas President William Clinton signed the Rome Statute on the International Criminal Court (''Rome Statute'') through a designee on December 31, 2000, but acknowledged ''significant flaws'' in the treaty, and recommended that President-elect George W. Bush not submit the treaty to the Senate for advice and consent;

Whereas the ''significant flaws'' identified by President Clinton—including the fact that the International Criminal Court (''ICC'') claims the power to exercise authority and jurisdiction over the citizens of nations that have not ratified the treaty—persist and have not been remedied;

Whereas President Bush, through Undersecretary of State for Arms Control John Bolton, notified United Nations Secretary-General Kofi Annan on May 6, 2002, that the United States does not intend to become a party to the Rome Statute and therefore has no legal obligations arising from its signature on December 31, 2000;

Whereas the United States Government, acting through its elected representatives, is the sole arbiter regarding decisions on the use of military force in its defense or in the defense of its allies;

Whereas the Rome Statute undermines national sovereignty and established principles of customary international law by claiming the authority in certain circumstances to investigate and prosecute citizens and military

personnel of a country that is not a party to the treaty and has not accepted the jurisdiction of the court;

Whereas the United Nations Security Council—upon which the United States holds a permanent, veto-wielding seat—is conferred under the United Nations Charter with ''primary responsibility for the maintenance of international peace and security'';

Whereas the authority of the ICC inappropriately intrudes upon the United Nations Security Council's primary responsibility under the United Nations Charter for the maintenance of international peace and security;

Whereas, in September 2009, the ICC Office of the Prosecutor announced that ICC personnel were investigating accusations of war crimes and crimes against humanity allegedly committed by United States and NATO forces fighting in Afghanistan;

Whereas the parties to the Rome Statute have failed to establish a definition of the ''crime of aggression'';

Whereas the United States Government has at various times been accused of ''aggression'', including the congressionally authorized use of military force against Iraq in 2003;

Whereas the Rome Statute would subject United States citizens and military personnel charged with crimes before the ICC to trial and punishment without the basic rights and protections provided to criminal defendants and guaranteed by the United States Constitution, including a right to a jury trial by one's peers, protection from double jeopardy, the right to confront one's accusers, and the right to a speedy trial;

Whereas the first Review Conference on the Rome Statute will be held in Kampala, Uganda from May 31 to June 11, 2010, to consider amendments to the Rome Statute and to take stock of its implementation and impact; and

Whereas the draft provisional agenda of the Review Conference indicates that the Assembly of States Parties of the ICC has no intention of addressing the grave and persistent concerns of the United States regarding the Rome Statute: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) the national interests of the United States are neither preserved nor advanced by becoming a State Party to the Rome Statute on the International Criminal Court;

(2) the Rome Statute undermines the sovereignty of the United States, hinders its ability to defend itself and its allies with military force, and conflicts with the principles of the United States Constitution;

(3) President Barack Obama should declare that the United States does not intend to ratify the Rome Statute and that the United States does not presently consider itself to be a signatory of the treaty; and

(4) given that the Assembly of States Parties has no discernable intention of addressing United States concerns regarding the treaty, President Obama should neither attend nor send a delegation to the Review Conference of the Rome Statute in Kampala, Uganda commencing May 31, 2010.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on April 21, 2010, at 9:30 a.m. in room G50 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 21, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 21, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 21, 2010, at 10 a.m. to conduct a hearing entitled ''The Lessons and Implications of the Christmas Day Attack: Securing the Visa Process.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on April 21, 2010, at 2:30 p.m. to conduct a hearing entitled ''The FY2011 budget Request for the Small Business Administration.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on April 21, 2010. The Committee will meet in room 418 of the Russell Senate Office building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on April 21, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 21, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on April 21, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that Randy Fasnacht, a detailee with Senator REED (RI) to the Subcommittee on Securities, Insurance, and Investments, be granted the privileges of the floor for the remainder of the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNIZING THE LEADERSHIP AND HISTORICAL CONTRIBUTIONS OF DR. HECTOR GARCIA

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 222 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 222) recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 222) was agreed to.

The preamble was agreed to.

## CONGRATULATING THE REPUBLIC OF SERBIA

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 483.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 483) congratulating the Republic of Serbia's application for European Union membership and recognizing Serbia's active efforts to integrate into Europe and the global community.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The resolution (S. Res. 483) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 483

Whereas the United States has been a strong supporter of the European Union (EU);

Whereas the year 2010 marks a full decade of efforts of the Government of Serbia to reintegrate into Europe and the global community;

Whereas, on November 30, 2009, the EU decided that the citizens of "Serbia will be able to travel without visa to the Schengen area" permitting the greater integration of Serbia into Europe;

Whereas a democratically elected Government of Serbia has committed to resolving regional disagreements through diplomacy and the tenets of international law;

Whereas, on April 29, 2008, the EU and Serbia signed a Stabilization and Association Agreement, which considered "the EU's readiness to integrate Serbia to the fullest extent into the political and economic mainstream of Europe and its status as a potential candidate for EU membership";

Whereas, on June 21, 2003, the EU stated in the Summit Declaration of the EU-Western Balkans summit at Thessaloniki that "the future of the Balkans is within the EU" and that the countries of the Western Balkans' "rapprochement with the EU will go hand in hand with the development of regional co-operation";

Whereas the United States Government has supported the diplomatic efforts of the Government of Serbia to reintegrate into the global community, including a visit by Vice President Joseph Biden in May 2009; and

Whereas the United States Government has long viewed the EU as a source of stabilization, security, and prosperity for all of Europe and the world: Now, therefore, be it

*Resolved,* That the Senate—

(1) applauds the people of Serbia for furthering their commitment to democracy, free markets, tolerance, nondiscrimination, and the rule of law;

(2) urges the European Council to adopt in a timely manner a clear position on Serbia's qualifications as a candidate country;

(3) welcomes the decision of the democratically elected Government of Serbia to join the NATO Partnership for Peace Program in 2006;

(4) recognizes the cooperation of the Government of Serbia with the United States Government on issues such as democratization, anti-drug trafficking, anti-terrorism, human rights, regional cooperation, and trade;

(5) strongly urges the Government of Serbia to intensify efforts to capture and transfer at-large indictees Goran Hadzic and Ratko Mladic to the International Criminal Tribunal for the former Yugoslavia and otherwise to fully cooperate with the Tribunal; and

(6) encourages the European Union to also remain actively engaged with all countries in the Western Balkans regarding their aspirations for European integration.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–201, as amended by Public Law 105–275, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress: Patricia Atkinson of Nevada vice Dennis Holub of South Dakota and Joanna Hess of New Mexico vice Mickey Hart of California.

## ARTICLES OF IMPEACHMENT AGAINST JUDGE PORTEOUS

The PRESIDING OFFICER. The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD the replication-errata of the House of Representatives to the Answer of Judge G. Thomas Porteous, Jr., to the Articles of Impeachment against Judge Porteous, pursuant to S. Res. 457, 111th Congress, Second Session, which replication was received by the Secretary of the Senate on April 21, 2010.

The replication-errata of the House of Representatives is as follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, April 21, 2010.*

Re Impeachment of G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana, Replication—Errata

Hon. NANCY ERICKSON,
*Secretary of the Senate, U.S. Senate,*
*Washington, DC.*

DEAR MS. ERICKSON: On behalf of the House Managers, I am writing to inform the Senate of the following errata in the Replication that the House filed April 15, 2010.

Page 5, first sentence in the Section entitled "Fourth Affirmative Defense," the word "voluntary" should be deleted, so that the sentence now reads: "The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges."

Page 6, last sentence in the Section entitled "Fourth Affirmative Defense," the words "voluntary and" should be deleted, so that the sentence now reads: "Accordingly, there is simply no credible basis to argue that the Senate should not consider Judge Porteous's immunized Fifth Circuit testimony."

Page 9, first sentence in the Section entitled "Fourth Affirmative Defense," the word "voluntary" should be deleted, so that the sentence now reads: "The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges."

Page 9, last sentence in the Section entitled "Fourth Affirmative Defense," the words "voluntary and" should be deleted, so that the sentence now reads: "There is simply no credible basis to argue that the Senate should not consider Judge Porteous's immunized Fifth Circuit testimony."

I would request that any future published versions of this Replication incorporate and reflect the above changes. Further, in that the Replication has been published in the Congressional Record, to the extent consistent with the Senate rules, we respectfully request that this letter likewise be published.

A copy of this letter will be served upon counsel for Judge Porteous today through electronic mail.

Sincerely,

ALAN I. BARON,
*Special Impeachment Counsel.*

## ORDERS FOR THURSDAY, APRIL 22, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, April 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate proceed to executive session to consider the nomination of Denny Chin to be U.S. circuit judge for the Second Circuit, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. WHITEHOUSE. Mr. President, there will be up to 1 hour for debate prior to a vote on the confirmation of the Chin nomination. Senators will be notified when the vote is scheduled.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Thursday, April 22, 2010, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### FARM CREDIT ADMINISTRATION

JILL LONG THOMPSON, OF INDIANA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, VICE NANCY C. PELLETT, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### DEPARTMENT OF COMMERCE

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE CHRISTOPHER A. PADILLA, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ERIC L. HIRSCHHORN, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE MARIO MANCUSO, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL W. PUNKE, OF MONTANA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### DEPARTMENT OF THE TREASURY

MICHAEL F. MUNDACA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ERIC SOLOMON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### EXECUTIVE OFFICE OF THE PRESIDENT

ISLAM A. SIDDIQUI, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RICHARD T. CROWDER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### DEPARTMENT OF THE TREASURY

JEFFREY ALAN GOLDSTEIN, OF NEW YORK, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE ROBERT K. STEEL, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHAI RACHEL FELDBLUM, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2013, VICE LESLIE SILVERMAN, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JACQUELINE A. BERRIEN, OF NEW YORK, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2014, VICE CHRISTINE M. GRIFFIN, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE DENNIS P. WALSH, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

VICTORIA A. LIPNIC, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JULY 1, 2010, VICE NAOMI CHURCHILL EARP, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

P. DAVID LOPEZ, OF ARIZONA, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS, VICE RONALD S. COOPER, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### NATIONAL LABOR RELATIONS BOARD

MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2013, VICE PETER N. KIRSANOW, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### DEPARTMENT OF HOMELAND SECURITY

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RAFAEL BORRAS, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE ELAINE C. DUKE, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### THE JUDICIARY

JAMES KELLEHER BREDAR, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE J. FREDERICK MOTZ, RETIRING.

EDMOND E-MIN CHANG, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE ELAINE F. BUCKLO, RETIRED.

ELLEN LIPTON HOLLANDER, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE ANDRE M. DAVIS, ELEVATED.

LESLIE E. KOBAYASHI, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE HELEN W. GILLMOR, RETIRED.

SUSAN RICHARD NELSON, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA, VICE JAMES M. ROSENBAUM, RETIRED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ERIC E. FIEL

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE DENTAL CORPS, AND ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3036 AND 3039(B):

*To be major general*

COL. MING T. WONG

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

*To be rear admiral*

REAR ADM. (LH) MARK L. TIDD

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

MARK J. AGUIAR
AIMEE L. ALVIAR
STEPHANIE E. AMADOR
ARTHUR D. ANDERSON
ROBERT W. BAILEY, JR.
VICTOR BARANOWSKI
JOHNNIE I. BARRETT
LAURA A. BELT
JEANNIE M. BERRY
CYNTHIA L. BOND
PATRICK C. BOYLE
RALPH L. BURROUGHS III
BRANDY R. CASTEEL
JACQUELINE M. COLE
ERSKINE G. COOK, JR.
ELIANA J. CORAL
KRISTA R. COTTERILL
BRANDY L. COX
CINDY L. CRADDOCK
DARREN J. DAMIANI
KAREN M. DANIELS
SUANN DAVISON
DALE H. DESALIS
PAUL A. DEVAUGHN
ROBIN L. DUCKER
DANA LEA DUERR
TAMMY MICHELLE DUNHAM
JERRY M. EARL, JR.
SUSAN E. EATON
MICHAEL H. EDGING
YOGI D. EDLIN, JR.
MIRIAM EDOUARD
TRACY S. EDWARDS
WANDA L. EDWARDS
STEPHANIE M. ELLENBURG
ERNI L. EULENSTEIN
SARAH M. EVANS
ANTONIO L. FISHER
VINCENT M. GACILOS
ELOISE K. GOMEZ
KIMBERLI A. GOODNER
TRACEY A. GOSSER
WANDA R. GREENE
CONSTANCE M. GRIFFIN
JASON W. GRIMM
ORANETTA L. HALL
SHERRY A. HAMMOCK
ANASTASIA ANGELA HANSEN
GARY W. HARDY
GORDON ANTHONY HAZLETTE
SADIE M. HENRY
WAYNE P. HODSON
WANDA M. HOGGARD
MATTHEW J. HOWARD
RICHARD F. HUFF
SARAH L. HUFFMAN
GREGORY W. JOHNSON
CHRISTOPHER W. KELLY
JULIA KISS
JAMES E. KRAMER
THELMA H. LAJONDIMALANTA
JESSICA L. LAMONTAGNE
BENJAMIN P. LANDRY
RICK A. LANG
MEGAN M. LAUGHLIN
ROBIN R. LECH
KAREN C. LUGG
DEBRA S. LUNDEEN
LISA S. MADISON
ERIKA J. MCCARTHY
TROY D. MEFFERD
JOSEPH C. MELDER
BOBBY D. MITCHELL
NICOLE F. MOLETT
WILLIAM C. MOORE
MICHAEL J. MORROW
VANESSA L. MOSES
TAMMY M. MOSLEY
HASMIN E. NALES
FRANCES M. NICHOLS
CHRISTOPHER W. NIDELL
HOLLY ANN OCONNOR
CATHERINE G. ORTEGA
ANGELIQUE V. PATTERSON
MARTHA E. PAUL
REBEKAH P. PEERY
SYLVIA PENA
ANN M. PETCAVAGE
MICHELLE I. PLASTERER
MARQUITA N. PRICE
TIFFANIE L. RAMPLEY
KRIS D. RICHARDSON
STEPHEN W. RIGGS
KATHERINE S. ROBBEL
TRACY LYNN RUE
DANNY C. SANDEFUR
DARRELL W. SAYLOR
ANGELA K. SCHLOER
DANIEL J. SCHWARTZ
JIMMY D. SCOTT
DALE M. SEIGLER
DEBRA L. SIMS
JULIE A. SKINNER
DON L. SMITH
INEZ VONCEIL SMITH
KIRK A. SMITH
KRISTIN L. SMITH
MYRNA L. SPENCER
ANNE S. STALEY
DAPHNE SMALL STEPANEK
DOUGLAS W. STILES
NICOLE THOMPSON STONEBURG
DAVID R. STRICKLAND
CHAD A. STUCKEY
CHI SUH
JACQUILLA SULLIVAN MCGOWAN
KIMBERLY NOVACK TRNKA
SALVADOR V. VARGAS
MELISSA K. VESSAR
LEILA R. VON KREITOR
LISA A. WARE
DALLAS T. WEILLS III
DAVID A. WHITEHORN
CAROL DAWN WILHITE
MELINDA A. WILLIAMSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

SANDRA S. AGUILLON
JEFFREY L. ALCORN
CALVIN J. ANDERSON
BRUCE D. AUVILLE
JAMES F. BEST, JR.
RAMA BHYRAVABHOTLA
ALEXSA BILLUPS
JEFFREY S. BOSLEY
PAUL W. BOTT
JOEL E. BRADY
MEGAN S. BRANDT
KITO D. BROOKS
ROBERT S. BROWN
BRUCE W. CALLAHAN
JEFFREY W. CATHEY
COREY J. CHRISTOPHERSON
CAMERON D. CLEMENT
WARREN G. CONROW
SCOTT A. COREY
JAMIE D. CORNETT
ROBERT J. CURTIS
LAURIE R. DAVIE
JAMES W. DAVIS
HEATHER D. DESHONE
KIERAN K. DHILLON DAVIS
LUTHER E. DHILLON DAVIS
MICHAEL J. DOIRON
MELISSA M. DURHAM
JAMISON L. EARLEY
JAMES C. ENDERBY
JERRY M. FAUSCH
HEATHER WINFREE FENZL
MATTHEW R. FERRERI
BRIGITTE C. FRENCH
MOHAMMED FUAD
JENNIFER M. GIOVANNETTI
MATTHEW D. GLYNN
GABRIEL GONZALEZ
BELTECEZAR C. GOROSPE
MALAYSIA H. GRESHAM
MARTHA G. HAINEY
EYDIN D. HANSEN
TIMOTHY G. HARRELSON, JR.

TRACY L. HARRELSON
ERIC M. HENDRICKSON
CRYSTAL A. HILAIRE
SUNNY M. HOLDEN
PATRICIA E. HOOGEVEEN
KARI L. HUNTER
VINCENT X. HUONG
JARRETT R. JACK
EMBER J. JOHNSTON
BRIAN L. JONES
STEVEN A. KELHAM
JEREMY RICHARD KERSEY
ADAM B. KLEMENS
JEREMY A. KOVACS
JENNIFER JONES LAACK
DANIEL R. LANE
ROBERT A. LARKOWSKI
JUNG B. LEE
ROGER A. LEE
NANCY S. LESTER
ERIC N. LITTLEFIELD
GERARDO LOPEZ
TRAVIS K. LUNASCO
MONIKA LUNN
JOHN T. MACGREGOR
MICHAEL R. MCCARTER II
RENE M. MCQUEEN
MIKEL M. MERRITT
PAUL R. NELSON
MIA Y. NEURELL
JEFFREY A. NEWSOM
DARREN ELOF NORDIN
RANDALL A. PAPE
CHRISTOPHER S. PECHACEK
ANDREW G. PUCKETT
JOSEPH N. PUGLIESE
CHRISTOPHER M. PUTNAM
MICHAEL A. RAETHKA
CARY C. REGISTER
DENNIS J. ROBINSON
TOMAO L. ROSE
ROSALIND R. ROSS PERRY
AMANDA L. SAGER
SCOTT W. SCHAFER
ROBERT D. SCHMIDTGOESSLING
ROBERT R. SCHROPE IV
CHRISTA L. SECHRIST
SON B. SHIRAH
JENNIFER L. SHIRLEY
STEPHEN M. STOUDER
JOHN E. STUBBS
DARRELL R. STUTTS
TISHA D. SUTTON
DARRELL K. TEGTMEYER
MATTHEW A. THOMAS
CHRISTINE L. TOLBERT
JOSHUA L. TOMCHESSON
CHARLES B. TOTH
TU T. TRAN
AARON D. TRITCH
DAN T. VINCECRUZ
DAVID E. WAGNER
ERICH W. WANAGAT
SCOTT M. WHIPPLE
SUNDONIA J. WONNUM
DAVID C. WRIGHT
SHAWNA A. ZIERKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

LORI A. ADAMS
REGINA D. AGEE
NICOLE H. ARMITAGE
CONSTANCE C. BANKS
KIMBERLY A. BRIDGE
DAWN B. BROOKS
JANET D. BRUMLEY
MARYJO BURLEIGH
KRISTIN L. CARLSON
JONI M. CLEMENS
CYNTHIA A. CONNER
ZINA M. CRUMP
SUSAN F. DUKES
KATHLEEN T. FOULK
MICHELLE L. GONZALES
KIMBERLY A. GRAHAM
GERALD W. HALL, JR.
ROCHELLE L. HAYNES
KAREE M. JENSEN
PATRICIA I. JOHN
KELLIE A. JOHNSON
MICHAEL J. JOHNSON
MARINA L. JOHNSTON
PHYLLIS F. JONES
MICHELIN Y. JOPLIN CONERLY
DEEANN M. LEES
LESTER P. LORETO
KIMBERLY L. MANNINGWRIGHT
ELIZABETH A. MCDOWELL
KIMBERLY B. MERRITT
BRADLEY D. NIELSEN
NICOLE R. OGBURN
JULIE R. OSTRAND
JOEY P. PASKEVICIUS
DONNA L. RAU
RHONDA L. RICHTER
JERRY D. RUMBACH
MICHELE Y. SHELTON
DEBRA A. SMITH
PENNY E. SPAID
JAMES S. SPEIGHT
KATHERINE S. SPENCE
BONNIE J. STIFFLER
JAMES A. STRYD
BARBARA A. SUSEN
LANE C. TAYLOR
LINDA J. THOMAS
KARIN P. VANDOREN
CANDY S. WILSON
KEITH A. WILSON
PAULA M. WINTERS
SHANNON G. WOMBLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

VERONA BOUCHER
DANE V. CAMPBELL
BRETT R. CARNER
JAMES R. COKER
BRIAN L. COSTELLO
ERIC M. COX
AMIE W. DARYANANI
JAMES A. DAUBER
MICHAEL P. DEMPSEY
DAVID R. ENGLERT
MAUREEN A. FARRELL
BENJAMIN J. FRANKLIN
STEPHEN GABORIAULTWHITCOMB
CLARENCE D.A. GAGNI
REVONDA L. GRAYSON
NADINE Y. GRIFFIN
DERYCK K. HILL
NEIL A. HOLDER
NEIL MICHAEL HORNER
TIMOTHY D. HOWERTON
DEREK J. LARBIE
DAVID A. LINCOLN
WINNIE LOKPARK
PAULINE M. LUCAS
CHRISTIAN L. LYONS
CRAIG A. MCCLUER
TIFFANY J. MORGAN
BRIAN T. MUSSELMAN
ERIC V. OLSEN
DENNIS OSULLIVAN
SHANNON L. PHARES
NICOLE H. RANEY
JUDY A. RATTAN
JESSE W. RICHARDSON
MICHAEL D. ROSS
STEPHANIE P. SCHULTZ
THOMAS L. SHAAK
JAMES E. SHIELDS
JOSEPH W. SILVERS
JULIA N. SUNDSTROM
JAMES C. TANNER
DAVID C. WALMSLEY
ROSS K. WHITMORE
DREW E. WIDING
RICHARD L. WOODRUFF, JR.
BRIAN A. YOUNG
JAMES A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

WILLARD B. AKINS II
VINCENT J. ALCAZAR
ALEJANDRO J. ALEMAN
JOHN J. ALLEN
MARK S. ALLEN
NEIL T. ALLEN
RICHARD C. AMBURN
KATHLEEN F. AMPONIN
BYRON B. ANDERSON
WILLIAM D. ANDERSON, JR.
JOSEPH F. ANGEL
RUSSELL K. ARMSTRONG
DAVID C. ARNOLD
DAVID R. ARRIETA
BRUCE A. ARRINGTON
MARK R. AUGUST
DOYLE R. BABE
DAVID D. BANHOLZER
DAVID W. BARNES
DAVID J. BAYLOR
CHARLES E. BEAM
BRIAN R. BEERS
PAUL R. BEINEKE
THOMAS A. BELL
DAVID B. BELZ
ROBERT E. BENNING
SCOTT I. BENZA
ALEXANDER BERGER
KURT A. BERGO
BRUCE A. BEYERLY
TIMOTHY J. BILTZ
DAVID R. BIRCH
KEVIN E. BLANCHARD
JULIE C. BOIT
ROBERT T. BOQUIST
MICHAEL F. BORGERT
JAMES R. BORTREE
ANDREW R. BRABSON
JAMES A. BRANDENBURG II
HELEN L. BRASHER
JAMES E. BRECK, JR.
DAVID P. BRIAR
MICHAEL F. BRIDGES
LORING G. BRIDGEWATER
GREGORY S. BRINSFIELD
RYAN L. BRITTON
TODD M. BROST
KENNETH J. BROWNELL
BRIAN R. BRUCKBAUER
ROBERT J. BRUCKNER
DALE S. BRUNER
CHRISTOPHER J. BRUNNER
ROBERT A. BUENTE
STEVEN C. BUETOW
PAUL A. BUGENSKE
KURT W. BULLER
JOHN G. BUNNELL
JEFFREY B. BURCHFIELD
PATRICK C. BURKE
SCOTT D. BURNSIDE
DEANNA M. BURT
BRADLEY J. BUXTON
SEANN J. CAHILL
DANIEL B. CAIN
MICHAEL O. CANNON
DANN S. CARLSON
KURT J. CARRAWAY
MATTHEW D. CARROLL
ERIC D. CASLER
MARC E. CAUDILL
TYRELL A. CHAMBERLAIN
DAVID E. CHELEN
MIKE G. CHRISTIAN
MARK K. CIERO
ANDRA B. CLAPSADDLE
JAMES A. CLARK
CHAD M. CLIFTON
THOMAS C. COGLITORE
JOHN COLLEY
MIGUEL J. COLON
STEPHEN R. CONKLING
MICHAEL R. CONTRATTO
ANTHONY G. COOK
DAVID L. COOL
EDWARD R. CORCORAN
TOBY L. COREY
MATTHEW J. CORNELL
SEAN C. CORNFORTH
DAVID A. CORRELL
JAMES A. COSTEY
JODY D. COX
MATTHEW D. COX
KEVIN M. COYNE
KENNETH S. CRANE
DAVID M. CREAN
THOMAS D. CRIMMINS
BRYAN L. CRUTCHFIELD
JARED P. CURTIS
DANIEL D. CZUPKA
THOMAS D. DAACK
DENNIS P. DABNEY
MATTHEW R. DANA
CHRISTOPHER O. DARLING
JUSTIN C. DAVEY
MATTHEW W. DAVIDSON
JONATHAN P. DAVIS
THEODORE L. DAVIS, JR.
JERI L. DAY
MICHAEL E. DEBRECZENI
JEFFREY W. DECKER
JOHN M. DELAPP, JR.
JAMES E. DENBOW, JR.
EVAN C. DERTIEN
TED A. DETWILER
JOHN M. DEVILLIER
JEFFREY W. DEVORE
TIMOTHY C. DODGE
PAUL B. DONOVAN
DWIGHT K. DORAU
DAVID R. DORNBURG
DENIS P. DOTY
MICHAEL L. DOWNS
JAMES H. DRAPE
GARY T. DROUBAY
DAVID T. DUHADWAY
CARL R. DUMKE
LOUIS F. DUPUIS, JR.
LOURDES M. DUVALL
ANTHONY T. DYESS
ALTON D. DYKES
BILLIE S. EARLY
CASEY D. EATON
DANIEL C. EDWARDS
RICHARD J. EDWARDS
PETER K. EIDE
KENNETH P. EKMAN
NEVIN K. ELDEN
TODD C. ELLISON
THOMAS E. ENGLE
CHRISTINE M. ERLEWINE
MARK W. EVANS
ANNE MARIE FENTON
DONALD J. FIELDEN
JOHN N. FISCH
JEFFREY H. FISCHER
SCOTT C. FISHER
TYRON FISHER
MICHAEL P. FLAHERTY
TODD J. FLESCH
PATRICK M. FLOOD
RICHARD L. FOLKS II
DAVID E. FOOTE

TERESA L. FOREST
ANDREAS J. FORSTNER
JAMES R. FOURNIER
DEREK C. FRANCE
SCOTT G. FRICKENSTEIN
ERIC H. FROEHLICH
DON C. FULLER III
DAVID M. GAEDECKE
ANDREW J. GALE
PHILIP A. GARRANT
KURT H. GAUDETTE
ANDREW J. GEBARA
ANTHONY W. GENATEMPO
WILLIAM W. GIDEON
SCOTT L. GIERAT
CAMERON L. GILBERT
RANDALL S. GILHART
PAUL G. GILLESPIE
WILLIAM U. GILLESPIE IV
DIANE CHOY GILLINGS
ERIK W. GOEPNER
REGINA T. GOFF
PATRICK J. GOOLEY
CLAYTON M. GOYA
SCOTT D. GRAHAM
GARY L. GRAPE
CHRISTOPHER P. GRAZZINI
GABRIEL V. GREEN
PAULA D. GREGORY
MICHAEL A. GREINER
KYLE D. GRESHAM
JOHN M. GRIFFIN
JANET W. GRONDIN
CLARK M. GROVES
WILLIAM C. GRUND
ALEXUS G. GRYNKEWICH
BRYAN K. HADERLIE
CURTIS R. HAFER
EILEEN R. HAMBY
CHARLES T. HAMILTON
SHANE P. HAMILTON
JOHN T. HANNA
JASON L. HANOVER
DAVID E. HANSEN
LISA K. HANSEN
KRAIG M. HANSON
DOUGLAS D. HARDMAN
JEANNE I. HARDRATH
MICHAEL R. HARGIS
DAVID A. HARRIS, JR.
VALERIE L. HASBERRY
BRETT R. HAUENSTEIN
TIMOTHY D. HAUGH
TRACEY L. HAYES
JERRY W. HAYNES II
MICHELLE L. HAYWORTH
GREGORY L. HEBERT
CARLIN R. HEIMANN
MICHAEL W. HELVEY
ANTHONY A. HIGDON
ERIC T. HILL
MARK A. HIRYAK
DAVID J. HLUSKA
MICHAEL T. HOEPFNER
TIMOTHY J. HOGAN
STEPHANIE A. HOLCOMBE
MICHAEL R. HOLMES
WILLIAM G. HOLT II
WILLIE O. HOLT, JR.
MICHAEL S. HOPKINS
DAVID J. HORNYAK
JED L. HUDSON
STEPHEN A. HUGHES
GINA C. HUMBLE
THERESA B. HUMPHREY
KIRK W. HUNSAKER
CLINT H. HUNT
STEVEN R. HUSS
ROBERT E. INTRONE
MATTHEW C. ISLER
DAVID R. IVERSON
BRICK IZZI
ROBERT S. JACKSON, JR.
JOSEPH S. JEZAIRIAN
DAVID A. JOHNSON
DAVID D. JOHNSON
JOHN H. JOHNSON
KENNETH F. JOHNSON
MALCOLM T. JOHNSON
ROGER F. JOHNSON
KIMBERLEE P. JOOS
RUSSELL T. KASKEL
ADAM B. KAVLICK
DAVID A. KAWECK
DAWN D. KEASLEY
TIMOTHY L. KEEPORTS
ROBERT W. KEIRSTEAD, JR.
D. EDWARD KELLER, JR.
MICHAEL B. KELLY
ANDRE L. KENNEDY
FRED G. W. KENNEDY III
KEVIN B. KENNEDY
COREY J. KEPPLER
ROBERT E. KIEBLER
THOMAS J. KILLEEN
KIRK A. KIMMETT
DEAN D. KING
RICHARD L. KING, JR.
TIMOTHY R. KIRK
KONRAD J. KLAUSNER
JEFFREY T. KLIGMAN
WILLIAM J. KLUG
DAVID W. KNIGHT
CHARLES W. KNOFCZYNSKI
TRACEY D. KOP
LEONARD J. KOSINSKI
ROBERT C. KRAUSE
JOHN P. KRIEGER
TODD C. KRUEGER
DAVID P. KUENZLI
DAVID J. KUMASHIRO
KURT W. KUNTZELMAN
ANDREW A. LAMBERT
SEAN P. LARKIN
ROBERT H. LASS
LORI S. LAVEZZI
HYON K. LEE
RUSSELL E. LEE
SCOTT T. LEFORCE
STEVE A. LEFTWICH
AARON D. LEHMAN
LAURA L. LENDERMAN
BROOK J. LEONARD
NORMAN J. LEONARD
GARY N. LEONG
TIMOTHY J. LINCOLN
FRANK J. LINK
KENNETH A. LINSENMAYER
THOMAS K. LIVINGSTON
MATTHEW J. LLOYD
STACY LOCKLEAR, JR.
JOHN H. LONG
SCOTT N. LONG
LESTER R. LORENZ
ROBERT K. LYMAN
DAVID F. LYNCH
DAVID BRADLEY LYONS
JEFFREY D. MACLOUD
JACK W. MAIXNER
DAVID J. MALONEY
LORALEE R. MANAS
CHRISTOPHER R. MANN
CHRISTOPHER M. MARCELL
JOEL L. MARTIN
KELLY M. MARTIN
MAX R. MASSEY, JR.
CHARLES C. MAYER
KYNA R. MCCALL
CHASE P. MCCOWN
JAMES J. MCELHENNEY
MARK A. MCGEORGE
ANDREW MCINTYRE
PAUL R. MCLAUGHLIN
SAMUEL L. MCNIEL
MARC C. MCWILLIAMS
DANIEL F. MERRY
CONSTANCE M. MESKILL
CHARLES E. METROLIS, JR.
PATRICK D. MILLER
SUSAN M. MILLER
JOSEPH A. MILNER
JIMMIE L. MITCHELL, JR.
MATTHEW C. MOLINEUX
MITCHELL A. MONROE
KENNETH S. S. MONTGOMERY
NATHAN C. MOONEY II
JENNIFER L. MOORE
DAVID J. MORGAN
DONALD MORGAN
WILLIAM F. MORRISON II
GERARD A. MOSLEY
KARI A. MOSTERT
DANIEL R. MOY
KEVIN M. MUCKERHEIDE
DOUGLAS E. MULLINS
ROBERT B. MUNDIE
BRIAN C. MURPHY
JOHN E. MURPHY
MARK C. MURPHY
MIMI MURPHY
MYLES M. NAKAMURA
JEFFREY D. NEISCHEL
BRETT J. NELSON
JOHN J. NICHOLS
KENT A. NICKLE
DANA S. NIELSEN
DOUGLAS J. NIKOLAI
TREVOR W. NITZ
ROBERT G. NOVOTNY
MICHAEL T. OBERBROECKLING
KRISTINA M. OBRIEN
BRIAN M. OCONNELL
KEVIN A. OLIVER
DEAN R. OSTOVICH
SHIRLENE D. OSTROV
WILLIAM J. OTT
DANIEL A. PACHECO
HANS F. PALAORO
GLENN E. PALMER
GLENN A. PANARO
ZANNIS M. PAPPAS
TODD J. PARKS
TODD M. PAVICH
JAMES L. PEASE
JOHN C. PEPIN
RICK T. PETITO
KEITH L. PHILLIPS
BRADLEY R. PICKENS
DAVID C. PIECH
JOHN D. PLATING
MICHAEL H. PLATT
FREDRICK G. PLAUMANN
DAVID S. POAGE
MATTHEW S. POISSOT
LAWRENCE E. PRAVECEK
HEATHER L. PRINGLE
HOWARD K. PSMITHE
GARY PUHEK
BRIAN D. PUKALL
SHAHNAZ M. PUNJANI
YVETTE S. QUITNO
CARL W. RAHN
STEVEN T. RAMSAY
MARK J. RAMSEY
ERIC D. RAY
EDWIN H. REDMAN
MICHAEL D. REINER
ADAM S. REMALY
PATRICK J. RHATIGAN
RONDALL R. RICE
CYNTHIA A. RICHARDS
JOHN J. RIEHL
THOMAS J. RINEY
RANDY L. RIVERA
MICAH SHANE RIZA
SCOTT W. RIZER
BOBBY L. ROBINSON II
KELLY G. ROBINSON
BARRY D. ROEPER
MICHAEL A. ROMERO
RENE F. ROMERO
ELIZABETH A. ROPER
STEPHEN A. ROSE
PATRICIA MAULDIN ROSS
MARTIN L. ROTHROCK
DONOVAN L. ROUTSIS
JOSEPH J. RUSHLAU
LAURA M. RYAN
IAN R. SABLAD
WILLIAM S. SALINGER
ORLANDO SANCHEZ, JR.
RALPH A. SANDFRY
MICHAEL E. SAUNDERS
GLEN A. SAVORY
GEORGE W. SCHANTZ, JR.
PAUL A. SCHANTZ
MICHAEL P. SCHAUB, JR.
SCOTT J. SCHEPPERS
KEVIN J. SCHIELDS
GARY J. SCHNEIDER
BARTON B. SCHUCK
RODGER G. SCHULD
DAREN A. SEARS
MICHAEL B. SENSENEY
MAYAN SHAH
SAMUEL J. SHANEYFELT
CHARLES B. SHEA
RICHARD A. SHEETZ
NAM N. M. SHELTON
JEREMIAH L. SHETLER
DONNA D. SHIPTON
PATRICK SHORTSLEEVE
SHAWN G. SILVERMAN
DANIEL L. SIMPSON
DALE P. SINNOTT
MATTHEW E. SKEEN
KEITH A. SKINNER
MARK H. SLOCUM
ANDREW J. SMITH
BRUCE M. SMITH
DOUGLAS S. SMITH
DUSTIN P. SMITH
MAUREEN J. SMITH
REGINALD R. SMITH
MATTHEW C. SMITHAM
KATHERINE O. SNYDER
WILLIAM H. SNYDER
RHONDA M. SOTO
ROBERT S. SPALDING III
MERRICE SPENCER
DARREN D. SPRUNK
MARCUS S. STEFANOU
STEPHEN R. STEINER
MICHAEL J. STEPHENS
PETER B. STERNS
MICHAEL R. STRACHAN
WAYNE W. STRAW
ROBERT M. STRICKLAND, JR.
DOUGLAS E. STROPES
RONALD F. STUEWE, JR.
JOSEPH L. STUPIC
JAMES G. STURGEON
JAMES A. STURIM
ROBERT C. SWARINGEN II
DAWN MARIE SWEET
TRACY R. SZCZEPANIAK
MICHAEL B. TANNEHILL
FREDERICK D. THADEN
DWAYNE E. THOMAS
WILLIAM B. THOMAS
RANDALL L. THOMSEN
ROSEMARY L. THORNE
THOMAS J. TIMMERMAN
ANDREW TORELLI
WILLIAM R. TRACY
JEROME T. TRAUGHBER
PETER J. TREMBLAY
JOHN M. TRUMPFHELLER
DANIEL H. TULLEY
WILLIAM M. UHLMEYER
WILLIAM K. UPTMOR
GREGORY N. URTSO
RICHARD B. VAN HOOK
GREGG D. VANDERLEY
SAMUEL B. VANDIVER
DALE J. VANDUSEN

MATTHEW L. VENZKE
KURT A. VOGEL
JEANETTE M. VOIGT
JOHN W. WAGNER
RAYMOND J. WAGNER
ALLAN P. WAITE, JR.
CRAIG J. WALKER
CURTIS D. WALKER
WILLIAM N. WALKER
STEPHEN B. WALLER
PAUL B. WALSKI
DEAN A. WARD
CHRISTINE M. WASDIN
TRACEY L. WATKINS
KATHLEEN E. WEATHERSPOON
ROBERT F. WEAVER II
JONATHAN D. WEBB
GREGORY A. WEBER
LESTER A. WEILACHER
STUART N. WEINBERGER
JASON S. WERCHAN
STEVEN W. WESSBERG
DANE P. WEST
SEABORN J. WHATLEY III
KENT B. WHITE
STEVEN W. WIGGINS
JOHN T. WILCOX II
BRIAN A. WILKEY
BRUCE W. WILLETT
FREDERICK D. WILLIAMS
RICHARD E. WILLIAMSON, JR.
MATTHEW B. WILLIS
MARTY E. WILSON
STEPHANIE P. WILSON
MICHAEL P. WINKLER
THOMAS E. WOLCOTT
JOSEPH L. WOLFER
JOHN C. WOMACK
DEANNA C. WON
STEPHEN D. WOOD
TODD K. WOODRICK
THOMAS L. WOODS
TODD A. WORMS
CYNTHIA A. WRIGHT
JASON R. XIQUES
BRIAN A. YATES
JON E. YOST
ANTHONY C. YOUNG
GREGORY J. YUEN
CATHERINE M. ZEITLER
MICHAEL J. ZIGAN
MARK A. ZIMMERHANZEL
MICHAEL J. ZUBER

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

RAMSEY B. SALEM

## CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, April 21, 2010:

THE JUDICIARY

THOMAS I. VANASKIE, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

DEPARTMENT OF JUSTICE

CHRISTOPHER H. SCHROEDER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL.

# HOUSE OF REPRESENTATIVES—*Wednesday, April 21, 2010*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*April 21, 2010.*

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

Archbishop Oshagan Choloyan, Armenian Apostolic Church of America, New York, New York, offered the following prayer:

Almighty God, we seek Your grace and wisdom in our lives and in our leaders that they may serve Your people with truth and justice.

Remember Your faithful servants, the Armenian people, who for 95 Aprils have lived with the memory of the genocide of 1½ million of their nation. We pray that such barbarity never again be inflicted upon any of Your creatures. We give thanks for the blessings that You have bestowed upon the remnant of the Armenian people who were welcomed and given new life in the United States of America. We thank You for delivering us from the depths of despair into this land of liberty.

Bless America, the country of greatness and goodness. Renew the values of our American heritage so that America will remain the country of truth, freedom, justice, and peace.

We stand before You and ask this in Your name and for Your glory. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Kentucky led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING ARCHBISHOP OSHAGAN CHOLOYAN

The SPEAKER pro tempore. Without objection, the gentlewoman from New York (Mrs. MALONEY) is recognized for 1 minute.

There was no objection.

Mrs. MALONEY. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the Representative of a large and vibrant community of Armenian Americans, I rise to welcome His Eminence Archbishop Oshagan Choloyan in his offering of the opening prayer, and join my colleagues this week in the sad commemoration of the Armenian genocide.

On this 95th anniversary of the genocide, I join with a chorus of voices that grows louder with each passing year. We simply will not allow the planned elimination of an entire people to remain in the shadows of history. The Armenian genocide must be acknowledged, studied, and never, ever allowed to happen again.

The archbishop is the head of the Armenian Church in the United States, which is located in my district. As the spiritual shepherd of several hundred thousand Armenian Americans in the Eastern United States, he plays a significant role in the life of the Armenian community. It is a great honor to welcome him today.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

## INTRODUCING HOME HEALTH CARE PLANNING IMPROVEMENT ACT

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Seniors who see a nurse practitioner or physician's assistant as their primary care provider face unnecessary delays in receiving necessary home health services. Medicare recognizes that nurse practitioners and physician's assistants diagnose and care for patients, prescribe medications, and order nursing home services for seniors, all in accordance with State law.

But even when State laws explicitly include ordering home health care within the scope of practice for nurse practitioners, as Pennsylvania does, Medicare still requires a physician's signature for referral and payment. That Medicare allows nurse practitioners and PA's to sign the forms to place a senior in a nursing home but not for less expensive home health care just doesn't make sense. This requirement leads to unnecessary and costly delays.

I urge my colleagues to join with me to fix this problem and to ensure that seniors get the care that they need in appropriate and cost efficient settings by cosponsoring my bill, H.R. 4993, the Home Health Care Planning and Improvement Act, and make sure that seniors get the care they need in the right setting.

## NATIONAL DAY OF PRAYER RULING

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, last week U.S. District Judge Barbara Crabb ruled that the National Day of Prayer violates the first amendment to the Constitution despite decades of statute and tradition. This is another disappointing example of activist judges making decisions that fly in the face of the Constitution, violating congressional intent, and the values of our Founders. John Adams declared, "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

Every year on the first Thursday of May we gather as a people to pray and acknowledge our Nation's need and place before eternity. George Washington said, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness."

This ruling is not what our Founders intended and does a disservice to our history as a religious Nation. I call on Attorney General Eric Holder to appeal this ruling.

## FINANCIAL REGULATORY REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. We need financial regulatory reform. In 2008, our country witnessed the failure of some of the biggest and most interconnected companies in our economy. Years of greed and irresponsible behavior allowed financial institutions to make casino bets with the money of hardworking American families.

Last year the Financial Services Committee and this Chamber passed a comprehensive set of reforms that will prevent these abuses from happening again. This reform finally put the American consumer over the bottom lines of banks. They will allow shareholders to have a say on the excessive bonuses that many executives receive regardless of performance, and they will end the problems of too big to fail.

The time has come for Members of both Chambers to stop making false accusations in return for political gains. Let's work together and pass financial regulatory reform. It's time for change.

## THE CASE OF JAMIE LEIGH JONES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Jamie Leigh Jones was a 20-year-old and went to Iraq as a civilian contractor. Here is her story: after being in Iraq just a few days, she said she was drugged and gang raped by fellow employees. She was held hostage in a cargo container for 24 hours without food or water. She was assaulted so badly that later she had to have reconstructive surgery.

She convinced one of the people guarding her to let her borrow a cell phone. She called her dad. Her dad called my office in Texas. With the help of the State Department, we helped immediately to rescue her, and she was quickly brought back to America.

But no one has been held accountable for these crimes. The rape kit and the forensic evidence apparently were compromised by somebody in Iraq. During this Victims' Rights Week, we need to realize that when citizens go to a war zone and serve their country and a crime is committed against them, they should have justice.

People like Jamie Leigh Jones deserve the protection of our law. The long arm of the law should reach in lands far away to hold perpetrators accountable for assaulting fellow Americans in time of war because justice is what we do in this country.

And that's just the way it is.

## WHOSE SIDE ARE WE ON?

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, all across northeast Wisconsin, everywhere I go people are asking me whose side am I on? Whose side are we on?

Isn't it time we finally began to work together to solve these complex problems, to help rebuild our country, to rebuild our jobs, bring these jobs back home where they belong instead of sending them overseas? Whose side are we really on?

Isn't it time we pursued each and every one of the crooks on Wall Street who took our money? People in Wisconsin want their money back. They want their jobs back. And they are going to be asking the question whose side are we on? Well, let's work together, rebuild our families, our communities, and make certain that any bank, any bank or any investment firm that is too big to fail ceases to exist. Let's break up the big banks on Wall Street.

## IRAN'S MILITARY CAPABILITIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the Department of Defense released the Military Power Report on Iran. The report is designed to provide Congress and the White House with an assessment of Iran's current military capabilities and the regime's future military strategy.

The report served as a stark reminder of the military and nuclear realities in the region. Sadly, it is incomplete because it lacked information about funding provided by Iran's military branches and also information about military doctrine. The information that the report does include confirms Iran's efforts to hide its nuclear infrastructure, their support of nuclear terrorist surrogates, and the terrifying investment in a missile that could hit America in less than 5 years.

Now is the time for the administration and Congress to put forward an effective strategy to deal with Iran. It is imperative that both parties work vigilantly with our allies around the world to ensure Iran does not continue down this dangerous road.

In conclusion, God bless our troops and we will never forget September 11th in the Global War on Terrorism.

Congratulations Columbia Mayor-Elect Steve Benjamin and Councilwoman Leona Plaugh, joining Tameika Isaac Devine and Sam Davis.

## CONGRATULATING VILLA MARIA ACADEMY ON THEIR SECOND CONSECUTIVE STATE CHAMPIONSHIP IN BASKETBALL

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to congratulate the women of Villa Maria Academy from Erie, Pennsylvania, my hometown, for their extraordinary basketball team on their second straight PIAA Class AA State Basketball Championship.

On March 26, Villa Maria sealed their state championship after defeating York Catholic High School 52–44 at Penn State University. More than 2,000 people filled the stands as the Villa Maria Victors lived up to their name. The team was led by seniors Kayla McBride, Ashley Prischak, Kaylyn Maruca, Cara Wyant, Kelly Ek, and Erica Webber, who all helped secure Villa's back-to-back State championships. Coach Scott Dibble steered this great team to victory and finished the season with a 28–2 record.

As a Villa Maria alum and former basketball player, I am so proud to offer well-deserved congratulations to the Villa Victors on behalf of the U.S. House of Representatives. I can't wait to see next year's three-peat.

## HONORING THE LIFE OF GENERAL MIKOLAJCIK

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to honor the life of my good friend, General Thomas Mikolajcik, known to many of his friends as General Mik, for his lasting commitment to our Nation's military and veterans.

After 27 years of active duty in the Air Force, General Mik returned to Charleston, where he served as chairman of the Charleston Chamber of Commerce's Military Affairs Committee. In 2005, he was diagnosed with ALS. At that time, the disease was not recognized as a service-connected disorder by the VA. Because of the high incidence rate among veterans, General Mik worked tirelessly with me, the entire VA Committee, and General Peake to change VA regulations to make ALS a presumptive disease. He also played an instrumental role in the establishment of the National ALS Registry.

Because of his valiant efforts, no veteran will ever have to fight for disability after they have been diagnosed with ALS. General Mik always put service to our country and his fellow countrymen first, and he will be greatly missed.

## FINANCIAL REGULATORY REFORM

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, when I recently visited a restaurant in my rural district, a gentleman approached me to say that he was a Republican and had never voted for a Democrat, but he voted for President Obama. He stated his appreciation that the President was standing up to greed, that he was standing up to Wall Street and corporate America. He felt that corporate greed is among the greatest challenges facing our Nation, and he is absolutely correct.

The first day President Obama took office, the country was at the brink of economic ruin triggered by financial deregulation and banks that pursued reckless investments to produce quick profits. Wall Street was acting more like casinos than banks, taking big gambles, and when they lost, forcing the taxpayers to pay. They got rich, everyone else got squeezed.

Democrats have a solution. Wall Street doesn't like it, but we have a solution. We want transparency, we want accountability, and we will not stop until that happens.

□ 1015

## WE CAN DO BETTER

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I come to the floor this morning with a simple message: we can do better. Just look around.

What has been accomplished under the Democratic leadership? A takeover of our health care system, otherwise known as ObamaCare, which spends money we don't have, without lowering the cost of health care. A cap-and-tax energy bill which would cost the average American family an additional $3,000 annually for the energy. And, of course, the failed stimulus legislation costing $861 billion that has yet to create a single non-government job, leaving our unemployment rate at an abysmal 9.7 percent.

Now the Senate is considering a permanent bailout for Wall Street, and the President's top economic adviser is pushing for a European-style value added tax on top of our current tax system.

Mr. Speaker, the American people deserve better than they're currently getting, and House Republicans have a commonsense solution that will create jobs, lower the tax burden for American families, and stop spending money that we don't have.

## HONORING EARTH DAY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, this week we celebrate Earth Day. Since its inception following the tragic oil spill off Santa Barbara, Earth Day has become a call to action on behalf of the environment.

As one who represents this coastline, one of the most beautiful and sensitive areas in America, I know that every day is Earth Day. But the important thing about this year's celebration is that it marks a turning point for our Nation. Under Democratic leadership our country is finally poised to begin addressing our longstanding energy issues.

Through the Recovery Act, for example, we've launched a clean energy economy that's creating millions of jobs, reducing our dependence on dirty energy sources, and, through efficiencies, lowering energy costs for American families and businesses.

Now is the time to seize the unprecedented opportunity before us. The clean energy legislation we've passed in this Chamber will be the legacy we leave for our children and our grandchildren. To protect them and all who come after us, we must continue making these smart investments and meet the challenges of the 21st century.

## STOP THE ENDLESS BAILOUTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, beginning in the fall of 2008, Congress approved, and the Bush and Obama administrations began to hand out taxpayer money freely to banks and, eventually, auto companies, with little transparency and, in some cases, little hope that the money would be repaid.

Now, the Senate is set to consider legislation that will create a permanent culture of bailouts on Wall Street. The legislation moves us away from sending failed companies into bankruptcy and toward government-managed bailouts. There would be a different set of rules for the largest firms, rules that create a perverse incentive for these companies to take risks, rules that encourage lower rates for the largest firms because of the implicit government guarantee. Ultimately, we would be creating a dozen new Fannies and Freddies, not reforming a broken system of government oversight.

I think the American people have had enough of bailouts. The Dodd bill creates an endless cycle of failure where Wall Street bankers are the only ones who come out ahead. It should be stopped.

## AN INJUSTICE TO AMERICAN WORKERS AND TAXPAYERS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I come to the floor to speak against a significant injustice to both American workers and the American taxpayer, and that is the decision by the Air Force to extend the deadline for offering bids for the Air Force's new imperative tanker, which has allowed an illegally subsidized competitor, the EADS Company, which has now taken advantage of that, to the disadvantage of American workers and the disadvantage of American taxpayers. It is inconceivable to me that we have extended this deadline to allow a competitor to offer a bid that will be illegally subsidized by European governments.

If this travesty is allowed to happen, we could lose thousands of jobs. The taxpayers would have been suffering seeing these illegal subsidies, and a great injustice will have been perpetrated.

This cannot stand. We should continue to fight this grave injustice.

## RESTORING U.S. COMPETITIVENESS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, our country is on an unsustainable path with trillion-dollar deficits annually, continued massive government spending, and an atmosphere of uncertainty as President Obama and congressional Democrats have enacted $760 million in gross new tax increases since 2009, with more tax increases planned. It's no wonder that unemployment remains stubbornly high and economic growth is sluggish. These policies are a threat to U.S. competitiveness.

We need a commonsense policy to promote growth. We need to cut government spending and adhere to a balanced budget. We need to increase U.S. exports by implementing the three free trade agreements that we've already negotiated. That way, we show that America keeps its commitments. And we need to lower the corporate tax rate so that our U.S. companies can compete against foreign competitors.

These are commonsense policies that will lead to U.S. competitiveness, job growth, and economic growth.

## BATTLE OF SAN JACINTO DAY

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, on April 21, 1836, 174 years ago today, Texas forces led by General Sam Houston dealt a decisive blow to General Antonio Lopez de Santa Anna and his oppressive government.

Several weeks after signing the Texas Declaration of Independence in March of 1836, roughly 900 members of the Texan army overpowered a much larger Mexican Army in a surprise attack. Some 700 Mexican soldiers were killed and 730 captured, while nine Texans died.

The Texas army quickly and silently moved toward Santa Anna's camp. They were able to get very close because General Santa Anna was still pleased with his victory at the Alamo and failed to post men to watch the Texans' actions. At close range, the "Twin Sisters" drawn by rawhide thongs, were wheeled into position to begin unloading shells at the napping Mexican Army. The cannons were gifts from the people of Cincinnati, Ohio.

Texas soldiers followed the bombardment and yelled and shouted "Remember the Alamo" and "Remember Goliad" stopping only a few yards from the Mexican solders to open fire in a surprise attack.

The Mexican soldiers were better trained than their Texas opponents. They were caught off guard. It was a bold attack in broad daylight.

Texas General Sam Houston, former Member of this Congress from Tennessee, future President of the Republic of Texas, future U.S. Senator and Governor of Texas, had two horses shot out from under him and was shot and his ankle was shattered.

Santa Anna was captured that day and held prisoner and signed peace treaties to give Texas independence.

The battle is memorialized along the San Jacinto River with a monument in our district in La Porte, Texas. A panel on the side of the monument states: "Measured by its results, San Jacinto was one of the decisive battles of the world. The freedom of Texas from Mexico won here led to annexation and to the Mexican War, resulting in the acquisition by the United States of the States of Texas, New Mexico, Arizona, Nevada, California, Utah and parts of Colorado, Wyoming, Kansas and Oklahoma. Almost one-third of the present area of the American Nation, nearly one million square miles, changed sovereignty."

That's what we're commemorating today.

## NATIONAL DAY OF SILENCE

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, I rise today in observance of the National Day of Silence. April 16 was the 14th year we've commemorated the National Day of Silence, a time when students across the country remain silent for the whole day to draw attention to discrimination toward their LGBT peers.

Every day students who are lesbian, gay, bisexual and transgendered, as well as those who are perceived to be LGBT, are subjected to harassment, bullying, intimidation and violence. These actions are incredibly harmful to students, and they also damage our educational system.

In addition to supporting the National Day of Silence, I'm also proud to be cosponsor of H.R. 4530, the Student Nondiscrimination Act. This act is necessary because bullying and discrimination are the norm for so many LGBT young people. These youth face unique challenges in their physical and mental health. Last weekend a group of constituents hosted a Queer Youth Health Summit in Santa Cruz, California.

This group also works to identify mental and physical health needs and promote safe and healthy lifestyles for queer and questioning youth in the region. It's unfortunate a summit like this is necessary, but I commend these students for responding so compassionately.

Though many lesbian, gay, bisexual or transgender advocates and their straight allies were silent last Friday, we in Congress should never be. Our job is to speak for those who cannot speak for themselves.

## BRAZILIAN COTTON ISSUE

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, April 6, 2010, marks the date that our farm subsidies—these are programs that, on a good day, are out of step with reality—took an unprecedented leap into the absurd. On that day the administration hatched an agreement on Brazil trade litigation that includes the U.S. paying Brazil $143.7 million a year for "technical assistance and capacity building." Because our subsidies violate WTO rules, we're now paying millions to subsidize Brazilian agriculture.

Let's think about that for a minute. Our subsidies for U.S. farmers are out of step with the WTO. So what do we do in response? We subsidize our trade partners elsewhere in the world. So your tax dollars are not only going to pay subsidies for U.S. agriculture, but now to pay subsidies for our trade partners in other countries.

We have got to stop this, Mr. Speaker. It's Congress' responsibility to reform our cotton program and our agriculture subsidies.

## WALL STREET REFORM

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, I rise today in strong support of Wall Street reform. With 8 million jobs lost at the hands of Wall Street tycoons recklessly gambling on the financial futures of our constituents, enough is enough.

This Democratic Caucus has made great progress in pulling our economy back from the brink of disaster, yet the hard work remains. It's my hope that we, in a bipartisan manner, can see that reforming Wall Street is not a political issue. It is an issue that will shape the financial security of all Americans and prevent future economic disasters.

When we enact this bill, it will end bailouts by helping ensure that taxpayers never again are on the hook for Wall Street's risky decisions. It will protect families' retirement funds, college savings, home and business financial futures from unnecessary risks, protect consumers from predatory lending abuses, fine print and industry gimmicks. It will inject transparency and accountability into the financial system which has run amuck.

Mr. Speaker, I say to opponents of this bill, enough is enough. It's time to vote in favor of Main Street all across this great country and against the Wall Street that has run roughshod over the future of too many American families.

## WE MUST REIN IN WALL STREET BANKS

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, 2 years ago our Nation suffered one of the greatest economic meltdowns in history when the financial markets nearly collapsed and sent the country into the deepest recession in a generation, one that my State of Nevada is still working to pull itself out of.

The hardworking people of southern Nevada have paid a steep price for the greed and dangerous under-regulation of Wall Street that created a foreclosure crisis resulting in far too many families losing their homes. Seniors lost their retirement nest eggs, and parents lost their savings to pay for their children to go to college.

It's time to ensure that the proper safeguards are in place so that we can prevent a crisis of this magnitude in the future. We must rein in Wall Street banks that gave their executives obscene bonuses while steering our economy into the ditch. We must close regulatory loopholes and strengthen oversight enforcement so that government agencies cannot fall asleep at the wheel.

The House has already passed this important legislation that will permanently end taxpayer bailouts and hold Wall Street accountable. I urge the Senate to do so.

## TAX RELIEF

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, while we are beginning to see signs of recovery, hardworking families and small business owners are still contending with the worst economic downturn in decades. Creating jobs and helping to get Arizona back on track remains my top priority.

Washington can serve those goals by providing much needed tax relief for middle class households and entrepreneurs. It will be the American people, not the government alone, who will get our economy moving again. This Congress needs to support them by helping them keep more of their hard-earned money.

That's why I fought for the largest middle class tax cut in American history. According to a report by Citizens for Tax Justice, 99 percent of working Arizonans benefited from that package on tax day, saving an average of over $1,000 each.

Tax relief is putting money back into our local economies, spurring job creation and growth. I am proud to be standing up for this effort every step of the way.

□ 1030

## WALL STREET

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, I understand that one of the biggest issues facing American families today is the cost of living and our economic future.

I'm disappointed that the health of our Nation's financial institutions has come into question as a result of unscrupulous lending and mortgage practices, preceded by years of inadequate regulation of the financial services industry. Republicans and Democrats alike, for too long, have failed to hold unscrupulous financial institutions accountable, and hardworking families across the country are paying the price.

At the same time, I know that many local banks have not engaged in the risky and irresponsible lending practices that led to the economic meltdown that we saw last year. The House-passed reform bill is about cleaning up that irresponsibility and protecting consumers, not about burdening local banks that play by the rules.

I have witnessed firsthand the valuable impacts that small- and medium-sized community banks make on the daily lives of New York's families, helping them buy their first home, finance their small business, and send their children to college. In these tough economic times, it is critical that Congress hold financial institutions to a higher standard while allowing local banks to continue to be able to invest in their communities.

## HIDTA AWARDS

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Mr. Speaker, I rise today to pay tribute to the Arizona Region of the National High Intensity Drug Trafficking Area task force, also known as HIDTA. The HIDTA mission is to reduce drug trafficking in the areas of our Nation that are most impacted. This is done through a team effort among Federal, local, and State authorities.

At the recent HIDTA conference here in Washington, D.C., the Arizona HIDTA was honored for its interdiction successes and its financial investigations.

In 2009, the Arizona region completed a 4-year investigation which led to a $93 million settlement with Western Union. And the Southwest Border HIDTA, which includes Arizona, was named the national HIDTA region of the year. The Southwest HIDTA region covers the drug trafficking corridors through which more than 90 percent of the drugs that are brought into this country flow through.

I commend the men and women who carry out these essential and dangerous drug interdiction efforts. Thank you to the service these men and women give to our Nation. Thank you for helping us secure our borders.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## CAREGIVERS AND VETERANS OMNIBUS HEALTH SERVICES ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1963) to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Caregivers and Veterans Omnibus Health Services Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

**SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

## TITLE I—CAREGIVER SUPPORT

**SEC. 101. ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.**

(a) ASSISTANCE AND SUPPORT SERVICES.—

(1) IN GENERAL.—Subchapter II of chapter 17 is amended by adding at the end the following new section:

**"§ 1720G. Assistance and support services for caregivers**

"(a) PROGRAM OF COMPREHENSIVE ASSISTANCE FOR FAMILY CAREGIVERS.—(1)(A) The Secretary shall establish a program of comprehensive assistance for family caregivers of eligible veterans.

"(B) The Secretary shall only provide support under the program required by subparagraph (A) to a family caregiver of an eligible veteran if the Secretary determines it is in the best interest of the eligible veteran to do so.

"(2) For purposes of this subsection, an eligible veteran is any individual who—

"(A) is a veteran or member of the Armed Forces undergoing medical discharge from the Armed Forces;

"(B) has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001; and

"(C) is in need of personal care services because of—

"(i) an inability to perform one or more activities of daily living;

"(ii) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury; or

"(iii) such other matters as the Secretary considers appropriate.

"(3)(A) As part of the program required by paragraph (1), the Secretary shall provide to family caregivers of eligible veterans the following assistance:

"(i) To each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6)—

"(I) such instruction, preparation, and training as the Secretary considers appropriate for the family caregiver to provide personal care services to the eligible veteran;

"(II) ongoing technical support consisting of information and assistance to address, in a timely manner, the routine, emergency, and specialized caregiving needs of the family caregiver in providing personal care services to the eligible veteran;

"(III) counseling; and

"(IV) lodging and subsistence under section 111(e) of this title.

"(ii) To each family caregiver who is designated as the primary provider of personal care services for an eligible veteran under paragraph (7)—

"(I) the assistance described in clause (i);

"(II) such mental health services as the Secretary determines appropriate;

"(III) respite care of not less than 30 days annually, including 24-hour per day care of the veteran commensurate with the care provided by the family caregiver to permit extended respite;

"(IV) medical care under section 1781 of this title; and

"(V) a monthly personal caregiver stipend.

"(B) Respite care provided under subparagraph (A)(ii)(III) shall be medically and age-appropriate and include in-home care.

"(C)(i) The amount of the monthly personal caregiver stipend provided under subparagraph (A)(ii)(V) shall be determined in accordance with a schedule established by the Secretary that specifies stipends based upon the amount and degree of personal care services provided.

"(ii) The Secretary shall ensure, to the extent practicable, that the schedule required by clause (i) specifies that the amount of the monthly personal caregiver stipend provided to a primary provider of personal care services for the provision of personal care services to an eligible veteran is not less than the monthly amount a commercial home health care entity would pay an individual in the geographic area of the eligible veteran to provide equivalent personal care services to the eligible veteran.

"(iii) If personal care services are not available from a commercial home health entity in the geographic area of an eligible veteran, the amount of the monthly personal caregiver stipend payable under the schedule required by clause (i) with respect to the eligible veteran shall be determined by taking into consideration the costs of commercial providers of personal care services in providing personal care services in geographic areas other than the geographic area of the eligible veteran with similar costs of living.

''(4) An eligible veteran and a family member of the eligible veteran seeking to participate in the program required by paragraph (1) shall jointly submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

''(5) For each application submitted jointly by an eligible veteran and family member, the Secretary shall evaluate—

''(A) the eligible veteran—

''(i) to identify the personal care services required by the eligible veteran; and

''(ii) to determine whether such requirements could be significantly or substantially satisfied through the provision of personal care services from a family member; and

''(B) the family member to determine the amount of instruction, preparation, and training, if any, the family member requires to provide the personal care services required by the eligible veteran—

''(i) as a provider of personal care services for the eligible veteran; and

''(ii) as the primary provider of personal care services for the eligible veteran.

''(6)(A) The Secretary shall provide each family member of an eligible veteran who makes a joint application under paragraph (4) the instruction, preparation, and training determined to be required by such family member under paragraph (5)(B).

''(B) Upon the successful completion by a family member of an eligible veteran of instruction, preparation, and training under subparagraph (A), the Secretary shall approve the family member as a provider of personal care services for the eligible veteran.

''(C) The Secretary shall, subject to regulations the Secretary shall prescribe, provide for necessary travel, lodging, and per diem expenses incurred by a family member of an eligible veteran in undergoing instruction, preparation, and training under subparagraph (A).

''(D) If the participation of a family member of an eligible veteran in instruction, preparation, and training under subparagraph (A) would interfere with the provision of personal care services to the eligible veteran, the Secretary shall, subject to regulations as the Secretary shall prescribe and in consultation with the veteran, provide respite care to the eligible veteran during the provision of such instruction, preparation, and training to the family member so that the family member can participate in such instruction, preparation, and training without interfering with the provision of such services to the eligible veteran.

''(7)(A) For each eligible veteran with at least one family member who is described by subparagraph (B), the Secretary shall designate one family member of such eligible veteran as the primary provider of personal care services for such eligible veteran.

''(B) A primary provider of personal care services designated for an eligible veteran under subparagraph (A) shall be selected from among family members of the eligible veteran who—

''(i) are approved under paragraph (6) as a provider of personal care services for the eligible veteran;

''(ii) elect to provide the personal care services to the eligible veteran that the Secretary determines the eligible veteran requires under paragraph (5)(A)(i);

''(iii) has the consent of the eligible veteran to be the primary provider of personal care services for the eligible veteran; and

''(iv) are considered by the Secretary as competent to be the primary provider of personal care services for the eligible veteran.

''(C) An eligible veteran receiving personal care services from a family member designated as the primary provider of personal care services for the eligible veteran under subparagraph (A) may, in accordance with procedures the Secretary shall establish for such purposes, revoke consent with respect to such family member under subparagraph (B)(iii).

''(D) If a family member designated as the primary provider of personal care services for an eligible veteran under subparagraph (A) subsequently fails to meet any requirement set forth in subparagraph (B), the Secretary—

''(i) shall immediately revoke the family member's designation under subparagraph (A); and

''(ii) may designate, in consultation with the eligible veteran, a new primary provider of personal care services for the eligible veteran under such subparagraph.

''(E) The Secretary shall take such actions as may be necessary to ensure that the revocation of a designation under subparagraph (A) with respect to an eligible veteran does not interfere with the provision of personal care services required by the eligible veteran.

''(8) If an eligible veteran lacks the capacity to make a decision under this subsection, the Secretary may, in accordance with regulations and policies of the Department regarding appointment of guardians or the use of powers of attorney, appoint a surrogate for the eligible veteran who may make decisions and take action under this subsection on behalf of the eligible veteran.

''(9)(A) The Secretary shall monitor the well-being of each eligible veteran receiving personal care services under the program required by paragraph (1).

''(B) The Secretary shall document each finding the Secretary considers pertinent to the appropriate delivery of personal care services to an eligible veteran under the program.

''(C) The Secretary shall establish procedures to ensure appropriate follow-up regarding findings described in subparagraph (B). Such procedures may include the following:

''(i) Visiting an eligible veteran in the eligible veteran's home to review directly the quality of personal care services provided to the eligible veteran.

''(ii) Taking such corrective action with respect to the findings of any review of the quality of personal care services provided an eligible veteran as the Secretary considers appropriate, which may include—

''(I) providing additional training to a family caregiver; and

''(II) suspending or revoking the approval of a family caregiver under paragraph (6) or the designation of a family caregiver under paragraph (7).

''(10) The Secretary shall carry out outreach to inform eligible veterans and family members of eligible veterans of the program required by paragraph (1) and the benefits of participating in the program.

''(b) PROGRAM OF GENERAL CAREGIVER SUPPORT SERVICES.—(1) The Secretary shall establish a program of support services for caregivers of covered veterans who are enrolled in the health care system established under section 1705(a) of this title (including caregivers who do not reside with such veterans).

''(2) For purposes of this subsection, a covered veteran is any individual who needs personal care services because of—

''(A) an inability to perform one or more activities of daily living;

''(B) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury; or

''(C) such other matters as the Secretary shall specify.

''(3)(A) The support services furnished to caregivers of covered veterans under the program required by paragraph (1) shall include the following:

''(i) Services regarding the administering of personal care services, which, subject to subparagraph (B), shall include—

''(I) educational sessions made available both in person and on an Internet website;

''(II) use of telehealth and other available technologies; and

''(III) teaching techniques, strategies, and skills for caring for a disabled veteran;

''(ii) Counseling and other services under section 1782 of this title.

''(iii) Respite care under section 1720B of this title that is medically and age appropriate for the veteran (including 24-hour per day in-home care).

''(iv) Information concerning the supportive services available to caregivers under this subsection and other public, private, and nonprofit agencies that offer support to caregivers.

''(B) If the Secretary certifies to the Committees on Veterans' Affairs of the Senate and the House of Representatives that funding available for a fiscal year is insufficient to fund the provision of services specified in one or more subclauses of subparagraph (A)(i), the Secretary shall not be required under subparagraph (A) to provide the services so specified in the certification during the period beginning on the date that is 180 days after the date the certification is received by the Committees and ending on the last day of the fiscal year.

''(4) In providing information under paragraph (3)(A)(iv), the Secretary shall collaborate with the Assistant Secretary for Aging of the Department of Health and Human Services in order to provide caregivers access to aging and disability resource centers under the Administration on Aging of the Department of Health and Human Services.

''(5) In carrying out the program required by paragraph (1), the Secretary shall conduct outreach to inform covered veterans and caregivers of covered veterans about the program. The outreach shall include an emphasis on covered veterans and caregivers of covered veterans living in rural areas.

''(c) CONSTRUCTION.—(1) A decision by the Secretary under this section affecting the furnishing of assistance or support shall be considered a medical determination.

''(2) Nothing in this section shall be construed to create—

''(A) an employment relationship between the Secretary and an individual in receipt of assistance or support under this section; or

''(B) any entitlement to any assistance or support provided under this section.

''(d) DEFINITIONS.—In this section:

''(1) The term 'caregiver', with respect to an eligible veteran under subsection (a) or a covered veteran under subsection (b), means an individual who provides personal care services to the veteran.

''(2) The term 'family caregiver', with respect to an eligible veteran under subsection (a), means a family member who is a caregiver of the veteran.

''(3) The term 'family member', with respect to an eligible veteran under subsection (a), means an individual who—

''(A) is a member of the family of the veteran, including—

''(i) a parent;

''(ii) a spouse;

''(iii) a child;

''(iv) a step-family member; and

''(v) an extended family member; or

''(B) lives with the veteran but is not a member of the family of the veteran.

''(4) The term 'personal care services', with respect to an eligible veteran under subsection (a) or a covered veteran under subsection (b), means services that provide the veteran the following:

''(A) Assistance with one or more independent activities of daily living.

''(B) Any other non-institutional extended care (as such term is used in section 1701(6)(E) of this title).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the programs required by subsections (a) and (b)—

''(1) $60,000,000 for fiscal year 2010; and

''(2) $1,542,000,000 for the period of fiscal years 2011 through 2015.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item related to section 1720F the following new item:

''1720G. Assistance and support services for caregivers.''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall take effect on the date that is 270 days after the date of the enactment of this Act.

(B) IMPLEMENTATION.—The Secretary of Veterans Affairs shall commence the programs required by subsections (a) and (b) of section 1720G of title 38, United States Code, as added by paragraph (1) of this subsection, on the date on which the amendments made by this subsection take effect.

(b) IMPLEMENTATION PLAN AND REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) develop a plan for the implementation of the program of comprehensive assistance for family caregivers required by section 1720G(a)(1) of title 38, United States Code, as added by subsection (a)(1) of this section; and

(B) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such plan.

(2) CONSULTATION.—In developing the plan required by paragraph (1)(A), the Secretary shall consult with the following:

(A) Individuals described in section 1720G(a)(2) of title 38, United States Code, as added by subsection (a)(1) of this section.

(B) Family members of such individuals who provide personal care services to such individuals.

(C) The Secretary of Defense with respect to matters concerning personal care services for members of the Armed Forces undergoing medical discharge from the Armed Forces who are eligible to benefit from personal care services furnished under the program of comprehensive assistance required by section 1720G(a)(1) of such title, as so added.

(D) Veterans service organizations, as recognized by the Secretary for the representation of veterans under section 5902 of such title.

(E) National organizations that specialize in the provision of assistance to individuals with the types of disabilities that family caregivers will encounter while providing personal care services under the program of comprehensive assistance required by section 1720G(a)(1) of such title, as so added.

(F) National organizations that specialize in provision of assistance to family members of veterans who provide personal care services to such veterans.

(G) Such other organizations with an interest in the provision of care to veterans and assistance to family caregivers as the Secretary considers appropriate.

(3) REPORT CONTENTS.—The report required by paragraph (1)(B) shall contain the following:

(A) The plan required by paragraph (1)(A).

(B) A description of the individuals, caregivers, and organizations consulted by the Secretary of Veterans Affairs under paragraph (2).

(C) A description of such consultations.

(D) The recommendations of such individuals, caregivers, and organizations, if any, that were not adopted and incorporated into the plan required by paragraph (1)(A), and the reasons the Secretary did not adopt such recommendations.

(c) ANNUAL EVALUATION REPORT.—

(1) IN GENERAL.—Not later than two years after the date described in subsection (a)(3)(A) and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a comprehensive report on the implementation of section 1720G of title 38, United States Code, as added by subsection (a)(1).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) With respect to the program of comprehensive assistance for family caregivers required by subsection (a)(1) of such section 1720G and the program of general caregiver support services required by subsection (b)(1) of such section—

(i) the number of caregivers that received assistance under such programs;

(ii) the cost to the Department of providing assistance under such programs;

(iii) a description of the outcomes achieved by, and any measurable benefits of, carrying out such programs;

(iv) an assessment of the effectiveness and the efficiency of the implementation of such programs; and

(v) such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of carrying out such programs.

(B) With respect to the program of comprehensive assistance for family caregivers required by such subsection (a)(1)—

(i) a description of the outreach activities carried out by the Secretary under such program; and

(ii) an assessment of the manner in which resources are expended by the Secretary under such program, particularly with respect to the provision of monthly personal caregiver stipends under paragraph (3)(A)(ii)(v) of such subsection (a).

(C) With respect to the provision of general caregiver support services required by such subsection (b)(1)—

(i) a summary of the support services made available under the program;

(ii) the number of caregivers who received support services under the program;

(iii) the cost to the Department of providing each support service provided under the program; and

(iv) such other information as the Secretary considers appropriate.

(d) REPORT ON EXPANSION OF FAMILY CAREGIVER ASSISTANCE.—

(1) IN GENERAL.—Not later than two years after the date described in subsection (a)(3)(A), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility and advisability of expanding the provision of assistance under section 1720G(a) of title 38, United States Code, as added by subsection (a)(1), to family caregivers of veterans who have a serious injury incurred or aggravated in the line of duty in the active military, naval, or air service before September 11, 2001.

(2) RECOMMENDATIONS.—The report required by paragraph (1) shall include such recommendations as the Secretary considers appropriate with respect to the expansion described in such paragraph.

**SEC. 102. MEDICAL CARE FOR FAMILY CAREGIVERS.**

Section 1781(a) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by inserting ''and'' at the end; and

(3) by inserting after paragraph (3), the following new paragraph:

''(4) an individual designated as a primary provider of personal care services under section 1720G(a)(7)(A) of this title who is not entitled to care or services under a health-plan contract (as defined in section 1725(f) of this title),''.

**SEC. 103. COUNSELING AND MENTAL HEALTH SERVICES FOR CAREGIVERS.**

(a) IN GENERAL.—Section 1782(c) is amended—

(1) in paragraph (1), by striking ''; or'' and inserting a semicolon;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) a family caregiver of an eligible veteran or a caregiver of a covered veteran (as those terms are defined in section 1720G of this title); or''.

(b) CONFORMING AMENDMENT.—The section heading of section 1782 is amended by adding at the end, the following: ''**and caregivers**''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by striking the item relating to section 1782 and inserting the following new item:

''1782. Counseling, training, and mental health services for immediate family members and caregivers.''.

**SEC. 104. LODGING AND SUBSISTENCE FOR ATTENDANTS.**

Section 111(e) is amended—

(1) by striking ''When'' and inserting the following: ''(1) Except as provided in paragraph (2), when''; and

(2) by adding at the end the following new paragraphs:

''(2)(A) Without regard to whether an eligible veteran entitled to mileage under this section for travel to a Department facility for the purpose of medical examination, treatment, or care requires an attendant in order to perform such travel, an attendant of such veteran described in subparagraph (B) may be allowed expenses of travel (including lodging and subsistence) upon the same basis as such veteran during—

''(i) the period of time in which such veteran is traveling to and from a Department facility for the purpose of medical examination, treatment, or care; and

''(ii) the duration of the medical examination, treatment, or care episode for such veteran.

''(B) An attendant of a veteran described in this subparagraph is a provider of personal

care services for such veteran who is approved under paragraph (6) of section 1720G(a) of this title or designated under paragraph (7) of such section 1720G(a).

''(C) The Secretary may prescribe regulations to carry out this paragraph. Such regulations may include provisions—

''(i) to limit the number of attendants that may receive expenses of travel under this paragraph for a single medical examination, treatment, or care episode of an eligible veteran; and

''(ii) to require such attendants to use certain travel services.

''(D) In this subsection, the term 'eligible veteran' has the meaning given that term in section 1720G(a)(2) of this title.''.

## TITLE II—WOMEN VETERANS HEALTH CARE MATTERS

### SEC. 201. STUDY OF BARRIERS FOR WOMEN VETERANS TO HEALTH CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a comprehensive study of the barriers to the provision of comprehensive health care by the Department of Veterans Affairs encountered by women who are veterans. In conducting the study, the Secretary shall—

(1) survey women veterans who seek or receive hospital care or medical services provided by the Department of Veterans Affairs as well as women veterans who do not seek or receive such care or services;

(2) administer the survey to a representative sample of women veterans from each Veterans Integrated Service Network; and

(3) ensure that the sample of women veterans surveyed is of sufficient size for the study results to be statistically significant and is a larger sample than that of the study referred to in subsection (b).

(b) USE OF PREVIOUS STUDY.—In conducting the study required by subsection (a), the Secretary shall build on the work of the study of the Department of Veterans Affairs titled ''National Survey of Women Veterans in Fiscal Year 2007–2008''.

(c) ELEMENTS OF STUDY.—In conducting the study required by subsection (a), the Secretary shall conduct research on the effects of the following on the women veterans surveyed in the study:

(1) The perceived stigma associated with seeking mental health care services.

(2) The effect of driving distance or availability of other forms of transportation to the nearest medical facility on access to care.

(3) The availability of child care.

(4) The acceptability of integrated primary care, women's health clinics, or both.

(5) The comprehension of eligibility requirements for, and the scope of services available under, hospital care and medical services.

(6) The perception of personal safety and comfort in inpatient, outpatient, and behavioral health facilities.

(7) The gender sensitivity of health care providers and staff to issues that particularly affect women.

(8) The effectiveness of outreach for health care services available to women veterans.

(9) The location and operating hours of health care facilities that provide services to women veterans.

(10) Such other significant barriers as the Secretary considers appropriate.

(d) DISCHARGE BY CONTRACT.—The Secretary shall enter into a contract with a qualified independent entity or organization to carry out the study and research required under this section.

(e) MANDATORY REVIEW OF DATA BY CERTAIN DEPARTMENT DIVISIONS.—

(1) IN GENERAL.—The Secretary shall ensure that the head of each division of the Department of Veterans Affairs specified in paragraph (2) reviews the results of the study conducted under this section. The head of each such division shall submit findings with respect to the study to the Under Secretary for Health and to other pertinent program offices within the Department of Veterans Affairs with responsibilities relating to health care services for women veterans.

(2) SPECIFIED DIVISIONS.—The divisions of the Department of Veterans Affairs specified in this paragraph are the following:

(A) The Center for Women Veterans established under section 318 of title 38, United States Code.

(B) The Advisory Committee on Women Veterans established under section 542 of such title.

(f) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than six months after the date on which the Department of Veterans Affairs publishes a final report on the study titled ''National Survey of Women Veterans in Fiscal Year 2007–2008'', the Secretary shall submit to Congress a report on the status of the implementation of this section.

(2) REPORT ON STUDY.—Not later than 30 months after the date on which the Department publishes such final report, the Secretary shall submit to Congress a report on the study required under this section. The report shall include recommendations for such administrative and legislative action as the Secretary considers appropriate. The report shall also include the findings of the head of each division of the Department specified under subsection (e)(2) and of the Under Secretary for Health.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs $4,000,000 to carry out this section.

### SEC. 202. TRAINING AND CERTIFICATION FOR MENTAL HEALTH CARE PROVIDERS OF THE DEPARTMENT OF VETERANS AFFAIRS ON CARE FOR VETERANS SUFFERING FROM SEXUAL TRAUMA AND POST-TRAUMATIC STRESS DISORDER.

Section 1720D is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d)(1) The Secretary shall carry out a program to provide graduate medical education, training, certification, and continuing medical education for mental health professionals who provide counseling, care, and services under subsection (a).

''(2) In carrying out the program required by paragraph (1), the Secretary shall ensure that—

''(A) all mental health professionals described in such paragraph have been trained in a consistent manner; and

''(B) training described in such paragraph includes principles of evidence-based treatment and care for sexual trauma and post-traumatic stress disorder.

''(e) Each year, the Secretary shall submit to Congress an annual report on the counseling, care, and services provided to veterans pursuant to this section. Each report shall include data for the year covered by the report with respect to each of the following:

''(1) The number of mental health professionals, graduate medical education trainees, and primary care providers who have been certified under the program required by subsection (d) and the amount and nature of continuing medical education provided under such program to such professionals, trainees, and providers who are so certified.

''(2) The number of women veterans who received counseling and care and services under subsection (a) from professionals and providers who received training under subsection (d).

''(3) The number of graduate medical education, training, certification, and continuing medical education courses provided by reason of subsection (d).

''(4) The number of trained full-time equivalent employees required in each facility of the Department to meet the needs of veterans requiring treatment and care for sexual trauma and post-traumatic stress disorder.

''(5) Such recommendations for improvements in the treatment of women veterans with sexual trauma and post-traumatic stress disorder as the Secretary considers appropriate.

''(6) Such other information as the Secretary considers appropriate.''.

### SEC. 203. PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE IN THE ARMED FORCES.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out, through the Readjustment Counseling Service of the Veterans Health Administration, a pilot program to evaluate the feasibility and advisability of providing reintegration and readjustment services described in subsection (b) in group retreat settings to women veterans who are recently separated from service in the Armed Forces after a prolonged deployment.

(2) PARTICIPATION AT ELECTION OF VETERAN.—The participation of a veteran in the pilot program under this section shall be at the election of the veteran.

(b) COVERED SERVICES.—The services provided to a woman veteran under the pilot program shall include the following:

(1) Information on reintegration into the veteran's family, employment, and community.

(2) Financial counseling.

(3) Occupational counseling.

(4) Information and counseling on stress reduction.

(5) Information and counseling on conflict resolution.

(6) Such other information and counseling as the Secretary considers appropriate to assist a woman veteran under the pilot program in reintegration into the veteran's family, employment, and community.

(c) LOCATIONS.—The Secretary shall carry out the pilot program at not fewer than three locations selected by the Secretary for purposes of the pilot program.

(d) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(e) REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall contain the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, $2,000,000 to carry out the pilot program.

**SEC. 204. SERVICE ON CERTAIN ADVISORY COMMITTEES OF WOMEN RECENTLY SEPARATED FROM SERVICE IN THE ARMED FORCES.**

(a) ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(a)(2)(A) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (iii) the following new clause:

''(iv) women veterans who are recently separated from service in the Armed Forces.''.

(b) ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(a)(2)(A) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) women veterans who are minority group members and are recently separated from service in the Armed Forces.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to appointments made on or after the date of the enactment of this Act.

**SEC. 205. PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.**

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing, subject to subsection (b), assistance to qualified veterans described in subsection (c) to obtain child care so that such veterans can receive health care services described in subsection (c).

(b) LIMITATION ON PERIOD OF PAYMENTS.—Assistance may only be provided to a qualified veteran under the pilot program for receipt of child care during the period that the qualified veteran—

(1) receives the types of health care services described in subsection (c) at a facility of the Department; and

(2) requires travel to and return from such facility for the receipt of such health care services.

(c) QUALIFIED VETERANS.—For purposes of this section, a qualified veteran is a veteran who is—

(1) the primary caretaker of a child or children; and

(2)(A) receiving from the Department—

(i) regular mental health care services;

(ii) intensive mental health care services; or

(iii) such other intensive health care services that the Secretary determines that provision of assistance to the veteran to obtain child care would improve access to such health care services by the veteran; or

(B) in need of regular or intensive mental health care services from the Department, and but for lack of child care services, would receive such health care services from the Department.

(d) LOCATIONS.—The Secretary shall carry out the pilot program in no fewer than three Veterans Integrated Service Networks selected by the Secretary for purposes of the pilot program.

(e) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(f) FORMS OF CHILD CARE ASSISTANCE.—

(1) IN GENERAL.—Child care assistance under this section may include the following:

(A) Stipends for the payment of child care offered by licensed child care centers (either directly or through a voucher program) which shall be, to the extent practicable, modeled after the Department of Veterans Affairs Child Care Subsidy Program established pursuant to section 630 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67; 115 Stat. 552).

(B) Direct provision of child care at an on-site facility of the Department of Veterans Affairs.

(C) Payments to private child care agencies.

(D) Collaboration with facilities or programs of other Federal departments or agencies.

(E) Such other forms of assistance as the Secretary considers appropriate.

(2) AMOUNTS OF STIPENDS.—In the case that child care assistance under this section is provided as a stipend under paragraph (1)(A), such stipend shall cover the full cost of such child care.

(g) REPORT.—Not later than six months after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out the pilot program $1,500,000 for each of fiscal years 2010 and 2011.

**SEC. 206. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.**

(a) IN GENERAL.—Subchapter VIII of chapter 17 is amended by adding at the end the following new section:

**''§ 1786. Care for newborn children of women veterans receiving maternity care**

''(a) IN GENERAL.—The Secretary may furnish health care services described in subsection (b) to a newborn child of a woman veteran who is receiving maternity care furnished by the Department for not more than seven days after the birth of the child if the veteran delivered the child in—

''(1) a facility of the Department; or

''(2) another facility pursuant to a Department contract for services relating to such delivery.

''(b) COVERED HEALTH CARE SERVICES.—Health care services described in this subsection are all post-delivery care services, including routine care services, that a newborn child requires.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1785 the following new item:

''1786. Care for newborn children of women veterans receiving maternity care.''.

## TITLE III—RURAL HEALTH IMPROVEMENTS

**SEC. 301. IMPROVEMENTS TO THE EDUCATION DEBT REDUCTION PROGRAM.**

(a) INCLUSION OF EMPLOYEE RETENTION AS PURPOSE OF PROGRAM.—Section 7681(a)(2) is amended by inserting ''and retention'' after ''recruitment'' the first time it appears.

(b) EXPANSION OF ELIGIBILITY.—Section 7682 is amended—

(1) in subsection (a)(1), by striking ''a recently appointed'' and inserting ''an''; and

(2) by striking subsection (c).

(c) INCREASE IN MAXIMUM ANNUAL AMOUNT OF PAYMENTS.—Paragraph (1) of subsection (d) of section 7683 is amended—

(1) by striking ''$44,000'' and inserting ''$60,000''; and

(2) by striking ''$10,000'' and inserting ''$12,000''.

(d) EXCEPTION TO LIMITATION ON AMOUNT FOR CERTAIN PARTICIPANTS.—Such subsection is further amended by adding at the end the following new paragraph:

''(3)(A) The Secretary may waive the limitations under paragraphs (1) and (2) in the case of a participant described in subparagraph (B). In the case of such a waiver, the total amount of education debt repayments payable to that participant is the total amount of the principal and the interest on the participant's loans referred to in subsection (a).

''(B) A participant described in this subparagraph is a participant in the Program who the Secretary determines serves in a position for which there is a shortage of qualified employees by reason of either the location or the requirements of the position.''.

**SEC. 302. VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS EDUCATION ASSISTANCE PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—Part V is amended by inserting after chapter 74 the following new chapter:

### ''CHAPTER 75—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM

''Sec.
''7501. Establishment of scholarship program; purpose.
''7502. Application and acceptance.
''7503. Amount of assistance; duration.
''7504. Agreement.
''7505. Repayment for failure to satisfy requirements of agreement.

**''§ 7501. Establishment of scholarship program; purpose**

''(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish and carry out a scholarship program to provide financial assistance in accordance with this chapter to individuals who—

''(1) are accepted for enrollment or currently enrolled in a program of study leading to a degree or certificate in visual impairment or orientation and mobility, or a dual degree or certification in both such areas, at an accredited (as determined by the Secretary) educational institution that is in a State; and

''(2) enter into an agreement with the Secretary as described in section 7504 of this title.

''(b) PURPOSE.—The purpose of the scholarship program is to increase the supply of qualified blind rehabilitation specialists for the Department and the Nation.

''(c) OUTREACH.—The Secretary shall publicize the scholarship program to educational institutions throughout the United States, with an emphasis on disseminating information to such institutions with high numbers of Hispanic students and to Historically Black Colleges and Universities.

**''§ 7502. Application and acceptance**

''(a) APPLICATION.—(1) To apply and participate in the scholarship program under this chapter, an individual shall submit to the Secretary an application for such participation together with an agreement described in section 7504 of this title under which the participant agrees to serve a period of obligated service in the Department

as provided in the agreement in return for payment of educational assistance as provided in the agreement.

''(2) In distributing application forms and agreement forms to individuals desiring to participate in the scholarship program, the Secretary shall include with such forms the following:

''(A) A fair summary of the rights and liabilities of an individual whose application is approved (and whose agreement is accepted) by the Secretary.

''(B) A full description of the terms and conditions that apply to participation in the scholarship program and service in the Department.

''(b) APPROVAL.—(1) Upon the Secretary's approval of an individual's participation in the scholarship program, the Secretary shall, in writing, promptly notify the individual of that acceptance.

''(2) An individual becomes a participant in the scholarship program upon such approval by the Secretary.

**''§ 7503. Amount of assistance; duration**

''(a) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided an individual under the scholarship program under this chapter shall be the amount determined by the Secretary as being necessary to pay the tuition and fees of the individual. In the case of an individual enrolled in a program of study leading to a dual degree or certification in both the areas of study described in section 7501(a)(1) of this title, the tuition and fees shall not exceed the amounts necessary for the minimum number of credit hours to achieve such dual degree or certification.

''(b) RELATIONSHIP TO OTHER ASSISTANCE.—Financial assistance may be provided to an individual under the scholarship program to supplement other educational assistance to the extent that the total amount of educational assistance received by the individual during an academic year does not exceed the total tuition and fees for such academic year.

''(c) MAXIMUM AMOUNT OF ASSISTANCE.—(1) The total amount of assistance provided under the scholarship program for an academic year to an individual who is a full-time student may not exceed $15,000.

''(2) In the case of an individual who is a part-time student, the total amount of assistance provided under the scholarship program shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a full-time student in the program of study being pursued by the individual as the coursework carried by the individual to full-time coursework in that program of study.

''(3) The total amount of assistance provided to an individual under the scholarship program may not exceed $45,000.

''(d) MAXIMUM DURATION OF ASSISTANCE.—Financial assistance may not be provided to an individual under the scholarship program for more than six academic years.

**''§ 7504. Agreement**

''An agreement between the Secretary and a participant in the scholarship program under this chapter shall be in writing, shall be signed by the participant, and shall include—

''(1) the Secretary's agreement to provide the participant with financial assistance as authorized under this chapter;

''(2) the participant's agreement—

''(A) to accept such financial assistance;

''(B) to maintain enrollment and attendance in the program of study described in section 7501(a)(1) of this title;

''(C) while enrolled in such program, to maintain an acceptable level of academic standing (as determined by the educational institution offering such program under regulations prescribed by the Secretary); and

''(D) after completion of the program, to serve as a full-time employee in the Department for a period of three years, to be served within the first six years after the participant has completed such program and received a degree or certificate described in section 7501(a)(1) of this title; and

''(3) any other terms and conditions that the Secretary considers appropriate for carrying out this chapter.

**''§ 7505. Repayment for failure to satisfy requirements of agreement**

''(a) IN GENERAL.—An individual who receives educational assistance under the scholarship program under this chapter shall repay to the Secretary an amount equal to the unearned portion of such assistance if the individual fails to satisfy the requirements of the agreement entered into under section 7504 of this title, except in circumstances authorized by the Secretary.

''(b) AMOUNT OF REPAYMENT.—The Secretary shall establish, by regulations, procedures for determining the amount of the repayment required under this section and the circumstances under which an exception to the required repayment may be granted.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this chapter (or an agreement under this chapter) whenever—

''(1) noncompliance by the individual is due to circumstances beyond the control of the individual; or

''(2) the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

''(d) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the Secretary under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.''.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, and of part V, are each amended by inserting after the item relating to chapter 74 the following new item:

''75. Visual Impairment and Orientation and Mobility Professionals Educational Assistance Program 7501''.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall implement chapter 75 of title 38, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

**SEC. 303. DEMONSTRATION PROJECTS ON ALTERNATIVES FOR EXPANDING CARE FOR VETERANS IN RURAL AREAS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs may, through the Director of the Office of Rural Health, carry out demonstration projects to examine the feasibility and advisability of alternatives for expanding care for veterans in rural areas, which may include the following:

(1) Establishing a partnership between the Department of Veterans Affairs and the Centers for Medicare and Medicaid Services of the Department of Health and Human Services to coordinate care for veterans in rural areas at critical access hospitals (as designated or certified under section 1820 of the Social Security Act (42 U.S.C. 1395i–4)).

(2) Establishing a partnership between the Department of Veterans Affairs and the Department of Health and Human Services to coordinate care for veterans in rural areas at community health centers.

(3) Expanding coordination between the Department of Veterans Affairs and the Indian Health Service to expand care for Indian veterans.

(b) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that the demonstration projects carried out under subsection (a) are located at facilities that are geographically distributed throughout the United States.

(c) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit a report on the results of the demonstration projects carried out under subsection (a) to—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2010 and each fiscal year thereafter.

**SEC. 304. PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS WHO SERVED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.**

(a) PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to provide—

(1) to veterans of Operation Enduring Freedom and Operation Iraqi Freedom, particularly veterans who served in such operations while in the National Guard and the Reserves—

(A) peer outreach services;

(B) peer support services;

(C) readjustment counseling and services described in section 1712A of title 38, United States Code; and

(D) mental health services; and

(2) to members of the immediate family of veterans described in paragraph (1), during the three-year period beginning on the date of the return of such veterans from deployment in Operation Enduring Freedom or Operation Iraqi Freedom, education, support, counseling, and mental health services to assist in—

(A) the readjustment of such veterans to civilian life;

(B) in the case such veterans have an injury or illness incurred during such deployment, the recovery of such veterans from such injury or illness; and

(C) the readjustment of the family following the return of such veterans.

(b) CONTRACTS WITH COMMUNITY MENTAL HEALTH CENTERS AND OTHER QUALIFIED ENTITIES.—In carrying out the program required by subsection (a), the Secretary may contract with community mental health centers and other qualified entities to provide the services required by such subsection only in areas the Secretary determines are not adequately served by other health care facilities or vet centers of the Department of Veterans Affairs. Such contracts shall require each contracting community health center or entity—

(1) to the extent practicable, to use telehealth services for the delivery of services required by subsection (a);

(2) to the extent practicable, to employ veterans trained under subsection (c) in the

provision of services covered by that subsection;

(3) to participate in the training program conducted in accordance with subsection (d);

(4) to comply with applicable protocols of the Department before incurring any liability on behalf of the Department for the provision of services required by subsection (a);

(5) for each veteran for whom a community mental health center or other qualified entity provides mental health services under such contract, to provide the Department with such clinical summary information as the Secretary shall require;

(6) to submit annual reports to the Secretary containing, with respect to the program required by subsection (a) and for the last full calendar year ending before the submittal of such report—

(A) the number of the veterans served, veterans diagnosed, and courses of treatment provided to veterans as part of the program required by subsection (a); and

(B) demographic information for such services, diagnoses, and courses of treatment; and

(7) to meet such other requirements as the Secretary shall require.

(c) TRAINING OF VETERANS FOR PROVISION OF PEER-OUTREACH AND PEER-SUPPORT SERVICES.—In carrying out the program required by subsection (a), the Secretary shall contract with a national not-for-profit mental health organization to carry out a national program of training for veterans described in subsection (a) to provide the services described in subparagraphs (A) and (B) of paragraph (1) of such subsection.

(d) TRAINING OF CLINICIANS FOR PROVISION OF SERVICES.—The Secretary shall conduct a training program for clinicians of community mental health centers or entities that have contracts with the Secretary under subsection (b) to ensure that such clinicians can provide the services required by subsection (a) in a manner that—

(1) recognizes factors that are unique to the experience of veterans who served on active duty in Operation Enduring Freedom or Operation Iraqi Freedom (including their combat and military training experiences); and

(2) uses best practices and technologies.

(e) VET CENTER DEFINED.—In this section, the term ''vet center'' means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

**SEC. 305. TRAVEL REIMBURSEMENT FOR VETERANS RECEIVING TREATMENT AT FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) ENHANCEMENT OF ALLOWANCE BASED UPON MILEAGE TRAVELED.—Section 111 is amended—

(1) in subsection (a), by striking ''traveled,'' and inserting ''(at a rate of 41.5 cents per mile),''; and

(2) by amending subsection (g) to read as follows:

''(g)(1) Beginning one year after the date of the enactment of the Caregivers and Veterans Omnibus Health Services Act of 2010, the Secretary may adjust the mileage rate described in subsection (a) to be equal to the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

''(2) If an adjustment in the mileage rate under paragraph (1) results in a lower mileage rate than the mileage rate otherwise specified in subsection (a), the Secretary shall, not later than 60 days before the date of the implementation of the mileage rate as so adjusted, submit to Congress a written report setting forth the adjustment in the mileage rate under this subsection, together with a justification for the decision to make the adjustment in the mileage rate under this subsection.''.

(b) COVERAGE OF COST OF TRANSPORTATION BY AIR.—Subsection (a) of section 111, as amended by subsection (a)(1), is further amended by inserting after the first sentence the following new sentence: ''Actual necessary expense of travel includes the reasonable costs of airfare if travel by air is the only practical way to reach a Department facility.''.

(c) ELIMINATION OF LIMITATION BASED ON MAXIMUM ANNUAL RATE OF PENSION.—Subsection (b)(1)(D)(i) of such section is amended by inserting ''who is not traveling by air and'' before ''whose annual''.

(d) DETERMINATION OF PRACTICALITY.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(4) In determining for purposes of subsection (a) whether travel by air is the only practical way for a veteran to reach a Department facility, the Secretary shall consider the medical condition of the veteran and any other impediments to the use of ground transportation by the veteran.''.

(e) NO EXPANSION OF ELIGIBILITY FOR BENEFICIARY TRAVEL.—The amendments made by subsections (b) and (d) of this section may not be construed as expanding or otherwise modifying eligibility for payments or allowances for beneficiary travel under section 111 of title 38, United States Code, as in effect on the day before the date of the enactment of this Act.

(f) CLARIFICATION OF RELATION TO PUBLIC TRANSPORTATION IN VETERANS HEALTH ADMINISTRATION HANDBOOK.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall revise the Veterans Health Administration Handbook to clarify that an allowance for travel based on mileage paid under section 111(a) of title 38, United States Code, may exceed the cost of such travel by public transportation regardless of medical necessity.

**SEC. 306. PILOT PROGRAM ON INCENTIVES FOR PHYSICIANS WHO ASSUME INPATIENT RESPONSIBILITIES AT COMMUNITY HOSPITALS IN HEALTH PROFESSIONAL SHORTAGE AREAS.**

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasability and advisability of each of the following:

(1) The provision of financial incentives to eligible physicians who obtain and maintain inpatient privileges at community hospitals in health professional shortage areas in order to facilitate the provision by such physicians of primary care and mental health services to veterans at such hospitals.

(2) The collection of payments from third-party providers for care provided by eligible physicians to nonveterans while discharging inpatient responsibilities at community hospitals in the course of exercising the privileges described in paragraph (1).

(b) ELIGIBLE PHYSICIANS.—For purposes of this section, an eligible physician is a primary care or mental health physician employed by the Department of Veterans Affairs on a full-time basis.

(c) DURATION OF PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(d) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at not less than five community hospitals in each of not less than two Veterans Integrated Services Networks. The hospitals shall be selected by the Secretary using the results of the survey required under subsection (e).

(2) QUALIFYING COMMUNITY HOSPITALS.—A community hospital may be selected by the Secretary as a location for the pilot program if—

(A) the hospital is located in a health professional shortage area; and

(B) the number of eligible physicians willing to assume inpatient responsibilities at the hospital (as determined using the result of the survey) is sufficient for purposes of the pilot program.

(e) SURVEY OF PHYSICIAN INTEREST IN PARTICIPATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall conduct a survey of eligible physicians to determine the extent of the interest of such physicians in participating in the pilot program.

(2) ELEMENTS.—The survey shall disclose the type, amount, and nature of the financial incentives to be provided under subsection (h) to physicians participating in the pilot program.

(f) PHYSICIAN PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall select physicians for participation in the pilot program from among eligible physicians who—

(A) express interest in participating in the pilot program in the survey conducted under subsection (e);

(B) are in good standing with the Department; and

(C) primarily have clinical responsibilities with the Department.

(2) VOLUNTARY PARTICIPATION.—Participation in the pilot program shall be voluntary. Nothing in this section shall be construed to require a physician working for the Department to assume inpatient responsibilities at a community hospital unless otherwise required as a term or condition of employment with the Department.

(g) ASSUMPTION OF INPATIENT PHYSICIAN RESPONSIBILITIES.—

(1) IN GENERAL.—Each eligible physician selected for participation in the pilot program shall assume and maintain inpatient responsibilities, including inpatient responsibilities with respect to nonveterans, at one or more community hospitals selected by the Secretary for participation in the pilot program under subsection (d).

(2) COVERAGE UNDER FEDERAL TORT CLAIMS ACT.—If an eligible physician participating in the pilot program carries out on-call responsibilities at a community hospital where privileges to practice at such hospital are conditioned upon the provision of services to individuals who are not veterans while the physician is on call for such hospital, the provision of such services by the physician shall be considered an action within the scope of the physician's office or employment for purposes of chapter 171 of title 28, United States Code (commonly referred to as the ''Federal Tort Claims Act'').

(h) COMPENSATION.—

(1) IN GENERAL.—The Secretary shall provide each eligible physician participating in the pilot program with such compensation (including pay and other appropriate compensation) as the Secretary considers appropriate to compensate such physician for the discharge of any inpatient responsibilities by such physician at a community hospital for which such physician would not otherwise be

compensated by the Department as a full-time employee of the Department.

(2) WRITTEN AGREEMENT.—The amount of any compensation to be provided a physician under the pilot program shall be specified in a written agreement entered into by the Secretary and the physician for purposes of the pilot program.

(3) TREATMENT OF COMPENSATION.—The Secretary shall consult with the Director of the Office of Personnel Management on the inclusion of a provision in the written agreement required under paragraph (2) that describes the treatment under Federal law of any compensation provided a physician under the pilot program, including treatment for purposes of retirement under the civil service laws.

(i) COLLECTIONS FROM THIRD PARTIES.—In carrying out the pilot program for the purpose described in subsection (a)(2), the Secretary shall implement a variety and range of requirements and mechanisms for the collection from third-party payors of amounts to reimburse the Department for health care services provided to nonveterans under the pilot program by eligible physicians discharging inpatient responsibilities under the pilot program.

(j) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the pilot program, including the following:

(1) The findings of the Secretary with respect to the pilot program.

(2) The number of veterans and nonveterans provided inpatient care by physicians participating in the pilot program.

(3) The amounts payable and collected under subsection (i).

(k) DEFINITIONS.—In this section:

(1) HEALTH PROFESSIONAL SHORTAGE AREA.—The term ''health professional shortage area'' has the meaning given the term in section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)).

(2) INPATIENT RESPONSIBILITIES.—The term ''inpatient responsibilities'' means on-call responsibilities customarily required of a physician by a community hospital as a condition of granting privileges to the physician to practice in the hospital.

**SEC. 307. GRANTS FOR VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.**

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish a grant program to provide innovative transportation options to veterans in highly rural areas.

(2) ELIGIBLE RECIPIENTS.—The following may be awarded a grant under this section:

(A) State veterans service agencies.

(B) Veterans service organizations.

(3) USE OF FUNDS.—A State veterans service agency or veterans service organization awarded a grant under this section may use the grant amount to—

(A) assist veterans in highly rural areas to travel to Department of Veterans Affairs medical centers; and

(B) otherwise assist in providing transportation in connection with the provision of medical care to veterans in highly rural areas.

(4) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed $50,000.

(5) NO MATCHING REQUIREMENT.—The recipient of a grant under this section shall not be required to provide matching funds as a condition for receiving such grant.

(b) REGULATIONS.—The Secretary shall prescribe regulations for—

(1) evaluating grant applications under this section; and

(2) otherwise administering the program established by this section.

(c) DEFINITIONS.—In this section:

(1) HIGHLY RURAL.—The term ''highly rural'', in the case of an area, means that the area consists of a county or counties having a population of less than seven persons per square mile.

(2) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 for each of fiscal years 2010 through 2014 to carry out this section.

**SEC. 308. MODIFICATION OF ELIGIBILITY FOR PARTICIPATION IN PILOT PROGRAM OF ENHANCED CONTRACT CARE AUTHORITY FOR HEALTH CARE NEEDS OF CERTAIN VETERANS.**

Subsection (b) of section 403 of the Veterans' Mental Health and other Care Improvements Act of 2008 (Public Law 110–387; 122 Stat. 4125; 38 U.S.C. 1703 note) is amended to read as follows:

''(b) COVERED VETERANS.—For purposes of the pilot program under this section, a covered veteran is any veteran who—

''(1) is—

''(A) enrolled in the system of patient enrollment established under section 1705(a) of title 38, United States Code, as of the date of the commencement of the pilot program under subsection (a)(2); or

''(B) eligible for health care under section 1710(e)(3) of such title; and

''(2) resides in a location that is—

''(A) more than 60 minutes driving distance from the nearest Department health care facility providing primary care services, if the veteran is seeking such services;

''(B) more than 120 minutes driving distance from the nearest Department health care facility providing acute hospital care, if the veteran is seeking such care; or

''(C) more than 240 minutes driving distance from the nearest Department health care facility providing tertiary care, if the veteran is seeking such care.''.

## TITLE IV—MENTAL HEALTH CARE MATTERS

**SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM FOR COUNSELING AND SERVICES THROUGH READJUSTMENT COUNSELING SERVICE.**

(a) IN GENERAL.—Any member of the Armed Forces, including a member of the National Guard or Reserve, who serves on active duty in the Armed Forces in Operation Enduring Freedom or Operation Iraqi Freedom is eligible for readjustment counseling and related mental health services under section 1712A of title 38, United States Code, through the Readjustment Counseling Service of the Veterans Health Administration.

(b) NO REQUIREMENT FOR CURRENT ACTIVE DUTY SERVICE.—A member of the Armed Forces who meets the requirements for eligibility for counseling and services under subsection (a) is entitled to counseling and services under that subsection regardless of whether or not the member is currently on active duty in the Armed Forces at the time of receipt of counseling and services under that subsection.

(c) REGULATIONS.—The eligibility of members of the Armed Forces for counseling and services under subsection (a) shall be subject to such regulations as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe for purposes of this section.

(d) SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The provision of counseling and services under subsection (a) shall be subject to the availability of appropriations for such purpose.

**SEC. 402. RESTORATION OF AUTHORITY OF READJUSTMENT COUNSELING SERVICE TO PROVIDE REFERRAL AND OTHER ASSISTANCE UPON REQUEST TO FORMER MEMBERS OF THE ARMED FORCES NOT AUTHORIZED COUNSELING.**

Section 1712A is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not otherwise eligible for such counseling, the Secretary shall—

''(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Department; and

''(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service, and to the Department, for review of such individual's discharge or release from such service.''.

**SEC. 403. STUDY ON SUICIDES AMONG VETERANS.**

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study to determine the number of veterans who died by suicide between January 1, 1999, and the date of the enactment of this Act.

(b) COORDINATION.—In carrying out the study under subsection (a) the Secretary of Veterans Affairs shall coordinate with—

(1) the Secretary of Defense;

(2) veterans service organizations;

(3) the Centers for Disease Control and Prevention; and

(4) State public health offices and veterans agencies.

(c) REPORT TO CONGRESS.—The Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study required under subsection (a) and the findings of the Secretary.

(d) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

## TITLE V—OTHER HEALTH CARE MATTERS

**SEC. 501. REPEAL OF CERTAIN ANNUAL REPORTING REQUIREMENTS.**

(a) NURSE PAY REPORT.—Section 7451 is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) LONG-TERM PLANNING REPORT.—

(1) IN GENERAL.—Section 8107 is repealed.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8107.

**SEC. 502. SUBMITTAL DATE OF ANNUAL REPORT ON GULF WAR RESEARCH.**

Section 707(c)(1) of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended by striking ''Not later than March 1 of each year'' and inserting ''Not later than July 1, 2010, and July 1 of each of the five following years''.

**SEC. 503. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.**

Section 1781 is amended by adding at the end the following new subsection:

''(e) Payment by the Secretary under this section on behalf of a covered beneficiary for medical care shall constitute payment in full and extinguish any liability on the part of the beneficiary for that care.''.

**SEC. 504. DISCLOSURE OF PATIENT TREATMENT INFORMATION FROM MEDICAL RECORDS OF PATIENTS LACKING DECISIONMAKING CAPACITY.**

Section 7332(b)(2) is amended by adding at the end the following new subparagraph:

''(F)(i) To a representative of a patient who lacks decision-making capacity, when a practitioner deems the content of the given record necessary for that representative to make an informed decision regarding the patient's treatment.

''(ii) In this subparagraph, the term 'representative' means an individual, organization, or other body authorized under section 7331 of this title and its implementing regulations to give informed consent on behalf of a patient who lacks decision-making capacity.''.

**SEC. 505. ENHANCEMENT OF QUALITY MANAGEMENT.**

(a) ENHANCEMENT OF QUALITY MANAGEMENT THROUGH QUALITY MANAGEMENT OFFICERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 is amended by inserting after section 7311 the following new section:

**''§ 7311A. Quality management officers**

''(a) NATIONAL QUALITY MANAGEMENT OFFICER.—(1) The Under Secretary for Health shall designate an official of the Veterans Health Administration to act as the principal quality management officer for the quality-assurance program required by section 7311 of this title. The official so designated may be known as the 'National Quality Management Officer of the Veterans Health Administration' (in this section referred to as the 'National Quality Management Officer').

''(2) The National Quality Management Officer shall report directly to the Under Secretary for Health in the discharge of responsibilities and duties of the Officer under this section.

''(3) The National Quality Management Officer shall be the official within the Veterans Health Administration who is principally responsible for the quality-assurance program referred to in paragraph (1). In carrying out that responsibility, the Officer shall be responsible for the following:

''(A) Establishing and enforcing the requirements of the program referred to in paragraph (1).

''(B) Developing an aggregate quality metric from existing data sources, such as the Inpatient Evaluation Center of the Department, the National Surgical Quality Improvement Program, and the External Peer Review Program of the Veterans Health Administration, that could be used to assess reliably the quality of care provided at individual Department medical centers and associated community based outpatient clinics.

''(C) Ensuring that existing measures of quality, including measures from the Inpatient Evaluation Center, the National Surgical Quality Improvement Program, System-Wide Ongoing Assessment and Review reports of the Department, and Combined Assessment Program reviews of the Office of Inspector General of the Department, are monitored routinely and analyzed in a manner that ensures the timely detection of quality of care issues.

''(D) Encouraging research and development in the area of quality metrics for the purposes of improving how the Department measures quality in individual facilities.

''(E) Carrying out such other responsibilities and duties relating to quality management in the Veterans Health Administration as the Under Secretary for Health shall specify.

''(4) The requirements under paragraph (3) shall include requirements regarding the following:

''(A) A confidential system for the submittal of reports by Veterans Health Administration personnel regarding quality management at Department facilities.

''(B) Mechanisms for the peer review of the actions of individuals appointed in the Veterans Health Administration in the position of physician.

''(b) QUALITY MANAGEMENT OFFICERS FOR VISNS.—(1) The Regional Director of each Veterans Integrated Services Network shall appoint an official of the Network to act as the quality management officer of the Network.

''(2) The quality management officer for a Veterans Integrated Services Network shall report to the Regional Director of the Veterans Integrated Services Network, and to the National Quality Management Officer, regarding the discharge of the responsibilities and duties of the officer under this section.

''(3) The quality management officer for a Veterans Integrated Services Network shall—

''(A) direct the quality management office in the Network; and

''(B) coordinate, monitor, and oversee the quality management programs and activities of the Administration medical facilities in the Network in order to ensure the thorough and uniform discharge of quality management requirements under such programs and activities throughout such facilities.

''(c) QUALITY MANAGEMENT OFFICERS FOR MEDICAL FACILITIES.—(1) The director of each Veterans Health Administration medical facility shall appoint a quality management officer for that facility.

''(2) The quality management officer for a facility shall report directly to the director of the facility, and to the quality management officer of the Veterans Integrated Services Network in which the facility is located, regarding the discharge of the responsibilities and duties of the quality management officer under this section.

''(3) The quality management officer for a facility shall be responsible for designing, disseminating, and implementing quality management programs and activities for the facility that meet the requirements established by the National Quality Management Officer under subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—(1) Except as provided in paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section.

''(2) There is authorized to be appropriated to carry out the provisions of subparagraphs (B), (C), and (D) of subsection (a)(3), $25,000,000 for the two-year period of fiscal years beginning after the date of the enactment of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7311 the following new item:

''7311A. Quality management officers.''.

(b) REPORTS ON QUALITY CONCERNS UNDER QUALITY-ASSURANCE PROGRAM.—Section 7311(b) is amended by adding at the end the following new paragraph:

''(4) As part of the quality-assurance program, the Under Secretary for Health shall establish mechanisms through which employees of Veterans Health Administration facilities may submit reports, on a confidential basis, on matters relating to quality of care in Veterans Health Administration facilities to the quality management officers of such facilities under section 7311A(c) of this title. The mechanisms shall provide for the prompt and thorough review of any reports so submitted by the receiving officials.''.

(c) REVIEW OF CURRENT HEALTH CARE QUALITY SAFEGUARDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a comprehensive review of all current policies and protocols of the Department of Veterans Affairs for maintaining health care quality and patient safety at Department medical facilities. The review shall include a review and assessment of the National Surgical Quality Improvement Program, including an assessment of—

(A) the efficacy of the quality indicators under the program;

(B) the efficacy of the data collection methods under the program;

(C) the efficacy of the frequency with which regular data analyses are performed under the program; and

(D) the extent to which the resources allocated to the program are adequate to fulfill the stated function of the program.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the review conducted under paragraph (1), including the findings of the Secretary as a result of the review and such recommendations as the Secretary considers appropriate in light of the review.

**SEC. 506. PILOT PROGRAM ON USE OF COMMUNITY-BASED ORGANIZATIONS AND LOCAL AND STATE GOVERNMENT ENTITIES TO ENSURE THAT VETERANS RECEIVE CARE AND BENEFITS FOR WHICH THEY ARE ELIGIBLE.**

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of using community-based organizations and local and State government entities—

(1) to increase the coordination of community, local, State, and Federal providers of health care and benefits for veterans to assist veterans who are transitioning from military service to civilian life in such transition;

(2) to increase the availability of high quality medical and mental health services to veterans transitioning from military service to civilian life;

(3) to provide assistance to families of veterans who are transitioning from military service to civilian life to help such families adjust to such transition; and

(4) to provide outreach to veterans and their families to inform them about the availability of benefits and connect them with appropriate care and benefit programs.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the two-year period beginning on the date that is 180 days after the date of the enactment of this Act.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at five locations selected by the Secretary for purposes of the pilot program.

(2) CONSIDERATIONS.—In selecting locations for the pilot program, the Secretary shall consider the advisability of selecting locations in—

(A) rural areas;

(B) areas with populations that have a high proportion of minority group representation;

(C) areas with populations that have a high proportion of individuals who have limited access to health care; and

(D) areas that are not in close proximity to an active duty military installation.

(d) GRANTS.—The Secretary shall carry out the pilot program through the award of grants to community-based organizations and local and State government entities.

(e) SELECTION OF GRANT RECIPIENTS.—

(1) IN GENERAL.—A community-based organization or local or State government entity seeking a grant under the pilot program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

(A) A description of the consultations, if any, with the Department of Veterans Affairs in the development of the proposal under the application.

(B) A plan to coordinate activities under the pilot program, to the greatest extent possible, with the local, State, and Federal providers of services for veterans to reduce duplication of services and to enhance the effect of such services.

(f) USE OF GRANT FUNDS.—The Secretary shall prescribe appropriate uses of grant funds received under the pilot program.

(g) REPORT ON PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The findings and conclusions of the Secretary with respect to the pilot program.

(B) An assessment of the benefits to veterans of the pilot program.

(C) The recommendations of the Secretary as to the advisability of continuing the pilot program.

**SEC. 507. SPECIALIZED RESIDENTIAL CARE AND REHABILITATION FOR CERTAIN VETERANS.**

Section 1720 is amended by adding at the end the following new subsection:

''(g) The Secretary may contract with appropriate entities to provide specialized residential care and rehabilitation services to a veteran of Operation Enduring Freedom or Operation Iraqi Freedom who the Secretary determines suffers from a traumatic brain injury, has an accumulation of deficits in activities of daily living and instrumental activities of daily living, and because of these deficits, would otherwise require admission to a nursing home even though such care would generally exceed the veteran's nursing needs.''.

**SEC. 508. EXPANDED STUDY ON THE HEALTH IMPACT OF PROJECT SHIPBOARD HAZARD AND DEFENSE.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct an expanded study on the health impact of Project Shipboard Hazard and Defense (Project SHAD).

(b) COVERED VETERANS.—The study required by subsection (a) shall include, to the extent practicable, all veterans who participated in Project Shipboard Hazard and Defense.

(c) USE OF EXISTING STUDIES.—The study required by subsection (a) may use results from the study covered in the report titled ''Long-Term Health Effects of Participation in Project SHAD'' of the Institute of Medicine of the National Academies.

**SEC. 509. USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY.**

Section 1710E is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection (b):

''(b) COVERED INDIVIDUALS.—The care and services provided under subsection (a) shall be made available to an individual—

''(1) who is described in section 1710C(a) of this title; and

''(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

''(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation for such individual.''; and

(3) by adding at the end the following new subsection:

''(d) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.''.

**SEC. 510. PILOT PROGRAM ON PROVISION OF DENTAL INSURANCE PLANS TO VETERANS AND SURVIVORS AND DEPENDENTS OF VETERANS.**

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing a dental insurance plan to veterans and survivors and dependents of veterans described in subsection (b).

(b) COVERED VETERANS AND SURVIVORS AND DEPENDENTS.—The veterans and survivors and dependents of veterans described in this subsection are as follows:

(1) Any veteran who is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) Any survivor or dependent of a veteran who is eligible for medical care under section 1781 of such title.

(c) DURATION OF PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date that is 270 days after the date of the enactment of this Act.

(d) LOCATIONS.—The pilot program shall be carried out in such Veterans Integrated Services Networks as the Secretary considers appropriate for purposes of the pilot program.

(e) ADMINISTRATION.—The Secretary shall contract with a dental insurer to administer the dental insurance plan provided under the pilot program.

(f) BENEFITS.—The dental insurance plan under the pilot program shall provide such benefits for dental care and treatment as the Secretary considers appropriate for the dental insurance plan, including diagnostic services, preventative services, endodontics and other restorative services, surgical services, and emergency services.

(g) ENROLLMENT.—

(1) VOLUNTARY.—Enrollment in the dental insurance plan under the pilot program shall be voluntary.

(2) MINIMUM PERIOD.—Enrollment in the dental insurance plan shall be for such minimum period as the Secretary shall prescribe for purposes of this section.

(h) PREMIUMS.—

(1) IN GENERAL.—Premiums for coverage under the dental insurance plan under the pilot program shall be in such amount or amounts as the Secretary shall prescribe to cover all costs associated with the pilot program.

(2) ANNUAL ADJUSTMENT.—The Secretary shall adjust the premiums payable under the pilot program for coverage under the dental insurance plan on an annual basis. Each individual covered by the dental insurance plan at the time of such an adjustment shall be notified of the amount and effective date of such adjustment.

(3) RESPONSIBILITY FOR PAYMENT.—Each individual covered by the dental insurance plan shall pay the entire premium for coverage under the dental insurance plan, in addition to the full cost of any copayments.

(i) VOLUNTARY DISENROLLMENT.—

(1) IN GENERAL.—With respect to enrollment in the dental insurance plan under the pilot program, the Secretary shall—

(A) permit the voluntary disenrollment of an individual in the dental insurance plan if the disenrollment occurs during the 30-day period beginning on the date of the enrollment of the individual in the dental insurance plan; and

(B) permit the voluntary disenrollment of an individual in the dental insurance plan for such circumstances as the Secretary shall prescribe for purposes of this subsection, but only to the extent such disenrollment does not jeopardize the fiscal integrity of the dental insurance plan.

(2) ALLOWABLE CIRCUMSTANCES.—The circumstances prescribed under paragraph (1)(B) shall include the following:

(A) If an individual enrolled in the dental insurance plan relocates to a location outside the jurisdiction of the dental insurance plan that prevents use of the benefits under the dental insurance plan.

(B) If an individual enrolled in the dental insurance plan is prevented by a serious medical condition from being able to obtain benefits under the dental insurance plan.

(C) Such other circumstances as the Secretary shall prescribe for purposes of this subsection.

(3) ESTABLISHMENT OF PROCEDURES.—The Secretary shall establish procedures for determinations on the permissibility of voluntary disenrollments under paragraph (1)(B). Such procedures shall ensure timely determinations on the permissibility of such disenrollments.

(j) RELATIONSHIP TO DENTAL CARE PROVIDED BY SECRETARY.—Nothing in this section shall affect the responsibility of the Secretary to provide dental care under section 1712 of title 38, United States Code, and the participation of an individual in the dental insurance plan under the pilot program shall not affect the individual's entitlement to outpatient dental services and treatment,

and related dental appliances, under that section.

(k) REGULATIONS.—The dental insurance plan under the pilot program shall be administered under such regulations as the Secretary shall prescribe.

**SEC. 511. PROHIBITION ON COLLECTION OF COPAYMENTS FROM VETERANS WHO ARE CATASTROPHICALLY DISABLED.**

(a) IN GENERAL.—Subchapter III of chapter 17 is amended by adding at the end the following new section:

**''§ 1730A. Prohibition on collection of copayments from catastrophically disabled veterans**

''Notwithstanding subsections (f) and (g) of section 1710 and section 1722A(a) of this title or any other provision of law, the Secretary may not require a veteran who is catastrophically disabled, as defined by the Secretary, to make any copayment for the receipt of hospital care or medical services under the laws administered by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1730 the following new item:

''1730A. Prohibition on collection of copayments from catastrophically disabled veterans.''.

**SEC. 512. HIGHER PRIORITY STATUS FOR CERTAIN VETERANS WHO ARE MEDAL OF HONOR RECIPIENTS.**

Section 1705(a)(3) is amended by inserting ''veterans who were awarded the medal of honor under section 3741, 6241, or 8741 of title 10 or section 491 of title 14,'' after ''the Purple Heart,''.

**SEC. 513. HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE FOR CERTAIN VIETNAM-ERA VETERANS EXPOSED TO HERBICIDE AND VETERANS OF THE PERSIAN GULF WAR.**

Section 1710(e) is amended—

(1) in paragraph (3)—

(A) by striking ''subsection (a)(2)(F)—'' and all that follows through ''(C) in the case'' and inserting ''subsection (a)(2)(F) in the case''; and

(B) by redesignating clauses (i) and (ii) of the former subparagraph (C) as subparagraphs (A) and (B) of such paragraph (3) and by realigning the margin of such new subparagraphs two ems to the left; and

(2) in paragraph (1)(C)—

(A) by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''; and

(B) by inserting after ''on active duty'' the following: ''between August 2, 1990, and November 11, 1998,''.

**SEC. 514. ESTABLISHMENT OF DIRECTOR OF PHYSICIAN ASSISTANT SERVICES IN VETERANS HEALTH ADMINISTRATION.**

(a) IN GENERAL.—Section 7306(a) is amended by striking paragraph (9) and inserting the following new paragraph (9):

''(9) The Director of Physician Assistant Services, who shall—

''(A) serve in a full-time capacity at the Central Office of the Department;

''(B) be a qualified physician assistant; and

''(C) be responsible and report directly to the Chief Patient Care Services Officer of the Veterans Health Administration on all matters relating to the education and training, employment, appropriate use, and optimal participation of physician assistants within the programs and initiatives of the Administration.''.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall ensure that an individual is serving as the Director of Physician Assistant Services under paragraph (9) of section 7306(a) of title 38, United States Code, as amended by subsection (a), by not later than 120 days after the date of the enactment of this Act.

**SEC. 515. COMMITTEE ON CARE OF VETERANS WITH TRAUMATIC BRAIN INJURY.**

(a) ESTABLISHMENT OF COMMITTEE.—Subchapter II of chapter 73 is amended by inserting after section 7321 the following new section:

**''§ 7321A. Committee on Care of Veterans with Traumatic Brain Injury**

''(a) ESTABLISHMENT.—The Secretary shall establish in the Veterans Health Administration a committee to be known as the 'Committee on Care of Veterans with Traumatic Brain Injury'. The Under Secretary for Health shall appoint employees of the Department with expertise in the care of veterans with traumatic brain injury to serve on the committee.

''(b) RESPONSIBILITIES OF COMMITTEE.—The committee shall assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of veterans with traumatic brain injury. In carrying out that responsibility, the committee shall—

''(1) evaluate the care provided to such veterans through the Veterans Health Administration;

''(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

''(3) identify specific facilities within the Veterans Health Administration at which program enrichment is needed to improve treatment and rehabilitation of such veterans; and

''(4) identify model programs which the committee considers to have been successful in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

''(c) ADVICE AND RECOMMENDATIONS.—The committee shall—

''(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of veterans with traumatic brain injury; and

''(2) make recommendations to the Under Secretary—

''(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

''(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

''(C) regarding research needs and priorities relevant to the care of such veterans; and

''(D) regarding the appropriate allocation of resources for all such activities.

''(d) ANNUAL REPORT.—Not later than June 1, 2010, and each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section. Each such report shall include the following for the calendar year preceding the year in which the report is submitted:

''(1) A list of the members of the committee.

''(2) The assessment of the Under Secretary for Health, after review of the findings of the committee, regarding the capability of the Veterans Health Administration, on a systemwide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of veterans with traumatic brain injury.

''(3) The plans of the committee for further assessments.

''(4) The findings and recommendations made by the committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

''(5) A description of the steps taken, plans made (and a timetable for the execution of such plans), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of veterans with traumatic brain injury.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7321 the following new item:

''7321A. Committee on Care of Veterans with Traumatic Brain Injury.''.

**SEC. 516. INCREASE IN AMOUNT AVAILABLE TO DISABLED VETERANS FOR IMPROVEMENTS AND STRUCTURAL ALTERATIONS FURNISHED AS PART OF HOME HEALTH SERVICES.**

(a) INCREASE.—Section 1717(a)(2) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of medical services furnished under section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title—

''(i) in the case of a veteran who first applies for benefits under this paragraph before the date of the Caregivers and Veterans Omnibus Health Services Act of 2010, $4,100; or

''(ii) in the case of a veteran who first applies for benefits under this paragraph on or after the date of the Caregivers and Veterans Omnibus Health Services Act of 2010, $6,800; and

''(B) in the case of medical services furnished under any other provision of section 1710(a) of this title—

''(i) in the case of a veteran who first applies for benefits under this paragraph before the date of the Caregivers and Veterans Omnibus Health Services Act of 2010, $1,200; or

''(ii) in the case of a veteran who first applies for benefits under this paragraph on or after the date of the Caregivers and Veterans Omnibus Health Services Act of 2010, $2,000.''.

(b) CONSTRUCTION.—A veteran who exhausts such veteran's eligibility for benefits under section 1717(a)(2) of such title before the date of the enactment of this Act, is not entitled to additional benefits under such section by reason of the amendments made by subsection (a).

**SEC. 517. EXTENSION OF STATUTORILY DEFINED COPAYMENTS FOR CERTAIN VETERANS FOR HOSPITAL CARE AND NURSING HOME CARE.**

Subparagraph (B) of section 1710(f)(2) is amended to read as follows:

''(B) before September 30, 2012, an amount equal to $10 for every day the veteran receives hospital care and $5 for every day the veteran receives nursing home care.''.

**SEC. 518. EXTENSION OF AUTHORITY TO RECOVER COST OF CERTAIN CARE AND SERVICES FROM DISABLED VETERANS WITH HEALTH-PLAN CONTRACTS.**

Subparagraph (E) of section 1729(a)(2) is amended to read as follows:

''(E) for which care and services are furnished before October 1, 2012, under this chapter to a veteran who—

''(i) has a service-connected disability; and

''(ii) is entitled to care (or payment of the expenses of care) under a health-plan contract.''.

## TITLE VI—DEPARTMENT PERSONNEL MATTERS

### SEC. 601. ENHANCEMENT OF AUTHORITIES FOR RETENTION OF MEDICAL PROFESSIONALS.

(a) SECRETARIAL AUTHORITY TO EXTEND TITLE 38 STATUS TO ADDITIONAL POSITIONS.—

(1) IN GENERAL.—Paragraph (3) of section 7401 is amended by striking ''and blind rehabilitation outpatient specialists.'' and inserting the following: ''blind rehabilitation outpatient specialists, and such other classes of health care occupations as the Secretary considers necessary for the recruitment and retention needs of the Department subject to the following requirements:

''(A) Such other classes of health care occupations—

''(i) are not occupations relating to administrative, clerical, or physical plant maintenance and protective services;

''(ii) that would otherwise receive basic pay in accordance with the General Schedule under section 5332 of title 5;

''(iii) provide, as determined by the Secretary, direct patient care services or services incident to direct patient services; and

''(iv) would not otherwise be available to provide medical care or treatment for veterans.

''(B) Not later than 45 days before the Secretary appoints any personnel for a class of health care occupations that is not specifically listed in this paragraph, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Office of Management and Budget notice of such appointment.

''(C) Before submitting notice under subparagraph (B), the Secretary shall solicit comments from any labor organization representing employees in such class and include such comments in such notice.''.

(2) APPOINTMENT OF NURSE ASSISTANTS.—Such paragraph is further amended by inserting ''nurse assistants,'' after ''licensed practical or vocational nurses,''.

(b) PROBATIONARY PERIODS FOR REGISTERED NURSES.—Section 7403(b) is amended—

(1) in paragraph (1), by striking ''Appointments'' and inserting ''Except as otherwise provided in this subsection, appointments'';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) With respect to the appointment of a registered nurse under this chapter, paragraph (1) shall apply with respect to such appointment regardless of whether such appointment is on a full-time basis or a part-time basis.

''(3) An appointment described in subsection (a) on a part-time basis of a person who has previously served on a full-time basis for the probationary period for the position concerned shall be without a probationary period.''.

(c) PROHIBITION ON TEMPORARY PART-TIME REGISTERED NURSE APPOINTMENTS IN EXCESS OF TWO YEARS.—Section 7405 is amended by adding at the end the following new subsection:

''(g)(1) Except as provided in paragraph (3), employment of a registered nurse on a temporary part-time basis under subsection (a)(1) shall be for a probationary period of two years.

''(2) Except as provided in paragraph (3), upon completion by a registered nurse of the probationary period described in paragraph (1)—

''(A) the employment of such nurse shall—

''(i) no longer be considered temporary; and

''(ii) be considered an appointment described in section 7403(a) of this title; and

''(B) the nurse shall be considered to have served the probationary period required by section 7403(b).

''(3) This subsection shall not apply to appointments made on a term limited basis of less than or equal to three years of—

''(A) nurses with a part-time appointment resulting from an academic affiliation or teaching position in a nursing academy of the Department;

''(B) nurses appointed as a result of a specific research proposal or grant; or

''(C) nurses who are not citizens of the United States and appointed under section 7407(a) of this title.''.

(d) RATE OF BASIC PAY FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH SET TO RATE OF BASIC PAY FOR SENIOR EXECUTIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Section 7404(a) is amended—

(A) by striking ''The annual'' and inserting ''(1) The annual'';

(B) by striking ''The pay'' and inserting the following:

''(2) The pay'';

(C) by striking ''under the preceding sentence'' and inserting ''under paragraph (1)''; and

(D) by adding at the end the following new paragraph:

''(3)(A) The rate of basic pay for a position to which an Executive order applies under paragraph (1) and is not described by paragraph (2) shall be set in accordance with section 5382 of title 5 as if such position were a Senior Executive Service position (as such term is defined in section 3132(a) of title 5).

''(B) A rate of basic pay for a position may not be set under subparagraph (A) in excess of—

''(i) in the case the position is not described in clause (ii), the rate of basic pay payable for level III of the Executive Schedule; or

''(ii) in the case that the position is covered by a performance appraisal system that meets the certification criteria established by regulation under section 5307(d) of title 5, the rate of basic pay payable for level II of the Executive Schedule.

''(C) Notwithstanding the provisions of subsection (d) of section 5307 of title 5, the Secretary may make any certification under that subsection instead of the Office of Personnel Management and without concurrence of the Office of Management and Budget.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the first day of the first pay period beginning after the day that is 180 days after the date of the enactment of this Act.

(e) SPECIAL INCENTIVE PAY FOR DEPARTMENT PHARMACIST EXECUTIVES.—Section 7410 is amended—

(1) by striking ''The Secretary may'' and inserting the following:

''(a) IN GENERAL.—The Secretary may''; and

(2) by adding at the end the following new subsection:

''(b) SPECIAL INCENTIVE PAY FOR DEPARTMENT PHARMACIST EXECUTIVES.—(1) In order to recruit and retain highly qualified Department pharmacist executives, the Secretary may authorize the Under Secretary for Health to pay special incentive pay of not more than $40,000 per year to an individual of the Veterans Health Administration who is a pharmacist executive.

''(2) In determining whether and how much special pay to provide to such individual, the Under Secretary shall consider the following:

''(A) The grade and step of the position of the individual.

''(B) The scope and complexity of the position of the individual.

''(C) The personal qualifications of the individual.

''(D) The characteristics of the labor market concerned.

''(E) Such other factors as the Secretary considers appropriate.

''(3) Special incentive pay under paragraph (1) for an individual is in addition to all other pay (including basic pay) and allowances to which the individual is entitled.

''(4) Except as provided in paragraph (5), special incentive pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

''(5) Special incentive pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.

''(6) Special incentive pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.''.

(f) PAY FOR PHYSICIANS AND DENTISTS.—

(1) NON-FOREIGN COST OF LIVING ADJUSTMENT ALLOWANCE.—Section 7431(b) is amended by adding at the end the following new paragraph:

''(5) The non-foreign cost of living adjustment allowance authorized under section 5941 of title 5 for physicians and dentists whose pay is set under this section shall be determined as a percentage of base pay only.''.

(2) MARKET PAY DETERMINATIONS FOR PHYSICIANS AND DENTISTS IN ADMINISTRATIVE OR EXECUTIVE LEADERSHIP POSITIONS.—Section 7431(c)(4)(B)(i) is amended by adding at the end the following: ''The Secretary may exempt physicians and dentists occupying administrative or executive leadership positions from the requirements of the previous sentence.''.

(3) EXCEPTION TO PROHIBITION ON REDUCTION OF MARKET PAY.—Section 7431(c)(7) is amended by striking ''concerned.'' and inserting ''concerned, unless there is a change in board certification or reduction of privileges.''.

(g) ADJUSTMENT OF PAY CAP FOR NURSES.—Section 7451(c)(2) is amended by striking ''level V'' and inserting ''level IV''.

(h) EXEMPTION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS FROM LIMITATION ON AUTHORIZED COMPETITIVE PAY.—Section 7451(c)(2) is further amended by adding at the end the following new sentence: ''The maximum rate of basic pay for a grade for the position of certified registered nurse anesthetist pursuant to an adjustment under subsection (d) may exceed the maximum rate otherwise provided in the preceding sentence.''.

(i) INCREASED LIMITATION ON SPECIAL PAY FOR NURSE EXECUTIVES.—Section 7452(g)(2) is amended by striking ''$25,000'' and inserting ''$100,000''.

(j) LOCALITY PAY SCALE COMPUTATIONS.—

(1) EDUCATION, TRAINING, AND SUPPORT FOR FACILITY DIRECTORS IN WAGE SURVEYS.—Section 7451(d)(3) is amended by adding at the end the following new subparagraph:

''(F) The Under Secretary for Health shall provide appropriate education, training, and support to directors of Department health care facilities in the conduct and use of surveys, including the use of third-party surveys, under this paragraph.''.

(2) INFORMATION ON METHODOLOGY USED IN WAGE SURVEYS.—Section 7451(e)(4) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) In any case in which the director conducts such a wage survey during the period covered by the report and makes adjustment in rates of basic pay applicable to one or more covered positions at the facility, information on the methodology used in making such adjustment or adjustments.''.

(3) DISCLOSURE OF INFORMATION TO PERSONS IN COVERED POSITIONS.—Section 7451(e), as amended by paragraph (2) of this subsection, is further amended by adding at the end the following new paragraph:

''(6)(A) Upon the request of an individual described in subparagraph (B) for a report provided under paragraph (4) with respect to a Department health-care facility, the Under Secretary for Health or the director of such facility shall provide to the individual the most current report for such facility provided under such paragraph.

''(B) An individual described in this subparagraph is—

''(i) an individual in a covered position at a Department health-care facility; or

''(ii) a representative of the labor organization representing that individual who is designated by that individual to make the request.''.

(k) ELIGIBILITY OF PART-TIME NURSES FOR ADDITIONAL NURSE PAY.—

(1) IN GENERAL.—Section 7453 is amended—

(A) in subsection (a), by striking ''a nurse'' and inserting ''a full-time nurse or part-time nurse'';

(B) in subsection (b)—

(i) in the first sentence—

(I) by striking ''on a tour of duty'';

(II) by striking ''service on such tour'' and inserting ''such service''; and

(III) by striking ''of such tour'' and inserting ''of such service''; and

(ii) in the second sentence, by striking ''of such tour'' and inserting ''of such service'';

(C) in subsection (c)—

(i) by striking ''on a tour of duty''; and

(ii) by striking ''service on such tour'' and inserting ''such service''; and

(D) in subsection (e)—

(i) in paragraph (1), by striking ''eight hours in a day'' and inserting ''eight consecutive hours''; and

(ii) in paragraph (5)(A), by striking ''tour of duty'' and inserting ''period of service''.

(2) EXCLUSION OF APPLICATION OF ADDITIONAL NURSE PAY PROVISIONS TO CERTAIN ADDITIONAL EMPLOYEES.—Paragraph (3) of section 7454(b) is amended to read as follows:

''(3) Employees appointed under section 7408 of this title performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay in addition to the rate of basic pay provided such employees for each hour of service on such tour at a rate equal to 25 percent of such employee's hourly rate of basic pay.''.

(l) ENHANCED AUTHORITY TO INCREASE RATES OF BASIC PAY TO OBTAIN OR RETAIN SERVICES OF CERTAIN PERSONS.—Section 7455(c) is amended to read as follows:

''(c)(1) Subject to paragraph (2), the amount of any increase under subsection (a) in the minimum rate for any grade may not (except in the case of nurse anesthetists, licensed practical nurses, licensed vocational nurses, nursing positions otherwise covered by title 5, pharmacists, and licensed physical therapists) exceed the maximum rate of basic pay (excluding any locality-based comparability payment under section 5304 of title 5 or similar provision of law) for the grade or level by more than 30 percent.

''(2) No rate may be established under this section in excess of the rate of basic pay payable for level IV of the Executive Schedule.''.

**SEC. 602. LIMITATIONS ON OVERTIME DUTY, WEEKEND DUTY, AND ALTERNATIVE WORK SCHEDULES FOR NURSES.**

(a) OVERTIME DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 74 is amended by adding at the end the following new section:

**''§ 7459. Nursing staff: special rules for overtime duty**

''(a) LIMITATION.—Except as provided in subsection (c), the Secretary may not require nursing staff to work more than 40 hours (or 24 hours if such staff is covered under section 7456 of this title) in an administrative work week or more than eight consecutive hours (or 12 hours if such staff is covered under section 7456 or 7456A of this title).

''(b) VOLUNTARY OVERTIME.—(1) Nursing staff may on a voluntary basis elect to work hours otherwise prohibited by subsection (a).

''(2) The refusal of nursing staff to work hours prohibited by subsection (a) shall not be grounds—

''(A) to discriminate (within the meaning of section 704(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–3(a))) against the staff;

''(B) to dismiss or discharge the staff; or

''(C) for any other adverse personnel action against the staff.

''(c) OVERTIME UNDER EMERGENCY CIRCUMSTANCES.—(1) Subject to paragraph (2), the Secretary may require nursing staff to work hours otherwise prohibited by subsection (a) if—

''(A) the work is a consequence of an emergency that could not have been reasonably anticipated;

''(B) the emergency is non-recurring and is not caused by or aggravated by the inattention of the Secretary or lack of reasonable contingency planning by the Secretary;

''(C) the Secretary has exhausted all good faith, reasonable attempts to obtain voluntary workers;

''(D) the nurse staff have critical skills and expertise that are required for the work; and

''(E) the work involves work for which the standard of care for a patient assignment requires continuity of care through completion of a case, treatment, or procedure.

''(2) Nursing staff may not be required to work hours under this subsection after the requirement for a direct role by the staff in responding to medical needs resulting from the emergency ends.

''(d) NURSING STAFF DEFINED.—In this section, the term 'nursing staff' includes the following:

''(1) A registered nurse.

''(2) A licensed practical or vocational nurse.

''(3) A nurse assistant appointed under this chapter or title 5.

''(4) Any other nurse position designated by the Secretary for purposes of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 is amended by inserting after the item relating to section 7458 the following new item:

''7459. Nursing staff: special rules for overtime duty.''.

(b) WEEKEND DUTY.—Section 7456 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) ALTERNATE WORK SCHEDULES.—

(1) IN GENERAL.—Section 7456A(b)(1)(A) is amended by striking ''three regularly scheduled'' and all that follows through the period at the end and inserting ''six regularly scheduled 12-hour tours of duty within a 14-day period shall be considered for all purposes to have worked a full 80-hour pay period.''.

(2) CONFORMING AMENDMENTS.—Section 7456A(b) is amended—

(A) in the subsection heading, by striking ''36/40'' and inserting ''72/80'';

(B) in paragraph (2)(A), by striking ''40-hour basic work week'' and inserting ''80-hour pay period''; and

(C) in paragraph (3), by striking ''regularly''.

**SEC. 603. REAUTHORIZATION OF HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.**

(a) IN GENERAL.—Section 7618 is amended by striking ''December 31, 1998'' and inserting ''December 31, 2014''.

(b) EXPANSION OF ELIGIBILITY REQUIREMENTS.—Section 7612(b)(2) is amended by striking ''(under section'' and all that follows through ''or vocational nurse.'' and inserting the following: ''as an appointee under paragraph (1) or (3) of section 7401 of this title.''.

(c) ADDITIONAL PROGRAM REQUIREMENTS.—Subchapter II of chapter 76, as amended by subsections (a) and (b), is further amended—

(1) by redesignating section 7618 as section 7619; and

(2) by inserting after section 7617 the following new section:

**''§ 7618. Additional program requirements**

''(a) PROGRAM MODIFICATION.—Notwithstanding any provision of this subchapter, the Secretary shall carry out this subchapter after the date of the enactment of this section by modifying the Scholarship Program in such a manner that the program and hiring processes are designed to fully employ Scholarship Program graduates as soon as possible, if not immediately, upon graduation and completion of necessary certifications, and to actively assist and monitor graduates to ensure certifications are obtained in a minimal amount of time following graduation.

''(b) CLINICAL TOURS.—The Secretary shall require participants in the Scholarship Program to perform clinical tours in assignments or locations determined by the Secretary while the participants are enrolled in the course of education or training for which the scholarship is provided.

''(c) MENTORS.—The Secretary shall ensure that at the commencement of the period of obligated service of a participant in the Scholarship Program, the participant is assigned to a mentor who is employed in the same facility where the participant performs such service.''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 is amended by striking the item relating to section 7618 and inserting the following new items:

''7618. Additional program requirements.

''7619. Expiration of program.''.

**SEC. 604. LOAN REPAYMENT PROGRAM FOR CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs may, in consultation with the Secretary of Health and Human Services, use the authorities available in section 487E of the Public Health Service Act (42 U.S.C. 288–5) for the repayment of the principal and interest of educational loans of appropriately qualified health professionals who are from disadvantaged backgrounds in order to secure clinical research by such professionals for the Veterans Health Administration.

(b) LIMITATIONS.—The exercise by the Secretary of Veterans Affairs of the authorities referred to in subsection (a) shall be subject to the conditions and limitations specified in paragraphs (2) and (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)(2) and (3)).

(c) FUNDING.—Amounts for the repayment of principal and interest of educational loans under this section shall be derived from amounts available to the Secretary of Veterans Affairs for the Veterans Health Administration for Medical Services.

## TITLE VII—HOMELESS VETERANS MATTERS

**SEC. 701. PER DIEM GRANT PAYMENTS TO NONCONFORMING ENTITIES.**

Section 2012 is amended by adding at the end the following new subsection:

''(d) PER DIEM PAYMENTS TO NONCONFORMING ENTITIES.—(1) The Secretary may make funds available for per diem payments under this section to the following grant recipients or eligible entities:

''(A) Grant recipients or eligible entities that—

''(i) meet each of the transitional and supportive services criteria prescribed by the Secretary pursuant to subsection (a)(1); and

''(ii) furnish services to homeless individuals, of which less than 75 percent are veterans.

''(B) Grant recipients or eligible entities that—

''(i) meet at least one, but not all, of the transitional and supportive services criteria prescribed by the Secretary pursuant to subsection (a)(1); and

''(ii) furnish services to homeless individuals, of which not less than 75 percent are veterans.

''(C) Grant recipients or eligible entities that—

''(i) meet at least one, but not all, of the transitional and supportive services criteria prescribed by the Secretary pursuant to subsection (a)(1); and

''(ii) furnish services to homeless individuals, of which less than 75 percent are veterans.

''(2) Notwithstanding subsection (a)(2), in providing per diem payments under this subsection, the Secretary shall determine the rate of such per diem payments in accordance with the following order of priority:

''(A) Grant recipients or eligible entities described by paragraph (1)(A).

''(B) Grant recipients or eligible entities described by paragraph (1)(B).

''(C) Grant recipients or eligible entities described by paragraph (1)(C).

''(3) For purposes of this subsection, an eligible entity is a nonprofit entity and may be an entity that is ineligible to receive a grant under section 2011 of this title, but whom the Secretary determines carries out the purposes described in that section.''.

## TITLE VIII—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

**SEC. 801. GENERAL AUTHORITIES ON ESTABLISHMENT OF CORPORATIONS.**

(a) AUTHORIZATION OF MULTI-MEDICAL CENTER RESEARCH CORPORATIONS.—

(1) IN GENERAL.—Section 7361 is amended—

(A) by redesignating subsection (b) as subsection (e); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b)(1) Subject to paragraph (2), a corporation established under this subchapter may facilitate the conduct of research, education, or both at more than one medical center. Such a corporation shall be known as a 'multi-medical center research corporation'.

''(2) The board of directors of a multi-medical center research corporation under this subsection shall include the official at each Department medical center concerned who is, or who carries out the responsibilities of, the medical center director of such center as specified in section 7363(a)(1)(A)(i) of this title.

''(3) In facilitating the conduct of research, education, or both at more than one Department medical center under this subchapter, a multi-medical center research corporation may administer receipts and expenditures relating to such research, education, or both, as applicable, performed at the Department medical centers concerned.''.

(2) EXPANSION OF EXISTING CORPORATIONS TO MULTI-MEDICAL CENTER RESEARCH CORPORATIONS.—Such section is further amended by adding at the end the following new subsection:

''(f) A corporation established under this subchapter may act as a multi-medical center research corporation under this subchapter in accordance with subsection (b) if—

''(1) the board of directors of the corporation approves a resolution permitting facilitation by the corporation of the conduct of research, education, or both at the other Department medical center or medical centers concerned; and

''(2) the Secretary approves the resolution of the corporation under paragraph (1).''.

(b) RESTATEMENT AND MODIFICATION OF AUTHORITIES ON APPLICABILITY OF STATE LAW.—

(1) IN GENERAL.—Section 7361 as amended by subsection (a) of this section, is further amended by inserting after subsection (b) the following new subsection (c):

''(c) Any corporation established under this subchapter shall be established in accordance with the nonprofit corporation laws of the State in which the applicable Department medical center is located and shall, to the extent not inconsistent with any Federal law, be subject to the laws of such State. In the case of any multi-medical center research corporation that facilitates the conduct of research, education, or both at Department medical centers located in different States, the corporation shall be established in accordance with the nonprofit corporation laws of the State in which one of such Department medical centers is located.''.

(2) CONFORMING AMENDMENT.—Section 7365 is repealed.

(c) CLARIFICATION OF STATUS OF CORPORATIONS.—Section 7361, as amended by this section, is further amended—

(1) in subsection (a), by striking the second sentence; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d)(1) Except as otherwise provided in this subchapter or under regulations prescribed by the Secretary, any corporation established under this subchapter, and its officers, directors, and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives that apply generally to private nonprofit corporations.

''(2) A corporation under this subchapter is not—

''(A) owned or controlled by the United States; or

''(B) an agency or instrumentality of the United States.''.

(d) REINSTATEMENT OF REQUIREMENT FOR 501(C)(3) STATUS OF CORPORATIONS.—Subsection (e) of section 7361, as redesignated by subsection (a)(1), is further amended by inserting ''section 501(c)(3) of'' after ''exempt from taxation under''.

**SEC. 802. CLARIFICATION OF PURPOSES OF CORPORATIONS.**

(a) CLARIFICATION OF PURPOSES.—Subsection (a) of section 7362 is amended in the first sentence—

(1) by striking ''Any corporation'' and all that follows through ''facilitate'' and inserting ''A corporation established under this subchapter shall be established to provide a flexible funding mechanism for the conduct of approved research and education at one or more Department medical centers and to facilitate functions related to the conduct of''; and

(2) by inserting before the period at the end the following: ''or centers''.

(b) MODIFICATION OF DEFINED TERM RELATING TO EDUCATION AND TRAINING.—Subsection (b) of such section is amended in the matter preceding paragraph (1) by striking ''the term 'education and training' '' and inserting ''the term 'education' includes education and training and''.

(c) REPEAL OF ROLE OF CORPORATIONS WITH RESPECT TO FELLOWSHIPS.—Paragraph (1) of subsection (b) of such section is amended by striking the flush matter following subparagraph (C).

(d) AVAILABILITY OF EDUCATION FOR FAMILIES OF VETERAN PATIENTS.—Paragraph (2) of subsection (b) of such section is amended by striking ''to patients and to the families'' and inserting ''and includes education and training for patients and families''.

**SEC. 803. MODIFICATION OF REQUIREMENTS FOR BOARDS OF DIRECTORS OF CORPORATIONS.**

(a) REQUIREMENTS FOR DEPARTMENT BOARD MEMBERS.—Paragraph (1) of section 7363(a) is amended to read as follows:

''(1) with respect to the Department medical center—

''(A)(i) the director (or directors of each Department medical center, in the case of a multi-medical center research corporation);

''(ii) the chief of staff; and

''(iii) as appropriate for the activities of such corporation, the associate chief of staff for research and the associate chief of staff for education; or

''(B) in the case of a Department medical center at which one or more of the positions referred to in subparagraph (A) do not exist, the official or officials who are responsible for carrying out the responsibilities of such position or positions at the Department medical center; and''.

(b) REQUIREMENTS FOR NON-DEPARTMENT BOARD MEMBERS.—Paragraph (2) of such section is amended—

(1) by inserting ''not less than two'' before ''members''; and

(2) by striking ''and who'' and all that follows through the period at the end and inserting ''and who have backgrounds, or business, legal, financial, medical, or scientific

expertise, of benefit to the operations of the corporation.''.

(c) CONFLICTS OF INTEREST.—Subsection (c) of section 7363 is amended by striking '', employed by, or have any other financial relationship with'' and inserting ''or employed by''.

**SEC. 804. CLARIFICATION OF POWERS OF CORPORATIONS.**

(a) IN GENERAL.—Section 7364 is amended to read as follows:

**''§ 7364. General powers**

''(a) IN GENERAL.—(1) A corporation established under this subchapter may, solely to carry out the purposes of this subchapter—

''(A) accept, administer, retain, and spend funds derived from gifts, contributions, grants, fees, reimbursements, and bequests from individuals and public and private entities;

''(B) enter into contracts and agreements with individuals and public and private entities;

''(C) subject to paragraph (2), set fees for education and training facilitated under section 7362 of this title, and receive, retain, administer, and spend funds in furtherance of such education and training;

''(D) reimburse amounts to the applicable appropriation account of the Department for the Office of General Counsel for any expenses of that Office in providing legal services attributable to research and education agreements under this subchapter; and

''(E) employ such employees as the corporation considers necessary for such purposes and fix the compensation of such employees.

''(2) Fees charged pursuant to paragraph (1)(C) for education and training described in that paragraph to individuals who are officers or employees of the Department may not be paid for by any funds appropriated to the Department.

''(3) Amounts reimbursed to the Office of General Counsel under paragraph (1)(D) shall be available for use by the Office of the General Counsel only for staff and training, and related travel, for the provision of legal services described in that paragraph and shall remain available for such use without fiscal year limitation.

''(b) TRANSFER AND ADMINISTRATION OF FUNDS.—(1) Except as provided in paragraph (2), any funds received by the Secretary for the conduct of research or education at a Department medical center or centers, other than funds appropriated to the Department, may be transferred to and administered by a corporation established under this subchapter for such purposes.

''(2) A Department medical center may reimburse the corporation for all or a portion of the pay, benefits, or both of an employee of the corporation who is assigned to the Department medical center if the assignment is carried out pursuant to subchapter VI of chapter 33 of title 5.

''(3) A Department medical center may retain and use funds provided to it by a corporation established under this subchapter. Such funds shall be credited to the applicable appropriation account of the Department and shall be available, without fiscal year limitation, for the purposes of that account.

''(c) RESEARCH PROJECTS.—Except for reasonable and usual preliminary costs for project planning before its approval, a corporation established under this subchapter may not spend funds for a research project unless the project is approved in accordance with procedures prescribed by the Under Secretary for Health for research carried out with Department funds. Such procedures shall include a scientific review process.

''(d) EDUCATION ACTIVITIES.—Except for reasonable and usual preliminary costs for activity planning before its approval, a corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

''(e) POLICIES AND PROCEDURES.—The Under Secretary for Health may prescribe policies and procedures to guide the spending of funds by corporations established under this subchapter that are consistent with the purpose of such corporations as flexible funding mechanisms and with Federal and State laws and regulations, and executive orders, circulars, and directives that apply generally to the receipt and expenditure of funds by nonprofit organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENT.—Section 7362(a), as amended by section 802(a)(1) of this Act, is further amended by striking the last sentence.

**SEC. 805. REDESIGNATION OF SECTION 7364A OF TITLE 38, UNITED STATES CODE.**

(a) REDESIGNATION.—Section 7364A is redesignated as section 7365.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 73 is amended—

(1) by striking the item relating to section 7364A; and

(2) by striking the item relating to section 7365 and inserting the following new item:

''7365. Coverage of employees under certain Federal tort claims laws.''.

**SEC. 806. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF CORPORATIONS.**

(a) ADDITIONAL INFORMATION IN ANNUAL REPORTS.—Subsection (b) of section 7366 is amended to read as follows:

''(b)(1) Each corporation shall submit to the Secretary each year a report providing a detailed statement of the operations, activities, and accomplishments of the corporation during that year.

''(2)(A) A corporation with revenues in excess of $500,000 for any year shall obtain an audit of the corporation for that year.

''(B) A corporation with annual revenues between $100,000 and $500,000 shall obtain an audit of the corporation at least once every three years.

''(C) Any audit under this paragraph shall be performed by an independent auditor.

''(3) The corporation shall include in each report to the Secretary under paragraph (1) the following:

''(A) The most recent audit of the corporation under paragraph (2).

''(B) The most recent Internal Revenue Service Form 990 'Return of Organization Exempt from Income Tax' or equivalent and the applicable schedules under such form.''.

(b) CONFLICT OF INTEREST POLICIES.—Subsection (c) of such section is amended to read as follows:

''(c) Each director, officer, and employee of a corporation established under this subchapter shall be subject to a conflict of interest policy adopted by that corporation.''.

(c) ESTABLISHMENT OF APPROPRIATE PAYEE REPORTING THRESHOLD.—Subsection (d)(3)(C) of such section is amended by striking ''$35,000'' and inserting ''$50,000''.

## TITLE IX—CONSTRUCTION AND NAMING MATTERS

**SEC. 901. AUTHORIZATION OF MEDICAL FACILITY PROJECTS.**

(a) AUTHORIZATION OF FISCAL YEAR 2010 MAJOR MEDICAL FACILITY PROJECTS.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2010, with each project to be carried out in the amount specified for such project:

(1) Construction (including acquisition of land) for the realignment of services and closure projects at the Department of Veterans Affairs Medical Center in Livermore, California, in an amount not to exceed $55,430,000.

(2) Construction (including acquisition of land) for a new medical facility at the Department of Veterans Affairs Medical Center in Louisville, Kentucky, in an amount not to exceed $75,000,000.

(3) Construction (including acquisition of land) for a clinical expansion for a Mental Health Facility at the Department of Veterans Affairs Medical Center in Dallas, Texas, in an amount not to exceed $15,640,000.

(4) Construction (including acquisition of land) for a replacement bed tower and clinical expansion at the Department of Veterans Affairs Medical Center in St. Louis, Missouri, in an amount not to exceed $43,340,000.

(b) EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2010, as follows with each project to be carried out in the amount specified for such project:

(1) Replacement of the existing Department of Veterans Affairs Medical Center in Denver, Colorado, in an amount not to exceed $800,000,000.

(2) Construction of Outpatient and Inpatient Improvements in Bay Pines, Florida, in an amount not to exceed $194,400,000.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2010, or the year in which funds are appropriated, for the Construction, Major Projects account—

(A) $189,410,000 for the projects authorized in subsection (a); and

(B) $994,400,000 for the projects authorized in subsection (b).

(2) LIMITATION.—The projects authorized in subsections (a) and (b) may only be carried out using—

(A) funds appropriated for fiscal year 2010 pursuant to the authorization of appropriations in paragraph (1);

(B) funds available for Construction, Major Projects for a fiscal year before fiscal year 2010 that remain available for obligation;

(C) funds available for Construction, Major Projects for a fiscal year after fiscal year 2010 that remain available for obligation;

(D) funds appropriated for Construction, Major Projects for fiscal year 2010 for a category of activity not specific to a project;

(E) funds appropriated for Construction, Major Projects for a fiscal year before 2010 for a category of activity not specific to a project; and

(F) funds appropriated for Construction, Major Projects for a fiscal year after 2010 for a category of activity not specific to a project.

**SEC. 902. DESIGNATION OF MERRIL LUNDMAN DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, HAVRE, MONTANA.**

(a) DESIGNATION.—The Department of Veterans Affairs outpatient clinic in Havre, Montana, shall after the date of the enactment of this Act be known and designated as

the ''Merril Lundman Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Merril Lundman Department of Veterans Affairs Outpatient Clinic.

**SEC. 903. DESIGNATION OF WILLIAM C. TALLENT DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, KNOXVILLE, TENNESSEE.**

(a) DESIGNATION.—The Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, shall after the date of the enactment of this Act be known and designated as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the William C. Tallent Department of Veterans Affairs Outpatient Clinic.

**SEC. 904. DESIGNATION OF MAX J. BEILKE DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, ALEXANDRIA, MINNESOTA.**

(a) DESIGNATION.—The Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, shall after the date of the enactment of this Act be known and designated as the ''Max J. Beilke Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Max J. Beilke Department of Veterans Affairs Outpatient Clinic.

## TITLE X—OTHER MATTERS

**SEC. 1001. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.**

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

''(A) enforce Federal laws;

''(B) enforce the rules prescribed under section 901 of this title;

''(C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

''(D) carry the appropriate Department-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

''(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of Department, consistent with agreements or other consultation with affected Federal, State, or local law enforcement agencies; and

''(F) carry out, as needed and appropriate, the duties described in subparagraphs (A) through (E) when engaged in duties authorized by other Federal statutes.'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by inserting '', and on any arrest warrant issued by competent judicial authority'' before the period; and

(2) by amending subsection (c) to read as follows:

''(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.''.

**SEC. 1002. UNIFORM ALLOWANCE FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.**

Section 903 is amended—

(1) by striking subsection (b) and inserting the following new subsection (b):

''(b)(1) The amount of the allowance that the Secretary may pay under this section is the lesser of—

''(A) the amount currently allowed as prescribed by the Office of Personnel Management; or

''(B) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

''(2) During any fiscal year no officer shall receive more for the purchase of a uniform described in subsection (a) than the amount established under this subsection.''; and

(2) by striking subsection (c) and inserting the following new subsection (c):

''(c) The allowance established under subsection (b) shall be paid at the beginning of a Department police officer's employment for those appointed on or after October 1, 2010. In the case of any other Department police officer, an allowance in the amount established under subsection (b) shall be paid upon the request of the officer.''.

**SEC. 1003. SUBMISSION OF REPORTS TO CONGRESS BY SECRETARY OF VETERANS AFFAIRS IN ELECTRONIC FORM.**

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new section:

**''§ 118. Submission of reports to Congress in electronic form**

''(a) IN GENERAL.—Whenever the Secretary or any other official of the Department is required by law to submit to Congress (or any committee of either chamber of Congress) a report, the Secretary or other official shall submit to Congress (or such committee) a copy of the report in an electronic format.

''(b) TREATMENT.—The submission of a copy of a report in accordance with this section shall be treated as meeting any requirement of law to submit such report to Congress (or any committee of either chamber of Congress).

''(c) REPORT DEFINED.—For purposes of this section, the term 'report' includes any certification, notification, or other communication in writing.''.

(b) TECHNICAL AND CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 1 is amended—

(1) by striking the item relating to section 117; and

(2) by adding at the end the following new items:

''117. Advance appropriations for certain medical care accounts.

''118. Reports to Congress: submission in electronic form.''.

**SEC. 1004. DETERMINATION OF BUDGETARY EFFECTS FOR PURPOSES OF COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 1963, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself 4 minutes.

Mr. Speaker, when I became chairman of the Committee on Veterans' Affairs 3 years ago, the VA was strained to the breaking point by years of chronic underfunding. We were a country at war; yet, the Department of Veterans Affairs remained unprepared to care for the hundreds of thousands of new veterans returning from Iraq and Afghanistan.

It is simply our duty as a Nation, no matter where we stand on the war, to put our men and women in harm's way under the care of our Nation when they return. Under the Democratic leadership, Congress has provided almost a 60 percent increase for VA medical care funding over the last 3 years, adding over $20 billion to the VA budget baseline.

S. 1963 demonstrates America's commitment to the dedicated servicemembers who have served in uniform and puts front and center the health care needs of veterans and their families. It is our pledge to them that we have not forgotten the sacrifices they have made in defense of this country. So in this bill, we help caregivers of injured veterans, women veterans, rural veterans, homeless veterans, and veterans with mental health issues.

S. 1963 provides immediate support to the mothers, fathers, husbands, and wives caring for warriors from the current conflicts as well as from previous conflicts. Today we have the opportunity to recognize their tremendous sacrifice and share their heavy burden.

The bill also expands and improves VA services for the 1.8 million women veterans currently receiving VA health care and goes a step further by anticipating the expected increase of women warriors over the next 5 years. This bill seeks to build a VA health care system respectful of the unique medical needs of women veterans.

S. 1963 also advances America's commitment to end veterans' homelessness. Hundreds of thousands of veterans are at risk of homelessness because of poverty and the lack of support from family and friends. An increasing number of veterans of operations in Afghanistan and Iraq are falling into this category, and we must be vigilant in providing support to this population.

We expand the number of places where homeless vets may receive supportive services; and for our veterans struggling without a roof over their heads, this small change in the law will make a big difference in their lives.

The bill also includes key provisions to improve health care provided to our rural veterans by authorizing stronger partnerships with community providers and the Department of Health and Human Services. These collaborations will allow VA to offer health care options to servicemembers living far from the nearest medical facility.

In addition, we address the troubling reality of posttraumatic stress disorder and troubling incidents of suicide amongst the veterans' population. The bill requires a much-needed and long-awaited study on veteran suicide and requires the VA to provide counseling referrals for former members of the Armed Forces who are not otherwise eligible for readjustment counseling.

S. 1963 provides higher priority status for Medal of Honor recipients, establishes a director of physician assistant services, and creates a committee on care of veterans with traumatic brain injury. It requires the VA to provide health care for herbicide-exposed Vietnam veterans and veterans of the Persian Gulf War who have insufficient medical evidence to establish a service-connected disability, and it prohibits the VA from collecting copayments from veterans who are catastrophically disabled.

This bill, Mr. Speaker, demands our immediate attention. We owe our veterans a great debt of gratitude, and this bill represents an understanding that the sacrifices of our veterans are shared amongst all Americans.

I urge all of my colleagues to support passage of S. 1963, as amended, and reserve the balance of my time.

EXPLANATORY STATEMENT SUBMITTED BY MR. FILNER, CHAIRMAN OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS, REGARDING THE AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO S. 1963

CAREGIVERS AND VETERANS OMNIBUS HEALTH SERVICES ACT OF 2010

S. 1963, as amended, the ''Caregivers and Veterans Omnibus Health Services Act of 2010,'' reflects the Compromise Agreement between the Committees on Veterans' Affairs of the Senate and the House of Representatives (the Committees) on health care and related provisions for veterans and their caregivers. The provisions in the Compromise Agreement are derived from a number of bills that were introduced and considered by the House and Senate during the 111th Congress. These bills include S. 1963, a bill to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes, which passed the Senate on November 19, 2009 (Senate bill); and H.R. 3155, a bill to provide certain caregivers of veterans with training, support, and medical care, and for other purposes, which passed the House on July 27, 2009 (House bill).

In addition, the Compromise Agreement includes provisions derived from the following bills which were passed by the House: H.R. 402, a bill to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic,'' passed by the House on July 14, 2009; H.R. 1211, a bill to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes, passed by the House on June 23, 2009; H.R. 1293, a bill to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services, passed by the House on July 28, 2009; H.R. 2770, a bill to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes, passed by the House on July 27, 2009; H.R. 3157, a bill to name the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the ''Max J. Beilke Department of Veterans Affairs Outpatient Clinic,'' passed by the House on November 3, 2009; H.R. 3219, a bill to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes, passed by the House on July 27, 2009; and H.R. 3949, a bill to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes, passed by the House on November 3, 2009.

The Compromise Agreement also includes provisions derived from the following House bills, which were introduced and referred to the Subcommittee on Health of the House Committee on Veterans' Affairs: H.R. 919, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals, and for other purposes, which was introduced on February 9, 2009; H.R. 3796, to improve per diem grant payments for organizations assisting homeless veterans, which was introduced on October 13, 2009; and H.R. 4166, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to educational assistance for health professionals, and for other purposes, which was introduced on December 1, 2009, and was concurrently referred to the Committee on Energy and Commerce.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of the Compromise Agreement. Differences between the provisions contained in the Compromise Agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes, and minor drafting, technical, and clarifying changes.

TITLE I—CAREGIVER SUPPORT

*Assistance and Support Services for Family Caregivers (section 101)*

The Senate bill contains a provision (section 102) that would create a new program to help caregivers of eligible veterans who, together with the veteran, submit a joint application requesting services under the new program. Eligible veterans are defined as those who have a serious injury, including traumatic brain injury, psychological trauma, or other mental disorder, incurred or aggravated while on active duty on or after September 11, 2001. Within two years of program implementation, the Department of Veterans Affairs (VA) would be required to submit a report on the feasibility and advisability of extending the program to veterans of earlier periods of service. Severely injured veterans are defined as those who need personal care services because they are unable to perform one or more independent activities of daily living, require supervision as a result of neurological or other impairments, or need personal care services because of other matters specified by the VA. For accepted caregiver applicants, VA would be required to provide respite care as well as pay for travel, lodging and per-diem expenses while the caregiver of an eligible veteran is undergoing necessary training and education to provide personal care services. Once a caregiver completes training and is designated as the primary personal care attendant, this individual would receive ongoing assistance including direct technical support, counseling and mental health services, respite care of no less than 30 days annually, health care through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA), and a monthly financial stipend. The provision in the Senate bill would require VA to carry out oversight of the caregiver by utilizing the services of home health agencies. A home health agency would be required to visit the home of a veteran not less often than once every six months and report its findings to VA. Based on the findings, VA would have the final authority to revoke a caregiver's designation as a primary personal care attendant. The provision also would require an implementation and evaluation report, and provide for an effective date 270 days after the date of the enactment of this Act.

The House bill contains comparable provisions (section 2 and section 4) with some key differences. The provisions in the House bill would provide educational sessions, access to a list of comprehensive caregiver support services available at the county level, information and outreach, respite care, and counseling and mental health services to family and non-family caregivers of veterans of any era. For family caregivers of eligible veterans who served in Operation Enduring Freedom (OEF) or Operation Iraqi Freedom (OIF), the House bill would require VA to provide a monthly financial stipend, health care service through CHAMPVA, and lodging and subsistence to the caregiver when the caregiver accompanies the veteran on medical care visits. Eligible OEF or OIF veterans are defined as those who have a service-connected disability or illness that is severe; in need of caregiver services without which the veteran would be hospitalized, or placed in nursing home care or other residential institutional care; and are unable to carry out activities (including instrumental activities) of daily living.

The Compromise Agreement contains the Senate provision modified to no longer require VA to enter into relationships with home health agencies to make home visits every six months. In addition, the Compromise Agreement follows the House bill in creating a separate program of general family caregiver support services for family and

non-family caregivers of veterans of any era. Such support services would include training and education, counseling and mental health services, respite care, and information on the support services available to caregivers through other public, private, and nonprofit agencies. In the event that sufficient funding is not available to provide training and education services, the Secretary would be given the authority to suspend the provision of such services. The Secretary would be required to certify to the Committees that there is insufficient funding 180 days before suspending the provision of these services. This certification and the resulting suspension of services would expire at the end of the fiscal year concerned.

The overall caregiver support program for caregivers of eligible OEF or OIF veterans would authorize VA to provide training and supportive services to family members and certain others who wish to care for a disabled veteran in the home and to allow veterans to receive the most appropriate level of care. The newly authorized supportive services would include training and certification, a living stipend, and health care—including mental health counseling, transportation benefits, and respite.

The Compromise Agreement also includes an authorization for appropriations that is below the estimate furnished by the Congressional Budget Office. The lower authorization level is based on information contained in a publication (Economic Impact on Caregivers of the Seriously Wounded, Ill, and Injured, April 2009) of the Center for Naval Analyses (CNA). This study estimated that, annually, 720 post-September 11, 2001 veterans require comprehensive caregiver services. The Compromise Agreement limits the caregiver program only to ''seriously injured or very seriously injured'' veterans who were injured or aggravated an injury in the line of duty on or after September 11, 2001. CNA found that the average requirement for such caregiver services is 18 months, and that only 43 percent of veterans require caregiver services over the long-term. CNA also found that, on average, veterans need only 21 hours of caregiver services per week. Only 233 family caregivers were referred by VA for training and certification through existing home health agencies in FY 2008. This represented five percent of all home care referrals. In FY 2009, only 168 family caregivers were referred to home care agencies for training and certification.

*Medical Care for Family Caregivers (section 102)*

The Senate bill contains a provision (section 102) that would provide health care through the CHAMPVA program for individuals designated as the primary care attendant for eligible OEF or OIF veterans and who have no other insurance coverage.

The House bill contains a comparable provision (section 5), with a difference in the target population. Under the House bill, the target population would include all family caregivers of eligible OEF or OIF veterans, defined as those who have a service-connected disability or illness that is severe; are in need of caregiver services without which hospitalization, nursing home care, or other residential institutional care would be required; and, are unable to carry out activities (including instrumental activities) of daily living.

The Compromise Agreement contains the Senate provision.

*Counseling and Mental Health Services for Family Caregivers (section 103)*

The Senate bill contains a provision (section 102) that would provide counseling and mental health services for family caregivers of OEF or OIF veterans.

The House bill contains a comparable provision (section 3), except that counseling and mental health services would be available to caregivers of veterans of any era.

The Compromise Agreement contains the House provision.

*Lodging and Subsistence for Attendants (section 104)*

The Senate bill contains a provision (section 103) that would allow VA to pay for the lodging and subsistence costs incurred by any attendant who accompanies an eligible OEF or OIF veteran seeking VA health care.

The House bill contains a comparable provision (section 6), with a difference in the target population. Under the House bill, the target population would include all family caregivers of eligible OEF or OIF veterans, defined as those who have a service-connected disability or illness that is severe; are in need of caregiver services without which hospitalization, nursing home care, or other residential institutional care would be required; and, are unable to carry out activities (including instrumental activities) of daily living.

The Compromise Agreement contains the Senate provision.

TITLE II—WOMEN VETERANS HEALTH CARE MATTERS

*Study of Barriers for Women Veterans to Health Care from the Department of Veterans Affairs (section 201)*

The Senate bill contains a provision (section 201) that would require VA to report, by June 1, 2010, on barriers facing women veterans who seek health care at VA, especially women veterans of OEF or OIF.

H.R. 1211 contains a comparable provision (section 101) that would require a similar study of health care barriers for women veterans. The House provision also would define the parameters of the research study sample; direct VA to build on the work of an existing study entitled ''National Survey of Women Veterans in Fiscal Year 2007–2008;'' mandate VA to share the barriers study data with the Center for Women Veterans and the Advisory Committee on Women Veterans; and authorize appropriations of $4 million to conduct the study. VA would be required to submit to Congress a report on the implementation of this section within six months of the publication of the ''National Survey of Women Veterans in Fiscal Year 2007–2008'', and the final report within 30 months of publication.

The Compromise Agreement contains the House provision.

*Training and Certification for Mental Health Care Providers of the Department of Veterans Affairs on Care for Veterans Suffering from Sexual Trauma and Post-Traumatic Stress Disorder (section 202)*

The Senate bill contains a provision (section 204) that would require VA to implement a program for education, training, certification, and continuing medical education for mental health professionals, which would include principles of evidence-based treatment and care for sexual trauma. VA would also be required to submit an annual report on the counseling, care, and services provided to veterans suffering from sexual trauma, and to establish education, training, certification, and staffing standards for personnel providing treatment for veterans with sexual trauma.

H.R. 1211 contains a similar provision (section 202), except it included no provision requiring VA to establish education, training, certification, and staffing standards for the mental health professionals caring for veterans with sexual trauma.

The Compromise Agreement contains the House provision.

*Pilot Program on Counseling in Retreat Settings for Women Veterans Newly Separated from Service in the Armed Forces (section 203)*

The Senate bill contains a provision (section 205) that would require VA to establish, at a minimum of five locations, a two-year pilot program in which women veterans newly separated from the Armed Forces would receive reintegration and readjustment services in a group retreat setting. The provision also would require a report detailing the pilot program findings and providing recommendations on whether VA should continue or expand the pilot program.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision but specifies that the program be carried out at a minimum of three, not five, locations.

*Service on Certain Advisory Committees of Women Recently Separated from Service in the Armed Forces (section 204)*

The Senate bill contains a provision (section 207) that would amend the membership of the Advisory Committee on Women Veterans and the Advisory Committee on Minority Veterans to require that such committees include women recently separated from the Armed Forces and women who are minority group members and are recently separated from the Armed Forces, respectively.

H.R. 1211 contains a similar provision (section 204) except that it would allow either men or women who are members of a minority group to serve on the Advisory Committee on Minority Veterans.

The Compromise Agreement contains the Senate provision.

*Pilot Program on Subsidies for Child Care for Certain Veterans Receiving Health Care (section 205)*

The Senate bill contains a provision (section 208) that would require VA to establish a pilot program through which child care subsidies would be provided to women veterans receiving regular and intensive mental health care and intensive health care services. The pilot program would be carried out in no fewer than three Veterans Integrated Service Networks (VISNs) for a duration of two years and, at its conclusion, there would be a requirement for a report to be submitted within six months detailing findings related to the program and recommendations on its continuation or extension. The provision also would direct VA, to the extent practicable, to model the pilot program after an existing VA Child Care Subsidy Program.

H.R. 1211 contains a comparable provision (section 203), but it does not stipulate that the child care program shall be executed through stipends. Rather, stipends are one option among several listed, including partnership with private agencies, collaboration with facilities or program of other Federal departments or agencies, and the arrangement of after-school care.

The Compromise Agreement contains the Senate provision, with a modification to clarify that the child care subsidy payments shall cover the full cost of child care services. In addition, the provision expands the definition of veterans who qualify for the child care subsidy to women veterans who are in need of regular or intensive mental health care services but who do not seek such care due to lack of child care services. Finally, the Compromise Agreement follows the House provision by allowing for other

forms of child care assistance. In addition to stipends, child care services may be provided through the direct provision of child care at an on-site VA facility, payments to private child care agencies, collaboration with facilities or programs of other Federal departments or agencies, and other forms as deemed appropriate by the Secretary.

*Care for Newborn Children of Women Veterans Receiving Maternity Care (section 206)*

The Senate bill contains a provision (section 209) that would authorize VA to provide post-delivery health care services to a newborn child of a woman veteran receiving maternity care from VA if the child was delivered in a VA facility or a non-VA facility pursuant to a VA contract for delivery. Such care would be authorized for up to seven days.

H.R. 1211 contains a comparable provision (section 201), but would allow VA to provide care for a set seven-day period for newborn children of women veterans receiving maternity care.

The Compromise Agreement contains the Senate provision.

TITLE III—RURAL HEALTH IMPROVEMENTS

*Improvements to the Education Debt Reduction Program (section 301)*

The Senate bill contains a provision (section 301) that would eliminate the cap in current law on the total amount of education debt reduction payments that can be made over five years so as to permit payments equal to the total amount of principal and interest owed on eligible loans.

H.R. 4166 contains a provision (section 3), that would expand the purpose of the Education Debt Reduction Program (EDRP), set forth in subchapter VII of chapter 76 of title 38, United States Code, to include retention in addition to recruitment, as well as to modify and expand the eligibility requirements for participation in the program. In addition, the provision would increase the total education debt reduction payments made by VA from $44,000 to $60,000 and raise the cap on payments to be made during the fourth and fifth years of the program from $10,000 to $12,000. The provision would also provide VA with the flexibility to waive the limitations of the EDRP and pay the full principal and interest owed by participants who fill hard-to-recruit positions at VA.

The Compromise Agreement contains the House provision.

*Visual Impairment and Orientation and Mobility Professionals Education Assistance Program (section 302)*

The Senate bill contains a provision (section 302) that would require VA to establish a scholarship program for students accepted or enrolled in a program of study leading to certification or a degree in the areas of visual impairment or orientation and mobility. The student would be required to agree to maintain an acceptable level of academic standing as well as join VA as a full-time employee for three years following their completion of the program. VA would be required to disseminate information on the scholarship program throughout educational institutions, with a special emphasis on those with a high number of Hispanic students and Historically Black Colleges and Universities.

H.R. 3949 contains the same provision (section 302).

The Compromise Agreement contains this provision.

*Demonstration Projects on Alternatives for Expanding Care for Veterans in Rural Areas (section 303)*

The Senate bill contains a provision (section 305) that would authorize VA to carry out demonstration projects to expand care to veterans in rural areas through the Department's Office of Rural Health. Projects could include VA establishing a partnership with the Centers for Medicare and Medicaid Services to coordinate care for veterans in rural areas at critical access hospitals, developing a partnership with the Department of Health and Human Services to coordinate care for veterans in rural areas at community health centers, and the expanding coordination with the Indian Health Service to enhance care for Native American veterans.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Program on Readjustment and Mental Health Care Services for Veterans who Served in Operation Enduring Freedom and Operation Iraqi Freedom (section 304)*

The Senate bill contains a provision (section 306) that would require VA to establish a program providing OEF and OIF veterans with mental health services, readjustment counseling and services, and peer outreach and support. The program would also provide the immediate families of these veterans with education, support, counseling, and mental health services. In areas not adequately served by VA facilities, VA would be authorized to contract with community mental health centers and other qualified entities for the provision of such services, as well as provide training to clinicians and contract with a national non-profit mental health organization to train veterans participating in the peer outreach and support program. The provision would require an initial implementation report within 45 days after enactment of the legislation. Additionally, the Secretary would be required to submit a status report within one year of enactment of the legislation detailing the number of veterans participating in the program as well as an evaluation of the services being provided under the program.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision, but does not include the reporting requirement and authorizes rather than requires VA to contract with community mental health centers and other qualified entities in areas not adequately served by VA facilities.

*Travel Reimbursement for Veterans Receiving Treatment at Facilities of the Department of Veterans Affairs (section 305)*

The Senate bill contains a provision (section 308) that would authorize VA to increase the mileage reimbursement rate under section 111 of title 38, United States Code, to 41.5 cents per mile, and, a year after the enactment of this legislation, allow the Secretary to adjust the newly specified mileage rate to be equal to the rate paid to Government employees who use privately owned vehicles on official business. If such an adjustment would result in a lower mileage rate, the Secretary would be required to submit to Congress a justification for the lowered rate. The provision also would allow the Secretary to reimburse veterans for the reasonable cost of airfare when that is the only practical way to reach a VA facility.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Pilot Program on Incentives for Physicians Who Assume Inpatient Responsibilities at Community Hospitals in Health Professional Shortage Areas (section 306)*

The Senate bill contains a provision (section 313) that would require VA to establish a pilot program under which VA physicians caring for veterans admitted to community hospitals would receive financial incentives, of an amount deemed appropriate by the Secretary, if they maintain inpatient privileges at community hospitals in health professional shortage areas. Participation in the pilot program would be voluntary. VA would be required to carry out the pilot program for three years, in not less than five community hospitals in each of not fewer than two VISNs. In addition, VA would be authorized to collect third party payments for care provided by VA physicians to nonveterans while carrying out their responsibilities at the community hospital where they are privileged.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Grants for Veterans Service Organizations for Transportation of Highly Rural Veterans (section 307)*

The Senate bill contains a provision (section 315) that would require VA to establish a grant program to provide innovative transportation options to veterans in highly rural areas. Eligible grant recipients would include state veterans service agencies and veterans service organizations, and grant awards would not exceed $50,000.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Modifications of Eligibility for Participation in Pilot Program of Enhanced Contract Care Authority for Health Care Needs of Certain Veterans (section 308)*

The Senate bill contains a provision (section 316) that would clarify the definition of eligible veterans who are covered under a pilot program of enhanced contract care authority for rural veterans, created by section 403(b) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (P.L. 110–387, 122 Stat. 4110). Eligible veterans would be defined to include those living more than 60 minutes driving distance from the nearest VA facility providing primary care services, living more than 120 minutes driving distance from the nearest VA facility providing acute hospital care, and living more than 240 minutes driving distance from the nearest VA facility providing tertiary care.

H.R. 3219 contains the same provision (section 206).

The Compromise Agreement contains this provision.

TITLE IV—MENTAL HEALTH CARE MATTERS

*Eligibility of Members of the Armed Forces Who Served in Operation Enduring Freedom or Operation Iraqi Freedom for Counseling and Services Through Readjustment Counseling Services (section 401)*

The Senate bill contains a provision (section 401) that would allow any member of the Armed Forces, including members of the National Guard or Reserve, who served in OEF or OIF to be eligible for readjustment counseling services at VA Readjustment Counseling Centers, also known as Vet Centers. The provision of such services would be limited by the availability of appropriations so that this new provision would not adversely affect services provided to the veterans that Vet Centers are currently serving.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Restoration of Authority of Readjustment Counseling Service to Provide Referral and Other Assistance upon Request to Former Members of the Armed Forces Not Authorized Counseling (section 402)*

The Senate bill contains a provision (section 402) that would require VA to help former members of the Armed Forces who have been discharged or released from active duty, but who are not otherwise eligible for readjustment counseling. VA would be authorized to help these individuals by providing them with referrals to obtain counseling and services from sources outside of VA, or by advising such individuals of their right to apply for a review of their release or discharge through the appropriate military branch of service.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Study on Suicides among Veterans (section 403)*

The Senate bill contains a provision (section 403) that would require VA to conduct a study to determine the number of veterans who committed suicide between January 1, 1999 and the enactment of the legislation. To conduct this study, VA would be required to coordinate with the Secretary of Defense, veterans' service organizations, the Centers for Disease Control and Prevention, and state public health offices and veterans agencies.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

TITLE V—OTHER HEALTH CARE MATTERS

*Repeal of Certain Annual Reporting Requirements (section 501)*

The Senate bill contains a provision (section 501) that would eliminate the reporting requirements, set forth in sections 7451 and 8107 of title 38, United States Code, on pay adjustments for registered nurses. These reporting requirements date to a time when VA facility directors had the discretion to offer annual General Schedule (GS) comparability increases to nurses. Current law requires VA to provide GS comparability increases to nurses so that that pay adjustment report is no longer necessary. The provision would also eliminate the reporting requirement on VA's long-range health care planning which included the operations and construction plans for medical facilities. The information contained in this report is already submitted in other reports and plans, in particular the Department's annual budget request.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Submittal Date of Annual Report on Gulf War Research (section 502)*

The Senate bill contains a provision (section 502) that would amend the due date of the Annual Gulf War Research Report from March 1 to July 1 of each of the five years with the first report due in 2010.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Payment for Care Furnished to CHAMPVA Beneficiaries (section 503)*

The Senate bill contains a provision (section 503) that would clarify that payments made by VA to providers who provide medical care to a beneficiary covered under CHAMPVA shall constitute payment in full, thereby removing any liability on the part of the beneficiary.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Disclosure of Patient Treatment Information from Medical Records of Patients Lacking Decision-making Capacity (section 504)*

The Senate bill contains a provision (section 504) that would authorize VA health care practitioners to disclose relevant portions of VA medical records to surrogate decision-makers who are authorized to make decisions on behalf of patients lacking decision-making capacity. The provision would only allow such disclosures where the information is clinically relevant to the decision that the surrogate is being asked to make.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Enhancement of Quality Management (section 505)*

The Senate bill contains a provision (section 506) that would create a National Quality Management Officer to act as the principal officer responsible for the Veteran Health Administration's quality assurance program.µ The provision would require each VISN and medical facility to appoint a quality management officer, as well as require VA to carry out a review of policies and procedures for maintaining health care quality and patient safety.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Pilot Program on Use of Community-Based Organizations and Local and State Government Entities To Ensure That Veterans Receive Care and Benefits for Which They are Eligible (section 506)*

The Senate bill contains a provision (section 508) that would require VA to create a pilot program to study the use of community organizations and local and State government entities in providing care and benefits to veterans. The grantees would be selected for their ability to increase outreach, enhance the coordination of community, local, state, and Federal providers of health care, and expand the availability of care and services to transitioning servicemembers and their families. The two-year pilot program would be required to be implemented in five locations and, in making the site selections, the Secretary would be required to give special consideration to rural areas, areas with high proportions of minority groups, areas with high proportions of individuals who have limited access to health care, and areas that are not in close proximity to an active duty military station.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision, but would give VA 180 days to implement the pilot program.

*Specialized Residential Care and Rehabilitation for Certain Veterans (section 507)*

The Senate bill contains a provision (section 509) that would authorize VA to contract for specialized residential care and rehabilitation services for certain veterans. Eligible veterans would be those who served in OEF or OIF, suffer from a traumatic brain injury (TBI), and possess an accumulation of deficits in activities of daily living and instrumental activities of daily living that would otherwise require admission to a nursing home.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Expanded Study on the Health Impact of Project Shipboard Hazard and Defense (section 508)*

The Senate bill contains a provision (section 510) that would require VA to contract with the Institute of Medicine (IOM) to study the health impact of veterans' participation in Project Shipboard Hazard and Defense (SHAD). The study would be intended to cover, to the extent practicable, all veterans who participated in Project SHAD and may utilize results from the study included in IOM's report on ''Long-Term Health Effects of Participation in Project SHAD.''

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Use of Non-Department Facilities for Rehabilitation of Individuals with Traumatic Brain Injury (section 509)*

The Senate bill contains a provision (section 511) that would clarify when non-VA facilities may be utilized to provide treatment and rehabilitative services for veterans and members of the Armed Forces with TBI. Specifically, the provision would allow non-VA facilities to be used when VA cannot provide treatment or services at the frequency or duration required by the individual plan of the veteran or servicemember with TBI. The provision also would allow the use of non-VA facilities if VA determines that it is optimal for the recovery and rehabilitation of the veteran or servicemember. Such non-VA facility would be required to maintain standards that have been established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with TBI.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Pilot Program on Provision of Dental Insurance Plans to Veterans and Survivors and Dependents of Veterans (section 510)*

The Senate bill contains a provision (section 513) that would require VA to carry out a three-year pilot program to provide specified dental services through a contract with a dental insurer. Additionally, the provision would provide that the pilot program should take place in at least two but no more than four VISNs and that enrollment would be voluntary. The program would provide diagnostic services, preventive services, endodontic and other restorative services, surgical services, emergency services, and such other services as VA considers appropriate.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision, modified to provide that the pilot program may take place in any number of VISNs the Secretary deems appropriate. The purpose of providing the Secretary with this authority is to ensure the capability, should it be required, to maximize the number of voluntary enrollees insured under the dental program so as to reduce premium expenditures.

*Prohibition on Collection of Copayments from Veterans who are Catastrophically Disabled (section 511)*

The Senate bill contains a provision (section 515) that would add a new section 1730A in title 38, United States Code, to prohibit VA from collecting copayments from catastrophically disabled veterans for medical services rendered, including prescription drug and nursing home care copayments.

H.R. 3219 contains the same provision (section 203).

The Compromise Agreement contains this provision.

*Higher Priority Status for Certain Veterans who are Medal of Honor Recipients (section 512)*

H.R. 3519 contains a provision (section 201) that would amend section 1705 of title 38, United States Code, to place Medal of Honor recipients in priority group 3 for the purposes of receiving health care through VA. This would situate Medal of Honor recipients in a priority group with former prisoners of war and Purple Heart recipients.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Hospital Care, Medical Services, and Nursing Home Care for Certain Vietnam-Era Veterans Exposed to Herbicide and Veterans of the Persian Gulf War (section 513)*

H.R. 3219 contains a provision (section 202) that would amend section 1710 of title 38, United States Code, to provide permanent authorization for the special treatment authority of Vietnam-era veterans exposed to an herbicide and Gulf-War era veterans who have insufficient medical evidence to establish a service-connected disability.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Establishment of Director of Physician Assistant Services in Veterans Health Administration (section 514)*

H.R. 3219 contains a provision (section 204) that would create the position of Director of Physician Assistant Services in VA central office who would report directly to the Under Secretary for Health on all matters related to education, training, employment, and proper utilization of physician assistants.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision, modified to require the Director of Physician Assistant Services to report directly to the Chief of the Office of Patient Services instead of to the Under Secretary for Health.

*Committee on Care of Veterans with Traumatic Brain Injury (section 515)*

H.R. 3219 contains a provision (section 205) that would require VA to establish a Committee on Care of Veterans with Traumatic Brain Injury. This Committee would be required to evaluate VA's capacity to meet the treatment and rehabilitative needs of veterans with TBI, as well as make recommendations and advise the Under Secretary for Health on matters relating to this condition. Additionally, VA would be required to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report on the Committee's findings and recommendations and the Department's response.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Increase in Amount Available to Disabled Veterans for Improvements and Structural Alterations Furnished as Part of Home Health Services (section 516)*

H.R. 1293 contains a provision that would increase, from $4,100 to $6,800, the amount authorized to be paid to veterans who have service-connected disabilities rated 50 percent or more disabling for home improvements and structural alterations. The provision would also increase from $1,200 to $2,000, the amount authorized to be paid to veterans with service-connected disabilities rated less than 50 percent disabling.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Extension of Statutorily Defined Copayments for Certain Veterans for Hospital Care and Nursing Home Care (section 517)*

Under current law, VA has the authority to provide hospital and nursing home care on a space available basis to veterans who do not otherwise qualify for such care. VA is authorized to collect from such a veteran an amount equal to $10 for every day that a veteran receives hospital care, and $5 for every day a veteran receives nursing home care. This authority expires on September 30, 2010.

Neither the House nor Senate bills contain a provision to extend this authority.

The Compromise Agreement contains a provision which would extend the statutorily defined copayments for certain veterans for hospital care and nursing home care to September 30, 2012.

*Extension of Authority to Recover Cost of Certain Care and Services from Disabled Veterans with Health-Plan Contracts (section 518)*

Under current law, VA is authorized to recover the costs associated with medical care provided to a veteran for a non-service-connected disability if, among other eligibility criteria, the veteran receives such care before October 1, 2010, the veteran has a service-connected disability, and the veteran is entitled to benefits for health care under a health-plan contract.

Neither the House nor Senate bills contain a provision to extend this authority.

The Compromise Agreement contains a provision which would extend the authority to recover the cost of such care and services from disabled veterans with health-plan contracts to October 1, 2012.

TITLE VI—DEPARTMENT PERSONNEL MATTERS

*Enhancement of Authorities for Retention of Medical Professionals (section 601)*

The Senate bill contains provisions (section 601) intended to improve VA's ability to recruit and retain health professionals. First, VA would be given the authority to apply the title 38 hybrid employment system to additional health care occupations to meet the recruitment and retention needs of VA. Next, the probationary period for full-time and part-time registered nurses would be set at two years; part-time registered nurses who served previously on a full-time basis would not be subject to a probationary period. In addition, VA would be authorized to waive the salary offset where the salary of an employee rehired after retirement from the Veterans Health Administration is reduced according to the amount of their annuity under a federal government retirement system.

Section 601 also would provide for a number of new or expanded pay authorities, including setting the pay for all senior executives in the Office of the Under Secretary for Health at Level II or Level III of the Executive Schedule; authorizing recruitment and retention special incentive pay for pharmacist executives of up to $40,000; amending the pay provisions of physicians and dentists by clarifying the determination of the non-foreign cost of living adjustment, exempting physicians and dentists in executive leadership positions from compensation panels, and allowing for a reduction in market pay for changes in board certification or a reduction of privileges; modifying the pay cap for registered nurses and other covered positions to Level IV of the Executive Schedule; allowing the pay for certified registered nurse anesthetists to exceed the pay caps for registered nurses; increasing the limitation on special pay for nurse executives from $25,000 to $100,000; adding licensed practical nurses, licensed vocational nurses, and nursing positions covered by title 5 to the list of occupations that are exempt from the limitations on increases in rates of basic pay; and expanding the eligibility for additional premium pay to part-time nurses. Finally, section 601 would improve VA's locality pay system by requiring VA to provide education, training, and support to the directors of VA health care facilities on the use of locality pay system surveys.

H.R. 919 contains a comparable provision (section 2) which would not, in contrast to the Senate bill, restrict VA from applying hybrid title 38 status to positions that are administrative, clerical or physical plant maintenance and protective services, would otherwise be included under the authority of section 5332 of title 5, United States Code; do not provide direct patient care services, or would otherwise be available to provide medical care and treatment for veterans. The House provision also would not place restrictions on the categories of part-time nurses for whom the probationary period would be waived. The House section contains an additional provision which would provide comparability pay up to $100,000 per year to all individuals appointed by the Under Secretary for Health under the authority of section 7306 of title 38, United States Code, who are not physicians or dentists and who would be compensated at a higher rate in the private sector.

The Compromise Agreement contains the Senate provision, modified to eliminate the provision of the Senate bill that would provide VA with the authority to waive salary offsets for retirees who are reemployed in the Veterans Health Administration.

*Limitations on Overtime Duty, Weekend Duty, and Alternative Work Schedules for Nurses (section 602)*

The Senate bill contains a provision (section 602) that would prohibit VA from requiring nurses to work more than 40 hours in an administrative work week or more than 8 hours consecutively, except under unanticipated emergency conditions in which the nurses' skills are necessary and good faith efforts to find voluntary replacements have failed. The provision also would strike subsection 7456(c) of title 38, United States Code, which provides that nurses on approved sick or annual leave during a 12-hour work shift shall be charged at a rate of five hours of leave per three hours of absence. Finally, for recruitment and retention purposes, VA would be authorized to consider a nurse who has worked 6 regularly scheduled 12–hour work shifts within a 14–day period to have worked a full eighty-hour pay period.

H.R. 919 contains the same provision (section 3).

The Compromise Agreement contains this provision.

*Reauthorization of Health Professionals Educational Assistance Scholarship Program (section 603)*

H.R. 919 contains a provision (section 4) that would reinstate the Health Professionals Educational Assistance Scholarship Program. Section 2 of H.R. 4166 contains a similar provision which would also direct VA to fully employ program graduates as soon as possible following their graduation, require graduates to perform clinical rotations in assignments or locations determined by

VA, and assign a mentor to graduates in the same facility in which they are serving.

The Senate bill contains a similar provision but did not include the requirement to fully employ graduates as soon as possible.

The Compromise Agreement contains the provision from section 2 of H.R. 4166.

*Loan Repayment Program for Clinical Researchers from Disadvantaged Backgrounds (section 604)*

H.R. 919 (section 4) and H.R. 4166 (section 4) contain identical provisions that would allow VA to utilize the authorities available in the Public Health Service Act for the repayment of the principal and interest of educational loans of health professionals from disadvantaged backgrounds in order to employ such professionals in the Veterans Health Administration to conduct clinical research.

The Senate bill contains the same provision (section 603).

The Compromise Agreement contains this provision.

TITLE VII—HOMELESS VETERANS MATTERS

*Per Diem Grant Payments (section 701)*

H.R. 3796 contains a provision that would authorize VA to make per diem payments to organizations assisting homeless veterans in an amount equal to the greater of the daily cost of care or $60 per bed, per day. The provision would also require VA to ensure that 25 percent of the funds available for per diem payments are distributed to organizations that meet some but not all of the criteria for the receipt of per diem payments. These would include (in order of priority) organizations that meet each of the transitional and supportive services criteria and serve a population that is less than 75 percent veterans; organizations that meet at least one but not all of the transitional and supportive services criteria, but have a population that is at least 75 percent veterans; or organizations that meet at least one but not all of the transitional and supportive services criteria and serve a population that is less than 75 percent veterans.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision, but does not require the minimum amount of $60 per bed, per day for the Grant and Per Diem program. In addition, VA would be authorized but not required to award the per diem grants to nonprofit organizations meeting some but not all of the criteria for the receipt of such payments.

TITLE VIII—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

*General Authorities on Establishment of Corporations (section 801)*

H.R. 2770 contains a provision (section 2) that would authorize Nonprofit Research and Education Corporations (NPCs) to merge, thereby creating multi-medical center research corporations.

The Senate bill contains the same provision (section 801).

The Compromise Agreement contains this provision.

*Clarification of Purposes of Corporations (section 802)*

H.R. 2770 contains a provision (section 3) that would clarify the purpose of NPCs to include specific reference to their role as funding mechanisms for approved research and education, in addition to their role in facilitating research and education.

The Senate bill contains the same provision (section 802).

The Compromise Agreement contains this provision.

*Modification of Requirements for Boards of Directors of Corporations (section 803)*

The Senate bill contains a provision (section 803) that would require that a minimum of two members of the Board of Directors of an NPC be other-than-federal employees. Additionally, the provision would allow for the appointment of individuals with expertise in legal, financial, or business matters. The provision also would conform the law relating to NPCs to other federal conflict of interest regulations by removing the requirement that members of the NPC boards have no financial relationship with any entity that is a source of funding for research or education by VA.

H.R. 2770 contains a comparable provision (section 4), but provides that the executive director of the corporation may be a VA employee.

The Compromise Agreement contains the House provision, with a modification which removes the provision allowing VA employees to serve as executive directors.

*Clarification of Powers of Corporations (section 804)*

H.R. 2770 contains a provision (section 5) that would clarify the NPCs' authority to accept, administer, and transfer funds for various purposes. NPCs would be allowed to enter into contracts and set fees for the education and training facilitated through the corporation.

The Senate bill contains the same provision (section 804).

The Compromise Agreement contains this provision.

*Redesignation of Section 7364A of Title 38, United States Code (section 805)*

H.R. 2770 contains a provision (section 6) that would provide clerical amendments associated with implementing this legislation concerning Nonprofit Research and Education Corporations.

The Senate bill contains the same provision (section 805).

The Compromise Agreement contains this provision.

*Improved Accountability and Oversight of Corporations (section 806)*

The Senate bill contains a provision (section 806) that would strengthen VA's oversight of NPCs by requiring those NPCs with revenues of over $10,000 to obtain an independent audit once every three years, or with revenues of over $300,000 to obtain such an audit each year, and to submit certain Internal Revenue Service forms.

H.R. 2770 contains a comparable provision (section 7), but would instead raise to $100,000 the threshold for requiring three-year audits and to $500,000 the revenue threshold that would require yearly audits. The provision also would revise conflict of interest policies to apply to the policies adopted by the corporation.

The Compromise Agreement contains the House provision.

TITLE IX—CONSTRUCTION AND NAMING MATTERS

*Authorization of Medical Facility Projects (section 901)*

The Senate bill contains a provision (section 901) that would authorize funds for the following major medical facility projects in FY 2010: Livermore, California; Walla Walla, Washington; Louisville, Kentucky; Dallas, Texas; St. Louis, Missouri; Denver, Colorado and Bay Pines, Florida.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision, but strikes the authorization for the construction project in Walla Walla, Washington, since authorization for this construction project was provided in Public Law 111–98, enacted on November 11, 2009.

*Designation of Merril Lundman Department of Veterans Affairs Outpatient Clinic, Havre, Montana (section 902)*

The Senate bill contains a provision (section 903) that would name VA outpatient clinic in Havre, Montana, as the "Merril Lundman Department of Veterans Affairs Outpatient Clinic."

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Designation of William C. Tallent Department of Veterans Affairs Outpatient Clinic, Knoxville, Tennessee (section 903)*

In the House, H.R. 402 contains a provision that would name the VA outpatient clinic in Knoxville, Tennessee as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic."

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Designation of Max J. Beilke Department of Veterans Affairs Outpatient Clinic, Alexandria, Minnesota (section 904)*

In the House, H.R. 3157 contains a provision that would name the VA outpatient clinic in Alexandria, Minnesota as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic."

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

TITLE X—OTHER MATTERS

*Expansion of Authority for Department of Veterans Affairs Police Officers (section 1001)*

The Senate bill contains a provision (section 1001) that would provide additional authorities to VA uniformed police officers, including the authority to carry a VA-issued weapon in an official capacity when off VA property and in official travel status, the authority to conduct investigations on and off VA property of offenses that may have been committed on VA property, expanded authority to enforce local and State traffic regulations when such authority has been granted by local or State law, and to make arrests based upon an arrest warrant issued by any competent judicial authority.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Uniform Allowance for Department of Veterans Affairs Police Officers (section 1002)*

The Senate bill contains a provision (section 1002) that would modify VA's authority to pay an allowance to VA police officers for purchasing uniforms. The provision would provide a uniform allowance in an amount which is the lesser of the amount prescribed by the Office of Personnel Management or the actual or estimated cost as determined by periodic surveys conducted by VA.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Submission of Reports to Congress by Secretary of Veterans Affairs in Electronic Form (section 1003)*

Under current law, there is no requirement for VA to submit Congressionally mandated reports in an electronic form.

Neither the House nor Senate bills contained a provision to change this procedure.

The Compromise Agreement contains a provision which would create a new section 118 in title 38, United States Code, which would require VA to submit reports to Congress, or any Committee thereof, in electronic format. Reports would be defined to include any certification, notification, or other communication in writing.

*Determination of Budgetary Effects for Purposes of Compliance with Statutory Pay-As-You-Go-Act of 2010 (section 1004)*

Neither the Senate nor House bills contain a provision relating to compliance with the Statutory Pay-As-You-Go-Act of 2010, Title I of P.L. 111–139, 124 Stat. 8.

The Compromise Agreement contains a procedural provision to require the determination of the budgetary effects of provisions contained in the Compromise Agreement to be based upon the statement entered into the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives.

Mr. BUYER. I yield myself such time as I may consume.

I rise in support of S. 1963, as amended, the Caregivers and Veterans Omnibus Health Services Act of 2010.

This bill represents a bipartisan effort on behalf of the House and Senate, and I express my thanks to Chairman FILNER, Chairman AKAKA, and Ranking Member BURR for their leadership. I'd also like to thank Chairman MICHAUD and Ranking Member BROWN of the Subcommittee on Health for their efforts in bringing this legislation forward.

Reflecting the spirit of compromise and cooperation, S. 1963 is composed of a number of bills from both sides of the aisle. It would provide increased access to care, better outreach and support for wounded veterans, rural veterans, and homeless veterans, and also includes enhancements and provisions of mental health care and readjustment counseling for recent veterans of Iraq and Afghanistan.

I would like to thank my good friend and colleague from Kansas, JERRY MORAN, for his bill, H.R. 3103, that was included to help VA move forward with a pilot program to enhance contract care authority for highly rural veterans. This pilot, which was enacted in the last Congress, was Mr. MORAN's initiative.

I'd also like to thank my friend JOHN DUNCAN from Tennessee for introducing his bill, H.R. 402, which is included in this legislation. H.R. 402 would name the Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, the William C. Tallent Veterans Outpatient Clinic. This gentleman honorably served in World War II and maintained a lifelong service to veterans.

S. 1963 would also establish a new, all-encompassing system of support for family caregivers. As we all know, some veterans of Iraq and Afghanistan have been severely wounded and will require a great deal of care for the rest of their lives. In previous wars, these veterans would probably not have survived their wounds, but significant improvements in battlefield medicine, the medicine logistics chain and the follow-up treatment have improved the survival rates for the most severely wounded combatants.

Family caregivers are more often than not at the core of what sustains the treatment and recovery of a severely wounded or injured soldier. Their commitment is strong and heartfelt; yet, it can be enormously challenging in a long recovery. There are many struggles that families face when assuming this role, including job absences, lost income, travel and relocation costs, child care concerns, exhaustion, and emotional and psychological stress. Many, understandably, become overwhelmed and eventually experience burnout. So there is a real problem, and the question is how to best address it.

I am concerned, however, about a provision in this bill that would establish an unprecedented stipend for certain family caregivers. I would have preferred to build upon and expand an existing successful Department of Veterans Affairs VA program known as Aid and Attendance. The Aid and Attendance program is paid directly to veterans so they can obtain the needed service in their own homes. The extent and types of services could be expanded, and last summer I proposed to do so in H.R. 3407, the Severely Injured Veterans' Benefits Act of 2009. It would provide a 50 percent increase in compensation for catastrophically injured veterans who are in need of assistance for daily personal needs, such as bathing and eating. It gives the veteran the choice of how to obtain services tailored to their unique needs and circumstances.

It is unclear how the caregiver stipend program in this bill will operate and how it will work in conjunction with the present Aid and Attendance or whether it replaces some of the current services.

Additionally, Mr. Speaker, we lack a Congressional Budget Office estimate of this compromised agreement. It appears that the Democrat majority has not been obtaining CBO cost estimates for discretionary bills, and we still don't have the official views of the administration on the compromised legislation. I am aware of their concerns. I requested the administration to address them in writing on March 18, 2010, and they were due on April 7. Although we have not yet read them, it is my understanding they are still in the concurrence process.

Based on legislative hearing testimony from last year, I believe the VA has concerns about the caregiver stipend as well as some of the other personnel provisions included in the bill. Dr. Cross, who is the principal deputy undersecretary for health, testified before the Senate Veterans Affairs Committee. This is in reference to the caregiver provisions. He stated, The VA does not support section 209. Currently we are able to contract for caregiver services with home health and similar public and private agencies. The contractor trains and pays them and affords them liability protection and oversees the quality of care. This remains the preferable arrangement as it does not divert VA from its primary mission of treating veterans and training clinicians. Moreover, it does not put VA in the position of having to tell family members how, at risk of losing their caregiver compensation, they have to care for their loved ones.

Mr. Speaker, it is unfortunate that the administration's concern regarding the caregiver stipend provision in this bill was not worked out because the bill, as a whole, does many good things for veterans. I hope this issue gets resolved with the administration, and I am pleased that legislation that I had sponsored, H.R. 1293, the Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009, is in this bill. This would increase the amount VA is authorized to pay under its home health services to make modifications to a veteran's home to enable the veteran to be cared for in their home rather than in a hospital or institutional setting.

We should always be reminded that while veterans may spend only a short time in uniform, the wounds they carry home with them can last a lifetime and profoundly impact their daily lives.

I reserve my time.

Mr. FILNER. Mr. Speaker, the chairman of our Health Subcommittee, Mr. MICHAUD, and ranking member, Mr. BROWN of South Carolina, were the chief hard workers on this bill. We thank them all.

I yield 3½ minutes to Chairman MICHAUD.

□ 1045

Mr. MICHAUD. Thank you very much, Mr. Speaker, and thank you, Mr. Chairman. I also want to thank Ranking Member BUYER for all his hard work on this bill before us today, as well as my colleague, Mr. BROWN, for working in a bipartisan manner throughout the years on veterans affairs issues.

I rise today in strong support on S. 1963, the Caregivers and Veterans Omnibus Health Services Act. This landmark bill reflects a strong commitment to family caregivers, who are often underappreciated in their efforts to care for our wounded servicemembers. We must recognize that family caregivers in Maine and throughout our country often put their lives on hold to care for our injured veterans, and their duties take a heavy toll on them financially, emotionally, and physically.

Our brave men and women who serve our country have come to rely on our

spouses, parents, siblings, and close friends to be there with them. We owe it to these devoted caregivers to offer them the support they need.

That's why this bill creates a robust, supportive services program for caregivers. This includes counseling services and respite care to help relieve the heavy emotional and physical stress of caregivers.

The bill also attempts to alleviate the financial difficulties facing eligible caregivers by providing a monthly financial stipend, as well as access to health care through the CHAMPVA program. The bill also recognizes the importance of caregivers being by veterans' sides during every step of their medical treatment. The bill authorizes the VA to pay lodging and other costs incurred by caregivers for accompanying veterans during medical appointments.

In addition to addressing the needs of caregivers, this bill helps the VA deliver high quality health care for our rural veterans. The bill improves the VA ability to recruit and retain qualified medical personnel. It addresses the barriers of long trips to medical appointments by providing reimbursement for air travel.

The bill also creates a more robust health care infrastructure in our rural areas. It does this by supporting collaboration with other Federal providers and fostering the VA's ability to contract with community providers.

I urge my colleagues to support this critical bill that supports caregivers and expands health care for our rural veterans.

Mr. BUYER. I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, before I yield to our Speaker, I just want to say with gratitude, on the part of our Nation's veterans, in her 3½ years as Speaker and her years before that as minority leader, Ms. PELOSI focused like a laser on the needs of our veterans. We would not be here with this landmark bill were it not for our Speaker.

I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding, I thank him for his leadership, and I am very pleased today that we have bipartisan support for this important legislation to benefit our veterans.

I, too, join my colleagues in rising to honor the sacrifice and service of the bravest among us, the men and women of our Armed Forces. In the name of our safety, they lay their lives on the line. In the name of our security, they fight our enemies far from home. In the name of our values, they serve as our Nation's greatest ambassadors, as champions of America's families.

Each and every day our soldiers, sailors, airmen and marines earn the respect of a grateful Nation. And as long as those in uniform continue the battle abroad, we must do everything in our power to support them here at home.

I would like to thank all Members of Congress on both sides of the aisle who worked so hard to strengthen this bill and bring it to the floor today. Again, I want to commend BOB FILNER, the chairman of the Committee on Veterans' Affairs, Chairman MIKE MICHAUD of the Health Subcommittee of the Committee on Veterans' Affairs, and Chairwoman STEPHANIE HERSETH SANDLIN of the Economic Opportunity Subcommittee of the Committee on Veterans' Affairs.

I also want to recognize the hard work and commitment to those who have worn our Nation's uniform by three key freshmen Members of Congress, Congressman TOM PERRIELLO, Congresswoman DEBBIE HALVORSON, and Congressman HARRY TEAGUE.

In both Houses, this has been a bipartisan effort, and I commend Ranking Member BUYER for his leadership. I know that everything is not in this bill. There is an endless list of everything we want to do for our veterans, but we are very proud of Senator BURR and the role that he has played in the Senate and all of the Members here. Thank you, Mr. BUYER.

The Caregivers and Veterans Omnibus Health Services Act is a landmark moment in the ongoing effort to give back to our veterans and their families. It's a tribute to their service. In the words of the Paralyzed Veterans of America, it will ''provide valuable benefit for veterans and their families, benefits they need, have earned and so richly deserve.''

This legislation will support family members and others who care for the disabled, ill or injured veterans. This is very important to families, military families. Our wounded soldiers and their families have made a serious sacrifice for our country, and this bill will bring them some relief. It will expand mental health services and health care access for veterans in rural areas and prohibit copays for our most severely wounded warriors.

Thank you, Chairwoman HERSETH SANDLIN, as this bill marks a step forward for the 1.8 million women in uniform, removing existing barriers to female veterans seeking medical care. In a sweeping change long overdue and with strong bipartisan support, we will provide care for newborns in the first time in history. Thank you, Congressman HENRY BROWN, for your leadership as well, my friend.

Today's vote is one in a series of actions taken by this Congress to give back to America's veterans. Our signature achievement remains our new GI Bill, providing those who serve with a full, 4-year college education. This is also transferable to a family member, and also a new improvement that we made was if a serviceman or woman dies in combat, that this opportunity is provided for their children or another family member.

Late last year, again in a bipartisan way, we celebrated the passage of the Veterans Health Care Budget Reform and Transparency Act, ensuring that the VA has timely and predictable funding and our veterans receive the high quality care they have earned. Working to make sure that our economic recovery truly benefits all Americans, the American Recovery and Reinvestment Act offered a tax credit for hiring veterans and a $250 payment to disabled veterans.

Just this past month we passed the TRICARE Affirmation Act, stating explicitly that our health care reform legislation will not impact the excellent health coverage our veterans and servicemembers already receive. In the last 3 years, we have given our troops a pay raise, helped restore military readiness and bolstered support for our military families. Today we strengthen the benefits our men and women in uniform receive.

Mr. Speaker, in the course of our meetings with the veterans service organizations and with the families of our men and women in uniform and our veterans, we hear directly from them what their needs are and try to establish their priorities and to make it a priority in allocating the resources of our country. In the course of those conversations, we have heard from the families that in the survey they took of their own membership of Blue Star Families, that 94 percent of them thought that most Americans did not have a clear understanding of their needs.

We promised them that in all we do here we will remove doubt in anyone's mind among our military families that we understand their needs, especially if they present them in a prioritized way and will make them our priority in the Congress. In every action we strive to live up to that commitment.

Just as the military on the battlefield has said, on the battlefield we will leave no soldier behind. So too when they come home, we will leave no veteran behind.

As the leaders of the American Legion have stated, this legislation offers bold solutions to major challenges facing servicemembers, veterans and their families on behalf of every American who wears the uniform.

I urge my colleagues to vote ''yes'' on this bill.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the Speaker for her kind remarks and her support of the bill. Also, I ask for your support, we have a problem we have to get worked out, and that deals with the widows, orphans, and the Spina Bifida Program was left out of the health care

bill that we recently passed to ensure that it's defined as minimum essential benefit.

Madam Speaker, I hope for your support for this. The issue has been addressed in the Senate. The Senate passed it, the bill is at the desk, but it has to originate in the House, so I ask for your support on this.

Ms. PELOSI. Thank you, Mr. BUYER. The chairman has this legislation, as you may be aware, and it is going to Ways and Means and we will be taking it up soon, but we will look forward to working with you and will bring it together in a bipartisan way in the spirit that we owe our veterans. They are all Americans and so are we.

Mr. BUYER. Thank you, I appreciate that.

Ms. PELOSI. Thank you, Mr. BUYER, and thank you, Mr. BROWN, for your leadership as well.

Mr. BUYER. I now yield 3 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. I thank the gentleman from Indiana for yielding me this time.

I rise today to express my strong support for S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2009. Chairman FILNER and Chairman MICHAUD, along with Ranking Member BUYER and I have brought this legislation forward in order to continue the great progress made by the VA toward providing the kind of health care veterans deserve, and I am proud to support it today.

I think it's pretty evident, as the Speaker alluded to earlier, that in the Committee on Veterans' Affairs, which I have had the privilege to serve now 10 years, we always leave our bipartisanship at the door when we enter that committee, and I am grateful that Mr. FILNER also continued in that same spirit when he became the chairman.

At a time when our soldiers are overseas keeping us safe here at home, the VA is faced with a number of unique challenges. It must respond to the signature wounds of the wars in Iraq and Afghanistan, to soldiers returning home who live far from VA facilities, to the ever-increasing number of women veterans, and to the families of veterans who cannot care for themselves, but it must also remain responsive to those whom it already serves. I believe this bill would accomplish this.

When soldiers return home from war, unable to care for themselves, their families often face difficult burdens. To help them help the veterans, this bill would establish a comprehensive assistance program for caregivers, making caregivers eligible to receive education and training and technical support, counseling, lodging and subsistence.

To serve the rural veterans, who may live a long distance from VA facilities, this bill would make the VA more flexible while increasing reach-out efforts. The VA would be allowed to partner with Medicare, Medicaid, the Department of Health and Human Services and the Indian Health Service in demonstration projects that could expand care.

Finally, two of the most common wounds of war in Iraq and Afghanistan have been post-traumatic stress disorder and traumatic brain injury. By expanding eligibility for readjustment counseling at Vet Centers to any members of the Armed Forces who have served in OIF/OEF and establishing the Committee on Care for Veterans with TBI, the VA will become more responsive to those who are transitioning back to civilian life.

In closing, I want to thank Chairman FILNER and Ranking Member BUYER of the Veterans' Affairs Committee, and Chairman MICHAUD of the Health Subcommittee, for their leadership in bringing this bill forward.

I urge my colleagues to stand up for America's true heroes and help continue to make the VA world class care even better.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to Ms. HERSETH SANDLIN of South Dakota, the chair of our Economic Opportunity Subcommittee and the prime mover behind the section of this bill dealing with our women veterans.

Ms. HERSETH SANDLIN. I thank the gentleman from California for yielding.

I rise today in strong support of S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2010. I want to thank our full committee chairman, Mr. FILNER; our ranking member, Mr. BUYER; and Health Subcommittee Chairman MICHAUD and Ranking Member BROWN for their leadership, for their strong support of this legislation, which contains many important provisions related to caregiver support and rural health care for veterans. It also includes legislation I introduced, the Women Veterans Health Care Improvement Act.

This act will provide significant enhancements to the health care available for women veterans. Today women make up approximately 8 percent of veterans in the United States, and that percentage will continue to rise as more and more women answer the call to serve their country. With an increasing number of women seeking access to care within the VA, the challenge of providing adequate health care services for women veterans is one the VA must master, and I am confident that it can.

□ 1100

This legislation addresses this challenge by taking several important steps to ensure adequate attention is given to women veterans and their health care programs so that women can access the quality primary health care and the specialized services they deserve and have earned.

Among its provisions, this bill improves the VA's sexual trauma and post-traumatic stress disorder programs for women by requiring the Secretary of the VA to ensure that all mental health professionals have been properly and consistently trained in the best methods and practices so women veterans feel secure in seeking treatment.

Childcare is another crucial issue for women veterans—and for male veterans as well—and the bill before us today tackles current barriers to care by authorizing a childcare pilot program and requiring the VA to carry out this program in at least three veteran service networks. We anticipate that this is going to help veterans keep their appointments.

The legislation also requires the VA to provide 7 days of medical care for newborn children of women veterans, representing an important policy update in the VA. Currently, the VA has no provision to provide care for these infants, yet 86 percent of Operation Enduring Freedom and Operation Iraqi Freedom women veterans are under the age of 40.

Accordingly, I urge all of my colleagues on both sides of the aisle to support this important legislation.

Mr. BUYER. Mr. Speaker, at this time, I yield 2 minutes to Ms. GINNY BROWN-WAITE of Florida.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today in support of S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2009.

As Members of Congress, we do have a responsibility to provide the best support we can to our Nation's veterans. With provisions for caregiver support, rural health improvement and mental health benefits, there are many reasons why I support this legislation. I could speak at length about these important and necessary benefits. However, in the interest of time, I would like to highlight just one: health care for women veterans.

While more and more women are joining the military, the VA's health care services for women veterans have not kept pace. Although approximately 14 percent of our troops are female, as a female veteran recently said in an interview with Good Housekeeping magazine, it is as if women are ''Martians, abnormalities descending on the VA health system.'' In fact, of the country's 153 VA medical centers, only about half even have a gynecologist on staff. This is despite the fact that between 23 and 29 percent of all female veterans seeking medical care through the VA have reported experiencing sexual assault. Is it any surprise, then, that the number of female veterans being treated for post-traumatic stress

disorder rose from 1 to 19 percent in only 4 years?

For this reason, my colleague, Representative HERSETH SANDLIN, and I introduced H.R. 1211, the Women Veterans Health Care Improvement Act. Although the Senate has not acted on our legislation, I am happy to see some of the key provisions, like studying the barriers preventing women veterans from receiving VA health care and developing a plan to improve that care for women veterans both immediately and in the long term, that actually made it into this bill.

Mr. FILNER. Mr. Speaker, the freshman members of our committee have added a new level of commitment and enthusiasm and have played a major part in this bill. I would like to yield 1½ minutes to one of those great freshmen, Mrs. HALVORSON of Illinois.

Mrs. HALVORSON. Mr. Speaker, I rise today for those veterans who can't. I rise today for the catastrophically injured veterans who have to battle their injuries and their rising health care costs. I rise today for those caregivers who dedicate their lives to supporting our wounded warriors and our military families. I rise today to support S. 1963 and the two provisions in the bill that I was proud to author.

The first provision, H.R. 1335, would relieve the burden of costly copayments from catastrophically disabled veterans who receive medical or nursing home care from the VA. This was the first piece of legislation that I introduced when I came to Congress because I knew that there are men and women who have served honorably that need our help. These are brave men and women who have sacrificed so much so that we can enjoy the freedoms that we have every day. These are men and women who struggle through their routines in life that we take for granted, and they should not have to struggle to make their copays.

Passing this measure into law would be a great way to show our support for our wounded warriors and to show that we are truly dedicated to making their lives better.

However, it is not just our injured veterans who need our help. Every day in districts across the country caregivers provide essential services to our veterans. When my stepson, Jay, was injured in Afghanistan and recuperating at Walter Reed, I spoke to so many of these families who just began their second battle, the battle to rehabilitate. That is why I worked to include in this bill H.R. 2898, the Wounded Warrior Caregiver Assistance Act, to provide support services to those taking care of our wounded warriors. Just as it is our duty to care for a disabled soldier, passing this provision would help care for those who work tirelessly every day to look after our injured veterans.

I urge my colleagues to join me in honoring those who have sacrificed for us by supporting this legislation.

Mr. BUYER. Mr. Speaker, I continue to reserve and defer to the chairman.

Mr. FILNER. Mr. Speaker, I yield 1½ minutes to another one of our great freshmen, Mr. PERRIELLO from Virginia.

Mr. PERRIELLO. Mr. Speaker, today is a good day for America's veterans and their families. I rise in support of S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2009, landmark legislation that makes good on our national commitment to our veterans and their families, including those in our rural communities. I also want to thank the chairs and the ranking members for putting our veterans ahead of our partisan divides.

Taking care of our veterans includes taking care of those who care for them when they are unable to care for themselves. Today, more than ever, revolutionary advances in military medicine have significantly increased servicemembers' chances of surviving a catastrophic injury sustained in combat, but in many cases surviving a catastrophic injury is only the first step in the battle. Recovering from such injuries requires a long-term commitment not only from the veteran, but also from those who love and care for them.

Once an injured veteran returns home from treatment at a DOD or VA facility, it is often a spouse, mother, father, or other loving family member who steps up to the challenge of providing ongoing care. And while this care is provided out of a sense of love, compassion, and devotion, it oftentimes shifts into a full-time commitment requiring the caregiver to make significant personal decisions regarding professional goals, commitments, and obligations.

To help better support family caregivers, I introduced H.R. 2734, the Health Care for Family Caregivers Act of 2009, a bill that will help provide much-needed assistance to those family caregivers facing the difficult decisions related to caring for a veteran confronting a catastrophic injury. I am pleased that this bill has included this, and I encourage its support.

Mr. FILNER. Mr. Speaker, Mr. TEAGUE from New Mexico authored an important provision in the bill, and I would yield to him 1½ minutes to explain that provision.

Mr. TEAGUE. Mr. Speaker, I rise today in support of S. 1963, which includes H.R. 2738, my bill to reimburse caregivers of disabled veterans for travel expenses to medical appointments. For those Members of Congress that represent vast rural districts with large veteran populations like mine, we know that this assistance has been needed for far too long.

Mr. Speaker, veterans throughout my district often volunteer their time to drive fellow veterans to medical appointments even though the drive can last over 3 or 4 hours. That means that veterans in Silver City must leave their homes at three in the morning to make a trip to the only VA hospital in our State. It means that many of my constituents must dedicate entire days to travel from their homes in Jal or Deming or Santa Rosa to a medical visit that may only take a few minutes.

This also means that the family of Airman Michael Malarsie, an airman from Bosque Farms who was blinded by an IED, would have to take time off work to travel to a VA medical center; and as the law currently stands, they must pay for that trip out of pocket whether they can afford it or not.

Mr. Speaker, that is just plain wrong. But we can right that wrong today by passing this bill and providing our wounded warriors and families with the help that they have earned and need. It is the very least that we can do to repay the debt that we as a Nation owe to our veterans and their courageous families.

Mr. FILNER. Mr. Speaker, another valued member of our committee, Mr. CIRO RODRIGUEZ of Texas, authored an important provision in this bill, and I would recognize him for 1½ minutes.

Mr. RODRIGUEZ. Mr. Speaker, our veterans deserve more. The proper care of our veterans is our most fervent duty to uphold. This bill permits us to advance this support even more with needed programs that will not only cover our veterans, but will also extend caregiver support to their families.

This bill makes marked improvements in rural health programs such as the partnering with the Department of Health and Human Services to expand care in rural areas. It also gives the Department of Veterans Affairs the flexibility it needs to contract mental health services in rural areas where there are no adequate VA facilities.

This bill also addresses the need for coordination between the Departments and the key stakeholders in the study to find solutions to the alarming suicide rates among our veterans and active duty forces and gives more resources to the Department of Veterans Affairs to address key areas such as veteran homelessness and women's health, and strengthens their quality assurance and other programs.

Additionally, this bill reestablishes the previous highly successful Health Professionals Education Assistance Scholarship Program in the Department of Veterans Affairs. Earlier this year, I introduced H.R. 4166, a bill to bring back this successful program. I am glad that this bill includes my legislation.

We also need to recognize our soldiers and thank them for their service. We owe it to each and every one of our wounded warriors and all veterans to

ensure their care and medical needs are properly taken care of. Their selfless sacrifices for our Nation's freedom and the sacrifices endured by their families warrant the passage of this bill.

Mr. FILNER. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore. Four minutes.

Mr. FILNER. Mr. Speaker, one of the great provisions of this bill is an incentive program to get doctors in certain specialties into the VA. The author of that scholarship program is Ms. JACKSON LEE of Texas, and I would recognize her for 1 minute.

Ms. JACKSON LEE of Texas. Mr. Chairman, I am particularly grateful for your leadership and that of the ranking member. Thank you for guiding me on this legislation.

I rise to support S. 1963, the Caregivers and Veterans Omnibus Health Services Act, for the work it is doing on caregivers and dealing with suicide and unfortunate tragedies that occur among our military.

This morning I was with the United States Air Force and their Air Force Cares program. I am pleased that this legislation included H.R. 228, the Blind Veterans of America, an organization chartered by Congress in 1958, which has been for nearly 50 years the only veterans service organization exclusively dedicated to serving America's blind and visually impaired veterans.

There are approximately 160,000 legally blind veterans in the United States, but only approximately 35,000 are currently enrolled in the Veterans Health Administration services. It is estimated that there are 1 million low-vision veterans in the United States, and incidences of blindness among the approximate total veteran population of 26 million are expected to increase by about 40 percent over the next few years. This is because the most prevalent cause of blindness and low vision are age-related. This bill provides scholarships for training individuals, and I ask my colleagues to support it. And thank you for including H.R. 228.

I rise in support of S. 1963—to provide needed support to caregivers of our nation's veterans, to improve the full spectrum of healthcare and access provided to those we honor and recognize as our country's present and past warriors and defenders.

There are few if any higher obligations of the Congress, the President, and the American people than keeping faith with the men and women who have worn the uniform in service to our country.

I applaud the work of the all those who have worked on this bill and who are charged with legislative, oversight and investigative jurisdiction over education of veterans, employment and training of veterans, vocational rehabilitation, veterans' housing programs, and readjustment of servicemembers to civilian life.

S. 1963 addresses many of the important needs of our veterans relating to services for women's health care, rural health care, homelessness, employment, health, and education.

WOMEN VETERANS HEALTH CARE

The bill will expand and improve VA health care services for the 1.8 million women who have bravely served their country. It requires the VA to:

Conduct a study of barriers to women veterans seeking health care,

Educate and train mental health professionals caring for veterans with sexual trauma;

Implement a reintegration and readjustment pilot program;

Establish a child care pilot program for women receiving regular and intensive mental health care and intensive health care services, or who are in need of such services but do not seek care due to the lack of child care services;

Provide up to 7 days of post-delivery health care to a newborn child of a women veteran.

RURAL HEALTH IMPROVEMENTS

Improves health care for veterans living in rural areas, including by expanding transportation for veterans to local VA hospitals and clinics through VA grants to local Veterans Service Organizations.

MENTAL HEALTH CARE

Provides access to counseling and other mental health centers to any member of the Armed Forces (including members of the National Guard and Reserves, who served during Operation Iraqi Freedom and Operation Enduring Freedom but who are no longer on active duty) and Requires the VA to conduct a veterans' suicide study.

OTHER HEALTH CARE ISSUES

Prohibits the VA from collecting copayments from veterans who are catastrophically disabled.

Creates a pilot program, which would provide specified dental services to veterans, survivors, and dependents of veterans through a dental insurer.

Requires the VA to provide hospital care, medical services, and nursing home care for certain Vietnam-era veterans exposed to herbicide and Gulf War era veterans who have insufficient medical evidence to establish a service-connected disability.

Provides higher priority status for certain veterans who are Medal of Honor recipients.

HOMELESS VETERANS

Expands the organizations offering transitional housing and other support for homeless veterans that can receive grants or per diems from the VA, which is particularly important to veterans in rural areas.

I am extremely pleased to help answer the needs of America's veterans and am pleased that H.R. 228, a bill I introduced to establish a scholarship program for students learning to care for veterans with visual impairments is included in Title III, Section 302 of S. 1963. As we work to strengthen our efforts nationally to provide better care for veterans we can not afford to leave any issue unexamined or unaddressed. We must especially ensure that veterans have the access to the quality healthcare that they deserve.

The Blind Veterans of America, an organization chartered by Congress in 1958, and which has been for nearly 50 the only veterans service organization exclusively dedicated to serving America's blind and visually impaired veterans.

Mr. Speaker, there are approximately 160,000 legally blind veterans in the United States, but approximately only 35,000 are currently enrolled in Veterans Health Administration services.

In addition, it is estimated that there are over 1 million low-vision veterans in the United States, and incidences of blindness among the approximate total veteran population of 26 million are expected to increase by about 40% over the next few years. This is because the most prevalent causes of legal blindness and low vision are age-related, and the average age of the veteran population is increasing; the current average age is about 80 years old.

Members of the Armed Forces are important to our nation and we show them our appreciation by taking care of them even after they have completed their service. But the fact is that there are not enough blind rehabilitation specialists to serve all legally blind and low-vision veterans in the United States.

Blind rehabilitation training helps give these veterans awareness of and functioning in their surroundings and enables them to retain their independence and dignity. Veterans without these services may find it difficult to be self-sufficient, relying on others to perform certain skills or even simple tasks on their behalf.

Mr. Speaker, Public Law 104–262, the Eligibility Reform Act 1996, requires the Department of Veterans Affairs to maintain its capacity to provide specialized rehabilitative services to disabled veterans, but it cannot do so when there are not enough specialists to address these needs. That is why we must work harder to provide for the needs of our men and women who have served this Nation so valiantly.

We should all take a day to reflect on the sacrifices U.S. veterans and servicemembers have made, and are still making, for their country. However, to truly honor and pay tribute to these special Americans requires our commitment for the other 364 days of the year.

Veterans continue to have many unanswered needs, and we should continue to fight for the rights of our most patriotic Americans. I am a strong believer in the fact that veterans have kept their promise to serve our nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans because the way a nation treats those who have stood in harms way to defend it, risking life, limb and psychological injury is extremely telling.

Members of the Armed Forces are important to our nation, and we show them our appreciation by passing this all encompassing healthcare legislation which directly impacts the Nation's ability to take care of servicemembers after they have completed their service.

There are 25.9 million veterans in the United States who have protected this country in military conflicts as early as WWI. The wars in Iraq and Afghanistan are however producing a new wave of veterans. Of 1.4 million who have served, more than 205,000 have sought to obtain health care this year. In part this is good news. Thanks to medical and technological advances, the survival and recovery rate is several times higher than in previous conflicts. However there are still many

inequities and system failures that mitigate veterans' getting proper and timely care.

Consequently, equipping veterans to navigate civilian life, often with severe mental and physical illnesses, has to be a national priority. Yet the Veterans Affairs Department, which provides millions of injured veterans with payments and care, has had issues responding to the inundation. Additionally, the Veterans' Disability Benefits Commission (VDBC) has reported that the VA falls woefully short in providing timely and fair disability payments, as well as adequate mental health care. The report cited an average delay of nearly six months in handing out payments. This legislation directly responds to these and many other pertinent issues which will allow us to meet the needs of all of our veterans, their families and caregivers.

Mr. FILNER. Mr. Speaker, this bill adds an important position to the Department of Veterans Affairs. The author of that legislation is Mr. HARE of Illinois. He was on our committee; I wish we had him back. I yield him 1 minute.

Mr. HARE. Mr. Speaker, this Congress, under the leadership of Speaker PELOSI and Chairman FILNER, has honored our veterans by dramatically increasing funding for VA health care and making it more timely, efficient, and predictable, hiring additional benefits claims processors and improving VA facilities. The bill before us builds on our earlier victories to improve the quality of health care for our Nation's veterans.

Mr. Speaker, I am particularly pleased that this veterans package includes a bill I introduced with Congressman JERRY MORAN to elevate the Department of Veterans Affairs physician assistant adviser to a full-time director. My bill would give 2,000 physician assistants employed at the VA who manage care for one-quarter of all primary care patients a fair and long-overdue voice within the VA.

With the director of physician assistant services, we can ensure that the PA workforce will continue to be an integral component within the VA health system and PAs are able to provide the best possible care to our veterans, especially those in underserved rural areas.

Mr. Speaker, I urge all of my colleagues to vote for S. 1963.

Mr. FILNER. Mr. Speaker, the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON), added an important provision with regard to retention and recruitment of the kind of professionals we need in the VA. I would yield to her 1 minute and thank her for her efforts.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the chairman and the ranking member for this bill, and I rise in strong support of the bill, the Caregivers and Veterans Omnibus Health Services Act.

It is our duty to ensure that our veterans who so courageously serve our country receive the medical support they deserve.

□ 1115

My professional career as a nurse was spent in the veterans' system. I visited at a hospital after they had four suicides from the psychiatric unit, and one of the problems they had was noncompetitiveness with nurses' salaries, so I have introduced a bill to attempt to correct that. This bill has been incorporated, and I am pleased that it has been. The Senate companion bill is also included. It increases the pay limitations for VA nurses from level V to level IV of the executive schedule to address pay disparities, and also to increase special pay for nurse executives.

It is my pleasure to present this because I know firsthand what it is like to try to recruit good nurses.

I rise in strong support of S. 1963, the Caregivers and Veterans Omnibus Health Services Act.

I would like to thank Chairman FILNER and the Committee on Veterans' Affairs for their work on this legislation.

It is our duty to ensure that our veterans, who have so courageously served our country, receive the medical support they deserve.

The VA system must be able to successfully compete for the best health care providers in the United States.

I am also pleased that provisions in my bill, H.R. 919 and its Senate companion bill, are included in this legislation.

This bill will increase the pay limitations for VA nurses from Level V to Level IV of the Executive Schedule to address pay disparity, and also increase Special Pay for Nurse Executives.

As a result, the VA will be able to recruit and retain highly qualified Nurse Executives and raise their standing to be on par with other executive personnel.

Part-time nurses will now also be eligible for Title 38 status and additional nurse pay.

As a non-practicing Registered Nurse, I am pleased with these improvements for nurses who are on the front lines of care.

Overall, this legislation will recognize and treat our VA nurses, physicians, dentists, and pharmacist executives as the true professionals they are.

I am pleased to support this bill and urge my colleagues to do the same.

Mr. BUYER. I yield myself such time as I may consume.

Mr. Speaker, in an exchange I just had in a colloquy with Speaker PELOSI with regard to her commitment to correct an error in the President's health package, I would like to place that commitment in some context.

Since late July of last year, when the debate on the President's health care package started, I tried on multiple occasions to ensure that the care our Nation's veterans and their families received from the Department would be considered minimum essential coverage. I did that during the markup in the Subcommittee on Health, in the Energy and Commerce Committee, and in the full committee. My efforts included trying to obtain jurisdiction for the Veterans' Affairs Committee on H.R. 3200 back in August of last year.

In November, during the floor debate on H.R. 3962, I again sought to obtain protections for our Nation's veterans and their families. At that time, not only I but Chairman FILNER received assurances in writing from the chairman of the House Ways and Means Committee, from the chairman of the House Energy and Commerce Committee, and from the Energy and Labor Committee that veterans and their families would, in fact, be protected.

I think this will be helpful to us, Mr. FILNER, as your bill proceeds.

Most recently, in March, I and Ranking Member BUCK MCKEON of the House Armed Services Committee offered an amendment to H.R. 3590, which would ensure that benefits offered under TRICARE and the Department of Veterans Affairs programs would be considered minimum essential coverage. However, our amendment was not allowed then under the rule, and I made that appeal to the Rules Committee.

This amendment was then introduced in a form of legislation, H.R. 4894, which then was referred to the Energy and Commerce Committee.

I raised the issue again, because in that recently passed Senate health bill, it did not include some of the veterans' programs in the definition of ''minimum essential coverage.'' Unfortunately, the bill did not mention the ''other veterans' programs'' under chapter 17. It mentioned veterans' programs but not the other veterans' programs under chapter 17 of title 38, which includes widows, orphans, and dependents covered by the Civilian Health and Medical Program of the VA, known as CHAMPVA. It also did not mention chapter 18, which includes the spina bifida program for the children of Korea and Vietnam veterans who have spina bifida as a result of their parents' exposure to Agent Orange.

I brought up that issue. When Chairman SKELTON recognized that the Senate health bill mentioned TRICARE for Life but did not mention TRICARE, he immediately brought a bill to the floor, and it was considered. I tried to amend that bill. I tried to get it withdrawn. At that time, I received a commitment from the chairman of the House Ways and Means Committee that he would work with us to get that corrected. I even raised the issue during the markup of the President's health bill, itself, on the floor. I know the VFW was very concerned, along with the American Legion.

Yet, as I raised these concerns that this bill had a large error, I was marginalized. I was marginalized by some in the House who said, Oh, those issues are not real. Even the White House issued a press release, along with the Secretary of Veterans Affairs, which read that it was unfounded. Well, it is founded. It is a problem that we have to fix. Senator AKAKA passed a bill to protect the veterans. It passed

on unanimous consent. It is currently at the Speaker's desk. However, the parliamentarian has ruled that it is a revenue bill. Otherwise, I would immediately call it forward.

So what has happened? A little magic dust again.

I appreciate, with regard to this issue, that the chairman has recognized that there is an error which needs to be corrected. I am deeply appreciative. So is the Speaker. She has just exercised her commitment to correct the error in the bill.

Chairman FILNER has taken the language of the Akaka bill and has introduced his own bill. It has been referred now to the Ways and Means Committee. I have written a letter as a follow-up. From the colloquy I had with Chairman LEVIN of the House Ways and Means Committee, I have asked him to expedite Mr. FILNER's bill and to have it brought to the floor so that we can correct this error in the President's health bill and so that we may cover the widows, the orphans, the spina bifida program, and CHAMPVA, all of which were excluded from the definition of ''minimum essential coverage.'' That will correct the error, and I think that needs to be done. I had hoped that Mr. FILNER's bill would have been included in the bill we are presently considering. That would have cleaned this up now, but that didn't occur.

So I've taken every opportunity to try to correct this error, but for whatever reason, it just hasn't gotten done. It needs to be done. I think it was an error in the drafting. No one intended for widows, for orphans, and for the beneficiaries of the spina bifida program to be left out. I believe it was unintentional, but it is a real issue, and we need to correct it. Hopefully, we are going to do that.

I want to thank the chairman for his leadership to correct that error, and I want to thank the staff on both sides of the aisle for all of their efforts in the bill.

I would ask my colleagues to pass the bill that is before us, and I yield back the balance of my time.

Mr. FILNER. I yield myself the balance of my time, and I want to return the debate to the bill under consideration.

Mr. Speaker, this is a landmark bill. Finally, it gives some help to the caregivers of wounded warriors—family members who have to, perhaps, give up their jobs and spend almost full time with their loved ones. There is the issue of women veterans, which is a rising percentage in what was always a male institution, and we have to change the culture there in the VA. We help our homeless veterans. We help those who are in rural areas, and we provide more money for mental health care for all of our Nation's veterans. This is an important bill, and I urge unanimous approval.

Ms. GIFFORDS. Mr. Speaker, I rise today in support of the Caregivers and Veterans Omnibus Health Services Act. This bill will provide a number of additional benefits to our servicemembers and their families and I am pleased that the Chairman and the Ranking Member were able to get it to the floor.

I am particularly pleased that language from two of my behavioral healthcare bills, H.R. 2698 and 2699, were included in the final version of this landmark bill.

My language will provide increased access to Vet Centers for our Guardsmen and Reservists, ensuring they are never again turned away for the behavioral health care they need and deserve.

My language also authorizes the Vet Centers to provide veterans and servicemembers with referrals for behavioral health care so they can see their own doctor in their own community when they need it.

These two items will help remove some of the stigma from behavioral health issues and specifically grant access to care for those who need it the most.

When our men and women in uniform come home from war, it is our responsibility to ensure they receive the care they need and deserve.

My language and this bill provide them and their families with the care and peace of mind they have earned and we owe to them.

I strongly urge passage of this bill.

Mr. QUIGLEY. Mr. Speaker, I rise today in support of the house amendments to S. 1963, the Caregivers and Veterans Omnibus Health Services Act.

Today we are taking action to begin to address the needs of not only those who serve, but their families as well.

All too often we see families and friends altering their lives to care for those who served our country and then return home wounded or disabled.

Many caregivers have lost their jobs and benefits, and have had to dip into their hard-earned savings just to provide the care our wounded warriors so desperately need.

S. 1963 will begin to ensure that disabled veterans and their families will have the resources and support, both technical and financial, needed to provide care.

We can never fully repay our veterans and their families for their service and the personal sacrifices they continue to make.

The passage of this bill is a start—and will go a long way to ensure they receive the benefits they need, deserve, and have courageously earned.

Ms. SLAUGHTER. Mr. Speaker, over the past year, I have become increasingly concerned about veterans access to benefits, care and job training. We must encourage soldiers completing their active duty service to sign up with the U.S. Department of Veterans Affairs. This is a critical message we must reiterate to all our returning service men and women.

As the heroes of our country, we believe our veterans and their families deserve the very best benefits to ensure peace of mind. With this in mind, Congress has provided more than 185,000 servicemembers and veterans with $500 for every month they were forced to serve under stop-loss orders since 2001. In addition, we've created new claims processors to make sure our veterans earn their benefits in a timely manner. We built new transition centers for wounded warriors, more military child care centers, and better barracks and military family housing. With veterans' families in mind, Congress has increased support for veteran caregivers. And lastly, those disabled veterans can rest assured that their benefits will keep pace with the cost of living and their needs.

Today I rise in support of S. 1963, the Caregivers and Veterans Omnibus Health Services Act. This landmark legislation will provide support to family and others who care for disabled, ill, or injured veterans; will enhance health services for the 1.8 million women veterans, including care for newborns for the first time in history; to expand mental health services for veterans and health care access for veterans in rural areas; and to prohibit copayments for veterans who are catastrophically disabled.

To help meet the many hardships and sacrifices associated with lengthy recovery and rehabilitation from severe injuries of veterans, S. 1963 will provide support services to family and other caregivers of veterans, including education on how to be a better caregiver, counseling and mental health services, and respite care for family and other caregivers of all veterans. It also provides health care and a stipend for caregivers living with severely wounded veterans of Iraq and Afghanistan.

This support is vital for the wounded veterans of Iraq and Afghanistan and their families, as about 20 percent of active duty, 15 percent of reserve and 25 percent of retired and separated members have a family member or friend who has been forced to leave a job to care for the veteran full-time, according to the Dole/Shalala report.

The bill also expands and improves VA health care services for the women who have bravely served their country, working to remove existing barriers to women veterans seeking health care, providing up to seven days of care of newborn children of women veterans for the first time in history, and enhancing treatment for sexual trauma for women at the VA.

I urge my colleagues to vote "yes" in favor of this historic legislation for the sake of our heroes and their families. Our veterans deserve our gratitude and support at the very least.

Mr. SALAZAR. Mr. Speaker, I rise today to support S. 1963 the Caregivers and Veterans Omnibus Health Services Act of 2009.

As a veteran, I am proud to lend my support to this landmark bill.

With its provisions for women, homeless and rural veterans, S. 1963 addresses many critical sectors of the veteran's community.

Mr. Speaker, Colorado is home to over 427,000 veterans, 70,000 of which live in my district.

These veterans and their families face many of the same issues as their urban counterparts but must also deal with unique issues of accessibility and availability of resources.

This historic bill contains provisions that will be of particular importance to America's rural veterans.

I am encouraged that the bill specifically looks to improve health care for veterans living

in rural areas and will provide financial assistance to help transport veterans to local VA hospitals and clinics.

S. 1963 will create a demonstration project to examine the feasibility and advisability of alternatives for expanding care for veterans in rural areas in addition to establishing goals for the recruitment of personnel in rural areas.

I encourage my colleagues on both sides of the aisle to support this legislation.

Mr. SKELTON. Mr. Speaker, let me share my support for the House Amendment to S. 1963, the Caregivers and Veterans Omnibus Health Services Act. This is a good bill for our nation's veterans and those who care for them, and I am thankful for all the hard work that has gone in to this legislation.

Missouri's Fourth Congressional District, which I have the honor to represent, is a rural district consisting of small towns, farms, and patriotic Americans, so I am particularly pleased with the provisions of the bill that focus on the needs of rural veterans. Veterans of all of our nation's conflicts, from World War II to today, call the Fourth District home, but the advantages of living in rural Missouri often come with long drives to the closest VA hospital or clinic. This legislation takes a number of steps to improve access to care for rural veterans, including increasing the mileage reimbursement rate for traveling to a VA health facility and partnering with veterans service organizations to provide transportation options for veterans living in rural areas. These moves would help address some of the concerns I often hear from veterans.

I am also pleased with the provisions of the legislation that impact the caregivers of our veterans. Oftentimes, the day-to-day care of a seriously injured or ill veteran is provided by a spouse, a child or a parent. These individuals give of themselves gladly, but many are forced to take time off of work or school, or to leave their jobs or their pursuit of higher education altogether. And many caregivers do not have the experience or training to provide the most effective care for their loved one. The bill before us today expands training and education for caregivers, provides access to them for counseling and mental health services, and for those caring for veterans of Operation Iraqi Freedom and Operation Enduring Freedom, provides a monthly stipend and health care through the CHAMPVA program. These caregivers are providing an important service for our veterans and this legislation gives proper consideration for their needs.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of the "Caregivers and Veterans Omnibus Health Services Act of 2009." I want to thank Chairman BOB FILNER and my colleagues in the U.S. House Committee on Veterans' Affairs for their support and for bringing this bill before the House for consideration. I also want to commend the chief cosponsor of this bill and Chairman of the US Senate Committee on Veterans' Affairs, my good friend from the State of Hawaii, Senator AKAKA, for continuing to look out for the interest and the needs of those that have served in the armed forces of this great nation.

The bill before us today reaffirms our commitment to provide for the needs and to share the sacrifice borne by our veterans. Among other things, it will: provide immediate support for veteran caregivers; improve health care access for women veterans; improve rural health care delivery; and increase access to mental health support for servicemembers and veterans.

Mr. Speaker, I am very pleased that Congress recognizes the needs of the families and those that are taking care of our veterans. Today, more servicemembers are surviving the wounds of war than those injured in previous conflicts. For example, the ratio of wounded per fatality averaged approximately 1.7 in the first two World Wars compared to 3.1 in the Korea and Vietnam wars. This number jumped to 7.1 during Operation Enduring Freedom and Operation Iraqi Freedom (OEF/OIF), mainly due to improved body armor and superior battlefield medicine techniques.

As a result of this improvement, there is a growing need to provide continuing care to those injured and wounded from recent conflicts once they reach veterans status. Providing support and resources to caregivers and attendants that take care of our wounded and injured veterans is of a major concern.

The bill before us today makes it easier for a veteran to be accompanied by a family member when traveling to and from a treatment facility. In addition to mileage, lodging and subsistence will be provided for, especially for those veterans that want to stay close to their families. A caregiver support program is also created where caregivers of veterans of all eras would receive supportive services such as caregiver training and education, counseling and mental health services, and respite care. More significantly, our veterans would receive better treatment and quality of care.

I urge my colleagues to vote in support of this important piece of legislation.

Mrs. MCCARTHY of New York. Today, the House will consider an important bill—the Caregivers and Veterans Omnibus Health Services Act. This legislation will provide much-needed support for our veterans and their families.

According to the Dole/Shalala report, 20 percent of active duty, 15 percent of reserve, and 25 percent of retired and separated members of the military have a family member of friend who has been forced to leave a job to care for the veteran full-time. This places an incredible burden on many, many families across our country.

Today's bill offers an important array of support services for veterans and their caregivers such as: training and education, counseling and mental health services, lodging and subsistence payments for the caregiver when accompanying the veteran on medical care visits, and monthly financial stipends for caregivers. This bill takes important steps towards supporting those individuals who care for our veterans.

The bill also makes important investments in health care for women veterans. Over 1.8 million women have served our country and for too long many of their health care needs have gone unaddressed. This bill builds on the previous efforts of our Congress to correct that inequity.

S. 1963 expands and improves Veterans Administration health care for women by requiring the VA to conduct a study of barriers to women veterans seeking health care, educate and train mental health professionals caring for female veterans with sexual trauma, implement a reintegration and readjustment pilot program aimed a helping women veterans, establish a child care pilot program, and provide post-delivery health care to a new born child of a woman veteran.

I support this legislation and our Majority's efforts to support those men and women who have risked their lives for our country.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of S. 1963, the Caregivers and Veterans Omnibus Health Services Act. This legislation keeps the promises made to our troops, wounded warriors, and veterans. It is simply our duty as a Nation, when we put our men and women in harm's way, to care for them when they return home.

S. 1963 will provide support to families and those who care for disabled or injured veterans. This bill helps ease the many hardships and sacrifices that many families face during lengthy recovery and rehabilitation of severe injuries of their loved one. S. 1963 will provide support services to family members and other caregivers of veterans, including education on how to be a better caregiver, counseling and mental health services. The bill also provides health care and a stipend for caregivers living with severely wounded veterans of the Iraq and Afghanistan wars.

As a veteran myself, I strongly support making sure Congress honors its commitments to our veterans. Our support system should work for all those who sacrifice for our country and this bill improves health care for the women who have bravely served their country. It also improves mental health as an important part of overall health for our veterans.

Finally, this bill recognizes that more and more of our soldiers are women, and it removes existing barriers to women veterans seeking health care. Our military health care needs to provide everyone who has served our nation receives the services he or she needs. In particular, the legislation enables female veterans to receive up to seven days of care for newborn children and enhances sexual trauma treatment for women at the VA.

It is time to change the way we care for veterans by providing better support and training for those that care for them. The sacrifice of our veterans is appreciated by all Americans. S. 1963 represents compassion for those who served our country, and support for those who now serve them.

Mr. Speaker, this bill takes care of those who are keeping America safe. I urge my colleagues to join me in support of S. 1963, to fulfill our continued obligations to our nation's military.

Mr. STARK. Mr. Speaker, the service men and women serving overseas have born the brunt of the cost of the wars in Iraq and Afghanistan. The Caregivers and Veterans Omnibus Health Services Act ensures that when they return, they will obtain the quality treatment and health care they deserve.

This legislation addresses many of our veterans' most urgent needs. Record numbers of service men and women returning home are suffering from posttraumatic stress, and this bill ensures that mental health services are more accessible. The bill ensures that women

don't get second-class health care by expanding coverage for women's health, including care for newborns. The bill also eliminates health care copayments for veterans who are catastrophically disabled.

Many politicians use the slogan "support the troops" when they mean "support this war." This bill actually supports our troops—by providing them the care and support services they need when they return home. I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Speaker, I rise in strong support of S. 1963, the "Caregivers and Veterans Omnibus Health Services Act of 2009." As a Korean War veteran, I understand the various challenges that veterans face when returning home. This bill takes a significant step forward in terms of improving the overall access to quality, affordable health care for our nation's veterans and provides much needed assistance to the devoted families across this nation that provide housing, food, and full-time care for wounded veterans.

Under S. 1963, veterans who are catastrophically disabled would no longer be required to pay copayments for their medical care. As we all know, in America, the sicker you are, the more you must pay in out-of-pocket costs. Passage of this bill means veterans and their caretakers will be able to live with less financial stress.

This bill also increases funding to expand VA clinics in rural areas where VA programs currently do not exist. Veterans living in rural areas must often travel hundreds of miles in order to receive care at a Veterans hospital—a crushing burden for veterans who need frequent health care services, and must pay for expensive travel due to increasing transportation costs.

The bill will also help address the many hardships and sacrifices associated with the lengthy recovery and rehabilitation associated with severe injuries. In particular, the bill improves access to counseling and mental health services. S. 1963 also provides health care and a stipend for caregivers living with severely wounded veterans of the wars Iraq and Afghanistan. This stipend should help reduce the enormous financial pressures on caregivers who are providing food, clothing, transportation, and housing to their wounded loved ones during one of the worst economic downturns since the Great Depression.

Again, I thank the Democratic leadership for introducing this important bill, which will go a long way in improving the lives of scores of veterans and their caregivers for years to come. I encourage my colleagues to support the bill.

Mr. BACA. Mr. Speaker, I rise today in strong support of S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2009.

The United States of America has a moral obligation to provide for all the brave men and women whose courageous service allows all of us to live the lives we do.

This service comes not without a price, and America must provide for these service members and their families during deployment and post-deployment.

Our disabled, ill and injured veterans need the assistance and care they deserve for their sacrifice.

S. 1963 will expand mental health services for veterans; enhance health services for 1.8 million women veterans—which for the first time includes care for newborns.

This is a landmark legislation that builds upon the last three years of significant accomplishments for veterans, troops and military families.

S. 1963 will allow for a caregiver of a veteran to receive training, counseling, lodging and subsistence payments when accompanying a veteran on medical care visits.

We must ensure that those who care for our veterans are properly equipped and trained to do so.

In addition, we will prohibit the VA from collecting copayments from veterans who are catastrophically disabled.

I am proud to vote for S. 1963, on behalf of all the service members, veterans and their families in my District. I urge my colleagues to support this bill.

Mr. DINGELL. Mr. Speaker, I rise today to proudly support the House Amendments to S. 1963, the Caregivers and Veterans Omnibus Health Services Act; legislation that recognizes and aims to meet the needs of our veterans who have bravely served in Iraq and Afghanistan after 9/11. My colleagues will remember that this legislation was held up in the Senate due to one senator's objection that the bill was not paid for. However, our warriors have already paid a very high price through their sacrifices and selfless devotion to our national security, and they should be repaid with excellent care when they return to civilian life. Fortunately, this legislation builds on the Democratic Congress' record of supporting our veterans through new and innovative programs, fixing some of the existing problems in the VA, and increasing funding for the VA budget.

The legislation we are voting on today is a comprehensive approach to caring for our veterans. Specifically, it provides robust support for those who care for our wounded warriors, addresses the needs women veterans, expands services to rural veterans and for mental health care, and closes a loophole for disabled veterans health care.

Specifically, the House amendments to S. 1963 provides services, training, and reimbursements for the caregivers of veterans who return from war with serious injuries. It will strengthen support for caregivers of all veterans and will provide reimbursements for lodging and healthcare to caregivers of Afghanistan and Iraq War veterans through the Civilian Health and Medical Program of the Department of Veterans Affairs.

In addition, the legislation expands health care services for our 1.8 million women veterans including provisions mandating a study of the barriers to women veterans seeking health care, education and training for mental health professionals caring for veterans with sexual trauma, a reintegration and readjustment pilot program, establishment of a child care pilot program for women receiving regular and intensive mental health care and intensive health care services, and post-delivery health care for new born children.

This comprehensive bill also improves health care for our veterans living in rural areas, including by expanding transportation for veterans to local VA hospitals and clinics through VA grants to local Veterans Service Organizations and provides increased access to counseling and other mental health centers to any member of the Armed Forces.

Other provisions in this legislation include prohibiting the VA from collecting copayments from veterans who are catastrophically disabled; creating a pilot program to provide specified dental services to veterans, survivors, and dependents of veterans through a dental insurer; providing hospital care, medical services, and nursing home care for certain Vietnam-era veterans exposed to herbicide and Gulf-War era veterans who have insufficient medical evidence to establish a service-connected disability; and expanding the organizations offering transitional housing and other support for homeless veterans that can receive grants or per diems from the VA, which is particularly important to veterans in rural areas.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation and for the Senate to swiftly act so that this legislation can become law and our veterans can begin to benefit from the important programs this comprehensive bill implements.

Mrs. CAPPS. Mr. Speaker, it is with great pride that I rise today to express my support for the Caregivers and Veterans Omnibus Health Services Act (S. 1963). This important piece of legislation is a tremendous step forward for our nation's bravest men and women, and the dedicated caregivers who support them.

This landmark legislation will strengthen health care services for our nation's veterans by expanding services for women veterans, providing resources to caregivers of wounded veterans, improving health care for veterans living in rural areas, providing greater access to mental health services, and expanding assistance to homeless veterans. Importantly, the legislation has received strong endorsements from numerous veterans groups, including the VFW, American Legion, Disabled American Veterans, AMVETS, the Wounded Warrior Project, and Paralyzed Veterans of America.

Among its many critical provisions, I am particularly proud of the expansion of VA services offered to the 1.8 million women who have courageously served their country, including child care for women receiving intensive mental and physical health care services, and post-delivery health care for newborns. In addition, the expansion of mental health benefits, greater support for caregivers, and help for homeless vets will improve the lives of millions of brave men and women and their families.

This important legislation exemplifies the Democrat-led 111th Congress' unwavering commitment to our veterans and their families. Tremendous advances in battlefield medicine have increased the survival rate of wounded soldiers in Iraq and Afghanistan and made it even more important that we constantly work to improve veterans' health care and its many support services.

As a nurse, I've seen first-hand the devastating consequences of inadequate health care for our nation's veterans. America has a sacred obligation to ensure these brave men and women receive the highest quality care

and today that commitment extends to those dedicated individuals who care for our wounded warriors.

Mr. ADLER of New Jersey. Mr. Speaker, I rise in support of S. 1963, the Caregivers and Veterans Omnibus Health Services Act.

The Caregivers and Veterans Omnibus Health Services Act is a comprehensive piece of legislation aimed at augmenting the support services available to family caregivers of wounded veterans, improving VA services to women veterans, preventing veteran homelessness, and increasing mental health care access to veterans.

This historic bill achieves so many necessary and important goals. First, it provides immediate support for veteran caregivers by creating a program to offer caregiver training, access to mental health counseling, and 24-hour respite care in the veteran's home. Family caregivers sacrifice so much of their own lives in order to care for our nation's heroes. It is so important that we give them every supportive service they need so they do not become overwhelmed by the daily realities of caring for a wounded veteran.

Second, this bill seeks to build a VA health care system respectful of the unique medical needs of women veterans. For the first time, VA will be authorized to provide health care for newborn infants of women veterans. Our women veterans deserve private health care that is respectful of their unique medical needs.

This bill also seeks to expand VA services that are designed to end veteran homelessness. It is unacceptable that the brave men and women who fought in service to our country would go without a place to rest their heads at night. I applaud these efforts to augment Secretary Shinseki's plan to end veteran homelessness in the next 5 years.

The Caregivers and Veterans Omnibus Health Services Act deserves our undivided support. I urge my colleagues to vote in favor of S. 1963.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of S. 1963, the "Caregivers and Veterans Omnibus Health Services Act of 2009," which will finally give our brave men and women in uniform the benefits they deserve and provide their families and caregivers with the support that they need. Too many of our veterans return home—many of them wounded or disabled—after risking their lives on our behalf and do not receive adequate health care or benefits. Too many families fall into debt as they assume the responsibility of caring for a loved one who has returned from Iraq or Afghanistan. This bill will right these injustices.

I thank Chairman FILNER for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Senator AKAKA, for working hard to ensure that our Nation's dedication to its veterans matches their selfless devotion to this country.

Mr. Speaker, representing a district that is home to over 24,000 veterans and the VA Medical Center of Long Beach, I understand the work that must be done to uphold our Nation's obligation to its veterans. Unfortunately, for years the health care services provided for our Nation's veterans have been inadequate. Veterans' families have been especially overburdened by this failure. When wounded or disabled veterans return home from overseas, family members often become their primary caregivers. However willing these individuals may be to care for their loved one, the truth is that family members often lack the resources or skills needed to provide the care that our veterans deserve. S. 1963 will provide training and financial assistance to family caregivers, so that veterans' families can afford to provide them with quality care.

In addition, S. 1963 will improve health care for female veterans. For too long, female veterans have lacked access to comprehensive health care. We cannot stand for this kind of discrimination. S. 1963 will break down this barrier and give female veterans access to health professionals specializing in the specific health care needs of women. Among many other things, the bill will provide counseling and care to female veterans suffering from sexual trauma.

This bill will also provide an array of new health services for veterans, ensuring that every veteran has access to the care that he or she deserves. The bill will expand care for veterans in rural areas, because where veterans live should never determine the quality of care that they receive. It will improve mental health support for veterans, because we must respond to traumatic experiences that our men and women in uniform are braving in Iraq and Afghanistan. Finally, this legislation will help homeless veterans find housing, because it is simply unacceptable for our veterans to risk their lives for our country and return home to live on the streets.

Mr. Speaker, our men and women in uniform have assumed the responsibility of protecting us and the values that we cherish as American citizens; we, then, have a responsibility to them. We must provide them with support they need to live healthy and financially stable lives upon returning home. This bill will do just that. I strongly urge my colleagues to join me in supporting S. 1963.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 1963, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CONGRATULATING REVEREND DANIEL P. COUGHLIN ON 10TH YEAR OF SERVICE AS HOUSE CHAPLAIN

Mr. CAPUANO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1216) congratulating Reverend Daniel P. Coughlin on his 10th year of service as Chaplain of the House of Representatives.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1216

Whereas Reverend Daniel P. Coughlin has served honorably and faithfully as Chaplain of the House of Representatives since being sworn in as the 59th Chaplain on March 23, 2000;

Whereas Reverend Coughlin was born on November 8, 1934, in Chicago, Illinois;

Whereas Reverend Coughlin graduated from St. Mary of the Lake University in Mundelein, Illinois, becoming a Licentiate of Sacred Theology in 1960, and from Loyola University in Chicago, Illinois, with a degree in Pastoral Studies in 1968;

Whereas Reverend Coughlin was ordained for the Archdiocese of Chicago on May 3, 1960;

Whereas Reverend Coughlin was appointed the first Director of the Office for Divine Worship for the Archdiocese of Chicago;

Whereas Reverend Coughlin spent a year-long sabbatical in residence with the Trappist monks of the Abbey of Gethsemani in Kentucky, and served the poor through the Missionaries of Charity in Calcutta, India, in 1984;

Whereas Reverend Coughlin served as scholar-in-residence at North American College in Vatican City;

Whereas Reverend Coughlin was pastor at St. Francis Xavier Parish in La Grange, Illinois, from 1985 through 1990;

Whereas Reverend Coughlin worked as Vicar for Priests of the Archdiocese of Chicago under both Joseph Cardinal Bernardin and Francis Cardinal George from 1995 through 2000;

Whereas the Office of the Chaplain of the House of Representatives has served the House since May 1, 1789;

Whereas Reverend Coughlin is the first person of Roman Catholic faith to hold the Office of Chaplain of the House of Representatives; and

Whereas Reverend Coughlin opens proceedings in the House of Representatives with prayer, and additionally provides pastoral counseling and arranges memorial services for the House and its staff: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates Reverend Daniel P. Coughlin on his 10th year of faithful service as Chaplain of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. CAPUANO) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. CAPUANO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on House Resolution 1216.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CAPUANO. I yield myself such time as I may consume.

Mr. Speaker, this resolution recognizes the Reverend Daniel Coughlin. Where is he?

Come on, Father. Come on up if you're watching. We want to see you.

This resolution recognizes the service of Rev. Daniel P. Coughlin as the Chaplain of the U.S. House of Representatives.

Rev. Coughlin was sworn in as the 59th Chaplain of the House of Representatives on March 23 of the year 2000. The passing of that date this year marked a decade of providing spiritual counseling and prayer to both Members and staff. Rev. Coughlin follows in a tradition that has served this House since May 1, 1789, when Rev. William Linn was elected Chaplain of the House.

I urge all Members to support this resolution and to support Father Coughlin.

I would like to mention that Father Coughlin is the first Roman Catholic to serve this House, and as not necessarily the best Roman Catholic in the world, I will tell you that I have the deepest appreciation for what Father Coughlin has done for this House as our Chaplain, as a friend and also in service to this country. I've had many personal discussions with him, and I will tell you, in my opinion, if more of our religious leaders had the same demeanor, the same personality, the same openheartedness, the same attempt to understand the differences between us, and the same obvious willingness to forgive our differences and our difficulties, I think this world would be a much better place.

I will tell you that I not only want to congratulate him on his 10 years, but I also want to personally thank him for the many services rendered to so many Members of this House and for his ability to stand in such an esteemed position and to earn the respect of the Members here.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today to join others in expressing our support for House Resolution 1216, congratulating our Chaplain, the Reverend Daniel Coughlin, on his 10th year of distinguished service to the United States House of Representatives. I think the only thing Father Coughlin is going to be upset about is that we're going to reveal his age here on the floor today.

Since the very first Congress, Members of the House have benefited from the services of chaplains and ministers. Throughout history, they have helped all of us, the individuals serving in the Congress. They have helped us navigate our responsibilities to the American people, and they have aided us in our quest to integrate faith and reason in our execution of the law.

As has been mentioned, Father Coughlin is the first Roman Catholic House Chaplain. Following after the Reverend James Ford, Father Coughlin has diligently, humbly, compassionately, and intelligently served this House, its Members, our families, and this Nation.

Born during the Great Depression, Father Coughlin has a prestigious record, one that demonstrates his deep desire to heal a broken society. A graduate of St. Mary of the Lake University in Illinois, he was ordained for the Archdiocese of Chicago in the spring of 1960. In addition to serving as a pastor and as a director in various offices within the Chicago diocese, Father Coughlin has studied world religions, has lived with Trappist monks, has worked with the Missionaries of Charity in Calcutta, India, and has served as scholar-in-residence at the North American College in Rome.

We wouldn't ask him which of those he enjoyed the most and whether it was more difficult working among the Members of Congress or living with the Trappist monks. As a matter of fact, I recall that no one has ever compared us to the Trappist monks.

In March 2000, he was sworn in during the 106th Congress as the 59th Chaplain of the United States House of Representatives.

Mr. Speaker, as you can see, Father Coughlin has brought a wealth of experience, education, and discernment to this House. We have all benefited from his wisdom, from his patience, and from his kindness. We are right to honor the 10 years of service that Father Coughlin has given us thus far, and I believe that we all wish him many more days with us as we deliberate in the people's body of this soft-governing Republic. There is no doubt we need his help.

I thank the sponsor of the resolution, Congressman LIPINSKI, and I thank the chairman of our subcommittee for bringing this resolution to the floor.

I would urge my colleagues to vote in support of this resolution. Hopefully, we will get a unanimous vote.

Mr. Speaker, I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I yield 4 minutes to my friend, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding as it is an honor for me to join my colleagues in honoring Father Daniel Coughlin on his 50th year in the priesthood and 10 years as our House Chaplain.

□ 1130

Father Daniel Coughlin was honored last weekend by the Archdiocese of Chicago marking 50 years since his ordination, the last 10 years of which he has served as Chaplain of the U.S. House of Representatives. I am pleased to join as a cosponsor with Mr. LIPINSKI and the rest of my colleagues in the House to recognize Father Coughlin on this achievement.

Father Daniel Coughlin is the first Roman Catholic House Chaplain since the position was created in 1774. He was ordained for the Archdiocese of Chicago on May 3, 1960, and for the next 5 years served as an associate pastor for St. Raymond Parish in Mount Prospect, Illinois, before becoming an associate pastor at Chicago's Holy Name Cathedral. In 1969, he was appointed as the first director of the Archdiocese's Office for Divine Worship.

In 1984, Father Coughlin took a yearlong sabbatical, as my colleagues have noted, which sent him to serve with the Trappist monks in Kentucky, counsel the poor in Calcutta, and serve as a scholar-in-residence at North American College in Vatican City in Rome.

Following his sabbatical, Father Coughlin served as pastor of St. Francis Xavier Parish in La Grange, Illinois, and became Director of the Cardinal Stritch Retreat House in Mundelein, Illinois. Father Coughlin worked as Vicar for Priests of the Archdiocese of Chicago under both Cardinal Bernardin and Cardinal George, a position he held until he became House Chaplain.

When former Speaker Dennis Hastert looked to Cardinal George as he searched for the next House Chaplain, one of the names that Cardinal George kept mentioning was Father Coughlin. First interviewed on March 13, 2000, Father Coughlin was sworn in just 10 days later.

Just as there were those who questioned whether President Kennedy, as the Nation's first Catholic President, could govern without forcing his Catholicism on the Nation, there were those who questioned whether a Catholic Chaplain could appropriately serve the House. Father Coughlin has proven through his counsel of Members and the staff of many different faiths and varying degrees of spirituality that those concerns were and are unfounded. Many have benefited from his ecumenical approach as House Chaplain. Father Coughlin goes beyond the requirements of House Chaplain to make sure the spiritual needs of all Members, regardless of their faith, are met.

In addition to the Members of this Chamber, Father Coughlin has provided support to countless House Members, their staffs, and families during their time of need. In fact, right after Father Coughlin was sworn in as the House Chaplain, unfortunately, I lost my son, and Father Coughlin, who really didn't know me or my son that well, certainly provided great comfort to us in a great time of distress for us. And a few years ago, my Chief of Staff's mother was battling cancer, which took a toll on him and their family. Father Coughlin not only kept Scott and his mother, Pat, in his prayers but

went above and beyond that, often writing heartfelt notes to both of them. Neither of them Catholic, the gesture from Father Coughlin meant a great deal to Pat in her final days and still means a great deal to Scott to this day.

Father Coughlin has offered insightful counsel to Members of this Chamber through some of the most difficult events in our recent history. He has provided spiritual guidance to those who sought it as they grappled with some of the biggest issues facing our country.

Therefore, I am pleased to join my colleagues today in supporting this resolution to honor the contributions and service of Father Daniel Coughlin as House Chaplain, as a spiritual leader, and congratulate him on his 50 years of service to the church and to the members who make up the church.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, now it is my pleasure to yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a distinguished Episcopalian Member of this House who is also a heartfelt friend and admirer of Father Coughlin.

Mr. SENSENBRENNER. I thank the gentleman for yielding, and I rise in support of this resolution.

A lot of times people come to Members of Congress saying, Why do you need to have a Chaplain? And I tell them that we need to have a Chaplain here because of the tremendous pressures that are put on Members of Congress and their families, whether it's politically, whether it's spiritually, whether we have family crises and things like that, and in order to keep the Members of Congress grounded so that they can better discharge their duties, we need to have someone to talk to and to counsel us from a spiritual standpoint.

Father Dan Coughlin has done that for the last 10 years. He is the first Roman Catholic priest who has been named as a Chaplain to the House of Representatives, and there was a lot of chatter about that at the time, but I would just remind everybody that most of his predecessors as Chaplain were ordained in specific non-Roman Catholic denominations and they had the same job in dealing with Members of all faiths, and sometimes even no faith at all, and their families when times of crises came, whether it be a personal crisis or a political crisis. And I think that in the last 10 years, a tribute to Father Coughlin's immense talents is the fact that he is universally respected in this House of Representatives and beyond. And I can say personally that I think I am a better person for having known Father Coughlin and having been counseled by him.

Father Coughlin also is respected in his home diocese in Chicago. Last Saturday my wife, Cheryl, and I accepted his invitation to join him and others at a mass celebrating the 50th anniversary of his ordination to the priesthood. There were many priests celebrating with him, the church was filled, and it was an extremely moving demonstration of the respect that Father Coughlin has both with his colleagues as priests in Chicago as well as the laity that did show up to fill the chapel at the Archbishop Quigley Center. Cardinal Francis George, who is Father Coughlin's ecclesiastical boss, showed up during the reception, and I think that his presence there also is a tribute to the fact that Father Coughlin had done a very, very good job in Chicago before he was plucked by former Speaker Hastert to become our Chaplain of the House of Representatives.

All that being said, this House is in Father Coughlin's debt for the work that he has done with us as an institution, has done with us as individuals, regardless of what our faith is, and has done with our families in helping keep our personal lives as well as our official lives in a proper perspective. We are much in debt to Father Coughlin for that, and I hope he is with us for many more years, rather than days, to come.

Mr. CAPUANO. Mr. Speaker, I yield 3 minutes to the author of the resolution, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of this resolution congratulating and thanking the Reverend Daniel P. Coughlin for his 10 years of service as Chaplain of the House of Representatives.

For the past decade, Father Coughlin has admirably fulfilled his duties as Chaplain, blessing this Chamber with his thoughtful, eloquent prayers, conducting prayer meetings and spiritual exercises, and, most importantly, fortifying Members, their families, and congressional staff with his wise and generous counsel.

March 23 marked the 10th anniversary of Father Coughlin's swearing in as the 59th Chaplain of the House of Representatives and, most importantly, as some of my colleagues have mentioned, the first Catholic to hold this position. If you look back to the day that Father Coughlin assumed office, Pope John Paul II was visiting Israel for the first time. Gas was under $2 a gallon. And a certain attorney from the South Side of Chicago, the newspapers were just reporting on his bid, unsuccessfully, to join this body. It was indeed a long time ago and a lot has changed in those 10 years, but through it all Father Coughlin has responded to the demands of history, tradition, and faith with great devotion.

As many residents of my district in the Chicago region know, Father Coughlin's service dates back far beyond what he has rendered here over the past decade. In fact, just this past Saturday, as Representative SENSENBRENNER was just mentioning, I also had the opportunity, with my wife, Judy, to be a part of the celebration of Father Coughlin's 50th anniversary as a Catholic priest.

Father Coughlin grew up on the North Side of Chicago and knew from a young age he would become a priest. He received degrees from St. Mary of the Lake University and Loyola University.

He was a parish priest before he was named the first Director of the Office of Divine Worship in the Archdiocese of Chicago in 1969. His time during his year-long sabbatical, spending 5 months at a Trappist monastery in Kentucky, serving the poor in India, and serving as scholar-in-residence at North American College in Vatican City really shows the breadth and the depth of Father Coughlin's abilities. Upon his return, he spent 5 years as pastor of St. Francis Xavier Parish in La Grange in my district. I know that he is much beloved at his parish at St. Francis. I hear about it very often from many of my constituents and friends. Following this, he became Vicar for Priests in the Archdiocese of Chicago.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAPUANO. I yield 1 more minute to the gentleman.

Mr. LIPINSKI. After 4 decades of service, Father Coughlin was appointed House Chaplain by Illinois' own former Speaker, Dennis Hastert, on the recommendation of Cardinal Francis George. In announcing his choice, former Speaker Hastert predicted that "Daniel Coughlin will bring to the House a caring and healing heart." The past 10 years has shown that he was undoubtedly correct. I know this from my own time in the House, having seen and experienced this. My own experiences with Father Coughlin range from the opportunity I had with him 5 years ago this week in Rome to be a part of the inauguration of Pope Benedict XVI and also the many conversations I have had with Father Coughlin on what is currently happening in Chicago, including how his ageless mother and her Chicago Cubs are doing. I think this connection, being a Catholic from Chicago, has really especially made our relationship close over these 5-plus years I have been in the House.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. CAPUANO. I yield 1 more minute to the gentleman.

Mr. LIPINSKI. Mr. Speaker, Father Coughlin's devotion to his faith and spiritual welfare of his fellow men and women is an inspiration. I urge my colleagues to join me in supporting this resolution.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Father Dan, I am glad to see that you have been able to join us, and I thank the gentleman for the time.

Mr. Speaker, I am also pleased to rise today to pay tribute to our Chaplain, Father Dan Coughlin, whom we honor today in his 10th year of service as House Chaplain and as its 59th Chaplain. On this occasion, I also wish to express my personal deep appreciation for Father Coughlin's steadfast support and wise counsel.

Public service in its essence demands much from those called to responsibility for the future of our Nation. It presents many weighty challenges that call upon Members of Congress to live out the transcendent principles that mark the immutable character of our great republic.

Father Dan works tirelessly to focus our attention on the values that actually do unite us at a time when so many forces seek to divide us. He challenges us to animate our drive for truth with compassion and to fortify our quest for compassion with truth. Members and staff have come to rely upon his insight, his openness, his unique ability to lead people of all faith traditions to thought-provoking introspection, based upon a lifetime dedicated to understanding the profound motivations of the human heart.

Called upon so often to help us and our families shoulder the burdens of state at discordant times in our history and particularly given the challenging time in the history of our world now, Father Coughlin exemplifies what it means to be a selfless servant and a true peacemaker. We are indeed fortunate for the grace of his presence among us, and it is an honor and privilege to acknowledge his 10 years of service to this institution.

Mr. Speaker, I would like to close by reading an excerpt of the prayer that Father Coughlin delivered on September 12, 2001, which I do believe remains as relevant today as it was then.

''Send forth Your Holy Spirit, Lord, upon all Members of Congress, the President, and all government leaders across this Nation. Free them of fear, any prejudice whatsoever, remove all doubt and confusion from their minds. With clear insight which comes from You and You alone, reveal all that is unholy and renew the desire of Your people to live lives of deepening faith, unbounding commitment, and lasting freedom here where liberty has made her home.

''We place our trust in You now and forever. Amen.''

Thank you, Father Coughlin, for your outstanding service.

□ 1145

Mr. CAPUANO. Mr. Speaker, I would like to yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and thank him and Mr. LUNGREN for bringing this important resolution to the floor. It is indeed a joy for us to salute our friend, our Chaplain, but our friend, Father Coughlin.

I am rarely in awe of anybody's opportunity. As the Speaker of the House, I am afforded many. But when Mr. SENSENBRENNER said that he and his wife Cheryl were present at the 50th anniversary of Father's ordination as a priest, I was frankly jealous. What a great honor for you to be there. What a great honor for Father Coughlin that you were there. And Mr. LIPINSKI, the maker of this motion, he was there as well. So we were proud to be represented in a bipartisan way at that celebration. And it was a reflection of the esteem that we all have for Father Coughlin in this House.

Father Coughlin has told me with great pride—now, not usually a proud man, usually a humble man—with great pride that 35 priests concelebrated the Mass that celebrated Father Coughlin's 50th anniversary of his celebration. How proud we all are of you.

But the proudest person in the world is Father's mother Lucille, 95 years old. To see her precious son 50 years a priest of the church, for 10 years the Chaplain of this House of Representatives, the first Catholic. It's really a remarkable achievement.

Every day of those 10 years when Father has opened the House with a prayer we have all listened attentively because we know that we will be guided well, that he will be our anchor, he will inspire us with words that reflect the values of faith and country.

His particular strength I believe springs from a sense of humility that he conveys. After his ordination, he spent time at a Trappist monastery in Kentucky, building strength and his religion and his faith. He spent time working among the poor in Calcutta, India, again living his faith.

St. Francis of Assisi, the patron saint of my City of San Francisco, has said, ''Preach the Gospel. Sometimes use words.'' While using words or deeds, Father Coughlin has been preaching the Gospel for these many decades. And we have been blessed that his path has crossed ours in this Congress.

Every Sunday in Catholic churches, and I know in other Christian churches as well, we hear the words ''Do this in memory of me,'' the words of Christ at the Last Supper. But I view it as not just about doing what happened at that Last Supper, but doing the good works that Christ performed here and set as an example for us.

And every day in saying the Mass, Father Coughlin does this in memory of Christ. But beyond the Mass, in his personal guidance to us and his work among the poor in India and his prayerfulness in the Trappist monastery in Kentucky, in his stint—is that the word, stint, Father, in Vatican City?—his stay in Vatican City, his enrichment, the enrichment of his faith and religiosity became more intense.

So we are all grateful to Dennis Hastert as Speaker of the House and the committee that worked with him to make the choice of what would be a new Chaplain for us 10 years ago. We were blessed that Father Coughlin had worked with Cardinal Bernardin in Chicago and Cardinal George after that, and he was recommended to our former Speaker, who was from Illinois and was well known to the people in Chicago. That connection is a connection that has blessed all of our lives.

So as we honor his 10 years of service to the Congress, that is a small number of years—I mean it is a long time to be in Congress and to serve as Chaplain—he has seen us through the dark and through the bright. He has helped us personally, and he has helped us understand our responsibilities to God's creation. And he has always understood. His generosity of spirit has given him an understanding so that when he speaks to any of us we know that we are hearing words of wisdom, words of values, words that are faith-based, but words that recognize our responsibilities to this great Nation as elected officials. He knows to render unto Caesar and to render unto God. We could not be better served.

And so it is with great joy that I join our colleagues, some little regret that fate had not placed me in a situation where I could be where Mr. SENSENBRENNER and his wife Cheryl were last weekend, and Mr. LIPINSKI and 35 concelebrants of the Mass of Holy Eucharist to celebrate the 50th anniversary of—how could it be 50 years, Father?

Congresswoman ESHOO and I were just talking about when we all went together in a bipartisanship delegation to Rome for the funeral of Pope John Paul, and what a moving experience that was. And what a force you were for all of us. To have us see the role that His Holiness played in history of course is well known to us. And I just want to mention Paula Nowakowski here, former staff person to JOHN BOEHNER, for whom John Paul II was a hero, as he was a personal hero to many of us. But the guide that you were to us to that funeral, to that liturgy, to that transition is something that we will never forget.

So for this and for every reason every single day that we serve, we thank you. Anyone who cares about the success of our Nation and our ability to work together is deeply indebted to you. Thank you, Father Coughlin. God has certainly blessed America with your service to this House and to our country. We love you. Thank you.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I reserve the balance of my time.

Mr. CAPUANO. I yield 4 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman from Massachusetts and the authors of this resolution honoring our Chaplain, Father Daniel Coughlin.

Mr. Speaker, when I think of Father Coughlin coming to the House, I think of the moment 10 years ago when our previous Chaplain had retired and the Speaker and the Minority Leader appointed a committee to come up with a recommendation. There was some turmoil that was a part of that. But I have always believed that the Spirit's hand was in this. And who came forward but Father Coughlin from Chicago?

Everyone has spoken about what he did before he came here. But essentially, Father Coughlin was a parish priest. And so from all of the experience that he had in tending that flock, he came to tend a new one, and that is the United States House of Representatives. And tend this flock he has.

As Mr. SENSENBRENNER said, there are many constituents that have asked why does the United States House of Representatives need a Chaplain? Look up above the Speaker's chair. It says, ''In God we trust.'' But many times what happens to human beings really shakes that trust. So the Chaplain of the House is the one that tends to each one. How important that is in not only the dark times, the dark periods in individuals' lives where they need the spiritual guidance, the support, the love, the quiet time, the trust with someone that will never break that trust. That is what Father Coughlin has done on an individual basis with Members throughout the House.

It matters not, as was said before, what faith background any Member comes from, and even if they don't have any faith background. That guidance feeds the soul and it helps to heal each person here that has gone through something traumatic in order to resume the public duties that are filled with burdens and blessings as Members of Congress. But there are national times of stress and burden, and he has been with us throughout those times as well.

Fifty years as a priest. I can't help but think of the words that are said at ordination. ''Thou art a priest forever.'' And 50 years. What a great blessing. An even greater blessing for your mother, Father Coughlin, to be present when you were ordained, throughout your priesthood, and 50 years, 10 years of that priesthood here with the United States House of Representatives. We honor you and we thank you for it.

And as a Roman Catholic, I want you to know that you are a special source of pride. But that pride I think is really felt by the entire House. Thank you for your quiet faith, for your steely faith, for the prayers that you offer here that when each one of us take those to heart it's a road map. It's a road map because it is faith that calls us to everything that we do in life. And today in 2010 in the 21st century those words of faith are our reality. And it calls us to do better for our country and people around the world.

So God bless you and thank you for your 50 years and your 10 sterling years here.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is somewhat ironic that we are recognizing Father Coughlin's service to our Nation and to this House as the Chaplain of the House of Representatives in the same week that a Federal judge has instructed us that the National Day of Prayer is somehow unconstitutional.

I look and I see, Mr. Speaker, over your head the words ''In God we trust,'' the national motto, which indicates that one does not have to be a person of faith to be an American citizen. But the idea of the worth of the individual and the idea that the rights of the individual came from God and not from some monarch is essential to the understanding of the beginnings of this Republic. And from the beginnings of this Republic we have had a Chaplain ministering to the needs of the Members. It is not a new idea or novel idea. It is an idea that is firmly entrenched in the tradition of this institution and this country. Father Coughlin has been a great example of that tradition. And we hope he continues.

I might say that he ministers to all of us no matter what party of which we are a member, but I sort of enjoy the fact that he ministers to those of us on this side since I found myself in the minority on most of the years I have served here, and therefore by definition the underdog. So when I met Father Coughlin's great mother, who is dedicated to the great underdog of all time, the Chicago Cubs, I felt some kinship.

And I thought it interesting just a couple of years ago when Father told me that his mother, in her nineties, still serves as an usher at Wrigley Field. But to show you the ability that Father has to take a situation that may be fraught with some peril and give guidance, he told me that he finally convinced his mother that she should not be ushering both ends of a doubleheader. So that we do understand that she now goes home after the first game of a doubleheader at Wrigley Field.

□ 1200

It is that type of pragmatic guidance, combined with the great spiritual principles, that makes him such a great friend to all of us here in the House of Representatives, and allows us to do our job with a little more civility than we otherwise would, understanding that what we do is important, maybe we're not that important, even though we might be from time to time in our minds.

He reminds us of transcendent values and helps us through very difficult days with an objective of helping us to do the people's business here in the House of Representatives.

It is a pleasure and a privilege for me to serve in the House of Representatives. It is a privilege and a pleasure for me to have the friendship of Father Coughlin and the assistance of Father Coughlin as he gives that to all of us who serve here.

And so I would hope that all Members would join us in supporting House Resolution 1216.

I yield back the balance of my time.

Mr. CAPUANO. Mr. Speaker, we've heard lots of goods things about Father Coughlin, but there are still a few mysteries left that he has to help us unravel. I will tell you, Father, with good faith, with a lot of prayer sometime, and a good team, the Cubs will actually win a World Series. As a Red Sox fan, I can tell you it works.

Father, the other great mystery, as a good Irishman myself, you're going to have to explain to me Coughlin versus Coughlin. That will come later.

I wanted to do this today because of my respect for Father Coughlin as a human being and as a priest. But I think to be a good priest you have to be a good human being first. I don't think it's the other way around.

And I will tell that in the 10 years he's been here I've come to consider him a friend. I've come to see him as somebody in my mind who is one of the best representatives of the Catholic faith that I have ever known.

And I will tell you, Father, from my perspective I want to thank you, not just for your service to this House, but for being such a good person. From somebody who's gone from the streets of Calcutta to the Vatican to the House of Representatives, you have maintained your modesty, you have maintained your dignity. And as far as I'm concerned, you're a fine and wonderful human being that I am proud to call both the Chaplain of this House, but also my friend and someone I look up to.

Mr. POMEROY. Mr. Speaker, I rise to express my deep appreciation of the ministry of Father Daniel Coughlin, Chaplain of the House.

His presence in this Chamber is comforting and supportive. His kindness and concern is evident to all who know him. Father Coughlin's prayers before this Chamber are relevant, beautiful and timeless. I have no doubt his words—captured in the RECORD as a permanent part of the history of the House—will be quoted long after all of us presently serving are gone.

I was co-chairman of the bipartisan chaplain search committee commissioned by Speaker Dennis Hastert 10 years ago.

Unfortunately, a process begun with the best of intentions by the Speaker and all participants, ended up in partisan acrimony and finger pointing with each party believing the other was motivated by intentions highly unworthy of the task at hand—finding a Chaplain for the House.

God's hand must surely have guided Speaker Hastert as he jettisoned the failed selection process and—in consultation with church leaders in his home State of Illinois—picked Father Coughlin to serve as our Chaplain.

Father Coughlin was a parish priest, and we are blessed he accepted the assignment of the U.S. House of Representatives to be his new parish.

He has served us all in a pure ecumenical spirit. He has been a faithful friend, counselor and minister to us all.

I feel privileged to know Father Coughlin and extend my deepest congratulations to him on the twin milestones of 50 years in the priesthood and 10 years as Chaplain of the House.

God bless you, Father Coughlin. Thank you for your wonderful ministry.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of this resolution congratulating Father Coughlin on 10 years of service as House chaplain and want to thank my very good friend, Mr. LIPINSKI, for authoring it.

Since 2000 Father Coughlin has been a blessing to us, a presence of prayer, and a reminder of the grace we have to ask God for—beg God for—as we exercise our responsibilities in this House.

He has also been a personal friend to me and I want to thank him for that.

Mr. Speaker, I particularly appreciate Father Coughlin's moving prayers and his Web site where he puts up a "Thought for the Day" and keeps the House informed of spiritual events on Capitol Hill for Christians, Jews, and Muslims, and members of other faiths. I frequently read theses prayers and thoughts, and am grateful for his inspiration to me and my fellow members.

Today he has posted, as "Thought for the Day," a quote from Pope Benedict XVI, from his April 18 address to young people in Malta:

> God loves every one of us with a depth and intensity that we can hardly begin to imagine. And he knows us intimately, he knows all our strengths and all our faults. Because he loves us so much, he wants to purify us of our faults and build up our virtues so that we can have life in abundance. When he challenges us because something in our lives is displeasing to him, he is not rejecting us, but he is asking us to change and become more perfect. That is what he asked of Saint Paul on the road to Damascus. God rejects no one. And the Church rejects no one. Yet in his great love, God challenges all of us to change and to become more perfect.

Thank you, Father Coughlin, for reminding us of this—we do our work differently, and better, when we carry with us an awareness of God's love.

Mr. Speaker, Mr. LIPINSKI's resolution also draws attention to Father Coughlin's 50 years of service to God, and His flock, as an ordained priest—Father Coughlin's fiftieth anniversary will be on May 3rd, and I want to congratulate and thank him for that as well.

Father Coughlin has also, as this resolution points out, served God with the Missionaries of Charity, in India, and in Rome, as a scholar-in-residence at the North American College. I am sure that his experience in both places enriched his service to the House.

Finally, I note from the resolution, that, while the House chaplaincy was instituted in 1789, in 2000 Father Coughlin became the first Catholic priest to hold the office of Chaplain of the House. He follows many others who have been a blessing on the House—and I have known several of them—and has certainly filled their shoes well.

Thank you, Father Coughlin.

I urge members to support this excellent resolution.

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H. Res. 1216, a resolution congratulating Reverend Daniel P. Coughlin on his 10th year of service as Chaplain of the House of Representatives.

Reverend Coughlin was sworn in as the fifty-ninth Chaplain of the House of Representatives on March 23, 2000—the first person of Roman Catholic faith to hold the office. In his decade of service, he has opened House proceedings with prayer, provided pastoral counseling and arranged memorial services for the House and its staff.

Over the years I have come to know Reverend Coughlin and value his service to the House of Representatives. This resolution is a fitting honor, and I urge my colleagues to join me in congratulating Reverend Coughlin for his decade of faithful service.

Mr. CAPUANO. Mr. Speaker, I yield back the balance of my time, and I would urge passage of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. CAPUANO) that the House suspend the rules and agree to the resolution, H. Res. 1216.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CAPUANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## MULTIPLE SCLEROSIS AWARENESS WEEK

Mrs. CAPPS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1116) supporting the goals and ideals of Multiple Sclerosis Awareness Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1116

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 Americans live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitely defines a diagnosis for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show there are genetic factors that indicate certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with or preventing the transmission of nerve signals;

Whereas in rare cases multiple sclerosis is so progressive it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes, and celebrates Multiple Sclerosis Awareness Week;

Whereas the Multiple Sclerosis Coalition's mission is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every calendar year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate their commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas this year Multiple Sclerosis Awareness Week is recognized during the week of March 8, 2010, through March 14, 2010: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages the President to issue a proclamation in support of the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages States, territories, possessions of the United States, and localities to support the goals and ideals of Multiple Sclerosis Awareness Week by issuing proclamations designating Multiple Sclerosis Awareness Week;

(4) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(5) commends the efforts of the States, territories, and possessions of the United States who support the goals and ideals of Multiple Sclerosis Awareness Week;

(6) recognizes and reaffirms the Nation's commitment to combating multiple sclerosis

by promoting awareness about its causes and risks and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(7) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those so afflicted and continue to work to find cures and improve treatments.

The SPEAKER pro tempore (Ms. MCCOLLUM). Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 1116, recognizing and supporting the goals and ideals of Multiple Sclerosis Awareness Week, which actually took place the week of March 8.

Now, while Multiple Sclerosis Week occurred last month, it is never the wrong time to draw attention to this important health issue and to reaffirm our commitment to combating MS.

Multiple sclerosis affects an estimated 400,000 people in the United States and 2½ million people worldwide. MS is thought to be an autoimmune disorder where the immune system incorrectly attacks healthy nerve fibers of the central nervous system. Symptoms that people with MS experience include blurred vision and blindness, tremors, extreme fatigue and paralysis. However, the exact causes of MS are unknown, and there is no known cure for this disease.

But what we all know is that it can affect men and women of all ages, and it does affect each person differently.

Many of us have our own personal stories of loved ones who've been diagnosed with MS. We will hear some of those stories today.

I've gotten to know some wonderful constituent advocates from my district to learn of their personal stories over the years through the MS Society chapter which I represent in my district, and I know that many of my colleagues have benefited from interactions with their local chapters and the members who have shared their stories with them.

So I want to commend my colleague, Representative LEE, for introducing this resolution. I also recognize Representative CARNAHAN and Representative BURGESS for their leadership on the Congressional Multiple Sclerosis Caucus.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. BURGESS. Madam Speaker, I yield myself such time as I may consume, and I thank the gentlelady from California (Mrs. CAPPS) for her recognition.

As cochairman of the Congressional MS Caucus, I rise today in support of House Resolution 1116, supporting the goals and ideals of Multiple Sclerosis Awareness Week from March 8 through March 14. The goal of this annual event is to raise awareness of this disease for individuals and their families who are impacted by this illness.

Every hour in the United States, someone new is diagnosed with multiple sclerosis. It is a chronic, often disabling disease that attacks the central nervous system. Over 400,000 Americans are living with MS, and approximately 2½ million people are affected worldwide.

These patients suffer a variety of symptoms which can vary from person to person and, indeed, may vary within a particular patient during the course of the disease. Among the symptoms are impaired vision, muscle weakness, problems with coordination and balance, numbness, memory problems and, in the most severe cases, which, fortunately, is rare, the disease is fatal.

Even the milder cases of multiple sclerosis create daily changes for patients by impairing speech, the ability to write, the ability to walk. Despite the debilitating effects, the cause of multiple sclerosis is unknown. There is yet no laboratory test that is available that definitively establishes the diagnosis and, of course, there is no cure.

Treatments, however, have improved markedly over the last 20 to 30 years, and that is the reason we should applaud the work of the Multiple Sclerosis Coalition, an affiliation of MS organizations dedicated to the enhancement of the quality of life for those affected by this disease, which recognizes and celebrates this special week that we designate as Multiple Sclerosis Week.

Many Americans know a person living with MS, a mother, father, son or daughter or another family member, or even a colleague. During my brief time in Congress a member of my staff has been diagnosed.

I also want to recognize those who struggle with multiple sclerosis every day, the family and friends who support them, the doctors, nurses, researchers and others that care for them and continue to search for a cure.

I'd also like to thank Representative RUSS CARNAHAN of Missouri, who's the co-chair of the MS Caucus, and Representative BARBARA LEE of California who are sponsoring this resolution with me.

I encourage all of my colleagues to vote in favor of the resolution.

I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I am pleased to yield such time as she may consume to the Representative from California, Representative LEE, who is the author of this resolution.

Ms. LEE of California. Madam Speaker, let me thank, first of all, my colleague, the gentlelady from California (Mrs. CAPPS), for yielding me the time. Also, let me just thank you for using your invaluable background as a nurse in helping shape quality health care for all in our country. So to Congresswoman CAPPS, thank you very much for your leadership.

Also, let me thank Congressman RUSS CARNAHAN and Congressman MICHAEL BURGESS, the co-chairs of the Multiple Sclerosis Caucus and their staff, including my staff, Christos Tsenta, for helping to work on this resolution in a bipartisan manner and for keeping the Congress focused on MS issues, which was recognized during MS Awareness Week, March 8 through March 14.

Let me also thank Chairman WAXMAN and Ranking Member BARTON and their staff for agreeing to bring the resolution to the floor, along with our nearly 110 cosponsors. And to Congresswoman KILROY, the gentlelady from Ohio, I just want to say to her that her determination and her strength is such an inspiration to all of us here in the House of Representatives.

Let me thank the Multiple Sclerosis Coalition, the National Ms Society and all its staff, especially Shawn O'Neail and Shawna Golden, for leading the charge on MS Awareness Week and for their work on this resolution and for helping to support activities around the country in recognition of this week.

And this resolution is in honor of all of those living with MS and all of the friends and family and loved ones who care for them and support them.

Lastly, I just want to thank my beloved sister, Mildred, for teaching me what it's like to live with multiple sclerosis. Mildred was diagnosed with MS at about the age of 26 or 27. She has been living a productive and fruitful life. She has learned about the treatments and medications; and, fortunately, she has had access to some of the best. But she wants everybody to have access to the types of treatment that she has had.

I asked her this morning what she'd like for me to say and she said, increase funding for research so we can find a cure.

She said to me, You know, it's so frustrating to go to the doctor, and for me to ask the doctor a question about the symptoms of my disease and the

doctor says, I just don't know. She said at first she thought the doctors were just putting her off; but, actually, the doctors just don't know.

So this bill is for all of the times that she told me she gets up in the morning and wonders whether she'll be able to walk that day. This is for all of the times that she is in remission, dreading the next flare-up, wondering what is going to trigger the return of her symptoms.

So I'm pleased to be here today to talk about a disease that my family and hundreds of thousands of families around the Nation have faced. In fact, our first lady, Michelle Obama, her dad, Mr. Frasier Robinson, had multiple sclerosis, and so our first family clearly understands the need for increased awareness and outreach and resources to fight this disease.

Multiple sclerosis is a chronic, unpredictable disease of the central nervous system. It's thought to be an autoimmune disorder where the immune system incorrectly attacks healthy nerve fibers of the central nervous system, interfering with transmission of nerve signals throughout the body.

There are over 400,000 people throughout the United States suffering from multiple sclerosis; and worldwide over 2.5 million cases have been diagnosed. But the real numbers of people living with MS are almost certainly higher.

Although MS is largely considered a disease that affects Caucasian populations, it does occur among African Americans and other minority groups and can be quite severe. Because people of color tend to have had less access to the health care system, which I'm confident now that our health care law will finally address, they may not get diagnosed at the rates that they should.

As has been said, Madam Speaker, MS Awareness Week was recognized this year from March 8 through March 14. The theme of this year was ''Move It!'' and it was intended to encourage people throughout the country to volunteer, raise funding, advocate, educate, and raise awareness about this disease.

This is the fifth year of MS Awareness Week, and over the past 5 years, the National Multiple Sclerosis Society has received $30 million in donated corporate support, advertising space and public relations, and generated more than 120 billion media impressions.

□ 1215

In March alone, the MS Society recently received over 650,000 hits on their Web site from people who got active in the fight against MS. So the drumbeat is being heard loudly and clearly.

People living with MS were at the Today Show and Good Morning America and featured on 12 digital billboards which ran more than 700 times throughout the entire month of March in Times Square. The MS Coalition, the National MS Society, and the Congressional MS Caucus were also actively engaged in discussions about access to quality health care, increased MS research, disability rights, and MS issues and sought more funding for MS research.

This month, the Northern California Chapter of the Multiple Sclerosis Society is also in the middle of holding its MS walk fundraisers. Our own MS walk in my district in Alameda County is actually scheduled for this Saturday. I'm also proud to say that a former person in my office, Alicia Barron, has been on the front lines of raising awareness about this disease through her work with the Lone Star Chapter of the MS Society in Houston, Texas. We appreciate her work and service.

While MS Awareness Week has passed, there is still a lot we must do. On May 26, MS societies throughout the world will band together on World Ms Day to increase awareness, knowledge, and understanding of the disease and the needs of people with MS and how to improve their quality of life.

As I've always said, our health is tied to the health of our brothers and sisters throughout the world, and we have to view anyone's problems, their problems, as our own problems; otherwise, we will never be truly rid of this disease. As Members of Congress, we have the ability and the responsibility to ensure that additional research funding is put towards diseases like multiple sclerosis. We need to invest more time and more efforts into finding the causes of MS to prevent it, to improve existing therapies for those who suffer with it, and I hope one day, as my sister said, just find a cure.

I'm pleased that the fiscal year 2010 Defense appropriations bill included $4.5 million to fund research into multiple sclerosis among our veterans. I look forward to making sure that we provide even more next year.

So, once again, I want to thank my colleagues for their support of the resolution. And in honor of all of those living with MS, I want to say we are committed to putting more money into research and to finding a cure. As my sister Mildred said, that is all we need to do.

Mr. BURGESS. I reserve my time.

Mrs. CAPPS. Madam Speaker, I'm pleased to yield to our colleague from Missouri, Representative CARNAHAN, who is the cochair of the Multiple Sclerosis Caucus, such time as he may consume.

Mr. CARNAHAN. Madam Speaker, I want to thank the gentlelady from California for her leadership and work on this important legislation, supporting the MS Awareness Week.

Every week, around 200 people are diagnosed in this country with MS; and, indeed, there's been a spike in diagnoses among our military. That is one of the reasons the past several years we have been able to fight for and obtain funding through the Department of Defense congressionally directed research program.

We also have worked with addressing the issue in terms of creating the national registry, so we can help track this difficult disease that has eluded a cure for so long.

I am proud to serve as cochair of the Congressional MS Caucus along with my colleague here today, MICHAEL BURGESS. He has been a good partner in promoting this. The MS Caucus is a bipartisan group of a 127 Members of this House actively engaged in discussions about access to quality health care, raising awareness, promoting education, and increasing MS research. I want to urge my colleagues here today to not just support this resolution, but if you're not already a member of the MS Caucus, I urge you to join us. I urge you to connect with your local chapters to help support the people that are living and suffering with MS, but also to help find that cure, to move research forward.

This year marks the fifth annual MS Awareness Week. The week was created by the MS Coalition and the National MS Society to raise national awareness about MS. I especially want to thank St. Louis' Gateway Chapter of the National MS Society for their unwavering dedication, for their help for people back in my home city, and for their support of my work here in the Congress. I'm grateful for their hard work to provide support and assistance for those living with and affected by MS.

This spring, in fact, more than 8,000 Missourians took part in the Walk MS event across the State, raising awareness and funds to help those living with MS every day, for the challenges they face from this disease.

Today, I want to again urge my colleagues to support this resolution to help create a world free of MS.

Mr. BURGESS. I will yield myself my remaining time.

I want to thank Representative CARNAHAN for the recognition and echo his call to other Members of this Congress to join the MS Caucus. This caucus does real work. We provide information. We provide conference calls. We provide educational time with either Members or staff, and it is a worthwhile endeavor.

While there is no cure for multiple sclerosis as it stands today, the treatment has evolved significantly. In my 25 years of medical practice, I saw a significant evolution. Although I was not the primary caregiver for multiple sclerosis patients in my general OB–GYN practice, I did have many patients who did suffer from that illness and, as a consequence, over the course of my

professional lifetime, did see the treatment evolve from one that was essentially palliative to one that was more targeted towards the disease itself or targeted towards the damages the disease inflicts upon the central nervous system.

So I do encourage both sides of the aisle to join this caucus. It is an important endeavor.

Again, I want to thank everyone who has participated today. We've heard today that multiple sclerosis is a chronic, often disabling disease, but today, new treatments and advances in research are starting to give new hope to people affected by the disease, but more must be done to understand the course of this illness.

Most people with MS learn to cope. They learn to cope with the disease and to lead satisfactory, productive lives, but they do want answers. We recently capped off MS Week 2010 on March 8–14, and now prepare for World MS Day on May 26.

Texas, my home State, is getting into the act with the BP MS 150, which is a 180-mile journey from Houston to Austin. This event is a 2-day fundraising cycling ride organized by the Lone Star Chapter of the National Multiple Sclerosis Society. That is the largest event of its kind in north Texas. This year's ride just took place this past weekend. In 2009, this event raised more than $17 million for research for MS, and the fundraising goal for this year is $18 million, with contributions still being tallied. But the Lone Star Chapter of the National MS Society is on its way to reaching this ambitious goal. And this was the 5th year of MS Awareness Week.

The Multiple Sclerosis Caucus is a bipartisan group of 127 Representatives and 23 Senators who are in full support of this resolution. But we can do more. In fact, we will be looking to have an MS briefing for Members and their staff sometime in June, and I hope many Members will be able to attend.

And, in addition, I urge everyone who supports this resolution to cosponsor H.R. 1362, to create a National MS Registry. This bill has over 150 cosponsors, and I urge my colleagues on the Energy and Commerce Committee to take up this resolution because it is an important amount of work that needs to be done. And with all of the focus nowadays on genomic medicine, this registry is going to become increasingly important.

I yield back the remainder of my time.

Ms. KILROY. Madam Speaker, I rise today in support of H. Res. 1116, which expresses support for the goals and ideals of Multiple Sclerosis Awareness Week. I want to thank my friend and colleague Representative BARBARA LEE for introducing this resolution, which brings attention to a disease that affects an estimated 400,000 people living in the United States.

Because I was diagnosed with MS in 2003, I know the importance of research into treatments and a cure for the disease. I support additional funding for research regarding MS, Parkinson's disease, and other neurological disorders. MS is a serious disease, but I am lucky to have insurance that pays for most of the cost of the expensive drugs that slow its progression and help prevent disability. However, many people diagnosed with MS often find their necessary medications financially out of reach. The 111th Congress has taken historic action to make health care affordable and accessible, to end discrimination against those with pre-existing conditions, and to help people control and live well with chronic illness—keeping them out of wheelchairs or nursing homes. However, we must continue to work on behalf of our constituents who every day are dealing with serious health conditions.

I am pleased that included in the health insurance reform law recently signed by the president is the Community Living Assistance Services and Supports (CLASS) Act. The CLASS Act will create an insurance program for the 10 million adults with disabilities in America to help them obtain the services and supports they need to stay functional, independent, and active in their community. It is a disgrace that millions of Americans with disabilities are forced to live a life of poverty just so they can qualify for long-term benefits offered by Medicaid. The CLASS Act will allow people with disabilities to remain functional and independent while giving them an opportunity to receive an education, maintain a job, or join a community group.

I also want to acknowledge the work of the National MS Society, which works tirelessly on behalf of persons living with MS. Just this past weekend I participated in the Columbus MS Walk with my many friends in the Ohio Buckeye Chapter. This walk was just one of many across the country to raise money for research into MS.

Madam Speaker, I look forward to the day when the world is free of MS. I encourage all of my colleagues to join me in finding the causes, improving the treatments while lowering their costs, and fighting for a cure for MS and other diseases, so that all Americans can live fully active and healthy lives.

Mrs. CAPPS. Madam Speaker, as we conclude this discussion on the importance of being aware of multiple sclerosis and adoption of this resolution, I will call attention to my colleagues all of our local chapters throughout the country.

Our colleagues have highlighted some of the chapters they represent, and I know I've had wonderful interactions with the Members and people who support our local chapter in my district as they seek to raise awareness within our local communities and also work together to raise funds through their walks and through their fundraising drives to provide quality of life and support for their members, those who are afflicted with multiple sclerosis and their families, and it is an honor to serve with them and work with them and represent them here as they would have us do.

And what they would want us to underscore, as well, is the importance of our funding adequately the national endowments for the health, the efforts for continuing research, for accentuating the research in all neurological disorders, those that affect a whole host of ranges that impact people's lives; and among them, so important, are those who are afflicted with multiple sclerosis. That is surely what we can do on their behalf as we look forward to possibilities, as new discoveries are made, and much more research can be done in this arena.

So our resolution can bring all of that to fruition. I encourage all of our colleagues to honor and vote for House Resolution 1116, supporting the goals and ideals of Multiple Sclerosis Awareness Week.

I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 1116.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## CELEBRATING THE LIFE OF DR. DOROTHY IRENE HEIGHT

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1281) celebrating the life and achievements of Dr. Dorothy Irene Height and recognizing her lifelong dedication and leadership in the struggle for human rights and equality for all people until her death at age 98 on April 20, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1281

Whereas Dr. Dorothy Irene Height was a humanitarian whose life exemplified her passionate commitment to a just society and civil rights for all people;

Whereas Dr. Height was the godmother of the civil rights movement and tireless advocate of equality for women and women's rights in the United States;

Whereas Dr. Height led many national organizations, including 33 years of service on the staff of the National Board of the Young Women's Christian Association (YWCA), director of the National YWCA School for Professional Workers, and became the first director of the Center for Racial Justice, served as president of the National Council of Negro Women (NCNW) for 4 decades, as president of Delta Sigma Theta Sorority, Incorporated during two consecutive terms, and continued to provide guidance as chair and president emerita of NCNW until her death;

Whereas Dr. Height was the recipient of countless awards and honors, including the Presidential Citizens Medal in 1989 by President Ronald Reagan, the Presidential Medal

of Honor in 1994 by President William Clinton, and the Congressional Medal of Honor by President George W. Bush on behalf of the United States Congress in 2004; and

Whereas Dr. Height was a tenacious and zealous civil rights activist, social worker, advocate, educator, and organizer in the quest for equality: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) celebrates the life of Dr. Dorothy Irene Height; and

(2) expresses recognition for her life-long dedication and leadership in the struggle for civil rights for all people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. I ask unanimous consent that all Members have 5 legislative days to revise their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

This is a day we come to remember and honor the life and legacies of one of America's most celebrated civil rights leaders, the late Dr. Dorothy Height, who passed just yesterday and was one that brings back many memories for many of the Members of the House. Her connections with Dr. Martin Luther King, Jr., and Rosa Parks and all of the organizations that she was connected with are already a part of legendary record.

I was with her in 1963 when Dr. King led this March on Washington, and I remembered seeing her. I didn't know her at that time, but I sure got to know her a couple of years later.

I reserve the balance of my time.

Madam Speaker, this resolution honors the life and achievements of one of the most celebrated and cherished women in the Civil Rights movement, the late Dr. Dorothy Height.

With Dr. Height's passing yesterday, heaven gained one of its most beloved treasures, while this nation lost a true soldier in the fight for equality for all men and women.

I recall the first time I met Dr. Height. Her confidence in our nation's potential, and her passion for seeing every person obtain equality, made her a force to be reckoned with.

A few years ago, I was humbled when Dr. Height honored me for continuing to pursue the dream of the late Dr. Martin Luther King, Jr.

Today, I stand proud to have been her friend and to have the privilege to celebrate her life before this Congress.

Today, I would like to touch on three significant points about Dr. Height.

First, Dr. Dorothy Height was a centerpiece on the many stages of the Civil Rights movement.

In 1960, Dr. Height was the only woman team member in the United Civil Rights Leadership. She worked beside Dr. Martin Luther King, Jr., A. Philip Randolph, JOHN LEWIS, James Farmer, and many other celebrated civil rights leaders.

Although Dr. Height was not among the speakers who addressed the crowd gathered at the Lincoln Memorial at the March on Washington in 1963, she was the only woman to stand on the stage that day as Dr. King delivered his historic "I Have A Dream" speech.

And 45 years later, she watched that dream of equality move even closer to becoming true, as she attended the inauguration of our nation's first black President.

This historic moment was built on the hard work and perseverance of Dr. Height, whose tenacity led her to be known as the "godmother of the Civil Rights movement."

Second, Dr. Height's commitment to equal treatment for every American has influenced American Presidents for over 70 years.

From President Franklin Delano Roosevelt to President Barack Obama, Dr. Height's influence and advocacy helped shape the Civil Rights issues that confronted each generation.

When Dr. Height was a young woman, she was one of 10 American youth invited by First Lady Eleanor Roosevelt to spend a weekend at her Hyde Park New York home, to plan a World Youth Conference in 1938.

Through this relationship, Dr. Height encouraged President Roosevelt to take action to desegregate America's public schools.

Later, in the 1960's, she went on to encourage the Johnson Administration to make unprecedented appointments of African American women to positions in government.

Dr. Height gained significant influence throughout her lifetime. She transformed her leadership into a movement of empowerment for those who were living under unfulfilled promises of their country.

She once said "greatness is not measured by what a man or woman accomplished, but by the opposition he or she has overcome to reach his goals."

Finally, Dr. Height's personal experience with segregation motivated her to become an excellent and educated leader who selflessly sought to ensure that others have similar opportunities.

Dr. Height dedicated herself to achieving a good education. At a very young age, Dr. Height was distinct amongst her peers, and provided great leadership to the Christian Youth Movement of North America, where she worked to prevent lynching, desegregate the armed forces, and reform the criminal justice system. She was also an advocate for free access to public accommodations.

Her focus and dedication paid off as she won scholarships, and recognition for her scholastic excellence. Although she was denied admission by one institution because it had reached its quota of two black students, she went on to attend New York University and Columbia University.

We should be very thankful for the sacrifices and hard work of Dr. Dorothy Height. A recipient of the President's Medal of Honor, the Congressional Medal of Honor, and a tireless advocate for individuals who had yet to see the American dream become a reality, we honor this outstanding woman.

I would like to commend my colleagues for their work on this important resolution. In particular, I would like to thank my good friend from the State of Ohio, Congresswoman MARCIA FUDGE, who is the sponsor of this resolution.

I urge my colleagues to support this important resolution.

□ 1230

Mr. POE of Texas. I yield myself as much time as I may consume.

I want to thank the chairman of the Judiciary Committee for bringing this to the floor as quickly as possible. I support this resolution, H. Res. 1281, which commemorates the life of the late Dorothy Height, as the chairman said, who died just yesterday.

She was one of the key civil rights leaders who fought for racial and gender equality in the 20th century. She helped bring about school desegregation. She brought about, in her own way, the movement for an advocation of voting rights and employment equality.

She was born in Richmond, Virginia, in 1912 and moved to Pennsylvania at an early age. In 1929, she was admitted to Barnard College, but she was denied admission when she showed up to register. The school had a policy of accepting only two black students.

So she went to New York University and graduated in 1932. She received her master's degree in educational psychology the very next year, and after her studies Mrs. Height served as a caseworker in New York City welfare department.

At the age of only 25, she joined the National Council of Negro Women, beginning her career as a civil rights activist on behalf of African Americans and all women.

In 1944, she joined the YWCA and served as the national president of Delta Sigma Theta Sorority, Incorporated, from 1946 to 1957. Then from 1957 to 1997, she was President of the National Council of Negro Women, and during the 1960s, she established ''Wednesdays in Mississippi'' to join black and white women from the North and South to engage in a dialogue as a means toward social integration.

Many American leaders respected Mrs. Height. She lobbied First Lady Eleanor Roosevelt to help civil rights efforts in the 1940s. In later years she encouraged President Dwight Eisenhower and President Lyndon Baines Johnson to desegregate schools and appoint black women in positions of government.

Mrs. Height herself served on the President's Committee on the Status of Women, and she was a consultant on African affairs to the Secretary of State.

Mrs. Height was on the platform with Dr. Martin Luther King, Jr., when he gave his famous ''I Have a Dream'' speech in 1963. As Chairman CONYERS has mentioned, he was at that event in 1963.

For Mrs. Height's six decades of selfless work on behalf of civil rights and for her dedication, she was awarded the Presidential Medal of Freedom in 1994 and the Congressional Gold Medal in 2004. Yesterday, at the age of 98, Dorothy Height passed away at Howard University Hospital here in Washington, D.C.

I urge all my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. CONYERS. I thank Judge POE for co-leading this resolution from the Judiciary Committee.

Madam Speaker, I yield such time as he may consume to the distinguished majority leader, JAMES CLYBURN, the gentleman from South Carolina.

Mr. CLYBURN. I thank the chair for yielding me the time. Thank you so much, Ranking Member POE, for joining in this resolution.

Madam Speaker, I was born and raised in the little town of Sumter, South Carolina, and just outside of Sumter is a little town of Mayesville, the birthplace of Mary McLeod Bethune, the founder of the National Council of Negro Women.

When I was growing up, my mother, who was a beautician, and Mrs. Bethune organized the National Council through beauty shops. My mother thought that Mrs. Bethune was the greatest person to ever live, and she made me learn everything I could about Mrs. Bethune.

Later, as I labored on the staff of Governor John West back in 1971, I received a phone call from Dorothy Height. I knew Mrs. Height—she had been a long-time president of the Delta Sigma Theta Sorority, the sister sorority to my fraternity, Omega Psi Phi, so I knew her. I also knew her because she had become the national leader of the National Council of Negro Women.

She said to me that she wanted my help, because she thought that South Carolina, being the birthplace of Mary McLeod Bethune, would be the place that ought to honor her. She thought that Mrs. Bethune's portrait should be in the State House of South Carolina. At that time no African American was so honored. There never had been an African American's portrait placed in the State House and I went to Governor West and I told him that I thought this was something we should do.

Well, as you can imagine, Madam Speaker, this was not met with as much collegiality as we displayed toward each other here on this floor.

So I called Mrs. Height to tell her that I thought this was going to be very, very difficult.

She said to me, now, young man, I didn't ask for your help because I thought it was going to be easy. She said things to me that day that made me understand a lot about who and what I am, and we joined together. We covered and counseled each other, and I am pleased to report that because of Mrs. Height, Dr. Height, the portrait of Mary McLeod Bethune hangs in the State House of South Carolina, the first African American so honored.

Others have joined us later, Willie Mays, Rev. I.D. Quincy Newman, but she blazed that trail, and she did so because of Dr. Height.

When I got elected to the Congress, Dr. Height called again, and she told me that the National Council is going to put a statue here, in, I believe, Lincoln Park here in Washington. She wanted me to come and be a part of that dedication. I joined her there that day, and from that day on, very often, we would meet, we would talk on the phone, and I just believe that she is very close to being as great a woman as Mary McLeod Bethune was, and I am pleased to be here to say a few words in honor of her and in memory of her great life and tremendous legacy.

Mr. POE of Texas. I reserve the balance of my time.

Mr. CONYERS. I am pleased to yield such time as she may consume to the gentlewoman from Ohio (Ms. FUDGE) one of our newest Members of the Congress, who knew, worked for, studied under, and was a mentee to Dorothy Height.

Ms. FUDGE. Thank you, Mr. Chairman.

On yesterday, Madam Speaker, a civil rights icon and humanitarian, Dr. Dorothy Irene Height, passed away at the age of 98. She was my friend, my mentor, and one of my predecessors as the national president of the Delta Sigma Theta Sorority.

Dr. Height was passionate about justice and equality. Everything she did, every position she held, and every policy she advocated served her life's mission, which was to eliminate barriers to success for women and blacks, while inspiring the next generation.

Even though Presidents and other world leaders sought her counsel, she always took the time to advise and encourage young women, including myself.

While we mourn her loss, I am not sad. She lived a great life. We often talk about life is not the longevity, but it is the breadth, and she had a great life. So we celebrate her life today, a great humanitarian who leaves a legacy of strong and caring women. That is why I am honored to introduce this resolution celebrating Dr. Height's life and recognizing her work.

Dr. Height served as president of the National Council of Negro Women for four decades, stepping down from the position in 1997. In her position with the Council, which, by the way, connected nearly 4 million women worldwide, she tackled issues that affected all families, including child care for working mothers, health and nutrition, and providing adequate housing for families in need. She served as the national president of Delta Sigma Theta from 1947 to 1957.

Widely recognized as one of the founding members of the Civil Rights Movement, Dr. Height was awarded the Presidential Medal of Freedom in 1994 by President Bill Clinton, and in 2004 she received the Congressional Gold Medal. Dr. Height fought for equal rights for both women and blacks and was active in such causes as securing voting rights, equal employment opportunities and desegregation of public schools.

Marching alongside Dr. Martin Luther King, Jr., she advocated women's rights during the civil rights struggle. Dr. Height was instrumental in the fight for equal pay for women and organized numerous programs to help women achieve equal rights and independence.

Dr. Height was a tenacious and zealous civil rights activist, social worker, advocate, educator, organizer, mentor and friend. She was my friend. I will miss her, but my life has been better just by knowing her.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield such time as she may consume to a senior member of the Judiciary Committee, the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the chairman of the Judiciary Committee and my colleague from Texas (Mr. POE) for his presence and comments on the floor about Dr. Dorothy Height and, as well, the author of the resolution.

I am very proud to have joined Congresswoman FUDGE to be an original cosponsor of this legislation and come to the floor today, as we did yesterday, for I believe that the celebration of Dr. Height's life needs no stopping, if you will. If we continue to commemorate her throughout this week, it will not be able to account for her service.

And for those who may not be familiar with Dr. Dorothy Height, I only wish that this picture was in color. For maybe as you look at this lady adorned with this fabulous hat, well attired, you will remember seeing in many pictures with Presidents, kings and queens, international leaders, a lady who was appropriately attired with that dapper and beautiful hat. The color that I remember most is her beautiful aqua, and I say that only because many times we look at women as to how they are adorned.

I think that Dr. Height did not fail to be noticed when she came into a room, both by her stature and her attire, but certainly by her words. I would count her the most influential woman in the Civil Rights Movement, a friend to many, one who empowered women and clearly progeny of Mary McLeod Bethune, what a wonderful legacy that

was given to Dr. Height in her leadership of the National Council of Negro Women for some 40 years.

There are chapters throughout the Nation, and I am grateful to be a member of the Dorothy Height Chapter in Houston, Texas. There are many, and I must remind my colleagues and those that are listening, that the name continues to be the National Council of Negro Women, which was the name that was given by Mary McLeod Bethune. No one dared view that as any undermining of the dignity and purpose, reliability and, of course, the power of this organization.

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No one ran away from the word ''negro'' because we knew that in that word there was struggle, there was a showing of what we overcame. And to the instruction of Mary McLeod Bethune, we knew that it captured the empowerment of women, but it also spoke to the education of our children. Dr. Dorothy Height was in the center point of that.

I had the privilege of coming here to the United States Congress and being able to look up to Dr. Height as I got to know her even before my congressional duties. What a pleasure to be able to join C. DeLores Tucker at her annual events and the National Council of Black Political Women to deal with her seeking empowerment for women, and as well to be able to join with then Betty Shabazz, Dr. Dorothy Height, and Coretta Scott King. What a powerful group of women whose history paralleled each other, but in essence they were sisters.

And so I rise today to be able to acknowledge this glorified woman who came eagerly to the National Council that was headed by C. DeLores Tucker and now by E. Faye Williams, and to be able to thank her.

When we were looking to pass legislation to include Sojourner Truth as the only standing figure now of an African American woman in this United States Congress, this great heroine, this great woman added her leverage, her power, her support and sisterhood to ensure that we placed Sojourner Truth, a suffragette and an abolitionist, here.

So Dr. Height, as you rest today, let it be known that we do recommit ourselves to the universal access of education for all children, for the education of America's children, for reminding us that Haiti's children—now suffering in the wane of an earthquake—must be provided education, and to be reminded that there is no shame in being an agitator and a provocateur and someone who fights for freedom and justice.

We are in your debt, the godmother, if you will, of civil rights. We will be forever in your debt. And the women and the men and the many different rainbow colors of these United States and around the world, people will be indebted to you for your common touch, for your spirit, and, yes, for saving so many of us.

May God bless your soul. May you rest in peace as we celebrate over these days your life. God bless you, Dr. Dorothy Height.

Madam Speaker, I rise in strong support of H. Res. 1281, Honoring the life and Achievements of Dr. Dorothy Height and Recognizing her Lifelong Dedication and Leadership in the Struggle for Human Rights and Equality for All People Until Her Death at Age 95 on April 20, 2010.

I was deeply saddened to learn of the death of Dr. Dorothy I. Height who was a national treasure and a civil rights icon. For more than half a century, Dorothy Irene Height played a leading role in the never ending struggle for equality and human rights here at home and around the world. Her life exemplifies her passionate commitment for a just society and her vision of a better world.

Dr. Height was a social justice and civil rights activist, a servant of the people, one who served a number of Presidents, a humanitarian, American, a hero, and a great patriot. She believed in women's rights and the empowerment of minorities. She was an inspiration to all women. She never ran away from the fight for justice. All of those are words without motion, unless you had the privilege to know Dr. Dorothy Height as I did. You would then be captured by her charm, her energy, her insight, her intellect and her compassion. Her legacy is one of a glorious and wonderful champion of the people.

Dorothy Height witnessed or participated in virtually every major movement for social and political change in the last century. During the 1963 civil rights March on Washington, Dorothy Height was the only woman on the podium when Martin Luther King Jr. gave his "I Have a Dream" speech. For nearly 75 years, Dorothy Height fought for the equality and human rights of all people. She was the only female member of the "Big 6" civil rights leaders (Whitney Young, Jr., A. Philip Randolph, Martin Luther King, Jr., James Farmer, and Roy Wilkins). Her vision and dedication made the National Council of Negro Women the premier organization in advocating for the health, education, and economic empowerment for all women of African descent around the world.

Dorothy Height was born in Richmond, Virginia, March 24, 1912, and educated in the public schools of Rankin, Pennsylvania, a borough of Pittsburgh, where her family moved when she was four. She established herself early as a dedicated student with exceptional oratorical skills. After winning a $1,000 scholarship in a national oratorical contest on the United States Constitution, sponsored by the Fraternal Order of the Elks, and compiling a distinguished academic record, she enrolled in New York University where she earned both her bachelor and master's degrees in just 4 years. She continued her postgraduate studies at Columbia University and the New York School of Social Work.

In 1933, Dorothy Height joined the United Christian Youth Movement of North America where her leadership qualities earned her the trust and confidence of her peers. It was during this period that she began to emerge as an effective civil rights advocate as she worked to prevent lynching, desegregate the Armed Forces, reform the criminal justice system, and provide free access to public accommodations. In 1935, Dorothy Height was appointed by New York government officials to deal with the aftermath of the Harlem riot of 1935.

As Vice President of the United Christian Youth Movement of North America, Dorothy Height was 1 of only 10 American youth delegates to the 1937 World Conference on Life and Work of the Churches held in Oxford, England. Two years later she was selected to represent the YWCA at the World Conference of Christian Youth in Amsterdam, Holland.

Madam Speaker, it was in 1937, while serving as Assistant Executive Director of the Harlem YWCA, that Dorothy Height met Mary McLeod Bethune, founder and president of the National Council of Negro Women (NCNW). Mrs. Bethune was immediately impressed with young Dorothy Height's poise and intelligence and invited her to join the NCNW and assist in the quest for women's rights to full and equal employment, pay and education.

In 1938, Dorothy Height was 1 of 10 young Americans invited by Eleanor Roosevelt to Hyde Park, NY to help plan and prepare for the World Youth Conference to be held at Vassar College.

For the next several years, Dorothy Height served in a dual role: as a YWCA staff member and NCNW volunteer, integrating her training as a social worker and her commitment to rise above the limitations of race and sex. She rose quickly through the ranks of the YWCA, from working at the Emma Ransom House in Harlem to the Executive Directorship of the Phyllis Wheatley YWCA in Washington, DC, to the YWCA National headquarters office.

For 33 years, from 1944 through 1977, Dorothy Height served on the staff of the National Board of the YWCA and held several leadership positions in public affairs and leadership training and as Director of the National YWCA School for Professional Workers. In 1965, she was named Director of the Center for Racial Justice, a position she held until her retirement.

In 1952, Dorothy Height lived in India, where she worked as a visiting professor in the Delhi School of Social Work at the University of Delhi, which was founded by the YWCAs of India, Burma and Ceylon. She would become renowned for her internationalism and humanitarianism. She traveled around the world expanding the work of the YWCA. She conducted a well-received study of the training of women's organizations in five African countries: Liberia, Ghana, Guinea, Sierra Leone, and Nigeria under the Committee of Correspondence.

Dorothy Height loved and led her sorority, Delta Sigma Theta. She was elected National President of the sorority in 1947 and served in that capacity until 1956. She led the sorority to a new level of organizational development, initiation eligibility, and social action throughout her term. Her leadership training skills, social work background and knowledge of volunteerism benefited the sorority as it moved into a new era of activism on the national and international scene.

In 1957, Dorothy Height was elected the fourth National President of NCNW and served in that position for 40 years, when she became Chair of the Board and President Emerita.

In 1960, Dorothy Height was the woman team member leader in the United Civil Rights Leadership along with Martin Luther King, Whitney H. Young, A. Philip Randolph, James Farmer, Roy Wilkins and JOHN LEWIS. In 1961, while Dorothy Height was participating in major Civil Rights leadership, she led NCNW to deal with unmet needs among women and their families to combat hunger, develop cooperative pig banks, and provided families with community freezers and showers.

In 1964, after the passage of the Civil Rights Act, Dorothy Height with Polly Cowan, an NCNW Board Member, organized teams of women of different races and faith as "Wednesdays in Mississippi" to assist in the freedom schools and open communication between women of difference races. The workshops which followed stressed the need for decent housing which became the basis for NCNW in partnership with the Department of Housing and Urban Development to develop Turnkey III Home Ownership for low income families in Gulfport, Mississippi.

In 1970, Dorothy Height directed the series of activities culminating in the YWCA Convention adopting as its "One Imperative" to the elimination of racism. That same year she also established the Women's Center for Education and Career Advancement in New York City to prepare women for entry level jobs. This experience led her in 1975 to collaborate with Pace College to establish a course of study leading to the Associate Degree for Professional Studies (AAPS).

In 1975, Dorothy Height participated in the Tribunal at the International Women's Year Conference of the United Nations in Mexico City. As a result of this experience, NCNW was awarded a grant from the United States Agency for International Development (USAID) to hold a conference within the conference for women from the United States, African countries, South America, Mexico and the Caribbean. This was followed with a site visit with 50 of the women to visit with rural women in Mississippi. Under the auspices of the USAID, Dorothy Height lectured in South Africa after addressing the National Convention of the Black Women's Federation of South Africa near Johannesburg (1977). Since 1986, she has worked tirelessly to strengthen the Black family.

Madam Speaker, under the leadership of Dorothy Height:

NCNW achieved tax-exempt status in 1966;

NCNW dedicated the statue of Mary McLeod Bethune in Lincoln Park, Washington D.C. in 1974; the first woman to be so honored on public land in the Nation's Capital;

Developed model national and community-based programs ranging from teen-age parenting to pig "banks"—which addressed hunger in rural areas;

Established the Bethune Museum and Archives for Black Women, the first institution devoted to black women's history;

Established the Bethune Council House as a national historic site;

Transformed NCNW into an issue-oriented political organization, sponsoring "Wednesdays in Mississippi" when interracial groups of women would help out at Freedom Schools; organizing voter registration drives in the South; and fostering communications between black and white women.

Established the Black Family Reunion Celebration in 1986 to reinforce the historic strengths and traditional values of the Black family.

Among the major awards bestowed upon Dorothy Irene Height in gratitude and appreciation for her service to our nation and the world are the following:

Presidential Medal of Freedom presented by President Bill Clinton;

Congressional Gold Medal presented by President George W. Bush;

John F. Kennedy Memorial Award;

NAACP—Spingarn Medal;

Hadassah Myrtle Wreath of Achievement;

Ministerial Interfaith Association Award;

Ladies Home Journal—Woman of the Year;

Congressional Black Caucus—Decades of Service;

President Ronald Reagan—Citizens Medal;

Franklin Roosevelt—Freedom Medal;

Essence Award; and the

Camille Cosby World of Children Award.

Dorothy Height was also elected to the National Women's Hall of Fame and is the recipient of 36 honorary degrees from colleges and universities as diverse as Tuskegee University, Harvard University, Spelman College, Princeton University, Bennett College, Pace University, Lincoln University, Columbia University Howard University, New York University, Morehouse College, and Meharry Medical College.

Madam Speaker, Dorothy Height has witnessed or participated in virtually every major movement for social and political change in the last century. For nearly 75 years, Dorothy Height has fought for the equality and human rights of all people. She was the only female member of the "Big 6" civil rights leaders (Whitney Young, Jr., A. Philip Randolph, Martin Luther King, Jr., James Farmer, and Roy Wilkins). Her vision and dedication made NCNW the premier organization in advocating for the health, education and economic empowerment for all women of African descent around the world.

Thank you, Dorothy Height, for your service to our nation. You have made America a better place for all persons of all races, religions, and backgrounds. You have mentored hundreds, been a role model to thousands, and a hero to millions. You are an American original. I am glad to count you as a friend.

The SPEAKER pro tempore. The gentleman from Texas has 17 minutes remaining; the gentleman from Michigan has 5½ minutes remaining.

Mr. POE of Texas. Madam Speaker, I continue to reserve.

Mr. CONYERS. Madam Speaker, I am delighted to recognize our former State senator, former ambassador, and now a Member of Congress, who has served here with such distinction, DIANE WATSON, Hollywood, California. I yield her 1 minute.

Ms. WATSON. Madam Speaker, I come to contribute and to continue to contribute to a woman that really was the matriarch of the American civil rights movement, And I want you to know her crusade for racial justice and gender equality spanned more than six decades.

This is a fact you need to know: it was at age 19 that Mrs. McLeod saw the leadership, the skill, and the brilliance of Dorothy Height. She was 19 years old when Mary McLeod Bethune passed the mantle of leadership over to her, and she held it high and she served all people well.

I just want you to know that I found out, with a little research, that my grandmother went to school with Mary McLeod Bethune, and she used to tell us about her when we were 3 years old, my sister and I. And so it was many, many decades ago that the leadership was struck, and we stand on her shoulders.

Mr. POE of Texas. Madam Speaker, I yield to Mr. CONYERS an additional 10 minutes and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONYERS. I want to thank Judge POE for his generosity.

At this time, I am going to yield 2 minutes to DONNA EDWARDS of Maryland.

Ms. EDWARDS of Maryland. Thank you, Mr. Chairman.

I rise today to mourn and to join our Nation in mourning Dr. Dorothy Height. She was an American icon who dedicated her life to racial justice and to gender equality. And at a time when women and African Americans were regarded as second class citizens, this strong, powerful, beautiful African American woman stood up for us and she strove to change that and rose to become a key figure in the civil rights movement, meeting with first ladies and Presidents and heads of state.

I want to step back for a minute because I look back fondly to the time when I first met Dr. Height, and it was more than 20 years ago as a young advocate working on domestic violence. It was through Dr. Height's voice and her leadership and her kindness and generosity of intellect and of spirit that enabled me to become a really strong advocate for domestic violence and to speak on behalf of the needs of African American women and women of color in a feminist movement that was not always open to those kinds of voices. It was really Dr. Height who enabled us to meet those challenges with our other feminist colleagues. And so I regard Dr. Height as a strong woman of color in the civil rights movement, but also a really strong feminist and a committed feminist.

Just a few weeks ago, I greeted Dr. Height when she was out in my congressional district with her beloved

Deltas. She was feeling as strong and healthy then and healthy of spirit and mind and intellect as she always had been. And so with that, I rise to remember her, to value her, and as a novice political leader, to know that when it really counted, Dr. Height was on my side, too.

Mr. POE of Texas. I continue to reserve my time.

Mr. CONYERS. Madam Speaker, it is my distinct honor to recognize our Speaker of the House, NANCY PELOSI, for 1 minute.

Ms. PELOSI. I thank the chairman for yielding and for giving us this opportunity to honor the life, legacy, and contributions of the godmother of the civil rights movement and a champion of social justice, Dr. Dorothy Height. Her loss is felt by all of us who knew her, respected her, and followed in her footsteps; but it is also felt by people who may never know her name, but for whom she worked, for whom she led, and for whom she made a difference. The Nation mourns the passing of this giant of American history; and our thoughts and prayers are with her family, friends, and the loved ones of this extraordinary woman.

Men and women of every race and faith are heirs to the work, passion, and legacy of Dorothy Height. From her earliest days as an activist, she fought for equality under the law for every American, recognizing that the battle for civil rights extended to African American women and anyone denied the chance to succeed because of who they are.

For four decades, she stood at the helm of the National Council of Negro Women, continuing the struggle for an America that lived up to the ideals of liberty and opportunity for all. In every fight, Dorothy Height turned the tides of history toward progress. Because of what she achieved, schools are no longer separate and unequal, and the voting booth is open to all striving to participate in our democracy. Because of what she did, a steady job and a decent home are not limited to a person based on their background, color of their skin, or means.

Today, we live in an America Dorothy Height helped to build, a Nation defined by equality, shaped by civil rights, and driven by the pursuit of justice for all. The pledge we take every day, ''liberty and justice for all,'' that is what Dorothy Height was about.

I was very proud to join President Bush and the House and Senate, Democrats and Republicans, in 2004 when we presented the Congressional Gold Medal, the highest civilian honor Congress can bestow, on Dr. Dorothy Height. At that time, President George W. Bush said, ''In the presence of Dorothy Height, you realize you're in the presence of grace. But you've got to realize that behind that grace there is a will of steel and absolute determination.'' The President later quoted from her book, but then he went on to say how Dorothy Height ''always stressed the importance of institutions closest to us: our families, our churches and our neighborhoods.'' He said: ''She understands that those institutions are important in shaping the character of an individual, and therefore the character of the Nation.''

President Bush—President of the United States, imagine—even quoted Dorothy Height's memoir where she wrote: ''It is in the neighborhood and communities where the world begins. That is where children grow and families are developed, where people exercise the power to change their lives,'' President of the United States quoting Dorothy Height as we presented her with a Congressional Gold Medal.

It is important to note that with all of those honors, it was also a pleasure for us to hear from Dr. Alexis Herman; she was the Secretary of Labor. Secretary Herman was very, very close personally and professionally, in every way, to Dorothy Height. And at that time she sang her praises and talked about what she did in the civil rights movement and what she did to advance women and young girls and the rest, but she also talked about how she made the best sweet potato pie. So personally, professionally, patriotically, Dorothy Height was all systems go.

I have been passed a note because I was asking about a film that I recently saw on TV that I hope can be available now again. It is called, ''The Life and Surprising Times of Dorothy Height.'' It is an inspirational presentation of the life of a person, a person who was instilled by her own mother with the idea that she could do whatever she set out to do and had a responsibility to do so.

Over Dorothy Height's lifetime in the trenches for social justice, human rights, and equality, Dorothy Height advocated on behalf of our neighborhoods and our communities. She stood tall for our children and families. She truly exercised her power to change lives.

As we state in our resolution today: ''Dr. Height was a tenacious and zealous civil rights activist, social worker, advocate, educator, and organizer in the quest for equality.'' And I join my colleague, Congresswoman EDWARDS, in focusing on that equality for women as well.

I last saw Dorothy Height about a month ago at the 70th birthday party for JOHN LEWIS, our colleague. As others regaled us about stories of the civil rights movement, there she sat, as dignified as a queen reigning over the proceedings, one who had seen it all, seen the struggle, seen the change, and now recognized then by the Congress of the United States and now in her passing by the entire Nation.

Our country is better off because of Dorothy Height's commitment, compassion, grace and patriotism. We will miss her tenacity and zeal for the fight for equality—our Nation's heritage and our hope. We will each take inspiration from the story of progress and her countless victories for the American people.

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Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield 1 minute to my friend and colleague from Michigan, CAROLYN CHEEKS KILPATRICK, a distinguished member of the Appropriations Committee and an activist in her own right.

Ms. KILPATRICK of Michigan. Thank you, Mr. Chairman. I thank the gentleman for yielding us the additional time. I appreciate it very much.

Madam Speaker, I have known the honorable Dorothy Irene Height for many years. This last weekend, several of us went to Bennett College for Women in Greensboro, North Carolina.

I was a speaker at the Heights of Excellence Scholarship Luncheon for the young women who go to that university. It was quite an honor for us to pay homage to Dr. Height—quiet, courageous. Just imagine 70 years ago when she stepped out as a woman, working with leaders—speaking, giving, organizing, and teaching. Here we are, in 2010, wanting to be like Dorothy Irene Height.

I want to honor former Secretary Alexis Herman, who served as her adopted daughter and who was with her for all of these years as we have served here in Washington.

I also honor Dr. Barbara Skinner, who worked tirelessly and who surrounded Dr. Height in prayer for the last 3 weeks, 24 hours a day.

Thank you, my sisters. Let us rise up and have the strength that Dr. Height showed each of us.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlewoman an additional 30 seconds.

Ms. KILPATRICK of Michigan. Dr. Height, you are in all of us, and as we go forward as women—as Congresswomen, as mothers—and as we raise the young children to be future Dr. Heights, just know that the height of excellence will remain in each of us.

Rest in peace, our dear, beloved mother. Join Rosa Parks, Harriet Tubman, and the others who have gone before.

Mr. POE of Texas. I reserve the balance of my time.

Mr. CONYERS. I am pleased now to yield 1 minute to my colleague, the gentlewoman from Wisconsin, GWEN MOORE.

Ms. MOORE of Wisconsin. Thank you so much.

Madam Speaker, Dr. Dorothy Height gave not only her height but loaned her

depth and breadth and width and weight and length of service to the civil rights movement and to gender equality. Mother to no children, wife to no one, she was queen mother, nurturer, and lover of the civil rights movement through seven decades of advocacy. Although she was the queen, she treated each one she encountered with equity, and it was my privilege to bow down to her each time I encountered her.

Thank God for the life of Dr. Dorothy Height, and thank God for her legacy. May her life be more than a memory. May it be a compelling force to press on in the unfinished work of the civil rights and gender equality movement.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield 1 minute to the chair of the Congressional Black Caucus, the distinguished gentlelady from Oakland, California, BARBARA LEE.

Ms. LEE of California. I want to thank the gentleman from Michigan for yielding and for his leadership, Congressman JOHN CONYERS, one of the great civil rights leaders.

Madam Speaker, I also want to say, as we think about and honor and mourn, yes, and celebrate her life, Dr. Height was one of our greatest civil rights leaders, a woman, who oftentimes, with the great men of the civil rights movement, had to make sure that a woman's voice, an African American woman's voice, was heard.

Dr. Height wore many hats literally and figuratively. I am going to miss her so much.

A couple of months ago, she insisted that I participate in the National Council of Negro Women's annual conference in Maryland. Dr. Height, of course, knows the schedule here on the Hill, and said, Well, just come out for the breakfast.

I said, Okay, Dr. Height.

I got there at, maybe, 7 o'clock in the morning. She was there to greet me at 7 a.m.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlewoman an additional 30 seconds.

Ms. LEE of California. You knew you were in the presence of greatness when you were with Dr. Height.

Whenever we called on Dr. Height, she was there to support our efforts. Just recently, for example, she joined the Congressional Black Caucus in our efforts here on the Hill to support the 2010 census. Her passion was an inspiration to all of us here in Congress. It is hard to imagine that, in the thirties, she provided a resistance movement in her efforts to desegregate the YWCA.

We are going to deeply miss her. We love her. We celebrate her life and mourn her death.

Madam Speaker, I rise today in support and as an original co-sponsor of this resolution honoring the life and legacy of a true American treasure—Dr. Dorothy Irene Height. I want to thank my colleagues MARCIA FUDGE and her staff and our leadership for working so quickly to get this resolution to the House floor. Today, I join with my House colleagues, the Congressional Black Caucus and people around the world as we celebrate the life of Dr. Height.

A Matriarch of the Civil Right Movement, staunch advocate for women's rights and all-around Grand Dame, Dr. Height was a bold and brilliant African American Woman, who blazed many trails and opened many doors so that we all may lead freer and more prosperous lives.

Throughout her life, Dr. Height wore many hats-both literally and figuratively—with elegance and dignity, excellence and determination. From her legendary stewardship as the National President and Delta Sigma Theta Sorority, Inc., to her unprecedented 41-year tenure at the helm of the National Council of Negro Women, Dr. Height was a woman of courage and strength.

Dr. Height's commitment to equality was reflected in so many of her pursuits. In the 1930s, Dr. Height traveled across the United States to encourage YWCA chapters to implemet interracial charters. After dedicating more than 60 years of her life to the YWCA, Dr. Height remained proudest of her efforts to direct YWCA's attention to issues of civil rights and racial justice. She was so committed to this work in fact, that the YWCA named Dr. Height the first director of its new Center for Racial Justice in 1965.

As a leader of the United Christian Youth Movement of North America, Dr. Height worked to desegregate the armed forces, prevent lynching, reform the criminal justice system, and establish free access to public accommodations. At a time when racial segregation was the standard and resistance to integration was often fierce, Dr. Height forever remained true to her convictions, even when it was not the comfortable thing to do.

A life-time advocate for peace, equality, and justice, Dr. Height was especially committed to empowering women and girls. She stood toe-to-toe with male civil rights leaders, steadfast in her dedication to ensure that black women's needs were addressed. She was forever dedicated to helping women achieve full and equal employment, pay, and education.

As the National President of the National Council of Negro Women, Dr. Height led the NCNW in helping women and families combat hunger. She also established the Women's Center for Education and Career Advancement in New York City to prepare women for entry level jobs. During her tenure as President of the NCNW, they were able to buy a beautiful building just a few blocks away from here at 633 Pennsylvania Avenue—a site where slave traders legally operated what was known as the "Center Slave Market". To this day it is the only African American-owned building on Pennsylvania Avenue, proving that she was not only a great leader, but an astute business woman as well.

Dr. Height remained a fighter until her last breath. During my time here in Congress and particularly as chair of the Congressional Black Caucus. I always knew that I could call on Dr. Height and she would be there to support our efforts.

Last year, she attended President Barack Obama's first signing of a bill into law at the White House—the Lilly Ledbetter Act. She was present for the unveiling of the Shirley Chisholm portrait and the bust of Sojourner Truth here in the Capitol. She worked diligently on various issues with the Black Women's Roundtable and the Black Leadership Forum and often participated in panels here on Capitol Hill. Just recently, she joined us in our efforts to support the 2010 Census.

Her passion was an inspiration to all of us here in Congress, and I was honored and privileged to call her a mentor and friend.

With the passing of Dr. Height, our Nation mourns the loss of a true national treasure. Dr. Height's leadership in the struggle for equality and human rights serves as an inspiration to all Americans. Her undying commitment to a just society and her vision for a better would undergirds the work of the Congressional Black Caucus, and the CBC is deeply grateful for her mentorship, wisdom, and guidance.

Today we mourn the loss, but celebrate the life and legacy of Dr. Height—a visionary and great humanitarian who gave us all so much. We love you Dr. Height and we promise to continue your legacy of service to all human kind.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina, Judge BUTTERFIELD.

Mr. BUTTERFIELD. Let me thank the chairman, my good friend Mr. CONYERS, for yielding me the time.

Mr. CONYERS, I didn't want our female colleagues to have a monopoly on the floor today. Plus, I wanted to come down and say a few words about Dr. Dorothy Height.

Madam Speaker, I had the privilege of knowing Dr. Height for at least 50 years. She and my mother, as well as Dr. Mary McLeod Bethune, were very good friends. They were all active participants in the National Council of Negro Women.

In the early 1950s, I would come to Washington, D.C., with my mother to attend those meetings. It was Dorothy Height and Mary McLeod Bethune who opened up the Willard Hotel for the women to have their convention. At that time, hotels in D.C. were segregated, and it was Dr. Height who helped open up the Willard Hotel for that purpose. At that time, she was helping to build the organization on behalf of Dr. Bethune, who was beginning to fail.

When I came to Congress 6 years ago, I brought with me a picture of the organization that was taken in 1942. I went over and presented it to Dorothy Height. She immediately recognized the picture and told me that it was taken in front of the Department of Labor in 1942. When I asked her where she was in the picture, Dr. Height told me, Well, honey, I was inside, doing the

work of the organization while the members were outside, taking the picture.

Thank you for the time, Mr. CONYERS. This was a lifetime of service to the American people and to African American women. I want to thank her for her service to equality, fairness, and inclusion.

Mr. POE of Texas. I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am delighted to yield 1 minute to the gentlewoman from the Virgin Islands, Dr. DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman, for yielding.

Madam Speaker, I rise today with my colleagues in support of this resolution honoring Dr. Dorothy Irene Height, who is the godmother of the women's movement, a leader in the fight for equality and justice for all Americans, one of the civil rights movement's greatest pioneers, and a true drum major of justice to the very end. It is because of her unwavering dedication, dogged determination, and invaluable leadership that many of us stand proudly here today. She motivated and inspired men and women of all creeds and colors here and the world over.

Today, our entire Nation stands with us to commemorate the passing of our beloved leader. While we mourn her loss, we joyously celebrate her full giving and meaningful life and her selfless visionary and rich legacy. She has passed the torch to those of us who remain. Let us carry it with pride.

My family, my staff, and the people of the Virgin Islands join me today in extending our deepest condolences to her family and loved ones.

Mr. POE of Texas. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan has 5 minutes remaining.

Mr. CONYERS. I yield myself such time as I may consume.

Madam Speaker, the recitations of many of the Members in memory of Dorothy Height have been marked by the personal knowledge and their own intimate relationship with her. I am no different from the rest.

I knew and worked with her on a regular basis. She was attending all of the functions. Up until recently, I could see her anywhere in Washington if there was a civil rights event or women's event, a national event, and so it was good to see her. Sure, she was slowing down, but most of us are anyway, so I appreciated that she was as stylish as has been referred to as always. She always had that spirit, and it is with great pleasure that I remember through the many occasions, starting from our first public meeting at the March on Washington in 1963. She, Dr. Martin Luther King, Jr., and Rosa Parks were very important figures as I participated in the struggle that would lead to the culmination of the great civil rights movement in American history. It is with fond memory that I remember her activity, her friendship, her helpfulness. I think that there may be some kind of national commemoration for her that might be appropriate now that we've reviewed all of the medals, commendations, and awards that she has received thus far.

I reserve the balance of my time.

Mr. POE of Texas. I reserve the balance of my time.

Mr. CONYERS. I am pleased now to yield 1 minute to the majority leader of the House, the gentleman from Maryland, the great STENY HOYER.

Mr. HOYER. I thank the chairman for yielding.

I want to thank Chairman CONYERS for his extraordinary leadership on behalf of the rights of all peoples. His role in the civil rights movement has been extraordinary, and it continues to this date.

Madam Speaker, I rise on behalf of this resolution and in memory of an extraordinary woman.

I had the privilege of knowing Dorothy Height for some four decades. That does not mean that I saw her regularly during those four decades, but I saw her frequently during those four decades. She also exuded the positive, constructive approach that she took to solving problems, to bringing people together. The historian Taylor Branch rightly called Dr. Height's brothers and sisters in the civil rights movement the ''modern founders of democracy.''

Today, we honor the legacy that she leaves behind. What a wonderful, long, productive, constructive, important life we honor in Dorothy Height.

Dorothy Height was an extraordinarily gracious human being. When meeting with her, I never failed to leave her side and not feel better. I would feel better about the relationship that I had with her and that she had with others as I saw her interface with others in the room, in the crowd, in the meeting. Dorothy Height was and is a giant. The Washington Post had on its front page today a very large picture of Dorothy Height. It was appropriate that, in the Nation's capital, Dorothy Height would be given such prominence, not for her death but for the life that she lived, for the contributions she made.

We are all better for Dorothy Height's life. We are all freer for Dorothy Height's life. We were lifted as a society by Dorothy Height and by those with whom she worked from a segregated society where the perception was that some Americans were not equal to other Americans. That was contrary to the premise articulated by Thomas Jefferson but not lived out by Thomas Jefferson and our Founding Fathers. Their premise was accurate, but their practice was not. Martin Luther King, Jr.; Dorothy Height; JOHN CONYERS; JOHN LEWIS, who serves with us; JIM CLYBURN, our whip; and so many others called America's attention to the fact that it was not living out the reality of its promise, not just to African Americans but to all Americans.

Dorothy Height showed extraordinary courage and conviction in the face of bigotry and discrimination. Like so many in this body who faced bigotry and discrimination, they did not allow that to poison their souls. They did not allow that to diminish their relationships even with those whom they saw as oppressors. To that extent, they rose above the conduct directed at them in order to change that conduct through love and positive engagement. Dorothy Height is a perfect example to all of us, young and old, who are participating in this society which, unfortunately, too often we see today falls into anger and confrontation rather than civility and discussion.

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I am worried about the anger that I see in the society today. In some respects I think not justified at the level that we find it. Yes, there is room for disagreement, but Dorothy Height shows us that notwithstanding the fact that there may be disagreement, notwithstanding the fact that there may be people who do not treat us as we would want to be treated, that the way to solve that is to do so constructively and civilly with debate that states the facts and the truth but does not devolve into hate and division.

So I am pleased to join my friend JOHN CONYERS. I came to Congress some 30 years ago, and we were talking about making Martin Luther King, Jr.'s birthday a national holiday, not a holiday to play but a holiday to recognize the contribution that was made then and the work that still remains to be done. JOHN CONYERS had me out in front of the Capitol on January 15 or close to that time every year, and I was so proud to stand with him and say to America let us recognize those who, as Taylor Branch has said, are the modern founders of democracy.

Thank you, Mr. Chairman, for your leadership. Thank you for bringing this resolution to the floor to recognize an extraordinary, wonderful, lovely person whose spirit enriched us all and enriched our country.

Mr. POE of Texas. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

I had to come down to the floor just to support this resolution.

I served as the co-chair of the 107th Women's Caucus, along with Juanita Millender-McDonald, and as we sat down to plan the events for the year, the first name that appeared on our

list was Dr. Dorothy Height. We had that event over in one of the hotels on the Hill, and it was the most interesting thing that I have been to. Dorothy Height was in her hat, as she always wore a hat. We all arrived in our hats. And I still have that hat hanging on my coat hanger in my house here in Washington, and every time I see it I always think of her.

Here was a person that had such a dramatic effect on our country. Such a strong personality, but everything that she did was with such great graciousness. And think of the times that she saw in her 98 years and what transpired in this country. And I think that Juanita Millender-McDonald would have been the first one down here too if she had not also passed on.

So that was a great year and it started off with a great event to have this wonderful person, Dorothy Height, be the speaker at our first event. And she did that with such grace, such gentleness; yet she always was very strong on her beliefs. And I would call her a change agent, but she did so with the civility that we don't often see, almost the white gloves mentality and the hats and the type of person that she was.

So I just wanted to come down and say that I really support that resolution and thank you for doing it.

Mr. CONYERS. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself the balance of my time to close.

I want to once again voice my support of this resolution. Dr. Height died at 98. The most important influential person in my life was my grandmother, who lived to her late 90s as well. Chairman CONYERS would like to know, of course, that she was a Roosevelt Democrat, never forgave me for being a Republican, but once we got past that, she made a lot of comments that influenced me and made a lot of statements that were true then and are true now.

She said that ''there is nothing more powerful than a woman who has made up her mind.'' I think that definition fits Dr. Dorothy Height. She made up her mind about two issues: civil rights and the equality of women in our society.

So today we honor her. I support this resolution and I urge its adoption.

Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I would like to close by thanking all the presenters, particularly singling out my dear friend on the Judiciary Committee, Judge POE, who has done a very good job here.

It occurred to me that Dorothy Height has already received so many awards, commendations, citations during her lifetime that if the distinguished President of the United States were to ask us what further could be done, I would recommend that there be some kind of event, bipartisan obviously, but one that draws in Americans who may not have participated in the struggles and the experiences that distinguished Dorothy Height's long career, and that might be a wonderful way for her to be remembered, as she no doubt will in the course of history as more and more historical books are written about her contribution going all the way back to the 1930s.

Mr. SCOTT of Virginia. Madam Speaker, our Nation mourns the loss of one of our most influential civil rights leaders, Dr. Dorothy I. Height, a native of Richmond, Virginia. Dr. Height spent the better part of her lifetime working to ensure that others would have the freedom to accomplish their dreams. As the only woman in the inner circle of leaders of the Civil Rights Movement, her presence provided the much needed female perspective on decisions made in the struggle to achieve equal rights for all Americans. Even though she was on the dais with Dr. Martin Luther King, Jr. as he delivered his ''I Have a Dream'' Speech in 1963, her integral role in the movement was not always known to the general public. That role was finally recognized nationally when President Clinton awarded Dr. Height the Medal of Freedom in 1994 and Congress awarded her the Congressional Gold Medal in 2004.

Dr. Height was an outspoken advocate for racial and gender equality both before and after the Civil Rights Movement. Her life of social activism spanned eight decades. From working as a caseworker with the New York City Welfare Department to her four decades as president of the National Council for Negro Women to serving as national president of Delta Sigma Theta, Dr. Height's life has touched countless Americans. Political leaders and heavyweights, such as Eleanor Roosevelt and Presidents Eisenhower and Johnson, regularly sought out her counsel and wisdom. Yesterday's loss is a heavy one. America owes Dr. Height a heavy debt of gratitude for her lifetime of selfless service to her fellow citizens. Our Nation is a better place because of her. She will be greatly missed.

Mr. AL GREEN of Texas. Madam Speaker, I am deeply saddened by the passing of legendary civil rights pioneer Dr. Dorothy Irene Height. I extend my heartfelt condolences to the family and friends of Dr. Height as our Nation mourns the loss of a true visionary, champion, and leader in the fight for civil rights and justice for all Americans.

Dr. Height began her career as a civil rights activist when she joined the National Council of Negro Women. She would later serve as president of the organization from 1957–1998. In her position with the Council, which connected nearly 4 million women worldwide, she tackled issues that affected women, including child care for working mothers, health and nutrition and providing adequate housing for families in need.

She also served as National President of Delta Sigma Theta Sorority, Incorporated from 1946–1957. She remained active with Delta Sigma Theta Sorority throughout her life. While there she developed leadership training programs and interracial and ecumenical education programs.

Widely recognized as one of the founding members of the Civil Rights movement, Dr. Height was awarded the Presidential Medal of Freedom in 1994 by President Bill Clinton. In 2004, she also received the Congressional Gold Medal.

In 1998, she told People magazine, ''I want to be remembered as someone who used herself and anything she could touch to work for justice and freedom. . . . I want to be remembered as one who tried.'' There is no doubt that Dr. Height will be remembered as someone who not only tried, but went a step beyond to secure liberty and justice for all Americans.

Dr. Dorothy Height's leadership in the struggle for equality and justice for all people will continue to serve as an inspiration to our Nation.

Mr. THOMPSON of Mississippi. Madam Speaker, today I rise to honor the life and legacy of one of the most prominent figures of the Civil Rights Movement, Dr. Dorothy Irene Height.

Dr. Height, a leading voice during the civil rights era, worked side by side with Dr. Martin Luther King, Jr. and other pioneers to bring about social justice and equality for African-Americans. Having faced racism much of her young life, she received a scholarship from Barnard College; however, she was turned away because the two-person quota for accepting black females had been reached . . . further thrusting her to fight vigorously to eliminate racial and gender inequality.

Dr. Height, described as the ''glue'' that held together the family of black civil rights leaders, was the most influential and often the only female voice at the table working to emphasize and amplify social injustice across this country.

Familiar with the strength, compassion and courage of women such as Fannie Lou Hamer, at the height of the civil rights movement, Dr. Height helped to organize ''Wednesdays in Mississippi'', a project to create a dialogue of understanding between both interracial and interfaith groups from the North and South.

Dr. Height, through her selfless acts and noble devotion to the movement, encouraged President Dwight D. Eisenhower to desegregate schools and President Lyndon B. Johnson to appoint African-American women to positions in government in the 1960s.

Dr. Height rose through the ranks of leadership and became the President of the National Council of Negro Women (NCNW) while simultaneously leading the Young Women's Christian Association (YWCA), an organization she had been discriminated against by as a child.

Additionally, Dr. Height served as the National President of Delta Sigma Theta Sorority, Incorporated from 1946–1957 and later helped from the National Black Family Reunion that celebrated and promoted the tradition, tenacity and history of the black family.

Today, I would like to honor the life and eternal legacy of one of our Nation's greatest heroes and humanitarians.

Dr. Height's legacy as one of the 20th century's social justice giants will live forever. Her

lifetime of contributions to education, gender equality and broad civil rights issues inspires all, as she was not afraid to tackle the biggest, most looming issues of her day.

For that, we are grateful and eternally indebted.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my strong support for H. Res 1281, Honoring the life and achievements of Dr. Dorothy Irene Height. I would also like to commend Representative FUDGE, the sponsor of this resolution, for her commitment to preserving the accomplishments of Dr. Height.

Madam Speaker, as a life-long crusader for women's rights, civil rights, racial justice and gender equality, the legacy of Dr. Height's efforts can be seen in many facets of American life, from school integration to voting rights, and fair labor standards.

Born in Richmond, VA in 1912, Dr. Height, the valedictorian of her high school class, soon encountered the first of many obstacles to equality that she would face, after being denied entrance to Barnard College due to discriminatory admissions practices. She later went on to graduate from New York University in 1932 and earned a masters degree in educational psychology the following year. Inspired by the efforts of Adam Clayton Powell Sr. and Mary McLeod Bethune, the president of the Harlem YWCA, she took as job on the staff of the YWCA in 1944, where she remained until 1975. From her position on the YWCA staff, Dr. Height was instrumental in providing leadership training and education, eventually organizing and directing the YWCA's Center for Racial Justice.

In 1957, Dr. Height was named the fourth president of the National Council of Negro Women, a position she maintained through the height of the civil rights movement. Over the next four decades, she would use her influence to develop a national platform for a wide range of issues regarding civil rights. The creator of programs such as Wednesdays in Mississippi, this 1960s effort brought together interracial groups of women to volunteer at Freedom schools and with voter registration drives, to improve education and civil rights across the State. She would later oversee the "pig bank" program through the 70s and 80s. The program was designed as a sustainable initiative to provide pigs to poor families throughout Mississippi.

Madam Speaker, although Dr. Height's work never drew the national recognition of other well known civil rights activists, her efforts have not gone unnoticed. This did not trouble her, however, as she once said, "If you worry about who is going to get credit, you don't get much work done".

She would go on to receive several honors including the Presidential Citizens Medal in 1989, the Franklin Delano Roosevelt Freedom from Want Award in 1993, and the Presidential Medal of Freedom in 1994. I applaud the House of Representatives for honoring Dr. Height's lifetime of leadership, her many cultural contributions to American society, and her service to her fellow citizens. Please join me in supporting this resolution.

Mr. CANTOR. Madam Speaker, today, I am honored to commemorate the life and many achievements of Dr. Dorothy Irene Height. Born in my hometown of Richmond, Virginia on March 24, 1912, Dr. Height became a leader and national champion of the civil rights movement.

As one of the only women at the table when contemporaries like Reverend Dr. Martin Luther King, Jr. and others were formulating plans for the civil rights movement, Dr. Height distinguished herself as a civil rights activist and leader. Faced with many obstacles, Dorothy overcame each and every challenge taking on many leadership roles throughout her career, including President of the National Council of Negro Women (NCNW), President of Delta Sigma Theta Sorority, and her thirty-three years of service with the Young Women's Christian Association (YWCA).

Her wise counsel has been sought by many American leaders such as First Lady Eleanor Roosevelt. She has also earned several awards, including the Presidential Medal of Freedom an I was proud to add my name to a bill in 2003 that was supported unanimously in Congress to award Dr. Height the Congressional Gold Medal. Though we are saddened by Dr. Height's recent passing, it is my firm belief that she will be an inspiration for future generations of Americans and will always be remembered for her hard work, courage, and determination in the fight for equality and opportunity for all.

Mr. VAN HOLLEN. Madam Speaker, I rise today as a cosponsor of this resolution to honor and celebrate the life of Dr. Dorothy Irene Height.

Widely recognized as the godmother of the civil rights movement, Dr. Height devoted her life to the cause of equality and justice for all people. A social worker by training, Dr. Height served on the staff of the Young Women's Christian Association for thirty three years and as president of the National Council of Negro Women for four decades. With uncommon dignity and her trademark hats, Dr. Height advised Presidents from Dwight Eisenhower to Barack Obama. In the 1960s, she organized the "Wednesdays in Mississippi" initiative to further understanding between white women and black women in the north and the south. She penned a regular column called "A Woman's Word" in the venerable African-American weekly the New York Amsterdam News. And she chronicled her unique experience in the leadership of the civil rights movement in her 2005 memoir "Open Wide The Freedom Gates". For her service to our nation, Dr. Height was presented with the Presidential Citizens Medal by President Reagan in 1989, the Presidential Medal of Honor from President Clinton in 1994 and the Congressional Medal of Honor in 2004.

Today, I add my voice to those celebrating her life's work and achievements, and I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. Madam Speaker, I was saddened to hear of the loss of one of the foremost leaders of the civil rights movement and a true national treasure, Dr. Dorothy Height. I always say, when you're born you get a birth certificate, and when you die you get a death certificate—but it's what you do with the dash in between that really matters. And that saying really encapsulates the essence of Dorothy Height's life.

As an African-American woman and long-time Member of the Congressional Black Caucus, I am particularly grateful for the courage, wisdom and determination she employed to create opportunities for women and for African Americans in our country.

Dorothy Height began her career in 1937 by serving those in dire need as a welfare caseworker and had the ear of every President since Eisenhower. Most recently, she was an honored guest and seated dignitaries at the inauguration of President Barack Obama. Along the way, Dr. Height was behind every major civil rights movement and progressive effort for social change throughout the century.

As president of the National Council of Negro Women for four decades, she tackled issues that affected all women, including child care for working mothers, health and nutrition, as well as providing housing for families in need. As a civil rights activist, Dr. Height participated in protests in Harlem during the 1930s, and went on to be instrumental in lobbying first lady Eleanor Roosevelt on behalf of civil rights causes a few years later. Dr. Height was also a key player in advocating for President Dwight D. Eisenhower to move more aggressively on school desegregation issues. Dr. Height is one of two people to earn all three of our nation's highest civilian honors: the Presidential Citizens Award (1989), the Presidential Medal of Freedom (1994) and the Congressional Gold Medal (2004).

My thoughts and prayers are with the family, friends, and loved ones of Dr. Dorothy Height. The nation will never forget her, the mother of the civil rights movement, especially those of us who have followed her lead in working for social justice.

Mrs. MALONEY. Madam Speaker, today we mourn the loss of Dr. Dorothy Height, a true American hero, who worked tirelessly throughout her 98 years to make the world better as a leader, activist, and counselor in the civil rights and women's rights movements. In 2004, I was privileged to support legislation that honored Dr. Height with the Congressional Gold Medal, the highest award Congress can bestow. Dr. Height led a remarkable life and made a significant difference in the lives of so many others.

After earning degrees at New York University, Dr. Height joined the staff of the Harlem YMCA. There she met human rights activists First Lady Eleanor Roosevelt and educator Mary McLeod Bethune. Her encounter with Dr. Bethune led to Dr. Height's involvement with the National Council of Negro Women (NCNW), an organization she would come to lead as president for four decades. Dr. Height was a tremendous mediator and minister during times of great civil rights strife, such as after the 1935 riots in Harlem and then again in 1963, at the request of Dr. Martin Luther King, Jr., she traveled to Birmingham, Alabama, after a bomb killed four African American girls in a church.

Called the queen of the civil rights movement, Dr. Height was often the only woman at key moments in civil rights history and we are indebted to her for keeping women's rights and equality in the fore. During her tenure with NCNW, Dr. Height instituted programs to establish dialogue between interracial groups of women, to expand business ownership by women, to celebrate women's history at the Bethune Museum and Archives, and to monitor human rights around the world.

In addition to her efforts to overcome racial prejudices and for full voting rights of all, she also fought for school desegregation, for access to decent housing, and for better employment opportunities. It seems only fitting that we honor the legacy of Dr. Height on Equal Pay Day, a day each April intended to bring awareness to the inequalities that still exist in our society. Dr. Height was at the White House ceremony when President Kennedy signed the Equal Pay Act and was there again when President Clinton marked the 35th anniversary of the legislation.

Dr. Height was apt to tell her colleagues at NCNW to continue their efforts to address issues of social concern. In gratitude for everything she has done, we are inspired to continue with her life's dedication to expand civil rights and equality for all.

Mr. HOLT. Madam Speaker, I rise today to support the resolution commemorating and celebrating the life of Dorothy Height, a woman of petite stature but enormous presence, and the only woman included among the "Big Six" most renowned civil rights leaders: the Reverend Dr. Martin Luther King, Jr., James Farmer, our own esteemed colleague JOHN LEWIS, A. Philip Randolph, Roy Wilkins, Whitney Young, and Dorothy Height.

Dorothy Height exemplified the spirit of democracy like perhaps no one else.The daughter of a building contractor, James Edward Height, and a nurse, Fannie Burroughs Height, she rose to national prominence and leadership from humble beginnings. She was prepared to lead the charge, even when it meant being a lone figure; she was the only woman on the speaker's platform when Dr. Martin Luther King, Jr. gave his "I Have A Dream" speech. She combated the challenges facing African Americans from every angle; in 1936 in New York, she participated in a protest against lynchings. She advocated an end to segregation in the military, fought for a fairer legal system, and worked to end racial restrictions on access to public transportation. During the 1950s, she worked on voter registration drives in the South.

But she also understood the economic underpinnings of the same challenges. Following her work to achieve major civil rights victories in the 1960s, Height shifted her focus to supporting initiatives aimed at eliminating poverty among southern blacks, such as home ownership programs and child care centers. Among her more creative efforts, Ms. Height instituted a so-called pig bank, through which poor black families were provided with a pig of their own, a prize commodity in the early 1960s. Despite the violence and dangers of the time, during Height's years as a civil rights activist, she never acquired a reputation as a radical or militant. She simply steadfastly moved forward, seamlessly removing barriers for all who followed.

In a 2001 interview, Height expressed bittersweet feelings for the earlier years of her work, noting that sit-ins and protest marches had been replaced by lobbying for legislation. The power and momentum behind the struggle for desegregation and voting rights had been replaced by the comparative quietude of pursuits for economic opportunity, educational equality, and an end to racial profiling. She asked where the country would be if the "vigor placed in fighting slavery and in the women's movement had kept pace."

Even without that, her accomplishments and awards fill pages. Height is perhaps best known for her four decades of work with the National Council of Negro Women, the Washington, DC, headquarters of which stands just steps from where slaves were once traded in the shadow of the U.S. Capitol. She has served as advisor on civil rights matters to U.S. Presidents going back to Eisenhower, as well as advising and traveling with programs sponsored by the Council to the White House Conference, UNESCO, the Institute on Human Relations of the American Jewish Committee, USAID, and the United States Information Agency, among other organizations. Her unparalleled contributions to the advancement of women's rights, civil rights, and human rights have earned her dozens of awards including the 1993 NAACP Springarn Medal, a Presidential Medal of Freedom Award, presented by Bill Clinton in 1994, and a Congressional Gold Medal by President George W. Bush in 2004.

In addition, during her lifetime of service, Dr. Height has been presented with more than three dozen honorary degrees, including doctorates from institutions including Tuskegee, Harvard and Princeton Universities. But the one that undoubtedly mattered the most was her receipt of the equivalent of a bachelor's degree in 2004 from Barnard College, 75 years after the College had turned her away because it had already enrolled its quota of two African American females that year.

Dorothy Height was a pillar of the civil rights movement, and will be dearly missed by us all. I am deeply saddened at her passing but everlastingly uplifted by her life's work.

Mr. CUMMINGS. Madam Speaker, I rise today in support of H. Res. 1281 and to mourn the loss of a strong voice for greater justice and equality in our Nation, Ms. Dorothy Height.

In the 1950s and 60s, women were expected to stay at home, and stay out of the spotlight. Dorothy Height broke through those boundaries and became a role model for women, engraving her message of universal human dignity into the mantle of our society. In fact, she exploded past her boundaries, to not only make her voice heard, but make it relevant.

The glass ceiling faced by women would hardly be the only barrier that Ms. Height would demolish. At a time when she showed great courage with every word she spoke as a powerful woman, that bravery was magnified by her voice being heard as a proud Black woman. She stood—like a prophetess of old—in defense of the principle that all men and all women are created equal, and are deserving of equal rights.

Dorothy Height was a woman of stunning dedication, discipline and vision. Although, at times, she may have been overshadowed in the press and the history books by the men of the Civil Rights movement, she will never be forgotten in the hearts and minds of the millions whom she touched.

When Dorothy Height stood with Martin Luther King, Jr., on the steps of the Lincoln Memorial as he delivered his famous "I have a dream" speech, she stood tall in her own right as both a woman, and as a leader.

During the continuing civil rights struggles of the 1960s, Dorothy Height worked tirelessly to advance our cause. The Movement's success owes as much to her determination as it does to the more well-known legacies of Dr. King, Roy Wilkins, A. Philip Randolph, Whitney Young, James Farmer, and Bayard Rustin.

Ms. Height left no avenue untraveled in her march toward Dr. King's "beloved society." She brought together Black and white women to initiate a dialogue of understanding; wrote weekly columns in the New York Amsterdam News, a weekly African American newspaper; promoted community development programs in Africa; and served on numerous committees to this end.

In particular, Dorothy Height's work within the National Council of Negro Women encouraged positive and lasting change in our Nation. She served as the President of the Council for 40 years, retiring in 1997. From her bully pulpit as President, Dorothy Height advocated for equality for both African Americans and women. She emphasized self-help and reliance, even as she encouraged practical programs in nutrition, child care, housing and career counseling.

Madam Speaker, I was deeply gratified when Dorothy Height was awarded the Congressional Gold Medal in 2004, one of the most deserved awards that we have ever bestowed. With her passing, millions of women—and men—have lost a role model, and America has lost one of our true treasures.

My prayers are with Ms. Height's family and friends during their time of loss.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1281.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## COMMEMORATING 40TH ANNIVERSARY OF EARTH DAY

Ms. SPEIER. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 255) commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 255

Whereas Gaylord Nelson, former United States Senator from Wisconsin, is recognized as one of the leading environmentalists of the 20th Century who helped launch an international era of environmental awareness and activism;

Whereas Gaylord Nelson grew up in Clear Lake, Wisconsin, and rose to national prominence while exemplifying the progressive values instilled in him;

Whereas Gaylord Nelson served with distinction in the Wisconsin State Senate from 1949 to 1959, as Governor of the State of Wisconsin from 1959 to 1963, and in the United States Senate from 1963 to 1981;

Whereas Gaylord Nelson founded Earth Day, which was first celebrated on April 22, 1970, by 20 million people across the United States, making the celebration the largest environmental grassroots event in history at that time;

Whereas Gaylord Nelson called on Americans to hold their elected officials accountable for protecting their health and the natural environment on that first Earth Day, an action which launched the Environmental Decade, an unparalleled period of legislative and grassroots activity that resulted in passage of 28 major pieces of environmental legislation from 1970 to 1980, including the Clean Air Act, the Clean Water Act, and the National Environmental Education Act;

Whereas Gaylord Nelson was responsible for legislation that created the Apostle Islands National Lakeshore and the St. Croix Wild and Scenic Riverway and protected other important Wisconsin and national treasures;

Whereas Gaylord Nelson sponsored legislation to ban phosphates in household detergents and to ban the use of Dichlorodiphenyltrichloroethane (DDT), and he worked tirelessly to ensure clean water and clean air for all Americans;

Whereas in addition to his environmental leadership, Gaylord Nelson fought for civil rights, enlisted for the War on Poverty, challenged drug companies and tire manufacturers to protect consumers, and stood up to Senator Joe McCarthy and the House Un-American Activities Committee to defend and protect civil liberties;

Whereas Gaylord Nelson was a patriot, who as a young soldier honorably served 46 months in the Armed Forces during World War II, and then, as Senator, worked to ban the use of the toxic defoliant Agent Orange;

Whereas, in 1995, Gaylord Nelson was awarded the highest honor accorded civilians in the United States, the Presidential Medal of Freedom;

Whereas Gaylord Nelson's legacy includes generations of Americans who have grown up with an environmental ethic and an appreciation and understanding of their roles as stewards of the environment and the planet; and

Whereas Gaylord Nelson was an extraordinary statesman, public servant, environmentalist, husband, father, and friend, and who never let disagreement on the issues become personal or partisan: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That Congress commemorates the 40th anniversary of Earth Day and honors the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. SPEIER) and the gentleman from Arizona (Mr. FLAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. SPEIER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SPEIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 255. This measure was introduced by my colleague the gentleman from Wisconsin (Mr. OBEY) on March 19, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported by unanimous consent on April 14 of this year. The measure has the support of 70 cosponsors.

Madam Speaker, tomorrow marks the 40th anniversary of Earth Day. Our planet faces serious environmental challenges, challenges we must face not just in the coming years but now. Right now.

The effects of the most serious challenge, global climate change, are happening today, and if we do not act deliberately now, right now, the future consequences for our country and our planet will be grave. I encourage everyone working towards this end to continue their efforts, and I hope that we in Congress will stand up and demonstrate further leadership to address this threat.

Of course, Earth Day is also a reminder of the other environmental challenges we face, such as developing sustainable and renewable sources of energy, preserving wildlife and their habitat, protecting our water and our air, cleaning up pollution, and so much more. As Representatives, I encourage all of us to stand with our constituents this week who are lending their time and services to activities to clean up our environment. Across the country thousands of events have been organized in the cities, in the countryside, along our roadways and parks and on our beautiful coast to put words into action.

One town in my district expects over 5,000 people to dedicate their time and effort to clean up the local shoreline, and I will be there, and I know that all of my colleagues will be just as fortunate to witness similar local efforts in their districts.

Earth Day is truly about service and it's a great opportunity for friends and neighbors to come together on behalf of our planet. The relationships we can build with one another as we do this work are lasting, and I am confident that they will foster even greater work in the years to come.

Once again, it is incumbent upon us in Congress to transform the work our constituents do at the local level into solutions for our country. Protecting the environment is the right thing to do, but as we all know, it's also a win-win for our economy and for our national security.

We have made great strides on this front since the first Earth Day. The 1970s saw the establishment of the Environmental Protection Agency as well as a series of important environmental laws, including the Clean Air Act, the Endangered Species Act, and the Safe Drinking Water Act. But much work still lies ahead, and, unfortunately, some of our most important environmental policies have been watered down in recent years. No pun intended.

However, I know that the efforts of millions of people in the United States and around the world who support the goals and ideals of Earth Day will pay off. I commend them for their work, and I look forward to seeing what we in Congress will further do to support them.

Madam Speaker, I reserve the balance of my time.

Mr. FLAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 255, commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, former Senator Gaylord Nelson of Wisconsin.

For the past 40 years, citizens all across the United States have come together once a year to celebrate the wonder of planet Earth on Earth Day. Every April 22 Americans from all parts of the country, from coastal regions to mountainous regions to forested regions and the many other incredibly diverse regions of this country, take time to admire and enjoy the beauty and splendor of our environment. Earth Day allows all people to realize the importance of ensuring that our children and grandchildren can continue to enjoy the beauty of the planet for generations to come.

□ 1330

Senator Gaylord Nelson of Wisconsin founded Earth Day because of his love for our planet and the environment. As Senator Nelson said in a speech on Earth Day, ''Earth Day is dramatic evidence of the broad new national concern that cuts across generations and ideologies. It may be symbolic of a new communication between young and old about values and priorities.''

A veteran of World War II and Governor of Wisconsin, Gaylord Nelson served in the Senate from 1963 to 1981. During his career in both State and national politics, he promoted many environmental causes and worked tirelessly to preserve the planet for future generations. In 1995, he received the Presidential Medal of Freedom for his public service throughout his career. Despite his many accomplishments, Earth Day was his most important and lasting legacy.

Just on a personal note, one thing that he advocated, and I think we advocate with Earth Day, is to get outside in the environment and enjoy what's around us. Last year I did that to the extreme, I think. I was dropped off on a little island in the middle of the Pacific. And for a week I didn't see another person, I didn't see a plane, I

didn't see an automobile, I didn't see a boat, I saw nothing. Just a lot of fish and hermit crabs and others.

Mr. KIND. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. KIND. What the gentleman, my good friend from Arizona, is alluding to is his week of isolation on an island in the South Pacific all by himself communing and being one with nature. And I think he has assured me that I could be his special agent when Hollywood comes calling to do the reality TV show of having a Member of Congress stranded on some deserted island for a while contemplating the deeper thoughts and philosophy of life. So I am ready to go when he is ready to go with that Hollywood production.

Mr. FLAKE. I thank the gentleman for that. I doubt I will need an agent or that they will come calling. Contrary to popular belief, this was not a metaphor for the fate of congressional Republicans, being isolated on an island either.

But it was a great opportunity, without any outside influences at all, to be there and to see nature at its finest.

With that, I reserve the balance of my time.

Ms. SPEIER. Madam Speaker, I am glad the gentleman from Arizona said that and not me.

I now have the pleasure of yielding 5 minutes to the gentleman who is the author of this legislation, and a great leader from the State of Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman for the time.

Madam Speaker, 41 years ago my friend and mentor, Wisconsin Senator Gaylord Nelson, had a surprisingly simple idea. At the time, the country was fighting an unpopular and unwinnable war, and students were rising up in protest and holding teach-ins on college campuses all over the country. Senator Nelson looked around him and realized that those teach-ins were an invaluable tool in helping to educate people and calling attention to the need to end the war once and for all.

In 1969, when the Senate contained such environmental giants as Ed Muskie, Scoop Jackson, Gaylord Nelson, and Bob Stafford, he gave a pivotal speech at the Seattle Science Center. In that speech he suggested that just as Americans had been involved in teach-ins to protest the Vietnam war, that they should also set aside a day to call attention to the environmental problems facing the planet and to demand real leadership from public officials on producing solutions. Wire services carried the story from coast to coast. And as history shows, the response was overwhelmingly positive. Earth Day was born.

The first Earth Day launched an Environmental Decade, an unparalleled period of legislative and grassroots activity that resulted in passage of 28 major pieces of environmental legislation from 1970 to 1980 alone, including the Clean Air Act, the Clean Water Act, the National Environmental Quality Education Act, the Wild and Scenic Rivers Act, and others. And Gaylord was at the center of them all.

Forty years later his legacy endures, and half a billion people in 180 countries are expected to gather this week to help clean up their communities and to demand leadership and real solutions to the very real problems facing the planet today, problems like toxic pollution, mercury in our air and water, and climate change.

As we celebrate the 40th anniversary of Earth Day, it is fitting that we pass this resolution honoring the founding father of that day. When he initially set the date for it he was roundly criticized by, of all groups, the John Birch Society, because they attacked him for selecting the same day that Lenin was born. Gaylord pointed out that since there were only 365 days in a year, that each day was bound to be the birthday of both good and bad people throughout the world. And he pointed out, for instance, that, yes, it was the birthday of Lenin, but it was also the birthday of St. Francis of Assisi. But he said, ''more importantly, it's also the birthday of my Aunt Tilly.''

Without the leadership of the late Senator Gaylord Nelson, the air we breathe would not be as clean, we would not be swimming in lakes and rivers as safe as they are today, and we would not be enjoying the beauty of public lands that we were able to protect under the laws he championed. We are certainly a long way away from perfection on those grounds, but we are a whole lot better off than we were when Gaylord started the movement. And we would not be holding Earth Day celebrations around the globe each April 22nd either.

Today we honor Gaylord Nelson and celebrate the 40th anniversary of Earth Day. No wonder he was awarded the Nation's highest civilian honor, the Presidential Medal of Freedom, by President Clinton in 1995. His leadership is still felt today.

Mr. FLAKE. I continue to reserve my time.

Ms. SPEIER. Madam Speaker, I would now like to yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my good friend from California for yielding me this time.

Madam Speaker, I thank my friend from California and my friend from Arizona for managing this resolution. I proudly rise in support of the resolution commemorating not only the 40th anniversary of an important day in all of our lives, Earth Day, but especially to pay tribute to the father of Earth Day, a political hero of mine as a kid growing up, a member of the greatest generation who fought and served during the Second World War, a political icon still in the State of Wisconsin and throughout the Nation and the rest of the world, former Senator Gaylord Nelson.

I am sure that if young Gaylord was told as a kid growing up in Clear Lake, Wisconsin, which is close to my wife's hometown of Cumberland, a population of less than 400 people, that he would one day rise and become the father of the modern environmental movement and the creator of Earth Day, which is celebrated in over 167 Nations throughout the globe on April 22nd, he would have thought you were kidding. It's a true American success story. He lived the all-American story.

And he left an important legacy and a reminder to all of us as inhabitants on this beautiful, yet very fragile planet of ours, that we are mere stewards of the precious resources that the good Lord has saw fit to bless us with. And as stewards of those resources, we have a special moral and personal responsibility to utilize those resources reasonably and sensibly, so we leave a legacy to future generations to also be good stewards of this planet.

I am proud to represent a congressional district in western Wisconsin which was actually home to the very first watershed project throughout the United States in the Coon Valley area, which became the model of what is today the current conservation title of our farm bills. The title is based on voluntary and incentive-based land and water conservation programs that our farmers are able to utilize in order to set up sound land and water management practices on their farms. And it has spread nationwide.

Gaylord Nelson and his wife were the subject of a chapter in Tom Brokaw's book The Greatest Generation. Like everyone in this Great Generation, he was an ordinary individual who did extraordinary things.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SPEIER. I yield the gentleman 1 additional minute.

Mr. KIND. Today I still miss Senator Nelson greatly. As a young Member of Congress, I always made a point of calling him in his office in Washington at least once a week just to discuss the issues of the day, get his feedback on the policy proposals that we were working on and seek his guidance.

I am still a proud member of the Natural Resources Committee. With the work I was doing there, I was able to work very closely with Gaylord Nelson, trying to enhance his legacy. But he knew, as I hope all of us realize, that Earth Day is not an event to be celebrated just one day a year, but a mission to practice each and every day throughout the year. It is that message especially to the younger generation

that I think is his greatest legacy, where the Earth Day lessons are being taught in schools and school rooms throughout the Nation and throughout the world at least on April 22nd, if not more throughout the year.

I commend the leadership and especially Representative OBEY for bringing this resolution and encourage my colleagues to support it.

Mr. FLAKE. Madam Speaker, in closing, I just want to urge my colleagues to support the resolution. It's a great cause. And certainly I think we all owe it to our constituents and to the country to recognize the stewardship that we have to ensure that we pass on the planet as good as we got it or better to future generations.

Mr. PRICE of North Carolina. Madam Speaker, today is the 40th anniversary of Earth Day, the annual global celebration of the bounty and natural wonders of our planet and a reminder of our individual and collective obligation to be good stewards of it.

Managing our natural resources and minimizing the impact of human activity on the environment are both profound and fundamental responsibilities. The very survival of the human race depends upon our ability to effectively fulfill these responsibilities.

Since April 22, 1970, people have gathered on this day to renew their commitment to making our planet greener and healthier, and to encourage their leaders to take action on critical environmental policy issues.

We have made substantial progress since that first Earth Day, when twenty million eco-pioneers brought environmental protection to the forefront of the national consciousness. Their advocacy gave birth to the green movement and a green generation that has been critical in shaping our society. The green generation spearheaded community support for passage of the laws that we still rely on to improve the quality of the air we breathe, ensure the availability of clean drinking water, and protect endangered species and fragile ecosystems.

But this struggle is not over. We continue to face significant environmental challenges, and as a nation, we must pursue policies that promote responsible stewardship here at home and provide leadership in the global arena as well.

Perhaps our most acute challenge—and one we have ignored for far too long—is climate change. This is no idle threat: Scientists tell us that we must reduce emissions by roughly 80 percent by mid-century to avoid a dangerous climate tipping point. As the world's largest per capita emitter of greenhouse gases, our nation has a unique responsibility to work towards a comprehensive emissions solution that includes a 21st century energy policy. We must find the political will to do just that.

We took a significant step forward in December, when President Obama played a critical role in establishing the international Copenhagen Accord. Although this is a non-binding agreement, it represents a major departure from the prior Administration's abandonment of the Kyoto Protocol, and demonstrates our nation's commitment to being a partner and a leader in finding a global solution to climate change.

I applaud the President's leadership on this issue and urge him to continue working with Congress to develop comprehensive, science-based legislation to provide climate and energy security for us and the generations to come. The House has approved robust legislation to address this issue, and today I call on my Senate colleagues to move forward as well.

I also urge the President and my colleagues in Congress to continue to promote policies that safeguard the environment and facilitate sound management of our natural resources. And I encourage all Americans to renew their commitment to the environment and to take actions in their individual lives to reflect it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 255 to commemorate the 40th anniversary of Earth Day and to honor its founder, the late Senator Gaylord Nelson.

Every year we celebrate Earth Day to raise awareness about environmental issues and recognize the importance of protecting our planet. As we become a more modern and developed society, it is becoming increasingly necessary to take steps to ensure a green future. In truth, we have come a long way in the last 40 years with regard to protecting our environment, but we still have a long way to go to make sustainable development a priority.

Of particular importance is the need to protect two of our most precious resources—clean water and clean air—which every person on this planet has an interest in protecting. In the United States, protections over waters and wetlands are essential to ensuring a long-term, sustainable water supply for the American people. When rivers and streams are placed at risk of pollution, many cities and communities which depend on these water bodies for sources of drinking water are equally placed at risk.

Additionally, clean air is one of the most basic necessities of life, and pollutants in our air can have devastating effects on both our health and our environment. Numerous studies that have shown that air pollution an cause respiratory and cardiovascular problems as well as result in asthma and other long-term and chronic health conditions. We must work to ensure that our air is clean and not polluted for the betterment of all people.

Madam Speaker, truly, the coming generations deserve to inherit a healthy planet with clean drinking water and clean air, and it is up to us to ensure that they do. I encourage all of our citizens to take a moment on this holiday to reflect on what they can do as individuals to help the environment, not just for us, but for people around the world as well. I ask my fellow colleagues to join me today in supporting this resolution that recognizes Earth Day and will help raise awareness for the need to protect our environment.

Mr. CONYERS. Madam Speaker, I rise in support of H. Con. Res. 255, to commemorate the 40th anniversary of Earth Day and to honor its founder, Senator Gaylord Nelson from Wisconsin. I was in Congress in 1969 when Senator Nelson proposed a national teach-in so that people across the country could show their elected officials that they wanted environmental protections to be included in the national agenda. The following spring, it is estimated that nearly 20 million Americans participated in environmental awareness and education events in schools and communities across the country on the first Earth Day. Like the civil rights movement and antiwar movement earlier that decade, this grassroots movement brought this issue to the forefront, and impacted the national political agenda.

Our country has made great strides in protecting our environment in the past 40 years. The Environmental Protection Agency was founded, and several historic bills including the Clean Air Act and Clean Water Act were passed to address pollution and environmental degradation. Since then, the Federal Government has instituted additional measures to protect our air, land, food, water and homes from chemicals, waste and pollution.

The 111th Congress has continued this legacy to preserve and protect our resources by focusing on increasing energy efficiency. The American Recovery and Reinvestment Act invested billions of dollars in clean energy, green jobs and the research and development of innovative equipment, including advanced battery technology. I was proud to support the American Clean Energy and Security Act of 2009, which would reduce pollution and ensure that our country becomes more energy independent by utilizing renewable energy and domestic alternatives to foreign oil.

While much progress has been made, many of the environmental issues that worried Senator Nelson still exist and new ones have emerged. Additionally, it is common to see the devastating impacts of environmental degradation in low-income urban and rural communities, where residents face health issues related to industrialization and the mismanagement of waste.

I encourage all Americans to take small steps to make their households, places of work and neighborhoods more environmentally friendly. I look forward to working with my colleagues on policy that echo Senator Nelson's mission of improving the health of environment so that our air, land and water are protected for future generations, regardless of where they live.

Mr. VAN HOLLEN. Madam Speaker, I rise to commemorate the 40th anniversary of Earth Day and, in particular, to honor Earth Day's Founder, the late Senator Gaylord Nelson (D–WI), whom I am proud to say chose to spend the latter part of his career in my hometown of Kensington, MD.

Senator Nelson's public service spanned more than three decades, including two terms as Governor and three terms as Senator from the state of Wisconsin. Although active on issues ranging from civil rights to consumer protection to the Vietnam War, Senator Nelson was perhaps best known for his pioneering advocacy on behalf of the environment. He cosponsored the 1964 Wilderness Act, and successfully fought for legislation protecting the Appalachian Trail, banning DDT and curbing phosphate detergent.

In 1970, Senator Nelson's call for a day of education and action on behalf of the environment drew 20 million people from across the United States to participate in the very first

Earth Day. Since then, Earth Day has grown to become an international event involving 500 million people from 175 countries around the world.

After leaving the Senate in 1981, Senator Nelson joined the Wilderness Society as its first Chairman and continued to serve the organization until shortly before his passing in 2005. Senator Nelson received the Presidential Medal of Freedom from President Clinton in 1995 and was recognized along with President Teddy Roosevelt as one of the two most important political figures of the 20th Century by the Audubon Society. He was an extraordinary public servant, who was famously well liked by colleagues from across the political spectrum.

As we celebrate the 40th anniversary of Earth Day tomorrow, it is fitting that we pause to remember the vision of its remarkable founder Gaylord Nelson and recommit ourselves to the necessity of a healthy and sustainable environment that was his life's work.

Mr. COHEN. Madam Speaker, under the leadership of Speaker PELOSI, the 111th Congress has passed some of the most extensive and ambitious environmental legislation this country has seen since the 1970s. So it brings me great pleasure to be here in the House of Representatives to celebrate the 40th anniversary of Earth Day.

Such legislation includes the Recovery Act, which I was proud to support and has made historic job-creating investments in a clean energy future that will provide hundreds of thousands of jobs. The House also passed clean energy jobs legislation that enhances the American manufacturing base and will make the U.S. a world leader in new energy technologies.

Additionally, I recently introduced the 10 Million Solar Roofs and 10 Million Gallons of Solar Water Heating Act, which will provide valuable cash rebates for the creation of 10 million small power plants located on the roofs of American homes and businesses throughout the country. This legislation will also create an estimated 1.35 million direct and indirect jobs, lower energy costs, strengthen the economy, and put America on the path to energy independence.

Corporate interests have spent millions espousing mistruths and presenting a false choice to the American people—the idea that efforts to preserve our planet and ensure our own survival will destroy the American economy. However, this Congress has exposed these claims for what they really are—lies. The 111th Congress has proven that we can indeed strengthen the American economy and ensure that all Americans can breathe cleaner air and drink cleaner water, and I am honored and proud to have been a part of such a historic effort.

Ms. MATSUI. Madam Speaker, I rise today to celebrate the 40th annual Earth Day.

Each year Earth Day offers us an opportunity to reflect on the progress we have made toward protecting our environment and the work that we still need to do.

Now more than ever, we have an historic opportunity to take action to limit the harmful effects of climate change and create the clean energy economy of the future.

And there is no reason why America shouldn't be at the forefront of this new economy—and my hometown of Sacramento is helping to lead that effort.

To date, our area has among the highest federal funding levels through the Recovery Act and other grants to support investments in clean-tech and energy efficiency projects, including SmartGrid.

Madam Speaker, Sacramento's efforts are helping to lay the groundwork for renewed economic prosperity for our country, create good jobs, and will provide enormous benefits to our environment at the same time.

Mr. LUJÁN. Madam Speaker, it would be easy to get depressed on Earth Day, when the challenges to saving the world just seem to keep growing.

Still, right in Santa Fe's backyard, people are making strides simple and ambitious to live lighter on the Earth.

That is what the Santa Fe New Mexican said today on Earth Day.

And that is where we are making a difference—with efforts large and small.

We have groups like Santa Fe Youthworks—building homes that use less energy and empowering at risk students.

Families are caulking their home and using more energy efficient light bulbs.

Too often we miss signs of progress amidst the great work that remains to be done like taking on climate change, diminishing energy resources, and polluted lands and water. But every day each of us can, and must, make a difference toward a cleaner world.

Mr. KIND. Madam Speaker, I rise today in strong support of this resolution to honor one of Wisconsin's greatest Senators, the late Gaylord Nelson, the founder of Earth Day. Tomorrow, we will celebrate the 40th anniversary of this important day, and just as Senator Nelson envisioned, people across the country will reflect on the importance of conservation and environmental stewardship.

When Gaylord Nelson founded Earth Day 40 years ago, environmental protection was an issue of little importance to most Americans. Today, I know he would be proud to see how far we've come. Thanks to his foresight and leadership, environmental stewardship is one of the top issues in American politics and society.

Not only has the issue risen here in Washington, but now American citizens and businesses large and small are doing their part to protect our environment and create the innovative industries of the future. Public and private investment in green technology and renewable energy can reduce our dependence on foreign oil, re-invigorate our economy, and create new jobs. In fact, the area I represent in western Wisconsin has abundant natural resources that could help the area become a leader in clean energy innovation.

As we celebrate the 40th anniversary of Earth Day, it is important to realize that as good stewards of the planet, we must work to do our part to conserve energy, restore our environment and take care of this place we call home. We can all do more to lower our carbon footprints. Simple steps such as using energy-saving light bulbs, increasing the sustainability of our homes, carpooling with others in the neighborhood, and recycling our trash are all important ways we can lessen our energy consumption and preserve our environment for future generations.

Senator Nelson's legacy is alive and well today, especially in Wisconsin and I will continue to carry it forward in Congress and I hope that people in western Wisconsin and across the country will remember it in the work they do and the way they lead their lives. Together we ensure a safe, clean, and abundant natural world for our children.

Ms. SCHAKOWSKY. Madam Speaker, today marks the 40th year in which the United States has set aside a day to reflect upon our responsibility to protect the environment and preserve it for future generations.

In 2007, the scientific community confirmed that the evidence of warming is "unequivocal." The consensus of this finding should not be understated. Global warming is real and human activity is the main cause.

Consider these facts: The 10 warmest years on record have all been since 1990. Worldwide, 2005 was the hottest of all. In the United States, 2008 was the warmest year ever. These rising temperatures have been accompanied by many changes. Hurricanes are more severe. Water levels are rising. Droughts are becoming longer. Mountain glaciers are receding around the world.

While these facts are daunting, the good news is that there is still time to enact policies that will curb the harmful impacts of climate change. The House of Representatives took an important step last year, when we passed legislation that will put caps on the amount of greenhouse gases we emit into the air each year. It also facilitates the research and development of renewable energy sources that will not only reduce our dependence on foreign oil, but also create hundreds of thousands of new jobs.

On this Earth Day, I also want to reiterate my commitment to ensuring that Congress fully funds Great Lakes clean-up programs. The Great Lakes are a national treasure and having spent my entire life living in or near Chicago, I have a tremendous connection to the Great Lakes; my home in Evanston is only a few blocks from Lake Michigan.

As anyone who has spent any considerable amount of time in a Great Lake state knows, the Lakes are more than just a group of fresh water lakes—they play a significant part in shaping our way of life, our traditions, and our future. In addition to its sentimental value, the Great Lakes, including Lake Michigan, serve as an important resource, providing 20 percent of all the surface water in the world.

Mr. FLAKE. I yield back the balance of my time.

Ms. SPEIER. Madam Speaker, I would just like to echo the words of the great leaders from Wisconsin who have spoken already on this. We are indeed stewards. Earth Day should be something we celebrate every day. And this, the 40th anniversary of Earth Day, is a great time to start.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. SPEIER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 255, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## SILVER STAR SERVICE BANNER DAY

Ms. SPEIER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 855) expressing support for designation of May 1 as ''Silver Star Service Banner Day''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 855

Whereas the House of Representatives has always honored the sacrifices made by the wounded and ill members of the Armed Forces;

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying;

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten; and

Whereas May 1 would be an appropriate date to designate as ''Silver Star Service Banner Day'': Now, therefore, be it

*Resolved*, That the House of Representatives supports the designation of ''Silver Star Service Banner Day'' and calls upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. SPEIER) and the gentleman from Arizona (Mr. FLAKE) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. SPEIER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SPEIER. I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 855, a bill supporting Silver Star Service Banner Day. H. Res. 855 was introduced by my colleague, the gentleman from Missouri, Representative ROY BLUNT, on October 22, 2009. The measure was referred to the Committee on Oversight and Government Reform, which reported it favorably by unanimous consent on April 14 of this year. The measure enjoys the support of over 50 cosponsors.

Madam Speaker, our Nation continues to face two long and difficult wars, and I am very glad that we can take time now to honor the men and women of our Armed Services. They deserve our thoughts, our prayers, and our support.

The Silver Star Families of America understand this well and work hard to help the American people recognize the sacrifices made by the wounded and ill members of the Armed Forces. Tens of thousands of American troops are fighting in Iraq and Afghanistan, risking their lives in service to our country. They also risk their lives in deployments throughout the world. I ask my colleagues to join me in giving thanks to them and to their families for the sacrifices they continue to make and for their service to our country.

Madam Speaker, I reserve the balance of my time.

Mr. FLAKE. Madam Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman from Arizona for yielding time.

Madam Speaker, I thank the committee for reporting this resolution to the floor. I want to recognize, along with my other colleagues, the Silver Star Families of America. This bill does that. It designates the 1st of May as Silver Star Service Banner Day.

Silver Star Families of America is not only reflective of all the families that have helped, but it is also a nonprofit organization that has been formed dedicated to supporting and assisting those whose families have earned the Silver Star, those who have been wounded, those who have become ill in a combat zone, recognizing those members of the Armed Forces and their families across all branches of the services, and Madam Speaker, for all wars.

This group was founded in Missouri's Seventh Congressional District in 2004. The Silver Star Flag and the Silver Star Banner are symbols of remembrance and honor for those wounded during battle, those who incurred an illness during battle, and those who have honorably served in the Armed Forces during that moment of sacrifice, and a sacrifice that is almost always shared by their family and their loved ones.

□ 1345

Thousands of cities and counties throughout the country have issued proclamations to set aside May 1 to honor our current troops, our veterans and their families, as well as Silver Star families and Gold Star families.

Last April, Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, recognized Silver Star families of America for their support of servicemembers and those who have earned the Silver Star.

Madam Speaker, I thank the committee for bringing this to the floor. I ask my colleagues to join me in support of House Resolution 855 which, of course, is a resolution in support of those service people and their families who have earned this recognition, who show this banner, who understand the implications of the Silver Star flag and the Silver Star banner.

Ms. SPEIER. Madam Speaker, I now yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the great leader.

Mr. SKELTON. Madam Speaker, as an original cosponsor, I rise today in support of H. Res. 855, a resolution that expresses our Nation's appreciation for the sacrifices that have been made by so many dedicated servicemen and -women who've worn the uniform of the United States.

It's no small thing to raise one's hand and swear to uphold and defend the Constitution of the United States, and it's the responsibility of every American to recognize that servicemembers who have been wounded or become ill in the line of duty have paid an especially high price for our freedoms.

I make it a point to visit servicemembers who are recovering at Walter Reed, and I know so many of my colleagues do just the same. Oftentimes, a spouse or a parent is there lending support and anxious to take their loved one home. I'm humbled by the strength and character of these servicemembers and their caregivers.

The Silver Star Families of America deserves recognition for the tremendous job its members do in reminding us of the debt of gratitude our Nation owes to wounded and ill servicemembers, veterans, and their families. By supporting the designation of May 1 as Silver Star Service Banner Day, Members of the House add the collective voice to this body of good works.

I thank my colleague and my friend, ROY BLUNT, for introducing this resolution.

Ms. SPEIER. Madam Speaker, I reserve the balance of my time.

Mr. FLAKE. If the gentlelady has no additional speakers, I'm prepared to close.

Madam Speaker, it's important for us to take a moment to extend our gratitude to our loved ones who have endured the grief of losing loved ones, those brave soldiers in the battlefield who become wounded or sick. And I thank the gentleman from Missouri (Mr. BLUNT) for his comments. We're all grateful for the Silver Star Families of America, for their devotion, dedication to keeping us all aware of

the sacrifices made by the wounded and ill members of the armed services.

I ask all Members to support this resolution supporting Silver Star Service Banner Day.

I rise today in support of House Resolution 855, expressing support for the designation of May 1st as 'Silver Star Service Banner Day'.

Recognizing all of our service members throughout the year is our privilege and designating May 1, 2010 as Silver Star Service Banner Day is an additional way to honor the wounded and ill members of our Armed Forces.

The Silver Star Families of America, a non-profit organization, is dedicated to keeping the memories of these hero's sacrifices in the hearts and minds of all of us through the presence of a Silver Star displayed in a window or the Service Flag flying for all to see.

It is important for us to take a moment to extend our gratitude to their loved ones who have endured the grief of losing a loved one or the difficulty of caring for these brave soldiers as the Silver Star Families do.

Those who have been wounded or have died are members of the Army, Navy, Marine Corps, Air Force and Coast Guard. They deserve our continued gratitude for all that they have given on our behalf. To this end, the Silver Star Service Banner has come to represent their bravery.

We are grateful to the Silver Star Families of America for their devotion and dedication to keeping all of us aware of the sacrifices made by the wounded and ill members of the Armed Forces, therefore, I ask all members to join me in supporting May 1, 2010 as Silver Star Service Banner Day.

I yield back the balance of my time.

Ms. SPEIER. Madam Speaker, I had the privilege, and I call it a privilege, earlier this year to travel to Kuwait, Yemen, Pakistan, Afghanistan, and then to Germany, where I had the privilege of meeting our troops who are committed, passionate, have an incredible love of country, and then to visit those wounded warriors at our facility in Germany. And I must say that there's nothing like having that interpersonal connection, that opportunity to make us realize the extraordinary sacrifices that are being made every single day.

So it is fitting that we have this resolution before us, and I urge all my colleagues to support this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. SPEIER) that the House suspend the rules and agree to the resolution, H. Res. 855.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## EXPRESSING CONDOLENCES FOR VICTIMS OF TESORO REFINERY FIRE IN ANACORTES, WASHINGTON

Ms. SPEIER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1262) expressing condolences to the families, friends, and loved ones of the victims of the fire at the Tesoro refinery in Anacortes, Washington.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1262

Whereas the people of the State of Washington experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas a team of seven Tesoro employees was working in the refinery's naphtha hydrotreater when the fire occurred;

Whereas three of these individuals died immediately in the fire, three more died of their injuries, and one more remains in intensive care after suffering severe burns;

Whereas the fire was quickly brought under control by Tesoro's fire control team and local first responders;

Whereas Federal, State and local government agencies, including the Chemical Safety Board, the United States Environmental Protection Agency, and the Washington State Department of Labor and Industries, are conducting investigations to determine the cause of the incident and to ensure that the risk of similar incidents is minimized in the future;

Whereas the Tesoro refinery in Anacortes has temporarily shut down due to the damage sustained; and

Whereas Tesoro and the Skagit Community Foundation have established the Tesoro Anacortes Refinery Survivors Fund, and the United Steelworkers Local 12–591 has established the Tesoro Incident Family Fund to support the victims of the fire and their families: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses condolences to the families, friends, and loved ones of the victims of the fire at the Tesoro refinery in Anacortes, Washington;

(2) honors Matthew C. Bowen, Darrin J. Hoines, Daniel J. Aldridge, Kathryn Powell, Lew Janz, and Donna Van Dreumel who died as a result of the fire;

(3) offers best wishes to Matt Gumbel, who suffered severe burns and is recovering at Harborview Medical Center in Seattle; and

(4) expresses sympathies to the people of Anacortes, the entire State of Washington, and the Nation who grieve for the victims.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. SPEIER) and the gentleman from Arizona (Mr. FLAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. SPEIER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SPEIER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1262. This measure expresses condolences to the families, friends and loved ones of the victims of the fire at the Tesoro refinery in Anacortes, Washington.

This resolution was introduced by my colleague, the gentleman from Washington, Representative RICK LARSEN, on April 15, 2010. The measure was referred to the Committee on Oversight and Government Reform, which worked with leadership to get it to the floor quickly. The measure has the bipartisan support of over 60 Members of the House.

Madam Speaker, I yield 4 minutes to the sponsor of this resolution, the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Madam Speaker, I want to thank the chairman and ranking member of the House Oversight and Government Reform committee for their assistance in bringing the resolution to the House floor.

Madam Speaker, on April 2, Washington State experienced a tragedy when a fire occurred in the Naphtha Hydrotreater unit at the Tesoro oil refinery in Anacortes, Washington, in my district. Six workers died as a result of the fire. One more was burned and remains in intensive care.

I offer my condolences to the families, the friends and loved ones of the victims of this fire. My thoughts and prayers are with Tesoro's employees and everyone from the city of Anacortes and the State of Washington and our country who grieve for the workers who died and who suffered injury.

I encourage my colleagues to join with me in supporting this resolution to honor the lives of Matthew Bowen, Darrin Hoines, Dan Aldridge, Kathryn Powell, Donna Van Dreumel and Lew Janz.

This resolution also expresses the best wishes of Congress to Matt Gumbel, who was severely burned in the fire and is currently in serious condition at Harborview Medical Center in Seattle, Washington. I hope that Matt recovers as quickly as possible from these terrible injuries.

And earlier this week, Madam Speaker, I received a letter from the CEO of Tesoro and the chair of United Steelworkers Local 12–591 expressing support for this resolution. And I'd like to enter this letter in the CONGRESSIONAL RECORD.

Multiple Federal, State and local agencies, including the Chemical Safety Board, the Environmental Protection Agency and the Washington State Department of Labor and Industries, are currently investigating the cause of the fire. I strongly support the work they are doing to help us understand what happened and how to prevent a similar accident in the future.

And although most Americans don't associate northwest Washington with oil and gas, Skagit and Whatcom Counties in my district have been home to major oil refineries for over five decades. The four refineries in northwest Washington process a combined 500,000 barrels of oil a day. These refineries are central to the local economy, employing nearly 2,500 people and supplying over $200 million in wages to workers and contractors.

The refining industry is inherently hazardous. As one refinery employee in my district put it, ''We don't bake cookies; we bake oil.''

That being said, preventing accidents that harm workers is vitally important. As the fire at the Tesoro refinery in Anacortes fades from newspaper headlines, we must remain sharply focused on worker safety, at the Tesoro refinery in Anacortes and at refineries and industrial sites around the country.

While it's not possible to prevent all refinery accidents, we need to learn from what happened in Anacortes. We need to make sure that we are doing everything we can to reduce the risk of similar accidents in the future.

So I urge my colleagues to join with me in supporting this resolution expressing the condolences of the House of Representatives to those who lost families, friends and loved ones in this terrible, terrible tragedy.

APRIL 20, 2010.

Hon. RICK LARSEN,
*U.S. Congress,*
*Washington, DC.*

DEAR CONGRESSMAN LARSEN: The Tesoro Corporation, United Steelworkers Local 12–591, and our family of employees wish to express our collective gratitude for your Resolution being considered in the U.S. House of Representatives that expresses condolences for and honors the victims of the recent tragic fire at our Anacortes, Washington facility. We are deeply touched by your concern and that of your colleagues in the House. Please know that we welcome and appreciate the comfort your words provide to all those affected.

BRUCE SMITH,
*Chairman & CEO,*
*Tesoro Corporation.*
WALTER CLEVE,
*United Steel Workers Union, Local 12–591 Unit Chair.*

Mr. FLAKE. Madam Speaker, I thank the gentleman from Washington (Mr. LARSEN) for introducing this resolution. And I urge my colleagues to support it.

We want to express our condolences to the families and the friends and loved ones of those who perished in the fire and wish a speedy recovery to the one who is still injured.

We want to make sure also that this fire is investigated and we, to the extent possible, can make sure that it doesn't happen again.

And so I want to encourage all my colleagues to support this important resolution.

I reserve the balance of my time.

Ms. SPEIER. Madam Speaker, I now yield 2 minutes to the Representative from Wisconsin, Representative TAMMY BALDWIN.

Ms. BALDWIN. Madam Speaker, I thank the gentlewoman from California (Ms. SPEIER) for recognizing me out of order to speak to a previous resolution.

Many years ago Gaylord Nelson, from my home State of Wisconsin, had a vision. He envisioned a world where our pristine oceans and lakes are protected, our air clean to breathe, and our planet preserved for future generations.

Being the wise man that Senator Nelson was, he recognized the environmental degradation that everyone around him was acknowledging, everyone, that is, but the political establishment, which wasn't interested in action.

He knew that if the environment was to have its place on the political agenda, it had to be brought there by the people. So he announced that there would be a nationwide grassroots demonstration on behalf of the environment. He called it Earth Day. At the time it was a gamble, but worth the try.

No one expected the turnout: 20 million people came out to participate. The sheer numbers gathered the attention of the Congress, and it was those voices that led to congressional action on some of our most treasured environmental laws: the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act.

I commend my colleague from Wisconsin, Mr. OBEY, for bringing the resolution to honor the late Senator Gaylord Nelson of Wisconsin to the floor. And the resolution also commemorates the 40th anniversary of Earth Day.

In the words of Senator Nelson: ''Our goal is an environment of decency, quality, and mutual respect for all human beings and all other living creatures.

I urge my colleagues to support the resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind people in the Chamber, people in the gallery, that little whispers turn into loud roars. Business is being conducted on the floor.

Ms. SPEIER. Madam Speaker, I yield to my good friend, the gentleman from Washington (Mr. INSLEE), as much time as he may consume.

Mr. INSLEE. Madam Speaker, I would like to speak in favor of this resolution that commemorates and honors those who were lost in the Tesoro explosion in Washington State. And this is something that is felt, I think, nationwide. And I appreciate RICK LARSEN and his leadership bringing this for the Congress to consider this tragedy. And the reason is maybe twofold. One, we really look forward to a day in this country that our loved ones can go to work without the fear of them not coming home in these jobs, and we hope that this will help focus Congress and our continuing efforts to improve safety in the workplace for our loved ones.

My son worked on a pipeline project that terminated at the Tesoro facility and got to know some of these hardworking people, and they were aware of the dangers associated with the product they work with. And he was impressed, and I think we're all impressed, with their dedication to their jobs.

And I just want to express from the folks I represent our empathy for the families.

I also want to express my admiration for a fellow named Matt Gumbel who today is recovering at Harborview Hospital from his burns and doing well and is very impressed, as I just read some comments on his Web site of people saying, if Matt could get 100 feet following his injuries to the control room to help get help for the people who were injured, he'll be able to get through this. So we're thinking of him. And we commend this resolution to the Chamber.

□ 1400

Mr. FLAKE. I yield back the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in strong support of House Resolution 1262, which honors the victims of the fire at the Tesoro Refinery in Anacortes, Washington and expresses condolences to their families, friends, and loved ones in the wake of this tragic incident.

On April 2, 2010, as a team of seven employees worked in the refinery's naphtha hydro-treater, a devastating fire broke out. While the fire was quickly brought under control by Tesoro's fire control team and local first responders, three of the employees died immediately in the fire, three more died of their injuries, and another remains in intensive care after suffering severe burns.

I would like to extend my deepest sympathies to the community of Anacortes and the entire state of Washington, including to Representative RICK LARSEN who represents the affected community. Our district has five refineries that employ many of our constituents and we share in their unfortunate loss.

As we continue to deal with the devastating consequences of this episode, we must also direct our attention to preventing losses of life like this in the future. Ensuring the safety of our refineries must be a top priority to protect the security and wellbeing of our workers, their families, and communities.

Again, I would like to express my condolences to the families, friends, and loved ones of those killed in the fire and also offer my support and hope for a full recovery to the Anacortes community.

Ms. SPEIER. Madam Speaker, I again urge my colleagues to join me in

supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. SPEIER) that the House suspend the rules and agree to the resolution, H. Res. 1262.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## CONGRATULATING 100TH ANNIVERSARY OF RADFORD UNIVERSITY

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1182) congratulating Radford University on the 100th anniversary of the university.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1182

Whereas Radford University was chartered on March 10, 1910, by the Commonwealth of Virginia as the State Normal and Industrial School for Women at Radford;

Whereas Radford University was chartered to prepare teachers to educate the people of the United States;

Whereas Radford University has grown substantially in scope and quality since the day on which the university was chartered;

Whereas Radford University was renamed the Radford State Teachers College in 1924 and the Women's Division of Virginia Polytechnic Institute in 1944, respectively;

Whereas Radford University was renamed Radford College in 1964 when the relationship between the Virginia Polytechnic Institute and Radford University ended;

Whereas Radford College was renamed Radford University in 1979;

Whereas, since the founding of the university, Radford University has provided thousands of students with the benefits of a Radford education;

Whereas Radford University graduates have made meaningful and lasting contributions to society through service, including service in—

(1) education;
(2) the sciences;
(3) business;
(4) health and human services;
(5) government;
(6) the arts and humanities; and
(7) other endeavors;

Whereas Radford University is a productive and vital academic community with thousands of students;

Whereas the students of Radford University approach university life with an enthusiasm for learning and personal development;

Whereas the brilliant faculty of Radford University is committed to the highest ideals of academic scholarship and the advancement of society;

Whereas the devoted administrators and staff members of Radford University strive to foster an environment that supports the noble work of the university;

Whereas the centennial of Radford University is an appropriate time for faculty, staff, students, alumni, and friends—

(1) to unite in recognition of the past achievements of Radford University with pride; and

(2) to consider ways to create an even more successful university during the century ahead;

Whereas Radford University celebrates the culture of service of the university through a program entitled "Centennial Service Challenge" that invites every member of the campus and extended university community to engage in, and document community service in honor of, the centennial; and

Whereas Radford University will observe a Centennial Charter Day Celebration on March 24, 2010, and host numerous other academic programs and arts and cultural events throughout 2010 to commemorate the event: Now, therefore, be it

*Resolved*, That the House of Representatives commends Radford University on the 100th anniversary of the university.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1182 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1182, which celebrates Radford University for 100 years of leadership and service in higher education. Radford was originally founded in 1910 as the State Normal and Industrial School for Women, tracing its roots back to the expansion of the Virginia public higher education system. While its name and composition has evolved over the years, Radford's commitment to academic excellence has never wavered.

Radford's beautiful 177-acre campus is located in the New River Valley between the Blue Ridge and Allegheny mountains. The university is home to nearly 8,000 undergraduates and over 1,000 graduate students, and these students have access to a diversity of academic and extracurricular programs.

The university is comprised of six undergraduate and one graduate college which offer 153 degree options. Additionally, Radford also has 19 NCAA Division I teams, 400 intramural sports teams, and over 200 clubs and organizations.

Recently, Radford was named one of the Top Up-and-Coming Schools in the Nation by U.S. News & World Report due to its promising and innovative changes it has made over the past few years. Under the leadership of Radford's sixth president, Ms. Penelope Kyle, the university has consistently ranked among the best colleges and universities in the Southeast region. Such recognition shows that the school is continually innovating and striving for success.

For its 100th anniversary, Radford honored its culture of service with a "Centennial Service Challenge," which encouraged students, faculty, and staff to participate in community service in local and regional areas. This event is indicative of Radford's tradition of cultivating graduates who will become meaningful contributors to society and mark a significant milestone in the university's history.

Once again, I congratulate Radford University on its 100-year anniversary and thank Representative BOUCHER for bringing this bill forward.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1182, congratulating Radford University on its 100th anniversary.

Radford University was founded in 1910 as the State Normal and Industrial School for Women at Radford. Classes began in September of 1913, and in 1979, the school became Radford University. During 2010, Radford is celebrating its centennial anniversary with numerous programs and events. On March 24, the university observed the Centennial Charter Day Celebration.

Located in Radford, Virginia, Radford University is organized into six undergraduate colleges and one college of graduate and extended education. Radford University aims to create a challenging, supportive, and engaging educational culture that is anchored in the liberal arts tradition and is ethically responsible to the needs of the 21st century global society. The university has more than 200 clubs and student organizations and competes in 19 NCAA athletics.

In addition, Radford has a national reputation for excellent academics. In 2007, Radford unveiled "7–17, Forging a Bold New Future," with a goal of establishing Radford as one of the top 50 master degree-granting universities in the Nation by 2017. In 2009, the university was ranked in the South's top 25 master's level public universities and named one of the Top Up-and-Coming Schools by U.S. News & World Report.

I am honored to congratulate Radford University on the occasion of its 100th anniversary and to recognize the university for 100 years of excellence in higher education. And I extend my congratulations to the university, the faculty, the staff, the students, and the alumni.

I urge my colleagues to support the resolution, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I'm pleased to recognize the gentleman

from Virginia (Mr. BOUCHER), the sponsor of the resolution, for 3 minutes.

Mr. BOUCHER. I want to thank the gentleman for his leadership in bringing this resolution to the floor and for yielding this time to me today, and I extend thanks also to the gentlelady from Illinois for her assistance with this measure. And I thank both of my colleagues for their very generous statements on behalf of Radford University this afternoon.

H.R. 1182 is bipartisan legislation congratulating Radford University on its 100th anniversary. The resolution is cosponsored by eight members of our Virginia House delegation, and Senators WEBB and WARNER have introduced companion legislation which previously has been approved in the Senate.

For a century, Radford University has provided students with an outstanding education, and the university richly deserves congratulations, which we extend today, on that achievement. In that century, nearly 70,000 students have received a Radford education, many of whom have gone on to become leaders in business and government and education, health care, the arts and other areas.

Radford University was chartered on March 10, 1910, as the State Normal and Industrial School for Women at Radford with the mission of preparing teachers; and it was renamed in 1924 as Radford State Teachers College, in 1944 as the Women's Division of Virginia Polytechnic Institute, and in 1964 as Radford College. The school became Radford University in 1979, the name that it proudly bears today.

Today, Radford University is known for its strong leadership and relationships between faculty and students and the commitment to service that exists and pervades the student body. The school offers 153 undergraduate and graduate programs and strong research, service learning, and preprofessional programs.

Radford University is located in my congressional district, but its achievements bring pride not just to our region but to citizens across Virginia.

The university graduates reside in communities throughout the Nation, who share in the congratulations which the Congress today formally extends to Radford University on its 100th anniversary.

I thank my colleagues for their assistance in bringing this measure to the floor, and I urge its approval by the House.

Mrs. BIGGERT. I would yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I again urge my colleagues to support H. Res. 1182, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 1182.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## COMMENDING UNIVERSITY OF CONNECTICUT HUSKIES ON WOMEN'S NCAA BASKETBALL CHAMPIONSHIP

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1239) commending the University of Connecticut Huskies for their historic win in the 2010 NCAA Division I Women's Basketball Tournament, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1239

Whereas, on April 6, 2010, the University of Connecticut Huskies defeated the University of Stanford Cardinal 53 to 47 in the final game of the National Collegiate Athletic Association Division I Women's Basketball Tournament in San Antonio, Texas;

Whereas the Huskies were undefeated with a record of 39–0, defeating 38 of their 39 opponents by more than 10 points;

Whereas the Huskies have won a record 78 games in a row;

Whereas the Huskies were undefeated for the 4th time since 1994–1995;

Whereas the Huskies have won 7 national titles, second most in NCAA Division I women's basketball history;

Whereas senior center Tina Charles was chosen as the Naismith Award winner, the Wooden Award winner, the United States Basketball Writers Association player of the year, and Associated Press player of the year;

Whereas junior forward Maya Moore was chosen as the State Farm Wade Trophy player of the year and as the Women's Final Four Most Valuable Player;

Whereas Maya Moore and Tina Charles were chosen as first team All-Americans and as members of the Final Four First All Tournament Team;

Whereas Coach Geno Auriemma, who holds the highest winning percentage among active coaches, serves as president of the Women's Basketball Coaches Association and coach of the 2012 United States Olympic team;

Whereas the University of Connecticut Women's Basketball program has a 100 percent graduation rate among four-year players, representing the team's commitment to achievement in the classroom as well as on the court;

Whereas each player, coach, athletic trainer, and staff member of the University of Connecticut Huskies dedicated their season and their tireless efforts to their perfect record and the NCAA championship; and

Whereas residents of Connecticut and Huskies fans worldwide are to be commended for their longstanding support, perseverance, and pride in this team: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) commends the University of Connecticut Huskies for their historic win in the 2010 National Collegiate Athletic Association Division I Women's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Huskies' victory; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Connecticut President Michael Hogan and head coach Geno Auriemma for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair now recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1239 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise to congratulate the University of Connecticut's women's basketball team for winning the 2010 NCAA Division I Women's Basketball Championship.

At the final buzzer in this year's championship game, the UConn Huskies roared to their second straight championship win and a history-making 78th straight win of the season. With their 53–47 victory that Tuesday night at the Alamodome, the UConn Huskies and the Stanford Cardinals both played with exceptional talent and dedication. In the end, UConn seized their seventh NCAA Women's Basketball Championship. The Huskies became the first women's basketball team to have back-to-back undefeated national championship seasons. With their 78 straight wins, UConn also broke the NCAA women's basketball record for number of consecutive wins.

The Huskies women's basketball season marked Coach Geno Auriemma's 25th season at UConn, and his seventh NCAA Women's Basketball Championship victory. Auriemma has led UConn to the Final Four a total of 11 times during his time with the team, and this game was his 735th career win as a coach. In fact, he has the highest winning percentage among the Division I active coaches. Auriemma has also guided UConn to five Big East regular season titles and 14 Big East Tournament titles.

The sensational junior forward Maya Moore was named the Final Four's Most Outstanding Player, scoring 23

points during the championship game. She scored 11 of her team's 17 points during the second half, leading UConn's comeback from the first half and giving the Huskies their solid lead. She has been a leader and a remarkable asset to the Huskies all season.

Senior center Tina Charles also proved to be an invaluable player. She was chosen as the Naismith Award winner and Associated Press player of the year. She was later drafted number one overall in the 2010 WNBA draft and recently signed with the Connecticut Sun.

I also congratulate the Huskies on their excellence both on and off the court. The Huskies women's team boasts a flawless 100 percent graduation rate in 2009 amongst all 4-year players. The alumni, faculty, and staff at the University of Connecticut have much to be proud of.

Once again, I congratulate the UConn Huskies winning the national championship, and I thank Mr. COURTNEY for bringing this bill forward.

I reserve the balance of my time.

□ 1415

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1239, commending the University of Connecticut Huskies for their historic win in the 2010 National Collegiate Athletic Association Division I Women's Basketball Tournament.

On April 6, 2010, the University of Connecticut Huskies defeated the Stanford University Cardinals 53–47 in the NCAA Division I women's basketball national championship in San Antonio, Texas, capturing the Huskies' seventh national title. As a Stanford graduate, I was disappointed, but the undefeated Huskies overpowered each of their regular season opponents as well by more than 10 points, certainly a very worthy opponent.

In large part, the Huskies' success was due to senior center Tina Charles and junior forward Maya Moore. Tina Charles was chosen as the Naismith Award winner, Wooden Award winner, United States Basketball Writers Association player of the year and Associated Press player of the year. Moore was chosen as the State Farm Wade Trophy player of the year and as the Women's Final Four Most Valuable Player. While these two women were recognized for their outstanding play, the entire team deserves our praise and for the unparalleled success of the team as NCAA Division I national champs.

However, this program would not be what it has turned out to be today without the outstanding efforts of the head coach Geno Auriemma. During his illustrious tenure, the coach has transformed a program from only one winning season to a team with a record that includes seven national championships, four undefeated seasons and a record 78 consecutive wins. Not bad.

While athletic success is what brings us here today, the University of Connecticut is also known for its excellent academics. The University of Connecticut is the State's flagship institution of higher learning and was founded in 1881 as the Storrs Agricultural School and became the University of Connecticut in 1939.

In fact, the university has more than 70 focused research centers where faculty, graduates students and undergraduate students conduct research on everything from improving human health to enhancing public education and protecting the country's natural resources.

I extend my congratulations to the university, the president of the University of Connecticut, Head Coach Geno Auriemma and his staff, and the hardworking players and the fans.

With that, I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I am pleased to yield as much time as he may consume to the distinguished gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, Vince Lombardi, the legendary NFL coach once said, ''Perfection is not attainable, but if we chase perfection we can catch excellence.''

That beautiful statement, I think, really describes to a ''T'' the UConn women's basketball team, which today stands as a history-making organization with 78 straight wins. They are now only 9 wins short of catching the record by the UCLA men's basketball team led by Coach Wooden back in the 1960s. And there are a lot of us in Connecticut, and I am proud to represent the district where the University of Connecticut is located, who are confident that we are actually going to see that milestone fall sometime during next year's basketball season because of the amazing talent that has been assembled at the University of Connecticut campus, but also the system that Coach Auriemma has put together over the last number of years.

Again, I want to thank the other Members who have gone through chapter and verse, in terms of the incredible season, which the UConn women accomplished. Again, it's a team that last year won the national title. There was tremendous pressure every single game to see whether or not their winning streak would actually come to an end. Every team that played them was as pumped up and psyched as any game on their schedule because they saw it as an opportunity to make history, and the pressure on the UConn women Huskies was extraordinary, as was the national media focus as the program, again, advanced its amazing record from one game to another. Again, it was something that these young men and women had to demonstrate that they were capable of overcoming.

As the proponent said earlier, the thing that we are so proud about is that Coach Auriemma has maintained a program where academic excellence, the true ideal of student athletes, is something that has never been forgotten. The graduation rate has been perfect since he has been there. It's, again, a great role model for not just young girls in the U.S. but also young boys in terms of really the goal of a student athlete path towards success in life.

Mr. Speaker, last year when the UConn women won the national title, they had the exciting honor to go visit the White House for an event at the Rose Garden. President Obama, who was obviously, as we all know, a big basketball fan, welcomed them to the White House. And as the father of two young girls, he spent a lot of time with them, getting a chance to become acquainted and then, actually, challenged them to a game of H-O-R-S-E in the outdoor basketball court which exists at the White House.

Much to the astonishment of people in Connecticut, and also to the women's basketball team, President Obama actually won the game of H-O-R-S-E. And at a reception that we had a short time afterwards, the women were very upset with themselves, but also pointed out correctly that they were playing in high heels and dresses while the President had flat shoes and certainly, I think, had some advantage in terms of that impromptu pickup game which took place last year.

At the Christmas party this year, which I am sure maybe you and others in the Chamber had an opportunity to attend, I reminded the President that the women at UConn were still pretty upset about the fact that they lost that game of H-O-R-S-E at the White House. Mrs. Obama, who is ever gracious, leaned over and said, well, we will invite them back to come back and play again. And I told both the President and the First Lady, don't worry, UConn women are coming back with an invitation, because they are going to win the national title in the 2010 season.

So they have lived up to my prediction, which was made at the Christmas gathering at the White House last year. In a short time, I am sure there will be another Rose Garden celebration of their extraordinary success. I would bet my house and car that they are this year going to win the game of H-O-R-S-E, which they are spoiling for a rematch at the White House with the President.

Again, it's something that the people of the State of Connecticut are so proud of there was a huge celebration last Saturday in Hartford. There were over 25,000 people lining the streets of Hartford to cheer on this amazing group of young women and the amazing

program which Coach Auriemma has guided. He will now be the U.S. coach for the national team, women's team, and he will be the coach for the next U.S. Olympic team, which he certainly deserves given the amazing record which, again, the prior speakers have described in chapter and verse.

Again, Coach Lombardi once said, ''Perfection is not attainable, but if we chase perfection we can catch excellence.'' This young group of women, I think, have shown that they have certainly achieved excellence and they have just about shown perfection with what they have achieved this year, and I hope that this Chamber will affirm that great accomplishment by unanimous support for this resolution. I thank, again, the Speaker and the proponent for giving me the opportunity to speak on behalf of this resolution.

Mrs. BIGGERT. I have no further requests for time, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1239, which recognizes the tremendous accomplishments of the University of Connecticut women's basketball team. The University of Connecticut Huskies women's basketball team has emerged as one of the most outstanding teams in the history of college sports. On April 6, 2010, the Huskies defeated the Stanford Cardinal in the National Collegiate Athletic Association, NCAA, Division I women's basketball national championship in San Antonio, Texas.

This victory gave the Huskies their seventh national championship, second only to the University of Tennessee Lady Volunteers' eight championships. This season the Huskies went undefeated, ending the season on a record 78 game winning streak, a streak that has lasted since the beginning of the 2008–2009 season. As a former college basketball player, I understand the hard work, intense focus, and tireless dedication required to achieve a single season as successful as the Huskies' was this year. So, the kind of repeated success that the University of Connecticut women have seen over the years is truly impressive.

The Huskies' coach, Geno Auriemma, is the president of the Women's Basketball Coaches Association and holds the highest winning percentage among active coaches. Coach Auriemma is also a coach of the 2012 United States Olympic Team. In addition to these successes, Coach Auriemma should be most appreciated for the role model that he is to his players and the positive impact he has on their lives.

The Huskies basketball team is comprised of some of the most talented athletes in the Nation. Junior forward Maya Moore and senior center Tina Charles were both selected as first team All-Americans and as members of the Final Four All-Tournament Team. Maya Moore was also chosen as the State Farm Wade Trophy Player of the Year and the Women's Final Four Most Valuable Player. Tina Charles was selected as the winner of the Naismith Award, the Wooden Award, the United States Basketball Writers Association Player of the Year Award, and the Associated Press Player of the Year Award.

I salute the hard work and dedication of the University of Connecticut Huskies players and coaches. I commend their exceptional record, athleticism, and consistent display of sportsmanship.

I urge my colleagues to join me in supporting H. Res. 1239.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of House Resolution 1239, Commending the University of Connecticut Huskies for their historic win in the 2010 NCAA Division I Women's Basketball Tournament. On March 6, 2010, the Huskies capped an undefeated season by beating the University of Stanford Cardinal 53–47 in the NCAA Championship game. There are many things that make this team impressive, but to show just how dominant they were, this was their only victory all season where they defeated an opponent by less than 10 points. With 78 straight wins, they broke their own record for all-time consecutive victories.

Throughout their unbelievable run, the UConn women's basketball team has captivated the state of Connecticut with their awe-inspiring talent. Tina Charles' tremendous play at center earned her recognition as both the United States Basketball Writers Association and the Associated Press Player of the Year. Additionally, she was named the Naismith Award winner and the Wooden Award winner. Although she will graduate this year, she will undoubtedly be remembered as one of the all-time greats to play for the Huskies. Junior Maya Moore received outstanding honors by being named the State Farm Wade Trophy Player of the Year and being named the Most Valuable Player in the Final Four. Both Moore and Tina Charles were chosen as First-Team All-Americans.

Connecticut is home to one of the most accomplished and successful teams in the history of collegiate athletics. Under Head Coach Geno Auriemma, we in Connecticut have become accustomed to excellence year in and year out. He has led the Huskies to seven championships, including four undefeated seasons. He also holds the highest winning percentage of any active coach in women's collegiate basketball.

The Women Huskies have captured the hearts of fans all across the nation with their exemplary work on and off the court. In every game, the team played with a passion and desire only displayed by champions. This entire team of remarkable women: Heather Buck, Tina Charles, Lorin Dixon, Caroline Doty, Kelly Faris, Jacquie Fernandes, Meghan Gardler, Kalana Greene, Tiffany Hayes, Kaili McLaren, and Maya Moore exemplify what a student-athlete is supposed to be. As they carry their winning streak into next season, I know they will continue to make us proud.

I am proud to join Connecticut's Congressional Delegation, my colleagues in the House of Representatives, and Husky Nation in celebrating the UConn Women Basketball team's seventh NCAA Women's National Basketball Championship, second perfect season in a row and record 78-game winning streak.

Mr. SABLAN. Mr. Speaker, again, I ask all my colleagues to support House Resolution 1239, as amended.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 1239, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## FITNESS INTEGRATED WITH TEACHING KIDS ACT

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1585) to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1585

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Fitness Integrated with Teaching Kids Act'' or the ''FIT Kids Act''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Childhood obesity has reached epidemic proportions in the United States.

(2) Researchers estimate that medical costs of the obesity epidemic may total as much as $147,000,000,000 annually.

(3) The prevalence of overweight in children between the ages of 6 and 11 years increased from 4.0 percent between 1971 to 1974 to 17.5 percent between 2001to 2004, and the prevalence of overweight in adolescents between the ages of 12 and 19 years increased from 6.1 percent to 17.0 percent.

(4) Recent studies indicating that 17 percent of 6 to 11 year-olds and 17.6 percent of 12 to 19 year-olds are considered obese. Furthermore, 33 percent of 6 to11 year olds and 34 percent of 12 to 19 year olds are overweight; these rates have roughly doubled since 1980.

(5) Of all United States deaths from major chronic disease, 23 percent are linked to sedentary lifestyles that now begin at childhood.

(6) Overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death.

(7) A decline in physical activity has contributed to the unprecedented epidemic of childhood obesity.

(8) The Physical Activity Guidelines for Americans published by the Secretary of Health and Human Services recommend that children engage in 60 minutes or more of physical activity each day.

(9) In a 2005 Government Accountability Office report on key strategies to include in programs designed to target childhood obesity, ''increasing physical activity'' was identified as the most important component in any such program.

(10) Part of the decline in physical activity has been in our Nation's schools, where physical education programs have been cut back in the past 2 decades.

(11) The national standard for physical education frequency, as outlined in the Physical Activity Guidelines for Americans,

is 150 minutes per week in elementary school and 225 minutes per week in middle school and high school.

(12) Only 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education or its equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education at all.

(13) Among children ages 9 to 13, 61.5 percent do not participate in any organized physical activity during out-of-school hours.

(14) Regular physical activity is associated with a healthier, longer life and a lower risk of cardiovascular disease, high blood pressure, diabetes, obesity, and some cancers.

(15) Research suggests a strong correlation between children's fitness and their academic performance as measured by grades in core subjects and standardized test scores.

(16) Approximately 81 percent of adults believe daily physical education should be mandatory in schools.

**SEC. 3. INCREASING AWARENESS OF PHYSICAL ACTIVITY OPPORTUNITIES AT SCHOOL.**

(a) LOCAL EDUCATIONAL AGENCIES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, each local educational agency located in a State receiving funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) shall—

(1) post on its Internet website, or otherwise make available to parents and families of students served by the agency, information on healthful eating habits, physical education, and physical activity, including information on—

(A) the importance of a healthy lifestyle (including healthful eating habits, physical education, and physical activity) for an effective learning environment;

(B) how schools served by the agency are promoting healthy lifestyles, including information on applicable elementary school and secondary school programs and policies regarding nutrition, physical education, and physical activity (including coordinated school health plans or local wellness policies, as applicable);

(C) whether the schools served by the agency follow an age-appropriate physical education curriculum for all elementary school and secondary school students enrolled in the schools that adheres to national guidelines adopted by the Centers for Disease Control and Prevention of the Department of Health and Human Services or the State in which the school is located;

(D) the most recent national recommendations for physical education and physical activity for elementary school and secondary school students, as established by the Centers for Disease Control and Prevention of the Department of Health and Human Services; and

(E) a description of the amount of time that students in kindergarten through grade 12 served by the agency are required to spend in physical education, disaggregated by grade level, including information on criteria for granting students a waiver or exemption, or allowing a substitution for the requirement; and

(2) assist each school served by the agency in collecting and disseminating (such as through the Internet website of the school) to parents and families of students enrolled in the school, information on—

(A) whether the school follows an age-appropriate physical education curriculum for all students enrolled in the school that adheres to national guidelines adopted by the Centers for Disease Control and Prevention of Health and Human Services or the State in which the school is located;

(B) the most recent national recommendations for physical education and physical activity for elementary school and secondary school students, as established by the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(C) the requirements described in paragraph (1)(E);

(D) a description of the facilities available for physical education and physical activity for students enrolled in the school; and

(E) if applicable, any health and wellness council (such as a school health council or local wellness policy council) located in the school or that the school is involved with, including information on—

(i) members;

(ii) membership criteria;

(iii) opportunities for parental involvement; and

(iv) meeting dates and agendas.

(b) STATE EDUCATIONAL AGENCIES.—

(1) SUBMISSION; INFORMATION AVAILABILITY.—Not later than 15 days after a local educational agency described in subsection (a) posts on its Internet website the information described in subsection (a)(1)(E), and annually thereafter, the local educational agency shall provide to the applicable State educational agency the information described in such subsection.

(2) ADDITIONAL DUTIES OF THE STATE EDUCATIONAL AGENCY.—A State educational agency that receives information under paragraph (1) shall ensure that the information is made available to the general public within a reasonable period of time, such as through the Internet website of the State educational agency.

**SEC. 4. STUDIES ON PHYSICAL ACTIVITY AND FITNESS.**

(a) NATIONAL RESEARCH COUNCIL STUDY.—Subject to the availability of funds appropriated to carry out this subsection, the Secretary of Education shall enter into a contract with the National Research Council of the National Academy of Sciences to—

(1) examine and make recommendations regarding—

(A) various means that may be employed to incorporate physical activity into elementary school and secondary school settings, and before- and after-school programs;

(B) innovative and effective ways to increase physical activity for all students in kindergarten through grade 12; and

(C) efforts to encourage the participation of students with disabilities in physical education programs and the types of accommodations used to increase the participation of such students;

(2) study the impact of health, level of physical activity, and amount of physical education on students' ability to learn and maximize performance in school; and

(3) study and provide specific recommendations for effectively measuring the progress students, at the elementary school and secondary school level, in increasing physical activity and improving their health and well-being, including improving their—

(A) knowledge, awareness, and behavior, related to nutrition and physical activity;

(B) cognitive development, and fitness, with physical education;

(C) knowledge of lifetime physical activity and health promotion; and

(D) performance on overall health indicators, including flexibility, endurance, strength, balance, and blood pressure.

(b) NATIONAL FITNESS STUDY.—Subject to the availability of funds to carry out this subsection, the Secretary of Education shall conduct a study on the participation of students in physical education and other physical activities in public elementary schools and public secondary schools that—

(1) examines student participation in exercise (including sports and active games), including the types, frequency, duration, and seasonality of exercise participation, through—

(A) school physical education classes;

(B) other school programs; and

(C) intramural activities; and

(2) assesses student physical activity and fitness levels.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2011.

**SEC. 5. DISSEMINATION OF BEST PRACTICES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Education shall identify and make available to State educational agencies and local educational agencies, best practices on innovative physical education and physical activity policies and programs at the State and local level, including best practices that—

(1) identify and address common challenges to States and local educational agencies in implementing physical education and physical activity policies and programs, including barriers for meeting national recommendations for physical education and physical activity in schools, as established by the Centers for Disease Control and Prevention of the Department of Health and Human Services; and

(2) meet or are working toward meeting the national recommendations for physical education and physical activity in schools, as established by the Centers for Disease Control and Prevention of the Department of Health and Human Services.

(b) UPDATING BEST PRACTICES.—The Secretary shall update the best practices described in subsection (a) after completion of the study carried out under section 4(a).

**SEC. 6. PROMOTING THE HEALTHIERUS SCHOOL CHALLENGE.**

The Secretary of Education, in collaboration with the Secretary of Agriculture, shall encourage schools to participate in the HealthierUS School Challenge of the Food and Nutrition Service of the Department of Agriculture.

**SEC. 7. DEFINITIONS.**

Except as otherwise provided, any term used in this Act that is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 1585 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1585, which brings much-needed attention to the role of physical attention and activity in our Nation's schools and the importance of healthy living and active lifestyles.

This legislation comes at a critical time. Obesity among our Nation's children has not only reached epidemic proportions, it has become a public health crisis. The danger of childhood obesity is far greater than any other health-related emergency we have seen in the past decade. The percentage of children that are overweight in America has tripled over the last 30 years. Nearly 25 million children and teens are considered overweight or obese, a number that keeps on rising.

The First Lady has recognized the need to address this epidemic and has created the ''Let's Move'' initiative. Her initiative has four key pillars to achieve the goal of ending childhood obesity: Getting parents more involved and informed about nutrition and exercise; making healthy foods more accessible and affordable; increasing attention to physical activity; and lastly, improving the quality of food in the school meal programs.

This legislation touches on many of those goals, making available important information to parents and communities regarding the type of physical education being provided to students, encouraging increased physical education and activity and promoting the Healthier U.S. School Challenge, which recognizes schools that are creating healthier school environments through their promotion of good nutrition and physical activity. The legislation will also make available best practices for innovative and successful physical education programs and policies at the State and local level.

Finally, the bill calls for a National Research Council study to figure out the best way to incorporate physical activity into the school day and study the relationship between physical activity and cognitive development and academic achievement. This study will build on recent research that has shown that children's health has a statistically significant impact on their academic achievement and a decline in physical education may contribute to a decline in school performance.

I am glad to join the First Lady in encouraging awareness of the importance of physical education in our schools. By investing in our children and their future, we will be investing in our country's future health and prosperity.

Mr. Speaker, I would like to thank Representative KIND and Representative WAMP for bringing this bill forward and urge my colleagues to support it.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, at this time I yield such time as he may consume to a sponsor of this bill, Mr. WAMP of Tennessee.

Mr. WAMP. I thank the gentlewoman and the chairman for the time, and I will commend Representative KIND, Representative INSLEE, and many others for bringing this legislation to the floor.

But this is just a start of what we need to do in this country. Mr. Speaker, we have 13-year-olds all over this country on high blood-pressure medication. We have a type 2 diabetes and chronic obesity problem in America.

We do have a lot of Federal involvement in education. Now we can debate how much of that we should have and, frankly, as someone who seeks to be the 49th Governor of Tennessee, I don't want any more. I want local control and State control, but we do have, through the Primary and Secondary Education Act and now No Child Left Behind, a lot of Federal involvement.

What we really wanted was in the multiple measures category, physical education to be counted as other requirements are, because Thomas Jefferson said 200 years ago a child who is not physically well struggles with learning.

□ 1430

We now know that is true and more true today than it was then because of these afflictions, because of poor nutrition. We know in my home State, with research from Dr. Mark Houston, that healthy doses of fresh fruits and vegetables can lower the cancer rate in your State by 40 percent. Nutrition is incredibly important.

Physical activity is how children perform better. All the research shows if a child gets a good healthy dose of cardiovascular exercise, their brain functions much better, they test much better, they sleep better, their quality of life increases. Children who are physically well do much better. We have got to recognize that.

Now, No Child Left Behind has squeezed out a couple of things from public education: one is PE, the other is arts education. That is really unfortunate because arts education is a left brain thing that broadens a child's dimension of education and learning, and physical activity is essential to a child learning and growing and becoming productive, let alone the consequences of type 2 diabetes and obesity and hypertension among young people, which can be a life sentence. So this is a matter of life or death.

So if we are going to have Federal involvement in education decisions, we better have PE as part of the mix. We better have the best research for the States, which is what this bill gets to, on how to incorporate physical education into the curriculum and the daily regimen of children in school.

Now, moms and dads need to know this early, but every fourth grader in America needs to know this is not about how big God made you. Some of us have big bones, small bones, wide, thin, tall, short, dark, light; this is about knowing that there is a dial in your life that must be adjusted if you want to live a high quality of life and you want to be physically well. The dial means you've got to get a certain amount of exercise.

PE has been squeezed out of our schools; it needs to be welcomed back in with open arms. We need healthier children. This is a chronic problem. We tried to get President Bush to make this a centerpiece issue. We weren't able, even though he was very physically active and a great model for the country. We need to do all that we can. This is a minor first step.

We took out all the mandates of this bill so that people couldn't complain about that, but let us at least come together and say accurate information, helping schools and States better understand what works, what doesn't work, what is the most effective way to incorporate physical education in education. Mind, body, and spirit is a holistic way to live a high quality of life. Out of this body we know this; we have the information. Share it with parents, teachers, directors of schools and, most importantly, the next generation. We will be a better country for it.

I urge passage of this bill and I thank the authors.

Mr. SABLAN. Mr. Speaker, I am pleased to recognize the gentleman from Washington (Mr. INSLEE) for 1 minute.

Mr. INSLEE. I commend this bill. This is a bipartisan bill to attempt to prevent a bipartisan epidemic of diabetes from swallowing the next generation. And as Mr. WAMP, who has done a great job, and Mr. KIND, who has done a great job on this bill, know, we have had No Child Left Behind. And as a PE teacher who helped develop this bill said, now we need a ''leave no child on their behind'' bill. This will help our parents work with their children to make sure that that is the case.

I am particularly appreciative of what a little physical activity can do for students in their academic pursuits. We are not talking about necessarily growing Olympic champions here. We're trying to get kids who are active to help their academic performance. My dad is an old PE teacher. I have seen up front and personal the benefit of getting kids active. And this is a very reasonable means to make sure parents have information of how active their children are because we intend, in a bipartisan way, to stop a bipartisan diabetes epidemic. This is a great bill; let's pass it.

Mrs. BIGGERT. At this time, I would like to yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Two hundred years ago, James Madison, on the House floor, gave the following speech, and he said: ''If Congress can employ money indefinitely to the general welfare and are the soul and supreme judges of the general welfare, they may appoint teachers in every State, county and parish, they may take into their own hands the education of children, establishing in like manner schools throughout the Nation.''

What Madison said sarcastically 200 years ago is actually before us in bill form today. Madison concluded by saying: ''Were the power of Congress to be established in the latitude contended for, it would subvert the foundations and transmute the very nature of limited government established by the people of America.''

Now, are the sponsors of this bill sincere? Yes. Are the goals of this program good? Yes. Would this program be beneficial for kids? Yes. Should the Federal Government take the initiative to introduce it? No. If we view the different responsibility levels of government, someone has to stand up and say, stop, we are not a school board.

There is also a practical reality of this legislation. The most common response to top-down mandates of teachers who have to implement it is, this too shall pass, which simply means the potential grants in the future may be good, but a buy-in has to come at a local level, which means the advocates of this program should be taking their initiative to every local district where they can get that buy-in from those who have to implement it. It will take a lot more time and work, but it is much more effective in the long run because the reporting requirements that will be mandated on every district in this Nation by this bill will produce more resentment than reform.

This bill is well-intentioned, it has all sorts of good motives; but because of that, it is too important to allow it to remain at the Federal level. It must be done in the districts where it will actually have some impact.

Mr. SABLAN. Mr. Speaker, I am pleased to recognize the gentleman from Wisconsin (Mr. KIND) for 4 minutes.

Mr. KIND. I thank my friend for yielding me time.

In response to my good friend from Utah, I know his belief is sincere, but just to be clear with this legislation before us, we are not mandating that schools and school districts have to offer physical education, merely informing parents and the community what physical activity and what physical education courses are being provided today. And we are very careful in that.

But there is a very simple concept behind the FIT Kids legislation before us today, and that is this: studies have shown that it is hard to develop a healthy mind without a healthy body. And as my good friend from Tennessee (Mr. WAMP) has been fond of saying, one of the best antidepressants ever invented in the entire world is just good old-fashioned sweat. That is what we are up against with the childhood obesity epidemic that is ravaging our country and our youth today, the onset of early childhood type 2 juvenile diabetes, cardiovascular disease.

Close to 75 percent of kids today are on the verge of being overweight. We know that 80 percent of them will be overweight in adult life if something isn't done to preempt that at a much sooner level. That is what's behind the movement towards the FIT Kids legislation. It is an attempt to try to emphasize physical activity and physical education courses back in our schools today.

Why is this important? Again, part of the reason, as Mr. WAMP pointed out, is that with the advent of No Child Left Behind, various courses that were offered in the past are being squeezed. Arts is being dropped, and physical education, especially, is one of those courses that is viewed more and more as a discretionary item rather than something that is necessary to enhance our own child's performance in the classroom. We know that when kids are more physically active, they tend to perform better in schools, test scores go up, there is less disciplinary programs, graduation rates go up, and their overall health improves—all worthy goals that we need to be encouraging and supporting more of throughout the Nation.

But today, only 4 percent of elementary schools, 8 percent of middle schools, 2 percent of high schools even provide daily physical education in their schools. Twenty-two percent of schools don't require students to take physical education at all, and that number is growing. Sixty-two percent of children don't receive any physical activity outside of school hours, and schools are providing less and fewer physical activity opportunities.

What FIT Kids will do is work to ensure that kids are active during the school day and are taught from an early age the benefits of living an active and healthy lifestyle. The bill will have schools make information available to parents and communities about the type of physical education being provided to students for each grade in relation to the recommended amounts established by the CDC, as well as information on the importance of living healthy and active lifestyles.

It will enact a National Resources Council study through the National Academy of Sciences to figure out the best way to incorporate physical activity in the school day and study the relationship between physical activity and cognitive development and academic achievement where there is a dearth of research being provided today. And it will make available best practices for innovative and successful physical education programs and policies at the State and local levels so schools and school districts are not being asked to recreate the wheel trying to figure out what works and what doesn't. There are many model programs that already exist that we can help share through the modeling of best practices and get that information out to empower more schools and therefore more families.

Ultimately, and I would agree with my friend from Utah, it really does come down to personal responsibility, for us to take more personal control over our own healthy lifestyle decisions. We all know what we all need to be doing a better job of—eating healthier, exercising more, not smoking, and especially for us parents, to work much closer and earlier with our children at the earliest possible age to help them develop the good lifestyle decisions that will continue throughout their life. And that will mean, from time to time, unplugging them from the technology that so many of our kids are addicted to. I have two little boys at home myself.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SABLAN. Mr. Speaker, I yield to the gentleman 1 additional minute.

Mr. KIND. I know the power that technology holds over our kids today from XBoxes and TiVos and cell phones and BlackBerrys and all, but it is also leading to a more sedentary lifestyle, increasing the childhood obesity epidemic. It is up to us parents working in the home, providing a good model of care and working with our kids to establish these good practices.

Again, I want to thank my colleagues, Mr. WAMP and Mr. INSLEE, for being original sponsors of the legislation, the gentlelady from Illinois (Mrs. BIGGERT), who is also a cosponsor of this bill. I want to thank Chairman MILLER and the members of the Education and Labor Committee for the hearings and the attention brought to it. I also want to thank the over 50 organizations that have endorsed this legislation, such as the American Heart Association, the NFL Players Association with their Play 60 campaign, the National Association of Sport and Physical Education, the American Diabetes Association, the Sporting Goods Manufacturers Association; the first lady, Michele Obama, along with the President, that has elevated the cause of children's health to new levels and new attention in this country; my own staff person, Shannon Glynn, who has worked tirelessly on this bill; and not least, Richard Simmons, who has been a tireless advocate promoting FIT Kids throughout the Nation, testifying here in Congress, appearing before press conferences, on

Jay Leno, on David Letterman, and visiting hundreds and hundreds of schools every year for his life mission of promoting healthy living habits for not just adults, but especially the children in our lives. I thank Richard Simmons for his leadership and his tireless advocacy on FIT Kids.

I ask my colleagues to support it. It's the right thing to do, it's the right step, more needs to be done. This is a good place to start.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1585, the Fitness Integrated with Teaching Kids Act, or the FIT Kids Act. I want to thank my good friends, Congressman RON KIND of Wisconsin and Congressman ZACH WAMP of Tennessee, for sponsoring this piece of legislation and for their tireless work to reduce childhood obesity.

Childhood obesity is an issue that has now reached epidemic proportions in the United States. In 2008, 17 percent of children between the ages of 2 and 19 were obese and approximately 70 to 80 percent of overweight or obese children remain obese in adulthood. Unfortunately, these obese children are more likely to develop diseases such as high blood pressure and type 2 diabetes.

As we all know, both diet and exercise are important to the maintenance of a healthy weight. Unfortunately, most of today's children live sedentary lifestyles; in fact, less than one-third of high school students currently meet recommended levels of physical activity. The FIT Kids Act requires States and localities to provide information to parents and families on the importance of a healthy lifestyle, including eating habits, physical education, and physical activity. It does not require physical education in schools.

School districts would also collect information on how schools are promoting good nutrition and physical activity, whether the school has an age-appropriate physical education curriculum, the amount of time that students spend in physical education, a description of the facilities available for PE, and information on any local health and wellness councils. And, finally, the bill would authorize the National Research Council and the Department of Education to conduct two important studies on physical activity.

As a cosponsor of H.R. 1585, I believe that physical education will play an important role in attacking the childhood obesity crisis that is negatively impacting our young people. And we will also learn, as we are learning more about the brain, how PE in school really helps to develop that brain.

□ 1445

When I was in the Illinois General Assembly, I worked really hard to ensure that the schools in the State of Illinois had access to daily physical education. I am proud to say that Illinois still has a mandatory PE requirement for all elementary and secondary students in school, and it really is the only State that has mandatory PE.

I have also had the privilege of working with the local Naperville, Illinois, chapter of the nonprofit organization PE4life, whose mission it is to inspire active, healthy living by advancing the development of daily health- and wellness-based physical education programs for all children, not just for those who are athletically inclined.

Now, I went over there, and I rode a bicycle, racing against these kids—the kind of bicycles where you see this road before you, and you've got to stay on it, and these kids are whipping along, and I'm falling off the edge of the road; but this is the kind of thing that's fun for kids to do in order to learn a healthy lifestyle.

The other thing that something like PE4life does is it tracks their fitness from the time they get on those bicycles in September to the time they get off a lot of these machines in order to see how they have become personally more fit, and it inspires them to care about their nutrition and everything. So it is my hope that other States will follow Illinois' lead by making physical education a priority in all of their schools.

So, once again, I want to highlight the excellent work of Congressman KIND and Congressman WAMP on this important piece of legislation, and I hope that we will begin the work of dramatically reducing childhood obesity.

I urge all of my colleagues to support H.R. 1585, the FIT Kids Act, and I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, again, I am very happy to join the First Lady in encouraging awareness of the importance of physical education in our schools. I ask all of our colleagues to join us in supporting H.R. 1585, as amended.

Mr. CONYERS. Mr. Speaker, today I rise in support of H.R. 1585, the "Fitness Integrated with Teaching Kids Act." This legislation will help combat the obesity epidemic facing our youth by promoting physical education for students by providing grants to schools, requiring State and local officials to report the progress on these initiatives, and improving teacher training.

Let me be frank, we are facing a childhood obesity epidemic in our country. Recently, the Centers for Disease Control found that obesity rate for children ages 12 to 19 is 17.6 percent and we can not allow this to continue. Today's legislation is a first step in correcting this disturbing trend by acknowledging that the whole community must actively participate in promoting healthy lifestyles for children. First, it requires all schools, districts and States to report on quantity and quality of physical education. In addition, grants are provided to support school counseling and community learning centers in order to boost children's nutritional and physical education. It also revises the professional development program for teachers and principals to include training for physical and health education.

Mr. Speaker, just a few weeks ago, this Congress passed historic health care reform legislation. The new law will change the lives of millions of Americans who could not get access to health care. While I believe this was a necessary law, we must also provide our children with the resources to live long and healthy lives. I urge my colleagues to support the bill.

Mr. KIND. Mr. Speaker, I rise today in strong support of the bipartisan Fitness Integrated with Teaching (FIT) Kids Act, H.R. 1585, legislation I authored with my colleague, Representative ZACH WAMP. Throughout my time in Congress, I have taken a special interest in ensuring our nation's youth live healthy, active lives. The FIT Kids Act focuses on getting physical education back into schools and has the support of over 50 organizations in addition to bipartisan support in the House.

With one in three children in this country being classified as overweight or obese it is clear that childhood obesity has reached epidemic proportions. Our kids are living increasingly sedentary lives, not enjoying the wonders of the outdoors or being active. As opposed to going outside, they stay indoors, sit in front of the television and play video games. In Wisconsin alone, 25 percent of children watch three or more hours of television a day and 20 percent play video games or use a computer for means other than school work three or more hours per day. The Centers for Disease Control and Prevention recommends that children participate in 60 minutes of physical activity daily. Since kids spend a majority of their time at school, it is clear that schools must be involved as we work to get kids moving.

This is especially true when it is considered that for children ages 9–13, an age that kids should be at their most active, 61.5 percent don't receive any physical activity outside of school hours. Even more disturbing, only 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education and 22 percent do not require students to take any physical education. The rise in childhood obesity correlates with the removal of physical education from schools over the past two decades and a decline in routine physical activity.

Of all the deaths from major chronic diseases, 23 percent are linked to sedentary lifestyles that today begin in early childhood. This is backwards; we need to ensure that our nation's youth learn the merits of living active lifestyles starting at an early age, not how to live inactive lives. It is true that you can't have a healthy mind without a healthy body. Study after study have shown that active children perform better on tests and are more focused and driven during the school day. With the advance in technology and the changing society we live in, it may be true that today's kids will never be as active as they were in the past. However, we can provide them with quality physical education that will teach them the immense benefits to living an active life beginning at an early age.

The FIT Kids Act will get kids moving during the day again and help them learn how to live

healthy, active lifestyles. The bill will provide information to parents and communities on the amount of physical education being offered in schools measured against the most recent national recommendations. Also, it will require that school districts provide parents with information on healthy living because schools can only solve so much of this problem. This information increases awareness of entire families and communities about opportunities for physical activity and how best to live healthy lives. Providing parents and caregivers with this information is imperative to ensure that they are making healthy choices at home.

In addition to providing information to parents and communities, the bill enacts a National Research Council Study on the types of physical education offered in schools and various and innovative means that schools successfully employ physical education in order to get students active. Additionally, there will finally be a comprehensive study regarding the relationship between cognitive development, academic achievement and physical education and fitness. The cost of the study will be minimal and the benefits substantial. While some studies have indicated that physical activity and education lead to better academic achievement, including a study most recently conducted by the CDC, the study in this bill would provide definitive evidence of the importance of movement and exercise to cognitive development and future productivity.

Lastly, this bill will make available to state education agencies and local education agencies best practices on innovative physical education and physical activity policies and programs at the state and local level while identifying common challenges in implementing physical education and barriers for meeting the DC recommendations for physical education.

I am so proud that the FIT Kids Act made it to the floor today. With all of the great things the First Lady has been doing to stop childhood obesity and all of the historical private and public partnerships that are currently being formed throughout the country, the timing is perfect for us to address the lack of physical education being provided in schools. I want to give a special thanks to my colleague, ZACH WAMP, for all of his tireless work supporting this bill. I would also like to thank Chairman MILLER for his devotion to the concepts and goals of the FIT Kids Act. The American Heart Association, the National Association for Sports and Physical Education, the American Diabetes Association, and the National Football League with their Play 60 campaign, all support the FIT Kids Act and advocated for its passage.

And, last but certainly not least, I want to thank Richard Simmons. For nearly four decades, Richard has helped millions of Americans lose weight, tirelessly working with overweight adults, teaching them to adopt a lifestyle of balance, moderate eating and exercise. Most recently, he has changed his focus from adults to children, traveling to over 200 schools last year. A leading advocate for the FIT Kids Act, Richard has praised the bill at schools, on television, and at speaking events around the country. His successful grassroots campaign in favor of the bill flooded congressional offices with letters urging support of the bill. As we pass the FIT Kids Act today, it serves as a testament to Richard's tenacious advocacy to make our children healthy again.

The benefits of getting physical activity back into schools are so great that it is something we need to come together and commit to. Routine physical education is a proven way to lower children's body mass index, increase students' attention and attentiveness during the day, and improve kids' academic scores. Let's pass this bill to ensure that we don't continue spending $147 billion annually on obesity related medical expenses or have more of our population suffer from chronic diseases, harming their quality of life and economic output. We need to commit to providing children with the foundations and knowledge to make healthy choices and live active lives; the FIT Kids Act puts us on the path toward doing this.

Mr. SABLAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 1585, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to increase awareness of physical activity opportunities at school, and for other purposes.".

A motion to reconsider was laid on the table.

## MATHEMATICS AWARENESS MONTH

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1270) expressing support for Mathematics Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 1270

Whereas current educational and economic trends indicate that the demand for employees with a high-quality mathematics education could exceed the supply of individuals with such an education;

Whereas students who pursue a postsecondary education in mathematics have a broad range of career choices upon graduation;

Whereas Mathematics Awareness Month began in 1986 as Mathematics Awareness Week;

Whereas April 2010, is recognized as Mathematics Awareness Month;

Whereas the theme for Mathematics Awareness Month 2010, "Mathematics and Sports", highlights uses for an education in mathematics across a broad range of subjects and helps to show students the role of mathematics in their everyday lives and interests;

Whereas mathematics is found in sports in the forms of measurement, time, computation, fractions, statistics, and probability; and

Whereas Mathematics Awareness Month encourages colleges, universities, and other organizations to hold events that draw and retain students to the field of mathematics: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of Mathematics Awareness Month;

(2) encourages colleges, universities, and other organizations to hold events to honor Mathematics Awareness Month; and

(3) supports increased public awareness and appreciation for the importance of mathematics at all levels of the educational system in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 1270 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1270, which recognizes the important role of mathematics in our schools and in our country.

Family members, as children's first teachers, are crucial to student success. The more adults become engaged in their children's education, the greater the chances that children will succeed. Parents teach children academic fundamentals by reading to them and by counting with them.

Mathematics Awareness Month provides a venue for students from kindergarten through high school and their families to celebrate and learn math. Institutes of higher education and professional organizations organize community events that highlight math problem-solving and how math is used in a variety of careers.

To succeed in tomorrow's world, students must understand algebra, geometry, statistics, and probability. Business and industry demand workers who can solve real-world problems, who can explain their thinking to others, who can identify and analyze trends from data, and who can use modern technology.

Our Nation's economic competitiveness depends upon rich math knowledge that can fuel industry by our citizenry. Tackling prominent social and health challenges will require professionals skilled in mathematics.

Mathematics Awareness Month began in 1986 as Mathematics Awareness Week, and it became a monthlong

celebration in 1999. Math has been commemorated this way every April for almost 25 years.

The theme of this year's Mathematics Awareness Month is ''Sports.'' All over the country, students and their families can attend community events to learn about math in baseball, basketball, football, golf, soccer, track and field, tennis, and, actually, car racing. Additionally, the Mathematics Awareness Month Web site provides videos and links to other resources.

Mathematics Awareness Month also provides an opportunity for us all to recognize the dedication of our Nation's math educators and to purposefully look for ways to increase mathematical excellence for all of our children.

I commend the colleges, universities, and organizations which hold events to draw and retain students into the field of mathematics.

Mr. Speaker, once again, I express my support for Mathematics Awareness Month, and I hope this resolution serves to inspire our Nation's citizenry to seek out events near them.

I want to thank Representative MCMORRIS RODGERS for bringing this resolution to the floor, and I urge my colleagues to pass this resolution.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Washington, CATHY MCMORRIS RODGERS, the sponsor of this bill.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in strong support of H. Res. 1270, a resolution expressing support for Mathematics Awareness Month.

Over the last several decades, there has been a growing concern with the low number of students who are graduating with a degree in mathematics. A 2002 report issued by the National Science Foundation found that the number of math degrees represented 1 percent of all bachelor's degrees in 1998, which was down from 1½ percent in 1985. Our concern is that the demand for those with mathematics degrees has and will continue to significantly exceed the available number of individuals qualified to meet our Nation's employment needs in the areas requiring math backgrounds.

Mathematics Awareness Month is intended to raise public awareness and the appreciation for mathematics. First recognized as Mathematics Awareness Week by President Ronald Reagan in 1986, the need for increased outreach was recognized. In 1999, Mathematics Awareness Month was established, and it has been recognized every year since by the Federal Government and by interested stakeholders to increase visibility and to highlight math's relevancy and importance to our economic future.

This month, Mathematics Awareness Month will focus on the relationship between math and sports, emphasizing the role that math plays in sports, such as time and measurement and statistics and probability.

I think what's interesting is that a 2005 GAO report found that teacher effectiveness between grades kindergarten and 12th was critical to a student's ongoing interest in mathematics. As we move forward with the reauthorization of the Elementary and Secondary Education Act, we should be cognizant of what is resonating with students and what is not, particularly in the areas of mathematics, science, engineering, and technology. Mathematics Awareness Month is one example of how we can help teachers make that important practical connection with students in needed areas of study.

I urge my colleagues to support this resolution.

Mr. SABLAN. Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, as a longtime advocate of science, technology, engineering, and mathematics—or STEM—education during my tenure here in Congress, I rise today in strong support of House Resolution 1270, expressing support for Mathematics Awareness Month.

In our increasingly global and technology-based economy, math education has become even more important to ensuring our Nation's continued economic competitiveness. Learning math is financially beneficial for both our Nation's economy and for our students.

In 2010, the top 10 highest paying college majors were all related to math, science, and engineering. Unfortunately, recent National Association of Educational Progress—NAEP—test scores has shown little or no progress among our fourth and eighth grade students since 2007. Despite the best efforts of many, this data demonstrate that much more must be done to improve mathematics education and to demonstrate its relevance to our Nation's students.

That is why the Joint Policy Board of Mathematics has chosen the 2010 theme ''Mathematics and Sports'' for this year's Mathematics Awareness Month. It will highlight the intersection of the sports world with the wide world of mathematics, a universal language which is used to investigate questions ranging from the trajectory of a baseball to the weight of a star.

Sports offer a variety of data, strategies, and probabilities which are each uniquely suited to mathematical analysis. Beyond its obvious use in evaluating baseball players and football quarterbacks, mathematics is necessary to design the dimple patterns on golf balls and the composition of racing tires. Today's baseball and basketball teams are even utilizing complex, new mathematical formulas to assemble the best teams at the lowest cost. This sports theme will provide students with countless opportunities to apply a range of math skills on real-life issues they encounter every day.

Mr. Speaker, I strongly support Mathematics Awareness Month, and I urge my colleagues to join me in encouraging all schools, colleges, universities, and other organizations to recognize the importance of mathematics in their own curricula.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1270 to express support for Mathematics Awareness Month. This year, Mathematics Awareness Month will take place in April with the theme of ''Mathematics and Sports.'' Events and demonstrations will take place across the country and include a variety of workshops, exhibits, competitions, and lectures to both educate people and encourage the study of mathematics.

As our society becomes increasingly dependent on technology, professionals who have a deep understanding of math and science are going to be in high demand. For this reason it is imperative that we educate the coming generation to truly understand mathematics and how it can be applied to everyday life. Simply put, our economy is going to demand an understanding of mathematics, and it is imperative that we rise to the challenge and teach our young people the mathematics skills they need.

Mr. Speaker, throughout my years in Congress, I have been an avid supporter of mathematics, engineering, and other related fields. I fully believe that we have to hold mathematics education in higher regard as innovation is a direct byproduct of a deep understanding of this field. For this reason, Mathematics Awareness Month is incredibly important, and I encourage my fellow colleagues to join me today in supporting this resolution for both our students and the future of our country.

Mrs. BIGGERT. Seeing that I have no further requests for time, I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I would like to urge my colleagues to support House Resolution 1270, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 1270.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE IMPORTANCE OF VOLUNTEERISM

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1276) recognizing the continued importance of volunteerism and national service and the anniversary of the signing of the landmark service legislation, the Edward M. Kennedy Serve America Act.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1276

Whereas April 21, 2010, marks the first anniversary of the signing of the Edward M. Kennedy Serve America Act;

Whereas the Edward M. Kennedy Serve America Act reauthorized the Corporation for National and Community Service and its programs through 2014, expanding opportunities for millions of people in the United States to serve the Nation;

Whereas the country is experiencing a wave of new innovation and collaboration to increase volunteerism; as social entrepreneurs try new approaches, technology increases access and expands service, and corporate volunteers provide pro bono skills to nonprofit organizations;

Whereas the Edward M. Kennedy Serve America Act increases volunteer opportunities for people in the United States of all ages, with a focus on disadvantaged youth, seniors, and veterans;

Whereas the Edward M. Kennedy Serve America Act promotes social innovation by supporting and expanding proven programs and builds capacity of individuals, nonprofits, and communities to volunteer; and

Whereas the legislation leverages service to assist in meeting challenges in the areas of education, health, clean energy, veterans, and economic opportunity: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes that service is of significant value to the United States; and

(2) recognizes the first anniversary of the Edward M. Kennedy Serve America Act, and encourages every citizen of the United States to continue to answer the call to serve.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 1276 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1276, which recognizes the anniversary of the signing of the landmark service legislation, which is the Edward M. Kennedy Serve America Act, and the continued importance of volunteerism and national service to our country.

For many Americans, including my constituents in the Northern Mariana Islands, service is the most valuable way for them to contribute to their communities. The Serve America Act encourages all Americans—from at-risk youth in inner cities, to people in rural communities, to people in the middle of the Pacific Ocean, to seniors and veterans—to unite in service to their communities. This is the universal quality of service that Martin Luther King spoke about when he said, "Everyone can be great because anyone can serve."

The Serve America Act expands many of the current service programs, including AmeriCorps, which is on a path to increasing its volunteer force from 75,000 to 250,000 by 2014. These new initiatives will specifically focus on key areas that are the foundation of our Nation's growth and prosperity, such as education, health care, energy, and veterans.

□ 1500

Young adults who join AmeriCorps VISTA commit to serve full time for a year at a nonprofit organization or local government agency, working to fight illiteracy, improve health services, create businesses, and strengthen community groups. Programs like these are valuable teaching tools for students to apply real-world experiences to issues they may encounter in the classroom and to grow as individuals while giving back.

Most importantly, the act seeks to revitalize our Nation's commitment to, and engagement in, service, especially among our Nation's youth. I strongly believe that our people are our most important and best resource, and engaging them in service puts that resource to work for the good of the community as a whole. I have seen the benefits, in my home in the Northern Mariana Islands, to the recipient of service and the volunteer alike, and I know that it is a rewarding experience for both, one that strengthens the ties of our community.

This week also marks the 37th Annual National Volunteer Week. Established in 1974, National Volunteer Week celebrates the spirit of service that has been so important to bringing Americans together, especially in times of economic hardship. According to the Corporation for National and Community Service, 61.8 million Americans, or 26 percent of adults, took time to contribute some volunteer service in 2008. Those volunteers donated 8 billion hours, worth $162 billion.

Finally, I want to recognize the person for whom this Serve America Act is named, the late Senator Edward M. Kennedy. Senator Kennedy spent his life serving his country, never forgetting the words spoken by his brother President John F. Kennedy in 1961: "Of those to whom much is given, much is required." I am proud that we can honor Senator Kennedy's memory by encouraging Americans to offer service to their fellow citizens.

Mr. Speaker, once again I express my support for this resolution commemorating the Edward M. Kennedy Serve America Act, and I urge my colleagues to join me in support of this resolution celebrating its 1 year anniversary.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1276, recognizing the continued importance of volunteerism and national service and commemorating the anniversary of the signing of this landmark service legislation, the Edward M. Kennedy Serve America Act.

Albert Einstein once said, "A person starts to live when he can live outside himself." Regardless of one's age or background, education or interests, experience or abilities, every American should have the chance to serve because all have something to contribute to the greater good.

The Serve America Act increases opportunities for Americans of all ages to serve; supports innovation in the nonprofit sector; and ensures good management, cost-effectiveness, and accountability in organizations receiving tax dollars. The Serve America Act established a Summer of Service program to provide education awards for rising sixth through 12th graders, a Semester of Service program for high school students to engage in service learning, and Youth Empowerment Zones for secondary students and out-of-school youth. It authorizes Nonprofit Capacity Building grants to provide organizational development assistance to small and mid-size nonprofit organizations. In addition, it ensures that programs receiving assistance under national service laws are accountable by continuously evaluating them for effectiveness in achieving performance and cost goals.

Today we recognize the anniversary of the signing of this legislation and encourage Americans to continue to answer the call to serve. I support this resolution and urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, again I express my support for this resolution, and I encourage all my colleagues to join me in their support.

Mr. CONYERS. Mr. Speaker, I rise in support of H. Res. 1276, which commemorates the anniversary of the Edward M. Kennedy

Serve America Act and calls on the American people to consider volunteering in their communities. The Serve America Act, which was signed into law by President Obama on April 21, 2009, created additional service and volunteer opportunities for Americans by expanding and strengthening existing federal grants and programs that provide community service.

The Serve America Act provides 175,000 new service opportunities, which more than triples the number of nationwide volunteers involved in these programs. This legislation includes initiatives to increase energy conservation, improve the health status of economically disadvantaged individuals, and enhance economic opportunity for economically disadvantaged individuals. Additionally, the Serve America Act enhanced the existing learning programs of the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973, by providing year round opportunities to improve the education of children and youth. The volunteers involved in these programs should be applauded for working to address some of the grave problems that impact many of their fellow Americans.

My friend, Senator Edward M. Kennedy, came from a family with a long legacy of serving our country. Today, we take time to honor his memory, his outstanding commitment to the public service, and this final legislative triumph. I encourage my colleagues to support this resolution.

Ms. RICHARDSON. Mr. Speaker, I rise today as a cosponsor of H. Res. 1276, which commemorates the first anniversary of the Serve America Act. For the last year, the Serve America Act has been promoting service to help meet national challenges, expand opportunities to serve, and support social innovation. The Serve America Act is a historic milestone for national service, but signing the bill is just the beginning—we need every American to rise to this national call to service.

I thank Chairman MILLER for his leadership in bringing this bill to the floor. I also thank him for sponsoring this legislation and taking the time to chronicle the crucial achievements of the Serve America Act.

Mr. Speaker, last year President Obama signed into law the Edward M. Kennedy Serve America Act, the most sweeping expansion and strengthening of national service in a generation. The strong bipartisan support for this legislation was a testament to the proven impact of national service and the widespread recognition that service is a solution to tough challenges. There is strong momentum for citizen service—volunteering increased last year to the highest level since 2003, AmeriCorps applications continue to increase on a yearly basis, and the service field is experiencing a wave of new innovation and collaboration. In California, last year 230,000 individuals of all ages and backgrounds helped meet local needs, strengthen communities, and increase civic engagement through 366 projects statewide. This year, the Corporation for National and Community Service, the organization implementing the Serve America Act, will commit over $75 million to support California communities through national service initiatives.

The Serve America Act has empowered individuals, nonprofits, state governments, and local communities to address our nation's most pressing challenges through service. The significant progress already made since the passing of this legislation, and the attitude of selflessness that it has promoted make it entirely fitting that we take this time to honor and commemorate the first anniversary of the Serve America Act. Thanks to the leadership of the President, the bipartisan support of Congress, new authorities under the Serve America Act, historic funding for programs, and a growing consensus that service is a solution, we stand at the dawn of a new era of service in America.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1276.

Mr. CROWLEY. Mr. Speaker, I rise today in favor of H. Res. 1276, commemorating the anniversary of the signing of the landmark service legislation, the Edward M. Kennedy Serve America Act.

Since its enactment 1 year ago, the Edward M. Kennedy Serve America Act has cemented the importance of volunteerism and community involvement in American society. This legislation reflects the willingness of Americans to dedicate their time and effort to help their neighborhoods through a common goal of community improvement.

The success of the Serve America Act is apparent not only in its progress so far, but in those results yet to come. The creation of 175,000 new volunteer opportunities, through existing service programs such as AmeriCorps, is increasing volunteerism in America to the highest level since 2003.

The Serve America Act has demonstrated that even in this period of economic uncertainty, investment in communities continues to reap the highest rewards. The Serve America Act has allowed Americans to play an active role in our economic recovery through their volunteerism by empowering individuals to initiate real and lasting development within their communities. And by rewarding those who volunteer their services even during their full-time education, this legislation has enabled countless diligent students to combine community activism with greater educational possibilities.

I am particularly proud that this legislation created the Musicians and Artists Corps that I championed to train and deploy skilled musicians and artists to low income communities, schools, health care and therapeutic settings, and other areas, where they promote music and arts engagement programs. As someone who knows firsthand the proven social benefits of music and creative arts programs, I believe this program will have tremendous rewards.

The Serve America Act has been a call to service to all Americans, and undoubtedly it has inspired American citizens from all walks of life to give back to their communities. The Musicians and Artists Corps allows musicians and artists who are eager to serve to contribute their special skills and diverse talents to this community of activism.

The Edward M. Kennedy Serve America Act has contributed significantly to increasing service in our country, and I am proud to commemorate its passage and support its continuing good work.

Mr. SABLAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 1276.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1963, by the yeas and nays;

H. Res. 1104, by the yeas and nays;

H. Res. 1216, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## CAREGIVERS AND VETERANS OMNIBUS HEALTH SERVICES ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, S. 1963, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 1963, as amended.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 11, as follows:

[Roll No. 214]

YEAS—419

| | | |
|---|---|---|
| Ackerman | Boccieri | Cardoza |
| Aderholt | Boehner | Carnahan |
| Adler (NJ) | Bonner | Carney |
| Akin | Bono Mack | Carson (IN) |
| Alexander | Boozman | Carter |
| Altmire | Boren | Cassidy |
| Andrews | Boswell | Castle |
| Arcuri | Boucher | Castor (FL) |
| Austria | Boustany | Chaffetz |
| Baca | Boyd | Chandler |
| Bachmann | Brady (PA) | Childers |
| Bachus | Brady (TX) | Chu |
| Baird | Braley (IA) | Clarke |
| Baldwin | Bright | Clay |
| Barrow | Broun (GA) | Cleaver |
| Bartlett | Brown (SC) | Clyburn |
| Barton (TX) | Brown-Waite, Ginny | Coble |
| Bean | Buchanan | Coffman (CO) |
| Becerra | Burgess | Cole |
| Berkley | Burton (IN) | Conaway |
| Berman | Butterfield | Connolly (VA) |
| Berry | Buyer | Cooper |
| Biggert | Calvert | Costa |
| Bilbray | Camp | Costello |
| Bilirakis | Campbell | Courtney |
| Bishop (GA) | Cantor | Crenshaw |
| Bishop (NY) | Cao | Crowley |
| Bishop (UT) | Capito | Cuellar |
| Blackburn | Capps | Culberson |
| Blumenauer | Capuano | Cummings |
| Blunt | | Dahlkemper |

Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Barrett (SC)
Brown, Corrine
Cohen
Conyers
Davis (AL)
Hoekstra
Johnson, E. B.
Lewis (GA)
Neal (MA)
Ruppersberger
Smith (TX)

□ 1543

Mr. DEFAZIO changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SUPPORTING THE MISSION AND GOALS OF 2010 NATIONAL CRIME VICTIMS' RIGHTS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1104, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1104.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 13, as follows:

[Roll No. 215]

YEAS—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier

| | | |
|---|---|---|
| Spratt | Tierney | Watson |
| Stark | Titus | Watt |
| Stearns | Tonko | Waxman |
| Stupak | Towns | Weiner |
| Sullivan | Tsongas | Welch |
| Sutton | Turner | Westmoreland |
| Tanner | Upton | Whitfield |
| Taylor | Van Hollen | Wilson (OH) |
| Teague | Velázquez | Wilson (SC) |
| Terry | Visclosky | Wittman |
| Thompson (CA) | Walden | Wolf |
| Thompson (MS) | Walz | Woolsey |
| Thompson (PA) | Wamp | Wu |
| Thornberry | Wasserman Schultz | Yarmuth |
| Tiahrt | Waters | Young (AK) |
| Tiberi | | Young (FL) |

NOT VOTING—13

| | | |
|---|---|---|
| Barrett (SC) | Davis (AL) | Neal (MA) |
| Brown, Corrine | Hoekstra | Ruppersberger |
| Cleaver | Johnson, E. B. | Smith (TX) |
| Cohen | Lewis (GA) | |
| Conyers | McMahon | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1552

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall Nos. 214 and 215, had I been present, I would have voted "yea."

## HONORING HOUSE CHAPLAIN DANIEL P. COUGHLIN

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, my colleagues, earlier today in the House, a resolution was brought onto the floor honoring the 10 years that Father Coughlin has served us as the Chaplain of the House of Representatives.

We recognize that 10 years ago under the leadership of then-Speaker Dennis Hastert, he reached back to Illinois and named a parish priest, Father Coughlin, as the Chaplain of the House of Representatives. For those of us who are Roman Catholic, it was an honor because it was the first time a Catholic was the Chaplain of the House.

Five years after that, Father Coughlin took us to Rome for the funeral for Pope John Paul II, and in doing so, he was visiting Vatican City where he had participated in his priesthood. Before he came here, he was a parish priest. Before he came here, he had lived in a Trappist monastery in Kentucky and deepened his faith there. Before he came here, he had served the poor in Calcutta, India.

My own patron saint of the City of San Francisco, as I said earlier, he used to say, Preach the gospel; sometimes use words. That is what Father Coughlin did. He preached the gospel by ministering to the needs of the poor following the message of the gospel, and he also then served as a parish priest and came here to this House of Representatives.

In the meantime, last Sunday, as these two events converged—it's quite a coincidence—in Chicago, he was honored at a celebration of the 50th anniversary of his becoming a priest. The 50th anniversary. We all know Father Coughlin as a modest man, but in a moment of immodesty he told me earlier that 35 priests concelebrated the mass, the celebration of his ordination.

And there in the church to see was his mother, Lucille, 95 years old. Mr. LIPINSKI, the presenter of the resolution, was there as well, as well as Mr. SENSENBRENNER and his wife, Cheryl. And I'm almost jealous of them for having that opportunity to be at that church to see that celebration, because every single day here we see his holiness, his goodness. We see him lead us in prayer at the beginning of the day under the engraving "In God We Trust." When he is not presenting that inspiration to us, he has invited other faith leaders to present at the invitation of Members of Congress.

But his goodness shines through. His inspiration to us is endless. The debt of gratitude that we have to him and to Lucille for what he has brought to us is endless. His service here has indeed been a blessing to this House of Representatives, and I am so pleased that we are all going to unanimously support the resolution honoring his 10 years of service here and recognizing his 50 years as a priest.

Thank you, Father Coughlin, for serving us so well.

I am pleased to yield to Leader BOEHNER.

Mr. BOEHNER. I thank the Speaker for yielding.

Let me associate myself with the Speaker's remarks about Father Coughlin. He really is quite an individual, and he is there for all of us. And I think that over the 10 years that he has served us, he has done a really, really marvelous job, and I think all of the Members would agree.

In the resolution that was on the floor earlier today celebrating his 10 years of service to the House, it mentioned that he is in his seventies. Now, he looks pretty good for a guy in his seventies. Mr. HOYER is jealous because he is in his seventies as well. I remember what it took to be ordained a priest back in Father Coughlin's era, and so I am sure he is beyond just 70, Mr. HOYER, but I think he looks awfully good for a man in his seventies.

I think all of us realize that while Father Coughlin is here to lead us in the opening prayer or to work with other ministers who come, he is also there for our spiritual guidance—days when we're sad and, frankly, days when we're happy.

But to celebrate 50 years in the priesthood, that is 50 years of a lot of service to a lot of people. And on behalf of all of us, Father Coughlin, we thank you for your service and wish you a hearty congratulations.

## CONGRATULATING REVEREND DANIEL P. COUGHLIN ON 10TH YEAR OF SERVICE AS HOUSE CHAPLAIN

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1216, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. CAPUANO) that the House suspend the rules and agree to the resolution, H. Res. 1216.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 19, as follows:

[Roll No. 216]

YEAS—412

| | | |
|---|---|---|
| Ackerman | Butterfield | Deutch |
| Aderholt | Buyer | Diaz-Balart, L. |
| Adler (NJ) | Calvert | Diaz-Balart, M. |
| Akin | Camp | Dicks |
| Alexander | Campbell | Dingell |
| Altmire | Cantor | Doggett |
| Andrews | Cao | Donnelly (IN) |
| Arcuri | Capito | Doyle |
| Austria | Capps | Dreier |
| Baca | Capuano | Driehaus |
| Bachmann | Cardoza | Duncan |
| Bachus | Carnahan | Edwards (MD) |
| Baldwin | Carney | Edwards (TX) |
| Barrow | Carson (IN) | Ehlers |
| Bartlett | Carter | Ellison |
| Barton (TX) | Cassidy | Ellsworth |
| Bean | Castle | Emerson |
| Becerra | Castor (FL) | Engel |
| Berkley | Chaffetz | Eshoo |
| Berman | Chandler | Etheridge |
| Berry | Childers | Fallin |
| Biggert | Chu | Farr |
| Bilbray | Clarke | Fattah |
| Bilirakis | Clay | Filner |
| Bishop (GA) | Cleaver | Flake |
| Bishop (NY) | Clyburn | Fleming |
| Bishop (UT) | Coble | Forbes |
| Blackburn | Coffman (CO) | Fortenberry |
| Blumenauer | Cole | Foster |
| Blunt | Conaway | Foxx |
| Boccieri | Connolly (VA) | Frank (MA) |
| Boehner | Cooper | Franks (AZ) |
| Bonner | Costa | Frelinghuysen |
| Bono Mack | Costello | Fudge |
| Boozman | Courtney | Gallegly |
| Boswell | Crenshaw | Garamendi |
| Boucher | Crowley | Garrett (NJ) |
| Boustany | Cuellar | Gerlach |
| Boyd | Culberson | Giffords |
| Brady (PA) | Cummings | Gingrey (GA) |
| Brady (TX) | Dahlkemper | Gohmert |
| Braley (IA) | Davis (CA) | Gonzalez |
| Bright | Davis (IL) | Goodlatte |
| Broun (GA) | Davis (KY) | Gordon (TN) |
| Brown (SC) | Davis (TN) | Granger |
| Brown-Waite, Ginny | DeFazio | Graves |
| | DeGette | Grayson |
| Buchanan | Delahunt | Green, Al |
| Burgess | DeLauro | Green, Gene |
| Burton (IN) | Dent | Griffith |

Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Baird
Barrett (SC)
Boren
Brown, Corrine
Cohen
Conyers
Davis (AL)
Herger
Hoekstra
Lewis (GA)
McMahon
Neal (MA)
Polis (CO)
Ruppersberger
Schrader
Smith (TX)
Smith (WA)
Waters
Welch

□ 1608

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Washington. Mr. Speaker, this afternoon, on Wednesday, April 21, 2010, I was unable to be present for rollcall vote No. 216 (on the motion to suspend the rules and agree to H. Res. 1216). Had I been present, I would have voted "yes."

## PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on April 21, 2010, I regret that I was not present to vote on S. 1963, H. Res. 1104, and H. Res. 1216.

Had I been present, I would have voted "yea" on all votes.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3936

Mr. PENCE. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 3936.

The SPEAKER pro tempore (Mr. NYE). Is there objection to the request of the gentleman from Indiana?

There was no objection.

## GIVING BACK TO OUR VETERANS AND THEIR FAMILIES

(Mr. SCHIFF asked and was given permission to address the House for 1 minute.)

Mr. SCHIFF. Mr. Speaker, I rise in strong support of the Caregivers and Veterans Omnibus Health Services Act. Day in and day out our soldiers, sailors, airmen, marines and the Coast Guard put their lives on the line to protect our own.

Our men and women in uniform are the bravest among us, making unparalleled sacrifices to protect our precious liberties and freedoms, and we must do everything in our power to support them. This legislation is an important component of our ongoing effort to give back to our veterans and their families.

It will provide long overdue support to those who care for the disabled, ill and injured veterans. It will enhance health services for 1.8 million women veterans, including care for newborns for the first time in history. It will expand mental health services for veterans and health care access for veterans in rural areas. It will end co-pays for veterans who are catastrophically disabled.

Today we have an opportunity to provide for our veterans and families the valuable benefits they need, have earned and deserve. On behalf of our brave men and women in uniform, as well as their friends and family, I join my colleagues in strong support of the bill.

## CONGRATULATING RAQUEL EGOZI BEHAR ON BEING RECOGNIZED AS THE 2010 MOTHER OF THE YEAR BY MIAMI JEWISH HEALTH SYSTEMS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Raquel Egozi Behar, a great member of the South Florida community and a dear friend.

Next month Raquel will be recognized by the Miami Jewish Health Systems as the 2010 Mother of the Year. Her dedication and selfless service to the Latin Auxiliary and the Miami Jewish Health Systems have been exceptional. It is a testament to her character and her sense of community.

Raquel has also worked with the Miami Jewish Health Systems music therapy program. Despite all of her community service and engagement, the role she cherishes most of all is that of being a mother and a grandmother. Her values and her principles have inspired her loved ones.

Her daughter, Luisa, has become an active member of the Latin Auxiliary, serving on its board and her grandson, Max, has also become involved with the Auxiliary and the Miami Jewish Health Systems.

Raquel and her wonderful family are truly examples of L'dor V'dor, from generation to generation. I am proud to call Raquel a friend and South Florida is fortunate to have her.

Congratulations, Raquel, on this award.

## ADDRESSING ALL TERRORIST THREATS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize and honor our military forces who have fought valiantly to strengthen our counterterrorism strategy. My top priority as chairwoman of the House Armed Services Subcommittee on Terrorism, Unconventional Threats, and Capabilities is to provide all the necessary resources to our military in order to protect our country from terrorist threats.

I would like to especially recognize our U.S. Special Operations Forces, who have been an integral part of our counterterrorism strategy. The U.S.

Special Operation Forces have been successful in developing valuable relationships with the governments in Pakistan and Afghanistan, ultimately leading to the capture of hundreds of al Qaeda fighters and affiliates.

However, terrorism is not limited to Iraq and Afghanistan. Currently, our forces are also in regions such as Yemen to root out terrorists and send a loud message to those who seek to do us harm that we will not let them operate freely like that.

Congress must be proactive about addressing all terrorist threats to our country through intelligence, diplomacy and with our Armed Forces.

## FEDERAL GOVERNMENT MUST PAY SECURITY COSTS FOR DETROIT TERROR TRIAL

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, since the attempted terrorist attack on Northwest Flight 253 on Christmas Day, I have been arguing that the terrorist at Detroit Metro Airport that was arrested there is an unlawful enemy combatant who should be tried in a military commission.

The decision to try this terrorist in civilian court, to give him the right to remain silent, as well as giving him three taxpayer-funded attorneys, is absolutely wrong, in my opinion.

Mr. Speaker, as well, this trial will place undue costs and manpower burdens on the City of Detroit and the State of Michigan, neither of which is in a position to absorb additional security-related costs. It is wrong, Mr. Speaker, to ask hard-pressed communities, local communities, to pay these costs simply because we were the targets of this attack while we played no role in the decision to hold this trial in the City of Detroit.

It was the decision of Eric Holder and the Federal Government to try this terrorist in civilian court in Detroit, so I think that the additional costs to local and State government should be borne by the Federal Government. The Department of Homeland Security must stand up and guarantee to fund any cost to the City of Detroit or the County of Wayne or the State of Michigan that they would not normally incur.

□ 1615

## EQUAL PAY DAY

(Ms. CHU asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CHU. Imagine going to work every day for decades and giving your blood, sweat and tears to a company and then finding out your male colleagues were getting higher raises and making more money for years. That's what happened to Lilly Ledbetter, and she is one of the lucky ones because she was able to prove that she was paid less because she was a woman. The effect of lesser pay is immense. For a single woman, it can mean the loss of up to $2 million over a career, not to mention lower pension and Social Security payments for the rest of her life.

Today, more women are graduating from college than men, yet full-time working women with the same major and same degree earn only 80 percent compared to their male colleagues. That is unacceptable. At this rate, my three young nieces will be receiving Social Security before they get the equal pay they deserve.

But I refuse to wait that long. That is why the Senate must pass the Paycheck Fairness Act which stiffens penalties for employers who discriminate based on gender. I stand today to urge the Senate to support the women of America. There must be equal pay for equal work.

## RECOGNIZING PETE JOENKS FOR HIS COMMITMENT TO STUDENTS AND EDUCATION IN THE STATE OF ARKANSAS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize Mr. Pete Joenks for the honor and recognition of being named Assistant Principal of the Year for the State of Arkansas.

Mr. Joenks earned his masters in education from the University of Arkansas in Fayetteville and went on to teach physics and chemistry for 15 years prior to becoming assistant principal at Springdale High School. The innovative programs he created like The Sophomore Center at Springdale High School which led to higher achievement and less absenteeism among students is a testament to his character and passion to educate. This program truly helped those at-risk students at Springdale High School to perform better in school and to make more of their education. Mr. Joenks also created Adopt-A-Pup, which assigns every at-risk student with a mentor to help them achieve better in school.

I am proud of Mr. Pete Joenks for his commitment to education and his efforts to improve the lives of students in Arkansas, and this is a well-deserved honor.

## IRAN SANCTIONS

(Mrs. HALVORSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HALVORSON. Mr. Speaker, the House will soon take an important step by approving a motion to go to conference on H.R. 2194, the Comprehensive Iran Sanctions, Accountability and Divestment Act. Last December, the House voted overwhelmingly in support of this bipartisan legislation. Now we need to act quickly on the conference report so that we can send a bill to the President. Every day we delay is another day that Iran grows closer to acquiring a nuclear weapon.

A nuclear Iran is an unacceptable scenario that would be a threat to the State of Israel, our trusted ally, and could destabilize the entire Middle East. It would also be a threat to our own national security. Enacting strong, crippling sanctions on the Iranian regime will send a clear signal to the international community that we need to work together to prevent a nuclear Iran. I look forward to working with my colleagues and the administration to make this happen.

## CONGRATULATING McKAY-DEE HOSPITAL FOR 100 YEARS OF SERVICE

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, I rise today to recognize one of Utah's great medical institutions, McKay-Dee Hospital, as it celebrates 100 years of service.

Founded by Annie Taylor Dee in Ogden, Utah, its goal was to bring medical services to underserved areas. In 1915, the Church of Jesus Christ of Latter Day Saints assumed ownership of the Dee Hospital, and under the leadership of David O. McKay expanded services for even more residents. In 1976, the LDS church relinquished control of the McKay-Dee Hospital network to the not-for-profit Intermountain Healthcare, leaving it with the charge to become a model of health care excellence.

Taking this charge of excellence to heart, tens of thousands of hardworking individuals have devoted their lives to healing patients at the three hospitals that have become the Intermountain McKay-Dee Hospital and Medical Center, and their efforts have been recognized as a national model for providing quality and affordable health care.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Intermountain McKay-Dee Hospital for its 100 years of dedicated service.

## ISRAEL

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, 62 years ago, Israel declared its independence and established a nation founded on the principles of justice, freedom, and peace. These founding tenets are not unlike those on which the United States was built, and these mutual beliefs spurred a resilient relationship between Israel and the U.S., a friendship of six decades which remains strong today.

The United States was the first Nation to recognize Israel, and with that recognition came a promise, a promise to help ensure Israel's security, a promise to stand behind the only democracy in the Middle East, and a promise to always uphold Israel's right to exist. On this anniversary let us celebrate, as the Israeli folk song goes, Am Yisrael Chai—the people of Israel live—and may they have the land of Israel to call home today, tomorrow, and always.

## NATIONAL DAY OF PRAYER

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, inscribed on the Jefferson Memorial is a quotation from Thomas Jefferson that reads, in part: ''No man shall be compelled to frequent or support any religious worship or ministry or shall otherwise suffer on account of his religious opinions or belief, but all men shall be free to profess and by argument to maintain their opinions in matter of religion.''

There is nothing about the National Day of Prayer that compels anyone to support any religious worship or ministry. There are no ''prayer police.'' In fact, we who support the National Day of Prayer wish it were more successful, but in no way do we seek to impose it. Yet all men are free to maintain their religion through prayer and other means.

What threatens some people about a still small moment of silence for contemplation or a prayer to a higher being in whatever form? Nothing about the National Day of Prayer requires any person to do anything. So I ask those who are threatened by this, Where is the harm to them? The Founding Fathers gave us freedom of religion, not freedom from religion. The court decision declaring the day unconstitutional cannot stand.

## RECOGNIZING THE ARMENIAN GENOCIDE

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I rise today to express my strong support for official U.S. recognition of the Armenian genocide. Notable scholars and historians who recognize the Armenian genocide include the International Association of Genocide Scholars and the Elie Wiesel Foundation for Humanity whose findings are supported by 53 Nobel Laureates. Yet, in the face of all the evidence, Turkey presses on, exporting a legacy of genocide denial, a legacy it continues to enforce within its own borders.

Many of my colleagues express sympathy for the genocide victims but are hesitant to vote for recognition. Turkey's relentless lobbying campaign, which threatens retaliation should the U.S. recognize this historical reality, has had its intended effect. Some Members of Congress worry that recognition will cause irreparable harm to U.S.-Turkish relations and therefore undermine the United States' strategic interests. ''It's just not a good time'' is a common refrain. That excuse is always available, but it is a wholly inadequate excuse.

For the sake of its core values and in true furtherance of its strategic interests, the United States must take a deep breath, look its ally, Turkey, in the eye and recognize this tragic episode of the modern era to be an unambiguous fact of history.

## 60TH ANNIVERSARY OF TOASTMASTERS CLUB 767

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, today I rise in recognition of the recent 60th anniversary of the Toastmasters Club 767 located in Alliance, Ohio, where I live.

The Toastmasters, now an international club with members in China and India, has given some 250,000 Americans the opportunity to overcome their fear of public speaking, become better listeners, and gain confidence in community relations. Alliance Toastmasters has given that opportunity to people in my community for some 60 years now, having grown from just four members at its inception to now dozens.

In Alliance, Ohio, and elsewhere, there are politicians, administrators and teachers who have gained much of their confidence and ability to communicate from their experience in the Toastmasters Club; but more than anything Toastmasters presents an opportunity for people to engage with their neighbor, learn from one another, and to develop their thoughts about our world.

In an age of 24-hour news, Internet surfing and texting, Toastmasters is a reminder of just how important it is that we maintain face-to-face communication with one another. I commend Alliance Club 767 for helping people in my community gain confidence in doing just that for 60 memorable years, and I thank them for their service to our community.

## HONORING JOSHUA McMACKLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, on a number of occasions many Members have had to rise to speak of a very sad and tragic incident that has occurred in their congressional district. Today, sadly, I rise as well to speak to the terrible loss of Joshua McMackle, a young freshman student at Texas Southern University in Houston, Texas.

Meeting his parents and sister, Tracy, Moriah, and Bruce McMackle, his grandmother and aunt, many of whom were in the service of this country being Federal employees and law enforcement employees, it was so sad to be able to speak about this senseless and untimely death.

I would say to you that this was a fine young man, a freshman who had come to Texas Southern University because of its special and exclusive music program. He was a high school graduate of the Randolph-Macon Military Academy, and he had traveled around the world with his mom and his parents.

His tragic death occurred as any student might have it happen to them. Unfortunately, when parents send their children away to learn, some person, some unfortunate tragic individual would take a life by gunfire. And so it was for Joshua a week ago Saturday when he was with his friends at an event that should have been joyous, a fun time, a party, which is perfectly all right for college students, and along came outsiders who attempted, if you will, to turn this into the devastating tragedy that it was.

In tribute to Joshua—we memorialize him this coming Saturday—but more importantly, in tribute to him we will say ''Never on our watch again.'' I join with his family and the memorial funding that they will have to say to young people across America, enough is enough, and to be able to enforce the laws that are necessary, along with the freedom that we have, that gets rid of those who think it is okay to take a senseless life, to beat up a fellow student, or to cause the death of someone they do not know.

May this fine young man rest in peace. Joshua McMackle, we honor you for your contributions to America.

□ 1630

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

## GOING GREEN AND SAVING ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday, Congresswoman DEBBIE WASSERMAN SCHULTZ and my fellow Members of Congress—MARIO DIAZ-BALART and TED DEUTCH—and I held a great press conference with Dan Beard, the Chief Administrative Officer of the House of Representatives, on how to make our offices more energy efficient.

Representing such natural wonders like the Florida Keys National Marine Sanctuary, I am extremely sensitive to the impact of our daily routine on the environment. I am a supporter of the green proposals, such as increasing the fuel efficiency of our cars and promoting the use of clean alternative energy.

However, as we all know, green living begins at home and in the workplace. Whether it's by turning off the lights when exiting a room, carpooling to the office, or recycling on a regular basis, we can all work to improve our environments. The buildings of the Capitol complex, including my congressional office, are now utilizing the latest in energy- and water-saving technologies. For example, the simple action of installing energy-saving lighting throughout the U.S. House of Representatives has saved U.S. taxpayers more than $175,000 annually. House offices have also increased their participation in the recycling of paper and of other raw materials. Last year, the House of Representatives recycled more than 1,800 tons of paper, 46 tons of bottles and cans, and 1 ton of leather.

In the days ahead, my district office in Miami will be implementing additional electricity- and resource-saving measures. At a time when our Nation is struggling with high unemployment and with an unsustainable deficit, we should be doing all that we can to eliminate government inefficiencies, waste, fraud, and abuse.

This week, in celebration of Earth Day, south Florida families can attend Miami's Goin' Green Celebration to learn more about how you can protect our environment, how you can support green technologies, and how you can save money on your energy and water bills. I encourage south Floridians to attend this important event, which is scheduled to take place on Saturday from 10 to 6 p.m. in Miami's Bayfront Park. Individuals and families attending this event can participate in seminars on energy-efficient home improvements, on how to save on your water bills, and on several other informative exhibitions. In particular, I encourage you to register for many of the eco-friendly services provided by Miami-Dade County, such as recycling pickups and the Adopt-a-Tree program. By implementing individual changes, we can all make positive differences on our environment.

I will continue to work in Congress to support policies that encourage families and businesses to be more energy efficient and less reliant on expensive foreign fuel. At the same time, I will continue to be a staunch advocate for green initiatives that will not put a financial burden on working families and small businesses.

Once again, I urge all of my south Florida constituents to attend Miami's Goin' Green Celebration this Saturday in Bayfront Park, which is in my congressional district, to learn more about living more environmentally friendly lives. We all have roles to play as we endeavor to preserve south Florida's natural beauty and to improve our communities' environments for ourselves, our children, and our grandchildren.

## COMMENDING AND THANKING OUR BRAVE MEN AND WOMEN IN UNIFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise today to commend and to thank our brave men and women in uniform who risk their lives every single day to protect America and to keep our families safe.

We have the very best warfighters in the world who are led by the very best commanders, and under President Obama, our military servicemembers are experiencing even greater success in keeping our Nation safe from those who seek to do us harm.

Earlier this week, a joint raid by U.S. and Iraqi forces delivered what General Odierno, the top military commander in Iraq, identified as ''potentially the most significant blow to al Qaeda in Iraq since the beginning of the insurgency.'' During this raid, two of al Qaeda's top leaders were killed, including al Qaeda in Iraq's top leader. This news was not only a sign of our continued progress against al Qaeda in Iraq and its affiliates but of our progress overall in our fight to quell terrorism and to keep America and our allies safe.

Our increased success in killing and capturing terrorists isn't limited just to Iraq. Under President Obama, we have stepped up the fight against terrorists, and we have strengthened strategic partnerships in places like Pakistan and Yemen. With the help of these partners, we are finally making significant progress in the war against al Qaeda terrorists and their allies.

We are capturing terrorist leaders every week, and we are seeing much greater success in getting our allies and other countries in the region to root out terrorists and to send a loud message that those who seek to do us harm will not be able to operate freely. This increased progress is markedly noticeable in Afghanistan, which for many years under the Bush administration was, frankly, the forgotten war.

Mr. Speaker, Afghanistan is an epicenter of terrorism. We cannot afford to forget that it was the genesis of multiple attacks that have killed thousands of Americans: our children, our parents, our spouses, our friends, and our neighbors. After nearly a decade with no real plan in Afghanistan, we now have a strategy for success under this President.

While we build an Afghan Government capable of keeping al Qaeda from using Afghanistan as a safe haven, we are striking ever harder at al Qaeda and at their allies as they hide in the mountains of Pakistan. Using special operations forces and Predator planes and in cooperating with the governments of Pakistan and Afghanistan, we have captured or killed hundreds of al Qaeda's fighters and affiliates since 2009, far more than in 2008. In fact, during this administration, more than 600 terrorists have been killed by drone strikes. That is more than triple the amount from 2004–2008 combined.

The President's new strategy in Afghanistan and in Pakistan, in cooperation with Pakistani forces, also helped lead to the capture of the Taliban's second-in-command, a former Taliban finance minister and two Taliban shadow governors. These were the most significant captures of Afghan Taliban leaders since the start of the war in Afghanistan. Building the capacity and reinforcing the will of other countries to strike at al Qaeda will, I believe, be critical toward eliminating this threat forever. President Obama's administration deserves to be congratulated for its progress on both fronts.

Importantly, this administration understands that we need a comprehensive strategy to prevent terrorism. Just as you cannot effectively rid your backyard of poison ivy by just cutting off all the leaves, we cannot effectively destroy terrorist cells unless we take them out by the roots, cutting off the supply of recruits that feeds them. So, in addition to ramping up our missions to capture and kill terrorists, we are also now placing a greater emphasis on taking the necessary measures to prevent the recruitment of violent extremists.

Mr. Speaker, with the responsible new steps being taken by our Commander in Chief, with the outstanding leadership by our commanders on the ground, and with the unrivaled dedication and courage of all of our men and

women in uniform, I have no doubt that our Nation is safer today than it was 3 years ago. We have come a long way in keeping America safe from future terrorist attacks.

## UNDERSTANDING THE BUDGET SURPLUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT. Mr. Speaker, during the Clinton years, Washington was telling the American people that we had a budget surplus and that we were paying down the debt. After a number of months of bragging about this budget surplus we had and about how much we were paying down the debt, we had to raise the debt limit ceiling.

Now, I asked our leadership, Isn't it going to be a little difficult to explain to the American people why we have to raise the debt limit ceiling if for these many months we have been paying down the debt? Why would you have to raise the debt limit ceiling if you've lowered the debt?

Well, you may not be surprised that what comes out of Washington is not always altogether truthful.

I have a little chart here that helps to explain what happened and why we had to raise the debt limit ceiling when we had a so-called ''budget surplus'' and were telling the American people that we were paying down the debt.

Now, we had surpluses in Social Security and we had surpluses in Medicare, and we had a lockbox. You may remember the lockbox. We had a lockbox on Social Security and Medicare surpluses. The lockbox said that you couldn't transfer those moneys to the general Treasury, that you had to pay down the public debt with those moneys. So what we did was take the surpluses from the Social Security trust fund and the Medicare trust fund—and there were surpluses there—and we paid down the public debt; but for every dollar we paid down on the public debt, we incurred another dollar debt in the trust funds.

You see, the national debt, the debt that really counts, is the sum of the public debt and the trust fund debt. So, if you simply decrease the public debt by increasing the trust fund debt, you've done nothing to the national debt. It's a little bit like taking money from your right-hand pocket and putting it into your left-hand pocket. Obviously, if you do that, you are neither richer nor poorer after you've taken money from your right-hand pocket and put it in your left-hand pocket. That is what we were doing.

Now, very few people know that there is a difference between the public—oh, the public debt is the Wall Street debt. That's all those instruments that we give to people when they loan us money. The trust fund debts, of course, are debts that we owe to our trust funds because, for many years, we've been taking moneys from the American people for Social Security, for Medicare, and for about 50 other trust funds—the Highway Trust Fund and so forth—and we presumably are taking that money and putting it into trust for them.

Is that what happens? No, that is not what happens.

What happens is we take that money, and if we have any surplus money after meeting our Social Security and Medicare obligations, we then take that money and immediately convert it into a nonnegotiable U.S. security. We move it over to the general trust fund and we spend it. So there is, in fact, no money in the Social Security trust fund or in the Medicare trust fund. That is really a misnomer. It is not a trust fund. I guess you might call it a ''trust debt'' because there is nothing there but IOUs.

Now, this year, for the first time, we've spent more money on Social Security than we took in in Social Security. We didn't expect that to happen for several years, but we still have about, I think, $2.5 trillion of surpluses in the Social Security trust fund, so we'll be paying Social Security for a while if we can collect or can borrow enough money from other places to make up for the money that we took from the Social Security trust fund and spent.

So, for those months and a couple of years, we were telling people we were paying down the debt. I talked to the CBO, and I think there was never a moment in time, if we kept our books on the accrual method—which, by the way, we require every small business to do—when the national debt went down.

Now, another thing: The debt will always go up more than the advertised deficit. How can the debt go up more than the advertised deficit? The debt goes up more than the deficit because we make the silly statement that the Social Security surplus and the Medicare surplus offset the debt. Of course, if you take that surplus and spend it, it simply incurs another kind of debt.

Well, I hope this helps you to understand. I just thought you'd like to know.

## PRAISING THE OUTSTANDING WORK OF OUR FIGHTING MEN AND WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BRIGHT) is recognized for 5 minutes.

Mr. BRIGHT. Mr. Speaker, I rise today to praise the outstanding work of our fighting men and women stationed overseas. Too often, their work goes unnoticed, but our safety and security is contingent upon their success. On Monday, however, the entire world took notice of their excellent work.

Two of al Qaeda's top leaders were killed in a joint effort between Iraqi and U.S. forces. General Odierno said it was ''potentially the most significant blow to al Qaeda since the beginning of the insurgency.''

Their success has not been by accident nor has it been limited to Iraq. Our allies across the region are beginning to actively engage in the fight against terrorism, and it is yielding successful results. We must send a loud message that those who seek to do us harm will pay the ultimate price. I anticipate our progress will continue in the months ahead because we have a strategy and clear-cut goals in Afghanistan.

The administration and the commanders on the ground know we must root out the terrorists who still reside in the same country from which the 9/11 terror attacks originated. As a result, terrorist leaders are being captured and killed on a regular basis. Special forces and Predator drones, in coordination with the governments in Pakistan and Afghanistan, have captured or killed more than 600 of al Qaeda's fighters and associates in 2009 alone, far more than in 2008. This is more than triple the amount from the period of 2004–2008 combined.

The new counterinsurgency strategy in Afghanistan helped lead to the capture of, among others, the Taliban's second in command, a former Taliban finance minister, and two shadow governors of Afghan provinces. These are the most significant captures of the Afghan Taliban leaders since the start of the war in Afghanistan.

□ 1645

However, as we continue to move forward in Iraq and Afghanistan, we must never forget about our number one target. That's Osama bin Laden. The man who was behind the 9/11 attacks must be brought to justice in order to send a clear message that no act of terror will be able to go unpunished.

Last year I twice visited Afghanistan as part of a congressional delegation to the regions. We received briefings from both American and Afghani political leaders and their military leaders. The question I asked nearly everyone who would listen to us was, Where is Osama bin Laden, and what are we doing to capture or kill this man?

Our recent success in killing and capturing his allies gives me confidence that the appropriate steps are being taken to bring this murderer to justice. In fact, Commander of U.S. and NATO forces in Afghanistan, General Stanley McChrystal, recently confirmed that the military is actively trying to find and kill bin Laden. I was very pleased to hear General McChrystal confirm his commitment as he continues his excellent service in Afghanistan.

The strategy in Afghanistan and Iraq is two-pronged and not only a military endeavor. In addition to wrapping up our missions to capture and kill terrorists, we are also now placing a greater emphasis on preventing the recruitment of violent extremists by preventing these countries from returning to the conditions that fueled such hate in the past.

In fact, just a couple of hours ago, I participated in a video teleconference with the 3rd Heavy Brigade Combat Team in the 3rd Infantry Division of the U.S. Army. The ''sledgehammer brigade,'' as they are nicknamed, told me about over 120 projects they have completed or will soon be completed in a five-province region in Iraq. Their efforts are a big reason we have seen significant progress and stabilization in Iraq over the past 2 years.

I look forward to working with my colleagues to continue to support our forces in these two endeavors.

## SAN JACINTO DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, today is April 21, and when I grew up in Texas April 21 was a holiday. We didn't go to school, and the reason I thought we didn't go to school was because April 21 is my mother's birthday and she always led me to believe that school was out because it was her birthday.

Later I learned that wasn't actually correct, that we had celebrated April 21 as a State holiday in Texas because it is one of the most, if not the most important day in Texas history. Because on April 21, 1836, 174 years ago, Texas gained complete independence from Mexico and became a free and independent nation for over 9 years.

A little history is due, I think. It all started when Mexico was a republic, a democracy, similar to the United States. Texas belonged to Mexico. But a person by the name of Santa Ana became President of Mexico. When he became President, he abolished the Mexican constitution and became dictator. And once he became dictator, he eliminated civil rights for everybody that lived in Mexico, including what is now Texas. So Texas sought independence, and on March 2, 1836, Texas declared independence from Mexico and cited the reasons, because of the dictator, the tyrant who had denied civil rights to all those living in Texas.

At the same time a group of 187 volunteers, of all races from all the States in the Union and many foreign countries, assembled at a beat-up old Spanish church in central Texas called the Alamo. That's right, 187 volunteers stood in defiance of Santa Ana's army, who invaded Texas. Several thousand enemy soldiers came in. We all know the history, that after 13 days of fighting those battles, the Alamo fell and all the defenders were killed.

However, that battle allowed for General Sam Houston, who was commander of the Texas army, to build an army to fight back. As William Barrett Travis said at the Alamo, who was the commander, a 26-year-old individual from South Carolina, that victory will cost the enemy more dearly than defeat. And he was right. Because of the massive losses of Santa Ana's forces at the Alamo, he had to regroup. He started then chasing Sam Houston.

Sam Houston was moving east. He was headed toward the Sabine-Neches area, the Sabine-Neches River, which is next to the United States. We call that Louisiana. He had yet to fight a battle. Santa Ana's armies had been very successful in defeating the Texas armies in almost every battle. And Sam Houston had yet to fight, but he found himself, on April 21, 1836, between the Buffalo Bayou and the San Jacinto River in a marshy land called San Jacinto. There he stood to fight.

Most battles are fought in the morning after sunrise, but on April 21 the Texas army was so eager to fight that at 3 o'clock in the afternoon they decided to march on Santa Ana's forces, which outnumbered the Texans over two to one.

The Texas army was an odd-looking bunch. They were volunteers, but they were from, once again, all over the country. They were frontiersmen. They were shopkeepers. They were lawyers and doctors. They were made up of Texans and of Hispanic dissent. We call those Tejanos. They were led by Captain Juan Seguin, and his Tejanos were part of the calvary. So as not to be mistaken for the Mexican army, because the Texans had no uniforms, Juan Seguin's troops wore a playing card in their hat band to make sure that the Texans knew who they were.

So the Texans marched on Santa Ana's forces completely by surprise and defeated them, an overwhelming defeat, one of the biggest upsets in military history. Half of Santa Ana's forces were killed; the other half were captured. The battle lasted 18 minutes, and one-third of the land in the United States, which is now the United States, switched hands.

This is a map of the way Texas looked after April 21, 1836. Texas claimed all of the land, which is part of Texas, part of Oklahoma, New Mexico, Colorado, Wyoming, and Kansas.

Texas became a free and independent nation that day, stayed a republic for 9 years, and then joined the United States. Texas only got into the United States by one vote when a Louisiana Senator finally changed his mind and allowed Texas to come into the United States.

I mention this, April 21, because it's an important day not only for Texas but for all people who believe in freedom. That these freedom fighters, these volunteers in 1836, many of them gave their lives for that word ''liberty.'' A word that we still fight for today. In our history a lot of people fought for that word and died for independence, both for Texas and for the United States.

So we honor those brave Texans on this April 21, the anniversary of San Jacinto Day.

And that's just the way it is.

## HONORING ISRAELI INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DEUTCH) is recognized for 5 minutes.

GENERAL LEAVE

Mr. DEUTCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DEUTCH. Mr. Speaker, as the Nation's newest Member of Congress, it is truly an honor to have my first remarks on the floor be in commemoration of Israel's 62nd anniversary.

Today I proudly rise in support of House Concurrent Resolution 260, which recognizes the independence of the Jewish state of Israel and reaffirms the unyielding friendship and unshakable alliance between our two great nations.

As Israelis and Jewish communities throughout the world celebrate Yom Ha'atzmaut, this resolution holds a special significance for me and my constituents in Florida's 19th District. I proudly represent a district with one of the Nation's largest number of Jewish Americans, as well as Holocaust survivors.

So many of my constituents remember when the promise of Israel was only an unlikely possibility, and over the years they watched the amazing realization of this dream and the establishment of this great nation.

For so many of my constituents and to so many Americans, that day in 1948 when Israel declared its independence was the day that a promise was fulfilled to the Jewish people who for so long struggled to find a place they could call home. Sixty-two years later, Israel has grown into a thriving democratic state with a technologically advanced economy and a rich, democratic culture.

The people of Israel embrace freedom, and through art and literature, music and business, the entire globe has benefited from Israel's existence and success. Throughout these 62 years,

the people of Israel have shown an open-hearted desire to live in peace and a fierce resolve to protect the security of their citizens no matter what the cost. This nation and these citizens have shown incredible determination and fortitude in the face of terrorism and threats from those who deny and threaten Israel's very existence. Whether they be attacks from terrorist groups like Hamas and Hezbollah or the continued financial sponsorship of terrorism by Syria and Iran, the people of Israel should know that the United States will always, unequivocally stand in support of Israel's right to self-defense.

The relationship between the United States and Israel is unbreakable. The relationship is one between two peoples, our common values, the history we share, our commitment to freedom, and our joint vision of a secure and peaceful Middle East.

From the recognition of the new state of Israel by President Harry Truman in 1948 through today, let me make this clear: The United States stands with Israel and the United States will always stand with Israel. The relationship is secure and the relationship is strong.

This resolution not only reaffirms Israel's right to self-defense but recognizes that the single most serious threat facing Israel's security is that of a nuclear-armed Iran. Iran's illicit quest for nuclear weapons poses an existential threat to the state of Israel and an unacceptable threat towards the United States. The importance of this issue cannot be understated.

Just this week, the very week we celebrate Israel's independence, news organizations have reported that President Ahmadinejad has approved new uranium enrichment plans in Iran. This threat is real and it is unacceptable. Congress and the administration must work together and use every tool at our disposal to prevent Iran from developing nuclear weapons. The United States must take immediate aggressive action to ratchet up economic pressure on Iran, which I am hopeful the House will continue to work on tomorrow, and we must continue to demand that the international community join with us in this critical effort.

As a new Member of Congress, I look forward to working with my new colleagues from both sides of the aisle on initiatives that will strengthen our bond with Israel, enhance Israel's defense capabilities, and thwart Iran's nuclear weapons program.

America and Israel share a commitment not just to confronting terrorism and extremism but to bolstering freedom, human rights, and democracy across the globe.

The generosity and kindness of the Israeli people could not have been more evident than the days following the devastating earthquake in Haiti. It was Israel that arrived on the scene first and began rescuing men, women, and children trapped in the rubble. It was Israel that built the first field hospital in Haiti and began offering immediate medical care to the injured. And it was Israel that stood with those most in need because of a simple belief in universal human dignity.

Let us stand with Israel today by passing House Concurrent Resolution 260 and by expressing our most sincere hope that our dear ally Israel achieves the lasting peace it has long deserved.

Mr. HOLT. Mr. Speaker, it is with great pleasure that I rise today to congratulate our friend and ally, the State of Israel, on the 62nd anniversary of her founding.

A week ago, I had the honor of attending the National Days of Remembrance ceremony in the U.S. Capitol Rotunda. I was joined by 3 of my constituents, Marlboro residents Toby Shylit Mack, Community Relations Committee Chair of the Jewish Federation of Monmouth County, and her husband Bob Mack, and North Brunswick resident Lee Livingston, President of the Jewish Federation of Greater Middlesex County.

As always, it was a very moving ceremony. Sitting in the Rotunda, amidst survivors and liberators from the U.S. Armed Forces, I was reminded that even in 1945—out of the ashes of the most unimaginable tragedy in human history—there was nothing pre-ordained about the founding of the State of Israel. When he was President, Dwight Eisenhower said, "Our forces saved the remnants of the Jewish people of Europe for a new life and a new hope in the reborn land of Israel."

However, it took three years of tireless work of leaders like David Ben Gurion, Chaim Weitzmann, and Golda Meir—coupled with the dedicated support of Jews in the U.S. and throughout the world—to make the dream of a reborn land of Israel become a reality. Even upon its founding 62 years ago, there was nothing pre-ordained about Israel's survival.

The State of Israel was created with great courage, and it is from this courage that Israel continues to maintain its vibrant and strong democracy today. Israel's achievements over the last 62 years—in areas ranging from education and economics to science and agriculture—far surpass what could reasonably be expected of such a young nation. During my trips to Israel, I have witnessed the ingenuity and entrepreneurship of Israelis firsthand.

The United States always should be proud that our nation was the first country to recognize officially the new nation. In doing so President Truman confidently said, "I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization."

Our strong commitment to Israel's existence and prosperity remain steadfast today. Our nations' special relationship extends beyond friendship. It is built on the common values of equality and opportunity for all and our shared commitment to freedom, justice, and peace. Israel is more than just an ally; Israel is an inspiration.

Yet this outpost of democratic ideals in the Middle East continues to face external threats to her very existence. I have seen Israeli families terrorized by rocket attacks, and my visits have only strengthened my conviction that the United States must be unwavering in our support for the right and responsibility of Israel to protect her citizens from legitimate threats. While serving in Congress, I have voted for over $35 billion in economic and military assistance for Israel, and I will continue to support such measures in the future.

Ultimately, the only way to achieve lasting peace and security for the citizens of Israel is to secure a just, permanent, and peaceful settlement between Israelis and Palestinians. I believe that the greatest service the United States can provide to Israelis is as a facilitator in negotiations among the parties. It is my deepest hope that Israeli and Palestinian leaders soon will join each other at the negotiating table, with the support of the U.S. administration, to make swift progress toward an enduring peace agreement.

On Israel's 62nd anniversary, I believe more than ever that the future of Israel and the Middle East is one of peace, cooperation, security, and prosperity. I am pleased to join the Jewish community of New Jersey and all Americans in celebrating Israel's national successes, her great contributions to the international community, and her continued existence as an inspiration for us all.

Mr. GRAYSON. Mr. Speaker, I rise today to commemorate the 62nd Anniversary of Israel's Independence. Yom Ha'atzmaut, as it is called in Hebrew, allows us in the American Jewish Community to pay tribute to Israel by reflecting on its past achievements, while simultaneously realizing its capacity to contribute further to the global community and the advancement of human knowledge. As a member of the House Science and Technology Committee, I would like to pay tribute to Israel's Independence by highlighting some of its many accomplishments in the fields of science and technology.

The aspiration of Israeli pioneers to transform a country, which is 60 percent desert and lacks an abundance of natural resources, into a modern state, led to strategic investments in the fields of science and technology, which are now among Israel's most developed sectors. Today, Israeli scientists have contributed to advancements in the fields of agriculture, computer sciences, electronics, genetics, medicine, optics, solar energy, health sciences, and various fields of engineering. Israel is also home to many groundbreaking companies in the high-tech industry, such as Symantec and Allot. Symantec helped develop cloud computing which secures and manages information on the internet, and Allot produces the broadband pipes needed for smart phones. Israel has over 3,850 start-ups that have been established in Israel, and has the largest number of NASDAQ-listed companies outside of North America. Most NASDAQ Israeli firms are high-tech companies, and over a dozen have market capitalizations of over $500 million.

Proportionally to its size, Israel's contributions to science and technology over the past decades have been significant. Israel has made important contributions in a number of areas in space research, including laser communication, research into embryo development, and osteoporosis, pollution monitoring, mapping geology, and soil and vegetation in

semi-arid environments. Israel's lack of conventional energy sources has propelled extensive research and development of alternative energy sources—specifically innovative technologies in the solar energy field. For example, Israel has become the world's largest per capita user of solar water heaters in the home. A new, high-efficiency receiver to collect concentrated sunlight has been developed, which will enhance the use of solar energy in industry as well.

One of the major problems confronting the global water supply today is pipe leakage. For Israel, which is two-thirds desert, water-saving technologies are of critical importance. The International Water Association has cited Israel as one of the leaders in innovative methods to reduce non-revenue water, which is water lost in the system before reaching the customer. Additionally, Israel has surpassed many countries in the fields of computer engineering and computer science. Israel's Weizmann Institute of Science and the Technion, Israel Institute of Technology are ranked among the top 20 academic institutions in the world in computer science.

Israel began research and development in space exploration after establishing the Israel Space Agency to coordinate and supervise a national space program. Israel launched its first satellite, Ofeq-1, in 1998, and has since made major contributions in space research, including in areas of laser communication and pollution monitoring. Ilan Ramon became the first Israeli astronaut in space when he was chosen as a Payload Specialist on the Space Shuttle Columbia.

Israeli companies have excelled in computer security technologies, semiconductors and communications. Intel and Microsoft both built their first overseas research and development centers in Israel, and other high-tech multi-national corporations, such as IBM, Cisco Systems, and Motorola, have opened facilities in the country. An Israeli, CEO and president of M-Systems, Dov Moran, invented the first flash drive in 1998.

Mr. Speaker, it is with great pride that I celebrate the accomplishments of the State of Israel on the 62nd anniversary of her founding. Israel's successes are a reflection of their commitment to education and innovation, and a tribute to the future of the Jewish State and its people. Our shared dedication to these matters only further strengthens the bond between our two countries. For these and many other reasons, I join with my colleagues in celebration of Israel's anniversary—and as an ally for the protection and advancement of Israel's future.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize and commemorate the 62 anniversary the State of Israel.

At the same time we celebrate this occasion, we also are recollecting the 65th anniversary of the liberation of the Nazi concentration camps and celebrating the annual Days of Remembrance commemorating the 6 million Jews murdered in the Holocaust as well as the millions of other victims of Nazi persecution. It was out of this torturous past that this new nation was formed.

On May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel. Literally, within minutes, the United States recognized the modern nation of Israel and welcomed it into the international community. That was the beginning of a longstanding and cherished friendship between the two nations that endures to this day.

The State of Israel remains one of the United States' strongest allies and its endurance is a testament to the ideals of freedom and democracy. Our nations share the common goals of peace, freedom, security, and prosperity for their citizens and for the region. It is this commonality that allows this relationship to endure despite changes in Administrations, of Congresses, and even disagreements that emerge from time to time.

Despite many difficulties and challenges, thanks to its greatest resource—its people—and the help of supporters throughout the world—Israel has built a vibrant democracy and a thriving economy and society.

We must continue to strongly support Israel's right to exist, its prosperity, and security. One of the best ways to ensure this is for the United States to continue to work to bring life to the peace process between Israel and its neighbors.

While recognizing that success ultimately depends on the parties themselves finding compromises and agreements, active U.S. engagement as an honest broker and mediator remains critical.

This will not be easy. Neither was establishing the State of Israel. Nor has it been easy to create a democratic state in a region where many of these tenets remain largely unknown and if known, unpracticed. Yet, 62 years later, Israel stands firm.

Again, I want to extend my congratulations and best wishes to the people of Israel as they celebrate the 62nd anniversary of its independence.

Mr. VAN HOLLEN. Mr. Speaker, today, not only do we celebrate the 62nd anniversary of the founding of the State of Israel, we also celebrate the strong bonds of friendship and cooperation between the United States and Israel. Our country, under the leadership of President Harry Truman, was the first country to recognize the State of Israel. And he later said, "I had faith in Israel before it was established. I have faith in it now. I believe it has a glorious future before it, not just as another sovereign nation but as the embodiment of the great ideals of our civilization." President Truman was right and we need to maintain the special relationship we have with Israel based on shared values, common strategic interests, and moral bonds of friendship. Today, we honor not only that country's independence but the significance of what Israel stands for.

It represents the centuries-long yearnings of the Jewish people for a homeland of their own in the land of their forebears. The pogroms in tsarist Russia in the late 19th and early 20th centuries and the Holocaust under the Nazi regime in the 1930s and 1940s made the idea of a Jewish people having a state of their own where they could feel secure and never again be subjected to such horrors and brutality even more compelling and necessary.

After many years of struggle, Israel emerged as an independent state. It gave refuge to tens of thousands of Holocaust survivors, many of whom had been languishing in temporary resettlement camps in Europe. Israel also became the home for Jews from scores of countries around the world and continues to provide a refuge to those who face anti-Semitic persecution.

In 62 years, Israel has transformed itself from chiefly an agricultural exporter to an international high-tech superpower, and it has used its wealth and power to come to the aid of others in times of need. I want to especially commend the people of Israel, its defense forces, and the team of 250 Israeli doctors, nurses and relief workers who worked tirelessly to bring aid and comfort to the victims of the devastating earthquake that struck Haiti on January 12, 2010.

Since its creation, Israel has continually confronted hostile forces that threaten its existence, and the United States must remain steadfast in ensuring the security of Israel. With the assistance of the United States, Israel was able to achieve peace treaties with Egypt and Jordan in the 1970s and 1990s, respectively. These agreements made Israel more secure and greatly lessened the chances for another Arab-Israeli war with those two countries. Despite the threats it continues to face from hostile neighbors and violent militants, the people of Israel have established a vibrant, pluralistic democracy that incorporates the freedoms cherished by all Americans.

It is my sincere wish that peace negotiations between Israel and its neighbors will succeed, and that the Israeli people and all peoples of that troubled region will be able to live in a lasting peace.

On the occasion of its 62nd anniversary, I wish the people of Israel continued growth and prosperity. I will continue working with my colleagues in Congress, with the Administration and with the American people to ensure that the enduring bond that unites our two peoples endures for the years and centuries to come.

Mr. GARAMENDI. Mr. Speaker, on this, the 62nd anniversary of the founding of Israel, I want to extend my warmest regards to the people of Israel and all those who made the Middle East's first democracy possible.

In the wake of one of the most horrific crimes against humanity ever perpetrated, Jews from across the globe sought to form their own homeland, one that enshrined in their constitution 'freedom of religion, conscience, language, education and culture.'

President Harry Truman was the first international leader to recognize the state of Israel, and we've been proud allies ever since.

In Israel, Americans can see much to be admired, and we share common goals and desires. We are both home to countless innovators, entrepreneurs, scholars, thinkers, activists, immigrants, and democrats. We both strive for peace and a more just and stable world. And we are both familiar with the hard trials, tribulations, and triumphs that come to define a people and a culture.

Let's continue our strong and hopeful relationship as we work toward peace across the globe.

Mr. NYE. Mr. Speaker, on behalf of Dr. Israel Zoberman, founding rabbi of Congregation Beth Chaverim in Virginia Beach, Virginia, this passage shall be recorded in the CONGRESSIONAL RECORD of the United States of America:

"The 62nd anniversary of the State of Israel is a genuine cause for celebration. It is sadly not a given having a sovereign Jewish state following a long history of denial, and current attempts to delegitimize. Israel is both the fulfillment and unfolding quest of two millennia of prayerful persistence and unyielding faith. From Inquisition to pogroms to finally a consuming Holocaust designed to seal the anti-Semitic rejection of Jewish insistence to live in fidelity to its own Biblical covenant with God—Israel's triumph of survival is thus a statement of hope in the human potential to endure monumental hardships.

"Yet what is a people to do if destined to experience the miracle of rebirth in a region as problematic as today's Middle East? That strategic geo-political gateway to continents has always enticed the appetite of empires for control, gaining access to resources, expansion and power. Colonialism took its toll, materially and psychologically, and forced the eruption of conflict between Jews and Arabs.

"The Palestinian national identity, on the soil that had been the setting for centuries of Jewish life and creativity, brought the two into tragic and perpetual conflict whose full resolution still eludes us though progress has been made. However, the reason for guarded optimism is rooted in the ultimate interests of the wider Arab and Muslim world, whose tacit recognition of Israel's factual and future existence through Egypt's and Jordan's breakthrough diplomatic ties is positive. Let all the Arab and Muslim states reach out to formally join and reassure Israel of their intentions at this critical juncture.

"What has replaced much of the anti-Israel ideology is the even more potent power of an extreme Iran, whose leaders' political plan of regional domination and world influence is cloaked in religious absolutism that loathes compromise, seeking total victory over its adversary. Consequently, Iran has been fanning and financing the dangerous turmoil produced by their proxies of Hamas and Hezbollah whose goal is to foil an Israel-Palestinian peace settlement while engaging Israel in a war of attrition on two fronts. Iran's nuclear drive is geared toward neutralizing Israel's essential deterrence, dominating the Arabs and establishing Iran as a prestigious arbiter in world affairs, while offering its Ayatollahs critical hegemony of imperialistic magnitude.

"The United States is bound to Israel through a special relationship born of compelling legacies of both countries, the common democratic ethos of free nations and shared security concerns to combat religious fundamentalism, including radical Islam.

"Overall, Israel has achieved much that is exemplary given constricting conditions. It has absorbed and saved millions of Jewish refugees. It has reached out to offer professional expertise and economic aid to many developing countries across continents. And Israel has revived the Hebrew language and culture and its higher learning institutions rank among the best with a flourishing top notch hi-tech industry. Israel has proven that for peace sake it is ready to compromise, as with the painful Gaza Disengagement that Hamas failed to appreciate. Hamas is yet to release Israeli soldier Gilad Shalit. A united Palestinian front, free from Iran's and Syria's menacing involvement, and one eager to live peacefully as Israel's neighbor will not be disappointed in Israel's response.

"As the only democratic state, the West's canary, in the Middle East celebrates a hard-won milestone and heroically maintained independence, its fondest dream and secret weapon remains an undying attachment to the promise of shalom's blessings, and its consecrated mission of an historic people to continue inspiring the human family to bring out the best within it."

Mr. HONDA. Mr. Speaker, it is with great honor that I rise today to celebrate the 62nd anniversary of a great democracy and our close friend and important ally, Israel.

The United States and Israel share a unique and unbreakable bond. This bond is based upon friendship, common values, and a strong interest in a peaceful future for the Middle East. From its first breaths in 1948 until today, Israel has stood as the foremost beacon of democracy in the Middle East.

As the sole democracy in the region, Israel is the United States' most strategic ally in the Middle East, and I have supported policies that strengthen its safety, security and welfare. Israel must be able to rely on the friendship of the United States as it takes the bold steps necessary towards peace in the Middle East.

Some of this reliance comes in the form of U.S. foreign assistance. Providing foreign assistance to Israel is important as Israel faces legitimate, external threats to its survival—Hamas, Hezbollah, and Iran.

We must also provide Israel diplomatic support in the form of sanctions against the Iranian government, before it is too late. Iran's pursuit of a nuclear weapon is a real and immediate threat to the existence of Israel, and a serious and troubling threat to the security of the entire Middle East and the U.S. A nuclear Iran is simply unacceptable, and we must do what we can to deter this threat.

The Iranian government, and the international community, must recognize the Jewish, democratic state of Israel's legitimacy and right to exist, given the Jewish people's three millennia of history in the land of Israel. Israel is Jewish land, and this must be recognized.

Once again, Mr. Speaker, I congratulate Israel on its 62nd anniversary. It is imperative that we continue to remain firmly behind our friends in Israel. As our strongest ally in one of the most volatile regions in the world, our country's first priority must be to be a true friend a partner with Israel.

Ms. HIRONO. Mr. Speaker, I rise in support of the 62nd anniversary of the founding of the State of Israel.

Americans stand beside the Israeli people in commemoration of Israel's independence, and we celebrate the vision of the 37 Israelis who established the founding declaration on April 20, 1948, in order to secure a free, just, and peaceful new nation.

Shortly after Israel was founded, President Harry Truman became the first national leader to recognize Israel as a friend and partner of the United States. Since that time, Congressional support for the State of Israel has not wavered, and ties between our two countries remain inextricably linked.

Last August, I was fortunate enough to visit Israel with a number of my Congressional colleagues. That visit left an indelible impression on me. It is one thing to read of Israel's history and about that region of the world, but it is quite another to walk through the streets in Jerusalem, see Israel from the Golan Heights, and spend time at Yad Vashem and at Masada. While there, I also visited Ramallah and met with Palestinians who are engaged in the peace process.

Along with my colleagues in Congress and my constituents back home in Hawaii, I look forward to the day when the Middle East is a region at peace. I am confident that our governments will continue to work together as allies to ensure that the goal of achieving a comprehensive peace in the region becomes a not-so-distant reality.

Congress must also work with the Obama administration to make certain that Israel's security remains intact. On April 15, 2010, a number of my colleagues from both sides of the aisle sent a letter to President Obama assuring him of bipartisan support to prevent Iran from acquiring nuclear weapons capability using the tools we have at our disposal, including engagement with the Iranian regime and targeted sanctions. Although I was in Hawaii and did not have an opportunity to sign it, I would like to go on record in support of this letter, which reiterates congressional support for President Obama to do what is necessary to prevent Iran from obtaining a nuclear weapon. Late last year, I voted in support of H.R. 2194, a bill that amends the existing Iran Sanctions Act of 1996 and imposes additional sanctions that would curb energy investments in Iran. Soon the House and Senate will vote on a conference measure, and I hope that passage of this legislation will further deter the security threat that Iran's regime poses to Israel.

I join my colleagues in wishing the Israeli people a happy Independence Day and reaffirm Congress's commitment to our relationship with the Israeli state.

Ms. TSONGAS. Mr. Speaker, I rise today to recognize and celebrate the 62nd anniversary of Israel Independence Day.

I was fortunate to travel to Israel in 1982 and still have strong memories of my visit to that tiny strip of land that holds so much meaning for so many. Much has changed since that time, and I have heard repeatedly that it is like a whole new country worth visiting again, which I intend to do.

Israel has developed a vibrant and diverse democratic society. It is home to an innovative technology sector with more start-ups than any other country except the United States. I am proud to say that many of these organizations have strong research and development relationships with organizations throughout my home State of Massachusetts and that these relationships continue to create jobs for both Americans and Israelis.

Israel has been a place of refuge and opportunity for thousands coming from countries as diverse as Ethiopia and the former Soviet Union. And Israel has provided relief around the world for victims of natural disasters in Haiti, Southeast Asia and elsewhere.

It has done all this while being surrounded by enemies. In this environment, Israel has forged hard won peace with both Egypt and Jordan, and despite tragic setbacks, the Israeli

people continue to yearn for peace with their neighbors.

The strong bonds that exist between Israel and the United States are based on our shared ideals—democracy, opportunity, freedom, and peace—and the mutually beneficial cooperation between our two countries will continue long into the future.

Again, I rise to celebrate the 62nd anniversary of Israel's independence and to recognize the lasting friendship between our two countries.

Mr. MITCHELL. Mr. Speaker, I rise today to honor Israel's 62nd Independence Day.

Israel is not just a vitally important ally to the United States, it is a beacon of democracy in a part of the world where democracies are few and far between.

Sadly, all too often, Israel is forced to defend these democratic values against countless who wish to wipe Israel off the map.

The threat of rocket attacks is nearly constant for Israelis. I had the opportunity to visit Israel last year, and I witnessed firsthand some of the damage caused by rocket attacks by Hamas from Gaza. I am amazed at the determination of the Israelis to continue to lead normal lives despite the constant threats and reminders of terrorism. It was particularly evident during a trip to Sderot, at an indoor playground that also functions as a bomb shelter.

The threat from Iran is even more ominous. Between the Holocaust denials, the arms shipments to terrorists, and the quest for nuclear weapons, Iran is not only a threat to Israel, it is a threat to the United States.

That's why, as we commemorate Israel's Independence Day, I can think of no more appropriate action for those of us here in Congress than to finish our work on Iran sanctions legislation, and to deliver a final bill to President Obama as quickly as possible.

Last year, the House passed H.R. 1327, the Iran Sanctions Enabling Act by a vote of 414 to 6, as well as H.R. 2194, the Iran Refined Petroleum Act by a vote of 412 to 12. In January, the Senate approved S. 2799, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009 by voice vote.

There is clearly broad, bipartisan support for this legislation, and I believe we must act without further delay.

Mr. WAXMAN. Mr. Speaker, this week, Israel marks the 62nd anniversary of the historic date in the Hebrew calendar when the British Mandate over Palestine expired and a modern Jewish state was reborn.

Each year, Israel Independence Day, Yom Ha'atzmaut, is an opportunity to catalogue the remarkable accomplishments of a nation built on the hopes of generations. And it is an opportunity for us to reiterate the enduring support and friendship of the United States government and the American people.

This year, we celebrate a country that has engineered immense economic prosperity, even in the face of the worst economic challenge since the Great Depression. Today, Israel has the second largest number of technology startup companies in the world, after the United States. As we mark the 25th anniversary of the 1984 U.S. Free Trade Agreement, Israel boasts the largest number of NASDAQ-listed companies outside of North America. Considering Israeli leadership in biomedical, alternative energy, and defense research, it is no surprise that Israeli GDP now rivals countries in Europe.

Military and intelligence cooperation between the United States and Israel has reached unprecedented levels with operations like the joint missile defense exercise Juniper Cobra, approved sales of sensitive military technology, and regular Israeli participation in NATO patrols of the Mediterranean.

In November, I had the honor of attending the dedication of the 9/11 Living Memorial, a monument established by the Jewish National Fund in the foothills of Jerusalem beside a forest planted in the memory of those who perished on 9/11. It is the only memorial outside the United States that names all of the victims and a powerful example of the enduring and emotional connection between our nations.

This year, Yom Ha'atzmaut also comes at a moment of great anxiety. Iran is ramping up efforts to obtain nuclear weapons capability which poses an existential threat to the country's survival. Hezbollah is arming itself with Scud missiles. Gilad Shalit remains in captivity. Gaza remains unstable and in the coming months the United Nations General Assembly will again seek action on the flawed, inaccurate, and biased Goldstone Report on the war in Gaza.

In the face of all these issues, it is clear that the United States is working side-by-side with Israel to meet and resolve all of these challenges.

In the past few weeks, there have been tensions and arguments among good friends. Emotions were high after Vice President BIDEN's recent visit to Israel. It was distressing that the mishandling of a housing planning announcement tarnished a concrete peace initiative to launch proximity talks designed to facilitate the return to direct negotiations between Israel and the Palestinian Authority. But Israel is not retreating from the road of diplomacy, and neither is the United States. The Palestinian Authority should also stay the course.

What is more significant, are the exceptionally strong statements of support for Israel, its security and our alliance by the President, the Vice President, and the Secretary of State's and Prime Minister Netanyahu's reiteration of his commitment to participate in talks, proximity or direct, without pre-conditions.

Although Israel's enemies want to portray an atmosphere of crisis, there is nothing for them to exploit. The one-state solution they advocate to eradicate the Jewish state is transparently a policy of genocide not peace.

When peace is finally achieved, Jerusalem will remain, as it is today, the eternal capital of Israel. And this will be embraced by the United States in spirit and in law, just as it is today.

The most resounding answer to Israeli's critics is the strength and vibrancy of its democracy, its commitment to live in peace with its neighbors, and its dedication to promoting stability and security in the region.

The United States and Israel have much common ground to celebrate this year as always and we stand proud to do so.

Mr. BERMAN. Mr. Speaker, since the founding of the State of Israel sixty two years ago, the United States has had no greater friend in the Middle East. The U.S.-Israeli friendship is based on shared democratic values, progress, and our hope for peace between nations. This friendship is buttressed by our nation's unshakeable commitment to Israel's security.

Since its founding in 1948, Israel has spurned the authoritarian model that dominates its region and has built a world-class civilization: a vibrant democracy, a thriving economy, and a culturally and academically rich society.

Israel produces more scientific papers per capita than any other nation. Nearly a quarter of the Israeli workforce holds university degrees, ranking Israel third in that category in the industrialized world, after the United States and Holland. Israel also claims one of the world's highest numbers of books and museums per capita.

Over the last sixty two years Israel has become a global leader in medicine and technology. Israeli medicine and medical equipment is exported world wide. And Israeli technologies are protecting and assisting U.S. military personnel deployed around the globe.

High-tech companies are rushing to get an Israeli presence. In addition to boasting the highest density of start-ups in the world (a total of 3,850 start-ups, one for every 1,844 Israelis), more Israeli companies are listed on the NASDAQ exchange than all companies from the entire European continent.

Moreover, Israel is leading a green revolution with its high-tech companies and Israel is the only country in the world that entered the 21st century with a net gain in its number of trees.

The American people—and particularly the United States Congress—have contributed mightily to Israel's sustenance and security over the years. Of that we are justifiably proud.

Still, despite its strength, Israel faces incredible challenges to its existence. The Islamic-militant group Hamas, which is determined to bring about Israel's destruction, remains in control of the Gaza strip and continues to plot against Israel. Hamas is actively working to disrupt the return to peace negotiations between Israelis and Palestinians.

Hezbollah, which is sustained by Iran and supported by Syria, remains perched on Israel's northern border. As The New York Times recently noted, it is believed that Syria has delivered accurate long-distance Scud missiles to Hezbollah, placing cities deep in Israel's heartland, including Tel Aviv, within range.

Furthermore, the Islamic Republic of Iran, a theologically-based state whose President has threatened to "wipe Israel off the map", is rapidly developing nuclear weapons and long-range missiles.

In my view, there is no greater threat to Israel, the United States, and the world than the prospect of a nuclear Iran. For this reason, in the coming weeks the Congress will send President Obama legislation designed to strongly sanction Iran in order to cripple its nuclear weapons program. I am proud to be the sponsor of that legislation.

In closing, I congratulate Israel on its 62nd anniversary of independence. Today we reaffirm our nation's pledge to Israel: that we will stand in solidarity with Israel against all violent assaults on its security and well-being. Israel's

security is America's security, Israel's hopes for peace are America's hopes for peace, and we will always stand side by side.

Ms. SCHWARTZ. Mr. Speaker, I recognize the sixty-second anniversary of Yom Ha'atzmaut, to congratulate the State of Israel on its Independence Day, and to celebrate the unshakeable U.S.-Israel relationship.

As the daughter of a Holocaust survivor, I understand personally how important Israel is for all Jews everywhere. On May 14, 1948, Israel declared independence, providing a new safe haven for Holocaust survivors and for Diaspora Jews before and since the Holocaust, who experienced a millennium of anti-Semitism.

In honor of Israeli Independence Day and in recognition of the close relationship between Israel and the United States, we will continue to work with our trusted ally to pursue a secure and peaceful Middle East, assuring liberty, economic prosperity, and security for Israel and its neighbors. While Hamas, Hezbollah and Iran threaten this security with words and missiles, the U.S. Congress stands committed to work towards a secure Israel where all of its citizens can live, prosper, and dream in security.

In its 62 years of nationhood, Israel exemplifies freedom, opportunity, and democratic values. Its unfettered elections, transparent press, and vital economy distinguish it as a leader in the Middle East. It is our closest ally in the region. As such, I welcome the opportunity to acknowledge and celebrate its independence and our shared efforts to ensure its safe and secure future.

Mr. HINCHEY. Mr. Speaker, I rise today to honor and celebrate the State of Israel on the occasion of its 62nd anniversary. For 62 years, the United States and the modern State of Israel have shared a deep friendship and strong bonds of cooperation. Since the establishment of our ally in May 1948, the United States and Israel have been united by their strong ties and mutual democratic values.

This week, we pay tribute to the tremendous accomplishments of the State of Israel, which has developed a prosperous, educated, and vibrant nation since its establishment 62 years ago. During that time, the United States has stood in vigorous support of Israel's right to to exist and will continue to do so in the future. As a democracy, Israel's people enjoy freedom of speech and religion, an open political system, an independent judiciary and many other practices. Israel's colleges and universities are highly respected, which strengthens the Israeli economy and allows the country to be a leader in research and innovation.

I am also pleased to celebrate the ties between the American and Israeli people and the rich history of the American Jewish community. For hundreds of years, the United States has benefited from Jewish contributions to American culture. As a nation of immigrants, the United States is better and stronger because Jewish people from all over the world have chosen to become American citizens. When the first Jewish settlers came to this land, they sought a place of promise where they could practice their faith in freedom and live in liberty. American Jews have strengthened our country and helped shape our way of life. By recognizing those contributions to the the fabric of American life, we promote awareness and understanding.

Israel is an integral and essential partner and I look forward to opportunities to continue and enhance the strong bonds between our nations. As a defender of the inherent rights of all people and nations, I am proud to commemorate the 62nd anniversary of the establishment of the State of Israel.

Mr. GERLACH. Mr. Speaker, I rise today to honor the citizens of Israel and all Jewish-Americans as they celebrate Israel's 62nd Independence Day.

Israel and its citizens have demonstrated tremendous resilience in the face of constant threats to their personal and national security. The United States has no stronger ally in the Middle East than Israel. The special relationship between the U.S. and Israel is rooted in our common commitment to democratic values and shared vision of establishing and maintaining a lasting peace in the region.

Israel's Independence Day should serve as an occasion to renew our commitment to the long-term security of our cherished ally and reaffirm that a strong Israel is vital to our national interest and the stability of the Middle East.

Daniel Kutner, Consul General of Israel to the Mid-Atlantic Region of the United States, will welcome supporters of Israel to the annual Independence Day Ceremony on April 26, 2010 at the Museum of Archeology and Anthropology in Philadelphia, Pennsylvania.

Mr. Speaker, I ask that my colleagues join me today in recognizing the citizens of Israel and all Jewish-Americans as they commemorate this extremely special milestone and expressing unwavering support for the security and stability of this shining beacon of democracy in a turbulent Middle East.

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to recognize the 62nd Anniversary of the Jewish State of Israel. On April 19, 2010, Israel celebrated Yom Ha'atzmaut, the national Independence Day of Israel, which commemorates its founding in 1948. In that spirit, the following is an op-ed I wrote regarding the benefits of U.S. aid to Israel.

ROTHMAN: THE DIVIDENDS OF U.S. SUPPORT FOR ISRAEL—APRIL 13, 2010—THE RECORD.

The argument that American military aid to Israel is damaging to the United States is not only erroneous, it hurts the national security interests of this country and threatens the survival of Israel.

U.S. support for Israel is essential, not only for Israel's national security, but for America's. Every bit of that support—and more—withstands all reasonable scrutiny.

Under the 2010 U.S. budget, about $75 billion, $65 billion and $3.25 billion will be spent on military operations and aid in Afghanistan, Iraq and Pakistan during this fiscal year, respectively. Israel will receive $3 billion, in military aid only. There is no economic aid to Israel, other than loan guarantees that continue to be repaid in full and on time.

There isn't enough space here to discuss the relative merits of the expenditures in these other countries, but we already know the critically important return we get for helping our oldest, most trusted ally in the strategically important Middle East—the most powerful military force in that region, the pro-United States, pro-West and democratic Jewish state of Israel.

Here's how:

First, it's important to remember that about 70 percent of the $3 billion aid must be used by Israel to purchase American military equipment. This provides real support for U.S. high-tech defense jobs and contributes to maintaining our industrial base. This helps the United States stay at the very top in the manufacturing of our own cutting-edge military munitions, aircraft, vehicles, missiles and virtually every defensive and offensive weapon in the U.S. arsenal—with the added contribution of Israel's renowned technical know-how.

Second, the United States and Israel are jointly developing state-of-the-art missile defense capabilities in the David's Sling and Arrow 3 systems. These two technologies build on the already successful Arrow 2, jointly developed by our two countries, which is already providing missile defense security to Israel and U.S. civilians and ground troops throughout the region.

A MULTIPLIER EFFECT

The knowledge we gain from these efforts also has a positive multiplier effect on applications to other US. military and non-military uses and jobs here.

Third, given Israel's strategic location on the Mediterranean, with access to the Red Sea and other vital international shipping and military lanes of commerce and traffic, it is critically important to the United States that Israel continue to serve as a port of call for our troops, ships, aircraft and intelligence operations.

Israel also has permitted the United States to stockpile arms, fuel, munitions and other supplies on its soil to be accessed whenever America needs them in the region.

Fourth, America's special relationship with Israel provides us with real-time, minute-to-minute access to one of the best, intelligence services in the world: Israel's. With Israeli agents gathering intelligence and taking action throughout the Middle East and, literally, around the world, regarding al-Qaida, Hezbollah, Iran and Hamas, the US. receives invaluable information about anti-U.S. and terrorist organizations and regimes.

Fifth, imagine the additional terrible cost in U.S. blood, and the hundreds of billions more of American taxpayer dollars, if Saddam Hussein had developed nuclear weapons, or if Syria possessed them.

Then remember that it was Israel that destroyed the almost-completed nuclear reactor at Osirak, Iraq, in 1981 and Syria's nuclear facility under construction at Deir-ez-Zor in 2007.

And think about the many operations that Israel's Defense Forces and intelligence agents have undertaken to foil, slow and disrupt Iran's efforts to develop a nuclear weapons capability. A nuclear-armed Iran would threaten the lives of hundreds of thousands of Americans in the region, all of Iran's Arab neighbors, the world's largest oil supplies and those who rely on that oil.

ACCESS TO LETHAL IRANIAN TECHNOLOGY

It also would provide anti-U.S. terrorists with access to the most lethal Iranian technology and probably set off a nuclear arms race in the region.

For about 2 percent of what the United States spends in Afghanistan, Iraq and Pakistan this year, Americans can take pride in the return on our investment in aid to Israel.

And with Israel's truly invaluable assistance to America's vital national security, we can take comfort that—in actions seen in Tehran and Damascus and noticed by al-

Qaida and other anti-U.S. terrorists everywhere—the United States is safer and made more secure because of the mutually dependent and beneficial relationship between us and Israel.

Mrs. MALONEY. Mr. Speaker, I rise to recognize and celebrate the 62nd Anniversary of the establishment of the State of Israel. Much like our July 4th, this day commemorates the date on which David Ben Gurion read the formal Declaration of the Establishment of the State of Israel drafted by a coalition of zionist leaders, voted on by the People's Council (Moetzet Ha'am) and signed by 37 founding mothers and fathers of the Jewish State.

On November 29, 1947, the United Nations approved a partition plan to take effect upon the expiration of the British Mandate. The partition plan was immediately rejected by the Arabs and armies from Egypt, Iraq, Jordan, Lebanon and Syria attacked to try to destroy the fledgling Jewish State before it could be established. During the War of Independence, the Jewish Settlement (Yishuv), under the leadership of David Ben Gurion, formally established the State of Israel.

The Declaration of the Establishment of the State of Israel was signed on May 14, 1948, which fell on the 5th of the Hebrew Month of Iyar, the date the British Mandate over Palestine expired. At a ceremony held at the Tel Aviv Museum, now known as Independence Hall, David Ben Gurion read the Declaration and 25 of the 37 signatories formally affixed their signatures before a crowd of 250 invited guests and a radio audience of countless listeners. Eleven of those who ultimately signed the Declaration were trapped in Jerusalem which was then under seige; the 12th was abroad at the time of the ceremony.

Eleven minutes after the declaration was signed, President Truman de facto recognized the State of Israel. America shares an unshakable bond with Israel, born of our shared values and our common outlook. We are both nations of immigrants that believe the path to success lies in invention, creation and investment. We are both nations that believe in the rule of law and the importance of a strong and independent judiciary. We are both nations that were created by pioneers seeking religious freedom. We are both pluralistic nations in which what you know and what you create is more important than who you are and where you came from. And, the United States must stand with Israel and must work to ensure that Israel endures as a Jewish State.

In the 62 years that followed its establishment, Israel has survived and flourished despite the repeated efforts to destroy her. Israel is a vigorous democracy, our strongest ally in the Middle East. Her economy is thriving, in large part as a result of her agricultural, technological and medical innovations. With a free and active press, freedom of religion, free elections and a free and independent judiciary, Israelis of all religions and nationalities enjoy rights and opportunities unimaginable elsewhere in the Middle East.

Israel constitutes a fraction of 1% of the land mass and only 2% of the population of the Middle East. Nonetheless, Israel far outshines much of the world in terms of academic, scientific and technological achievement. Israel has the highest ratio of university degrees per capita in the world and produces more scientific papers and more books per capita than any other nation in the world. It is the only nation in the world that has had a net increase in the number of trees. Israel has transformed itself from an impoverished backwater to a gleaming modern nation, ranking among the very highly developed countries of the world.

Mr. Speaker, I am pleased to congratulate Israel for its 62 years of independence, innovation and enterprise.

Ms. MATSUI. Mr. Speaker, I rise in recognition of the 62nd anniversary of one of our country's most steadfast and supportive allies: Israel.

Since Israel's declaration of independence in 1948, Jews from all over the world have moved there to put down roots, flourish, and participate in a Jewish state and society. Israel has grown from a country that provided a refuge for Jews who survived unprecedented horrors and anti-Semitic persecution to a nation with a strong and enduring tradition of democracy and liberal governance.

Israel was born out of war and conflict, and has weathered constant threats from beyond its borders since its creation. The history of Israel is one of a nation small in size but large in its dedication to the enduring principles of democratic governance, liberal democracy, and national unity. It is a testament to the character and inner strength of the Israeli people that their country continues to develop and flourish even as it is surrounded by so many who unjustly wish to see it dissolved and destroyed.

The nation of Israel is a friend of the poor and dispossessed around the world. It has sent humanitarian aid and emergency medical supplies to war zones in Rwanda; disaster areas in Turkey, the Indian Ocean, and along the Gulf Coast; and to fire-scorched areas in Greece. Most recently, Israel supplied much-needed support and relief to the people of Haiti, including deploying the Israel Defense Forces on aid missions and contributing millions of dollars to help the Haitian people rebuild their country.

It is clear that Israel's national mission is a higher calling than mere survival or self-perpetuation. It is an example to the world of the power of a determined national spirit, a citizenry dedicated to justice, and a set of founding principles that cannot be corrupted.

From the moment the United States recognized the State of Israel 11 minutes after its creation in 1948, Israel has proven to be a loyal partner with which the United States enjoys a mutually beneficial alliance. The advances made by our two countries in educational, scientific, and technological fields help to make the world a better place, and augment our intelligence and security partnerships in a crucial region of the world.

I join with many of my colleagues in the U.S. House of Representatives in highlighting my admiration for what the nation of Israel has accomplished in the last sixty-two years. It is my hope that the people of Israel use this anniversary as an opportunity to set a path forward that will help bring peace and prosperity to themselves and to their region for the next several years.

Mr. COHEN. Mr. Speaker, I rise today to celebrate the 62nd anniversary of the founding of the State of Israel, our friend and partner. After a process that began with the Balfour Declaration, the Mandate of the League of Nations and generations of struggling to regain their homeland, the United Nations passed a resolution on November 29, 1947 giving Israel the right to exist as a state. On May 14, 1948, Israel signed a proclamation creating the State of Israel, establishing it as a country that will "ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex." That same night, the United States officially recognized Israel as a sovereign nation.

Despite its unfortunate history of violence, the State of Israel has established itself as a world leader and a nation millions of Jews are proud to have as their homeland. Considering that Israel is the hundredth smallest country in the world with less than one thousandth of the world's population, what Israel has been able to accomplish is truly remarkable. What separates Israel from almost every other country is its truly innovative and entrepreneurial nature.

With regards to education, Israel has the highest ratio of university degrees in the world, so it is no surprise that Israel has become a leader in the health, science, and technology fields. In fact, many of the technologies we rely upon in the United States were actually developed in Israel such as the cell phone, computer operation systems, and voicemail technology. As a result of these technological developments Israel has developed a $100 billion economy, which is larger than the combined economies of all its immediate neighbors.

Therefore, I rise today to celebrate Israel's Independence and to pay my respects to those who have lost their lives defending the nation they loved. Although the State of Israel has experienced more than its fair share of trying times, it has never lost sight of the noble ideals upon which the state was founded: freedom, justice, equality and peace.

Mr. MCMAHON. Mr. Speaker, I would to like commend Israel on her 62nd Anniversary since her founding.

Likewise, it is the 62nd Anniversary of the U.S.-Israel bond, which remains strong and indissoluble.

Israel is our fellow democracy, our tried and true ally. Supporting it is essential to the stability ant future of the Middle East. In fact Israel is the only true democracy in the Middle East.

In just 62 years a people that suffered at the hands of Hitler and European anti-Semitism built a nation. From the ashes of 6,000,000 who died in the Holocaust a people a nation rose to make a desert bloom. In 62 years Israel has made tremendous strides becoming a world leader in technology, agriculture, water resource management, healthcare, pharmaceuticals and so many other areas. The first generation of Sabras from Europe quickly welcomed new immigrants who were forcibly evicted from Arab lands. Further waves of immigrants came from the breakup of the Soviet Union, from Ethiopia and most recently from France. Israel has held steadfast to the principles of its founding fathers and been a welcome source for any Jew anywhere in the world seeking refuge.

From the creation of Israel 62 years ago and its immediate recognition by the United States, the ties between our two countries continue to be strong. A democracy like ours, Israel's politics have been robust with many participants and many parties represented. Consistently throughout it history through wars and in times of relative peace, the Israeli people have made their democracy stronger and the relationship between the world's largest Jewish community and the world's largest diaspora community stronger.

And any nation or group that chooses to treat Israel as a suspect state and threatens Israel, particularly with violence, should know that its actions ultimately do damage to the shared values that all democracies espouse.

Following the failed Iranian elections in June, the Iranian regime has had its legitimacy wounded and its paranoia increased. Iran now takes a posture of increased repression at home and antagonism abroad. In that dangerous environment, Israel's leaders have every right to be concerned for their country's safety.

While hope still exists for a free Iran, Europe, Israel and the United States must undoubtedly prepare for a more dangerous Iranian regime in the near term. We must prevent Iran's increased pursuit of nuclear weapons through hard-hitting sanctions, after all, I personally look forward to celebrating many more anniversaries with Israel.

There seems to be a certain line of thinking in the international community that Iran poses no threat.

It is this very failure to prepare that puts Israel and the entire international community at risk. Now is the time to prepare.

Mr. Speaker, I urge this Congress and the United States to make the Iranian regime pay a higher cost for its nuclear weapons pursuit.

If we needed any further reminder, the protests in the streets of Tehran have made clear that words mean very little to Ayatollah Khamenei.

The threat from Iran demands an effective policy response and our Israeli friends must see clear action from their age-old ally that, we are in this together.

If the Iranian regime faced damaging economic pressure from a significant reduction in gasoline supplies, it may change course.

And an ever present threat to Israel, and to global security, may be alleviated. Nothing endangers peace more than a refusal to face facts.

Even as we set deadlines that are never met with Iran might begin, let's remember that they continue to enrich uranium and that a deadline with real consequences must be considered along with engagement—otherwise engagement will be manipulated as a mere tactic for delay.

I am glad that this House chose to face Iran today through voting to instruct conferees on the Comprehensive Iran Sanctions, Accountability and Divestment Act and support Israel, the Middle East and even the Gulf states against a growing threat in the region.

I have high hopes that the international community will do the same.

Once again, I congratulate, Prime Minister Netanyahu and the people of Israel our friend and ally on this momentous occasion.

The U.S. was there ten minutes following Israel's founding and will be with her for many, many more years to come.

Mr. HOYER. Mr. Speaker, for all but 11 minutes of the State of Israel's existence, it has found its foremost advocate and ally here: the United States of America. And what were those 11 minutes? That was the time it took the news of Israel's independence to travel around the world and reach the desk of President Truman, the first to recognize a new member of the world community and a new friend.

Israel, President Truman said, ''has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization.'' Sixty two years later, as Israel marks its independence, those words have been confirmed time and again. Our alliance with Israel, and the common interests we share, run deep. But even if those common interests amounted to nothing, we would still see in Israel a reflection of deepest values and great ideals.

Sixty two years ago, Israel's founders set their names to a declaration that embodied those ideals—the declaration that ended two millennia of exile for the Jewish people. It read, in part: ''THE STATE OF ISRAEL . . . will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions.''

In those words, in the sprit that animates them, and in the political life that strives each day to live by them, we see our own spirit, our own struggle, our own founding promise.

And those common values are at the heart of Congress's unshakeable, bipartisan unity on Israel and its security. I speak for all of my colleagues, Republicans and Democrats, when I say: the bond between our nations was powerful long before we set foot in this chamber, and it will outlast all of us. In that spirit, Congress must continue to support strong foreign aid for our ally. And we must continue to insist that regimes that threaten Israel's safety, and the world's, recognize Israel's right to exist—and act accordingly.

Few ideas in history have been more daring than the idea that the Jewish people could end generations of exile and build a thriving state, called to the highest principles of justice. Few ideas have been more hopeful, or more demanding. And few are more deserving of the world's sustaining effort.

Mr. BACA. Mr. Speaker, I rise today to honor the 62nd anniversary of the establishment of the modern State of Israel.

After the horrible actions of the Holocaust, Israel was established as an independent nation. She has since advanced into a successful, democratic, and thriving nation.

Since her inception 62 years ago, Israel continues to be a friend and a strong ally to the United States. I stand here with my colleagues and reaffirm this bond of solidarity and cooperation between the United States and Israel.

As Iran gets closer to nuclear capability, threatening our collective security, we must stand together in accord, now more than ever.

We support Israel and commend the progress made as she continues to work towards peace with her Arab neighbors.

I also commend all our Jewish friends in the United States whose tireless efforts contribute to American and Israeli achievement.

I urge my colleagues to support and reaffirm our unwavering friendship with the Israeli people, and congratulate Israel on this memorable occasion.

Mr. ELLISON. Mr. Speaker, this week we witnessed the 62nd anniversary of the founding of the State of Israel. It is an occasion to celebrate the achievements of a country that, like the United States, aspires to be a land of peace, prosperity and the pursuit of happiness.

The United States and Israel are bound by a common history forged by those who dared to dream of democracy and freedom; of civil and human rights; of laws and not wishes. President Harry Truman was the first world leader to recognize the Israeli declaration of independence in 1948. Other countries soon followed. In this way, with the United States at its side, Israel entered the community of nations.

We continue to share that sacred bond born in 1948. The bond carries with it a burden that all such undeniable relationships bring—the responsibility to celebrate our successes, and to address our challenges. We are both stronger nations because of this. To do otherwise would be to diminish that special bond.

An anniversary is also an opportunity to think about the future and therefore this is a time for us to renew our commitment to work for peace. As former Prime Minister Yitzhak Rabin said, ''We must think differently, look at things in a different way. Peace requires a world of new concepts, new definitions.'' As a friend and ally of Israel, I look forward to the work of nurturing the seeds of peace that will sustain and protect Israel.

Ms. BERKLEY. Mr. Speaker, I rise today to mark the 62nd anniversary of the independence of the State of Israel.

Sixty-two years ago, a brave group of Jews living in the Middle East made the audacious claim that a Jewish State could be successfully re-invented in their ancient homeland. More than 2,000 years after the last independent Jewish government had come to an end, they believed they could somehow re-establish a Jewish state, almost from scratch, in a way that had never happened before, anywhere in the world.

These daring Jews came from all around the globe: from Yemen, from Russia, from France, from the United States, and, in many cases, from the very land that was about to become the State of Israel. They shared a common heritage, but it remained to be seen whether these disparate peoples could unify to develop a country or a common culture. Could they even agree on what kind of government to form? Or what laws to pass?

Their claim was particularly bold, given that seven Arab neighbors stood ready to destroy this state in its infancy. Armed with some of the most advanced weaponry known to man, these Arab countries were determined never to allow a Jewish state in their neighborhood. But, in what can only be described as a miracle, this tiny Jewish state survived those initial days and fought to victory in 1948. They

did it again in 1956, 1967 and 1973. In fact, every time Arab countries sought to destroy Israel, they found the Israelis stronger and more determined than ever to survive.

Seeing that the military option wasn't successful, the Arab nations turned toward a different method to try to destroy Israel: terrorism. Through rockets, bus bombings, suicide attacks, hostage crises and the murders of countless innocent civilians, Israel has continued to survive, determined that life will go on, as usual, no matter what the obstacle or challenge.

Israel's enemies have also tried to use the United Nations, UN, to delegitimize it. They have passed resolutions in the UN equating Zionism with racism. They have created entire agencies at the UN to highlight Israel's alleged "war crimes." And they have hijacked the UN Human Rights Council to push their own racist, anti-Semitic agenda.

And despite all of these enemies, Israel has demonstrated over and over its desire and yearning to live in peace. They willingly gave up the Sinai to make peace with Egypt, and signed a peace agreement with Jordan in 1994. They withdrew from Lebanon a decade ago and pulled out of Gaza in 2005, all in hopes they would find a peace partner on the other side.

But instead, Israel's offers have been spurned, and their adversaries have refused to negotiate. Their so-called "partners" say that Israel must make unreasonable concessions before they will even sit down and negotiate with them. When Arab leaders were invited to attend a peace conference with Israel, in 2007, they even refused to walk through the same door as Israel's leaders.

Through all this, the United States has stood by Israel, even in these darkest of times. We provided Israel with weapons, with technical expertise and a friendship that has endured through generation after generation of American leadership. The American people demand no less: we believe in the Jewish people's right to a homeland, and their right to live in peace, as our democratic ally. This position does not win us friends in the Muslim world, but we stand by this position because we know it is right. The people of Israel, I know, are eternally grateful for this friendship and have repaid it with their loyalty throughout the years of its existence.

I am extremely proud of the strong U.S.-Israel relationship and I call on the Obama Administration to continue this tradition of strong U.S. support for Israel. We must focus our attention not on minor irritants in our bilateral relationship, but on bringing the parties together to meet face-to-face for negotiations. We cannot impose any solution on them; only they can come up with a negotiated solution that strengthens the security for both sides and brings about a state for the Palestinian people. Only they can bring peace to this region.

Mr. Speaker, the idea of the State of Israel is as audacious today as it was 62 years ago. It shows that a group of determined individuals can successfully band together and triumph in the most difficult of circumstances. It shows that David can defeat Goliath, with the proper planning, courage and determination.

I honor and stand in awe of the State of Israel on its 62nd birthday. It is an achievement many people thought would never be possible. On this historic day, I call on my colleagues to join me in congratulating Israel on this milestone and in assuring them of U.S. support for generations to come.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise to recognize the 62nd anniversary of the founding of the State of Israel, our great ally and friend.

Over 60 years ago, Israel's pioneers began to revitalize an ancient land. Today, Israelis remain pioneers at heart—pioneers for prosperity, democracy and progress. They are once again facing challenges in their homeland with determination and a vision for a better future for their children and for their country.

But even as we celebrate the founding of the State of Israel, we know that while sovereign independence is necessary, it is not sufficient—security of the State's people is also of paramount importance. The Jewish homeland must be kept safe, surrounded by neighbors who respect its right to exist in peace. Through sacrifice, ingenuity and innovation, Israel has managed to thrive for 62 years in a dangerous and unstable region of the world. Let us hope that the conflicts that have marked the difficult decades since Israel's founding will subside in the years to come.

Indeed, Prime Minister Golda Meir believed that one day there would be peace in Israel, because there are mothers and grandmothers—and let me add fathers and grandfathers—in Egypt, in Jordan, in Syria and the Palestinian territories who also want their children and grandchildren to live in peace. Today is an opportunity to both acknowledge history and look to the future. I am hopeful that someday soon Israel and its neighbors will finally find the keys to a peaceful future side-by-side in mutual security, and the conflict in the Middle East becomes relegated to the history books.

I congratulate the State of Israel on its 62nd anniversary, and offer my sincere wish for its peaceful and productive future.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to celebrate Israel's 62nd year of nationhood.

On May 14, 1948, the nation of Israel was born. The United States of America was the first country to recognize the new state. We began a long relationship of trust and friendship, and that holds true today.

As a co-chair of the Democratic Israel Working Group I am proud to celebrate America's relationship with Israel and to commemorate the founding of our trusted ally.

As we reflect on the importance of Israel's 62 years of existence, I look forward to the work our nations will do together and the progress we can make towards a lasting peace with Israel's neighbors.

I ask my colleagues to join me in recognizing Israel's 62nd anniversary.

## HONORING ISRAELI INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Speaker, I rise today to support House Concurrent Resolution 260 and acknowledge both the sacrifices and the celebrations of the Israeli people on their Independence Day, Yom Ha'atzmaut.

Sixty-two years ago, the founders of the Jewish state gathered together in Tel Aviv to declare: "Exiled from the land of Israel, the Jewish people remain faithful to it in all the countries of their dispersion, never ceasing to pray and hope for their return and the restoration of their national freedom."

In every turn of Jewish history, expulsion after expulsion, pogrom after pogrom, the vision and the dream of the return to Israel would keep the Jewish people going. It was this hope that fueled the establishment of the state of Israel, and through every battle and every war, the words of the Israeli Proclamation of Independence continued to hold true. The people of Israel's connection to the land keeps them faithful to the ideals of the state that was established 62 years ago.

□ 1700

I feel this commitment every time I visit Israel and see the unshakeable dedication to improving the Jewish homeland. Since its founding 62 years ago, Israel has become a modern state, a beacon of democracy, and a hub of technological advancement. And the world has benefited from Israel's contributions.

Israel is the world's largest per capita user of solar water heaters in their homes. Israel will be launching the world's first electric car network throughout the country, reducing their dependence on foreign oil, and serving as a model to the rest of the world. Israel's experience on the front lines of terrorism have allowed them to use their first responder skills when humanitarian crises occur around the world, not just in Israel. Just a few months ago, Israel dispatched a team to Haiti, setting up a field hospital, delivering medical care, and saving lives. They were the first ones on the ground.

Finally, Israel has taken painful steps toward peace, making sacrifices, sometimes unilaterally, toward the goal of reaching an agreement with its Arab neighbors. Israelis live under constant threat from Hamas's barrage of rocket attacks from Gaza, from the dangerous and genocidal words of a dictator in Iran, from a buildup of weapons on its northern border, from a despicable campaign to delegitimize Israel on the international stage.

While the threats against the United States and Israel grow and strengthen, so too must our joint resolve to confront them. I am proud to be a supporter of a strong U.S.-Israel relationship. We are stronger together through our friendship. We are safer together through our cooperation. And in this uncertain world, the United States and Israel need each other.

On this Israeli Independence Day, I acknowledge the brave men and women and their families who have sacrificed so much for the Jewish homeland, and I look forward to the day when Israel can celebrate independence in peace and security.

## HONORING FIRST LIEUTENANT ROBERT COLLINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, it is with a heavy heart and a humble spirit that I come today to this People's House, to this floor of the People's House to honor an American hero.

Mr. Speaker, First Lieutenant Robert Collins answered his Nation's call to duty after graduating from West Point Military Academy in 2008. And earlier this month he made the ultimate sacrifice on behalf of his fellow countrymen. Lieutenant Collins was deployed to Iraq only last fall, and was based with his unit in the northern part of the country.

Lieutenant Collins recently wrote that he was working to improve security conditions and the quality of life for the Iraqi people. In this year's national elections in Iraq, his platoon helped provide security for a free and fair election process, and I know that he took great pride in that.

He was a man willing and ready to serve his country. As a dedicated soldier, he wanted to help spread far and wide the same freedom we love and cherish here in the United States. Lieutenant Collins' willingness to help others came as no surprise to anyone who knew him. A native of Tyrone, Georgia, and a graduate of Sandy Creek High School, he was well respected among his peers. In fact, one former classmate wrote that Collins ''was compassionate and at the same time had a great sense of humor that could not be matched. Robert would always be there for people when they needed help.''

His parents, Deacon and Sharon, are both retired lieutenant colonels. They proudly served our Nation, and they proudly supported their son's decision to serve our country. While we honor Lieutenant Collins, we should also think of Deacon and Sharon. Lieutenant Collins was also blessed to have Nicole, his fiancee, and childhood sweetheart.

Last week Lieutenant Collins came home to Georgia for the last time, and his community came out to honor him. From local veterans to ordinary citizens, the procession route was lined with people waving American flags and paying their great respect to this hero. One gentleman summed it up best when he said, ''I am a patriot. Anyone who gives up their life for my freedom, well, this is the least I can do.''

Today I stand here to honor First Lieutenant Robert Collins because it was the least I could do. He stood for me and all Americans by serving and sacrificing to our Nation, and he is an American hero. I want to thank him from me and my family and the generations to come. And I also want to thank his loving parents for the sacrifice that they have given to this great Nation.

## ISRAEL'S 62ND INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. CHU) is recognized for 5 minutes.

Ms. CHU. Sixty-two years ago on Monday, the State of Israel was born, and on that day many did not believe Israel could withstand the impending struggle and remain a beacon of hope and democracy for the world. Despite decades of terror and threats to its existence, the nation still stands today, proud and defiant to those who would wish her harm.

Sixty-two years ago, just minutes after David Ben-Gurion announced the establishment of a home for the Jewish people, the United States was the first Nation to recognize its independence. Our unwavering support for the security and prosperity of Israel continues to this day because of the core ideals our two countries share, ideals of perseverance, democracy, and innovation. I am proud to stand here today to congratulate the State and people of Israel on the anniversary of their independence, and to pledge that we will continue to work together to achieve global security, peace, and prosperity.

## HONORING THE 62ND ANNIVERSARY OF THE STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize Yom HaAtzmaut, the 62nd anniversary of the independence of the State of Israel, and to reaffirm the unbreakable bond between our two democratic nations.

Sixty-two years ago, on May 14, 1948, the State of Israel declared sovereignty and independence as a homeland for the Jewish people. With little resources and seemingly insurmountable obstacles, Israel has become a thriving and prosperous democracy, and has made worldwide contributions in technology, medicine, agriculture, and environmental innovation. Despite this progress, Israel continues to face threats from hostile actors such as Iran, Hamas, and Hezbollah.

This was strikingly clear when I led a congressional delegation to Israel this past January. Meeting after meeting we heard from strong and resilient Israelis who have lived their lives under the constant showering of rockets and continued suicide bombing attacks. Put simply, we would not allow our government to stand idly by as hundreds of rockets and mortars came crashing down on the heads of our citizens, and we cannot expect Israel to sit idly by either. I believe the Government of Israel has not only a right, but also an obligation to protect its citizens. And I firmly stand by this right and obligation.

Israel's commitment to democracy, freedom of religion, and human rights is a testament to the world view it shares with the United States. We face the same threats in an unstable region. But above all, we share a deep commitment to stand by each other and face the challenges ahead.

One of those challenges that we faced together was the devastating earthquake in Haiti. I commend the efforts and generosity of the Israeli people who worked on the ground in Haiti, the State of Israel, the Israel Defense Forces, and the Israeli people for their outstanding contributions to earthquake relief in Haiti.

In a world of great uncertainty, Israel has been a key partner, ally, and friend of the United States, and I look forward to our continued work together based on these shared values.

Before I close, I would like to take a moment to recognize the Jewish community of South Florida, where I call my home. These inspiring men and women continue to work tirelessly with me so that we can be sure the Jewish State of Israel is secure and prosperous. And it is with them in mind that I say these next three words with gratitude, passion, and resolve: Am Yisrael Chai! The Nation of Israel lives!

## HONORING THE 62ND ANNIVERSARY OF THE STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, I rise to honor the 62nd anniversary of the founding of the Jewish State of Israel. Israel has weathered decades of war and terrorism, but it remains a thriving democracy and America's closest friend and ally in the Middle East.

As a very young child, I remember the immense pride and joy my family felt when the Jewish state became a reality. I had the privilege of traveling once again to Israel earlier this month. And again I was struck by the resilience, the courage, and innovation of the Israeli people, as well as their pride in the beautifully lush country they had built in the desert.

I thought about my childhood again and the number of times that I had

saved my nickels and dimes to buy trees and tree certificates that we used for birthdays and anniversaries to plant trees in Israel and to turn that desert and make it bloom.

No longer just a longing of the Jewish people, Israel today is a leader in technology, and energy, and scientific innovation, including medical innovations. It is also the only democratic state in the Middle East, and our steadfast friend and ally and partner. Today we mark the 62nd anniversary of the State of Israel and celebrate the unbreakable bonds between our two countries, the unbreakable bonds between our two countries.

Sixty-two years after the United States became the first country to recognize the new State of Israel, we still share common dreams and continue to strengthen our critical relationship. Just minutes after the declaration of the founding of the State of Israel, President Harry Truman recognized that country, and it began a 62-year long commitment, nonpartisan, bipartisan, universal throughout our country recognizing the importance of our relationship with the State of Israel.

I believe that this Congress of the United States maintains that dedication and will forevermore.

## 62ND ANNIVERSARY OF ISRAEL INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to celebrate the 62nd anniversary of the founding of the State of Israel and join with the Israeli people in honoring the country's founders and marking its great achievements and successes.

On May 14, 1948, Israel's founders declared that the country would be not only a Jewish State, but also a democratic one, where all citizens, regardless of religion, ethnicity, race or gender, would live in peace with equal civil rights. Since that day, Americans have stood side by side with Israel to form a strong bond of friendship. Even as we celebrate, we also look forward to the next 62 years and beyond.

Mr. Speaker, I would like to again congratulate the Israeli Government, its people, and others on this, their 62nd year of independence.

Mr. Speaker, I rise today to congratulate Israel on her 62nd anniversary of independence.

On May 14, 1948 the day the British Mandate expired, the new Jewish state—the State of Israel—was formally established in parts of what was known as the British Mandate for Palestine. With the establishment of the State of Israel in 1948, Jewish independence, lost two thousand years earlier, was restored. When Prime Minister David Ben-Gurion read the Declaration of Independence, 11 minutes later when those words had traveled halfway around the world, they were endorsed by United States President Harry Truman, the first to recognize a new member of the community of nations, and a new friend. President Truman said "I had faith in Israel before it was created. I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization."

The United States and Israel are close allies whose people share a deep and abiding friendship based on a shared commitment to core values including democracy, human rights and freedom of the press and religion. Israel stood by America in spirit and in action after the tragic events of 9–11. Israel has been the only democratic ally of the United States in the Middle East, as both our great nations fight the same scourge of terrorism and Islamic extremism. Like all North Carolinians, I stand united with our allies, like Israel, as we engage in this campaign to hunt down and punish the terrorist perpetrators. We must ensure that those who mean us harm can never again threaten innocent American men, women and children. A strong Israel is an asset to the national security of the United States and brings stability to the Middle East.

Mr. Speaker, I would like to again congratulate the Israeli government and people on their 62nd year of independence.

## THE STATE OF THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it's a treat to join you and my colleagues once again this evening and talk about a subject that has been troublesome to all of us for some number of months now, that is the state of the economy, the problem with unemployment, and the various causes and factors that caused some of the tremendous level of distress economically which we have been experiencing.

Sometimes it's helpful as we wade into a rather broad subject such as the problem of jobs and the economy, it is helpful to take a look back a little bit, see what we can learn from some of the lessons of history and how we got into the mess in the first place.

Some of the first rather troubling signs of the condition which brought on the recession go back to September 11, 2003, as recorded by the New York Times, not exactly a Republican or conservative oracle. The particular news article here says that there is a new agency proposed to oversee Freddie Mac and Fannie Mae. This is being proposed by the Bush administration, and it said that it today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.

□ 1715

Apparently, we did not learn a lot from the savings and loan crisis. But the Bush administration was trying. And so they were requesting to Congress that there be an overhaul of Freddie and Fannie because they saw problems coming. Why was that? Because Freddie and Fannie had had a few billion dollars here and there that they couldn't really account for. And things weren't going so well for them. And so this is back in September 11, 2003, the middle of the Bush administration, Bush asking for greater authority to oversee Freddie and Fannie.

Well, what was the result of that request?

Well, the result of the request was that the Republicans in the House passed legislation to do that and sent it to the Senate. Now, at that time, we have the congressional Democrats weighing in. At that time the Democrats were in the minority in the House. And we had now-chairman, he wasn't at that time, but he is now-Chairman BARNEY FRANK in the New York Times, same article, September 11, 2003. This is what BARNEY FRANK says: these two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis.

Now, this is a Democrat that's supposed to know what's going on with Freddie and Fannie. He's a chairman now of that committee, the committee that looks over these things.

He says, they're not facing any kind of financial crisis. The more people exaggerate these problems, the more pressure is on these companies, the less we will see in terms of affordable housing.

Well, it's always easy to look back in hindsight. Hindsight, people say, is 20/20. Congressman BARNEY FRANK was obviously wrong, not just somewhat wrong, he was way wrong. He had previously been quoted as saying, we're going to roll the dice and make sure that anybody who wants to get a home loan can get it. And yet here he says there's no real problem with Freddie and Fannie. Of course what we find is there is a big problem with Freddie and Fannie.

And so the Republicans, seeing this coming, passed a bill in the House. And as you know, when you pass a bill in the House, the next thing you do is send it to the Senate. Now people are much more aware today as to how things work in the Senate. It's not sufficient in the Senate just to have a majority of votes. You'd think, now there are 100 Senators. You'd think, well, if you get 50-plus votes, you ought to be able to pass something in the Senate. The Senate is a very weird place. That's not how it works.

It takes 60 votes in the Senate to bring something up for a vote. And once you bring it up for a vote, then you can pass it with 50-plus votes.

So what happened then, the Republicans passed this bill to regulate Freddie and Fannie. It went to the Senate, and it died over there, along with a whole lot of other bills that the Republicans in the House passed, and it died because it did not have 60 votes.

Why did it not?

Well, the Republicans had 50-some Senators, but they would have to get five or six Democrats to go along. None of the Democrats went along with further regulation of Freddie and Fannie, and so the bill died in the Senate.

So Freddie and Fannie cruise along happily through the night, and no concern about icebergs or bad weather ahead, and as we see, and as we saw, come to grief, and then require a major Federal bailout to try to protect them.

Now, what Freddie and Fannie had been doing was this: for many years before this, even before 2003, there had been Federal policies saying that you have to—the different banks in different cities have to give loans to people, even though it may seem like the job that they have or the place where they want to buy a house is not a good bet financially. In other words, what you're saying to people is, yeah, you don't have too good a job, and we're not so sure you can pay this loan off, but the Federal Government was demanding that banks make these loans to people who were what the banks would call poor risks. And so we have more and more of these banks.

Now, over time, Freddie and Fannie had carried some loans that were bad risks over time; and particularly under Clinton's last year, those percentages were kicked up, forcing Freddie and Fannie, effectively, because these loans all ended in Freddie and Fannie, to accept more and more loans that were very marginal.

Now, for a time period, through the Bush years, things worked pretty well, because house prices, housing prices, as a lot of people remember, really started to go up. In fact, when I came down here as a Congressman in 2001, and I take a look back at about 2006 or 2007, I'm kicking myself. I'm saying, what was wrong with me? I must be really stupid because if I'd bought a house when I first came to Congress, it would be worth twice as much now because housing prices were shooting up because all kinds of people were dumping money into the liquidity that had been created which was being dumped into this housing market.

So what happens?

As long as that housing market goes up, up, up, up, up, people think this is a good deal. And so we don't have too big a problem. But all of a sudden, pop, the bubble bursts. Housing prices start to come down, and now all of these lousy loans are coming home to roost. The loans by Wall Street were then chopped into all sorts of little pieces and packaged up with all kinds of other loans and sold all over the world. So this created one whale of an economic mess.

What was the start of it? The start of it was the fact that we had these liberal programs trying to suspend the rules of mathematics and saying you can make loans to people who can't afford to pay their loans, and you can just keep doing it and doing it, and nobody is ever going to have to pay.

Guess who had to pay? You got it right. The U.S. taxpayer had to pay.

And we come back again, now, we have this chairman, BARNEY FRANK, who's now in charge of fixing this problem, which he was very comfortable with. Freddie and Fannie are not facing any kind of financial crisis. The more people exaggerate these problems, the more pressure is on the companies, the less we'll see in terms of affordable housing.

It turns out that he was just wrong, and now his job is to try and fix it. Well, now we've got ourselves a good economic mess on our hands, and we're starting to have problems with the economy. And we're going to get into what happened next in just a minute. This is a regular whodunit. I hope you'll stay seated and ready to go. But I have my good friend from Louisiana joining me. And, STEVE, please.

Mr. SCALISE. I want to thank my friend and colleague from Missouri for leading this hour. And I know we've continued to have this conversation and talked about this months ago, back when the original bill came through to do the stimulus package and, you know, President Obama said that he's got to spend more money to get the economy back on track. And I know you're getting ready to talk about Henry Morgenthau, who was Treasury Secretary under Franklin Roosevelt. And he warned back then that spending and spending money and acquiring more debt doesn't get the economy back on track when you're growing the size of government. And it didn't work then and it's not working now.

But of course now we've got this bailout bill, this permanent bailout bill by Chairman BARNEY FRANK, who, as you pointed out, was defending Fannie and Freddie when they helped create this mess, and Chris Dodd. And they've got this bill that creates a permanent bailout fund.

And then it also taxes a lot of our banks who didn't have anything to do with creating this problem in the first place. And, in fact, this bill not only will create this permanent bailout fund and will enshrine this whole concept of too big to fail, but it's going to hurt our local banks, the folks that actually played by the rules, that didn't do anything wrong. And now they're going to be at a disadvantage. It's going to be harder for them to give loans to our small businesses and middle class families who are trying to get by, because now they're going to actually create a two-tiered system that favors those big Wall Street fat cats that helped create this problem that are now permanently too big to fail and get a permanent bailout fund at the expense of our local banks who didn't do anything wrong and played by the rules. And so it's really frustrating when you see this bill moving through.

And they're trying to call it a reform. Really, all it does is it lets the SEC off the hook for their failures to actually do their jobs as regulators when they let Bernie Madoff off, and they had a Ponzi scheme similarly in south Louisiana by this guy called Stanford. Once again, a report just came out the other day that the SEC knew about this back in the 1990s and did nothing. And the SEC's been derelict in their responsibility so they're going to try to go create some new Federal agency to do the job that the SEC was supposed to do but didn't do. What we ought to do is hold those folks accountable, like the folks at SEC and the folks that propped up Fannie and Freddie that created this mess, instead of trying to blame somebody else and punishing our local banks who didn't do anything wrong, and now making it harder for them to give loans to our small businesses and middle class families.

Mr. AKIN. Congressman, as I hear you speak, I'm just reminded that I probably didn't do you justice to introducing you, because, to some degree, you're an economic wizard because you stood here on the floor a year ago, just before we were going to pass this cap-and-tax bill, and actually, I guess I'm thinking about the—I called it the porkulus bill. Some people called it the stimulus bill. And you told, on this floor, and this is nationally recorded for anybody who wants to look at it, you said that stimulus bill is not going to work.

Now, the Democrats were saying, if you don't pass the stimulus bill, you're going to have more than 8 percent unemployment, so you guys better pass the stimulus bill. And you stood here on this floor, I remember you doing it, saying, it won't work.

Well, now, a year and a couple of months later, you're a regular economic genius because you saw that it wasn't going to work. You understood the principle of why it wouldn't work. They went ahead on a one-party rule, without any Republican support, passed a bill that we knew wouldn't work, and now it hasn't worked. And now we've got over 10 percent unemployment. And they said, if you don't pass a bill, you'll have 8. I wish we had just stuck with 8, I suppose.

But $700 billion of supposed stimulus. Now, we do have the Chief of Staff for the President, a former Member of the House, who said that every time one of

these economic crises come along, you've got to milk it for everything you can get. And so they loaded into this $700 billion bill all kinds of expansions of welfare and all kinds of government programs and hiring a bunch of people by the Federal Government. And of course it wasn't going to work.

You didn't have to be really an economic genius, although you are. All you really had to do was to read a little bit of history.

Mr. SCALISE. And if my friend would yield.

Mr. AKIN. I do yield.

Mr. SCALISE. You're too generous in your praise. I don't think it's much of being an economic whiz as it is being a student of history. And as you were saying, we've studied history. And you don't need to figure out and reinvent the wheel here.

Our country has cyclically gone through good times and bad. You know, sometimes we're up, sometimes we're down. A typical recession lasts about 18 months, and our country was in a recession, and it was starting to taper off. And we were in the sevens, 7½ percent unemployment, which was too high. But the President was saying, you've got to pass that $787 billion stimulus bill or else unemployment might go over 8 percent. Basically, they said unemployment won't go over 8 percent if you pass the bill. And of course we knew that wouldn't work because, as history shows us, it's never worked before. It's only created even more problems. And sure enough, just like history's always shown, and just as we predicted over a year ago, when they spent all of that money growing the size of the Federal Government, not creating jobs in the private sector, it actually created more problems to the point where unemployment is now hovering over 10 percent.

Mr. AKIN. What amazes me, Congressman, is if you looked out at the average guy in America that runs a family, okay, there's all these families all over the place, all over America. How many of them would be dumb enough to think when they're in hard economic times that what they're going to do is they're going to increase their level of spending. They're going to go out and spend a whole lot of money in order to make the fact they're in hard economic times better. You know, I don't think there are that many dumb people in this country that really believe something like that.

And yet somehow or other a majority of legislators in the Federal Government fell for that scam. I think a lot of times people fall for something because they want to, not because it makes any logical or rational sense.

But these weren't the only legislators that have been sucked in. You know, you go back to the days of FDR. There was a recession going, and he managed to come up with just the right policies to turn it into the Great Depression because he wasn't any genius on economic matters. And so at the end of 8 years of the Federal Government spending money like mad, his Secretary of the Treasury, Morgenthau comes back to the House here, to the Ways and Means Committee, and he makes a statement. We've tried spending money. I guess we've heard this before. We're spending more than we've ever spent. They spent nothing compared to what we're spending before. And it doesn't work. I say, after 8 years of the administration, we have just as much unemployment as when we started, and an enormous debt to boot.

□ 1730

Now, this obviously proves that we learned nothing from history. Certainly the Democrats learned nothing from history because that is exactly what we just did a year ago. We spent $787 billion. It wasn't even good old Keynesian stuff. It wasn't hydroplants. It wasn't building big ships for the Navy, putting people back to work with the government getting manufacturing jobs on the street. No. It's all this more food stamps, welfare checks, bailouts for States that hadn't managed their budgets responsibly. So here we go.

So you said, gentlemen, this isn't going to work. You knew because Morgenthau told us. The Democrat that worked for FDR told us it wouldn't work. And we tried it again, and it still didn't work. That is how we got started.

Then after that, of course, we introduced some other factors in the economy which, just like FDR, we're going to take a bad situation and make it worse. I love these cartoons.

Now give me one good reason why you're not hiring. We see the President here talking to some guy who owns the china shop and he's got a couple bulls coming in the door. Health care reform, cap-and-tax, and then the war tax. So we've got all of these taxes, and these bulls are coming in, and this guy is a little concerned about hiring these bulls to help his china shop.

So, anyway, here we go. We're starting to get into the first part of last year. We're seeing unemployment going up. We're seeing the solution is government spending, and things have not gotten a whole lot better.

I yield to my friend.

Mr. SCALISE. The frustrating thing about all of this, and of course there's a saying that if you don't learn from history, then you're doomed to repeat it. And it seems like we're repeating history now. But what's frustrating is, really, starting back in January of last year, over a year ago, what the American people said, what many of us here in Congress said back then was we need to be focusing on creating jobs and getting the economy back on track. And, in fact, there are tried-and-true ways of doing that that have been proven every time they've been tried. And one sure proven way of getting the economy going again is cutting taxes.

Mr. AKIN. Wait a minute. You just cussed on the floor of the House. I didn't think you were allowed to say that. Horrible world. Cutting taxes. Oh, no. You're going to get accused of a hate crime, gentleman, if you keep that up.

Mr. SCALISE. I know President Obama and Speaker PELOSI and her liberal lieutenants don't like the concept of cutting taxes. And, in fact, they have got a lot myths going around out there that cutting taxes are what created this problem instead of what we know created the problem, and that is like groups like Fannie Mae and Freddie Mac giving loans to people who had no ability to pay.

But cutting taxes, if you go back in history, and you can go back to John F. Kennedy. You can go back to Ronald Reagan. When they cut taxes, Federal revenues grew because the economy got going again. People were spending money much wiser than government spends money, but they were spending money to create jobs. And jobs were being created, and the economy got going again because taxes were cut. And those tax cuts yielded in more revenues coming in to the government.

Mr. AKIN. I would like to slow you down just a minute because you are smart in this stuff, and what you're saying is historically accurate. But I would like to take that apart, slow it down just a little bit so people can see the logic of why this works the way it does. Because what we know from Henry Morgenthau—if nothing else, the Democrats should be able to learn from Democrats, but they're not. They refuse to, and the reason they refuse to is because they don't like the answer that Morgenthau said, which is they can spend money like it's going out of style.

Now, what Democrat could you learn from? You just mentioned his name. It was JFK. He understood enough about economics to know that if you back off the taxes, you can actually get the economy going. Well, how does that work? Well, when you back off the taxes, it leaves more money out there for small businesses to hire people. And if small businesses have more money to invest, they invest in a new wing on a building and a new machine tool and they invest in their own business, and those people then, as they invest, create jobs.

So what you've said is this isn't rocket science. This is something that JFK understood. Ronald Reagan did the same thing. He cut taxes, and the economy grew. And Bush did the same thing. But here's sort of a weird thing. They call that supply-side economy.

Democrats call it trickle-down economics. Whatever you want to call it, it works.

But the thing that strikes me is that logically, how is it, because it seems like you're making water run uphill. What you're saying is that the Federal Government is going to lower their tax rate, and yet they're going to get more money back. That seems counterintuitive. So I'm thinking about it like Congressman SCALISE.

Let's say you're king for the day and the only thing you can tax is a loaf of bread. So you're thinking in your mind, How much tax am I going to put on one loaf of bread? You're thinking, If I put a penny on it, nobody's going to notice, and I can collect a penny on all of these loaves of bread. Then you think, Hey, how about if I put 5 bucks tax on the loaf of bread? Then I'd really get a lot of money every time somebody buys a loaf of bread. But then you'd think, But maybe people wouldn't buy as much bread if you've got to pay 5 bucks just to try to get the bread.

And so you're going back and forth in your mind, and pretty soon you say, commonsense says there is some optimum tax on that loaf of bread where you can get the most possible money. If you go too high, you get less revenue for the government. If you go too low, you left money on the table. So there's some sort of an optimum point.

And I think that's what Ronald Reagan and the other Presidents understood, that when you tax the economy too much, it basically drives it into the ground, which is exactly what's going on here. And so what you're saying about the fact that we drop taxes and that helps get the economy going, that's the logic of it. You actually drop the taxes and you get more money into the government. So the result was we dropped taxes, and what we saw was the government got a whole lot more money, and we started to pay off the debt.

And so I thought it would be good to take that apart and explain the logic of it, because what you're saying historically is right, but it seems odd that the government drops taxes and they get more money back.

Mr. SCALISE. If the gentleman would yield?

Mr. AKIN. I do yield.

Mr. SCALISE. History can teach us good lessons and bad lessons. There have been good things that have happened through our history and bad things. And clearly during the depression, that was a bad time in our Nation, but there were telltale signs and things that government did that made things worse that we should be learning from and, unfortunately, the folks running Congress right now haven't learned from.

But there's also good things that have happened over the years, just as when President Reagan cut taxes and you just saw this robust economy take off for over 20 years and job creation that no one's ever seen in the world. And yet that is another part of history that's not being followed that we ought to follow. And Congress, over its time, has spent more money than it's taken in, too, and that's another lessen to learn.

But I think what's so frustrating to people across the country, they want us to be focusing on creating jobs and getting the economy back on track, and that's something that I want us to focus on, too, but what they've seen is just the opposite—policies like this health care bill that's going to run jobs out and these other policies that you talked about.

And now this permanent bank bailout fund that's moving through Congress, it's a top priority of the President, and the American people are saying, once again, Enough already. We don't want any more bailouts. We didn't want the first one. We voted against that first bailout because we knew it would fail, and it failed. And so here the President is again not learning from history but repeating the mistakes of history by trying to create this permanent bailout fund establishing more of this concept of ''too big to fail.''

Mr. AKIN. That permanent bailout concept, isn't that a dangerous kind of thing? Because what we've seen is more and more of the government wanting to get into all of these different businesses, and that certainly is a scary kind of thing. And the other thing we're seeing a whole lot of, which is making people tremendously frustrated and angry, is seeing one thing being said and opposite things being done.

The true engine of job creation in this country will always be America's businesses, but government can create the conditions necessary for businesses to expand and hire new workers. This statement is completely true. Unlike a lot of statements that are made, this statement is completely true. The true engine for job creation in this country will always be America's businesses.

Let's put a little bit sharper point on it. What businesses? Well, 80 percent of the jobs in America come from what are small businesses or businesses with 500 or fewer employees. So the businesses with 500 or fewer employees in America hire 80 percent of the employees in America.

Now, the true engine of job creation in this country will always be, in America, as we say, smaller businesses, but government can create the conditions necessary for business to expand and hire new workers. That's absolutely true. The government cannot create a job no matter what it does, but it can create conditions which allow the small businesses to prosper and hire a lot of people. So this statement is entirely true. The President is right in this. The conditions can be created.

Well, what are those conditions? Well, let's take a look at it. Does it mean $2 trillion in tax increases over 10 years? No, it sure doesn't. What happens when the government takes a whole lot of tax money out of the economy? It's taking it out of the pockets of the people who own the small businesses. Guess what tax category the people who are running those small businesses, guess what tax category they're in? They're in the exact bracket that President Obama said he wants to take tax from, people making over $250,000.

People say, My goodness. If somebody's making $250,000, they ought to pay a little more taxes. Fine. Keep taxing them. What happens? If you keep taxing these guys, they won't invest in their businesses. If they don't invest in their businesses, where are the jobs going to come from? You can't have it both ways.

And yet it seems that the administration wants to talk, saying that we've got to create the right conditions, and they're doing precisely the things that destroy jobs in America, worst of which is excessive taxation on the people that own the small businesses. So that's certainly the wrong thing to do. It's creating the exact wrong conditions. It is driving unemployment, making it even worse, which is what FDR did to take a recession and magically turn it into the Great Depression.

One of the pieces of legislation that the President in his last State of the Union urged Members of Congress to support, the job-killing cap-and-tax legislation. What's this? Well, this is a tax on energy. Well, wasn't there a promise that said, unless you make $250,000, we're not going to raise taxes? Yeah, unless you flip a light switch, and then you're going to get taxed because he is pushing a tax on energy. Everything uses energy, particularly small businesses.

So if you put this cap-and-tax bill into place, you're doing another thing that makes it harder for creating jobs. That's why this cartoon has got a lot of truth when it says that you've got this health care and the cap-and-tax. These are things that are destructive to jobs.

New taxes on employers who don't offer a government health insurance plan. Of course, the new socialized medicine bill is going to be brutal in terms of creating unemployment, because what are you doing? You're, first of all, trying to balance the cost of giving everybody Cadillac health care, and you're going to try to balance that on the back of small business owners. What are they going to do? They're going to say, Hey, I don't want any more employees than I could possibly

have because I've got to buy health insurance for all of them, and it's terribly expensive. So I'm going to work my employees as many hours as I can just to make sure I don't have a single employee more than I need. So you're creating a tremendous economic pressure to get rid of jobs by passing this socialized medicine bill.

So let's take a look standing back a little further.

What is it, what are the things that are killing jobs? Because obviously something is killing jobs in America. What are the different factors that are killing jobs?

Well, here is a whole list of them. If you want to kill jobs, this is the thing to do, and this is just what the administration has been doing for a year and a half. This isn't rocket science. This is very common sense. It's about as common sense as a lemonade stand.

The first thing is economic uncertainty. If you're a small business man and you don't have a clue what the government is going to do to you next, what do you do? In Missouri, we call it hunkering down. You don't make decisions. You don't hire people. You don't buy expensive new machine tools. You hunker down when there is economic uncertainty.

So that's first of all when you have things out there such as cap-and-tax, which is going to tax energy.

You've got a new socialized medicine bill that nobody understands how it's going to be implemented. But we know it has been loaded with taxes. They have even got wheelchair taxes. I don't know what poor mind thought of the idea of taxing wheelchairs, but it seems kind of perverse to me. Maybe that should be a hate crime, too. I don't know.

Economic uncertainty. This is a job killer. You want a steady economic climate if you want to keep jobs running forward.

Consumption reduction. That's just talking about the economy slowing down. When you have the economy slowing down, it hurts everybody. Just as a rising tide floats boats, a tide that's going down, you end up sitting on the rocks. So the poor economy also is a job killer.

□ 1745

Excessive taxation is probably, probably the biggest factor which is going to kill jobs, and that's why it is that the Democrats should have learned from JFK. I don't expect them to learn anything from Ronald Reagan, but they could learn from JFK. They did the same thing Reagan did, and that is cut taxes so that the businessman has money to invest and create jobs. But instead what we have been doing is tax after tax after tax, all these new taxes. What's that do to the guy that owns the business?

Well, to start with, he doesn't hire anybody. To start with, he reduces any kind of expansion to his business. But after a while, just like your body, if you keep cutting off your food pretty soon you start to get skinnier and skinnier and eventually guess what happens to that little business, it goes out of business and now there is no longer a little engine there to create jobs because that business is gone.

And that's what FDR did, he drove the taxes so hard that the businesses started to shut down from excessive taxation. In a temporary sense, the business just doesn't hire. In a longer-term siege, what happens is the business goes bankrupt, and now there is no one there to start to create the jobs in the first place. Excessive taxation is deadly as a job killer.

Insufficient liquidity is another problem that seems a little complicated but it makes a lot of sense. If you own a small business, one of the things that you have to have is liquidity. That is you have to have some money to be able to borrow to get going on different projects.

There is a company in my district out in the St. Louis area called Innoventer. Innoventer is obviously an idea coming from inventions. They are inventive sorts of people, and one of their latest inventions is something that people that live in the Midwest would be tickled to know there is a use for, and that is pig manure. When you get out in the country, and you smell something that smells a little funny, you know you are near a hog farm.

And pig manure is not one of those things that people will go out of their way to try to obtain, it's considered something of very low value and something you would just as soon not smell. Well, Innoventer has come up with a way of taking pig manure and putting it into essentially what is a glorified pressure cooker, they put it at pressure and under a certain temperature. And they break that pig manure into sort of like the oil that is pumped out of the ground, sort of a primordial kind of goo which they have found they can then use to make asphalt with.

So what do you need in order to make this little business go? This is not as pretty as making lemonade, but you are going to create these furnaces, electric furnaces with pressure and these containers and eventually it makes this stuff which you then can turn into asphalt. And we have a section of road in the St. Louis area paved with this asphalt made from, you got it, pig manure.

But you have got to have some money to build the equipment to do this. Well, where do you get the money from? Well, you get loans from banks, okay. So a lot of small businessmen, they will take a 3- or a 6-year loan, and they have to pay a pretty good interest rate for it because small businesses can make a mistake and go bankrupt.

And so they get a loan from the banks, and the local banks underwrite the small businesses and, as they convert pig manure to asphalt, you will see people getting hired.

The trouble, though, is this: You have got to have liquidity. And so what has the administration done in order to make it so banks have liquidity? Well, they started one way with the crack cocaine in the Federal system, that is they released tons of money into this, they used to call it printing money. So at the high level in the big banks there is lots and lots of easy money that's created by the Federal Government.

Usually that creates bubbles and then they blow up, but now what's happened is that easy money is not coming down through the arteries to the small businesses because the banking regulators are so tough with small business, the small banks are afraid to loan any money. And so now you have got guys that have imagination that would be creating jobs because there is insufficient liquidity. Now they are being choked out.

Now this particular innovator has found maybe a way around it to get some money, but a lot of problems are in this liquidity are. What's the biggest culprit? Probably excessive taxation. Second biggest may be this liquidity, certainly the economic uncertainty. All of these things are factoring into that 10 percent unemployment.

Excessive government spending is a job killer, but it does it sort of slowly and it does it on a rebound. It's not a direct effect.

What happens is when the government spends too much money, then the problem is there isn't the liquidity in the economy and so the money is not invested in the businesses, therefore they don't create jobs. So that's how that works.

And then, of course, excessive government mandates and red tape. Obviously if you are a small business person, and you have got to fill out pages and pages and reams of red tape, which small businessmen have to do in America, that takes away from your efficiency. If you are a great big company, you have got a couple of bureaucrats and, boy, they are experts at every red tape that comes along. You can get some efficiency in a big company dealing with red tape. But for small businesses, red tape is a real, real job killer. And so that's who the thing that we don't want.

So, now, if you take a look at the logic of where jobs come from and what you don't want to be doing, and you take a look at what we are doing, you are saying hey, Congressman AKIN, you are creating a perfect storm. About everything that creates unemployment, you are doing it all. And we have a statement from the President saying, hey, I understand. He says, I understand that the government, the government can create the conditions necessary for business to expand and hire new workers.

He understands that principle, and yet we are doing everything wrong. Everything he has told us to do is going to affect the jobs.

And so what are some of these little treasures? Well, first of all, this health care reform that we just passed, boy, is this a humdinger. I have been here 10 years—I hate to admit how old I am—I have been here 10 years, and I have seen some lousy bills in my day. But this health care, this socialized medicine that we just passed is two or three times worse than any other bill I have ever seen.

This is going to have terrible consequences for unemployment and for just hammering small businesses, and it's going to create not only that, of course, it will create lousy health care, it will probably bust the Federal budget. But I am mostly on the subject of what are we doing about jobs?

And this thing here is a job killer. This is a real job killer. You have got basically, just like we are talking about with Congressman SCALISE, what we are doing is the Federal Government wants to take everything over. This is taking over a sixth of the economy. The government just going to take over health care. It's not a matter of fixing something broken in health care, it's a matter of scrapping it and having the government take it over, not instantly, but over time.

The cap-and-trade, they call it cap-and-trade, it's really cap-and-tax. This is that energy tax that the House passed, people were so mad about it. That was the one where they had 300 pages of amendments passed at 3 o'clock in the morning, and the bill was here from the floor and there wasn't even a copy of the bill when they passed the thing, the House passed it. And people got so mad that the Senate refused to take it up.

But this is a big tax, of course, and, of course, that's not a good thing for small businesses. You have got other miscellaneous taxes coming, many of them associated with this health care reform. That's where some of those taxes are coming from.

So we are doing, we are really doing all the wrong things, and it shouldn't surprise us that we are getting problems with unemployment. Obviously, there are other problems that are going on, too, pretty serious ones, and I would just like to talk a little bit about some of these other taxes.

These are tax increases, tax increases. This is really fine print, isn't it? Look, there are 16 of them on this sheet. If Congress takes no action, these are the tax increases we are taking a look at in 2010. And so what happens when you increase taxes? Businessmen don't have the money to invest in companies, and you pull the economy down. Is that all we have got?

Oh, no, you have got to remember we have got 2011 coming. These are tax increases, if Congress takes no action in 2011.

Look at that, we have got another bunch of these. The marginal income tax rates will increase as follows. These are not small things, these are big deals. The 35 percent bracket will increase to 39.6. The 33 percent bracket will increase to 36 percent. The 10 percent bracket will increase to 15, and the 25 is going to go to 28. So, first of all, all the marginal tax increases on everybody's income taxes are going to go up if the Congress doesn't take any action. This is 2011. This is 2010 down here. Look at all these taxes.

Now, we are having a tax party, aren't we, and it's going to give a tax to our economy. Dividends will no longer be taxed at the capital gains rate for individuals, thereby increasing the double taxation and dividends as much as 164 percent.

Guess what kind of people have these dividends and have money invested in these things? People who own small businesses, of course.

So you are going to tax those people. Guess what's going to happen? They are not going to expand the business, you got it.

The personal capital gains tax will increase to 20 percent and 10 percent from 15 and 5, and the child tax will decrease, so the standard deduction for couples, all of these things, there will be more and more tax increases. Is that it? Oh, no. No, there are more tax increases too. In 2012, the adoption of a tax credit will decrease from 13 to 5,000. The credit for electric drive motorcycles, plug-in electric vehicles will expire, all these things, tax increases.

And so is this the right direction? No, of course it's not the right direction. What we are doing is we are doing precisely what you would do if you are trying to crash the economy.

Now, let's talk a little bit, I don't have charts on this, I want to talk a little bit about what's happening on the spending side. Is it because there are just so many demands on the Federal Government that we just have to keep spending money on all these things? Is it the Federal Government is just getting so expensive?

Well, let's take a look. If you go back to President Bush, he was criticized for spending and the Republicans that were with him, myself included, were criticized for spending too much money. And you know what, that criticism was just. We spent too much money. And 2008 was the worst year in terms of Bush spending too much money; he had a deficit that year of about $450 billion. That's too much deficit.

As you take a look at that, you say, by golly, I don't know how much $450 billion is, that's a little bit outside of my normal family budget.

Well, one way to look at it is as a percent of our overall gross domestic product, the GDP. That's 3.1 percent, which is about common for a lot of Presidents in various years to have a deficit at about 3 percent or so, that's not uncommon. And that was his worst year in 2008 under a Pelosi Congress. So the Democrats were running this institution, you had President Bush in the White House, worst deficit, $350 billion.

Well, what happened in 2009? That deficit, under President Obama, went from 450, went up to 1.4 trillion, that is more than three times Bush's worst deficit spending in 2009.

So how does that relate to gross domestic product? Well, instead of 3.1 percent, it jumps all the way to 99.9 percent of gross domestic product. That's the highest level of deficit since World War II, and that was 2010.

What do you think 2011 is going to be like? Well, you have got it right, 2011 is worse. It takes it over 10 percent of GDP and so we are spending tons of money, that's part of the reason for these tax increases, but the tax increases aren't beginning to be able to keep up with our high level of Federal spending.

And so what you got to the point now is when the Federal Government spends a dollar, 41 cents of that dollar that they are spending is borrowed money, it's not the Federal dollar. So they spend a dollar, but 41 percent of it is borrowed. What would happen, what would happen if the American family ran its budget that way, that you could go out and spend $1.40 but you didn't really have a dollar, you really only had, you know, 59 cents.

I mean, I just can't imagine us putting ourselves into that kind of a situation. So a whole lot of Americans, not necessarily just Republicans, there's a whole lot of Americans saying this has got to stop, this is not the way to run a company.

Yes, the President said something truthful here. He said something truthful. He said the true engine of job creation in this country will be Americans' businesses, but government can create the conditions necessary for business to expand and hire workers.

What he forgot to add was governments can also create the conditions to put people in the poorhouse, drive every job out of this country, and put America's finances in a horrible mess.

□ 1800

We can also do that. That's what we are doing, and it's time for people to start pulling the alarm button and saying enough of this stuff.

I am joined by my good friend from Texas, Congressman GOHMERT, and I hope you will rescue me because I'm starting to get a little hot under the collar.

Mr. GOHMERT. I appreciate my friend yielding.

The other alternative to getting hot under the collar is just to have your

heart broken. Part of it is anger. When you go through and read these provisions like I'm afraid so many people did not do, you know the impact it is going to have. And yet, you know, AARP got their deal negotiated, you find that in different places, the big pharmaceuticals got their deal negotiated, the insurance companies got something in there in a number of places. You got Plaintiffs Bar got some things negotiated. And you think, who in the world was negotiating for the people of America? Everybody else was getting their deals, unions got their deals, but when you read through this, you knew who it was going to hurt. On the one hand, we had people across the aisle saying they're going to help the working poor. If you read the bill, you knew what it was going to do. You can't increase that amount of taxes, just as my friend from Missouri was talking about, you can't increase taxes like that and not cause some people to lose jobs or have their income cut or have their salaries cut, which means cut income.

I've talked to other people who say that because that passed they are winding down their business and people will be out of work at the end. It will take probably 1½ years, one fellow was telling me last weekend. So you know people are losing their jobs and how devastating that is to lose your job. A career is gone because somebody got overzealous here and passed bills with increased taxes.

The working poor didn't get the help they were looking for. If you make 133 percent or less of the poverty level, oh, yeah, those were the people they were going to really help with this. They're going to get ultimately shoved into Medicaid that so many doctors aren't going to take anymore. Walgreen's, I read they weren't going to take any more prescriptions. That's not helping people in America. It doesn't help them to lose their jobs. It just is heartbreaking to see what is happening to people now because of this poorly conceived health care bill.

I yield back to my friend.

Mr. AKIN. You know, sometimes we use words, and you're talking about being heartbroken because you can connect the policy with how it's going to hurt people.

Mr. GOHMERT. Already has hurt them.

Mr. AKIN. And you say people are losing jobs. Sometimes I think it's helpful to put a picture in your mind. When I think about losing jobs—and maybe this is one of my worst fears—I picture a house and a family that's not in the house and a big sofa sitting on a sidewalk next to a garbage can where all of the possessions of this family has been dumped out of the house because they can't live there anymore. That's what happens when you don't have a job.

As a guy, I grew up in the era where the guy makes the income and provides for his family; that's what our job is to do. I think there are a lot of American men that are real men and they care about their family. They carry that pressure quietly. They don't complain about it, but in the back of their mind they're thinking about someday I might not have a job, and I don't ever want to get in a position where I'm sitting on that sofa on a sidewalk with my family saying where are we going to go next. A lot of people feel that pressure. And what we're doing is we're basically dumping people out of their homes.

Another thing I don't get is how do you call it compassion to give a family a loan that they can't afford to pay for a house and then they get kicked out of their house. I mean, I'm hearing liberals saying they're compassionate. There isn't anything compassionate about that, it seems like to me. We're destroying the economy through bad economics. And the thing we're seeing is when you destroy the quality of health care, you're talking about people dying. That is the reason why this is so frustrating.

I yield to my friend from Texas.

Mr. GOHMERT. You are exactly right. The last person I heard from is a woman who is losing her job, heartbreaking because there is no need for these people to lose their jobs. We had over 4 million people lose their job since the so-called stimulus was passed. And now we passed a health care bill under the guise of ensuring 30 million more. I'm hearing now this past weekend people that have been told that because ultimately the owner is going to have a choice between $2,000 per employee or paying for the Cadillac health care that the government is going to require, they're going to drop the health insurance. So it seems pretty clear there is going to be a lot more than 30 million people that lose their insurance because of the added taxes that are put in here.

Oh, and I love the provision—talk about helping the working poor—if you are not able to afford the level of insurance required by this bill and by the Federal Government—and I guess that's the 15 people that are on this board that are going to make all these great determinations for everybody's health care that the President will appoint—but if you can't afford that level insurance, then we're going to help you. We're going to tax you an additional 2.5 percent on your income, an additional income tax for the working poor that can't—as I had somebody tell me 2 days ago, if I could afford the insurance, I would buy it. I can't. Now I'm going to get hit with an extra income tax on top of that? Because people are leaving, they're finding out. Employers are finding out they are either going to let people go, cut their salaries, cut back the workforce. It is just so unnecessary. And yet this thing got rammed through and real people are now hurting because of the thoughtlessness of this Congress.

Mr. AKIN. You know, the thing that was interesting to me, about December of last year there was a guy who is one cool businessman, he is the CEO of Emerson Electric—which is not a big household name to a lot of people, but Emerson is a gigantic manufacturing company headquartered in St. Louis with operations in countries all over the globe. And this guy was a little bit—I won't say it was a rant, but he was fired up. He said, Look, I think I know something about job creation. And he went back over the record of that company and all of the jobs that had been created and how profitable they were and what they were doing in manufacturing. They have all kinds of really high-tech kinds of things like the electronic controls that control different businesses and huge complicated process industry and things like that, a lot of very sophisticated stuff. They have all of these jobs they have created through all of these years.

So this guy is the CEO of this place. He has come up through the ranks. He is an engineer; he knows what it takes to make a company work. And he says, I'll tell you what, with what's being done in this country I can guarantee you we won't be creating jobs in America. We'll create jobs—we're going to create them in foreign countries because the foreign countries aren't doing this crazy stuff. We can put the jobs there and make a decent profit. Essentially what he's saying is the U.S. Government is forcing us not to make jobs and to do all our job creation overseas.

Now, that's a tragedy; that's a tragedy. And he was shook up about it. He was upset about it because he's an American; he loves this country. He wants the jobs to be made here. But, no, we're going to do this socialized medicine gig, which has never worked in any country of the world. I mean, at a minimum, we could learn from the former Soviet Union. They had the theory that the government should provide you a job and health care and an education and food and a place to live. That's what their theory was, and it didn't work worth a crud and the Soviet Union collapsed. And so what are we doing? Well, the government is going to provide you now with education and food and housing—and health care, of course.

I yield.

Mr. GOHMERT. And of course we know where that all led. Ultimately, it led to the Soviet Union borrowing money, printing money as fast as they could and then ultimately coming to the day of reckoning. And when they realized we can't borrow enough, we can't print enough, and they have to

announce we're out of business as a country, all of these states that made up the USSR, they're on their own. We're out of business; we can't borrow enough; we can't print enough.

You know, another tragedy out of this health care bill—and not in terms of human suffering, but still a tragedy—was the media and the light that was cast from the media through this bill. Because you think back through the years, both Democratic Presidents and Republican Presidents, I don't recall in my lifetime a media being so oblivious to truth. I can't imagine under George W. Bush, Bill Clinton, George H.W. Bush, Ronald Reagan, Carter, Ford, Nixon, going on back, I can't imagine the media ever allowing any governmental entity to stand up and say we are going to save $1.3 trillion with this bill starting 11 years from now and going 20 years from now.

Obviously, for the next 10 years we're going to cut Medicare $500 billion, and we're going to raise taxes by $500 billion. We're going to do this for 10 years and then that will pay for 6 years of health care. And the mainstream media didn't utter a whimper. I just can't imagine the media letting that go without saying, excuse me, did you say it won't start saving money until 11 years from now when you're gone and out of office? But this is what we've come to; the media just let it go.

Mr. AKIN. The thing that got me was, think of the logic: they have to come up with a bill and they wanted to come underneath $1 trillion. So how do they do it? Well, what they do is they say we're going to tax people over 10 years, but we're really going to start the benefits of the bill 4 years into that. So in other words, we're only going to do benefits for 6 years, but we are going to tax for 10, and therefore it all comes out to be less than $1 trillion.

I mean, it is such bizarre math that it's laughable. If you said I'm going to start a lemonade stand and the first 4 years I'm going to collect money for lemonade and then I will start giving people lemonade at the end of the fourth year in order to make this thing come out, people would say you're crazy. You know, they would say this is bizarre.

The other deal that was cut for the insurance companies—I mean, I just can't imagine why that didn't get more attention—you're a doctor and I'm a sick patient and you and I talk together about the fact that, Todd, you need to get your appendix out or something like that, and an insurance company comes in and they're going to second guess it. Well, if you make the wrong decision, you get sued as the doctor. But now here's a deal: you can make a decision, I make a decision, the insurance company comes in and says you don't need your appendix out, and then I drop dead and my wife says, well, the insurance company made a medical decision, they said AKIN shouldn't get his appendix out. I want to sue the insurance company. Check the fine print, you can't sue them. You can sue your doctor, but when an insurance company makes a health care decision, they have no liability whatsoever. Now, why would the national media not pick up on something like that?

You know, we ought to talk about something cheerful. We've only got a couple more minutes to go. Do you know one thing that's cheerful for me to think about? Repealing this piece of junk. That would make me happy. If we could repeal this piece of junk and we could go into health care and systematically fix the things that need to be fixed, that would be a very positive thing and it would put the economy on track.

I would yield to my friend.

Mr. GOHMERT. Just very quickly, not only should we repeal it completely, but all of these wonderful alternatives we have ought to be in the same bill. Not only are we ripping out this bad bill, but here fixes the system. We've got those bills, we just couldn't get them to the floor. I look forward to getting them to the floor.

Mr. AKIN. Well, gentleman, you had some of those bills, and hats off to you because in spite of the fact that the President said we didn't have any bills, then later on he claimed that he had read all of our bills, which seems a little hard to understand——

Mr. GOHMERT. And let me add, if I might, CBO sat on them since last summer and wouldn't even give us a score. Shame on them.

Mr. AKIN. Yeah. Well, you had a number of the bills.

Mr. Speaker, I thank you for allowing us to just talk about unemployment and what's going on with the economy.

□ 1815

## THE DYNAMICS OF EARTH DAY

The SPEAKER pro tempore (Mr. LUJÁN). Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TONKO. Thank you, Mr. Speaker.

Well, this evening, we are going to be speaking about those advancements in public policy terms that allow us to go forward with a very meaningful agenda to continually respond as an American public to the dynamics of Earth Day.

It is hard to imagine that it takes us back to 1970 when we first ushered in Earth Day, a time when Americans were working to focus on the stewardship that is our responsibility to grow a stronger environment and a better environmental response to enable us to improve outcomes out there, outcomes such as the air that we breathe. Obviously, as stewards of the environment, we have the responsibility, yes, to enhance the outcome in the present, but it also much more relevantly speaks to what we will do for future generations to make certain that our actions today will begin the process of a stronger outcome for generations to come.

So efforts on improving the quality of air that we breathe and the efforts to improve the water that we drink are two of those driving forces that have ushered in this celebration annually of Earth Day where we recommit with each and every year to continue the efforts to grow the progressive agenda.

Now, four decades later plus, we know that the climate crises that gripped this Nation and this globe are real. We know that the efforts to address our planet in peril are absolutely critical and that we have experienced now the challenges that behoove us to move forward as a nation and as a world to respond not only to those challenges but to see them also as opportunities that are waiting out there for all of us because, as we'll discuss in the ensuing hour, there are those benefits that come with embracing this clean-energy economy, this clean-energy thinking, the green-energy thinking, that will allow us to shape the job market of the future, and that requires us to prepare the skill sets that will be required in our workforce. It will enable us to establish jobs not yet appearing on the radar. It will enable us to move forward with this innovation economy, which will, I think, speak to energy security for us, as Americans, to energy independence and therefore to national security, which is a looming, looming dynamic out there that oftentimes is not discussed.

So, Mr. Speaker, with your permission here this evening, we are going to talk about some of those things, those items, that really were embraced by the Democratic leadership, by the Democratic leadership in this House, on this Hill in Washington, and certainly now in the White House with this new administration's speaking to the empowerment that can come to this Nation, yes, with the results that can be achieved but, yes, also with the corresponding opportunities that will be packaged into the outcomes that we will enjoy.

Our country has been moving in a new direction, I believe, in the last couple of years, understanding that there are a number of benefits that can come to all of us, to all sectors of this country, and certainly there are ways to speak to middle-income American families from coast to coast in a way that provides positive change for them at home. There are issues that will allow us to launch this clean-energy economy that will create millions of jobs associated with that sort of thinking. These are jobs, I will posit, which

will not be outsourced. These will be jobs that will be stationed here in the United States which will enable us to again be the masters of our destiny, which will allow us to be the architects of new programmatic efforts of inducing all sorts of beneficial sorts of concepts and programs which will enable us to showcase the American pioneer spirit.

You know, I represent a district in upstate New York that was the birthplace to the westward movement. My district houses the confluence of two historic water channels—the Mohawk River and the Hudson River—and the confluence of those two rivers is the edge of that westward movement that created a port out of a town called New York City, which then gave birth to a necklace of communities which became the epicenters of invention and innovation, which then created the pathway to a westward movement that developed not only New York as a State but the entire country as a nation, which then impacted with its discoveries the quality of life of people around the world.

That same pioneer spirit that drove the Industrial Revolution and that drove the first energy revolution can also now be that inspiration that allows us to move forward in a way that creates this green energy revolution that will respond to the absolute symbolism and spirit of Earth Day, which, as I said, started some four decades ago, over 40 years ago, when the first celebration occurred.

In embracing this sort of agenda, it also will enable us to lower energy costs for American businesses and certainly for American households. It is such an important factor as people have learned through these very difficult economic times that we need to be able to control those costs. We will talk a bit tonight, I imagine, about a smart grid, about smart meters, about smart thermostats, all of which put control and responsibility, but then also provide opportunities for America's energy consumers—large and small, businesses and households—with all of us prospering from that sort of activity.

So, in lowering those energy costs, which sometimes can be a very significant price to pay, it can be a significant wedge of a business pie chart for costs of that particular business or for that particular industry. It also can be a very painful and growing wedge of the household pie chart for its finances, especially for some of our lower income strata families, working families, who, when impacted by these growing energy costs, are paying more and more of a percentage of their household incomes, disproportionately represented for their households, compared to other households that may be living in better energy environments and that may be living in situations which don't extract as much pain, require as much pain, due to those energy costs as they do for other families.

Also, with this agenda of progress, with this progressive nature of policy reforms, I think it will allow us to reduce that growing gluttonous dependence on foreign imports, on fossil-based fuels that are still our heavy reliance. That dependence on foreign oil is oftentimes associated with unstable countries, yes, but more critically with unfriendly nations to America as a country. Certainly, leaders of our country have had difficult times with those unfriendly nations, and we continue to move forward with this gluttonous dependency on that foreign import of oil.

Then, finally, there is the opportunity for us to speak in meaningful measure about reducing our carbon pollution that is now causing climate change, global warming. This increasing carbon footprint threatens not only the Nation's environment but the world's environment, the global environment. These efforts, these benefits, that can be realized simply through the investment of resources, through the development of public policy, through the resolve of taking on an agenda that can really grow a positive outcome and that can provide a more optimistic flavor for all of us here in this Nation are doable items, and they should be committed to with a strong sense of resolve as we celebrate Earth Day tomorrow on April 22 across this country.

Americans cannot afford, Mr. Speaker, to return to some of the failed policies of the past where people have associated a partnership as a tradition with Big Oil. Big Oil has been demanding of us to continually send those billions of dollars, which I made mention of, overseas for foreign oil. It is putting dictators who, perhaps, tolerate terrorism or who, more dreadfully, engineer that terrorism in ways that put them in charge of our energy supplies. That should be a no-brainer. That should be a challenge to all of us to escape the woes of that sort of dependency to enable us again to be in charge of our energy decisions and in charge of our energy resources and supplies.

Also, we are lavishing those subsidies on oil companies which have been earning continually—and especially in recent history—record profits, record profits that should behoove us to reformulate our thinking, enabling us to move forward in a way that doesn't have us furthering our dependence on foreign imports of oil but rather has us escaping the crippling impact that this expensive, dirty, and dangerous 19th century thinking, as it relates to fuel sources, continues to bear on the outcomes for so many Americans.

So I believe, on Earth Day, we should step back and recommit, as we move forward, to go forward with this green thinking, with this green Earth thinking of outcomes that can be very real in our lives here as Americans, a thinking that enables us to commit with a high degree of passion to R&D, to research and development, to basic research through our universities and through our private sector to enable us to continue to build upon those active qualities of growing shelf opportunities that can be reached in terms of energy efficiency issues and in terms of retrofits for homes and businesses, which will enable us to look at not just the supply side of the equation but will enable us to reach over to the other side of that equation, the demand outcome. That demand side of the equation is one that can find us prospering simply by addressing a reduction in the amount of energy supplies that we utilize, in energy supplies that are meaningful and in energy supplies that should be seen, accompanied by a strong commitment, a resolve, to address energy efficiencies as a fuel of choice.

That energy efficiency outcome should be a very high priority of fuels to which we reach. It should be seen as that quantity out there, as that commodity that is mined and drilled, just as we actively mine for coal or drill for oil, and we should again do the mining and drilling operation with energy efficiency, our fuel of choice, to reduce that mountain of electrons that is required, that is depended upon. We can deal with that in very meaningful measure by moving forward with opportunities in research and development and certainly in the practical outlay of resources where we measure up by retrofitting our businesses, our communities, and our households with energy efficiency.

Let me just speak to some practical measures that are very much akin to the 21st Congressional District, which I represent in upstate New York. While I served in the State legislature for many years, just shy of 25 years in the New York State Assembly, I served as energy chair for the last 15 years. We had put together some novel opportunities, experiments, that would provide for a greener thinking of energy policy.

What we had done in our efforts was to, for example, work with threatened economies, with the ag economy. I happen to represent a number of agriculture-related industries and businesses within upstate New York. Chief amongst them was the dairy sector, a sector that, until this day, has always been threatened by an inappropriate response for the pricing mechanism that is required to enable our dairy farmers to be justly responded to for the hard work, 24/7, that they do at their businesses, oftentimes family business-related, that brings food to the table.

In order to respond to that agenda where their costs of production were oftentimes not covered and were not

met by the price of milk that was delivered to them for the produce, for the product they delivered to the market, we set upon a course, an agenda, to respond in favorable and in sensitive measure to our dairy farmers.

Well, we put together a commitment with a partnership—with ESCOs, Energy Services Companies; with NYSERDA, the New York State Energy Research and Development Authority; with farm organizations; with local utilities; and with the State of New York, the assembly—working with some legislative resources that it would apply towards this experiment.

□ 1830

We were able to reach out to the farming community. We got two volunteer farms to enter into a demonstration project. And here they are dealing with milk as a commodity. That is a very perishable product that is highly regulated, that deals with the pumping and cooling process, that deals with many energy issues that are unique. They can't go off peak. Mother Nature calls. Their milking process is one that is governed by nature, not by human decision to go off peak or on peak.

So with the uniqueness, we addressed their concerns. We came forward with an energy efficiency retrofit for these dairy farms that introduced double-digit percentage reduction in the amount of energy supplies that were required at that farm, without even addressing the tariff rate that they were charged. Simply by reducing the mountains of electrons required at those two dairy farm operations, we were able to reduce their cost of production significantly simply through energy terms.

Now, that is one small example in one sector of one important industry in upstate New York, throughout New York State, and a very meaningful, meaningful industry because they are dealing with nutritional needs. They are placing those nutrition needs onto the table, the dinner tables of families across this country. That is one example of how we are able to relate energy efficiency to a struggling industry, to one that needed greater respect in public policy measure. That is inspiration to all of us. And certainly for just the dairy sector, it was inspiration to then reach out and do a much larger program with time where we dealt with about 70 farms that were equally surprised with their outcomes, that came with energy efficiency operations, that enabled us to have a much stronger outcome. The response of that, the result of all of that was that people are now looking and expanding through the Public Service Commission some greater opportunities that would perhaps allow for statewide programs to take hold.

The point of mentioning this, Mr. Speaker, is that we have it within our grasp—we certainly have it within our intellect—to make these sorts of success stories more and more relevant, more and more visible, and more and more numerous across the industry types and business types of our State and our country. I think it's important for us to see that as an investment that is very sound, no matter what the supply mix, no matter where the power and how the power is generated, and hopefully we move toward an American self-sufficiency, growing self-sufficiency. No matter what that mix, we need to be less gluttonous in the usage. And I think we can. I think we will. And it takes that resolve to move forward and provide the incentives, provide the focus, provide the terms of legislation that will take us to that new era of innovation within the energy cycle.

In 2009, this very House was a leader as it passed clean energy jobs legislation that reduced at the same time carbon emissions in this country, the carbon emissions that would be reduced by some 17 percent by the year 2020. A significant amount of improvement there, keeping America number one in terms of making our country a world leader in new energy technologies, a new leader in making certain that we preserve our American manufacturing base, while protecting consumers. And I think some of the multi-faceted qualities of the outcomes of the driving forces to do a number of these formats for reform sometimes are underestimated and not clearly communicated to the consuming public, to those around this country who are looking for job creation.

Especially as we recover from this very long and deep and painful recession, it is important for us to be the masters of this comeback of the American economy. The way we do it and do it best is to make certain that we advance the notions of progressive reforms that will enable us to create jobs not yet, as I made mention, on the radar and put together a responsiveness to the energy needs of people of this country.

Through the Recovery Act of 2009, much talked about, oftentimes much focused on and perhaps misinforming what really happened, our Nation made in that Recovery Act an historic investment in job creation, investments that would lead to a clean, more vibrant energy future. And it's estimated that we can create with those dollars more than 700,000 jobs, nearly doubling our renewable efforts here in this country for electricity and saving consumers on an ongoing annual basis; making certain that operating costs at home, operating costs at businesses and industries are reduced simply by putting together a solid mix of energy opportunities within that Recovery Act of 2009. Again, if we are moving with smart grids, smart meters, smart thermostats, a better controlled destiny, and more architected opportunity to be creative in our usage, to look off peak and to move to issues like advanced battery manufacturing, which is the linchpin to taking us to a new era in energy, we can do it. It takes leadership. It takes focus. It takes incentives that take us down this new pathway that is greener than the past and in a way that looks in a new direction, that really embraces what still happens in this country.

We are robust in our patent development. We are strong in our higher ed investments. We are strong in our incubator programs, in our R&D opportunities. We need simply to then deploy those success stories that have been prototyped and tested and then advance somehow an agenda that partners with the Angel Network and with the venture capital community the success stories that can then be translated through deployment into the commercialization networks, the business creation that is essential that then translates to the outpouring of jobs that are then available to Americans as we securitize that effort, as we grow our energy independence and grow our security as not only consumers but generators of the energy supplies that we require.

In 2009, this House also passed the clean energy jobs legislation that reduced those carbon emissions, as I said, by some 17 percent. But also in 2007, before my time here because I entered in this past term as a freshman, Congress enacted a landmark energy law that would increase vehicle fuel efficiency for the first time in more than three decades so that the outcome would be 35 miles per gallon, a much more efficient outcome for the industry in this country, and that threshold year of 2020 would be the benchmark, so that by 2020 we would be achieving 35 miles per gallon, a very much increased and improved-upon measurement for fuel efficiency in our auto fleets in this country. These are actions that respond to and underscore the historic commitment to a clean homegrown American agenda. And I think that those biofuels that we've embraced through renewables, with wind and solar, the efforts for geothermal as energy supplies and advanced vehicle technology are just the beginning of progress, the exploration of new frontiers, new pioneer efforts to take us to this new realm of energy creation and energy responsiveness.

I think that with this ACES legislation, the American Clean Energy and Security Act of 2009, it was a landmark opportunity for us to now debate in this House the merits of moving forward with an investment in greener thinking. The historic legislation to launch a new and clean energy economy holds great potential. These, again, are jobs that will not be offshored. They will not be outsourced.

We will be working to create 1.7 million American jobs with this measure and would help to reduce, again, the dangerous dependence on foreign supplies, so much so that we reduce that dangerous dependence on foreign oil by some 5 million barrels per day, keeping energy costs low for Americans and protecting American consumers from the ravages of costs and price controls that have gone beyond their pocketbook. The impact of all of this is done without any increase to the deficit, which I believe is a very strong outcome for all of us.

We talk about the advancements. We talk about scientists. We talk about technology and engineering. It is important for all of us to understand that there is great potential here in growing the jobs as we address the progressive agenda, and there are those who have led the discussion, led the debate because of their experience as scientists, those who have been there. They understand the value added of these technical-related fields and professions. They know the potential. They know the commitment. They know the passion that these professionals embrace to change our thinking, to bring us to a newer, higher realm of outcome that is within our grasp. We have seen it through the decades. We have seen it in a way that has inspired progress for the entire world well beyond the boundaries of this country. We need to bring back that sort of commitment, that sort of encouragement that enables all of us to work together as a society.

One of those outspoken voices, the informed voices speaking with a fullness, with a depth, comes from scientists like RUSH HOLT. Representative HOLT represents a congressional district in New Jersey, and it has been his passion, it has been his advocacy, as we dealt with policy like ACES, the American Clean Energy and Security Act, issues like the American Recovery and Reinvestment Act, which, again, historically made large down payments to take us to this new thinking—it has been people like Representative RUSH HOLT that have delivered and have brought us to this discussion and have forged a positive outcome.

Tonight we are pleased to be joined by Representative HOLT as he adds his voice to tonight's discussion, celebrating Earth Day tomorrow in a way that takes us to this green energy economy, this innovation economy.

Representative HOLT, it's great to have you join us.

Mr. HOLT. I thank my friend from New York. If he would yield, I would be pleased to contribute to this discussion.

Mr. TONKO. I would be happy to yield.

Mr. HOLT. Remembering 40 years ago, you and I are old enough to remember when tens of millions of Americans joined together in what was at the time a very visionary day, Earth Day, where Wisconsin Senator Gaylord Nelson, drawing from Wisconsin's own Aldo Leopold, who had developed an ethic of the land, and he said, ''Earth Day is a dramatic evidence of a broad new national concern that cuts across generations and ideologies. Our goal is not just an environment of clean air and water and scenic beauty. The object is an environment of decency, quality, and mutual respect for other human beings and living creatures.''

It was really very visionary. But what resulted from that were specific bills, solid legislation, these bills that have moved the country along. So it is not just soft-headed, warm-hearted embracing of the wilderness. It was scientific engineering expertise brought to cleaning up the land and the water. And since Earth Day in 1970, laws have been passed such as the National Environmental Protection Act, the Clean Air Act, the Endangered Species Act, to mention a few. And Earth Day is no longer just a day. This ethic has been taken to heart, and we continue to move along with the solid science-based efforts to preserve our environment.

□ 1845

Now certainly the number one insult to planet Earth is the way we produce and use energy. My friend from New York has been talking about not only the costs, the costs facing us, which are in dollars and lives, if we do not confront the problems created by the way we produce and use energy. It's not just an average rise in temperature where spring might come a little bit earlier; it is not just that sea level might be up a few inches or a few feet. It is that tropical diseases will appear where they haven't appeared before. We see that happening now. It is not just that we lose the scenery of glaciers in the mountains, we actually lose groundwater; we lose habitat for those things that we depend on for our well-being. So we need comprehensive energy reform to stop using dirty fuels.

It is fortunate that the efforts to deal with the dirty fuels could also relieve our trade imbalance, could also contribute to our national security by making us less dependent on foreign sources of fossil fuels, and in fact it could not only save us money; it could make us money.

Mr. TONKO. Representative HOLT, if you'll suffer a disruption, if you will yield, you triggered a thought.

Just recently my district hosted the only stop in New York State, actually in Schenectady, of the Operation Free Tour. As you know, it's a bus tour being conducted by veterans for American power and they are doing a coast-to-coast tour, hitting all of the States. It was so impressive. We invited veterans from all vintages, from World War II, from the Korean War, from the Vietnam conflict and up to the present day, more present-day veterans that have committed in uniform and have fought on foreign soils in defense of this nation. Very impressive, very impressive visits by these folks.

They, at our stop in Schenectady, New York, had three spokespersons: one veteran from the State of Arkansas, who has done two tours of duty as a marine in Iraq, spoke to the crowd, spoke to those assembled. We had a visitor, a veteran from the State of Wisconsin. She drove a truck, I believe, with the Army in Iraq. And then finally a veteran from the State of New Hampshire who as an Army officer did a tour of duty in Iraq and a tour of duty in Afghanistan. He is now at Yale Law School.

To a person, each of these veterans spoke of the wisdom, the no-brainer, as we might call it, of moving to energy independence for Americans; energy security. They witnessed the outright destruction of troops, the threat to the troops, the supreme sacrifice oftentimes made simply by forces of Taliban that they believed are fed by the treasuries of these unfriendly nations to which we feed over $400 billion a year; unstable but, more importantly, unfriendly governments to the U.S., using those dollars from their treasury to work against our operations for freedom-loving people around the world.

They also spoke to—and it's what your comments triggered in me—the concerns for global warming, for climate change. They said, this is an issue of national security. Beyond our domestic programming for energy security and energy independence, it's a national security issue. Because what they believe is happening is that with drought, with floods, with famine, you're creating the perfect storm that finds people weakened by famine and a much more robust competition for available land around the world. It's a breeding ground for terrorist activity. The veterans who were there, many of whom had fought in the Second World War, walked away from that saying, what an interesting way to approach the issue. They were impacted by the thought process that was inspired by each of these three veterans, recent veterans, to the honor roll of American history, but to a person these two men and one woman spoke in very relevant terms about what our energy policy can mean to our troops and to the goals of our military into the future.

It just makes so much sense, from a national security, energy independence, energy security concept and perspective if we move forward with clean energy thinking and an innovation economy that can be inspired by that thinking. I think that their comments are very relevant to today's eve of celebration of Earth Day.

Mr. HOLT. As my friend points out, the way we are producing and using energy not only costs lives and dollars

through the climate change but it exacerbates our security problems. And by addressing the energy problems, we will indeed increase our national security, saving lives. And if we really make a commitment to investing in reliable energy solutions for the United States, the United States, the historic leader in innovation in the world, the country whose economy has been built on invention and innovation, can lead the world and benefit economically big time through addressing these energy problems, through new clean, sustainable energy, starting first with the low-hanging fruit of efficiency, of wind and geothermal and other readily available sources; moving on to things, some of which are not yet developed but with the American powers of innovation, we can master these things and sell them to the rest of the world.

So the advantages in addressing the energy problem are not just in avoiding catastrophe, it is really to have a positive economic and social future. Waste is never good economics and the United States' attitude toward energy is really profligate. So there is a lot of low-hanging fruit to be gained and money to be saved that way, and then a lot of money to be earned through innovative solutions to the problems.

Mr. TONKO. I certainly think that this move to innovation, which can be a job growth factor, if that's being denied simply because of an association, a kinship, a partnership with Big Oil, with industries out there as an industry, with big oil companies, then that is a detrimental outcome, one that really needs to be exposed for what it is. To continue with tradition, to continue with that comfortable, cozy relationship, to be able to do the subsidies, to be able to reach out, to empower those traditional sources in a way that has been advocated because there are friendships out there, people enjoy that partnership continuing, that needs to be refocused. It needs to be brought to the attention of the American public, to the consuming public.

And I think that the innovation that can be inspired here, and it's part of the value added that I believe you bring to this House, Representative HOLT. I have been with you in many discussions and I enjoy your passionate plea to really invest in research and development, basic research. You are absolutely right. When we do that, we need to see R&D investments equal to economic development, to job growth. They're not just investments made with no jobs growing from them but we're developing very sound jobs, very good-paying outcomes.

You talked about the innovation. One of the impacts out there of the American Recovery and Reinvestment Act, one of the stalwart efforts of the ACES with R&D investment is to look at the battery as the linchpin, that's that linkage that takes us to this new era of energy thinking. We have seen many of these opportunities, investments made over the last couple of months through the Recovery Act into lithium ion as an advanced battery production out there and the concept of some of the sodium-based. For me in my area with GE and the sodium-based outcome, these are the cornerstone, the building block to the future. If we develop that mastery of innovation in the battery concepts, we then unleash untold stories of success in the energy-related areas.

Mr. HOLT. The lithium ion battery is a good example. In the ARRA, the bill that many in America know as the stimulus bill, there is a significant investment in development and manufacturing for lithium ion batteries and we are well on our way to capturing maybe a third or more of the world market in producing these lithium batteries; where previously we had a small, tiny percent of the production. So it shows that with the commitment, we really can move ahead, we really can seize, earn, a large part of the world market. That's just one example.

We can do the same thing in building technologies. We can do the same thing in other transportation technologies. We can do the same thing in electricity generation; and on and on and on. In fact, we have led the world in technologies for electricity generation, whether it be nuclear or combined cycle turbines, but that is now based on an unsustainable fossil fuel model, the way we had developed electricity generation in the United States.

Mr. TONKO. And I think there's such a coupling here. I think if we can speak to the focus, the vision, that the Democratic majority in the House embraces, it's pushing efforts the way of small business. So many of these entrepreneurial efforts, the innovation that is driven by these whiz-kid ideas, are substantiated by investments in their prototyping, their testing; and then we need to further commit to deploying these to the commercial networks.

While I was at NYSERDA, the New York State Energy Research and Development Authority, we were involved with a demonstration project on kinetic hydro, utilizing the turbulence of the East River along the edge of the island of Manhattan to create energy simply through the movement of water with a turbine sub the surface of that water and relying on the turbulence. We disassembled that demo, sent it to the labs in Colorado for DOE, found out the improvements that were required for the blade design, the fin design, the assembly itself of the gearbox, made those improvements, and now there is expectation that perhaps 1100 megawatts worth of power can be realized in one State like New York alone simply through the motion of water.

These are things that should be invested in. These are the opportunities that are growing jobs out there and that can respond in much more environmentally friendly outcomes for our energy needs and energy needs around the world. That pioneer spirit should not be denied and that breaking of, the departure here, our thinking is far removed from that partnership that was, I think, hurtful to us where we're relying on those oil industries, this majority has said, "Look, let's make that break, let's go into a new energy arena."

And now you look at the accounts in Newsweek, in Business Week of late, they're talking about the wonderful growth that is coming to the economy because of the Recovery Act, because of that stimulus bill that you talked of. That is providing a lot of impetus for reform, for growth, for change, for recovery. At the same time we're responding to the needs of our energy and our environment, and that needs to be recognized on this eve of Earth Day. I think we can take a great bit of enthusiasm and encouragement from that latest bit of news.

But as a scientist that you are and as one who's an engineer here in the arena, I think that we can continue to push the emphasis on technology that's so important as we just made mention with batteries. I'll talk about that. I think you want to share something here.

Mr. HOLT. I would like to talk about another aspect of Earth Day, where over the years now, the same level of hardheaded analysis that we are beginning to bring to the energy problem has been brought to ecology, the relationship between life forms and the environment.

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Earth Day is not only about protecting the planet's atmosphere. One of the lessons of the last 40 or 50 years now is that we are a seamless web and that protection of wildlife is not just for aesthetics or humane reasons. Really, protecting the whole environment is important for human quality of life as well.

And I wanted to talk a little bit about wildlife because today I introduced legislation with my colleague and fellow Sustainable Energy Coalition member JARED POLIS. This is legislation that will create a program to protect and preserve wildlife corridors. Wildlife corridors are connected strips of land in which a wide range of animals can migrate, can propagate. One professor has called these "sidewalks for animals."

They are really necessary in every State. And as we have paved America, as we have bisected it and trisected it and cut it up with roads, we have found that we have moved wildlife into smaller and smaller spaces, where it is now unsustainable. So these corridors will help support the economy of hunting and wildlife watching, but it also will keep the web of life intact.

Our bill, the Wildlife Corridors Conservation Act, would establish a Wildlife Corridor Stewardship and Protection Fund to provide grants to Federal agencies, State and local governments, nonprofits, and corporations for creating these essential wildlife corridors. And the Department of Agriculture, the Department of the Interior, the Department of Transportation are all part of this; and dozens and dozens of organizations that study and that advocate for environmental protection have endorsed this. I commend it to my colleagues, and I hope we can move along with that so that it will be law by next Earth Day.

Mr. TONKO. I think it is interesting, as you pointed out, this whole Earth Day celebration covers a multitude of needs, but a multitude of opportunities that transcends a number, just travels over so many dynamics out there, from agriculture, to wildlife, to the ecosystem, to water supplies, water usage, air quality, environment, energy requirements and needs. And all of that brought into a compilation of a bigger picture, a thoughtfulness, a planning that enables us to have these strong and measurably improved programs, all while creating job opportunities and developing a strategy that places the environment in the hands of the next generations in a much better outcome than we inherited.

That is acting with responsibility. It is acting with tremendous engagement in an issue area and issues that are so correlated and so important to the outcomes here not just in these United States but around the world.

And as a leader in the world, I think it is important for us to show by example and to teach by this sort of flavor and provide the inspiration that will lead to progress around the world.

You know, you talk about the impacts that are made with the wildlife and with the ecosystem that you just described, with perhaps a threatening situation out there with lesser area of space available. The same is true in our ag economy when we look at opportunities that need to respond to agscape around the country. We need to be able to partner with our friends in agriculture in a way that enables them to deal with their concerns in a way that is transitioned into an opportunity.

Just recently we announced, in the last several months, the opportunity for yet another grant that is going to SUNY Cobleskill that I represent, part of the State University of New York system. And they are an ag and tech campus. They are working on a biowaste to bioenergy project that will enable them to create a fuel source and enable us to keep our water streams cleaner, reduce our dependency on landfills, and enable us to go forward and respond to an energy supply in terms of a newly formulated gas that is now part and parcel of this.

And they start talking about what this demo means to the outcome and where you can overlay this opportunity on several municipalities out there. And there is absolutely opportunity for our troops. When you look at how you are developing this fuel supply, you can avoid transportation through war zones that is very, very dangerous. I mean, in talking to this veteran who was part of Operation Free who traveled to my district to speak on behalf of Veterans for American Power, she spoke of the danger zone when she drove trucks through some of these enemy territories that are responded to by situations like this with new developments that come our way.

So there are ample needs that are addressed simply in very academic terms that are science and tech applications. I serve on the Science and Technology Committee. It is a wonderful assignment to be able to witness day in and day out what is happening to the auspices of that committee in a way that builds progress based on the investment and research. And that R&D opportunity for this country, a willingness for us to produce those investments that then translate into success stories that then further translate into business opportunities and job growth are what it's all about.

And it is a recommitment to that agenda on this eve of Earth Day that I think is so essential and so much a framework of what's driving this majority in the House of Representatives to build that new day, that new outcome, and working with the new administration to take what was placed on the back burner. When you think of that Recovery Act, when you think of what was taken from that back burner in terms of smart grids, smart thermostats, smart meters, investment in renewables and R&D, in battery development, in energy-efficiency opportunities, along with broadband for our communities and wiring for a new day for our neighborhoods that are perhaps distressed, and for areas that are very remote or very rural, these are ample opportunities that should have been embraced a long time ago. But we are breaking away from some of that dependency on those big industries that were the tail wagging the dog.

Mr. HOLT. And we call these green because they are sustainable.

Mr. TONKO. Exactly.

Mr. HOLT. Stripping the environment without replenishment is not sustainable. Ultimately, we will fail; we will perish if that's the way we are going to approach our globe. We must do it differently if we are going to prevail. With Earth Day 30 years ago, now 40 years ago——

Mr. TONKO. 1970, yes. It goes by quickly.

Mr. HOLT. We had that vision, we had that vision of a sustainable Earth. And a number of things have followed. Now it's time to really regenerate that vision. And in all of these areas of energy, of agriculture, of transportation, of wildlife management, of oceanography, we need to bring the hard science to bear in ways to make our use and our place on the planet sustainable. That's part of the name of this caucus we have here, the Sustainable Energy and Environmental Caucus, because, as I said before, waste is never good economics. And stripping things without replenishment will only leave us with a bare Earth.

Mr. TONKO. I think both you and I see the merit that is brought forth by working through SEEC as a coalition to provide that green outspokenness and to work with our partners in government to make sure we respond to their, perhaps, district concerns or some of the efforts of folks to hold you back, to walk through that, talk through it, and policy through it.

And we are visited today also by one of the co-chairs of that awesome coalition, JAY INSLEE from the State of Washington, who is yet another outspoken voice for green thinking here in the House of Representatives.

Welcome, Representative INSLEE, to sort of bring us to a close on our hour of discussion about Earth Day tomorrow.

Mr. INSLEE. Well, I appreciate the opportunity. Thanks for carrying the load here. I just want to, in closing, note tomorrow the actress Sigourney Weaver will be hosting a movie, a documentary called ''Acid Test.'' And it's a very interesting movie with some very disturbing news about our oceans, and that is that our oceans are becoming more acidic. And what this movie discloses is that our oceans are actually 30 percent more acidic than they were before we started to burn coal and oil in the industrial age.

And the way this works, the way this movie that Ms. Weaver narrates, carbon goes up out of our smokestacks, out of our tailpipes, goes into the atmosphere, then falls into the ocean, goes into solution in the ocean, and creates acidic conditions. And I don't think probably many people know that our oceans are becoming actually more acidic.

And the concern of course is that when you change the acidity level of the ocean what it does to life forms. And we had Jane Lubchenco, who is Dr. Jane Lubchenco, who heads NOAA, our National Oceanographic and Atmospheric Administration, the other day she showed us some time-lapse photography of what happens when you put a shell, like a clam shell, in ocean water that will be as acidic as our oceans will be by the end of the century. And it essentially melts.

What we are finding is the oceans are becoming so acidic that if this trend continues, it will actually dissolve little creatures that form calcium carbonate shells. Shells are made out of

calcium carbonate. They take the calcium that precipitates out of a solution and they make a shell. And this isn't just crabs or clams or oysters or coral; it's the little pteropods, the very small creatures that form 40 percent of the bottom of the food chain in the oceans. Of course it's the bottom. And the evidence is showing this may prevent these creatures from having a healthy ability to precipitate calcium to make their body form.

So the long and the short of it is that the actor who gave us ''Alien,'' which was pretty scary, tomorrow will be showing in Congress a movie that I think is maybe at least equally as scary as ''Alien'' because this acidification of the oceans that is caused by carbon pollution has already possibly disrupted some life forms.

In the State of Washington we haven't been able to grow a baby oyster for 2 years in our oyster industry. And we are not sure yet whether that's because of an infection process or because of acidification or both. But it's an example of the kind of thing that can happen if we don't stop ocean acidification.

So the point I want to make tonight is the U.S. Senate is now considering a bill to deal with carbon pollution that will also jump-start the economy by creating thousands of green collar jobs. But to succeed in both those things, they need some limitation on the amount of carbon pollution that's going into the atmosphere. And they need that because that's the only way we are going to compete with China to drive investment in these green collar jobs, but also because it's the only way we are going to keep our oceans from becoming fatally acidic for large parts of the biosphere.

We get a lot of our human protein from the oceans. I think it is 10 or 20 percent of the human protein comes out of the oceans. So I am hopeful they will do this. And I hope they will know, too, they need some limitation on carbon pollution, because we have a way to do that right now through the Environmental Protection Agency that is going to do it. They have been ordered by the courts to do this. And we are going to either have a good carbon pollution protection system in this bill or we are going to have the EPA do it. We think it's better if Congress designs it.

Mr. TONKO. Absolutely.

Mr. INSLEE. But if Congress does not design it, the EPA is going to do that. And we are not going to vote for bills that do not solve this problem that would strip the EPA of their authority to solve this problem. So we need the Senate to step up to the plate, have some system to reduce carbon pollution so that we can move forward.

I want to thank Mr. TONKO for his leadership here tonight.

Mr. TONKO. Thank you, Chairman INSLEE, and thank you for your leadership with SEEC, the Sustainable Energy and Environmental Coalition.

I think as we reference our comments this evening to Earth Day as a celebration tomorrow, we think back to 1970. And it was about the commitment to a better outcome, to addressing business that needed to be accomplished. Tonight we resolved that it's about unfinished business, but yet about untold opportunity. And we can accomplish both by continuing our commitments to a much stronger development and responsiveness to our environment which comes through all sorts of policy, including energy.

So, Mr. Speaker, we thank you this evening for the opportunity to share the thoughts of the majority here. And it is onward with progressive policy to be sensitive to those next generations that will inherit from us the outstanding work we can do if we commit.

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## IN HONOR OF CONGRESSMAN BOB FRANKS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to join my colleagues in mourning the passing of Congressman Bob Franks and to celebrate a life well lived.

I would like to yield to my good friend and colleague, LEONARD LANCE, for as much time as he may consume.

Mr. LANCE. Thank you, Congressman SMITH.

Mr. Speaker, I join several of my colleagues this evening to pay tribute to Robert D. Franks, a former New Jersey Member of the House of Representatives whose compassion rightfully earned him praise and respect from both sides of the political aisle. Bob died late in the evening on Friday, April 9. He was 58 years old.

Bob's death at Memorial Sloan-Kettering Cancer Center in Manhattan was caused by an aggressive sarcoma which was diagnosed in February. He was surrounded by his wonderful wife, Fran; their three young and beautiful daughters, Sara, Kelly, and Abigail; his mother, June; his sister, Judy; brother-in-law, Jeremy; and niece, Mary Hannah.

Bob was a brilliant political tactician and a natural candidate.

Born in Hackensack, he had been deeply involved in politics since his youth serving as State chairman of the New Jersey Teenage Republicans and going door-to-door as a 13-year-old in 1964 in suburban Chicago, where his family was then living, for Charles H. Percy's campaign for Governor.

Mr. Franks was graduated from DePauw University in Indiana in 1973. And after receiving a law degree from Southern Methodist University in Dallas, he directed campaigns for Governor and Congress in New Jersey before being elected as a State assemblyman in 1979, representing Union County for 13 years.

Congressman Bob Franks served twice as Republican State committee chairman and helped bring the Republican Party to veto-proof majorities in both Houses of our State legislature.

Elected to Congress in November 1992, Bob Franks was a fiscal conservative who served on the House Transportation Committee and was known as a tireless advocate for New Jersey's transportation sector. In the fall of 1994, Bob helped bring Republicans into the majority by championing congressional reform measures.

But while Bob Franks relished the game of politics, he was also respected for his willingness to work with the opposing party. Former New Jersey Governor Tom Kean said, ''He loved the sport of politics, but he also thought politics was there for better government.''

Bob was pragmatic, but he stood on principle. I think that State Senator Kevin O'Toole may have said it best when he said of Bob Franks that he ''combined being a policy wonk and a politician, that resulted in one incredibly well-armed and extraordinarily effective elected official.''

Bob lost a close United States Senate race in 2000 but won the hearts of all Jerseyans with the tenacity of his campaign. He was serving as president of the Health Care Institute of New Jersey at the time of his death, and he was a relentless and compassionate champion for New Jersey's health care industry and the patients it served.

Bob was a good friend to me, a trusted colleague, and a mentor. He dedicated his entire public life to making New Jersey a better place for all of its residents. His work ethic, his values, his relentless optimism, and his unshakable good humor will be greatly missed by all of us who knew him. And he stands as a shining example of public service not only in the State of New Jersey my colleagues and I represent, but across the United States.

As we mourn his loss, we celebrate his great life; and to his beloved wife, Fran, and their beautiful daughters we extend our deepest sympathy. A person, really, who furthered the American tradition of public service and certainly known and loved by the residents of New Jersey.

Thank you, Congressman.

Mr. SMITH of New Jersey. I thank my friend for his very powerful testimonial to our late colleague.

Mr. Speaker, for Bob's surviving wife, Fran and their three daughters, Kelly, Sara, and Abigail, his mother, June; and sister, Judy; and the rest of the family, this is a tragic season of excruciating loss and bereavement. While

Bob Franks was a politician's politician in the best sense of that concept, he was husband, father, son, and brother first. Nothing compared to his love for and devotion to his family.

For everyone who has ever had the privilege of knowing him and calling him ''friend,'' Bob epitomized noble public service. He was honest, hardworking, extraordinarily effective, and absolutely determined to make a positive difference for his constituents, the State, and the Nation. An indomitable optimist, Bob was ever gracious and stubbornly kind to all, even with those with whom he disagreed. He treated all with respect, civility, and empathy.

I know my colleagues on the floor today will attest to the fact that Bob Franks was enthusiastic almost to a fault and always greeted you with a great big smile, firm handshake, and warm greeting—a reflection of his great big heart. You usually left any conversation with Bob, well, smiling.

Bob Franks devoted 21 years of his life to elected public service—13 years in the New Jersey Assembly, 8 years as a Member of Congress, and he served 4 years as State GOP chairman. In both Trenton and Washington, Bob was a consistent, powerful voice for a limited government and reduced taxes.

In the assembly, he was elected twice by his peers to serve as conference leader. Among his notable achievements, he wrote the State law creating the transportation trust fund.

In Congress, he served with distinction as chairman of the Economic Development, Public Buildings, Hazardous Materials, and Pipeline Transportation Subcommittee.

A master strategist, Bob pushed hard to expand the economy, create jobs in the private sector, pass tax cuts, enact welfare reform, and ensure that our military was second to none.

As cochair of the Missing and Exploited Children Caucus, Bob helped win passage of legislation to protect our children from Internet predators and impose life imprisonment for persons convicted of killing a child. A true friend of law enforcement, Bob took the lead in 1998 and won passage of a congressional resolution demanding the Clinton administration undertake the extradition of cop killer Joanne Chesimard, a fugitive who fled to Cuba after being convicted of murdering New Jersey State Trooper Werner Foerster in May of 1973.

Bob helped create the bipartisan Northeast-Midwest Congressional Coalition to maximize both regions' political clout in Congress and played the leading role in promoting fair electrical power policy in New Jersey.

As my colleague, LEONARD, noted a moment ago, he ran for the United States Senate. He lost. He ran for Governor, and he lost that, too. But you would never know that from talking to Bob. He was always upbeat and very positive.

After leaving the Hill, Bob served as the president of the Health Care Institute of New Jersey, a trade association for the research-based pharmaceutical and medical technology industry in the State of New Jersey.

Mr. Speaker, at the Basilica of the Sacred Heart in Newark, New Jersey, on Saturday, Governor Chris Christie was joined in moving remembrance by several former Governors, including Governor Jon Corzine, Christie Todd Whitman, and Tom Kean, as well as the three godfathers to Bob and Fran's kids, Roger Bodman, Alfred Fasola, and Congressman John Kasich.

Governor Chris Christie spoke eloquently at the memorial service and told those assembled, ''Bob Franks' life was grand and glorious. As Fran and his daughters know better than anyone, what Bob cared first and foremost about, despite all of the passions in his life, was family . . . no matter whether we were talking about politics or business, because it was something he knew full well: the demands of a public life, the demands of a private life, and the rewards of paying attention to both.''

Governor Christie went on to say, ''Bob Franks was enthusiastic in everything I saw him do. Whether it was rooting for the Indianapolis Colts—something that I still do not fully understand from a guy from New Jersey—whether it was some of the deepest and most significant policy issues that have faced our country for over the last 25 years, or whether it was counseling and encouraging even the smallest of potential leaders for our State.'' Always that enthusiastic Bob Franks.

The Governor went on to say, ''The loss that each of us feel from Bob's death is significant in the life of our State, significant in the life of our country, because he served so ably and so well . . . In the end, I think, that's what we all hope for out of our public officials: that they care deeply, that they think deeply, that they act passionately with the ability to inspire. He checked all the boxes.''

Governor Corzine said, in brief part, that this was a ''celebration of a great life, a good man, a very good man, someone that all of us, as you have heard, believed in, learned from, and grew from.

''A man of credible character, conviction, courage, but probably the most defining thing that any of us can say about Bob is he was a man who loved. He loved politics, loved all of his friends, the folks who are here, but most of all, most notably he loved his family.''

Governor Tom Kean said, ''Politics for Bob was an honorable profession which meant responsibility and opportunity for achievement and very much an exciting adventure. After all, what is the use of living,'' Governor Kean went on to say, ''if not to strive for great causes and perhaps make this muddled world of ours a little better place. Bob did that. He cared about that.''

''We are all better people for having known Bob,'' he went on. ''I think of him smiling. I think of his cheerfulness. I think of his enthusiasm, and today,'' Governor Kean concluded, ''I envy the angels.''

Governor Christie Todd Whitman said, ''You know a lot of people who are involved in the rough-and-tumble of politics get characterized as either being really good at the political side of it, the background, the fierce fighting, or they're the policy wonks, that's what they care about. Bob was both. He was a fierce, fierce partisan. He was a Republican. He never made it personal, because he always knew it was about policy, about doing right by the people of the State. And that's what made him such a special person.''

Our former Budget Committee chairman here in the House, John Kasich, who was godfather to one of Bob and Fran's children, summed it up well when he said, ''Our friendship was forged in the battles of trying to improve America. That's what it's all about. It was never about politics. It was always about what we could do to make the world a better place for our children and their children . . . I don't think I've ever met a more insightful man than Bob Franks. He could look at something that everybody else saw and he would see it differently. He could see twists in it. He could take advantage of it and move the ball forward.

''How about his cutting-edge humor? Always a little cutting-edge humor no matter where you were. Sometimes Bob was even good at gallows humor. You know, when there was not even a speck of light shining in the room, Bob could make us all laugh. He'd remove the pressure. He'd have a little quip, and we'd all get the belly laugh going. It would happen when there was no humor in sight.''

And on loyalty, John said, ''You know what the kids today say, 'You got my back.' Well, Bob Franks had your back. He didn't care if you were a Republican or a Democrat, a liberal or a conservative. It didn't mean anything. When you were his friend, he had your back.''

John Kasich concluded, ''I would like to call him a foxhole guy. And I measure people, 'Are they a foxhole guy.' In other words, can I get into a foxhole with this guy in the middle of the worst battle you can imagine and know not only would he not jump out of that foxhole to run and preserve himself, but he would jump outta that foxhole and fight to help you. Oh, he was a great foxhole guy,'' he said.

John said, ''In all of the years that I've known him, I've never heard him say a bad thing about anybody,'' and I know Mr. FRELINGHUYSEN and others in

our delegation can back that up a hundred percent. And finally Kasich said, ''There is no question he left the world a better place.''

So, Mr. Speaker, there is no question Bob Franks left New Jersey, he left the Nation and the world a better place, and we will deeply miss him.

I would like to yield to my good friend and colleague, Mr. FRELINGHUYSEN.

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Mr. FRELINGHUYSEN. I thank the gentleman, the dean of the New Jersey congressional delegation, for yielding to me.

Mr. Speaker, last Saturday morning I joined the New Jersey family at the Cathedral Basilica of the Sacred Heart in Newark as we honored the life of former Congressman Bob Franks and comforted his wife, Fran, and their three young daughters.

As others did last Saturday, I rise in tribute to my longtime friend and our colleague, Bob Franks. New Jersey is a better place to live, work and raise a family, because for nearly his entire adult life, Bob Franks selflessly served our beloved State. It was a pleasure to serve with him for many years in the New Jersey State Assembly in Trenton and then in this very Chamber in the House of Representatives.

From those shared experiences, and there were many, I know the people in New Jersey have lost an energetic and intelligent advocate, and I have lost a dear and trusted friend. It's a tragic fact of life that many of us in New Jersey have spent a great deal of time of late talking about Bob Franks these past few days. I am struck that in those conversations certain common themes recur.

Bob Franks was authentic. He was patriotic. He was keen. Bob Franks was always optimistic. He was astute in every way. He was humorous. He was honorable, a true son of New Jersey.

Bob Franks always built others up, mentored to young people, always encouraging them to enter public service.

Bob Franks was trusted and never would break his word. He was always warm and sincere. He absolutely loved politics. And even in this rough and tumble world he always had a good word for men and women in the political arena, whether they were Republicans or Democrats or none of the above.

Bob Franks was tireless with unbridled enthusiasm. You were lucky to be on his team or on his side, that broad trademark smile, a good and decent man, irrepressible, full of life and love for his family, first and foremost. That's why we all were shocked 12 days ago when the news came that God had called him home at such a young age.

Mr. Speaker, Bob Franks loved public service. He loved the New Jersey Assembly and his service in Congress. He loved his family, our Nation, New Jersey and his constituents in that order, and he loved all these things with a passion that exceeded the most energetic enthusiasts.

I will never forget his work ethic, his valuable service, and his enduring friendship. We have lost a great man who stood for principles and who lived a life in which we could all learn.

May the tributes and prayers of so many of our colleagues here today be a source of strength with wife Fran and their daughters, Kelly, Sara and Abigail. Our hearts break, along with theirs, but our memories will always remain bright.

And when we recall that trademark smile, we will all remember this favorite son of New Jersey, Bobby Franks.

Mr. SMITH of New Jersey. I thank my good friend for his very eloquent statement, and we will all miss Bobby Franks.

Remarks from current and present elected officials who spoke at the April 17, 2010 memorial service for former U.S. Congressman and former N.J. Assemblyman Bob Franks, who died April 9, 2010. The service took place at the Cathedral Basilica of the Sacred Heart in Newark NJ.:

NEW JERSEY GOV. CHRIS CHRISTIE

Bob Franks' life was grand and glorious as Fran and his daughters know better than anyone, what Bob cared first and foremost about despite all of the passions in his life was family.

This summer as I had many discussion with Bob about lots of different topics he would always end each of those conversations we had whether it was in person or over the telephone, by asking me, in fact imploring me, 'You're spending time with Mary Pat, right?' have you gone to some of the kids baseball games?' It was the way he ended each and everyone of those conversations, no matter whether we were talking about politics or business because it was something he knew full well: the demands of a public life, the demands of a private life, and the rewards of paying attention to both.

Bob Franks' smile is the thing I will remember most, about him. When he saw you his face immediately lit up, and in turn he lit up the room. His enthusiasm was mentioned just before. And he was enthusiastic in everything I saw him do. Whether it was rooting for the Indianapolis Colts—something that still do not fully understand, from a guy from NJ—whether it was some of the deepest and most significant policy issues that have faced our country over the last 25 years, or whether it was counseling and encouraging even the smallest of potential leaders for our state, I speak about that last part from personal experience. I met Bob Franks in July of 1995 I was a first-term Freeholder who had just run for the General Assembly, and had come in sixth out of six. And in the aftermath of that primary, I received a call from Congressman Franks' office. And the person on the staff said, 'The Congressman would like to know if you'd like to come by his district office Friday for lunch. He'd like to speak to you.'

And I immediately said yes, of course. I thought to myself 'It must be losers' week at Bob Franks' office. And I went there that day to have lunch with Bob Franks. I had no idea what the agenda was and I had no idea why I was going there. For an hour and 45 minutes Bob Franks sat with me to dissect why I had lost the race, why I had done so poorly, what I wanted to do with my future and how he thought was the best way to get there. I want to emphasis with you: I had never met him. He saw something in me in that campaign that obviously no one who voted did. And he implored me at the end of the meeting to not give up, not give up on a public life. He encouraged me to continue to fight. It will be the enduring gift that Bob Franks gave to me. And if you look around this cathedral today, there are literally hundreds of people who can say exactly the same thing. It's just a different date and a different time and a different challenge that was before them in that stage of their life. And it was Bob Franks who patted them on the back. It was Bob Franks who got in their face and told them not to quit. It was Bob Franks who by his example showed them that in fact anything was possible if you were willing to work hard enough, listen enough, and care deeply enough about making your community a better place.

The loss that each of us will feel from Bob's death is significant—significant in the life of our state, significant in the life of our country, because he served so ably and so well because of that enthusiasm, that fire and that ability to inspire others. In the end, I think, that's what we all hope for out of our public officials: that they care deeply, that they think deeply, that they act passionately with the ability to inspire. He checked all the boxes. And the loss we feel is miniscule compared to the loss that his family feels. Because for all that he did for us, he was much, much more for them. This summer, the last time I met with Bob before I became governor, he said to me as I was leaving the meeting, 'Don't worry about what happens—whether you win or you lose. Winning would be great, but even if you lose, I can tell you from personal experience. Life will get better.' He told me 'I have felt that the last couple of years out of public life, because it has allowed me to get even closer to Fran and to the girls. And so Bob provided hope from either end of the spectrum for whatever was going to happen to you and your life. I know that the legacy he leaves is sitting here in this cathedral this morning and the circles that go out from here, because Bob Franks did what every leader aspires to do: and this is to inspire others.

He has certainly inspired me. God bless you, Fran and the girls. And God Bless Bob for a life well spent.

FORMER GOV. JON CORZINE

I feel like a little loner up here. I'm not just sure how I identify, but I am thrilled to be here.

Fran, I could not be more privileged or honored, to stand and say some words in celebration of a great life, of a good man, a very good man, someone that all of us, as you have heard, believed in, learned from, grew from.

A man of credible character, conviction, courage, but probably the most defining thing that I think any of us can say about Bob is that he is a man who loved. He loved politics, loved all of his friends, the folks who are here, but most of all, most notably he loved his family. Fran, Sara, Abby and Kelly—a remarkable, remarkable testimony to his humanity and care. There was no pure, nor more poignant view of love than to have a conversation with Bob about his wife and his daughters.

Others have spoken about that smile, but the thought and site of those girls, all those girls brought a joy and a light that I don't

think I've seen in the passions that I've seen in other people anytime in life. You know, I'm probably like a lot of you. I have more pictures of Bob Franks' girls than I have of my own grandkids, because you couldn't have a meeting, a breakfast, a beer or anything else with Bob where he didn't share a picture and a posting on how the girls were doing. It meant so much to him. A special part of when you had that posting was that smile that was there as he talked about it. It was always, always there. Everybody else has said it. It was the most winning smile anyone could imagine. And almost never saw him not smile, except for a couple of occasions. Anytime the Giants were playing the Colts he had his game face on. I'm like Gov. Christie; I don't know where in the heck he got that view from, but that's the way it is.

And then there were the days when we were running against each other for the United States Senate.

It wasn't always smiles. Neither of us were smiling while the ads were running. In fact, I remember sitting on stage one night down at Rider College, I think it was, before a debate, we were getting mic-ed up. And he did smile, and we laughed, and we teased each other about the theater and maybe even a little bit about the B.S. that comes as you go through that process. And then he proceeded over the next 90 minutes to absolutely take me apart on healthcare, early childhood education and anything else, and the only time I saw him smile was when he dubbed me 'Mr. Universal' in that night. Some of you remember that. It stuck, and I definitely remember him smiling at me that night. I actually was frowning.

Anyone who followed Bob's career knew that once he found a winning argument, he knew how to stick with it. I must have heard that phrase, 'Mr. Universal' a million times over the next six weeks. Message, message, message. When it came to politics, Bob knew it as well or better than anyone. And he demonstrated a remarkable talent in that campaign, because he took $6 million and made it something that was worth a lot more. And he showed what a pro could do.

There was also something about that campaign that he and I actually grew to respect each other. You heard Congressman Kasich say that mutual respect is an important ingredient in our public life. Bob really believed that two people could be of principles—sometimes of different views but principled—but they didn't have to be disagreeable, as we often hear.

And after that campaign and over the years, we grew into an easy friendship based on that perspective, developed over time. We are occasional parishioners at Chuck's church, we were commiseraters over breakfast or over a beer. I did a lot with him as we supported the NJ National Guard. He did so much to support our troops that were in Iraq. And he fought for the things he believed in in political life in a lot of ways, but most of all even for a Democrat he became one of those people who offered guidance, offered perspective, offered counsel. He was true to the words that he would be a friend. Of course we had to sneak him in and out of Drumthwacket, and then we had to meet in the wine cellar for breakfast in Summit, Grand Summit Hotel. I was never sure whose reputation we were defending, his or mine.

And then there were those moments at Christ's Church when we both showed up at the same time. Bob and his family on the right side. Of course, I was on the left side. We both fell into a pattern of rolling our eyes when Chuck would tell some miserable jokes about politics, which was all too frequent.

It was almost a paradox because Bob was such a wonderful human being. You always wonder sometimes why he was in politics. People always trump politics in his life. He was a happy warrior. He had a passion for service and a strong sense of responsibility for community. But most importantly, as you heard others say, he loved his family. I know this is an unspeakable time for the Franks family, for Fran and the girls. There is nothing fair or right about losing Bob.

I was reminded of a Winston Churchill phrase upon hearing of the death of Harry Hopkins. He said "a strong, bright fierce flame has burned out of a frail body." Churchill was making clear we should never confuse the body and the soul. The strong, bright, fierce flame of Bob's soul lives in those three beautiful, beautiful girls, Abby, Sara and Kelly. His generosity and spirit, his love of people and life, his sense of purpose, justice, and oh, that smile, always that smile, will be with his girls, always. And with all of us as well.

God bless Bob, his family and thank you for the life he has lived.

GOV. CHRISTIE TODD WHITMAN

Fran, Kelly, Sara, Abby, I hope you get a chance at some point to stand up and just absorb this room.

Everyone here is a friend, or an admirer, a support of someone Bob mentored. They are here out of love. They are here out of love for Bob and what he stood for, and here for you, for the family. You know a lot of people who are involved in the rough-and-tumble of politics get characterized as either being really good at the political side of it, the background, the fierce fighting, or they're the policy wonks, that's what they care about. Bob was both. He was a fierce, fierce partisan. He was a Republican. He never made it personal, because he always knew it was about policy, about doing right by the people of the state. And that's what made him such a special person.

He was a true gentleman, in every sense of the word. He honored the profession. He loved it. He had that smile. He lit up a room. But because he really cared. There was nothing fake about it. He wasn't putting it on. He loved and cared about everything. Of course we know he loved and cared most about his family. I can remember, Kelly, how many times did we get together at events. Your father and I would be talking about strategy or something and then all of the sudden your mom and you would walk into the room and then that was it. Forget the rest of it. It was his girls, the people he cared about the most. It was always first and foremost. But it was because he cared about all of it, all of us, what he was doing.

His legacy, the people he mentored, all of that is important. We are remembering it here today and people care about it. But his real legacy is his family. And while each of you might not be able to turn around and see him sitting next to you with that sparkle in his eyes, he's there. He's in your hearts, he's the angels on your shoulder. He will always be there with you and for you. And he set an example, that is unmatched, and you are very very lucky to have had him. We are all very lucky to have had him, but though for all too short a period. It just reminds us all to take those special people and special moments and bring them close to our heart and never let that flame die. You know, Bob's flame is going to live on forever.

Thank you for letting me be part of today.

GOVERNOR TOM KEAN

This has been quite a week. I have not been to an event all week long, of any kind, where Bob hasn't been mentioned. Where there hasn't been some remarks, where there hasn't been some longing, been some discussion, public and private. And now to culminate in this.

I think I counted seven former governors here today. I see our two United States Senators, I see the Congressional delegation. I see the legislature out there members of county government, and all of you who Bob touched in some way or another. But Fran, for you and your girls, June, for that remarkable young man that you brought up, we are here today. We come to pound on your heart with love.

I remember that first time that I met Bob. There were two of us running, myself, a fellow called Phil Cottonbacker, and we're both in our early thirties. And in some ways we really didn't know what we were doing, but we were doing our best, knocking on doors, trying to meet people. And then one day, Bob came, out of Summit High School. And I remember because that's the first time I saw that smile we're all talking about. That's when I saw the cheerfulness. That's when I saw the optimism. He already knew as much about politics as I did, maybe more. I learned something else about Bob. Bob was a pied piper, because first Bob came to volunteer, then he brought a friend, then he brought two friends, then three and four friends. Soon we had 10 people from Bob's class, knocking on doors, going to supermarkets, passing out literature, pressing envelopes, whatever we needed, because Bob made it fun. Bob made it fun for other people. Bob was sometimes, I think, you know, meeting Bob was like opening a bottle of fine champagne. Everything, everything was good at that point.

Well, we won that election and Bob and I stayed in touch. And it came a number of years later—I'm going to talk about three basic incidents in my life Bob touched. I was trying to decide whether to run for governor. I'd lost once already in a primary. My family was not terribly enthusiastic about the prospect. I knew there were other strong candidates in the field. I knew that one of them had much more money then we would ever be able to spend. I knew that another one had much more party support than I would ever get. And so the serious question was whether to take this one on. Well it wasn't a serious question to Bob. Not at all. Bob was on the phone. Bob was there in person. Bob was running around the state. Bob was doing whatever it took, and he would never let me for a minute even consider the possibility, that I wasn't going to run. He basically beat on my door until I finally declared. And once I declared, the campaign was basically run out of Bob's car for a while. I mean he became my first campaign manager. People would call me from different parts of the state who I'd never heard of, saying 'You know, I'd like to support you for governor.' I'd say 'That's wonderful. You like my ideas?' They'd say 'No, I like Bob Franks.'

And, of course, Bob brought a number of assets, because not only did he bring that wonderful enthusiasm and excitement and all of that, he brought Al Fasola and Roger Bodman. And once you had Al Fasola, and Roger Bodman and Bob Franks, it didn't matter who had the money, it didn't matter who had the political support—I think we ended up with four county chairmen out of 21. It didn't matter. You were going to win, because you had the best. And Bob was such

an important part of that and our whole campaign with that enthusiasm. He got people in the legislature to defy their own county organizations and their own county parties and come out and endorse me, and those of you in politics know how tough that is for anybody to do. He was a remarkable. And I'll say it here: I don't know if I would have run or not, but I certainly would not have been elected if it were not for the efforts of Bob Franks.

When I got there, there were a lot of problems. We were in a debt point, in a recession as we are now. We had a billion dollar deficit, had a legislature of the other party, both houses, and it was difficult. It was very, very difficult. But there in my office, would be Bob. And Bob would come it, with that smile, that cheerfulness and that optimism, showing me how we could do it, how we could get something done. He would bring in not only Republicans but Democrats. He would tell me 'Have you talked to this assemblyman, or that senator? You know he's the other party, but he's really a good person, and you can talk to them about issues.' And we did that.

We put together some of those coalitions. But always, always in the background was Bob, who cared so much, who wanted to see it done right, who did it himself, always the right way. You know he was always positive. He was never down. He loved his colleagues in both his parties. He could be partisan, but never negative, never nasty in any way at all. He cared so much. The bottom line I think, that not only did he love politics, but he cared so much about people. He loved them: individuals, peoples who touched his life and he came back and touched theirs in a very, very important way.

Politics for Bob was an honorable profession which meant responsibility and opportunity for achievement and very much an exciting adventure. After all, what is the use of living, if not to strive for great causes and perhaps make this muddled world of ours a little better place. Bob did that. He cared about that.

The Reverend mentioned St. Paul, when he was in that prison. He wrote something else. He wrote to his best friend, he wrote a note. He wrote to Timothy. He wrote these letters, these words, I think most of you know, to Timothy. He said:

'I have fought the good fight. I have finished my course. I have kept the faith.'

Bob could have spoken those words. Fran, you and the girls ought to be so proud, June you ought to be so very proud. We are all better people for having known Bob. I think of him smiling, I think of his cheerfulness, I think of his enthusiasm, and today, I envy the angels.

FORMER CONGRESSMAN JOHN KASICH

Look around. It's amazing today, isn't it? You know, on the wall of Bob's house is a poster of Bobby Kennedy who would be surprised? He was a man of great passion, just like Bob. I remember as a young man, one young girl holding a sign as Bobby Kennedy passed by, and the sign said: ''Bring Us Together.'' Bob Franks has brought us together, hasn't he? And not just the people at the top. He's brought so many of his young protégés here today who have grown from young into almost middle-aged men. Bob was a truly remarkable man and our friendship was forged in the battles of trying to improve America. That's what it was all about. It was never about the politics. It was always about what we could do to make the world a little better place for our children and their children.

Last week I sat down with some of the people who were on this team. We went through thick and thin, through government shutdowns, and criticisms and blowups and yelling and all wonderful debate that sometimes accompanies politics when it isn't personal. It's part of life, it's part of what makes this republic special. And we listed a couple of things that we wanted to think about Bob, and I wanted to tell you about Bob.

First of all, insightful. I don't think I ever met a more insightful man than Bob Franks. He could look at something that everybody else saw and he would always see it differently. He could see the twist in it. He could take advantage of it to move the ball downfield. How about his cutting-edge humor? Always a little cutting-edge humor no matter where you were. Sometimes Bob was even good at gallows humor. You know when there was not even a speck of light shining in the room, Bob could make us all laugh. He'd remove the pressure. He'd have the little quip, and we'd all get the belly laugh going. It would happen when there was no humor in sight.

Loyalty. You know kids today say 'You got my back?' Bob Franks had your back. He didn't care if you were a Republican or a Democrat, a liberal or a conservative. It didn't mean anything. When You were his friend, he had your back. And he exemplified exactly what we mean by that term.

Friendly. Well he's known for that smile. Some said earlier, he walked into a room and lit it up. And that was exactly right, because he had that 100 megawatt smile that sort of transmitted a sense of strength. He had a sense that things are going to be OK, things are going to be good. Things can be really great.

Bob never attacked anybody else. In all the years I knew him I never heard him say a bad thing about anybody. He was smart. And what made him so smart is that he understood that the key to life was not the divisions that exist between people, but the friendships that potentially could be developed. And he was a smart of a guy as I ever met and he transferred on to these three angels down here [gestures to Franks' daughters] because they're as smart as can be.

Great strategist? Didn't want to be up against him, did you? Nobody wanted to be up against Bob when he got into strategy, and frankly, think about what a great general he would have been in the military. He could have sat in that tent and figured how to take advantage of every opportunity. And that's exactly what he did working with me to do something that hadn't been done in about 40 years.

Oh, he loved his family. Gov. Christie's right. My conversations were always 'Mr. Chairman, how's the family. How's the girls'. I'd said 'Chairman, how's your family?' It always started that way. Kinda always ended that way.

God, did he love his friends. Roger Bodman, Al Fasola. Oh, and Laura. Ah, he just loved you to pieces. And of course he so loved his family, and so loved Fran and those sweet girls. Saw Kelly yesterday, that she gave me a big hug. And through the gate, they were in the back yard, I got a chance to see Sara and Abbey really for the first time. Little angels, and a tribute to Fran and to Bob.

Of course he loved his Colts. Governor, I could never figure it our either. I mean that Colt thing was just unbelievable.

He could give you bad news, couldn't he governor? He could give you bad news but in such a way that you could accept it. He gave more bad news more of the time than I can even believe! But I heard it, and I accepted it because he had that special something. When he gave you a little bad news, you knew that he had your back. You knew that he was right with you.

You could never be mad at Bob Franks. That was impossible. No matter what he did to you, you loved him. You never go upset with him. I guess it was always because you knew he had your back.

What a listener Bob was. You know, it was one of the things that many of us have to do better. Bob could reply and understand because he listened. He listened intently to anything you had to say.

I liked to call him a foxhole guy. And I measure people 'Are they a foxhole guy.' In other words can I get into a foxhole with this guy in the middle of the worst battle you can imagine and know not only would he not jump out of that foxhole to run and preserve himself, but he would jump out of that foxhole and fight to help you. Oh, he was a great foxhole guy.

Friendship. Today in the age of a media culture, fleeting, situational, conditional, tattered—not with Bob. His friendship had nothing to do with situations and conditions, he would be friend to you through thick and thin. And frankly when we think about it we can learn so much about what character and principle and tenacity is when we study the life of Bob Franks.

There is no question he left the world a better place. Earlier today in the private ceremony, I wish you all could have heard the testimonies to Bob. And under all of them was a deep and abiding love and a sense that he made everybody better because he believed in them. He made this world a much better place. He inspires us. And I was inspired this morning listening to the testimony of his dearest friends and family and the young people that he raised. They're going to leave their mark on the world and they're leaving it right now as one of the top aides to the governor of the State of New Jersey. Yeah, I'm going to miss Bob. I'm going to miss those calls. But you know I'm going to remember this day, the testimonies this morning, and this crowd, which is all about how great his life was and about how many lives he impacted and affected in a real way.

You know, Reverend, the Lord gives us a big promise. I've never known the Lord, as I've studied it, to break his promises. Fran, he promises in the next life, no more tears, no more heartache, no more broken relationships, no more war, no more death, and only happiness and fulfillment to be put under the wings of the Lord.

I believe it. That's where Bob's today. God, Bless you Bob. We love you, we miss you. We'll see you soon.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to honor the life and service of former Congressman Bob Franks. Bob heard the call to serve the State he loved, and did so faithfully, throughout his illustrious career. Congressman Robert Douglas Franks was born on September 21, 1951. It is true that until Bob was taken away from us, following a hard-fought battle with cancer, he still served the people of New Jersey as the President of the Health Care Institute of New Jersey . . . a position he loved as much for the work he was doing, as for the time he could spend with his close-knit family.

Bob's stellar career as a New Jersey Republican began very early on when he organized political movements such as the New

Jersey Teenage Republicans. Bob was as principled as he was outspoken and he soon became a force to be reckoned with in New Jersey politics.

Bob is widely considered to be the primary catalyst behind the New Jersey Republican resurgence in the 1990s. However, he is equally as well-known for his willingness to be bipartisan—especially in working with former political rivals. Bob's wisdom and grace far outpaced his age and it could not be more true that this loss is felt deeply across party lines.

His influence in New Jersey is well-known and stands as a testament to the best aspects of elected office. An ardent supporter of voluntary term-limits, Bob practiced what he preached and left Congress after 4 dedicated terms. His desire to serve our State was unfaltering.

Bob is not only survived by his adoring family, but by a State that remains thankful for his years of devoted service as well as a Congress of peers who will remember him as a man of conviction and principle.

## GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today until 4 p.m.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEUTCH) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. DEUTCH, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. ROTHMAN of New Jersey, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. MARKEY of Massachusetts, for 5 minutes, today.

Ms. SCHWARTZ, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Mr. MARSHALL, for 5 minutes, today.

Mr. GARAMENDI, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Ms. CHU, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BARTLETT) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, April 28.

Mr. JONES, for 5 minutes, April 28.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, April 28.

Mr. FORBES, for 5 minutes, April 22.

Mr. BARTLETT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FILNER, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,533.

## ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4360. An act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center''.

## ADJOURNMENT

Mr. SMITH of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, April 22, 2010, at 10 a.m.

## BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the House amendment to S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2010, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 1963

[By fiscal year, in millions of dollars]

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| NET INCREASE OR DECREASE (−) IN THE DEFICIT | | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Source: Congressional Budget Office.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7112. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's Annual Report for FY 2009 regarding the training, and its associated expenses, of U.S. Special Operations Forces (SOF) with friendly foreign forces, pursuant to 10 U.S.C. 2011; to the Committee on Armed Services.

7113. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's Annual Report for 2009; to the Committee on Financial Services.

7114. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Directors' Eligibility, Elections, Compensation and Expenses (RIN: 2590-AA03, 2590-AA31, and 2590-AA34) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7115. A letter from the Acting Director, Pension Benefit Guaranty Coporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7116. A letter from the Secretary, Department of Health and Human Services, transmitting renewal of the December 28, 2009 determination of a public health emergency existing nationwide involving Swine Influenza A (now called 2009 — H1N1 flu), pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

7117. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Side Impact Protection; Fuel System Integrity; Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection [Docket No.: NHTSA-2010-0032] (RIN: 2127-AK48) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7118. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations to Enhance U.S. Homeland Security: Addition of Three Export Control Classification Numbers (ECCNs) and License Review Policy [Docket No.: 0906041008-91452-01] (RIN: 0694-AE64) received March 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7119. A letter from the Secretary, Department of the Interior, transmitting draft legislation to provide for the issuance of coins to commemorate the 100th anniversary of the National Park Service; to the Committee on Financial Services.

7120. A letter from the Associate Attorney General, Department of Justice, transmitting the Department's 2009 annual report on certain activities pertaining to the Freedom of Information Act, as amended; to the Committee on Oversight and Government Reform.

7121. A letter from the Director, EEO and Diversity Programs, National Archives and Records Administration, transmitting a copy of the Administration's Fiscal Year 2009 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

7122. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

7123. A letter from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7124. A letter from the Chief Administrative Officer, Patent and Trademark Office, transmitting the Office's annual report for fiscal year 2009, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7125. A letter from the Acting EEO Director, Securities and Exchange Commission, transmitting a report about the Commission's activities in FY 2009 to ensure accountability for antidiscrimination and whistleblower laws related to employment; to the Committee on Oversight and Government Reform.

7126. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Panama City, FL [Docket No.: FAA-2009-0710; Airspace Docket No. 09-ASO-16] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7127. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2204 High and R-2204 Low; Oliktok Point, AK [Docket No.: FAA-2009-0693; Airspace Docket No. 09-AAL-14] (RIN: 2120-AA66) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7128. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; West Bend, WI [Docket No.: FAA-2009-1149; Airspace Docket No. 09-AGL-33] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7129. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Huntingburg, IN [Docket No.: FAA-2009-0736; Airspace Docket No. 09-AGL-21] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7130. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Rawlins, WY [Docket No.: FAA-2009-0880; Airspace Docket No. 09-ANM-14] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7131. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cedar Rapids, IA [Docket No.: FAA-2009-0916; Airspace Docket No. 09-ACE-12] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7132. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217C, and -219 Turbofan Engines [Docket No.: FAA-2009-0883; Directorate Identifier 97-ANE-08; Amendment 39-16237; AD 97-17-04R1] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7133. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Dumas, TX [Docket No.: FAA-2009-1151; Airspace Docket No. 09-ASW-30] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7134. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gadsden, AL [Docket No.: FAA-2009-0955; Airspace Docket No. 09-ASO-28] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7135. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Damage Tolerance Data for Repairs and Alterations [Docket No.: FAA-2005-21693; Amendment No. 26-4] (RIN: 2120-AI32) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7136. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, B4-2C Airplanes; Model A310 Series Airplanes; and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, and B4-622R Airplanes [Docket No.: FAA-2009-0789; Directorate Identifier 2008-NM-185-AD; Amendment 39-16228; AD 2010-06-04] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7137. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Battle Mountain, NV [Docket No.: FAA-2009-1057; Airspace Docket No. 09-AWP-9] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7138. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gunnison, CO [Docket No.: FAA-2009-0949; Airspace Docket No. 09-ANM-12] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7139. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-2C, B4-103, and B4-203 Airplanes; and Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, and B4-622R Airplanes [Docket No.: FAA-2009-0993; Directorate Identifier 2009-NM-089-AD; Amendment 39-16229; AD 2010-06-05] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7140. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No.: FAA-2009-0649; Directorate Identifier 2008-NM-218-AD; Amendment 39-16225; AD 2010-06-01] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7141. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Risk-Based Adjustment of Transportation Security Plan Requirements [Docket No.: PHMSA-06-25885 (HM-232F)] (RIN: 2137-AE22) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. In

the Matter of Randy Vogel (Rept. 111–464). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. DINGELL, and Mr. EHLERS):

H.R. 5088. A bill to amend the Federal Water Pollution Control Act to reaffirm the jurisdiction of the United States over waters of the United States; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Ohio (for himself, Mr. BOUCHER, and Ms. SUTTON):

H.R. 5089. A bill to amend the Public Works and Economic Development Act of 1965 to modify the period used to calculate certain unemployment rates, to encourage the development of business incubators, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Mr. BERMAN, Ms. FUDGE, Mr. KAGEN, Ms. KILPATRICK of Michigan, and Ms. SCHAKOWSKY):

H.R. 5090. A bill to amend the Richard B. Russell National School Lunch Act to promote the health and well-being of schoolchildren in the United States through effective local wellness policies, technical assistance, training, and support for healthy school foods, nutrition promotion and education, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. GRIJALVA, Ms. NORTON, and Ms. JACKSON LEE of Texas):

H.R. 5091. A bill to authorize public awareness campaigns to promote the persistent quest for knowledge and increased education among youth; to the Committee on Education and Labor.

By Mr. GALLEGLY (for himself, Mr. MORAN of Virginia, Mr. WHITFIELD, Mr. FARR, Mr. CAMPBELL, Mr. BURTON of Indiana, Mr. GARY G. MILLER of California, Mr. LEWIS of California, Mr. MCKEON, Mr. LINDER, Mr. BLUMENAUER, Mr. FRANKS of Arizona, Mr. BROWN of South Carolina, Mr. UPTON, Mr. FORBES, Mr. MILLER of Florida, Mr. BARTLETT, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. BRADY of Texas, Mr. WOLF, Mr. ROYCE, Ms. SUTTON, Mr. DELAHUNT, Mr. CASTLE, Ms. MOORE of Wisconsin, Mr. HARE, Mr. COHEN, Mr. GERLACH, Ms. LINDA T. SÁNCHEZ of California, Mr. OLVER, Mr. SCHIFF, Mr. HALL of New York, Mr. FILNER, Mr. WEINER, Ms. WATSON, Mr. DOYLE, Mr. SHERMAN, Mrs. DAVIS of California, Mrs. CAPITO, Mr. KILDEE, Mr. KING of New York, Mr. KUCINICH, Mr. LOBIONDO, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. ROTHMAN of New Jersey, Mrs. BONO MACK, Mr. COBLE, Mr. SCHOCK, Mrs. CAPPS, Mr. ISRAEL, Mr. LEWIS of Georgia, Mrs. EMERSON, Mr. HOLT, and Mr. SMITH of Texas):

H.R. 5092. A bill to amend section 48 (relating to depiction of animal cruelty) of title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

By Ms. KOSMAS (for herself, Ms. CORRINE BROWN of Florida, Mr. KLEIN of Florida, Ms. CASTOR of Florida, Ms. FUDGE, Ms. RICHARDSON, Mr. WILSON of Ohio, Mr. ROTHMAN of New Jersey, Ms. JACKSON LEE of Texas, Mr. HASTINGS of Florida, and Ms. GIFFORDS):

H.R. 5093. A bill to authorize the Secretary of Education to establish a program for displaced aerospace professionals to become certified elementary, secondary, or vocational school teachers; to the Committee on Education and Labor.

By Mr. LIPINSKI (for himself and Mr. WOLF):

H.R. 5094. A bill to authorize the National Science Foundation to carry out a pilot program to award innovation inducement cash prizes in areas of research funded by the National Science Foundation; to the Committee on Science and Technology.

By Mr. PAULSEN (for himself, Mrs. BACHMANN, Mr. DENT, Mr. GERLACH, Mr. LANCE, Mr. MARCHANT, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, Mr. ROYCE, Mr. LAMBORN, Mr. CHAFFETZ, Mr. LATTA, Mr. BARTLETT, Mr. GOODLATTE, Mr. PITTS, Mr. AKIN, Mrs. BLACKBURN, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Mr. RYAN of Wisconsin, Mr. MANZULLO, Mr. PLATTS, Mr. UPTON, and Mr. LEE of New York):

H.R. 5095. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Ms. EDWARDS of Maryland, and Mr. HONDA):

H.R. 5096. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to make grants for recruiting, training, and retaining individuals from underrepresented groups as teachers at public elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Ms. MARKEY of Colorado:

H.R. 5097. A bill to amend title 23, United States Code, to reduce the amount of funding available to States that do not enact a law prohibiting an individual from using a wireless communication device while operating a motor vehicle in a school zone, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON:

H.R. 5098. A bill to delay the implementation of the licensing requirements under the S.A.F.E. Mortgage Licensing Act of 2008; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. MARKEY of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. DELAHUNT, Mr. MCGOVERN, Mr. TIERNEY, Mr. CAPUANO, Mr. LYNCH, and Ms. TSONGAS):

H.R. 5099. A bill to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the ''Michael C. Rothberg Post Office''; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA:

H.R. 5100. A bill to provide for the conveyance of certain Federal lands in Yuma County, Arizona; to the Committee on Natural Resources.

By Mr. HOLT (for himself, Mr. POLIS, Mr. HINCHEY, and Mr. GEORGE MILLER of California):

H.R. 5101. A bill to expand the science and stewardship of America's most important wildlife corridors; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself, Mr. FRANK of Massachusetts, Mrs. CAPPS, Mr. GRIJALVA, Mr. HINCHEY, Mr. HODES, Mr. YARMUTH, Mr. WELCH, and Ms. SUTTON):

H.R. 5102. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore lands that are subject to a lease for production of oil or natural gas under which production is not occurring, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 5103. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mr. NUNES):

H.R. 5104. A bill to amend the Internal Revenue Code of 1986 to allow for the deduction for domestic oil related production activities of companies which are not major integrated oil companies; to the Committee on Ways and Means.

By Mr. ROGERS of Alabama (for himself, Ms. KILROY, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCCAUL, Ms. CLARKE, and Mr. CARNEY):

H.R. 5105. A bill to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE (for himself and Ms. SHEA-PORTER):

H.R. 5106. A bill to direct the Secretary of Defense to establish a commission on urotrauma; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, and Mr. CONNOLLY of Virginia):

H. Con. Res. 263. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, and Mr. CONNOLLY of Virginia):

H. Con. Res. 264. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. LAMBORN (for himself, Mr. SMITH of Texas, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. GARRETT of New Jersey, Mr. JONES, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. CHAFFETZ, Mr. LATTA, Mrs. BACHMANN, Mr. PITTS, Mr. AKIN, Mr. KINGSTON, Mr. GOHMERT, Mr. CONAWAY, Mr. KING of Iowa, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Mr. BURGESS, Mr. MANZULLO, Mr. MARCHANT, Mr. BROWN of South Carolina, Mr. WITTMAN, Mr. JORDAN of Ohio, Mr. POE of Texas, and Mr. BILIRAKIS):

H. Con. Res. 265. Concurrent resolution expressing the sense of the Congress that the United States should neither become a signatory to the Rome Statute on the International Criminal Court nor attend the Review Conference of the Rome Statute in Kampala, Uganda, commencing on May 31, 2010; to the Committee on Foreign Affairs.

By Ms. BERKLEY (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CONNOLLY of Virginia, and Mr. GINGREY of Georgia):

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO); to the Committee on Foreign Affairs.

By Ms. FUDGE (for herself, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mrs. NAPOLITANO, Mr. ELLISON, Ms. LEE of California, Ms. WASSERMAN SCHULTZ, Ms. DELAURO, Ms. NORTON, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Alabama, Mr. BUTTERFIELD, Mr. MCGOVERN, Mr. RUSH, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. GRIJALVA, Ms. HIRONO, Mr. CROWLEY, Ms. EDWARDS of Maryland, Mr. CLEAVER, Mr. JOHNSON of Georgia, Mrs. MCCARTHY of New York, Mr. STARK, Ms. SCHAKOWSKY, Mr. CASTLE, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Ms. KILROY, Mr. KILDEE, Mr. AL GREEN of Texas, Mr. MCDERMOTT, Mrs. DAVIS of California, Mr. THOMPSON of Pennsylvania, Ms. PINGREE of Maine, Ms. JACKSON LEE of Texas, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. CAO, Ms. KILPATRICK of Michigan, Mr. COHEN, Mr. KISSELL, Mrs. EMERSON, Mr. RANGEL, Ms. KAPTUR, Ms. MOORE of Wisconsin, Ms. BORDALLO, Ms. CASTOR of Florida, Ms. MCCOLLUM, Mr. OLVER, Mr. CLYBURN, Mr. YARMUTH, Mr. SABLAN, Mr. MARKEY of Massachusetts, Ms. SUTTON, Mr. NADLER of New York, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. FATTAH, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, Mr. SCHAUER, Mr. PERRIELLO, Mr. RUPPERSBERGER, Mrs. CHRISTENSEN, Mr. BACA, Ms. WATSON, Mr. SCHIFF, Mr. MELANCON, Mr. BISHOP of New York, Mr. MOORE of Kansas, Mr. TOWNS, Ms. HERSETH SANDLIN, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Ms. WATERS, Mr. BRADY of Pennsylvania, Mr. CLAY, Mr. CONYERS, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. DINGELL, Mr. HOLT, Mr. HINOJOSA, Mr. ORTIZ, Mr. VAN HOLLEN, Mr. HEINRICH, Ms. TITUS, Mr. WATT, Mr. POMEROY, Mr. PAYNE, Mr. MAFFEI, Mr. LARSON of Connecticut, Mrs. DAHLKEMPER, Mr. FILNER, Mr. BERMAN, Ms. DEGETTE, Mr. BOOZMAN, Mr. SMITH of Washington, Mr. BOCCIERI, Mr. GONZALEZ, Mr. BARROW, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. WAXMAN, and Ms. SLAUGHTER):

H. Res. 1281. A resolution celebrating the life and achievements of Dr. Dorothy Irene Height and recognizing her life-long dedication and leadership in the struggle for human rights and equality for all people until her death at age 98 on April 20, 2010; to the Committee on the Judiciary; considered and agreed to.

By Mr. BLUNT (for himself, Mr. BOREN, Mr. RYAN of Wisconsin, Mr. MILLER of Florida, and Mr. ROSS):

H. Res. 1282. A resolution expressing the sense of the House of Representatives that the promotion of recreational fishing and boating should be a national priority, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES:

H. Res. 1283. A resolution honoring and thanking Dave Brubeck for his contributions to American music and cultural diplomacy; to the Committee on Education and Labor.

By Mr. BOYD (for himself and Mr. EHLERS):

H. Res. 1284. A resolution supporting the goals and ideals of National Learn to Fly Day, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL (for himself and Mr. KIRK):

H. Res. 1285. A resolution condemning the Government of Syria for transferring Scud missiles to the Hizballah terrorist organization, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PERLMUTTER (for himself, Mr. CAPUANO, Mr. HIGGINS, Mr. HODES, Mr. KENNEDY, Ms. MARKEY of Colorado, Mr. MARKEY of Massachusetts, Mr. MOORE of Kansas, and Mr. ROTHMAN of New Jersey):

H. Res. 1286. A resolution commemorating the 50th anniversary of the inaugural season of the American Football League; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

260. The SPEAKER presented a memorial of the Legislature of the State of Wyoming, relative to House Joint Resolution No. 3 demanding Congress to cease and desist from enacting mandates that are beyond the enumerated powers granted to the Congress by the United States Constitution; to the Committee on the Judiciary.

261. Also, a memorial of the Legislature of the State of Wyoming, relative to House Joint Resolution No. 2 demanding Congress cease and desist from enacting mandates that are beyond the scope of the enumerated powers granted to Congress by the Constitution of the United States; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. TSONGAS and Mr. SPACE.
H.R. 147: Mrs. EMERSON.
H.R. 211: Mr. ELLSWORTH and Mr. OWENS.
H.R. 233: Mr. BOUSTANY.
H.R. 293: Mr. WOLF.
H.R. 333: Mr. ALTMIRE.
H.R. 406: Mr. VAN HOLLEN and Mr. LANCE.
H.R. 422: Mr. MAFFEI.
H.R. 426: Ms. SUTTON.
H.R. 442: Mr. PRICE of Georgia, Mr. TEAGUE, and Mrs. EMERSON.
H.R. 560: Mr. COOPER.
H.R. 571: Mr. FORBES and Mr. NADLER of New York.
H.R. 615: Ms. SUTTON.
H.R. 618: Mr. FRANK of Massachusetts.
H.R. 853: Mr. CALVERT.
H.R. 1026: Mr. WITTMAN and Mr. BACHUS.
H.R. 1034: Mr. BARRETT of South Carolina.
H.R. 1079: Mr. MARKEY of Massachusetts.
H.R. 1220: Mr. ALTMIRE.
H.R. 1229: Mr. FORBES.
H.R. 1240: Mr. HIGGINS and Mr. QUIGLEY.
H.R. 1339: Mr. SESSIONS, Mr. VISCLOSKY, Mr. MATHESON, and Mr. STUPAK.
H.R. 1362: Ms. LORETTA SANCHEZ of California, Mr. MELANCON, and Mr. FRELINGHUYSEN.
H.R. 1547: Mr. RADANOVICH, Ms. GRANGER, Mr. LYNCH, Mr. BOSWELL, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. WOOLSEY, Ms. DELAURO, Mr. HARPER, and Mr. ROGERS of Kentucky.
H.R. 1557: Mr. LOEBSACK.
H.R. 1581: Mr. CARSON of Indiana and Mr. DAVIS of Tennessee.
H.R. 1587: Mr. BRALEY of Iowa.
H.R. 1600: Mr. TURNER.
H.R. 1822: Mr. COBLE and Mr. ROE of Tennessee.
H.R. 1868: Mr. WALDEN.
H.R. 1923: Mr. FORBES.
H.R. 1925: Mr. TOWNS.
H.R. 1990: Mr. PRICE of North Carolina.
H.R. 2000: Mr. EDWARDS of Texas, Mr. BOSWELL, Mrs. MILLER of Michigan, Ms. CHU, Mr. FORTENBERRY, Mr. PUTNAM, and Mr. COSTA.
H.R. 2136: Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BERKLEY, Mr. KING of New York and Mr. BRALEY of Iowa.
H.R. 2156: Mr. MURPHY of New York.
H.R. 2222: Mr. WEINER and Mr. HINCHEY.
H.R. 2298: Mr. STARK.
H.R. 2313: Mr. FORBES.
H.R. 2478: Ms. BERKLEY and Mr. ROSS.
H.R. 2567: Mr. WEINER.
H.R. 2697: Mr. GARAMENDI, Mr. SALAZAR, Mr. ANDREWS, Mr. BOREN, Mr. PETERS, and Mr. PASTOR of Arizona.
H.R. 2730: Mr. POMEROY.
H.R. 2737: Mr. TAYLOR, Ms. KILROY, Mr. COFFMAN of Colorado, and Mr. CARSON of Indiana.
H.R. 2799: Ms. FUDGE.
H.R. 3116: Mr. MCCOTTER and Mr. KAGEN.
H.R. 3186: Mr. GARAMENDI.
H.R. 3238: Ms. FUDGE.
H.R. 3240: Mr. BLUNT.
H.R. 3321: Mr. BOREN and Ms. RICHARDSON.
H.R. 3393: Mr. ATLMIRE and Mr. BARROW.
H.R. 3487: Mr. WEINER and Ms. WATSON.

H.R. 3517: Mr. MCGOVERN.
H.R. 3554: Mr. BLUMENAUER.
H.R. 3577: Mr. JONES.
H.R. 3582: Mr. MCCOTTER.
H.R. 3630: Mr. MOORE of Kansas.
H.R. 3734: Mr. HINCHEY and Mr. DRIEHAUS.
H.R. 3752: Mr. BACA and Mr. MCCLINTOCK.
H.R. 3764: Ms. BALDWIN and Mr. HARE.
H.R. 3799: Mr. AL GREEN of Texas and Mr. BISHOP of Georgia.
H.R. 3905: Mr. ANDREWS and Mr. HODES.
H.R. 3914: Ms. DEGETTE.
H.R. 3927: Ms. BORDALLO.
H.R. 4014: Mr. FILNER.
H.R. 4132: Mrs. CAPPS, Mr. MEEK of Florida, and Mr. GALLEGLY.
H.R. 4153: Ms. MARKEY of Colorado.
H.R. 4195: Mr. TONKO, Mr. BLUMENAUER, Ms. BALDWIN, Mr. POMEROY, Mr. COURTNEY, Mrs. CAPPS and Ms. SHEA-PORTER.
H.R. 4241: Mr. ARCURI.
H.R. 4264: Mr. FARR and Mr. FILNER.
H.R. 4268: Ms. TSONGAS.
H.R. 4278: Mr. HARE and Mrs. EMERSON.
H.R. 4298: Ms. CHU.
H.R. 4306: Mr. HOLT, Mr. BACHUS, and Mr. BISHOP of Georgia.
H.R. 4325: Ms. CHU and Mr. BRADY of Pennsylvania.
H.R. 4376: Ms. WOOLSEY and Mr. AL GREEN of Texas.
H.R. 4389: Mr. ROE of Tennessee.
H.R. 4398: Mr. BISHOP of Utah and Mr. SIMPSON.
H.R. 4399: Mrs. DAVIS of California.
H.R. 4402: Mr. BRADY of Pennsylvania.
H.R. 4440: Mr. MCGOVERN.
H.R. 4477: Mr. KUCINICH and Mr. WITTMAN.
H.R. 4502: Mr. BLUMENAUER.
H.R. 4505: Mr. KAGEN.
H.R. 4509: Mr. HINCHEY.
H.R. 4530: Mr. MEEK of Florida, Mr. TIERNEY, and Mr. BISHOP of New York.
H.R. 4544: Mr. PAULSEN and Mr. CAO.
H.R. 4568: Mr. BISHOP of New York.
H.R. 4616: Mr. CLAY and Mr. CUMMINGS.
H.R. 4650: Mr. DOGGETT, Mr. WU, Ms. KAPTUR, and Mr. FRANK of Massachusetts.
H.R. 4662: Mr. DOGGETT.
H.R. 4671: Mr. BLUMENAUER.
H.R. 4684: Mr. SCOTT of Virginia, Mr. DUNCAN, and Mr. SHULER.
H.R. 4693: Mr. ALEXANDER.
H.R. 4694: Ms. MATSUI.
H.R. 4717: Mr. PETRI.
H.R. 4728: Mrs. BACHMANN.
H.R. 4753: Mr. JOHNSON of Georgia.
H.R. 4757: Mr. TONKO, Mr. WELCH, Mr. FARR, and Mr. RANGEL.
H.R. 4788: Ms. MARKEY of Colorado and Ms. SUTTON.
H.R. 4790: Mr. BLUMENAUER, Mr. FOSTER, Mr. HINCHEY, and Ms. KILPATRICK of Michigan.
H.R. 4794: Mr. WITTMAN.
H.R. 4812: Mr. PERLMUTTER.
H.R. 4830: Ms. KILROY.
H.R. 4844: Mr. KINGSTON, Mr. PAUL, Mr. BONNER, Mr. SIMPSON, and Mrs. CAPPS.
H.R. 4850: Mr. CLAY, Mr. ROSKAM, Mr. CARTER, and Mr. TEAGUE.
H.R. 4856: Ms. MARKEY of Colorado, Mr. CHANDLER, and Mr. ALTMIRE.
H.R. 4866: Mr. FRANKS of Arizona and Mr. BARTLETT.
H.R. 4868: Mr. FILNER.
H.R. 4870: Mrs. NAPOLITANO, Mrs. DAVIS of California, and Mrs. CAPPS.
H.R. 4871: Mr. ALTMIRE.
H.R. 4876: Mr. HIGGINS, Mr. SCHAUER, and Mr. CROWLEY.
H.R. 4901: Mr. MACK, Mr. HOEKSTRA, and Mr. KING of Iowa.
H.R. 4903: Mr. HOEKSTRA.
H.R. 4904: Mr. CALVERT.
H.R. 4918: Mr. BARROW, Mr. BOREN, Mr. BOYD, Mr. CARNEY, Mr. CHILDERS, Mr. COSTA, Mrs. DAHLKEMPER, Mr. ELLSWORTH, Mr. GORDON of Tennessee, Ms. HARMAN, Ms. HERSETH SANDLIN, Mr. HILL, Mr. MATHESON, Mr. MCINTYRE, Mr. MINNICK, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. NYE, Mr. ROSS, Mr. SALAZAR, Mr. SHULER, Mr. WILSON of Ohio, Mr. MURPHY of New York, Mr. CARDOZA, Mr. BERRY, Mr. HOLDEN, and Mr. BRIGHT.
H.R. 4919: Mr. NEUGEBAUER, Mr. GOODLATTE, Mr. GARY G. MILLER of California, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. GOHMERT, Mr. MORAN of Kansas, Mr. BONNER, Mr. SMITH of Texas, Mr. PENCE, and Mr. HOEKSTRA.
H.R. 4923: Mr. BOSWELL, Mr. STARK, and Mr. MILLER of Florida.
H.R. 4925: Mrs. NAPOLITANO and Ms. CHU.
H.R. 4933: Mr. ELLISON, Mr. GARAMENDI, and Ms. WATSON.
H.R. 4972: Mr. COLE, Mr. MORAN of Kansas, Mr. GARRETT of New Jersey, Mr. BURGESS, Mr. SHADEGG, Mr. HOEKSTRA, Mr. HALL of Texas, Mr. GINGREY of Georgia, Mr. POSEY, Ms. FALLIN, Mr. JORDAN of Ohio, Mr. ROE of Tennessee, and Mr. RADANOVICH.
H.R. 4974: Ms. RICHARDSON, Mr. MILLER of Florida, Mr. CARNAHAN, and Mr. PETERSON.
H.R. 4985: Mr. MORAN of Kansas.
H.R. 4995: Mr. POSEY, Mr. HALL of Texas, Mr. MCCLINTOCK, Mr. HOEKSTRA, and Mr. ALEXANDER.
H.R. 5000: Mr. SIRES and Ms. RICHARDSON.
H.R. 5013: Mr. LARSEN of Washington.
H.R. 5015: Mr. COSTELLO and Mr. GRAYSON.
H.R. 5020: Ms. JACKSON LEE of Texas and Ms. SUTTON.
H.R. 5022: Mr. BOSWELL.
H.R. 5027: Mr. COURTNEY.
H.R. 5029: Mr. ROONEY.
H.R. 5031: Mr. LOEBSACK.
H.R. 5032: Mr. WEINER and Mr. HALL of New York.
H.R. 5034: Mr. MITCHELL, Mr. THOMPSON of Mississippi, Mr. CUELLAR, and Mr. NEUGEBAUER.
H.R. 5040: Mrs. BLACKBURN, Mr. GONZALEZ, and Mr. COURTNEY.
H.R. 5041: Mr. TIERNEY and Mr. JACKSON of Illinois.
H.R. 5064: Mr. FILNER.
H.R. 5068: Mr. SMITH of Nebraska.
H.R. 5079: Mr. BISHOP of New York.
H. Con. Res. 98: Mr. KENNEDY.
H. Con. Res. 137: Mr. PAYNE.
H. Res. 173: Mr. BLUMENAUER, Mr. MCGOVERN, Mr. ELLSWORTH, Mr. FOSTER, Mr. WHITFIELD, and Mrs. HALVORSON.
H. Res. 213: Mr. KUCINICH.
H. Res. 407: Mrs. BLACKBURN, Ms. GIFFORDS, Mr. RANGEL, and Mr. ORTIZ.
H. Res. 440: Mr. MURPHY of New York.
H. Res. 551: Ms. KAPTUR and Ms. MCCOLLUM.
H. Res. 762: Mr. RANGEL, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. RYAN of Ohio, Mr. SIRES, and Mr. OWENS.
H. Res. 764: Mr. BARRETT of South Carolina.
H. Res. 904: Mr. GRAYSON, Ms. HIRONO, Ms. NORTON, Mr. CUMMINGS, and Ms. BALDWIN.
H. Res. 1026: Ms. FALLIN and Mr. ISSA.
H. Res. 1033: Mr. MCNERNEY, Mr. LARSEN of Washington, Ms. NORTON, Mr ARCURI, Mr. BUCHANAN, Mr. BARTON of Texas, Mr. INSLEE, Mr. HASTINGS of Washington, Mr. INGLIS, Mr. FLEMING, Mrs. BLACKBURN, Mr. BOUSTANY, Ms. FUDGE, Mr. HINOJOSA, Mr. MURPHY of New York, Mr. ROTHMAN of New Jersey, Mrs. MYRICK, Mr. PITTS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARKEY of Massachusetts, Mr. KIND, and Ms. BALDWIN.
H. Res. 1053: Mrs. NAPOLITANO and Mr. CAO.
H. Res. 1078: Mr. WITTMAN, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. STARK, Mr. MCCOTTER, and Mr. NYE.
H. Res. 1116: Mr. SHIMKUS and Mr. CONYERS.
H. Res. 1152: Mr. LOEBSACK.
H. Res. 1153: Mr. LARSEN of Washington, Mr. BRIGHT, Mr. FILNER, Mr. LATTA, Mr. SHUSTER, Mr. ORTIZ, Mr. WILSON of South Carolina, Mr. BOREN, Mr. DAVIS of Tennessee, Ms. SHEA-PORTER, Ms. FUDGE, Mr. SCHAUER, Mr. HUNTER, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mrs. LUMMIS, Mr. PETRI, Ms. LORETTA SANCHEZ of California, Mr. LANGEVIN, Mr. SNYDER, Mrs. DAVIS of California, Mr. GORDON of Tennessee, Mr. NEAL of Massachusetts, Mr. COURTNEY, Mr. MCGOVERN, Mr. PLATTS, Mr. KLINE of Minnesota, Mr. LOBIONDO, Mr. JONES, Mr. CONNOLLY of Virginia, Ms. TSONGAS, Ms. PINGREE of Maine, Mr. SPRATT, Mr. SKELTON, Mr. JOHNSON of Georgia, Mr. OWENS, Mr. MCINTYRE, Mr. REYES, Mr. KRATOVIL, Mr. KISSELL, Mr. COOPER, Mr. ELLSWORTH, Mr. PATRICK J. MURPHY of Pennsylvania, and Ms. FALLIN.
H. Res. 1187: Mr. BRADY of Pennsylvania and Mr. SCHIFF.
H. Res. 1196: Mr. HENSARLING.
H. Res. 1197: Mr. POE of Texas.
H. Res. 1208: Mr. KING of New York, Mr. INSLEE, and Mr. GALLEGLY.
H. Res. 1211: Mr. MEEK of Florida.
H. Res. 1229: Mr. TIM MURPHY of Pennsylvania, Mr. KING of New York, and Ms. JENKINS.
H. Res. 1240: Mr. POLIS, Mr. BOSWELL, Ms. HIRONO, Mr. CARSON of Indiana, Mr. TONKO, and Mr. CAPUANO.
H. Res. 1241: Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. SHADEGG, Mr. JORDAN of Ohio, Ms. FALLIN, Mr. BROUN of Georgia, Mr. HENSARLING, Mr. CHAFFETZ, Mr. ROONEY, Mrs. LUMMIS, Mr. POSEY, Mr. HERGER, Mr. BILBRAY, and Mr. CALVERT.
H. Res. 1250: Mr. SERRANO, Mr. MCGOVERN, and Ms. DELAURO.
H. Res. 1251: Mrs. EMERSON, Mr. WALDEN, Mr. BROUN of Georgia, Mr. ROHRABACHER, Mr. MCCAUL, Mr. KINGSTON, Mr. POSEY, Mr. BURTON of Indiana, Mr. BONNER, Mr. WALZ, Mr. KING of New York, Mr. NUNES, Mr. CARTER, Mr. SNYDER, and Mr. SMITH of New Jersey.
H. Res. 1254: Mr. HERGER, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. MCCLINTOCK, Mr. CULBERSON, Mr. BROUN of Georgia, and Mr. CHAFFETZ.
H. Res. 1256: Mr. GINGREY of Georgia, Mr. HALL of Texas, Mr. ROGERS of Kentucky, Mr. PRICE of Georgia, Mr. PENCE, Mr. SESSIONS, Mr. KUCINICH, Mr. KINGSTON, Mr. TIM MURPHY of Pennsylvania, Mr. BURTON of Indiana, Mr. DANIEL E. LUNGREN of California, Mr. DUNCAN, Mr. MCCARTHY of California, Mr. ROSKAM, Mr. JORDAN of Ohio, Mr. GUTHRIE, Mr. WESTMORELAND, Mrs. BLACKBURN, Mr. MACK, Mrs. BONO MACK, Mr. HARPER, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. CRENSHAW, Mr. CONNOLLY of Virginia, Mr. BOEHNER, Mr. BILBRAY, Mr. ALEXANDER, Mr. SHUSTER, Mr. CARNEY, Mr. SHADEGG, Mr. KLEIN of Florida, Mr. ROONEY, Mr. MILLER of Florida, Ms. ROS-LEHTINEN, Mr. BROWN of South Carolina, Mr. BOCCIERI, Mr. SCALISE, Mr. DAVIS of Kentucky, Mr. FORBES, Mr. BOOZMAN, Mr. MORAN of Kansas, Mr. FRANKS of Arizona, Mr. RADANOVICH, Mr. LEWIS of California, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. CAMPBELL, Ms. KAPTUR, Mr. JONES, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. BUCHANAN, Mr. STEARNS, Mr. HALL of New York, Ms. WASSERMAN SCHULTZ, Mr. HODES, Mr. TEAGUE, Mr. FOSTER, Mr. WELCH, Mr. SCOTT of Georgia, Mr. CLAY, Mr. BISHOP of Georgia,

Mr. HEINRICH, Mr. LUETKEMEYER, Mr. CUELLAR, and Mr. FORTENBERRY.

H. Res. 1263: Mr. CALVERT.

H. Res. 1276: Mr. PLATTS and Mr. RAHALL.

H. Res. 1277: Mr. OWENS, Mr. BISHOP of Georgia, and Mr. POE of Texas.

H. Res. 1279: Mr. GINGREY of Georgia, Mr. MCCOTTER, Mr. GARY G. MILLER of California, and Mr. KING of Iowa.

H. Res. 1280: Mr. ANDREWS, Mr. BAIRD, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. CLYBURN, Mr. CONNOLLY of Virginia, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DOGGETT, Ms. EDWARDS of Maryland, Ms. ESHOO, Mr. FARR, Mr. GARAMENDI, Mr. HARE, Ms. HARMAN, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. LARSEN of Washington, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mrs. LOWEY, Mr. PIERLUISI, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. STARK, Ms. SUTTON, Mr. SABLAN, Ms. WATSON, and Mr. WELCH.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3936: Mr. PENCE.

# EXTENSIONS OF REMARKS

## CELEBRATING CLECO RINGING THE CLOSING BELL AT NEW YORK STOCK EXCHANGE

### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. ALEXANDER. Madam Speaker, I am proud to honor Cleco Corporation for ringing The Closing Bell at the New York Stock Exchange (NYSE) on Friday, April 16. Cleco used this event to officially kick off its 75th anniversary celebration with more revelry scheduled to follow.

Based in Pineville, La., Cleco is a regional energy company which began operations on January 2, 1935. Today, it serves about 277,000 retail customers across Louisiana. Moreover, Cleco is the only publicly traded company on the NYSE headquartered in Central Louisiana, and the seventh largest NYSE-traded company based in the state.

Cleco has a remarkable track record of success, and I am confident it will continue to provide great opportunities for the residents of this area.

It is with deep appreciation for this company's many contributions to the 5th Congressional District that I commend Cleco and its dedicated employees.

Madam Speaker, I ask my colleagues to join me in celebrating the 75th anniversary of Cleco. I offer my deepest congratulations to the devoted individuals who helped Cleco reach this significant milestone.

## HONORING ARMY SPECIALIST RANDALL RAY CHARLES LANDSTEDT

### HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. McCLINTOCK. Madam Speaker, I rise today to honor Army Specialist Randall Ray Charles Landstedt from Pollock Pines, California, who was killed April 6, 2010 while on leave in Crestview, Florida. Spc. Landstedt grew up in El Dorado County, attending local schools, including Pinewood, Sierra Ridge, El Dorado High and Independence High. From an early age, Spc. Landstedt was determined to serve his country and after graduation enlisted in the U.S. Army. He was known by his friends and family as kind, generous, considerate and loyal. He is survived by his parents, Joanne and Daniel Landstedt, brother, James Copeland of Pollock Pines; and sister, Rickie Bronstein of San Diego.

I cannot begin to comprehend the pain of losing such a kind and courageous young man and I cannot ease that pain with my words. All I can do is say thank you for Randall's service. He exemplified the highest values of our country, embodying courage, valor and dedication in his service with the Army's 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division. Spc. Landstedt was twice awarded the Army Commendation Medal and also received the Afghanistan Campaign Medal, the National Defense Service Medal, the Global War on Terrorism Medal, an Army Service Ribbon, an Overseas Service Ribbon and the NATO Medal with an International Security Assistance Force bar. We will remember Specialist Randall Landstedt for his honor and dedication, and we must never forget the service and sacrifices of the sons and daughters of our great country.

## ALEXANDER FRAZIER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander Frazier. Alex is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Royal Rangers and earning the most prestigious award of the Gold Medal of Achievement.

Alex has grown through participation with the Royal Rangers through his church, Northland Cathedral in Kansas City, Missouri. The Royal Rangers provide young men the character development and leadership formation needed to thrive in today's world. Attaining the Gold Medal of Achievement demonstrates Alex's dedication and commitment to the Royal Rangers. I am sure that Alex will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Alexander Frazier for his accomplishments with the Royal Rangers and for his efforts put forth in achieving the highest distinction of the Gold Medal of Achievement.

## CHARLES A. HELTON

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mrs. CAPITO. Madam Speaker, I rise today to recognize Senior Chief Hospital Corpsman, Charles A. Helton, as he retires from the Navy.

On November 28, 1983, at the age of 18, Charles enlisted in the Navy. He became among the first in the country to enlist in the Sea-Air Mariner (SAM) Program, which is geared towards high-school, vocational-tech, and college students and allows young men and women to join the Navy without serving extended periods of active duty. Based out of Great Lakes, IL, Charles reported for basic training and on February 24, 1984, graduated. He would report directly to Hospital Corpsman "A" school, where he was taught principles and techniques of patient care and first aid procedures. Upon graduating from "A" school on June 4, 1984, Charles returned to Naval Reserve Center Huntington (NRCHUNT) where he served along side his step father, Norris Troney, and long time friend throughout his Navy career, John Clay.

It was October of 1998 when Charles was called to active duty for Operation Desert Shield/Storm. He would serve at Naval Hospital Portsmouth, VA, working at Manpower Management Personnel Office assisting members with Reserve issues during deployment until June 4, 1999. He returned to Naval Reserve Center Huntington where he would serve until it was decommissioned on February 12, 2006. Charles has spent the last four years at the Navy Operational Support Center in Eleanor, WV.

Charles A. Helton, son of John R. Helton and Pamela Troney, plans on retiring to Hurricane, WV, with his wife, Carla S. Helton, and their two daughters, Kelly and Christy. He is currently employed with the Federal Highway Administration in Charleston, WV as an Information Technology Specialist. I would like to thank Charles for his dedication and service to our country from such an early age. Although a native of Chicago, IL, Charles has spent the majority of his career in West Virginia and has represented our state so well. I wish you the best of luck.

## HONORING DR. JAMES PARKS HITCH

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. DUNCAN. Madam Speaker, I have the utmost respect for people in the field of medicine. Those who choose this demanding path must fully devote their lives to it, from the many years of education and training to a commitment to their patients.

I wish to honor today, on the occasion of his retirement, a physician from my district in Knoxville, Tennessee, who stands out even among his distinguished colleagues.

I call to the attention of my colleagues and other readers of the RECORD the tribute to Dr. James Parks Hitch below, written by his coworkers to show their affection for a great man.

As a physician, Dr. Hitch has worked tirelessly for over three decades. He has found his greatest pleasure through service to others and his greatest reward in the restoration of their health.

Dr. Hitch views his patients, staff, and friends through the eyes of equality; one is no greater or lesser than the other. He is a luminary among his peers, yet he exhibits a life of sincere humility.

"If one advances confidently in the direction of his dreams, and endeavors to live the life which he had imagined, he will meet with a success unexpected in common hours (Henry David Thoreau)."

As Dr. Hitch retires, he leaves behind the legacy of one man's dream fulfilled, one beloved profession shared, and one successful life to be remembered.

## IN HONOR OF REVEREND DR. KENNETH L. SAUNDERS, SR.

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PALLONE. Madam Speaker, I rise today to honor Reverend Dr. Kenneth L. Saunders, Sr., and to thank him for his 21 years of service with the North Stelton A.M.E. Church in Piscataway, New Jersey. His enthusiasm has doubled the size of his congregation and strengthened the larger community.

Before accepting the call to the ministry, Reverend Saunders served in the U.S. Army, where he earned an honorable discharge for service above and beyond expectations. He later went on to receive his master in theology from the Trinity Theological Seminary in New Burgh, Indiana. In addition, Dr. Saunders holds doctorate degrees in divinity, philosophy in communications, sacred letters, and humanities.

Reverend Saunders's journey towards becoming a man of God started when he began singing in the Youth Jubilee Choir of the Mt. Pisgah A.M.E. Church in Jersey City. The combination of his love for music and spreading God's word inspired him as a young man to organize a quartet called The Sunset Harmonizers. His love of song continues today, as a member of the Singing Pastors of Piscataway.

Among the many awards and honors he has received, Reverend Saunders was presented with the Excellence in Ministry Award by the New Brunswick Chapter of the Association of Black Seminarians. He was also designated the Humanitarian of the Year in 1998 by the University of Medicine and Dentistry of Rutgers University.

Even with all these awards and accolades, Reverend Saunders considers his loving relationship with his wife Shirley and his son Kenneth Jr. to be his greatest achievement.

Madam Speaker, I would once more like to thank the Reverend Dr. Kenneth L. Saunders for his leadership in the community and service to New Jersey, as well as congratulate him on his 21st anniversary with the North Stelton A.M.E. Church in Piscataway, New Jersey.

## ZACHARY LeMUNYON

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary LeMunyon. Zach is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Royal Rangers and earning the most prestigious award of the Gold Medal of Achievement.

Zach has grown through participation with the Royal Rangers through his church, Northland Cathedral in Kansas City, Missouri. The Royal Rangers provide young men the character development and leadership formation needed to thrive in today's world. Attaining the Gold Medal of Achievement demonstrates Zach's dedication and commitment to the Royal Rangers. I am sure that Zach will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Zachary LeMunyon for his accomplishments with the Royal Rangers and for his efforts put forth in achieving the highest distinction of the Gold Medal of Achievement.

## IN HONOR OF GLENN A. ADAMS

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. SESSIONS. Madam Speaker, I rise today to recognize Glenn A. Adams, the current President of the National Eagle Scout Association (NESA).

Since taking over as NESA President in 2008, Glenn's dedication and leadership has strengthened the organization through innovative outreach efforts and a variety of events, expanding the community of Eagle Scouts. On April 29, 2010, his hard work will be recognized when he receives the Distinguished Eagle Scout Award (DESA).

Since it was first introduced in 1969, the DESA is given to an Eagle Scout that has shown distinguished service in his profession and community for a period of at least twenty-five years. Glenn is most deserving of this great honor and prestigious award for all he has done for NESA and Scouting. His active involvement is notable; he serves on the Longhorn Council Boy Scouts of America (BSA) Foundation Board and as a Committee Member of the National Scouting Museum. He was also the former Scoutmaster for Troop 326 and has made generous financial contributions dedicated to providing scholarships for deserving Eagle Scouts. Glenn has always led by example and his active involvement in his local community speaks loudly of the impact he has had.

Madam Speaker, I ask my esteemed colleagues to join me in recognizing Glenn for all he has done for the Boy Scouts of America and join me in congratulating him as he receives this prestigious award.

## HONORING THE SEATTLE TIMES AND THE PUGET SOUND BUSINESS JOURNAL

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. REICHERT. Madam Speaker, I rise today in recognition of the wonderful accomplishments and tireless efforts of two of my local newspapers—the Seattle Times and the Puget Sound Business Journal. Both papers captured the attention of their readership by searching for all the details, double checking all the facts and meticulously painting the full pictures of the two most noteworthy stories of 2009. For its efforts in reporting on the financial troubles of Washington Mutual, the PSBJ was recognized by the Pulitzer Committee for explanatory reporting. The Seattle Times took the lead in reporting every aspect of the heinous murders of four police officers in Lakewood, Washington and for their outstanding efforts have been awarded a Pulitzer Prize for breaking news.

When the fall of Washington Mutual first emerged, thousands of people throughout the Puget Sound area searched for the facts; the Puget Sound Business Journal supplied them. The incisive and thorough nature of their reporting allowed interested readers to understand the full scope of the issues at hand and the challenges facing their families, their pocketbooks and their neighborhoods. Although the coverage brought devastating news, it was fair, accurate and held a redeeming value. The Newspaper's journalists provided an invaluable public service and never looked for accolades—they simply did their jobs to the best of their abilities.

Washington residents were greeted with extremely grim news the morning of November 29: four police officers had been shot and killed and the gunman was on the loose. The story—heartbreaking, complex, and infuriating—dragged on for more than 40 hours, with Times reporters, photographers, editors and producers working tirelessly to provide their readers with a comprehensive picture of the story as it unfolded. When the shooter was shot and killed early in the morning on a Seattle street, The Times was there to sift through the information and report the facts. The Times did a wonderful job reporting on an absolutely horrible and tragic string of events. I applaud them for their service to the community and congratulate them for the well deserved honor from the Pulitzer Committee.

The stories told by the Puget Sound Business Journal and the Seattle Times, although depressing and brutal in nature, prove that even in the midst of a sluggish economy and a fractured marketplace for quality journalism, our nation's newspapers play an absolutely vital role in society. It is especially gratifying, as a native of the Puget Sound region, to recognize the remarkable accomplishments of some "hometown" journalists. To name just a few individuals at the Times, I'd like to recognize Publisher Frank Blethen, Executive Editor David Boardman, Managing Editor Suki Dardarian and Assistant Managing Editor Jim Simon. In addition, Madam Speaker, it is nearly impossible to record the names of every

person at The Times who contributed to the voluminous and detailed coverage of those difficult incidents, so I want to recognize the work of the entire newsroom staff and their giving and patient families. Additionally, I'd like to recognize Puget Sound Business Journal publisher Emory Thomas, Jr., Editor George Erb, reporter Kirsten Grind, and the rest of the wonderfully talented people at the PSBJ. At this time, it is almost impossible to determine how all of us will receive our news in the future. Whatever the answer, we all hope it comes from the dedicated and talented professionals highlighted here. professionals highlighted here.

## HONORING WILLIAM CHANDLER

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate William Chandler upon being awarded with the "Lifetime Achievement Award" by the Veterans of Foreign Wars, Post 9896. Mr. Chandler was honored on Saturday, January 30, 2010, in Chowchilla, California.

Mr. William "Bill" Chandler was born in Waurika, Oklahoma. During his youth he moved to a small town near Bakersfield, California where he graduated from Arvin High School in 1962. Mr. Chandler attended Bakersfield College for two years, majoring in agriculture. In 1965 he enlisted in the United States Air Force. He completed basic training at Lackland Air Force Base in San Antonio, Texas, and was selected for specialized training as a photographic repairman.

After additional training, Mr. Chandler was selected for specialized duties and received top secret security clearance. He was sent to the Far East where he was assigned to the Tan Son Nhut Air Base near Saigon to work on classified photographic equipment used by reconnaissance aircraft to gather intelligence on Viet Cong and North Vietnamese forces. His tour in the Far East continued with an assignment to Japan at the Yokota Air Base, where he was assigned to the 67th Reconnaissance Technical Squadron in support of the SR–71 "Blackbird." He and his unit worked day and night to keep the equipment in good condition as the SR–71 flew missions over North Vietnam, Laos, and mainland China.

Upon completing his tour in Southeast Asia, Mr. Chandler was assigned to Beale Air Force Base in Marysville, California. He continued to work on the photographic equipment for the SR–71. In June, 1969, Sergeant Chandler received an honorable discharge from the United States Air Force and was transferred to the Air Force Reserve.

For his service, Sergeant Chandler was awarded the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal with device, the Good Conduct Medal, and the Republic of Vietnam Unit Cross of Gallantry with palm and frame.

Upon leaving active duty, Mr. Chandler was employed by the Extek Microsystems Microfilm Corporation from 1969 until 1973. In 1972, he married his wife, Nancy. Later he was employed by the First National Bank of Arizona for microfiche banking records. In 1975, Mr. Chandler began working for the Jet Propulsion Laboratory on the MARS/Viking Project. Mr. Chandler and his family moved to the Chowchilla area in 1977 where he continues to live and remains active in farming operations. From 2004 until 2009, Mr. Chandler worked for the Chowchilla Water District. He is a Life Member of the Chowchilla Veterans of Foreign Wars Post 9896, a member of the Chowchilla Masonic Lodge and the American Legion Post 148.

Madam Speaker, I rise today to commend and congratulate William Chandler upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Chandler many years of continued success.

## IN HONOR OF MAJOR JON M. LAUDER, USMC

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. SESSIONS. Madam Speaker, I rise today to recognize Major Jon. M. Lauder and his dedicated service to this great Nation.

After graduating from the Virginia Military Institute with a degree in Civil Engineering in 1994, he has served on active duty with the United States Marine Corps. He proudly served two combat tours in Iraq, including the initial assault into Iraq in 2003 as part of Operation Iraqi Freedom. After a combat tour in Eastern Afghanistan as a part of Operation Enduring Freedom, Major Lauder served as a U.S. military observer in Israel during the summer of 2006 during the Israeli-Hezbollah war. He is currently the Commanding Officer for the Marcie Corps Recruiting Station in Dallas, Texas.

On May 14, 2010, Major Lauder will be turning over his command and will move to Washington, DC for his new assignment at the Pentagon. It has been my distinct honor and pleasure to work with him. I proudly call him my friend and know that Major Lauder's dedicated service has made our Nation a safer and better place.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our heartfelt gratitude to Major Lauder. I wish him and his family all the best.

## HONORING KENNETH SULLIVAN

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. COURTNEY. Madam Speaker, I rise today to honor Kenneth Sullivan for his heroic response to a potentially disastrous situation during the severe flooding of eastern Connecticut last month. Kenneth is the director of the Jewett City Department of Public Utilities, which controls the Jewett City Sewage Treatment Plant. With the Quinebaug River rising rapidly at the peak of the storm, Kenneth immediately recognized that the $19.6 million plant and local residents were in danger and, with the help of his colleagues, moved quickly to avert disaster. I had the opportunity to visit the plant with Griswold First Selectman Philip Anthony during this emergency and saw firsthand Kenneth's great work and leadership as he rallied people from around the region to help protect the plant.

A soon as he realized the severity of the situation, Kenneth contacted state emergency preparedness and environmental organizations as well as summoned the help of the National Guard. He worked around the clock with colleagues, town employees, and local firefighters to surround the plant's pump station with sandbags and prevent the floodwaters from overrunning it. At one point during the storm, the water was said to have risen three feet in one hour. If it were to rise any higher than it did, close to 2,000 homes and the Quinebaug River itself would have been contaminated with backed-up, raw sewage.

By the end of the 36-hour ordeal, the integrity of the plant's structures remained and no sewage was lost. Kenneth was faced with a worst case scenario and achieved the best possible outcome through diligent planning and coordination. Not only was he wise to take advantage of the resources available to him, but he saw this job through and did so without hesitation. I ask all Members of the House to join me in honoring Kenneth Sullivan for his undying sense of service and commitment to the people of eastern Connecticut.

## CONGRATULATING DR. AND MRS. JAMES BURNE WHO ARE BEING HONORED BY THE SCRANTON KIWANIS CLUB FOR COMMUNITY SERVICE

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. and Mrs. James Burne for their outstanding community service for which they are being honored by the Scranton Kiwanis Club.

Dr. Burne maintains a general Dentistry Practice in South Scranton. He is a member of the American Dental Association and the Pennsylvania Dental Association and has been an active member of the Scranton District Dental Society since 1969. He has served as its president, a member of the board of directors and chairman of its dental health programs.

A graduate of the University of Scranton, Dr. Burne received his doctorate of Dental Surgery from Georgetown University School of Dentistry. He is also a graduate of the L.D. Pankey Institute for Advanced Dental Education and the Las Vegas Institute for Advanced Cosmetic Dentistry.

Dr. Burne is a Fellow of the Academy of General Dentistry and the American College of

Dentists along with additional fellowships and honors.

He served as a Captain in the United States Army Dental Corps and he is the recipient of the Frank J. O'Hara Award, University of Scranton.

He is a past member of the YMCA Board of Directors and is currently a member of the Scranton Chapter UNICO National, the Friendly Sons of St. Patrick and the Kiwanis Club. He also serves on the Advisory Board of Directors of Penn Security Bank.

Mrs. Mary Lou Burne is a graduate of Scranton Central High School, Keystone College, Millersville University and she pursued graduate studies at Marywood University. She is a former Special Education teacher with NEIU 19 and was the founder and director of its summer program for special needs children. She was also founder and director of the local Special Olympics and she received the Joseph P. Kennedy Jr. Foundation Award.

She has served as local and state president of the Youth Association for Retarded Citizens. She has served as trustee at Keystone College and she received its Distinguished Alumni Award. She was a member of the White House Conference on Children and is a past President of the Scranton District Dental Alliance. She received the Boy's and Girl's Club Champion of Youth Award and the Thelma Neff Award of the Alliance to the American Dental Association.

Dr. and Mrs. Burne are co-founders of the Family-to-Family Thanksgiving Food Basket Program that since 1986 has served over 175,000 people. For that service, they have received the following awards: Justice Michael J. Eagen Humanitarian Award; J.C. Penney Golden Rule Award, James Crowley Humanitarian Award; UNICO National Civics Illustris Humanitarian Award, National Association of Social Workers Public Citizens of the Year and letters of commendation from Presidents George H.W. Bush and George W. Bush.

Dr. and Mrs. Burne are the parents of four children: James 3d, Dr. Mark, Mary and Matthew Burne.

Madam Speaker, please join me in congratulating Dr. and Mrs. Burne on this auspicious occasion. Their outstanding service to community is inspirational and has earned them respect and admiration throughout the Commonwealth of Pennsylvania.

## HONORING 100TH ANNIVERSARY OF THE CITY OF BLUE LAKE, CALIFORNIA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. THOMPSON of California. Madam Speaker, I rise today in recognition of the 100th anniversary of the incorporation of the City of Blue Lake, Humboldt County, California.

Founded in 1877 by French pioneer Clement Chartin as a resort area popular for its sunny climate along the majestic Mad River, it was named for its once notable lake created by a record flood, now a small freshwater marsh of about 3.5 acres. Known today as the city "Where the Sunshine and the Sea Air Meet," Blue Lake remains a popular destination for its excellent river fishing and swimming.

The City of Blue Lake borders the historic ancestral Native American lands of the Wiyot Tribe, today represented by the Blue Lake Rancheria. Blue Lake once played a pivotal role in the robust logging industry and is the site of the historic Macintosh Lumber Mill. Since its closure in the 1970s, the city has adapted and evolved in its entrepreneurial spirit to attract a number of thriving, locally-owned businesses serving the North Coast and beyond.

Today, the city is home to important businesses and organizations such as the Dell'Arte International School of Physical Theater founded in 1974, Mad River Brewery founded in 1989, Mad River Grange, Blue Lake Family Resource Center, Wah-nika Women's Club, and Blue Lake Chamber of Commerce, among others.

Blue Lake will celebrate this centennial anniversary with two days of festivities in the spirit of the era including theater, an historic homes tour, and the filling of a time capsule. The vibrant people, culture, and surrounding landscape make Blue Lake a wonderful place to live and visit.

Madam Speaker, it is appropriate at this time that we recognize the City of Blue Lake, California on the occasion of its 100th anniversary of incorporation.

## IN RECOGNITION OF T.C. MARSH'S JUNIOR RESERVE OFFICERS TRAINING CORPS AND CORPORAL DAVID BATES

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. SESSIONS. Madam Speaker, I rise today to recognize T.C. Marsh Middle School's Army Junior Reserve Officer Training Corps (JROTC) and Corporal David Bates on their winning the National Middle School Drill Championship for the third time.

Corporal David Bates has led the JROTC program for the past eleven years. He has taught them the importance of personal responsibility, discipline, commitment, and hard work. Under his leadership, T.C. Marsh's JROTC has taken the prestigious title of National Champion three times in the past four years.

After spending countless hours practicing their drills, the cadets were ready to compete and capture the national title once again. In addition to practicing daily, cadets also garnered the support of teachers, families, friends, and the local community to raise $12,000 to help cover the cost of equipment and travel expenses. They are the essence of discipline, dedication, and hard work. By working together, the cadets have developed a mutual respect for each other and honed their leadership skills.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating the members of the JROTC and Corporal David Bates on their well-deserved victory. I commend them for their dedication and hard work and I wish them all my very best.

## ANTHONY GARRALDA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Anthony Garralda who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Anthony Garralda is an 8th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Anthony Garralda is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Anthony Garralda for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

## HONORING RONALD MOORE

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Dr. Ronald Moore upon being awarded the "Lifetime Achievement Award" by the Veterans of Foreign Wars, Post 9896. Dr. Moore was honored on Saturday, January 30, 2010 in Chowchilla, California.

Dr. Ronald Moore was born in Madera, California and raised in a rural part of the county where his parents were farm workers. At the age of ten, the family moved to Chowchilla. He worked in the fields during the summer months and after school while he was growing up. He played sports at Chowchilla High School and was a member of the 1955 Valley Championship football team. He received a football scholarship to the University of Nevada; due to a minor injury he did not play for the school. He did play football at Fresno Junior College. Upon graduating, Dr. Moore enlisted in the United States Marine Corps Reserve.

Dr. Moore attended Marine summer training, where he was awarded the Leatherneck Magazine Award for firing expert with the M–1 rifle. He attained the rank of sergeant in the reserves while attending California State University, Fresno. He also worked part-time at the Boys' Club of Fresno, the Clovis Library, the Catholic Youth Organization and taught and coached in Fresno Catholic elementary schools. He married his childhood sweetheart,

Shirley, in June 1961. In the same year, Dr. Moore began teaching and coaching, full-time, at San Joaquin Memorial High School. Two years later, he became the head football coach and athletic director at Memorial.

In 1966 the war in Vietnam was escalating and Dr. Moore entered active duty. He was selected for Officer Candidate School and upon completion, he was commissioned as a second lieutenant. Dr. Moore attended specialized infantry officer training at Quantico, Virginia. In late 1966 he commanded a replacement company at Camp Pendleton, California before shipping out to Vietnam.

Dr. Moore served with the First Marine Division, initially as an infantry platoon commander defending Da Nang Air Base. He was temporarily assigned additional duty with reconnaissance units and participated in patrols in the northwest sector of Vietnam and Laos. Dr. Moore served in one insertion by parachute with a South Vietnamese Ranger. He was responsible for directing artillery fire against heavy Viet Cong forces in the Que Sanh Valley. Dr. Moore was promoted to first lieutenant and later served with a rifle company as executive officer and commanding officer.

After fourteen months of serving in Vietnam, Dr. Moore received orders to return to the United States. In March 1968, Dr. Moore joined the Fifth Marine Division at Camp Pendleton as executive officer of Company L, 3rd Battalion, 28th Marine Regiment. Two months later he became the company commander. Dr. Moore was later promoted to captain and served as commanding officer of the 550-man Headquarters and Service Company of the battalion. He completed courses and training in Military Justice, Corrections, Investigations, Narcotics Investigations, Landing Force Planning and Fort Benning's Advanced Infantry Battalion Course.

During an amphibious landing operation, Dr. Moore suffered a debilitating injury, requiring him to undergo spinal surgery. During his hospitalization and rehabilitation, Dr. Moore took graduate level courses at San Diego area colleges. He returned to limited duty as an Assistant Operations Officer with the 3rd Marine Regiment. Shortly after, Dr. Moore was placed on the disabled retired list and he returned to Chowchilla. For his military service, Dr. Moore was awarded the Navy Commendation Medal with "V", the Republic of Vietnam Cross of Gallantry with bronze star, Combat Action Ribbon, Presidential Unit Citation, Navy Unit Commendation, Republic of Vietnam Unit Cross of Gallantry with palm and frame, RVN Honor Medal First Class, National Defense Service Medal, Vietnam Service Medal with three bronze stars, Vietnam Campaign Medal with device, Armed Forces Reserve Medal, RVN Civic Action Medal, a commendation from the Department of the Army, the RVN parachutist badge and four awards of the Expert Rifleman and Expert Pistol Badge.

After his career as a Marine, Dr. Moore returned to teaching. After six years of serving in various positions within the continuation school in Chowchilla, he was appointed as superintendent of the Chowchilla Union High School District. Dr. Moore completed graduate work at the University of California, Irvine, San Diego State, the University of South Carolina, the University of Arizona, University of San Francisco, California State University, Fresno and California Western University. He earned a master's and doctorate degree, as well as California teaching, counseling and administrative credentials. Dr. Moore served as superintendent for twenty-three years before retiring in 1999. Upon his retirement, Dr. Moore was honored by the State administrators' association, the California State Senate and the City of Chowchilla.

Dr. Moore is a Life Member of the Chowchilla Veterans of Foreign Wars Post 9896, American Legion Post 148, the Disabled American Veterans, and the First Marine and Third Marine Division Associations. He is a past President of Chowchilla Rotary and has served as chairman of numerous education-related committees. He is a member of local civic and regional committees and commissions including the Central California Criminal Justice Planning Committee, Chowchilla Parks and Recreation, Heritage Preservation Commission and the Utilities Committee. Dr. Moore is a member of St. Columba Church. Dr. and Mrs. Moore continue to live in Chowchilla. They have two children and six grandchildren.

Madam Speaker, I rise today to commend and congratulate Dr. Ronald Moore upon being named a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Dr. Moore many years of continued success.

## HONORING HONORS GOVERNMENT CLASS OF MARION CENTER HIGH SCHOOL

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. SHUSTER. Madam Speaker, I rise today to recognize the accomplishments of the Honors Government class of Marion Center High School, which took first place at the "We the People" Pennsylvania State competition at Valley Forge.

The "We the People" competition measures students' knowledge and understanding of the Constitution, and Marion Center's Honors Government class proved well-acquainted with our principles of government. The following students: Emilie Borst, Tori Buzzelli, Toni Corosu, Alycia Frampton, Jed Gallo, Cody Miller, Brandon Snickles, Nick Stanisha, Jozzie Stuchell and Sarah Wolfe have all demonstrated their thorough understanding of the supreme law of our land. These young men and women, as well as their teacher Chris Peters, should be commended on this impressive accomplishment.

Preserving our Nation's unique character requires an understanding of our Constitution that these students have so ably displayed. Their dedication to this important responsibility of citizenship is outstanding. I congratulate Marion Center High School's Honors Government class on its feat of civic knowledge and academic excellence, and I trust that these promising young citizens will continue to excel in their endeavors.

## ASHLEY ARRIAGA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Ashley Arriaga who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Ashley Arriaga is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Ashley Arriaga is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Ashley Arriaga for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## HONORING THE UNIVERSITY OF MICHIGAN MEN'S GLEE CLUB ON THEIR 150TH ANNIVERSARY

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. DINGELL. Madam Speaker, I rise today in recognition of one of the most respected and honored musical groups in the nation, the University of Michigan Men's Glee Club.

Alumni of this august group, which has received international acclaim for its outstanding singing over the years, will be hosting a reunion in Ann Arbor to help mark the 150th anniversary of the University of Michigan Men's Glee Club on April 8th through the 11th.

Since the class of 1859–1860, the University of Michigan Men's Glee Club has been entertaining audiences well beyond the boundaries of their namesake. Formed from many different glee clubs, the singular Men's Glee Club has become one of the signature facets of one of the world's foremost universities, which I have the pleasure of representing in Congress.

The group has toured around the world over the past 50 years on behalf of the university. It has been recognized for its excellence from New York City to Europe, South America, and Asia, as well as all across the nation and has won numerous competitions and awards.

The University of Michigan Men's Glee Club ensemble has been so successful and talented that it has spawned many subgroups, including the Friars, who patterned themselves on Yale's Whiffenpoofs. The group's sesquicentennial is being held this April and their camaraderie and tradition is so strong that over 400 alumni have registered to return to campus for the celebration.

Whether it is singing familiar U of M songs like "Laudes atque Carmina" and the alma

mater "The Yellow and Blue," or performing classical or humorous songs of the day, the University of Michigan Men's Glee Club has always carried itself with both class and enthusiasm.

There are many things for which I am proud of the University and having such a wonderful asset as the Men's Glee Club is one of my favorite reasons for that pride. As the second oldest of such musical groups in the nation, The University of Michigan Men's Glee Club will continue to bring excellence in musical performances for many more years to come, I am sure.

Madam Speaker, I hope the House will join me in saluting this outstanding musical ensemble on the eve of their 150th anniversary.

## ANTONIO VITALE

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Antonio Vitale who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Antonio Vitale is a 12th grader at Arvada School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Antonio Vitale is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Antonio Vitale for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## HONORING PATRICK GAMBLE

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. YOUNG of Alaska. Madam Speaker, today I would like to recognize Patrick Gamble for his service to Alaska and our Nation.

A decorated Vietnam fighter pilot and now retired Four-Star General, Pat served in the United States Air Force for 34 years and distinguished himself as a decisive and capable leader. His military service first brought him to live in Alaska in 1996 as the commander of Alaska's joint military command. Like so many of us who have moved into the State, he was enchanted by the Last Frontier and has remained under its spell.

After retiring from the Air Force, he returned to Alaska as President and CEO of the Alaska Railroad, the Nation's only full service, year round scheduled passenger and freight railroad, and in my opinion, the most scenic railroad in the country. It stands as a pillar in Alaska's economy and will play a key role in the future of our great State. Through Pat's vision, the railroad has grown dramatically and promoted economic development throughout communities along the railbelt.

Pat was recently selected to replace Mark Hamilton as the President of the University of Alaska, the State's 15-campus university system which provides for the educational needs of 32,000 students every year. This new position is a continuation of many years of educational leadership, including having served as the commandant of the U.S. Air Force Academy and on the boards of five schools. In addition to ensuring a quality education, he plans to focus his efforts as university president on gaining more public support for the University of Alaska, continuing the university's strong presence in research important to Alaskans, and engaging the university in broader State economic development opportunities.

General Gamble has earned himself a reputation as a strong leader and a man of outstanding personal character. He is an excellent asset to our State, and I am proud to have this opportunity to commend his continued service to Alaska.

## HONORING HUGH CODDING

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Ms. WOOLSEY. Madam Speaker, I rise today along with my colleague, Representative MIKE THOMPSON, to honor the life and memory of Hugh Codding, who helped shape and define Sonoma County over the course of the 92 years he was with us. He was a legend in his lifetime; a home builder, commercial developer, banker, city councilman, civic leader and philanthropist, who during the construction boom years of the 1950s and '60s, changed the face of the county forever.

He built his first home in the 1930s and honed construction skills in the Seabees in World War II and brought those skills home with him. He leveraged his $400 discharge pay into a construction project and with profits earned from that endeavor and a small bank loan, he built one of the first shopping centers in the state, the first of several he would eventually build in the county.

As much as he was a builder and developer, he was also a showman. He earned Time magazine designation as the wunderkind of the post-war boom by building an entire house in three hours and 18 minutes and a church in five hours and 16 minutes.

He gave back generously to his community, helping fund and sustain both the Luther Burbank (now Wells Fargo) Center for the Arts in Santa Rosa and the Spreckels Performing Arts Center in Rohnert Park. There was scarcely a non profit organization in the county that didn't experience his generosity, whether it was the 4–H Club, the Earl Baum Center for the Blind, the Santa Rosa Junior College Foundation, the Sonoma County Community Foundation, the Children's Health Network, Artstart, the Southwest Community Health Clinic, Planned Parenthood, the Blood Bank of the Redwoods, the Green Music Center, Santa Rosa Memorial Hospital, the Jewish Community Free Clinic, the Council on Aging, the Sonoma County Museum or the Boys and Girls Club of Santa Rosa and many more.

He is survived by his wife Connie; former wife Elizabeth Mulkey; son George David Codding; granddaughters Alexis Codding, Lois Codding, Lisa Codding Chodrick, Terra Saxton and his stepchildren Brian Baker, Pamela Reed, Lisa Malapit, Melinda Bailey, and Bradley Baker.

Madam Speaker, Hugh Codding was an influential and respected resident of Sonoma County who will be greatly missed. It is therefore appropriate that we acknowledge him today and honor his memory.

## BAYLEE LaMARINE

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Baylee LaMarine who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Baylee LaMarine is a 7th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Baylee LaMarine is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Baylee LaMarine for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## TRIBUTE TO JOHN WALTER CANTY

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. CALVERT. Madam Speaker, I rise today to recognize and honor the life of John Walter Canty, a close personal friend and valued community member of Riverside, California. On Thursday, April 1, 2010, John passed away. He will be deeply missed.

Born in Yuba City on June 30, 1940, John grew up in San Francisco and attended city schools and community colleges before enlisting in the U.S. Marine Corps in the early 1960s. After serving in the U.S. Marine Corps, he worked with the California State Department of Transportation, Division of Highways. He received his bachelor's degree in business management from the University of San Francisco. John passed his civil engineering licensing exam on the first try and became a registered Civil Engineer in California and Nevada.

In 1968, John accepted an engineering position with J.F. Davidson in Riverside. He worked his way to the top, becoming a partner with Davidson, and ultimately opening his own company in 1997, Canty Engineering Group. John eventually sold this company after years of success in order to travel with his wife, Jan.

Though he was known for having a sharp mind and many professional talents, John will be remembered most for his generosity and integrity. He was an active member of the Calvary Presbyterian Church and the Kiwanis Club of Uptown Riverside, which awarded him the Legion of Honor plaque in 2008 to recognize his more than 40 years of service.

On behalf of all those who knew him, it is my honor to offer these remarks as a tribute to the life and legacy of my friend John Canty. His life and presence will be sorely missed and I extend my condolences to his dear family and friends.

## HONORING JUDGE JOHN DE GROOT

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Judge John De Groot upon being awarded with the "Lifetime Achievement Award" by the Veterans of Foreign Wars, Post 9896. Judge De Groot was honored on Saturday, January 30, 2010 in Chowchilla, California.

Judge John De Groot was born and raised in Monterey, California. He graduated from Monterey High School in 1965 and enlisted in the United States Naval Reserve. He graduated from Navy boot camp at the San Diego Recruit Training Center. Judge De Groot was designated a Military Occupational Specialty as a Personnelman. While in the Reserve, he attended Monterey Peninsula College, earning an Associate in Arts degree in 1967 and a Bachelor of Arts degree from San Francisco State in 1969.

Upon graduating from San Francisco State, Judge De Groot was called to active duty and assigned to the Naval Air Station in Adak, Alaska. The Navy had taken over the former World War II Army Airfield at Adak and was using the facility as a deployment base for P–3 Orion maritime patrol aircraft. The mission of NAS Adak and its aircraft was the conduct of antisubmarine warfare operations against submarines and surveillance of naval vessels of the Soviet Union. After serving twelve months in Adak, his next duty station was aboard the USS *Hancock*, positioned in the waters off of Vietnam.

The USS *Hancock* was the first carrier in the fleet with steam catapults capable of launching high performance jets. The carrier was deployed in 1965 to join the Seventh Fleet as hostilities increased in Vietnam. While aboard the USS *Hancock*, Judge De Groot worked in the administrative center of the carrier; he prepared official documents for transmission to higher echelons, kept records, interviewed and counseled sailors, and maintained official officer and enlisted records. One of his most important abilities was his skill with working and dealing with a wide range of personalities of men involved in combat and the ongoing operations of an aircraft carrier in a war zone.

In 1971, Judge De Groot was released from active duty. For his service he was awarded the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal with device and the Naval Reserve Meritorious Service Medal.

In May 1974, Judge De Groot graduated from Hastings College of Law in San Francisco with a Juris Doctor degree. Later that year, he was admitted to the California Bar and to the U.S. District Court, Northern District of California. He was employed as a police officer in San Mateo, California from 1975 until 1977 when he left the Bay Area to accept a position as Deputy District Attorney in Madera County. In July 1982, he became Judge, Justice Court, of the Chowchilla Judicial District. Eight years later, Judge De Groot was elected to Judge of the Superior Court, Madera County and served in that position until his retirement in December, 2008.

Judge De Groot is a Life Member of the Veterans of Foreign Wars Post 9896 and is currently serving as the Treasurer of the Chowchilla District Historical Society. He and his wife, Jeannie, live in Madera. They have three children and nine grandchildren.

Madam Speaker, I rise today to commend and congratulate Judge John De Groot upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Judge De Groot many years of continued success.

## AUSTIN MOHNHAUPT

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Austin Mohnhaupt who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Austin Mohnhaupt is a 10th grader at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Austin Mohnhaupt is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Austin Mohnhaupt for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## FBI USING DIGITAL BILLBOARDS AS CRIME-FIGHTING TOOL

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. DUNCAN. Madam Speaker, before coming to the Congress, I served seven and one-half years as a Criminal Court Judge in Knoxville, TN. During this time I tried numerous felony cases, therefore, I have taken a special interest in law enforcement activities.

Some people make the claim that "there aren't any new ideas," but rather recycled, repackaged old ideas.

I would like to call your attention to the fact that the Federal Bureau of Investigation, FBI, has taken an old idea and made it better.

In the 1950s and 1960s when most us were growing up, the FBI would put up little photographs inside the Post Office of its "Most Wanted" list. The idea was that someone buying stamps or mailing a package would recognize a wanted fugitive, and contact the authorities.

Nowadays, the FBI is using donated high-tech billboards to publicize fugitives and to ask for help from the public. The results have been dramatic, especially in my State of Tennessee.

In 2009, a fellow was robbing banks in Tennessee and other states. He was so brazen that he did not bother to wear a mask or to conceal his weapon. For four months, the authorities worked to identify this serial robber.

However, within 24 hours of the suspect's image appearing on digital billboards in multiple States, law enforcement got plenty of tips, identified the fugitive, and later apprehended him in Missouri.

The FBI special agent in charge in Knoxville said this case highlights the importance of cooperation between law enforcement and citizens on behalf of public safety.

Encouraged by the success of catching a serial bank robber suspect last year, the FBI is using digital billboards again to identify the "Granddad Bandit," suspected in 18 bank robberies in Tennessee and other States.

On February 17, the FBI announced that digital billboards helped capture an FBI fugitive in northern New Jersey.

Besides the FBI, other law enforcement agencies are also using this tactic. The U.S. Marshal based in the Northern District of Ohio said he was impressed with the speed, the reach, and the effectiveness of digital billboards. A sex offender who escaped from a halfway house in Mansfield, OH, was arrested within 24 hours after his picture was posted on digital billboards in multiple States.

I applaud these federal law enforcement agencies for innovative use of technology to empower the public to help protect our safety. I'll always remember those thumbnail pictures of the "most wanted" at the Post Office. But now I'll also be looking for fugitives' photos on 14- by 48-foot digital billboards.

BETSABE MITCHELL

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Betsabe Mitchell who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Betsabe Mitchell is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Betsabe Mitchell is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Betsabe Mitchell for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

BRANDON APPLEHANS

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Brandon Applehans who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Brandon Applehans is a 10th grader at Standley Lake High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Brandon Applehans is exemplary of the type of achievement that can be obtained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Brandon Applehans for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING CHRISTIAN BROTHERS ACADEMY

## HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize Christian Brothers Academy of Lincroft, New Jersey which is celebrating 50 years of service and Catholic education in the Lasallian tradition.

Founded September 14, 1959, Christian Brothers Academy began with a freshman class of 150 boys and a faculty of six Christian Brothers, led by Brother Bernard McKenna serving as principal. Today, the academy remains an all-boys private high school with a rigorous college preparatory curriculum, with offerings in honors and advanced placement studies. The Academy has achieved numerous honors in education and extracurricular activities, making them one of the premier institutes of Catholic education in the area.

The Academy has grown in size, now serving over 900 students, 77 teachers, 54 executive and support staff, as well as over 9,000 committed alumni. It occupies a one hundred and fifty acre campus in Lincroft, NJ and is accredited by the Middle States Association of Colleges and Schools.

The Christian Brothers Academy is comprised of a community of scholars, volunteers and employees dedicated to developing a thriving educational environment, focusing on the holistic development of their students. The Academy is active in community service and outreach, stressing fraternity and camaraderie amongst all students, as well as the development of a community-centered work ethic and the ideals of Christian charity.

Madam Speaker, I sincerely hope my colleagues will join me in honoring the Christian Brothers Academy and their 50 years of service to New Jersey students and the community at large.

CONGRATULATING SUSAN PATTE FOR HER SELECTION AS "WOMAN OF THE YEAR" BY THE LACKAWANNA COUNTY FEDERATION OF DEMOCRATIC WOMEN

## HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Susan Patte of Scranton, Pennsylvania, on the occasion of her selection to be honored as "Woman of the Year" for 2010 by the Lackawanna County Federation of Democratic Women.

Mrs. Patte is a daughter of the late Aldone and Bernie Melesky.

She graduated from West Scranton High School in the class of 1963.

She went on to marry Anthony J. Patte and the couple has four children: Deborah Ann Riccardo, Susan A. Kahlau, Lisa Tulaney and Tony B. Patte.

Mr. and Mrs. Patte also have five grandchildren: Michael Riccardo, Tanner Kahlau, Alex Tulaney, Jack Tulaney and Annie Kahlau.

Mrs. Patte is employed as a bookkeeper and accountant in the Lackawanna County Treasurer's Office.

She served eight years on the Scranton School Board which included two years as President of the Board and one year as Vice President of the Board.

During her tenure on the school board, Memorial Stadium was refurbished and West Scranton High School was renovated. She participated in labor contract negotiations as part of her responsibilities. She also oversaw implementation of the federal No Child Left Behind Program and also helped develop the SAVES program that provides continued education for children who are expelled. She was also chair of the Special Education Committee during implementation of the federal IDEA program.

She is a past President of the Lackawanna County Federation of Democratic Women, having served in that office during 2007 and 2008.

Currently, she is serving as Fourth Vice President of the Pennsylvania Federation of Democratic Women.

She is an active community volunteer for organizations that include the Scranton Tomorrow Winter in the City Project and also the American Cancer Society's Ball of Hope Committee.

Madam Speaker, please join me in congratulating Susan Patte on this auspicious occasion.

Throughout her many years of outstanding service to her community, she has been an inspirational force in demonstrating to those who will follow her the importance of contributing to the betterment of her neighbors through political action and charitable volunteerism.

Clearly, Mrs. Patte has contributed to the improvement of the quality of life throughout the region and, for that, she has earned the respect and admiration of a grateful community in Northeastern Pennsylvania.

BURUK KIDANE

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Buruk Kidane who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Buruk Kidane is a 12th grader at Arvada School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Buruk Kidane is exemplary of the type of achievement that can be obtained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Buruk Kidane for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING CHARLES KEY

## HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Charles

Key upon being awarded with the "Lifetime Achievement Award" by the Veterans of Foreign Wars, Post 9896. Mr. Key was honored on Saturday, January 30, 2010, in Chowchilla, California.

Mr. Charles Key was raised in Henryetta, Oklahoma. At seventeen years old he enlisted in the United States Navy. Mr. Key completed Navy Boot Camp at the Navy Recruit Training Center at San Diego, California. After boot camp he was designated and trained as a Machinist Mate and was assigned to the USS *Boxer* CV–21, a twenty-seven thousand ton Essex class aircraft carrier. While on the *Boxer*, Mr. Key completed two deployments to the Western Pacific from 1950 to 1951.

The USS *Boxer* was returning from the Far East in 1950 when North Korea invaded South Korea. The carrier made a rapid turn-around as it was carrying needed Air Force and Navy planes, as well as personnel, and headed to the war zone in the Pacific. During the following months, Mr. Key and his shipmates worked diligently to keep aircraft in the air by providing air support for the United Nations' fighting forces ashore. Between 1951 and 1952, while aboard the USS *Boxer*, Mr. Key made three additional Korean War cruises. The planes from the USS *Boxer* hit transportation and infrastructure targets in North Korea and gave close air support to troops on the front lines. On August 5, 1952, while engaged in combat operations, a fire broke out on the hanger deck. The fire resulted in nine deaths, several aircraft were lost and there was significant damage to the hanger deck. Mr. Key and his shipmates worked non-stop, and within two weeks the USS *Boxer* returned to combat duties off the Korean coast.

Upon returning to the United States, Machinist Mate 3rd Class Key was honorably discharged from the Navy at the Naval District in San Francisco. For his service, Mr. Key was awarded the China Service Medal, the Navy Occupation Award, the Korean Service Medal, the United Nations Service Medal and the Good Conduct Medal. During his civilian career, Mr. Key was a California licensed electrical and air conditioning contractor.

Mr. Key is a Life Member of the Chowchilla Veterans of Foreign Wars Post 9896 and a member of the First Christian Church of Madera. Mr. Key and his wife, Christine, had two sons, three grandchildren and two great-grandchildren.

Madam Speaker, I rise today to commend and congratulate Charles Key upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Key many years of continued success.

## IN RECOGNITION OF THE ARMENIAN RELIEF SOCIETY'S 100TH ANIVERSARY

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. SCHIFF. Madam Speaker, I rise today to honor the Armenian Relief Society as it celebrates its 100th anniversary.

The Armenian Relief Society, ARS, established in 1910, is a non-profit organization devoted to community and cultural service. Initially a mostly women's organization, it empowered women to take leadership roles and act for the betterment of society, and encompass the importance of serving the needs of Armenian genocide victims.

As time elapsed, the goals of the ARS branched out to reach all communities in distress—Armenian and non-Armenian alike. In addition to disaster relief and assistance during wars and epidemics, the ARS has broadened its activities and developed a mission and a common purpose. Today, they address social, educational, developmental, and cultural roles within communities.

Over the course of a century, the organization has launched chapters in more than 26 countries. The ARS situated its western roots in Fresno in 1915 and has expanded to include 26 chapters in California, Nevada, Arizona, Texas, and Utah. Hence, the ARS of Western USA was established in 1984 in response to the growing needs of expanding communities. Geographical location has never steered members off their precise course of making a difference in local communities and around the world simultaneously.

The ARS's passion to help people has blossomed into various constructive projects. Since its establishment in 1980, Armenian Relief Society Social Services Centers have aided approximately 60,000 people annually regarding issues such as immigration, counseling, and services for the elderly. In the year 2000, the ARS Child, Youth & Family Guidance Center was created to provide a gateway to individuals and families suffering from problems such as marital and family conflicts and substance abuse. Supportive professional therapists offer individual and group psychotherapy, family psychotherapy, and crisis intervention. With the support of generous donors, the ARS continues to support such centers as well as schools, scholarship programs, cultural centers, health-care clinics, and orphanages to name a few examples. Today, ARS chapters also work hand-in-hand with other charities such as the American Red Cross, Catholic Charities, Salvation Army, and YWCA.

I am proud to recognize the past and present members and supporters of the ARS for their unique contributions to the global community, and I ask all Members to join me in congratulating the Armenian Relief Society for 100 years of dedicated service.

## BRIANNA McKNIGHT

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Brianna McKnight who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Brianna McKnight is a 7th grader at Mandalay Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Brianna McKnight is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Brianna McKnight for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## INTRODUCTION OF H.R. 5088, AMERICA'S COMMITMENT TO CLEAN WATER ACT

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. OBERSTAR. Madam Speaker, today I am introducing "America's Commitment to Clean Water Act," legislation to reaffirm the ability of the Clean Water Act to protect the Nation's waters, including wetlands. These waters support our nation's economic well-being, enable our quality of life, and sustain our environment for generations to come. Over its thirty-seven-year history, the Clean Water Act has restored countless rivers, lakes, and streams, protected drinking water supplies, and preserved water quality and water-related habitat essential to waterfowl, wildlife, and fisheries.

In 1972, Congress set a goal that the Nation's waters would be fishable and swimmable by July 1, 1983. Great progress toward that goal has been made, but 40 percent of our waters still do not meet the goals and standards of the Act.

In 2001 and 2006, two decisions of the U.S. Supreme Court threw the Nation's clean water programs into turmoil, creating confusion and uncertainty for communities, developers, and agricultural interests, and placing at risk the Nation's ability to restore, protect, and maintain water quality and the water-related environment.

Turmoil, confusion, and uncertainty are no way to run a program. The result has been increased processing times and backlogs as the agencies struggle to interpret the court decisions. That is why I developed legislation to restore the common understanding of the scope of the Clean Water Act based on decades-old interpretations of the U.S. Army Corps of Engineers and the Environmental Protection Agency.

The bill will ensure that the Clean Water Act can cover the same waters as it did under the regulatory decisions in place in 2001. These decisions were based on a common understanding developed over the 29 years of the Act as to defining its appropriate scope.

By restoring the common understanding and practice of protecting the Nation's waters and wetlands as existed prior to 2001, we can provide much-needed certainty to the regulated community, and avoid costly litigation over responsibility for protecting clean water. We can also restore bedrock protections for our citizens and our neighborhoods from polluters who place families and communities at risk.

Clean, safe water is a basic right for all Americans. Yet, unless we act, the Clean Water Act cannot ensure that right.

The New York Times reports that as a result of the Supreme Court decisions companies have spilled oil, carcinogens and dangerous bacteria into lakes, rivers and other waters without being prosecuted. EPA regulators working on those cases, estimate that more than 1,500 major pollution investigations have been discontinued or shelved in the last four years.

Data from 2008, the most recent year available, show there were over 20,000 beach closings and advisories that year due to pollution, and studies in the Great Lakes show that as many as 10 percent of beachgoers report getting sick after swimming in beach waters open for swimming.

Drinking water protection areas that contain one or more small or intermittent streams that would be vulnerable to pollution under the Supreme Court decisions provide drinking water to more than 117,000,000 people in the United States.

These examples demonstrate why we must act.

Two years ago I conducted a thorough hearing where I heard from two dozen witnesses on five panels of everything that was good and bad about my prior legislative proposal. I invited suggestions from any and all interested parties.

The bill I introduce today is a new bill that responds to those comments. It more clearly and specifically targets its one objective—addressing the SWANCC and Rapanos decisions, decisions I believe were wrongly decided.

Among the significant changes from my earlier bill:

To avoid the possible need for new regulations, the bill uses the current regulatory definition of "waters of the United States" to establish the scope of the Act.

The bill codifies an exemption for prior converted croplands.

The bill codifies an exemption for waste treatment systems.

The bill explicitly states that ground water is considered separately from "waters of the United States."

The bill explicitly states that it does not affect the authority of EPA or the Corps as that authority existed prior to SWANCC in 2001.

The bill places limits on Federal jurisdiction by specifying the Constitutional authority for the Clean Water Act, and preserving the Federal/State cooperation that is the hallmark of the Act.

The bill removes all language related to "activities". That term created unnecessary confusion on what would require a Clean Water Act permit. Since enactment in 1972, permits are required only for discharges.

The bill preserves the exemptions, limitations, and practices under the Act.

The bill includes multiple clarifying changes to emphasize that the bill will reaffirm and restore the original scope of the Clean Water Act, and not expand its geographic scope.

Opponents of legislation to restore the Clean Water Act characterize the restoration as a mammoth expansion of Federal power. Restoring the Clean Water Act is only an expansion to the extent the Supreme Court ignored the intent of Congress and 30 years of precedent by narrowing the Act.

Opponents argue that the Federal government should not require a permit for everything you do that might affect a wet area. I agree. The Clean Water Act never required such permits and I do not offer legislation that would do so.

Simply put, if it was not regulated before 2001, it will not be regulated with the enactment of the legislation.

Some people have opposed the Clean Water Act for decades, and it should not come as a surprise that these same groups are using recent Supreme Court decisions as justification to roll back protections under the Clean Water Act. For the sake of future generations, progress must not be rolled back. We must advance the cause of clean water by sustaining the original purpose of the Act.

In 1972, Congress voted overwhelmingly to overturn President Nixon's veto of the Clean Water Act and to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Since that time, Americans have overwhelmingly expressed their support for protecting our Nation's waters and keeping them safe from polluters. The bill will restore America's commitment to clean water.

## CARLOS REYES

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Carlos Reyes who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Carlos Reyes is a 12th grader at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Carlos Reyes is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Carlos Reyes for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## RECOGNIZING VOLUNTEER FAIRFAX AND THE WINNERS OF THE 2010 SERVICE AWARDS

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Volunteer Fairfax, and more particularly the contributions that its volunteers make to our community. Volunteer Fairfax mobilizes people and resources to meet regional community needs. Areas in which Volunteer Fairfax acts as a clearinghouse and matches volunteers to community needs include literacy programs, homeless and poverty assistance, emergency response and recovery functions, senior citizen assistance, education, and many more.

I am honored to pay tribute to the following winners of the 2010 Volunteer Fairfax Awards:

Community Champion Award Recipients are: Braddock District: Jeff Root; Dranesville District: Maya Huber; Hunter Mill District: Jim Larson; Lee District: Jane Hilder; Mason District: Frank Vajda; Mount Vernon District: Linwood Gorham; Providence District: Tysons Corner Center Employees Springfield District: Mike Thompson, Jr.; Sully District: Verdia Haywood; Fairfax County At-Large: Chris and Lisa Bright.

Competitive Award Recipients are: Adult Volunteer Over 250 Hours: Kevin Takeguchi; Adult Volunteer Under 250 Hours: Campbell "Cam" Gibson; Adult Volunteer Group: Digital TV Volunteer Team Family Volunteer: Renee and Sean McGinnis; Senior Volunteer: Ibrahim Barsoum; Volunteer Program: Homestretch Volunteer Program Youth Volunteer: Simrun Soni; Youth Volunteer Program: McLean Local Heroes; Corporate Volunteer Group: Excella Consulting; Rising Star: Zack Sanders.

Lifetime Achievement Award Recipient: Betty Powell.

Benchmark Award Recipients: A number of other individuals are being honored for significant contributions of time and energy to dozens of volunteer organizations in Northern Virginia. I congratulate and thank each of the Benchmark Award Honorees for their commitment to the community.

Madam Speaker, I ask my colleagues to join me in expressing our gratitude for the efforts of these volunteers and their colleagues at Volunteer Fairfax. The selfless commitment of these individuals provides enumerable benefits to Northern Virginia as a community as well as life-changing services to the individuals in need.

## CONGRATULATING THE 2010 ARAPAHOE COUNTY ICE WARRIORS PEE WEE HOCKEY TEAM

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, it is with great pride that I acknowledge the accomplishments of the 2010 Arapahoe County Ice Warrior Pee Wee Hockey Team. The Warriors fought to win the AA Colorado State championship and gallantly represented Colorado in the U–12 National Championships in Reston, Virginia. The high standards which the team met are, undoubtedly, representative of the passion and excellence found throughout my district.

The warriors withheld a Colorado Springs Jr. Tiger hockey team to win the State championship 3–2 thanks in large part to the offensive prowess of Josh Pusar, Zackary Dym, Jake Dosen, Brandon Yi, Patrick Wicker,

Andrej Lysak, Jack Jordan, Josh Fiegl, Andrew McCulley, and Ian Aylmer.

Despite continually facing older, larger and more experienced teams, the boys outhustled and outplayed opponents, demonstrating their tenacity and enthusiasm for the game. The defensive work of Charlie Kiefer, Jared Duncan, Jake Swenson, Pieter Gesink, Joel Walker, and Tanner Broschat cannot be understated and proved instrumental to the success of the team.

I must also acknowledge the indispensable role that goaltenders Jackson Schoech and Cameron Bukes played in netminding for the warriors: turning away a barrage of pucks and routinely securing victory for the Warriors.

I want to extend my congratulations to head Coach Ken Schoech and his assistants Patrick Sullivan, Matt McCarthy, and Charlie Kiefer, who helped mold these young athletes into the champions they are today. The elite status of the team could not have existed without the leadership of these mentors. They not only taught the skills of hockey, but more importantly, instilled a spirit of sportsmanship and camaraderie in the boys that will last long after this season.

## INTRODUCTION OF THE USE IT ACT

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. MARKEY of Massachusetts. Madam Speaker, recently, President Obama announced a 5-year offshore drilling plan that would allow oil and gas exploration in new areas off the East Coast and in the Eastern Gulf of Mexico. However, before oil companies drill off thousands of miles of pristine coastline, they should first use the thousands of drilling leases they already own.

Right now, oil companies hold the offshore drilling rights to an area the size of Pennsylvania on which they are not actually drilling. In fact, of 7,316 total offshore leases held by oil companies right now, only 1,844 are producing, according to the Interior Department. Production is occurring on only 8,894,428 acres on the Outer Continental Shelf out of 39,331,641 total acres leased to oil companies. That means that oil companies are producing on only about one-quarter of the leases and roughly 22 percent of the acreage that they hold offshore.

As a result, today I am introducing legislation that would provide an incentive to oil companies to move quickly to get oil to the market or relinquish the leases so that they could be developed by other companies. My legislation, the United States Exploration on Idle Tracts Act or the USE IT Act, would establish an escalating fee over time on nonproducing leases to encourage companies to expedite production. Similar legislation repeatedly passed the House in the last Congress with large, bipartisan majorities.

President Obama has also included this concept in his budget request for fiscal year 2011. The Department of Interior estimates that the proposed fee would raise $760 million over the next ten years—allowing us to drill for oil while also drilling for deficit dollars on behalf of U.S. taxpayers.

As gas prices once again move towards $3 per gallon, it is time to finally get oil companies to "use it or lose it" on their nonproducing leases.

## RECOGNIZING THE VOLUNTEERS SERVING WITH THE FAIRFAX COUNTY SHERIFF'S OFFICE

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the volunteers who assist the Fairfax County Sheriff's Office. These volunteers work with deputies and civilian staff to help inmates to improve their lives during incarceration and to prepare them for a successful transition back into the community.

With more than 500 deputies, the Fairfax County Sheriff's Office is the largest Sheriff's office in Virginia and among the largest in the country. These deputies perform invaluable services for Fairfax County residents to include providing court security, managing the detention center, and serving the civil law process. Volunteers with the Sheriff's Office help provide inmate programs and services at the Adult Detention Center (ADC) and Pre-Release Center, including mental health counseling, religious services, alcohol and drug support groups, health education, library services and job training.

Volunteers complete a Sheriff's Office training program and also work closely with staff to ensure that best practices are followed. The efforts of these volunteers improve the lives of those incarcerated, reduce recidivism, and make our communities safer.

Each year, the Sheriff's Office hosts a luncheon to thank all of the dedicated individuals who help make the volunteer program a success. The office also recognizes one individual in each service area and it is my honor to recognize these extraordinary citizens:

OPPORTUNITIES, ALTERNATIVES, AND RESOURCES—DON EHRETH

Don Ehreth became an active OAR volunteer in March of 2009. At the Family Outreach desk, Don lends a compassionate ear to the concerns of the families and friends affected by incarceration. While others are relaxing on a weekend, Don educates and provides information about the incarceration process and OAR services.

CHAPLAIN'S OFFICE—GLORIA RODRIGUEZ

Gloria has been a volunteer since January of 2009, teaching Bible studies, mentoring inmates, distributing Bibles and helping with administrative work. She is very committed, friendly and dedicated both to God and to the work of the Fairfax County Adult Detention Center.

EDUCATION—BILL RICHEY

Bill is the Education Program's Spanish GED instructor. His classes consist of Hispanic inmates who are ready to take the GED test. Because of Bill's efforts these individuals have the the opportunity to complete the education that they were unable to complete before.

ALCOHOL AND DRUG SERVICES—JOHN DAVIS

For over two years now, John has brought weekly AA meetings to more than 40 inmates participate in the Integrated Addiction Program (IAP), a therapeutic community treatment model for substance users. John is very passionate about helping these inmates, and thanks to his service we can help to address the scourge of substance abuse.

The outstanding efforts of the above-mentioned individuals are particularly noteworthy but one must acknowledge the nearly 300 volunteers who have contributed their time and support to the Sheriff's Office during the past year. These volunteers provide services that help to place inmates on a path to success. They offer their time that could be spent elsewhere to provide encouragement and support that will improve lives during incarceration and provide for a successful transition to help get inmates back on their feet. The efforts of each and every one of these volunteers is worthy of our praise.

The staff of Fairfax County Sheriff Stan Barry should be commended for their critical role in administering the volunteer program. The efforts of these staffers maximize the contributions of volunteers in the most effective way and provide the support that makes this program a success.

Madam Speaker, I ask my colleagues to join me in honoring the contributions of these individuals and all of the volunteers who support the Fairfax County Sheriff's Office. The selfless commitment of these individuals helps to provide enumerable benefits to Northern Virginia and life-changing services to the inmates being served.

## HONORING THE WORK OF THE REBUILDING TOGETHER SOUTH SOUND ORGANIZATION IN WASHINGTON STATE

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. SMITH of Washington. Madam Speaker, I rise today to honor the Rebuilding Together organization in their efforts to improve the lives of American homeowners with the greatest need, and help to ensure they have a safe and healthy place to call home.

Established in 1988, Rebuilding Together currently maintains over 200 active affiliates nationwide and works with more than 200,000 volunteers to rehabilitate 10,000 homes and community centers each year. The homeowners that Rebuilding Together serves include the elderly, disabled, veterans, and families displaced by natural disasters.

Rebuilding Together is the Nation's largest domestic housing organization that works to preserve homeownership and revitalize communities in a cost-effective manner by providing critical home repairs, accessibility modifications, and energy saving upgrades all at no charge to America's low-income homeowners. With the support of large volunteer teams, major corporations, and other contributors, Rebuilding Together leverages each dollar donated into an average of four dollars in added

market value invested into the low-income homes they serve.

In a time of widespread housing challenges and economic turmoil, Rebuilding Together's work allows the residents it serves to remain and live safely in their own homes. Rebuilding Together's efforts help prevent homeowners from losing their homes and help homeowners maintain their independence and retain what is in many cases their most significant asset of personal savings and intergenerational wealth. These efforts also help to support neighborhoods and keep communities from losing residents and experiencing declines in real estate value.

This weekend, I will have the pleasure of joining volunteers and Rebuilding Together South Sound in Washington State as they hold their annual Rebuilding Day. I look forward to supporting their work and helping to achieve their important goals.

With the help of community partners, corporate sponsors, and political leadership, Rebuilding Together makes it possible for thousands of Americans to thrive in their own homes and live in healthy communities. I ask my colleagues to join me in thanking Rebuilding Together for their efforts to ensure proper housing for veterans, senior citizens, the disabled, and displaced families in Washington and throughout the United States.

## IN RECOGNITION OF THE GROUNDBREAKING OF A NEW HABITAT FOR HUMANITY DEVELOPMENT

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today, joined by my colleague, The Hon. JAMES MORAN, to celebrate the groundbreaking of a new Habitat for Humanity development in Northern Virginia. This new development, Perry Hall, will provide homes to 12 families in Arlington County, Virginia.

Habitat for Humanity of Northern Virginia, an affiliate of Habitat for Humanity International, was founded in 1990 and is entering its 20th year serving Arlington and Fairfax Counties as well as the cities of Alexandria, Falls Church and Fairfax. Since 1990, Habitat for Humanity has built homes for 73 Northern Virginia families.

Habitat for Humanity is dedicated to the belief that all people deserve a safe and decent place to live. To qualify for a Habitat for Humanity home, the applicant must have lived in Northern Virginia for at least 1 year prior to application, currently live in either substandard or inadequate housing which may include overcrowded or unsafe living conditions, be willing to complete 300–500 hours of "sweat equity" to building of their home, earn only 25–50% of the area median income, and have adequate income to pay a 20–30 year zero interest mortgage with a 1% down payment.

The successes of Habitat for Humanity of Northern Virginia would not be possible without the support of their partnerships with individuals, corporations, civic organizations, associations and faith based groups from throughout the community. Equally important are the committed employees and volunteers who dedicate countless hours to achieve the goal of providing homes for those in need.

Madam Speaker, I ask my colleagues to join me in celebrating the groundbreaking of Perry Hall and in recognizing the invaluable contributions that Habitat for Humanity of Northern Virginia has made to the entire region. I would also ask that my colleagues join me in thanking the supporters, employees and volunteers of this wonderful organization for their ongoing dedication.

## CELEBRATING THE CENTENARY OF THE TOLEDO CATHOLIC DIOCESE

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Ms. KAPTUR. Madam Speaker, I rise today to recognize the Centenary celebration of the Catholic Diocese of Toledo, Ohio. The year long celebration began in October of 2009 with a Season of Preparation and now moves into its Season of Celebration. The Centenary concludes with a Season of Recommitment beginning October 8, 2010 through April 15, 2011.

The Toledo Roman Catholic Diocese was established by order of Pope Pius X on April 15, 1910. Its first bishop, the Most Reverend Joseph Schrembs was installed on October 4, 1911. The Diocese covers nineteen counties in Northwest Ohio including Allen, Crawford, Defiance, Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot. The region is urban, rural, suburban and every variety of ethnicity.

A century after its founding, the diocese serves 321,516 Catholics in 128 Parishes. Its services have grown to meet the needs of 21st Century Catholic life while adhering to traditional Catholic teaching. Today's faithful can look to a spirit of ecumenism, both lay and religious pastoral care, and ministries focused on youth, families, those who are aging and those who are alone.

Pope Paul VI said, "Liturgy is like a strong tree whose beauty is derived from the continuous renewal of its leaves, but whose strength comes from the old trunk, with solid roots in the ground." As the Toledo Catholic Diocese has travelled through a century of steadfast faith, challenge and opportunity, it has always been the bedrock for the faithful of our region. Even as we celebrate the milestone marker of 100 years in Christ's service, we look forward to the coming 100 years with renewed hope and faith.

## PAYING TRIBUTE TO VIVIAN JONES ON HER 40TH ANNIVERSARY IN PUBLIC SERVICE AS A MEMBER OF MY CONGRESSIONAL STAFF

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise today to commend my dear friend and colleague, Vivian Jones, on an illustrious public service career spanning 40 years in the United States House of Representatives.

But, my dear Vivian is more than just a coworker to me. We have maintained a personal and working relationship for the larger part of my political life that has proved abundantly edifying and rewarding. I consider her a true friend with not only great skills—one of the last people on earth who can take shorthand—but a great understanding of the nuances of dealing with politicians and the riggers of constituent casework. I am pleased to say that there are people that call up and want to speak to Vivian instead of me.

The many who have met and been touched by Vivian and her life's work can attest that she is equal parts strong mind and ample heart, a humble soul who cares deeply about the issues of the day and their impact on everyday people. And yet, she has been able to influence public decision making, develop activities of enormous impact and provide motivation, inspiration, and consolation to the younger members of my staff.

Vivian Jones goes back to my days at Weaver, Evans, Wingate & Wright. She was my Administrative Assistant when I first practiced law. She became a part of my campaign staff in March of 1970, when I, then a young New York State Assemblyman, challenged the legendary Adam Clayton Powell, Jr. for the Congressional Seat.

Upon election to the Congress, she joined the Congressional Staff as my Executive Secretary. As a freshman Congressman, I was the beneficiary of Vivian's previous experience with secretarial and paralegal work. She immediately became responsible for my schedule and constituent services in the district office, which was all done without computers in those early days of our careers in the House.

In 1975, Vivian succeeded Virginia Bell as my District Administrator. As my District Administrator, her responsibilities expanded to the role of a Chief of Staff in the District. Viv managed the district offices, directed work activities, supervised staff, and oversaw and coordinated activities in the different communities of my Congressional District. As a woman in this role in the 1970s and proceeding decades, she was quite an effective leader and powerful force in pushing my agenda forward in the district. She continued this role until January 1999, when Vivian reduced her work load and went part-time.

Although at part-time, my loyal colleague, Vivian Jones, still coordinates my schedule in conjunction with the scheduler in Washington, handles all personnel matters pertaining to the district staff, and prepares correspondences of

varying complexity for my signature. Vivian continues to arrive at the office in the wee hours of the morning on her assigned days. As always, she remains committed to offering a sympathetic ear or to jump start a slow or reluctant bureaucracy for a constituent.

Vivian's dynamic spirit and sense of purpose serves me and her fellow colleagues as the motivation and driving force of the office. I thank her for her incredible service over the years, her devoted friendship, and wish her many blessings.

## LUKE BRYAN, CMA "TOP NEW ARTIST" 2010

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Luke Bryan, of Leesburg, Georgia, who won the 45th Annual Academy of Country Music Award for Top New Artist on Sunday, April 18th in Las Vegas, Nevada.

All of us in Southwest Georgia are proud of his accomplishment and I would like to recognize and applaud Mr. Bryan's dedication and determination to his art. He has worked diligently, and his album, "Doin' My Thing," peaked at the Number Two spot on the Country Album Billboard. On behalf of my constituents in Georgia's Second Congressional District, I offer my congratulations on a job well done!

I cannot put into words the amount of pride that everyone in Leesburg, and indeed in the Second Congressional District, has in being able to claim this outstanding musician as one of us. He has accomplished a special goal, one that could not have been possible without the unrelenting support and encouragement from his family and community.

The "Top New Artist" winner was elected through fan votes by voting online in February and March. Residents of the City of Leesburg and the State of Georgia should be commended for the outstanding loyalty and support they displayed in voting for Mr. Bryan.

Madam Speaker, Luke Bryan has worked hard, persevered, made sacrifices, and developed the character that will help him to succeed. Once again, I congratulate Mr. Bryan on his achievement.

## THE DIVERSE TEACHERS RECRUITMENT ACT OF 2010

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mrs. DAVIS of California. Madam Speaker, I rise today to support the effort to bring more diversity to our national teaching force.

Striking statistics compiled by the Department of Education show a lack of diversity among teachers. During the 2007–2008 school year, an estimated 7 percent of teachers were African-American, 7 percent Latino, and 1.2 percent were Asian. More than 83 percent of teachers were white. A total of 75.9 percent of teachers were female and only 24.1 percent male.

Some educators believe this lack of diversity leaves some students without an inspiring role model to whom they can relate. The result may be lower test scores and higher dropout rates within some student demographics.

I am introducing the Diverse Teachers Recruitment Act of 2010 to address this lack of diversity. The legislation provides grants to school districts to create and implement recruitment programs to bring teachers from underrepresented groups into the classroom.

The grantee will track and compile data showing results of the program, including minority teacher recruitment rates. Data will also include the impact on student learning, growth, and attendance rates.

The Department of Education will analyze the programs and disseminate which were effective in recruiting teachers from underrepresented groups. Successful results could be replicated in other school districts.

It is a worthwhile effort to bring teachers from underrepresented groups into our classrooms. This legislation begins a national effort to build a teaching force that reflects the diverse population of the United States to enhance the learning experience of our students.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,871,255,665,556.84.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,232,829,919,263.00 so far this Congress. The debt has increased $8,206,250,340.50 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

## CELEBRATING THE 100TH BIRTHDAY OF THE TOLEDO BOARD OF REALTORS

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Ms. KAPTUR. Madam Speaker, I rise today to recognize the Toledo Board of Realtors on the milestone occasion of the 100th anniversary of its founding. The Toledo Board of Realtors was founded in February of 1910 by a handful of Toledo real estate brokers. The association's first president was Irving B. Hiett, who eventually assumed the presidency of the National Association of Realtors.

Formed as the Toledo Real Estate Board, its first membership consisted of about 28 brokers. The Board was formed to "Collect and circulate valuable and useful information pertaining to the real estate, manufacturing, industrial and mercantile interests of the city of Toledo and it's citizens; To oppose the enactment of laws detrimental to said interest; to encourage legislation for needed public improvements; to foster an equitable system of taxation and assessment and to secure the enactment and enforcement of laws and ordinances for the further protection, convenience and welfare of the real estate owners, leaseholders and brokers."

In 1910 the Board developed a map of every manufacturing site in the city indicating whether the site was on the water, rail or inland. In 1912 Multiple Listing Service was established and it was mandatory that all members include their listings. The brokers gathered in the Board office each week and exchanged information about their listings.

The Toledo Realtor magazine was first published, semi-monthly in 1928.

Since its inception, the Toledo Board of Realtors continues its efforts to protect consumers in real estate transactions, to promote affordable housing and to expand ownership and protection of private property rights. Its members maintain the highest degree of professionalism while fostering an expertise in the field in order to ensure able representation of clients.

Today the Toledo Board represents approximately 1400 Realtor members. They continue a tradition of excellence over the course of a century. We celebrate their achievements and honor the efforts of those on whose shoulders they stand.

## A TRIBUTE TO BROADCASTING LEGEND ROY ISOM

### HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. NUNES. Madam Speaker, the San Joaquin Valley has lost a broadcasting giant. Roy Isom, the "voice of agriculture" in the valley, passed away on April 15, 2010. Because agriculture is so vital to the survival of our communities, Roy could also be called the "voice of the valley."

Roy was in television and radio for more than four decades. San Joaquin Valley radio listeners were truly fortunate when he joined KMJ Radio Fresno in 1981 as news director and farm news editor. Roy produced an hour-long morning agricultural news show each day in tune with the needs and concerns of farmers and businesses in the valley. His program was influential in educating Californians about the important role agriculture plays in their lives.

Because of his outstanding reporting, Roy won two coveted awards. In 1994, he was the California Farm Bureau Federation Agricultural Reporter of the Year. In 2005, he was a recipient of the Fresno County Farm Bureau Heavy Puller Award. Roy won these awards because he was one of the best and most knowledgeable reporters on agricultural issues in California. It is a fitting memorial to Roy that a

scholarship in his name has been established with the Ag One Foundation at California State University, Fresno.

Roy was also member of the prestigious National Association of Farm Broadcasters and an active member of the Sanger Masonic Lodge.

Like all residents of the valley, I extend my condolences to Roy's family and friends during their time of grief. I can only hope that it is of comfort to those closest to Roy to know that the "voice of agriculture" may be silent now, but his legendary reporting on agriculture issues will be remembered for generations to come.

## COMMENDING DR. SHUKLA AND DR. GRADY FOR THEIR WORK IN INDIA

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. MCDERMOTT. Madam Speaker, I rise today to commend the critical medical work that was recently performed in Gujarat, India by Dr. Aseem Shukla and Dr. Richard Grady. Dr. Shukla is a pediatric urologist, Director of Pediatric Urology at the University of Minnesota Amplatz Children's Hospital and is the co-founder of the Hindu American Foundation (HAF). Dr. Grady is a pediatric urologist and a world-renowned expert in pediatric bladder reconstruction at Seattle Children's Hospital. Joining Dr. Shukla and Dr. Grady in India were Dr. Anjana Kundu, a Pediatric Anesthesiologist from Seattle Children's Hospital and Dr. Kenneth Smith, a Chief Resident in Urology at the University of Minnesota. I am especially proud of the fact that both Dr. Grady and Dr. Kundu are my constituents and that the Seattle Children's Hospital is in my district.

Dr. Shukla and Dr. Grady assembled their team of physicians and medical staff in the city of Ahmedabad and conducted 20 major reconstructive surgeries on children over an eight-day period, with each surgery lasting over twelve hours in duration. These children had serious urinary tract and genital abnormalities, which are the third most common congenital abnormality in the developing world. These abnormalities leave these children and young adults shunned and at the risk of further severe medical conditions. By performing these surgeries, these physicians have not only saved lives, they have transformed them.

While Dr. Shukla has been traveling to India twice a year for several years, with a commitment to build the much needed specialty of pediatric urology there with the support of the Hindu American Foundation. This latest medical mission could not have happened without the generous support of International Volunteers in Urology, a non-profit education and membership organization founded in 1995 by Dr. Catherine R. deVries. IVUmed's primary mission is to make quality urological care available to people around the world. The organization does so by organizing workshops where both physicians and nurses are trained and teams perform clinical evaluations, lectures, patient consultations and dozens of hands-on surgeries within a one to two-week period. In this way, IVUmed has provided treatment to thousands of men, women and children in nearly 30 countries in the areas of women's health, urology and tropical diseases.

IVUmed is unique because it is the only global nonprofit organization dedicated to teaching urology in developing countries. Their motto is "Teach One—Reach Many." Many physicians in developing nations do not have the resources to travel and acquire the necessary training to improve their skills. By training local medical professionals who then train residents and other doctors, IVUmed transforms urologic care for entire regions in the developing world on a permanent basis. The organization has an over 6,000 volunteers and supporters around the world. In addition to treating thousands of patients, providing medical and surgical education to hundreds of physicians and nurses, IVUmed has also donated over half a million dollars worth of supplies and equipment to doctors around the world.

I would also like to recognize the numerous Indian physicians who contributed to the success of this medical mission: Dr. Balagopal Nair and Dr. Mohan Abraham with the Amrita Institute of Medical Sciences and Research Center; Dr. P.K. Dave, Dr. Rakesh Joshi and Dr. Sudhir Chandna of the B.J. Medical College in Ahmedabad; Dr. Mahesh Desai with the Muljibhai Patel Urological Hospital; and Dr. D.K. Gupta and Minu Bajpai with the All India Institute of Medical Sciences.

Hindu philosophy teaches that Seva, or Service, if carried out selflessly, is the highest devotion. The compassion shown by this team of American and Indian physicians exemplifies this spirit. Their dedication in bettering the lives of so many children should serve as an insipration to us all. As a physician and the co-chair of the Congressional Caucus on India and Indian Americans, I would like to commend the joint efforts of the talented physicians and individuals who made this medical mission such a success.

## REFORM OF WALL STREET BANKS

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 21, 2010*

Mr. HOLT. Madam Speaker, I rise today to join my colleagues and the President in calling for comprehensive reform of Wall Street banks, to increase disclosure and transparency for the protection of the public and the stability of the economy.

As the President's statement yesterday indicated, at its peak, the "Shadow Banking System" financed approximately $8 trillion in assets, which in many instances were mismanaged largely without oversight, contributing to the economic collapse at the end of 2008. We are just recovering from the economic collapse—but without meaningful reform of Wall Street the public will continue to be at risk.

That is why I supported, and strengthened with several amendments, the Wall Street Reform and Consumer Protection Act when it was considered in the House in December. The legislation would implement important reforms that would limit the ability of financial institutions to "game the system," and provide regulators with the information they need to identify and manage systemic risk. I urge my colleagues to continue to fight for enactment of these necessary reforms.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 22, 2010 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

APRIL 23

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To resume hearings to examine Wall Street and the financial crisis, focusing on the role of credit rating agencies.

SD–G50

APRIL 27

10 a.m.

Commerce, Science, and Transportation

Competitiveness, Innovation, and Export Promotion Subcommittee

To hold hearings to examine promoting our national parks as travel destinations.

SR–253

Energy and Natural Resources

To hold hearings to examine the nominations of Philip D. Moeller, of Washington, and Cheryl A. LaFleur, of Massachusetts, both to be a Member of the Federal Energy Regulatory Commission.

SD–366

Judiciary

To hold an oversight hearing to examine the Department of Homeland Security.

SD–226

Small Business and Entrepreneurship

To hold hearings to examine Federal efforts to expand small business internet access.

SR–428A

Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine collaborative solutions to wildlife and habitat management.
SD–406

11 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine Wall Street and the financial crisis, focusing on the role of investment banks.
SD–106

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine putting safety first, focusing on strengthening enforcement and creating a culture of compliance at mines and other dangerous workplaces.
SD–430

2:15 p.m.
Foreign Relations
Business meeting to consider S. 2971, to authorize certain authorities by the Department of State, S. 3087, to support revitalization and reform of the Organization of American States, and the nominations of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Department of State, and Michael P. Meehan, of Virginia, and Dana M. Perino, of the District of Columbia, both to be a Member of the Broadcasting Board of Governors.
S–116, Capitol

2:30 p.m.
Intelligence
To receive a closed briefing on certain intelligence matters from officials of the intelligence community.
SH–219

3 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 745 and H.R. 2265, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, S. 1138 and H.R. 2442, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, S. 1573 and H.R. 2741, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, S. 3099, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir, S. 3100, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch, H.R. 325, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra Black Wash Reclamation and Riparian Restoration Project, H.R. 637, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, H.R. 1120, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, H.R. 1219, to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, H.R. 1393, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and H.R. 2522, to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project.
SD–366

APRIL 28

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine a national assessment of energy policies, focusing on significant achievements since the 1970s and an examination of U.S. energy policies and goals in the coming decades.
SD–124

Health, Education, Labor, and Pensions
Business meeting to consider the nominations of Joshua Gotbaum, of the District of Columbia, to be Director of the Pension Benefit Guaranty Corporation, and Eduardo M. Ochoa, of California, to be Assistant Secretary of Education for Postsecondary Education.
SD–430

Armed Services
Personnel Subcommittee
To hold hearings to examine military compensation and benefits, including special and incentive pays, in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.
SR–222

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold an oversight hearing to examine motor carrier safety efforts.
SR–253

2 p.m.
Health, Education, Labor, and Pensions
To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on standards and assessments.
SD–430

2:30 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold an oversight hearing to examine contract management at the Centers for Medicare and Medicaid Services.
SD–342

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine the President's proposed budget estimates for fiscal year 2011 for the Commodity Futures Trading Commission and for the Securities and Exchange Commission.
SD–138

Judiciary
To hold hearings to examine certain nominations.
SD–226

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1241, to amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer, S. 1571 and H.R. 1043, bills to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, S. 2762, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 3075, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws, S. 3185, to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and H.R. 86, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands.
SD–366

APRIL 29

10 a.m.
Health, Education, Labor, and Pensions
To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on meeting the needs of special populations.
SD–430

2:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Library of Congress and the Open World Leadership Center.
SD–138

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine developing Federal employees and supervisors, focusing on mentoring, internships, and training in the Federal government.
SD–342

Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

MAY 5

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine traumatic brain injury (TBI), focusing on progress in treating the signature wound of the current conflicts.
SR–418

10 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings to examine violence in Mexico and Ciudad Juarez and its implications for the United States.
SD–124

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's implementations of the American Recovery and Reinvestment Act.
SD–366

MAY 6

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.
SR–222

MAY 19

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending legislation.
SR–418

# HOUSE OF REPRESENTATIVES—*Thursday, April 22, 2010*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*April 22, 2010.*

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, we bless You and thank You for Mother Earth. Earth's beauty calls forth wonder in children and offers daily sustenance to the elderly. Earth is common ground for all human life and invites us to be respectful and grateful for her diverse gifts of land and sea.

Help us to learn from her seasons the wisdom of Your timing. May the variety of her species and the potential of her resources teach us prudence and perseverance. May her fruitfulness give witness to Your ever-faithful love; and her tilt to the Sun model our turn to You to face every need.

Earth is home for us all, but no one's lasting city. With all her laws of nature, Earth is stable yet ever-changing, making all dependent upon You both now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Connecticut (Mr. WELCH) come forward and lead the House in the Pledge of Allegiance.

Mr. WELCH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 222. Concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The message also announced that pursuant to Public Law 85–874, as amended, the Chair, on behalf of the President of the Senate, appoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

The Senator from North Dakota (Mr. CONRAD) vice The Honorable Edward M. Kennedy of Massachusetts.

The message also announced that pursuant to Public Law 94–201, as amended by Public Law 105–275, the Chair, on behalf of the President pro tempore, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress:

Patricia Atkinson of Nevada vice Dennis Holub of South Dakota; and

Joanna Hess of New Mexico vice Mickey Hart of California.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

## EXPAND GOLDMAN SACHS INVESTIGATION

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, all America has heard about ''too big to fail,'' and they are still pretty angry about that and the bailout of Wall Street. But now there is a new addition to the lexicon thanks to Goldman Sachs, and that is ''designed to fail for profit.''

Goldman Sachs worked with a hedge fund manager who put together collateralized debt obligations that he hand-picked because he thought they would fail. Goldman got a fee for putting them together, Goldman sold him insurance, or bets against them, and then Goldman went out and sold to unknowing investors those same securities as great investments.

We are thankful that the Securities and Exchange Commission is back on the beat after a long nap under the Bush administration and Chris Cox. We congratulate Chairwoman Schapiro, but we are asking her to expand the scope of her investigation to look at any credit default swaps that were paid to Goldman Sachs that involved these so-called Abacus instruments and whether or not we could reclaim those as ill-gotten gains for America's taxpayers.

## HONORING SERGEANT SEAN DURKIN

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, there are many heroes from Colorado who have fought and continue to fight in the global war on terror. Today I rise to pay tribute to one hero in particular, Army Sergeant Sean Durkin of Aurora, Colorado.

On March 27, 2010, Sergeant Sean Durkin and his fellow soldiers were on a mission near Forward Operating Base Wilson in Afghanistan when their convoy was struck by an explosive device. Sergeant Sean Durkin and two other brave soldiers exited the vehicle to respond to the blast but were all injured when a second improvised explosive device went off. Sergeant Sean Durkin was gravely wounded and ultimately succumbed to his injuries while at Walter Reed Army Medical Center.

In 2004, Sergeant Sean Durkin graduated from Eaglecrest High School in Colorado. Sergeant Sean Durkin is a shining example of Army service and sacrifice. As a former member of the Army and as a retired Marine officer, my deepest sympathies go out to his family and to all who knew him.

## GOLDMAN SACHS AND BAD BETS

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. President, last week we saw two stories about Goldman Sachs. It made record profits of $1 billion a month for the past 3 months and it was sued for civil fraud by the Securities and Exchange Commission for the manner in which it made that money misleading its own clients.

Goldman has transformed itself from one of the most respected institutions on Wall Street to one of the most reviled for putting itself ahead of its clients and the American people. The $1

billion designed-to-fail Abacus deal for the benefit of a hedge fund billionaire who needed to get richer did not create a single new job in America. It did not provide a single American family with a new mortgage. It didn't help a single new business get started. It did more to damage the economy than it could possibly have done to have helped it.

But the only difference with this Texas Hold'em new poker game that Goldman fuels is that when Goldman makes a bad bet the American taxpayer is the loser.

## JUDGE REJECTS FIRST AMENDMENT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Federal Judge Barbara Crabb sided with some atheists last week and wrongly ruled the National Day of Prayer is unconstitutional.

The first amendment to the Constitution states, ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.'' The judge obviously forgot the ''free exercise'' part.

Our Founding Fathers jealously guarded the right to free exercise of religious conscience. Thanksgiving was started in 1789 by President George Washington so the Nation could, ''Thank and pray to the Almighty for blessing America.'' We start each day of Congress with a prayer. Heaven knows we need it. We have a long history of honoring the religious foundation of America's liberty.

The National Day of Prayer does not seek to establish a government religion. Quite to the contrary, we specifically recognize one day each year the right of Americans to freely exercise their religion, free from anyone's interference, including atheists and Federal judges.

What's next, Judge Crabb? You going to ban Thanksgiving and Christmas as national holidays?

And that's just the way it is.

## EARTH DAY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, the last 40 years of Earth Day represent some of my personal highest hopes, fondest dreams, and greatest frustrations about the environment. At times we have watched retreat, denial, and in some cases destruction. But we have also seen people mobilized and government respond with groundbreaking legislation.

Today, Earth Day is not so much an issue of hope or despair as one of determination. The current path we are on is not sustainable. It's, indeed, destructive. More and more people know the devastating facts. But what is exciting is that we know what to do about it. From Girl Scout troops to community colleges to the United States military, people are moving in the right direction with solutions that are cost-effective and that most agree we should implement even if we aren't concerned about destabilizing the Earth's climate.

The Big question is, Where will we be on the 50th anniversary of Earth Day? Will we have risen to the challenge of global pollution, leading by example, making real progress to a low carbon future while we revitalize American industry to compete for business at home and abroad? We can, and I hope that we will.

## ENERGY AND THE FARM BILL

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. The Third District of Nebraska is one of the largest agricultural districts in the country and is home to more than 30,000 farmers and ranchers. Yesterday, the House Ag Committee took the first step on the road leading to a new Farm Bill.

Taking a comprehensive look at the agriculture sector requires us to be direct about the impact of policies coming from Washington to those 30,000 Nebraskans and agriculture producers throughout the country. Measures like the House-passed cap-and-trade bill will have dire consequences for agriculture. As higher energy prices hit other areas of our economy, farmers and ranchers will pay more for seed, fertilizer, equipment, energy, and other supplies.

My goal is to create policies which will strengthen U.S. agriculture and provide long-term stability for our Nation's producers who feed America and the world. We must not continue to saddle producers with onerous regulations which stand in the way of growth and only lead to more uncertainty.

## LETTER TO THE SEC RE: GOLDMAN SACHS AND AIG

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Mr. Speaker, I rise to ask the Securities and Exchange Commission to do their job. The letter Mr. DEFAZIO and I wrote to the SEC asks for nothing more and nothing less. The SEC has sued Goldman Sachs for potential fraud. Rather than jumping to the conclusion that there was no fraud or simply convicting Goldman Sachs in the court of public opinion, Mr. DEFAZIO and our 36 cosigners and I call for an expanded investigation by the SEC. Should fraud be found, we ask that any taxpayer money paid by AIG and obtained through fraudulent transactions be recovered.

Finally, we are asking that evidence of criminal wrongdoing be turned over to the Justice Department. The SEC must be serious about reining in companies who ignore our laws. I am committed to this cause, Mr. DEFAZIO is committed to this cause, and our 36 cosponsors are committed to this cause.

I invite all of my colleagues to sign onto the letter and join us.

## ELIMINATE SWEETHEART DEALS

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, I introduced a bill that would eliminate sweetheart deals. Recently, the current health care bill that got passed, I know in my area, in my town hall meetings, talking to a lot of Americans, people are concerned about the health care bill that just passed, but they are outraged about the sweetheart deals.

What do I mean? The $300 million that went to the Louisiana purchase, $100 million that went to a hospital in Connecticut. People are outraged because they feel it is their money, it is their taxpayer money, and they are very concerned about it. They feel it is buying votes.

And that's the reason I think we have such a low approval rating in this country, because they view it as backroom deals, secret deals. This bill will eliminate all the sweetheart deals that are in this bill.

I ask my colleagues to join me in eliminating sweetheart deals in the current health care legislation.

## THE AMT ADJUSTMENT ACT

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, a critical component of our economic recovery is tax relief for our middle class. I rise today to urge my colleagues to support the AMT Adjustment Act, which eliminates the AMT from the lives of most middle class families and greatly reduces it for the rest.

In places with a high cost of living like New York's Hudson Valley, more and more middle class taxpayers find themselves paying the excessive AMT. We must restore balance to the Tax Code and prevent this millionaire's tax from hitting the middle class for once and for all.

H.R. 5077 increases the amount of income exempt from the AMT and permanently fixes the tax by indexing it to the cost of living. Tax day is bad enough already, and it shouldn't have big surprises to the tune of thousands of dollars our families have to pay.

Congress must stand up for the middle class. I urge support for this bill.

## THE ADMINISTRATION AND ISRAEL

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to express my serious concern about the way the administration is dealing with Israel and how destructive I think their behavior is to our relationship.

I would like to remind the administration that the overwhelming majority of the Members of Congress, Democrat and Republican, but more importantly the overwhelming majority of Americans, fiercely support our friend Israel and expect the administration to reflect that in their behavior.

We have had this President go to Saudi Arabia and to Egypt to reemphasize how important it is to improve relations with the Muslim nations. He didn't visit Israel while he was over there to emphasize how important it was to keep and maintain support for our relationship with that Jewish State.

We have had Vice President BIDEN go there and condemn the construction of apartments in Jerusalem. Secretary Clinton did the same thing. Vice President BIDEN was an hour and a half late for a dinner with the Prime Minister. How disrespectful. When President Obama met with Netanyahu in the White House and had dinner with him, he walked out on that dinner. How disrespectful.

We expect more from our President when it comes to dealing with Israel than just disrespect. We expect a reemphasis of our support for Israel.

□ 1015

## EQUAL PAY DAY

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, this week we marked Equal Pay Day, a day when we recognize the unequal pay of women in this country. Today, women still only make 77 cents to every dollar earned by men. But this disparity is not a women's issue. It's a family issue.

There are just as many women as there are men in the workforce now, and women are the breadwinner or co-breadwinner in about two-thirds of all American families. That is why all of us, men and women alike, have such a big stake in eliminating this gap.

I was proud that my first speech as a freshman in this body was in support of the Lilly Ledbetter Fair Pay Act and when that legislation became the first bill that President Obama signed after taking office. I was proud when Maine had Lilly Ledbetter herself to visit our State last month. And I am proud of the fact that Maine has passed a comparable worth law and made great strides towards ending pay discrimination in our own State.

But for all we have to be proud of, we have so much more to do because when women are paid less, everybody suffers.

## END BAILOUTS ONCE AND FOR ALL

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. What's the difference between an ''orderly liquidation fund'' and a taxpayer-funded bailout? There is no difference.

Senate Democrats say they need $50 billion to create a new fund so the government can ''wind down'' failing financial firms. House Democrats want $100 billion more. Both bills increase taxes on consumers at a time when they can least afford it.

Once the bailout fund is in place, government bureaucrats will decide which Wall Street firms are too big to fail, and then they'll use your hard-earned dollars to pay off the firm's creditors. Sound familiar? It's what they did for companies like AIG with the $700 billion TARP bailout.

Now Democrats are pushing ''TARP Two.'' They want to give the government the power of a permanent bailout fund to get back in the game of deciding which of their Wall Street friends to rescue. And their bill does nothing about Fannie Mae and Freddie Mac—the two enterprises at the heart of the economic meltdown.

Republicans have better solutions. Our measure deals with Fannie and Freddie and places failed firms into bankruptcy. It also provides better and smarter regulatory reform, stops the policy of ''too big to fail,'' and protects taxpayers by ending bailouts once and for all.

## EARTH DAY

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, I rise today on the 40th anniversary of Earth Day to support the millions of people around the world who are dedicating their time and service to protecting our environment. I commend all of our citizens for their efforts to clean up our environment, but most of all, I look forward to seeing what we in Congress will do to support them.

I hope this will include passage of legislation I've recently introduced that will restore and protect the largest estuary on the west coast—the San Francisco Bay and its watersheds, which are a national treasure and a resource of worldwide significance.

I also encourage all of us to stand with our constituents this week who are lending their time and service to activities to clean up our environment. One town in my district expects over 5,000 people to dedicate their day to clean up the local shoreline. Earth Day is truly about service, and it's a great opportunity for friends and neighbors to come together on behalf of our planet.

## BAILOUT CULTURE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. With all of this talk about another big bank bailout and protecting companies that are too big to fail, I think we need to bring things back into perspective. The government should not be in the business of picking winners and losers—especially not at the expense of the American taxpayer.

America was built on freedom and free enterprise. Our Founding Fathers never envisioned a Big Brother government so entrenched in the private sector that it would prop up companies like Fannie and Freddie, rescue Wall Street, bail out AIG, and own car companies. What incentive does a corporation have to be responsible to its employees, customers, communities, and shareholders if it knows Uncle Sam is going to be there to pick up the pieces when it falls apart?

With unemployment at 10 percent and companies hesitant to hire new workers, I think the Democrats should realize it's time to stop playing CEO with taxpayer dollars.

## EARTH DAY IS OCEAN DAY

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, I rise today to commemorate Earth Day and speak of the important role our oceans play in combating global warming.

As we celebrate the 40th anniversary of Earth Day, we must remember that Earth Day issues are closely linked to ocean health. Think about it. Seventy percent of the earth is covered by water. The ocean plays a key role in climate formation. It is not only the atmosphere that collects $CO_2$, but also the oceans are trapping $CO_2$. That is why we have melting ice caps, rising sea levels, hotter-than-average temperatures, and more severe storms and periods of drought.

Ocean acidification has the greatest impact on corals, clams, oysters, and

crabs. The seafood that we eat, like salmon, depend on those. Ocean health is directly related to land health. As we learn about our responsibility for the sustainable well-being of our planet, we must become concerned citizens of oceans as well.

Earth Day is ocean day. Think about it. There is more ocean than earth.

## EPA'S CONTEST USING TAXPAYER DOLLARS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise to make Americans aware of a contest being held by the Environmental Protection Agency. In an attempt to explain how the bureaucracy works, the EPA has announced a video contest to encourage citizens to create videos that explain the Federal rulemaking process. The reward for showing how your government operates is a prize of $2,500.

To some, I realize that might not seem like a lot of money, but as my friend MARSHA BLACKBURN astutely pointed out, $2,500 is the total tax contribution for a working American making just under $30,000 a year. Do we really want to ask any American to hand their total tax payment over to someone who made a YouTube video?

Mr. Speaker, we must restore fiscal discipline in the Federal Government, and ending this kind of spending is a good place to start.

## HONORING ORENE ELLIS FARESE

(Mr. CHILDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHILDERS. Mr. Speaker, I rise today to honor the life of Ms. Orene Ellis Farese—a singular woman of great accomplishment, style, and uncommon beauty. Her home was Ashland, Mississippi, where she was a true partner of her husband, famed attorney John B. Farese. They served together in the Mississippi legislature—the first couple to do so in our State and the United States.

The Fareses became the parents of four exceptional children: John Booth, Kay, Steve, and Jeff. The Farese household was a lively and hospitable one, always open to friends and to children's friends.

Mrs. Farese taught by example and placed a high priority on service and excellence. She founded the Ashland PTA and the Arts Festival, served as a Scout and church leader, and was present at every activity involving her children.

In 1938, Mrs. Farese graduated from Blue Mountain College—a momentous accomplishment for a woman at that time. Through her continued leadership, Mrs. Farese was a role model for young women in Ashland affirming that they, too, could accomplish anything with their lives. The Fareses put the tiny town of Ashland on the map and raised the bar for everyone.

Today, their children continue the Farese legacy of giving begun by their parents. I ask my colleagues to join me in honoring this sterling example of Mississippi womanhood and her beautifully lived life.

## IT IS TIME FOR COMMONSENSE REFORM FOR WALL STREET

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Mr. Speaker, over the last 10 years, Washington failed to regulate our financial marketplaces, and some people on Wall Street took advantage of that to take ridiculous and dangerous risks with dollars that they couldn't back up. This must never be allowed to happen again. All across America, we know what happened. When Wall Street melted down, Main Street paid the price. It's time for us to put in place commonsense reforms to fix this system.

I was proud to support the financial reform that we passed here in the House last fall, and I look forward to getting a final bill in front of us. We must make sure that taxpayers never again are responsible for bailing out failed financial institutions. We must also protect our consumers from some of the risky and predatory behavior we saw in the marketplace from unregulated organizations pushing mortgages that couldn't be afforded. And we've got to inject transparency and accountability into our financial system. The fresh light of day will disinfect so many of the ills in our financial system.

This is about more than just reform. It's about strengthening the system and strengthening our economy and strengthening all of us in this country.

## MOTION TO INSTRUCT CONFEREES ON H.R. 2194, IRAN REFINED PETROLEUM SANCTIONS ACT OF 2009

Mr. BERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I have a motion to instruct conferees at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. Ros-Lehtinen moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2194 be instructed—

(1) To insist on the provisions of H.R. 2194, A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, as passed by the House on December 15, 2009; and

(2) To complete their work and present a conference report and joint explanatory statement by no later than May 28, 2010.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 30 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, this motion comes at a critical point in our efforts to prevent Iran from dealing a devastating blow to the security of our Nation, the security of our closest allies, and to global security and stability. The gravest threat comes from Iran's rapidly advancing nuclear weapons program.

Last week, Lieutenant General Burgess, the director of the Defense Intelligence Agency, and General Cartwright, the vice chairman of the Joint Chiefs of Staff, testified that Iran could produce enough weapons-grade fuel for a nuclear weapon within 1 year. But even with this alarming scenario, we may be too optimistic given the Iranian regime's long history of deception.

Last September, yet another secret Iranian nuclear facility was revealed—an underground uranium enrichment plant. Inspectors from the International Atomic Energy Agency, or IAEA, reportedly concluded that this facility's capacity is too small to be of use in producing fuel for civilian nuclear power but is well configured to produce material for one or two nuclear weapons a year. The regime has already announced that it intends to build 10 new uranium enrichment plants and will start construction on two in this coming year.

There is mounting evidence that Iran has been working on a nuclear warhead for many years. The IAEA's Iran report from February of this year stated that its inspectors had uncovered extensive evidence of "past or current undisclosed activities" to develop a nuclear warhead.

That same IAEA report, Mr. Speaker, raised concerns "about the possible existence in Iran of undisclosed activities

related to the development of a nuclear payload for a missile.''

Iran has long been at work on ballistic missiles and already has the ability to strike U.S. forces and our allies in the Middle East, such as Israel and in many other areas.

But Iran is not stopping there. A recent unclassified report by the Department of Defense estimated that Iran may be able to strike the United States with a missile by the year 2015.

□ 1030

The threat posed by the Iranian regime's nuclear ballistic missile and unconventional weapons capabilities is magnified by its continued support for violent extremism. According to this Pentagon report, Iran is ''furnishing lethal aid to Iraqi Shia militants and Afghan insurgents. And Iran provides Lebanese Hezbollah and Palestinian terrorist groups with funding, weapons and training to oppose Israel.'' The same report stated that ''Iran, through its longstanding relationship with Lebanese Hezbollah, maintains a capability to strike Israel directly and to threaten Israeli and U.S. interests worldwide.''

We know that Iran has a long track record of using these capabilities. The Pentagon report confirms that the Iranian regime has been involved in or has been behind what the report describes as ''some of the deadliest terrorist attacks of the past two decades, including: The 1983 and '84 bombings of the U.S. Embassy and annex in Beirut; the 1983 bombing of the Marine barracks in Beirut; the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina; the 1996 Khobar Towers bombing in Saudi Arabia; and many of the insurgent attacks on coalition and Iraqi security forces in Iraq since 2003.''

In other words, when the Iranian regime threatens America and Israel with destruction over and over again, they may mean it. Today the Iranian Revolutionary Guard is scheduled to begin a 3-day exercise involving their missiles and other weapons to demonstrate their ability to dominate the Persian Gulf and the Strait of Hormuz, the choke point for much of the world's oil supply.

Diplomacy and engagement have had no real impact on the regime in Tehran. As Iran sprints towards the nuclear finish line, deadlines set by the Obama administration for compliance have been repeatedly disregarded. Now the strategy appears to be resting on securing a new U.N. Security Council resolution. However, Russia and China see themselves as friends of the regime in Tehran and have publicly stated that they will not support a resolution that puts any significant pressure on Tehran. In fact, The New York Times reported last week that Secretary of Defense Robert Gates ''warned in a secret 3-page memorandum to top White House officials that the United States does not have an effective long-range policy for dealing with Iran's steady progress toward nuclear capability.''

Mr. Speaker, the Congress must fill this vacuum. We must not sit idly by and wait for Iran to detonate a nuclear device. In February of 2006, the Congress adopted a concurrent resolution, citing the Iranian regime's repeated violations of its international obligations, underscoring that as a result of these violations, Iran no longer has the right to develop any aspect of the nuclear fuel cycle, and urging responsible nations to impose economic sanctions to deny Iran the resources and the ability to develop nuclear weapons. Then we moved to strengthen U.S. sanctions on Iran and to render support to Iranian human rights and pro-democracy advocates through the passage of the Iran Freedom Support Act of 2006.

Yet again, the U.S. has yet to bring to bear the full force of U.S. punitive measures on the Iranian regime. We have failed to act quickly and decisively before. This may be our last chance to apply pressure on Iran before it is too late. So while the motion to instruct we are considering calls on the conferees to conclude their work by May 28, it is my hope, Mr. Speaker, that we will not wait that long. We must strike at the regime's vulnerabilities and do so quickly and effectively.

As such, the motion to instruct conferees insists on the House-passed version of H.R. 2194, the Iran Refined Petroleum Sanction Act, also known as IRPSA. Chairman BERMAN and I, along with several other members of the Foreign Affairs Committee and the House as a whole, have introduced IRPSA to target one of the Iranian regime's key vulnerabilities; namely, its dependence on imported petroleum products, especially gasoline. The House passed it overwhelmingly on December 15 by a vote of 412–12.

The sanctions bill we enact must match the gravity of the growing threat. There are several provisions that the conference report must contain if this legislation is to have any significant impact. Because Iran's energy sector and its dependence on refined petroleum are the regime's Achilles' heel, in the motion to instruct we must insist on sections 3(a) and 3(b), which strengthen sanctions regarding the development of Iran's petroleum resources and the export of refined petroleum products to Iran. We must not reward countries that allow their businesses and citizens to provide assistance to Iran's nuclear missile or advanced conventional weapons program to be rewarded with a peaceful nuclear cooperation agreement. Therefore, the House must insist on section 3(c), which prohibits such agreements being submitted to Congress or entering into force. We must insist, Mr. Speaker, on those provisions because the executive branch has not once applied sanctions under the Iran Sanctions Act on investment in the Iranian energy sector.

This problem originated more than a decade ago when former Secretary of State Albright exercised a sweeping waiver that turned that act into a paper tiger, and the State Department continues to ignore mandatory sanctions under that act on those who are assisting Iran's proliferation activities. We must also ensure that section 3(d) removes ambiguities regarding the President's waiver authority and, thereby, will ensure the speedy implementation of sanctions. And we must insist on section 3(f), which expands the definition of petroleum resources and products and closes loopholes in the original Iran Sanctions Act that have been repeatedly exploited by others. Because the Iranian threat will continue to grow, the House must insist also on section 3(h), which extends the Iran Sanctions Act by 5 years. And because we must not let those who have already violated our laws off the hook, we must insist on sections 4(a)(1), 4(a)(2), and 4(b)(1).

Mr. Speaker, I urge my colleagues to support this motion and ask conferees to embrace it and commit to sending the strongest possible bill to the President's desk. The clock is ticking. The centrifuges in Iran are spinning. Our time has almost run out.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the ranking member's motion to instruct. The world faces no security threat greater than the prospect of a nuclear-armed Iran. We must make certain that the prospect never becomes a reality. A nuclear Iran would menace, intimidate, and ultimately dominate its neighbors. It would be virtually impervious to any type of pressure from the West, whether regarding its support of terrorism or its crushing of freedom and human rights at home, and it would touch off a nuclear arms race in the Middle East that would shred the Nuclear Non-Proliferation Treaty and almost inevitably lead to catastrophe. And worst of all, Iran might actually use its nuclear arms against those it considers its enemies.

The urgency of this issue is beyond dispute. Iran quite possibly will be capable of developing and delivering a nuclear weapon in the next 3 to 5 years, and our task of preventing Iran from achieving nuclear weapons capability is made more complicated by the fact that we all know that our best weapon for fighting this battle—economic sanctions—takes time to work. So we need the strongest possible sanctions, and we need them fast.

That's why I support this motion to instruct. The House bill, H.R. 2194, the

Iran Refined Petroleum Sanctions Act, is a good, strong measure; and I and my fellow conferees will fight for it in conference. We will also work with the Senate on measures to help Iran's brave dissidents circumvent regime efforts to block their communications.

Our colleague, the gentleman from Florida, will speak about an additional provision with respect to State decisions to disinvest that we want to include in this conference report. And I want to send this bill to the President by or before the May 28 deadline proposed in the motion to instruct.

This bill, along with the Senate bill, has already done much good. In recent months, in anticipation of our sanctions becoming law, several major energy companies have ceased selling refined petroleum to Iran. Others have announced they will not make new investments in Iranian energy. They are making the sensible choice that our bill encourages, choosing the U.S. market over the Iranian market. More will make that choice when our bill becomes law.

Meanwhile, our bill is goading other nations to intensify their efforts to achieve a sanctions resolution in the U.N. Security Council, and our own executive branch is getting the message that Congress is able and willing to take the grave matter of sanctions into our own hands.

April 30 will mark 1 year since we first introduced this sanctions legislation. Since then, Iran has increased the number of its working centrifuges and has reached the one-bomb equivalent level in its stock of low-enriched uranium. It has enriched uranium to 20 percent, a big step on its way to mastering the process of producing weapons-grade uranium, and has installed advanced third-generation centrifuges. It has been caught red-handed building a secret reactor near Qom, which research suggests could only have been intended for bomb-making purposes, and it has announced plans to build 10 more reactors.

Iran is in contempt of the international community, and I had hoped that a U.N. Security Council resolution requiring tough sanctions, followed immediately thereafter by additional muscular sanctions imposed by the European Union, would have happened by now. I know the administration is doing everything possible to bring that result about. Unfortunately, we are now nearly 4 months into 2010 with Iran on the verge of nuclear weapons capability and a U.N. Security Council resolution remains an uncertain prospect. We cannot wait any longer.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Foreign Affairs Subcommittee on the Middle East and South Asia.

Mr. BURTON of Indiana. I thank the gentlelady for yielding.

You know, I think my colleagues have very eloquently explained the contents of the bill and what we need to do. But the thing I would like to talk about for a minute or two are the ramifications for America and the rest of the world if we don't do something. We get about 30 to 40 percent of our energy from the Middle East, and if I were talking to the American people, I would just say to them that if you look at your lights and you look at the energy you need for your car and for everything else, heating your house, you need to realize that if Iran develops a nuclear capability and that whole area becomes a war zone, the Persian Gulf, where a lot of oil is transported through, we would see a terrible problem as far as our energy is concerned, and that would directly affect our economy.

□ 1045

So it is extremely important that we do something and do something very, very quickly. We have waited too long. We have been talking about negotiating with Iran and putting sanctions on them for the past 4 or 5 years, trying to get our allies to work with us. The fact of the matter is nothing has happened, and Iran continues to thumb their nose at the rest of the world. This is a terrible, terrible threat. A terrorist state, Iran, with nuclear weapons is not only a threat to the Middle East, to Israel, our best ally over there, but it is a threat to every single one of us.

They are also working on intermediate range missiles and possibly intercontinental ballistic missiles. If they get those, nobody is safe. So it is extremely important that we take whatever measures are necessary to stop Iran from developing nuclear weapons.

Now, today we are taking a great first step. I hope when this goes to conference committee we come out with something that is so strong it really will have an impact on what Iran does. But if it doesn't, it is important that everybody in the world realize that we have to stop Iran from developing nuclear weapons because it is a threat to every single person on this planet in one way or another. We have got to stop nuclear proliferation, but the first thing we have to do is stop Iran, a terrorist state, from getting nuclear weapons.

I thank the gentlelady for yielding.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to a distinguished member of the Foreign Affairs Committee, the gentlelady from Texas (Ms. SHEILA JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the chairman very much both for his leadership and for this opportunity, with the ranking member, to really discuss and reinforce some of the principles that many of us support in a bipartisan manner. But I rise today to simply encourage the conference on this legislation and to be able to simply chronicle efforts that I think were not wasteful, but constructive.

I do believe the administration's effort at engagement was constructive and not wasteful. It is always important—for those of who us are lawyers—to create the record, the building blocks for the final decision of the court of law. In this instance, the court of law is the combination of the American people, this Congress, and this administration, and it is, likewise, the world community, the United Nations.

Also, the people of Iran are speaking and they are speaking loudly. No one can forget that fateful picture of a young lady lying in her own blood during the uprising of the people of Iran, not provoked by any world standards or provocation, but for the people of Iran simply saying enough of the despotism of this administration, of their country; enough is enough. They were willing to die in the streets. They took to the buildings to make loud noises at night, and they continue to pounce over and over again.

Iran is a challenge, and it is a terror around the world. Having just come back from Yemen, Bahrain, Qatar, and Pakistan, everywhere you went individuals, leaders in government were willing to indicate what a threat Iran was. Just yesterday, in a hearing on Syria, questions are now rising as to Iran's participation in funding Hezbollah to go into Lebanon. Of course some of those particular points are being denied, but frankly I think if there is any reason to move forward on a conference, it is the concept of the disruption of Iran in the region.

There are those who are in the Mid East who want peace. From Jordan, to Israel, to other places around, they want peace. If we begin to look at Yemen, that is in a distant location, a place where I visited, we know that it is an al Qaeda cesspool. We know that there are young men there that are susceptible to recruitment. All of this provides for a disruptive arena, and we here in this country must provide the moral standing of peace and democracy for those who desire so.

So I rise to support the people of Iran, those who are willing to sacrifice their lives and go into the streets. And it is well known that whatever we have tried to do, the engagement of the Cold War, the standoff, Iran continues to seemingly put forward its nuclear efforts.

I ask for support of this legislation, and I ask my colleagues to vote for this motion to instruct.

Mr. Speaker, I rise in support of H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009. This legislation provides another tool for the President to prevent Iran from developing nuclear weapons by allowing the administration to sanction foreign firms who attempt to

supply refined gasoline to Iran or provide them with the materials to enhance their oil refineries. These sanctions would further restrict the government of Iran's ability to procure refined petroleum. Currently, the availability of petroleum products is stagnant in Iran. Private firms have decided that the government of Iran's refusal to cooperate with the multilateral community on nuclear proliferation generates a significant risk to doing business with Iran.

I would like to thank Chairman BERMAN for incorporating 1 my concerns about the human rights situation in Iran into the findings of this legislation. It is important that we acknowledge that, throughout 2009, the government of Iran has persistently violated the rights of its citizens. The government of Iran's most overt display of disregard for human rights happened in the presidential elections on June 12, 2009. As I said on June 19, 2009, "We must condemn Iran for the absence of fair and free Presidential elections and urge Iran to provide its people with the opportunity to engage in a Democratic election process." The repression and murder, arbitrary arrests, and show trials of peaceful dissidents in the wake of the elections were a sad reminder of the government of Iran's long history of human rights violations. The latest violations were the most recent iteration of the government of Iran's wanton suppression of the freedom of expression.

It is important that we are clear that our concerns are with the government of Iran and not its people. The State Department's Human Rights Report on Iran provides a bleak picture of life in Iran. The government of Iran, through its denial of the democratic process and repression of dissent has prevented the people from determining their own future. Moreover, it is the government of Iran that persecutes its ethnic minorities and denies the free expression of religion. As we proceed with consideration of this legislation, we should all remember that the sole target of these sanctions is the Iranian government.

Mr. Speaker, the government of Iran has repeatedly shown its disdain for the international community by disregarding international nonproliferation agreements. Iran's flagrant violation of nonproliferation agreements was evidenced most recently in the discovery of the secret enrichment facility at Qom. The government of Iran's continued threats against Israel, opposition to the Middle East peace process, and support of international terrorist organizations further demonstrate the necessity for action.

Iran's recent actions towards the international community reflect a very small measure of progress. Iran's decision to allow International Atomic Energy Agency, IAEA, inspectors to visit this facility was a positive sign, but not a sufficient indication of their willingness to comply with international agreements. The recent announcement that Iran will accept a nuclear fuel deal is also indicative of their willingness to engage in dialogue, though it remains to be seen what amendments they will seek to the deal. While these actions indicate a small degree of improvement in Iran's position, the legislation before us today demonstrates that only continued dialogue and positive actions will soften the international community's stance towards Iran.

I would also like to emphasize that the legislation before us provides only one tool for achieving Iran's compliance with international nonproliferation agreements. I continue to support the administration's policy of engagement with Iran and use of diplomatic talks. I believe that diplomacy and multilateralism are the most valuable tools we have to create change in Iran. After those tools fail, I believe that the sanctions are an appropriate recourse.

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored to yield 2 minutes to the gentleman from California (Mr. ROYCE), the ranking member on the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. I thank the gentlelady for yielding time.

As ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade, I strongly support this motion to instruct.

I think it is important for all of us to realize that right now Iran is at its weakest point in terms of its capacity to manufacture enough refined petroleum. It has to, at this point for its gasoline, import that into the nation. Already the impact, the effect of this legislation even coming up on the floor has been effective in backing companies away from doing business with Iran. Imagine what the effect will be if we pass this legislation. Imagine the impact it will have and the pressure that it will bring to bear because the threat of this legislation has already produced a situation in Iran that is very, very difficult for civil society and is making people understand the cost and the consequences for Iran to continue down this road.

Now, this morning the GAO will release a report that shows that foreign commercial activity in Iran's energy sector is going to begin to increase, and that will provide cash for Iran's nuclear program. That is why this bill is so important. A similar report 3 years ago showed half as many companies involved in this sector; now it is on the increase. The usual way of doing business of not standing up to the Russians and the Chinese and to others cannot continue; we have to take action.

Time is not on our side. Enrichment capability, the key aspect of a nuclear weapons program, is being mastered by that government. Not so long ago, I remember talking here on the floor about Iran's 164 centrifuges, and now the progress is measured in thousands and thousands of centrifuges. It is working on a weapon design, my colleagues, and may have a missile to carry that warhead to the United States within 5 years' time.

Today, the world's top terrorist state has its tentacles throughout the region.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank the chairman for his leadership on this issue.

As the chairman knows, I have some reservations about the effectiveness of a sanctions regime, but there is no question in my mind but that the worst thing that could happen is military confrontation because that would in fact unite the Iranian people against America and on the wrong side of history.

Now, it is too easy to think of Iran as a monolithic people. The reality is that Iran is the successor to the great Persian civilization, and it is a very diverse civilization. I share the chairman's concern about the current Government of Iran, which I don't think is consistent with Persia's history; and in fact their actions have been inexplicable and inexcusable. And the chairman is right, obviously, to respond. But the reality is that a very substantial portion of the Iranian population, perhaps a majority, in fact embraces American values of democracy and human rights and individual freedoms of expression, collective gathering, and freedom of worship; but they are not able to do that today.

I appreciate the fact that the chairman is determined to allow the technology that would enable the population to communicate their ideas, in fact to mobilize for the best interests of their nation and their future. We ought also to limit the availability of technology that the regime is using for precisely the opposite purposes: to censor and to perform surveillance against those people who would like to empower the Iranian people to take control of their own future.

This bill will be supported, it should be supported, and, again, I appreciate the chairman's leadership.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield an additional 1 minute to the gentleman from California (Mr. ROYCE), the ranking member of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. I thank the gentlelady.

For those of us who have engaged in this region and have watched neighboring countries to Iran, watched their propensity to react as Iran has sped up its development, each of those countries is now looking at going nuclear. I would ask my colleagues to think about those neighbors of Iran that would create a heavily nuclearized Middle East should Iran succeed in this and what the impact would be. We can only imagine the turmoil and the tensions that will come to the Middle East should we not succeed in this effort to prevent Iran from developing these nuclear weapons.

Tomorrow's nuclear Iran would thus have a compounding effect with severe consequences for regional security and, as I pointed out earlier, for U.S. security. So the time for action has long passed. This bill will greatly help because it targets Iran's Achilles' heel at

perhaps the only time that we can effectively do that.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the author of Florida legislation with respect to disinvestment from Iran's energy sector, our newest Member, the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Mr. Speaker, the motion before us today is based on the simple fact that a nuclear-armed Iran is an unacceptable threat to our national security, poses an existential threat to our vital ally, Israel, and will ignite a destabilizing arms race throughout the Middle East.

We must take whatever action is necessary to prevent Iran from acquiring nuclear weapons. Iran is the world's leading sponsor of terror; its President denies the Holocaust, and he has openly declared his intention to wipe Israel off the map.

To be included among the powerful sanctions in this legislation is the removal of barriers that State pension boards raise which prevent the divestment of holdings in companies that help to fund Iran's nuclear weapons program.

In 2007, the Florida legislature passed critical legislation that mandated that workers' pension funds could not be used to support Iranian nuclear weapons. In Florida alone, we removed more than $1 billion from companies that put their profits ahead of this Nation's national security. That is one State. This legislation will permit every State to divest from Iran just as Florida and 20 other States have already done. The divestment effort will become a full-fledged movement.

The threat from Iran is real. This threat is unacceptable, and it demands this aggressive effort on the part of the United States and our allies.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Texas, Judge POE, a member of the Committee on Foreign Affairs, because that's just the way it is.

Mr. POE of Texas. I thank the gentlelady for yielding.

Mr. Speaker, Iran is the world threat. They along with North Korea are working together to plot and build nuclear weapons to threaten the rest of the world.

Ahmadinejad, the little fellow from the desert, has already said that when he gets nuclear weapons, his first target is Tel Aviv in Israel. He has made it clear to the world that he wants to destroy Israel and he wants nuclear weapons; he wants missiles from North Korea to do that. But his threat is not just to the Israelis. It is to the entire region, and even to the United States. He continues to rant about how he wants the destruction of the West.

He helps Hezbollah in the north and he helps Hamas in the south both to engage and cause terror in Israel. Our answer has been, Well, let's talk to them; let's tell the Iranians that they're not playing nice, that they are going to cause problems in the world. Mr. Speaker, we cannot adopt the Neville Chamberlain philosophy and fool ourselves that the Iranians will honestly negotiate with the world. They lie to the world and the United States so they can buy time to build their nuclear weapons. More talking will not bring peace in our time. It will only allow them to build nuclear weapons.

□ 1100

So this sanction must work. It must be enforced. Prevent companies from dealing with our enemy government, the Iranian Government, and do not allow Iran to receive refined gasoline. We must mean it and we must enforce this.

The long-term solution with Iran is that there is a regime change. We hope the good people of Iran change their rogue government, a government that doesn't even represent the people, a government that had fraudulent elections last year and that took over control again.

Our government, our country, our people must be vocal about our support of this resistance movement. Iranians will, hopefully, remove their government by themselves and will peaceably set up a government that represents to the world that it will bring peace to the world.

That is the great hope for Iran. That is the great hope for the world—a peaceable regime change in Iran.

Right now, we need sanctions, and we need to let them know we mean it because we are not going to continue to talk forever and to hope that they will negotiate and play nice.

And that's just the way it is.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank my California colleague for yielding to me, and I commend him for his leadership on this issue.

Mr. Speaker, in the course of my service on virtually all of the security-related committees in this House, I have visited some of the most dangerous and austere places on the planet—rugged, remote areas that provide sanctuary to the most ruthless and cunning terrorists. As a result, I am often asked to name those countries which I think pose the greatest threat to the security of our country and to the world. Iraq? Pakistan? Afghanistan? Yemen?

My answer every time is: Iran, Iran, Iran.

Given the zeal with which it promotes and supports instability in the Middle East, given its myopic obsession with the destruction of Israel, its arming of and financial assistance to Hezbollah and Hamas, and its implacable, duplicitous march towards a nuclear weapons capability, in my view, no other country comes close.

The question that confronts us is how to cause Iran's government to abandon interest in a nuclear weapons program.

Most agree—certainly, I do—that a multilateral approach is most likely to succeed. Our efforts with the EU, led by the indomitable Stuart Levey, have been effective, but they haven't yet changed Iran's course.

Our country must continue its leadership role. Our efforts at diplomacy and at unilateral sanctions must drive stronger multilateral diplomacy and sanctions. That is why Congress must move to conference on Iran sanctions legislation and why it must enact by an overwhelming bipartisan vote the strongest package. That package should include divestments, and it should expand sanctions on individuals, institutions, as well as on nongovernmental entities, and it must cripple Iran's ability to import refined petroleum products.

Let me be clear, Mr. Speaker. Our problem is not with the Iranian people but with its government's reckless policies. Iran with nuclear weapons not only poses an existential threat to Israel; it poses an existential threat to us and to countries everywhere which espouse Democratic values.

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored to yield 2 minutes to the gentleman from Illinois (Mr. KIRK), an esteemed member of the Committee on Appropriations.

Mr. KIRK. Mr. Speaker, as the Iranians accelerate their nuclear program, indications are that America may be losing its nerve. In its latest report to Congress, the CIA said that Iran has continued to expand its nuclear weapon infrastructure and that it has continued uranium enrichment. This follows reports by the U.N.'s IAEA that Iran has mastered the art of making low-enriched uranium and that it is halfway to its goal of making bomb-grade fissile material.

So what are our options?

We know that Iran's greatest weakness is its dependence on foreign gasoline. The mullahs have so mishandled Iran's economy since 1979 that this leading OPEC, oil-producing nation is dependent on gasoline for 40 percent of its needs.

I wrote the first gasoline sanctions resolution with my colleague ROB ANDREWS in 2005. Over time, my colleagues and I have built a bipartisan coalition with Congressman SHERMAN behind a policy of ending Iran's gasoline sales.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their success in bringing this bill to the floor. In these partisan times now, when have 514 Senators and Congressmen agreed on anything? But they agree on cutting off Iran's gasoline.

Now, without decisive bipartisan action soon, the security of our children and of our allies may depend on the good behavior of a terrorist nation now armed with the most dangerous weapon. So, as Congress has been sleeping, I think we should wake up. We should finally sign this bipartisan bill.

To Congress: Pass this legislation. To the President: Sign it and then seal off Iran's gasoline.

Without unilateral action to cut off Iran's gasoline, no other sanctions policy is serious. With it, we have a chance to remove a great danger to the security of American and Israeli children.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), the chair of the Foreign Operations Subcommittee on Appropriations.

Mrs. LOWEY. I want to thank the chair for his leadership on this very important issue.

Mr. Speaker, I want to express my strong support for H.R. 2194, the Iran Refined Petroleum Sanctions Act, which mandates tighter sanctions against the Iranian regime. With its continued defiance of the international community and with the clock ticking on their nuclear capabilities, now is the time for action.

This week, Iran announced its testing of various missiles and weapons capabilities. U.S. officials have said Iran could develop a ballistic missile capable of striking the U.S. by 2015, and they have said that Iran's continued existential threat to our strongest ally in the Middle East, Israel, presents dire global security implications.

I urge the conferees to act with haste to address these urgent challenges with tough crippling sanctions. Let the speed with which Congress finalizes this legislation to sanction Iran be a message to the international community that time is of the essence if we are to contain Iran's threat to security, stability and prosperity worldwide.

Again, I thank the gentleman from California and the gentlewoman from Florida for their efforts. I urge my colleagues to vote in support of this motion to instruct.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM), a member of the Committee on Ways and Means.

Mr. ROSKAM. I thank the gentlewoman for yielding.

Mr. Speaker, not long ago, I was briefed by an official on Iran's provocative action, and he gave a challenge in that briefing.

He said, Print out on your computer a red line. Print a big, thick, red bar on a white sheet of paper, and look at it from a distance. You'll think it's a solid red line, but if you'll look at it up close, what you will see is that it is actually a series of tiny, little pink lines all pushed together, but they're individual little lines. He said, What Iran has figured out is a way to break through one tiny, little line at a time, just one at a time, one at a time, one at a time.

That is why we are here today, because we in the West, we in the United States, are on to what the Iranian leadership is doing. They are being incredibly provocative. There is no legitimate nuclear ambition for Iran. This is a regime that has said that Israel, our greatest ally in the Middle East, has no right to exist. They've said one provocative thing after another.

History is filled, Mr. Speaker, with examples of weakness and ambiguity in foreign affairs. What is the result? Largely, the result is calamity.

Now we have a chance to be united, to all come together to say we are not going to stand for this. We have come up with a remedy, and it is time for the conferees to move forward and to create this very tough and solid sanction against the petroleum products going into Iran. I urge the conferees to move quickly.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I support the Obama administration's historic efforts at nuclear weapon nonproliferation and nuclear security. It is a recognition that our security depends on dialogue and negotiation between nations. It was reflected in a proposal that was made last year to freeze Iran's nuclear programs at existing levels.

Now, in December of last year, I led the effort to oppose H.R. 2194, the Iran Refined Petroleum Sanctions Act. I stand here today, almost 5 months later, to reaffirm my objections to the underlying bill, and 5 months later, we have not come any closer to a diplomatic resolution to our objections to Iran's nuclear proliferation program nor have we attempted to amend the language of the Iran sanctions bill to ensure that it does not come at the cost of the well-being of the Iranian people we claim to support.

Iran imports 40 percent of its gasoline. Leaders of Iran aren't going to lack for gasoline, but the people of Iran already suffer. We have to ask ourselves:

Will this cause them to turn against their government or will it cause them to turn against the United States in our efforts to bring about a cessation of Iran's nuclear program? If we cared about the Iranian people, we would not be back on the House floor, considering Iran sanctions.

Congress can better demonstrate its commitment to the Iranian people and to their brave demonstrations for democracy by focusing on efforts to address the egregious human rights, civil liberties and civil rights abuses that they endure. The legislation under consideration will only play into the hands of the Iranian regime by diverting attention away from the significant social and economic problems that must be addressed.

I fear that this legislation will actually strengthen the hard-liners in Iran, and I am sure that is not what we want to happen. This legislation will undermine any future efforts by the administration to engage diplomatically with Iran by limiting the tools the administration can use. Reports suggest that Iranians have delayed any agreements with the United States for a fuel swap due to internal divisions.

We must stand in support of the courageous battle for human rights and democracy that the Iranian people are engaged in, many at the cost of their lives.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the Armed Services and Judiciary Committees.

Mr. FRANKS of Arizona. I thank the gentlewoman.

Mr. Speaker, the ominous intersection of Jihadist terrorism and nuclear proliferation has been inexorably and relentlessly rolling toward America and the free world for decades.

We now find ourselves living in a time when the terrorist state of Iran is on the brink of developing nuclear weapons. If that occurs, all other issues will be wiped from the table because whatever challenges we have in dealing with Iran today will pale in comparison to dealing with an Iran that has nuclear weapons.

Yet, Mr. Speaker, the Obama administration seems to remain asleep at the wheel. We see repeated signals that the Obama administration may already be adopting a policy of containment. It is beyond my ability to express the danger of such a policy. I am afraid that the last window we will ever have to stop Iran from gaining nuclear weapons is rapidly closing.

While it is unlikely that the bill before us will be enough to prevent Iran from gaining nuclear weapons by itself, it is a step in the right direction, and I applaud its sponsors. I only pray that the Obama administration will wake up in time to prevent Iran from becoming a nuclear armed nation, from threatening the peace of the human family, and from bringing nuclear terrorism to this and to future generations.

Mr. BERMAN. Mr. Speaker, may I get the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from California has 13½ minutes remaining. The gentlewoman from Florida has 6½ minutes remaining.

Mr. BERMAN. I yield myself 1 minute.

Mr. Speaker, my friend from Ohio (Mr. KUCINICH) articulated his reasons for opposing this legislation. We are now, of course, voting on a motion to instruct on the legislation, but I want to just take issue with several of his points.

Firstly, the reason there has not been a diplomatic resolution of the problem is that the regime in Iran has refused to engage in any meaningful and serious way in a resolution which would require them to change their behavior to end their ambition to obtain a nuclear weapons capability, and that is where the blame lies. It is not because diplomatic alternatives have been ignored. It is because they have been undertaken and rebuffed by the regime in Iran.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I yield myself 1 additional minute.

Secondly, I disagree very much with the gentleman's contention that our effort to seek to change Iranian behavior and to reverse Iran's decision to pursue nuclear weapons through the imposition of strong, robust, meaningful economic sanctions, both through this legislation and, even more importantly, through tough international sanctions by the community of nations, is going to cause the Iranian people to turn against us on behalf of their regime.

□ 1115

These are people who have risked their lives, their freedom, their liberty. They have been subject to execution, murder, imprisonment, all kinds of repression, efforts to suppress their speech and their political liberties by that regime and have taken great risks, notwithstanding the way that regime has reacted. I would suggest that those people will know more than anyone that the consequences that are befalling the people of Iran are a result of the regime's behavior, not the international community and America's efforts to change Iran's behavior.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so honored to yield 5 minutes to the gentleman from Virginia (Mr. CANTOR), our esteemed Republican whip and a member of the Committee on Ways and Means.

Mr. CANTOR. I thank the gentlewoman for yielding. I want to salute, first of all, the gentlewoman's leadership on this issue as well as that of the gentleman from California in bringing this to the floor. I would also like to thank the majority leader for bringing this to the floor as well.

Mr. Speaker, last year the new administration came to power insisting it had a new approach that would head off the looming threat of a nuclear Iran. By talking to and engaging with the regime in Tehran, the administration said we could convince the world's most active state sponsor of terrorism to abandon its nuclear weapons program. And if that didn't work, America ostensibly would gain the ''moral authority'' to galvanize China, Russia, and the rest of the world to go along with a regime of crippling sanctions against Tehran.

Fifteen months and countless missed deadlines later, the administration's strategy has failed. Our lack of resolve has only enabled Iran to accelerate its illegal activities.

Let us take this opportunity to remember how high the stakes are. The danger of a nuclear Iran is not hypothetical; it is real. It is a direct and serious threat to America. It is a game changer that would set off a nuclear arms race throughout the Middle East, permanently destabilizing the world's most dangerous region.

Top U.S. military officials recently warned Congress that within 1 year Iran will have the fissile material it needs to make a nuclear weapon. Once Iran gets the bomb, the concept of deterrence that underpins U.S. national security is no longer valid.

The resounding voice of history reminds us that we ignore the threats of dangerous men and dangerous regimes at our own peril. That's why Congress must rise to the occasion and send the message to the world that the United States will not tolerate a nuclear Iran. It is time for a concerted effort to impose sanctions with real teeth, and that begins here today with the Iran Refined Petroleum Sanctions Act.

We must block the shipment of all refined petroleum to Iran, and we must cut off all international companies who do business with Iran's Revolutionary Guard from the U.S. financial system. Iran's trading partners must understand that they will no longer conduct business with the regime in Tehran with impunity.

Mr. Speaker, these are times of sharp partisan divide in our Nation's capital, but today we have the chance to come together to take a major step forward in the interests of world peace. The time for decisive action to head off the regime in Iran's nuclear program is now.

Mr. BERMAN. Mr. Speaker, before I yield to the majority leader, I yield myself 30 seconds.

One year and 3 months ago, America was pretty isolated in its goal of trying to stop Iran from getting a nuclear weapon. We absolutely need to move quickly because Iran is moving quickly. But there can be no doubt that the result of the events of the past 15 months have changed the dynamic fundamentally where the international community now recognizes the threat Iran's nuclear weapons pose and it is Iran who is isolated, not America. That is a direct result of the fundamental change of policy.

Mr. Speaker, I am now pleased to yield 1 minute to a great advocate of this legislation and of achieving this goal, the majority leader.

Mr. HOYER. I thank my friend of some 45 years, the chairman of the committee, for yielding. And I want to, before I start my remarks, say that I agree with him with respect to his observations regarding the Obama administration's efforts that are bearing positive fruit with respect to our allies around the world. We are not where we need to be and they are not all allies, but they certainly are partners in responding to this threat to the international community.

We know what a grave danger a nuclear Iran would pose to America's security, to our ally Israel's security, and, indeed, to the security of the international community. That is why Mr. BERMAN and Ms. ROS-LEHTINEN reported out a bill. That is why we passed a bill. That's why the Senate has passed a bill. And now it's time to go to conference. It's time to resolve the differences that exist and send a clear and unmistakable message.

The dangerous consequences of inaction range from a fierce regional arms race to a nuclear umbrella for terrorism, to the unthinkable. With American and international security at stake, Iran's nuclearization is a grave proximate threat and cannot stand. That is why the United States must do everything in its power, Mr. Speaker, to stop Iran's nuclear pursuit.

Through years of diplomatic silence, Iran's nuclear program grew. President Obama took a course of patient engagement. And while Iran's unwillingness to negotiate in good faith has been exposed to the world, it has grown even closer to its goal. Today, the International Atomic Energy Agency feels that Iran has enough low-enriched uranium for two nuclear bombs.

So time is of the essence. By proceeding with this motion, Congress moves closer to the imposition of sanctions that will hit the Iranian economy at its weakest points: its banking system, the Revolutionary Guard Corps, and the refined petroleum Iran depends upon.

I support, strongly, this motion, knowing full well that sanctions are never a perfectly precise instrument and that they may mean hardship for ordinary Iranians who already suffer under the repressive regime in Iran. But I support sanctions nonetheless because they can work when the international community recognizes that an outlaw nation poses a common threat to us all, a case that President Obama and Secretary Clinton are making persuasively, as was the point of the

chairman of the committee, to our fellow Security Council members and a case that the administration continued to make at this month's nuclear security summit. An extraordinary summit, I might add, of historical precedence, where 47 nations from around the world came here to Washington to meet together, including the President of China, to say that nuclear proliferation poses a danger to all, not just to a single nation, not just to a regional group of nations, but to all.

I support sanctions because Tehran can choose, at any time, to negotiate in good faith and set aside its aggressive nuclear pursuit. And I support sanctions because when properly designed, they can be a source of powerful pressure on the Iranian regime, pressure both external and internal.

As Britain's Telegraph newspaper reported on Monday, "there is now increasing resentment that Iran's once popular nuclear program could be distracting from more urgent needs in the face of economic mismanagement and sanctions. Far from resenting the U.S.-designed sanctions, Iranians blame the slowdown on their own government.

" 'Nuclear energy is something that I supported, but why go about it in this way?' asked an Iranian citizen Zori Baghi, a pensioner and father of two." He went on to ask, " 'If it is legitimate, then why are we suffering for it in this way? If it's not legitimate, then do it in the right way or give it up. We're paying too heavy a price,' " so said an Iranian citizen about that country's nuclear ambitions.

It is my belief, my colleagues, that if smart sanctions take effect, more and more Iranians will come to the same conclusion and so, hopefully, will the Iranian regime. Sanctions will show the regime that its embrace of nuclear proliferation carries a cost that is far too high. We cannot expect a change of heart from Tehran, but we can demand a change of behavior.

My colleagues, this action is timely and perhaps past time, but it is always timely to do the right thing, to speak up, to act, and to encourage our allies as well and our partners and our fellow citizens in this globe to act in a way that will protect them and protect our international community.

So I rise in strong support of this motion to go to conference and the motion to instruct, and I thank my chairman for his leadership on this issue. He is working both to have effective action taken by the Congress and to assist the administration in reaching the objective in as positive a way as is possible.

Ms. ROS-LEHTINEN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I thank the gentleman for yielding.

Mr. Speaker, we all know that the prospect of an Iranian state armed with nuclear weapons is simply intolerable for the world. It poses an existential threat to our ally Israel. It would pose the threat of terrorism all over the Middle East under a nuclear umbrella, so we wouldn't be able to oppose what Iran was doing. It poses a threat of a nuclear arms race in the Middle East. It poses the threat that we cannot rule out that this regime would give a nuclear weapon to a terrorist group like al Qaeda to use we can only guess where.

Finally, some people say, you know, we coexisted with a nuclear Soviet Union for 40 years, 50 years. We deterred them, deterrence works. Deterrence cannot work when you have a government that is religious in nature, many of whose elements are millenarian; that is, they believe that the final destruction of Israel even if it causes a nuclear war would bring on the return of the Hidden Imam more quickly. You cannot reason with a suicide bomber. You cannot deter a suicide bomber, which is in essence what parts of the Iranian Government are.

So we must prevent Iran from getting nuclear weapons. We also must avoid the Hobson's choice of having a situation where the advisers come in to the President and say, Mr. President, here are your two choices: One, do nothing in Iran, who will have nuclear weapons in a couple of weeks; two, militarily attack Iran. We don't want that Hobson's choice. We have to avoid a choice of military action or a nuclear Iran.

The Bush administration was here for 8 years. They pursued a policy of talk tough and carry a toothpick. They talked tough but stopped nothing, and for 8 years the centrifuges increased and increased in number and went round and round and came closer and closer to a nuclear Iran.

Now we have an administration that comes in with a policy of big sticks and big carrots and says first we will engage the Iranians. We will show them the advantages of avoiding a nuclear status, and we will by so doing establish the foundation for unified, not unilateral, sanctions action against Iran if necessary.

□ 1130

Now we've reached the stage where we have to start engaging in real sanctions, and we have allies, and we will get those sanctions, and we must take tough sanctions to avoid that Hobson's choice.

And this resolution before us is part of that, to impose tough sanctions on the Iranians to make them reconsider, or to make it impossible for them to develop nuclear weapons.

So we must establish this now. We must pass this resolution because we do not want a Hobson's choice of military action or a nuclear Iran, the latter of which is intolerable, and the first of which is something we should not ever want.

So I urge my colleagues to pass this resolution, and I thank the gentleman from California (Mr. BERMAN) and the gentlelady from Florida (Ms. ROS-LEHTINEN) for bringing it to the floor.

Ms. ROS-LEHTINEN. I continue to reserve, Mr. Speaker.

Mr. BERMAN. Mr. Speaker I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), one of the original creators of the concept of refined petroleum sanctions as a sanction.

Mr. ANDREWS. Mr. Speaker, there is a justifiable and broad consensus in our country and in this Congress that the regime in Iran cannot have a nuclear weapon. The issue is how to achieve that objective and why to achieve that objective.

We cannot act in isolation to achieve the objective. We must act to isolate Iran. This has been the fruit of the persistent diplomacy engaged in by the administration, assisted very nobly by Chairman BERMAN and our ranking member that has brought us to a point where the world is now isolating Iran. Iran stands essentially alone in support of the proposition that its behavior has been justifiable.

The sanctions that are proposed by the underlying bill will be effective because they will force the Iranian leadership to choose between the prospect of prosperity if they drop their nuclear chicanery and the certainty of economic stress if they persist in retaining it.

The best evidence that these sanctions are effective is the crash program the Iranians themselves have embarked on to switch from gasoline to natural gas as a means of propelling vehicles.

More important than how to do this, though, is why to do this. In the early 1930s, there were ugly statements and vicious images coming out of Europe. People insisted that people who worried about that were exaggerating the threat. So much of the world, including, sadly, the United States turned away as those ugly signals were sent. The result was a tragedy of unspeakable proportions: 6 million innocent people killed in the Holocaust.

Today, there are ugly signals and words coming out of Tehran.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I am pleased to yield 30 additional seconds to the gentleman.

Mr. ANDREWS. There are ugly signals saying that one Holocaust is not enough, that the Jewish state should be wiped off the face of the Earth.

We ignore these ugly signals at our own peril. We should learn the terrible history of the thirties and not repeat it. We should act swiftly, decisively

and united with the rest of the world to impose meaningful sanctions on the Iranian Government that will prevent the day of an Iranian nuclear weapon from ever occurring.

I thank the chairman for his leadership on this issue, urge a ''yes'' vote and the swift adoption of the underlying legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I continue to reserve.

Mr. BERMAN. Mr. Speaker, I have one additional speaker requesting time. I am pleased to yield 3 minutes to the gentleman from New York (Mr. ENGEL), chairman of the Western Hemisphere Subcommittee, a hemisphere which has already seen Iranian efforts to penetrate.

Mr. ENGEL. Mr. Speaker, I thank the chairman for yielding to me. I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her strong voice.

And, boy, if there was ever anything that's bipartisan, it's this resolution. The one good thing that Iran has done is brought us all together because we realize that the Iranian threat to the world is the world's biggest threat.

Iran remains the leading sponsor of terrorism around the world; and, as was mentioned before, the President of Iran, Ahmadinejad, has threatened to wipe Israel from the face of the Earth. But the threat is not to Israel alone. It's to Europe, it's to the United States, it's to the entire world; and the entire world must speak with one voice.

I'm a proud cosponsor of H.R. 2194, the Iran Refined Petroleum Sanctions Act, and I want to commend Chairman BERMAN for this initiative, and Congresswoman ILEANA ROS-LEHTINEN as well.

Only a few short months ago, the world learned of the secret Iranian nuclear enrichment facility near the city of Qom. If there was ever any doubt that Iran was trying to build nuclear weapons, this revelation dispelled any shred of that doubt. The facility was kept secret from the IAEA, the International Atomic Energy Agency. It was built deep in a mountain on a protected military base. This is precisely how a country conceals a nuclear weapons program and defies U.N. Security Council resolutions, not how it develops peaceful energy technologies.

However, although Iran is a leading producer of crude oil, it has limited refining capacity. And this bill will increase leverage against Iran by penalizing companies that export refined petroleum products to Iran or finance Iran's domestic refueling capabilities. It's my hope that the administration will apply these additional sanctions to make absolutely clear to the Iranian regime that the world will not accept its nuclear ambitions.

As chairman of the Subcommittee on the Western Hemisphere of the House Foreign Affairs Committee, I'd also like to raise one additional concern which arose at my October hearing on Iran's role in the Western Hemisphere. Venezuelan leader Hugo Chavez recently agreed to provide 20,000 barrels per day of refined gasoline to Iran. It's anyone's guess as to whether this will be implemented, but the deal may be covered by the bill we are considering today. While some question whether Venezuela has the ability to provide gasoline to Iran since it imports some gasoline to meet its own demand, Chavez is clearly approaching a perilous area. I hope Chavez reconsiders this unwise step. And we must consider and keep focusing on Iran in the Western Hemisphere as well.

The U.S., our allies and the U.N. Security Council have recognized that a nuclear-armed Iran would be a danger to our ally, Israel, the Middle East, the nuclear proliferation regime and to the entire world. The Iranian regime is brutal to its own population, murders its own citizens, represses people who want to demonstrate against its stolen election, and it's time for us to stand up.

So I'm glad, in a bipartisan voice this morning, we say ''no'' to Iran; ''no'' to nuclear weapons for Iran; ''yes'' to support the underlying bill.

Ms. ROS-LEHTINEN. Mr. Speaker, we are ready to close if the gentleman is ready to.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, for several years we have watched Iran move ever closer to acquiring a nuclear weapons capability. No rational person can question that that is Iran's goal. And yet, even though Iran has violated its international treaty obligations, defied repeated U.N. Security Council resolutions, had one secret nuclear site after another revealed to the world, and rejected every offer to negotiate, the world has let it happen.

We, in this Chamber, have been elected to defend and promote the interests and security of our country. We must do everything we can to force Iran's leaders to change course and abandon their pursuit of nuclear weapons because the American people and our allies are their intended targets. We know this because they have repeatedly told us.

We cannot rely on hope for deliverance because that will only guarantee our destruction. So we must act quickly, and we must act decisively.

The bill that the House passed overwhelmingly last December, the Iran Refined Petroleum Sanctions Act, represents the best opportunity we have to do precisely that. If we, and our colleagues in the Senate, can craft a strong measure that can then be sent to the President, we will have met our responsibility to the American people.

I am confident, Mr. Speaker, that we can defeat the menace that is posed by Iran before it has a chance to strike us, but our time is running out.

Let us support this motion. Let us send a strong bill to the President's desk.

Mr. VAN HOLLEN. Mr. Speaker, we meet today to consider a motion to appoint conferees to reconcile the differences between the House and Senate versions of the Iran Sanctions Act. Though both versions would impose sanctions against companies that support Iran's petroleum sector, especially in the area of gasoline and other refined petroleum products, the Senate version includes additional provisions that would direct the president to freeze the assets of Iranian officials and prohibit the U.S. Government from providing contracts to companies that supply Iran with communications monitoring technology. These provisions must be reconciled before the final version can be presented to the President.

Stopping Iran's illegal nuclear enrichment program is an urgent matter, requiring a comprehensive strategy that targets Iran's important energy sector, and its access to the global financial system. These bills can help to achieve these goals.

Last year, Iran admitted the existence of a secret enrichment facility in the holy city of Qom that set in motion a renewed international effort to pursue more aggressive penalties against Iran for its nuclear activities. Using a variety of measures, including the United States led sanctions efforts in the United Nations, penalties currently under consideration by the European Union and the sustained campaign by the U.S. Treasury Department and others to persuade banks and other businesses to curtail their activities with Iranian businesses, we must significantly increase pressure on Iran to persuade it to end its nuclear program. The United States and the international community must send a very clear signal that Iran faces a stark choice—Iran must end its illegal nuclear enrichment program or it will face increasingly severe consequences. All options for ending that program should remain on the table.

Mr. PAUL. Mr. Speaker I rise in opposition to this motion to instruct House conferees on H.R. 2194, the Comprehensive Iran Sanctions, Accountability and Divestment Act, and I rise in strong opposition again to the underlying bill and to its Senate version as well. I object to this entire push for war on Iran, however it is disguised. Listening to the debate on the floor on this motion and the underlying bill it feels as if we are back in 2002 all over again: the same falsehoods and distortions used to push the United States into a disastrous and unnecessary one trillion dollar war on Iraq are being trotted out again to lead us to what will likely be an even more disastrous and costly war on Iran. The parallels are astonishing.

We hear war advocates today on the Floor scare-mongering about reports that in one year Iran will have missiles that can hit the United States. Where have we heard this bombast before? Anyone remember the claims that Iraqi drones were going to fly over the United States and attack us? These "drones" ended up being pure propaganda—

the UN chief weapons inspector concluded in 2004 that there was no evidence that Saddam Hussein had ever developed unpiloted drones for use on enemy targets. Of course by then the propagandists had gotten their war so the truth did not matter much.

We hear war advocates on the floor today arguing that we cannot afford to sit around and wait for Iran to detonate a nuclear weapon. Where have we heard this before? Anyone remember then-Secretary of State Condoleeza Rice's oft-repeated quip about Iraq: that we cannot wait for the smoking gun to appear as a mushroom cloud.

We need to see all this for what it is: Propaganda to speed us to war against Iran for the benefit of special interests.

Let us remember a few important things. Iran, a signatory of the Nuclear Non-Proliferation Treaty, has never been found in violation of that treaty. Iran is not capable of enriching uranium to the necessary level to manufacture nuclear weapons. According to the entire U.S. Intelligence Community, Iran is not currently working on a nuclear weapons program. These are facts, and to point them out does not make one a supporter or fan of the Iranian regime. Those pushing war on Iran will ignore or distort these facts to serve their agenda, though, so it is important and necessary to point them out.

Some of my well-intentioned colleagues may be tempted to vote for sanctions on Iran because they view this as a way to avoid war on Iran. I will ask them whether the sanctions on Iraq satisfied those pushing for war at that time. Or whether the application of ever-stronger sanctions in fact helped war advocates make their case for war on Iraq: as each round of new sanctions failed to "work"—to change the regime—war became the only remaining regime-change option.

This legislation, whether the House or Senate version, will lead us to war on Iran. The sanctions in this bill, and the blockade of Iran necessary to fully enforce them, are in themselves acts of war according to international law. A vote for sanctions on Iran is a vote for war against Iran. I urge my colleagues in the strongest terms to turn back from this unnecessary and counterproductive march to war.

Mr. KLEIN of Florida. Mr. Speaker, I rise today to support the motion to go to conference on the Iran sanctions legislation.

I am grateful to Chairman BERMAN and Ranking Member ROS-LEHTINEN for working with me on a provision included in the House version of this legislation to require companies applying for contracts with the U.S. government to affirmatively certify that they do not conduct business with Iran.

This legislation gives companies a simple choice: do business with the United States, or do business with Iran. We cannot allow the U.S. taxpayer to be last crutch of Iran's dangerous nuclear program. Not on our watch and not on our dime.

The time to act is now, and we must move with fierce urgency.

Mrs. MALONEY. Mr. Speaker, I missed roll-call vote 219, on the Motion to Instruct Conferees on Comprehensive Iran Sanctions, Accountability, and Divestment Act— Had I been present, I would have voted "aye."

Reports are clear that Iran is speeding forward toward developing the capability to manufacture and launch a nuclear weapon. A nuclear Iran will put the world's most deadly weapon into the hands of a nation that is actively supporting terrorism and is actively engaged in providing weapons and other support to terrorist organizations. Iran's leader, Mahmoud Ahmadinejad, has made no secret of his desire to destroy our ally Israel—he has promised to wipe Israel from the face of the earth. If Iran develops a nuclear bomb, it will have the ability to do in a matter of minutes what it took the Nazis six years to do.

A nuclear Iran will destabilize the entire Middle East. If Iran has nuclear capability, every nation in the Middle East will rush to acquire the same capability. Although Israel has much to fear from Iran, there are many other countries in the region that have a long history of bad relations with Iran. And there is no love lost between Shi'ite Iran and its Sunni neighbors.

I salute the young people who have risked their lives in Iran in the hopes of removing this madman from power. Their courage deserves our praise and our support. But a nuclear Iran will be a threat to every nation in the Middle East, regardless of who is in power; and there is no sign that a different Iranian leader would dismantle the nuclear program. Sanctions are our best hope to pressure Iran to relinquish its nuclear program.

Tough sanctions have an impact. They have already discouraged companies from doing business in Iran, thereby reducing Iran's access to the goods it wants. Time Magazine reported that two of the world's largest insurance companies, Lloyd's and Munich Re, will no longer insure cargo going into or out of Iran. Major oil brokers are no longer willing to sell refined petroleum to Iran, a blow to a country that must import much of its oil. LUKOIL, Royal Dutch Shell, Total, BP and Malaysia's Petronas and other companies will no longer sell gasoline to Iran. Sanctions change corporate behavior—and if the corporations that do business in Iran are no longer willing to trade, it will have an immediate and direct effect on the quality of life in Iran.

The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009 is a good bill—a strong bill. It's time to go to conference and move forward with implementing strong sanctions that can make a difference. The only nation that benefits from delay is Iran. Time is on its side—with more time, it can realize its nuclear ambitions. We can change the equation by moving this bill forward now. Accordingly, I strongly encourage my colleagues to support this motion.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1287

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' " (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

*Resolved*, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its

report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

□ 1145

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO REFER THE RESOLUTION

Mr. HASTINGS of Florida. Mr. Speaker, I move the resolution be referred to the Committee on Standards of Official Conduct.

Mr. FLAKE. I move the previous question on the resolution itself.

The SPEAKER pro tempore. The motion for the previous question is preferential.

The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 187, nays 218, answered ''present'' 16, not voting 9, as follows:

[Roll No. 217]

YEAS—187

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Cooper
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Heller
Hensarling
Herger
Himes
Hodes
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Neugebauer
Nunes
Olson
Owens
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—218

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lowey
Luján
Lynch
Maffei
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wilson (OH)
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—16

Bonner
Butterfield
Buyer
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Hastings (WA)
Latham
Lofgren, Zoe
McCaul
Myrick
Walden
Welch

NOT VOTING—9

Barrett (SC)
Conyers
Davis (AL)
Gohmert
Inglis
Maloney
Polis (CO)
Ruppersberger
Rush

□ 1215

Ms. ESHOO, Messrs. NEAL, HARE, HINOJOSA, ALTMIRE, DICKS, MILLER of North Carolina, CARNEY, GEORGE MILLER of California, MARSHALL, TOWNS, GORDON of Tennessee, CLAY, BISHOP of Georgia, GRAYSON, HILL of Indiana, SPRATT, THOMPSON of Mississippi, HOLDEN, KANJORSKI, HOYER, BOUCHER, WATT, ELLISON, Ms. HIRONO, Messrs. LEVIN, STARK, GUTIERREZ, BERMAN, GENE GREEN of Texas, WU, TONKO, DAVIS of Illinois, SCHRADER, PALLONE, Ms. BERKLEY, Messrs. SERRANO, EDWARDS of Texas, LUJÁN, and GONZALEZ changed their vote from ''yea'' to ''nay.''

Messrs. COLE, PUTNAM, WAMP, CALVERT, AKIN, RYAN of Wisconsin, ROONEY, LAMBORN, YOUNG of Florida, BOEHNER, BACHUS, GARRETT of New Jersey, SENSENBRENNER, BARTLETT, HENSARLING, Mrs. McMORRIS RODGERS, Messrs. GOODLATTE, WESTMORELAND, Mrs. HALVORSON, and Mr. ADLER of New Jersey changed their vote from ''nay'' to ''yea.''

Messrs. HASTINGS of Washington, LATHAM, and McCAUL changed their vote from ''yea'' to ''present.''

Mr. WELCH changed his vote from ''nay'' to ''present.''

So the previous question was not ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, this is a matter that belongs before the Committee on Standards of Official Conduct.

I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to refer.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to refer will be followed by 5-minute votes on the motion to instruct conferees on H.R. 2194 and the motion to suspend the rules on House Resolution 1270.

The vote was taken by electronic device, and there were—yeas 402, nays 0, answered ''present'' 17, not voting 11, as follows:

[Roll No. 218]

YEAS—402

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—17

Blackburn
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Hastings (WA)
Latham
Lofgren, Zoe
McCaul
Myrick
Simpson
Walden
Welch

NOT VOTING—11

Barrett (SC)
Berman
Burgess
Conyers
Davis (AL)
Gingrey (GA)
Gohmert
Maloney
Polis (CO)
Ruppersberger
Rush

□ 1232

So the motion to refer was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO INSTRUCT CONFEREES ON H.R. 2194, IRAN REFINED PETROLEUM SANCTIONS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2194 offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 11, answered "present" 3, not voting 13, as follows:

[Roll No. 219]

YEAS—403

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye

Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Baird
Baldwin
Blumenauer
Duncan
Flake
Jones
Kucinich
McDermott
Moore (WI)
Paul
Waters

ANSWERED "PRESENT"—3

Ellison
Lee (CA)
Stark

NOT VOTING—13

Barrett (SC)
Conyers
Davis (AL)
Gohmert
Gordon (TN)
Higgins
Maloney
Markey (MA)
Polis (CO)
Ruppersberger
Rush
Sutton
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1240

Ms. MOORE of Wisconsin changed her vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MARKEY of Massachusetts. Mr. Speaker, on April 22, 2010, I missed rollcall Vote No. 219. Had I been present, I would have voted "yea."

## MATHEMATICS AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1270, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 1270.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, not voting 21, as follows:

[Roll No. 220]

YEAS—407

Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

Paul
Young (AK)

NOT VOTING—21

Ackerman
Aderholt
Barrett (SC)
Cleaver
Conyers
Davis (AL)
Dent
Dicks
Gohmert
Grijalva
Jordan (OH)
Kaptur
LaTourette
Maloney
McIntyre
Polis (CO)
Quigley
Ruppersberger
Rush
Welch
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1250

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2194, IRAN REFINED PETROLEUM SANCTIONS ACT OF 2009

The SPEAKER pro tempore (Ms. TITUS). Without objection, the Chair appoints the following conferees on H.R. 2194:

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. BERMAN, ACKERMAN, SHERMAN, CROWLEY, SCOTT of Georgia, COSTA, KLEIN of Florida, Ms. ROS-LEHTINEN, Messrs. BURTON of Indiana, ROYCE, and PENCE.

From the Committee on Financial Services, for consideration of sections 3 and 4 of the House bill, and sections 101–103, 106, 203, and 401 of the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, MEEKS of New York, and GARRETT of New Jersey.

From the Committee on Ways and Means, for consideration of sections 3 and 4 of the House bill, and sections 101–103 and 401 of the Senate amendment, and modifications committed to conference: Messrs. LEVIN, TANNER, and CAMP.

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1914

Mr. BROUN of Georgia. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1914, a bill originally introduced by Representative Deal of Georgia, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 4336

Mr. GINGREY of Georgia. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 4336, a bill originally introduced by Representative Deal of Georgia, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4717

Ms. NORTON. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4717.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

Madam Speaker, on Monday, the House will meet at 12:30 p.m. for morning-hour debate and at 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and at 12 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules, including the very important H.R. 3393, Improper Payments Elimination and Recovery Act of 2009, introduced by Representative PATRICK MURPHY of Pennsylvania. The complete list of suspension bills will be announced by the close of business tomorrow.

In addition, we will consider H.R. 5013, Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010, and H.R. 2499, the Puerto Rico Democracy Act of 2009.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, the House will be in session for five more weeks prior to the Memorial Day district work period. I would like to inquire of the gentleman what legislation he expects the House to consider prior to that district work period in addition to the items he just mentioned for next week.

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman knows, our number one priority has been and continues to be the progress on the creation of jobs. Last month's report was a positive report. We gained 162,000 jobs, and the economy is showing signs of very substantial improvement as a result of the Recovery Act and of other actions that we've taken to get Americans back to work. So that will continue to be our focus.

Having said that, we also have passed already the HIRE Act, which we think will have a very substantial, positive effect, which includes payroll tax forgiveness for the hiring of new employees who have been unemployed for some period of time. If they are kept on for 52 weeks, there will be a $1,000 additional payment, which we hope will encourage employers to hire new people. Additionally in that bill, we gave an extension of the Highway Trust Fund to allow for continued and increased investment in infrastructure and the Build America Bonds legislation, as well as giving a boost to small business growth in terms of expensing.

In addition, the House passed the Small Business and Infrastructure Jobs Act, which is pending in the Senate. We hope that it is coming back to us this work period. We would like to build on our record of job-creating legislation with additional relief to small businesses.

The President has proposed, as the gentleman knows, the Small Business Lending Fund that would take $30 billion of TARP funds, which was obviously designed to try to get our economy moving again, and provide capital infusion to local banks, and provide assets of $10 billion or less to incentivize small business lending.

Also, we hope to complete action with the Senate on a long-term extension of unemployment insurance, COBRA benefits and tax extenders for businesses, large and small. Obviously, those pieces of legislation have passed the House.

I expect the House will also take action this work period on the COMPETES Act, which is relatively noncontroversial, but invests in growing our economy, particularly in technology innovations, math, and science.

Other items on our agenda for this work period are budget resolution, defense acquisition reform, which I announced we would do next week, defense authorization, the Afghanistan/Pakistan supplemental, the Haiti supplemental, and of course the Iran sanctions conference report, which I hope to have done. As to the resolution that you and I just voted for, the motion to instruct, I urge that that be reported back by the Memorial Day break.

Mr. CANTOR. I thank the gentleman.

I would say to the gentleman that I am heartened to hear about his continued insistence that this body continue to focus on the number one priority of the American people, which is getting this economy going again and getting Americans back to work.

Madam Speaker, I would say that most Americans agree that what we ought to be doing is containing and limiting government spending. Many of the programs that the gentleman just pointed out indicate that we, perhaps, are going to keep heading down the same road that we have been in order to try and create an environment for jobs.

I would say to the gentleman, although there was some job growth last month, he, himself, I think, would admit that that is just not enough. In fact, if we were to look back at the times of very high employment in prior years, there is probably a need for over 400,000 jobs to be created each month for us, over a period of several years, in order to accommodate for the growth

in population as well as to return us to that kind of low unemployment.

□ 1300

We have got a lot of work to do, in other words, Madam Speaker, and I know the gentleman knows that. And I think it is fair to say that, in fact, we need to create 434,000 jobs per month for 2 years to make up for the job losses that we have experienced. That is going to take some significant commitment on the part of this Congress to stop the government spending and, frankly, to lower taxes on small business.

As the gentleman knows, his constituents just like mine, everyone I talk to knows someone out of work, and it is high time for us to focus on small business, and that is to provide the tax relief for small business and to stop the government programs of spending. And I would hope that the gentleman can commit to trying to change the route that we have taken to finally begin to grow this economy again.

With that, Madam Speaker, I would ask the gentleman when——

Mr. HOYER. Before the gentleman asks another question, would you yield so I might comment on the comments that the gentleman made?

Mr. CANTOR. I yield.

Mr. HOYER. The gentleman indicates that we want to stop spending. Every economist from his side of the aisle to our side of the aisle said that if we did not spend money last year that we wouldn't have grown the economy. In fact, Ben Bernanke, the Republican-appointed Chairman of the Federal Reserve by President Bush; and Secretary Paulson all said you had better invest or you are going to go into a depression, not a recession.

The gentleman talks about job creation, and it is very interesting because, generally speaking, he wants to return to the policies of the Bush administration. And the Bush administration, of course, was the worst job-performing administration since Herbert Hoover. I know the gentleman knows that because those statistics are pretty clear. It created 19,400 jobs per month. You talk about 400 and some odd thousand jobs. I agree with the gentleman. We need to create that level if we are going to get the jobs that your economic program lost, 19,400 jobs, and you need 100,000 to stay even. That was average over 96 months of the policies that were pursued during the Bush administration that my friend supported.

Very frankly, if you will remember, during the Clinton administration, in an economic program that your party didn't support to a person—everyone voted against it—we created 216,000 jobs per month. Now, there's no secret as to where those jobs were lost. If you create 10 percent of the number of jobs you need to stay even, you're going to go behind and we have a real deficit.

The CBO says that the program that was adopted that, of course, your party opposed, created 2 million new jobs or retained jobs in our economy. Over the last 5 months, we have had a net positive growth in jobs. We grew 162,000 jobs last month. The gentleman is absolutely correct, not nearly enough, but much better than the 779,000 jobs that were lost in the last month of the Bush administration or the average 726,000 jobs that were lost in the last 3 months of the Bush administration.

We are now in the pluses. We are starting to grow. We need to do much, much more. And that's why I responded to the gentleman, when he asked me what we were going to do, we're going to continue to focus on bringing jobs back to America and to our people.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would say this: Always the gentleman likes to talk about the prior administration, and I would just like to point out that during the prior administration, the last 2 years of that, his party was in control of Congress and, certainly, if we look at the numbers, did contribute to some of the problem that we have got today. And I would say there's plenty of blame to go around. But what we are trying to do is to learn from perhaps mistakes having taken place and go forward in a constructive manner.

It is my sense, Madam Speaker, that this Nation is at a crossroads. We have serious challenges facing this country. Last Thursday was Congress's deadline for passing a budget, and it is my strong belief that we must act, and the gentleman indicates that we are going to act, but because of the critical nature of the challenges that we face, Madam Speaker, I believe that we have got three reasons to act swiftly and properly in passing a budget because it is at the heart of the lack of confidence of what the American people feel towards this body, and if we can rebuild that confidence somehow, we can see a return to growth in this economy so people can get back to work.

First, Madam Speaker, since the 1974 Budget Act passed, the House has never failed to pass a budget resolution. American families and small businesses are not given the luxury of avoiding a budget somehow because maybe it's too difficult, and neither should we. And the gentleman in his own words has said before that it is difficult to pass budgets in election years because the budgets reflect what the fiscal status is. And again, Madam Speaker, I point out never since the passage of the Budget Act in 1974 has this House failed to pass a budget resolution.

Secondly, Madam Speaker, as to the urgency for this body to act in this critical time, CBO Director Doug Elmendorf recently remarked that the Nation's fiscal path is unsustainable and without a more aggressive approach to spending than the President took in his budget proposal, the debt will rise from currently 53 percent of GDP to 90 percent of GDP at the end of the decade. We all know, Madam Speaker, that is unacceptable.

Finally, I would say to the gentleman, Madam Speaker, the President in his remarks consistently refers to pending tax increases as the expiration of the Bush tax cut. And, Madam Speaker, I would say the American people believe that erasing a tax cut is a tax increase. This Congress has a responsibility to the people that we represent to inform them, the families, the small businesses, of its intention on whether we are going to increase taxes on the small business people and working families of this country.

So I would ask the gentleman if he could give us some sense of when we could expect this body to act on a budget.

I yield.

Mr. HOYER. Well, I hope that we act on a budget certainly before the end of this work period. I think it's important to pass a budget. I have said that. I am working towards that end.

Mr. CANTOR. I thank the gentleman for that and for his commitment to ensure that we right the ship, so to speak, and stop the spending.

Mr. HOYER. Will the gentleman yield on that?

Mr. CANTOR. I yield.

Mr. HOYER. The gentleman would like to pretend that the Bush administration didn't exist. He doesn't like to look back. He doesn't like history. He doesn't like to learn from our mistakes. I notice he doesn't outline the mistakes that the Bush administration made and that he made in supporting the Bush economic policies, but presumably he believes they existed, which led to such a disastrous performance of our economy. The turning of a $5.6 trillion surplus that the Bush administration inherited, which allowed it to do some of the things that it did without paying for them because they inherited surpluses, unfortunately, they left a $5 trillion deficit to this administration. They left a deep, deep, deep hole that we have been trying to dig out, without much help, frankly, from your side of the aisle, I will tell my friend. And we are getting out of that hole. Almost every indicator indicates that, including a growth in jobs. Not nearly to where people are feeling it. So we need to make sure that we continue to create jobs and create an economy that is working much better than it worked during the Bush administration.

The gentleman mentions that we were in charge of Congress in 2007. Yes, in 2006 the American public said we don't like the policies that the Bush administration and the Republicans in

Congress are pursuing; we want a change. We did change. But the gentleman well knows that no veto of President Bush was overridden to change the economic policies you were pursuing, period. We couldn't do that. We couldn't do it until such time as January of 2009 occurred. When it occurred, unfortunately and tragically for the American people and the millions, 8 million-plus, to be exact, lost their jobs, a financial system that was suffering from egregious regulatory neglect and had, as a result, put many, many taxpayers, millions of taxpayers, to the responsibility of trying to stabilize the ship of state. And we have done that.

The good news is that money is being paid back. And the good news is that in terms of the bill that you and I both supported but two-thirds of your party did not, we did stabilize, at the request of the Bush administration, the financial community.

So when the gentleman says that we need to grow jobs, we do. But very frankly, if the gentleman is proposing the same policies that were pursued for 8 years under the Bush administration, then that won't get it and didn't get it. And that's why it is important to learn, not to place blame, but to learn, as I said the other day, from those failures and not repeat them, to invest in the growth of our economy.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would say back if he is so intent on comparing the budgets and the outlook under the Bush administration to this one, I would say this: If we compare the 2011 budgets of President Bush and President Obama, President Bush's outlook and budget for this year was $2.9 trillion. The 2011 budget of this President is $3.6 trillion. We could simply cut the deficit by 50 percent if we just lived within President Bush's 2011 budget.

Madam Speaker, I would say to the gentleman if you cut out all of the emergency spending caused by the recession and just look at discretionary spending, since Congress votes on that every year, President Obama will increase discretionary spending by $319 billion over President Bush's budget for 2011.

So, Madam Speaker, I would say, again, we have got to do better. The American people are waiting for this body to step up in a responsible way to stop the spending, which brings on the need for yet even more debt, which ultimately will lead to higher taxes, despite what the gentleman says, that there's been enough tax relief, and get back to a fiscal path that makes sense so we can see small business grow again.

I yield.

Mr. HOYER. First of all, the gentleman does this often. I never said there has been enough tax relief. What you just said I said, I never said that. Nobody heard me say that.

Mr. CANTOR. I thought that the gentleman, Madam Speaker, had said that there has been so much tax relief under the current administration that it seems that all we need to do is keep spending.

Mr. HOYER. If I can, I think you anticipated what the facts are as you know. I didn't say that but you anticipated I might say it.

Mr. CANTOR. I will apologize——

Mr. HOYER. Ninety-five percent of the American public, 95 percent of the American working people, got a tax cut, as you recall, in the legislation that you voted against, $280 billion in tax relief. That went into the pockets of Americans, helped them get through some very, very tough times which we inherited, did not create, which we inherited, and moving forward.

Now, with respect to the tax increases that you referred to earlier, they are going into effect because of a policy that I voted against but I think you voted for. You were here in 2001 and 2003. And why did you do that? You talk about budgeting. You did it because you couldn't conform to your budget requirements. So what you simply did was you did the artifice, with all due respect, to saying, well, they will expire in 2010. So what is projected to happen in 2010 is a direct result of the budget and the policies that you promoted and voted for, I tell my friend.

Mr. CANTOR. I will say to the gentleman again if he is so intent on comparing the two, let's go back to the Bush budget, which would allow us to cut the deficit by 50 percent, if he is so intent on saying how bad things were. Let's stop the spending.

But I would say to the gentleman as far as tax relief is concerned, that tax relief to 95 percent of the public, 25 percent of the tax relief went to entities and individuals that don't even pay taxes. Now, in the minds of most Americans, that is not a tax cut; that's a handout. And that is why we have got to start getting back to basics, Madam Speaker, and insist that the kinds of things that we do here are actually constructive to job creation because that is what we need to be about.

Now, we can go through the litany of things in this President's budget and what the majority has done over its term in office this session to demonstrate taxes have gone up significantly over this period.

It is time to stop taxing, stop spending, and stop borrowing.

So, Madam Speaker, I thank the gentleman for——

Mr. HOYER. Will the gentleman yield on that?

Mr. CANTOR. I yield.

Mr. HOYER. When you say taxes have gone up in this period, what period are you referring to?

□ 1315

Mr. CANTOR. Well, I can say this year, this year, Madam Speaker, taxes have increased $670 billion, $316 billion of which comes at the expense of the middle class, breaking the President's promise.

Mr. HOYER. And what were those taxes?

Mr. CANTOR. Madam Speaker, I would say, if you look at the health care bill that was just passed——

Mr. HOYER. The health care bill has not gone into effect. You're saying this year taxes have been increased.

Mr. CANTOR. The health care bill that has just passed, as long as this economy and the players in this economy understand that actions are being taken now to facilitate adopting to a very high tax environment.

Now, if the gentleman wants to join us, if he wants to join us in sending the signal to the public that we're not going to continue business as usual, then let's step up, send the signal we're not going to allow taxes to increase any further, and that starts with differing from the President's budget, which calls for $2 trillion of tax hikes over the next 10 years.

So I'll say to the gentleman, you can say all day long that you have sat here and provided enough middle class tax relief. It's just not true. The public doesn't understand that. The public sees Washington spending money in unprecedented ways and having to borrow to pay for that. And, ultimately, people understand that it is about raising their taxes, reducing their take-home pay in order to pay for that.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. The gentleman perhaps believes if he says it enough that I said there's been enough tax relief maybe people will believe it. I have never said that on this floor or any other place. So I wish the gentleman would stop mischaracterizing what I say.

Now, very frankly, what I have said is the policies we pursued were not working demonstrably when we took over the Presidency of the United States, and could change policy, which we did. We changed policy consistent with, frankly, what Senator MCCAIN said ought to be done during the course of the election, not the same way, but that we had to invest in our economy. Mark Zandi, Senator MCCAIN's economic adviser, along with others, said we needed to do what we did.

Now, the gentleman voted against it. But it has, I tell you, worked demonstrably, 2 million new jobs according to the CBO—not new jobs, retained or created. In fact, over 2 million jobs; 162,000 jobs created last month. Not enough. He is correct.

But to ignore the fact that we are making some progress, I don't know whether you saw Larry Kudlow, he said, you know, stop talking down the economy, stop saying that things aren't getting better because the psychology of the economy is very important. And, in fact, whether it's the

stock market indication going up, they have confidence, whether it's the growth in our economy from a 6.4 percent decline in the economy that we took over from the Bush administration, to now, a 5.6 percent growth, that figure doesn't mean anything to anybody unless they get jobs. I understand that. We need to get jobs.

What it does mean, however, with the economy growing, that jobs will follow. And that's important.

So please don't put words in my mouth. We need to cut taxes for the American public. In fact, as you know—I want to remark on something that you said. Ronald Reagan was a supporter of the earned income tax credit. Why was he a supporter of the earned income tax credit? Because he thought making sure people had enough money to get by on, buy some food for their family, buy some clothes for their kids to go to school and pay their mortgage payment, was an important thing to happen.

That's the difference, frankly, between our two parties. We don't believe that was a handout. It was a hand up in a very difficult economy. We said—and they don't pay taxes. Why don't they pay taxes, I ask my friend rhetorically. The reason they don't pay taxes is they're not making enough money to pay taxes.

Under your tax program, I would suggest to you, you did that, we supported it. They didn't pay taxes. But what we said is, they've got to live, their kids have to eat, they have to get by. And to the extent that they have some assistance in doing so and spend that money, as every economist will tell you, and you know this to be the case, it will help the economy grow. Yes, we help those people as well.

Maybe you think that was simply a handout and that we shouldn't have done it. But we did it, and it is the difference between our parties in many instances.

I yield back.

Mr. CANTOR. Madam Speaker, I reclaim my time. Madam Speaker, now, see, this is when the politics of attack kick in. For anyone to sit here and say that Republicans don't care about people, that's just not true, and he knows it. It's a definitional question.

If the gentleman differs with my characterization it's not a handout, it's a hand up, okay. But what we're talking about was tax relief. It was not a tax cut. If you don't pay taxes, you can't get a tax cut.

But what I'd say to the gentleman is this: times are different right now, Madam Speaker. The American public understands the crossroads this country is at, that we are on a path to fiscal ruin.

And the gentleman likes to continue to defend the stimulus bill as having been a success. Well, I would say to the Speaker, I'd say, Madam Speaker, to the gentleman, no one, not very many people in America think the stimulus bill was a success at generating jobs, and that's just almost a unanimous fact among most Americans. So if we know that, why would we continue to advocate the same policies?

And instead, Madam Speaker, I would say again I hope the gentleman would join us in advocating tax cuts for small businesses so that we can grow jobs in this economy.

The gentleman did ask what tax cuts, or what tax hikes, occurred over the last, over this session. And during the gentleman's party's majority rule, we know that there was a $65 billion tax increase on tobacco products. There was an almost $7 billion tax increase under the stimulus law repealing guidance allowing certain payers to claim losses of an acquired corporation. There was another almost $23 billion of surtaxes extended for the Federal unemployment program. And there was also, Madam Speaker, as the gentleman knows, a delay of rules reducing double taxation of American foreign nationals to the tune of almost $6 billion. Those are the tax hikes that have occurred, in addition to the overwhelming billions and billions of dollars inside the health care bill.

So, Madam Speaker, it is not accurate for the gentleman to represent that, number one, this Congress has not raised taxes on the middle class. We know differently. And, number two, to sit here and hide behind the notion that there aren't going to be tax increases at the end of this year, and the fact that that realization is not impacting job growth or the lack thereof, that's not being completely accurate, Madam Speaker.

And I would say to the gentleman, times are different now. It is time for us to own up to the obligations that we face as a country and work together to try and put this country back onto a growth path.

So with that, Madam Speaker——

Mr. HOYER. Will my friend yield one more time?

Mr. CANTOR. I yield.

Mr. HOYER. It is a new time. We're paying our bills. Now, we had to borrow a lot of money because we were in a very deep hole. And everybody said if you didn't, all economists, Marty Feldstein, conservative adviser to Ronald Reagan, said you need to put more money back into the economy.

We didn't have any money. You had a $5.6 trillion surplus that you inherited. We inherited a $5 trillion deficit. So we had no money. Your administration spent it all.

But you didn't pay for things you bought. You didn't pay for your tax cuts. Very nice to give tax cuts, but if you don't pay for them and they create deficits, then who's going to pay for them? Our children. And that's what happened.

We went to war. One was absolutely essential. We went to another war that some say was of choice, that is, in Iraq. We somewhat abandoned Afghanistan when we went to Iraq, and we didn't succeed in Afghanistan; but we didn't pay for either one of those wars.

Who are we expecting to pay for those wars? Our children.

You adopted a drug prescription program which, very frankly, we made better in the health care bill. We made seniors more secure in getting their prescription drugs. But you didn't pay for it.

Your economy that you left us, very frankly, is responsible for 38 percent of that deficit to which you referred; 90 percent-plus of the deficit that confronts this country are direct results of the policies pursued in the last administration. Just as when Roosevelt inherited from the Hoover administration a very substantial downturn, it took him time to turn that economy around.

So I say to my friend, we are prepared to work together, but we're not prepared to pretend that—when you say times are different, they are different. They are very different. The difference between a $5.6 trillion surplus and a $5 trillion deficit, the Bush administration inheritance and our inheritance. And that has made it tough. It's made it tough on us, tough on the American people. And we're trying to get out of this. I think we are.

And again I repeat to my friend, Larry Kudlow gave you some good advice, very conservative guy, on television. You know him; I know him. We appear on his program. And he urged those of you on the conservative side of the ledger, don't deny the facts. That's what Larry Kudlow said. Don't deny the progress that has been made because if you deny it and people believe that denial, they won't think things are getting better and they won't act accordingly. And that's not going to be good for our economy. It won't be good for our country.

So I caution my friend to, when things are positive, have the ability to say, yes, we've made some positive progress from where we were before this administration came into office.

I yield back.

Mr. CANTOR. I thank the gentleman. And in trying to close this colloquy, Madam Speaker, I would say the gentleman knows good and well that when we had a positive job growth report last month, I was the first one to speak out and acknowledge the fact that, yes, growing jobs is a good thing. We've got a long way to go.

The gentleman admits that we are at a different time now, and he points to the deficits; and I point to the fact that the old administration, he alleges, didn't pay its bills, and that perhaps we, in the majority, spent too much. Okay. Fine.

But it doesn't give this majority and this Congress and this administration any better or more license to go and bankrupt this country by continuing on the spending path, and that is my point.

We are at a crossroads, Madam Speaker. I would tell to the gentleman, we have tremendous challenges before us; and as the American people know, if we don't stop the reckless policies of this town, it may very well lead to the fact that our kids and their kids will not enjoy the same freedoms and opportunities that we do.

So I continue to tell the gentleman we stand ready to work with him to try and address this extremely critical time in our Nation.

I yield back.

Mr. HOYER. If the gentleman will yield, I'll simply say, I agree with the gentleman. And I agree with the gentleman, and certainly want to join together in this effort. And the gentleman will observe, that's why we have adopted, readopted statutory PAYGO. We think that will constrain spending. That's why we've created a commission to look at spending and make recommendations to get a handle on the spending in this country and bring our deficit in line as it was in the nineties.

And that is why the President has submitted a budget that freezes discretionary spending at last year's levels. So we agree with you that we need to move in that direction and, in fact, we are.

I thank the gentleman.

Mr. CANTOR. And I'd say, final closing, Madam Speaker. I'd say that in order to get a handle on spending, just stop. And that is why we shouldn't allow for discussion of hiking taxes. It allows this body, this Federal Government, to have yet even more of the taxpayer dollars to decide how to spend.

It's time for us to stop and practice fiscal discipline and get this economy back on track.

I yield back.

□ 1330

## ADJOURNMENT TO MONDAY, APRIL 26, 2010

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## INVESTIGATE GOLDMAN SACHS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, this week the Securities and Exchange Commission alleges, in a rather unusually constructed civil case, Goldman Sachs committed fraud. But there is growing concern that evidence presented in this case could be excluded from any subsequent criminal case that might be filed by the U.S. Department of Justice.

Thus, I invite my colleagues to join me and several dozen Members in signing onto a letter to Attorney General Holder asking him to investigate Goldman Sachs and other related cases to ferret out and fight fraud in our financial system. Legal maneuvering to thwart justice should not be allowed through those who harmed our Republic so maliciously.

In addition, I urge my colleagues to sign onto H.R. 3995, which enhances the FBI's, SEC's, and Department of Justice's capabilities to investigate and prosecute fraud and other financial crimes. Our citizens demand justice. Those who committed financial crimes must be brought to justice. Our letter and H.R. 3995 lead exactly in that direction.

## RECOGNIZING AUTISM AWARENESS MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to recognize April as Autism Awareness Month and call for increased research into and treatment for this leading developmental disorder. Autism impacts more of our children every day, and it is becoming exceptionally prevalent in our American society.

The number of American families who must learn to cope with autism is growing every day. An estimated one in 110 children born in the United States are now diagnosed with autism. We must invest in the research that will allow us to better understand and treat this serious disorder.

For individuals already living with autism and those children who will be diagnosed this year, we must make this our priority. Autism's hold on our families, our children, and our country must be broken.

I look forward to the day when children diagnosed with this developmental disorder can live full and healthy lives.

## CONGRATULATING ANGEL RAY GUERRERO

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Madam Speaker, Angel Ray Tudela Guerrero is a teenager in the Northern Mariana Islands who, despite facing health problems in his own life, has found ways to improve the lives of other young people.

At age 12, Angel Ray was diagnosed with a malignant brain tumor. But Angel Ray did not let his disease control his life. Instead, he used his experience to empower himself to help others.

During his year-and-a-half long stay in a Hawaii hospital battling cancer, Angel Ray found that time passed more comfortably because of the playroom there. But Angel Ray knew that kids back home in the Commonwealth Health Center in the Northern Mariana Islands had no playroom. So Angel Ray partnered with Hawaii Representative Glenn Wakai and with Reach Out Pacific, a nonprofit organization. Together, they organized donations of toys and books to create a playroom at the Marianas Hospital.

Angel Ray Guerrero is an inspiration to us all, an individual who took the adversity of his own life and turned it into a benefit for others.

## SUPPORT THE ECONOMIC FREEDOM ACT

(Mr. ROONEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY. Madam Speaker, Florida's unemployment just reached a record 12.3 percent, and in some areas of my district it's as high as 15 percent. My constituents continue to ask me, ''Where are the jobs?'' Many claim that the layoffs are driving up the unemployment rate. But the real culprit is the lack of jobs being created in the private sector.

Americans who have been jobless for over a year will continue down that road if new jobs simply do not exist. And I am not talking about temporary government jobs. Congress must work to stop spending and create a favorable environment for businesses to save money and invest by cutting taxes and incentivize banks to start lending again.

Increasing the Federal Government's control over the free market and spending money we do not have is not the answer. Americans have made that clear. That is why today I cosponsored the Economic Freedom Act. This bill will lower job-killing taxes on businesses and rein in excessive government spending. This is the type of solution Americans deserve.

## CELEBRATING THE 90TH ANNIVERSARY OF RUSSO'S BAR & GRILL

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to celebrate the 90th anniversary of Russo's Bar & Grill in Amsterdam,

New York, a city I have proudly called home my entire life.

John Russo opened Russo's in 1920 as the Mohawk Grocery Store. After the repeal of Prohibition in 1933, John turned the grocery store into a tavern and pool hall. He then passed it to his children, Pat, Angelo, Vince, and Lou. Other than Lou's sad passing, the others are still alive and well today. The restaurant eventually was passed along to its current owners, Mike and Barbara Russo.

However, Russo's is much more than a run-of-the-mill restaurant. Russo's is about family, a gathering place, old American ideals, an immigrant's dream, and a successful small business. Perhaps that is why even then-candidate Hillary Clinton recognized the importance of Russo's, making a campaign stop there during her successful 2000 run for a United States Senate seat.

Nearly a century ago, John Russo planted his dream seed, which germinated and grew over generations to what we see today, a continuing tradition and legacy of fine food, family gathering, a sense of place, and a gathering post after local community meetings and events. Russo's has the recipe for success, tasty success, for 90 years. Congratulations, Russo's.

## NATIONAL MEDIA SHOW DOUBLE STANDARD ON GOLDMAN SACHS COVERAGE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, during President George W. Bush's first term, the national media gave extensive coverage to the Bush administration's relationship with Enron. The New York Times wrote, ''Their ties are broad and deep and go back many years.'' Time Magazine reported on ''Bush's Enron Problem.'' A Chicago Tribune headline read, ''Bush urged to be open about Enron.''

Eight years later, by comparison, national coverage of the Obama administration's connection to Goldman Sachs is scarce. The SEC has filed suit against Goldman Sachs, charging it intentionally misled investors who participated in a mortgage securities deal that was designed to fail. Goldman Sachs employees gave President Obama over $1 million in campaign contributions, nearly seven times as much as President Bush received from Enron workers, according to numbers on OpenSecrets.org and as reported by the Washington Examiner. The Examiner also reported that several current and former members of the Obama administration have close ties to Goldman Sachs.

The national media should give Americans the facts, not practice double standards.

## DO NOT LAY OFF TEACHERS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. I agree with my friends on the other side of the aisle, we must create jobs. And we are working intensely to do that. My recollection is that during the Clinton administration, we created some 22 million-plus jobs. In the Obama administration we are increasing our hold on not losing jobs and increasing jobs.

I hope my colleagues will join me in arguing two points: one, we must invest in the private sector, but our banking industry must invest in small businesses to allow them to hire individuals; and two, we must not lose America's teachers. That is the public sector. But who can afford to lose 300,000 teachers? We must call that an emergency and begin to work on the idea of saving the Nation's teachers.

To the Nation's teachers, stand up for your job because you are standing up for the education of our children. Who can afford to lose the best and the brightest? We lose that when we begin to lay off teachers. We should end any thought about laying off America's teachers.

## UNCERTAINTY IMPACTING SMALL BUSINESSES

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I've spent a number of weeks back in my district, the 19th Congressional District of Texas, talking to small businesses all throughout the district about the economy and about jobs, which is on the minds of the American people, and particularly the people in the 19th Congressional District.

Many of them said, Congressman, we would be spending money, we would be expanding our business, but Congress is creating such an uncertainty that we don't know what to do. They're still trying to figure out how this health care bill is going to impact them. They're still trying to figure out if this Congress is going to pass a cap-and-trade bill that will increase the cost of energy. They hear Congress talking about all kinds of taxes, VAT taxes, gasoline taxes.

And now they see Congress is spending and borrowing money it doesn't have, running up these record deficits. And they said, Congressman, we're just uncertain about what the future is in this country.

In fact, when I go around to clubs and meetings, I ask people in the audience to raise their hand if they are living out a better life than their parents. Everybody's hand raises. But when I ask them how many people think, based upon the course we are on today, that their children and grandchildren will live a better day, the hands are brought down.

Mr. Speaker, we need to get back to the basics here, cut spending, cut taxes, and get the American people back to work.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HIMES). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## HONORING MILLARD VAUGHN OAKLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Tennessee. Mr. Speaker, the Upper Cumberland region of Tennessee is known throughout the country for its unparalleled natural beauty. Its rivers and streams, rolling hills, farms, fields, and forests all come together to create the rich tapestry of the region. But just as the beauty of the land contributes to the character of the place I am proud to call home, so does the remarkable beauty of the people. The teachers and statesmen, the war heroes and artists of the region are the vehicles that have carried our most cherished traditions throughout the ages.

Out of these great men and women, there is one in particular that I am proud to call my friend. Never one to shrink from a challenge, but he has always been ready and willing to dedicate his time and resources to the service of others.

Mr. Speaker, I rise today to honor Millard Vaughn Oakley, an accomplished Tennessean who has tirelessly dedicated his life to public and community service. Whether through his law practice, his service in the General Assembly, or his fight to improve education, Millard has always been a staunch advocate for the interests of Tennesseeans. Although it would be impossible to qualify and quantify the total impact that Millard's work has had on our communities, countless lives have been enriched because of his faith and his friendship.

A lifelong resident of Overton County in the foothills of the Cumberland Plateau, Millard graduated from Livingston Academy in 1947, attending Tennessee Technological University, and graduated from Cumberland Law School in 1951. Almost immediately after earning his law degree, Millard began his general law practice in Livingston, Tennessee, which he continued until 1971.

During that time, he was elected to four terms in the General Assembly

and served one term in the State's constitutional convention. He has had numerous positions in Tennessee government, including county attorney, and served as our State Insurance Commissioner.

Millard has always fought to improve education throughout Tennessee. He serves on the Tennessee Board of Regents, and through his financial support helped create the Science, Technology, Engineering and Math Center at Tennessee Technological University to bring a world-class research center into the heart of Tennessee.

□ 1345

In his hometown of Livingston, he was instrumental in coordinating local officials and private investors to construct the public library that now bears his name. He also established the Oakley First National Bank Foundation which provides scholarships for financially challenged high school seniors in Overton County.

Through his philanthropy, Millard helped build a campus for Volunteer State Community College in Overton County, which now serves students across the Upper Cumberland.

I am proud to be counted as one of Millard's friends, and I join them in wishing Millard success in all his future endeavors.

## AND THE BORDER VIOLENCE CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, there are rules and procedures for coming into the United States legally. You have to sign the guest book at the point of entry so we know who you are. We have a right to know why someone wants to visit our country—and we have the right to tell them when it's time for them to go home.

But right now, America's hardworking taxpayers foot the bill for anyone who sneaks across our borders unabated. American taxpayers are expected to pay for the world's problems. We have enough problems of our own right here.

Let me mention some of our border issues and some of those issues that we have on the Texas-Mexico border.

Criminal aliens are a part of that problem. There is a crime wave taking place in our border regions. There are 14 Texas counties that border Mexico. And recently, I called the 14 county sheriffs and asked them this question, ''How many people do you have in your county jail that are foreign nationals charged with crimes other than immigration violations like misdemeanors and felony offenses?'' And they told me that 37 percent of the people in the border county jails in Texas are foreign nationals charged with those crimes.

These are not rich counties. These are poor counties. And yet they're expected to take the brunt of the crime problem on the border. They don't have the money to prosecute or even house these individuals. You see, Mexico's problems have become our problems.

Further, the violence in Mexico has escalated. Just yesterday, a Holiday Inn in Monterrey, Mexico, was attacked by narcoterrorists. The assault was done by 50 gunmen who seized cars to block streets to slow down police response. At least three people were kidnapped in the attack by the drug cartels.

Violence at our southern border with Mexico has escalated as well, and it not only affects Mexican nationals on the northern part of Mexico, but Americans on the southern border as well. Murders, kidnappings, Old West shootouts, Mexican military helicopter intrusions into the United States, and reports of criminal cartels cloning border patrol vehicles to smuggle drugs have all occurred.

An Arizona rancher was murdered at the border recently on his ranch. A California border agent was assassinated just a few months ago. In El Paso, Texas, our border patrol agents are reportedly being targeted by the Azteca hit men. These outlaws work and protect drug shipments for the Juarez drug cartel.

Arizona has just passed a new law giving local law enforcement the ability to check immigration status and detain those in the United States illegally. The bill also puts an end to sanctuary cities in Arizona. It requires law enforcement agents to make reasonable efforts to determine a person's legal status if there is a reasonable expectation they're in the United States illegally. Arizona and other States are desperate so they are trying to do the job that Washington will not do.

This bill is waiting for the Governor's signature in Arizona, and most Arizona citizens support this law. Border States have been asking for help for securing the border against the escalating violence for years. States have to protect their citizens because the Federal Government refuses to act to adequately secure the border. It is the primary purpose of the Federal Government to keep American citizens safe. When the Federal Government refuses to act, the border States are left to deal with the problem on their own.

Governor Rick Perry in Texas has been asking for National Guard troops for over a year, but the Department of Homeland Security has ignored these requests.

There seems to be blissful silence in D.C. about the border war. Why do we wait for more tragedy before more boots are put on the ground? Our law enforcement agents need help. Doesn't Washington know the border has become a war zone?

National Guard troops should be deployed to the border immediately to protect us from the narcoterrorists. Border patrol and local sheriffs in Texas and other States are outmanned, outgunned, and outfinanced.

The United States guards the borders of other nations, but yet we refuse to guard our own border. Why do we do that? Mr. Speaker, we fail to act at our own peril.

And that's just the way it is.

## AIDS FOUNDATION OF CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to mark the 25th anniversary of an extraordinary organization—the AIDS Foundation of Chicago. The AIDS Foundation is not just an Illinois treasure. It is recognized across the Nation as a leader in HIV/AIDS policy and service.

The AIDS Foundation was founded in 1985 at the height of the HIV/AIDS epidemic when an AIDS diagnosis was a death sentence. HIV had been identified 2 years earlier, but effective treatment was still not available. Many of us watched helplessly as friends and loved ones passed away.

AFC was founded by friends of mine, Dr. Renslow Sherer, Dr. Ron Sable, Judy Carter, and William Young. Its mission: to lead the fight against HIV/AIDS and improve the lives of people affected by the epidemic.

Thanks to AFC's role as a force for change, lives have been saved and lives have been changed. AFC helped turned the tide of this epidemic in Illinois and across the country by working with community organizations to develop and improve HIV/AIDS services, funding and coordinating prevention, care, and advocacy, and acting as a champion for effective, compassionate HIV/AIDS policy.

In its position as the hub of HIV/AIDS services in Chicago, AFC has worked with its partner agencies to connect people living with or affected by HIV/AIDS with the care, housing, and prevention services that keep HIV infection from being the death sentence it once was.

Through its advocacy efforts, AFC has given a voice to those who would otherwise go unheard, empowering those living with the disease to be their own advocates, holding those of us in power accountable, and keeping the human face of the epidemic fresh in our eyes and close to our hearts.

Many of the life-saving programs established by this body have been implemented on the ground by AFC and its community partners. Again and again, AFC has proven itself to be a dedicated steward of public and private resources. Its innovative approaches to

coordinating HIV/AIDS prevention and care services such as case management and support of housing programs have been repeatedly recognized as national models.

From the west side of Chicago to West Africa, AFC has partnered with community organizations to support vital prevention, education, and care programs that would otherwise go unfunded. These activities reflect the true scope of the HIV/AIDS epidemic running the gamut from the local and State level to the national and international stage.

Because of the richness of these links, AFC is uniquely positioned to build coalitions and grassroots advocacy networks to effect change. Its leadership in countless campaigns for more and better HIV/AIDS prevention, care and housing services has empowered those communities impacted by the epidemic to directly engage their elected officials and demand the lifesaving services that they need.

As a Member of Congress, I rely on AFC to provide me with policy advice and, as important, to describe the on-the-ground needs and concerns that must be addressed.

And so I would like to congratulate AFC President and CEO Mark Ishaug, Board Chair Aaron Baker, and their staff and volunteers for their leadership and dedication in the fight against HIV/AIDS. Thanks to your hard work over the last 25 years, we now know that this is a fight in which one day we will be victorious.

## WHY A ''NO'' VOTE IS THE RIGHT VOTE ON SANCTIONS FOR IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Today, the motion to instruct on the comprehensive Iranian sanction bill was passed overwhelmingly, 400–11. Eleven individuals said that this was not a good idea. I was one of those 11, and I would like to explain why I think the sanction bill against the Iranians is very, very dangerous and not well thought out.

Sanctions are very serious. Sanctions are literally an act of war. When you prevent certain goods and services going into a country, it's like a blockade. There is no advantage to us to do this. The sanction bill literally says that any country that trades or sends oil into Iran, we will no longer trade with them. So if Russia sends in oil or gasoline or refined products or China does, we are theoretically, under this bill, not to trade with them. Can you think of anything more chaotic than having a trade war with China at this particular time?

So often well-intentioned foreign policy procedures backfire. They have unintended consequences and there is too often blowback. Today, unbelievably, we are engaged in so many places in the world and we can't afford it. Our foreign policy costs us a trillion dollars a year to operate. We're in 135 countries. We have over 700 bases throughout the world. We are engaged in military confrontation in Iraq, Afghanistan, in Pakistan. We're bombing in Yemen, as well as having surrogates fighting in Somalia.

We're flat-out broke. The policy is driving our enemies into the hands of the Chinese, and here we are looking for another war. It makes no sense whatsoever.

The conversation today was nothing more than war propaganda on why we have to get ready to bomb the Iranians. There is no proof, according to our CIA, that they're actually working on a nuclear weapon. I'm sure they would like to. Why not. Everybody around them has it so it would be logical that if they're surrounded and threatened and intimidated with all of the people around them, why wouldn't they want one? Well, of course they do. But others have it.

They have never been found in violation of the nonproliferation treaty. Never. And yet Pakistan, India, and Israel, they don't even belong, and they're our friends and we give them money. Pakistan, they have gotten support from us. They have nuclear weapons and they have been known to send nuclear technology to North Korea.

So the whole process makes so little sense.

The language today was used that, well, we have to go in because of the weapons of mass destruction, they're going to have missiles and they're going to attack us. It's identical to the propaganda promoting in 2002 and 2001 before we attacked Iraq. So this same process is occurring trying to generate all of this excitement about the need to use hostilities.

Now, a lot of individuals vote for sanctions that are basically anti-war and they don't like the military option, and they think this is an alternative. I think that is deeply flawed thinking, because sanctions lead to hostilities. And if you commit to the sanctions, you're really committing to the next step. The sanctions of the 1990s and the year 2000, the sanctions on Iraq, eventually led to the hostilities and the war and the invasion.

So what did that invasion of Iraq do? Did we find any al Qaeda there? No. We found out that Saddam Hussein wouldn't allow the al Qaeda there. No weapons of mass destruction. We've turned the country upside down. Hundreds of thousands of people injured and killed. We have suffered devastating problems from this. And what has happened? We turned the Government of Iraq over to the Shiites, who are allies of the Iranians. So that whole policy has actually backfired.

So now what we're doing to the Iranians is driving them into the pockets of the Chinese. The Chinese are pretty good capitalists these days. They work hard, they produce, they sell us certain goods and services. We pay them, they save their money, and they're starting to invest. So they're investing around the world in natural resources. And what are we doing? All we're doing is trying to take over the world with natural resources so we have control of oil.

This is a mercantilistic idea, it's ancient, and it takes you back to almost colonial times.

□ 1400

So this, I think, shows that our policies are deeply flawed. I sure would have wished this vote would have come out differently. And I warn, this was a very dangerous vote.

## VOTING RIGHTS FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore (Mr. DRIEHAUS). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this week a historic vote to give the 600,000 residents of the District of Columbia here in the Nation's capital voting representation in the House was due on the floor and had to be pulled down but only for now. I come to thank the majority of Members of Congress, of this House, who have voted for the right of the people of the District to have a vote on this floor, especially the 22 Republicans and the 219 Democrats, who gave the D.C. House Voting Rights Act a straight-up vote in 2007 when it passed 241–177.

I thank Speaker PELOSI and Majority Leader HOYER for their invaluable and unfailing support until the very end. I thank Majority Leader HARRY REID for bringing a historic first-time vote for the bill where it passed the Senate. I thank Chairman JOHN CONYERS for his unyielding support of D.C. voting rights. I thank former Representative TOM DAVIS whose idea it was to pair Democratic D.C. with Republican Utah, the most perfect example of a bipartisan bill ever to hit this floor where each side benefits equally. I thank Ilir Zherka of D.C. Vote and the coalition he put together and Wade Henderson of the Leadership Conference on Human and Civil Rights, who were steadfast and creative throughout this process.

The Senate for the first time, in fact, enacted the bill, but it had a gun amendment that took down the District's gun safety laws, yet the District's gun safety laws have been held to be constitutional now by the courts. When the bill came here to the House, I sought a clean vote and almost got it. I thank the House for being willing to

put the D.C. House voting rights bill on a must-pass bill. The Senate did not agree, so I spent months trying to negotiate a compromise that would have left at least some of D.C.'s gun laws intact.

Finally, and reluctantly, I agreed to the same amendment that passed the Senate to, in fact, alter the District's gun laws, but I had a set of strategies for returning the District's public safety laws.

However, we were hit with a new over the top revised gun amendment that gun forces sprung on us that was worse than anything we could have imagined. Ultimately, people would have been allowed to carry guns in the Nation's capital. The city could not prohibit guns in its own publicly owned buildings. Owners of residential and commercial property could not ban guns in their own property to those who rent or lease.

We expect the gun forces to return. We are ready for them. For the sake of post-9/11 Washington and hometown D.C., they must not succeed in overturning the public safety gun laws of the Nation's capital. I promise you this, we will redouble our efforts to finally give the American citizens who pay taxes at a rate of second per capita in the United States, the citizens who live in our own capital, the vote in Congress they have sought for two centuries and that every American who believes in the founding principles of the Framers and our country know must have. Let's do it, and let's do it this year.

## CONGRATULATING JOETEN ENTERPRISES ON ITS 60TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Northern Mariana Islands (Mr. SABLAN) is recognized for 5 minutes.

Mr. SABLAN. Mr. Speaker, I rise to congratulate the shareholders, management, and employees of a very special family-owned business in the Northern Mariana Islands as they celebrate their company's 60th anniversary. Joeten Enterprises, Inc., or simply Joeten as it is known to local residents, began with Jose Camacho Tenorio and his wife Soledad Duenas Takai selling beer and soft drinks to soldiers and sailors from Saipan right after World War II. Joeten and Daidai, as everyone called the Tenorios, gradually grew their quintessential mom and pop operation into a diversified, multimillion-dollar corporation. Today Joeten Enterprises encompasses not only retail shopping outlets but also wholesale, shipping and stevedoring, car dealership and auto service, hotel, real estate, construction and material supply, hardware, insurance, bakery and deli businesses. They have hundreds of employees, including many that have been a part of the company for decades.

It is difficult to imagine our principal island of Saipan 60 years ago. The war had destroyed virtually all of the physical and commercial infrastructure. Residents found some work with the U.S. military or lived on government handouts. So for newlyweds Joeten and Daidai to take the great entrepreneurial leap of faith and open a corner grocery store in the village of Chalan Kanoa was a significant step not only in their own lives but in the reconstruction of the island economy.

Joeten and Daidai sacrificed much and worked long hours to build their small business. Joeten was lucky enough to have a government job, but he was constantly networking, planning, and then carefully executing a variety of adaptations and expansions to grow the business. Daidai supervised the store during the day, balancing the books, while caring for and feeding the couple's growing family. The four daughters and two sons of Joeten and Daidai—Annie, Clarence, Norman, Patricia, Frances, and Priscilla—began their own education in business at an early age right there in the store. Their parents' example and tough but caring attitude taught the children to work hard to get what they wanted from life. They learned that personal discipline was key to success. And as each of the children grew, they took on their own increasingly important roles in the burgeoning Joeten Enterprises.

Joeten passed on in 1993, Daidai in 2008. But their six children continue to run the many businesses their parents began. The children of Joeten and Daidai share their parents' values with their own children, so the lessons Joeten and Daidai imparted continue to be practiced by a third generation of entrepreneurs.

As retold by the Tenorio children and grandchildren, one of the most important of these lessons was that to a large degree the company's success is the result of the teamwork of the company's loyal and dedicated managers and employees.

In that spirit, we salute them all—owners, managers, employees. Hand in hand, may they continue to prosper in the next decade, guided by the vision and spirit of the company's founding couple, Joeten and Daidai.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3244. An act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

## HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. I thank the minority leader for allowing me to speak this afternoon during the leadership hour. It is always a significant event to be asked to speak during the leadership hour, and I certainly appreciate the confidence shown in me by the leadership.

This afternoon I thought we'd talk a little bit more about the health care bill that was passed by this House last month because it is an important subject and one that continues to cause problems across the country. Almost anyplace you go, people want to ask you questions about, Why did you do this bill, and what does it mean for me, and what can I expect going forward?

Mr. Speaker, I know I need to confine my comments to the Chair, and I will do so. But if I were to be able to speak to people directly, I would encourage them to look at a health care policy Web site that my office maintains. It's called the Congressional Health Care Caucus, healthcaucus.org. This Web site chronicles many of the debates and discussions that occurred over the last 14 or 15 months, encapsulating the genesis of this health care bill that was passed last month. And really with the passage of the bill, the health care issue does not go away. We simply move into the second part of what is going to be the health care discussion because after all, even as we speak, just down the hill at the Department of Health and Human Services, they are busily working and hiring people, people who are going to be writing rules, writing regulations, and really dictating the policies that will direct health care in this country not just through election day, not just through election day 2012, but literally through the lives of the next three generations of Americans.

So this is an important concept, and people do need to pay attention. As the rules are written over at the Department of Health and Human Services, there will be periods open for comment on that public rulemaking process, and people need to visit Web sites such as healthcaucus.org or the Health and Human Services Web site to familiarize themselves with the rules as they are being written. If you get the mental picture of some central planner moving data points around on a big map or graph, that's probably the right mental image to have right now with where we are with this health care bill.

Let's talk just a little bit about how we got to where we did with the passage of the bill. The recognition after the presidential election of 2008 that health care was going to be a big part

of the legislative agenda for the President's first term. There was no question about that. And as we worked our way through the year last year, concepts such as cost and coverage started creeping into almost every story that was written about health care. Because it was after Senator Kennedy's committee over in the Senate, that Health, Education, Labor, and Pensions Committee, released a Congressional Budget Office score on the bill that they were working on which showed a cost significantly north of $1 trillion over 10 years and coverage numbers of about 13 million additional people being covered, that people said, Oh, my goodness, this costs a lot, and we don't get nearly the coverage that we thought we did. So almost every other health care proposal that came forward after that was subject to that same Congressional Budget Office scrutiny and scoring. And as a consequence, it kind of got an idea of the parameters that were being set. Those parameters were that the bill had to be scored and costing under $1 trillion, and the bill had to score as covering an additional 30 million people. Those were the points on the graph that had to be satisfied at the end of the discussion.

So if it were a question of covering everyone who makes under 150 percent of the Federal poverty level under Medicaid, as was the directive from the bill that was passed in the House, if that made the final number too high, then you do what they did in the Senate and say, Well, we're only going to cover people up to 133 percent of the Federal poverty level with Medicaid, and that money that's not spent on covering people with Medicaid at higher income levels, we'll use that for something else. And there was all sorts of jockeying for position that occurred over the months during the debate last year.

We passed a bill out of committee on July 31 last summer. The bill was actually supposed to be passed out of committee much earlier and was supposed to come to the floor, and we were supposed to pass the bill on the floor of the House before we went home for the August recess. But because the Speaker of the House decided to take up the climate change bill in June and force the passage of that bill right at the end of June before we went home for the Fourth of July recess, thereby causing many Members to feel some anxiety from their constituents back home over what they had done with this large energy tax that the House just passed, many Members of Congress were reluctant to move with rapidity on the health care bill because they were feeling the push-back from the energy bill that they wondered if maybe we didn't pass this a little too quickly and maybe we should have read the bill and studied and understood what the bill did before we voted on it.

So the month of July was kind of a give-and-take. Really most of the discussion was on the Democratic side of the aisle. It did not involve Republicans. But it was moderate Democrats who were concerned about the passage of this bill too quickly.

□ 1415

Ultimately, the bill did pass in committee. All of the moderate Democrats on my committee voted in favor of it and ultimately it passed, but it didn't pass until the House had already adjourned for the August recess on July 31. As a consequence, the bill did not come back to the House floor until after the August recess.

Most of us know what happened during August. There was a significant amount of anxiety exhibited across the country where people would show up at their Member of Congress or their Senator's town hall meeting during the summer and voice either their support or their rejection of the concept of the health care bills that were being discussed in the House and the Senate, and the feeling was almost uniformly negative against what was being passed at least on the floor of the House.

The situation that occurred after the end of the summer town halls, I thought we would come back and, perhaps with a renewed spirit of bipartisanship, realize that we could not do something this large when it was against the will of the American people. I thought we would come back and hit the pause button or the reset button or maybe even the rewind button and go back to committee and rework this bill; but that was not to be.

The President of course came and spoke to a joint session of Congress here in the middle of September, speaking right from the podium right there behind me, and talked about how they were going to go forward with their vision of health care reform, and it didn't really matter what people said over August. Americans must have been in some sort of fugue state because they didn't really mean what they were saying when they said they did not like this bill that we, Congress, were going to give them, we, the President, was going to give them.

So as a consequence, in December, after the House passed—the House did come back and pass a bill early in November. The bill had grown from 1,000 pages at the end of July to 2,000 pages by early November. It was interesting that the bill had grown in the number of pages because all of the amendments that were made in order during the committee process were all mysteriously stripped from the bill before it came back to the floor; but the bill was much larger.

The bill came to the floor and passed by a very narrow vote. And again, the polling done the day of that vote showed that only about one-quarter of Americans actually supported the work we were doing, about another 30 to 40 percent felt that we were doing the wrong thing, and another small but significant percentage said you shouldn't even be doing this right now because your focus should be on creating jobs in the American economy. But we passed the bill.

What happened next was really something the likes of which I have never seen before in my short tenure here in Congress. Between Thanksgiving and Christmas, the Senate wrote and produced and passed a health care bill. Now, both Senate committees, the Senate Health, Education, Labor, and Pensions Committee and the Senate Finance Committee, had worked on different bills through the course of the year; but then they worked on an entirely different bill between Thanksgiving and Christmas Eve and the ultimate passage of the bill. The bill, interestingly enough, had a House number, it was H.R. 3590. It had a House number because it was a bill the House of Representatives had passed earlier in the year. It wasn't a health care bill when we passed it, but we did pass it on the floor of this House. It was a housing bill, not a health care bill; but that bill was picked up over in the Senate, amended so that all of the housing language was removed and the health care language was inserted.

But it wasn't a question of let's get the best possible health care policy and put it in this bill. It was more a question of what will it take to get your vote and we will put that in the bill. That process was so unseemly. The last part of December people were engaged even though they were concerned about the goings-on in their lives for the holidays and the end of the year activities, but they were also concerned about the appearance of votes being bought and sold and people actually coming to a conclusion to vote ''yes'' for the bill because they had gotten some special deal contained within the bill. That process was so flawed that even though the Senate achieved that 60-vote margin on Christmas Eve, the ill will exhibited by the American people continued for weeks after that.

Now the bill did pass on Christmas Eve; it was passed early in the day to get Senators out of town ahead of a snowstorm. As a consequence, the bill itself was not ready for prime time. No one, I really believe this, no one in the Senate ever thought that would be the final product. This was, again, simply a placeholder to get the Senators out of town before Christmas and be able to say that they had passed a health care reform bill before the end of the year. Everyone thought we will come back to a conference committee or we will come back to some type of arrangement where we meld the House and Senate products together; maybe it won't be a formal conference committee because we really don't want to

include Republicans, but we will still work on trying to get some of the rough edges of this thing knocked off and include some of the House-passed principles as well.

Unfortunately for America that never happened because what did happen is the second Tuesday of November an election held way, way up in the State of Massachusetts, where a Republican was elected Senator in a seat that had been held by a Democrat for literally generations, and that happened because the appearance of passing this bill before Christmas Eve appeared so awkward, appeared so unseemly that it looked as if people were buying votes for the bill. The American people pushed back, and even in Massachusetts that was too much to take and Senator SCOTT BROWN was elected.

As a consequence of that, it was apparently felt by leadership in the House and the Senate that a conference committee was not a good idea and there would not be the support for this bill on either the floor of the House or the Senate if they were to bring it back requiring the 60-vote margin in the Senate and of course a simple majority in the House.

The Speaker of the House at one point was asked could they just pick up and pass the Senate bill in the House and get it down to the President for his signature. The statement then, right after the Massachusetts election, was that the Speaker did not believe she had 100 votes on the floor of the House for the Senate bill.

It was significant that the Senate bill had a House bill number. It was significant that the Senate bill, although now it was a health care bill, had passed the House previously because under the rules of Congress if that bill would come back to the House of Representatives with the question asked, Will the House now agree to the amendment made in the Senate on H.R. 3590, and if that answer was ''yes'' by a simple majority, then the bill is passed and it goes down to the White House for signature. Well, ultimately that is exactly what happened.

During the remainder of the month of January, all of the month of February, and much of the month of March, the same process occurred over here where Members of Congress on the Democratic side of the aisle were encouraged, cajoled, threatened—whatever—to change their vote or to change their mind and vote for this health care bill.

Well, it passed. It passed and was signed into law. It required a significantly sized fix-it bill to be passed within a week because the bill was so flawed it really could not stand on its own. Indeed, there have been multiple things that have been brought to people's attention since that time about problems that existed with the bill, and I rather suspect we are going to continue to find those problems occurring over and over and over again in the next several months.

My opinion: this bill should be repealed, and we should actually go back and do what the American people really were asking us to do when they showed up at those town halls in large numbers in the month of August. They did not want us to turn the entire system on its head in order to help the people that legitimately needed to be helped. Yes, we needed to provide some assistance to people with preexisting conditions. Yes, some tort reform would be nice. Is there anything you can do about the cost of health care in this country? But don't take away what is working for 60 to 65 to 68 percent of the American people. That was a message delivered loud and clear in the month of August and has been delivered loud and clear in every poll that has been taken on the subject since that time.

The system needed reform; the system did not need to be changed from top to bottom. And yet over the next 8 years that is exactly what we will see, a system that none of us will recognize by the end of 2010, 2014, 2016, 2018—pick your point on the timeline.

Currently in my State, the State of Texas, Attorney General Greg Abbott is pursuing a court case—and joined with several other States to do so—to argue before the Supreme Court that the bill we passed is unconstitutional. Proponents of the bill, people who think the bill was proper and is constitutional, argue that under the commerce clause of the Constitution this bill will be held to be constitutional by the Supreme Court even though the concept of universal health care is discussed nowhere in the Constitution.

The problem with the commerce clause is that we are now, for the first time, requiring a citizen of the United States, merely as a condition of being a citizen of the United States, to buy a good, service or product that they may not want, need, or feel they are able to afford. This is the first time the commerce clause has been invoked to protect the commerce that was essentially coerced by the Congress. So the attorneys general of several States are now pushing that case and are going to argue that before the Supreme Court.

One of the shortcomings of the Senate bill, one of the things that wasn't properly thought through, was the provision of what is called a severability clause in the bill. We actually had a severability clause in the House bill that was passed in November, but no such severability clause was included in the Senate bill. Perhaps in their haste, just to get something done before that snowstorm on Christmas Eve, they simply forgot about it.

What a severability clause would do is, Congress recognizes that from time to time we will overstep our bounds in the eyes of the courts and the court might strike down a provision in the bill, but the severability clause allows the rest of the bill to stay and be enforced. Without a severability clause, this is now up to the discretion of the court. The court could, if it agreed that the commerce clause could not be invoked to pass this bill, strike down the entire bill, or they might use the discretion of the court to only strike down a portion of the bill that they deemed unconstitutional. That drama has yet to play out, and likely it will during the summer months or fall and we will have to see what occurs with that. But I do support Attorney General Greg Abbott in Texas and many of the other attorneys general across the country who are actively pursuing this course against this bill.

What would repeal look like? Could Congress in fact repeal a bill that had passed and been signed into law by the President? The answer is yes, and there is actually precedent for that. In 1989, some people will remember the name Dan Rostenkowski. He was the chairman of the Ways and Means Committee—a Democratic chairman from the State of Illinois, coincidentally—and passed the Catastrophic Health Care Act. This was the Catastrophic Health Care Act for senior citizens. The bill was actually passed in a bipartisan fashion in both the House and the Senate. It was thought that people wanted this, but in fact it's one of the problems that you have when you get out in front of the American people and give them things that they don't necessarily want that actually cost them money.

What happened with the Catastrophic Care Act was the pushback was so intense and so immediate that when Congress came back into session, they quickly decided that perhaps the world could live without the Catastrophic Care Act and they repealed it. Now, this bill was passed in the final months of the Ronald Reagan administration; it was signed by President Reagan. The repeal was signed by President George Herbert Walker Bush. But the concept of repeal of a bad health care entitlement law is one that certainly has been exercised within the lifetimes of many of us who are serving in this body today.

Since the passage of this bill in March, support across the country has diminished, opposition has increased; and, again, that is likely to continue as the bill will become more and more unpopular as people dig into it and look into the provisions of the bill.

One of the other things that is working against the concept of this bill was the absolutely poisonous process that led to its passage and its signing. Back in May or June of last year, six stakeholders met down at the White House to talk about health care reform. Now, there is nothing wrong with that. That

is perfectly proper that perhaps the people who represent the doctors, the hospitals, the drug manufacturers, the device manufacturers, America's health insurance, and representatives from the Service Employees International Union met down at the White House to talk about health care reform.

In a very well publicized photo op that occurred after those meetings, the President came out before the cameras and said that he had agreement from the six parties that were in those meetings that they would save $2 trillion over the next 10 years in the delivery of health care. Well, I simply asked for the notes of those meetings, the agreements that were agreed to in those meetings so that we, as the legislative body, could evaluate that as we were working on the legislation, the actual law or the bill that would become law here in the House of Representatives.

I sent letters to the White House in September. I was rebuffed without any sort of information. Ultimately, in December, I filed what's called a resolution of inquiry with my committee, the Committee on Energy and Commerce. This resolution of inquiry was brought up before the committee on, interestingly, the same day that the President delivered the State of the Union Address in January.

□ 1430

The resolution of inquiry was not going to pass because, obviously, on a party line, the Democrats are in charge, and they can strike down almost anything they want. Yet the chairman of my committee consented to allow me to request of the White House six of the 11 things that we had asked for in the resolution. He said some of the information is right and proper and should go to the gentleman from Texas should he request that information. So we re-requested the information.

Essentially, all we have received from the White House are copies of press releases and copies of Web pages that were reproduced for us, but there has been nothing regarding anything that was written down, nothing regarding any arrangements that were made or any deals that were made; there has been nothing regarding any email exchanges that occurred resulting in the savings of $2 trillion.

Now, I will admit to sometimes being relatively naive, but it seems to me that, if you're going to agree to a $2 trillion deal, someone, at least on the back of an envelope somewhere, is going to kind of keep a tally of what those numbers are—someone is going to write something down—but the White House would have us believe that, no, there has been nothing written down.

Is it significant? I submit that it is. There were several points that came up during the debate of the bill, both in the House and in the Senate, where an amendment would be offered and where the discussion then would suddenly end with, Well, that wasn't part of the deal.

In December, Senator MCCAIN had an amendment over in the Senate about drug reimportation. I don't agree with drug reimportation. I actually think that is a bad idea, but I do think Senator MCCAIN should have had the ability to submit his amendment, to debate his amendment and to have it pass or fail on the merits of the amendment. In no way should he have not been allowed to offer that amendment because of a secret deal that was made down at the White House with the drug manufacturers, but that is exactly what happened. He was stopped from offering the amendment by his committee chairman, who said, That's not part of the deal that we have.

Another area is where the hospitals were going to be taxed as part of the pay-for within the bill. They said, Wait. That wasn't part of our deal.

Well, the deal may be fine, the deal may be proper, but we as legislators should at least be privy to those decisions that were made down at the White House. We should at least have the information about what was agreed to and on whose behalf those agreements were made. We never got that information, and to this day, I still await some response from the White House.

Significantly, during the Presidential campaign, when he was a candidate, President Obama said, and I'm quoting here: ''And that's what I'll do, bringing all parties together, not negotiating behind closed doors but bringing all parties together and broadcasting those negotiations on C–SPAN so that the American people can see what the choices are, because part of what we have to do is enlist the American people in this process.''

I couldn't agree more. Yes, you've got to enlist the American people when you're doing something this broad and this sweeping, but they never bothered to do that. Yes, you do need to open those meetings up. C–SPAN can sometimes be a trifle boring when you watch us for too long at a time, but it's important. It's a window to the world that people have on the legislative process.

So, when the President made that pledge no less than eight times during the campaign, it struck a chord with people; it resonated with people. If my Representative is involved in those meetings, I'd like to see where he stands. The President would make this point: Does the Representative stand on the side of the drug companies or does he stand on the side of the people? Does the Senator stand with the insurance companies or does he stand with America's patients?

They are important concepts to know. Unfortunately, we have not yet had the ability to know what those deals were.

I've got to believe that this is such an important point that people got this when it was offered to them: Look, we'll make it an open and transparent process. You can watch it on television if you don't get too bored, but it will be your choice. You can watch it on television. I think people picked up on that notion. Honestly, this is one of those where, yeah, people can say things during a campaign that they actually can't deliver on after the election is over. That happens all the time. I understand that. But this is a ''read my lips'' moment. This is a ''read my lips: no new taxes'' moment. The President promised that all of these negotiations would be up for purview, covered on C–SPAN, that you would be able to watch, and that you would be able to make the decision as to whether this process was a good one or a bad one. Again, unfortunately, to date, that has not happened. I do hope that the White House does at some point get us that information.

Now, one of the things that I heard over and over again during the summer, during the town halls, is that, really and truly, if you're going to hold prices down in the delivery of medical care, you're going to have to do something in the realm of liability reform.

I understand this because, in my home State of Texas, we, in fact, passed significant liability reform back in 2003, and that has made Texas now one of the more favored places to practice medicine. There have been doctors who have fled other parts of the country and who have moved to Texas. In fact, one of the bigger criticisms in Texas right now is that it takes the Texas State Board of Medical Examiners too long to process an application because their backlog is so significant, but it is a far cry from where we were in 2002 when we were, in fact, labeled as one of the States in crisis in the medical liability crisis.

Now, during the 8 years since that bill passed as a State bill, Texas has licensed over 15,000 new physicians. It is important. Texas is a big State, and there are lots of open areas in Texas. Since the passage of that law back in 2003, 125 Texas counties have added at least one high-risk specialist. That's like half of the counties in Texas, and there are 224 counties in Texas. That's over half of the counties in Texas that have added one high-risk specialist. My home county of Denton County is one of those. Tarrant County, another county I represent, also is one of those.

We heard stories in 2002–2003, all over the State, of people who were closing their medical practices—radiologists, perinatologists, doctors who take care of the sickest of the sick pregnant moms with the sickest of the sick newborn babies. They simply could not get liability insurance because their risk

was too great. Their risk was too high. They were leaving the State. The State paid for their education in State-supported schools, the State supported them during their residency training, but the State could not offer them a place to practice because they could not afford liability premiums in the State. So, since that bill has passed, 125 Texas counties have added at least one high-risk specialist.

Again, Texas is a big State. It's not hard to believe, especially in some of the less populated areas out in West Texas, that a person might live many, many miles from a physician, but since the passage of this law, now 99.7 percent of Texans live within 20 miles of a physician. That is a staggering success story with the number of doctors who have moved into the State and who are practicing. Yes, some are practicing in urban areas, but many are practicing in rural areas, in rural areas that previously did not have emergency room doctors and that previously did not have obstetricians but that now do, and that is critical for access to care in the State of Texas.

We've talked about this health care bill, and we've talked about access to insurance, but really, when you need health care, you're not so much interested in an insurance policy; you're more interested in do you have a doctor there to see you when you're sick.

There are 82 Texas counties that have seen a net gain in emergency medicine physicians, including 43 medically underserved counties and 29 counties that are partially medically underserved. There are 33 rural counties that have seen a net gain in ER doctors, including 26 counties that previously had none. There are 26 counties that previously did not have emergency room doctors which now have emergency room doctors in the State of Texas. Such has been the effect of medical liability reform.

In my field of obstetrics, Texas saw a net loss of 14 obstetricians in the 2 years preceding reform. And you might say, Texas is a big State, and 14 is not that many; so, hey, you can deal with that sort of loss. But since the State passed the law, they've experienced a net gain of 192 obstetricians, and 26 rural counties have added OB docs, including in 10 counties that previously had none. I mean that's a big deal. When you have a family member in labor who is looking for a place to have her baby, it is important to have the care there when you need it.

There are 12 rural Texas counties that have added an orthopedic surgeon, including in seven counties that previously had none. Again, that's a significant fact, particularly in areas of rural Texas where the drive might be quite long if you're dealing with an injured loved one and are trying to find orthopedic care.

Charity care rendered by Texas hospitals has increased by 24 percent, resulting in almost $600 million in free care to Texas patients since the passage of that liability reform law in 2003. Texas physicians have saved almost $600 million in liability insurance premiums, which is a significant savings that has allowed more doctors to stay in practice.

The Texas law has been so successful that I introduced legislation into Congress that was modeled after the Texas law. It is H.R. 1468, the Medical Justice Act. I offered this in the form of an amendment when we marked up our health care bill in the House Energy and Commerce Committee last summer. It was rejected first on a technicality and then along a party-line vote.

If we're going to ask our doctors to be our partners in this brave new world of health care we've constructed, the very least we can do is give them some stability in their practices. That stability would be in the form of some relief from the problems that they face with medical liability.

Another problem that is faced by our Nation's doctors, which is one of the reasons we are very likely to face a significant doctor shortage—and again, in spite of the fact that we passed a health insurance bill, if we do not have doctors to see those patients, then it is not going to do much good that we passed that bill. When passing this sweeping health care reform bill, it would have been the ideal time to talk about things like physician workforce and how we train doctors and how we pay for that training, but we chose to omit most of that thinking from this bill.

Another problem that we face on almost a recurring basis here in Congress is the fact that Medicare, by formula, ratchets down reimbursements to physicians year over year over year. In fact, this year, the number was to go down over 20 percent. Last week, we passed a very small bill that extended that deadline to the end of May, so doctors got a little bit of a reprieve, and patients got a little bit of continued access to their physicians.

I will have to tell you, as a practicing physician, that is a significant event when a major payor like Medicare comes in and says, We're going to be paying you 20 percent less next month for the work that you do for us. It is a difficult problem to fix, it is an expensive problem to fix, but it is one that just simply must be done, not just because it's the right thing for doctors, but because, if we do not have doctors who commit to staying in practice and taking care of our Medicare patients, then patient access is going to be a critical problem. We will all stand up here and talk about how we want our patients, our Medicare patients, to have only the best and quality care, but it's very, very difficult to guarantee them quality care when we can't even assure them of a doctor at the other end of the phone line when they need one.

Now, in the health care bill that we passed, primary care physicians do get a little bit of a boost in payments for Medicaid, but that is short-lived, and there are still going to be significant disparities between payments of primary care and specialty care. Medicare and Medicaid rates for primary care services will increase for primary care but only for a very short period of time. We are very famous in Congress for doing this. We'll say, We're going to take care of you. We're going to actually pay you what you think you're worth for the next 18, 20 or 24 months. These things are called funding cliffs. Sure enough, there is a big funding cliff in the health care bill that was passed, and doctors will face falling off that funding cliff now in a little less than 2 years' time.

Fixing the Medicare payment formula, fixing the so-called SGR formula, is going to be a tough lift. The House did pass a bill last fall. Unfortunately, it was a bill that had already been rejected by the Senate, so I'm not quite sure why we brought it up and voted on it on the House side, but we did. It was a bad bill. It didn't really fix the problem, but it was the only opportunity to pass a Medicare fix, or an SGR fix, or a doc fix, during the calendar year 2009. So I voted in favor of it even though the bill, itself, was a dreadful product. Surely, we can do a much better job.

Now, I have an SGR reform bill, H.R. 3693, Ensuring the Future Physician Workforce Act, and I would encourage Members of Congress to look at that. This is going to come back again and again and again. We passed a short-term extension. We now have solidified physician payment through the month of May, but beginning June 1 or 6 or some date early in June, that 20 percent funding cliff will still be out there, and we are going to have to take care of that.

I rather suspect, this being an election year, we're not going to do anything large to fix this problem. We should, but I do rather suspect that we will do something that punts it down the road until after the next election. It's a shame. It's a shame, because when we're doing something as big as this fundamental health care reform that we did, it seems like this is exactly the type of problem that you would like to take care of.

Again, what do we hear from our folks when we go home and talk to them about health care?

Well, I'll tell you what, Congressman. One of my biggest problems is trying to find a doctor who will take Medicare.

If seniors change locations, if they move from one town to the next, if they leave their towns when they retire and move to be closer to their grandchildren, they are very likely

going to experience difficulty and delays in finding doctors who are taking new Medicare patients.

□ 1445

Because of what we in the United States Congress do to physicians year in and year out, it has become so cumbersome to find physicians who will take new Medicare patients that it has become a critical access issue for our seniors.

Let me just talk briefly, because it is important, one of the mistakes that was made in the bill, one of the problems that emerged after the bill was passed and signed, and most people in the country are not going to shed too many tears about this, but Members of Congress actually lost their health insurance after the passage of this bill. Or actually the way it's written, Members of Congress will now be required to buy their insurance through the insurance exchange just as every other American will be required to do beginning in the year 2014. The exchanges are not going to be set up until 2014, but Members of Congress, as of the signing of this bill, are required to buy their health insurance through the exchange.

So we are now asked to buy insurance in a nonexistent exchange, and that is going to make it difficult. Our staff do fall into the same category; so I am getting many questions from staff saying, Well, they're still taking a health insurance premium out of my paycheck, but am I really insured or not? And there is some confusion and it needs to be cleaned up. Again, most Americans are not going to shed too many tears about Members of Congress being confused about their health insurance coverage. They're going to say, Welcome to my world. But interestingly enough, the people who wrote this bill, and that would be committee staff, administration, staff from the White House, leadership staff, the people who actually wrote this bill—and make no mistake about it. Certainly no Republican was involved in writing this bill. Most Democrats were not involved in writing this bill. In fact, I will submit to you House Democrats especially were excluded from this process. So who writes a bill like this? Well, it is tenured and long-term committee staff, leadership staff. Yes, the White House was out here big time while the bill was being hammered out during the latter part of December and the first part of January. All of those people who actually wrote the bill are exempt from that.

So there is one little simple fix-it bill, H.R. 4951, that would also require committee staff, leadership staff, members of the administration, political appointees at the Federal agencies to also be covered under the exchange the same as Members of Congress. Now, again, the problem is that we're required to be covered under the exchange. The exchange is not up and running until 2014; so it remains to be seen how that will work out. But the irony of Congress voting itself out of health insurance because they didn't understand the bill that came over from the Senate on Christmas Eve is just simply too important to ignore.

One of the last things that I do want to cover this afternoon is yesterday my committee, the Committee on Energy and Commerce's Subcommittee on Oversight and Investigations, was going to have a hearing on America's business that had released information that they were going to change their earnings projections because of issues that occurred after the passage of the health care bill.

So you see here, and this actually should be a minus sign in front of all these numbers, a company like AT&T was going to have to write down a billion dollars in charges because of changes to their accounting that was now going to occur as a result of our passing the health care bill. Well, when these companies released the press releases that they were restating projected earnings because of what the health care bill had done, John Deere was going to have write down $150 million; 3M Company had to write down, again, that should be a negative $90 million.

When that occurred, the chairman of my committee, Mr. WAXMAN, said, This is not right. These companies are simply doing this to embarrass the Congress and embarrass the President. They need to come before our committee and be held accountable for why they would release this type of information on a day that was otherwise a day of great national joy when the President was signing the health care bill.

Well, the companies responded that they were simply performing under requirements like the Securities and Exchange Commission. Their earnings were going to be affected by the passage of this bill, and they were required to restate earnings based upon that information. And maybe they didn't need to release it on that particular day, but certainly that information needed to be made public. And, indeed, many of these same companies had contacted members of the committee staff and let them know this in advance of actually releasing the information.

Now, interestingly enough, when it came to light that the heads of these companies stated, Well, we're just simply doing what you told us we had to do under the rules provided us by the Securities and Exchange Commission, the committee decided to postpone indefinitely that hearing.

But it was troubling. It was troubling because here we have a rather significant subcommittee in the United States House of Representatives, a rather significant subcommittee that can issue subpoenas if it wants. It does take testimony under oath. This is generally not an exercise that a company CEO will look forward with great relish to come before our committee and have to answer questions. And some of us saw that as actually an intimidation tactic: Don't you dare complain about what we have done with this health care bill or we can make your life miserable if you do.

Health care costs are going to take a toll on United States profits, corporate profits, according to estimates by a benefits consulting firm, Towers Watson. Medtronic, a medical device maker, warned that new taxes on its products could result in about a thousand workers being laid off. Their accounting also estimated that there will be thousands of layoffs and consumer-related costs.

If you came out against this bill, if you dared to speak out against this bill, the message was loud and clear to corporate America: We're going to call you in. We're going to question you under oath. We are likely to embarrass you in a public forum. So don't you dare complain.

But one of the things that I have heard over and over from both large and small business back home is this health care bill is going to have a profound, a significant, and a deleterious effect on just simply conducting a business. More than one small business in my community has come back to me and said, As I run the numbers, as I look at what happens to me through the year 2014 and the requirements that will be upon me, it is very likely that my bottom line will go negative and stay negative as far as I can see unless I don't expand or I don't hire. In fact, the succinct message that the United States Congress has sent to small and medium-sized business across the country in every State of the Union is don't hire right now. Don't hire right now until you know what is going to be required of you, Mr. or Mrs. Employer. We are likely going to change the way your business works, again, in a very profound and significant way.

Now, I also sit on the Joint Economic Committee, which is a House and Senate committee. The first Friday morning of every month, whether we're voting on the floor of the House or not, we need to be in town to receive a report from the Department of Labor. And that report is the employment report for the preceding month. It comes out the first Friday of every month. Usually those numbers are released at about 8:30 in the morning, and our committee convenes at 9:00 or 9:30 to hear from the head of the Department of Labor as to what the employment statistics look like.

I joined that committee in January of 2009. We have never had, never had

in the 15 months that I have been in the committee, a good news report. In fact, one of my constituents back home said I'm bringing such bad luck to the committee, maybe I ought to consider some other assignment. But the fact remains if we keep doing things in Congress, in the House and the Senate, in the legislative branch, if we keep doing things that send a loud and clear message to small business, medium-sized business don't hire right now, we're not going to see the type of employment recovery that we all feel that the economy is capable of.

Look, whether you believe in bailouts or stimulus or not, everyone knows that the United States economy is too vibrant not to recover. There is almost no way that the United States Congress or the White House, regardless of who occupies these chairs or who is down at the other end of Pennsylvania Avenue—there is almost no way that the Congress or the White House can keep the American economy indefinitely suppressed. But we can really lengthen the pain, and that is one of the things that we're doing right now.

The uncertainty we have created with health care costs, the uncertainty we have created with energy costs, the uncertainty that we are creating with this financial services bill that is now being argued over in the Senate, small business, medium-sized business is looking at what is going on in Washington right now and saying, I may need help but I don't think so. I will either pay a little overtime or just rachet back some of the expansion I was doing. Yet every person who runs for office, and you can take this to the bank, is at some point going to stand up on a stump or a chair and give a speech to a chamber or rotary club back home and say small business is the engine that drives our economy. And that's exactly true.

If I have one small business at home that might be looking at picking up one or two additional people but says, Right now is not the time and I am not going to do that, okay, that's only one or two jobs. Could that have a profound effect on the larger economy? You bet. You bet. When you take that one or two job growth that's not occurring in that business and extrapolate it across the broader economy for businesses of that size, that has a significant, a significant deleterious effect on the growth of jobs and the economy. And yet it is the unemployment numbers that are really the depressive part of what is happening in the economy right now. Yes, Wall Street might look a great deal better than it did last year. Maybe some other numbers, the gross domestic output, may look better than it did last year. But the numbers of unemployed, the numbers of long-term unemployed, the numbers of young people unemployed, the numbers of minorities unemployed, those numbers are what people are having to deal with every day. That's either them or their friends and neighbors, and that's what they see every day. And until we address the problems with employment, no one in this country is going to believe that we really have the appropriate handle on the economy or the economic direction of the country.

Again, I believe the economy will recover in spite of the United States Congress, in spite of the White House. It almost always does. But we can certainly make that recovery much more difficult and much more painful and perhaps suppress it longer than it would be otherwise suppressed by our activities here in the House of Representatives.

Suffice it to say, as we wrap this up, I believe this health care bill to be a fiscal disaster. It is going to increase the deficit. I don't care what anyone else says. It's $582 billion over the first 10 years, and likely as not, over the second 10 years those numbers even become more startling. You look at how the bill is constructed. You've got 10 years of taxes paying for 6 years of benefits. Is it any great surprise that the next decade, which is 10 years of taxes and 10 years of benefits, that that deficit is not likely to increase?

We also have a problem that the bill double counts Social Security payroll tax revenues, a budgetary gimmick that made the bottom-line number look great. Again, remember the parameters that we were working with? You have got to have the top number less than $1 trillion. You have got to have the coverage number over 30 million people. Move those points around on a chessboard however you want, but those are the parameters with which you have to work. So if you double count income from Social Security payroll taxes, if you double count the money from the Medicare cuts, of course your bottom line is going to look better.

We also did something in this bill that's called the CLASS Act. Most people are not aware of it. It's thought of as a long-term care supplemental insurance, but the reality is it's a Three-card Monte. For a $50-a-month cost, a beneficiary may receive $50 a day in additional long-term care costs for a long-term care hospital. Well, most of us know that $50 a day is not going to cover your stay in a long-term care hospital. Most of us know that the numbers on that equation really don't work out. But what happens is since you have so many people just joining the program at the front end, during the first years you actually run a surplus, but then you get to the outyears and you run a significant deficit.

The CLASS Act was literally a financial manipulation that was introduced at the last minute, not to provide people long-term care insurance. If we really wanted to do something with long-term care insurance, we'd make it tax deductible. We'd make it a tax credit. We would make it so you could pay for it out of your health savings account. If we really wanted to help people get long-term care insurance, there are ways to do it. The CLASS Act wasn't it. What the CLASS Act was, was some fancy bookkeeping, some manipulation of the books. Collect a lot of premiums up front. You don't start paying benefits for several years. So that will score as a savings, score as a revenue raiser during the first 10 years of this budgetary cycle, but in the outyears it does nothing but explode the budget.

Again, in my home State of Texas, it's estimated that this bill is going to cost the State of Texas almost $25 billion in additional funding for Medicaid, and additionally there are going to be cuts to the safety net hospitals, so-called disproportionate share cuts.

□ 1500

Other dates of significance in 2011, the drug makers face an annual fee of $2.5 billion. Now, many people say, wait a minute, the drug companies make too much money anyway so, yeah, hit them with a $2.5 billion charge beginning in 2011. Maybe they should be paying a little bit more.

But think about it for a minute. That $2.5 billion, where is that going to come from in the pharmaceutical manufacturing world? Is it going to come from the CEOs' salary? Is it going to come from the lobbyists' salary? I think you know the answer to that. Those dollars are going to come from increased costs to the end user, the patient, you and me.

In 2011 medical device manufacturers are going to be charged an additional fee. It goes up to $2 billion per year. Again, that's not going to be paid by the CEO of one of these Boston companies that is a medical device manufacturer. That money is going to be paid by the patient who receives that defibrillator or that artificial hip, that vein filter for preventing blood clots. Those are the people who are going to actually be paying that fee, not the companies themselves.

There's a health insurance provider fee, $2 billion in 2011, and it goes up from then. Again, that money is not going to be taken from the CEOs' salary, from the private insurance companies in this country. Whether they are for profit or not for profit, that money is not coming out of the CEOs' salary or the lobbyist money. That money is coming out of the ratepayers' hide.

There's going to be a tax on wages that will increase to 2.35 percent. In 2013 there will be a new tax on unearned income on dividends and interest, almost 4 percent.

In 2013 the excise tax of 2.9 percent is imposed on the sale of medical devices.

Now, these are class two and class three medical devices in your doctor's office or hospital. So class one devices like Band-Aids, tongue depressors, those won't be taxed. But class two devices, and what are some examples of class two devices, syringe and needle, those are going to be taxed in your doctor's office.

Now, in your doctor's office they can't charge you that 2.9 percent tax that they have to pay on the tax on that syringe because that's a contractual amount between the insurance company, the patient, and the doctor. That's very difficult for a doctor's office to pass that charge along, so actually doctors are going to bear the brunt of that. Hospitals too are likely to bear the brunt of that. Since their arrangements are contractual with insurance companies, they're unlikely to be able to pass that cost along.

Other types of medical devices, type two devices—interestingly enough, I'd like to say everything from lasers to leeches will be taxed in your doctor's office.

Employers with more than 50 employees must pay a fine of up to $3,000 if employees receive tax credits to purchase insurance. So that's where a lot of the small and medium-sized business is really concerned and the arbitrary placement of those numbers, why is it 50 employees, why not 55? Why not 45? Simply because they had to pick a number and start somewhere.

So if there's a small business back home that has 48 employees, but they've got so much work, as the economy recovers, that maybe they'd be fixing to add five jobs, they're not going to do it. Let's stay under 50 employees. Our life will be a lot easier under this health care bill. At least let's wait. At least let's wait until we see what's going to happen.

What's up next? Well, let me say it again: I favor repeal of this bill. Rip it out, root and branch, and get it gone, and then come back and fix the things that people told us they wanted fix.

But what we are going to see next is just down the street at the Department of Health and Human Services; another Federal agency called the Office of Personnel Management, OPM; the Internal Revenue Service. They're writing the rules and regulations that are going to dictate how this legislation, how it now turns into the rules and regulations that govern what happens in your doctor's office or hospital and essentially dictates what happens in your life when you intersect with the American health care system.

This will take some time. This is not something that is going to occur overnight. Right now the hiring is in process, so, yeah, maybe the administration can say we're adding a bunch of new jobs over at the Department of Health and Human Services and IRS. But most of us would just as soon that those IRS agents weren't hired because they generally are not there to make our lives go smoother and easier.

Office of Personnel Management, that's an interesting phenomenon. Many people will recall that when the Senate passed their health care bill, Senator LIEBERMAN said, I won't vote for a health care bill that has a public option within it. And yet we have a bill that, in fact, does have a public option. And it's not called a public option straight up, but it is a public option, sure enough.

States are required to set up State exchanges. People will be required to buy their insurance in the exchange. Some people will have those costs subsidized; some will not.

Well, what if a State does not set up an exchange? Can the Federal Government force it to set up an exchange? And the answer is no. The Federal Government will set up a national exchange for those States where no State exchange exists. Within that national exchange, under the law, it is required that there be one insurance company that is a for-profit company and one that is a not-for-profit. These insurance companies, if no company signs up to do this duty, that exercise is then taken over by the Office of Personnel Management.

So a nonprofit insurance company administered by the Office of Personnel Management begins to look a lot like what was discussed last July and August as the public option. It, in fact, will be a de facto public option within a very short period of time. So those who opposed the bill and said I couldn't support a bill that had a public option, but now that the public option is out of it, I'm okay, I can support the bill, guess what? They got a public option.

Let me just conclude by saying this was not a bipartisan bill. The opposition to this bill was bipartisan. You had almost 40 Democrats and every Republican who said, we don't want this bill.

Interestingly enough, part of the story that is yet to be told is the effect of this bill on what happens early in November, later this year. In USA Today, the little newspaper that comes out nationally, earlier this week there was an article about the number of physicians who have filed and are running races for Congress. It will be unprecedented numbers. I think the actual number of doctors, Republican doctors who have filed for congressional races, is just a little over 30, 32. There are many more waiting in the wings. Some States have much later primaries. That number will likely go higher.

Not every doctor will win their primary, unfortunately. Not every doctor will win their congressional race. But I think it's safe to say that the next Congress, the 112th Congress, when it convenes next January, is likely to have more physicians within that Congress than anytime in the previous hundred years.

This bill has had a profound effect on how Americans think about their health care and how they think about their relationship with their government. Is a government that is bigger better for the individual or worse?

Many people are now having that internal discussion or that discussion around the dinner table that never would have thought about that in years past. But now it has become an important issue.

This next November will be a seminal time in American politics and American governance going forward. It will dictate whether this bill continues to exist and exert control over the people's lives, continues to take money out of the lives of productive citizens, or whether this bill is turned back, and then the Congress gets down to the serious work of correcting the problems that people told us they wanted us to correct and we ignored them consistently through the fall and through the winter.

I think it says something that the opinion of Congress right now are in the low double digits. Any doctor who's willing to run for Congress, and I can tell you this from some personal experience, doctors actually enjoy a fairly high approval rating. It's in the high seventies. You come to Congress, it goes into the low teens.

It is a significant step to run for Congress for physicians. And yet doctors across the country are willing to give up their peace of mind and their livelihood to come to the aid of their country in its hour of need.

## BIG GOVERNMENT AND THE WILL OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to address you here on the floor of the House. And I remind you, Mr. Speaker, that these deliberations here represent the most deliberative body in the world. And that's the argument that we've made for years. And even though it's not as deliberative as it was before Speaker PELOSI took the gavel, we still have some discussion time down here. We still have Special Orders. We still have 60 minutes and alternating hours between Democrats and Republicans when both sides do show up for those alternating hours.

But tonight that's not the case. This is the wrap-up and the finish of the week, Mr. Speaker. And many have gone to the airport and caught a plane and gone home to their district or wherever they might go.

But I don't think enough has been said yet this week. It's been a relatively short week, and not a particularly trying or testing week with anything that stands out here as significant accomplishment.

But I'm watching still as policy moves in America. And the policy that has been shoehorned through this House of Representatives and become the law of the land has caused the American people to fill up my town hall meetings.

We were not here on Monday. We didn't gavel in until, well, we gaveled in on Tuesday, and the first votes were sometime about 6:30 on Tuesday evening, so the work week is Tuesday evening for two or three votes. We call it naming post offices. That was the level of the significant suspension calendar. And then we had some debate on Wednesday and some committee activity. And today is Thursday. It's been low key. Last votes took place maybe 2 hours ago, something like that. So our work week is all day Wednesday, finishing the night on Tuesday and the early part of the day on Thursday and then going, a lot of people going home, Mr. Speaker.

That's okay with me because I don't support the agenda that's being driven here out of the Speaker's Office. I don't support the process that has been developed.

I do support the Constitution, liberty, freedom, fiscal responsibility, limited government, and I support the people that have been coming here to petition the government for redress of grievances. That's a constitutional right that we all have. And I've seen tens of thousands come here to say, don't take away my freedom, don't take away my liberty. Let me have the right to manage the health care of my own body, for example.

And the people across this country that have said over and over again that the fiscal irresponsibility with the profligate spending that's been going on for the last 3 years-plus in this Congress is more than they can abide.

And my town hall meetings on Tuesday, or excuse me, on Monday of this week, one in Council Bluffs and one in Sioux City, we're not jam-packed to the walls with people standing outside looking in the doorway, as they were during August of last year, when people believed that they had a chance to put the brakes on what we now know and the President refers himself to as ObamaCare. That packed our town hall meetings in my district, all over my district, all over the State of Iowa, all over the United States of America, hundreds and hundreds of town hall meetings with hundreds of thousands of Americans that came in to express that they did not want the government to take over the management of our health care.

And I have never seen an issue that brought this much intensity and this many people out. And still the leadership in this Congress was determined to shoehorn a bill through here. And that happened maybe 3 weeks ago or a little more, early in the wee hours of a Monday morning, just a little after midnight, as I recall. The final vote was on a Sunday night.

The Speaker could not have allowed the Members of Congress to go home, let alone for an Easter break period of time, because she knew that if the Democrats in this Congress went home to listen to their constituents, that their congressional offices would be jammed full of people that said they were there to petition their Members of Congress for redress of the grievance of a government takeover of health care. And they would have filled the streets by the tens and hundreds of thousands. They would have demonstrated at congressional offices. They would have filled any town hall meetings. There would have been an outpouring of rejection of that policy like this country has never seen.

And so the Speaker kept her own Democrat Members here on the Hill and insulated from their own constituents, even to the extent that, as the phone lines either jammed or they were shut down, I don't know which, but the last 3 days I couldn't call my own office. And I know that there weren't that many people calling my office. They were busy calling the offices of Democrats who were determined to vote for ObamaCare.

But I couldn't get through because the switchboard was jammed, at least the last 3 days here in the House. While you had Members that couldn't even be heard, their constituents could not call them. They couldn't get through to send them a fax. Yes, they could send an email, presumably. And we don't know whether those emails went on an automatic dump or whether there was an answer. Only their constituents can know that.

We know that there was a difficulty verifying if the Senate, during their period of time that this was an important issue, up till Christmas Eve, if in the Senate actually Members were answering their telephones.

□ 1515

But here they couldn't get through to call my office. I couldn't call my own office from my cell phone. And my own staff that I had to communicate with around the Hill, we had to call on our own cell lines to each other's cell phones.

That's not such a particularly great handicap, but on top of that, Mr. Speaker, the cell phones were jammed. The signal was so jammed with so many calls that we couldn't connect either by cell phone sometimes for hours.

Now, that's an awful lot of rejection focusing itself on an issue here that America had had the opportunity to debate since last July all the way into nearly—well, nearly into April. That's what's happened with ObamaCare.

And now, after the bill has passed—and I would remind you, Mr. Speaker, that if we would have had the bill go to the Senate for a vote and then to the House for a vote in order to qualify it to go to the President's desk for signature that turns it into the law of the land, ObamaCare could not have passed this Congress on the day that it was messaged to the President because the votes didn't exist in the United States Senate to support the bill. That was voted by other people.

And the ones that the folks voted to represent themselves, Massachusetts in particular, SCOTT BROWN was elected by generally the liberal people in Massachusetts to block ObamaCare. And there he was following through on his word to do that, except it was circumvented. And they used a rescissions policy that had never been used in a piece of policy like this before to enable that to happen. And on top of that, a promise from the President of the United States that he would sign an executive order that he would have liked to have had the pro-life people in America believe that the President of the United States can sign an executive order that would amend a bill that the Congress had just passed. That's the executive order that deals with the Stupak amendment, which was designed to shut off Federal funding for abortion that might be enabled by ObamaCare.

Now, think about what this means. Here we have a Constitution that sets up the structure. Article I, section 1 says all legislative powers will be vested in a Congress of the United States comprised of a House of Representatives and a United States Senate. It even prescribes that all spending will start in the House, not in the Senate. But this is an authorization bill, not an appropriations bill. So ObamaCare could have started in the Senate or in the House.

Well, we got a Senate version that was taken up by the House. But the Constitution establishes that all legislative powers are vested here in the House or in the Senate, but House and Senate collectively. We are the legislative branch of government. And the President of the United States, who wrote the book ''The Audacity of Hope'' had the audacity to offer to BART STUPAK that he would sign an executive order that would effectively amend BART STUPAK's pro-life language into the legislation that was here on the floor of the House at the time messaged from the Senate.

Now imagine, a man that taught constitutional law as an adjunct professor at the University of Chicago would believe as President of the United States that his executive order can effectively amend legislation that is presumably

the majority opinion of the elected Members of the United States Congress.

If the President can amend legislation by executive order, then can't the President also just write the legislation by executive order and do what he will without having to consult Congress? That would be a two branches of government instead of a three branches of government. Maybe the President would argue that there is something that Congress can do that he can't, like appropriate money, for example. Well, that would be a very narrow role, and that would be turning his back on the constitutional responsibility that is vested in the United States Congress. And we should always reject the idea that a President can sign an executive order that has an effect on changing the legislation that the Congress has passed.

In fact, I may be the number one most authoritative voice in the United States Congress on this subject matter because, I would point out, Mr. Speaker, that on a State level when I was in the State legislature as a State senator, we had then our Governor, Tom Vilsack, filed an executive order. He was a fresh governor of maybe a little bit fresher than the President has been during this period of time. I think it was in the first couple, 3 months of his office, Governor Vilsack signed an executive order known as executive order number seven. I looked at it and concluded that he had violated the separation of powers and legislated by executive order. And when I raised an objection, of course it was refused and denied. The executive office didn't want to respond to a legislative office.

And so I went to court, and we filed the case of King v. Vilsack. Now, this is now our Secretary of Agriculture, Tom Vilsack, whom we had a good exchange in the Ag Committee. I think it was just yesterday. But in this issue we disagreed. He believed that he could amend the code of Iowa by executive order and sought to do so with that executive order. I believed that the legislative powers are vested within the legislative branch of government. And most of our State Constitutions, including Iowa's, are modeled off of our United States Constitution.

And so our State legislators across the land will take an oath to uphold the Constitution of the United States and the Constitution of the State of, fill-in-the-blank. For me it's Iowa. That oath is an oath that you can only take to uphold the Constitution as it reads, as you understand it, as it was understood to mean at the time of the ratification of the Constitution itself, or the subsequent amendments. There isn't any other alternative.

None of us can take an oath to uphold a Constitution as it might be amended by, what, the President's executive order? Or even a decision of the United States Supreme Court? Now, I put that list at 10 now, as the 10 last people that should be allowed to amend the Constitution of the United States. That should be the nine Supreme Court Justices and the President of the United States. Those 10 are the last people on the planet that should be engaged in seeking to amend the Constitution.

The Constitution sets up a framework for us to amend it when we don't like the results. We are required to adhere to it and live by it. And for a President of the United States to sign an executive order that's got companies that deal, that supposedly buys a dozen votes to support ObamaCare here and the President would exchange an executive order that was designed to assure those Stupak dozen that there wouldn't be Federal funding of abortion because his executive order would alter the language and the meaning of the bill. The smallest and tiniest of fig leafs was offered to Congressman STUPAK. That executive order no one takes seriously today. It was simply a tool of utility to put the votes together to force this ObamaCare off the floor of the House and send it to the President for his signature, which he did. And now ObamaCare is the law of the land.

I was, I believe, Mr. Speaker, the last Member of Congress to leave the House of Representatives and leave the Capitol that night. It took me perhaps an hour to wind myself down and come to a point where I thought I could leave this place where such a cataclysmic offense to our Constitution, our budget, our freedom, and our liberty had taken place in such a shameful fashion. The shameful fashion includes the antics in the United States Senate, where they cut deal after deal after deal, including the Cornhusker kickback. Yes, and I know there was a successful effort made to peel the Cornhusker kickback out of there. It leaves in the Louisiana purchase, it leaves in the Florida gator aid, it leaves in seven or eight other special deals that were cooked up in the Senate so that they could produce enough votes temporarily to push that bill through on Christmas Eve. And then of course we had the Massachusetts election, which changed the dynamics over there.

Here deal after deal was made. And one day I hope to hold hearings in the United States Congress to find out what actually went on behind those closed doors. And I believe the American people have a right to learn what went on behind those closed doors. I want to hold hearings and investigations and bring people under oath and stand them up and let them take that oath and then testify before a congressional hearing, What were you offered by Rahm Emanuel? What were you offered by the President of the United States?

If you're AARP and your job is to represent the senior citizens that are your members, I want those representatives of AARP to come in and tell us, was the offer that you can sell insurance to the AARP members so good and so high that you decided to sell out your own members? What was it that the SEIU got? What was it that Big Pharma got? What happened to the $165 million that they promised that they would commit in an ad campaign in order to sell ObamaCare to America so that Big Pharma could have a larger market that was mandated by the Federal Government? What were the deals that were made? We need to know that.

If we can drag CEOs of private American corporations before the United States Congress, and if HENRY WAXMAN can threaten to—actually, yesterday was the day he was going to do that and he cancelled it. I think he thought better of it. But if HENRY WAXMAN, the chair of Energy and Commerce, can bring CEOs before the United States Congress and allege that they're making too much money, or he wants to see into their books and their records, or if ED MARKEY, the subcommittee chairman, can hand a letter to David Sokol that is an intimidating letter because the president of Mid-American Energy, who testified against cap-and-tax, can be intimidated with the threat of the chairman of an important Energy and Commerce subcommittee at the request of that chairman to investigate the company that he represents. Witness intimidation, plain and simple, straight up front. It's documented. It's in public documents now. Along with the other activities that have to do with the President of the United States now nearly a year ago firing the CEO of General Motors.

Just simply summarily fired the CEO of General Motors. Didn't try to take his fingerprints off. Didn't imply that it was a decision that came about some other way. Didn't try to hide it. He proudly accepted, some will call it credit, I will call it blame for reaching across the line between the public and the private sector and firing the CEO of General Motors and deciding who would be the new CEO of General Motors. He sent his car czar to make some of those deals. The President of the United States replaced and named all but two of the board members of General Motors. And he wasn't quite as engaged in Chrysler, but those same activities took place.

And the White House, and when it's the White House it's the President of the United States, Mr. Speaker, dictated to the bankruptcy court exactly the terms that emerged from the bankruptcy court, General Motors and Chrysler. That situation is appalling and breathtaking when you think of the nationalization that has taken place.

And Mr. Speaker, when you look at the beginning of this is at the end of the Bush administration, Henry

Paulson, Secretary of the Treasury, came here to the Capitol, September 19, 2008, and asked for $700 billion in bailout money that he would deal out the way he saw fit in an attempt to stop what he believed was a potential or maybe even an impending meltdown of the world's credit. He thought it could have all come crashing down. He couldn't guarantee there would be a fix, but he said if you try to give me any new ideas they won't be as good as his own.

So he ended up with $350 billion in the beginning of this, in about October of 2008, and then another $350 billion that was approved by a Congress that was elected later and by a President who was elected later. And that was President Barack Obama, who supported and approved all of the TARP funding, all of the nationalization beginnings. And he followed through on the balance of that and the takeovers of three large investment banks: AIG, the large insurance company to the tune of around $180 billion, Fannie Mae, Freddie Mac, culminated by executive order right before Christmas of last year that hardly made the news.

You know, if we just went in and looked what happened on late Friday night after the news cycle and the press goes off to their golf game or home to their family, we would find all kinds of, I mentioned earlier, cataclysmic things that have happened in the United States on late Friday night.

I would like to go back and just amend something here to the power in Congress. Give me the right to veto and put back in place anything that happened after, say, 2 o'clock on a Friday before the press comes to work at around 9 o'clock on a Monday morning. Let me go back and fix those things that happened. We would have a lot better country today that wouldn't have reverted. But Friday night, this is when the President pulls those moves because that is when there is the lowest news cycle. So that's what happens.

Three large investment banks taken over by the Federal Government with the approval or the active involvement of President Barack Obama. AIG the insurance company taken over and bailed out, $180 billion. President Obama approved or enacted that. The takeover of Fannie Mae and Freddie Mac that the chairman of the Financial Services Committee pledged he would never vote to support or bail out. And I remember the date that I heard that the first time and the most clearly was October 26, 2005, right over there from that microphone, when BARNEY FRANK said, "I won't vote to bail out Fannie Mae and Freddie Mac. And if you think so and you're investing in them, don't count on me doing that."

Well, we might not have had the starkest and clearest and cleanest of votes, but we have had a persistent and a relentless defense of Fannie Mae and Freddie Mac's irresponsible financial practices going through many years prior to 2005. But I stood here on this floor and engaged in that process. And the amendments that came to put capital requirements and regulatory requirements on Fannie Mae and Freddie Mac were shot down and voted down and fought against. The most aggressive opposition came directly from the Democrats, who were in the minority at the time. But Fannie and Freddie had worked the lobby and had a broader bipartisan support than they might have otherwise had.

So three large investment banks nationalized, AIG nationalized, Fannie Mae, Freddie Mac nationalized. And now, Mr. Speaker, I say you and the American people share the liability of $5.5 trillion in contingent liability of Fannie and Freddie. And before I go to the car companies' nationalization, I would remind you and all who may be overhearing this dialogue that of all of the financial reform that has Wall Street under the focus and under the spotlight and under the magnifying glass, of all of the tactics that have been used, and the President going back up to Wall Street to give his speech today, of all of that, the President didn't mention Fannie Mae or Freddie Mac. There is nothing in the financial reform bill that reforms Fannie Mae or Freddie Mac.

□ 1530

What's in the financial reform bill is a $50 billion slush fund to let the administration decide which businesses are too big to be allowed to fail and to go in and implement a government takeover of the private sector. And what are the criteria? The judgment of the executive branch. Yes, there are some guidelines, but not many constraints. And it gives the Federal Government the power and the authority to look over every credit transaction in America. Every credit transaction in America.

And so presumably that means that if you're in a small, little rural area, it used to work this way: you go in and maybe pick up some grocery items or buy some gas, they'd put it on your tab. You'd come around and pay the bill at a later date. They'd want to look that one over.

If you go in—and someone mentioned this, and I thought it was a pretty descriptive way. If you go into a furniture store and they have a special on mattresses and so you can buy the mattress and come pay for it 30 days later, nothing down, that's a credit transaction the Federal Government would look in on and have to approve.

It would give them the ability to look in on your credit card, Mr. Speaker. Not necessarily take it out of your pocket, but electronically look in on those credit records. And that would give the Federal Government the authority to examine everybody's transactions. All of your credit card transactions, all of your debit card transactions. Presumably, if you have credit involved with your bank accounts, to look at those loans in the bank accounts. Maybe technically not your checking account because that's not a credit account.

But a Federal Government going that far and that deep and having that kind of authority, let alone looking into all of the Wall Street transactions that take place—the investment banking transactions, the derivatives, the credit default swaps—all of the components that come along that have to do with higher finance, the mortgage transactions that take place and to track them all the way through. And some of this is good. Looking at high finance and being able to track that and being able to identify is primarily a good thing as long as that oppressive thumb of the Federal Government doesn't go in the middle of our back down to individuals in this fashion, and as long as we don't leave it to the discretionary judgment of the Federal Government on which businesses are too big to be allowed to fail.

If the Federal Government can come in and take over three large investment banks and AIG and Fannie Mae and Freddie Mac, and if we have a President of the United States who seems to be following through on the playbook that is on the Web site of the Democratic Socialists of America—DSAUSA.org, Mr. Speaker. I hope everybody is paying attention to it, or you can Google "Democratic Socialists of America" and hit the button and there will be a Web site. And that Web site changes a little bit each time that I speak about the DSAUSA.org.

But on the Web site—I saved all of those pages so you can run but you can't hide. Things never die in cyberspace, Mr. Speaker. But on their Web site is now or has been the language that starts out with this. It says, We are socialists. We are not communists—which doesn't give me a lot of comfort. There's a marginal difference, and they tell you what the difference is.

Communists want to nationalize everything. They want to own all real property. They want to take over everybody's house, all real estate, and they want to tell everybody where they have to work, what they will pay for goods, and what they'll be paid for the work that they are told to do. That is more the pure form of communism. From each according to his ability, to each according to his need.

Well, that also seems to fit the socialists, doesn't it, because they want to do the wealth transfer. They want to share the wealth. That's what the President told Joe the Plumber. Funny. That's what is also the mission

statement of ACORN: Share the wealth. The exact language comes right out of the mission statement of ACORN. And the SEIU linked in so closely to ACORN that it's just the funding streams are a little bit different but they are commingled, and often they are trading shirts with each other. Whether it's a purple SEIU shirt or a red ACORN shirt, there are a few more wearing the purple SEIU shirts today than there are ACORN.

By the way, at the risk of digressing, Mr. Speaker, I would point out that even though ACORN announced that on April Fools' Day they would be shutting down ACORN National, I carry this acorn around in my pocket every day to remind me that they have not gone away. It actually may have been an April Fools joke on us that ACORN was going to shut down ACORN National. They could have done that.

But now it's the same people, the same faces, the same boards of directors, a little mixing and matching, changing the names, changing the titles. Funding streams have been shrunk significantly, thanks to Hannah and James and the work that went on behind that. But the same structure is in place. It's the same people, the same problems.

In fact, it reminds me of what happened after the wall went down on November 9 of 1989, and it appeared to be the end of the cold war. The Soviet Union thereafter imploded. A little more than a year after that, the Soviet Union was wound down, and there were those who got together to celebrate the end of the cold war. It was worthy of celebration. A 45-year cold war had looked like it had come to an end, but it didn't convince the communists that they had lost it philosophically.

They didn't believe that our free enterprise capitalism and the vigor that comes from being an American was what had defeated them. They thought they just maybe needed better managers that were more pure in their ideology. And so even though they had to scatter from the light, they went back and reformed new alliances and new allegiances, and they come back at us again and again and again, even more insidious and even harder to find and harder to identify. But philosophical enemies of the liberty and freedom of the United States and western civilization, they remained.

ACORN remains an entity out there that has spent millions of dollars undermining the integrity of the legitimate ballot system here in the United States of America. They produced and admitted to over 400,000 false or fraudulent voter registration forms, and they argue that it didn't result in a single fraudulent vote—which is completely, I think, a specious argument. Why would you spend millions to produce false or fraudulent voter registrations if you didn't think that was going to result in some kind of favorable result for you in the ballot box?

And I would point out, Mr. Speaker, that even though there were major problems with ACORN in Ohio, if that election would have been closer and we would have scrutinized it more closely, we would have found out more about what could have been happening in the ballot box in places like Ohio and Minnesota. When we go to court, who wins in the end in the close elections?

And what if all of those false or fraudulent voter registrations had been kicked out at the beginning and no one had walked in? And that doesn't mean that the ones that were discovered were all of those that actually happened. I have to believe that the voter registration list was significantly corrupted in all of the States where ACORN was carrying out this practice and has significantly corrupted voter registration lists, and opens things up for more and more corruption.

And this United States of America, built upon the foundation of our Constitution itself, that Constitution, one might think, is the framework for law, and it's what we have to preserve if we're going to be a healthy and a viable country. And I agree.

But the very foundation underneath the Constitution itself is legitimate elections. And when elections are delegitimized by organizations like ACORN, and if the American people lose the confidence that we have legitimate elections, there the Constitution falls because the foundation for the Constitution itself is legitimate elections and the people's confidence in those legitimate elections as well.

So ACORN went right at the very component of America that is essential. And that is not that we just have clean, legitimate elections. We must do that if we're going to uphold our Constitution; but we also have to have the American people that believe that we've conducted ourselves in a legitimate fashion, that their vote was not undermined by an illegitimate vote.

That's the ACORN side of this.

ACORN, by the way, another place that I want to do investigations—the other side of the great election divide—and hold hearings in this Congress and subpoena witnesses and go in and drill down and investigate them completely. And I believe that many of those investigative lines, when we follow the money, will lead to the White House itself, Mr. Speaker.

So we have financial reform that's up in front of us. We have ACORN that has dispersed itself to some degree but are reforming under the same managers, same faces, and some of the same funding streams.

I have raised the issue of how ObamaCare was pushed through this Congress and how it takes over another chunk of our private sector. I will summarize and add up: The three large investment banks that were taken over by the Federal Government; AIG, the insurance company, taken over by the Federal Government; Fannie Mae and Freddie Mac, taken over by the Federal Government; and now we have General Motors and Chrysler taken over by the Federal Government; $700 billion in TARP spending at the beginning of that; $787 billion in the stimulus package at the tail end of that. And we have all of 6 percent of the American population that believes that the stimulus package actually worked and stimulated jobs.

Well, the data shows the exact opposite. Unemployment went up, not down, while that was going on. The promise was we wouldn't see unemployment go over 8 percent under the stimulus package, but what really happened is unemployment went to 10 percent. And it's hanging in that zone, 9.7 percent in unemployment.

The vision of borrowing money from the Chinese and the Saudis and pouring it in to projects here in America, extending jobs for the public sector, creating government jobs—and calling creation of government jobs economic development, I don't think we've ever had a President that believed that in the history of America until we get to here, this point in our history.

I don't even believe Franklin Delano Roosevelt, the great Keynesian economist that he was, and he embraced John Maynard Keynes' philosophy—not quite to the extent that Keynes would have liked to have had him do, but in a substantial way—didn't believe that government jobs were a replacement for private sector jobs even though he created a lot of them. And we did a lot of make-work projects across the country, and the evidence of that is still out there.

But our President has said to us a little more than a year ago that he believed that Franklin Delano Roosevelt lost his nerve and that he should have spent a lot more money in the thirties, and if he had done so, that would have brought about a recovery instead of waiting for World War II to come along to become and I quote—well, I better not quote that—but the general language is that World War II came along; it was the greatest economic stimulus plan ever. That's close to a quote. I know I've got the philosophy exactly right. And I don't actually disagree with that statement about the stimulus plan with what the Second World War happened to be.

But I would argue that we didn't recover from the Great Depression in the Second World War even. When the stock market crashed in October of 1929, and as it spiraled downwards and it hiccuped its way up and down and we went through that vast spending era of the Great Depression, and we saw unemployment go up and then come back down and go up again, and when we got

to World War II, December 7, 1941, we were still in the Depression. And unemployment was a number that was approaching 20 percent for part of that time, and we had 25 percent unemployment, I think, at the peak.

And we got into the Second World War and we began to manufacture everything as fast as we could. A lot of the women that had not worked before went to work. Rosy the Riveters. And my mother among them who tied parachute knots in Omaha is what she did every day. Tied knots in parachutes. That was part of her war efforts. And, God bless her, she turned 90 years old yesterday. And I honor my mother with all of the love that I have. She did her part of the war effort, as my father did his 2½ years in the South Pacific.

But the economy didn't recover in the Second World War back to where it was. It wasn't the Second World War that was the complete recovery package that one would think the President, according to his words, would be the recovery.

I would just look at what are the indexes. Some of the indexes would be what did the stock market look like and when did it get back to where it was in October of 1929. One might think that Franklin Delano Roosevelt's New Deal and his Keynesian spending was what brought us out of that. That's what my history people taught me. My teachers taught me that.

□ 1545

I went back and looked at the records and found out that wasn't the case. We still had high unemployment, and we still had low and stagnant growth and some reduction of growth in the thirties.

What we saw during World War II was that unemployment rates went way down because we needed everybody to do the work. We saw unemployment rates go to the lowest they've been in history, 1.2 percent. Now that's almost unheard of today, but unemployment was 1.2 percent. It was 25 percent as a high ratcheted down to 15, 10, on down to 1.2 percent near the end of World War II. Still, still we did not recover from the Great Depression from the 1929 stock market crash. It wasn't World War II. It wasn't even the Korean War. In fact, Franklin Delano Roosevelt had been dead for 9 years before the stock market, the Dow Jones Industrial Average, came back to where it was in October of 1929. That happened in 1954, Mr. Speaker.

So one can't, I don't think, legitimately argue that the World War II stimulus plan even brought us out of it. We increased our production and stabilized our economy and put people to work. The unemployment component of this got a lot better, but the growth and equities that had to do at least at a minimum with the Dow Jones Industrial Average didn't get back to where it was until 1954, from October of 1929. Franklin Delano Roosevelt had been dead for 9 years before the stock market got back to where it was when it crashed in 1929. This was a long, long, long painful recovery that America went through, and we went through not just the Great Depression of the thirties looking for a recovery, but we went through the Second World War looking for a recovery, we went through the Korean War looking for a recovery, and finally limped our way back.

I will submit, Mr. Speaker, that a big reason for that is, when you over leverage a country or a company, you have to pay and service the debt. That means that you have to pay the interest on the borrowed money. And by the way, that borrowed money came from Americans back then instead of the Chinese and the Saudis now. But you have to service the interest on the debt. The war bonds had to be paid off as well. So that has to come out of the tax revenue that's coming in. The tax revenue that comes in comes from—not government—it comes from the private sector. The private sector has to be viable. It has to be vigorous. There has to be profitability there in order to attract more capital investment. Capital investment necessarily increases—wise capital investment necessarily increases our productivity. Increased productivity increases our gross domestic product, which allows us to buy sell, trade, make, gain, produce more goods, sell more goods, cash in at the cash register more, whether it's the factory or the retail. And when that happens, this private sector economic growth then pays its share of taxes. And in the end, it's the people in America that pay the taxes, not the corporations, not the businesses, and it certainly isn't the government.

So what we have going on here now is, the government is swallowed up with those eight huge entities that I talked about. Three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors and Chrysler, those eight entities that are swallowed up by the Federal Government represent, according to an economics professor at the University of Arizona as far back as last August, one-third of the private sector activity in the United States swallowed up by those eight huge entities nationalized and taken over by the Federal Government. And behind that came what? ObamaCare swallowing up another 18 percent of our economy.

Now if you want to add 18 percent to—one-third is 33 percent, correct, Mr. Speaker? Yes, I know. You're nodding, and I appreciate your math is correct—that's 51 percent. So 33 percent and 18 percent adds up to 51 percent of our private sector economy. This now taken over and managed or dictated the terms of its business contracts, every bit of health care in America will be, according to this term of ObamaCare, signed into law a couple weeks ago or three, will be directed by the Federal Government.

And some people—let me say some people without the largest of minds—are arguing that because we still have a surviving private sector health insurance industry, that the health care in America hasn't been nationalized. I would challenge them, Mr. Speaker, point to me—point for me to a sector or a component or an activity within health care in America that is not slated to be changed, altered or directed by ObamaCare. There isn't a single health insurance policy in America that the President can tell anyone, You get to keep that policy, that it isn't going to increase the premiums dramatically or perhaps reduce them marginally. That's going to happen. The premiums change for everybody in America unless there's somebody who happens to sit exactly on the dividing line. Young people will pay a lot more in premiums because they're a lower risk. We went from a 7–1 community rating that's out there now, which means that the most extreme cases—the lowest premium compared to the highest premium—are 7–1, which means that if we have a young healthy person paying $100 a month on a similar policy, an older person that may not be completely healthy could be paying $700 a month on a similar policy or even an identical policy. Now this has been pulled back to a 3–1 community rating which means that now that—just say we've got two people. They're both insured. The youth at $100 a month. The older person, say my age, who is a greater risk, at $700 a month. That's $800 between the two of us. Now when you go to a 3–1 community rating, that means that there can't be that much disparity. So you dial that thing back down. And you charge the young person then $200 a month and the older person $600 a month. Now we're dealing with $800 again. But the $800 comes $200 from the young person at doubling their premium and a reduction in the older person at $700 down to $600. Now you've got the $800 that comes together for that monthly premium of the two insured. That's how that works.

So health insurance premiums change because they changed the rules for everybody, and they'll have to be approved by the Health Choices Administration czar or whomever that happens to be who has that title, and what was the Senate version of the bill. That part I didn't commit to memory, Mr. Speaker. Everybody's health insurance changes in America, and this government effectively cancels every policy subject to the approval of the new rules that will be written that aren't written yet. Nobody knows where they are. The health insurance underwriters are pulling their hair out, trying to figure out

what happens and how do they do business. The Federal Government's dictating completely every health insurance policy in America. Can we find a health care provider that doesn't have their way of doing business altered by this bill? Certainly the funding stream that comes in is altered. There's $500 billion cut in Medicare for our senior citizens, $523.5 billion—over $500 billion cut out of Medicare reimbursement rates.

I represent the most senior congressional district in America. Iowa has the highest percentage of its population over the age of 85 of any of the States. We're the oldest two or three over the age of 65. There is good longevity there, I like that, and healthy practices, presumably. But the district I represent, out of the 99 counties in Iowa, 10 of the 12 most senior counties in Iowa. And I hear the President say there's waste, fraud and abuse in Medicare so we're going to slash $500 billion out of there to pay for ObamaCare. And has the President pointed his finger to a single bit of waste, fraud and abuse that is in Medicare that he would fix? The promise is that's what he will do. But if he can't identify it or won't identify it, or if he's holding the access to that information hostage to the passage of his ObamaCare bill—he's got the bill. He signed it. It's now the law of the land.

Now it's time for the President of the United States to turn over all of those magic cards to show us, where is the waste, fraud and abuse in Medicare? I don't say it doesn't happen. I hear those cases, too. But what's the solution to fix it? And do we really have to pass a bill in order to have legitimate clean government? If there's corruption, let's go find it. Let's go root it out, root and branch, pull it out, and let's legitimize all of Medicare in the country. But we don't need to be going in there and arguing that—if there's $500 billion worth of waste, fraud and abuse, how do you arrive at that number if you haven't found the waste, fraud and abuse yet?

So now I'm going to tell you, seniors will be penalized or they won't keep their word, and we'll be borrowing more from the Chinese to fund ObamaCare because—I'm going on record here in the CONGRESSIONAL RECORD on this day, April 22, 2010, to say that we will not see $500 billion in cuts in Medicare. They were never sincere about that. That's only a number that they needed to reach so they could argue that ObamaCare doesn't cost over $1 trillion over 10 years. Remember the argument now became, CBO scored this at $132 billion in savings over 10 years. That's $13.2 billion per year, the 10-year budget window that we're talking about. That is not loose change to American taxpayers. But to the overall budget, it's very marginal as to whether it's a savings or whether it's an increase in spending. But that includes and is predicated upon the cut to the spending which is a punishment to our seniors of $523.5 billion. It's also predicated upon a tax increase of $569.2 billion, and it was predicated upon the avoidance of the doctors' fix which is in the change of $360 billion. All of that distorts this to the tune of about $1.4 trillion that with an honest accounting would get added back into this ObamaCare bill.

So you take $1.4 trillion in costs that are distorted, and you would subtract $132 billion from that, and you're down in the neighborhood of—let me get that number here right—subtract $132 billion from the $1.4 trillion. Now you are down about $1.27 trillion in increased costs. Now remember what the President said. I have to refresh you, Mr. Speaker, because I'm wondering if any Democrats would actually be able to pass this test.

A couple little questions about history: Why did we go into ObamaCare in the first place? What was the argument from the beginning? What happened during the campaign that presumably gave the President of the United States a mandate to impose ObamaCare on America? And I remember this discussion, but I suspect that Madam Speaker PELOSI does not choose to remember this. Barack Obama—then Senator and candidate Obama said, We are spending too much money on health care. We've got to solve the problem of spending too much money on health care. And so he argued that the solution for that apparently is to spend a lot more on health care.

Now that doesn't pass the first little bit of third grade logic test. I could go to my little granddaughter, who is now 5, had her first little loose tooth here over the weekend, and say to her, If we're spending too much money, does it solve the problem if we spend more money? And she would give me that quizzical look like, How could you say something so irrational, Grampa? It's not rational to argue that spending too much money is solved by spending more money. But that's the argument that came. It's a matter of fact in public record. We're spending too much money. We have to solve that problem. And lo and behold, ObamaCare spends a lot more money, and somehow they still argue that they're solving the problem of spending too much money.

The second thing is that we have not enough competition in the insurance companies, not enough choices. We have 1,300 health insurance companies in America—or we did until a month ago when ObamaCare was signed into the law of the land. We have 1,300 health insurance companies, 100,000 possible policy varieties, and the President wants another one to compete with. Now he didn't get that. But he got the exchange, and the exchange will decide who are the winners and who are the losers, and they will write the mandates for every single policy in America. And let's just say, if you don't cover contraception, then there is going to be a requirement to cover contraception; if you don't cover Viagra, there's going to be a requirement to cover Viagra; if your policy doesn't cover mental health, there will be requirements to cover mental health.

Mandate after mandate after mandate, when we only have a couple—three of those in law prior to ObamaCare—will come raining down out of the Federal Government. And whenever there is a mandate, it makes an argument for four or five or six more health care mandates, and every mandate increases the costs over the premium and takes away our liberty and takes away our freedom.

□ 1600

All of these things that I have talked about pale in comparison to the part that knots up my innards more than any other, and that is this: since 1973, the people generally on the left side of the aisle in America have made the argument with regard to Roe v. Wade, Doe v. Bolton, and abortion in America, the people on the other side of the aisle have argued long and hard that the Federal Government has no business telling a person what they can or can't do with their body. That's the argument. So they argue that the Federal Government can't regulate nor diminish nor make it more restrictive for a woman who seeks an abortion to get that abortion because it's not our business what a woman does with her body. That is their argument. Men and women made that argument.

Over here on this side of the aisle, over and over and over again they made that argument. Now the same people, Mr. Speaker, are making the argument—and have made the argument and the President has signed it into the law of the land—that the Federal Government has no business telling a woman what she can or can't do with her body, but instead, now the same people are arguing that the Federal Government has every right to tell everybody in America what they can or can't do with their body.

The President of the United States, with the iron fist of the leadership within the House and the Senate and the complicity of a bare majority of the Members of the House, has imposed and nationalized our very bodies. The most sovereign thing that we have is our own personal self, our skin and what is inside our skin; the management of same has been taken over by the Federal Government. Now they tell all of us, you shall buy a health insurance policy; and if you can't afford it, we're going to tax somebody else and send you a refundable tax credit and you, by golly, are going to pay for that policy.

And if you are working and making enough money and you don't have a policy, if you happen to be working for a business that has less than 50 employees, then we are going to fine you a percentage of your income. The IRS is going to come in and do the audits, first electronically and then personally, to impose that health insurance policy on you. And it won't be the one that you could buy last month. It will be the one that you can buy next year or the year after, after they write the new rules. The Federal Government's nationalization of our bodies.

So they have nationalized eight huge entities, a third of the private sector activity, and another 18 percent of our economy, health care, and nationalized and taken over the most sovereign thing we have, our skin and what is inside our skin, and taken away our ability, as individual free people that exercise the rights that come from God, clearly identified by the Founding Fathers and delineated in the Declaration of Independence, which is the foundation for the Constitution, the sovereignty of man, the right to life, liberty, and the pursuit of happiness.

By the way, Mr. Speaker, I would point out that you and everyone in this Congress and those who aspire to come to this Congress should know that the Founding Fathers understood that those rights are prioritized rights—life, liberty, the pursuit of happiness—not just a grab bag of rights that they pulled out of the sky or randomly put into a package, but set there in an order of priority, a priority that the thing most paramount is our lives, the management of our lives as well; and that liberty, as a secondary right, is subordinate to the right to life.

The pursuit of happiness was not the pursuit of happiness as it is envisioned in the minds of a lot of people today. Pursuit of happiness, by the way, is subordinated to liberty and to life so that no one in their pursuit of happiness—and by the way, pursuit of happiness meant to our Founding Fathers more the Greek understanding, the word ''eudaimonia,'' which means pursuit of truth, pursuit of knowledge, pursuit of perfection in both body and mind. That is what pursuit of happiness was understood to mean when the Declaration of Independence was signed and they pledged their lives, their fortune, and their sacred honor.

The pursuit of happiness was the pursuit of truth and purity. That pursuit of happiness, though, is still subordinate and cannot—in anyone's pursuit of happiness can they infringe upon the liberty of another because our liberties are established in the Bill of Rights, for example, now—we understand them more clearly.

And they are also enshrined in title VII of the Civil Rights Act: You shall not discriminate against people based upon race, creed, color, ethnicity, now and a lot of times it's age and disability. Those are real rights. They are the rights that are protected. And the rights to freedom of speech, religion, the press, the right to keep and bear arms, the rights to property that come in the Fifth Amendment, the right to be protected against double jeopardy, to be judged by a jury of our peers, all of them, those are all rights. These rights are our liberties.

Our liberties that are guaranteed to us cannot be taken over by someone else in their pursuit of their happiness. They have to honor and respect that as our liberties are always subordinated to the right to life being the most paramount right. These things are all taken away by ObamaCare: right to life itself, because it puts people in line to take the health care that the Federal Government prescribes and it's unconstitutional in a lot of ways, at least four ways.

First, there is nothing there in the enumerated powers that grants this Congress or the President of the United States to join together and impose a product on us that is neither produced nor approved by the Federal Government. Never in the history of this country has that ever happened. That is a constitutional violation. There is nothing in the commerce clause that allows such a broad definition that people that would not engage in commerce whatsoever would have to buy a product produced or approved by the Federal Government. It is a violation of the equal protection clause for the reasons that I have said, the Louisiana Purchase, Florida Gator Aid, and the list goes on.

Some Americans are treated different than others in the bill. It is a violation of the Ninth and 10th Amendments, the States' rights component of this as well. I encourage the 20 States attorneys general to go forward with their lawsuits. I am working for a repeal of 100 percent of ObamaCare. Pull it out root and branch; I don't want one DNA vestige left behind. Let's get it out. Let's pull it out all the way, Mr. Speaker, so there is none of it left. And then we can start putting components in place as individual stand-alone bills so the American people can clearly see that their voice is being heard in this United States Congress. And we can do it, we must do it, and we can do it in a reasonable time frame. We can put a discharge petition down here on the floor now for signatures of these Members of Congress.

The second thing we can do is seek to get that vote on the floor. The Senate is doing the same thing. And when we have the other side of the election, we can shut off funding for the implementation of ObamaCare. We can do that. In 2011 and 2012 we can elect a new President who will sign the repeal on his first order of business January 20, 2013. And then we start the reform process.

That is where we need to go, Mr. Speaker. And for those who think that it can't be done, it can't be accomplished, I have a survey on my Web site that asks the question: Do you believe that it's more likely that ObamaCare will be repealed than the Cubs will win the World Series this year? And the last number I saw, 58 percent believed it is more likely we will repeal ObamaCare and 42 percent thought it was more likely the Cubs would win the World Series. They went to spring training; they're playing ball. We are going to play ball all the way to 2013 and beyond. We are going to get this job done, Mr. Speaker. One hundred percent repeal of ObamaCare it must be to preserve the liberty that Americans had last month that they deserve every month in the lives of our children and grandchildren.

So with that, Mr. Speaker, I would express my gratitude for your indulgence and your attention, and especially that little nod of the head, and I yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. McCOLLUM (at the request of Mr. HOYER) for today until noon on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Tennessee, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. ALTMIRE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SABLAN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, April 29.

Mr. POE of Texas, for 5 minutes, April 29.

Mr. JONES, for 5 minutes, April 29.

Mr. PAUL, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, April 26, 27, 28, and 29.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's

table and, under the rule, referred as follows:

S. 3244. An act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; to the Committee on House Administration; in addition to the Committee on Oversight and Government Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, April 26, 2010, at 12:30 p.m., for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7142. A letter from the Assistant Secretary of the Army, Acquisition, Logistics and Technology, Department of the Army, transmitting report of intent to enter into a contract for technical engineering, logistical services and supplies, and component/airframe materials in support of depot maintenance programs; to the Committee on Armed Services.

7143. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's determination and certification under Section 490(b)(1)(A) of the Foreign Assistance Act of 1961 relating to the top five exporting and importing countries of pseudoephedrine and ephedrine; to the Committee on Foreign Affairs.

7144. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Authority's fiscal year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7145. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's annual report for FY 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7146. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the Paul Coverdell National Forensic Science Improvement Grants Program, managed by the Office of Justice Programs' National Institute of Justice, pursuant to Public Law 90-351, section 2806(b); to the Committee on the Judiciary.

7147. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Georgetown, TX [Docket No.: FAA-2009-0934; Airspace Docket No. 09-ASW-29] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7148. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Jet Routes and VOR Federal Airways in the Vicinity of Gage, OK [Docket No.: FAA-2010-0004; Airspace Docket No. 09-ASW-32] (RIN: 2120-AA66) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7149. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airway V-422 in the Vicinity of Wolf Lake, IN [Docket No.: FAA-2010-0006; Airspace Docket No. 09-AGL-30] (RIN: 2120-AA66) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7150. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Koyukuk, AK [Docket No.: FAA-2009-0692; Airspace Docket No. 09-AAL-13] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7151. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Shaktoolik, AK [Docket No.: FAA-2009-0142; Airspace Docket No. 09-AAL-2] received, March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7152. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Scammon Bay, AK [Docket No.: FAA-2009-1038; Airspace Docket No. 09-AAL-19] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7153. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Dillingham, AK [Docket No.: FAA-2009-1055; Airspace Docket No. 09-AAL-16] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7154. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30714; Amdt. No. 3364] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7155. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-0452; Directorate Identifier 2007-NM-326-AD; Amendment 39-16223; AD 2010-05-13] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7156. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines (IAE) V2500-A1, V2522-A5, V2524-A5, V2525-D5, V2527-A5, V2527E-A5, V2527M-A5, V2528-D5, V2530-A5, and V2533-A5 Turbofan Engines [Docket No.: FAA-2007-29060; Directorate Identifier 2007-NE-34-AD; Amendment 39-16243; AD 2010-06-18] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7157. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30715; Amdt. No. 3365] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7158. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2009-0642; Directorate Identifier 2009-NM-001-AD; Amendment 39-16241; AD 2010-06-16] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7159. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD-900 Helicopters [Docket No.: FAA-2009-0953; Directorate Identifier 2009-SW-45-AD; Amendment 39-16230; AD 2010-06-06] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7160. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125-02-99 and TAE 125-01 Reciprocating Engines [Docket No.: FAA-2009-0948; Directorate Identifier 2009-NE-30-AD; Amendment 39-16236; AD 2010-06-12] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7161. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters [Docket No.: FAA-2009-1090; Directorate Identifier 2009-SW-31-AD; Amendment 39-16227; AD 2010-06-03] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7162. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Using Agency for restricted Areas R-3005A, R-3305B, R-3005C, R-3005D and R-3005E; Fort Stewart, GA [Docket No.: FAA-2010-0201; Airspace Docket No. 10-ASO-19] (RIN: 2120-AA66) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7163. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Extended Operations (ETOPS) of Multi-Engine Airplanes; Technical Amendment [Docket No.: FAA-2002-6717; Amendment No. 121-348] (RIN: 2120-AI03) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7164. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Issuance of Opinion and Advisory Letters and Opening of the EGTRRA Determination Letter Program for Pre-Approved Defined Benefit Plans (Announcement 2010-20) received March 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7165. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Distressed Asset Trust (DAT) Tax Shelters (LMSB4-0210-008) (UIL: 9300.50-00) received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7166. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2010-10) received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7167. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director Directive #3 Tier II Issue Enhanced Oil Recovery Credit Status Changed to Monitoring [LMSB-04-0210-007] received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. WOOLSEY (for herself, Mr. ANDREWS, and Mr. GEORGE MILLER of California):

H.R. 5107. A bill to amend the Fair Labor Standards Act of 1938 to require persons to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for persons who misclassify employees as non-employees, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 5108. A bill to require certain Internet websites that contain personal information of individuals to remove such information at the request of such individuals; to the Committee on Energy and Commerce.

By Mr. KIRK (for himself, Mr. SESSIONS, Mr. LEE of New York, Mr. GERLACH, Mr. DENT, Mr. SHIMKUS, Mr. SENSENBRENNER, and Mr. BARTON of Texas):

H.R. 5109. A bill to establish a tax, regulatory, and legal structure in the United States that encourages small businesses to expand and innovate, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Small Business, Financial Services, Rules, Education and Labor, Energy and Commerce, the Judiciary, Oversight and Government Reform, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 5110. A bill to modify the boundary of the Casa Grande Ruins National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. PITTS (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. CHAFFETZ, Mr. CONAWAY, Mr. DAVIS of Tennessee, Mr. FLEMING, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GRIFFITH, Mr. HENSARLING, Mr. HOEKSTRA, Mr. HOLDEN, Mr. INGLIS, Mr. ISSA, Mr. JORDAN of Ohio, Mr. LAMBORN, Mr. LATTA, Mr. LIPINSKI, Mr. MANZULLO, Mr. MARCHANT, Mr. MCHENRY, Mr. MCINTYRE, Mr. NEUGEBAUER, Mr. PENCE, Mr. ROE of Tennessee, Mr. RYAN of Wisconsin, Mr. SMITH of New Jersey, Mr. SCALISE, Mrs. SCHMIDT, Mr. TAYLOR, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, Mr. CHILDERS, Mr. MARSHALL, and Mr. SESSIONS):

H.R. 5111. A bill to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act; to the Committee on Energy and Commerce.

By Mr. CARNAHAN (for himself, Mrs. BIGGERT, and Ms. NORTON):

H.R. 5112. A bill to provide for the training of Federal building personnel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. DAHLKEMPER:

H.R. 5113. A bill to amend the Child Nutrition Act of 1966 to establish the Healthy Habits School Challenge Program to reduce childhood obesity by recognizing schools that are creating healthier school environments for children by promoting good nutrition and physical activity, and for other purposes; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. COSTELLO, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. CAPPS, Mr. CARDOZA, Mr. HARE, Mr. AL GREEN of Texas, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 5114. A bill to extend the authorization for the national flood insurance program, to identify priorities essential to reform and ongoing stable functioning of the program, and for other purposes; to the Committee on Financial Services.

By Mr. SCHAUER (for himself and Mr. RUSH):

H.R. 5115. A bill to recognize the key contributions of flight support specialists to our Nation's aviation safety by restoring the retirement treatment of flight support specialists whose functions were outsourced by the Federal Government in 2005; to the Committee on Oversight and Government Reform.

By Mr. GORDON of Tennessee:

H.R. 5116. A bill to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. REICHERT, Mr. SMITH of Washington, Ms. LEE of California, and Mr. OLVER):

H.R. 5117. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MORAN of Kansas:

H.R. 5118. A bill to amend the Clean Air Act to require the exclusion of data of an exceedance or violation of a national ambient air quality standard caused by a prescribed fire in the Flint Hills Region, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUJÁN (for himself, Ms. BORDALLO, Mr. GRIJALVA, Mr. HEINRICH, Mrs. KIRKPATRICK of Arizona, Mr. MATHESON, Mrs. NAPOLITANO, Mr. SALAZAR, and Mr. TEAGUE):

H.R. 5119. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. NYE, and Mr. TEAGUE):

H.R. 5120. A bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Education and Labor, Small Business, Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Ms. WOOLSEY, Mr. ELLISON, Mrs. MALONEY, Mr. STARK, Ms. CHU, Mrs. DAVIS of California, Ms. WATSON, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Ms. BALDWIN, Mrs. CAPPS, Mr. MOORE of Kansas, Ms. SCHAKOWSKY, Mr. COHEN, Mr. MEEK of Florida, Ms. LEE of California, and Ms. SLAUGHTER):

H.R. 5121. A bill to promote the sexual and reproductive health of individuals and couples in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HINOJOSA (for himself, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. PASTOR of Arizona, Mr. CLAY, Mr. ELLISON, Mr. LUJÁN, Mr. WILSON of Ohio, and Mr. THOMPSON of Mississippi):

H.R. 5122. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Financial Services.

By Mr. DAVIS of Illinois:

H.R. 5123. A bill to suspend temporarily the duty on certain high-intensity sweetener; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5124. A bill to prohibit the use, production, sale, importation, or exportation of any pesticide containing atrazine; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Ways and Means, and Foreign Affairs, for a period to be subsequently determined

by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself and Ms. SPEIER):

H.R. 5125. A bill to amend the Emergency Economic Stabilization Act of 2008 to establish a fund to be used to make local governments whole for losses incurred from the Lehman Brothers Holding, Inc., bankruptcy; to the Committee on Financial Services.

By Mr. FLEMING:

H.R. 5126. A bill to repeal provisions of the Patient Protection and Affordable Care Act relating to health savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself and Mr. BILBRAY):

H.R. 5127. A bill to amend title 31, United States Code, to establish a reporting requirement for any stored value device carried out of, into, or through the United States, to establish registration requirements for stored value programs, and for other purposes; to the Committee on Financial Services.

By Mr. HEINRICH (for himself, Mr. LUJÁN, Mr. TEAGUE, Mr. GRIJALVA, Ms. GIFFORDS, Mrs. KIRKPATRICK of Arizona, Mr. MITCHELL, and Mr. PASTOR of Arizona):

H.R. 5128. A bill to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''; to the Committee on Transportation and Infrastructure.

By Mr. HODES (for himself and Mr. CARNAHAN):

H.R. 5129. A bill to amend the Internal Revenue Code of 1986 to treat carsharing and ridesharing reimbursement arrangements as qualified transportation fringe benefits; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself and Mr. COURTNEY):

H.R. 5130. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut:

H.R. 5131. A bill to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes; to the Committee on Natural Resources.

By Mr. MATHESON:

H.R. 5132. A bill to require the Director of the National Institute of Standards and Technology to establish a research initiative to support the development of technical standards and conformance architecture to improve emergency communication and tracking technologies for use in locating trapped individuals in confined spaces and other shielded environments where conventional radio communication is limited, and for other purposes; to the Committee on Science and Technology.

By Mr. ROTHMAN of New Jersey (for himself, Mr. ANDREWS, Mr. LOBIONDO, Mr. SIRES, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. LANCE, Mr. ADLER of New Jersey, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. HOLT, Mr. PASCRELL, and Mr. PAYNE):

H.R. 5133. A bill to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. TSONGAS (for herself, Mr. PAYNE, Ms. NORTON, Mr. SIRES, Mr. ELLISON, Mr. CAO, Ms. MOORE of Wisconsin, Mrs. LOWEY, and Mr. BLUMENAUER):

H.R. 5134. A bill to authorize the Secretary of the Interior, in consultation with the Groundwork USA national office, to provide grants to certain nonprofit organizations; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN:

H.R. 5135. A bill to provide for congressional approval of national monuments in Oregon, restrictions on the use of national monuments, and for other purposes; to the Committee on Natural Resources.

By Mr. FLAKE:

H. Res. 1287. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. DENT (for himself, Mr. CANTOR, Mr. MCCAUL, Mr. AUSTRIA, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mr. FRANKS of Arizona, Mr. POSEY, Mr. GERLACH, Mr. ROONEY, Mr. UPTON, Mr. BARTLETT, Mrs. MILLER of Michigan, Mr. BROUN of Georgia, Mr. BILIRAKIS, Mr. OLSON, and Mr. PITTS):

H. Res. 1288. A resolution urging the issuance of a certificate of loss of nationality for Anwar al-Awlaki; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. MCCARTHY of California, Mr. PENCE, Mr. MCCOTTER, Mrs. MCMORRIS RODGERS, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROUN of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CAMPBELL, Mrs. CAPITO, Mr. CARTER, Mr. CASSIDY, Mr. CASTLE, Mr. CHAFFETZ, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CRENSHAW, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DREIER, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Ms. FALLIN, Mr. FLAKE, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GINGREY of Georgia, Mr. GOHMERT, Ms. GRANGER, Mr. GRAVES, Mr. GRIFFITH, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HARPER, Mr. HASTINGS of Washington, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. INGLIS, Mr. ISSA, Ms. JENKINS, Mr. JOHNSON of Illinois, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LANCE, Mr. LATOURETTE, Mr. LATTA, Mr. LEE of New York, Mr. LEWIS of California, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHENRY, Mr. MCKEON, Mr. MICA, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NUNES, Mr. OLSON, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. POE of Texas, Mr. POSEY, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. REHBERG, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. ROONEY, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SCALISE, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. UPTON, Mr. WALDEN, Mr. WAMP, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. WOLF, Mr. ADERHOLT, and Mr. SIMPSON):

H. Res. 1289. A resolution expressing the sense of the House that Democratic Members of the House should join Republican Members of the House in a total ban on earmarks for one year, that total discretionary spending should be reduced by the amount saved by earmark moratoriums, and that a bipartisan, bicameral committee should be created to review and overhaul the budgetary, spending, and earmark processes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of Connecticut (for himself, Mr. CASTLE, Ms. SLAUGHTER, Mrs. BIGGERT, Ms. DEGETTE, and Mr. WAXMAN):

H. Res. 1290. A resolution supporting the goals and ideals of a National Day to Prevent Teen Pregnancy; to the Committee on Energy and Commerce.

By Mr. ARCURI:

H. Res. 1291. A resolution expressing support for designation of the week beginning May 9, 2010, as National Nursing Home Week; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas:

H. Res. 1292. A resolution congratulating the Emporia State University Lady Hornets women's basketball team for winning the 2010 NCAA Division II National Championship; to the Committee on Education and Labor.

By Mrs. BIGGERT (for herself and Mr. WALDEN):

H. Res. 1293. A resolution expressing support for the goals and ideals of National Child Abuse Prevention Month; to the Committee on Education and Labor.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. BOREN):

H. Res. 1294. A resolution expressing support for designation of the first Saturday in May as National Explosive Ordnance Disposal Day to honor those who are serving and have served in the noble and self-sacrificing profession of Explosive Ordnance Disposal in the United States Armed Forces; to the Committee on Oversight and Government Reform.

By Mr. FORTENBERRY:

H. Res. 1295. A resolution celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day; to the Committee on Oversight and Government Reform.

By Mr. LANGEVIN (for himself and Mr. BILBRAY):

H. Res. 1296. A resolution congratulating the American Society for Cell Biology on its 50 years of service to the basic biomedical research community in the United States and around the world, as well as the public; to the Committee on Energy and Commerce.

By Ms. MARKEY of Colorado (for herself, Mr. DEFAZIO, Mr. REHBERG, Mr. CARNAHAN, Mr. POLIS, Mr. WU, Mr. BLUMENAUER, and Mr. LANCE):

H. Res. 1297. A resolution supporting the goals and ideals of American Craft Beer Week; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia (for himself, Mr. MCGOVERN, Mr. FARR, Mr. RYAN of Ohio, Mr. HONDA, Ms. ROYBAL-ALLARD, Mr. ANDREWS, Mr. BERMAN, Mr. NADLER of New York, Ms. WOOLSEY, Ms. EDWARDS of Maryland, Mr. CONNOLLY of Virginia, Ms. CASTOR of Florida, Mr. BOYD, Mrs. CAPPS, Ms. HARMAN, Mrs. DAVIS of California, Mr. WAXMAN, Ms. DEGETTE, Mr. BLUMENAUER, Mr. SCHAUER, Ms. WATSON, Ms. SCHAKOWSKY, Ms. MATSUI, Mr. HINCHEY, and Mr. GARAMENDI):

H. Res. 1298. A resolution encouraging efforts to reduce the use of paper and plastic bags; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

262. The SPEAKER presented a memorial of the House of Representatives of the State of New Mexico, relative to House Memorial 39 urging the Republic of Turkey to hold and safeguard religious and human rights without compromise; to the Committee on Foreign Affairs.

263. Also, a memorial of the House of Representatives of the State of New Mexico, relative to House Memorial 34 urging the Congress of the United States to expedite the passage of legislation to enact the necessary amendments to the Surface Mining Control and Reclamation Act of 1977; to the Committee on Natural Resources.

264. Also, a memorial of the House of Representatives of the State of New Mexico, relative to House Memorial 54 urging the Congress of the United States to consider legislation that promotes clean energy development and use; jointly to the Committees on Energy and Commerce, Foreign Affairs, Financial Services, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, and Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. MURPHY of New York, Ms. HIRONO, Ms. SLAUGHTER, Mr. DONNELLY of Indiana, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 208: Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, and Mr. CARTER.

H.R. 213: Mr. CONNOLLY of Virginia.

H.R. 219: Mr. AUSTRIA.

H.R. 413: Mr. QUIGLEY, Mr. LARSEN of Washington, Mr. GARAMENDI, Mr. LUJÁN, and Mr. OLVER.

H.R. 483: Mr. WALDEN.

H.R. 678: Mr. PITTS, Mrs. NAPOLITANO, and Mr. SPACE.

H.R. 734: Mr. KUCINICH, Mr. JOHNSON of Illinois, and Mr. LARSEN of Washington.

H.R. 761: Mr. REHBERG.

H.R. 775: Mr. QUIGLEY, Mr. HALL of Texas, Mr. MURPHY of New York, and Mr. MAFFEI.

H.R. 836: Mr. PALLONE.

H.R. 847: Mr. GARAMENDI and Mr. BACA.

H.R. 878: Mr. GOODLATTE.

H.R. 932: Mr. BISHOP of New York.

H.R. 949: Mr. KUCINICH.

H.R. 950: Ms. CORRINE BROWN of Florida.

H.R. 1024: Ms. CASTOR of Florida.

H.R. 1074: Mr. TEAGUE, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ADERHOLT.

H.R. 1077: Ms. PINGREE of Maine.

H.R. 1079: Mr. KUCINICH.

H.R. 1083: Mr. POE of Texas.

H.R. 1087: Mr. RYAN of Ohio.

H.R. 1165: Ms. ZOE LOFGREN of California.

H.R. 1169: Mr. FORBES.

H.R. 1177: Mr. BRADY of Texas, Mr. GINGREY of Georgia, Mr. HERGER, Mr. KIRK, Mr. NEUGEBAUER, and Mr. SMITH of New Jersey.

H.R. 1205: Mr. MARKEY of Massachusetts, Mr. SHIMKUS, Mrs. BACHMANN, and Mr. MCGOVERN.

H.R. 1283: Mr. DEUTCH.

H.R. 1308: Mr. CUMMINGS and Ms. KILROY.

H.R. 1361: Mr. YARMUTH, Ms. CHU, and Ms. PINGREE of Maine.

H.R. 1408: Ms. RICHARDSON and Ms. NORTON.

H.R. 1430: Mr. DOYLE and Mr. SIRES.

H.R. 1458: Mrs. NAPOLITANO and Ms. ZOE LOFGREN of California.

H.R. 1526: Mr. PRICE of North Carolina.

H.R. 1529: Mr. JOHNSON of Georgia.

H.R. 1558: Mr. GERLACH.

H.R. 1616: Mr. HALL of New York.

H.R. 1625: Mrs. MCMORRIS RODGERS, Mr. HEINRICH, Mr. GARAMENDI, Mr. MARKEY of Massachusetts, Mr. MCINTYRE, Mr. MELANCON, Ms. CASTOR of Florida, Mr. ARCURI, Mr. WELCH, and Mrs. MCCARTHY of New York.

H.R. 1670: Ms. ESHOO.

H.R. 1826: Mr. BOSWELL, Mr. THOMPSON of California, and Mr. MEEK of Florida.

H.R. 1844: Mr. KAGEN.

H.R. 1855: Ms. SUTTON.

H.R. 1874: Mr. RYAN of Ohio and Mr. SHULER.

H.R. 1964: Mr. CAO.

H.R. 2000: Mr. KINGSTON, Ms. JENKINS, and Ms. CASTOR of Florida.

H.R. 2054: Ms. ZOE LOFGREN of California.

H.R. 2057: Ms. SPEIER.

H.R. 2142: Ms. HARMAN.

H.R. 2220: Ms. SCHWARTZ.

H.R. 2275: Mr. MELANCON, Mr. THOMPSON of Pennsylvania, Ms. MCCOLLUM, and Mr. BACHUS.

H.R. 2328: Mr. LARSON of Connecticut.

H.R. 2408: Mr. LATOURETTE.

H.R. 2478: Mr. LIPINSKI and Mr. GALLEGLY.

H.R. 2542: Mr. KLEIN of Florida.

H.R. 2547: Mr. BROUN of Georgia.

H.R. 2625: Mr. GUTIERREZ, Mr. HALL of New York, and Ms. WOOLSEY.

H.R. 2639: Mr. DICKS.

H.R. 2999: Mr. MARKEY of Massachusetts.

H.R. 3017: Mr. DEUTCH, Mr. SCHAUER, and Ms. LORETTA SANCHEZ of California.

H.R. 3024: Mr. BECERRA.

H.R. 3039: Mr. BOUSTANY and Mr. PITTS.

H.R. 3048: Mr. BRADY of Pennsylvania.

H.R. 3077: Mr. HINCHEY.

H.R. 3108: Ms. NORTON.

H.R. 3181: Ms. RICHARDSON and Ms. CHU.

H.R. 3286: Ms. LORETTA SANCHEZ of California and Ms. KOSMAS.

H.R. 3310: Mr. FRELINGHUYSEN and Mr. OLSON.

H.R. 3335: Mr. WATT and Ms. MOORE of Wisconsin.

H.R. 3393: Ms. HARMAN and Mr. MITCHELL.

H.R. 3402: Mr. WALDEN.

H.R. 3408: Mr. BLUMENAUER, Mr. SHERMAN, Mr. BRADY of Pennsylvania, Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. BECERRA, Mr. CARNAHAN, Mr. WEINER, Ms. EDWARDS of Maryland, Mr. SERRANO, and Ms. FUDGE.

H.R. 3418: Mr. KISSELL.

H.R. 3421: Mrs. MALONEY and Mr. MEEKS of New York.

H.R. 3560: Mr. BLUMENAUER.

H.R. 3564: Ms. TITUS and Mr. SHERMAN.

H.R. 3567: Mr. CUMMINGS.

H.R. 3652: Mr. TERRY, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, and Mr. DOYLE.

H.R. 3666: Mr. SOUDER.

H.R. 3668: Mr. CONAWAY, Mr. HODES, Mrs. LOWEY, Mr. LEE of New York, Ms. KAPTUR, Mr. SARBANES, Mr. HOLT, Mr. COURTNEY, Mr. BROWN of South Carolina, Mr. KLEIN of Florida, Mr. MCNERNEY, and Mr. CLAY.

H.R. 3764: Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. MEEKS of New York, and Mr. SIRES.

H.R. 3781: Mr. CARNEY.

H.R. 3790: Mr. PERLMUTTER, Mr. PETRI, and Mr. HARE.

H.R. 3799: Mr. CLAY.

H.R. 3924: Mr. PITTS, Mr. RADANOVICH, Mr. BLUNT, Mr. SULLIVAN, and Mrs. BONO MACK.

H.R. 3936: Mr. MITCHELL, Ms. FUDGE, and Mr. CARNEY.

H.R. 3995: Mr. CAPUANO.

H.R. 4109: Mr. CUMMINGS.

H.R. 4115: Mr. WEINER.

H.R. 4128: Mr. DAVIS of Tennessee, Mr. OLVER, and Mr. RANGEL.

H.R. 4148: Mr. CLAY.

H.R. 4163: Mrs. CAPPS and Mr. BRADY of Pennsylvania.

H.R. 4175: Mr. ISSA.

H.R. 4195: Mr. CONNOLLY of Virginia and Mr. CALVERT.

H.R. 4278: Mr. COFFMAN of Colorado and Mr. TIERNEY.

H.R. 4296: Mr. CHANDLER and Mr. MCGOVERN.

H.R. 4333: Mr. DRIEHAUS.

H.R. 4343: Mr. AL GREEN of Texas.

H.R. 4427: Mr. FRANK of Massachusetts and Mr. MACK.

H.R. 4443: Mr. BISHOP of New York.

H.R. 4489: Mr. MORAN of Virginia, Mr. VISCLOSKY, and Mr. FILNER.

H.R. 4502: Mr. HODES.

H.R. 4525: Ms. MARKEY of Colorado.

H.R. 4530: Mr. BRALEY of Iowa.

H.R. 4533: Ms. RICHARDSON and Ms. SUTTON.

H.R. 4544: Mr. MELANCON and Mr. PLATTS.

H.R. 4568: Mr. LOBIONDO.

H.R. 4572: Mr. ROSS.

H.R. 4594: Mr. PETERS, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. ENGEL, Mr. HODES, Ms. LORETTA SANCHEZ of California, Mr. TIERNEY,

Mr. CROWLEY, Mr. CONNOLLY of Virginia, Ms. WASSERMAN SCHULTZ, and Mr. TIM MURPHY of Pennsylvania.

H.R. 4599: Ms. GIFFORDS.

H.R. 4645: Mr. LOEBSACK and Mr. JOHNSON of Georgia.

H.R. 4647: Mr. COSTA, Mr. RUSH, Mr. CROWLEY, and Mr. CONNOLLY of Virginia.

H.R. 4649: Mr. HIMES, Mr. TIAHRT, Mr. CALVERT, and Mr. FRANKS of Arizona.

H.R. 4684: Ms. CHU.

H.R. 4689: Mr. QUIGLEY, Ms. LORETTA SANCHEZ of California, Mrs. CAPITO, and Mr. PETRI.

H.R. 4745: Ms. WASSERMAN SCHULTZ.

H.R. 4759: Mr. ALTMIRE and Mr. SPACE.

H.R. 4785: Mr. WALZ, Mr. BISHOP of Georgia, and Ms. GIFFORDS.

H.R. 4796: Mr. LEE of New York and Ms. GIFFORDS.

H.R. 4803: Mr. PITTS.

H.R. 4812: Ms. DEGETTE.

H.R. 4850: Ms. KILROY.

H.R. 4859: Mr. REHBERG.

H.R. 4869: Mr. QUIGLEY, Ms. WATSON, and Mr. PAYNE.

H.R. 4879: Mr. NADLER of New York, Mr. BLUMENAUER, Ms. ESHOO, Ms. MOORE of Wisconsin, and Ms. KILROY.

H.R. 4886: Mr. FRANKS of Arizona and Mrs. BLACKBURN.

H.R. 4888: Mr. THOMPSON of California, Mr. PAULSEN, Mr. HUNTER, Mr. WALDEN, and Ms. GIFFORDS.

H.R. 4889: Mr. MCCOTTER.

H.R. 4903: Mr. SHADEGG, Mr. BROWN of South Carolina, and Mr. NEUGEBAUER.

H.R. 4904: Mr. AUSTRIA.

H.R. 4918: Mr. SCHIFF, Mr. MELANCON, Mr. DAVIS of Tennessee, and Ms. GIFFORDS.

H.R. 4919: Mr. RADANOVICH.

H.R. 4923: Mr. PERLMUTTER, Mr. MATHESON, Mr. SIRES, Mr. HARE, Ms. TITUS, Ms. BERKLEY, Mrs. HALVORSON, Mr. LOEBSACK, Mr. WALZ, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. POMEROY, Mr. TONKO, Ms. EDWARDS of Maryland, Ms. BALDWIN, Mr. MORAN of Virginia, Mr. NYE, Mr. LARSON of Connecticut, Mr. BRALEY of Iowa, Mr. SMITH of Washington, Mr. PALLONE, Mr. BECERRA, Mr. SERRANO, Ms. ESHOO, Mr. BROUN of Georgia, Mr. HODES, and Mrs. CAPPS.

H.R. 4927: Mr. COHEN.

H.R. 4929: Mr. THOMPSON of Mississippi, Ms. RICHARDSON, and Ms. FUDGE.

H.R. 4933: Ms. WOOLSEY, Mr. GRIJALVA, and Mr. CONYERS.

H.R. 4940: Ms. JENKINS, Mr. BISHOP of Georgia, and Mr. MANZULLO.

H.R. 4943: Mr. MCCOTTER.

H.R. 4951: Mr. HASTINGS of Washington, Mr. TERRY, Mr. HOEKSTRA, and Ms. GIFFORDS.

H.R. 4959: Mr. NADLER of New York and Mr. PAYNE.

H.R. 4960: Mr. FRELINGHUYSEN.

H.R. 4972: Mrs. BLACKBURN, Mrs. BONO MACK, and Mr. NUNES.

H.R. 4993: Mr. WELCH, Mr. HODES, and Mr. COFFMAN of Colorado.

H.R. 4995: Mr. SOUDER.

H.R. 4999: Mr. HOEKSTRA and Mr. GOHMERT.

H.R. 5000: Mr. BAIRD.

H.R. 5008: Mr. ARCURI, Mr. CARDOZA, and Mr. CUELLAR.

H.R. 5015: Mr. FRANK of Massachusetts, Mr. HOLT, and Mr. VISCLOSKY.

H.R. 5017: Mr. HOLDEN and Mr. MOORE of Kansas.

H.R. 5019: Mr. HALL of New York, Mr. INSLEE, Mr. PIERLUISI, Mr. LANGEVIN, Mr. MCGOVERN, Mrs. CAPPS, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. MURPHY of New York, Ms. BERKLEY, Mr. SARBANES, Ms. SUTTON, Mr. CARNAHAN, Mr. LOEBSACK, Ms. PINGREE of Maine, Mr. WEINER, Mr. HOLT, Mr. COURTNEY, Mr. HONDA, Mr. HASTINGS of Florida, and Mr. RYAN of Ohio.

H.R. 5034: Mr. BRALEY of Iowa, Mr. HARE, Mr. POE of Texas, Mr. HOLT, Mr. SCHAUER, and Mr. TOWNS.

H.R. 5038: Mr. LAMBORN.

H.R. 5042: Mr. CLAY.

H.R. 5044: Mr. POE of Texas and Mr. MEEK of Florida.

H.R. 5049: Mr. WALZ.

H.R. 5059: Mr. ROONEY.

H.R. 5064: Mr. WALZ.

H.R. 5065: Mr. MORAN of Kansas, Mr. POE of Texas, Mrs. MCMORRIS RODGERS, Mr. GALLEGLY, and Mr. COBLE.

H.R. 5081: Mr. BOSWELL and Mr. KRATOVIL.

H.R. 5082: Mr. TONKO.

H.R. 5083: Mr. ELLISON.

H.R. 5091: Mr. RUSH.

H.R. 5092: Ms. BERKLEY, Mr. AUSTRIA, Mr. GRIJALVA, and Mr. LANCE.

H.R. 5095: Mr. SOUDER.

H.R. 5102: Mr. VAN HOLLEN.

H.J. Res. 59: Mr. RYAN of Ohio.

H.J. Res. 78: Mr. ALTMIRE.

H. Con. Res. 226: Mr. PERLMUTTER, Mr. CAO, and Mr. RYAN of Ohio.

H. Con. Res. 260: Ms. KOSMAS, Mr. BROWN of South Carolina, Mrs. BONO MACK, Mr. HERGER, Mr. COLE, Mr. COBLE, Mr. REICHERT, Mr. GINGREY of Georgia, Mr. MAFFEI, Mr. RYAN of Wisconsin, Mr. GRAYSON, Mr. MCMAHON, Mr. CAO, Mr. PUTNAM, Mr. BARTLETT, Mr. LINDER, Mr. DEUTCH, Mr. SOUDER, Mr. ROONEY, Mr. CAMPBELL, Mr. STEARNS, Mr. HOLDEN, Mr. NEUGEBAUER, Mr. LEE of New York, and Mr. NEAL of Massachusetts.

H. Con. Res. 262: Ms. MOORE of Wisconsin, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. CLEAVER, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Mr. CARSON of Indiana, Mr. WATT, Ms. FUDGE, Ms. EDWARDS of Maryland, Mr. CONYERS, Mr. CLAY, and Mr. LEWIS of Georgia.

H. Con. Res. 265: Mr. SOUDER and Mr. POSEY.

H. Res. 173: Mrs. MALONEY, Mr. CUMMINGS, Mr. POMEROY, Mr. SCHRADER, Mrs. LOWEY, and Mr. BISHOP of New York.

H. Res. 191: Mr. MCCOTTER.

H. Res. 252: Mr. SCOTT of Virginia.

H. Res. 278: Mr. CROWLEY, Mr. DELAHUNT, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. MEEKS of New York, Ms. WATSON, Mr. SMITH of New Jersey, and Mr. PAYNE

H. Res. 375: Ms. HIRONO, Ms. SHEA-PORTER, Ms. TITUS, and Mr. ARCURI.

H. Res. 397: Mr. CALVERT.

H. Res. 407: Mr. COURTNEY, Mr. CLEAVER, Ms. FUDGE, and Mr. EHLERS.

H. Res. 857: Mr. TERRY.

H. Res. 873: Mr. WALZ and Mr. GALLEGLY.

H. Res. 929: Mr. KUCINICH.

H. Res. 1033: Mrs. CAPITO, Mrs. MILLER of Michigan, Mr. SMITH of Washington, Mr. JOHNSON of Illinois, Mr. CAMP, Ms. JENKINS, Mr. LAMBORN, and Mr. WHITFIELD.

H. Res. 1056: Ms. NORTON.

H. Res. 1110: Mr. BARTLETT, Mr. CONAWAY, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. BRADY of Texas, Mr. PITTS, Mr. AKIN, Mr. LATTA, Mr. BILBRAY, Mr. GINGREY of Georgia, Mrs. LUMMIS, Mr. MARCHANT, Mr. ROONEY, Mr. JOHNSON of Illinois, Mr. CHAFFETZ, and Mr. MILLER of Florida.

H. Res. 1161: Mrs. MALONEY, Ms. CLARKE, Ms. WATERS, Ms. CORRINE BROWN of Florida, Ms. FUDGE, Ms. WATSON, Ms. EDWARDS of Maryland, Mr. SCOTT of Virginia, Ms. JACKSON LEE of Texas, Mr. ELLISON, Mr. PAUL, Mr. KENNEDY, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. MOORE of Kansas, Mrs. LUMMIS, Ms. LEE of California, Mrs. HALVORSON, Ms. TITUS, Ms. WOOLSEY, Mr. BOEHNER, Mr. BARTLETT, and Mr. MCGOVERN.

H. Res. 1196: Mr. EDWARDS of Texas.

H. Res. 1207: Mr. BRADY of Pennsylvania, Ms. FALLIN, Mr. HENSARLING, Mr. ROONEY, Mrs. LUMMIS, Mr. AKIN, Mr. PITTS, Mr. BARTLETT, Mr. DINGELL, and Mr. FRANKS of Arizona.

H. Res. 1209: Mr. LATOURETTE and Mr. LAMBORN.

H. Res. 1226: Mr. ORTIZ and Mr. TERRY.

H. Res. 1229: Mrs. MYRICK and Mr. CALVERT.

H. Res. 1240: Mr. DAVIS of Illinois, Mr. HARE, Mr. THOMPSON of California, Mr. VAN HOLLEN, and Mr. MORAN of Virginia.

H. Res. 1245: Mr. KINGSTON and Mr. GRIFFITH.

H. Res. 1247: Ms. MCCOLLUM, Mr. CUMMINGS, Mr. HODES, Ms. WATSON, Mrs. MALONEY, Mr. PIERLUISI, Ms. SPEIER, Mr. SARBANES, Mr. REYES, Mr. KUCINICH, Mr. HOYER, Mr. CLAY, and Ms. NORTON.

H. Res. 1250: Mr. CONYERS.

H. Res. 1251: Ms. JENKINS, Mr. BRADY of Pennsylvania, Mr. CHAFFETZ, Mr. WOLF, Mr. GOHMERT, Mr. COBLE, Mr. PERRIELLO, and Mr. BARTLETT.

H. Res. 1254: Mr. MCKEON, Mr. WALDEN, Mr. LAMBORN, Mr. REHBERG, Mr. FLAKE, Mr. HELLER, and Mr. YOUNG of Alaska.

H. Res. 1259: Mr. BRADY of Pennsylvania and Mr. MCGOVERN.

H. Res. 1261: Mrs. HALVORSON, Mr. KAGEN, Mr. EDWARDS of Texas, Mr. SKELTON, and Mr. SMITH of New Jersey.

H. Res. 1273: Mr. GOHMERT, Mr. GOODLATTE, Mr. WOLF, Mr. GARY G. MILLER of California, Mr. SMITH of Nebraska, Mr. GINGREY of Georgia, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. KING of Iowa, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. MCCOTTER, Mr. MCINTYRE, Mr. POE of Texas, Mr. THOMPSON of Pennsylvania, Ms. JENKINS, Mr. PRICE of Georgia, Mr. BILIRAKIS, Mr. ROONEY, Mr. FORTENBERRY, Mr. BURGESS, Mr. AKIN, Mr. CARTER, Mr. CONAWAY, Ms. FOXX, Mr. TIAHRT, Mr. ROE of Tennessee, Mrs. MCMORRIS RODGERS, Mr. LIPINSKI, Mr. HOEKSTRA, Mr. COBLE, Mr. SHIMKUS, Mr. BROUN of Georgia, Mr. BONNER, Mr. FRELINGHUYSEN, Mr. ROGERS of Alabama, Mr. BRADY of Texas, Mr. OLSON, Mr. LATTA, Mr. SOUDER, Mr. FLEMING, Mr. DUNCAN, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTON of Texas, Mr. UPTON, Mr. AUSTRIA, and Mr. LATHAM.

H. Res. 1277: Mr. GINGREY of Georgia, Mr. LAMBORN, Mr. SOUDER, Mrs. LOWEY, Mr. TOWNS, and Mr. BROUN of Georgia.

H. Res. 1279: Mr. MORAN of Kansas and Mr. BRADY of Texas.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4717: Ms. NORTON.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 10 by Mr. JONES on H.R. 775: Tim Murphy, Lincoln Diaz-Balart, Gus M. Bilirakis, Cliff Stearns, Ileana Ros-Lehtinen, Dan Burton.

# SENATE—*Thursday, April 22, 2010*

The Senate met at 9:33 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

## PRAYER

The PRESIDING OFFICER. This morning's prayer will be given by guest Chaplain Rev. Sharron Dinnie, rector of St. Peter and St. Paul Anglican Church, Spring, South Africa.

The guest Chaplain offered the following prayer:

Let us pray.

Holy and gracious God, we rejoice in the life You have given us in this new day. As these Senators look to You in seeking to carry out that to which You have called them, we ask that You would guide and strengthen them. Keep them mindful of this country's heritage and help them strive to preserve its integrity. Lead them as they seek to discern that which has outlived its usefulness and appropriateness within the changes of society and give them boldness to work toward changes that will lead to life and growth.

Grant this Senate grace so to align its will with Yours, that through this body, Your vision and purpose for this Nation and for the world may be accomplished. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 22, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. REID thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. GILLIBRAND). The majority leader is recognized.

## SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each during that period of time. The Republicans will control the first 30 minutes and the majority will control the final 30 minutes. Following morning business, the Senate will turn to executive session to debate the nomination of Denny Chin to be U.S. circuit judge for the Second Circuit. There will be an hour for debate prior to a vote on confirmation of the nomination.

## EARTH DAY

Mr. REID. Madam President, today is the 40th anniversary of Earth Day. It is an annual reminder of what we have the power and responsibility to do in our daily lives. It is a call to recommit ourselves to finding the right balance that preserves our larger environment even as we live in it and use it. Earth Day is also an opportunity for us to appreciate the great outdoors, spaces that are nowhere more beautiful than in Nevada.

But today, of course, is not the only day to do this. That is why I am happy to have supported a number of environmental initiatives over the past years to benefit my State and our country: protecting more than 3 million acres of key wildlife habitat as wilderness in the State of Nevada; introducing legislation that created the Great Basin National Park; providing more resources and better management for popular areas such as Red Rock Canyon and Black Rock Desert; enhancing the Carson River corridor and improving management of the Sierra Foothills, and expanding open space opportunities for the people of Carson City.

Right now, I am working with the Nevada congressional delegation to protect the Tahoe Basin from invasive species and devastating wildfires and to restore Lake Tahoe's water clarity and protect threatened species and wildlands. The act will also help protect the area's economy and its 23,000 tourism-related jobs.

Every Nevadan and all Americans should be happy today and use it as a reminder to commit themselves to saving money and reducing pollution by using energy more efficiently.

A Senator from Wisconsin named Gaylord Nelson created Earth Day 40 years ago. He did it after having visited, in his official capacity, a devastating oil spill off the coast of California near Santa Barbara. He came back and said to his staff: We need to do more to protect the environment. Give me some ideas.

The idea started out originally to be a day where they would march, and someone came up with the idea, though, that rather than ''birthday,'' ''Earth Day'' had a ring to it. That is how Earth Day was born. It came at a time when we didn't have the Internet. It was done mostly by word of mouth.

Just before the first Earth Day, Gaylord Nelson came to the Senate floor and warned:

America has bought environmental disaster on the installment plan: Buy affluence now and let future generations pay the price.

Four decades later, we must do more to get ourselves off that plan. We must do more to cultivate a society where fulfilling our responsibilities to nature becomes second nature.

I didn't know Gaylord Nelson, but I certainly feel I knew him because of the great work he has done. I have many of these Earth Days in Nevada. It is really a day of celebration.

That is something we have to do. We have to do everything we can to protect our environment.

Would the Chair announce morning business now.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

Mr. REID. I suggest the absence of a quorum and ask that the time be used against both the Democrats and the Republicans.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the first 30 minutes is under the control of the Republicans.

The PRESIDING OFFICER. That is correct.

Mr. REID. If I asked that the time be counted equally, then the Democrats who are waiting to come after a half hour expires will not be able to get their full half hour. So I suggest the absence of a quorum, and because it is the Republicans' time, the time should be used as to their time, preserving the 30 minutes we have because we have speakers who want to come here.

Madam President, I don't know if you granted my previous request. If you did, I ask that the present request be the order of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Madam President, I assume we are in morning business and we can proceed.

The PRESIDING OFFICER. The time is currently controlled by the minority.

Mr. TESTER. I ask unanimous consent that I would be allowed to speak and that the time be charged to the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FINANCIAL REGULATORY REFORM

Mr. TESTER. Madam President, I rise to talk a little bit about the Wall Street reform bill that the Senate Banking Committee has been working on for the last 6 months. It is my hope we can get this bill through this body and off the floor very soon.

In the past 48 hours, I have been very encouraged by what I have heard as far as the progress of negotiations between Chairman DODD and Senator SHELBY. I urge my colleagues to keep up the good work but remind them that actions speak louder than words and that now is the time for action.

So my message is clear. Let's get this done. I hope we are now at a point beyond creating rhetoric, where we can get down to resolving outstanding issues in a constructive way. We need to end the era of too big to fail once and for all and end taxpayer-funded bailouts that came with that too big to fail.

I voted against both bailouts of Wall Street and the U.S. auto industry because I thought taxpayers were getting a raw deal. I do not believe in bailouts. But I do believe in making sure there are referees on Wall Street to make sure the big banks and the investment firms play by the rules to make sure taxpayers and Main Street small businesses do not pay the price of the sins of Wall Street.

The strong resolution authority and prefunding mechanism included in this bill will strengthen taxpayer protections. Requiring big Wall Street companies to pay into this fund and forcing failing firms into bankruptcy is not going to lead to more bailouts; it, in fact, will have the opposite effect.

But if my Republican colleagues have other ideas about how to provide strong resolution authority to protect taxpayers, I look forward to working with them. So let's stop the rhetoric and get down to the business our constituents sent us to do. We need to address the worst financial calamity since the Great Depression.

Let me also say how much I appreciate the work of my colleagues who have been willing to talk in a thoughtful way about these issues. I wish to say thank you to Senator CORKER for speaking the truth, for rightly noting that some of the concerns that have been raised in this bill could have been resolved in 5 minutes.

After listening to some of my colleagues on the floor yesterday, I think our concerns may be more alike than unalike. I am hopeful we can work together to address common concerns.

Everyone knows we have a pretty good bill. My good friend, Senator SHELBY, says he agrees with 80 to 90 percent of what is in this bill. I am heartened by the newspapers yesterday that we may be close to an agreement. I hope that means we now have the political will to address substantive concerns and move forward with this bill.

When I was elected to the Senate, I vowed to make Washington look a little bit more like Montana. I hope we can show the people of Montana we have the can-do attitude they expect in addressing problems of this magnitude and in moving America out of this financial crisis.

The American people are watching. Montanans are still steaming mad about the $700 billion bailout. I, similar to them, have a hard time understanding why we have not set the rules yet, rules to prevent the risky behavior that got us into this mess nearly 2 years ago.

Let me say to all my friends in this Chamber: We have waited long enough. We simply cannot afford to wait any longer to reform Wall Street. Doing nothing is not an option. Passing a watered-down version of this bill is also not an option. To do either of those would leave us in a vulnerable position, vulnerable to another collapse.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Ms. LANDRIEU. Madam President, I am so pleased to come to the floor this morning to acknowledge that in the Capitol today there are 17 young women from Louisiana, Florida, New York, and Washington who are my special guests for Take Our Daughters and Sons to Work Day, which is today. I will submit their names for the RECORD to show that these young men and women have spent the day working with me in the Senate.

I also wish to acknowledge the Ms. Foundation that created such an exciting, popular, very effective, and useful day for our country to celebrate, almost 17 years ago to this day, this effort where thousands of young people, perhaps even millions, are today with their parents at places of work, exploring opportunities for themselves and their future, understanding a little bit better how our economy works, how our country works.

I know there are several Senators, including Senator DODD, who are participating with me in this event. There are literally hundreds of young people throughout the Capitol today enjoying this special day with their parents or special friends.

I would like to read into the RECORD names of these young men and women who are with me:

From A.M. Barbe High School, Mariah Celestine, Lake Charles, LA; from Country Day School, Isabel Coleman, New Orleans, LA; from St. Peters School, Dominique Cravins, Washington, DC; from Amite West Side Middle School, Sarah Ellen Edwards, Amite, LA; from Georgetown Day School, Caroline Gottlieb, Washington, DC; from A.E. Phillips Lab School, Devin Herbert, Ruston, LA; from Georgetown Day School, Sydney Kamen, Washington, DC; from Alexandria Country Day School, Larkin Massie, Alexandria, VA; Emma May, Lafayette, LA; from Mount Carmel Academy, Ebony Marie Morris, New Orleans, LA; from Miami Country Day School, Isabela Osorio, Miami Beach, FL; from Miami Country Day School, her sister, Megan Osorio, Miami Beach, FL; from Episcopal High School, Natalie Ross, Plaquemine, LA; from Rye High School, Heather Schindler, Rye, NY; from Georgetown Day School, my own daughter, Mary Shannon Snellings, Washington, DC; from Ernest Gallet Elementary, Cathy Tran, Lafeyette, LA; and from Acadiana Christian School, Savannah Trumps, Lafayette, LA.

I thank them for joining me today in the Senate. I encourage all Senators and staff to think about this day as an opportunity for young people to come to the Capitol and learn about what we do, have a fuller appreciation for the way our government works. I particularly thank majority leader HARRY REID, who has been very supportive of this day, allowing a tour of the Senate floor earlier this morning, having special events throughout the complex. I

thank him for his special interest in this occasion.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FINANCIAL REGULATORY REFORM

Ms. CANTWELL. Madam President, this speech is not meant to target or malign anyone. It is simply to talk about the responsibilities we have as Members of Congress to our constituents.

Our country has been rocked by a financial crisis of epic proportions, one that will have Americans paying for generations to come. It has shaken the public's faith not only in Wall Street but in this institution, the Congress.

Whether it is Enron or Amaranth or Bernie Madoff or the Wall Street bailout, the American people are asking themselves a fundamental question: Can I even trust those guys in Washington to look out for me when it comes to the special interests creating rules of the game that tilt the board in their favor?

Some people listening today may be smiling and thinking: Senator, that is one of the oldest questions and most frequently asked in Washington, DC: Whose side are you on? But never has this question of ''whose side are you on'' had such dramatic consequences for the economic lives of millions of Americans. Over 2 million people have lost their homes, many going into bankruptcy, 7.3 million jobs have been lost, and our government has put something like $24 trillion on the line to help Wall Street in this meltdown—something taxpayers will be paying for decades, to say nothing of the kids who will not go to college because college tuition went up 32 percent or workers whose 401s have been wiped out, making it almost impossible to retire.

The American people have been let down by those involved in government oversight who have feigned: Oh, this stuff is too complex for us to understand. We better listen to those outside interests. They understand this better than I do.

It takes a mighty man, who was in control of our financial markets for nearly two decades, like Fed Chairman Alan Greenspan to admit his philosophy was wrong. But it took even more dogged oversight by the likes of HENRY WAXMAN to take a subject that some people think is too complex to understand and boil it down to a simple yes-or-no question.

Congressman WAXMAN to Mr. Greenspan:

> Mr. Greenspan, the premise that you could trust markets to regulate themselves, were you wrong?

Mr. Greenspan, in response:

> Yes.

Mr. WAXMAN to Mr. Greenspan:

> Mr. Greenspan, you found that your view . . . your ideology was not right.

Mr. Greenspan, in response:

> Precisely.

This debate we are about to have on financial reform, in my mind, is really about the backbone of Congress. The central issue before us today is whether Congress is going to continue to trust Wall Street and those who represent them because there is too much complexity for Congress to understand. Really? Is it any more complicated than national security or the Medicare GPCI reimbursement formulas or our Tax Code in general? Really? Is it too complicated?

P.J. O'Rourke, at a recent dinner honoring journalists, said:

> It's a fundamental principle of the rule of law, a fundamental principle of economics, and a fundamental principle of politics. . . . that beyond a certain point, complexity is fraud.

I agree with him. How is it that average Americans know that a back-alley craps game with fixed dice is a no-win situation, yet a dark market with fixed financial instruments is allowed to carry on for more than a decade under the mischaracterized title of ''free market''?

The issue is, we were told over the last 10 years by the Bush economic working group—and, for that matter, the Clinton economic working group and now even some members of the Obama economic working group—that these issues are too complex to understand. Really? Is that what happened when Bernie Madoff literally made off with millions of investors' life savings in a Ponzi scheme? It was not complex. And regulators were either afraid, lazy, or paid off when they failed to ask a simple question: Let me see your books. When we deregulated energy markets and Enron had at least one manipulation scheme for every day of the week—Death Star, Get Shorty, Ricochet, Fat Boy, just to name a few—these issues were not complex; it was simply shorting supply to drive up the price.

No, the issue is not complexity. It is about the central issue of markets. They have to have transparency and oversight to operate effectively. Never more have the American people been counting on their Members of Congress to act like David against the big Goliath, Wall Street interests.

We have been repeatedly warned about derivatives. The Long-Term Capital Management crisis almost took down the world economy in 1998 because it started using complex mathematical formulas to do derivatives.

Then-Chairman Brooksley Born of the Commodity Futures Trading Commission proposed regulating derivatives. That was her agency's primary role. Not only was she told by the President's working group she could not, they helped mastermind a strategy with Congress to stop her. So instead of regulating derivatives, Congress passed a law making sure the oversight agency could not regulate them. And just for extra measure, we also prohibited State attorneys general from regulating them as well.

Well, why, if you were on Wall Street, would you ever worry about what exotic financial tools you were cooking up if you knew there was no oversight? Let me say that there are people on Wall Street who operate ethically, without fraud, without manipulation, and provide an essential tool to our economy and functioning markets. But when you take away the accountability of Wall Street, something happens to the accounting on Wall Street.

We have had many votes here in the last 10 years to regulate and have oversight of the derivatives market and bring them out of the dark, and those efforts have primarily failed because the so-called smartest guys in the room stopped us. Did it really take another near 1933 Depression to remind us of our fundamental role? I ask my colleagues to check their previous votes on derivatives and tell me whether they still want to vote the same way.

My constituents have been so disgusted by our lack of holding Wall Street accountable, they have said: If you can't beat them, then at least break them up. So I will be offering an amendment to return us to Glass-Steagall, the law of the land previous to 2000, to help protect consumers for decades. And I will be offering an amendment to strengthen our antimanipulation laws to make sure that if manipulation happens in the future, there will be a price to be paid.

I will also say that my constituents want us to get this right and get capital flowing to small business. While Treasury turned the keys over to Wall Street to bail them out, small business is still being strangled by the lack of access to capital.

As one quote says:

> This then is more than the tale of one company's fall from grace. It is at its base the story of a wrenching period of economic and political tumult as revealed through a single corporate scandal. It is a portrait of America in upheaval at the turn of the century, torn between the worship of fast money and its zeal for truth, between greed and high mindedness, between Wall Street and Main Street. Ultimately it is a story of untold damage wreaked by a nation's folly—a folly that in time we are all but certain to see again.

I wish that quote was about our current crisis that started in 2008, but it is not. That quote is from a book called

''Conspiracy of Fools'' by Kurt Eichenwald that was written in 2005. He warned us that what was happening was just a tremor leading up to a massive earthquake that was about to happen. We did not listen. Are we listening now?

I am going to be working with my colleagues to offer several amendments on the floor to strengthen this legislation, to make it the strongest legislation possible, to be accountable to my constituents, and to make sure we are putting derivatives back into the clear light of day.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

## IMPROPER PRACTICES ON WALL STREET

Mr. SPECTER. Madam President, I thank the Chair. I have sought recognition to comment briefly on a hearing which will be held by the Criminal Law Subcommittee of the Committee on the Judiciary on May 4 concerning allegations of improper practices on Wall Street.

In light of the allegations of misconduct on Wall Street in recent years and the consequential damages to the economy of the United States and worldwide, serious consideration should be given to whether civil liability and fines are sufficient or whether jail sentences are required to deal with such conduct and as a deterrence to others. With civil liability or a fine, the companies or individuals calculate it as part of the cost of doing business, but a jail sentence is enormously different.

The charges brought by the Securities and Exchange Commission accusing Goldman Sachs of securities fraud in a civil lawsuit has brought intense public concern to conduct on Wall Street which has long been questioned. According to the SEC complaint, Goldman permitted a client who was betting against the mortgage market to heavily influence which mortgage securities to include in the portfolio. Goldman then sold the investments to pension funds, insurance companies, and banks. The client was betting the securities would decline in value based on his knowledge of the underlying value. Similar practices have been defended by investment bankers on the ground that the investors are sophisticated and have a duty to protect themselves without relying on the investment counsel. There is a contention that the only issue is whether the investments are suitable, with the denial that there is a fiduciary duty. That defense further contends that there is no conflict of interest.

Some of the issues to be considered at the hearing to be held by the Criminal Law Subcommittee of the Judiciary Committee on May 4 are the following:

First: Precisely what are the structures of the complex commercial transactions involving securitizing mortgages, selling short hedge funds, derivatives, et cetera?

Second: Under what circumstances, if any, do the investment bankers have a fiduciary duty to the investors?

Third: Where, if at all, do conflicts of interest arise in such transactions?

Fourth: Is there a legitimate distinction between the investment council's duty to provide only a ''suitable'' investment without a fiduciary duty involved?

Fifth: When the investment banker recommends or offers an investment, is there an implicit representation that it is a good investment?

In my judgment, Congress should examine these complicated transactions with a microscope and make a public policy determination as to whether such conduct crosses the criminal line. Congress should investigate and hold hearings to find the facts. Congress should then define what is a fiduciary relationship, what is a conflict of interest, and what conduct is sufficiently antisocial to warrant criminal liability and a jail sentence.

As a starting point, it should be emphasized that the SEC complaint contains allegations which have yet to be proved. The numerous newspaper stories and other media reports are hearsay, so the task remains to find the facts. These inquiries on Wall Street practices are being made in the context that they triggered or at least contributed to a global financial crisis.

Larry Summers, on March 13, 2009, said:

> On a global basis, $50 trillion in global wealth has been erased over the last 18 months. That includes $7 trillion in the U.S. stock market wealth which has vanished, $6 trillion in housing wealth which has been destroyed, 4.4 million jobs which have already been lost, and the unemployment rate now exceeds 8 percent.

In the intervening year, a total of 6.5 million jobs are now the total lost, and the unemployment rate stands at 9.7 percent.

I have long been concerned about the acceptance of fines instead of jail sentences in egregious cases. There are many illustrative cases, but three will suffice to make the point. In each of these cases, I registered my complaint with the Department of Justice.

First: On September 2, 2009, Pfizer agreed to pay $2.3 billion to resolve criminal and civil liability for committing health care fraud for selling Bextra, for off-label uses the FDA declined to approve because they were unsafe. For a company with revenues in excess of $48 billion and an income in excess of $8 billion in fiscal year 2008, it was chalked off as the cost of doing business.

The second case: On December 15, 2008, Siemens AG entered guilty pleas to violations of the Foreign Corrupt Practices Act and agreed to pay $1.6 billion in fines, penalties, and disgorgements with no jail sentences. Again, that amounts to a calculation as part of the cost of doing business for a company which had revenues of $104 billion and a net income of $2.5 billion in fiscal year 2008, after the penalty.

The third case, briefly: On May 8, 2007, Purdue Pharma agreed to pay $19.5 million to 26 States to settle complaints that Purdue encouraged physicians which prescribed excessive doses of OxyContin in violation of an FDA ruling which resulted in numerous deaths. Company officials paid fines, nobody went to jail; again, part of the cost of doing business.

From my days as district attorney of Philadelphia, where my office convicted the chairman of the Housing Authority, the Stadium Coordinator, the deputy commissioner of Licenses and Inspections, and others, my experience has convinced me that criminal prosecutions are an effective deterrent.

The deterrent effect of prison was succinctly stated by Mr. William Mercer, chairman of the Sentencing Guideline Subcommittee of the Attorney General's Advisory Committee, on behalf of the Department of Justice, in a 2003 publication. He said:

> [W]e believe that the certainty of real and significant punishment best serves the purpose of deterring fraud offenders and particularly white collar criminals. [O]ffenders usually decide to commit fraud and other forms of white collar crimes not with passion, but only after evaluating the cost and benefits of their actions. If the criminally inclined think the risk of prison is minimal, they will view fines, probation, home arrest, and community confinement merely as a cost of doing business. We aim to remove the price tag from a prison term. We believe that if it is unmistakable that the automatic consequence for one who commits a fraud offense is prison, many will be deterred, and at least those who do the crime will indeed do the time.

These are some of the considerations which will be taken up at the subcommittee hearing.

I thank the Chair and I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

### NOMINATION OF DENNY CHIN TO BE UNITED STATES CIRCUIT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Denny Chin, of New York, to

be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. There is 60 minutes, equally divided, on this nomination.

The Senator from Vermont.

Mr. LEAHY. Madam President, yesterday the Senate was forced to devote the entire day to so-called ''debate'' on two nominations that Republican objections had stalled for months. The good news is, the majority leader's filing of cloture motions to end the filibusters on these nominations succeeded. The votes took place. Each was confirmed with more than 70 votes, a bipartisan majority of the Senate. The debate amounted to statements by Senators in support of the nominations. Let me emphasize that. The only people who spoke, spoke in support of the nominations. During the entire day, not a single Republican Senator came to the floor to oppose the nominations, nor did a single Senator come to the floor to explain why there have been months of delay that left a key office of the Justice Department without a head for the last year. None came to explain why their objections left a longstanding vacancy in the U.S. Court of Appeals for the Third Circuit.

Instead, there was silence. There is no explanation for what continues to be a practice by Senate Republicans of secret holds and a Senate Republican leadership strategy of delay and obstruction of President Obama's nominations. That is wrong.

Throughout the week, a number of Senators have come before the Senate to discuss this untenable situation. They have asked for consent to proceed to scores of nominations that are totally noncontroversial. Yet Republicans objected because, after all, these nominees had committed the horrible sin of being nominated by a Democratic President. It makes no sense. I am in my 36th year in the Senate. I have never seen anybody treat any President, Republican or Democratic, in this way.

Pursuant to our Senate rules which were enacted after bipartisan efforts, those Republican Senators who are objecting have an obligation to come forward and justify those objections. I am going to be interested to see which Senators are objecting to proceeding on 18 judicial nominees. Eighteen nominees who were reported unanimously—every Democrat, every Republican in support of them from the Judiciary Committee—and then they are held by these secret holds. I will be interested in knowing what basis there is for not proceeding on those 18 nominees. In fact, I would like to know why we can't proceed to the 11 Justice Department nominees who were reported without objection—U.S. attorneys, U.S. marshals, and Directors of important institutes and bureaus within the Justice Department. Most of these people are involved with critical law enforcement matters. These stalled nominations extend back into last year, even though they had unanimous support from the committee, Republicans and Democrats alike. Even though most of them are in key law enforcement positions, they have been stopped, they have been held up, they have been stalled. This is wrong, and it should end.

Today, the Senate has another opportunity to make progress by completing action on the long-stalled nomination of Judge Denny Chin of New York to the U.S. Court of Appeals for the Second Circuit, which is the circuit of the distinguished Presiding Officer and of this Senator. The vacancy he has been nominated to fill, which has been delayed by some anonymous Republican objection, has been classified as a judicial emergency by the nonpartisan Administrative Office of the U.S. Courts. It is not unusual. There are 40 other judicial emergency vacancies and judges being held up. It is one of the four current vacancies in the Second Circuit's panel of 13 judges. All are judicial emergencies. Almost one-quarter of the court is being held vacant. That is wrong.

It reminds me of the years during the Clinton administration when similar Republican practices led to Chief Judge Winter, himself a Republican, having to declare the entire circuit an emergency in order to continue to operate with panels containing only a single Second Circuit judge. That is wrong. During that era, we had 61 pocket filibusters of a Democratic President's judges. That is wrong.

Yesterday, Republicans insisted on 3 hours of ''debate'' before a vote on Judge Vanaskie and another 3 hours of ''debate'' for a vote on Professor Schroeder, but none of them came down to debate. Then they were both confirmed by overwhelming margins. We should be thankful that today they have insisted on only 1 hour before this long overdue vote. I will be interested to see whether a single Republican Senator comes to speak in opposition of Judge Chin's nomination or to explain why they have delayed this vote for 19 weeks.

The Judiciary Committee unanimously voted to report Judge Chin's nomination last December—all Republicans and all Democrats. None of the Republican Senators serving on the committee opposed it—not Senators SESSIONS, HATCH, GRASSLEY, KYL, GRAHAM, CORNYN, or Senator COBURN. Not one. He is an outstanding district court judge. He has the strong support of both of his State's Senators and a number of conservative leaders. Yet his nomination has been stuck on the calendar since December. He has been waiting 133 days for the Senate to act. Contrast this with the practice Democrats followed during the first 2 years of the Bush administration when we proceeded to vote on his circuit court nominations, on average, within 7 days of their being reported by the Judiciary Committee. Now we wait 133 days and more.

This dramatic departure from the Senate's traditional practice of prompt and routine consideration on noncontroversial nominations has led to a backlog of nominations and a historically low rate of judicial confirmations, and it damages the integrity of our courts. Our Federal system of judges has been the envy of most other countries because we keep them out of politics. Here we are sinking them into politics.

In fact, by this date in President Bush's Presidency, the Senate had confirmed 45 Federal circuit and district court judges. As of today, only 19 Federal circuit and district court confirmations have been allowed by the Republicans. This is despite the fact that President Obama began sending judicial nominations to the Senate 2 months earlier than President Bush did, so the Senate is way behind the pace we set during the Bush administration.

In the second half of 2001 and through 2002 the Senate confirmed 100 of President Bush's judicial nominees. Given Republican delay and obstruction this Senate will not likely achieve half that. Last year the Senate was allowed to confirmed only 12 Federal circuit and district court judges all year. That was the lowest total in more than 50 years. Meanwhile, judicial vacancies have skyrocketed to more than 100.

Judge Chin is a well-respected jurist who is widely celebrated for one of his most newsworthy decisions in which he sentenced Ponzi scheme operator Bernard Madoff to 150 years in prison. He previously served for 4 years as a Federal prosecutor, and he spent a decade as a lawyer in private practice. You would think they would be saying: Why don't we move forward with the man who sentenced Bernie Madoff? It is almost as if we are punishing him for going after Bernie Madoff.

In fact, Judge Chin's impressive track record garnered the respect of former judge and former Attorney General Michael Mukasey who wrote to the Judiciary Committee: ''I believe him to be an intelligent and highly qualified nominee, who brings to the job not only experience but also demonstrated good judgment and skill. He . . . [has] a temperament that has shown him to be both firm and fair.''

James Comey, a former Deputy Attorney General and the former U.S. Attorney in the Southern District of New York, echoed this praise. ''In a district with many fine trial judges, he was a star—smart, fair, honest, careful, firm, apolitical, and a brilliant writer. . . . [W]hile always in control of the proceedings, he never lost the sense of humility that allowed him to listen to an

argument with an ear toward being convinced and to give all a fair hearing,'' wrote Mr. Comey.

Judge John S. Martin, appointed by President George H.W. Bush, wrote to emphasize that Judge Chin ''is an exceptionally able lawyer'' and a ''decent and thoughtful individual . . . who has earned the respect of those who have appeared before him.''

When Judge Chin is confirmed today, he will become the only active Asian Pacific American judge to serve on a Federal appellate court. He was also the first Asian Pacific American appointed as a U.S. district court judge outside the Ninth Circuit.

I cannot understand the stall of this nomination. It is time that we get to work. Let's move the people who should be moved forward. Let's get on with our job. After all, the American public pays us well to do this job. They pay us to vote yes or no. They don't pay us to vote maybe. With all of these stalls, we are saying we want to vote maybe. Come on, let's have the guts to vote yes or no.

Today I look forward to congratulating Judge Chin and his family on this historic achievement. I commend both Senator SCHUMER and Senator GILLIBRAND for their persistence in supporting this important nomination and bringing this matter to fruition. His confirmation is long overdue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that the time during the quorum call be charged equally to both sides, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent that the vote on the confirmation of the nomination of Denny Chin to be a U.S. circuit judge for the Second Circuit occur at 12 noon today, and that the time until then be divided as previously ordered; further, that the other provisions of the previous order remain in effect, and that upon confirmation, the Senate then return to legislative session and proceed to a period of morning business with Senators permitted to speak therein for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

FINANCIAL REGULATORY REFORM

Mr. MCCONNELL. Madam President, in the fall of 2008, I reluctantly voted for a bill that sent taxpayer money to Wall Street banks that should have paid for their own mistakes. We were told it was needed in order to avert a global calamity. So I did it. Then I went back to my constituents and vowed: Never again. Never again should taxpayers be on the hook for recklessness on Wall Street, and no financial institution should be considered too big to fail.

So when the financial regulatory bill the majority was about to bring to the floor last week still contained a number of loopholes allowing future bailouts, I raised the alarm. I wasn't about to take Democratic assurances that this bill protected taxpayers. I wanted them to prove it. That is what this debate is all about. It is about proving to my constituents and to the rest of the country that we actually do what we say we are going to do around here because if you haven't noticed, there is a serious trust deficit out there. Public confidence in government is at one of the lowest points in half a century. Nearly 8 in 10 Americans now say they do not trust the government and have little faith it can solve America's ills. And it is no wonder.

Over the past year, the American people have been told again and again that government was doing one thing when it was doing another. Just think about some of the things Americans have been told.

As a Senator, the current President rallied against deficits and debt. He said America has a debt problem and that it was a failure of leadership not to address it. Yet last year, his administration released a budget that doubles the debt in 5 years and triples it in 10. The debt has increased over $2 trillion since he took office. In February, the Federal Government ran the largest monthly deficit in the history of the United States.

How about the bailouts? The President said he didn't come into office so he could take over companies. But whether or not that is the case, Americans can't help but notice that some people did better than others. When it came to bailing out the car companies, the unions fared a lot better than anyone else.

What about jobs? Last year, the White House rushed a stimulus bill through Congress because it said we needed to create jobs. They said we needed to borrow the $1 trillion it cost the taxpayers to keep unemployment from rising above 8 percent. Well, more than a year later, unemployment is hovering around 10 percent. All told, we have lost nearly 4 million jobs since the President was sworn in.

Then there was health care. I will leave aside the substance for a moment and just talk about the process. Americans were told the process would be completely transparent, that all the negotiations would be broadcast live on C–SPAN. Instead, they got a partisan back-room deal that was rammed through Congress during a blizzard on Christmas Eve.

This is the context for the debate we are currently in. So it should come as no surprise to anyone that when we are talking about a giant regulatory reform bill, the American people aren't all that inclined to take our word for it when we say it doesn't allow for bailouts or that it will not kill jobs or that it won't enable the administration to pick winners or losers. They have heard all that before, and they have been burned. This time, they want us to prove it.

The first thing they want us to prove is that this bill ends bailouts. That was the one thing this bill was supposed to do, and if this bill didn't do anything else but that, a lot of people would be satisfied. The administration has said it wants to end bailouts. I say to them: Prove it.

Some of us have pointed out concerns that this bill would give the administration the authority to use taxpayer funds to support financial institutions at a time of crisis. Yes, the bill says taxpayers get the money back later, but that sounds awfully familiar. Isn't that exactly what we did with the first bailout fund—a bailout fund Americans were promised would be repaid but which Democrats are now trying to raid in order to pay for everything else under the Sun?

If a future administration thinks there is a crisis that requires using taxpayer funds, then they should have to get permission from the taxpayers first. It is not enough for someone in the administration to say it is so; they need to come to Congress before they write the check. If this bill isn't like the first bailout, prove it.

As I said, we have seen in other bailouts that some are treated better than others. This bill appears to enable the same thing by allowing the FDIC to treat creditors with equal claims differently. If the proponents of this bill think this bill does not allow the administration to pick winners and losers, they need to prove it.

This bill also contains a number of provisions that threaten the ability of small businesses to hire new workers. Other provisions would send jobs overseas. And just this morning, the Wall Street Journal pointed out a provision that would put new regulatory burdens on startup businesses that would make it harder for them to get off the ground. If this bill doesn't create new burdensome regulations that will make it harder for Americans to dig themselves out of this recession, then prove it. Prove it.

Every indication is that the chairman and the ranking member are making progress in their discussions and that this bill will have needed improvements. That is good. Some of the concerns I have just raised are among the topics being discussed. But in the end, Americans are not rooting for some deal. They have asked us for clarity. They are asking us, not for verbal assurances but for concrete proof, because at the end of the day I need to be able to look my constituents in the eye and prove to them that this bill does not allow for any bailouts. I need to prove to them that this bill doesn't treat some favored groups better than others. I need to prove to them that this strengthens the economy, that it doesn't make it worse.

People need to be convinced that we are doing what we are saying we are doing. This time they want proof and, frankly, I don't blame them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STALLED NOMINATIONS

Mr. DORGAN. Madam President, I know we have a vote scheduled at 12 noon on a nomination. I know that is but 1 of 100 nominations that are on the calendar awaiting action by the Senate. It is probably not very surprising that people do not think much of this place when we cannot get nominations through, we cannot get business done. But people should understand the reason there are 100 nominations waiting on this calendar is because the minority has decided to say no to everything, just to dig in their heels and decide they are not going to cooperate on anything.

This afternoon I will again come to the floor and ask unanimous consent on the nomination of GEN Michael Walsh. I just wanted Senator VITTER from Louisiana to be aware that I intend to do that again.

Let me say I am going to be back this afternoon to talk about the START treaty and also to talk about financial reform and a couple of issues that are important to me, particularly the issue of too big to fail and the issue of, what I call just gambling on naked credit default swaps. I will talk about both of those this afternoon.

But when I come this afternoon, I am going to ask unanimous consent on the nomination or the promotion of General Walsh. Let me again describe why this is important.

General Walsh is a decorated American soldier, served 30 years in the U.S. Army. He now commands a division of the U.S. Army Corps of Engineers. He has served in wartime. He has served in Iraq. Six months ago, on a bipartisan vote, unanimous vote, the Armed Services Committee decided to promote this general to major general, give this one-star general a second star. And 6 months later, this general has not been promoted. This person with a distinguished Army career has not received his promotion. His promotion has been derailed by one Member of the Senate. That Member has the right to object, and so he has objected to the promotion for this general.

My point has been that the objection to promoting a general with a distinguished wartime record and a distinguished record for 30 years is an objection based on a demand from one Member of the Senate that the Corps of Engineers do something that the Corps of Engineers has already told the Senator it does not have legal authority or legal ability to do.

As I have indicated on two other occasions, I do not come to the floor to criticise another Member by name. I have never done that before by name. But I did tell Senator VITTER from Louisiana that I intended to do that. As a matter of courtesy, I wanted him to know. I think it is wrong. I think it is a horribly bad decision for him to decide that he is going to hold up the promotion of a general who served this country for 30 years because he is demanding certain things for New Orleans and Louisiana the Corps of Engineers says it cannot do and does not have the legal authority to do.

Let me say as the chairman of the subcommittee that funds all of the water issues, and there are plenty of water issues in Louisiana—I know because I have been involved in it—we have sent billions and billions and billions of dollars of the American taxpayers' money to New Orleans and Louisiana in the aftermath of Hurricane Katrina. I am pleased we have done that because they were hit with an unprecedented natural disaster called Hurricane Katrina.

So I was one of those who helped, who helped do some of the lifting to get the money to New Orleans and Louisiana. But our colleague indicated the other day that he is unhappy with the U.S. Government's response down in Louisiana.

Well, I would simply say to the folks in New Orleans and Louisiana: You know what life would be like were this money and were the Corps not down there with the billions of dollars that have now been spent. I think it is important to understand the value of that cooperation and the value of that partnership.

I understand there are some things about which people disagree. One of the issues raised by my colleague is an issue of the pumping stations down there. There is a disagreement about how they should proceed. He is demanding they proceed with a study in the manner that he determines it should proceed. My point is, the Appropriations Committee has already voted against that and said: We will not do it. No. 1, it costs more; and, No. 2, it provides less flood protection. So we are not going to do that.

To demand that be done, which the Corps does not have the authority to do at this point, and as leverage for that demand to hold up for 6 months the promotion of a distinguished soldier who has served in wartime, I think, is unbelievable.

So this afternoon I will come again and ask unanimous consent once again that this soldier get the promotion that he is owed and deserves. Senator JOHN MCCAIN, Senator CARL LEVIN, the ranking member and the chairman of the Armed Services Committee, both support this promotion. The entire Armed Services Committee voted for it unanimously, and yet 6 months later this soldier is not promoted.

I can understand people using a lot of leverage around here for various things. I have used some leverage myself on certain things. But I do not understand someone using the career of a soldier to make demands that cannot possibly be met. If he continues to do that for 6 or 16 months, the situation will be the same as it is now because the Corps of Engineers cannot do what the Senator from Louisiana is demanding they do.

It is simply, in my judgment, using this soldier's career as a pawn. That is terribly unfair to any uniformed soldier who serves this country, especially a soldier who has gone to war for this country. So this is fair notice that I will ask unanimous consent. I assume it will be somewhere in the 4 or 5 o'clock range today. My expectation is that the Senator from Louisiana will be on the Senate floor at that point. My hope is he would not object.

Finally, at long last, my hope is that he will allow the Senate to do the right thing and give this soldier's career and this soldier's promotion the due that it is owed by this Senate.

As I said, I am going to come back later today. I want to talk at some length about the START treaty, which I think is very important. I was in Moscow, Russia, within the last week and a half taking a look at global threat reduction initiatives that we are

working on with the Russians. It is very important that this START treaty be ratified by the Senate. I note that there are some of my colleagues saying: The only way we will ratify the START treaty, the only way we would support that and not block that would be if we get dramatic new monies for new nuclear weapons or something of the sort.

So I am going to talk about that today. I also am going to talk about the financial reform bill, which is now staring us in the face, and about, as I mentioned, the issue of something that sounds like a foreign language, but it is not: naked credit default swaps. That is not a foreign language; that is flatout gambling that has been done by the largest financial firms in the country that steered America right into the ditch. It is very important they be dealt with, and dealt with the right way in financial reform.

Also, I am going to talk about the issue of too big to fail. In my judgment, if you are determined to be too big to fail, then, in my judgment, you are too big. I believe divestiture is an important part of the solution to that. I will talk about that more this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

EARTH DAY

Mrs. BOXER. I just want to say to my friend, I thank him for bringing the issue of the promotion of an Army Corps general to the floor today. I support his remarks. I support moving forward on that promotion.

Madam President, April 22 is Earth Day. It has been 40 years since then-Senator Gaylord Nelson first advocated setting aside a national day to focus on our environment. We have learned a lot in those 40 years. What we have learned is, it is very rewarding to protect and defend our environment. What we have learned is, when we do that, and we do it in the right way, we create millions of jobs and an economy that is very prosperous.

One very clear example of that is, take my California coastline. It is an economic driver. It is beautiful. It is an economic driver because people want to see it in all of its beauty. They want to enjoy its beauty. They spend a lot of dollars on tourism to come and visit my coast. They go to the restaurants. They go to the stores. That is why we have always argued against our colleagues who want to go and destroy—potentially destroy—that magnificent coastline, which is a gift from God, in my humble view.

It is interesting because the first Earth Day was inspired by a horrible oilspill that hit Santa Barbara, and the whole country saw the devastation, what happened to the wildlife, what happened to the ocean, what happened to the people there.

Ever since that time we have been taking a moment to take a deep breath. By the way, breathing clean air is also an important part of Earth Day to actually appreciate this incredible gift that we have been given and to rededicate ourselves to the preservation of our environment.

In 1969, the Cuyahoga River in Ohio caught fire. Swaths of the Great Lakes were lifeless dead zones. Air in our cities was very unhealthy. All that happened in that year that then-Senator Gaylord Nelson decided to act on Earth Day.

When Senator Nelson took a trip, a plane trip, and looked down at the devastation of the awful Santa Barbara spill, he realized we needed a day to celebrate the Earth and to dedicate ourselves to protecting these gifts we have been given. Twenty million Americans rallied to celebrate the first Earth Day the following year in April 1970.

I think it is important to note that protecting the environment has been a bipartisan thing here, at least up until recent times. The Environmental Protection Agency opened its doors in November of 1970. It was Richard Nixon who signed that law. The Clean Water Act became law in 1972, the Safe Drinking Water Act in 1974, the Toxic Controlled Substances Act in 1976.

We have seen dramatic improvements in the air we breathe, the water we drink, and, again, very good growth in our economy over this period. We saw the gross domestic product rise from $4.26 trillion in 2005 dollars, in 1970, to $12.9 trillion. That is a threefold increase in the GDP during the time we had these great environmental laws on the books.

So when the next politician stands up and says: You are going to devastate the economy, let's show him or her that is not so. If we take the lead—lead is a neurotoxin. When we keep it out of the area of our children, we know their IQs have gone up. It has been proven. We know what lies before us, clean energy. We know if we can get carbon pollution out of the air, it is going to unleash twice as many dollars from the private sector into finding new technologies, clean energy technologies. It will get us off of that addiction to foreign oil, $1 billion a day. We will make products in this country that the whole world wants.

The world is going green. Why should we step back and allow China to make all of the solar panels? Why should we step back and allow Germany to make all of the windmills? They have taken over the lead from the United States of America.

I want to see the words ''Made in America'' again. I want to see them on products, clean energy technology products. I hope we will recommit ourselves to protecting this environment.

Today, we have a tremendous opportunity before us in clean energy. When we move forward to address the challenge of climate change, we will create millions of jobs and protect our children from dangerous carbon pollution. Most importantly, clean energy will move us away from our dangerous dependence on foreign oil, which is costing us a billion dollars a day and making our country less secure.

America should be the leader in creating clean energy technologies that are made in America and work for America.

It will mean manufacturing jobs for people who build solar panels and wind turbines; it will mean jobs for salespeople who will have a world-wide market for these American made exports.

It will mean jobs for engineers, office workers, construction workers, and transportation workers too.

But today, other countries are moving quickly to take advantage of the enormous opportunities to manufacture and sell the solar, wind, geothermal and other clean energy technologies that will power the world in the coming decades.

Venture capitalists tell us that when we pass clean energy and climate legislation, it will unleash a wave of private investment that will dwarf the capital that poured into high tech and biotech combined. That means new businesses, new industries, and millions of new jobs for American workers.

Colleagues on both sides of the aisle are working on legislation to step up to the clean energy and climate challenge, building on the work we have done in the Environment and Public Works Committee. I look forward to working with them as this process moves forward.

This Earth Day, we have an unprecedented opportunity to reinvigorate our economy, create jobs, and put America on a new course to recovery and prosperity. Let's remember the lessons of the past and seize this opportunity.

I yield the floor.

Mr. SCHUMER. Madam President, I rise today to speak in support of the nomination of Judge Denny Chin to the United States Court of Appeals for the Second Circuit. Judge Chin is, first and foremost, a highly qualified and experienced nominee to one of the busiest courts in the country.

Judge Chin's life story speaks volumes about his own talent and determination, but also about the opportunities that this country offers—opportunities that made it possible for him to make the journey from Hong Kong, through Hell's Kitchen, to New York's best schools and now to the Second Circuit.

No one could be more qualified. No one could have a more impeccable record on the district court. And, he has the bonus of providing needed diversity to our appellate bench.

Nonetheless, after passing him out of committee unanimously, my Republican colleagues required the majority

leader to file cloture on his nomination. It took 4 months—4 months—to get an up or down vote on him. It is good for the court system and the country that we are finally doing it this morning.

He has been a sitting judge in the Southern District of New York for 15 years, during which time he has presided with exceptional skill over some of the most challenging and important cases in the country.

Judge Chin is a quintessential New Yorker: He graduated from our best schools—including Stuyvesant High School and Fordham University Law School—and practiced there his entire career. His family emigrated from Hong Kong to America when Judge Chin was just 2 years old. His father worked as a cook and his mother worked as a garment factory seamstress in Chinatown. He grew up in a cramped tenement in Hell's Kitchen with his four siblings. He later practiced in New York as both a private lawyer and a Federal prosecutor.

Throughout my time in the Senate, I have applied the following criteria to each nominee for the federal bench: Is he excellent? Is he moderate? And will he bring diversity to the bench?

On excellence: Besides his obvious academic and professional credentials, Judge Chin has earned a unanimous well qualified rating excellent by ABA.

But more important than this, in my book, are the views of his peers who come in contact with him every day. Few judges have earned the accolades that litigants have given Judge Chin, whether they have experienced his courtroom in victory or defeat.

For example, in the Almanac of the Federal Judiciary—which compiles evaluations of judges from practitioners—lawyers describe Judge Chin as ''a judge's judge,'' ''conscientious,'' ''extremely hard-working,'' ''very bright,'' and ''an excellent judge.''

In short, no one—no one—questions Judge Chin's excellence, his intellect, or his temperament.

On moderation: There is more than one way to evaluate Judge Chin's moderation.

First, he is a tough, but fair, sentencing judge. In an observation that is emblematic of Judge Chin's moderation, one attorney has even said of Judge Chin: ''[h]e is a decent human being but he doesn't let that influence his sentencing.''

Judge Chin is, in fact recently best known for sentencing Ponzi scheme operator Bernard Madoff. In a case that could have been a complete circus, that involved hundreds of victims who lost every penny they had, Judge Chin ran the proceedings with dignity and efficiency and sentenced Madoff to the highest possible sentence.

Judge Chin said:

The message must be sent that Mr. Madoff's crimes were extraordinarily evil and that this kind of irresponsible manipulation of the system is not merely a bloodless financial crime that takes place just on paper, but that it is . . . one that takes a staggering human toll.

In addition, Judge Chin has said explicitly that he believes in a modest, moderate role for judges. In his 1994 questionnaire that he submitted during his confirmation to be a district court judge, he wrote:

My view is that judges ought not to legislate; that is not their function. Judges interpret and apply the law, keeping in mind the purposes of the law.

Finally, Judge Chin has plenty of bipartisan support. His nomination garnered glowing letters from former Attorney General Michael Mukasey and Republican-appointed U.S. Attorney John Martin, who hired him 30 years ago and has practiced before Judge Chin. He had not a single vote against him, Democrat or Republican, in committee.

On the topic of diversity: It goes without saying that Judge Chin's confirmation would improve the diversity of the Federal appellate bench. He already has the distinction of being the only Asian American judge to serve on the Federal district court outside of the Ninth Circuit. With his confirmation, he will be the only currently active Asian American appellate judge on the Federal bench.

So, let us proceed to approve Judge Chin without further delay, and keep one of the busiest dockets in the Federal judiciary functioning smoothly. I am proud and pleased to have a role in this historic moment for our Federal courts.

Mrs. GILLIBRAND. Madam President, I am pleased to rise today in strong support of the nomination of fellow New Yorker, Judge Denny Chin, to be a judge on the U.S. Court of Appeals for the Second Circuit. Judge Chin has a distinguished legal career, having dedicated the majority of his life to public service and education. His experience in the court room spans more than a decade as a litigator, and over 15 years as a Federal judge.

When he was 2 years old, Judge Chin moved with his parents from Hong Kong to New York, where he later attended Stuyvesant High School. Through hard work, he was able to attend Princeton University, where he received the Athlete Award from the National Football Scholarship Foundation and graduated magna cum laude. After graduating from Princeton, Judge Chin attended Fordham School of Law, where he earned his juris doctorate and became managing editor of the Fordham Law Review.

As impressive as his educational background is, Judge Chin has enjoyed an equally notable legal career in public service and private practice, beginning with a job clerking for U.S. District Judge Henry Werker in the Southern District of New York for 2 years. He then spent another 2 years at Davis Polk & Wardwell before resuming his commitment to public service at the U.S. Attorney's Office for the Southern District of New York. As a Federal prosecutor, Judge Chin honed his litigation skills by arguing cases in the U.S. District Court and the U.S. Court of Appeals for the Second Circuit. Following his time at the U.S. Attorney's Office, Judge Chin went back into private practice, working as a litigator and a partner at several law firms in New York, and also as a solo practitioner, becoming a specialist in employment and commercial law.

In 1994, Judge Chin was the first Asian American appointed to Federal district court outside the Ninth Circuit, where he has served for 15 years. During his time on the bench, Judge Chin has presided over more than 4,700 civil and 650 criminal cases, issuing more than 1,500 opinions. He has served as designated judge on the Second Circuit Court of Appeals on 84 appellate cases, of which nine decisions are his written opinions. Notably, Judge Chin presided over the high profile trial of Bernard Madoff, whom Judge Chin ultimately sentenced to 150 years in prison for defrauding billions of dollars from New Yorkers and individuals from across the United States.

Judge Chin has demonstrated a strong commitment to education and the next generation of the legal profession as a professor of law for more than 23 years at his alma mater, Fordham University's School of Law. He has contributed to legal scholarship by publishing seven law review articles and is frequent speaker at bar associations, law schools, law firms, corporations, and non-profit organizations. In 2009, he received the Professor of the Year Award from the Fordham Law School Public Interest Resource Center, and previously was awarded the Fordham Law School Alumni Association's Medal of Achievement in 2006. He currently cochairs the Fordham Law School Minority Mentor Program.

Judge Chin's dedication to public service extends to community leadership, and he is actively involved in local community and in legal associations. He is a member of the Second Circuit's bar association, the Federal Bar Council, formerly serving as the President, and currently serving on the Public Service Committee. Prior to assuming the bench, he also served on numerous community boards, including the Brooklyn Center for Urban Environment, Care for the Homeless, Hartley House, and St. Margaret's House. Upon assuming the bench, Judge Chin remained involved in his local community by becoming a member of numerous cultural organizations in New York. The outstanding dedication he demonstrated throughout his career and years of community involvement has led to numerous awards

and honors—such as the J. Edward Lumbard Award for Public Service from the United States Attorney's Office for the Southern District of New York, and the Lifetime Achievement Award from the New York State Division of Human Rights.

The American Bar Association gave Judge Chin its highest rating, as he is an exceptional and highly competent judge. He has always followed a thoughtful, reasoned approach to each case, strictly adhering to the application of facts and legal precedent.

There are currently 129 judicial nominees waiting to be confirmed by this Senate. It is unfortunate that when there are such highly qualified nominees as Judge Chin, they cannot be quickly voted on so that they may begin to handle the many critically important cases that are currently pending in our Federal courts.

In conclusion, Judge Denny Chin possesses the judicial temperament, breadth of legal knowledge, and commitment to justice, civil rights, and the rule of law necessary for this appointment. He is well qualified, and I am confident that he would make an outstanding judge on the U.S. Court of Appeals for the Second Circuit. I urge my colleagues in the Senate to support his confirmation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Denny Chin, of New York, to be U.S. circuit judge for the Second Circuit?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. KAUFMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. DEMINT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 123 Ex.]

YEAS—98

| | | |
|---|---|---|
| Akaka | Burr | Dodd |
| Alexander | Burris | Dorgan |
| Barrasso | Byrd | Durbin |
| Baucus | Cantwell | Ensign |
| Bayh | Cardin | Enzi |
| Begich | Carper | Feingold |
| Bennet | Casey | Feinstein |
| Bennett | Chambliss | Franken |
| Bingaman | Coburn | Gillibrand |
| Bond | Cochran | Graham |
| Boxer | Collins | Grassley |
| Brown (MA) | Conrad | Gregg |
| Brown (OH) | Corker | Hagan |
| Brownback | Cornyn | Harkin |
| Bunning | Crapo | Hatch |
| Hutchison | McCain | Sessions |
| Inhofe | McCaskill | Shaheen |
| Inouye | McConnell | Shelby |
| Isakson | Menendez | Snowe |
| Johanns | Merkley | Specter |
| Johnson | Mikulski | Stabenow |
| Kerry | Murkowski | Tester |
| Klobuchar | Murray | Thune |
| Kohl | Nelson (NE) | Udall (CO) |
| Kyl | Nelson (FL) | Udall (NM) |
| Landrieu | Pryor | Vitter |
| Lautenberg | Reed | Voinovich |
| Leahy | Reid | Warner |
| LeMieux | Risch | Webb |
| Levin | Roberts | Whitehouse |
| Lieberman | Rockefeller | Wicker |
| Lincoln | Sanders | Wyden |
| Lugar | Schumer | |

NOT VOTING—2

| | |
|---|---|
| DeMint | Kaufman |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business, with Senators permitted to speak for up to 15 minutes each.

The Senator from Wisconsin.

## PROHIBITING A COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS IN 2011

Mr. FEINGOLD. Madam President, over the years, Members of Congress have had a lot of perks, but one of them stands out; that is, the ability to raise their own pay. Not many Americans have the power to give themselves a raise whenever they want, no matter how they are performing. To make it worse, Members do not even have to vote on this pay raise. Congress has set up a system whereby every year Members automatically get a pay raise. No one has to lift a finger.

I do not take these pay raises, and I have been fighting for years to pass my bill to end this cozy system. Thanks to the majority leader, we took an important step last year when the Senate passed legislation to end automatic annual pay raises for Members of Congress. Unfortunately, the leadership of the other body has, so far, refused to take up that bill.

Well, I am going to keep fighting to pass it, but there is another step we can take in the meantime; that is, to make sure we do not get a pay raise next year. We already enacted legislation to block a pay raise this year, and now we have to do the same thing for 2011. With so many Americans looking for jobs and trying to figure out how to pay their bills, now is no time to give ourselves a taxpayer-funded $1,600 pay increase.

I have a bill to block the scheduled 2011 pay raise.

Madam President, I ask unanimous consent that Senators BURR, VITTER, BENNET, LINCOLN, GRASSLEY, MCCASKILL, BEGICH, and MCCAIN all be added as cosponsors to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, I also ask unanimous consent that Senator WHITEHOUSE be added as a cosponsor to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3244, a bill to prohibit a cost-of-living adjustment for Members of Congress in 2011; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, I ask the Senator to add me as a cosponsor.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senator from Vermont, Mr. LEAHY, be added as a cosponsor to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3244) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3244

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NO COST OF LIVING ADJUSTMENT IN PAY OF MEMBERS OF CONGRESS.**

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2011.

Mr. FEINGOLD. Madam President, I thank the Chair, and I will be urging the other body to pass this bill as soon as possible and send it to the President. I will keep fighting so that in the future the burden will be on those who want a pay raise—not on those who want to block one—to pass legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I believe the Senator from Vermont has a brief statement.

Mr. LEAHY. Madam President, I just wish to make a unanimous consent request.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank my dear friend, the senior Senator from Missouri.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar: Nos. 780, 781, 795, 796, 797, 798, 816, 817, 818, 819, and all nominations on the Secretary's desk in the Coast Guard, Foreign Service, and NOAA; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table en bloc; any statements relating to the nominations be printed in the RECORD; the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

William N. Nettles, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

Wifredo A. Ferrer, of Florida, to be United States Attorney for the Southern District of Florida for the term of four years.

David A. Capp, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Anne M. Tompkins, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Kelly McDade Nesbit, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.

Peter Christopher Munoz, of Michigan, to be United States Marshal for the Western District of Michigan for the term of four years.

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

Noel Culver March, of Maine, to be United States Marshal for the District of Maine for the term of four years.

George White, of Mississippi, to be United States Marshal for the Southern District of Mississippi for the term of four years.

Brian Todd Underwood, of Idaho, to be United States Marshal for the District of Idaho for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1489 COAST GUARD nominations (6) beginning JOANN F. BURDIAN, and ending DAWN N. PREBULA, which nominations were received by the Senate and appeared in the Congressional Record of February 24, 2010.

PN1556 COAST GUARD nominations (4) beginning Karen R. Anderson, and ending Steven M. Long, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2010.

IN THE FOREIGN SERVICE

PN1404 FOREIGN SERVICE nominations (8) beginning Karen L. Zens, and ending Richard Steffens, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1457 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (12) beginning SCOTT J. PRICE, and ending SARAH K. MROZEK, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1458 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (9) beginning HEATHER L. MOE, and ending KURT S. KARPOV, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

Mr. LEAHY. Madam President, I thank the Presiding Officer, and I thank the Senator from Missouri.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The Senator from Missouri.

## FINANCIAL REGULATORY REFORM

Mr. BOND. Madam President, after the actions of some bad apples on Wall Street wreaked havoc on Main Street, America, there is no doubt we need financial reform to prevent another credit crisis.

It is disappointing that bipartisan consensus on a financial reform package was not reached in committee and instead the majority chose a go-it-alone approach. I hope this is a process Democrats truly want to be bipartisan because my constituents have some good ideas about how to enact real reform that will not stifle economic growth and activities.

I have told my good friend Senator DODD and others that I want to work with them to ensure the concerns I have heard from Missourians—a thousand miles away from Wall Street—are addressed as the process moves forward. I have heard from Missourians who want to end too big to fail, and I have heard from Missourians who want to stop taxpayer-funded bailouts and Missourians who are fearful of empowering government bureaucrats with the power to pick winners and losers. I have also heard from folks in Missouri who are key to job creation. They have well-founded concerns about some of the bill's unintended consequences.

This is a bill that could alter significantly the way Americans do business with the financial services industry, whether it be in the form of a home or auto loan, financing for college, credit for family farms, or much needed financing for small business. In the heartland, where I am from, we understand Wall Street provides critical financing, but we want to make sure they do it the right way.

A bipartisan and responsible bill should ensure that the failures that led to our financial collapse are properly addressed and that taxpayers never again are left footing the bill for the egregious mistakes of a few bad actors. It is time to stop taking a piecemeal and ad hoc approach to addressing the financial crisis. Burying our collective heads in the sand to avoid what needs to be done and simply hoping things will get better by throwing more money at these failed institutions and just believing they will get better on their own is unrealistic.

Americans are rightfully angry and frustrated about the trillions of dollars the government has committed to rescuing the financial industry, when so many of them are still struggling to find jobs, pay bills, and get the loans they need for cars, home, college, or to farm. They believe—and rightly so—that it is fundamentally unfair for the bad actors who caused the financial crisis to get bailed out while many of them lost their jobs and their savings as a direct result of the irresponsibility of others.

We need a clear path to unwinding and ending these institutions that are too large and that pose systemic risk to the financial health of our market without doing so at the expense of the American taxpayer. No institution should ever again be considered too big to fail.

Today, I remind my colleagues that the government played a role in contributing to our financial and economic crisis. Government policies and actions to promote home ownership to buyers who could not afford to buy were irresponsible. That is why I am shocked that this bill does nothing to reform Fannie Mae and Freddie Mac, the government-sponsored enterprises that contributed to the financial meltdown by buying high-risk loans made to people who could not afford them. These irresponsible actions left the Federal Government with the risk and the American taxpayer with the bill to bail them out.

In addition to the cost to taxpayers, these irresponsible actions turned the American dream into the American nightmare for too many families who faced foreclosure and devastated entire neighborhoods and communities as property values diminished. Additionally, government failure to adequately regulate the financial system—specifically, the Securities and Exchange Commission and other regulators—allowed these institutions to take on too much risk, which was a major factor in the credit collapse. Collectively, these policies and actions have brought us to the economic crisis which has touched every American's life.

The current proposal ignores Fannie and Freddie, which were significant

contributors to the crisis. That is a big mistake.

We need to be sure the proposals address the needs of Main Street America. Leaving them out would be another mistake.

Rather than focusing on the concerns of Wall Street, I have spent my time focusing on the concerns shared with me by my constituents back in Missouri. Missourians expect real reform but demand that Congress prevent an overreach of government that stifles businesses and kills jobs.

One specific area of concern is the creation of the so-called Consumer Financial Protection Bureau, the CFPB. This new, massive government bureaucracy has unprecedented authority and enforcement powers to impose duplicative and costly mandates on any entities that extend credit. We are not talking about just big Wall Street banks but also the community banker, the local dentist, farm lender, or auto dealer. As a result, there will be no choice but to pass these added costs on to consumers—the very people this bill was designed to protect.

The only way to ensure the CFPB does not unintentionally hurt well-performing institutions that issue credit is to narrow the scope and authority with clear language outlining exactly whom this new regulator will regulate. Surely my colleagues would not want to vote for a bill that creates a new government bureaucracy without knowing exactly what the bureaucracy is empowered to do.

Instead of unlimited authority, this new regulator should focus on the shadow banking entities that operate outside of the regulatory framework and prey on vulnerable people. We have all heard horror stories from our constituents about the bad operators pushing no-money-down or no-doc home mortgages and the reverse mortgage scam artists who sell too-good-to-be-true financing.

There must be appropriate oversight of this regulator. The last thing we need is a new government bureaucracy that, under the guise of consumer protection, is really just pushing one party's political agenda. The current business climate is overwhelmed with uncertainty, and we need to ensure this bureau does not create additional uncertainty for any investor or business that operates in this country. The prudential regulators should have a final say on anything that would put the safety and soundness of institutions and the credit of borrowers at risk.

Next, Missourians refuse to be on the line for another bank bailout. I share their frustration over the concept of an institution being considered too big to fail. We must put an end to too big to fail. We need a mechanism in place that allows for immediate liquidation of failing financial firms.

In my recent conversation with Larry Summers, I expressed this concern, and he agreed that the administration wants euthanasia for failed companies, not resurrection. The government should not be in the business of creating zombies.

The era of bailouts must be over. Any mechanism of resolution must be fair and evenhanded. Missourians will not accept government bureaucrats picking winners and losers in creditor repayment.

In addition, the $592 trillion over-the-counter derivative market needs stronger rules of transparency. Some of the derivatives traded in this market played a significant role in the recent credit crisis through products such as credit default swaps. These and other transactions—which I call video game transactions, where there is no substance involved and they are making bets on the financial system—should have been cracked down on by the Securities and Exchange Commission.

However, there is an important distinction to be made here. Not all derivative contracts pose systemic risk. As a matter of fact, commercial contracts initiated, for example, by energy companies, utilities, and the agricultural industry are used to manage risks associated with daily operation, from cost fluctuations in materials and commodities to foreign currency used in international business. These end users, as they are called, do so in order to plan for future pricing so they can provide the least expensive good or service to their consumers as possible. Costly margin requirements for these end users will be directly passed on to families. This will increase the cost for Americans to turn on their lights and put food on their tables.

My hope is that the ultimate Senate bill, like the House-passed bill, will ultimately address this concern with a strong exemption for end users from the clearing and margin requirements. These end users are not major swap participants and should not be treated as such.

Finally, the Federal Reserve Bank's current structure for regulatory oversight ensures that responsibilities and power are shared across the country, not just in Washington and on Wall Street. Regional reserve banks give all regions in the country a voice in banking, credit policy, and monetary concerns, which gives a complete picture to the Board of Governors as they decide on Federal monetary policy. This system was established over 100 years ago and should be maintained in order to protect the concerns of small and medium-sized banks. Financial crises can and do occur within small but interconnected banks, which is why the Federal Reserve needs to continue to take the economic temperature of the entire country, not just of those on Wall Street.

As hard-working Americans and small businesses struggle to emerge from this meltdown and drive our economy through the recovery process, it is the responsibility of the Federal Government to ensure we have a robust regulatory system. It is critical that our regulatory system be modern, responsive, and empowered with appropriate authority, while allowing for business prosperity as we prevent future crises.

In Missouri, I have been working to build an agricultural biotech corridor. This has the potential to foster a whole new interest, providing great jobs in advanced agricultural research and biotech. It is the best stimulus to create high-paying, skilled jobs that rural Missouri and rural America need.

However, today I read in the Wall Street Journal a very disturbing report that this bill would possibly kill small business startups by delaying and limiting the availability of private investor seed capital. Small startups have been at the forefront, driving job creation. In this bill, new requirements by the SEC would insist that investors register with the Commission for a 4-month review, meanwhile tying up vital venture capital or seed capital dollars. This harmful delay for new businesses in need of immediate capital would be crippling.

According to the Wall Street Journal:

> No one believes angel investors pose a systemic risk, so it's hard to understand why these proposals are in the bill. The economy needs more private job creation.

Incidentally, it would triple the minimum wealth of the seed capital investors who could invest in these from $1 million to over $3 million. That cuts out three-quarters of the people who might invest in starting up these companies. This would be devastating to rural job creation in Missouri and across the country.

Our greatest potential for new jobs depends upon the innovative ideas, the entrepreneurship of people who are willing to use their own time and ideas but need seed capital to do it. These small companies could not wait 120 days, in many instances. They could not find the seed capital investors. In other words, in sum, moving from too big to fail, this new bill, if enacted with that provision in it, would say to these innovators, these entrepreneurs: You are too small to succeed.

This is not a measure that is going to protect people from Wall Street; this is an overreach by the Federal Government which would shut down the job creation Main Street needs.

Neither political party has a monopoly on good ideas. Reforming our financial system is too important to be done on a partisan basis. I urge my colleagues, and I hope they will consider the ideas I have heard from Missourians. We haven't just been listening to Wall Street; we have been listening to Main Street. I hope the Presiding Officer and all of the Members of this body

will listen to what they are saying on Main Street about the need for the small companies, whether they be startup companies or small banks, to succeed. We need to make sure we don't kill the backbone of our American economy.

Madam President, I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

## EXECUTIVE CALENDAR

Mrs. MCCASKILL. Mr. President, I came to the floor on Tuesday of this week to do something I do not think had been done before under the rules. We had a new law that went into effect in the early part of 2007 that gave us a mechanism that was supposed to stop secret holds. We are all waiting to see if by moving all of the nominations by unanimous consent, in fact, the owners of the secret holds step forward.

While we wait to see if the rule that was designed and passed into law works, a bunch of us have been talking. The folks who have been talking about this are the newest Members of the Senate in the Democratic Party. There are 21 of us who have arrived in the Senate sometime between now and January of 2007. It is a pretty big group of Senators.

In discussing the secret holds with my colleagues who have been here for a fairly short period of time, we decided: Why don't we just quit doing them? Let's quit worrying about whether you are identifying yourself in 6 days, whether you are going to play the switcheroo, pull your secret hold and put on another secret hold. Let's just stop it. No more secret holds.

We now have drafted a letter to Leader REID and Leader MCCONNELL, and we have said: First, we will not do secret holds. We are out of the business of secret holds. We are not going to do them. Second, we want the Senate to pass a rule that prohibits them entirely.

If a Senator wants to hold somebody, fine, but say who they are and why they are doing it. If a Senator wants to vote against somebody, that is their right. But this notion that they can, behind closed doors, do some kind of secret negotiation to get something they want from an agency—let's be honest about it; that is what a lot of this is. It is getting leverage, secretly getting leverage for something they want. Those are not appropriate secrets for the public business.

We have 80 secret holds right now. About 76 of those are Republican secret holds; 4 are Democratic secret holds. By the way, all 80 of the ones on which I made the unanimous consent request came out of committee unanimously. We even checked on the voice votes to make sure no one said no in committee. There were no ''no'' votes. These 80 nominees were completely unopposed out of committee.

They are everything from the Ambassador to Syria to U.S. marshals to U.S. attorneys. These are people who need to get to work. They are going to be confirmed. They are all going to be confirmed. We need to get this done. We need to stop secret holds. We need to get these people confirmed. We need to change the way we do business around here.

I, once again, give a shout-out to Senator WYDEN and Senator GRASSLEY who worked on this issue for a number of years. We are going to open this letter to all Members of the Senate and, hopefully, before we find out—we are all waiting to see what happens in the 6 days that are looming for all these secret holds, if people step up into the sunshine. If they do not, in the meantime we, hopefully, will get unanimous support from Senators that secret holds are now out of fashion and no longer going to be tolerated in the Senate.

Mr. President, I yield the floor for my colleague from Colorado, Senator BENNET.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I thank the Senator from Missouri for kicking off this discussion. I rise in strong support of this effort by a group of reform-minded Senators to finally get rid of this ridiculous and insane practice of anonymous holds. The American people have little patience for this political game when they are going through what they are going through.

What people should understand is, at least in my view, this is less about partisanship. The Senator from Missouri talked about the fact that these are people who passed unanimously out of committee, with Republicans and Democrats supporting the nominees who somehow, between the committee process and the Senate floor, got stuck. They are getting stuck anonymously. I say it is not about partisanship. I say this is a perfect illustration of Washington, DC, being completely out of touch with what is going on in the country.

No one else in the country invents a set of rules to make sure they do not get their work done. But that is what we are doing in the Senate. That is why I think it is high time we got rid of these anonymous holds. I would go even further. I have legislation that gets rid of the anonymous holds and bans these secret holds. But it would do more. It would also require that a hold be bipartisan or else it expires after 2 legislative days. If a Senator wants to place a hold, that is within their rights, but we are going to make sure it is scrutinized. We are going to make sure they can get support from somebody on the other side of the aisle for holding up the country's business. All holds under my bill would expire after 30 days, whether they are bipartisan or not.

I also wish to highlight that the Senators who have taken this strong stance against secret holds are willing to put our money where our mouth is. While Washington bats around about this and other reforms, we have all pledged that we will stop the practice of secret holds ourselves. It was easy for me to do because I have never placed a secret hold on the Nation's business, and I never will.

This is a small but important illustration of what is not working well in the Senate, what is blocking progress for the American people. It is a small step but an important step to demonstrate that we can actually do our work differently, that we have been sent here to have an open and thoughtful debate about the issues that confront our great country. I am proud to be here today with my other colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, it is unfortunate that we have to be on the Senate floor this afternoon to talk about so many of the nominees we need to do the work of this country who are being held up, and being held up by people who are not willing to identify themselves or say what their issue is with these nominees.

I am pleased to join my colleagues. I am glad we are mounting this effort. We need to get rid of the secret holds. But it is unfortunate that we are where we are.

I understand why people are frustrated with what is happening here. People want to see things get done. They understand we have significant challenges facing the country, and they want to see action on those challenges.

It is clear that one of the areas where there is a problem is with the 80 or so people who were nominated who have been held up, some of them for months and months, because somebody has an issue, not with the person who is being held up usually, but as my colleague from Missouri said because someone wants to get the attention of a department or agency within government or because somebody wants to keep the Obama administration from doing the work of the people.

I wish to point out some of the people who have been on hold. No one has identified themselves as to why they

had these people on hold. Until just a few minutes ago, we had five U.S. attorneys and five marshals. We have the Deputy Director of National Drug Policy Control. They come from States all across this country—from New York, Indiana, North Carolina, South Carolina, Michigan, Maine, Idaho, and Florida. We have a lot of big States there, a lot of States where the people's business is not getting done because those nominees have not been put in place.

The sad thing is, the people who have these folks on hold are trying to get back at somebody in government, but the people who are suffering are the constituents in those States where the work is not getting done.

I have a very personal example that I have talked about before on the floor of the Senate. A woman from New Hampshire who has now been confirmed to lead the Office of Violence Against Women, Judge Susan Carbon. This is someone who was appointed first by Senator JUDD GREGG to be a judge, and I then made her a full-time judge. She got through the committee on a unanimous vote.

I think all of us would like to see the work of the Office of Violence Against Women done, just as we want to see the work of the U.S. attorneys done and the work of the marshals done. Yet she was held up for 2 months, until I came to the floor and started asking questions about who had that secret hold on her. We never did find out. We never did find out why she was on hold or what the concern was. That is the problem with all these different holds.

Senator BENNET said he hasn't put any secret holds on anyone. Well, neither have I. If I am going to put a hold on somebody, I want the world to know about it because it is somebody whom I have a serious issue with or someone we have concerns about the job they would do. That is not the case with any of these folks.

So I would urge all my colleagues to sign on to say that they will oppose secret holds and to release those holds on the nominees who are being held up and let's let the work of the people in this country get done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I also rise to express my appreciation to the Senator from Missouri, Mrs. MCCASKILL, for her leadership on this effort to reform the way the Senate advises and consents. Because I have great respect for the traditions of the Senate, I was curious as to why holds are a mechanism or a tool available to individual Senators. What I found out is basically speculative; that is, that in the past, there is a belief that Senators—because they could only get back to Washington by horse and buggy or by horse itself—needed time to study a potential nominee. It was a courtesy. It maybe made sense in those horse-and-buggy times, but these are modern times, and the secret hold now, in particular, is being used to accomplish, in many cases, political or perhaps even policy goals. I have great respect for the venerable traditions of the Senate, but this seems like one that should be set aside, frankly.

I was also curious to study some of the statistics that I will share with the entire Senate. Since President Obama took office—I think it is 16 months, give or take a few days—we have voted on 49 nominations. Of those 49 votes, 36 of them—which is about 75 percent of the nominations—have been delayed. On average, these nominations languish or sit on the Executive Calendar for over 105 days. That is on average. Some have waited many months more. Then, when we look at the vote totals of the nominations that finally come to the floor, 17 received more than 90 votes, 10 received more than 80 votes, and 6 received more than 70 votes. So out of the 36 nominees, there were 33 that I think you could characterize as being approved overwhelmingly by the Senate, after a very long and unfortunate wait.

Right now, on the Executive Calendar, there are 94 nominees awaiting the Senate's advice and consent action. At this time in George W. Bush's Presidency, there were 12 nominees. So we have 94 on the one hand and 12 on the other hand.

It is time for my colleagues on the other side of the aisle to stop abusing the Senate's responsibility to provide advice and consent for the President's well-qualified nominees.

Let me just end on this note. If a Senator wants to place a hold, that is all well and good, but it shouldn't be a secret hold. As the previous two speakers have said—and I think Senator MCCASKILL as well—I have never used a hold. If I wish to put a hold on a nominee, I will make it public. I will make the case and take a stand on the floor of the Senate. That is the way we want our debates to be in the Senate—the world's greatest deliberative body. We shouldn't be doing things such as this in secret.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I listened to the Senator from Colorado, and I was thinking about our two States. They both are beautiful States. OK, they have a few more mountains than we do, but we have 10,000 lakes. We both have open democracies—governments that work, governments that are open. There is no secrecy in our States. We have blue skies, open prairies, open lands. To me, it is no surprise that we would have Senators from these two States standing and saying this is ridiculous.

I thought Senator UDALL did a great job of going through all the numbers and the nominations that have been put on hold, but we all know what is at the root of this. It is a procedural game that allows this to happen—the secret hold.

When I came to the Senate in 2007, my first priority was ethics reform. I was so pleased, and I thought we had gotten rid of the secret hold. That is what we said we did. The rule we adopted then—as soon as unanimous consent was made regarding a specific nominee—said that a Senator placing a hold has to submit to the majority leader a written note of intent that includes the reason for their objection. So they have to put in writing why they are objecting. Then it says that no later than 6 days after the submission, the hold is to be printed in the CONGRESSIONAL RECORD for everyone to see.

So we thought this was a pretty good idea—sunshine being the best disinfectant. By making the hold public and forcing Senators to be accountable for their actions, we could have open debate. As I heard Senator SHAHEEN just say, we should be able to tell the world why we are putting on a hold. We may have a good idea.

But that is not what has been happening. Instead, what has been happening is, Senators are playing games with the rules. They are following the letter but not the spirit of the reform. It is unbelievable to me. They are actually rotating holds.

It is sort of like what we see in the Olympics, where they have a relay and they hand off the baton. This baton is going from one Senator to another so they can keep the hold going. One Senator has it for 6 days. Then it is passed off to another for 6 days. So I guess if delay was an Olympic sport, they would get the Gold Medal.

What we have is a group of Senators from the other side of the aisle, for the most part, who are gaming the system. We have been spending a lot of time in the last few days talking about other people who game the system—people on Wall Street—so I don't think it should be happening in this very Chamber.

I am very pleased Senator MCCASKILL, along with Senators GRASSLEY and WYDEN, have been working on this for so long and have taken a lead on it. I urge my colleagues to sign this letter to end the secret hold. There shouldn't be secrets from the public when it comes to nominations. This isn't a matter of top-secret national security or some strategy that we would use when we go to war. This is about nominations from the White House. This is about people who are going to be serving in public jobs. We should know who is holding them up, who doesn't want them to come up for a vote and why. Then we can make a decision and the public will have the knowledge of what is going on in this place. That is the

only way we are going to be able to build trust again with this democracy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FINANCIAL SERVICES INDUSTRY REGULATION

Mr. BENNETT. Mr. President, I rise to discuss the issue that is before the body and before the country right now with respect to control and regulation of the financial services industry. The President of the United States has given a number of speeches on this one. I understand the latest one was today, in which he attacked Republicans for listening to the big banks of Wall Street in our concern about the details of the bill that has been offered out of the Banking Committee by Chairman DODD.

I am a member of the Banking Committee. I voted against the bill in the Banking Committee. It came out on a straight party-line vote. For that I am being castigated by the President and others for being a tool of Wall Street and the big banks.

I want to make it very clear that my opposition to parts of this bill have nothing whatsoever to do with Wall Street and the big banks. I have not been to Wall Street to discuss this with any executives of any of the big banks. I have been in Utah, and I have been discussing this with businesses in Utah, businesses that you normally would not think would have any interest whatsoever in regulation of financial services.

We think of financial services as insurance companies and brokerage houses and banks. What I have discovered, hearing from my constituents, is that the people who are the most worried about this are small business men and women who have nothing to do with banking but who do have a program in their business to extend some degree of consumer credit.

I will give an example: a furniture store that sells furniture and advertises you buy the furniture now and payment is delayed for 90 days as a come-on to get people to come in. Mr. President, you have seen those ads in the paper in Washington. I have seen those ads. It is the kind of thing that goes on.

Businesses extend credit in one way or another. It is not the core of their business, it is just a way of trying to attract customers. Suddenly they discover, if this bill passes, they will be under the control of the Consumer Protection Agency that is being created for this, and Federal officers will have the right to show up on their premises and say: This is not a proper handling of this credit. We are going to treat you as if you were Citicorp or Goldman Sachs or whatever. We are going to come down with the heavy hand of the Federal Government to tell you how you can do your business and fine you or produce other kinds of barriers to your doing business.

The fellow says: Look, I just want to sell a sofa, and I just want to be able to sell it on credit to somebody who wants to buy it on credit. What is wrong with that?

No, under the terms of this bill, the Consumer Protection Agency of the Federal Government will be looking down your throat.

As I move around the State, I have one small business man or woman after another come up to me and say: What in the world are you people in Washington thinking about, the kinds of regulations you are going to put on me and my business? Some of them are saying they are afraid they are going to have to close their doors rather than deal with this significant challenge.

We are, in this bill, overreacting to the seriousness of the crisis that has put us in this recession. I have a friend who has been a Washington observer for many years, and he says whenever faced with a crisis, Congress always does one of two things: nothing or overreacts. This is a classic example of overreacting.

By creating a Consumer Protection Agency with the sole focus to protect the consumer, we run the risk of doing the kind of damage I have described to small business. I say to people, if safety is the only criterion by which you are going to judge an institution, the safest institution in which no one will lose any money is the one whose doors are closed, the one that offers no risk anywhere because all business is a risk. If you are going to say, no, you are going to protect the consumers absolutely, the way to protect the consumers absolutely so that they will never lose a dime is not allow them to make a purchase, not allow them to ever get a loan, not allow them to ever receive any credit.

If this bill passes in the form it came out of the House Banking Committee, that will be the impact of this bill. Across the board it will be to reduce credit, it will be to reduce opportunity, it will be to damage small businesses.

Again, I have not talked to the people on Wall Street. I have talked to the people on Center Street—I would say Main Street because every town in America has a Main Street, but in Utah, in addition to Main Street, we have Center Street in many of these small towns. That shows how close to the issue the people in Utah are.

There is another issue I feel strongly about, and that is the definition of ''too big to fail.'' This creates and solidifies the notion that some people, some institutions are too big to fail. I believe one of the lessons we have learned out of the crisis we went through starting in September of 2008 is that nobody should be deemed too big to fail; and, indeed, we should create a circumstance where the bankruptcy courts handle things and there is no Federal bailout in the fashion of saying: You are too big to fail and the government will protect you from failing.

I remember years ago when we had the first bailout with Chrysler at the time. Lee Iacocca made his reputation bringing Chrysler out of the bailout and repaying the government with interest. People point to that and say: The government kept Chrysler from going under. The money was repaid. It was just a loan guarantee. The government didn't lose any money.

I remember one observer, when asked about it, said: I am not worried about whether the bailout will save Chrysler. What I am worried about long term is that it will work.

There were people saying: What happens if it fails?

He said: I am not worried about it if it fails. I am worried about it if it works and the Federal Government gets the appetite to step in, in example after example, and always point to the Chrysler bailout and say: Well, we made money on that, so we can do it again.

By creating that kind of moral hazard of stating these institutions are too big to fail, we run the risk of seeing a repetition rather than avoidance of the crisis we had that created all of the difficulties in our economy today.

So, on the one hand, I speak for the small businessman and the small businesswoman who say this bill will be a disaster for them. On the other side, I say let's not create, in the name of protecting the customer, a circumstance where institutions are deemed as too big to fail and can be guaranteed, once again, a degree of government backing that the marketplace would not give them. I trust the marketplace. We have learned to do that as we go through the wreckage of what happened in the housing crisis.

I think we need to be very careful with this bill. Do we need financial reform? Yes, we do. Would I vote for a sensible bill? Yes, I would. Am I a supporter of the status quo? No, I am not. But I do not believe the bill that came out of the Banking Committee is an improvement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

## EARTH DAY

Mr. CARDIN. Mr. President, I take this time to commemorate the 40th anniversary of Earth Day that we celebrate today, April 22.

I think we first need to acknowledge that we have made a lot of progress since the Cuyahoga River in Ohio caught fire in 1969. We have made a lot of progress since the uncontrolled air pollution that killed 20 people and sickened 7,000 people over just a few days. That happened in Donora, PA. We have came a long way since the exposé on the New York Love Canal, where toxic waste was dumped into neighborhood streams.

We have made a lot of progress. I think the most important symbol of that progress is that the environment is now in mainstream America. It is mainstream politics. It is a way of life for us, and that is really good news. It has given us the political strength to pass important environmental laws. We passed the Clean Air Act, the Clean Water Act, the Superfund law. I am particularly pleased about the Chesapeake Bay Program. I remember when we started that program almost 30 years ago. It was a difficult start, and people wondered whether we would have the power to stay with this issue so that we could try to reclaim the Chesapeake Bay. Well, we did. It is still an issue we are working on today. We created the Environmental Protection Agency, an agency in the Federal Government with the sole purpose to try to help us preserve the environment for future generations.

I think we can take pride in what we have been able to do. We have made great progress as a nation. We should celebrate our success in addressing the great environmental challenges of the past. But our work is not done. Our environment faces new challenges today that are less visible and more incremental but still pose great threats to our treasured natural resources and all the work we have done to protect and restore them. For example, we do not worry that our great water bodies such as the Chesapeake Bay will catch fire, but there are small amounts of pollutants running off millions of lawns that accumulate and make it very difficult for us to reclaim our national treasures.

The great wave of water infrastructure we built over 40 years ago is now past its useful life and must be replaced. Water main breaks, large and small waste water, destroy homes and businesses, and undermine the water quality benefits this infrastructure was meant to protect.

Let me just give you a couple of examples that have happened in the last couple of years. In Bethesda, not very far from here, River Road, a major thoroughfare, became a river because of a water main break. In Dundalk, MD, right outside of downtown Baltimore, thousands of basements were flooded as a result of a water main break. In Baltimore County, just a few weeks ago, we had a water main break that denied residential homeowners water service for many days. This is happening all over. In the city of Baltimore, 95 percent of their water mains are over 65 years old and have not been inspected. We need to pay attention to these issues.

If I had to mention the single most important challenge we face, it is in our energy policies. We all understand that, the impact it has on our environment, but we should also acknowledge that doing the energy policy right will be good for our national security. We spend $1 billion a day on imported oil. That compromises our national security.

For the sake of our national security, we need to develop a self-sustained energy policy on renewable energy sources. For the sake of our economy, we need to do that. We developed the technology for solar power and wind power. Yet we are not capitalizing on the jobs here in America. Jobs are our most important goal. A sound energy policy will allow us to create more jobs here in America.

But today, on Earth Day, I want to talk about the environment. A sound energy policy means we can become a world leader and bring this world into some sense on what is happening on global climate change, on the indiscriminate release of greenhouse gas emissions by the burning of fossil fuels and nitrogen and carbon into the air. We know we can do better on that.

So on this Earth Day, let's rededicate ourselves to develop an energy policy that will be not only good for our security and our economy but good for our environment. Addressing the failing health of our world is not just in the hands of our political leaders alone. Each of us can make a difference by changing the way we live and move about the Earth. Our history shows us that bold and courageous actions by all of us to tackle our environmental challenges make us stronger, more vibrant, and a healthier nation. That should be our message on this Earth Day.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

## UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DORGAN. Mr. President, I had informed my colleague from Louisiana that I would come to the floor to once again ask unanimous consent on an issue he has been holding or blocking, and it is the issue of the promotion of General Walsh, a distinguished American soldier who has served his country for 30 years and served in wartime, who has been approved to have a promotion to the rank of major general by the Senate Armed Services Committee, and that committee approved that promotion unanimously, the committee headed by Senators CARL LEVIN and JOHN MCCAIN. Both strongly support the promotion of General Walsh. That support was given and the notice of promotion was voted on by the Armed Services Committee in September of last year.

This soldier's career has been put on hold by the hold of one Senator, the Senator from Louisiana. I informed him that I would speak on the floor on this, so I am not being impolite. I normally would not speak of another person solely on the floor of the Senate. Yet the Senator from Louisiana is the one who has exhibited the hold to prevent the promotion of this soldier.

I know this soldier. That is not why I am on the floor. I know General Walsh. He commands the Mississippi Valley Division of the Corps of Engineers and does a great job, in my judgment. But, again, his career has been stalled by the actions of one Senator.

That Senator indicates there are certain demands he has of the Corps of Engineers and unless they are met, he will not allow this soldier to be promoted. The point is, this solder executes; this solder is not making policy in the Corps of Engineers, and he cannot do what the Senator from Louisiana demands he do. The Corps of Engineers does not have the legal authority to do what the Senator from Louisiana demands he do.

I have put in the RECORD the two letters the Senator from Louisiana has given to the Corps of Engineers making certain demands. I have put in the RECORD the response from the Corps of Engineers.

I believe 2 days ago when we had this discussion that my colleague from Louisiana indicated the corps had missed 14 deadlines or deadlines on 14 reports and he was not happy with the Corps of Engineers. I went back and found out what that was about. Let me just say that 10 of those 14 reports dealt with the Louisiana coastal area. All of those reports were authorized in WRDA 2007. Prior to initiating the studies, the corps was required by other law that exists to execute a feasibility cost-sharing agreement with the State of Louisiana. To cost share the study would result in the feasibility report. At the State of Louisiana's request, the corps did not execute this agreement until June of 2009. I can describe the other four as well.

But to come to the floor and suggest that somehow the Corps of Engineers is slothful and indolent, or at least slothful, for missing a deadline on reports, 10 of which they missed because the State of Louisiana requested they be delayed—I don't know, it seems to me that this may not be on the level.

Let me make one final point. When a natural disaster hit Louisiana and New Orleans, I was one of those who cared a lot about reaching out to say: You are not alone. And it was not just me; it was all of my colleagues. But I chair the subcommittee that provides the

majority of the funding for this. We provided all of the funding for the Corps of Engineers. The fact is, we have put—listen to this—$14 billion—$14 billion—into New Orleans and Louisiana. I am proud of having done it. It is what we ought to do as a country. But I must say that it wears out the welcome a bit for someone to come to the floor to disparage the Corps of Engineers and the efforts of the Corps of Engineers. That $14 billion—much of that runs through the Corps of Engineers, and I wonder where that city and that State would be without the Corps of Engineers to be engaged with them in these battles.

So let me say to my colleague from Louisiana that demands being made of the Corps of Engineers that the corps cannot possibly comply with because the law will not allow them to comply are demands that are never going to be met. To hold up the career of one distinguished soldier who has served in wartime because the corps cannot meet demands required by the Senator from Louisiana is unfair. It is always and will always be a disservice to uniformed soldiers anywhere to hold hostage promotions of soldiers in order to get demands that cannot possibly be satisfied.

So I am going to once again ask unanimous consent that the nomination that has existed on this calendar since September of last year to promote a distinguished soldier who has a distinguished record—I am going to ask once again that, at long last, perhaps my colleague will relent and allow the promotion to proceed and allow this soldier's career to continue.

I ask unanimous consent that the Senate proceed to Executive Calendar No. 526, the nomination of BG Michael J. Walsh; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements related to the nomination be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Mr. President, as my colleague knows, I object. Let my say why I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, may I proceed?

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Let me explain why I object, as I have explained very openly, very clearly every step of the way. Michael Walsh is one of the top nine officers of the U.S. Army Corps of Engineers. He is part of the key leadership.

Senator DORGAN is a fierce, active, vocal defender of that bureaucracy, but before he continues and plunges into that fierce and vocal defense, I suggest he step back for just a minute and truly think about and understand what he is defending. Before he accepts every suggestion, every argument of the Corps of Engineers' bureaucracy, I suggest he step back and look at the history of the corps and look at the source he is accepting as gospel truth.

Senator DORGAN mentioned Hurricane Katrina, called it a great natural disaster. It was a great natural disaster, a horrible natural disaster. It was also a horrible manmade disaster because if we want to talk about the greatest damage—not the only damage but the greatest damage—inflicted upon the country from Hurricane Katrina—the flooding of the city of New Orleans—that was manmade by the Corps of Engineers.

That was due directly to the design flaws of the outfall canals in New Orleans by the Corps of Engineers. The Corps of Engineers has admitted this, and we have laid that out in congressional testimony since Katrina. The problem is, no one in that bureaucracy has ever been held accountable for that. I don't want to focus on looking back. The even greater problem is looking forward because that bureaucracy has not fundamentally changed.

I challenge my distinguished colleague, Senator DORGAN, to spend half as much time working with others to change the truly broken bureaucracy of the Corps of Engineers, spend half as much time as he has spent as a fierce, active, and vocal defender of that broken bureaucracy.

I am fighting for that change. I will continue to fight for that change. I will use every tool available to me as a Senator to do so. For instance, in the last WRDA bill, I worked very hard to craft language to include in the bill the Louisiana Water Resources Council, an outside peer review body, to bring outside, independent expertise and analysis to work with the corps on key projects following Hurricane Katrina. That was included in the 2007 WRDA bill. It passed into law. Do my colleagues know what the corps did to implement that? Nothing. Do they know how they acted to move that forward, an absolute, clear, statutory authorization from Congress? They did nothing. They said they are not going to do it.

Finally, I got them to change their tune. Finally, they are committed to beginning to move forward 3 years later, but I had to get their attention through this scenario.

Unfortunately, that is not the only item on which they have ignored mandates from Congress and ignored pressing needs all around the country, including my part of the country. I tried to pinpoint specific items where they were not living up to their mandate or to Congress's direction. I could have listed dozens. Instead, I focused on nine specific items. I worked closely with the corps, had several meetings discussing those items in an abundance of trying to work with them toward resolution. After that, I focused on three of the nine, rather than all nine. I laid out why they did have the authority to move forward in some positive way on all that. I am going to continue to do so until we get real, positive change at the corps and real, positive progress on these important issues.

The Senator's main argument, apparently spoon-fed by the corps, is that the corps has no authority to do anything in these areas, no authorization language from Congress. That is flat wrong. Again, before the distinguished Senator simply accepts every little e-mail, every little memo the corps feeds him, perhaps he should consider the source of that information. If the corps was always right, New Orleans would have never flooded. If everything the corps said was good and true and gospel, we would never have had those billions of dollars of damage in terms of the catastrophic flooding of New Orleans caused solely by breaches in canals which were design flaws of the Corps of Engineers.

Let me go through a few specifics and explain—I have done this with the corps over and over—the authority they do have. One of my top concerns—

Mr. DORGAN. Will the Senator yield?

Mr. VITTER. I will yield when I am through. One of my top concerns is the critical outfall canals in New Orleans. It was the breaches in those canals that led to 80 percent of the catastrophic flooding of New Orleans. It was those breaches that were caused by design flaws of the U.S. Army Corps of Engineers. All I am asking under this category is that the corps do a risk/cost analysis of the different options they have identified in terms of fixing the outfall canals.

The reason I am concerned about the path they are moving down, which is their option 1, is that I truly believe it is much less safe and much less robust than their identified option 2. It is not only I who believes that. It is the corps who admits it. In the corps' report to Congress, which we mandated, the corps itself said: Option 2—that is the option they are rejecting—is generally more technically advantageous and may be more effective operationally over option 1 because it would have greater reliability and further reduces the risk of flooding.

In addition, Chris Accardo, the corps' chief of operations in New Orleans, said he is in favor of option 2 over option 1, absolutely.

In light of that, all I am asking, with the rest of the Louisiana delegation, with all the affected communities in southeast Louisiana, is that the corps perform a risk/cost analysis comparing these different options before they forge ahead building the option they themselves admit is less safe, less dependable.

It is also important to note that the corps clearly has authorization from Congress to do this study. General Van Antwerp, in my office, clearly said they do. They have authorization. They have authority. They can do the study. They are not going to do it. Why don't we compare these options, the relative risk and the relative cost, before the Corps of Engineers plunges ahead to build the option they themselves say is less secure and less safe?

The second key issue I have focused on in my letters to the corps is the mandated AGMAC project, including the buildup of protection banks in Vermilion Parish to give that parish greater protection from storm surge. They were devastated during Hurricane Rita, in particular, and also in significant events since then. Again, the corps has authority to do this project. This project is in the WRDA bill. The corps says: We have busted our spending limits. We have explained to them various ways they can solve that problem by using O&M funds, exactly as they have used O&M funds for bank buildup in the MRGO project. We have given them another route, to use the CWPPRA program in conjunction with the WRDA-mandated project. The corps' response has been pretty simple. Its response has been: No, we don't want to do it.

Third and finally, the other big concern I have highlighted and the most obvious case of the Corps of Engineers ignoring the mandate of Congress, not having authorization, actively ignoring the mandate of Congress, is the critical Morganza to the gulf flood protection project. That project was initiated in 1992, 18 years ago. Senator DORGAN, the distinguished Senator from North Dakota, wants to say that the corps has no authority in this area. This project was included in three different water resources bills, once, then twice, and then a third time. Every step of the way, the corps has come up with excuses why they cannot move forward. Under their present plan, they are restudying the project, and that restudy is due in December 2012. There is one little problem with that. That will be after the next water resources bill, which we hope to pass in 2011. All the people of LaFourche and Terrebone Parishes who are going without adequate protection, who are in danger every additional hurricane season, having missed three WRDA trains because of the foot-dragging of the corps, now under the corps' present plan, they will miss a fourth.

We wish to talk about authorization from Congress. Is specific, full construction authorization in three WRDA bills not good enough? If that is not good enough, I don't know how to meet the corps' criteria.

If those three particular concerns are not enough, we can expand the list. In an attempt to work with the corps, in an attempt to find resolution, I have narrowed the list. I have tried to compromise. I have offered to meet with them. I am offering to meet with them again, as I have done consistently throughout the process. But if narrowing the list is going to be held against me, we can expand the list. How about the final report of the Louisiana Coastal Protection and Restoration effort, a comprehensive analysis mandated in Public Law, an emergency appropriations bill after Hurricane Katrina? It was due in December 2007. It is not finished. It is not delayed because of the State of Louisiana. It is delayed because of the corps.

I know Senator DORGAN is anxious for a promotion of the corps leadership. I have to say, I am anxious for this critical report that was due in December 2007. We haven't seen it.

Is that not good enough? How about the Louisiana Water Resources Council I talked about? That was mandated in the 2007 WRDA bill. The corps has not produced it yet. It wasn't just authorized; it was mandated. It is not up and running. Senator DORGAN is anxious for a promotion for the pristine corps leadership. I am anxious for that.

How about the establishment of a Coastal Louisiana Ecosystem Protection and Restoration Task Force? That was mandated in the 2007 WRDA. We haven't seen that yet. The integration team under that task force was a separate team mandated in the 2007 WRDA, 3 years ago. Nowhere to be seen. That is not being held up by the State. That is the corps. Clear authorization, clear mandate, nowhere to be seen.

How about a comprehensive plan for protecting and preserving the Louisiana coast? That was due in November 2008. That was mandated in the 2007 WRDA. It is not being held up by the State, but it is nowhere to be seen. Senator DORGAN is anxious for promotion for the pristine corps leadership. I am anxious for this important work to protect Louisiana citizens.

That is not the whole list. How about the Mississippi River Gulf Outlet Ecosystem Restoration Plan? That was due in May of 2008. We haven't seen it. It has not been submitted. It is a corps report, not a State of Louisiana report. Nowhere to be seen.

How about section 707 of the WRDA? That actually mandates that the State can get credit from one project and it can be transferred to another project. It is in clear language. The corps says they are not going to do it. You want clear authorization? We have it. The corps is ignoring it.

How about section 7006 in the same 2007 WRDA. That requires that five construction reports be submitted to Congress to move forward with key projects authorized in that WRDA, five critical projects. They are authorized in the WRDA bill. They can't move forward until those construction reports are submitted by the corps.

We have not seen the first thing of any of those five reports. The State is not holding them up. We are waiting on the corps. The distinguished Senator is anxious about a promotion for the pristine corps leadership. Well, great. I am anxious to see that mandated report.

We can go on and on. The point is——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. VITTER. Mr. President, I ask unanimous consent for 2 additional minutes.

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator's time has expired.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague from Louisiana describes me as anxious. I will tell you what I am anxious about. I am anxious to have a Member of this Senate stop using a U.S. soldier and the promotion of a soldier as a pawn to meet certain demands. I am anxious never to see that happen again.

We are talking about a soldier who has served in wartime, has served 30 years, who, 6 months ago, was supposed to have been promoted by a unanimous vote of the Armed Services Committee under the leadership of CARL LEVIN and JOHN MCCAIN. Six months later, that soldier's career is on hold because of one Senator.

I wish to say this. I think it was Will Rogers who said: It is not what he says that bothers me. It is what he says he knows for sure that just ain't so. I have just heard the most unbelievable amount of fiction on this floor. Let me describe some of it. My colleague has just gone through a tortured lesson in the most unbelievable interpretation of the authority and the law with respect to the Corps of Engineers.

I said when I started today that we have put $14 billion into New Orleans and Louisiana. I have been proud to be a part of that as chairman of the subcommittee on Appropriations that actually funds these issues—$14 billion. But I will say to my colleague, my colleague is fast wearing out his welcome with me and I expect the Corps of Engineers with this kind of behavior.

I do not normally do this personally, but I tell you what, when a soldier serves his country and then my colleague says to that soldier: I am not going to allow you to be promoted until the Corps of Engineers does what I demand, when, in fact, the Corps of Engineers cannot legally do what he demands, then I say that is using a soldier's promotion as a pawn, and I think that is unbelievably awful to do.

I wish to say this. My colleague described—in fact, he said I was using information the corps feeds me. He went into a whole series of pieces of language, suggesting we have all swallowed the minnow somehow.

Let me say this. On the first item my colleague raised, he forgot to make one important point. He said: I demand they do this. That is the first issue of his letter to the Corps of Engineers—the outfall canals and pump to the river. I demand they do this, he said. Well, they cannot do that, actually. What he is proposing, by the way, for his State and his city is to spend more money for less flood protection. That is what he is proposing.

The corps will not do it, and I will tell you why. He knows why, but he would not tell the rest of the folks here. But we actually had a vote on that in the Senate Appropriations Committee. Guess how that vote came out. The majority of the Democrats and the Republicans on the Appropriations Committee said: We do not intend to spend more money for less flood control protection. We do not intend to do that. We voted no. It is just one little piece of information my colleague left out on the floor of the Senate. Convenient perhaps, but, nonetheless, he left it out.

I am not going to go through this. We have the majority leader and the minority leader on the floor. But I offered, as a courtesy, to tell the Senator from Louisiana when I was coming to the floor today. He did not extend the same courtesy to me when I asked him to yield so I could make a point about the vote, so I will not be extending that courtesy in the future.

I am going to come to the floor again on a unanimous consent request saying: Let's have one person in this Senate stop using the promotion of a dedicated, decorated, American soldier as a pawn in order to meet demands that the Corps of Engineers cannot meet. My colleague seems to think somehow that the Corps of Engineers is something, an organization without merit. I will say this to him: There are plenty of things wrong with, I suppose, every government agency and every government organization.

But I will say this. If you know much about the Corps of Engineers, you are not going to want to be in a big flood fight without them as a partner. Oh, they have made mistakes, I tell you. But nobody has had more floods than we have had in North Dakota, I expect, over a long period of time, and I wish to see the corps as a partner in the flood fight because they are good. They know what they are doing.

Yes, they have made mistakes. But when my colleague comes to the floor of the Senate and says there are 14 reports, the Corps of Engineers blew it—14 reports—they cannot meet any deadlines, he does not tell the rest of the story. I went and checked on those 14 reports. Let me describe 10 of them. I will not describe the other four because it would take some time. But for 10 of the reports the deadline was not met on, it was because the reports required there be the execution of a feasibility cost-sharing agreement with the State of Louisiana, and at the request of the State of Louisiana, the corps did not execute the agreement until June of 2009.

So my colleague criticizes the Corps of Engineers, calls them a bunch of elitists. He says they miss all these deadlines. Well, at least on 10 of the deadlines the State of Louisiana asked them not to proceed with respect to that agreement until June of 2009. That is fundamentally unfair—fundamentally unfair.

With respect to Morganza to the gulf—and I could go through a whole list of things to demonstrate that—as much as my colleague would like for the corps to have complete authority and funding to do everything he would like and then for them to say: Yes, absolutely, whatever you like, we are willing to do—as much as he would like that, he is flat out dead wrong when he says they have the authority to do these things.

I put the demands in the RECORD, two letters from my colleague. They are in the RECORD and I have read and will read—but I will not do it now because my colleagues are here and waiting to speak.

Mr. REID. Mr. President, will my friend yield for a unanimous consent request and then the Senator will maintain the floor?

Mr. DORGAN. Mr. President, I will be happy to yield without losing my right to the floor.

Mr. REID. I will say to my friend, we have 99 other holds, but this one, I will have to acknowledge, is a little egregious. One of our finest military people is being held up for this. There are ways we can move around this, and we will do it as quickly as we can with cloture.

I appreciate my friend yielding.

The PRESIDING OFFICER. Without objection, the majority leader is recognized.

Mr. VITTER. Mr. President, I ask unanimous consent for 30 additional seconds.

Mr. REID. Mr. President, we have to get this done. OK.

The PRESIDING OFFICER. The majority leader is recognized.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that at 3 p.m., Monday, April 26, the Senate proceed to the consideration of Calendar No. 349, S. 3217, a bill to promote the financial stability of the United States by improving accountability and transparency.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Reserving the right to object, and I will object, here we go again. The majority leader is once again moving to a bill, even while bipartisan discussions on the content of the bill are still underway.

Just about an hour ago, the majority leader said:

> I'm not going to waste any more time of the American people while they come up with some agreement.

Well, I do not think bipartisanship is a waste of time. I do not think a bill with the legitimacy of a bipartisan agreement is a waste of time.

Is it a waste of time to ensure that the taxpayers never again bail out Wall Street firms? Is it a waste of time to ensure that the bill before us does not drive jobs overseas or dry up lending to small businesses? Is it too much to ask, should an agreement be reached, that we take the time to make sure every Member of the Senate and our constituents can actually read the bill and understand the details?

This bill potentially affects every small bank and lending institution in our country. It has serious implications for jobs and the availability of credit to spur economic growth. It has important consequences for the taxpayers, if done incorrectly.

I think Americans expect more of us. I think they expect us to take the time to do it right. I would add, my impression was that serious discussions were going on. I think they should continue. Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Thank you, Mr. President.

Here we go again. This is a bill that has been out here for a month—weeks. I think people even reading slowly would have a chance to work their way through that in a month. This Kabuki dance we have been involved in for months now—my friend, and he is my friend, the ranking member of that committee, the distinguished senior Senator from Alabama, worked with the chairman of the committee for weeks and weeks—weeks going into months—trying to come up with a deal we could move forward on. That was no longer possible. No negotiations went on. My friend from Alabama said that is enough.

Then we get the Senator from Tennessee coming in and spending weeks with my friend, the chairman of the Banking Committee, Senator DODD. That fell through.

We are moving to this bill because we need transparency, we need accountability, we need someone to respond to Wall Street because they have not responded to us.

This game is apparent to the American people. My friends on the other side of the aisle are betting on failure

again, as they did with health care, as they have done on everything this year. They did not get—health care was not Obama's Waterloo. Maybe they want this to be his Waterloo, but it is not going to be. We are going to move forward on this piece of legislation because the American people demand it.

I have said publicly on many occasions, we need to get on this bill. Remember, we are not finalizing the bill. We are asking for the simple task we used to do easily: move to the bill. I am only asking permission to get on the bill—to get on the bill—and then start offering amendments. I am not asking everybody to approve the bill as it is written. All I am asking for is we move to the bill.

If there is an agreement reached between the ranking member and the chairman of the committee, it is easy to take care of that. There would be a substitute amendment. They would agree to it and probably it would be accepted pretty easily. So to think this is some way to bail out Wall Street firms is an absolute joke. Read the bill.

So in light of the objection, I now move to proceed. I am moving to proceed. It takes me 2 days. It takes the Senate 2 days for this to ripen. We are going to have a vote Monday. We should be on the bill today offering amendments, having opening statements on the bill. Those who think it is good, say something good about it. Those who think it needs to be improved, improve it. But, no, we are going to waste the next 4 days getting on the bill.

CLOTURE MOTION

So in light of the objection, I now move to proceed to Calendar No. 349, S. 3217, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 349, S. 3217, the Restoring American Financial Stability Act of 2010:

Harry Reid, Christopher J. Dodd, Byron L. Dorgan, Mark Udall, Roland W. Burris, Daniel K. Inouye, Sherrod Brown, Robert P. Casey, Jr., Mark Begich, Patrick J. Leahy, Tom Udall, Patty Murray, Tom Harkin, Richard J. Durbin, Frank R. Lautenberg, Benjamin L. Cardin, Bill Nelson, Jack Reed.

Mr. REID. Mr. President, just so the American public knows this also, if there is an agreement reached between Senators DODD and SHELBY and anyone objected to that agreement, I would have to start all over with a bill because it would be a new bill and we would have the same games being played. So if they can come to an agreement, more power to them. They will work this out as an amendment to the bill or a substitute.

Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the motion to proceed occur at 5 p.m., Monday—I will drag the vote; some people wanted it earlier, some wanted it later, and we will not close the vote until at least a quarter to 6—so that will be on Monday, April 26, at 5 p.m., and with the mandatory quorum being waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I would only add, briefly, that Senator DODD and Senator SHELBY are on the floor. I would encourage them to continue to do what they have been doing, which is to try to reach an agreement.

The only place where I would disagree with my good friend, the majority leader, is I think it does make a difference which bill we turn to. Hopefully, the bill we turn to will not be a bill that came out of the committee on a party-line vote but, rather, a bill negotiated on a bipartisan basis by those who know the most about the subject: Senator DODD, Senator SHELBY, and the members of their committee.

It is still my hope we will be able to go forward on a bipartisan basis, and I look forward to hearing from Chairman DODD and Ranking Member SHELBY about the progress they make.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

The Senator from North Dakota is recognized.

NOMINATION OF BRIGADIER GENERAL MICHAEL J. WALSH

Mr. DORGAN. Mr. President, I am tempted to ask the minority leader, while he is on the floor, whether he might help us proceed to overcome the objections of Senator VITTER and achieve the promotion that was offered 6 months ago but since has been blocked for a distinguished soldier. I guess I will withhold on that and wait for another moment.

But let me indicate quickly—and I will be happy to respond to a question then—the Outfall Canals/Pump to the river, which my colleague is so significantly criticizing the Corps of Engineers for—let me read specifically:

The Corps will conduct a supplementary risk reduction analysis as part of the detailed engineering feasibility study, including the NEPA compliance documentation, for options 2 and 2a, if Congress appropriates funds for the study.

Congress has actually voted on these funds through the Appropriations Committee and said: No, we would not do that.

So my colleague knows that holding up the promotion of a soldier is not going to achieve his ends. The Appropriations Committee has already voted.

I am happy to yield to the Senator from Virginia for a question.

Mr. WARNER. Mr. President, I appreciate that. I have a question. I appreciate the comments of the Senator from North Dakota, and I agree with his comments. I have to say—and I know some of my colleagues were here earlier.

Before I came to this body, I spent a career as a CEO of a business and a CEO of a State. While I have great respect for this body and the rules and traditions of this body, something seems a little strange when 15 months into a new administration, this President can't get his nominees up for a straight up-or-down vote—put the management team in place. If there is a challenge or a problem with the qualifications of the gentleman the President proposes to be the head of the Corps of Engineers, we ought to debate that and vote him down, but he should not be held in this kind of gray secret hold or this area of abeyance. A number of my colleagues have spoken about this already. All of the freshman and sophomore Democratic Members—and I am sure we would welcome our Republican colleagues to do the same—are saying this process of putting people on hold, particularly seeking holds that have no relationship to their qualifications for the job, is wrong.

I don't know how to answer this when people around Virginia ask me: Why can't you get stuff done, and why can't these things be moved forward?

So a number of us—we may be new to the body, but just because of the very action that is being debated right now—are going to continue to press this issue. I commend the Senator from North Dakota.

Again, is the Senator from North Dakota aware of any substantive reasons this man who served our country for so long in our military should not be confirmed as the head of the Army Corps of Engineers?

Mr. DORGAN. Mr. President, I would say to the Senator from Virginia, there are no reasons with respect to this person's military service. I have not heard any reasons from the Senator from Louisiana. He is not holding up his promotion because he thinks the man is unfit or didn't earn the promotion; he is holding up the promotion because he says he is demanding other things from the Corps of Engineers.

Despite my irritation, let me say I don't dislike my colleague from Louisiana. I intensely dislike what he is doing, and I expect most informed soldiers in this country should dislike what he is doing because I believe it puts a soldier in the position of being a pawn as between the demands of a U.S. Senator and some agency.

I will go through at some point—the Senator, I know, is leaving this afternoon, and that is why I, as a matter of

courtesy, told him when I would come to the floor. But at some point later when others aren't waiting, I will go through and describe the issues, responses to the issues, because the rest of the story is much more compelling than the half story given to us by the Senator from Louisiana.

The Ouachita River levees, the authorization for that Ouachita River and tributaries projects specifies that levee work is a nonfederal responsibility. Congress has not enacted a general provisional law that would supplant this nonfederal responsibility and allow the corps to correct levee damages not associated with flood events.

As much as a person—as someone here—doesn't like that answer, that is the answer. Again, my colleague is saying—if you strip away all the bark, my colleague is saying: I demand we spend more money on something that will give us less flood control. Well, look, the Senate Appropriations Committee has been confronted with that, and the Senate Appropriations Committee said: No way, we are not going to do it.

One final point, and then I will come back at some later point and the Senator from Louisiana will respond and I will respond to him and, hopefully, someday he will decide there are other ways for him to achieve the means to an end rather than use the promotion of this dedicated soldier as a pawn in this effort he is making.

This Congress has appropriated $14 billion to help the people of New Orleans and Louisiana. How do I know that? Because I chair the appropriations subcommittee that funds these things. I chair that subcommittee. I have been willing and anxious to help the people of Louisiana and New Orleans. I have been willing to do that because I saw what they were hit with: an unbelievable tragedy. I saw it. But I think it is pretty Byzantine to come to the floor and hear the relentless criticism of the Corps of Engineers that has stood with the people of Louisiana and New Orleans, and even today is helping rebuild with that $14 billion. I think there is a time when you wear out the welcome of certainly this Senator and others who have been so quick and so anxious to help, and you wear out the welcome of agencies such as the Corps of Engineers when you suggest somehow that they are a bunch of slothful bureaucrats who can't do anything right.

I have seen people wear out their welcome, and I tell my colleagues this: This exercise in using this soldier as a pawn in this little game, trying to misread the law and the authorities of the Corps of Engineers to demand that they do what they can't do in order to satisfy one Senator, it is the wrong way to do business in this Senate.

I have not convinced my colleague to release his hold and allow, after 6 months, this soldier's career to move forward. I know this is just one. There are 100 of them on the calendar. This is one, but it is one that is unusual. It is one that is unusual because one soldier's career that has been recommended for promotion by Republicans and Democrats alike is being held up by only one person. I have not heard one other person come to this Chamber and say: I think it is a good idea to use a soldier's promotion as a pawn to try to get what I want. There is not one other person who has done that, and I don't think there is another Senator who would do it. If there is, let's hear from them.

I will come back later. I know my colleague wishes to speak. Had he wanted me to yield, I certainly would have yielded, even though he would not yield to me. There are certain things we shouldn't do around here. Again, I don't dislike him, but I certainly dislike what he is doing because I think it is so fundamentally wrong and undermines the kinds of circumstances in which we have always evaluated the merit of promotions for soldiers who have served this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I am disappointed. I am disappointed. I am disappointed my distinguished colleague is continuing to simply blindly, in my opinion, be a fierce defender of a bureaucracy which is truly broken. Not a pawn in anything, a member of the leadership, one of the top nine officers of the leadership of this bureaucracy.

For my part, I will continue to fight to change, to fundamentally change that bureaucracy and, for starters, to have them follow the law, to have them follow their mandates, their authorizations in the WRDA bill and the other legislation I have outlined.

I have outlined the authorization clearly to the corps. I will outline it again. I have outlined these significant studies that are overdue, have never been produced, not because of the fault of anyone else, not because of the State of Louisiana. I will meet with them next week. I will continue to work on that. I invite the Senator to work on that sort of fundamental change, not just fiercely defending this, in my opinion, truly broken bureaucracy.

I will also note, as the majority leader noted, one Senator cannot kill this nomination. One Senator cannot stop this promotion. The Senate can move on it, so I invite the Senate and the majority leader to do that. It is completely within the majority leader's—his party's power to move on that and to proceed with this nomination, and certainly one Senator cannot stop that. But this one Senator will continue to fight to hold the corps' feet to the fire to make them live by their mandates, to move forward on these critical protection issues for Louisiana.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me just quickly say I intend to work with everybody in this Chamber who comes here to work in good faith to solve problems. But in my judgment, it is an unbelievable mistake to use the promotion of soldiers as a pawn in these circumstances.

I would say that as chairman of the subcommittee that funds all of these projects and all of these issues, I have been pleased to send all of that money—$14 billion—down to Louisiana. But as I said, my friend is fast wearing out his welcome. I think my friend might want to learn the words ''thank you,'' thank you to this Chamber, thanks to the rest of the American people who said to some people who were hit with an unbelievable tragedy: You are not alone. You are not alone. This country cares about you and is going to invest in your future. But I also think thank you to the Corps of Engineers. It is quite clear they have probably made some mistakes in all of our States. It is also clear that it would be a pretty difficult circumstance for a State or for people in any State to fight these battles without the experience and the knowledge and the capability of the Corps of Engineers.

I just think from time to time constructive criticism is in order. I think also from time to time a thank-you is in order. I also think in every case—in each and every case, the truth is in order. I will go through and in every single circumstance describe where the Senator from Louisiana has said the Corps of Engineers has the authority and has the funding, and I will show him that he is dead wrong, and I think he knows it.

But if this impasse continues, my colleague, Senator REID, the majority leader, does have the capability to take 2 days of the Senate's time to file a cloture motion, and my expectation would be that the vote would be 99 to 1 because I don't know of one other Member of the Senate who wants to hold up the promotion of soldiers in order to meet demands that a specific Federal agency cannot possibly meet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, just to close, I have said thank you many times, certainly to the American people, to these bodies in Washington representing the American people. The Senator is certainly right about that generosity and about a lot of the work of the corps.

I do disagree with the Senator in sort of lightly tripping over as a minor mistake design flaws that caused 80 percent of the catastrophic flooding of the city of New Orleans. I wouldn't think that is a minor mistake to trip over. But I will continue to work with the

corps to resolve these issues, and I will go through every one of those additional 11 items I outlined because we are waiting on that critical work and on those critical reports. That is not only authorized, but it is mandated in the 2007 WRDA bill and other bills, and we need that to move forward.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I note the presence of my colleague and friend from Alabama, the former chairman and now ranking member of the Banking Committee on the Senate floor, and I will be very brief. We have heard the proposal by the majority leader, the objection by the minority leader, and the announcement that there will be a filing of a cloture motion which will mature, I think, on Monday around 5 o'clock or so when a vote will occur.

Let me briefly express, first of all, my thanks to RICHARD SHELBY, my colleague from Alabama. For many months—going back more than a year, actually—we have been working together now on this. Over the last 38 or 39 months that I have been privileged to be chairman of the committee, we have sat next to each other. There have been some 42 proposals that have come out of the Banking Committee over the last 38 months, and I think 37 of them are now the law of the land.

There have been a wide range of issues, including things such as flood control, but also dealing with port securities, with risk insurance, with housing issues, with credit cards—all sorts of issues that our Banking Committee has wrestled with in the midst of the worst economic crisis since the Great Depression.

So before another word is said, before another amendment is filed or another motion made, let me say thank you to RICHARD SHELBY and my other members of the committee for their cooperation and the work we have done together on that committee. Very few votes that have occurred have been negative votes. We had a few of them that happened; that is understandable from time to time. But, by and large, we have worked together.

I want our colleagues to know, but also I think most of us want the American public to know, that despite political differences, the fact that we come from different parts of the country doesn't separate our common determination to see to it that we put ourselves on a much more solid footing than, obviously, we were at the time this crisis emerged. We want to never again see our Nation placed in economic peril as it was over the last several years, with as many jobs and homes lost and retirements evaporating, health care disappearing because of job loss. We have been dealing with all of the problems: small businesses collapsing, credit shutting down, capital not available for new starts and new ideas.

So we have put together a bill. Granted, it was not a bipartisan vote in committee, but as I am sure my colleague will recognize, much of what is in this bill today is different than the one I offered in November. I am not going to suggest that my friend from Alabama and others loved every dotted I and crossed t, but I believe he will acknowledge that there is a lot of cooperation represented in this bill, trying to come to some common territory so we can say to the American public: Never again will you be asked to spend a nickel of your money to bail out a financial institution. The presumption is failure and bankruptcy. We want to wind you down in a way that doesn't jeopardize other solvent companies and the rest of our economy in the country. We want to make sure consumers get protected, when they have a place to go—when a product they buy fails, there is a place they can go. We recently saw an automobile company where the accelerator jammed and people were put at risk. There was a recall on that product because it placed people at risk. Nothing exists today that allows for a recall of a financial product that puts you at risk. Our bill tries to do that. We try to complete an early-warning system so we can pick up economic problems before they metastasize into major issues. There are other pieces of it as well.

We are working to come to a common understanding of how best to achieve those goals and results. My hope is, because of the magnitude of the bill, we can get to a debate and discussion. My experience over 30 years in this Chamber is that we never get to a resolution of issues until we have to. As long as there are sort of discussion groups going on in various rooms of the Capitol and meetings that we have—that is all helpful and can help us understand issues better, but the only way we get to a resolution of conflicting ideas, in the final analysis, is to be on the floor of this Chamber, where Members bring their ideas and we work on them together. We try to accept the good ones or modify them to make them fit into the structure. The bad ideas we try to reject when we can. But you have to be here.

Senator SHELBY and I, as hard as we work, we know we don't represent 98 other people in this Chamber. Other Members who are not members of our committee or who are members of our committee certainly have every right to be heard on this bill and to express their ideas as to how we can do a better job of achieving what we are trying to achieve. But we need to get there. If we don't even have the chance to start this process, you can't ask the two of us to resolve it for everybody. It is too much. We can try to come close and we can try to reflect the views of our respective caucuses and the American people, but don't expect us to sit there and write a complete bill to deal with an entire meltdown of the financial sector of our Nation. We can help get there. We have good ideas on how to achieve it. But we need this body to function. It cannot function as long as we are debating whether we can even get to the bill.

We have spent more than a year on this, and over a month ago we finished our work in the committee. It was voted out of committee. It wasn't a bipartisan vote, but we moved forward. Now we have a chance for this body to act on the product that came out of committee, which will be before us. Where we can get agreement and some changes, we will have a managers' amendment or a substitute or whatever procedural way necessary to try to accommodate those, reflecting the ideas of our colleagues. Others can bring their ideas to the debate. We need to have that. That cannot occur until we are actually here doing it.

I urge my colleagues, principally, I say, on the minority side but not exclusively—I think there are those on the majority side as well—everybody can play hold-up and say: If I don't get my way and if you don't do what I want, then I will object to getting to the bill. If that is the case, who wins on this matter? Certainly not the American people, who expect a little more out of this Chamber than whether each 100 of us insists upon our own agenda. It doesn't work that way, unfortunately. This is not an executive body. We are coequals here, even those in the leadership. We have a right to be heard.

My colleague from Arkansas, chairman of the Agriculture Committee—they marked up a bill dealing with derivatives and other matters, as they should. There is jurisdiction of that matter in their committee. We did the same. We have some jurisdiction over the subject matter. We need to harmonize the rulemaking on that subject matter.

I hope that on Monday afternoon, Senator SHELBY and I will continue working with each other, as will our staffs today, tomorrow, and over the weekend, to try to come to some understanding on some of these matters. I am not going to tell you to count on the two of us to solve all of our problems. We cannot.

I ask everybody, let's get to the debate. The American people cannot tolerate us doing nothing, waiting around to see if another crisis comes and whether we can respond to it. That is unacceptable.

About 5 on Monday, we need to have the votes to go forward. The two of us will sit in our respective chairs and present our ideas and talk and discuss how these ideas can emerge, and we will invite our colleagues to come to the floor to debate, discuss, and offer

their ideas, and we will try to make this an even better bill. We think we have a good one, but we also know that anybody who suggests to you that they have written the perfect piece of legislation, be wary of them. I have never seen a perfect bill in 30 years—maybe a Mother's Day resolution or something, but aside from that, don't count on perfection to be offered here. It is anything but perfect. I hope we get to that moment.

We have had our discussions over the last week, and I will continue talking about the substance of our bill. We cannot turn into a petulant organization here that screams at each other. We need to get about the business the American people sent us here to achieve. With the relationship I have had with my friend from Alabama, I remain optimistic we will get the job done.

Legislative processes are not the most beautiful things to watch. It is what our Founders designed, what those who have come before us have been able to use to achieve some of the great successes of our Nation on many different matters.

We are now confronted with another great challenge as to whether we can step up and resolve the kinds of issues that would avoid the kind of catastrophe we almost witnessed in our Nation. That is our job. We are chosen by the citizens in our States to represent not only their interests but our fellow countrymen's interests as well.

I look forward to the vote on Monday. I hope we may not have to have it, that we can proceed to the bill and let Senator SHELBY and I and the committee members and others do the work and shape a good bill.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, first, I thank Senator DODD for his leadership on the Banking Committee. I worked with him, as he said, day-in and day-out, and this is the fourth year of his chairmanship. We have achieved a lot together in a bipartisan way.

Both sides of the aisle are working together for a common goal. We share a lot of these goals. What are some of the goals?

Ending bailouts. Senator DODD and I both believe that nothing should be too big to fail—financial institutions and, I believe, manufacturing and anything else. Nothing should be too big to fail. We are working toward that end.

Protecting consumers. We are very interested in a consumer agency. We want to balance that, while protecting the deposit insurance fund and so forth.

Regulating derivatives. Let's be honest, they played a big role—a lot of them in the closet, unknown, and so forth—in our financial debacle. Derivatives are used every day legitimately by so many of our businesses, not only in America but all over the world. So we need to regulate derivatives while protecting jobs and our economic growth. It is a common desire. Details matter here. The Presiding Officer understands that. Senator DODD understands it very well.

As we are moving down the road in the process, we are continuing to negotiate and to do it in good faith, trying to reach a common goal. Who knows what will happen between now and Monday or next Tuesday or Wednesday or Thursday. I hope it is a bipartisan bill and that we can gather a lot of people on both sides of the aisle to support it. I think that is one of our goals.

What is the main goal? To do it right. Don't just do it, but do it right. Will it be perfect? Nothing is perfect, as Senator DODD talks about. But if we work in good faith, as we are trying to while the process is going forward, I think we can make some real progress toward the common goal—to have a strong financial system that is well regulated, to have derivatives that are brought out of the closet to work, and to have a consumer agency that will work for all of us. There are many other things, but that is my goal, and I share that with Senator DODD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 3247 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. UDALL of Colorado. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 3248 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EARTH DAY

Mr. BINGAMAN. Mr. President, I wish to speak for a moment about Earth Day. This is the 40th anniversary of Earth Day—the 40th Earth Day, in fact, the 22nd of April. I am speaking now because of my great admiration for the work of Senator Gaylord Nelson in establishing this Earth Day. I was reminded of it in two respects in the last week. One was getting to visit with his widow, Carrie Lee Nelson, who is a great personage herself, who made a great contribution to his career in public service and continues today to advocate for the same issues he advocated for, particularly as they relate to the environment.

Also earlier this year, Don Ritchie, our Senate Historian who speaks to us on Tuesdays at the Democratic lunch each week when we get together, gave what I thought was a fitting tribute to Gaylord Nelson that I wanted to share with people. I asked permission to do that. Don Ritchie agreed that was something that was acceptable. I would like to read through this and take 2 or 3 minutes.

As the Senate Historian, he recounted the facts as follows:

This past weekend, the Mini Page, a syndicated children's supplement that appears in 500 newspapers across the country, paid special tribute to a former U.S. Senator, Gaylord Nelson, for launching the first Earth Day on April 22, 1970. Five years after his death, Senator Nelson remains an icon of the environmental movement.

Senator Nelson used to say he came to environmentalism by osmosis, having grown up in Clear Lake, WI. He promoted conservation as Governor of Wisconsin and, after he was elected to the Senate in 1962, he used his maiden speech to call for a comprehensive nationwide program to save the natural resources of America. He went on to compile an impressive list of legislative accomplishments, which included preserving the Appalachian Trail, banning DDT, and promoting clean air and clean water. But it was Earth Day that gave him international prominence and served as his lasting legacy.

Senator Nelson worried that the United States lacked a unity of purpose to respond to the increasing threats against the environment. The problem, in his words, was how to get a nation to wake up and pay attention to the most important challenge the human species faces on the planet. Then a number of incidents converged to help him frame a solution. In 1969, a major oilspill off the coast of Santa Barbara covered miles of beaches with tar. Senator Nelson toured the area in August and was outraged by the damage the oilspill had caused, but was also impressed with the many people who rallied to clean up the mess. Flying back from California, the Senator read a magazine article about the anti-Vietnam War teach-ins that were taking place on college campuses. This inspired him to apply the same model to the environment.

In September 1969, the Senator charged his staff with figuring out how to sponsor environmental teach-ins on college campuses nationwide, to be held on the same day the following spring. Rather than organize this effort from the top down, they believed that Earth Day would work better as a grassroots movement. They raised funds to set up an office staffed by college students, with a law student, Denis Hayes, serving as the national coordinate. They identified the week of April 19 to 25 as the ideal time for college schedules and the possibility of good spring weather. Calculating that more students were on campus on Wednesday made Wednesday, April 22, the first Earth Day. Critics of the movement pointed out that April 22 happened to be Vladimir Lenin's birthday, but Senator Nelson rebutted that it was also the birthday of the first environmentalist, Saint Francis of Assisi.

An astonishing success, the first Earth Day in 1970 was celebrated by some 20 million Americans on 2,000 college campuses, at 10,000 primary and secondary schools, and in hundreds of communities. Forty years later, its commemoration this week is expected to attract 500 million people in 175 countries.

I will at some later point talk about the environmental legacy of one of our own Senators from New Mexico, Senator Clinton Anderson, who was one of the prime sponsors and promoters of

the Wilderness Act and worked with Gaylord Nelson on many of these same environmental issues and, of course, with President Kennedy, Stewart Udall, and with President Johnson.

There are many people who deserve great credit for the legacy in this country and the focus on environmental issues, and Earth Day is an appropriate time to acknowledge their contributions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I commend the Senator from New Mexico for drawing our attention to Earth Day. It has certainly become a national, if not global, observance that calls to mind the relationship we have with this Earth that we live on and our responsibilities. We are now considering legislation involving carbon and the impact of carbon on the environment and on this planet. There are some differences of opinions on the floor of the Senate about whether this is a challenge and, if it is, how to address it.

Early next week, three of our colleagues are going to step forward with a proposal. Senator JOHN KERRY has spearheaded an effort, working with Senator BARBARA BOXER and Senator BINGAMAN, to come forward with an idea of clean energy. He will be joined by Senator JOSEPH LIEBERMAN and Senator LINDSEY GRAHAM. It is a bipartisan effort.

What they are seeking to do in this bill is certainly consistent with the goals of Earth Day and our national goals: First, to reduce our dependence on foreign oil, to encourage domestic energy sources that are renewable and sustainable so we can build on our future; second, to create jobs, which is our highest priority in this Congress with the recession we face. We understand the reality that countries such as China see a great potential for building solar panels and wind turbines and a variety of different forms of technology to promote energy efficiency and to promote the kind of clean energy approach that we should have as part of our future. Third, of course, is that we want to do something about pollution—carbon emissions, the impact they have on our lungs and on our atmosphere.

I think this is a noble agenda. It is an ambitious agenda because it engages the entire American economy. We want to be sure we do the right thing, the responsible thing, when it comes to clean energy and our future but not at the cost of economic growth and development. I happen to believe a case can be made that absent our effort, we are going to fall behind in the development of industries that have great potential.

There was a time that the two words, ''Silicon Valley,'' sent a message not only to America but to the world that we were leading in the information technology development arena. I cannot even guess at the number of jobs, businesses, and wealth that was created by that information technology leadership in the United States. Now we need to seize that leadership again.

It is frustrating, if not infuriating, to think that 50 years ago, Bell Labs in the United States developed solar panels. Now, of the 10 largest solar panel producers in the world, not one is in the United States. That has to change. It is something of a cliche, but I say it in my speeches and it resonates with people, that I would like to go into more stores in America and find ''Made in America'' stamped on those products.

When it comes to this type of technology—solar panels, wind turbines—there is no reason we can't build these in the United States so that we are achieving many goals at once: a clean energy alternative, reducing our dependence on foreign oil, creating good-paying jobs in industries with a future, and in the process doing the right thing for Mother Earth. Earth Day is a time to reflect on that.

I have often spent Earth Day back in Illinois, downstate with farmers, and I can't think of any class of people in America closer to Mother Nature every single day of their lives. Most of them are not all that comfortable with these so-called environmentalists. They think they are too theoretical and not grounded in the reality that farmers face in their lives. But I have tried to draw them together in conversation, and almost inevitably they come up with some common approaches.

Whether we are talking about soil and water conservation or reduction of the use of chemicals on the land, all of these things are consistent with both environmental goals and profitable farming. So I look at our stewards of the agricultural scene in America as part of our environmental community who can play a critical role in charting a course in making policies for the future.

Mr. President, I hope that soon we will be moving to financial regulatory reform. It is a Washington term known as Wall Street reform, or basically trying to clean up the mess that was created by this last recession. This is a bill that is controversial. It has been worked on by many committees in the Senate. Senator BLANCHE LINCOLN in the Agricultural Committee took on a big part of it. Most people are surprised to think of Wall Street and the Ag Committee at the same time, but those of us from Chicago are not. We have a futures market which has been in place for almost a century, starting with the Chicago Board of Trade, and it deals in futures—derivatives, if you will—that are based on agricultural commodities and currency and interest rates and a certain index. That operation in Chicago is governed and regulated by the Commodity Futures Trading Commission. The jurisdiction of that, as it started with agricultural products, has been relegated to the Agriculture Committee.

Senator LINCOLN met this week and did an outstanding job of reporting a bill on that section of the bill related to derivatives and futures regulated by the Commodity Futures Trading Commission. She was successful in reporting the bill from her committee, with the support of Senator GRASSLEY of Iowa making it a bipartisan effort. Another Republican Senator expressed an interest in helping as well. So I give her high praise in this charged political atmosphere in which we work in this body. It says a lot for her that she can put together this type of bipartisan coalition.

At the same time, Senator DODD, in the Banking Committee, has been working on a bill as well, trying to bring the two together on the Senate floor and have a joint effort to deal with this issue.

Now, why are we doing this? Well, we are doing this for very obvious reasons. We know that leading into this recession, Wall Street and the big banks in America got away with murder. At the end of the day, the taxpayers of this country were called on to rescue these financial institutions from their own perfidy.

When we look at the things they did in the name of profit, it turned out to be senseless greed. At the end of the day, many people suffered. As a result of this recession, $17 trillion was extracted from the American economy—$17 trillion in losses. Mr. President, $17 trillion is more than the annual gross national product of the United States. So if we took the sum total value of all the goods and services produced in our country in 1 year, we lost that much value in this recession. It was the hardest hit the American economy has taken since the Great Depression in 1929.

Of course, a lot of it had to do with bad decisions. Some individual families and businesses made bad decisions. They borrowed money when they shouldn't have. They got in too deeply, bought homes that were too expensive. They might have been lured into it, but they made bad decisions. The government made some bad decisions. We thought, as a general principle, encouraging home ownership was great for our country; that the more people who own a home, the more likely they will make that home a good investment for themselves, and the more likely they will be engaged in their neighborhood and their churches and in their communities, and the stronger we will be as a nation. That was the starting point. So we opened up opportunities for home ownership, reaching down to levels that had not been tried before, and, unfortunately, that went too far.

The private sector was to blame. When we look at so many people who were lured into mortgages and borrowing far beyond their means, we see there was also a lot of deception going on. People were told they could get a mortgage and make an easy monthly payment and weren't told their mortgage would explode right in front of them, as the subprime mortgage, in a matter of months or years, would have a monthly payment far beyond their means. They weren't told there was a provision in that mortgage which had a prepayment penalty that stopped them from refinancing, and that they were stuck with high interest rates from which they couldn't escape. They weren't told that just making an oral representation about their income was not nearly enough; that they needed to produce documentation about their real net worth.

These so-called no-doc closings, which became rampant in some areas, led to terrible decisions, encouraged by greedy speculators in the financial industries. So the net result was that the bottom fell out of the real estate market and $17 trillion in value was lost in the American economy. Most of us felt it in our 401(k)s, in our savings accounts, and in our retirement plans. We saw it with businesses that lost their leases and lost their businesses and had to lay off their employees.

The President was faced with 800,000 unemployed Americans in his first month in office. That is an enormous number of people. The total today is about 8 million actively unemployed, with 6 million long-term unemployed. It is huge, and it affects every single State. In my State, there is over 11 percent unemployment. In Rockford, IL, it is close to 20, and Danville about the same. I have visited those communities, and I can see the pain and the sacrifices that are being made by people who have lost their jobs.

So the President came in and asked us to pass a stimulus bill, which we did. It was some $787 billion that was injected into the economy in an effort to get it moving again, providing tax breaks for 95 percent of working families and middle-income families across America. It was a safety net for those who had lost their jobs, not only in unemployment benefits but also COBRA or health insurance benefits, and finally an investment in projects such as highway construction, which would create good-paying American jobs right now and produce something that would have value for our economic growth in the years to come.

At the same time, though, as we go through this painful process of coming out of this recession, we have to make changes in Wall Street and the financial institutions to guarantee that we would not face this again. That means taking an honest look at some of the practices that are taking place today, and that are legal today. We got into this thinking—and I was part of it; most of us were—that if we had an expanding financial sector in the United States, it would expand jobs and opportunities and business growth and global competition.

Unfortunately, it went overboard. Many financial institutions, which are now being called on the carpet, took the authority given them by the Federal Government to an extreme. That is what we are trying to change. We want to make sure there is some accountability on Wall Street and with the big banks, so that we understand what they are doing and that their investments don't end up being a gamble where people can lose their life savings or investments.

We want to make sure as well that we empower consumers in the United States. This bill that is going to come before us has the strongest consumer financial protection ever enacted into law in the United States. We are going to create an agency which is going to protect and empower consumers—protect them from the tricks and traps and shadowy agreements and fine print stuck in mortgages and credit card statements, in student loans, in retirement plans, and all of the things that people engage in daily in their lives where one sentence stuck in a legal document can end up being someone's downfall.

We want to protect consumers from that and empower consumers to make the right decisions, so that there will be clarity in these legal documents that can bring a person's financial empire to ruin. That kind of clarity and plain English is going to be guaranteed by a Federal group that is going to keep an eye on the financial industries.

Some of these large banks are fighting us. They don't want to see this happen. They do not believe there should be this kind of consumer financial protection. But we are going to fight to make that happen so consumers across America have a fighting chance when they enter into agreements, so that they will have a legal document they can understand and one that they can work with, and then they will have an agency to back them up.

Currently, we have only had one Republican Senator vote for this kind of reform—Senator GRASSLEY of Iowa voted for it in the Agriculture Committee version that came out of Senator LINCOLN's committee. But on the Banking Committee, not a single Republican would vote for it. I hope they will have a change of heart.

I understand there are negotiations underway, but I hope the negotiations don't water down the basic agreement in this bill. We need a strong bill. We need a bill that meets the test of what we have been through as a nation. After all of the suffering that has taken place—the businesses lost, the savings lost, the jobs lost—for goodness' sake, let's not come up with some halfhearted effort. Let's stand up to the Wall Street lobbyists who are going to try to water down this bill and tell them no. We are going to call for a vote on a bill that has some teeth in it, something worth voting for, something that will guarantee that we will never go through this kind of recession ever again in our economy.

I think we owe that to the American people, and I hope that next week, come Monday afternoon at 5 o'clock, when this Senate convenes for a vote, I hope we have a strong bipartisan vote to move forward on this whole idea of Wall Street reform. I believe that is in the best interests of our country. I commend Senator DODD and Senator LINCOLN. I urge them to come together, bring their two bills together, and to come up with an agreement that can lead us into this kind of happy day where we have this kind of legislation.

Mr. President, I thank you for allowing me to speak in morning business, and if there is no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RHODE ISLAND FLOODING

Mr. REED. Mr. President, last month, my State was hit by the worst nonhurricane floods in the history of the State, at least in the last 200 years.

Our Governor has preliminarily assessed the damage in the hundreds of millions of dollars, which is a significant figure for the smallest State in the Union. This disaster came at the worst moment for my state. Rhode Island is struggling with an economic collapse that has left it with a 12.7-percent unemployment rate and decimated State and local financial resources.

Indeed, many of the homeowners and businesses who were hit hardest by the floods were among those already struggling to make ends meet. I toured the State, along with my colleague, Sheldon Whitehouse, and met with constituents from Cumberland to Westerly, from the north to the south, as they worked to clean their homes and businesses. We could see the turmoil, as well as their physical and emotional strain and stress. They are tired. They are frustrated, and they are asking for our help. I admire the spirit of people who are willing to pitch in and help their neighbors, and that was evident throughout the crisis. This significant blow came on top of the economic blows we have already suffered. A flood like this is difficult in good times and

it is truly trying in bad times, as we have seen in Rhode Island.

I wish to commend FEMA and all the professionals in emergency management who have come to Rhode Island for their help in the recovery. They are doing a marvelous job. The speed of the response, including from Secretary Napolitano, has been tremendous. She was up there on Good Friday looking at the flood damage. The FEMA teams were on the ground. Deputy FEMA Administrator Rich Serino was there. He visited the damage with me. This is emblematic of the commitment of the FEMA task force. It is not only FEMA. It is also the Small Business Administration. The regional EPA director was there, the regional small business administrator was there. We had representatives from the Army Corps of Engineers and the district engineer.

The most emblematic story was told to me in Washington by a Rhode Islander who was visiting. She was a visiting nurse. She said her sister was at home on Easter. She had some flood damage. The doorbell rang, and it was FEMA. They said: We work 7 days a week. Here is the estimate of the damages, and we will be able to help you in this way.

Even with this dramatic and effective response, the damage was widespread. It covered every corner of the State. This was the first time we have seen, in my lifetime and going back a long time, not only surface water coming over the banks of rivers—there are some areas that perennially flood, similar to anywhere in the country—this was groundwater. We had been so saturated with rain for weeks and weeks. When the final deluge came, there was no place to hold the water. It came up through cellars, through sump pumps, through everything. There were very few parts of the State, very few homes unaffected by at least minor basement flooding; in some cases, very major water damage.

The story of the Pawtuxet River is an example of what transpired. Let me also say that in my course of traveling around, I was reeducated in the development of northern industrial communities. I am looking at the Senator from New Hampshire. The development started with a mill on a stream for water power. Then they built mill cottages around that. Those mills are still there. Those cottages are generally occupied today by relatively low- or moderate-income people. The mill owner, I recall now, put his house on the top of the hill, not around the mill. So that is Rhode Island. That is Massachusetts. That is Connecticut. That is New Hampshire. When these waters flood, you perennially get some communities that see damage from surface water. This is the first time we saw this incredible groundwater as well.

We are a community of rivers and mill villages. The Blackstone River is where the American Industrial Revolution began, the Pawtuxet River in Cranston, the Pawcatuck River, the Pocasset River in Johnston and Cranston—they all were above flood stage. The Pawtuxet River, in my hometown of Cranston, on March 15, crested at a record high of 15 feet. Remarkable. Neighborhoods along the banks flooded as homes and businesses were evacuated. I toured those neighborhoods later in the week and saw the damage. Again, along with Senator WHITEHOUSE, I worked to support a major disaster declaration which was promptly granted. The people of Rhode Island appreciate President Obama very quickly supporting a major disaster declaration, not only for individuals but also for public entities, the cities and towns. This is something he did with great speed and great efficiency. I thank him personally.

Actually, the initial flooding was around March 12 or 13. Then we got the second deluge. It was a two-stage event. As the rains were falling, one woman profiled on local television looked in exhaustion at the new furnace she just installed. In anticipation of the second flood, there was an attempt to move vehicles, furnaces, et cetera around, to shore up or raise equipment on factory floors. But the rapidity and extent of the rain was such that the flood was there before many people could react.

Let me try and give a sense of the damage. This horizontal axis runs south-north under the overpass. This is Route 95, the principal interstate running along the east coast. It was shut down for two days because of flooding. The road was completely inundated with water, completely covered. Then, in the next picture, this is the city of Warwick's wastewater plant, totally engulfed in water. In addition to that, the city of Warwick is also home to our airport. So for 2 days, when you got off a plane, you saw a sign that asked you to respectfully use restrooms someplace else or the Porta-John because the airport could not use their toilets. The whole city asked their citizens to suspend flushing for 2 days. So this impact is something we have never witnessed before. The next photograph is the Warwick Mall, one of the major shopping centers in the State of Rhode Island. It is totally engulfed in water and the inside is flooded. These are stores and retail establishments. They are still trying to reopen it. This facility employs about 1,000 people. They are still out of work. When you a have 12.7-unemployment rate and 1,000 people can't work because they have been flooded, that is adding excruciating pain to something that is already difficult. I must commend the owner of the mall, Aram Garabedian. Aram is indefatigable. Nothing is going to defeat him. Immediately, he was in here cleaning up. It is on the road to recovery and return, but this has been a blow economically to the State. As I said, in Rhode Island, because of our small size and community, there are five or six principal malls. Essentially, 20 percent of our mall sector is out of business.

The next photograph is typical of the property damage. This is in my hometown of Cranston. Notice the sign: ''Give this land back to the river.''

The river decided for a moment to reclaim it. This is the result of the surface flooding and the subsurface water coming up. This looks like the entire inside of the home has been destroyed and removed. Here is a hot water heater, a toilet. Although the house is standing, what is inside is basically a shell. This is a homeowner who now has to rebuild their house, essentially, and replace water heaters, toilets. One of the issues we have is that in some of these areas, because of the subsurface flooding, they are not a flood zone. Unless they have recently borrowed money on a mortgage, there is probably little requirement for them to have flood insurance. Typically, in these communities, the houses have been occupied for 20, 30, 40 years by one family. They have either paid off the mortgage or they don't require flood insurance. So many people, frankly, don't have flood insurance. Then, of course, there is going to be wrangling with the insurance companies because, in some cases, where it was just subsurface water, that does not fit their definition of a flood. So depending on your policy, or if you have coverage, there are thousands of homes in Rhode Island that are significantly damaged. The owner has no resources to rebuild unless he gets some assistance. Again, FEMA has been very good for temporary assistance, but we have to look more long term.

Finally, this is Hopkinton, RI, which is part of our rural area in the west. This photo shows the scope of the flooding there. This structure is totally surrounded by water. I was in other parts of this area, in another community, Charlestown. There was a bridge that was closed. As you walked across the bridge on the other side, because of the water moving under the ground, it looked as if someone had dropped a 500-pound bomb. It was a huge crater. Now the town has to rebuild the bridge. Of course, they don't have the money to do so.

All this is indicative of the situation in Rhode Island. A further point. This photograph was taken a week after the flooding. Notice it is sunny. This is a week after the flooding. These owners couldn't even get to their building after a week. This could have been worse in this particular locale because farther upstream there is a dam, the Alton dam. It was overtopped and the waters were going over it. There was so much concern that it was in danger of

collapsing that there was an emergency evacuation order for the town of Westerly, which is a sizable community to the south on the coast. They were afraid the dam would give and a major metropolitan area, in Rhode Island terms, would be engulfed with water. Luckily the dam held, and the damage was significant but restricted to flooding along the Pawcatuck.

Within the context of jobs, too, several of our facilities and factories were knocked out. Bradford Printing and Finishing has already let go of its employees. They were underwater. They are still trying to literally get back to work. It has been closed for cleanup. Again, workers are on the street, not because they don't have demand for their product. It is because they can't get to the machines where they are flooded. Another company in northern Rhode Island, along the Blackstone River, Hope Global, an extraordinary CEO Cheryl Merchant, they were flooded in 20005. I was there. I had to take a boat into their factory. This time, in anticipation, they literally lifted the equipment. This is a major producer of OEM for the auto industry, webbing and belts, seatbelts, et cetera. They pushed up all that heavy equipment. The water came in, but it didn't reach the equipment. They are back in production, but the preparations and the cleanup are about $1 million. It is hard for the manager of the plant to explain to the board of directors why they are going to spend $1 million every 5 years just to keep the equipment dry.

We have to do something in terms of mitigation. Even in the best times, FEMA would have been necessary. But we are in a very difficult situation. The State is, as we speak, trying to fill a $220 million shortfall in this year's budget. Again, this is a State where $220 million is a significant part of the budget. It is not a rounding error. They are already anticipating a $400 million shortfall next year in the 2011 budget. The bond rating has been lowered once in the last several weeks. It may be lowered again, if this economic distress and this flood damage can't be, in some way, mitigated and supported in terms of cleanup or reconstruction.

Frankly, my constituents know—and we all have seen similar scenes of flooding from the Midwest, from the Southwest, from the Central part of America—every time, at least in my recollection, this Senate has stood and provided support for those communities.

I have supported emergency expenditures for flooding in communities elsewhere in the country, except really up in Rhode Island because we have never had an experience before of this nature, of this size, of this scope. They, frankly, do not begrudge the aid because, as I sense and as my colleagues and constituents sense, someday we might be in that position where we are going to have to ask for it. Well, we are in that position right now. So for everyone who has been here—and it is a significant number—and asked on behalf of their constituents for help because of a devastating flood, I am joining those ranks. We will have an opportunity, I hope, in the appropriations process through the supplementals to provide additional assistance to the State of Rhode Island, for my constituents to deal with this situation, both the economic distress and the physical damage from this flooding.

So, Madam President, I again thank you for the opportunity to talk about what happened, and I will be back again because, as we have responded to the needs of other parts of the country, we ask that we be given the same treatment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REUTERS INVESTIGATION OF WELLPOINT

Mrs. FEINSTEIN. Madam President, earlier today my staff brought to my attention an article that had just come out on Reuters. I read it and felt an outrage and dismay and decided I was going to come to the floor and speak about it.

Today, an investigative story published by Reuters details how WellPoint, a medical insurance company—as a matter of fact, the Nation's largest health insurance company, with 33.7 million policyholders—used a special computer program to systematically identify women with breast cancer and target their health policies for termination—in other words, an effort to specifically target women with breast cancer and then drop their health insurance. I would like to ask every American to read this jaw-dropping story. Instead of providing the health care for which these seriously ill women have paid, WellPoint subjected these paying customers to investigations that ended with WellPoint's administrative bureaucrats canceling their insurance policies at their time of greatest need.

Under attack by both cancer and WellPoint, these women were left ailing, disabled, and broke. Let me give you a few examples.

Yenny Hsu, a woman from Los Angeles, was kicked off of her insurance policy after a breast cancer diagnosis because WellPoint said she failed to disclose that she had been exposed to hepatitis B as a child. Now, that has nothing to do with breast cancer, but it did not stop WellPoint from terminating her coverage.

In Texas, a woman named Robin Beaton was forced to delay lifesaving surgery because WellPoint decided to investigate whether she had failed to disclose a serious illness. The serious illness in question was a case of acne. WellPoint delayed her surgery for 5 months, causing the size of the cancerous mass in her breast to triple. By the time they finally dropped their investigation, she needed a radical double mastectomy.

Another loyal, paying WellPoint customer who faced this situation was Patricia Relling of Louisville, KY. Ms. Relling was an interior designer and art gallery owner who never missed a payment. But that did not stop WellPoint from canceling her insurance in the middle of her fight with breast cancer. WellPoint abandoned her at her weakest moment, forcing her to pay enormous medical bills on her own. This woman, who was once a highly successful business owner, is now subsisting on Social Security and food stamps.

Meanwhile, WellPoint made a profit of $128 million by stripping seriously ill Americans of their insurance coverage in this manner, according to the House Energy and Commerce Committee. This is likely a low estimate because WellPoint refuses to provide a total number for rescissions across the company's subsidiaries. WellPoint earned a $4.7 billion profit in 2009—a $4.7 billion profit in 1 year. Angela Braly, the CEO of WellPoint, received $13.1 million in total compensation in 2009. This was a 51-percent increase in her salary over the prior year.

WellPoint is not alone in doing this to people, but they are an egregious offender. According to the House Energy and Commerce Committee:

> WellPoint and two of the nation's other largest insurance companies—UnitedHealth Group Inc and Assurant Health, part of Assurant Inc—made at least $300 million by improperly rescinding more than 19,000 policyholders over one five-year period.

According to Health Care for America Now, these large companies—the big, for-profit American medical insurance companies—have seen their profits jump 428 percent from 2000 to 2007. All during this period, they have doubled premium costs. So they have made huge profits in 7 years, and they doubled premium costs.

Time and time again, our for-profit insurance corporations have demonstrated that their hunger for profit trumps any moral obligation to their customers. This latest story is just the latest example of the kind of outrageous behavior we have come to expect from certain medical health insurance companies.

The health insurance reform law passed by Congress and signed by President Obama will end the practice of unfair rescission and discrimination because of preexisting conditions. But we must clearly be vigilant in order to ensure that the law has teeth and is heavily enforced. We cannot turn our backs for 1 minute because left to their own devices, I truly believe these companies will look for ways to throw paying customers to the sharks for the sake of profit. These are strong words, and I am not known for these strong words. But the more I look into the large, for-profit medical insurance industry of the United States, the more I am embarrassed by it.

A situation unfolding in my own State now is further proof of this. On May 1—that is 9 days from now; it is 1 week from Saturday—more than 800,000 Californians who hold insurance policies issued by WellPoint's Anthem Blue Cross subsidiary will face rate hikes of up to 39 percent.

I have received deeply personal letters from literally hundreds, if not thousands, of Californians whose lives are going to be devastated by these rate increases. We have 12.7 percent unemployment. We have over 2.3 million people unemployed. We are very high in house foreclosures, people can't find jobs, and at the same time the insurance premiums are being jacked up. This is terrible because many of these people had a premium increase almost as large as the 39 percent that is going to happen on May 1, last year, and then they know they face it again the next year.

I cannot say that all of this is responsible for these premium increases, but in my State alone, 2 million people in the last 2 years have gone off of health insurance. That is 1 million people a year who find they can't afford health insurance. So they have gone off of it, more on Medicaid, and many have no coverage whatsoever. This is at a time when this same company is reaping billions of dollars of profit. So what do I conclude? There is no moral compass. There is no ethical conduct.

These are families with children. They are students or the elderly. One woman had been a client of Anthem for 30 years. She had never been sick, and she got sick. Cancer survivors, small business owners, they are about to be crushed.

WellPoint will tell us that these premium rate hikes cannot be avoided. They will tell us that others are to blame: hospital charges, prescription drug prices, the rising cost of medical care. They blame the government. They blame the economy. But the fact is, they are making money, and billions of dollars of money.

If there was any doubt about whether corporate greed has anything to do with WellPoint's plan to jack up rates on customers, I think today's story by Reuters answers the question definitively.

In order to prevent these kinds of unfair premium rate hikes on Americans, I have introduced a bill that would establish a health insurance rate authority. It would give the Secretary of Health the mandate to see that rates are reasonable. Two days ago, the HELP Committee held a hearing on this bill. The chairman of the committee, Senator HARKIN, made some very strong statements in favor of it, as did other Democrats. The Republicans who spoke, of course, opposed it because they are in a mode where they oppose virtually everything right now, but they opposed it.

So here is what my bill would do. It would give the Secretary of Health the authority to block premiums or other rate increases that are unreasonable. In many States, insurance commissioners, as the Presiding Officer knows, already have this authority. They would not be affected. Commissioners have the authority in some States—in some insurance markets they have it—and in others they do not. In about 20 States, including my own, California, companies are not required to receive approval for rate increases before they take effect. So my legislation would create a Federal fallback, a fail-safe, allowing the Secretary to conduct reviews of potentially unreasonable rates in States where the insurance commissioner does not already have the authority or the capability to do so. The Secretary would review potentially unreasonable premium increases and take corrective action. This could include blocking an increase or providing rebates to consumers.

Under this proposal, the Secretary would work with the National Association of Insurance Commissioners to implement this rate review process and identify States that have the authority and capability to review rates now. States doing this work obviously should continue. This legislation would not interrupt or effect them. However, consumers in States such as California and Illinois and others—about 20 someodd States—would get protection from unfair rate hikes.

The proposal would create a rate authority, a seven-member advisory board to assist the Secretary. A wide range of interests would be represented: consumers, the insurance industry, medical practitioners, and other experts.

I think the proposal strikes the right balance. As the Presiding Officer knows, we have worked with the administration in drafting it. We worked with the Finance Committee. We worked with the Secretary of Health. We tried to get it into the Finance Committee's health reform bill. We were not able to do so. The President took this bill and put it in the reconciliation bill. Unfortunately, the Parliamentarian found that its policy implications overcame its budgetary savings, and therefore a point of order would rest against it. So it was dropped at that time. So we are trying again. It is necessary.

Nine days from now, 800,000 Californians will get up to a 39-percent increase in their premium rate. It is greed, pure and simple.

So the legislation I have introduced provides Federal protection for consumers who are currently at the mercy of these large, for-profit medical insurance companies whose top priority is their bottom line. The bottom line for us is we have a duty to protect the American people from this kind of greed and this kind of lack of any moral compass.

If these companies were having a hard time, I would say: Look, it can't be helped. But they are not. They have enjoyed something no other American business has, and that is an antitrust exemption. Only Major League Baseball has an antitrust exemption. So they are able to go all over the country and merge and acquire insurance companies in order to control market share. Once they control market share, they then begin to boost rates. Therefore, over the past 7 years of doing this, they have developed a 428-percent increase in their bottom line, which is their profits.

If a CEO thinks it is OK to deprive women of their health coverage when they become seriously ill with breast cancer, we can't trust them to do the right thing, period. This ought to be convincing to every Member of this body, whether it is this side of the aisle or the other side of the aisle, that we need to move to see that there is a reasonable, prudent system where people don't have to endure when they have breast cancer and they go in, that they are going to lose their medical insurance. This Reuters story points it out chapter and verse today, and I have indicated several stories.

So, in my view, it is time for Congress to step in and fix this rate hike loophole in the health insurance reform law. We have to put patients before profits. We have to protect the American people from this kind of a lack of moral compass and candidly unchecked greed. I hate to say that, but that is the way I see it.

I will likely attempt to put this as an amendment to the regulatory reform bill. As I say, the matter has had a committee hearing, and in view of the fact that 800,000 people face these rate increases a week from Saturday, I think we need to take some action.

I would implore Anthem to understand and to not raise these rates. They have postponed this rate increase once before; they certainly can do it again.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I rise today to address the financial regulation proposal that is before us right now. I wish to talk about some of the conversations that are taking place about our status. No. 1, I think everybody in this body knows that people on both sides of the aisle would like for us to come to an agreement that makes our country's financial system stronger, protects consumers, and tries to insure us against the kinds of things we have all witnessed over the last couple of years. I think on both sides of the aisle there is tremendous desire to see that happen.

There has also been some discussions, though, about the process leading up to this. I know the Senator from Nevada has talked a little bit about the fact, for instance, that they negotiated with Senator CORKER for 30 days. This bill is 1,400 pages long, and I think by all accounts most people felt as though we were almost completed—the analogy that is being used is, we were on the 5-yard line and the lights went out. Somehow or another, taking 30 days to try to discuss a 1,400-page bill and get it right has been discussed as taking a long time. I don't consider that a long time at all.

As a matter of fact, I think it is remarkable the kind of progress we have made when we actually sat down as two parties trying to reach a compromise on something that is as important to the American people. So I wish to say that a lot of us on this side of the aisle have dealt in good faith, have actually gone out on a limb to deal in good faith—as a matter of fact, have broken protocol, in some cases, to try to deal in good faith.

When statements are made that if you try to negotiate and you get to the 5-yard line but for some reason the White House and people on the other side of the aisle decide to go on because they are losing some Democrats—which, by the way, I would assume in a bipartisan negotiation you lose some Republicans, you lose some Democrats, because you have reached a middle-of-the-road piece of legislation. So to categorize that as making that much progress and then: Well, we are losing a few Democrats so we have to stop and go our own way—which has been publicly stated by my friends on the other side of the aisle as to what happened—to talk about that as if that is a problem on our side of the aisle creates a little bad faith, just to be candid. I mean, for the next person who comes along and tries to work something out with my friends on the other side of the aisle and this happens, I think it is going to discourage that from happening in the future. So I hope we will tone down those kinds of things.

Then they talked about the fact that we went through the committee with this bill. At the time it was only a 1,336-page bill. It has expanded since that time. But we voted this bill out of committee in 21 minutes with no amendments. This was not a real vote. The understanding we all had was that the makeup of the Banking Committee was such that it would be difficult to get to a bipartisan agreement there and that we might harden ourselves against each other by offering amendments. I filed 60 amendments myself, none of which were messaging amendments. They were all technical amendments, and others, to try to fix this bill. But for some reason, the rules changed and we weren't going to be able to do that in committee, and we didn't want to harden ourselves against each other, and we were going to fix it before it came to the Senate floor.

Now we file a motion to proceed to the bill without it being fixed before it comes to the floor. It just seems as though there is this little shell game where we keep moving the goalpost to such a point where, again, we are going to end up with a situation where a bill comes to the floor, but there has been no bipartisan consensus.

Now, I will say this: I do think Chairman DODD has tried to do some bipartisan things, and I know I personally have had an effect on this bill. I thank him for that. I thank Senator WARNER for the work we have been able to do together, and Senator REED and Senator GREGG and others. But the fact is, we haven't reached a bipartisan agreement. So I hope some of the statements that are being made about where we are and how we got here and the revisionist history that is being created to sort of make one side of the aisle look worse than the other side of the aisle will cease. It doesn't do any good.

The fact is, there are people on both sides of the aisle who want to see financial regulation take place. This whole notion that if you are against this bill as written, you are for Wall Street, and if you are for this bill as written, you are against Wall Street, is an unbelievably silly argument. The fact is, I think everybody in this country knows when major regulation takes place, the big guys always do best. They have the resources to deal with compliance and all of those kinds of things. As a matter of fact, I doubt there are many people on either side of the aisle who are hearing much from Wall Street right now. Who they are hearing from is their community bankers who are concerned about a consumer protection agency that has no bounds and has no veto.

All of a sudden, it is used potentially as a social justice mechanism in this country. They are concerned about that. They are probably hearing from manufacturers who actually make things and buy hedges or derivatives to make sure their material prices can be hedged again down the road so they don't lose money fulfilling a contract.

When we talk about that either you are for this bill and against Wall Street or vice versa, that is just a low-level argument. It has nothing to do with the facts. The fact, from where I sit, is we have a lot of people in this body who want a good bill. It seems to me the best way to get to a good bill is to at least get the template of the bill agreed to in advance, to get the bill agreed to as it relates to orderly liquidation.

I think we all want to make sure that if a large organization or any organization fails, it fails, but certainly with these highly complex bank holding companies, we want to see that happen. Make sure we deal with revenues in such a way that most of the trades go through a clearinghouse, so at the end of the day, people who are making money bad, make money good so we don't have an AIG-type situation again. Yet we have an appropriate end-user exclusion for people using these derivatives to actually make their businesses safer. We want to make sure we have appropriate consumer protection. We want to make sure that is done in balance; that a consumer protection agency doesn't undermine the safety and soundness piece; that those people are making sure that our banks and financial institutions are sound; that people who do business with them know they are going to be sound; and that we don't have a consumer protection agency undermining that by trying to, again, use financial mechanisms as a way of creating social justice in this country.

Those are three big titles. It seems to me, if we can get agreement there, before the bill comes to the floor, then we can then do all kinds of amendments on the floor. I think there are a lot of good ideas that my friends on the other side have. I think there are a lot of good ideas that would come from this side of the aisle. It seems to me that the best way to have a great debate is to start with a template that is bipartisan and then let people change it in ways they see fit. We can vote on those. To me, that is the best way to go.

I hope that instead of the tremendous interference that is taking place at the White House—I have never seen such involvement in what appears to be the actual drafting of legislation, sending it straight to a committee, and it being voted out. I have never seen such involvement. I hope we can tone that down, that we can tone our rhetoric down as far as trying to blame the other side for how we ended up in this position, when there are a lot of people on both sides who have exercised good faith in trying to get here. It just pushes people apart when these realignment of history discussions take place, when that is not what has happened.

Let's give Chairman DODD and Ranking Member SHELBY some time to work through these issues. That is what

needs to happen. They and their staffs need to finish working through these issues, with input from other Members, and then let's have a great debate. I know we have a weekend coming up and the floor will shut down in the next 24 hours or so. I hope the staffs and these two Members will continue to work through the weekend and try to get this bill right. I hope we will quit throwing accusations back and forth and that we will cool down the rhetoric, and I hope we have an opportunity to begin again with a bipartisan template that we can amend and then create some great legislation for this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, are we in morning business?

The PRESIDING OFFICER. We are not. We are on the motion to proceed to S. 3217.

Mr. DORGAN. Madam President, I ask unanimous consent to speak as in morning business for as much time as I may need.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE START TREATY

Mr. DORGAN. Madam President, I have come to speak about the New START Treaty—Strategic Arms Reduction Treaty—with the Russians. I wish to talk about that in some detail.

A week ago, I and other colleagues were in Russia at a site near Moscow looking at a facility that we in the United States are funding to try to make this a safer world, to safeguard nuclear materials and nuclear warheads in the Soviet Union. I wish to talk a bit about this program as it relates to this new START Treaty.

Some of my colleagues have expressed concern and are determined that they are not necessarily supportive of the START arms reduction treaty unless other things are done. I wish to talk about that just a bit.

First, I will describe the unbelievable succession of something we have been doing called the Nunn-Lugar program, the Nunn-Lugar Cooperative Threat Reduction Program. We talk about what doesn't work and what fails, but we don't talk so much about what does work. I will do that for a moment.

I ask unanimous consent to show three things I have had in my desk drawer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This is a wing strut from a backfire bomber, a Soviet backfire bomber. This is a bomber that would have carried nuclear weapons that would threaten this country as a potential adversary. This is from this airplane. As you can see, this airplane, this backfire bomber, doesn't exist anymore. We didn't shoot it down. I have the wing strut because we sawed it up as part of an arms control and reduction treaty reducing delivery vehicles. This bomber don't exist and carry nuclear weapons because the Nunn-Lugar program helped dismantle that bomber under agreements we have had with the Soviet Union and now with Russia.

This photo is of a typhoon-class ballistic missile submarine the Soviets had. It carried missile launch tubes. This is a missile tube from that submarine. You will see that these tubes don't exist in the submarine anymore. They are now scrap metal. This is copper wire that comes from that Soviet submarine that used to prowl the seas with nuclear weapons threatening our country. This ground-up copper wire from that submarine was not because we sank the submarine but because we have a program by which we reduced the delivery vehicles for nuclear weapons. We and the Soviets—now the Russians—have agreed to a systematic reduction of weapons and delivery vehicles.

This photo is of a missile silo in the Ukraine. This is an SS–18 missile silo. It was blown up as part of the Nunn-Lugar Cooperative Threat Reduction Program. This is what is left of the scrap metal.

I have a hinge here from this particular site in the Ukraine that housed a missile that had a nuclear warhead aimed at our country. Instead of a missile being on the ground in the Ukraine, there is now a field of sunflowers. A field of sunflowers is now planted where a missile that carried a nuclear warhead once existed.

This is unbelievable success, in my judgment, and something we ought to celebrate. With the help of the Nunn-Lugar program Ukraine, Kazakhstan, and Belarus are now nuclear weapons-free. Albania is chemical weapons-free; 7,500 deactivated nuclear warheads; 32 ballistic missile submarines gone; 1,419 long-range nuclear missiles gone; 906 nuclear air-to-service missiles gone; 155 nuclear bombers gone. We didn't shoot them down. We didn't destroy them in air-to-air combat or undersea warfare. We paid some money in a program called Nunn-Lugar with the Soviets and Russians to saw the wings off bombers and grind up the metal in submarines and take out missile silos in the Ukraine with missiles aimed at our country. Therefore, it is a safer world. The question is, How much safer and what more do we need to do?

I have previously read a portion of something into the CONGRESSIONAL RECORD. I will do it again ever so briefly.

On October 11, 2001—not many Americans know this—1 month after the 9/11 attack, George Tenet, Director of the CIA, informed the President that a CIA agent, code-named ''Dragonfire,'' had reported that al-Qaida terrorists possessed a 10-kiloton nuclear bomb, evidently stolen from the Russian arsenal. According to Dragonfire, the CIA agent, this nuclear weapon was now on American soil in New York City. That was 1 month after 9/11. The CIA had no independent confirmation of this report, but neither did it have any basis on which to dismiss it. Did Russia's arsenal include a large number of 10-kiloton weapons? Yes. Could the Russian Government account for all the nuclear weapons the Soviets built during the Cold War? No. Could al-Qaida have acquired one of those weapons? It could have. If a terrorist had acquired it, could they have detonated it? Perhaps. Smuggled it into an American city? Likely.

So in the hours that followed this report on October 11, 2001, 1 month after 9/11, Secretary of State Condoleezza Rice analyzed what strategists then called the ''problem from hell.'' Unlike the Cold War, when the United States and the Soviet Union knew that an attack against the other would elicit a retaliatory strike in greater measure and therefore perhaps destroy both countries, the al-Qaida terrorist organization had no return address and had no such fear of reprisal. Even if the President were prepared to negotiate, al-Qaida had no phone number to call.

This comes from a book that was published by Graham Allison, a former Clinton administration official. I first learned about the incident from a piece in Time magazine, on March 11, 2002. The book that describes the detail of it is pretty harrowing. It is a pretty frightening prospect. I will not read more of it. I have read a fair amount of it.

After some while, it was determined that this was not a credible intelligence piece of information. But for a month or so, there was great concern about the prospect of a terrorist group having stolen a nuclear weapon, smuggled it into an American city, and being able to detonate it. Then we were not talking about 9/11; we were talking about a catastrophe in which hundreds and hundreds of thousands of people would be killed and life on Earth would never be the same. When and if ever a nuclear weapon is detonated in the middle of a major city on this planet, life will change as we know it.

That brings me to this question of nuclear reduction treaties and the work that has gone on. We have about 25,000 nuclear warheads on this planet. I have just described the apoplectic seizure that existed in October of 2001 because one CIA agent suggested he had credible evidence or a rumor that one terrorist group had stolen one small 10-kiloton nuclear weapon. Think of the angst that caused for about a month, which most Americans don't know about. But that was one weapon. There are 25,000 on this Earth—25,000 nuclear weapons. Russia probably has around 15,000.

This is not classified, by the way. This is from a recent estimate by the Union of Concerned Scientists. Most people say it is accurate. The United States has 9,400. China has 240. France has 300. Britain has 200.

The loss of one to a terrorist group—the detonation of that nuclear warhead in a major city would change life as we know it on planet Earth. So the question is, What do we do about that? We struggle to try to accomplish two goals—one, to prevent the spread of nuclear weapons to others who don't now have it, to prevent terrorists from ever acquiring it, and working very hard to accomplish both even while we again try a systematic reduction of nuclear weapons from the 25,000 level and particularly among those that have the most nuclear weapons. We understand it is very difficult to reach these agreements, and when reached, it is very difficult to get them agreed to, get the support by what is necessary in the Senate.

About 95 percent of the nuclear weapons are owned by the United States of America and by Russia. There are a lot of groups in this world that are very interested in acquiring one nuclear weapon with which to terrorize this planet.

We are now operating under the Strategic Offensive Reductions Treaty, known as the Moscow Treaty. It requires the United States and Russia to have no more than 2,200 deployed nuclear weapons—there are many more than that; I am talking about deployed in the field—by 2012.

The Strategic Offensive Reduction Treaty we are now operating under does not restrict any nuclear delivery vehicles at all—airplanes, missiles, and so on—and it does not have any verification measures and it expires in 2012.

A few weeks ago in Prague, the Czech Republic, President Obama and Russian President Medvedev signed a new strategic arms control treaty. It is called START. I compliment the administration for successfully completing this treaty. I was part of a group in the Senate that continued to meet with and review with the negotiators the progress of their work. Their work was long and difficult, but they reached an agreement with the Russians.

It limits each side to 1,550 deployed strategic nuclear warheads, which is 30 percent lower than the Moscow Treaty under which we are now operating.

It limits each side to 800 deployed and nondeployed ICBM launchers, SLBM launchers, and heavy bombers—these are all delivery vehicles—equipped for nuclear armaments. That is one-half of what the START treaty allowed.

It sets a separate limit of 700 deployed ICBMs and SLBMs and deployed heavy bombers that are equipped for nuclear weapons.

The treaty, in addition, has a verification regime, which is very important. You can have a treaty with someone, but if you cannot verify and inspect, then you have a problem. This treaty with the Russians has onsite inspections and exhibitions, telemetry exchanges, data exchanges and notifications, and provisions to facilitate the use of a national technical means for treaty monitoring.

This, in my judgment, is a good treaty that will strengthen this country. It will reduce by 30 percent the number of strategic nuclear warheads that Russia could possess and target at the United States. It allows our country to determine our own force structure and gives us the flexibility to deploy and maintain our strategic nuclear forces in a way that best serves our own national security interests.

The new Nuclear Posture Review, as my colleagues know, says the United States will maintain the nuclear triad of land-based missiles, ballistic missile submarines, as well as bombers. The Obama administration has said as long as nuclear weapons exist, this country will maintain a safe, secure, and effective arsenal to deter any adversary and to protect our allies.

This new START treaty gives us an important window into Russia's strategic arsenal and to ensure that Russia will not be able to surprise us and try to change that balance.

This treaty contains no limits on our ability to continue developing and fielding missile defenses. Our country is doing some of that. Frankly, I have some questions about the cost and the effectiveness of some of what we are doing. Nonetheless, there is no limitation on that in this treaty.

As was done in the case of START, Russia has made a unilateral statement regarding missile defenses. Its statement is not legally binding and does not constrain us in any of our U.S. missile defense programs.

In my judgment, this treaty is very important. It is a very important first step—only a first step—because much more needs to be done. But it is important in terms of enhancing our security and world security. This will bolster, in my judgment, the Nonproliferation Treaty. It demonstrates that the United States and Russia are living up to their part of the deal under the NPT to begin reducing arms. I think it will strengthen Washington's hand in a tighter nuclear nonproliferation regime, especially at the May NPT conference.

Some Senators have said, as would be the case, I suppose, with any treaty: We are concerned about this because we think it weakens America's hand; we think it cuts our nuclear arsenal too deeply. I think they are wrong on that point. They are wrong. We have plenty of nuclear weapons. Not enough nuclear weapons is not among our problems; we have plenty. So do the Russians. We can blow up this planet 150 times and more. We have plenty of nuclear weapons. The question is, How do we and the Russians and others begin to reduce the number of nuclear weapons, and, most important, how do we stop the spread of nuclear weapons?

Let me put up a chart that shows what the Chairman of the Joint Chiefs of Staff said last month:

> I, the Vice Chairman, and the Joint Chiefs, as well as our combatant commanders around the world, stand solidly behind this new treaty, having had the opportunity to provide our counsel, to make our recommendations, and to help shape the final agreements.

This is the Chairman of the Joint Chiefs. He says he and the Joint Chiefs believe this represents our country's best national security interest.

Here is what some others are saying. Douglas Feith, not particularly unexpected. I can pretty much guess what he will say on anything dealing with security if I saw his name tag, I guess. Doug Feith, a former Defense official under the previous administration, says:

> Since the administration is so eager for [the treaty], the main interests of conservatives—

Meaning him and his friends, neocons among other things—

> will relate to modernization. Republicans are interested in the U.S. nuclear posture, the political leverage they have will be the treaty . . . One of the hot issues is going to be the replacement warhead . . .

What does he mean? We are going to use this treaty as leverage to force the government to develop a new nuclear warhead program called the RRW, the Reliable Replacement Warhead.

I am chairman of the subcommittee that funds that program. We stopped funding that warhead. That warhead was an outgrowth of the Congress deciding we are not going to fund the provision before it for another nuclear warhead. We remember the provision: Now we have to build earth-penetrating, bunker-buster nuclear weapons. That was the thing about 5 years ago.

The Congress said: We are not going to build earth-penetrating, bunker-buster nuclear weapons. There is no end to the menu of nuclear weapons some people want. We are not going to do that. That morphed into Reliable Replacement Warhead, RRW, that was to begin replacing our existing stock of warheads in a big program with the Navy, Air Force, and so on. We stopped that as well. We did not stop it because we did not have the money or anything like that. We stopped it because it is not necessary.

We have a process by which we certify that the current nuclear stockpile works, that it is effective. We have a process by which we do that. We have a lot of interest by other groups that

have weighed in on the science of this, saying our existing stock of nuclear weapons will last much longer than some had suggested without spending hundreds of billions of dollars for replacement. Yet some will never be satisfied.

Here are statements by some Senators who also will want to use the ratification of this START treaty as leverage. One Senator said:

Well, I can tell you this, that I think the Senate will find it very hard to support this treaty if there is not a robust modernization plan.

That is the need to design and build new nuclear weapons.

Another one said:

The success of your administration in ensuring the modernization plan is fully funded in the authorization and appropriations process could have a significant impact on the Senate as it considers the START follow-on treaty.

And another one:

My vote on the START treaty will thus depend in large measure on whether I am convinced the administration has put forward an appropriate and adequately funded plan to sustain and modernize the smaller nuclear stockpile it envisions.

As chairman of the Appropriations Energy and Water Development Subcommittee, I can tell my colleagues that the proposed budget for nuclear weapons, which is in my subcommittee, for fiscal year 2011 from this administration is more than enough to maintain the safety and reliability of our nuclear weapons; sufficient so that any Chairman of the Joint Chiefs can say with confidence and authority whose requirement it is to certify each year, that we have a nuclear arsenal that can be maintained as reliable and safe for the long-term future.

The National Nuclear Security Agency, the agency that oversees nuclear weapons, would see a 13-percent or $1.3 billion increase under this President's proposal. There are some who have argued this budget increase and planned future increases may not be sufficient to maintain the current stockpile. But that is just not the case. If we look at the budget request, the administration's budget request includes $7 billion for nuclear weapons activities. That is an increase of $624 million in this coming year. It invests significant money in what is called life extension programs. The nuclear weapons in our arsenal are not just the old nuclear weapons. We spend money all the time on life extension programs to make sure they are reliable.

I can go on and talk about the budget. The fact is, this President has sent us a budget that does what he thinks is necessary for the life extension programs and the additional funding. At a time when we have significant financial problems, he is proposing additional funding in this area.

This is a quote from Linton Brooks, who was the NNSA Administrator from 2003 to 2007 under George W. Bush, in February of this year:

START, as I now understand it, is a good idea on its own merits, but I think for those who think it's only a good idea if you only have a strong weapons program, I think this budget ought to take care of that.

Coupled with the out-year projections, it takes care of the concerns about the complex and it does very good things about the stockpile and it should keep the labs healthy. . . .

That is what he said. That is important to understand when my colleagues come to the floor of the Senate and say: I don't know that I can support arms reductions because we want to make sure we have more money spent on nuclear weapons to build a whole class of new nuclear weapons.

Understand, there is nothing partisan here. The person who last headed this agency under George W. Bush said this budget takes care of that. It will give us the confidence we need.

The September 2009 ''Report on the Lifetime Extension Program'' by the JASON Program Office, which is a very respected group of scientists, said this:

JASON finds no evidence that accumulation of changes incurred from aging and life extension programs have increased risk to certification of today's deployed nuclear warheads.

Simple.

Lifetimes of today's nuclear warheads could be extended for decades, with no anticipated loss in confidence, by using approaches similar to those employed in the life extension programs to date.

We have people around here who are just unbelievably anxious to get moving to begin building an entire new class of nuclear weapons. Yet we have evidence from the science of nuclear weapons that the existing stock of nuclear weapons can be maintained with life extension programs for decades. Why would we do that?

I wish to make a concluding point. I wanted to talk about the START program because it is so important to the future of our relationship with Russia. But much more important than that, it is important for the world.

I pulled out of my desk a wing strut from a backfire bomber and ground-up copper from a Russian submarine. I have taken a hinge from a missile silo in the Ukraine that had an SS–18 with a nuclear warhead aimed at the United States. I have all those in my desk just to remind me every day there is a way to reduce the number of nuclear weapons: reduce the delivery vehicles without having air-to-air combat, without firing intercontinental ballistic missiles, and without detonating nuclear warheads. It is the kind of program we have engaged in, the Nunn-Lugar program, the Global Threat Reduction Program, and it is also treaties such as the START treaty.

If it is not our responsibility and if it does not fall on our shoulders to provide the world leadership to stop the spread of nuclear weapons, who else is going to do that? Who else? If you read the book by Graham Allison or understand the consequences of both 9/11 and also October 11 of the same year and the report by a CIA agent code named Dragonfire, that a terrorist group had stolen a 10-kiloton weapon and would detonate it in an American city, if that doesn't send chills down your spine for the future of this world, then there is something fundamentally wrong with your system.

We have to understand if we do not back away from this difficult specter of a new world in which terrorists are trying very hard to acquire nuclear weapons—they don't have to acquire very much. They have to acquire the equivalent of perhaps a 2-liter bottle of highly enriched uranium. Think of one of those 2-liter Coke bottles at the gas station that sits on the counter the next time you go past, 2 liters of soft drink. Think of 2 liters of highly enriched nuclear material to produce one nuclear weapon.

Some of my colleagues, at least some folks kind of made light of, and some commentators on the radio made fun of the very large group of foreign leaders that was called to this town a week ago to deal with this question of how we get our arms around and begin securing loose nuclear materials that exist around the world. That was nothing to laugh at. That was a historic opportunity by this administration, a big deal by this President to say: You know what. That leadership is our responsibility, and we are going to call leaders from all around the world to talk about these loose nuclear materials that can be acquired by a terrorist organization and made into a bomb, and we are going to secure these materials. We are spending money to do that. We are spending money in our budget to do that. But this President said: Let's work much harder. Let's rededicate ourselves, and not just us, let's all of us rededicate ourselves to gather and secure the loose nuclear material and prevent access to that material by a terrorist organization.

Again, this responsibility falls to us. It is our responsibility to lead, to help stop the spread of nuclear weapons. It is also our responsibility, hopefully, to lead toward where the nonproliferation treaty insists we go; that is, to fewer and fewer and fewer nuclear weapons on this planet.

I understand we will not and should not disarm unilaterally. I fully understand that. But I also understand that having 25,000 nuclear weapons stored in various locations on this planet is not healthy for the long-term prospect of life on Earth. So it is our responsibility. It is an important step, a step only in the direction because it is not the giant step. But an important first step is to ratify this START treaty.

The Russians and the Americans worked very hard to construct a treaty

that I think has great merit and will provide for a safer world. Following the ratification of this treaty, then there is even more work to do, much more work to do. But this is the step along the way that is important for all of us to embrace.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CAREGIVERS AND VETERANS OMNIBUS HEALTH SERVICES ACT

Mr. DORGAN. Madam President, I ask the Chair to lay before the Senate a message from the House with respect to S. 1963.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House, which the clerk will report.

The assistant legislative clerk read as follows:

S. 1963

*Resolved,* That the bill from the Senate (S. 1963) entitled ''An Act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.'', do pass with an amendment.

Mr. AKAKA. Mr. President, as chairman of the Committee on Veterans' Affairs, I am proud to urge our colleagues to support S. 1963, the proposed ''Caregivers and Veterans Omnibus Health Services Act of 2010,'' as amended. This bill reflects a compromise agreement between the Committees on Veterans' Affairs of the Senate and the House of Representatives on health care and related provisions for veterans and their caregivers. The House passed this bill, by a vote of 419–0, on April 21, 2009.

When this bill was passed by the Senate on November 19, 2009, it would have greatly expanded assistance for veterans and family members. The bill in its current form, after being reconciled with legislation in the other body, provides even more robust services, but is also significantly less expensive than when this legislation was originally approved unanimously by the Senate.

The centerpiece of this bill is a new program of caregiver assistance for our most seriously wounded veterans. The Committee has heard over and over about family members who quit their jobs, go through their savings, and lose their health insurance as they stay home to care for their wounded family members from the current conflicts. For those family members who manage to keep their jobs, their employers, including many small businesses already struggling in these difficult economic times, lose money from absenteeism and declining productivity. The toll on the caregivers who try to do it all can be measured in higher rates of depression, and worse health status as they struggle to care for their seriously injured family members, an obligation that ultimately belongs to the Federal Government.

The caregiver program that will be established by this compromise bill will help VA to fulfill its obligation to care for the Nation's wounded veterans by providing their caregivers with vital support services and a living stipend. These vital caregiver support services include training, education, counseling, mental health services, and respite care. This measure also provides health care to the family caregivers of injured veterans through CHAMPVA. These caregivers deserve our support and assistance and this new program will begin to meet that obligation.

Another key part of the bill relates to women veterans. Women make up a significantly increasing portion of the overall veteran population. Thanks to the leadership of Senator MURRAY, this bill will increase funding for mental health services for women who have suffered military sexual trauma, and for medical services for newborn children. In addition, this bill requires VA to report on the barriers facing women veterans who seek health care at VA.

With the help of Senator TESTER, this bill also will improve veteran access to care in rural areas by authorizing VA to carry out demonstration projects for expanding care for veterans in rural areas through partnerships with other federal entities, such as the Centers for Medicare and Medicaid Services and the Indian Health Service. States which have an especially high number of veterans living in rural areas will benefit greatly from these programs.

This bill also expands the scope of VA's Education Debt Reduction Program to include retention in addition to recruitment so that VA can address staff shortages in rural areas. Where VA has a shortage of qualified employees due to location or hard-to-recruit positions, this legislation would increase the total education debt reduction payments made by VA from $44,000 to $60,000.

The bill also attacks another very difficult and painful problem—that of homeless veterans. On any given night, the best estimate is that more than 107,000 veterans are homeless. We know that homelessness is often a consequence of multiple factors, including unstable family support, job loss, and health problems. This bill will create programs to help ease the burden of veteran homelessness and, in so doing, support Secretary Shinseki's efforts to end homelessness among veterans.

Senator DURBIN has helped keep attention on issues of overall quality management in VA, and resolving and preventing such problems as those identified at the Marion, IL, VA medical center, and other facilities. Provisions of this bill will make needed improvements in these areas.

I am grateful to all who have worked diligently on this bipartisan bill—including the committee's ranking member, Senator BURR—and the veterans service organizations, who made this one of their priorities. We are particularly indebted to the Disabled American Veterans and the Wounded Warrior Project for being in the vanguard on advocating for family caregivers and for their unrelenting support for this legislation.

Various other advocates have supported this bill as well, including the American Legion, the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Nurses Organization of Veterans Affairs, the Brain Injury Association of America, the American Academy of Ophthalmology, the American Association of Colleges of Nursing, and many others.

It has taken us several years to see this legislation through to what I hope will be final passage today. As we reach this final point in the legislative process, I take a moment to thank the members of the committee staff who worked so hard on this legislation, including former committee staffers who helped craft many of the provisions in this bill, Alexandra Sardegna, Aaron Sheldon, and Andrea Buck. I also thank current committee staff, Ryan Pettit, Preethi Raghavan, Nancy Hogan, and Lexi Simpson, and all the others who, in addition to their work on specific elements of the final agreement, have worked to bring this legislation to final passage.

We have promised to care for veterans when they return from service to the Nation. The provisions in this bill will help us keep our promise by going beyond words and ceremony, and providing the care that veterans have earned through their sacrifices.

I ask my colleagues to give this legislation their unanimous support.

I ask unanimous consent that an explanatory statement developed jointly with our counterparts in the House to accompany this compromise bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR AKAKA, CHAIRMAN OF THE SENATE COMMITTEE ON VETERANS' AFFAIRS

AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO S. 1963 CAREGIVERS AND VETERANS OMNIBUS HEALTH SERVICES ACT OF 2010

S. 1963, as amended, the ''Caregivers and Veterans Omnibus Health Services Act of 2010,'' reflects the Compromise Agreement between the Committees on Veterans' Affairs of the Senate and the House of Representatives (the Committees) on health care

and related provisions for veterans and their caregivers. The provisions in the Compromise Agreement are derived from a number of bills that were introduced and considered by the House and Senate during the 111th Congress. These bills include S. 1963, a bill to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes, which passed the Senate on November 19, 2009 (Senate bill); and H.R. 3155, a bill to provide certain caregivers of veterans with training, support, and medical care, and for other purposes, which passed the House on July 27, 2009 (House bill).

In addition, the Compromise Agreement includes provisions derived from the following bills which were passed by the House: H.R. 402, a bill to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic,'' passed by the House on July 14, 2009; H.R. 1211, a bill to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes, passed by the House on June 23, 2009; H.R. 1293, a bill to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services, passed by the House on July 28, 2009; H.R. 2770, a bill to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes, passed by the House on July 27, 2009; H.R. 3157, a bill to name the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the ''Max J. Beilke Department of Veterans Affairs Outpatient Clinic,'' passed by the House on November 3, 2009; H.R. 3219, a bill to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes, passed by the House on July 27, 2009; and H.R. 3949, a bill to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes, passed by the House on November 3, 2009.

The Compromise Agreement also includes provisions derived from the following House bills, which were introduced and referred to the Subcommittee on Health of the House Committee on Veterans' Affairs: H.R. 919, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals, and for other purposes, which was introduced on February 9, 2009; H.R. 3796, to improve per diem grant payments for organizations assisting homeless veterans, which was introduced on October 13, 2009; and H.R. 4166, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to educational assistance for health professionals, and for other purposes, which was introduced on December 1, 2009, and was concurrently referred to the Committee on Energy and Commerce.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of the Compromise Agreement. Differences between the provisions contained in the Compromise Agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes, and minor drafting, technical, and clarifying changes.

TITLE I—CAREGIVER SUPPORT

*Assistance and Support Services for Family Caregivers (section 101)*

The Senate bill contains a provision (section 102) that would create a new program to help caregivers of eligible veterans who, together with the veteran, submit a joint application requesting services under the new program. Eligible veterans are defined as those who have a serious injury, including traumatic brain injury, psychological trauma, or other mental disorder, incurred or aggravated while on active duty on or after September 11, 2001. Within two years of program implementation, the Department of Veterans Affairs (VA) would be required to submit a report on the feasibility and advisability of extending the program to veterans of earlier periods of service. Severely injured veterans are defined as those who need personal care services because they are unable to perform one or more independent activities of daily living, require supervision as a result of neurological or other impairments, or need personal care services because of other matters specified by the VA. For accepted caregiver applicants, VA would be required to provide respite care as well as pay for travel, lodging and per-diem expenses while the caregiver of an eligible veteran is undergoing necessary training and education to provide personal care services. Once a caregiver completes training and is designated as the primary personal care attendant, this individual would receive ongoing assistance including direct technical support, counseling and mental health services, respite care of no less than 30 days annually, health care through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA), and a monthly financial stipend. The provision in the Senate bill would require VA to carry out oversight of the caregiver by utilizing the services of home health agencies. A home health agency would be required to visit the home of a veteran not less often than once every six months and report its findings to VA. Based on the findings, VA would have the final authority to revoke a caregiver's designation as a primary personal care attendant. The provision also would require an implementation and evaluation report, and provide for an effective date 270 days after the date of the enactment of this Act.

The House bill contains comparable provisions (section 2 and section 4) with some key differences. The provisions in the House bill would provide educational sessions, access to a list of comprehensive caregiver support services available at the county level, information and outreach, respite care, and counseling and mental health services to family and non-family caregivers of veterans of any era. For family caregivers of eligible veterans who served in Operation Enduring Freedom (OEF) or Operation Iraqi Freedom (OIF), the House bill would require VA to provide a monthly financial stipend, health care service through CHAMPVA, and lodging and subsistence to the caregiver when the caregiver accompanies the veteran on medical care visits. Eligible OEF or OIF veterans are defined as those who have a service-connected disability or illness that is severe; in need of caregiver services without which the veteran would be hospitalized, or placed in nursing home care or other residential institutional care; and are unable to carry out activities (including instrumental activities) of daily living.

The Compromise Agreement contains the Senate provision modified to no longer require VA to enter into relationships with home health agencies to make home visits every six months. In addition, the Compromise Agreement follows the House bill in creating a separate program of general family caregiver support services for family and non-family caregivers of veterans of any era. Such support services would include training and education, counseling and mental health services, respite care, and information on the support services available to caregivers through other public, private, and nonprofit agencies. In the event that sufficient funding is not available to provide training and education services, the Secretary would be given the authority to suspend the provision of such services. The Secretary would be required to certify to the Committees that there is insufficient funding 180 days before suspending the provision of these services. This certification and the resulting suspension of services would expire at the end of the fiscal year concerned.

The overall caregiver support program for caregivers of eligible OEF or OIF veterans would authorize VA to provide training and supportive services to family members and certain others who wish to care for a disabled veteran in the home and to allow veterans to receive the most appropriate level of care. The newly authorized supportive services would include training and certification, a living stipend, and health care—including mental health counseling, transportation benefits, and respite.

The Compromise Agreement also includes an authorization for appropriations that is below the estimate furnished by the Congressional Budget Office. The lower authorization level is based on information contained in a publication (Economic Impact on Caregivers of the Seriously Wounded, Ill, and Injured, April 2009) of the Center for Naval Analyses (CNA). This study estimated that, annually, 720 post-September 11, 2001 veterans require comprehensive caregiver services. The Compromise Agreement limits the caregiver program only to ''seriously injured or very seriously injured'' veterans who were injured or aggravated an injury in the line of duty on or after September 11, 2001. CNA found that the average requirement for such caregiver services is 18 months, and that only 43 percent of veterans require caregiver services over the long-term. CNA also found that, on average, veterans need only 21 hours of caregiver services per week. Only 233 family caregivers were referred by VA for training and certification through existing home health agencies in FY 2008. This represented five percent of all home care referrals. In FY 2009, only 168 family caregivers were referred to home care agencies for training and certification.

*Medical Care for Family Caregivers (section 102)*

The Senate bill contains a provision (section 102) that would provide health care through the CHAMPVA program for individuals designated as the primary care attendant for eligible OEF or OIF veterans and who have no other insurance coverage.

The House bill contains a comparable provision (section 5), with a difference in the target population. Under the House bill, the target population would include all family caregivers of eligible OEF or OIF veterans, defined as those who have a service-connected disability or illness that is severe; are in need of caregiver services without which hospitalization, nursing home care, or other residential institutional care would be required; and, are unable to carry out activities (including instrumental activities) of daily living.

The Compromise Agreement contains the Senate provision.

*Counseling and Mental Health Services for Family Caregivers (section 103)*

The Senate bill contains a provision (section 102) that would provide counseling and mental health services for family caregivers of OEF or OIF veterans.

The House bill contains a comparable provision (section 3), except that counseling and mental health services would be available to caregivers of veterans of any era.

The Compromise Agreement contains the House provision.

*Lodging and Subsistence for Attendants (section 104)*

The Senate bill contains a provision (section 103) that would allow VA to pay for the lodging and subsistence costs incurred by any attendant who accompanies an eligible OEF or OIF veteran seeking VA health care.

The House bill contains a comparable provision (section 6), with a difference in the target population. Under the House bill, the target population would include all family caregivers of eligible OEF or OIF veterans, defined as those who have a service-connected disability or illness that is severe; are in need of caregiver services without which hospitalization, nursing home care, or other residential institutional care would be required; and, are unable to carry out activities (including instrumental activities) of daily living.

The Compromise Agreement contains the Senate provision.

TITLE II—WOMEN VETERANS HEALTH CARE MATTERS

*Study of Barriers for Women Veterans to Health Care from the Department of Veterans Affairs (section 201)*

The Senate bill contains a provision (section 201) that would require VA to report, by June 1, 2010, on barriers facing women veterans who seek health care at VA, especially women veterans of OEF or OIF.

H.R. 1211 contains a comparable provision (section 101) that would require a similar study of health care barriers for women veterans. The House provision also would define the parameters of the research study sample; direct VA to build on the work of an existing study entitled ''National Survey of Women Veterans in Fiscal Year 2007–2008;'' mandate VA to share the barriers study data with the Center for Women Veterans and the Advisory Committee on Women Veterans; and authorize appropriations of $4 million to conduct the study. VA would be required to submit to Congress a report on the implementation of this section within six months of the publication of the ''National Survey of Women Veterans in Fiscal Year 2007–2008,'' and the final report within 30 months of publication.

The Compromise Agreement contains the House provision.

*Training and Certification for Mental Health Care Providers of the Department of Veterans Affairs on Care for Veterans Suffering From Sexual Trauma and Post-Traumatic Stress Disorder (section 202)*

The Senate bill contains a provision (section 204) that would require VA to implement a program for education, training, certification, and continuing medical education for mental health professionals, which would include principles of evidence-based treatment and care for sexual trauma. VA would also be required to submit an annual report on the counseling, care, and services provided to veterans suffering from sexual trauma, and to establish education, training, certification, and staffing standards for personnel providing treatment for veterans with sexual trauma.

H.R. 1211 contains a similar provision (section 202), except it included no provision requiring VA to establish education, training, certification, and staffing standards for the mental health professionals caring for veterans with sexual trauma.

The Compromise Agreement contains the House provision.

*Pilot Program on Counseling in Retreat Settings for Women Veterans Newly Separated From Service in the Armed Forces (section 203)*

The Senate bill contains a provision (section 205) that would require VA to establish, at a minimum of five locations, a two year pilot program in which women veterans newly separated from the Armed Forces would receive reintegration and readjustment services in a group retreat setting. The provision also would require a report detailing the pilot program findings and providing recommendations on whether VA should continue or expand the pilot program.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision but specifies that the program be carried out at a minimum of three, not five, locations.

*Service on Certain Advisory Committees of Women Recently Separated From Service in the Armed Forces (section 204)*

The Senate bill contains a provision (section 207) that would amend the membership of the Advisory Committee on Women Veterans and the Advisory Committee on Minority Veterans to require that such committees include women recently separated from the Armed Forces and women who are minority group members and are recently separated from the Armed Forces, respectively.

H.R. 1211 contains a similar provision (section 204) except that it would allow either men or women who are members of a minority group to serve on the Advisory Committee on Minority Veterans.

The Compromise Agreement contains the Senate provision.

*Pilot Program on Subsidies for Child Care for Certain Veterans Receiving Health Care (section 205)*

The Senate bill contains a provision (section 208) that would require VA to establish a pilot program through which child care subsidies would be provided to women veterans receiving regular and intensive mental health care and intensive health care services. The pilot program would be carried out in no fewer than three Veterans Integrated Service Networks (VISNs) for a duration of two years and, at its conclusion, there would be a requirement for a report to be submitted within six months detailing findings related to the program and recommendations on its continuation or extension. The provision also would direct VA, to the extent practicable, to model the pilot program after an existing VA Child Care Subsidy Program.

H.R. 1211 contains a comparable provision (section 203), but it does not stipulate that the child care program shall be executed through stipends. Rather, stipends are one option among several listed, including partnership with private agencies, collaboration with facilities or program of other Federal departments or agencies, and the arrangement of after-school care.

The Compromise Agreement contains the Senate provision, with a modification to clarify that the child care subsidy payments shall cover the full cost of child care services. In addition, the provision expands the definition of veterans who qualify for the child care subsidy to women veterans who are in need of regular or intensive mental health care services but who do not seek such care due to lack of child care services. Finally, the Compromise Agreement follows the House provision by allowing for other forms of child care assistance. In addition to stipends, child care services may be provided through the direct provision of child care at an on-site VA facility, payments to private child care agencies, collaboration with facilities or programs of other Federal departments or agencies, and other forms as deemed appropriate by the Secretary.

*Care for Newborn Children of Women Veterans Receiving Maternity Care (section 206)*

The Senate bill contains a provision (section 209) that would authorize VA to provide post-delivery health care services to a newborn child of a woman veteran receiving maternity care from VA if the child was delivered in a VA facility or a non-VA facility pursuant to a VA contract for delivery. Such care would be authorized for up to seven days.

H.R. 1211 contains a comparable provision (section 201), but would allow VA to provide care for a set seven-day period for newborn children of women veterans receiving maternity care.

The Compromise Agreement contains the Senate provision.

TITLE III—RURAL HEALTH IMPROVEMENTS

*Improvements to the Education Debt Reduction Program (section 301)*

The Senate bill contains a provision (section 301) that would eliminate the cap in current law on the total amount of education debt reduction payments that can be made over five years so as to permit payments equal to the total amount of principal and interest owed on eligible loans.

H.R. 4166 contains a provision (section 3), that would expand the purpose of the Education Debt Reduction Program (EDRP), set forth in subchapter VII of chapter 76 of title 38, United States Code., to include retention in addition to recruitment, as well as to modify and expand the eligibility requirements for participation in the program. In addition, the provision would increase the total education debt reduction payments made by VA from $44,000 to $60,000 and raise the cap on payments to be made during the fourth and fifth years of the program from $10,000 to $12,000. The provision would also provide VA with the flexibility to waive the limitations of the EDRP and pay the full principal and interest owed by participants who fill hard-to-recruit positions at VA.

The Compromise Agreement contains the House provision.

*Visual Impairment and Orientation and Mobility Professionals Education Assistance Program (section 302)*

The Senate bill contains a provision (section 302) that would require VA to establish a scholarship program for students accepted or enrolled in a program of study leading to certification or a degree in the areas of visual impairment or orientation and mobility. The student would be required to agree to maintain an acceptable level of academic standing as well as join VA as a full-time employee for three years following their completion of the program. VA would be required to disseminate information on the scholarship program throughout educational institutions, with a special emphasis on those with a high number of Hispanic students and Historically Black Colleges and Universities.

H.R. 3949 contains the same provision (section 302).

The Compromise Agreement contains this provision.

*Demonstration Projects on Alternatives for Expanding Care for Veterans in Rural Areas (section 303)*

The Senate bill contains a provision (section 305) that would authorize VA to carry out demonstration projects to expand care to veterans in rural areas through the Department's Office of Rural Health. Projects could include VA establishing a partnership with the Centers for Medicare and Medicaid Services to coordinate care for veterans in rural areas at critical access hospitals, developing a partnership with the Department of Health and Human Services to coordinate care for veterans in rural areas at community health centers, and the expanding coordination with the Indian Health Service to enhance care for Native American veterans.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Program on Readjustment and Mental Health Care Services for Veterans Who Served in Operation Enduring Freedom and Operation Iraqi Freedom (section 304)*

The Senate bill contains a provision (section 306) that would require VA to establish a program providing OEF and OIF veterans with mental health services, readjustment counseling and services, and peer outreach and support. The program would also provide the immediate families of these veterans with education, support, counseling, and mental health services. In areas not adequately served by VA facilities, VA would be authorized to contract with community mental health centers and other qualified entities for the provision of such services, as well as provide training to clinicians and contract with a national non-profit mental health organization to train veterans participating in the peer outreach and support program. The provision would require an initial implementation report within 45 days after enactment of the legislation. Additionally, the Secretary would be required to submit a status report within one year of enactment of the legislation detailing the number of veterans participating in the program as well as an evaluation of the services being provided under the program.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision, but does not include the reporting requirement and authorizes rather than requires VA to contract with community mental health centers and other qualified entities in areas not adequately served by VA facilities.

*Travel Reimbursement for Veterans Receiving Treatment at Facilities of the Department of Veterans Affairs (section 305)*

The Senate bill contains a provision (section 308) that would authorize VA to increase the mileage reimbursement rate under section 111 of title 38, United States Code, to 41.5 cents per mile, and, a year after the enactment of this legislation, allow the Secretary to adjust the newly specified mileage rate to be equal to the rate paid to Government employees who use privately owned vehicles on official business. If such an adjustment would result in a lower mileage rate, the Secretary would be required to submit to Congress a justification for the lowered rate. The provision also would allow the Secretary to reimburse veterans for the reasonable cost of airfare when that is the only practical way to reach a VA facility.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Pilot Program on Incentives for Physicians Who Assume Inpatient Responsibilities at Community Hospitals in Health Professional Shortage Areas (section 306)*

The Senate bill contains a provision (section 313) that would require VA to establish a pilot program under which VA physicians caring for veterans admitted to community hospitals would receive financial incentives, of an amount deemed appropriate by the Secretary, if they maintain inpatient privileges at community hospitals in health professional shortage areas. Participation in the pilot program would be voluntary. VA would be required to carry out the pilot program for three years, in not less than five community hospitals in each of not fewer than two VISNs. In addition, VA would be authorized to collect third party payments for care provided by VA physicians to nonveterans while carrying out their responsibilities at the community hospital where they are privileged.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Grants for Veterans Service Organizations for Transportation of Highly Rural Veterans (section 307)*

The Senate bill contains a provision (section 315) that would require VA to establish a grant program to provide innovative transportation options to veterans in highly rural areas. Eligible grant recipients would include state veterans service agencies and veterans service organizations, and grant awards would not exceed $50,000.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Modifications of Eligibility for Participation in Pilot Program of Enhanced Contract Care Authority for Health Care Needs of Certain Veterans (section 308)*

The Senate bill contains a provision (section 316) that would clarify the definition of eligible veterans who are covered under a pilot program of enhanced contract care authority for rural veterans, created by section 403(b) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (P.L. 110–387, 122 Stat. 4110). Eligible veterans would be defined to include those living more than 60 minutes driving distance from the nearest VA facility providing primary care services, living more than 120 minutes driving distance from the nearest VA facility providing acute hospital care, and living more than 240 minutes driving distance from the nearest VA facility providing tertiary care.

H.R. 3219 contains the same provision (section 206).

The Compromise Agreement contains this provision.

TITLE IV—MENTAL HEALTH CARE MATTERS

*Eligibility of Members of the Armed Forces Who Served in Operation Enduring Freedom or Operation Iraqi Freedom for Counseling and Services Through Readjustment Counseling Services (section 401)*

The Senate bill contains a provision (section 401) that would allow any member of the Armed Forces, including members of the National Guard or Reserve, who served in OEF or OIF to be eligible for readjustment counseling services at VA Readjustment Counseling Centers, also known as Vet Centers. The provision of such services would be limited by the availability of appropriations so that this new provision would not adversely affect services provided to the veterans that Vet Centers are currently serving.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Restoration of Authority of Readjustment Counseling Service To Provide Referral and Other Assistance Upon Request to Former Members of the Armed Forces Not Authorized Counseling (section 402)*

The Senate bill contains a provision (section 402) that would require VA to help former members of the Armed Forces who have been discharged or released from active duty, but who are not otherwise eligible for readjustment counseling. VA would be authorized to help these individuals by providing them with referrals to obtain counseling and services from sources outside of VA, or by advising such individuals of their right to apply for a review of their release or discharge through the appropriate military branch of service.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Study on Suicides among Veterans (section 403)*

The Senate bill contains a provision (section 403) that would require VA to conduct a study to determine the number of veterans who committed suicide between January 1, 1999 and the enactment of the legislation. To conduct this study, VA would be required to coordinate with the Secretary of Defense, veterans' service organizations, the Centers for Disease Control and Prevention, and state public health offices and veterans agencies.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

TITLE V—OTHER HEALTH CARE MATTERS

*Repeal of Certain Annual Reporting Requirements (section 501)*

The Senate bill contains a provision (section 501) that would eliminate the reporting requirements, set forth in sections 7451 and 8107 of title 38, United States Code, on pay adjustments for registered nurses. These reporting requirements date to a time when VA facility directors had the discretion to offer annual General Schedule (GS) comparability increases to nurses. Current law requires VA to provide GS comparability increases to nurses so that that pay adjustment report is no longer necessary. The provision would also eliminate the reporting requirement on VA's long-range health care planning which included the operations and construction plans for medical facilities. The information contained in this report is already submitted in other reports and plans, in particular the Department's annual budget request.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Submittal Date of Annual Report on Gulf War Research (section 502)*

The Senate bill contains a provision (section 502) that would amend the due date of the Annual Gulf War Research Report from March 1 to July 1 of each of the five years with the first report due in 2010.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Payment for Care Furnished to CHAMPVA Beneficiaries (section 503)*

The Senate bill contains a provision (section 503) that would clarify that payments made by VA to providers who provide medical care to a beneficiary covered under CHAMPVA shall constitute payment in full,

thereby removing any liability on the part of the beneficiary.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Disclosure of Patient Treatment Information from Medical Records of Patients Lacking Decision-making Capacity (section 504)*

The Senate bill contains a provision (section 504) that would authorize VA health care practitioners to disclose relevant portions of VA medical records to surrogate decision-makers who are authorized to make decisions on behalf of patients lacking decision-making capacity. The provision would only allow such disclosures where the information is clinically relevant to the decision that the surrogate is being asked to make.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Enhancement of Quality Management (section 505)*

The Senate bill contains a provision (section 506) that would create a National Quality Management Officer to act as the principal officer responsible for the Veteran Health Administration's quality assurance program. The provision would require each VISN and medical facility to appoint a quality management officer, as well as require VA to carry out a review of policies and procedures for maintaining health care quality and patient safety.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Pilot Program on Use of Community-Based Organizations and Local and State Government Entities to Ensure that Veterans Receive Care and Benefits for Which They are Eligible (section 506)*

The Senate bill contains a provision (section 508) that would require VA to create a pilot program to study the use of community organizations and local and State government entities in providing care and benefits to veterans. The grantees would be selected for their ability to increase outreach, enhance the coordination of community, local, state, and Federal providers of health care, and expand the availability of care and services to transitioning servicemembers and their families. The two-year pilot program would be required to be implemented in five locations and, in making the site selections, the Secretary would be required to give special consideration to rural areas, areas with high proportions of minority groups, areas with high proportions of individuals who have limited access to health care, and areas that are not in close proximity to an active duty military station.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision, but would give VA 180 days to implement the pilot program.

*Specialized Residential Care and Rehabilitation for Certain Veterans (section 507)*

The Senate bill contains a provision (section 509) that would authorize VA to contract for specialized residential care and rehabilitation services for certain veterans. Eligible veterans would be those who served in OEF or OIF, suffer from a traumatic brain injury (TBI), and possess an accumulation of deficits in activities of daily living and instrumental activities of daily living that would otherwise require admission to a nursing home.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Expanded Study on the Health Impact of Project Shipboard Hazard and Defense (section 508)*

The Senate bill contains a provision (section 510) that would require VA to contract with the Institute of Medicine (IOM) to study the health impact of veterans' participation in Project Shipboard Hazard and Defense (SHAD). The study would be intended to cover, to the extent practicable, all veterans who participated in Project SHAD and may utilize results from the study included in IOM's report on ''Long-Term Health Effects of Participation in Project SHAD.''

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Use of Non-Department Facilities for Rehabilitation of Individuals with Traumatic Brain Injury (section 509)*

The Senate bill contains a provision (section 511) that would clarify when non-VA facilities may be utilized to provide treatment and rehabilitative services for veterans and members of the Armed Forces with TBI. Specifically, the provision would allow non-VA facilities to be used when VA cannot provide treatment or services at the frequency or duration required by the individual plan of the veteran or servicemember with TBI. The provision also would allow the use of non-VA facilities if VA determines that it is optimal for the recovery and rehabilitation of the veteran or servicemember. Such non-VA facility would be required to maintain standards that have been established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with TBI.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Pilot Program on Provision of Dental Insurance Plans to Veterans and Survivors and Dependents of Veterans (section 510)*

The Senate bill contains a provision (section 513) that would require VA to carry out a three-year pilot program to provide specified dental services through a contract with a dental insurer. Additionally, the provision would provide that the pilot program should take place in at least two but no more than four VISNs and that enrollment would be voluntary. The program would provide diagnostic services, preventive services, endodontic and other restorative services, surgical services, emergency services, and such other services as VA considers appropriate.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision, modified to provide that the pilot program may take place in any number of VISNs the Secretary deems appropriate. The purpose of providing the Secretary with this authority is to ensure the capability, should it be required, to maximize the number of voluntary enrollees insured under the dental program so as to reduce premium expenditures.

*Prohibition on Collection of Copayments from Veterans who are Catastrophically Disabled (section 511)*

The Senate bill contains a provision (section 515) that would add a new section 1730A in title 38, United States Code, to prohibit VA from collecting copayments from catastrophically disabled veterans for medical services rendered, including prescription drug and nursing home care copayments.

H.R. 3219 contains the same provision (section 203).

The Compromise Agreement contains this provision.

*Higher Priority Status for Certain Veterans Who Are Medal of Honor Recipients (section 512)*

H.R. 3519 contains a provision (section 201) that would amend section 1705 of title 38, United States Code, to place Medal of Honor recipients in priority group 3 for the purposes of receiving health care through VA. This would situate Medal of Honor recipients in a priority group with former prisoners of war and Purple Heart recipients.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Hospital Care, Medical Services, and Nursing Home Care for Certain Vietnam-Era Veterans Exposed to Herbicide and Veterans of the Persian Gulf War (section 513)*

H.R. 3219 contains a provision (section 202) that would amend section 1710 of title 38, United States Code, to provide permanent authorization for the special treatment authority of Vietnam-era veterans exposed to an herbicide and Gulf-War era veterans who have insufficient medical evidence to establish a service-connected disability.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Establishment of Director of Physician Assistant Services in Veterans Health Administration (section 514)*

H.R. 3219 contains a provision (section 204) that would create the position of Director of Physician Assistant Services in VA central office who would report directly to the Under Secretary for Health on all matters related to education, training, employment, and proper utilization of physician assistants.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision, modified to require the Director of Physician Assistant Services to report directly to the Chief of the Office of Patient Services instead of to the Under Secretary for Health.

*Committee on Care of Veterans With Traumatic Brain Injury (section 515)*

H.R. 3219 contains a provision (section 205) that would require VA to establish a Committee on Care of Veterans with Traumatic Brain Injury. This Committee would be required to evaluate VA's capacity to meet the treatment and rehabilitative needs of veterans with TBI, as well as make recommendations and advise the Under Secretary for Health on matters relating to this condition. Additionally, VA would be required to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report on the Committee's findings and recommendations and the Department's response.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Increase in Amount Available to Disabled Veterans for Improvements and Structural Alterations Furnished as Part of Home Health Services (section 516)*

H.R. 1293 contains a provision that would increase, from $4,100 to $6,800, the amount authorized to be paid to veterans who have service-connected disabilities rated 50 percent or more disabling for home improvements and structural alterations. The provision would also increase from $1,200 to $2,000, the amount authorized to be paid to veterans with service-connected disabilities rated less than 50 percent disabling.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Extension of Statutorily Defined Copayments for Certain Veterans for Hospital Care and Nursing Home Care (section 517)*

Under current law, VA has the authority to provide hospital and nursing home care on a space available basis to veterans who do not otherwise qualify for such care. VA is authorized to collect from such a veteran an amount equal to $10 for every day that a veteran receives hospital care, and $5 for every day a veteran receives nursing home care. This authority expires on September 30, 2010.

Neither the House nor Senate bills contain a provision to extend this authority.

The Compromise Agreement contains a provision which would extend the statutorily defined copayments for certain veterans for hospital care and nursing home care to September 30, 2012.

*Extension of Authority To Recover Cost of Certain Care and Services From Disabled Veterans With Health-Plan Contracts (section 518)*

Under current law, VA is authorized to recover the costs associated with medical care provided to a veteran for a non-service-connected disability if, among other eligibility criteria, the veteran receives such care before October 1, 2010, the veteran has a service-connected disability, and the veteran is entitled to benefits for health care under a health-plan contract.

Neither the House nor Senate bills contain a provision to extend this authority.

The Compromise Agreement contains a provision which would extend the authority to recover the cost of such care and services from disabled veterans with health-plan contracts to October 1, 2012.

TITLE VI—DEPARTMENT PERSONNEL MATTERS

*Enhancement of Authorities for Retention of Medical Professionals (section 601)*

The Senate bill contains provisions (section 601) intended to improve VA's ability to recruit and retain health professionals. First, VA would be given the authority to apply the title 38 hybrid employment system to additional health care occupations to meet the recruitment and retention needs of VA. Next, the probationary period for full-time and part-time registered nurses would be set at two years; part-time registered nurses who served previously on a full-time basis would not be subject to a probationary period. In addition, VA would be authorized to waive the salary offset where the salary of an employee rehired after retirement from the Veterans Health Administration is reduced according to the amount of their annuity under a federal government retirement system.

Section 601 also would provide for a number of new or expanded pay authorities, including setting the pay for all senior executives in the Office of the Under Secretary for Health at Level II or Level III of the Executive Schedule; authorizing recruitment and retention special incentive pay for pharmacist executives of up to $40,000; amending the pay provisions of physicians and dentists by clarifying the determination of the non-foreign cost of living adjustment, exempting physicians and dentists in executive leadership positions from compensation panels, and allowing for a reduction in market pay for changes in board certification or a reduction of privileges; modifying the pay cap for registered nurses and other covered positions to Level IV of the Executive Schedule; allowing the pay for certified registered nurse anesthetists to exceed the pay caps for registered nurses; increasing the limitation on special pay for nurse executives from $25,000 to $100,000; adding licensed practical nurses, licensed vocational nurses, and nursing positions covered by title 5 to the list of occupations that are exempt from the limitations on increases in rates of basic pay; and expanding the eligibility for additional premium pay to part-time nurses. Finally, section 601 would improve VA's locality pay system by requiring VA to provide education, training, and support to the directors of VA health care facilities on the use of locality pay system surveys.

H.R. 919 contains a comparable provision (section 2) which would not, in contrast to the Senate bill, restrict VA from applying hybrid title 38 status to positions that are administrative, clerical or physical plant maintenance and protective services, would otherwise be included under the authority of section 5332 of title 5, United States Code; do not provide direct patient care services, or would otherwise be available to provide medical care and treatment for veterans. The House provision also would not place restrictions on the categories of part-time nurses for whom the probationary period would be waived. The House section contains an additional provision which would provide comparability pay up to $100,000 per year to all individuals appointed by the Under Secretary for Health under the authority of section 7306 of title 38, United States Code, who are not physicians or dentists and who would be compensated at a higher rate in the private sector.

The Compromise Agreement contains the Senate provision, modified to eliminate the provision of the Senate bill that would provide VA with the authority to waive salary offsets for retirees who are reemployed in the Veterans Health Administration.

*Limitations on Overtime Duty, Weekend Duty, and Alternative Work Schedules for Nurses (section 602)*

The Senate bill contains a provision (section 602) that would prohibit VA from requiring nurses to work more than 40 hours in an administrative work week or more than 8 hours consecutively, except under unanticipated emergency conditions in which the nurses' skills are necessary and good faith efforts to find voluntary replacements have failed. The provision also would strike subsection 7456(c) of title 38, United States Code, which provides that nurses on approved sick or annual leave during a 12-hour work shift shall be charged at a rate of five hours of leave per three hours of absence. Finally, for recruitment and retention purposes, VA would be authorized to consider a nurse who has worked 6 regularly scheduled 12-hour work shifts within a 14-day period to have worked a full 80-hour pay period.

H.R. 919 contains the same provision (section 3).

The Compromise Agreement contains this provision.

*Reauthorization of Health Professionals Educational Assistance Scholarship Program (section 603)*

H.R. 919 contains a provision (section 4) that would reinstate the Health Professionals Educational Assistance Scholarship Program. Section 2 of H.R. 4166 contains a similar provision which would also direct VA to fully employ program graduates as soon as possible following their graduation, require graduates to perform clinical rotations in assignments or locations determined by VA, and assign a mentor to graduates in the same facility in which they are serving.

The Senate bill contains a similar provision but did not include the requirement to fully employ graduates as soon as possible.

The Compromise Agreement contains the provision from section 2 of H.R. 4166.

*Loan Repayment Program for Clinical Researchers From Disadvantaged Backgrounds (section 604)*

H.R. 919 (section 4) and H.R. 4166 (section 4) contain identical provisions that would allow VA to utilize the authorities available in the Public Health Service Act for the repayment of the principal and interest of educational loans of health professionals from disadvantaged backgrounds in order to employ such professionals in the Veterans Health Administration to conduct clinical research.

The Senate bill contains the same provision (section 603).

The Compromise Agreement contains this provision.

TITLE VII—HOMELESS VETERANS MATTERS

*Per Diem Grant Payments (section 701)*

H.R. 3796 contains a provision that would authorize VA to make per diem payments to organizations assisting homeless veterans in an amount equal to the greater of the daily cost of care or $60 per bed, per day. The provision would also require VA to ensure that 25 percent of the funds available for per diem payments are distributed to organizations that meet some but not all of the criteria for the receipt of per diem payments. These would include (in order of priority) organizations that meet each of the transitional and supportive services criteria and serve a population that is less than 75 percent veterans; organizations that meet at least one but not all of the transitional and supportive services criteria, but have a population that is at least 75 percent veterans; or organizations that meet at least one but not all of the transitional and supportive services criteria and serve a population that is less than 75 percent veterans.

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision, but does not require the minimum amount of $60 per bed, per day for the Grant and Per Diem program. In addition, VA would be authorized but not required to award the per diem grants to nonprofit organizations meeting some but not all of the criteria for the receipt of such payments.

TITLE VIII—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

*General Authorities on Establishment of Corporations (section 801)*

H.R. 2770 contains a provision (section 2) that would authorize Nonprofit Research and Education Corporations (NPCs) to merge, thereby creating multi-medical center research corporations.

The Senate bill contains the same provision (section 801).

The Compromise Agreement contains this provision.

*Clarification of Purposes of Corporations (section 802)*

H.R. 2770 contains a provision (section 3) that would clarify the purpose of NPCs to include specific reference to their role as funding mechanisms for approved research and education, in addition to their role in facilitating research and education.

The Senate bill contains the same provision (section 802).

The Compromise Agreement contains this provision.

*Modification of Requirements for Boards of Directors of Corporations (section 803)*

The Senate bill contains a provision (section 803) that would require that a minimum of two members of the Board of Directors of an NPC be other-than-federal employees. Additionally, the provision would allow for the appointment of individuals with expertise in legal, financial, or business matters. The provision also would conform the law relating to NPCs to other federal conflict of interest regulations by removing the requirement that members of the NPC boards have no financial relationship with any entity that is a source of funding for research or education by VA.

H.R. 2770 contains a comparable provision (section 4), but provides that the executive director of the corporation may be a VA employee.

The Compromise Agreement contains the House provision, with a modification which removes the provision allowing VA employees to serve as executive directors.

*Clarification of Powers of Corporations (section 804)*

H.R. 2770 contains a provision (section 5) that would clarify the NPCs' authority to accept, administer, and transfer funds for various purposes. NPCs would be allowed to enter into contracts and set fees for the education and training facilitated through the corporation.

The Senate bill contains the same provision (section 804).

The Compromise Agreement contains this provision.

*Redesignation of Section 7364A of Title 38, United States Code (section 805)*

H.R. 2770 contains a provision (section 6) that would provide clerical amendments associated with implementing this legislation concerning Nonprofit Research and Education Corporations.

The Senate bill contains the same provision (section 805).

The Compromise Agreement contains this provision.

*Improved Accountability and Oversight of Corporations (section 806)*

The Senate bill contains a provision (section 806) that would strengthen VA's oversight of NPCs by requiring those NPCs with revenues of over $10,000 to obtain an independent audit once every three years, or with revenues of over $300,000 to obtain such an audit each year, and to submit certain Internal Revenue Service forms.

H.R. 2770 contains a comparable provision (section 7), but would instead raise to $100,000 the threshold for requiring three-year audits and to $500,000 the revenue threshold that would require yearly audits. The provision also would revise conflict of interest policies to apply to the policies adopted by the corporation.

The Compromise Agreement contains the House provision.

TITLE IX—CONSTRUCTION AND NAMING MATTERS

*Authorization of Medical Facility Projects (section 901)*

The Senate bill contains a provision (section 901) that would authorize funds for the following major medical facility projects in FY 2010: Livermore, California; Walla Walla, Washington; Louisville, Kentucky; Dallas, Texas; St. Louis, Missouri; Denver, Colorado and Bay Pines, Florida.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision, but strikes the authorization for the construction project in Walla Walla, Washington, since authorization for this construction project was provided in Public Law 111–98, enacted on November 11, 2009.

*Designation of Merrill Lundman Department of Veterans Affairs Outpatient Clinic, Havre, Montana (section 902)*

The Senate bill contains a provision (section 903) that would name VA outpatient clinic in Havre, Montana, as the ''Merrill Lundman Department of Veterans Affairs Outpatient Clinic.''

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Designation of William C. Tallent Department of Veterans Affairs Outpatient Clinic, Knoxville, Tennessee (section 903)*

In the House, H.R. 402 contains a provision that would name the VA outpatient clinic in Knoxville, Tennessee as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic.''

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

*Designation of Max J. Beilke Department of Veterans Affairs Outpatient Clinic, Alexandria, Minnesota (section 904)*

In the House, H.R. 3157 contains a provision that would name the VA outpatient clinic in Alexandria, Minnesota as the ''Max J. Beilke Department of Veterans Affairs Outpatient Clinic.''

The Senate bill contains no comparable provision.

The Compromise Agreement contains the House provision.

TITLE X—OTHER MATTERS

*Expansion of Authority for Department of Veterans Affairs Police Officers (section 1001)*

The Senate bill contains a provision (section 1001) that would provide additional authorities to VA uniformed police officers, including the authority to carry a VA-issued weapon in an official capacity when off VA property and in official travel status, the authority to conduct investigations on and off VA property of offenses that may have been committed on VA property, expanded authority to enforce local and State traffic regulations when such authority has been granted by local or State law, and to make arrests based upon an arrest warrant issued by any competent judicial authority.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Uniform Allowance for Department of Veterans Affairs Police Officers (section 1002)*

The Senate bill contains a provision (section 1002) that would modify VA's authority to pay an allowance to VA police officers for purchasing uniforms. The provision would provide a uniform allowance in an amount which is the lesser of the amount prescribed by the Office of Personnel Management or the actual or estimated cost as determined by periodic surveys conducted by VA.

There was no comparable House provision.

The Compromise Agreement contains the Senate provision.

*Submission of Reports to Congress by Secretary of Veterans Affairs in Electronic Form (section 1003)*

Under current law, there is no requirement for VA to submit Congressionally mandated reports in an electronic form.

Neither the House nor Senate bills contained a provision to change this procedure.

The Compromise Agreement contains a provision which would create a new section 118 in title 38, United States Code, which would require VA to submit reports to Congress, or any Committee thereof, in electronic format. Reports would be defined to include any certification, notification, or other communication in writing.

*Determination of Budgetary Effects for Purposes of Compliance with Statutory Pay-As-You-Go-Act of 2010 (section 1004)*

Neither the Senate nor House bills contain a provision relating to compliance with the Statutory Pay-As-You-Go-Act of 2010, Title I of P.L. 111–139, 124 Stat. 8.

The Compromise Agreement contains a procedural provision to require the determination of the budgetary effects of provisions contained in the Compromise Agreement to be based upon the statement jointly entered into the Congressional Record by the Chairmen of the Committees on the Budget of the Senate and the House of Representatives.

Mr. COBURN. Madam President, our Nation has been at war for nearly a decade now in Afghanistan and nearly as long in Iraq and we owe a huge debt of gratitude to the men and women who have fought on the front lines as well as to their families who have sacrificed so much.

The Senate is considering S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2009. While I will support its passage, I believe this legislation represents a significant failure of Congress to uphold the responsibility entrusted to us by the citizens of this Nation and our obligation to military families and taxpayers.

While there will be self-congratulating press releases from Members of Congress and some Veteran Service Organization lauding the bill's passage, I believe the shortcomings of this legislation—discriminating against most veterans and adding billions of dollars to our national debt—represent a failure of leadership and lack of responsibility.

I had hoped that the House of Representatives would make some significant improvements to the legislation over the Senate. Sadly, they did not.

The legislation that the Senate will consider still unfairly discriminates against severely disabled veterans from wars and combat prior to September 11, 2001.

Many of these brave men and women have needed the assistance of caregivers for decades and have done so without help from the Department of Veterans Affairs. Many of these veterans were not the beneficiary of recent advancements in military medical care. The caregivers of these veterans will be left out of this benefits package.

There are currently 35,000 veterans receiving aid and attendance benefits from the Department of Veterans Affairs, which is approximately the number of veterans in need of caregiver assistance. Out of this population, around 2,000 veterans received their injuries after September 11 and would

qualify for extra caregiver assistance in this bill.

Caregivers for almost 95 percent of severely disabled veterans from combat would not receive the level of caregiver assistance afforded to those veterans who were injured after September 11, 2001. When I offered an amendment that would provide equivalent caregiver benefits for all severely disabled veterans of all wars, the Senate summarily rejected that idea.

Unfortunately the House of Representatives also ignored the danger that our massive debt poses to our Nation and did not eliminate or reduce any current programs in the Federal budget to pay for this legislation. The bill is not paid for by trimming any wasteful, duplicative, obsolete, or lower priority Federal programs.

The Congressional Budget Office estimates that the bill will cost $3.6 billion over 5 years, which is slightly less than the version the Senate passed. The Senate also rejected my attempt to pay for this legislation out of the fraud, waste, and abuse of taxpayer dollars that we send each year to the United Nations.

Instead the Congress has decided, as it always does, to pass the debt onto our children and grandchildren, rather than bear the cost and sacrifice today as our veterans have done.

I fear that if we do not start paying for new spending then the sacrifice made by our veterans for future generations will have been in vain. At some point, the debt we are incurring today must be paid for and when that day comes, the promises we are making to veterans, caregivers, and others will no longer be affordable because Congress refused to be responsible by being fiscally responsible by trimming lower priority spending.

When the Senate first considered this legislation last fall, some of the proponents of the Caregivers and Veterans Omnibus Health Services Act attempted to rebut my facts about our growing national debt by saying that the bill does not actually appropriate any money for these programs.

In a technical sense, they are correct. I suspect that these same proponents will issue statements celebrating its passage, which will disappoint any caregiver of a disabled veteran expecting the promised assistance soon.

No caregiver will be helped unless the appropriations committee allocates the funding for this new program authorized in this bill.

Until then, this bill is an empty promise to veterans and benefits no one except perhaps the career politicians who will claim credit for doing something to help veterans without really having to make any difficult choices.

We owe an enormous sacrifice to our veterans who fought and died in our defense. This debt, which was incurred on a battlefield far from home, should be borne by this generation so that we ensure that the future they fought to secure for our children and grandchildren is not threatened by our own fiscal irresponsibility and shortsightedness.

Congress has once again failed taxpayers, veterans, and their families today.

Mr. DORGAN. I ask unanimous consent the Senate concur in the House amendment; that the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3253, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3253) to provide for additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3253) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3253

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.**

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111–136 (124 Stat. 6), is amended by striking ''April 30, 2010'' each place it appears and inserting ''July 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on April 29, 2010.

## NATIONAL ADOPT A LIBRARY DAY

Mr. DORGAN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 496, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (S. Res. 496) designating April 23, 2010, as ''National Adopt A Library Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 496) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 496

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to make use of books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate the donation of books to schools and libraries across the United States—

(1) to extend the joys of reading to millions of people of the United States; and

(2) to prevent used books from being thrown away;

Whereas, as of the date of agreement to this resolution, the libraries of the United States have provided valuable resources to individuals affected by the economic crisis by encouraging continued education and job training; and

Whereas several States that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as ''Adopt A Library Day'': Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 23, 2010, as ''National Adopt A Library Day'';

(2) honors the organizations that facilitate donations to schools and libraries;

(3) urges all people of the United States who own unused books to donate the unused books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

## NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. DORGAN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 497, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 497) designating the third week of April, 2010 as ''National Shaken Baby Syndrome Awareness Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 497) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 497

Whereas the month of April has been designated ''National Child Abuse Prevention Month'' as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System reports that 772,000 children were victims of abuse and neglect in the United States in 2008, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas approximately 95,000 of those children were younger than 1 year old;

Whereas more than 4 children die each day in the United States as a result of abuse or neglect;

Whereas children younger than 1 year old accounted for over 40 percent of all child abuse and neglect fatalities in 2008, and children younger than 4 years old accounted for nearly 80 percent of all child abuse and neglect fatalities in 2008;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or left undetected;

Whereas Shaken Baby Syndrome often results in permanent and irreparable brain damage or death of the infant and may result in extraordinary costs for medical care during the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may avert enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been injured or killed by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and their families within the health care and criminal justice systems;

Whereas 20 States have enacted legislation related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas the Senate has designated the third week of April as ''National Shaken Baby Syndrome Awareness Week'' each year since 2005; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the third week of April 2010 as ''National Shaken Baby Syndrome Awareness Week'';

(2) commends hospitals, childcare councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc Calendar Nos. 790, 791, 792, and 793; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The following named individual for appointment as Commandant of the United States Coast Guard and to the grade indicated under title 14, U.S.C., Section 44:

*To be admiral*

Vice Adm. Robert J. Papp, Jr.

The following named officer for appointment as Vice Commandant of the United States Coast Guard and to the grade indicated under title 14, U.S.C., Section 47:

*To be vice admiral*

Rear Adm. Sally Brice-O'Hara

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under title 14, U.S.C., section 50:

*To be vice admiral*

Rear Adm. Manson K. Brown

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard and to the grade indicated under title 14, U.S.C., section 50:

*To be vice admiral*

Rear Adm. Robert C. Parker

## LEGISLATIVE SESSION

Mr. DORGAN. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 111–148, appoints the following individuals to serve as members of the Commission on Key National Indicators: Dr. Ikram Khan of Nevada (for a term of 3 years) and Dr. Dean Ornish of California (for a term of 2 years).

## MORNING BUSINESS

Mr. DORGAN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me ask, if I might, I know Senator MURRAY and Senator SESSIONS are here. I do not know in what order they would want to go, and I believe about 10 minutes each or so.

I ask unanimous consent that Senator SESSIONS be recognized, followed by Senator MURRAY, and I be recognized following the presentation of Senator MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

## FINANCIAL REGULATORY REFORM

Mr. SESSIONS. Madam President, we are talking about financial reform. There is a lot of attention and a lot of the Members of the Senate are trying to keep up with it and trying to make sure we create a reform package that effectively deals with corporations that have so mismanaged their business that they need to be dissolved or broken up or liquidated, as is normally the case when a company in America cannot pay its bills.

This happens every day for smaller companies. It becomes a bit more complicated, sometimes a great deal more complicated, when the corporations get

bigger and bigger and bigger. The way our corporations are normally dissolved, if they are financially insolvent and cannot operate, has always been bankruptcy court.

There are bankruptcy judges all over America. It is a Federal court system. Bankruptcy is referred to in the U.S. Constitution. It has worked very well. I guess what I am concerned about is, some of the provisions that are in the proposed legislation that is floating about would alter that traditional idea in ways that may be unwise.

Senator LEAHY, the chairman of the Judiciary Committee, I am the ranking Republican on that committee, and I have talked about this a little bit. It is getting to a point where we need to figure out what is happening here. The matter is highlighted by a letter from the Judicial Conference of the United States—Mr. James Duff, the Presiding Secretary, of the Judicial Conference of the United States. Chairman LEAHY asked them their opinions on some of the proposals for dissolution of companies, the orderly liquidation of companies.

The Judicial Conference responded in a letter that was received by Senator LEAHY, and I do believe it raises important questions. I truly do. I am a person who spent a lot of time practicing law, both as U.S. attorney and in private practice in Federal court, and have some appreciation for how bankruptcy courts operate. I would say, we ought to pay attention to what the Judicial Conference says to us. It is a kind of correspondence they take seriously. They do not lightly send off letters to the Senate. This was in response to a question. So this is what Mr. Duff replies on behalf of the Judicial Conference, in reply to Senator LEAHY:

> As you noted, Title II would create an ''Orderly Liquidation Authority Panel'' within the Bankruptcy Court for the District of Delaware for the limited purpose of ruling on petitions from the Secretary of the Treasury for authorization to appoint the Federal Deposit Insurance Corporation (FDIC) as the receiver for a failed financial firm.

Then it goes on to say:

> This is a substantial change to the bankruptcy law because it would create a new structure within the bankruptcy courts and remove a class of cases from the jurisdiction of the Bankruptcy Code. The legislation, by assigning to the FDIC the responsibility for resolving the affairs of an insolvent firm, appears to provide a substitute for a bankruptcy proceeding.

You see, when people loan money to a corporation, people buy stock in a corporation, they buy bonds of a corporation or otherwise loan them money, they have an expectation that if that company fails to prosper and pay what they owe, that company at least will be hauled into bankruptcy court and they will have an opportunity to present their claims and to receive whatever fair proportion of the money that is still left in the company as their payment.

It may be 10 cents on a dollar, it may be 90 cents on a dollar or whatever you get. They understand that bankruptcy judges have the authority to try to allow the company to continue to operate, to stay or stop people from filing lawsuits against the company and collecting debts, to allow the company a while to see if they cannot pay off more debtors by continuing to operate than shutting them down.

But if they see the company is so badly in financial crisis that it is going to collapse anyway, they come in and shut it down before they can rip off more people. So that is what bankruptcy courts do every day. So this letter indicates that by assigning the FDIC responsibility for resolving these affairs, it provides a substitute for bankruptcy, which is denying the lawful expectations of people who loan money to or bought stock in these corporations.

They go on to say:

> We note, however, that the legislation will result in the transition of at least some bankruptcy cases to FDIC receivership in situations where a firm is already in bankruptcy, either voluntarily or involuntarily.

In other words, it appears that legislation would allow a case to be taken out of bankruptcy that was already in the bankruptcy court.

It goes on to say:

> The legislation does not envision objection, participation, or input from the bankruptcy creditors (whose rights will be affected) in the course of appointing the FDIC as receiver. Indeed, the legislation deals in a sealed manner; [secret manner, apparently] only the Secretary and the affected financial firm would be noticed and given the opportunity of a hearing.

That will have major impacts on a stockholder or bondholder or a creditor of a corporation. The FDIC is going to meet with this big company, this big bank, and work out a deal and not even tell the people who loaned the corporation money in good faith and have certain legal rights, at least they always had previously. These rights, somehow, will be extinguished or cut off.

It goes on to say:

> The financial position of affected creditors may have been changed within the context of the firm's bankruptcy case in such a way that the creditors' rights might have changed dramatically. Any resulting due process challenges would impose significant burdens on the courts to resolve novel issues for which the bill provides no guidance.

They go on to say:

> In addition, we note that petitions under this title involving financial firms would be filed in a single judicial district. The Judicial Conference favors distribution of cases to ensure that court facilities are readily accessible to litigants and other participants in the judicial process.

Under the current proposal all of these cases are going to be tried in Delaware. I do not know if we have enough judges in Delaware.

They go on to say this:

> With respect to the limited review [that means appellate] to be conducted by the panel created in section 202, [of the proposed legislation] we note that the authority may exceed what is constitutionally permitted to a non-Article III entity.

What does that mean? That means some of these powers are judicial powers given only to Federal district courts presided over by senatorially confirmed, presidentially-appointed, lifetime Federal judges. We can't just give them off to somebody else to decide. It is just not constitutional. We don't have the powers in the Congress, or the President doesn't have the powers to take over judicial roles.

They continue:

> A previous statute was held unconstitutional because it conferred on the bankruptcy courts the authority to decide matters reserved for Article III courts.

It goes on to talk about that.

Let me tell my colleagues what CEOs don't like. Do we want to be tough on CEOs? I will give some suggestions.

If they can't run their companies and they can't pay their bondholders, can't pay their debtors, their stock has become worthless. People invested in their companies believing they were legitimate, believing the representations of their financial condition, and it turned out to be false. They do not want to be in a court where they raise their hands and have to give testimony under oath. They don't want to be in that position.

The way the law has been thought of and is worked out to handle these cases is to have a Federal bankruptcy judge preside over this process. There are bankruptcy rules about what the judge can and cannot do. Each entity that has an interest in the matter can have lawyers. The stockholders can have lawyers. The bondholders can have lawyers. The creditors can have lawyers. The workers can have lawyers. The employees can have lawyers. The guys have to come in under oath. They have to bring their financial statements. If they lie, they go to jail for perjury. This is a powerful thing. A lot of these big wheels don't want to subject themselves to it. I would say, if we want to be tough on these companies, don't create some FDIC buddy group that has been supervising them and sees their role as trying to work with them. Have a real judge.

We can create a system where we select experienced judges, create some special procedures for larger bankruptcy cases. We should consider that.

My one comment before I wrap up is, we should listen to the Judicial Conference and recognize there is a danger to the rule of law to legitimate expectations of creditors and stockholders by this new change, this unexpected change in the law. We should allow classical procedures to work. If we need to improve them and make some special provisions for dissolution of corporations to help bankruptcy judges do

the job better, I would certainly favor that. That would allow us to function in a lawful way, a principled way, and not allow people to meet in private and secret, as we have seen happened recently, and dissolve their cases in a matter that is not open and free to the entire public, as would happen in bankruptcy court.

I ask unanimous consent to have printed in the RECORD the letter from the Judicial Conference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICIAL CONFERENCE OF THE UNITED STATES,
*Washington, DC, April 12, 2010.*

Hon. PATRICK J. LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing in response to your letter of March 25, 2010, seeking the views of the Judiciary with regard to provisions relating to bankruptcy that are contained in the financial regulation bill recently approved by the Senate Committee on Banking, Housing, and Urban Affairs. We appreciate your soliciting the views of the courts on this matter. You identified several of the issues that are of concern to the courts, and I will address each of those.

As you noted, Title II would create an ''Orderly Liquidation Authority Panel'' within the Bankruptcy Court for the District of Delaware for the limited purpose of ruling on petitions from the Secretary of the Treasury for authorization to appoint the Federal Deposit Insurance Corporation (FDIC) as the receiver for a failing financial firm. This is a substantial change to bankruptcy law because it would create a new structure within the bankruptcy courts and remove a class of cases from the jurisdiction of the Bankruptcy Code. The legislation, by assigning to the FDIC the responsibility for resolving the affairs of an insolvent firm, appears to provide a substitute for a bankruptcy proceeding. The Judicial Conference has not adopted a position with regard to the removal from bankruptcy court jurisdiction of the class of financial firms identified in this legislation.

We note, however, that the legislation will result in the transition of at least some bankruptcy cases to FDIC receivership in situations where a firm is already in bankruptcy, either voluntarily or involuntarily. Section 203(c)(4)(A) provides that a pending bankruptcy case would be evidence of a firm's financial status for purposes of triggering the Treasury Secretary's authority to seek to appoint the FDIC as receiver. The bill does not specify how the transition from a bankruptcy proceeding to an administrative proceeding would be effected. Further, the bill does not specify the effect of the transfer on prior rulings of the court. For example, would any stays or other rulings continue in effect or be dissolved upon the transfer to the FDIC? This could be especially problematic if creditors have changed position based upon rulings in the course of the bankruptcy proceeding. The legislation does not envision objection, participation, or input from the bankruptcy creditors (whose rights will be affected) in the course of appointing the FDIC as receiver. Indeed, the legislation proposes to deal with this petition in a sealed manner; only the Secretary and the affected financial firm would be noticed and given the opportunity of a hearing. The financial position of affected creditors may have been changed within the context of the firm's bankruptcy case in such a way that the creditors' rights might have changed dramatically. Any resulting due process challenges would impose a significant burden on the courts to resolve novel issues, for which the bill provides no guidance.

In addition, we note that petitions under this title involving financial firms would be filed in a single judicial district. The Judicial Conference favors distribution of cases to ensure that court facilities are reasonably accessible to litigants and other participants in the judicial process. Although we are aware that a large number of companies are incorporated in Delaware, it is not clear that Delaware would necessarily be a convenient location for many of the affected companies, nor indeed the proper venue for that petition, absent changes to title 28, United States Code.

We also note that the legislation requires the designation of more bankruptcy judges for the panel than are permanently authorized for Delaware under existing law. The District of Delaware is authorized one permanent bankruptcy judge and five temporary judgeships. If Congress were to choose not to extend these judgeships or convert them to permanent status, it would be impossible to implement section 202's requirement to appoint three judges to the Orderly Liquidation Authority Panel from the District of Delaware.

With respect to the limited review to be conducted by the panel created in section 202, we note that the authority may exceed what is constitutionally permitted to a non-Article III entity. A previous statute was held unconstitutional because it conferred on the bankruptcy courts the authority to decide matters that are reserved for Article III courts. Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50 (1982). The review of the Secretary's decision in this instance appears to resemble more closely appeals of agency decisions under the Administrative Procedure Act than a bankruptcy petition and, therefore, appears more appropriate for an Article III court. Moreover, the affirmation of the Secretary's petition to designate the Federal Deposit Insurance Corporation as a receiver effectively removes a case from the application of bankruptcy law. Accordingly, it seems anomalous to subject this petition to review by a bankruptcy court.

Your letter particularly questioned whether the time limit of 24 hours for a decision by the panel would be sufficient or realistic. The Judicial Conference has consistently opposed the imposition of time limits for judicial decisions beyond those already set forth in the Speedy Trial Act or section 1657 of title 28. We appreciate that a matter affecting the operation of the national economy warrants a prompt resolution. We note that the courts, recognizing this concern, have already demonstrated an ability to move swiftly in resolving bankruptcy petitions involving large corporations with broad impact on the national economy. In each of these instances, the initial determinations were made by a single judge. The resulting appeals in some cases were also adjudicated on an expedited basis without a statutory requirement to do so.

Requiring a panel of three judges to assemble, conduct a hearing, and craft a written opinion within 24 hours presents practical difficulties that may be insurmountable. Although §202(b)(1)(A)(iii) could be read to limit the court's review to the question of whether the covered financial company is in default or danger of default, the Secretary is required to submit to the panel ''all relevant findings and the recommendation made pursuant to section 203(a),'' which specifies consideration of multiple factors (repeated in subsection (b) of that section as the basis for the Secretary's petition). Even with the full cooperation of the financial firm affected by the proceeding, which is not a predicate for the consideration of a petition, it would appear difficult to hear and consider the evidence and prepare a well-reasoned opinion addressing each reason supporting the decision of the panel within 24 hours. Even assuming that factors other than the solvency of the firm would be excluded from this special panel's review, it may well be that the subject financial firm or one of its creditors would seek judicial review of one of the prior administrative evaluations of the statutory factors, either in the course of the hearing conducted by the Orderly Liquidation Authority Panel or in another court. Such challenges would also make it difficult to meet the proposed timeline. It is possible that the facts of a particular case may be so clear that a decision could be rendered within 24 hours, but the statutory requirement of such speed seems inconsistent with the thoughtful deliberation that would be appropriate for a decision of such great significance.

Although it is to be hoped that only a small number of large financial firms would ever become subject to this legislation, each of the petitions would involve large volumes of evidence regarding complex financial arrangements. Thus, the legislation could result in a large proportion of the judicial resources of a single bankruptcy court being devoted exclusively to review of the Secretary's petitions. Further, the bill provides that the Secretary may re-file a petition to correct deficiencies in response to an initial decision, thus extending the time in which the court's resources would be diverted from other judicial business. The District of Delaware is one of the busiest bankruptcy courts in the nation; to draw the court's limited judicial resources away from the fair and timely adjudication of those bankruptcy cases to process petitions under this bill would be inequitable and unjust to the debtors and creditors in those pending cases. If, as seems possible given recent economic developments, the failure of one firm weakens other firms in the financial services sector, the demand could exceed the court's resources. This consideration alone counsels against the assignment of all such cases to a single court.

Finally, we note that both the Administrative Office of the United States Courts (AO) and the Government Accountability Office (GAO) are directed to conduct studies which will evaluate: (i) the effectiveness of Chapter 7 or Chapter 11 of the Bankruptcy Code in facilitating the orderly liquidation or reorganization of financial companies; (ii) ways to maximize the efficiency and effectiveness of the Panel; and (iii) ways to make the orderly liquidation process under the Bankruptcy Code for financial companies more effective.

With respect to those firms that are to be treated under Chapters 7 and 11 of the Bankruptcy Code, the vagueness of, and/or lack of criteria for determining ''effectiveness'' will hamper the ability of the AO and GAO to produce meaningful reports. Some would regard rapid payment of even small portions of claims as an effective resolution, while others would prefer a delayed payment of a greater share of a claim. There would also be

significant disagreements between creditors holding different types of secured or unsecured claims as to the most effective resolution of an insolvent firm. Some would argue that effectiveness should be measured by the impact of the resolution on the larger economy, regardless of the impact on the creditors of the particular firm. Without clearer guidance for the studies, both agencies will be required repeatedly to expend resources on the development of reports that may not provide the information Congress is seeking.

Thank you for seeking the views of the Judiciary regarding this legislation and for your consideration of them. If we may be of assistance to you in this or any other matter, please do not hesitate to contact our Office of Legislative Affairs at (202) 502–1700.

Sincerely,

JAMES C. DUFF,
*Secretary.*

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. As we prepare to consider legislation that includes some of the strongest reforms of Wall Street ever, it is important that we not lose sight of exactly what is on the line for the American people; that we will not allow complicated financial products and terminology to distract from the fact that this is a debate about fairness, about family finances, and protecting against another economic collapse; that we remember for Wall Street lobbyists, this may be complex, but for the American people it is pretty simple. For them this is a debate about whether they can walk into a bank and sign up for a mortgage or apply for a credit card or start a retirement plan.

Are the rules on their side when they do that, or are they with the big banks on Wall Street? For far too long, the financial rules of the road have favored big banks and credit card companies and Wall Street. For far too long they have abused those rules. Whether it was gambling with the money in our pension funds or making bets they could not cover or peddling mortgages to people they knew could never pay, Wall Street made expensive choices that came at the expense of working families. Wall Street used its ''anything goes'' rules to create a situation where everybody else paid, and Wall Street created a system that put their own short-term profits before the long-term interests of this country.

The simple truth is, it is time to end this system that puts Wall Street before Main Street. It is time to put families back in control of their own finances. It is time to focus on making sure the rules protect those sitting around the dinner table, not those sitting around the board room table. To do that, we have to pass strong Wall Street reform that cannot be ignored. Those reforms, I believe, have to include three core principles: a strong, independent consumer protection agency; an end to taxpayer bailouts; and tools to ensure that Americans have the financial know-how that empowers them to make smart choices about their own finances and helps them avoid making the same poor decisions that helped create this crisis.

First and foremost, Wall Street needs a watchdog. Right now what we have is a patchwork of Federal agencies, none of which are tasked with focusing solely on consumer protection. What we have is confusion and duplication and an abdication of responsibility. What we have, quite simply, is not working. What we need is a single, strong, independent agency, a cop on the beat whose sole function is to protect consumers, a cop on the street who will expose big bank ripoffs and end unfair fees and curb out-of-control credit card and mortgage rates. We need a cop on the street that ensures when one makes important financial decisions, the terms are clear. The risks are laid out on the table, and the banks and other financial companies offering them are being upfront. What we need is one agency with one mission looking out for one group of people, and that is American families.

Secondly, Wall Street reform must spell an end to the taxpayer-financed bailout. There is nothing that makes me or my constituents in Washington State angrier than the fact that Wall Street ran up this huge bill, and we had to pick up the tab. Wall Street reform has to end that once and for all. It has to be a death sentence for banks that engage in reckless practices, and it must make them pay for their funeral arrangements, if they do.

Third, reform has to address the fact that Wall Street is not alone in deserving blame for this crisis. Therefore, it must not be the only target of reform. We cannot ignore the fact that millions of Americans walked into sometimes predatory home loan agencies all across the country, unprepared to make big, important financial decisions. We have to acknowledge that too many Americans put too little thought into signing on the dotted line. Those bad decisions had a huge impact. That is why I have been working so hard to pass a bill I introduced called the Financial and Economic Literacy Improvement Act.

That legislation would change the way we approach educating Americans about managing their own finances and making good decisions about housing and employment and retirement. We add a fourth R to the basics of reading and writing and arithmetic. That is resource management. It gives Americans, young and old, the basic financial skills to heed warnings in the fine print they are signing and avoid mounting debt. I believe if we are going to avoid many of the mistakes that led to this crisis, we need a similar component in the bill we work on next week.

We all know the old adage that sunlight is the best disinfectant. With all of the reforms I have been talking about today, we have the potential to bring a whole lot of sunlight to Wall Street. But as we have seen in the lead up to this crisis and with Wall Street's response now to our reform effort so far, they don't like to do their work in the sunlight. They like to do it in back rooms. I have heard they have had some company recently in those back rooms. I have heard that over the last several days, some of our colleagues on the other side have been huddling with Wall Street lobbyists to figure out how they can kill this bill that is coming to us. They want to figure out how they can preserve the status quo and what they have today. They want to talk their way out of change. They have been calling out to special interests in Washington and bankers back on Wall Street and big money donors. In fact, just about everyone has been invited to those meetings except, of course, the American people. That is because the vast majority of Americans, including the hard-working families in my State who were hurt by this crisis through no fault of their own, want to see the strong Wall Street reforms I have talked about today passed. They want to hold Wall Street accountable for years of irresponsibility and taxpayer-funded bailouts. And more than anything, they want to make sure we never go through this again.

There is still a widely held view on Wall Street—and with too many still in DC—that the voices of the people can somehow be drowned out with big money and even bigger fabrications. Wall Street still thinks they can get away with highway robbery because, for all too long, they have. They think they can get away with telling the American people that more regulation is bad, when the absence of regulation is largely what got us into this mess.

They think people will be satisfied with watered-down rules that Wall Street can then simply step aside or go around or ignore. They think they can pull a fast one on Main Street. They are flatout wrong. I know that because I grew up literally on Main Street in Bothell, WA, working for my dad's 5-and-10-cent store with my six brothers and sisters.

I know they are wrong because Main Street is where I got my values, values such as the product of your work is what you can actually show in the till at the end of the day; that if that money was short, you dealt with the consequences. If it was more than you expected, you knew that more difficult days could lie ahead; values like a good transaction was one that was good for your business and for your customer; that personal responsibility meant owning up to your mistakes and making them right; that one business relied on all the others on the same street; and, importantly, that our customers were not prey and businesses were not predators, and an honest business was a successful one.

Those are the values I learned on Main Street growing up. Believe me, those same values are still strong for our country today. They exist in small towns such as the one in which I grew up and in big cities in every one of our States.

Next week, when we bring a strong Wall Street reform bill to the floor, everyone in the Senate is going to hear from people who still hold values like that very dear. I am sure they will tell us in no uncertain terms: It is time to end Wall Street's excesses. It is time to bring some sanity back into the system, to protect our consumers, to end bailouts and back-room deals, to restore personal responsibility and bring back accountability.

I am hopeful we will all listen because there certainly is a lot on the line for the American people. They deserve all of our support.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my colleague from the State of Washington just talked about Wall Street reform. It is such an important subject. It is the case that all of us who have lived through these last several years will understand when the history books record these years that we have lived and existed and struggled through a period that is the deepest recession since the Great Depression.

Mr. President, 15 million to 17 million people wake in the morning, now as I speak, jobless, get dressed, and go out to look for a job. Most do not find it. It has been a tough time. Yet those who read the newspaper and understand the difficulty of those who are losing homes, losing jobs, losing hope, also read the business pages and see that one of the heads of the largest investment banks last year was paid $25 million in salary. One of the folks who was one of the largest income earners in this country earned $3 billion running a hedge fund. That is $3 billion, by the way. That is almost $10 million a day.

So they see record profits from the biggest financial interests in this country—many of whom pursued policies that steered us right into the ditch. They wonder what is the deal here. The people at the top, the ones who caused most of the problem—the ones many of which would have gone broke had the Federal Government not come in with some funding to try to provide some stability—they are now at record profits, paying record bonuses. The folks at the bottom are out struggling to find a job because they have been laid off.

So it always comes back to something I have described often and it seems to never change and it is even more aggressive now. Bob Wills and His Texas Playboys, in the 1930s, had a verse in one of their songs: "The little bee sucks the blossom, but the big bee gets the honey." The little guy picks the cotton, but the big guy gets the money.

So it is and so has it always been but even more aggressive now. The same newspaper talks about the trouble given the workers of this country and the families of this country by the big financial institutions having steered this country into the deepest recession since the Great Depression; even as in the same newspaper they read about the largess, the record profits and record bonuses.

So the question is, What do we do about that? We are going to bring a financial reform bill, a Wall Street reform bill, to the floor of the Senate. I wish to talk a bit about that and say we need to review, just for a moment, the unbelievable cesspool of greed that existed—not everywhere but in some places—and at levels that steered this country into very dangerous territory.

Yes, new things, new instruments we had never heard of before: credit default swaps, naked credit default swaps. Some might say: What is a credit default swap? And, for God's sake, what is a naked credit default swap? How do you get a credit default swap naked? Well, let me take you not just to default swaps, let me take you back about a year and a half ago to a time when the futures market in oil was like a Roman candle and went up to $147 a barrel—$147 for a barrel of oil in day trading—just like a Roman candle and then went back down.

That market was broken. A bunch of speculators—they did not want to buy any oil. They have never hauled around a can or a case or a barrel of oil. They just wanted to speculate on the futures market. So they broke that market, ran it way up. Well, that is one symptom of financial systems that are broken and do not work.

Credit default swaps. We have been hearing recently about the SEC decision to file a criminal complaint against a large investment bank, Goldman Sachs. What we have discovered with the interworkings of this scheme that was created is, I think, based on my knowledge of it, that the development of—excuse me, it was a civil case by the SEC, not a criminal case, and that is an important distinction, but, nonetheless, it is a civil complaint against Goldman Sachs. My understanding is, there was created some billions of dollars of naked credit default swaps that had no insurable interest in anything of value. These were people who were betting on what might happen to the price of bonds.

Bonds selected by a person whom I have spoken about on the floor of the Senate previously over the last couple years, a man named John Paulson, who, in 2007, was the highest income earner on Wall Street—he earned $3.6 billion. That is $300 million a month or $10 million a day. How would you like to come home and your spouse says: How are you doing? How are we doing? And he says: Well, we are doing pretty good, $10 million every day.

So my understanding of the SEC complaint is they set up a system where Mr. Paulson could short what I believe were naked credit default swaps and others took the long position and you had rating agencies rating these things apparently with high ratings, until they discovered what they truly were and then the ratings collapsed. Mr. Paulson made a bunch of money and everybody else got duped out of their money.

Well, that is a short description and probably not even a very good description, but it is close enough to understand what has been going on in this country: betting—not investing—betting on credit default swaps, naked swaps that have no insurable interest in anything, no value on either side. You just put together a contract and say: I am going to bet you this issue happens, this stock goes up, this bond goes down. Let's have a wager. Well, you do not have to own anything. Let's just have a bet.

That is not an investment; that is a flatout wager. We have places where you should do that. If you want to do that, you can go to Las Vegas, and they say what goes on there stays there. Who knows. You can go to Atlantic City. We have places where you can do that. But those places are not places where you do activities that are equivalent to what we now see having been done in the middle of some of the investment banks and financial institutions in this country.

I have spoken many times on the floor about this, and I am going to repeat some things I have said just because, as I talk about what needs to be done in a couple cases on this reform bill, we need to understand what happened and how unbelievably ignorant it was.

The subprime loan scandal—everybody was involved in that. When I say "everybody," I am talking about all the biggest financial institutions because they were securitizing mortgages and selling them upstream to hedge funds, investment banks, and you name it—all making huge bonus profits, all kinds of fees, and starting with the broker who could place big mortgages for people who could not afford it; and right on up the line, they were all making big money.

So here is an advertisement we all listened to in the last decade during this unbelievable carnival of greed. This was the biggest mortgage company in our country, the biggest mortgage bank in America—now bankrupt,

of course, now gone—although the head of this company left with a couple hundred million dollars, I am told. So he got out pretty well-heeled, now under investigation. But here was their ad on television and radio.

It says: Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us. We want to lend you money. Unbelievable. The biggest mortgage bank in the country says: Are you a bad credit risk? Hey, call us. We have money for you.

Zoom Credit, another mortgage company. Here is their advertisement: Credit approval is just seconds away. Get on the fast track. With the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, a credit card. Even if your credit is in the tank, Zoom Credit is like money in the bank. Zoom Credit specializes in credit repair and debt consolidation too. Bankruptcy, slow credit, no credit—who cares? Come to us. We want to give you a loan.

Ignorant? Sounds like it to me. Greedy? It appears to me it is.

Millennia Mortgage: 12 months with no mortgage payment. That is right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payment by 50 percent, allow you no payments for the first 12 months. Let us give you a loan. You do not have to make any payments for a year.

Sound strange? It does to me. How about the mortgages that say: Do you know what, you don't want to pay any principle? No problem. You don't want to pay any interest? No problem. You pay nothing—no interest, no principle. And, by the way, if you don't want us to check on your income—that is called a no-documentation loan—we will give you a no-doc loan with no interest payments and no principle payments. We will put it all on the back side. Do you know what you should do? Go ahead and do that because you can flip that house. If you can't make the payments a couple years later, when we are going to reset your interest rate at 12 percent—or whatever ridiculous amount they were going to do—you can sell that house and make the money because the price of that house is always going to go up.

So it went all across this country, right at the bottom, with teaser rates. The result was, a whole lot of folks were talked into mortgages they could not afford. The loan folks, the brokers, who were putting out these mortgages, were making a lot of money. They were securitizing them, selling them up. There were fees being paid to everyone, and everybody was making a lot of money—very fat and happy.

By the way, it has not changed. If you go to the Internet, you can find on the Internet, today, EasyLoanForYou: Get the loan you seek. Fast. Hassle-free. Our lenders will preapprove your loan regardless of your credit score or history.

Go to the Internet. See if it has stopped.

Here is an Internet solicitation: Bad Credit Personal Loans. How about that? Is that unbelievable? I wonder what college they teach this in. You start a company called Bad Credit Personal Loans. It says: Previous bankruptcy? No credit? Previous bad credit? Recent job loss? Recent divorce? Need a larger loan amount? Well, click here now. For gosh sake, take advantage of what we are offering. If you are a bad person, we want to give you money.

Speedy Bad Credit Loans—same thing. Bad credit? No problem. No credit? No problem. Bankruptcy? No problem. Come to us.

Well, is it a surprise that a lot of greedy people and a lot of the biggest institutions in this country whose names you recognize instantly loaded up on this nonsense? They loaded up—loaded to the gills. Why? Because they were all making massive amounts of money by buying and selling and trading these securities. Yes, not just the securities, not just securitization of loans but credit default swaps and CDOs and you name it. It was a carnival and a field day.

So that has all happened in the last 10 years—and even much worse. But let me end it there to say, we are now talking about: What do we do about all this? This kind of behavior steered the country right into the ditch. We lost $15 trillion when the economy hit rock bottom. Something like $12 trillion has been lent, spent or pledged by the Federal Government to prop up private companies—many of them that were doing exactly as I have just described. This has been a very difficult time. So the question now is, What do we do about this? Do we just decide, do you know what, it is OK? We are not going to do anything about this?

I just mentioned naked credit default swaps. I do not know the number in this country, but in England they estimate, of their credit default swaps, 80 percent of them are so-called naked; that is, they have no insurable interest on any side of the transaction. It is simply making a wager. When you have banks that make wagers just as if they are using a roulette wheel or a blackjack table or a craps table, they just as well ought to put that in the lobby, except my feeling is, it is fundamentally antithetical to everything we know about sound, thoughtful finance in this country to have allowed this to have happened—we did allow it—and now to continue to allow it to happen.

So I wish to take you back 11 years to the floor of the Senate because I have been through this before in something called financial modernization. It was 11 years ago now, actually: financial modernization. This is not the first time we have had substantial legislation on the floor of the Senate to address the issue of finances and the financial system. We had something called financial modernization on the floor of the Senate, and it was the piece of legislation—big piece of legislation—that pooled everything together. It said you can create one, big, huge holding company and bring everything in together—the investment banks, the commercial banks, FDIC-insured banks, the securities trading—bring them all together as one, big, happy family, one big pyramid. It will be just fine because it will make us more competitive with the European financial institutions, and it is going to be great. I said I think that is nuts. What are we doing?

I have some quotes from 1999 of things I said on the floor of this Senate. On November 4, I said:

> Fusing together the idea of banking, which requires not just safety and soundness to be successful but the perception of safety and soundness, with other inherently risky speculative activity is, in my judgment, unwise.

I said:

> We will, in 10 years time, look back and say: We should not have done that—repeal Glass-Steagall—because we forgot the lessons of the past.

I said during debate in 1999:

> This bill will in my judgment raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the banking and financial services industry at the expense of customers, farm businesses, and others.

I said:

> We have another doctrine at the Federal Reserve Board. It is called too big to fail. Remember that term, too big to fail. They cannot be allowed to fail because the consequence on the economy is catastrophic and therefore these banks are too big to fail. That is no-fault capitalism; too big to fail. Does anybody care about that? Does the Fed, the Federal Reserve Board? Apparently not.

That is what I said 11 years ago on the floor of the Senate.

I said:

> I say to the people who own banks, if you want to gamble, go to Las Vegas. If you want to trade in derivatives, God bless you. Do it with your own money. Do not do it through the deposits that are guaranteed by the American people with deposit insurance.

I said during that debate:

> I will bet one day somebody is going to look back and they are going to say: How on Earth could we have thought it made sense to allow the banking industry to concentrate, through merger and acquisition, to become bigger and bigger and bigger; far more firms in the category of too big to fail? How did we think that was going to help our country?

Those are quotes I made 11 years ago on the floor of this Senate. I didn't know then that within a decade, within 10 years, we would see huge taxpayer bailouts, but I thought this was fundamentally unsound public policy. I

was one of only eight Senators to vote no. The whole town stampeded. In fact, as the Presiding Officer knows, this Financial Modernization Act was Gramm-Leach-Bliley, three Republicans, but this was firmly embraced by the Clinton administration and by the then-Secretary of the Treasury and others. It was bipartisan: We have to do this, have to compete with the rest of the world, and it was, Katey, bar the door. We are going to allow these big companies to get bigger, and it is going to be just great for the country.

It wasn't so great for the country. What I wish to show is what happened as a result of that piece of legislation. This graph shows from 1999 forward the growth of total assets in the largest financial institutions. Look at this graph: Bigger and bigger. Not just a bit bigger; way, way, way up, the growth in assets of those six largest financial institutions.

This chart shows the four banks, total deposits in trillions of dollars, and we see what has happened there: liabilities in the six largest institutions, deposits in the four largest banking institutions.

This chart shows the aggregate assets of the top six commercial and investment banks and what has happened in 10 years.

It doesn't take a genius and it doesn't take somebody with higher mathematics or having taken an advanced course in statistics to understand what this picture shows. We have seen a dramatic amount of concentration—some of it, by the way, aided and abetted by the Federal Government because as we ran into this problem, this very deep recession—the deepest since the Great Depression—our government arranged the marriages of some of the biggest companies, and so the big became much bigger.

I have said all of that simply to say: That is where we have been, and now the question is, Where are we going? What kind of legislation are we going to take up on the floor of the Senate? Already there has been a big dust-up. The minority leader came to the floor of the Senate and said what was done in the Banking Committee will be a big bailout of the banks. Of course, that isn't the case at all. This is a fact-free zone with respect at least to some debates. I don't think there is anybody in this Chamber who believes we don't have a responsibility now to address these issues, and address them in the right way.

Let me be quick to say a couple of things. No. 1, there are some awfully good financial institutions in this country run by some good people who have done a good job, and we need them. You can't have production without the ability to finance production. We need commercial banks. We need all of the other financial industries and institutions, but we need to make sure the excesses and the greed and the unbelievable things that were done by some in the last decade cannot be repeated, cannot happen again.

The piece of legislation that is going to come to the floor of the Senate from the Senate Banking Committee is a good piece of legislation. I commend Senator DODD. I think he has done an excellent job. By the way, those who have said in the Senate that somehow this is just partisan, they didn't reach out to others; that is not the case, and everybody knows it.

CHRIS DODD reached out to Republicans week after week and month after month to try to get some cooperation. Finally, they just walked away and they said: We are all going to vote no, no matter what. So it is not the case that this was designed to be some sort of partisan bill. I still hope there will be Republicans and Democrats who together understand what needs to be done to fix the problems that exist in our financial services industry.

In addition to Senator DODD bringing a bill from the Banking Committee, let me say Senator BLANCHE LINCOLN, under her leadership in the Agriculture Committee, has brought a piece of legislation to the Senate floor on derivatives that I think is a good piece of legislation that needs to be a part of the banking reform bill.

What I wish to talk about ever so briefly is two other things. There are a number of people who have bills that I am going to be supportive of that I think have great merit that are necessary. I think they are necessary to fix the real problems that exist. The issue of repairing what was done to Glass-Steagall, Senator CANTWELL, Senator MCCAIN have a bill on that. There are others who have a bill on proprietary trading, and there are others as well. But I wish to talk about two things very briefly.

No. 1, I am preparing an amendment that deals with what are called naked credit default swaps. I don't think that is investing. That is simply betting. If there is no insurable interest on either side of credit default swaps, that is not investing. I think there ought to be a requirement that there be an insurable interest on at least one side in order for it to be a legitimate function because it seems to me if we don't ban naked credit default swaps, we will have missed the opportunity to do something that is necessary to fix part of what happened in the last decade, No. 1.

No. 2 is the issue of too big to fail. It has not been described, it seems to me, by either the Banking Committee or by amendments that have been suggested—it has not been described that we should take seriously too big to fail by deciding if you are too big to fail, you are too big. This country has, on occasion—when we have a systemic risk that is unacceptable, when we have a moral imperative to do something about something such as this, this country has decided we will break Standard Oil into 23 parts; we will break up AT&T—and, by the way, the 23 parts turned out to be much more valuable in their sum than the value of the whole.

But having said all that, I believe there needs to be an amendment—and I am preparing an amendment—that deals with the issue of too big to fail. Very simply it says if the Financial Stability Oversight Council develops an approach that says, all right, this is an institution that is just too big to fail and the moral hazard for our country and the systemic risk for our country is too great and therefore we judge it too big to fail, I believe what ought to happen over a period of time—perhaps 5 years—is a symptomatic divestiture sufficient so that the institution remains an institution that is not then too big to fail. I believe that ought to be something that we consider as we develop our approach to these financial reform measures.

I don't think big is always bad, and I don't think small is always beautiful. I want us to be big enough to compete. I want us to have the resources to be able to make big investments in big projects. I understand all of that, and I can point to some terrific financial companies in this country run by first-rate executives.

So understand what I am talking about are the abuses and the unbelievable cesspool of greed we have seen in a decade from some institutions that were big enough and strong enough to run this country into very serious trouble. That is why I think we have a responsibility at this point to address all of those issues that are in front of us as we deal with banking reform.

I know this is going to be a long and a difficult task, but one of my hopes would be that Republicans and Democrats can all agree on one thing: What we have experienced in the last decade cannot be allowed to continue. It cannot be allowed to continue. No one, I believe, would want our financial institutions to continue to bet rather than invest, to continue to invest in naked credit default swaps where there is no insurable interest. Nobody, I would hope, would believe that represents the kind of productive financing that we need to produce in this country again. I want the financing to be available from good, strong financial institutions to good, strong companies that need to expand to produce American goods that say ''Made in America'' again.

That is what I want for our country. That kind of economic health can only come if you have a strong system of financial institutions that are engaged in the things that originally made this a great country, not trading naked credit default swaps but making good

investments in the productive sector of this country.

I believe we can do that again, and I believe we will. I don't approach this banking reform debate with trepidation. I think ultimately cooler heads will prevail and all of us will understand the need, and when we meet that need, this country will be much better off.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

## FOOD SECURITY

Mr. CASEY. Mr. President, I rise today to speak about an issue that was the subject of a Foreign Relations Committee hearing today, of course, chaired by our chairman, JOHN KERRY, and the ranking member, Senator DICK LUGAR.

Today in America and worldwide, every 5 seconds a child dies from starvation. Every 5 seconds across the world, every 5 seconds every day is the reality that stares us in the face. While the United States has historically played an important role in addressing hunger internationally, this simple fact should serve as a galvanizing call to action on this issue.

The 2008 global food crisis brought attention to the fact that emergency food assistance was not enough, as generous as our country is and as important as that strategy is to confronting the problem. The emergency food assistance that year was not enough, and donors in recipient countries that need to work together to address this systemic problem need to do so even more so today.

The Obama administration has rightly prioritized food security and the political support in the Senate is growing every day for the Lugar-Casey Global Food Security Act. I commend Senator LUGAR for his work on these issues for many years and, of course, I wish to commend and thank the work that our chairman, Senator JOHN KERRY, is doing on this issue every day as well.

Creating an environment where local farmers can produce for themselves and their communities as well as easily trade to get their goods to market is the key to fundamentally changing this ongoing crisis.

With a host of competing priorities for the attention of the United States, I believe there are at least two reasons food security matters, even in the midst of some of the challenges we are facing domestically.

First, this is a humanitarian crisis of immense proportions that we can go a long way toward solving. I think when we talk about this issue, no matter who we are, no matter what our station in life is, this is an issue that we come to, summoned by our conscience, and I think that is true in the Senate as well.

As one of the richest countries in the world, I believe we have a moral obligation to do all we can to help. This crisis is solvable with a combination of assistance and emphasis on providing small farmers around the world the know-how, the technology, and the means to provide for themselves.

The second reason, in addition to this being a humanitarian crisis as to why this is so important, is global hunger is a national security issue. Instability arising from conflict across the world over access to food is a documented problem. The 2008 food crisis, unfortunately, brought this into sharp, acute focus.

We saw it in Somalia, where struggles to gain access to food have enveloped population centers in violence. We have seen it in Egypt as citizens rioted for access to bread. We have seen it in Haiti more recently, where hospital beds filled in 2008 with those injured during food riots. Increased instability in any of these countries has a direct impact on U.S. national security interests.

The root causes of this perfect storm of crisis are well known but worth recounting. In 2008, food demand was driven higher due to expanding population and rising incomes. More cereals were needed to feed livestock for the production of meat and dairy products and to fill increasing demand for biofuels across the world. Higher oil prices, combined with weak harvests and rising global demand, created a scramble for resources. Wheat prices more than doubled and rice prices more than tripled between January and May of 2008.

Twenty-eight countries imposed export bans on their crops, driving up commodity prices and limiting supply. This led to political unrest across the globe. It concentrated among developing countries with large, food-insecure, poor urban populations.

While this was indeed a perfect storm of events, the underlying issues that created this crisis continued. In Sub-Saharan Africa, for example, 80 to 90 percent of all cereal prices remain 25 percent higher than they were before the crisis began. In many Asian and Latin American and Caribbean countries, prices are still more than 25 percent higher than in the precrisis period of time. In the wake of the economic crisis, the World Food Programme began receiving requests for assistance even from countries that previously were able to provide for themselves.

The peripheral effects of food insecurity are considerable. High rates of hunger are shown to be linked to gender inequality, especially in terms of education and literacy, which also negatively affects the rate of child malnutrition. This number is stunning. It is estimated that 60 percent of the world's chronically hungry are women and girls—60 percent—20 percent of whom are children under the age of 5. It is almost incalculable. Those numbers are staggering and should do more than just bother us and just inform our conscience; they should also motivate us to do something about this crisis. I cite these figures, and too often in Washington we are guilty of doing just that—citing figures. But they have real impact and real meaning.

I have had the privilege of personally working with some very special women in Pennsylvania who took it upon themselves to really highlight some of these issues. The Witnesses to Hunger is a project that started in Philadelphia, PA. These women were given cameras to photograph their own lives, to tell us the truth of their experiences, and to raise awareness on many critical issues, including specifically hunger.

Last year, I had the honor, as did my wife Teresa, of bringing their exhibit to Washington, and in November we launched a tour across Pennsylvania to highlight this issue. I cannot begin to describe how moved I was—as were so many others who saw this exhibit—to see the photographs taken by these women and to hear their stories of hunger and of poverty. Their bravery and rare courage in sharing the struggles they face to provide a safe, nurturing home for their children will always stay with me.

These mothers who brought Witnesses to Hunger to life are constant reminders that the programs we in Congress advocate for and the new initiatives we can develop can have a profound impact on people's lives, whether it is in our towns and communities in Pennsylvania or in any other State or around the world, because this is a problem our world and our country face.

Hunger in a country such as Pakistan poses both a humanitarian and a security issue. Last year, over 77 million people in that country, Pakistan, were considered food insecure by the World Food Programme. That is nearly half of their population. As their military conducts its continued operations against extremist forces, their numbers could increase. Hunger and competition for food can lead to further instability and potentially undermine the Pakistani Government's leadership at a very critical time.

The global food crisis is still a serious problem, and despite the efforts of the administration, we still have a lot of catching up to do in order to respond properly. According to the Center for Strategic and International Studies, the U.S. commitment to agricultural development has declined in recent years, though emergency food assistance continues at robust levels. Worldwide, the share of agriculture in development assistance has fallen from a high of 13 percent in 1985 to 4 percent

between 2002 and 2007. The U.S. development assistance to African agriculture fell from its peak of about $500 million in 1988 to less than $100 million in 2006. We can do a lot better than that.

The USAID has been hardest hit during this period. The USAID once considered agricultural expertise to be a core strength but today operates under diminished capacity. That is an understatement. Here is what I mean. In 1990, USAID employed 181 agricultural specialists, but in 2009 just 22—from 181 to 22 in just those years, less than 20 years. That number has gone up from 22 recently, with the new administration, but it is still far too few to work on this problem.

In the 1970s, the U.S. Government sponsored 20,000 annual scholarships for future leadership in agriculture, engineering, and related fields. Today, that number has fallen to less than 900. So we are not developing the workforce and expertise we need.

We simply don't currently have adequate infrastructure in our government to respond to this crisis. The administration is making progress, though. The administration's Global Hunger and Food Security Initiative, known by the acronym GHFSI, is a comprehensive approach to food security based on country- and community-led planning and collaboration. I welcome this opportunity to hear directly from the administration about this effort. While I know the Obama administration has worked assiduously to coordinate an interagency process and selection criteria for country participation around the world, questions remain in terms of overall leadership of the initiative, as well as its plan to develop internal expertise and capacity that is sustainable over the long term.

In the Senate, we have worked to bring attention to the world's hungry. Senator LUGAR, as I mentioned before, a respected leader in this field for decades, and I have joined together to introduce the Global Food Security Act. I will highlight three provisions before I conclude.

First, the Global Food Security Act would provide enhanced coordination within the U.S. Government so that USAID, the Department of Agriculture, and other agencies are working together and not at cross-purposes.

Second, this bill would expand U.S. investment in the agricultural productivity of developing nations, so that other nations facing escalating food prices can rely less on emergency food assistance and instead take steps to expand their own crop production. Every dollar invested in agricultural research and development generates $9 for every dollar worth of food in the developing worlds.

Third, this bill, the Global Food Security Act, will modernize our system of emergency food assistance so that it is more flexible and can provide aid on short notice. We do that by authorizing a new $500 million fund for U.S. emergency food assistance.

This is one of those rare occasions—unfortunately, too rare—where a serious crisis was greeted with substantial response by an administration—in this case, the Obama administration—as well as bipartisan collaboration in the Senate and the House. I am encouraged that there has been positive movement toward fundamentally changing how we look at food security issues. Such support, however, is not permanent, and we should enact this multiyear authorization bill to ensure that such congressional support exists in the future, many years from now. We cannot wait for another massive food crisis before taking action on this legislation. This is the right thing to do, and we will ultimately enhance the security of the United States and our allies.

Mr. President, this isn't just a matter of being summoned by our conscience. That we know is part of the reason we are doing this. This is also a grave national security issue for us and our allies. For that reason and so many others, we need to pass the Global Food Security Act and support the administration's efforts on the Global Hunger and Food Security Initiative.

I yield the floor.

## TRIBUTE TO BRIAN DUFFY

Mr. MCCONNELL. Mr. President, I rise to honor Mr. Brian Duffy of Louisville, KY, for his hard work and support on behalf of Kentucky's World War II and terminally ill veterans. Mr. Duffy founded the Bluegrass Honor Flight chapter in 2007. Through his leadership, and the support of numerous donations and volunteers, the Bluegrass Honor Flight chapter has been able to fly nearly 600 veterans from Kentucky to Washington, DC, providing these brave patriots the opportunity to see their memorial firsthand.

Today, I wish to congratulate Mr. Duffy, himself a veteran, for recently being named 2010's official ''Thundernator'' responsible for starting the ''Thunder over Louisville'' firework show. He was so named because of his dedication to the Bluegrass Honor Flight organization.

I know my colleagues will join me in honoring Mr. Duffy for his tireless advocacy on behalf of veterans.

## GLOBAL YOUTH SERVICE DAYS

Ms. MURKOWSKI. Mr. President, I wish to speak about a resolution designating April 23 through 25, 2010, as ''Global Youth Service Days.'' S. Res. 493 recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on the last weekend in April and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts. S. Res. 493 passed the Senate by unanimous consent on April 20, 2010. This sends a very strong message of support to the thousands of youth across our great Nation who contribute positively to their communities—your efforts are recognized and appreciated.

Beginning this Friday, April 23, youth from across the United States and around the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement.

This event is not isolated to one weekend a year. Global Youth Service Days is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year.

The participation of youth in community service provides an opportunity to identify and address the needs of their communities and make positive differences in the world around them, learn leadership, organizational skills, and gain insights into the problems of their fellow citizens.

High-quality service-learning activities help young people make important connections between the school curriculum and the challenges they see in their communities. Youth who are engaged in volunteer service and service-learning activities do better in school than their classmates who do not volunteer are also more likely to avoid risky behaviors, such as drug and alcohol abuse. Service within the community contributes positively to young people's character development, civic participation, and philanthropic activity as adults.

It is important, therefore, that the Senate encourage youth to engage in community service and to congratulate them for the service they provide.

In an effort to recognize and support youth volunteers in my State, I am proud to acknowledge some of the activities that will occur this year in Alaska in observance of National and Global Youth Service Days:

Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth, has sponsored the annual KidsDay events in Anchorage again this year. Youth provided significant service to their peers and to adults who attended KidsDay activities:

The Spirit of Youth Teen Action Council's Herb Project provided youth with the task of building organic hanging gardens for local elders who are unable to get out and garden this year. The Alaska Botanical Garden also supported this project with important tips

about the benefits of starting your own garden at home.

Operation Support Our Soldiers, SOS, made cards for our military deployed overseas to show support and appreciation for the sacrifice that these brave men and women make every day.

The Alaska Teen Media Institute also participated in the day interviewing youth and giving tips on media production.

Teen volunteers from Anchorage conducted surveys of youth attending the 2010 KidsDay and also surveyed vendor booths regarding volunteer and employment opportunities.

Chugiak High School Junior ROTC assisted Anchorage's Promise this year at KidsDay by providing security to protect children.

In addition to the KidsDay events, young people from every region of Alaska will serve their communities in the following ways:

The Juneau Alaska Youth for Environmental Action has been working with the Juneau-Douglas High School Food Services, to transition from plastic disposable silverware to reusable metal silverware.

SAGA Juneau will be working in coordination with the Juneau School District to provide volunteer opportunities to youth.

Members of the Chugiak Family Career and Community Leaders of America coordinated four activities to earn funds for the Malowi Children's Village. They raised $560 for mosquito bed nets which will buy 260 nets to protect children from deadly insect bites.

Anchorage Boy Scout troops teamed up with local supermarkets in order to collect food for the homeless.

The Music Canvas in Anchorage offered a free sing-a-long class for families with young children.

Shishmaref Village led a trip with skilled hunters to teach the youth traditional hunting and survival tactics.

An ongoing project from the students at the Alaska Teen Media Institute involves production of a public affairs radio show on KNBA 90.3 FM Anchorage. ''In Other News'' airs the last Saturday of the month and features news and views from the teen perspective.

Teens of Covenant House Alaska will be partnering with Abundant Life Generation to outreach to women and children in Nepal that have experienced sexual exploitation from human trafficking.

Homer residents helped clean the city. Cash prizes were awarded to the top three ''trash collectors,'' and over 650 bags of trash were collected.

Over 750 volunteers joined together in Soldotna to help rebuild the local playgrounds in the city.

Cadets from the North Pole High School Air Force Junior ROTC collected donations and helped out the Alaska Blood Bank in Fairbanks.

Teen volunteers in Anchorage helped prepare materials for the annual summer reading celebration.

Youth assisted Anchorage's Promise with getting the meaning behind the five promises out into the community.

The Alaska Food Bank offered a volunteer opportunity to help the Boy Scouts of America sort out their donations from this year's Scouting for Food Drive.

Thousands of youth volunteers gathered to help clean up the neighborhoods of Anchorage.

The Alaska High School Challenge sponsored by the Blood Bank of Alaska increases awareness in the community about the importance of donating blood and allows high schools to compete with one another for recognition of saving the most lives in Alaska.

The PANIC/Mountaineer Sports Program cleaned and painted the Mount View Community Center Boys and Girls Club.

Sterling Community Club youth helped to salvage road kill moose in order to feed hungry community members.

Boys and Girls Club youth were instructed on bike safety.

Eagle River Boys and Girls Club helped to show support for troops by making care packages during the holidays.

Port Graham School students partnered up with elders in the community to learn more about traditional knowledge and cultural importance.

Wrangell youth worked with the Women in Safe Homes project and AmeriCorps members to create artwork for the Wrangell Medical Center.

Youth Group of Anchorage Unitarian Universalist Fellowship made and distributed Easter baskets to homeless youth.

Students at Barry Craig Stewart Kassan School were involved in a week of activities that focused on building skills such as teamwork and communication.

Students at Tok School were given the opportunity to ''adopt'' a person whom they found to be a positive influence on their lives.

Eagle River Lion's Club teamed up with youth to provide an Easter egg hunt for the community.

The community of Dillingham joined together to celebrate the achievements of local youth and elders.

Students with the Yakutat High National Honor Society held a community health fair.

Meterviit Youth Action Group in New Stuyahok held an event to discuss environmental issues the village should address for the future.

Tri-Valley Community Library and the After School Yearbook Club at Healy school celebrated the 40th anniversary of the local school.

Mr. President, I am so proud of all of these young people. I value their idealism, energy, creativity, and unique perspectives as they volunteer to make their communities better and assist those in need.

Many similarly wonderful activities will be taking place all across the Nation. I encourage all of my colleagues to visit the Youth Service America Web site—www.ysa.org—to find out about the selfless and creative youth who are contributing in their own States this year.

I thank my colleagues—Senators AKAKA, BAYH, BEGICH, BINGAMAN, BURR, CARDIN, COCHRAN, COLLINS, DODD, FEINSTEIN, GILLIBRAND, GREGG, HAGAN, ISAKSON, KLOBUCHAR, LANDRIEU, LAUTENBERG, LEMIEUX, LIEBERMAN, LINCOLN, MENENDEZ, MIKULSKI, MURRAY, BEN NELSON, STABENOW, and MARK UDALL—for standing with me as original cosponsors of this worthwhile resolution which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

## TRIBUTE TO DR. DOROTHY I. HEIGHT

Ms. LANDRIEU. Mr. President, I rise to pay tribute to a great Civil Rights leader of our Nation, who passed away recently. I come to the floor in her memory to pause for just a moment and to remember this great lady.

Tuesday, the Nation lost a powerful advocate for justice, equality, and opportunity for all people. Dr. Dorothy I. Height was truly a heroine of the civil rights movement. She was a civil rights trailblazer whose courage and determination has allowed women around the nation to break through glass ceilings and realize their dreams. She has certainly been an inspiration to me personally.

Dr. Height was the chair and president emerita of the National Council of Negro Women, Incorporated. The council was founded by Mary McLeod Bethune. She brought 28 national women leaders together to improve the quality of life for women. Dr. Height embraced that vision and continued the crusade for justice. Through her leadership, she changed our nation by shining a light on discrimination and injustice that was all too common in America during the 20th century.

Dr. Height was also a member of many other organizations such as the YWCA and the Delta Sigma Theta Sorority, Inc. Through her dedication and commitment in these organizations, she encouraged women to be leaders in national and community organizations and on college campuses. She had an extraordinary presence, a really big and wonderful heart, she was a great intellect, and she had a passion for people. She is an example of the impact that women have on leadership. She was born not only to be all a woman could be, but all a person could be, all a leader could be. Dr. Dorothy Height will always be respectfully remembered.

She has received many awards including the Presidential Medal of Freedom Award, the Congressional Gold Medal Award. I was proud to join my Senate colleagues on sponsoring a Senate resolution honoring the life and legacy of Dr. Height. She will be greatly missed and her legacy will live on in the women she inspired.

## AMERICAN CITY QUALITY MONTH

Ms. COLLINS. Mr. President, I rise today to recognize April as the 22nd Annual National American City Quality Month. Led by the National League of Cities, the U.S. Conference of Mayors, American City Planning Directors' Council/American City Quality Foundation, Urban Land Institute, City Planning and Management Division of the American Planning Association, International City/County Management Association, American Public Transportation Association, American Society of Landscape Architects and others, this valuable program brings together a wide range of public and private partners. Their efforts demonstrate what it takes to plan and develop better quality communities addressing vital issues including land use, building design, transportation, housing, parks and recreation, energy efficiency, economic development, environmental protection, sustainability and livability.

City planners across my State of Maine and throughout the Nation are calling on public and private sector leaders to commit to preparing, adopting and implementing a nationwide better quality communities plan that will lead to better planning, redevelopment and development of our Nation's cities and surrounding regions. This is essential to accommodate U.S. Census projected population growth of about 30 million by the year 2020 and 100 million within 30 to 40 years. This is the equivalent of building eleven cities the size of Chicago. Also, it will help to create jobs, stop urban sprawl, guide billions of dollars of investment to improve communities while lowering governmental operating expenses and taxes.

This public-private partnership is necessary to meet the growing need for higher quality, more energy efficient and sustainable housing, buildings, public transportation, infrastructure, agriculture, and industry. All citizens are urged to get involved by contacting their community planners. I applaud these collaborative efforts to improve urban and rural communities across our Nation.

This collaborative planning works. Just last year, Forbes Magazine named Portland, ME, my State's largest city, as the most livable city in America. In addition, Portland's busy Commercial Street was voted as one of the country's great streets by the American Planning Association. The transformation of Portland did not happen by accident. It is the result of citizens and organizations working together. American City Quality Month celebrates this effort. This year our Governor, John Baldacci, proclaimed April as American City Quality Month. Other Governors and officials are invited to do the same.

## RECOGNIZING MIDDLEBURY COLLEGE

Mr. LEAHY. Mr. President, I speak often about the excellent higher education opportunities that are available in Vermont. Today, I want to honor Middlebury College for a new business venture that builds upon its academic reputation in foreign languages.

A small, liberal arts school of 2,400 students, located in Addison County, Middlebury is a campus that is rooted in Vermont's rich culture, while charting the way forward to the future. From using wood chips to heat and cool buildings across the campus, to local food initiatives, to recycling building materials, students, faculty and staff use creativity and build on a tradition of excellence in helping to take the college to the next level.

This week, Middlebury College was hailed as one of the Nation's top "green colleges" in a new ranking by the Princeton Review. And a recent article in the New York Times described the college's new and innovative business partnership to develop an online language program for precollege students. Already well known for its intensive summer language programs, Middlebury will be able to broaden its reach and impact by bringing a language program directly into the homes of American students wanting to learn new languages.

The Internet has emerged as a significant learning tool, and connecting students with language instruction on the Web is a wonderful academic idea as well as an innovative business initiative.

I know that Middlebury College will continue to be a leader in academic innovation, and I wish them the best in their new endeavor.

Mr. President, I ask unanimous consent that the New York Times article, "Middlebury to Develop Online Language Venture," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 13, 2010]

MIDDLEBURY TO DEVELOP ONLINE LANGUAGE VENTURE

(By Tamar Lewin)

Middlebury College, a small Vermont college known for its rigorous foreign-language programs, is forming a venture with a commercial entity to develop online language programs for pre-college students. The college plans to invest $4 million for a 40 percent stake in what will become Middlebury Interactive Languages.

The partnership, with the technology-based education company K12 Inc., will allow Middlebury to achieve two goals, said Ronald D. Liebowitz, the president of the college: It will help more American students learn foreign languages, an area in which they lag far behind Europeans; and it will give Middlebury another source of revenue.

"We wanted to do something about the fact that not enough American students are learning other languages, and it's harder for students if they don't learn language until college," Mr. Liebowitz said. "It is also my belief, and I think our board's belief, that finding potential new sources of revenue is not a bad thing. By doing what we're doing with this venture, we hope to take some stress off our three traditional sources of revenue—fees, endowment and donations."

Middlebury, a 2,400-student liberal-arts college with an endowment of more than $800 million, has offered summer immersion language classes for almost a century, and now teaches 10 languages in those programs at its campus and, as of last year, some at Mills College in Oakland, Calif.

Partnerships between universities and commercial entities have become increasingly common in recent years, but the Middlebury venture is unusual in that it ties the college's academic reputation in foreign languages to a third-party vendor. Moving into such an uncharted area carries risks, education experts said.

"These partnerships are starting as ways for colleges, which may feel themselves cash-strapped, to make some bucks," said Philip G. Altbach, the Monan professor of higher education at Boston College. "I have problems with the whole thing, particularly for a place like Middlebury, which has a reputation as one of the best liberal-arts colleges in the country, and for doing a very good job with languages. They should protect that brand. They are not known for online programs, and to jump in to the deep end of the swimming pool, with a for-profit, is in my view dangerous."

Mr. Liebowitz said that although the move carried risks, so, too, does inaction. "The way I see it, to retain our leadership in the teaching of foreign language, we have to evolve with the times," he said. "And where things are going, in terms of access and education, is online."

In 2008, Middlebury joined with the Monterey Institute of International Studies, a California graduate school, to start the Middlebury-Monterey Language Academy, an intensive language-immersion summer program for students in grades 8 through 12. That program, which will expand to new sites in the new venture, offers four-week residential sessions at Green Mountain College in Vermont, Oberlin College in Ohio, Pomona College in California, and Bard College at Simon's Rock in Massachusetts.

Middlebury has also expanded its academic-year study-abroad sites, the C. V. Starr-Middlebury Schools Abroad, to 35 cities across 14 countries. Almost half the students at those sites now come from other colleges.

A hallmark of Middlebury's language schools has been a formal pledge to speak only the language of study during the session.

Of course, online programs cannot replicate the immersion experience.

The online expertise for the venture will come from K12, a publicly traded company

based in Herndon, Va. In partnership with charter schools and school districts, K12 operates online public-school programs in 25 states and Washington. K12 also operates the K12 International Academy, an accredited, diploma-granting online private school serving students in more than 40 countries.

''We plan to make the courses available to individual kids, home-school kids, charter virtual schools, and teachers who might want them as supplements,'' Mr. Liebowitz said. ''I think the price point will be somewhere in the vicinity of $100.''

## ADDITIONAL STATEMENTS

### RECOGNIZING CLEMSON UNIVERSITY SCROLL OF HONOR

● Mr. GRAHAM. Mr. President, I ask the Senate to join me in recognizing a historic event taking place in Clemson, SC. Today, Clemson University and the Clemson Corps are dedicating its Scroll of Honor Memorial, which recognizes the 473 Clemson University alumni who sacrificed their lives protecting and defending our Nation.

Clemson University has a long and distinguished military history, and todays dedication of the Scroll of Honor is a testament to this school's continued commitment to honoring those who serve our country. I truly appreciate the Clemson Corp for spearheading this important project.

As Senator, I have had the great honor to meet many of our Nation's soldiers, sailors, airmen and marines serving abroad. They are dedicated, proud individuals who take their jobs to protect our Nation very seriously.

Like the millions of veterans who served before them, they also know the great truth that freedom is never free. It was won and protected for more than two centuries by patriotic Americans willing to risk their lives to defend this great country of ours.

Millions of Americans have given their blood, sweat, and tears in defense of this great land. Many, like the individuals we honor today, paid the ultimate price. Words cannot adequately express the great respect and admiration I have for these individuals.

I, like all Americans, will forever be indebted to them for their sacrifice.

I ask that the U.S. Senate join me in honoring these distinguished Sons of Dear Old Clemson, their families, and the thousands of soldiers, sailors, airmen, and marines who continue to serve our Nation. And may God continue to bless our United States of America.●

### TRIBUTE TO GERARD BAKER

● Mr. JOHNSON. Mr. President, today I pay tribute to Gerard Baker, Superintendent of Mount Rushmore National Memorial. Superintendent Baker has accepted a new assignment as Assistant Director for American Indian Relations for the National Park Service. While his leadership at Mount Rushmore will be greatly missed, the entirety of the Park Service will benefit from this new role. I have enjoyed working with Gerard in his capacity as Superintendent and want to take this opportunity to recognize his accomplishments.

During his tenure, Gerard has helped promote a comprehensive understanding of the significance of Mount Rushmore and the surrounding Black Hills. In addition to telling the story of the four Presidents whose likenesses are carved into the mountain, he and his staff have worked to broaden the perspectives of history, culture, and natural resources at the memorial. Visitors, young and old alike, have enjoyed expanded interpretive programs, including an award-winning audio tour available in Lakota and a Heritage Village highlighting the history and customs of local American Indian communities. Gerard has done an admirable job of promoting understanding and celebration of all of the cultures that make up our democracy.

Gerard's long and accomplished career with the National Park Service began in 1979 at the Knife River Indian Villages National Historic Site where he worked as a park technician. He worked his way up and eventually became Superintendent of Little Big Horn Battlefield National Monument. He would later serve as the first Superintendent of the Lewis and Clark National Historic Trail before coming to Mount Rushmore. Throughout his career, Gerard has been recognized with numerous awards for exceptional work. He was also recently featured in the Ken Burns documentary ''The National Parks: America's Best Idea.''

National Park Service Director Jon Jarvis should be commended for recognizing the importance of working with tribes across our country on cultural and natural resources issues central to the Park Service's mission. He could not have picked a better person to represent the Park Service in this capacity. In addition to vast experience with the Park Service, Gerard brings a lifetime of learning from his own heritage as a Mandan-Hidatsa Indian. That perspective, coupled with the charisma and good humor Gerard is so well known for, will be a great asset for the Park Service.

In closing, I would like to thank Gerard and his wife Mary Kay for their dedication to Mount Rushmore and the Black Hills area. I wish him all the best in his new position as Assistant Director for American Indian Relations for the National Park Service. Gerard's efforts at Mount Rushmore will continue to benefit visitors for years to come, and I congratulate him on his accomplishments.●

### REMEMBERING VERNON C. POLITE

● Mr. LEVIN. Mr. President, I wish to honor the life of Vernon C. Polite, dean of the Eastern Michigan University College of Education, who passed away on March 8, 2010. Dean Polite led a life of integrity, passion, and dedication. His exemplary work and his personal warmth surely will be missed by all whose lives he touched. A memorial service will be held on the campus of Eastern Michigan University today to celebrate the life of this wonderful man.

Dean Polite's efforts to enrich the educational experiences of students in Michigan and across the country are truly inspiring. His guidance has left an indelible mark on the institutions in which he has played a part. From his work as principal at Oak Park Public Schools and professor at Catholic University of America, to his roles as founding dean of Bowie State University's School of Education and dean of the Eastern Michigan University College of Education, Dean Polite has set an example of conscientious and courageous leadership.

Dean Polite was embraced by colleagues, students, family, and friends as much for his impressive accomplishments as for his generous heart and personal kindness. He has been called ''an ambassador for education and for social justice across the nation.'' His dedication to social justice is not only evident in the research he conducted on organizational change and minority educational issues and in his active pursuit of diversity at Eastern Michigan and other institutions but also in the graceful and respectful manner in which he interacted with those around him each day. Dean Polite leaves a void at Eastern Michigan University and in the countless lives he helped to shape. His memory will be a vivid and lasting inspiration to many.

Vernon C. Polite dedicated his life to education and accomplished much in his long and illustrious career. His legacy is that of a life well-spent and is embodied in the accomplishments and aspirations of the students he inspired. I know my colleagues join me in extending condolences to Vernon's sister, Carol Brooks, and his brother, Willie Brooks, as well as to the entire Eastern Michigan University community, as we honor the life of this remarkable man.●

### TRIBUTE TO SPECIALIST MICHELLE DONOVAN

● Mrs. LINCOLN. Mr. President, today I honor National Guard Specialist Michelle Donovan, a resident of Hot Springs Village in my home State of Arkansas. Specialist Donovan recently received the Purple Heart for injuries she sustained while serving in Iraq nearly 3 years ago.

Specialist Donovan served as a combat medic assigned to the 875th Engineer Battalion, Arkansas National

Guard. On August 21, 2007, while on patrol in Iraq, the vehicle in which she was riding struck an explosive device, leaving her and her four team members seriously wounded. She suffered severe traumatic brain injury and wounds to her leg and shoulder, as well as injuries to her face, requiring a medical discharge from the Arkansas National Guard.

Along with all Arkansans, I salute Specialist Donovan for her bravery, and I am grateful for her service and sacrifice.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001. It is the responsibility of our Nation to provide the tools necessary to care for our country's returning servicemembers and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.●

## TRIBUTE TO ALICE SMITH

● Mrs. LINCOLN. Mr. President, today I congratulate Alice Smith for being named the 2009 Citizen of the Year by the Clarendon Chamber of Commerce.

According to those who know her best, Alice is a dedicated community volunteer, spending countless hours of her time helping others throughout the Clarendon community. A long-time volunteer with the Boy Scouts, Alice also serves as President of the Clarendon Chamber of Commerce and is a member of Visions for Clarendon, the Clarendon American Legion Auxiliary, and a board member for the Monroe County Human Development Center. Alice also fought to save the annual Clarendon Christmas parade when it was on the verge of cancellation due to lack of funds and participation.

I have felt a long kinship to Clarendon, and I am grateful for the friendships I have made there. Clarendon is a community with a great spirit of volunteerism and caring. We should all embrace Alice's spirit of service and volunteerism. I send my heartfelt congratulations to her and her family.●

## 40TH ANNIVERSARY OF THE FOUNDING OF HOT SPRINGS VILLAGE

● Mrs. LINCOLN. Mr. President, today I rise to recognize the residents of Hot Springs Village in my home State of Arkansas.

Hot Springs Village is a gated resort and retirement community in scenic west central Arkansas in the Ouachita Mountains. It is home to 15,000 residents and offers 11 recreational lakes for fishing, swimming and boating, 16 tennis courts, a fitness center, a 650-seat performing arts center, and over 20 miles of wooded nature trails.

During the week of April 17–25, Hot Springs Village will celebrate its 40th anniversary with events throughout the community, including concerts, golf tournaments, luncheons, open houses, and more. These events symbolize the culture, recreation, and community spirit that define Hot Springs Village and its citizens.

Mr. President, I salute the residents of Hot Springs Village for their efforts to maintain the heritage, beauty, and history of their community. I join all Arkansans to express my pride in this jewel of Arkansas.●

## RECOGNIZING DENNYMIKE'S 'CUE STUFF INC.

● Ms. SNOWE. Mr. President, though we often say in Maine that April can still be considered a winter month, we are hopeful that warmer weather is just around the corner. And one of our Nation's favorite summer pastimes is grilling outdoors—eating good food while enjoying the company of friends and family. While barbecue is traditionally considered Southern cuisine, one Maine company is out to redefine that notion—and having great success in this endeavor. As such, I rise today to recognize DennyMike's 'Cue Stuff Inc. for its numerous award-winning barbecue products.

DennyMike's got its start in 2002 when Dennis Michael—or DennyMike—Sherman, a born and bred Mainer, opened DennyMike's Smokehouse BBQ and Deli in the popular seaside town of Old Orchard Beach. Mr. Sherman's purpose in opening this unique restaurant in Maine was to expose New Englanders to a cuisine he has loved since the 1970s, when he first experienced authentic Texas-style barbecue. In 2008, Mr. Sherman also launched a line of genuine, hand-crafted barbecue rubs and sauces for use by customers at home, whether it be to spice up meatloaf made in the oven or add flavor to seafood or steak cooked on the grill. The company is a member of the Kansas City BBQ Society and the National BBQ Association, among other organizations, ensuring that it is at the forefront of this burgeoning industry.

To create its unique sauces and rubs, DennyMike's utilizes high-quality ingredients such as clover honey, natural sea salt, and Barbados molasses. The company creates these products, which are all-natural and gluten-free, in small batches to ensure a richer flavor. The company markets a broad range of sauces like the Sweet 'N Spicy, DennyMike's original standard-bearer, as well as rubs that include the Fintastic, seasoned with a hint of citrus for a tangy twist on traditional Maine cuisine such as fresh fish and shrimp. From sweet and savory to strong and spicy, DennyMike's products are designed to please any discerning set of taste buds. DennyMike and his wife, Patty, accompanied by one full-time employee, produce the sauces and rubs, with five part-time workers supplementing as needed.

While some may scoff at the notion of an award-winning barbecue master hailing from Maine, Mr. Sherman has put such critics to shame with an impressive display of awards from organizations nationwide. In November, one of DennyMike's sauces was named the best barbecue sauce in the ''All-Natural Hot'' category at the 2010 Scovie Awards, while another of its distinctive rubs won top place in the ''Dry Rub/All-Purpose'' class. Decided through scrupulous blind tastings, the Scovie Awards are prestigious in the barbecue industry, and now comprise one of the world's most competitive gourmet food competitions. Additionally, DennyMike's received five medals—two gold, one silver, and two bronze—from the National Barbecue Association, or NBBQA, last year, while also winning several awards for its distinct packaging from various organizations. At this year's NBBQA Conference and Expo, DennyMike's racked up seven awards, building on its record of accomplishment and success within the industry.

DennyMike's 'Cue Stuff has quickly made a name for itself by introducing quality, all-natural barbecue products to our home State. As he continues to promote his sauces and rubs at regional trade shows across New England, I am confident that word will only spread faster of Mr. Sherman's creative and celebrated line of products. I thank Mr. Sherman for so vividly embodying the entrepreneurial spirit, and wish him continued success in his tasty quest.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the

following bills, in which it requests the concurrence of the Senate:

H.R. 1585. An act to increase awareness of physical activity opportunities at school, and for other purposes.

H.R. 3553. An act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 4178. An act to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1963. An act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 255. Concurrent resolution commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin.

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) announced that on today, April 22, 2010, he had signed the following enrolled bill, previously signed by the Speaker of the House:

H.R. 4360. An act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the "Major Charles Robert Soltes, Jr., O.D. Department of Veterans Blind Rehabilitation Center".

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At 3:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagreed to the amendment of the Senate to the bill (H.R. 2194) entitled "An act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran", and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. BERMAN, ACKERMAN, SHERMAN, CROWLEY, SCOTT of Georgia, COSTA, KLEIN of Florida, Ms. ROS-LEHTINEN, Messrs. BURTON of Indiana, ROYCE, and PENCE.

From the Committee on Financial Services, for consideration of sections 3 and 4 of the House bill, and sections 101–103, 106, 203, and 401 of the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, MEEKS of New York, and GARRETT of New Jersey.

From the Committee on Ways and Means, for consideration of sections 3 and 4 of the House bill, and sections 101–103 and 401 of the Senate amendment, and modifications committed to conference: Messrs. LEVIN, TANNER, and CAMP.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1585. An act to increase awareness of physical activity opportunities at school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3553. An act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family; to the Committee on Indian Affairs.

H.R. 4178. An act to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5578. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Supplemental Nutrition Assistance Program, Regulation Restructuring: Issuance Regulation Update and Reorganization to Reflect the End of Coupon Issuance Systems" (RIN0584–AD48) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5579. A communication from the Acting Under Secretary for Research, Education, and Economics, Office of Extramural Programs, National Institute of Food and Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Medicine Loan Repayment Program (VMLRP)" (RIN0524–AA43) received in the Office of the President of the Senate on April 20, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5580. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the fourth quarter report for calendar year 2009 of the Joint Improvised Explosive Device Defeat Organization; to the Committee on Armed Services.

EC–5581. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 110–429, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–5582. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–007, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–5583. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the States' contribution to the operating costs of a National Guard Youth Challenge Program; to the Committee on Armed Services.

EC–5584. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the quality of health care provided by the Department of Defense; to the Committee on Armed Services.

EC–5585. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2009 Missile Technology Control Regime Plenary Agreements" (RIN0694–AE79) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5586. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA–2008–0020)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5587. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (75 FR 18072)" ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5588. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (75 FR 18086)" ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5589. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (77 FR 18090)" ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5590. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA–2010–0003)) received in the Office of

the President of the Senate on April 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5591. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5592. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–5593. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the notification of Congress that during the period of January 1, 2009, through December 31, 2009, no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC–5594. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings for the period of January 1, 2009 through December 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–5595. A communication from the Secretary of the Interior, transmitting, a legislative proposal relative to the issuance of coins to commemorate the 100th anniversary of the establishment of the National Park Service; to the Committee on Banking, Housing, and Urban Affairs.

EC–5596. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Categorical Exclusions from Environmental Review'' (RIN3150–AI27) received in the Office of the President of the Senate on April 20, 2010; to the Committee on Energy and Natural Resources.

EC–5597. A communication from the Chief of Recovery and Delisting Branch, Endangered Species Program, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Grizzly Bear in the Greater Yellowstone Ecosystem in Compliance with Court Order'' (RIN1018–AW97) received in the Office of the President of the Senate on April 20, 2010; to the Committee on Environment and Public Works.

EC–5598. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transitional Guidance for Taxpayers Claiming Relief Under the Military Spouses Residency Relief Act for Taxable Year 2009'' (Notice No. 2010–30) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Finance.

EC–5599. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—May 2010'' (Rev. Rul. No. 2010–12) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Finance.

EC–5600. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, the 2009 annual report on voting practices in the United Nations; to the Committee on Foreign Relations.

EC–5601. A communication from the Assistant Secretary of the Treasury, transmitting, proposed legislation relative to the Asian Development Fund and the Asian Development Bank; to the Committee on Foreign Relations.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David J. Hale, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Kerry B. Harvey, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Alicia Anne Garrido Limtiaco, of Guam, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of the Northern Mariana Islands for the term of four years .

Kenneth J. Gonzales, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Mr. BURR, Mr. VITTER, Mr. BENNET, Mrs. LINCOLN, Mr. GRASSLEY, Mrs. MCCASKILL, Mr. BEGICH, Mr. MCCAIN, Mr. WHITEHOUSE, Mr. LEAHY, Ms. STABENOW, Mr. NELSON of Nebraska, Mr. ENSIGN, and Mr. DURBIN):

S. 3244. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; considered and passed.

By Mrs. HAGAN (for herself, Mr. DURBIN, and Mr. SCHUMER):

S. 3245. A bill to establish rules for small denomination, short-term, unsecured cash advances, such as ''payday loans''; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN (for himself and Mr. THUNE):

S. 3246. A bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family; to the Committee on Indian Affairs.

By Mr. UDALL of Colorado (for himself, Mr. LUGAR, Mr. BROWN of Massachusetts, Mrs. HAGAN, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mrs. SHAHEEN, and Mr. UDALL of New Mexico):

S. 3247. A bill to amend the Fair Credit Reporting Act with respect to fair and reasonable fees for credit scores; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. MCCAIN, and Mr. REID):

S. 3248. A bill to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 3249. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 3250. A bill to provide for the training of Federal building personnel, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARPER:

S. 3251. A bill to improve energy efficiency and the use of renewable energy by Federal agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 3252. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to limit the liability of a State performing reclamation work under an approved State abandoned mine reclamation plan; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 3253. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

By Mr. BROWN of Ohio (for himself, Mr. HARKIN, Mr. DURBIN, Mrs. MURRAY, Mr. CASEY, and Mr. MERKLEY):

S. 3254. A bill to amend the Fair Labor Standards Act of 1938 to require persons to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for persons who misclassify employees as non-employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 3255. A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI:

S. Res. 495. A resolution recognizing the continued importance of volunteerism and national service and commemorating the anniversary of the signing of the landmark service legislation, the Edward M. Kennedy Serve America Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB (for himself, Mr. WARNER, Mr. COCHRAN, and Ms. SNOWE):

S. Res. 496. A resolution designating April 23, 2010, as ''National Adopt A Library Day''; considered and agreed to.

By Mr. DODD (for himself, Mr. ALEXANDER, Mr. JOHNSON, Mr. LIEBERMAN, and Mr. BAYH):

S. Res. 497. A resolution designating the third week of April 2010 as ''National Shaken Baby Syndrome Awareness Week''; considered and agreed to.

By Ms. COLLINS (for herself and Mr. DODD):

S. Res. 498. A resolution designating April 2010 as ''National Child Abuse Prevention Month''; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. WICKER, Mr. BROWN of Ohio, Mr. SPECTER, Mr. LUGAR, Mr. DURBIN, Mr. CARDIN, Mr. SANDERS, Mrs. GILLIBRAND, Mr. JOHNSON, and Mr. INHOFE):

S. Res. 499. A resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria as a critical component of the President's Global Health Initiative; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 653

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 773

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 773, a bill to ensure the continued free flow of commerce within the United States and with its global trading partners through secure cyber communications, to provide for the continued development and exploitation of the Internet and intranet communications for such purposes, to provide for the development of a cadre of information technology specialists to improve and maintain effective cybersecurity defenses against disruption, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1144

At the request of Mr. JOHNSON, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1144, a bill to improve transit services, including in rural States.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1346

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1346, a bill to penalize crimes against humanity and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1963

At the request of Mr. AKAKA, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1963, a bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

S. 2106

At the request of Mrs. LINCOLN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2106, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 2920

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2920, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 3019

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3019, a bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3141

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3141, a bill to amend the Internal Revenue Code of 1986 to provide special rules for treatment of low-income housing credits, and for other purposes.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3205

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3205, a bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air.

S. 3206

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Delaware (Mr. KAUFMAN) were

added as cosponsors of S. 3206, a bill to establish an Education Jobs Fund.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. RES. 483

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 483, a resolution congratulating the Republic of Serbia's application for European Union membership and recognizing Serbia's active efforts to integrate into Europe and the global community.

## STATEMENTS ON INTRODUCED AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. THUNE):

S. 3246. A bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family; to the Committee on Indian Affairs.

Mr. WYDEN. Mr. President, today, my colleague Senator THUNE and I are introducing a piece of legislation that will correct a flaw in the Native American Housing and Self-Determination Act of 1996, NAHASDA, that could leave some disabled Native American Veterans having to choose between living with their families or having enough money to survive without them. No veteran should ever be faced with having to make that painful choice. Their service to our nation demands that they be treated with the greatest care, and this bill would help ensure that.

Native Americans serve in the U.S. military at a higher rate, per capita, than any other group. However, if a Native American veteran returns home with injuries suffered in battle, they face additional challenges because of the rules covering tribal lands.

Currently, NAHASDA counts veterans disability payments and survivor benefits as income when determining both eligibility for housing assistance and rental payments. Since virtually the only criteria for receiving public housing assistance on tribal lands is income—and the income levels on tribal lands are historically low—it does not take a large veterans disability payment to make them cross the threshold of being ''too wealthy'' to qualify for tribal housing. And in Indian Country, alternatives to tribal housing are few and far between.

In addition, because disability payments are based on the level of disability, the larger the sacrifice a soldier has made, the less likely he or she will be able to return to tribal housing. This also means that a soldier who has been disabled could not move in with his family if they receive housing assistance without putting the entire family at risk of losing their housing if the payments would put them above 80 percent of area median income. No family should have to choose between a roof over their head and caring for a wounded son or daughter, father or mother. Nor should they have to choose between living on their native homelands or being forced to move off the reservation to care for this wounded veteran. Yet, this is the Catch-22 that wounded Native American veterans currently face, and it must be fixed.

Our bill would do that, in a very simple way. It would exempt veterans' disability and survivor benefits from counting as ''income'' for tribal housing programs. This does not affect the amount of money Congress appropriates for tribally designated housing entities. It would just allow those programs to serve Native American veterans who have been injured in combat, or the families of those killed on the battlefield. Our bill is a simple, budget-neutral way to fix a law written with the best of intentions. I urge the speedy passage of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3246

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Indian Veterans Housing Opportunity Act of 2010''.

**SEC. 2. EXCLUSION FROM INCOME.**

Paragraph (9) of section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(9)) is amended by adding at the end the following new subparagraph:

''(C) Any amounts received by any member of the family as disability compensation under chapter 11 of title 38, United States Code, or dependency and indemnity compensation under chapter 13 of such title.''.

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By Mr. UDALL of Colorado (for himself, Mr. LUGAR, Mr. BROWN of Massachusetts, Mrs. HAGAN, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mrs. SHAHEEN, and Mr. UDALL of New Mexico):

S. 3247. A bill to amend the Fair Credit Reporting Act with respect to fair and reasonable fees for credit scores; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of Colorado. Mr. President, earlier, I listened to the colloquy between the two members of the Banking Committee as they outlined the importance of true Wall Street accountability and the Wall Street reforms we will consider in the future.

I rise to speak about a particular opportunity we have as we consider this important and far-reaching reform legislation, and that is to discuss a piece of legislation I have introduced today called the Fair Access to Credit Scores Act of 2010.

Senator LUGAR and I joined along with eight other colleagues, to introduce this bill that would put consumers back in control of their finances. This bill takes a commonsense yet significant step in that direction by offering Americans annual access to their credit score when they access their annual free credit report.

Making the distinction between your score and your report, a report tells consumers what outstanding credit accounts they have open, such as student loans or credit cards, maybe a car or home loan. Unfortunately, it tells Americans little else. Often, they already know—they hopefully should know that information in their credit report. In contrast, your credit score, which our legislation would make available, is what banks and lenders and increasingly even employers have access to. It is critical information that each one of us needs to know.

Today, you and I would have to jump through hoop after hoop and ultimately have to pay to have access to our credit score, while banks and lenders can get this information more easily. Mr. President, I know you have been a strong advocate for fairness in America, and that is simply not fair.

In 2003, Congress enacted legislation that required the three major consumer credit reporting agencies to provide a free annual report to each one of us on a yearly basis. This was known as the FACT Act. It was an important step in ensuring that financial records of American consumers are accurate. You could cross-check, as a consumer, what was in your report.

Many of my constituents in Colorado have seen frequent television commercials and Internet advertisements, and they are led to believe that the annual credit report under law includes this credit score I am discussing. Unfortunately, we were all disappointed—I have been personally—to find out that you only have access to your credit report, not the critical information that helps you judge your creditworthiness. You actually have to purchase your score or subscribe to a credit-monitoring service that costs you up to $200 a year to receive it. There are some troubling cases that even go further, where consumers believe they are signing up for a free credit score, only to find out later that they have actually signed up for a costly monthly monitoring service instead. This is simply

not fair. It is why the Consumer Federation of America and the Consumers Union support this legislation.

Your credit score is a critical piece of information that impacts your interest rates, your monthly payments on home loans, and it could be the difference between whether a child is able to afford college or not. As I alluded to earlier, this information is increasingly being used to decide whether you will be offered a job. When you apply for a job, your potential employer has access to that information, and you don't even know what it is. This is personal information, and the consumers themselves seem to be the only people who don't have easy access to it.

We are talking about empowering American consumers when we pass—and I know we will—Wall Street accountability legislation. We want to empower consumers to be able to shape their own financial futures and thereby the country's financial future. To do that, we have to have transparency.

When you have free access to your credit score, although that is a small part of the larger reforms we need, it addresses one of the fundamental inequities that pervade our current financial system. Put simply, the one-sided marketplace today is rigged to benefit large financial institutions at the expense of hard-working Americans who are struggling to support their families and save for retirement. Consumers continually find themselves on the losing end of this bargain.

With so much at stake, this legislation we filed today is a small step to help restore balance and put Americans back in charge of their financial health. My hope is that, as this Chamber considers the Wall Street accountability bill, we will consider adding this legislation as an amendment and restore a greater dose of fairness to consumers in Colorado, to the Presiding Officer's constituents, and to all the rest of our Nation.

Let me close by thanking a group of Senators who have joined me: Senators LUGAR, SCOTT BROWN, HAGAN, LEVIN, LIEBERMAN, KLOBUCHAR, MENENDEZ, SHAHEEN, and TOM UDALL. They have all joined me in putting consumers first by cosponsoring this commonsense, proconsumer legislation.

I ask each one of my colleagues as well to join me in supporting its passage.

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By Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. MCCAIN, and Mr. REID):

S. 3248. A bill to designate the Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building"; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, last month our country lost a great American with the passing of Stewart Udall, who, among his many achievements, is probably best remembered for his accomplishments as Secretary of the Interior during the Presidencies of President Kennedy and President Johnson. His lifetime of work to protect our public lands and his efforts to improve the quality of our environment are unequaled. Stewart Udall was instrumental in the passage of virtually all of our Nation's landmark environmental laws, including the Clean Air Act of 1963, the Wilderness Act of 1964, the Federal Water Pollution Control Act of 1965, the Endangered Species Act of 1966, the National Historic Preservation Act of 1966, the National Trails System Act of 1968, and the Wild and Scenic Rivers Act of 1968. Nearly half a century later, these laws remain the key protections for our Nation's land, air, and water. In addition, he oversaw significant additions to the National Park System and the National Wildlife Refuge System. Many years after he left office, he was a driving force behind the enactment of the Radiation Exposure Compensation Act of 1990.

In the 161-year history of the Department of the Interior, there have been many exceptional individuals who have served as Secretary of the Interior, and Stewart Udall certainly ranks among the best of those. In recognition of his lifetime of work pursuing the common good and protecting our Nation's public lands and waters and in particular his achievements as the Secretary of the Interior, today I am introducing legislation to designate the Department of the Interior Building in Washington, DC, as the "Stewart Lee Udall Department of the Interior Building." I am pleased to have Senator MARK UDALL, Senator JOHN MCCAIN, and Senator HARRY REID, our majority leader, as cosponsors of this bill. Dedication of the Department of the Interior's headquarters here in Washington will be a small but fitting tribute to Stewart Udall's legendary accomplishments, many of which took place in that very building.

I know my colleague, Senator MARK UDALL, is here to also speak in support of this legislation. Let me defer to him, and then I will ask recognition again on a somewhat separate matter.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from New Mexico for his courtesy.

I rise in support of this legislation. I intend at some later date to spend additional time on the floor talking about my Uncle Stewart, who was a wonderful man, an uncle to me, but more than that, he was a mentor, he was a leader. In the last 12 years of his life after my father died, he really served as a second father to me; therefore, I feel as though I lost a second father recently.

I thank the Senator on behalf of at least my side of the family. I know my cousin TOM will, at the right time and in the right way, express his thanks as well.

My uncle was many things, but he was at his heart a student of the West. He was a son of the West. He always looked for the lessons that the landscapes and the people of the West could provide all of us.

I know the Senator from New Mexico knows of the many books he wrote. He wrote over half a dozen books. One of the books I took the most insight from was a book called "The Founding Fathers and Mothers of the West." He pointed out in that book that people came to the West—the Presiding Officer will be interested in this—to find a new life. He continued in that vein by talking about the great western director of western movies, John Ford. He once asked John Ford if his movies portrayed the West as it was. Ford's answer was: No; they portrayed the West as it should have been, doggone it. My uncle's point was that the West was not settled by the gunfighters and those who had gotten into conflicts. The West was settled by those who came looking to create communities and to work together. It was the people standing on the wooden sidewalks watching the gunfights who in the end settled the West, established the West as we know the West today.

My uncle in particular had great affection and respect for the Native populations in the West. That led him to have great passion and even outrage about the way Native Americans had been treated. In his later years, as the Presiding Officer knows, he went to battle in the courts through his words in every form possible advocating justice and fair treatment for our Native American brothers and sisters. In our family, we characterized him as being outraged without being outrageous.

We are going to, obviously, miss him. I am going to miss his wise counsel. I will do everything I can to live by the credo he carried forward, I say to Senator BINGAMAN, which he believed deeply: We didn't inherit the Earth from our parents; we are borrowing it from our children. I think that is the fundamental lesson our uncle left with us. The inspiring step of the Senator from New Mexico to name the Interior Building after my uncle will help us keep that firmly in our view and keep committed to that purpose for our time on this Earth.

I thank the Senator from New Mexico for his graciousness. I look forward to this bill becoming the law of the land.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator UDALL, for his very eloquent statement. Obviously, the Udall family has a great deal

of which to be proud: his father's great public service, his uncle's great public service, and, of course, he is carrying on with that tradition, as is TOM UDALL, my colleague from New Mexico. We are very fortunate in this country to have the Udall family working hard to make this a better place.

I hope this legislation I have introduced today can become law soon. We will have that additional recognition for Stewart Udall and his contribution to the country.

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By Mr. CARPER (for himself and Ms. COLLINS):

S. 3250. A bill to provide for the training of Federal building personnel, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, I rise today to introduce two pieces of legislation that I believe will help the Federal Government cut its energy bill, save taxpayers' money and benefit the environment. Today is Earth Day, when people are thinking about how they can take better care of our planet. Federal agencies need to do the same.

Also important, the last few years have underscored the need for our Nation to rethink its energy use. Constantly shifting energy costs and our Nation's severe economic problems have resulted in families, homeowners, and businesses all taking a hard look at how much they are spending, including for energy needs. Governments should be no different, and they are no different.

Over the past few months, my Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security held hearings to examine how the Federal Government can lead by example in being more energy efficient. We learned, among other things, that the Federal Government is the single largest energy user in the Nation.

In fiscal year 2008, the total energy consumption of Federal Government buildings and operations was roughly 1.5 percent of all energy consumption in the United States. The energy bill for the Federal Government that year was $24.5 billion. Of that $24.5 billion, over $7 billion was spent on energy to operate Federal buildings alone.

With a price tag that large, there are significant opportunities for savings. Today, I offer a series of proposals that I believe will allow the Federal Government to take better advantage of these opportunities.

The Government Accountability Office has noted that Federal agencies face a number of challenges in meeting their energy management goals. One of those is rapidly building and retrofitting our buildings with advanced technologies, without regard for the skills necessary to operate and maintain these facilities to their optimum efficiency.

The Federal Government has spent billions of dollars on technology and hardware to improve the energy efficiency of its buildings. However, if this significant investment is not safeguarded by well-trained individuals, we will never be able to achieve the biggest bang for our buck. New technology demands new skills. My legislation would better ensure that the individuals who manage our Federal facilities possess the knowledge they need to meet these demands.

The Federal Buildings Personnel Training Act of 2010, which I am introducing today along with Senator COLLINS, and Representatives CARNAHAN and BIGGERT in the House, will ensure that the General Services Administration has all of the tools necessary to not only upgrade our infrastructure, but also guarantee that these buildings are properly maintained and operated at their highest performance levels. You wouldn't give a race car to an inexperienced driver and expect them to win the Indy 500. In the same way, we can't expect our Federal buildings to run at peak efficiency if we don't make sure our personnel have adequate training.

I am also introducing a second bill, the Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010.

Federal agencies are pursuing many ideas and technologies to reduce the amount of energy they consume, and adopt renewable energy such as solar panels on top of Federal buildings. These proven technologies have resulted in financial savings that have more than paid for the initial financial investment. This is in addition to the environmental and energy security benefits of reduced energy use.

In fact, earlier this year the Administration announced plans for Federal agencies to reduce its greenhouse gas pollution by 28 percent by 2020, representing between $8 billion and $11 billion in cost savings. These goals are part of a very useful and effective executive order signed last year directing agencies to not only devote more attention to energy reduction, but share their best ideas.

While the Administration's Executive Order, Federal Leadership in Environmental, Energy and Economic Performance, represents an important step forward, there is more we can do.

Federal agencies can make use of some creative financial tools where government partners with the private sector. For example, with Power Purchasing Agreements a Federal agency allows a company to use government land, for example an unused portion of military base, to build solar, wind or other renewable power production with private sector funding, and in exchange gives the Federal facility cheaper electricity. This means that governments can reduce the cost of its energy use and help clean up the environment by promoting renewable energy—all without having to spend a single taxpayer dollar. Not a bad way to do business.

Currently, DOD is more successful with Power Purchasing Agreements because their facilities are allowed to enter into longer term agreements, as compared to civilian agencies which are restricted to only 10 years. My bill will allow longer-term agreements for all agencies.

It is important to remember, the cleanest, most efficient—and cheapest—energy, is the energy we don't use. That is why I would like Federal agencies to quicken the pace of its efforts to implement energy efficiency measures. To help accomplish this, my bill establishes a $500 million revolving fund to provide financial support for Federal agency energy efficiency and renewable projects. This fund would increase the number of agency energy efficiency projects, such as new heating and cooling systems, which save on operations costs. Savings from the projects would be paid back into the fund over time, and eventually fund additional projects.

Other provisions of my bill adopt some good, common-sense ideas. For example, President Obama's fiscal year 2011 budget proposal outlined how the Department of Veterans Affairs is saving money by operating their computers more efficiently. Using new computers that use less energy, and software that automates when a computer is turned on and off, the agency plans to save around $32 million over the next 5 years. My bill would require other Federal agencies to consider and adopt steps similar to that of the Department of Veteran Affairs' successful example.

I am also interested in expanding cutting edge advanced metering technology throughout government. There's an old saying that goes, ''You can't manage, what you can't measure.'' It can easily be applied to energy use. At my recent hearings I learned that, with new digital technology, we can save energy and money by connecting facilities across an organization and monitoring buildings—and even parts of buildings and individual pieces of machinery—on their energy use in real-time. Wal-Mart uses this technology because they understand the financial savings it brings. From their headquarters in Bentonville, AR, they will know if a freezer door has been left open for too long at their store in Middletown, Delaware. The Federal Government should do the same so that building managers can make more effective decisions. The best part about deploying advanced metering is the fact that the investment pays for itself in less than a year.

As America's largest consumer of energy, Federal agencies can and should be good stewards of precious taxpayer

dollars by using energy as efficiently as possible. The proposals contained in my two pieces of legislation will help the Federal Government lead by example, and demonstrate to the American people that energy efficiency efforts can pay real dividends in saving both money and the environment. I look forward to working with my colleagues and the Administration to get these two bills signed into law, and implement these important ideas.

Mr. President, I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the text of the bills were ordered to be printed in the RECORD, as follows:

S. 3250

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Buildings Personnel Training Act of 2010''.

**SEC. 2. TRAINING OF FEDERAL BUILDING PERSONNEL.**

(a) IDENTIFICATION OF CORE COMPETENCIES.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator of General Services, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, and after providing notice and an opportunity for comment, shall identify the core competencies necessary for Federal personnel performing building operations and maintenance, energy management, safety, and design functions to comply with requirements under Federal law. The core competencies identified shall include competencies relating to building operations and maintenance, energy management, sustainability, water efficiency, safety (including electrical safety), and building performance measures.

(b) DESIGNATION OF RELEVANT COURSES, CERTIFICATIONS, DEGREES, LICENSES, AND REGISTRATIONS.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall identify a course, certification, degree, license, or registration to demonstrate each core competency, and for ongoing training with respect to each core competency, identified for a category of personnel specified in subsection (a).

(c) IDENTIFIED COMPETENCIES.—An individual shall demonstrate each core competency identified by the Administrator under subsection (a) for the category of personnel that includes such individual. An individual shall demonstrate each core competency through the means identified under subsection (b) not later than one year after the date on which such core competency is identified under subsection (a) or, if the date of hire of such individual occurs after the date of such identification, not later than one year after such date of hire. In the case of an individual hired for an employment period not to exceed one year, such individual shall demonstrate each core competency at the start of the employment period.

(d) CONTINUING EDUCATION.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop or identify comprehensive continuing education courses to ensure the operation of Federal buildings in accordance with industry best practices and standards.

(e) CURRICULUM WITH RESPECT TO FACILITY MANAGEMENT AND OPERATION OF HIGH-PERFORMANCE BUILDINGS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator, acting through the head of the Office of Federal High-Performance Green Buildings, and the Secretary of Energy, acting through the head of the Office of Commercial High-Performance Green Buildings, in consultation with the heads of other appropriate Federal departments and agencies and representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

(f) APPLICABILITY OF THIS SECTION TO FUNCTIONS PERFORMED UNDER CONTRACT.—Training requirements under this section shall apply to non-Federal personnel performing building operations and maintenance, energy management, safety, and design functions under a contract with a Federal department or agency. A contractor shall provide training to, and certify the demonstration of core competencies for, non-Federal personnel in a manner that is approved by the Administrator.

S. 3251

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010''.

**SEC. 2. POWER PURCHASE AGREEMENT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) COST-EFFECTIVE.—The term ''cost-effective'' means, with respect to a power purchase agreement entered into by the head of an executive agency for a Federal facility that is owned or controlled by the executive agency, that the 30-year average cost for the purchase of electricity under the power purchase agreement from 1 or more renewable energy generating systems is not greater than an amount equal to 110 percent of the cost of an equal quantity of electricity from the current electricity supplier of the Federal facility, taking into consideration each—

(A) applicable cost, including any cost resulting from—

(i) a demand charge;

(ii) an applicable rider;

(iii) a fuel adjustment charge; or

(iv) any other surcharge; and

(B) reasonably anticipated increase in the cost of the electricity resulting from—

(i) inflation;

(ii) increased regulatory requirements;

(iii) decreased availability of fossil fuels; and

(iv) any other factor that may increase the cost of electricity.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(3) FEDERAL FACILITY.—The term ''Federal facility'' has the meaning given the term in section 543(f)(C) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(C)).

(4) GOVERNMENT CORPORATION.—The term ''Government corporation'' has the meaning given the term in section 103 of title 5, United States Code.

(5) RENEWABLE ENERGY SOURCE.—The term ''renewable energy source'' has the meaning given the term in section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259).

(b) POWER PURCHASE AGREEMENT PROJECTS.—

(1) AUTHORIZATION OF HEADS OF EXECUTIVE AGENCIES.—In accordance with paragraphs (2) and (3), the head of each executive agency or a designee may establish 1 or more projects under which the head of the executive agency may offer to enter into power purchase agreements during the 10-year period beginning on the date of enactment of this Act for the purchase of electricity from 1 or more Federal facilities that are owned or controlled by the executive agency from renewable energy sources located at the Federal facility.

(2) COST-EFFECTIVE REQUIREMENT.—A head of an executive agency described in paragraph (1) may offer to enter into a power purchase agreement described in that paragraph only if the power purchase agreement is cost-effective.

(3) TERM OF POWER PURCHASE AGREEMENT.—Notwithstanding any other provision of law (including regulations), the term of a power purchase agreement described in paragraph (1) may not be longer than a period of 30 years.

(4) ALLOCATION OF INCREMENTAL COSTS.—Each head of an executive agency (including the Administrator of General Services) who enters into a power purchase agreement under paragraph (1) for the purchase of electricity at a Federal facility that is owned or controlled by the executive agency for distribution to 1 or more other executive agencies shall allocate, on an annual basis for the period covered by the power purchase agreement, the incremental cost or incremental savings of the power purchase agreement for the purchase of electricity at a Federal facility from renewable energy sources (as compared to the cost of electricity from the electricity supplier of the Federal facility) among each user of the Federal facility based on the proportion that—

(A) the electricity usage of the user of the Federal facility; bears to

(B) the aggregate electricity usage of all users of the Federal facility.

(c) POWER PURCHASE AGREEMENTS WITH MULTIPLE FEDERAL FACILITIES.—An executive agency may enter into an interagency agreement as part of a power purchase agreement that involves more than 1 Federal facility.

(d) NEGOTIATED RATE AS BASIS FOR DETERMINING COST EFFECTIVENESS OF FUTURE ENERGY EFFICIENCY OR RENEWABLE ENERGY PROJECTS.—An executive agency that enters into a power purchase agreement may not use the negotiated rate as a basis for determining the business case or economic feasibility of future energy efficiency or renewable energy projects.

(e) REGULATIONS.—The Secretary of Energy shall promulgate such regulations as are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2010 through 2019, to remain available until expended.

**SEC. 3. FEDERAL FACILITY ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Federal

Facility Energy Efficiency and Renewable Energy Projects Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as are appropriated to the Fund under subsection (b).

(b) TRANSFERS TO FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund $500,000,000, to remain available until expended.

(2) LOAN REPAYMENTS.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to loan amounts repaid and received in the Treasury under subsection (e).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary of Energy (referred to in this section as the ''Secretary''), the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide assistance for energy efficiency and renewable energy projects carried out at Federal facilities in accordance with subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) FEDERAL FACILITY ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS FUND PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall establish a Federal facility energy efficiency and renewable energy projects fund program under which the Secretary shall make loans to Federal agencies to assist the agencies in reducing energy use and related purposes, as determined by the Secretary.

(2) GUIDELINES FOR APPLICATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for Federal agencies to submit applications for loans under this subsection.

(3) ELIGIBILITY.—Each Federal agency shall be eligible to submit an application for a loan under this subsection.

(4) LOAN AWARDS.—

(A) IN GENERAL.—The Secretary shall award loans under this subsection on a competitive basis.

(B) ALLOCATION.—The Secretary shall convene a committee of Federal agencies to determine allocation from the Fund to carry out this subsection after a competitive assessment of the technical and economic effectiveness of each application for a loan under this subsection.

(C) SELECTION.—In determining whether to provide a loan to a Federal agency for a project under this subsection, the Secretary shall consider—

(i) the cost-effectiveness of the project;

(ii) the amount of energy and cost savings anticipated to the Federal Government;

(iii) the amount of funding committed to the project by the agency;

(iv) the extent that a project will leverage financing from other non-Federal sources; and

(v) any other factor that the Secretary determines will result in the greatest amount of energy and cost savings to the Federal Government.

**SEC. 4. INCENTIVES FOR FEDERAL AGENCIES FOR UTILITY ENERGY SAVINGS CONTRACTS.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall promulgate regulations that enable Federal agencies to retain the financial savings that result from entering into utility energy savings contracts.

**SEC. 5. RENEWABLE ENERGY FACILITIES SURVEYS BY FEDERAL AGENCIES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall promulgate regulations that establish appropriate methods and procedures for use by Federal agencies to implement, unless inconsistent with the mission of the Federal agencies or impracticable due to environmental constraints, the identification of all potential locations at Federal facilities of the agencies for renewable energy projects (including available land, building roofs, and parking structures).

(b) IDENTIFICATION OF POTENTIAL LOCATIONS.—Not later than 1 year after the date of the promulgation of regulations under subsection (a), each Federal agency shall complete the report of the agency that identifies potential locations described in subsection (a).

**SEC. 6. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(b) REPORTS ON PLANS AND SAVINGS.—Not later than 90 days after the date of the issuance of the guidance under subsection (a), each Federal agency shall submit to the Secretary of Energy a report that describes—

(1) the plan of the agency for implementing the guidance within the agency; and

(2) estimated energy and financial savings from employing the tools described in subsection (a).

**SEC. 7. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Administrator of General Services, and relevant industry and nonprofit groups, shall develop and issue guidance on a Federal energy management and data collection standard.

(b) REQUIREMENTS.—Guidance described in subsection (a) shall include, at a minimum, a plan for the General Services Administration to publish energy consumption data for individual Federal facilities on a single, searchable website, accessible by the public at no cost to access.

**SEC. 8. ADVANCED METERING BEST PRACTICES FOR ADVANCED METERING.**

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e) is amended by striking paragraph (3) and inserting the following:

''(3) PLAN.—

''(A) IN GENERAL.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

''(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

''(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

''(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

''(4) BEST PRACTICES REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

''(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

''(C) COMPONENTS.—The report shall include, at a minimum—

''(i) summaries and analysis of the reports by agencies under paragraph (3) ;

''(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

''(I) potential common communications standards to allow data sharing and reporting;

''(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

''(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

''(iii) an analysis of—

''(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

''(II) existing techniques used within the private sector or other non-Federal government buildings.''.

**SEC. 9. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**

Section 3307, of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i). respectively; and

(2) by inserting after subsection (c) the following:

''(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

''(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

''(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of

the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).''.

**SEC. 10. CONTINUOUS COMMISSIONING WITHIN THE FEDERAL BUILDING STOCK.**

(a) IN GENERAL.—Section 3312 of title 40, United States Code, is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

''(c) CONTINUOUS COMMISSIONING WITHIN THE FEDERAL BUILDING STOCK.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010, the Administrator and the Secretary of Energy shall incorporate commissioning and recommissioning standards (as those terms are defined in section 543(f) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f))), for all real property that—

''(A) is more than $10,000,000 in value;

''(B) has more than 50,000 square feet; or

''(C) has energy intensity of more than $2 per square foot.

''(2) REGULATIONS.—Not later than 180 days after the date of enactment of the Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010, the Administrator and the Secretary of Energy shall promulgate such regulations as are necessary to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 3312 of title 40, United States Code, is amended—

(1) in subsection (e)(1) (as redesignated by subsection (a)(1)), by striking ''and (c)'' and inserting ''and (d)'';

(2) in the first sentence of subsection (f) (as so redesignated), by striking ''and (c)'' and inserting ''and (d)''; and

(3) in subsection (g) (as so redesignated), by striking ''subsection (b), (c), or (d) or for failure to carry out any recommendation under subsection (e)'' and inserting ''subsection (b), (d), or (e) or for failure to carry out any recommendation under subsection (f)''.

**SEC. 11. ELIMINATION OF STATE MATCHING REQUIREMENT FOR ENERGY EFFICIENCY UPGRADES AT GUARD AND RESERVE ARMORIES AND READINESS CENTERS.**

Section 18236 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''A contribution'' and inserting ''Except as provided under subsection (e), a contribution''; and

(2) by adding at the end the following new subsection:

''(e) A contribution made at an armory or readiness center under paragraph (4) or (5) of section 18233(a) of this title for an energy efficiency upgrade shall cover—

''(1) 100 percent of the cost of architectural, engineering and design services related to the upgrade (including advance architectural, engineering and design services under section 18233(e) of this title); and

''(2) 100 percent of the cost of construction related to the upgrade (exclusive of the cost of architectural, engineering and design services).''.

**SEC. 12. AUDIT; REPORT.**

(a) AUDIT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out an audit to determine—

(1) the cost-effectiveness of energy savings performance contracts; and

(2) the ability of Federal agencies to manage effectively energy savings performance contracts.

(b) REPORT.—Not later than 90 days after the date described in subsection (a), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that contains a description of the results of the audit carried out under subsection (a).

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 495—RECOGNIZING THE CONTINUED IMPORTANCE OF VOLUNTEERISM AND NATIONAL SERVICE AND COMMEMORATING THE ANNIVERSARY OF THE SIGNING OF THE LANDMARK SERVICE LEGISLATION, THE EDWARD M. KENNEDY SERVE AMERICA ACT

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

S. RES. 495

Whereas April 21, 2010, marks the first anniversary of the signing of the Serve America Act (Public Law 111–13; 123 Stat. 1460) (also known as the ''Edward M. Kennedy Serve America Act'');

Whereas the Serve America Act reauthorized the Corporation for National and Community Service and the programs of the Corporation through 2014, expanding opportunities for millions of people in the United States to serve this Nation;

Whereas the United States is experiencing a wave of new innovation and collaboration to increase volunteerism, as social entrepreneurs try new approaches, technology increases access and expands service, and corporate volunteers provide pro bono skills to nonprofit organizations;

Whereas the Serve America Act increases volunteer opportunities for people of all ages in the United States, with a focus on disadvantaged youth, seniors, and veterans;

Whereas the Serve America Act promotes social innovation by supporting and expanding proven programs and builds the capacity of individuals, nonprofit organizations, and communities to volunteer; and

Whereas the Serve America Act leverages service to assist in meeting challenges in the areas of education, health, clean energy, veterans assistance, and economic opportunity: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that service is of significant value to the United States; and

(2) commemorates the first anniversary of the Serve America Act (Public Law 111–13; 123 Stat. 1460) (also known as the ''Edward M. Kennedy Serve America Act''); and

(3) encourages every person in the United States to continue to answer the call to serve.

### SENATE RESOLUTION 496—DESIGNATING APRIL 23, 2010, AS ''NATIONAL ADOPT A LIBRARY DAY''

Mr. WEBB (for himself, Mr. WARNER, Mr. COCHRAN, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 496

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to make use of books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate the donation of books to schools and libraries across the United States—

(1) to extend the joys of reading to millions of people of the United States; and

(2) to prevent used books from being thrown away;

Whereas, as of the date of agreement to this resolution, the libraries of the United States have provided valuable resources to individuals affected by the economic crisis by encouraging continued education and job training; and

Whereas several States that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as ''Adopt A Library Day'': Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 23, 2010, as ''National Adopt A Library Day'';

(2) honors the organizations that facilitate donations to schools and libraries;

(3) urges all people of the United States who own unused books to donate the unused books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

### SENATE RESOLUTION 497—DESIGNATING THE THIRD WEEK OF APRIL 2010 AS ''NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK''

Mr. DODD (for himself, Mr. ALEXANDER, Mr. JOHNSON, Mr. LIEBERMAN, and Mr. BAYH) submitted the following resolution; which was considered and agreed to:

S. RES. 497

Whereas the month of April has been designated ''National Child Abuse Prevention Month'' as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System reports that 772,000 children were victims of abuse and neglect in the United States in 2008, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas approximately 95,000 of those children were younger than 1 year old;

Whereas more than 4 children die each day in the United States as a result of abuse or neglect;

Whereas children younger than 1 year old accounted for over 40 percent of all child abuse and neglect fatalities in 2008, and children younger than 4 years old accounted for nearly 80 percent of all child abuse and neglect fatalities in 2008;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or left undetected;

Whereas Shaken Baby Syndrome often results in permanent and irreparable brain damage or death of the infant and may result in extraordinary costs for medical care during the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may avert enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been injured or killed by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and their families within the health care and criminal justice systems;

Whereas 20 States have enacted legislation related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas the Senate has designated the third week of April as ''National Shaken Baby Syndrome Awareness Week'' each year since 2005; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the third week of April 2010 as ''National Shaken Baby Syndrome Awareness Week'';

(2) commends hospitals, childcare councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

## SENATE RESOLUTION 498—DESIGNATING APRIL 2010 AS ''NATIONAL CHILD ABUSE PREVENTION MONTH''

Ms. COLLINS (for herself and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 498

Whereas, in 2008, approximately 772,000 children were determined to be victims of abuse or neglect;

Whereas, in 2008, an estimated 1,740 children died as a result of abuse or neglect;

Whereas, in 2008, an estimated 80 percent of the children who died due to abuse or neglect were under the age of 4;

Whereas, in 2008, of the children under the age of 4 who died due to abuse or neglect, the majority were under the age of 1;

Whereas abused or neglected children have a higher risk in adulthood for developing health problems, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused or neglected children—

(1) are 11-times more likely to be arrested for criminal behavior as juveniles; and

(2) are 2.7-times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated 1/3 of abused or neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse or neglect may be far less costly than—

(1) the emotional and physical damage inflicted on children who have been abused or neglected;

(2) providing to abused or neglected children services, including child protective, law enforcement, court, foster care, or health care services; or

(3) providing treatment to adults recovering from child abuse; and

Whereas child abuse or neglect has long-term economic and societal costs: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2010 as ''National Child Abuse Prevention Month'';

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse or neglect, including by identifying risk factors and developing prevention strategies;

(3) supports the proclamation issued by President Obama declaring April 2010 as ''National Child Abuse Prevention Month''; and

(4) should—

(A) increase public awareness of prevention programs relating to child abuse or neglect; and

(B) continue to work with the States to reduce the incidence of child abuse or neglect in the United States.

Ms. COLLINS. Mr. President, it is with a heavy heart that I rise today to submit a resolution recognizing Child Abuse Prevention Month. I am honored to be joined by a longtime advocate of children, Senator DODD, in turning a spotlight on the issue of child abuse and neglect in this country. Senator DODD and I share a common belief that children should be valued and nurtured by both their families and the larger family of humankind.

The effort to address child abuse transcends ideological and partisan lines. This is not a Democratic or Republican issue—this is an American issue—one that we can't wish away, but that we must face head on and work to eradicate.

Abuse of children occurs in all segments of our society, in rural, suburban, and urban areas and among all racial, ethnic, and income groups. According to the 2008 Child Maltreatment Study compiled by the U.S. Department of Health and Human Services, during 2008, an estimated 772,000 children were determined to be victims of abuse or neglect, and an estimated 1,740 children died as a result.

My home State of Maine is mourning the death of 15-month old Damien Lynn, who was allegedly murdered by his mother's boyfriend. Autopsy reports show that little Damien had broken bones and ribs, head and abdominal injuries, and a human bite mark on his right arm. It is in Damien's memory, and that of the thousands of children who are abused and neglected each year, that I come to the floor today.

The time has come for Americans to unite in an all-out effort to eradicate child abuse. Child Abuse Prevention Month is an opportunity for communities across the country to keep children safe, provide the support families need to stay together, and raise children and youth to be happy, secure, and stable adults.

To paraphrase Mahatma Gandhi, ''You can judge a society by how they treat their weakest members.'' This resolution is sad commentary that we have to do more to protect those who are in the dawn of life, the most vulnerable among us, our children.

## SENATE RESOLUTION 499—SUPPORTING THE GOALS AND IDEALS OF WORLD MALARIA DAY, AND REAFFIRMING UNITED STATES LEADERSHIP AND SUPPORT FOR EFFORTS TO COMBAT MALARIA AS A CRITICAL COMPONENT OF THE PRESIDENT'S GLOBAL HEALTH INITIATIVE

Mr. FEINGOLD (for himself, Mr. WICKER, Mr. BROWN of Ohio, Mr. SPECTER, Mr. LUGAR, Mr. DURBIN, Mr. CARDIN, Mr. SANDERS, Mrs. GILLIBRAND, Mr. JOHNSON, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 499

Whereas April 25th of each year is recognized internationally as World Malaria Day;

Whereas malaria is a leading cause of death and disease in many developing countries, despite being completely preventable and treatable;

Whereas, according to the World Health Organization, 35 countries, the majority of them in sub-Saharan Africa, account for 98 percent of global malaria deaths;

Whereas young children and pregnant women are particularly vulnerable and disproportionately affected by malaria;

Whereas malaria greatly affects child health, with estimates that children under the age of 5 account for 85 percent of malaria deaths each year;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa;

Whereas heightened national, regional, and international efforts to prevent and treat malaria over recent years have made measurable progress and have helped save hundreds of thousands of lives;

Whereas the World Health Organization's World Malaria Report 2009 reports that ''[i]n countries that have achieved high coverage of their populations with bed nets and treatment programmes, recorded cases and deaths due to malaria have fallen by 50%'';

Whereas the World Health Organization's World Malaria Report 2009 further states that ''[t]here is evidence from Sao Tome and Principe, Zanzibar and Zambia that large decreases in malaria cases and deaths have been mirrored by steep declines in all-cause deaths among children less than 5 years of age'';

Whereas continued national, regional, and international investment is critical to continue to reduce malaria deaths and to prevent backsliding in those areas where progress has been made;

Whereas the United States Government has played a major leadership role in the recent progress made toward reducing the global burden of malaria, particularly through the President's Malaria Initiative and the United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

Whereas President Barack Obama said on World Malaria Day in 2009, ''It is time to redouble our efforts to rid the world of a disease that does not have to take lives. Together, we have made great strides in addressing this preventable and treatable disease... Together, we can build on this progress against malaria, and address a broad range of global health threats by investing in health systems, and continuing our work with partners to deliver highly effective prevention and treatment measures.'';

Whereas, under the new Global Health Initiative (GHI) launched by President Obama, the United States Government is pursuing a comprehensive, whole-of-government approach to global health, focused on helping partner countries to achieve major improvements in overall health outcomes through transformational advances in access to, and the quality of, healthcare services in resource-poor settings; and

Whereas recognizing the burden of malaria on many partner countries, GHI has set the target for 2015 of reducing the burden of malaria by 50 percent for 450,000,000 people, representing 70 percent of the at-risk population in Africa: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of World Malaria Day, including the achievable target of ending malaria deaths by 2015;

(2) calls upon the people of the United States to observe World Malaria Day with appropriate programs, ceremonies, and activities to raise awareness and support to save the lives of those affected by malaria;

(3) recognizes the importance of reducing malaria prevalence and deaths to improve overall child and maternal health, especially in sub-Saharan Africa;

(4) commends the recent progress made toward reducing global malaria deaths and prevalence, particularly through the efforts of the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(5) welcomes ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(6) reaffirms the goals and commitments to combat malaria in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110–293);

(7) supports continued leadership and investment by the United States in bilateral and multilateral efforts to combat malaria as a critical part of the President's Global Health Initiative; and

(8) encourages other members of the international community to sustain and scale up their support and financial contributions for efforts worldwide to combat malaria.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3729. Mr. COBURN proposed an amendment to the concurrent resolution H. Con. Res. 255, commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin.

## TEXT OF AMENDMENTS

**SA 3729.** Mr. COBURN proposed an amendment to the concurrent resolution H. Con. Res. 255, commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin; as follows:

Strike the preamble and insert the following:

Whereas Gaylord Nelson, former United States Senator from Wisconsin, is recognized as one of the leading environmentalists of the 20th Century who helped launch an international era of environmental awareness and activism;

Whereas Gaylord Nelson grew up in Clear Lake, Wisconsin, and rose to national prominence while exemplifying the progressive values instilled in him;

Whereas Gaylord Nelson served with distinction in the Wisconsin State Senate from 1949 to 1959, as Governor of the State of Wisconsin from 1959 to 1963, and in the United States Senate from 1963 to 1981;

Whereas Gaylord Nelson founded Earth Day, which was first celebrated on April 22, 1970, by 20 million people across the United States, making the celebration the largest environmental grassroots event in history at that time;

Whereas Gaylord Nelson called on Americans to hold their elected officials accountable for protecting their health and the natural environment on that first Earth Day, an action which launched the Environmental Decade, an unparalleled period of legislative and grassroots activity that resulted in passage of 28 major pieces of environmental legislation from 1970 to 1980, including the Clean Air Act, the Clean Water Act, and the National Environmental Education Act;

Whereas Gaylord Nelson was responsible for legislation that created the Apostle Islands National Lakeshore and the St. Croix Wild and Scenic Riverway and protected other important Wisconsin and national treasures;

Whereas Gaylord Nelson sponsored legislation to ban phosphates in household detergents and he worked tirelessly to ensure clean water and clean air for all Americans;

Whereas in addition to his environmental leadership, Gaylord Nelson fought for civil rights;

Whereas Gaylord Nelson was a patriot, who as a young soldier honorably served 46 months in the Armed Forces during World War II, and then, as Senator, worked to ban the use of the toxic defoliant Agent Orange;

Whereas, in 1995, Gaylord Nelson was awarded the highest honor accorded civilians in the United States, the Presidential Medal of Freedom;

Whereas Gaylord Nelson's legacy includes generations of Americans who have grown up with an environmental ethic and an appreciation and understanding of their roles as stewards of the environment and the planet; and

Whereas Gaylord Nelson was an extraordinary statesman, public servant, environmentalist, husband, father, and friend, and who never let disagreement on the issues become personal or partisan:

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 22, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on April 22, 2010, at 10 a.m. to conduct a hearing entitled ''China's Exchange Rate Policy and Trade Imbalances.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 22, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 22, 2010, at 10:30 a.m., to conduct a hearing entitled ''Promoting Global Food Security.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor,

and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Meeting the Needs of the Whole Student'' on April 22, 2010. The hearing will commence at 10 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on April 22, 2010, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 22, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 22, 2010, at 3 p.m., in SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on April 22, 2010, at 10 a.m., to conduct a hearing entitled ''Examining the Filibuster: History of the Filibuster 1789–2008.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 22, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. BOXER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on April 22, 2010, from 2–5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on April 22, 2010, at 3:30 p.m. to conduct a hearing entitled, ''The Future of the U.S. Postal Service.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 22, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on April 22, 2010, at 10 a.m. to conduct a hearing entitled ''After the Dust Settles: Examining Challenges and Lessons Learned in Transitioning the Federal Government.''

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMEMORATING THE 40TH ANNIVERSARY OF EARTH DAY

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 255, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 255) commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEVIN. Mr. President, today is the 40th anniversary of Earth Day, a day set aside to appreciate the environment. In 1970, Senator Gaylord Nelson from Wisconsin recognized the power of campus activism and established Earth Day as a way to highlight the environmental problems this Nation faced—air pollution from factories, water pollution from unregulated discharges, and toxic waste dumps. After Congress passed legislation to designate April 22 as Earth Day, Congress passed several bills to protect the environment including the Clean Water Acts, the National Wild and Scenic Rivers Act, the Federal Pesticides Act, the Clean Air Act, the Environmental Education Act, and the National Hiking Trails and the National Scenic Trails Acts.

Because Michigan is surrounded by four of the five Great Lakes, the problems plaguing the lakes have an enormous impact on Michigan. A generation ago, the Great Lakes were a huge reservoir of persistent toxic substances, but they have improved markedly since that time. The Environmental Protection Agency, EPA, estimates that the Great Lakes Critical Programs Act, which I sponsored in 1990, has reduced direct toxic water discharges by millions of pounds per year. In addition, since 2002, the EPA estimates that close to 900,000 cubic yards of contaminated sediment have been removed under the Great Lakes Legacy Act at 5 of the 31 U.S. ''Areas of Concern'' in the Great Lakes, thirteen of which are found in Michigan.

While the Great Lakes have made strides in recovering, historical problems still exist and new problems are on the horizon. There are still hundreds of fish advisories issued every year; the number of beach closings remains high; Lake Erie is once again experiencing a ''dead zone'' from high levels of phosphorus; and a new invasive species enters the Great Lakes about every 8 months. Last year, Congress provided $475 million for comprehensive Great Lakes restoration efforts.

Because of its industrial past, Michigan has faced some challenges with contaminated properties, including complications related to redevelopment. This is why I have also long been a supporter of brownfields redevelopment and smart growth efforts, which connect environmental goals with economic and community development objectives. In 1999, I joined my former colleague, Senator Jim Jeffords to form the Senate Smart Growth Task Force. The task force serves as a forum for Senators interested in sustainable and sensible growth, and has supported locally driven, federally supported smart growth practices.

Supporting and enjoying Michigan's parks and trails are also important aspects of this Earth Day celebration. Last year, I helped establish the Beaver Basin area as Wilderness at Pictured Rocks National Lakeshore and I am currently working on another Wilderness designation in the Sleeping Bear Dunes National Lakeshore. It is important for the public to have access to these areas so they can enjoy magnificent vistas, quiet streams, freshwater lakes, forests and prairies, and

other natural beauty. To promote access and conservation, I have also worked to improve the North Country National Scenic Trail, which runs through Michigan, by helping to provide ''willing seller authority'' to help the trail be completed more quickly. When completed, the trail will span seven States and roughly 4,600 miles, approximately 1,000 miles of which will be located in Michigan, preserving critical outdoor recreational opportunities while providing a boost to the local economies along the trail.

Michigan is blessed to have so many natural resources. It is important that we recognize that we are just temporary stewards and that we protect and restore our resources for current and future generations.

Mr. LEAHY. Mr. President, today our Nation marks the 40th anniversary of Earth Day. For four decades, Americans have joined together on April 22 to celebrate our environment and to commit ourselves to fostering a healthier world. What Senator Gaylord Nelson began as a grassroots response to widespread environmental degradation in the 1970s has grown to become the foundation of the modern environmental movement and an annual recognition of Earth Day. For 40 years, Americans have used this day to organize events and participate in activities to draw attention to environmental issues and to promote environmental awareness and reform. Today, on the 40th anniversary of Earth Day, we can be proud of the many steps we have taken to clean up the environment. With the hard work and dedication of many, we have made progress. But there is more work to be done and we are facing many new threats.

Now for the first time since the passage of the landmark environmental laws of the 1970s, we are close to making significant strides to address environmental, climate, and energy-related issues. Bipartisan legislation is being developed in both the House of Representatives and the Senate, and significant steps have been taken already by this administration to ease the impact of human activities on the natural world, for our benefit, and for the benefit of generations to come. We do not have to choose between creating jobs and protecting the environment or between jobs and solving climate change. The economy of the 21st century will be built on infrastructure powered by clean energy, and, as Gaylord Nelson once wrote, ''all economic activity depends upon the . . . air, water, soil, forest, minerals, wetlands, rivers, lakes, oceans, wildlife habitat, and scenic beauty.'' These, he said, ''are the accumulated capital resources of a nation. Take them away and what you have left is a wasteland.''

Today, as the world pauses to consider the awe-inspiring power of our choices, let us reflect on what we stand to lose if we fail to act and what we stand to gain if we make the commitment to improve the air, water, and land upon which we depend. It is clear that Earth Day is not about the next government proclamation or regulation; this day is about the actions of individuals the amazing power of one person to accomplish change.

The threats to our planet are global; they are broad and overwhelming. But they are also very personal. The choices we make today will shape our world for generations to come. Though it may seem improbable to suggest that each person has the power to make a change, in saving our planet and improving our communities, it is certainly true.

It is estimated that by the year 2050, 40 years from now, the global population will be 9.4 billion people, adding more strain to our ecosystems. If personal responsibility for the Earth is truly as simple as conserving water, choosing public transportation or carpooling whenever possible, making your home more energy efficient, buying local sustainably produced food, recycling and reusing goods, there is little reason for any of us to deny our individual power to bring about change.

It is all too easy to imagine that the problems people currently face are a world away—across an ocean, on other continents. It is too easy to imagine problems such as a lack of clean water, vicious storms, and insufficient food supplies as not our own. I know that when it comes to the future of the Earth, the continent that seems so removed could just as easily be my backyard. On this 40th Earth Day, I am proud to call Vermont, the Green Mountain State, my home, and Vermont has been a leader in helping to show the way forward in protecting the Earth.

As we celebrate the 40th anniversary of Earth Day, each of us can renew our commitment to our planet—our home. We can use our power as individuals to work together toward a cleaner environment and a healthier planet. As part of the legacy we leave for our children and our grandchildren, let them enjoy a society that is secure in its commitment to a healthy and environmentally sound future. On this 40th anniversary of Earth Day, while we remember the pioneering spirit of Gaylord Nelson, we must honor his legacy and continue turning his words into action.

Mr. KOHL. Mr. President, today I rise to recognize one of our most prominent Wisconsinites, Gaylord Nelson, the founder of Earth Day.

On April 22, 1970, 20 million Americans paused for a day to celebrate our planet and press for the urgent actions needed to preserve and protect it. As we observe this 40th anniversary of the first Earth Day, we once again reflect on the necessity of a clean and safe environment, celebrate the successes of the last four decades, and consider the long way we still must go to achieve the goals laid out that day.

In Wisconsin, we also stop to remember and honor one of our most prominent citizens.

Earth Day was born out of the passion of Gaylord Nelson. His life was one of service from the Pacific theater during World War II, to the State House as a State Senator and Governor, and to Washington, DC where he served Wisconsin as a U.S. Senator for nearly 20 years.

When Gaylord came to Washington, he did so with a mission to bring environmental causes to the forefront of the national debate. He believed that the cause of environmentalism needed as much attention as national defense. For his first years in the Senate, his cause was lonely. In 1966, his bill to ban the pesticide DDT garnered no cosponsors.

Gaylord knew that only with the grassroots support of regular Americans, could the environmental agenda rise to prominence. His idea for Earth Day came from the student teach-ins of the 1960s, but his cause inspired people across boundaries of age, race and location. This year, more than one billion people around the world will come together in the same way they did 40 years ago.

In a speech on that historic day in 1970, Gaylord noted that his goal was not just one of clean air and water, but also ''an environment of decency, quality and mutual respect for all other human beings and all other living creatures.'' He told the crowd that America could meet the challenge through our technology. The unanswered question was, he said, ''Are we willing?''

That question was answered with a resounding yes. That year saw the creation of the Environmental Protection Agency and the passage of the Clean Air Act. In 1972, 6 years after Gaylord Nelson stood alone on his proposed DDT ban, its use was ended. Later years would bring better protection of drinking water, emissions and efficiency standards for cars, programs to cleanup brownfields sites, and the protection and preservation of our forests, rivers, mountains and oceans.

Despite that progress and I imagine Gaylord would be the first to note this we still have much work ahead of us. We must use this anniversary to commit to another environmental decade. The needs of 40 years ago cleaner water, cleaner air, more protection of our lands are still here, but the next challenge we must face is climate change.

From lower lake levels, to more invasive species, the consequences of unchecked climate change could be devastating to the people of Wisconsin. Climate change isn't just a threat, it is also an opportunity. Structured correctly, the solutions to slowing climate

change can also speed up our economic recovery.

Remarkable research and development is happening today in Wisconsin on products for cleaner water, advanced battery technology, and using waste from farms and forests to make advanced biofuels. We have companies developing products to harness the power of the sun to replace traditional interior lighting, retrofitting heavy-duty trucks into hybrids, and manufacturing energy-efficient hot water heaters.

In Congress, legislative work to address climate change is ongoing. With the right mixture of requirements and incentives, we can achieve a policy that reduces our dependence on foreign oil, cuts greenhouse gas emissions, lowers prices at the pump and on the electricity bill, and creates good-paying jobs that cannot be outsourced.

We do not have to choose between the environment and the economy, between jobs and solving climate change. Gaylord Nelson made this point over and over again. He once wrote that ''all economic activity depends upon the air, water, soil, forest, minerals, wetlands, rivers, lakes, oceans, wildlife habitats, and scenic beauty.'' These, he said, ''are the accumulated capital resources of the nation. Take them away and what you have left is a wasteland.''

On this 40th anniversary of Earth Day, while we remember the pioneering sprit of Gaylord Nelson, we must honor his legacy by turning words into action.

Ms. SNOWE. Mr. President, 40 years ago, Senator Gaylord Nelson attempted to bring attention to a degraded environment through a day dedicated to our planet. On April 22, 1970, environmental issues, as they are today, were challenging oxygen levels in the Androscoggin River in my great state of Maine frequently reached zero during the summer, resulting in the death of nearly all fish and other aquatic life in the river and carbon monoxide and ozone emissions significantly degraded our country's air quality. The environmental, economic, and personal costs of a failure to recognize the benefits of a healthy environment had reached a tipping point for many American citizens who demanded action both through greater awareness of personal environmental decisions and through new public laws. Millions of Americans, as Senator Nelson said, ''organized themselves'' to not only protest the degradation of our environment, but also to educate each other on personal steps to reduce waste, increase recycling, and together improve the condition of environment around us.

Four decades later, Earth Day serves as a consequential reminder of what we have achieved since 1970, and what we still have left to accomplish, especially as we evaluate the current state of our environment. In that light, on this Earth Day, as the ranking member of Oceans, Atmosphere, Fisheries, and Coast Guard, I held a hearing on the threat of acidification on the largest ecosystems of the world, our oceans. And while the expert witnesses outlined the daunting hurdles of this 21st century challenge to our lobster industry and the beautiful coral reefs of the world, it is encouraging at the same time to reflect upon the past challenges we've met that seemed insurmountable.

In 1970, there were less than 50 bald eagle nesting pairs in Maine, today there are at least 477. This extraordinary increase came to fruition through a combination of the federal banning of DDT and a concerted effort by Mainers who volunteered to track our sacred national symbol and conserve its habitat. Furthermore, just last year, the Commissioner of the Maine Department of Inland Fisheries and Wildlife remarkably and thankfully was able to recommend the removal of the Bald Eagle from Maine's list of Endangered and Threatened Species. It was a combination of dedicated attention by Mainers as well as public policies that made this success a reality. And in Maine's iconic rivers and waterways fish are returning and our air quality has improved.

Nationally, for nearly 10 years, I have been pleased to join forces with my good friend and colleague, Senator DIANNE FEINSTEIN, to implement technology available today and raise fuel economy standards for our Nation's automobile fleet. And finally, in 2007 we passed legislation that will cut air pollution, reduce our consumption of foreign oil, and save money at the gas pump which will be of benefit to everyone, especially those in the rural parts of my state. And earlier this month, these rules were finalized and will save 1.8 billion barrels of oil over the life of cars and trucks sold between the 2012 and 2016 model years. This welcomed and long overdue advancement will reduce greenhouse gas emissions from our vehicles by 21 percent by 2030 and represents the most significant effort so far to combat climate change.

When we commemorate the 50th anniversary of Earth Day in just 10 years from now, let it be said that in 2010, we made great strides in improving our energy efficiency in our homes and offices, we reduced the number of miles that we drive on a weekly basis, we mitigated carbon dioxide emissions, and we reduced the amount of oil we import. Above all, let us hope we can look back and say we were able to forge comprehensive energy legislation that spoke not just to our goals for protecting the environment and harnessing new sources for energy, for ensuring greater not lesser energy independence, but that reflected once again the hallmark vision, ingenuity, and can-do spirit that have always driven this great land for whom no task is too daunting and no adversity too steep.

Mr. BROWN of Ohio. Mr. President, earlier today—the 40th Anniversary of Earth Day—on the grounds of the U.S. Capitol, I test drove the energy-efficient, fuel cell-powered Chevy Cruze.

Across Ohio, next-generation fuel-efficient vehicles are being built. GM recently announced that its plant in Lordstown, OH—near Youngstown in Trumball County—would bring back a third shift of workers to the assembly line to build the Cruze.

Twelve hundred jobs are expected to be created building this new line of fuel-efficient cars that will reduce our dependence on foreign oil and reduce the pollution of our air.

Forty years ago, many were hard-pressed to see how environmental and economic objectives could coexist.

The Cuyahoga River burned in Cleveland and oil spills marred the beaches of Santa Barbara.

With Lake Erie dying, Americans demanded an end to the polluted air and water that threatened the public health and safety of our Nation.

Such tragedies served as catalysts that established the Environmental Protection Agency, EPA, passed the Clean Air and Clean Water Acts, and formed a public and political conscience to safeguard our environment.

Today, the Cuyahoga River—41 years after the fire—is cleaner and healthier; more than 60 different fish species are thriving, and countless families are again enjoying its natural beauty.

The modern environmental movement was marked by the efforts of citizens demanding that their government protect our health by protecting our environment.

Like so many times throughout our Nation's history, citizen activism served as vehicle for change.

The 1960s, the third progressive era of the 20th century, was defined by passage of Medicare and Medicaid, the Higher Education Act, the Voting Rights Act, the Elementary and Secondary Education Act, and the Civil Rights Act.

Rachel Carson's 1962 ''Silent Spring'' helped the environmental movement educate elected officials and industry leaders about threats to human safety and the importance of environmental sustainability.

U.S. Senator Gaylord Nelson of Wisconsin persuaded President Kennedy to raise the importance of the conservation through a 5-day, 11 State tour in September 1963.

Senator Nelson took the energy of that tour and found it mirrored across the country in the public's desire for cleaner air and water.

Today, we celebrate Senator Nelson's vision of Earth Day—how his teach-ins and grassroots plea translated the public's concern for the environment into political action.

On April 22, 1970, after years of planning, Earth Day activities stretched from college campuses, to city parks, to community halls across the country.

That citizen call to action spurred decades worth of environmental protections that have improved the health of our Nation's air, streams, lakes, and rivers.

Today, Earth Day is celebrated around the world. And today, our college campuses are once again spurring our Nation's environmental innovation.

In northeastern Ohio, Oberlin College built one of the Nation's first—and at the time the largest—solar-powered building in the Nation. The college is also working with the city of Oberlin to develop green spaces and energy efficient living.

Baldwin Wallace has one of the Nation's only academic programs strictly devoted to sustainability practices.

Case Western is partnering with the Cleveland Foundation to build the world's first wind turbines in fresh water.

In northwestern Ohio, the University of Toledo's Clean and Alternative Energy Incubator has helped entrepreneurs and business make Toledo a national leader in solar energy jobs.

Bowling Green State University has the first and largest commercial scale wind farm in Ohio and the Midwest.

In Central Ohio, the Ohio State University is partnering with Battelle and Edison Welding to develop cutting-edge advanced alternative energy sources.

In southern Ohio, Ohio University is conducting a full-scale wind-data collection project in Appalachia to identify the best wind-energy resources within a 2,000-square-mile 7-county region.

And just this week the University of Cincinnati was named one of the greenest universities in the country.

Across Ohio, from Youngstown State University to Akron University to the University of Dayton and Stark State Community College, Ohio's campuses continue to be a breeding ground of innovation.

The activism and expertise of our students and entrepreneurs mark tremendous progress toward a more sustainable environment.

It is a progress that has led to the largest investment in clean energy and environmental sustainability in our Nation's history.

The American Recovery and Reinvestment Act is making historic investments to make our water and sewer systems safer, our clean energy sources more affordable and available.

And Ohio's history of manufacturing excellence and cutting edge entrepreneurs is leading the Nation in Recovery Act funds used for clean energy.

For four decades, the environmental movement has made clear that without action, we face dangerous consequences. We risk the health of citizens, the viability of our coastal areas, and the productivity of our State's farms, forests, and fisheries.

We risk our long-term economic and national security.

Yet no longer do environmental and economic objectives conflict with each other. No longer do we needlessly pick winners and losers among regions, workers, and industries.

We have seen how despite our population growing by 50 percent in the past 40 years and the number of cars on the road having doubled over that same time, our air is 60 percent cleaner than at the time of the first Earth day in 1970, all while our economy has grown like no other in the history of the world.

Done right, our Nation can become energy independent, improve its global competitiveness, and create new jobs and technologies for our workforce.

As we plant the seeds for economic growth—for new jobs in new industries—we are also planting the seeds for a cleaner, more sustainable environment.

And that is what Earth Day represents—for workers making the Cruze in Lordstown or activists continuing to push for a cleaner environment.

Earth Day reminds us to call upon our history of innovation and perseverance to usher in a new era of prosperity for our Nation and sustainability for our plant.

Mr. CASEY. Mr. President, I rise today to mark the 40th anniversary of Earth Day. Started in 1970 by Wisconsin's Senator Gaylord Nelson as an environmental teach-in, Earth Day has become a global event. More than 20 million people participated in the first Earth Day and that number has grown to over 500 million in 175 countries.

Since the first Earth Day, the United States has made significant strides in improving the quality of our environment—our air, our water, our land, and our natural resources. The days of having to turn on street lights in downtown Pittsburgh at noon because of the pollution emitted by coal plants, steel mills, and other industries are long gone.

No longer does the Cuyahoga River in Ohio catch fire due to the uncontrolled discharge of oil and other pollutants. Long gone too is the mining of coal and other minerals without regard to the impact on land or water. And today, one can hike through Yellowstone National Park or the Upper Peninsula of Michigan and hear the howling of wolves, a species that was almost completely wiped out in the lower 48 States. These are just a few examples of how our Nation has embraced the tenants of environmental awareness put forth on that first Earth Day in 1970.

Let me relate to you another story of our Nation's environmental progress that is a source of particular pride for Pennsylvanians. Rachel Carson is considered one of the pioneers of the environmental movement in the United States. Ms. Carson was born in 1907 and grew up on a small family farm near Springdale in western Pennsylvania, went to the Pennsylvania College for Women in Pittsburgh, which later became Chatham College, and completed her M.A. in zoology at Johns Hopkins University. She began her career as a biologist with what was then the U.S. Bureau of Fisheries.

Her seminal work in 1962, Silent Spring, brought to the forefront the dangers of DDT and other pesticides. DDT was a major cause of decline in the population of birds of prey, including the peregrine falcon. Because of the efforts of Ms. Carson and others, DDT was eventually banned from use in the United States in 1972. Today, peregrine falcons have returned to much of their former range, including a pair of falcons that have been nesting on the Pennsylvania Department of Environmental Protection office tower in Harrisburg, which fittingly, is named the Rachel Carson Building.

Ms. Carson's call to action on the environment was also a driving force behind a 1972 amendment to the Pennsylvania Constitution clearly articulates the right of Pennsylvania's citizens to clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the environment, and ensuring these rights to generations yet to come.

The first Earth Day was also a major impetus for our Nation to move forward with a myriad of Federal legislation—including the Clean Water Act, Clean Air Act, Surface Mining Control and Reclamation Act, and the Endangered Species Act—that provided the regulatory framework for America to be a world leader in environmental stewardship.

Just as importantly, we have seen since the first Earth Day that environmental protection can go hand-in-hand with economic growth. According to US EPA, since 1980, total emissions of six principal air pollutants—carbon monoxide, lead, nitrogen oxides, volatile organic compounds, particulate matter, and sulfur dioxide—decreased by 54 percent.

And during this same period, gross domestic product, GDP, increased by more than 126 percent while the U.S. population grew by 34 percent, clearly demonstrating that we can maintain a strong, robust economy while at the same time protecting and promoting a safe and healthy environment for all Americans.

Today, as a nation, we need to applaud the accomplishments we have made since the first Earth Day in improving the quality of our air, water, and land. But we also need to acknowledge that the task of protecting our environment is far from complete.

The remaining challenges are many. Nutrient pollution is still a concern for the Chesapeake Bay and other waterways. Mercury from large stationary sources still threatens the health of our Nation's vulnerable population of infants and pregnant woman. And many of our urban areas still exceed national standards for air quality.

But the most daunting environmental challenge today is climate change. The scientific evidence about the threat of climate change cannot be disputed. We must move forward with climate and energy legislation that will put us on a path that ends our unsustainable reliance on foreign energy. A path that will create new, clean energy jobs and that will regain our competitive edge over countries like China, which is out-investing us and out-innovating us when it comes to new energy technologies. A path that regains control of our environment, our economy, and our national security.

Let me close with a quote from Rachel Carson. It goes, ''Those who contemplate the beauty of the earth find reserves of strength that will endure as long as life lasts.'' So, as we celebrate Earth Day today, let us all take a moment to consider the beauty and wonder of the natural world around us.

And let us use the strength we take away from these moments to continue to preserve and protect our Nation's rich natural history and environment for our children and grandchildren. So that future generations will always have a clean environment, a robust economy, and a secure Nation.

Mr. CASEY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; that a Coburn substitute amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 255) was agreed to.

The amendment (No. 3729) was agreed to, as follows:

Strike the preamble and insert the following:

Whereas Gaylord Nelson, former United States Senator from Wisconsin, is recognized as one of the leading environmentalists of the 20th Century who helped launch an international era of environmental awareness and activism;

Whereas Gaylord Nelson grew up in Clear Lake, Wisconsin, and rose to national prominence while exemplifying the progressive values instilled in him;

Whereas Gaylord Nelson served with distinction in the Wisconsin State Senate from 1949 to 1959, as Governor of the State of Wisconsin from 1959 to 1963, and in the United States Senate from 1963 to 1981;

Whereas Gaylord Nelson founded Earth Day, which was first celebrated on April 22, 1970, by 20 million people across the United States, making the celebration the largest environmental grassroots event in history at that time;

Whereas Gaylord Nelson called on Americans to hold their elected officials accountable for protecting their health and the natural environment on that first Earth Day, an action which launched the Environmental Decade, an unparalleled period of legislative and grassroots activity that resulted in passage of 28 major pieces of environmental legislation from 1970 to 1980, including the Clean Air Act, the Clean Water Act, and the National Environmental Education Act;

Whereas Gaylord Nelson was responsible for legislation that created the Apostle Islands National Lakeshore and the St. Croix Wild and Scenic Riverway and protected other important Wisconsin and national treasures;

Whereas Gaylord Nelson sponsored legislation to ban phosphates in household detergents and he worked tirelessly to ensure clean water and clean air for all Americans;

Whereas in addition to his environmental leadership, Gaylord Nelson fought for civil rights;

Whereas Gaylord Nelson was a patriot, who as a young soldier honorably served 46 months in the Armed Forces during World War II, and then, as Senator, worked to ban the use of the toxic defoliant Agent Orange;

Whereas, in 1995, Gaylord Nelson was awarded the highest honor accorded civilians in the United States, the Presidential Medal of Freedom;

Whereas Gaylord Nelson's legacy includes generations of Americans who have grown up with an environmental ethic and an appreciation and understanding of their roles as stewards of the environment and the planet; and

Whereas Gaylord Nelson was an extraordinary statesman, public servant, environmentalist, husband, father, and friend, and who never let disagreement on the issues become personal or partisan:

The preamble, as amended, was agreed to.

## SUPPORTING GOALS AND IDEALS OF WORLD MALARIA DAY

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 499, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 499) supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria as a critical component of the President's Global Health Initiative.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 499) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 499

Whereas April 25th of each year is recognized internationally as World Malaria Day;

Whereas malaria is a leading cause of death and disease in many developing countries, despite being completely preventable and treatable;

Whereas, according to the World Health Organization, 35 countries, the majority of them in sub-Saharan Africa, account for 98 percent of global malaria deaths;

Whereas young children and pregnant women are particularly vulnerable and disproportionately affected by malaria;

Whereas malaria greatly affects child health, with estimates that children under the age of 5 account for 85 percent of malaria deaths each year;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa;

Whereas heightened national, regional, and international efforts to prevent and treat malaria over recent years have made measurable progress and have helped save hundreds of thousands of lives;

Whereas the World Health Organization's World Malaria Report 2009 reports that ''[i]n countries that have achieved high coverage of their populations with bed nets and treatment programmes, recorded cases and deaths due to malaria have fallen by 50%'';

Whereas the World Health Organization's World Malaria Report 2009 further states that ''[t]here is evidence from Sao Tome and Principe, Zanzibar and Zambia that large decreases in malaria cases and deaths have been mirrored by steep declines in all-cause deaths among children less than 5 years of age'';

Whereas continued national, regional, and international investment is critical to continue to reduce malaria deaths and to prevent backsliding in those areas where progress has been made;

Whereas the United States Government has played a major leadership role in the recent progress made toward reducing the global burden of malaria, particularly through the President's Malaria Initiative and the United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

Whereas President Barack Obama said on World Malaria Day in 2009, ''It is time to redouble our efforts to rid the world of a disease that does not have to take lives. Together, we have made great strides in addressing this preventable and treatable disease... Together, we can build on this progress against malaria, and address a broad range of global health threats by investing in health systems, and continuing our work with partners to deliver highly effective prevention and treatment measures.'';

Whereas, under the new Global Health Initiative (GHI) launched by President Obama, the United States Government is pursuing a comprehensive, whole-of-government approach to global health, focused on helping partner countries to achieve major improvements in overall health outcomes through transformational advances in access to, and

the quality of, healthcare services in resource-poor settings; and

Whereas recognizing the burden of malaria on many partner countries, GHI has set the target for 2015 of reducing the burden of malaria by 50 percent for 450,000,000 people, representing 70 percent of the at-risk population in Africa: Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of World Malaria Day, including the achievable target of ending malaria deaths by 2015;

(2) calls upon the people of the United States to observe World Malaria Day with appropriate programs, ceremonies, and activities to raise awareness and support to save the lives of those affected by malaria;

(3) recognizes the importance of reducing malaria prevalence and deaths to improve overall child and maternal health, especially in sub-Saharan Africa;

(4) commends the recent progress made toward reducing global malaria deaths and prevalence, particularly through the efforts of the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(5) welcomes ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(6) reaffirms the goals and commitments to combat malaria in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110–293);

(7) supports continued leadership and investment by the United States in bilateral and multilateral efforts to combat malaria as a critical part of the President's Global Health Initiative; and

(8) encourages other members of the international community to sustain and scale up their support and financial contributions for efforts worldwide to combat malaria.

## ARTICLES OF IMPEACHMENT AGAINST JUDGE PORTEOUS

The PRESIDING OFFICER. The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD the amended replication of the House of Representatives to the Answer of Judge G. Thomas Porteous, Jr., to the Articles of Impeachment against Judge Porteous, pursuant to S. Res. 457, 111th Congress, Second Session, which replication was received by the Secretary of the Senate on April 22, 2010.

The amended replication of the House of Representatives is as follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, Apr. 22, 2010.*

Impeachment of G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana, Amended Replication.

Hon. NANCY ERICKSON,
*Secretary of the Senate, U.S. Senate, Washington, DC.*

DEAR MS. ERICKSON: Enclosed please find the Amended Replication of the House of Representatives to the Answer of G. Thomas Porteous, Jr., to the Articles of Impeachment.

A copy of this letter and the Amended Replication will be served upon counsel for Judge Porteous today through electronic mail.

Sincerely,

ALAN I. BARON,
*Special Impeachment Counsel.*

IN THE SENATE OF THE UNITED STATES
Sitting as a Court of Impeachment

IN RE: IMPEACHMENT OF G. THOMAS PORTEOUS, JR., UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

**AMENDED**

REPLICATION OF THE HOUSE OF REPRESENTATIVES TO THE ANSWER OF G. THOMAS PORTEOUS, JR., TO THE ARTICLES OF IMPEACHMENT

The House of Representatives, through its Managers and counsel, respectfully replies to the Answer to Articles of Impeachment as follows:

RESPONSE TO THE PREAMBLE

Judge Porteous in his Answer to the Articles of Impeachment, denies certain of the allegations and makes what are primarily technical arguments as to the charging language that do not address the factual substance of the allegations. However, it is in Judge Porteous's Preamble that he sets forth his real defense and, without denying he committed the conduct that is alleged in the Articles of Impeachment, insists that nevertheless he should not be removed from Office.

At several points in his Preamble, Judge Porteous notes that he was not criminally prosecuted by the Department of Justice, the implication being that the House and the Senate should abdicate their Constitutionally assigned roles of deciding whether the conduct of a Federal judge rises to the level of a high crime or misdemeanor and warrants the Judge's removal, and should instead defer to the Department of Justice on this issue. Judge Porteous maintains that impeachment and removal may only proceed upon conduct that resulted in a criminal prosecution, no matter how corrupt the conduct at issue, or what reasons explain the Department's decision not to prosecute. Judge Porteous provides no support for this contention because there is none—that is not what the Constitution provides.

Indeed, the Senate has by its prior actions made it clear that the decision as to whether a Judge's conduct warrants his removal from Office is the Constitutional prerogative of the Senate—not the Department of Justice—and the existence of a successful (or even an unsuccessful) criminal prosecution is irrelevant to the Senate's decision. The Senate has convicted and removed a Federal judge who was acquitted at a criminal trial (Judge Alcee Hastings). The Senate has also convicted a Federal judge for personal financial misconduct (Judge Harry Claiborne) while at the same time acquitting that same Judge of the Article that was based specifically on the fact of his criminal conviction.[1] Thus, Judge Porteous's repeated references to what the Department of Justice did or did not do adds nothing to the Senate's evaluation of the charges or the facts in this case.[2]

Further, according to Judge Porteous, pre-Federal bench conduct cannot be the basis of Impeachment, even if that conduct consisted of egregious corrupt activities that was beyond the reach of criminal prosecution because the statute of limitations had run, and even if Judge Porteous fraudulently concealed that conduct from the Senate and the White House at the time of his nomination and confirmation. There is nothing in the Constitution to support this contention, and it flies in the face of common sense. The Senate is entitled to conclude that Judge Porteous's pre-Federal bench conduct reveals him to have been a corrupt state judge with his hand out under the table to bail bondsmen and lawyers. Such conduct, which, as alleged in Articles I and II, continued into his Federal bench tenure, demonstrates that he is not fit to be a Federal judge.

Finally, the notion that Judge Porteous is entitled to maintain a lifetime position of Federal judge that he obtained by acts that included making materially false statements to the United States Senate is untenable. Judge Porteous would turn the confirmation process into a sporting contest, in which, if he successfully were to conceal his corrupt background prior to the Senate vote and thereby obtain the position of a Federal judge, he is home free and the Senate cannot remove him.

ARTICLE I

The House of Representatives denies each and every statement in the Answer to Article I that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article I sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that Article I is vague. To the contrary, Article I sets forth several precise and narrow factual assertions associated with Judge Porteous's handling of a civil case (the Liljeberg litigation), including allegations that Judge Porteous ''denied a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg'' and that while that case was pending, Judge Porteous ''solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash.'' There is no vagueness whatsoever in these allegations. Article I's allegation that Judge Porteous deprived the public and the Court of Appeals of his ''honest services''—a phrase to which Judge Porteous raises a particular objection—could not be more clear and free of ambiguity as used in this Article, and accurately describes Judge Porteous's dishonesty in handling a case, including his distortion of the factual record so that his ruling on the recusal motion was not capable of appellate review.[3]

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of the purported affirmative defense that Article I charges more than one offense. The plain reading of Article I is that Judge Porteous committed misconduct in his handling of the Liljeberg case by means of a course of conduct involving his financial relationships with the attorneys in that case and his failure to disclose those relationships or take other appropriate judicial action. The separate acts set forth in Article I constitute part of a single unified scheme involving Judge Porteous's dishonesty in handling Liljeberg. Further, the charges in this Article are fully consistent with impeachment precedent.[4]

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges. Judge Porteous was provided a grant of immunity in connection with his Fifth Circuit Hearing testimony, and the immunity order provided that his testimony from that proceeding could not be used against him in ''any criminal case.'' Simply put, an impeachment trial is not a criminal case.[5] Accordingly, there is simply no credible basis to argue that the Senate should not consider Judge Porteous's immunized Fifth Circuit testimony.

ANSWER TO ARTICLE II

The House of Representatives denies each and every statement in the Answer to Article II that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article II sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that the Article is vague. To the contrary, Article II sets forth several precise and narrow factual assertions associated with Judge Porteous's relationship with the Marcottes—both prior to and subsequent to Judge Porteous taking the Federal bench. Article II alleges with specificity the things of value given to Judge Porteous over time and identifies the judicial or other acts taken by Judge Porteous for the benefit of the Marcottes and their business.

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that the Article improperly charges multiple offenses. The plain reading of Article II is that Judge Porteous engaged in a corrupt course of conduct whereby, over time, he solicited and accepted things of value from the Marcottes, and, in return, he took judicial acts or other acts while a judge to benefit the Marcottes and their business.

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, namely, that Article II improperly charges pre-Federal bench conduct as a basis for impeachment. First, Article II plainly alleges that Judge Porteous's corrupt relationship with the Marcottes continued while he was a Federal Judge. Second, Judge Porteous's assertion that pre-Federal bench conduct may not form a basis for impeachment finds no support in the Constitution and is not supported by any other sound legal or logical basis.[6] As a factual matter, it is especially appropriate for the Senate to consider Judge Porteous's pre-Federal bench corrupt relationship with the Marcottes where it was affirmatively concealed from the Senate in the confirmation process, where it involved conduct as a judicial officer directly bearing on whether he was fit to hold a Federal judicial office, and where that conduct, having now been exposed, brings disrepute and scandal to the Federal bench.

ARTICLE III

The House of Representatives denies each and every statement in the Answer to Article III that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article III sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which alleges in substance that the allegations in Article III are vague. To the contrary, Article III sets forth several specific allegations associated with Judge Porteous's conduct in his bankruptcy proceedings. There is no credible contention that Judge Porteous cannot understand what he is charged with in this Article.

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which alleges, in substance, that Article III charges more than one offense. The plain reading of Article III is that Judge Porteous committed misconduct in his bankruptcy proceeding by making a series of false statements and representations, and by incurring new debt in violation of a Federal Bankruptcy Court order. This Article alleges a single unified fraud scheme, with the purpose of deceiving the bankruptcy court and creditors as to his assets and his financial affairs, so that Judge Porteous could enjoy undisclosed wealth and income for personal purposes—including gambling.

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges. Judge Porteous was provided a grant of immunity in connection with his Fifth Circuit Hearing testimony, effectively eliminating the possibility that any of that testimony could be used against him in any criminal case. An impeachment trial is not a criminal case. There is simply no credible basis to argue that the Senate should not consider Judge Porteous's immunized Fifth Circuit testimony.

FIFTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense—which does not take issue with the proposition that Judge Porteous committed misconduct in a Federal judicial bankruptcy proceeding, but contends only that the acts as alleged do not warrant impeachment. First, this is not an affirmative defense. It is up to the Senate to decide whether the facts surrounding the bankruptcy warrant impeachment.

Second, the Senate has in fact removed a judge for personal financial misconduct, and in 1986 convicted Federal Judge Harry Claiborne and removed him from office for evading taxes. It is significant that the Senate did not convict Judge Claiborne for the crime of evading taxes. Rather, the Senate acquitted Judge Claiborne of the one Article that charged him with having committed and having been convicted of a crime.

Third, what the Department of Justice may consider material for purposes of a criminal prosecution has nothing to do with what the Senate may deem to be material for purposes of determining whether Judge Porteous should be removed from Office—an Office which requires that he oversee bankruptcy cases and administer and enforce the oath to tell the truth.'

ARTICLE IV

The House of Representatives denies each and every statement in the Answer to Article IV that denies the acts, knowledge, intent or wrongful conduct charged against Respondent.

FIRST AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense and further states that Article IV sets forth an impeachable offense as defined in the Constitution of the United States.

SECOND AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, which alleges the Article is vague. The allegations sets forth in Article IV are specific and precise. In fact, Judge Porteous's description of the charge fairly characterizes the offense: ''In essence, Article IV alleges that Judge Porteous gave false answers on various forms that were presented in connection with the background investigation. . . .'' It is apparent, therefore, that Judge Porteous has a clear understanding of these allegations in Article IV, which specify the dates and circumstances when the statements were made, and the contents of the statements that are alleged to have been false. There is no credible contention that the Article IV does not provide Judge Porteous specific notice as to what this Article alleges.

THIRD AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense. The allegation sets forth in Article IV are specific and precise. They charge in substance that Judge Porteous made a series of false statements to conceal the fact of his improper and corrupt relationships with the Marcottes and with attorneys Creely and Amato in order to procure the position of United States District Court Judge. Charging these four false statements, all involving a single issue, in a single Article is consistent with precedent.[8]

FOURTH AFFIRMATIVE DEFENSE

The House of Representatives denies each and every allegation of this purported affirmative defense, alleging that the Senate cannot impeach Judge Porteous based on pre-Federal bench conduct. First, Judge Porteous's assertion that pre-Federal bench conduct may not form a basis for impeachment is not supported by the Constitution. Notwithstanding Judge Porteous's assertions to the contrary, the Constitution does not limit Congress from considering pre-Federal bench conduct in deciding whether to impeach, and there are compelling reasons for Congress to consider such conduct—especially where such conduct consists of making materially false statements to the Senate. The logic of Judge Porteous's position is that he cannot be removed by the Senate, even though the false statements he made to the Senate concealed dishonest behavior that goes to the core of his judicial qualifications and fitness to hold the Office of United States District Court Judge. The proposition that the Senate lacks power under these circumstances to remedy the wrong committed by Judge Porteous is simply untenable.

Respectfully submitted,

THE U.S. HOUSE OF REPRESENTATIVES

By

ADAM SCHIFF,
*Manager,*
BOB GOODLATTE,
*Manager,*
ALAN I. BARON,
*Special Impeachment Counsel.*

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. ''Hank'' Johnson, F. James Sensenbrenner, Jr.

April 22, 2010.

ENDNOTES

[1] Judge Harry E. Claiborne was acquitted of Article III, charging that he ''was found guilty by a twelve-person jury'' of criminal violations of the tax code, and that ''a judgement of conviction was entered against [him].'' See ''Impeachment of Harry E. Claiborne,'' H. Res. 471, 99th Cong., 2d Sess. (1986) (Articles of Impeachment); 132 Cong. Rec. S 15761 (daily ed. Oct. 9, 1986) (acquitting him on Article III).

[2] Moreover, the Department of Justice's investigation hardly vindicated Judge Porteous. To the contrary, the Department viewed Judge Porteous's misconduct as so significant that it referred the matter to the Fifth Circuit for disciplinary review and potential impeachment, and set forth its findings in its referral letter.

[3] Judge Porteous treats Article I as if it alleges the criminal offense of ''honest services fraud,'' in violation of Title 18, United States Code, Section 1346, and that because the term ''honest services'' has been challenged as vague in the criminal context, the term is likewise vague as used in Article I. Despite Judge Porteous's suggestion to the contrary, Article I does not allege a violation of the ''honest services'' statute. Moreover, it could hardly be contended that proof that Judge Porteous acted dishonestly in the performance of his official duties does not go to the very heart of the Senate's determination of whether he is fit to hold office.

[4] The respective Articles of Impeachment against Judges Halsted L. Ritter, Harold Louderback, and Robert W. Archbald each set forth lengthy descriptions of judicial misconduct arising from improper financial relationships between those judges and the private parties. These consist of detailed narration specifying numerous discrete acts. See ''Impeachment of Judge Halsted L. Ritter,'' H. Res. 422, 74th Cong., 2d Sess. (March 2, 1936) and ''Amendments to Articles of Impeachment Against Halsted L. Ritter,'' H. Res. 471, 74th Cong., 2d Sess. (March 30, 1936), reprinted in ''Impeachment, Selected Materials, House Comm. on the Judiciary,'' Comm. Print (1973) [hereinafter ''1973 Committee Print''] at 188–197 (H. Res. 422), 198–202 (H. Res. 471); [''Articles of Impeachment against Judge Robert W. Archbald''], H. Res. 622, 62d Cong., 2d Sess (1912), 48 Cong Rec. (House) July 8, 1912 (8705–08), reprinted in 1973 Committee Print at 176; and [''Articles of Impeachment against George W. English,''] Cong Rec. (House), Mar. 25, 1926 (6283–87), reprinted in 1973 Committee Print at 162.

[5] The Constitution makes it clear that impeachment was not considered by the Framers to be a criminal proceeding. It provides: ''Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.'' U.S. Const., Art. 3, cl. 7. See also, *United States v. Nixon*, 506 U.S. 224, 234 (1993) (''There are two additional reasons why the Judiciary, and the Supreme Court in particular, were not chosen to have any role in impeachments. First, the Framers recognized that most likely there would be two sets of proceedings for individuals who commit impeachable offenses—the impeachment trial and a separate criminal trial. In fact, the Constitution explicitly provides for two separate proceedings. . . . The Framers deliberately separated the two forums to avoid raising the specter of bias and to ensure independent judgments . . .'').

[6] As but one example, if the pre-Federal bench conduct consisted of treason, there could be no credible contention that such conduct would not provide a basis for impeachment.

[7] It should be noted that Judge Porteous has testified and cross-examined witnesses at the Fifth Circuit Hearing on the subject of his bankruptcy, and the House therefore possesses evidence that was unavailable to the Department of Justice.

[8] As but one example, Article III of the Articles of Impeachment against Judge Walter Nixon charged that he concealed material facts from the Federal Bureau of Investigation and the Department of Justice by making six, specified, false statements on April 18, 1984 at an interview, and by making seven discrete false statements under oath to the Grand Jury. ''Impeachment of Walter L. Nixon, Jr.,'' H. Res. 87, 101st Cong., 1st Sess. (1989) (Article III).

## ORDERS FOR MONDAY, APRIL 26, 2010

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, April 26; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume the motion to proceed to S. 3217, Wall Street reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. CASEY. Mr. President, at 5 p.m., Monday, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to the Wall Street reform legislation.

## ADJOURNMENT UNTIL MONDAY, APRIL 26, 2010, AT 2 P.M.

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Monday, April 26, 2010, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

JONATHAN WOODSON, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE S. WARD CASSCELLS.

DEPARTMENT OF STATE

ROSE M. LIKINS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

LUIS E. ARREAGA-RODAS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

## CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, April 22, 2010:

THE JUDICIARY

DENNY CHIN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

DEPARTMENT OF JUSTICE

WILLIAM N. NETTLES, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

WIFREDO A. FERRER, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

DAVID A. CAPP, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

ANNE M. TOMPKINS, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

KELLY MCDADE NESBIT, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

PETER CHRISTOPHER MUNOZ, OF MICHIGAN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

LORETTA E. LYNCH, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

NOEL CULVER MARCH, OF MAINE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MAINE FOR THE TERM OF FOUR YEARS.

GEORGE WHITE, OF MISSISSIPPI, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

BRIAN TODD UNDERWOOD, OF IDAHO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH JOANN F. BURDIAN AND ENDING WITH DAWN N. PREBULA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 24, 2010.

COAST GUARD NOMINATIONS BEGINNING WITH KAREN R. ANDERSON AND ENDING WITH STEVEN M. LONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2010.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH KAREN L. ZENS AND ENDING WITH RICHARD STEFFENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH SCOTT J. PRICE AND ENDING WITH SARAH K. MROZEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH HEATHER L. MOE AND ENDING WITH KURT S. KARPOV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 22, 2010 withdrawing from further Senate consideration the following nomination:

TIMOTHY MCGEE, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PHILLIP A. SINGERMAN, WHICH WAS SENT TO THE SENATE ON DECEMBER 21, 2009.

# EXTENSIONS OF REMARKS

## CELEBRATING THE LIFE OF DR. EDGAR WAYBURN

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Ms. PELOSI. Madam Speaker, I rise to pay final tribute to a great champion of the environment, Dr. Edgar Wayburn. At age 103, Dr. Wayburn passed away on March 5th surrounded by his beloved family. His accomplishments on behalf of our planet are unsurpassed.

Joining me in tribute today is Congressman GEORGE MILLER.

Working for five decades as a physician, Dr. Wayburn understood that the human condition is inextricably linked to the environment. When Dr. Wayburn first arrived in the San Francisco Bay Area in 1933, he was stunned by the uninterrupted expanse of green beginning in San Francisco and crossing the Bay to Marin. He made a lifelong commitment to ensuring that it remained protected.

He had the same experience when he first visited Alaska fifty years ago with his wife Peggy. They were captivated by the unique beauty of the Alaskan landscape. The national campaign that flowed from that first visit resulted in the Alaska Lands Act: the largest public lands legislation in the history of the U.S. Congress. Today, more than a million acres remain wild largely because of Dr. Wayburn's first trip to what he called "the last frontier."

Dr. Wayburn simultaneously fought to preserve and expand one of America's pristine ancient forests, Redwood National Park in Northern California. Today, these giant redwoods have a permanent home and are listed as a UNESCO World Heritage Site and Biosphere Preserve.

In San Francisco he orchestrated the creation of Golden Gate National Recreation Area (GGNRA), an almost continuous greenbelt stretching down the Pacific Coast from Point Reyes Seashore to the Peninsula. In the 1960s, the idea of an urban national park was an alien concept to Congress and the National Park Service. Thanks to the tireless labors of Congressman Philip Burton and Dr. Wayburn, along with the support of the local community and local environmentalists, GGNRA is today the most visited national park and one of our nation's great natural treasures. Within its boundaries are redwood forests, beaches, dramatic headlands, marshes, abundant wildlife, historic forts, islands in the Bay, and a world-famous prison—and all of this incredible diversity lies within easy reach of one of the largest metropolitan populations in the United States. It is a living testament to the tenacity of Dr. Edgar Wayburn.

Many of us were fortunate to work with Dr. Wayburn on the monumental achievement of transferring the Presidio of San Francisco in 1994 from a military post to an urban national park. He helped craft a model for the nation in a place which respected the stewardship and traditions of the military Presidio's tradition as a military base, while enhancing the opportunities for volunteerism and environmental education for youth.

Dr. Wayburn received many awards to honor his accomplishments: the Albert Schweitzer Prize for Humanitarianism from Johns Hopkins University, the Starker Leopold Award by the Nature Conservancy, the John Muir Award by the Sierra Club, and in 1999 Dr. Wayburn's life work was recognized with the Presidential Medal of Freedom, the highest civilian honor that our country can bestow. As President Clinton said at the time, Dr. Wayburn "saved more of our wilderness than any other person alive."

Dr. Wayburn, the honorary president-for-life of the Sierra Club, was the stealth force behind so many environmental movements to save the world's wild lands, forests and waters for the benefit of future generations. The magnificent landscapes that he preserved for future generations will stand as a lasting monument to him.

Above all, Dr. Wayburn was devoted to his family: his beloved late wife Peggy who was his partner in preserving the environment, his children Diane, Laurie, Cynthia and William and three grandchildren. We celebrate his life and we honor his memory.

## TCU WOMEN'S RIFLE TEAM

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Ms. GRANGER. Madam Speaker, I rise today to offer my congratulations to the TCU Women's Rifle Team. Last month the team won the 2010 NCAA National Championship. This is the first National Championship win since 1983 for TCU, so this is a huge victory for both the team and the school.

In addition to the accomplishment of the entire TCU Women's Rifle Team, several of the ladies on the team received individual distinctions. Freshman Sarah Scherer won the individual National Championship in the smallbore rifle portion of the competition. Senior Erin Lorenzen was honored as the Most Outstanding Athlete of the championship. These two TCU ladies were also honored as All-American athletes. Sarah Beard, Caitlin Morrissey, and Simone Riford received All-American athlete honors as well.

It is evident that the TCU Women's Rifle Team is a very skilled and accomplished group. Head coach Karen Monez has done an excellent job of leading the team. This National Championship is the height of achievement for the team, which has had phenomenal success for the past several years under the leadership of Coach Monez. I am confident that their success will continue.

Again, I congratulate the entire TCU Women's Rifle Team on their National Championship win. They have made their entire school and all of Fort Worth proud.

## IN HONOR OF THE MONTEREY BAY BLUES FESTIVAL

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. FARR. Madam Speaker, I rise today to honor the Monterey Bay Blues Festival on the occasion of its twenty-fifth anniversary. For a quarter of a century, the Festival has been dedicated to the stewardship and celebration of this uniquely American musical legacy here on the Monterey Peninsula.

Six years ago the Festival started its Blues in the Schools (BITS) program, which has spread to five school districts in Monterey County and keeps on growing. As part of the regular music program, BITS introduces the blues to young people who hope to find their own expressions in music. Scholarships and grants help to keep students focused on and developing passion for their art. BITS clinicians support choirs, guitar classes, combos, and school bands.

In the words of my friend and former staff member, Doris M. Jones, chair of the anniversary committee: ". . . the (festival) began with a few local men and women who had a desire to preserve the rich heritage of blues music, as well as continue to perpetuate the heartfelt sounds created out of times of sorrow, pain, jubilation and joy. . . . 'The Blues' have a way of touching that place in each of us that brings out a deep emotion and understanding that, regardless of how difficult the times, things will get better. Whether it is our economy, our health, our relationships, times of love or times of war, the expression of the blues reminds us that we are more alike than we are different."

The mission of the Monterey Bay Blues Festival is to give back to the community and spread this distinctively American art form through the Festival and by supporting youth and the arts. In this way, they expand the appreciation of their evolving artistic legacy and inspire a passion for music, especially the Blues.

Madam Speaker, I want to hold up the Festival as a cultural institution, an expression of what makes our nation a worldwide leader in the music that is unique to our land. May their continued success inspire many more generations to celebrate our nation's musical heritage and participate in its future.

On behalf of the whole House, I am honored to extend to the Monterey Bay Blues

Festival the gratitude of the Congress and the American people for their past and future service.

IN HONOR OF CAPTAIN STANLEY VINCENT DEGEUS

## HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SESTAK. Madam Speaker, I would like to honor Captain Stanley DeGeus on his retirement from the United States Navy, which he has faithfully served for over three decades.

Captain Stanley Vincent DeGeus is a native of Philadelphia, Pennsylvania and a 1979 graduate of Villanova University. At Villanova, he earned a Bachelor of Science in Biology and was commissioned an Ensign through the Naval Reserve Officer Training Corps Program.

Following commissioning, Captain DeGeus completed Division Officer tours as Administrative Officer, Second Division Officer, and Combat Information Center/Missile Officer in USS *Seattle* (AOE 3) from November 1979 to May 1983. His first shore assignment was Commissioning Crew and Navigation/Naval Operations Instructor at the Naval Reserve Officer Training Corps Program at Boston University. While at Boston University, he received his Master's Degree in Biology in January 1986.

Captain DeGeus' subsequent afloat duty included assignment as Executive Officer in USS *Implicit* (MSO 455) from October 1986 to November 1987 and as Executive Officer in USS *Enhance* (MSO 437) during mine countermeasure operations in the Persian Gulf. He then served as Operations Officer in USS *Crommelin* (FFG 37) from June 1988 to December 1989. Captain DeGeus served as Commissioning Commanding Officer in USS *Champion* (MCM 4) from May 1990 to September 1992.

Following a year of study at the Naval War College, where he received a Master's Degree in National Security and Strategic Studies, he completed a three-year tour of duty as an instructor in the Command Training Department at Surface Warfare Officers School Command in Newport, Rhode Island. From May 1997 to November 1998, Captain DeGeus served as Commanding Officer in USS *Bonhomme Richard* (LHD 6) from September 2001 to February 2003. USS *Bonhomme Richard* deployed for both Operation Enduring Freedom (67 combat sorties) and Operation Iraqi Freedom during his tenure in support of the Global War on Terrorism. Following a tour of duty as a Strategy and Alignment Branch Head in OPNAV 76 and as Sea Shield Pillar Lead in OPNAV 70, Captain DeGeus reported as Commander, Surface Warfare Development Group in May 2005.

Captain DeGeus' medals and decorations include two Legion of Merit awards, the Defense Meritorious Service Medal, three Meritorious Service Medals, two Navy Commendation Medals, and four Navy Achievement awards. Most impressive is that he was able to lead a highly successful career in the Navy all while raising his three remarkable children—Juliane Catherine, Case James, and Cory—with his wife, Barbara Jean Mellon of Freehold, New Jersey.

HONORING MR. IRVIN E. RICHTER, 2010 NEW JERSEY BUSINESS HALL OF FAME RECIPIENT

## HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor Irvin Richter for his induction into the New Jersey Business Hall of Fame. Mr. Richter has demonstrated significant leadership and dedication to his community, and for this he deserves great praise.

A Laureate induction into the New Jersey Business Hall of Fame is a lifetime achievement award for individuals making a significant, positive impact on New Jersey. Inductees demonstrate, as Mr. Richter has throughout their professional lives high ethical standards, mentorship, community involvement and innovative leadership.

Chairman and Chief Executive Officer of Hill International, Mr. Richter is known for his expertise in the field of construction contacts and claims. His reputation for excellence is worldwide, after working on projects such as the Channel Tunnel, EPCOT, Reliance Oil Refinery, Athens Metro, King Khalid Military City, Petronas Twin Towers, Washington Metro, and the Alaska Pipeline. Mr. Richter is not only an actively sought expert, but also an international arbitrator and mediator for the leading participants in the industry. In addition, he has provided expert witness testimony on numerous occasions regarding contractual and damage issues.

Mr. Richter has been honored as a Distinguished Alumnus from his alma mater Wesleyan University and from his Law school, Rutgers University School of Law, Camden. He is a member of the World Presidents' Organization (WPO) and the Construction Industry Round Table (CIRT). He is a current and past member of the Board of Trustees of Rutgers University, the Board of Directors of the Construction Management Association of America (CMAA), the Board of Governors of Temple University Hospital and the Board of Directors of the ACE Mentor Program. In 2002, Mr. Richter was made a fellow by the CMAA for his contributions to the construction management industry. At that time, he was one of only 17 Fellows in the history of the organization.

Madam Speaker, Mr. Richter's contributions to his field and to state of New Jersey should not go unrecognized. I want to personally thank Irvin Richter for the exceptional leadership he has provided and the impact he has made all over the world. I congratulate Mr. Richter on his induction to the New Jersey Hall of Fame and wish him the best of luck in his future endeavors.

HEALTH CARE REFORM

## HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. MCNERNEY. Madam Speaker, I rise today to express my proud support for the passage of historic health reform legislation earlier this year. I am glad the Congress, after working for more than nine months, was able to pass comprehensive health care reform that will reduce the growth in health care costs, cut the deficit, and provide affordable health insurance for an additional 32 million Americans.

The package passed by Congress, which includes H.R. 3590 and H.R. 4872 as enacted, will reduce the deficit by $143 billion over ten years and by more than $1 trillion over the second decade. Enacting responsible health care reform will provide health care security for individuals, families, and small businesses across the country. This legislation will ensure that individuals can no longer be denied coverage due to a pre-existing condition or kicked off their insurance when they get sick. Health care reform also places caps on annual and lifetime out-of-pocket costs so that individuals and families will no longer go bankrupt due to an illness.

Despite the benefits and enhanced Medicare protections that I am confident health reform will bring, I wish to stress the importance of vigorous oversight of the newly created Independent Medicare Advisory Board, IMAB. H.R. 3590 establishes such a board, whose goal is to reduce the per capita rate of growth in Medicare spending. I strongly support the need to control costs, but I believe elected officials who answer to the people should make the key decisions affecting health programs. Medicare beneficiaries expect Congress to take responsibility for shaping Medicare, allowing Americans a voice through their elected representatives in determining the benefits they receive on a daily basis.

H.R. 3950 wisely prevents IMAB from recommending measures that would ration health care, increase Medicare beneficiary cost-sharing, or otherwise restrict benefits. However, we must remain vigilant in our oversight of IMAB to ensure that the board serves our constituents' best interests.

HONORING KATHRYN GALLANIS MATERN

## HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Kathryn Gallanis Matern, an accomplished attorney and the next president of the Women's Bar Association of Illinois.

After receiving her Juris Doctorate from The John Marshall Law School in Chicago, Ms. Gallanis Matern made a name for herself as the lead prosecutor while working for the Assistant State's Attorney's Felony Trial Division. Many of her cases, most notably the Keystone Case, received substantial attention from the national media.

Outside of her professional duties, Ms. Gallanis Matern remains very busy. Her involvement in the community includes volunteering for the Junior League of Chicago and the New Trier Citizen's League, as well as being the acting Vice President of the Chicago Republican Women's Network. These achievements have culminated in her becoming the next president of the Women's Bar Association of Illinois.

It is my honor to recognize Kathryn Gallanis Matern, an accomplished attorney, volunteer, and member of Chicagoland women's associations.

## RECOGNIZING THE WORLD WAR II VETERANS FROM AMERICAN LEGION POST 960

### HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the World War II Veterans of American Legion Post 960.

As we mark the 65th anniversary to the end of World War II, it is important that we continue to recognize the remarkable courage and sacrifice these members of the greatest generation of Americans gave for our country. We must never forget their struggle to maintain an enduring freedom throughout the world, and we all owe a debt to those who defended our liberty under circumstances most of us can only imagine.

I would like to extend my sincere gratitude to American Legion Post 960 for providing such a invaluable service to our community and our veterans. Established April 26, 1956, the 478 member post has been a place for veterans to gather together and their food holiday drives have helped feed many needy families in our community.

Madam Speaker, I am proud to recognize the World War II Veterans of American Legion Post 960 for their extraordinary heroics and sacrifices for our country, and I ask my colleagues to join me in honoring the service of these brave Americans.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Retired Staff Sergeant Bernard J. Grant served a year in Vietnam as a convoy escort and over eight more years in Europe in counter-intelligence. He was the winner of several awards including: Army Commendation, five Awards of Good Conduct, National Defense Service Medal, Vietnam Service Medal, a Unit Citation, and more. He truly understood his duty and he carried it out no questions asked, without regard for his personal opinion. Grant understood that to serve in the military meant to be a weapon of the American government and a part of the greatest military on Earth. In this military, unity and personal sacrifice is key; there is little room for individualism, for the military must be one in action and goal. One's duty to their country comes before all personal desires. My discussion with Mr. Grant taught me these important lessons, which I will carry with me for the rest of my life. I will always remember them, and I will always respect those who serve our country, and those that have served our country, for their duty, honor, and sacrifice.—Josh Eldridge.

## IN HONOR OF THOMAS S. HIGGINS' 75TH BIRTHDAY

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor the 75th birthday of Thomas S. Higgins. Mr. Higgins has lived a life of compassion and dedication towards his family and his community and for this he deserves great praise.

Mr. Higgins was born in Camden, New Jersey on April 23, 1935. He earned his Bachelor of Science degree in political science from St. Joseph's University before earning his Juris Doctorate at Villanova Law School. After graduating, Mr. Higgins and his partners founded a successful practice in Laurel Springs, New Jersey. During his forty-year tenure as an attorney, he specialized in environmental law, serving as counsel to the Camden County Municipal Utilities Authority and the Cape May Municipal Utilities Authority. Mr. Higgins represented both governmental and personal clients with the utmost vigor and integrity.

Mr. Higgins has also served as chairman of the Health Care Facilities Finance Authority. In this role, he helped obtain financing for the construction, expansion and renovation of hospitals and other health care facilities throughout the state of New Jersey. Additionally, he has served as a Camden County Freeholder, as a chief fundraiser for the Camden County Democratic Committee and as a member of the Finance team for the campaigns of New Jersey Governor Jim Florio in 1989 and 1993. Among his most rewarding moments was preparing the background information for the successful nomination of Governor Florio for the 1993 John F. Kennedy Profiles in Courage Award.

All who know Mr. Higgins know his love of law and politics is exceeded only by his love for his wife, Kathy, his partner and teammate for 27 years. Until her passing in 2006, the two were inseparable and together were an inspirational story of love and dedication. A devoted family man, Mr. Higgins' takes great pride in the successes and achievements of his seven children, and in the blissful faces of his twelve grandchildren.

Madam Speaker, Thomas S. Higgins's contributions to his field and the state of New Jersey, and his commitment to his family should not go unrecognized. I am honored to be a part of his special day, and I would like to personally wish him a Happy 75th Birthday.

## CELEBRATING THE 25TH ANNIVERSARY OF THE MONTGOMERY COUNTY SENIOR GAMES AND EXPO

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Montgomery County Senior Games & Expo on the occasion of this organization's milestone 25th Anniversary. The Montgomery County Senior Games & Expo will be held at Montgomery County Community College from May 10 through 14, 2010.

The Montgomery County Senior Games & Expo originated in 1985 through the efforts of Montgomery County's state legislative delegation. Through the continued support and tireless work of talented volunteers, the Montgomery County Senior Games & Expo has been successful in ensuring that this annual event combining healthy exercise and community spirit has continued. The Games & Expo is comprised of weeklong competitive events for Montgomery County senior adults and culminates with an Expo featuring health

screenings and various exhibits with services and products to benefit the lifestyles of senior citizens. This event gives seniors the opportunity to not only gain information about their health resources, but to come together in the spirit of community to engage in sports and recreation. I am proud to represent the volunteers who work so hard to organize this outstanding event, as well as the participants who take advantage of such a wonderful experience.

Madam Speaker, I ask that my colleagues join me in celebrating the Montgomery County Senior Games & Expo's 25th anniversary and in wishing the volunteers, participants, and community many more years of health and fellowship.

## PERSONAL EXPLANATION

### HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. DENT. Madam Speaker, I regret that due to other legislative business, I missed the last vote on April 22, 2010. Had I been present I would have voted "aye" on rollcall No. 220, H. Res. 1270, Expressing support for Mathematics Awareness Month.

## RECOGNIZING WORLD MALARIA DAY 2010

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. MCDERMOTT. Madam Speaker, I rise today in support of 2010 World Malaria Day, an issue of great importance to me. I witnessed the widespread devastation malaria can cause both times I lived in Africa, first in Ghana with a program called Operation Crossroads and then when I worked in Zaire (now the Democratic Republic of Congo) as a Foreign Service Medical Officer. While the disease affects people in every corner of the globe, it is particularly destructive to sub-Saharan Africa. There are 250 million malaria cases worldwide and nearly one million deaths are caused by malaria every year, ninety percent of which occur in sub-Saharan Africa. About 3.3 billion people—about one-half of the world's population—are at risk of contracting the disease. It is important to recognize the damage that this disease afflicts on the generation of the future: seventy percent of the deaths caused by malaria happen to children under the age of five, and one in every five childhood deaths in Africa is due to malaria.

Though the statistics are staggering, it is important to recognize the progress that we've made in treating the disease. We are farther along than ever in developing a successful vaccine to combat malaria and more and more people have access to anti-malarial drugs. And because of an increased focus on outreach, people are being educated about the importance of taking preventive steps like utilizing netting to prevent mosquito bites which spread the disease.

Yet with all of the progress, we must continue to press forward with attempts to develop new tools and technologies to combat the spread of malaria. With the work and dedication of many nongovernmental organizations, including PATH, a nongovernmental organization located in my district that is leading the way in developing global health technology, I am confident that we will have made even greater progress when we observe World Malaria Day next year.

## IN RECOGNITION OF AMERICAN OSTEOPATHIC ASSOCIATION (AOA)

### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. PRICE of Georgia. Madam Speaker, on April 19, 1897 a group of osteopathic medical students at the American School of Osteopathy in Kirksville, Missouri founded what is today the American Osteopathic Association. Today I along with Dr. BROUN, Dr. BURGESS, Dr. CASSIDY, Dr. FLEMING, Dr. GINGREY, Dr. KAGEN, Dr. PAUL, and Dr. ROE, rise to honor the anniversary of the American Osteopathic Association and recognize the more than 67,000 osteopathic physicians (D.O.s) for their contributions to the American healthcare system.

Over the past 113 years, osteopathic physicians have provided high quality care to millions of patients and contributed to the advancement of medical science. The osteopathic profession's commitment to primary care and caring for underserved communities are commendable and are essential to the success of our health care system.

Over the past 20 years the profession has experienced tremendous growth. Today, one out of every five medical schools students are enrolled in a college of osteopathic medicine and total enrollment in the nation's colleges of osteopathic medicine exceeds 16,000 students. The profession is well positioned to play an important role in alleviating the physician workforce shortage over the next decade.

Osteopathic physicians practice in every specialty and subspecialty of medicine. They practice in the most elite academic institutions and successful group practices. However, a majority of osteopathic physicians continue the profession's long-standing tradition by focusing their careers on primary care specialties, general surgery, emergency medicine, and obstetrics.

These dedicated professionals provide an invaluable service to our nation, and we applaud their history and their ongoing efforts to improve the health of our nation.

## HONORING MARGARET "MIDGE" COSTANZA

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mrs. DAVIS of California. Madam Speaker, I rise today to celebrate the life of Margaret "Midge" Costanza, a personal friend of mine, a mentor to women in politics across our country, and a naturally charismatic and colorful American treasure. Midge was outspoken and altruistic, passionate, witty and direct. You always knew where you stood with Midge and, whether you agreed with her or not, you valued her perspective and enjoyed being around her.

During her more than fifty years of public service and civic activism, Midge did more than break down barriers. She established new patterns. History records her accomplishments as a series of firsts. She was the first woman elected to the Rochester City Council. She was the first woman with an office in the West Wing of the White House. She was one of the first women in politics to grace the cover of Newsweek. But being first wasn't what defined Midge; it was what she did once there that marked her legacy.

When President Carter gave her an office in the West Wing, Midge used it to be a "window to the nation." She brought constituencies into the White House that had never been there before. She met with gay and lesbian leaders, the poor, and the disabled. She was particularly active in fighting for women's equality, advocating for issues including the passage of the Equal Rights Amendment and the protection of women's reproductive rights.

Midge championed women in politics, supporting female candidates at all levels and working to appoint more women to high office. When she worked in the White House, there were only eighteen women in the House of Representatives and two in the Senate. Today, seventy-six women serve in the House and seventeen serve in the Senate. As a prime example of her dry wit Midge once remarked on this subject, "When we start electing and appointing mediocre women—then, and only then, we will achieve total equality with men."

I attended some of the numerous trainings Midge conducted for women candidates of both parties. She coached us in the art of public speaking. She was a wonderful teacher who helped women develop confidence in their abilities. But she was more than a public speaker; she was a storyteller. She could captivate an audience with a story of her time in the Carter Administration, boasting that Mikhail Baryshnikov flirtatiously asked her to dance at a White House event, or she would show a photo of herself playfully sparring with Muhammad Ali.

Midge's gift for speaking was her ability to move her listeners. She could make an audience feel as strongly as she did about an issue, and charm them with the force of her convictions and the forcefulness of her words. And she could instantly move an audience from heartfelt passion to unbridled laughter.

I learned a great deal from Midge, and I was proud to have her as my guest at President Obama's inauguration. Part of her legacy is the fact that today, it is not just women working in the West Wing who make the cover of Newsweek, but women running for President who do as well.

Midge was fond of hearing people say to her, "You've come a long way, baby." She would coyly reply, "Gosh, have I come a long way. And I love being called baby." Because

of Midge, our political system has come a long way, as well. Many of us in office today owe a debt of gratitude to Midge Costanza, our mentor and friend, because she was willing to go first.

## COMMENDING COMCAST MIAMI ON COMCAST CARES DAY 2010

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to honor Comcast Cares Day, an annual day of service that is one of the largest single-day volunteer efforts in the country. Comcast is an active and engaged member of the Miami-Dade community and supports its well-being through annual volunteer activities.

This year's event will be the ninth annual company-wide day of service. Since 2001, Comcast employees have given more than 500,000 hours of service to more than 725 non-profit community partners across the country. In recognition of the efforts of their employees, The Comcast Foundation has also contributed $8 million to its community partners in support of their year-round work in our communities.

Comcast Miami has announced the Edgar J. Hall Special Populations Center as the recipient of Comcast Cares Day 2010. Edgar J. Hall Special Population Center is part of the City of Hialeah's Recreation and Community Services Department, which provides recreational programs for adults with disabilities, particularly the developmentally disabled. It is home to the largest Special Olympics delegation in Miami-Dade County.

On April 24th more than 600 employees and their families will start Comcast Cares Day at Bucky Dent Park in the City of Hialeah. Projects include the planting of a food garden, a grounds and building make-over, and new upgrades which will increase accessibility for the disabled.

I wish to recognize Comcast and their employees for their dedication to serving the community, and I congratulate the Edgar J. Hall Special Population Center and the City of Hialeah for being this year's beneficiary of Comcast Cares Day.

## PERSONAL EXPLANATION

### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Tuesday, April 13, 2010.

For Tuesday, April 13, 2010, had I been present I would have voted "aye" on rollcall vote No. 196 (on motion to suspend the rules and agree to H. Res. 1222), "aye" on rollcall vote No. 197 (on motion to suspend the rules and agree to H. Res. 1041), "aye" on rollcall vote No. 198 (on motion to suspend the rules and agree to H. Res. 1042).

For Wednesday, April 14, 2010, had I been present I would have voted "aye" on rollcall vote No. 199 (on motion to suspend the rules and agree to H. Res. 1236), "aye" on rollcall vote No. 200 (on motion to suspend the rules and agree to H.R. 4994), "aye" on rollcall vote No. 201 (on motion to suspend the rules and agree to H.R. 3125), "no" on rollcall vote No. 202 (on motion to suspend the rules and agree to H. Res. 1249), "aye" on rollcall vote No. 203 (on motion to suspend the rules and agree to H. Res. 1246).

For Thursday, April 15, 2010, had I been present I would have voted "no" on rollcall vote No. 204 (on agreeing to H. Res. 1248, which provides for consideration of H.R. 4715), "aye" on rollcall vote No. 205 (on motion to suspend the rules and agree to H. Res. 1062), "aye" on rollcall vote No. 206 (on motion to refer H. Res. 1255, raising a question of the privileges of the House), "no" on rollcall vote No. 207 (on Shea-Porter amendment to H.R. 4715), "aye" on rollcall vote No. 208 (on motion to recommit H.R. 4715 with instructions), "no" on rollcall vote No. 209 (on passage of H.R. 4715), "aye" on rollcall vote No. 210 (on motion to suspend the rules and agree to H. Res. 1242), "no" on rollcall vote No. 211 (On motion to concur in the Senate amendment to H.R. 4851, the Continuing Extension Act).

## HONORING ARTHUR E. KATZ

### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. PRICE of Georgia. Madam Speaker, I rise today to honor Mr. Arthur E. Katz, a 1963 graduate of the United States Coast Guard Academy and a longtime resident of Sandy Springs, Georgia. As I'll explain in a moment, tomorrow, April 23, 2010, is a very special day for Arthur. But first, allow me to tell you a bit more about this man who has lived a quintessentially American life.

After his graduation from the Academy, Arthur Katz served with distinction in the United States Coast Guard, eventually rising to the rank of Lieutenant, Junior Grade. In 1965 and 1966, he was stationed in Vietnam as the Commanding Officer of the USCGC *Point Cypress*. While some here today may not know it, the duties of the Coast Guard often take its men and women far from American shores.

For his leadership at the helm of the *Point Cypress*, Arthur received the Bronze Star, one of our nation's highest military honors. Arthur's Bronze Star was accompanied by the Combat Distinguishing Device in particular recognition of his masterful handling of the *Point Cypress* in a vicious firefight with several Viet Cong junks in June of 1966. His quick thinking and well executed strategy led to the destruction or disabling of all enemy craft in that action without a single American casualty.

Arthur later returned to civilian life, earning an MBA from Rutgers University and running his own small business. He has volunteered countless hours for the local community over the years, including his time on the Board of the Marcus Jewish Community Center of Atlanta and as the President of Emanu-El synagogue in Sandy Springs. Today, he and his wife of forty-six years are the proud forebears of three children and seven grandchildren.

And tomorrow, on April 23, 2010, Arthur will be inducted into the Wall of Gallantry at the United States Coast Guard Academy. According to the Academy's own description, the Wall of Gallantry provides "a regular reminder to Cadets and the public of the scope of responsibilities and sacrifice demanded of Coast Guard officers throughout history."

So even as he is recognized for his distinguished service in the Coast Guard, Arthur Katz will continue to serve as an inspiration to future generations of Coast Guard officers. This is a fitting and much deserved honor for a man to whom we all owe an enormous debt of gratitude that can never be fully repaid.

Arthur Katz has exemplified the American spirit in service to his country, his community, his family, and his faith. Such a life carries an honor all its own, and it is my distinct privilege to recognize him here today.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a

coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

American history, a resonant prize of the past, is a call to duty for the future. The leaders who established freedom in America have been succeeded by equally adroit and faithful men and women. One such individual is the retired Colonel Bill Knudsen, who served in the Air Force for 23 years, spanning the Vietnam and the Cold Wars. The recipient of six Air Medals, Mr. Knudsen flew along Vietcong trails to monitor sensors, directed flights in Thailand, and spent three years in Alaska as an Intelligence Officer. Mr. Knudsen's family and military background reveals three paramount principles: the contribution of leaders, the cost of freedom, and the duty of citizens. Mr. Knudsen reflects the devotion of leaders—ordinary individuals with humble and selfless attitudes. As the benefactors of the gift of freedom, it is our duty to responsibly elect dependable leaders and to encourage military men and women. Because of dauntless leaders, Americans are blessed with the unparalleled gift of freedom. With the rich history of our nation and the devoted leaders of our generation, we hold great expectations for the continuance of duty, the cultivation of wisdom, and the conservation of our freedom.—Michelle Kim

## HONORING ROBERT SELBY

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously commend and congratulate Robert Selby upon being awarded with the "Lifetime Achievement Award" by the Veterans of Foreign Wars, Post 9896. Mr. Selby was honored on Saturday, January 30, 2010 in Chowchilla, California.

Mr. Robert Selby was born in June 1936 in Sparta, Tennessee. In 1961, Mr. Selby enlisted in the United States Air Force. He was sent to Lackland Air Force Base, Texas for his basic training. He then completed training as a Jet Mechanic and Flight Engineer.

While fighting in Vietnam, Mr. Selby served with special Air Force units flying out of Nha Trang, Vietnam on covert missions into Laos and North Vietnam. His tour consisted of flying on many secret missions deep into enemy territory, inserting agents and hampering North Vietnamese communications in advance of U.S. bombing raids. During one particularly challenging mission on an HC–130, the aircraft was forced to fly low through heavy weather and mountainous terrain to drop supplies to combat forces. For his performance during this particular mission, Mr. Selby was awarded the Distinguished Flying Cross.

Upon returning to the United States after the war ended, Mr. Selby completed the Non-Commissioned Officers' Academy. Later, he completed the Command Staff Non-Commissioned Officers' Academy and Air Force Special Operations. Throughout his military career Mr. Selby completed many advanced training courses including, cross-training with the United States Army infantry units and the M–24 Tank, Advanced Flying Course in Turbo Propulsion, the Combat Talon, the Air Force Supervisor's Management Course, and the United States Air Force Trainer-Supervisor Course. He served on many aircraft, including the B–66 and the C–130, units and bases. He served with the 60th Military Air Wing, 8th Special Operations Service, 778th TAS, 42nd TRS and 10th TRW.

In October 1968, while serving with a C–130 squadron in Bermuda providing search and rescue missions, Mr. Selby was involved with the successful NASA Apollo 7 mission. Apollo 7 was launched and was the first manned mission. For eleven days, while the spacecraft orbited earth, Mr. Selby and squadron mates were available to assist if necessary.

Master Sergeant Selby retired from the Air Force in June 1981. For his service, Mr. Selby was awarded the Distinguished Flying Cross, the Air Medal with four oak leaf clusters, the Meritorious Service Medal, the Air Force Commendation Medal, the Good Conduct Medal with four oak leaf clusters, Non-commissioned Officer Professional Military Education Ribbon, the National Defense Service Medal, the Vietnam Service Medal with three bronze stars, the Republic of Vietnam Unit Cross of Gallantry with palm and device and the Republic of Vietnam Campaign Medal.

Upon retirement, Mr. Selby worked for the Chowchilla Water District, and later, as a hydro-power operator. He was a Life Member of the Chowchilla Veterans of Foreign Wars Post 9896, American Legion Post 248, the Disabled American Veterans, a member of the Chowchilla Masonic Lodge and the Civil Air Patrol. He served several terms as commander of the Chowchilla American Legion and VFW. He was an advocate of veterans' affairs and volunteered his time to take veterans to appointments in Fresno and Madera.

Mr. Selby passed away in the beginning of 2010. He is survived by his wife of fifty years, Shirley, two sons and three grandchildren.

Madam Speaker, I rise today to posthumously honor the life of Robert Selby and congratulate him upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896.

## IN RECOGNITION OF THE OAKLAND COUNTY HOSPITAL ASSOCIATION'S 100TH ANNIVERSARY OF SERVICE TO THE RESIDENTS OF OAKLAND COUNTY

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. PETERS. Madam Speaker, I rise today to recognize the Oakland County Hospital Association (OCHA) on the occasion of its 100th year. As a Member of Congress it is both my privilege and honor to recognize the Oakland County Hospital Association for its century of work creating a stronger and healthier Oakland County.

At the beginning of the 20th Century the Oakland County Hospital Association was formed with the mission of meeting the health needs of all of Oakland County's residents. After nine years of planning, fundraising, and construction the Association opened Oakland County Hospital in Pontiac on May 18, 1910 to fulfill this mission. Over 100 years after it was founded, Oakland County Hospital, now Doctors' Hospital of Michigan, remains dedicated to providing quality care to its patients.

Known by many names over the years, Oakland County Hospital, Pontiac City Hospital, Pontiac General, North Oakland Medical Center and finally Doctors' Hospital, the facility has been an ever-present part of the greater Pontiac Oakland area as a symbol of community-focused medical treatment. With Doctors' Hospital continuing to serve patients at the original location of Oakland County Hospital, the mission of OCHA will continue to be fulfilled for many years to come.

Madam Speaker, I ask my colleagues to join me today in celebrating the 100th anniversary of the Oakland County Medical Association. The Association has been an integral voice over the past century in ensuring Oakland County residents have access to high quality health services and I wish the Association many more productive years of fighting to make Oakland County healthier and stronger.

## H.R. 1132—THE SHORT LINE RAILROAD TAX CREDIT

### HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. EHLERS. Madam Speaker, I rise to urge the House to take up and pass H.R. 1132, which would extend the short line railroad tax credit as soon as possible. This credit creates immediate jobs, leverages significant amounts of private infrastructure investment and helps preserve much needed rail service to rural and small town America.

This credit has produced significant results since its enactment in 2004. Unfortunately the credit expired at the end of 2009. Nationally there are over 500 short line railroads operating 50,000 miles or nearly one quarter of the country's rail network. In my own state of Michigan, short lines operate 52 percent of the states total rail network and almost all of that is in areas no longer served by the large Class I railroads. The majority of Michigan's agricultural products that move by rail move by short line rail.

Today's short lines are small businesses that saved the track the large national railroads would otherwise have abandoned. This tax credit has played a critical role in helping preserve this valuable transportation infrastructure. If we do not extend it soon, the 2010 work season will be lost and with it we will lose a very cost efficient way to create jobs and rehabilitate our rail infrastructure.

Currently, H.R. 1132 is co-sponsored by a bi-partisan majority of the House, 259 Members. Surely with that kind of support we can find a way to enact this legislation before it is too late to enjoy its benefits in 2010, a year in which Michigan desperately needs new jobs.

## COMMEMORATING THE 95TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. WAXMAN. Madam Speaker, this week, we solemnly commemorate the 95th Anniversary of the beginning of the Armenian Genocide.

From 1915 to 1923, the Ottoman Government sought to destroy Armenian communities through a systematic campaign of terror. Men were separated from their families and murdered; women and children were forced to march across the Syrian Desert, and killed if they lagged behind. At the time, the United States took bold diplomatic, political, and humanitarian action to end the bloodshed and protect the survivors. Ninety-five years later, we must continue to take pride in our efforts and reaffirm our commitment to ending genocide and defending human rights for all.

Sadly, there still remain those who aggressively deny or raise doubt about this chapter of history. The Republic of Turkey threatens severe diplomatic consequences to nations that officially recognize the genocide, and current Turkish law deems discussion of the genocide to be a criminal offense. Moreover, as a part of negotiations to end its seventeen-year blockade of the modern nation of Armenia, Turkey has insisted on the establishment of a new historical commission to study the events of 1915 to 1923, as if abundant scholarly evidence of genocide did not already exist.

If we are to prevent future atrocities, we must not be afraid to speak out about those that have taken place in the past. I am proud to have cosponsored H. Res. 252, which passed the House Foreign Affairs Committee on March 4, 2010. The resolution calls upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity of the United States record relating to the Armenian Genocide. That vote—as well as today's somber tribute—reflects our determination to honor the memory of the genocide's victims and leads us to vow, once more, that genocide will never go unnoticed, unmentioned, or unmourned.

## HONORING HELEN THOMPSON

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. GRAVES. Madam Speaker, I rise today to honor Commander Helen Thompson on the occasion of her retirement from the United States Navy. Commander Thompson has bravely and selflessly served our country for over 25 years, and for her service our nation is forever grateful.

Commander Thompson enlisted in the U.S. Navy in 1978 following graduation from high school. One of her first assignments was on the USS *L Y Spear* where she was among the first group of women to serve in the gray ship Navy. While with the ship company she supported the operation in the Middle East during the Iranian Hostage Situation in 1980.

After five years of active duty service, Commander Thompson joined the Naval Reserve and pursued her education. Commander Thompson graduated from Winona State University in 1989 and subsequently received a commission in the Medical Service Corps. Commander Thompson furthered her education by earning a graduate degree in Information Technology Management from the Naval Postgraduate School and earned a certificate degree in the Department of Defense Chief Information Office Certification Program from the National Defense University. Her countless honors and awards include four Navy Commendation Medals, the Navy Achievement Medal, and the Global War on Terrorism Expeditionary Medal.

In addition to protecting our nation's freedoms, Commander Thompson is a wife, mother and grandmother. I know her husband, Leslie Thompson, her children, David, Leslie Rae and Barbara, and her two grandchildren David Cole II and Haileigh, are proud of her service. Further, Commander Thompson's family continues the proud tradition of service to their country via her son, David Thompson, who is currently serving in Korea with the U.S. Army.

In closing, I respectfully urge my colleagues to join me in saluting Commander Thompson for her distinguished service and outstanding commitment to our country.

## IN HONOR OF ARTHUR H. ROSENFELD'S OUTSTANDING CAREER OF PUBLIC SERVICE

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. GEORGE MILLER of California. Madam Speaker, I rose on February 3rd to pay tribute to Arthur H. Rosenfeld for his lifetime of service and leadership on energy conservation, on behalf of myself and the following members: Representatives HENRY WAXMAN, LOIS CAPPS, GRACE NAPOLITANO, LAURA RICHARDSON, LUCILLE ROYBAL-ALLARD, JACKIE SPEIER, JANE HARMAN, DORIS MATSUI, BRAD SHERMAN, HOWARD BERMAN, JOHN GARAMENDI, MICHAEL M. HONDA, BOB FILNER, and ZOE LOFGREN. I would like to submit for the RECORD a letter sent by members of the California congressional delegation to Mr. Rosenfeld on the occasion of his retirement as a member of the California Energy Commission.

Dear Art:

Please accept our good wishes on your retirement as a member of the California Energy Commission.

For over half a century, you have led the energy efficiency movement in California and nationally. As a result of your inspiration and innovative leadership, offices and homes throughout California, and the appliances our residents purchase, are more energy efficient than ever before.

Californians today use no more energy than they did three decades ago. New energy efficiency mandates you have sponsored are expected to deliver energy dividends of $8 billion or more over the next decade.

As you have often said, "the cheapest energy is what you don't use." California's economy is more productive and efficient, our air is cleaner, and our energy industries and research centers are more dynamic because of your work.

You have changed the thinking of industry and government, and changed the habits of Californians from all walks of life in terms of how we think about and use energy on a daily basis.

These are exceptional achievements, and they are a lasting legacy of an exemplary career in public service. Your work has dramatically improved our public policy—not only in California but across the nation.

Accordingly, as members of the California Congressional delegation, we want to take public note of your work, to thank you for your unstinting public service, and to express our appreciation for all you have done to benefit our State, to promote America's energy security, and to shine a light that will help lead the way to a clean energy future for our country in the 21st century.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of

you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Horace Easton Bradford is a Texas veteran who fought in World War Two. He joined the military right out of high school in 1941 because he believed it was the right and patriotic choice. During his military career, Mr. Bradford obtained the rank of Staff Sergeant and fought in Northern Africa and Europe in WWII. His job was to maintain and oversee airplane maintenance and service. Planes had to be in the best condition before they could fly out and perform missions and assignments. Although it was hard work, Staff Sergeant Bradford was able to explore a totally different area of the world while serving the country he loved.

Discovering Horace Bradford's experiences in combat in a major world war was truly a life changing experience for me. Reading history in textbooks is nothing compared to an individual's personal encounter with history. I was able to use my background knowledge in U.S. history to understand his experiences in WWII. I could feel his compassion and his dedication to the Army. His service in wartime helped reinforce my appreciation to all servicemen who have fought in world conflicts.—Richard Hung

## INTRODUCTION OF EARMARK REFORM RESOLUTION

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. GOODLATTE. Madam Speaker, I rise to introduce a Resolution that expresses the will of Congress to save taxpayer money and reduce the deficit.

Madam Speaker, Thomas Jefferson once wrote: "To preserve [the] independence [of the people,] we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude."

As my colleagues may know, according to the Congressional Budget Office, the federal deficit is $655 billion through the first five months of FY 2010. This is $65 billion or 11.0% above the deficit through the first five months of FY 2009—which ended up with the highest deficit in U.S. history ($1.4 trillion).

In these challenging economic times it is even more important for government to control spending. Congress must control spending, paving the way for a return to surpluses and ultimately paying down the national debt, rather than allow big spenders to lead us further down the road of chronic deficits and in doing so leave our children and grandchildren saddled with debt that is not their own.

Unfortunately, the federal budget deficit is projected to exceed $1 trillion for the next two fiscal years and hover around $800 billion annually for the foreseeable future. These current levels of spending are simply unsustainable.

That is why I am proud that the Republican Conference recently adopted a party rule that instills a year-long moratorium on Members obtaining "earmarks" in the FY2011 appropriations process. The earmark process is broken and is in desperate need of reform.

While I am pleased that the Republican Conference has adopted a one-year earmark moratorium, the simple fact is that our policy will not save the taxpayers a dime unless Democrats reduce spending by the amount saved by the Republican moratorium. Otherwise, they will be able to just spend the money saved by the Republican earmark ban on their own Democratic earmarks.

Madam Speaker, the American people want earmark reform because they want to rein in out-of-control spending. In order to actually help achieve this goal, I am introducing this resolution today with virtually all of my Republican colleagues. Specifically, our resolution:

"Expresses the sense of Congress that House Democrats should join House Republicans in a total ban on earmarks for one year, that total discretionary spending should be reduced by the amount saved by earmark moratoriums and that a bipartisan, bicameral committee should be created to review and overhaul the budgetary, spending and earmark processes."

I hope that all Members of the House will join House Republicans in supporting this resolution and thus commit ourselves to the will of the American people to eliminate every cent of waste and squeeze every cent of value out of each hard-earned taxpayer dollar.

## PERSONAL EXPLANATION

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. COHEN. Madam Speaker, I was detained from voting after attending the funeral of Dr. Benjamin L. Hooks on Wednesday, April 21, 2010. If present, I would have voted "yea" on the following rollcall votes: rollcall 214; rollcall 215; rollcall 216.

## CONGRATULATING STEPHANIE CALDERON, LAUREN GRYCZEWSKI, SOFIA RAMOS AND SARA SEWERYN ON RECEIVING THE GOLDEN APPLE SCHOLAR AWARD

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. LIPINSKI. Madam Speaker, I rise today to congratulate Illinois students Stephanie Calderon of Reavis High School in Burbank, Lauren Gryczewski of Shepard High School in Palos Heights, Sofia Ramos of Mother McAuley High School in Chicago, and Sara Seweryn of the Queen of Peace High School in Burbank. These four young leaders are among 105 Illinois students selected from 2,125 nominations as 2010 Golden Apple Scholars.

The Golden Apple Scholars program recognizes Illinois high school seniors dedicated to the profession of teaching. The Golden Apple Scholars program is run by the Golden Apple Foundation, which promotes excellence in teaching through a vast array of support programs for current teachers and by training students to enter the teaching profession. Those selected as Golden Apple Scholars receive a $15,000 college scholarship, as well as valuable, hands-on professional summer training. In return Golden Apple Scholars commit to working for five years in high-need Illinois schools.

Thanks to this award, these four students will be able to bring their energy, enthusiasm, and knowledge to classrooms across Illinois that are in desperate need of highly qualified teachers. It is an honor to represent students whose own continued education will become a foundation for the education of others.

As a former educator, I understand the hard work and dedication it takes to succeed in such a demanding, important profession. I ask you to join me in honoring these four future teachers for their outstanding commitment to their community and state, and in recognition of their designation as 2010 Golden Apple Scholars.

## HONORING JOHN LAWSON

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate John Lawson upon being awarded with the "Lifetime Achievement Award" by the Veterans of Foreign Wars, Post 9896. Mr. Lawson was honored on Saturday, January 30, 2010 in Chowchilla, California.

Mr. John Lawson was born and raised in Los Angeles, California where he graduated from Bell High School. After high school, Mr. Lawson enlisted in the United States Army in 1967 and was sent to Fort Campbell, Kentucky for basic training. Upon completion of basic training, he was assigned a military occupational specialty in the Army Signal Corps.

In November 1967, Mr. Lawson was ordered to Vietnam and was assigned to the 459th Signal Battalion; the same unit that served in Europe at Normandy, North France and Central Europe. Upon returning from Europe after World War II, the battalion was deactivated at Camp Pinedale, near Fresno, California. The 459th Signal Battalion was reactivated in 1962 and made part of the Sixth Army. In 1966, the battalion landed in Vietnam as part of the 21st Signal Group, First Signal Brigade.

While with the 459th Signal Battalion, Mr. Lawson encountered the TET Offensive that the North Vietnamese unleashed. During this time, he performed duties as a troubleshooter, repairing radio equipment for combat and supporting units in various provinces of Vietnam. The North Vietnamese successfully attacked U.S. forces and bases throughout South Vietnam, disrupting communications. Mr. Lawson and his fellow soldiers worked tirelessly to keep critical communications intact for the front-line combat units. During convoy between Nha Trang to Tue Hoa and Da Nag to

Tue Hoa, Mr. Lawson found himself under mortar attack and rocket fire. For the outstanding achievement and performance of the 459th, the Secretary of the Army awarded the 459th and its soldiers the Army Meritorious Unit Commendation.

Mr. Lawson completed his combat tour in Vietnam shortly after he was promoted to Specialist–4. He returned to the United States and was honorably discharged. For his service, he was awarded the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal with device, the Good Conduct Medal, the Army Meritorious Unit Commendation Ribbon and the Republic of Vietnam Unit Cross of Gallantry with palm and frame.

During his civilian life, Mr. Lawson worked as a truck driver until his retirement. Mr. Lawson is a Life Member of the Chowchilla Veterans of Foreign Wars Post 9896. He has two children and two grandchildren.

Madam Speaker, I rise today to commend and congratulate John Lawson upon being named a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Lawson many years of continued success.

## TRIBUTE TO VICE ADMIRAL SIR ALAN MASSEY, KCB, CBE, ADC-ROYAL NAVY

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SKELTON. Madam Speaker, I rise today to honor Vice Admiral Sir Alan Massey, Second Sea Lord of the Royal Navy, on the occasion of his visit to the United States and in anticipation of his impending retirement from active duty following over three decades of service in the Royal Navy.

Throughout a long and distinguished career, Vice Admiral Massey has consistently demonstrated exceptional leadership, stewardship and unwavering commitment to members of the Royal Navy, and for this alone he deserves recognition and admiration. But it is his many years of friendship and cooperation with the Armed Forces of the United States for which I pay tribute to this exceptional naval officer.

Over the course of his career, Vice Admiral Massey has commanded a destroyer, a frigate, and two aircraft carriers. In the wake of the terrorist attacks on the United States on September 11, 2001, as a key ally in Operation Enduring Freedom, he led operations against the Taliban in Afghanistan while in command of HMS *Illustrious*. Additionally, at the onset of Operation Iraqi Freedom, while commanding HMS *Ark Royal*, Vice Admiral Massey led the successful coalition amphibious assault into southern Iraq as part of Operation TELIC. In recognition of his exceptional performance, he was appointed Commander of the Order of the British Empire on the United Kingdom's Operational Honours List.

Vice Admiral Massey has served in the Ministry of Defence, United Kingdom, on four occasions and has held two appointments on NATO Headquarters staffs. He served as Assistant Chief of the Royal Naval Staff, responsible for representing the maritime case in the Ministry of the Defence, while concurrently planning the Navy's future and coordinating its public communications strategy and outreach activity. In an earlier assignment, Vice Admiral Massey led the Operations division of the United Kingdom's Permanent Joint Headquarters, responsible for the conduct of joint military operations in all current theatres, including Iraq, Afghanistan and the Balkans.

Vice Admiral Massey has a first class Honours degree from the University of Liverpool, and is a graduate of the Royal Naval Staff College and the Royal College of Defence Studies. Selected for promotion to Vice Admiral in July 2008, he was appointed as Second Sea Lord, equivalent to our United States Chief of Naval Personnel, and concurrently serves as Commander-in-Chief, Naval Home Command and Flag Aide-de-Camp to Her Majesty the Queen. During the Queen's Birthday Honours of 2009, Vice Admiral Massey was appointed a Knight Commander of the Order of Bath.

I ask my colleagues on both sides of the aisle to rise with me to thank Vice Admiral Sir Alan Massey for his service to the Royal Navy and for his long and distinguished career in support of the mutual interests of the United Kingdom and the United States. We wish him fair winds and following seas as he closes his military career and assumes his new duties as Chief Executive of the Maritime and Coastguard Agency. We also wish Vice Admiral Massey, his wife Julie and their four children, James, Annabel, Tom and Sally, much success, infinite happiness and good health in the days ahead.

## SMALL BUSINESS BILL OF RIGHTS

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. KIRK. Madam Speaker, I rise today to introduce the Small Business Bill of Rights. For the last three years, Congress has hurt small businesses with legislation to increase taxes and government regulation. It is time to show small businesses that we support them by backing one bill that has it all, the Small Business Bill of Rights.

Endorsed by the National Federation of Independent Business (NFIB), this legislation would:

Protect secret ballots in union elections

Lower health costs with lawsuit reforms and interstate competition

Lower energy costs with credits for efficient equipment and hybrids

Permit children to continue business with low/no death tax

Exempt small businesses from capital gains tax for 10 years

Make immigration laws easy to comply with

Create a Patent Office fast lane for small business innovation

Limit federal paperwork through the SBA for small businesses to 200 hours annually

Prevent AMT from taxing the middle class

Reduce deficit to encourage jobs and improve credit

Small businesses cannot afford lobbyists or lawyers to grease the wheels to get government assistance. With more than 1.1 million small businesses in Illinois accounting for 98.4 percent of all employers, now is the time to act.

In the teeth of the Great Recession, Congress must work to protect the heart and soul of our economy by lowering taxes and decreasing the regulatory burden so that small business employers will begin hiring, putting Americans back to work.

Small businesses are disproportionately suffering, accounting for nearly 80 percent of job losses and I urge my colleagues to become a cosponsor of this commonsense legislation.

Let us grow this economy and put people back to work.

## HONORING THE CAREER AND ACHIEVEMENTS OF DAVID J. HOLLEY

### HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. HOLDEN. Madam Speaker, I rise today to recognize Dave Holley, a constituent and friend, who, on April 2, 2010, officially retired as General Manager of the Schuylkill County Municipal Authority. Dave began his public career in 1973, working for the Schuylkill County Municipal Authority as the Assistant Manager. Two years later, he was promoted to General Manager and has served in that position for the past 33 years.

Dave's dedication to bettering the communities of Schuylkill County led him to be active in state and national organizations. He served as Past President and Past Regional Director of the Pennsylvania Municipal Authority Association; Vice Chairman of the Water Utility Council of Pennsylvania; and Past Secretary and Treasurer of the Pennsylvania Section of the American Water Works Association.

Socially, Dave is an active member of the community in Pottsville, Pennsylvania. He is current President of the AAA Schuylkill County Motor Club, the Schuylkill County Motor Club Insurance Agency, and the Schuylkill/Pottsville Chapter of the National Football Foundation and College Hall of Fame. He was the former President of the Pottsville Rotary Club and Pottsville Rotary Little League.

His work in the community and professionally has earned Dave the respect and recognition of his friends, neighbors, and colleagues. Numerous associations have honored Dave with awards for his dedicated service to municipal authorities in Pennsylvania and the water supply field. Athletic organizations have recognized him for his dedication to honoring scholar athletes and his citizenship. Dave was even inducted into the Pottsville Area School District's All Sports Hall of Fame.

I would like to congratulate Dave Holley on his retirement after 33 years as General Manager of the Schuylkill County Municipal Authority and thank him for his outstanding citizenship in the community.

HONORING KENNETH LASITER

## HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Kenneth Lasiter upon being awarded with the "Lifetime Achievement Award" by the Veterans of Foreign Wars, Post 9896. Mr. Lasiter was honored on Saturday, January 30, 2010 in Chowchilla, California.

Mr. Kenneth Lasiter was born in Merced, California in 1946. He graduated from Chowchilla High School, where he played on two championship football teams. Mr. Lasiter attended Fresno City College for 1 year and in 1966 he enlisted in the United States Army. He completed basic training at Fort Ord, California, where he fired "expert" with the M–14 rifle. Mr. Lasiter went to Fort Rucker, Alabama for Aircraft Maintenance School; he completed training with a specialty in helicopter maintenance and repair. He also completed courses in the Code of Conduct and Military Justice.

After completing stateside training, Mr. Lasiter was ordered to Vietnam in March 1967. He joined the 655th Transportation Detachment, 12th Combat Aviation Brigade. The 12th Brigade had deployed to Vietnam in 1965 and consisted of 11,000 personnel and 34 aviation units. The Brigade was based at Long Binh in the III Military Region in Vietnam and was the largest unit of its type to serve in combat.

Mr. Lasiter spent 12 months in Vietnam. During that time he flew combat missions as a door gunner on HU–1B and UH–1D "Huey" Helicopters. He was promoted to crew chief and was later selected to act as crew chief for the group commander. During this time there was increased hostility as regular North Vietnamese forces made their way down the Ho Chi Minh Trail through Laos and Cambodia into South Vietnam. Mr. Lasiter's units flew assault, medical and supply missions to fire bases and in support of ground forces. Mr. Lasiter was part of the cadre that assisted the 1st Air Cavalry when it deployed from the states to Bien Hoa, Vietnam.

Upon completing his 12-month tour in Vietnam, Mr. Lasiter returned to the United States. While on leave he married Carolyn. The newlyweds flew to Germany, where Mr. Lasiter assumed duties at the Wirtheim Army Airfield and was the acting crew chief with CH–23 units.

Specialist 5 Lasiter was released from active duty in September 1969. For his service, Mr. Lasiter was awarded the Army Commendation Medal, the Air Medal with seven oak leaf clusters, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal with device, the Aircraft Crewman Badge and Expert Rifle and Sharpshooter Badges.

Upon returning to civilian life, Mr. and Mrs. Lasiter made their home in Chowchilla, California. Mr. Lasiter attended Merced College. He then started a lifelong career in farming. Mr. Lasiter is a Life Member of Chowchilla Veterans of Foreign Wars Post 9896 and is a member of the Cornerstone Community Church. Mr. and Mrs. Lasiter continue to live in Chowchilla. They have two children and three grandchildren.

Madam Speaker, I rise today to commend and congratulate Kenneth Lasiter upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Lasiter many years of continued success.

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

## HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country, and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I, Kathryn Boswell interviewed Reba Leonard, SSG of the United States Army. She was part of the technology branch and was stationed in San Antonio, Germany, and Pensacola. From this experience, I have learned about sacrifice for your country, camaraderie with fellow soldiers, and the effect serving in the military has on a life. Reba is a strong woman and has learned from her experiences in the army to live life to the fullest and "keep a bigger perspective on life." It's not just about me, it's about the wellbeing of the people around me. She worked on the first computers, and was able to communicate live time from Germany to Maryland in the 1980s. She also worked off the first portable hard-drive. She is a computer specialist at McAfee and has raised two boys in Plano, Texas.—Kathryn Boswell

ON HOUSE RESOLUTION TO REDUCE THE USE OF PLASTIC AND PAPER BAGS

## HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. MORAN of Virginia. Madam Speaker, as we mark the 40th anniversary of Earth Day, I ask my colleagues to consider cosponsoring a resolution I am introducing today to reduce the use of plastic and paper bags.

Single-use retail plastic and paper bags are bad for the environment. Both paper and plastic bags consume valuable natural resources when produced, generate waste, and pollute the environment. They keep us dependent on nonrenewable resources and impose external costs that we bear in the form of higher waste disposal costs, visual blight, the destruction of wildlife and the deaths of tens of thousands of animal and marine life by entangling them in the plastic or poisoning them through toxins that leach into the ground and waterways. We use more than 100 billion plastic bags every year and because they don't biodegrade, each bag represents a persistent threat to the environment.

While paper bags are less harmful to the environment, they require four times as much energy to produce and generate 70 percent more air pollution and 50 times more water pollution than plastic bags. And while recycling efforts should be applauded, recycling rates are dismally low. Between one and three percent of all plastic bags are recycled and between ten and 15 percent of all paper bags are recycled.

The resolution encourages states to establish targets for businesses to reduce distribution of plastic and paper bag use by 40 percent over the next five years; educate the public about using reusable bags through public-private initiatives, public awareness campaigns, and other methods whenever possible; and facilitate the dissemination of best practices among businesses for reducing single-use retail bag consumption. It would also encourage businesses to adopt consumer credit programs to promote reusable bag use.

One need look no further than the District of Columbia to measure success. Late last year the District imposed a 5 cent tax on plastic bags which led to a dramatic impact on bag use. The number of plastic bags used by supermarkets and other establishments dropped from the 2009 monthly average of 22.5 million to just 3 million in January 2010.

I could conclude here, but that would be only half the story. This resolution was brought to my attention by two enterprising Georgetown University students, Mariel Reed and Brian Lin. Together with their fellow classmates they drafted the resolution in response

to a bill I introduced last year to tax plastic and paper bag use. They used my bill as a case study on environmental legislation. Both students are very bright and realized that there is little prospect my bag tax bill would be enacted. My bill does point toward a worthwhile objective, and it builds on the actions of several local and foreign initiatives that have met with success. But, there is no group or organization that has backed it and few Members today prefer to be on record supporting a tax increase.

And here is the second lesson these Georgetown students came to realize and what remains a valuable lesson that the environmental community needs to appreciate as a movement. The public and many elected officials are not always in sync with what we need to do to restore the environment and preserve it for future generations. Progress on the environmental front has never been a clear and straight line but erratic path with peaks and troughs. But, if we look back over the past 40 years, we have seen considerable progress. If you were to average out all the peaks and troughs, an upward progress would begin to appear. We can be proud of our achievements and the fact that such landmark laws like the Clean Water Act and Clean Air Act, and many others that we have passed since the 1970s, have gone a long way toward restoring the environment. Our land, air and water are cleaner than they were on the first Earth Day.

While the science of today has led us to a better understanding of our relationship with nature, we must also appreciate that a democracy requires time for the public to accept and support the necessary changes.

Just as the time may not be ripe to ban the use of plastic bags, we can encourage broader public participation in recycling and promoting alternatives that over time will achieve the same goal. There are a number of proven approaches that work to reduce plastic and paper bag use. All have merit and the states are the appropriate forum through which these approaches can be developed and implemented.

Again I applaud the efforts of the two Georgetown students and their class for providing us a valuable political lesson on this 40th anniversary of the first Earth Day.

## THE OBAMA ADMINISTRATION'S QUESTIONABLE NASA PLAN

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. WOLF. Madam Speaker, I rise in strong opposition to the FY2011 budget proposed by President Obama for the National Aeronautics and Space Administration, NASA. I believe the administration plan would abdicate U.S. leadership in space. Nearly every astronaut, including Neil Armstrong, the first man to walk on the moon, has spoken out against this misguided budget proposal.

I submit articles from The Wall Street Journal and the Orlando Sentinel which further call into question the administration's judgment with regard to NASA.

[From the Wall Street Journal, Apr. 17, 2010]

NASA WHIPSAW: PROP RE-DO FOR OBAMA'S SPEECH

When President Barack Obama gave his long-awaited speech Thursday laying out a vision for NASA, the backdrop featured an immaculate mockup of the Orion space capsule.

But only a few days before, workers at the Kennedy Space Center in Florida had frantically removed all vestiges of the Orion program from the same building.

What prompted the prop swap?

The reasons behind the abrupt scene change—and Obama's positive words about Orion in his address—reflect the sudden shifts and last-minute policy decisions that continue to buffet the National Aeronautics and Space Administration. For more on that, read this WSJ article.)

In February, the White House shocked many in industry and Congress by seeking to kill NASA's Constellation manned exploration program, designed to replace the retiring space shuttle fleet and eventually take astronauts back to the moon and on to Mars. The multi-billion dollar Orion capsule, reminiscent of the Apollo era, is part of that program.

In the following months, the Obama administration resisted entreaties by Lockheed Martin, the capsule contractor, and its champions on Capitol Hill to save Orion. The company repeatedly tried but failed to interest NASA and the White House in pursuing a less-expensive, stripped-down version of the capsule, "Orion light." For the White House, all of Constellation was too expensive and would take too long to complete.

On Mondays as the space center was preparing for the high-profile presidential policy speech, Lockheed had forklifts and other equipment hurriedly removing everything related to Orion from the building where Obama would speak, according to people familiar with the details. Administration officials bluntly told company executives that the president didn't want to be associated with Orion.

That quickly changed. On Tuesday afternoon, chief White House science adviser John Holdren called Joanne Maguire, head of Lockheed Martin's space programs, to inform her that a revised version of the Orion capsule would be reinstated in the president's plans. Now, NASA wants to use the capsule, at the very least, as an emergency escape system for U.S. astronauts when they are on the international space station.

That still left NASA, however, with the dilemma of what to do about the mockup. Between Tuesday night and Thursday morning, the White House, NASA managers and local center officials managed to restore the Orion mockup to its earlier prominence in the building. "Things were really changing pretty quickly there, at the end," said one administration official.

As photographers and reporters swarmed around Obama, pictures of the capsule were beamed around the world.

Lockheed didn't have any comment. The White House had no immediate comment.

During his speech, Obama had only nice things to say about the Lockheed Martin program, though he initially mispronounced its name. NASA, he said, "will build on the good work already done" on the Orion crew capsule, and it will become "part of the technological foundation for advanced spacecraft to be used in future deep-space missions."

[From OrlandoSentinel.com, Apr. 18, 2010]

OBAMA'S SPACE PLAN ADDS INSULT TO INJURY

(By Douglas MacKinnon)

With all due respect to President Obama, regarding his speech in Florida on "Space Exploration in the 21st Century," I simply have to ask, "Are you kidding me?"

As one who has consulted on and written extensively about our space program, worked in the White House and drafted a speech or two, I know shameless pandering filler when I read it.

The president's speech had more useless and suspect filler than a New York City street hot dog—part of that filler being when the president recognized his chief science adviser, John Holdren. This is the same man who just told students the United States couldn't be No. 1 in science forever.

When the nation and the program most needed honesty, true direction and an unwavering belief in the promise of space, the president chose to add insult to the injury that is the dismantling of our human spaceflight program. To quote Neil Armstrong, James Lovell and Eugene Cernan, the president's decision to ". . . cancel the Constellation program, its Ares 1 and Ares V rockets, and the Orion spacecraft, is devastating."

Three heroic and history-making astronauts take the unusual step of writing an open letter to warn of this "devastating" action, and the president responds with a pedestrian speech that makes a mockery of a dire situation. Worse, for purely political reasons, he decided to pit the Apollo 11 moonwalkers against each other.

To try and blunt the criticism of him by the first man to step on the surface of the moon, Obama not only flew Buzz Aldrin with him on Air Force One for the event at Kennedy Space Center, but led his remarks by referring to Aldrin as a legend. Aldrin may be the only one not aware of his role as a prop of the White House political operation.

It's not a stretch to imagine Chief of Staff Rahm Emanuel turning to David Axelrod and saying, "If the first man on the moon is going to strongly and publicly criticize us, then let's use the second man to walk on the moon as validation for our 'promise them anything but deliver nothing' new vision."

In a speech void of detail, the president said, "By the mid–2030s, I believe we can send humans to orbit Mars and return them safely to Earth." Where have I heard something like that before? That would be President George H. W. Bush in July 1989 when he spoke of landing Americans on Mars. Twenty-one years later, Obama gives us a watered-down version of that speech.

In 1989, much of the media rightfully took President Bush to task for an open-ended goal that lacked specifics and would have carried a price tag in the hundreds of billions of dollars. Say what you will about Bush's half-hearted effort, at least his astronauts would have landed on the Red Planet. Under Obama's fictional plan, for our investment of more than $100 billion, our astronauts would only get to wave at Mars as they zipped around it, with a landing saved for a future mission. Can't we just wave at it for free from here on Earth?

The president betrayed both his lack of interest in human spaceflight as well as his ignorance of the subject when he said, "Now, I understand that some believe that we should attempt a return to the surface of the moon first, as previously planned. But I just have to say pretty bluntly here. We've been there before. Buzz has been there . . ."

By that thinking, European explorers should have abandoned the New World and

President Jefferson should have ignored the explorations and discoveries of great natural wealth made by Lewis and Clark.

For reasons of cost, commercial enterprise, science and national security, it makes sense for us to establish bases, observatories, mines and potentially even military operations on the moon. If we don't, others—particularly the People's Republic of China with its military-controlled space program—most assuredly will.

President Obama has played the space community for fools, and he's hoping he will get away with it. Unfortunately for us all, China, Russia and others share his hope.

## TRIBUTE TO JUDY HELLMAN

### HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 22, 2010*

Mr. MOORE of Kansas. Madam Speaker, I rise today to honor Judy Hellman, who is retiring this spring from the Jewish Community Relations Bureau/American Jewish Committee of the greater Kansas City area. Judy and this agency have been most helpful to me during my time in Congress and were responsible for sponsoring my visit to Israel in 1999 during my first year in office. My remarks borrow very freely from a letter sent by JCRB/AJC Board Chair Michael Abrams in January 2010 when Judy made her plans public.

JCRB/AJC Associate Director Judy Hellman has devoted her professional career and her personal life to the work of justice and community relations, and to the Jewish Community Relations Bureau/American Jewish Committee, first as a volunteer, then as a member of the Board of Directors, and then as staff for decades before her "first" retirement over a decade ago. Shortly after that "retirement" she started helping in the office on one project, then another, then a couple days a week, and was soon once again an everyday devoted and passionate professional who doesn't stop accepting responsibilities and challenges.

Judy's contributions to the community are significant, and too numerous to mention. Her work to advocate that each person does not have to face injustice has touched countless lives and families. Decades ago she worked for fair housing in Kansas City, and was a leader in the movement to free Soviet Jews from religious persecution. Before the founding of the Midwest Center for Holocaust Education, Holocaust education was a mission of JCRB, for which Judy did extraordinary work.

Judy continues to be admired for her exemplary and prolific work in interfaith relations, her dedicated relationship work with educators, law enforcement, government and elected officials, and her work vigilantly combating hate groups. Judy has listened to, and discussed and worked with, hundreds of individuals and families regarding their issues, always with great compassion and empathy. Many have seen her on JCRB Agency videos poignantly talking about why she has worked for justice in the public square for the people of Israel, and in recent years been a role model in the community advocating on behalf of those suffering injustice in Africa.

For several decades, Judy and Rev. Dr. Robert Lee Hill have co-chaired the Martin Luther King, Jr. Community Interfaith Service every January. Judy has been a longtime officer of the Southern Christian Leadership Conference, working with the Rev. Dr. Nelson "Fuzzy" Thompson. Judy has been recognized with many awards, and has asked that "this" retirement come with little fanfare. In Judy Hellman's case, her achievements are a monument to her work. Judy's life has been dedicated to working for justice. Judy would have devoted her time to working on these issues even if she had not been a staff member of a justice organization.

With a milestone birthday approaching, Judy has decided to give retirement yet another attempt. All who know Judy feel great admiration, gratitude, love, and respect for her. I know that I look forward to continuing to work with Judy, soon as a retired and devoted community member, as she continues to work to make the greater Kansas City area a more just community.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 22, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Robert James is a veteran of World War II. He entered the war in the Medical Corps and returned from war as a private first class in the Air Force. After graduating from U.T., Mr. James stayed in the Air Force Reserve for 30 years and retired as a Major. He still regularly visits a nearby base in Colorado, where he buys his groceries, works out, and shops for other needs. Robert James received multiple awards after returning home, including an Air Medal and a Distinguished Flying Cross. Mr. James' story should be preserved throughout history in addition to the thousands of other veterans that risked their lives for the safety of the United States. This interview with my grandfather was very moving and I gained a lot more insight and detail than I ever had before. I am happy to have been able to discuss such a pivotal time in my grandfather's life and I hope my essay helps to somehow preserve some of his unique experiences so that they can last throughout generations of Americans. The conservation of the stories of our many veterans is very crucial and should be a goal of every American that has been kept alive by these honorable, selfless men and women.—Rebecca James

## HONORING GEORGE GALLUP, JR. ON HIS 80TH BIRTHDAY

### HON. STEVEN R. ROTHMAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 22, 2010*

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today in recognition of the 80th birthday of George Gallup, Jr., the accomplished son of Dr. George Gallup, Sr., the founder of the renowned Gallup Poll.

George Jr. has followed in his father's footsteps; a close friend described George as a "political junkie," a characteristic that clearly runs in the family. It comes as no surprise that George has become so involved and intrigued by the political process, since he has either observed or participated in polling for his entire life. His father pioneered the random sampling technique, which has been used for decades to gauge public opinion on everything from presidential approval to the economy. He also founded the George H. Gallup International Institute, of which George Jr. is the current Chairman. In this role, George Jr. oversees preeminent economists, psychologists, and sociologists all over the world in their efforts to investigate what people think about the most pressing issues of the day.

George is from Princeton, New Jersey and has been a lifelong advocate for children's rights locally and nationally. He has made the world a safer place for kids through working closely with Child Lures Prevention, an organization which helps protect children from violence, drugs, and sexual abuse. He also wrote a passionate letter to President Obama in support of the organization and the admirable cause for which it fights.

George would agree that the influence of the Gallup Poll over the past 75 years has been much more than symbolic—the organization has provided our political leaders and lawmakers with objective, unbiased information

about the ever-shifting values and expectations of the American people. In short, polling makes the government more responsive and accountable to the electorate.

Madam Speaker, I know that my colleagues will join me in honoring a man who has been instrumental in keeping our leaders honest and the American public informed.

## RAISING AWARENESS AND SUPPORTING AN END TO VIOLENCE AGAINST WOMEN

### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. CARNAHAN. Madam Speaker, I rise in solidarity with my colleagues who, this week, have come forth under the leadership of Representative TED POE, founding co-chair of the Victims' Rights Caucus, to speak out against violence perpetrated against women. Violence against women is one of the most pervasive forms of violence throughout the world today, affecting an estimated one billion women and girls. It is a reprehensible violation of fundamental human rights and a crime against humanity.

According to the United Nations, approximately 1 out of every 3 women in the world has been beaten, coerced into sex, or otherwise abused in her lifetime. The World Health Organization reports that in some countries, up to 70 percent of women report having been victims of domestic violence at some stage in their lives.

Violence against women has come to be systematically used as a tool of war in some regions, where women are publicly raped, beaten and murdered. In Rwanda, up to half a million women were reportedly raped during the 1994 genocide. In Bosnia-Herzegovina, nearly 60,000 women were raped in a campaign of ethnic cleansing during the war.

Women have become ''prey,'' according to the New York Times, in Guinea, and in the Democratic Republic of Congo it is reportedly more dangerous to be a woman than a soldier.

Shocking stories such as these provide only a snapshot of the complete scope of this deplorable problem and are exemplary, sadly, of the experiences of vast communities of women and girls every day.

It is critical that we in Congress, along with other governments, multilateral organizations and nongovernmental organizations throughout the world, take a strong stand against these crimes. We must not allow violence against women to become a socialized norm.

In 1994 the Violence Against Women Act was sign into law by President Bill Clinton, in an effort to comprehensively acknowledge and address the severity and importance of this insidious problem within the United States. This landmark Act enhanced judicial and law enforcement tools to combat violence in all forms, improved existing services and provided for additional services, economic security, and protection for victims.

This legislation has since served as an example globally on how issues affecting women can be successfully incorporated into public law and social consciousness. Freedom from violence, abuse and intimidation is a basic building block of empowering women. And, when women have a voice, communities and countries are made stronger, more economically prosperous, and more stable.

In 2009, the International Violence Against Women Act was reintroduced, to extend the provisions of VAWA to tackle violence worldwide. This bill would ensure that all women are protected under the same policies and approach now codified for women and girls in the U.S.

IVAWA seeks a comprehensive international strategy to reduce and prevent violence against women and girls. This includes assistance to reduce international violence, enhanced U.S. accountability and training of foreign military, police and judicial officials on preventing and responding to violence, and addressing violence in humanitarian relief, peacekeeping, conflict and post-conflict operations.

We in Congress, along with our international partners, must stand up now to take bold action on ensuring that women and girls are no longer targets of brutal violence; violence that destroys families and communities, and has lasting detrimental effects on productivity, health, and many other areas of women's daily lives.

Furthermore, we must work tirelessly to give women a voice to impact the issues that affect them and be agents of change in their societies. When women thrive, families, communities, societies and economies thrive. When women and girls are victimized, families, communities, societies and economies suffer and are profoundly weakened, and the cycle of violence is perpetuated. Violence against women and girls is an assault against us all and we must end it now.

## IN RECOGNITION OF RETIRED SAN MATEO POLICE DEPARTMENT CAPTAIN KEVIN RAFFAELLI

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Kevin Raffaelli, who retired as a Captain with the San Mateo Police Department in December of 2008 after 30 years of dedicated and loyal service.

I must note that last year Kevin continued his law enforcement service on an on-call basis and on August 24, 2009 was credited with preventing a pipe bomb suspect from carrying out a potentially catastrophic event at Hillsdale High School. For this heroic action he was awarded the prestigious Medal of Valor, proving again, that some of us get better with age.

The list of commendations for Kevin is long and meritorious and many involve the apprehension of burglary subjects during the commission of a crime. He is well known throughout San Mateo County for his expertise in tactical deployment and special operations at events. He was, for example, commander of the Countywide Tactical Chemical Assault Team, a model operation replicated by other municipalities after 9/11.

He played key roles in coordinating security for numerous dignitaries visiting the San Francisco Bay Area, including President Bill Clinton, President George W. Bush, President Jimmy Carter as well as Israeli Prime Minister Ariel Sharon and British Prime Minister Margaret Thatcher.

Kevin grew up in the city of South San Francisco where his brother, Mark, served as the chief of police, so Kevin's thirst for public safety runs deep in his family.

Madam Speaker, Kevin Raffaelli has served his fellow citizens to the utmost of his ability and he has saved lives in the process. I commend him and wish that he and his wife, Elizabeth, enjoy this well-earned retirement.

## IN RECOGNITION OF MS. DIANNE ADDINGTON'S DECADES OF SERVICE TO OUR COMMUNITY AS PRESIDENT AND CEO OF GENISYS CREDIT UNION

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. PETERS. Madam Speaker, I rise today to recognize Dianne Addington, president and CEO of Genisys Credit Union, on her retirement from Genisys. As a Member of Congress it is both my privilege and honor to recognize Ms. Addington for her many years of service and her contributions which have enriched and strengthened our community.

Ms. Addington brings a lifetime of experience to her current position at Genisys Credit Union; a career which began almost 40 years ago as a part-time teller at T&C Federal Credit Union. Through Ms. Addington's ingenuity and hard work she eventually rose to the position of president and CEO of T&C Federal Credit Union, one of the parent companies of Genisys, which she has held for the last 21 years. During her tenure at Genisys, Ms. Addington has been awarded numerous accolades for her commitment to the community including awards from the Sojourner Foundation, the Clinton Valley Council of the Boy Scouts of America, and the Pontiac Chamber of Commerce. In recognition of her many contributions, the Michigan Credit League, MCUL, awarded her the Distinguished Service Award in 2006, for which she was inducted into the Michigan Credit Union Hall of Fame.

Under Ms. Addington's leadership Genisys Credit Union has grown into a thriving local institution, which is deeply involved in strengthening the communities it serves. Genisys is a strong philanthropic partner to Southeast Michigan, having received numerous awards and recognitions from the community for the programs it has sponsored. In keeping with their mission to provide excellent customer service and to support its community, Genisys continues to create programs which highlight the importance of financial literacy to its more than 117,000 members and to the communities it serves. Moreover, through its strong commitment to quality customer service

Genisys Credit Union was recognized by the readership of Corp! Magazine as a "Best of Michigan Business" in 2009.

Madam Speaker, I ask my colleagues to join me today to honor Ms. Dianne Addington for her many contributions to our community and her leadership at Genisys Credit Union. I wish her many more years of health, happiness, and productive service.

CONGRATULATING ANGEL RAY GUERRERO

## HON. GREGORIO KILILI CAMACHO SABLAN

OF NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SABLAN. Madam Speaker, Angel Ray Tudela Guerrero is a teenager in the Northern Mariana Islands, who, despite facing extraordinary health problems in his own life, found ways to improve the lives of other young people.

At age 12 Angel Ray was diagnosed with a malignant brain tumor. He spent a year and a half in a Hawaii hospital battling cancer.

But Angel Ray did not let his disease control his life. Instead, he used his experience to empower himself to help others.

During his long hospital stay, Angel Ray found that time passed more comfortably because of a playroom in the pediatric ward. It was filled with games and toys, computers and a TV well stocked with DVDs, all of which helped take the young patients' minds away from their illness and from the reality of being in the hospital. In the playroom, Angel Ray told a reporter from the Saipan Tribune, kids "don't feel like they're sick. They feel like they're at home."

But Angel Ray knew—from personal experience—that kids back home at the Commonwealth Health Center in the Northern Marianas had no playroom. Though the average stay is only two-and-a-half days, some patients are there for six weeks or more. And they have no toys or books, no refuge from the psychological toll of being sick.

So Angel Ray partnered with Hawaii state representative Glenn Wakai and with Reach Out Pacific, a non-profit organization that takes surplus medical and educational supplies from Hawaii to the Pacific islands, including the Marianas, Guam, Palau, the Marshall Islands, Chuuk, Yap, Kosrae, Pohnpei and the Philippines. Together, they organized donations of toys and books to create a playroom at the Commonwealth Health Center. The Shriner's Hospital in Honolulu was being renovated and needed to clear out toys in its pediatric area. Moanalua High School gave hundreds of books. The U.S. Bankruptcy Court donated shelving. And Matson Navigation offered to ship the 20-foot container stuffed with 50 boxes of books, 19 bookshelves, and 60 bags of toys from Hawaii to the Northern Mariana Islands.

Madam Speaker, Angel Ray Guerrero is an inspiration to us all: an individual who took the adversity in his own life and turned it into a benefit for others.

RECOGNIZING THE LIFE AND WORK OF COUNTY COMMISSIONER MINNIE SHIRLEY WIGGINS

## HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. BUTTERFIELD. Madam Speaker, I rise to recognize the life and work of County Commissioner Minnie Shirley Wiggins who died on Sunday, April 18, 2010 after a short illness. Commissioner Wiggins was a well-respected elected official and community leader in Perquimans County, North Carolina.

Born on February 6, 1933 to the late Mary and Hardy Wiggins, Sr., Commissioner Wiggins was a graduate of Perquimans County Training School and St. Agnes School of Nursing in Raleigh, North Carolina.

Commissioner Wiggins served our Nation with honor as a United States Navy Nurse Corps Captain, serving aboard the USS *Sanctuary* during the Vietnam War. She was a proud member of the American Legion, Veterans of Foreign Wars and Vietnam Veterans of America.

During her more than 20 years as a Perquimans County Commissioner, she provided a passionate and tireless voice for the youths and senior citizens of the Albemarle Region. She worked as a volunteer with elementary school children and devoted significant time to the Meals on Wheels program. She earned recognition for her devotion to public service, including North Carolina's highest honor—the Order of the Long Leaf Pine.

Commissioner Wiggins had a great passion for her church, Melton Grove Missionary Baptist Church of Winfall, North Carolina, where she was a devoted member for many years.

She is survived by brothers, Percy A. Wiggins Sr. and Horace Wiggins; brother/son Hardy Wiggins Jr.; daughter/niece C. Loretta Buggs; and a host of nieces, nephews, adopted sons and daughters, godchildren and extended family.

Madam Speaker, I ask that my colleagues rise to recognize the life and work of Commissioner Minnie Shirley Wiggins and her outstanding public service to the community. I also ask that we pass along our best wishes and prayers to her family, friends and loved ones during this time of bereavement.

CRAIG MORGAN RETIRES AFTER 25 YEARS AS THE DISTRICT MANAGER FOR THE SCHUYKILL CONSERVATION DISTRICT

## HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. HOLDEN. Madam Speaker, I rise today to recognize Craig Morgan, a constituent from my district, who is retiring as District Manager of the Schuylkill Conservation District after twenty-five years of service. Craig has always had an interest in the outdoors. As a boy, he enjoyed fishing, hunting, and helping on his grandfather's farm. After graduating with a bachelor's degree in environmental resource management from Penn State University in 1977, Craig began his career with the Schuylkill Conservation District.

The Schuylkill Conservation District was formed in 1955 with an emphasis on soil conservation. Since becoming District Manager, Craig has expanded the conservation district's role to erosion and sediment control, watershed protection, environmental education, farmland preservation, and farm conservation planning.

One of the Schuylkill Conservation District's accomplishments under Craig's leadership is the farmland preservation and erosion and sediment control efforts around the Little Swatara Creek, ultimately preserving the down-stream Sweet Arrow Lake.

Acid mine drainage has traumatically impacted and sometimes destroyed the ecosystems of streams in part of my district. Under Craig's direction, the Schuylkill Conservation District has partnered with the Schuylkill Headwaters Association, and other watershed associations, to treat acid mine drainage and bring those streams back to life with plant life and fish.

Craig is also proud of the Schuylkill Conservation District's efforts to educate local students on the environment and the importance of conservation. In 1979, Craig ran Schuylkill County's first environthon, which combines in-class curriculum and outdoor training, helping students to learn more about aquatic ecology, forestry, soil and land use, wildlife, and current issues facing the environment.

Looking back on his twenty-five years as district director, Craig said, "The job has been a challenge, but it's been a pleasure in doing good things and doing the right things. That's the reward. Seeing fish back in streams, seeing people at Sweet Arrow Lake. I am the type of person that wanted to do things right the first time so I didn't have to do them again."

I would like to thank Craig Morgan for his twenty-five years of commitment to conserving and preserving Schuylkill County's waters, lands, and wildlife.

HONORING THE LIFE OF LIEUTENANT COLONEL SPANN WATSON

## HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mrs. McCARTHY of New York. Madam Speaker, I rise today to recognize the life and achievements of Spann Watson, one of the original Tuskegee Airmen, a retired U.S. Air Force pilot and an advocate for civil rights. Mr. Watson, who helped break the color barrier in the military years ago, passed away at the age of 93 years old.

Mr. Watson, originally born in South Carolina, moved with his family to New Jersey where he was inspired to become a pilot after watching Charles Lindbergh land the *Spirit of St. Louis* at Teterboro Airport. Mr. Watson earned his pilot's license while studying engineering at Howard University. In 1940, he was told by an Army recruiter that there were no

openings for black pilots; however, a year later, the NAACP filed a race-discrimination lawsuit and the War Department set up an experimental program to train African American airmen.

Mr. Watson completed this program, which was based at Tuskegee Army Air Field in Alabama, as a fighter pilot and participated in nearly 40 flight missions during World War II. He retired from the military in the 1960s and worked as an affirmative action specialist for the Federal Aviation Administration. He continued to lecture into his 90s about his experiences as a military and civil rights pioneer.

Over the past 20 years, Mr. Watson traveled the country attending air shows and speaking about the all-black flight program. In 1997, Congress honored graduates of the Tuskegee program with the Congressional Gold Medal—the Nation's highest civilian award.

While at Tuskegee, Mr. Watson met Edna Webster, a civilian employee at the airfield, and they were married on December 17, 1943. The couple had five children and spent nearly 50 years as a resident of Westbury, Long Island.

Madam Speaker, it is with great admiration, pride and respect that I acknowledge the accomplishments of Lieutenant Colonel Spann Watson and thank him and his family for a lifetime of civil service to our country.

## TRIBUTE TO MYRTLE E. THATCHER

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to a distinguished citizen of Kansas City, Kansas, who celebrates her 100th birthday today.

Myrtle E. Green Thatcher was born in Kansas City, Kansas, on April 22, 1910, to Embridge and Eliza Green. She is a lifelong resident of Kansas City, where she graduated from Northeast Junior High School and Sumner High School. She was married for over 50 years to Nathan W. Thatcher, Jr., the third son of Mr. and Mrs. Nathan W. Thatcher, Sr., who was general manager of Thatcher Funeral Home, which is the oldest black family-owned funeral home in the State of Kansas. The business began operation in April 1912, at 1520 North 5th Street, founded by Mr. and Mrs. Nathan W. Thatcher, Sr.

In 1979, Mr. and Mrs. Nathan Thatcher, Jr., affectionately known as Myrtle and "Snooks", remodeled the building. In the following year, Nathan died, leaving the family business in the capable hands of their only child, Quintelle Thatcher Davis, who guided the business until finally succumbing after a hard fought battle with cancer in 2007.

Myrtle E. Thatcher has been active in the business for over 50 years. A licensed funeral director, she's been a member of the Missouri-Kansas Funeral Directors Association, the National Funeral Directors and Embalmers Association, and other professional groups. She's been a member of Pleasant Green Baptist Church for over 50 years and is a charter member of Alice M. Browne Chapter #40 of the Order of the Eastern Star. The recipient of numerous community service and professional awards through the course of her career, she is still serving our community, along with the excellent leadership of her grandson, Robert Davis, the fourth generation of her family to join the business, where he serves as general manager, funeral director and embalmer.

This family business will be 98 years old this month. As Myrtle maintains, they will continue to follow founder Nathan Thatcher, Senior's, practice of following the Golden Rule: do unto others as they do unto you. And Myrtle will continue to be very proud of her family, which includes five great grandchildren and three grandchildren: Judy Easterwood, who lives with her husband Robert in Kansas City, Kansas; Robert Davis, and Associate Professor Jacquelyn Hams, the chair of the department of earth science and anthropology of Los Angeles Valley College.

Madam Speaker, I know that you and all members of the House of Representatives join with me in paying tribute to Myrtle E. Thatcher upon her 100th birthday.

## EQUAL PAY DAY

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. AL GREEN of Texas. Madam Speaker, Tuesday, April 20, 2010 marked the observance of National Equal Pay Day—a time to celebrate the women who have blazed trails for gender equality, reflect on the progress that has been made since the Equal Pay Act and recommit ourselves to closing the wage gap between women and men.

When the Equal Pay Act became law in 1963, women who worked full-time, year-round made 59 cents on average for every dollar earned by men. That figure only went up to 77 cents for every dollar earned by men in 2008. It is unconscionable that more than 40 years later, women continue to be paid less for performing the same job as their male colleagues. Equal Pay Day reminds us of the need to recommit to ending the injustice of wage discrimination.

Last year, one of the first major bills signed into law by President Obama in January 2009, was the Lilly Ledbetter Fair Pay Act which restores the right of women and other minorities to challenge unfair pay in court. Specifically, the bill overturned a 2007 Supreme Court decision that made it much harder for women and other minority groups to pursue pay discrimination claims. As long as workers file their charges within 180 days of a discriminatory paycheck, their claims for a remedy will be considered timely.

In January 2009, the House of Representatives also passed the Paycheck Fairness Act which closes the loopholes in the Equal Pay Act and imposes penalties on employers who discriminate based on gender. We look forward to working with the Senate to complete this bill and send it to the President's desk.

Pay inequity is not just an issue that impacts women; families, communities, and our entire economy suffer because of this injustice. Our Nation is still recovering from an economic recession and thousands of Americans continue to struggle to make ends meet. We should not allow pay inequity to exacerbate our economic challenges.

Let us reaffirm our commitment to eliminating this inequality so that we can truly achieve equal pay for equal work.

## TRIBUTE TO THE SOUTHWEST FLORIDA VETERANS ON THE SATURDAY, APRIL 24, 2010 HONOR FLIGHT

### HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. MACK. Madam Speaker, I rise today to honor the nearly 100 World War II veterans from Southwest Florida traveling to Washington, DC on the Honor Flight on Saturday, April 24, 2010.

Since its inception in 2005, Honor Flight has flown tens of thousands of World War II veterans to our nation's capital to view the World War II Memorial. Thanks to the generosity of thousands of volunteers and businesses around the country, these heroes have an opportunity to visit the Memorial that was built to honor their service to our great nation.

I would like to recognize the following men and women from Southwest Florida who are taking the Honor Flight to Washington, DC: Kurt Boenker, Fred Warner, Vincent Marinera, Carl Price, Joseph Harrington, James Jarvis, Norman Jarvis, David Smith, Lawrence Phelan, Thomas Withrow, Robert Bricker, Henry Chiminello, Robert Voege, Robert Schugg, Jack Anderson, James Cusick, Jr., Jack Blachley, Robert Hall, William Wardle, Ralph Cook, Leonard Nallman, Donald Lester, Thomas Mac Kimmie, Robert Stilson, John Drake, James Hausler, Alfred Pagles, Stanley Parks, Eugene Roaf, Edward Coombs, Bernard Brehm, Aubrey Smith, Ronald Birchler, Elwood Grube, Ira Weisblum, George Brown, John Nemeth, Kenneth Sayers, Edward Sturm, Eugene Poslaiko, Emmett Yoder, Jr., Charles Brandenburg, Eleanor Purser, Dorothy Kurtz, Louis Spencer, Joseph Beauchamp, David McKalip, Kenneth Ferris, Robert Partington, George Mann, Donald Bunger, Frank Parker, Michael Ursitti, Elias Ursitti, Charles Rogers, Forrest Yeager, Paul Groves, La Moine Heimstead, Edward Texley, Robert Demmink, Curtiss Sarff, Ervin Loche, Paul Wilcox, Dominic Franciose, George Doucette, John Heck, Frank Barletta, Frank Oden, Jr., Wesley Bates, Eugene Andrews, Jorgen Brinch, Frank Mazzarisi, Edwin Ratcliffe, Lewis Riggles, Charles Briner, Carl Loiocano, Carlton Carson, Lew Hall and Frank Burns.

Throughout our nation's history, men and women have answered the call of duty in times of peace and in times of conflict. These veterans and their sacrifices have helped to preserve liberty and freedom around the world.

I would like to thank these veterans for their commitment to our country. I am honored to have these brave men and women visit Washington, DC. Madam Speaker, it is a true honor to represent these heroes in Congress.

COMMEMORATING DR. BARBARA-JAYNE LEWTHWAITE AS 12TH PRESIDENT OF CENTENARY COLLEGE

## HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commemorate Dr. Barbara-Jayne Lewthwaite upon being inaugurated as the 12th President of Centenary College in Hackettstown, New Jersey.

Dr. Lewthwaite is only the second woman and second former faculty member to hold the position since Centenary's founding in 1867. Part of the Centenary College community for more than 20 years, she brings to the post sound academic credentials, strong educational leadership skills and valuable business acumen.

Dr. Lewthwaite was appointed Acting President of the College on January 1, 2009. Since that time, she has used her academic background to enhance the College's mission: providing a student-centered liberal arts education with a career focus and a special emphasis on community service.

Before assuming the Presidency, Dr. Lewthwaite served Centenary in several leadership positions, including Chief Academic Officer and Acting Chief Operating Officer. As a member of Centenary's Executive Staff since 2003, she spearheaded significant accomplishments at the college: supporting the development of a faculty of talented teachers and scholars; upgrading academic expectations that are grounded in the adoption of standards such as the Centenary Greater Expectation Learning Outcomes; leading the academic assessment movement that resulted in the College being the first in New Jersey to receive pre-accreditation from the Teacher Education Accreditation Council (TEAC); achieving extensive articulation agreements with local and global partners; and undertaking a major revision of the curriculum which included movement from a three-credit to a four-credit course curriculum, and numerous faculty-generated enhancements that have focused on experiential learning, service learning, global initiatives, and substantive new online offerings in the adult and traditional student programs on the graduate and undergraduate level.

Madam Speaker, we are fortunate to have Dr. Lewthwaite at the helm of Centenary College in northwestern New Jersey. With her leadership I am confident that Centenary will continue to provide high-quality education to its students, preparing them for the 21st Century.

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

## HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Major Scott Edward Barnett, has accomplished so much in his life. After talking to him, I understand that being in the military is a very rewarding life experience. I have learned so much after interviewing him. After speaking with someone who has seen so many traumatic experiences, the war really does become real to me. I also can really feel the pain of having to be so far away from your loved ones for so long. I can't even imagine having to be newly married, then deployed to a foreign country in danger, away from your new spouse, not being able to contact them every day. Or even having children and not being able to see them grow up. This would be extremely hard to do, and it really takes a special type of person to do that. This assignment has given me a new appreciation of everything that our soldiers do for us. When you are just living your normal daily life, there are soldiers out in danger, fighting to let you keep that freedom that you just take advantage of. I believe that more people should get to know about the war veterans, so that they can appreciate everything soldiers do for us.—Abby Callison

A TRIBUTE TO EARTH DAY AND NORTHWEST HALIFAX HIGH SCHOOL

## HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. BUTTERFIELD. Madam Speaker, today I am proud to mark Earth Day's 40th anniversary. The brainchild of Senator Gaylord Nelson, Earth Day has done more than simply raise awareness of environmental issues; it has helped shape policy to build a more sustainable country.

This occasion should remind everyone of the opportunity to swiftly take steps toward addressing our most dire environmental threat—global climate change. Last June, the House approved the American Clean Energy and Security Act, which would establish a process to curb greenhouse gas emissions. If signed into law, our children will celebrate the 80th annual Earth Day in 2050 with 83 percent less domestic greenhouse gas emissions.

It is critical that the U.S. Senate take immediate steps to provide meaningful, science-based legislation to limit greenhouse gas emissions. We must do our part to leave a legacy of conservation and sustainability for future generations. And, as Congress slowly labors to provide direction, millions of Americans are taking their own steps to live greener and more sustainable lives.

Northwest Halifax High School, located in Littleton, North Carolina in the First Congressional District, has installed a 2.0k/W solar panel system that will use a third less energy and reduce carbon emissions by 117,840 pounds over the lifespan of the system. On average, the school will save enough money to hire two full time teachers.

Madam Speaker, as we celebrate Earth Day, I urge Congress to meet the mandate of the American people and pass meaningful legislation to confront climate change. I ask my colleagues to join me in celebrating Earth Day, and commending Northwest Halifax High School on setting an example for all Americans.

CELEBRATING THE CENTENNIAL ANNIVERSARY OF THE SAINT PAUL HOTEL

## HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Ms. MCCOLLUM. Madam Speaker, today I rise to honor the staff and owners of The Saint Paul Hotel on the occasion of its Centennial Anniversary, which will be celebrated this weekend on April 17th.

Since its grand opening on April 18th, 1910, The Saint Paul Hotel has served as a geographic and cultural landmark for Minnesota's capital city, as well as a gathering place for Saint Paul's many visitors and residents.

In 1908 local businessman Lucius P. Ordway recognized the need for a major hotel in the growing commercial hub of Saint Paul.

Mr. Ordway partnered with the city's Business League to purchase a parcel of land near downtown Saint Paul's Rice Park and finance the hotel's construction. Less than two years later, the Saint Paul Hotel was opened for business. It immediately was recognized as the premier hotel in the region, and less than one month after its grand opening celebration the hotel was named ''Best in the West'' by the National Hotelman's Association.

After falling into disrepair in the 1950s, civic and business leaders undertook an extensive renovation to return the hotel to its original glory between 1981 and 1982. Since then, The Saint Paul Hotel has won dozens more awards for outstanding service and accommodations, and it has become, once again, one of the foremost luxury hotels in the Midwest.

Throughout its history, The Saint Paul Hotel has hosted a number of American Presidents, foreign dignitaries and heads of state, performing artists, writers, athletes, and numerous weddings. It has contributed a century's worth of memories to Saint Paul and the surrounding community.

Madam Speaker, please join me in rising to honor the Centennial Anniversary of The Saint Paul Hotel and its contributions to the rich history of the city of Saint Paul and the State of Minnesota.

## HONORING ROY ISOM

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to a man whose life and passions exemplified the well honored work ethic and spirit of fortitude, fairness, decency and citizenship that has made our nation great. Many things have contributed to the agriculture industry's prominence in our nation and the world, but one significant underlying factor in awareness of California's premier agricultural contributions to this great society has been the presence of individuals such as Roy Isom. On April 15th, 2010, agriculture and the entire Central Valley of California, lost a valuable friend and ally in Mr. Roy Isom, a radio icon in Fresno, California, the man colleagues called the hardest working person in broadcasting.

Roy Isom was a fixture in Central Valley California broadcasting for more than 40 years. Mr. Isom was known in the Central Valley by many as the ''voice of agriculture'' producing daily, an hour-long morning agricultural news show, reporting the concerns and activities of farming and agribusiness. Roy genuinely understood agriculture and its issues, talking regularly with farmers. Roy Isom was dedicated to agriculture.

Mr. Isom was a good hearted and good natured newsman who came to KMJ in Fresno in 1981 after a long stint in television news, including KFSN ch. 30. He started as farm news editor, but later added the title of news director to his resume. Colleagues marveled at his work ethic. He would come to work at 1 o'clock in the morning and then ''maybe'' leave at 3 in the afternoon, only to come back to work the next day seemingly unaffected by it. Though he arrived to work so early, he'd refuse to be pulled off a story until that story was told—and told well.

Roy Isom was known for his fair and balanced reporting. There was no one who didn't like or respect Roy. Though passionate about his craft, he was never pushy. Former KMJ general manager Al Smith reported, ''He was never a gotcha news guy. He was a guy who just wanted to get the facts ma'am.'', always done in a respectful way. Roy could masterfully paint a mental picture for listeners when on the scene of breaking news events.

Over the course of 45 years, Mr. Isom covered countless major breaking stories. Roy covered some of the most important stories our Valley has ever seen, most notably the recent dire water crisis facing our Central Valley farmers and their communities. His collection of media badges and awards speak volumes. He was named the California Farm Bureau Agricultural Reporter of the Year in '94. In 2005, Roy received the ''Heavy Puller Award'' from the Fresno County Farm Bureau.

Cancer may have claimed Roy's life at 72, but longtime friend and broadcaster Dennis Hart reports Roy went out just the way he'd planned; working until the very end. He's one of those rare people that got to do just that.

Roy Isom is survived by his wife of 45 years Pat Isom; son, Richard Isom; daughters Jennifer Isom Schmidtke and Catherine Isom; and seven grandchildren; all of Fresno. Mr. Isom will be long remembered for his love and dedication to his family and to the broadcast industry, and for his tireless efforts in doing his job, especially on behalf of Valley agriculture. A memorial scholarship in Roy's name has been set up with the Ag One Foundation at California State University, Fresno. Roy Isom will truly be missed by family, friends and the entire Central Valley Region. I will greatly miss Roy. Here's to a truly honorable and great man!

## TRIBUTE TO GARY M. CHRISTMAS, CHIEF DEPUTY COUNTY EXECUTIVE OFFICER

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual from my Congressional District for his nearly 30 years of outstanding achievements and accomplishments in public service. Gary M. Christmas has served as Riverside County's Chief Deputy County Executive Officer since October 2008, and has been employed with the county in Riverside, California since July 1997. After almost three decades of service, Gary is retiring and today I honor his years of public service.

Gary graduated from the University of New Orleans with a Bachelor's Degree in Political Science and from San Jose State University with a Master's in Library Science. Prior to attending college, Gary served four years in the United States Coast Guard stationed in New Orleans, Louisiana.

Gary was a librarian for 16 years where he held progressively more responsible library management positions. He was also a reference librarian at several colleges and universities, including University of California, Riverside, Cal-Poly Pomona, Riverside Community College and Mt. San Jacinto Community College.

Gary served as the county librarian from July 1997 to June 2004 where he managed the library services contract and the County Library System with over 30 branches and more than 300 contract employees.

As Deputy County Executive Officer, a position he held from June 2004 to October 2008, Gary oversaw analysts in the Executive Office on budget and policy items, managed the County Capital Improvement Program team and coordinated the court facility transfer to the State Administrative Office of the Courts.

During his tenure as Chief Deputy County Executive Officer, Gary worked directly with the CEO, Assistant CEO and the Board of Supervisors in developing county policies and strategies. Additionally, Gary managed the Program Division of the Executive Office and has served as the legislative coordinator for the county advocacy program in Sacramento and Washington, DC. Gary has also represented the county at various federal, state and local meetings, boards and committees.

Gary has been married to his wife Kathy since 1974 and has two children, Erin and Andrea. In retirement, Gary will continue to travel and spend time with his family.

Gary Christmas's tireless passion for community and public service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Gary a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I had known a little about what my dad did while he was deployed, but I had never pressed him for details. I think that is was partially because I assumed that anything that would make a good story would be classified for the next eighty years, but I also think that I was a little bit afraid of what I might hear. However, the stories that he shared were not as horrifying as I expected. I was stunned when he told me that he had never had a casualty in any of his units.

Our interview session was about as casual as it could be. I went outside to interview him while he was working in the yard. During our interview I learned more about some of the places he had visited in peace, including the U.A.E. (United Arab Emirates) and what was included in that country. At first I was surprised that this was one of his favorite places he has visited, but after he explained what was there it made perfect sense. I was honored that I could speak with my father about his experiences. It inspired me to do my utmost to make sure that I will preserve our military history.—Kai Fujisaka

## AMERICA MUST CONTINUE TO LEAD THE FIGHT

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SCHIFF. Madam Speaker, I rise today to remind my colleagues that April 25th is World Malaria Day. On this day, global health advocates around the world will be raising awareness about malaria, and the fight against this deadly disease.

Malaria is an acute and often fatal disease transmitted to humans by mosquitoes. The World Health Organization estimates that annually, there are approximately 250 million cases of malaria and nearly 1 million deaths, primarily among children in Africa under five.

Malaria is highly preventable and treatable with existing tools, including insecticide-treated bed nets, indoor residual spraying of insecticides, and anti-malaria drugs. Through the President's Malaria Initiative, contributions to the Global Fund to Fight AIDS, TB, and Malaria, and other investments, the United States has played a prominent role in the global effort to fight this deadly disease.

This effort is already showing impressive results, but ensuring that available anti-malaria tools reach all of the people who need them will require greater dedication of resources from the U.S. and our partners. Furthermore, drug and insecticide resistance mean that today's tools are likely to lose their efficacy over time. Therefore, it is critical to invest in research on new tools, including drugs, insecticides, diagnostics, and, eventually, a malaria vaccine.

The past several years have seen remarkable gains against malaria. Securing and expanding these gains will require continued U.S. leadership and investment.

## 2010 WORLD MALARIA DAY—"WE CAN DEFEAT MALARIA"

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. PAYNE. Madam Speaker, I rise today to recognize the importance of World Malaria Day, which occurs on April 25th. For millions around the world—particularly in sub-Saharan Africa, where the global malaria burden is heaviest—the disease is a daily reality, an enduring epidemic that kills millions and impedes the progress and ambitions of entire nations.

In the last decade, however, it has been proven that this need not be the case; that malaria can, in fact, be defeated. Between 2000 and 2009, 384,000 lives were saved in 12 African countries alone, through resources like insecticide-treated bed nets, indoor residual spraying, and malaria prevention for women during pregnancy. This was accomplished through the efforts and support of many countries, organizations, and companies that effectively raised the level of prevention, treatment, program support, and health system-strengthening in sub-Saharan Africa.

In 2008, Congress authorized an historic $48 billion for HIV/AIDS, tuberculosis, and malaria programs by passing H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. But the current level of funding is not where it needs to be to ensure that these life-saving measures reach the people who need them. In fact, current funding is only 25 percent of what is needed to achieve the malaria intervention and elimination goals established by the UN and the Roll Back Malaria partnership.

World Malaria Day is an opportunity to raise awareness for this cause and address its inherent challenges. This is not an endeavor for which we lack the knowledge, skills, or resources to win. Rapidly scaling up the distribution of malaria control interventions has been proven to have a dramatic impact on reducing illnesses and deaths caused by malaria. There is a plan in place to put us on the path to eliminating this disease and, through our foreign assistance, we, as Americans, are an integral part of that plan.

Congressman BOOZMAN and I launched the Congressional Malaria Caucus to promote awareness in Congress of the efforts being made to stamp out the disease. We now have close to 60 Members of the Caucus, and I encourage us to see this plan through and help those who face the daily burden of malaria to reach their potential as a nation and as people.

## PERSONAL EXPLANATION

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. CONYERS. Madam Speaker, on April 22, 2010, I regret that I was not present to vote on the Motion on Ordering the Previous Question on the Flake Privileged Resolution, the Motion to Refer the Flake Privileged Resolution, the Republican Motion to Instruct Conferees on H.R. 2194, and H. Res. 1270.

Had I been present, I would have voted "yea" on the Motion to Refer the Flake Privileged Resolution, and H. Res. 1270

I would have voted "no" on the Motion on Ordering the Previous Question on the Flake Privileged Resolution and the Republican Motion to Instruct Conferees on H.R. 2194.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I had the privilege of interviewing Congressman Sam Johnson. He served in the United States Air Force during the Korean War, the Vietnam War, and during the Cuban Missile Crisis. Congressman Johnson was a prisoner of war for nearly seven years in the Hanoi Hilton. Shortly after the Vietnam War, he retired from the United States Air Force as a Colonel. When he departed from the military, he was a highly decorated officer having received two Legions of Merit, the Distinguished Flying Cross, two Silver Stars, one Bronze Star with Valor, four Air Medals, two Purple Hearts, and three Outstanding Unit Awards.

Since 1991, Congressman Johnson has served the Third District of Texas as our representative to the United States Congress. He serves as the Ranking Member of the Social Security Subcommittee. Congressman Johnson currently sits on the prestigious Ways and Means Committee. Mr. Johnson has personally inspired me as a young man. Through his unshakable faith, he has shown me that nothing is impossible with a mighty God. ''I can do all things through Him who strengthens me.'' (Philippians 4:13). Congressman Johnson is my Hero.—Gabriel Devoto.

## HONORING DAVID POSSNER

### HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. MCMAHON. Madam Speaker, I rise today to acknowledge and honor the service of David Possner to the youth of New York City. He has dedicated his life to educating the youth of our city and to the betterment of his community.

David Possner graduated from the prestigious New York City Leadership Academy's Aspiring Principals Program and is currently an assistant principal at M.S. Q226 in Queens, New York. At this school, he is the supervisor of the Visionary School Academy. In this role, he is a role model and inspiration to his students. He is always available to assist students and their families, in or out of the classroom.

David's commitment to education and community service is not limited to the classroom. He is always available to assist students and their families in both academic and personal matters. David is involved in numerous charitable organizations and has inspired many of his students to join him in these endeavors. He sees his role not just as an educator, but as a leader of youth. His tireless dedication to his life's calling makes him an inspiration not just to his students, but to educators across the country.

I am pleased to inform you that David's hard work has not gone unnoticed. He has been recognized by the United States Senate, the House of Representatives, the New York State Assembly, and the New York City Council. The New York Post has called him ''a visionary who has made a deep impact on the lives of his students and fellow teachers.''

The one word that we could use to describe David would be ''hope.'' This has been his guiding principle for his entire career: hope in New York City, hope in our state, hope in our youth, and hope in our nation. Despite the constant challenges facing his students, he never gives up on them and always inspires them to strive for excellence.

Madam Speaker, I invite the House of Representatives to join me in recognizing the outstanding life contributions of David Possner to our city's and our nation's youth.

## HONORING THE 150TH ANNIVERSARY OF THE SISTERS OF CHARITY OF SAINT ELIZABETH

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize the Sisters of Charity of Saint Elizabeth and celebrate with them on their 150th Anniversary of service and dedication to serving their Church and community.

The Sisters of Charity of Saint Elizabeth come from a long legacy of public service that stretches back to the 19th century. This legacy is interwoven with the founding and development of the Catholic Church in New Jersey. Under the authority of the first American bishop, Bishop John Carroll of Baltimore, Mother Elizabeth Ann Seton founded the American Sisters of Charity in 1809 in Emmitsburg, Maryland. Fifty years later, Sister Mary Xavier Mehegan was assigned by the New York Sisters of Charity to take charge of the new community that the first Bishop of Newark, James Roosevelt Bayley, nephew of Mother Seton, wished to establish.

Following the example of Mother Elizabeth Ann Seton, the new community was formally ordered and established in Newark, New Jersey on September 29, 1859. The Sisters of Charity of Saint Elizabeth founded the Academy of Saint Elizabeth, the first secondary school for young women in the state, near Morristown in 1860. In 1899, at a time when New Jersey had no baccalaureate-degree-granting college for women, Sister Mary Xavier Mehegan founded the College of Saint Elizabeth, New Jersey's oldest four-year college for women and one of the first colleges for women in the United States.

Under Sister Mehegan's leadership, the Sisters of Charity of Saint Elizabeth moved their ministries beyond New Jersey to Connecticut, Massachusetts, and New York. Following her passing, they further expanded their work into China, Puerto Rico, and the Virgin Islands. While their endeavors continued to grow and expand abroad, they did not hesitate to toil restlessly for those who were disadvantaged and discriminated against at home. During the period of segregation, the Sisters of Charity opened a school for black children in Pensacola, Florida. The Sisters truly believe it to be self evident that all men, women and children are created equal.

From this rich history, the Sisters of Charity of Saint Elizabeth have become a beacon of hope throughout the community. Their mission is to work with and for the poor, to alleviate suffering, to dispel ignorance, and to promote justice. They participate in the mission of the Catholic Church through ministry supported and nourished by prayer and a vowed life of service to the community. The Sisters of Charity of Saint Elizabeth serve as a true example of selflessness and service. They continue to embody President John F. Kennedy's grand instruction: ''Ask not what your country can do for you—ask what you can do for your country.''

Madam Speaker, I know that my colleagues will join with me in honoring the Sisters of Charity of Saint Elizabeth for their 150 years of faithful service to New Jersey.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

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To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the ''Preserving History Project.'' Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

As a 1st rank navel veteran, Mr. Harvey F. Spears has had many awe-inspiring experiences. In particular he was involved in law enforcement and weapons control in his military career, which lasted 20 years. In the Navy, he was the Command Master in Arms (CMAA) and was involved in the Navy Security Guard. He comes from a history of family serving their country through various aspects of the military. He helped found the Veterans Association just before graduating from the University of North Texas in Denton, Texas; currently, Mr. Spears is the president of the Veterans Association at UNT, which helps veterans gaining an education at the University of North Texas to fully access all the resources available to them.

I absolutely enjoyed talking to him and realized that he had been through much that even I could learn from. I was also amazed at how many places he has been to, seeing as I have never been outside the country. Ultimately, I admire his leadership ability to create an organization for veterans as an alumnus of the university and still play a prominent role in his community, even after his retirement from service.—Anita Chandrahas

## TRIBUTE TO DENVER HEALTH

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Ms. DEGETTE. Madam Speaker, along with Representative ED PERLMUTTER, I would like to recognize the exceptional endeavors and notable undertakings of an extraordinary public hospital system in Denver, Colorado. It is fitting and proper that we recognize this outstanding institution for its innovation in the health care field and for its enduring service to care for the people of our state. It is to commend this outstanding and distinguished institution that we rise to honor Denver Health on the occasion of its 150th Anniversary.

Since 1860, Denver Health has been providing essential, quality health care services for the metropolitan area. It is astonishing to think about what an integral role Denver Health has played over the last 150 years. It has been a community institution since Abraham Lincoln was elected President; sixteen years before Colorado even became a state. Denver Health has been here since the days of duels and horse-drawn ambulances; since before the Civil War even began. The hospital began in a small log cabin and has transformed into the extraordinary institution we know today, serving twenty-five percent of Denver residents and one in every three Denver children. Last year alone, Denver Health provided approximately $350 million in uncompensated care to the uninsured and medically needy.

The first sentence in Denver Health's mission statement is a testament to its commitment to the health of our citizens. It reads: "Provide access to the highest quality health care, whether for prevention, or acute and chronic diseases regardless of ability to pay." Serving as the safety-net provider for the community, Denver Health faces obstacles year after year as the uninsured population continues to increase. Denver Health's pioneering leadership has been innovative in developing tools to reduce cost, curb waste, and improve quality for our most vulnerable populations.

In addition to its role as our primary safety-net hospital, Denver Health provides a number of other services to the surrounding communities and region. Denver Health operates the city's school based health centers, Denver's 911 emergency response system, provides correctional facility care, and houses the Denver Public Health Department. Denver Health also serves the surrounding region by housing the regional Rocky Mountain Poison Control Center, Rocky Mountain Center for Medical Response and the Rocky Mountain Regional Trauma Center. Denver Health is truly a system of integrated care.

Denver Health's physicians, leadership, and medical professionals have received an array of local and national accolades for their innovation and commitment to achieving the highest quality of patient care. Denver Health leads the way in innovation and improvement in quality and efficiency.

Please join me in commending Denver Health on the occasion of its 150th Anniversary. It is the vision, innovation, and commitment of Denver Health that continually enhances the lives of our citizens and builds a better future for Coloradoans and for all Americans.

## HONORING TAYLOR MILLS AS A STUDENT LEADER

### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. BOOZMAN. Madam Speaker, I rise to honor Taylor Mills, a student leader at the University of Arkansas.

A dedicated student and an active individual, Taylor Mills has quickly distinguished himself as an influential leader among the students of the University of Arkansas. He has served in various leadership positions around campus, such as the president of the Red Cross, vice president of Hogs for Haiti, and as the president of One World RSO. Maintaining his motivation to be a well rounded individual, Mills conducts research for the Terrorism Research Center as well as serves as the intern coordinator for Winrock International. All of this has culminated in his nomination as Student Leader of the Week.

Taylor Mills serves as an inspiration for all of us, showing what hard work and dedication can lead to. I have seen his hard work first hand as an intern in my office and am proud of what he has accomplished. I believe this man is capable of great things not only for the State of Arkansas, but also for the entirety of the United States. Thank you, Taylor Mills, for all you have done at your time at the University of Arkansas and all you will continue to do. We look forward to seeing what you will accomplish.

## HONORING REVEREND JAMES COFFEE

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor a man who was a dear friend to me and a giant in our community. Reverend James Coffee of Santa Rosa, California, passed away April 6, 2010, at the age of 76, after a life that touched thousands of lives. He will be deeply missed.

Raised in Oklahoma when segregation was the rule of the day, Rev. Coffee moved to the San Francisco Bay Area as a teenager. He was first invited to be the pastor of Community Baptist Church in Santa Rosa in 1962 while studying at Golden Gate Baptist Seminary in Mill Valley. A year later, he accepted the position and took on a small congregation of 15 African American members.

Rev. Coffee was engaged in the civil rights struggles of those times, including the 1956 Montgomery bus boycott where he met Rev. Martin Luther King, Jr. Racial tensions existed in Sonoma County also. In 1985 the church was damaged in a fire that Rev. Coffee believed to be arson, possibly because of his stand against apartheid and his success in persuading the Board of Supervisors to withdraw investments in South Africa. Many in the community rallied around the church, contributing time and money to the repairs and later to the building of a new church.

Reverend Coffee always persevered in his vision of a society where everyone could realize his or her full potential. With love and an open heart, he acted on his principles. With the support and assistance of his wife Vivian, his family, and his many friends made over the years, he worked inclusively to break down the barriers between races and promote the greater good.

He was particularly concerned with the community's youth, mentoring young people, providing scholarships, and joining with others to establish and promote programs such as Rites of Passage (with Shirley Gordon) which teaches teens that they can attend college and become leaders. These activities have given young people the hope and the support that keeps them out of gangs and on the path or promise.

Rev. Coffee also founded or participated in a wide variety of civic organizations and could be found bringing people together for a wide variety of social issues. From the Bridge Builders Organization (to promote racial reconciliation), 100 Black Men of Sonoma County, Race Equality Week, and Citizens Against Domestic Violence to the Salvation Army Advisory Board and Citizens for Balanced Transportation, Rev. Coffee's presence and energy were a catalyst for the whole the community.

In 1981, he co-founded Santa Rosa's Martin Luther King, Jr. birthday celebration (with Carole Ellis and Mary Moore) which continues to inspire youth and bring people together. In 2004, he had the honor of meeting King's son, Martin Luther King III who spoke at a Sonoma County Human Rights Commission event at which the first of a new series of awards were

presented—the Reverend James E. Coffee Human Rights Awards.

Rev. Coffee himself earned many awards throughout his years of service. He appreciated these acknowledgements, yet the greatest honors for him were the light of understanding in a teen's eyes, the dialogue across a racial barrier, and the legacy of love and activism. He leaves a Community Baptist Church that is multi-cultural with 500 active members who will carry on his work.

He is survived by his wife Vivian; his children James Jr., Shirley, and Yvette; three grandchildren; one great grandchild; and countless friends who will mourn him and be inspired by his example.

Madam Speaker, I am one of those many friends and I will miss him every day. To me, the Reverend James Coffee, has been the perfect embodiment of one of his favorite sayings: "Make a difference one day at a time." Reverend Coffee did make a difference—with strength and persistence, humor and compassion—every day of his life.

## IN HONOR OF TAKE STOCK IN CHILDREN GRADUATION AND CONTRACT SIGNING 2010

### HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to bring to the attention of my colleagues the work of Take Stock in Children. This organization offers extraordinary educational and mentoring programs for disadvantaged youth throughout the state of Florida.

Enrolling students as early as sixth grade, Take Stock in Children offers each child a college tuition scholarship, a volunteer mentor, a case manager, and long-term support. The children in the program sign performance contracts agreeing to get good grades; exhibit positive behavior and; remain drug and crime free.

Through their programs, Take Stock in Children aims to reduce the number of high school drop-outs and increase the number of students who finish college and enter the workforce successfully. Since its inception in 1995, Take Stock in Children has served over 16,000 children in 67 of Florida's counties, graduating 92 percent of its scholars in comparison with the state average of 65 percent. In my home county of Broward, over 900 low income students have received scholarships since 1996, with 550 volunteer mentors meeting with the students at their schools every week.

I would like to congratulate the 72 Take Stock in Children senior scholars who will be graduating and the 85 new scholars who will be entering the program next week in Broward County. They join students graduating from around the state, 88 percent of which are first generation college-going students, empowered by the financial and moral support that this important program has provided over their high school career.

I am proud today to honor the important work that Take Stock in Children continues to do paving the way to better lives for many disadvantaged children and helping them pursue the American dream of a college education.

## CELEBRATION OF ELIZABETH EVELYN WRIGHT DAY

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to celebrate Elizabeth Evelyn Wright Day, which will be commemorated this year on April 24th, in Talbotton, Georgia. Ms. Wright was an incredible woman. Her passion to inspire and educate the disenfranchised burned within, and her internal fire was often challenged by actual fire. She survived several arson attacks, yet remained undeterred. The flames of hatred were no match for the lamp of knowledge.

Elizabeth Evelyn Wright was born April 3, 1872, in Talbotton, Georgia. She was raised in a poverty-stricken area of Talbotton known as "Smith Hill." As a child, she was persistent in her educational endeavors. At St. Phillip's AME Church, she studied reading, writing, and arithmetic, and her scholastic excellence was quickly recognized by her professors.

To realize her potential, Wright then enrolled at Tuskegee Institute in Alabama, where she worked in the cafeteria during the day and attended classes at night. With the aid of Olivia Washington, wife of Booker T. Washington who was then Principal of Tuskegee Institute, Elizabeth Evelyn Wright was able to attend daytime classes. She became close with the Washington family, and was affectionately known as "Lizzie." Mrs. Washington inspired Lizzie to use her exceptional talents to educate underprivileged African-American children.

During her senior year of college, Wright was approached by Almira Steele, a white trustee at Tuskegee who knew of Lizzie's stellar academic reputation. She asked Lizzie to move to McNeill, South Carolina, to teach. In 1892, taking a hiatus from school, Lizzie realized her dream of educating African-American children and became inspired to open her own school.

In 1893, the McNeill School burned to the ground due to a hate-fueled attack. Witnessing this injustice inspired Lizzie to return to Tuskegee to graduate. She resumed teaching in McNeill, this time, at her own school. Nevertheless, the flames of hatred burned again as white supremacists burned the lumber purchased to build Lizzie's schoolhouse and then set fire to the temporary classroom building. These were not the last fires of injustice Lizzie would experience in her lifetime. She would attempt three more times to build a school, and each met a fiery end.

Undeterred, she moved to Denmark, South Carolina, and opened the Denmark Industrial School. In 1902, with the gracious aid of Ralph Voorhees, a blind philanthropist from New Jersey, Lizzie was able to purchase 280 acres of land. With the assistance of her friend and mentor Booker T. Washington, the school expanded, and was renamed the Voorhees Industrial School, which today is know as Voorhees College. In 1904, the school was incorporated by the South Carolina State Legislature.

Sadly, due to life-long illness, Lizzie passed away shortly thereafter, but she left an incredible legacy. She never yielded in the face of adversity, and strove to educate and inspire her community. Her passion still inspires the students of Voorhees College. Today, the college is an accredited four-year liberal arts college, dedicated to a diverse global society, life-long learning, healthy living and an abiding faith in God. The students aim to improve communities, society, and themselves.

On April 2, 2009, my colleague, Congressman CLYBURN, sponsored a Tribute to Elizabeth Evelyn Wright. In celebration of her birthday, the Citizens of Talbotton, Georgia, first declared "Elizabeth Evelyn Wright Day" on April 4, 2009. The Citizens of Talbotton, in celebration of the "Second Annual Elizabeth Evelyn Wright Day," have asked that Congress again recognize the amazing contribution she made to education. On behalf of Georgia's Second Congressional District, which is proud to be the birthplace of Elizabeth Evelyn Wright, as well as the place she spent her formative years where her character, values, and academic excellence were developed, I am pleased to honor her today.

Madam Speaker, Elizabeth Evelyn Wright was beyond remarkable, and has not been given an appropriate place in history. It is my hope to draw attention to this incredible educator, whose life and courage in the face of adversity continues to inspire students and teachers today.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 22, 2010*

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members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project" Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

This unique opportunity to interview a veteran was very eye-opening and educational. It helped me to better understand why this country is so great. After interviewing such a prideful American, it is easy to see why this nation has been so prosperous. I am more cognizant of the opportunities set out for me and why those opportunities are possible. Many of them are only available because of those who have fought for this great country. I found this project so inspirational that I have become more interested in possibly serving some day. I think that for this country to continue to succeed it needs more people who are as special as Mr. Rowley, the veteran that I interviewed. His passion for America rubbed off on me in a unique way. The way he explained his experiences to me was special. It definitely seemed like his life and the way he saw things changed during his service. His eyes were opened up to the world. He never before realized how good his life in America was. One thing that struck me the most was how optimistic he was about the future of the country In a time with so many issues, it is reassuring to hear enthusiasm about where we are and where we are going.—Blake Balda

# SENATE—*Monday, April 26, 2010*

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, God, our Heavenly Father, You continue to open to us new horizons of hope. We praise You that our daily work is intended by You as a blessing and not a burden. Lord, we do not ask that all difficulties be removed but for strength and wisdom to handle them. Give our lawmakers enough faith to live this day with courage. Help them to be steadfast in the face of temptation and earnest in working for liberty. Fill their hearts with Your spirit that they may run the race of life with high honor.

We pray in Your matchless Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 26, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, we will go to a period of morning business until 3 p.m. with Senators permitted to speak during that period of time for up to 10 minutes each. Following morning business, the Senate will resume consideration of the motion to proceed to S. 3217, the Wall Street reform legislation. At 5 o'clock the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed.

## FINANCIAL REGULATORY REFORM

Mr. REID. Mr. President, last week, I criticized the Republican leader for the way he was handling Wall Street reform. I even criticized him for a series of meetings he held in New York and the result of the meetings. I want the record to be very clear, however, that I in no way was impugning the integrity of my friend from Kentucky.

The senior Senator from Kentucky and I have fundamental policy differences on a number of issues, but no one should take my disagreement with my friend to question his honesty.

Wall Street reform is as complex as the financial instruments that fueled a worldwide recession. But voting to start on the Wall Street reform is as simple as right and wrong. This bill and the debate are about the ability to trust our financial system again. They are about giving families the peace of mind that they will be able to keep their homes, that their savings will be safe.

We have a responsibility to bring accountability to Wall Street because each of us is accountable to the American people. We owe our States' constituents and our Nation's taxpayers the promise that they will never again have to endure a financial crisis such as the last one.

Today, the vote to begin debate on Wall Street accountability will answer many questions. It will reveal who believes we need to strengthen oversight on Wall Street and who does not. It will demonstrate who believes we need to strengthen the protections of consumers and who does not.

In light of the extraordinary effort we have seen from the Republican leadership, it will force each Senator to publicly proclaim whether party unity is more important than economic security. I know many on the other side would like to pretend that is not what is at stake. But we are not fooled and neither are the American people, two-thirds of whom we learned today support cracking down on Wall Street.

This past weekend I was in four different counties in Nevada. I heard the same thing everywhere I went, from everyone with whom I spoke. They said: Get this done. So many Nevadans are suffering because of the mess Wall Street created, and they know better than anyone that we have to fix it. Democrats agree.

That is why we stand for guaranteeing taxpayers that they will never again be asked to bail out big banks and that no Wall Street firm can become too big to fail.

Democrats stand for giving families more control over their own finances and for giving consumers more clarity so they can make the right financial decisions.

Democrats stand for protecting the life savings of hard-working Americans from Wall Street's gambling. We stand for making our financial system more transparent so we can rein in risky bets before it is too late.

In short, Democrats stand for bringing more accountability and transparency to Wall Street. As far as I can tell, the only thing Republicans stand for is standing together. They boasted about banding together at this time at all costs, even at the cost to our national economy. But a party that stands with Wall Street is a party that stands against families and against fairness. Among the many reasons we need to reform Wall Street is that those who work there have conspired for too long under the cover of darkness. They have acted recklessly because they know they will not be held accountable for their risks.

They do not think twice about using working families as pawns in a get-rich-quick scheme. I would direct everyone to read the best seller, ''The Big Short,'' by Michael Lewis. It is stunning in describing what they do with our money on Wall Street.

When you come to Nevada to gamble at one of the casinos, you are at least gambling with your own money. The people on Wall Street are gambling with our money. We know Wall Street does not like this bill. Of course it does not. It changes the system big bankers and hedge fund managers have taken advantage of for years.

Look at the rules of the road on Wall Street. Traders get to gamble away someone else's money with little risk and large reward. They get to take home their winnings and ask taxpayers to save them from their losses. That is how the system worked when they brought our economy to the brink of collapse.

Sadly, today the problem is it is still the way the system works. That is what we are going to correct with this legislation, a bill that is the product of months of bipartisan discussions, a bill that embraces Republican ideas and Democratic ideas.

This afternoon's vote is a vote merely to begin debate; it is not the end of the process, just the beginning. All we are asking is to be able to start debating. My Republican colleagues certainly do not hesitate debating this bill in press conferences or in interviews. So why would Senators object to debating it on the floor itself, the Senate floor?

Moving to this bill will move this issue from the sidelines to the playing field. It will bring these proposals onto the Senate floor so we can amend them, improve them, and act upon them. It will ensure this debate is part of the legislative process, broadcast live on television so every American around the country can watch and weigh it. Let's have that debate.

There is one more reason we need to reform how this financial system works. For far too long, too many on Wall Street have bet on failure—yes, on failure. They have made billions betting on the housing market collapsing or other failures in the economic system.

We will see this afternoon whether enough Republicans on Capitol Hill are determined to bet on failure also. I hope not.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## FINANCIAL REGULATION

Mr. McCONNELL. Mr. President, later today, the Senate will cast its first vote in the debate over financial regulation.

And let me just say this at the outset: Republicans are united in our desire to protect the taxpayer from those who would put them and our Nation's financial system at risk through recklessness, stupidity, greed, or some combination of the three.

But as we consider this legislation today, Republicans are also acutely aware of the fact that government solutions to big, complex problems like this one are rarely as effective as they are made out to be, especially when they are rushed.

And Republicans are conscious of something else this afternoon too: when it comes to fixing the problems that we see in the economy or in our healthcare system or anywhere else, the days of taking the Democrats' word for it are over.

There is a reason public confidence in government has slipped to one of its lowest levels in half a century, and it is not because Congress takes its time to get legislation right. The reason Americans are so mistrustful of government at the moment is because on issue after issue, they feel as though they are being sold a bill of goods. The reason there is such a serious trust deficit out there is because what Americans see is so rarely what they get from Washington these days.

Just consider the national debt, for example. The International Monetary Fund is right now warning us that mounting government debt is perhaps the greatest single threat to the global financial system. As a Senator, the President seemed to understand that. He said America's debts and deficits were spinning out of control and that it was a failure of leadership not to address them. Yet under his administration, the debt has increased over $2 trillion. In February, we ran the largest monthly deficit ever. And this year alone, we are expected to run a deficit of $1.4 trillion.

What about the stimulus? Congress passed this trillion dollar bill about 18 hours after the legislative text was available, because Democrats said they needed it right away to keep unemployment from rising above 8 percent. A year later, unemployment is hovering around 10 percent. It is even higher in Kentucky and other States. We have lost some 4 million jobs since the President took office, and every day, it seems, we hear about some new wasteful project funded by this bill.

Then there is health care. The White House and its allies in Congress told the American people again and again and again that this legislation was absolutely necessary in order to cut the cost of care and to ensure our Nation's economic security. Americans were skeptical. They wanted us to take our time. But Democrats said they could not wait. They cut their deals and jammed it through.

Now we are beginning to see who was right in that debate.

Last Thursday, a report out of the Department of Health and Human Services concluded that the health care bill falls short of the President's goals. Rather than cutting costs, it is expected to increase them.

The White House also said the bill would not raise taxes on the middle class. Yet now we are finding out that nearly 15 million middle class Americans, as defined by the White House, will get hit with a tax increase. The White House said premiums would come down too. Yet now we are learning that premiums will keep going up.

Pick the issue. Whether it is the stimulus, the debt, health care, bailouts, you name it, the concerns Republicans raised are being validated. And Democrats have the nerve, in this debate, to say that we are the ones who are being dishonest.

As I said, all of us want to deliver a reform that will tighten the screws on Wall Street. But we are not going to be rushed on another massive bill based on the assurances of our friends on the other side. It is just this kind of rush that gets us a $13 trillion debt, a trillion dollars for turtle tunnels and sidewalks to nowhere, and a so-called health care reform bill, the primary effect of which, so far as I can tell, is higher taxes, higher premiums, and higher costs. Americans have been rushed by this Congress before. They have seen the results. They are not going to be rushed again.

Now when it comes to financial regulations, my constituents have a fairly short list of demands. They do not want to be on the hook for recklessness on Wall Street. And they do not think any financial institution should be considered too big to fail. But if the Senate votes to get onto the Dodd bill tonight, there is good reason to believe we will never truly solve these core problems.

Some on the other side may deny this. But the fact is, the bill that the majority leader wants to bring to the floor tonight still contains a number of loopholes that enable future bailouts.

This is not just me talking. A finance reporter on National Public Radio last week said he could not find a single expert who was willing to agree with the administration's claim that this bill puts a stop to taxpayer funded bailouts, not a single expert who was willing to say this bill really solves the problem we were asked by our constituents to solve. Is not that reason enough to slow down?

If we can not look our constituents in the eyes and tell them with absolute certainty that we have addressed their core concerns, then tell me: Why are we voting on this bill?

The Democrats want us to trust them on this one. With all respect, Americans aren't in a trusting mood at this point. The burden is now on the Democrats to prove it when they say their legislation will or will not do something. To a lot of Americans that is what this debate has become. It is about proving to our constituents and to the rest of the country that Congress can actually deliver on its assurances.

Americans aren't inclined to take our word for it when we say this bill doesn't allow for bailouts, that it won't kill jobs, or that it won't enable the administration to pick winners or losers, like it did with the auto bailout.

They have heard all that before. This time, they want us to prove it.

They want us to prove that this bill doesn't allow for bailouts or the kind of regulatory overreach that ends up punishing Main Street under the guise of reforming Wall Street. They want us to show them where it says in the text that the next time there is a crisis, the government will have to seek permission from he taxpayer if it is thinking about creating a new bank debt guarantee program. At the moment, we can't say this. That is unacceptable to my constituents. And it is unacceptable to the rest of the country.

We can solve this problem. But we won't solve the problem if we vote for cloture tonight. A vote for cloture is a vote that says we are done listening to the American people on this issue. And a vote against ending this debate is a vote for bipartisanship, for working out an iron-clad solution to the problem of too big to fail. A vote against ending this debate tonight is a vote that says it is no longer enough to tell our constituents to trust us. It is a vote that says this time, we will prove it.

I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business until 3 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The senior Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to engage in a colloquy with my colleague from Arizona, Senator KYL.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ILLEGAL IMMIGRATION

Mr. MCCAIN. Mr. President, as is well known by my colleagues and most Americans, over the last several days, the Governor of Arizona signed legislation, which is controversial, which is designed to affect the issue of illegal immigrants into the country across the Arizona border. That legislation was enacted by the Arizona legislature and signed by the Governor because of the frustration the Governor and the legislation and, indeed, the majority of my constituents have over the Federal Government's failure to carry out its responsibility to secure our border. Many viewed this as a civil rights issue. There is no intention whatsoever to violate anyone's civil rights, but this is a national security issue. This is a national security issue where the United States has an unsecured border between Arizona and Mexico which has led to violence, the worst I have ever seen, and numbers that stagger those who are unfamiliar with the issue—such as 241,000 illegal immigrants were apprehended on the Tucson sector border of Arizona in the last year. Do the math. You have three to five times that number who actually cross, so we are talking about a million people crossing the border illegally.

This is not just a human smuggling issue. This is a drug issue. Our borders are unsecured, and the flow of drugs across the border is staggering. Last year in the Tucson sector alone, there were over 1.3 million pounds of marijuana apprehended, 1.3 million pounds on the Arizona border. The numbers of methamphetamine, cocaine, and other drugs crossing the border by the drug cartels is staggering. The Los Angeles Times reported last week that over 22,000 Mexican citizens have been killed in drug wars against the cartels. Have no doubt, this is an existential government between the Government of Mexico, the drug cartels, and the human smugglers who work together, and the security of the United States.

The violence has already spilled across our borders, and unless we get it under control, it will get worse. Three American citizens were murdered in Juarez, Mexico as they were trying to find their way home. A rancher in southern Arizona was murdered as he was out patrolling his own property. The people in southern Arizona have had their rights violated by the unending and constant flow of drug smugglers and human traffickers across their property. Their homes are being broken into. Their rights are being violated, their rights as American citizens to live in a safe and secure environment, as most of the pundits who are criticizing this legislation enjoy.

The fact is, our borders are broken. They are not secure. It is a Federal responsibility to secure our borders. It is not being done. Senator KYL and I have a 10-point plan that can be enacted immediately in order to secure the borders and secure them quickly.

Before I ask my colleague to comment, there is a question about whether we can secure our borders. Of course, we can. We have seen in the Yuma sector of Arizona a dramatic decrease in illegal crossings and drug smuggling. Again, I want to mention to my friend from Arizona, have no doubt that this is not just a human smuggling problem and people trying to cross the border illegally to find work. This is a human smuggling cartel aligned with the drug cartels that are sending drugs across our border and killing our citizens. The cartels and the human smugglers are a direct threat to the security of this Nation. Two weeks ago a highly organized syndicate that takes people who are coming across our border illegally to Tucson, puts them in vans, taking them to Phoenix and distributing them all over the country. These individuals come from as far away as China.

Have no doubt of the extent of the problem, the organization, the cruelty, the barbarity of the challenge we face, of the drug cartels and the human smugglers that are just south of our border, and the State of Arizona has been bearing the brunt of it. The administration has failed to act. We need 33,000 Border Patrol agents down on the border. We need the National Guard, 3,000 troops. We need to take a number of other steps Senator KYL and I will describe. This situation is the worst I have ever seen. It is time for the Federal Government to act. If you don't like the bill the legislature passed and the Governor signed in Arizona, then carry out the Federal responsibility to secure the border. You probably wouldn't have had this problem.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. May I ask my colleague, who has been down on the border fairly recently. He went to the Tucson sector which is a sector that has about half of all of the illegal immigration in the entire United States coming across; is that correct?

Mr. MCCAIN. I have. If it was 241,000 last year that were apprehended, there are estimates that as many as five to one are not apprehended. So that could have been over a million people who crossed the Arizona border illegally in 1 year. That is staggering in itself.

Mr. KYL. The point here is, the Tucson sector is one of two sectors in Arizona. It is maybe 60 percent of our southern border. The Yuma sector may be the other 40 percent. The Tucson sector ends at the New Mexico border. We are talking about a couple of hundred miles, give or take—not that much area when we consider the entire, more than 2,000-mile border all the way from the Gulf of Mexico to the San Diego area. About one-tenth of the entire border area accounts for over half of all the illegal immigration. My colleague was there within the last month or so. I was down in the Yuma sector. The reason I mention these two sectors is that it is literally the tale of two approaches to immigration reform. As Senator MCCAIN said, there is absolutely no doubt that application of the right principles and resources to the border can secure the border.

Let me give my experience in the Yuma sector and then ask my colleague to talk a little more about the Tucson sector. Those are the two sectors in Arizona. The Yuma sector has virtually eliminated illegal immigration. There is still substantial drug smuggling, and that is a lot of what they are focused on right now. How could this have happened? Mainly three

things. First, they completed the fencing in that particular area. There are just a couple miles left to go, but they have 11 miles of very good, new double fencing in the urban area around Yuma and then vehicle barriers beyond that. There are some areas where it is even triple fenced. They have enough Border Patrol agents, though we have to be careful we don't take some from the Yuma sector to send over to Tucson where they need more, because it is a little bit like these wars abroad. Once you take the area, you need to have enough troops to hold the area or, when you leave, bad guys come back in. We need the Border Patrol there. If we could add some National Guard troops, as my colleague has recommended, it would absolutely be the final personnel solution. I can remember when the Guard was withdrawn and there was only one guardsman left in the Yuma sector, and they still stayed away. I am not even sure if he had his weapon with him. But let's put it this way: The bad guys on the other side of the border, whether it is the cartels or others, do not want to mess with the U.S. military. They won't. That is the reason my colleague, then-Governor Napolitano, and many others believe we need more National Guard on the border.

The third thing that brought illegal immigration in the Yuma sector almost to an end is called Operation Streamline. It is very simple. When you cross the border, you get thrown in jail. The first time it is for about 2 weeks; second time, 30 days. After that, it could be 60 days. The sheriffs tell us that about 17 percent of the people they apprehend are criminals in the United States or are wanted for crimes here. Obviously, that is the 17 percent you want to catch. You want to put them in jail. The rest of them want to come here for work. They can't work and make money while they are in jail. That is a huge disincentive for them to cross in that area. So what the Border Patrol and the Department of Justice did was to say, if you cross in this area, you go to jail. They stopped crossing in that area. They gradually expanded those areas until it finally covered the entire Yuma sector. Now illegal immigrant coyotes and cartel folks know that if they try to bring somebody across in the Yuma sector, immediately those people are going to jail. Then they will be going back home, so they don't try it anymore. As a result the statistics are, as Senator MCCAIN pointed out, in the Tucson sector you had almost a quarter of a million people last year apprehended. Who knows how many more were not apprehended. How many in the Yuma sector? This year, 4,946 so far—from a quarter of a million almost to 4,000. It wasn't always so in the Yuma sector. In 2006, 118,000 were apprehended. The next year, it went down to 37,000. We could see a big impact. And then 8,000, 7,000, probably 5,000 this year. We can see the impact of the fencing. The personnel and Operation Streamline have made a huge difference.

Mr. MCCAIN. May I ask unanimous consent, with the indulgence of my friend from Hawaii, for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I have made my point here. Senator MCCAIN is absolutely right. If you want to do it, you can do it. You just have to apply the will and the resources. What worked in the Yuma sector could work in the Tucson sector, and almost all of those things are included in the 10-point proposal Senator MCCAIN and I have made.

Mr. MCCAIN. Could I also emphasize that the violence is worse than it has ever been. Mr. President, 22,000 Mexicans have been murdered on the Mexican border. American citizens have been murdered on our border. This is no longer a situation where someone from Mexico or some other country decides they want to cross our borders. These are highly organized, highly sophisticated, well-equipped, well-trained, armed cartels. Drug and human smuggling cartels coordinate with each other through these corridors. They have better communication than our enforcement agencies due to our lack of interoperability. They have sophisticated equipment. They are even sending drugs over using ultralights.

This is a struggle for the existence of the Government of Mexico. This is a struggle on our side of the border for the fundamental obligation any government has; that is, to provide its citizens with secure borders. Right now, our citizens are not safe, and therefore the Federal Government should be fulfilling its responsibilities to provide the necessary equipment and manpower to secure our borders. As my colleague from Arizona just pointed out, it can be achieved. It is now a massive failure on the part of the Federal Government. They should also fund it.

I thank my friend from Arizona, and I thank my colleague from Hawaii for his indulgence.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

## FINANCIAL REGULATORY REFORM

Mr. AKAKA. Mr. President, enactment of emergency legislation in the fall of 2008 to stabilize the financial markets and the economy brought with it an obligation to reform our financial system to make it fairer for working families.

I support S. 3217, the Restoring American Financial Stability Act of 2010. I appreciate all of the extraordinary work done by the chairman of the Banking Committee and his staff on developing this vital legislation. Many of my colleagues on the committee and I worked together to develop a bill that protects, educates, and empowers consumers and investors. The legislation incorporates many ideas from Members of both parties. We must act quickly to enact this bill.

A lack of consumer protection was a core cause of the financial crisis. Prospective home buyers were steered into mortgage products that had risks and costs they could not understand or afford.

We must do more to protect consumers. This legislation includes essential protections to do so. The new Consumer Financial Protection Bureau has tremendous potential for restricting predatory financial products and unfair business practices. The bureau will work to prevent unscrupulous financial services providers from taking advantage of consumers.

The legislation also creates an Office of Financial Literacy within the bureau. The Financial Literacy Office is tasked with developing and implementing initiatives intended to educate and empower consumers. A strategy to improve the financial literacy among consumers that includes measurable goals and benchmarks must be developed.

I am also proud of the work we have done in the bill to better protect, inform, and empower retail investors. My proposal to create an Investor Advocate within the Securities and Exchange Commission is in this legislation. It is necessary to create an Office of the Investor Advocate within the SEC to strengthen the institution and ensure that the interests of retail investors are better represented. The Investor Advocate is tasked with assisting retail investors to resolve significant problems with the SEC or the self-regulatory organizations, SROs. The Investor Advocate's mission includes identifying areas where investors would benefit from changes in Commission or SRO policies and problems investors have with financial service providers and investment products. The Investor Advocate will recommend policy changes to the Commission and Congress in the interests of investors. I have highly valued the contributions of the National Taxpayer Advocate, Ms. Nina Olson. Ms. Olson has helped us develop policies that have improved the lives of taxpayers. A similar office in the SEC will benefit retail investors. The creation of the Office of the Investor Advocate has widespread support from consumer, labor, and industry organizations. Ms. Barbara Roper, director of investor protection for the Consumer Federation of America, has stated that:

For far too many years, investors have found it difficult to make their voices heard

at the SEC on uses that are important to them while business interests have dominated the agency agenda . . .

The text of an amendment I had developed which clarifies that the SEC has the authority to effectively require disclosures prior to the sale of financial products and services is included in the legislation. Many working families rely on their mutual fund investments and other financial products to pay for their children's education, prepare for retirement, and attain other financial goals. We must ensure working families have the relevant and useful information they need when they are making decisions that determine their future financial condition. I appreciate the efforts of Senator MICHAEL BENNET on this issue.

I worked with Senator KOHL to develop title XII of the legislation, which is intended to increase access to mainstream financial institutions for the unbanked and the underbanked. About one in four families is unbanked or underbanked. Many are low- and moderate-income families who cannot afford to have their earnings diminished by reliance on high-cost or predatory financial services. Underbanked consumers rely on nontraditional forms of credit, including payday lenders, title lenders, or refund anticipation loans for financial needs. The unbanked are unable to save securely for education expenses, the downpayment on a first home, or other financial needs. Regular checking accounts may be too costly for consumers unable to maintain minimum balances or unable to afford monthly fees. Poor credit histories may also hinder their ability to open accounts.

More must be done to promote product development, outreach, and financial educational opportunities at banks and credit unions intended to empower consumers. Title XII authorizes programs intended to assist low- and moderate-income individuals establish bank or credit union accounts and encourage greater use of mainstream financial services.

Title XII will also encourage the development of small affordable loans as an alternative to more costly payday loans. Payday loans are cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loans often have extraordinarily high interest rates.

Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is very hard to break.

There is a great need for working families to have access to affordable small loans. This legislation would encourage banks and credit unions to develop consumer-friendly, small-dollar loan alternatives. Consumers who apply for these loans would be provided with financial literacy and educational opportunities.

One example of an innovative payday lending alternative that has been developed can be found at the Windward Community Federal Credit Union in Kailua, HI. Windward FCU has developed an affordable alternative to payday loans to help the U.S. marines and the other members they serve. This program was developed with a National Credit Union Administration, NCUA, grant.

More working families need access to affordable small loans. We must encourage mainstream financial service providers to develop affordable small loan products.

Finally, title XII will enable community development financial institutions to establish and maintain small-dollar loan programs. I appreciate all of the work done by Senator KOHL and his staff on title XII.

Working families often send substantial portions of their earnings to family members living abroad. In my home State of Hawaii, many of my constituents remit money to their family members living in the Philippines and other nations. Consumers can have significant problems with their remittance transactions, such as being overcharged or not having their money reach the intended recipient.

Remittances are not currently regulated under Federal law, and State laws provide inadequate oversight. The bill will modify the Electronic Fund Transfer Act to establish remittance consumer protections. It will require simple disclosures about the costs of sending remittances to be displayed in the storefront and provided to the consumer prior to and after the transaction. A complaint and error resolution process for remittance transactions would be established by the legislation.

We must act quickly to enact this legislation that will protect, educate, and empower consumers and investors.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. We are in morning business, with Senators recognized.

Mr. ALEXANDER. Mr. President, I can actually speak in morning business, not as if I were in morning business.

## FINANCIAL REGULATORY REFORM

Mr. ALEXANDER. Mr. President, we will be voting at 5 o'clock this afternoon on a motion by the majority leader, and I can almost hear him now saying something about the party of no as we talk about the financial regulation bill. Well, I would say to my friend the majority leader that he is rapidly becoming the leader of the party of no by offering so many ''no'' motions because the motion this afternoon is one more of a record number of ''no'' motions offered by the majority leader to say no to more amendments, no to more debate, no to checks and balances on a runaway government in Washington.

What we on the Republican side have been trying to do on the financial regulation bill is to work with the majority party and the President to help fashion a set of rules and regulations that takes us from the financial crisis we had a few years ago, and which continues today in the lives of Americans everywhere, to complete a bill most of us can support so we can say to America and say to the world: These are our rules and regulations. We have done our job. We have set the rules. Even if Republicans capture control of the Congress in November—which we hope we do—these still will be the rules because we did this in a bipartisan way, the kind of way the President talked about when he campaigned for election a couple of years ago.

Well, unfortunately, that is not what has been happening. It has just been one ''no'' motion after another from the majority leader—a record number of them. And he will even bring that up, which I would respectfully say I would not do. Twenty-six times the majority leader has filled the amendment tree. That is a ''no'' motion that says no more amendments. He has done it nearly as much as the last five majority leaders combined. He has the record in saying no more amendments, no more debates, and no more checks and balances on what the Congress is doing. There have been 141 times the majority leader has filed cloture on the same day a measure came up. That is simply another no motion. It says no to more amendments, no to more debates, no to more checks and balances on the legislation Congress is considering.

Someone may say: Well, let's get on with it. Why do we need these checks and balances? We were reminded over the weekend of why we need the checks and balances. All of us remember the health care debate resulting in the health care law which passed this Chamber by a partisan majority. We were here day after day after day with the Democrats meeting in secret. The vote came up in the middle of a snowstorm, 1 a.m. in the morning, had to be done before Christmas, nearly 3,000 pages before it all got through. No check and balance on that bill. We were saying slow down. Wait a minute. This bill is making a fundamental mistake. It is expanding a health care delivery system we all know we can't afford, when instead we should be taking

steps together to reduce its costs so more Americans can afford to buy health insurance.

So over the weekend, a report issued on Thursday by the Chief Actuary of the Center for Medicare and Medicaid Services—he is the chief health actuary in the Federal Government; what did he say? Lo and behold, his analysis showed it will increase health care costs instead of lowering them. In other words, we will increase—we will increase—spending on a health care delivery system we all know we can't afford today. Yet off we went with our new $1 trillion bill. It will raise premiums on health care. It will threaten seniors' access to health care. It will threaten access for Medicaid patients, creating, in effect, a health care bridge to nowhere for a great number of low-income Americans who will find they can't get a doctor or, in Washington State, that Walgreens will not fill their prescription. This will make that problem worse. To those who are going to be serving as Governor between 2014 and 2019, it is very bad news because it talks about the increased cost of Medicaid, which is the largest government health care program, and how many of those costs are being passed on to States. I know, in our State, our legislature—Republican—and our Governor—a Democrat—have said we don't see how we can afford this. It is estimated to be roughly $1.1 billion, but potentially could be as high as $1.5 billion. It is going to cause State tax increases, tuition increases at the public universities, and I believe it will seriously damage American public education. Anyone can read this for himself or herself.

So over the weekend, the Chief Health Actuary of the Federal Government said the health care law does what we Republicans feared it would. But the psychology on the other side of the aisle was: We won the election. We will write the bill. We will pass it even by a partisan majority, unlike civil rights, unlike Medicare, unlike Medicaid, unlike social security. It was a purely partisan bill, with no checks and balances, and the American people see the results.

Here we go again, this afternoon at 5 o'clock. This should be a very different situation. It is a very important bill. It is the financial regulation of this country. This country produces 25 percent of all the money in the world every year. Twenty-five percent of the wealth is created by this country, for just 5 percent of us who are privileged to live here. So one would think we would be as careful as we could be in getting this done.

For a long time on this bill, many Members of the Senate on both sides of the aisle have been working on it carefully and in a bipartisan way. So why would we bring another one of these record-setting ''no'' motions up today to vote on? Why would we say—in the middle of debate and discussion to improve the bill—let's rush it on through; no, to more amendments; no, to more debate; no, to more checks and balances.

There are some pretty big issues to resolve to make sure we have it right. There is general agreement, I think, across both sides of the aisle that we want a situation where we don't have these big banks that are too big to fail. The Senator from Virginia, who is the Presiding Officer today and my colleague, and Senator CORKER from Tennessee worked for a year on this. I went to some of their sessions. It is complex stuff, but they were coming up with a bipartisan solution to the problem. One of the advantages of a bipartisan solution is, A, it might be more likely to be right; and, B, it almost certainly is more likely to be accepted. If there is a Corker-Warner or Warner-Corker solution, Republican-Democratic solution on banks that are too big to fail, then the American people might look up here and say: OK, if they both agree on it, maybe they are right. Maybe I will not worry about it, and I will not spend my next 3 years trying to repeal it. Well, the same thing was true on other parts of the issue, and I commend Senator DODD, the chairman of the committee, for starting out in that direction. He was working with Senator SHELBY on this side on consolidating bank regulators and consumer protection. Senator REED on the Democratic side and Senator GREGG were working on reforming oversight of derivatives. As I said, Senator WARNER and Senator CORKER were working on systemic risk, the too-big-to-fail issue. Senator SCHUMER and Senator CRAPO were working on securities and exchange issues and corporate governance issues. They weren't coming to an agreement on every single one of these issues—the last one is especially difficult—but they are making some real progress. Even yesterday, Senator SHELBY, who is the ranking member, and Senator DODD said on NBC's ''Meet the Press''—Senator SHELBY said: ''We are closer than we have ever been.'' Mr. DODD added: ''We will get it together.''

Well, if we are closer than we have ever been and we will get it together, why are we having this ''no'' vote today? Why are we saying no to more amendments, no to more debate, no to checks and balances?

That is a serious question for the American people. If I were to suppose in my State what the major issue before the people of Tennessee is today, it is that many Independents, almost every Republican, and some Democrats would say: We need some checks and balances on a runaway Washington government. Well, here is an opportunity to have some checks and balances on a runaway Washington government and to get things right. Instead, we seem to have a campaign team at the White House that says, Let's play a little politics and make it look like the Republicans are in bed with the Wall Street bankers. They even said Republicans took contributions from Wall Street bankers, but when the newspapers added it all up, it looks like the Democrats got more contributions from the Wall Street bankers than the Republicans did. So if the race is about politics and if the race is about who took the most money from the Wall Street bankers, the Democrats win. That is not the basis upon which we should be deciding this. I like the way the committee was working on it for the last year: Republican and Democratic teams working to solve big, complex problems for the country that produces 25 percent of all the money in the world and is the acknowledged financial capital of the world. But, instead, we seem to have at least a fraction of the administration that says: We won the election, we will write the bill, and up comes the majority leader with another ''no'' motion, a historic, record number of ''no'' motions.

I am here simply to say this: This is a piece of legislation that presents President Obama and our Congress with a historic opportunity to do something right. We are coming out, we hope, of a great recession. We need some signals to our country and to the world that things are stabilizing. Every small businessperson or big businessperson I talk with says: A little certainty would help. We are not going to hire another person; we are not going to invest another dollar until we get a little more certainty in the business environment in America, and people are waiting to see how we are going to deal with this too-big-to-fail issue. Are we going to put up rules that will give big banks an advantage over community banks? Are we going to put in regulations that are so cumbersome that they move the financial capital of America from New York City and Chicago to Washington, DC, or even to London and Singapore and Shanghai, along with the jobs and the prestige and the opportunity for an increased standard of living that goes with it?

We have, within our grasp, an opportunity to do as Senator SHELBY and Senator DODD said. We are close to getting it together. We think we will get it together. If we were to get it together, if we were to be able to rely upon the work of Senator WARNER and Senator CORKER and the others I mentioned who worked together over the last year and stand together with the President and let him say: Republicans and Democrats have been working for more than a year on this. We have taken enough time to develop a consensus in the Senate, a consensus between parties, that this is the right thing to do for our country and we

want to tell the American people these are the rules for financial regulation and tell the world that the United States of America is capable of governing itself and writing its rules and doing it in a bipartisan way, think of the signal that would send to this country and to the world. It might be a tipping point in the recovery from the great recession, that kind of signal from Washington, DC. I can't think of a better one. Yet the vote today is the opposite. It is another ''no'' motion. No to debate. No to amendments. No to working together. No to checks and balances.

I hope we prevail on this motion and I hope we will say yes to more amendments, yes to more debates and yes to checks and balances and I hope the result is a financial regulation bill affecting this country that all of us can vote for—or at least most of us can vote for; that we can proudly give each other credit for. That is the way we like to work. That is why we came to the Senate. When the country sees that, they will have more confidence in us, in this government, in the economy and the world may, too, and we will have taken an important step forward; and the President will be able to say: Look, this is the way I wanted to do it all along. This is what I campaigned on, and I am glad we have worked together to get 70 or 80 votes in the Senate to get a consensus on a financial regulation bill to get this country moving again.

I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the business before the Senate?

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3217, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 3217, a bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Mr. DODD. Mr. President, as I understand it, there is a vote scheduled at 5 p.m., is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DODD. And the time between now and 5 p.m. will be for general debate on the matter of the motion to proceed, is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DODD. Mr. President, I see my friend and colleague from Delaware, Senator KAUFMAN. How much time does the Senator need?

Mr. KAUFMAN. About 16 minutes.

Mr. DODD. I yield 16 minutes to the Senator from Delaware.

Mr. KAUFMAN. Mr. President, I thank the Senator from Connecticut for the incredible work he has done on putting this bill together. It is a historic effort. It is the third historic effort he has taken on this year. That is not just a word, ''historic;'' it is putting into perspective the last 40 years. The Senator from Connecticut has been a leader on three truly historic pieces of legislation this year. I have never seen a Member do that. There were credit card reform, bringing up the health care reform bill, and now the financial regulatory reform bill.

I return to the floor to discuss the problem of too big to fail, which I remain convinced is a key issue in any financial reform bill. First, I urge my colleagues to vote yes on the motion to proceed, because these issues are of profound importance to our country and they deserve to be debated and voted upon.

For example, it was over 10 years ago that Congress debated and passed the Gramm-Leach-Bliley Act, which formally repealed the Glass-Steagall Act's sensible and longstanding separation of commercial banking and investment banking. While this landmark legislation passed the U.S. Senate by a 90-to-8 margin, there were some voices who spoke out then that the bill would lead us on a glided path to disaster.

I recently reread the speech given in 1999 by the senior Senator from North Dakota, and I was thunderstruck, truly, by how accurately BYRON DORGAN warned then about the future. There were eight people who voted against the Gramm-Leach-Bliley Act. They were Senators BOXER, Bryan, DORGAN, FEINGOLD, HARKIN, MIKULSKI, SHELBY, and Wellstone. I first came to this body as a staff person in 1973. I have seen times when a few people in the Senate—I don't think either party has a monopoly on it—get together and say the Senate is off in the wrong direction. Those eight people said that on that day. Senator DORGAN deserves a special recognition and award, because he predicted this in 1999, when he said:

We will, in 10 years time, look back and say: We should not have done that [repeal Glass-Steagall] because we forgot the lessons of the past.

He went on to say:

This bill will, also, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the banking and financial services industry at the expense of customers, farm businesses, family farmers and others.

That is absolutely amazing. He absolutely totally completely nailed it. He predicted it would lead to ''future massive taxpayer bailouts.'' I think we should listen to Senator DORGAN now and any prediction he makes about what we are going to do today in the Senate.

He also said quite presciently:

We also have another doctrine . . . at the Federal Reserve Board called too big to fail. Remember that term, too big to fail. . . . They cannot be allowed to fail because the consequence on the economy is catastrophic and therefore these banks are too big to fail. . . . That is no-fault capitalism; too big to fail. Does anybody care about that? Does the Fed? Apparently not.

These words would work just as well on the floor today. How many of us thought the term ''too big to fail'' was coined only in this recent disaster? Not Senator DORGAN. He knew and warned about too big to fail in 1999.

He also said:

I say to the people who own banks, if you want to gamble, go to Las Vegas. If you want to trade in derivatives, God bless you. Do it with your own money. Do not do it through the deposits that are guaranteed by the American people and by deposit insurance.

Again, right on point, and perfectly accurate today. BYRON DORGAN and Brooksley Born were warning about derivatives in 1999, but we did not listen, And America suffered a catastrophe of monumental proportions—less than 10 years after these prophetic words were spoken.

Finally, Senator DORGAN said:

I will bet one day [I think we are at that day] somebody is going to look back at this and they are going to say: How on Earth could we have thought it made sense to allow the banking industry to concentrate, through merger and acquisition, to become bigger and bigger and bigger; far more firms in the category of too big to fail? How did we think that was going to help this country?

Well, Senator DORGAN, you were right, and we have arrived at that day. Let me repeat: Did it help our country? Will it help our country in the future? Each Senator has to answer that question.

Senator DORGAN knew that further unbinding the financial industry would accelerate the process of deregulation and lead to far greater risks, ushering in a new era of too big to fail and an ever more casino-like version of financial capitalism. He knew that by lifting basic restraints on financial markets

and institutions and, more importantly, by failing to put in place new rules to deal with the market's ever more complex innovations, that this deregulatory philosophy would unleash the forces that would cause our financial crisis and great recession of 2008.

I could not agree more with Senator DORGAN. Banks and other financial institutions that are too big to fail have become only more so today. They are so large, so complex, and so interconnected that they cannot be allowed to fail because their demise would threaten the stability of the overall financial system.

There are those on the other side of the aisle who propose to simply let them fail. They say the solution is to stand back and let these megabanks follow the normal corporate bankruptcy process. I call that ''dangerous and irresponsible,'' a slogan of an answer, not a real solution. President Bush did not allow that to happen, and no President should be faced with that decision again. When Lehman failed, our global credit markets froze and creditors and counterparties panicked.

We have the opportunity today to restructure our financial industry so that it will be safe for generations. That is what the Senate did in the 1930s when it passed the Glass-Steagall Act, and it withstood the test of time for six decades.

When I look at the current legislative approach, in my view it relies too much on regulator discretion and on a resolution mechanism that is ultimately unworkable for the largest and most complex financial institutions. Under this arrangement, the megabanks will still have incentives to arbitrate their capital requirements, thereby continuing to grow and take on even greater and greater risks.

The six largest U.S. banks have assets totaling more than 63 percent of our overall gross domestic product. Fifteen years ago, the six largest U.S. banks had assets equal to just 17 percent of gross domestic product. In 15 years, it went from 17 percent to 63 percent.

Instead of girding a broken regulatory system, Congress must act decisively now to end the ''doom loop'' Senator DORGAN accurately identified and warned the Senate about in 1999. We need stronger statutory medicine.

I believe the time has come for Congress to draw hard lines and high walls in statute. We need statutory size and leverage limits on banks and nonbanks in order to eliminate too big to fail.

Senator DORGAN said he is working on an amendment to address this problem. I look forward to hearing more from Senator DORGAN about his proposals, and I hope the Senate will listen carefully to him since his credibility on this issue was born in the wisdom he showed in 1999.

Congress, which represents the people who are most hurt by the financial crisis, should not pass the buck to the very regulators who failed to prevent the crisis in the first place. Congress must do it, as it did in the 1930s, by separating commercial from investment banking activities and putting limits on the size and leverage used by systemically significant banks and nonbank players alike. This is a proposal I introduced last week with Senator BROWN and other colleagues.

Of course, there are those who make the argument that the problem is not really about size; that these institutions are not actually too big to fail. Instead, they say institutions such as Lehman Brothers were actually too interconnected to fail based upon interlocking counterpart exposures arising from credit derivatives and repurchase contracts.

But trying to contrast the distinction between too big to fail and too interconnected to fail is a distinction without a difference. The massive growth from the derivatives market, including that for credit derivatives, which intertwine the fates of banks, hedge funds, and insurance companies through side bets on whether mortgages, corporate bonds, or other assets would pay off, moved in lockstep with the runaway growth of the megabanks' balance sheets.

All of these activities interconnected their fates, while also making them far more risky and far bigger, so big, in fact, that the failures would threaten the stability of the financial system.

As Senator BROWN and I emphasized last week, our bill is a complementary idea, not a substitute to the Banking Committee bill.

There are many regulatory provisions in that bill that are designed to make the megabanks less risky and less interconnected, and we strongly support them. But why gamble that the regulators will do a better job now and well into the future when they have the power today to impose a redundant fail-safe solution to limit the size and leverage of our biggest banks? We will not lose out globally, other than in a race to financial destruction. The limits Senator BROWN and I propose would shrink these banks from massively large institutions to only large institutions, at a size well beyond the level at which economies of scale are achieved.

As Senator DORGAN asked in 1999: Why leave oversized institutions in place when they are too big to fail? Instead, we should meet the challenge of the moment and have the courage to act to limit the size and practices of those literally gigantic financial institutions, the stability of which is a threat to our economy. But we can only meet these challenges once the bill reaches the Senate floor. Again, I urge my colleagues to vote yes on cloture and not stand in the way of the debate and collective wisdom from this body that this country so badly needs. If we are to prevent another financial crisis, we must move forward with this debate and act strongly in the interests of the American people.

Mr. President, I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I suspect sometime over the next hour and a half, Members will come to the floor—including the Presiding Officer—and I will be glad to take a few minutes and share some opening comments and then give him relief so he can be heard on this matter.

I thank Senator WARNER and my colleagues on the Banking Committee, both Democrats and Republicans. We have spent a lot of time together over the last 2 years now—longer, in fact, going back even before the arrival of my friend from Virginia.

When I became chairman of the Banking Committee in January of 2007, I was asked to pick up this issue. We began to look at the issue of the mortgage crisis in the country through all of 2007 and, of course, the following year when events began to unfold, culminating with the disaster we encountered in the fall of 2008.

The members of the committee have worked very hard. We have had literally hundreds of hearings and meetings, listening to people across the spectrum of how best to address these issues, filling in the gaps that led to the near collapse of our economy; what steps we ought to be taking to provide intelligent, thoughtful, commonsense regulation, as well as to see to it, in the process of doing so, we do not stifle the ability of this country to lead in the financial sector globally; as well as provide for the innovation and creativity necessary for our country to grow and prosper economically, the wealth creation that is necessary for our country. It has been a long and arduous journey.

I was speaking with BOB CORKER of Tennessee, with whom I spent a great deal of time, as I know the Presiding Officer has as well. I thank Senator SHELBY, my colleague and former chairman of the Banking Committee, who is the ranking member on our committee. We have spent a lot of time on these issues, including some time earlier this afternoon, and we will be meeting again depending on the outcome this evening one way or the other. We will continue our conversations to try to resolve some of these outstanding matters in a very long and complex piece of legislation.

I will not enumerate every member of the Banking Committee, but suffice it to say, to this juncture, the work they have done has been tremendously helpful and has produced a good and strong bill on financial reform.

Today the Senate faces its first vote on the issue, which will occur in a little less than 2 hours from now, deciding whether we can even go forward and debate the matter. My hope is our colleagues will allow us to debate this issue.

I understand there are differences. There is hardly unanimity in caucuses, let alone in the Chamber, on the way to go, particularly in areas involving systemic risk, dealing with the so-called too big to fail provisions, dealing with the provisions of how we administer the notion of exotic instruments, the derivative community, and the like. Significant discussions have gone on. The assumption we are going to resolve all of those issues prior to debating the issues is somewhat unrealistic if we are trying to reach accommodation on all the various matters that are included in the 1,400 pages of the proposal which we will have before this body.

Today my plea is not so much on the substance of what is here, although I am willing to discuss all of that because it is important our colleagues know what we have tried to achieve and accommodate in our legislation, but a plea to let us get to the debate.

I do not think the American people understand this. Regardless of where you come out on the issues, whether you stand on the various provisions of the bill, I do not know how to explain to people to make them realize how vulnerable we are today in the waning days of April 2010 as we were in the fall of 2008 when we saw what happened to our economy. Nothing has changed except, of course, jobs have been lost, homes have gone into foreclosure, retirement incomes have evaporated, and housing values have declined. Almost $11 trillion in household wealth has been lost. That is what has happened over the last 18 months.

We have yet to stand and address what caused that to happen in our country, to fill in those gaps to provide the regulation, put the cops on the beat, create provisions that would minimize the next economic crisis. And it will occur. There is nothing I have drafted that can protect our country from future economic difficulty.

As certain as I am standing here today, we will face yet another crisis or crises in the future. The question is, Are we going to be better positioned to minimize that crisis so we do not see the collateral damage that has been caused to businesses, individuals, retirement, homes—all of the things that we have suffered because we did not have in place the kind of safeguards that might have put a tourniquet on this problem in its earliest stages, not to have eliminated the crisis but certainly eliminated the damage it caused because we did not have the cops on the beat, we did not have the regulation, and we did not have what is exactly included in this bill to minimize the danger in the future.

I have tried to explain this issue. Obviously, it is complicated when you start talking in these words that are archaic; talking about credit default swaps and derivatives and systemic risk and all the other terminology that is used to talk about financial services. But let me try to phrase this in more graphic terms, if I can.

Imagine coming home from a weekend away. You have been away. You have taken your family out on a trip and you come home to find the front door swinging wide open, flapping back and forth. When you walk in the house, you realize you have been robbed. Your TV is gone, your furniture, your jewelry, important documents, cash, and family photos, all have been stolen out of your home. Maybe worst of all, there is broken glass and shattered pottery. Not only did they steal, but they decided to wreck the house as well. So you are angry and frightened, wondering what is coming next and how much it will cost you to replace your TV and your stereo. Then you find out, at the end of all this, that they have identified the robbers who have broken into your home and stolen everything and, by the way, you have to write a check to them. The very people who caused the damage are now going to get a check written out to them—those who caused the problem in the first place.

Well, that is what happened, in effect, 18 months ago. People came in and robbed our homes, in effect. In fact, they took the home, they took the income, and they took the retirement. They watched jobs go out the window. The very people who were responsible for it, of course, were stabilized because we wrote a check for $700 billion to stabilize those institutions. As we did so, and, of course, we got them back on their feet, the very leaders of these industries began to reap massive bonuses to put themselves on solid footing. So they have benefited from this financially. Yet 8½ million jobs were lost, 7 million homes ended up in foreclosure, there was a 30-percent decline in home values and a 20-percent decline in retirement of working families, all who thought they were protected. All that is gone, and somewhere between $11 trillion and $13 trillion—not ''b'' as in billion but a trillion dollars—in household wealth has been lost in 18 months.

If that is not wreckage of your home—your economic home—I don't know what is. Today, we are as vulnerable as we were 18 months ago. Our house is still unlocked, in a way. What happened 18 months ago could happen again. The difference this time is I don't think there is an ounce of willingness on the part of the American people to write that check again. What they are asking is for us to step up, to think carefully—as we have tried to do over the last year or so as we have gone through this process—and craft some ideas that would minimize that from happening again so there is not a huge part of our economy that is totally unregulated, as we had with real estate brokers who on their Web site had as their first rule to brokers, convince the borrower you are their financial adviser, when they were anything but their financial adviser. So they were luring people into mortgages they couldn't afford and convincing them they could pay for it, knowing full well they never ever could. Of course, the banks themselves were then bundling these mortgages, only holding them for 8 or 10 weeks and then selling them off, branding them AAA to unsuspecting investors, and that created that bubble that ultimately was the major cause of the collapse.

Today, that same problem can exist in the absence of the law we are putting before our colleagues. Maybe I should have said this at the outset, but we hardly claim perfection in what we have written here. Hardly. But we believe they are sound ideas that deal with these very issues that caused the problem in the first place, and what we need to do is to be able to debate those ideas. If my colleagues disagree, as many do—some think I have gone too far, some think I haven't gone far enough, and those are maybe two legitimate points—how are we to resolve our disagreement if we can't bring up the bill and have the debate this Chamber was designed to engage in? What is the point of having 100 seats, coming from 50 States, when a major issue affecting our country cannot even be the subject of a debate?

So I urge my colleagues—I urge them—to let us get to this debate. Let us do our best to resolve these matters as adults, as people who have strong views and feelings, many of which we agree on, by the way. I mentioned my colleague from Virginia, the Presiding Officer. I don't know how long MARK WARNER and BOB CORKER spent—hundreds and hundreds and hundreds of hours—to make sure that in this proposal never again would a financial institution in the United States of America reach such a status that it would be guaranteed implicitly that the Federal Government would bail them out when they engaged in excessive risk and put themselves in great jeopardy. Our bill does that. Without any question whatsoever, those entities, if they reach that point, will fail. They will go into bankruptcy, they will go into receivership, and management gets fired. They don't get a bonus, they get fired.

Shareholders lose their resources or their investments, as well as do creditors, not to mention other problems associated with it. But the idea is, those entities go out of business, and we wind them down in a way that doesn't jeopardize other sectors of our economy.

Nothing could be more clear in our bill than that. If there was one issue I think we all agreed on, it was to make sure that didn't happen. Again, the Senators from Tennessee and Virginia, and there were others, by the way, who were engaged in that debate in writing this bill to achieve that desired result by the American people.

We also said: Look, one of the problems that happened over the years leading to this crisis is that we didn't even know what was going on out there. We heard Bob Rubin, the former Secretary of the Treasury, and we heard Alan Greenspan and others—whether you believe them—who said we didn't understand how this was happening or why it was happening or even that it was happening.

Well, that excuse ought to never occur again. So we create in our bill that early radar system—again, maybe a more graphic description of what the Systemic Risk Council does. This is made up of various Federal agencies, so that there is not just one but a multiple set of eyes with differing backgrounds and experience to deal with the economic issues of our Nation; to be constantly watching and monitoring what is occurring out there and not just in our own country, by the way, but around the world. How many of us have read headlines over the past few weeks about Greece and what problems it may pose to Europe and other parts of our global economy or what happened in the Shanghai stock market a number of years ago, where a decline in value in that exchange put the entire world in a tailspin for several days. So the notion that it is just what happens here at home on mortgages or other issues is not limited, it is also what happens around the world today that can affect us.

Anyway, this part of the bill is designed to be that early warning system—that radar system. Again, I wish to thank my colleague from Virginia and my colleague from Tennessee. One of the provisions in that early warning system is data collection on a daily basis, so we know what is happening economically literally on an hour-to-hour basis. That will be a great value as we sit there and try to make these assessments and pick up on these problems in the earliest stages before they can occur.

Consumer protection. This ought not be a radical idea—to protect consumers from any problems financially. How many of us, of course, read the tragic news over the last few weeks about an automobile manufacturer that had a defective accelerator? What was the first thing you heard? Those cars are being recalled so you would not be at risk in driving them. We hear of recalls all the time on products we buy. You buy that nice TV and it doesn't work, you can send it back, you can recall that product, and you will be protected as a consumer.

What happens when you get a financial product that doesn't work or is defective or certainly producing results that were never intended but are causing major problems? Where do you go to get a recall on a faulty mortgage or a credit card deal that is corrupt or fraudulent or deceptive or abusive? Why shouldn't we deal with financial products that can bring someone to financial ruin? We can do it with a toaster, a TV or an automobile. Well, our bill sets up a Consumer Financial Product Safety Commission or bureau or division that we have established in this bill. So consumers themselves can have someplace to go to get redress.

Rules can be written to protect them against abusive practices. I appreciate my colleague from Delaware mentioning my credit card bill, but we shouldn't have to write a bill every time there is a deceptive or fraudulent practice that does damage to consumers. Why does it take writing a bill every time there is a problem? Why not have regulations in place that would protect consumers?

Let me mention what else that does. It isn't just protecting the consumer from a faulty financial product. One of the most important elements in our economy is consumer confidence—having a sense of optimism and confidence or faith that our institutions will be there to work for them and not against them. One of the great damages to our country—and I don't know how you put a number on it. I can't cite the number on home values lost or wealth lost or mortgages or foreclosures or jobs lost. Tell me what price we put on the loss of the American public's confidence in our financial system. What is that number; that people no longer trust or have deep questions about whether they are going to be protected with their hard-earned dollar with that insurance policy or that stock they want to buy? Not that they ought to be guaranteed a return on it but that there isn't going to be some deceptive, abusive practice that will put them at risk. To me, that is about as important an issue as you can have—confidence of the American people that the architecture of our financial system is one they can have faith in, that they can have confidence in. That reputation has been damaged severely over these last number of months.

I don't claim what we have written in this area of consumer protection solves every problem. But for the first time in our Nation's history, for the very first time, we will have a consolidated consumer protection agency with the principal responsibility of watching out for the consumers of financial products. I think that is a major achievement for our bill.

Lastly, let me mention the old issue of these exotic instruments that I mentioned earlier that have complicated definitions of what they do and how they work. One of the major problems is, of course, it has been an unregulated area. It has been what they call the shadow economy. To give an idea of how the issue has exploded, in 1998, the area of derivatives generated about $91 billion in activity. That is 12 years ago. Last year—I think it was 2009 but the last year we have numbers on this, the amount of activity in this area jumped from $91 billion to almost $600 trillion—$91 billion to $600 trillion in 10 years in unregulated activities, in this shadow economy. It was those activities that also contributed so much to the economic difficulties we are going through.

The Agriculture Committee, run by my good friend from Arkansas, BLANCHE LINCOLN, and the members of her committee and our Banking Committee have worked out a sound and solid proposal on how we can protect the American consumers from these very risky instruments if they are not subjected to some basic rules of margin requirements—capital. Let the Sun shine on them in the exchanges, where people can see the value. The market can determine that. All those things are critical. Derivatives are not a bad thing. They are needed, in fact, to have economic growth and prosperity. The problem isn't using them, it is how they are used and whether they operate in the shadows or in the bright light, where everyone knows what they are and how to value them. That is in our bill as well.

There is a lot more in this legislation, and my intention was not to go through and enumerate every section of the bill—all 12 sections of the bill. My point to my colleagues is: Let us get to this debate. Let us have a chance. If you don't like what I have done on consumer protection, on derivatives, if you don't like what we have done on too big to fail, if you don't like what we have done on other provisions in the bill, then come and bring up amendments. Let's debate them and let's have that ability to at least try to shape this legislation.

At 5 o'clock this afternoon, for the very first time since the crisis hit—other than the credit card bill and a housing bill that we had come out of my Banking Committee—this is the first chance we will have in 18 months, since the worst economic crisis in 80 years—which we are still suffering from. I know the markets are doing better, I know corporations are doing better, I know the stock market is making more money, but for most of us in this Chamber, we know it hasn't

quite reached down yet—the economic recovery—to average citizens who have lost their jobs, who have lost their retirement, who have lost the wealth they built up over the years. All that is gone. For a lot of them it is not going to come back. So what we need to do is step up and try to provide some answers the American public is looking for. A lot of the rage and fury and anger we are seeing around other issues happened in no small measure because of what happened to our economy and because of the failure to have regulatory procedures in place, to have cops on the beat to enforce those regulations, to be able to have the early warning system to identify problems before they spun out of control.

Our bill, we believe, steps up and addresses those issues. Again, give us the opportunity to at the very least debate them. We cannot get to the resolution of these matters if the matter is not on floor. Senator SHELBY and I have been talking. We talked over the weekend. We talked already this afternoon. We will meet again. Even if we get this done and move to the bill, we have to sit down and work out how to manage all of this, so I thank him again for his willingness to do that. I deeply believe Senator RICHARD SHELBY of Alabama wants to get to a bill, as I believe do most of my colleagues here, but we cannot ever get there if we do not have that debate.

I did not mean to speak this long but I wanted at least to let my colleagues know how important I believe this issue is. Frankly, I don't think it serves our interests well to be screaming at each other about who cares more about this issue than the other. I think it unfortunate that a number of my Republican friends who I know care about this very much would be branded that somehow they don't care about it to such an extent that they would not even let it get to a debate. They have ideas on this legislation. They want their amendments considered and they don't want to be told you cannot even do that because we do not have some large, sweeping agreement on a bill here.

Senator SHELBY and I are very close on some issues that we think we can reach an understanding. Basically we are there in a lot of these matters. I had hoped maybe we would get there before this afternoon, but there is no reason to stop all this, in my view, and not get to the adoption of the motion to proceed.

For all of those reasons, I urge my colleagues at 5 p.m. to vote to proceed to this matter and let us take the next few days to consider this legislation.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise today to urge my colleagues to support bringing forward Chairman DODD's regulatory reform bill. The chairman has just spoken with great passion about how we got here. I want to take perhaps somewhat of a similar tack and describe, as a new Member, why I think this legislation is so terribly important.

I have had the opportunity today and on other Mondays, as is often noted, to sit in the chair and listen to my colleagues come in and talk about this issue. I heard today my colleagues talk about health care, talk about stimulus, talk about unemployment, as somehow reasons why we should not start a debate about financial regulatory reform. I am not sure I understand the connection.

Candidly, the American people could do with a little less political theater and a little more action. Regardless of what happens this afternoon at the vote at 5 o'clock, I hope—and I honestly believe most of my colleagues on both sides of the aisle hope—that we will get to that agreement in a bipartisan new set of rules of the road for the financial sector that will stand the test of time for not a year or two but for decades to come.

Before I get into a substantive discussion about how we got here and how I believe the Dodd bill takes dramatic steps forward, there is one other issue I need to address. I have sat in the chair as the Presiding Officer and have heard—and I know as Presiding Officer we have to bite our tongues sometimes—colleagues come forward and somehow portray this piece of legislation as a partisan product.

I have only been here for 15 months but in the 15 months I have had the honor of serving this body, I have not seen any piece of legislation that anywhere approaches the type of bipartisan input, discussion, and ongoing dialog that Chairman DODD's bill has. Literally, in the 15 months I have had the honor of serving on the Banking Committee, we held dozens if not hundreds of hearings on the objectives of this legislation, objectives, again, that I think colleagues on both sides of the aisle agree upon: making sure there is never again taxpayer bailouts for mistakes made by too large financial institutions, making sure we have more transparency and, as the chairman said, a return of a sense of fairness to our whole financial product system and, third, that ultimately the American people, the consumers of this Nation, will make sure there is somebody watching out for the financial products that sometimes they have been purchasing without appropriate knowledge or appropriate recourse, when these products explode in their faces.

Again, unlike the Presiding Officer who served around this body for many years, I am a new Member. But I saw where the chairman did something I thought was somewhat unusual with a major piece of legislation. Rather than saying he had all the knowledge and all the input, he actually invited in the members of the committee, junior members, senior members of both parties to set up working groups to take on some of the challenging aspects of this bill—consumer protection, systemic risk, corporate governance, the whole question of derivatives. Let me state absolutely, because I can state from the systemic risk/too big to fail portions, the products we developed that are critical parts of this legislation are bipartisan in nature, bipartisan in ideas, and find that common ground that has been so absent from so many of the previous debates we have had over the last 15 months—I think particularly about the fact of the systemic risk, too big to fail, and resolution authorities Senator CORKER and I worked on. There has been no better partner I could have had than Senator BOB CORKER, grinding through hundreds of hours, recognizing there was no Democratic or Republican response to systemic risk and too big to fail, but we had to get it right. While there may be parts of this bill that can still be tightened and need to be tweaked here and there, and the Senator and I may add a few improvements, on the overarching goal of making sure the taxpayers never again would be on the hook, I believe we have taken giant steps forward.

As you heard from the chairman already, those conversations are ongoing even today. Please, while we kind of get sometimes subject in this body to hyperbole, anyone who makes the claim that this legislation is partisan only doesn't recognize the facts or has not seen the experience of the members of the Banking Committee over the last 15 months.

Let me also acknowledge—and I recognize I have a number of things I want to say and maybe other Members want to come, but let me acknowledge something else about this discussion. Sixteen months ago, when I came to this body, I actually thought I knew something about the financial services sector. I spent 20 years prior to being Governor around financial services, taking companies public. I had some ideas about how we would sort through these issues. I have to tell you what I quickly found was that oftentimes my original idea, or oftentimes the simplistic sound bite solution that I thought might be the solution, more often than not proved not to be the case and that trying to sort our way through this labyrinth of financial rules and regulations in a way that brings appropriate

regulation but maintains America's preeminent role as the capital markets' capital of the world has been challenging.

Again I thank my colleague Senator CORKER. I think we both realize there is no Democratic or Republican way to get this right but we had to get it right. Over the last year we have set up literally dozens of seminars where we invited members of the Banking Committee to come in and kind of get up to speed as well. Fifteen months later, with this legislation now before the floor, I think we have taken giant steps forward in getting it right.

I also want to revisit for a moment, before we get to the substance of the bill, how we got here. I have actually been stunned sometimes, sitting in the Presiding Officer's chair, hearing colleagues come in and try to cite as the causation of the crisis that arose in 2007 and 2008 a single legislative action back in the 1970s or a single individual's activities over the last two decades. The claims are so patently absurd, sometimes they do not even bear recognition or bear rebuttal. But it is important to take a moment to look back on the fact that none of us comes with clean hands to this process of how we got to such a mess in 2008 that we were on the verge of financial meltdown.

Think about the fact back in the early 1990s, back in 1993, Congress actually passed legislation to give the Federal Reserve the responsibility to regulate mortgages—responsibility that we have seen time and again they didn't take up the challenge to meet.

The Presiding Officer spoke very eloquently earlier this afternoon about the actions of Congress in 1999, the Gramm-Leach-Bliley bill, that basically broke down the walls between traditional depository bank and investment banking that had been set up by the Glass-Steagall Act in the early 1930s. Where the Presiding Officer and I may differ now is I am not sure we can unscramble those eggs, but clearly we needed a little more thought back in 1999, as we internationalized our financial markets and turned these large institutions into financial supermarkets, which was one of the precipitating factors in this crisis as well.

Candidly, bank regulators were not given the tools to regulate, and oftentimes regulators of both depository institutions, their bank holding companies, and their securities firms, had no collaboration or coordination.

During our hearings in the Banking Committee when we looked into one of the most egregious excesses in the last few years, the Bernie Madoff scandals, we heard regulators had started down the path to try to find out the source of some of the criminality that took place in the Madoff case, only to find because of our mismatch of regulatory structure they got to a door they couldn't open because that was the purview of another regulator.

Regulators, under our existing rules, were actually prohibited from looking at derivatives. Derivatives, as the Chairman mentioned, in the last decade have gone from what seems like a large number—$90-plus billion—to literally hundreds of trillions of dollars in value.

Responsibility continues, again, in some of our monetary policy. In the early part of the 2000s—and again, not many people sounded the alarm at that point. We overrelied on low interest rates and monetary policy to pull us out of the 2001 recession. But as we came out of that 2001 recession, we left those monetary policies in place, which led to a housing bubble for which we are still paying the price.

I know some of my colleagues on the other side said this bill does not take on the GSEs, Fannie Mae and Freddie Mac. And, yes, to a degree, they are right. And then, in a subsequent action, we will have to make sure we have a new model in place for these institutions. But that should not be used as an excuse to not put in place major financial regulatory reform.

Candidly, if we are going to be really truthful with each other and the American people, we have to acknowledge that everyone—not just the banks but everyone—got overleveraged. Quite honestly, we all, the American people, probably need to take a look in the mirror as well. I think, as we bought those adjustable rate mortgages; took out that second and third loan on our home; ended up getting that deal that seemed too good to be true; moved away from the conventional idea that you ought to go ahead and, before you get a mortgage, be able to put 20 percent down and be able to show you can pay it back, we all got swept up in this ''who cares about tomorrow; let's just borrow for today.''

We also saw innovations, and American capitalism has worked pretty well, particularly in the last 100 years. But we particularly saw innovations in the last 5 or 6 years alone, innovations that originated on Wall Street that were supposed to be about better pricing risks: derivatives and all of their cousins, nephews, and bastard offspring. But these tools that were supposed to be a better price risk we have now found were more about fee generation for the banks that created them and, instead of lowering overall risk, created this intertangled web that, once you started to put the string on, potentially brought about the whole collapse of our markets.

Time and again, we saw, rather than transparency in the market, opaqueness and regulators who never looked beyond their silos.

I think most all of our colleagues want reform. Colleagues on both sides of the aisle want to get it right. But I believe there are two real dangers as we go down this reform path. One is to resort to sound-bite solutions that at first blush sound like an easy way to solve the problem but in actuality may not get to the solution we need.

I know we are going to have a fervent debate on this floor—and I look forward to it—about the question of whether the challenge with some of our institutions was their market cap or was it really putting pressure on the regulators to look at their level of interconnectedness and the level of risk-taking that was taking place. I look forward to that. There are valid points on both sides. When we get to that debate, I will point out the fact that in Canada, where there is actually a higher concentration of the banking industry than in the United States, because there was greater regulatory oversight and actual restrictions on leverage, those Canadian banks didn't fall prey to the same kind of excess we found here in the United States.

I know the chairman and Chairman LINCOLN are working through the question of derivatives, where they should be housed, because they do provide important tools when used properly. And there will be a spirited debate on whether we should break off derivatives functions from financial institutions. I look forward to that discussion. By simply breaking off these products into a more unregulated sector of the industry, we could, in effect, if we do not do it right, create an even greater harm down the road than we have right now.

So the first challenge is to make sure we don't fall prey to the simple solutions and recognize the complexities of these issues.

The other challenge we have to be aware of is the converse. I know the chairman has heard, I know the Presiding Officer has heard—any of us who have tried to get into this issue have had folks from the financial industry come in and talk to us about the unforeseen consequences of any of our actions. Some of those arguments are valid, but oftentimes those arguments are simply—they always start the same: We favor financial reform, but don't touch our portion of the financial sector because if you do this, the unintended consequences would be enormous.

Because the knowledge level and the complexity of these discussions are so challenging, what we also have to fight against in this body is the more easy process to default to the status quo because timidity in this case will not solve this crisis and will not provide the new 21st-century financial rules of the road we need.

We can't be afraid to shine the light on markets or, for that matter, to raise the cost of certain activities, because the unforeseen consequences of the interconnection of these activities, as

we saw in 2007 and 2008, pose grave risk to our financial system—and as we have seen with the 8 million jobs lost and literally trillions of dollars of value lost from the American public.

So what does S. 3217 do to accomplish this? I spent most of my time on the two titles that Senator CORKER and I worked on and the chairman and his staff adopted and changed a bit but that still provide the framework and, I believe, the right structure.

First—the chairman has already mentioned this—we create for the first time ever an early warning system on systemic risk. If there is one thing that has become clear from all of the hearings that have been held, not just at the Banking Committee but under Senator LEVIN's Investigations Committee and Chairman LINCOLN'S Agriculture Committee, it is that there was very little combination and sharing of information between the regulatory silos.

The chairman's bill creates a nine-member Financial Oversight Council chaired by the Treasury Secretary and made up of the Federal financial regulators. This group will bear the responsibility, both good and bad, if they mess up, of spotting systemic risk and putting speed bumps in place because we can never prevent another future crisis, but to do all we can to slow and minimize the chance of those crises. The most important part of this systemic risk council is it will actually share information, so no longer will we have one regulator who is looking at the holding company, another regulator looking at the depository institution, a third looking at the securities concerns and not sharing that data.

We will place increased cost on the size and complexity of firms. The largest, most interconnected firms will be required—not optional but required—to have higher capital, lower leverage, better liquidity, better risk management. Those have all been traditional tools that have already been in our regulatory system, but this systemic risk council will require those large institutions to meet all of these higher costs—in effect, their cost of being so large and interconnected.

But what we are also bringing to the table are three brandnew tools that I think, if executed and implemented correctly, will provide tremendous value in preventing that next financial crisis. Those three tools are contingent debt, our so-called funeral plans, and third, the Office of Financial Research. Since these are new tools, let me spend a moment on each.

One of the things we saw in the 2007, 2008 crisis was that as these firms got to their day of reckoning, it became virtually impossible for them to raise additional capital and shore up their equity. Once they start going down the tubes, the ability to attract new investors, particularly from a management team that sometimes doesn't recognize how far and how close they are coming to the brink, is a great challenge.

So working with folks from the Fed and experts across the country, this bill includes a whole new category within the capital structure of those large institutions: contingent debt. There will be funds within the capital structure that will convert into equity at the earliest signs of a crisis. Why is this important? This is important because if this debt converts into equity, the effect it has on the existing shareholders is it dilutes them. It takes money right out of their pockets. So existing shareholders will have a real incentive to hold management accountable, not to take undue risks, because long before bankruptcy or resolution we will be able to have this trigger in place that will convert this debt into equity, diluting existing shareholders and, candidly, diluting management as well. How effectively we use this tool has yet to be seen, but it will provide another early warning check on these large institutions.

The second new addition to the chairman's bill is basically funeral plans for these large institutions. What do I mean? I mean a management team will have to come before their regulators and explain how they can unwind themselves in an orderly way through the bankruptcy process.

We heard stories—I will not mention the institution—we heard stories in the height of the crisis in 2008 about how certain very large international institutions in effect came before the regulators and said: You have to bail us out because we cannot go through bankruptcy; it is just too hard. Never again should any institution be allowed to be in that position. And if we use this tool correctly—this is an area where I know the Presiding Officer has great interest—if the regulator does not sign off on the funeral plan for this institution, on how it can unwind itself, even with many of its international divisions, through an orderly bankruptcy process, then the regulator can, in effect, make this institution sell off or dispose of parts that can't be done through a regular order of bankruptcy. By doing this, we create the expectation in the marketplace that bankruptcy will always be the preferred option.

Never again will there be an excuse that, we are too big and too complicated to go through that orderly process. Creditors and the market will know there is a plan in place that has to have been approved by the regulator and constantly updated so we have a way out.

The third area—again, I was very pleased to hear the chairman mention this because within the press and the commentary, it has gotten no information or no focus at all—is the creation of a new Office of Financial Research within the Treasury.

One of the things we heard time and again from regulators as we kind of went back and looked at how we got in the crisis of 2007 and 2008 was that the regulators didn't realize the state of interconnectedness of some of the institutions they were supposed to be regulating. No one had a current, real-time market snapshot of all of the transactions that were taking place on a daily basis, so nobody knew what would happen if you pulled the string on AIG, even though it was their London-based office, what would happen if those contracts suddenly all became suspect.

By creating this Office of Financial Research, we will give the regulators and the systemic risk council, on a daily basis, the current state of play across all the markets of the world.

This tool, if used correctly, would be another terribly important early warning system. But as the chairman has mentioned, with all this good work, we still can't predict there will never be another financial crisis. Chances are Wall Street and others, creativity being what they are, will find some way, even with all this additional regulatory structure and oversight. We can never predict there might not be another crisis. So what do we do?

First and foremost, what this bill puts in place is a strong presumption for bankruptcy so that creditors and the market alike will know what happens if they get themselves in trouble. Particularly for these largest institutions that are systemically important, they will have to have their preapproved, in effect, bankruptcy funeral plan on the shelf so that we can pull that off in the event of a crisis and allow the institution to go through an orderly bankruptcy process. Again, bankruptcy will be the preferred option of any reasonable management team because through bankruptcy there is at least some chance they may emerge on the other side in some form or another. They may be able to keep their job, if they are part of management. Some shareholders may still have some equity remaining.

What happens if we have a firm that doesn't see the inevitable and isn't willing to move to bankruptcy? What happens if we have a circumstance where the failure of an institution could cause systemic risk and bring down the whole system?

With an appropriate check and balance—and again, I commend Senator CORKER for his additions—in effect, simultaneous action of three keys: the Treasury Secretary, the head of the Fed, the FDIC, and additional oversight—all of these actions taking place, there then is an ability to say, how do we resolve an institution, in effect put it out of business—unlike in 2008 where the government invested, in effect, in a conservatorship approach that said: We will prop you up to keep you alive because we don't know what to do with you to keep you alive because you are so large and systemically important.

We have created in this bill a resolution process that says: If you as a management team are crazy enough not to go into bankruptcy, but actually allow resolution to take place, you are going out of business. Senator CORKER said: You are toast. Your management team is toast. Your equity is toast. Your unsecured creditors are toast. You are going away.

Again, we are going to put this institution out of business in a way that does not harm the overall financial system. We have to have an orderly process.

We saw during the crisis of 2008 what happens when one of these institutions fails without any game plan. We saw the value of these institutions disappear overnight as confidence in the market, confidence within the market in the institution was lost. So working with my colleagues and experts from the FDIC and others, we said: What you have to do is, you have to have some dollars available to keep the lights on so that you can sell off the portions of the institution that are systemically important and unwind this in an orderly way that doesn't have an effect, the equivalent of a run on the bank or a run on the financial system.

Again, we have heard critiques of the approach Senator CORKER and I came up with in this resolution fund, this ''how do you put yourself out of business in an orderly way'' fund. We actually thought it ought to be paid for by the financial industry, with the ability then to have that fund, in effect, replenished after the crisis is over.

I saw polling today that shows the overwhelming majority of Americans actually think the financial sector ought to bear the cost of unwinding one of these large, systemically important firms. Let me say, if there are other ways to do it—as a matter of fact, some in the administration have suggested other ways—I am sure we can find common ground as long as we do have at least two principles: First and foremost, the taxpayer must be protected, and industry, not the taxpayer, has to take the financial exposure. Second, funding has to be available quickly to allow resolution to work in a way to orderly unwind the process. But it ought to be done in a way—again, this is where some of the judgment comes in—where there is not so much capital available that we create a moral hazard, but a bailout fund is created.

Personally, I believe the House legislation goes too far in creating a fund of that size. I think the chairman's mark strikes a much more appropriate balance. But if there are ways to do this that protect the taxpayer, allow speedy resolution with funds that will be available so we don't have a run on the market, a run on the institution that creates more systemic risk, as long as the industry at the end of day is going to pay for it, I am sure there are other ways and we can find that common ground.

What we did in this process of resolution is we said: Let's take what is working. Let's see what is best from the FDIC process which currently resolves banks on a regular basis. One of the things I have heard from some of my colleagues on the other side—I don't know about their community banks, but my community banks in Virginia; I would bet the community banks in Delaware and the community banks in Connecticut—we don't want to get stuck paying the bills for the large Wall Street firms that bring the system to the brink of financial catastrophe. So, again, one of the aspects of the chairman's bill is to make sure any resolution process does not burden, charge, or in any way otherwise interfere with community banks.

What we think we have struck is a process that puts costs on those institutions that make the business decision to get large and systemically important. We think we have put in place abilities for the regulators, with the funeral plans, to make sure if this interconnectedness is so large that they can't go through bankruptcy, then we can stop them from taking on these new activities. But because we can't always predict eventuality, we have then said: If you need to use a resolution process, let's make sure it is orderly, paid for by industry, and that you have stood it up in a way that no rational management team would ever expect or want to choose resolution.

I know my colleague from New Hampshire has been a great partner in this legislation and is on the Senate floor. I will end with just a couple more moments. There are other parts of this bill that have not received a lot of attention. In this bill, the chairman has included an office of national insurance.

One of the things we saw in the crisis in the fall of 2008 was that nobody knew how entangled AIG's activities were with the whole financial system. This doesn't get to the question of who should regulate insurance companies, but it does create at the Federal level at least the knowledge within the insurance sector of its interconnectedness. The chairman has mentioned that he and Chairman LINCOLN are working to grapple through one of the toughest parts of the bill—again, an area I know my colleague, Senator GREGG, has been working on: How we get it right around derivatives.

Again, there is no policy difference. Both sides agree derivatives are an important tool when used appropriately. Particularly industrial companies need to use the derivative to hedge against future risk within their business. The challenge is, how do we not draw that end user exemption so large that every institution on Wall Street suddenly transforms itself into an industrial end user. Secondly, while these contracts are unique, they have to have more light shown on them in terms of clearing and exchanges.

I know Chairman DODD and Chairman LINCOLN and Senator REID and Senator GREGG will be working through this. One suggestion I would have—because as someone who has seen Wall Street act time and again, I wish them all the luck—part of my concern is that whatever rule we come up with, there is so much financial incentive on the other side that a year or two from now, we may be back because they found a way around it that we again need to give the regulators certain trip wires. I, for one, believe we ought to take the industry at its word. The industry says end users are only going to be 10 percent of total derivative contracts. Then let's put that in as a regulatory goal. If they end up exceeding that, then we can bring draconian consequences to bear. Or if they say, yes, we can make most of these transactions and most of these contracts transparent through clearing or exchange, great; let's accept them at their word.

But if they don't get to those totals, then perhaps some of the actions that particularly Members on my side of the aisle would like to take can be put in place. But, again, folks of goodwill can find common agreement.

Finally, the area around consumer protection, where the chairman and the ranking member have worked at great length to kind of sort this through, everybody agrees on the common goal. There needs to be enhanced consumer protection, particularly for the whole nonregulated portion of the financial industry that now exceeds the regulatory half. Too often it was the community bank that was chasing the mortgage broker on some of the bad financial products because there was no regulation on the mortgage broker to start with. So, again, there will be differences, but I think the approach of the chairman, which is to keep this with the appropriate rulemaking ability but to make sure, particularly for those smaller banks, that we don't end with conflicting information of a consumer regulator showing up on Monday and a safety and soundness regulator showing up on Wednesday, to do that in a combined fashion so there is commonality of message, particularly to smaller banks, that strikes that right balance.

Again, I can only say for the banks in my State of Virginia, those smaller banks who oftentimes have said they didn't cause the crisis—and they didn't—they are the first to say: We need enhanced consumer protection to make sure that our financial products are regulated by the type of product, not by the charter of the institution that issues the product. There may be

ways to improve on this section. But, again, I think Senator DODD and Senator SHELBY are working to get it right.

We have seen, as well, major action on the rating agencies, questions around underwriting. There are tremendous parts of this bill that haven't been the subject of great criticism because they are that common ground that, I think Senator SHELBY has said in earlier quotes, 80 or 90 percent of both sides agree on. Where we don't agree, we ought to debate and offer amendments.

I look forward to candidly working with a number of colleagues on the other side of the aisle on technical amendments to this bill where we think we can make it slightly better. But if we are going to get there, we have to get to the debate.

I hope we move past procedural back-and-forth that, as a new guy, I still don't fully understand. I think it is time to fully debate this bill out in the open. The chairman made mention of what has been taking place in the last few weeks in Greece. I know the Presiding Officer has helped educate me on a whole new activity that is taking place in the financial markets right now around high-speed trading and co-location that could be the forbear of the next financial crisis.

How irresponsible would we be, 18 months after, again, the analogy of the chairman, after our house was broken into, when we haven't even put new locks on the door, if we ended up with another robbery, whether it was caused by internatinoal action or whether it was caused by high-speed trading, because we don't have new rules of the road in place?

In the 15 months I have had the honor of serving in the Senate, I can't think of a piece of legislation that better represents what is good about the Senate, folks on both sides of the aisle coming forth with their ideas, trying to fashion a good piece of legislation. I can't think of an area where there is less traditional partisan, left versus right, Democrat versus Republican divides. I can't think of an applause line better, whether I am talking to a group of liberal bloggers or folks from the tea party, than the notion that we have to end taxpayer bailouts.

I urge my colleagues on both sides of the aisle, let's get through the procedural wrangling. Let's find that common ground that I think we are 90 percent of the way there. Let's pass a bill that gets 60, 70, 80 Members of the Senate and set financial rules of the road that will last not just for the next congressional session but for decades to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise to speak on the bill. This is such a complex piece of legislation, it is difficult to debate in a sense that is understandable because there is so much of a technical aspect to the bill.

Let's start with the purpose or what I believe the purpose should be. Our purpose should be, one, to do as much as we can to build a regulatory regime which will reduce the potential for another event, the type of which we had at the end of 2008 where we had a massive breakdown in the financial system and, as a result of huge systemic risk being built into the system, which wasn't properly regulated and certainly was not handled correctly by either the financial institutions or by the Congress—the Congress maintains a fairly significant responsibility for the meltdown that occurred at the end of 2008, for the policies that we had running up to that period in the area of housing. That should be our first goal, prospectively, trying to reduce systemic risk as much as possible in the system and putting in place policies which will accomplish that.

The second goal, however, should be that we maintain what is a unique and rare strength which America has, which is that we have the capacity as a country to create capital and credit in a very aggressive way so entrepreneurs who are willing to go out and take risks have access to capital and credit, that creates jobs, and that creates the dynamics of our economy.

We should not put in place a regulatory regime that overly reacts and, as a result, significantly dampens our capacity to have the most vibrant capital and credit markets in the world while still having safe and sound capital and credit markets.

The bill the Senator from Connecticut is bringing forward, I presume, is going to have a lot of different sections in it. I want to focus on one because it has become a point of significant contention, and that is the derivatives section. Derivatives are extraordinarily complex instruments, and there are a lot of different variations of derivatives. They are basically insurance policies on an underlying product that is occurring somewhere in the economy. Their notional value is almost staggering. There is $600 trillion of notional value out there in derivatives, which is a number that nobody can comprehend. But you can understand it is a pretty big issue.

Notional value means, of course, that if everything were to go wrong at the same time, you would have $600 trillion of insurance sitting out there that had to be paid off. That obviously is never going to happen. But the fact is, it shows the size of the market and what its implications are. There are all sorts of different elements to this market. It is not one monolithic market. It is not even a hundred, it is thousands—tens of thousands—of different and various things that are having derivatives written against them, although they divide into pretty understandable categories.

Within the bill that came out of the Agriculture Committee, there was, for lack of a better word, an antipathy expressed toward the entities which presently manage the derivatives market in this country, which are essentially the large financial houses. There was an equal antipathy expressed relative to the entities that use these derivatives, including large amounts of manufacturing companies in this country, people who are dealing with financial debt instruments in this country, people who are dealing with the housing markets in this country.

It was almost as if somebody sat back and said: We dislike these folks, and we are going to put in place a regime which will sort of gratuitously penalize them for the business they do because we do not like it. It is too big. It is too complicated. I think the people who wrote it felt it was not understandable and, therefore, they decided to put forward proposals which would fundamentally undermine the capacity to do derivatives in this country.

Is that bad? Yes, it is very bad because derivatives basically are used for the purpose of making commerce work in our Nation, of making it possible for people to borrow money in our Nation, of making it possible for companies in our Nation to sell overseas, of making it possible for people to put a product in the stream of commerce and to presume that when they enter into an agreement on that product, the price would not be affected by extraneous events, such as the fluctuation of currency costs or fluctuations in material costs. So it is critical we get the derivatives language right.

There needs to be a significant new look at the regulatory regime of derivatives. The essence of the exercise should be transparency, maintaining adequate capital for the counterparties and margins, liquidity. That should be where we focus our energy: trying to make sure the different derivatives products that are brought to the market are as transparent as possible and also have behind them the support they need in the form of collateral, capital, and margin, so if something goes wrong they will be paid off, for lack of a better word.

This proposal, as it came out of the Agriculture Committee, does not try to accomplish that. Rather, it tries to essentially eviscerate the use of derivatives as products amongst a large segment of our economy. It sets up something called section 106, where it essentially says the people who are doing derivatives today, which are, for the most part, financial markets, must spin those products off from their financial houses.

That sounds, in concept, like a reasonable idea, especially if you were in

Argentina in the 1950s and working for the Peron government. But as a very practical matter, it is a concept which will do fundamental harm to the vitality of our economy. Why? Because you will not have a lot of derivative products in this country that will be able to pass the test of being spun off. You do not have to listen to me to believe this. Let me quote from a message that was sent to us by the Federal Reserve, which is a reasonably fair arbiter in this exercise. They do not have a dog in the fight other than the financial stability of our country. This is the Fed talking, not me:

> Section 106 would impair financial stability and strong prudential regulation of derivatives; would have serious consequences for the competitiveness of the U.S. financial institutions; and would be highly disruptive and costly, both for banks and their customers.

That is about as accurate and succinct a statement as to what the effect of this section would be as I could have said. I did not say it. Nobody would probably believe me. The Fed said it. The fair arbiter said it.

Why did they say that? Well, it is pretty obvious if you know anything about the way these products work. But essentially, if you spin off these products, you are going to have to create entities out there to replicate the entities they were spun off of. So if a large financial institution is now doing derivatives, and you spin the derivatives desk off, the swap desk off, from that financial entity, that spun-off event is going to have to replicate the capital structure of the financial institution which was basically underpinning the derivatives desk. That capital structure is estimated to be somewhere in the vicinity of a quarter of a trillion dollars to a half a trillion dollars of capital, which will have to be created.

Well, what is the effect of that? When you start putting capital like that into the system, that capital comes from somewhere—assuming it comes at all—it comes from somewhere, and where it comes from, quite honestly, is the creditworthiness of other activity. It is not new capital. It is taking capital and recreating an event, a freestanding entity here, of which capital is not around.

It will also mean there would be a contraction—and this is an estimate not of the Fed but of the group of entities that actually do this business and, therefore, it can be called suspect, but I think it is in the ballpark, give or take a couple hundred billion dollars—it will also cause a contraction of about $700 billion of credit in this country, to say nothing of the fact that if you are looking for a derivatives contract and you cannot go to the financial houses that usually do it in the United States, and you are a commercial entity or a hedging group, you are going to go overseas and do it because they are not going to have these types of restrictions and you are going to be able to buy that contract in Singapore.

So a large amount of entities, a large amount of business, will move offshore almost immediately upon the passage of this bill, should this section be kept in it.

Is it necessary, is the question. Is it necessary to make the derivatives market work right in this country? Absolutely not. This is punitive language put in out of spite because there is a movement in this country, and in this Congress, unfortunately, which I call pandering popularism, which simply dislikes anything that has to do with Wall Street.

I am sure they did a lot of things wrong and they caused a lot of problems. But if you are going to apply the problems that occurred around here fairly, we should be looking in our own mirror, at ourselves, for some of the problems we caused to the American economy, by forcing a lot of lending in a housing market that could not sustain it. It is penal. That is the purpose of this: punitive. In the end, it is going to cut off our nose to spite our face because it will be our credit that contracts, and business can be done and could be done in a very effective way, here in the United States, overseas.

What should be done here? What should be done rather than this exercise, as the Fed has said, in causing a ''highly disruptive and costly'' effect on banks and their customers, and having serious consequences on the competitiveness of the United States? Remember, we are competing in the world. That may have escaped the attention of the Agriculture Committee when they wrote this language, but we are in a world competition. Derivatives are not a unique American product. They are a world product. So these are jobs that go overseas. This is credit that goes overseas. This is business that goes overseas. This is Main Street that will be affected by this language.

How should it have been done? Well, it should have been done in a rational way, not in a punitive way. We know the derivatives market was not transparent enough. We know there was not enough capital, liquidity, margin—whatever you want to call it—behind the products and the counterparties that were exchanging products in the derivatives market in the over-the-counter system. We know—because we have AIG as example No. 1—a tremendous amount of CDs, especially, were being written with nothing behind them except a name.

We can fix all that. It can be fixed in a way that almost everybody is comfortable with by, first, making sure the exempted products from going on a clearinghouse are only products which have a specific commercial use and are customized and are narrow, and that the people doing those products are not large enough in their business so there are systemic issues. Secondly, we put everybody else in a clearinghouse.

What does a clearinghouse mean? It essentially means there will be a third party insurer or holder of the basket of assets necessary to support the derivatives contracts so we are fairly confident when a trade is made in a clearinghouse, the counterparties have the liquidity in the margin behind their positions to support their trades. At the same time, the clearinghouse itself must be structured in a way that it has adequate capital.

Where is that capital going to come from? It can only come from one place. It comes from the people who trade in these instruments. They are going to have to put up the capital. The regulators—the SEC, the CFTC—will have direct access to controlling and making sure that capital is adequate in the clearinghouses and making sure the clearinghouses are adequately monitoring the contracts.

Then as the contracts become more standardized—and they can and they will; we all accept that—they move over to exchanges where they are basically traded like stock. Then you have absolute transparency, price disclosure, and you do not have the issue of the over-the-counter market that causes so much problem for us. That will happen. That will happen almost naturally, but you could have the regulators stand up and say: Well, we think this group of derivatives is standardized enough and you have to move it to an exchange. We could give that power to the regulators, and that makes sense. But it would happen naturally anyway as these clearinghouses become more effective and standardized in the products, and people become more comfortable with standardized products in these areas.

Of course, there would have to be real-time disclosure to the regulators of what the prices were, if they are OTC prices or clearinghouse prices, so they know what is going on. Then it would be up to the regulators to decide when that information should be disclosed to the markets, depending on how you make these markets. Sometimes you cannot disclose the information immediately; otherwise, you would not be able to make a market; otherwise, you would not be able to do the contracts and, therefore, you would not be able to do the business, which underlies the need for the derivative.

So all of that could be done. All of that could be done, and it does not require creating this entity or these series of entities out there which the Federal Reserve has described as impairing the ''financial stability and strong prudential regulation of derivatives.'' In other words, what the Federal Reserve is saying is, when you go in the direction of what is being proposed from the Agriculture Committee in the area of derivatives and set up

this independent swap desk, you are not making things stronger in our financial structure; you are making them weaker. You are significantly reducing the strength of the regulatory arms that guide derivatives or oversee derivatives. You are also, as I mentioned earlier, creating an almost guaranteed-to-fail situation relative to the need for capital to support these derivative transactions. It is just—it just makes no sense at all.

To begin with, derivatives are, by definition, a bank product, so the idea that they have to be spun out of banks and financial institutions is, on its face, absurd, truly absurd, and counterproductive to the whole purpose of doing derivatives, which are very important. The Congress recognizes that. In Gramm-Leach-Bliley, we called derivatives a bank product. We understood that then. We seem to have forgotten it now.

I have been trying to figure out what is behind this type of language because it is so destructive to our competitiveness as a nation. This is the type of thing, as I said earlier, we would have seen in Argentina in the 1950s, this almost virulent populist attack on entities simply because they are large and because obviously there is a populous feeling against them, which ends up, by the way, significantly impacting Main Street in a negative way. Look at Argentina. In 1945, I believe, or 1937, somewhere in that period, they were the seventh best economy in the world, the seventh most prosperous people in the world. Now they are like 54th. It is because of this populous movement which has driven basically their ability to be competitive offshore. So now we have this huge populous movement here, and I am trying to think what is behind it. What is the rationale here, other than just rampant pandering populism? A vote occurred in the Budget Committee last week, of which I happen to be ranking member, which crystallized the situation. Senator SANDERS from Vermont—whom I consider a friend and I enjoy immensely. He is a great guy. He has a great sense of humor, but we disagree on a lot of things. He runs as a Socialist. I run as a conservative. Senator SANDERS offered an amendment which said that the government—and the government, I assume, would be four or five people down at Treasury or four or five people down at—I don't know where they would be, some new offices somewhere—has the right to break up large corporations. It didn't say break up large corporations which had problems, which had overextended themselves, which everybody agrees should happen. That is what Senator WARNER was talking about. He has done extraordinary work in this area and I am supportive of his efforts on resolution authority, where if a big bank, a big financial house or a big entity gets into trouble, if they overextend themselves or they are essentially insolvent, they get broken up. There is no—the taxpayers do not come in, in any way, shape or manner and support that entity. That is what the Warner-Corker language does, and I believe the Senator from Connecticut has tried to incorporate a large amount of that. That should be our policy. But what the Sanders amendment said was anything—any financial house—could be broken up simply because it was deemed to be big, no matter how resilient or strong it is; no matter if it is a major player for our Nation in being more competitive internationally.

Remember, when an American company goes overseas, they want to use an American bank. They don't want to have to use the Credit Suisse or the Bank of Singapore. They want to use an American bank to follow them around the world, and those banks have to be pretty big to do that. Some of them are quite profitable and quite strong. Well, this language would have said no matter how strong and profitable you are and how robust you are and how much you contribute to the American economic system by giving us one level of financial services—which we need as a country, large financial institutions that can support very complex, sophisticated, international economic activity and domestic economic activity—that they would be broken up because a group of people in Washington didn't like them for social policy, social justice reasons. They didn't lend enough money to some group they wanted them to lend to or they lent too much money to some group they didn't want money lent to. For social justice reasons, we will go in and break up this company, even though it is totally solvent, strong, fiscally responsible.

That is the policy that was proposed in the Budget Committee. Ten people voted for that policy. Ten. Ten out of the twenty-two people who voted, voted for that policy. Incredible. Where does that stop? Where does that stop? Where does this section 106 stop? Do we break up Walmart because they are not union? Do we break up McDonald's because they sell food that some people think makes you too fat? Do we break up Coca-Cola because they have too much sugar in their products? Does anything that is big in this country get broken up because there is an attitude that big is bad, whether it contributes or not? Unless you happen to be big and union, in which case you get saved, of course, as the UAW was able to work out with GM and Chrysler.

That is the essence of this language. This language isn't about fixing the derivatives market at all. You can fix the derivatives market in a most comprehensive and substantive and effective way that keeps America the best place to create these types of products in the most sound and safe way. You can do that, and I have outlined pretty specifically how you would do it, without this section. I will close by reading one more time how the fair arbiter has defined it, the Federal Reserve. This is such a damaging section that it cannot be underestimated the damage to our economy were it to be approved.

Section 106 would impair financial stability and strong prudential regulations of derivatives; would have serious consequences for the competitiveness of U.S. financial institutions; and would be highly disruptive and costly, both for banks and their customers.

Remember, their customers are the people who work on Main Street for the companies that use derivatives, and almost every company in this country of any size uses a derivative to hedge their risks. Ironically, this is all done in the name of social justice because Wall Street is bad, so we are going to go out and cut off our nose to spite our face.

It is incomprehensible that a nation which has become as strong and as vibrant as we have by promoting a market economy would decide to go down this route, which is the antipathy of a market economy, but that is where we are. That is what has happened here, and that is the direction we are going. It is unnecessary, by the way, as I said earlier; unnecessary, because derivatives can be made safer and sounder by simply restructuring the transparency and the manner in which they are put on clearinghouses, limiting the amount of those that are subject to exemption, and pushing people toward exchanges, to the fullest extent possible and to the extent it will work. All that can be done without this type of language which is so destructive and, as the Fed has said, will have the exact opposite effect of what it is alleged to be doing.

Mr. President, I yield.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from New Hampshire. We are great friends and have worked together on a number of issues over the years together. In a matter of months, both of us will be former Members of this institution. Let me express my gratitude to him for his service over the years and his commitment to these issues.

He has focused his attention on the particular matter coming out of the Agriculture Committee, of which we are all very much aware. That proposal was supported by Democrats as well as, as my colleagues know, a Republican on the committee. As my colleague from Arkansas pointed out and as I am sure we have heard already, there was at least an appearance of bipartisanship on this bill.

The Senator from New Hampshire raises some very important issues. There are a number of our colleagues who have very strong feelings, different

than those of my friend and colleague from New Hampshire, as we know; otherwise, it wouldn't have come out of the committee with the vote it did, and, therefore, the subject of a debate in this Chamber. I should, of course, begin by thanking him as a member of the Banking Committee for his participation involving our product in the Banking Committee.

The issue before us in the next few minutes is whether we can have this debate on these issues. Again, as my colleague from Alabama has pointed out on several occasions, we are 80 percent or 90 percent, whatever the number he wants to talk about, there in terms of agreeing to a major part of what our bill proposes. Obviously, we are not all there. You can't ever get ''all there'' in one of these debates, before you have the opportunity to do exactly that, where Members have a chance to be heard, to raise their ideas, a different point of view, and my friend from New Hampshire feels as passionately as do others about their point of view. That is the purpose of having a debate and an institution such as this for that debate to occur.

My hope would be, again, that when this motion to proceed occurs, though some may share the views of my friend from New Hampshire or some may have an alternative view, as is certainly the case in major parts of this bill as I have written it along with my committee members—that is the purpose for which this institution exists, to have that debate. No one Member, no one committee, no handful of Members should even suggest that they have the right to write the legislation without the consideration of others. So there is a difference of opinion on these matters.

I see my colleague from Vermont.

Mr. SANDERS. Mr. President, if my friend will yield for a few minutes, I understand my friend from New Hampshire had something to say.

Mr. DODD. What time is the vote to occur?

The PRESIDING OFFICER. At 5 p.m.

Mr. DODD. The Senator from Vermont better take the next 3 minutes.

Mr. SANDERS. Mr. President, I will do what I can in 3 minutes.

My good friend from New Hampshire, my colleague from across the Connecticut River, apparently does not have a problem with the fact that the largest financial institutions in this country that we bailed out because of their recklessness, greed, and illegal behavior have, since the bailout, become even larger. Three out of the four major financial institutions, all of which were bailed out, have become larger. No matter what anybody tells you, when one of these institutions is about to tip over and take a good part of the economy with them, despite the rhetoric today, people are going to be bailing them out, and they are going to lose millions of jobs if we don't.

The reality is, we have a situation now where the top six banks in this country, despite what the Senator from New Hampshire has suggested, now have total assets in excess of 63 percent of GDP. We are talking over $7 trillion. When you have six institutions with 63 percent of total assets compared to GDP, I think we have a problem, and we have a problem for two reasons. No. 1, we have a problem in terms of taxpayer liability and the fact that we will, once again, have to bail these behemoths out. Secondly, as Teddy Roosevelt told us 100-plus years ago, it is time to break up these guys because they have incredible concentration of ownership over our entire economy.

It is incomprehensible to me that the Senator from New Hampshire can be comfortable as a conservative—doesn't like big government but apparently doesn't mind huge financial institutions.

So I think that anyone who is not worried about the concentration of ownership within our financial institutions is missing an enormously important point, not just from too big to fail but economic concentration of ownership.

With that, I thank my friend from Connecticut and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 349, S. 3217, the Restoring American Financial Stability Act of 2010.

Harry Reid, Christopher J. Dodd, Byron L. Dorgan, Mark Udall, Roland W. Burris, Daniel K. Inouye, Sherrod Brown, Robert P. Casey, Jr., Mark Begich, Patrick J. Leahy, Tom Udall, Patty Murray, Tom Harkin, Richard J. Durbin, Frank R. Lautenberg, Benjamin L. Cardin, Bill Nelson, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3217, the Restoring America's Financial Stability Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Missouri (Mr. BOND).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—57

| | | |
|---|---|---|
| Akaka | Feinstein | Merkley |
| Baucus | Franken | Mikulski |
| Bayh | Gillibrand | Murray |
| Begich | Hagan | Nelson (FL) |
| Bennet | Harkin | Pryor |
| Bingaman | Inouye | Reed |
| Boxer | Johnson | Rockefeller |
| Brown (OH) | Kaufman | Sanders |
| Burris | Kerry | Schumer |
| Byrd | Klobuchar | Shaheen |
| Cantwell | Kohl | Specter |
| Cardin | Landrieu | Stabenow |
| Carper | Lautenberg | Tester |
| Casey | Leahy | Udall (CO) |
| Conrad | Levin | Udall (NM) |
| Dodd | Lieberman | Warner |
| Dorgan | Lincoln | Webb |
| Durbin | McCaskill | Whitehouse |
| Feingold | Menendez | Wyden |

NAYS—41

| | | |
|---|---|---|
| Alexander | Ensign | McConnell |
| Barrasso | Enzi | Murkowski |
| Brown (MA) | Graham | Nelson (NE) |
| Brownback | Grassley | Reid |
| Bunning | Gregg | Risch |
| Burr | Hatch | Roberts |
| Chambliss | Hutchison | Sessions |
| Coburn | Inhofe | Shelby |
| Cochran | Isakson | Snowe |
| Collins | Johanns | Thune |
| Corker | Kyl | Vitter |
| Cornyn | LeMieux | Voinovich |
| Crapo | Lugar | Wicker |
| DeMint | McCain | |

NOT VOTING—2

| | |
|---|---|
| Bennett | Bond |

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed.

The PRESIDING OFFICER. The motion is entered.

The Senator from Alaska is recognized.

Mr. BEGICH. Madam President, I was not intending to speak because I was hopeful that tonight we would have a simple vote that would move us to debate on a bill that I think people have been waiting for, for a long time, and that is getting reform to our banking institutions and financial institutions.

I will say for those who are watching and listening, I am new here. I have been here a little over a year, and I am trying to understand all of the process. But one thing I have learned is this great motion called a motion to proceed—a lot of people watch and see us vote and think, oh, the bill has gone down.

This motion was a very simple motion. It allowed us to move to the bill so we can debate. What I have heard over the last several weeks and literally the last 48 hours is the desire for people to add amendments and talk about it and do all of the things we want to do and to have full debate on the floor. But because of this simple

motion that the Senate requires, which I think is kind of a foolish motion—that is my personal opinion—this motion to proceed, we are not even allowed now to debate this bill and offer amendments to this very important financial reform legislation.

So I am disappointed. I am disappointed for us as a body that we can't move forward. Second, I think my constituents in Alaska are disappointed that we don't have an opportunity to debate this issue and throw amendments on the floor to refine a good piece of legislation and move us forward to getting reform in our financial institutions, especially these megabanks.

Over the last year and a half since I have been here—almost a year and a half—all I have heard about is how bad this economy was a year or so ago and what caused it was the financial institutions just kind of crashing in because of the rules—or the lack of rules—under which they operated. The goal of the Senate is to try to create some rules, to make sure the public sees some transparency in these megabanks. Yet, for whatever reason, our friends on the other side are not willing to even move this forward.

But I also learned today, just reading some of the material we get every single minute around this place, that they have been working on a bill for months. I don't know where they have been working on this bill because I sure as heck haven't seen it. The public hasn't seen it. I do know they have been having a lot of meetings up on Wall Street, and maybe that is where they are writing the bill. But I haven't seen this bill for 2, 3, 4, 5 months, whatever the timetable they claim they have been working on some legislation. That is what I read today. But the public hasn't seen it. The American people haven't seen it. And we actually had a chance tonight to vote to allow us to see it and have a debate, and they wouldn't allow that.

So I am disappointed. I am disappointed that we don't have that opportunity. I am disappointed for the American people that we will not move forward on banking and financial reform, which is desperately needed. It is what crashed this economy, because of the lack of rules and the carelessness of so many with hard-earned dollars from working people across this country that they had put into banks and anticipated it would be put aside and protected and not put into some high-risk ventures that later on banks did and other megabanks did and caused this economy to be in the position it is in today.

In Alaska, we have some great institutions. Our credit unions and our community banks did a great job. They were not investing in risky ventures. They were not investing in risky financial instruments with hard-earned dollars people put into those banks as investors or people deposited in those banks. The credit unions and these small community banks did a great job.

This is our opportunity to not continue the status quo. It is clear to me that the other side is interested in the status quo, where billionaires became billionaires again by betting against the recovery of the economy, which is amazing, to me. They bet against the American people. They hoped they would be foreclosed on. Those are the rules the other side wants to continue. Now, maybe I am living in another world. I am betting on the American people. I am betting on Alaskans, that we want to move forward, not the status quo where this economy almost crashed and burned.

At the same time, we want to make sure that banks in the future cannot be coming to the taxpayers and asking us for a bailout because that ain't happening, at least while I am here, anymore. It is outrageous that the taxpayers got left behind in this process.

So, again, I am disappointed. It is amazing, as I said, that they are drafting some bill somewhere in some dark room somewhere. I don't know if it is in the Capitol or up on Wall Street. It is somewhat amazing to me, the people were complaining some time ago on some legislation they said we were drafting in the back room—which was not true—and now they are doing the exact same thing they complained about. The hypocrisy is unbelievable.

So I was not planning to come down here and speak. I was voting like the rest of us, thinking we were going to move forward, and here we are: No bill to offer amendments, no bill to strengthen our financial position. Same old business as usual, status quo. The rich get richer. The people who are working hard every single day suffer, lost their 401(k)s or their education retirement accounts they set aside for their kids or thought they put them in a bank that was supposed to be secure, ended up who knows where, except in a few people's pockets who were working on Wall Street.

So I am disappointed. I would hope our colleagues on the other side would allow us the opportunity to offer amendments to financial reform legislation that will, for once and for all, hold these financial institutions accountable for the actions they caused to this country that almost put us on the verge of bankruptcy.

Thank you for the opportunity to vent, I guess would be my view right now, in aggravation of what is going on. But, again, it is our job to hold these financial institutions accountable for what they did to the taxpayers of this country. I hope our colleagues on the other side will see the light of day and join us to offer a debate.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I am pleased to be here with my colleague from Alaska. I also was not planning to come to the floor to talk about this tonight because I thought the vote was going to pass. This is called a motion to proceed, and around here, I think that is Senate-speak for a motion to not get anything done. That is what happens when we do these motions.

It is particularly aggravating because I was back in Colorado this weekend, as I am every weekend, traveling the State and had the chance to see the TV from time to time. You couldn't turn on a television station without seeing some politician from this town on TV talking about the importance of getting this work done, Democrats and Republicans, people taking the time out of their weekend to say to the American people: We are actually working hard to try to correct the problems that led us into the worst recession since the Great Depression. Then we all get back to town on Monday and we don't get anything done. We take a vote, not on the bill but a vote that would just allow us to debate the bill, to amend the bill, to get Republican amendments and Democrat amendments, to improve the legislation, and we are told we can't do that. We can have the debate on the airwaves, we can have the debate all weekend long on television in front of the American people, but when we come back here, in theory, to do the people's business, somehow we cannot debate it anymore. This is the reason so many people across the country think Washington is completely out of touch.

There are people saying: Well, the recovery started. Everything is OK again. And I am glad to see there are some signs of improvement in our economy. But for the families in Colorado, there is still a lot of struggle going on, there are still of lot of people worried about losing their houses or how to replace the houses they have lost, worried about losing their jobs or how to pay for their kids' higher education.

The last period of economic growth in our country's history before we were pitched into the worst recession since the Great Depression was the first time in this Nation's history ever, ever, that our economy grew, our gross domestic product grew, but middle-class incomes fell in the United States. In Colorado, it fell by $800, while the cost of health insurance went up by 97 percent, the cost of higher education went up by 50 percent.

Our families are recovering not just from one recession but effectively from two recessions, and you would think the least we could do would be to put some commonsense regulations in place that, had they been in place before the last crisis, we wouldn't have had the crisis to begin with.

Our last period of economic growth in this country was based on debt, too much debt at every level of the economy.

The consumers have too much debt. Washington has too much debt. Some bankholding companies in New York that historically had 12 to 14 times debt to equity decided during that period to go to 28 and 30 times. By any standard, it is an incredibly risky strategy. To make matters worse, the way they leveraged themselves up was with derivatives that no regulator was looking at, that shareholders didn't even understand, that bondholders didn't even understand. The commonsense reforms that are in place in this bill—because of the work of the Banking Committee, the work of the Agriculture Committee, both committees on which I serve—would have cured that problem.

Ultimately, what we are trying to do is put ourselves in the position of never having to say some financial institution is too big to fail or that the taxpayers have to hold a gun to their head and clean up somebody else's greedy mistake; to make sure there is transparency in the marketplace so we know what securities are being traded.

I have spent half my life in the private sector, a lot of it in the capital markets. This is not an antibusiness piece of legislation. In fact, quite the contrary. There are a lot of businesses out there that have been harmed terribly by judgments that were not made because they were prudent business decisions but to make a fast buck.

Here we are on Monday night, after a weekend of people talking on television programs, and we can't get done the American people's business. Again, this is not an up-or-down vote on the bill. This is just a vote so we can have a debate on the floor of the Senate, so we have the opportunity to amend and improve the bill. I am sure the bill is not perfect. In fact, I know it is not perfect. It has room for improvement.

I see my colleague from the Banking Committee from the Commonwealth of Virginia is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, let me thank my colleague from Colorado, a member of the Banking Committee, who has been part of trying to get this bill right over the last 14, 15 months. He has spent a career in the private sector, as I did. I think we both can read a balance sheet. We both understand it is the capital markets that drive the American economy. I think we both agree we want to keep America the capital of capital formation for the whole world. We don't want this to migrate to London or Shanghai or elsewhere around the world.

We also know 18 months after we came to the precipice of a financial meltdown ought to be enough time to put rules of the road into place so we can give the market what it craves most, which is predictability.

I will not go on at length. I had the opportunity earlier when the chairman was here, and I think, unfortunately, I probably spoke for about 40 minutes going through how we got to this point and all the things in this bill to put these new rules of the road in place. I will only make two or three quick points.

One, in my 15 months here, as a new guy, I have never seen a bill that has had more bipartisan input than this piece of legislation. I had a great colleague in Senator CORKER from Tennessee. We worked on the too-big-to-fail and the resolution piece. There are places that can still be improved. I would love to work with Senator CORKER on some technical amendments to make this better. But this was a bipartisan piece of legislation.

Two, I actually think there is a great deal of agreement on both sides of the aisle about our policy goals. I am not talking about the role of government or who should get covered or not covered, the way it was with health care. We all agree, no more taxpayer bailouts, more transparency, that there ought to be some sense of fairness in the financial system, and that consumers ought to know the financial products they are using and buying, or mortgages they are making have some basic underlying protections. I have yet to hear any of my colleagues on the other side disagree with those basic premises. I think we are still working toward what I hope will be, as opposed to some of the disappointments that have come out of this Chamber, something we can all be proud of and something the American people can be proud of in that we found some common ground.

I have to acknowledge, I am not a very good political prognosticator. I assumed last week there was an 80-percent chance we would get a bipartisan bill. I still believe that. I am not sure anybody who is listening tonight understands procedurally why our colleagues who share the same goals, those of us who have been working in bipartisan teams, who have amendments that will help strengthen the bill, shouldn't be spending tonight talking about those amendments, offering those amendments, offering those improvements, having those who disagree debating, when there was a bipartisan product to date and will be a bipartisan end solution, I believe. The American people demand, 18 months after the fact, that we put these new financial rules of the road in place.

Unlike many of my colleagues, I get to go home to Virginia tonight. If I run into a Virginian who wants an explanation of why we are not on the bill, I would not know what to tell them. My friend from Colorado spent the weekend crisscrossing Colorado. He is asking folks to rehire him. I share he is head scratching on why we aren't here talking about something on which there is not major policy differences. There is common agreement that we need to have reform, and a lot of the reform parts there is agreement on. Where there is not agreement, there is actually more bipartisan consensus on the form of the amendments.

I would love to hear from the Senator from Colorado.

Mr. BENNET. Madam President, I thank my colleague from Virginia. As he was talking, I was thinking about my work in the real world, as he has had that experience. If you were in a position where everybody wanted to get it done, if there was general agreement that you were 80 or 90 percent of the way there, the way to get it done was not to not continue discussion. It wasn't to say: Well, I am going to pick up and fly back to Denver or fly back to Virginia until cooler heads prevail. It was to stay in the room and get it done.

I think, particularly when this isn't about a private sector transaction, this is about the American people's business, the people who have hired everybody here to do this job, it is a shame that we should not be out here tonight in a bipartisan way figuring out how to cross the t's and dot the i's and put a framework in place that would have prevented the catastrophe our families are now continuing to live through.

Sometimes that is one of the things people forget. There are parts of the economy that have recovered faster than others. There are parts of the economy where people are getting hired or paid, other parts where people are still struggling along. The people I saw this weekend were people who were struggling along. They are not interested in engaging in class warfare, as some people say. What they are interested in is making sure we create a set of conditions where the game is not rigged and where they have some predictability in their lives as business people and as working families.

Like my colleague, I am new. Maybe we don't know exactly the way this place works. I hope somewhere in this building there are people who are coming together to figure out how we can create the conditions where we could at least get a vote to have the conversation about how to get to that last 10 percent on this bill.

Mr. WARNER. Again, one final comment. I know the Presiding Officer is a new Member as well. This is one of those moments when there has been a year and a half of bipartisan work that has gone on, when there seems to be a commonality of interest in what the goals of financial reform are. I don't know about the Presiding Officer, I don't know about my friend from Colorado, but I never got the memo that

said our job wasn't actually to get stuff done. There were legitimate, major policy differences in the health care discussion. But in this discussion, there are things that need to be worked out, but the goals we have all agreed on. The bipartisan working groups have been at it for more than a year.

I implore my colleagues from the other side of the aisle, I don't know if maybe there was some procedural shenanigans, that kind of back and forth. But I hope my colleagues from the other side of the aisle—I see my colleague actually who has great expertise in the financial sector, the new Senator from North Carolina coming in—some of the newer folks, whatever the reason our colleagues on the other side didn't want to get to a real discussion of the bill, I hope they can come back later tonight, first thing tomorrow, and we can move to this bill, talk about it, put forward those amendments. I know I will have some bipartisan amendments to make the bill stronger.

I know my colleagues will. At the end of the day, let us get the people's business done. As my friend has said, the Dow may be back north of 11,000, but that doesn't mean much if you don't have a job. One of the ways we can guarantee the financial markets will continue to have the capital to make the loans, to make the investments, to create that next wave of jobs is to make sure we have in place financial rules of the road.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Madam President, I, too, am disappointed that my colleagues on the other side of the aisle have decided against even debating Wall Street reform legislation in the Senate. It has been almost 2 years since our financial system stood on the brink of absolute catastrophe. The meltdown on Wall Street has wreaked havoc on Main Street across America. Millions of Americans lost their homes, their jobs, their retirement savings. Taxpayers were asked to fund a massive bailout of Wall Street.

Here we are, a full 2 years later, trying to debate a bill that will establish new rules of the road, create a more stable financial system, and ensure the American taxpayer will not be asked to bail out Wall Street banks again. I am sorry to say my colleagues today voted to stand up for Wall Street instead of standing up for all the people on Main Street who lost their job and their entire life savings.

They voted against the seniors who saw their 401(k)s instantly eaten away by the reckless games Wall Street was playing with their hard-earned money.

In my State, this recession, the worst since the Great Depression, has meant that currently half a million North Carolinians are out of work. In many families, both the husband and wife are out of a job. They are worried how they will put food on the table for their families.

Democrats have been working in good faith for many months on a bill to hold Wall Street accountable for gambling with the money of North Carolinians and people across the country. I know Chairman DODD has been working with Republicans on the Banking Committee for the last year and a half. The time has come to have this debate on the floor of the Senate. Wall Street reform means ending taxpayer-funded bailouts. It also means establishing new standards for the complicated financial products that contributed to this economic downturn.

The purpose of this bill is to ensure the recent financial meltdown never happens again and that we protect seniors who lost retirement savings and small business owners who got caught up in the credit freeze and the countless Americans who lost their job. It means protection for consumers from irresponsible banking practices and greater certainty for bankers. Banks need to be able to understand what the ground rules will be so they can focus on the business of banking. North Carolina is a leader in the banking industry. Both our State's banks and banking customers will benefit from responsible financial reforms.

The proposed legislation also creates an office of financial literacy that will develop initiatives intended to educate and empower consumers to make informed financial decisions. Our students today need the tools to understand financial products and how to manage debt, including mortgages, student loans, and credit cards.

I hope my colleagues will listen to the American people on this issue. It is imperative we pass commonsense Wall Street reform so American taxpayers will never again have to shoulder the cost of a financial crisis.

Madam President, I yield my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I am disappointed but not surprised that our Republican colleagues have chosen not to go forward in terms of financial reform because we should be very clear that when we do financial Wall Street reform, we are taking on not only the most powerful people in the United States of America but some of the most powerful people in the world—people of endless resources.

When Congress deregulated Wall Street, against my vote, Wall Street and their allies, over a 10-year period, spent $5 billion fighting for deregulation so they could be in a position to do anything they wanted, which was, of course, what brought us the terrible recession we are currently in. Last year alone, in 2009, the financial interests spent $300 million in lobbying, campaign contributions, in order to fight finance and Wall Street reform. So I am not surprised that at this point our Republican friends have not chosen to go forward. I hope they change their mind, and I hope they know back home the American people are profoundly disgusted at the behavior of Wall Street, and they want to make sure we never again will be placed in the position of having to bail out people who, through their greed and recklessness, have brought suffering to tens and tens of millions of Americans.

As we proceed—and I believe we will proceed—to Wall Street reform, it is also important we not just pass something for the sake of a press release but we do something substantive. There are a lot of issues out there. I know Senator DODD has brought forth a bill with 1,600 pages in it. There are dozens and dozens and dozens of important issues. I want to touch on simply three that I believe are essential if we are going to be serious—underline ''serious''—about Wall Street reform.

Issue No. 1. I receive calls every week from Vermonters—and I suspect the Presiding Officer does from people in New Hampshire—who are disgusted by having to pay 25-, 30-, 35-percent interest rates on their credit cards. In my view, usury is immoral. If you look at Christianity or Judaism or Islam or any of the major religions, they make the point that charging outrageous interest rates to desperate people is immoral.

We finally have to end usury in the United States. We have to put a cap on the interest rates that financial institutions can charge when they issue credit cards. The amendment I will be bringing before the floor is similar to what has existed for several decades now for credit unions. Credit unions today are doing just fine, but they cannot charge more than 15-percent interest rates, except under exceptional circumstances. If it is good for credit unions, it is good, in my view, for Wall Street and large financial institutions.

Second of all, I think there is great skepticism about the role of the Fed and the lack of transparency that exists in the Federal Reserve. About a year ago, Chairman Bernanke came before the Budget Committee on which I serve and I asked him a pretty simple question. I said: Mr. Chairman, you have lent out trillions—underline ''trillions''—of dollars in zero or near-zero interest loans to the largest financial institutions in America. Could you please tell me and the American people who received those trillions of dollars in loans?

I do not think that was a terribly unfair question to ask. Mr. Bernanke said: No, I am not going to tell you. He gave me his reasons why. I disagreed. The American people have a right to know who received those loans. The American people have a right to know

whether some of those large financial institutions took those zero-percent interest loans and then went out and bought government bonds, T bonds, at 3-percent interest, which, if true—as I suspect it is—is a huge scam, a huge scam. So we need transparency in the Fed, and I am going to bring an amendment to the floor to do that.

The third point I want to make is, in, I believe, November of 2009 I introduced legislation—three pages—very simple legislation, which called for breaking up large financial institutions. As this bill proceeds, my colleagues Senator BROWN and Senator KAUFMAN are going to be offering a bill along those lines, which basically says if an institution is so large that its collapse will bring systemic damage to the entire economy, we have to start breaking up those institutions—break them up. If a financial institution is too big to fail, in my view, it is too big to exist.

The issue here is not just the liability, the potential liability for the taxpayers of this country if a large financial institution collapses and we have to bail them out, it is also an economic issue. Are we comfortable when, according to Simon Johnson, the former chief economist of the IMF, ''as a result of the crisis and various government rescue efforts, the largest six banks in our economy now have total assets in excess of 63 percent of GDP. . . . This is a significant increase from even 2006. . . .''

I find it quite interesting the senior Senator from New Hampshire was on the floor a little while ago attacking me because in the Budget Committee I brought up a resolution which lost 12 to 10 to begin to break up these large financial institutions. I get a little bit tired of our conservative friends who say: Oh, the government cannot do anything. We hate big government. But apparently they do not hate large financial institutions, six of which have assets equivalent to over 60 percent of the GDP of this country.

Teddy Roosevelt, a good Republican, over 100 years ago started breaking up large financial institutions, large corporations. What we are talking about now is a handful of corporations, of financial institutions that play a very negative role in creating a stranglehold and a lack of competition in our entire economy. I intend to be strongly supporting the amendment brought forth by Senator BROWN and Senator KAUFMAN. I think it is moving exactly in the right direction.

So I am disappointed but not surprised that the Republicans have not chosen to go forward on Wall Street reform. I hope they will reconsider that. When we do go forward, I hope we listen to the American people, we take serious action, and we start the process of standing up to some of the most powerful people not only in this country but in the world.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I appreciate the words from the Senator from Vermont and his support of the Brown-Kaufman amendment and his work on real Wall Street reform.

Two years ago, as we know, we were on the verge of another Great Depression. Wall Street had gorged itself on greed and junk debt. Markets panicked and chaos and hardship threatened Main Street. At the request of the Bush administration, we acted swiftly, we acted bipartisanly, to pull ourselves back from the brink of economic collapse. We saved the banks temporarily, as we should have, but Wall Street recklessness, aided and abetted by lax regulation and deregulation and appointments by the Bush administration of people far too friendly to Wall Street, had done its damage. Wall Street's greed led to more than 7 million Americans losing their jobs.

Go to Mansfield or Lima or Sandusky or Cleveland or Zanesville and see the damage it did to American manufacturing. Wall Street's excess and rampant speculation caused nearly 6 million home foreclosures. Go to neighborhoods in Over-the-Rhine in Cincinnati or go to neighborhoods on the west side of Cleveland or go to neighborhoods in north Columbus and see the damage Wall Street excess and rampant speculation caused to homes and families in my State.

Here we are 2 years later and Wall Street is continuing to risk Main Street jobs, Main Street pensions, and Main Street homes on get-rich-quick schemes. Here we are 2 years later in reach of legislation designed to put an end to the recklessness, and Wall Street and Senate Republicans—and sometimes it is hard to tell the difference—are delaying and hoping to kill any such reforms. We cannot afford to let this be delayed any further. Bear Stearns collapsed 2 years ago.

Senator DODD, after careful thought, put out a working draft of legislation the following November. There was a big hue and cry over that draft—many said it was too tough on Wall Street—but Chairman DODD continued working on the draft, talking to Republicans and Democrats on the Banking Committee and throughout the Senate. He put together bipartisan working groups, including Senators CORKER and WARNER, Senators GREGG and REED, Senators DODD and SHELBY, and Senators CRAPO and SCHUMER—a Republican and a Democrat in each negotiating team.

So we have been working on this since the start of the financial crisis. It has been months since Senator DODD first put his legislation out for the public's review. But here we are tonight—requesting a simple up-or-down vote so we can start debate—and the entire Senate Republican caucus said no.

They are filibustering. They are delaying. I think they are trying to destroy this bill. All we are trying to do tonight is—not pass legislation; we know we are not ready to do that yet—all we are trying to do is move the bill forward so any Senator, whether it is a Republican colleague or a Democratic colleague, can offer an amendment. There are good amendments out there that can make a strong bill even stronger.

There is an amendment going to be offered by Senator CORKER. He and I talked about this on our Sunday morning show this week—just yesterday—an amendment on clawing back executive compensation that he has been working on that seems to make sense.

There is an amendment Senator KAUFMAN and I have been working on to put size limits on banks and end the days of banks that are too big to fail. If banks are too big to fail, those banks simply are too big.

I would add, 15 years ago, the combined assets of the six largest banks in America were 17 percent of GDP. The combined assets of the six largest banks in America today are 63 percent of GDP.

There are other amendments that can finally hold Wall Street accountable for its own mistakes offered by some Republicans and some Democrats. We just want to move forward so those amendments can be considered.

So it is unfortunate when Senate Republican leadership—and I know there are Republicans who want to work with us, but when Senate Republican leadership pulls their colleagues back from doing the right thing. We saw the same tactic with the health insurance debate—delay and delay—only to find obstruction at the end. We know if they can delay and delay, as officials in the American bank associations have said, that is the best way to kill this legislation and to get their way—if they can delay this for months and months and months. We saw those same delaying tactics with essential programs such as unemployment insurance and COBRA.

This is not a time to play games with the financial well-being of hard-working Americans, of hard-working middle-class Ohioans. I wish Republican Senators could vote to do the right thing instead of simply following the political calculus that the minority leader and the rest of the Republican leadership wants. It certainly is not the will of the American people.

Just today, a Washington Post/ABC News poll release said 65 percent of Americans favor ''stricter federal regulations on the way banks and other financial institutions conduct their business.''

It certainly is not following the experiences of people in Ohio and across the

country who have lost jobs and lost much of their wealth because of Wall Street greed and excess. It is not following the experiences of small business owners across the Nation.

I have talked to small business owners in Dayton and Springfield and Zanesville and Cambridge and Steubenville and Findlay who simply cannot get credit. They cannot understand, with the money Wall Street has been rewarded with, if you will—or they were bailed out with—that they still cannot get the kind of credit they need to make their businesses a success.

This legislation would make financial institutions, not American taxpayers, pay for their mistakes. We can't predict the next economic disaster, but if we protect consumers and investors, we can probably prevent it. Wall Street reform could provide the strongest consumer protections for Ohioans. No more of the tricks and the traps in the mortgage market and elsewhere that led to the near collapse of our economy.

Wall Street banks wrecked our economy, got a taxpayer-funded bailout, and are profiting again, while working Americans continue to suffer. We can't sit by any longer and continue to do nothing. We need to move now. No more meltdowns. No more bailouts. No more cutting backroom deals to prevent reform.

In order for us to get there, we need to move this bill forward. We need our Republican colleagues to say yes—not vote for the bill but just say yes to move the bill forward so we can actually have debate on the bill. We need to bring this bill out into the public light so the American people know who is fighting on their side.

I yield the floor.

Mr. REID. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2 Leg.]

| | | |
|---|---|---|
| Brown (OH) | Kaufman | Menendez |
| Burris | Klobuchar | Reid |
| Cardin | Lincoln | Schumer |
| Dorgan | McCain | Shaheen |
| Durbin | McCaskill | |

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Madam President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Virginia (Mr. WEBB), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Nevada (Mr. ENSIGN), the Senator from Nebraska (Mr. JOHANNS), the Senator from Arizona (Mr. KYL), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 31, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—50

| | | |
|---|---|---|
| Akaka | Feinstein | Nelson (NE) |
| Baucus | Franken | Nelson (FL) |
| Begich | Gillibrand | Pryor |
| Bennet | Hagan | Reed |
| Bingaman | Harkin | Reid |
| Boxer | Inouye | Sanders |
| Brown (MA) | Kaufman | Schumer |
| Brown (OH) | Kerry | Shaheen |
| Burris | Klobuchar | Specter |
| Cantwell | Lautenberg | Stabenow |
| Cardin | Leahy | Tester |
| Casey | Levin | Udall (CO) |
| Conrad | Lincoln | Udall (NM) |
| Dodd | McCaskill | Warner |
| Dorgan | Menendez | Whitehouse |
| Durbin | Merkley | Wyden |
| Feingold | Murray | |

NAYS—31

| | | |
|---|---|---|
| Alexander | Crapo | Lugar |
| Barrasso | DeMint | McCain |
| Brownback | Enzi | McConnell |
| Bunning | Graham | Risch |
| Burr | Grassley | Sessions |
| Chambliss | Gregg | Shelby |
| Coburn | Hatch | Snowe |
| Cochran | Hutchison | Thune |
| Collins | Inhofe | Vitter |
| Corker | Isakson | |
| Cornyn | LeMieux | |

NOT VOTING—19

| | | |
|---|---|---|
| Bayh | Johnson | Roberts |
| Bennett | Kohl | Rockefeller |
| Bond | Kyl | Voinovich |
| Byrd | Landrieu | Webb |
| Carper | Lieberman | Wicker |
| Ensign | Mikulski | |
| Johanns | Murkowski | |

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, what is the status of the business before the Senate?

The PRESIDING OFFICER. The motion to proceed to S. 3217.

Mr. MENENDEZ. Mr. President, I wish to talk about the vote we had just a few minutes ago, a vote that was a victory for Wall Street but not a victory for the American taxpayer. We hear our Republican colleagues proclaim they are for Wall Street reform, that they are on the reform bandwagon, but then they seem to pull the emergency brake. They say they are on the reform bandwagon, and yet when they have a chance to move forward and simply to debate the process, they pull the emergency brake.

The approach our colleagues on the other side of the aisle have taken on Wall Street reform symbolizes America's worst fears about how the powerful operate. They held a closed-door strategy session with Wall Street executives that, from published reports, included solicitations for their campaign committee. Then they marched into this Chamber with a script, a Wall Street playbook written by the Nation's most significant Republican political consultant. Rather than debating what was in the bill, they went to the Wall Street playbook. They waved the flag. They proclaimed their patriotic intention to protect Americans from those who took us to the brink of economic disaster. But then they played the fear card and they talked about bailouts and told Americans they would pay.

Americans realize our Wall Street reform is actually what, in essence, has to be done to end taxpayer bailouts, that opponents are just playing fast and loose with the facts to protect the big banks instead of taxpayers. Our colleagues on the other side claim to embrace Wall Street reform in front of the cameras, while behind the scene, behind closed doors they continue to strategize with Wall Street about how to kill this legislation.

I am sure families in my State and across the country who are hurting, who lost their jobs, their health care, lost their homes because of the reckless excesses of Wall Street profiteers driven by profits at any cost, the value of their property has plummeted, their 401(k)s have been decimated, their hope for a decent retirement that they had worked for is largely gone at this point, American taxpayers want accountability, not trickery. They want all of us in this Chamber to stand up for them and mean it, not stand up for Wall Street and try to find a clever way to make it look like they are for Main Street.

We need only to look at the actions of those on the other side over the past 2 weeks to see the other story. They huddle with Wall Street. They strategize about how to protect Wall Street, but they make it sound like they are protecting Main Street. It is a game of mirrors: appear to stand for reform but do Wall Street's bidding. They hired a political consultant to tell them which words to use and came up with: The American people do not like taxpayer bailouts. All you have to say about this real effort for reform is

that it is a taxpayer bailout, and they will hate it.

The only problem is, the facts do not fit their rhetoric. The bill we would have gone on to debate, in fact, ends taxpayer bailouts by reining in the excesses of Wall Street, and that is exactly why Wall Street is working so hard with the other side to defeat it. They play the fear card, as they always have. Then they try to distance themselves from that consultant, but not before they march in lockstep to the microphones and tell Americans this is a bailout bill, it will cost taxpayers billions and lead to more and bigger bailouts, that it is another government intrusion into their lives.

Fear is a powerful force, and in the short term sometimes fear is far more powerful than the truth. But in the long term, it simply is not true. Maybe that is why truth has been the first casualty of every argument we have heard from the other side, whether on the Recovery Act, on putting people to work, on making health care more affordable, on extending unemployment insurance for those who are struggling, and now on reining in those who brought us to the edge of economic ruin after 8 years of lax regulatory policies that let Wall Street run wild.

Now that the fear card does not seem to be working, suddenly our friends stand in front of the microphones and claim to be in favor of reform. Yet at the end of it all they could have cast a vote to let us begin to work together on the process. But they continue to confer with Wall Street and tell their members once again, as they have on every major piece of reform legislation that has come before this Chamber, to stand in lockstep and vote no—a ''no'' vote against even starting the debate.

I say to my colleagues today, blindly following your consultant did not work out so well, and neither will blindly following an obstructionist strategy work out very well either. The American people have figured out the trick. You cannot talk like a gladiator and put on the show for the taxpayers and then be a mouthpiece for Wall Street.

Doing nothing and calling it leadership is not an answer. Saying no once again and keeping the status quo is not an option. Saying no to sensible Wall Street reform is a sure-fire way to wind up right back in the same mess we just got out of recently. Saying no is the surest recipe for more taxpayer bailouts.

The bottom line is, we as Democrats are here to say yes to commonsense reform so that Wall Street excesses will never take us to the brink of economic ruin again, yes to a free market. But there is a difference between a free market and a free-for-all market. What we have had is a free-for-all market.

Our Republican colleagues seem to want the free-for-all system to remain exactly as it is: same lack of rules, same lack of oversight, same megaprofits for the large Wall Street banks. I ask, at whose expense, at what cost to American families, at what risk to the very foundation of our economic system?

If our colleagues are serious about ending taxpayer bailouts, then they should favor making banks pay for their reckless behavior. Instead, they come to the floor one after another in an attempt to gut it. What they oppose, what they are once again saying no to is asking the Wall Street firms to pay to insure against their own failure.

We should also remember today, after this vote, as we look back at 8 years of an administration that nodded and winked and turned a blind eye to Wall Street's schemes, that history has a way of repeating itself. Let's not forget the reckless behavior of the big banks and other entities and lenders and Wall Street speculators that sent the economy into a near depression last year has a historic precedent, as do the muscular safeguards and regulations that we must implement this year to protect consumers so it never happens again. That precedent was the Great Depression. It came after a period of Republican Presidents—Harding, Coolidge, Hoover—who sided with free-wheeling companies to overcome commonsense regulations. We had no choice but to clean up the mess with a period of sustained, robust regulations implemented by another Democratic administration at that time.

Once again, the time has come after the economic damage has been done to put in place a series of robust reforms and safeguards so it never happens again. Once again, just as they did after the Great Depression, our Republican colleagues are saying, no, leave things as they are. There is no need for Wall Street reforms. Let the market take care of itself. They want to say no to the lessons of history. We need to say yes to commonsense reforms; yes to sensible oversight and regulations; yes to protecting the jobs, homes, and retirement savings of families who have been playing by the rules; yes to protecting them from more reckless financial gambling and creative derivative schemes; yes to guaranteeing taxpayers will never be on the hook the next time risky corporate decisions force a too-big-to-fail company into bankruptcy.

We cannot have a system where big Wall Street banks and others take huge gambles knowing they can keep the gains if they win but we as a country will pay the costs if they lose. That is playing Russian roulette with our economy. When that happens, the victims are hard-working families who did everything right. They played by the rules. Wall Street did not. And they expect us to make it right. They worked as hard as they could at every job they had and earned all their lives to buy a home and raise their families, send their kids to college, and maybe, just maybe, put something away for a decent, safe, comfortable retirement.

Now they sit at the kitchen table at night asking heartrending questions: Can we afford the mortgage this month? Can we keep our health insurance? How do we pay our credit card bills? Will we keep our jobs? Will we lose our home? Can we ever retire?

These are the families who needed a ''yes'' vote a little while ago. They need our protection. They did not deserve what happened to them. We have a chance to make things right so it will never happen again. The Senate needs to take up Wall Street reform.

The choice is simple: Do we stand for a banking system that is fair, transparent, and honest or do we stand for a banking system that takes advantage of consumers, one in which speculation runs wild and puts the entire economy at constant risk? Do we stand on the side of working families who played by the rules, or do we stand on the side of Wall Street and big banks? Not the community banks because they are not the ones who got us into this but those large institutions that have gotten far too comfortable writing their own rules.

In my view, the choice is clear. It is time for the Senate to step to the plate on behalf of working families. It is time for reform. It is time to end too big to fail. It is time to rein in the bulls. It is time to protect hard-working taxpayers. It is time to simply move forward and take up the debate.

I hope the majority leader will bring us to another vote so that we can, in fact, get to that moment in which we can move forward and have the debate and have the amendments and ultimately know who stands for the taxpayer and who stands for Wall Street. I hope there will be enough votes here to make sure this institution of the people, by the people, and for the people is going to put them first.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise to express my disappointment that we were unable to reach an agreement today to begin debate on reforming Wall Street. As my colleague from New Jersey, Senator MENENDEZ, so eloquently put it, this is not the time to say no. This is the time to move forward and get something done.

Someone referred to the Senate the other day as dysfunction junction. It was a nice little rhyme, and I can tell you it is incidents such as the one we saw tonight, where our friends on the other side of the aisle will not even allow debate to start, that leads to that sad name. We are ready to move away from the station. There are those of us who have been out talking to our constituents, and we know the train

has to leave the junction. The train has to move ahead, and we need to move ahead with this Wall Street reform.

Last week, I came to the floor with some of my colleagues to talk about another delay—a delay of nominations. These are nominees who have been voted out of committee, sometimes with unanimous support, but are now waiting months for a full vote on the Senate floor. During this same timeframe in the Bush administration, five nominees were outstanding. Yet the same time during the Obama administration over 100 nominees are outstanding. So if there is anyone who doesn't believe us about this delay and what is going on, look at those numbers and look at what is happening with this reform.

It is ironic we are talking about putting rules in place to prevent Wall Street from gaming the system, when we have plenty of Senators who are gaming the system right here. But there is a problem with that. The American people aren't a game of chance. They don't want the dice rolled over their futures. They don't want the dice rolled over their family homes. They want us to get this done.

Look at what has happened with this filibuster, again stopping us from going to debate. In the entire 19th century, including the struggle and the debate about slavery, fewer than two dozen filibusters were mounted. Between 1933 and the coming of the war, it was attempted only twice. Under Eisenhower and JFK, the pattern continued. In 8 years of the Eisenhower administration, only two filibusters were mounted. Under Kennedy, there were four. But now we see this tactic being employed over and over. This year alone, since January, we have had over 50 filibusters.

I can tell you I believe, in the end, we are going to get this done. I believe, in the end, we will have Republican votes for this bill because I know there are some colleagues on that side of the aisle who want to get this bill done and who have been working to get it done. But the reasons I heard raised today for holding up debate do not ring true.

First off, advancing the idea that this bill isn't already a bipartisan product would be a slight to all those who have worked on it. I see Senator DODD over here, who worked for months and months and months to craft a bipartisan bill. The bill we have before us is the product of countless hours of negotiation between Members on both sides of the aisle and incorporates many of the agreements that were reached.

If anyone thinks there is a more important issue to have before the Senate, that there is some reason we shouldn't be debating this, I don't think they have been talking to the people back home. The people understand that while Wall Street maybe got a cold and has bounced back and is doing well, Main Street has pneumonia. Small businesses today are still starved for credit. The small banks, which Senator MENENDEZ pointed out had nothing to do with starting this crisis, are also suffering. That is what is happening in this country today.

Nearly 3 years after our financial system began to melt down, America continues to suffer the effects of the worst economic crisis since the Great Depression. Millions of Americans have lost their jobs, homes, retirements, and savings. Although some key indicators are beginning to move in the right direction, I can tell you, having been home this last weekend, many families are still struggling, and the economic damage is slow to reverse itself on Main Street.

Meanwhile, on Wall Street, the largest firms handed out record bonuses totaling nearly $146 billion, an 18-percent increase from 2008. What do we have at home? U.S. per capita income declined 2.6 percent. Boiled down to its essentials, the financial crisis was about risk. Everyone thought they could manage but, instead, things got wildly out of control. Three years later—and I think it is hard for people to believe this—we can't seem to even get past a debate tonight about actually getting the bill on the floor. Three years later Wall Street is still operating by the same old rules. That is why it is so important we begin this debate.

There may be some of my colleagues who think all Wall Street needs is fixing a few potholes. Well, that has been tried before and it certainly didn't work. I think what we need are some stop signs at some intersections and some very good traffic cops. There is a lot more to the modern financial system, as we all learned, than meets the eye. We need transparency and accountability. That is in this bill. We need an early warning system for too big to fail. That is in the bill.

We need derivatives reform, and I am not talking about the good work businesses do to weather an economic storm when they hedge their bets within their businesses. I am talking about the wildly out-of-control, over-the-counter derivative trails when financial institutions were trading things they didn't even understand and creating the big mess we are in.

Reform legislation must include, and this legislation does include, provisions to look out for the best interests of consumers by educating them about their financial choices, ensuring that they have access to less risky products and protecting them from abusive sales practices, including from nonbank lenders. When we look back at what happened the last few years, it is like Wall Street was driving down the street in their Ferrari and the government was following behind in a Model T Ford. That has to stop.

When we look at the history of this country, when we have been confronted by major challenges, we always rose to those challenges. When Hitler was running across Europe and Pearl Harbor happened, our country didn't just say no. We rose to the challenge, and the greatest generation won that war. When the Russians were going to put a man on the Moon, we didn't just say: Oh, go ahead. We are not going to get involved.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 349, S. 3217, the Restoring American Financial Stability Act of 2010.

Harry Reid, Christopher J. Dodd, Blanche L. Lincoln, Sheldon Whitehouse, Jeff Bingaman, Bernard Sanders, Russell D. Feingold, Kay R. Hagan, Tom Udall, Robert P. Casey, Jr., Jon Tester, Charles E. Schumer, Jeff Merkley, Byron L. Dorgan, Mark R. Warner, Jack Reed, Roland W. Burris.

Mr. REID. Mr. President, I express my appreciation to the Senator from Minnesota for allowing my interruption.

The PRESIDING OFFICER. The Senator from Minnesota retains the floor.

Ms. KLOBUCHAR. As I was saying, Mr. President, this country has done well not by saying no but by saying yes and by moving ahead and getting things done. We can't let this continue. We have to put these rules in place.

Some of our colleagues on the other side of the aisle are, in good faith, negotiating; others are not. The American people will not allow this gamesmanship to continue. The game is over. Let's debate. Let's get some amendments. There are changes we can make to the bill, changes I support. But the only way we are going to get this done is by getting this bill on the floor and allowing for debate. The American people deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I first came to this place in 1973, working for then-Senator BIDEN, and one of the things you learn around here, after you have been here a while, is the American people don't care about procedure. That is one of those things they don't care about—procedure. It is all too complicated. I don't blame them. Half the time, I don't know what the procedure is. Procedure doesn't work.

But during those 37-some years, every once in a while something comes along where procedure matters. Our friends on the other side of the aisle

have had a field day on procedure for the past 15 months I have been here, and they count on the fact that nobody in America cares about procedure. So what they have done is, time and again, they have filibustered motions to proceed. That is hard to explain to someone out in America.

What is a filibuster on a motion to proceed? That is hard to figure out. So you can get away with that. You can filibuster on a motion to proceed and then you can filibuster on the bill and then filibuster on cloture and all these words mean nothing to most Americans.

I am all for filibusters. I think it is important to maintain the rights of political minorities, and that is the way to do it. I say to my colleagues who are here and who want to change the filibuster rule, spend a year in the minority or 2 years in the minority and then come to me and tell me you want to change the filibuster rule. What people don't realize—those who want to change the filibuster rule—is that when one side or the other gets out too far, then the American people notice what goes on and they come in and they fix it.

I am convinced that is what is going to happen today. I think the American people have figured out what it is my friends on the other side are doing. They are my friends. We just have a different point of view. Everywhere I go in this country, people are concerned about what happened—everywhere. They are concerned because they have so many friends and relations who lost jobs and other friends and relations who have lost their houses and they say: What are you going to do about it? What are you in Washington going to do about it? Don't you get it? Don't you understand what is happening here? You are not going to do anything about this?

I have watched Senator DODD work for hours and days and months—and, frankly, years—to try to put together a bill so we can vote on what will be a bipartisan bill. I have been hanging out at this place or teaching about it for 37 years, and I have never seen anyone work any harder to try to get a bipartisan bill. Frankly, Mr. Chairman, I got a little frustrated because it took so long. But Chairman DODD did the right thing because I think he knew, at some point, if we didn't get agreement, we would be here and we would be faced with charges that this was a partisan bill. This is not a partisan bill.

As you know, Mr. President, you and I have differences with this bill. The Presiding Officer and Senator LEVIN have an amendment to offer, which I am a cosponsor of, to change the bill. I have an amendment with Senator SHERROD BROWN of Ohio to make some changes to the bill. Senator CANTWELL and Senator MCCAIN have an amendment that I am a cosponsor of. There are three amendments already that I am in favor of to change this bill. I have heard Chairman DODD say time and again, this is not the perfect bill. This is a bipartisan bill. We have put a lot of effort into it. But he has welcomed the opportunity for people to come forward and offer amendments.

I don't get it, how you can say you don't agree with a bill, but you will not let anything happen on it and on an issue such as this—an issue that is so important to the American people. It is so important that we get it right. It is time. Committees are great, and I support the committee system. I think they are wonderful. I think negotiations are great. I think the bipartisan negotiations that have been going on—and I know they are going on because I have seen them on the floor. I have seen there are about 10 or 12 members from the Banking Committee who are working.

Chairman DODD, in the beginning, set this up and he delegated it down so Senator WARNER and Senator CORKER were working together. He had a Republican and a Democrat working on each of these things. They are still working, as we talk now. But it is time for that to stop. It is time for us to get out in the open and be a Senate. It is time for us to debate these issues in the open. It is time for the Republican Party to decide if they want to do something about Wall Street reform. I hope they are listening. In my opinion, we should stay and discuss it until we are ready to go. We are going to disagree.

One of the big things I am in favor of is returning to Glass-Steagall. When we voted on that in 1999, Senator DORGAN voted against it and Senator SHELBY voted against it. These are not issues that are Republican or Democratic issues, in my opinion. I have talked to my colleagues on the other side about some of the amendments I am offering, and they say they are interested in them. I don't see this as being a partisan fight. I think it looks like a fight to get political advantage. I am very hesitant to bring that forward, but that is what it looks like to me. It looks like they do not want to vote, period. I know that is not true for certain Members on the other side. I know they wish to talk about these issues.

So I wish to say to the American people tonight, it is time to contact your Senator and say: Let's bring financial regulatory reform to the floor. Let's debate the issues on it. Let's get to the amendments and let's pass it so millions of Americans who have lost their jobs and their homes know we in the Senate have done everything we can to make sure this never happens again.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am here tonight to join my colleagues because, like them, I am deeply disappointed that 41 Republican Senators tonight voted to stop us from even beginning to debate on legislation to rein in the reckless and risky Wall Street conduct that brought this economy to its knees. Rather than make the case out in the open on the floor of the Senate for the changes they want to the Wall Street reform bill, these 41 Senators who voted to block debate are, instead, saying they want changes worked out behind closed doors. They are actually saying they will prevent debate and hold this Wall Street reform bill hostage until they are accommodated behind closed doors.

We heard Senator KAUFMAN say there are amendments he wants to the bill. There are amendments I wish to see in the bill. For example, I think we need to strengthen the provisions in the bill to prevent financial institutions that are supposed to be helping American companies finance their growth plans—that are supposed to be helping families save for their retirement, that are supposed to be helping families save for their kids' college education—to prevent those institutions from making risky side bets for their own profit. But rather than block the Senate from taking up the Wall Street reform until I get what I want, I intend to cosponsor the amendment the Presiding Officer and Senator LEVIN are sponsoring and then debate that issue openly on the floor of the Senate.

Our amendment prohibits federally insured banks from engaging in proprietary trading and it imposes strict capital charges on large nonbank financial institutions to limit their proprietary trading.

We have all learned in recent days about the proprietary trading that Goldman Sachs was doing, betting their own money that mortgage-backed securities would fail, while getting their clients to invest in those same mortgage-backed securities. I am sure there are a lot of people who think, as I do, that a system that allows that kind of conflict does not make sense and we need to change it. So I think we need to get this bill on the floor so we can debate this issue and so many others that we need to address to change the practices on Wall Street.

We need to enact a strong Wall Street reform bill as soon as possible. While we delay, the big banks on Wall Street have returned to the same types of reckless and risky gambles that brought our economy to the brink of a complete financial meltdown. My grandmother used to say that while the cat's away, the mice will play. Today I think my grandmother would say while Wall Street reform is delayed, middle-class families are being played.

Let's be clear. A vote against opening debate on holding Wall Street accountable is a vote to protect Wall Street. We are still suffering the consequences

of unregulated Wall Street greed. Millions of hard-working Americans lost their jobs through no fault of their own and they still can't find work. Too many small businesses still can't get credit. We need to do everything we can to ensure that the recent financial crisis never happens again, that taxpayers never again have to bail out Wall Street bankers for their bad bets. I hope all those Senators who tonight voted to block us from taking up Wall Street reform will reconsider that vote and that they will come to the floor of the Senate and let us do the work of the people of this country.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, for years at big corporations such as Goldman Sachs, Wall Street bankers packaged bad mortgages and sold them to investors. They knew these investment vehicles would inevitably fail so they turned around and bet against them. They bet against the American people. That is what they did when they put these packages together. They sought to make a profit off the misfortunes of their own customers.

Tonight we stand at the brink of a real debate on this topic, but our Republican colleagues will not even agree to let us move forward. We have to debate whether we are going to debate. Main Street suffered the most challenging economic situation in a generation. It has been made clear tonight who the Republicans stand with—they stand with Wall Street—because we are debating to debate.

After the breathtaking scope of the economic crisis that America is only now coming to terms with, how can we simply refuse to move forward, refuse to debate this critical legislation? We are debating to debate—unbelievable. We have to debate to debate about fair, meaningful reform while Wall Street continues to pose a systemic threat to the American financial system.

I know a little bit about the financial system. I am probably the only one here who is a banker. I spent my early years in the biggest bank of the State of Illinois, selling money for a living. I know about banking and I knew what Glass-Steagall would do at the time. It prevented us from getting into the insurance business, the investment banking business, and banks were still able to grow and to make loans to the various entities that needed the loans. That is what we were there for, to assist businesses to grow and provide capital and make sure they would be successful and repay their loans.

As a matter of fact, I financed some of the most difficult businesses in the State of Illinois. We had a government-guaranteed loan section for startup businesses. I loaned $1 million to a church-owned hospital, the first Black church-owned hospital in America. I financed that in 1969 with a $1 million loan. Guess what. The hospital paid every penny of that money back to our bank, plus we made interest on it. It wasn't a giveaway; it was not any type of charity; it was a business transaction to help the community. That is what banks ought to be doing. That is why we need to pass strong financial reform, to prevent bad behavior on Wall Street from sinking ordinary folk on Main Street. I know a little bit about Main Street because that is where I financed those businesses.

I urge my colleagues to join me in supporting the reform legislation introduced by Senator DODD, the distinguished Senator who put his life into this business, trying to make sure we have some type of financial security for the people and not a bunch of people who are going around ripping off folk and getting rich off of the work of other people. This bill would have prevented Goldman Sachs and other companies from getting into this mess in the first place and it can help ensure that we will never end up in this position again.

I hope so, but we don't know what will come up. I heard Senator WARNER on the floor today. Senator WARNER was saying he might not know what will happen and probably won't. But I hope when we get this legislation to debate—the legislation we are debating to debate—it will never happen again. But first we need to agree to debate the bill on the floor.

I ask my colleagues on the right to simply talk and debate about the ideas on this bill. I want Glass-Steagall. I am cosponsor of the amendment for the Glass-Steagall Act to come back. This legislation will create a consumer protection bureau designed to shield ordinary Americans from unfair, deceptive, and abusive business practices. As a former attorney general, I know what it is, in so many of these financial situations, mistreating our consumers. I defended those consumers tremendously during my years as Attorney General of the State of Illinois. I want the bill to establish an oversight task force to keep an eye on emerging risks so we will not be taken by surprise again. It will end too big to fail, protect taxpayers from unnecessary risk, and eliminate the need for future bailouts.

This bill would also increase transparency and accountability for banks, hedge funds, and the derivative market. Some people don't even know what they are doing about it, so big companies such as Goldman Sachs won't be able to get away with fraud anymore. These basic reforms will establish clear rules of the road for the financial service industry so we can keep the market free and fair without risking another economic collapse.

But if we fail to take action, if we do not pass this reform legislation, if we even fail to move forward on this simple procedural motion on the debate to debate, then we will be right back where we started—no safeguards against this kind of deception and abuse in the future.

I call on my colleagues to join me in supporting moving on to Senator DODD's bill. Let's move on to it and get on with the business of debating the bill and not debating to debate. I ask my friends on both sides of the aisle to stand with me on the side of the American people. Let's move to debate this financial reform legislation without delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, we are now, for those who are tuning in, in a situation in which the Republicans who filibustered probably about 100 times in this session, are now filibustering not a piece of legislation, they are filibustering the ordinary procedural technical motion on the Senate floor to move to that piece of legislation. There will probably be a whole second filibuster when we actually get to the Wall Street reform bill. For now, what they are filibustering is moving to proceed under the Senate rules, to take up the bill and begin the debate.

In obstructing us from even debating the Wall Street reform bill, the Republican minority has once again shown the American people whose business it is they serve. Make no mistake about it, Wall Street bankers are chortling tonight about this, Champagne corks are flying across Wall Street, all in celebration of the Republican success in once again obstructing reform. Each day the Republicans delay us, high-powered investment banks make more money on highly leveraged gambles. Each day the Republicans delay us, mortgage brokers, unregulated by a consumer protection agency, push people into poor quality mortgages with confusing terms. Each day the Republicans delay us, CEOs continue to get rainy day bonuses, unchecked by proper corporate governance and oversight. Each day these Republicans delay us, credit card companies trick and trap American consumers with exorbitant rates and fees and no consequences. Each day the Republican minority delays us, Wall Street wins and Main Street loses.

The ties between the Republican party and Wall Street CEOs are pretty well documented. News outlets, for instance, reported earlier this month that the leaders of the Senate minority sat down with two dozen top Wall Street executives to discuss Wall Street's concerns with these proposed reforms. Nobody is talking about what was said, what deals were made, what winks and handshakes were exchanged. The meeting was behind closed doors. But the very people who brought about the housing bubble and the financial

meltdown and profited handsomely through both have been strategizing with the Republicans on how to prevent us from cleaning up their industry.

They have good reason to do so. By continuing to operate too-big-to-fail firms, these executives make millions in the good times and get taxpayer bailouts in the bad times. It is win-win for Wall Street and lose-lose for the American people. The American people have about had it with that deal. They want Wall Street cleaned up.

An ABC News/Washington Post poll conducted yesterday found that an overwhelming majority, 63 percent, of Americans support ''stricter Federal regulations on the way Wall Street firms conduct their business.'' Every one of us can vouch for that from what we are hearing from our constituents at home. The Republican minority can delay reform but they cannot defeat it. Remember Joshua; he walked around the city of Jericho blazing his horn. The first time the walls did not come down. The second time the walls did not come down. He had to go seven times around the city of Jericho before those walls came down, but the walls of obstruction of the Republican minority are going to come down on this issue because the American people will not have it any other way.

Let's look at the provisions of the bill as it passed Senator DODD's Banking Committee that they are so upset about, the bill that the Republicans are so upset about, they are obstructing us from even debating it and beginning the process of legislating.

The bill would end government bailouts by establishing an industry-financed wind-down mechanism to put banks that are failing out of their misery. That is how we would deal with future meltdowns—no more taxpayer bailouts, no more AIG.

The Republicans, amazingly, assert that this industry-financed resolution fund to put an orderly end to banks that have gotten in trouble will actually perpetuate government bailouts. That does not even make sense. So why are they saying it? Well, they are saying it because a Republican pollster named Frank Luntz determined that if you call a bill a bailout bill, the public will be alarmed and confused and upset and against it. So they are saying it because the polling shows that is what will concern Americans.

We have gotten to the point where it is no longer important in American debate for words to be true; it only matters that they have the requisite effect. Well, words that are used for their effect without regard for whether they are true have a name; it is called propaganda. Frankly, it is beneath proper debate in this forum.

The bill would also create a strong consumer products regulator to make sure Americans are never again fooled into subprime mortgages and other tricky, ''gotcha'' financial products with little hooks and tricks and traps in there to catch the unsuspecting consumer. We need a regulator in place who can monitor the market and act quickly when there is a consumer hazard. We need this new agency to do for credit cards and mortgages what the Consumer Product Safety Commission does for toasters and toys. A tough, independent consumer protection agency is a plain-old good idea to give consumers a fair shake.

The bill would also consolidate existing bank regulators so that banks cannot shop around for the most lenient regulator. Under the bill the Republicans won't even let us debate, regulations would be strengthened over all financial firms. No more changing your charter just to avoid the rules you don't like and picking your favorite regulator.

Again, these are commonsense protections against Wall Street trickery. But they are being blockaded.

Perhaps the provisions that have the CEOs most distressed are the ones that would crack down on runaway executive compensation. It is really remarkable that even in the worst of times, Wall Street bankers pay themselves multimillion-dollar bonuses. There really are no lean years, it appears, on Wall Street, just good times and really, really, really good times.

The bill the Republicans will not let us debate would give shareholders a stronger say on management compensation and would ensure that the compensation committees of boards of directors, the ones who are figuring out what the CEOs should be paid, are composed of directors who are independent, who are not tied to the management: No more having your pals and golfing buddies decide how much you should be paid. It would also require companies to develop policies that would permit them to rescind compensation—to take it back—if the executive is found to have engaged in fraud.

Again, these are commonsense provisions to prevent unfairness and to give the American people a chance. Yet the Republicans will not even let us debate them.

The American people have grown sick and tired of delay and obstruction, and they want their Congress to move forward with the people's business. This is something on which we should agree. The American people also overwhelmingly favor stronger regulation over Wall Street banks. So let's get to it.

I implore my Republican colleagues to cut the delay tactics and let us debate a bill that will help prevent future financial crises. If they have a better idea and they want to offer it on the Senate floor, that is what we are here for. But let's get to the bill. Let's begin the process of serving the American people. Let's end the endless filibuster and obstruction and delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about the critically important legislation before the Senate, the bill to reform Wall Street and end the excesses that sent our economy into a tailspin.

Having made the tough choice to fend off a collapse of our economic system, we must now look back and decide what actions are required to hold Wall Street accountable and put consumers back in control of their finances.

This Congress has taken decisive action to stem the bleeding, actions that were not always comfortable, but were necessary. And our economy is starting to heal. Yet we remain at a seminal moment in history.

One tenth of our population remains unemployed, the threat of home foreclosure haunts far too many families, and American seniors are scrambling to replenish what were once considered their retirement accounts.

The fault for this economic decline, however, does not lie at the feet of the working class nor reflect the steady strength of American ingenuity. Instead, the Wall Street bailout, and the threat of global economic depression that necessitated it, was thrust upon us by those who put short-term self-interest above the economic security of a nation.

It is an unpleasant fact to admit. But the current financial system all too often rewards greed and recklessness, fans speculative trading, and has fostered shady dealings that are so complicated that only those Wall Street firms that stand to benefit can comprehend them.

Compounding this, consumers have found themselves on the losing end of these deals. Wall Street executives have taken excessive risks, knowing a sweetheart contract, bonus or stock option will cover their losses while stockholders are left empty handed. Nearly one quarter of Americans have found themselves with home mortgages they struggle to afford, while the lender's commission has long been spent.

And, American consumers have to jump through hoop after hoop and ultimately pay to have access to their own credit score, while banks and lenders can easily obtain this information to hike their annual interest rate or monthly payment.

Don't get me wrong, I am the first to recognize that our financial sector historically has played a driving role in the growth of our economy. In many instances, Wall Street's ingenuity has spurred solid investment and helped U.S. businesses compete world-wide.

But we cannot ignore the plain fact that transparent investing and fair business dealings seem to be the exception, rather than the rule.

In one recent example, the U.S. Securities & Exchange Commission alleged that Goldman Sachs realized that the only way out of bad securities was to sell them to unwitting investors.

This investigation is rapidly expanding to other financial firms and products, and is symptomatic of how out of touch Wall Street has become with the American workers who are the real engine of our economy.

As the 2008 collapse washed away nearly half of Americans' savings and investments, these same taxpayers were on the hook to finance Wall Street's rescue. I understand the anger of Coloradans and Americans all around the country, many who felt that the big banks should have been left to fail.

So our constituents have asked us: Please reform the current laws so that this does not happen again. Please hold Wall Street to the same rules that hardworking families and small businesses are held to.

But now, as the economy recovers, slowly adding jobs and allowing families to rebuild their savings and retirement portfolios, Wall Street is reporting record profits and its executives are again pocketing record bonuses.

It is time to put American consumers back in control of their financial future. We must hold Wall Street accountable and create a financial system that works for all Americans, not just rich executives.

The legislation that we are trying to bring up for debate this week does just that. With Senator DODD's leadership, the Wall Street Accountability Act will:

Safely regulate the shadow markets and the hidden side-bet financing that escaped the regulatory radar and allowed financial firms to engage in the risky and irresponsible behavior that wiped out trillions in family savings.

The bill will hold big banks and financial institutions accountable for the bad decisions they make, and make them plan ahead to deal with their losses to ensure that taxpayers are never again responsible for bailing out a financial firm that is deemed too big to fail, like AIG.

The bill will also hold Wall Street accountable by giving consumer shareholders new power to prevent excessive bonuses that reward executive failures, while average Americans are left holding the bag.

Complementing the credit card bill I introduced in the House of Representatives several years ago and legislation Congress passed last year, this bill forces big banks and credit card companies to provide clear, understandable information to consumers. This bill will also hold the nonbank lending industry to the same sort of standards as the traditional banking industry.

Finally, this bill will start to change the culture of Wall Street by instilling new transparency and accountability rules to ensure that complicated financial derivative transactions take place in an open marketplace.

This legislation provides what our friends, neighbors, and family members for years have been demanding, a system that is designed for them, rewards hard work, and is grounded in the kind of business integrity that Americans every day certify with a handshake. In short, Americans back in control of their financial well-being.

That is why, in addition to the reforms we will be discussing this week, I introduced legislation last week with bipartisan support to put everyday Americans back in charge of their finances by giving consumers free access to their credit score.

I thank Senators LUGAR, MENENDEZ, LIEBERMAN, LEVIN, HAGAN, SHAHEEN, KLOBUCHAR, TOM UDALL, and SCOTT BROWN for joining me in putting consumers first by cosponsoring this commonsense legislation, which has the support of a wide range of consumer groups.

Today, in looking back on the mistakes of the past and the imbalances that still disadvantage consumers, Americans deserve a Congress on their side.

Yet some here appear to still support a risky system where Wall Street can act with impunity and get bailed out when things go bad. They want to protect speculators at the expense of consumer protections and shield financial institutions from rules that would avert taxpayer-financed bailouts.

I am here to say that those days are over. We must hold Wall Street accountable and we cannot let the status quo persist.

A few blocks from here outside the Federal Trade Commission stands a pair of statues, each depicting a heroic figure straining to control a powerful horse. They were erected under the Roosevelt administration as an emblem to Americans from all walks of life that fair business practices would serve to further the common good of all. Well, I have news: Under our current system, the reins have been released when it comes to Wall Street. And now some 70 years later here we are, at a similar point in history. We must stand together once again as a nation committed to sound investing, transparent business dealings and an economic system that puts consumers first.

This debate is about choices, and the American people have a clear choice. There are a lot of us here who want to get to work.

But the vote we just took tonight also showed that some in this institution are willing to filibuster and delay to prevent the Senate from even debating Wall Street reforms.

It is clear to me and clear to Coloradans that a vote against even having this debate is a vote to protect Wall Street at the expense of hard-working Americans. Too much is at stake to let this delay persist.

President Roosevelt said in 1932, "Never in history have the interests of all the people been so united in a single economic problem." Once again, as we did 70 years ago let us get to together put in place protections against the Wall Street excesses that threaten our economic stability.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oregon.

Mr. MERKLEY. Mr. President, tonight we had a vote in which 57 Members of this body said we should proceed to have a fully public debate and votes on issues related to Wall Street and Main Street; 57, far more than a majority, said it is time for us to come to this floor, now well more than a year after our bubbled economy burst, and wrestle with the right rules of the road and lane markers for our financial system. But, unfortunately, 57 votes are not enough. We need additional votes from our colleagues across the aisle in order to have that debate on this floor. We need additional votes from our colleagues across the aisle to consider what the lane markers should be and what the traffic signals should be in our financial regulatory system.

Tonight we did not get those votes. Instead, tonight my colleagues across the aisle said they do not want a debate in public on how to reform Wall Street. They want a conversation behind closed doors instead. Quite frankly, I don't think the American people agree with them.

There are many parts of this story, but it is a story that can be told in millions, billions, and trillions. The millions are the size of the Wall Street bonuses. A single bonus can equal what a working family can expect to earn in an entire career. Then we have the billions, the billions of dollars of quarterly profits of many Wall Street firms. Then we have the trillions. That is the trillions of dollars of damages to working families in America.

What happened when the bubble burst more than a year ago? We had a tremendous loss in the value of retirement savings. We had a tremendous loss in the family savings for children to go to college. We had an enormous drop in employment. We had a tremendous drop in families covered by health care because of the loss of employment. We had damage on every part of a family's finances, including the value of their home, so that millions of American families today owe more on their home than their home is worth.

Quite frankly, I don't believe a system of million-dollar bonuses and billion-dollar profits and trillions of dollars of damage to American working families is a system we need in America. Tonight's vote was about whether

to have a public debate on the rules of the road for Wall Street, but it was also about whose side are we on. Are we on the side of some Wall Street firms which don't believe that any additional rules of the road are necessary?

They are happy with the status quo. Bonuses have rebounded on Wall Street. Profits have rebounded on Wall Street. But if you are not paying attention, let me clue you in. The American working family has not rebounded. Ten percent of American working families are unemployed. Houses are still underwater, savings still decimated.

It is very important we have this debate on the floor of the Senate, that we ask ourselves about and we adopt the right rules of the road, the right traffic signals, the right lane markers to create a solid financial foundation for our economy to thrive.

That is what happened after the Great Depression. New rules were adopted that restored the integrity of the American financial system, that restored the integrity of the stock market. Why was that important? It meant that people throughout America and around the world said: We can trust to invest in the United States because their system has integrity, it has transparency. That solid foundation has served our Nation well for decades until deregulation dismantled it, allowed wild speculation. Wild speculation and wild risk led to a spectacular collapse of the economy, and working families are still paying the price.

So what is the way to be on the side of working families? It is to say: We will adopt those rules to provide that new foundation, that new muscular set of rules that will allow Wall Street to prosper but will also set the foundation for the American economy to prosper.

How should we measure the success of that economy? This economy should not be measured by the size of the bonuses on Wall Street. The success of our economy should not be measured by the billion-dollar quarterly profits of Wall Street firms. The success of this economy needs to be measured by how well we build the financial foundations for working families throughout the Nation.

Do we create the ability to have the next generation do better than we did? Do we create living-wage jobs that enable a family to have significant opportunities for their children? Do we proceed to strengthen, as we have been working at in this Chamber, the structure of health care? Do families in America have a share in the increased productivity of our Nation which has not been the case since 1974, the year I came out of high school? Yes, our Nation had a huge surge in productivity, a huge surge in national wealth. But that has not been shared with working families. That is a diversion from what happened in the earlier era.

How do we rebuild our economy so it builds working families? That is what we are about. We can proceed to look at the pieces of this bill. Senator DODD, who is here tonight, the chair of our Banking Committee, has put so many strong steps forward on the work that came out of his committee. A lot of folks don't realize the humble family mortgage and a new product that came out in 2003 is right at the center of the fiasco in our economy.

What happened? A new mortgage called a subprime came out. It was designed differently than subprimes in the past. It was designed with a 2-year teaser rate—that is a low interest rate—then with a prepayment penalty that prevented families, once the ink had dried on the mortgage, from ever escaping that mortgage without giving many pounds of flesh, and then an exploding interest rate that soared from perhaps 4.5 percent or 5 percent to 9 percent or maybe even 11 percent, interest rates that could never be sustained.

This diabolical device was worth a lot of money on Wall Street because it was going to make a lot of money pulling those exploding interest rates out of American families. So Wall Street paid bonuses back to brokers to say to them: I am your financial adviser. I recommend this subprime loan, instead of recommending a loan that was best for the family. So a vicious circle resulted in exploding subprime mortgages.

This bill that has come out of the Banking Committee says: No longer. Prepayment penalties will not be allowed on subprime mortgages. We will break the cycle that led us into this economic fiasco, this financial fiasco.

If my colleagues across the aisle have some ways to improve on that, then let's have a public debate. Let's have that amendment on the Senate floor. If my colleagues across the aisle think they don't want to protect a fair deal for consumers and they want to continue a diabolical subprime exploding interest rate trap that has destroyed millions of families, then go ahead and propose that amendment. I doubt the majority of people will support it. I certainly will oppose it vigorously. But if my colleagues want to do that, then have the debate on the Senate floor.

This bill is designed to end the taxpayer from ever being on the hook for bailing out financial firms again. It does it by assessing financial firms for the cost of unwinding or, to put it a little bit more directly, dismantling a financial firm when it fails. To make sure the taxpayer isn't on the hook, it creates a fee on the financial industry to pay to make sure those costs are covered by the financial industry itself. This is a buffer that protects the American taxpayer.

My colleagues across the aisle have said: No, here is a fund. It looks like a bailout fund.

Quite frankly, it is amazing what we hear on this floor. Here is a fund designed to ensure that taxpayers are protected, to ensure the financial industry pays their own cost of dismantling their firms. Yet it is spun 180 degrees until north is south and south is north, trying to confuse the American public.

I don't think the American public is going to be all that confused about this. They want to see the financial industry pay for the cost of dismantling their own failures. They don't want to be on the hook again. You can try to keep pulling the wool over the eyes of the American people, but it will not work. I say to my colleagues across the aisle, if you want to pull the wool over the eyes of the American people, come here and propose that amendment that puts the taxpayers back on the hook, when we are taking them off the hook. See how it fares. Make your case, make your fair debate on this floor. But come and face and present and debate and vote so that we can proceed to put the rules of the road back in place for Wall Street.

This bill takes a huge stride forward on proprietary trading. It says we should not put fireworks in our living rooms. That is pretty straightforward. Fireworks are wonderful. I love fireworks on the Fourth of July. This bill says they should not be stored in the living room. I have an amendment that I think will further strengthen that concept.

I applaud my colleague, CARL LEVIN from Michigan, my cosponsor, who has brought forward a part of that amendment and emphasized it, saying we need to address the conflict of interest in financial firms. What is that conflict of interest? You should not be in the position of designing and selling securities, telling your customers that they are the best thing since sliced bread over here, when at the same time you are betting against those securities because you think they are going to fail. That is a conflict of interest. It should not be allowed.

Under the Merkley-Levin amendment, we will address that as well as strengthen proprietary trading.

I am comfortable bringing that to the floor of the Senate and having that debate. It may have a majority; it may not. But that is the type of debate we need to have on this floor.

I could go on through the treatment of derivatives—and I applaud my colleague, BLANCHE LINCOLN—the discussion of a consumer financial protection agency that provides the same fairness in financial contracts that the Consumer Product Safety Commission provides on toasters, making sure that tricks and traps and scams are taken out of financial products so that a consumer can make a fair choice without being misled by something hidden in the fine print. That is the type of option citizens in this country want.

Wall Street plays a very important role in aggregating and allocating capital, but we need to make sure the rules are done such that that role is done well, that conflicts of interest are removed, that transparency is provided, that tricks and traps and scams are taken out of financial products. These are the sorts of things this bill does.

This is a bill that is all about fighting for fairness for Main Street which, in the long term, will be a very good business model for Wall Street as well.

Let's, as a Chamber, recognize our responsibility to build an economic system that strengthens the financial foundation of our families—that is what this bill is all about—and puts our country on a firm basis for decades to come. International investors will want to invest back here in America. They will trust the integrity of our system.

I encourage my colleagues to come together when we have the next cloture vote and decide it is time to fight for the people of this country and fight for the economic future of our country by proceeding to the debate on this bill and the passage of this bill and getting it to the President's desk.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise this evening to talk about how we can take a big step toward holding Wall Street accountable and stopping it from lining its own pockets at the expense of America's families.

Last month, as part of the health care reconciliation bill, the Senate also passed student loan reform that ended a longtime corporate welfare program. Our reforms halted the enormous subsidies the Federal Government paid to lenders in the student loan market, replacing it with a program called Direct Lending that slashes $61 billion—$61 billion—in cost to the taxpayers by cutting out the middleman and lending to students directly. The money saved will go toward Pell grants, helping kids from working families go to college.

Today, as we debate Wall Street reform, we continue that fight to end the stranglehold big banks have on our economy and, by extension, on the everyday life of the American people.

Over the past year and a half, we have seen, in stark reality, the devastating impact Wall Street can have on our economy when it is left to its own devices. Fueled by unbridled greed, a love of risk—well, the love of risking other people's money—and an obsession with profit at all costs, banks bought up toxic mortgages by the thousands, driving the subprime lending market in the process. Credit rating agencies, conveniently funded by the same institutions they were rating—that is a bad idea—gave the resulting securities their highest AAA rating, and the initial ingredients of the financial crisis were born. Incidentally, today Paul Krugman wrote in the New York Times that 93 percent of these AAA-rated subprime mortgage-backed securities have since been downgraded to junk status—93 percent. That is hard to do on anything.

Several bank failures and a $700 billion-plus bailout later, the American people were left paying the price. By October of 2009, unemployment had jumped to 10.1 percent and even today it remains at 9.7 percent. By contrast, just 10 years ago, in October of 2000, the unemployment rate was 3.9 percent. Americans have lost $11.7 trillion—$11.7 trillion—in personal wealth since the financial crisis, and housing values have fallen 15 percent in just the past year. We have seen our retirement accounts shrink and our plans for the future delayed, sometimes indefinitely—and all because of Wall Street's incessant need to rack up enormous profits.

Over the past few decades, Wall Street's profits have gone through the roof. In 1987, the financial industry represented only 19 percent of all domestic corporate profits. By 2009, that number was almost 32 percent. Thirty-two percent of all the Nation's corporate profits went to the financial industry.

The dramatic growth of the financial services industry would be fine if Wall Street was actually adding value—helping to invest in our economy in constructive ways and to create jobs. But, instead, they have been making bets on bets on bets on bets. It is one thing to have a commodities futures market that provides the resources for farmers to put crops in the ground, but it is another thing altogether when Wall Street is just gambling in areas where they have no real productive interest. Let's put Wall Street back to work investing in America, not gambling with its future.

The bill we are discussing tonight would ensure that Wall Street can never again bilk the American people in the same way. It would create a Consumer Financial Protection Bureau—a true cornerstone of this bill. The bureau would be an independent watchdog for consumers housed inside the Federal Reserve. The bureau would force big banks and credit card companies to offer clear terms to families on credit cards, student loans, on retirement financial products. Just as importantly, it would make sure mortgage companies cannot sell misleading loans and mortgages to consumers so we avoid the kinds of problems that led to this crisis in the first place.

For the first time, the bill would set up a council of regulators that would oversee the financial system as a whole. This council would monitor risk across the entire system and ensure that industries and companies do not fall through the cracks between regulatory agencies. This bill also includes a tough section on derivatives to ensure greater transparency and tighten their regulation.

It ends taxpayer bailouts by forcing banks to pony up $50 billion to pay for their own funeral if they fail. This is not a taxpayer-funded bailout, and let me tell you why. First, it is not a bailout. The bank would get liquidated. Secondly, it is not taxpayer funded because taxpayers do not fund it. The banks do. I do not know how to make this any clearer to my colleagues across the aisle. Yet tonight we find ourselves where we are.

Let me be clear: We cannot afford not to pass this bill. Americans are demanding we act to hold Wall Street accountable. Without further protections, it would be easy to have another crisis such as the one we have just been through. Yet tonight, despite the urgency and the importance of this bill, my colleagues across the aisle are filibustering our attempt to reform Wall Street and not just the bill itself. They have blocked us from even starting debate on the bill by filibustering the motion to proceed. They have done this despite the fact that many of them actually agree with substantial portions of the bill. They are doing this because they want to stop government from actually being able to accomplish anything.

I have said it before, and I will say it again. This is a perversion of the filibuster and a perversion of the Senate. Let's turn our attention back to legislating, which is the reason voters put us in this august body in the first place.

I urge my colleagues to support the Wall Street reform bill. We often talk on the Senate floor about wanting to make sure American families are protected. Now we have a chance to actually do something about it. America cannot afford another financial crisis. That is now in our hands in this body, and it is one of our greatest responsibilities.

I thank the Presiding Officer. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I have a favorite President and it is not President Obama. It is, in fact, President Harry Truman. I still cannot quite get over the fact that I am sitting at Harry Truman's desk on the Senate floor and that I hold the seat in the Senate that Harry Truman held.

Tomorrow, when I attend the Permanent Subcommittee on Investigations, and as we see a parade of Wall Street executives justifying their behavior, I will be asking questions at the committee that Harry Truman made famous when he took war profiteers to task many years ago.

Harry Truman said:

> If you can't convince them, confuse them.

Well, I am confused. I read today that the ranking member, from the Republican Party, of the Banking Committee said the following at a meeting of community bankers. I am quoting exactly what he said:

> I think we basically know what went wrong. We had a lot of hearings. We've been working on it 15, 16 months now.

That is not Chairman DODD who said: ''I think we basically know what went wrong.'' It is not Chairman DODD saying: ''We had a lot of hearings.'' It is not Chairman DODD saying: We've been working on it for 15 or 16 months. It is the Republican ranking member on the Banking Committee.

I am confused. Is it that they do not realize it is a huge problem?

Well, of course they realize it is a huge problem.

Is it that they are not prepared, that they do not have enough information? Well, of course not. Senator SHELBY said today: We basically know what went wrong. We have had a lot of hearings. We have been working on it for 15 or 16 months.

Senator DODD has sat here this evening as many Members of my class and the freshmen class have come to the floor to express regret and confusion about why we cannot debate this bill. It is admirable he has sat and listened to all these speeches tonight. He did not have to. He could have gone home. He is invested in this legislation for all the right reasons: Because he cares deeply about this country. He understands we have an obligation as Senators to address this problem. He sees it as his duty to see this through.

So why—why—did this happen today? Why did we not move forward to debate? It is just politics, raw, bare-knuckled politics—the kind of stuff Americans are so sick of they want to throw up. They are so sick of this game playing, they want to throw everybody out of this place. Frankly, right about now, I do not blame them. What in the Lord's Name are we doing delaying the debate on this bill?

I do believe the leader of the Republican Party thinks his success as a leader can only be defined by my party's failure. It is like it is a football game. I was confused when 41 people signed the letter saying they did not want to go forward. All 41 Republicans signed this letter.

Then I got confused because Senator MCCONNELL came to the floor and said black is white. He literally said that. He said: We cannot be for this bill because we want to stop bailouts. Well, of course this bill is about stopping bailouts. That is why we are doing the bill, to make sure we do not have any more taxpayer bailouts. He knows that. But he honestly, I don't think, believed the American people were paying close enough attention. Then we had the announcement that the SEC had come out of a coma and was going to do something about Goldman Sachs and what had happened. Then, as Senator DODD said so well on the floor the other day, it is like the rooster taking credit for the morning. They said, Well, we wrote that letter and now we are back at the negotiating table. What hogwash. What hogwash. The negotiating table has always been open. The door has always been open. Senator DODD has been out working the floor of this building and every building within a mile trying to find Republicans to sit down and negotiate and find what is the problem we need to solve to make sure we never have this kind of financial meltdown again in America.

Here is another thing that is very confusing. It is time for the markup in the Banking Committee. I believe the number is over 400 amendments were filed by the Republicans for the markup. The Friday before the markup, all of these amendments were on file. Many people worked all weekend long getting ready for the markup on Monday, for the markup of this bill. The chairman of the committee, assumed—as anybody would who has spent as many hours working in this august body as he has—that on Monday Republicans were going to offer amendments. In fact, the Democrats worked all the way through the weekend trying to figure out how many amendments filed by the Republicans they could easily accept without any debate or contention.

So what happens when the committee starts? The ranking member on the Republican side says they don't want to offer any amendments. What? Now I am really confused. They don't even want to try to change the bill in committee. They make no effort to offer any substantive changes, and then they all vote no.

If the American people don't realize that a game is being played here, they need to pause for a minute and think about that. Why on Earth would the members of the Banking Committee from the Republican Party fail to offer one amendment to this legislation, unless there was some kind of plan, political plan: Don't participate. Don't vote for it. Stop it. Obstructionism, saying the Democrats are doing something they are not trying to do: taxpayer bailout.

It would be so easy to stand here and say there are ulterior motives about helping big bankers or helping Wall Street and campaign finance issues. I don't know. I just know I am confused. I am confused as to why the Republicans would march lockstep away from the debate on an issue that is of paramount importance to this country. I am confused why the Republicans would fail to offer one amendment at the committee level. I am confused why debating this bill is a problem for them politically. I am confused.

Ronald Reagan is cited for this quote often, but it wasn't Ronald Reagan who first said it, it was Harry Truman: It is amazing what you can accomplish if you don't care who gets the credit. Man, oh, man, do some people need that advice in this body. We need to quit worrying about whether the Democrats are getting credit or the Republicans are getting credit and realize all the American people want us to do is get to work. Get this thing done. Quit fooling around with this game that is being played. Tomorrow I think the leader may have a motion to reconsider. I would implore my colleagues on the other side of the aisle: Reconsider what you are doing. Many of my colleagues are such fine, upstanding people who also care deeply about their country. They are just wrapped up. They have been convinced this is some political Tic-Tac-Toe match and if they hold on for a couple more turns they are going to be able to draw the line through the series of squares.

This is about whether we fix a serious problem. I am a big fan of how hard Senator DODD has worked. I think he is trying with every bit of intellect and passion he has to get this across the finish line, because he knows we need to do it for the American people. The games need to stop. The American people need to pay attention and realize they have a very good reason to be confused. Let's debate this bill. Let's debate it beginning tomorrow. Let's debate our differences. Let's try to amend it. Let's vote on amendments. Let's agree to disagree on some of it and decide who has the most votes to move forward a piece of legislation, the way our Founding Fathers intended. I guarantee they didn't intend this. They did not intend this, a refusal to even debate.

So let the debate begin. If the Republican Party wants to lockstep and say we don't even get to debate it, then the American people are going to have to draw their own conclusions, and I have a feeling it won't be a good one.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me first begin by saying if Harry Truman were here tonight, he would be very proud of his successor sitting in that chair in the back of this Chamber. I wish to thank my colleague from Missouri for her passion, her eloquence, and her common sense, something that Harry Truman was noted for. My father actually seconded the nomination of Harry Truman at the convention in Philadelphia in 1948, and I cherish the letter thanking my father for that nomination now hanging on the wall of my home—a wonderful personal letter thanking him for that seconded nomination. He didn't have many people in 1948. My father had not been elected at that time. He couldn't find elected officials to stand up for him in 1948. My father had a great relationship with

President Truman and was always proud of it. He had a wonderful, direct—some would call it blunt—relationship with him. Frankly, at moments such as this, I think that is what is needed, because as the Senator from Missouri articulated, this is not a complicated moment.

Maybe there are those who don't appreciate how an institution such as this is supposed to operate. It isn't always a pretty process when we engage in debate, with 100 people in this Chamber of different political persuasions, ideologies, and interests. We try to come together as a committee system chosen years ago in order to try and be efficient about our work, so we split up into various groups to consider various matters under certain headings. We sit as Democrats and Republicans, Independents, and try and work our way through a hearing process, listening to experts, gathering informally, talking with one another, reading and educating ourselves, whether it is agriculture or defense or the environment or energy or, in this case, banking, over a period of weeks and months—particularly after a moment in time in our history that nearly brought us to the brink of financial collapse—and then through our collective judgments try and frame to the best of our ability our answers to nagging questions: Why did we get into this mess? What was missing? What did we do wrong? What can we do right? How can we make this better so we don't go through this again, so we don't strangle the system, so we won't lack the creativity and imagination that have been the hallmark of our financial sector and not lose our financial leadership in the world as a nation? How can we harmonize those rules in a global economy today so we don't end up racing to the bottom the various nations who offer the least resistance to some of the practices that brought us to the brink in our own country?

That is basically what we have engaged in for the last 38 or 39 months since I have been chairman of this committee beginning in January of 2007. We didn't agree on everything, but we tried to fashion the best we could. I introduced a proposal back in November. My colleagues said that is a good beginning, but we ought to try some different ideas, so between November and this April, I divided up the committee labors. I asked Democrats and Republicans to take on subject matters because it was a highly complex area of the law dealing with derivatives, dealing with systemic risk, dealing with corporate governance, dealing with consumer protection and other matters; thinking that if we broke it up into groups, Democrats and Republicans would become invested and knowledgeable about the subject matter so we could then frame a proposal that would enjoy the kind of bipartisan support needed to advance the cause.

Well, I wish to compliment my colleagues. Many of them worked very hard. While we didn't achieve a complete understanding in all of these matters, I think the bill reflects a lot of that labor, to such a degree that the proposal we tried to move to today is so fundamentally different than the bill I introduced in November as a result of that labor.

I thank my colleague from Missouri for identifying what occurred a few weeks ago, and that is, of course, the committee markup. Again, my colleagues on the committee made a judgment. They thought that maybe it might be better—there were an awful lot of conflicting amendments, some of which didn't make a lot of sense, quite candidly, from the other side, and I say that respectfully. It was their determination that they would decide to go further in the process without engaging in the amendment process.

So here we are. We need to get to this. I have listened very patiently this evening to some wonderful remarks. I wish to begin with MARK WARNER, who spoke earlier this afternoon on the bill and has made a remarkable contribution to this body and to the Banking Committee. He spent about 20 years in the financial services area, so he speaks from a base of knowledge and personal experience. BOB MENENDEZ of New Jersey as well was eloquent in his comments. Senator KLOBUCHAR, and Senator KAUFMAN, who spoke on this before; JEANNE SHAHEEN of New Hampshire as well, and Senator BURRIS of Illinois, and the Presiding Officer, SHELDON WHITEHOUSE, a good friend who has been invaluable in these debates. We worked together on the health care matter for weeks and months over the last year and, again, his thoughts and ideas on this bill as well I am thankful for; MARK UDALL of Colorado, Senator MERKLEY of Oregon, AL FRANKEN and, of course, Senator MCCASKILL, who I spoke about as well. It is quite a group here, these new Members, their first or second terms in the Senate. I hope my other colleagues and their staffs were listening this evening. It wasn't just eloquence, it was common sense. They are people who have gone home and listened to their constituents. While we all may not agree—and I can't suggest that every amendment they have talked about is one I would necessarily even be supportive of when the debate begins—I firmly believe every Senator has equal status in this Chamber. Whether you are a chairman or a new Member, you are a Senator, and you deserve the courtesies of this institution. You deserve the history of this institution. You deserve to be heard and respected for your ideas and to be given the time to present them, to debate them, and to have an up-or-down vote on your proposals.

That is how this institution is supposed to operate. I have been here for three decades, and in all of my three decades here, I have never gone through a period such as we have over the last couple of months where we can't even get to debate some of these critical matters.

I am still optimistic. I guess that explains why I have been here for 30 years. I still want to believe this is going to work, that all we have been through is not for naught. As does my colleague from Missouri, I have great respect for my colleagues in this Chamber, Democrats and Republicans, and I have over the years, even with people I have had basic and fundamental disagreements with. I am convinced the majority of us here—an overwhelming majority—want to be associated with passing legislation that we believe will make a significant difference in the economic life of our Nation by at least limiting or prohibiting the kind of activities that led us to the problems and economic difficulties we are in.

I hope in the coming days we will have a chance to move to this bill. I hope sooner rather than later. It may be a matter not well known by many, but we only have by my count about 45 or 50 legislative days left in this session. We are working about 3½ days a week. We are here for about another 14 or 15 weeks, when you exclude the August break, the break for Memorial Day, the Fourth of July and, of course, our departure sometime I presume in early October for the elections. That does not give us a lot of time. Last week we spent the entire week on five nominations that, as I recall—and I may be corrected—passed I believe overwhelmingly when the votes finally occurred. So 5 days on 5 people who were filibustered and delayed. That is all we did last week. That was it: five nominations that were ultimately agreed to—not controversial nominations, just ones where votes were designed to slow the process. I don't think the American people want us to leave our work in this Congress without having addressed this issue.

I will end on this particular note. If, for some reason, Lord forbid, a major financial institution were to begin to fail this evening, we are in no better shape than we were in the fall of 2008. There is an implicit guarantee that such an institution would receive the backing of the them and our economy. Despite what I perceive to be overwhelming objections to that kind of a bailout occurring, that is one issue on which there seems to be unanimity. Yet, if tonight a problem began to emerge, we would be in a similar situation as we were 18 months ago. I don't know of a single Member here who would want that to occur. That issue alone ought to cause every one of us to move to get to this debate. That is a principal part of this legislation. There

are other features as well, but that alone ought to be motivation to begin this debate, listen to each other's thoughts and ideas, and to conclude that discussion and debate by passing this legislation—or at least an amended version of this legislation.

I thank these 12 or 13 colleagues for their patience, their eloquence, their determination, and their conviction. As I get ready to leave this Chamber in the coming months, I will leave with a high degree of confidence that this Chamber will be in good hands. After listening tonight to your words, advice, counsel, and determination, it is with a sense of optimism that we will get this bill done. I am confident of that as I stand before you this evening.

With that, I yield the floor.

## MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMERICAN ASSOCIATION OF INTELLECTUAL & DEVELOPMENTAL DISABILITIES

Mr. DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association of Intellectual & Developmental Disabilities, AAIDD, in recognizing the recipients of the Illinois Direct Support Professional Award 2010. These individuals are being honored for their outstanding efforts to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They do their work every day with little public recognition, providing valued care and assistance that is unknown except to those with whom they work.

It is my honor and privilege to recognize the Illinois recipients of AAIDD's Illinois Direct Support Professional Award 2010: Gloria Corral, Stacy Howard, Renee Kaye, Mufutau Afolabi, Mary Halloran, Renae Donohoo, Pauline Curran, Denise Smith, Zeola Alston, and Jesse Kelinschmidt.

I know my fellow Senators will join me in congratulating the winners of the Illinois Direct Support Professional Award 2010. I applaud their dedication and thank them for their service.

## TRIBUTE TO SPECIAL AGENT JAMES HAROLD SIZEMORE

Mr. McCONNELL. Mr. President, I rise to thank Special Agent James Harold Sizemore for his many years of service to the people of Kentucky. For nearly three decades, he has worked in the dangerous field of law enforcement, risking his own well-being on behalf of his neighbors, and for that an entire State is grateful.

Harold was born and raised in Clay County, where his father was the sheriff. Harold followed in his father's footsteps and was elected sheriff of Clay County in 1982. He took a hard stand against illegal marijuana cultivation, a problem in that area, and conducted several successful eradication missions.

I first met Harold in 1989 when he was still serving as sheriff, and he described to me the devastating effect marijuana cultivation was having in Clay County. After that and right up to today I have given my full support to the Governor's Marijuana Strike Force, which coordinates local, State, and Federal law enforcement to combat the drug problem in Kentucky. This task force has been recognized by the President's Office of National Drug Control Policy for 5 consecutive years.

In 1990, Harold became a Federal law-enforcement officer with the U.S. Forest Service, a job he held for 20 years. In that capacity, he has conducted over 700 flight hours of surveillance and detection for marijuana eradication missions in Kentucky in support of State, local, and Federal task forces. His dedication and tireless efforts resulted in the eradication of over 100,000 marijuana plants, with a street value estimated at $600 million, many in small plots located in remote terrain to avoid detection.

In addition to these flight hours, Harold also participated in several missions in support of high-risk felony search and arrest warrants executed by State and Federal agencies. His professionalism and expertise, coupled with intimate knowledge of the local area, played a significant role in these missions being accomplished safely.

Harold provided key information in over 20 felony investigations, resulting in several Federal indictments and arrests. His personal knowledge of the Clay County area of the Daniel Boone National Forest played a decisive role in the identification of several suspects caught on surveillance, which was initiated as a result of Harold's aerial reconnaissance.

Throughout his career as a Federal law-enforcement officer, Harold's primary responsibility has been that of marijuana eradication officer for the Daniel Boone National Forest—and from that responsibility he has never wavered. In 2008, he was recognized by the U.S. Forest Service for a career of exceptionally meritorious service.

The U.S. Forest Service sometimes works with the Kentucky National Guard in their drug-control efforts, and Harold's dedication was clear to the soldiers he worked alongside. "Harold is one of the driving forces behind the success of the Kentucky National Guard's efforts in support of these missions," says LTC Karlas Owens.

"When observing marijuana in a helicopter, Harold possessed the patience of Job while maneuvering his ground element over difficult terrain . . . he guided officers cross-country as they walked to distant marijuana plots in the Daniel Boone National Forest and ensured they made a safe return. . . . Harold not only gives 110 percent to the [U.S.] Forest Service, but always supports the Kentucky National Guard and ensures we are successful as well."

Lieutenant Colonel Owens also has these words for Harold, after working alongside him for 20 years on these dangerous but vital missions: "For your teachings and friendship, I thank you, Sir."

A countless number of Kentuckians owe their thanks to Harold as well. Upon his retirement, I know my colleagues in the U.S. Senate join me in thanking Special Agent James Harold Sizemore for his decades of service. The work he has done for so many years has bequeathed to all of us a safer, stronger Kentucky.

## ARMENIAN REMEMBRANCE DAY

Mr. LEVIN. Mr. President, at this time every year, we observe Armenian Remembrance Day, when we commemorate the horrific and tragic events that constitute the Armenian Genocide. We also honor those who suffered persecution and lost their lives, and recognize those who survived this dark period in human history.

On April 24, 1915, Turkish Ottoman authorities began rounding up and murdering more than 5,000 Armenians, including civic leaders, intellectuals, writers, priests, scientists, and doctors. This systematic campaign of deportation, expropriation, starvation, and other atrocities continued until 1923, resulting in the deaths of nearly 1.5 million Armenians. As U.S. Ambassador to the Ottoman Empire, Henry Morganthau, said at the time, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. . . I am confident that the whole history of the human race contains no such horrible episode as this."

The Armenian Day of Remembrance serves to remind us all of how important it is that we look unflinchingly at the atrocities that mankind is capable of, sustained by the ability of our human spirit to overcome such tragedy. The horrific events we remember today constituted the first genocide of the 20th century. But it was soon followed by the Holocaust, where Hitler said he could pursue it and inflict it on humanity since ''Who, after all, speaks today of the annihilation of the Armenians?'' Recent history in Rwanda, Congo, Darfur and elsewhere reminds us that genocides and mass atrocities remain with us to this day. And as President Obama has said, ''bearing witness is not the end of our obligation—it's just the beginning.'' He has called for our committing ourselves ''to resisting injustice and intolerance and indifference in whatever forms they may take.''

Some have sought to deny that the atrocities committed against the Armenian people occurred. But as the Genocide Prevention Task Force, chaired by former Secretary of State Albright and former Secretary of Defense William Cohen, stated, it is ''fundamental to address the legacy of past abuses.'' This is necessary, the task force emphasizes, for the sake of justice, to remove the cause of retribution, and to end the discounting of the costs of violence. Nobel Laureate Elie Wiesel has said that the denial of genocide constitutes a ''double killing,'' for it seeks to rewrite history by absolving the perpetrators of violence while ignoring the suffering of the victims.

We need to be clear that marking this Armenian Day of Remembrance is not an indictment of the Republic of Turkey. It occurred before the Republic of Turkey came into existence. With the signing of accords last October, Turkey and Armenia have taken a major step forward in the process of normalizing relations, opening their common border which has been closed for more than a decade and a half, and removing barriers to trade. Ratification of those accords will be important for continuing this process of reconciliation and hopefully will be completed promptly. All friends of Armenia and Turkey should hope that these two nations and peoples can jointly face their shared history and move forward together as fellow members of the community of nations.

In speaking to a joint session of Congress last November, German Chancellor Angela Merkel spoke eloquently about the importance of tearing down walls, not only between neighbors but also the ''wall in people's minds that make it difficult time and again to understand one another in this world of ours. This is why the ability to show tolerance is so important.'' She added, ''Tolerance means showing respect for other people's history, traditions, religion and cultural identity.''

So I say to my colleagues that one way we can honor the memory of the 1.5 million Armenian victims of the tragic events of 1915–1923 is by recognizing that we have an obligation to do all we can to stop mass atrocities from occurring, to aid the survivors of such tragedies, and to promote justice, tolerance, and understanding.

## RECOGNIZING THE NATURAL RESOURCES CONSERVATION SERVICE

Mr. CHAMBLISS. Mr. President, I rise to congratulate the Natural Resources Conservation Service, NRCS, on its 75th anniversary.

Even though we are an urban nation, we are still an agricultural land. Nearly 70 percent of the United States, exclusive of Alaska, is held in private ownership by millions of individuals. Fifty percent of the United States—907 million acres—is cropland, pastureland, and rangeland owned and managed by farmers and ranchers and their families.

In the early 1900s, President Roosevelt and other conservationists like John Muir and Gifford Pinchot had the foresight to set aside America's special places as national parks and forests, seashores, and wilderness areas. America's public land became a showcase for some of the most dramatic and beautiful landscapes on the North American continent.

But others also recognized the importance of America's private land to the health of the Nation. It took the seriousness of the Dust Bowl for this message to be accepted. Rooted in our national experience with devastating soil erosion of that time, the conservation movement began with the purpose of keeping productive topsoil—and a productive agriculture—in place.

To lead conservation efforts at the Federal level, Congress created the Soil Conservation Service, SCS, within the U.S. Department of Agriculture, USDA, in 1935. SCS was renamed the Natural Resources Conservation Service, NRCS, in 1994. This was the beginning of the Nation's historic commitment to a conservation partnership with farmers and ranchers.

At the same time, the Nation also adopted a remarkable Federal, State, and local partnership for delivering conservation assistance to farmers and ranchers. The concept was that NRCS would deliver technical and financial assistance for conservation, while State governments and local conservation districts would connect with individual landowners and set local priorities.

From the beginning, this was a cooperative approach, drawing on many sources for technical knowledge, financial assistance, and broad-based educational programs for natural resources conservation and management. This partnership remains the preeminent model for intergovernmental cooperation today and is admired around the world.

In the 1980s, NRCS's programs began to change as Congress began to increase incentives for farmers and ranchers to practice good conservation. During the 1990s, Congress accelerated the investment in conservation by creating additional programs, such as the Environmental Quality Incentives Program, EQIP, to share the cost of enhancing natural resources on farms, ranches and private forestland.

Congress increased this investment in the 2002 and 2008 farm bills and is expected to continue to support conservation well into the future. However, there are challenges in conservation today. One challenge is how to sustain the ability of NRCS to provide technical, scientifically sound advice and assistance in a time of tight budgets and increased demands. Another challenge is how to maintain the highly successful conservation partnership that works with farmers and ranchers as individuals to address their specific conservation concerns.

W.C. Lowdermilk, the Assistant Chief of the Soil Conservation Service in the 1930s said, ''In a very real sense the land does not lie; it bears a record of what men write on it. In a larger sense, a Nation writes its record on the land. This record is easy to read by those who understand the simple language of the land.'' Conservation leads to prosperous, healthy societies and stable, self-sufficient countries. It sustains the agricultural productivity that allows for division of labor and the growth and longevity of a society.

Careful land stewardship through terracing, crop rotation and other soil conservation measures enables societies to flourish. However, neglect of the land, manifested as soil erosion, deforestation, and overgrazing, helps to topple empires and destroy entire civilizations.

These lessons of history, including our own with the Dust Bowl of the 1930s, are ones we should not forget. America's future is tied to how we treat our land. Today, the Nation's farmers and ranchers deliver safe, reliable, high quality food, feed, and fiber to the Nation and to the world, but also much more. Through their careful stewardship, farmers, ranchers, and private forest landowners also deliver clean water, productive wildlife habitat, and healthy landscapes.

Today, we thank all who have made this happen through their service to our country as part of the NRCS. Congratulations on your 75th anniversary.

## ADDITIONAL STATEMENTS

### TRIBUTE TO GEORGE DENNISON

• Mr. BAUCUS. Mr. President, today I wish to recognize an outstanding leader from my home State of Montana as he embarks on a new adventure in his life. Since 1990 George Dennison has served as the president of the University of Montana; he is now the longest serving president in the history of the institution. This summer on August 15, 20 years to the day after he began his duties at UM, President Dennison is retiring. I would like to speak today about some of George's achievements and all he has done to better higher education in Montana.

A historian by training, George earned a bachelor's degree with highest honors from the University of Montana in 1962, as well as his master's degree in 1963. After earning his Ph.D. in history from the University of Washington, George went on to serve as a professor and administrator for universities in Arkansas, Washington, and 18 years at Colorado State University in Fort Collins. George eventually returned to Missoula from Kalamazoo, MI, where he served as provost and vice president for academic affairs for Western Michigan University, to become president of the University of Montana in 1990.

I have enjoyed working with George during his tenure as president of the university. We share a strong desire to ensure that Montana's students have access to a high-quality, world class education that prepares them for the careers of the future and to be active members in their communities.

The University of Montana has seen tremendous growth under President Dennison's leadership. Over the past two decades, student enrollment has jumped from 10,000 to over 15,000. In the 20 years that George has served as president, more students have graduated from UM than did in the entire previous century. The number of doctorates awarded has increased from 15 to 75 annually. External research funding has expanded from $7 million in 1990 to over $170 million in 2010. The athletic programs at UM have competed well on a national level and have created a great sense of school and community spirit as the Griz have a faithful following throughout Big Sky country.

Like President Dennison, I strongly believe that an understanding of the world in which we live is essential to a well-rounded education. Under George's leadership, the university has developed strong international and exchange programs. Building on the work done by our dear friend Mike Mansfield, the former Senate majority leader and Ambassador to Japan, UM has relationships with universities across Asia. These partnerships help strengthen our educational, diplomatic, and economic ties with our friends across the Pacific and carry on the legacy and good work of Mike and Maureen Mansfield.

One initiative on which I have been particularly proud to work with President Dennison is the educational and cultural exchange program that the university recently started with Vietnam. I invited the Vietnamese Ambassador to the U.S. to visit Missoula in 2008 to meet with President Dennison about the exchange. President Dennison then traveled to Vietnam last year to meet with several universities and subsequently signed memoranda of understanding with Can Tho University and Vietnamese National University to establish student and faculty exchanges. It is important that we provide our students, the leaders of tomorrow, with the knowledge they will need to thrive in our increasingly global society—this exchange program does just that.

George has received numerous awards and recognition during his time at UM including the Governor's Humanities Award in 2009, the Montana Excellence in Leadership Award in 2007, and the Council for Advancement and Support of Education Region VIII Leadership Award in 1999. President Dennison has received honorary doctorates from universities in Kyrgyzstan and Tajikistan. During his career, George has had a number of historical works published. His 1976 book, ''The Dorr War: Republicanism on Trial, 1831–1861,'' was runner-up in the Frederick Jackson Turner Award Competition. Upon retiring as president, George plans to spend the first years of his retirement writing a history of the University of Montana.

I would like to once again thank President Dennison for all his hard work and commend him for his leadership over the years. I wish him and Jane all the best as they start a new chapter in their life.•

### TRIBUTE TO ARTHUR E. KATZ

• Mr. CHAMBLISS. Mr. President, I wish to commend the life's work of a good man and a great American, Arthur E. Katz.

On Friday, April 23, Arthur was inducted into the U.S. Coast Guard Academy's Wall of Gallantry for his service to our Nation.

In 1963, Arthur graduated from the U.S. Coast Guard Academy, where soon afterward, he headed to Vietnam.

He served as commanding officer of USCGC *Point Cypress* from December 1965 to September 1966.

For his leadership and bravery during this tour of duty, Arthur was awarded a Bronze Star Medal for Valor

Following his service in the Coast Guard, he went on to establish a successful business in Dunwoody, GA.

Arthur currently resides in Sandy Springs, a place he has come to love and call home. He is a devoted and loving husband of 46 years, father of three daughters and grandfather of seven.

As a well-respected member of the community, Arthur has been involved in numerous roles, such as the past president of the Temple Emanu-El synagogue in Sandy Springs and as a board member of the Marcus Jewish Community Center of Atlanta.

His commitment to community service and volunteerism has been tremendously valuable, and I am sure he has touched many lives over the years.

Arthur Katz is a true champion of patriotism and it is only fitting that he be honored and featured at the Wall of Gallantry at the U.S. Coast Guard Academy.•

### RECOGNIZING PITNEY BOWES COMPANY

• Mr. DODD. Mr. President, today I pay tribute to the Pitney Bowes Company on the occasion of its 90th birthday. Headquartered in Stamford, Pitney Bowes has proven time and again that it is a true Connecticut institution, leading the way in innovation and facilitating progress in the mailing industry.

But at least as important as its financial success, is the kind of company that it is. The company is a notably progressive employer, capturing repeated honors for its commitment to diversity. It is regularly cited as among the best places to work for women, African Americans, and Hispanics. It does this because it is right but also because they know it makes smart business sense.

Pitney Bowes is also a corporate leader in health care. It is truly in the forefront of efforts to improve their employee and retiree health while at the same time reducing costs. The examples are numerous. The company learned that forcing people to make large copayments for the medications they need to manage chronic conditions often led employees to skip taking their medicine. This resulted in more trips to the doctor and hospital, higher costs, and more absenteeism. So the company reduced or eliminated employee copayments for these medications. It cost more in the short run, but a lot less in the long run, and the affected employees enjoy greater health and productivity.

The company put healthy food in its cafeterias and charges less for it. There are still lots of choices, some not so healthy, but you have to look harder for the less healthy foods, and you have to pay more. And either way, there are on-site gyms in many facilities.

The company also established on-site clinics to make it easier for employees and retirees to obtain medical care. Indeed, Pitney Bowes went so far as to

arrange for specialist doctors, used by many of their employees, to hold office hours on-site. These efforts have been recognized by the Obama administration, and Murray Martin, the chairman and CEO, met with the President last year to discuss the company's programs.

Finally, the company also has a profound commitment to community service, providing funding for education and literacy organizations, and encouraging employees to volunteer their time to a wide variety of causes. This is just another way in which Pitney Bowes has benefited our State.

At a time when many American companies have failed, and others have become deeply troubled, it is with pleasure that I am able to recognize a cutting-edge company with good old fashioned values. Congratulations, Pitney Bowes, on your 90th birthday. ●

● Mr. LIEBERMAN. Mr. President, I wish to recognize one of my State's great companies on the occasion of its 90th birthday. On April 23, 1920, Arthur Pitney and Walter Bowes officially formed the Pitney Bowes Company with its headquarters in Stamford, CT. Today the company is still headquartered in Stamford, and employs 33,000 individuals worldwide.

In 1912, Arthur Pitney introduced the postage meter in the United States. This device, which is used to create and apply physical evidence of postage to pieces of mail, has allowed postal officials and offices throughout the United States to process mail more efficiently. In 1920, he partnered with Walter Bowes, a successful entrepreneur, to form the Pitney Bowes Postage Meter Company. In order for the postage meter to be sold in the U.S., Congress had to act to permit the meter indicia to be recognized as postage.

Since its founding, Pitney Bowes has been at the forefront of technological innovation. It has added vastly to the intellectual capital of this country and currently manages an active patent portfolio of more than 3,000 inventions. Quite simply, it is a company that has been the source of many, many good ideas. Many of its scientists are based in its R&D facility in Shelton, CT. In addition, the company actually had one of the first ''e-commerce'' applications, with its meters able to download postage electronically since 1979.

Pitney Bowes continues to innovate and grow. Last year its R&D investment was $182 million. It recently launched its newest mailing system. It also has become one of the world's largest software companies, helping its customers more accurately address their mail, deliver smarter marketing, provide more efficient government services, or locate their stores in the most promising location. The company also is a leader in the field of document management, helping government agencies, large companies and law firms manage their critical documents.

For more than 20 years, Pitney Bowes Financial Services International, a wholly-owned subsidiary, has been providing high-quality financial services for Pitney Bowes customers throughout the international marketplace. For example, Pitney Bowes finances the purchase of postage in its meters for over 1 million customers.

Pitney Bowes has operated globally for decades, and currently generates almost 30 percent of its revenue outside of the United States. At its manufacturing facility in Danbury, the company assembles large-scale mailing machines for export to many countries. I have had the privilege of touring the facility and have enjoyed seeing the flags of the destination countries hung over the machines they will be receiving.

Pitney Bowes has a large and diverse customer base with 2 million customers worldwide, many of which are small businesses. It has been listed on the New York Stock Exchange since 1950, has been a component of the S&P 500 Stock Index continually since 1957, and first joined the Fortune 500 in 1962.

Over the years, I know that Pitney Bowes has also been a good partner to the Postal Service and cares passionately about maintaining a mail service that not only survives but thrives. Pitney Bowes took the lead in creating the Mailing Industry CEO Council, which for the last several years has been at the forefront of educating policymakers about the mailing industry. There was a time when many of us in Congress failed to appreciate the extent of the importance and impact of the mailing industry. But thanks to their efforts, we know that it is a big trillion dollar industry employing more than 8 million workers. The company and the CEO Council played important roles in helping us enact postal reform legislation after a decade of effort. The company's chairman and CEO, Murray Martin, continues to regularly visit us in Washington to share his insights on how Congress can help the Postal Service adjust in a rapidly changing world.

On behalf of the people of Connecticut and the rest of the Nation, I would like to honor Pitney Bowes on the occasion of its 90th birthday. I am certain that the company and its employees will continue to pioneer new technologies and services that will contribute to economic growth in the U.S. and abroad.●

## TRIBUTE TO JORDAN SOMER

● Mr. JOHANNS. Mr. President, today I wish to recognize an outstanding young Nebraskan for her spirit of community service and for her dedication to making a difference in the lives of others.

Jordan Somer is currently a junior at Central High School in Omaha, NE. At Central High School, she is a member of the school's dance team and is involved in student clubs.

Jordan's vision was to create a pageant for girls and women with disabilities. In 2007, she founded the Miss Amazing Pageant. Now in its fourth year, the annual pageant encourages girls and women with disabilities to develop their public speaking skills and to build a positive self-image.

The Miss Amazing Pageant not only provides girls and women with disabilities with opportunities to shine, but also makes a clear difference in the community. Each participant in the Miss Amazing Pageant is asked to donate four cans of food. This food is then given to people in need. Jordan's pageant also gives back the money raised through ticket sales and silent auctions. Since 2007, Jordan's pageant has generously donated $15,000 to various community organizations.

I am pleased to recognize Jordan as a winner of the National Youth Service Award for Global Youth Service Day. It was a special honor for me to nominate someone so deserving of this award. Her service and leadership through the Miss Amazing Pageant has made a difference in the lives of individuals with disabilities and in Nebraska communities.

I want to express my personal congratulations to Jordan on her National Youth Service Award. I commend her for the worthy example she is setting for other young people and wish her all the best in her future endeavors.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

### ENROLLED BILL SIGNED

At 7:05 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1963. An act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5602. A communication from the Deputy General Counsel, Office of Disaster Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Disaster Home Loans: FEMA Interaction'' (RIN3245—AF97) as received in the Office of the President of the Senate on April 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5603. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; March Fireworks Displays within the Captain of the Port Puget Sound Area of Responsibility (AOR)'' ((RIN1625—AA00)(Docket No. USG—2010—0143)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5604. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Dive Platform, Pago Pago Harbor, American Samoa'' ((RIN1625—AA00)(Docket No. USG—2010—0002)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5605. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Mead Intake Construction; Lake Mead, Boulder City, NV'' ((RIN1625—AA00)(Docket No. USG—2009—1031)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5606. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; NASSCO Launching of USNS Charles Drew, San Diego Bay, San Diego, CA'' ((RIN1625—AA00)(Docket No. USG—2010—0093)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5607. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: Narragansett Bay, RI and Mount Hope Bay, RI and MA, Including the Providence River and Taunton River'' ((RIN1625—AA11)(Docket No. USG—2009—0143)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5608. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; U.S. Navy Submarines, Hood Canal, WA'' ((RIN1625—AA11)(Docket No. USG—2009—1058)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5609. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Hudson River South of the Troy Locks, New York'' ((RIN1625—AA11)(Docket No. USG—2010—0009)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5610. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Bullards Ferry Bridge, Coquille River, Bandon, OR'' ((RIN1625—AA09)(Docket No. USG—2009—0839)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5611. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Chester River, Chestertown, MD'' ((RIN1625—AA09)(Docket No. USG—2009—0796)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5612. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Freeport LNG Basin, Freeport, TX'' ((RIN1625—AA87)(Docket No. USG—2008—0124)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5613. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Brazos River, Freeport, TX'' ((RIN1625—AA87)(Docket No. USG—2009—0501)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5614. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Freeport Channel Entrance, Freeport, TX'' ((RIN1625—AA87)(Docket No. USG—2008—0125)) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5615. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 44'' (RIN0648—AY29) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5616. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Black Sea Bass Recreational Fishery; Emergency Rule Correction and Extension'' (RIN0648—AY23) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5617. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson—Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2010 Sector Operations Plans and Contracts, and Allocation of Northeast Multispecies Annual Catch Entitlements'' (RIN0648—XS55) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5618. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648—XV62) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5619. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Hawaii Bottomfish and Seamount Groundfish Fisheries; Fishery Closure'' (RIN0648—XU60) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5620. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure'' (RIN0648—XU96) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5621. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment 16'' (RIN0648—AW72) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5622. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the Government in the Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–5623. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Privacy Office Second Quarter Fiscal Year 2010 Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–5624. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Washington Advisory Committee; to the Committee on the Judiciary.

EC–5625. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of

1938, as amended for the six months ending June 30, 2009''; to the Committee on the Judiciary.

EC–5626. A communication from the Deputy General Counsel, Office of Technology, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Innovation Research Program Policy Directive'' (RIN3245—AF74) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Small Business and Entrepreneurship.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 509. To reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes (Rept. No. 111—173).

H.R. 3537. A bill to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. No. 111–174).

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Con. Res. 60. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2011, revising the appropriate budgetary levels for fiscal year 2010, and setting forth the appropriate budgetary levels for fiscal years 2012 through 2015.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 3256. A bill to require a study to determine the feasibility of mitigating damages relating to Federal navigation work conducted at Oklahoma Beach in the State of New York; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself and Ms. LANDRIEU):

S. 3257. A bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 3258. A bill to amend the securities laws to modernize and strengthen investor protection, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself, Mr. LEAHY, and Mr. HATCH):

S. 3259. A bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to make the operation of such subtitle permanent law; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 3260. A bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 500. A resolution expressing the sincere condolences of the Senate to the family, loved ones, United Steelworkers, fellow workers, and the Anacortes community on the tragedy at the Tesoro refinery in Anacortes, Washington; considered and agreed to.

By Mr. CONRAD:

S. Con. Res. 60. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2011, revising the appropriate budgetary levels for fiscal year 2010, and setting forth the appropriate budgetary levels for fiscal years 2012 through 2015; from the Committee on the Budget; placed on the calendar.

## ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 950

At the request of Mrs. LINCOLN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 950, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1190

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1190, a bill to provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes.

S. 1215

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1233

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. BOXER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1241

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1241, a bill to amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer.

S. 1371

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1371, a bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1966

At the request of Mr. DODD, the name of the Senator from New York (Mrs.

GILLIBRAND) was added as a cosponsor of S. 1966, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 2725

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2725, a bill to provide for fairness for the Federal judiciary.

S. 2737

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2737, a bill to relocate to Jerusalem the United States Embassy in Israel, and for other purposes.

S. 2807

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 2807, a bill to ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3035

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3035, a bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes.

S. 3065

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3065, a bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation.

S. 3079

At the request of Mr. MERKLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3079, a bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes.

S. 3106

At the request of Mrs. HAGAN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 3106, a bill to authorize States to exempt certain nonprofit housing organizations from the licensing requirements of the S.A.F.E. Mortgage Licensing Act of 2008.

S. 3117

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3117, a bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3190

At the request of Ms. LANDRIEU, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 3190, a bill to reaffirm that the Small Business Reauthorization Act of 1997 does not limit a contracting officer's discretion regarding whether to make a contract available for award pursuant to any of the restricted competition programs authorized by the Small Business Act.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3241

At the request of Mr. BROWN of Ohio, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3241, a bill to provide for a safe, accountable, fair, and efficient banking system, and for other purposes.

S. 3244

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3244, a bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

S. 3254

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3254, a bill to amend the Fair Labor Standards Act of 1938 to require persons to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for persons who misclassify employees as non-employees, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Ms. LANDRIEU):

S. 3257. A bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce legislation with Senator LANDRIEU known as the Voluntary Protection Program Act. This bill will codify the Voluntary Protection Program, or VPP, expand it to include more small businesses, and incorporate recent GAO recommendations for program improvements.

No program has been more successful in creating such a culture of safety in the workplace than VPP. Since it was created in 1982, Republican and Democrat administrations alike have fostered its growth to now 2,284 worksites, a quarter of which are unionized, and it covers almost a million employees. The bipartisan support for VPP continues into this Congress. Last week, the Senate Budget Committee unanimously approved an amendment to preserve VPP budget authority and Chairman CONRAD noted that the program actually saves taxpayer dollars.

Worksites that pass the rigorous evaluation process and become VPP sites have an average Days Away Restricted or Transferred, DART, case rate of 52 percent below the average for its industry. In recent years, smaller worksites have made significant strides in VPP, increasing from 28 percent of VPP sites in 2003 to 39 percent in 2008.

The innovative program doesn't just keep employees safer; as I have noted, it also saves both the VPP companies and the taxpayers money. In 2007, Federal Agency VPP participants saved the government more than $59 million by avoiding injuries and private sector VPP participants saved more than $300 million. Additionally, when workplaces make the significant commitment to safety required by VPP, it allows OSHA to focus its resources where they are most needed. VPP Participant employers contribute a great deal to the VPP program expenditures. VPP participants have assigned approximately 1,200 of their own employees to act as OSHA Special Government Employees, SGEs, who conduct onsite evaluations for OSHA.

Despite the strong bipartisan support for VPP and its very positive results, the need for this legislation has become painfully clear. The administration's fiscal year 2011 Budget Request proposed eliminating the small amount

it takes to administer VPP—$3.125 million and sought to transfer the 35 FTEs it takes to run the program to other functions. The budget proposal stated that OSHA was seeking ''alternative non-federal forms of funding'' and working closely with stakeholders, but, to date, no plan to secure such funding has been offered by the administration or in either the House or Senate authorizing committee. To the extent such ''alternative funding'' is bureaucratic code for a fee-based system such a proposal is simply not workable and completely counterproductive. Participating employers already voluntarily absorb significant costs to participate in the current program. Asking businesses—particularly small businesses, and particularly in the current economic environment—to take on more costs will only result in them dropping out of the program. Further still, a fee-based system simply destroys the credibility and integrity of VPP participation for employees.

I would like to thank Senator LANDRIEU for working with me on this important legislation.

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By Mr. REED:

S. 3258. A bill to amend the securities laws to modernize and strengthen investor protection, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, the recent lawsuit by the Securities and Exchange Commission, SEC, against Goldman Sachs underscores that much still needs to be done to improve transparency and restore confidence in our financial system. Indeed, that is why we must have the debate on Wall Street reform. The nearly ½ of all U.S. households that own securities deserve a strong cop on the beat that has the tools it needs to go after swindlers and scam artists, and pursue the difficult cases arising from our increasingly complex financial markets. Our economy's success depends in no small part on restoring confidence in our capital markets and a smoothly operating capital formation process.

The bill I am introducing this afternoon, the Modernizing and Strengthening Investor Protection Act, would improve the ability of the SEC to protect investors by strengthening its ability to bring enforcement actions, addressing issues revealed by the recent Madoff fraud, and modernizing its ability to obtain critical information. In particular, it would enhance the ability of the SEC to hire market experts, strengthen oversight of fund custodians, modernize the SEC's ability to obtain information from the firms it oversees, and clarify and enhance SEC penalties and other authorities.

This legislation mirrors a bill that Representative KANJORSKI introduced and worked to include in the House version of Wall Street reform. I urge my colleagues to take a look at my legislation during the next few days, as I plan to introduce it as an amendment to the Wall Street reform bill that is about to be considered by the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3258

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Modernizing and Strengthening Investor Protection Act of 2010''.

**SEC. 2. STRENGTHENING ENFORCEMENT BY THE COMMISSION.**

(a) NATIONWIDE SERVICE OF SUBPOENAS.—

(1) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(3) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a–43) is amended by inserting after the fourth sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(4) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended by inserting after the third sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(b) AUTHORITY TO IMPOSE CIVIL PENALTIES IN CEASE AND DESIST PROCEEDINGS.—

(1) UNDER THE SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

''(g) AUTHORITY TO IMPOSE MONEY PENALTIES.—

''(1) GROUNDS.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil penalty on a person if the Commission finds, on the record, after notice and opportunity for hearing, that—

''(A) such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder; and

''(B) such penalty is in the public interest.

''(2) MAXIMUM AMOUNT OF PENALTY.—

''(A) FIRST TIER.—The maximum amount of a penalty for each act or omission described in paragraph (1) shall be $7,500 for a natural person or $75,000 for any other person.

''(B) SECOND TIER.—Notwithstanding subparagraph (A), the maximum amount of penalty for each such act or omission shall be $75,000 for a natural person or $375,000 for any other person, if the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the maximum amount of penalty for each such act or omission shall be $150,000 for a natural person or $725,000 for any other person, if—

''(i) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in—

''(I) substantial losses or created a significant risk of substantial losses to other persons; or

''(II) substantial pecuniary gain to the person who committed the act or omission.

''(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission may impose a penalty under this section, a respondent may present evidence of the ability of the respondent to pay such penalty. The Commission may, in its discretion, consider such evidence in determining whether such penalty is in the public interest. Such evidence may relate to the extent of the ability of the respondent to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon the assets of the respondent and the amount of the assets of the respondent.''.

(2) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 21B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(A) by striking the matter immediately following paragraph (4);

(B) in the matter preceding paragraph (1), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest and'';

(C) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and adjusting the subparagraph margins accordingly;

(D) by striking ''In any proceeding'' and inserting the following:

''(1) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(2) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted under section 21C against any person, the Commission may impose a civil penalty, if the Commission finds, on the record after notice and opportunity for hearing, that such person—

''(A) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(B) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(3) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Section 9(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(A) by striking the matter immediately following subparagraph (C);

(B) in the matter preceding subparagraph (A), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest, and'';

(C) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and adjusting the clause margins accordingly;

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (f) against any person, the Commission may impose a civil penalty if the Commission finds, on the record, after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(4) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(i)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(A) by striking the undesignated matter immediately following subparagraph (D);

(B) in the matter preceding subparagraph (A), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest and'';

(C) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the clause margins accordingly;

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following new subparagraph:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (k) against any person, the Commission may impose a civil penalty if the Commission finds, on the record, after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(c) FORMERLY ASSOCIATED PERSONS.—

(1) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(8)) is amended by striking ''any member or employee'' and inserting ''any person who is, or at the time of the alleged violation or abuse was, a member or employee''.

(2) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(c)) is amended—

(A) in paragraph (1)(C), by striking ''any person associated, or seeking to become associated,'' and inserting ''any person who is, or at the time of the alleged misconduct was, associated or seeking to become associated''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''; and

(ii) in subparagraph (B), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''.

(3) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended, in the first sentence, by inserting '', or, as to any act or practice, or omission to act, while associated with a member, formerly associated'' after ''member or a person associated''.

(4) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended, in the first sentence, by inserting ''or, as to any act or practice, or omission to act, while a participant, was a participant,'' after ''in which such person is a participant,''.

(5) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(A) by striking ''any officer or director'' and inserting ''any person who is, or at the time of the alleged misconduct was, an officer or director''; and

(B) by striking ''such officer or director'' and inserting ''such person''.

(6) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(A) by striking ''a person serving or acting'' and inserting ''a person who is, or at the time of the alleged misconduct was, serving or acting''; and

(B) by striking ''such person so serves or acts'' and inserting ''such person so serves or acts, or at the time of the alleged misconduct, so served or acted''.

(7) PERSON ASSOCIATED WITH A PUBLIC ACCOUNTING FIRM.—

(A) SARBANES-OXLEY ACT OF 2002 AMENDMENT.—Section 2(a)(9) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(9)) is amended by adding at the end the following:

''(C) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.—For purposes of sections 3(c), 101(c), 105, and 107(c) and the rules of the Board and Commission issued thereunder, except to the extent specifically excepted by such rules, the terms defined in subparagraph (A) shall include any person associated, seeking to become associated, or formerly associated with a public accounting firm, except that—

''(i) the authority to conduct an investigation of such person under section 105(b) shall apply only with respect to any act or practice, or omission to act, by the person while such person was associated or seeking to become associated with a registered public accounting firm; and

''(ii) the authority to commence a disciplinary proceeding under section 105(c)(1), or impose sanctions under section 105(c)(4), against such person shall apply only with respect to—

''(I) conduct occurring while such person was associated or seeking to become associated with a registered public accounting firm; or

''(II) non-cooperation, as described in section 105(b)(3), with respect to a demand in a Board investigation for testimony, documents, or other information relating to a period when such person was associated or seeking to become associated with a registered public accounting firm.''.

(B) SECURITIES EXCHANGE ACT OF 1934 AMENDMENT.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by striking ''or a person associated with such a firm'' and inserting '', a person associated with such a firm, or, as to any act, practice, or omission to act, while associated with such firm, a person formerly associated with such a firm''.

(8) SUPERVISORY PERSONNEL OF AN AUDIT FIRM.—Section 105(c)(6) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(c)(6)) is amended—

(A) in subparagraph (A), by striking ''the supervisory personnel'' and inserting ''any person who is, or at the time of the alleged failure reasonably to supervise was, a supervisory person''; and

(B) in subparagraph (B)—

(i) by striking ''No associated person'' and inserting ''No current or former supervisory person''; and

(ii) by striking ''any other person'' and inserting ''any associated person''.

(9) MEMBER OF THE PUBLIC COMPANY ACCOUNTING OVERSIGHT BOARD.—Section 107(d)(3) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7217(d)(3)) is amended by striking ''any member'' and inserting ''any person who is, or at the time of the alleged misconduct was, a member''.

(d) EXTRATERRITORIAL JURISDICTION OF THE ANTIFRAUD PROVISIONS OF THE FEDERAL SECURITIES LAWS.—

(1) UNDER THE SECURITIES ACT OF 1933.—Section 22 of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by adding at the end the following new subsection:

''(c) EXTRATERRITORIAL JURISDICTION.—The district courts of the United States and the United States courts of any Territory shall have jurisdiction of an action or proceeding brought or instituted by the Commission or the United States alleging a violation of section 17(a) involving—

''(1) conduct within the United States that constitutes significant steps in furtherance of the violation, even if the securities transaction occurs outside the United States and involves only foreign investors; or

''(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.''.

(2) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended—

(A) by striking ''The district'' and inserting the following:

''(a) IN GENERAL.—The district''; and

(B) by adding at the end the following new subsection:

''(b) EXTRATERRITORIAL JURISDICTION.—The district courts of the United States and the United States courts of any Territory shall have jurisdiction of an action or proceeding brought or instituted by the Commission or the United States alleging a violation of the antifraud provisions of this title involving—

''(1) conduct within the United States that constitutes significant steps in furtherance

of the violation, even if the securities transaction occurs outside the United States and involves only foreign investors; or

''(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.''.

(3) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended—

(A) by striking ''The district'' and inserting the following:

''(a) IN GENERAL.—The district''; and

(B) by adding at the end the following new subsection:

''(b) EXTRATERRITORIAL JURISDICTION.—The district courts of the United States and the United States courts of any Territory shall have jurisdiction of an action or proceeding brought or instituted by the Commission or the United States alleging a violation of section 206 involving—

''(1) conduct within the United States that constitutes significant steps in furtherance of the violation, even if the violation is committed by a foreign adviser and involves only foreign investors; or

''(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.''.

(e) CONTROL PERSON LIABILITY UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 20(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(a)) is amended by inserting after ''controlled person is liable'' the following: ''(including to the Commission in any action brought under paragraph (1) or (3) of section 21(d))''.

(f) AIDING AND ABETTING UNDER THE SECURITIES LAWS.—

(1) UNDER THE SECURITIES ACT OF 1933.—Section 15 of the Securities Act of 1933 (15 U.S.C. 77o) is amended—

(A) by striking ''Every person who'' and inserting ''(a) CONTROLLING PERSONS.—Every person who''; and

(B) by adding at the end the following:

''(b) PROSECUTION OF PERSONS WHO AID AND ABET VIOLATIONS.—For purposes of any action brought by the Commission under subparagraph (b) or (d) of section 20, any person that knowingly or recklessly provides substantial assistance to another person in violation of a provision of this Act, or of any rule or regulation issued under this Act, shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.''.

(2) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Section 48 of the Investment Company Act of 1940 (15 U.S.C. 80a–48) is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

''(b) For purposes of any action brought by the Commission under subsection (d) or (e) of section 42, any person that knowingly or recklessly provides substantial assistance to another person in violation of a provision of this Act, or of any rule or regulation issued under this Act, shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.''.

(3) UNDER THE INVESTMENT ADVISERS ACT.—Section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9) is amended by inserting at the end the following new subsection:

''(f) AIDING AND ABETTING.—For purposes of any action brought by the Commission under subsection (e), any person that knowingly or recklessly has aided, abetted, counseled, commanded, induced, or procured a violation of any provision of this Act, or of any rule, regulation, or order hereunder, shall be deemed to be in violation of such provision, rule, regulation, or order to the same extent as the person that committed such violation.''.

(4) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 20(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(e)) is amended by inserting ''or recklessly'' after ''knowingly''.

**SEC. 3. ADDRESSING ISSUES REVEALED BY THE MADOFF FRAUD.**

(a) REVISION TO RECORDKEEPING RULE.—

(1) INVESTMENT COMPANY ACT OF 1940 AMENDMENTS.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a–30) is amended—

(A) in subsection (a)(1), by adding at the end the following: ''Each person having custody or use of the securities, deposits, or credits of a registered investment company shall maintain and preserve all records that relate to the custody or use by such person of the securities, deposits, or credits of the registered investment company for such period or periods as the Commission, by rule or regulation, may prescribe, as necessary or appropriate in the public interest or for the protection of investors.''; and

(B) in subsection (b), by adding at the end the following:

''(4) RECORDS OF PERSONS WITH CUSTODY OR USE.—

''(A) IN GENERAL.—Records of persons having custody or use of the securities, deposits, or credits of a registered investment company that relate to such custody or use, are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations and other information and document requests by representatives of the Commission, as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

''(B) CERTAIN PERSONS SUBJECT TO OTHER REGULATION.—Any person that is subject to regulation and examination by a Federal financial institution regulatory agency (as such term is defined under section 212(c)(2) of title 18, United States Code) may satisfy any examination request, information request, or document request described under subparagraph (A), by providing to the Commission a detailed listing, in writing, of the securities, deposits, or credits of the registered investment company within the custody or use of such person.''.

(2) INVESTMENT ADVISERS ACT OF 1940 AMENDMENT.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended by adding at the end the following new subsection:

''(d) RECORDS OF PERSONS WITH CUSTODY OR USE.—

''(1) IN GENERAL.—Records of persons having custody or use of the securities, deposits, or credits of a client, that relate to such custody or use, are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations and other information and document requests by representatives of the Commission, as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

''(2) CERTAIN PERSONS SUBJECT TO OTHER REGULATION.—Any person that is subject to regulation and examination by a Federal financial institution regulatory agency (as such term is defined under section 212(c)(2) of title 18, United States Code) may satisfy any examination request, information request, or document request described under paragraph (1), by providing the Commission with a detailed listing, in writing, of the securities, deposits, or credits of the client within the custody or use of such person.''.

(b) STREAMLINED HIRING AUTHORITY FOR MARKET SPECIALISTS.—

(1) APPOINTMENT AUTHORITY.—Section 3114 of title 5, United States Code, is amended by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

**''§ 3114. Appointment of candidates to certain positions in the competitive service by the Securities and Exchange Commission**

''(a) APPLICABILITY.—This section applies with respect to any position of accountant, economist, and securities compliance examiner at the Commission that is in the competitive service, and any position at the Commission in the competitive service that requires specialized knowledge of financial and capital market formation or regulation, financial market structures or surveillance, or information technology.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by striking the item relating to section 3114 and inserting the following:

''3114. Appointment of candidates to positions in the competitive service by the Securities and Exchange Commission.''.

(3) PAY AUTHORITY.—The Commission may set the rate of pay for experts and consultants appointed under the authority of section 3109 of title 5, United States Code, in the same manner in which it sets the rate of pay for employees of the Commission.

(c) SIPC REFORMS.—

(1) REMOVING THE DISTINCTION BETWEEN CLAIMS FOR CASH AND CLAIMS FOR SECURITIES.—The Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) is amended—

(A) in section 8(e)(4)(B) (15 U.S.C. 78fff-2(e)(4)(B)), by striking ''for cash or securities'';

(B) in section 9(a) (15 U.S.C. 78fff–3(a))—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) in section 16(2)(B) (15 U.S.C. 78lll(2)(B)), by striking ''for cash or securities''.

(2) LIQUIDATION OF A CARRYING BROKER-DEALER.—Section 5(a)(3) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(a)(3)) is amended—

(A) by striking the undesignated matter immediately following subparagraph (B);

(B) in subparagraph (A), by striking ''any member of SIPC'' and inserting ''the member'';

(C) in subparagraph (B), by striking the comma at the end and inserting a period;

(D) by striking ''If SIPC'' and inserting the following:

''(A) IN GENERAL.—SIPC may, upon notice to a member of SIPC, file an application for a protective decree with any court of competent jurisdiction specified in section 21(e) or 27 of the Securities Exchange Act of 1934, except that no such application shall be filed with respect to a member, the only customers of which are persons whose claims could not be satisfied by SIPC advances pursuant to section 9, if SIPC''; and

(E) by adding at the end the following:

''(B) CONSENT REQUIRED.—No member of SIPC that has a customer may enter into an insolvency, receivership, or bankruptcy proceeding, under Federal or State law, without the specific consent of SIPC.''.

**SEC. 4. ENHANCED ABILITY OF COMMISSION TO OBTAIN NEEDED INFORMATION.**

(a) INVESTMENT COMPANY EXAMINATION.—Section 31(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–30(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—The following records shall be subject, at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest or for the protection of investors:

''(A) All records of a registered investment company.

''(B) All records of a underwriter, broker, dealer, or investment adviser that is a majority-owned subsidiary of a registered investment company.

''(C) All records required to be maintained and preserved by a investment adviser that is not a majority-owned subsidiary of a registered investment company.

''(D) All records required to be maintained and preserved by a depositor of a registered investment company.

''(E) All records required to be maintained and preserved by a principal underwriter for a registered investment company (other than a closed-end company).''.

(b) EXPANDED ACCESS TO GRAND JURY INFORMATION.—Chapter 215 of title 18, United States Code, is amended by adding at the end the following:

**''§ 3323. Access to grand jury information**

''(a) DISCLOSURE.—

''(1) IN GENERAL.—Upon motion of an attorney for the government, a court may direct disclosure of matters occurring before a grand jury during an investigation of conduct that may constitute a violation of any provision of the securities laws to the Securities and Exchange Commission for use in relation to any matter within the jurisdiction of the Commission.

''(2) SUBSTANTIAL NEED REQUIRED.—A court may issue an order under paragraph (1) only upon a finding of a substantial need in the public interest.

''(b) USE OF MATTER.—A person to whom a matter has been disclosed under this section shall not use such matter, other than for the purpose for which such disclosure was authorized.

''(c) DEFINITIONS.—As used in this section—

''(1) the terms 'attorney for the government' and 'grand jury information' have the meanings given to those terms in section 3322 of title 18, United States Code; and

''(2) the term 'securities laws' has the same meaning as in section 3(a)(47) of the Securities Exchange Act of 1934.''.

(c) ENHANCED AUTHORITY OF THE SECURITIES AND EXCHANGE COMMISSION TO CONDUCT SURVEILLANCE AND RISK ASSESSMENT.—

(1) SECURITIES EXCHANGE ACT OF 1934.—Section 17(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(b)) is amended by adding at the end the following:

''(5) SURVEILLANCE AND RISK ASSESSMENT.—All persons described in subsection (a) are subject, at any time, or from time to time, to such reasonable periodic, special, or other information and document requests by representatives of the Commission as the Commission, by rule or order, deems necessary or appropriate to conduct surveillance or risk assessments of the securities markets, persons registered with the Commission under this title, or otherwise in furtherance of the purposes of this title.''.

(2) INVESTMENT COMPANY ACT OF 1940.—Section 31(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–30(b)) is amended by adding at the end the following:

''(5) SURVEILLANCE AND RISK ASSESSMENT.—All persons described in subsection (a) are subject at any time, or from time to time, to such reasonable periodic, special, or other information and document requests by representatives of the Commission as the Commission, by rule or order, deems necessary or appropriate to conduct surveillance or risk assessments of the securities markets, persons registered with the Commission under this title, or otherwise in furtherance of the purposes of this title.''.

(3) DOCUMENT REQUESTS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended by adding at the end the following:

''(e) SURVEILLANCE AND RISK ASSESSMENT.—All persons described in subsection (a) are subject at any time, or from time to time, to such reasonable periodic, special, or other information and document requests by representatives of the Commission as the Commission, by rule or order, deems necessary or appropriate to conduct surveillance or risk assessments of the securities markets, persons registered with the Commission under this title, or otherwise in furtherance of the purposes of this title.''.

(d) PROTECTING CONFIDENTIALITY OF MATERIALS SUBMITTED TO THE COMMISSION.—

(1) SECURITIES EXCHANGE ACT OF 1934.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

(A) in subsection (d), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(B) by redesignating subsection (e) as subsection (f); and

(C) by inserting after subsection (d) the following:

''(e) RECORDS OBTAINED FROM REGISTERED PERSONS.—

''(1) IN GENERAL.—Except as provided in subsection (f), the Commission shall not be compelled to disclose records or information obtained pursuant to section 17(b), or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities.

''(2) TREATMENT OF INFORMATION.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. Collection of information pursuant to section 17 shall be an administrative action involving an agency against specific individuals or agencies pursuant to section 3518(c)(1) of title 44, United States Code.''.

(2) INVESTMENT COMPANY ACT OF 1940.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a-30) is amended—

(A) by striking subsection (c) and inserting the following:

''(c) LIMITATIONS ON DISCLOSURE BY COMMISSION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any records or information provided to the Commission under this section, or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities. Nothing in this subsection authorizes the Commission to withhold information from the Congress or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of jurisdiction of that department or agency, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this section shall be considered a statute described in subsection (b)(3)(B) of such section 552. Collection of information pursuant to section 31 shall be an administrative action involving an agency against specific individuals or agencies pursuant to section 3518(c)(1) of title 44, United States Code.'';

(B) by striking subsection (d); and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(3) INVESTMENT ADVISERS ACT OF 1940.—Section 210 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-10) is amended by adding at the end the following:

''(d) LIMITATIONS ON DISCLOSURE BY THE COMMISSION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any records or information provided to the Commission under this section, or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities. Nothing in this subsection authorizes the Commission to withhold information from the Congress or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of jurisdiction of that department or agency, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this section shall be considered a statute described in subsection (b)(3)(B) of such section 552. Collection of information pursuant to section 31 shall be an administrative action involving an agency against specific individuals or agencies pursuant to section 3518(c)(1) of title 44, United States Code.''.

(e) EXPANSION OF AUDIT INFORMATION TO BE PRODUCED AND EXCHANGED.—Section 106 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7216) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PRODUCTION OF DOCUMENTS.—

''(1) PRODUCTION BY FOREIGN FIRMS.—If a foreign public accounting firm issues an audit report, performs audit work, conducts interim reviews, or performs material services upon which a registered public accounting firm relies in the conduct of an audit or interim review, the foreign public accounting firm shall—

''(A) produce its audit work papers and all other documents related to any such audit work or interim review to the Commission or the Board; and

''(B) be subject to the jurisdiction of the courts of the United States for purposes of enforcement of any request for such documents.

''(2) OTHER PRODUCTION.—Any registered public accounting firm that relies, in whole or in part, on the work of a foreign public accounting firm in issuing an audit report, performing audit work, or conducting an interim review, shall—

''(A) produce the audit work papers of the foreign public accounting firm and all other

documents related to any such work in response to a request for production by the Commission or the Board; and

''(B) secure the agreement of any foreign public accounting firm to such production, as a condition of the reliance by the registered public accounting firm on the work of that foreign public accounting firm.'';

(2) by redesignating subsection (d) as subsection (g); and

(3) by inserting after subsection (c) the following:

''(d) SERVICE OF REQUESTS OR PROCESS.—

''(1) IN GENERAL.—Any foreign public accounting firm that performs work for a domestic registered public accounting firm shall furnish to the domestic registered public accounting firm a written irrevocable consent and power of attorney that designates the domestic registered public accounting firm as an agent upon whom may be served any process, pleadings, or other papers in any action brought to enforce this section.

''(2) SPECIFIC AUDIT WORK.—Any foreign public accounting firm that issues an audit report, performs audit work, performs interim reviews, or performs material services upon which a registered public accounting firm relies in the conduct of an audit or interim review, shall designate to the Commission or the Board an agent in the United States upon whom may be served any process, pleading, or other papers in any action brought to enforce this section or any request by the Commission or the Board under this section.

''(e) SANCTIONS.—A willful refusal to comply, in whole in or in part, with any request by the Commission or the Board under this section, shall be deemed a violation of this Act.

''(f) OTHER MEANS OF SATISFYING PRODUCTION OBLIGATIONS.—Notwithstanding any other provisions of this section, the staff of the Commission or the Board may allow a foreign public accounting firm that is subject to this section to meet production obligations under this section through alternate means, such as through foreign counterparts of the Commission or the Board.''.

(f) SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

(1) in subsection (d), as amended by subsection (d)(1)(A), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(2) in subsection (e), as added by subsection (d)(1)(C), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

''(f) SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.—

''(1) PRIVILEGED INFORMATION PROVIDED BY THE COMMISSION.—The Commission shall not be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by—

''(A) any agency (as defined in section 6 of title 18, United States Code);

''(B) the Public Company Accounting Oversight Board;

''(C) any self-regulatory organization;

''(D) any foreign securities authority;

''(E) any foreign law enforcement authority; or

''(F) any State securities or law enforcement authority.

''(2) NONDISCLOSURE OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—The Commission shall not be compelled to disclose privileged information obtained from any foreign securities authority, or foreign law enforcement authority, if the authority has in good faith determined and represented to the Commission that the information is privileged.

''(3) NONWAIVER OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—

''(A) IN GENERAL.—Federal agencies, State securities and law enforcement authorities, self-regulatory organizations, and the Public Company Accounting Oversight Board shall not be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by the Commission.

''(B) EXCEPTION.—The provisions of subparagraph (A) shall not apply to a self-regulatory organization or the Public Company Accounting Oversight Board with respect to information used by the Commission in an action against such organization.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'privilege' includes any work-product privilege, attorney-client privilege, governmental privilege, or other privilege recognized under Federal, State, or foreign law;

''(B) the term 'foreign law enforcement authority' means any foreign authority that is empowered under foreign law to detect, investigate or prosecute potential violations of law; and

''(C) the term 'State securities or law enforcement authority' means the authority of any State or territory that is empowered under State or territory law to detect, investigate, or prosecute potential violations of law.''.

**SEC. 5. MODERNIZATION OF INVESTOR PROTECTIONS.**

(a) MUNICIPAL SECURITIES.—Section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4) is amended—

(1) by striking ''(b)(1) Not later'' and all that follows through ''succeed such initial members.'' and inserting the following:

''(b) MUNICIPAL SECURITIES RULEMAKING BOARD.—

''(1) COMPOSITION OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Not later than October 1, 2010, the Municipal Securities Rulemaking Board (hereinafter in this section referred to as the 'Board'), shall—

''(A) be composed of members who shall perform the duties set forth in this section; and

''(B) shall consist of—

''(i) a majority of independent public representatives, at least 1 of whom shall be representative of investors in municipal securities and at least 1 of whom shall be representative of issuers of municipal securities (which members are hereinafter referred to as 'public representatives');

''(ii) at least 1 individual who is representative of municipal securities brokers and municipal securities dealers that are not banks or subsidiaries, departments or divisions of banks (which members are hereinafter referred to as 'broker-dealer representatives'); and

''(iii) at least 1 individual who is representative of municipal securities dealers that are banks or subsidiaries, departments or divisions of banks (which members are hereinafter referred to as 'bank representatives').''; and

(2) in paragraph (2), by amending subparagraph (B) to read as follows:

''(B) establish fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections of municipal securities brokers and municipal securities dealers. Such rules—

''(i) shall establish requirements regarding the independence of public representatives;

''(ii) shall provide that the number of public representatives of the Board shall at all times exceed the total number of broker-dealer representatives and bank representatives;

''(iii) shall establish minimum knowledge, experience, and other appropriate qualifications for individuals to serve as public representatives, which may include prior work experience in the securities, municipal finance, or municipal securities industries;

''(iv) shall specify the term members shall serve; and

''(v) may increase or decrease the number of members which shall constitute the whole Board, except that in no case may the number of members of the whole Board be an even number.''.

(b) BENEFICIAL OWNERSHIP AND SHORT-SWING PROFIT REPORTING.—

(1) BENEFICIAL OWNERSHIP REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(A) in subsection (d)—

(i) in paragraph (1)—

(I) by inserting after ''within ten days after such acquisition,'' the following: ''or within such shorter period as the Commission may establish, by rule,''; and

(II) by striking ''send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange on which the security is traded, and''; and

(ii) in paragraph (2)—

(I) by striking ''in the statements to the issuer and the exchange, and''; and

(II) by striking ''shall be transmitted to the issuer and the exchange and''; and

(B) in subsection (g)—

(i) in paragraph (1), by striking ''shall send to the issuer of the security and''; and

(ii) in paragraph (2)—

(I) by striking ''sent to the issuer and''; and

(II) by striking ''shall be transmitted to the issuer and''.

(2) SHORT-SWING PROFIT REPORTING.—Section 16(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(a)) is amended—

(A) in paragraph (1), by striking ''(and, if such security is registered on a national securities exchange, also with the exchange)''; and

(B) in paragraph (2)(B), by inserting after ''officer'' the following: '', or within such shorter period as the Commission may establish, by rule''.

(c) ENHANCED APPLICATION OF ANTIFRAUD PROVISIONS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 9—

(A) by striking ''registered on a national securities exchange'' each place that term appears and inserting ''other than a government security'';

(B) in subsection (b), by striking ''by use of any facility of a national securities exchange,''; and

(C) in subsection (c), by inserting after ''unlawful for any'' the following: ''broker, dealer, or'';

(2) in section 10(a)(1), by striking ''registered on a national securities exchange'' and inserting ''other than a government security''; and

(3) in section 15(c)(1)(A), by striking ''otherwise than on a national securities exchange of which it is a member''.

(d) DEFINITION OF ''INTERESTED PERSON''.—Section 2(a)(19)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(19)(A)) is amended—

(1) by striking clause (v) and inserting the following:

''(v) any natural person who is a member of a class of persons who the Commission, by rule or regulation, determines are unlikely to exercise an appropriate degree of independence as a result of—

''(I) a material business or professional relationship with such company or any affiliated person of such company; or

''(II) a close familial relationship with any natural person who is an affiliated person of such company,'';

(2) by striking clause (vi);

(3) by redesignating clause (vii) as clause (vi); and

(4) in clause (vi), as so redesignated, by striking ''two'' and inserting ''5''.

(e) LOST AND STOLEN SECURITIES.—Section 17(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(1)) is amended—

(1) in subparagraph (A), by striking ''missing, lost, counterfeit, or stolen securities'' and inserting ''securities that are missing, lost, counterfeit, stolen, cancelled, or any other category of securities as the Commission, by rule, may prescribe''; and

(2) in subparagraph (B), by striking ''or stolen'' and inserting ''stolen, cancelled, or reported in such other manner as the Commission, by rule, may prescribe''.

(f) FINGERPRINTING.—Section 17(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(2)) is amended—

(1) in the first sentence, by striking ''and registered clearing agency,'' and inserting ''registered clearing agency, registered securities information processor, national securities exchange, and national securities association''; and

(2) in the second sentence, by striking ''or clearing agency,'' and inserting ''clearing agency, securities information processor, national securities exchange, or national securities association,''.

**SEC. 6. COMMISSION ORGANIZATIONAL STUDY AND REFORM.**

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission (in this section referred to as the ''Commission'') shall hire an independent consultant of high caliber who has expertise in organizational restructuring and the operations of capital markets to examine the internal operations, structure, funding, and the need for comprehensive reform of the Commission, as well as the relationship of the Commission with and the reliance by the Commission on self-regulatory organizations and other entities relevant to the regulation of securities and the protection of securities investors that are under the oversight of the Commission.

(2) SPECIFIC AREAS FOR STUDY.—The study required under paragraph (1) shall, at a minimum, include the study of—

(A) the possible elimination of unnecessary or redundant units at the Commission;

(B) improving communications between offices and divisions of the Commission;

(C) the need to put in place a clear chain-of-command structure, particularly for enforcement examinations and compliance inspections;

(D) the effect of high-frequency trading and other technological advances on the market and what the Commission requires to monitor the effect of such trading and advances on the market;

(E) the hiring authorities, workplace policies, and personal practices of the Commission, including—

(i) whether there is a need to further streamline hiring authorities for those who are not lawyers, accountants, compliance examiners, or economists;

(ii) whether there is a need for further pay reforms;

(iii) the diversity of skill sets of Commission employees and whether the present skill set diversity efficiently and effectively fosters the mission of the Commission of investor protection; and

(iv) the application of civil service laws by the Commission;

(F) whether the oversight by the Commission of, and reliance by the Commission on, self-regulatory organizations promotes efficient and effective governance for the securities markets; and

(G) whether adjusting the reliance by the Commission on self-regulatory organizations is necessary to promote more efficient and effective governance for the securities markets.

(b) CONSULTANT REPORT.—Not later than 150 days after the independent consultant is retained under subsection (a), the independent consultant shall submit a report to the Commission and to Congress containing—

(1) a detailed description of any findings and conclusions made while carrying out the study required under subsection (a)(1); and

(2) recommendations for legislative, regulatory, or administrative action that the independent consultant determines appropriate to enable the Commission and other entities on which the independent consultant reports to perform the missions of the Commission, whether mandated by statute or otherwise.

(c) COMMISSION REPORT.—Not later than 6 months after the date on which the consultant submits the report under subsection (b), and every 6 months thereafter during the 2-year period following the date on which the consultant submits the report under subsection (b), the Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the implementation by the Commission of the regulatory and administrative recommendations contained in the report of the independent consultant under subsection (b).

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By Mr. KOHL (for himself, Mr. LEAHY, and Mr. HATCH):

S. 3259. A bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to make the operation of such subtitle permanent law; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Antitrust Criminal Penalties Enforcement and Reform Act of 2004 Extension Act. This legislation makes permanent a critical component of the Antitrust Criminal Penalty Enforcement and Reform Act of 2004, set to expire on June 22, which encourages participation in the Antitrust Division's leniency program. As a result, the Justice Department will be able to continue to detect, investigate and aggressively prosecute price-fixing cartels which harm consumers.

The Antitrust Division of the Department of Justice has long considered criminal cartel enforcement a top priority, and its Corporate Leniency Policy is an important tool in that enforcement. Criminal antitrust offenses are generally conspiracies among competitors to fix prices, rig bids, or allocate markets of customers. The Leniency Policy creates incentives for corporations to report their unlawful cartel conduct to the Division, by offering the possibility of immunity from criminal charges to the first-reporting corporation, as long as there is full cooperation. For more than 15 years, this policy has allowed the Division to uncover cartels affecting billions of dollars worth of commerce here in the United States, which has led to prosecutions resulting in record fines and jail sentences.

An important part of the Division's Leniency Policy, added by the Antitrust Criminal Penalties Enforcement and Reform Act of 2004, limits the civil liability of leniency participants to the actual damages caused by that company—rather than triple the damages caused by the entire conspiracy, which is typical in civil antitrust lawsuits. This removed a significant disincentive to participation in the leniency program—the concern that, despite immunity from criminal charges, a participating corporation might still be on the hook for treble damages in any future antitrust lawsuits.

Maintaining strong incentives to make use of the Leniency Policy provides important benefits to the victims of antitrust offenses, often consumers who paid artificially high prices. It makes it more likely that criminal antitrust violations will be reported and, as a result, consumers will be able to identify and recover their losses from paying illegally inflated prices. The policy also requires participants to cooperate with plaintiffs in any follow-on civil lawsuits, which makes it more likely that the plaintiff consumers will be able to build strong cases against all members of the conspiracy.

Since the passage of ACPERA, the Antitrust Division has uncovered a number of significant cartel cases through its leniency program, including the air cargo investigation, which so far has yielded over a billion dollars in criminal fines. In that investigation, several airlines pled guilty to conspiring to fix international air cargo rates and international passenger fuel surcharges. Not only were criminal fines levied but one high-ranking executive pled guilty and agreed to serve 8 months in prison. In fiscal year 2004, before the passage of ACPERA, criminal antitrust fines totaled $350 million. Criminal antitrust fines in fiscal year 2009 surpassed $1 billion. Scott Hammond, the Deputy Assistant Attorney General for Criminal Enforcement in the Antitrust Division, has stated that the damages limitation has made its Corporate Leniency Program ''even

more effective'' at detecting and prosecuting cartels. In fact, in the first 5 years after passage, leniency applications increased by 25 percent, and the Antitrust Division experienced ''unprecedented'' success in criminal enforcement.

ACPERA's damages limitation is set to expire in June, so we must act quickly to extend it. Otherwise, the Justice Department will lose an important tool that it uses to investigate and prosecute criminal cartel activity. The strong evidence that this program works means it is time to make it permanent. Permanence will give all parties—the government, potential amnesty applicants, and potential private litigants—a clear sign that criminal cartel enforcement continues to be a top priority, and that the amnesty program is a key and continuing component of that enforcement program. This certainty is likely to lead to increased participation in the amnesty program, the discovery of more cases, the receipt of more criminal fines, and a higher likelihood of consumers being able to recover their losses in civil litigation.

Some have raised questions about whether the leniency program could be made more effective by changing the requirements for leniency applicants to cooperate in private litigation, or by increasing the incentive for whistleblowing. Currently, there is insufficient evidence to show that changes are needed and the Department of Justice is concerned that any changes could have the unintended consequence of reducing the incentives to use the Leniency Program. Therefore, at this time we are hesitant to tinker with success. However, in response to the concerns, the Antitrust Criminal Penalties Enforcement and Reform Act of 2004 Extension Act of 2010 requires a GAO study to consider the effectiveness of the incentives for leniency applicants to cooperate in private litigation, and specifically whether such cooperation is made in a timely fashion. The Antitrust Criminal Penalties Enforcement and Reform Act of 2004 is meant to facilitate both government and private enforcement of the antitrust laws, and the GAO study will shed some light on whether it strikes the correct balance. When we receive the study, we will review it and act accordingly, changing the law if necessary.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3259

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Antitrust Criminal Penalties Enforcement and Reform Act of 2004 Extension Act of 2010''.

**SEC. 2. ELIMINATION OF SUNSET.**

The Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) is amended by striking section 211.

**SEC. 3. EFFECTIVE DATE OF AMENDMENT.**

The amendment made by section 2 shall take effect immediately before June 22, 2010.

**SEC. 4. GAO REPORT.**

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate on the effectiveness of the Antitrust Criminal Penalties Enforcement and Reform Act of 2004, both in criminal investigation and enforcement by the Department of Justice and in private civil actions. Such report shall consider, inter alia, the effectiveness of incentives for cooperation, and the timeliness of that cooperation, in private civil actions.

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By Mr. HARKIN (for himself, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 3260. A bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am joining with Senator KLOBUCHAR and Senator FRANKEN to introduce the Federal Response to Eliminate Eating Disorders, FREED, Act. This important bill is the first comprehensive legislative effort to confront eating disorders in the U.S.

Eating disorders such as anorexia nervosa and bulimia nervosa are widespread, insidious, and too often fatal diseases. Today, at least 5 million Americans suffer from eating disorders. Because these diseases often go undiagnosed and uncounted, the actual number is closer to 11 million Americans. Adolescent women are by no means the only people suffering from eating disorders; these diseases don't discriminate by gender, race, income, or age.

Eating disorders are dangerous conditions, but their consequences are often underestimated. These diseases can lead to serious heart conditions, kidney failure, osteoporosis, infertility, gastrointestinal disorders, and even death. The National Institute of Mental Health estimates that one in 10 people with anorexia nervosa will die of starvation, cardiac arrest, or some other medical complication. One in 10! That is deeply disturbing, and cries out for a much more aggressive Federal response. Moreover, fatalities resulting from eating disorders are grossly underreported, because deaths are typically recorded by listing the immediate cause of death, such as cardiac arrest, rather than the underlying cause, which is the eating disorder.

But, despite their prevalence and very serious impacts on health, research funding for eating disorders has lagged behind funding for research into similar diseases. We simply don't know enough about the causes and consequences of eating disorders, or how to stop them from developing in the first place. We have research suggesting that there's a genetic component to eating disorders, but we have got to learn more so we can effectively prevent these diseases before they start.

The good news is that eating disorders are treatable. With appropriate nutritional, medical, and psychotherapeutic interventions, they can be successfully and fully cured. But right now, only one in 10 people receive treatment.

The FREED Act takes a major step forward in promoting research, screening, treatment, and the prevention of eating disorders.

First, the FREED Act expands research efforts at the National Institutes of Health to examine the causes and consequences of eating disorders. We need to understand these diseases to more effectively prevent and treat them. The FREED Act also improves surveillance and data collection systems at the Centers for Disease Control and Prevention so we'll have accurate information and epidemiological data on eating disorders.

Second, the FREED Act expands access to treatment services and screening for eating disorders for Medicaid beneficiaries, and creates a patient advocacy network that will help individuals with eating disorders find treatment. Furthermore, the FREED Act improves the training and education of health care providers and educators so they know how to identify and treat individuals suffering from eating disorders.

Finally, we need to step up efforts to prevent these diseases in the first place. As I have said so many times, we don't have a genuine health care system in America, we have a sick care system. In other words, if you get sick, you get treatment. But we can spend just pennies on the dollar to prevent disease and illness in the first place by placing a much more robust emphasis on wellness, nutrition, physical activity, and public health. With this in mind, the FREED Act authorizes grants to develop and implement evidence-based prevention programs and promote healthy eating behaviors in schools, athletic programs, and other community-based programs.

Sadly, eating disorders are not rare. These diseases touch the lives of so many of our families and friends. Nearly half of all Americans personally know someone with an eating disorder. We have got to do a better job at the Federal level of investing in research, treatment, and prevention. The FREED Act builds on the investments we made in prevention, wellness, and

mental health in health reform and mental health parity.

I thank Senator KLOBUCHAR and Senator FRANKEN for partnering with me on this bill, and urge our colleagues to join us in dramatically stepping up the federal response to eating disorders.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3260

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Response to Eliminate Eating Disorders Act''.

**SEC. 2. FINDINGS.**

Congress finds as follows:

(1) Estimates, based on current research, indicate that at least 5,000,000 people in the United States suffer from eating disorders including anorexia nervosa, bulimia nervosa, binge eating disorder, and eating disorders not otherwise specified (referred to in this Act as ''EDNOS'').

(2) Anecdotal evidence suggests that as many as 11,000,000 people in the United States, including 1,000,000 males, may suffer from eating disorders.

(3) Eating disorders occur in all nations and in all populations, and among people of all ages and races and of both genders.

(4) Eating disorders are diseases with grave health consequences and high rates of mortality.

(5) Health consequences associated with eating disorders include heart failure and other serious cardiac conditions, electrolyte imbalance, kidney failure, osteoporosis, debilitating tooth decay, and gastrointestinal disorders, including esophageal inflammation and rupture, gastric rupture, peptic ulcers, and pancreatitis.

(6) Anorexia nervosa has one of the highest overall mortality rates of any mental illness. According to the National Institute of Mental Health, 1 in 10 people with anorexia nervosa will die of starvation, cardiac arrest, or another medical complication.

(7) The risk of death among adolescents with anorexia nervosa is 11 times greater than in disease-free adolescents.

(8) Anorexia nervosa has the highest suicide rate of all mental illnesses.

(9) New research suggests that bulimia nervosa has a much higher rate of mortality than is reflected in current statistics, because of the failure to identify the underlying eating disorder.

(10) Binge eating disorder is the most common eating disorder, with an estimated 3.5 percent of American women and 2 percent of American men expected to suffer from this disorder in their lifetime. Binge eating disorder is characterized by frequent episodes of uncontrolled overeating and is associated with obesity, heart disease, gall bladder disease, and diabetes.

(11) Research demonstrates that there is a significant genetic component to the development of eating disorders.

(12) Certain populations, including adolescent females and athletes of both genders, are at higher risk of developing an eating disorder.

(13) Different types of eating disorders may affect certain races and genders disproportionately.

(14) Despite the serious health consequences and the high risk of death, Federal research funding for eating disorders has lagged behind research concerning other diseases, when compared by the number of individuals affected by, and the relative health consequences of, the diseases.

(15) The ability of individuals suffering from eating disorders, particularly bulimia nervosa, binge eating disorder, and EDNOS to access appropriate treatment is unacceptably low.

(16) The development of an eating disorder is frequently preceded by unhealthy weight control behaviors commonly identified as disordered eating, including skipping meals, using diet pills, taking laxatives, self-induced vomiting, and fasting. Such disordered eating behaviors should be included in enhanced research prevention and training efforts.

**SEC. 3. PURPOSES.**

The purposes of this Act are—

(1) to expand research into the prevention of eating disorders;

(2) to expand research on effective treatment and intervention of eating disorders and to support evidence-based programs designed to prevent eating disorders;

(3) to expand research on the causes, courses, and outcomes of eating disorders;

(4) to increase the number of people properly screened and diagnosed with an eating disorder;

(5) to improve training and education of health care and behavioral care providers and of school personnel at all levels of elementary and secondary education;

(6) to improve surveillance and data systems for tracking the prevalence, severity, and economic costs of eating disorders; and

(7) to enhance access to comprehensive treatment for eating disorders.

## TITLE I—EATING DISORDER DETECTION AND RESEARCH

**SEC. 101. EXPANSION AND COORDINATION OF THE ACTIVITIES OF THE NATIONAL INSTITUTE OF HEALTH AND THE NATIONAL INSTITUTE OF MENTAL HEALTH WITH RESPECT TO RESEARCH ON EATING DISORDERS.**

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 4305(b) of the Patient Protection and Affordable Care Act (Public Law 111–148), is further amended by adding at the end the following:

**''SEC. 409K. EXPANSION AND COORDINATION OF ACTIVITIES WITH RESPECT TO RESEARCH ON EATING DISORDERS.**

''(a) IN GENERAL.—The Director of NIH, pursuant to the general authority of such director, shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on eating disorders.

''(b) GRANTS.—The Director of NIH may award grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for such entities to establish consortia in eating disorder research and to carry out the activities described in subsection (e).

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(1) be public or nonprofit private entity (including a health department of a State, a political subdivision of a State, or an institution of higher education); and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) REQUIREMENTS OF CONSORTIA.—

''(1) IN GENERAL.—Each consortium established as described in subsection (b) may use the facilities of a single lead institution, or may be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director of NIH.

''(2) COORDINATION OF CONSORTIA.—The Director of NIH—

''(A) may, as appropriate, provide for the coordination of information among consortia established under subsection (b); and

''(B) shall ensure regular communication between members of the various consortia established using grants awarded under this section.

''(3) REPORTS.—The Director of NIH shall require each consortium to periodically prepare and submit to such director reports on the activities of such consortium.

''(e) ACTIVITIES.—Each consortium receiving a grant under subsection (b) shall conduct basic, clinical, epidemiological, population-based, or translational research regarding eating disorders, which may include research related to—

''(1) the identification and classification of eating disorders and disordered eating;

''(2) the causes, diagnosis, and early detection of eating disorders;

''(3) the treatment of eating disorders, including the development and evaluation of new treatments and best practices;

''(4) the conditions or diseases related to, or arising from, an eating disorder; and

''(5) the evaluation of existing prevention programs and the development of reliable prevention and screening programs.

''(f) COLLABORATION.—The Secretary, acting through the Director of NIH and the Director of the National Institute of Mental Health, shall identify relevant Federal agencies (including the other institutes and centers of the National Institutes of Health, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, and the Office on Women's Health) that shall collaborate with respect to activities conducted under subsection (d).

''(g) PUBLIC INPUT.—The Director of NIH shall provide for a mechanism—

''(1) to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to eating disorders; and

''(2) through which the Director of NIH may receive comments from the public regarding such programs and activities.

''(h) DISSEMINATION OF INFORMATION.—The Director of NIH shall provide for a mechanism for making the results and information generated by the consortia publicly available, such as through the Internet.

''(i) DEFINITION.—For purposes of this section, the term 'eating disorder' has the meaning given such term in section 399OO(e).

''(j) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.''.

**SEC. 102. INTERAGENCY COORDINATING COUNCIL; SURVEILLANCE AND RESEARCH PROGRAM; STUDY ON ECONOMIC COST.**

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 4303 of the Patient Protection and Affordable Care Act (Public Law 111–148), is further amended by adding at the end the following:

**"PART W—PROGRAMS RELATING TO EATING DISORDERS**

**"SEC. 399OO. INTERAGENCY EATING DISORDERS COORDINATING COUNCIL.**

"(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Interagency Eating Disorders Coordinating Council (referred to in this section as the 'Coordinating Council').

"(b) RESPONSIBILITIES.—The Coordinating Council shall—

"(1) develop and annually update a summary of advances in eating disorder research concerning causes of, prevention of, early screening for, treatment and access to services related to, and supports for individuals affected by, eating disorders;

"(2) monitor Federal activities with respect to eating disorders;

"(3) make recommendations to the Secretary regarding any appropriate changes to such activities, and to the Director of NIH, with respect to the strategic plan developed under paragraph (4);

"(4) develop and annually update a strategic plan for the conduct of, and support for, eating disorder research, including proposed budgetary recommendations; and

"(5) submit to Congress the strategic plan developed under paragraph (4) and all updates to such plan.

"(c) MEMBERSHIP.—

"(1) CHAIRPERSON.—The Director of NIH shall serve as the chairperson of the Coordinating Council and shall be responsible for the leadership and oversight of the activities of the Coordinating Council.

"(2) MEMBERS IN GENERAL.—The Coordinating Council shall be composed of—

"(A) representatives of—

"(i) the Agency for Healthcare Research and Quality;

"(ii) the Substance Abuse and Mental Health Administration;

"(iii) the research institutes at the National Institutes of Health, as the Director of NIH determines appropriate;

"(iv) the Health Resources and Services Administration;

"(v) the Centers for Medicare & Medicaid Services;

"(vi) the Office of Women's Health;

"(vii) the Centers for Disease Control and Prevention; and

"(viii) the Department of Education; and

"(B) the additional members appointed under paragraph (3).

"(3) ADDITIONAL MEMBERS.—Not fewer than ⅓ of the total membership of the Coordinating Council shall be composed of non-Federal public members to be appointed by the Secretary, including representatives of—

"(A) academic medical centers or schools of medicine, nursing, or other health professions;

"(B) health care professionals who are actively involved in the treatment of eating disorders;

"(C) researchers with expertise in eating disorders; and

"(D) at least 2 individuals with a past or present diagnosis of an eating disorder or parents of individuals with a past or present diagnosis of an eating disorder.

"(d) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—

"(1) ADMINISTRATIVE SUPPORT.—The Coordinating Council shall receive necessary and appropriate administrative support from the Secretary.

"(2) TERMS OF SERVICE.—Members of the Coordinating Council appointed under subsection (c)(2) shall serve for a term of 4 years, and may be reappointed for one or more additional 4 year-terms. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

"(3) MEETINGS.—

"(A) IN GENERAL.—The Coordinating Council shall meet at the call of the chairperson or upon the request of the Secretary. The Coordinating Council shall meet not fewer than 2 times each year.

"(B) NOTICE.—Notice of any upcoming meeting of the Coordinating Council shall be published in the Federal Register.

"(C) PUBLIC ACCESS.—Each meeting of the Coordinating Council shall be open to the public and shall include appropriate periods of time for questions by the public.

"(4) SUBCOMMITTEES.—In carrying out its functions the Coordinating Council may establish subcommittees and convene workshops and conferences.

"(e) EATING DISORDER.—In this part, the term 'eating disorder' includes anorexia nervosa, bulimia nervosa, binge eating disorder, and eating disorders not otherwise specified, as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders or any subsequent edition.

"(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.

**"SEC. 399OO-1. EATING DISORDER SURVEILLANCE AND RESEARCH PROGRAM.**

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants or cooperative agreements to eligible entities for the purpose of improving the collection, analysis and reporting of State epidemiological data on eating disorders.

"(b) ACTIVITIES.—An eligible entity shall assist with the development and coordination of eating disorder surveillance efforts within a region and may—

"(1) provide for the collection, analysis, and reporting of epidemiological data on eating disorders through the existing surveillance programs;

"(2) develop recommendations to enhance existing surveillance programs to more accurately collect epidemiological data on disordered eating and eating disorders, including the number, incidence, trends, correlates, mortality, and causes of eating disorders and the effects of eating disorders on quality of life;

"(3) develop recommendations to improve requirements for ensuring that eating disorders are accurately recorded as underlying and contributing causes of death; and

"(4) assist with the development and coordination of surveillance efforts within a region.

"(c) ELIGIBLE ENTITIES.—To be eligible to receive an award under this section, an entity shall—

"(1) be a public or nonprofit private entity (including a health department of a State, a political subdivision of a State, or an institution of higher education); and

"(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(d) TECHNICAL ASSISTANCE.—In making awards under this section, the Secretary may provide direct technical assistance in lieu of cash.

"(e) REPORTS.—Each entity awarded a grant or cooperative agreement under this section shall submit to the Secretary a report describing the activities conducted using grant funds and providing recommendations for improving the collection, analysis, and reporting of epidemiological data on eating disorders.

"(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.

**"SEC. 399OO-2. STUDY REGARDING ECONOMIC COSTS OF EATING DISORDERS.**

"The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct a study evaluating the economic costs of eating disorders. Such study may examine years of productive life lost, missed days of work, reduced work productivity, costs of medical and mental health treatment, costs to family, and costs to society as a result of eating disorders.".

## TITLE II—EATING DISORDER EDUCATION AND PREVENTION; STUDIES ON EATING DISORDERS AND BODY MASS INDEX; PUBLIC SERVICE ANNOUNCEMENTS

**SEC. 201. GRANTS TO PREVENT EATING DISORDERS.**

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 102, is further amended by adding at the end the following:

**"SEC. 399OO-3. GRANTS TO PREVENT EATING DISORDERS.**

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the Administrator of the Health Resources and Services Administration, shall award grants to eligible entities to plan, implement, and evaluate programs to prevent eating disorders and obesity and the acute and chronic medical conditions that accompany such conditions, and to promote healthy body image and appropriate nutrition-based eating behaviors.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a State, local or tribal educational agency, an accredited institution of higher education, a State or local health department, or a community based organization; and

"(2) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—An entity receiving a grant under this section shall fund development and testing of school-, clinic-, community-, or health department-based programs designed to promote healthy eating behaviors and to prevent eating disorders including—

"(1) developing evidence-based interventions to prevent eating disorders, including educational or intervention programs regarding nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and life skills, that take into account cultural and developmental issues and the role of family, school, and community;

"(2) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors, physical activity, and emotional wellness, the connection between emotional and physical health, and the prevention of bullying based on body size, shape, and weight;

''(3) forming partnerships with parents and caregivers to educate adults about identifying unhealthy eating behaviors and promoting healthy eating behaviors, physical activity, and emotional wellness; and

''(4) integrating eating disorder prevention and awareness in physical education, health, education, athletic training programs, and after-school recreational sports programs, to the extent possible.

''(d) REQUIREMENTS OF GRANT RECIPIENTS.—

''(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A recipient of a grant under this section shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

''(2) CONTRIBUTION OF FUNDS.—A recipient of a grant under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 10 percent of the total cost of such activities.

''(3) EVALUATION.—Each recipient of a grant under this section shall provide to the Secretary, in such form and manner as the Secretary shall specify, relevant data and an evaluation of the activities of the grant recipient in promoting healthy eating behaviors and preventing eating disorders. Evaluation reports shall be made publicly available, such as through the Internet.

''(e) TECHNICAL ASSISTANCE.—The Secretary may set aside an amount not to exceed 1 percent of the total amount appropriated for a fiscal year to provide grantees with technical support in the development, implementation, and evaluation of programs under this section and to disseminate information about preventing and treating eating disorders and obesity.

**''SEC. 399OO-4. STUDY OF EATING DISORDERS IN ELEMENTARY SCHOOLS, SECONDARY SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION.**

''Not later than 18 months after the date of enactment of the Federal Response to Eliminate Eating Disorders Act, the National Center for Health Statistics of the Centers for Disease Control and Prevention and the National Center for Education Statistics of the Department of Education shall conduct a joint study, or enter into a contract to have a study conducted, on the impact eating disorders have on educational advancement and achievement. The study shall—

''(1) determine the incidence of eating disorders and disordered eating among students, and the morbidity and mortality rates associated with eating disorders;

''(2) evaluate the extent to which students with eating disorders are more likely to miss school, have delayed rates of development, or have reduced cognitive skills;

''(3) report on current State and local programs to increase awareness about the dangers of eating disorders among youth and to prevent eating disorders and the risk factors for eating disorders, and evaluate the value of such programs; and

''(4) make recommendations on measures that could be undertaken by Congress, the Department of Education, States, and local educational agencies to strengthen eating disorder prevention and awareness programs including development of best practices.

**''SEC. 399OO-5. STUDY OF THE SUITABILITY OF MANDATING BODY MASS INDEX REPORTING IN ELEMENTARY SCHOOLS AND SECONDARY SCHOOLS.**

''Not later than 18 months after the date of enactment of the Federal Response to Eliminate Eating Disorders Act, the Director of the Centers for Disease Control and Prevention, in consultation with the Secretary of Education, shall conduct a study on mandatory reporting of body mass index, including—

''(1) how many schools are currently conducting such measuring; and

''(2) the impacts on students of such measures, which may include student and parent reactions to such reports, including changes in physical activity, a focus on nutrition, a focus on body image, the use of weight control behaviors, eating disorder symptoms, and the incidence of teasing or bullying based on body size.

**''SEC. 399OO-6. PUBLIC SERVICE ADVERTISEMENTS.**

''The Secretary, in consultation with the Director of the National Institutes of Health and the Secretary of Education, shall carry out a program to develop, distribute, and promote the broadcasting of public service announcements to improve public awareness of, and to promote the identification and prevention, of eating disorders.

**''SEC. 399OO-7. AUTHORIZATION OF APPROPRIATIONS.**

''To carry out sections 399OO-3, 399OO-4, 399OO-5, and 399OO-6, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.''.

**SEC. 202. SENSE OF THE SENATE.**

It is the sense of the Senate that critically necessary programs to reduce obesity in children may also unintentionally increase the unhealthy weight control behaviors that can lead to development of eating disorders, and that federally funded programs to combat obesity should take this connection into consideration.

## TITLE III—IMPROVING TRAINING IN HEALTH PROFESSIONS, EDUCATION, AND RELATED FIELDS

**SEC. 301. GRANTS FOR HEALTH PROFESSIONALS.**

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.), as amended by section 4305(c) of the Patient Protection and Affordable Care Act (Public Law 111–148), is further amended by adding at the end the following:

**''SEC. 760. GRANTS FOR HEALTH PROFESSIONALS.**

''(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), dental, mental and behavioral health, pharmacy, and other health professions students or residents with an understanding of, and clinical skills pertinent to identifying and treating, eating disorders.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

''(1) be an accredited school of allopathic or osteopathic medicine, or an accredited school of nursing, public health, social work, dentistry, behavioral and mental health, or pharmacy, or an accredited medical, dental, or nursing residency program;

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) information to demonstrate that the applicant will employ an evidence-based approach for training health professionals on eating disorders;

''(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested health professions schools, national resource repositories for materials on eating disorders, and health services continuing education providers;

''(C) a plan for consulting with community-based coalitions, treatment centers, or eating disorder research experts who have experience and expertise in issues related to eating disorders, for services provided under the program carried out under the grant; and

''(D) a plan for making the information and curricula publicly available to health professionals, such as through the Internet.

''(c) USE OF FUNDS.—

''(1) REQUIRED USES.—Amounts provided under a grant awarded under this section shall be used to fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents to identify and provide appropriate health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who have eating disorders.

''(2) PERMISSIVE USE.—Amounts provided under a grant under this section may be used to offer community-based training opportunities in rural areas for medical, nursing, and other health professions students and residents on eating disorders, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas.

''(d) REQUIREMENTS OF GRANTEES.—

''(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

''(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 10 percent of the total cost of such activities.

''(e) EATING DISORDER.—In this section, the term 'eating disorder' has the meaning given such term in section 399OO(e).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2011 through 2015.''.

**SEC. 302. TRAINING IN ELEMENTARY AND SECONDARY SCHOOLS.**

Section 5131(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7215(a)) is amended by adding at the end the following:

''(28) Programs to improve the identification of students with eating disorders (as defined in section 399OO of the Public Health Service Act), increase awareness of such disorders among parents and students, and train educators (including teachers, school nurses, school social workers, coaches, school counselors, and administrators) on effective eating disorder prevention, screening, detection and assistance methods.''.

## TITLE IV—IMPROVING AVAILABILITY AND ACCESS TO TREATMENT

**SEC. 401. MEDICAID COVERAGE FOR EATING DISORDER TREATMENT SERVICES.**

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d(a)), as amended by section 2301(a)(1) of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 1202(b) of the Health

Care and Education Reconciliation Act of 2010 (Public Law 111–152), is amended—

(1) in subsection (a)—

(A) in paragraph (28), by striking ''and'' at the end;

(B) by redesignating paragraph (29) as paragraph (30); and

(C) by inserting after paragraph (28) the following new paragraph:

''(29) eating disorder treatment services (as defined in subsection (ee)(1)); and''; and

(2) by adding at the end the following new subsection:

''(ee) EATING DISORDER TREATMENT SERVICES.—

''(1) DEFINITION.—The term 'eating disorder treatment services' means services relating to diagnosis and treatment of an eating disorder (as defined in section 399OO of the Public Health Service Act), including screening, counseling, pharmacotherapy (including coverage of drugs described in paragraph (2)), and other necessary health care services.

''(2) COVERAGE FOR PHARMACOLOGICAL TREATMENT OF EATING DISORDERS.—For purposes of paragraph (1), eating disorder treatment services shall include drugs provided as part of care in an inpatient setting, covered outpatient drugs (as defined in section 1927(k)(2)), and non-prescription drugs described in section 1927(d)(2)(A) that are prescribed, in accordance with generally accepted medical guidelines, for treatment of an eating disorder.''.

(b) INCREASED FMAP FOR EATING DISORDER TREATMENT SERVICES.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by section 4106(b) of the Patient Protection and Affordable Care Act, is amended—

(1) by striking ''and'' before ''(5)''; and

(2) by inserting before the period at the end the following: '', and (6) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance for eating disorder treatment services (as defined in subsection (ee)(1)) provided to an individual who is eligible for such assistance and has an eating disorder (as defined in section 399OO of the Public Health Service Act)''.

(c) INCLUSION IN EPSDT SERVICES.—Section 1905(r)(1)(B) of such Act (42 U.S.C. 1396d(r)(1)(B)) is amended—

(1) in clause (iv), by striking ''and'' at the end;

(2) in clause (v), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (v) the following new clause:

''(vi) appropriate diagnostic services relating to eating disorders (as defined in section 399OO of the Public Health Service Act).''.

(d) EXCEPTION FROM OPTIONAL RESTRICTION UNDER MEDICAID DRUG COVERAGE.—Section 1927(d)(2)(A) of such Act (42 U.S.C. 1396r-8(d)(2)(A)) is amended by inserting before the period at the end the following: '', except for drugs that are prescribed, in accordance with generally accepted medical guidelines, for the purpose of treatment of an individual who is eligible for medical assistance under the State plan and has an eating disorder (as defined in section 399OO of the Public Health Service Act)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and services furnished on or after October 1, 2010.

**SEC. 402. GRANTS TO SUPPORT PATIENT ADVOCACY.**

Subpart II of part D of title IX of the Public Health Service Act, as amended by section 6301(b) of the Patient Protection and Affordable Care Act (Public Law 111–148), is further amended by adding at the end the following:

**''SEC. 938. GRANTS TO SUPPORT PATIENT ADVOCACY.**

''(a) GRANTS.—The Secretary, acting through the Director, shall award grants under this section to develop and support patient advocacy work to help individuals with eating disorders obtain adequate health care services and insurance coverage.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a public or nonprofit private entity (including a health department of a State or tribal agency, a community-based organization, or an institution of higher education);

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) comprehensive strategies for advocating on behalf of, and working with, individuals with eating disorders or at risk for developing eating disorders;

''(B) a plan for consulting with community-based coalitions, treatment centers, or eating disorder research experts who have experience and expertise in issues related to eating disorders or patient advocacy in providing services under a grant awarded under this section; and

''(C) a plan for financial sustainability involving State, local, and private contributions.

''(c) USE OF FUNDS.—Amounts provided under a grant awarded under this section shall be used to support patient advocacy work, including—

''(1) providing education and outreach in community settings regarding eating disorders and associated health problems, especially among low-income, minority, and medically underserved populations;

''(2) facilitating access to appropriate, adequate, and timely health care for individuals with eating disorders and associated health problems;

''(3) assisting in communication and cooperation between patients and providers;

''(4) representing the interests of patients in managing health insurance claims and plans;

''(5) providing education and outreach regarding enrollment in health insurance, including enrollment in the Medicare program under title XVIII of the Social Security Act, the Medicaid program under title XIX of such Act, and the Children's Health Insurance Program under title XXI of such Act;

''(6) identifying, referring, and enrolling underserved populations in appropriate health care agencies and community-based programs and organizations in order to increase access to high-quality health care services;

''(7) providing technical assistance, training, and organizational support for patient advocates; and

''(8) creating, operating, and participating in State or regional networks of patient advocates.

''(d) REQUIREMENTS OF GRANTEES.—

''(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 5 percent of the amounts received under a grant under this section for administrative expenses.

''(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 75 percent of the total cost of such activities.

''(3) REPORTING TO SECRETARY.—A grantee under this section shall submit to the Secretary a report, at such time, in such manner, and containing such information as the Secretary may require, including a description and evaluation of the activities described in subsection (c) carried out by such entity.

''(e) EATING DISORDER.—In this section, the term 'eating disorder' has the meaning given such term in section 399OO(e).

''(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 500—EXPRESSING THE SINCERE CONDOLENCES OF THE SENATE TO THE FAMILY, LOVED ONES, UNITED STEELWORKERS, FELLOW WORKERS, AND THE ANACORTES COMMUNITY ON THE TRAGEDY AT THE TESORO REFINERY IN ANACORTES, WASHINGTON

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 500

Whereas the State of Washington, the Tesoro Corporation, and the United Steelworkers experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas 7 workers died as a result of the tragedy: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell;

Whereas Federal and State government agencies, including the Chemical Safety and Hazard Investigation Board, the Environmental Protection Agency, and the Washington State Department of Labor and Industries, are investigating the tragedy and reviewing current safety procedures and processes to prevent future tragedies from occurring; and

Whereas, to support the victims and the families involved in the tragedy, the United Steelworkers Local 12-591 has established the Tesoro Incident Family Fund and the Tesoro Corporation and the Skagit Community Foundation have partnered to establish the Tesoro Anacortes Refinery Survivors Fund: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses the sincere condolences of the Senate to the family, loved ones, United Steelworkers, fellow workers, and the Anacortes community on the tragedy at the Tesoro refinery in Anacortes, Washington; and

(2) honors Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell.

## SENATE CONCURRENT RESOLUTION 60—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2011, REVISING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEAR 2010, AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2012 THROUGH 2015

Mr. CONRAD, from the Committee on the Budget, submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 60

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2011.**

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2011 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2010 and 2012 through 2015.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:



## TITLE I—RECOMMENDED LEVELS AND AMOUNTS

**SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2010 through 2015:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2010: $1,510,918,000,000.
Fiscal year 2011: $1,838,044,000,000.
Fiscal year 2012: $2,024,391,000,000.
Fiscal year 2013: $2,376,016,000,000.
Fiscal year 2014: $2,586,079,000,000.
Fiscal year 2015: $2,744,932,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2010: –$15,800,000,000.
Fiscal year 2011: –$159,549,000,000.
Fiscal year 2012: –$235,291,000,000.
Fiscal year 2013: –$118,180,000,000.
Fiscal year 2014: –$155,358,000,000.
Fiscal year 2015: –$111,377,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2010: $3,010,959,000,000.
Fiscal year 2011: $3,126,966,000,000.
Fiscal year 2012: $2,943,394,000,000.
Fiscal year 2013: $3,082,922,000,000.
Fiscal year 2014: $3,290,175,000,000.
Fiscal year 2015: $3,466,385,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2010: $3,010,156,000,000.
Fiscal year 2011: $3,191,258,000,000.
Fiscal year 2012: $3,031,177,000,000.
Fiscal year 2013: $3,087,252,000,000.
Fiscal year 2014: $3,265,543,000,000.
Fiscal year 2015: $3,427,244,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2010: $1,499,238,000,000.
Fiscal year 2011: $1,353,214,000,000.
Fiscal year 2012: $1,006,786,000,000.
Fiscal year 2013: $711,236,000,000.
Fiscal year 2014: $679,464,000,000.
Fiscal year 2015: $682,312,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2010: $13,532,565,000,000.
Fiscal year 2011: $14,751,676,000,000.
Fiscal year 2012: $15,874,006,000,000.
Fiscal year 2013: $16,689,903,000,000.
Fiscal year 2014: $17,457,336,000,000.
Fiscal year 2015: $18,244,046,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2010: $9,066,812,000,000.
Fiscal year 2011: $10,172,552,000,000.
Fiscal year 2012: $11,122,149,000,000.
Fiscal year 2013: $11,751,602,000,000.
Fiscal year 2014: $12,331,071,000,000.
Fiscal year 2015: $12,900,053,000,000.

**SEC. 102. SOCIAL SECURITY.**

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2010: $641,486,000,000.
Fiscal year 2011: $672,571,000,000.
Fiscal year 2012: $710,359,000,000.
Fiscal year 2013: $754,842,000,000.
Fiscal year 2014: $798,824,000,000.
Fiscal year 2015: $838,280,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2010: $545,302,000,000.
Fiscal year 2011: $569,502,000,000.
Fiscal year 2012: $599,385,000,000.
Fiscal year 2013: $630,333,000,000.
Fiscal year 2014: $660,273,000,000.
Fiscal year 2015: $692,319,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2010:
(A) New budget authority, $5,811,000,000.
(B) Outlays, $5,654,000,000.
Fiscal year 2011:
(A) New budget authority, $6,266,000,000.
(B) Outlays, $6,172,000,000.
Fiscal year 2012:
(A) New budget authority, $6,543,000,000.
(B) Outlays, $6,472,000,000.
Fiscal year 2013:
(A) New budget authority, $6,845,000,000.
(B) Outlays, $6,784,000,000.
Fiscal year 2014:
(A) New budget authority, $7,217,000,000.
(B) Outlays, $7,144,000,000.
Fiscal year 2015:
(A) New budget authority, $7,441,000,000.
(B) Outlays, $7,384,000,000.

**SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.**

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2010:
(A) New budget authority, $258,000,000.
(B) Outlays, $258,000,000.
Fiscal year 2011:
(A) New budget authority, $258,000,000.
(B) Outlays, $258,000,000.
Fiscal year 2012:
(A) New budget authority, $247,000,000.
(B) Outlays, $248,000,000.
Fiscal year 2013:
(A) New budget authority, $239,000,000.
(B) Outlays, $239,000,000.
Fiscal year 2014:
(A) New budget authority, $244,000,000.
(B) Outlays, $244,000,000.
Fiscal year 2015:
(A) New budget authority, $251,000,000.
(B) Outlays, $251,000,000.

**SEC. 104. MAJOR FUNCTIONAL CATEGORIES.**

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2010 through 2015 for each major functional category are:

(1) National Defense (050):
Fiscal year 2010:
(A) New budget authority, $723,239,000,000.
(B) Outlays, $702,700,000,000.
Fiscal year 2011:
(A) New budget authority, $738,866,000,000.
(B) Outlays, $739,429,000,000.
Fiscal year 2012:
(A) New budget authority, $647,206,000,000.
(B) Outlays, $699,652,000,000.
Fiscal year 2013:
(A) New budget authority, $662,503,000,000.
(B) Outlays, $674,828,000,000.
Fiscal year 2014:
(A) New budget authority, $678,995,000,000.
(B) Outlays, $672,525,000,000.
Fiscal year 2015:
(A) New budget authority, $697,856,000,000.
(B) Outlays, $684,639,000,000.

(2) International Affairs (150):
Fiscal year 2010:
(A) New budget authority, $68,728,000,000.
(B) Outlays, $47,180,000,000.
Fiscal year 2011:
(A) New budget authority, $57,499,000,000.
(B) Outlays, $51,345,000,000.
Fiscal year 2012:
(A) New budget authority, $60,566,000,000.
(B) Outlays, $56,737,000,000.
Fiscal year 2013:
(A) New budget authority, $60,823,000,000.
(B) Outlays, $59,532,000,000.
Fiscal year 2014:
(A) New budget authority, $61,546,000,000.
(B) Outlays, $62,624,000,000.
Fiscal year 2015:
(A) New budget authority, $62,584,000,000.
(B) Outlays, $64,778,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2010:
(A) New budget authority, $31,081,000,000.
(B) Outlays, $31,673,000,000.
Fiscal year 2011:
(A) New budget authority, $31,793,000,000.
(B) Outlays, $32,281,000,000.
Fiscal year 2012:
(A) New budget authority, $32,080,000,000.
(B) Outlays, $32,072,000,000.
Fiscal year 2013:
(A) New budget authority, $32,746,000,000.
(B) Outlays, $32,096,000,000.
Fiscal year 2014:
(A) New budget authority, $33,547,000,000.
(B) Outlays, $32,496,000,000.
Fiscal year 2015:
(A) New budget authority, $33,934,000,000.
(B) Outlays, $32,792,000,000.

(4) Energy (270):
Fiscal year 2010:
(A) New budget authority, $7,860,000,000.
(B) Outlays, $10,090,000,000.
Fiscal year 2011:
(A) New budget authority, $10,801,000,000.
(B) Outlays, $14,715,000,000.
Fiscal year 2012:
(A) New budget authority, $9,281,000,000.
(B) Outlays, $16,907,000,000.
Fiscal year 2013:
(A) New budget authority, $6,697,000,000.
(B) Outlays, $12,988,000,000.
Fiscal year 2014:
(A) New budget authority, $5,710,000,000.
(B) Outlays, $10,506,000,000.
Fiscal year 2015:
(A) New budget authority, $5,118,000,000.
(B) Outlays, $6,991,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2010:
(A) New budget authority, $38,666,000,000.
(B) Outlays, $43,068,000,000.
Fiscal year 2011:
(A) New budget authority, $39,606,000,000.
(B) Outlays, $42,434,000,000.
Fiscal year 2012:
(A) New budget authority, $39,829,000,000.
(B) Outlays, $41,412,000,000.
Fiscal year 2013:
(A) New budget authority, $38,086,000,000.
(B) Outlays, $40,169,000,000.
Fiscal year 2014:
(A) New budget authority, $37,947,000,000.
(B) Outlays, $39,467,000,000.
Fiscal year 2015:
(A) New budget authority, $38,077,000,000.
(B) Outlays, $38,875,000,000.

(6) Agriculture (350):
Fiscal year 2010:
(A) New budget authority, $26,679,000,000.
(B) Outlays, $24,733,000,000.
Fiscal year 2011:
(A) New budget authority, $24,814,000,000.
(B) Outlays, $25,251,000,000.
Fiscal year 2012:
(A) New budget authority, $22,103,000,000.
(B) Outlays, $18,622,000,000.
Fiscal year 2013:
(A) New budget authority, $22,904,000,000.
(B) Outlays, $22,898,000,000.
Fiscal year 2014:
(A) New budget authority, $22,977,000,000.
(B) Outlays, $22,195,000,000.
Fiscal year 2015:
(A) New budget authority, $22,326,000,000.
(B) Outlays, $21,604,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2010:
(A) New budget authority, –$44,238,000,000.
(B) Outlays, –$58,464,000,000.
Fiscal year 2011:
(A) New budget authority, $17,604,000,000.
(B) Outlays, $33,286,000,000.
Fiscal year 2012:
(A) New budget authority, $15,436,000,000.
(B) Outlays, $16,712,000,000.
Fiscal year 2013:
(A) New budget authority, $13,709,000,000.
(B) Outlays, –$2,502,000,000.
Fiscal year 2014:
(A) New budget authority, $12,308,000,000.
(B) Outlays, –$5,192,000,000.
Fiscal year 2015:
(A) New budget authority, $12,697,000,000.
(B) Outlays, –$5,122,000,000.

(8) Transportation (400):
Fiscal year 2010:
(A) New budget authority, $102,701,000,000.
(B) Outlays, $96,423,000,000.
Fiscal year 2011:
(A) New budget authority, $92,212,000,000.
(B) Outlays, $97,123,000,000.
Fiscal year 2012:
(A) New budget authority, $93,296,000,000.
(B) Outlays, $95,510,000,000.
Fiscal year 2013:
(A) New budget authority, $93,591,000,000.
(B) Outlays, $94,697,000,000.
Fiscal year 2014:
(A) New budget authority, $94,116,000,000.
(B) Outlays, $94,928,000,000.
Fiscal year 2015:
(A) New budget authority, $95,531,000,000.
(B) Outlays, $96,257,000,000.

(9) Community and Regional Development (450):
Fiscal year 2010:
(A) New budget authority, $23,655,000,000.
(B) Outlays, $25,733,000,000.
Fiscal year 2011:
(A) New budget authority, $18,229,000,000.
(B) Outlays, $28,188,000,000.
Fiscal year 2012:
(A) New budget authority, $18,132,000,000.
(B) Outlays, $26,505,000,000.
Fiscal year 2013:
(A) New budget authority, $17,913,000,000.
(B) Outlays, $23,875,000,000.
Fiscal year 2014:
(A) New budget authority, $18,341,000,000.
(B) Outlays, $21,562,000,000.
Fiscal year 2015:
(A) New budget authority, $18,779,000,000.
(B) Outlays, $20,272,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2010:
(A) New budget authority, $74,858,000,000.
(B) Outlays, $125,382,000,000.
Fiscal year 2011:
(A) New budget authority, $108,714,000,000.
(B) Outlays, $126,617,000,000.
Fiscal year 2012:
(A) New budget authority, $89,062,000,000.
(B) Outlays, $107,532,000,000.
Fiscal year 2013:
(A) New budget authority, $90,332,000,000.
(B) Outlays, $91,785,000,000.
Fiscal year 2014:
(A) New budget authority, $96,604,000,000.
(B) Outlays, $94,934,000,000.
Fiscal year 2015:
(A) New budget authority, $103,241,000,000.
(B) Outlays, $99,977,000,000.

(11) Health (550):
Fiscal year 2010:
(A) New budget authority, $376,818,000,000.
(B) Outlays, $374,857,000,000.

Fiscal year 2011:
(A) New budget authority, $363,156,000,000.
(B) Outlays, $366,382,000,000.
Fiscal year 2012:
(A) New budget authority, $358,813,000,000.
(B) Outlays, $357,921,000,000.
Fiscal year 2013:
(A) New budget authority, $370,831,000,000.
(B) Outlays, $362,911,000,000.
Fiscal year 2014:
(A) New budget authority, $433,616,000,000.
(B) Outlays, $423,637,000,000.
Fiscal year 2015:
(A) New budget authority, $489,176,000,000.
(B) Outlays, $478,715,000,000.
(12) Medicare (570):
Fiscal year 2010:
(A) New budget authority, $469,687,000,000.
(B) Outlays, $469,798,000,000.
Fiscal year 2011:
(A) New budget authority, $517,747,000,000.
(B) Outlays, $517,521,000,000.
Fiscal year 2012:
(A) New budget authority, $508,104,000,000.
(B) Outlays, $507,877,000,000.
Fiscal year 2013:
(A) New budget authority, $552,954,000,000.
(B) Outlays, $553,106,000,000.
Fiscal year 2014:
(A) New budget authority, $593,495,000,000.
(B) Outlays, $593,312,000,000.
Fiscal year 2015:
(A) New budget authority, $597,271,000,000.
(B) Outlays, $597,025,000,000.
(13) Income Security (600):
Fiscal year 2010:
(A) New budget authority, $618,514,000,000.
(B) Outlays, $622,845,000,000.
Fiscal year 2011:
(A) New budget authority, $555,845,000,000.
(B) Outlays, $558,611,000,000.
Fiscal year 2012:
(A) New budget authority, $486,754,000,000.
(B) Outlays, $489,375,000,000.
Fiscal year 2013:
(A) New budget authority, $481,503,000,000.
(B) Outlays, $482,546,000,000.
Fiscal year 2014:
(A) New budget authority, $490,478,000,000.
(B) Outlays, $489,688,000,000.
Fiscal year 2015:
(A) New budget authority, $505,301,000,000.
(B) Outlays, $503,905,000,000.
(14) Social Security (650):
Fiscal year 2010:
(A) New budget authority, $22,052,000,000.
(B) Outlays, $22,333,000,000.
Fiscal year 2011:
(A) New budget authority, $24,524,000,000.
(B) Outlays, $24,694,000,000.
Fiscal year 2012:
(A) New budget authority, $27,082,000,000.
(B) Outlays, $27,242,000,000.
Fiscal year 2013:
(A) New budget authority, $30,084,000,000.
(B) Outlays, $30,244,000,000.
Fiscal year 2014:
(A) New budget authority, $33,288,000,000.
(B) Outlays, $33,408,000,000.
Fiscal year 2015:
(A) New budget authority, $36,381,000,000.
(B) Outlays, $36,381,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2010:
(A) New budget authority, $114,398,000,000.
(B) Outlays, $113,393,000,000.
Fiscal year 2011:
(A) New budget authority, $127,411,000,000.
(B) Outlays, $126,655,000,000.
Fiscal year 2012:
(A) New budget authority, $121,121,000,000.
(B) Outlays, $120,718,000,000.
Fiscal year 2013:
(A) New budget authority, $129,737,000,000.
(B) Outlays, $129,230,000,000.
Fiscal year 2014:
(A) New budget authority, $133,539,000,000.
(B) Outlays, $132,943,000,000.
Fiscal year 2015:
(A) New budget authority, $137,137,000,000.
(B) Outlays, $136,489,000,000.
(16) Administration of Justice (750):
Fiscal year 2010:
(A) New budget authority, $53,894,000,000.
(B) Outlays, $55,914,000,000.
Fiscal year 2011:
(A) New budget authority, $55,581,000,000.
(B) Outlays, $57,912,000,000.
Fiscal year 2012:
(A) New budget authority, $54,641,000,000.
(B) Outlays, $56,697,000,000.
Fiscal year 2013:
(A) New budget authority, $54,677,000,000.
(B) Outlays, $54,902,000,000.
Fiscal year 2014:
(A) New budget authority, $56,370,000,000.
(B) Outlays, $54,538,000,000.
Fiscal year 2015:
(A) New budget authority, $58,299,000,000.
(B) Outlays, $57,292,000,000.
(17) General Government (800):
Fiscal year 2010:
(A) New budget authority, $25,680,000,000.
(B) Outlays, $25,811,000,000.
Fiscal year 2011:
(A) New budget authority, $27,090,000,000.
(B) Outlays, $27,894,000,000.
Fiscal year 2012:
(A) New budget authority, $27,279,000,000.
(B) Outlays, $29,038,000,000.
Fiscal year 2013:
(A) New budget authority, $27,098,000,000.
(B) Outlays, $28,636,000,000.
Fiscal year 2014:
(A) New budget authority, $27,700,000,000.
(B) Outlays, $28,970,000,000.
Fiscal year 2015:
(A) New budget authority, $28,021,000,000.
(B) Outlays, $28,781,000,000.
(18) Net Interest (900):
Fiscal year 2010:
(A) New budget authority, $328,887,000,000.
(B) Outlays, $328,887,000,000.
Fiscal year 2011:
(A) New budget authority, $359,630,000,000.
(B) Outlays, $359,630,000,000.
Fiscal year 2012:
(A) New budget authority, $410,764,000,000.
(B) Outlays, $410,764,000,000.
Fiscal year 2013:
(A) New budget authority, $476,154,000,000.
(B) Outlays, $476,154,000,000.
Fiscal year 2014:
(A) New budget authority, $548,649,000,000.
(B) Outlays, $548,649,000,000.
Fiscal year 2015:
(A) New budget authority, $623,705,000,000.
(B) Outlays, $623,705,000,000.
(19) Allowances (920):
Fiscal year 2010:
(A) New budget authority, $12,416,000,000.
(B) Outlays, $12,416,000,000.
Fiscal year 2011:
(A) New budget authority, $26,818,000,000.
(B) Outlays, $32,264,000,000.
Fiscal year 2012:
(A) New budget authority, –$3,647,000,000.
(B) Outlays, –$5,608,000,000.
Fiscal year 2013:
(A) New budget authority, –$2,507,000,000.
(B) Outlays, –$3,930,000,000.
Fiscal year 2014:
(A) New budget authority, –$11,637,000,000.
(B) Outlays, –$8,233,000,000.
Fiscal year 2015:
(A) New budget authority, –$19,063,000,000.
(B) Outlays, –$16,126,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2010:
(A) New budget authority, –$64,616,000,000.
(B) Outlays, –$64,616,000,000.
Fiscal year 2011:
(A) New budget authority, –$70,974,000,000.
(B) Outlays, –$70,974,000,000.
Fiscal year 2012:
(A) New budget authority, –$74,508,000,000.
(B) Outlays, –$74,508,000,000.
Fiscal year 2013:
(A) New budget authority, –$76,913,000,000.
(B) Outlays, –$76,913,000,000.
Fiscal year 2014:
(A) New budget authority, –$77,414,000,000.
(B) Outlays, –$77,414,000,000.
Fiscal year 2015:
(A) New budget authority, –$79,986,000,000.
(B) Outlays, –$79,986,000,000.

## TITLE II—RESERVE FUNDS

### SEC. 201. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE EMPLOYMENT AND JOB GROWTH.

(a) EMPLOYMENT AND JOB GROWTH.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to employment and job growth, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(b) SMALL BUSINESS ASSISTANCE.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide assistance to small businesses, including increasing the availability of credit from banks or credit unions, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(c) UNEMPLOYMENT RELIEF.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reduce the unemployment rate or provide assistance to the unemployed, particularly in the States and localities with the highest rates of unemployment, or improve the implementation of the unemployment compensation program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(d) TRADE.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to trade, including Trade Adjustment Assistance programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(e) MANUFACTURING.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that revitalize and strengthen the United States domestic manufacturing sector, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(f) DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING FOREST AND WATERSHED HEALTH AND RESILIENCY.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports providing for a robust Federal investment in programs that improve forest and watershed health and resiliency, including programs that reduce the risk of forest fires, insect or disease outbreaks, or the spread of invasive species, thereby creating natural resource related jobs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 202. DEFICIT-NEUTRAL RESERVE FUND TO FURTHER STABILIZE AND IMPROVE THE REGULATION OF THE FINANCIAL AND HOUSING SECTORS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to the regulation of financial markets, firms, or products, or to otherwise stabilize or strengthen the financial and housing sectors of our economy, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR TAX RELIEF AND REFORM.**

(a) TAX RELIEF.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that provide tax relief, including but not limited to extensions of expiring and expired tax relief or refundable tax relief, by the amounts provided in that legislation for those purposes, provided that the provisions in such legislation other than those providing for the extension of policies defined in section 304 (c)(2), (c)(3), or (c)(4) of this concurrent resolution would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020. Revisions made pursuant to this subsection shall not include amounts associated with the extension of policies defined in section 304 (c)(2), (c)(3), or (c)(4) of this concurrent resolution.

(b) TAX REFORM.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reform the Internal Revenue Code to ensure a sustainable revenue base that lead to a fairer and more efficient tax system and to a more competitive business environment for United States enterprises, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 204. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT.**

(a) INVESTING IN CLEAN ENERGY AND PRESERVING THE ENVIRONMENT.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) reduce our Nation's dependence on imported energy;

(2) promote renewable energy development or produce clean energy jobs;

(3) accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally-acceptable manner;

(4) strengthen and retool manufacturing supply chains;

(5) promote clean energy financing;

(6) encourage conservation and efficiency or improve electricity transmission;

(7) make improvements to the Low-Income Home Energy Assistance Program;

(8) set aside additional funding from the Oil Spill Liability Trust Fund for Arctic oil spill research;

(9) implement water settlements;

(10) provide additional resources for wildland fire management activities; or

(11) preserve, restore, or protect the Nation's public lands, oceans, coastal areas, or aquatic ecosystems;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020. The legislation may include tax provisions.

(b) CLIMATE CHANGE LEGISLATION.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) invest in clean energy technology initiatives;

(2) decrease greenhouse gas emissions;

(3) create new jobs in a clean technology economy;

(4) strengthen the manufacturing competitiveness of the United States;

(5) diversify the domestic clean energy supply to increase the energy security of the United States;

(6) protect consumers (including policies that address regional differences);

(7) provide incentives for cost-savings achieved through energy efficiencies;

(8) provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere; or

(9) help families, workers, communities, and businesses make the transition to a clean energy economy;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 205. DEFICIT-NEUTRAL RESERVE FUND TO ASSIST WORKING FAMILIES AND CHILDREN.**

(a) CHILD NUTRITION AND WIC.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reauthorize child nutrition programs or the Special Supplemental Nutrition Program for Women, Infants, and Children (the WIC program), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(b) INCOME SUPPORT AND CHILD CARE.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to child care assistance for low-income families, the Social Services Block Grant (SSBG), the Temporary Assistance for Needy Families (TANF) program, child support enforcement programs, or other assistance to low-income families, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(c) HOUSING ASSISTANCE.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low-income rental assistance, or assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(d) CHILD WELFARE.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to child welfare programs, which may include the Federal foster care payment system, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 206. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.**

(a) INFRASTRUCTURE.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for Federal investment in America's infrastructure, which may include projects for public housing, energy, water, wastewater, transportation, freight and passenger rail, or financing through Build America Bonds, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(b) SURFACE TRANSPORTATION.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide new contract authority paid out of the Highway Trust Fund for surface transportation programs to the extent such new contract authority is offset by an increase in receipts to the Highway Trust Fund (excluding transfers from the general fund of the Treasury into the Highway Trust Fund not offset by a similar increase in receipts), by the amounts provided in that legislation for those purposes, provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(c) MULTIMODAL TRANSPORTATION PROJECTS.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that authorize multimodal transportation projects that include performance expectations, metrics, and a schedule for reports on results by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(d) FLOOD CONTROL PROJECTS AND INSURANCE REFORM.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee or dam modernization, maintenance, repair, and improvement, increase the resources available to prevent or mitigate flooding or the damage caused by flooding, or provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS, AND RETURNING AND WOUNDED SERVICEMEMBERS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) expand the number of disabled military retirees who receive both disability compensation and retired pay (concurrent receipt);

(2) reduce or eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;

(3) enhance or maintain the affordability of health care for military personnel, military retirees, or veterans;

(4) improve disability benefits or evaluations for wounded or disabled military personnel or veterans (including measures to expedite the claims process);

(5) allow Reserve Component servicemembers to remain on active duty for a period of time after redeploying in order to ease the adjustment from combat to civilian life; or

(6) expand veterans' benefits including for veterans living in rural areas or for caregivers providing assistance to veterans;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make higher education more accessible or affordable, which may include legislation to expand and strengthen student aid, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020. The legislation may include tax provisions.

**SEC. 209. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE.**

(a) PHYSICIAN REIMBURSEMENT.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase the reimbursement rate for physician services under section 1848 (d) and (f) of the Social Security Act or that include or expand financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for those purposes, provided that the provisions in such legislation other than those providing for the extension of policies defined in section 304(c)(1) of this concurrent resolution would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020. Revisions made pursuant to this subsection shall not include amounts associated with the extension of policies defined in section 304(c)(1) of this concurrent resolution.

(b) HEALTH CARE WORKFORCE.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that include measures to address shortages of nurses, physicians, or in other health professions or to encourage physicians to train in primary care, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(c) THERAPY CAPS.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that protect access to outpatient therapy services (including physical therapy, occupational therapy, and speech-language pathology services) through measures such as repealing or increasing the current outpatient therapy caps, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(d) EXTENSION OF EXPIRING HEALTH CARE POLICIES.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that extend expiring Medicare, Medicaid, or other health provisions, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

(e) BENEFITS.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports making changes to health or other benefits for federal workers, including postal retiree health coverage, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 210. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN OUR NATION'S COUNTIES AND SCHOOLS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make changes to or provide for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106–393) or make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 211. DEFICIT-NEUTRAL RESERVE FUND FOR THE FEDERAL JUDICIARY.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that authorize salary adjustments for justices and judges of the United States, or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 212. DEFICIT-REDUCTION RESERVE FUND FOR RECOMMENDATIONS OF THE NATIONAL COMMISSION ON FISCAL RESPONSIBILITY AND REFORM.**

Upon enactment of legislation containing recommendations in the final report of the National Commission on Fiscal Responsibility and Reform, established by Executive Order 13531 on February 18, 2010, that decreases the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020, the Chairman of the Committee on the Budget of the Senate may—

(1) reduce the allocations of a committee or committees;

(2) revise aggregates and other appropriate levels and limits in this resolution; and

(3) make adjustments to the Senate's pay-as-you-go ledger over 6 and 11 years;

to ensure that the deficit reduction achieved by that legislation is used for deficit reduction only, and is not available as an offset for subsequent legislation.

**SEC. 213. DEFICIT-REDUCTION RESERVE FUND FOR IMPROPER PAYMENTS.**

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by eliminating or reducing improper payments and use such savings to reduce the deficit. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 6 and 11 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

**SEC. 214. DEFICIT-REDUCTION RESERVE FUND FOR TERMINATED PROGRAMS.**

The Chairman of the Committee on the Budget of the Senate shall reduce the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, upon adoption by the Senate of an amendment to—

(1) a bill or a joint resolution reported by the Committee on Appropriations of the Senate or passed by the House of Representatives;

(2) an amendment reported by the Committee on Appropriations of the Senate; or

(3) an amendment between the Houses received from the House of Representatives;

that achieves savings by eliminating the funding for any discretionary program, project, or account recommended for termination in the "Terminations, Reductions, and Savings" volume that accompanies the Budget of the United States Government, submitted pursuant to section 1105 of title 31, United States Code, for the budget year and prior 2 fiscal years.

**SEC. 215. DEFICIT-NEUTRAL RESERVE FUND FOR SMALL BUSINESS TAX RELIEF.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between houses, motions or conference reports that would protect business pass-through income from any increase in the statutory 33 percent and 35 percent individual income tax rates promulgated in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) and amended in the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27) by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total fiscal years 2010 through 2020.

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR GREATER ACCOUNTABILITY FOR RECOVERY ACT FUNDING.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would both set performance measurements for Federal agencies that distribute funding provided under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and toughen reporting requirements on those who receive grants and contracts under the American Recovery and Reinvestment Act of 2009, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 217. DEFICIT-NEUTRAL RESERVE FUND FOR GREATER ACCOUNTABILITY FOR HEALTH CARE REFORM.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would set performance metrics and milestones to measure changes in the level of health care coverage and in the cost and quality of health care service delivery under the Patient Protection and Affordable Care Act (Public Law 111–148), and any amendments to that Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 218. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING TAX INCREASES ON LOW- AND MIDDLE-INCOME AMERICANS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between houses, motions, or conference reports that would delay any tax increases enacted under the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), in combination with the Patient Protection and Affordable Care Act (Public Law 111–148) (the "Act"), until January 1, 2014, when the major health care reform measures included in the Act are effective, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total fiscal years 2010 through 2020.

**SEC. 219. DEFICIT-REDUCTION RESERVE FUND TO PROMOTE CORPORATE TAX FAIRNESS.**

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings through tax policies that ensure that large, profitable corporations paying no Federal income taxes will pay their fair share and use such savings to reduce the deficit. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 6 and 11 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

**SEC. 220. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING TAX INCREASES ON LOW- AND MIDDLE-INCOME AMERICANS AND PROTECTING RETIREES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between houses, motions, or conference reports that would reduce the threshold for the itemized deduction for unreimbursed medical expenses from 10 percent to 7.5 percent of adjusted gross income and to reinstate the business deduction for expenses allocable to the Medicare Part D employer subsidy, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 221. DEFICIT-NEUTRAL RESERVE FUND TAXPAYER ACCESS TO IRS APPEALS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between houses, motions, or conference reports that would redeploy existing resources of the Internal Revenue Service to provide at least one full-time Internal Revenue Service appeals officer and one full-time settlement agent in every State, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 222. DEFICIT-NEUTRAL RESERVE FUND TO MAKE IT MORE DIFFICULT FOR CORPORATIONS TO INFLUENCE ELECTIONS.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that furthers campaign finance reform, including increased oversight by Federal regulators, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of

fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 223. DEFICIT-NEUTRAL RESERVE FUND TO REPEAL DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, amendments between houses, motions, or conference reports that would repeal the requirement to deduct certain amounts from onshore mineral revenues payable to States under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of division A under the heading ''DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010'' of the Interior Department and Further Continuing Appropriations, Fiscal Yeal 2010 (Public Law 111–88; 123 Stat. 2915), by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

**SEC. 224. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASING TRANSPARENCY REGARDING FOREIGN HOLDERS OF UNITED STATES DEBT AND ASSESSING RISKS RELATED TO THE FEDERAL DEBT.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) improve transparency and reporting of foreign holdings of United States debt;

(2) require the President to provide quarterly assessments to Congress on the national security and economic risks posed by current levels of foreign holders of United States debt;

(3) require the President to formulate and submit a plan of action to reduce the risk to the national security and economic stability of the United States; and

(4) require the Comptroller General of the United States to provide Congress with an annual assessment of the national security and economic risks posed by the debt;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2010 through 2015 or the period of the total of fiscal years 2010 through 2020.

## TITLE III—BUDGET PROCESS

### Subtitle A—Budget Enforcement

**SEC. 301. DISCRETIONARY SPENDING LIMITS FOR FISCAL YEARS 2010 THROUGH 2013, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.**

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2010, $1,226,211,000,000 in new budget authority and $1,366,891,000,000 in outlays;

(2) for fiscal year 2011, $1,122,003,000,000 in new budget authority and $1,313,271,000,000 in outlays;

(3) for fiscal year 2012, $1,150,570,000,000 in new budget authority and $1,250,770,000,000 in outlays; and

(4) for fiscal year 2013, $1,171,007,000,000 in new budget authority and $1,239,573,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment or motion thereto or the submission of a conference report thereon—

(A) the Chairman of the Committee on the Budget of the Senate may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year of the amounts specified in clause (ii) for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of an amount further specified in clause (ii) for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by the amount in budget authority and outlays flowing therefrom not to exceed the additional appropriation provided in such legislation for that purpose for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2011, an appropriation of $283,000,000, and an additional appropriation of $513,000,000;

(II) for fiscal year 2012, an appropriation of $294,000,000, and an additional appropriation of $642,000,000; and

(III) for fiscal year 2013, an appropriation of $305,000,000, and an additional appropriation of $751,000,000.

(iii) ASSET VERIFICATION IN 2011.—The additional appropriation of $513,000,000 in 2011 may also provide that a portion of that amount, not to exceed $10,000,000, may be used to complete implementation of asset verification initiatives.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year to the Internal Revenue Service of not less than the amounts specified in clause (ii) for tax enforcement to address the Federal tax gap (taxes owed but not paid), of which not less than the amount further specified in clause (ii) shall be available for additional or enhanced tax enforcement, or both, to address the Federal tax gap, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by the amount in budget authority and outlays flowing therefrom not to exceed the amount of additional or enhanced tax enforcement provided in such legislation for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2011, an appropriation of $8,235,000,000, of which not less than $1,115,000,000 is available for additional or enhanced tax enforcement;

(II) for fiscal year 2012, an appropriation of $8,744,000,000, of which not less than $1,357,000,000 is available for additional or enhanced tax enforcement; and

(III) for fiscal year 2013, an appropriation of $9,259,000,000, of which not less than $1,724,000,000 is available for additional or enhanced tax enforcement.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year of up to the amounts specified in clause (ii) to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted in an amount not to exceed the amount in budget authority and outlays flowing therefrom provided for that program for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2011, an appropriation of $561,000,000;

(II) for fiscal year 2012, an appropriation of $589,000,000; and

(III) for fiscal year 2013, an appropriation of $619,000,000.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year of the amounts specified in clause (ii) for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to an amount further specified in clause (ii) for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by an amount in budget authority and outlays flowing therefrom not to exceed the additional appropriation provided in such legislation for that purpose for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2011, an appropriation of $10,000,000, and an additional appropriation of $55,000,000;

(II) for fiscal year 2012, an appropriation of $11,000,000, and an additional appropriation of $60,000,000; and

(III) for fiscal year 2013, an appropriation of $11,000,000, and an additional appropriation of $65,000,000.

(3) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—

(A) ADJUSTMENTS.—The Chairman of the Committee on the Budget of the Senate may adjust the discretionary spending limits, allocations to the Committee on Appropriations of the Senate, and aggregates for one or more—

(i) bills reported by the Committee on Appropriations of the Senate or passed by the House of Representatives;

(ii) joint resolutions or amendments reported by the Committee on Appropriations of the Senate;

(iii) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Committee on Appropriations of the Senate; or

(iv) conference reports;

making appropriations for overseas deployments and other activities in the amounts specified in subparagraph (B), provided that the Chairman shall not make any such adjustment for a bill, joint resolution, amendment, amendment between the Houses, or conference report that increases the on-budget deficit over the period of the budget year and the ensuing 9 fiscal years following the budget year.

(B) AMOUNTS SPECIFIED.—The amounts specified are—

(i) for fiscal year 2010, $49,953,000,000 in new budget authority and the outlays flowing therefrom;

(ii) for fiscal year 2011, $159,387,000,000 in new budget authority and the outlays flowing therefrom;

(iii) for fiscal year 2012, $50,000,000,000 in new budget authority and the outlays flowing therefrom; and

(iv) for fiscal year 2013, $50,000,000,000 in new budget authority and the outlays flowing therefrom.

**SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.**

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2011 that first becomes available for any fiscal year after 2011, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2012, that first becomes available for any fiscal year after 2012.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2012 and 2013 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $28,852,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 402 of S. Con. Res. 13 (111th Congress) shall no longer apply.

**SEC. 303. STRENGTHENED EMERGENCY DESIGNATION.**

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section subject to the provisions of subsection (c).

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits), and section 301 of this resolution (relating to discretionary spending). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) EMERGENCY LEGISLATION DESIGNATION REQUIREMENTS.—

(1) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, motion, amendment, or conference report that provides an emergency designation for one or more provisions, for the purpose of section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139) or this section of this resolution, unless each designation is accompanied by an ''Affirmation of Emergency Designation'' document.

(2) SIGNED AFFIRMATION.—The ''Affirmation of Emergency Designation'' document shall be filed with the Clerk of the Senate at the time the matter is filed with the clerk, signed by 16 Senators, affirming the emergency requirements as follows: ''We, the undersigned Senators, in accordance with the provisions of the Emergency Legislation Designation Requirement, affirm that the matter meets the following emergency requirements:

''(1) For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

''(A) necessary, essential, or vital (not merely useful or beneficial);

''(B) sudden, quickly coming into being, and not building up over time;

''(C) an urgent, pressing, and compelling need requiring immediate action;

''(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

''(E) not permanent, temporary in nature.

''(2) An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.''.

(d) DEFINITIONS.—In this section, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) EMERGENCY DESIGNATION POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or

an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

**SEC. 304. ADJUSTMENTS FOR THE EXTENSION OF CERTAIN CURRENT POLICIES.**

(a) ADJUSTMENT.—For the purposes of determining the points of order specified in subsection (b), the Chairman of the Committee on the Budget of the Senate may adjust the estimate of the budgetary effects of a bill, joint resolution, amendment, motion, or conference report that contains one or more provisions meeting the criteria of subsection (c) to exclude the amounts of qualifying budgetary effects.

(b) COVERED POINTS OF ORDER.—The Chairman of the Committee on the Budget of the Senate may make adjustments pursuant to this section for the following points of order only:

(1) Section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go).

(2) Section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

(3) Section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits).

(c) QUALIFYING LEGISLATION.—The Chairman of the Committee on the Budget of the Senate may make adjustments authorized under subsection (a) for legislation containing provisions that—

(1) amend or supersede the system for updating payments made under subsections 1848 (d) and (f) of the Social Security Act, consistent with section 7(c) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139);

(2) amend the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986, consistent with section 7(d) of the Statutory Pay-As-You-Go Act of 2010;

(3) extend relief from the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, consistent with section 7(e) of the Statutory Pay-As-You-Go Act of 2010; or

(4) extend middle-class tax cuts made in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) and the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108–27), consistent with section 7(f) of the Statutory Pay-As-You-Go Act of 2010.

(d) LIMITATION.—The Chairman shall make any adjustments pursuant to this section in a manner consistent with the limitations described in sections 4(c) and 7(h) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139).

(e) DEFINITION.—For the purposes of this section, the terms ''budgetary effects'' or ''effects'' mean the amount by which a provision changes direct spending or revenues relative to the baseline.

(f) SUNSET.—This section shall expire on December 31, 2011.

**SEC. 305. EXTENSION OF ENFORCEMENT OF BUDGETARY POINTS OF ORDER IN THE SENATE.**

(a) EXTENSION.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2020.

(b) REPEAL.—Section 205 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, and section 403 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, are repealed.

**SEC. 306. POINT OF ORDER ESTABLISHING A 20 PERCENT LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.**

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(1) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20 percent of the total savings instruction to the committee; or

(2) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20 percent of the total savings instruction to the committee.

(b) FORM OF POINT OF ORDER.—

(1) IN GENERAL.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(2) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(3) CONFERENCE REPORT.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

## Subtitle B—Other Provisions

**SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.**

In the Senate, committees are requested to review programs and tax expenditures in their jurisdiction, and provide in the views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 recommendations to improve governmental performance and to reduce waste, fraud, abuse, or program duplication. In their views and estimates letters, committees should address matters for congressional consideration identified in the Government Accountability Office's High Risk list reports.

**SEC. 312. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.**

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

**SEC. 313. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.**

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

**SEC. 314. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.**

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

**SEC. 315. TRUTH IN DEBT.**

(a) IN GENERAL.—It shall not be in order to consider a budget resolution in the Senate unless it contains a ''Truth in Debt Disclosure'' section with all, and only, the following disclosures regarding debt for that resolution:

**''SEC. ___. TRUTH IN DEBT DISCLOSURE.**

''(a) GROSS DEBT.—The levels assumed in this budget resolution allow the gross Federal debt of the Nation to rise/fall by $____ from the current year, fiscal year 20____, to the fifth year of the budget window, fiscal year 20____.

''(b) PER CITIZEN.—The levels assumed in this budget resolution allow the gross Federal debt of the Nation to rise/fall by $____ on every citizen of the United States from the current year, fiscal year 20____, to the fifth year of the budget window, fiscal year 20____.

''(c) FIVE-YEAR PERIOD.—The levels assumed in this budget resolution project that $____ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20____ through 20____, on things other than Social Security.''.

(b) ADDITIONAL MATTER.—If any portion of the Social Security surplus is projected to be spent in any year or the gross Federal debt in the fifth year of the budget window is greater than the gross debt projected for the current year (as described in section 101(5) of the resolution) then the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow gross Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security trust fund to be spent on other functions of government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the trust fund is projected to go insolvent.

(c) DEFINITION.—In this section, the term ''gross Federal debt'' means the nominal levels of (or changes in the levels of) gross Federal debt (debt subject to limit as set out in section 101(5) of the resolution) measured at the end of each fiscal year during the period of the budget, not debt as a percentage of GDP, and not levels relative to baseline projections.

(d) PREVIOUS RESOLUTIONS.—It shall not be in order to consider a budget resolution in the Senate unless it includes a table that contains, for each of the previous 12 fiscal years, the following information based on the budget resolution for each such fiscal year:

(1) The amount by which the levels assumed in the budget resolution allow the Federal debt of the Nation to rise or fall.

(2) The amount by which the levels assumed in the budget resolution allow the debt of the Federal debt of the Nation to rise or fall on a per capita basis (including only citizens of the United States).

(3) The amount of the Social Security surplus projected to be spent over 5 years by the levels in the budget resolution.

**SEC. 316. TRUTH IN DEBT DISCLOSURES.**

(a) GROSS DEBT.—The levels assumed in this budget resolution allow the gross Federal debt of the Nation to rise by $4,710,000,000,000 from the current year, fiscal year 2010, to the fifth year of the budget window, fiscal year 2015.

(b) PER CITIZEN.—The levels assumed in this budget resolution allow the gross Federal debt of the Nation to rise by $15,250 on every citizen of the United States from the current year, fiscal year 2010, to the fifth year of the budget window, fiscal year 2015.

**SEC. 317. FURTHER DISCLOSURE OF LEVELS IN THIS RESOLUTION.**

The levels assumed in this budget resolution—

(1) cut spending as a percent of GDP by 11 percent;

(2) cut the deficit as percent of GDP by 70 percent; and

(3) cut taxes by $780,000,000,000.

**SEC. 318. EXERCISE OF RULEMAKING POWERS.**

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

**TITLE IV—RECONCILIATION**

**SEC. 401. RECONCILIATION IN THE SENATE.**

(a) DEFICIT REDUCTION INSTRUCTION.—The Committee on Finance shall report to the Senate a reconciliation bill or resolution not later than September 23, 2010, that consists of changes in laws, bills, or resolutions within its jurisdiction to reduce the deficit by $2,000,000,000 for the period of fiscal years 2010 through 2015.

(b) STATUTORY DEBT LIMIT INSTRUCTION.—The Committee on Finance shall report to the Senate a reconciliation bill or resolution not later than December 10, 2010, that consists of changes in laws, bills, or resolutions within its jurisdiction to increase the statutory debt limit by an amount no more than $50,000,000,000.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3730. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3730.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.**

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

## NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 29, 2010 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a legislative hearing on the following bills:

S. 2802, A bill to settle land claims within the Fort Hall Reservation; S. 1264, A bill to require the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado and provide grants to, and enter into cooperative agreements with, the Southern Ute Indian Tribe to assess, repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; and S. 439, A bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises, to stimulate the development of the private sector of Indian tribal economies, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

## PRIVILEGES OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent the following members of my staff be granted the privilege of the floor for the duration of the consideration of S. 3217, the Restoring American Financial Stability Act of 2010: Matt Green, Mark Jickling, Deborah Katz, Minhaj Chowdhury, William Fields, and Erika Lee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Bau Nyugen, a fellow in my office, be granted the privilege of the floor during consideration of S. 3217, the Restoring American Financial Stability Act of 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXPRESSING CONDOLENCES REGARDING THE TRAGEDY IN ANACORTES, WASHINGTON

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 500, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 500) expressing the sincere condolences of the Senate to the family, loved ones, United Steelworkers, fellow workers, and the Anacortes community on the tragedy at the Tesoro Refinery in Anacortes, Washington.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 500) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 500

Whereas the State of Washington, the Tesoro Corporation, and the United Steelworkers experienced a tragedy on April 2,

2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas 7 workers died as a result of the tragedy: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell;

Whereas Federal and State government agencies, including the Chemical Safety and Hazard Investigation Board, the Environmental Protection Agency, and the Washington State Department of Labor and Industries, are investigating the tragedy and reviewing current safety procedures and processes to prevent future tragedies from occurring; and

Whereas, to support the victims and the families involved in the tragedy, the United Steelworkers Local 12-591 has established the Tesoro Incident Family Fund and the Tesoro Corporation and the Skagit Community Foundation have partnered to establish the Tesoro Anacortes Refinery Survivors Fund: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses the sincere condolences of the Senate to the family, loved ones, United Steelworkers, fellow workers, and the Anacortes community on the tragedy at the Tesoro refinery in Anacortes, Washington; and

(2) honors Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell.

## ORDERS FOR TUESDAY, APRIL 27, 2010

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, April 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 3217, the Wall Street reform legislation. Finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:04 p.m., adjourned until Tuesday, April 27, 2010, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF AGRICULTURE

CATHERINE E. WOTEKI, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, VICE RAJIV J. SHAH, RESIGNED.

### DELTA REGIONAL AUTHORITY

CHRISTOPHER A. MASINGILL, OF ARKANSAS, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY, VICE P. H. JOHNSON, RESIGNED.

### NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

MARY MINOW, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014, VICE KIM WANG, TERM EXPIRED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

GERARD G. COUVILLION

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ERIC W. ADCOCK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

DREW C. JOHNSON
JOSHUA LEWIS JONES
CATHERINE M. H. KIM
CATHARINE A. K. KOLLARS
LISA RENEE LYNCH
JUSTIN P. OLSEN

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

RALPH L. KAUZLARICH

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

DOUGLAS B. GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

*To be major*

CHERYL MAGUIRE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

SHIRLEY M. OCHOA-DOBIES

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

DAVID W. TERHUNE
PAUL E. WRIGHT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

JUAN G. LOPEZ
LOUISE M. SKARULIS
ROBERT G. SWARTS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

CHRISTOPHER T. BLAIS
MARK A. CLARK
ELIZABETH R. GUM
JAMES B. MACDONALD
DON T. SCHOB
JILL D. SIMONSON

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

DARRELL W. CARPENTER
MARK E. DEMICHIEI
KENNETH M. LECLERC
PETER J. MCDONNELL
NANCY Q. PETERSMYER
MATTHEW D. PUTNAM
JAMES G. VRETIS

*To be major*

LAURENCE DAVIDSON
MANUEL FACHADO
THOMAS R. LOVAS
JAMES M. MOK
MIST L. WRAY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant colonel*

JENIFER L. BREAUX
JAMES W. CARLSON
JOHN C. CURWEN
KELVIN A. DAVIS
ORLANDO DELGADOMALDONADO
JOHN J. HARDING
JOHN G. HODSON
TODD A. MCCOWN
PRISCELLA M. MCIVER
MICHAEL W. MOONEY
MYRNA K. MYERS
KARL J. PETKOVICH
JAMES W. RENNA
ROBERT J. SCHMIDT
LUIS D. SOLANO
KEVIN S. SNYDER
THOMAS D. SONNEN
PATRICK K. SWAFFORD
MICHAEL W. TAYLOR
EMILY I. THOMAS
GEORGE W. WARD
AVA M. WINFORD
MARC S. WILSON

*To be major*

JIMMY L. ANDERSON
EDWARD W. BAYOUTH
RONALD E. BEAUCAIRE
SEAN M. COONEY
NICHOLAS J. DICKSON
STEVEN D. GUNTER
NICOLE B. HAYES
FREDERICK A. HOCKETT
CHARLES E. HORNICK
CHARLES D. HOOD
WILLIAM R. HOWARD
BRANDON J. JOHNSON
PAUL W. JOHNSON
BRIAN E. KRAMER
STEVEN J. LACY
LASHUNE D. LESLIE
CHARLES C. LUKE
MARK R. MCCULLOUGH
DWAYNE S. MILBURN
LYNN A. NELSON
STEVEN P. NELSON
CESAR H. PENARIVERA
PETER J. RASMUSSEN
RODERICK E. RILEY
DAVID J. SELL
APRIL D. SKOU
MERVIN L. STURDIVANT
KERT L. SWITZER
SCOTT A. TURNER
JOSEPH E. VOKETITIS
JOHN M. WILLIAMS
MATTHEW N. WILLIAMS
LEON M. WILSON

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 716:

*To be captain*

GREGORY J. MURREY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

PATRICK V. BAILEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

LYNN A. OSCHMANN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

DIANE C. BOETTCHER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

STEPHEN J. LEPP
JOHN P. LEWIS
JAMI MASON
MELANIE F. OBRIEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

CAROLINE M. GAGHAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

DAVID W. HOWARD
PHAN PHAN
STEPHEN D. SEAMAN
CHARLES P. SERAFINI
CARL R. TORRES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

KEVIN A. ASKIN
CRAIG S. FEHRLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JOHN B. HOLT
JAMES M. POSTON
CHRISTOPHER R. STEARNS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JEFFREY S. TANDY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

RUSSELL L. COONS
WILLIAM M. EDGE, JR.
SCOTT C. RYE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

KEVIN P. BENNETT
MICHAEL D. BRAZELTON
LAWRENCE G. DONOVAN
DAVID K. GARDNER
DALE E. HASTE
BECKY D. LEWIS
ROBERT J. LINDGREN
MICHAEL J. MONFALCONE
ADRIAN A. SANCHEZ
THOMAS N. TOMASZEWSKI
KERRY A. WEST
PAUL F. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

RICHARD A. BALZANO
RICHARD N. BLOMGREN
PATRICK J. BRODERICK
CHRISTOPHER G. CAHILL
PHILIP J. EMANUEL
STEVEN P. GARDINER
NICKOLAS K. HANBY
JEFFREY B. HIRSCH
KENNETH S. KOLACZYK
CHARLES W. MCCAMMON
EDWARD J. MCDONALD
HUGO M. POLANCO
MARIANELA M. SMITH
JOSEPH H. UHL
MARK J. WINTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JOHN T. ARCHER
JAMES M. BUTLER
DONALD T. MAIXNER
ANDREW D. MCDONALD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

STEVEN T. BELDY
DONALD S. BROWN
WAYNE R. BROWN
SCOTT D. DAVIES
MICHAEL DEWITT
SEAN P. FAGAN
DAVID W. GUNDERSON
STEPHEN F. HALL
JOHN H. HILL III
GEORGE HONEYCUTT
JERRY P. HUPP
ROBERT S. LAEDLEIN
RUSSELL LARRATT
SCOTT C. MCMAHON
JAMES D. NORDHILL
WILLIAM C. OLDHAM
RONALD G. OSWALD
DAN A. STARLING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JAMES D. BEARDSLEY
DAVID A. BENNETT
KENNETH R. BLACKMON
JEFFREY F. BROKOB
TIMOTHY S. BUFFINGTON
EUGENE A. BURCHER
SCOTTY D. BURLESON
JEFFREY M. CARSWELL
LOUIS M. CASABIANCA
ROBERT T. CLARK
ROBERT W. CORRIGAN
PAUL M. COSTELLO
MARK R. DESAI
DWIGHT D. DICK
PHILIP R. DUPREE
RICHARD H. DWIGHT
MURRAY G. FINK
STEPHEN A. FLEET
RICHARD A. FOLEY
THOMAS A. FORREST
ROBERT B. FRYER
RANDY A. GALLAGHER
PHILIP D. GREEN
GREGORY J. GRIFFIN
MICHAEL C. HANNAY
SCOTT A. HARTMAN
ROGER W. HAWKES
ELISABETH A. HOWARD
ROY C. JENNINGS
PAUL W. JENSEN
RICHARD A. KONDO
LAWRENCE D. KOUGH
KEITH A. KRAPELS
JOHN S. LINDGREN
DONALD E. LLEWELLYN
LOWEN B. LOFTIN, JR.
CHARLES P. LUND III
SCOTT F. MANNING
JOHN C. MCCLURE
WILLIAM G. MCCRILLIS
TIMOTHY S. MCELLIGATT
DARREN L. MCNOLDY
JAMES V. MCSWEENEY
GALEN R. NEGAARD
WYNDON K. NIX
DAVID S. NOLAN
ROBERT R. PAULK
ROY M. PORTER
CASEY E. REED
STACEY A. ROGERS
JAMES M. ROSSI
SCOTT F. RUSSELL
KEVIN R. SCHEETZ
DOUGLAS P. SCHOEN
JON E. SCHULMAN
MICHAEL J. SEBASTINO
CORRY J. SHEDD
CHARLES J. SHIVERY, JR.
MARK P. SMITH
DOUGLAS B. STORY
WILLIAM D. SUDDARTH, JR.
CHRISTOPHER W. THOMSON
JONATHAN E. TURNER
MICHAEL B. VELASQUEZ
MICHAEL D. VIGIL
THOMAS S. WALL
JOEL T. WEAVER
STEVEN W. WILCZYNSKI
JON E. WILSON
KURT F. WINTER
GREGORY S. YOUNG
CHRISTOPHER S. ZIMMERMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

ANDREW K. BAILEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

TODD J. OSWALD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

MARIA D. JULIA—MONTANEZ

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

TYLER M. ABERCROMBIE
GREGORY A. ADAMS II
WILLIAM J. ADAMS, JR.
PEDRO O. AGAPAY III
RYAN C. AGEE
JUSTIN T. AGOSTINE
SCOTT J. AKERLEY
CALVIN R. ALLEN
JERRID K. ALLEN
WILBERT A. ALVARADO
JONAS ANAZAGASTY
MERLIN F. ANDERSON
THOMAS N. ANDERSON
ERIK A. ANDREASEN
RENATO E. ANGELES
BRIAN M. ANTHONY
ERIK S. ARCHER
JOHN D. ARMSTRONG
KEVIN P. ARNETT
EDWARD L. ARNTSON
SANTOS H. ARROYOCLAUDIO
ERIC E. ARTEMIS
DANIEL S. ARTINO
RANDALL L. ASHBY
AARON D. ASHLEY
SHEA A. ASIS
KENNETH M. ATTAWAY II
BOWE T. AVERILL
JERRAD R. AVERY
SONNY B. AVICHAL
CATHERINE M. BABBITT
MARCUS T. BAILEY
HAILEYESUS BAIRU
DOUGLAS F. BAKER, JR.
JONATHAN D. BAKER
JAMES D. BALLARD
MICHAEL K. BARNETT
CHARLES K. BARR
JOHN R. BARTHOLOMEW
DANIEL R. BARTLETT
JOHNIE W. BATH
JULIA E. BAUN
SAMANTHA R. BEBB
JOHN L. BECK, JR.
JAMES A. BECKER
WYNNE M. BEERS
KEVIN M. BEHLER
RICHARD BELL III
MELISSA V. BEMBENEK
KEITH W. BENEDICT
CHRISTOPHER D. BERG
KIRSTEN J. BERGMAN
BRAD A. BERTINOT
GARY J. BETTINGER
ROBERT N. BEZOUSKA
CORY J. BIEGANEK
PATRICK M. BIGGS
CHRISTOPHER L. BLAHA
BRYAN W. BLAIR
JACOB A. BLANTON
JESSE A. BLANTON
JOEL A. BLASCHKE
WILLIAM A. BLISS
EDWARD L. BLOUNT
JEFFERY S. BOERS
CHRISTOPHER J. BOLT
DANIEL B. BOLTON
MARK W. BOLTON
DALE P. BOND, JR.
JASON P. BOONE
KEITH T. BORING
BRIAN J. BORKOWSKI
JAMES D. BOURIE
JOSHUA S. BOWES
MICHAEL A. BOWLES
BRANDON L. BOWMAN
SHANE W. BOYD
RAGENEA M. BRADEEN
PAUL A. BRADLEY
CHRISTOPHER H. BRADY
KEITH W. BRAGG
MARIE E. BRANTNER
JOHN R. BRAUN, JR.
CHRISTOPHER R. BRAUTIGAM
JULIA A. BRENNAN
RACHEL A. BRESLIN
NICHOLAS BRESNYAN
WENDY L. BRESNYAN
CORRIE S. BRICE
RAMON BRIGANTTI
DAVID W. BRITEN

JONATHON M. BRITTON
JOHN W. BROCK II
ANDREW J. BROWN
DU H. BROWN
EARL C. BROWN
TEMPLE H. BROWN
THEONIS S. BROWN, JR.
JOHN M. BRUGGINK
VANCE M. BRUNNER
DONALD L. BRYANT
JAMES P. BRYANT, JR.
HEATH B. BUCKLEY
TRAVIS D. BUEHNER
RYAN J. BULGER
BARBARA M. BURGER
CHRISTOPHER W. BURKHART
MATTHEW S. BURNETTE
JAY W. BUSH
EDZEL L. BUTAC
SCHERIEF C. BUTLER
LOREN A. BYMER
MARCUS J. BYNUM
NATALIE A. BYNUM
CURTIS L. BYRON, JR.
MICHAEL CALDERON
RICARLOS M. CALDWELL
DANIEL G. CAMPBELL, SR.
DAVID W. CAMPBELL
JAMES G. CAMPBELL
JOSHUA L. CAMPBELL
KIRK A. CAMPBELL
RYAN A. CANADY
CHARLES H. CANNON
SCOTT L. CANTLON
BRIAN C. CAPLIN
MATTHEW S. CARL
PAMELA CARLISLE
BRENDAN J. CARROLL
FRANCISCO CASANOVA III
THOMAS W. CASEY
DAVID C. CASTILLO
FRANCIS J. CASTRO
MARIO N. CASTRO
AUDIE A. CAVAZOS
BRANDON C. CAVE
ADAM S. CECIL
VINCENT E. CESARO
MATTHEW A. CHANEY
JAMES E. CHAPMAN, JR.
JONATHAN M. CHAVOUS
DALLAS Q. CHEATHAM
THOMAS R. CHERNEY
STEVEN C. CHETCUTI
YOUNG M. CHO
MIN K. CHOI
CHRISTOPHER M. CHURCH
RODNEY E. CLARK
KEVIN S. CLARKE
AMY L. CLEMENTS
MATTHEW J. CLEMENTZ
CHARLES E. CLINE II
JASON W. COCKMAN
TYLER J. CODY
MATTHEW J. COLE
LILIA L. COLEMAN
CHAD C. COLLINS
DENNIS B. COLLINS
JOHN D. COLLINS
PATRICK D. COLLINS
ANIBAL COLON
SHAUN S. CONLIN
STEVE CONRAD
KEVIN J. CONSEDINE
JOE D. COOK, JR.
NICHOLAS M. COOK
JOSEPH D. COOLMAN
MICHAEL S. COOMBES
KING E. COOPER, JR.
MICHAEL P. CORMIER
ANDREW J. CORNWELL
VOYED D. COUEY
LEE A. COURTNEY
AARON B. CRAFTON
DOUGLAS S. CRATE
JAMES C. CREMIN
MARTYN Y. CRIGHTON
IRA L. CROFFORD, JR.
NATHANIEL D. CROW
PAUL J. CRUZ
WILLIAM B. CUFFE
JOHN D. CUNNINGHAM
ROBERT B. CUSICK
JOSEPH W. DAIGLE
HENRY J. DAILY
SAMUEL DALLAS, JR.
GREGORY A. DANIEL
JOSE D. DANOIS
THOMAS C. DARROW
JOSEPH V. DASILVA
WESLEY C. DAVIDSON
DAPHANIE R. DAVIS
IAN R. DAVIS
JASON E. DAVIS
MATTHEW W. DAVIS
NATHANIEL B. DAVIS
MATTHEW C. DAWSON
PHILIP J. DEAGUILERA
NICOLE E. DEAN
JASON R. DEFOOR
ANDREW J. DEFOREST
JASON O. DEGEORGE
JAMES DEMONSTRANTI
CHARLES T. DENIKE
FRANKLIN D. DENNIS
HAROLD W. DENNIS
MARK F. DESANTIS
KENDRICK S. DEVERA
ANDREW J. DIAL
ROBERT W. DICKERSON
DANIEL A. DIGATI
JOHN A. DILLS
ROBERT E. DION, JR.
BRENT P. DITTENBER
JOHN R. DIXON
JESSICA E. DONCKERS
TYLER R. DONNELL
SHANE R. DOOLAN
MICHAEL J. DOYLE
BRUCE M. DRAKE
SEAN T. DUBLIN
JASON G. DUDLEY
KIRK A. DUNCAN
KYLE E. DUNCAN
SCOTT W. DUNKLE
NOEL A. DUNN
JEFFREY R. DUPLANTIS
CHRISTIAN A. DURHAM
WESTON T. DURHAM
JUSTIN A. DUVALL
NICHOLAS H. DVONCH
RODERICK M. DWYER
MICHAEL F. DYER
GEOFFREY L. EARNHART
JEREMY W. EASLEY
DAVID W. EASTBURN
JOSHUA A. EATON
DION S. EDWARDS
CHRISTOPHER M. EFAW
JOSHUA E. EGGAR
WAYNE E. EHMER
LEERAN EINES
MICHAEL T. ELIASSEN
ROBERT D. ELLIOTT
CHRISTOPHER R. ELLIS
JASON A. ENGELBRECHT
CHAD M. ENGLISH
ROBERT L. ENSSLIN
NEAL R. ERICKSON
MICHAEL C. ERNST
GREGORY P. ESCOBAR
VIC ESPARZA
JENNIFER L. ETTERS
KEVIN M. EUBANKS
CHRISTOPHER P. EVANS
JEREL D. EVANS
ROBERT R. FAIREL, JR.
NICHOLAS J. FALCETTO
ROBERT P. FARRELL
JOHN I. FAUNCE
SHERRI A. FAZZIO
MATHEW A. FEEHAN
PATRICK F. FEILD
AARON D. FELTER
BENJAMIN J. FERGUSON
KEVIN C. FINNEGAN
LUCAS M. FISCHER
IAN FISHBACK
FRANK E. FISHER
MICHAEL E. FISHER
RICHARD A. FISHER
JOHN P. FITZGERALD
MATTHEW P. FIX
JEFFERY E. FLACH
BENJAMIN A. FLANAGAN
JEFFREY D. FLANAGAN
STEPHEN C. FLANAGAN
MICHAEL C. FLATOFF
ARTURO E. FLORES
RUSSELL W. FORKIN
MARCUS R. FORMAN
JASON H. FOROUHAR
RYAN H. FORSHEE
ABRAHAM FOSTER
RUSSELL H. FOX
STEPHEN S. FOX
MARCUS T. FRANZEN
BETH R. FRAZEE
DONALD R. FRAZEE
RICARDO FREGOSO
JEREMIAH C. FRITZ
JOHN R. FRITZ
BRYAN W. FRIZZELLE
LOUIS B. FRKETIC
RASHAD J. FULCHER
IAN M. FULLER
JEFFREY R. FULLER
DOUGLAS K. FULLERTON
MARK O. FULMER
JONATHAN M. FURSMAN
ANDREW J. FUTSCHER
GREGORY L. GABEL
JOHN A. GABRIEL
RICHARD A. GALEANO
ELLIS GALES, JR.
DIANA B. GARCIA
JOSUE C. GARCIA
MICHAEL R. GARLING
ALEX R. GARN
BEAU P. GARRETT
STEWART U. GAST
EUGENE GATES, JR.
DAVID G. GAUGUSH
EDWARD P. GAVIN
RYAN E. GAVIN
CHRISTOPHER M. GIBSON
JAMES H. GIFFORD
MARK E. GLASPELL
JASON A. GLEASON
JOSEE S. GOLDIN
JOHN J. GOODWIN
ANTHONY W. GORE
GEOFFREY T. GORSUCH
JENNIFER L. GOTIE
RYAN R. GOYINGS
DOUGLAS M. GRAHAM
KRISTIN C. GRAHAM
MIRELLA GRAVITT
DAVID W. GRAY
ANTHONY J. GREEN
JASON A. GREEN
JOSEPH GREEN, JR.
LORENA GREENE
MORGAN D. GREENE
ROGER M. GRIFFIN, JR.
NICHOLAS A. GRIFFITHS
JUSTIN K. GRIMES
RICHARD Z. GROEN
ALI GROSS
DANIEL J. GROSS
JONATHAN J. GROSS
LOREN E. GROVES
JONATHAN D. GUINN
MICHAEL J. GUNTHER
LAWRENCE P. GUSZKOWSKI
JOHN C. GWINN
JOHN L. HAAKE
STEVEN L. HADY
ROBERT W. HAGERTY
SCOTT M. HAGGAS
MATTHEW P. HALL
SETH G. HALL
ADAM D. HALLMARK
CHRISTOPHER J. HALLOWS
DAVID L. HAMILTON
JEFFREY S. HAN
THOMAS J. HANDO
TIMOTHY P. HANSEN
SHAWN P. HARKINS
TIMOTHY A. HARLOFF
BRYAN A. HARMON
JEFFREY C. HARMON
BRIAN L. HARNDEN
JUSTIN D. HARPER
WILLIAM D. HARRIS, JR.
JOSEPH M. HARRISON
RICHARD W. HARTFELDER
JONATHAN T. HARTSOCK
JEFFREY D. HARVEY
RONALD W. HAVNIEAR
DAVID L. HAWK
JEFFREY D. HAY
JEFFREY W. HAZARD
MELINDA J. HENNESSEY
DAVID W. HENSEL
ANDREW M. HERCIK
DERRICK B. HERNANDEZ
AARON G. HERRERA
ANDREW L. HERZBERG
JASON S. HETZEL
JOHN W. HICKS
WALTER L. HICKS
JEFFERY C. HIGGINS
DENNIS K. HILL
JAMES P. HILL
ROBERT E. HILTON
JEFFREY A. HINDS
LUSTER R. HOBBS
CHRISTOPHER M. HODL
DANIEL J. HOEPRICH
CHRISTIAN A. HOFFMAN
MATTHEW T. HOFMANN
ROBERT S. HOLCROFT
ROBERT L. HOLENCHICK, JR.
NEIL A. HOLLENBECK
DAVID L. HOLLOWAY
GREGORY M. HOLMES
RACHEL A. HONDERD
ERIC S. HONG
ROBERT HOOVER
JASON D. HOPKINS
ADRIA O. HORN
JAMES A. HORN
SEAN K. HORTON
STEWART N. HOUPT
BETSY A. HOVE
TERRY L. HOWELL
REX A. HOWRY
JACOB D. HUBER
HAROLD HUFF III
BRIAN M. HUMMEL
JENNIFER O. HUNTER
WILLIAM C. HUNTER III
DONNIE J. HURT
WILLIAM J. HUSSEY
STEFAN W. HUTNIK
CHIKA A. IHENETU
MICHAEL J. ISBELL
JARROD A. ISON
BENJAMIN F. IVERSON
STEVEN E. JACKOWSKI
MELVIN S. JACKSON
BENJAMIN D. JAHN
JASON D. JAMES
NORMA A. JAMES
REGINALD A. JAMO
THOMAS L. JENSEN

DAVID L. JERKINS
MELVIN B. JETER
ARTHUR E. JIMENEZ
AARON J. JOHNSON
CHARLES S. JOHNSON
GEORGE H. JOHNSON III
JOEL M. JOHNSON
KIRK A. JOHNSON
JACOB M. JOHNSTON
MIGUEL A. JUAREZ
BARBARA E. JUNIUS
JAMON K. JUNIUS
BOBBY M. JURANEK
WILLIAM T. KAMPF
GARY R. KATZ
MARK A. KATZ
NICHOLAS S. KAUFFELD
BRIAN F. KAVANAGH
BRYCE K. KAWAGUCHI
ANTHONY J. KAZOR
SEAN C. KEEFE
RYAN D. KEEL
DANIEL A. KEENER
MATTHEW L. KEITH
SHAWN C. KELLER
CARINA L. KELLEY
TERENCE M. KELLEY
CHRISTOPHER J. KELSHAW
NGUANYADE S. KEMOKAI
DAVID L. KENNEY
SEAN M. KENNEY
JEREMY E. KERFOOT
CARLA A. KIERNAN
MIRANDA L. KILLINGSWORTH
DONALD R. KIRK
STEPHEN D. KITCHENS
CHRISTOPHER P. KLEMAN
FOSTER E. KNOWLES
CALVIN A. KNOX
TIMOTHY M. KOERSCHGEN
JOSEPH W. KOLCZYNSKI
MICHAEL L. KOLODZIE
MONTE A. KOONTZ
JON E. KORNELIUSSEN
MICHAEL A. KRAMER
JUSTIN P. KUETHER
GEORGE P. LACHICOTTE
BRYAN K. LAKE
DAVID M. LAMBORN
CHRISTINE A. LANCIA
JERRY E. LANDRUM
ADAM D. LANDSEE
JEREMY E. LANE
FORD M. LANNAN
ERIC D. LARSEN
MARK E. LARSON
PAUL I. LASHLEY
ADAM F. LATHAM
STANLEY A. LAY
MATTHEW R. LEBLANC
MATTHEW P. LECLAIR
ANDRES J. LEDAY, JR.
ASHLEY S. LEE
GREGORY G. LEE
KACIE M. LEE
JASON A. LEGRO
JOSEPH J. LEMAY
ANDREW E. LEMBKE
RUSSELL P. LEMLER
JOSE A. LEMUS
TIMOTHY J. LEWIS
DONALD C. LITTLE
JASON A. LITTLE
SHANE M. LITTLE
CLAY J. LIVINGSTON
DANIEL P. LLOYD
JUSTIN D. LOGAN
JASON R. LOJKA
DAVID R. LOMBARDO
MICHAEL B. LONG
ERNESTO LOPEZ, JR.
JUSTINO LOPEZ
WILLIAM H. LOVE
KEVIN W. LOVETT
DANIEL J. LUCITT
THOMAS C. LUDWIG
REBECCA L. LYKINS
SEAN P. LYONS
MITCHELL D. MABARDY
ADAM E. MACALLISTER
ROBIN D. MACBRIDE
GLEN A. MACDONALD
LEEVI J. MACDONALD
SETH P. MADISON
JOSHUA D. MADLINGER
STEPHEN P. MAGENNIS
PETER N. MAHMOOD
ROBERT A. MAHONEY
STEVEN R. MAJAUSKAS
CHEVELLE P. MALONE
JONATHAN D. MALONE
ANDREW R. MARCH
DAVID M. MARLOW
WILLIAM B. MARSH
CRAIG A. MARTIN
LORING G. MARTIN
MICHAEL R. MARTIN
LUIS D. MARTINEZ
JOSEPH B. MASON, JR.
MATTHEW T. MASON
CATHY L. MASSEY
MICHAEL S. MASSMANN
PATRICK E. MATHER
SEAN P. MCBRIDE
SEAN C. MCCAFFERY
GEORGE A. MCCLAIN III
BRAD C. MCCOY
COREY G. MCCOY
JOSHUA T. MCCULLY
GARY P. MCDONALD
MATTHEW L. MCGRAW
SCOTT N. MCKAY
BRETT C. MCKENZIE
SEAN M. MCLAUGHLIN
FREDRICK J. MCLEOD
DERICK P. MCNALLY
JOEY W. MCNAUGHTEN
TRACEY Y. MCNAUGHTEN
BRENDAN T. MCSHEA
ROBERT C. MCVAY
DWIGHT S. MEARS
BRITTANY E. MEEKS
LUIS R. MEJIAROMAN
LUKE E. MERCIER
ANDREW G. MILLER
BRIAN J. MILLER
DERIK Z. MILLER
IVAN D. MILLER
JOHN G. MILLER
JOHN L. MILLER
JOSEPH M. MILLER
ROBERT D. MILLER
CRAIG W. MILLIRON
ROBERT C. MISKE
MONICA S. MITCHELL
PETER J. MOLINEAUX
THOMAS P. MOLTON II
JOHN H. MOLTZ IV
GAMBLE L. MONNEY
DONALD J. MOORE
DONALD F. MOREY
AARON F. MORRIS
CHAD E. MORRIS
KAREL T. MORRIS
RAFAEL J. MORRISON
EDWIN D. MORTON III
SCOTT D. MOSLEY
MARK P. MUDRINICH
JOSEPH R. MUKES
MICHAEL D. MURPHY
THOMAS C. MURPHY
MATTHEW R. MYER
JOHN A. MYERS
CHRISTIAN D. NAFZIGER
MICHELLE J. NALL
ISMAEL B. NATIVIDAD
JEREMIAH J. NAYLOR
DONALD R. NEAL
JOHNATHON W. NELSON
ANTONIO L. NESTER
HEATHER R. NEWBERRY
RONALD L. NIEDERT
KENNETH E. NIELSEN II
ANDREW T. NIEWOHNER
GLENN A. NILES, JR.
KARL M. NILSEN
JASON H. NOBLE
CHARLES E. NOLL
JOHN M. NOLT
DANA NORRIS
PETER J. NORRIS
RODNEY A. NORRIS
LEE M. NORTH
HANY S. NOUREDDINE
LEE C. NOVY
ALEJANDRO M. NUNEZ
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LAWRENCE R. NUNN
OLIVIA J. NUNN
TONY S. NYBERG
WILLIAM C. NYE
KITEFRE K. OBOHO
CLEMENCE C. OBORSKI
CESAR J. OCASIO
JEFFREY R. ODELL
DANIEL J. OH
SEAN M. OHALLORAN
JEREMY M. OHEARN
BRENDAN B. OHERN
DARRYL T. OLDEN II
DAVID R. OLEARY
MICHAEL J. OLESON
MARIO A. OLIVA
PAUL M. OLIVER
MATTHEW S. ONEILL
CHRISTOPHER D. OPHARDT
JOHN D. ORDONIO
RYAN C. OREILLY
BRENDAN D. ORMOND
ETHAN W. ORR
RICARDO J. ORTEGA
MARK L. OSANO
EDMUND D. OSWALT
THOMAS C. OWENS
STEVE A. PADILLA
RICHARD PALAGONIA
TIMOTHY R. PALMER
HEATH E. PAPKOV
DAVID C. PARK
JACY A. PARK
SUSAN M. PARKER
DONALD N. PARRISH
TIMOTHY P. PARRISH
BENJAMIN R. PARRY
TYLER B. PARTRIDGE
MICHELL R. PASCUAGORDON
ARTHUR L. PATEK
NATHANAL J. PATTON
SARAH E. PEARSON
SAMUEL R. PEMBERTON
SENECA PENACOLLAZO
MICHAEL Q. PENNEY
FRANCIS B. PERA
ANTONIO PEREZ
PHILIPPE A. PERRAULT
WILLIAM R. PERRY
CHARLES D. PETERS
THOMAS V. PETRINI
KYLE D. PETROSKEY
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ROGELIO A. PINEDA
LONNIE PIRTLE
NICHOLAS J. PLOETZ
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JAMES L. POPE
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DUSTIN M. POTTER
EMILY J. POTTER
BRYAN G. POTTS
DEAN C. POWELL
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ANTHONY J. PRITCHETT
GERALD D. PUMMILL
ISABEL C. PYATT
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MARTIN RAMOS
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ASHTON J. READ
ROSEMARY M. REED
GERALD E. RESMONDO, JR.
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ADAM P. REYNOLDS
WILLIAM S. RICHARDSON
DANA L. RIEGEL
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INGEBRIGT A. RIISE
TOBY L. RISNER
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REYNALDO A. RIVERA
CHRISTOPHER J. RIVERS
MARION E. ROARK
CHRISTOPHER A. ROBBINS
KEITH B. ROBERTS
ALEX P. ROBINSON
CARLOS F. ROCKSHEAD
FRANK A. RODRIGUEZ
MICHAEL S. ROENFANZ
CHRISTOPHER L. ROGERS
ROY L. ROGERS
BEAU G. ROLLIE
BENNY H. ROMERO
JORGE A. ROSARIO
MICHAEL S. ROSOL
FODAY K. ROSS
CHRISTOPHER M. ROWE
JEREMY J. ROY
G. KURT RUEDISUELI
JESSICA K. RUTH
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DAVID J. SADOVY
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JACKSON T. SALTER
ROBERTO R. SANCHEZ
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EDWARD J. SANFORD
STEVEN D. SANTAMARIA
RAYMOND SANTIAGORIVERA
MICHAEL S. SAXON
OLIVER H. SCHALLER
JAIRO M. SCHIFFMAN
AARON C. SCHILLECI
EZRA K. SCHILLER
JONATHAN C. SCHMIDT
LUKE C. SCHMIDT
ERIC G. SCHNABEL
ERICH B. SCHNEIDER
JOHN M. SCHOENFELDT
JASON P. SCHUERGER
STEVEN J. SCHULDT
TIMOTHY M. SCHUMACHER
NICHOLAS H. SCHUTTE
ANGELA L. SCOTT
JASON A. SCOTT
JEREMY O. SECREST
LAWRENCE SEKAJIPO
MICHAEL M. SEMMENS
DOUGLAS F. SERIE
ANDRE J. SESSOMS
TRAVIS D. SHAIN
JEFFREY H. SHARPE
KELCEY R. SHAW
MICHAEL C. SHAW
BENJAMIN L. SHEPHERD
SAMUEL G. SHEPHERD
SEAN R. SHIELDS
ZACHARY D. SHIELDS
MATTHEW D. SHIFRIN
DARIN R. SHORT

STEPHEN C. SHORT
JASON M. SHULTZ
MATTHEW A. SIEBERT
TIMOTHY A. SIKORSKI
DOUGLAS S. SIMMONS
ANDREW K. SINDEN
MICHAEL F. SMEDLEY
BLAYNE P. SMITH
CHUNKA A. SMITH
DONALD P. SMITH
JAMES R. SMITH
JOSHUA A. SMITH
LANDGRAVE T. SMITH
MARK K. SNAKENBERG
JOHN P. SNOW
MATHEW R. SNYDER
SCOTT D. SNYDER
BRANDI L. SOULE
TERRENCE L. SOULE
AARON J. SOUTHARD
BRIAN M. SOUTHARD
ROBERT W. SPARA
WESLEY M. SPEAR
JOHN W. SPENCER
DAVID M. SPIRZ
RONALD W. SPRANG
TANNER J. SPRY
KEVIN H. STACY
BRADEN P. STAI
JAMES R. STAMPFER
HAROLD D. STANLEY
DWAYNE W. STAPLES
JASON R. STARAITIS
CHARLES E. STEARNS
RICHARD D. STEARNS
TIMOTHY M. STEPHENSON
ROBERT J. STEVENSON
MARGARET G. STICK
SHANNON E. STOKES
PATRICK T. STONE
RICHARD J. STRAVITSCH
BRADLEY R. STREMLAU
JAMES C. STULTZ
MICHAEL W. STULTZ
RONALD J. STURGEON
JEFFREY M. STYER
JUAN A. SUERO
RICHARD A. SUGG
MEGHANN E. SULLIVAN
JUSTIN J. SUMMERS
ROBERT M. SUMMERS
PHONPIROUN SUNDARA
TODD S. SUNDAY
NELSON P. SUNWOO
JOHN K. SWARAY
ADAM J. SWEDENBURG
CHADWICK S. SWENSON
KAMIL SZTALKOPER
JOSE E. TADURAN
JEFFERY L. TANKSLEY
SHEILA M. TAVARES
BARTON E. TAYLOR
MICHAEL M. TAYLOR
ROBERT B. TAYLOR
BRANDON S. TENNIMON
JEFFERY A. THAYER
PETER A. THAYER
JONATHAN M. THOENNES
MATTHEW R. THOM
AARON M. THOMAS
TROY P. THOMAS
VINCENT A. THOMAS
PAUL E. THOMPSON
RICHARD E. THOMPSON
ANDREW A. THUEME
BRIAN D. TILLSON
DAVIS D. TINDOLL
EMERITO M. TIOTUICO
MICHAEL T. TOBIAS
GREGORY M. TOMLIN
MICHAEL B. TONEY
JOHN T. TOOHEY
PATRICK R. TOOHEY
MICHELLE H. TOYOFUKU
JENNIFER L. TRACY
ROBERT K. TRACY
JESS S. TRAVER IV
YULANG TSOU
MICHAEL P. TUMLIN
ANTOINETTE C. TURNER
CHARLES C. TURNER
JAMES N. TURNER
JOHN B. TURNER
RICARDO A. TURNER
JENNIFER L. UYESHIRO
PHILLIP J. VALENTI
CAMP J. VAN
TIMOTHY J. VANALSTINE
ROBERT L. VANAUKEN
RUSSELL W. VANDERLUGT
ROBERT T. VANDINE
JOSHUA B. VANETTEN
MARK J. VANHANEHAN
TYLER G. VANHORN
RONNY A. VARGAS
DERRICK L. VARNER
JOSE R. VASQUEZ
ERICK R. VELASQUEZ
DALE T. VERRAN
RENATO VIEIRA
ISRAEL VILLARREAL, JR.
TREVOR S. VOELKEL
SRATHA VORARITSKUL
SETH W. WACKER
SCOTT R. WADE
DAMON T. WAGNER
NEILSON W. WAHAB
KENNETH W. WAINWRIGHT
JAMES A. WALKER
KYLE M. WALTON
DANIEL J. WARD
JOSEPH D. WEINBURGH
SHANE M. WELLER
CHARLES W. WELLS
JOHNATHAN H. WESTBROOK
DANIEL F. WESTERGAARD
WILLIAM D. WHALEY
JARON S. WHARTON
SHANA M. WHATLEY
ANDREW A. WHITE
CONRAD T. WHITE
HARRY B. WHITE
JAMES M. WIESE
CHRISTOPHER A. WILEY
CLARENCE W. WILHITE
JEREMY P. WILLIAMS
JOHN R. WILLIAMS
NATHAN B. WILLIAMS
PATRICIA R. WILLIAMS
RYAN T. WILLIAMS
DOUGLAS M. WILLIG
TOD W. WILLOUGHBY
DONALD A. WINDSOR
TIA C. WINSTON
EDWARD B. WITHERELL
SEAN A. WITTMEIER
RICHARD E. WITWER
PHILIP C. WOLFE
LILLIAN I. WOODINGTON
JASON T. WOODWARD
ASHLEY R. WORLOCK
TRAVIS S. WORLOCK
VASHAUN A. WRICE
CATRINA D. WRIGHT
JOHN E. WRIGHT, JR.
SCOTT R. YANDELL
MICHAEL S. YEAGER
JASON B. YENRICK
ROBERT W. YERKEY
SAMUEL S. YI
PETER D. ZAFFINA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

GREGORY J. ADY
BRIAN D. ALLISON
PATRICK L. ALSUP
CAESAR D. ALVAREZ
CHRISTOPHER B. AMARA
DANIEL J. ANDREWS
STEPHEN A. ARMSTRONG
TODD W. ARNOLD
ANDREW J. AROLA
MATTHEW G. AUSTIN
SCOTT G. BAKER
RAVI A. BALARAM
ANDRAE T. BALLARD
PHILLIP M. BALLARD
JASON L. BARTLETT
DAVID C. BEALL
STEVEN R. BEARDEN
JORDAN M. BECKER
ROBERT D. BECKWITH
JOSHUA E. BEISEL
WILLIAM BELL
BRET H. BELLIZIO
RICHARD J. BENDELEWSKI
CRAIG M. BENKE
BRIAN L. BERTHELOTTE
DAVID M. BESKOW
FRANK J. BIRD
SHANEKA L. BIZZELL
KEVIN E. BLAINE
MICHAEL G. BLANKENSHIP
AARON B. BLANNING
DAVID K. BODENBENDER
SHELVIE BOOTH, JR.
CANDY BOPARAI
DEREK D. BOTHERN
SUSAN M. BOUJNAH
JESSE J. BRANSON
JASON C. BRAY
WILLIAM D. BRICE
RANDY T. BROOKS
BENJAMIN S. BROWN
CLEO T. BROWN
JOEL R. BROWN
RANDELL W. BROWN
CHRISTOPHER S. BROWNING
VONTE Q. BRUMFIELD
PAUL A. BUBLIS
JASON A. BUCHANAN
MICHAEL R. BUCHMAN
RAVEN M. BUKOWSKI
STEPHEN J. BURROUGHS
DENNY A. BUTCHER
CHARLES T. CAIN
DEVON M. CALLAHAN
SHAWN C. CALLAHAN
LOANNY E. CANCINO
MATTHEW J. CANNON
RODOLFO CAPETILLO, JR.
BRETT A. CAREY
TIMOTHY R. CARIGNAN
JAMEL R. CARR
TARA S. CARR
LEE J. CASTANA
TYLER M. CATE
NANCY C. CECH
JESSE G. CHACE
CHRISTINE V. CHAMBERS
STEPHEN M. CHAMPLIN
LEILANI CHANBOON
TREVOR J. CHARTIER
RICHARD T. CHEN
WILLIAM J. CHERKAUSKAS
JOHN D. CHILDRESS
ANGELICA O. CHRISTENSEN
CRAIG A. CHRISTIAN
NANCY E. CLAUSS
MORGAN A. CLOSE
CAMALA L. COATS
ERIC L. COGER
MICHAEL B. COHEN
RONALD A. COLOMBO, JR.
LAKEETRA COLVIN
JOSHUA M. CONANT
JAMES K. COPPENBARGER
JAMES C. CORBETT
ROBERT M. COX
MATTHEW J. CROWE
ANDREW D. CROY
JOSE I. CRUZAYALA
LUIS S. CRUZRAMOS
AARON D. CUMMINGS
CLIFTON L. CUNNINGHAM
MARIA T. CURTIS
STEVEN J. CURTIS
JAMES H. DAILEY
SHAWN P. DALRYMPLE
BRIAN C. DARNELL
CARSON E. DAVIS
JAY B. DAVIS
MICHAEL H. DAVIS
ROY F. DAVIS, JR.
BRANDON B. DAWALT
JACOB H. DAY
ALICIA R. DEASE
ASHOK K. DEB
LUIS A. DELEON
KENNETH H. DONNOLLY
JAMES F. DOUGHERTY
LAWRENCE DOUGLAS
BRENDAN J. DUNNE
AMBER J. EASTBURN
TYLER Q. EDDY
ERIN N. EIKE
CLIFFORD W. ELDER
STEVEN L. ELGAN
KEVIN A. ELLIOTT
JOEL P. ELLISON
SERANEL N. ENGUILLADO
THOMAS E. ENTERLINE
MICHAEL S. ERWIN
SHARI D. EVANS
TODD T. EVANS
PETER R. EXLINE
RICHARD G. EYRISH
JASON C. FARMER
TAMMY J. FEARNOW
PAUL J. FEDAK, JR.
ERIC P. FEKETE
JOHN D. FINCH
CHRISTOPHER D. FIRESTONE
SAMUEL T. FISHBURNE
ANDREW R. FLORENZ
MICHAEL M. FORBES
DAVID FORD, JR.
TAUNYA L. FORD
REGINALD L. FOSTER
JAMES R. FOURNIER
MICHAEL E. FRY
TERRY W. FRY
SAMUEL T. FULLER
ROBERT J. GABLE
CHARLES A. GAINESHAGER
GLEN F. GALEONE
YESENIA GARCIA
BENJAMIN C. GARNER
ROBERT W. GAUTIER III
JOHN F. GAVIGAN
ANTHONY M. GELORMINE
LARON D. GENERAL
MARLOW GHORSTYGRBRAKOXFDEIS
MATTHEW P. GIACOBBE
LOUIS C. GIANOULAKIS
SEAN GIBBS
JOSEPH I. GILBERT
JOHN F. GILBRETH
SHONDA L. GILCHRIST
MICHAEL A. GIORDANO
DAVID L. GOMEZ
RAINIER GONZALEZ
CONTRELL D. GOODE
KELLY K. GOODRICH
DERRICK L. GOODWIN
LINDA GRANT
XAVIER L. GREGORY
MICHAEL P. GROOM

KRISTA J. GUELLER
JEREMY D. GUY
CRAIG A. HAGER
KEITH E. HAGER
STARRIA HAIGOOD
PATRICK E. HAIRSTON
LINDSAY A. HALE
LUCAS E. HALE
BRANDON B. HALSEY
DAVID E. HAMMERSCHMIDT
PIERRE N. HAN
BRIAN M. HANLEY
BRIAN L. HANSEN
KURTIS S. HANSON
JOHN L. HARRELL
MICHAEL S. HARRIS
WALTER R. HARRISON
JANET L. HARROD
MATTHEW E. HARTMAN
BRIAN K. HAWKINS
ROBERT M. HAYES
AARON P. HEBERLEIN
AIMEE M. HEMERY
JOSEPH D. HESS
ROBERT K. HEWITT
JOSEPH L. HEYMAN
PATRICK J. HOFMANN
HERBERT H. HOLBROOK, JR.
DENNIS L. HOLIDAY
JOAN E. HOLLEIN
JEWELL M. HOSCILA
GREGORY E. HOTALING
DAVID W. HUGHES
GREGORY V. HUMBLE
IVAN E. HURLBURT
RONALD IAMMARTINO, JR.
LANCE E. JACKSON
JOSEF M. JACOBSEN
JEREMY T. JAMES
PAUL T. JEAN
NICHOLAS A. JEFFERS
SIMONE R. JENKINS
BARTON T. JENNINGS
KEVIN A. JENSEN
DANIEL J. JENTINK
BIJI T. JOHN
CARL P. JOHNSON
CHRISTOPHER M. JOHNSON
DOUGLAS V. JOHNSON, JR.
JACQUELINE L. JOHNSON
JEFFREY W. JOHNSON
KEITH D. JOHNSON
ANDRE E. JONES
MICHAEL C. JONES
TASHA N. JONES
TYLER L. JONES
ANTHONY S. JORDAN
JEFFREY M. KANE
NICHOLAS C. KANIOS
TARL E. KAROLESKI
JOSHUA D. KASER
LARRY M. KAY
PATRICIA KEEL
SHANE P. KELLEY
STEVEN M. KENDALL
JEFFREY C. KENDELLEN
JOSHUA S. KHOURY
DONALD D. KIM
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ANDREW D. KIRBY
RONALD E. KITCHENS
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CHRISTOPHER R. KOBYRA
JEFFREY J. KORNBLUTH
TIMOTHY A. KRAMBS
CHRISTOPHER A. KREILER
CHRISTOPHER G. KRUPAR
ALFREDA A. LACEY
JAMES A. LACOVARA
ROWELL V. LAINO
BRIAN S. LAMBERT
THOMAS J. LANEY
ROBERT B. LANIER
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DANIEL A. LAROSE
CHRISTAL L. LAWS
ANGELIQUE LEDESMA
ANDREW C. LEE
HERB LEGGETTE
ROBERT C. LEICHT, JR.
TYRONE A. LEWIS
SEAN A. LIBBY
RYAN F. LIEBHABER
NICHOLAS A. LONG
DENIS R. LORTIE, JR.
ROBERT W. LOYD
PHILIP X. LUU
JONATHAN W. MACDONALD
MATTHEW D. MACKEY
WILLIAM A. MACUGAY
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ADAM B. MANGRUM
ANTHONY D. MARCHAND
DAVID P. MARONE
GUALBERTO J. MARRERO
ALLISON A. MARSCHEAN
MICHAEL M. MARTIN
ADRIAN D. MASSEY
TOM O. MATCHIN III
WILLIAM C. MATTERN
JERZY M. MATYSZCZUK
BRIAN L. MAYER
ERICA T. MAYS
DAVID J. MCCARTHY
JERRY D. MCCULLEY
LEE E. MCKNIGHT
CORY T. MCKOY
ROHAN C. MCLEAN
COURTLAND B. MCLEOD
ROBERT E. MCMAHON
THOMAS H. MCMURTRIE III
DAVID L. MCNATT
THOMAS P. MCQUARY
JOSE M. MEDINA
GLENN A. MEDLOCK
JOHN A. MEISTER
CARIE M. MENDIOLA
KEVIN S. METHENY
JAMES R. MIJARES
BRE G. MILLARD
CATHERINE J. MILLER
KEITH B. MILLER
MATTHEW G. MILLER
NICHOLAS R. MILLER
ERICA M. MITCHELL
ANTHONY A. MOORE
HAROLD L. MORRIS
SHYLO R. MORRISON
ROBERT C. MOYER
VINCENT J. MUCKER
NICOLE Y. MUI
HENRY L. MUNOZ
HURCULES MURRAY II
JASON C. MURRAY
ERIC M. MUSGRAVE
LOUIS P. NEMEC
PETER A. NESBITT
JASON A. NEUBIG
JEFFREY M. NICHOLSON
JONATHAN NORMAN
BRIAN E. NORTHUP
RAHMIN J. NORWOOD
YAHMIN N. NORWOOD
JASON K. NOVAK
PETER K. NUNN
RACHAEL L. OCONNELL
TIMOTHY M. ODONNELL
HEATHER E. OKEMU
JOHN L. ONTKO, JR.
KATHERINE R. OPIE
HENRY OPOLOT
CHRISTOPHER E. OSGOOD
RICHARD R. PADEN
TIMOTHY D. PAGE
CARMEN A. PAGLIO
DAVID R. PARKER
BRIAN E. PATTON
DEIDRE E. PETERMAN
PAUL J. PETERS
BRIAN J. PETERSON
MICHAEL A. PETERSON
ANDREW R. PFLUGER
CLINDON J. PHILLIPS
JANET L. PHILLIPS
STEVEN S. PHIPPS
GARY W. PICKENS
JERONE O. PICKENS
PONGPAT D. PILUEK
JEREMY F. PITANIELLO
CHANTE D. PONDEXTER
DEBRA M. PONKO
SCOTT J. PORTER
SHAYLA D. POTTER
DONALD E. PRATT
DERRICK N. PRAY
KURT A. PRESSELL
JUSTIN W. PUNSHON
LOREN M. RACHFORD
MATTHEW J. RADIK
DONALD L. RAINES
PETER L. RANGEL
TRACI E. RAYBURN
ROBERT J. REDMON
ERIC M. REID
BLANCA REYES
KEVIN A. REYNOLDS
REGINALD H. RICE
ANGELA D. RICHARDS
JAMES E. RICHARDS
DERRICK L. RICHARDSON
ROBERT M. RICHARDSON
ERICKA T. RICHMOND
ADELISSE RIOJAS
DAVID J. RISIUS
DAVID E. RITTENHOUSE, JR.
RAFAEL G. RIVERA
DEREK O. ROBINSON
RUSTY W. ROBINSON
DANIEL J. ROGNE
ADRIENNE ROLLE
CHRISTOPHER W. ROPER
GAMALIEL ROSA
ABDIEL ROSADOMENDEZ
ANDREA M. ROSALES
AARON M. ROSPENDOWSKI
MARY M. ROSS
STEPHANIE J. ROYAL
BRIAN J. RYAN
SCOTT A. SALMON
BRETT T. SAMMIS
ANDREW P. SANDERS
JOHN L. SANDERS
ROBERTO A. SANTAMARIA
NATHAN L. SCHMUTZ
PATRICK SCHORPP
ERIC R. SCHWARTZ
BRIAN J. SCICLUNA
SHANE P. SCOTT
MARK A. SEABOLT
CHRISTOPHER N. SEBASTIAN
KRYSTAL G. SESSOMS
DENISE M. SEVERNS
DAVID S. SHEEHAN
PAUL M. SHEPPARD
SILVINO S. SILVINO
JOHN D. SIMMONS
AMY K. SITZE
KELLY L. SKRDLANT
BRIAN D. SLOSMAN
DAVID W. SMARTT
ABDUL SMITH
JOSEPH B. SMITH
ROBERT L. SMITH
SLADE K. SMITH
WILLIAM D. SMITH, JR.
JASON J. SONG
MARK D. SONSTEIN
JORGE D. SOTO
JILLIAN K. STACK
MICHAEL E. STADNYK
ANNA O. STALLINGS
KENNETH T. STALLINGS
TYLER J. STANDISH
SCOTT H. STARR
JONATHAN L. STCLAIR
ANDREW M. STONE
LARRY R. STRATTON
SEANSI L. STUCKER
DAVID M. STURGIS
THOMAS D. STYLES
ROBERT R. SUDO
DOUGLAS M. SWEET
JOHN W. TAGGART
KEVIN TANN
ERIC E. TAPP
TONYA TATUM
AGUSTIN M. TAVERAS, JR.
WILLIAM D. TAYLOR
ANGEL TEJADA
JAMES G. TEMPLE
KEVIN L. THAXTON
THEODORE A. THOMAS
EDWARD T. THOMPSON
SARAH E. THOMPSON
ERIC J. THORNBURG
MICHAEL C. THORPE
KENDRA T. TIPPETT
HOWARD C. TITZEL
MATTHEW D. TOBIN
AMY L. TORGUSON
RAMON B. TORRES
CARLOS TRINIDAD
GARRETT W. TROTT
HEATH A. TUCKER
TROY A. UHLMAN
OMAR A. VALENTIN
RAPHAEL VASQUEZ
JEREMY D. VAUGHAN
MICHAEL R. WACKER
ANGEL L. WADE
SCOTT R. WADE
JAMES R. WARREN
RYAN C. WATERS
JASON L. WEBB
ETHAN T. WEBER
STEPHEN L. WEST
CHAD C. WETHERILL
JAMES C. WHITE
SHANNON D. WHITE
STEVEN M. WHITESELL
JERIMIAH A. WILDERMUTH
CHRISTOPHER B. WILLIAMS
CHRISTOPHER J. WILLIAMS
CLIFTON S. WILLIAMS
JACKIE A. WILLIAMS
JENNIFER E. WILLIAMS
RENOR S. WILLIAMS
TERRY A. WILLIAMS
WILLIAM C. WILLIAMS
JEFFREY M. WILSON
MASON J. WILSON
MICHAEL D. WISE
BRIAN B. WOOD
ROBERT J. WOODRUFF
GREGORY J. WORDEN
KYLE R. YATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

EDWARD V. ABRAHAMSON
TIMOTHY M. ADAMS
THOMAS C. ADKINS
MICHELLE I. AETONU
ONDREA I. ALBERT
JORGE ALBIN, JR.
DAVID G. ALEXANDER
KARL P. ALLEN
ANDRA L. ALLISON
LITCHIA R. ALVAREZ
TREG E. ANCELET
RONALD J. ANDERT
MELISSA N. ANDREWS
BENSON S. ASIS
JAMES M. ASMAN
GEORGE A. AUBERT IV
MONA M. AUDERY
CHARLES D. AUSMAN
DANIEL J. AZZONE
ADRIAN R. BAILEY
MELONY L. BAKER
JOHN J. BALABANICK
ERIC J. BANKS
MICHELLE D. BARBEE
BEAU J. BARKER
WILLARD E. BARRON
SCOTT A. BASSO
ISAAC L. BATES
JOSEPH BATISTE, JR.
ANDREW J. BAUMAN
MARK E. BEERBOWER
PAUL N. BELMONT III
DAMON F. BENNETT
TANASHA N. BENNETT
KEN R. BERNIER
AUGUST A. BEYER IV
RODNEY G. BILBREW
SARAH BISCIAIOODEN
DAVID J. BLANCHARD
NIKKI M. BLYSTONE
DAMIEN BOFFARDI
DANA M. BOGARD
TIMOTHY E. BOGARD
JASON D. BOHANNON
OLUSHOLA BOLARINWA
PERRY R. BOLDING
DESIREE N. BOLTON
WENDY E. BOLTON
BENJAMIN D. BORING
CURTIS D. BOWE
MICHAEL D. BOYLES
PATRICK A. BRASSIL
WILLIAM J. BRICKNER, JR.
WILLIAM L. BROOKS
WILLIAM D. BROSEY
CHRISTOPHER A. BROWN
DEVRIM J. BROWN
MATTHEW S. BUCK
DOCIA L. BUCKNER
KRISTY A. BUERGER
RYAN C. BURCHAM
KEVIN R. BURGESS
ERIC M. BURKE
JOHN O. BURNETT
THADDEUS L. BURNETT
MICHAEL J. BURNS
SHAWN D. BURROUGHS
STEPHEN M. BUSSELL
ANNIE L. BUTLER
DALMYRA P. CAESAR
TEMARKUS M. CALDWELL
ANTHONY S. CAMARATO, JR.
DONALD L. CAMPBELL
ANGEL S. CANDELARIO, JR.
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JEFFRY T. CARLSON
JASON E. CARNEY
RANDOLPH S. CARPENTER
JENNIFER A. CARR
JOHN P. CEPEDA
VIDAL CHAVEZGONZALEZ
NICOLE M. CHILSON
SEANGTHIP CHITTAPHONG
EDWARD CHO
YOUNGJIN CHOE
WILLIAM S. CHOMOS
TENN R. CHOWFEN
DAVID O. CHRIST
LUKE R. CLOVER
JEFFREY P. COBERLY
JONATHON H. CODY
KATIA S. COLLETTE
KIRK P. CONNOR
JOE CONTRERAS
CHARLES W. CONWAY
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ROBERT D. COPE
JERIMIAH J. CORBIN
PHILIP D. CORDARO
AARON M. CORNETT
JAVIER A. CORTEZ
VIRGINIA A. CORTEZ
MICHAEL A. COTTON
THOMAS V. CRANE IV
JOSE A. CRESPO
RICHARD CRUZ
CHARLIE A. CUMMINGS, SR.
DAVID D. CYR
TIMOTHY C. DANIELS
KIZZY M. DANSER
SHAALIM H. DAVID
JENNIFER L. DAVIS
MAUREEN A. DAVIS
RODNEY R. DAVIS
THEODORE DAVIS, JR.
MARTIN J. DEBOCK
MICHAEL K. DEEMS
CRYSTAL L. DEFRANCISCO
ROBERT P. DEGAINE III
DENA M. DELUCIA
CARMEN J. DEMATTEO
KARLETON M. DEMPSEY
BRIAN T. DENNING
TENNILLE J. DERICKSON
CHRISTINE A. DESAINE
JAY J. DESHAZO
CARLOS F. DIAZ
CHRISTOPHER L. DIEDRICH
WILLIAM J. DORSEY
JAMES W. DOUGLAS, JR.
BRYAN R. DUNCAN
CLAYTON J. DUNCAN
STEVEN R. DUVALL, JR.
DAVID A. DYKEMA
JOSEPH P. DZVONIK
TASHAWN C. EHLERS
JAMIE R. ELGIN
DAVID E. ELLERMAN
TERRY L. ENGLAND
SAMUEL J. ESKEW
ROBIN R. EVANS
JAMES E. EVERETT III
CHARLES F. FAISON
DENIS J. FAJARDO
JANA K. FAJARDO
KENDRICK D. FANNIEL
TAMMY A. FANNIEL
DAVID A. FELDNER
GLADYS M. FERNAS
HUGHIE E. FEWELL
LOGAN J. FILECCIA
JAMES T. FISHER
CHANDLER G. FISK
BRENNAN C. FITZGERALD
MIGUEL A. FLORESRIVERA
FELICIA R. FLOYD
LATOSHA D. FLOYD
PHOEBE E. FLYNN
DUANE G. FOOTE
DAVID K. FOSTER
SCOTT J. FOUCHER
MICHAEL A. FOWLES
ODERAY L. FOWLES
ROBERT A. FOX
RICHARD D. FRANK
MARK L. FRASER
CHRISTA M. FRAZIER
KWANG C. FRICKE
DANNY R. FRIEDEN
JERRY L. FRIMML
JULIE J. FULLEMGILBERT
ARTYEMARIE S. FULLER
MARK A. GESKEY
TONYA K. GILLARD
TODD A. GONRING
SHAUN M. GORDON
FREDERICK H. GRANT
JOHN E. GRAY, JR.
DANILO A. GREEN
EDWARD M. GUTIERREZ
CHRISTOPHER P. HAAS
ANGELA L. HABINA
JEREMY R. HAHN
DWAYNE R. HAIGLER
CURTIS E. HALL
MAKEDA M. HALL
EDWARD A. HALSTEAD
AARON T. HAMILTON
JOSEPH O. HAMILTON
JERMAINE D. HAMPTON
JASON E. HANSA
AAREN M. HANSON
ERIN L. HARKINS
DAVID O. HARLAN
ERIC L. HARRIS
ADRIENNE M. HARRISON
DORIAN C. HATCHER
ERIC F. HEIL
STEVEN T. HELM
PATRICK M. HENRICHS
RUSSELL E. HENRY
BRYAN T. HERKEN
JEFFREY R. HERNANDEZ
LARRY W. HESLOP
ANDREW W. HESS
CHRISTOPHER M. HETZ
ULYSSES S. HICKS II
GEORGE A. HILL
TRAVIS W. HILL
LINWOOD R. HILTON
CURT A. HINTON
JEREMIAH S. HIRRAS
ANGELA M. HISE
JOHN D. HNYDA
GWENDOLYN D. HODGE
JASON R. HOLLAND
YEMSRACH B. HOLLEY
CHRISTOPHER J. HOLMES
JESSE B. HOLMES
ERIC J. HOLZHAUER
CEDRIC J. HOWARD
STEVEN E. HUBER
BRADLEY W. HUDSON
MODEQUE R. HUNTER
CANDACE B. HURLEY
LAURA G. HUTCHINSON
MICHAEL F. IANNUCCILLI
CARMEN J. IGLESIAS
DELIA L. IHASZ
SUNG J. IN
KENDRICK D. JACKSON
JOHN F. JACQUES
ADRIAN F. JASSO
MATTHEW R. JENKINS
JIMMY L. JOHNSON
MATTHEW D. JOHNSON
JAMES R. JOHNSTON
AARON L. JONES
CHAD M. JONES
RICARDO D. JONES
TROY S. JONES
PHILIP M. JORGENSEN
ANTHONY D. JOSEPH
ROBERT Z. KATZENBERGER
MACK S. KELLEY
ANGELO G. KELLUM
BRENT D. KENNEDY
BENJAMIN L. KILGORE
TURMEL A. KINDRED
CARL K. KLEINHOLZ
JASON W. KLOPF
GEORGE P. KLOPPENBURG
PAMELA D. KOPPELMANN
MALOLOGA LAGAI
EBONY S. LAMBERT
ERNEST J. LANE II
CHARLES E. LEE, JR.
LATRINA D. LEE
TYRONE D. LEE
RANDY P. LEFEBVRE
STEPHEN R. LEONARD
CHRISTINA M. LEWIS
MICHELLE A. LEWIS
MICHAEL A. LIND
ROSS B. LINDSEY
JEFFREY P. LIVINGSTON
MICHAEL T. LONG
FLOR Y. LOPEZ
TIMOTHY W. LUEDECKE
BRIAN I. LUST
KENSANDRA T. MACK
DANIEL S. MAINOR
RODNEY M. MALAUULU
THOMAS D. MALONE
JUSTIN M. MARCHESI
CANDICE MARTIN
ELOY MARTINEZ
LUIS A. MARTINEZ
MARIE F. MATAVAO
JAMES B. MATTOX
GEORGE B. MAY, JR.
JEFFREY S. MAY
CORINNE F. MCCLELLAN
JAMES D. MCCONNELL
SHAWN J. MCCRAY
DARIN C. MCDOLE
CHANNING G. MCGEE
ROBERT P. MCGINTY
JUSTIN M. MCGOVERN
HARLAN G. MCKINNEY
STUART I. MCMILLAN
SHAUN D. MCMURCHIE
MICHAEL S. MCVAY
DEMARCUS L. MCVEY
KIMBERLY D. MCVEY
RICHARD A. MCWANE
CHATA MEADOR
LARYNILSA MEDINA
JORGE MEDINARAMOS
ERIC MENDOZA
DUSTIN A. MENHART
DENNIS W. MEYER
ADAM M. MILLER
JAMES R. MILLER
JASON S. MILLER
JUSTIN L. MILLER
MATTHEW C. MILLER
STEPHANIE MILLS
JOSEPH S. MINOR
MELVIN T. MITCHELL
DERRICK D. MODEST
CHAD L. MONIZ
CLARENCE L. MONTAGUE
CHARLES L. MONTGOMERY
TIMOTHY A. MORALES
JEFFREY L. MORRELL
JONATHAN R. MORRIS
MERNA C. MORRIS
VINSON B. MORRIS
JOSEPH C. MORRISON
DONYA K. MOSLEY
JILL MOSS
KERRY J. MOTES
PHILLIP P. MURRELL
SHAWN C. NEELY
ANGELQUE R. NELSON
KURSTEEN NELSON
MARCELLINO M. NEVILLE
DOUGLAS S. NEWELL
PHILIP A. NICKLAS
LESLIE L. NOBLES

AKANINYENE A. OKON
ROBERT R. OLIVER
SETH M. OLMSTEAD
ERIC E. ORJIH
MANUEL L. ORTIZ
MOISES ORTIZ
NUNEZ A. ORTIZ
JOHN A. OWENS
NICHOLAS G. PAAVOLA
THERESA L. PAHANISH
ALBERTO J. PANTOJA
JAMES W. PAUL
STACY L. PENNINGTON
JULIAN PEREZ
MICHAEL O. PERRY
CRISTAL L. PETERSON
MATTHEW O. PETERSON
CHRISTOPHER D. PETREE
WILLIAM M. PHIFER
NICHOLAS P. PIEK
BRIAN J. PIEKIELKO
ANTONIOREY C. PINEDA
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STEPHEN A. POLACEK
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LUZHILDA P. RESTREPO
MICHAEL M. REVELS
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OLGA P. RIVERA
COREY D. ROBINSON
JORGE W. RODRIGUEZ
OSCAR G. RODRIGUEZ
CHRISTOPHER P. ROGERS
MARVIN G. ROJAS
CLYDE C. ROOMS
NADINE I. ROSS
NICHELLE A. RUFFIN
TEAGUE J. RUFFO
KRISTA M. RUSCHAK
RAMON C. SALAS
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DAVID W. SMITH, JR.
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MARY A. SMITH
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TODD A. TARNOFF
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DEMETRICK L. THOMAS
KRALYN R. THOMAS, JR.
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SCOTT D. THOMPSON
VAUGHN C. THOMPSON
EVAN R. TIMMENS
SOON M. TOGIOLA
KEVIN G. TOMLINSON
ROBERT L. TONEY
FRANK C. TORTELLA, JR.
DWIGHT F. TOWLER
JOHN C. TRAEGER
BILLY J. TUCKER
KEITHNER S. TUCKER
TAVARES A. TUKES
KEITH A. TYLER
FAAMAO UMALITANIELU
BRANDON H. UNGETHEIM
RUSSELL L. UNTALAN
RIGOBERTO VALDEZPEREZ
HECTOR M. VAZQUEZ
RONALD A. VELDHUIZEN, JR.
NICHOLE L. VILD
MICHAEL F. VOLPE III
DWAYNE L. WADE
MATTHEW H. WADLER
KNECHELLE S. WALKER
ALEX C. WALLACE
JASON W. WALSH
NICOLE M. WARD
LAKESHA M. WARREN
MICHAEL E. WARREN
BRENDA R. WATSON
NATASHA M. WAYNE
ROGER A. WAYNE
JAMES E. WEAVER
JASON A. WEIGLE
LYDIA Y. WELCH
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GERALD L. WESTRY
BRIAN T. WHEATLEY
SHERIDA Y. WHINDLETON
ERICA L. WHITE
ALTWAN L. WHITFIELD
ROBERT R. WHITTENBURG
JESSICA R. WILEY
TODD J. WILLERT
CONSTANZA WILLIAMS
CURTIS WILLIAMS
DENNIS K. WILLIAMS II
DOVIA L. WILLIAMS
ELAINE M. WILLIAMS
KALEYA M. WILLIAMS
NICOLE E. WILLIS
ANTHONY B. WILSON
SEAN R. WILSON
TODD A. WISE
LAURA P. WOOD
AARON T. WORKMAN
LARRY WRIGHT
LOUWANNA D. WRIGHT
ROBIN W. WRIGHT
XARHYA WULF
CURTIS L. YANKIE
KATINA S. YARBOUGH
SHAWN R. YOUNG
JAMES E. ZICKEFOOSE
MEGHAN B. ZIGLAR

# HOUSE OF REPRESENTATIVES—*Monday, April 26, 2010*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MORAN of Virginia).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*April 26, 2010.*

I hereby appoint the Honorable JAMES P. MORAN to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HINOJOSA) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Ever-present God, who knows us through and through, hasten to help us and strengthen the faith and unity of Your people.

Give us courage to attack what is evil and surrounds itself with negativity. History shows us You will fortify the just, lift up the lowly, and cleanse the pure of heart.

Empower us to accomplish what is good and give You the glory now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 26, 2010.*

Hon. NANCY PELOSI,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 26, 2010 at 9:31 a.m.:

That the Senate concur in the House amendment to the bill S. 1963.

That the Senate passed S. 3253.

That the Senate agreed to with an amendment H. Con. Res. 255.

Appointments:

Commission on Key National Indicators

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## HEALTH INFORMATION TECHNOLOGY RULEMAKING GIVES US AN IDEA OF WHAT TO EXPECT WITH NEW HEALTH REFORM LAW

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, 14 months ago this House passed in the stimulus bill a measure that contained $20 billion for information technology relating to health care. The Centers for Medicare and Medicaid Services published a rule on January 13 of this year to determine qualifications of what determined a so-called meaningful user and who will be able to receive this funding.

Mr. Speaker, this morning I spoke to the American Hospital Association. Our Nation's hospitals are almost unanimous in their dissatisfaction with the rules coming out of the Centers for Medicare and Medicaid Services. These rules are misguided, rigid, and in fact unattainable.

In fact, a bipartisan group of 248 members of this House of Representatives agreed. Further, instead of incentivizing compliance, these rules punish noncompliance. This undoubtedly gives us an idea of what we can expect with the rulemaking and regulation that will occur at the Centers for Medicare and Medicaid Services, Health and Human Services, Office of Personnel Management, and, for crying out loud, the Internal Revenue Service as they go through this same process addressing the new health care reform law. This will go on for years, and in fact decades, perhaps even generations.

Doctors, hospitals, information technology manufacturers, medical device manufacturers, and all Americans need to stay alert and pay attention to what's coming out of the agencies here in Washington, D.C.

Mr. Speaker, I urge all of us to stay involved and active. The stimulus and the reform bill will affect how health care is delivered for generations to come.

## ARIZONA VOTERS LIKE NEW LAW

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, while pro-amnesty advocates are busy criticizing Arizona's new immigration enforcement law, Arizona voters are registering their overwhelming support. According to a Rasmussen Reports telephone survey, 70 percent of likely voters in Arizona approve of the legislation, including 84 percent of Republicans, 69 percent of independents, and more than half of Democrats. These results are not surprising.

Arizonans are no different from other Americans. They want to see the Nation's immigration laws enforced. They are rightly concerned about the jobs that illegal immigrants take from citizens and legal immigrants, about their communities' safety, and about the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

substantial costs to taxpayers of illegal immigration.

If the Obama administration continues to ignore immigration laws, it should not be surprised if other States follow Arizona's example.

## HONORING ANTHONY ''TONY'' J. CORTESE

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Mr. Speaker, I rise today to honor the life and work of my friend, Anthony ''Tony'' J. Cortese. For the past four decades, Mr. Cortese was a proud and dedicated employee of the United States Postal Service.

I am proud to stand on the floor today in support of H.R. 4543, legislation to designate the Westgate Station Post Office in my district of San Jose, California, in memory of Mr. Cortese. I would also like to thank my good friend and the sponsor of this legislation, Congresswoman ZOE LOFGREN, for working closely with me on this effort.

Mr. Cortese was born in the San Francisco Bay area and moved to Santa Clara County with his family after his father took a job at the Ford plant in Milpitas. A few years after graduating James Lick High School in San Jose, Mr. Cortese started working as a letter carrier in the downtown San Jose post office.

Mr. Cortese was a tireless advocate for letter carriers in the region and made a significant impact on our community. In addition to his 42 years with the Postal Service, Mr. Cortese served 27 years as the president of the National Association of Letter Carriers Local 193. Under his leadership, this local procured a building for its members, secured expanded health benefits, and provided an open forum for discussion with union members, community advocates, and local elected officials.

Throughout his tenure, Mr. Cortese developed strong relationships with postal workers and management. His legacy and accomplishments at the Postal Service will not be forgotten.

Once again, Mr. Speaker, I rise to honor the life of Anthony Cortese, and ask my colleagues to support naming a post office in his honor. I want to congratulate the family, and I want to give a personal thanks, because without his work my family would not have benefited from the kinds of things he has done in our community.

## APPOINTMENT OF MEMBER TO SELECT INTELLIGENCE OVERSIGHT PANEL

The SPEAKER pro tempore. Pursuant to clause 4(a)(5) of rule X, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Select Intelligence Oversight Panel of the Committee on Appropriations:

Ms. WASSERMAN SCHULTZ, Florida.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## ANTHONY J. CORTESE POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4543) to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4543

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ANTHONY J. CORTESE POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, shall be known and designated as the ''Anthony J. Cortese Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Anthony J. Cortese Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am proud to present H.R. 4543 for consideration. This legislation will designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the Anthony J. Cortese Post Office Building.

Introduced by my friend and colleague Representative ZOE LOFGREN of California on January 27, 2010, H.R. 4543 was favorably reported out of the Oversight and Government Reform Committee on April 14, 2010, by unanimous consent. In addition, this legislation enjoys the overwhelming support of the California House delegation.

A 55-year resident of San Jose, California, Mr. Anthony Cortese was born in the East Bay city of Richmond, California, and graduated from James Lick High School in San Jose. While in his early twenties, Mr. Cortese began working for the United States Postal Service as a letter carrier in the downtown San Jose post office and continued to serve as a proud Postal Service employee for over 40 years. As a letter carrier, Mr. Cortese became an active member of his union, the National Association of Letter Carriers Local 193. Mr. Cortese climbed the ranks from shop steward to vice president, and in 1981 was elected union president, a position he proudly held for 27 years.

As president of Local 193 for nearly 30 years, Mr. Cortese devoted his efforts to advancing the well-being of his fellow letter carriers. Notably, Mr. Cortese successfully procured a union-owned headquarters building for the members of Local 193. He helped expand member health benefits and established an open, meaningful, and continuing dialogue between his union members and Federal, State, and local elected officials.

However, Mr. Cortese's service was not just limited to his efforts on behalf of his fellow letter carriers. Rather, Mr. Cortese's commitment to public service could be evidenced by his effort to benefit the entire San Jose community. Specifically, in 1990, Mr. Cortese established a local food drive initiative, sponsored by the National Association of Letter Carriers, that since 1991 has become a national food drive held every year on the first Saturday before Mother's Day.

Regrettably, Mr. Cortese passed away on February 11, 2007. However, while Mr. Cortese is no longer with us, his memory and legacy of public service will live on through his family, his friends, his community, and of course his fellow letter carriers.

Mr. Speaker, let us further honor the life and legacy of this letter carrier and former union president Anthony Cortese through the passage of H.R. 4543, which will designate the postal facility located at 4285 Payne Avenue in San Jose, California, in his honor. I urge my colleagues to join me and the bill sponsor, ZOE LOFGREN from California.

I reserve the balance of my time.

Mr. OLSON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4543, designating the facility of the United States Postal Service located at 4285 Payne Avenue in San

Jose, California, as the Anthony J. Cortese Post Office Building.

□ 1415

A graduate of James Lick High School in San Jose, Mr. Cortese started working as a letter carrier in his early twenties. He was known for his outgoing nature and ability to work collaboratively to get things done, whether he was resolving workplace issues or organizing charitable work in the local community.

As president of the National Letter Carriers Association Branch 193 for over 26 years, Mr. Cortese had one of the longest tenures of any local labor official. Not only did Mr. Cortese help build membership of more than 1,000 local postal workers into a political force, he also helped to initiate a food drive in which letter carriers collected donations for the Second Harvest Food Bank for families in the San Jose area. This program served as a pilot for what ultimately became a national food drive sponsored by the NALC. The program continues today and is just one of the generous contributions Mr. Cortese made to his community and his country.

Sadly, this outstanding citizen of San Jose died of a heart condition on February 11, 2007. He leaves behind his wife, Barbara; his daughter, Caroline; his sister, Mary; and his grandchildren, Austin and Ashley.

For his tireless efforts for his fellow postal workers and people in need throughout the country, it is fitting that we name the post office in Tony Cortese's honor.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. I want to thank the gentleman from Texas for his kind remarks. And I would encourage my colleagues to join the lead sponsor of this measure, ZOE LOFGREN from California, in supporting H.R. 4543.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in support of H.R. 4543, a bill to designate the U.S. Post Office located at 4285 Payne Avenue in San Jose, California, as the Anthony J. Cortese Post Office.

For over four decades, Mr. Cortese was a proud and dedicated employee of the United States Postal Service. He was also a loving family man, respected community leader, and a friend to many of us in local government.

Mr. Cortese was born in the East Bay and moved to Santa Clara County with his family after his father went to work at the Ford Plant in Milpitas. A few years after graduating from James Lick High School in San Jose, Mr. Cortese started working as a letter carrier in the downtown San Jose post office.

Mr. Cortese was a tireless advocate for letter carriers in the region and made a significant impact on his community. In addition to his forty-two years with the Postal Service, Mr. Cortese served twenty-seven years as the president of the National Association of Letter Carriers Local 193. Under his leadership, Local 193 procured a building for its members, secured expanded health benefits, and provided an open forum for discussion with union members, community advocates, Postal Service supervisors, and local elected officials. Throughout his tenure, Mr. Cortese developed strong relationships with postal workers and management.

Mr. Cortese's service was not limited to advocacy of union members, but extended into the San Jose community and beyond. In 1990, Mr. Cortese started a food drive program through the Second Harvest Food Bank to help needy families in the San Jose area. Under Mr. Cortese's guidance, this program served as a pilot for what would become a national food drive sponsored by the National Association of Letter Carriers.

I urge all of my colleagues to join Congressman MIKE HONDA and me to vote in favor of this bill to honor our good friend, Anthony J. Cortese.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4543.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## HONORING THE LIFE AND ACCOMPLISHMENTS OF SAM HOUSTON

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1103) celebrating the life of Sam Houston on the 217th anniversary of his birth, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1103

Whereas Sam Houston was born at Timber Ridge Church, near Lexington, Virginia, on March 2, 1793;

Whereas Sam Houston as an enlisted soldier fought courageously in the War of 1812, and after receiving three near-mortal wounds at the Battle of Horseshoe Bend, rose to the rank of first lieutenant;

Whereas Sam Houston studied law, was admitted to the bar in 1818, and commenced practice in Lebanon, Tennessee;

Whereas Sam Houston became District Attorney in 1819, Adjutant General of the State in 1820, and Major General in 1821;

Whereas Sam Houston was elected to the United States Congress for the State of Tennessee in 1823 and again in 1825 before serving as Governor from 1827 to 1829;

Whereas Sam Houston moved to Oklahoma, served as an advocate for Native American rights and a representative of the Cherokee Nation, and then became a Cherokee citizen on October 21, 1829;

Whereas Sam Houston moved to Texas in 1835 and joined the movement to establish separate statehood for Texas;

Whereas Sam Houston was elected as the commander-in-chief of the armies of Texas in 1836;

Whereas, on April 21, 1836, Sam Houston's forces defeated Mexican President and General Santa Anna, securing Texas' long sought independence;

Whereas the city of Houston, Texas, was named after then-President of the Republic of Texas, Sam Houston, on June 5, 1837;

Whereas Sam Houston was elected the first President of the Republic of Texas and served 2 terms, followed by 2 years with the Texas Congress, after which he returned to serve as President from 1841 to 1844;

Whereas, after Texas joined the Union in 1845, Sam Houston was elected Senator to the United States Congress and served from 1846 to 1859;

Whereas Sam Houston once again resigned his position with Congress to serve as Governor of Texas from 1859 to 1861;

Whereas Sam Houston was deposed on March 18, 1861, because he refused to take the oath of allegiance to the Confederate States;

Whereas Sam Houston died in Huntsville, Texas, on July 26, 1863, and was then interred in Oakwood Cemetery;

Whereas Sam Houston is the only person in United States history to have been the Governor of 2 different States, Tennessee and Texas;

Whereas a memorial museum, U.S. Army base, national forest, historical park, university, and the largest free-standing statue of a United States figure recognize the life of Sam Houston; and

Whereas Sam Houston still stands as a symbol for Texas solidarity and is one of the most significant individuals in the history of Texas: Now, therefore, be it

*Resolved*, That the House of Representatives honors the life and accomplishments of Sam Houston for his historical contributions to the expansion of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I present House Resolution 1103 for consideration. This resolution honors the life and accomplishments of Sam Houston for his historical contributions to the expansion of the United States.

Introduced by my friend and colleague, Representative MIKE MCCAUL of Texas, on February 24, 2010, House Resolution 1103 was favorably reported

out of the Oversight Committee on April 14, 2010, by unanimous consent. In addition, the legislation enjoys the support of over 50 Members of Congress.

As we all know, Sam Houston, a 19th century American soldier, statesman and politician, played a pivotal role in the development of the State of Texas as well as our collective national history. As a soldier enlisted in the 7th Infantry Regiment, Private and then-First Lieutenant Houston fought courageously in the Battle of 1812 during which he received nearly mortal wounds at the Battle of Horseshoe Bend in March of 1814.

As a practicing attorney in the State of Tennessee, Mr. Houston served as a district attorney in 1819, as the State's adjutant general in 1820, and then as a major general in 1821.

As a United States Representative elected to the 18th and 19th Congresses, Mr. Houston proudly represented the State of Tennessee before his service as the State's Governor from 1827 to 1829. As a subsequent resident of the State of Oklahoma, Mr. Houston served as a vocal advocate in support of Native American rights and in 1829 was recognized as a member of the Cherokee Nation by the Cherokee National Council. However, Mr. Houston is best known for his relentless efforts to secure statehood for Texas.

In 1835, Mr. Houston moved to the Texas territory and promptly served as a member of the convention at San Felipe de Austin, a gathering of colonists designed to promote and establish separate statehood for Texas. One year later, Mr. Houston was elected to serve as commander in chief of the Texas army and in this capacity successfully led his volunteer Texas forces against those of Mexican General Antonio Lopez de Santa Ana in the Battle of San Jacinto. Notably, the battle culminated with the signing of the Treaty of Velasco, which recognized the Republic of Texas.

In recognition of his service, Mr. Houston was subsequently elected to serve as the first President of the Texas Republic, a position that he held from 1836 to 1838 and again from 1841 to 1844. Fittingly, the city of Houston was named after the President of the Texas Republic in 1837.

Mr. Houston also served the Texas Republic as a member of the Texas Congress from 1838 to 1840, and upon Texas' admission as a State into the Union, served as a United States Senator from the 31st through the 34th Congresses. Mr. Houston would also serve as Governor of the State of Texas from 1859 to 1861, making him the only person in the United States to ever have served as the Governor of two different States. Notably, Mr. Houston's tenure as a Texas Governor ended with his refusal to take an oath of loyalty to the Confederacy following Texas' secession from the Union, an act that Mr. Houston deemed illegal.

Mr. Houston died on July 26, 1863, at the age of 70. Fittingly, his last words, as spoken to his wife, Margaret, were reportedly: "Texas, Texas, Margaret . . ."

Mr. Speaker, let us honor the lasting contributions of Sam Houston to the State of Texas and our national history through the passage of this resolution, H. Res. 1103.

I urge my colleagues to join Mr. MCCAUL of Texas in supporting H. Res. 1103.

I reserve the balance of my time.

Mr. OLSON. Mr. Speaker, I rise in support of the resolution, and I yield myself such time as I may consume.

Mr. Speaker, I am honored to rise today in support of H. Res. 1103, introduced by a fellow Texan and colleague, Congressman MIKE MCCAUL, honoring the life and accomplishments of Sam Houston for his historical contributions to the expansion of the United States.

Sam Houston lived an amazing and vibrant life. Shortly after moving to Tennessee from his home in the State of Virginia, Sam was drawn to the Cherokee Indians, a tribe that would have a profound impact on his life.

At the age of 19, Sam Houston enlisted in the military to fight the British in the War of 1812, where he distinguished himself for his bravery and was wounded several times in battle. After the war, his attention shifted to the study of law. In 1823, he was elected to the first of two terms here in this body, the United States Congress, before being elected Governor to the State of Tennessee in 1827. In 1828, Houston resigned from Tennessee politics, returning to live with his longtime friends, the Cherokee Indians.

In 1835, Sam Houston left the Cherokee and his life in Tennessee and moved to Texas, where he quickly gained notoriety for his leadership in seeking independence from Mexico. In the wake of defeat at the Alamo on April 21, 1836, Houston rallied the armies of Texas to victory, decisively defeating Santa Anna and the Mexican Army at the Battle of San Jacinto, securing independence for Texas and his heroic place in the Nation's history.

Shortly after securing independence, Sam Houston was elected the first President of the Republic of Texas, beginning a long and successful career in Texas politics. He went on to serve a second term as President of the Republic before being elected as a United States Senator after statehood in 1845. In 1859, Houston continued his public service when he was elected Governor of the State of Texas and became the only person in U.S. history to serve as Governor in two States.

Though sometimes embroiled in controversy, Sam Houston was a passionate, dedicated statesman who played an important role in shaping this great Nation. I urge my colleagues to support this resolution and honor the accomplishments of this important, if not heroic, figure in American history and the history of my home State, the great State of Texas.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Res. 1103—Celebrating the life of Sam Houston on the 217th anniversary of his birth. Sam Houston was born March 2, 1793, in Tiber Ridge, Virginia.

General Houston was an American statesman, politician, and soldier. He is a key figure in the history of Texas, including periods as the 1st and 3rd president of the Republic of Texas, as Senator after annexation, and finally as governor.

In his early life, he moved to Tennessee, where he served in the military during the War of 1812 and later had a successful career in Tennessee politics. A fight with a Congressman led to his move to Texas, where he soon became a leader of the Texas Revolution.

Houston attended the Convention of 1833, representing Nacogdoches, and supported independence from Mexico. He was made a Major General of the Texas Army in November 1835, then Commander-in-Chief in March 1836, at the convention where he signed the Texas Declaration of Independence.

At the Battle of San Jacinto on April 21, 1836, General Houston surprised General Santa Ana and the Mexican forces, and in less than 18 minutes, the battle was over. General Santa Ana was forced to sign the Treaty of Velasco, granting Texas independence. During the battle General Houston was shot, shattering his ankle.

The settlement of Houston was founded in August 1836 by the Allen brothers. It was named in Houston's honor and served as capital.

Houston was twice elected president of the Republic of Texas. He served from October 1836 to December 1838, and again from December 1841 to December 1844. While he initially sought annexation by the U.S., he dropped that hope during his first term.

After the annexation of Texas by the United States in 1845, Houston was elected to the U.S. Senate. He served from February 1846 until March 1859.

He twice ran for governor of Texas, unsuccessfully in 1857 and successfully in 1859. Despite Houston's being a slave owner and against abolition, he opposed the secession of Texas from the Union.

Despite Houston's wishes, Texas seceded from the United States in February 1861 and joined the Confederate States of America in March 1861. This act was soon branded illegal by Houston, but the Texas legislature nevertheless upheld the legitimacy of secession. The political forces that brought about Texas's secession also were powerful enough to replace the state's Unionist governor.

To avoid bloodshed, Governor Houston chose not to resist, and instead retired to Huntsville, Texas, where he died before the end of the Civil War. Today, Governor Houston has a memorial museum, a U.S. Army base, a national forest, a historical park, a university, and the largest free-standing statue of an American figure, in his honor.

Mr. BRADY of Texas. Mr. Speaker, I rise today in support of H. Res. 1103, honoring the anniversary of the birth of a great Texan, Sam Houston. Due to a conflict I was unable to cast my vote in support of this bill yesterday.

Sam Houston was a larger than life character who left a lasting impact on the history of Texas. Already an established statesman—as first a member of this body and Governor of the state of Tennessee—Sam Houston's leadership was essential in Texas gaining independence from Mexico and later in achieving statehood. Sam Houston led the Texas Revolutionary forces in the Texas War of Independence and was instrumental in achieving victory over at the Battle of San Jacinto.

The only person to have been the governor of two different states, Sam Houston also was an inaugural Senator from Texas.

I have long been impressed with Sam Houston. In my office, I proudly display two portraits of Houston.

Sam Houston's legacy is important to the people of Texas' Eighth congressional district. A much larger than life statue of Sam Houston greets all who come to Huntsville—the east Texas town where Sam Houston spent his golden years and where his name lives on at Sam Houston State University. At 67 feet tall and 25 tons, the steel and concrete statue aptly named "A Tribute to Courage" is a testament to how the Huntsville community continues to cherish Sam Houston.

Mr. Speaker, I am proud to celebrate the life of Sam Houston. For all his accomplishments, the people of the great state of Texas remain forever in his debt and will continue to honor his memory and public service on this anniversary of his birth.

Mr. McCAUL. Mr. Speaker, I come to the floor today to recognize Sam Houston's contributions to Texas and our Nation. Sam Houston was a statesman, military leader, and politician who made remarkable contributions to Texas and our Nation. His achievements include representing both Tennessee and Texas in the U.S. Congress; defeating Mexican President Santa Anna to secure Texas' long sought independence; and being named the first President of the Republic of Texas for two terms. Additionally, he was the only person in U.S. History to have been the governor of two different states, Texas and Tennessee.

The State of Texas has recognized Sam Houston's achievements with the naming of the City of Houston. His is also remembered by a memorial museum, a U.S. Army Base, a national forest, a historical park, a university and the largest free-standing statue of an American figure.

The patriotic spirit of Sam Houston is carried by every Texan, and is especially seen in his great grandson, Sam Houston the 4th. I am proud to say this gentleman is my constituent. I have seen Sam Houston 4th every year at Texas Day of Independence celebration and feel that his vote is the best endorsement I have ever had.

Please join me in acknowledging Sam Houston's accomplishments with this resolution.

Mr. OLSON. Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, again I encourage my colleagues to join Mr. McCAUL and Mr. OLSON of Texas in supporting H. Res. 1103, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1103, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## STEVE GOODMAN POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4861) to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the "Steve Goodman Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4861

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. STEVE GOODMAN POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, shall be known and designated as the "Steve Goodman Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Steve Goodman Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am proud to present H.R. 4861 for consideration. This legislation will designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the "Steve Goodman Post Office Building."

Introduced by my good friend and colleague, Representative MIKE QUIGLEY of Chicago, on March 16, 2010, H.R. 4861 was favorably reported out of the Oversight and Government Reform Committee on April 14, 2010 by unanimous consent. In addition, this legislation enjoys the support of the entire Illinois House delegation.

□ 1430

A beloved native of the City of Chicago, American folk singer and songwriter Steve Goodman was born on July 25, 1948, on Chicago's north side. Mr. Goodman graduated from Maine East High School in Park Ridge, Illinois, in 1965, and subsequently enrolled at the University of Illinois.

After 1 year, Mr. Goodman left the University of Illinois in order to pursue a musical career. In 1968, he began performing at the famed Earl of Old Town folk club in Chicago's Old Town neighborhood where he first attracted a large popular following and where he soon became a regular performer throughout the city. Mr. Goodman's subsequent and distinguished musical career evidenced his dual mastery of songwriting and performance as well as his genuine devotion to his hometown, and he left an indelible mark on both American folk music and on the city of Chicago.

As noted by the Chicago Tribune earlier this month, Mr. Goodman's collection of songs told "wondrous, intricate stories," and "if you were a fan and you lived in Chicago when he was alive, you couldn't help but feel like he was a private pleasure."

Notably, Mr. Goodman released 10 folk music albums during his life, which were followed by five posthumous releases. Included among his most enduring songs was the "City of New Orleans," a song about the Illinois Central's City of New Orleans train that was recorded by Arlo Guthrie and which became a top 20 hit in 1972. The song would also become an American standard, covered by such musicians as Johnny Cash and Willie Nelson, whose recorded versions earned Mr. Goodman a posthumous Grammy Award in the Best Country Song category in 1985. Mr. Goodman later received a second posthumous Grammy Award in the Best Contemporary Folk Album category in 1988 for his critically acclaimed album "Unfinished Business."

Additionally, Mr. Goodman is well-known for writing and performing a variety of humorous songs about the City of Chicago, including "Daley's Gone," which is a eulogy of the late mayor Richard J. Daley, and "A Dying Cubs Fan's Last Request," also "When the Cubs Go Marching In" and "Go, Cubs. Go!" in honor of his beloved Chicago

Cubs. The latter song can be heard playing on the loudspeakers at Wrigley Field after every Cubs' home win.

In addition to his musical contributions, Mr. Goodman is equally remembered for the courage and positivity that he always evidenced throughout his 15-year battle with leukemia. While Mr. Goodman was diagnosed with the disease at the early age of 20, in the words of the Chicago Tribune, he was always ''a little guy with a huge smile, and he was Chicago.''

Regrettably, Mr. Goodman passed away on September 20, 1984, at the age of 36. Four days after his death, the Cubs clinched the National League's Eastern Division title, and on October 2, 1984, they played their first post-season game since the 1945 World Series. While Mr. Goodman had been asked to sing the national anthem for the occasion, Jimmy Buffet performed the ''Star-Spangled Banner'' in his absence and dedicated the song to Mr. Goodman, whose ashes were subsequently scattered at Wrigley Field.

Mr. Speaker, let us honor the life and legacy of Mr. Goodman through the passage of this legislation, H.R. 4861, to designate the West Irving Park Road Post Office in his honor. I urge my colleagues to join Mr. QUIGLEY of Chicago in supporting H.R. 4861.

I reserve the balance of my time.

Mr. OLSON. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4861, designating the facility of the United States Post Office, located at 1343 West Irving Park Road in Chicago, Illinois, as the ''Steve Goodman Post Office Building.''

Born on July 25, 1948, in Chicago, Illinois, Steve Goodman began his lifelong musical career as a teenager. After graduating from Maine East High School in 1965, Mr. Goodman entered the University of Illinois and started a band called The Juicy Fruits with friends from the Sigma Alpha Mu fraternity.

After 1 year, he left college to pursue his musical career full time. He was a regular performer in Chicago, and often supported himself by singing commercials. He often performed, but he was known as an excellent and influential songwriter. Known more prominently in folk music circles than in commercial venues, Mr. Goodman's music represented a chronicle of the times, including his many, many humorous songs about Chicago.

His legendary creation of the ''City of New Orleans'' got the attention of top recording artists, such as Arlo Guthrie, Johnny Cash, Judy Collins, Chet Atkins, and Willie Nelson, who all recorded this much-loved song. He was also known as a diehard Cubs fan, and his songs were often played at Wrigley Field. In 1984, his beloved Cubs won the Eastern Division title in the National League for the first time.

Sadly, Mr. Goodman died of leukemia before he could sing the ''Star-Spangled Banner'' for that first divisional post-season game. He was 36 years old. Jimmy Buffet filled in, dedicating the song to Mr. Goodman. Subsequently, some of Mr. Goodman's ashes were scattered at Wrigley Field.

I appreciate the opportunity to recognize this man of Chicago, Steve Goodman, who is world renowned for his many musical accomplishments.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. I thank the gentleman from Texas for his kind remarks, and I urge my colleagues to join with the gentleman from Chicago, Illinois, Congressman MIKE QUIGLEY, in supporting H.R. 4861.

Mr. QUIGLEY. Mr. Speaker, I rise today in support of H.R. 4861, a resolution to name the Post Office at 1343 West Irving Park Road after Steve Goodman.

Steve Goodman was a true Chicagoan, a legendary folk singer and songwriter and a faithful Cubs fan.

Sadly, Goodman succumbed to leukemia in 1984 at the young age of 36 after a courageous 15-year battle with the disease.

Over the course of his illness, Goodman wrote some of the most enduring American folk songs, including "The City of New Orleans," for which he won one of his two Grammy awards, and the great Chicago tune "Lincoln Park Pirates."

Goodman's career was inexorably intertwined with Chicago's Old Town School of Folk Music, where he learned his craft and and befriended folk music luminaries such as Roger McGuinn of the Byrds, Bob Gibson, Bonnie Koloc, and John Prine.

While older Goodman fans are no doubt aware of his connection to the Cubs, best exemplified by his song "A Dying Cubs Fan's Last Request," in recent years younger generations have come to know Steve Goodman as the writer and performer of "Go, Cubs, Go," the anthem played at Wrigley Field following Cubs' wins.

Steve's spirit lives on after every Cubs home win, as thousands of fans happily head home from Wrigley singing, "Go Cubs, Go . . ."

With the passage of this legislation, it's possible that the strains of this happy tune will be heard on the steps of the Steve Goodman Post Office, not a mile up Clark Street from Wrigley Field.

Naming the Post Office at 1343 West Irving Park Road after Steve Goodman is a small but fitting way to honor the life and work of a man whose music was always imbued with emotions and scenes of everyday life.

I urge the swift passage of this legislation.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4861.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 37 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4543, by the yeas and nays;

House Resolution 1103, by the yeas and nays;

H.R. 4861, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## ANTHONY J. CORTESE POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4543, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4543.

The vote was taken by electronic device, and there were—yeas 370, nays 0, not voting 60, as follows:

[Roll No. 221]

YEAS—370

| | | |
|---|---|---|
| Ackerman | Bachus | Bilirakis |
| Aderholt | Baird | Bishop (NY) |
| Adler (NJ) | Baldwin | Bishop (UT) |
| Akin | Barrow | Blackburn |
| Alexander | Bartlett | Blumenauer |
| Altmire | Barton (TX) | Blunt |
| Andrews | Bean | Boccieri |
| Arcuri | Berkley | Boehner |
| Austria | Berman | Bonner |
| Baca | Biggert | Bono Mack |
| Bachmann | Bilbray | Boozman |

Boren
Boswell
Boucher
Boustany
Boyd
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—60

Barrett (SC)
Becerra
Berry
Bishop (GA)
Brady (PA)
Brady (TX)
Brown, Corrine
Cao
Capuano
Castor (FL)
Coble
Costa
Cummings
Davis (AL)
Davis (IL)
Dingell
Fallin
Fleming
Fudge
Gingrey (GA)
Gohmert
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hoekstra
Inglis
Israel
Johnson (IL)
Kaptur
Kilpatrick (MI)
Kirk
Kissell
Kosmas
Lipinski
Mack
Maffei
Mollohan
Moore (WI)
Moran (VA)
Neal (MA)
Pascrell
Price (GA)
Rohrabacher
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Shadegg
Simpson
Souder
Speier
Stupak
Tiahrt
Towns
Wamp
Weiner
Woolsey
Young (FL)

□ 1858

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1963. An act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

## HONORING THE LIFE AND ACCOMPLISHMENTS OF SAM HOUSTON

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1103, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1103, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 0, not voting 55, as follows:

[Roll No. 222]

YEAS—375

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz

Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—55

Barrett (SC)
Becerra
Berry
Brady (PA)
Brady (TX)
Brown, Corrine
Cao
Capuano
Castor (FL)
Coble
Cummings
Davis (AL)
Davis (IL)
Dingell
Fallin
Fleming
Fudge
Gingrey (GA)
Gohmert
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hoekstra
Inglis
Israel
Johnson (IL)
Kaptur
Kilpatrick (MI)
Kirk
Kissell
Lipinski
Mack
Maffei
Mollohan
Moore (WI)
Moran (VA)
Neal (MA)
Pascrell
Price (GA)
Rohrabacher
Ruppersberger
Rush
Sanchez, Loretta
Shadegg
Simpson
Souder
Stupak
Tiahrt
Towns
Wamp
Weiner
Woolsey
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left to vote.

□ 1907

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Honoring the life and accomplishments of Sam Houston for his historical contributions to the expansion of the United States.''.

A motion to reconsider was laid on the table.

## STEVE GOODMAN POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4861, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4861.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 59, as follows:

[Roll No. 223]

YEAS—371

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—59

Barrett (SC)
Becerra
Berry
Brady (PA)
Brady (TX)
Brown, Corrine
Buyer
Cao
Capuano
Castor (FL)
Coble
Cummings
Davis (AL)
Davis (IL)
Dingell
Fallin
Fleming
Franks (AZ)
Fudge
Gingrey (GA)
Gohmert
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hoekstra
Inglis
Israel
Johnson (IL)
Kaptur
Kilpatrick (MI)
Kirk
Kissell
Lipinski
Mack
Maffei
Mollohan
Moore (WI)
Moran (VA)
Neal (MA)
Olson
Pascrell
Price (GA)
Rohrabacher
Ruppersberger
Rush
Sanchez, Loretta
Shadegg
Simpson
Souder
Stupak
Tiahrt
Towns
Wamp
Waters
Weiner
Woolsey
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left to vote.

□ 1914

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Madam Speaker, I was unable to attend to several votes today. Had I been present, I would have voted "aye" on final passage of H.R. 4543, "aye" on final passage of H. Res. 1103, and "aye" on final passage of H.R. 4861.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 221, 222, and 223.

ARIZONA'S IMMIGRATION LAW

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, last Friday, Arizona State Governor Jan Brewer signed into law Arizona State bill 1070 which would require police officers to act on "reasonable suspicion" to determine a person's immigration status and turn them over to ICE. President Obama referred to the law as "misguided."

Forcing Federal immigration duties onto local law enforcement officers is not the right way to fix the broken immigration system. It violates the presumption of innocence granted to everyone by the Constitution of the United States.

In fact, I as a Member of Congress because of the color of my skin may be approached in Arizona and be asked for my legal documentation. They may question whether it's authentic or not authentic.

This law is unjust and will only lead to an increase in racial profiling. We must never forget that America was a nation founded by immigrants.

I call on all of us to consider a national boycott of all industries in Arizona and to a wear a band on our sleeves to protest against this unjust law and to show that this is not the American way. We must not tolerate unjust laws inspired by racism and hate.

IN SUPPORT OF H.R. 2499, THE PUERTO RICO DEMOCRACY ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, on Wednesday, the House will consider H.R. 2499, the Puerto Rico Democracy Act. I am proud to support this bipartisan bill which would allow the residents of Puerto Rico the opportunity to voice their opinions on the status of the island's relationship to the mainland, to the United States, through a federally sanctioned plebiscite.

Nearly 4 million U.S. citizens currently reside in Puerto Rico and my congressional district in South Florida is home to nearly 20,000 American citizens of Puerto Rican descent.

Although Puerto Rico has been a U.S. territory for more than 100 years, Congress has never asked those American citizens residing in Puerto Rico to express their opinion on the territory's political status. This bill does not exclude any viable status option nor does it provide for a change in status to be automatically implemented. Instead, the bill initiates a long overdue process of consultation with the U.S. citizens of Puerto Rico.

I urge my colleagues to join me in supporting the Puerto Rico Democracy Act when it comes to a vote later this week.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4753

Mr. JOHNSON of Georgia. Madam Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 4753, the Stationary Source Regulations Delay Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

OCCUPATIONAL THERAPY MONTH

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute.)

Mr. MCNERNEY. Madam Speaker, I rise to recognize April as Occupational Therapy Month, an important occasion to acknowledge the contributions that occupational therapists and occupational therapy assistants make every day to help people live healthier lives.

Occupational therapy professionals work tirelessly with people of all ages to them prevent injuries, recover after an accident, and adjust their lives to new physical challenges they may experience. In my home State, occupational therapy professionals provide essential health and rehabilitation services to thousands of Californians each year. In facilities throughout my district like Lodi Memorial Hospital and the Kaiser Foundation Hospital in Manteca, skilled occupational therapy practitioners help my constituents achieve functional independence every day.

I ask my colleagues to join me in supporting April as Occupational Therapy Month and in applauding the work of occupational therapists and occupational therapy assistants throughout the country.

ASSESSING NEW HEALTH CARE LAW

(Mr. ROONEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY. Madam Speaker, last week the Centers for Medicare and Medicaid Services' Office of the Actuary released a memo estimating the financial effects of the new health care law. Not surprisingly, they found that costs will increase and access to care will be threatened as this legislation is implemented over the next 10 years.

According to the independent report, "Providers for whom Medicare constitutes a substantive portion of their business could find it difficult to remain profitable and, absent legislative intervention, might end their participation in the program—possibly jeopardizing access to care for beneficiaries." Put simply, the new law will force many doctors to stop seeing Medicare patients, leaving seniors in my district out in the cold.

Additionally, the report claims that "total national health expenditures in the United States during 2010 to 2019 would increase by about 0.9 percent. The additional demand for health services could lead to price increases, cost-shifting, and/or changes in providers' willingness to treat patients with low-reimbursement health coverage."

The new health care law will drive up costs and make it more difficult for many Americans, especially seniors, to get the care they need.

REMEMBERING SERGEANT JASON A. SANTORA

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, I rise with a heavy heart following the loss of Army Sergeant Jason A. Santora, who was killed this past Friday fighting Taliban insurgents in Afghanistan.

Sergeant Santora was from Farmingville, New York, in my district of eastern Long Island. He graduated from Sachem High School in 2003 and joined the Army in 2006, becoming a member of the elite Army Rangers.

He was assigned to the 3rd Battalion, 75th Ranger Regiment at Fort Benning. Although only 25 years old, he was serving his fourth tour of duty. He served two in Iraq and was 2 months into his second tour as a team leader in Afghanistan's Logar Province.

Sergeant Santora's unit was on a mission to target a compound believed to be a Taliban terror nest when it was ambushed from multiple directions by heavy machine-gun fire. He died of wounds sustained in that gunfire and was posthumously awarded the Purple Heart, Bronze Star and Meritorious Service Medal. The commanding officer of the 75th Ranger Regiment honored his courage by describing Sergeant Santora as a warrior, a true patriot, and an absolute hero who made the ultimate sacrifice in defense of our Nation.

Madam Speaker, during the difficult days ahead, my thoughts and prayers are with Sergeant Santora's family—his father, Gary; his mother, Theresa; and his sister, Gina. On behalf of New

York's First Congressional District, I thank Sergeant Santora for his service, his gallantry, and his selfless commitment. A grateful nation will always remember his sacrifice and honor his memory.

## NATIONAL AUTISM AWARENESS MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, I rise today because April is National Autism Awareness Month. Autism affects nearly one in every 110 children born in the United States and is the fastest growing developmental disability.

With approximately 1.5 million Americans currently living with autism, we have a responsibility to support research and provide resources to support those living with autism. Studies have shown that early diagnosis and treatment can lead to better outcomes for children with autism. In fact, early identification and treatment can help reduce the symptoms of autism, increase progress for children as they enter school and reduce the need for more intensive support in the future.

But to do that, we must work hard to increase the awareness of autism across the country. That's why I'm proud to be an original cosponsor of House Resolution 1033, which officially designates April as Autism Awareness Month. I look forward to working with my colleagues in the days and months ahead on both sides of the aisle to bringing awareness to this important effort going forward.

## RECOGNIZING 85TH ANNIVERSARY OF WHBC RADIO

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Madam Speaker, I rise today in recognition of the 85th anniversary of WHBC-AM Radio, the oldest radio station in Stark County and Canton, Ohio.

Founded in 1925, WHBC was the first Catholic station in the country. It later changed formats and quickly became one of the shining, trusted voices of northeast Ohio. In the golden age of broadcasting, parents and children would gather around the radio and listen to WHBC.

Bing Crosby's music was soothing and simple. Dragnet was exciting and fun. A father and son could listen to a ball game and the Indians win their last World Series in 1948.

Today, WHBC is as diverse a station as the citizens of northeast Ohio. WHBC gives people the facts, and its programming gets to the heart of who we are as northeast Ohioans. Fans can listen to their favorite teams in the car, or as I like to do, turn down the television and listen to WHBC's play-by-play. I listen to WHBC because it's a quality radio station and has maintained that standard for 85 years.

Congratulations.

## REPORT ON HEALTH CARE REFORM LEGISLATION

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, throughout the health care reform debate, I focused on four tenets. We needed to improve affordability, access, quality and choice. I said when the bill passed that it did not fulfill those requirements.

It gives me no pleasure to show you where the actuary report for the Centers for Medicare and Medicaid Services agrees with me.

Affordability. ''By 2011 and 2012, the initial $5 billion in Federal funding for high risk pools will be exhausted, resulting in substantial premium increases to sustain the program.''

Access. The report projected that Medicare cuts would drive about 15 percent of hospitals and other institutional providers into the red, ''possibly jeopardizing access'' to care for seniors.

Quality. Some 18 million uninsured are estimated to go on Medicaid for their primary coverage, which will fail to provide meaningful access.

And finally, Choice. ''We estimate that in 2017, when the provisions will be fully phased in, enrollment in Medicare Advantage plans will be lower by about 50 percent.''

If you chose Medicare Advantage, half of you will be out of luck.

## TWO SEALS NOT GUILTY—THIRD SHOULD BE ACQUITTED TOO

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, two of our three Navy SEALs responsible for catching one of the worst terrorists in the world—Ahmed Hasim Abed—have been acquitted of all alleged assault charges related to the terrorist's capture.

Abed planned the 2004 ambush and murder of four Blackwater security guards in Fallujah, Iraq. These Americans were set on fire, mutilated, dragged through the streets and hung from a bridge over the Euphrates River.

Our SEALs captured this crybaby terrorist. He later accused them of punching him. Two SEALs have been acquitted—the other should be acquitted as well.

Last week I visited the Naval Academy in Annapolis, Maryland, and met with 10 amazing, intense midshipmen from my congressional district in Texas. The remarkable class of 2010 is expected to graduate over a thousand midshipmen, but only 27 will be selected for the SEALs program.

Our SEALs are the best that we have. We are forever indebted to these great warriors for their service to American freedom. We should give the Navy SEALs that captured Abed medals and send them out there to capture another one.

And that's just the way it is.

## ARIZONA'S IMMIGRATION LAW

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Madam Speaker, what are the people in Arizona supposed to do? What are the people in Texas supposed to do? Or New Mexico?

I hear this rhetoric on the floor here about how the law in Arizona is unconstitutional. I've looked at that. I don't think its unconstitutional. And I think they have an obligation to protect the people of Arizona from the drug terrorists that are coming across the border in droves. They're bringing drugs illegally into the United States. We've got illegal aliens coming across in droves in the Arizona area into the United States and the government of the United States is doing absolutely nothing.

The border between us and Mexico is 1,980 miles long. We've talked about securing that border for a long time, and we have not done it. Those border States have to deal with this on a daily basis and the law enforcement agencies down there have a Herculean job to deal with.

And so I would just like to say to my colleagues, I don't think it's racial profiling for them to stop people that they suspect of being here illegally who may be dealing in drug trafficking and who may be threatening the lives of people down there because the crime rate is going out of sight. Let's support the people of Arizona and the law enforcement people down there. They have a right to make sure that they're safe.

□ 1930

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## GEERT WILDERS AND NOW "SOUTH PARK" ARE DENIED FREEDOM OF SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, freedom of speech is under attack in the West today, brought to you by the same radical Islamic terrorists who use religion to kill in the name of hate. I've talked about Dutch lawmaker Geert Wilders, who is on trial in Amsterdam for insulting Islam. You see, he made a documentary movie about real terrorist acts and real radical Islamic clerics encouraging violence in the name of hate. Instead of being grateful for shining a light on this problem, the Dutch Government is putting Geert Wilders on trial. He is charged with discrimination and incitement to hatred, all for showing the world how radical Islamic clerics discriminate and incite people to hatred. Wilders spoke the truth, and he got charged with a crime in his own country.

The Dutch Ministry of Justice says it doesn't matter if Wilders was telling the truth. The Dutch court says it's irrelevant whether Wilders' assertions actually are correct. What is relevant to the court is Wilders cannot speak freely about radical Islam because it might offend somebody. In the Netherlands the truth is no longer welcome in a court of law.

Geert Wilders now lives under a threat of a 5-year prison sentence from his own government for freedom of speech for the right to tell the truth. His trial is set to resume in July, the trial where the Dutch court says truth doesn't matter. It only matters if Wilders' words hurt somebody's feelings. You see, Dutch law is intolerant of people who are intolerant of violence in the name of Islam. And that's a recipe for disaster. By denying free, truthful speech, the Dutch Government by its actions is encouraging radicals to incite violence worldwide.

Dutch filmmaker Theo van Gogh, grandnephew of the legendary artist Vincent van Gogh, also made a film the radical clerics didn't like. His was about Islam's harsh treatment of women and how they brutalized women and used them as property. The result, van Gogh was murdered in the streets of Amsterdam as he rode his bicycle to work. His partner in the film, now a former member of Parliament, fled the country in fear.

Kurt Westergaard is one of the 12 artists who drew a satirical cartoon about the prophet Mohammed. So radical clerics incited their followers to murder people in the streets around the globe. Most of the clerics admitted later they had never seen the Mohammed cartoons. And Westergaard now lives in hiding under an armed guard. So much for freedom of the press and freedom of speech.

Now the threats of violence are spreading to the United States. The popular animated TV program "South Park" insults everybody. It's a comedy program that uses satire to make social statements. "South Park's" creators, Matt Stone and Trey Parker, did a series of episodes that insulted various world religions, including Islam. The 200th episode broadcast depicted all the founders of the major religions. Mohammed was dressed in a bear suit because Islam forbids its followers to depict the religion's founders.

One radical Islamic Web site called "Revolutionary Muslim" is upset about the program, so they issued threats saying "South Park" creators Stone and Parker would end up like Theo van Gogh, in other words, dead. And they put up the crime scene photos of van Gogh with his throat slit and a knife protruding from his chest. They also gave out the TV network address of Comedy Central in New York, addresses for Parker and Stone's Los Angeles production company, and their residences. The radical Web site said they published the addresses so people could go out there and protest. Yeah, right.

The trouble is we have seen worldwide how these radicals protest. They kill people. Because of the threats of violence and fear for the safety of everyone from the receptionist to the series creators, Comedy Central censored and spiked a follow-up program. Free speech was intimidated again by radical Islamics. These terrorists are being handed veto power over free speech through threats of violence and murder.

No charges have been brought in the United States against the author of these radical Islamic Web sites. Meanwhile, Geert Wilders is still on trial in the Netherlands for warning the world about these haters for speaking the truth.

And that's just the way it is.

## SIMPLIFY THE TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 5 minutes.

Mr. ALTMIRE. Madam Speaker, I rise tonight to speak on behalf of America's small business owners and small business owners in western Pennsylvania who have recently finished filing their taxes with the Federal Government and have struggled over the past year to provide goods, services, and jobs during this recession.

As we all know, April is tax month for American citizens. And as a member of the Small Business Committee, I had the opportunity to hear testimony by Internal Revenue Service Commissioner Douglas Shulman on April 14. Commissioner Shulman walked through the service and disclosures provided by the IRS during tax preparation season. He described outreach being performed on many levels to aid small businesses in complying with the convoluted tax system they faced as American job creators.

While the IRS has a responsibility to use its funding to conduct outreach and facilitate voluntary compliance with tax laws, it's Congress that has the responsibility to hear the calls of America's small businesses for more streamlined and simplified tax regulations.

The outreach and disclosure by the IRS is certainly helpful. However, I would prefer to see it become less necessary. If America's small business owners were not spending so much valuable time deciphering codes and regulations, they could be growing their businesses to earn profits, create jobs, and lead America back to prosperity just as they have always done through past recessions. Less time spent complying with the Tax Code would increase tax revenue by allowing small businesses to focus more time on running their businesses, meanwhile saving the IRS time and money in outreach and instruction on their intricate rules and requirements for every small business in America.

I hope that by April of next year Congress can find the time to work on behalf of America's small businesses and simplify the Tax Code.

## VISIT TO WALTER REED ARMY MEDICAL CENTER AND BETHESDA NAVAL HOSPITAL WITH JEROME AND RACHEL LEE AND LEX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, on April 12 of this year I had the honor and privilege of visiting the wounded warriors at Walter Reed Army Medical Center and Bethesda Naval Hospital with Jerome and Rachel Lee and their dog Lex. The Lees' son Dustin, a marine, was killed in Iraq in 2005. Lex was his military working dog and was severely injured in the attack.

The Lees are a remarkable family. They continue to visit the wounded warriors that return from Iraq and Afghanistan. This is how they remember their son. And they gave for this country a very special young man. The interaction between Lex and the wounded was amazing. To see these brave men and women smile at the sight of Lex was truly a touching experience for me personally. Lex is one of them and continues to fight through his injuries. The shrapnel still lies in his back. In fact, Lex has been awarded the Purple Heart.

The Lees also had a wonderful experience meeting retired United States Senator Bob Dole as he was recovering from an accident. Senator Dole was kind enough to invite the Lee family into his room at Walter Reed and speak with them for several minutes. It was truly remarkable as I watched former Senator Dole, a war hero himself, as he pet and bonded with Lex.

I would like to thank the Humane Society, who sponsored this trip for the Lee family, Connie Whitfield, wife of United States Congressman ED WHITFIELD, who joined us on this tour. They, Mrs. Whitfield, and the United States Humane Society, went above and beyond for this family.

There are many other people to thank, but I would like to especially thank my dear friend Major General Mike Regner, who was very instrumental in uniting the Lees and Lex. Major General Regner is currently serving in Afghanistan, but I would like to note that he was remembered during the Lees' visit at Bethesda and Walter Reed. And the family is very grateful to him. Major General Regner helped them adopt Lex, their son's best friend and partner.

Madam Speaker, because of that trip that I took with the Lees to Bethesda and Walter Reed, and the number of young men and women both at Walter Reed and Bethesda who have been severely wounded for this country, I would like to close, as I normally do on the floor of the House, I would ask God to please bless our men and women in uniform. I will ask God to please bless the families of our men and women in uniform. I will ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I will ask God to please bless the House and Senate here in Washington that we would do what is right in the eyes of God for today's generation, but also tomorrow's generation. I will ask God to give strength, wisdom, and courage to President Obama that he will do what is right in the eyes of God for today's generation and tomorrow's generation.

Madam Speaker, I will ask three times, God, please, God, please, God, please continue to bless America.

## DISPELLING THE MYTHS SURROUNDING H.R. 2499

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, as a cosponsor of H.R. 2499, the Puerto Rico Democracy Act, I would like to take some time this evening to dispel some of the myths that surround this legislation.

The Puerto Rico Democracy Act provides for a formal consultation with the people of Puerto Rico regarding the island's political status. H.R. 2499 authorizes the Government of Puerto Rico to conduct an initial plebiscite. Eligible voters would be asked whether they wish to maintain the current political status or to have a different status. If the majority favors the current status, then the Government of Puerto Rico would be authorized to ask voters this question again at 8-year intervals. On the other hand, if a majority of the voters favor a different status, the Government of Puerto Rico would be authorized to conduct a second plebiscite among the three nonterritorial status options recognized under U.S. and international law.

What are those three options? They are, number one, independence; two, statehood; and, three, sovereignty in association with the U.S., which is commonly known as free association.

Opponents of this bill, of H.R. 2499, contend that the two-step process stacks the deck against the current status and in favor of statehood. This is simply not the case, Madam Speaker. H.R. 2499 does not exclude nor favor any status option. Under this legislation, the purpose of the first plebiscite is clear: to inform Congress whether the majority of Puerto Ricans consent to the current political status.

□ 1945

Only if a majority of voters expresses its desire to change the current status is a second vote mandated on the three alternatives: independence, statehood, and free association.

This two-step process was recommended by the President's task force on Puerto Rico's status. This task force was initiated under the Clinton administration, and it was finalized by the Bush administration. The task force called upon the expertise of 16 Federal agencies in recommending a fair process for consulting with the U.S. citizens of Puerto Rico.

Opponents of H.R. 2499 propose that the option of an enhanced commonwealth should be included as a status option during the second plebiscite. Well, this enhanced commonwealth, as envisioned by the bill's detractors, perpetuates the false hope that Puerto Ricans can have the best of both worlds:

They can have U.S. citizenship and national sovereignty;

They will receive all Federal funds and will have the power to veto those laws with which it disagrees.

If included as a viable option, an enhanced commonwealth proposal would permanently empower Puerto Rico to nullify Federal laws and court jurisdiction and to enter into an international organization and trade agreements, all while being under the military and financial protection of the United States.

It is no surprise that this proposal has been soundly rejected as a viable option by the U.S. Department of Justice, by the State Department, by the Clinton administration, and by the Bush administration.

Another misguided concern surrounding H.R. 2499 is that the bill fails to include an ''English only'' provision. It is premature to discuss this matter until the conclusion of the first and second plebiscites. H.R. 2499 does not require Congress to admit Puerto Rico as a State nor even to set the statehood process in motion if a majority of voters ultimately chooses statehood. If the people of Puerto Rico express a preference for statehood and if Congress is inclined to act upon that preference, further Federal legislation would be required. That legislation and not H.R. 2499 would be the appropriate vehicle in which to address any potential language-related condition on Puerto Rico's accession to statehood.

I would like now to change focus and to highlight the overwhelming bipartisan support behind H.R. 2499. Introduced by the Resident Commissioner, this bill enjoys the backing of more than 180 cosponsors from both political parties, and it is strongly supported by Puerto Rico Governor Luis Fortuno, a former House colleague, who introduced similar versions of this bill in the past. This bill is also endorsed by numerous leaders in the Puerto Rican legislature and local government, including the Speaker of the House of Representatives, the President of the Senate, and many other local officials.

Given the strong support, Madam Speaker, I hope that my colleagues will join me in supporting this bill when it comes to a floor vote later this week.

## PASS COMPREHENSIVE IMMIGRATION REFORM NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, over this weekend, the Governor of Arizona raised up the idea of prayer, and in her remarks, she indicated that she prayed for strength and that she prayed for our State.

I rise today to pray for Arizona, for this Nation, and for those who would think a law that was signed by the Arizona Governor raises any level of constitutionality. Yet I agree with the Governor of Arizona. They have been waiting very long, and there is a crisis that is necessary to address.

Madam Speaker, many of us on this side of the aisle have tried over and over again. Former President George Bush, in the last administration, tried, but that's where reasonable minds will disagree.

So I'd ask the Governor to ask her own party:

Why do they fail to stand up and be counted on a fair, comprehensive immigration reform proposal that, in

years past, included border security as well as the opportunity for access to legalization?

So the actions this past week are a travesty, hypocritical, and not sincere because you'd ask the question: What is a legal contact? What are the law enforcement authorities of the State of Arizona to do in the midst of the work that they have in protecting the community from the array of criminal acts by anyone regardless of their background? There are burglaries, thefts, and rapes, robberies and actions that require the intervention of State and local law enforcement.

What is a legal contact? Is it a person who is rushing his pregnant wife to the hospital and who is stopping to ask a police officer, Will you lead me through the lights to the hospital? Is that a legal contact?

What is a determination of reasonable probability? Is it brown skin? Is it someone who is dressed in yard clothes? What is the determination of reasonableness? There is no answer to that other than it is patently unconstitutional.

Yes, I want comprehensive immigration reform, which is a term that many have demonized—you have to run away from it now—but we in Texas have lived with this for a very long time, the men and women of all economic levels—the business community, the nonprofit community, the faith community. The Houston-Galveston Diocese, our cardinal, the cardinal in the Houston area, has raised his voice, along with many faith leaders, to say that now is the time for real comprehensive immigration reform.

I am ashamed of the law that was written and signed, because it bears no fruit. Of course, there are law enforcement officers in the region, and certainly, I'm not from the area whose only voice is to claim airtime and to shout ridiculous comments: I can lock them up. Anybody, I can lock up. This is not to say that there is not empathy and sympathy for the borders in Arizona. There is a need now for comprehensive immigration reform for Arizona, for New Mexico, for California, for Texas—for all of America.

Though, I will tell you, Madam Speaker, if a young person comes to me in my district who came here from a foreign country—in this instance, France—who has been in our school system, who did not know the process and who is now unstatus but who has never been in trouble and who is going through school—he is an immigrant, but unfortunately, status—then he is no less than the immigrants from Ireland, than the immigrants from Italy and the immigrants from places elsewhere who came to this country and who helped to build it and to make it a better place. Maybe he is no better than the immigrants who came in shackles, like myself, and their ancestors, who came in the bottom of the belly of a slave boat; but we found a way to regularize them. This Congress must find a way to regularize this process and all of the families who are huddled in fear, who have never perpetrated a crime.

I want to thank the leadership of this House and the leadership of the Senate, both of which are courageous enough to take the battering and the abuse of those who misuse the Constitution and who believe they are doing something. They are not.

Should they be responded to? Madam Speaker, they should. My answer is that we pass right now comprehensive immigration reform to save America, to save our dignity, to save the Constitution, and to stand for the values we believe in.

## THE UNCONSTITUTIONALITY OF MANDATED HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. I thank you for yielding, Madam Speaker, and I thank you for this night so that we can get together and talk about something that is still on the minds of almost everybody in the United States because, quite frankly, even though this bill has passed both Houses of Congress and even though it has been signed into law by the President, the overwhelming majority of the people in this country are waking up every day to find out there is something else that nobody knew was in this bill and are finding out about something else that is being imposed upon the States and on the people of this country that nobody knew was going to happen.

It's because it was a 2,400-page bill, or something like that, which nobody ever read, and it was voted on and passed when there were people who were responsible for its contents who couldn't tell you what was in it. In fact, I believe the Speaker of this House made a statement: We need to pass this bill so we can learn what's in it. That's kind of when the worrying started in this country. It was when people started hearing those kinds of things from our leadership.

So we are now at a point where there has been a lawsuit—and we talked about this. I believe it was last week or the week before last. We talked about the fact that a lawsuit has been filed by the attorneys general of multiple States in this country. Well, this is a growing process. When we last talked, there were 20 States that had joined in this lawsuit, and here we are on April 26, 2010, and we have 22 States. So two more States have joined in this process, and there is at least the possibility that we could add, maybe, another five or 10 States to this lawsuit.

So, right now, as it stands right now, it is my understanding—and I can be corrected. I do not claim to be a great historical scholar of the Supreme Court of the United States. I have read cases, which was required by my profession, and I have taken constitutional law in law school. I had great constitutional law debates among my law school colleagues when we were young, would-be lawyers. In my practice of law and as a judge, I've had some periphery of the constitutional requirements that are set out by the Supreme Court, but I don't claim to be an expert on it.

I am told that, since the Court started, this is probably the largest single group of States to have filed suit on behalf of their individual States and to have joined together on an issue. Now, I may be wrong about that, and I certainly will be corrected if somebody wants to correct me, but it's close. We've got 50 States in this Union, and 22 of them are already in this lawsuit. So, if we pick up three more States, we'll have half the States in the Union involved in this lawsuit. Even 22 is really kind a mind-boggling number. It also represents 44.56 percent of the population of the United States.

So, within these red States that you see on this map here—those dark States as compared to the light States, if anybody is still watching in black and white—that represents almost half the population of this country who are asking the question, and the question is very simple:

Does the Constitution grant Congress the power to mandate the coverage that's set out in this bill?

Now, that is a big question, but it focuses down to a much narrower issue. There are more issues here, but the most narrow issue is if Congress has the authority to mandate that people who are living within the continental United States must buy certain products, namely, health insurance, from designated sellers of that product, which will mean some insurance company. The issue is that they have to, that they cannot have an option, that they cannot say ''no,'' and that if they say ''no'' that they can be fined under the IRS Code and can be required to pay up to a $2,000 fine for not purchasing health care. There are some ranges in that. The fine can be less, but if it's $1, it's a fine punishing you for not buying a product.

Now, the great debate is broadly about the Ninth and 10th Amendments, but it is specifically about the commerce clause as set out in the Constitution of the United States. So every attorney general in every one of the States you see here—and this is a pretty nice cross-section. We've got the east coast, one on the west coast, a whole bunch of southern States, a

whole bunch of western States, and a whole bunch of midwestern States which are in this fight, and they are asking a real simple question about the commerce clause.

□ 2000

But as I said, it's like we wake up every morning and we have new things to talk about, about this plan.

A recent Center for Medicine and Medicare Services has come up with some new findings on this bill. Let's examine these together. I'm glad to have my friend, Mr. BURTON here, who is going to join me and we will talk about some of this stuff.

Twenty million Americans who currently can't afford health insurance will buy a policy under duress from the threat of fine and IRS action. This is what they found: Four million Americans will still not be able to buy and will be fined $33 billion a year and still not have health insurance. Fourteen million Americans will lose their employer-sponsored health insurance as a direct result of this new law. Twenty-three million Americans will still have no health insurance coverage in 2019 after the bill is fully implemented. And 21 percent of the gross domestic product of the United States will be spent on health care after the law is implemented, which is higher than if Congress had done nothing. So if nothing would have happened, we spent 21 percent of the gross domestic product.

So we were sitting here, and the first thing we were told is the reason we need to pass health care is we need to get a cheaper product. I mean, we need to save money. We need to reduce the deficit, reduce the debt.

Well, we haven't reduced the spending because it's going to be 21 percent of the gross domestic product, which is larger than it is today, and it's estimated it's larger than it would have been if we hadn't done anything.

So these are facts that sort of jar you into reality that we have got a product that every American sitting around the coffee shop tomorrow morning ought to be talking about, that everybody in every office building, on every farm and ranch, and every small business in America ought to be asking questions about what has become the new law of the land.

I think the attorneys general of the multiple States in this country, they started asking these countries as the process was going through, and as they discovered nightmare after nightmare after nightmare as it pertains to the States, they started getting rattled and they started to say, This can't be. We can't be imposing this kind of will under the Commerce Clause.

So I think it's important that we look at the Ninth and the 10th Amendment and the Commerce Clause, and I'm going to start off, and then we're going to talk about some constitutional law here with my good friend DAN BURTON. We're going to see how we figure this.

I think everybody out there learned in school we have a Constitution and we have amendments to that Constitution, which are just part of the Constitution. They just came at a different time. And the amendments have a lot to do with individual rights to liberty in this country. And when our Founding Fathers were looking at this project and what they were doing, they were going from sovereign States. The people of Virginia considered themselves—Virginia was a sovereign State. That meant a sovereignty-laden State. And they were meeting in Philadelphia to see how much sovereignty they would surrender and what they would create in the form of a Federal republic.

And remember what Benjamin Franklin said when asked as he walked out the door what kind of a government they had created, and he said, A republic, if you can keep it, because it depends upon those who were given that gift to keep that republic, which means it has some basic concepts which our Founding Fathers were ingenious about creating, and one of them was the balance of power, that there would be offsetting power between the three branches of government which would balance out the power so no overwhelming power would lie in any one branch of the government.

There are three branches: the executive, which is the President and all the various executive agencies of the government; and then the legislative, which is the House and Senate; and then the judiciary, which is the entire judicial system of the United States, capped off by the Supreme Court of the United States.

So when they wrote this, they wrote the Ninth and the 10th Amendments. And the Ninth Amendment says, ''The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others,'' other rights, ''retained by the people.''

Because our Founding Fathers took the position which learned people of that time were debating and putting forth that the rights that are set out in our Bill of Rights and the other rights that are defined in our Constitution are, first and foremost, the rights of the people. Each individual person has those unalienable rights.

So when they sat down and they started to put this thing together, they said, now, any rights we didn't talk about still belong to the people. So just because they didn't write it down in the Constitution—freedom of speech, freedom of the press, freedom of assembly, and all the ones you learned in school—there are more rights than that because those rights lie with the people.

The 10th Amendment says, ''The powers not delegated to the United States by the Constitution''—the Constitution defined the powers of the United States Government—''nor prohibited by it to the States,'' in other words, aren't specifically set out for the States, ''are reserved to the States respectively, or to the people.''

So what they were basically saying is there are powers out there that this Constitution doesn't cover.

Now, I think we all know that the Constitution has been an evolving process because the big job of the Supreme Court of the United States is to tell us what things mean when you start applying events to the Constitution. There is a clause in the United States Constitution which is called the Commerce Clause. And it says the U.S. Congress shall have the power ''to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

''Commerce'' is the big word, and the question is, what is commerce? And I think if you went to a business school and talked about commerce, you would find out that they are basically talking about the buying and selling and trading and working with goods and services. It would be pretty much what you're talking about. The economic activity, buying and selling and so forth.

Now, a more liberal court started expanding the Commerce Clause slightly, and the one that really kind of threw everybody off was a case where some folks during the Depression were growing wheat in their own backyard. They were grinding that wheat and making it into bread and they were eating the bread. And the question was, is that wheat in commerce? And the court said because it was competing with other wheat that was being ground into flour and made into bread, it was being sold, and therefore it at some point had an effect upon the commerce involving bread and wheat.

Even though it was only consumed by the family, they expanded it to say that was commerce. And from that the idea came up, and it was cropped up and was challenged and failed several times in the Supreme Court to be carried that far, was that the Commerce Clause, if you take it that far, it will cover everything. And really this bill that we're talking about, this one right here that we just got the report on, this bill is going to be the ultimate decision of whether the Commerce Clause means ''commerce'' covers everything or not because in this bill, the only thing you have to do to be required to buy health insurance by the government is be alive.

If you are a human being and breathing, you have to buy health insurance. If you have it and you get to keep it, then you've got health insurance, but if you don't have it, now it's no option. You have to buy it.

Now, the first thing you will hear people say is, yes, but you've got to

have insurance to drive an automobile and you have to have it. That's true, but that is insurance that is protecting other people from your negligence or your mistakes as you drive your automobile, and it's an issue for the State in protecting the State because it makes sure that people are able to protect those that they might injure when they use a dangerous weapon. And, by the way, it's kind of interesting that the courts have ruled that an automobile can be used to enhance punishment in a criminal case because it is a deadly weapon. So basically they are insuring against the misuse of the deadly weapon called the automobile.

That's not what we're talking about here. We're talking about you have got to have health insurance whether you're sick or whether you're well. You have got to have it. And if you don't, you have got to pay a fine, and that fine is going to be in the nature of an excess tax.

So there's a good place for me to yield to Mr. BURTON to talk about how he sees this and what thoughts come to his mind as we look at this really challenging constitutional issue.

Mr. BURTON of Indiana. I thank the gentleman for yielding. And I want to tell him how much I appreciate his coming down and taking the time to give this Special Order. It took a lot of preparation to explain this to our colleagues and anybody that might be paying attention to this.

There is no question in my mind that the 10th Amendment of the Constitution is being violated by the bill that we passed, and that's why we have 22 States that have joined in this suit. And I'm glad that they are doing that.

As a matter of fact, on March 29, the Attorney General of Indiana, Greg Zoeller, expressed his intent of having Indiana join in filing the suit against the Patient Protection and Affordable Care Act, which is the Obama care we're talking about. And here is what he had to say, our Attorney General:

He said, ''There are significant constitutional questions regarding the Federal Government's authority raised by the legislation passed. I believe it's necessary that these ultimately be brought before the United States Supreme Court, and as the Attorney General of Indiana, I will join in the most appropriate legal actions available to represent the significant interests of our State, the State of Indiana, in this matter.'' And he prepared a 55-page report on this that he gave to our legislators in Indiana regarding the Patient Protection and Affordability Act. And he believes, as the other attorneys general do, that this is unconstitutional.

Now, my colleague just talked about the automobile business and how people have to have car insurance. Well, they don't have to drive a car. And if they don't drive a car, they don't have to have car insurance.

This is the first time that I can remember in my life that the Federal Government is telling people they have to buy something. I have never heard of this and I have never read anything that would lead me to believe that the Federal Government has the authority to tell people that they have to buy something.

Now, there have been times in the past when the Federal Government tried to take over the entire commerce of the United States. Back in the 1930s during the Roosevelt administration, they passed a law called the National Recovery Act, and the National Recovery Act gave the Federal Government control over the entire economy of the United States regarding commerce. And there was one case that came to mind that I read in a book called ''The Forgotten Man.'' I don't know if my colleagues read it or not. But it involved two itinerate people from the Middle East that came to the United States and they started selling chickens.

Back in those days, they didn't have frozen chickens in the supermarket. So when people would come to them to buy chickens, they had them in crates, and they would let the people that came to buy the chickens reach in and pick the chickens they wanted. Well, the National Recovery Act, which was controlling the commerce of the United States, had individuals, like the IRS is going to have under this bill, that would come out and tell the people what they could and couldn't do. And the National Recovery Act representative came out and told these two gentlemen that they could not let the people pick the chickens that they wanted.

I know this sounds crazy. They said because the people that came in and bought the chickens first would pick the fatter ones and they would get the benefit of being there first. And the fellows that owned this company said, Well, this is the way we've always done it. We let the people pick the chickens they want. So they didn't change. They continued to conduct their business that way, and they were indicted under the National Recovery Act and they were convicted, and the case went all the way to the United States Supreme Court.

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Justice Brandeis wrote the opinion, which was 9–0, against the National Recovery Act, which went out the window. Justice Brandeis sent a message back to the President saying, Don't send us any more legislation like this, because if you do, we'll find it unconstitutional as well.

That was the first time that I know where the Federal Government starting taking over the entire area of the commerce of the United States. Even then, even then, I don't believe there was a time when they said somebody had to buy something, which would violate the 10th Amendment of the Constitution. Now the National Recovery Act was found unconstitutional, but the 10th Amendment, as far as I can remember, never said you have to buy something. And that is what this bill does and that is why the attorneys general from 22 States are saying, You don't have that power.

As you said, Mr. CARTER, very clearly, the power is not delegated to the United States by the Constitution. The power is not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively. And so what's happening here is the Federal Government is overstepping its bounds and violating the 10th Amendment and taking away from the States their right to regulate this industry or to deal with whether or not people should or should not have to buy these things. And the attorneys general are saying very clearly this is a State's right and we don't think the Federal Government has the right to do this under the commerce clause.

So I would just like to add a couple of other things that go along with this, Mr. CARTER, and that is the cost that it's going to be to the American people. The estimated deficit that is going to be created by this, as far as the health care bill is concerned, is about $385 billion or $395 billion over the next 10 years.

But the fact of the matter is, it's going to cost a lot more than that. The estimated costs, according to CBO, based upon the information that was sent to them, was that it was going to cost about $850 billion or $860 billion over 10 years, and the amount that was going to be as far as the deficit was concerned was about $300-some billion.

But the fact of the matter is they only have 6 years of coverages, but they have 10 years of taxes. So when you take 10 years of coverage and 10 years of taxes and you look at what it's going to cost the American people, it's going to run up over $2 trillion—money we don't have. And the deficit already is out of control. The budget we passed this year was $3.85 trillion—or last year. And this year they won't even send us a budget because they know it's going to be more than that.

The shortfall in spending that increased the debt, our debt to our kids and grandkids, was $1.4 trillion last year. It's going to be $1.6 trillion or more this year, and it's going to get worse as the years go by over the next decade or two. And so in addition to violating the Constitution, as I believe this does, and in addition to having 22 States file suit against the Government of the United States because of this bill, this is going to cost an arm and a leg that we don't have. We don't have this money. And who's going to pay for it?

Well, we borrowed money from China. We owe them about $800 billion. We borrowed $600 billion from Japan. If you add it all up, we are probably into the trillions and trillions of dollars that we owe the rest of the world. If they ever cash in on what we owe them, I don't know how we are going to pay for it.

The fact of the matter is, right now, because of the cost of this legislation and the other programs and the deficits that are taking place right now, I really believe that the Federal Government is going to have to print a lot of money. And when they print money, they inflate the money supply and we have what is called inflation. What they try to do is try to figure out a way to stop that inflation by raising interest rates or increasing taxes.

Now the administration is talking about a value-added tax like they have in Europe. And the value-added tax in Europe is running about 20 percent in many countries. And if you buy a car for $10,000, for instance, and you add the value-added tax to it, you're up to $12,000. Another 20 percent. The American people can't afford it. We can't afford the inflation, we can't afford the taxes, and what it will do to the economy and jobs is unbelievable, not to mention that it violates the Constitution of the United States.

So if I were talking to the American people tonight, Mr. CARTER—and we can't talk to the American people; we can only talk to each other and the Members of the Congress—I would say there's a lot more to this than just the violation of the Constitution. There's no question in my mind that there is that violation, but the cost to us and our kids and our posterity is going to be unbelievable. This country can't afford to spend the money the way we are doing it. We can't afford to raise taxes like they are talking about. We can't afford a value-added tax and we can't afford to see jobs slip away from America and go offshore to other countries. That is what I think this is leading to.

This administration believes in a European-style socialistic approach to government, and we have to stop that. I want to pat the attorneys general on the back from those 22 States for leading the charge in dealing with this constitutional abuse of power, and I wish them the very best and I hope that every State in the Union, Mr. CARTER, I hope every State in the Union will join in this fight because the Federal Government should not usurp the rights of the people of this country and the several States. And our Forefathers never planned for that. And that is why they gave the States the ultimate power instead of leaving it with the Federal Government. They said that those powers not delegated to the United States by the Constitution are reserved for the States. And that is the way it ought to be.

I want to thank you once again for taking this Special Order. You're one of my heroes.

Mr. CARTER. I thank my friend, regaining my time. Let me point out something that I think is interesting. In all of the flak we sometimes raise, we disagree with some of the rulings of the United States Supreme Court rulings—and I and others that I know have done that throughout my entire lifetime and had great constitutional issues that are banged around everywhere, and some of us said, What kind of craziness is that? But it's kind of interesting that Justice Brandeis, in that opinion, 9–0—that means everybody thought it was right—pointed out that by the very nature of our Constitution and the very nature of what we created in the way of a Republic, this concept of a centralist-controlled economy, a central-controlled economy, doesn't fit what was founded in this country.

We started down that path in the 1930s. And Brandeis and the Court slammed on the brakes and put a stop to it. It was very ridiculous, some of the things they did. There's the famous kosher meat case that went on and a bunch of other cases. Just ridiculous. Can you imagine the Federal Government going into your local butcher shop and telling your local butcher how he can do things? Is that the world we want? That is a centrist-controlled economy.

Now, at the same time, the world was experiencing this in other places. In fact, we in our lifetime have seen the rise and collapse of central-planned economies. The National Socialist Party of Germany in the Second World War, besides losing a war, proved that a centrally controlled economy was an ineffective way of doing the economy without letting the markets work. The Soviet Union collapsed, continuing to try to keep a central-controlled economy run by the one Big Government entities that had fingers in everybody's world. It didn't work. It didn't work. The Chinese had the same thing. Even though they still claim communism, they are rapidly rushing towards capitalism because they are getting rich and prosperous for all levels in their country under the capitalist system, which they never could do with their centrally controlled economy.

Why we would even think to go in that direction is beyond me. I think my colleagues think that is the solution to our problems. I do not think so. I think our Founding Fathers intended for us to have things both at the local, at the city, the State, the national level. I think they had a concept of the small family all the way up to the big government. They specifically wrote these little-used provisions, by the way, into the Constitution, to make it clear that there were certain things that didn't belong in the Federal Government.

I'm very hopeful that that is the way that this Court at this time, in the 21st century, with all the history that has passed and all the court cases have passed, will look at this and say, If we can tell them they've got to buy what kind of health insurance, then what's next? How far will we expand this? Can the next administration, whoever it may be, say you have to buy General Motors cars because we own around 50 percent of the stock, the American people, or can it just say, you know, we've got a fledgling industry over here. You can only buy that computer or that pair of socks. But you can't buy those socks. Not until you've got five pairs of those socks. And you want the Federal Government doing that?

I don't think anybody in their right mind in this country wants that to happen. But the start, the crack in the dam, the slow drip is going to be what they have proposed, which is going to be a slow drip that is going to create massive costs to this country. By the way, my friend, Mr. BURTON, wasn't even talking about the cost to the States. Those are Federal costs. They imposed upon the States costs the States didn't have any say in whatsoever.

Mr. BURTON of Indiana. Would the gentleman yield on that point real quickly? Our Governor, who I think is one of the best Governors in the country, Mitch Daniels, he said that passing this would put 500,000 people more on Medicaid in the State of Indiana. I just wanted to validate the point that you just made. This is going to be a tremendous burden on States all across this country because they are going to shift an awful lot of the burden that is on the Federal health care system to the States. In Indiana, we are going to be spending billions of dollars more over the long haul because they are going to put 500,000 people more on Medicaid. I don't know that that is the exception. I think every State in the Union is going to suffer like that. Those are costs we are not even talking about.

Mr. CARTER. It is. Reclaiming my time, we are joined by my good friend and colleague, classmate, a fellow Texan, Dr. BURGESS, who has spent most of his life on these issues, and certainly his time in Congress. Since the day I met him, he has had the best ideas I have heard on health care, but he's been a voice crying in the wilderness. He does know what we're talking about. I'll be glad to yield to Dr. BURGESS to educate us on what he sees these issues are and where this thing is going.

Mr. BURGESS. I thank the gentleman for yielding. I must say, it's humbling for a simple country doctor as I to come down here and talk constitutional issues with the great constitutional scholars of our time.

Mr. CARTER. Right.

Mr. BURGESS. Judge, you mentioned something that is so important. So many people are concerned about what they see happening. And I see by one of the posters that you have there that almost 45 percent of the United States population, or State attorneys general representing almost 45 percent of the population, now are suing over the constitutionality of these health care mandates. Remember, all of that has happened within a 4-week time span of us passing this very flawed piece of legislation. There's no way to know what the next 4 weeks will bring; but certainly as more and more people evaluate this, as more and more people dissect through that very flawed product that was passed by the Senate on Christmas Eve, and then we just, for whatever reason, picked up and agreed to it over here in the House the end of March.

As more and more people look at that and see the drafting errors and see the inconsistencies that are contained within that legislation, I believe that that number will in fact become much higher by the time we get to Memorial Day. It will grow in numbers through the month of June. By the time we get to Independence Day, I've got to believe that that number, there is going to be a startling percentage of the United States population that is now against this bill.

The problem with this bill is it never enjoyed popular support. People want to criticize Republicans for being obstructionists in this process but, honestly, they did not need a single Republican vote. They have a 40-majority vote on the Democratic side. This was all an internal argument on the Democratic side with getting this darned thing passed. As a consequence of not having popular support, they had to coerce, cajole, threaten, and malign Members on their own side in order to get the votes necessary to pass this.

Now, right after it passed, Judge CARTER and I were part of a press conference, and our attorney general, Greg Abbott, was one of the first attorneys general to step forward and say, Under the commerce clause, I don't think you can do this. He wrote a very powerful letter to our two Senators earlier in the year. And I just wanted to quote a couple of paragraphs from this thoughtful and lengthy letter that Greg Abbott wrote to our Senators.

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He writes, ''The individual mandate is constitutionally suspect because it does not fall within any of these categories. The mandate provision of H.R. 3590 attempts to regulate a nonactivity.''

Let me just stop for a second. ''Attempts to regulate a nonactivity.'' Are there any other nonactivities we do during the course of the day that we're willing to give over the regulation of those nonactivities to the Federal Government? I think the judge and the minority made the point. Of course there are not.

Continuing to quote from the letter, ''The legislation actually imposes a financial penalty upon Americans who choose not to engage in interstate commerce—because they choose not to enter into a contract for health insurance.'' Quoting further, ''In other words, the proposed mandate would compel nearly every American to engage in commerce by forcing them to purchase insurance, and then use that coerced transaction as a basis for claiming authority under the commerce clause.''

Continuing to quote from Greg Abbott's letter, ''Congress' own independent, nonpartisan research agency, the Congressional Research Service, expressed doubts about the commerce clause's applicability in a report that was issued last July: 'Despite the breadth of powers that have been exercised under the commerce clause, it is unclear whether the clause would provide a solid constitutional foundation for legislation containing a requirement to have health insurance. It may be argued that the mandate goes beyond the bounds of the commerce clause.' ''

And then finally just to conclude from Greg Abbott's letter, ''If there are to be any limitations on the Federal Government''—let me just underscore that ''any'' one more time. ''If there are to be any limitations on the Federal Government, then 'commerce' cannot be construed to cover every possible human activity under the sun—including mere human existence. The act of doing absolutely nothing does not constitute an act of 'commerce' that Congress is authorized to regulate.''

A very powerful letter by the attorney general, issued last January to our two Senators as the Senate was working through this health care bill.

You know, I've been so concerned about this bill that we passed that I wake up in the middle of the night almost every night wondering what the future holds. And Judge, you're so right. In some ways, you kind of get this mental image of this omniscient central planner—albeit a benign and kind and eloquent central planner—moving data points around on a big spreadsheet somewhere. That's what the administration of health care has become in this country. Look at the job that we have turned over to the Department of Health and Human Services and the Centers for Medicare & Medicaid Services, another small Federal agency called the Office of Personnel Management, and yes, for crying out loud, the IRS involved in regulating health care. These Federal agencies are now tasked with writing the rules and regulations out of this 2,700-page behemoth that, again, passed the Senate on Christmas Eve as a vehicle to allow the Senators to get out of town ahead of a snowstorm.

No one read that darn thing. No one knew that what was in that darn thing. They just passed it so they could get out of town. They always intended to come back and make it better in conference or some other secret coordinated meeting with the White House where they would come up with an amalgamated product, but they didn't do it. They didn't follow through. They just picked up this Senate bill. A lot of people don't understand. The Senate bill actually has a House number. It's H.R. 3590.

Now, why would a bill passed by the Senate dealing with health care have a House number? Well, because it began as a House bill. It began over here at the end of last summer as a bill to regulate housing. CHARLIE RANGEL introduced it from the Committee on Ways and Means. It passed the House. I voted against it, for the record, when it was a housing bill. It went over to the Senate and lay fallow for a period of time until the majority leader of the other body decided that they needed a vehicle for this health care reform. They decided not to affix a Senate number to it. The House had passed a bill. They chose not to pick up our House bill that dealt with health care. They picked up our housing bill and amended it. And one of the first amendments was to take the language out of it.

So now they have an empty bill, a number, and literally nothing else. They stuck in all of these little special deals that they had to strike. And the question wasn't, What is the best possible health care policy that we could come up with? In fact, if that question had been asked, maybe they would have used Governor Daniel's use of consumer-directed health plans in his State and how he's held down cost. But they didn't do that. They said, What will it take to get your vote? And whatever that answer was was the piece that was inserted in that bill. That's why you've got an amalgam of so many disconnected pieces in this 2,700-page monstrosity that is now H.R. 3590.

Once that thing passed to get them out of town on Christmas Eve—and it was literally a Christmas tree that night when they passed it. But once they passed that bill, they all expected to come back to a conference committee or some other vehicle to amend and improve this bill. But when the Senator from Massachusetts was elected as a Republican, it threw a big kink in their plans. They decided the only way to get—and remember, the goal here was not to fix problems that are besetting the American people in our health care system. The goal was to get a bill to sign. The goal was a signing ceremony in the East Wing of the

White House. The goal was for the President to sign a bill during his first term.

It's almost like they didn't care what was in it. They didn't care what the health care policy was. It can be as bad as you can possibly imagine. The drafting errors can be rampant throughout the entire bill. But we got a signing ceremony, by golly, and no other President of the United States has ever had that achievement before. And now the rest of us are left with this travesty that's called a health care bill. Doctors, nurses, and hospitals and, indeed, even insurance companies, and of course regular American patients are going to have to deal with this for the next several generations.

We have to rip this thing out root and branch. One of the ways to do that is for the attorneys general to proceed with their lawsuit and be successful in their lawsuit, which is why I so appreciate the gentleman coming to the floor of the House, making the American people aware of what is going on, why the attorneys general are pursuing this, and maybe, maybe we will get some relief for the American people, and then we can go back and do the things they were asking us to do in the first place—fix the problems, not destroy the system.

I will yield back to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for a great description of one of the reasons, when they say, you don't want to watch people make sausage or legislation is because there's no telling what goes in it. And that description of the House bill being gutted of language and changed to a health care bill, I think that's going to be a real eye-opener to the civics classes around the country as to how that thing functioned. And, you know, that's part of the nervousness that we're seeing in the American people, and they're concerned about what's going on up here. That kind of overwhelming power play is just—it's contrary to the old fair play that's deep down inside what makes Americans great. So I appreciate you describing it.

I see Mr. BURTON's risen again. I will yield to him.

Mr. BURTON of Indiana. I thank my colleague from Texas for yielding.

I just want to follow up on what my other colleague from Texas just said. He was quoting the attorney general of Texas, Mr. Greg Abbott, and there was one clause in his letter that I thought bears repeating. He said, ''If there are to be any limitations on the Federal Government, then 'commerce' cannot be construed to cover every possible human activity under the sun—including mere human existence. The act of doing absolutely nothing does not constitute an act of 'commerce' that Congress is authorized to regulate.''

And this parallels what we were talking about earlier with the National Recovery Act, because it was designed to cover everything back in the 1930s. We talked about a couple of examples. And this attorney general is quoting pretty much what Justice Brandeis was talking about when he wrote the opinion, the 9–0 opinion that destroyed the National Recovery Act, saying that the Federal Government didn't have the right to run everything. And I think that's exactly what your attorney general is talking about.

I thank the gentleman for yielding.

Mr. CARTER. As he was reading from Attorney General Abbott's very well-written letter and he mentioned that particular thought, my thought was, You can let your imagination run wild if we are opening the commerce clause to existing. If existing puts you in commerce, then I think the sky is the limit. And more so, the sky is the horror, because ultimately it can be such an abusive power. And I am not pointing a finger at any administration, but there could be an administration down the road that imposes where you can live. Or one that is really interesting, because there are actually countries in this world that do this, and as we were talking about it, it popped into my head—in some European countries, Western European countries.

You know, there's a misconception—I think my colleagues know this, but if not, I want to at least put my two cents worth in—a misconception that everybody has the same freedoms we've got. Wrong. Just because they've got TV shows that we like or something like that doesn't mean they've got the same kind of free society we have.

The British system has the right of habeas corpus, but there are plenty of countries that don't have the right of habeas corpus. There are plenty of other rights. It's kind of interesting. In European countries, after the war, they wanted people to vote, so they made it mandatory. The government made it mandatory to vote. And if you don't vote—it's just like our health care bill—you get fined.

Now, they don't have a constitution like the United States that limits the power of their government. I'm not saying it's all bad. But to me, if I was a guy who didn't want to vote, they say, Okay. Pay $50 or you've got to vote. And then what's the next step, Pay $50 or you have to vote for my party or for my leader. And where does it stop?

Things that are done in good conscience when you open up the power of the Federal Government like this interpretation of the commerce clause, you can use your imagination and your knowledge of history to see how it could become, at some future time, more and more and more depriving of the liberties that we enjoy. So this is about a whole lot of stuff, and it's a whole lot of stuff that upsets you.

On the issue of Medicare, I think Texas is $8 billion—isn't that right?

Mr. BURGESS. If the gentleman will yield, several of the State senators have written to me, and, in fact, I believe I'm quoting Governor Perry correctly in that it would be a $23 billion cost over the 10 years. We do our budget for a 2-year time period, so for the next five budgets.

Now, as the gentleman knows, Texas has not been hit quite as hard as some other States by the recession, but it's still been hit. In the next election, the people who are elected for the next State legislature, for the next State senate are going to have to deal with a budgetary environment that is going to be a great deal tighter than any since probably 2002 or 2003. As a consequence, Governor Perry has tasked all of the various interim Senate committees and House committees to look for 5 percent of savings across the board in the State budget. So they are serious about getting their budget into balance. Of course, by law, they have to do this, and they are looking for every State agency to cut its budget by 5 percent. That's significant when, at the same time, the Federal Government is now saying, because of the increase in Medicare enrollment that you're going to be required to take, the budgetary expansion brought about by this health care bill will be $23 billion over the next 10 years at a time when every other State agency is being constricted.

So are we saying that federally mandated health insurance is more important than education of Texas children? Apparently we are. Are we saying that the federally mandated health care entitlement is now more important than State transportation issues or State security issues? Apparently we are.

But I know this is a serious problem that is being faced by the State legislators and the State senators, and I have heard from several of them over these past several weeks and the weeks leading up to the passage of this bill. And I know, of course, the Governor has been quite outspoken about the fact that they are going to have to cut their budget at the State level, and I believe every State agency has been asked to come up with 5 percent, a nickel in savings out of every dollar that is spent at the State level.

And it's actually not a bad idea for us. If we were to actually do a budget this year—which I'm not sure we are. For whatever reason, the Democratic leadership does not seem to think that's important, even though this country is in financial crisis, to squeeze 5 cents of savings out of every dollar. It's certainly something most Americans understand in running their own business. During times when I ran my medical practice, I would be faced with budgetary shortfalls, and I understood the concept of saving a penny or two or three or four or five out of every dollar you spent. And the Governor has

wisely asked his State agencies to do that. We don't seem to be quite so knowledgeable here at the Federal level sometimes.

I will yield back to the gentleman.

Mr. CARTER. I thank the gentleman for yielding back.

Let me say this. I think it's very interesting because Governor Perry's saying that we've got to cut 5 percent. I say hooray for that. I think that's the right way to go about it. But this bill tells us, we've got to set up—somebody in our State has to help administer this bill. And ultimately, we've got to come up with these pools, regional pools. We are pressuring our States to make this thing work, and our States say, We don't want that thing. And we certainly don't want the expense of doing it at the expense of our taxpayers' dollars because we're trying to tighten our budget.

You're right, we are lucky in Texas, fortunate that the economy hasn't hit us as hard. In fact, in my district in recent times, probably the hardest hit we received from this Chamber right here and the one across the way, when the President signed the nationalization of student loans and wiped out 500 jobs in Killeen, Texas. In Killeen, Texas, 500 jobs is a lot of jobs, and 500 jobs in central Texas is a lot of jobs, and that's just the tip of the iceberg of what ill-conceived ideas can do.

This one here is a constitutional challenge to our Federal Government and our Supreme Court. I have great confidence that they will accept that challenge, and I am hopeful that they will say, You can't expand the commerce clause to breathing. It just can't go that far. You don't need commerce because you exist.

□ 2045

If it is, then I would argue that there are no controls on the Federal Government's ability to do things to impose burdens upon your life. I think that is the real underlying issue here, and it is of great importance.

But even more so than that is when we came up with the concept of Medicaid, and Congressman BURGESS, he worked under Medicaid as a doctor. He knows what it is. But Medicaid is a contract between the individual States and the Federal Government to come up with a solution for poor people's health care. It was designed for the poor, the underprivileged. And it was designed that the States and the Federal Government, the Federal Government would have the ability to work with the States to put together a contract and the State would provide so much resources and administer the program, and the Federal Government would provide so much resources.

This bill, without any input whatsoever not only from the Republicans, no input from the Republicans in the House of Representatives, but no input from the States. They got their contract renegotiated by the Federal Government without their say. Now they have this huge financial and bureaucratic burden that is being placed upon the States by the fact that part of the way they were able to get the solution, all of the people not covered by health care, was to take a big chunk of people and just stick them in Medicaid, and say oh, by the way, States, we decided this is what you're going to do, and you're going to do it. We'll pay our share, maybe, but you've got to pay yours. And you've got to administer the program.

I think that some of the States, and I know in the Florida case, they are raising that issue. They are saying: Can you impose this upon the States at this level? I don't know.

The main issue is the commerce clause. That is the imposition of burdens not anticipated when the deal was struck. I think that is an important part of everything that we are talking about here.

You know, there are people who say oh, that CARTER and that bunch, they are a bunch of right wing nuts down there on the floor. They are all upset about this and they call them Socialists. Well, yeah, but did you look at this map? Have you looked at this map? I wouldn't call several areas of this country that is marked in red as bastions of conservatism by any stretch of the imagination, not that they don't have the right to be the State that they are. I am not criticizing them for their beliefs, but this is not some right wing conspiracy out of central Texas, okay; this is a cross-section of the country. The West Coast, represented by Washington State, certainly a progressive State, proud to be a progressive State; we have Pennsylvania over here on the east, and Michigan in the Midwest. This area up here is the heart and soul of the declining auto industry with all of their terrible problems. Everybody at night ought to say a prayer for the people in Michigan right now because they are having the hardest time of anyone in this Union right now. And we need to correct that as best we can.

More than that, I would at least submit that The Washington Post is certainly not something that Rush Limbaugh and the boys read and consider their newspaper, but let's see what The Washington Post said on March 21: The individual mandates extends the commerce clause's power beyond economic activity to economic inactivity. That is unprecedented. Congress has used its taxing power to fund Social Security and Medicare. Never before has it used its commerce power to mandate an individual person engaged in an economic transaction with a private company. Regulating the automobile industry by paying cash for clunkers is one thing, making everybody buy a Chevy is quite another.

That was in The Washington Post. I would argue and I think they would argue with me it is a liberal newspaper. But this is not a liberal or conservative fight. This is about freedom and liberty and our Constitution.

I yield to Congressman BURGESS.

Mr. BURGESS. I was going to agree with the gentleman that The Washington Post is not likely to be found in the Rush Limbaugh stack of stuff that he uses on his radio program everyday.

But the freedom argument is one that is so important. Under the Medicaid provisions, as I understand and read the bill that was passed by this House, individuals who earn at or below 133 percent of the Federal poverty level, if they are not covered by any other insurance, since they are going to be required to have insurance, will, in fact, be required to have Medicaid. They will not be allowed to purchase insurance in the exchange, as other Americans will. They will simply be placed into the Medicaid program.

That, too, is unprecedented. In any of the social entitlements that we have had in the past, never had we required someone by virtue of their income level to be within a certain Federal aid program.

The implications of that are startling and may well go far beyond the boundaries of where they exist today with the passage of this law. It may be a much more startling recession or receding of freedom than we have seen in this country. Really, it would be unprecedented the loss of freedom that will accompany this bill.

I will yield back to the gentleman because I know time is short, but that is an extremely important point that the gentleman just made.

Mr. CARTER. Reclaiming my time, 23 million Americans will still have no health coverage in 2019 after this bill is fully implemented. So with all of the big imposition on the privacy of American citizens, and the big imposition on our government of mandating them that they have to buy a product, and if they do everything that they are supposed to do and if the States can find the money to run the Medicaid problem, and if they can get the various agencies up and functioning and somewhere find the money to pay the salaries to run them, and if we create this bureaucracy, we will still have 23 million Americans that won't have health care coverage. Hmm.

If your goal was to cover everybody, you failed. I don't think it is really the goal to cover everybody. I think the goal is to put control of another part of the American economy and Americans' lives in the hands of the Federal Government. That's what I think this is about. And that is what I think it has always been about since we started this discussion.

That is why the American people were telling us what we want to talk

about is cost. This stuff costs too much. What can you do to get the cost down? There is no cost savings in any of this; there is only cost imposition.

So the one thing that I think we have a great shortage of in this town with present company excepted is common sense. But I have great confidence in the average American, whether he be the Wall Street fat cat or the guy working in the grocery store in Round Rock, Texas, they have common sense to know what is good form and what is not good form. I think that is why we are seeing people getting up off the couch and making their voices heard because this doesn't make common sense. This is not the kind of world we signed on to. It is not the kind of world we fought wars for.

We have an issue that it seems to grow in intensity as the weeks go by. It is almost the gift that keeps on giving in that there is just more to talk about every week. I, too, like Congressman BURGESS, lie awake in the middle of the night and can't get back to sleep thinking about what is coming down the road and what we have to do.

Many of my colleagues don't believe this, but I understand we are about to have a report come out on this, just as an aside, all of the Members of Congress and all of their office staffs were, on page 157 of this bill, taken out of their health care program and put under the pools. It is a very interesting challenge.

## HONORING TWO TRAILBLAZERS

The SPEAKER pro tempore (Ms. CHU). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHRISTENSEN. Madam Speaker, now that our colleagues on the other side of the aisle have completed their hour of speaking of how that long-needed, hard-fought for health insurance and preventive services for those who have had little or no access to health care ought to be taken away, praising the AGs, as they were, who are challenging the law through which we Democrats provided the opportunity to every American for health and wellness, we are now going to turn to remembering two individuals who all of their lives worked to ensure that access to health, education, and economic opportunity was available for all.

Some of my colleagues spoke of the life and legacy of Dr. Dorothy Irene Height last week when Congresswoman FUDGE's resolution was on the floor, but the Congressional Black Caucus wanted to use this time this evening to continue that tribute and also pay tribute to Dr. Benjamin Hooks. I consider it a great honor and pleasure to anchor this hour of tribute to two of our Nation's trailblazers, two drum majors for justice, to incomparable human beings whom we mourn because they are no longer physically with us, but who will forever be with us in spirit and through the rich legacy that they both have left.

Individually, as communities of color and as a Nation, we are far better because they passed this way and touched our lives during their earthly journeys. The people I am speaking of are Dr. Benjamin Hooks and Dr. Dorothy I. Height.

On Dr. Hooks, although I had the honor of meeting him, I didn't get to know Dr. Benjamin Hooks personally. But everyone knows or ought to know of the little old country creature that he referred to himself as, but which surely grossly understated the measure of this luminary of civil rights and champion for a better America.

A native Tennessean, civil rights leader, Baptist minister, attorney and judge, in fact, the first black judge to serve in that position in Tennessee and in all of the South after reconstruction, he, like Dr. Height, has made an immeasurable contribution to this country that will continue to reverberate for generations to come.

His life experiences in high school, and particularly in World War II, and his conquering of them all, I think is what served to fuel his passion and his determination to ensure equality and justice for everyone in this country regardless of race, color, religion, creed or nationality.

In a different and less strident partisan time, he was appointed to the FCC, the first African American commissioner, by President Richard Nixon, as was my father to the Federal district court in the Virgin Islands.

That Congressmen RUSH, BUTTERFIELD, and I must continue to raise the same issues today that he championed: the need for more minority ownership of radio and TV stations, for more diversity in employees in the industry, as well as for more positive image of African Americans in the media, is not at all reflective of the cogency of his argument or the determination of his effort, but more of the depth and intransigence of the institutional racism that continues to exist in this country.

An unrelenting supporter and advocate for self-help, he revived the NAACP during his legendary tenure of 20 years, while furthering and strengthening its missions, goals and ideals. He, like Dr. Dorothy Height, is the recipient of both the President's Medal of Freedom and the Congressional Gold Medal.

It is not enough that the University of Memphis works to carry on his league see through the Benjamin Hooks Institute for Social Change, it is up to those of us on whose behalf he served to live his life and these words of his: ''If anyone thinks we are going to stop agitating, they better think again. If anyone thinks we are going to stop litigating, they had better close up the courts. If anyone thinks we are not going to demonstrate and protest, they had better roll up the sidewalks.''

The Congressional Black Caucus, through our positions, our advocacy, and our legislative efforts here in Congress, live those words every day and are proud to join the NAACP in taking up the torch he has passed to us with pride.

□ 2100

Let me say a few words about Dr. Height. This country is indebted to her for so many rights and privileges that we enjoy today, from her work opening doors at YMCAs, to her empowering of communities in Mississippi and elsewhere, to her leadership in the struggles for women's rights and civil rights, her uplifting of the African American families through the Annual Family Reunions, her enrichment and advancement of the National Council of Negro Women, and all of the many ways she helped shape policy and found ways to address old and new ills in our community. There is not anyone who has not benefited from her life of service.

I want to spend my time, though, talking about the times and ways in which I was privileged to play what was but an infinitesimal part in her work. First, it was always an honor to be in her presence. But in addition to the invitations, the receptions, meetings, social activities, she also pulled me into her work with young women and health. I was able to be part of her efforts on HIV and AIDS. I had the opportunity to address her town halls, most recently a little over a year ago, a town hall on preventing obesity and lead poisoning in children in black and other poor communities.

And I got to be a part of her planning and developing the 12 or so sites for her anti-obesity programs across the United States. She always made sure that my district, and she did in this case, the U.S. Virgin Islands, was a part of it.

But it wasn't always just the big national issues. She understood the demands of leadership, especially on black women. And so she brought us together to counsel, support, and encourage us from time to time.

It's hard to put in words the deep pride and yet the humble gratitude that I had the opportunity in some small way to get to know Dr. Height, to be one of her countless mentees, to be even a small part of her efforts that I was in recent years. To have had her smile on me was a great blessing that will stay with me and continue to encourage me and guide me as long as I live.

In a few minutes I am going to yield to some of my colleagues and our

chairwoman, BARBARA LEE. I want to just read a couple of quotes here, first on Dr. Hooks. This is a quote from President Bush, who bestowed on him the Presidential Medal of Freedom: ''For 15 years, Dr. Hooks was a calm, yet forceful voice for fairness, opportunity, and personal responsibility. He never tired or faltered in demanding that our Nation live up to its founding ideals of liberty and equality.''

Julian Bond, the chairman emeritus of the NAACP, praised Dr. Hooks at the time as well, saying: ''Benjamin Hooks had a stellar career—civil rights advocate and leader, minister, businessman, public servant—there are few who are his equal,'' Bond said.

And another quote on Dr. Benjamin Hooks from the president and CEO of the Joint Center on Economic and Political Studies, Dr. Ralph B. Everett. And he said: ''Throughout his life and career, the Reverend Dr. Hooks never flinched in the face of enormous challenges, and his expansive dreams were always grounded in the concerns and aspirations of the least fortunate. As we carry on the work of building a better and more inclusive society that affords opportunity to all, we all have Dr. Benjamin Hooks' shining example to keep us on the right path.''

Dr. Marian Wright Edelman wrote of Dr. Height on her passing. She started with a quote from Dr. Dorothy Height which reads: ''We African American women seldom do just what we want to do, but always what we have to do. I am grateful to have been in a time and place where I could be a part of what was needed.'' And we are really grateful that she was in a time and a place where she was needed. Dr. Edelman says, and I quote again: ''When she passed away on April 20 at age 98, we all lost a treasure, a wise counselor, and a rock we could always lean against for support in tough times.''

At this time I am joined by the chairwoman of the Congressional Black Caucus, Congresswoman BARBARA LEE. And I would like to yield her such time as she might consume as she joins me in these tributes.

Ms. LEE of California. Thank you very much. Let me thank the gentlelady from the Virgin Islands for that very moving tribute and for anchoring the Congressional Black Caucus's Special Order tonight.

Madam Speaker, this month our Nation and the world lost two towering giants in the pursuit of freedom and justice for all, Dr. Dorothy Irene Height and Dr. Benjamin Hooks. Both lived long and fruitful lives and leave legacies that will endure for generations to come. Tonight we pay tribute to Dr. Hooks and Dr. Height, two trailblazers, two giants who paved the way and opened the doors of opportunity for countless numbers of Americans.

This week Dr. Height will be laid to rest, and she will be forever remembered as a bold and brilliant African American woman who blazed many trails and opened many doors so that we all could lead freer and more prosperous lives. A matriarch of the civil rights movement and a staunch advocate of women's rights, Dr. Height wore many hats throughout her life, both literally and figuratively, with elegance and with dignity, with excellence and with determination. I am going to miss her so much. She showed us that the fight for women's rights and our struggle for civil and human rights were not mutually exclusive. She was a coalition builder in our work for justice for all.

A couple of months ago, as I was listening to Congresswoman CHRISTENSEN's remarks about her personal involvement with Dr. Height and how she grew to love her, I myself had many, many experiences that brought me very close to Dr. Height. And I can remember one of the last times that we were together. She called and she insisted that I participate, and this was a couple of months ago, in the National Council of Negro Women's annual conference in Maryland. And of course, as Dr. CHRISTENSEN knows, when Dr. Height calls, you answer because you know it's important. There is no way you say no.

But Dr. Height, she knows the schedule here on the Hill because she was constantly here helping us with our outside strategy to move the Congressional Black Caucus's agenda forward. Well, she called and she said she knew how busy I was, she said, but just come out to Maryland for the breakfast. I said, Okay, Dr. Height, I will be there. Well, I got there early, it may have been like 7 o'clock, 7:15, dragging. But there she was in her beautiful hat, sitting at the head table to greet me.

And being with Dr. Height, I tell you, that day I realized that I was in the presence of greatness. And I know, as with all of us, especially the women of the Congressional Black Caucus, whenever she introduced us it was amazing, because she knew so much about each of us and she humbled us by the things that she would say about us. And we would wonder how could this great woman say these nice things about us. I mean, you know, we look up to her as a legendary shero, but yet she always, always lifted us up and made us feel like we may be part of her.

From her legendary stewardship as the national president of Delta Sigma Theta Sorority, Inc., to her unprecedented 41-year tenure at the helm of the National Council of Negro Women, Dr. Height, she was a woman of courage and strength. Her commitment to equality was reflected in so many of her pursuits—in fact, in all of her pursuits.

In the 1930s, for example, Dr. Height traveled across the United States to encourage the YWCA chapters to implement interracial chapters. After dedicating more than 60 years of her life to the YWCA, Dr. Height remained proudest of her efforts to direct the Y's attention to the issues of civil rights and racial justice. She was so committed to this work. In fact, the Y named Dr. Height the first director of its new Center for Racial Justice in 1965.

□ 2110

Imagine, in the thirties, this African American woman who put up a one-woman resistance movement to the segregation of the Y—and she won. One person made that difference in the thirties.

As a leader of the United Christian Youth Movement of North America, Dr. Height worked to desegregate the Armed Forces to stop lynching. Yes, she knew lynching very well in her day. Not too many years ago this country has that stain which we still have to remind ourselves of. She worked to stop lynching, to reform the criminal justice system and to establish free access to public accommodations at a time when racial segregation was the standard, mind you—and I know Dr. CHRISTENSEN remembers that. I remember that very well. That was the standard. Resistance to integration was often fierce. Dr. Height remained forever vigilant. She remained true to her convictions. Even when it was not the comfortable thing to do.

A lifelong advocate for peace and equality, Dr. Height was especially committed to empowering women and girls. She stood toe to toe with our great male civil rights leaders. Oftentimes, she was the only woman in the room, the only woman on the platform. She was steadfast in her dedication to ensure that black women's issues and concerns were addressed. She was forever dedicated to helping women achieve full and equal employment, pay, and education.

Dr. Height was an internationalist. Before many of us began our work on the continent of Africa or in the Caribbean, Dr. Height, as the President of the National Council of Negro Women, had chapters, and she did work in the villages in Africa—work that was visionary, work that touched the lives of so many women, children, and families. She knew that she was a citizen of the world and that she had to work both domestically here in our own country and internationally if, in fact, she were going to be a leader in our global movement. She is an internationally renowned woman.

Dr. Height led the NCNW, helping women and families combat hunger. She also established the Women's Center for Education and Career Advancement, in New York City, to prepare women for entry-level jobs. During her tenure as the President of the NCNW,

they were able to buy a beautiful building right up the street, near the Capitol. It's a site where slave traders legally operated what was know as the Center Slave Market. To this day, it is the only African American-owned building on this corridor, proving that she was not only a great leader but an astute businesswoman as well. I'll never forget the evening of the fundraiser where she was able to raise the money to retire the debt, to burn the mortgage.

I mean Dr. Height was an unbelievably clear woman in terms of financial stability and economic security for the organizations that she was a part of, and now we have a building on Pennsylvania Avenue—again, the site of the Center Slave Market. We heard her tell the story of how she found this building which was on that site, and we heard the story about that site, which is too long to talk about tonight, but there is a wonderful story about that. How she ended up purchasing a building on that site was, really, I think, the hand of God. Dr. Height remained a fighter until her last breath.

During my time here in Congress, especially as chair of the Congressional Black Caucus, I always knew that I could call on Dr. Height and that she would be there to support our efforts. Of course, last year, she attended President Barack Obama's first signing of a bill into law at the White House, the Lilly Ledbetter Act. She was present for the unveiling of the Shirley Chisholm portrait and for the bust of Sojourner Truth here in the Capitol. She worked diligently on various issues with the Black Women's Roundtable and the Black Leadership Forum, and she often participated in panels here on Capitol Hill.

Just recently, she joined our efforts to support the 2010 census. She was here in the Rayburn building, you know, helping us organize, giving us the message, speaking to young people, and just saying that we have to make sure that everyone is counted because, if everyone is not counted, they will be counted out. She knew what she was talking about.

We listened to Dr. Height. Many times, we attended many of her fundraisers, and I believe they are uncommon heights. Oftentimes, Dr. Height would talk, maybe, for 20 minutes, for 30 minutes, for 40 minutes, for 45 minutes. The older she got, the more she wanted to tell her story. Even with her talking about so much, people did not get antsy and did not want to leave. They wanted to listen to this great woman who knew Mary McLeod Bethune and Eleanor Roosevelt. We were mesmerized every time we were in her presence, and we wanted to listen. We did not want to leave.

Her passion was really an inspiration to all of us here in Congress. It's hard to imagine that, in the thirties, she provided this resistance movement. I will tell you that we love her, that we celebrate her life—and we do. We mourn her death.

Last week, an individual who I was privileged to meet and to know, Dr. Benjamin Hooks, was laid to rest. He was born on January 31, 1925, in Memphis, Tennessee. He was the fifth of seven children. In life, he was a civil rights leader, a minister, an attorney, and forever a champion of minorities and the poor. He was a man of all seasons. While studying prelaw at LeMoyne-Owen College in Memphis, Dr. Hooks became acutely aware of the realities of racial segregation.

In an interview with U.S. News and World Report, he once recounted and said, I wish I could tell you every time I was on the highway and couldn't use a restroom. My bladder is messed up because of that. My stomach is messed up from eating cold sandwiches.

So, after graduating from law school at DePaul University, Dr. Hooks returned to his native Memphis where he earned a local reputation as one of the few African American lawyers in town. Thoroughly committed to breaking down the practices of racial segregation which existed in the United States, Dr. Hooks fought prejudice at every single turn.

He said, At the time, you were insulted by law clerks, excluded from white bar associations, and when I was in court, I was lucky to be called ''Ben.'' He recalled this in an interview with Jet Magazine, Usually, it was just ''boy.'' Yet he said the judges were always fair. The discrimination of those days has changed, and today, the South is ahead of the North in many respects in civil rights progress, he said—an ordained Baptist minister, and he could preach.

Dr. Hooks joined the Southern Christian Leadership Conference, SCLC, and he became a pioneer in the NAACP's sponsored restaurant sit-ins and other boycotts of consumer items and services. Dr. Hooks was the first African American Commissioner of the Federal Communications Commission, a board member of the SCLC, and the first African American criminal court judge in Tennessee history. Twice a month, he flew to Detroit to preach at the Greater New Mount Moriah Baptist Church. Dr. Hooks was a true public servant who committed his life to empowering communities of color.

As the executive director of the NAACP from 1977 to 1992, Dr. Hooks increased the NAACP's membership by several hundred thousand people and raised critical funds for the association. He was instrumental in establishing a program in which 200 corporations agreed to participate in economic development projects in black communities.

In 1986, the NAACP recognized Dr. Hooks for his lifetime commitment to civil rights by awarding him the Spingarn award, the NAACP's highest honor. He also rightfully received the Presidential Medal of Freedom. What a man. What a man. He is going to be missed. We miss him already, and I know, though, that the NAACP has taken up Dr. Hooks' mantle and has mounted a very, very active, focused, and committed campaign to the principles and to the work of Dr. Benjamin Hooks.

So, with the passing of Dr. Height and Dr. Hooks, our Nation mourns the loss of true national treasures. Dr. Height's leadership in the struggle for equality and human rights and women's rights serves as an inspiration to all. Dr. Hooks will be remembered as a man who ceaselessly demanded that America live up to its founding principle of justice, equality, and liberty. They will be truly missed.

So, in the memory of Dr. Height and Dr. Hooks, it is the duty, I think, of all Americans to pick up and to carry this baton of freedom and justice. The world is a better place for everyone because Dr. Hooks and Dr. Height lived their lives according to really what they believed that God put them on this Earth to do. I think we all have a responsibility to keep their legacies alive.

□ 2120

Congressman CHRISTENSEN knows, and every Member of this House knows this is a very intense, busy, hard job. We work here day and night. We go to our districts day and night. And whenever we get weary or think that we can't go any further, I am reminded of Dr. Height and Dr. Hooks, who exemplified the words of a gospel song that many of us sing oftentimes in church on Sunday. These words: I ain't no way tired. I've come too far from where I started from. Nobody told me that the road would be easy, but I know he didn't bring me this far to leave me.

Even when the road was very difficult, and it was very difficult for these two great human beings, they kept going. They didn't get tired. They kept going because they knew their purpose and they knew that one day they would rest in peace. That day has come. But their spirit will live forever in the work of the Congressional Black Caucus and in the work of all of those that they touch. May they rest in peace.

Mrs. CHRISTENSEN. Thank you, Congresswoman LEE, and thank you for your leadership of the Congressional Black Caucus. And we know that under your leadership we will take up the mantle, take up the torch that they have left for us and carry on their legacy.

I would like to say to Mrs. Frances Hooks, who is always at her husband's side, his right hand and probably his left hand too, you were an integral part

of all that your husband accomplished, and we thank you too for your contributions. On behalf of the Congressional Black Caucus and on behalf of the people of the Virgin Islands, we extend condolences to you and the family. We in the Virgin Islands have also benefited by the work of Dr. Hooks.

And to Dr. Height's sister Anthanette Height Aldridge, and her family, to the council, to the Delta Sisterhood, and especially to two outstanding women who I consider to be Dr. Height's daughters, the Honorable Alexis Herman and the Reverend Barbara Williams Skinner, we extend condolences on behalf of the Congressional Black Caucus again and on behalf of my Virgin Islands family and the gratitude of all us for allowing and welcoming us into the life of Dr. Dorothy Irene Height.

As many people have said, both Dr. Hooks and Dr. Height leave big and awesome shoes to fill, but their lives continue to speak to us and what they are saying, what I hear them saying, is step right into those shoes, fill them any way you can, and keep marching on until victory is won.

## THE AMERICAN ENTERPRISE SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, I appreciate your indulgence this evening and the opportunity to address you here on the floor of the House.

Not having had the opportunity to listen to the dialogue of the previous people, I will take this up where the front of my mind and my conscience happens to be, and that is what is happening with and to America, what are our priorities, where are we going to go from here, presuming that we could actually reverse many of the things that have taken place over the last 1½ years or longer.

Madam Speaker, I would ask your indulgence to just cast your mind back into the last 1½ years or so, this being April 2010. In fact, I would take us back into August and September of 2008, perhaps a little more than 18 months by now. And what we have seen happen is that we saw a concern about the potential economic collapse of the free world, the fear that global currency and the confidence that allows us to trade in that currency could collapse and that we would see the free market economy and the markets within the world, including the Dow Jones and a number of the other market indexs, the Nikkei market, European market, and that list goes on, those lose the confidence of the investors if that happened, if the investors pulled their money out, if, in fact, there was any money to be pulled out, we could have seen a downward spiral that could have been a crash of our economic system that could have potentially eclipsed that of the Stock Market Crash that precipitated the Great Depression in October 1929.

We saw the Secretary of the Treasury, Henry Paulson come to this Capitol on September 19, 2008, and make a request, a very serious request, and some might characterize it as a demand, for 700 billion taxpayer dollars, 700 billion taxpayer dollars to inject into this economy in a fashion that he saw fit, in a fashion that wasn't necessarily laid out for us. We didn't understand particularly his presentation. We heard the words he said but it wasn't definitive. It wasn't clear. And as we found out after the $700 billion worth of TARP passed, even those words didn't hold so very accurately when we looked at the actual practice of how the $700 billion was spent.

So, Madam Speaker, that was the start of this long saga of what America's free enterprise economy, what is left of it, might look like and how we might manage these finances.

It's interesting to me that since that time, I have done some traveling around the world and I recall listening to Angela Merkel and the leaders in Germany the following February, if my memory serves me correctly, so it would be February of 2009, say to us, America, you're spending too much money. You should not dump the $700 billion in TARP in. It is a waste of money. It is irresponsible. You need to pull back. Their proposal in Germany, even though that is a social democracy, a nation that wants to have as much of it, apparently, within the hands of the government to manage as they can and a minimal amount within the free enterprise system, they have a different belief in it than we have.

They had a $450 billion plan; ours was a $700 billion plan followed by a $787 billion plan, coupled with $1 or $2 trillion disbursed by the U.S. Treasury that wasn't within the province or the guidance of this Congress, and I think it's awfully hard to track what that might have meant.

□ 2130

Theirs was $450 billion. I believe the number was $80 billion in targeted expenditures and the rest were loan guarantees. So one might argue the German approach to this—the people that originated socialized medicine, by the way—was they would spend $80 billion in an economic stimulus plan. Now, granted, their economy is not as large as ours, but $80 billion versus $700 billion, and another $787 billion, Madam Speaker, and we have the Germans admonishing us because we're spending too much money in trying to stimulate the economy in this robust Keynesian approach. And then since that time we've heard the President of France lecture us on the dangers of appeasement.

Oh, what a world we have today. How so much it has changed in the last 2 or 3 years, Madam Speaker. How so much the philosophy that has made America great has been pushed to the sidelines, hasn't emerged very much in the thought process, the decisionmaking component of this, at least, even though it remains in the hearts and minds of the American people.

So, Madam Speaker, here we are today, $700 billion in TARP spending, gone, spent, blown. This, yes, was initiated under the Bush administration, as was the nationalization of several financial institutions and the beginnings of the nationalization of AIG. However, the balance of all these things that I'm about to talk about came about under the Obama administration. And everything that I'm talking about, from the $700 billion TARP funding all the way through to today, was supported by either then-Senator Barack Obama, candidate for the Presidency Barack Obama, or the President of the United States, Barack Obama. That policy is indistinguishable whether he supported it as a Senator, whether he supported it because he was a candidate for the President or because he supported it as the President-elect or the President of the United States.

And George Bush gave some deference to Barack Obama on how he would approach this economy. One day I hope to have that conversation with President Bush. But, in any case, there's no component of this voracious appetite for overspending and pushing government into every corner of our private sector lives, there's no aspect of this that wasn't supported by the President of the United States, Barack Obama.

The American people know that and they understand it, Madam Speaker. And so what we have seen, we have seen the support for the $700 billion in TARP. In fact, this Congress limited the first half of that to $350 billion. And that went, essentially, without strings attached. And the balance of that, the other $350 billion, had to be approved. This was in October of 2008, so it had to be approved by a Congress to be elected later and by a President to be elected later. We know what happened. The second $350 billion was approved by the Congress elected in November of 2008 and approved by the President who was elected in 2008, Barack Obama.

So this entire lexicon of things that happened economically, good or bad, are not the fault of George Bush. They are not laid at the feet of the previous President. These are the responsibilities of this Congress, the House, the Senate, under the leadership of Speaker PELOSI, the leadership of HARRY REID down that aisle, and the leadership of Barack Obama, whom I have

sometimes described as a ruling troika, Madam Speaker. That would be, as I warned America about during that same period of time, if you elect Barack Obama as the President of the United States and re-renew the Speakership of NANCY PELOSI—in other words, reelect the Democrat majority here in the House—and you continue to expand the majority of the Democrats in the United States Senate, we will have created, and this is something that I believe is part of the CONGRESSIONAL RECORD, a ruling troika in America—that ruling troika being the President, Speaker PELOSI, HARRY REID, who could, by my words then, upheld to be true since then, go into a phone booth, the three of them—haven't done so literally, but figuratively they have—and decided what they would do to America.

Their accountability isn't to the American people. It isn't to the will of the American people. Their accountability is only to the members of their own caucus as to whether they would not just reelect them as leaders but decline to un-elect them as the leaders of their caucus. That is the only restraint that is on them and then the restraint of pushing policies that they couldn't pull the votes to get past.

It came very close here in the House a couple of times. And I have respect for political operators that have an ability to get those tough votes through and get them passed. In fact, if it's the right thing to do, it's a hard thing to run a good country—in fact, a great country—if you can't get those tough votes accomplished. But I will suggest, Madam Speaker, that many of the things that have happened in this Congress, the 111th Congress and the 110th Congress that preceded it, are anathema to the American vision and anathema to the American Dream, that they run contrary to the principles that made America great.

I can take us down this path. TARP is one of them. The Federal Government's business isn't to come in and decide which businesses are too big to be allowed to fail and then put a huge bill against the taxpayers, their children and their grandchildren; borrow the money from the Chinese and the Saudis; and then make decisions on which businesses should be allowed to succeed, with government help, and which businesses should be allowed to fail.

This country has got to be run by free enterprise, by the free markets; and if businesses fail, they have to be allowed to fail. And investors need to be able to come in and pick up the pieces at the discount that is available when they go through chapter 11 or 7. Their assets are still there. They can be managed by other corporate entities or noncorporate entities, for that matter.

It isn't that if a bank went under or if AIG the insurance company went under that all of a sudden all of the assets that they have are dispersed or sunk into the ocean somewhere. The hard assets are still there. The accounts are still there. They can still be managed by some entity that comes in and picks up the pieces. I have seen this happen a number of times far too close to make me comfortable within the banks that were closed back during those years in the farm crisis years of the eighties.

It happened over and over again, hundreds and hundreds of banks went under. And when they went under, they were recapitalized. New board of directors. New investors came in and picked up those shares of stock. They looked at the loan portfolios, they looked at the deposits, and they made management decisions to put that bank back on a profitable track. Many of those banks, most of those banks, and I don't know that I could say all of those banks actually got turned back into profit. Yes, there were banks that were closed. There were those whose doors were shut and didn't open again. But many banks came under new ownership because they were sold back into the private sector. Even though the FDIC found themselves brokering assets of banks no longer solvent, they did not hold on to the assets of those banks and operate those banks as if they were players in the private sector.

But what we have seen happen with this Obama White House is entirely different than what we saw during the farm crisis years of the eighties. First, this idea of too big to fail. Too big to fail, Madam Speaker. No one in America's britches should be too big to fail. Too big for their britches, but they can't fail.

I'd point out a presentation that was made to us about 3 years ago at an 8 a.m. Wednesday morning meeting which I host, a breakfast which I host and have done so for 5½ years, the Conservative Opportunities Society. One of the very smart financial presenters there—since that is off the record in that meeting, I can address what he said, but not his name—we were talking about the subprime mortgage crisis. And he said, When you're in the business, the investment banking business, where he'd been for 30 years, what you do in this business is—and he paused for effect and said, Pretty much whatever everybody else does. That way, if they're making money, you're making money. But if things melt down and there is a bailout, then you will be bailed out with everybody else.

Madam Speaker, it's not hard for me to imagine what that does to the investment minds of people that are operating investment banks if they know implicitly, not explicitly, that they can take a lot of risks and they are never really going to go under because the Federal Government will come in and bail them out. That was the implicit guarantee in banks that were too big to be allowed to fail. And it was followed through upon by this government, by this President, in this administration, in this time, and approved by him as a United States Senator and approved by him as a candidate for the Presidency.

Too big too fail became too big to be allowed to fail. Too big to be allowed to fail. The Federal Government would come in, and if we didn't have the money to bail out these businesses, then we would tap into the United States Treasury, who would borrow it and borrow it from the Chinese and the Saudis and anybody else that could invest in U.S. bonds and pick up these businesses.

So the Federal Government nationalized three large investment banks in the aftermath of this September 19 visit to the Capitol by Henry Paulsen, then the Secretary of the Treasury. Three large investment banks, ownership taken over. Ownership or control taken over by the Federal Government. AIG, the insurance company, $180 billion invested in an insurance company, was guaranteeing securities.

And then we back this up to the late seventies when the Community Reinvestment Act was passed because there were lenders that were not willing to make bad loans in bad neighborhoods. They had drawn red lines and concluded the asset value was diminishing, not appreciating, and the return on that investment, let's say the collateral value was shrinking. Therefore, if they loaned against that collateral value, they would find themselves upside down in those mortgage loans. So they drew lines around the neighborhoods where the value of assets was going down.

Now, some argued that it was a racist decision. I don't know that. I wasn't in those rooms and I don't know those people. For all I know, I never met the people that were making those decisions. If it was for the racist reason, it's kind of like racial profiling. If that is your only reason, then it's wrong. But if it's an indicator that makes you look at the totality of the record, okay, then it may not be wrong. But lenders were drawing a red line around these neighborhoods, and they refused to make those loans into those neighborhoods.

And there was a political decision made in this Congress that they were going to force lenders to make loans into those neighborhoods that had red lines drawn around them. That was the Community Reinvestment Act. But the problem was that they couldn't get the banks to make enough loans into those neighborhoods because the collateral value was going down and the underwriting requirements for Fannie Mae and Freddie Mac prohibited them from picking up on the secondary market some of those bad loans.

So in 1978 I believe was the year when the Community Reinvestment Act was passed. They expected that there would be a lot more loans made into these neighborhoods that were redlined. There were more lines made but not enough to satisfy the organizations out there in the inner city. The community organizers—we can ask the President about community organizers. What do they do? They advocate for taxpayer dollars and redistribute those taxpayer dollars into the neighborhoods. They don't contribute to the free enterprise economy. They just tap into the taxpayers, distribute those taxpayer dollars, and in exchange trade off for political power. That is what community organizers do.

So these community organizers concluded that they weren't going to get enough loans into those neighborhoods so they came back to this Congress and lobbied this Congress in the nineties to make changes in the Community Reinvestment Act and, by the way, because of the Community Reinvestment Act, they also found out that Fannie Mae and Freddie Mac had strict enough underwriting requirements, that because of those capital requirements and the underwriting requirements, Fannie and Freddie, the secondary loan market, the GSEs in the United States, could not pick up those loans off of those lending institutions.

And so they have refreshed the Community Reinvestment Act and made it a little more strict, but also into the bargain they lowered the underwriting requirements for Fannie Mae and Freddie Mac. Now we have created a scenario for real bad loans in bad neighborhoods, real net loss to the lenders. But the lenders weren't on the hook so much because as soon as they could make a loan into a neighborhood that was approved by organizations like ACORN, they could peddle that loan off into the secondary market and Fannie Mae and Freddie Mac would pick up the entire tab on that and the original lender would be off the hook.

So there's plenty of incentive for the original lenders to be retail marketing bad loans in bad neighborhoods as long as they could package them up, sell them into the secondary market under Fannie Mae and Freddie Mac. Fannie Mae and Freddie Mac then got to this point where they could see that they need to divest themselves of some of those loans, and they sliced them and diced them, and turned around and spun them back into the tertiary market and beyond.

So as this mortgage market was moving along, it was still moving slowly through the nineties. And we got towards the end of the nineties, and actually to the year 2000, when George Bush was elected, we had at the end of the nineties the bursting of the dot-com bubble. When the dot-com bubble was burst—and I suspect it was pierced by the class action lawsuits that were brought against Microsoft by the State attorneys generals, my State Attorney General Tom Miller included—in fact, one of the ringleaders in the lawsuit against Microsoft. I actually think that the dot-com bubble would have burst anyway. Because what it was, it was a speculator's bubble. Yes, there was value in our ability to store and transfer information more effectively than ever before. The speculators invested in that. They bet that would return on their investment and these technology companies would blossom and make huge profits and they would cash in on them.

□ 2140

But this bubble was created out of that speculation, and the thing that wasn't corrected for some time until the bursting or the piercing of the dot-com bubble was the inability for the market to consider that having that technological ability to store and transfer information more effectively than ever before didn't necessarily translate into profits for companies. You have to produce something more efficiently in order for the value of that company to be there.

So, with the Internet, for example, whatever the Internet does to improve the productivity of all of our companies—and anybody that is engaged in business will know that it does improve your productivity as a company—you have the value of that productivity as to what it's worth, not what you speculate you can store or transfer for information.

The only other things that you got to add to that dot-com bubble value was the increase in productivity and the value that you have for recreation. So if people surf the Internet, and they were willing to pay for that, that was a component of our economy.

But the dot-com bubble burst. And as it collapsed, we were seeing the end of the Clinton administration. That was the recession that they talked about during that period of time. And as George Bush was elected, we saw Alan Greenspan make an evaluation—and I suspect this is accurate, and he would have a different opinion of it perhaps—but that we needed to make some adjustments in this economy in order to compensate for our declining economy because of the bursting of the dot-com bubble. Remember, the bubble burst, and it left a depression within our economy. And I don't use that in economic terms. I use that in, let's say, literal terms.

So Alan Greenspan looked at that and decided that we need to recover this economy. How do we do this? Well, unnaturally low interest rates. We're going to promote more mortgage loans. We are going to create a housing market and a housing boom, and we are going to use that to fill the hole in the dot-com bubble. That's the scenario that was playing out.

So unnaturally low interest rates with an encouragement for people to borrow money on terms that they hadn't seen in their adult lifetimes, you couple that with the Community Reinvestment Act, passed in the seventies, refreshed in the nineties, coupled with the lowering of the capital and the underwriter requirements of Fannie Mae and Freddie Mac and an aggressive lobbying part on the part of ACORN, who came to this Congress and lobbied to lower the underwriting standards for Fannie and Freddie and to push the Community Reinvestment Act, and ACORN finding themselves and putting themselves in a position in the communities whereby they got to approve or disapprove of the effort of the lending institutions to make bad loans in bad neighborhoods.

Now we have cooked up the perfect economic witch's brew, Madam Speaker, that resulted in the toxic mortgages that nearly brought down the global economy. That's a component of the scenario which nearly brought down the global economy. And as these investment banks, lending institutions picked up the mortgage loans on the secondary market, Fannie and Freddie tranched them, sliced and diced them, packaged them, shuffled them, cut the deck, sorted them out and began to sell them on up the market.

AIG, the insurance company, was looking at these bundles of mortgage-backed securities, setting a premium risk rate on these bundles and charging that premium. And whenever they were packaged and bundled and marketed for a profit, the people that were doing that were taking their profit out and passing the risk on, and AIG was passing judgment on that risk with no check and no balance and no one looking over their shoulder, and no one knew the market. They just trusted that AIG would know the answer because, after all, they were the premiere insurance company. They had been growing by leaps and bounds. But their agents were skimming—I don't know if I would say ''skimming'' is a fair enough word. But their agents were taking a profit out for the marketing of the policies and the premiums, but there was no continued responsibility and liability.

So I'll suggest that when people make investments and they pass those investments up the line and they can take profit out of them at every step along the way, it's kind of like the reverse of the value-added tax, isn't it, Madam Speaker, where every time you can bundle up some mortgage-backed securities, package them up, get AIG to set a premium on that and get a guaranteed return rate because AIG's premium is there, pass that on up the line, you take your margin out of that, it's kind of like selling the wheat and

paying the tax to the Federal Government and sending the invoice along with it while the guy at the mill grinds the wheat into flour. He takes the invoice from the value-added tax and uses that for his credit, and it goes on up the line. He pays his 10 percent tax and goes to the baker, and the baker then uses the two invoice credits of the 10 percent on the wheat and the value added that is another 10 percent on the increased amount on the flour that's milled from the wheat that goes to the baker who pays the tax of what's left on the value added before it goes to become the bread.

□ 2150

The same was going on during the era of the Community Reinvestment Act and Fannie Mae and Freddie Mac and the tranche mortgage-backed securities and AIG guaranteeing, passing that thing all of the way up the line. It became, yes, there was foundational value underneath these mortgages. That is the market value of the real estate, but it also was a huge chain letter that was marketed all of the way up through. And when the investors in the world lost confidence that they no longer knew the value of these bundles of mortgage-backed securities, then that happened, then we were threatened with an economic meltdown, Madam Speaker.

That is kind of how we got here. And now, as the economy spirals downward, or more or less the threat of the economy spiraling downward, we look to a President who is a Keynesian economist on steroids. He believes, and I have certainly heard it directly from his lips in very short range that Franklin Delano Roosevelt lost his nerve on spending and that he just didn't spend enough money. If he would have spent a lot of more money, it is the view of the President, whom I take at his word, that the Great Depression would have been over in the 1930s and we wouldn't have had to wait until World War II that brought about the most effective economic stimulus plan ever. That would also be the President's view.

But I will submit when the stock market crashed in October of 1929 and we saw my Iowa President do some things that FDR may well have approved of, and FDR went in with the New Deal, which, in my view, was a really bad deal, and in President Obama's view was a pretty good deal and could have been a better deal if he spent a lot more money, it didn't bring about a recovery from the Depression that started in October of 1929, but what it did when the Federal Government borrowed a lot of money, and they borrowed it from the American people in the form of bonds, they created a lot of make-work projects, had to pay the interest, had to pay the principal, we had all of this debt going on at the beginning of World War II. And then we had to take on a lot more debt. But at least during that period of time, had we not borrowed all of that money, not spent all of that money, then the United States economy would not have had to service all of the interest and service all of the debt.

Interest and principal. Could it be that the people in this country have forgotten what interest and principal is and what it takes in cash flow to service the debt. And will they ever figure out what it is like to be on the other side of this?

I recall a very good neighbor and a wise mentor friend of mine, Dennis Lindberg, who has since passed away, told me a story about when he was a young man and how he had the experience of paying interest at a very young age. He said to me, I decided early on that if I was going to have anything to do with interest, I was going to be the one collecting it.

But this government looks like they will have a lot to do with interest, and they will forever be the ones paying the interest rather than collecting the interest.

So this economy has been diminished by the burden that has been put upon it, just like it was diminished in the 1930s by the burden put upon it. The stock market crashed in October of 1929, and it didn't recover during the Great Depression years of the 1930s. It didn't recover during World War II. The stock market was still struggling to get back to where it was at the end of World War II, at the beginning of the Korean War, at the end of the Korean war. It wasn't FDR who solved the problem. FDR delayed the recovery by borrowing all of that money and spending all of that money in the New Deal during the Great Depression. The stock market didn't come back to where it was in 1929 until Franklin Delano Roosevelt had been dead for 9 years; 1954 is when the Dow Jones Industrial Average recovered to the place where it was when it crashed in October of 1929. All of those years, 9 years after Franklin Delano Roosevelt passed away.

And I want to give him a tip of the hat and a nod, and a significant measure of respect for the way he led this country in World War II. He was solid. He was an anchor, he was stalwart, and a commander in chief. He had a vision for full, all-out 100 percent war demanding total surrender from our enemies. I can take some issue with some of the decisions made along the way; but on balance, Roosevelt was a very good wartime President. I just don't think he was a very good depression-era President.

And this President, I have no idea what kind of wartime President he would be. We are not in a depression. Some will say we are in the Great Recession. That is the vernacular that has been adopted most. But this Great Recession that we appear to be in has spent a lot more money than was spent during the Great Depression of the 1930s. The result, I believe, will be similar.

If you take a business, we can think in terms of a small business, a small business that generates $100,000 a year in gross receipts, and perhaps has a $10,000 mortgage with a 10 percent loan on it. This is so I can do the math as I am talking. So your $100,000 in gross receipts needs to pay the proprietor, pay the utility bills, and all of the overhead, as well as the interest. So if you are grossing $100,000 with a $10,000 loan, then 10 percent of that loan would be $1,000. And if you are paying $1,000 in interest, and let's just say you are going to retire that debt on a 10 year loan, so you pay 10 percent of the principal each year.

The first year it would be $1,000 in interest and another $1,000 in principal; $2,000 out of your $100,000 goes to pay the debt, to service the debt you have. And then you have to take your margins, your expenses out of the remaining $98,000 and have enough to feed the proprietor and keep the proprietor engaged in the business

Let's just say that all of a sudden, we have this economic crisis and the business is having trouble. It gets flooded or burned out or whatever it might be, and along comes on the Small Business Administration or some other entity, and they say we can keep you in business, but you can't stay in business unless you borrow $100,000 and we will inject that $100,000 of capital into your business. Well, that is nice. You get to stay in business.

Now you have $109,000 worth of debt to service, but I will just go with the $100,000 because I am speaking off the cuff and I can do the math as we fly. Now your interest burden is not $1,000 on the $10,000 debt you had, it is $10,000 interest on the $100,000 debt you have, and the 10 percent you were paying on principal of the $10,000 debt, that $1,000, now becomes $10,000.

So your business that was servicing with $2,000 a $10,000 debt, now has to have two $20,000s to serve the $10,000 worth of interest and the $10,000 worth of principal on your $100,000 debt.

You have taken your ability, your gross receipts in the business are similar or the same. You can only service $2,000 on the old way of financing with the $1,000 of interest and $1,000 worth of principal, $2,000 out of your $100,000 gross, but when they give you this nice loan that you borrowed $100,000, now you have to figure out how to service $10,000 worth of interest and $10,000 worth of principal out of a $100,000 worth of gross receipts. Instead of it being 2 percent, now it is 20 percent.

I hope this example, Madam Speaker, is explanatory to the President of the United States, to Larry Summers, to the people that are looking at this

economy and believing that John Maynard Keynes had some answers. He had answers all right, but they were the wrong ones, Madam Speaker.

We need to reduce the debt. We need to reduce spending, and only when we do that can we have a free market economy that will work its way out of this and let us be able to pay the interest and pay down the debt so that this economy can finally get around to the side where it is not constantly burdened servicing interest and debt as opposed to the legitimate functions of government.

We did had 2 or 3 years here where we had a balanced budget. There are some reasons for that. I will give Bill Clinton a little credit. And I will give the Republican Congress a lot of credit. They came in here revolutionaries and they decided that they were going to choke spending down, and they did that. I think also, though, the economy outgrew their predictions and so they were a bit surprised when they balanced the budget.

I think Bill Clinton was a bit surprised when the budget came balanced. Those are the fortunate happenstances of history. We need to be more prudent than that even.

We are going to have to go back. This debt commission that meets tomorrow, that starts out with Erskine Bowles and former Senator Alan Simpson as co-chairs, they are going to examine all of this debt and figure out how to look at the debt and the income to bring America into something that is more responsible. I don't think that they think that they are going to balance the budget or make a proposal that will balance the budget, I think they believe that they are going to look at the spending and the income and make some kind of a recommendation that would help compensate the calamity that we are in.

But, Madam Speaker, I would submit that if you want a committee to produce a result, write up that result. Tell me the result you would like and present it to me, and I can appoint for you the committee that will produce the result that you want. That is how it has been done around this Hill since time immemorial, how it is done in the real world, how it is done in the city council meetings and the county supervisory meetings and within the outside committees of our State legislatures. And that is not a criticism of the people who sit on that debt commission.

□ 2200

They are good people by and large and by balance. But they do not represent, I don't believe, the creative ideas in the United States. First of all, I look through that list of people on the commission; I don't find a single person on that commission that supports a national sales tax. I don't find a single person that has advocated for the abolishment of the IRS and the Federal income tax. Not one. Smart people there, yes. Their decisions, though, and their positions, from what I have seen, are not economic positions exclusively. They are pragmatic economic decisions that are tempered by their judgment of political reality.

So couldn't we at the very least, if we wanted to provide solutions for America, couldn't we set all of our politics aside, take away all of this pragmatism that is political pragmatism, not economic realism, throw that off to the side, park it over there in the parking lot, can't we clean out all of the political jargon that's there and sit down and first ask the question: What would be the smartest thing we could do economically in this country? And in the process of doing that, how do we fund this government, the necessary components of the Federal Government?

Madam Speaker, those are the basic questions I have been asking about this country for 30 years. And I am making a recommendation to the debt commission. And I trust that they will overhear this discussion that you and I are having tonight, Madam Speaker. But it comes down to this: if we were going to devise a tax policy for the United States starting from scratch, that proverbial blank slate or a blank piece of paper, that tax policy, Madam Speaker, would not be the Internal Revenue tax or code. We would not generate the IRS. We would not look at this as a tax on income.

Because here is what Ronald Reagan once said. Ronald Reagan once said, ''What you tax you get less of.'' He also said, ''What you subsidize you get more of.'' But I will stick with the tax side of this. What you tax you get less of. The tax is a punishment. We here in America tax, and that is in quotes ''punish'' all productivity in the United States.

If you have earnings, savings or investment, if you punch the time clock and go to work, if you start a business and put your sweat equity matched up with what capital you might have, package that together and start a little factory or a service company, or start marketing an invention, whatever it is that you might do, the IRS will come along and identify that productivity and tax it, punish it, shrink it, take away your incentive to produce it.

Production is what drives this economy, not spending. That's a Keynesian mistake. It's not and never has been an economy that is driven by government spending or the Federal Government borrowing and bonding and putting cash in the hands of people so they spend it into the economy to get this to recover. That is not the answer.

Our answer is we need to produce. We need to increase the production in America, in competition with the rest of the world, and market more goods and services and drive our gross domestic product up. And when we do that, we will see prosperity, the prosperity that comes from our efficiencies, from our productivity producing goods and services that have value. And so when Ronald Reagan said, ''What you tax you get less of,'' he was recognizing that we punish productivity.

The Internal Revenue Service and the income tax code are completely dedicated to taxing all productivity in America, punishing all productivity in America, setting aside everything that is good and productive about our economy and taxing it.

So if you punch a time clock and you go forward and you earn wages, you are taxed on it. At least the payroll tax. The Social Security, Medicare, Medicaid tax, that is on there. You will pay your income tax when you reach a certain threshold. If you have earnings, savings or investment, if you are going to cash in your dividend check, your capital gains, your interest check, all of that's taxed by the IRS.

If you go through life and you acquire an equity base, a net worth, and perhaps you pay the tax on all of your income as you go along, and maybe even your investments didn't appreciate in value and were never taxed in that fashion—if they were you would have paid it—but you have a nest egg of, let's say, $10 million, which is a pretty good lifetime of work, this year you could die and pass it along to your children because the Democrats are asleep at the switch. They would like to tax your estate. They just haven't gotten around to doing that, partly because the gavel in the Ways and Means Committee has been in three different hands, all of that within 24 hours by the way.

All of your productivity, all of your earnings from your work, all of your earnings from your investments and your management of whatever business you might start or your dividends, your capital gains, your interest income, your estate tax, all of that is taxed, all of that is productivity, all of that is punished by the Federal Government today. So what do we get? We get less productivity. We get less investment because the cost of capital goes up. And we get less savings because the interest income on the savings will be taxed by the IRS.

We will have fewer dividends because companies are looking to figure out how they can avoid the corporate income tax in order to not pay out the dividends that come from the profits. And their dividends themselves are taxed. When the board of directors cashes in on those dividends, they are looking at the tax liability; so they are thinking, let's roll it. I don't want to take that out because the IRS will come in and tax.

And by the way, investments in foreign lands, if they are repatriated into

the United States, there will be a capital gains tax against that or an income tax against that as well. So there is in the order of $13 billion in private sector capital that is stranded overseas that isn't coming back to the United States because there is a penalty there for bringing it into this economy. If we would just suspend the tax on all the capital overseas, we would see trillions come back into the United States. Five trillion perhaps in the first year, most if not all of that in the succeeding years.

That's why the fair tax is the right way to go. There are many good reasons why the fair tax is the right way to go, Madam Speaker. But the biggest reason—two big reasons—one big reason is the fair tax ends the IRS. It ends the Internal Revenue Code. It ends the punishment to productivity in America. It stops the punishment of earnings, savings and investment, and lets a person earn all they can earn, save all they want to save, invest all they want to invest, and in fact take the proceeds from the investments out and move them around, put them in an investment where they will return better rather than having to pay tax when you cash that check in.

So now we have all of these people that are involved in tax avoidance, all the tax attorneys that are involved, H & R Block involved in tax avoidance because the taxes may be avoided, they are delayed; but in effect they are often not circumvented. They must be paid eventually. Most of them. That's what this Tax Code is set up to do.

My position is this: I am for H.R. 25. I am for the national sales tax. I am for the fair tax. And what it does, it takes all tax off of productivity, it abolishes the IRS, it puts the tax over on consumption, where it provides an incentive for savings and investment. When you tax consumption, that encourages people to invest and save. And they can build their nest egg. And the capital comes back to the United States. That big chunk of that $13 trillion comes back to the United States.

And all of these high-rise buildings that have highly paid tax lawyers in it and the corporations that have whole floors of their buildings dedicated to tax attorneys, tax advisers, accountants for the purpose of avoiding taxes, all that goes away. And that human capital, the very smart people, moral, hardworking, ethical people who have legitimate jobs in today's environment, they could turn their focus into producing something that has value rather than tax delay or tax avoidance.

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Think what it would be like to take all of those smart brains and turn them loose to help us figure out how to be more productive. Some of them will go out and start a business. Those businesses will go up, and they will be publicly traded businesses eventually. Some of them will go to work for other companies, and they will add to the value of those companies because of their creative ideas. Some of them will be such good nuts-and-bolts accountants that they'll find other ways for companies to make money, and it might well be their companies. Some are entrepreneurs, but the creativity of America is diminished because we're locking up a bunch of human capital to audit and punish the productivity of the American people.

What sense does that make, Madam Speaker? Why do we have a sense of class envy against people who would be productive and who would make money?

Now, I'm not among them. I'm not going to die a rich man, Madam Speaker. There is nobody in my lineage who's going to pass it along to me. I've dedicated my life to this public service and have made a little money in my time, not enough to talk about and certainly not enough to brag about, but I've engaged in this free enterprise economy.

I started a business in 1975 when I had a negative net worth of $5,000. I went out and bought an old, beaten-up bulldozer, an old D–717A. That machine was so decrepit that I couldn't even put it to work to make my first dollar until I took the welder out and welded on it for 2 weeks before I could get it stuck together enough that I could put it to work. I put it to work. After 3 hours, I watched the old pressure gauge go from the peg of high pressure all the way down to zero—just about like that. As that happened, I dropped the throttle down and shut the machine off. I had to tear the engine all the way down and had to put it all the way back together in the rain. My wife was standing there, 4½-months pregnant with our first child, and I was torquing head bolts on a D–7, in the rain, in September. That's how we got started.

I have an appreciation for what it takes to start a business, to make that business go, to grow that business to where we can hire people and can pay wages and benefits. I certainly have an appreciation, Madam Speaker, for walking into my construction office sometime in the early 1990s when I first noticed this. My secretary had taken our Christmas tree and had decorated that Christmas tree with gold silhouettes of Christmas trees, of Santa and a sleigh, of baby Jesus, of the Star of Bethlehem, of snowflakes. Each one of those on that tree was engraved with the name of either an employee, a spouse or one of their children, and there were enough who were dependent upon King Construction to decorate that entire Christmas tree. That was the time it really hit me that the decisions that I made affected the lives of all of those families and their children. It was something that weighed on me heavily but that also gave me great joy during that time—to see that we had built something that so many people were dependent upon, something that was good and just and honest and decent and productive. Of course, the tax burden on that was one of the anchors that we had to drag all the way through.

So I had come to a conclusion that I wanted to eliminate the IRS, that I wanted to end this punishment for productivity, that I wanted to put the tax on consumption, to let people earn all they could earn, to save all they could save, to invest all they wanted to invest, to accept the proceeds of their investments, and to move them around without penalty. Sell anything you want to sell. Take your capital gains. Put it in the bank, and do what you want to do. Yet, when you spend the money, pay the tax.

I understand, and I would think that anybody at this level of government should understand that businesses don't pay taxes. Corporations, sole proprietorships, LLCs don't pay taxes. They collect taxes for government. They pass the costs of taxes through to the consumer, but they don't pay taxes. If they didn't pass those costs along, they would be broke, and we all know that. Businesses are effective and efficient collectors of taxes for government, but they are not taxpayers. So we can get to two principles here:

One I've spoken about in some depth, which is that taxing productivity reduces our productivity. Increasing our productivity is a solution for our economy, so we should take all of the tax off of productivity, and we should put it on consumption.

The next principle is that businesses don't pay taxes. They collect taxes from consumers. So why wouldn't we just allow the 44 or 45 States which currently have a sales tax to use the engine that they have, the system that they have, to collect the sales tax in the same fashion that they're collecting it at the retail outlets within their States now? No exemptions. We'd have to tax sales and service. Yes, government would have to pay that tax. They're paying it today in the embedded costs of the things that they buy. The government has to pay tax. There has got to be a tax on sales and service, and it would only be the last stop on the retail dollar.

So, if it's a farmer, for example, rest easy because, if you go out and buy a new combine or a planter or a tractor or a rotary hoe, or whatever it is that it might be that you need, you wouldn't have to pay sales tax on that equipment because that's a business input cost. So you can buy equipment. You can put it into your fleet. You can work it, but you don't have to pay sales tax on that equipment because it's a business input cost; but if you buy, for example, a cap to put on your head while you ride around in that

combine or while you pull that planter on that new tractor, you'd pay sales tax on the cap because that's a personal item. That's how the differentiation comes down. We would have to tax all goods and services.

So, if people are sitting there thinking, well, my pharmaceuticals will be exempted, no, sorry, we can't exempt them either. Pharmaceuticals wouldn't be exempted. Neither would Pablum or Pampers or any of these products that we would call ''food'' or preferred items for those organizations or entities that we think we'd like to untax, because, as soon as we start creating exemptions, then there's another exemption that has equal or more merit. Pretty soon, it would narrow the tax base to the point where the rate would be too high and we couldn't sustain this. It has to be no exemptions. All tax on sales and services must be paid.

If you were to go out and build a new house, you would pay a sales tax on the materials—on the lumber, on the plumbing, which are all of the things that go into a new house, and on the labor. Though, if you would sell that new house the next week, there would be no sales tax on it because it would be a used house, and the tax would have already been paid on the materials and on the labor. Now, that might seem like a high cost for a new house except that the cost of those materials that would go into the house would be, on average, 22 percent cheaper. That's because there is an embedded Federal tax in everything that we buy, which averages at 22 percent. Remember, these businesses don't pay taxes. They pass them along to the consumers. Here is how it works, Madam Speaker:

Their businesses will factor it into their prices, and they must. That $1 widget has an average of 22-cents' worth of embedded Federal taxes in the price. So, if you would pass this national sales tax, the Fair Tax, you would see competition drive the price down. Your $1 widget would be priced then at 78 cents. Twenty-two percent of the embedded cost of that $1 widget would go down to 78 cents. Yes, you'd have to add back in a 23 percent embedded national sales tax in that on the sales and on the service. Yes, that would take that up to just a skosh over $1 again. Yet people would get 56 percent more in their paychecks. They would have a lot more money to spend. The retail prices wouldn't look a lot different when you'd be done paying the tax than they would today, but the difference is that everybody would see how expensive the Federal tax is, and they would make less demands on government because it would make everyone a taxpayer.

Let me tell you the story of little Michael Dix, who is the son of an outstanding once and future State legislator in Iowa. Little Michael was about 8 years old when this happened. We have a 7 percent sales tax in the State, in many of the regions, and I trust it was in this one. He'd saved up his money, and he wanted to go in and buy a little box of Skittles—those little sweets that are there on the counter. They were 89 cents, and he'd saved his money and had counted it out. He went in and got his Skittles out and laid them up on the counter at the convenience store. He counted out his money, the 89 cents, all the way up to the right penny.

The lady who ran the checkout register rang it up, and said, Okay. That'll be 96 cents.

He looked at her, and he said, But they're 89 cents. That's what it says on the box.

She said, Well, no. You've got to pay the Governor. You've got to pay the tax.

So there he is with the 89 cents, having saved it to buy his Skittles. It's a transaction that's pretty important to Michael Dix, as it should be to any young child that age. He found out that he had to pay the tax and that she wanted 96 cents.

He turned to his dad, and he said, Dad, I have to pay tax on Skittles?

Imagine, Madam Speaker. Imagine what that does. I don't think Michael Dix is going to be a guy who's going to grow up demanding that the Federal Government produce more things for him. I don't think he's going to be one who's going to tolerate higher taxes. I think this young man is going to grow up to personal responsibility, very well aware of how burdensome the Federal and the State governments are. He'll make sure that when government provides a service that it's a good value for that and that it's a necessary service, not one that's frivolous—or, man, he's going to know always that the money came out of the pocket of Michael Dix and that it didn't come out, necessarily, of the pocket of some anonymous person.

It's personal. The national sales tax, the Fair Tax, makes this personal, Madam Speaker. It makes it personal for millions and millions of kids who are growing up in America and who are making billions of transactions. Every time, they're being reminded that the Federal Government is expensive. An expensive Federal Government that makes everybody a taxpayer becomes a Federal Government that those taxpayers demand less of. More freedom. Less taxes. That's the equation.

The national sales tax, the Fair Tax, H.R. 25, is transformative. It's transformative from an economic standpoint because it takes all of the taxes off of productivity, and it puts all of the taxes on consumption. It provides an incentive for earnings, savings, and investments. It abolishes the punishment for production, which is a tax on corporate, personal, and business income tax and taxes on capital gains, investments, interest income, and all of the components—the State tax included. It does all of those things. The Fair Tax does everything good that anybody's tax reform does. It does them all. It does them all better, and the American people are getting closer to understanding what this means.

The American people can visualize what happens—a world without the IRS, a world without punishment for production, a world that has little kids growing up like Michael Dix, who is now a young man who understands that paying taxes is a personal experience. It's transformative, Madam Speaker, for this country to move down the path of a national sales tax and toward abolishing the IRS.

Some will say they support a national sales tax, H.R. 25, the Fair Tax, provided that we first repeal the 16th Amendment, but that sets up an impossible bar. Can we imagine any piece of legislation that we would predicate upon the passage of a constitutional amendment? What if we had the flat tax and we had to pass a constitutional amendment before we could adopt the flat tax? What if we had to pass a constitutional amendment before we raised the debt ceiling? What if we had fixated in the Constitution of the United States a debt ceiling that we couldn't surpass? I think that would be a good thing, actually. I'd like to ratchet it down from where it is now. We couldn't pass that constitutional amendment. The bar is too high. The bar is too high to set the standard that passing the repeal of the 16th Amendment is a condition to adopt a national sales tax. Here is the reality of it:

H.R. 25, the Fair Tax, does this. It starts the process for the repeal of the 16th Amendment and abolishes the IRS. It abolishes the Income Tax Code in its entirety.

Can we imagine the American people freed of the burden of the IRS—freed from the fear of audit? The American people get 56 percent more on their paychecks. They make their own decisions on when to pay their taxes, and the IRS becomes a thing of history, and the Internal Revenue Code—the punishment, the tax on all productivity—is gone.

Do we think for a minute, Madam Speaker, that this Congress of the American people would tolerate the reestablishment of the IRS or the reestablishment of the Income Tax Code? No, they would not. In fact, they would be so glad to get 56 percent more on their paychecks and would be so glad to have the freedom to make the decisions on when to pay their taxes rather than having the IRS tell them, You shall pay it out of every dollar that you make, that they would never tolerate the reestablishment of the IRS nor the reestablishment of the Tax Code. It's that simple. They would, I believe, chase the 16th Amendment

down with a great joy that they would be relieved of it, and they would eventually abolish it and repeal it.

Yet, to set the condition as a bar to pass the Fair Tax, it is too high a bar. It's not an impossibility, but it's an extreme difficulty, and it becomes a semantics argument rather than a practical one. So, Madam Speaker, I'll make this point:

In 30 years of making this argument, I have never run into an argument for some other tax reform that is economically superior to the national sales tax, to the Fair Tax. I have not run into that argument. I have not been in a debate where I thought that the other side made a point that I had trouble addressing economically. The only point that they can make is that, in their judgment, it's too difficult to pass politically.

Well, when you tell the American people that the IRS is going to be gone and that we're going to put those smart, good people at the IRS to work in the productive sector of the economy instead of in the burdensome sector of the economy, they're going to cheer. They're going to stand up, and they're going to applaud. They've done that for me over and over again.

The time is right. The economy is in a sad condition. We don't have a President who understands this free market economy. I don't think he believes in it. He has been nationalizing it right and left. He has been nationalizing the three large investment banks; AIG, the insurance company; Fannie Mae and Freddie Mac; General Motors; and Chrysler. The Student Loan Program has been completely taken over by the Federal Government. ObamaCare has swallowed up the most sovereign thing that we have, our bodies. Our skin and everything inside it has now been taken over and is managed by the Federal Government.

This President and this majority in Congress don't begin to understand the sovereignty of the individual or the free market system that we have, but the American people understand, Madam Speaker. The American people are going to be given a choice this November. They are going to choose freedom. They are going to choose liberty. They are going to choose constitutional conservatism. I look forward to the transformation, to the freedom, and to the liberty that comes from the people who step up to their own personal responsibility.

I thank you so much for your indulgence and for your attention here this evening, and I yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUMMINGS (at the request of Mr. HOYER) for today on account of business in the district.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Ms. FUDGE (at the request of Mr. HOYER) for today on account of official business.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of illness.

Mr. FLEMING (at the request of Mr. BOEHNER) for today on account of unavoidable travel delays resulting from inclement weather.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALTMIRE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. ALTMIRE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POSEY, for 5 minutes, April 29.

Mr. FORBES, for 5 minutes, April 27 and 28.

Mr. DENT, for 5 minutes, April 28.

Ms. ROS-LEHTINEN, for 5 minutes, April 27 and 28.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

## ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 27, 2010, at 10:30 a.m., for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7168. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl (C12-C16) Dimethyl Ammonio Acetate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0479; FRL-8816-5] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7169. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Kasugamycin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0695; FRL-8808-7] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7170. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thifensulfuron methyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0134; FRL-8818-9] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7171. A letter from the Secretary, Deapartment of the Army, transmitting notification that the Average Procurement Unit Cost (APUC) and Program Acquisition Unit Cost metrics for the Army's Advanced Threat Infrared Countermeasure and Common Missile Warning System (ATIRCM/CMWS) program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

7172. A letter from the Assistant Secretary, Department of Defense, transmitting modernization priority assessments for the National Guard and Reserve equipment for Fiscal Year 2010; to the Committee on Armed Services.

7173. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Transitional Safe Harbor Protection for Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection With a Securitization or Participation (RIN: 3064-AD55) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7174. A letter from the Chairman, Federal Reserve System, transmitting the Board's report pursuant to the Buy American Act for Fiscal Year 2009; to the Committee on Financial Services.

7175. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Alternate Monitoring Requirements for Indianapolis Power and Light — Harding Street Station [EPA-R05-OAR-2009-0118; FRL-9124-9] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7176. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2010-0045; FRL-9124-5] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7177. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Transmission Relay Loadability Reliability Standard [Docket No.: RM08-13-000; Order No. 733] April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7178. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards [EPA-R05-OAR-2009-0731; FRL-9129-7] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7179. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to section 102(g) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236 as amended by 103-415), certification for FY 2010 that no United Nations affiliated agency grants any offical staus, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia; to the Committee on Foreign Affairs.

7180. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7181. A letter from the Director Equal Employment Opportunity, National Endowment for the Humanities, transmitting notification that the National Endowment for the Humanities is in compliance with the No FEAR Act for fiscal year 2009 and that there were no incidents of discrimination reported; to the Committee on Oversight and Government Reform.

7182. A letter from the Inspector General, U.S. House of Representatives, transmitting the results of an audit of the U.S. House of Representatives' annual financial statements for the fiscal year ending September 30, 2008; to the Committee on House Administration.

7183. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties, pursuant to Public Law 110-53, section 803 (121 Stat. 266, 360); to the Committee on the Judiciary.

7184. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, -300ER, and 777F Series Airplanes [Docket No.: FAA-2010-0221; Directorate Identifier 2010-NM-043-AD; Amendment 39-16233; AD 2010-06-09] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7185. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 332 C, L, L1, and L2; AS 350 B3; AS355 F, F1, F2, and N; SA 365N and N1; AS 365 N2 and N3; SA 366G1; EC 130 B4; and EC 155B and B1 Helicopters [Docket No.: FAA-2009-0663; Directorate Identifier 2007-SW-25-AD; Amendment 39-16231; AD 2010-06-07] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7186. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines [Docket No.: FAA-2010-0068; Directorate Identifier 2010-NE-05-AD; Amendment 39-16240; AD 2010-06-15] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7187. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TFE731 Series Turbofan Engines [Docket No.: FAA-2009-0331; Directorate Identifer 2008-NE-40-AD; Amendment 39-16235; AD 2010-06-11] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7188. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Inc. Model 45 Airplanes [Docket No.: FAA-2010-0226; Directorate Identifier 2010-NM-034-AD; Amendment 39-16238; AD 2010-06-13] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7189. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76C Helicopters [Docket No.: FAA-2010-0242; Directorate Identifier 2009-SW-27-AD; Amendment 39-16232; AD 2010-06-08] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7190. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Repeal of Marine Terminal Agreement Exemption [Docket No.: 09-02] (RIN: 3072-AC 35) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7191. A letter from the Director, Regulations Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Revision of 38 CFR 1.17 to Remove Obsolete References to Herbicides Containing Dioxin (RIN: 2900-AN56) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7192. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Temporary Assistance for Needy Families (TANF) Carry-over Funds (RIN: 0970-AC40) received April 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7193. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Life Insurance Reserves —— Actuarial Guideline XLIII [Notice 2010-09] received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7194. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements [Announcement 2010-21] received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7195. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2009 [4830-01-P] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7196. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Travel Expenses of State Legislators [TD 9481] (RIN: 1545-BG92) received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7197. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-36] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7198. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — PFIC shareholder reporting under new section 1298(f) for tax years beginning before March 18, 2010 [Notice 2010-34] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[The following action occurred on April 23, 2010]*

Mr. SKELTON: Committee on Armed Services. H.R. 5013. A bill to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes; with an amendment (Rept. 111–465, Pt. 1). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

*[Submitted April 26, 2010]*

Mr. CONYERS: Committee on the Judiciary. H.R. 1478. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, and for other purposes; with an amendment (Rept. 111–466). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

*[The following action occurred on April 23, 2010]*

Pursuant to clause 2 of rule XIII the Committee on Oversight and Government Reform discharged from further consideration. H.R. 5013 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SKELTON (for himself and Mr. MCKEON) (both by request):

H.R. 5136. A bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

By Mr. CROWLEY (for himself and Mrs. BONO MACK):

H.R. 5137. A bill to amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for the purposes of female genital mutilation; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Ms. ROS-LEHTINEN, Mr. DANIEL E. LUNGREN of California, Mr. CRENSHAW, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. POE of Texas, Mr. LANCE, Mr. ADERHOLT, Mr. UPTON, Mr. PITTS, Mr. KING of New York, Mr. WOLF, Mrs. SCHMIDT, Mr. PASCRELL, and Mr. DAVIS of Tennessee):

H.R. 5138. A bill to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN:

H.R. 5139. A bill to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo; to the Committee on Foreign Affairs.

By Mr. HOLT:

H.R. 5140. A bill to require the Director of the White House Office of Science and Technology Policy to conduct a study and to prepare a comprehensive national economic competitiveness and innovation strategy; to the Committee on Science and Technology, and in addition to the Committees on Energy and Commerce, the Judiciary, Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5141. A bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes; to the Committee on Ways and Means.

By Ms. SCHWARTZ (for herself, Mr. SCHAUER, and Mr. BILBRAY):

H.R. 5142. A bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit for biofuel facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself and Mr. KUCINICH):

H. Con. Res. 267. Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of the reestablishment of their full independence; to the Committee on Foreign Affairs.

By Mr. POE of Texas:

H. Res. 1299. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. RICHARDSON and Ms. EDWARDS of Maryland.

H.R. 162: Mrs. BACHMANN.

H.R. 197: Mr. BOSWELL.

H.R. 422: Mr. GOODLATTE.

H.R. 444: Mr. OLVER.

H.R. 537: Mr. MCNERNEY.

H.R. 571: Mr. FLAKE and Mr. HINCHEY.

H.R. 734: Mr. MEEK of Florida.

H.R. 745: Mr. DRIEHAUS.

H.R. 847: Mr. MILLER of North Carolina.

H.R. 848: Mr. GARAMENDI.

H.R. 891: Mr. GUTIERREZ.

H.R. 953: Mr. SCHIFF.

H.R. 1021: Mr. BOSWELL.

H.R. 1326: Mr. PIERLUISI.

H.R. 1547: Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Mr. BROUN of Georgia, Mr. LARSON of Connecticut, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Mr. BONNER, and Mr. BOCCIERI.

H.R. 1549: Ms. CASTOR of Florida.

H.R. 1557: Mr. INSLEE.

H.R. 1722: Mr. TOWNS.

H.R. 1806: Mr. DRIEHAUS, Mr. RUSH, and Mr. SCHIFF.

H.R. 2049: Mr. MCNERNEY.

H.R. 2061: Mr. FORBES.

H.R. 2112: Mr. DAVIS of Illinois and Mr. HEINRICH.

H.R. 2142: Mr. MCCAUL.

H.R. 2203: Mr. MCCOTTER.

H.R. 2222: Mr. FILNER.

H.R. 2243: Mr. ROYCE.

H.R. 2324: Mrs. DAVIS of California, Mr. CLAY, Mr. TIERNEY, and Mr. HIMES.

H.R. 2400: Mrs. CHRISTENSEN.

H.R. 2408: Mr. COHEN.

H.R. 2478: Mr. ROE of Tennessee, Ms. ESHOO, Ms. EDWARDS of Maryland, and Mr. NADLER of New York.

H.R. 2483: Mr. ADLER of New Jersey.

H.R. 2546: Mr. LEE of New York.

H.R. 2850: Ms. DELAURO.

H.R. 2866: Mrs. DAVIS of California.

H.R. 2999: Mr. FRANK of Massachusetts.

H.R. 3041: Mr. KUCINICH.

H.R. 3048: Mr. KUCINICH.

H.R. 3070: Mr. SCOTT of Georgia, Mr. MORAN of Virginia, Mr. ROSS, Mr. GARAMENDI, and Mr. SIRES.

H.R. 3268: Mr. PLATTS.

H.R. 3333: Mr. ARCURI.

H.R. 3339: Ms. GIFFORDS and Mr. DEFAZIO.

H.R. 3393: Ms. TITUS, Ms. KILROY, and Ms. BEAN.

H.R. 3440: Mr. SESSIONS.

H.R. 3441: Mr. MEEKS of New York and Mr. CARNEY.

H.R. 3463: Mr. SCALISE.

H.R. 3564: Ms. SPEIER and Ms. HIRONO.

H.R. 3577: Mr. FORBES.

H.R. 3745: Mr. MCGOVERN.

H.R. 3764: Mr. DRIEHAUS, Ms. JACKSON LEE of Texas, and Mr. BISHOP of Georgia.

H.R. 3790: Mr. MCGOVERN, Mr. SCHIFF, and Mr. THOMPSON of California.

H.R. 3813: Mr. COLE.

H.R. 3995: Mr. HONDA.

H.R. 4004: Mr. QUIGLEY.

H.R. 4051: Mr. POE of Texas.

H.R. 4054: Mr. QUIGLEY, Mr. FORBES, and Ms. HIRONO.

H.R. 4085: Mr. HIGGINS.

H.R. 4090: Mr. KILDEE and Mr. COLE.

H.R. 4109: Mr. DAVIS of Illinois.

H.R. 4112: Mr. AUSTRIA and Mr. PLATTS.

H.R. 4241: Ms. SHEA-PORTER.

H.R. 4255: Mr. MELANCON and Mr. GORDON of Tennessee.

H.R. 4278: Mr. WU, Mr. PAULSEN, Mr. AKIN, Mr. SAM JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. LAMBORN, Ms. HIRONO, and Mr. MCCOTTER.

H.R. 4287: Mr. CONNOLLY of Virginia and Mr. MOORE of Kansas.

H.R. 4306: Mr. ARCURI and Mr. PAULSEN.

H.R. 4353: Ms. CHU.

H.R. 4371: Mr. ANDREWS, Mr. BOOZMAN, Mr. ROGERS of Alabama, Mr. BONNER, Mr. COLE, Mr. WHITFIELD, Mr. BRIGHT, Mr. VAN HOLLEN, Mr. BILIRAKIS, Mr. PLATTS, and Mr. GRAVES.

H.R. 4376: Mr. FARR, Mr. BRADY of Pennsylvania, Ms. HIRONO, Mr. MOORE of Kansas, and Mr. HIMES.

H.R. 4392: Mr. SMITH of New Jersey.

H.R. 4403: Mr. REYES.

H.R. 4440: Mr. WALZ.

H.R. 4502: Ms. WOOLSEY and Mr. MILLER of North Carolina.

H.R. 4520: Ms. DELAURO.

H.R. 4544: Mr. OWENS, Mr. KENNEDY, Mr. RYAN of Ohio, Mr. TONKO, and Mr. SCHOCK.

H.R. 4597: Mr. HODES.

H.R. 4616: Mr. ELLISON.

H.R. 4630: Ms. CHU.

H.R. 4638: Mr. MCGOVERN.

H.R. 4677: Mr. COURTNEY.

H.R. 4684: Mr. CUMMINGS.

H.R. 4689: Ms. SLAUGHTER.

H.R. 4692: Ms. KILPATRICK of Michigan and Mr. FOSTER.

H.R. 4722: Mr. KILDEE.

H.R. 4785: Mr. BOSWELL, Mr. ROGERS of Alabama, Mr. THOMPSON of Mississippi, and Mr. ROGERS of Kentucky.

H.R. 4788: Mr. HOLT, Mr. SHULER, Mr. SCHIFF, and Mrs. MCCARTHY of New York.

H.R. 4790: Ms. HIRONO, Ms. LINDA T. SÁNCHEZ of California, and Ms. SHEA-PORTER.

H.R. 4844: Ms. SUTTON, Mr. FLEMING, and Mr. OWENS.

H.R. 4850: Mr. AUSTRIA, Mr. BISHOP of Georgia, Mr. GONZALEZ, and Mr. BOCCIERI.

H.R. 4861: Mr. COHEN.

H.R. 4886: Mr. SABLAN.

H.R. 4903: Mr. PRICE of Georgia.

H.R. 4904: Mr. BOOZMAN.

H.R. 4908: Mr. CLAY.

H.R. 4920: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. SCOTT of Virginia, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Mr. COHEN, Mr. TONKO, Ms. SUTTON, and Ms. NORTON.

H.R. 4947: Mr. BARTLETT, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. DAVIS of Tennessee, Mr. SMITH of New Jersey, Mr. HOLT, Mr. ELLSWORTH, Ms. WASSERMAN SCHULTZ, Mr. FORTENBERRY, Mr. BONNER, Mr. MORAN of Kansas, and Mr. HALL of New York.

H.R. 4995: Mr. LAMBORN and Mr. DUNCAN.

H.R. 5015: Mr. PASTOR of Arizona, Mr. ROTHMAN of New Jersey, and Ms. SCHAKOWSKY.

H.R. 5017: Mr. SKELTON, Ms. HIRONO, and Mr. POMEROY.

H.R. 5019: Mr. MCNERNEY, Mr. HINCHEY, Mr. BRALEY of Iowa, Mr. HIMES, Mr. HARE, and Ms. SCHAKOWSKY.

H.R. 5029: Mr. LATTA and Mr. CULBERSON.

H.R. 5032: Mr. ISRAEL.

H.R. 5034: Mr. KIND, Mr. MICA, Mr. THORNBERRY, Mr. WILSON of Ohio, Mr. BARROW, Mr. FILNER, Mr. PASTOR of Arizona, Mr. WESTMORELAND, Mr. PUTNAM, Mr. SHULER, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. CHILDERS.

H.R. 5043: Mr. GEORGE MILLER of California, Ms. CHU, Mr. JOHNSON of Georgia, Mr. POLIS, and Ms. WOOLSEY.

H.R. 5054: Mr. JONES, Mr. FRANKS of Arizona, and Mr. SOUDER.

H.R. 5058: Mr. CULBERSON.

H.R. 5081: Mr. MCMAHON.

H.R. 5092: Mr. ACKERMAN, Mr. CALVERT, Mr. HINCHEY, Mr. MELANCON, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mrs. MYRICK, Mr. PIERLUISI, Mr. POLIS, Ms. SHEA-PORTER, Mr. GARAMENDI, Ms. BORDALLO, Ms. SLAUGHTER, Mr. GRIFFITH, Mr. PLATTS, and Mr. SARBANES.

H.R. 5095: Mrs. MILLER of Michigan and Mr. FRELINGHUYSEN.

H.R. 5102: Mr. FOSTER.

H.R. 5121: Mr. HASTINGS of Florida.

H.R. 5125: Mr. GARAMENDI, Ms. MATSUI, and Ms. RICHARDSON.

H.J. Res. 42: Mr. PETRI.

H. Con. Res. 110: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. SCHOCK.

H. Con. Res. 128: Ms. NORTON, Mr. FILNER, and Mr. BERRY.

H. Con. Res. 202: Mr. STUPAK.

H. Con. Res. 240: Mrs. DAVIS of California, Mr. FILNER, Mr. GARAMENDI, and Mr. MOORE of Kansas.

H. Con. Res. 253: Mr. LARSON of Connecticut.

H. Con. Res. 261: Mr. ROSS, Mrs. BLACKBURN, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, Mr. HARE, Mr. WILSON of Ohio, Mr. SCHIFF, Ms. JENKINS, Mr. WILSON of South Carolina, and Mr. MINNICK.

H. Con. Res. 262: Ms. SCHAKOWSKY, Mrs. MALONEY, and Mr. PAYNE.

H. Con. Res. 265: Mr. ADERHOLT.

H. Res. 173: Mr. MELANCON, Mr. VAN HOLLEN, Mr. ADLER of New Jersey, Ms. MCCOLLUM, Mr. MORAN of Kansas, Mr. DRIEHAUS, Mr. CHILDERS, Mr. PASCRELL, and Mrs. MCCARTHY of New York.

H. Res. 375: Mr. RAHALL.

H. Res. 407: Mr. BACA and Mr. ENGEL.

H. Res. 886: Mr. MINNICK and Mr. BRADY of Pennsylvania.

H. Res. 898: Mr. JOHNSON of Georgia.

H. Res. 1026: Mr. KLINE of Minnesota.

H. Res. 1106: Mr. OWENS and Ms. BORDALLO.

H. Res. 1129: Ms. ROS-LEHTINEN.

H. Res. 1176: Mr. MINNICK.

H. Res. 1196: Mr. MCCOTTER.

H. Res. 1201: Mr. PENCE, Mr. HILL, and Mr. SOUDER.

H. Res. 1208: Mr. BILBRAY and Mr. GOODLATTE.

H. Res. 1211: Mr. WILSON of South Carolina, Mr. SHIMKUS, Mr. CUMMINGS, Mr. OWENS, and Mr. GARAMENDI.

H. Res. 1226: Mr. MCCAUL, Mr. WU, Mr. ROSKAM, Mr. ALTMIRE, Ms. SPEIER, Mr. CHANDLER, Mr. SCHAUER, Mr. BISHOP of Georgia, Mr. CAPUANO, and Mr. KLEIN of Florida.

H. Res. 1244: Mr. EDWARDS of Texas, Mr. CUELLAR, and Mr. GONZALEZ.

H. Res. 1245: Mr. CHAFFETZ.

H. Res. 1251: Mrs. BLACKBURN, Mr. INGLIS, Mr. BARTON of Texas, Mrs. MYRICK, Mr. ISSA, and Mr. MCCOTTER.

H. Res. 1258: Mr. WAXMAN, Mr. HASTINGS of Florida, Mr. GARY G. MILLER of California, Mr. TEAGUE, Ms. MCCOLLUM, Mrs. CHRISTENSEN, Mr. DOYLE, Mr. LEWIS of Georgia, Ms. NORTON, Mr. MARKEY of Massachusetts, Mr. FARR, Mrs. MYRICK, Ms. MATSUI, Mr. PERLMUTTER, Mr. HINOJOSA, Mr. CAO, Mrs. BONO MACK, Ms. CHU, Mr. ARCURI, Mrs. DAHLKEMPER, Mr. SULLIVAN, Mr. TONKO, and Mr. MCGOVERN.

H. Res. 1259: Ms. DELAURO.

H. Res. 1261: Mr. SCHRADER and Mr. LEE of New York.

H. Res. 1265: Ms. LORETTA SANCHEZ of California, Mr. BERMAN, and Mr. GENE GREEN of Texas.

H. Res. 1277: Mr. HIMES, Mr. CUMMINGS, and Ms. SCHAKOWSKY.

H. Res. 1279: Mr. GARRETT of New Jersey, Mr. MANZULLO, Mr. LATHAM, and Mr. JORDAN of Ohio.

H. Res. 1284: Mr. GRAVES.

H. Res. 1289: Mr. LATHAM and Mr. FRELINGHUYSEN.

H. Res. 1291: Mr. OWENS, Mr. MAFFEI, and Mr. HINCHEY.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists of statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative SKELTON, or a designee, to H.R. 5013, the Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4753: Mr. JOHNSON of Georgia.

# EXTENSIONS OF REMARKS

## CATARION SANCHEZ

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April, 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Catarion Sanchez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Catarion Sanchez is a 7th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Catarion Sanchez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Catarion Sanchez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## CHARLES COLLINS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Charles Collins who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Charles Collins is a 12th grader at Standley Lake High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Charles Collins is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Charles Collins for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## HONORING FLORENCE AND HAROLD PAYNE

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. ENGEL. Madam Speaker, Harold and Florence were both born in Charleston, South Carolina where Florence attended the prestigious Avery Institute and graduated from Burke High School in that city. Florence moved to New York City where she attended Washington Business Institute. During his high school years at Burke High School in Charleston, Harold Payne excelled in athletics, in particular baseball and basketball. He was a star member of the Burke High School Senior Basketball team which won the South Carolina State Championship in 1949. Harold obtained a tryout with the Pittsburgh Pirates in 1953. Harold later attended Bronx Community College.

Mrs. Payne's professional pursuits took her to various organizations including the New York Telephone Company, Jujamcyn Theatres, Fine Arts Pillows Inc. as well as a private attorney, Donnaree Banton, Esq. In 1997, I asked Florence to work for me. She fulfilled her dream of helping others on a daily basis.

Harold served in the Army during the Korean conflict in the 8th Army Honor Guard. He was honorably discharged with the rank of Staff Sergeant and in 1956 began a career with the United States Postal Service while simultaneously working as a paraprofessional for 17 years with the NYC Board of Education. After 34 years with the Postal Service, Harold retired and became Director of the Tilden Towers Senior Citizens Center. It is there that he fulfilled his dream of serving his community. He retired from Tilden Towers Senior Center in January of this year.

Both Harold and Florence donate time to charitable and civic organizations, it being their belief that one must give back to the community in a meaningful way. This they did by actively participating in many endeavors including: the Office of Black Ministry for the Catholic Archdiocese of New York, the Parent Teacher Association of Public School 16, NIA: A Minority Women's Professional Network, The Incarcerated Mothers Program, the Food Pantry at the Edenwald-Gun Hill Neighborhood Center and other worthwhile endeavors.

They are most proud of their 50 year commitment to one another in addition to their role as parents and grandparents. The Paynes met each other through Florence's late sister Anna and her husband, Henry. On April 23, 1960, the Paynes were married in St. Aloysius Church in Harlem. They set up residence in the Bronx and have lived there for their entire married life. They are the loving parents of Lisa and Harold Jr. with a son-in-law, Terrance. They are also the proud grandparents of granddaughter Yiesha Danielle and grandson Malcolm.

I ask everyone who believes in love to join me in celebrating Harold and Florence's Golden Wedding anniversary and in wishing them every happiness.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free.

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

The interview I have had with Tony Cashiola was extremely beneficial for me. I am certain that I will pursue a military career, and listening to Tony speak about his experience in the Army has given me much

insight on the military from a different perspective. He helped provide me with a path on which I could approach the military in a way I had yet to think of. So, all-in-all, this interview was amazing. I got to know one of our country's heroes, tell his story, and receive valuable insight. I wish Tony the best; he is a very honorable man.—Michael Roberto

## CHELSEA ABBOT

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Chelsea Abbot who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Chelsea Abbot is a student at Wayne Carle Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Chelsea Abbot is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Chelsea Abbot for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## TRIBUTE TO ART ISGAR

### HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. SALAZAR. Madam Speaker, I rise today to pay tribute to Art Isgar, a respected leader in his community of southwest Colorado. Arthur Richard Isgar died in Durango on March 17th, 2010. It was a privilege to know Art Isgar and his wonderful family and I offer my condolences to them at this time of loss.

Art Isgar was born in Oxford, Colorado, on October 6th, 1915. One of seven boys, he spent his childhood in rural La Plata County. At times, he lived with members of the Southern Ute Tribe which was an experience that left him with a deep appreciation of other cultures. As a child he also spent time in the mining camps of the San Juan Mountains near Silverton and Telluride. Supporting himself from the age of 13, Art Isgar learned to make his way in the world by working on farms and delivering mail on horseback.

In 1946 he got married to Ann Wise. They took the train from Durango to Silverton and returned home in time to milk the cows. Art went on to become a defender of the Durango and Silverton Narrow Gauge Railroad in its time of need.

With their hard work, the Isgars' ranch grew into one of the largest in La Plata County. Art was president of the La Plata County Cattlemen's Association and helped lead the fight to create the Animas-La Plata Project. He was also instrumental in the effort to bring Fort Lewis College to its current site in Durango. Art Isgar was also deeply involved in politics working with the Democratic Party to bring the State convention to Durango in 1960, a convention that presidential hopeful John F. Kennedy attended. Art's life was a life of service to his family and his community.

The legacy of Art Isgar continues in his amazing family. Art Isgar's son, Jim Isgar, continues the proud tradition of public service established by his father, serving as a State Senator and now as the State Director for the United States Department of Agriculture Rural Development.

At the end of the day, after all of his community service, Art Isgar still had his feet on the ground. He was always a farmer who found his greatest joy out irrigating his fields. Even at the age of 93 that is where he could be found.

Madam Speaker southwest Colorado has lost a great leader. I wish his family well in this time of loss. Art Isgar will be missed but his legacy will live on through his amazing family and all the lives that he touched in his time in southwest Colorado.

## IN HONOR OF THOMAS J. VANCE, SR.

### HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today to take a moment to remember the legacy of TSgt Thomas J. Vance, Sr., who passed away last year following a courageous battle with cancer. Sergeant Vance honorably served the people of our Nation and my home State of New Jersey in the United States for a combined 51 years of service with the Air Force.

Born in Philadelphia, PA, Technical Sergeant Vance attended Bartram High School. After he graduated he enlisted in the Army Air Corps in 1947. Sergeant Vance fought both in the Korea and Vietnam Wars, and served at nine different bases including McGuire Air Force Base, which is located in New Jersey's Third Congressional District. During his 20 years of active duty in the service, he was awarded the Air Force Longevity Service Award, National Defense Service Medal, Good Conduct Medal, Outstanding Unit Award, Korean Service Medal and the U.N. Service Medal.

In 1978, Technical Sergeant Vance became an original member of the Retiree Affairs Office at McGuire Air Force Base, where he became an expert on an array of military family issues. During his 31 years of service in this role, he served countless hours assisting our military families.

Technical Sergeant Vance is survived by his beloved wife of 57 years, Elsie, whom he met while serving at Langley Air Base and his three children, Thomas Jr., Sandra, and Richard.

In recognition of his life and service to our Nation, I ask that the House of Representatives and all Americans join me to honor the legacy of TSgt Thomas J. Vance, Sr.

## A TRIBUTE TO THE LIFE OF ROBERT WESTON FOLLETT

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of Robert "Bob" Weston Follett. On March 31, 2010, Robert Weston Follett, an accomplished pilot and active leader in the San Joaquin Valley community, passed away suddenly at the young age of 57. He leaves behind the loves of his life, is wife Naomi, daughter Lindsay and son Zack.

Bob Follett was a proud native of Lemoore, California. He was a 1970 graduate of Lemoore High School where he was twice elected class president and played football for the Lemoore Tigers. As fullback on the freshman team, he had the distinction of scoring the first touchdown in Tiger Stadium when it opened. Mr. Follett went on to receive his Bachelor's Degree from California State University, Fresno and soon thereafter began his aviation career with Wofford Aviation in Fresno by fueling aircraft, becoming a charter pilot, managing the company and later proudly becoming the owner of Wofford Aviation.

As a charter pilot Bob had the privilege of flying former President Ronald Reagan, U.S. Senator John McCain, and many other elected officials and celebrities. Furthermore, he was renowned as an expert pilot with 37 years experience, who helped explain how air tragedies occurred. Recently, Bob commented for the national news about the potential dangers of flying in California's Sierra Nevada Mountain Range.

Throughout the community, Bob was well-known as "Mr. Fixit" as a result of his keen ability to build anything with his own two hands. Larger than life, he was a take-charge guy who loved to organize events. He could be found planting a community garden, at a Cal Tailgate party, a Rotary lobster feed or with the Clovis High football team at their team dinners. Bob Follett and his family were loyal members of the Cal football family during the time his son Zack played for the Cal Bears.

As a loving father and supportive husband, Bob and his cherished wife Naomi were always seen at sporting events supporting and cheering on their children Lindsay and Zack. He was a true pillar of support for their children and a faithful mentor to their friends as well.

Bob's loss leaves a void which can never be filled. Bob Follett will forever be remembered for his generosity and gregarious spirit that impacted the lives of all those whom he met. His enormous heart and lifelong commitment to his family and friends will forever be his legacy. I count myself fortunate to be one of Bob's many friends.

CHELSEY JANTZ

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Chelsey Jantz who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Chelsey Jantz is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Chelsey Jantz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Chelsey Jantz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

## HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

In the Veteran's Interview Project, I have gained insight and knowledge on the topic of America's veterans. My uncle, George Vacek, was drafted into the service and joined the Marine Corps. He was assigned to the artillery unit as a radio operator. He entered the service as a private and completed his tour of duty as a corporal. He fought the campaign in Vietnam and then was transferred to Cuba. I discovered through my interview with him, the trials and rewards of military service. While in the service, he endured hardships, witnessed the evils of war, overcame obstacles, developed discipline, and yet he came away with the fulfillment that he gained a greater respect for himself and his country.

This project was beneficial to me in that I realized what it would be like to walk in a soldier's shoes. Americans support our servicemen, both here and abroad, but yet have absolutely no clue of what it's really like to be there. My in-depth conversation with my Uncle enlightened me on his journey. In concluding this interview, I realized that our soldiers are true patriots who are sacrificially putting themselves in harm's way to forever protect our freedoms.—J'Lynn Vacek.

HONORING THE 49TH ANNIVERSARY OF THE PEACE CORPS AND PEACE CORPS VOLUNTEERS

## HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the efforts of our nation's Peace Corps volunteers in honor of the 49th Anniversary of the Peace Corps. Since the establishment of the Peace Corps by President Kennedy in 1961, nearly 200,000 Americans have served in 139 countries. For the past 49 years, Peace Corps volunteers have demonstrated the nation's commitment to encourage and expand development at the grass roots level.

Currently, 7,671 volunteers are providing expertise and development assistance to 76 countries. Peace Corps volunteers have made significant contributions in agriculture, business development, information to technology, education, health, youth, and the environment. In these various sectors and communities, volunteers have been able to adapt and respond to new challenges through their innovation, creativity, and compassion.

For example, Peace Corps volunteers have provided hope and assistance to people affected by HIV/AIDS. Volunteers have led the way in making the Peace Corps at the forefront of responding to the HIV/AIDS epidemic. Through living in the community and learning the local language, they are able to share information relating to HIV/AIDS in a culturally appropriate way.

Once Peace Corps volunteers return from abroad, they have become leaders in all sectors of society. Through their training and experience abroad, volunteers are able to adapt to different cultural settings at the professional level. I would like to commend our proud nation's Peace Corps volunteers for their service, particularly those men and women of the Eleventh Congressional District of Virginia. I consider it a great honor to represent these noble men and women, who travel great distances and make great sacrifices to help reaffirm our country's commitment to helping people help themselves throughout the world.

Madam Speaker, I ask my colleagues and their staff to join me in recognizing the achievement of and the Peace Corps volunteers. They are a great credit to our country, and we should applaud them.

HONORING PETER HUTCHISON UPON BEING NAMED THE 2010 NEW YORK STATE ASSISTANT PRINCIPAL OF THE YEAR

## HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a gentleman in my district, Peter Hutchison.

Mr. Hutchison has been recognized as the 2010 New York State Assistant Principal of the Year by the School Administrators Association of New York State. He was recognized for his outstanding work at Amityville Memorial High School. He has served as an educator for over 31 years, including six as assistant principal at Amityville Memorial High School.

I congratulate him on this accomplishment and applaud his contribution to high school education on Long Island.

CHRISTOPHER BREWER

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Christopher Brewer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Christopher Brewer is a 10th grader at Ralston Valley High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Christopher Brewer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Christopher Brewer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

HONORING CHIEF PAUL PRICE OF CAMDEN FIRE DEPARTMENT UPON HIS RETIREMENT

## HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor Chief Paul Price upon his retirement and to recognize his outstanding contributions to Camden County and the state of New Jersey.

Chief Price is known for his integrity and selfless nature. He has worked diligently to gain five million dollars in grant money for fire fighters in Camden for safety and preparedness. Chief Price goes significantly above and beyond the call of duty to give resources to those in need, working long nights and weekends so that the fire department has everything it needs. Chief Price's commitment to Camden County is also evidenced through his civic service affiliations. He has been active in the Camden County Fireman's Association, New Jersey Deputy Chief Association, Port Security Committee, Camden Cooperate Watch, and he was Emergency manager for the City of Camden. Despite all his work, his peers point out that he has never sought the spotlight and that he has always kept the best interests of the Camden Fire Department and its firefighters in mind.

Beyond his civic duties, Chief Price has been recognized by the Camden community as always being ready to offer a helping hand in times of need. He is the driving force and backbone of the Camden Angels Program, working tirelessly every Christmas to ensure 3,500 children receive Christmas presents. Chief Price also donates his time to spring festivals, special needs carnivals and activities, and through outreach to the hungry and homeless. He also has given endless support to the Fugitive Safe Surrender Program in Camden City.

Madam Speaker, Chief Paul Price's work and dedication are truly praiseworthy. I wish Chief Price the best of luck upon retirement and I thank him for his commitment to his community.

IN HONOR OF THE BEACHWOOD BOY SCOUTS, GIRL SCOUTS, LEADERS AND PARENTS

## HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I would like to congratulate the Boy Scouts, Girl Scouts, Leaders and Parents of Beachwood for receiving the 2010 Beachwood Citizen of the Year Award.

Through their excellence in giving back to the Beachwood community and committing to their personal development and aspirations, the Beachwood Girl and Boy Scouts have displayed dedication to the highest standards and best traditions of American citizenship. I am confident that they will continue to accomplish great things in the future and prove to be successful and productive members of society.

I am proud to have such hardworking constituents and I thank them for their dedication and tremendous service throughout the years. Madam Speaker, I hope you will join me in congratulating these exceptional Scouts, their leaders, and their parents for all the contributions as they are honored as "Citizens of the Year."

WHO SPEAKS FOR THE COPTIC CHRISTIANS?

## HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. WOLF. Madam Speaker, I submit for the RECORD a bipartisan letter which was sent to the State Department's Office to Monitor and Combat Trafficking in Persons, TIP, expressing "concern over continuing reports of abductions, forced marriages, and exploitation of Coptic women and girls in Egypt." We urged the TIP Office to investigate whether these cases should be included in the upcoming Trafficking in Persons Report.

The U.S. has given Egypt billions of dollars in foreign aid since the Camp David Accords, and yet they persist in trampling the rights of minorities and brutally suppressing political and human rights. In fact, by most accounts there has been backsliding in all of these areas.

With still no Ambassador for International Religious Freedom, when was the last time that this administration advocated for the Coptic Christians?

CONGRESS OF THE UNITED STATES,
*Washington, DC, April 16, 2010.*

Hon. LUIS CDEBACA,
*Ambassador-at-Large, U.S. Department of State, Washington, DC.*

DEAR AMBASSADOR CDEBACA: We write today to express our concern over continuing reports of abductions, forced marriages, and exploitation of Coptic women and girls in Egypt. Some of these reports document a criminal phenomenon that includes fraud, physical and sexual violence, captivity, forced marriage, and exploitation in forced domestic servitude or commercial sexual exploitation, and financial benefit to the individuals who secure the forced conversion of the victim. As you know, these are some of the hallmarks of human trafficking.

Numerous reports, including in Egypt's Al-Ahram Weekly and a November 2009 report issued by the Coptic Foundation for Human Rights and Christian Solidarity International (CSI), point to the grim reality of forced marriage faced by vulnerable Coptic women and girls in Egypt. In the 25 cases documented by the Coptic Foundation for Human Rights and CSI, it is clear that violence, fraud, and/or coercion are used to force vulnerable Egyptian women and girls into marriages for the purpose of forced conversion, and these forced marriages are sometimes accompanied by sexual exploitation or domestic servitude. In some cases the families involved in the abductions and forced conversions receive mysterious financial benefits. Further, it appears, according to their lawyers, that the situations facing the women highlighted in the report are not isolated cases.

In the Trafficking Victims Protection Reauthorization Act (2008), Congress tasked the Trafficking in Persons (TIP) office with reporting on "emerging [and] shifting global patterns in human trafficking." We respectfully request that the office follow up on the reports coming out of Egypt, investigate whether the cases of abduction, forced marriage, exploitation and other financial benefit to the individuals who secure a forced conversion should be included in the forthcoming 2010 TIP Annual Report, and inform us about your determination on the matter.

Thank you for your consideration.

Sincerely,

Frank Wolf, Ileana Ros-Lehtinen, Chris Smith, Carolyn Maloney, Michele Bachmann, Bob Inglis, Aaron Schock, Eleanor Holmes Norton, Doug Lamborn, Marsha Blackburn, Anna Eshoo, Dan Burton, Donald Payne, Albio Sires, Joe Wilson, Ted Poe, Trent Franks, Anh "Joseph" Cao,
*Members of Congress.*

CODY HORNSBY-KLINGE

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Cody Hornsby-Klinge who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Cody Hornsby-Klinge is a 12th grader at Ralston Valley High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Cody Hornsby-Klinge is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Cody Hornsby-Klinge for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

## HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools,

these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I interviewed Mr. Kurt DeKuehn, Petty Officer 1st Class, Musician, USN Ret. Mr. DeKuehn enlisted in the Navy at the end of World War II through his entrance into the United States Naval Academy School of Music. He was barely 17 when his parents signed the enlistment papers and he auditioned four separate times on sax for entrance into the school. He gained admittance to the school, and as the war was in full swing, he was immediately put through basic training in preparation for deployment. He was eventually deployed to the battleship Arkansas BB–33 in January 1945 and remained with the ship until its decommissioning a year later. Mr. DeKuehn was later asked back to service as a bandleader for the Admiral Galley Goodwill Tour of Europe. As bandleader, he had the privilege of handpicking his players and auditioning them. The band performed in 27 countries in an 8 piece combo. Mr. DeKuehn thoroughly enjoyed his Navy experience due to his Officer status and the nature of his employment: he was paid to play his instrument (something he has done since he was four years of age), and minimally operate a machine gun on the stern of his ship. The terms of his employment don't sound half bad. He even says that he has nothing against the Navy and had fun in both of his tours of duty.—Jonathan Unger.

## PERSONAL EXPLANATION

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PENCE. Madam Speaker, I was absent from the House floor during rollcall votes 206–211. Had I been present, I would have voted "yea" on rollcall Nos. 206, 208, and 210; I would have voted "nay" on rollcall Nos. 207, 209, and 211.

## COLLEEN BOYD

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Colleen Boyd who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Colleen Boyd is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Colleen Boyd is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Colleen Boyd for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## HONORING DOLORES BROOKS ON HER RETIREMENT AS CHARTER MEMBER OF THE BOARD OF TRUSTEES OF THE OZARKS TECHNICAL COMMUNITY COLLEGE

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. BLUNT. Madam Speaker, I rise today to honor Dolores Brooks, who is retiring after twenty years of service to her community in Springfield, Missouri as a charter member of the Board of Trustees of the Ozarks Technical Community College.

First elected in April 1990, Brooks helped shape the growth and direction of Ozarks Technical Community College, a school that serves students from 13 public school districts in Southwest Missouri and beyond. The growth of the school has been extraordinary, with this year's enrollment topping more than 12,000 students. OTC, as it is known to students and local residents, has expanded its operation to a second campus in Ozark, Missouri, with an eye to increasing accessibility to its growing student body.

Mrs. Brooks holds degrees from Purdue University, University of Missouri, and Southwest Missouri State University, and has served as a public school teacher, counselor, principal, and adjunct university faculty member. She has also served on numerous professional and civic organizations in leadership capacities, including the Missouri Guidance Association, Southwest Missouri Association of Secondary School Principals, Springfield Education Association, Missouri State Teachers Association, and the Dogwood Trails Girl Scouts Council. Prior to her selection to the OTC Board of Trustees, she was a member of the OTC Steering Committee. She led OTC as its Trustee President 1990–1992 and 2002–2003.

From its modest beginnings in central Springfield at the old vocational-technical school, OTC has blossomed into a modern campus offering students state-of-the-art classes with opportunities for advancement in a wide range of vocations, professions, and subject matter. I am proud of the hard work Mrs. Brooks and the College have done to provide quality education for students in Missouri.

To Mrs. Brooks, I wish to extend a heartfelt "thank you and well done" for her tireless work over the last two decades. Her efforts have made the Springfield area a better place to live. The Ozarks Technical Community College is a beacon of educational excellence for the entire region.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

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To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

My grandfather, Colonel Lee Powell, served in the Air Force for a total of thirty years, garnering experience at many different bases throughout the United States and abroad, including England and Vietnam. His main area of interest and expertise in the Air Force was contract administration, although he completed other assignments as well, such as Armed Forces Courier Officer and Missile Launch Officer. His engineering background assisted him throughout his career. He also enjoyed traveling, an interest that the Air Force helped facilitate, as he traveled extensively throughout Europe and Africa, and also visited other places such as Australia and Thailand. He worked his way up through the ranks, starting through the ROTC program at his university, and then finally achieving the rank of Colonel. When asked what impact his military service had on his views of war and conflict, Colonel Powell responded that his Vietnam and other experiences have led him to believe that the United States should not again involve itself in the civil wars of other countries.—Mitchell Powell

## HONORING THE WESTFIELD, NJ AREA YMCA BLACK ACHIEVERS' PROGRAM

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to commend the Westfield, NJ Area YMCA Black Achievers Program. I applaud the participants for their achievements and the staff, mentors, and Westfield, NJ Area YMCA Black Achievers Committee for their continuing commitment as role models in our community.

The Black Achievers Program began in the 1960s at the Harlem YMCA with the mission of helping youth set and achieve educational and life-long goals. The program expanded nationally, and in 1998, the Westfield, NJ Area YMCA adopted it. The Program's goal is to prepare youth participants in grades five through twelve to become Black Achievers in their future careers by building their character and skills, while providing positive mentoring relationships with caring Adult Achievers.

The thirty-seven students who are participants in the 2009–2010 school year are: Zayna Allen, Jamirah Barden, Steven Barden, Bria Barnes, Victoria Carden, Imani Coston, Ashley Edwards, Phylicia Flagg, Joshua Forehand, Alexis Givens, Adam Harley, Aneyjah Harris, Jon'ae Jackson, Todd Jamison, Jr., Cesar Lopez, Jazsmine Mayer, Jonathan Mayer, Maya McLeod, Cameron Mitchell, Chelci Mitchell, Aunyee McCummings, Kevin Monroe, Jr., Imani Mutyanda, Munashee Mutyanda, Jason Nutt, Fredrick A. Parsons, Jameka Parsons, Ne'andrea Paulevra, Sean Paulevra, Tamar Richardson, Dwayne Scott, Jr., Jeffery Scott, Ashley Simmons, Isaiah Smith, Kwame Thompson Haynes, Diana Williams and Brianna Whitehead.

These thirty-seven individuals embody the program's core values. They have acquired the leadership skills and self-awareness needed to attain success in any endeavor they choose to pursue.

Every year, the Connell Company, based in Berkeley Heights, NJ, generously sponsors the scholarship program and provides other vital support to the Program. Their generosity has supported the Program since its inception in 1998.

The staff members dedicated to the program and its students are: Senior Director of Childcare, Camp and Teen Services Susan Morton, Coordinator Tarajee W. Russell, Assistant Coordinator Tania Mayer, Tutor Romina Cahiwat, and Alumni Volunteer Jasmine C. Farmer. These individuals, as well as the volunteers on the Black Achievers Committee of the Westfield, NJ Area YMCA Board have worked tirelessly to ensure the success of the program. The Westfield YMCA's Chief Executive Officer Mark Elsasser, Chief Operating Officer Paula Ehoff, Communications/Development Director Bonnie Cohen, YMCA Board chairman Stephen Murphy and the rest of the staff are deeply committed to the success of the Program. Lastly, the Black Achievers Committee Chairman Carlton Blake and the entire Black Achievers Committee should be acknowledged for the tremendous effort and dedication they put forth to keep the Black Achievers Program running.

Madam Speaker, please join me in honoring the Westfield, NJ Area YMCA Black Achievers Program for encouraging students to develop their fullest potential in spirit, mind, and body. I urge them to continue to raise the academic standards of our young people and inspire them to reach all of their goals. I congratulate the Westfield, NJ Area YMCA, the Black Achievers' Program Committee, the Program and its staff and participants on their accomplishments and I thank them for their commitment to their community and I thank them for their commitment to their community.

## CONNOR RANDALL

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Conner Randall who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Conner Randall is a 12th grader at Ralston Valley High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Connor Randall is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Connor Randall for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## HONORING WATKINS COLLEGE OF ART DESIGN AND FILM ON 125TH ANNIVERSARY

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Watkins College of Art, Design and Film as they celebrate their 125th anniversary.

What began as a vision to offer art education to the Mid-South community, came into being 125 years ago, emerging today as Watkins College of Art, Design and Film. Namesake of entrepreneur and philanthropist Samuel Watkins, Watkins College opened its doors in 1885 as Nashville Art Association and began to offer instruction in visual arts. Always one step ahead of the cultural needs of the 20th century, the school assisted immigrants in becoming active members of society, gave women opportunities to enter the workplace with confidence and skill, and offered returning servicemen completion of their high school degrees.

With approval from the Tennessee Higher Education Commission in 1977, Watkins became a full college offering associate degrees in fine art and interior design. Adding the Watkins Film School in 1997, and Bachelor of Fine Arts degrees in photography, graphic design and fine art in 2007, Watkins College of Art, Design and Film continues to lead the way in artistic movements and education.

Watkins College offers hands-on curriculum, academic roots, and award-winning faculty. Alumni of Watkins College of Art, Design and Film go onto successful careers in their fields. Alumni hold LEED certifications, are small business owners, designers of sacred spaces, makers of film, leaders in their communities, and protectors of art. I am proud of my association with Watkins College and look forward to the many successes of the next 125 years.

I congratulate Watkins College on their rich and impactful history and ask my colleges to join me in honoring Watkins College of Art, Design and Film on their 125th anniversary.

## HONORING ALEX HORNADAY, PARTICIPANT IN THE 2010 PEOPLE TO PEOPLE LEADERSHIP FORUM

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. CONNELLY of Virginia. Madam Speaker, I rise to recognize Alex Hornaday, a participant in the 2010 People to People Leadership Forum in Washington, DC. A select group of students were chosen to attend the forum based on their academic excellence, community involvement and leadership potential.

People to People International was founded by President Eisenhower in 1956. Today, it is a leader in educational travel programs, including the World Leadership Forum. Students will participate in daily educational activities around Washington, DC., which all will focus

on leadership. After successful participation in the program, students will earn a Certificate of Completion.

Alex Hornaday, of Springfield, Va., exemplifies the People to People's commitment to academic excellence, community involvement, and leadership potential.

Madam Speaker, I ask that my colleagues join me in honoring Alex Hornaday. Alex is truly an outstanding student who demonstrates the leadership potential of our future.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I interviewed Robert Nelson McClelland, M.D. a veteran of the United States Air Force. He entered the armed forces as a First Lieutenant and was discharged with honor as a Captain. Dr. McClelland not only served as a physician in the United States Air Force, stationed in Germany for two years, but he also contributed a tremendous amount of time and effort into career as a doctor at Parkland Memorial Hospital. In fact, he was on a team of doctors who operated on President John F. Kennedy when he was assassinated at Dealy Plaza in Dallas, Texas and was taken to Parkland Memorial Hospital immediately. Dr. McClelland was, at the time, showing a group of students and residents a film on surgery techniques when he accompanied Dr. Crenshaw to Trauma Room One, where President Kennedy lay unconscious, hooked to a respiratory machine. Through this experience, I learned that I take for granted the freedoms that I have today that were given to me. These same freedoms that I worked nothing for are and were the same freedoms countless soldiers from the United States armed forces selflessly fought for. Furthermore, I have gained a novel respect for physicians, such as Dr. McClelland himself who make it their job to save lives.—Eann Tuan

## DAISY HENRIQUEZ

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Daisy Henriquez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Daisy Henriquez is an 8th grader at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Daisy Henriquez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Daisy Henriquez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## OBAMA BACKS DOWN ON SUDAN

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. WOLF. Madam Speaker, I submit for the RECORD an op-ed today by respected New York Times columnist Nicholas Kristof regarding the Obama administration's abysmal record on Sudan. He paints a bleak picture about the potentially dire implications of the administration's failure to confront Khartoum. I echo Kristof's warning that "if President Obama is ever going to find his voice on Sudan, it had better be soon."

[From the New York Times, April 22, 2010]

OBAMA BACKS DOWN ON SUDAN

(By Nicholas D. Kristof)

JUBA, SUDAN.—Until he reached the White House, Barack Obama repeatedly insisted that the United States apply more pressure on Sudan so as to avoid a humanitarian catastrophe in Darfur and elsewhere. Yet, as president, Mr. Obama and his aides have caved, leaving Sudan gloating at American weakness. Western monitors, Sudanese journalists and local civil society groups have all found this month's Sudanese elections to be deeply flawed—yet Mr. Obama's special envoy for Sudan, Maj. Gen. Scott Gration, pre-emptively defended the elections, saying they would be "as free and as fair as possible." The White House showed only a hint more backbone with a hurried reference this week to "an essential step" with "serious irregularities."

President Omar Hassan al-Bashir of Sudan—the man wanted by the International Criminal Court for crimes against humanity in Darfur—has been celebrating. His regime calls itself the National Congress Party, or N.C.P., and he was quoted in Sudan as telling a rally in the Blue Nile region: "Even America is becoming an N.C.P. member. No one is against our will." Memo to Mr. Obama: When a man who has been charged with crimes against humanity tells the world that America is in his pocket, it's time to review your policy.

Perhaps the Obama administration caved because it considers a flawed election better than no election. That's a reasonable view, one I share. It's conceivable that Mr. Bashir could have won a quasi-fair election—oil revenues have manifestly raised the standard of living in parts of Sudan—and the campaigning did create space for sharp criticism of the government.

It's also true that Sudan has been behaving better in some respects. The death toll in Darfur is hugely reduced, and the government is negotiating with rebel groups there. The Sudanese government gave me a visa and travel permits to Darfur, allowing me to travel legally and freely. The real game isn't, in fact, Darfur or the elections but the maneuvering for a possible new civil war. The last north-south civil war in Sudan ended with a fragile peace in 2005, after some two million deaths. The peace agreement provided for a referendum, scheduled to take place in January, in which southern Sudanese will decide whether to secede. They are expected to vote overwhelmingly to form a separate country.

Then the question becomes: will the north allow South Sudan to separate? The south holds the great majority of the country's oil, and it's difficult to see President Bashir allowing oil fields to walk away.

"If the result of the referendum is independence, there is going to be war—complete war," predicts Mudawi Ibrahim Adam, one of Sudan's most outspoken human rights advocates. He cautions that America's willingness to turn a blind eye to election-rigging here increases the risk that Mr. Bashir will feel that he can get away with war.

"They're very naïve in Washington," Mr. Mudawi said. "They don't understand what is going on."

On the other hand, a senior Sudanese government official, Ghazi Salahuddin, told me unequivocally in Khartoum, the nation's capital, that Sudan will honor the referendum results. And it's certainly plausible that north and south will muddle through and avoid war, for both sides are exhausted by years of fighting.

Here in Juba, the South Sudan capital, I met Winnie Wol, 26, who fled the civil war in 1994 after a militia from the north attacked her village to kill, loot, rape and burn. Her father and many relatives were killed, but she escaped and made her way to Kenya—and

eventually resettled as a refugee in California. She now lives in Olathe, Kan., and she had returned for the first time to Sudan to visit a mother and sisters she had last seen when she was a little girl.

Ms. Wol, every bit the well-dressed American, let me tag along for her journey back to her village of Nyamlell, 400 miles northwest of Juba. The trip ended by a thatch-roof hut that belonged to her mother, who didn't know she was coming—so no one was home. Ms. Wol was crushed.

Then there was a scream and a woman came running. It was Ms. Wol's mother, somehow recognizing her, and they flew into each other's arms. To me, It felt like a peace dividend.

Yet that peace is fragile, and Ms. Wol knows that the northern forces may come back to pillage again. ''I don't want war,'' she said, ''but I don't think they will allow us to separate.''

My own hunch is that the north hasn't entirely decided what to do, and that strong international pressure can reduce the risk of another savage war. If President Obama is ever going to find his voice on Sudan, it had better be soon.

## HONORING NISEI VETERANS

### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the distinct patriotic and heroic service of several Chicago Japanese American Veterans who served as linguists for the Military Intelligence Service (''MIS'') of the United States Army. These Japanese American (''Nisei'') veterans dedicated their lives in providing invaluable intelligence support during World War II and during the Occupation of Japan from 1945–1952.

The service of these Nisei veterans was critical to our Nation's victory during World War II. They translated captured documents, interrogated prisoners of war, and intercepted radio messages. After the war they continued to serve the United States as cultural and linguistic ambassadors during the occupation of Japan. The MIS soldiers were vital in maintaining the peace by acting as a bridge between the American forces and the Japanese people.

The patriotism and heroism of the Japanese American MIS soldiers was profound and immeasurable. They served this country while their families and friends were placed in internment camps surrounded by barbed wire and armed guards. Always soldiers first, some found themselves on the battleground alongside armed forces, where they faced extraordinary circumstances and physical hardships.

For decades after such a heroic sacrifice, due to military confidentiality agreements, their stories have gone untold. Many of the Nisei Veterans, some of whom have now passed, settled in Chicago after World War II.

Madam Speaker, I ask my colleagues to join me in recognizing the Nisei Veterans for their extraordinary and invaluable service to our Nation in a time of war. They exemplify the values of dedication and service, and I thank them for their many sacrifices, years of tireless loyalty and countless contributions to this Nation. These are unsung heroes in our midst, and I welcome this opportunity to recognize their tremendous sacrifice on behalf of the people of the United States of America.

## HONORING COMMISSIONER ROY GOLD

### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. DEUTCH. Madam Speaker, I am both honored and privileged to congratulate Commissioner Roy Gold as he begins his tenure as the 53rd President of the Broward League of Cities.

This most recent achievement is one of many honors during Commissioner Gold's distinguished career in public service. The Commissioner has long been a leader in the Broward community, serving as a member of the Coral Springs City Commission since 2004, and Vice Mayor from March 2006 through November 2007. Commissioner Gold also serves as the Chair of the Florida Intergovernmental Financial Commission and as a member of both the Broward County Resource Recovery Board and the Broward County Oversight Committee.

Beyond the City Commission, Commissioner Gold has dedicated his life to his family, a successful business career, and community and environmental activism. While serving as co-president and CEO of Cambridge Diagnostic Products, Inc., the commissioner has tirelessly worked to improve the community of Coral Springs. He is a founding member of the Coral Springs Neighborhood and Environmental Committee, a founding site leader for the Broward Waterway Cleanup, a founder of the Broward Adopt-a-Mile program, and a site leader for Broward County Adopt-a-Street. In addition to Commissioner Gold's environmental activism, he is currently a board member of the Coral Springs Charter School and the Coral Springs Museum of Art.

Commissioner Gold's dedication to community activism in Coral Springs is a testament to his dedication to greater Broward County, and the Broward League of Cities will be well served to have him as their new President.

I wish Commissioner Gold, his wife Janet, and his children Michael and Lauren congratulations and continued success.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the ''Preserving History Project.'' Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

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The summary follows:

Michael Lee Todd has been stationed all across the U.S. and the world. During his time in the service he was a Naval Aviator for seven years and then a public affairs officer, or PAO for 17 years. While assigned to the USS Coral Sea (CV–43) he was part of the mission to rescue the American hostages being held by Muslim extremists in Tehran, Iran. Later in his career he was the lead public service affairs officer for many high profile cases during Navy history. One of these was a terrible incident where a sailor killed another in cold blood while in Japan for being homosexual. He was also in charge of all public affairs during a terrible accident onboard the battleship USS Iowa, where one of its four 18- inch gun turrets blew up killing dozens of sailors. Later in his career he was with General Anthony Zinni at U.S. Central Command during the withdrawal of U.S. forces from Somalia. Mike retired from the Navy in 2000. From this experience I gained a completely new insight into the life of my Uncle Mike. I never really new all the things he did, viewed him as ''Captain Todd'' or how important his service was to the country. It amazes me that he had such an impact on thoughts about the Navy by the American public. It makes me proud and gives me dreams of one day being like him, to serve my country in the tradition of my family and make a difference to the liberty and freedom of America.—Samantha Todd.

DEREK RIEMER

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Derek Riemer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Derek Riemer is a 9th grader at Ralston Valley High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Derek Riemer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Derek Riemer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

RECOGNIZING THE CONTRIBUTIONS OF OUR MILITARY KIDS ORGANIZATION AND THE 2010 STAR POWER AWARD WINNERS

## HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. WOLF. Madam Speaker, I rise today to recognize and celebrate April as the National Month of the Military Child. I also ask that my colleagues join me in recognizing the outstanding work of the Our Military Kids organization as well as its 2010 award winners. I am honored that this program, founded in McLean, Virginia, is located in the 10th District of Virginia.

Our Military Kids is an organization that offers support to children of deployed National Guard and Reserve personnel in addition to children of severely injured servicemembers, through grants for extracurricular activities. In honor of the sacrifices military parents make, Our Military Kids helps to ensure that children of military families have the chance to have access to enrichment activities such as fine arts, sports, or academic programs.

I particularly wish to recognize the dedicated staff of Our Military Kids. They are joined by a Board of Directors, as well as an Advisory Board, who help make important decisions on behalf of the organization. The organization launched its original program in Winchester, Virginia, in connection with the Virginia National Guard in 2005. Today the success of Our Military Kids has gained national recognition and now reaches 14,633 children in all 50 states.

Each year Our Military Kids recognizes outstanding military children and families for their service to and sacrifice for our country. This year's award ceremony was held on April 13 in the Cannon Caucus Room here on Capitol Hill and I was honored to attend the "Celebration of Our Military Kids' Star Power" event at which four military children and one military family were saluted. The 2010 award winners are: Valerie Gonzalez of Alhambra, CA, in the 7–10-year-old age category; Jasmine Warren of Douglasville, GA, 11–14-year-old category; Taylor Ulmen of Madelia, MN, 15–18-year-old category; John Stefan Jenkins, Jr. of Jamaica, NY, 15–18-year old category, and four children from the Sonnen Family of Annandale, VA, whose father Tom was deployed to Iraq.

Through many generous partnerships with individuals, foundations, and corporations Our Military Kids is able to award grants to children each year. The Star Supporters of 2009–2010 include: General Dynamics; Target; Bob Woodruff Foundation; Leonsis Foundation; Lockheed Martin; American Legion Child Welfare Foundation; Emerson Charitable Trust; USAA; AUSA; General Dynamics-AIS; Jeong H. Kim Foundation; Oshkosh Defense; Mr. & Mrs. Michael Ansari; ASMBA Star Foundation; Association of Military Banks of America; Avion Manufacturing; Binder Foundation; Careerbuilder.com; EADS North America; Janning Family Foundation; PGA Tour Wives Association; Mr. & Mrs. Roger C. Schultz; Silicon Valley Community Foundation; Tiger Woods Foundation; Aspen Capital, LLC; Mr. & Mrs. Peter J. Barris; Bechtel; Binder Foundation; Booz Allen Hamilton; Congressional Country Club; Dorothy G. Bender Foundation, Mr. & Mrs. Shawn Hendon, Mr. & Mrs. John H. Hiser, Kipps DeSanto; Mr. & Mrs. Gerard R. Lear; Lillian Adams Charitable Trust; Mr. & Mrs. Philip Odeen; Gen. & Mrs. Peter Pace; Triple Canopy; Walter B. Slocombe; Mr. & Mrs. Paul A. Weaver, Jr.; Mr. & Mrs. William Wolpert.

In closing, I would like to particularly thank Linda Davidson, Our Military Kids' executive director, for dedication and tireless efforts to support our Nation's military families.

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

## HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

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The summary follows:

Retired Air Force Major Mark Smith enlisted in the United States Air Force in 1969, at age 19. He spent six years serving as an enlisted serviceman, was honorably discharged, and pursued his education using the GI Bill while working. After completing his Masters Degree in Computer Information Systems, he applied to Officers' Training School (OTS) and reenlisted in the Air Force. Major Smith spent the remainder of his time as an officer working in Tactical Communications Systems and Information Systems Management. Smith's one overseas duty station was as an enlisted airman; he was stationed with the RAF station at Chicksands in England. Later in his career as an officer, he had some temporary duty assignments in Saudi Arabia, Haiti and Panama.

This interview was the first time I have questioned a veteran about their experiences, and it was fascinating. The Smiths expressed such a high level of enthusiasm and pride about their lives in the United States Air Force that it would have been difficult to come away from the interview with anything but a positive outlook towards a military career.—Katya Sousa

CONGRATULATING HALF HOLLOW HILLS EAST HIGH SCHOOL ON WINNING THE WE THE PEOPLE NEW YORK STATE FINALS

## HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge Half Hollow Hills East High School, which was named the New York State champion of the We the People: The Citizens and the Constitution competition.

The We the People competition is an extremely prestigious national academic contest that promotes the study of the United States Constitution. The students from Half Hollow Hills East who participated in the simulated congressional hearings were judged on their knowledge of and ability to apply the Constitution to current events. The students earned the best scores of the nine high schools that

competed in the New York State Final Hearings in March and as a result, will represent New York State in the national finals.

I am proud to recognize Half Hollow Hills East High School for this outstanding academic achievement.

## HONORING MR. JAMES MUSCATO

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. James Muscato. Mr. Muscato served his constituency faithfully and justly during his tenure as a member of the Dunkirk City Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Muscato served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Muscato is one of those people, and that is why, Madam Speaker, I rise to pay tribute to him today.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,877,195,922,374.91.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,238,770,176,081.11 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

## CONGRATULATING GRACE WANG, RECIPIENT OF A SIEMENS FOUNDATION AWARD

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Grace Wang, recipient of a Siemens Foundation award for her excellence in the College Board's Advanced Placement program courses and exams in the area of science and mathematics.

The Siemens Foundation has actively supported science, technology, engineering and mathematics education. Each year, the Foundation provides more than $7 million in support of education initiatives. The Foundation supports programs from grade school through graduate school to encourage students to achieve their potential. The Siemens Awards for Advanced Placement provides $2,000 college scholarships for two students in each state based on grades and scores in AP science and math classes.

Grace Wang, a student at Thomas Jefferson High School for Science and Technology, has excelled in her AP science and math classes. Through her hard work, she has proven that she is one of the best and brightest in the nation. She is a shining example of the achievements of students in the area of math and science.

Madam Speaker, I ask that my colleagues join me in congratulating Grace Wang for this honor. She truly is an example of our nation's promising future in the science and technology fields.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today, I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

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You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I interviewed Alan Smith, a World War II veteran, and I learned a lot about his life and his experiences during the war as well as the years after. Mr. Smith entered the military as a private and came out as a corporal after approximately 22 months of service. His highlight combat mission was the invasion of Bastogne. After his service, Mr. Smith went to school on the GI Bill and became a Bible major. Following college, Mr. Smith began to work for Beach Aircraft Company which produced tools of various sorts.

After interviewing Mr. Smith, I have learned several things about World War II from a first-hand account. I also learned the challenges faced by troops while deployed overseas and the mental toll it places on a soldier's mind. And at the end of the interview, Mr. Smith stressed this scripture from the Bible to me: "And hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation." He lives by this verse and said it could be applicable to many present day situations.—Drew Sneed.

## PERSONAL EXPLANATION

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. HIGGINS. Madam Speaker, regrettably, during a series of votes last Thursday I missed rollcall vote 219. I would have voted "yea."

I am a cosponsor of H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act, and would have joined my colleagues in instructing conferees to insist on the strong provisions in the House-passed bill.

## HONORING ARMY SPECIALIST RANDALL RAY CHARLES LANDSTEDT

### HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. MCCLINTOCK. Madam Speaker, I rise today to honor Army SPC Randall Ray Charles Landstedt from Pollock Pines, California, who was killed April 6, 2010 while on leave in Crestview, Florida. Specialist Landstedt grew up in El Dorado County, attending local schools, including Pinewood, Sierra Ridge, El Dorado High, and Independence High. From an early age, Specialist Landstedt was determined to serve his country and after graduation enlisted in the U.S. Army. He was known by his friends and family as kind, generous, considerate and loyal. He is survived by his parents, Joanne and Daniel Landstedt; brother, James Copeland of Pollock Pines; and sister, Rickie Bronstein of San Diego.

I cannot begin to comprehend the pain of losing such a kind and courageous young man and I cannot ease that pain with my words. All

I can do is say thank you for Randall's service. He exemplified the highest values of our country, embodying courage, valor and dedication in his service with the Army's 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division. Specialist Landstedt was twice awarded the Army Commendation Medal and also received the Afghanistan Campaign Medal, the National Defense Service Medal, the Global War on Terrorism Medal, an Army Service Ribbon, an Overseas Service Ribbon, and the NATO Medal with an International Security Assistance Force bar. We will remember SPC Randall Landstedt for his honor and dedication, and we must never forget the service and sacrifices of the sons and daughters of our great country.

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Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I had the honor to sit down with Sergeant Goins, a member of the United States Army, in his Plano West classroom to learn about his intriguing assignments overseas. Chad Goins is currently a teacher at Plano West Senior High School where he instructs students in Introduction to Criminal Justice and Criminal Investigation classes. Just under two years ago, in June 2008, Sgt. Goins left to endure an eight month training followed by ten months at Bagram Airfield in If Afghanistan. His many awards and achievements clearly demonstrate the integrity and valor with which he has served his country, such as the Afghanistan Campaign Medal, and the Combat Action Badge. Due to the nature of Sgt. Goins' duties of Military Intelligence, he was unable to discuss many of the specifics. However, because he saw a lot of the local population, he discussed with me just why the war in Afghanistan is so difficult to fight. From this experience, I am now better able to understand the war in Afghanistan and the reason to why it is such a non-traditional war. The religious and cultural differences and the thousands of familial tribes in Afghanistan make continuity nearly impossible with Americans to Afghans, and even Afghans to Afghans. Thank you, Sergeant Goins and all other members of the U.S. Military for everything you do to protect our country. For it is because of you that we can live the life we do. I am thankful to add, Sergeant Goins' duty ended on Thanksgiving Day of 2009, and he returned home shortly after, injury free.—Laura Schuller.

## RICHARD C. SCHAEFFER, JR.

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mr. Richard Schaeffer, Jr., for a distinguished 40-year career with the Federal Government.

A graduate from Catholic University of America, Schaeffer holds a Bachelor of Science degree in Electrical Engineering. His participation in the Intelligence Fellows Program, National Senior Cryptologic Course, and Executive Development Seminar provided a sound base for his future achievements.

As one of the National Security Agency's (NSA) highest ranking senior leaders, the Information Assurance Director, Schaeffer is responsible for the availability of products, services, technology and standards for protecting our nation's critical information systems from adversaries in cyberspace. Prior to holding the position of one of the nation's leading defenders against cyber attacks, Schaeffer was Chief of the National Security Operations Center, which manages the U.S. Cryptological System, serving as the command-and-control center for crisis response. His other major assignments have included Information Assurance Deputy Director, NSA Deputy Chief of Staff, and Director, Infrastructure and Information Assurance. Prior to his work with NSA, Schaeffer served in the United States Marine Corps, including two tours in Vietnam.

For his renowned work with the Federal Government, Schaeffer earned numerous awards including Armed Forces Communications and Electronic Association Meritorious Service Award; the Presidential Rank Award; Secretary of Defense Medal for Meritorious Civilian Service; and Secretary of Defense Productivity Excellence Award, among many others.

Madam Speaker, I ask that you join with me today to honor Mr. Richard Schaeffer, Jr., and his illustrious career with the Federal Government. His leadership and loyalty has protected this nation for over 40 years. His dedication to the United States is highly commendable.

## RECOGNIZING THE SERVICE OF THE 100TH BATTALION, 442ND REGIMENTAL COMBAT TEAM AND THE MILITARY INTELLIGENCE SERVICE

### HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. McCLINTOCK. Madam Speaker, I rise today to recognize the brave individuals who served in the Military Intelligence Service and the Army's 100th Battalion, 442nd Regimental Combat Team (RCT)—the most decorated unit for its size and length of service in the history of the U.S. military. These patriotic Americans, many of whom came from Placer County, California, served at a time when many of their families were interned in camps far from their homes.

I am proud that the people of Placer County have partnered with the Japanese American Citizens League to create a permanent memorial commemorating the Americans of Japanese ancestry who served in the U.S. military during World War II. The memorial includes a 36-foot compass laid in concrete to symbolize the journey of the 442nd RCT located on Go For Broke Road, which is named in honor of the unit's motto.

As our community moves into the second phase of this project, I congratulate everyone involved and thank them for their ongoing efforts to honor those individuals who risked and sacrificed so much in defense of our great Nation and the ideals for which we stand.

## HONORING MR. PURVIS YOUNG

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the late Mr. Purvis Young, one of South Florida's most storied artists. He transformed a troubled life with brush strokes, painting the joys and sorrows of his people on objects discarded in his Overtown neighborhood. Because of his great talent, he received international recognition.

Born February 2, 1943 in Miami's Liberty City to Vera Mae Wright, Mr. Young learned the art of drawing as a young boy watching his maternal Uncle Irving who was a figurative artist. He picked up his first paintbrush at the age of 20. Mr. Young attended school up to the 8th grade during which time he swam at Dixie Park (now called Gibson Park) and he

was invited to paint a mural on the Overtown Library, adjacent to the pool. With the guidance of two of Miami-Dade Public Library System's finest, Barbara Young (Librarian Curator of the Permanent Collection, Art Services and Exhibitions Programs) and Margarita Cano (Administrator of Community Relations), Mr. Young buried himself amongst the books, hungry for knowledge that could explain the world to him.

For the first 50 years of his life, Mr. Young remained within the county lines of Miami. It was not until his 6th decade that he traveled to other states and cities and learned that he was famous, a fact he missed while art dealers encouraged him to seclude himself in his studio. A self-taught artist, Mr. Young enjoyed telling the story of how he turned his life around in the mid-1960s by painting vibrant murals and conceptualizing mixed-media expressionist works. He said he found his calling after serving a prison term for breaking and entering when an angel told him, "This is not your life."

Mr. Young completed most of his work at night and created exquisite, thoughtful art from garbage he plucked off the streets of Overtown. Environmentally conscious and unwilling to contribute to further deforestation, Mr. Young's "canvases" were made of recycled products including found wood, discarded library books, old political posters, used furniture and various surplus items from construction sites. He painted with latex, acrylic, enamel, and combinations of new paint blended with old paint that he had for 25 years or more. His work was famous for intensely colored urban landscapes, drawings and mixed-media constructions.

Today, Mr. Young's work is in more than 60 public collections and numerous private ones—in 2006 alone he had six exhibitions. His work hangs in The Bass Museum of Art (Miami); American Folk Art Museum (New York); The Corcoran Gallery of Art (Washington, D.C.); High Museum of Art (Atlanta): Lowe Art Museum (University of Miami); Museum of Fine Arts (Houston); New Orleans Museum of Art; Philadelphia Museum of Art; the Smithsonian American Art Museum among many. On December 24, 2006, the Sun-Sentinel's Emma Trelles named the Boca Raton Museum of Art's Purvis Young exhibition #1 in the art category for the year in South Florida. Several of his works are part of the permanent collection of the Smithsonian American Art Museum.

"Purvis was one of the great geniuses of American art, a remarkable figure," said Jacquelyn Serwer, chief curator of the Smithsonian's National Museum of African American History and Culture, which breaks ground in 2012. "He wasn't particularly nurtured, yet was driven to do this work. He was just one of those people who was born with this extraordinary vision and stayed true to it, producing work that had a kind of mythical quality to it."

Mr. Young is survived by his long-time companion, Eddie Mae Lovest, four daughters, Kenyatta, Kentranice, Taketha and Elisha, and 13 grandchildren. In addition, he is survived by two sisters, Betty Rodriguez and Shirley Byrd, and a brother, Irvin Byrd.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Dr. Purvis Young. I am honored to pay tribute to Mr. Young for his invaluable services and tireless dedication to the South Florida arts community. Mr. Young's life was a triumph and he will be missed by all who knew him. I appreciate this opportunity to pay tribute to him before the United States House of Representatives.

## HONORING THE STATE CHAMPION BOLIVAR CENTRAL HIGH SCHOOL BOYS BASKETBALL TEAM

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me today in congratulating the Bolivar Central High School boy's basketball team for winning the 2010 Class AA State Championship.

Less than a year removed from the state semifinals, Bolivar Central High School faced off against their league rivals at Middle Tennessee State University on March 20, 2010 for the State championship. After hundreds of hours of practice and hard work the Tigers were rewarded as they secured the school's third Class AA state championship in a 72–62 win over Liberty.

This recognition reflects a dedication to practice, their teammates and their unrelenting commitment to excellence. The team building skills acquired by working together through the highs and lows of the season will benefit these young men for a lifetime of success.

Madam Speaker, please join me in thanking the parents, Coach Rick Rudesill, faculty of Bolivar Central High School and again congratulating the members of the 2010 State Championship team. I am sure this is not the last we will hear from this talented group of young men.

## RECOGNIZING THE 150TH ANNIVERSARY OF ST. MARY'S ACADEMY

### HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. MCCLINTOCK. Madam Speaker, I rise today to recognize the 150th anniversary of St. Mary's Academy in Grass Valley, California. Since its first day, St. Mary's has provided outstanding educational opportunities to the children of Nevada County.

The Academy was founded in 1859 by Father Thomas J. Dalton, Pastor of St. Patrick Parish in Grass Valley as a school for the growing Nevada County area. The Academy has served as an orphanage, a finishing school for girls, a high school, and a grade school. Today the school offers kindergarten through eighth grade education.

As our community gathers to celebrate this auspicious occasion, I am proud to recognize 150 years of service and excellence and thank those who have worked to keep the Academy open and thriving.

## COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2009

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. BACA. Madam Speaker, I rise to support the passage of the Comprehensive Iran Sanctions, Accountability and Divestment Act.

The Government of the Islamic Republic of Iran, if allowed on its present course, is well on its way to obtaining nuclear capability. Experts say it could be in the possession of a nuclear weapon in less than a year.

Since 1995, several U.S. regulations have been enacted to pressure Iran's economy, curtail its nuclear advancement and curb the government's support for jihadist militant groups. They have not been adhered to; no firms have yet been sanctioned.

This legislation will pressure persons violating Iran Sanction acts and other accomplices of the National Guard in pursuing uranium enrichment and oppressing religious and human rights.

Nuclear terrorism is one of the greatest threats to American security. Safeguarding nuclear materials from terrorists is absolutely critical to international peace and stability.

This legislation provides the much needed teeth and Presidential authority necessary to deter this regime's nuclear intentions. Timing is crucial, for this reason it must be passed today.

## THE FUTURE OF TAIWAN

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. BURTON of Indiana. Madam Speaker, I rise today to share with my colleagues a recent speech by the President of the Republic of China, ROC, Taiwan, discussing his country's future. I have been a longtime supporter of Taiwan and hope that my colleagues and I will continue to improve relations not only between the United States and Taiwan but between Taiwan and the international community. All Americans should be proud that Taiwan and the United States have enjoyed a strong and durable relationship. Taiwan is one of our largest trading partners and the cultural exchanges between our two peoples are as vibrant as they have ever been. Taiwan has stood shoulder to shoulder with the United States to combat the scourge of global terrorism; and the people of Taiwan have always given generously in our greatest times of need with monetary contributions to the Twin Towers Fund, Pentagon Memorial Fund and through the offer of humanitarian assistance to victims of Hurricane Katrina. Taiwan and the United States are not merely allies; we are friends and partners in the truest sense of the words.

Recently, President Ma Ying-jeou of the ROC, Taiwan, took part in a video conference with the Fairbank Center for Chinese Studies

at Harvard University to discuss Taiwan's vision for the future. I ask unanimous consent to include a copy of President Ma Ying-jeou's speech into the CONGRESSIONAL RECORD. And I urge my colleagues to read the remarks because whatever the future holds of Taiwan, I believe that the people of Taiwan deserve to have a voice in shaping that future.

THE QUEST FOR MODERNITY—SPEECH BY MA YING-JEOU, PRESIDENT, REPUBLIC OF CHINA AT FAIRBANK CENTER, HARVARD UNIVERSITY—APRIL 6, 2010

President Ma Ying-jeou took part this morning in a video conference with the Fairbank Center for Chinese Studies at Harvard University. The conference was moderated by Dr. William Kirby, Director of the Fairbank Center. Harvard University president Drew G. Faust opened the conference with a videotaped talk in which she welcomed President Ma to the video conference. After the moderator's opening remarks, President Ma followed with a speech entitled ''The Quest for Modernity.'' Thereafter, professors Steven M. Goldstein, David Der-Wei Wang, William P. Alford each posed a few questions to the president. This was followed by a Q&A session in which the president fielded questions from members of the audience. As the conference was drawing to a close, President Ma gave a short closing statement.

Prof. Kirby, Prof. Goldstein, Prof. Alford, Prof. Wang, Prof. Su Chi, Ambassador Yuan, Director General Hung, Dear faculty members, students, distinguished guests, ladies and gentlemen: Good Evening!

I. NOSTALGIA ABOUT HARVARD

It heartens me to be once again addressing the excellent faculty and student body of Harvard University. This moment brings back a rush of nostalgia because it was here I became a proud father for the first time before I even got my doctoral degree. It was also at Harvard when I was cloistered for long hours in the Law School Library, or debating with fellow classmates and professors, that I was able to broaden my understanding of the world, and hone my skills as a scholar, intellectual and eventually a leader. I also feel nostalgic on a deeper level. When I think of a long litany of historic events, figures, and institutions: John Hay's Open-Door Policy, Boxer Rebellion, American Indemnity Scholarships for China, with all its recipients, like Hu Shih and Chien Shih-Liang, Tsinghua University, Yenching University, May Fourth Movement, Flying Tigers, Pearl Harbor, John Leighton Stuart, 1949, Korean War, United States-Republic of China Mutual Defense Treaty, Fairbank Center, the Quemoy and Matsu Crisis, Cultural Revolution, Shanghai Communiqué, Taiwan Relations Act, mainland China's Reform and Open Policy, U.S. arms sales to Taiwan and so on, I cannot help but think of the far-reaching impact that America has had on China's, and later on Taiwan's, convoluted path to modernization. I cannot help but think my time at Harvard was not only a personal academic journey, but also a microcosm reflecting a people's long search for a modern nation.

II. WEALTH, POWER AND DEMOCRACY

The late venerable Benjamin Schwartz, who as you know had been a prominent member of the Fairbank Center, described in the life of Yen Fu that the evolution of modern China has been a journey in search of wealth and power. Given the rise of mainland China's economic power and military strength over the last thirty years, it seems that it has achieved those goals to a considerable degree. However, I believe a society that is truly modernizing should not be limited to wealth and power but must also include the foundations for freedom and democracy.

For it is only through the active participation and free choice of one's citizens that government truly serves the welfare of the people; only then can a government sustain, and a nation thrive. So I am proud to say that the Republic of China on Taiwan has in fact achieved all these three pillars. The ROC has since become a thriving nation with a robust economy, viable military and a truly open and vibrant democracy. With so much already achieved the roadmap of my administration is quite straightforward: namely to strengthen the foundation of these three pillars so as to safeguard the future of Taiwan's posterity, and to share with mainland China our values and way of life.

III. COMING OUT OF RECESSION

My administration came into office two years ago in the midst of a global economic crisis, so it's not an exaggeration that we definitely ''hit the ground running.'' Since then we have worked relentlessly to revitalize Taiwan's economy. By taking measures such as guaranteeing 100% bank deposits, substantially lowering interest rate in seven instances, investing 16 billion US dollars in domestic infrastructure in 5 years, distributing 2.7 billion U.S. dollars worth of shopping vouchers, and providing emergency assistance for the underprivileged, my administration has successfully brought the economy out of the downturn after a year and a half. Now we expect to create about a quarter of a million jobs to bring the unemployment rate below 5% and GDP growth up to 4.72% this year. Job creation will remain our top priority, especially those in the green energy sector. With carbon reduction in mind, we are now ambitiously promoting innovation across all of Taiwan's most competitive sectors. These include the country's traditional strongholds such as IT, agriculture, and healthcare as well as other emerging industries like green energy, biotech, tourism and the cultural creative industries. However, the growing trend towards regional integration among economic powerhouses in East Asia, like Japan, mainland China, South Korea and the ASEAN countries, is threatening to marginalize Taiwan's heavily export-driven economy. As such, my administration has been seeking to institutionalize economic relations with mainland China and diversify our export markets and products so that Taiwan will not only avoid being cut off from the global economy but also enhance its international competitiveness. Therefore, we have been pushing hard for an Economic Cooperation Framework Agreement (ECFA) with the mainland that will serve as a critical structural platform for economic interaction between the two sides. On top of intellectual property rights protection and investment guarantee, the framework will include an early harvest package of goods and services to enjoy zero custom tariffs. The negotiations are already underway and expect to conclude in the next few months. We have also established government programs that will cushion potential shocks to industries and workers, especially small- and medium-sized enterprises. Although some assert that signing the ECFA with mainland China will compromise our sovereignty, this is definitely not the case. The top priority of my administration has always been the principle of ''putting Taiwan first for the benefit of the people.'' The truth of the matter, ECFA will spearhead Taiwan's return to the accelerated track for economic integration in Asia-Pacific and beyond. This without a doubt will strengthen Taiwan's capabilities to enhance its competitive edge in the global market and brighten its outlook for negotiating similar arrangements with other countries.

IV. CROSS-STRAIT RAPPROCHEMENT AND FLEXIBLE DIPLOMACY

In the pursuit of power my administration is not merely seeking military strength but more importantly to build up our soft power. In fact, the heart of my foreign policy is to reestablish mutual trust with all our major international partners, especially the United States. In achieving this goal, my administration has worked incessantly to transform the Taiwan Straits from a major flashpoint into a conduit for regional peace and prosperity. Therefore, in order to resume constructive dialogue with the mainland after a hiatus of over a decade, we first announced in 2008 the policy of ''No Unification, No Independence, No Use of Force'' so as to maintain the status quo across the Taiwan Strait under the framework of the Republic of China's 1946 Constitution, This breakthrough was further advanced under the framework of the 92 Consensus of ''one China, respective interpretations'' that was reached by the two sides in November 1992. That is now deemed a feasible formula by government leaders across the Taiwan Strait as well as many in the wider world community. We have also adopted a policy of Flexible Diplomacy and pursued a diplomatic truce with the mainland, which has by and large ended the vicious cycle of diplomatic warfare between the two sides. This will assuredly foster responsible stakeholdership in both Taiwan as well as the mainland. At the same time, we are working equally hard to enhance Taiwan's meaningful participation in and contribution to the international community. This will be achieved through our strong initiative to develop Taiwan's green technology and healthcare industries in conjunction with our foreign aid policies. For example, under the Flagship Program for Green Energy Industry, we will be building up Taiwan's industrial base in green technology especially in Photo voltaic solar cells and LED. This will not only benefit our people and economy, but more importantly, Taiwan will be able to share its resources and expertise with our allies and friends. On my visit to our Pacific island allies last month, I was proud to survey firsthand the work that Taiwan has done for some of the countries in the area. For example, Taiwan has installed and provided solar energy technology to the Solomon Islands in hopes of improving the environment and livelihoods of their people. Taiwan has also set up an impressive medical mission in the Marshall Islands to treat the high prevalence of cataracts sufferers. In fact, our government will boost the overall effectiveness of our medical aid by initiating many more medical and public health missions that will target specific conditions and diseases common among the people of the Pacific island allies and friends. At the same time, after Taiwan effectively controlled the spread of the H1N1 Flu within our own borders, with a mortality rate of 2 deaths per million, which is only 1/3 of the average for OECD countries, I am proud to report that Taiwan will also be giving away locally manufactured vaccines worth 5 million US dollars to other countries in need. Taiwan's search and rescue teams were also one of the first on the scenes when

Haiti was hit by a devastating earthquake earlier this year. In addition to donating $16 million worth in aid and funds, our government is also planning to set up medical and vocational training centers to train for hundreds of medical and skilled workers, and build 1,200 housing units. Also, as a sign of Taiwan's flourishing civil society, World Vision Taiwan has collected countless small donations from our people that will be sufficient to feed and save more than 8,000 homeless Haitian children and orphans. However, my administration realizes humanitarian relief is only a small part of the long and challenging road to full recovery. This is why we hope to continue the work we have started in integrating the advances we make in healthcare and green technology into our foreign aid framework, so that Taiwan can truly make a meaningful difference in the countries we help.

V. THE UNIVERSAL VALUE OF FREEDOM AND DEMOCRACY

However, coming back full circle, the search for a modern nation cannot merely lie upon the pillars of wealth and power. It is only under a true democracy that one's citizens can live without fear according to the law, and share in the burdens as well as benefits of good governance. Although Taiwan has made impressive sociopolitical progress over the last decades, it is still a young democracy. So, as firm champions for democracy, my administration will work to strengthen the democratic infrastructure of my country. Already we are taking tangible steps to enhance Taiwan's rule of law and protection of human rights in conformity with international standards. In the past year, we have ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both administered by the United Nations. In converting these covenants into domestic law, they will certainly strengthen the human rights of our citizenry and further consolidate our rule of law. Furthermore, I came to power on the promise of combating corruption in elections and government, whereby we have already made meaningful progress. Without a doubt this goal will continue to be a cornerstone of my presidency, which I am determined to carry through in my capacity as the President of the country. I will assuredly not waver from the path in laying the foundations of a true democracy. In fact, next year in 2011 will be the Centennial Anniversary of the Republic of China. Against the background of thousands of years of Chinese history, the last century was in some ways merely a comma. But from a larger perspective, it was nothing short of an exclamation mark, as it has been 100 years of struggle; 100 years of experimentation and 100 years of education before a people learned that they too have the unequivocal rights to life, liberty and the pursuit of happiness. This nation-building process undoubtedly was achieved through the collective efforts of countless dedicated individuals who traversed between tradition and modernity that helped bridge the East to the West so many years ago. Inevitably, this made it possible for a people to aspire to the same democratic values as you cherish. From the chaos arising out of the turn of the 20th century, to the founding of the first republic in Asia in 1912 and its evolution forward in 1949 when the Republic of China Government moved to Taiwan, in 1987 when Taiwan lifted martial law, launched its democratic transformation, and subsequently allowed Taiwan residents to visit their relatives on the mainland, in 1996 when people on Taiwan directly elected its president for the first time, and in 2000 and 2008 when the presidential elections further consolidated Taiwan's democracy through two rotations of power between political parties, the passage of these 100 years has irrevocably transformed the foundations of a political culture. Distinguished faculty members and students, ladies and gentlemen, as the elected president of the Republic of China, I will continue to strive toward forging Taiwan into an exemplary democracy; one that will be a source of inspiration and emulation for generations to come.

Thank you.

Dear distinguished faculty, students and friends; it is my great pleasure to hold this teleconference with you. Your questions and comments are very good, and some are very tough to answer, but in thinking and answering these questions you force me to think deeper and strive harder on the challenges that confront the road ahead.

Although today's conference is near an end, I am heartened by the thought that our friendship will continue to grow as there is still so much we need to do, together. The international system that the US forged out of the devastation of World War II 65 years ago has today become the enduring foundation of our global village. Being rule-based and sufficiently flexible, this system encourages positive-sum international cooperation rather than zero-sum inter-state conflict. Hence, it changed the underlying dynamics of the world order that made it possible for countries, big or small, to prosper together. As a matter of fact, my idea to seek rapprochement with the mainland find some similarities with the ideas espoused by the American leaders in having soft talks with the Soviet Union and to have détente. In other words, to replace confrontation with negotiations; to solve international disputes through peaceful means. It is this very system that has interlocked the world into a community of thriving interdependence, giving rise to the possibility where foes can turn into friends, where every country can be a winner and every contribution become part of a greater picture.

This is also the system from which I draw my inspiration to lead my country, particularly in dealing with the mainland. In taking a responsible stake in the world, and in seeking rapprochement with the Chinese mainland, my administration has committed the Republic of China on Taiwan to becoming a dependable and valuable contributor to this international system. In my visit abroad last month, I kept saying to our friends or to the overseas Taiwanese and to members of my delegations, that what I tried to do as far as my country's foreign relations is concerned is to make Taiwan a respectable member of the international community. I want every Taiwanese when they walk in the streets of New York, of Paris, of Sydney, of Beijing that they are respected. People will say they are from Taiwan, and that Taiwan is a respectful country in the world. Some in my domestic audience may disagree with me, but I firmly believe that this is the right path for Taiwan to avoid being marginalized from the forward march of the rest of the world. However, we will not merely concentrate on our own interests but equally apply our resources in hopes of having a positive impact on the world community. In fact, under this system that the United States started over half a century ago, we, as a whole, ought to be able to right what has gone wrong; to unite as one humanity against the global crises that threatens all that we hold dear, whether climate change, the global economic downturn, the risk of pandemics, or the wars that endanger the peace of our world. In the end, we are the only ones that can overcome the challenges we face. And in such an important partnership, I am confident Taiwan will be there to live up to its responsibilities.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

For the Preserving History project, I interviewed my World Geography teacher, Coach Baley. Ryan Patrick Baley served in the US. Army as an E4 Specialist in the Infantry. He was gunner for a Bradley crew and also a driver for a first Sergeant. Baley also guarded the DM2 in South Korea. He accomplished his patriotic duty for our country. From this interview, I gained more of an appreciation towards those who serve and risk their lives for our country. This experience allowed me to realize that the soldiers that perform their duty have dedicated so much, so that

our nation is ensured protection as well as having the principles we as citizens believe in set forward and fought for. Baley believes that, ''the U.S. military organization is the greatest organization and only two have died for others: Jesus and the soldiers of the U.S.A.'' Hence, there is no other army in the world that resembles the U.S. Army; everyone who serves this patriotic duty deserves a great amount of appreciation from every United States citizen for each individual strength put forward for our country, the United States of America.—Ginu Scaria.

## INTRODUCTION OF THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENT OF 2010

### HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. LUJÁN. Madam Speaker, I am proud to introduce the Radiation Exposure Compensation Act Amendment of 2010. More than 50 years ago, Americans throughout the Southwest took jobs mining and refining raw uranium. These individuals, looking to provide for their families and creating a stable future for their children, are an important part of the history of the 20th Century and the Cold War. Unfortunately, they were unknowingly endangering their own lives by working in poorly ventilated mine shafts with little to no protective equipment. After they left work, they returned home to their families where their clothes, covered in yellow cake uranium, were washed along with that of their loved ones.

Sadly, the pursuit of the American Dream ended with tragedy for many of the miners exposed to uranium. Many of them fell ill from the radiation they were exposed to at work in the mines. Some people who had never stepped foot in a mine fell victim to the same illnesses due to wind patterns that carried this dangerous source of energy. As these Americans mined for a resource vital to the Nation's security, too many of them made the ultimate sacrifice.

This Congress now has the opportunity to right this wrong. By extending the Radiation Exposure Compensation Act to Americans exposed to radioactive uranium by wind patterns or after the current cutoff in 1971 or those with newly recognized conditions, we can finally come to terms with the dark legacy of America's nuclear policy. Too many RECA claims by my constituents in New Mexico as well as by those throughout the Southwest and in Guam are denied by the government because they lacked documentation from decades before. This legislation makes it easier for people to access the compensation they deserve.

The Americans who worked in uranium mines were serving our Nation every day, but were unaware of the extreme danger they were in. It is time to recognize these heroes of the Cold War and provide them with fair and equitable compensation for their suffering. We can never fully compensate these Americans for what they have lost—there is no compensation for the loss of a loved one. More than 50 years later, too many of these Americans are no longer with us. We have ignored their plight for too long. It is time to correct this long overdue wrong for those still with us.

I encourage my colleagues to consider and support this legislation.

## DR. HAROLD A. CARTER, SR.: A LEGACY OF PRINCIPLE AND FAITH

### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. CUMMINGS. Madam Speaker, I rise to honor a great American and true leader—Dr. Harold A. Carter, Sr.

His is a vision and a mission—grounded in the Civil Rights Movement of the 1960s—that has compelling importance for our Nation today.

More than a half-century ago, when Dr. Carter was still a young man in Selma, Alabama, Dr. Ralph Abernathy and, then, Dr. Martin Luther King, Jr., both offered Harold Carter his first opportunities to speak to their congregations as a newly ordained minister.

''I was a young college student and they wanted to give me a boost from the beginning,'' Dr. Carter observed in a 2005 article written by Mr. Sean Yoes of the Baltimore AFRO American.

Madam Speaker, it was a strong, inspiring and enduring ''boost,'' indeed. This same visionary foundation has inspired Dr. Carter throughout his ministry—both in the mission to proclaim the Gospel to which he had been called and in the ''Social Gospel'' work of his faith.

This year, Dr. Carter celebrates 45 years as the principal shepherd of Baltimore's New Shiloh Baptist Church.

In his own words, he is above all ''a God man,'' the primary trustee of his congregation's spiritual life.

Yet, at a time when our urban areas are in danger of crumbling under the stress of decades of disinvestment, Dr. Carter and his New Shiloh Congregation also offer the people of Baltimore both hope and a concrete plan for social and economic renewal.

A past leader of Baltimore's chapter of the Southern Christian Leadership Conference and the local chapter of the Poor People's Campaign, Dr. Carter has readily acknowledged Dr. King's influence upon his vision for community renewal as an integral element of his New Shiloh ministry.

''I learned from him that we have to take responsibility for our condition, whatever that might be,'' Dr. Carter once observed. ''People in power do not concede anything to others freely, so we have to equip ourselves and do for ourselves based on the principles of unconditional love.''

Aided by the strength and talents of his wonderful wife, the late Dr. Weptanomah Carter, his son and co-Pastor, Dr. Harold A. Carter, Jr., and a dedicated congregation that has grown to number in the thousands, New Shiloh is, indeed, equipping its community to move forward on empowering principles.

Every day, people from the neighborhood can find inspiration and opportunity in its beautiful church and Family Life Center, its School of Music, Theological Center, Child Development Center and other facilities.

These accomplishments of the congregation's ''Social Gospel'' mission are important aspects of Dr. Carter's vision—but they are far from the end. Already underway are plans for technical training for the community, a Computer Center, a Senior Center and Senior Housing.

Madam Speaker, it is more appropriate, under our constitutional system, for me to leave it to others to commend Dr. Carter for the other wonderful ministers whom he has trained—including my own minister, Bishop Walter S. Thomas, Sr.

Others are better qualified than I to attest to the lasting importance of Dr. Carter's spiritual writings.

However, I have been honored to serve as a spokesman for the Congressional Black Caucus to our nation's faith communities—and, in that duty, I have gained a thorough understanding of ''faith-based initiatives'' that are working.

A part of what my teacher and friend, Dr. Harold A. Carter, Sr., has taught me is that the inspiration for ''faith-based'' programs that work cannot be found in a strategy to transfer public responsibility for greater social equity to the faith centers of our country.

Rather, that motivating force must first arise from the hearts and minds of people of faith themselves.

This, I submit, is why Dr. Harold A. Carter, Sr., should stand as an example for all of our citizenry—whatever our respective faith traditions may be.

This, I believe, is what Dr. Carter means when he speaks of how our local communities must undertake greater responsibility for themselves and their neighbors—and how they must equip themselves for opportunity.

Unlike other ''mega-churches'' that have left the inner cities of our Nation, New Shiloh Baptist Church has followed Dr. Carter's vision for his congregation.

It has constructed its foundation on an unwavering commitment to the people of our urban community.

As we in government seek to construct a new and more comprehensive ''national urban policy,'' we would do well to take note.

Dr. Carter and his congregation have invested millions of dollars in the New Shiloh Village and surrounding community.

''This is where the people are, and this is where the need is,'' he has observed. ''The wave of Maryland's future development—and the nation's—lies in the [inner] cities.''

Madam Speaker, for all of these reasons, I have come before you and this House today to commend to our Nation's attention the vision, wisdom and mission of an inspired man.

During his decades of service, Dr. Harold A. Carter, Sr., has earned our Nation's praise for a lasting legacy of principle and faith.

His is a vision that all Americans would do well to pay heed.

## ZANE ERIC CLARK

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zane Eric Clark. Zane is a

very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 87, and earning the most prestigious award of Eagle Scout.

Zane has been very active with his troop, participating in many scout activities. Over the decade that Zane has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Zane has contributed to his community through his Eagle Scout project. Zane organized and constructed picnic tables and laid down landscaping tiles for the playground area of First Baptist Church of Cameron, Missouri.

Madam Speaker, I proudly ask you to join me in commending Zane Eric Clark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## CONGRATULATING CORONA DEL SOL'S 2010 WE THE PEOPLE TEAM

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to recognize the inspiring performance of Corona del Sol High School in this year's national "We the People" competition. I share the pride from around our Congressional District and the state of Arizona that this impressive and hard-working team hails from our community.

After winning the Arizona state title for the second year in a row, Corona del Sol's "We the People" team advanced to compete for the national title in Washington, D.C. In preparation for the national event, the Corona team spent months diligently learning about American political institutions, democracy and examining the contemporary relevance of the Constitution and Bill of Rights. As a high school government teacher for 28 years, I am gratified to see students delve deeper and become passionate about government, citizenship and public service.

Their poise and eloquence in answering the complex questions asked during the national and state competitions demonstrated the team's vast knowledge of constitutional principles and patience.

I am truly privileged to share in the celebration of such an excellent and driven team. Their commitment and perseverance has paid off and should serve as an inspiration for all. I have no doubt that all members of the team will continue to make Arizona proud in their future endeavors.

Madam Speaker, I am honored to congratulate Corona del Sol's "We the People" team: Achyut Patil, Ajay Raikhelkar, Alex Austin, Brittany Duong, Cecilia Yocham, Connor Rawls, David Choi, Jentry Lanza, Jessica Lin, Joanna Fritsche, Juliana Park, Kevin Thomas, Kibaek Ryu, Louis Spanias, Marlene Garcia-Neuer, Richa Date, Michael Okada, Nafisah Ahmad, Nikhita Pakki, Rizwan Ahmad, Robert Wiley, Roopa Krishnaswamy, Sagar Patwardhan, Samantha Pfotenhauer, Sean Magruder, Selena Kuo, Sherry Zhao, Tiffany Dayton, Tina Cai and Xandy Peterson.

## TRIBUTE TO MR. ROLAND KELL ON THE OCCASION OF HIS RETIREMENT AS GENERAL MANAGER OF CHEVRON'S PASCAGOULA REFINERY

### HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. TAYLOR. Madam Speaker, today I would like to pay tribute to Mr. Roland Kell on his retirement with thirty-eight years of service within the oil industry and to his ongoing support of the State of Mississippi.

He began his career at Gulf Oil's Milford Haven Refinery in 1972 filling various roles including technical services, planning and economics and operations supervision, transferring in the late 1970s to Gulf Oil's U.S. operation.

Roland was then assigned to Pembroke Cracking Company, a partnership between Texaco Limited and Gulf Oil (Great Britain) Limited, where he supervised various commissioning activities. This assignment was followed by an appointment as Manager, Operations, Pembroke Cracking Company, prior to joining Texaco as General Manager, Pembroke Cracking Company.

Roland Kell was appointed to his current position, General Manager, Chevron's Pascagoula Refinery, in July 2002. Before coming to Pascagoula, Roland served as the Vice-President of ChevronTexaco's Europe and West Africa manufacturing, supply and trading business. From 1997–2001 he was General Manager of ChevronTexaco's Pembroke Refinery in Wales.

Following the aftermath of Hurricane Katrina in 2005, Chevron under Roland's leadership was recognized as one of the driving forces that formed partnerships with the local communities and State to help ensure successful recovery paths. While under his direction, Chevron's Pascagoula Refinery has secured approval and commenced construction of various major expansions that have employed thousands from across the States of Mississippi, Alabama, and Louisiana.

In Jackson County, Roland serves on the board of directors of the Jackson County Economic Development Foundation. He is a member of the Gulf Coast Business Council and the Mississippi Gulf Coast Community College District Workforce Council. On the State level, he serves on the State Workforce Investment Board. He also serves on the Industrial Advisory Board for the University of South Alabama College of Engineering.

Roland graduated from Leeds University, UK, in 1972 with an Honours Degree in Chemical Engineering and is a Chartered Engineer and a Member of the Institute of Chemical Engineers.

A native of Great Britain, Roland currently resides in Pascagoula. He has two grown children and enjoys travelling and meeting people of different cultures.

I congratulate Roland on his retirement and thank him for his diligent service to the energy industry, particularly in the great State of Mississippi. May he have many joyous days to pursue his personal hobbies and interests!

## COMMEMORATING THE 95TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. COSTELLO. Madam Speaker, yesterday I had the distinct pleasure of attending a memorial service at St. Gregory the Illuminator Church in Granite City, Illinois, to commemorate the 95th Anniversary of the Armenian Genocide. It was a very moving event and I want to thank the parishioners at St. Gregory's for their hospitality, friendship and tremendous contributions to our region. I stand with them in affirming that the Armenian Genocide was genocide, and I continue to support this formal recognition by the United States. I have again cosponsored legislation, H. Res. 252, that would take this step and I urge House leadership to bring it up for consideration this year.

I fully understand the concern that this action brings with it. Despite the clear historical record, the general agreement among genocide scholars and the recognition of this event as genocide by 20 other countries, we continue to be told that our relationship with Turkey will be irrevocably harmed by endorsing this position. I support and appreciate our relationship with Turkey, and am certain it will continue to prosper in the future. Moreover, I believe recognizing the Armenian Genocide will allow the delicate relationship between Armenia and Turkey to grow ultimately stronger. I do not advocate taking this action as a means of discrediting the Turkish people. It is simply recognition that this tragic event occurred, and it honors the fate of the 1.5 million Armenians who died as well as the great resiliency of the Armenian people. Our inaction on this matter lets no one move forward, and sends the message that we will ignore accepted truths for political purposes.

Madam Speaker, there will never be a convenient time to officially recognize the Armenian Genocide. But there is never a wrong time to do the right thing. In this case, the truth will indeed set us free and allow us to grow deeper bonds with Turkey and Armenia, together, in the decades ahead. Let us not wait any longer.

## REGARDING H. RES. 1193, H. RES. 1220, H. RES. 1255, AND H. RES. 1287

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise along with my colleague Congressman BONNER to provide, pursuant to Rule 7(g) of the Rules of the Committee on Standards of Official Conduct, a statement of the Chair and Ranking Republican Member regarding H. Res. 1193, H. Res. 1220, H. Res. 1255, and H. Res. 1287.

The House has referred H. Res. 1193, H. Res. 1220, H. Res. 1255, and H. Res. 1287 to the Committee for its consideration. We acknowledge the referral of those resolutions. If adopted, the resolutions would have required the Committee to report to the House regarding aspects of its investigation "In the Matter of Allegations Relating to the Lobbying Activities of Paul Magliocchetti and Associates Group, Inc. (PMA)." Although the resolutions were not adopted, we are responding to expand further upon the Committee's previous public statements regarding its investigation in this matter.

The outside Office of Congressional Ethics, OCE, after investigation, concluded that matters for five Members regarding the PMA matter should be dismissed. After review, the Committee concurred with the outside ethics office. The Committee concluded that the matters of two other Members should also be dismissed because the facts regarding those Members' actions were not different from those of the five Members for whom both the Committee and OCE concluded dismissal was appropriate. The Committee's action to date does not preclude future Committee action related to these matters should new information warranting action become available.

The Committee publicly released a 305-page report that discusses the scope of the Committee's work in the PMA matter, as well as the basis for the Committee's bipartisan and unanimous conclusions. This report is available to the House and the public on the Committee's Web site, at http://ethics.house.gov/. As noted in that report, the Committee's investigation during a nine-month period included extensive document reviews and interviews with numerous witnesses. As a result of its own investigation and OCE's seven separate reports and findings, the Committee—whose Members include equal numbers of Democrats and Republicans—unanimously determined that the evidence presently before the Committee merited dismissal of all seven matters.

The information reviewed by the Committee included statements from all seven Members. Summaries of interviews with five Members were included in OCE's findings, which the Committee chose to publish. Since the Committee agreed with OCE's recommendation that those five matters should be dismissed, the Committee was not required to publish any statement or OCE's reports and findings in those matters, but did so because of the unique circumstances of this matter and in the interests of public disclosure and transparency.

In addition, the Committee sought statements from Representatives TIAHRT and VISCLOSKY to respond specifically to allegations about their conduct. Both Members provided the Committee with statements through counsel, and the Members certified under penalty of perjury to the truth of those statements. Both statements are available, in their entirety, in the Committee's public report. Based in part on those statements, the Committee found no evidence to conclude that the facts regarding Representatives TIAHRT and VISCLOSKY differed substantially from the facts regarding the other five Members—for whom both the Committee and OCE recommended dismissal. Accordingly, the Committee concluded that the matters of the two other Members should also be dismissed.

In reaching its unanimous conclusion, the Committee relied not only on the findings provided by OCE, but its own investigation. During the course of its investigation in this matter, the Committee's staff reviewed close to one-quarter of a million pages of documents. The Committee investigation covered more than 40 companies with ties to PMA. OCE's findings included summaries of interviews with five Members' offices. The Committee investigation included interviews with 33 Members' offices. The Committee investigation involved interviews with chiefs of staff, military legislative aides, other Members' staff, and Appropriations Committee staff. In reaching its conclusions, the Committee relied on the totality of this large magnitude of information.

As in other investigations, although the Committee has discussed in general terms the scope of its investigation, it did not address more specific details of various investigative steps taken by the Committee. To do so would compromise the investigative capabilities of the Committee in this and future matters by chilling voluntary cooperation. Requiring the disclosure of the details of any investigative body's activities would damage its ability to conduct its activities. Ethics investigations, in particular, rely not only upon subpoenas, but upon voluntary cooperation. Success in such an investigation usually comes because people connected to the matter choose to cooperate with the investigators and volunteer information. In many cases, their decision to cooperate is based, in part, on their belief that their identity or the details of their cooperation will not be publicly disclosed.

Moreover, disclosing specific investigative steps taken in the PMA matter could compromise any ongoing criminal investigations; harm the ability of the Committee to investigate any additional allegations of wrongdoing in this or related matters; discourage those who might bring credible allegations to the Committee in the future from doing so; and chill the voluntary cooperation of those called before the Committee in various investigations.

Prior to the House referral of the resolutions to the Committee, on February 26, 2010, the Committee unanimously voted to release a public report in the PMA matter. By a unanimous and bipartisan vote, the Committee concluded that, based upon the totality of current information gathered during a nine-month investigation, no House Member or employee violated provisions of the Code of Official Conduct or laws, rules, regulations, or other standards of conduct applicable to his or her conduct in the performance of his or her duties or the discharge of his or her responsibilities relating to proposed appropriations requests and activities of PMA.

In addition, we note that policy decisions—whether about the current appropriations process, including earmarks, or about the campaign finance system—are not within the jurisdiction of the Committee. Whether these policies should be changed is a subject that should be taken up in the appropriate venue.

The task before the Committee in the PMA matter was to determine whether House Members and staff complied with the current law and House rules. In a unanimous and bipartisan manner, the Committee concluded the evidence presently before the Committee merited dismissal of all seven matters. The Committee's action to date does not preclude future Committee action related to these matters should new information warranting action become available.

## HONORING JAMES E. LYNCH AND CARLION J. ELDRIDGE

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Illustrious Potentate Noble James E. Lynch and Illustrious Commandress Daughter Carlion J. Eldridge as they are honored at the 2nd Annual Oman Temple/Oman Court Unity Ball on Saturday, May 1st in Saginaw Michigan.

James E. Lynch Graduated from Sophia High School in Sophia, West Virginia in 1966. He worked for General Motors Buick Motor Division for 39 years as a production worker. Married to the late Crystal Mae Johnson for 34 years, they had four children: Dawn, Felicia, Cassandra and James; and seven grandchildren. James has served as Junior Warden of the John W. Stevenson Lodge Number 56, as a member of the Saginaw Valley Consistory Number 71, and Illustrious Potentate of Oman Temple Number 72 for the year 2010.

Carlion J. Eldridge completed Charles Stewart Mott College Nursing Program and currently works at Maplewood Manor in Clio, Michigan serving the elderly. She is married to James F. Eldridge and their children are: Portia, David, Jamille, Isaac, Laetrile, Lakshea, Lovell, and Victor. The Oman Temple Number 72 has bestowed the title of Illustrious Commandress Daughter on her for this year.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the charity, enthusiasm and dedication of these two individuals. I pray their year of service to Oman Temple is a tremendous success.

## IN RECOGNITION OF CAPTAIN ROBERT R. O'BRIEN JR., COMMANDER OF THE UNITED STATES COAST GUARD SECTOR NEW YORK

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. NADLER of New York. Madam Speaker, I rise today to recognize and commend Captain Robert R. O'Brien Jr., Commander of the United States Coast Guard Sector New York, on his 40 years of distinguished service.

After leaving a Roman Catholic seminary in 1970, Captain O'Brien chose to enlist in the United States Coast Guard. While enlisted, he served on the USCGC *Laurel* before joining Group Fort Macon as a small boat coxswain.

In 1976, he was assigned as Officer-in-Charge of the USCGC *Blackberry* at Oak Island, North Carolina. Upon his promotion to Chief Boatswain's Mate in 1979, he was transferred to the largest Aid-to-Navigation Team in the Atlantic Area as the Officer-in-Charge. In 1980, he was again promoted to Chief Warrant Officer as the Commanding Officer of the Aid-to-Navigation Team for the Long Island Sound where he worked to ensure the safety of all nautical vessels by maintaining the integrity of the Long Island Sound's navigation systems.

Captain O'Brien received his commission as Lieutenant in 1983. In 1999, he was assigned to the Marine Safety Office in Memphis, Tennessee as the Commanding Officer. He left for Washington, DC in 2002 to serve as the Coast Guard Liaison to the Navy's Military Sealift Command where he performed a dual role as direct representative of the NMSC and staff member of G–MOC. In 2003, he was promoted to Captain and assumed command of the Marine Safety Office in Hampton Roads before becoming commander of the Sector Hampton Roads in 2005. On June 15, 2006, Captain O'Brien became Commander of Sector New York making him responsible for missions such as search and rescue, law enforcement, maintenance of Aids-to-Navigation, and ship inspections. Most importantly, he worked each and every day to ensure the safety and security of the port and citizens of New York.

Throughout his career, Captain O'Brien has diligently upheld his commitment to the Coast Guardsman's Creed. He is the recipient of multiple Meritorious Service Medals, Coast Guard Commendation Medals, and Coast Guard Commandant's Letter of Commendation Ribbons. He also holds the Coast Guard Cutterman, Surfman, and Coxswain pins as well as the Officer-in-Charge Afloat, Officer-in-Charge Ashore, and Command Ashore insignias.

For 40 years, his leadership and commitment to the Coast Guard have helped to preserve the safety of our Nation's shores.

Madam Speaker, I ask my colleagues to join me in thanking and congratulating Captain O'Brien on his long and venerable service in the United States Coast Guard.

## ON THE OCCASION OF SERGEANT JENNIFER EVITTS' TRANSFER FROM THE UNITED STATES MARINE CORPS LIAISON OFFICE

**HON. GENE TAYLOR**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 26, 2010*

Mr. TAYLOR. Madam Speaker, today I recognize and pay tribute to Sergeant Jennifer Evitts, United States Marine Corps, on the occasion of her transfer from the liaison office. I, and many other members of this chamber, have had the pleasure of working with her over the past three years that she has served as part of Headquarters U.S. Marine Corps Office of Legislative Affairs and as the Congressional Liaison Non-Commissioned Officer of the U.S.M.C. Liaison Office in the U.S. House of Representatives.

Sergeant Evitts distinguished herself through exceptional meritorious service while serving as the Non-Commissioned Officer of Legislative Affairs. Every day she served in direct support of not only the Marine Corps Office of Legislative Affairs but in direct support of every member of Congress, every Marine and every American. Her keen abilities in organization, interpersonal relationships, and communication were extremely critical to the successful accomplishment of the Marine Corps Office of Legislative Affairs' mission. Her achievements and ability to get the job done have been understated but always effective and noteworthy. While serving in the Liaison office, Sergeant Evitts was able to develop and execute legislative strategy for the United States Marine Corps that was instrumental in creating a fiscal and policy landscape conducive to training and equipping the Nation's most elite fighting force, ensuring their success on the battlefield. She routinely turned broad guidance into action which energized the Office of Legislative Affairs and members of Congress alike. Her actions allowed the Marine Corps to engage members of Congress and their staffs, directly facilitating the increased emphasis on improving Congressional relationships—a cornerstone of CMC's strategic vision.

The Marine Corps House of Representatives Liaison Office that Sergeant Evitts leaves behind is functional and responsive, highly integrated, and favors a proactive legislative strategy. While leading the House Liaison Office through the extraordinary challenges associated with Operation Enduring Freedom, Operation Iraqi Freedom and the ongoing Global War on Terror, she concurrently ensured that a myriad of daily Congressional communications, taskings and events were executed flawlessly. During Sgt. Evitt's four years as the Non-Commissioned Officer, she accomplished the full spectrum of the Marine Corps' legislative mission. She exemplified the candor and knowledge that we have come to expect from the Marine Corps and she played a key role in maintaining superb relationships between the Marine Corps and the House of Representatives.

Throughout her tour, Sgt. Evitts effectively responded to several thousand congressional inquires, many of which gained national level attention. During her time on Capitol Hill, Sgt. Evitts successfully planned, coordinated and escorted over 50 international and domestic Congressional and Staff Delegations. Her detailed coordination with foreign government officials, U.S. State Department, and senior military officials ensured that each delegation was conducted professionally. Her attention to detail and anticipation of requirements allowed Representatives to focus on fact-finding and gleaning new insights that informed critical decisions to support the people of the United States. Due to her professionalism, dedication and keen knowledge, Sgt. Evitts became the most sought after military escort for delegations conducting Congressional travel. The time she has spent supporting Members of the House has been truly noteworthy. She has made lasting contributions to the House of Representatives.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 27, 2010 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

APRIL 28

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine a national assessment of energy policies, focusing on significant achievements since the 1970s and an examination of U.S. energy policies and goals in the coming decades.

SD–124

Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Joshua Gotbaum, of the District of Columbia, to be Director of the Pension Benefit Guaranty Corporation, and Eduardo M. Ochoa, of California, to be Assistant Secretary of Education for Postsecondary Education.

SD–430

Homeland Security and Governmental Affairs

Business meeting to consider an original bill entitled, ''Fire Grants Reauthorization Act of 2010'', S. 2782, to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, S. 3167, to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, S. 3249, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program and for other purposes, S. 3196, to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election, H.R. 1454, to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp, H.R. 1345, to amend title 5, United States Code, to eliminate the discriminatory treatment of

the District of Columbia under the provisions of law commonly referred to as the ''Hatch Act'', H.R. 2092, to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, S. 3066, to correct the application of the Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) to employees paid saved or retained rates, H.R. 3978, to amend the Implementing Recommendations of the 9 11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, S. Res. 481, expressing the sense of the Senate that public servants should be commended for their dedication and continued public service to the Nation during Public Service Recognition Week, May 3 through 9, 2010, S. 3200, to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building'', S. 3012 and H.R. 4425, bills to designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office'', H.R. 4214, to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office'', S. 2945 and H.R. 3250, bills to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building'', H.R. 3634, to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office'', H.R. 4624, to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office'', S. 3013 and H.R. 4628, bills to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building'', and the nominations of Todd E. Edelman, Milton C. Lee, Jr., and Judith Anne Smith, all to be an Associate Judge of the Superior Court of the District of Columbia, Dana Katherine Bilyeu, of Nevada, and Michael D. Kennedy, of Georgia, both to be a Member of Federal Retirement Thrift Investment Board, and Dennis P. Walsh, of Maryland, to be Chairman of the Special Panel on Appeals, and any pending calendar business.

SD–342

Armed Services
Personnel Subcommittee
To hold hearings to examine military compensation and benefits, including special and incentive pays, in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR–222

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold an oversight hearing to examine motor carrier safety efforts.

SR–253

1 p.m.
Conferees
Meeting of conferees on H.R. 2194, to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

SVC–210/212

2 p.m.
Health, Education, Labor, and Pensions
To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on standards and assessments.

SD–430

2:30 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold an oversight hearing to examine contract management at the Centers for Medicare and Medicaid Services.

SD–342

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine the President's proposed budget estimates for fiscal year 2011 for the Commodity Futures Trading Commission and for the Securities and Exchange Commission.

SD–138

Judiciary
To hold hearings to examine the nominations of Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, and John A. Gibney, Jr., to be United States District Judge for the Eastern District of Virginia.

SD–226

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1241, to amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer, S. 1571 and H.R. 1043, bills to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, S. 2762, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 3075, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws, S. 3185, to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and H.R. 86, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands.

SD–366

APRIL 29

Time to be announced
Energy and Natural Resources
Business meeting to consider the nomination of Jeffrey A. Lane, of Virginia, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.

Room to be announced

9:30 a.m.
Armed Services
To receive a closed briefing on United States policy towards Yemen and Somalia.

SVC–217

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).

SD–138

10 a.m.
Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee
To hold hearings to examine children's privacy, focusing on new technologies and the Children's Online Privacy Protection Act.

SR–253

Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine short-termism in financial markets.

SD–538

Health, Education, Labor, and Pensions
To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on meeting the needs of special populations.

SD–430

Judiciary
Business meeting to consider S. 1346, to penalize crimes against humanity and for other purposes, S. 657, to provide for media coverage of Federal court proceedings, S. 446, to permit the televising of Supreme Court proceedings, S. Res. 339, to express the sense of the Senate in support of permitting the televising of Supreme Court proceedings, S. 1684, to establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and the nominations of David B. Fein, to be United States Attorney for the District of Connecticut, Paul Ward, to be United States Marshal for the District of North Dakota, Kimberly J. Mueller, to be United States District Judge for the Eastern District of California, Richard Mark Gergel, and J. Michelle Childs, both to be United States District Judge for the District of South Carolina, Catherine C. Eagles, to be United States District Judge for the Middle District of North Carolina, and Clifton Timothy Massanelli, to be United States Marshal for the Eastern District of Arkansas.

SD–226

1 p.m.
Finance
International Trade, Customs, and Global Competitiveness Subcommittee
To hold hearings to examine doubling United States exports, focusing on United States seaports.
SD–215

2 p.m.
Joint Economic Committee
To hold hearings to examine long-term unemployment, focusing on causes, consequences and solutions.
210, Cannon Building

2:15 p.m.
Indian Affairs
To hold hearings to examine S. 2802, to settle land claims within the Fort Hall Reservation, S. 1264, to require the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado and provide grants to, and enter into cooperative agreements with, the Southern Ute Indian Tribe to assess, repair, rehabilitate, or reconstruct existing infrastructure, and S. 439, to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises, to stimulate the development of the private sector of Indian tribal economies.
SD–628

2:30 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine holding banks accountable, focusing on if treasury and banks are doing enough to help families save their homes.
SD–192

Foreign Relations
To hold hearings to examine historical and modern context for United States-Russian arms control.
SD–419

Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Library of Congress and the Open World Leadership Center.
SD–138

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine developing Federal employees and supervisors, focusing on mentoring, internships, and training in the Federal government.
SD–342

Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

MAY 5

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine traumatic brain injury (TBI), focusing on progress in treating the signature wound of the current conflicts.
SR–418

10 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings to examine violence in Mexico and Ciudad Juarez and its implications for the United States.
SD–124

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's implementations of the American Recovery and Reinvestment Act.
SD–366

MAY 6

10 a.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Justice.
SD–192

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.
SR–222

MAY 19

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending legislation.
SR–418

MAY 25

9 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

10:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–485

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

3:30 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–485

5 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 26

9:30 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–485

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 27

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 28

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

# SENATE—*Tuesday, April 27, 2010*

The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of Glory, let Your mercies draw us to You. Wean us from all evil and make us servants who live worthy of Your love. Energize our Senators for today's challenges, enabling them to mount up on eagle's wings, soaring high for Your glory. Help them to be devoted, confident, and obedient laborers for You. Lord, fill them with Your grace so that their lives will be like fountains of living water. We pray in Your great Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 27, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## TRIBUTE TO OFFICER IAN DEUTCH

Mr. REID. Mr. President, 60 miles outside Las Vegas is a rural community called Pahrump. It originally had a series of artesian wells, had lots of water, and for many years they farmed cotton. But it has now become a retirement and business community with golf courses there. It is a beautiful community less than an hour from Las Vegas.

Last night a man who had just returned from Afghanistan—his name is Ian Deutch. It was his second day on the job as a police officer. He was murdered by a man who had a domestic dispute with a woman, and he was proceeding to a place of business with lots and lots of people when he shot Officer Deutch.

The officer who was with him, Thomas Klenczar, killed the gunman saving untold lives. This is a tragic story. The slain man had a teenage child, a 7-year-old, and just returned, as I have indicated, from Afghanistan in our military. It was his second day on the job—not killed in Afghanistan, not wounded in Afghanistan, killed in Pahrump, NV.

This is the way peace officers find themselves all over America every day protecting us from these criminals and crazed people. I express my condolences to the entire Nye County Sheriff's Department and especially to Sheriff Anthony DeMeo and especially to the family of Ian Deutch.

## SCHEDULE

Mr. REID. Mr. President, today following leader remarks, there will be a period of morning business for 1 hour. During that period of time Senators will be permitted to speak therein for up to 10 minutes each. The first 30 minutes will be controlled by the majority. The Republicans will control the final 30 minutes.

Following morning business, we will resume consideration of the motion to proceed to the Wall Street reform legislation.

## OBSTRUCTIONISM

Mr. REID. Mr. President, part of our required reading, as I was going through college, was to read George Orwell's book, ''1984,'' which was looking into the future. Of course, looking at 1984 now, it is looking in the rearview mirror. But when I was in school we looked at ''1984.'' It was George Orwell's classic book.

The main focus of the book is how societies would be in the years to come, in 1984. It appears he was fairly prophetic because one of the things that George Orwell talked about is that there would come a time when people would stand and talk, and whatever they said, the direct opposite would be true. That is what we have going on from my friends on the Republican side of the aisle as it deals with Wall Street reform, as it deals with what we have been doing legislatively.

We have a situation where people sometimes forget where we were. Let's talk about where we were for just a short time. During the 8 years of the Clinton administration, 24 million new jobs were created. During that period of time, we were paying down the national debt. We were being criticized for paying it down too fast, too quickly.

Now comes 8 years of George Bush. Let's remember where we were. Privatization of Social Security was the cry of the Bush administration. Then we had a war of choice—and, by the way, there is a new book out by Evan Thomas of Newsweek. He talks about the rush to war, and I heard him interviewed.

That war was a war of choice. We are all glad to be rid of Saddam Hussein, but in the process we know the toll on our National Treasury and our men and women. That does not take into consideration what has happened to the Iraqi people, hundreds of thousands of them killed during this war. All of that war was unpaid for; the tax cuts to the wealthy, unpaid for. No longer was there any concern about paying down the debt too quickly.

The Bush administration turned that on its head. In fact, they got rid of all of the rules that allowed us to do that, including pay-go; that is, we pay for things as we go along.

So let's understand a little bit where we were. In the last 2 months of the Bush administration 1½ million jobs were lost. Obama came to the Presidency with this huge hole having been dug. I mean it was a hole that was a sight to behold. We have worked out of that hole. We still have a long ways to go, but we have come a long ways out of that hole.

We know we stopped a worldwide depression with the stimulus bill, the recovery bill. Now that is of little consolation for people who have lost their homes or who are afraid they are going to lose their homes or who have lost their job or are afraid they are going to lose their job. But we have stopped the bleeding. Now we have to get back to a vibrant economy, and we can do that. We are not there yet.

We have been able to accomplish a lot. We have been able to stop that worldwide depression. We were able to pass the most significant environmental legislation in more than a quarter of a century. We created more than 2 million acres of wilderness, 1,000

miles of wild and scenic rivers, hundreds of miles of trails, and many other things in that bill.

We passed the Lilly Ledbetter legislation to more equalize pay between men and women. We have passed legislation to stop mortgage fraud. We passed legislation to stop children from being addicted by tobacco companies. For the first time in the history of this country, the FDA now controls tobacco, stopping people from being addicted, as all of my family was when they were teenagers.

Credit card legislation—we were able to move forward on that and stop many of the abuses of credit card companies. National service legislation, something that Senator Kennedy wanted for 30 years, we were able to pass, and many other things, in spite of the Republicans fighting us every step of the way. We have had dozens of filibusters. They have certainly established themselves as the party of no.

Of course, we passed health care legislation, one of the most important things ever done in the history of this country. Four million small businesses across America, 24,000 of them in Nevada, are now eligible for health care. They will be able to get a 35-percent subsidy for their health care premiums—4 million of them, 24,000 in Nevada.

Children with preexisting disabilities can no longer be denied insurance if they have diabetes or other problems. We put $5 billion in that bill to allow States that already have programs to work with the people who have preexisting disabilities. Those who do not, they have that $5 billion so that adults, until we get the exchanges up, can apply to have insurance for preexisting disabilities.

We also raised the age for young men and women who are not getting married as early as they used to. They can now be on their parents' health insurance policy until they are 26 years old. We filled the doughnut hole created during the Bush administration. So that health care legislation is extremely important and good legislation and important law in this country. Each day that goes by, part of the 4 million businesses will be able to have insurance for their employees that they have never had before. People will no longer suffer as a result of the doughnut hole. People can stay on their insurance policy until they are 26. Preexisting disabilities will not be the problem it was, and we have done other things.

We are now moving to Wall Street reform. Here is where George Orwell comes into the picture. Everything the Republicans have said about what we are trying to do with Wall Street reform is just the opposite. Whatever they say is just the opposite.

I talked to one Republican Senator last night.

I said: We should get on the bill and then you can offer all of the amendments you think are appropriate.

That Senator said: No. We want all of the problems worked out before we get on the bill.

I said: You know, that is not really the way the Senate was set up 230 years ago. The Senate is to be a body where we proceed to legislation, then offer amendments, and then there is a debate that takes place.

But the Republicans have a new standard; that is, they want to negotiate. That is the new banner. I wonder when the end of negotiations takes place? The ranking member and the chairman of the committee negotiated for months on this legislation. Then when that fell through, one of the junior members of the committee stepped forward and negotiated for a month, and that fell through.

There comes a time when we have to start legislating and stop negotiating. We have a bill that is on the Senate floor. It received all Democratic votes except one, and none of the Republican votes. It is not as if we are asking anyone to approve the legislation. We are simply asking to be able to get on the legislation.

But the Republicans said no. Now we know, from looking at the newspapers and all of the accounts on electronic media, that the American people support the legislation that is now being asked to be debated. They believe being too big to fail should be in the legislation as we have it. They believe in having a failsafe method to make sure that when these big companies have a funeral, they pay for it themselves.

So I cannot understand why we cannot go to the bill, have amendments offered. The end of negotiations should terminate sometime. I was a trial lawyer by profession. Of course, it is good to negotiate, but there comes a time when you have to say: OK. We have had enough of this. Let's let the jury decide.

That is basically what we have done. The jury is the American people. They decided they want us to move forward. The American people, undeniably demand we protect them from Wall Street, which has run wild.

Two-thirds of the American people support us cracking down on big bankers' reckless risk taking. I direct everyone within the sound of my voice to read the book, the best seller—and it is a best seller for a good reason—called ''The Big Short.'' This book, written by the same man who wrote ''The Blind Side,'' talks about what has happened on Wall Street. I am from a State that is famous for gambling. But the people who come to Las Vegas to gamble do so with their own money. Wall Street gambled and caused this problem with our money. They are gambling now with our money. The rules are the same today as they were when this debacle occurred.

A majority of the American people support us asking banks to pay for their own funerals. I already mentioned that. That is the fund financed by the big financial firms to cover the cost of their liquidation—not to bail out banks that threaten the larger economy, as some characterize it, but to shut them down for good. The American people also demand that their leaders discuss these details and improve on those ideas. They have two simple requests—this is the American people: One, that their leaders look out for their economic security, and two, that their legislators will legislate. In other words, they want us to protect their job, and they want us to do our own job. Right now, Senate Republicans are refusing to do either. Yesterday, they stood together en bloc to block us from moving this bill to the floor. They did not even want the Senate to talk about legislation as part of the normal legislative process.

More than 2 years after the financial collapse that sparked a worldwide recession, Senate Republicans are claiming we are moving too fast—too fast. They are claiming that only a fully negotiated and agreed upon bill can come up for debate. That is absurd, stunning, unheard of. They want all the details to be worked out beforehand, behind closed doors, and out of view from the public. That is unprecedented in the more than 200 years we have been a Senate. As we all learned in civics class, that is not how the legislative process should work.

We want to bring our bill to the floor so we can discuss it, debate it, amend it, and improve it. We want to do it in the open. After all, if we are not debating, if Senators refuse to let the Senate do its job, what are we doing here?

It is very interesting, Mr. President, that the Republican Senators are willing to talk about financial reform with press conferences and other media events. Why weren't they willing to talk about it here on the floor?

What purpose does the Senate serve? Why do we have rules for debate and the opportunity to offer amendments?

President Kennedy once said:

> Let us not be afraid of debate or discussion—let us encourage it.

That is what he said. So I ask my Republican colleagues, why are you afraid? What are you afraid of? All we want to do is move to the bill.

If something untoward happens after the bill gets to the floor, they can still stop us from getting 60 votes. There are 41 of them. Why in the world can't we go to the floor and debate this bill? They have that protection.

The right response to disagreement is not dismissal; it is discussion. For far too long, there has been too much secrecy and too little transparency on Wall Street. The American people have paid the price in their job and their life savings, and they demand we fix what

is broken. As long as Republicans insist on secrecy and resist transparency here in the Senate—and if they do not let us address the problems we were sent here to resolve—we will never fully recover.

Remember, this debacle on Wall Street took place starting more than 2 years ago. Why aren't we here debating the issue? Because the Republicans want more negotiations. They refuse to legislate.

## ORDER OF PROCEDURE

Mr. REID. Mr. President, I am sorry I did not have a chance to tell the Republican leader, but I think he understands we have the opportunity to have a vote today. I think we will have it at 4:30 today.

Mr. MCCONNELL. Yes, that is fine.

Mr. REID. So I ask unanimous consent that today, when the Senate resumes consideration of the motion to proceed to S. 3217, all time until 12:30 p.m. and from 2:15 to 4:30 p.m. be equally divided and controlled between the leaders or their designees, with the time from 4:15 to 4:30 p.m. equally divided and controlled between Senators DODD and SHELBY or their designees, with Senator DODD controlling the final 7½ minutes; that at 4:30 p.m., the motion to proceed to the motion to reconsider be agreed to, the motion to reconsider be agreed to, and the Senate then proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3217.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mrs. SHAHEEN). The Republican leader is recognized.

## FINANCIAL REGULATORY REFORM

Mr. MCCONNELL. Madam President, last night the Democrat majority forced a vote on a bill that was not ready for prime time. We know this because every day it seems another one of its flaws comes to light. And it is noteworthy that there was bipartisan objection to going forward with the bill last night in its current form.

You have every single member in my conference—from one end of the party spectrum to the other—united in calling for more bipartisan talks. We have heard from a couple of Democrats who think we should make some improvements as well.

You had the National Federation of Independent Businesses yesterday saying the bill hurts America's small business job creators. We heard from the organization that represents military officers yesterday expressing their concerns about the impact the bill will have on nearly 400,000 Active-Duty, retired, and former servicemembers, their families, and survivors. Community bankers from across the country say this bill, as currently written, hurts Main Street. The New York Times this morning reported that the maker of M&M's and Snickers is concerned about the bill's impact on the cost of sugar and chocolate. Harley-Davidson is worried about the effect it is going to have on business, and eBay is worried about the consequences for its business.

Clearly, this bill is not ready. It falls short of our constituents' demands to prevent future bailouts, and it is expected to hurt America's job creators at a time when we need jobs most. Does anyone really believe the people who make Harley-Davidsons and Snickers bars are responsible for the financial crisis? Does anyone think that? Then why would we want to punish them in our effort to hold Wall Street accountable? These are just the kinds of unintended consequences you get from rushing legislation. If we are aware of them, why wouldn't we want to address them? In many cases, all it would take is a simple fix. The Military Officers Association says all it would take is a simple tweak in the language to address their concerns. In other places, we just need to close a loophole. Unfortunately, the Democratic majority seems less interested in fixing this bill than in some political win they think they are scoring by not fixing the bill. It is a total waste of the people's time.

Americans do not understand why we would vote on a bill that does not meet the basic test of reform. They do not see the point. In what other line of work is it acceptable to show up to a big meeting with an unfinished product? Don't we have an obligation to make sure the bill we bring to the floor is in good shape before we vote on it? Isn't that just basic? This bill is not ready yet. It needs work. That is what last night's vote was about.

This morning, I saw that the junior Senator from Virginia—a Democrat and a man who knows what it is like to create jobs—is acknowledging what Republicans have been saying all along. This is what he said:

> There are parts that need to be tightened.

That is certainly true. So let's stop the show partisanship and fix the bill. Let's tighten the parts that need to be tightened, as Senator WARNER suggests. Let's get back to the business of reforming Wall Street and proving to the American people that the days of Wall Street bailouts are indeed over.

Madam President, I yield the floor.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Michigan.

## FINANCIAL REGULATORY REFORM

Ms. STABENOW. Madam President, I rise today to urge my Republican colleagues—to urge the Republican leader—to drop their filibuster of the Wall Street reform bill.

I wish I could say this is the first time we have seen efforts to block moving forward to even debate a critical issue before the Senate, but, as the Presiding Officer knows, the party of no has now 171 different times either filibustered or threatened to filibuster critical legislation that is important for moving America forward. Historic—171 times; never heard of before.

With all due respect, the idea that the bill has to be perfect before we begin to debate it makes absolutely no sense. There have been numerous times, because of the importance of a piece of legislation, that I have supported and everyone on this floor has supported moving forward to proceed to a bill knowing it would need to have changes before we would support the final outcome of the bill. We do that all the time.

Personally, there are changes I want to see and will work hard for in the legislation that is before us. There are provisions, there are amendments I will support in order to make sure this does not have unintended consequences. I would guess the majority of us are in that situation. But to simply say: No, we will not proceed to the bill—and just to make that clear for everyone, this is not a vote on final passage; this is a vote on whether to proceed to the bill—says to the American people that changing the unregulated, unaccountable practices on Wall Street is not worth even bringing up, to get to the floor to debate. That is what this says. That is what is so shocking to me.

I have to say, on behalf of the people of Michigan, who have been hit so hard by the gambling and unregulated processes, I am extremely concerned that we are seeing another filibuster. We will have an opportunity to change that today, tomorrow, the next day. I hope colleagues will decide that rather than just blocking the ability for us to fix this problem, they will join us and that many of us will join together in amendments that will make sure this bill is the right kind of bill moving forward.

But we have seen what happened when Wall Street did not have accountability and oversight. I can tell you, the people of Michigan cannot afford to go through that again. Eight million Americans, many of them—too many of them—in my great State of Michigan, have lost their jobs, through no fault of their own, because of the secret, unregulated deals on Wall Street. We have seen small business owners, who had worked so hard to build their part of the American dream for their families, forced to close their doors because they did not have access to capital. This has to stop. Families around my State have watched as money in their pension funds and 401(k)s vanished before their eyes because other people were gambling with their money. The most heart-wrenching time for us in Michigan was GM and Chrysler being forced into bankruptcy because of the economic crisis caused by Wall Street's recklessness.

So I am shocked and deeply concerned that my colleagues on the other side of the aisle would choose to filibuster this bill, which puts in place commonsense regulations and puts consumers back in control of their finances. I am deeply concerned for our community bankers, who have also been victims of the crisis, who need help so they can get credit flowing again back to our small businesses and our manufacturers to create jobs. But mostly I am deeply concerned for the hard-working men and women in my State who work hard every day, who play by the rules, and who were hurt by the reckless behavior on Wall Street and who want to know this will not happen again.

The bill we have will hold the big banks accountable and put consumers back in control. It is time to stop the unregulated gambling on Wall Street of other people's money. I strongly urge colleagues to stand up to the special interests and the lobbyists, to drop the filibuster of this bill, to work with us to make sure it is done right but, most of all, to make sure we put in place rules and accountability for our families, our small businesses, and our manufacturers so they can have the capital they need and the accountability and the trust in the system they need to move forward and create jobs and create investment in this country.

Again, 171 times—unprecedented—more than any other time in our history we have seen efforts to block and to filibuster. It has to stop. Too much is at stake, and certainly the people in my State have gone through too much to allow this to continue.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I appreciate my colleague from Michigan being out here, as she has been repeatedly, to talk about how our process oftentimes breaks down and what the consequences are because there is probably no bigger consequence than what has happened to the State of Michigan, and she fights every day to make sure we are aware of what will help our economy and help Main Street. So I thank her for that. I thank her for being out here to urge us to get off of a filibuster and on to important legislation that I think will help our country.

I am here also to talk about something that I wish to make sure, as we enter this floor debate, people aren't confused about; that is, that we have made choices in the past that have helped accentuate the situation we are in, and if we are going to get out of this situation, we have to be honest with ourselves that this is a time when we need to do our job and make sure we understand the opportunity to make sure consumers are protected.

I wish to start by talking about the Commodities Exchange Act. There has been a lot of debate about what various committees have oversight and what the important issues are. For me, there is no more important issue than making sure the Commodities Futures Trading Commission, which has oversight of financial indexes, has the authority to regulate what are called derivative markets. The reason I say this is so important is because of the fact that we allowed legislation to pass in 2000—the Commodities Futures Modernization Act—that literally deregulated these derivatives. More specifically, it prevented us from regulating. We had a Commodities Futures Trading Commission Chair, a woman named Brooksley Born, who saw what damage was happening in 1998 with these derivatives because they were unregulated. She tried to do something about it. She tried to do something about it because the Commodities Exchange Act provided oversight to deter and prevent price manipulation or any other disruptions to the market and to ensure financial integrity of all transactions and avoid systemic risk and to protect participants from fraudulent or abusive practices.

That is what their charge was. When she saw in the marketplace that there were these products that were being used that basically thwarted this act, she proposed regulating derivatives. That is in the 1998 timeframe. So this problem has been around for a long time.

As we saw the demise of long-term capital management and incurred a financial crisis at that time, she said: Let's make sure we are regulating these products. What happened was, she was basically run out of town for her views. She was the Chair of the Commission at the time, and a bunch of people, basically influenced by Wall Street, came down to Washington, DC, and said: That is the wrong idea. We don't need to do this. This issue isn't going to be a problem for us. So not only was she prohibited as the Chair of the Commodities Futures Trading Commission to fulfill this act, to make sure we regulated this market—not only that—legislation was passed by the Congress prohibiting us from regulating these derivatives. Imagine that. You actually had the Chair of the Commission doing her job; you actually had her calling out a problem in the market, fulfilling her responsibilities of oversight, and not only was she told she couldn't regulate those, Congress prohibited her from doing that in the Commodities Futures Modernization Act.

How did we get to that situation? I get it because I had to live through the Enron crisis in our State and a lot of people cooked up off-book accounting and people said: Oh, it is a bunch of environmentalists not allowing us to have an energy supply. That is why we have an energy crisis—or people said: Oh, we are having an energy crisis because we don't have enough refineries. We found out it was people manipulating supply and demand with various schemes called Death Star and Get Shorty, a variety of things that all came down to this: off-book accounting. How could you fool the accountants into believing that your scheme was legitimate?

So it should be no surprise that in 1994, in a little retreat effort—some of us go on retreats and talk about our policy issues. Here, some of the titans of Wall Street went down to Boca Raton, about 80 J.P. Morgan bankers, and started to wonder if there was a way to create derivatives that could bet on whether bonds or loans would default. That is what they did. They were down in Boca Raton saying, basically: How can we do off-book accounting to figure out ways in which we can bet on these things?

So that is what happened. That was the start of this. A few years later, Brooksley Born, after she saw them, called them out on it, said: Let's stop it and basically was prohibited from doing it.

So what happened when we prohibited the derivatives from being regulated? Well, one of the CFTC personnel, at that time, basically said all the fundamental templates we have learned from the Great Depression are needed to have markets function smoothly are gone. These are things we had put in place after the last fiscal crisis. We put them in place because we knew we had to protect things.

The other side of the aisle led the charge on that deregulation, led the charge on the deregulation of derivatives and said: Let's keep our hands off. I would say at least four times we have had votes on various derivative measures and the majority of my colleagues

on the other side of the aisle have said: No, let's don't reregulate them.

I am all for hearing what they have to say today, but this is an important issue. Let me explain why.

When we look at capital markets, we have to have transparency. If we don't have transparency, people don't know what is going on and products can be manipulated. So after the 2000 Commodities Futures Modernization Act, basically on derivatives we had no transparency, no capital requirements, no prohibition on fraud, no prohibition on manipulation, no regulation of intermediaries. Why are we surprised we ended up in this situation? Because if we basically took what had been the fundamentals of the last fiscal crisis and put them in place in a law and then basically were warned and we deregulated them, why are we surprised we ended up in this situation? Because after deregulation, what it meant if you were doing trading, at least on these derivatives—on other products you had certainty and you had predictability, but on these products—let me be more specific.

We had what were called dark markets and that meant because you couldn't see into these dark markets, you didn't understand what was being done. I know our colleague, Senator LEVIN, is holding a hearing today, and he is going to get to the bottom of exactly what was going on in those dark markets and who was trying to manipulate them. But the fact that they were dark and not traded meant we couldn't see the price that somebody was paying and thereby couldn't understand what was going on in the market. So we had no transparency. We also had no requirement to keep records, no large trader reporting, which would have been things that the CFTC would have looked at and said: Oh, I can look at that and see whether manipulation is happening. We had no speculation limits. Another thing that happens on the stock market or on trades that happen now—we hear about it all the time—is that if somebody thinks somebody is messing around with the market, we can have limits. We can come in and on an exchange—or an agency can come in and say: We are going to stop that kind of trading because we have concerns about what is going on. We also know there was no capital behind these bets as well, which is very alarming to a lot of people. The synthetic CDOs were cooked up and had no capital behind them. I know my colleague, Senator DORGAN, has been on the floor talking about an amendment he is going to be offering on the Senate floor to make sure we close that. But what it created was just a high risk for fraud and manipulation and excessive speculation. That is what happened.

So when we deregulated the derivative market, what happened? Well, it should be no surprise, again, to find out that when we deregulated it, the market exploded. Here is where we were in 1999. There were some derivative products, but now look at it. It peaked at $700 trillion. It has leveled off now somewhere around $600 trillion. A $600 trillion market in derivatives grew because we created a dark market opportunity in which most people couldn't—not everybody could understand what was going on, and certainly the regulators who used to have a day job of overseeing this were prohibited from doing their day job. I should add, not only were the regulators prohibited from doing their day job, in the Commodities Futures Modernization Act of 2000, we also had a provision in there that said States aren't able to use their authority to look into these markets and market activities as well. So we did two things. We prevented the Federal regulators from doing anything and we prevented the State regulators from doing something as well and now we have this unbelievable—unbelievable—unbelievable market of activity.

My colleagues on the other side of the aisle like to talk about innovation. Well, I know a little bit about innovation. I worked for a company that was a startup company. When I look at that issue, I see we have to have financial markets on Wall Street that help those companies get financing through their very early stages. That is what is so important about our financial markets operating effectively. But one can see from this chart—or maybe not. Maybe you can't see from this chart because it is so hard to see, but at the very bottom there is a little yellow line, and that yellow line represents assets. It represents the loans these banks are making, the amount of money that is in loans in capital going to businesses that are the true ideas of innovation. There is a lot of innovation in derivatives. Now we know what it is: dark market derivatives that cooked up things like CDOs and synthetic instruments to basically bet against bonds because somebody had securitized loans to banks that were risky bank loans anyway and then tried to make somebody believe it was a great way to cover them financially. So all of it was just a risky game, and that is what we are doing. So we are not helping the American economy in investing in Detroit or investing in software or investing in other things, not the way we used to. We are basically investing—and people are making a ton of money—in dark market derivatives. So that is why it is so important we fix this in the legislation.

Just to give an idea of where people are making the money—because I know some people like to say: Well, let's get out here and make sure we do something for small business. I think it is incredibly important to do that, but we are not going to get the big banks to make a bunch of loans to small businesses, as that last chart showed us, when they can make money in dark market derivatives. This chart shows the increased profit they have had since 2008. So we have actually had a decrease in lending. We have actually had a decrease in the amount of capital going out to the tune of something like $574 billion and an increase in trading profits. So we know where the money is going. Wall Street is not putting money into Main Street; Wall Street is putting money into Wall Street dark markets, and we have to get on this legislation to fix that.

So what would we do in this legislation? Well, if my Agriculture Committee colleague's mark is put into this legislation, as I believe the leader is going to do, then we have a choice of having an unregulated market or, with this legislation, a truly regulated market with exchange trading. People say: What does that mean, exchange trading? I don't understand. What is that going to solve for us? Well, just as I said how dark the market was and no one knew what was going on, when we have a product that is traded on an exchange, we actually have transparent pricing so people can see what the pricing is, just as this situation is being described right now in the Senate Oversight Committee hearing about how people didn't know what was going on or who was paying what or who was behind what bets. We have to have transparent pricing, and we have to have real-time trade monitoring. Because someone is monitoring those trades, we know exactly what is happening in the market and who is moving what and how they are moving it and we have a transparent valuation.

If my colleagues have time and they read this latest book out by Michael Lewis, ''The Big Short,'' he talks about how people didn't know exactly what was going on with the valuation of this because it was being hidden from them, so they had no way of understanding exactly what the value of these products were. That is why this scheme was able to be perpetrated on people, because they didn't know what the true valuation is. If we have exchange trading, we actually have speculation limits and we have public transparency.

So when we are on the floor debating this—and I hope my colleagues on the other side of the aisle will support exchange trading. I heard one of our colleagues on the other side of the aisle say: Well, I don't think that is the solution. Well, in my book, it is absolutely the solution. It is absolutely the solution, just as it is for the stock market. Who would buy stock on the stock market if we didn't have oversight of the exchange?

If you didn't have these kinds of things—transparency in pricing, real-time trade monitoring, transparent valuation, speculation limits, and public transparency—who would buy

stocks? Why do you think derivatives can operate in the dark? They cannot.

The other thing we will be talking about on the floor is that unregulated trading doesn't have any capital behind the trade. If we actually had a clearinghouse—exchange trading and a clearinghouse—then you would have capital behind these trades, and people would know somebody has the ability to deal with this transaction they are betting on. These are the things we need to do. These are the things that are critical to the type of reform we need to get done.

I am concerned that we are not going to get to this legislation, that the dark market is going to continue to operate that way or that people are going to propose loopholes to basically water down this legislation. We have had a lot of conversation about loopholes. One of them is the end-user loophole. Basically, any kind of loophole in the legislation is kind of like water; the money is going to flow where it can. If it is a dark market, that is where it will flow.

We had a hearing of the Commerce Committee in 2008, 6 or 7 months before the big bubble burst, and George Soros came to testify. He said we are basically inside of a bubble and it is going to cause great concern. He knew then, because he knew what kind of activity was going on. He talked in his testimony about how important it was that you apply regulation and apply it to both the regulated and unregulated market. If you don't apply it to the unregulated market, then all the money moves over to the unregulated area.

I appreciated this New York Times editorial that said:

> If [end users] are exempted, potentially trillions of dollars worth of transactions could avoid the exposure—and stability—that comes with exchange trading.

That is what we are going to debate about, whether you are going to have that kind of oversight and make sure that we end up putting the kind of regulations we need in place.

As another New York Times editorial said:

> Strong derivatives reform is a matter of putting taxpayers first—ahead of the big banks and corporate America that are fighting hard for a return to the risky business as usual.

We don't need risky business as usual. We need to reform these markets. Let's get capital flowing again and get innovation in products and services in important areas of our economy and know that having fundamental rules in markets and capitalism is to have transparency, and the legislation we are considering will do just that. Hopefully, the Republicans will say what true reforms they are for and realize that, in the past, they have been against some of the derivatives reforms that would have stopped us from having this crisis.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CMS REPORT ON HEALTH CARE

Mr. BARRASSO. Madam President, I come to the floor as someone who practiced medicine in Casper, WY, for 25 years. I was an orthopedic surgeon for the people of Wyoming, as well as medical director of the Wyoming Health Fair Program, which reached across the State with low-cost health care screenings, aimed at giving people the opportunity to take more responsibility for their own health and essentially keep down the costs and get down the cost of their medical care.

Today, I come to the floor with a second opinion on what this Senate has passed, what the House has passed, and what has been signed into law by the President. I come today because I continue to believe that what is now the law of the land with health care reform is going to be bad for patients, bad for providers, the nurses and doctors, and those who take care of our patients, and bad for payers—the American people—who end up paying the bill for health care in this country—the taxpayers of this Nation, people who pay for their own care. I believe fundamentally, as this bill has been passed into law, it is going to result in higher costs for patients, as well as for taxpayers, less access to care for people all across America, and unsustainable spending at a time when we are running record deficits.

That is not just my opinion. If you ask what the public believes, in polling across the country the American people have overwhelmingly rejected this bill that is now signed into law by the President, because they believe the cost of their own personal care is going to go up and the quality of their own personal care is going to go down. Fundamentally, they believe this bill was not passed for them but for someone else.

The reason I come to the floor today to talk about it is because the report has just come out by the Centers for Medicare and Medicaid Services Actuary, Richard Foster, the Chief Actuary. He has come out with a report to go through methodically, page by page, what is actually in the health care bill. You will remember that when the bill was in front of the House, the Speaker of the House, NANCY PELOSI, said you will have to pass the bill before you get to find out what is in it. In a rush by this body to pass the bill—which to me was irresponsible—they have missed the things the Actuary has outlined now in a very thorough report to the American people. I want to go through that with you.

Fundamentally, this says that health care costs are going to be higher, access to care is going to go down, and the spending is unsustainable. It is fascinating, because this is in light of a speech by President Obama in June of 2009, when he said if any bill arrived from Congress to his desk that is not controlling costs, "that is not a bill I can support." He said it is going to have to control costs.

Well, the Actuary tells us that the bill now signed into law by the President, as well as the additional bill, because there are actually two new laws—one the initial bill and then the fix-it bill—will increase costs, raise Federal spending, threaten access to care for seniors, and will result in higher insurance premiums.

That is not a Republican Senator saying that; that is the Chief Actuary for the United States in charge of Medicare and Medicaid in a well-documented report that came out April 22, 2010.

What is actually in the report? Let's go through it page by page. The first thing is, it says this is going to bend the spending curve—the rate at which we are spending on health care in the country. The President said we want to get the spending cost curve down. This says the opposite, that the cost curve is going to go up. That is on page 2.

Turning to page 4, What about overall national spending on health care over the next 10 years? Between 2010 and 2019, national spending on health care is going to go up by $311 billion. The President said he wanted a bill that was actually going to get the cost of care and spending down on health care.

Turn to page 7. The President said he wants to make sure if you have care you like, you can keep it—keep the care you like. We all heard that. We heard it time and time again. Yet, on page 7 in this report by the President's agency, it says about 14 million people will lose their employer coverage by 2019. Again, the President said if you like what you have, you can keep it. His Actuary, who actually did the numbers on the bill, said, sorry, 14 million people will lose their employer coverage by 2019.

Let's turn to page 8. An estimated 23 million people will remain uninsured by 2019. This is at a time when the President said he wanted to provide coverage for all these people. But even 10 years out, 23 million people will still remain uninsured in the United States. Many of them are going to have to pay a penalty because of that. They will be fined because that is how the rule and that is how the law has been written.

I talked with a lot of seniors. I was home this past weekend in Wyoming

visiting with a number of seniors around the State. I was in Torrington, WY, and Casper visiting with folks. They are concerned about their Medicare.

What does the report say about Medicare? Turn to page 9: Unsustainable. The cuts we are looking at are going to become unsustainable even within the next 10 years. With the cuts to Medicare of over $500 billion, one would think at a time when we are looking at more and more seniors coming of age to be on Medicare that we would have used that specific Medicare money to keep it in Medicare, use it to save Medicare, not to start an entirely new government program.

As you work your way through this, you say: What does this mean for seniors on Medicare? That gets us to page 9 and page 10 of the national report of the Centers for Medicare and Medicaid Services. These are the people who know. They looked into the numbers. They said they did not have time to do it while the House and the Senate were rushing to pass the bill. They said we should have given more thought and time to this bill.

What happened when they actually looked at what has been signed into law? They talk about cuts to providers, to the people who take care of the patients on Medicare. They are expecting many providers, medical professionals to ''end their participation in the program.'' This is going to jeopardize access to patient care.

The report says 15 percent of all the hospitals in this country, all the nursing homes in this country, and similar providers—we are talking about home health care agencies, that link, that lifeline to people who are at home needing care; hospice, for people who are in the final days of their lives—about 15 percent of all of them, as a result of the way this bill has been put together, are likely to be operating at a financial loss by 2019.

Are they going to be able to stay open? Are they going to be able to provide care for people? Absolutely not. Are they going to close down? Very likely. Is that going to impact a lot of rural communities across this country? Absolutely.

As we go through this actuary report, it brings to light what NANCY PELOSI meant when she said we have to pass the bill to find out what is in it. What a shame it is that the American people, although they sensed what was in it, had to wait until this point so they could continue to express their concerns to those who voted in favor of it.

Let's take a look at some other provisions. Those who supported this bill said there are other Medicare savings provisions in the bill that will help save money and that will help control future health care growth. No—the report on page 13—they said those things people in this Chamber said would help control future health care costs would have a ''negligible financial impact over the next 10 years''—''Negligible financial impact over the next 10 years''—even though Members of this Senate stood on the other side of the aisle and absolutely swore that this was going to improve care, as well as get down the cost of care.

Let's turn to page 15 of the report, the CLASS Act. That is the long-term care insurance program that so many in this Chamber thought was going to be a wonderful thing, and those on my side of the aisle said: This cannot work. The numbers are not going to work for our country. They are not going to work for this bill. Who are you trying to kid?

The Democrats who supported the CLASS Act were not able to kid the people at the Health and Human Services Centers for Medicare and Medicaid Services. No, they saw right through it. But, of course, the report came out after the bill had been signed into law by the President.

What the report says is that the CLASS Act faces ''a significant risk of failure''—''a significant risk of failure.'' It says there is a very serious risk that the CLASS Act program will be unsustainable. People on this side of the aisle said that. We said it before the vote. We heard from the other side of the aisle: Oh, no, you have it all wrong. People who looked at it and know—and these are the President's own people—said: Unsustainable.

What about premiums for insurance? Last year the President said he expects to lower the health care premiums for the average family in this country by $2,500. That is an incredibly admirable goal, something all Americans would support because, after all, early on the President said: My goal is to get down the cost of care, clearly something he abandoned early on.

What this says on page 17 of the report from the Actuary is that the new laws, fees, and excise taxes, higher drug prices, device prices—this is all going to result in higher insurance premiums for American families, the exact opposite of what the President promised.

Let's go to page 16 because we have talked about funds allocated for the new high-risk insurance pools. I think it is important to have these pools. They work well in various States. A number of States have these pools. It is a commitment by the State. We want to involve the Federal Government, have people working together with folks with preexisting conditions, people who absolutely need care.

The CMS report says what this body has done is insufficient. It says the amount of money they decided to put in this program is going to be exhausted by the year 2012. Once again, this body who said they knew better than the folks who studied the bill, those who said we just have to pass it to get something done, have created a monster, and the American people are going to be paying the price for a long time.

Let's look now to page 20. So many of the people who are going to be covered under this program, how are they going to be covered? The President said: I want to cover all these people. What he decided to do and what this body decided to do is to cram another 18 million people on to Medicaid, a program we know right now is fundamentally flawed. It is broken. Half the doctors in the country do not want to see patients on Medicaid because the reimbursement to them is so low. Hospitals tell you they lose money when those patients are in the hospital. Doctors say they cannot keep their offices open if they take more and more Medicaid patients. The only way they are allowed to see them is by charging other patients more—the cost shifting that happens in health care in America.

What does this say about Medicaid? Eighteen million more people are going to be put on Medicaid by the year 2019. Is that going to be care? The President talks about coverage, but he does not talk about care. These people are very unlikely to get care.

This is what the report says on page 20: A significant portion of the increased demand for Medicaid services, because there are all these millions more people on Medicaid, the increased demand for Medicaid services could be difficult to meet. All these patients are going to be put on Medicaid, and they are not going to be able to get care.

I say it is hardly fair and it is misleading to the American people. Everybody in Canada has coverage. They have coverage but they cannot get care. Madam President, 33,000 Canadians came to the United States last year to pay for their own health care because even though they had coverage in Canada, they could not get care there. So they came to the United States and paid for care.

About a year ago when the President of the United States was talking about health care, he always held up the Mayo Clinic for excellent care in America, and it is a model for excellent care. The Mayo Clinic said: We do not want more Medicaid patients, because they lose too much money by taking those people, and they want to keep their doors open to fulfill their mission.

Here we have the Actuary who is looking at this page by page—and, obviously, the Centers for Medicare and Medicaid Services knows what they are talking about. They looked at the numbers and item after item, page by page and said: This is not working.

One of the things we talked about at the Health Care Summit was the issue of Medicare fraud. I sat at the table

and discussed the issue with the President. This law does almost nothing—almost nothing—to limit actual fraud and abuse.

Last year, Medicare paid $47 billion in claims that were suspect. We know in Florida, drug dealers have been moving from dealing in drugs to Medicare fraud. One may say: Why? Why would they do that? They are doing it for a couple of reasons: One, it is more profitable; two, it is less likely they will get caught; and, third, if they do get caught the penalty is less. They say: More profit, less chance of getting caught, less punishment. I think I ought to go into Medicare fraud. That is what they are doing.

What does the Actuary say when he looks at the new bill? He estimates the fraud provision in the law will save only about 2 percent, only $1 out of every $50 of Medicare fraud.

As we look at this, it is no surprise the American people want a second opinion about this bill. It is no surprise the American people are saying it is time to repeal and replace the bill. That is why I come to the floor of the Senate with my second opinion, with 25 years of practicing medicine.

On the way over, I picked up USA Today. It is so interesting, a big story in the paper today: ''Next Phase In Health Care War: Applying The Law.'' The subheadline is ''Cabinet''—we are talking about the President's Cabinet, the Cabinet of the United States—''Cabinet Braces For Lobbying Blitz By Industry Advocates.'' The Cabinet is bracing for a lobbying blitz. I thought the President of the United States said he did not want lobbyists in the White House, did not want lobbyists impacting on his Cabinet. They are weighing right in. Absolutely.

The President did have them in the White House, obviously behind closed doors, cutting the deals. That is the way we ended up with a health care bill that is bad for patients, bad for providers, and bad for payers, the American payers, the taxpayers of this country, and the people who are paying for their health care. That is why I come to the floor to say it is time to repeal this legislation and replace it with legislation that is actually patient centered, that gives more responsibility and opportunities for individual patients, just what I tried to do through the Wyoming health fairs where we give people more information so they can use that information to get their cholesterol down, get their blood pressure under control, find out if they are diabetic and if they are, get their blood sugar under control, give people incentives to stay healthy and keep down the cost of their care.

We need a patient-centered health care bill. We sure do not have one. We need a health care bill that allows people to buy insurance across State lines. That increased competition will drive down the cost of care.

The University of Minnesota did a study: 12 million more Americans would have insurance today without this bill if all we did was allow Americans to buy insurance across State lines and allow small groups to join together to get better opportunities to buy insurance to get the cost down.

Then, of course, we need to deal with abusive lawsuits that exist in this country which drive up the cost of care for patients because all the tests that doctors routinely order are not to help the patient get better but to make sure the doctor does not miss something.

That is why I come here today to tell you, Madam President, that there are things that will work to get down the cost of care. There are things that will work to provide additional treatment for more people in America; more patients, better care. But they are not in this health care bill that passed the House, passed the Senate, and was signed into law by the President.

That is why today I offer my second opinion that it is time to repeal this bill and replace it with what will work.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3217, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to the consideration of S. 3217, a bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all time until 12:30 p.m. and from 2:15 to 4:30 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise today to talk about the business we have in front of us here in the Senate, financial regulatory reform. But I did want to note that we meet in an hour of real economic trauma for many families across America and across the Commonwealth of Pennsylvania.

I know the Presiding Officer sees this as well in his home State of New Mexico. We have lots of people out of work. And although there is no question in my mind that our economy has begun to recover, and has recovered substantially, we still have a way to go. So even as we debate financial reform and the intricacies of that, it is important that we remember there are still a lot of people out of work.

The latest numbers nationally are that 15 million people are without work across America, and in Pennsylvania it is 582,000 people. I was looking at the numbers for the month of March, region by region in Pennsylvania. We have 14 labor markets, the numbers of which are charted on a monthly basis. Looking at the areas of the State where it is above our unemployment rate, we have several parts of Pennsylvania where, if it is not 10 percent, it is very close to that. In Erie, PA, up in northwestern Pennsylvania, it is a 10-percentage point unemployment. I realize for some States they have been in double-digit figures for a while, but for places such as Erie, it is 10 percent.

The Lehigh Valley, on the eastern side of our State, is getting close to 10. It is 9.8. My home area of northeastern Pennsylvania is 9.8. Johnstown's numbers, an area in southwestern Pennsylvania, which has always had higher numbers of unemployment, are getting close to 10. So throughout our State the numbers are very high.

When people in any State see those high numbers and they see the joblessness, they see people who have lost their homes or job or both, when they see that people have lost their hopes and dreams in this process, when they see all that around them, either in their own lives or the lives of their families and neighbors, they look to Washington to see what we are doing about it. They want to know: How can you respond to that? How can you take action to help us?

I think we have, in some measure, but this Wall Street reform is going to be part of it as well. We passed the Recovery bill, which is having an impact. We passed the HIRE Act a couple of months ago, and that is having an impact, and will have more of an impact as time goes by. So there have been a series of jobs bills that have helped substantially, and will continue to help, but one of the most urgent priorities and questions most Americans have is, who is going to be on our side? Who will fight for us when it comes to whether we will empower local communities to create jobs and have some security?

Will we continue to empower Wall Street and the dealmakers, the scam artists who have ripped people off to make a profit? And not just a profit, what we used to think of as a lot of money—$1 million. We are talking about profits we cannot even begin to comprehend. A very small number of Americans, a very small number of institutions, such as these megabanks, are getting these profits purely out of greed and purely out of a willingness to cast aside people's lives and their futures, without worry as to whether the actions they take on Wall Street will cause people to lose their jobs. That is what people across the country, who are not on Wall Street, are asking us to consider.

Of course, part of that is happening in this debate. But I think it has become more apparent to the American people on this question of whose side we are on, that there is one side—this side of the aisle—that is trying not only to get the policy right and get a bill prepared, but that we are trying to move that bill forward. One of the ways we move a bill forward is to have a debate. Why shouldn't the Senate be having a debate, unless there is a question about whether you are on one side or the other?

I think our friends on the other side of the aisle are going to have to ask themselves whether they are on the side of the people; if they are on the side of communities and small businesses, who are telling us to get something done about these Wall Street problems that have caused 15 million people to lose their job—and in Pennsylvania we have lost 582,000, as said I before. People are wondering, whose side are you on? If you are not on the side of debate and getting the bill passed, then you are on the side of Wall Street. It is very simple. I know some of the policy gets complicated, but this isn't complicated at all.

If you are on the side of the megabanks and Wall Street, here is what you are on the side of: You are on the side of continuing what has happened for a generation now, with our usual and more familiar banking system that has been altered in a way so that it has become almost unrecognizable to people who used to walk down the street, figuratively, but almost literally, or walk or drive not too very far in a community and go to a bank. They knew the institution. They knew the people who worked there. They knew who was in charge. They dealt with a banker in a very personal way.

A lot of that is gone. If we do the right thing here, I think we can bring some of that sense back. But at a minimum, put the brakes on, put rules in place to govern what the scam artists on Wall Street do every day of the week to make a profit, to rip people off, and to destroy our economy and to cause record-high unemployment.

In that scenario I talked about before, what we used to have was that people knew their bankers. They knew each party was invested in the other. The banker wanted to make a good loan, obviously. That was part of his or her business. But he or she knew that making that loan had to be on good terms, in a way that borrower could pay it back. Obviously, the borrower—going to the local bank as a local business, to people they knew—was invested in their success as well. The borrower wanted the bank to do well. It was part of their community. But now we have a system where, if you enter into a mortgage transaction, that flies off to Wall Street, and then on Wall Street they slice and dice it so a lot of wealthy people make record profits, and they laugh—laugh all the way to the bank, not worrying about whose life was destroyed back in that community.

These megabanks have prospered in ways we cannot even begin to describe or appreciate. We continue, so to speak back home, grappling with the results of that, the aftermath of that: high unemployment—record-high numbers—and a ballooning deficit. Why are we even having a debate—trying to have a debate, I should say, if our friends get to the point of allowing us to have a debate—why are we having this debate? Because Wall Street put the American people into this position.

We need to reinvent this megabank model, change it substantially, and move it toward a system of smaller banks and more competition. I thought that is what our friends were for. I thought they were in favor of competition.

Many people know community bankers. The Independent Community Bankers of America say there are almost 8,000 community banks operating across the country. Even with this problem we have with megabanks and Wall Street, those 8,000 community banks are still 97 percent of our banks. That is the good news, that that number is high. These institutions, as we know, have boards of directors made up of people in the community, as it should be, who are invested in the community and the success of those borrowers. They are also institutions that are a lot smaller in terms of size. In terms of asset size, 91 percent of community banks have assets of less than $1 billion. They are nowhere near a big bank and nowhere near, obviously, a megabank.

The largest of our megabanks is Bank of America, which, by September 2009—and I am sure the number is much higher today, but as of September 2009, it had assets of $2.3 trillion. It is hard to describe that. That is most of the Federal budget. We have a Federal budget that is several trillion. That is a big share, if you equate it to the entire Federal budget—not the full budget but certainly a big share of it, $2.3 trillion.

Consumers do not reap huge benefits from these banks. We know that. If anything, they are harmed by the unchecked power of these banks.

As I said last week, three of our largest megabanks have cut participation in a key Small Business Administration lending program by between 85 percent and 90 percent from one year to the next. Just at the time we have a bad economy—that they caused, in large measure—and just at the time we need help for small businesses, these same big banks that got the benefit of all of that wealth and all of that scam artistry and fraud, in some cases, are not helping us create jobs in small business. To say that is perverted and disturbing does not even begin to capture the sentiment. But I will not dwell on that.

Then we get to the question of fees, bank fees. We have heard a lot about these. We all have experienced it. Fees for checking accounts and other services are lower at community banks than at the megabanks, the big institutions. According to research by the Federal Reserve Bank of Dallas, in one quarter last year, the four largest megabanks raised fees related to deposits by an average of 8 percent. In the same period, community banks lowered their fees by an average of 12 percent. So in one quarter last year, the four big banks raised their fees by an average of 8 percent and the smaller community banks lowered those same fees. That is another reason community banks make a lot more sense for most Americans.

The reason for the big difference in fees charged by the smaller community banks versus the big mega Wall Street banks is not just that they want to try to be consumer or customer friendly, it is because there is competition injected into the system of community banks. Economist Simon Johnson said:

> With low interest rates, the [big] banks could raise money from depositors virtually for free; they could borrow cheaply from each other; they could borrow cheaply at the Fed's discount window; they could sell bonds at low interest rates because of FDIC debt guarantees; they could swap their asset-backed securities for cash with the Fed; they could sell their mortgages to Fannie and Freddie . . . and so on.

It is like dot, dot, dot. We have heard all about this. They had all the opportunities in the world. Their plate was full: I am a big megabank, and I need a little extra help here to make some more millions for this guy or that guy or to make billions for the bank or for individual bankers. I need a little help, so I will go to the Fed discount window. That was one option. I just charge a little more over here.

They had all these options to make more money—because of the generosity of the Federal Government, by the way, in large measure. The Federal

Government helps a lot of institutions every day of the week, including banks. The same folks who complain about government want bankers to get all the help in the world from government.

The big banks had all these options at their disposal if they got into a period where they needed a little extra help. What about the borrower who got into a bad mortgage because some local scam artist or maybe a scam artist on Wall Street put them into a mortgage they couldn't afford? What happens when they can't pay their mortgage? What happens when they lose their job and then can't pay the mortgage and lose health care? Do they have a menu, a list, a full plate, or a full table of options? No. They have very few options. For a lot of Americans who lost their job because of Wall Street or who lost their house because of what Wall Street was doing or lost their livelihood because of some fraud on Wall Street or some scam artist on Wall Street, they have very few options. But the big banks have lots of options.

This is not just about what is fair and what is right and making sure we have competition in our banking system. It is more than that. It is about a gross disparity of power residing on Wall Street and injuring the ability of people just to make ends meet, just to have a job, or just to be able to borrow money in a way that will allow them to purchase a house or do something else in their lives.

What this means is, despite offering better and cheaper consumer products, our community banks at the local level are struggling to get by, while their big brothers, their megabank brothers are on Wall Street making more money than we can even compute or comprehend. The community banks, which used to be the foundation of our system and the place where people could go to borrow, are having trouble, are struggling to get by.

One of the ways to confront this is not just to pass a bill that sounds good here and there and looks like reform but to have a final product after debate. Again, I hope our friends will get to the point of debating this bill. It makes sense that if something is very important and the American people say do something about it, you ought to debate it and pass it—just a little free advice to the other side.

But we have to do more than just pass something; we have to pass something that works. We have to pass something that will be meaningful in the lives of real people. If we allow these megabanks to retain their power and their influence and their wealth, to the detriment of working families, small businesses, and our economy in general—if we allow them to have that power, it will be nice to pass a bill, but we will not be getting to the root cause or one of the root causes of our problem.

That is why I and Senator KAUFMAN, Senator BROWN, and others are supporting the SAFE Banking Act. I thank those two Senators for their work on this over a long period of time. This will be an amendment to the act we are working on, the Restoring Financial Stability Act of 2010. This part of it, this will be a new element to it if we can get the amendment agreed to—I think we can—to the SAFE Banking Act. This is what it will do—basically, four things. I will go through them quickly. First of all, impose a 10-percent cap on any bank share of the total deposits of government-backed depository institutions, so placing a cap on that. Place a 2-percent-of-GDP limit on all nondeposit liabilities, so limiting and circumscribing what these megabanks can do. Third, place a 3-percent-of-GDP limit on all nondeposit liabilities, including any off-balance-sheet provisions as well as any systemically significant nonbank financial institution. Fourth, we would put into law a 6-percent leverage limit for bank holding companies and selected nonbank financial institutions.

So instead of leaving size limitations in the hands of regulators—and I know regulators work hard and they always try to do the right thing in almost every instance—this amendment would at long last put some clearly defined rules in place about the size and the leverage of financial institutions. We can't just say: OK, megabank, you can do whatever you want, you can get bigger and do whatever you want, and after the fact we will have some regulators try to mitigate the damage you are causing or try to rein you in a little bit. Sometimes that works, but our recent history tells us it is not going to work the way it should. So we need some clearly defined rules that apply to these megabanks and would only impact a handful of institutions, a very small number of institutions—these large megabanks that are at the heart of the problem.

The alternative to placing these limitations on the big banks, on their size and the leverage they have, is a continuation of the system we have right now, the so-called too-big-to-fail system. So a bank gets so big and has so many tentacles out into our economy and across the world that we say: Gosh, if they are in trouble, we can't let them go. They are too big and have too much of an impact if they fail. We have to help them.

In addition to passing a law that ends bailouts, we also have to end this too big to fail. It is kind of a straitjacket our system has been in: it does not allow us much freedom, but it gives a soft landing to a lot of these megabanks that really should be cut down in size. We know we need to change that.

I commend the efforts to increase the ability of regulators to oversee and enforce discipline, but candidly—and I think our history shows this—it is not enough. It is not enough to just give regulators more power or more resources. We need to pull apart or deconstruct in some measure these megabanks because they are too big, too powerful, and they have caused too much damage. Having a regulatory system in place will not be enough. That is why we need the SAFE Banking Act.

We also need to take other steps to address this root cause as well as other root causes. We know community banks are banks that are better for families and for small businesses—the two parts of our society, the two parts of our economy, our families and our small businesses. They are saying to us: Do something that is real. Do something that not only makes sense in terms of policy but will help at the local level in terms of improving our economy.

So more banks mean more competition, and they also mean more customer-friendly products. It also means more loans for small businesses that get them from community banks and will continue to if we do the right thing. It means a retail banking system that more closely resembles our Nation's community banks than the Wall Street model that has indeed failed us—and that is an understatement—and failed us significantly.

So that is why I encourage my colleagues on both sides of the aisle to support the SAFE Act amendment to our financial reform legislation. It is about that we took a step that has real meaning and real impact on one of the biggest problems we have in America, where you have megabanks that are doing quite well, and if we allow them to continue to do well, they will have a few individuals in a few institutions across America who will benefit from that.

But most of the rest of us, most people, especially those out of work, most small businesses, will not benefit from these megabanks. We need to change this, and we need to do it in the course of this debate.

I would once again say to my colleagues, if we debate it, it will tell us very clearly whose side we are on. If you continue to hold up debate, I think the American people know whose side you are on. It is not their side.

I ask unanimous consent that any time in quorum calls on the motion to proceed to S. 3217 during today's session be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 3217

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that any time spent in quorum calls on the motion to proceed to S. 3217 during today's session be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I thank the Chair.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wanted to rise to speak further about this financial reform bill. Yesterday, I talked at some length about the problems I saw with the bill relative to section 106 in the derivatives language. Today, I want to talk about things that are not in the bill that should have been in the bill.

The reason I am rising to talk about this bill, which is a very complex bill, and intricate, is because we on our side feel very strongly that we should be involved in the negotiations of a better bill. We are not asking that there be no bill; just the opposite. We are saying there is a lot in this bill that just plain needs to be improved.

For example, in the area of too big to fail, we have to make absolutely sure, if a company is large and it gets into trouble and it overextends itself, that it fails; that the American taxpayer doesn't come in and support that company in the financial sector, or anybody else, as a matter of fact, such as the automobile sector. So that language in the bill needs to be tightened up. It doesn't accomplish that as effectively as we think it should.

The derivatives language has some serious problems. I talked yesterday about one of them, but there are a whole series of problems. The purpose of the derivatives part of this bill should be, No. 1, to reduce systemic risk and make sure that, prospectively, we do everything we can to make these instruments—which are critical to the ability of the economy to be liquid and produce credit—are as safe and as sound as possible, while at the same time making sure we do not overreact and create a situation where this market—which is so crucial to manufacturers across this country and especially to Main Street, which basically benefits from the credit generated by derivatives—doesn't artificially contract due to excessive regulation, or that it doesn't go overseas. So we lose the fact that we are today at the center of capital and credit. We want to be the best place in the world to create capital and to create credit, and we should have a bill that accomplishes that.

I have been outlining concerns I have in the derivatives area—yesterday I talked about section 106—and I could highlight a number of other areas. For example, the immediacy with which derivatives are pushed from a clearinghouse into an exchange situation, which I don't think will work under this bill. I think, basically, it would contract the market dramatically.

But what I want to speak to specifically are the things left out of this bill that should be addressed in order to make sure we don't have happen again what happened in September of 2008 and on into the rest of that year, which was that tremendous trauma that our Nation went through and is just now coming out of—and for some people it is still a trauma because they don't have a job, which is the worst trauma of all for somebody. That trauma was caused by some very distinct and specific events that occurred, and a lot of them were the responsibility of the Congress.

If we want to look for who is the cause of the downturn and the crisis in the subprime market, we can look at ourselves in the mirror and say: We are, to a large degree. Easy money was also a problem. But I think right at the center of the problem was the collapse of underwriting standards in this country.

It used to be, up through the 1990s, you couldn't get a loan for much more than 85 percent of the value of the home. You had to put some money down, and you had to be able to show to the person who was lending you the money—the mortgagor—that you could pay the money back. Well, we went into this huge expansion in lending which was driven in large part by two things: One, the monetary policy of the Fed, which basically allowed for easy money to flow out there very quickly into the market; and, secondly, the Congress, specifically insisting everybody should be able to have a home whether they could afford it or not or whether the home was properly valued. Those two factors lead to an explosion in home ownership, equally leading to an explosion in mortgages which, first, did not meet the value of the underlying asset and, in fact, in some instances were actually valued at more than the asset even at the time they were issued.

Almost all these subprime mortgages presumed there would always be an appreciation of real estate prices, so they could loan at 100 percent and at some point you would be down to 85 percent or 90 percent of the value. That didn't happen, of course. The value went down, and so the mortgages went underwater in terms of their basic value. Secondly, the monies were lent to individuals who, because of the way they structured these loans for the first 2 or 3 years, could pay the interest or the mortgage payment, but as soon as these loans reset to a realistic interest rate, they couldn't pay it. Everybody knew it when they did the loan.

Now, why did people do that? Why was there this collapse in underwriting standards? Well, there were a lot of reasons. I happen to think probably the primary one was that we separated the owner of the loan from the actual loanmaking process. Therefore, the people who were originating the loans weren't interested in the underlying security. They were not even interested in whether the person could pay it back. They were only interested in the fees they were generating. So we had a collapse in the underwriting standards. We had an inverted pyramid, with this person down here borrowing money from this entity over here on a piece of property which wasn't worth the value at which money was being borrowed. The person borrowing the money couldn't pay it back, but nobody cared because that loan was then taken and sold and securitized and subdivided and syndicated and sometimes put into a synthetic instrument, or had a synthetic instrument mirroring it. So we had this loan down here, and this massive structure from the churning of that loan on top of it, and the loan wouldn't support all that structure over it. So it all collapsed on us in late 2008.

This bill, however, doesn't address that issue of underwriting standards in any effective way. Senator ISAKSON and I have spoken about this on the Senate floor a number of times, and we are going to offer what we hope is a bipartisan proposal. But it will improve the bill because it will basically be taking us back to the underwriting standards that used to be in place in the 1990s, not only for the origination of the loan but also for the securitizer of the loan. This is critical. If we are going to fix this problem—and the purpose of the bill should be to fix the problem that created the crisis and make sure it doesn't occur again—if that is the real goal, then there should be underwriting standards.

The second issue in this bill that is not addressed is Fannie and Freddie. These two entities have trillions of dollars of outstanding liability, outstanding notes, and it is estimated that the taxpayer has a $400 billion to $500 billion—that is $½ trillion—of liability because a lot of these notes aren't ever going to be paid back. Yet Fannie and

Freddie are still operating almost in a business-as-usual mindset, pushing money out the door, buying up bonds and notes and mortgages, and doing it almost as if there is no end to the taxpayers' pocketbook.

In fact, we don't even put Fannie and Freddie on the Federal balance sheet. We know, since we own 80 percent of those companies that the taxpayer is on the hook for this debt—this $400 billion to $500 billion of debt. This bill acts as if it doesn't even exist, and yet that was one of the primary drivers of the economic collapse of 2008, from which we are all suffering and have suffered. So this bill should have at least an initial step into the arena of how we are going to handle this issue of straightening out the GSEs, as they are called.

The first step is that we ought to bring their liabilities onto our books so that the taxpayers aren't being lied to; so that we are telling the truth to the American people as to how much it will cost to straighten this out and we have started thinking about how we are going to straighten it out. Yet this bill doesn't do that. That is a place where we, as Republicans—and I think a lot of other people—would like to see this bill improved, and that is why we are opposing going forward with the bill in its present form until we are allowed to participate in the negotiations on improving it. That is what this is all about.

The third issue, of course, is the credit rating agencies. We know without any question that the credit rating agencies failed miserably, and people relied on their information, their credit rating of varied securities. That is one of the primary reasons people were willing to buy a lot of the instruments that were floating around. They believed, generally, when the credit rating agency said it was a triple-A rated security, that they had done their due diligence and it was a triple-A rated security. It turned out it wasn't, in many instances.

As a result, it was sloppy underwriting again, by people or financial houses that were willing to buy these securitized products, the CDOs and various other products. They didn't do the heavy lifting of everyone going and looking at the actual assets which were backing up these products. They relied on the rating agencies, and the rating agencies didn't do their job either.

So we have this serious issue with rating agencies that needs to be addressed. It is not effectively addressed in this bill. But we cannot correct the problems which created the 2008 crisis and caused this very severe recession and put this country through this tremendous trauma unless we address that issue, along with underwriting standards, GSEs, and credit rating agencies. So Republicans are saying: Let's look at that and try to fix that. That is why we don't want to go forward until we are brought to the table and allowed to address that issue.

Another question: They have filled this bill with all sorts of extraneous things that had absolutely nothing to do—absolutely nothing to do—with the housing crisis and the economic meltdown that followed. A lot of corporate governance rules that have been kicking around this city for a long time and that are the agenda of certain groups in this city that have a political agenda dealing with wanting to have control over corporations—a lot of it influenced by organized labor—have been thrown into this bill willy-nilly. They had nothing, and they have nothing, to do with the overarching issues that affect protecting the market and making and giving us a sound financial system. Yet they are in this bill. They shouldn't be in this bill or, if they are going to be in the bill, they should be significantly adjusted.

So these are some of our concerns. People ask: Well, why are the Republicans stopping this bill at this point? Because we want a better bill, and we have specific proposals for accomplishing that. We want language which does accomplish too big to fail and ends that policy. We want language which makes the derivative market not only safe and not a systemic risk but a sound and strong force for credit in this country. We want language which addresses better underwriting standards. We want language which addresses the issues of the GSEs. And we want language which addresses the failures of the credit rating agencies. We don't want a lot of extraneous language which is simply brought along because the train was leaving the station and it was thrown on it, and which, in many instances, in my mind at least, undermines rather than becomes a constructive force for a better financial system in this country.

So those are our concerns, and that is why we are continuing to insist that we be allowed to be at the table to negotiate these very critical issues on this very complicated bill.

I thank the Senator from North Dakota for showing me the courtesy of allowing me to go first, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, change is very hard in this country and in this Chamber. Change is always hard. I was thinking, as we have been blocked from proceeding on the Wall Street reform bill, which is a very important issue, about what probably was the case on another big change at the turn of the last century, when Upton Sinclair wrote about the meatpacking houses in this country.

He wrote a book called ''The Jungle'' and described his visit to the meatpacking houses in Chicago and the unbelievably unsanitary conditions in those meatpacking houses—rats all around those meatpacking houses. But that was all right because they poisoned the rats. They took loaves of bread and soaked them in poison, laid them around and then there were dead rats and all the other things that existed in those meatpacking houses that went down the same chute, and out the back side came meat right to the grocery store and to the American people, an unsuspecting public—the most unsanitary conditions in the world.

As a result of publishing the book, ''The Jungle,'' there was a public outcry demanding that something be done. The Congress finally, at last, at long last, beat back the opposition of a very strong meatpacking industry and passed safe food laws, creating the Food and Drug Administration. Change is so very hard. But people knew then something had to be done about that, and the American people know now something has to be done about this.

It is interesting to hear people come to the floor of the Senate and say: Well, we are blocking a motion to proceed to go to a Wall Street reform bill because we want to make it better. Does anybody really believe that? They want to weaken it. They do not even want it in the first place, to the extent they can avoid it. That is why they didn't do anything in the committee. There were negotiations for weeks in the Banking Committee. I was not there, but I am told by all involved there were negotiations for weeks in the Banking Committee. Then they had a markup, and the Republicans didn't offer one suggestion.

If they have a whole backpack full of suggestions on how to improve the bill, why was there not one amendment offered in the committee? So now we have the spectacle of the desperate need for reforming Wall Street finance in this country and the entire Republican caucus in the Senate votes no—every single one of them.

Well, let me describe what we are facing, if I might. This economic collapse is not a stranger to most Americans. Somewhere around 15 or 16 million got out of bed this morning jobless, looking for work and can't find work. They understand the cost of this economic collapse.

Here is what it has cost the taxpayer. By the way, we don't have all these numbers. This was from an enterprising reporter at Bloomberg who did good work. But the Federal Reserve bailout commitment, $7.8 trillion; FDIC, $2 trillion; Treasury, $2.7 trillion; HUD, $300 billion—that is $12.8 trillion, think about that, the amount of money lent, spent or committed on

behalf of the American taxpayer to try to get out of this deep hole.

Even as we found ourselves in this deep hole—here, by the way, is what has happened to the biggest financial institutions in the country. Going back 10 years ago, the Congress decided—in my judgment without any wisdom at all because I voted against it—to say let's homogenize all our big financial institutions. Congress said let's put them all in one big basket, investment banks, FDIC-insured banks, real estate, securities, throw them all into one big old holding company and things will be great. It will allow us to compete with the Europeans and others much better.

They created these giant houses of cards. This is what happened the largest financial institutions in the country got bigger and bigger. In fact, that is what has happened even during this collapse. Even in the greatest recession since the Great Depression they have continued to grow.

Let me again describe some of the origin of this, this cesspool of greed that has existed in recent years, resulting in one person—I have talked about him in the past—making $3.6 billion in just one year, betting against America, selling short.

By the way, if you are wondering, that is $300 million a month or, if this person's spouse asks: How are we doing, sweetheart, he can say we made $10 million a day every single day.

This is on the Internet right now and this is the origin of all this greed. It goes up from here, to a security, to a hedge fund, to an investment bank, and they are all making obscene profits right on up through the collapse. By the way, they are doing it again today. This is on the Internet. This is a company called EasyLoanForYou:

> Get the loan you seek fast and hassle-free. Our lenders will approve your loan immediately regardless of your credit score or history.

You need a loan? It doesn't matter how bad your credit is. Here is one on the Internet. SpeedyBadCreditLoans. It says: Bad credit, no problem. No credit, no problem.

How about bankruptcy? That is not a problem either. Come to us, ''Get a guaranteed bad credit personal loan today.''

Yes, this is on the Internet today. Bad Credit Personal Loans, ''a Christian Faith Based Service.''

Previous bankruptcy? That is all right. No credit, bad credit, recent divorce, need more money? No problem.

This is the origin of what was going on in this country and it is still going on. By the way, you don't have to make interest payments or principal payments for the first 12 months, we will make them for you, and you don't have to document your income to us.

We wallpapered this country with this sort of nonsense, fundamentally ignorant banking practices, and then turned them into securities and sold them up, up, up the chain. The fact is, everybody was making big fees. The rating companies were with their pompoms, approving everything with AAA. Meanwhile, they were creating an entire house of cards. Unbelievable.

Today, there is a hearing going on and one of the largest investment banks is under siege at that hearing because our friend, Senator CARL LEVIN, actually has the goods. He has the memos, the internal memos. He subpoenaed them. It shows that investment banking company is making record profits now but actually was betting against its customers, was actually selling short, betting against the American economy. So the question is, When all that was going sour and the American taxpayers were told these companies that are doing that are too big to fail, that we have a moral hazard here, we have systemic risk with grave consequences to this economy and therefore the American taxpayer has to be told you bail them out. The Federal Reserve, on behalf of the American taxpayer, decides we are going to provide unlimited funding and unlimited money and a new loan window for the first time in history to investment banks. Then we go to the Fed and say: How much did you actually put out there? And they say: You have no business knowing. We don't intend to tell you, and we don't intend to tell the American people. That is where we find ourselves right now. It is unbelievable.

There is an old country saying: The water is not going to clear up until you get the hogs out of the creek.

This issue we are trying to get to the floor of the Senate on a motion to proceed so we can actually do Wall Street reform is all about getting the hogs out of the creek. But we will vote again today at 4:30—I believe it is 4:30. We voted yesterday. We will vote, I suppose, tomorrow. Every single Republican has said we don't intend to even allow you to proceed because we want to strengthen the bill. Really? When two of the top Republicans go to Wall Street about 19 days ago to meet with two dozen Wall Street executives in a closed session and then come back and say we are going to stop Wall Street reform because we want to strengthen it—I don't think so. It doesn't sound to me like that is the case.

If you want to strengthen it, I say to my colleagues—you say it is not strong enough in too big to fail—I am going to be offering an amendment on ending too big to fail. But you can't offer an amendment unless you get the motion to proceed to get the bill on the floor. But I am wondering how many Republican votes I will get for an amendment that says if you are too big to fail, if you pose a moral hazard, systemic risk with grave consequences to our economy, it seems to me we should back you away through divestitures to a point where you are not causing that moral hazard, if that is the case.

Those who say they are trying to strengthen this bill—and I doubt it—I wonder if they will join me on that.

They come to the floor and say: We haven't had a chance to negotiate or discuss this, when, in fact, there were negotiations for months in the Senate Banking Committee, and before that there were hearings that went on for a year in the Senate Banking Committee. When they finally got to the point of writing the bill, the Republicans decided we don't have one suggestion for an amendment, not one, not any. Now they are saying: We are going to take a stand. We are not going to even allow the Senate to consider Wall Street reform because we think it needs to be improved. Oh, really? I think they think it is too strong. I think they have a lot of friends who want them to weaken it. That is my belief.

The question is, Will we be able to see, at some point, perhaps at long last, the other side stop making excuses and allow us to begin legislating? Is there any American who has suffered the consequences of this deep decline in our economy, the deepest decline since the Great Depression—is there any American who says: You know what. Hands off the big investment banks. Hands off the big finance companies. Yes, we know they were trading things we don't understand. They were trading things such as credit default swaps that were naked.

I asked the other day: How did that get naked? A credit default swap that is naked means it has no insurable interest in any case on either side. It is not investing, it is simply waging. I said before: Why pretend? Why not put a keno pit or a craps table in the lobby of those institutions because all it is, is making wagers or bets.

We have a couple of very large communities and many other areas of America where you can do that, Las Vegas and Atlantic City. But in the last decade, and especially with the growth of these unbelievably exotic instruments, we have seen that happening increasingly in the lobbies of some of America's biggest financial institutions because they have decided, if they bet and lose, at least the record is the American taxpayer going to be standing behind them to pick up the tab.

No more. The legislation brought to us by Senator DODD and Senator LINCOLN dealing with financial reform and derivatives is not perfect. Senator DODD is on the floor. He would be the first to say that. But none of us can offer any amendments unless we have a motion to proceed to get to the bill. I think the work done by Senator DODD and the Banking Committee is work that needs to be commended. It

stretches my imagination, and I think others', for the excuse for voting against the motion to proceed to allow us to get to the floor on this and actually have a debate and offer amendments, to allow as an excuse that the other side truly wants to strengthen this.

You know what. We are going to get to the bill at some point, somehow, over the opposition of a determined minority that wants to protect Wall Street's interests here. Even as we are holding these hearings today and discovering some pretty pathetic behavior on behalf of some big economic players, we are going to get to this bill. When we do, we will see who is on the floor of the Senate on the side of the American people. We will see who truly wants Wall Street reform that does the right thing.

There are many things we need to do. Let me just say I mentioned too big to fail—I am going to introduce an amendment that bans naked credit default swaps that have no insurable interest. Again, that is betting, not investing. So there are a lot of things for us to do, but we cannot even begin to do that until we get a motion to proceed, and we would expect, perhaps even by accident, we would get one vote or perhaps two votes on the other side. We will see. Maybe this afternoon will be the time.

The American people deserve much better. As I said when I started, I know that change is hard and big change is exceedingly hard. But this is a big issue. This isn't some small potatoes. This is trillions and trillions of dollars. The American people lost $15 trillion in wealth when the economy hit rock bottom. So they require us, they demand of this Congress to take action—not to take action just for the sake of having done something but to take action for the sake of fixing this, to make sure this sort of nonsense and behavior cannot ever happen again in a way that threatens this country's economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by commending my friend from North Dakota, expressing my agreement of virtually everything he said. I also commend Senator DODD for the very hard work he has done in bringing forth a very strong piece of Wall Street reform legislation which is long overdue.

Let me also say that my good friend and neighbor from New Hampshire, Senator GREGG, took to the floor yesterday to express his outrage that 10 Senators on the Budget Committee voted for an amendment I offered—which lost, by the way, 12 to 10—to begin the process of breaking up too-big-to-fail financial institutions that pose a catastrophic risk to our economy. Frankly, after listening to Senator GREGG's statement, I wonder, with all due sincerity, what planet he is living on. Apparently, he has missed the fact that due to the greed, the recklessness, and the illegal behavior of Wall Street, the American people continue to suffer through the worst economic crisis since the Great Depression. The damage done by Wall Street in bringing this economy to a grinding halt is incomprehensible—millions of people having lost jobs, their homes, their savings, young people trying to go out into the job market to begin a career in their lives unable to do that because of the greed of Wall Street. The fact that just yesterday we could not get one Republican vote to proceed to begin the debate on how we finally reform Wall Street is beyond my comprehension. This debate needs to be going forward, and we need to pass strong—underline "strong"—legislation that makes sure that what happened a year and a half ago never, ever happens again.

I also find it interesting that we have some of our conservative Republican Senators, such as Senator GREGG, who day after day tell us how much they dislike big government—they don't like Social Security, don't like Medicare, don't like big government—but apparently have no problem with huge financial institutions which control a very significant part of our economy. In the last 15 years, the six largest banks in this country have more than tripled in size and now have combined assets equal to 63 percent of the gross domestic product. Let me say that again. The six largest banks in this country now have combined assets equal to 63 percent of this Nation's GDP.

I ask all my conservative friends who come down saying: Oh, government is too big, government is awful, what about banks that have trillions of dollars in assets? Why aren't we talking about that reality? The truth is that today what we are seeing with these huge financial institutions is not only the ongoing problem of what happens when they fail and whether the taxpayers will be having to bail them out again, but when you have that kind of concentration of ownership, you have a very dangerous situation.

The four largest banks in this country, four banks, issue two-thirds of the credit cards. What do we think about that? Everyone in the world has a credit card. Four banks issue two-thirds of that.

How does that tally with the rhetoric I hear from my conservative friends about a competitive economy? Competition is what drives prices down.

Well, maybe one of the reasons millions of Americans today are paying 25 or 30-percent interest rates on their credit cards is you have got four banks that issue two-thirds of them.

The four largest banks in this country provide half of the mortgages in America. I think that is a real problem. The four largest banks control nearly 40 percent of all bank deposits in this country.

Over 100 years ago, we had some good Republicans, William Howard Taft and Teddy Roosevelt. When they saw the concentration of ownership and wealth that existed in their time, they, as good Republicans, said: Let's start breaking it up.

I think what they did over 100 years ago is a lesson we should learn today. If a financial institution is too big to fail, that financial institution is too big to exist and the time is now to start breaking it up.

This idea of starting to break up large financial institutions is not just an idea that BERNIE SANDERS has, it is not just an idea, an amendment offered by Senators BROWN of Ohio and KAUFMAN are going to speak to. It is an idea that is spreading all over this country.

I would point out to you that the presidents of three regional Federal Reserve Banks also support the need to start breaking up large financial institutions. These are: James Bullard, who is the president of the Fed in St. Louis; Thomas Toenig, the president of the Fed in Kansas City; and Richard Fisher, the president of the Fed in Dallas, TX. They are all in agreement that we have got to start breaking up these large financial institutions.

Senator DORGAN made this point, and I want to make it again; that is, that during the bailout, the Fed decided it was going to lend out trillions of dollars in zero or almost zero-interest loans. When Chairman Bernanke came before the Budget Committee, on which I serve, I asked him what I thought was a pretty simple and straightforward question: Mr. Chairman, can you tell me and the American people who received these loans?

I mean, we are talking about trillions of dollars in loans. I do not think it is too much to ask who received the loans and what the terms were of those loans. Well, Mr. Bernanke disagreed. I offered an amendment that day that begins to bring transparency to the Fed. That amendment is called the Federal Reserve Sunshine Act. I am happy to say it has 32 cosponsors. Interestingly enough, 22 of them are Republicans, 10 are Democrats. They are: Senators BARRASSO, BENNETT of Utah, BOXER, BROWNBACK, BURR, CARDIN, CHAMBLISS, COBURN, COCHRAN, CORNYN, CRAPO, DEMINT, DORGAN, FEINGOLD, GRAHAM, GRASSLEY, HARKIN, HATCH, HUTCHISON, INHOFE, ISAKSON, LANDRIEU, LEAHY, LINCOLN, MCCAIN, MURKOWSKI, RISCH, THUNE, VITTER, WEBB, WICKER, and WYDEN.

That is quite a cross section of political views in favor of bringing transparency to the Fed. What my amendment will do—and we intend to bring that amendment to the floor during this debate—is, in fact, it would require the Federal Reserve to release all

of the details about the more than $2 trillion in zero-interest loans the Fed provided to large financial institutions. Also it would call for a GAO audit of the Fed.

The bottom line there is it is imperative that the GAO conduct an independent and comprehensive audit of the Federal Reserve within 1 year. That is what our amendment does. It requires the Federal Reserve to disclose the names of the financial institutions that received over $2 trillion in virtually zero-interest loans since the start of the recession.

This is an amendment that I think millions of people want. What is interesting about it is if you talk about bipartisanship or tripartisanship, this amendment, both in the House and the Senate, brings together some of the more conservative members and some of the more progressive members. In the House, this language is supported by my former colleague RON PAUL. I am introducing it here in the Senate. That, my friends, is a very significant disparity in political views. But we do agree that the Fed needs transparency.

Let me conclude by simply saying this: The time is now for the Senate to begin to deal with the greed, the recklessness, and the illegal behavior on Wall Street. The American people have demanded action since this crisis began, and we owe it to them to deliver. As we proceed with Senator DODD's piece of legislation, which I think has many very positive attributes, I think our goal is as we debate it, to make it even stronger.

In that regard, as I mentioned, I will be bringing forward an amendment dealing with Fed transparency. I will be bringing forth an amendment which will put a cap on the interest rates that banks can charge. I think it is not acceptable, not moral, that banks are now charging 25, 30-percent interest rates. We are going to have a cap similar to what exists for credit unions.

As I mentioned also, we are going to have legislation, an amendment dealing with Fed transparency. So my hope is our Republican friends will join us in beginning this debate and, in fact, going forward so that finally, finally, we can hold Wall Street accountable and bring forth the legislation to make sure that never do we see a repetition of the disaster we saw a year and a half ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I understand I have 10 minutes in which to make my remarks. Is that correct?

The PRESIDING OFFICER. The Senator can be recognized for 10 minutes.

Mr. ROBERTS. I appreciate that.

Over the past 2 years, Americans have seen an unprecedented government reach into the private sector, some of which may be necessary. They are angry about it, as they should be.

For many, the overreach of government began with the bank bailout or TARP. The $700 billion TARP that I opposed was passed in the fall of 2008 when every day we awoke to see a new financial crisis headlining the front page.

TARP was initially intended to purchase troubled assets and get them off the books of the troubled banks. Yet, over time, the program evolved into a fund—some would call it a slush fund—to include bailouts for the auto industry and the housing market. The term ''bailout'' will never be the same again.

I think the American people are right to demand that they are never again put on the hook to bail out a failed company. They are right to demand that those who got us into the financial mess not be allowed to do so again. Unfortunately, the financial regulatory reform bill that the Senate is set to take up and debate does not achieve these goals.

I know both sides are now involved in discussions, and the next 48 hours are going to be absolutely crucial to determine if, in fact, we can get a bipartisan bill. But with any business, if it is mismanaged, if its leaders make poor decisions, the business should be allowed to fail. Success and failure have, until recently, been the cornerstone of what has made our economy one of the strongest in the world. The bailouts of financial and auto companies have turned that philosophy on its head. I think it is a dangerous road to go down. We need to set a new course. It is what the American people want.

This bill does not end bailouts. Instead, it allows some of the largest financial institutions to contribute to a bailout fund, to be used if a company were again to fail.

Well, this does nothing to deter companies from taking risks that could lead to failure and the need for a future bailout. In fact, it sends a signal that the government will bail out institutions, just as it bailed out Fannie Mae and Freddie Mac, the two troubled mortgage giants that have received $125.9 billion, might as well make it $126 billion, in direct government funding and now have an unlimited U.S. credit line.

Yet there is no mention, no mention, of Fannie Mae or Freddie Mac in this bill. Failure to deal with Fannie Mae and Freddie Mac keeps taxpayers on the hook for more bailouts of these entities.

The bill also allows the FDIC and the Federal Reserve to come to the aid of failing financial firms, which means that financial markets will be fully aware of the government's authority and inclination to prop up large failed financial institutions.

The very existence of this authority undercuts the claim that the government will actually ever wind up with such firms. Those firms, along with their creditors and shareholders, will take more risks and, yes, put the financial system into even greater danger.

There has also been much attention paid to the creation of something called a Bureau of Consumer Financial Protection, BCFP. I would hate to try to pronounce that acronym.

This sounds like a good idea at first. We all want, everyone in this Senate wants, to ensure strong consumer financial protection. That is not the issue. Yet, rather than working with regulators to strengthen existing consumer protection rules and crack down on unfair deceptive and abusive practices, this provision adds another layer of bureaucracy and financial regulation that will ultimately be harmful for consumers, and I mean all consumers, by raising their costs for financial products, and eliminating the types of financial products and services that are available to choose from.

Not only that, this bill increases the regulatory burden for banks, including our community banks, that are already subject to 1,700 pages of regulations in the consumer area alone. Under this bill, our community banks would have to comply with an additional 27 new or expanded regulations, including new burdens on small business loans. No telling how many pages these new regulations will add or how much they will increase the cost of lending to small business. Finally, this bill harms the very innovation and entrepreneurship that has made our country so successful and created one of the strongest economies in the world. It does this by limiting the ability of small startup companies to raise seed capital. Currently, angel investors—that is quite a name—but angel investors, those higher income individuals who wish to invest in a promising startup company, to take the risk, must have a net worth of at least $1 million or income of $250,000.

This bill increases those requirements to $2.3 million and $450,000, respectively. Estimates are that this provision, along with a provision in the bill that would subject startups and investors to 50 different sets of State regulations, would disqualify about 77 percent of current investors.

In 2007, these individuals invested $26 billion in more than 57,000 ventures across the country. We are talking about companies such as Amazon, Google, Facebook. All benefitted from angel investors. Yet this bill makes it harder for promising young companies to get the capital they need to get started to grow and become successful.

At a time when the unemployment rate is 9.7 percent, I think the last thing Congress should do is to make it more difficult for small businesses to start up and be successful. Small businesses are, as the President has acknowledged, the leading job creators in the country.

Everyone—everyone—all of us agree we need better regulation of our financial system. However, the financial regulatory reform bill that came out of the Banking Committee does not achieve that goal. I dearly hope the chairman of the committee and the ranking member can reach some accommodation to produce a better product.

It does not address the problems, as written, that led to the financial turmoil but, instead, imposes additional regulatory burdens on our community banks and financial institutions that did not contribute to that turmoil.

It does not discourage risk taking by large financial institutions. It does nothing—nothing—to address Fannie Mae or Freddie Mac, which had a central role in the collapse of the housing markets that helped trigger the financial crisis.

It does not ensure that taxpayers never again have to bail out a failed company. However, it does increase the Federal bureaucracy and make it more difficult and costly for consumers to obtain credit for their families and small businesses.

This approach will not benefit consumers or community banks or our economy. We need to work to improve this bill. It is vital for our economy we get it right when addressing financial regulatory reform because the consequences will be seen for years—for years—to come.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Connecticut.

Mr. DODD. Madam President, I will take a few minutes, if I can, recognize myself for 10 minutes, if I may, and ask the Presiding Officer to notify me when that time has expired.

The PRESIDING OFFICER. The Chair will do so.

Mr. DODD. Madam President, I have great affection for my friend from Nebraska and I appreciate his comments about the bill. He wants to fix the bill. That is a noble goal. And the way to fix the bill, of course, is to begin debating the bill. So I am delighted to hear he would want to fix the bill. The problem I have is I cannot seem to get enough people on the other side to get us to the point where we might give them an opportunity to do exactly what they claim they want to do.

Mr. ROBERTS. Madam President, will the chairman yield for a second?

Mr. DODD. I am happy to yield, just for a second.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I am very privileged to represent the State of Kansas.

Mr. DODD. Kansas. Excuse me. I am sorry.

Mr. ROBERTS. Nebraska is fine, but they——

Mr. DODD. I apologize to my colleague.

Mr. ROBERTS. I mean, their football teams are a completely different——

Mr. DODD. But in basketball, you do very well, so it is OK.

Mr. ROBERTS. So it is Kansas.

Mr. DODD. Kansas, not Nebraska.

Mr. ROBERTS. I appreciate it.

Mr. DODD. I thank my friend.

Anyway, my point is, we want to get to the bill. And whether it is my Senator friend from Kansas or Nebraska, we want to get to the bill, if we can. That is all this is about now. I am going to talk about the bill a bit here in the brief moments I have before we actually get to the vote this afternoon on this matter.

The American public is sitting there in sort of stunned disbelief. Here we all acknowledge this huge problem that needs to be addressed for the 8.5 million people who have lost their job, the 7 million who have lost their homes, their retirement income. We know from all of the statistics what this financial crisis has caused.

Over the last year and a half, we have been busy trying to come up with the answers on how to solve this problem in the future. Here we are, with about 14 weeks left to go before the close of this Congress, with a bill on the floor of the Senate that we put together over many weeks and months—on a bipartisan basis, I might add. Here it is, Madam President. Now we are being told, despite the fact that 58 of us believe we ought to at least begin the debate—I am not asking anyone to vote for the bill. I am not asking you to vote for an amendment on the bill. All I am asking you is, Can we begin discussing this bill here? It is the job of this body to do so.

So I am delighted to receive all the lectures I have received from people from about whether they like the bill or do not like the bill or what they want to add to it or subtract from it, and that is all very interesting conversation. But the fact is, until we actually move to the bill—which will be the matter once again before us this afternoon—all that talk is nothing but talk.

If you have an idea on what you want to change in this bill, tell me about it. But, more importantly, let's debate it, discuss it, and then vote on whether to add it to this piece of legislation, or to take anything out you wish to take out as well. But I cannot even begin that process if, in fact, you continue to object to us getting to a debate.

So that is what this is all about.

I guess it does not pay to get your hopes up in this town, but I was still disappointed yesterday when we ended up coming up short with the votes necessary to proceed to the bill.

To be honest, I am still mystified by the reaction of our colleagues. Yes, we have heard all the rhetoric from the minority leadership. We have seen the thundering horde of Wall Street lobbyists descending on this community, having been paid millions of dollars to do everything they can to stop this, including the motion to even proceed to debating the bill. They had a victory yesterday. Congratulations to the Wall Street lobbyists. You had a great day yesterday. The American people do not even have a chance to hear a bill discussed that might avoid the kind of catastrophe that has befallen them over this past year and a half.

And, yes, we are all familiar with political considerations that seem as inevitable as the sunrise in this community. But still, I cannot bring myself to believe that every single member of the minority caucus wants to stand with the large Wall Street financial institutions that are the major objectors to this bill going forward.

This morning, as Goldman Sachs executives were testifying—including this afternoon—before a Senate committee, we all got another chance to understand why they feel so deeply wronged by this legislation.

As Frank Rich said in the New York Times this weekend—and I quote him—

> [S]omething is fundamentally amiss in a financial culture that thrives on ''products'' that create nothing and produce nothing except new ways to make bigger bets and stack the deck in favor of the house.

Our prosperity in the country was built on the hard work of generations of Americans. It was grown in the cornfields of Nebraska and Kansas, engineered in the laboratories of Massachusetts, forged in the foundries of Chicago, and manufactured, if I may say so, in textile plants such as in my home State of Connecticut.

It is deeply ingrained in the American ethos that, in this land of great opportunity, you build wealth by creating something: an idea, a product, a service.

This economic crisis was not caused by the creators, the producers, the small businesses, and the working men and women who abide by that guiding principle. It was caused by some on Wall Street who wanted to get rich without contributing a thing, by executives who simply come up with ways to circulate money around in a large circle, taking a piece for themselves every time that circle spins.

Operating in the shadows of our economic structures, in the places where regulators were not equipped to do their job, firms such as Goldman Sachs found ways to game the financial system, reaping unheard of profits and rewarding their executives with huge bonuses.

Understand exactly what these bankers were doing. They were not just trying to predict the future; they were betting on the failure of the mortgage market, a failure they themselves were in a position to cause.

Earlier this month, National Public Radio and the nonprofit journalistic

organization ProPublica reported on another firm, a hedge fund named Magnetar. This hedge fund, according to the report, saw the housing market begin to decline in the year 2005, bought up enormous amounts of doomed bonds composed of bad mortgages—thus, keeping the market artificially inflated—and then made huge bets on the failure of the very bonds they had bought, now knowing how worthless they were.

Thanks to this scheme, the housing bubble grew bigger and collapsed harder. Magnetar walked away with billions of dollars in profits. Other institutions saw an opportunity to run the same scheme. The American people ended up paying the price, of course, as we all painfully are aware.

I am the chairman of the Banking Committee. I believe in the vibrant financial sector of our Nation. Small businesses need capital and credit. There are many honest people on Wall Street who, I believe, have helped others to build wealth in our country. So the problem is not that these executives got rich without contributing to America. The problem is that these executives got rich betting against America. They did it in secret where no one could see what they were doing, let alone stop them, until it was too late. They took outrageous risks with money that did not belong to them because they could, in their view. By the time anyone realized what was going on, they had managed to destroy much of the prosperity Americans had built over the course of generations.

Maybe I am naive, but I do not believe any Senator wants to be on their side in this debate. And do you know what. I have seen firsthand that there are Republicans who deeply want to get to this bill and get it done. That is why the legislation we want to bring to the floor reflects broad bipartisan agreement. This bill was not written by this Senator alone or a handful of Democrats on the committee. This bill was written in large part with the cooperation of my colleagues, both Democrats and Republicans.

The bill creates an early warning system so we can see and stop the next wave of dangerous financial products and practices before it threatens the economic stability of our Nation. It brings derivatives out of the shadows and into the sunlight so that Wall Street is held accountable for its actions. And finally, it puts a cop on the consumer protection beat so Americans can make smart decisions based on full information when they are planning for their financial futures and those of their families.

To listen to the minority leader, the main point of contention, over the last week or so, the reason he has given for his caucus to try and kill this bill as a bloc, is a disagreement over the provisions of our bill that end too-big-to-fail bailouts.

But I have to tell you, I do not believe that is the case. No fair reading of this bill allows you to claim with a straight face that it perpetuates taxpayer bailouts. It is not true. I have debunked that idea before on this floor, and I will do it again.

The morning after the minority leader made that claim, McClatchy Newspapers wrote:

McConnell—

Speaking of the minority leader—

had accused Dodd of drafting partisan legislation, even though the Banking Committee chairman has worked for roughly half a year with key Senate Republicans and incorporated many of their ideas into his bill. McConnell also said the bill continues controversial bank bailouts, but it doesn't.

If you do not believe the press reports, here is what our friend, the head of the FDIC, Sheila Bair, had to say. She, as I said, is the head of that organization, the Federal Deposit Insurance Organization—former legal counsel to the minority leader Bob Dole, a Republican in good standing, I might add, as well. She shuts down, by the way, failed banks for a living. She is a Republican. She said:

The status quo is bailouts. That's what we have now. If you don't do anything, you are going to keep having bailouts.

Further, talking about our bill, she said:

It makes [bailouts] impossible, and it should.

Sheila Bair says:

We worked really hard to squeeze bailout language out of this bill. The construct is you can't bail out an individual institution—you just can't do it.

Madam President, I will speak a little bit more. I know my other colleagues will want to be heard. I ask unanimous consent for 2 additional minutes, if I can.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. How in the world the minority leader can come up with that argument does not make any sense at all. He quoted, of course, from the infamous Frank Luntz memo. The memo, of course, by Frank Luntz was written before the bill was written. Frank Luntz's political memo said the following:

The single best way to kill any legislation is to link it to the Big Bank Bailout.

So he provided political recommendations and strategies even before this bill was written. The memo, of course, confirms that because of the date of it. So no matter what he wrote, that was going to be their political argument here. So the minority leader blindly followed the political memo here: Make that argument. Whether it is true is irrelevant, just say it often enough. And the old adage goes: If you repeat it often enough, people will begin to believe it, despite what the facts are. So again, that is the language of others.

But let me, if I can—because sometimes talking about it is not enough—let me quote from sections of the bill.

Section 204 of the bill says:

(1) Creditors and shareholders will bear the losses in the financial company;

(2) Management responsible for the condition of the financial company will not be retained.

Let me translate: You get fired.

(3) The Corporation and other appropriate agencies will take all steps necessary and appropriate to assure that all parties, including management and third parties, having responsibility for the condition of the financial company bear losses consistent with their responsibility, including actions for damages, restitution, and recoupment of compensation and other gains not compatible with such responsibility.

Section 206 of the bill:

In taking action against this title, the (FDIC) shall determine that such action is necessary for the purposes of the financial stability of the United States, and not for the purposes of preserving the covered financial company; ensure that the shareholders of covered financial company do not receive payment until after all other claims and the Fund are fully paid; ensure that unsecured creditors bear losses in accordance with the priority of claim provisions in section 210; ensure that management responsible for the failed condition of the covered financial company is removed—

Again, fired, if you didn't understand those words—

and not take an equity interest in or become a shareholder of any covered financial company or any covered subsidiary.

Lastly:

Notwithstanding any other provision of law, the Corporation, as receiver for a covered financial company, shall succeed by operation of law to the rights, titles, powers, and privileges described in subparagraph (A), and shall terminate all rights and claims that the stockholders and creditors of the covered financial company may have against the assets of the covered financial company or the Corporation arising out of their status as stockholders or creditors, except for the right to payment, resolution, or other satisfaction of their claims as permitted under this section. The Corporation shall ensure that shareholders and unsecured creditors bear losses consistent with the priority of claims provisions under this section.

We seem to agree on the problem, and we seem to agree on how to solve it. So, again, I quote from the legislation.

Let's get to this bill. We have written the provisions that stop too big to fail forever. There are other very important provisions in this bill that deserve consideration.

Again, I am not asking anyone to vote for the bill at this juncture or to vote for the amendments that come up. For the life of me, I don't know how we explain to anyone in this country, in light of what we have been through, that we can't even begin the debate and the discussion.

By the way, no two Senators are going to write this bill. There are 100 of us who serve here, and every single

Member of this body has a right to offer amendments and be heard. As chairman of the committee, I will insist upon that. Every Member who has an idea and has an amendment will be heard. But, please, let's get to it.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. If the Chair will notify me when I have reached 7½ minutes so I may come to a blazing close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, it has been over 2 years since Bear Stearns failed. It has been over 18 months since Wall Street collapsed and the economy teetered on the brink of depression. It has been almost a year since the administration offered a detailed proposal to reform Wall Street. It has been 4 months since the House passed its version of Wall Street reform. Yet, unfortunately, the minority party, the Republicans in the Senate, still want to delay any Wall Street reform. They want to put off Wall Street reform for another day.

Yesterday, the Republicans in the Senate had a chance to vote to end their filibuster on Wall Street reform so that we could start to debate this issue and consider amendments from both sides of the aisle, almost the way we remember learning about the Senate in school: a real place where there is a real debate, differences of opinion, votes, winners, losers—an amazing concept. We don't see much of it anymore, do we?

There are a lot of empty chairs here. There is very little actual debate leading to a vote. So yesterday we said to the Republicans: After all this time since this started, after 2 years since Bear Stearns failed and all we have been through, isn't it about time for us to roll up our sleeves and get down to work? Shouldn't we bring some reform and transparency to Wall Street so we don't have to go through this ever again? Wall Street got away with murder and the taxpayers ended up holding the bag, remember?

The previous administration asked us to send almost $800 billion to Wall Street to save the institutions that made some of the greediest, stupidest decisions in the history of American business. I was in those meetings. I can remember sobering moments—I will bet the chairman of the Banking Committee can remember them as well—when the Treasury Secretary, Mr. Paulson, and the Chairman of the Federal Reserve, Mr. Bernanke, looked us in the eye and said: If we don't put $85 billion in AIG today, it will fail and the American economy will fail with it. It takes your breath away. We do a lot of important things here but nothing like that. Then, it wasn't 2 weeks later that they came back and said: It is not enough. We need up to $800 billion to buy toxic assets with something called TARP.

Well, let me tell my colleagues, I am a liberal arts lawyer. I have spent a lifetime in politics. I can't really start quibbling and arguing about puts and calls and derivatives and CDOs and all the rest of it. At some point, you take the word of the people who are in charge, and I voted for it. The alternative was unthinkable.

So where are we today? Sadly, some of those same firms we rescued with taxpayers' dollars sent us a thank-you card which had a postscript that said: Incidentally, we have just declared that we are going to give one another $10 million bonuses for our wisdom. How do you buy that? How do you sell it to the American people?

So we have come here with the leadership of Senator DODD on the Banking Committee and Senator LINCOLN on the Agriculture Committee, which has a piece of this, and said: We are going to change this story. We are going to have more accountability, we are going to have more transparency, and, frankly, we are going to put a cop on the beat when it comes to Wall Street. We are going to make sure they don't get involved in this mess again.

I don't often come to the floor to plug a book, but I am going to: Michael Lewis, ''The Big Short.'' I recommend it if you can stand it. He tells the inside story of what happened on Wall Street. These so-called great, wise men didn't know what they were doing other than making a lot more money every single day. They were building this house of cards, and eventually it fell. He tells the story about the folks who profited when it fell. They were completely out of favor for years. People said: Shorting the housing market? Are you crazy? There is no way to go but up when it comes to housing. Well, they made a lot of money, shorting the market, and the folks who came up with these crazy vehicles to package all these mortgages left us and America holding the bag.

This recession we are in took $16 trillion to $17 trillion out of the American economy. I don't need to tell anybody about it. If you look at your savings account before and after, you know what I am talking about—savings, retirement, the business down the street that closed, the neighbor who lost his job. You know the story, as we all do. It took $16 trillion to $17 trillion. That is more than the total value of all of the goods and services produced in the United States of America in any year—the total value—yanked out of the economy because of the stupidity of these folks.

Now we come before the Senate and say: Do you want to risk going through that again? Shouldn't we learn something in the process here that avoids that problem? The Republicans yesterday said: No, thanks. We don't care to vote on this.

Well, in an hour they are going to have another chance. I hope they have come to their senses. I hope the people they represent have led them to their senses. We have given them ample opportunity, and will, to offer their amendments. Let's hear their ideas. I am going to be open to them. I certainly don't want to water down this bill. I think it is a good bill. I want to try to make it stronger. If they want to water it down, we will have a vote, debate and vote, almost like the U.S. Senate. It will be amazing.

There is a second provision in here for consumer financial protection. Right now, strung out across our government are all of these agencies that are supposed to be watching out for us. We have agencies that make sure the toaster you bought over the weekend doesn't explode, catch fire, and burn down your house. We expect that, don't we? That is the Consumer Product Safety Commission. But we don't have an agency that makes sure the mortgage you signed doesn't explode and you lose your house. That is what happened: stuck in mortgage provisions.

Have you ever been through a real estate closing? There is a stack of pages turned at the corner; sign as fast as you can; at the end of 15 or 20 minutes, you have writer's cramp; a check; a key to the house, and you are out the door. Oh, you didn't check that line, the middle of the page, the 35th document that you signed? It had a prepayment penalty in there for your mortgage. Prepayment penalty, so what? Well, it just says that when the interest rate goes up, you can't refinance it. Oh, I didn't know that. Of course you didn't. Lawyers don't catch those things.

So we want to create the strongest consumer financial protection law in the history of the United States not to create a massive agency—it won't be—but to empower consumers so that when you sit down at that closing or you decide to take out a credit card or a student loan or an auto loan, you know what you are getting into. The basics are in front of you in plain English. Wall Street hates this idea like the Devil hates holy water. The notion that there would be some agency there looking over their shoulder sends fear into their hearts. I think it is a good idea. If someone wants to

come here and debate it, I am ready, but I think we ought to have a debate. What are the Republicans afraid of?

The PRESIDING OFFICER. The Senator has consumed 7½ minutes.

Mr. DURBIN. Let me go to my blazing close.

Let me just say that at the end of the day—currently, lobbyists are being paid $120,000 a day by Wall Street to stop this bill. So far, they have Republicans on their side and they have been successful. In an hour, I hope that all changes. Let them join us in a bipartisan effort to make this economy stronger, make the rules work for average people, and to put some protection in there for the consumers of America.

I yield the floor.

Mr. DODD. Madam President, I am told there are others who want to be heard, so I would at this juncture note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I see my friend and colleague from Oregon. I will yield 10 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Madam President, I thank the chairman of the Banking Committee for the time to address an issue that I think is essential in this bill and for all of the good work he has done to bring this reform bill to the floor of the Senate.

It is time that we have an open debate on the floor of the Senate about provisions that affect the financial foundations of our entire economy. I know the chairman has been working hard. We held the vote yesterday to try to proceed with an open debate. We will hold another vote today and one tomorrow to say let's have this conversation about reforming Wall Street.

Today, I wish to address a particular point, which is limiting the ability of high-risk investments to blow up our economy.

My colleague and friend, Senator LEVIN, did a monumental service to this institution today by holding a hearing with the executives of the large investment firm Goldman Sachs, discussing practices that misled clients and bundled huge risks into our financial system.

The SEC currently has an investigation underway. The courts will determine the merit of that case. But today I want to address what the SEC could not charge Goldman Sachs with: they could not charge them with the clear conflict of interest for holding a financial stake in a position completely opposite to the very security that they themselves put together and were selling to their clients. The reason the SEC could not address this issue is because there is currently no law that says such a conflict of interest is unacceptable.

This gets to the heart of what is wrong on Wall Street today. The executives at Goldman Sachs are insisting up and down that they were not making high-risk bets themselves; instead, they were only ''market makers'' underwriting these deals. Well, no matter how often someone repeats something, that doesn't make it so. As others have said, facts are stubborn.

Goldman was holding positions for its own benefit—large positions. They were betting the market would go one way or another. But that is not making a market, where you bring buyers and sellers together; that is proprietary trading, plain and simple.

Proprietary trading, or high-risk investing, cost investment firms and commercial banks billions of dollars in losses because they bet big on housing securities, and the bets went bad. Those losses were eventually covered, in large part, by the taxpayers through TARP. This isn't a side issue to the financial meltdown; it is a core issue. That is why we need to begin debate on Wall Street reform right now. We cannot let Goldman and other firms continue to pretend they weren't placing high-risk bets. We cannot let financial firms continue to get away with selling bad products to unsuspecting clients while betting against those products.

This issue goes to the heart of the integrity of the system, and integrity is essential for folks who have capital and want to put that capital at risk. They need to know they have a fair market into which they can invest that capital. This goes right to the core of the role of Wall Street in aggregating capital and allocating that capital to the places where it would have the highest return.

The bill before us is a very good bill. I think we can make it even stronger by including an amendment that Senator LEVIN and I have sponsored on high-risk investments and conflicts of interest. But to consider that amendment, we have to begin the debate; and that debate should begin now.

Let's not let lobbyists confuse the issue. They will try to argue that high-stakes investing was not implicated in this crisis, or that the sky will fall if we move high-risk investing outside of the banking system—I am talking about those banks that take insured deposits and make loans—but that is not the case.

I wish to read from a letter sent to me and Senator CARL LEVIN by John Reed. John Reed is former chairman and CEO of Citigroup. He speaks to those false arguments. This is what he wrote:

I write to support your efforts to rein in the high risk activities that helped cause the collapse of the world's financial system. The recent financial crisis demonstrated all too clearly the twenty year deregulatory experiment in combining critical commercial banking with equally critical, but riskier investment banking, failed.

In 2007 and 2008, losses from risky proprietary trades in the major financial firms quickly decimated the availability of credit and seriously damaged the economy far beyond the concrete canyons where those bets were made.

When a firm is focused on market gain through proprietary trading, it too often will employ every available device to achieve those gains—including taking advantage of clients and putting the firm at risk. As recent cases in the media demonstrate, risk management and conflicts of interest systems do not alone accomplish those goals.

John Reed, the former chairman and CEO of Citigroup, concludes with this:

I strongly support your efforts to put the provisions that Chairman Paul Volcker has advocated firmly into law. I believe that the PROP Trading Act (S. 3098) and your proposed Floor amendment based on that does that. The legislation provides reasonable exceptions for client-oriented services while including the necessary safeguards to protect against the dangers of high-risk assets and high-risk trading strategies. Putting these restrictions firmly into law will be good for our economy and good for our financial services industry—even though they may now argue to the contrary. Refocusing our financial firms on client services will help them restore the global leadership position that has been seriously undermined by the recent crisis.

Certainly, we need many other important reforms, including creating a strong consumer protection agency, imposing the duty of care to customers on financial providers, and reestablishing a well-regulated market for derivatives. But a strong Volcker Rule is one of the most important provisions to prevent ''too big to fail'' financial institutions, stop conflicts of interest, and support credit in our economy.

Madam President, I ask unanimous consent that the entire letter from John Reed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 23, 2010.

Hon. JEFF MERKLEY and Hon. CARL LEVIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATORS MERKLEY AND LEVIN: I write to support your efforts to rein in the high risk activities that helped cause the collapse of the world's financial system. The recent financial crisis demonstrated all too clearly the twenty year deregulatory experiment in combining critical commercial banking with equally critical, but riskier investment banking, failed.

In 2007 and 2008, losses from risky proprietary trades in the major financial firms quickly decimated the availability of credit and seriously damaged the economy far beyond the concrete canyons where those bets were made.

When a firm is focused on market gain through proprietary trading, it too often will employ every available device to achieve those gains—including taking advantage of clients and putting the fine at risk. As recent cases in the media demonstrate, risk management and conflicts of interest systems do not alone accomplish those goals.

In fact, the incentives of management and traders at today's massive, publicly traded banks are geared towards short term profits—both the firm's and their own—and not towards the long-term well-being of their employer or their clients. Boards of directors have obligations to maximize shareholder value, and no matter how much they and management attest to the contrary, they too naturally focus on short term performance. As one competitor's risky trading boosts its earnings and relative short term performance, others will be pressured—by the markets, and their own economic self-interest—to follow suit.

Without strong rules on risk, leverage, and conflicts of interest, we will see another race to the bottom, as traders, management, directors, and even shareholders will seek to attain the supersized rewards made possible by high risk investments. The incentives need to be more properly aligned—which can only best occur if proprietary trading is out of the banks, and restricted at the systemically critical non-banks.

I strongly support your efforts to put the provisions that Chairman Paul Volcker has advocated firmly into law. I believe that the PROP Trading Act (S. 3098) and your proposed Floor amendment based on that does so. The legislation provides reasonable exceptions for client-oriented services while including the necessary safeguards to protect against the dangers of high-risk assets and high-risk trading strategies. Putting these restrictions firmly into law will be good for our economy and good for our financial services industry—even though they may now argue to the contrary. Refocusing our financial firms on client services will help them restore the global leadership position that has been seriously undermined by the recent crisis.

Certainty, we need many other important reforms, including creating a strong consumer protection agency, imposing the duty of care to customers on financial providers, and reestablishing a well-regulated market for derivatives. But a strong Volcker Rule is one of the most important provisions to prevent ''too big to fail'' financial institutions, stop conflicts of interest, and support credit in our economy.

I congratulate your efforts and urge others to join you.

Sincerely,

JOHN S. REED.

Mr. MERKLEY. Madam President, it is very helpful to have a former CEO of a company such as Citigroup weigh in on the challenges before us. John Reed, as former chairman and CEO of Citigroup, is in a position to reflect on the deregulation and the combination of the roles of lending banks and investment houses and how it contributed to creating the economic catastrophe that became the great recession.

I speak now to my colleagues to say that we need your help in creating a firewall between highly risky proprietary investments and the basic lending functions of banks. It is like storing fireworks in your living room. Fireworks are wonderful, and there is no problem with utilizing them on the Fourth of July or New Years. But you don't store them in your living room where they might end up burning down your house.

Second, we need clear conflict of interest rules that make sure that the investment houses maintain integrity with their customers, so that if they are promoting a security to their customers, they are not doing so while separately and secretly betting against it. These reforms are important. They are an important part of the financial rules of the road that will be healthy for Wall Street and for the foundation of our economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I yield 5 minutes to our colleague from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, yesterday afternoon, we attempted to bring a bill to the floor that finally holds Wall Street accountable. It is a bill that includes the strongest protection for consumers that has ever been enacted. It is an end to taxpayer bailouts, and it gives tools to individuals, the resources they need to make smart financial decisions. It is a bill that ends Wall Street's ''anything goes'' rules that have meant everybody else pays.

Unfortunately, the ''no'' vote from the other side yesterday told us they don't want strong new protections that can't be ignored. It appears they don't want to hold Wall Street accountable for years of irresponsibility and taxpayer-funded bailouts. Instead of fundamentally changing the financial rules of the road, the other side wants to build a speed bump and pass a bill that neither reforms Wall Street nor protects Main Street.

I fear that the obstruction and unwillingness to allow us to bring a bill to the floor is simply their push to get a watered-down bill that big banks can simply step aside from and ignore. It has been rubberstamped by Wall Street lobbyists and special interests. This is just an effort to figure out how they can preserve the status quo and talk their way out of change.

I fear the delay is about allowing special interests in Washington and bankers on Wall Street and big money donors to write a compromise bill. I worry that just about everybody has been invited to the table to write that bill—except the American people. That is because the vast majority of Americans want to see the strong Wall Street reforms we have put forward pass.

In fact, just yesterday, the Washington Post released a poll that shows 63 percent of Americans want to see stronger regulations of Wall Street enacted. But do you know what. There is still a widely held view on Wall Street—as yesterday's vote shows—with many in this Chamber that the voices of the people can be drowned out by big money and twisting words about the truth about what is in this bill. Wall Street thinks they can get away with highway robbery because, unfortunately, they have. They think they can pull a fast one on Main Street. I am here to tell you they cannot. They are flatout wrong. I know because I got my values from Main Street. I grew up in Bothell, a small town of 1,000 people. The values we learned on Main Street are good ones that are also good for your business and for your customers.

We learned that an honest business is a successful one. We learned that our customers are not prey and businesses not predators. We learned that personal responsibility means owning up to mistakes and making them right.

We believe these values are strong throughout our country today. Those values exist in such small towns as the one I grew up in and big cities in every State. Everyone who voted against moving forward with this bill yesterday is going to hear from people who hold those values today. I am sure they will tell you in no uncertain terms that it is time to pass a bill with strong reforms for a system that is out of control. It is time to protect our consumers, time to end bailouts, and time to restore personal responsibility and bring back accountability.

I am very hopeful in the coming few days all of those who voted no will move forward and listen to the hardworking men and women in this country so we can put forward a strong reform bill on Wall Street and protect the American people and the millions of people who have lost their jobs and their security and homes in the last few years from ever having this happen again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Let me thank my colleague from the State of Washington. I appreciate very much her comments and her leadership.

I see my friend, Senator BROWNBACK, as well. Madam President, I ask unanimous consent that the last 7½ minutes be reserved for myself before the vote. Is that the correct time; 7 or 7½ minutes? 7½ minutes.

The PRESIDING OFFICER. Without objection.

The Senator from Kansas.

Mr. BROWNBACK. Madam President, may I inquire how much time remains on our side on the debate?

The PRESIDING OFFICER. Thirty-five minutes.

Mr. BROWNBACK. I thank the Chair, and I yield myself such time as I may consume.

I thank my colleague from Connecticut, whom I think the world of. He is a wonderful family man, whom I saw out walking this morning. He is a great human being, a great Senator, and of great lineage. I am sorry to see Senator DODD leaving.

I have one particular area of this bill about which I wish to raise a point. Auto dealers are in town today. We have a series of auto dealers from across the country who are here and they are deeply concerned about the consumer financial products piece of this particular legislation. They are concerned because it is going to hit them. I would point out to my colleagues about this that I have purchased a car—I presume everyone in this body has purchased a car—and probably a number of us on credit, although maybe not everybody. But nearly everyone has gone into a dealership and bought a new or used car and asked for financing on that new or used car and have gotten it from the local dealership. Ninety-four percent of those cars that are financed that way, that paper is actually from some relationship the dealership has upstream. It is from a bank, a major consumer auto lending entity or from somebody else who does the financing. The local dealership just has the paper there, and they are the ones that originate it. They sell the car and arrange for somebody else to do the financing. They don't do it—or 94 percent don't do that. Six percent of car dealerships do their own local financing.

I have an amendment that I will put forward, if we get a chance—or I would prefer this actually be built into the base bill—where the local auto dealership that doesn't loan their own money isn't required to comply with the consumer financial products requirement of this bill. It will add another level of regulation onto auto dealers that are already struggling to try to get cars to market so people can purchase and they can provide financing for individuals.

If we add another level of regulation, it will just mean more cost, and they are already regulated. This product would be regulated upstream already. The financial institutions that are writing the note and the paper are already regulated under this bill. Why would we do the double regulation in the bill on top of the local regulation they already have?

That is why the auto dealers are here in town today, saying they didn't cause the financial crisis, they are not banks, and they do not think they ought to be a part of this. They are quintessential Main Street auto dealers. They are part of the Main Street fabric. We have lost a lot of auto dealers across the country during this financial downturn. We spent $3 billion trying to support the auto industry and now we have this heavy-handed regulation that will cost auto sales. It doesn't seem to make sense that we would penalize Main Street for Wall Street's problems. They are small businesses, the auto dealers are, in cities and towns throughout the country. We should be talking about how we can support them and extend credit in the marketplace rather than regulate and tamping down on their business.

My amendment is simple. It keeps these new banking regulations from touching auto dealers that do not loan their own money. That is all it does. If they loan their own money, they are subject to it. If they do not loan their own money, if some other major bank, financial house or institution does it, that financial house or bank or institution is subject to the regulation. But the auto dealer that is simply there trying to get a car sold and providing this instrument that comes from somebody else, they are not regulated, so they do not have the extra cost. So it is not double regulation from the same bill.

If an auto dealer does lend that money, as I mentioned, they will be regulated. This amendment applies only to auto dealers that facilitate loans from larger financial companies. Why should we have to amend this? If I am hearing anything across my State—and I am traveling a lot across Kansas—people are fed up with heavy-handed, big government. They have had it up to their necks and beyond with heavy-handed, big government. Why would we do this on top of everything else?

These auto dealers are the retail outlets. They are the storefronts that process the paperwork for various well-known brands with large finance arms. Under my amendment, these finance arms would still be regulated, but the dealers that process the paperwork wouldn't. But it is still regulated upstream. The auto dealerships themselves have been crippled from sales this last year, crippled from the financial crisis we hit. We have been trying to help and support them. This is a break in the cardinal rule that if you want less of something, tax and regulate it. That is what this bill will do. We will have less auto dealerships if you are going to tax and regulate them. It doesn't make any sense.

Under my amendment, auto dealers would still be regulated by the FTC and various State laws, so consumers would still have protection to ensure that truth in lending still applies. So if you are concerned about auto dealers and what they are doing, the writing and the paper retailwise, they remain regulated by the FTC and various State laws and consumer protection laws that are currently in place. I think those are things that should remain in place, and they do remain in place. We don't need another level on top of that. Why do we need to create a duplicative regulation for auto dealers, where we regulate each dollar of each auto loan twice? This is what frustrates people so much.

I have people raise the concern about what happens outside military bases and auto loans outside military bases. We have several major military bases in the State of Kansas. We are very proud of our military bases and our military. They are saying: OK. We want to get at auto loans and dealers there. Well, they are regulated. They are currently regulated. They are currently regulated under the FTC and various State laws.

If somebody is concerned about a small auto dealer that sits right outside a military base and tries to get financing for military members and they do not like what the financing is, that is currently regulated. It is already in many States, where a State's attorney general can go at these right now. They know where they are located. It is not as if they are hiding and moving around. They are located right outside military bases. If you want to hit them and regulate them, go to the State attorney general, go to the State consumer products agency, go to the State consumer finance agencies and have them address it. Why on Earth, with the big financial problem we have had that was created by Wall Street and international traders, would you want to hammer the local auto dealers?

As I put this amendment forward, it was interesting to me that we had a number of groups say people who sell recreational vehicles are also interested in being brought into this amendment and being excluded or motorcycle financers or any number of groups because they are seeing the same problem. They are small businesspeople. They are going to be regulated by this enormous Federal entity that was targeted at Wall Street and, instead, as small businesses in their local communities, they are going to get hit. They are going to take the hammer, and they are not set up to handle it. They do not have huge staffs in these areas. They have small staffs to take care of this, and now we are going to put a big regulatory entity on top of them when it is already regulated upstream.

This makes no sense, and it will do no good. It will cost a lot more, it will make financing less available to individuals, and it will hurt these businesses. It will hurt car sales, it will hurt motorcycle sales, and it will hurt the economy for no good reason. I ask my colleagues to focus in on what is happening in this area of the consumer products and their financing. Do we want to hit auto dealers? I don't think so. I don't think that was the target of this bill. It certainly wasn't the cause of the financial crisis we had.

Why would we have to hit them? We don't. Listen to your local auto dealers. They are here in town today. Hear their story about what is taking place. Let's help the auto dealers, as we have been trying to do, and let's not hurt them with a heavyhanded regulation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, let me begin, first of all, by complimenting my colleague from Kansas, who has been indefatigable in the argument and the cause that he was espousing just now. He has talked to all of us about this problem, and he has made it very clear this shouldn't be an intention within this legislation. We shouldn't be trying to expand the reach of a bill—that was supposed to deal with Wall Street—all the way to our local car dealers on Main Street. I appreciate the fact that sometimes legislation sweeps with too broad a brush, but this is something we can fix and we need to fix it.

In fact, it is not just the auto dealers. The National Federation of Independent Businesses, which bills itself as the voice of small business, and frequently does represent small business causes, has written a letter to us, on April 26, describing this unduly large reach of the legislation before us.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the letter I have just referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Madam President, another word about what is said in this letter. They point out the fact that the consumer protection part of the legislation goes far beyond protecting consumers from Wall Street. It essentially goes to anybody who lends money on an installment basis where you have more than four installment payments. Let me quote from the letter.

> NFIB is concerned about the overly broad reach of the new Consumer Financial Protection Bureau. Providing consumers with clear and accurate financial information is an important goal, but because of the reach of the Bureau's authority many small businesses will find themselves subject to its regulations. In addition to the many new and duplicative regulatory burdens placed on community banks, the Bureau is charged with regulating any retailer or merchant that finances a purchase subject to a financing charge or written payment plan with more than four payments. Many small business retailers and merchants—such as medical professionals, hardware, electronics, and jewelry stores—struggling through the current economic climate would be subject to these new regulations.
>
> These small businesses had nothing to do with the Wall Street meltdown and should not be faced with onerous new and duplicative regulations because of a problem that they did not cause.

The first concern I have with this legislation is this overbreadth in the consumer protections. Wall Street can take care of itself. It's fine to provide protections against Wall Street, but surely we can reach an agreement that we don't intend this legislation to reach into Main Street, to the extent it does. I would urge my colleagues to listen to the concerns expressed by the NFIB and let's try to deal with those concerns in a way that would enable us to be more supportive of the legislation.

The second point I would like to make has to do with the so-called too big to fail or taxpayer bailouts. There are different ways of talking about this. I find it interesting that some of my colleagues have apparently a great reverence for a pollster and wordsmith by the name of Frank Luntz. Frank Luntz is a person whom I know, and he is very good with words. He is a good pollster and so on. At one time, he apparently wrote a memo that suggested that one way to attack a bill such as the bill that is before us—I think my colleague, the chairman of the committee, has noted this memo was written by Luntz before there even was a bill—was to use bailout language. I haven't seen the memo, but I understand that is what it said.

No. 2, Republicans have used this bailout language; therefore, No. 3, we are blindly following Luntz. Well, if I suggested that to my professor in philosophy 101, I would get flunked out of the course for the basic failure in logic. This is a logic fallacy—something followed something else; therefore, it was because of it. The law that is the famous saying—post hoc ergo propter hoc—obviously, a fallacy.

So I defend those of my colleagues who have used language that may be somewhat similar to Luntz on the basis that just because they used the language didn't mean that Luntz caused them to use it. It may be Luntz figured out the same thing the rest of us figured out—this bill does not end taxpayer bailouts. That is the problem. Taxpayers are still on the hook.

I can understand the sensitivity of those who helped to write the bill who are subject to the criticism in this language. But the solution to it is obvious: Get the taxpayers out of this so they are no longer on the hook for any bailouts and then the argument will not last anymore, whether Luntz likes it or not. That could be done through a process of negotiation. The bill was supposed to stop additional taxpayer liability. Let's make sure it does.

In this regard, I have to object a little to some of the pejorative language used by some Democratic Senators.

We have rhetoric about Republicans' motives. I am not going to suggest which Senators are talking about it, but one of them spoke specifically with respect to the Republican leader by name.

When you are questioning the motives of someone, suggesting the only reason they did it is because they read somebody's memo or because some lobbyist from Wall Street has been visiting them or suggesting it was because of campaign contributions, that gets very close to a violation of Senate rules. Senators can take responsible positions on bills irrespective of what a lobbyist might have said or somebody might have written in a memorandum.

I would like to have an honest debate about the bill rather than suggesting the motivations of Senators with respect to the positions they have taken.

One of my colleagues—in fact, it was the Senator from Illinois—asked the question, with regard to the vote we are about to take here, What are Republicans afraid of? In effect, are we afraid of going to the bill and then having votes on amendments? Let me answer that question very specifically.

One thing at least I am concerned about is that we will not get to have votes on amendments. We were promised, in the health care debate, this 2,400- or 2,700-page bill, that we would get lots of amendments to try to deal with the concerns we had. I believe it was seven—after seven amendments, once the leader got his 60 votes, there were no more votes. There was no more amendment process. There was no more debate. At that point, cloture was filed, the vote was taken, and he had his 60 votes. End of discussion.

There is nothing to suggest that if we go to this bill, we are going to have a fair amendment process. If that were made very clear by the majority leader, by the distinguished chairman of the committee, and Republicans had some sense that we would fare better than we did during the health care debate, then that would be one thing. But with the experience of the health care debate behind us, I think you can understand why we would be a little bit wary of ''just trust us, go to the bill, and we will let you have all the amendments you want to try to fix the bill.'' That is the first point.

Let me get back just a little bit to this issue about the bailout because I made an assertion and I need to back it up.

I really don't think any of us want to continue to have taxpayers on the hook. But this is complicated, and it may well be that the continuing authority, for example, of the FDIC that is specifically written into the legislation, while not intended to result in taxpayers being on the hook, it nevertheless does.

Let me refer to a couple of articles. One is by a visiting professor, a Georgetown University business school professor, Phillip Swagel. The head of the article is ''Yes, It's a Bailout Bill.'' He says:

> . . . [T]he discretion given to the government in the Senate proposal opens the door to undesirable actions such as allowing the administration to write checks to favored parties. This concern is not theoretical: such mischief took place in the bankruptcies of Chrysler and General Motors, as the two auto companies were used as conduits to transfer billions of dollars from TARP to the president's political supporters.

He is talking there about labor unions.

> A better approach would be a resolution regime centered on bankruptcy.

There is a lot of debate about exactly how to do this liquidation process, unwinding process, quasi-bankruptcy process, and so on. There are a lot of good arguments. It is difficult to do, and I appreciate that the chairman of the Banking Committee has had to deal with a lot of different ideas from different Senators about how to do it, as well as a lot of columnists, and so on.

But it is a fact that under the existing legislation, there is still liability for taxpayers here that concerns some of us. We would like to see a genuine discussion about taking that out. If it is a concern of all of us and we all agree that should not be, let's have a little good faith here and get it out before we come to the floor and have to try an amendment where there are 41 Republicans, 59 people who organize with Democrats, and we are not at all assured of being able to get it out of the bill.

Here is another article. It is in the National Review Online, April 26. The article is entitled ''The Case Against the Dodd Bill.'' They make several points in here, but one of them is this resolution authority.

> But the resolution authority designed by the Dodd bill might actually create more moral hazard than it would eliminate, because it would give the FDIC too much flexibility in how it resolves a failed firm.

It goes on to say:

> As structured, this authority would allow the Government to bail out nonbank creditors, and worse, to play favorites among them, just as we saw when the Obama administration gift-wrapped large stakes in the automakers for its union allies at the expense of secured creditors.

My point here is simply that there are a lot of people who have looked at this and have come to the conclusion, as I have, that the bill is not tightly enough written; that, as written, it has too much in it that would allow various Federal entities, including the FDIC, pretty unlimited authority to use taxpayer money to resolve or liquidate or deal with companies that are deemed necessary to deal with. I won't say ''too big to fail'' because allegedly we are eliminating that.

Surely we can get together and try to resolve this issue in a way that leaves no doubt that the ultimate conclusion is there is no more taxpayer liability. I think we would all like to see that. It is a legitimate debate to have, and I don't think we should criticize those of us who are raising these questions as somehow doing so because some lobbyist told us to. I don't care about the lobbyist or Wall Street here. What I care about is my constituent taxpayers being on the hook for a bailout of one of these entities or the creditors of these entities or the shareholders of these entities.

This is the final point I wish to make. This is like the Sherlock Holmes story of the dog that didn't bark. There is something missing from this legislation. If you look through the entire bill—and probably the biggest reason for the failure of our financial system was the fact that Fannie Mae and Freddie Mac were allowed to go whole hog, take on a bunch of bad loans, and end up with an implicit guarantee that ultimately became an explicit guarantee by the taxpayers of America. You won't find any resolution of that problem in this bill.

Why is it that, when everybody knows this problem began with a lot of loans being made to people who could not afford them—those loans then being acquired by Fannie and Freddie and then sold off in fancy, esoteric instruments on the market here—why is it that there is nothing in here about the risk of Fannie and Freddie and the risk they still pose? It is way north, apparently, of $400 billion—I have heard in the trillions of dollars—and this would be a taxpayer liability. If that is the case, shouldn't we be focusing reform on the entities that actually created the problem, Fannie Mae and Freddie Mac? Why isn't that being done?

The former chairman of the Banking Committee has explained. The Senator from Alabama, when he was chairman of the committee, tried to get more regulatory authority over Fannie and Freddie. Members of the then-minority, now-majority party stopped him and said: No, we don't need any more regulatory authority. I especially remember a quote from the chairman of the House banking committee that was especially colorful in this regard, that he thought we could give them a little bit more latitude here, that he didn't think any more regulation was necessary.

So the question is, If we knew there was a big problem a-brewing here, we didn't do anything about it at the time and after the fact discovered, of course, that is exactly what the problem was, why wouldn't we want to make sure that it will never happen again and that we somehow resolve the problem?

One of the answers given is that it is an awfully big problem to try to tackle. This is an awfully big bill. If we can reach into Main Street, to your local car dealer or dentist because your kid's orthodontia takes more than 4 months to pay on installments, surely we can deal with Fannie and Freddie, the biggest culprits of all in this deal. Why aren't Fannie and Freddie dealt with here? Let's not think we will do that next time. I think it is pretty clear that whatever we do here, we are probably going to be stuck with for a long time, and the failure to deal with this is a glaring omission in the legislation.

Nor do I think that if we grant the motion to proceed to the bill and one of us offers an amendment to cover Fannie and Freddie, that it would fare too well in this body. I will not specifically ask the chairman of the committee or anybody else whether they would support such an amendment, but the reality is that it is unlikely this body would actually regulate Fannie and Freddie. That is a reason why some of us oppose the legislation.

Unless there is some ability to negotiate something in advance of the bill actually coming to the floor, with very little likelihood that it would be done on the floor, it seems to me that this is another reason why those of us who have opposed cloture have every basis for coming here and saying that until we get some satisfaction, some suggestion that this problem is going to be dealt with, why would we want to proceed to legislation which obviously isn't even going to fix the biggest part of the problem that was created in the first place? That is a third reason why I think at least up to now Republicans have said we are not prepared to go to this legislation.

EXHIBIT 1

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
*Washington, DC, April 26, 2010.*

DEAR SENATOR: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, we urge the Senate to vote against cloture on the motion to proceed to S. 3217, the Restoring American Financial Stability Act of 2010. The current bill is too far reaching and imposes major new costs on small businesses.

After the near collapse of many financial firms and the impact this had on the overall economy, small business recognizes the need to ensure that our laws address the problems that can arise from such excess and to protect the broader economy from the failures of one sector. But these changes to financial services industry should be focused on the specific problems caused by Wall Street and the lessons learned from these events. New laws that target industries and businesses on Main Street that did not create the problem would not solve the problems and potentially creates new ones.

NFIB is concerned about the overly broad reach of the new Consumer Financial Protection Bureau. Providing consumers with clear and accurate financial information is an important goal, but because of the reach of the Bureau's authority many small businesses will find themselves subject to its regulations. In addition to the many new and duplicative regulatory burdens placed on community banks, the Bureau is charged with regulating any retailer or merchant that finances a purchase subject to a financing charge or a written payment plan with more than four payments. Many small business retailers and merchants—such as medical professionals, hardware, electronics, and jewelry stores—struggling through the current economic climate would be subject to these new regulations.

These small businesses had nothing to do with the Wall Street meltdown and should not be faced with onerous new and duplicative regulations because of a problem they did not cause. Further, as the most recent NFIB Small Business Economic Trends (SBET) survey shows, small businesses continue to struggle with lost sales and such regulations could make these problems worse—stifling any potential small business

recovery. Placing more restrictions on the ability to attract and keep customers to small businesses will inhibit a strong recovery.

NFIB also has concerns with a provision in the bill that reduces the pool of angel investors that can provide start-up capital or invest in a small business. The provision sets higher wage and asset minimum requirements on angel investors, thus eliminating many highly qualified angel investors from providing needed financing. This provision would hamper the entrepreneurial opportunities for angel investment opportunities for many small and start-up businesses, thus adding another road block to finding alternative capital financing when bank lending and other sources of financing remains hard to get in this economy.

Small business still has not recovered from the economic downturn and has paid the price for the bad decisions and subsequent bailout of many large financial institutions. Addressing problems in the financial services sector makes sense, but such regulations should not overreach to include small business or leave small business owners paying for the excess of companies deemed too big to fail.

Thank you for taking into consideration our concerns, and we ask the Senate to oppose the motion to proceed to the current bill.

Sincerely,

SUSAN ECKERLY,
*Senior Vice President,*
*Public Policy.*

Mr. KYL. Mr. President, might I inquire how much is remaining on our side?

The PRESIDING OFFICER (Mr. BURRIS). There is 10½ minutes remaining.

Mr. KYL. There is 10½ minutes on our side? I will yield to the chairman of the committee for a moment.

Mr. DODD. I thank the Senator from Arizona. My intention was—let me say a couple of things.

Mr. KYL. What I might do is yield the floor and reserve the remainder of the Republican time. In that way, if one of my colleagues comes and I have to leave, that time will be remaining.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DODD. I have reserved the last 7½ minutes. I think otherwise we might run out of time, I say to my friend from Arizona. I will just take 1 minute, if I may.

I want to tell him and say this to him. I have been here 30 years. I have chaired bills on the floor. I never chaired a committee before 36 months ago when I became chairman of the Banking Committee under our system. But I want to say this to my friend from Arizona and I want him to convey this to his colleagues through this vehicle: I would never deprive another Senator of the opportunity to offer amendments on the floor. I revere this body. I began my service in this body sitting on those steps over there as a page. And how the Senate works is because we all participate in the debate.

I know there are those who have this concern and fear. Obviously, you do not have unlimited debate forever. But the point is, amendments ought to be offered. I have colleagues on my side, politically, of the aisle who want to make this bill stronger, in their views. I know there are people who think I have gone too far with the bill and want to water it down a bit. That debate can only occur if we are on the bill. But I want my colleague to know, as one of the leaders of the minority, that I would never deprive another colleague of the opportunity to be heard, offer their amendment and their thoughts in that process.

Secondly, on the too big to fail, this goes back and forth. Senator SHELBY and I have worked on this. I see the possibility that—if there are some workability amendments that tighten that up, I am all for that. Senator BOXER of California has an amendment that would say that nothing in this bill can ever allow taxpayer money to be used. I am for that amendment. I don't know how many different ways we can say it. I think all of us agree we don't want to see our country go through that again. So the only limitations here are, do we think we are finding additional language here that will satisfy us that we have done the job we think we have intended to do? Senator SHELBY and I talked about how to do this. Again, if that is the holdup, that should not hold us up because we are both committed to that.

Thirdly, I want to say that there is a document circulating with some ideas of a Republican alternative that includes getting into the government-sponsored enterprises. I say to my friend, it is a huge issue, the GSEs. It is not just Fannie and Freddie; there are others. It needs a lot of work.

But this proposal I have read—and it is not legislative language—a lot of it, I don't have any problem whatsoever. I am not sure who the author of this is, but it has been circulated. Again, I am not endorsing everything here because it is just a concept, but if that is an amendment, the better part of what I have seen, about 90 percent of what I have seen here, I have no problem with at all. That can be an amendment included as part of our bill. But, again, I have to get to it. The difficult problem I have is everybody is coming with things they would like to add to or subtract from the bill, but, as my colleague knows, having been a leader around here for a long time, you have to get to the product. That is my frustration here.

Lastly, I am not going to bore him with too much detail here, but in section 1027—and I won't read all of it—the last lines on limitations, because of the concerns people have about dentists or other people being drawn into our consumer protection section say:

Notwithstanding subparagraph (B), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services that is not engaged significantly in offering or providing consumer financial products or services.

And, again, to insulate against the very worry you would have, and others have talked about, the NFNIB, someone who has four installment payments—it may be your local grocer, people who show up and buy food and do not pay for it, but usually at the end of the month or the end of 6 months, you have to be in the business of financial services or products to be affected by the legislation.

Now, again, I know there are Members who have problems with that part of the bill. People on my side who want to strengthen it think I have not gone far enough on the bill. One of the difficult jobs is trying to reconcile differences that exist. But I cannot even begin to do so if we cannot even talk about it.

So that is my frustration as the chairman of a committee, trying to get us to a point where all of us want to be, I am sure. We do not want to leave here having said we did not really deal with this problem that everyone in the country—I know, Arizona, what you have been through in your housing issues is staggering. Florida, California, Arizona, I think Nevada probably rank in the most difficult States where housing prices have declined and foreclosures have occurred.

I know my friend from Arizona feels as strongly about this as I do. But I assure him, I will not deprive anybody of an amendment to be offered at all in the process. Secondly, we will try the workability issues on too big to fail and, again, language we have worked on on the consumer protection, and we think we took care of those dentists and others who were worried about it.

But, again, others may have amendments and ideas. I will have to consider them on the Senate floor, and all of us will have to vote on them. But I appreciate him giving me a little time to express my thought.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. If I may respond very briefly, I appreciate the Senator's comments. I am sure the chairman would acknowledge the basis for some Republican concerns about the ability to offer, not an unlimited number of amendments for the purpose of filibustering the bill, but, rather, enough to try to solve what are perceived to be the problems of the bill.

Part of the problem is a lack of trust. There are some on the Democratic side who have said they believe the intent of the Republican leadership, or Republicans, is to filibuster this bill so there would be no bill. It is hard to prove a negative, but I do not know how many times Leader MCCONNELL and I or Ranking Member SHELBY have said

that is not our intention. Everybody acknowledges that there is work to be done in the regulatory regimes that govern the trade in these very esoteric instruments, the derivatives and others, and regulating financial institutions and dealing with the problem when some of them become financially troubled. Everybody acknowledges the need to do that.

I firmly believe at the end of the day there will be legislation passed that deals with that. I do not think there is anything the minority could do, even if it wanted to, to stop legislation from ultimately passing. So to those colleagues on the other side who believe it is the Republicans' intent to stop the legislation, to have no legislation, all I can say is, yet one more time, that is not true.

I do not know of a single Republican who believes that, of a single Republican who does not want to see legislation. Nor do I believe this is analogous to health care in that there was a strictly partisan approach taken there. The lines were drawn, and we do not have to debate how we got there. The reality was, at the end of the day, Republicans were trying to do everything we could to stop the legislation, and the majority did everything within its power to ultimately get it passed.

That is not the same situation I see with this bill because, first of all, I think Members are a little closer than was the case on health care. Secondly, there has been at least a negotiating process between the chairman and the ranking member and others that has suggested ways to at least approach some of these problems.

Republicans are suffering under no illusions that with a 59-to-41 Senate lineup we should get 100 percent of the way or even 60 or 50 percent of the way. Senator SHELBY has made it clear he understands he needs to compromise because the majority has more votes than the minority does, but to try to get at least a proportional or representative sample of Republican ideas in here.

Moreover, as my colleagues' conversations just revealed, there is a lot of overlap in intent. I do not think we intend the bill to reach into Main Street to the degree that some of us are concerned it still does. I do not think there is the intention to see taxpayers still on the hook to the extent some of us think the bill still does. And to the extent the chairman of the committee says there have to be ways to ensure that does not happen, and we can do that, I accept what he says in good faith. I also accept in good faith his view that amendments, within reason, should not be limited.

Again, there is no intent on the Republican side to filibuster the bill to prevent a vote from ever occurring. I do not think we would have that ability even if we wanted to do that. So we have to get over this problem of trust. Another way to do that is to lead by beginning to make a difference in the way that the—not the legislation is discussed, but the Senators are discussed, the motivations for different Senators.

It would be easy to come to the floor and talk about motivations. It would also be wrong. I think the leaders in the debate, starting with the leadership and then the chairman and ranking of the committee and on down, perhaps have had some responsibility to take the lead in making sure in the discussions on the merits of the bill—when I raise a particular issue, as the chairman just did, to say: Well, let me go to the language and see if I think we do have it already covered, rather than: I know why you are saying that, Senator from Arizona. You have some ill motive. The Senator would not say that. So perhaps we can begin to reach a better sense of trust where we can begin to work through these things in a much more constructive way by taking the leadership and getting a more civil conversation.

When I say that, I point to nobody in particular as in violation but rather point to myself and the other leadership as the place to start with setting that tone. All of these things could begin to build the trust that might enable us to begin to engage each other.

The PRESIDING OFFICER. The minority's time has expired.

Mr. KYL. How time flies when you are having fun.

And to conclude a process that will be constructive and helpful to the American people.

Mr. DODD. Mr. President, let me thank the distinguished Republican leader for his comments. Part of what he just said is worthy of note. This institution suffers. We operate on unanimous consent. That is the way it works. And inherent in unanimous consent is trust. It is the only way this institution has ever operated.

There has been, I think we would all have to acknowledge, a breakdown for a lot of different reasons. We have to get back to it. This is an opportunity to do that.

Senator SHELBY and I have a very good working relationship. We trust each other. We talk to each other. We spent an hour together. We are meeting again at 5:00, after this vote today, to talk about one way or the other where the bill is. There has to be a return to that comity and understanding, while we have differences of opinion.

If the American people believe we cannot trust each other, when I say I will—I was asked at our conference lunch, again, the very question that my colleague from Arizona raised: Will I be allowed to offer an amendment, Senator DODD? Absolutely, you will.

So it is a concern I know that everybody has about whether they can be heard on these matters. I would never, as a person who reveres this institution, want to deprive anybody of an opportunity to be heard on a matter as important as this.

We have amendments I know are offered. I heard them—the cosponsors—one Senator today listed the cosponsors of an amendment he wants to offer. There are more Republicans than Democrats on the amendment dealing with the Federal Reserve System. I have some concerns about that amendment. But the fact is, it has bipartisan support for an amendment they want to offer. There are a lot of these ideas. I know within the Republican circle there are divisions as well as to what ought to be in this bill. We have them on our side as well. It is not as if there is some bright line here, and there is one solid thought process over here, and an alternative one over here. We have about as many different views on this bill as there may be Members in this body.

But all I ask for is to get to this bill. Let's get to this debate. Again, the leader got up and said this was a partisan bill. I have worked very hard to avoid that. Back in November when I introduced the bill, there were objections on the minority side as well as on the majority side. We put it aside. We have spent from November up until just a few days ago trying to put a product together that would reflect all of this different thinking. It is a vastly different bill from the one I introduced in November. I know it is not yet to everyone's satisfaction, but we need to debate this bill, in my view.

It will take a long time. This is not going to be a short debate. I know that. But we need to allocate the time talking about what is in the bill or not in the bill rather than questioning each other's motives as to why we are not on the bill, it seems to me.

So my plea is, again, as Senator SHELBY has said, I think we are about 80 percent in agreement. I believe that to be the case. If we are 80 percent in agreement, that ought to be enough of a basis upon which to move forward. If we were all in disagreement about everything, well, I might still believe we ought to debate it. So, again, I see my colleague—I realize he has to go, and we are going to vote in a couple of minutes. But I thank him for spending the time with me and to hear me out on these points. I am grateful to him for that.

Mr. President, those are sort of the points that I intended to make in these closing minutes of this discussion, once again. We had it yesterday, and here we are again this afternoon. With all of the things that people are going through in the country, it seems to me, again, this bill, which has been the product of a year and a half of work—this was not drafted over a weekend or

some short period of time trying to reflect the interests of my colleagues—is deserving of our consideration.

I am not asking to vote for this with this next vote. No one will be asked to vote for this. No one will be asked to vote for any of the various amendments I am sure will be offered, and I will welcome, as part of this debate, and that Senator SHELBY and I as managers of the bill will consider them.

All we are being asked to do, in the next 7 minutes or less, is to give this product a chance to be discussed. This product reflects a year and a half of effort to answer the question: What went wrong that caused our economy and our Nation to go through the worst economic crisis since the early part of the last century? That is a legitimate question being asked. What are the gaps? What steps are we taking to fill in those gaps? Are there cops on the beat to protect us? Do they have the authority and the resources to do the job? Is there an early warning system? These are all issues upon which I suspect, based on my conversations over a year and a half—or more than that now—on which we have a lot of agreement.

I do not know of anyone in this Chamber who wants to support a bill that does not end too big to fail. If they exist, I have not heard their voices. I do not think there is anyone here who does not believe we should not have an early warning system so we can identify problems before they become the large ones that cost us as much as it has over the last year and a half.

I think all of us—I have heard my colleagues say they are for a consumer protection agency. I believe them. We have a consumer protection agency in this bill. There is a debate about how much authority we want to give them, the interface, the interaction with prudential regulators. Those are all arguments within the context of whether we ought to have a consumer protection agency.

There is not a position over here that I know of—maybe some have it—that they are just flatout against a consumer protection agency. Senator SHELBY has told me, and others on the Banking Committee: We are for a consumer protection agency. They have differences about what ought to happen within that. That is the purpose for having the debate. We are told again, we heard it a moment ago: We ought to have the bright sunshine on derivatives, these exotic instruments that were used, went from $91 billion in 1998, to close to $600 trillion—that is with a T—11 years later.

That shadow economy contributed significantly to what we went through. Based on what I have heard, everyone thinks we ought to do something about that and not leave the situation as it is today, as it was 18 months ago, because nothing has changed since then, putting our Nation at risk once again. So we agree on that as well.

Let's have transparency. Let's have accountability. There are differences; I would be naive and foolish to suggest otherwise. But everyone seems to agree we ought to do something about it. So if we look at the major thrust of our bill—end too big to fail; set up an early warning system to avoid the problems we saw in the past; deal with these exotic instruments out there and have some agency that at long last might keep an eye out for the average citizen in this country, that watches their credit cards, their mortgages, and so many other financial activities they engaged in that became deceptive and fraudulent, that they suffered terribly.

So we all agree on the basic goals outlined in this bill. Differences exist, at least in one or two of the years. Too big to fail, I do not think there is any real disagreement. I do not think there is any disagreement on the early warning system, as I have heard the debate. The differences exist in what happens inside the consumer protection agency and what happens in the area of the shadow economy and dealing with the derivatives and other items, but not whether we want to do something.

So that is what we ought to be doing.

The PRESIDING OFFICER. The majority's time has expired.

Mr. DODD. I ask unanimous consent for 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. We have spent the last day debating whether we ought to have this. Let's vote to invoke cloture and begin the long debate we need to have. I urge my colleagues to do so.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the motion on the motion to invoke cloture on the motion to proceed to S. 3217 is agreed to, the motion to reconsider is agreed to.

The question is on agreeing to the motion to invoke cloture on the motion to proceed to S. 3217 upon reconsideration.

The yeas and nays are ordered under the rule.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—57

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|---|---|---|
| Akaka | Franken | Mikulski |
| Baucus | Gillibrand | Murray |
| Begich | Hagan | Nelson (FL) |
| Bennet | Harkin | Pryor |
| Bingaman | Inouye | Reed |
| Boxer | Johnson | Reid |
| Brown (OH) | Kaufman | Rockefeller |
| Burris | Kerry | Sanders |
| Byrd | Klobuchar | Schumer |
| Cantwell | Kohl | Shaheen |
| Cardin | Landrieu | Specter |
| Carper | Lautenberg | Stabenow |
| Casey | Leahy | Tester |
| Conrad | Levin | Udall (CO) |
| Dodd | Lieberman | Udall (NM) |
| Dorgan | Lincoln | Warner |
| Durbin | McCaskill | Webb |
| Feingold | Menendez | Whitehouse |
| Feinstein | Merkley | Wyden |

NAYS—41

| | | |
|---|---|---|
| Alexander | DeMint | McCain |
| Barrasso | Ensign | McConnell |
| Bond | Enzi | Murkowski |
| Brown (MA) | Graham | Nelson (NE) |
| Brownback | Grassley | Risch |
| Bunning | Gregg | Roberts |
| Burr | Hatch | Sessions |
| Chambliss | Hutchison | Shelby |
| Coburn | Inhofe | Snowe |
| Cochran | Isakson | Thune |
| Collins | Johanns | Vitter |
| Corker | Kyl | Voinovich |
| Cornyn | LeMieux | Wicker |
| Crapo | Lugar | |

NOT VOTING—2

| | |
|---|---|
| Bayh | Bennett |

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to upon reconsideration.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, is it appropriate for me to speak on the bill for a few minutes, please.

The PRESIDING OFFICER. The motion to proceed is pending.

Mrs. FEINSTEIN. Thank you very much.

Mr. President, on a big bill, I find this a very puzzling situation where for the second time the other side of the aisle has essentially said, We won't let you go to a vote on a motion to proceed to debate until there is agreement on the bill. How can there be agreement on the bill if there isn't debate and if the majority at least isn't allowed to present its position? I find on a bill of this size and the complexity of the bill, to refuse to go to a debate on the bill to be an amazing thing. I hope the other side of the aisle will begin to see that and relent.

I had a chance today to listen to some of the questions being asked in the Permanent Subcommittee on Investigations of Goldman Sachs, and if anything should show the need for this bill, it is what is going on in a Subcommittee of this body. Yet, out here, we cannot even begin the debate on the bill. We cannot hear from the chairman of the committee. We cannot hear from the ranking member. We cannot understand both points of view. We are prevented essentially from debating one of

the most important bills this Congress will pass.

I wanted to come to the floor today to say that, as well as to speak in support of the derivatives position put forward on Monday by Chairman LINCOLN and Chairman DODD as part of the financial and commodities market reform package.

I think it is fair to say I have long advocated for more aggressive regulation of derivatives which, in the main, are very complex financial instruments exempted from Federal oversight through loopholes in the Commodities Futures Modernization Act of 2000. In other words, prior to the year 2000, we could regulate these. After the year 2000, they floated free, nontransparent, no audit trail, no antifraud, no antimanipulation oversight whatsoever. The Dodd-Lincoln bill is the most aggressive and comprehensive proposal to regulate the out-of-control derivatives market that has been offered yet in this Congress, and I strongly support it.

The Dodd-Lincoln bill will require robust Federal oversight. It will establish transparency. It will reduce systemic risk. I believe this bill is the best chance to tackle these unregulated markets that were responsible for bringing down Enron, AIG, Lehman Brothers, with terrible repercussions for the American economy and millions of hard-working families. This bill will also rein in reckless traders who lack a moral compass.

Today there is nothing more important than restoring faith in the American economy, and we cannot do it without this bill. To do that, we have to restore America's faith in our ability to take strong corrective action against the bad actors who perpetrated this crisis. Yes, this is our moment to act, yet we cannot. The other side of the aisle will not let it happen.

Derivatives were exempted, as I said, from regulation in the Commodities Futures Modernization Act of 2000. That law created massive regulatory loopholes such as the Enron loophole which prohibited the Commodity Futures Trading Commission from overseeing electronic exchanges; the London loophole, which allowed for unregulated trading of U.S. commodities on overseas exchanges, and the swaps loophole, which allowed for unregulated bilateral trades through brokers, swap dealers, and direct party-to-party negotiations. Together, these loopholes have been responsible for some of our Nation's worst economic crises. They must be closed.

I first became aware of the problem of unregulated derivatives during the Western energy crisis. The years were 2000 and 2001, when Enron traders fleeced Californians for approximately $40 billion in artificially inflated electricity and natural gas prices.

Without Federal oversight rules in place, it took us some time to realize what was going on in California, and then when we did, the party in power would not believe us. We learned the hard way the dangers of having no paper trail, no one to raise the alarm, no cop on the beat to enforce penalties.

Some experts told us this was just supply and demand. I even remember going to the White House and hearing these exact words. We didn't know that traders were in it just for greed.

That is why I will never forget the day Senator CANTWELL, another longtime champion for derivatives reform, handed me a copy of the taped conversations between Enron traders. These tapes from Enron's west coast trading desk demonstrated beyond a reasonable doubt that energy traders would do anything to make a buck.

When a forest fire shut down a major transmission line into California, cutting power supplies and raising prices, Enron energy traders celebrated. Here is the quote:

> Burn, baby, burn. That's a beautiful thing.

That is what a trader sang about the massive fire, which threatened homes and lives.

The tapes also confirmed that in secret deals with power producers, traders deliberately drove up prices by ordering powerplants shut down.

When California regulators tried to get money back from Enron, their traders joked this way:

> They're . . . taking all the money back from you guys? All the money you guys stole from those poor grandmothers in California.

That was the mentality. Another trader responded:

> Yeah, Grandma Millie, man.

This was an eye-opening experience, to say the least.

In 2002, 2003, and 2004, I offered four separate amendments to restore regulation to derivatives markets, and each time the President's working group on financial markets advocated against the amendments, and they went down.

Our Nation's financial experts argued that private parties would protect the public interest by looking out for their own interests, and Congress trusted our experts.

But the experts were wrong. They ignored the growing risk these products posed to our financial system.

In 2007, finally, the Senate took action to close the Enron loophole when it approved bipartisan legislation that I authored with Senator SNOWE and others. That legislation brought regulatory oversight to electronic commodity exchanges such as the IntercontinentalExchange, and it established antifraud and antimanipulation standards for our Nation's electronic energy futures markets. But then they went offshore and traded on the London exchange to avoid the law. We learned that soon there were other loopholes that remained open.

Beyond the reach of Federal oversight the derivatives market swelled to the size of $600 trillion. There were no rules to prevent systemic failure, fraud, or manipulation. No one ensured that these products served any commercial function beyond gambling, and no one worked to make sure traders understood the products they traded.

It turns out traders often use the stockholder value of major financial institutions to gamble in markets they did not understand—with bets large enough to put the entire financial system at risk.

They bet on oil. They bet on natural gas. And with the creation of the credit default swap, they began to bet on each other's demise.

New exotic financial products were dreamed up, such as the recent one to trade movie box office futures, which was proposed by Cantor Exchange this year. What public benefit is served by trading box office futures? All it does is create a huge problem for the motion picture industry.

In 2008, AIG and Lehman collapsed under the weight of unregulated financial derivatives. But this time it was not only Western energy consumers who suffered. The unregulated derivatives market brought our entire economy to its knees.

That is why it is so vital that we learn from this experience and implement the derivatives reform proposals that have been put forward by Senators LINCOLN and DODD.

Let me take a few moments to describe some of the bill's key positions.

It will require every trade to be reported in real time to the Commodity Futures Trading Commission, so regulators will know for the first time what is actually going on in these markets. They will be transparent; they won't be dark markets. Everyone will know.

It will require standardized high-volume trades to be cleared through a regulated clearinghouse. This will ensure that everyone in the system gets paid even when one trader defaults. Had we had this system in place, AIG's collapse would not have posed a systemic risk.

Swap dealers who sell uncleared contracts to end users, which are more risky than cleared trades, will be subject to significantly higher capital requirements enforced by the CFTC in cooperation with bank regulators.

The bill helps small commercial end users such as utilities or trucking companies hedge their risks, but major financial institutions and mutual funds will have to conduct their trading in regulated markets. That is a good thing.

It will require all cleared contracts to be traded on an exchange or on a swap execution facility. Trading on exchanges or execution facilities provides for pretrade transparency—again, light—which is necessary to fully understand and manage the risks being

taken by market participants, to provide more efficient and accurate pricing, and to facilitate more cost-effective risk management.

It will require speculative position limits to be set in the aggregate for each commodity, instead of contract by contract. Position limits provide an important restriction on market manipulation and the amount of risk that can build up in any one market participant.

For the first time, the CFTC will be able to prevent speculators from assembling massive positions in a particular commodity, such as oil, by assembling large positions in multiple contracts. See how they do that.

Traders can now simply buy positions in Brent Crude Oil when they have exceeded limits in West Texas Intermediate crude oil, and that makes no sense. See, it is a way to hide the size of your trading position.

Aggregate position limits will prevent manipulative practices, such as those deployed by the defunct hedge fund Amaranth in 2006, which assembled massive positions in two separate natural gas contracts and manipulated one in order to profit on the other. Let there be no doubt about this, Amaranth settled and paid a huge fine in substantial millions of dollars.

Further, the bill will close the London loophole so they can't go around American law, by requiring that Foreign Boards of Trade adhere to minimum standards comparable to those in the United States and report all trading activity to United States regulators on a timely basis.

Finally—and perhaps most importantly—the bill will prevent FDIC-insured retail banks and banks with access to the Federal Reserve discount window from engaging in the extremely risky practice of swaps dealing with a government guarantee. That is important.

This innovative and important provision effectively implements the Volcker rules and protects taxpayers. So you can see what a big provision this is—remember, it was derivatives that brought the house of cards down. Now there will be transparency, clearing, and position limits. I very much thank the chairman of the Banking Committee for negotiating with Senator LINCOLN and achieving this. It is a monumental gain.

I very strongly believe that all swap activities and commercial banking should be distinct, so that taxpayers do not supplement, subsidize, guarantee, or insure the riskiest activities of large financial institutions.

There is no denying that opponents of the bill are trying to come up with new and creative ways to block this bill.

With so much at stake, it is not surprising that allies of the big banks and Wall Street lenders have already launched a multimillion dollar ad campaign to frame the debate and fight these changes. They are cynically twisting the facts to assert that this legislation will perpetuate more bailouts in the future. Nothing could be further from the truth. The big Wall Street firms that caused this crisis have hired lobbyists to portray Wall Street reform as something that is bad for taxpayers.

The loudest detractors of financial regulatory reform claim that it will be another government intrusion in the free market. Well, we have found out that the free market is not self-regulating.

Recently, the Wall Street Journal reported that opponents of regulatory reform have adopted talking points distributed by a messaging firm whose clients include Bank of America, Chase Card Services, and UBS. The memo suggests that the best way to kill the bill is to link it to the big bank bailouts.

My colleagues on the other side of the aisle have adopted these talking points and are doing everything they can to block this critical bill. This is both dangerous and absurd. If we have learned anything from the recent past, it is that the disorderly failure of massive financial institutions is extremely destructive.

For the first time, with the passage of this bill, we will have a process in place to ensure the most minimal disruption necessary in order to wind down failures on Wall Street. That is what this is about. And the $50 billion is not government money. The $50 billion is a fund that the companies contribute to, which is held in escrow by the government so that if it has to be used, it can be used.

I stand behind Chairman DODD when he emphasizes the level of bipartisan negotiations that have gone into the bill before us. But bipartisan compromise does not mean withholding support until you get everything you want. Financial reform is not a zero-sum game. We need solutions, not threats to block meaningful reform of our financial markets. Without strong reform, every American who has been blindsided by the profit-above-all-else mentality of Wall Street will lose, lose, lose, and that is what is at stake in these cloture motions.

Anyone who has taken basic economics knows markets only function when market participants have good information—in fact, perfect information and when the transactions occur free of fraud, abuse, and manipulation. Handing control and oversight of financial markets to the biggest Wall Street banks does not produce a free market with good information, free from abuse, as has been painfully illustrated over the last few years.

Accusations of fraud against Goldman Sachs, announced the Friday before last, underscore the need for financial reform. Goldman Sachs will have their day in court, but the allegations against the firm cry out for greater transparency at giant Wall Street banks.

Let me return to where I began. I was 1 of the 40 Senators on the telephone in September of 2008, when both Secretary Paulson of the Treasury and Ben Bernanke of the Federal Reserve talked to Senators and said—and I am paraphrasing, but this is the sum and substance of it—we are a hair's breadth away from a major collapse of the entire financial marketplace of our country, and it will be worse than the Great Depression if it happens.

I never expected to hear that. I never thought these market activities could do that. To some extent, I believed the market was self-regulating, but it isn't. We found that out in spades. I think we are deleterious in our duty if we do not address this, if we do not fully debate it on the floor, if everybody who hears the debate doesn't understand what the evils are that are out there; that naked swaps, that credit default swaps need oversight, that hedge funds without any regulation must have transparency, must be regulated, and that trading must go over an exchange. This bill accomplishes that. This bill protects the American people.

I can't understand why anyone would not support this bill. If truly what we believe in and what we came to this office for and what we took our oath of office for was to protect the American people, this bill is mandatory. Not to do it is malfeasance of duty, in my view. Not to let us move forward with a robust debate, to waste time with cloture votes day after day—and it looks like they will continue—I believe is improper. To demand that a bill has to be agreed upon by both sides before it is even debated on this floor as a major bill is something that in this day and age, with the economic troubles of this Nation, I thought we would never ever hear.

So the bottom line is: Now is the time to act. Now is the time to close the gaps in regulation. It is time to hold the big banks accountable to the people they serve. It is time to put a moral compass into trading. It is time to ensure that taxpayers will never again be forced to bail out big banks because they are too big to fail. No bank is. That is what Wall Street reform will achieve. That is why I feel so committed to making it happen and why I am asking for the support of all our colleagues.

Senator DODD and Senator LINCOLN have assembled the strongest provisions of each of their respective bills into a proposal to reform the bilateral swaps and derivatives market that is more effective than any proposal to date. So I wish to thank both of them for their leadership in bringing this bill

to the floor. I am very proud to stand with them, along with my long-time colleagues in this effort, Senator SNOWE, Senator CANTWELL, Senator DORGAN, Senator HARKIN, Senator BROWN of Ohio, and Senator NELSON of Florida. They have worked for a long time to bring about strong regulation of the derivatives market.

So the question remains: What will happen? Will this bill be allowed to see the light of day? Will this bill be able to regulate fraud and manipulation? Will this bill be able to see that the American taxpayer is protected so we can say, truly, in good conscience: Never again will this happen in the United States.

So I say to the other side: Stop this nonsense. Let this bill come to the floor. Come down to the floor and debate it. Vote against it, if you don't like it. That is the American way. I don't believe that when a bill comes out of committee by a majority vote, regardless of how that majority is achieved, whether it is bipartisan or the product of one party, that it should be refused debate on the floor. We have a chance to change that. I hope the Republicans will. I hope we will debate and pass this bill.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Georgia.

Mr. ISAKSON. Madam President, I rise for a second to talk about the financial services bill. I do want to say something in advance of that, and I am sorry Chairman DODD is not on the floor.

This Friday is the last day Americans can go under contract on the first-time homebuyer tax credit and the move-up tax credit. I had the privilege of working with the banking chairman on that legislation in the fall of last year—and its extension—and I felt a sense of reward today when the announcement came out that for the first time in 36 months home values in the 20 test markets in the United States actually went up by six-tenths of 1 percent. That is not a lot of money, but it is the first time in 36 months. The chairman created an environment to allow that debate to take place, and this Senate voted 100 to 0 to pass it and the American people have benefited from it.

As I tell so many who call me, it is not going to be extended because credits such as that are designed to do what it has done; that is, to bring the marketplace back and hopefully stabilize values and move forward. I commend Senator DODD for setting up the environment where that could take place.

That brings me to my point on the bill before us. Senator FEINSTEIN did an excellent job of talking about Wall Street and some other people who certainly need to be held accountable where there wasn't any transparency, contributors to the problem, and the terrible problem the derivatives caused in the whole mess. But there is another story out there I wish to bring up, because when we do get to the debate on this bill, it is my hope we will truly have a debate and an amendment process because there are some things not in this 1,407-page bill that ought to be.

What I specifically want to talk about is Freddie Mac, Fannie Mae, Moody's, and Standard & Poor's. When the market began to collapse, a lot of those derivatives that were talked about were bets, one way or another, against the housing market, which in many ways had been overheated in America because of the approval of something known as a subprime mortgage. But the devil in those details that caused us so much problem is that there was originally no market for subprime mortgage. They were B, C, and D credits. They were downpayment assistance loans. They were higher risk loans by their definition, but they got securitized and two things happened: First, Moody's and Standard rated them as investment grade, AAA investment-grade securities; secondly, Freddie and Fannie, at the behest of the U.S. Government and its Congress—us—started buying those securities to meet the desire to have more affordable housing in America, a noble goal but a goal that was being achieved by loaning people money who could not pay it back, by loaning them the downpayment they didn't have, by not validating their credit, their employment or anything else.

So when this thing did collapse, when everything went down and went down fast, it was, in large measure, because Freddie and Fannie created the marketplace that started the buying of these securities around the world, these mortgage securities, No. 1. Equal with that is Moody's and Standard's rating them as investment grade when they obviously were not.

I would think that as we move toward a debate on this bill, when that time comes, and it will come, that it will be a bill that includes Freddie and Fannie and includes Moody's and Standard. I do understand there are some references to Moody's and Standard, but I will submit to you that the best accountability on Moody's and Standard is for them to be paid by the purchasers of the securities, not the creator of them, because then they are accountable to the people who actually get stuck holding the bag, not to the guy who created them and dumped them and ran, which is some of what Senator FEINSTEIN was talking about.

I also wish to talk about the quality of lending. There are provisions in this bill that talk about shared risk and risk retention. There are provisions for a mortgage banker to retain 5 percent of the risk in a loan. That is a well-intended move, but as I said the other day on the floor and as I reminded people in this body, when the savings and loans collapsed, when the RTC, the Resolution Trust Corporation, was created—and that crisis cost the American people $\$3/4$ trillion—savings and loans in America didn't have 5 percent of the risk, they had 100 percent of the risk. They made those loans with deposits they had of their depositors and they were paid back over time. But when we took away their preference for deposits on $10,000 or less against the banking industry, and when—because they began losing money—we allowed them to form service corporations and get into businesses they didn't know anything about, they finally collapsed and imploded with 100 percent risk, not just 5 percent.

So I would submit another thing that needs to be incorporated in this is for us to put in some underwriting standards—minimum standards—so anything that doesn't meet them has to be an insured mortgage by an MGIC or a PMI. We should go back to the good old days of the 1960s, 1970s, and 1980s, where you had to have a job and a verification to borrow money, where you had to get a credit report, where you didn't have a windshield appraisal, where an appraiser drove by on the street, but a legitimate appraisal, where they valued a property, and where you couldn't borrow money that would cause you to spend more than 25 or 30 percent on your monthly payment as a percentage of your gross income or a total of 38 percent on all debts you had, including that payment, for at least a year or more in duration.

The real estate industry, the housing industry in America, with those very standards—which were the standards of the 1960s, 1970s, and part of the 1980s—ended up having a vibrant housing market, with 65 percent home ownership—the largest of any country in the world. But when Wall Street got greedy, when our idea of forcing Freddie and Fannie to be purchasers of resort, when all those things were created, the rush came to make the mortgage, to sell the paper, to produce the income that the investor wanted, and the quality of the house, the qualification of the buyer, and the legitimacy of the loan came in question.

So I look forward to the point in time when we get to this debate that we will talk about three things: No. 1 is that Freddie Mac and Fannie Mae were, in fact, government-sponsored institutions and today are a lot more government sponsored than they ever were. No. 2, if we exempt them, we leave the potential and the temptation for them to be used as a dictated purchaser of certain kinds of paper that will get us right back into the same situation. If Moody's and Standard do not have an accountability to their rating standards, when something such as the subprime loans happen, we will

be leaving open the opportunity for most of what happened that was the principal cause of the collapse to happen again. I think we have a responsibility not to do that.

I hope to become a part of a debate on that part of this legislation that closes the loophole, that takes away this idea that if you just have a 5-percent shared risk, it is a safe loan, and instead make sure the underwriting to the borrower is what we count on because, after all, that is going to be how the money is paid back. We know for a fact that Freddie and Fannie were a major part of the problem, and we know that lack of quality underwriting was a major contributor to the quality of the security. Somewhere it ought to be addressed. But in these 1,407 pages, to the best of my reading and looking, it is not. That is unfortunate and it is a mistake. I hope, when we get to the final debate, we will correct that error or else we will not have addressed a major contributor to the problem for our taxpayers and our voters and our citizens.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, while the Senator from Georgia is still on the Senate floor, I want to say it is great to have him back. He has been back for a couple of weeks, but he had some pretty serious health challenges and it is good to see him back on his feet and in full voice.

He mentioned in his remarks for the first time about 3 days ago the home buyers tax credit, which actually expanded a little bit the second time through, is coming to a halt, and we are seeing this enormous volume in terms of sales of homes in this country in no small part because of his leadership on this issue over the last year or two. I was pleased as a former member of the Banking Committee to be involved in that and encourage my colleagues to support what was a very good idea.

The other thing I want to say while he is still on the floor is, he and I don't agree on everything, but we agree on a lot of stuff. I would like to invoke the 80–20 rule, which Senator MIKE ENZI from Wyoming talks about. I used to say to him: Why do you and Ted Kennedy—when he, Senator Kennedy, was with us; they were senior Democratic and Republican on the Health, Education, Labor and Pensions Committee—I would say to MIKE ENZI, he is one of the most conservative Members of the Senate, and Ted Kennedy, arguably one of the most liberal Members of the Senate: How come you and he can get so much done in a very productive committee, regardless of whether Ted Kennedy was the chairman or MIKE ENZI was the chairman?

MIKE ENZI used to say: Ted and I believe in the 80–20 rule; 80 percent of the stuff we agree on, 20 percent of the stuff we don't agree on. What we decided to do is focus on the 80 percent on which we agree, set aside the 20 percent we don't agree on, and we will come back and worry about that another day.

I think, hopefully, at the end of the day we will decide to do that. There is a whole lot more on which we agree than we don't agree. My hope is we will have an opportunity to bring this bill to the floor and do what we used to do in the Senate; that is, we have people actually offer their amendments, we have a chance to debate those amendments, and we vote them up or we vote them down; that one side wouldn't line up all together to vote against those amendments, and the other side line up to vote for them.

I think with a lot of amendments Republicans and Democrats have actually gone across party lines, and it will depend a lot more in some cases on geography, in some cases on the business climate in a particular State or the nature of their businesses.

We will have a couple of days voting not for cloture, not to bring the bill to the floor; I would say to my colleagues I will be voting with them, working with them on some of their amendments, and my hope is they will do the same on some of mine. But I hope we can get past this sticking point and actually do what we are sent here to do; that is, to legislate, to govern, and I know that is what is in their hearts as well. I wanted to share that.

Mr. ISAKSON. If the Senator will yield, I thank the Senator for his good wishes. I always enjoy working with the distinguished former Governor, now Senator from Delaware, and I look forward to that moment where we are finding that 80 percent common ground.

Mr. CARPER. It is out there. I thank my colleague. I want to take a minute or two to have us step back and think about how we got into this mess with the housing bubble and all that literally led us almost to the brink of disaster in this country.

Part of what happened is market forces were not allowed to work. Regulation was not enforced. The regulators were in many cases, too many cases, asleep at the switch. But I will talk a little bit about the housing markets.

I am a guy, as a Governor and as a Senator, I always pushed real hard—and as a Congressman before that—pushed real hard for home ownership. I love the idea that people own their own home, own a piece of the rock. For a lot of people the biggest part of their life savings is the home they own. They use that not just as shelter but to help send kids to school and borrow against for all kinds of things and at the end of their lives to live off of, in some cases, the equity in their homes. That is a good thing.

That is not to say everybody ought to be a homeowner. In some cases there are some folks who ought not to be.

As the housing market heated up and the housing prices were going up, folks assumed they would go up forever. They didn't. Few things go up forever, and that includes housing prices.

We had a number of folks looking around at other people who wanted to become home owners. People who did not have the ability to become a homeowner, didn't have the financial wherewithal to become a homeowner, were sucked in or duped into buying homes. They took on exotic mortgages in the hopes they would somehow be able to pay for those and the value of the homes would keep going up over time and people would come out whole. It didn't work out that way.

I think part of what went wrong, aside from the assumption that housing prices would go up, is the fact that regulators were asleep at the switch. The other thing that went wrong is kind of a basic concept that to make markets work, for there to be some market discipline, there has to be skin in the game.

Others have talked about this even today on the Senate floor. We had, in some cases, mortgage brokers who would say to people who did not have the ability to be homeowners: Don't bother telling us what your income is or showing us what your income is. You tell us you are OK and your income is good, we will take your word for that.

In too many cases that happened, and the regulators allowed that to happen. We had mortgage brokers originate a mortgage and pass the customer on to a bank or mortgage banker. They would write the mortgage, allow the mortgage to be done, and the person ended up with a home. They ended up with a mortgage. The mortgage was passed on, maybe bought by Fannie Mae or Freddie Mac, and they bundled them together, a bunch of mortgages together, and created an investment instrument through securitization. Those securities were then kind of blessed by the credit agencies.

The credit agencies, the mortgage brokers, made their fee, and they were out of it. The bankers made their fee, and they were out of it. Fannie and Freddie got some kind of fee, as I recall, for securitizing the loans, and they were kind of out of it. The credit agencies made their fee and they were out of it. We ended up with folks owning these securities, in some cases, all around the world.

We sliced and diced these securities and they were acquired by different investors. Too many of the players in this business didn't have any skin in the game. At the end of the game, when folks started defaulting on the mortgages, not making the payments, those investments in mortgage-backed

securities which were out there owned by different bunches of investors turned into what I call Swiss cheese. They had a lot of holes in them, holes created when folks stopped meeting their mortgage payments and eventually, instead of turning into Swiss cheese, they in many cases became illiquid, unmarketable, and they gathered, in some cases, on the books, the balance sheets of financial institutions.

Despite all these tricks we tried to create and gimmicks we tried to create or financial tools we tried to create to deal with the risk, they didn't all work. In the end it came tumbling down.

Among things we want to do, we want to make sure in the legislation we are working on regulators actually regulate. Second, one of the things we want to make sure of is we actually, when we are asking somebody what their income is, we want to verify it so some people don't end up taking on risks they obviously can't meet. We want to make sure people have skin in the game, the banks, the financial institutions have skin in the game; that the shareholders of those institutions are at risk; otherwise, what reason should they have—why should there be any discipline? There will not be in too many cases.

There are some people who think we ought to mandate capital standards and risky activities, raise the capital standards, and we should do that by mandates or legislative fiat. I don't know if that is a smart thing to do because we are working in this international marketplace, and our financial institutions, if they have certain capital standards that are dramatically different from the capital standards or requirements for liquidity different from other countries, that sort of puts our institutions at a disadvantage, a competitive disadvantage. We have to make sure our regulators are coordinating with other regulators around the world and we actually do have standards so financial institutions, when they are involved in risky behavior, the capital requirements are higher and the liquidity requirements are higher.

The last point I want to make, today somebody gave me some—I don't know if you call them talking points, if you will, what our vision is as Democrats, the idea we are on the side, not so much of the financial institutions, certainly not necessarily on the side of Wall Street, but we are on the side of regular people, many of whom have been damaged by all this.

Among the points I would want to leave us with in terms of the things we are for is, we want to have in place strict new regulations to stop Wall Street from gambling with money, our money, in the end. We are not interested in more taxpayer bailouts. The idea of creating this $50 billion fund that will be paid for by financial institutions themselves, to contribute to that so later on when these big institutions get into trouble, we actually have the money literally there, available to use to shut them down and retire them in an orderly way that doesn't disrupt the financial system, that is one of the things we are for.

We are going to try to end too big to fail. We want to put a new cop on the beat in terms of consumer protection for consumers, at least working with the largest 100 or so institutions that have over $50 billion in assets among the bankholding companies, and we—I think this is important, too, a reminder in the course of this debate—we want to put consumers in control with information in plain English.

As I listen to this debate and a lot of folks coming to visit with us and talk about the issues before us, we can probably use more plain English on the Senate floor than not. Sometimes I hear my colleagues, certainly our staffs and folks who visit with us, talking about stuff that reminds me of the old saying—remember Albert Einstein's Theory of Relativity? Somebody once asked Mrs. Einstein: Mrs. Einstein, do you understand your husband's Theory of Relativity?

She said: I understand the words but not the sentences. That is what she said: I understand the words but not the sentences.

I hear some of the debate on some of what is presented to us. I understand the words, but some of the sentences I understand but not all of them. I want to make sure at the end of the day when we are finished and we bring the bill to the floor and offer amendments, we actually understand the sentences and not just the words of the amendments and actually write defined legislation, go through conference with the House, and actually do understand not just the words but the sentences, the paragraphs, the pages, and the whole kit and caboodle so at end of the day we will have taken some big steps to greatly reduce the likelihood we are ever going to have to go through this again—certainly not in our lifetimes and certainly not again ever.

I know the things I mentioned that serve our Democratic vision—I hope the Republicans would share that. I think in many cases—maybe on an 80–20 basis—they probably do. If we ever get a chance to get a bill to the floor, we will find out. In the end, I think we will find out there is a lot on which we agree; that we will find common ground, we will address this issue and move on to other important issues and challenges that face our Nation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, again today, for the second day in a row, we have failed to break the Republican filibuster on the Wall Street reform bill. The votes are very clear. With one or two Democrats out—one who is opposed to breaking the filibuster and the other absent—there was not a single Republican vote in support of moving to the debate on the Wall Street reform bill.

Tomorrow, there will be another opportunity, and it appears the other side, the Republican side, of the aisle is deciding they do not want to debate this issue. The Senate as an institution is designed to give people a chance to express themselves, both by votes and amendments they might offer. That is what we have offered.

It is interesting to me, this bill which is before us, the Restoring American Financial Stability Act—I am just checking on how many pages it is; we count pages around here now—is 1,400 pages. OK. And I am not being critical of the size of this bill. It is a big challenge to make sure we pass the laws that are necessary to promote financial stability.

But it was not but a few months ago that the Republicans were arguing that the health care reform bill was so big that we had to have it right out here in front of us and we should not be negotiating behind closed doors with secret negotiations on the bill; it ought to be right here on the Senate floor; let's have the amendments. Now comes this bill on Wall Street reform, and the Republican position is exactly the opposite. They say: We do not want to have an amendment process on the floor; we want you to agree ahead of time behind closed doors on what the bill is going to say. I do not know if they have noted the inconsistency of their position, but it is fairly clear.

I think they probably have some good ideas to change this bill. I am anxious to see their amendments. I think we have some good ideas to improve the bill. I would like to offer a few amendments. It is almost sounding like the U.S. Senate, isn't it—amendments on a bill and votes and speeches and debate. It really sounds like the good old days here. But we do not have the good old days anymore. We just lurch from one vote to an empty floor to the next vote to an empty floor to the next vote. People who are following this debate on the outside have to be wondering what we are trying to achieve.

Unfortunately, for some, what they are trying to achieve is absolutely nothing. They want to stop the Senate from acting. They believe it is in their

best political interest—maybe in the best interest of the country, from their point of view—that we do nothing.

How could you take that position when it comes to Wall Street after what we have been through as a nation? How could you take the position that we should do nothing when it comes to the Wall Street banks and financial institutions? These banks and financial institutions got away with murder when it came to corrupting our economy and leading us into the most painful recession in modern memory. How could you take the position, as some Republicans have, that we should not debate or vote on a bill to try to avoid that catastrophe from recurring? That, to me, is so basic and fundamental.

It strikes me that the American people have it right. They understand what we have been through. They understand that after the great minds of Wall Street made the greatest mistakes in modern economic history, they came whining and crying to the Federal Treasury to bail them out. They asked for hundreds of billions of dollars from hard-working families across America to get through their individual economic crises at their banks and their financial institutions. I will concede that I voted for that idea because the alternative was a disaster in our economy.

Well, after sending the money to Wall Street, they showed their gratitude by giving one another bonuses, multimillion-dollar bonuses, for their bone-headed stupidity that led us into this mess and then deciding that once they were solvent again and moving forward, they would stop loaning money to businesses across America that are trying to survive and get out of this recession. It is the ultimate in irresponsibility, and it is what we have come to expect from some of the people on Wall Street.

I mentioned earlier that many of us have been reading this book, ''The Big Short'' by Michael Lewis. He tells the story of how we got into this mess, how these people dreamed up ways to create these financial instruments, which almost defy description, where they would take thousands of mortgages from all around the United States and package them into a little bundle and put some code name on them that only the insiders could understand and then decide to sell them in pieces—tranches, they called them. And they were betting that the value of real estate would continue to go up and the default rate would not. They guessed wrong on both accounts. The default rate on these rotten mortgages increased and the underlying value of the homes and businesses and other entities began to decline and the bottom fell out. Lewis tells the story about those who saw it coming and ended up making a lot of money because they shorted the market, as they say. They guessed that the real estate bubble was going to burst. How many more times do we need to go through that as a nation before we change the rules on Wall Street in terms of their conduct and what they can do?

We think it is time. This bill is a product of the Senate Banking Committee and a lot of hard work. Senator DODD, the Democratic chairman of the committee, met for several months with the Republican Senator who ranks No. 1 on that committee, RICHARD SHELBY of Alabama, and they could not reach an agreement. Senator DODD then said, I will meet with Senator CORKER of Tennessee, also on the committee, and sadly that didn't result in an agreement either. Then Senator DODD said, Let's have a hearing and let's put this bill right on the table and let people offer amendments to it. The Republicans prepared over 400 amendments to this bill, and when Senator DODD convened the committee, they refused to call up a single one of them—not one of them—to be put on this bill or voted on.

So the bill comes to the floor in that situation and the Republicans refuse to let us move forward. That is because under the Senate rules we need 60 votes. We only have 59 on a good day here, and we clearly need Republican help to move this bill forward. They have decided as a party caucus to stand by Wall Street and to stand against reform. I don't understand it. I can't imagine that they are hearing anything that is different than what I hear when I go home. When I go home, basically people tell me that they believe it is time for accountability from the banks and the speculators on Wall Street and they believe we ought to do it now. They want to see us put a cop on the beat. They want to see the government keeping an eye on these big financial institutions, establishing standards of conduct, establishing margin requirements so we know they are not overextended again as they were leading into this recession, and they want to make sure we are doing something that is going to avoid a replay of what we have just been through.

There is another aspect of this bill. When I spoke to one of the Republicans during the vote today, I said to him: What is the problem here? Why aren't you joining us in this Wall Street reform? Don't you hear the same things at home that we do?

He said: My big concern is the consumer financial protection agency in here.

Well, I am the wrong person to raise that issue with, because I happen to believe in it. We have created safety standards for the inspection of certain products across America. When you buy toys for your kids during the holidays, you want to make sure they don't have lead paint on them or tiny pieces the kids might ingest and choke on. The Consumer Product Safety Commission is supposed to watch out for those sorts of things, and they do. But when it comes to our financial instruments that we have as part of our daily lives, there is no real watchdog. I am talking about mortgages on our homes and credit card agreements, student loans, automobile loans, retirement plans, things that make a big difference in our lives and that can go bad and cost us dearly. This bill sets up within the Federal Reserve an agency for consumer financial protection. It will be the strongest consumer financial protection law in the history of the United States, and it isn't a massive bureaucracy. What it basically does is empower consumers across the country so that when they sit down to sign an agreement, the basics are explained to them. It also puts that watchdog in place to keep an eye on those banks when they start sneaking in new terminology, these tricks and traps that can explode on you at a later date. That is the part this one Republican Senator said has to go. We don't want this consumer financial protection.

Well, the Senator may not want it; the banks don't want it either. They don't want someone looking over their shoulder, but I think the American people not only want it, they deserve it after what we have been through.

I was standing in the airport in Chicago on Monday on my way out here and a fellow came up to me, a businessman in Chicago, and said: Oh, what a coincidence. I am on my way out to see you.

I said: Good.

He said: I am here so that we can exempt our business from the Consumer Financial Protection Agency.

I said: Save the money on the airfare, because I am not voting that way. I don't think we ought to start carving out all of the different special interests and business groups that want to come here and say we are the good guys, we are not the cause of the problem. The fact is if they are, in fact, good guys and good gals, if they are honest in their dealings, if they are treating customers honestly, if they are conscientious and ethical, what are they worried about? This is an agency we have created to go after the bottom feeders, the predators who are out there taking advantage of consumers in the name of consumer credit.

This has happened so many times in the time I have served in Congress, where you come in and say, We want to protect consumers from the worst in the financial industry, and the big banks come in and say, Oh, no, it is just a foot in the door. Pretty soon they will be looking at us too, and they stop any kind of basic surveillance.

Right now in Illinois—in fact, a couple of blocks from where I live in Springfield, IL—are a couple of operations that take this to the extreme—

Payday Loans, Title Loans, Same Day Loans. It is an outrage. It is an outrage that my State lets them get away with it. They have tried to tighten up the law a couple of times, but these folks are slippery. They find a way around it. They charge outrageous interest rates. They are rolling over these debts time and time again until these people are absolutely out of luck. They have nowhere to turn.

I introduced a bill, a cap on interest rates, a usury bill, and I said if you want to meet every creepy, crawly, slimy reptile in the financial industry, introduce a usury bill, and they will all slide under your door to come in and meet with you and tell you how you just don't understand. Yes, they will say to me, it is 108 percent a year annual interest, but it is not what you think it is. It is what I believe it is, and it is a rip-off of consumers that has to come to an end. I am joining with Senator KAY HAGAN of North Carolina to put an end to some of these business operations. I don't think they do any good for America.

It has been about 10 years ago now that Senator Jim Talent, a Republican from Missouri, put an amendment on a bill that didn't attract much attention. The amendment he put on exempted military families from being business clients of these payday loan operations. Why would he exempt military families? Because the Pentagon had reported to him that in many military installations around the United States, soldiers—Air Force, others—were borrowing money from these fly-by-night operations, couldn't pay it back, and got so deeply in debt they had to be discharged from the service. Men and women trained in our military, because of the debt they had incurred as a result of these rotten operations, fly-by-night operations, had to leave the military service, and the Pentagon was saying to this Senator and others, We invested a lot of money training that person and now they are gone.

So we said 10 years ago that we were going to provide that these payday loan operations could not lend money to military families, and it passed and became the law. Well, if we are protecting military families and our national interests, why aren't we protecting all families? That is my point of view. I think Senator KAY HAGAN of North Carolina shares that point of view and I want to make sure we move forward on that. I also want to make sure interest rates are regulated. There is a limit to how much should be charged. There are people who exceed that limit and take advantage of those. Those are the kinds of things that are at issue here.

So this week, if you tried to follow what is going on in the Senate, sometimes there has been a big yawn, because the floor is empty. No one is here, because we are lurching to the next filibuster vote. We are going to ask the Republicans again tomorrow: Now is it possible for us to bring up this bill, a bill that will put consumers in control when it comes to some of the most basic decisions they have to make? Now is it time to have strict new regulations to stop Wall Street gambling from happening again in our financial sector? Now is it time to make sure that the agreements we enter into are in plain, understandable English?

Now is the time to end taxpayer bailouts once and for all. Banks and financial institutions, not American taxpayers, should foot the bill for their own mistakes. If the Republicans object to that, offer an amendment. Stand up here and say, I think we ought to be ready to bail them out.

I don't think they will. Also, it is time for consumers to have the information they need to compare rates so they can make the financial choices that are right for them and their families.

American voters get it overwhelmingly. They want us to pass this bill. But the Wall Street lobbyists get it too. This morning an analyst came forward and said the Wall Street firms are spending $120,000 every day on Capitol Hill for lobbyists. They are working the phones. They are working the corridors. They are doing everything they can to kill this bill. These special interest groups have a lot at stake here. If we do, in fact, come through with this reform, the party is going to be over at some of these banks and they know it, so they are fighting it tooth and nail. If we have a consumer financial protection agency, they are going to change the way they do business. They won't make as much money. They are going to be held to honest standards and they don't like it. So they are spending a fortune begging the Republicans to continue this filibuster to stop the Wall Street reform. I hope a few Republicans will break ranks and join us. If they do, I think many others will follow, but it will take a few courageous, forward-looking people to step up and say, That is enough. Two filibusters in a week is enough.

By Wednesday—by tomorrow—if we can get three or four Republicans to step up, we can start an honest, bipartisan debate that leads to the kinds of reforms we need to make our economy stronger, create more jobs, and protect American taxpayers from ever being soaked again for another bailout.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I am here because for the second day in a row the Republican minority has once again sided with the Wall Street bankers and taken their side in the battle the American people want us to have to clean up Wall Street and see to it that the kind of economic damage that reckless gambling by Wall Street created across our whole economy never happens again.

We want to bring sensible, firm oversight to these Wall Street banks, and we want to create an independent consumer financial protection agency so that there is an institution out there that is looking out for the little guy, the person who can't hire a lobbyist or a lawyer and who has to take it or leave it when the bank comes calling.

The history of what brought us here is instructive. It says a lot about the motivation of what is going on on the Republican side.

We began with the most colossal bank failure and economic meltdown since the Great Depression. This body had to appropriate hundreds of billions of dollars to prop up the financial sector and save it from complete and utter collapse from a global financial meltdown. That is how dangerous the way Wall Street was playing was. It took us right to the brink of global financial meltdown and required unprecedented—and unpopular—actions by Congress to keep that from happening.

You would think the lesson everybody would take from that experience is that Wall Street needs to change, that there needs to be regulatory reform. This cannot be allowed to happen to American families again because wild speculators on Wall Street are playing unregulated games with other people's money. But from then until now, we have seen no Republican bill. Chairman DODD laid down his first bill on November 19, 2009, and the Republicans didn't answer with an alternative of their own. There was no basis from which to negotiate back and forth. They just criticized his bill, and that was that.

Negotiations continued—persistent negotiations—to try to get some Republicans to support Wall Street regulatory reform, and they led nowhere. Were Senators negotiating in good faith but being reeled in at the end by the leadership? Was it just a way to waste time with false negotiations to keep us from getting to this business? I don't know; I am not a mind reader. But what I do know is that there was no Republican alternative.

Eventually, Chairman DODD said: OK, we are going to hearing. We have our bill. Bring your amendments. Let's have a public debate in the Banking Committee about how we regulate Wall Street.

On March 23, Chairman DODD convened that markup. I know our committee members came expecting a long haul. They were expecting late nights and many days. They were expecting the kind of effort we saw when we did the health care reform bill, and I had the pleasure to serve on the HELP Committee with Chairman DODD. Day after day, week after week, hundreds of hours of hearings we went through amendment after amendment after amendment. We accepted 160, I think, Republican amendments in that process. We still didn't get their support, but at least there was a public discussion.

But when the Banking Committee took up this bill, with that same expectation that there would be long, arduous hours of hearings, argument, public debate, and amendment, what did they get? The ranking member said: We have no amendments. We don't care to discuss this. Call up the vote on the bill. We don't want to do anything in the public light of day. Vote the bill out.

So the chairman had no choice but to do that. He had no choice but to vote the bill out with no amendments. So here we are. We have gone from the worst financial disaster the country has seen since the Great Depression until this point, and the Republicans have no bill, no reform to offer. When it comes to their first opportunity, when their hand is forced in the committee to bring in amendments, they have no amendments, nothing to say.

Now we try to move to the bill, and here we are—stuck.

We are not here voting on the bill, we are here trying to get their clearance to bring up this bill to discuss it and go through the Senate process of debate and amendment and they are objecting to that.

So what is the common theme of a party that has no bill, that offers no amendments, and that wants no floor debate? The common theme of those things is wanting to cut deals in the dark, wanting to have their deals not see the light of day until they are already buried in a bill. Some of them would probably even turn around and object to some of the things they argued to get in.

We should be prepared to do the public's business in the light of day. In fact, after the most public process we have ever seen on health care, we took criticism from the other side for a couple occasional moments when people got together and cut a deal. But those were the exceptions in a hugely public process, ranging across several committees that took weeks and months, in which everybody knew where we were going, what we were doing, and what our priorities were to help the American people. This is the exact opposite. They do not want to do anything in the light of day. They do not have a bill where they are prepared to show the American people what their ideas are. When you say to them: OK. Our idea is, how would you change those, they have nothing to say. They do not want to debate, discuss or amend.

When we call them to the floor to say: OK. Here we go, let's have this discussion for the American people, they say: Nope, we don't want to have a discussion, not until we have cut our deals, not until we have gone into backrooms and cut our deals, not until we have delivered for Wall Street in backroom deals we wouldn't bring to this floor because we know what they would look like in the bright light of day.

That is where we are. Frankly, it is unfortunate and it is a shame for the American people because every day we continue with this is another victory for the Wall Street mischief. Every day we are delayed is another day that the champagne corks are flying out the window of the investment banks on Wall Street as they celebrate the fact that more highly leveraged gambles can go through because we haven't regulated them, more mortgage brokers can go out and sell junk mortgages to folks and take advantage of them with conditions that are buried deep in the fine print that they do not see. More people can get stuck in credit card tricks and traps that are unregulated by an independent consumer financial protection agency to stand up for them. Of course, the CEOs continue to get huge bonuses without the kind of governance this bill would put over executive compensation.

Why do they do it? Well, the relationship between the other party and Wall Street is pretty well known. It has been publicly reported that leaders of the other party went running up to Wall Street not too long ago to have their favorite closed-door, private meetings in the shadows, no publicity, no press. They would not discuss what took place in those meetings, but you know they went up there to offer their services to Wall Street to help defeat this legislation. They just don't want to talk about it.

So that has been pretty well established, and it runs afoul of the desires of the American people. Two-thirds of Americans want us to take action. As those of us who have spent time in public life know, usually people care about issues that relate to them very immediately. They care about pocketbook issues. They care about their family, the roof over their head, their paycheck. For a lot of folks in America, Wall Street is a long way off, and it is almost a kind of hypothetical concern for a lot of Americans. But they have it, just as strongly as they care about the economy right now. Because they know Wall Street has been taking advantage of America for too long; that the risks of it for ordinary families, when it gets out of control, are too great; and that Wall Street needs to be reined in. They know that, and that is why they want us to act.

That is why it is a shame that the minority party is refusing to allow us to even go to the bill and have a public debate in the light of this Chamber, in the light of day, about our ideas. We have told the American people what our ideas are. They are in the bill. Here are our ideas: Our ideas are a strong Consumer Financial Products Safety Commission—an independent consumer financial products protection agency to look out after the little guy.

How often have you looked at a credit card application and seen how many pages of small print are in it? Look at a mortgage. Look at any kind of commercial credit. In all that small print, the lawyers and the lobbyists have done their work. Too often, it is the person who signs on the bottom line who ends up discovering they signed up for a raw deal. Nobody is looking out for them. Nobody is putting at the top of the contract: Green light. This is fair. We have taken a look at it. Safe, good to go, Good Housekeeping Seal of Approval—or yellow light: Careful. You might want to truly know what you are doing before you sign up for this—or red light: Bad deal. Dangerous for consumers. Look out.

Simple, helpful information for American consumers to get, an independent commission to help advise consumers in those ways and have some regulatory authority over the people who put those products together, that is what we want in this bill. It is not fancy. It is not tricky. It is just a way to unwind the ''gotcha'' contracts that too many Americans have had to put up with for too long because Wall Street and the bankers have been writing those contracts and there hasn't been discipline over them.

So that is one of the ideas we are out there with. If they have a better idea, where is it? I don't want to deal that away in the dark. Come to the floor and tell us in the bright light of day what better idea you have than a consumer financial protection agency that is independent and out there to help the ordinary folks.

We would also consolidate bank regulators so that a big Wall Street bank can't shop around and decide which regulator it wants to have regulated. You don't get to choose your ref when you go to play a game, and you shouldn't get to choose your regulator when you go out into the field of commerce. It allows game playing and it is not right.

We should strengthen regulation over all financial firms and no more allowing them to change their charter to avoid rules they do not like. That is not complicated. That is simple. It is clear. It is our position in the bright

light of day. If they have a better one, where is it? I am not going to deal that one away in the dark. It wouldn't be right.

There are provisions that would crack down on CEO compensation, to make sure shareholders have a real say in executive pay and to make sure, in particular, that the compensation committees of the board that sets executive pay aren't just the pals and the golfing buddies of the people whose multimillion-dollar pay and bonuses they are approving; to make sure it is independent directors who are on the compensation committee and making those decisions. That is our position. It is clear. It is out there in the bright light of day. It makes sense. If they have a better idea, bring it. We are happy to listen to it.

But this room is empty of Republicans right now. There are no ideas, there are no alternatives. All they want to do is deal this stuff away in the dark and it is wrong. They will, however, attack it. They will say that a provision in this bill that provides for the banking industry to fund an orderly failure and wipeout of an existing bank so the government doesn't have to come in and bail it out, because there is no provision for an orderly failure, is actually taxpayer-funded bailout legislation. I mean, they couldn't be more wrong. The argument doesn't even make sense.

For starters, there is no bailout. The bank isn't bailed out. It is put out of its misery, but it is put out of its misery and sold off in an organized way. So as far as a taxpayer-funded bailout, there is no bailout. As far as it being taxpayer funded, it is industry funded. There is no taxpayer money in the deal at all. We make the industry pay to basically have a funeral plan for their colleague banks that fail so the taxpayer doesn't have to be there.

They turn that completely inside out, and they do so why? Not because it is true—we know that—but because they have a pollster who has taken a poll and who has discovered that, guess what, the American public doesn't like bailouts and doesn't like bailout bills. So, aha, the geniuses discover they are going to call this a bailout bill because that makes it seem unpopular. It doesn't matter that it is not true. A little confusion never hurts when you don't have a position of your own that you are willing to bring out in the light of day. But that is what they have to say about that provision.

That is actually a provision that I think makes a lot of sense. There has to be a way to have an orderly failure of a bank that goes insolvent so the taxpayer doesn't have to come in and prop it up because people worry, if one goes, is there a run on the bank? What does this mean for the global banking system? You have to have a way for banks to fail, for managers to be fired, for shareholders to lose their money, for all the consequences for failure in a real market system to happen but in an orderly way. That is what the bill does.

So you can go through this bill idea by idea, and I am willing to stand by the Democratic ideas. I actually have some amendments, if we could get to this bill, that I would like to see called up because I think we could improve it. I would love to see us reverse a decision called the Marquette decision—a decision by the Supreme Court that said the rules for a bank are determined by the State where the bank has its headquarters—where it is domiciled, and if there is a conflict between a State law that protects the consumer and the State law for where the bank is, it is the home of the bank that wins.

Well, now, how did that all work out? What happened is the banks figured out the States that have the worst consumer protection laws in the country and they moved there. Not for nothing does your credit card usually come from one of just two or three States.

The result of that is that the power of the States of the United States of America, the sovereign power of the States of the United States of America they have had since before the Revolution to protect consumers from exorbitant interest rates, from rates that were called usury because they were too high, illegally high, was taken away from them. Nobody in Congress made that decision. It slipped through in the back of the Supreme Court decision all those years ago and the industry saw their opportunity and they adapted. If you want to know why you are paying a 30-percent interest rate on your credit card when your home State has an interest rate cap of 18 percent, it is because of that decision.

I am for putting that choice back in the hands of the States to protect their own consumers from these global, international, multinational banks. Global, international, multinational banks, huge Wall Street banks could not give a hoot about Rhode Island. But if they have to obey Rhode Island law, that is another question—Rhode Island law or Colorado law or California law or Vermont law; you name it. The States should be able to protect their consumers the way they always had until this decision—it is part of American history—from exorbitant and cruel interest rates. So I would like to see that amendment.

But the bill as it is, is something we can be proud of. It is a shame that here we are with two votes now back to back, with the Republicans refusing to allow us to even enter that debate. I have wracked my brain to try to think of a way to explain why they are doing this. There are not any good reasons.

One is to prevent progress on anything, anything and everything—the politics of obstruction. If it has President Obama's name on it, if it would reflect well on him no matter how important it is to the American people, forget it. Job No. 1 is to deny any victories, any support to Obama irrespective of the merits. We have seen plenty of evidence of that and maybe that is the reason.

Reason No. 2, they have interests, special interests they want to protect—Wall Street interests, banking interests, people who do not want to see an independent consumer financial protection agency looking over consumer contracts and sticking up for the little guy. That could be another reason. That would explain why they do not want to put their positions on the record anywhere. That is why they will not write a reform bill. That is why they will not put forward a reform amendment in the committee. That is why they will not come to the floor and allow us to debate this bill.

They know their arguments are running against the public interest, the concerns of the American people and the needs of our country, and are just to protect Wall Street. They don't want that in public so they are willing to have this fight. They are willing to blockade even going to this bill, just for the purpose of protecting the darkness in which they want to cut deals to protect Wall Street and the special interests behind them.

That has to stop. Like many of my colleagues I am prepared to stay here, to keep banging away at this, to come and vote over and over again, to spend days and nights on this issue until we get the job done. I take some comfort from some of the stories of history, one of which is the Biblical story of Jericho. When Joshua and the Israelites surrounded Jericho, they didn't go and negotiate and ask them would you please open the door, we will give you what you want. No, they went around the city, time after time—seven times they went around the city of Jericho, blowing their horns, blowing the ram's horn. On the seventh day, on the seventh tour around Jericho, when they blew their horns, Joshua said to the Israelites: Let out a great shout. And they let out their great shout and the ram's horns blared and the walls fell flat.

Maybe it will take seven times around this bill before the walls of obstruction the Republicans have put up to protect the dark deals they want to do for their special interests fall. Maybe it will take seven times. Maybe it will take 17 times. Maybe it will take 27 times. But when you look at the damage that Wall Street caused to this country with its speculative, dangerous practices, with its unregulated, uninhibited excesses, this is important.

This is one we need to win for the American people. This is one we need to win for the safety of our economy going forward. This is one we need for

every family that lost their job because the financial catastrophe washed through the business they worked for. They have never been to Wall Street, they have no interest in the financial industry, but they are as out of work as anybody else because of what splashed and sloshed across this country from what happened on Wall Street.

Those are people we cannot forget. Those are people we cannot let down. Rhode Island still has the third highest unemployment in the country. We are in our 27th month of severe recession. It has been compounded by historic flooding that has 2,000 Rhode Islanders still out of their homes. The flooding sure isn't Wall Street's fault but it compounds the harm that Wall Street inflicted on the entire economy, and it focused so intensely in my home State of Rhode Island.

As far as I am concerned, we are here, we are here to stay, we are going to get this done, and we cannot be discouraged by the Republican obstruction.

I see the majority leader on the floor. Would it be convenient to yield to him?

Mr. REID. I so appreciate my friend extending his usual courtesy.

CLOTURE MOTION

Mr. REID. Mr. President, I offer a cloture motion which is at the desk, and I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 349, S. 3217, the Restoring American Financial Stability Act of 2010.

Christopher J. Dodd, Blanche L. Lincoln, Jeff Bingaman, Mark Begich, Charles E. Schumer, Arlen Specter, Robert Menendez, Benjamin L. Cardin, Daniel K. Inouye, Jack Reed, Edward E. Kaufman, Byron L. Dorgan, Richard J. Durbin, Tom Udall, John F. Kerry, Sheldon Whitehouse, Robert P. Casey, Jr.

Mr. REID. Mr. President, I ask unanimous consent that following a period of morning business tomorrow, Wednesday, April 28, the Senate resume the motion to proceed to S. 3217, with the time until 12:20 p.m. equally divided and controlled between the leaders or their designees; that at 12:20 p.m., the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3217, with the mandatory quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I thank the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I thank the majority leader for his steady and strong leadership through these times.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUSPENDING THE 2011 COLA

Mrs. BOXER. Mr. President, I support the recent actions by both the Senate and House of Representatives to suspend the 2011 cost of living adjustment for Members of Congress.

Although there has been encouraging news on some sectors of our economy, too many Californians are unemployed or underemployed. It is fitting that we forgo a cost of living adjustment at this time.

## ADDITIONAL STATEMENTS

### TRIBUTE TO STANLEY G. JONES

● Ms. CANTWELL. Mr. President, I wish today to pay tribute to the well-respected tribal leader and proud veteran of the War in the Pacific with the U.S. Marine Corps, Stanley G. Jones, Sr., "Scho-Hallem."

Mr. Jones is retiring after more than 40 years of service to his people, the Tulalip Tribes, of my State of Washington. Mr. Jones served on the Tulalip Tribes Board of Directors for the past 44 years; longer than any other Tulalip tribe member.

Mr. Jones helped guide tribes in the Northwest through their legal battle to regain lost treaty rights, culminating in the Boldt Decision of the 1970s. He was instrumental in reviving the traditional First Salmon Ceremony in 1976, the practice having been outlawed by the Federal Government in the early 1900s. He was the first Chair of the National Indian Gaming Task Force, and helped set tribal policy regarding the usage of proceeds from Tulalip tribal ventures.

Mr. Jones was a strong advocate for economic development. He led the Tulalip Tribes' efforts to invest their lands, and worked to create jobs and opportunities for his tribe's people, and those in neighboring communities. He also endeavored to provide educational opportunities, health care, housing and senior services to tribal members.

Mr. Jones will be sorely missed but his legacy is in the growing respect for treaty rights and tribal sovereignty that he leaves behind. Today his vision is being carried on by a new generation of tribal leaders.

I take this opportunity to wish him a long and well-deserved retirement.●

### REMEMBERING MARY THURMAIER

● Mr. FEINGOLD. Mr. President, today it is with sadness that I remember the life of Mary Thurmaier, who passed away on April 25. I was fortunate to know Mary, who did so much for her community and for our state.

Mary was a tireless activist and volunteer. Perhaps her most significant contribution of all was her 24 years of service on the Stevens Point Area School Board, from 1982 to 2006. Mary, a devoted mother of four herself, spent her nearly two and a half decades on the board working to strengthen public education for the children of Stevens Point. She focused much of her considerable effort on critical issues like early childhood education.

Mary also served a vital role for her community when she managed the Point Area Bus Cooperative before the city took over the operations. She did a tremendous job in that position and later went on to serve as director of the Stevens Point Convention and Visitors Bureau. She also served as a Democratic national committeewoman for Wisconsin.

Above all, Mary was a beloved wife, mother, and grandmother. My thoughts are with her family and friends today, as so many mourn her loss. I know all of us are grateful for Mary's life and her many contributions to Stevens Point and the State of Wisconsin, which will live on for many years to come.●

## MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4543. An act to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the "Anthony J. Cortese Post Office Building".

H.R. 4861. An act to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the "Steve Goodman Post Office Building".

At 2:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3253. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business

Investment Act of 1958, and for other purposes.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 1963. An act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

ENROLLED BILL SIGNED

At 6:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 3253. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4543. An act to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4861. An act to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the ''Steve Goodman Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 27, 2010, she had presented to the President of the United States the following enrolled bill:

S. 1963. An act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 3261. A bill to establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. CRAPO, Mr. KERRY, and Mr. BOND):

S. 3262. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. ENSIGN):

S. 3263. A bill to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for himself and Mrs. MCCASKILL):

S. 3264. A bill to amend the Consumer Credit Protection Act to provide for regulation of debt settlement services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN (for himself, Mr. TESTER, Mr. GRAHAM, Mr. BEGICH, Mr. BURR, Mr. CHAMBLISS, Mr. BROWNBACK, Mr. HATCH, Mr. BENNETT, Mr. WICKER, and Mr. ISAKSON):

S. 3265. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET:

S. 3266. A bill to ensure the availability of loan guarantees for rural homeowners; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. MCCAIN, and Mr. CARPER):

S. 3267. A bill to improve the provision of assistance to fire departments, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. BROWNBACK, and Mr. FRANKEN):

S. Res. 501. A resolution recognizing and supporting the goals and ideals of Sexual Assault Awareness Month; considered and agreed to.

By Mr. WYDEN (for himself and Mr. GRASSLEY):

S. Res. 502. A resolution eliminating secret Senate holds; to the Committee on Rules and Administration.

By Mr. BEGICH (for himself, Mr. JOHANNS, Mr. BROWNBACK, Mr. BURRIS, Mr. CRAPO, Mr. INHOFE, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. TESTER, and Mrs. GILLIBRAND):

S. Con. Res. 61. A concurrent resolution expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 435

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 504

At the request of Mr. ROBERTS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 891

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1057

At the request of Mr. TESTER, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1057, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 1190

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1190, a bill to provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes.

S. 1235

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1235, a bill to amend the Public Health Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1239

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1239, a bill to amend section 340B of the Public Health Service

Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1598

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1598, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2882

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was withdrawn as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3065

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 3065, a bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation.

S. 3178

At the request of Mr. BROWN of Ohio, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3178, a bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3244

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3244, a bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

S. 3259

At the request of Mr. KOHL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3259, a bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to make the operation of such subtitle permanent law.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 3261. A bill to establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. HUTCHISON. Mr. President, I rise today to introduce a bill to designate the Buffalo Bayou as a National Heritage Area. This legislation will designate the 25-mile stretch of the Houston Ship Channel as the first National Heritage Area in Texas. This distinction will allow up to $1 million annually for 10 years to the area and provide the tourism benefits of Federal recognition without restriction on land or commerce.

In 2002, Congressman GENE GREEN and I introduced the Buffalo Bayou National Heritage Study Act, which directed the U.S. Department of the Interior to conduct a study to determine if the Buffalo Bayou was eligible to receive National Heritage Area distinction. The Department of the Interior has concluded that the Buffalo Bayou has met the criteria needed for National Heritage Area distinction, and I support this distinction. I wish to recognize Congressman GREEN for spearheading the efforts to designate the Buffalo Bayou as a National Heritage Area.

The Buffalo Bayou has played an important role in the development of Texas and our nation's commerce. The Buffalo Bayou has helped the City of Houston become the fourth largest city in the United States by supporting oil refining, petrochemical production and commercial trade.

The history of the Buffalo Bayou begins on August 30, 1836, when Augustus Chapman Allen and his brother, John Kirby Allen, founded the City of Houston near the banks of the Buffalo Bayou. The city was incorporated on June 5, 1837, and named after the former General and President of the Republic of Texas, Sam Houston. One of the most significant battles in the history of Texas, the Battle of San Jacinto, was fought at the mouth of Buffalo Bayou and the San Jacinto River. It paved the way for the Republic of Texas to become an independent country.

If approved by Congress, the Buffalo Bayou's National Heritage Area status would enhance as well as promote the national significance of this historic waterway.

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By Mr. AKAKA (for himself and Mr. ENSIGN):

S. 3263. A bill to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce a bill, along with Senator ENSIGN, to establish a Chief Veterinary Officer within the Department of Homeland Security. I want to acknowledge the leadership that our colleagues in the House, especially Representative ROGERS of Alabama, have shown in introducing a bipartisan companion bill. This bipartisan, bicameral legislation advances increased focus on veterinary health, food defense, and agricultural security within the Department of Homeland Security. Importantly, it does this without creating an additional layer of management within the Department.

Animal disease and zoonotic outbreaks are a looming threat to the United States. A major foreign animal disease outbreak, such as foot-and-mouth disease, could have far-reaching effects, threatening our food supply and harming both domestic commerce and international trade. The Department of Homeland Security would be called upon to provide leadership and to integrate the necessary assets and people from across the Nation to respond to such an incident.

This bill would strengthen the Department's capacity to prepare for and respond to such a crisis by ensuring that there is a veterinary leader within the Department who is fully prepared and empowered to respond. The Secretary of Homeland Security would be required to appoint a veterinarian with expertise in veterinary public health, emergency preparedness, and other related fields as the Department's Chief Veterinary Officer. He or she would lead the division of the Department with primary responsibility for veterinary issues, food defense, and agricultural security, and would serve as the Department's lead policy advisor and principal point of contact on those issues. This senior leader also would provide overall guidance for the health of the Department's working animals that play a vital role in the Nation's defense.

I have long been concerned about the Nation's ability to prepare for and respond to agriculture disasters, such as a catastrophic foreign animal disease outbreak. In February, 2009, I held a hearing on protecting public and animal health and received testimony from several agencies, including the Government Accountability Office, GAO, which had recently completed a review of the Federal veterinary workforce. GAO reported troubling shortfalls in our veterinarian workforce and our planning to respond to foreign animal disease and zoonotic outbreaks. I believe that this bill will help address this challenge and support a more capable and prepared Department of Homeland Security.

I urge my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3263

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CHIEF VETERINARY OFFICER OF DEPARTMENT OF HOMELAND SECURITY.**

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

**''SEC. 317. CHIEF VETERINARY OFFICER.**

''(a) IN GENERAL.—There is in the Department a Chief Veterinary Officer, who shall be appointed by the Secretary.

''(b) REPORTING RELATIONSHIP.—

''(1) IN GENERAL.—The Chief Veterinary Officer shall report directly to the Chief Medical Officer.

''(2) EXCEPTION.—If an individual other than the Assistant Secretary for Health Affairs is serving as the Chief Medical Officer, the Chief Veterinary Officer shall report directly to the Assistant Secretary for Health Affairs.

''(c) QUALIFICATIONS.—The individual appointed as Chief Veterinary Officer shall be a veterinarian who possesses—

''(1) a demonstrated ability in and knowledge of veterinary public health and emergency preparedness; and

''(2) other professional experience, as determined by the Secretary, including experience in agriculture, food defense, and disaster medicine.

''(d) RESPONSIBILITIES.—The Chief Veterinary Officer shall—

''(1) be the head of the division of the Department with primary responsibility for veterinary issues, food defense, and agriculture security; and

''(2) have primary responsibility within the Department for responsibilities relating to veterinary medicine and veterinary public health, including—

''(A) serving as the principal authority in the Department responsible for advising the Secretary, in coordination with the Assistant Secretary for Health Affairs, on veterinary public health, food defense, and agricultural security issues;

''(B) providing guidance for the health and welfare of the working animals of the Department, including those used to enhance transportation, border, and maritime security, and for other purposes;

''(C) leading the policy initiatives of the Department relating to—

''(i) food, animal, and agricultural incidents, and the impact of such incidents on animal and public health; and

''(ii) overall domestic preparedness for and collective response to agricultural terrorism;

''(D) serving as the principal point of contact in the Office of Health Affairs for—

''(i) all veterinary preparedness and response research and development; and

''(ii) sharing homeland security veterinary medical information with Department officials, including all components with veterinary, food, or agricultural interests;

''(E) serving as the principal point of contact within the Department with respect to veterinary homeland security issues for—

''(i) the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, and other Federal departments and agencies; and

''(ii) State, local, and tribal governments, the veterinary community, and other entities within and outside the Department; and

''(F) performing such other duties relating to the responsibilities of the Chief Veterinary Officer as the Secretary may require.

''(e) ADVANCE NOTICE OF REORGANIZATION REQUIRED.—Not later than 180 days before carrying out any reorganization within the Department that would affect any responsibility of the Chief Veterinary Officer, the Secretary shall submit to the appropriate congressional committees a report on the proposed reorganization.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title III the following:

''Sec. 317. Chief Veterinary Officer.''.

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By Mr. MCCAIN (for himself, Mr. TESTER, Mr. GRAHAM, Mr. BEGICH, Mr. BURR, Mr. CHAMBLISS, Mr. BROWNBACK, Mr. HATCH, Mr. BENNETT, Mr. WICKER, and Mr. ISAKSON):

S. 3265. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

Mr. MCCAIN. Mr. President, I am proud to introduce the Second Amendment Enforcement Act today with Senator TESTER. I have always supported Americans' Second Amendment rights and was pleased when the Supreme Court found in June 2008 that the District of Columbia had reached too far in restricting the District's residents from owning firearms and defending themselves in their home. The legislation that we introduce today seeks to implement the Supreme Court's decision in District of Columbia v. Heller.

Specifically, the Second Amendment Enforcement Act would codify many of the laws the District of Columbia City Council has put in place in response to the Supreme Court's decision. For example, this legislation would codify the District's repeal of the semiautomatic ban and retain the District's ban on fully-automatic machine guns. The legislation would also codify the District City Council's law that prohibits the carrying of firearms into the District's public buildings that have implemented security measures and codify the Council's law regulating the carrying of rifles or shotguns.

The legislation would correctly restore the right of self-defense for any District resident in his or her home. Previously, the District had a requirement that any firearm kept in a home be stored in a manner that made it essentially useless for self-defense, e.g. kept ''unloaded and either disassembled or secured by a trigger lock, gun safe, locked box, or other secure device.'' The legislation would also clarify that landlords cannot prohibit firearms in rented homes or offices or dictate what firearms tenants may own.

Most egregious was the District's restrictions on the purchase of firearms and outright ban on the purchase of ammunition. At the heart of the Supreme Court's decision was that District residents must be able to own operable firearms for lawful purposes, which must then allow residents meaningful opportunities to purchase firearms and ammunition. Since the District does not have traditional retail gun shops and current federal law prohibits a person from purchasing handguns outside the person's State of residence, the legislation would amend Federal law to allow District residents the ability to purchase guns from federally-licensed dealers in Maryland and Virginia and then transport them back to their homes in DC. Let me be very clear on this point, this legislation would not allow residents of the District to buy firearms from anyone who is not a federally-licensed dealer, even at a gun show. I believe this is a very reasonable restriction and one that again, like much of this legislation, takes into consideration the concerns of the District's City Council.

Some may ask why a Senator from Arizona and a Senator from Montana would introduce legislation that impacts the lives of District residents. It is simple—we believe that residents across this country should have access to firearms to protect themselves, particularly in their own home or place of business. It is a constitutional right and one that was put in place by the Founding Fathers, recognized by the Supreme Court and cherished by many Americans. However, the District of Columbia City Council did not follow the Supreme Court's directive in fully updating their city's laws regarding firearms, and so now it is up to Congress to ensure that District residents' rights are respected by their government.

I hope my colleagues will join me in supporting this important legislation that will not only restore District residents' rights, but also ensure that no resident in any State, territory or the District is prevented from exercising his or her Second Amendment right.

Mr. TESTER. Mr. President, I rise today to introduce the Second Amendment Enforcement Act of 2010 with Senators MCCAIN, BEGICH, BENNETT, BROWNBACK, BURR, CHAMBLISS, GRAHAM, HATCH and WICKER to codify the landmark U.S. Supreme Court decision District of Columbia v. Heller, which ruled Washington, DC's, decades-old ban on firearms unconstitutional. This bill will repeal the District of Columbia's restrictions on semiautomatic firearms, current gun storage law and complicated firearms registration system. It will ensure that law-abiding persons in Washington, DC, are able to fully exercise their Second Amendment rights just like all other Americans.

My cosponsors and I, all signers of the bipartisan friend-of-the-court brief for District of Columbia v. Heller, urging the Court to support gun rights, think this is a very important bill and we welcome our colleagues' support.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 501—RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF SEXUAL ASSAULT AWARENESS MONTH

Mr. CASEY (for himself, Mr. BROWNBACK, and Mr. FRANKEN) submitted the following resolution; which was considered and agreed to:

S. RES. 501

Whereas on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 203,830 people in the United States were sexually assaulted in 2008;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,908 reports of sexual assault involving members of the Armed Forces in fiscal year 2008, representing an 8 percent increase from fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under 18 years of age, and 80 percent are under the 30 years of age;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas women, children, and men suffer multiple types of sexual violence, including acquaintance, stranger, spousal, and gang rape, incest, child sexual molestation, forced prostitution, trafficking, forced pornography, ritual abuse, sexual harassment, and stalking;

Whereas it is estimated that the percentage of completed or attempt rape victimization among women in institutions of higher education is between 20 and 25 percent over the course of a college career;

Whereas, in addition to the immediate physical and emotional costs, sexual assault has associated consequences that may include post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas ⅔ of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas, because of advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can lead to the incarceration of rapists and therefore prevent these individuals from committing further crimes;

Whereas national, State, territory, and tribal coalitions, community-based rape crisis centers, and other organizations across the Nation are committed to increasing public awareness of sexual violence and its prevalence, and to eliminating it through prevention and education;

Whereas important partnerships have been formed among criminal and juvenile justice agencies, health professionals, public health workers, educators, first responders, and victim service providers;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault;

Whereas, according to a 2010 survey of rape crisis centers by the National Alliance to End Sexual Violence, 72 percent of programs have experienced a reduction in funding over the past year, 56 percent have experienced a reduction in staffing, 23 percent have a waiting list for services, and funding and staffing cuts have resulted in an overall 50 percent reduction in the provision of institutional advocacy services;

Whereas individual and collective efforts reflect the dream of the people of the United States for a nation where citizens and organizations actively work to prevent all forms of sexual violence and no sexual assault victim goes unserved or ever feels there is no path to justice; and

Whereas April is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

*Resolved,* That—

(1) it is the sense of the Senate that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of survivors of sexual assault, and the prosecution of perpetrators of sexual assault;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to survivors of sexual assault, and increasing the number of successful prosecutions of perpetrators of sexual assault; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) the Senate strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) the Senate supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

### SENATE RESOLUTION 502—ELIMINATING SECRET SENATE HOLDS

Mr. WYDEN (for himself and Mr. GRASSLEY) submitted the following resolution; which was:

S. RES. 502

*Resolved,*

**SECTION 1. ELIMINATING SECRET SENATE HOLDS.**

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

''7. (a) The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

''(1) submits the notice of intent in writing to the appropriate leader or their designee and grants in the notice permission for the leader or designee to object in the Senator's name; and

''(2) not later than 2 session days after the submission under clause (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subparagraph (b) the following notice:

'' 'I, Senator _____, intend to object to proceeding to _____, dated _____.'

''(b) The Secretary of the Senate shall maintain for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled 'Notices of Intent to Object to Proceeding'. Each section shall include the name of each Senator filing a notice under subparagraph (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

''(c) A Senator may have an item relating to that Senator removed from a calendar to which it was added under subparagraph (b) by submitting for inclusion in the Congressional Record the following notice:

'' 'I, Senator _____, do not object to proceeding to _______, dated _______.'.''.

### SENATE CONCURRENT RESOLUTION 61—EXPRESSING THE SENSE OF THE CONGRESS THAT GENERAL AVIATION PILOTS AND INDUSTRY SHOULD BE RECOGNIZED FOR THE CONTRIBUTIONS MADE IN RESPONSE TO HAITI EARTHQUAKE RELIEF EFFORTS

Mr. BEGICH (for himself, Mr. JOHANNS, Mr. BROWNBACK, Mr. BURRIS, Mr. CRAPO, Mr. INHOFE, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. TESTER, and Mrs. GILLIBRAND submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 61

Whereas, on January 12, 2010, the country of Haiti suffered a devastating earthquake;

Whereas, after the earthquake, general aviation pilots rallied to provide transportation for medical staff and relief personnel;

Whereas more than 4,500 relief flights were made by general aviators in the first 30 days after the earthquake;

Whereas business aircraft alone conducted more than 700 flights, transporting 3,500 passengers, and over 1,000,000 pounds of cargo and supplies;

Whereas relief flights were fully paid for by individual pilots and aircraft owners;

Whereas smaller general aviation aircraft were able to deliver supplies and medical personnel to areas outside Port-Au-Prince which larger aircraft could not serve; and

Whereas the selfless efforts of the general aviation community have saved countless lives and provided humanitarian assistance in a time of need: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the United States Congress—

(1) recognizes the many contributions of the general aviation pilots and industry to the Haiti earthquake relief efforts; and

(2) encourages the continued generosity of general aviation pilots and operators in the ongoing humanitarian relief efforts in Haiti.

## NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Thursday, April 29, 2010, to convene off the Senate floor immediately following the first vote.

The purpose of the business meeting is to consider the nomination of Jeffrey Lane to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

For further information, please contact Amanda Kelly.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 6, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review current issues related to offshore oil and gas development including the Department of the Interior's recent 5-year planning announcements and the accident in the Gulf of Mexico involving the offshore oil rig Deepwater Horizon.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Abigail__Campbell@energy.senate.gov

For further information, please contact Linda Lance or Abigail Campbell.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on on April 27, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 27, 2010, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled ''Putting Safety First: Strengthening Enforcement and Creating a Culture of Compliance at Mines and Other Dangerous Workplaces'' on April 27, 2010. The hearing will commence at 2 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 27, 2010, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Department of Homeland Security.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on April 27, 2010, at 10 a.m. to conduct a hearing entitled ''Connecting Main Street to the World: Federal Efforts to Expand Small Business Internet Access.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 27, 2010, at 10 a.m., to conduct a hearing entitled ''Wall Street and the Financial Crisis: The Role of Investment Banks.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence by authorized to meet during the session of the Senate on April 27, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 27, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate to conduct a hearing on April 27, 2010, at 3 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 27, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL CHILD ABUSE PREVENTION MONTH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 498.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 498) designating April 2010 as ''National Child Abuse Prevention Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 498) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 498

Whereas, in 2008, approximately 772,000 children were determined to be victims of abuse or neglect;

Whereas, in 2008, an estimated 1,740 children died as a result of abuse or neglect;

Whereas, in 2008, an estimated 80 percent of the children who died due to abuse or neglect were under the age of 4;

Whereas, in 2008, of the children under the age of 4 who died due to abuse or neglect, the majority were under the age of 1;

Whereas abused or neglected children have a higher risk in adulthood for developing health problems, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused or neglected children—

(1) are 11 times more likely to be arrested for criminal behavior as juveniles; and

(2) are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated 1/3 of abused or neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse or neglect may be far less costly than—

(1) the emotional and physical damage inflicted on children who have been abused or neglected;

(2) providing to abused or neglected children services, including child protective, law enforcement, court, foster care, or health care services; or

(3) providing treatment to adults recovering from child abuse; and

Whereas child abuse or neglect has long-term economic and societal costs: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2010 as ''National Child Abuse Prevention Month'';

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse or neglect, including by identifying risk factors and developing prevention strategies;

(3) supports the proclamation issued by President Obama declaring April 2010 as ''National Child Abuse Prevention Month''; and

(4) should—

(A) increase public awareness of prevention programs relating to child abuse or neglect; and

(B) continue to work with the States to reduce the incidence of child abuse or neglect in the United States.

## SEXUAL ASSAULT AWARENESS MONTH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 501, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 501) recognizing and supporting the goals and ideals of Sexual Assault Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 501) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 501

Whereas on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 203,830 people in the United States were sexually assaulted in 2008;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,908 reports of sexual assault involving members of the Armed Forces in fiscal year 2008, representing an 8 percent increase from fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under 18 years of age, and 80 percent are under the 30 years of age;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas women, children, and men suffer multiple types of sexual violence, including acquaintance, stranger, spousal, and gang rape, incest, child sexual molestation, forced prostitution, trafficking, forced pornography, ritual abuse, sexual harassment, and stalking;

Whereas it is estimated that the percentage of completed or attempt rape victimization among women in institutions of higher education is between 20 and 25 percent over the course of a college career;

Whereas, in addition to the immediate physical and emotional costs, sexual assault has associated consequences that may include post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas 2/3 of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas, because of advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can lead to the incarceration of rapists and therefore prevent these individuals from committing further crimes;

Whereas national, State, territory, and tribal coalitions, community-based rape crisis centers, and other organizations across the Nation are committed to increasing public awareness of sexual violence and its prevalence, and to eliminating it through prevention and education;

Whereas important partnerships have been formed among criminal and juvenile justice agencies, health professionals, public health workers, educators, first responders, and victim service providers;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault;

Whereas, according to a 2010 survey of rape crisis centers by the National Alliance to End Sexual Violence, 72 percent of programs have experienced a reduction in funding over the past year, 56 percent have experienced a reduction in staffing, 23 percent have a waiting list for services, and funding and staffing cuts have resulted in an overall 50 percent reduction in the provision of institutional advocacy services;

Whereas individual and collective efforts reflect the dream of the people of the United States for a nation where citizens and organizations actively work to prevent all forms of sexual violence and no sexual assault victim goes unserved or ever feels there is no path to justice; and

Whereas April is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

*Resolved*, That—

(1) it is the sense of the Senate that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of survivors of sexual assault, and the prosecution of perpetrators of sexual assault;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to survivors of sexual assault, and increasing the number of successful prosecutions of perpetrators of sexual assault; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) the Senate strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) the Senate supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

## ORDERS FOR WEDNESDAY, APRIL 28, 2010

Mr. WHITEHOUSE. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Wednesday, April 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 90 minutes, with Senators permitted to speak for up to 10 minutes each, with the time controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; that following morning business, the Senate resume consideration of the motion to proceed to S. 3217, the Wall Street reform legislation, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. WHITEHOUSE. Under a previous order, at 12:20 p.m. tomorrow, there will be a cloture vote on the motion to proceed to consider the Wall Street reform bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Wednesday, April 28, 2010, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Tuesday, April 27, 2010*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*April 27, 2010*.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

## SBA EXTENSIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. LARSEN) for 5 minutes.

Mr. LARSEN of Washington. Madam Speaker, I rise today in strong support of this legislation to extend the important programs of the Small Business Administration.

Small businesses are the backbone of our economy, having created 65 percent of all new jobs in the last decade. However, over the course of the last 18 months, small business owners have had trouble accessing the capital they need to grow their business and to create jobs. The SBA's lending programs are a critical piece of helping small businesses access this credit and create jobs, and I urge my colleagues to support this bill.

Now, according to the Northwest Business Development Agency in Washington State, for every $1 lent under the SBA 504 program, $94 is generated in tax revenue for our communities. Congress has made important steps to encourage increased lending for small businesses, including allowing SBA 504 loans to be used for debt relief, reducing fees in the SBA's 7(a) and 504 loan guaranty programs, and increasing the maximum percentage of the loan guaranty for 7(a) loans to 90 percent.

And credit is starting to move. In my district alone, between October 2009 and the end of February 2010, 58 SBA 7(a) loans worth nearly $18 million and 15 504 loans worth nearly $6 million were provided to small businesses in the Second Congressional District of Washington State, allowing them to expand and to modernize. However, at the end of this month, authorization for these important SBA programs will expire.

As Congress stays laser-focused on creating jobs, extending these important programs and ensuring small businesses can access credit is critical. So I strongly urge a ''yes'' vote on this bill.

## FREE TRADE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Madam Speaker, we are all encouraged by the positive news that we have been receiving about the economic recovery which appears to be underway. I think it's very clear that with the report that came from the CMS at the end of last week, the dramatic increase in spending and the regulatory vision that is proposed, that the economic recovery that we're going through at this moment is in spite of, not because of, policies emanating from here in Washington, D.C.

Madam Speaker, when we were privileged to have the President of the United States stand in this Chamber and deliver his State of the Union message, one of the things that he talked about was the goal of job creation. We of course have seen signs of economic recovery, but the unemployment rate is still just below 10 percent nationwide. In my State of California, it is in excess of 12 percent, and there are people who are hurting.

When the President stood here right behind where I am now, Madam Speaker, just in front of you and delivered his State of the Union message, he talked about the importance of opening up new markets around the world. He talked about the fact that 95 percent of the world's consumers are outside of our borders, and we could create good jobs for American workers if we were to proceed with the plan for free trade agreements that have been pending.

Well, Madam Speaker, 1,253 days ago, an agreement was signed between the United States of America and the Government of Colombia to open up the market so that we could see jobs created for workers at Caterpillar, John Deere, Whirlpool, and other very important industries right here in the United States. It is 1,253 days since that measure has been signed, and in that same period of time we have seen $2.7 billion in tariffs imposed on products made by U.S. workers going to Colombia.

Madam Speaker, if we want to create good private sector jobs, we need to unleash the potential, reducing the constraints that have been imposed on U.S. workers.

Two hundred and eleven years ago this month, the author of the U.S. Constitution became a Member of Congress, James Madison. Representative Madison, on April 9 of 1789 stood in the House of Representatives and said the following. He said, I own myself to be a friend of a free system of commerce and hold it as truth that commercial shackles are generally unjust, oppressive, and impolitic. Madison went on to say, Madam Speaker, that this is more true than the wisdom of the most enlightened legislature.

Now, as it comes to job creation and economic growth in 2010, it seems to me that looking back to what was said 211 years ago by Representative James Madison about unleashing the shackles that exist to the free flow of commerce could create great opportunities for U.S. workers.

And so, Madam Speaker, while I congratulate the President for the words that he provided to us in his State of the Union message about the benefits of opening up new markets around the world, after 1,253 days since it has been signed, I urge the President to send to the United States Congress that measure because I believe that, in this election year especially, people want to focus on job creation and economic growth, and I am convinced that we would have a strong bipartisan vote in support of that very important measure.

## HONORING THE AIDS FOUNDATION OF CHICAGO FOR 25 YEARS OF SERVICE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Madam Speaker, I rise today to honor the AIDS Foundation of Chicago for 25 years of service to the people of Chicago, Cook County, and the State of Illinois.

The foundation has served as the center of AIDS and HIV services in the Chicago metropolitan area and has been a leading advocate of sound policies and legislation in Illinois and Washington. The foundation has raised and disseminated millions of dollars in grants for prevention, care, and advocacy in underserved communities.

Praised as a national model of coordinated case management and supportive housing services, many look to the foundation as a way to do business. The AIDS Foundation is the kind of community-based, people-oriented organization that makes America great. Thanks to CEO Mark Ishaug and to all the staff, volunteers, and board for being a beacon of hope in the fight against AIDS and HIV.

## FIX THE HEALTH CARE BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, last week, the chief actuary for the Center for Medicare and Medicaid Services, CMS, issued a troubling report, but it is not at all surprising to many of us who debated the health care bill. The report said that the Obamacare health care bill will increase national health expenditures by $311 billion. That is a deficit.

During the debate, many of us said on the House floor that this bill will increase the deficit and expand Federal powers. I would like to take a few minutes to outline some of the problems with the bill by government officials pointing out these problems.

First of all, it obviously increases the deficit. CBO projected the cost of the health care bill to be $940 billion and it would reduce the deficit by $138 billion. However, that has been proven to be wrong. There are budget gimmicks in place and it is unlikely that Congress will keep those gimmicks in place. For example, the bill assumes that a 21 percent cut to Medicare's physician reimbursement rate will stay in place. This won't happen.

New taxes and mandates will create economic hardship. Businesses will be forced to buy health insurance for their employees or pay a tax for every employee. This will place businesses into a very difficult position, cutting workers, reducing wages, or preventing companies from growing larger if they wish to avoid these costly penalties. With 10 percent unemployment nationwide, is this the right time to create a disincentive for a company to hire more workers?

Expanding a broken entitlement creates more problems, not real solutions. For example, in 2014, Medicaid will be expanded to all individuals making less than 133 percent of the Federal poverty level. Half the people covered under the health care bill will be covered because of Medicaid. Unfortunately, most doctors do not participate in Medicaid because the reimbursement rate is far less than the private sector and less than Medicare. So where are these 16 million people going to go to get health care?

It bankrupts State budgets through Medicaid expansion. With 16 million new individuals enrolled in Medicaid, States will be on the hook for more Medicaid spending. In the short term, the Federal Government will pay for the expansion of Medicaid, but after 2017, States will have to pick up about 10 percent of the cost. Many States do not have the ability to do this; it will make it more difficult for them.

Medicare cuts jeopardize the care of our seniors. Medicare's costs continue to grow and the Medicare Trust Fund continues to be insolvent. So, to fix this problem, the majority cut over $500 billion from Medicare, but rather than using the savings to extend the program, they immediately spent it on expanding Medicaid and creating subsidies for the health insurance exchange. CMS reports 15 percent of hospitals will be unprofitable within 10 years just because of these cuts.

It creates an inequity against low-income workers. The employer mandate requires businesses to offer a health plan that meets with the approval of HHS. This will drive up the cost of health plans, and small businesses may not be able to afford a robust insurance plan. CMS' report further points out how many small businesses may cancel their plans because it is cheaper to pay the tax than to provide health insurance.

New regulations increase government control over health care. HHS gains an incredible amount of power under this bill. They will now have the power to dictate insurance policies, insurance prices, regulate the insurance market, and control benefits offered in your health care plan.

This bill obviously violates the Constitution in the fact that the Federal Government now is mandating that all U.S. citizens purchase a health care plan from a private company as a requirement for lawful residency in this country. This is an unprecedented extension of Federal power, and this is only the beginning. The health care bill was so big and so complex that now we are only learning about the problems and flaws in the law, such as its treatment of veteran health plans or weakening the Medicaid program for new lawsuits from trial lawyers.

We need to fix this bill and rein in all the controls and power that have been provided through this bill here in Washington.

## IT'S TIME TO CUT WALL STREET DOWN TO SIZE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Well, as I speak here on the floor of the House, the Republicans on the Senate side of the Hill are still blocking meaningful financial reform, protecting their patrons on Wall Street as they always do, and the lords of Goldman Sachs are before a committee protesting their innocence.

Now, we all know that Goldman and these other firms on Wall Street were too big to fail, or at least some think they were—I think we should have let a few more of them fail, personally, and I opposed the bailout of Wall Street. But let's just say they were too big to fail or at least they were deemed too big to fail and they were bailed out by the United States Government and the taxpayers of the United States, but something else was going on at the same time.

Not only were they too big to fail, they had created wonderful, new financial products that were enriching them in unbelievable ways, making millions of dollars a day for the lords of Goldman and elsewhere on Wall Street. They had designed products that were designed to fail. Then they sold them after they went to the all-too-willing ratings firms, so-called ''impartial'' ratings firms.

Goldman would pay Moody's to rate garbage as caviar, AAA. Then they would go out and sell it to sophisticated investors who should have known better. I mean, come on, they should have looked at it more carefully. I mean, well, yes, they did kind of mess around with it and they did get the people at Moody's by threatening to take away their business, to rate the garbage as caviar, but those other people should have smelled it and known really it was garbage. And, I mean, what's wrong with that?

And then of course, Goldman just did happen to place some bets of its own against the garbage—which they had created and knew was garbage, and they bet it was garbage—and they won, making billions of dollars for themselves and others who were in on the know here. This is a pretty rotten system.

Now, you could say, well, gee, but aren't they doing things like investing in capital? Aren't they building a great America? No. The financial services industry has gone from 19 percent of the profits in this country to 41 percent, and for the most part—outside of community banks and some people who still actually do banking, unlike most of those companies on Wall Street—they produced no value. They created a heck of a lot of wealth for themselves and others, and occasionally they caused the economy to explode and cost us millions of jobs.

But they're still doing very well for themselves and now they're back to business as usual. And the Republicans in the Senate are defending ''business as usual'' under the guise of wanting to have a better bill that won't encourage bailouts. I mean, this is all such a laughable farce. It would be funny except for the unbelievable pain it has caused to the real economy of this country who have been suffering for years.

It's time to cut these people down to size, cut them down to size by prosecuting them. I have been joined by 59 of my colleagues, and ELIJAH CUMMINGS and I have sent a letter to the SEC saying, look, you've uncovered one case of alleged fraud by the Securities and Exchange Commission where they knowingly sold a bad product to investors and then they bet against it themselves. There were a number of others that went through something called AIG, which the Federal Government also bailed out at the cost of $180 billion to taxpayers. We want every transaction between Goldman and AIG scrutinized to see whether or not any of those were similarly fraudulent transactions, in which case we could get a few billion dollars back from the lords of finance to the taxpayers on Main Street, USA.

It is long past time to begin these kinds of investigations and hopefully, ultimately—like with Enron, because this is worse than Enron—prosecutions. And we will let some of them enjoy some Federal hospitality for a few years.

This is absolutely outrageous. They're creating products designed to fail, that have no useful product, in fact robbing capital from companies who want to invest, who actually want to make things, who actually would employ Americans and who would enhance our economy, all for them to gamble on Wall Street. It's time for the gambling to stop.

You know, in a regular casino, if the casino goes broke, it's only the gamblers and the casino that have a problem. In the casino of Wall Street, when they mess up, they destroy the real economy of the United States and people's livelihoods. It's time to cut them down to size.

## RESTORING JOB GROWTH IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY) for 5 minutes.

Mr. BOUSTANY. Madam Speaker, the United States is on an unsustainable path right now, an unsustainable course with massive debt, trillion dollar deficits going into the out-years, unemployment approaching 10 percent, and this administration, since January of 2009, has enacted $670 billion in gross tax increases with more tax increases planned by this administration and the Democratic leadership of Congress. It's no wonder we have high unemployment and uncertainty all throughout this country with regard to the business climate.

So what can we do? How can we correct this course? How can we restore American competitiveness for the 21st century? Well, I think there are three things we can do. First, let's cut wasteful, massive government spending. Let's give the American public confidence that we can get our fiscal house in order. Let's send a signal to the bond markets and to our foreign allies and competitors that we can act responsibly. Let's lay out a path for entitlement reform, which is causing severe strain on the Federal budget and leading to this deficit spending. Just laying out a corrective path will send a positive signal.

Secondly, we can lower the corporate tax rate to make U.S. companies more competitive globally with regard to our trading competitors. Let's unleash American innovation. Let's get the American companies out there creating jobs again by lowering the tax rate for our corporations. Right now we have the second highest corporate tax rate in the world among industrialized countries. This makes us less competitive. This also means that companies that want to come to the United States and invest to create jobs here also have a high tax burden. So, therefore, if we want to create jobs, let's make this country competitive for investment coming in and for our companies going out to do investment. That's how we will restore job growth in this country.

Also, one of the things we need to do with regard to tax policy is to make sure that we don't doubly tax our companies who are trying to compete against foreign competitors abroad because our companies competing all over the globe also create American jobs. If we doubly tax ours on top of having the second highest corporate tax rate in the world, well, it's no wonder we're not seeing the kind of job growth that is necessary. We're not going to see U.S. companies and the U.S. be competitive in this global market.

And finally, the third thing: let's promote exports. Exports create jobs, good high-paying jobs. Now, the President has announced that his goal, his stated goal during the State of the Union, was to double exports by the U.S. over the next 5 years. Well, let's look at a little bit of history here for a moment. It took us 10 years previously to double exports. It required the completion of a round of negotiations at the WTO. It took implementation of NAFTA and 10 free trade agreements to be implemented to double exports. This administration has offered none of that so far.

We have, currently, three free trade agreements pending that have been negotiated in good faith, and yet this administration and this Democratic Congress has failed to implement these free trade agreements. These are a win for the United States because those countries are already bringing goods into our country; we just have barriers in exporting to theirs. Why not lift those barriers? Implementing these free trade agreements will create good high-paying U.S. jobs.

These three countries—Colombia, Panama, and South Korea—are markets that are ready for U.S. goods and services. So all we have to do is implement these agreements which have been negotiated in good faith. By failure to do this, what we're doing is sending a signal to our competitors and to other countries that the United States does not negotiate in good faith. That's a poor signal to send if we want to be competitive in this global market.

Meanwhile, those three countries I just mentioned, Colombia, Panama—let's just take Colombia, for instance. The European Union and Canada are both in the stages of implementing free trade agreements with Colombia. And what's happened? We've seen U.S. exports of agriculture products plummet just over the past year. At the same time, the European Union and Canada have also increased their exports to fill that gap. We are losing out. We are losing out on being able to export to Colombia simply because we won't keep our good faith negotiation and implement this agreement.

The President has announced a national export initiative, but yet there have been no substantive steps to move this forward. Why not implement a small business initiative to help our small businesses export to Colombia? That's an immediate way to create jobs.

## IT'S TIME FOR MAIN STREET VALUES TO COME TO WASHINGTON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. PERRIELLO) for 5 minutes.

Mr. PERRIELLO. Madam Speaker, the time for backroom deals is over. The time for the Washington-Wall Street collusion that has put Main Street at risk and risked the pension funds and hard-earned retirement accounts of so many Americans, it is time for this to end.

How many loopholes is enough for the Republican Caucus in the Senate? We've had the entire Republican Senate Caucus join with the king of the Corn Husker Kickback to say, no, not enough loopholes, we need to water it down more, we need less accountability for Wall Street. That's not what the American people are saying. The American people are saying it's time to

bring Main Street values of accountability, decency, and transparency to Washington and to Wall Street.

People want the banks to bank and let those who want to use risky, speculative gambling schemes to keep their hands off of the hard-earned retirement of those who have worked their entire lives to be able to settle in their later years. People have worked hard to do this, and yet we now see from the e-mail streams and the memos from Wall Street that they were all too giddy to risk all that people had earned to make a few more bucks on these schemes.

It's time to get back to an economic system built on building things and growing things that create jobs back on Main Street, living wage jobs that help people move from the working class up to the middle class at the core of the American dream. Yet standing in the way is a set of rules that seem to encourage the riskiest of behavior by the richest among us at the expense of those who are just trying to make it.

People aren't asking for punitive damages—except where people broke the law, in which case we need more, not less, of the kind of investigations that we've seen from the SEC. People are just saying, Why shouldn't Wall Street and Washington have to play by the same rules that all of us do back on Main Street? Yet that basic principle seems to be too much to ask of those on the other side of this building who will stop at nothing, stop at no mechanism to ensure that they continue to protect the backroom deals and the carve-outs and the loopholes for Wall Street.

We have a system that is based on the idea that if you work hard and play by the rules, you will be able to make it in this country. Well, people who worked hard and played by the rules had everything that they had saved for put at risk by tactics that never should have been allowed, but in the tight relationship between this town and Wall Street, we see too often that those basic principles, those Main Street values of decency, accountability, and fairness, are apparently too much to ask of too many in this town.

But we have a chance this week, we have a chance in the weeks ahead to finally draw a line in the sand and say, no, we've had too much of that erosion of values, we've had too much of that culture of instant gratification—I want it for me right now, regardless of the consequences to my country or the economy. It's time for that to end.

We have basic rules being offered that simply say decency, fairness, accountability say that you shouldn't be able to sell a product to people based on one thing and then bet against it so that you're taking their money through the back door, that the most powerful among us are able to exploit and take advantage of the everyday folks who have just worked hard and played by the rules to try to secure retirement.

How many loopholes is enough for Republicans and the king of the Corn Husker Kickback at the other side of this building? How many loopholes do they need before they're ready to proceed with debate? It is far past time to end the Wall Street-Washington collusion. It is far past time to bring those Main Street values back to the way we do business in this country because we can still build things and grow things in this country. We can build and grow our energy future. We can build and grow the great universities of broadband technology, the electric grid of the future. We can still out-innovate any country in the world.

But we need a system that rewards innovation and rewards following the rules instead of bailing out failure and collusion. That's the line in the sand we're trying to draw now. Those days are over of rewarding failure, of rewarding the backroom deals. It is time to reward innovation. It's time to reward that hard work of the farmer and the small business owner, where two out of every three new jobs in America will come from that small business owner.

So, instead of a system that's tilted entirely towards the biggest players, what about giving everyday Americans a chance, working class, middle class Americans, small business owners who have great ideas and understand the principle of following the rules? We have for too long had a system that has rewarded all the worst behaviors in Washington and Wall Street together. Now we have a chance. We have a moment to say rules of decency, accountability, and fairness.

But there are those in this building who say they will stop at nothing and use all means necessary to make sure that that debate never happens because they know that the more the American people understand about the derivative schemes and mortgage-backed securities and exotic mechanisms they came up with, the more they realize that it was just simply rich and powerful people gambling with their money and their retirement security.

That time is done. It is time for Main Street values to come to Washington.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 1 minute a.m.), the House stood in recess until noon.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, by Your almighty power uphold our commitment to live according to Your revealed truths and the constitutional law of this great country. Let freedom flourish in the lives of Your people who seek justice and prove themselves trustworthy. Shape virtuous leadership in government of the people. Remove fear from their minds and depression from their spirits. May this body prove creative in facing our problems, be decisive in seeking the whole truth; as it leads Your people to greater security and peace both now and forever. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. McNERNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNERNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## HONORING WESLEY RAYMOND STUART

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Madam Speaker, today I ask my colleagues to join me in honoring the life of Wesley Raymond Stuart, a true American patriot who made the ultimate sacrifice in service to our great Nation.

In 1943, Wesley joined the United States Navy as an aviation ordnanceman second class, and was trained on Avenger bombers. On September 13, 1944, an Avenger took off from the USS *Enterprise* with a three-man crew aboard, including Petty Officer Stuart. The crew was bound for battle over the Japanese-occupied South Pacific island of Peleliu. Shortly after takeoff, the aircraft was shot down by enemy fire, leaving no survivors. Although the wreckage of Petty Officer Stuart's aircraft was later recovered, he is still considered missing in action.

After 60 years, the family of Petty Officer Stuart continues its commitment to keeping his memory alive. I join their efforts by recognizing the bravery and sacrifice of this American hero.

## CREDIBILITY GAP

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, we are seeing a growing credibility gap here in Washington. Democrats are saying one thing and doing something else. It started with the trillion dollar stimulus plan that was rushed through with promises that it would create jobs immediately and keep unemployment below 8 percent. Today unemployment is near 10 percent, and Americans are still asking, ''Where are the jobs?'' Americans were also promised a war on deficits, but all that's happened is we have piled more debt on the backs of our kids and grandkids.

Then we have the trillion dollar government takeover of health care that was forced through with promises that it would lower costs. But it turns out the new law will actually increase costs for taxpayers and patients. This comes from an analysis by the Obama administration's Centers for Medicare and Medicaid Services. CMS determined that the new law will increase what the Nation spends on health care over the next 10 years by $311 billion. The President claimed that this government takeover of health care was the single most important thing that we can do to address our deficits. But now it turns out it is just going to make matters worse.

Just think about that credibility gap when you see the majority insist on rushing through a job-killing regulatory bill with promises that it will end Wall Street bailouts. The bill doesn't end Wall Street bailouts; it makes them permanent and institutionalizes ''too big to fail.'' This bill doesn't get the government out of the private sector; it creates a Politburo-style council of regulators who can seize any business and do almost anything they want to do with it. And the bill doesn't address the real reasons for the financial meltdown. It gives a free ride to Fannie Mae and Freddie Mac, the government mortgage companies that started this crisis.

Americans were promised a new Washington. Instead, it's just more of the same: more spending, more government, and more empty promises. I think it's time we start listening to the American people. Let's work together on commonsense solutions to end the bailouts, reform Fannie Mae and Freddie Mac, and hold Wall Street accountable. Let's work together to repeal this government takeover of health care and replace it with commonsense reforms that will lower the cost of health care. Let's work to ban earmarks and stop out-of-control spending. And most importantly, let's work on commonsense solutions that will help small businesses create the kind of jobs that Americans are looking for.

## SUPPORT THE SUMMITVILLE PROCUREMENT PROTECTION ACT OF 2010

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, this week I introduced the Summitville Procurement Protection Act of 2010. This legislation will improve the Federal subcontracting process.

Here is the problem: Federal Acquisition Regulation holds the government to transparent reporting standards as it hires prime contractors, but it does not hold those prime contractors to the same standards when they hire subs. This is a complete lack of oversight.

A company in my district, Summitville Tiles, was denied the opportunity to present a formal bid precisely because of this problem. My legislation would level the playing field and require that prime contractors meet five sections of the Federal Acquisition Regulation as they hire subs. I urge my colleagues to support this important legislation.

## CMS REPORT

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. At the start of the health care debate last year, President Obama made two critical promises. He assured the American people that his bill would, number one, lower costs, and that if they liked the coverage they had they could keep it. On the first count, an independent CMS report released last week states that health care costs will skyrocket under this bill by an astounding $311 billion over the next 10 years. That's more than the previous estimate for each individual bill passed in the House and Senate.

And if you like what you have, you truly may not be able to keep it. Even care for our seniors is jeopardized. The CMS report warns that Medicare cuts may trigger a flight of hospitals and other health care providers from participation in Medicare. It also states that 50 percent of the seniors participating in Medicare Advantage are set to lose their coverage.

The American people deserve better, Mr. Speaker, and that's why we need to repeal the $1 trillion government overhaul of health care and replace it with a bill that makes lowering costs the first priority.

## FEDERAL ACTION NEEDED ON IMMIGRATION

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today to discuss an important issue facing our country, and that's the issue of immigration. The lack of Federal action and the failure of the Federal Government to establish the rule of law has completely and utterly failed so severely that States are trying to take Federal law into their own hands.

On the right you have States like Arizona, which has passed a law that allows for racial and ethnic profiling. On the left you have States contending with whether they issue driver's licenses or in-state tuition to our growing undocumented population.

This is a Federal failure. It is our failure. Congress needs to act now. We should not have 10 million, 15 million, 20 million undocumented immigrants in our country. It strains law enforcement, undermines wages for our working families, and is a very real security threat.

I am a proud cosponsor of comprehensive immigration reform in the House. Bipartisan efforts are also underway in the Senate. I urge my colleagues to join me in demanding comprehensive immigration reform now.

## REPEAL OBAMACARE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Well, after months of debate and assurances that their government takeover of health care would actually result in lowering the cost of health care for Americans, the truth landed with a thud last Thursday. A new report from the Obama administration's own Medicare agency confirms what we have known all along: the President and congressional Democrats passed a health care law without any idea how to pay for it.

They promised to lower the cost of health care, but instead ObamaCare will send those costs soaring by $311 billion. Again, this is from their own analysts within the administration. The same report says some of the ways Democrats set out to pay for the bill are unsustainable, and some of the methods they used to control costs are, quote, ''negligible''.

The reality is that we need to repeal ObamaCare and replace it with the kind of health care reform that will lower the cost of health care without growing the size of government. And House Republicans are determined to be on the side of the American people until we do just that.

## UNIVERSAL ACCREDITATION

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, earlier this month we witnessed the tragedy of an inter-country adoption gone wrong when a 7-year-old boy was forced back,

alone, to Russia. Last year over 12,000 children from around the world were adopted by American families, yet only a fraction of these adoptions were processed by accredited adoption agencies. The others occurred under an unregulated process that may not have the best interests of the families or the child in mind.

Just over 2 years ago, the United States became a full member of the Hague Convention on Inter-Country Adoption. Under the Convention, the United States requires that inter-country adoption service providers be accredited to improve transparency and accountability. Unfortunately, these rules only apply to adoptions from countries that have signed the Convention. Adoption agencies who work for non-Convention countries do not need to meet the accreditation requirements, and these agencies continue to conduct unregulated adoptions, creating a double standard for the treatment of children and families.

We must strengthen the adoption practices by requiring accreditation for all countries' adoption service providers. Universal accreditation will create an adoption process that is lawful, safe for the child, and respectful to the families involved.

## CMS CHIEF ACTUARY'S ANALYSIS ON EFFECTS OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

(Mr. WALDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN. Mr. Speaker, the Speaker of the House told the National Association of Counties a while back that Congress needed to pass the health care bill so we could find out what's in it. Well, we are finding out now.

The Chief Actuary for the Centers for Medicare and Medicaid Services is the independent scorekeeper of legislation like this. Their report that they just issued said half of all seniors in America who are on Medicare Advantage plans, half, are going to lose that coverage under the bill that was signed into law.

Well, that's a big problem for seniors in Oregon. Oregon has had one of the highest penetration rates in the United States of seniors who wanted Medicare Advantage and signed up for it. I was out in Ontario, Oregon, not long ago, and the seniors there raised their hands and said, ''Why are they taking away the Medicare Advantage I have?'' We now know under this independent evaluation half of them will lose that care, 38,000 seniors in my district alone.

We need to repeal and replace this law that was jammed through this Congress, Mr. Speaker.

## COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Yesterday I urged all Americans to boycott the State of Arizona until this law is appealed. This law is unjust. It will only lead to the increase of racial profiling and hate crimes in the State, especially towards Hispanics.

This is a violation of the fourth and 14th amendment in the United States Constitution. It does not require local police officers to have a warrant. This new law will create a divide between people who are asked for legal documents and those who are not. This law will create distrust between police and the communities they protect. This law is backwards, and sets us back in time.

I urge Americans show their support of the boycott and wear a red, yellow, and blue wristband. This is an unjust law and must be overturned, and an example of why we need comprehensive immigration reform.

□ 1215

## THE DEBATE OVER HEALTH CARE REFORM IS ALIVE AND WELL

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, while some may believe that the debate over health care is behind us, the report that we received last week, which stated very clearly that this administration had determined that we would see a $311 billion increase—increase—in health care costs over the next decade, was completely counter to what we and the American people were promised. We were promised that there would, in fact, be savings. So I think that, with this report, it is very clear that the debate continues to be alive and well.

Mr. Speaker, we need to take a step-by-step approach, ensuring that people can have access to insurance products across State lines and ensuring that meaningful lawsuit abuse reform takes place. Small businesses should be able to come together to buy at lower rates. We should have pooling to deal with preexisting conditions, and we should expand medical savings accounts.

Those five things, Mr. Speaker, will go a long way towards decreasing costs to ensure that every American will have access to quality, affordable health insurance.

## SUPPORT WALL STREET REFORM

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, we need Wall Street reform. The collapse in the value of securities as a result of Wall Street's conduct caused our Nation's economic crisis. While Americans struggle to find work and to pay their mortgages, Wall Street continues to pay huge bonuses and to focus only on their profits.

Janet Orcutt of Kailua, Oahu, shared her story with me recently. Last August, Janet's son-in-law lost his job in this bad economy. This led to her daughter and son-in-law losing their home. Now her daughter, son-in-law, and 5-year-old grandson live with Janet and her two teenage children. With everyone living with them, Janet and her husband have had additional costs, which they charge to their credit cards. Each month, they fall farther behind.

Janet said, ''We middle-income Americans are suffering while powerful Wall Street financial companies lobby against financial reform.''

I share Janet's anger. Without reform, the current system will continue to harm the well-being of families like Janet's. The House has passed Wall Street reform. It is high time that the Senate does likewise.

## THE NEW HEALTH CARE LAW FAILS ON ALL COUNTS

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, remember when we were told the whole point of the new health care bill was to lower health care costs and to insure all Americans? Well, the CMS, under the control of the Obama administration, estimates that the law fails on all counts.

Twenty million Americans who currently can't afford health care will be forced under duress to buy a product or will face fines in IRS action. Four million Americans still will not be able to buy health insurance, and they will pay $33 billion in fines. Fourteen million will lose their employer-sponsored health care insurance. Twenty-three million Americans will still have no health care coverage in 2019. Twenty-one percent of the gross domestic product will be spent on health care after this law is implemented, which is much higher than if the Congress had done nothing.

You have to wonder: When did we know all of this, and why didn't we know about it before the vote was taken?

## THE CONE OF SILENCE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, after the collapse on Wall Street and after the

multiple abuses, the American people are very disappointed that one party in the Senate is filibustering so that we can't move forward to have a bipartisan Wall Street reform bill.

The Republicans' filibuster kind of reminds me of the old ''Get Smart'' show where they had the Cone of Silence. When they wanted to keep a secret so that nobody knew about the secret, they brought down the Cone of Silence. That's what the Republicans want to do about Wall Street reform. They want a Cone of Silence over the Senate so that nobody knows whose side everybody is on.

We are on the side of the American people to have aggressive Wall Street reform. The people who are over there who are filibustering are on the side of Wall Street. They want the Cone of Silence so that people won't know that they're standing up for their friends on Wall Street. That is wrong.

You know, maybe the answer ''no'' is the right answer to some things, but it isn't the right answer to Wall Street reform. End the filibuster. Get a vote. Let's tame Wall Street the way it ought to be regulated.

## WHERE ARE THE JOBS?

(Mr. SESSIONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SESSIONS. Mr. Speaker, we are being told today by our friends, the Democrats, to trust Washington and to trust them. Yet the Obama-Pelosi legislation which passed this House earlier last year promised that, if Congress passed the $787 billion stimulus package, national unemployment would never rise above 8 percent. Today, the national unemployment is 9.7 percent and is hovering near a 25-year high.

I think it is time for the American people to recognize that the answers do not all reside here in Washington, D.C., but that we need to take care of our business. Our business should not be about trying to do a lot of things to a lot of other people but to focus on jobs for this country. Jobs are the number one issue. Jobs are the things which will spur the American entrepreneurship and the creativity that will allow us to be competitive with the world.

Where are the jobs?

## SUPPORT WALL STREET REFORM

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of Wall Street reform.

Wall Street shenanigans led us to this recession, and if not for having the taxpayers bail them out, these shenanigans would have melted down our entire financial system, all while Wall Street made hundreds of billions of dollars for themselves.

Last December, the House of Representatives responded by passing commonsense Wall Street reform. It would protect families and small businesses from predatory loans, from indecipherable fine print, and from other industry gimmicks. It would end taxpayer-funded bailouts and too-big-to-fail banks. It would impose tough new laws on the riskiest Wall Street practices that got us into this mess in the first place.

House Democrats voted ''yes'' on Wall Street reform, but unfortunately, Republicans all voted ''no.'' Yesterday, their Senate colleagues again voted ''no,'' this time even to start an open and honest debate.

It is time to stop the obstructionism and to let the debate begin. If Senate Republicans have problems with the bill, make them known in public. Offer amendments. Take votes. Show us where you stand—with Main Street or with Wall Street.

## HEALTH CARE TAKEOVER INCREASES COSTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week, the administration's own report released by the Centers for Medicare & Medicaid Services confirmed that the government health care takeover will increase costs, will hurt seniors, and will put employers in a position to drop employee coverage. This is not what the American people wanted when it came to health care reform.

According to the CMS report, national health care costs will increase by $311 billion over the next 10 years, and this increase will force millions of seniors off of their current Medicare coverage. This information was released over a month after the health care takeover was rushed through Congress. Clearly, Congress needed to wait to vote on this legislation after the report was released.

It is time for us to come together to repeal the government health care takeover and to swap it for patient-centered, affordable health insurance reform that expands access and that continues to cover preexisting conditions.

In conclusion, God bless our troops, and we will never forget September the 11th in the Global War on Terrorism.

## WHOSE SIDE ARE YOU ON?

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, everyone in Wisconsin wants to know the answer to the question: Whose side are you on?

Yesterday, the partisans in the United States Senate voted to return to the good old days—to the good old days of unregulated financial markets, of voodoo economics on Wall Street, and of the continuing deregulation of big banks on Wall Street.

We cannot afford to go back to the losing policies of the Bush administration when Wall Street was allowed to consume the wealth of an entire generation. People in Wisconsin believe if you're too big to fail, then you should not exist. People in Wisconsin know that we are on their side and that, when Wall Street innovates, Main Street pays the price.

We have got to work hard together to catch all of the crooks and to follow their trails wherever they may lead. We have to make certain that we balance our budgets, that we live within our means, and that we rewrite our financial regulations to make things fair for people on Main Street. That's what we have to do together.

## ARIZONA ACTS BECAUSE THE FEDERAL GOVERNMENT REFUSES TO ACT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, because the Federal Government refuses to secure the border, States like Arizona have become desperate to solve the crisis. Arizona has a new illegal immigration law that is causing some heartburn for the open borders crowd. The new law makes being in Arizona without proof of legal status a crime. The consequences range from a misdemeanor to a felony depending on whether one is a repeat offender, is trafficking drugs, or is smuggling human beings.

The open borders lobby doesn't want the laws they don't like enforced, so they protested outside the Arizona State capitol building when the Governor signed the bill into law. They were caught on video pelting police with rocks and bottles. One even assaulted a cameraman. The inconsistent national media calls the peaceful TEA Party people fringe terrorists, but the violent pro-illegal immigration rock throwers get a pass.

No matter how the open borders media crowd spins these rowdy demonstrations, entering this country illegally is still against the law. The Federal Government should do its job and secure the border. That is what they are supposed to do.

And that's just the way it is.

## THE CMS REPORT IS GOOD NEWS FOR THE AMERICAN PEOPLE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I am very happy that our Republican colleagues have brought up the CMS report because, while they try to proclaim that this is some kind of revelation, what it actually verifies is what we've been saying all along, which is that we will expand the coverage in this country, not by the 30 million people, which was originally projected, but now by 34 million people. For a 1 percent increase in our total health care costs, which is something that we always said we were going to do, we are going to insure 11 percent more of the population. That's a pretty good deal.

Yet there was another big surprise in that CMS report, not just that we are going to insure more people than we thought, but that we will extend the life of Medicare's trust fund, not just by 9 years as we thought, but now by 12 years—all the way to 2029.

Yes, there was some news in the CMS report. It is good news for the American people; it is good news for Medicare, and it is good news for the Democratic Congress, which did this great service for the American people.

## A NEW REPORT SHEDS LIGHT ON EFFECTS OF HEALTH CARE TAKEOVER

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, we got some interesting news from the Obama administration's own number crunchers last week. Though it comes as no surprise to those who opposed the government takeover of health care, which became law last month, we learned that this takeover increases national health care spending by $311 billion. Plus, the Federal actuaries reported that 18 million taxpayers will be socked with $33 billion in fines for not purchasing government-approved health care.

In direct contradiction to President Obama's promise of, if you like your plan, you can keep it, the report stated that half of the 14.8 million seniors who enjoy Medicare Advantage will be forced to leave the program due to lower benefits. That means about 20,000 in my district alone will likely lose their plans.

Too bad we didn't have this detailed report before the government takeover became law, but as the saying goes: Better late than never.

## CELEBRATING NATIONAL VA RESEARCH WEEK

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, this week is National VA Research Week, recognizing 85 years of VA medical research. Since 1925, the VA has led the way in cutting-edge medical research, turning ideas into discoveries and into innovations which have improved the quality of life for generations of our military veterans.

Many Americans may not realize that some of medical science's greatest achievements have been as the result of research conducted at the VA. The CAT scan and the cardiac pacemaker are but two of the trailblazing innovations made possible through VA-funded research.

Today, the VA is the worldwide leader in important medical research, such as in the diagnosis and treatment of traumatic brain injuries and of neuroprosthetic technologies related to amputations and to spinal cord injuries of our brave wounded warriors.

So, this week, as we celebrate the pioneers of the past 85 years, let us also recognize today's VA researchers, who are leading the way to finding the medical breakthroughs of tomorrow.

□ 1230

## DAY OF PRAYER

(Mr. HARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARPER. Mr. Speaker, Governor Haley Barbour has proclaimed today as a Day of Prayer in my home State of Mississippi to remember Mississippians who suffered devastating losses of life and property in Saturday's horrific tornadoes and for those families who lost loved ones in last week's oil rig explosion.

One of the tornadoes was an EF4 that left a path of destruction across Mississippi. Communities have come together to comfort families, clear debris, and accumulate what personal possessions could be found.

Equally, Mississippians are experiencing grief in reaction to the drilling incident in the Gulf of Mexico. As neighbors and families mourn, we are reminded of the character of Mississippians in the aftermath of Hurricane Katrina.

Today I join folks from across Mississippi in praying for those families affected. I commend Governor Haley Barbour for his leadership and for appropriately designating today as the Day of Prayer.

Though tragic, neither of these events will break the spirit of Mississippi and her people. Our people will persevere.

## IN SUPPORT OF ELIMINATION OF PAY RAISE FOR MEMBERS OF CONGRESS DURING FISCAL YEAR 2011

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, later today the House will consider legislation to stop the automatic pay raise for Members of Congress during this fiscal year. I am proud to be a cosponsor of this bill because I believe strongly that Members of Congress should not receive a pay raise when so many families in Nevada are struggling with job loss, homes that are under water, and uncertainty about their economic future.

Unemployment in my district has reached record levels, the highest in 25 years. Families are tightening their belts and too many hardworking Nevadans are desperate to find a job. It would be unconscionable during this time of economic hardship for Members of Congress to receive an automatic pay raise. Our action today will send a message to the American people that we are changing the way that business is done in Washington and we are serious about putting our economy on the path to recovery and restoring economic security for all Americans.

## THE DEMOCRATS' HEALTH CARE BILL

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, in case there's any doubt about the new report released by CMS this week, the report says it all. The Democrats' health care bill fails to provide the reform taxpayers deserve and expected. In fact, the report clearly states that the health care spending will go up by $310 billion over the next 10 years and that the new long-term care CLASS Program poses serious risk of being unsustainable.

This is just another example of the Federal Government's creating yet another unsustainable program and failing to empower the American people. We have set ourselves up for more spending, more burdens that we simply cannot afford, while taking away benefits from seniors and disabled Americans who need them most.

While Republicans offered positive solutions to tackle the spending, Democrats created a massive new government-run health care plan that hurts the economy, interferes with patient choices, and does nothing to bring down the cost of health care.

Mr. Speaker, the American people deserve better than that.

## PASS FINANCIAL REGULATORY REFORM

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, it's not even 3 years since Bear Stearns landed flat on its back, that Lehman Brothers landed flat on its back, that AIG contributed to a destruction of our economy which resulted in the destruction of $17 trillion of the household wealth of the American people.

We have spent the last year assembling a commonsense, market-oriented package of reforms, bringing derivatives onto exchanges, creating an agency which prevents mortgage brokers from selling mortgages to American families that that broker knows can't possibly be repaid.

Yet the other side is saying ''no,'' saying ''no'' to the kind of commonsense reform that will restore Americans' faith in their system, make them comfortable investing in America. Yesterday in the other body, a big step back was taken.

The time is now if we are to be serious about addressing the crisis that this country is only now emerging from for this House to set aside partisanship and pass financial regulatory reform.

## WHERE ARE THE JOBS?

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to voice my deep concern over the rising tide of unemployment across America and particularly in my home State of West Virginia. In my State, the unemployment rate has risen now to over 10 percent with some counties reaching well over 12 percent.

Beyond these staggering figures, we must take a moment to pause and ask ourselves, are the policies we're pushing through this Congress creating real job growth? Absolutely not.

Sadly, we all know a family member, a friend, a colleague who has lost their job and is struggling to get back on their feet. The so-called stimulus bill, along with numerous so-called jobs bills, has failed to produce the jobs that the administration and the Democrats in this Congress promised. And worse yet, the policies of this administration are actually causing job loss in my State.

Instead we should be enacting policies that get Americans back to work and awaken Main Street across our country.

Mr. Speaker, at a time of increasing unemployment for American families, we must keep repeating, where are the jobs?

## WE NEED TO PASS FINANCIAL REFORM

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, we need to pass financial reform, and it's time for Republicans to stop standing in the way.

When I'm home in Connecticut and talk to my neighbors and constituents, I never hear anybody disagree with me about the need to reform Wall Street. Their retirement account statements are all the proof that they need that Wall Street played a hand that was too dangerous for their own good.

We need to make sure that our financial system does what it does best: help get money from investors to businesses so that they can innovate and expand. When Wall Street sticks to this mission, we all win.

But over the last decade, much of Wall Street became a Las Vegas casino, with our money—our mortgages, our investments, and pensions—being used as casino chips in trading schemes that added no value to our economy.

Wall Street needs to get back to what it's good at, and it's time for Republicans to stop standing in the way and join us so that we can lock the door together.

## RECOGNIZING AUTISM AWARENESS MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, April is Autism Awareness Month, and I call for increased research into and treatment for this leading developmental disorder.

Autism impacts more of our children every day, and it is becoming exceptionally prevalent in our American society. The number of American families who must learn to cope with autism is growing every day. An estimated one out of every 110 children born in the United States are now diagnosed with autism.

We have got to invest in the research that will allow us to better understand and to treat this serious disorder. For individuals already living with autism and those children who will be diagnosed this year, we must make this a priority. Autism's hold on our families, our children, and our country must be broken.

I look forward to the day when children diagnosed with this developmental disorder can live full and healthy lives. Let's pass this bill before us today.

## CONGRATULATING NORTHWEST PENNSYLVANIA COLLEGIATE ACADEMY

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to offer congratulations to the Northwest Pennsylvania Collegiate Academy of Erie, Pennsylvania, on their second straight victory at the United States Academic Decathlon.

On Saturday, Collegiate Academy's nine-member Academic Decathlon team won the Division II small school title and placed sixth out of 40 schools overall at the competition in Omaha.

The students showcased their knowledge in 10 subjects: music, art, language and literature, science, history, economics, essay, interview, speech, and math.

Coach Colleen Holmes led these bright students to victory and helped four team members—Rachel Vandevert, Bronte Seath, Stan Tuznik, and Reeve Hunsaker—earn individual medals at the competition. Sean Carney, Ben Engel, John Luke Galla, Cullen Skinner, and Rose Heid rounded out this champion team.

On behalf of the United States House of Representatives, congratulations to Northwest Pennsylvania Collegiate Academy's Academic Decathlon team on this great victory and on your future successes.

## HEALTH CARE BILL'S COSTS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, each day I am more convinced that I was right to oppose the health care reform bill that was pushed through this Congress last month.

All along Republicans questioned how it's possible to increase Medicaid enrollees and cut costs at the same time. And lo and behold, we were right. The Centers for Medicare & Medicaid Services, or CMS, recently concluded that implementing this bill means health care will be 21 percent of our GDP in 2019, up from 16 percent today. Taxpayers will be forced to spend $410 billion to expand Medicaid to 20 million new beneficiaries, and that's only at the Federal level. That doesn't count the State level spending, in which my home State of Texas has been estimated to incur a $24 billion unfunded mandate over 10 years.

Mr. Speaker, there's a better way to provide access to quality, affordable health care for all Americans. We should repeal and replace the bloated government plan with one that makes sense. The American people deserve no less.

## THE CONSUMER FINANCIAL PROTECTION AGENCY

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, last week I met with a small business owner from Concord, Massachusetts,

who showed me several months of his credit card statements. Due to a 1-day late payment after years of on-time payments, his credit card company increased his interest rate by 15 percent, informing him that because of the increase, he will pay off his balance in 2,820 years.

Thanks to the Credit CARD Act, such abuses are now illegal but only after more than a decade of trying to move these bipartisan and commonsense reforms through Congress.

In response to the law, credit card companies are already devising new ways to exploit their customers, trusting in Congress' inability to respond quickly.

The Consumer Financial Protection Agency will give small business owners like my constituent an advocate that can respond to shady practices as they evolve. Groups like the AARP have endorsed the idea of a strong Consumer Financial Protection Agency because it will be able to stand up for the little guy against the giants who have been able to set their own rules.

## ''SNITCH TAX''

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the biggest issue on the minds of the American people is jobs. So imagine my surprise when I took another look at the so-called health care reform bill and found a provision which is just another job-killer provision.

Beginning in 2012 under section 9006 of the Obama care bill, any company, large or small, that purchases more than $600 worth of goods or services from any corporation during the previous year will be required now to file a 1099 with the government and with that company. That means you have to keep track of all the food that you buy, the paint that you buy, the secretarial supplies that you buy, and then you have to give this information to the government. Not because of any obligation on your part to pay something but on the part of the other individual.

The assumption is that everybody else cheats, and so what this is, is nothing more than a universal snitch tax. It requires all Americans to give up information on somebody else.

Repeal this nonsense. Get rid of this burden. Save small business, and cosponsor H.R. 5141.

## WE MUST PASS FINANCIAL REFORM

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, a little over 2 years ago, our Nation walked to the precipice. Many Americans are perhaps unaware of the fact that we were very, very close not to a major recession but a depression. And for this body to pass financial reform was, I think, one of the better things we have done.

For financial reform to remain on the table over in the Senate is just abominable. Many people were out trying to survive during this crisis and still losing money, still losing homes.

We saw Wall Street playing around with derivatives that many of them didn't even understand. They hired physicists to actually describe what would happen with the derivatives. So if we don't do financial reform, we're going to leave the American public vulnerable.

We have got to do it. We have got to establish a Financial Consumer Protection Agency and we need to do it now.

## DEFENDING ISRAEL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as a Nation, one of our strongest allies in the Middle East is Israel. For decades we have stood with this free and democratic state as it has been assaulted. We have always respected the right of Israel to defend itself and to build for itself a stronger nation.

But now our President is causing problems for our ally. The President takes offense at the bureaucratic approval of settlements. But these are not settlements deep in the heart of the West Bank. They are in their capital, Jerusalem. East Jerusalem is an area where half the Jewish population of the capital city currently resides. Prime Minister Netanyahu has made clear: This is an area that will be part of Israel in any peace settlement considered.

In just a few weeks, Israel will celebrate its 62nd year as an independent nation. The United States was the first to stand and recognize Israel on the day of their independence, and since that time we have remained close allies. Let's not let this close relationship move apart. The President should stop giving the cold shoulder to our friends in Israel.

## THE ARMENIAN GENOCIDE

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, April 24 marked the 95th anniversary of the Armenian genocide. Last Saturday I participated with the Armenian community in Fresno to commemorate this horrific tragedy.

I, once again, call upon this body to pass the Armenian genocide resolution. In my remarks before the Foreign Affairs Committee markup of House Resolution 252, I indicated that historians have clearly documented this event. Back home, as I grew up, my Armenian friends told me of the stories of the systematic approach to eliminate the Armenian communities from their farms, their homes, and their lives. It was the first genocide of the 20th Century. They believe it and so do I.

Theodore Roosevelt once wrote: ''The Armenian massacre was the greatest crime of World War I, and the failure to act against Turkey is to condone it.''

No one holds modern-day Turkey responsible for the past sins of the Ottoman Empire, but they should recognize their history, apologize, and move on to establish diplomatic relationships with Armenia.

There is never a right time to recognize the genocide. We cannot wait around for a convenient time. I urge we pass this resolution.

□ 1245

## JOBS ACT

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BROUN of Georgia. Mr. Speaker, it's another 3-day work week for Congress, and there is still nothing on the agenda to spur the economy and to incentivize growth. Job creation remains the top concern of the American people. Shouldn't it be a priority of Congress as well? With 15 million unemployed Americans, it is negligent not to prioritize job creation in the private sector today. Through my JOBS Act, H.R. 4100, we can empower small businesses by reducing their tax burden and provide relief to the lowest two individual income brackets.

Mr. Speaker, I urge this body to seriously consider my legislation or any other bills that put people back to work and provide lasting solutions to the problems facing our economy.

## IN MEMORY OF AUTRY LAMONT BATTLES

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I rise today to honor a life well lived—the life of Autry Lamont Battles, who passed away on April 15 of this year. Mr. Battles was born in Los Angeles, where he was known for his sense of humor, caring for others, his faith in God, and his talent for cooking. This led him to a fulfilling career in the restaurant and catering business, a job that allowed him to share his love for food and for meeting new people. He came into my life when he was caregiving for a lifelong friend of mine. He said, I just love your mother. She

just turned 100 years old, and he was going to prepare the meal for 300 guests. However, his illness did not allow him to do it.

So I want to honor Mr. Battles today for living among us—a good and decent American, who will certainly be missed because he reached out to others and was more caring about others than he was of himself. So we lost him, but I just want to pay tribute to him for a life well lived.

## PASSAGE OF PATIENT PROTECTION AND AFFORDABLE CARE ACT

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, here in Washington, in these hallowed Halls, we have the power to do many things. At times, it might appear as if there is no riddle so complex that the careful arrangement of words on a paper cannot overcome it. Indeed, the very rationale behind the Patient Protection and Affordable Health Care Act was to solve forever the Gordian knot of equality in our citizens' access to health care. Yet, for all its words, commands, prescriptions, and boards in the bill, Richard Foster, the chief actuary of CMS, has laid bare an essential truth about these mandates. Mr. Speaker, they have consequences. On page 10 of his recent report, Mr. FOSTER states unequivocally that this bill will make hospitals, long-term care facilities, and other part A providers unprofitable.

It's clear to me, Mr. Speaker, that while we in Washington can pass words on paper that guarantee all Americans health care, that the doctors and hospitals throughout America may not be around long enough to provide them care. More jobs, Mr. Speaker, lost to wrong-headed policies being foisted upon the American people by this majority.

## MOVE AHEAD ON HEALTH CARE BILL

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. We have a debate on health care, but the fundamental question that we face is whether we were going to stick with the status quo or we were going to put a stake in the ground to have a health care system where all are covered and all help pay. We did this, unfortunately, without bipartisan support. The question we now have is making this work. The status quo was broken. We're spending two, three times the rate of inflation, the rate of wage growth. Our businesses can't afford it. We spend more and get less, with 45 million Americans uninsured. Now, folks want to repeal it. That includes provisions where your child can be on your health care policy until age 26; where the doughnut hole is going to finally be closed so seniors can get the prescription drugs they need; where folks who need preventive care and long-term care are going to have access to the care that they need; where there won't be a lifetime cap on coverage, so that if you get really sick and need that, you're going to be able to get access to it.

So now the debate is: Are we going to improve this health care system and this health care bill, and do it together, or are we going to repeal it? I say: move ahead.

## WHAT'S IN THE HEALTH CARE BILL

(Mr. McCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. McCLINTOCK. Mr. Speaker, during the recent health debate, the Speaker ominously said, We have to pass the bill so you can find out what is in it. Well, they passed the bill, and now we're finding out what's in it.

They told us it would keep costs down. Well, now they admit health costs will soar $311 billion, increasing to 21 percent of GDP by 2019.

They told us, If you like your plan, you can keep it. Well, now they admit that seniors on Medicare Advantage could lose their plans. Companies that offer health plans to their employees and retirees are now considering dropping them.

They told us it would be good for the economy. Now they admit employers were correct to downgrade their earnings by billions of dollars that ultimately will come out of employees' wages and benefits.

This issue is not going away. It will continue to plague those responsible until they replace it or until they themselves are replaced.

## WALL STREET REFORM AND CONSUMER PROTECTION ACT

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. The Republicans always want to dwell on distractions, but I believe that the American people are waiting for the health care reform bill to be implemented—and that it will. And it will save lives. But why are the Republicans standing on the side of big business and big companies too big to fail? Now we need the Wall Street Reform and Consumer Protection Act to be able to respond to America's cry for honesty and integrity on Wall Street.

Right now, one of the biggest Wall Street casinos, Goldman Sachs, is testifying. And I don't know whether they can find the facts to be able to defend atrocious acts causing millions of Americans to lose money. I personally know of a small business that they literally destroyed because they were unwilling to look at ways of allowing that business to survive. And so the $14 million of net worth loss, $22 million decline in net worth, and 2.2 million in homes lost is because of the lack of integrity on Wall Street.

Pass the legislation that will end bailouts; protect families' retirement funds; college savings; homes and businesses; protect consumers; and, yes, inject transparency. Goldman Sachs, what is your answer to the question?

## WITH AMERICA AT A CROSSROADS, IT IS TIME TO LISTEN TO THE AMERICAN PEOPLE

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, time and again during health care debate, the American people were told that the health care bill would lower costs, and Republicans continually argued that the big government takeover of our health care would actually increase the cost to taxpayers. Well, who was right? The nonpartisan Office of the Actuary at the Centers for Medicare & Medicaid Services has released its analysis of the new health care law, and the results are very telling, Mr. Speaker.

The actuaries are reporting that the new law will increase health care costs over the next 10 years by $311 billion, which was much more than the original estimates to both the House and the Senate bills. Published reports have indicated that this report, incredibly, was submitted to the Secretary of Health and Human Services more than a week before the final vote in the House. But that information, of course, was not shared with—at least on the Republican side—Members of Congress or the American people. So much for most open and transparent administration in history and so much for providing the American people with real health care reform that would help lower costs.

America is at a crossroads, Mr. Speaker, in this difficult economy. While the American people spoke out very loudly that they did not want a government health care takeover, Democrats refused to listen.

## BUILDING A RECOVERY RIGHT FOR AMERICA

(Ms. SUTTON asked and was given permission to address the House for 1 minute.)

Ms. SUTTON. Congressional Republicans threaten to take us back to the

failed policies that created the economic crisis, siding with special interest, Wall Street banks, credit card companies, Big Oil, and insurance companies. These Bush economic and fiscal policies created the worst financial crisis since the Great Depression, with job losses of nearly 800,000 a month, and nearly doubled our national debt. Democrats in Congress are working to create American jobs and a strong new foundation for our economy, protecting Main Street and the middle class, not siding with the insurance companies and Wall Street.

This week's news provides evidence that American families are beginning to feel some effects of an economy headed in a better direction. USA Today headlines read: ''Economists say recovery looks stronger than expected.'' Bloomberg says: ''Companies in U.S. plan to increase employment, survey shows.'' The New York Times says: ''From the mall to the docks, signs of rebound.''

No matter how much they try to side with Wall Street, Democrats will side with the American people and build a recovery and an economy that will work for them.

## RAIDING MEDICARE HURTS OUR SENIORS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, last week, the nonpartisan Centers for Medicare & Medicaid Services released an actuarial report that shows that the President's new health care law will increase health care costs over and above what was expected; premiums for families and small businesses will rise beyond what was expected; and access to a physician will suffer for many, many Americans. They also showed that the $500 billion in indiscriminate cuts to Medicare to pay for a new entitlement is a very deep cut that will hurt access to care for many of our seniors. Half of all seniors in the Medicare Advantage program will lose their current coverage. I have 140,000 seniors in my State of Louisiana who depend on Medicare Advantage in rural areas for access to a doctor. They're going to lose that kind of coverage that gives them that valued access to the physician of their choice.

This bill, this law, fails to lower costs. It creates red tape and bureaucracy, and it really does nothing to enhance quality for most Americans.

## FROM HEALTH CARE REFORM TO WALL STREET REFORM

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, you've got to give it to my friends on the Republican side of the aisle. They are incredibly consistent. They have sided with the big pharmaceutical industry and the insurance industry. Sadly, they lost that debate, but they want to revisit it with the changes we made in health care and some of the outrageous health insurance practices we outlawed, like preexisting condition exclusions, rescissions of your policy when you get sick, and nonrenewal when you get sick.

But they're also fighting to change the subject here, because they're also trying to stop the reform on Wall Street. Their biggest patrons are the pharmaceutical industry, the insurance industry, and Wall Street. And they just want to protect the status quo for those folks.

Over on the other side of the Hill, the Republicans in the Senate are blocking financial reform—reform of Wall Street, doing away with the abuses that crashed our economy and put millions out of work. And every single House Republican voted against reforming Wall Street here on the floor of the House. Well, two were absent but all those who voted, voted against it. Now they want to change the subject back to health care, except they lost that debate, too.

## AS PREDICTED, HEALTH CARE COSTS WILL RISE

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, I have been here for about 30 minutes listening to both sides talk past each other. Mr. Speaker, the American people, they get it. They get it that in fact cap-and-trade will increase the cost of doing business; that health care, which is already too big a piece of the family budget, is going up, not down; that government is increasing spending at a time in which the revenue is far less than what we're spending. In fact, 40 percent of the budget is being borrowed. And now we're having the hubris to call financial reform of something that in fact is a financial bailout guarantee.

Under President Clinton and a Republican Congress, Glass-Steagall was eliminated. Why in the world wouldn't we be talking about simply recreating the separation between real banks that the FDIC does have a fund for, created by the banks, and investment banks, which you recognize if they fail, they fail, and you are only guaranteed on the underlying stock.

Mr. Speaker, I call for real reform.

□ 1300

## THE REPEAL REPUBLICANS SIDE WITH THE INSURANCE INDUSTRY TO REPEAL POPULAR BENEFITS OF HEALTH REFORM

(Ms. LEE of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE of California. Mr. Speaker, the Repeal Republicans have sided with the insurance industry from day one, ignoring the need for reform when they controlled Congress and opposing reform at every step as Democrats fought for reforms that serve the needs of the American people. The Repeal Republicans really haven't changed. They now want to repeal the reforms, and they will use every deceit, every piece of misinformation, and even outright lies to oppose reform and, in the process, try to protect the industry's profit margin.

When Democrats fought to close the doughnut hole and strengthen Medicare by extending its solvency, the Repeal Republicans sided with the insurance industry and opposed it. Now they want to repeal it. When Democrats fought to allow children up to the age of 26 stay under their parents' coverage, the Repeal Republicans sided with the insurance industry and opposed it. Now they want to repeal it. And when Democrats fought to ban caps on coverage, the Repeal Republicans sided with the insurance industry and opposed it. Now they want to repeal it.

We really shouldn't be surprised. The Repeal Republicans are the same ones who want to dismantle Medicare as we know it and who want to privatize Social Security.

## THE GULF OF MEXICO OIL SPILL

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, there has been an unfortunate and devastating accident in the Gulf of Mexico that caused the death of 11 workers. Now we must deal with the attendant oil spill estimated at 42,000 gallons a day. To provide a bit of perspective, the gallon capacity of an Olympic-size swimming pool is 648,000. At the current spill rate, it will take 15½ days to spill the equivalent of an Olympic-sized pool.

Historic production of oil from the Gulf is 1.7 million barrels per day. The U.S. consumes about 19.5 million barrels a day. There will be those who will say this spill is reason enough to cut off future offshore oil production. That would be disingenuous.

Until this accident, the industry has had an impeccable record in the Gulf. According to Amy Myers Jaffe, an energy expert at Rice University, in the

last 15 years, there was not a single spill of more than 1,000 barrels among the 4,000 active platforms offshore. She said offshore drilling was considerably safer for the environment than the tankers used for importing oil.

We need to clean up the spill, not use it as a political football.

## STOP WALL STREET FROM GAMBLING WITH OUR ECONOMIC SECURITY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for far too long, the executives on Wall Street reaped rewards by bending the rules and dodging financial regulation. Then they turned to the American taxpayer to dig them out. With Wall Street reform, average Americans will never again be on the hook for Wall Street's mistakes. We, quite simply, put an end to the taxpayer-funded bailouts.

Our legislation will make big banks accountable for their own failures and give regulators the tools they need to put the interest of working- and middle-class Americans first. Wall Street reform stands up for working- and middle-class families by putting a stop to the unregulated greed of Wall Street executives who took big bonuses while gambling with our homes, our jobs, and our economy.

Additionally, Democrats are continuing to make investments in small businesses and rebuilding America's infrastructure. Small businesses are the engine of job creation in this country and will be the birthplace of our economic recovery. That's why we are working to partner with small businesses to help them grow and to expand so they can hire more workers.

I encourage the American people to stand strong with Democrats to stop Wall Street from gambling with our economic security.

## OUR FUNDAMENTAL HEALTH CARE PROBLEM: RISING COSTS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, when the health care bill was moving through Congress, I repeatedly made the arguments that the legislation was flawed because it failed to fundamentally address the problem with our current health care system—rising costs. Well, now guess what? A new analysis just put out by the Centers for Medicare & Medicaid Services confirms that disturbing fact. According to CMS, the new health care law will actually increase our Nation's health care costs rather than decrease them.

Here are some of the staggering numbers: Health care spending is projected to increase by $311 billion, and health care will now increase to 21 percent of our gross domestic product by 2019. So costs are going up, not down.

These numbers are alarming, and they're further proof that the health care bill missed the mark. Real reform would have lowered health care costs for individuals, for families, and for small businesses. Unfortunately, the partisan bill that was signed into law has failed to address this great need for our constituents.

## HEALTH CARE FOR AMERICANS

(Mr. MOORE of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MOORE of Kansas. Congress should have passed something on health care reform 40 years ago. We can't change what didn't happen for 40 years. But this year we had an opportunity to do something, and Congress finally did it.

When people in our country get sick and they don't have health insurance, they stay home, they stay home, they stay home until they're deathly ill. Then they go to the emergency room where they get the most expensive kind of health care there is in our country, and we all end up paying for it. We can and should do better.

We did better this year by passing health care reform for our people and our country. The Congressional Budget Office, CBO, says this will end up saving money on health care for people in our country. They are a nonpartisan entity that provides reliable information to both sides, Republicans and Democrats, and they're saying we can save money by this. We will do that.

We did the right thing for our people and our country by passing health care reform.

## WE JUST BROKE HEALTH CARE IN AMERICA

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, President Obama stated on February 7, 2010, ''If we can start bending the cost curve on health care, that's the most important thing we can do to deal with the deficits long term.'' Well, we always agreed that he was bending the cost curve. But our position was that it wasn't being bent down; it was being bent up.

The chief actuary of CMS, Mr. Foster's, report supports this and states that health care costs will accelerate by over $300 billion because of this bill. The health reform law will not extend the life of our entitlement programs, because severe cuts to the programs are used not to strengthen Medicare but, rather, to finance other outlays. And Medicare cuts could lead to providers ending their participation in the program.

This is not Republicans. This is the chief actuary of CMS who is saying this bill is a dog, and we'd better redo it because it's going to raise costs and decrease benefits.

There is an old saying, If you broke it, you have to keep it. We just broke health care in America.

## MEDICAL CARE FOR WOMEN

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, sometimes it takes a woman speaking up for other women to make unfair and inappropriate health care practices a thing of the past.

Last June, I introduced the Women's Obstetrician and Gynecologist Medical Access Now Act, the WOMAN Act, to ensure that every woman has direct access to her OB/GYN. As a State assembly member, I offered the law allowing women direct access to their OB/GYN in California. Unfortunately, many women have not had that access. But I'm happy to say that similar provisions were included in the final health care package.

Patients, employees, primary care physicians, and health plan providers all save money and time if women are allowed direct access to their OB/GYNs. Across the Nation, women will no longer have to contend with the gatekeeper system that can prevent or delay lifesaving care.

Women should not need a permission slip to receive OB/GYN care, no questions asked.

## HEALTH CARE FOR MEDICAID RECIPIENTS

(Mr. CASSIDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASSIDY. Mr. Speaker, it's always fun to listen to the debate because clearly both sides are saying the same thing but disagreeing to it. I am actually referencing some of the things we're speaking of.

We are told that the health care bill is going to create jobs in addition to its primary goal of increasing access to quality care at an affordable price. Now, a component of this is Medicaid, insuring 21 million people across the Nation, a combined Federal-State program where the State pays part, the Feds pay part. The problem is that Medicaid is not providing access to quality care at an affordable price.

There were two articles from the New York Times recently. One speaks of how people with Medicaid cannot get in to see a physician. They have to go to

the emergency room because physicians don't see Medicaid patients because it pays so little and it has so much hassle. The other is about how a woman with cancer in Michigan cannot find a physician—she also has Medicaid—because the problem is it pays so little, has so much hassle, all the other things we expect in a bureaucracy. And lastly, regarding cost, despite paying less so it doesn't give access to quality care, according to articles in Politico, it's going to increase the deficit by $1 billion for States like California.

## GOOD NEWS ABOUT MEDICARE AND HEALTH CARE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I have some excellent news to share. Just last week, the CMS' independent actuary released an analysis of the health care reform legislation that we passed last month here in this Chamber. Their report shows that we are strengthening Medicare.

Indeed, according to the Office of the Actuary, the Affordable Care Act will help extend the life of the Medicare Trust Fund by an additional 12 years to 2029, compared to 2017 today. It closes the prescription drug doughnut hole by 2020, with an immediate rebate this year of $250 and a 50-percent discount on brand-name drugs next year. It lowers annual premiums by nearly $200 per beneficiary. It lowers annual average coinsurance by over $200 per beneficiary, and it provides preventive wellness care visits for free.

When we passed health care reform, Democrats stood up for seniors by strengthening Medicare and closing the prescription drug doughnut hole that was wide open and would be left wide open under the Republicans' plan. Under their radical plan to repeal health care, we will move in the wrong direction.

## HEALTH CARE REFORM

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, last week the Centers for Medicare & Medicaid Services confirmed what we already knew—that health care spending will increase. It violates the pledge made by the President last year, and it leaves the hardworking American taxpayers to pick up the bill. The report estimates a $311 billion increase in total health care spending. And while this may be chump change for this administration, it's a lot of money for the American taxpayer.

There is one area of interest for me, and that is the high-risk pools for the uninsured. Back home in Georgia, we have been talking about the Democrats' approach to the high-risk pools. It is clear that their approach is not the best, and this report confirmed that.

The Democrats want to set aside $5 billion for high-risk pools, but this report says that is not enough and that it will run out within 1 to 2 years. Plus, their plan only covers 375,000 Americans. What happens when the funds run out? Premiums will go up, services will be cut, there will be waiting lines formed, or States like Georgia will be forced to pick up the cost.

This is unacceptable for all Americans, and taxpayers especially.

## MEDICARE SOLVENCY

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. In the CMS report the minority references, the ''M'' stands for Medicare. CMS is in the business of counting and accounting for the Medicare program. Here's what they said:

Under the law before the health care bill passed, Medicare was going to run out of money in 2017. We have extended the life now to 2029 and can build on that to save Medicare.

The report also says that they made estimates, subject to interpretation, about health care costs in the rest of the system, but here's what they assumed:

They assumed that medical records sharing and technology won't save any money. Most people think it will. They assumed that wellness programs that stop people from smoking and start exercising won't save any money. Most people think it will. They assumed that insurance companies having to compete with each other will not save any money. Most people think that it will.

The fact of the matter is the health care law extends the life of Medicare by 12 years, something the erstwhile majority never did when it was in the majority.

## THE SIDE EFFECTS OF HEALTH CARE REFORM ON BUSINESS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, American business owners, large and small, have been telling the majority in this body for months that these health care bills were flawed and there is going to be a cost. There's going to be a cost in money—a lot of it—and a cost in jobs. AT&T had to restate earnings, lowering their earnings projections to $1 billion for the first quarter; John Deere & Co. $150 million, and it goes on and on.

The National Federation of Independent Business have said that the complicated and restrictive tax credits included in the bill actually help no one. And paperwork and increases in Medicare costs will cost small businesses millions of dollars and, in fact, cost the country millions of jobs.

Democrats claim that because of this new law, small businesses will no longer have to choose between hiring new employees and offering health insurance. Well, that's fantasy, and we all recognize that. Right now, small businesses across the country are making the decision that right now is not the time to hire. There is simply too much uncertainty that is created by this bill.

It should be no surprise that this bill will cost American companies millions of dollars. It will cost Americans millions of jobs. But Democrats express shock and disbelief when businesses, large and small, say the bill will cost them millions. That is just simply an inconvenient truth.

□ 1315

## BENEFITS OF HEALTH REFORM

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute.)

Mr. GARAMENDI. Mr. Speaker, I think we just heard something that is only a half truth. I was meeting with the realtors in my district a week or 2 weeks ago, and they had read all of this propaganda from the Republican Party. They said, ''Well, we cannot afford to buy insurance.''

I asked, ''Are you buying it now?''

''Yes, we are.''

I said, ''Are you aware there is up to a 50 percent tax credit for every insurance policy that you buy?''

''No, we didn't know that.''

''Are you also aware that if you have a child who is 23 who would drop off your insurance, they will be able to stay on your insurance until they are 26?''

''No, we didn't know that.''

''How about the cap on the yearly expenditures and the lifetime cap, do you realize that there will be no cap, whatever you need, you will be able to have it paid for by insurance?''

''We didn't know that.''

''And you're a senior; did you know that there is a $250 immediate tax rebate if you are buying those drugs in that doughnut hole?''

''We didn't know that.''

''And in 3 years it disappears?''

''We didn't know that. Well, then why do Republicans want to repeal all that? We don't understand. Why do the Republicans want to get rid of all that good stuff?''

## HEALTH CARE COSTS TO INCREASE

(Mr. JORDAN of Ohio asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. JORDAN of Ohio. Mr. Speaker, imagine this: The Democrats' health care bill will not reduce health care costs, but actually increase them. That's right. According to CMS, the costs will increase over $300 billion. It brings to mind Yogi Berra's line: this is deja vu all over again.

Of course, taxpayers and families knew this would happen. Any time you have a big government, Washington-based program, it always costs more than advertised. The CMS findings underscore what taxpayers and families across this country understand: we need to repeal this bill and replace it with the right kind of reform.

## WALL STREET REFORM

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Every day that Republican Senators block Wall Street reform, another day goes by that our Nation's middle class and our Nation's economy are at risk. Heads I win, tails you lose; I'm sure you remember that game.

Well, those are the same rules that Goldman Sachs rigged up to routinely bet against its own customers. Heads they won, tails their customers and the American people lost. And AIG, who the taxpayers bailed out, was a full partner in this fraud.

My constituents are angry. They want their money back. They want commonsense protections that will end too big to fail and make sure they never get stuck with the tab again. The House has already acted to protect hardworking middle-class families from the abuses of Wall Street. It is time for the Senate to do the same.

## HONORING JOEL AND RUTH SPIRA

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I rise today to pay tribute to two fine American business owners, Joel and Ruth Spira, for their donation of a significant collection of materials to the Smithsonian's National Museum of American History. The items the Spiras are donating represent some of the most noteworthy technological advancements and energy-saving inventions in the history of electric lighting. The collection tells the story of American innovation and the 50-year history of a country that has transformed the use of electricity.

Joel Spira is the inventor and developer of the solid-state electronic ''dimming device,'' and chairman and founder of Lutron Electronics headquartered in my Congressional district in Coopersburg, Pennsylvania.

A family-owned business, Lutron is governed by five principles: take care of the customer; take care of the company; take care of the people; innovate with high-quality products; and deliver value to the customer.

Lutron is known for its commitment to creating energy-saving products. Each year, the installed base of Lutron's products save the Nation nearly 10 billion kilowatt hours of electricity, or approximately $1 billion in utility costs.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Joel and Ruth Spira for this record of accomplishment and for their many contributions.

## BENEFITS OF HEALTH REFORM

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, the radical reactionary Republicans are at it again; they want to repeal everything. The radical reactionary Republicans want to repeal the fact that children can stay on their parents' health care policy up to age 26. The radical reactionary Republicans want to repeal the fact that there will be no preconditions.

The radical reactionary Republicans are the repeal Republicans. Any step forward, let's repeal them and turn them back. The radical reactionary Republicans are the new repeal Republicans; the no Republicans.

Let's keep the status quo as we move on to meet the foe. Let's move forward with progress.

## HEALTH CARE JEOPARDIZED

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, over the past 18 months, the President repeatedly said about his health care plan, If you like your current health insurance, you can keep it. The majority of Americans knew this was nonsense, and now the Department of Health and Human Services confirms it.

A study just released by that department's chief actuary for Medicare concludes that the financial incentives in the new health care law will lead many employers to stop offering health care coverage altogether. That means about 14 million people with job-based insurance today will lose it, and instead will be required by law to obtain coverage individually.

Further, seniors in my State of Wisconsin have become big fans of Medicare Advantage plans. But the chief actuary for Medicare estimates that the President's and the majority party's Medicare cuts will reduce Medicare Advantage enrollment by 7 million people.

But there is more. The Medicare actuary reports that under the new health care law, 15 percent of all hospitals, nursing homes and other providers could be operating at a loss by 2019 which will jeopardize access to care. Doctors are threatening to drop out of Medicare because cuts in Medicare reimbursement rates mean they can't even cover their costs, much less make a living.

Sadly, these few problems are just the tip of the iceberg, as will be revealed in the months and years ahead as the health care law takes effect.

## BENEFITS OF HEALTH CARE REFORM

(Ms. KILPATRICK of Michigan asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK of Michigan. Mr. Speaker, how can you repeal a law that helps millions of Americans for better health care? The repeal Republicans are once again off base and not right in their assumptions.

Millions of Americans will benefit from the new health care bill. You and your doctor will determine your care and not the insurance companies. Small businesses with 50 employees or less will get tax credits to help them pay their premiums. So the millions of people who work in small businesses can now have health care.

Your children who are graduating from college and find themselves with no job will be able to stay on your health care until age 26.

These were the same rumblings they had in 1965 with Medicare, health care for over 44 million seniors. Medicare today is one of the best programs for health care for seniors, and this bill extends its lifetime almost a decade. Social Security, passed in 1934, is one of the most successful programs we have.

It is a good bill. The repeal Republicans are wrong again.

## HEALTH CARE TAKEOVER

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, this radically Republican Texan rises today to highlight the CMS analysis for the government takeover of our health care system. As many have predicted, CMS concluded that the new law fails to contain cost increases in health care. CMS projects health care spending will rise to 21 percent of the GDP in the next decade. This places our country on an unacceptable path and getting less coverage for our money.

Even more alarming, CMS concluded that 50 percent of our Medicare Advantage patients will lose their coverage over the next decade when the law is

fully implemented. Thousands of seniors in my district depend on Medicare Advantage. We need to repeal and replace this now. We need a new bill that will control health care costs while still allowing patients to keep the coverage that they have now and as they were promised.

## BENEFITS OF HEALTH REFORM

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, in the aftermath of health care reform, one can't help but ask rhetorically why there would be forces out there that would deny progress? Why promote misinformation? Why refuse to set up exchanges for the business community? Why promote a repeal?

I think it is pretty straightforward and easy to determine that there are those who are fighting for the people's interest ahead of those insurance profit column rises over the last decade. I think it is a threat to those asking for and ensuring that the doughnut hole will be closed, and adult children up to the age of 26 will be able to stay on their parents' coverage, no more caps on coverage but really benefit people in this insurance struggle they have faced in the past.

It is pretty obvious, this is an effort by those who have wanted to dismantle Medicare as we know it, those who want to privatize Social Security, those who want to protect the insurance industry's profit margin to yet score another victory with repeal.

I think we have a solid effort going forward. I believe we should stay the course.

## START OVER ON HEALTH REFORM

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, in June of last year, President Obama told a crowd of people, ''If you like your doctor, you will be able to keep your doctor. If you like your health care plan, you will be able to keep your health care plan. No one will take it away. No matter what.''

Mr. Speaker, it turns out there is someone who will take your health care plan away, and that person is President Obama himself. A report done by the President's own administration concludes that under Obama care, 50 percent of seniors will lose their Medicare Advantage plans, and it says that some of the Medicare cost control mechanisms may be unsustainable.

Our seniors are already struggling under the weight of the recession and they can't afford to lose the insurance that they depend on. House Republicans have better, common sense health care reform plans that will help seniors and their families. House Republicans will work tirelessly to repeal this harmful bill and start over.

## WORLD MALARIA DAY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute.)

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize World Malaria Day which was April 21.

Malaria kills almost 1 million people every year, and afflicts as many as half a billion. Just think of this startling fact, Mr. Speaker: every 30 seconds, a child in Africa dies from malaria. We owe it to the children and we owe it to mothers to do more to eradicate this preventable and treatable disease.

We must support programs that provide bed nets and safe indoor spraying. Malaria doesn't just affect the sick, it keeps kids out of school, it keeps adults out of the fields and away from the workplace, and brings down the economy. Sick parents can't care for their children.

Malaria prevention is key to preventing smart maternal health policies worldwide. I urge my colleagues to support funding for international malaria and survival programs to keep the world's children and their mothers healthy.

□ 1330

## REPEAL AND REPLACE OBAMACARE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute.)

Mr. GINGREY of Georgia. Mr. Speaker, last week, the Centers for Medicare & Medicaid released a new analysis of ObamaCare that confirmed what Republicans have been saying all along: our Nation's health care costs will increase under ObamaCare, and this bill will hurt health care for seniors.

Mr. Speaker, a few simple facts:

First, under ObamaCare, our national health care expenditures will increase by $311 billion in the first 10 years. Second, health care will increase to 21 percent of GDP by 2019. Third, the government will spend $410 billion to expand Medicaid under ObamaCare. And, fourth, more than 7 million seniors will be forced off of their current Medicare coverage, including 50 percent of those who are currently on Medicare Advantage.

Speaker PELOSI, this is not the reform you promised; this is not the reform the country needs. That is why I will be fighting to repeal and replace this legislation with real reforms that lower costs and improve coverage and care without bankrupting our country.

## WHERE ARE THE JOBS?

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, we just got yet another smoking gun in this latest report by the Obama administration on this government takeover of health care. And the report confirms what many of us said: the bill actually increases spending over $300 billion.

With all the new taxes on medical devices, drugs, and insurance, it's going to increase the cost of health care for American families and small businesses. Over $575 billion in cuts to Medicare, they point out, will actually lead to reduced services for Medicare recipients, and in fact 50 percent of all Medicare Advantage participants will lose that health care that they like.

The American people are asking us and continue to say, Why isn't Congress focusing on creating jobs? Well, we should be, but Speaker PELOSI and her liberal lieutenants just want more government takeovers and more Wall Street bailouts. They are now trying to push this permanent bailout fund of Wall Street, and the American people continue to ask: Where are the jobs? The tone-deaf liberals running this Congress just don't get it.

## JOE WILSON WAS RIGHT

(Mr. BILBRAY asked and was given permission to address the House for 1 minute.)

Mr. BILBRAY. Mr. Speaker, the reports are in and, sadly, not only does this health care scheme cost the American people more than it provides and increases the cost of health care, but at the same time, it exempts anyone illegally in this country from having to be taxed or to buy insurance. Everyone else who is legal in the country is required to buy the insurance or be taxed. So illegal immigrants are now exempt from the responsibility; but because the majority refused to put in the E-verification, the SERVE verification to make sure that illegals don't get into the benefit package, we have created a situation where illegals now are not required to pay, but they are guaranteed, because of a lack of verification, that they have access to the system.

Sadly, Mr. Speaker, the fact is JOE WILSON was right: illegals do have access into a system that the President and Congress promised the American people would not be available.

## THE NEW HEALTH CARE LAW IS A DISASTER

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, the government takeover of health care just

celebrated its 1-month birthday, and we are already seeing the disastrous effect it will have on our Nation's economy.

Since the beginning of this debate, U.S. employers have warned that this bill would destroy American jobs and harm our fragile economy. Over the past few weeks, we've seen the real-life impact these job-killing tax hikes and health care costs are having on American employers. From AT&T to Caterpillar to Lockheed Martin, we have seen billions of dollars in losses to American companies which will result in further job losses, higher prices, and less choice for the American consumer. And to add insult to injury, actuaries at CMS working under Secretary Sebelius now confirm what most Americans already knew: health care costs will skyrocket as a result of this bill.

The long-term effects of this bill are still not fully fleshed out, will be devastating to this country's economy, and are not worth the time and effort that we have put into it. Let's move forward to repeal this law.

## HEALTH CARE TAKEOVER

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, on March 20, the majority in this body passed a bill that the American public knew was going to cost too much and not really effectively address the problems with health care; but despite claims made to the contrary, this body did pass the bill.

Just recently, the President's own administration said that the massive government takeover of our health care system will actually increase health care costs, not decrease them. And yet while costs increase, this administration admits that the health care takeover will still leave 23 million people, Americans, without insurance.

The best way to increase the number of insured Americans is to decrease health care costs, something this bill did not do. The President's own administration says the Democratic health care takeover does just the opposite, increases costs and doesn't cover every American. This is not what the people want.

## STOP EXCESSIVE SPENDING

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, I rise today to express my concern with the recently released analysis done by CMS of the health care bill that confirms that our Nation's health care costs will increase rather than decrease as the President has pledged to the Nation.

The CMS analysis concluded that the national health care expenditure will actually increase by $311 billion. At a time when our employment rate is continuing to rise, how are American families supposed to pay these increased costs?

The latest figures show that the Ohio unemployment rate is 11.5 percent, and in some parts of my district it is 14 percent. My constituents are continuing to ask, where are the jobs? In addition, the small businesses in my district are asking how they're supposed to pay the new mandates being placed on them under this bill.

The CMS analysis also shows that the recently passed health care bill will increase health care costs to 21 percent of the GDP by 2019. In addition to this increased spending in health care, the Congressional Budget Office has stated that under current spending levels, by 2020 American taxpayers will be paying $2 billion a day in interest alone on the national debt. It also estimates that the debt will be $20 trillion by that year.

Our Nation's economic future requires that this administration and Congress exercise serious fiscal constraint and stop excessive spending.

## STANDING FOR HEALTH CARE

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I was there when the President signed the health care bill into law. I saw him sign it in ink, but my heart was heavy because I knew that while he was signing in ink, it was written in prayers, the prayers of some 46 million people who did not have insurance. Signed in ink, written in prayers, but also written in tears, the tears of parents who have children with preexisting conditions who could not get insurance for their children. Signed in ink, written in prayers, tears, as well as blood, because in this country 45,000 people die annually because they do not have insurance. That's one person every 12 minutes.

So I do not stand for and will not stand for reinstating tears, for reinstating those prayers, and I will not have the blood of the 45,000 on my hands. I stand with the bill.

## REPEAL AND REPLACE HEALTH CARE BILL

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, I rise today to share my constituents' concerns and frustrations over the health care bill that unfortunately is now law.

Last night, I hosted a telephone town hall meeting; thousands of my constituents participated. I invited them to discuss any issue that they chose; every single one spoke about this new health care law. And they had concerns. One man who called in said, I'm 72 years old, I'm retired, and I get my health insurance from my company. Are they still going to provide prescription drug coverage? That's a fine question.

The wife of a family practitioner said, My husband is 62, and his patients are asking whether he will be able to stay around. And he tells them it will all depend on the government. It's sad to me that he doesn't even get to make his own choice about whether or not he retires.

Last week, the Obama administration's own experts confirmed what we've been saying for a year: this bill costs too much. Mr. Speaker, it's time to repeal this law and replace it.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BLUMENAUER). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3253) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3253

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.**

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111–136 (124 Stat. 6), is amended by striking ''April 30, 2010'' each place it appears and inserting ''July 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on April 29, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our economy is showing significant signs of improvement: consumer spending is climbing, manufacturers are adding jobs, and retail sales rose substantially for the first 3 months of this year. All of these are positive signs; however, if our recovery is going to produce the jobs that the American people need and deserve, small businesses will be central to the equation.

In every previous recession, small firms have served as job-creating catalysts. Not only do small firms add jobs faster than big companies, but many dislocated workers launch their own ventures during economic downturns. Those enterprises in turn often grow and create employment opportunities for the American people. For entrepreneurs to play this role, they need the right tools. The legislation before us will extend the Small Business Administration programs that help new ventures form and existing businesses grow.

Since the start of this Congress, the House has passed 16 bills to strengthen SBA initiatives. This included legislation to modernize the SBA's capital access programs so that small businesses can weather the credit crunch. However, before the SBA programs are fully updated, they must be extended. This bill ensures these initiatives keep operating. We cannot afford any of the SBA services to lapse just as our recovery is getting off the ground.

I urge my colleagues to vote ''yes'' and reserve the balance of my time.

□ 1345

Mr. GRAVES. Mr. Speaker, I rise today in support of the chairwoman's request to suspend the rules and pass S. 3253. The bill is a simple 3-month extension of all the Small Business Administration's core programs until July 31, 2010.

This bill is necessary because the temporary extension we approved in January is going to expire at the end of this week. Over the past 3 years, the House Small Business Committee has worked in a productive, bipartisan manner to author legislation reauthorizing and improving the Small Business Administration and its programs. I commend the chairwoman on her leadership and willingness to work in this fashion. By working together, we have reported and passed several bills that would modernize the SBA, allowing it to serve small business owners in the 21st century.

Unfortunately, our counterparts in the other body have not worked as diligently, and unless we pass this extension, many of the SBA programs that our small businesses rely on are going to expire on Friday.

Small businesses are the backbone of our economy. It is because of them that we have seen nominal gains in our economy recently. Still, the national unemployment rate hovers around 10 percent, with some States experiencing as much as 14 percent. If we are serious about our recovery efforts, helping our small businesses thrive has to be our first priority.

The programs run by the SBA provide a critical foundation that small businesses depend on to succeed. Whether it is designing a business plan, acquiring financing, or looking for technical assistance, the SBA is often the first place entrepreneurs turn to in helping build and growing their businesses. It's essential that we keep these programs running while we maintain our efforts to work on full reauthorization.

While we are continuing to work with our colleagues in the other body, we need more time to thoughtfully and completely reauthorize these critical programs. I am hopeful that we will be able to complete the work on full reauthorization by the end of this Congress.

Again, I support the chairwoman's request to pass S. 3253 and urge all of my colleagues to do so.

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of S. 3253, which extends the Small Business Act.

I support this legislation because it is crucial that the Small Businesses Administration programs that have helped launch and sustain so many small businesses are allowed to continue.

Small businesses employ just over half of all private sector employees, with a payroll of about $175 billion, and create many of the new jobs we need. More than half of all Americans work at or own a small business. Small businesses have been responsible for the majority of new jobs created in this country. Anyone who talks about getting our economy on track and does not talk about what we need to do for small business is missing a huge piece of the puzzle.

In my district, the 37th Congressional District of California, there are approximately 16,300 small businesses.

But in the global economy of the 21st century, small businesses, very much like the banks and the auto industry, need sound fiscal options to remain competitive, especially in difficult economic times for them and their customers.

This is where the Small Business Administration can help.

The SBA exists to aid and protect the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy of our nation.

The SBA was established in 1953 by the federal government to aid, counsel, assist and protect the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy of our nation.

The SBA's Office of Business Development assists firms owned and controlled by economically and socially disadvantaged individuals enter the economic mainstream by providing firm-specific analyses, counseling, management training, professional consulting and monitoring services, and access to business development opportunities under section 8(a) of the Small Business Act.

Much like the loan guarantee program, the Section 8(a) program is well intended. But one of its problems is that too often program participants are ''graduated'' before they are sufficiently prepared to compete for contracts with large and established companies in the private sector.

This has resulted in a large number of former 8(a) companies failing to remain in business shortly after leaving the development program.

I have introduced legislation that can build upon the loan guarantee program extended by H.R. 493 and which would eliminate the problem of ''graduating'' Section 8(a) program participants before they are sufficiently prepared to compete for contracts with large and established companies in the private sector.

My legislation, H.R. 4897, the ''Not Too Small to Succeed in Business Act,'' reforms and modernizes the Section 8(a) program to help more small and disadvantaged business enterprises (DBE) remain in business and hire more workers by doing the following:

1. Amending the Small Business Act to increase the net worth limits (to $750,000) used by SBA in determining whether an applicant satisfies the ''economically disadvantaged'' requirement for admission to the program and increases to $2.25 million the net worth required for early graduation from the program.

2. Extending the Section 8(a) program period to 11 years, from the current 9 years.

3. Granting a one-time 2-year reinstatement in the Section 8(a) program for companies who were graduated from the program at the expiration of the 9-year term.

Mr. Speaker, extending the programs under the SBA Act, including the Loan Guarantee Program and amending the Section 8(a) Small and Disadvantaged Business Enterprise Program are a necessary part of strengthening our ability to help small businesses succeed and provide jobs for our people. I urge all members to join me in voting for S. 3253.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in strong support of S. 3253, ''A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.''

Let me begin by thanking my colleague Sen. MARY LANDRIEU of Louisiana for introducing this piece of legislation into the House of Representatives as it is important that we work together with small businesses across the country towards the recovery of our national economy.

Small businesses have long been the bedrock of our Nation's economy and many would agree that they still are. Even with the advent of modern-day multi-national corporations, most of our day-to-day purchases take place at "mom and pop" small businesses.

Moreover, 99 percent of all independent companies and businesses in the U.S. are considered small businesses.

According to the U.S. Small Business Administration, these small businesses account for 52 percent of all U.S. workers. These small businesses also provide a continuing source of vitality for the American economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

One strength that small businesses are known for is their ability to respond quickly to changing economic conditions. They often know their customers personally and are especially suited to meet local needs. There are tons of stories of startup companies catching national attention and growing into large corporations. Just a few examples of these types of startup businesses making big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America OnLine; and ice cream maker Ben & Jerry's.

Through the passage of S. 3253 we will be temporarily extending programs under the Small Business Act and the Small Business Investment Act of 1958 through the end of July 2010. With the passage of this bill we will be helping small businesses and communities across the Nation. We will also be helping to drive our economy upward and will be helping businesses across the Nation.

We must always ensure that we place a high level of priority on small businesses. It is also important that we work towards ensuring that small businesses receive all the tools and resources necessary for their continued growth and development.

I would like to again thank my colleague Sen. MARY LANDRIEU for introducing S. 3253. I ask my colleagues for their support of this legislation as well as their continued support for small businesses across the Nation.

Mr. Speaker, I strongly support S. 3253 and the rule.

Mr. GRAVES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 3253.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GLOBAL YOUTH SERVICE DAY

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1240) supporting the goals and ideals of Global Youth Service Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1240

Whereas Global Youth Service Day is an annual campaign that celebrates and mobilizes the millions of children and youth who improve their communities each day of the year through community service and service-learning;

Whereas Global Youth Service Day will be celebrated from April 23, 2010, to April 25, 2010;

Whereas the goals of Global Youth Service Day are to mobilize and support young people to identify and address the needs of their communities, schools, and organizations, to provide opportunities for youth engagement, and the public, the media, and policymakers to recognize and raise awareness of young people as assets and resources;

Whereas Global Youth Service Day, a program of Youth Service America, is the largest service event in the world, the only day of service dedicated to youth engagement, and in 2010 is being observed for the 22nd consecutive year in the United States and for the 11th year globally in more than 100 countries;

Whereas Global Youth Service Day engages millions of young people worldwide with the support of more than 200 National and International Partners, 85 State and local Lead Agencies, and thousands of local partners;

Whereas high quality community service and service-learning programs increase young people's academic engagement and achievement, workforce readiness, 21st century skills, and civic knowledge and engagement;

Whereas community service and service-learning provide opportunities for young people to apply their knowledge, idealism, energy, creativity, and unique perspectives to improve their communities by addressing a myriad of critical issues, such as health, childhood obesity, education, illiteracy, poverty, hunger, environment, climate change, violence, and natural disasters;

Whereas Global Youth Service Day is an opportunity for citizen diplomacy, as evidenced by the growing number of projects that involve youth working collaboratively across borders to address global issues, increasing intercultural understanding, and promoting the sense that they are global citizens;

Whereas thousands of participants in schools and community-based organizations are planning Global Youth Service Day activities as part of a Semester of Service in which young people spend the semester addressing a community need connected to learning goals or academic standards over the course of at least 70 hours;

Whereas Global Youth Service Day provides an opportunity for young children, teenagers, and young adults, to gain experience as active citizens and community leaders, and assist schools, community organizations, faith-based organizations, government agencies, businesses, and families; and

Whereas the Edward M. Kennedy Serve America Act recognizes Global Youth Service Day as a national day of service and calls on the President to encourage people of the United States to observe the day with appropriate youth-led community improvement and service-learning activities: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes and commends the significant contributions of youth of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) supports the goals and ideals of Global Youth Service Day; and

(3) calls on the people of the United States to observe Global Youth Service Day by—

(A) encouraging youth to participate in community service and service-learning projects and joining their peers in such projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities as an investment in the future of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1240 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1240, a resolution to support the goals and ideals of Global Youth Service Day. Global Youth Service Day is an annual worldwide event that highlights and celebrates the ongoing contributions of youth to their communities through volunteer service and service learning.

Global Youth Service Day is the largest service event in the world, and over the past 21 years it has brought together more than 40 million people in thousands of communities worldwide. This past weekend it was observed for the 22nd consecutive year in the United States, and for its 11th year globally, in more than 100 countries.

Mr. Speaker, service learning extends the classroom into the community, providing young people with the opportunity to give back locally. It is also an academic tool that builds real-life applications into student curriculum,

keeping students engaged in their education. High quality service learning that is integrated with academic curriculum increases students' cognitive engagement, motivation to learn, school attendance, and academic achievement. Global Youth Service Day takes that one step further by promoting projects that encourage youth to work collaboratively across national borders to address global issues, to increase intercultural understanding, and to promote the sense that we are all global citizens.

There are countless benefits associated with volunteerism and service. Evidence shows that there exists a conclusive correlation between youth service, character development, lifelong adult volunteering, philanthropy, and other forms of civic engagement.

Opportunities like Global Youth Service Day provide avenues for youth to apply their knowledge, idealism, energy, creativity, and unique perspectives to improve local communities by addressing critical issues such as poverty, hunger, illiteracy, education, natural disasters, climate change, and so very much more, Mr. Speaker.

As part of Global Youth Service Day here in the District of Columbia, Greater D.C. Cares organized 7,000 volunteers as part of its annual Servathon to restore national monuments, landscape parks and playgrounds, prepare and distribute food, and paint murals on schools in 100 locations within the metro area.

In Detroit, Michigan, more than 125 students from an inner city Detroit school educated their classmates and families about having a healthy diet and nutrition and incorporating exercise in their daily lives. In Atlanta, Georgia, Mr. Speaker, the local YMCA coordinated with over 100 community partners and 1,000 young people in feeding the homeless, in yard work for the elderly, community gardening with the Atlanta Community Food Bank, among many other things.

Both young people and their communities will benefit greatly from expanded opportunities like these which allow youth to engage in volunteer community service and service learning worldwide.

Mr. Speaker, this resolution serves to recognize and commend the significant contributions of youth of the United States and to support the goals and ideals of Global Youth Service Day 2010.

I thank Representative ROSA DELAURO from Connecticut for introducing this resolution, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. PETRI. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1240, supporting the goals and ideals of Global Youth Service Day. Global Youth Service Day supports and encourages community service and service learning throughout these United States, and enables millions of students to make contributions to their communities. America's young people, from kindergartners to college students, have the desire, energy, and ability to make a real difference in their communities. Global Youth Service Day is an opportunity for them to convert their ideas and energy into action.

Through community service and service learning, we can inspire, empower, and celebrate young people who recognize the need to do something for their communities, believe in their ability to get it done, and then take action. Service learning engages students in the educational process, using what they learn in the classroom to solve real-life problems. Service learning and community service enables students to not only learn about democracy and citizenship, but to become actively contributing citizens and community members through the service that they perform.

There are a growing number of opportunities for youth to get involved in service activities through schools, service clubs, religious affiliations, family, or neighborhood-based volunteering. The challenge is to maintain youth interest and commitment to community service by showing them the benefits to the community that they are serving and to themselves. I stand before you today to commend the significant contributions our youth are making in our Nation's communities.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the author of H. Res. 1240.

Ms. DELAURO. I rise in support of this resolution honoring and supporting the goals and ideals of Global Youth Service Day, which took place this past weekend. I want to commend my colleague, Representative EHLERS, for taking the lead in cosponsoring this important resolution.

Global Youth Service Day is a public awareness and education campaign led by Youth Service America with the National Youth Leadership Council and the Global Youth Action Network. It emphasizes the importance of public service. It highlights the valuable contributions that young people make to their communities all year long.

In the words of Gandhi, ''The best way to find yourself is to lose yourself in the service of others.'' That is the simple truth that animates Global Youth Service Day. By mobilizing young people around the world to identify and address the needs of their neighbors, by supporting their community service, and by civic engagement efforts, we not only help our communities to thrive, we help the next generation find themselves through service and commitment to a greater good.

This past weekend, young people all around the world designed and carried out community service projects in areas ranging from literacy and mentoring, to the environment and energy conservation, to hunger and homelessness. This year saw 2,631 projects in 87 countries and all 50 States.

We often say that service is its own reward, but it actually has the benefit of being true. In addition to the positive results these projects have on our communities, research shows that young people who participate in community service also enjoy increased civic engagement and they do better in school. By recognizing the interdependence of their community, they become more independent, more grounded, more cognizant of the world around them. They become better citizens.

The cycle of service and citizenship is why we passed the Edward M. Kennedy Serve America Act 1 year ago last week, to offer young people more opportunities to serve their nation. It is why we continue to encourage our young men and women to become deeply involved in the life, health, and education of our communities through such programs as AmeriCorps, Teach for America, and Summer of Service. It is why we honor the passion and the sacrifice of those young Americans who choose to make a difference in distant lands, such as members of the Peace Corps and our Armed Forces.

All of us in this room today know firsthand the value of public service. Global Youth Service Day helps to transmit that priceless value to the next generation. All around the world it encourages boys and girls to get involved, to give of themselves, to use their enthusiasm, their energy, and their passion to help our communities.

I urge my colleagues to honor these values of civic and community service, and to support this resolution.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the lead coauthor of this legislation, our respected colleague from the State of Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman from Wisconsin for yielding.

I am a great believer in volunteer efforts, and I believe that is what makes our Nation tick. And I think it is especially appropriate to educate children and young adults at a very early age to become involved in volunteer work.

Global Youth Service Day is a major means of implementing that, and bringing to children the awareness of and importance of volunteer work, and also developing ways to make volunteer work seem interesting and fun to the youth of our Nation.

I do have to warn them, however, as I have learned myself, volunteer service can lead to the halls of Congress. I

would have never been elected to office, never even would have become politically active without my volunteer activities. But I soon learned when engaging in volunteer activities and helping people that much of the problems I was trying to solve should have been solved by the local elected officials. And with some friends we got together and got some very good people elected. Never did I suspect that I might myself someday be called upon to do the same thing and follow a path that led to Congress.

The Edward M. Kennedy Serve America Act is a wonderful device to give recognition to the youth of this Nation, gives an opportunity for us to recognize the service that they have rendered, and also calls on the President of the United States to encourage people of the United States to observe this day and make it clear to young people what marvelous opportunities for volunteerism they have.

□ 1400

There are many different ways in which the youth can contribute to the functioning of the Nation, but two that come to mind as being especially useful are, one, helping the elderly who often have trouble adjusting to new homes or who simply don't know how to handle the electronics of the new abodes that they've moved into. Another method is working with the young people of this Nation, with the very young people—the children who are having trouble with how to read or who are having trouble learning math. This is a wonderful opportunity for younger people who have more experience with science and mathematics and who are able to communicate their love of science and mathematics to help the young people around them.

So it is with pleasure that I rise. It is with great pleasure that I am a cosponsor of this resolution. I think it is an extremely important issue.

I thank Ms. DELAURO and Ms. WOOLSEY for their working on this as well.

This is a golden opportunity for all of us to express our gratitude to the young people of this world who continue to act as volunteers in so many different ways and in meaningful ways which will direct their careers as well as will help the Nation.

Mr. PETRI. I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, earlier this week, we celebrated Global Youth Service Day—an annual campaign which celebrates the millions of young people who improve their communities each day of the year through service and self-discovery.

Established in 1988, GYSD is the largest service event in the world and is now celebrated in more than 100 countries.

As part of this effort, I have the pleasure in recognizing two young people who are making a difference in Nebraska communities.

Sydney Swanson, a senior at Alliance High School, organized the first "Coats for Kids" drive in Alliance. This year, she expanded it to three additional cities, collecting a total of 875 coats for children in need. Sydney also created a website with instructions for teens to start "Coats for Kids" drives in their own communities.

Jordyn Lechtenberg, a senior at Ainsworth High School, founded and directly recruited 20 other high school students for the Youth Community Development Force, a group interested in community and economic development. She also served as interim executive director of the North Central Development Center while the director was on maternity leave.

Young people like Sydney and Jordyn are essential assets and resources not only for their communities, but for our entire country. They have set a high benchmark, and I challenge every American to follow their example.

Ms. WOOLSEY. Mr. Speaker, again, I would like to compliment Congresswoman DELAURO and Congressman EHLERS for their amazing efforts in this regard, and I urge my colleagues to support H. Res. 1240, a resolution to support the goals and ideals of Global Youth Service Day.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1240, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## NATIONAL CHILD ABUSE PREVENTION MONTH

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1293) expressing support for the goals and ideals of National Child Abuse Prevention Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1293

Whereas "National Child Abuse Prevention Month" is observed in April 2010;

Whereas in 2008, out of an estimated 6,000,000 children referred for investigations and assessments, approximately 772,000 children were determined to be victims of abuse and neglect;

Whereas in 2008, an estimated 1,740 children died as a result of abuse and neglect;

Whereas in 2008, an estimated 80 percent of the children who died due to abuse and neglect were under the age of 4;

Whereas in 2008, of the children under the age of 4 who died due to abuse and neglect, the majority were under the age of 1;

Whereas abused and neglected children have a higher risk in adulthood for developing health problems, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused and neglected children are 11 times more likely to be arrested for delinquent behavior as juveniles, and are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated ⅓ of abused and neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse and neglect is less costly than the emotional and physical damage inflicted on children who have been abused and neglected, providing services to abused and neglected children (including child protective, law enforcement, court, foster care, or health care services), or providing treatment to adults recovering from child abuse; and

Whereas child abuse and neglect has long-term economic and societal costs: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) expresses support for the goals and ideals of National Child Abuse Prevention Month;

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse and neglect, including by identifying risk factors and developing prevention strategies; and

(3) supports efforts to—

(A) increase public awareness of prevention programs relating to child abuse and neglect; and

(B) reduce the incidence of child abuse and neglect in the United States.

The SPEAKER pro tempore (Mr. CUMMINGS). Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1293 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1293, which supports the goals and ideals of National Child Abuse Prevention Month. Our children are our most precious resources, and they need our support to thrive and to grow into healthy, productive adults.

During National Child Abuse Prevention Month, we raise awareness of the critical necessity of responding to child abuse, to promoting healthy families, and to nurturing our children in safe environments free from abuse, neglect, or fear.

The effects of child abuse and neglect have enormous consequences on our Nation's children. On average, five children every day are killed as a result of child abuse or neglect, and a report of child abuse is made every 10

seconds in the United States—the wealthiest nation on Earth, I must remind us.

In 2008, an estimated 1,740 children died as a result of such abuse, and that number leaves out many more deaths which are not properly reported for their actual causes. Tragically, sexual, emotional, and physical abuse threaten too many of our Nation's children every single day.

Studies have shown that abused or neglected children have a higher risk in adulthood for developing other health problems, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certainly other chronic diseases.

Our entire communities—parents, guardians, relatives, neighbors, and organizations—all share the responsibility of preventing the crime of child abuse, and our government plays an important role as well. We must support families to help them stay together and to raise children into becoming happy, stable, and successful adults.

National Child Abuse Prevention Month is about increasing awareness of the problem so that we can stop child abuse and neglect before it starts. Together, we can protect children. We can strengthen families. We must ensure that every child grows up in a safe, stable, and nurturing environment.

National Child Abuse Prevention Month highlights the roles of important prevention resources, such as early childhood programs, family resource centers, parent support groups, respite and crisis care, and educator training, which can help reduce the risk factors for child abuse and promote healthy families.

Mr. Speaker, this resolution in support of National Child Abuse Prevention Month serves to remind us of our collective responsibility to protect our children from maltreatment and to ensure that all of our kids have childhoods free from abuse and free from neglect.

I thank Representative PETRI for introducing the resolution, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. PETRI. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the resolution before us, H. Res. 1293, expressing support for the goals and ideals of National Child Abuse Prevention Month.

Child abuse is an unfortunate reality for many of the Nation's children. No child should have to experience abuse or neglect, but cases of such are reported every day. Recent data from 2008 indicate that 772,000 children were victims of child abuse and neglect and that 1,740 children died as a result of child abuse and neglect. Eighty percent of those children were under the age of 4.

Besides the immediate physical and emotional pain that abuse and neglect can inflict on a child, these experiences can have long-term effects on the victims as well. Data show abused and neglected children are at a higher risk of developing health problems, such as alcoholism, depression, drug abuse, and obesity in adulthood. A National Institute of Justice study indicates that children who are abused or who are neglected are 11 times more likely to be arrested for delinquent behavior as juveniles and are 2.7 times more likely to be arrested for violent and criminal behavior as adults.

National Child Abuse Prevention Month aims to raise awareness about child abuse and neglect and to encourage individuals and communities to support children and families, as community awareness and involvement is paramount to the prevention of child abuse and neglect, and the goals of National Child Abuse Prevention Month encourage members of every community to support the children in that community.

I would like to thank my colleague, Congresswoman JUDY BIGGERT of Illinois, for introducing this important legislation. I urge all of my colleagues to support House Resolution 1293, supporting the goals and ideals of National Child Abuse Prevention Month.

Ms. LORETTA SÁNCHEZ of California. Mr. Speaker, I rise today in recognition of National Child Abuse Prevention Month, which raises awareness of child abuse and the services available to victims.

Child abuse is a tragic, destructive, and a largely silent epidemic that affects millions of Americans—both children and adults.

And it is never more tragic than when it is sexual in nature. Unfortunately one in six children in our country experiences this type of abuse in their lifetime.

In my district, I can think of one young woman in particular who was abused by a teacher she knew and respected over a decade ago. I am proud to say that she has recovered and is leading a happy life. She is also one of the officers in a group headquarted in Santa Ana called The Innocence Mission, which is working to help prevent abuse.

The Innocence Mission is putting forward a message of empowerment, one that tells parents they can prevent child sexual abuse. A message that speaks directly to children and adult survivors and says to them,—"you are not alone." Victims have the support of their communities, and have nothing to be ashamed of.

Far too often we read stories of child abuse in the headlines. It is heartbreaking and preventable, and that is why Congress and groups like the Innocence Mission must continue to advocate for victims and raise public awareness.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. I urge my colleagues to support H. Res. 1293, authorized by the gentlewoman from Illinois, Congresswoman JUDY BIGGERT. I gave Congressman PETRI the credit, but he does so many good things that I just made that mistake. I ask my colleagues to support the goals and ideals of National Child Abuse Prevention Month by voting for this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1293, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## NATIONAL ASSISTANT PRINCIPALS WEEK

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1131) expressing support for designation of the week of April 18, 2010, through April 23, 2010, as National Assistant Principals Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1131

Whereas the National Association of Secondary School Principals and the National Association of Elementary School Principals have declared the week of April 18, 2010, through April 23, 2010, as National Assistant Principals Week;

Whereas the assistant principal is responsible for establishing a positive learning environment and building strong school-community relationships;

Whereas the assistant principal is a member of the school administrative team who interacts with sectors of the school community, including support staff, instructional staff, students, and parents;

Whereas assistant principals play a pivotal role in the instructional leadership of the school by conducting instructional supervision, mentoring teachers, recognizing the achievements of staff, encouraging collaboration, ensuring the implementation of best practices, monitoring student achievement goals and progress, facilitating and modeling data driven decision-making to inform instruction, and guiding the direction of targeted intervention and continual school improvement;

Whereas the day-to-day logistical operations of schools require assistant principals to monitor and address facility needs, attendance, transportation issues, and scheduling, as well as supervise extra and co-curricular events;

Whereas assistant principals are entrusted with maintaining an inviting, safe, and orderly school environment that supports the growth and achievement of each and every student by nurturing positive peer relationships, recognizing student achievement, serving as mediators, analyzing behavior patterns, providing interventions, and conducting discipline;

Whereas the National Association of Secondary School Principals/Virco National Assistant Principal of the Year program began in 2004 to recognize outstanding middle and high school assistant principals who have demonstrated success in leadership, curriculum, and personalization; and

Whereas the week of April 18, 2010, through April 23, 2010, would be an appropriate week to designate as National Assistant Principals Week: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) supports the designation of National Assistant Principals Week;

(2) honors and recognizes the contributions of assistant principals to the success of students in schools in the United States; and

(3) encourages the people of the United States to observe National Assistant Principals Week with appropriate ceremonies and activities that promote awareness of school leadership in ensuring that every child has access to a high-quality education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on H. Res. 1131 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1131, which supports the goals and ideals of National Assistant Principals Week. With this resolution, we recognize the critical role that assistant principals serve in our Nation's schools, and we honor their hard work and dedication.

Many of us have fond memories of the assistant principals who served in our schools. They were the ones who made sure we were safe in the hallways and that we didn't miss our buses. They stopped by our classrooms to make sure we had all of the supplies we needed, and they counseled us through mistakes and successes to help us grow and to learn as students and citizens.

Assistant principals are the unsung heroes of our schools. They serve as a behind-the-scenes link between every sector of the school community. Their job description has expanded significantly over the past decades, and they are the backbone of a school's administrative team. They interact with students, with teachers, with staff, and with parents on a daily basis to ensure that every child is receiving the best education possible. National Assistant Principals Week recognizes their important contributions.

Since 2004, the National Association of Secondary School Principals and Virco have partnered to applaud secondary school assistant principals in their dedication and success in school leadership as part of National Assistant Principals Week. Their National Assistant Principal of the Year program recognizes outstanding middle level and high school assistant principals who have demonstrated success in leadership, curriculum, and personalization.

I would like to congratulate Mr. Nathan McCann, assistant principal at Flowing Wells High School in Tucson, Arizona, who has been named the 2010 National Assistant Principal of the Year. Mr. McCann is leading an effort to reform his school's curriculum in response to student feedback, and he has worked closely with school counselors to help the graduates of Flowing Wells to pursue their goals of postsecondary education.

I thank Mr. McCann for his hard work, for his dedication to his school and for being the role model he is for assistant principals nationwide.

Mr. Speaker, once again, I express my support for National Assistant Principals Week, and I thank the Nation's assistant principals. I thank Representative FUDGE for bringing this resolution to the floor, and I urge my colleagues to pass this resolution.

I reserve the balance of my time.

Mr. PETRI. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1131, expressing support for the designation of the week of April 18 through 23 of this year as National Assistant Principals Week.

The successful operation of an educational institution requires competent administrators. An assistant principal, sometimes called a ''vice principal'' or a ''deputy principal,'' assists the principal in the general governance and leadership of a school. Assistant principals are often responsible for student discipline, for classroom observations, for teacher evaluation and supervision, for facilitating parent meetings, for maintaining schedules, and for handling logistical matters.

Additionally, the assistant principals frequently serve as testing coordinators; they assist in training staff on procedures related to standardized assessment as well as to account for testing materials. In addition to these duties, assistant principals are instructional leaders.

□ 1415

Assistant principals are members of the school's administrative team who interact with virtually every sector of the school community including support staff, instructional staff, students and parents. As a result of being the center of activity, they are able to foster positive relationships and resolve conflicts among all stakeholders throughout the school community.

These administrators play a key role in the leadership of the school by mentoring teachers, encouraging collaboration, and monitoring student achievement while ensuring that all students thrive in a safe, inviting, and orderly environment that is conducive to learning.

Today we recognize assistant principals in elementary, middle, and high school throughout the Nation for their dedication to the educational advancement of our children. We honor them for the contribution that they have made in ensuring that every child has access to a high-quality education.

I urge my colleagues to support this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to support H. Res. 1131, authored by Congresswoman MARCIA FUDGE from Ohio, and I urge my colleagues to support the goals and ideals of National Assistant Principals Week.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1131, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SUPPORTING THE GOALS AND IDEALS OF WORKERS' MEMORIAL DAY

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 375) supporting the goals and ideals of Workers' Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 375

Whereas, each year, about 5,000 workers are killed due to workplace-related injuries in the United States, and more than 2,000,000 workers across the world die of workplace-related accidents and diseases;

Whereas, each day, an average of 14 workers are killed due to workplace injuries in the United States;

Whereas there are about 3,700,000 occupational injuries and illnesses in the United States annually;

Whereas tens of thousands of Americans with workplace injuries or illness become permanently disabled;

Whereas more people are killed worldwide each year at work than in wars;

Whereas, on February 7, 2010, 6 workers were killed and 26 injured when there was a massive natural gas explosion at the Kleen Energy power plant in Middletown, Connecticut;

Whereas, on April 2, 2010, 7 workers were killed by a fire at the Tesoro oil refinery in Anacortes, Washington;

Whereas, on April 5, 2010, 29 miners were killed and 2 were injured in a massive explosion at the Upper Big Branch Mine in Raleigh County, West Virginia, in the worst coal mine disaster in 40 years;

Whereas, on April 20, 2010, there was an explosion and fire on the British Petroleum-leased Transocean Deepwater Horizon drilling rig in the Gulf of Mexico 50 miles off the coast of Louisiana in which 17 workers were injured and 11 workers went missing;

Whereas observing Workers' Memorial Day allows us to honor and remember victims of workplace injuries and disease; and

Whereas observing Workers' Memorial Day reminds us of the need to strive for better worker safety and health protections: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of Workers' Memorial Day to honor and remember workers who have been killed or injured in the workplace;

(2) recognizes the importance of worker health and safety standards;

(3) encourages the Occupational Safety and Health Administration, the Mine Safety and Health Administration, industries, employers, and employees to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 375 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 375, which supports the goals and ideals of Workers' Memorial Day.

A number of recent tragedies serve to remind us of the importance of occupational and mine safety. In early February, six workers were killed and 26 injured in a natural gas explosion at the Kleen Energy Power Plant in Middletown, Connecticut. On April 2, seven workers were killed in an explosion and fire at the Tesoro Refinery in Anacortes, Washington. On April 5, 29 miners lost their lives in a massive explosion at the Upper Big Branch mine in West Virginia. This incident was the worst U.S. coal mining disaster in 40 years.

And, finally, Mr. Speaker, today our thoughts and prayers remain with the friends and families of those 11 miners who went missing after an explosion last week at the Deepwater Horizon oil rig in the Gulf of Mexico. Seventeen workers were also injured, and we wish for their speedy recovery.

Too many workers in this Nation are subjected to dangerous conditions at work and have sacrificed their lives and health as a result. Everyone is entitled to a safe and healthy workplace. Every family deserves to know that when they send their loved one off to work, that loved one will come home that evening.

Mr. Speaker, with this resolution we remember and we honor all of these fallen workers, and we redouble our commitment to make our Nation's workplaces safe and healthy for all workers.

I thank Representative EDDIE BERNICE JOHNSON from Texas for introducing this resolution, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Today we honor the men and women who have lost their lives on the job. With this resolution, we honor their sacrifice and offer our condolences to their families. And as ever, we use this occasion to recognize the importance of policies and practices that will encourage safe workplaces and prevent on-the-job illnesses, injuries, and fatalities.

Bringing this resolution at this time is particularly important given the recent tragedies and loss of life in the mining accidents in West Virginia.

Our diverse economy sometimes place workers in challenging situations. Some jobs are inherently more dangerous than others. Yet all workers should know the utmost precautions are being taken to limit dangers on the job. Employers must work diligently every day to provide safer work sites, free of hazards to ensure that all employees come home to their families at the end of the day.

This resolution speaks to preventing accidents and injuries on the job. A proactive approach to safety creates a safe working environment. By working together, employers, employees, and government safety officials involved can ensure safer work sites.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the author of H. Res. 375.

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the presiding Member for yielding.

On Wednesday of this week, which is tomorrow, millions of people worldwide recognize Workers' Memorial Day.

Each year in this country, thousands of workers are killed due to workplace-related injuries, and tens of thousands more die of occupational illnesses. It is staggering to think that every day an average of 14 workers are killed due to injuries on the job. Worldwide more than 2 million workers die of occupational illness and injuries annually. That means more people are killed on the job each year than in wars.

The bottom line is that everyone deserves a safe and healthy workplace. Many of us take this basic right for granted. But for millions of Americans, the threat of being permanently disabled or even killed on the job is very real.

Workers' Memorial Day not only recognizes and honors those who have been killed or injured on the job, it also reminds us of the overwhelming need to improve health and safety standards in our Nation's workplaces.

It has been 40 years since the creation of OSHA, and over this time, worker health and safety standards have vastly improved. However, there is still work to be done, as evidenced by several recent workplace disasters.

The month of April has been particularly devastating for workplace deaths in the United States. On April 2, seven workers were killed by a devastating fire at Tesero Refinery in Washington. And just last week, as has been mentioned, we also saw a large explosion and fire on the Deepwater Horizon drilling rig 50 miles off the coast of Louisiana. Seventeen workers were injured and 11 are missing and thought now to be dead.

April 5, as has been mentioned, the explosion at the Upper Big Branch coal mine in West Virginia where 29 lives were lost. Additionally, a miner was killed this past week at Pocahontas Mine in West Virginia. Both of these mines had a pattern of repeat safety violations. It appears that these companies were not dedicated to the safety of their employees. Rather, they were dedicated to staying open by doing the bare minimum to meet regulations.

Chairman MILLER, Congresswoman WOOLSEY, and Congressman RAHALL have been diligent in working to bring to light repeated violators and holding those who continue to operate unsafe mines accountable.

I would like to express my deepest sympathy to the families and loved ones of those who were killed and injured in these tragic events, as well as all those workers who were injured or killed worldwide. These are our mothers, fathers, brothers, sisters, sons, and daughters. They left home for work in the morning like all of us do, only never to return.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. WOOLSEY. I yield the gentlewoman an additional 30 seconds.

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentlewoman.

We hear again and again that those who died knew the risk of what they were doing, a risk many felt was necessary to provide for their families. Yes, accidents do happen. But often accidents are preventable, and we must do all that we can to prevent injury and death on the job.

I would like to thank House leadership and Chairman MILLER for their support in bringing this resolution to the floor today, and I would also like to thank Congressman BRUCE BRALEY and Congresswoman LINDA SÁNCHEZ for their assistance in bringing this resolution forward.

I urge my colleagues to support the recognition of Workers' Memorial Day.

Mr. PETRI. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. BRALEY), who has played a significant part in making this bill come forward.

Mr. BRALEY of Iowa. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in strong support of this resolution honoring Workers' Memorial Day.

The recent mining disaster in West Virginia serves as a strong reminder of the millions of Americans who put their lives on the line every day they go to work. Workers' Memorial Day commemorates those who have been injured or killed on the job. And, Mr. Speaker, this is personal to me because when I was 2 years old, my father was severely injured in a workplace accident, and one of the things I am proudest of was setting up a scholarship fund in his name to help injured workers and their families in Iowa get a new start on life.

Over the past several decades in the United States, we have made great progress in preventing injuries and deaths in the workplace. However, there is still much work that needs to be done, and each year more than 5,000 Americans are killed due to workplace injuries and millions more experience occupational injuries and illnesses. Work-related accidents are still too common in the United States. On average, 16 Americans are killed every day due to workplace injuries. We need to continue to work to ensure that every workplace is a safe one.

While in the United States we have improved workplace safety in recent decades, the numbers across the globe are overwhelming. It's estimated that nearly 2 million workers die each year due to work-related accidents or diseases worldwide. More people are killed due to workplace injury or disease than are killed in war.

As a founder of the Populist Caucus, dedicated to strengthening the middle class, I will continue to fight for workplace safety. I am also committed to recognizing this holiday and the millions of workers across the world who have given their lives on the job. That's why I was proud to work with my friends, Congresswoman EDDIE BERNICE JOHNSON and fellow Populist Caucus member Congresswoman LINDA SÁNCHEZ as we continue to honor the millions of men and women who have given their lives for the continued progress of humankind.

I urge all of my colleagues to vote in favor of this resolution.

Mr. PETRI. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased and honored to yield 4 minutes to the chair of the Education and Labor Committee, the number one champ for workers in our Congress, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding and I thank the subcommittee chair for all of her work on behalf of workers in our country and her leadership on not only worker issues but also family issues as workers struggle to keep family and the workplace together and in sync from time to time.

I also want to thank Congresswoman EDDIE BERNICE JOHNSON for her introduction of this resolution for Workers' Memorial Day and to all of the members of the committee who have supported it, to Mr. PETRI for his support.

This is the 21st annual Workers' Memorial Day, a day to honor workers who have lost their lives or become sick or injured because of the unsafe and unhealthy workplaces in the past year.

Our Nation's workers have had a tough year. Last Sunday, our Nation paused to remember 29 fallen miners in the Upper Big Branch mine, the worst U.S. coal mining accident since 1970. Upper Big Branch was not the only horrific workplace catastrophe this year. Last week 11 workers died in an explosion on the Deepwater Horizon oil rig in the Gulf of Mexico.

□ 1430

Three days before the blast at Upper Big Branch, seven workers perished in an explosion at a refinery near Seattle. This comes after a devastating explosion at a power plant under construction in Connecticut, which cost six workers their lives. These explosions are a reminder that while we have made some strides in workplace safety, unacceptable risks still remain for our workers. Fourteen workers die on the job every day. We have to do better.

Take the Upper Big Branch mine: 2 months ago, my committee learned about how many mine operators managed to avoid some of the tougher sanctions implemented after the Sago mine explosion. While some have made safety a priority, others have responded by indiscriminately challenging nearly every safety citation. By flooding the system with unwarranted appeals, these companies have been able to avoid full accountability for their actions. The consequences of these delays can be deadly.

Last August, the Mine Safety and Health Administration identified 48 mines that were able to escape the possibility of tougher scrutiny because of these unresolved appeals. Upper Big Branch mine was one of them. So was the nearby Pocahontas mine, where a worker was killed last week.

Loopholes in our safety laws aren't exclusive to mining. Sadly, penalties for companies that violate health and safety laws are woefully outdated. Multimillion-dollar corporations often face little more than a slap on the wrist for potentially fatal violations. Without effective enforcement, it's easy for bad actors to become repeat offenders. Without adequate whistleblower protections, workers who want to report hazards often live in fear of retribution. According to the New York Times, one Upper Big Branch foreman recalled, ''I have had guys come to me and cry,'' because they were too afraid to report concerns about high methane levels in the mine. Workers shouldn't have to choose between losing their lives and losing their jobs.

These tragedies call for immediate reforms that will make all workplaces safer. First, we must allocate funding that will start to clear the backlog of the mine safety appeals. Second, we need to look at outdated and ineffective laws that continue to allow companies to put workers in harm's way. In 2008, I authored legislation that would have strengthened the mine disaster prevention efforts, improved emergency responses, and reduced long-term health risks to miners. The S–MINER Act passed the House, but died in the Senate because of a veto threat. We don't know yet if it would have prevented the Upper Big Branch tragedy, but it certainly could have helped.

Finally, Congress should pass the Protecting America's Workers Act. This bill will modernize safety protections for workers across all industries through stronger penalties, effective whistleblower protections, and meaningful accountability when employers break the law.

Four years ago, I made a promise to the families who lost a loved one in the Sago, Darby, and Aracoma Alma mine disasters. I told them we would do everything we could to heed the lessons of those disasters and keep miners safe. Unfortunately, I've had to make the same promise to families at the Crandall Canyon mine disaster and now the Upper Big Branch mine disaster. This has got to stop.

On this Workers' Memorial Day, it's time to live up to this promise for all the families of workers who have lost their lives on the job—and all working men and women across this country. We cannot afford to let another year go by without meaningful reform.

Mr. PETRI. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. I want to thank Chairman WOOLSEY for her leadership on the Workforce Protection Subcommittee, who I have had the pleasure of serving with.

Mr. Speaker, I rise today in strong support of H. Res. 375. On April 28, we observe Workers' Memorial Day, when people all over the world gather to remember and mourn the workers killed or injured on the job. April 28 also commemorates the creation of the Occupational Safety and Health Administration. Since its inception in 1970, OSHA has been a driving force in improving workplace safety and health conditions across the country. Over the past several decades, through the work of OSHA, we have made enormous strides in protecting workers, yet there's still much work left to be done.

Mr. Speaker, worker safety has been at the forefront of our social conscience lately. We've seen devastating tragedies from West Virginia to Connecticut to Washington State and now Louisiana. While we grieve for those lost in these tragedies, we should never forget those who are killed on the job but never make the front pages. Their families' pain is no less substantial and our obligation to protect them is no less important. Each of these deaths should remind us that failing to give OSHA the tools it needs to regulate the workforce efficiently leaves our constituents, the American workforce, in jeopardy.

The government alone cannot fully protect our workers. Workers' Memorial Day must also be a reminder to our Nation's employers of their obligation to keep their employees safe. The days of certain companies skirting safety just to save a buck must come to an end once and for all. For those employers that fail to comply, we must strengthen worker protections and make penalties more severe.

On behalf of all of those who we honor on Workers' Memorial Day, I ask my colleagues on both sides of the aisle to join Chairman WOOLSEY and me in the fight to modernize OSHA to protect the lives and health of America's workers. Let us all stand together today in solidarity in recognizing Workers' Memorial Day, honor all those we have lost, and vow to take the steps necessary to make every American safer at work.

Mr. PETRI. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, on Sunday, February 7, 2010, while a lot of families were returning from church, myself included, an explosion occurred at the Kleen Energy power plant in Middletown, Connecticut, a plant that was under construction—a new natural gas plant—where workers, particularly from Local 777 of the Plumbers and Pipefitters, were there as almost a nonstop series of shifts to get the plant online since a lot of the power credits had already been sold to the owners.

It was an explosion which took place in the middle of the State of Connecticut. It was heard as far away as Long Island Sound. That was the size and violence of the explosion. They were purging the natural gas power lines. There was a buildup of natural gas. Unfortunately, there was some ignition that caused the explosion to take place. Six workers were killed. Twenty-six more were injured. Among them was Raymond Dobratz of Old Saybrook, Connecticut, someone who was a father and a grandfather, a beautiful family. He was very active in the community. The other was Ronnie Crabb of Colchester, Connecticut. Ronnie is a friend of mine. His wife, Jodi Thomas, is the probate judge in Colchester, Connecticut. A young family. Ronnie was somebody who was so devoted to his wife and child and also would do anything in the community, whether it was raising money for charities, being involved in Little League, being involved in his union. The loss is something that is still felt so deeply in the community because of what a wonderful person he was.

The Education and Labor Committee, under Congresswoman WOOLSEY's leadership and Mr. MILLER, is going to conduct a study because there are certain rules that have now been recommended by the Chemical Safety Board for power plant construction because there is a wave of natural gas power plants that are under construction because of the Energy Act. The fact of the matter is, the law has not caught up with the technology that surrounds this very dangerous work.

I, again, applaud Congresswoman WOOLSEY for bringing this motion forward. But to honestly honor these individuals who lost their lives, we need to make sure that the laws are enacted to make sure that there are real protections for workers and their families and we don't have situations like the Crabb family and Dobratz family are experiencing today.

Mr. PETRI. Mr. Speaker, I continue to reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I'm pleased to yield 2 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentlewoman for her leadership on this extremely important issue. I rise in strong support of this resolution. This Thursday, April 28, 2010, millions of workers and their families throughout the world will gather to commemorate Workers' Memorial Day. We will remember and honor those injured or killed on the job, and we will renew the call for stronger workplace protections.

Since 1970, when the Occupational Safety and Health Act was passed, more than 410,000 workers' lives have been saved due to improvements in working conditions. However, the number of workplace-related illnesses, injuries, and deaths remains far too high. In 2008, more than 4 million workers were injured and 5,214 workers were killed due to job hazards. In Ohio, 168 workers lost their lives in the workplace in 2008; 168 Ohioans went to work and lost their lives as a result of workplace hazards. One hundred and sixty-eight men and women went to work and never returned to their families. This is about more than statistics. This is about lost lives.

This Workers' Memorial Day we pause and remember the thousands of lives lost in workplaces around the world. In the past 3 months alone, we have witnessed four major workplace tragedies that claimed the lives of 41 workers. Eleven workers are still missing after an oil rig explosion last week. We must act to ensure our workplaces are safe and our workers are protected. We must continue to fight to create well-paying, safe jobs for the American people. We must continue to fight to protect our workers' safety and health and to hold those who put their employees at risk accountable.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 2½ minutes.

Ms. WOOLSEY. Mr. Speaker, as we've heard, every year about 5,000 workers are killed and 4 million are injured on the job, with an additional 50,000 dying each year from occupational diseases. There are about 4 million cases of reportable workplace injuries and 3.7 million occupational illnesses and injuries on an annual basis. While coal mining remains one of the most dangerous jobs in the United States, every single day hardworking miners show up to the mines in order to provide for their families. We need to do whatever we can to ensure that they and other workers return home safely each and every night.

To honor those who have sacrificed their lives, their health, and their loved ones who sacrificed the lives of those that went to work and didn't come home, we must do more. We have to do more than talk. We have to bring

OSHA and MSHA into the 21st century. That is my commitment to the workers of America. That is what I'm working on with the support of my subcommittee in Education and Labor, the Workforce Protection Subcommittee, and our chairman, GEORGE MILLER. That is what we know must happen.

So I urge my colleagues, in closing, to support H. Res. 375, support the goals and ideals of Workers' Memorial Day, and I thank Congresswoman JOHNSON and Congressman BRALEY and those that worked with her on this amazing resolution. It is so important.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of House Resolution 375, supporting the mission and goals of Workers Memorial Day, introduced by my good friend, the gentlelady from Texas.

On Workers Memorial Day, we pause to remember workers who have been injured, sickened, or even killed on the job.

We were recently given a harsh reminder of the realities of workplace danger in West Virginia. The coal miners who lost their lives in that tragedy paid the ultimate price while working to support their families and supply energy to this great nation.

Sixteen workers are killed on the job each day in America. In my home, Los Angeles County, that means that, on average, one worker dies every 3 days. We lose a neighbor on the job every 3 days.

Accidents don't just happen in the most dangerous industries or on the most hazardous job sites. They also happen in offices, stores, and warehouses.

The fact is, deaths and injuries at work are preventable. We just need to give the issue the attention it deserves. I applaud steps taken so far.

President Obama's Labor Department has already raised the profile of this issue and OSHA and MSHA have been empowered to do much more than ask for compliance with voluntary standards.

With passage of the Recovery Act, we were able to shift resources to agencies that enforce workplace safety and health laws.

While the recent tragedy in West Virginia reminds us that we have far to go, my point is that it shouldn't take a disaster to put our eye on the ball. One preventable death at work is too many.

Disasters, like the recent loss of so many lives in West Virginia, serve as a stark reminder of the inadequacies that still exist. No family should ever have to suffer loss because we do not properly or fully inspect a workplace.

I urge my colleagues on both sides of the aisle to support this resolution.

I also urge you to join the members of the Labor and Working Families Caucus as we continue our efforts to make it safe to go to work in America.

Ms. RICHARDSON. Mr. Speaker, I rise today as a cosponsor of H. Res. 375, which supports the goals and ideals of Workers' Memorial Day, recognizes the importance of worker health and safety, and encourages the Occupational Safety and Health Administration, OSHA, employers, and employees to support activities aimed at increasing awareness of the importance of workplace safety. This legislation serves as an important tribute to the men and women who have been killed or injured in the workplace and a reminder of the need for a national effort to ensure that workplaces across the country are as safe as possible.

I thank Chairman MILLER for his leadership in bringing this resolution to the floor. I also thank the sponsor of this legislation, Congresswoman EDDIE BERNICE JOHNSON, for her dedication to ensuring a safe and healthy environment for all workers in the United States.

Mr. Speaker, every year, about 5,000 individuals are killed due to workplace related injuries. That is an average of 14 workers each day that die due to an accident in the workplace. In an advanced, industrialized society, these numbers are simply unacceptable. Many workers in my district are employed by the Port of Long Beach, where they operate complicated machinery and move heavy equipment to help facilitate the movement of goods throughout the United States. They deserve our best effort to provide them with a safe workplace as they perform this important work. Recent workplace tragedies, such as the death of the 29 coal miners in the disaster at the Upper Big Branch Mine in Raleigh County, West Virginia, and the explosion of the Transocean Deepwater Horizon oil rig in the Gulf of Mexico that left 17 workers injured and 11 missing, have made even clearer the need for increased workplace protections in the United States. Hopefully, we can take these horrible tragedies as a call to ensure that the necessary workplace safety and health regulations are in place for all Americans. Regardless of whether you work in an office complex or a textile mill, a steel plant or on an oil rig, every American deserves the assurance of knowing that he or she is safe at work.

Mr. Speaker, our nation needs a sustained and heightened focus on safety in the workplace, so that every employee in the United States can work in a healthy environment and return home safely to his or her family at the end of the day. This resolution is an important step in that effort.

I urge my colleagues to join me in supporting H. Res. 375.

Ms. WOOLSEY. With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 375, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

## CONGRATULATING THE ONONDAGA COMMUNITY COLLEGE LADY LAZERS

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 561) congratulating the Onondaga Community College Lady Lazers for winning the National Junior College Athletic Association (NJCAA) Division I Women's Lacrosse Tournament.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 561

Whereas, on May 10, 2009, the Onondaga Community College Lady Lazers defeated Monroe Community College 9–7 in the finals of the National Junior College Athletic Association (NJCAA) Division I Women's Lacrosse Tournament at Herkimer County Community College;

Whereas the Lady Lazers won the national title in their first year of existence;

Whereas the Lady Lazers' players, coaches, and staff are excellent representatives of Onondaga Community College;

Whereas Lauren Welch, Amanda Cizenski, and Emily Pierson were named 1st Team NJCAA All-Americans; and

Whereas the residents of Onondaga County and fans are to be congratulated for their support, dedication, and pride in the team: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates the Onondaga Community College Lady Lazers for winning the National Junior College Athletic Association (NJCAA) Division I Women's Lacrosse Tournament.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 561 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. I yield myself as much time as I may consume.

Mr. Speaker, I rise today to congratulate the Onondaga Community College Lady Lazers for winning the National Junior College Athletic Association Division I Women's Lacrosse Tournament.

On May 10, 2009, the Onondaga Community College Lady Lazers team celebrated their National Junior College Athletic Association Division I championship title with a solid winning score of 9–7 over Monroe Community College. This was an especially notable victory for the Lady Lazers, winning the national title in their first year of

existence. Winning the championship game was the conclusion to an outstanding season where their only loss all season was to Monroe College during the regular season. Getting to avenge that loss, resulting in the winning of the championship, made the triumph even sweeter for the team of young athletes.

Each Lady Lazers team member is a proud representative of the community college which is located in the heart of Upstate New York, near the Finger Lakes, Lake Ontario, and the St. Lawrence Seaway as well as the Adirondack Mountains. The community college takes pride in a history of excellence and athletics with more than 200 athletes who participate in one of the institution's 11 competitive teams.

Lady Lazers attacker Lauren Welch was named first team NJCAA All-American in addition to being named the Region III Player of the Year. Midfielders Amanda Cizenski and Emily Pierson were also named First Team All-Americans. Welch, Cizenski, and Pierson were also First Team All-Region selections.

I congratulate these residents as well as the fans all across the great State of New York for their support, dedication, and pride in the Lady Lazers champion team, and I wish them great success in the 2010 season.

I thank Representative MAFFEI for bringing this resolution forward, and I urge my colleagues to support this measure.

With that, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 561, introduced by our colleague Mr. MAFFEI, congratulating the Onondaga Community College Lady Lazers for winning the National Junior College Athletic Association Division I Women's Lacrosse Tournament.

Noted for its hills, wooded terrain, and expansive view of the surrounding countryside, Onondaga Community College is a college of the State University of New York system. Onondaga is a diverse educational learning community, committed to creating and maintaining an atmosphere where individuality is not only recognized but encouraged to contribute to the fabric of the campus environment. Onondaga Community College serves the educational and economic development needs of the region. Their focus is on a student-centered environment, learning-focused institution with a community-oriented approach.

In addition to its academic success, Onondaga Community College has a history of excellence in athletics and is proud of its more than 200 athletes who participate in one of the institution's 11 competitive teams. In the past 3 years, Onondaga teams have captured five national championships and, in 2009, became the first college in NJCAA history to achieve two simultaneous national championships in men's and women's lacrosse.

On May 10, 2009, the Onondaga Lady Lazers defeated Monroe Community College 9–7 in the finals of the National Junior College Athletic Association Division I Lacrosse Tournament. The Lady Lazers won the national title in their first year of existence. In addition, Lauren Welch, Amanda Cizenski, and Emily Pierson were named First Team NJCAA All-Americans.

So today we congratulate Onondaga Community College, its students, faculty, and fans on their win. I urge my colleagues to support this resolution.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from New York (Mr. MAFFEI), who is the author of this resolution.

Mr. MAFFEI. Mr. Speaker, I thank the gentlewoman from California and the gentleman from Wisconsin for their support of this legislation, which I do support on behalf of the community college team in my district.

I wanted to quickly mention that the word Onondaga is an Hodenosaunee word, an Iroquois word. The Iroquois Confederation was a major Native American confederation of actually five and then six Native American Indian nations. Its capital was called Onondaga, and, indeed, the word means ''on top of the hill'' and was very, very close to where Syracuse is now—the city that I'm from—and it's a very, very special place. The college that, indeed, these teams are from is named after that original people.

Our community colleges are a tremendous asset that are too often taken for granted in our communities. In my community, we have one of the best community colleges, Onondaga Community College, and today I rise to congratulate two great lacrosse teams from this college. Before I do, I want to congratulate this college for its academics.

This college is becoming one of the best 2-year institutions of higher learning in this country, thanks in large part to the leadership of President Debbie Sydow. Onondaga is at the forefront of providing education to its students, and exhibits excellence in the high-tech and cutting-edge careers that are becoming the future of the economy in central New York and, indeed, in the country as a whole, particularly in the areas of health care, environmental technology, and high-tech manufacturing. It has become a center for art, music, and culture in our community. And with its extremely popular residence facilities, it now offers the full college experience.

After two or more years of study at Onondaga, students have gone on to transfer their credits and continue their education at some of the most prestigious institutions of higher learning in this country, including Columbia, Cornell, Syracuse University, the Rhode Island School of Design, NYU, University of Southern California, and Clarkson.

But I am here today to rise in congratulations of two of the college teams. I am going to congratulate one team now because that's the subject of H. Res. 561, and then I am hoping the gentlelady will yield to me when we consider H. Res. 563. I will talk about the other team.

Mr. Speaker, I want to congratulate the Onondaga Community College Lady Lazers for winning the 2009 National Junior College Athletic Association women's lacrosse tournament. I am incredibly proud to represent the Lady Lazers. They had an incredible season and, of course, this national championship.

In 2009, as mentioned, their inaugural season, the Lady Lazers defeated Monroe Community College 9–7 in the finals of the NJCAA women's lacrosse tournament at Herkimer County Community College. This was the conclusion of a fantastic season by a fantastic team. Three Lady Lazers were named First Team NJCAA All-Americans, and all of the Lady Lazers were tremendous representatives of Onondaga College and their community. The 2010 season is already well underway, and the Lady Lazers are currently ranked number two in the country with a 7–1 record.

I ask my colleagues to join me in congratulating the OCC Lady Lazers on a tremendous season and a 2009 NJCAA national championship.

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to support H. Res. 561, congratulating the Onondaga Community College Lady Lazers for winning the National Junior College Athletic Association Division I Women's Lacrosse Tournament.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 561.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## CONGRATULATING THE ONONDAGA COMMUNITY COLLEGE LAZERS

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 563) congratulating the Onondaga Community College Lazers for winning the National Junior College Athletic Association (NJCAA) Division I Men's Lacrosse Tournament.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 563

Whereas, on May 10, 2009, the Onondaga Community College Lazers defeated Nassau Community College 9–8 in the finals of the National Junior College Athletic Association (NJCAA) Division I Men's Lacrosse Tournament at Herkimer County Community College;

Whereas the Lazers now holds 3 men's lacrosse national titles;

Whereas Head Coach Chuck Wilbur was the NJCAA Men's Lacrosse Coach of the Year;

Whereas the Lazers completed an undefeated season;

Whereas the Lazers' players, coaches, and staff are excellent representatives of Onondaga Community College;

Whereas Jerome Thompson and Jon Fiorillo were named the Offensive and Defensive Players of the Year respectively by the NJCAA Men's Lacrosse Coaches Association; and

Whereas the residents of Onondaga County and fans are to be congratulated for their support, dedication, and pride in the team: Now, therefore, be it

*Resolved,* That the House of Representatives congratulates the Onondaga Community College Lazers for winning the National Junior College Athletic Association (NJCAA) Division I Men's Lacrosse Tournament.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on H. Res. 563 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to congratulate the Onondaga Community College Lazers for winning the National Junior College Athletic Association Division I Men's Lacrosse Tournament. On May 10, 2009, the Onondaga Community College Lazers men's lacrosse team defeated Nassau Community College with a final score of 9–8 during the finals of the NJCAA Division I Men's Lacrosse Tournament at Herkimer County Community College.

The game that secured the Lazers' victory was remarkable, as it marked the third national title for Onondaga Community College's men's lacrosse program. The victory was also especially sweet as it concluded an undefeated season for the team. In addition to winning the NJCAA division championship, the 2009 men's team also won its fifth consecutive NJCAA Region III championship as well as its ninth consecutive Mid-State Athletic Conference title in 2009.

I congratulate Head Coach Chuck Wilbur on winning eight consecutive Mid-State Athletic Conference championships, five consecutive Region III championships, and three national championships. Chuck was named the NJCAA Men's Lacrosse Coaches Association National Coach of the Year in 2009, the third time he was given that honor.

I also wish to congratulate attack man Jerome Thompson and midfielder Jeremy Thompson, who were named the offensive and defensive players of the year, respectively, by the NJCAA Men's Lacrosse Coaches Association. In addition to Jerome Thompson and Jeremy Thompson, midfielder Ed Prevost, defenseman Pete Mumford, and goalie Jon Fiorillo were all named to the NJCAA All-American First Team.

In 2009, Mr. Speaker, Onondaga Community College became the first college in NCAA history to achieve two simultaneous national championships in men's and women's lacrosse, with both the men's Lazers team winning the title along with the Lady Lazers team. Onondaga Community College is very proud of its athletes as well as its academic programs.

I congratulate each member of the team, and I congratulate the community college family on winning the NJCAA Division I championship, and I wish them great success in 2010 for their men's lacrosse season.

I thank Representative MAFFEI for bringing this resolution forward, and I urge my colleagues to support this measure.

With that, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of Representative MAFFEI's resolution, House Resolution 563, congratulating the Onondaga Community College Lazers for winning the National Junior College Athletic Association Division I Men's Lacrosse Tournament.

Onondaga Community College is a college of the State University of New York system and one of 30 locally sponsored community colleges throughout New York State. They offer 2-year degree programs that serve as transfer opportunities for baccalaureate degree programs at 4-year campuses and for direct entry to the workforce, and they offer certificate programs that can be completed in 1 year. The college currently has over 11,000 students enrolled and strives to provide the full college experience.

The Onondaga Community College men's lacrosse team is an example of the college's excellence, with three national titles to its name. The team has included 35 All-American and 47 Lacrosse Coaches Association Academic All-Americans. The 2009 men's lacrosse team completed the season 16–0, an undefeated season.

□ 1500

The team captured the 2009 NJCAA National Championship against Nassau Community College on May 10, 2009, with a 9–8 victory, closer than the ladies who won 9–7. Jerome Thompson and Jon Fiorillo were named the offensive and defensive players of the year, and Head Coach Chuck Wilbur was named the NJCAA Men's Lacrosse Coach of the Year.

I stand to congratulate the Onondaga Community College men's lacrosse team, Coach Chuck Wilbur, the students and fans, and the faculty and staff at OCC. I urge my colleagues to support the resolution before us.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to recognize the gentleman from New York (Mr. MAFFEI) for such time as he may consume.

Mr. MAFFEI. I thank the gentlewoman from California as well as the gentleman from Wisconsin. We have had a very, very good year in lacrosse last year in upstate New York. In fact, a good portion of the bills that I have come to sponsor on the floor have been congratulatory resolutions for all of the various teams that we have had. Syracuse University won its tournament. Le Moyne was second in its division in lacrosse, and we have already mentioned the OCC women.

But, Mr. Speaker, I think the word that the gentleman from Wisconsin used, ''excellence,'' is the only way to describe this particular team. These young men had extremely high expectations on their shoulders, and yet they exceeded even those.

So I rise to congratulate the Onondaga Community College Lazers for winning the 2009 National Junior College Athletic Association men's lacrosse tournament. I am incredibly proud to be the congressman who represents the Lazers, and I am incredibly proud of them for an undefeated season and their third national championship in the past 4 years.

In 2009, the Lazers defeated Nassau Community College 9–8 in the finals of the NJCAA men's lacrosse tournament at Herkimer County Community College. This was the conclusion of a great season with many talented players, too numerous to mention here, but I will say that Jerome Thompson and Jon Fiorillo were named the offensive and defensive players of the year, and Head Coach Chuck Wilbur was named the NJCAA Coach of the Year.

All of the Lazers are tremendous representatives of their school and their community. The 2010 season is well underway, and the Lazers are currently ranked number 3 in the country with an 11–2 record.

I ask my colleagues to join me in congratulating the Onondaga Lazers on

a tremendous season and a 2009 NJCAA national championship.

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to support H. Res. 563 congratulating the Onondaga Community College Lazers for winning the NJCAA Division I men's lacrosse tournament.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 563.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## NATIONAL HEALTHY SCHOOLS DAY

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1280) expressing the support of the House of Representatives for the goals and ideals of National Healthy Schools Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1280

Whereas there are approximately 55,000,000 children and 7,000,000 adults who spend their days in the Nation's more than 125,000 public and private schools;

Whereas children spend an average of 30 to 50 hours per week in school;

Whereas one-third of public school principals report that some environmental factors interfere with classroom instruction;

Whereas some environmental hazards that are common in schools include unsafe drinking water, ventilation problems and poor indoor environmental quality which are associated with a wide range of problems that include poor concentration, poor attendance, lower student test scores, respiratory illnesses, cancer, and other safety hazards;

Whereas about 9 percent of the Nation's students have asthma, which is a leading cause of school absenteeism and is aggravated by poor air quality and ventilation problems;

Whereas healthy and high performance schools are designed to improve indoor environments and other environmental factors by improving ventilation, providing for moisture and mold controls, temperature and humidity controls, as well as acoustics and noise controls, and other design elements;

Whereas healthy and high performance schools provide a healthier and safer learning environment for children and improved academic achievement and well-being;

Whereas National Healthy Schools Day is an important day to celebrate and promote healthy and green school environments for all children;

Whereas National Healthy Schools Day is coordinated by Healthy Schools Network in collaboration with the Environmental Protection Agency and the Council of Educational Facility Planners—International and is celebrated on the first day of School Building Week; and

Whereas April 26, 2010, would be an appropriate day to designate as ''National Healthy Schools Day'': Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) supports the designation of National Healthy Schools Day; and

(2) supports the goals and ideals of this day which include the promotion of healthy and safe places to learn.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1280 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1280, a resolution recognizing the goals and ideals of National Healthy Schools Day.

Every year we celebrate National Healthy Schools Day to promote healthy and green school environments for all children. Across the country, more than 55 million children and 7 million adults spend their days in over 125,000 public and private schools in the United States. That is why it is essential that we recognize the importance of healthy learning environments. This year, National Healthy Schools Day 2010 focuses on the importance of good indoor air quality, nontoxic cleaning supplies, and environmentally friendly building materials.

The need for healthy schools is clear. Scientific studies show that poor environmental conditions in schools harm students' health and academic achievement. On the other hand, healthy schools help students reach their maximum potential. According to the United States Environmental Protection Agency, more than half of the schools in the U.S. have problems linked to unhealthy indoor air quality. Too many school districts struggle with the poor physical condition of their facilities, and this reality has only become worse because of the fiscal crisis affecting our country.

Schools in urban and rural areas are often overcrowded, unhealthy, inadequately maintained, and reduce quality learning. Healthy school environments encourage better school attendance and participation. Kids who feel healthy are more likely to stay in school. Healthy schools also encourage students to spend time at school for extracurricular activities, which is a key part of President Obama's goal to make our schools the community centers that they should and could be. All students deserve dry, clean, and quiet facilities with good indoor air, lighting and sanitation.

National Healthy Schools Day highlights simple steps we can take that can improve school environments for our children. This year's healthy schools campaign focuses on the importance of green, nontoxic cleaning products. Approximately 25 percent of chemicals in cleaning products used in schools are toxic and contribute to poor indoor air quality, smog, cancer, asthma and other diseases. Simply replacing toxic products with all natural cleaners could immediately improve the health of our students.

Additionally, Mr. Speaker, the U.S. Environmental Protection Agency provides guides and assessments on their Web site to help schools improve indoor air quality. National Healthy Schools Day raises awareness of tools like these to help make our schools healthier and safer for kids.

Mr. Speaker, this resolution in support of National Healthy Schools Day serves to recognize the importance of healthy, safe, and green learning environments in our Nation's schools. I thank the gentleman from New York (Mr. TONKO) for introducing this resolution, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1280 expressing the support of the House of Representatives for the goals and ideals of National Healthy Schools Day. Most parents recognize the importance of keeping their children healthy, and strive to do so. National Healthy Schools Day recognizes the important role that schools also play in keeping students healthy and ready to learn.

Approximately 55 million children spend 30–50 hours a week in our Nation's schools. Local communities strive to make their school buildings places that support positive environments in which learning can thrive. For example, by taking steps to improve indoor air quality, school districts can decrease irritants in the air that may aggravate asthma and allergies in some children. Districts are also responsible for ensuring that school buildings are safe from physical danger and that all children will be protected during their time at school.

National Healthy Schools Day promotes schools that support parents' efforts to ensure their children are safe and healthy whether at home or at school.

I ask my colleagues to join me today in honoring local schools that meet the commitment to keeping all children healthy and safe.

I have no additional requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to recognize the gentleman from New York (Mr. TONKO), the author of this legislation, for as much time as he may consume.

Mr. TONKO. Mr. Speaker, I thank the gentlewoman from California and the gentleman from Wisconsin. I rise today in support of H. Res. 1280, a resolution that I introduced to recognize National Healthy Schools Day. National Healthy Schools Day recognizes the importance of having a clean, healthy and safe indoor environment in our Nation's schools.

Each day millions of students, teachers, and staff go to work and school in our Nation's schools. Not all of these are healthy environments, especially for our young children. The EPA estimates that up to one-half of those schools have problems with indoor air quality. And 32 million students attend schools that have self-reported environmental problems with their facilities that can affect our children's health and learning.

Indoor air quality is one of the most common environmental problems in schools, which can aggravate children's allergies and asthma problems. Nine percent of our Nation's schoolchildren have asthma, which is the leading cause of absenteeism in schools. Other common environmental problems in schools include mold infestations, lead and copper contaminated drinking water, playgrounds and classrooms with high levels of pesticides, unchecked furnaces and buses leaking carbon monoxide, and exhaust from gasoline-powered equipment.

These problems affect the health of our Nation's schools and the people in them, and can contribute to absenteeism, learning difficulties, sick building syndrome, staff turnover, and liability issues for our school districts.

Research shows that simple steps can be taken to make our schools healthier. Heating and ventilation equipment can be improved to enhance indoor air quality. New schools can be built with a healthy design at non-polluted sites, in more sustainable ways that reduce energy and maintenance costs. Nontoxic products can be used for cleaning, maintenance and teaching. The use of natural light can be improved.

Healthy and high performance schools are designed to improve the indoor environment for the students and staff members who go to work and school in these buildings each and every day. They are more energy efficient and lead to better overall health. Many States, in fact, have already adopted guidelines for building healthy and high performance schools, like my home State of New York.

National Healthy Schools Day draws attention to the importance of having a safe and healthy school environment for our Nation's students. National Healthy Schools Day is supported by the Healthy Schools Network, the EPA, the National Education Association, and many more organizations. I am proud to be counted as a supporter of National Healthy Schools Day, and look forward to continuing to work with my colleagues here to ensure that every student has a healthy environment in which to learn. After all, our children are the foundation for this country's great future. Shouldn't we be providing them with the safest and healthiest places to learn?

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to support this resolution recognizing National Healthy Schools Day authored by Congressman TONKO from New York, and recognizing the importance of ensuring healthy and green school environments for all of our children.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 1280, "Expressing the support of the House of Representatives for the goals and ideals of National Healthy Schools Day."

Let me begin by thanking my colleague Representative PAUL TONKO for introducing this piece of legislation into the House of Representatives as it is important that we diligently work towards the improvement of deteriorating public schools across the nation and also work towards the improvement of construction techniques in schools.

The issue of environmental hazards in schools has been a growing problem over the last several decades. It is unfortunate that in schools across the nation investigators can find unchecked renovations, pesticide misapplications, unsafe drinking water, and indoor air pollutants such as mold infestations.

It is unreasonable to think that our children can receive the best possible learning environment when they are expected to learn under these types of conditions.

There are also a wide range of problems stemming from poor air quality and ventilation problems in schools. It has consistently been shown that these types of air quality problems can lead to poor concentration, respiratory illnesses, learning difficulties, and even cancer in students.

Today there are approximately 55,000,000 children and 7,000,000 adults who spend their days in the Nation's more than 125,000 public and private schools. Students and teachers also spend an average of 30 to 50 hours per week in school.

These numbers equate to nearly 20 percent of our nation's population spending their days in schools across the country—many of which are currently facing deterioration in the quality of their buildings while in the face of massive budget cuts. Therefore it is critical that we work together to seek comprehensive solutions to the trend of deteriorating schools in our nation.

A recent study showed that approximately one-third of public school principals reported that some environmental factors in their schools have interfered with classroom instruction. This report highlights an increasingly troubling trend among schools of deteriorating environmental factors.

In fact school facilities with poor building quality can result in lower test scores, poor attendance, and health problems for students and staff. These problems are only worsened for the nearly 9 percent of American students who are known to have asthma. Asthma is also the leading cause of absence from school and is aggravated by poor air quality and ventilation problems in schools.

To meet these challenges, I believe that we should begin working with school districts across the nation towards the implementation of healthy and high performance schools.

These types of schools would be designed to improve indoor environments while reducing energy and maintenance costs. They would also provide for an improvement in the quality of ambient light, would reduce exposures to toxic substances and would provide a healthier and safer learning environment for children.

Healthy and high performance schools are designed with specific environmental factors in mind, such as pollutant source controls, proper ventilation mechanisms, and moisture and mold controls. It is imperative that school districts in our nation recognize the importance of these new construction and maintenance techniques and work to ensure the improvement of student and teacher health across the board.

By officially designating April 26, 2010 as 'National Healthy Schools Day,' we in Congress will be sending a strong message to students and teachers across the nation that we intend to provide healthy and safe buildings for students to learn in. We will also be sending a message to school districts across the nation that it is vitally important to build new schools with renewable resource materials and energy efficient appliances.

We must always ensure that schools and children receive all the necessary tools for their continued growth. Furthermore it is vitally important that we continue to work with state and local agencies including independent school districts across the nation for the implementation of these measures in public schools.

I would like to again thank my colleague Representative PAUL TONKO for introducing H. Res. 1280. I ask my colleagues for their support of this legislation as well as their continued support for children, teachers and public schools across the nation.

Mr. Speaker, I strongly support H. Res. 1280 and the rule.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H. Res. 1280, a resolution expressing the support of the House of Representatives for National Healthy Schools Day. Unhealthy school environments have a traumatic effect of our students' health, learning, and productivity, and increase health care costs down the road. Fifty-five million students spend the week in American schools, and it is critical to our Nation's future that they be provided a safe and healthy learning environment.

While we take time to recognize this important issue, I would like to acknowledge the work of the Healthy Schools Campaign, a Chicago-based not-for-profit organization dedicated to encouraging and nurturing healthy

school environments. Under the leadership of Founding Executive Director Rochelle Davis, the Healthy Schools Campaign has been a champion and model in the push to develop healthy school meals, which studies show have a significant impact on the cognitive and behavioral well-being of students.

We must work to ensure that every child born in this country has the opportunity to take advantage of its great resources. Guaranteeing a healthy school environment for all children will play a critical role in this effort, and I will continue to strongly support legislation and initiatives targeting that goal.

Ms. WOOLSEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1280, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Expressing support for designation of April 26, 2010, as National Healthy Schools Day.''.

A motion to reconsider was laid on the table.

□ 1515

## RURAL HOUSING PRESERVATION AND STABILIZATION ACT OF 2010

Mr. KANJORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5017) to ensure the availability of loan guarantees for rural homeowners, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5017

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Rural Housing Preservation and Stabilization Act of 2010''.

**SEC. 2. LOAN GUARANTEE FEES.**

(a) UP-FRONT FEES.—Paragraph (8) of section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)) is amended to read as follows:

''(8) GUARANTEE FEES.—With respect to a guaranteed loan under this subsection, the Secretary may collect from the lender, at the time of issuance of the guarantee, a fee equal to not more than 4.0 percent of the principal obligation of the loan, as determined sufficient by the Secretary to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of loan guarantees under this subsection.''.

(b) CONFORMING AMENDMENT.—Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–34) is hereby repealed

(c) AUTHORIZATION OF AMOUNT OF LOAN GUARANTEES.—Section 513 of the Housing Act of 1949 (42 U.S.C. 1483) is amended by adding at the end the following new subsection:

''(f) AUTHORIZATION FOR LOAN GUARANTEES.—The Secretary may, to the extent approved in appropriation Acts, guarantee loans under section 502(h) in aggregate amounts not to exceed $30,000,000,000 for fiscal year 2010.''.

**SEC. 3. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KANJORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5017, the Rural Housing Preservation and Stabilization Act. This legislation aims to preserve the U.S. Department of Agriculture's section 502 Single Family Housing Guaranteed Loan Program that helps low- and moderate-income rural residents obtain safe and affordable housing.

Since its inception, this program has helped hundreds of thousands of families realize the American dream of homeownership. Managed by the USDA's Rural Housing Service, the program provides a vital source of mortgage credit in communities of less than 20,000 residents. USDA currently guarantees rural home loans with the money that it receives through the appropriations process and the upfront fees it collects on loan originations.

Historically, Congress has also set, through the annual appropriations process, the statutory limit on the maximum loan commitment authority that the Federal Government will guarantee. These guarantees decrease the exposure of home lenders to default so that they will underwrite more mortgages for low- and moderate-income families in rural America.

In 2009, the 115,000 loans made under the program averaged $112,000. The financial crisis, however, has created unprecedented demand for and spiked homebuyer interest in the program. As a result, the program has more than tripled in recent years from guaranteeing about $3 billion in 2006 to guaranteeing more than $10 billion at the end of March 2010.

In March, USDA notified its State directors and participating lenders in the program that they would have to stop making conditional loan commitments at the end of April because they had exhausted their funding and would have to wait until they received additional appropriations. H.R. 5017 offers a commonsense solution to this problem by raising the upfront fee that USDA can charge commercial lenders up to 4 percent and increasing the USDA's loan authority to $30 billion for the current year. USDA confirms that these amounts would be sufficient for the program to continue to operate without interruption.

Moreover, by making this program self-sustaining, we would also reduce discretionary spending by $24 million in the current fiscal year. So this legislation represents a win for American taxpayers and a win for America's heartland.

This legislation additionally enjoys broad support and passed out of the Financial Services Committee by a bipartisan vote last Thursday. In this regard, I am especially grateful for the work of my colleague, the gentlewoman from West Virginia (Mrs. CAPITO), who has worked closely with me on these matters. Her suggestions have helped make a good bill even better.

Additionally, many groups have called upon Congress to act quickly to fix this problem, including the National Association of Realtors, the Mortgage Bankers Association, and the American Bankers Association. We should heed their advice and pass this bill.

In sum, Mr. Speaker, to preserve the dream of homeownership in America's heartland, I urge all my colleagues to vote ''yes'' on H.R. 5017.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I would like to thank my colleague, Mr. KANJORSKI, for his good, solid work on this bill. We have worked well together on H.R. 5017, and I think we see the results of that work together here today on the floor.

This legislation extends the USDA 502 loan guarantee program. This program is a very important homeownership tool for many rural Americans, many of whom live in my State of West Virginia, providing a loan guarantee on privately issued loans. The 502 program has a very low default rate.

Over the last few years, demand for the program has increased, and consequently loan commitment authority for the 502 program will be exhausted. Without swift action, borrowers who rely on this program will run out of options for affordable home loans.

Last week, I offered an amendment during the markup of H.R. 5017 in the

Financial Services Committee that provides the 502 program with additional loan commitment authority and makes an important improvement to the program. In order to make the program self-sufficient, we are raising the guaranteed fee up to 4 percent, granting the Secretary the authority to choose the appropriate level. This ensures that the program will no longer be reliant on taxpayer funds to build capital reserves, a welcome part of the 502 program.

Although I am committed to continuing to work with my colleagues on potential long-term modifications to the 502 program that serve the best interests of the homeowners and the taxpayers, I believe it is important that the language increasing the loan commitment authority to $30 billion be limited to the current fiscal year and not beyond that time period. We must be aware of the impact on the private market and ensure that private entities are able to regain appropriate market share.

Mr. Speaker, with these changes, we strike a balance of extending the program through the rest of the year. I, and I'm sure many of my colleagues here, have heard from numerous Realtors, lenders and potential homebuyers about the situation that the 502 program has found itself in. Since its inception, the 502 program has helped hundreds of thousands of families with low to moderate incomes realize homeownership. Over the past several weeks, as I said, many constituents have contacted me stressing just how important this program is as they are on their path towards homeownership and wish to see its continued funding.

Again, I would like to thank Mr. KANJORSKI for working with me on this legislation.

I reserve the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, last Friday, the U.S. Department of Commerce released figures for March for the sale of single family homes. It increased by 27 percent, the biggest increase since 1963.

We are finally starting to see real signs of recovery in the housing market, but it didn't happen by itself entirely. Prices have certainly gone down, there are good rates available out there, but programs like the one Congressman KANJORSKI's legislation will protect and nurture have been a huge reason why we've seen the growth in numbers that the U.S. Department of Commerce reported last week.

The 502 program in eastern Connecticut has been a lifeline throughout 2009 and early 2010 where, again, the spike in numbers that Mr. KANJORSKI described has been a reality and has allowed, again, the market to thrive, but also to provide people an avenue to obtain financing that otherwise they never would have been able to get in the regular market.

As was said by the Congresswoman from West Virginia, lenders are holding their breath, homeowners are holding their breath, and the first-time homebuyer tax credit is about to expire in a few days. Passing this legislation which will provide an avenue to protect this program will continue the upward momentum that we are finally starting to see in the housing market.

Again, I congratulate Mr. KANJORSKI for his creative solution to this problem, which will not cost the taxpayers additional funds, but will keep, again, a growing real estate market moving in the right direction.

Mrs. CAPITO. Mr. Speaker, I would just, again, reiterate my support for this bill. I think it's timely. It's something that we want to do in an expeditious and responsible manner, and I believe that this bill addresses those concerns.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 5017, the "Rural Housing Preservation and Stabilization Act of 2010."

This bill would preserve the U.S. Department of Agriculture's Rural Housing Service (RHS) Section 502 Single Family Direct Homeownership Loans Program, which is set to expire at the end of this month.

Section 502 is USDA's main housing loan program and is designed to help low-income individuals purchase, build, repair, or renovate homes in rural areas.

Currently, Section 502 is the only federal program targeting safe and affordable homeownership opportunities to low- and very low-income rural households. The annual average income of a Section 502 direct borrower is 55 percent of area median income, or $18,500 a year.

Since its inception, Section 502 has provided loans to approximately 2.5 million families at an extremely low cost to the federal government. Unfortunately, the amount appropriated for rural housing programs has been insufficient to meet the demand. The current backlog for Section 502 direct loans includes 27,000 rural households, totaling $2.9 billion in loan applications.

H.R. 5017, will preserve the Section 502 program and establish a self-sustaining program at no cost to taxpayers. I believe Section 502 is vital for our rural communities throughout the nation and this bill is absolutely necessary to help preserve a critical program at no cost to taxpayers.

I urge my colleagues to vote for this important bill.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. KANJORSKI) that the House suspend the rules and pass the bill, H.R. 5017, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KANJORSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## PROHIBITING A COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS IN 2011

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5146) to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5146

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NO COST OF LIVING ADJUSTMENT IN PAY OF MEMBERS OF CONGRESS.**

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, while there are positive signs of economic recovery around the country, the budget deficit is still an important issue. Therefore, it is appropriate that we continue to forego a cost-of-living adjustment at this time as we did for 2010. I hope all of my colleagues will join me in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this legislation, providing Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011, sponsored by the gentleman from Arizona (Mr. MITCHELL), actually mirroring language that the gentleman from Texas (Mr. PAUL) has had before our body for some period of time. Both

gentlemen have worked on this together, it is my understanding.

Across the country, we know that there are serious issues plaguing Americans, mainly a deteriorating economy and very high unemployment rates. In my home State, the underemployment rate is over 20 percent. In my district, Sacramento County has an unemployment rate of 12.9 percent, which is actually lower than some of the cities in my district. The city of Galt, for example, has an unemployment rate of 15 percent. So it goes without saying that things are not well in our economy and people are suffering.

As Americans around the country are struggling and sacrificing to make ends meet, it appears that we in Congress should not be immune. Other institutions are doing likewise. The Chief Justice of the Supreme Court recently announced in his Year-End Report for the Judiciary that he would not be requesting the usual salary increase for Federal judges given that ''so many of our fellow citizens have been touched by hardship.'' The President has also announced a pay freeze for top White House officials and other appointees in the Federal Government.

Mr. Speaker, recently in this House we passed H. Res. 1257, supporting the goals and ideals of National Financial Literacy Month, 2010. This legislation sought to raise public awareness about financial education through highlighting the importance of maintaining and managing personal finances, increasing personal savings, and reducing indebtedness in the United States. Some would ask whether we in Congress ought to undertake that same examination with respect to our spending in this House and our spending overall on the Federal budget.

□ 1530

At a time when we are passing resolutions telling Americans to be more cognizant of their financial situation, their debt, their savings, we do need to do the same in the House.

Millions of Americans are not getting a pay raise this year. Many, unfortunately, are not even getting paychecks. Under these circumstances, Congress must forgo a pay raise to save the hardworking taxpayers and hard-looking job seekers in this country a little of their money. Relative to the overall Federal budget, this single act doesn't have that great an impact. But any dollar, any Federal dollar, is something that we should treat with utmost responsibility because it comes to us in a sense involuntarily from our constituents. It comes through taxes or future taxes to pay for current debts.

So under these circumstances I think most of my colleagues, if not all of my colleagues, would agree that this is the time for us to forgo a pay raise. I would urge all of my colleagues to support this resolution, Mr. Speaker.

I reserve the balance of my time.

Mrs. DAVIS of California. I would like to yield 3 minutes to the bill's sponsor, the distinguished gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.R. 5146, the Cancel the Pay Raise for Members of Congress in Fiscal Year 2011 Act, a bill to stop Members of Congress from receiving an automatic pay raise in fiscal year 2011. Last week the Senate approved this same legislation, and I am pleased that today the House is finally following suit.

With unemployment high and so many families under stress, it would be simply unconscionable for Congress to raise its own pay. But that is precisely what will happen in fiscal year 2011 unless Congress takes action to stop it. This bill is simply the right thing to do. Earlier this year, Chief Justice Roberts announced that, in a major break from tradition, he will not seek a salary increase this year for Federal judges in light of the fact that, quote, ''so many of our fellow citizens have been touched by hardship.'' Likewise, President Obama has announced a pay freeze for senior White House officials as well as top appointees across the Federal Government. And as I mentioned, last week the Senate approved legislation to block the next automatic pay raise for Members of Congress.

It is time—past time—for the House to act. The American people are not getting a raise this year. Neither should Congress.

I want to thank Representative RON PAUL for his steadfast leadership on this issue. He and I have worked closely with each other for several years now to block the annual pay raise, and today's vote would not have been possible without him. Dr. PAUL, thank you.

I also want to thank the National Taxpayers Union and Citizens Against Government Waste for their support of our efforts to block the pay raise. And of course I want to thank Representative JIM MATHESON for his work on this legislation, as well as House leadership for allowing this important bill to come to the floor today.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I would like to yield 5 minutes to the indomitable distinguished gentleman from Texas (Mr. PAUL), who has worked on this issue for some time.

Mr. PAUL. I thank the gentleman from California.

Mr. Speaker, I rise in support of this legislation, and I want to compliment Mr. MITCHELL from Arizona for getting this bill to the floor. We have worked on this for several years. I am pleased that this is going to be passed today.

Much has been said about the unemployment rate in this country. And I saw one other take on unemployment today, where it said that for low-income people below $20,000, the unemployment rate is actually 31 percent, which shows how devastating this recession is, and for some it is an actual depression.

I would like this bill to be passed, but not just as symbolism. It is good symbolism and important symbolism. As was mentioned by the gentleman from California, it is not a tremendous amount of money, but it is important for us to recognize that we have a serious problem in this country and that we shouldn't be careless about the way we think about this problem. It shouldn't make us feel necessarily good because we passed this. This is just necessary.

It does remind me of a piece of legislation I introduced many years ago, in the 1970s, when we had rampant inflation, which I anticipate will probably come back to this country. Back then we had a 15 percent inflation rate. My suggestion then in the form of legislation, to get the Members' attention to understand what inflation was all about, I said we should take a pay cut at the rate of inflation. Even today we might suggest that. There is a lot more inflation out there than we admit to. So maybe not only should we freeze our salaries, maybe we should be taking a pay cut so that we can do a better job, because we really can't brag about the job that we have done for the country because of the condition the country is in.

But I would like to extend this motivation to freeze the pay of Congressmen to freezing a few other things. I would like to see our budget at least frozen where it is. That would go a long way to solving some of our budgetary problems. And how about freezing the debt level. Let's not raise the debt level. Instead, this next year our national debt is going to go up about $2 trillion when you add up all that we borrow from our trust funds.

Also, I would like to see a freeze on regulations because regulations usually backfire. There are unintended consequences, they cost a lot of money, they act as a tax, and they don't improve the economy overall.

I would be in support of freezing the wealth transfer system, the system that most people think is going to help all the poor people. The trouble is the wealth transfer system helps the rich people, and they are the ones who get the bailouts and the poor people don't. So a freeze on wealth transfer would go a long way toward restoring a free society and a constitutional government.

Also, I think the consensus of the American people today is we ought to freeze the bailouts. Let's not bail out anybody anymore. But it looks like it will be a long time before that happens because we have a monetary system where we have somebody over there called the Federal Reserve that says we can print money at will, and our job is

to be the lender of last resort. That means to bail anybody and everybody out that needs money. And it looks like that will be domestic as well as international.

I would like to freeze the ability of the Federal Reserve to print money out of thin air. That in moral terms is counterfeit, and yet that is the encouragement for us to run up our deficits because the Fed can come in and increase the money supply. A sound monetary system would have frozen anybody's ability to just create money out of thin air.

I would also like to freeze the income tax at the 1912 level. And that indeed would be a real boost to the people of this country. All of a sudden there would be great wealth in the hands of the consumer. Just think if all the money that we spent on the bailouts that just tided things over, if just a portion of that had been used to get rid of the income tax, I think the money would have been better spent because the people would have been spending the money instead of the bureaucrats and the politicians and the regulators that bailed out the people who were making all the money in the first place.

But I would also extend this freeze onto some other things, too. I would like to freeze some of our militarism. I think we have enough fighting going on. I don't think we should expand the war. I don't think we should be looking for another enemy. I would like to freeze the sanctions on countries. I would like to see a lot more free trade. I would like to see that the bombing is not extended, that we quit allowing our CIA to extend the bombing of countries that have not attacked us. I would also like to put a freeze on this concept of preventive war. This whole idea of the concept of preventive war means that we can literally start the war.

So, yes, it's good that we are freezing the salaries of us here in the Congress. But if we really want to restore the Republic, we will freeze a lot of these other issues as well.

Mrs. DAVIS of California. I would like to yield 2 minutes to the bill's cosponsor, the distinguished gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, as so many people in this country continue to struggle to find work, let alone receive a pay raise, I am glad Congress has chosen to highlight this issue. Now, last year Congress recognized how inappropriate it would be to accept the stealth salary increase and passed a measure to block a congressional pay raise for the current fiscal year. This past week the Senate continued the freeze on congressional pay without a single dissenting vote. And now I urge my fellow House Members to follow suit and pass this commonsense measure.

The need for this bill also underlines another significant problem with the congressional pay raise system because every year, unless both the House and the Senate actually vote against a pay raise, like we are talking about doing right now, we automatically receive a pay raise. In almost every profession, salary increases are dependent on performance, experience, tenure, or any number of factors other than really showing up to work every day.

This system which shrouds the congressional pay increase in arcane procedures deters a healthy, open debate of the issue. This legislation is a straightforward measure to stop the pay increase for fiscal year '11 and has been widely supported in a bipartisan manner.

I commend Congressman MITCHELL and Congressman PAUL for their work on this issue over the past 2 years. Now, beyond this one-time issue we are talking about today, I would be remiss if I didn't mention I have introduced a separate piece of legislation which would permanently repeal the provision of the law granting automatic pay raises and bring this issue to an open, up or down vote to let the public know where we stand on this issue every year. The Senate has also passed this legislation. I look forward to discussing this issue as we move forward to address our budgetary priorities.

As I have said for the past many years, spending priorities in a time of war and economic turmoil should not include an automatic salary increase for Members of Congress. I urge my fellow Members of the House to prevent a pay raise for 2011 and vote in favor of the legislation on the floor today.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

After listening to the gentleman from Texas (Mr. PAUL), I am reminded of some freezes I would like to see. In addition to this freeze on our pay for a year, I would like to see us put a freeze on regulations on small business.

The previous speaker just mentioned that he believes we have somewhat of an arcane procedure for providing for pay raises to Members of Congress. That may be true. But there is certainly no more arcane activity that we engaged in than when we passed the health care bill in that having a new burden on business, particularly small business. And I speak of section 9006 of the health care bill, which has nothing to do with health, but has everything to do with regulation in that now, as opposed to the law which has existed for many years in which you had to file a 1099 on someone who provided a service for you, the purpose of which was to make sure that there was some paper trail to see if you were paying payroll taxes, we now have decided under this bill, the health care bill, section 9006, to require anybody involved in a trade or a service, that is any type of business who makes a purchase from some other corporate entity of any type that amounts to more than $600 cumulatively over a single year, that requires a 1099 to be filed with the person that you purchase the product from and the Federal Government.

What this means is that now if you purchase plane tickets and it amounts to more than $600 and you are engaged in a business, you will have to file a 1099 with United Airlines or American Airlines and the Federal Government. If you purchase food for your company and it amounts to more than $600, you will have to file a 1099. If you happen to be a rancher and you purchase bales of hay, you are going to have to keep a running tab all year long, and when you go over $600 you are going to have to file a 1099. If you in fact utilize FedEx or UPS, if during the course of the year it is more than $600, you will have to file a 1099 with FedEx or UPS and the Federal Government.

So this is a new burden that will require accounting procedures for anybody involved in business, particularly imposed on small business. But more than that, there is a double-edged sword to this. And that is this is a dagger at the heart of small business. Because if you have this obligation, it is easier to deal with one single big vendor than to have a number of them. Instead of going to your local hardware store if you are a small company and you need some hardware, you ought to go to one of the big guys because their universe of products is greater. And so if you have everything you purchased from them, knowing it is going to be over $600, you only have a single 1099 to file.

So what we have done in one fell swoop is make it more difficult to actually operate with this new regulatory scheme, and on the other hand, create disincentives for small business.

Now, when we contacted the Internal Revenue Service to see how they are going to interpret it, they said we haven't interpreted it yet because we are waiting for HHS to give us guidance. So now we have tax policy going to be determined by HHS.

□ 1545

All I'm saying is, if people think that we've had arcane procedures for means of pay raises for Members of Congress, it is nothing compared to what we've done in this health care bill with regulation on small business. I actually call that provision of the health care bill the ''universal snitch act'' because, when you file this 1099, it has nothing to do with your obligation to pay taxes. It has got to be premised on the idea that every vendor you deal with cheats and that the only way to catch cheaters is to have this new paper trail.

So I don't know. It just seems repugnant to me that we would do that, and I happen to have a bill that I introduced yesterday that would repeal that.

I just bring this up because the gentleman from Texas prompted this thought in my mind about freezes that would be appropriate. Then when the previous speaker mentioned arcane procedures, there was nothing more arcane than the health care bill we passed.

In fact, when we called the IRS, they weren't sure that this was in the bill. When we talked to the Congressional Research Service, they said, Oh, it couldn't be. Then when we pointed out that the new language in the bill is property and not just services—and that includes anything that you purchase—it has an unbelievable obligation on small business.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. I yield 3 minutes to the distinguished gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Speaker, as a small business man in the oil and gas industry for over 30 years, I know that, when times are tough, we have to tighten our belts. That is why the very first bill that I sponsored in Congress was a bill to stop the automatic pay raise for Members of Congress.

Last year, we were able to get enough signers to stop this pay raise for this year, and I was proud to work to get that done. I am proud that our work has again paid off and that I am standing here today in support of a bill that will again stop the automatic pay raise that Members have taken advantage of for too long.

While many working New Mexicans are struggling to make ends meet, it is insulting that anyone would accept an automatic pay raise, which is something most of the constituents in my district will have to do without—if they are earning salaries at all. Our constituents expect honest and responsible leadership from their Congress. That's why I encourage my colleagues to just say "no" to the dough.

Mr. Speaker, we need to take this a step further. I call on my fellow Members of Congress to cosponsor legislation I have sponsored with my colleague from Arizona, Representative KIRKPATRICK. Our bill would cut pay for all Senators and Representatives by 5 percent beginning January 1, 2011. This would be the first congressional pay reduction since 1933.

I think it's about time that Congress has their pay cut just like the rest of the country, so I ask you to join me in this fight today.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 2 minutes to the pride of the Coast Guard, the distinguished gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank my friend from California.

Mr. Speaker, I rise to speak on behalf of this bill.

Some would say, Well, it's just a symbolic gesture. Well, it may be symbolic, but it is symbolically significant. What better time to impose a freeze against ourselves than now during these harsh economic times of people being beneficiaries of pink slips, of being told their jobs are gone. Then they see that Congress gets an automatic COLA. I think this is a good bill, and I urge its passage.

I thank the gentleman from California for having elevated me to the "distinguished" category as well.

Folks, we are on the right track here. This bill needs to be passed. We need to impose a freeze upon ourselves for the next fiscal year. I think it would send a message which would be well received by our constituencies across this land.

Mrs. DAVIS of California. I reserve the balance of my time, Mr. Speaker.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have no further requests for time.

I would just urge my colleagues to support this resolution. This is appropriate at this particular time. I think all Members of Congress recognize the difficult economic straits we are in. It is a simple resolution. It forgoes the pay raise for the year 2011, and I would urge my colleagues to support it.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I just wanted to comment very briefly because my colleagues were asking for basically a freeze on a status quo of the health care that we know today.

They spoke of repugnant policies. I want to talk just for a minute about the repugnant policies that we know of today, which don't allow people to get insurance if they have preexisting conditions that have ratings which discriminate, particularly against women, and which make it almost impossible for small business to be able to take care of and to help their employees when it comes to health insurance. So, yes, we have some policies that we have been trying to change. Unfortunately, my colleagues are asking for a freeze.

Yet I do want to applaud the fact that we are here on a singular effort today, and that is to forgo the cost-of-living adjustment for Congress. I think that's a good idea. It is a very timely idea, and it is very important that we move forward with it today.

Mr. MORAN of Kansas. Mr. Speaker, Kansans continue to suffer from the effects of the recession. Times remain tough for many. Small business owners are struggling to keep the doors of their businesses open. Families are struggling to pay their bills. When faced with difficult times, Kansans make sacrifices. They cut back where they can and stretch every dollar to make ends meet.

Times are also tough for the Federal Government. The national debt is more than $12 trillion and it continues to grow every day.

When times are tough, Kansans expect their government to act like they do—to make sacrifices and cut spending. Yet, the Federal Government is spending more than ever before.

One of the first places Congress should look to cut spending is the annual cost-of-living increase for Members of Congress. Representatives and Senators do not deserve a raise, especially when many Kansans will not receive a raise this year and the unemployment rate remains high.

I have long been opposed to the hidden process by which Members of Congress get an increase in their pay. The lack of transparency in the yearly raise only serves to increase skepticism, disillusion and distrust of government. Last year, I sponsored H.R. 1597, which eliminates the automatic pay increase for Members of Congress. If Members of Congress believe they have earned a raise, they should vote on it in full view of the public.

I am pleased today, that the House of Representatives is considering a bill in clear view of the public that would do away with the cost-of-living increase for next year. While this legislation, H.R. 5146, is only a one-year fix to the problem, it is an important first step and I am proud to be one of the sponsors of this legislation. I oppose the yearly automatic increase in pay and strongly support today's legislation to make sure Members of Congress do not get a raise next year.

Our employers, the voters, are right to be unhappy with Washington's spending spree. There should be no increase in congressional pay until Congress listens to the public and cuts spending.

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 5146.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1131, by the yeas and nays;

H.R. 5017, by the yeas and nays;

H.R. 5146, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## NATIONAL ASSISTANT PRINCIPALS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to

the resolution, H. Res. 1131, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1131, as amended.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 19, as follows:

[Roll No. 224]

YEAS—411

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Barrett (SC)
Becerra
Berry
Brady (TX)
Davis (AL)
Fallin
Gohmert
Gonzalez
Harman
Hoekstra
Mollohan
Moore (WI)
Price (GA)
Reyes
Richardson
Schwartz
Souder
Velázquez
Wamp

□ 1620

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 224, had I been present, I would have voted "yes."

## RURAL HOUSING PRESERVATION AND STABILIZATION ACT OF 2010

The SPEAKER pro tempore (Mr. CAPUANO). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5017, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. KANJORSKI) that the House suspend the rules and pass the bill, H.R. 5017, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 62, not voting 16, as follows:

[Roll No. 225]

YEAS—352

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney

Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—62

Akin
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Campbell
Cantor
Carter
Chaffetz
Coffman (CO)
Culberson
Duncan
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Hastings (WA)
Hensarling
Herger
Hunter
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Lewis (CA)
Linder
Lummis
Mack
Marchant
McClintock
Mica
Miller (FL)
Miller, Gary
Myrick
Nunes
Paul
Pence
Petri
Poe (TX)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Westmoreland

NOT VOTING—16

Barrett (SC)
Becerra
Berry
Davis (AL)
Fallin
Gohmert
Gonzalez
Harman
Hoekstra
Mollohan
Moore (WI)
Price (GA)
Reyes
Ruppersberger
Souder
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1631

Messrs. BURTON of Indiana, NUNES, Mrs. LUMMIS, Messrs. BROWN of South Carolina, ROONEY, MICA, KINGSTON, WESTMORELAND, GINGREY of Georgia, LINDER, and Mrs. SCHMIDT changed their vote from ''yea'' to ''nay.''

Mr. MCHENRY changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, earlier today I was unavoidably detained and missed rollcalls 224 and 225. If present, I would have voted "yea" on rollcalls 224 and 225.

## PROHIBITING A COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS IN 2011

The SPEAKER pro tempore (Mr. TONKO). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5146, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 5146.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 15, not voting 13, as follows:

[Roll No. 226]

YEAS—402

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—15

| | | |
|---|---|---|
| Clyburn | Johnson, E. B. | Thompson (MS) |
| Conyers | Kilpatrick (MI) | Towns |
| Edwards (MD) | Lee (CA) | Watt |
| Ellison | Meeks (NY) | Woolsey |
| Jackson Lee (TX) | Moran (VA) | |
| | Payne | |

NOT VOTING—13

| | | |
|---|---|---|
| Barrett (SC) | Harman | Souder |
| Berry | Hoekstra | Wamp |
| Davis (AL) | Marshall | Waters |
| Fallin | Moore (WI) | |
| Gohmert | Price (GA) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1641

Ms. JACKSON LEE of Texas changed her vote from ''yea'' to ''nay.''

Mr. BARTON of Texas changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to make a correction on the vote on passage of H.R. 5146, providing that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

Mr. Speaker, I would like to state for the RECORD that I support the denial of a cost of living adjustment for Members. The correct vote for rollcall No. 226 would have been ''aye'' instead of ''nay,'' providing that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

Again, I want to state that Congresswoman JACKSON LEE opposes the cost of living adjustment for Members of Congress as stated appropriately in H.R. 5146.

## WHY I OPPOSED H.R. 5146, BLOCKING THE COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS

Ms. KILPATRICK of Michigan. Mr. Speaker, I voted today in opposition to H.R. 5146, Blocking the Cost of Living Adjustment for Congress. This legislation was introduced today, had no hearings, was not considered for a mark-up, and was brought to the floor of the House under an expedited procedure that would not allow for any amendments nor its full and complete consideration. I oppose this bill because Congress has established a fair system to regulate the pay of Members of Congress. This bill, by denying a reasonable and fair cost of living increase for Members of Congress, casts a wider chill on the respect and value that we give to all public servants.

Under Article I, Section Six of the U.S. Constitution, Congress is to determine its own pay. Historically, Congress has not frequently raised their pay. According to the Congressional Research Service, between 1789 through 1968—(179 years)—Congress raised their pay only 22 times. Stand-alone legislation was used to increase Congress' pay in 1982, 1983, 1989 and 1991, and in 1989, an automatic annual adjustment was used. This automatic annual adjustment was to eliminate the need for significant boosts in the salaries of Members of Congress. The cost of living increase for Members of Congress is not to exceed the rate given for any and all other federal employees. This is a fair and equitable system.

The Omnibus Appropriations Act of 2009 included a freeze on the salaries of Members of Congress. I supported this measure. I supported the cost of living adjustment freeze then, because the bill had been through the legislative process. I could measure the benefits of the overall bill for the people of the 13th Congressional District of Michigan and America. That is not true of H.R. 5146.

I also oppose this bill because this bill denigrates public service and the institution of Congress. Like all other public servants, Members of Congress work for the people of this country. In order to serve the people of America, Members of Congress must establish two residences and fly between Washington, DC, and our homes almost every week. Members of Congress spend hours, days and sometimes weeks away from our homes working for 600,000 or more constituents in our districts. We travel throughout the world to investigate and understand how America can make a positive difference.

I am proud of the tremendous responsibility it takes to be a public servant as a Member of Congress. I am honored and humbled by the faith that the people of the 13th Congressional District of Michigan have in my service to them. In voting against this bill, I am saying loud and clear that we should value the hard work and dedication of all of our public servants. We work hard each and every day to ensure that America is safe, strong and the best place in the world for all Americans. I value this hallowed and great institution called the U.S. House of Representatives. If we, as Members of Congress, do not stand up for ourselves, how can we stand up for the hundreds of thousands of other public servants who look to us as leaders?

I am proud to be elected to the U.S. House of Representatives. I am honored and proud to be a public servant. Congress established a fair and equitable way to automatically compensate the hard and difficult work of Members of Congress. I supported previous legislation denying the automatic pay raise because that bill went through regular order and contained many provisions important to the people of the 13th Congressional District and America. This bill was not considered under the regular rules of the House. This bill says that we do not value the work of America's public servants.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5013, IMPLEMENTING MANAGEMENT FOR PERFORMANCE AND RELATED REFORMS TO OBTAIN VALUE IN EVERY ACQUISITION ACT OF 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–467) on the resolution (H. Res. 1300) providing for consideration of the bill (H.R. 5013) to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. CHU). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## SEXUAL ASSAULT AWARENESS MONTH

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1259) recognizing and supporting the goals and ideals of Sexual Assault Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1259

Whereas, on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 203,830 people in the United States were sexually assaulted in 2008;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,908 reports of sexual assault involving members of the Armed Forces in fiscal year 2008, representing an eight percent increase from fiscal 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, ability, and economic groups in the United States;

Whereas women, children, and men suffer multiple types of sexual violence, including but not limited to acquaintance, stranger, spousal, and gang rape, incest, child sexual molestation, forced prostitution, trafficking, forced pornography, ritual abuse, sexual harassment, and stalking;

Whereas it is estimated that the percentage of completed or attempt rape victimization among women in higher educational institutions may be between 20 and 25 percent over the course of a college career;

Whereas, in addition to the immediate physical and emotional costs, sexual assault has associated consequences that may include post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide, among others;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas, with recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can lead to the incarceration of rapists and therefore prevent them from committing further crimes;

Whereas national, State, territory, and tribal coalitions, community-based rape crisis centers, and other organizations across the Nation are committed to increasing public awareness of sexual violence and its prevalence, and to eliminating it through prevention and education;

Whereas important partnerships have been formed among criminal and juvenile justice agencies, health professionals, public health workers, educators, first responders, and victim service providers;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault;

Whereas, according to a 2010 survey of rape crisis centers by the National Alliance to End Sexual Violence, 72 percent of programs have experienced a reduction in funding over the past year, 56 percent have experienced a reduction in staffing, 23 percent currently have a waiting list for services, and funding and staffing cuts have resulted in an overall 50 percent reduction in the provision of institutional advocacy services;

Whereas individual and collective efforts reflect our dream for a Nation where citizens and organizations actively work to prevent all forms of sexual violence and no sexual assault victim goes unserved or ever feels there is no path to justice; and

Whereas April is recognized as "National Sexual Assault Awareness and Prevention Month": Now, therefore, be it

*Resolved*, That—

(1) it is the sense of the House of Representatives that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20 million men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) the House of Representatives strongly recommends national and community organizations, businesses in the private sector, colleges and universities, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) the House of Representatives supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

□ 1645

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, studies of the prevalence of crime and of victimization show that one in six women and one in 33 men will be a victim of rape or attempted rape in their lifetimes. On average, a person is sexually assaulted in the United States every 2½ minutes. In my home State of Wisconsin, we have learned that nearly 93 percent of sexual assault survivors are violated by someone they know and trust; tragically, oftentimes as youngsters before they have even reached the age of 15.

Nationwide, we know that children and young adults are most at risk. Forty-four percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30. It is estimated that 20–25 percent of women attending college are raped or assaulted over the course of their college career.

These statistics are staggering and unconscionable. Yet, as is often the case, statistics alone can't adequately convey the urgency of a future where no child, no woman, no man is ever sexually violated again.

Last fall I got a chance to hear from a courageous woman from Wisconsin who was sexually assaulted in 1993. I will call her Carrie, although that is not her real name. Carrie was walking from her home to meet her husband at a party in suburban Milwaukee. She was approached by three strangers with guns. Madam Speaker, she was raped for 45 minutes while two guns were held against her. She thought about screaming, but she was afraid she would be shot. After the assault, Carrie said, I lay there and the first thought that came to my head was: I wish they had killed me because this isn't going to go away.

Fifteen years later, the memories of the assault have not gone away. But with incredible personal strength, Carrie has channeled the horrendous experience of victimization and subsequent pain and fear into an incredibly positive way. She has dedicated herself to creating the social change necessary to end sexual violence, and she speaks eloquently about the need to support prevention programming and services for victims of sexual assault and their families. But maybe more importantly, she bravely puts a human face on sexual assault with those less familiar with the issue or its consequences.

Carrie is a neighbor, a daughter, a sister, a wife. And Carrie is a reason to fight as long as it takes to keep other women from experiencing what she has endured. She is a true survivor and an inspiration to me, and should be to all of us.

Although, like Carrie, most victims are younger women, the effects of sexual assault cut across all racial, social, religious, ethnic and economic boundaries. Whether the crime is rape, incest, child sexual abuse, stalking or sexual harassment, sexual assault impacts everywhere: our schools, workplaces, streets and homes. Sexual assault is a threat to both public health and public safety, and it requires a coordinated response in the form of increased support for prevention, education, law enforcement, prosecution, and services provided to survivors.

This year, as our country faces difficult economic times, sexual assault service providers are seeing marked increases in reported sexual violence for a variety of reasons. Yet according to a 2010 survey of rape crisis centers by the National Alliance to End Sexual Violence, fully 72 percent of sexual assault prevention programs have experienced a reduction in funding over the past year; 56 percent have experienced a reduction in staffing; 23 percent currently have a waiting list for services; and funding and staffing cuts have resulted in an overall 50 percent reduction in the provision of institutional advocacy services.

We still have far to go in eradicating the harm inflected in our communities by sexual assault. There is a clear and significant need for more public education and awareness.

The National Sexual Assault Awareness and Prevention Month does just this. Recognized each year in April, this dedicated month provides a special opportunity to educate Americans about sexual violence and to encourage

the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators. As part of the National Sexual Assault Awareness and Prevention Month, we recognize national and community organizations as well as private sector supporters for their work in promoting awareness about sexual assault, and also applaud public safety, law enforcement, and health professionals for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of offenders.

Along with my colleagues, Congressman TED POE from Texas and Congresswoman DEBBIE WASSERMAN SCHULTZ from Florida, I introduced House Resolution 1259 to recognize April 2010 as the National Sexual Assault Awareness and Prevention Month. By supporting this resolution, we highlight the efforts of individuals and agencies that provide rape crisis intervention and prevention services. We also call attention to sexual violence as a major public health issue and raise awareness of the need for increased resources for preventing sexual violence.

Madam Speaker, I want to extend my thanks to a number of advocates for their work on sexual assault prevention, and tireless work to help victims cope with the trauma of sexual assault and transition from victim to survivor.

In Wisconsin, we are incredibly lucky to have the Wisconsin Coalition Against Sexual Assault working to create the social change necessary to end sexual violence. My thanks go to the coalition and their member organizations across the State for the important work that they do.

And finally, I want to extend my sincere thanks to my colleagues, Congressman TED POE and Congresswoman DEBBIE WASSERMAN SCHULTZ for their strong support as the lead sponsors of this resolution. Thank you for your work and leadership.

Although we have made significant progress, we still have far to go in eradicating the harm inflicted on our communities by sexual assault, and I urge all of my colleagues to fully support this resolution recognizing National Sexual Assault Awareness and Prevention Month.

I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House considers House Resolution 1259, a resolution designating the month of April as Sexual Assault Awareness Month, and I totally support this important legislation. I want to thank the gentlewoman from Wisconsin (Ms. BALDWIN) for sponsoring this bill and bringing it to the attention of Congress again this year. It is important that we recognize Sexual Assault Awareness Month to bring awareness to this tragic crime that occurs throughout the United States.

The goal of the resolution is to raise public awareness and educate communities and individuals about sexual assault and sexual violence. It encourages the prevention of sexual assault and the improvement of treatment of its survivors and the prosecution of perpetrators.

The numbers tell the story we cannot ignore. On average, a person is sexually assaulted in the United States every 2½ minutes. According to the Department of Justice's Bureau of Justice Statistics, individuals age 12 or older experienced an estimated 222,000 rapes or sexual assaults in 2008, the last year for which we have data. The Rape Abuse Incest National Network, called RAINN, provides statistics about incidents of sexual assault in this country. And according to RAINN, children and young adults are the greatest risk of sexual assault: 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30. One in six women and 1 in 33 men are victims of rape or attempted rape. And over the course of their lifetimes, 18 percent of all women in the United States are raped.

Thankfully, there are thousands of advocates across the country who serve as a bridge to recovery and encourage survivors of sexual assault to report the crimes as soon as it occurs. As my friend from Wisconsin has pointed out, there are numerous victims groups. I call them the victims posse, who are out to help victims of crimes, especially in the area of sexual assault, and we commend them for their work in this country.

As we work to empower victims of sexual assault, we also need to support the efforts of law enforcement officials to punish sex offenders and combat future occurrences. Unfortunately, only 41 percent of sexual assault victims report their attacks to law enforcement. We must encourage victims to report the crimes so we can aggressively prosecute rapists and remove them from our communities. That is why we build penitentiaries, to house rapists and people who sexually assault children.

Today's House resolution increases public awareness of sexual assault and works to combat it through prevention, education, and punishment. As chairman and co-chair of the Victims Rights Caucus, along with my friend from California (Mr. COSTA) we totally support this legislation.

I have no further requests for time and am prepared to close.

Ms. BALDWIN. Madam Speaker, I continue to reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, as my friend has pointed out, this resolution, Sexual Assault Awareness Month, the statistics really don't tell the story because it is a story about people. Real people. She mentioned one from her State of Wisconsin. And there are too many to mention and talk about. But I would like to talk about one person that impacted my life.

Before I came to Congress, I spent all of my time at the courthouse in Houston, first as a prosecutor and then as a criminal court judge. Every day for years, almost 30, I saw criminal cases, either prosecuting them or hearing them as a judge.

One of those cases involved a young lady. I will call her Lisa. Lisa was a student at the University of Houston. She was married and had a couple of sons. She worked in the daytime and went to school at night to get a second degree. She had left school one evening and she was driving down one of our freeways heading home out in the suburbs. The lights came on on the dash of her car, she had car trouble, and she pulled off to a service station she thought was open. It was not open, but she thought it was. Lisa talked to the service station attendant, turned out he wasn't the service station attendant but she thought he was, trying to get some help late at night.

The first thing that happened, Luke Johnson pulled her out of that car. He kidnapped her. He took her to a remote area of east Texas in the piney woods. He sexually assaulted her. He beat her so bad with a pistol that he thought he had killed her. In fact, when he later was arrested, he was mad that he hadn't killed her. Lisa was a remarkable woman. She survived that brutal attack even though she laid in the woods for a couple of days before a hunter found her. She was rescued. Her physical needs were met. The person who committed that crime, Luke Johnson, was captured by the police. He was charged with aggravated sexual assault. He was tried in my court. Lisa came and testified about the events. Luke Johnson was convicted and sent to the penitentiary for 99 years.

You see, Madam Speaker, we would hope that would be the rest of story and life would go on and victims would recover; but that is not the world we live in. Victims are people, and because they are people, things happen to them emotionally as well as physically.

□ 1700

The first thing that happened to Lisa was she didn't go back to school; she never went back to that campus again. The next thing that happened is she lost her job; she was fired because she could not concentrate based upon this crime. Her husband, being the kind of guy he was, he decided he no longer wanted her. He filed for divorce, divorced her, got custody of the children, and moved to another State.

Lisa started abusing drugs. First it was alcohol, then it was everything else. She couldn't quite handle the fact

that she was a victim of crime, even though the perpetrator was off in the penitentiary. And not too long after this crime was committed, I received a phone call from Lisa's mother, and she told me that Lisa had taken her life. She left a note, Madam Speaker, that I still have in my office today across the street, and the note reads, ''I'm tired of running from Luke Johnson in my nightmares.''

See, she got the death penalty for being a victim of sexual assault. And we would hope that victims could handle it, that they could move on with their life, that they could cope, but that's not the world we operate in because they're real people. And we as a Nation need to be sensitive to victims of sexual assault. It's the most unusual crime in our culture. We can sort of see why people commit theft. We can see sometimes why people get mad and in a rage they might even commit a murder. But there is no logical reason why anybody would commit the crime of sexual assault against another person unless it's an attempt to steal the very soul of that person, and that's what criminals are trying to do when they commit this crime. That is why it is such a horrible crime, and we as a culture must be concerned about it.

So this resolution helps bring that to the public forum, that Sexual Assault Awareness Month is something that we should be, as a people, concerned about because victims have rights, too. The same Constitution that protects defendants protects victims of crime. And as it has been said before, we are not judged by the way we treat the rich, the famous, the powerful, the important folks. We're judged by the way we treat the innocent, the weak, the victims of crime. That's how we as a people will be judged.

So I commend the gentlelady from Wisconsin for sponsoring this resolution. I wholeheartedly support it and I urge its adoption.

Madam Speaker, I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, I appreciate my cosponsor of this legislation for also putting a name, a story, and a face on this very consequential matter. Lisa and Carrie from our respective States represent many other victims and survivors alike, and it speaks to the importance of this resolution. I commend the gentleman for his advocacy and ask for support of this resolution.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. TITUS). The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the resolution, H. Res. 1259.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## WORLD INTELLECTUAL PROPERTY DAY

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1208) supporting the goals of World Intellectual Property Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1208

Whereas intellectual property is the backbone of the economic competitiveness of the United States and the only economic sector in which the United States has a trade surplus with every nation in the world;

Whereas well over 50 percent of United States exports now depend on some form of intellectual property, compared to less than 10 percent 50 years ago;

Whereas intangible assets that stem from intellectual property, such as high-value services, global branding, technological know-how, and scientific research, must be recognized as cornerstones in achieving economic recovery and creating jobs;

Whereas intellectual property assets today represent more than one third of the value of United States-based corporations and more than 17 percent of the gross domestic product of the United States;

Whereas intellectual property plays a significant role in an increasingly broad range of services, ranging from the Internet to health care to nearly all aspects of science and technology and literature and the arts, and the potential for innovation and invention must be fostered as its greatest attribute;

Whereas the United States and all countries share the challenge of combating piracy and counterfeiting of intellectual property, including illicit trade in life-saving drugs, cutting edge technologies, film, music, books, and inventions that affect the quality of life;

Whereas the piracy and counterfeiting of intellectual property have a significant impact on economies around the world, translate into lost jobs, lost earnings, and lost tax revenues, and threaten public health and safety;

Whereas the World Intellectual Property Organization, with 184 member states, is the primary organization in the world focused on the development and protection of intellectual property rights for all creators and all countries;

Whereas World Intellectual Property Day provides an opportunity to reflect on how intellectual property touches all aspects of people's lives, how copyright helps music to be heard and art, films, and literature to be seen, how industrial design helps shape the world in which people live, how trademarks provide reliable signs of quality, and how patenting helps promote ingenious inventions that make life easier, faster, safer, and sometimes completely changes the way people live;

Whereas the theme of 2010 World Intellectual Property Day is ''Innovation-Linking the World'', and presents an opportunity to champion the role of intellectual property rights in providing incentives for the development of the innovative solutions needed to meet today's global challenges while creating jobs and stimulating the United States economy;

Whereas April 26, 1970, was the date on which the Convention establishing the World Intellectual Property Organization entered into force;

Whereas, in 2000, member states of the World Intellectual Property Organization established World Intellectual Property Day to celebrate the contribution made by innovators and artists to the development and growth of societies across the globe and to highlight the importance and practical use of intellectual property in everyone's daily lives; and

Whereas April 26, 2010, has been designated as World Intellectual Property Day, a time to celebrate the importance of intellectual property to the United States and the world: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals of World Intellectual Property Day to promote, inform, and teach the importance of intellectual property as a tool for economic, social, and cultural development;

(2) recognizes the ever-increasing importance of intellectual property and the new challenges and serious threats to its protection, which affect prospects for future growth of the United States economy;

(3) supports robust and ongoing efforts to protect the health and well-being of citizens in the United States from fraudulent and illegal counterfeiting and piracy;

(4) congratulates the World Intellectual Property Organization for building awareness of the value of intellectual property and developing the necessary infrastructure to help citizens take full advantage of their own creativity; and

(5) applauds the ongoing contributions of human creativity and intellectual property to growth and innovation and for the key role they play in promoting and ensuring a brighter and stronger future for the United States and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1208 supports the goals of World Intellectual Property Day and recognizes the importance of protecting intellectual property. World Intellectual Property Day brings attention to the impact that intellectual property has in our daily lives, educates us on how intellectual property protection promotes creativity and innovation, and celebrates its contributions to society.

The theme for World Intellectual Property Day this year is, ''Innovation: Linking the World.'' The focus is to educate us on how innovation technologies have created an interlinked and global society.

Yesterday, we celebrated the 10th annual World Intellectual Property Day. This day was selected because on April 26, 1970, the United Nations established the World Intellectual Property Organization, otherwise known as WIPO. WIPO works to promote the protection of intellectual property throughout the world, and yesterday was WIPO's 40th anniversary. This resolution congratulates the World Intellectual Property Organization for building awareness of the value of intellectual property. This resolution also celebrates the contributions of innovators throughout the world and reminds us of the importance of protecting intellectual property rights.

Protecting intellectual property rights is key to maintaining incentives for the development of innovative solutions to meet today's global challenges, and so we must continue to fight against piracy and counterfeiting of intellectual property. Piracy damages our national economy and the world economy. It results in lost jobs and stifles innovation.

I would like to thank Congressman ADAM SMITH for introducing this resolution. I would also like to acknowledge the strong bipartisan support of members of the Intellectual Property Caucus.

I urge my colleagues to support this important resolution, and I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield as much time as he might consume to the gentleman from North Carolina (Mr. COBLE), a senior member of the Judiciary Committee and a former chairman of the Intellectual Property Subcommittee.

Mr. COBLE. I thank my friend from Texas (Mr. SMITH) for yielding.

Madam Speaker, intellectual property has been described as the cornerstone, or one of the cornerstones, of America's economic future; and I think that is an accurate description.

H. Res. 1208 supports the goals of World Intellectual Property Day, which falls on April 26 every year, which this year also happened to fall on the 40th anniversary of the World Intellectual Property Organization, commonly known as WIPO. WIPO has grown to 184 member states, and its new director general, Francis Gurry, issued a statement honoring World Intellectual Property Day, which pledged to ensure that the intellectual property system continues to serve its most fundamental purpose of encouraging innovation and creativity, and that the benefits of the system are accessible to all, helping to bring the world closer.

Robust and effective laws combined with effective enforcement are absolutely necessary to meet General Gurry's global ambitions. According to the Department of Commerce, intellectual property-intensive industries employ nearly 18 million workers, account for more than 50 percent of all U.S. exports, and represent 40 percent of the country's growth in the United States. USA for Innovation estimates that U.S. intellectual property is worth between $5 trillion and $5.5 trillion. The credit for this success belongs to our great innovators and for our robust intellectual property laws which have enabled innovation to flourish in America.

Expanding similar intellectual property protections throughout the world is, in my opinion, Madam Speaker, in everyone's best interest. In this regard, WIPO plays a very important role, and it is my hope that General Gurry will make every effort to help others realize the significance of intellectual property rights and work to help implement and enforce robust laws which ensure that intellectual property will flourish everywhere.

I urge support of H. Res. 1208.

Ms. BALDWIN. Madam Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH), the author of the resolution before us.

Mr. SMITH of Washington. Madam Speaker, I rise in strong support of House Resolution 1208.

I would like to thank Chairman CONYERS as well as his staff for their support in bringing this resolution to the floor, and for the kind remarks from the gentleman from North Carolina (Mr. COBLE). I also want to thank the other Chairs of the House Intellectual Property Caucus, the gentlewoman from California (Mrs. BONO MACK) and, again, the gentleman from North Carolina (Mr. COBLE), who have joined me in sponsoring House Resolution 1208.

This important resolution commemorates World Intellectual Property Day, which was observed yesterday, April 26. Each year since 2001, World IP Day has been held in observance of the establishment of the World Intellectual Property Organization by the United Nations. World Intellectual Property Day calls attention to the importance of IP for both our Nation and the international economy. It recognizes the contributions made by the countless artists, innovators, and other creative minds that enrich, assist, and inform us in many ways.

In and around my district in Washington State, I am able to observe daily the critically important role played by innovation and intellectual property to the economies of the South Sound region and the United States. As many of my colleagues are aware, Washington State is fortunate to boast a robust technological and innovative economy, with companies that range in size from major corporations to hundreds of smaller and medium-size businesses. Together, these industries directly and indirectly create hundreds of thousands of jobs and generate billions of dollars in economic activity. Each relies upon innovation and respect for intellectual property to remain successful and internationally competitive.

Similarly, in States and localities throughout America, artists, inventors, and employees in IP-intensive industries play a major role in supporting economic vitality. IP creates well-paying job opportunities for workers of multiple skill levels, drives research and development investment, creates new products and services that make our Nation more globally competitive, and drives American exports to foreign markets.

For intellectual property to work, it has to be protected; people have to know that they will get the value of their inventions and of their brain power. We must protect intellectual property to grow jobs here in the U.S. It is critical.

I am proud to recognize World Intellectual Property Day, and I ask my colleagues to join me in supporting this resolution to recognize World Intellectual Property Day and the role that intellectual property plays in our Nation.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the purpose of House Resolution 1208 is to congratulate the World Intellectual Property Organization, WIPO, for its work and to support the goals of World Intellectual Property Day. This day includes teaching the importance of intellectual property as a tool for economic, social, and cultural development.

WIPO is considered the most important international organization for the promotion of intellectual property. Among other responsibilities, WIPO administers treaties, such as the Berne and Paris Conventions, that protect intellectual property globally. The United States, of course, is a WIPO member.

Nine years ago, WIPO member states commemorated the founding of the organization by establishing World Intellectual Property Day. April 26, 1970 is the date on which the convention that created WIPO took effect. This resolution commemorates the achievements of WIPO and its designation of April 26, 2010 as World Intellectual Property Day for the current year. In addition, the resolution contains background information on the extent to which intellectual property generates jobs, sales, and exports for the United States, while contrasting these benefits with the problems related to piracy and anti-counterfeiting.

I support this resolution and I urge its adoption.

Madam Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Madam Speaker, I rise in strong support of H. Res. 1208, which expresses support for World IP Day.

April 26, 2010 was the 10th annual World IP Day. This day was designated by the member nations of the World Intellectual Property Organization in order to raise awareness of how patents, copyright, and trademarks impact daily life, to raise understanding of how protecting IP rights helps promote creativity and innovation, to celebrate the contributions of creators and innovators to societies around the world, and to encourage respect for the IP rights of others.

When the Founders of our great Nation crafted the U.S. Constitution, they saw fit to include provisions to provide for the protection of intellectual property. They believed that if authors and inventors had the exclusive ability to use and reap a return on their creations for a limited time, then those artists and inventors would have the financial incentive to create new and exciting products that would benefit society and our economy. And it worked!

Today, America is the world leader in innovation and creativity precisely because of our Founders' foresight and our Nation's exceptionally strong intellectual property laws. Furthermore, the IP industries in America are a major driving force and job-creating engine of our economy.

Recently I had the opportunity to talk with a famous American author who told a story that hammered home how much the creative ideas of one man, if properly protected by intellectual property laws, can multiply into real jobs for real people. He wrote a best-selling novel. That novel then needed to be edited, reviewed, printed, marketed and distributed. The novel then became a movie, which needed to be produced, reviewed, distributed and shown in movie theatres, then in movie rental shops all across the country. The protected idea of one man helped to create all these jobs down the line. It is stories like this that need to be told on World IP Day.

In today's digital world, the Internet's fast connections can be used to download, upload and otherwise share illegal copies of songs, movies, games, and software at unprecedented levels. As we continue our journey into the digital age, it is even more important that we continue to jealously guard creators' intellectual property rights in order to foster new content, innovative products, and American jobs.

Ms. BALDWIN. Madam Speaker, I ask my colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the resolution, H. Res. 1208.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1715

## INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2009

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3808

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Interstate Recognition of Notarizations Act of 2009".

**SEC. 2. RECOGNITION OF NOTARIZATIONS IN FEDERAL COURTS.**

Each Federal court shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the Federal court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

**SEC. 3. RECOGNITION OF NOTARIZATIONS IN STATE COURTS.**

Each court that operates under the jurisdiction of a State shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) ELECTRONIC RECORD.—The term "electronic record" has the meaning given that term in section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006).

(2) LOGICALLY ASSOCIATED WITH.—Seal information is "logically associated with" an electronic record if the seal information is securely bound to the electronic record in such a manner as to make it impracticable to falsify or alter, without detection, either the record or the seal information.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Ms. BALDWIN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3808, the Interstate Recognition of Notarizations Act of 2009, requires all Federal and State courts to recognize documents lawfully notarized in any State of the Union when interstate commerce is involved. An identical version of this bill passed the House in 2007.

A notary public has the professional expertise to verify the identity of the signatory to a document and ensure that it was willingly signed. Notary publics are a critical first line of defense against fraud. Although notarization serves the same purposes in all States, there are differences in State laws governing notarization, and also varying technical formalities. That makes it difficult for a State to recognize an out-of-state notarization.

For example, some States dictate that ink seals must be used, while others require embossers. Some States require very specific language in the acknowledgment certificate, and thus the language used in other States may not be acceptable. Such technical differences between State law hinder the recognition of documents that were lawfully notarized in the State in which the notarization was performed, and this can cause unnecessary delays that impact important legal rights and interstate commerce.

The fact that some States do not recognize documents lawfully notarized in other States also presents a constitutional issue. The U.S. Constitution requires that each State give full faith and credit to the public acts, records, and judicial proceedings of every other State. The 21st century affords advances in transportation and telecommunications that have expanded the ability of individuals and businesses to conduct their affairs across State boundaries. The laws governing notarization should not be permitted to continue encumbering their ability to do so.

By giving those laws reciprocal recognition, effectively harmonizing them, H.R. 3808 will bring those laws within the spirit of the Constitution's vision and bring much needed relief from antiquated formalities.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at the outset I want to thank the sponsor of the bill, Representative ADERHOLT, for his persistence and patience. This is the third

time the full House has considered his bill to streamline the use of notarized documents across State lines, and I hope this will be the last, followed by the Senate, and then enactment.

H.R. 3808 eliminates unnecessary impediments in handling the everyday transactions of individuals and businesses.

Many documents executed and notarized in one state, either by design or happenstance, find their way into neighboring or more distant states.

If ultimately needed in any one of the latter jurisdictions to support or defend a claim in court, that document should not be refused admission solely on the ground it was not notarized in the state where the court sits.

H.R. 3808 ensures this will not happen.

A notarization in and of itself neither validates a document nor speaks to the truthfulness or accuracy of its contents.

The notarization serves a different function—it verifies that a document signer is who he or she purports to be and has willingly signed the document.

By executing the notarial certificate, the notary public, as a disinterested party to the transaction, informs all other parties relying on or using the document that it is the act of the person who signed it.

Consistent with the vital significance of the notarial act, H.R. 3808 compels a court to accept the authenticity of the document even though the notarization was performed in a state other than where the forum is located.

Madam Speaker, much of the testimony we received at our Subcommittee hearing on the bill in 2006 addressed the silliness of one state not accepting the validity of another state's notarized document in an interstate legal proceeding.

Some of the examples were based on petty reasons. For instance, one state requires a notary to affix an ink stamp to a document, an act that is not recognized in a sister state that requires documents to be notarized with a raised, embossed seal.

Passing the bill will streamline interstate commercial and legal transactions consistent with the guarantees of the Full Faith and Credit Clause of the Constitution.

Madam Speaker, I urge Members to support H.R. 3808.

I yield such time as he may consume to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Madam Speaker, I appreciate the chairman's support for this legislation to be brought to the floor, and of course the support of Ranking Member SMITH on this legislation as well. Without it, this legislation, we would not be here today where we are.

One other person who has been very supportive and who actually brought this to my attention several years ago is my friend MIKE TURNER, from Birmingham. We've worked together on this to try to resolve this issue through the United States Congress, and so here we are, as mentioned, the third time to try to resolve this.

There is an old saying, ''The third time's the charm,'' and I am hopeful today that saying holds true. As my colleagues who serve on the Judiciary Committee are well aware, today marks the third time that the House of Representatives has brought up, and hopefully will pass, this bill. The key, of course, lies with our friends in the other Chamber. So I look forward to working with our colleagues in the Senate and getting the bill moved through that Chamber as well.

I was first made aware of this problem, as I say, by my friend MIKE TURNER when I was first elected to Congress back in 1997. Here we are in 2010. The issue is still not resolved. This is an issue of great frustration to people who deal with notaries on a daily basis.

Several years ago, the House Judiciary Committee worked with supporters of this issue to find a satisfactory solution to the problem of the recognition of notarizations across State lines. In March of 2006, the Subcommittee on Courts, the Internet, and Intellectual Property heard from several witnesses who all agreed that this is an ongoing and difficult problem for interstate commerce. To businesses and individuals engaged in businesses across State lines, this is a matter long overdue.

In a nutshell, as it has been stated, H.R. 3808 will expedite interstate commerce so that court documents and other notarized documents will be fully recognized from one State to another. Today States can refuse to acknowledge the integrity of notarized documents from one State to another. This legislation, H.R. 3808, will streamline the interstate, commercial, and legal transactions consistent with the guarantees of the States' rights that are called for in the full faith and credit clause of the United States Constitution.

This legislation preserves the rights of States to set standards and regulate notaries, while reducing the burden on the average citizen who has to use our court systems. Currently, as the law stands today, each State is responsible for regulating its notaries. Typically, an individual will pay a fee, they will submit an application, and they will take an oath of office. Some States require the applicants enroll in educational courses, to pass exams, and even obtain a notary bond. Nothing in this legislation will change those steps. Please know we are not trying to mandate how States regulate notaries which they appoint. The bill will not preclude the challenge of notarized documents such as a will contest.

Again, I want to stress that this is in no way trying to mandate what a State should do or what a State should not do. It simply allows there to be more free flow of commerce between States, and particularly when you are talking about the regulation of notaries themselves.

Again, I want to thank the chairman and also the ranking member for their support of this legislation to allow us to move forward. I would urge my colleagues that when this legislation is brought for a vote that they would support it under suspension of the rules.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, I urge my colleagues to pass H.R. 3808, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 3808.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## NATIONAL AUTISM AWARENESS MONTH

Mr. DOYLE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1033) expressing support for designation of April 2010 as ''National Autism Awareness Month'' and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1033

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, affecting individuals' ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 110 children in the United States;

Whereas autism is four times more likely to be diagnosed in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately $80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-age children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of $90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas April 2010 would be an appropriate month to designate as ''National Autism Awareness Month'' to increase public awareness of the need to support individuals with autism and the family members and medical

professionals who care for individuals with autism: Now, therefore, be it

*Resolved*, That the United States House of Representatives—

(1) expresses support for designation of a ''National Autism Awareness Month'';

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing financial costs for specialized education and support services;

(3) supports the goal of devoting resources to researching the root causes of autism, identifying the best methods of early intervention and treatment, expanding programs for individuals with autism across their lifespans, and promoting understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and that early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(6) recognizes the importance of worker training programs that are tailored to the needs of people with developmental disabilities, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DOYLE) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DOYLE).

GENERAL LEAVE

Mr. DOYLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DOYLE. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 1033. This resolution expresses support for the designation of this month, the month of April, as National Autism Awareness Month.

Autism spectrum disorders are a group of developmental disabilities that affect an estimated one in 100 children nationwide. ASDs, or autism, are typically diagnosed within the first 3 years of life. Autism occurs in all racial, ethnic, and socioeconomic groups. However, we know that autism affects each person and certain groups differently.

People with Asperger's syndrome, one form of autism, typically do not have difficulty with language or intellectual disability. Others with autism have more notable language delays and social challenges, among other symptoms. This form of autism is referred to as autistic disorder, or classic autism. Autism is at least four times more likely to be diagnosed in boys than in girls.

We have made important progress in research on autism within the past few years, and I and dozens of Members of Congress who annually seek and obtain billions of dollars for autism funding know that there remains much to learn about the risk factors and causes of this group of conditions.

We must also continue to raise awareness regarding the signs and symptoms of autism. Today's resolution gives us an opportunity to do just that. This awareness raising is particularly important since early intervention has shown to improve a child's development.

This resolution recognizes and commends parents and relatives for their dedication in caring for children with autism. It supports the investment of resources into research that will help improve our understanding of autism and promote early intervention and treatment. It also recognizes the importance of appropriately trained educators to respond to students with special needs.

Those are the reasons why my friend CHRIS SMITH and I, as founders and cochairs of the Congressional Autism Caucus, introduced H.R. 2413, the Autism Treatment Acceleration Act. That bill will reinforce our country's work to identify the causes of autism by improving the coordination of our government's efforts. And it establishes a national network of autism research in order to strengthen linkages between research and service initiatives at the Federal, regional, State, and local levels, and facilitate the translation of research on autism into services and treatments that will improve the quality of life for individuals with autism and their families. A national data repository will be created to share emerging data, findings, and treatment models.

This resolution on the floor today mentions the needs of adults with autism, and our bipartisan bill, H.R. 2413, actually creates an adult services demonstration project to provide an array of services to adults with autism spectrum disorders, including postsecondary education, vocational and self-advocacy skills, employment; residential services, supports and housing; nutrition, health and wellness, recreational and social activities; and transportation and personal safety.

I am proud that our bill, H.R. 2413, will also create a national training initiative on autism and a technical assistance center to develop and expand interdisciplinary training and continuing education on autism spectrum disorders.

We ask all the Members of the House, including this resolution's sponsors, to join us and cosponsor H.R. 2413, the Autism Treatment Acceleration Act, a meaningful bill that would achieve the goals of today's resolution.

I want to commend Representative REICHERT, the sponsor of this resolution, for his work on this resolution at a time when so much needs to be done for children and adults with autism.

Madam Speaker, I would also like to note that the Committee on Education and Labor received a secondary referral for this resolution. The committee agreed to waive the opportunity to exercise its jurisdiction in the interests of advancing this resolution. I want to say thank you to Chairman MILLER for allowing this resolution to be brought to the floor as quickly as possible. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 1033, expressing support for National Autism Awareness Month, and I am pleased to join the gentleman from Pennsylvania, the cochair of the Autism Caucus, on behalf of the other cochair of the Autism Caucus, the gentleman from New Jersey (Mr. SMITH), as well as the gentleman from Washington (Mr. REICHERT), the prime sponsor, and Mr. BACHUS of Alabama and Mr. GERLACH from Pennsylvania, who are other sponsors of this resolution.

☐ 1730

The resolution, as was stated, acknowledges April as National Autism Awareness Month, and it supports the research efforts for the causes and treatments of autism. I would like to recognize the efforts of those who have gone through the appropriate training and who have provided support to individuals with autism.

I would also like to recognize the parents, the relatives, the friends of those with autism for their sacrifices and dedication, especially for absorbing many times the significant costs for specialized education and support services.

Some have estimated that one in every 110 children in the United States is affected by a disorder on the autism spectrum. Once diagnosed, early intervention is important to improve the outcomes of those with autism and to reduce the level of funding and services needed to treat people with autism spectrum disorder later in life. Continued research to identify the root causes of autism and support for the training of caregivers and teachers who work

with children with autism will ensure that people with autism will continue to be important and productive members of society.

I would like to thank especially the author of the resolution, Mr. DAVID REICHERT of Washington, for his leadership in raising autism awareness, and I would like to commend the efforts of those who care for individuals with autism. I encourage all of my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

Mr. DOYLE. Madam Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Madam Speaker, I rise in support of House Resolution 1033, expressing the House of Representatives' support for April as National Autism Awareness Month.

There are an estimated 1.5 million Americans living with autism, a developmental disorder that affects a person's ability to communicate and to interact with others. A recent report shows that autism prevalence is on the rise. It now occurs in one out of every 110 births in the United States. We need to take action to address the causes of autism now and provide support to individuals and families affected by the disorder.

National Autism Awareness Month is an important advocacy tool for those affected by autism and by those affected by Asperger's to raise awareness about a similar but distinct condition. Asperger's disorder is distinctive from autism in that its symptoms are less severe. Individuals with Asperger's often possess above-average intelligence and want social interaction with other people, but their condition is an obstacle to communication. Americans with Asperger's and autism have so much to offer. With the right support to help overcome the barriers of their disorders, they can share their talents and can be productive, engaged members of our communities.

I am proud to offer my support to National Autism Awareness Month, and I urge my colleagues to support not only this resolution but individuals and families affected by autism and Asperger's throughout our country.

Mr. PITTS. Madam Speaker, I yield 5 minutes to the cochair of the Autism Caucus, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend, Mr. PITTS, for yielding.

Madam Speaker, I rise in strong support of H. Res. 1033, a resolution designating April 2010 as National Autism Awareness Month.

I thank my friends and colleagues Messrs. REICHERT, GERLACH, and BACHUS. I especially want to thank my good friend and colleague, the cochair of the House caucus, who is MIKE DOYLE, and Mr. PITTS for their leadership on this very important resolution and, most importantly, on this very important issue.

This resolution serves an important function of increasing awareness of the 1.5 million individuals who are living with autism spectrum disorder and of the extreme dedication and efforts of their families in providing the best possible care and environments for their children, grandchildren, brothers, and sisters.

I want to especially note that the parents and the grandparents of children with autism have earned our enormous respect. I know many families with autism. It can be a very harrowing ordeal. Yet they do it with such class and with such love and dedication to their children. The concerns of the parents are validated in the community, and have since been found to be true nationwide in terms of the numbers.

I will point out to my colleagues that I've been involved in autism since 1981, since my first term. I'll never forget visiting Eden Institute in Princeton, which does tremendous breakthrough research and work with autism children and young adults. Frankly, for me, it wasn't until 1998 when two parents, Bobbie and Billy Gallagher from Brick Township, New Jersey, came to me after hours and said, Congressman, we'd like you to sit down and look over some of the evidence and data we've accumulated because it is our belief that there is a prevalent spike in autism in Brick.

We brought in all of the good players. We brought in the CDC; we brought in the NIH folks, and we brought in public health experts. We put together a study to find out what was or is the trigger that was seemingly causing this huge spike in autistic children in one particular town in the State of New Jersey. To our shock and dismay, as this was going on, we discovered that there was a prevalence spike for sure, but it was most likely throughout the rest of New Jersey and probably, as it was highly suggestive, throughout the entire country of the United States.

So we put together a piece of legislation to establish what we called the Centers of Excellence to look at, especially, and to apply the best principles and prevalence techniques to determine what was causing this and to determine how many children were being malaffected by autism. To our shock and dismay, again we discovered that the United States didn't have a one in 10,000 prevalence, which is what the expectation was when I was elected in 1981, but that it was much higher. At that point, it was put at about one out of every 150 children.

So the Centers of Excellence were funded. The legislation was passed. I'll never forget that Congressman MIKE BILIRAKIS was kind enough to accept our legislation as Title I of the Children's Health Act, which was a very comprehensive law designed to help children. Title I not only put more money into the CDC but also into the National Institutes of Health, which then was very much underfunding this effort to try to help autistic children.

Just for the record, we were spending $287,000 per year on autism at CDC. As my colleagues know, that falls off the table at some of our bureaucracies. That number has now gone up significantly to about $15 million, and now we have a critical mass of money working very synergistically with local health departments and the Centers for Disease Control and Prevention as well as on these prevalence efforts to find out what the parameters are of this developmental disability, because you can't combat something unless you know the who, what, when, where, and why of it, and that is what we are trying to do.

In the early 2000s, Mr. DOYLE and I launched the Autism Caucus. We have tried throughout these years to be very supportive of every legislative effort, including the cure autism efforts of these past several years. The key has been more money for research, more money for early childhood interventions and trying to deal with the issue of what happens after a child reaches adulthood. It seems to me that every dollar we spend early-on means that we can have a higher functioning autistic child, now young adult, who can get a job, who can become gainfully employed, and who can become as independent as humanly possible. So every dollar we spend on autism is a dollar well spent.

Mr. DOYLE and I have already entered into a compact with friends in Northern Ireland, in Wales, and in Scotland where they have an autism problem. This is a global phenomenon, as my friends and colleagues know, and we need to do more.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman an additional 2 minutes.

Mr. SMITH of New Jersey. I have introduced a bill which would provide small grant money to fledgling nongovernmental organizations throughout the world.

In my travels to places like Nigeria, I met up with a small nongovernmental organization which was like David versus Goliath. I was trying to get the government there to realize that they have an autistic problem that is estimated to affect about 1 million children in Nigeria alone. Nobody knows how accurate that is, but the best and most well-intentioned people in Nigeria have come to that number.

So we do have a serious spike. What is the trigger? Is it too many vaccines given at one time, you know, where the megadosing that occurs today in that little child can't metabolize and where the body can't deal with it in a way that leads to the child's being safe from those other diseases? Is it thimerosal? For our children and for our

young adults who have autism, we need to continue to leave no stone unturned in finding what the trigger is or what the multiple triggers are.

Finally, again, I want to thank Bobbie and Billy Gallagher, who are the two parents in Brick Township who came forward with a stack of papers and who said, Please, will you take this up?

I took it up, and I've enjoyed working closely with friends and colleagues on the other side of the aisle so that we can cure autism now. The sooner the better.

Mr. DOYLE. I would just like to say that I deeply appreciate the efforts of the gentleman from New Jersey on behalf of all people with autism and on behalf of their families. He has been a true champion, and I appreciate his friendship, too.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Thank you very much for yielding time to me.

Of course I want to commend the members of the Autism Caucus for their outstanding work that they're doing. I also hope that this resolution will bring about awareness and support for autism.

Madam Speaker, let me just say that we know that more research is needed, and I think that any way that we can make it possible for people to focus on it and to understand how important these additional resources are makes a whole lot of sense.

I just want to commend my colleagues for their outstanding work that they have done to bring us to this point. I am hoping that, as a result of this, we will get more Members involved and, of course, more people involved in this issue, because there are still a lot of unanswered questions. At any time we can create a situation where people will focus on it, then I think answers will be coming forth.

So I just want to commend my colleagues for this effort. I look forward to working with them because this is a very serious problem. It is one that should not be ignored, and it is one on which we really should spend time making certain we get the word out in order to get the kind of research that we need to have in order to bring about a solution.

Mr. PITTS. Madam Speaker, I yield 3 minutes to one of the cosponsors of the resolution, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Madam Speaker, as a parent myself, I know that there is nothing more important than the well-being of a child to a parent. When there is a change in a child's behavior and when the parents or grandparents notice that something is wrong, they are the first to notice, and they are also the first to want answers. Often those answers are that the child has autism or is on the autism spectrum.

I also join in commending MIKE DOYLE and CHRIS SMITH for their long labors on this issue, and I would like to associate myself with the remarks of Mr. TOWNS and of others.

Autism has always been a challenging diagnosis. There is an increased instance of autism spectrum disorder. It is quite a phenomenon. As of yet, it hasn't really been explained, but it is something that children, families, and siblings will have to deal with their entire lives. There are two very important things that we now know about autism:

The first is that awareness is critical, so I commend Mr. REICHERT and Mr. GERLACH, along with Mr. PITTS and the other speakers today. That's what makes the designation of April as National Autism Awareness Month so significant. The sooner an autism spectrum disorder is identified, the sooner a child can receive specialized treatment.

The second thing we know is that early intervention programs can make an exceptional difference in the quality of life for these precious children. This has been proven not just by studies but by the personal stories told by individual families. They've seen their young people literally blossom in front of their eyes as a result of early treatment.

The Birmingham area, from which I hail, has an innovative center called Mitchell's Place. It's named for Mitchell, who is the son of the two founders, the Meislers. It is a model for autism services, not just for Alabama but for the entire country. Mitchell's Place combines the latest in behavioral and developmental research on autism with a structured and caring environment. When you walk through the doors of the center, which is bright and nurturing, you can feel the love for the children, and they respond.

There are many promising developments to report to families living with autism. Recently, I and Congressman MIKE DOYLE, who is the chairman of the Congressional Autism Council, hosted a briefing at which we heard from the Director of the National Institutes of Health, Dr. Thomas Insel. He told us about exciting research which is progressing in a number of areas. Expert researchers are studying causes, early intervention programs, strategies for older individuals with autism, and even potential cures.

□ 1745

In my State, thanks to the efforts of State Representative Cam Ward, we now have an Autism Task Force which is coordinating our State resources, and I know we patterned that after Pennsylvania, Congressman GERLACH.

In conclusion, it's an honor to speak on behalf this resolution and of the children and parents and grandparents and loved ones of those with autism. It's a pleasure to work with many Members of Congress who care so deeply about this issue, including the lead cosponsors, Congressmen REICHERT and GERLACH, along with Mr. PITTS from Pennsylvania, Mr. SMITH, and Mr. DOYLE. Today's resolution has great meaning to millions of families across America affected by autism spectrum disorder.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman an additional 15 seconds.

Mr. BACHUS. If it encourages parents to be more attentive to the symptoms of autism and to get early treatment for their children, we will have done a great service for their families.

Mr. DOYLE. Madam Speaker, I continue to reserve the balance of my time.

Mr. PITTS. I yield the balance of my time to the gentleman from Pennsylvania, my good friend JIM GERLACH.

Mr. GERLACH. I thank the gentleman for yielding.

Madam Speaker, I rise today to join my colleagues and to thank my colleagues—Congressman BACHUS, Congressman REICHERT, Congressman PITTS, Congressman SMITH, Congressman DOYLE, Congressman TOWNS. Thank you for joining in support of this resolution to recognize April 2010 as National Autism Awareness Month.

As you may know, last December the Centers for Disease Control and Prevention released a report on the prevalence of autism. This report concluded that autism affects an estimated one out of every 110 children in the United States, including one in 70 boys. This means that autism is more common than childhood cancer, juvenile diabetes, and pediatric AIDS combined. In addition to being one of the most common disorders that affect our children, autism is believed to cost more than $90 billion a year to treat.

Earlier this month, the Pennsylvania Department of Public Welfare released its Pennsylvania Autism Census, which conducted a county-by-county census on the number of individuals suffering from autism. The total number of individuals with autism in the Commonwealth is estimated to be over 25,000, including 3,500 adults with the disorder.

Despite the prevalence of autism and its impact on individuals, families, and our Nation's health care system, there is still much to be learned about how best to diagnose and treat this disorder. That's why our resolution supports devoting resources toward researching the root causes of autism and identifying the best treatments and programs to help individuals with the disorder.

Because autism affects the entire family, not just the child with the disorder, our resolution also commends the parents and relatives of children

with autism for their dedication in providing for their special needs. While there's no single cause known for autism, I believe we should focus our attention on increased awareness and funding for autism research. Our resolution is an important step in achieving our goal of searching for better treatments and hopefully, one day, a cure.

Please join me and my colleagues in supporting this resolution.

Mr. REICHERT. Madam Speaker, more children will be diagnosed this year with autism than with diabetes, cancer, and AIDS combined. It is the fastest-growing serious developmental disability in the world.

In fact, the United Nations General Assembly has gone so far as to adopt a resolution declaring April 2 as annual "World Autism Awareness Day" (WAAD). Autism is only the third disorder to be recognized in this manner by the UN, showing the disorder's pervasive nature and ever-increasing effect on millions of people throughout the world.

Autism afflicts one in every 150 American children—nearly one in every 94 boys. This statistic is disturbing, especially when we know so little about the root causes of the disorder.

As the Founder and co-chair of the Congressional Children's Health Care Caucus, I recognize the destructive force of autism and am proud to do my part to raise awareness of this life-altering and little known disorder. Children deserve a solid foundation—and communities are starting to understand autism like never before, but there is more we can do.

By raising public awareness of autism, my goal is to see that resources are dedicated to research the disorder's cause and to develop treatments and possibly, one day, a cure. Funding for the National Institutes of Health (NIH) is an important part of this equation, as it offers the best hope to finding treatments and cures for diseases and disorders like autism.

Collectively, we must commit every available resource to research and treatment in order to enhance the quality of life for children, their families, and the people who care for and assist them in their lives.

Currently there is no medical detection or cure for autism, but early diagnosis and intervention holds much promise. Through enhancing awareness of autism, together we will offer hope to people who desperately need it. I encourage my colleagues to join in this mission to raise awareness and recruit the resources that will bring hope to children, their families, and their caregivers.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my strong support for H. Res. 1033, supporting the designation of April of 2010 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism. I would also like to commend Congressman DAVID REICHERT, the sponsor of this resolution, for his commitment to improving training and supoort for individuals with autism and those who care for individuals with autism.

This resolution draws critical attention to the impact that autism has on the people of the United States. Although only 1 percent of the population of children ages 3–17 in the U.S. have an autism spectrum disorder, the cost of autism over the lifespan is 3.2 million dollars per person. The effects of autism are widespread. Autism is the fastest-growing developmental disability with a 1,148 percent growth rate. There are 1 to 1.5 million Americans who live with an autism spectrum disorder.

I have had the pleasure of visiting the Marcus Autism Center, near my district, where I was able to see and experience first hand just how crucial it is that families and children affected by autism are given the attention, support, and resources they need, The Marcus Autism Center is a non-profit organization with a mission to provide information, services and programs to children with autism and related disorders, their families and those who live and work with them. The Marcus Autism Center offers integrated advanced clinical, behavioral, educational and family support services. Through the encouragement and financial support of the Marcus family, Marcus Autism Center has become a nationally recognized center for excellence for the provision of coordinated and comprehensive services for children and adolescents with developmental disabilities. The Marcus Autism Center has served more than 30,000 people to date.

Please join me and support this resolution to bring awareness to improve training and support for individuals with autism and those who care for individuals with autism in the United States.

Mr. SMITH of New Jersey. Madam Speaker, I rise today in support of H. Res. 1033, a resolution designating April 2010 as "Nation Autism Awareness Month." I thank my friends and colleagues, Representatives REICHERT, GERLACH and BACHUS for introducing this resolution—and my friend and co-chair of the House Autism Caucus, MIKE DOYLE.

This resolution services an important function of increasing awareness of the 1.5 million individuals living with an autism spectrum disorder (ASD) and the extreme dedication and efforts of their families in providing the best possible care and environment for their children, grandchildren and brothers and sisters. Especially the parents and grandparents of individuals with autism deserve our enormous respect and support. Also deserving recognition are the many ASD advocacy groups who have been working hard for so long and the many providers of care and services for individuals with autism.

From my first session in Congress in 1981, I have been a consistent advocate for individuals with developmental disorders, including autism. In 1998, I became much more deeply involved after learning and listening to parents in a local community in my district—Brick Township—about their concerns that the frequency of autism was much higher than was being reported by officials at the time. The concerns of those parents were validated for their community and have since been found to be true nationwide. As stated in the resolution before us, autism is now known to affect every 1 in 110 children—my own state of NJ has among the highest rates in the nation at 1 in 94.

Autism generally is a life-long disability that can overwhelm families, as their lives become consumed with the considerable challenges of identifying appropriate biomedical and psychosocial treatments, schooling and other needed support systems for their autistic child—and eventually for an autistic adult.

Our nation is in the midst of an autism crisis that becomes more severe each passing month, a crisis that costs our nation tens of billions of dollars annually in medical care, behavioral therapy, special child care, and a range of child and adult services needed to care for these individuals. The resolution before us provides the staggering financial costs of autism—$80,000 per year to provide specialized treatment in a medical center, $30,000 per child per year for special education services, and a nationwide costs of over $90 billion per year.

The resolution appropriately recognizes the critical importance of early diagnosis and early treatment for children with autism in order to have the greatest positive impact on their lives, and it recognizes the extremely important need to provide worker training for young adults and adults with autism so that they can active members of the workforce.

Thankfully, Madam Speaker, in December 2006, this Congress passed and then President Bush signed the Combating Autism Act, which added significant provisions to broaden and strengthen activities related to autism. Among its provisions, that law requires the National Institutes of Health to expand ASD-related research—including investigating possible environmental causes of autism, authorizes grant programs to improve the epidemiology of autism, and also includes a very robust section "Autism Education, Early Detection, and Intervention," to improve the early screening, diagnosis, interventions, and treatments for ASDs.

While we all were gratified with passage of the Combating Autism Act, we also recognized that there is a tremendous unmet need to improve services for both children and adults with autism. That is why I am extremely gratified to have joined my friend MIKE DOYLE, along with Rep. ELIOT ENGEL, in introducing, the Autism Treatment Acceleration Act (H.R. 2413), to provide for enhanced support, services and treatment, as well as research for individuals with autism spectrum disorders and their families.

To mention only two provisions of the bill—it would establish an Adult Services Demonstration Project to provide an array of services to adults with autism spectrum disorders including: post secondary education, vocational and self advocacy skills, employment; residential services, supports and housing; nutrition, health and wellness; recreational and social activities; and transportation and personal safety. And it would establish a "National Network for Autism Spectrum Disorders Research and Services" to strengthen linkages between research and service initiatives at the federal, regional, state and local levels, and facilitate the translation of research on autism into services and treatments.

I know that all of us here share the commitment to dramatically improve the lives for the well over a million American children and adults who have an autism spectrum disorder

and improve the outlook for their families and other loved ones. I thank my friends Representatives REICHERT, GERLACH and BACHUS for introducing this resolution. And I thank my friend MIKE DOYLE for his leadership in establishing new programs to help individuals with autism.

Mr. PITTS. Madam Speaker, I yield back the balance of my time.

Mr. DOYLE. Madam Speaker, I hope that the House will unanimously approve House Resolution 1033, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DOYLE) that the House suspend the rules and agree to the resolution, H. Res. 1033, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Expressing support for designation of April 2010 as 'National Autism Awareness Month' and supporting efforts to devote resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.''.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## IN RECOGNITION OF BOYS AND GIRLS HIGH SCHOOL BOYS BASKETBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Madam Speaker, I rise today to recognize Boys and Girls High School in Brooklyn, New York. The boys basketball team last month won the New York City Public School Athletic League, PSAL, city championship. It is really referred to as the High, as it is affectionately known in Brooklyn, and has a long known history of athletic excellence.

I'm not standing here recognizing the High's boys basketball team only because it won its first PSAL championship in 31 years or because it has several players who college scouts are seriously recruiting. All of that is noteworthy and I think it is just great that that has occurred. But I also stand here because of the coach, Ruth Lovelace, the coach of the High's basketball team. She is the first woman in the history of the PSAL to take a male team to the championship and win.

Ms. Lovelace did not do it alone. She did not shoot or dribble a ball or even get fouled. Rather, she provided the leadership to take them all the way.

Ms. Lovelace starred in basketball at the High, played both at Hilbert Junior College and Seton Hall. As coach, she won 377 times and lost only 108 games during her 15-year tenure. Coach Love and the team have been featured in documentaries on ESPN, NBC, and CBS.

Coach Love would not have had the opportunity to lead a male team to a basketball championship without Congress's efforts to pass title IX in 1972. This signature piece of legislation opened the doors for women like Ruth Lovelace to participate in organized sports.

Again, I applaud the Boys and Girls High School boys basketball team for having a winning season and making the residents of the 10th Congressional District of Brooklyn, my fellow Brooklynites, so proud.

I would like to just enter the names of these great athletes into our CONGRESSIONAL RECORD because they are not only great athletes, they're also great scholars, they're also great gentlemen, and I think that within itself is something that we should recognize today.

I would like to recognize Jonathan Arroyo, Dominique Bostick, Ralph Colon, Leroy Truck Fludd, Anthony Hemingway, Leroy Isler, Darren Kirby, Christopher Lockhart, Nkosi Brown, Jamal Mapp, Aaron McBurnie, Saequahn Pettus, Jeffland Neverson, Jobse Reyes, Antoine Slaughter, Calvin Sterling, Michael Taylor, Jerry White, Brandon Williams.

And let me just recognize the coaches. First I want to recognize the athletic director, Sheila Shale; and then head coach, again, Ruth Lovelace; and her assistant coaches, Elmer Anderson, Jeff Wiggins, and Gene Carroll for the outstanding job that they have done on behalf of these young people who I know will go on to college and to make all of us proud.

So it's my honor and my pleasure to say to the Boys and Girls High School we are so proud of you and what you have done to bring back the pride to Brooklyn that we rightfully deserve. Congratulations, Boys and Girls High School.

## NEWS FROM THE THIRD FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, I bring you news from the third front. The third front is the border that the United States has with Mexico, almost 2,000 miles long. The first front, of course, is the battle in Iraq. The second is the one in Afghanistan. The third front is the violence that occurs on our southern border with our neighbors in Mexico.

Tonight I would like to talk about one specific group, and that's our Border Patrol agents who are doing a noble job on the broard southern border with Mexico. Some people don't realize this, but our Border Patrol agents, Madam Speaker, are under constant attack, daily attack, and it's from people that are coming into the United States illegally. The assaults against our Border Patrol officers have increased up to 16 percent more than last year. Just in the Tucson area, assaults against Border Patrol agents in the first 2 months of this year have increased 300 percent from last year. Over 108 Border Patrol agents in a 2-month period have been assaulted in the Tucson area.

Let me show you a photograph, Madam Speaker. I'm not sure you can see this. Let me hold it up. This is a Border Patrol vehicle. It's a pickup truck. But you can see that there is mesh steel across portions of this Border Patrol vehicle. The Border Patrol calls this vehicle and others like it a ''war wagon.''

Now, why would they have this mesh steel across their windows, across the front windshield, on the roof protecting the lights, the red lights? Why would they have this? Well, it's to protect themselves. You see, when these Border Patrol vehicles go up and down the U.S. border with Mexico, those people who want to come into the United States illegally are waiting for them in different parts of the border, on our side right on the border, and throw rocks at our Border Patrol, and that's how many of the assaults have occurred against our Border Patrol agents in recent years.

So thus they have to build these war wagons, something that you might want to see in Afghanistan or Iraq, to protect themselves from those who enter the United States illegally because they are constantly throwing rocks at them to divert the attention of our Border Patrol.

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The rocks are a weapon of choice by those who want to come into the United States illegally and who confront our Border Patrol. It's not just the weapons of choice by them, our cartels, of course—the drug cartels. They use other weapons. A little more firepower. Border Patrol is outmanned, out-gunned, and out-financed by the vicious border cartels who bring drugs into the United States and make money off of the illegal use of narcotics in bringing those drugs into the United States.

Now, finally, we have started hearing something about what is taking place on the border. It's because of the folks in Arizona; that's where Tucson is.

That's where Border Patrol assaults on Border Patrol agents have increased 300 percent in 2 months. They have so desperately taken matters into their own hands and made it illegal to be in the United States if you do not have a passport or a legal document. They have taken the Federal law and allowed police officers, when they have reasonable suspicion, to arrest somebody that's illegally in the United States. In other words, they catch them for doing some other crime, they find out they're illegally in the country and it becomes a crime in Arizona.

They had to pass that law because the Federal Government, who's supposed to protect the sovereignty of the country and protect citizens from people who throw rocks at our Border Patrol, for example, it's the Federal Government's job to do that. But the Federal Government—because we're too busy, like today. We honor on the House floor all the assistant principals in the United States. Now I'm sure that was an important piece of legislation that we passed today, yet we're honoring assistant principals and naming post offices while we ought to be securing the borders of the United States.

We secure the borders of foreign countries better than we secure our own borders. We secure the borders of Iraq and Afghanistan and Third World countries, but not our own border. So we have to leave our Border Patrol on patrol, driving these war wagons to protect themselves when they're trying to enforce the rule of law.

I recently asked a Texas Ranger down in the Laredo area, I said, What's it like after the sun goes down? He said, Congressman POE, it gets western. It gets western. What he meant by that, it gets violent. And it does get violent. The gunfire, the violence, the kidnappings, the murders all take place down there because the drug cartels are trying to bring drugs into the United States. And they out-man, outgun, and out-finance our Border Patrol agents.

Our Border Patrol agents are doing as good a job as we'll let them do, and we need to help them all we can. Several Governors on the border States have asked that the President send the National Guard down there. That's probably a good idea. Let's send the National Guard to the border, secure the border, and make sure that our Border Patrol agents and our sovereignty is protected.

And that's just the way it is.

## HELPING WOUNDED VETERANS AND THEIR FAMILY CAREGIVERS

The SPEAKER pro tempore (Mr. SCHRADER). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we have no greater obligation as a Congress and as a Nation than to look after the Americans who selflessly and patriotically have volunteered themselves into harm's way in Iraq, Afghanistan, and around the world. When they come home wheelchair-bound or with missing limbs or with a traumatic brain injury, they deserve nothing less than the very best treatment and care. Often, that care is provided not by health care professionals at a hospital, but by spouses, parents, other family members, or a loved one that isn't even next of kin. Many of these wonderful folks are already living on a tight budget. They're likely to be already caring for young children and/or aging parents. And often they have jobs they can't afford to lose.

I've fought to give these families the support they need. I introduced the first-ever expansion of the Family and Medical Leave Act, which provided Americans with 6 months of unpaid leave—unpaid, should be paid—of unpaid leave to care for wounded servicemembers and their families. Last week, a bipartisan majority in the House took important new steps by passing the Caregivers and Veterans Omnibus Health Services Act. This would ease the enormous burden falling on those whose loved ones return from war with a severe injury. It provides tools and training so they can be better caregivers. When they accompany a veteran on medical visits, their lodging would be paid for. They would also be eligible for a monthly stipend as well as health care benefits of their own. And when the stress becomes too great, which of course it does, counseling and respite care would be available.

The bill also makes huge strides in recognizing the unique challenges faced by women who wear the uniform. It includes treatment for sexual trauma, which affects a staggering number of servicewomen. There is a child care pilot program so that women veterans can get the care they need without sacrificing the care of their children. Also, for the first time ever, there's neonatal care for the infants of returning soldiers giving birth.

I wish I didn't have to vote for that bill last week because I wish that bill hadn't been necessary in the first place. Because the best way to support the men and women of the United States military, I believe, would be not to send them to fight in unnecessary wars in the first place.

The tragedy is all the more poignant, Mr. Speaker, because these injuries are being sustained in conflicts that are doing little or nothing to advance our national security interests. I can't help but think how many military families would have been spared the struggle if we had taken a SMART security approach to fighting terrorism or if we had doubled down on humanitarian aid rather than resorting to aggression, invasion, and occupation.

But as fiercely as I am in opposition to these two wars, I will never turn my back on the men and women who have been asked to fight them. In fact, the more skeptical you are about Iraq and Afghanistan, the greater you should be in your obligation to our troops on the front lines. There's one big solution to the strain on our veterans health care system and family caregivers, and that would be to reverse the disastrous policy that is creating more wounded combat veterans every single day.

So, Mr. Speaker, I can think of no better way to honor our soldiers than to end these wars and to bring all of them home—and bring them home now.

## LADIES IN WHITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the Ladies in White are a group of wives, mothers, sisters, and daughters of Cuban political prisoners. The group came together after the arrests of 75 Cuban dissidents in April 2003. Seventy-five Cuban political prisoners who, 7 years ago, joined the thousands of others who are imprisoned in Cuba because of their political beliefs or for ''crimes'' that are only ''crimes'' in a country brutally oppressed by a totalitarian regime of gangsters, by gangsters, and for gangsters. Because that is what the Castro brothers are—gangsters.

Fidel Castro has been a gangster since he was a juvenile delinquent. He became a Communist to give ideological clothing to his gangsterism. Raul Castro came to gangsterism via Marxism-Leninism, after his brother sent him as an almost illiterate adolescent to then-Czechoslovakia, where he received a rigorous indoctrination in Marxism-Leninism. So the brothers arrived at gangsterism via separate paths, but they are both experienced and ruthless practitioners of the most violent and brutal forms of gangsterism.

The Ladies in White experience the tactics of the Castros' gangsterism every single day. The Castros' state security apparatus pays and trains thugs to strike fear in the hearts of all Cubans in order to keep the regime in power. The thugs, the plainclothes terrorists of the Castros' regime, harass, intimidate, insult, spit upon, and engage in violence against the unarmed dissidents and other independent civil society members in Cuba. These spectacles are known as ''acts of repudiation.'' The international press refers to the plainclothes thugs of the Castros' state security apparatus as ''civilian government supporters,'' but that doesn't change their true nature. No, they're not ''plainclothes government

supporters.'' They're plainclothes thugs of Cuban state security.

On recent Sundays, the Ladies in White have gone to church, as every Sunday, to pray for their family members who are political prisoners, and the thugs have become more violent. Protected by uniformed state security agents, the plainclothes thugs have spat upon and committed acts of violence against Laura Pollan, Bertha Soler, Reina Tamayo, Julia Esther Nunez, Asuncion Carrillo, Loida Valdez, Laura Maria Labrada, and the other Ladies in White.

I hereby submit for the RECORD the names of 96 Ladies in White who have been actively demanding the release of Cuban political prisoners in recent months.

1. Martha Díaz Rondón
2. Regla Vaillant Planas
3. Mildre Noemí Sánchez Infante
4. Ercilia Correoso Pérez
5. Maritza Castro Martínez
6. Blanca Hernández Moya
7. Lilia Castañer Hernández
8. Ivonne Malleza Galano
9. Deysi Lázara Suárez Martínez
10. Odalys Sanabria Rodríguez
11. Caridad Caballero Batista
12. Zoila Hernández Díaz
13. Gertrudis Ojeda Suárez
14. Niurkis Rivero Despaigne
15. Mercedes Fresneda Castillo
16. Sara Martha Fonseca Acevedo
17. Ismari Salomón Carcasés
18. Tania Montoya Vázquez
19. Yolanda Martínez Guerra
20. Guadalupe Varela Mora
21. Zayli Figueroa Acosta
22. Odalys Zurman González
23. Bárbara Couyedo Riego
24. Miriam Espinosa del Valle
25. Doraida Pérez Paceiro
26. Iris Tamara Pérez Aguilera
27. Mayra Morejón Hernández
28. Mari Blanca Avila Espósito
29. Petra Serafina Díaz Castillo
30. Rosario Morales La Rosa
31. Sonia Garro Alfonso
32. Maylisis Abrahantes Muñoz
33. Juana Gómez Riego
34. Yudermis Fonseca Rondón
35. Crispina Xiomara Duquesne Suárez
36. Doralis Alvares Soto
37. Ana Iris Vega Rodríguez
38. Lázara M. Caballero Betancourt
39. Marlenis Guerra Martin
40. Nerys Castillo Moreno
41. Tania Maceda Guerra
42. Caridad Sarduy Fernández
43. Raquel Castillo Urquiza
44. Sandra Guerra Pérez
45. María Elena Fernández
46. Yaneris Pérez Rey
47. Roxaida Ramírez Matos
48. Dulce Avalo Díaz
50. Ariela Riviaux Castillo
51. Evelia Hernández Ravelo
52. Georgina Noa Monte
53. Belinda Barzaga Lugo
54. Marioris Moreno Noa
55. Xiomara Duquesne Suárez
56. Mirtha Gómez Colás
57. Madeline Lazara Betancourt
58. Yaquelín Cutiño
59. Gladis Lugo Expósito
60. Dulce María Quintana
61. Suyoanis Tapia Mayeta
62. Leonor Reynord Borges
63. Leydi Coca Quesada
64. Noely Camila Araujo Molina
65. Yordanka Peña López
66. Yeni Palenzuela Izquierdo
67. Ana Aguililla
68. Laura Inés Pollan Toledo
69. Bertha Soler Fernández
70. Melba Santana Ariz
71. Reyna Luisa Tamayo Danger
72. Belkis Cantillo Ramírez
73. Alejandrina García de la Rivas
74. Julia Núñez Pacheco
75. Nélida Borrego Aragón
76. Reyna Maria Ortiz Tamayo
77. Milka Maria Peña Martínez
78. Ana Belkis Ferrer García
79. Loida Valdés González
80. Lidia Esther Lima Valdés
81. Magaly Broche de la Cruz
82. Isabel Sánchez Altarriba
83. Yamilé Velázquez Batista
84. Sonia Alvarez Campillo
85. Asunción Carrillo Hernández
86. Irene Viera Filloy
87. Bárbara Rojo Arias
88. Iraida Soledad Rivas Verdecia
89. Amada Evelia Hernández Ravel
90. Catalina Cano
91. Elsa González Padrón
92. Belkis Barzaga Lugo
93. Gisela Delgado Sablón
94. Noelia Pedraza Jiménez
95. Nancy Sánchez Altarriba
96. Mercedes Acosta antiago de Cuba

I also submit for the RECORD a letter sent today by representatives of the Ladies in White outside of Cuba, Blanca Reyes Castanon and Yolanda Huerga, asking international leaders for support in the Ladies in White's struggle for human rights and liberty.

MARCH 27, 2010.

DEAR SIR, We write you as the Representatives of the Ladies in White in Europe and the United States, to seek your urgent attention for the current plight of Cuba's political prisoners and their families.

The Ladies in White are members of independent civil society and the group was born spontaneously, seven years ago, as a result of the arrest of 75 members of the peaceful opposition by the Cuban regime during the Black Spring of 2003. Wives, mothers, sisters, and daughters of these prisoners only ask for the right to see their unjustly jailed relatives freed.

By this means we seek to ask, that as a representative of a democratic nation where human rights and freedom of speech are respected, that you attempt, and within your ability, interest yourself personally and seek the attention of those individuals and institutions that you see fit, to defend these women, and their relatives, so that all hostility that they suffer in the streets of Havana and in all of Cuba cease, both physically and verbally, for defending their right to freedom.

We thank you for your time and cooperation, and we trust in your invaluable help, at the same time that we insist that the current situation is extremely delicate and dangerous.

Respectfully,

BLANCA REYES CASTAÑÓN,
*Representatives in Europe.*
YOLANDA HUERGA,
*Representative in the United States.*

This last Sunday, the day before yesterday, the Ladies in White were surrounded and subjected to 7 hours of insults and acts of violence by the plainclothes thugs of the Castros' state security apparatus. Surrounded and subjected to nightmarish, abominable insults and grotesque sexual gestures, as well as loud, constant screams and chants of communist slogans and violence for 7 hours, the day before yesterday, subjected to the well-planned tactics which are part of the training of the plainclothes state security agents of the Castros' gangster regime.

But the Ladies in White continue to stand tall. Like the political prisoners who they defend, the Ladies in White represent the true Cuba. They embody the decency, patriotism, and love of the real Cuba—not the grotesque, perverted hatred, envy, and perfidy of the Castros and their gangster regime.

This evening, my thoughts and prayers of limitless admiration and solidarity are with Cuba's Damas de Blanco—the Ladies in White.

## FINANCIAL REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROYCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROYCE. Mr. Speaker, as we watch the Senate move on legislation yet again toward a cloture vote on Senator DODD's legislation, I think it is worth noting some of the concerns that many of us have and that many economists have with the Dodd-Frank approach on the legislation. I begin with focusing on a past occurrence, the rescue of investment bank Bear Stearns in the spring of 2008.

The Federal Government has committed trillions of taxpayer dollars to institutions like Fannie Mae, Freddie Mac, AIG, Citigroup, and Bank of America out of fear that the demise of any of these too-big-to-fail institutions would trigger a systemic crisis and collapse of the global financial system. For my own part, I'd make the observation that I thought—I voted against those bailouts with the presumption that if we move to enhance bankruptcy, it would be preferable to setting up a system which would bring the moral hazard and the eventual evolution into a system where the Federal Government was guaranteeing institutions that were too big to fail.

But that is currently the concern I have about this legislation, even though the public has rejected this approach to financial regulation, the bailouts that we have seen, and abhor bailouts of financial institutions. If you have a town hall meeting, I guarantee you, you will sense the rejection of the Dodd-Frank approach.

□ 1815

Still, this approach, endorsed by the administration, would guarantee the bailout authority remains a powerful tool in the government's arsenal. Now,

the President is hoping to use the tactic employed in the health care debate by dismissing legitimate concerns with rhetoric but not with facts. And I would take the comments he made in New York where he said, ''What is not legitimate is to suggest that we're enabling or encouraging future taxpayer bailouts, as some have claimed. That may make for a good sound bite, but it's not factually accurate.'' Well, actually it is accurate.

And let us look at the bailout fund in the House-passed bill. On the House side, H.R. 4173, subsection 1609(o), it provides authority for the government to borrow up to $200 billion that can be used by the government for its bailout actions.

In the Senate bill, Senate bill 3217, subsection 210(n), it creates a special $50 billion fund to resolve big financial institutions, to resolve those institutions when they've failed. Behind that fund is the ability to issue government debt—in other words, to issue taxpayer obligations. It is no wonder why our colleague on the other side of the aisle from California (Mr. SHERMAN) recently said of the Dodd bill, ''There are serious problems with the Dodd bill. The Dodd bill has unlimited executive bailout authority. That's something Wall Street desperately wants but doesn't dare ask for. The bill contains permanent, unlimited bailout authority,'' as my colleague on the other side of the aisle mentioned, and I agree with his assessment.

There is another piece of this in the broad expansion of open bank assistance authority granted to the FDIC. The House bill, section 1109, provides the FDIC authority to ''avoid or mitigate adverse effects on systemic economic conditions or financial stability by guaranteeing obligations of solvent'' financial institutions. The FDIC's guarantees can be up to $500 billion and may be expanded an additional $500 billion with permission from Congress. That is $500 billion in potential taxpayer liabilities to solvent companies.

This is not the death panel that Chairman FRANK so often claimed. This is not an ''enhanced bankruptcy process'' or an ''expedited bankruptcy'' that the administration wants people to believe. It is, in fact, a codification of the current ad hoc approach to bailouts. As Mr. SHERMAN has noted in the past, this amounts to TARP on steroids.

We are handing over the keys to the Treasury to unelected bureaucrats. If TARP was any indicator, regulators will always err on the side of doling out too many Federal dollars under the guise of preventing a systemic shock. If the letter of the law allows for them to guarantee $500 billion of debt for solvent companies, they will do just that. And this is simply the wrong approach. Regulatory discretion armed with a large pool of taxpayer money will inevitably lead to political abuse.

Under the Dodd-Frank approach, government will determine which firms are too big to fail and which are too small to save. Under this bill, the government will determine which creditors and which counterparties of a failed firm should be bailed out and those that should not. And government will dismantle a healthy institution that they believe may pose a risk under the wording of the legislation.

This type of power will lead to a hyperpolitical environment where political pull will replace market discipline. Subjectivity will replace objectivity and the clearly defined rules of the road that have been a cornerstone of our capital markets. We need to expand the bankruptcy process and the clearly defined rules of the road that come with it, and we need to take out the ability for political manipulation in the process.

There are other concerns that I have with the approach in this legislation, in the Dodd-Frank approach, and one of the concerns I have is that it fails wholly to address one of the major root causes of the crisis. It is important to remember that one of the root causes of the crisis was in the junk mortgage market, subprime and Alt-A loans. Federal Government policies were responsible for the buildup of these loans. There were 27 million subprime and Alt-A loans in our economy in 2008 before the financial crisis. That's about half of all mortgages. Of those, 12 million were held or guaranteed by Fannie Mae and Freddie Mac, the government-sponsored enterprises; $5.4 billion of FHA and about 2 million as a result of the largest banks making CRA commitments in order to get approval for mergers and expansions.

One of the other factors, of course, in the economic contraction that we've faced was the fact that the Fed set negative real interest rates; in other words, they set the interest rates that were measured against inflation at a negative sum, and when our Federal Reserve put that in place for 4 years running, it was followed by central banks in Europe that did the same thing. So central banks all over the world for 4 years set those interest rates at a negative rate.

Virtually every economist will tell you that this played a significant role in the crisis; and we're not looking at the fact that we have not addressed this issue either because, in essence, the Federal and the central banks threw fuel on the fire. These unusually low rates incentivized the financial sector to take excessive risk and they exacerbate the normal business cycle. Dr. Friedrich Hayek won the Nobel Prize in Economics in 1974 for explaining this phenomenon on how this causes booms and busts in the cycle.

And, of course, Fannie Mae and Freddie Mac and the easy money policy at the Fed were central to the housing boom and bust, and they are left unaddressed in the Dodd-Frank approach. When you add things in like excessive leverage in the financial sector and the overreliance on the failed rating agencies, you have a recipe for disaster.

And I will add that the Fed came to the Congress and suggested to us in 2004 and 2005 that there was systemic risk with Fannie and Freddie, and what they asked for was an amendment to deleverage these portfolios that were being built up in Fannie and Freddie, in our GSEs, our government-sponsored enterprises. The leveraging was in excess of 100:1. These institutions were involved in arbitrage, and it was Congress that gave them the wherewithal to do this and prevented the regulators from going in and forcing these institutions, these government-sponsored enterprises, to deleverage the size of these portfolios.

You can imagine the reaction from officials at the Fed when we turned a deaf ear in Congress. As a matter of fact, I want to point out that in the Senate, we had legislation from Senator Hagel written by the Fed that would allow that authority to regulate for systemic risk, to give the regulators the ability to deregulate these portfolios. That bill went out of committee, but Senator CHRIS DODD opposed it on the floor, opposed it coming to the floor, and, as a consequence, the bill never came up; although it passed committee, it never came up in the Senate.

On this side of the House, the House of Representatives, there was a bill that came to the floor, and I put in the amendment that Chuck Hagel had carried in the Senate. Again, the amendment that I introduced was written by the Federal Reserve in an attempt to give them the ability to regulate for systemic risk in Fannie and Freddie because they had warned that the consequence we faced was a systemic economic collapse. And certainly that's exactly where this collapse began. It was in the housing market. It was with the collapse of Fannie and Freddie, the loss of about $1 trillion in value.

Now I'm going to bring up one other issue that's missing on the Senate side that really gives me pause in terms of the way this is approached. Let me just make the point that the FDIC has no experience with these types of institutions. As I've said before, I have opposed the bailouts. I, instead, wanted to see a system devised. We have companies, major firms go bankrupt in the United States—airlines, railroads. These are handled instead by an expedited bankruptcy process through the courts, and that's what I wanted to see beefed up.

Let's go to the Senate bill. A major premise upon which the resolution authority was based is the notion that

the FDIC uses a similar tool to unwind small commercial banks. In fact, last week before the Financial Services Committee, Secretary Geithner again reiterated this point. But this is like comparing apples to oranges, and I will share with you why.

The FDIC is liquidating very simple institutions primarily made up of insured deposits and made up of small straightforward loans. In fact, 98 percent of the liabilities of banks and thrifts unwound by the FDIC in the last 2 years were insured deposits. This is in stark contrast to the nondeposit-taking institutions likely to be covered under the resolution authority, which is going to end up creating this permanent bailout authority. And I would just give you some examples from the past.

Take Lehman Brothers, take AIG. Neither of these firms had insured depositors or depositors of any kind, and their complex assets and liabilities did not look anything like the simple small loans and residential and commercial mortgages that the FDIC deals with. The sheer size of these institutions trump anything the FDIC has touched. The $639 billion in Lehman was nearly 15 times bigger than the largest bank ever resolved by the FDIC, and AIG was over $1 trillion in assets.

This is another problem with this approach. Since nearly all of the liabilities of banks and thrifts unwound by the FDIC are insured deposits, there is a strong presumption of government backing behind these ''too big to fail'' institutions; and, by applying this model to the largest of our financial institutions, the legislation will signal that the government-provided safety net now extends to a much wider portion of our capital market.

And think for a minute what that means to the competitors of these large firms, for the smaller firms that are too small to save. Suddenly they face a differential in their borrowing costs that can reach up to 100 basis points. Some studies show 78 basis-point costs, some show 100 basis-point costs. That's the costs that small institutions have currently that is higher than the borrowing costs of institutions that face this implied government bailout or have been bailed out by the government.

□ 1830

You saw it with respect to the government-sponsored enterprises, how much lower their cost of borrowing was and how they were able to over leverage, and how on top of all of this, they could become a duopoly and put their competitors out of business because people presumed that the government was behind these institutions.

These are some of my concerns, and I know these concerns are shared by a colleague of mine on the committee, Mr. SCOTT GARRETT.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. GARRETT) is recognized for 42 minutes as the designee of the minority leader.

Mr. GARRETT of New Jersey. I thank the Chair, and I thank the gentleman from California who was previously speaking for his insightful analysis of where the country currently finds itself with regard to this macro issue of Wall Street reform and banking reform in this country, something which Members on both sides of the aisle agree wholeheartedly is necessary and needed to be done. We just need to make sure that we do so in a thoughtful manner so we don't do more harm than good.

When President Obama and Democrats claim Republicans are doing the bidding of big Wall Street banks and oppose all financial service reg reform, you know, you hear that over and over again by some of the commentators on TV, I have to say, you find it laughable on a number of different levels.

First of all, think about this, it is the Democrat bills that have institutionalized permanent bailouts and too big to fail. It is no wonder then that Democrats have received such strong fund raising support from the titans of Wall Street.

As I stand here, I'm not sure I have all of those numbers before me. Later on I may. Off the top of my head, those numbers stand out as something to the tune of something like around $15 million from the various titans of Wall Street, as they put it, to the President's campaign in the last cycle. I think the number I saw just the other day, and the most recent numbers out for the 2008 cycle of Congress, something like $2.9 million from these various Wall Street firms and banks going to the majority party, the Democrat Party, in the last election; twice as much as what is going to Republicans.

Maybe it is no wonder that they have received such strong support from Wall Street that they would then put in a bill that would see to it that Wall Street is taken care of in the sense of the perpetuation of bailouts at the taxpayers' expense.

Not only do Republicans support real financial service reform, the House Republicans were the first ones to come forward with a comprehensive reform plan that actually ends too big to fail. It ends bailouts, and we also don't succumb to the Democrats' urge to take yet another vast portion of our economy with government overreach and intrusion and bullying of private businesses. Think about that.

The reason I point out that Republicans came out with a proposal earlier than the majority party, earlier than the White House, earlier than the Treasury. I remember being in this Chamber talking on this floor early last year in 2009, in January and February and March saying we need to attack this problem on Wall Street, we need to attack the morass that we are finding our country in economically. We needed to get reform done. All of the while Treasury was telling us we will have something next week, we will have something next week.

Week after week passed, and we finally ended our waiting for them and we put our minds together. We listened to the American public and we listened to the experts. We listened to the people who were involved with this and the people who also would be hurt by wrong actions being taken. We took all of that advice and we came up with a Republican solution to this proposal, and actually had it done before the White House ever even came up with their white paper that they presented at the White House.

I remember going to that presentation where the President came out and said here is my solution, here is the problem, just laid it out and left the stage. Didn't take a single question from the audience. That is how it has been ever since, left the stage and has not listened to what the American public and those involved have to say about their plan.

Before I go to our Republican plan, I would like to remind our colleagues over in the Senate on the other side, who likely will be asked to vote on the Obama-Dodd-Frank plan, and they will be likely to vote on it again soon. They voted on it earlier, and I guess they will be doing it again today, if they haven't done so already. And the way it is coming down in the press reports is that HARRY REID sees it as a win/win for them to just continue to put vote after vote after vote. The last vote Republicans stood together saying they would vote ''no'' on any bill that would perpetuate bailouts to taxpayers for these financial institutions. That is a good thing. We hope they stand firm on that.

There is a whole host of reasons, in addition to that, why both Democrats and Republicans should vote against that 1,300-page permanent bailout bill.

Let me digress for a moment on that issue. We are just now learning of the ramifications, unintended and otherwise, from the health care bill; you know, that 2,000-page bill that we know no one read on this floor and understood all of the ancillary portions of it, and yet it passed in the House, passed in the Senate, and came back to the House again and passed overwhelmingly after a lot of arm twisting by the White House and others to get all of the votes they needed to get it done.

But you could see during the debate in the health care bill, when poignant questions and particular questions were raised on particular portions of

the bill, there was no one on the other side of the aisle who could honestly say I have read through the bill, all of the several thousand pages, and all of the ancillary references to it and had a complete understanding of it. Yet that bill passed, and now we are seeing the ramifications from that.

A study came out this past week from this administration saying the actual cost of health care, remember President Obama said he was going to actually lower it, would go up by a percentage or so over a 10-year period of time. Remember the President also promised no one would lose their health care plan, they didn't read the bill. Because they didn't read the bill, they find out now in another study that about half of those senior citizens on the Advantage program of Medicare will be losing their plans. That is the ramifications when you try to rush something through without reading it and understanding it.

Now back to the point, here we have over in the Senate, we have a 1,300-page plus bill that didn't go through the committee process and didn't have an opportunity for vetting and hearing from the various witnesses and experts, that, too, Senator REID is trying to push through this week against all odds and truly understanding what they are doing over there.

The bill they are attempting to work on and move quickly without that understanding codifies the government policies invoked to bail out AIG, Bear Stearns, and others, and it does so, in large part, by creating a permanent $50 billion bailout fund which, I should add, can be endlessly reloaded. Let me make a point on that.

They say we are going to set up this $50 billion fund to bail out the future bank losses and what have you. Well, if the next day they need that $50 billion and it goes down, the next day after that they can go right back to the pot of money and try to raise it back up again, and go to another $50 billion. So $50 billion is really a placeholder for 50, 100, 150, 200, 250, on and on and on it could go, bailing out failing institutions, so-called too-big-to-fail institutions, and potentially also indirectly put the American taxpayer on the hook.

I should probably explain just one example of that. Look at AIG. What was the number we saw on AIG. I think it was around $80 billion needed to bail it out. Here is the seminal question which I think we put to Secretary Geithner. I don't know if we ever got a satisfactory answer from him or anyone else who proposed the legislation in the Senate. The questions was: Had you had this bill, the Dodd bill, in place prior to AIG, would the outcome have been any different?

Well, there you needed about $80 billion, all from the American taxpayers. Here they say we will have $50 billion. Obviously $50 billion is not enough; so in the short term, where will you get that money. The bill, the Senate Democrat Obama-Dodd-Frank bill basically says you can go to the Federal Government, the Federal Reserve, they can basically front end load that money to the facility so they can loan it out to whether it is AIG next time or another Lehman in the future, or what have you. The American taxpayer at that point in time is now on the hook for however much money they want to lend out without basically any limit.

Other portions of the bill that are problematic besides creating a permanent $50 billion bailout fund, which, as I said, would be endlessly reloaded, paid for by taxing financial firms to pay for other larger firms' failure. I think that is an important point. If you have a local community bank in your community, you have to ask them, What do you think about the fact that potentially, depending upon your size, you could be held liable for the egregious mistakes and failures of these huge titans of Wall Street who make absurd investment decisions. I think most of your local community banks that potentially could be on the hook would say, it is nothing good for us, it is nothing good for our local community because any time you put a tax on something, one bank or another, it hurts the businesses in that community.

Another major point that is problematic with the bill, it expands the implied government guarantee in the financial marketplace for the largest firms. Sort of along the point I was just making here, it is the biggest firms in Wall Street that are going to be able to say, Thank goodness, thank goodness we made all of these contributions to those people in Washington who are now supporting this legislation of the Dodd-Frank-Obama bill because now we know who our friends are, and of course, it is on the other side of the aisle, who are supporting this legislation that will allow for their perpetual bailout.

Another problem with the bill is it continues to place taxpayers on the hook for billions, if not trillions of dollars for bailed out failed nonbanks. I say trillions of dollars because there is nothing in that 1,300 pages of legislation that is sitting in the other House, in the Senate right now that Senator REID wants them to push right through, vote on without having full understanding of it. There is nothing in that bill that would say, American taxpayer, your liability to the big banks in New York and around the country is going to be limited at this much or this much. There is no limit. It can just go up to billions of dollars, tens of billions of dollars, hundreds of billions of dollars, or trillions and trillions of dollars potentially.

And if you think trillions are out of sight as far as the potential, all we have to look at is the GSEs, Fannie Mae and Freddie Mac, and where is the limit on the potential loss to the American taxpayer there. I think it is around $389 billion that they have scored that it will cost taxpayers over the next 10 years coming out of our Treasury, which means out of our pockets. But there is a potential there with several trillions of dollars of potential losses on their books that we can all Americans be eventually liable for. So trillions are not out of the question when you are talking about such mammoth institutions and trading as we have seen here.

To continue, with the problems of the Senate financial services so-called reform bill that Senator REID is trying to push through the Senate as we speak without anyone really understanding or reading it, the bill continues the pattern of government overreach that we have seen throughout the Obama administration and with the Democrats controlling here in the House.

It also continues the pattern of government picking winners and losers and political bullying and deciding just who it is will succeed in this country and who it is that is going to fail rather than through the private market and rather than through the rule of law and the rule of the bankruptcy code.

Did we ever think that we would come to the day when it would be the politicians who would decide: I think that business over there should do well and thrive and succeed, as opposed to this business over here. I don't have much favor for them for one reason or another, maybe they are not a friend of mine politically or otherwise, and the politicians says, That business can go into the dust and not succeed.

Did we ever think we would get to the day when it would be Washington and Washington politicians and bureaucrats who would say, I am going to pick that one as a winner, and that one over there is a loser.

That, in essence, is basically what we find in the 1,300-page bill that Senator REID would like to see passed without any real debate or discussion or amendments or improvements upon because it allows the bureaucrats of various Federal agencies, these appointed and unelected individuals, to make those basically life-and-death decisions for industry and life-and-death decisions for businesses as well.

□ 1845

Did we ever think we would get to the point where those decisions are not made by the markets because this business actually did do a better job in deciding how it would grow, how it would invest, what sort of services it would provide? That's how the free market has always thought that businesses should thrive. And if this business over here decides that they make poor investment decisions, poor customer

service, poor decisions, generally, on how it's running, then the market should say that is the business that will fail.

Well, we're going to throw that all aside now with this piece of legislation and say the market forces are not going to be it. What people decide on situations of who should win and who should lose are not going to be the preeminent decision basis anymore. Instead it's going to be politicians and bureaucrats, a sad day that most Founding Fathers would never have thought we would get to.

Another problem with the Senate bill, the Frank-Dodd bill that HARRY REID is trying to push through the Senate right now without a debate and without a full discussion and disclosure of an understanding of the entire bill, is that the bill will restrict access to credit for families and small businesses and ultimately make credit more expensive and less available.

A recent study points out that the portion of the bill, the CFPA, Consumer Financial Protection Agency, something that they want to create as a brand new agency here in Washington, as if we don't have enough agencies already in Washington, a recent study points out that the CFPA will increase the cost of interest rates that consumers pay by at least 160 basis points. What does that mean? That means if you have a 6 percent loan that you could have gotten today, well, once this bill passes, then it will increase by 160 basis points. That means your 6 percent loan will now be 7.6 percent.

Also, the study shows it will reduce consumer borrowing by at least 2.1 percent. Well, that makes sense. Right now most people, when they're out looking for a car loan or they're looking for a mortgage for the house or a home equity loan to try to make some improvements, one of the first things they do when they sit down with their banker or when they open up the paper to see what the availability of interest rates is, they look to see how much are those interest rates. And you want to get the very best interest rates you can get because every percentage point higher means less money in your pocket at the end of the day and more money in the banker's pockets.

Well, this bill, outside studies have said that when you now start looking for those car loans, student loans, commercial loans, mortgages for your house or mortgages for commercial property, under this bill, because they're adding these new impediments to the access of credit, you will see your rates of interest go up by 1 point, 1.5 points. That 1.5 points can mean a lot of money, a lot of money out of your pocket and mine every time you take a loan. And think about it, is that something we really want to do during this economic morass, these economic troubles that we find ourselves in right now?

I have so many small businesses that come to me right now, owners of small businesses, some are individuals, that say I just can't get credit as it is. I have a good credit rating, I have a good credit position, I've been paying all my bills on time, but when I go out to try to get a loan, I just can't get it. And as it is, the rates that are out there are not just really where I want to be, but I can maybe afford them if I can get those loans.

Well, here we're going to have the Senate now try to pass a bill—and we already passed a version of it in the House, unfortunately—that will say to an individual who is already struggling to get a loan or struggling to pay his current interest, you know, the next time you get this loan, the rates were here, now they're going to be 1 point, 1.5 points, even higher; more money out of your pocket each time just because we're creating a new agency in Washington with no other real effect except to make the credit availability less than it is now.

Another huge problem with the bill that's before us in the Senate, that already passed the House and potentially will come back to the House for another vote if it unfortunately gets out of the Senate, is that the bill will also cost jobs; and it will cost the jobs at a time when the singular focus in this Congress should be just the opposite. The one main goal that we should be able to work on across the aisle in this House is how to create more jobs all across this country, all 50 States.

I know the average rate for unemployment in this country is just shy of 10 percent; but, boy, you talk to some folks in different parts of this country and you know that the unemployment rate is a lot higher than that: 10 percent, 20 percent, 30 percent, 40 percent, 50, 60 percent higher in certain portions of this country than where it is as a national average. You talk to those people where the long-term unemployment rate is around 15, 16, 17 percent and ask them, What's the most important thing that Congress should be doing right now? They will honestly answer you, Get me a job; Help turn the economy around so unemployment rates start going down again and so I can start supporting my family again.

And what are we doing? What I'm doing is trying to create those jobs. But what is Congress doing? What is the Senate doing right now? What is the Democrat majority doing right now? Well, they're trying to pass a bill over in the Senate that will cost the creation of jobs just at a time when we should try making even more.

Remember I mentioned a study earlier saying that if we pass that Senate bill out of the Senate—today, tomorrow, this week, next week—I mentioned before that if we do so, your credit costs will go up. That same study also found the number of jobs will be impacted in this country as well. And here's what they found: the study found that the CFPA, the Consumer Financial Protection Agency, which is a provision in that bill over in the Senate, will actually reduce net new jobs in the economy by 4.3 percent. Let me repeat that: if the Senate bill were to pass and that new CFPA were to be created, as the President wants it to be created, you would reduce net new jobs in the economy by 4.3 percent. So pass the Senate bill, see the net number of jobs go down by 4.3 percent.

There's another provision in the bill as well, just as an aside—without getting into the weeds, as they say, portions of the bill—it says the derivative and systemic risk portion of the bill—that's a whole other portion separate from the CFPA, that is a section that tries to regulate and address the issue of derivatives. And Republicans, by the way, as I mentioned in the earlier portion of this hour, did put in language to try to address derivatives and make sure that there is more transparency and accountability there, but the way they're doing it right now over in the Senate, that section will also likely reduce jobs as well, according to outside experts. And why is that?

Well, it's hard to get into without going through a laborious explanation of derivatives and how they all work and what have you; but just understand this, that if you create higher costs for the end users, if you create higher costs, whether it's credits or otherwise, for people who currently use the markets as they are currently configured in an honest, transparent, and open way, if you require certain businesses to say, well, instead of taking this $100,000 that I was going to use to buy some new equipment, a new truck, new manufacturing equipment, or instead of me taking this $1 million I have over here to build a new plant, to hire new employees, to create a new manufacturing base, I'm going to have to use that over here because of all the new rules and regulations that the Senate wants to impose on that business.

I'm going to have to put it over here sort of just sitting in the bank, if you will, as far as capital because of these new derivative requirements. If I can't use it to buy a new truck, if I can't use it to buy new equipment, if I can't use it to build a new building, I basically just have to set it aside as far as margin or capital requirements, what happens to job creation in that business?

If he can't buy the new truck, he's not going to hire a new driver to drive that truck. If he can't use the money to buy a new piece of equipment, he's not going to be able to hire new people in the business to run the equipment. If he can't use the $1 million, or whatever it is, to build a new plant to manufacture something, he's not going to be

able to hire new people that are able to run that factory and work in the offices in that factory as well or that business as well because this legislation will basically shift that money, job-creation dollars, from that practical good use for the economy over here to, well, let's say not a job-creating use—another problem of the overall legislation that the Senate is trying to pass as we speak.

So at a time when Americans are pleading with the political leaders to stop government overreach in the economy and in their lives, well, this bill basically, again, doesn't listen to those Americans. The Senate bill basically greatly expands government authority for government bureaucrats to regulate now another huge segment of the economy, including, by the way, non-financial institutions, things like retail stores that offer layaway plans, companies that finance their own sales, and even manufacturers that ensure against their risk.

All these areas had absolutely nothing to do with the economic problems that the country finds itself in today, okay, but all of a sudden, because there is an opportunity out there to grow government, grow government agencies, create new programs at the expense of the taxpayers, as the President's Chief of Staff said—and I paraphrase him—Don't let any good crisis go to waste, we're in a crisis situation, so instead of dealing with the crisis area over here, we're going to start creating all new agencies over here to regulate all different aspects of the economy that were not part of the problem. That's exactly what this legislation that we hear is about to be considered in the Senate, that Senator REID would like to pass through without the debate, deliberation, and transparency that we would like.

So at a time when Americans are pleading with political leaders to stop the government overreach, this bill greatly expands authority for government bureaucrats, as I say, to regulate huge segments of the economy, including those non-financial institutions, such as the stores and the layaway plans and so on and so forth.

It also allows—and here's a point—it also allows government bureaucrats to take over and actually close a firm. The government, for the first time you're going to be able to say, besides picking winners and losers, as I pointed out before, which is a tremendous overreach of government authority to say for a bureaucrat someplace in Washington or New York or some other place designated by the Washington bureaucrats to say, well, we think that your business should win and your business should lose, besides just picking winners and losers, the Senate bill goes even further than that.

It allows government bureaucrats to take over and close a firm. They can say for whatever reason—hopefully not political, but who knows—for whatever reason these bureaucrats will say, well, I think that firm over there is one I think the government agency now should take over. Isn't that really too much power in the hands of the government? And doesn't it open up our economy to political bullying rather than the way it should be?

And the way it should be is it should be that a firm's success or ultimate failure should be decided by the free markets, decided by the people of the country whether they think this company is providing the services they like and this company is not providing. That's the way it has been for 200-plus years—or longer than that, actually—in this country, and now we're going to change all that and allow bureaucrats to say, you win, you lose, we're going to take over you, we're going to not take over you; we're going to provide you with a bailout at taxpayers' expense; you're going to have to do it on your own. And you the citizens out there are going to have to all pay the price of this.

Those of you who think you have nothing to do with financial services, well, you're going to see your interest rates go up. Those of you who are out there who think that this doesn't impact you, well, you may not be able to find a job next year because the net number of new jobs is not going to increase as it would have. It's going to impact upon all of us if we are to pass this failed bill over in the Senate.

Now, several portions of the bill also are handouts to—who do you think? The trial bar. Why is that? Because it will increase lawsuits. It will benefit lawyers, but drive up costs for everybody else. Nothing against lawyers by any means, trial lawyers as well, but do we really need another piece of legislation that will just basically increase the number of lawsuits in this country? Don't we have enough lawsuits already going on? Do we need to set up a structure that fundamentally is done in such a way that most of the experts looking at it are saying, yes, the number of lawsuits is going to increase just because there is so much ambiguity that's out there?

Also, at a time when you're seeing a growing consensus that the Federal Reserve should be less powerful, let's take a look at the Federal Reserve, and isn't there a consensus now. I think we saw bipartisan support that the amount of control and authority and power of the Federal Reserve, I thought there was growing consensus in this country and also in this Congress, in this House, that maybe the Federal Reserve should be reined in a little—or some were saying a whole lot. That's not what is happening over in the Senate.

So at a time when you're seeing a growing consensus that the Federal Reserve should be given less power, not more, the Senate bill greatly expands the Federal regulatory powers. This is done despite the fact the board has a proven track record of failing to identify systemic risks before they actually occur in its overeagerness to pay taxpayers money at risk while conducting fiscal policy without accountability. It has an overeagerness to put taxpayers' money at risk while conducting fiscal policy without any accountability.

And any time we try to get that accountability, I should add just as a side note, what do we get? We get pushback from the Federal Reserve. Pushback, whether it's a Republican idea; pushback, whether it's a Democrat idea to try to put in some additional levels of accountability and transparency. And so despite that, the Senate bill is going to say we're going to give them even more and greater power and control.

Given the extraordinary government interventions into private firms we've already seen with the trampling of the rule of law in order to benefit political favorites in the auto industry, for instance, I'm very uncomfortable with any of these new sweeping powers. The auto industry, I guess, is a clear example of that. It goes back to what I was saying before: Federal Government, bureaucrats saying this company wins, this company loses, and we're going to use the taxpayers' money to prop them up and keep them going.

Let me just go back for one little point I raised before—I didn't want to go into the weeds too much on it—and that was the derivatives portion of the bill. Derivatives, I've heard them described in a number of different ways, insurance policies or such, but without going into the details on how they actually operate, remember this about derivatives, I guess, to take away from my remarks on derivatives: none of the experts that came before the committee—those who use them, those who didn't use them, those who are involved with them, those who are not involved with them, academics and the like—there was no one who said that the problems that we find ourselves in today were because of the structure or the makeup of derivatives themselves. No. I think most of the experts who came to us said it was the fact that you had trading in derivatives without adequate transparency and capital there in certain circumstances, like in the AIG situation.

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And then similarly, with the AIG situation you had a situation where the regulators who were charged with knowing what they are doing, having the authority to do so, failed to live up to their obligation to monitor the very entities that they are supposed to be giving oversight to. Isn't it a little bit ironic that we see now in the Senate that those very same failed regulators

are going to get even bigger and broader powers.

In any event, on the derivative portion of the bill, what does the Senate bill do? Well, it sets up a really, I don't know what is a good word for it—I guess a technical word would be clumsy—it sets up a clumsy new two-tiered SEC-CFTC regulatory regime over all derivative users. And that is really a huge portion of the economy.

You know, the average person says, ''I don't use derivatives.'' And the average small business might say, ''I don't use derivatives.'' But that small business begins to look one step behind its daily activities, it may find that the source of its credit does in fact use derivatives. That industry that has a particular product that they manufacture, what have you, maybe people in the company that work there don't recognize it, but you talk to the CFO, chief financial officer or otherwise, you will find out that they actually do use derivatives to protect themselves, just like other companies use risk management as mechanisms to protect other portions of their business. So they are used. They are a huge portion of the economy.

And here we have a Senate bill now saying we are going to fool around with this and set up this new two-tiered SEC and CFTC regulatory regime over all the derivative users. And in a way it goes back to my earlier point that it will probably be ripe for litigation and also confusion to say the least.

In all this, there will be some new truly heavy-handed government mandates that are likely to have major unintended consequences that could really make it more difficult for companies to hedge their risks. That's why I say a lot of businesses may not recognize how it impacts upon them. Maybe it is not the company themselves, it is other companies that they deal with, that they have to deal with. If they can't hedge their risks properly, they will find themselves at odds with being able to prosper and do as well next year as they have in the past.

So when the Senate bill tries to do this, what it's really doing is adding huge new costs to risk management. What will that do? That will needlessly tie up companies' moneys that could otherwise be used to create jobs. It goes back to that little analogy I had before saying that if you have a company that says we have X number of dollars in the bank that we are intending to use for new expansion, production, or growth, now that money may be unfortunately tied up over here through all the new regulation and otherwise, and capital margin requirements and the like. And if they can't have it over here to grow the company, prosper the company, and create new jobs and the like, and new benefits for their employees because it's now tied up, who hurts? Who pays the price? It is the employees, it is the economy, it is the community that that business finds itself in.

Now, to all that truly terrible legislation that we see sitting in the Senate that Senator REID is trying to push through without a true committee process where we could really get into the weeds and find out what is in those 1,300-plus pages and try to understand all the consequences, intended and otherwise, the Republicans do have a comprehensive substitute. It has received unanimous support from the party and those here who have worked on it, and also significant support from those players, both involved with the discussion, academics and otherwise.

And it is really also the only truly bipartisan plan that's out there. Because whether you are a Republican or Democrat, I think most in this country agree on one theme: No more bailouts. So it's bipartisan in the theme, it's bipartisan in the merits, it's bipartisan in the actual language. Its central theme, as I say, is no more bailouts. And our plan depends on an expedited bankruptcy rather than a government-run bailout fund.

Let me give you one, two, three, four points that are in it. It provides comprehensive transparency and accountability among the major traders in the derivative markets without setting up that Byzantine new regulatory regime that I just mentioned a minute ago. It allows for real consumer protection, important, without a bureaucracy that separates consumer protection from what we call prudential regulation, safety and soundness like we saw with Fannie and Freddie.

I will digress there for 30 seconds. That simply means that you are not going to say that there is somebody sitting over here looking over an institution saying, well, I think you should do this in order to be safe and sound and prudentially run, and you are going to have somebody over here in a totally different silo, a different agency, who is going to be saying, well, I think you should have a consumer product that works this way or works that way. And if they are working at cross-purposes, which one prevails? Well, at the end of the day, the consumer is the one that hurts.

Additionally, third point, the Republican plan reins in the Fed instead of giving it vast new powers. It goes to that point I raised before. The Democrat majority plan in the House and the Senate says, ''Hey, Fed, you've been doing such a wonderful job with monetary policy, you've been doing such a wonderful job with regulation of the institutions under you, you've done such a wonderful job, Federal Reserve, with being able to see the calamities down the road.'' I say of course that all tongue in cheek. They say, ''Well, we're going to make you even larger and more expansive and grow in power.''

Well, not for the Republicans, not for most Americans. Most Americans want us to rein in the Fed. And that is what the Republican bill will do, by giving it less powers than it has right now.

Fourthly, the Republican plan responsibly deals with Fannie and Freddie, one of the biggest culprits in the entire process. Believe it or not, the Senate bill, the Dodd-Frank-Obama bill, does absolutely nothing with regard to Fannie and Freddie and the GSEs. Think about this little number right now. You hear about all the money that was spent over the last year or so out of taxpayer pockets, whether it goes to the Wall Street bailouts, whether it goes to the auto industry, whether it goes to AIG or Bear Stearns and you just name it, all those billions and billions of dollars went out the door. You know which bailout really trumps even all those combined? It would be the GSEs, Fannie Mae and Freddie Mac, where, as I mentioned I think earlier this evening, the number is close to $400 billion already projected to cost the taxpayer over the next 10 years. And the President's plan, the Dodd-Frank plan, is silent on trying to do anything about that.

Not only are they silent about doing anything about that, it's silent as to putting any limits to it. Right now there is no limit to the amount of money that can come out of your pocket and my pocket to bail out these institutions. Something should have been included in there. They did not.

Remember, finally, it was largely government that got us into this situation we find ourselves in in the first place. It was the implosion of Fannie and Freddie that created so many of the other problems that we see across the economic spectrum as we see it today. It was also the easy money policy of the Fed and the errors that were made over time there. It was the misplaced incentives and downright requirements in the housing finance sector that basically encouraged or forced firms to lend to borrowers that shouldn't have been buying a home in the first place. It was government regulators that didn't do their job whom the Democrats would like to further empower and provide a false sense of security and hamper the free markets.

It was all those problems that brought us to the situation that we find ourselves in today. None of those problems are addressed either at all or in a correct manner in the legislation that we see in the Senate right now.

Now is the time that we have an opportunity to do right for the American public. Now is the time we have an opportunity to do right for the economy. Now is the time we have an opportunity to create new jobs and new expansions in the economy, to make the economy of tomorrow better for businesses, for small community banks, for small communities across this country,

for families as well. But we can only do that if we work in a truly bipartisan manner to go through the process and begin the discussions on what the root causes of these problems were and to come up with a no-bailout philosophy and approach to this that addresses the GSEs—Fannie Mae and Freddie Mac—that reins in the excessive powers of the Federal Reserve, and addresses the other concerns of job creation and the other concerns of regulation that I have addressed already this evening. If we do that, then we will be successful for this generation and generations to come.

I look forward to actually being able to get to that point in time. I look forward to hearing from the other side of the aisle and hearing from the Senate that the bill they are pushing right now, the Dodd-Frank-Obama bill, is being pulled and they are no longer going to force the votes, but instead they are willing to open up a true and honest dialogue to get the job done. When that time comes, I will be willing to work with them to accomplish that.

With that, Mr. Speaker, I yield back the balance of my time.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TOWNS) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 4.

Mr. JONES, for 5 minutes, May 4.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. BILBRAY, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, May 4.

## SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 3253. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

## BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on April 26, 2010, she presented to the President of the United States, for his approval, the following bill.

H.R. 4360. To designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center.

## ADJOURNMENT

Mr. GARRETT of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 28, 2010, at 10 a.m.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the first and second quarters of 2010, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THAILAND, EXPENDED BETWEEN MAR. 27 AND APR. 2, 2010

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Lorraine C. Miller | 3/27 | 4/2 | Thailand | Baht | 1,0720.00 | Dollar | 11,642.60 | | | | 12,714.60 |
| John V. Sullivan | 3/27 | 4/2 | Thailand | Baht | 1,0720.00 | Dollar | 11,642.60 | | | | 12,714.60 |
| Thomas J. Wickham | 3/27 | 4/2 | Thailand | Baht | 1,0720.00 | Dollar | 11,642.60 | | | | 12,714.60 |
| Tonya L. Spratt-Williams | 3/27 | 4/2 | Thailand | Baht | 1,0720.00 | Dollar | 11,642.60 | | | | 12,714.60 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LORRAINE C. MILLER, Apr. 9, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BOSNIA-HERZEGOVINA, KOSOVO, MACEDONIA, SERBIA, AND GERMANY, EXPENDED BETWEEN FEB. 13 AND FEB. 22, 2010

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Earl Pomeroy | 2/14 | 2/16 | Bosnia and Herzegovina | | 268.00 | | 4,260.00 | | | | 4,528.00 |
| John Lis | 2/14 | 2/16 | Bosnia and Herzegovina | | 518.00 | | 9,275.00 | | | | 9,793.00 |
| Rachael Leman | 2/14 | 2/16 | Bosnia and Herzegovina | | 518.00 | | 9,275.00 | | | | 9,793.00 |
| Hon. Earl Pomeroy | 2/16 | 2/17 | Kosovo | | 217.00 | | | | | | 217.00 |
| John Lis | 2/16 | 2/17 | Kosovo | | 217.00 | | | | | | 217.00 |
| Rachael Leman | 2/16 | 2/17 | Kosovo | | 217.00 | | | | | | 217.00 |
| Hon. Earl Pomeroy | 2/17 | 2/18 | Macedonia | | 299.00 | | | | | | 299.00 |
| John Lis | 2/17 | 2/18 | Macedonia | | 299.00 | | | | | | 299.00 |
| Rachael Leman | 2/17 | 2/18 | Macedonia | | 299.00 | | | | | | 299.00 |
| Hon. Earl Pomeroy | 2/18 | 2/21 | Serbia | | 671.00 | | | | | | 671.00 |
| John Lis | 2/18 | 2/21 | Serbia | | 1,171.00 | | | | | | 1,171.00 |
| Rachael Leman | 2/18 | 2/21 | Serbia | | 1,171.00 | | | | | | 1,171.00 |
| Hon. Earl Pomeroy | 2/21 | 2/22 | Germany | | 232.00 | | | | | | 232.00 |
| John Lis | 2/21 | 2/22 | Germany | | 232.00 | | | | | | 232.00 |
| Rachael Leman | 2/21 | 2/22 | Germany | | 232.00 | | | | | | 232.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. EARL POMEROY, Apr. 13, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Bonnie Bruce | 3/20 | 3/26 | Qatar | 3,582.00 | 984.49 | | 7,934.70 | 7,200.00 | 1,979.65 | 10,782.00 | 10,898.84 |
| Jean Flemma | 3/20 | 3/26 | Qatar | 3,582.00 | 984.49 | | 7,934.70 | 7,200.00 | 1,979.65 | 10,782.00 | 10,898.84 |
| Committee total | | | | | 1,968.98 | | 15,869.40 | | 3,959.30 | | 21,797.68 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. NICK J. RAHALL II, Chairman, Apr. 13, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ZOE LOFGREN, Chairman, Apr. 12, 2010.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7199. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — Swine Contract Library (RIN: 0580-AB06) received April 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7200. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerances [EPA-HQ-OPP-2008-0885; FRL-8810-3] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7201. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Research and Development Contract Type Determination (DFARS Case 2006-D053) (RIN: 0750-AF79) received March 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7202. A letter from the Principal Deputy, Department of the Navy, transmitting notice of cancellation of public-private competitions performed under the Office of Management and Budget Circular A-76 ''Performance of Commercial Activities''; to the Committee on Armed Services.

7203. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's ''Major'' final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1377] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7204. A letter from the Chairman, U.S.-China Economic and Security Review Commission, transmitting the Commission's record of the public hearing on ''China's Activities in Southeast Asia and the Implications for U.S. Interests''; to the Committee on Financial Services.

7205. A letter from the Acting Scientific Director, Department of Health and Human Services, transmitting the Annual Report on the National Institute of Child Health and Human Development (NICHD) Division of Intramural Research for FY 2009; to the Committee on Energy and Commerce.

7206. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Vehicle Fleet Report on Alternative Fuel Vehicles for fiscal year 2009, pursuant to 42 U.S.C. 13218; to the Committee on Energy and Commerce.

7207. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 25, 74, 78 and 101 of the Rules regarding Coordination between the Non-Geostationary and Geostationary Satellite Orbit Fixed-Satellite Service and Fixed, Broadcast Auxiliary and Cable Television Relay Services in the 7 GHz, 10 GHz and 13 GHz Frequency Bands [ET Docket No.: 03-254] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7208. A letter from the Secretary, Department of Energy, transmitting a legislative proposal to provide additional Flexibility to the Department of Energy Materials Protection, Control, and Accounting Program; to the Committee on Foreign Affairs.

7209. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Oklahoma Regulatory Program [SATS No. OK-0320-FOR; Docket No. OSM-2008-0023] received April 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7210. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Corrections [Docket No.: 071220872-0093-04] (RIN: 0648-AS71 and 0648-AU71) received March 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7211. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Iliamna, AK [Docket No.: FAA-2009-1036; Airspace Docket No. 09-AAL-17] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7212. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hailey, ID [Docket No.: FAA-2009-0954; Airspace Docket No. 09-ANM-11] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7213. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-0656; Directorate Identifier 2009-NM-038-AD; Amendment 39-16056; AD 2009-22-05] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7214. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model G58 Airplanes [Docket No.: FAA-2009-1176; Directorate Identifier 2009-CE-062-AD; Amendment 39-16226; AD 2010-06-02] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7215. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-284); Houston, TX [Docket No.: FAA-2009-0878; Airspace Docket No. 09-ASW-7] (RIN: 2120-AA66) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7216. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Killeen, TX [Docket No.: FAA-2009-0928; Airspace Docket No. 09-ASW-28] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7217. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lampasas, TX [Docket No.: FAA-2009-0925; Airspace Docket No. 09-ASW-25] received April 13,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7218. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Panama City, Tyndall AFB, FL [Docket No.: FAA-2010-0249; Airspace Docket No. 10-ASO-22] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7219. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Quitman, GA [Docket No.: FAA-2010-0053; Airspace Docket No. 10-ASO-19] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7220. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mount Pleasnt, SC [Docket No.: FAA-2010-0069; Airspace Docket No. 10-ASO-15] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7221. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Prohibited Area P-49; Crawford, TX [Docket No.: FAA-2009-0921; Airspace Docket No. 09-AWA-3] (RIN: 2120-AA66) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7222. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Extension of Compliance Date for Cockpit Voice Recorder and Digital Flight Data Recorder Regulations [Docket No.: FAA-2005-20245; Amendment No. 27-45, 29-52, 91-313, 121-349, 125-60 and 135-121] (RIN: 2120-AJ65) recieved April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7223. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Luverne, MN [Docket No.: FAA-2009-1150; Airspace Docket No. 09-AGL-34] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7224. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Availability of Class Deviation; Disputes Resolution Procedures Related to Clean Water and Drinking Water State Revolving Fund (CWSRF and DWSRF, respectively) Reallocation Under the American Reinvestment and Recovery Act of 2009 (ARRA) [FRL-9115-1] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

7225. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1874-DR for the Commonwealth of Virginia; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7226. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1875-DR for the State of Maryland; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1300. Resolution providing for consideration of the bill (H.R. 5013) to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes (Rept. 111–467). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DELAHUNT (for himself, Mr. ISSA, Ms. FUDGE, Mr. ROONEY, Mr. SCOTT of Virginia, and Ms. RICHARDSON):

H.R. 5143. A bill to establish the National Criminal Justice Commission; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 5144. A bill to establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes; to the Committee on Natural Resources.

By Mr. MCNERNEY:

H.R. 5145. A bill to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MITCHELL (for himself, Mr. MATHESON, Mr. PAUL, Mr. TEAGUE, Ms. HERSETH SANDLIN, Mr. SALAZAR, Mr. YARMUTH, Mr. HALL of New York, Mr. HOLT, Ms. PINGREE of Maine, Mr. ISRAEL, Mr. AL GREEN of Texas, Ms. TITUS, Mrs. KIRKPATRICK of Arizona, Ms. TSONGAS, Mr. SESTAK, Mr. DONNELLY of Indiana, Mr. LANGEVIN, Ms. GIFFORDS, Mr. HARE, Mr. BURTON of Indiana, Mr. MCNERNEY, Mr. QUIGLEY, Mr. CONNOLLY of Virginia, Mrs. HALVORSON, Mr. MAFFEI, Mr. HODES, Mr. BOUCHER, Mr. FLAKE, Mr. ARCURI, Ms. KILROY, Mr. WALZ, Ms. MARKEY of Colorado, Mr. BARROW, Mr. POLIS, Mr. KRATOVIL, Mr. CHANDLER, Mr. DAVIS of Tennessee, Mr. ALTMIRE, Mr. MOORE of Kansas, Mr. PETERSON, Mr. GORDON of Tennessee, Mr. TAYLOR, Mr. DRIEHAUS, Mr. FOSTER, Mr. LOEBSACK, Mr. KLEIN of Florida, Mrs. DAHLKEMPER, Ms. KAPTUR, Mr. ELLSWORTH, Mr. AUSTRIA, Mr. HILL, Ms. MATSUI, Mr. CHILDERS, Mr. CARNAHAN, Mr. MELANCON, Mr. REICHERT, Mr. KAGEN, Mr. MINNICK, Mr. MCINTYRE, Mr. COBLE, Mr. BRIGHT, Mr. CUELLAR, Mr. POMEROY, Mr. SPACE, Mr. LANCE, Ms. GRANGER, Ms. JENKINS, Mrs. EMERSON, Mr. FORBES, Mr. MCHENRY, Mr. MORAN of Kansas, Mr. MCCAUL, Mr. ALEXANDER, Mr. GOODLATTE, Mr. REHBERG, Ms. SUTTON, Mr. LOBIONDO, Mr. VAN HOLLEN, and Mr. BOOZMAN):

H.R. 5146. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. LEVIN, Mr. CAMP, Mr. COSTELLO, and Mr. PETRI):

H.R. 5147. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. TOWNS, Mr. CHAFFETZ, and Mrs. MALONEY):

H.R. 5148. A bill to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter; to the Committee on Oversight and Government Reform.

By Mr. BONNER:

H.R. 5149. A bill to extend Federal recognition to the Mowa Band of Choctaw Indians of Alabama, and for other purposes; to the Committee on Natural Resources.

By Mr. CHILDERS:

H.R. 5150. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. FLAKE:

H.R. 5151. A bill to limit the amount which may be made available for the Members' Representational Allowance for fiscal year 2011, to prohibit the use of such Allowance for expenses of official mail of any material other than a document transmitted under the official letterhead of the Member involved, and to require the quarterly statement of costs incurred for official mail by offices of the House of Representatives to provide a separate breakdown of the costs incurred for each method of mass communication covered by the statement; to the Committee on House Administration.

By Mr. GINGREY of Georgia (for himself, Mr. LEWIS of Georgia, and Mr. KINGSTON):

H.R. 5152. A bill to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes; to the Committee on Natural Resources.

By Ms. HERSETH SANDLIN:

H.R. 5153. A bill to amend the Minuteman Missile National Historic Site Establishment Act of 1999 to modify the boundary of the Minuteman Missile National Historic Site in South Dakota, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIMES:

H.R. 5154. A bill to authorize public housing agencies to use public housing operating funds as collateral for financing energy conservation improvements and to freeze utility consumption levels for purposes of determining Operating Fund assistance, and for other purposes; to the Committee on Financial Services.

By Mr. JONES (for himself and Mr. ORTIZ):

H.R. 5155. A bill to direct the Secretary of Commerce to conduct an aerial assessment of sea turtle populations in United States waters, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself, Mr. RUSH, Mr. DINGELL, and Ms. ESHOO):

H.R. 5156. A bill to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 5157. A bill to amend title 31, United States Code, to provide for the issuance of War on Debt Bonds; to the Committee on Ways and Means.

By Mr. WILSON of Ohio:

H.R. 5158. A bill to require Federal contractors and subcontractors to comply with certain reporting requirements and transparency standards; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mrs. CAPPS, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. ARCURI, Ms. DELAURO, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. KILDEE, Mr. FARR, Mr. ENGEL, Ms. MCCOLLUM, Mr. SCHIFF, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. TANNER, Mr. SERRANO, Mr. SCOTT of Georgia, Ms. SPEIER, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Mr. SCOTT of Virginia, Ms. CLARKE, Ms. KILROY, Ms. EDWARDS of Maryland, Mr. TONKO, Ms. SHEA-PORTER, Mr. THOMPSON of California, Mr. LOEBSACK, Mr. MORAN of Virginia, Mrs. DAVIS of California, Ms. KAPTUR, Mr. ISRAEL, Mrs. MALONEY, Ms. BALDWIN, Ms. ZOE LOFGREN of California, Mr. DINGELL, Mr. FILNER, Mr. JACKSON of Illinois, and Ms. ROYBAL-ALLARD):

H. Con. Res. 268. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PETERSON (for himself, Mr. LUCAS, Ms. MARKEY of Colorado, Mr. BOSWELL, Mr. HOLDEN, Mr. KINGSTON, Mrs. DAHLKEMPER, Mr. MORAN of Kansas, Mr. POMEROY, Mr. SMITH of Nebraska, Ms. HERSETH SANDLIN, Mr. NEUGEBAUER, Mr. KISSELL, Mr. CONAWAY, Mr. KRATOVIL, Mr. ELLSWORTH, Mr. GRAVES, Mrs. LUMMIS, and Mr. JOHNSON of Illinois):

H. Con. Res. 269. Concurrent resolution congratulating the outstanding professional public servants, both past and present, of the Natural Resources Conservation Service on the occasion of its 75th anniversary; to the Committee on Agriculture.

By Ms. CORRINE BROWN of Florida:

H. Res. 1301. A resolution supporting the goals and ideals of National Train Day; to the Committee on Transportation and Infrastructure.

By Mr. CAO (for himself, Mr. HONDA, Mr. JOHNSON of Georgia, Mr. DENT, and Mr. CASSIDY):

H. Res. 1302. A resolution supporting the goals and ideals of National Hepatitis Awareness Month and World Hepatitis Day; to the Committee on Energy and Commerce.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Ms. WATSON, Mr. CAMPBELL, Mr. KIND, Mr. SESTAK, Mr. MCINTYRE, Mr. ISSA, and Mr. ENGEL):

H. Res. 1303. A resolution recognizing the close friendship and historical ties between the United Kingdom and the United States; to the Committee on Foreign Affairs.

By Mr. MARSHALL (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. LINDER, Mr. SCOTT of Georgia, Mr. GINGREY of Georgia, Mr. BARROW, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H. Res. 1304. A resolution honoring the members of the 48th Infantry Brigade Combat Team of the State of Georgia's Army National Guard for their service and sacrifice on behalf of the United States from 2009 to 2010; to the Committee on Armed Services.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

265. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6032 urging the United States Congress to select the Boeing NewGen Tanker; to the Committee on Armed Services.

266. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution 1303 urging the Congress of the United States to support a strong clean energy and climate bill; to the Committee on Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. WEINER, Mr. LARSON of Connecticut, Mr. COURTNEY, and Mr. DOGGETT.

H.R. 213: Mr. ROGERS of Michigan and Mr. FORBES.

H.R. 303: Mr. JONES, Mr. VAN HOLLEN, and Mr. ALTMIRE.

H.R. 333: Mr. GENE GREEN of Texas and Mr. SOUDER.

H.R. 616: Mr. TIAHRT.

H.R. 758: Ms. FUDGE, Ms. BALDWIN, and Mr. QUIGLEY.

H.R. 775: Mr. STARK.

H.R. 949: Mr. VAN HOLLEN, Mr. OLVER, Ms. MOORE of Wisconsin, and Mr. HARE.

H.R. 988: Mr. SHUSTER and Mr. UPTON.

H.R. 1074: Mr. BOSWELL and Mr. TIM MURPHY of Pennsylvania.

H.R. 1079: Mr. MORAN of Kansas.

H.R. 1175: Mr. MCNERNEY.

H.R. 1430: Mr. PAULSEN.

H.R. 1578: Mr. CLAY.

H.R. 1587: Mr. RYAN of Ohio.

H.R. 1625: Mr. HOLDEN.

H.R. 1671: Ms. BALDWIN, Mr. GORDON of Tennessee, Mr. BISHOP of Georgia, and Mr. KAGEN.

H.R. 1751: Ms. MATSUI, Mr. MOORE of Kansas, and Ms. HIRONO.

H.R. 1806: Mr. ORTIZ.

H.R. 2003: Mr. LANGEVIN.

H.R. 2016: Ms. WATSON.

H.R. 2067: Mr. HIMES.

H.R. 2084: Ms. SCHAKOWSKY.

H.R. 2104: Ms. CHU.

H.R. 2156: Ms. KILPATRICK of Michigan.

H.R. 2262: Mr. YARMUTH, Mr. HALL of New York, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, and Mr. MCMAHON.

H.R. 2414: Ms. MATSUI and Mr. SCHRADER.

H.R. 2417: Mr. MORAN of Virginia.

H.R. 2455: Mr. HASTINGS of Florida, Mr. CASTLE, Mr. TIM MURPHY of Pennsylvania, and Mr. Sablan.

H.R. 2575: Mr. COURTNEY.

H.R. 2597: Mr. PRICE of North Carolina.

H.R. 2753: Mr. TIAHRT.

H.R. 2891: Mr. HEINRICH.

H.R. 2941: Ms. ESHOO and Mr. COURTNEY.

H.R. 2987: Mr. MOORE of Kansas.

H.R. 3043: Ms. TITUS, Mr. MEEK of Florida, and Mr. LYNCH.

H.R. 3116: Ms. WOOLSEY.

H.R. 3185: Mr. HOLT, Ms. LINDA T. SÁNCHEZ of California, Ms. CASTOR of Florida, and Mr. BISHOP of Georgia.

H.R. 3212: Mr. COHEN and Mr. HODES.

H.R. 3339: Mr. MCDERMOTT, Mr. FILNER, and Mr. THOMPSON of California.

H.R. 3355: Mr. KLEIN of Florida.

H.R. 3393: Mr. NYE, Mr. BISHOP of Georgia, Mr. ROSS, Mr. PETERSON, Mr. CARNEY, Mr. ARCURI, Mr. BOSWELL, Mr. KRATOVIL, Mr. SCOTT of Georgia, Mr. POMEROY, and Mr. CHILDERS.

H.R. 3415: Mr. OLSON.

H.R. 3421: Mr. GEORGE MILLER of California, Mr. SIRES, and Mr. MICHAUD.

H.R. 3441: Mr. BISHOP of Georgia and Mr. HINCHEY.

H.R. 3594: Mr. CALVERT.

H.R. 3597: Ms. SHEA-PORTER.

H.R. 3668: Mr. YOUNG of Florida, Mr. MILLER of North Carolina, and Mr. LARSON of Connecticut.

H.R. 3706: Mr. HENSARLING.

H.R. 3734: Mr. BERMAN and Ms. FUDGE.

H.R. 3764: Mr. SCHIFF, Mr. PIERLUISI, and Mr. JACKSON of Illinois.

H.R. 4000: Mr. RANGEL and Mr. COHEN.

H.R. 4014: Mr. BERMAN, Mr. HONDA, Mr. SHERMAN, and Mrs. DAVIS of California.

H.R. 4128: Mr. BOOZMAN, Ms. RICHARDSON, Ms. MOORE of Wisconsin, and Mr. SESTAK.

H.R. 4132: Mr. SCHIFF.

H.R. 4219: Mr. LAMBORN.

H.R. 4223: Mr. YARMUTH.

H.R. 4255: Mr. LATOURETTE, Mr. CONNOLLY of Virginia, Mr. SALAZAR, and Mr. ROGERS of Michigan.

H.R. 4296: Mr. CAPUANO.

H.R. 4303: Mr. STARK.

H.R. 4306: Mr. WALZ and Mr. AUSTRIA.

H.R. 4309: Mr. LARSEN of Washington.

H.R. 4320: Mr. CUMMINGS and Mr. HOLT.

H.R. 4329: Mr. SHIMKUS.

H.R. 4502: Mr. PETERS.

H.R. 4530: Mr. MOORE of Kansas and Mr. ARCURI.

H.R. 4544: Ms. NORTON.

H.R. 4593: Mr. PLATTS.

H.R. 4638: Ms. DELAURO.

H.R. 4662: Mr. LATHAM, Ms. NORTON, and Mrs. CHRISTENSEN.

H.R. 4678: Mr. MOLLOHAN, Mr. MEEKS of New York, and Mr. ISRAEL.

H.R. 4749: Ms. CHU.

H.R. 4751: Ms. BALDWIN and Mr. BLUMENAUER.

H.R. 4759: Mr. SHULER.

H.R. 4800: Mr. NADLER of New York.

H.R. 4812: Mr. SALAZAR.

H.R. 4830: Mr. LOEBSACK and Mr. WU.

H.R. 4844: Mr. BRADY of Pennsylvania, Mr. GENE GREEN of Texas, and Mr. CRENSHAW.

H.R. 4850: Ms. SCHWARTZ, Mr. DAVIS of Kentucky, Mr. HIGGINS, Ms. KILPATRICK of Michigan, and Mr. ADLER of New Jersey.

H.R. 4856: Ms. HARMAN and Mr. MITCHELL.

H.R. 4866: Mr. AKIN and Mrs. MCMORRIS RODGERS.

H.R. 4868: Mr. LANGEVIN.

H.R. 4870: Mr. FARR and Mr. COHEN.

H.R. 4914: Mr. FRANK of Massachusetts.

H.R. 4918: Mr. TAYLOR.

H.R. 4919: Mr. LATTA.

H.R. 4925: Mr. MCGOVERN and Mr. ARCURI.

H.R. 4943: Mr. YOUNG of Alaska and Mr. INGLIS.

H.R. 4947: Mr. FALEOMAVAEGA and Mr. ARCURI.

H.R. 4953: Mr. GRIJALVA.

H.R. 5012: Ms. BERKLEY.

H.R. 5015: Ms. BALDWIN and Mr. OLVER.

H.R. 5035: Mr. SCHOCK, Mr. SPACE, Mr. THOMPSON of Pennsylvania, Mr. KRATOVIL, Mr. POMEROY, Mr. MCCOTTER, and Mr. CAPUANO.

H.R. 5040: Ms. BALDWIN.

H.R. 5044: Mr. BRALEY of Iowa.

H.R. 5065: Mr. BONNER, Mr. LINDER, Mr. LAMBORN, Mrs. MYRICK, Mr. PRICE of Georgia, Mr. WILSON of South Carolina, and Mr. KING of New York.

H.R. 5078: Mr. FILNER.

H.R. 5085: Mr. LEE of New York and Mr. MURPHY of New York.

H.R. 5089: Mr. WILSON of Ohio and Mr. CARNAHAN.

H.R. 5090: Ms. NORTON.

H.R. 5092: Mr. MICA, Mr. FOSTER, Mr. ROGERS of Michigan, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. PASCRELL, Mr. BUCHANAN, Ms. KAPTUR, Mr. KIRK, Mr. KISSELL, Mr. BILBRAY, Mr. ANDREWS, Ms. GINNY BROWN-WAITE of Florida, Mr. BLUNT, Ms. WOOLSEY, Mr. BISHOP of New York, Mr. MCNERNEY, Mr. SIMPSON, and Mrs. BIGGERT.

H.R. 5111: Mr. SULLIVAN, Mrs. BACHMANN, Mr. FORBES, Mr. BUCHANAN, Mr. MCCOTTER, Mr. WAMP, and Mr. COFFMAN of Colorado.

H.R. 5138: Mr. MANZULLO and Mr. BILBRAY.

H.R. 5142: Mr. TEAGUE and Mr. LARSON of Connecticut.

H. Con. Res. 16: Mr. CHAFFETZ.

H. Con. Res. 18: Mr. SAM JOHNSON of Texas.

H. Con. Res. 200: Mr. SAM JOHNSON of Texas and Mr. KAGEN.

H. Con. Res. 226: Mr. BISHOP of New York and Mr. MCNERNEY.

H. Con. Res. 240: Mr. BRALEY of Iowa, Mr. COSTELLO, Mr. COURTNEY, Mr. DOYLE, Mr. GUTIERREZ, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Ms. ZOE LOFGREN of California, Ms. PINGREE of Maine, Mr. DELAHUNT, Mr. NEAL of Massachusetts, and Mr. TIERNEY.

H. Con. Res. 260: Ms. SHEA-PORTER, Mr. QUIGLEY, Ms. SUTTON, Mr. ROHRABACHER, Mr. BRADY of Texas, Mr. BARTON of Texas, Mr. HUNTER, Mr. MILLER of Florida, Mr. BARROW, Mr. THOMPSON of Pennsylvania, Mr. FOSTER, Mr. TERRY, Mr. GRIFFITH, Mr. CARTER, Mr. FRELINGHUYSEN, Mr. BISHOP of Utah, Mr. AL GREEN of Texas, Mr. SHIMKUS, and Mr. CONAWAY.

H. Con. Res. 265: Mr. MILLER of Florida.

H. Con. Res. 266: Mr. ACKERMAN and Mr. FLEMING.

H. Res. 407: Ms. DEGETTE and Ms. WATSON.

H. Res. 764: Mr. ROHRABACHER Mr. CHAFFETZ, and Mr. MCINTYRE.

H. Res. 767: Ms. HIRONO and Mr. RYAN of Ohio.

H. Res. 1033: Mr. CARNEY, Mr. SCHOCK, Mr. MCHENRY, Mr. THOMPSON of Pennsylvania, and Mr. COLE.

H. Res. 1073: Mr. ADERHOLT and Mr. PENCE.

H. Res. 1131: Mr. MICHAUD and Ms. EDDIE BERNICE Johnson of Texas.

H. Res. 1152: Mr. LYNCH.

H. Res. 1217: Mr. KING of New York, Mrs. LOWEY, and Mr. TONKO.

H. Res. 1224: Mr. STARK and Mr. QUIGLEY.

H. Res. 1229: Mr. CHAFFETZ.

H. Res. 1240: Ms. MCCOLLUM, Ms. BORDALLO, Mr. BERMAN, Ms. LORETTA SANCHEZ of California, Ms. FUDGE, and Mr. LEWIS of Georgia.

H. Res. 1241: Mr. SOUDER.

H. Res. 1247: Mr. FRANK of Massachusetts, Mr. MARKEY of Massachusetts, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. MCGOVERN, Mr. CAPUANO, Ms. MOORE of Wisconsin, Mr. FILNER, Ms. SHEA-PORTER, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. MATSUI, Ms. FUDGE, Ms. TSONGAS, Ms. RICHARDSON, Ms. DELAURO, Mr. SERRANO, Mr. PRICE of North Carolina, Ms. EDWARDS of Maryland, Ms. LEE of California, Mr. SHULER, Ms. CASTOR of Florida, Mr. HONDA, Mr. CONYERS, Mr. GRIJALVA, Mr. PLATTS, Mr. FATTAH, Mr. COSTA, Mr. ORTIZ, Mr. WOLF, Mr. LEVIN, Ms. CORRINE BROWN of Florida, and Mr. SKELTON.

H. Res. 1261: Mr. GUTHRIE.

H. Res. 1265: Ms. ZOE LOFGREN of California.

H. Res. 1275: Ms. SHEA-PORTER.

H. Res. 1277: Mr. HOLT.

H. Res. 1279: Mr. AKIN.

H. Res. 1285: Mr. LOBIONDO, Ms. BERKLEY, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. LAMBORN, and Ms. SCHWARTZ.

H. Res. 1290: Ms. DELAURO, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Ms. MCCOLLUM, Mrs. MALONEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. DINGELL, Mr. CONYERS, Mr. CUMMINGS, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. QUIGLEY, and Mr. VAN HOLLEN.

H. Res. 1295: Mr. TERRY and Mr. SMITH of Nebraska.

H. Res. 1297: Mr. ARCURI, Ms. DEGETTE, Mr. ISSA, Mr. MINNICK, Mr. PERLMUTTER, Mr. RODRIGUEZ, Mr. SALAZAR, Mr. TANNER, Mr. TEAGUE, Mr. TERRY, Ms. TITUS, Mr. ADLER of New Jersey, Mr. MCNERNEY, Mr. KAGEN, Mr. SCHAUER, Mr. BOREN, Mr. JONES, Mr. BOUSTANY, Mr. DAVIS of Kentucky, Mr. ALEXANDER, Mr. CARDOZA, Mr. MELANCON, Mr. GORDON of Tennessee, Mr. KRATOVIL, Mr. BOCCIERI, Mr. COOPER, Mr. NYE, Mr. RAHALL, Mr. BOYD, Mr. WALDEN, and Mr. PERRIELLO.

## PETITIONS, ETC.

Under clause 3 of rule XII,

121. The SPEAKER presented a petition of City of Lauderdale Lakes, Florida, relative to Resolution No. 2010–05 calling upon the United States Conference of Mayors to adopt a plan for providing economic relief to the Nation of Haiti; which was referred to the Committee on Foreign Affairs.

# EXTENSIONS OF REMARKS

## HONORING MR. TODD NELSON

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Todd Nelson. Mr. Nelson served his constituency faithfully and justly during his tenure as the Kiantone Town Justice.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Nelson served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Nelson is one of those people and that is why Madam Speaker I rise in tribute to him today.

## TRIBUTE TO JOAN HASKELL

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATHAM. Madam Speaker, I rise today to recognize the retirement of Joan Haskell from the Marshall County Farm Bureau, and to express my appreciation for her 14 years of service to her community.

A Marshall County native with a strong agriculture background, Ms. Haskell achieved the position of Office Administrator with the Bureau's federation staff. Her extensive work with members of the Farm Bureau since 1995 has earned Joan the respect and appreciation of her community.

Madam Speaker, I commend Joan Haskell for her many years of loyalty and dedication to her fellow Iowans. It is an honor to represent Joan in the United States House of Representatives, and I know that my colleagues join me in wishing her a happy and healthy retirement.

## IN SPECIAL RECOGNITION OF BO JOOST ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Bo Joost of Sherwood, Ohio has been offered an appointment to attend the United States Naval Academy at Annapolis, Maryland.

Bo's offer of appointment poises him to attend the United States Naval Academy this fall with the incoming midshipmen Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Bo brings an enormous amount of leadership, service, and dedication to the incoming Class of 2014. While attending Fairview High School in Sherwood, Ohio, Bo attained a grade point average of 4.0 that placed him first in his graduating class. He was inducted into the National Honor Society where he served as vice president his senior year. Bo was also a member of the Varsity Club and Foreign Language Society.

Throughout high school, Bo participated in the football, baseball, and archery teams, having served as co-Captain of the varsity football team his senior year. Bo has been active and held numerous leadership positions in Student Council, Fellowship of Christian Athletes, Students Against Destructive Decisions, Students for Action in Education, served as a D.A.R.E. role model, and participated in Lutheran Youth Fellowship. Bo also volunteers for relay for life, central shares, and vacation bible school. I am confident that Bo will carry the lessons of his student leadership to the Naval Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Bo Joost on the acceptance of his appointment to the United States Naval Academy. Our service academies offer the finest military training and education available. I am positive that Bo will excel during his career at the Naval Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I chose someone who was close to the hearts of my family, a man of God, and someone who is loyal to his country, Captain Jones. Born and raised in El Paso, Texas, after Captain Jones joined the Navy, he expanded tremendously beyond those Texas border lines. Captain Jones has a genuine outlook on the thirty-five years he served in the Navy and is nothing less than satisfied with those years. He finished college while gaining his commission in the Navy, and still had an ample amount of time to continue serving in the military, which he did with full devotion and determination. Captain Jones is a great man, and his story is one of a kind. Prior to this exceptional interview, I already had a great appreciation for the Navy, as well as the other branches of service, because I grew up with a father who actively served to protect the United States of America. Even with my previous knowledge and gratitude of the military service, after I completed the personal interview with Captain Jones, my eyes and my mind were open to more reasons why I truly support all of the troops. I still get a sudden shock when I hear that one person in the crowd, say anything but good things about the United States Military Force. However, as Captain Jones would so kindly put it, "Don't be narrow minded to the good opportunities that the military has to offer."—Valencia King

TRIBUTE TO EMMA SKAHILL

## HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATHAM. Madam Speaker, I rise today to honor and congratulate Emma Skahill, of Earlham, Iowa, who has achieved national recognition for exemplary volunteer service in her community. The 2010 Prudential Spirit of Community Awards program recently named Emma as a Distinguished Finalist of top youth volunteers in Iowa for her part in organizing a fund-raising walk and awareness campaign to help with the construction of a Habitat for Humanity house for a Mississippi family in need.

Created in 1995, by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP), The Prudential Spirit of Community Awards annually honors the most impressive student volunteers in each state and the District of Columbia. This organization strives to impress upon all youth volunteers that their contributions are critically important and highly valued, while inspiring other young individuals to follow their example. Over the past 15 years, the program has become the nation's largest youth recognition effort based solely on community service, and has honored nearly 100,000 young volunteers at the local, state and national level.

Madam Speaker, individuals such as Emma Skahill must be recognized and applauded for their sincere dedication to maintaining a healthy community and for their positive impact on the lives of others. Emma's actions show that young Americans can—and do—play important roles in our nation, and I am proud to represent Emma, her family and her fellow volunteers in the United States Congress.

GUADALUPE FLORES JUAREZ

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Guadalupe Flores Juarez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Guadalupe Flores Juarez is an 8th grader at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Guadalupe Flores Juarez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Guadalupe Flores Juarez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

CONGRATULATING BUTLER UNIVERSITY ON REACHING THE NCAA MEN'S BASKETBALL NATIONAL CHAMPIONSHIP

## HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. CARSON of Indiana. Madam Speaker, I rise today to congratulate my hometown Butler Bulldogs on their first ever run to the NCAA Men's Basketball Championship Game.

While their loss to Duke was painful for fans of the Bulldog faithful, it was a great ride and the entire State of Indiana was ecstatic to be a part of it.

The game itself was nothing short of epic. Fifteen lead changes. Two shots to win it in the final thirteen seconds.

But most importantly, both teams represented the peak of success on AND off the court.

While many athletic programs focus on attracting NBA prospects instead of student athletes, we saw two schools with 90-percent-plus graduation rates playing for the national championship.

This run allowed the Bulldogs to introduce America to something we know as the Butler Way—which means playing with character and toughness, and placing team above self.

In the end, Duke took home the championship, but Butler won the hearts of the American people.

Mark my words—Butler will be back again next year running with the big dogs—winning their way. The Butler Way.

ESMERALDA VALDEZ

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Esmeralda Valdez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Esmeralda Valdez is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Esmeralda Valdez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Esmeralda Valdez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

TRIBUTE TO DEREK MUIRDEN

## HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. OWENS. Madam Speaker, I rise today to recognize the outstanding career of Mr. Derek Muirden, a veteran of the armed forces and one of northern New York's most recognizable voices, for his decades of service to the North Country

For years, Derek has produced quality programming for Mountain Lake PBS, Plattsburgh's public television station and has reached millions of viewers in New York, Vermont and Quebec.

Derek has been a regional storyteller for decades through the many series he has produced and hosted including: People Near Here, Roadside Adventures, Roadside Recipes and Rustic Living. He is also noted in the region as a documentary filmmaker with productions such as: A Castle in Every Heart: The Arto Monaco Story, Voices of Scotland, Then Again: Reliving History at Fort Ticonderoga and Reach for the Sky: Inside the U.S. Air Force Thunderbirds.

Mr. Muirden is admired by many throughout our community for his in depth and entertaining reporting of the history of the North Country. He is held in high regards by many in our region because of his balanced reporting and his dedication to preparation and professionalism. Creating hundreds of hours of television chronicling our region, he is a prolific producer and host of programs that capture the unique feel and environment of the Adirondacks and our North Country region.

Madam Speaker, I would like to congratulate and thank Derek Muirden for his decades of effort to immortalize our community and honor our Nation. He is a great entertainer and a source of pride for our region, and the North Country would not be the same without him.

ERIKA LOPEZ

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Erika Lopez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Erika Lopez is an 8th grader at Mandalay Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Erika Lopez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Erika Lopez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the

same dedication and character to all her future accomplishments.

## IN SPECIAL RECOGNITION OF GRANT GENZMAN ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Grant Genzman of Perrysburg, Ohio has been offered an appointment to attend the United States Naval Academy at Annapolis, Maryland.

Grant's offer of appointment poises him to attend the United States Naval Academy this fall with the incoming midshipmen Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Grant brings an enormous amount of leadership, service, and dedication to the incoming class of midshipmen. While attending St. John's Jesuit High School in Toledo, Ohio, Grant attained an impressive grade point average that placed him first in his graduating class. Grant earned the AP Scholar Award, the Outstanding Academic Achievement Award, the Claver Scholar Award and he was inducted into the National Honor Society.

Outside the classroom, Grant was a member of the football, wrestling, and tennis teams. Grant utilized his leadership skills by participating in St. John Jesuit's Integrity Committee, Ambassadors Core Team, Marine Science Club, and Student Council. I am confident that Grant will carry the lessons of his student leadership to the Naval Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Grant Genzman on his acceptance of appointment to the United States Naval Academy. Our service academies offer the finest military training and education available. I am positive that Grant will excel during his career at the Naval Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

## ERIC JIMENEZ

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Eric Jimenez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Eric Jimenez is a 12th grader at Wheat Ridge High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Eric Jimenez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Eric Jimenez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

In the interview I conducted, I conversed with former Air Force Captain Wayne R. Thompson. He served the United States from 1960–1963 during the time when Cold War tensions were greatest. Stationed at NORAD in Colorado Springs, he was in charge of emergency power, and he also participated in different construction projects. At one point, during the Cuban Missile Crisis, he slept for three days at the base because an attack seemed imminent. There were many false alarms, and many times he did not know if he would make it. Luckily, for the United States and him, no nuclear weapons were fired, and Kennedy resolved the situation. Thompson learned a lot from his stay in the military as he said that the experience helped him build character and leadership. The camaraderie that he felt with his fellow comrades was his favorite part of being in the military. The bonds that they shared were tighter than any other because they were all united with a common purpose. From the interview, I learned a lot about joining the armed forces. His experiences proved to me that by serving the country, one can really gain the skills and character traits to be successful in life. I fully respect Thompson and his commitment to serving the nation.—Kenny Lee

## EMMA RITTER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Emma Ritter who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Emma Ritter is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Emma Ritter is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Emma Ritter for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## INTRODUCTION OF THE RESTITUTION FOR LOCAL GOVERNMENT ACT OF 2010

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. ESHOO. Madam Speaker, I rise today to announce the introduction of my legislation, the Restitution for Local Government Act of 2010. This legislation will require the Department of the Treasury to assist public entities that lost taxpayer dollars when Lehman Brothers declared bankruptcy in September of 2008 . . . the single largest bankruptcy in the history of the United States.

More than 40 municipalities from around the country lost close to $1.7 billion when Lehman collapsed.

In my Congressional District, San Mateo County and its public institutions were severe victims, and still are, of the Lehman Brothers bankruptcy.

San Mateo County is required by California State law to hold operating funds, reserves and bond proceeds in an investment pool. Their investment pool held funds for the county and local cities, school districts, transit agencies and the community college district. They invested in the most highly-rated, conservative Lehman securities. They were not 'playing the market' or rolling the dice. They are victims of some of the worst abuses and deceit of a financial institution that was considered to be one of the soundest and safest in the Nation.

When Lehman collapsed, San Mateo County lost $155 million. As a result, the county and its 735,000 residents are now reeling financially. Teachers are being laid off. Schools are not being built or renovated. Roads are not being improved. Transportation plans are being scrapped, and critical upgrades in public safety have ceased.

The financial plight of San Mateo County was recently profiled in detail in a February 24, 2010, Wall Street Journal article entitled, Lehman's Ghost Haunts California. (Madam Speaker, I respectfully request that this article be included in the RECORD.)

My legislation will require the Secretary of the Treasury to use any profit made by the sale of troubled assets acquired through the Emergency Economic Stabilization Act of 2008 to be used to purchase the securities, bonds, and other financial instruments issued by Lehman Brothers which were held by local governments on September 12, 2008. The bill directs the Secretary of the Treasury to establish a $1.7 billion remediation fund, and grants him the authority to assist the public entities affected by the collapse of Lehman Brothers.

Under my legislation taxpayers will get their money back and will know where the money goes. My legislation specifically states that any local government which receives money from this new fund must report back to the federal government on how this money is being used, and demonstrate job creation, retention, and economic activity equal to the amount of funds received.

Financial institutions were deemed "too big to fail." Today, we should not overlook those who are being treated as though they are too small to help.

It's time to serve the best interests of the American people. They lost their hard-earned taxpayer dollars which were specifically intended to be invested in their community for vital services, and I urge my colleagues to join in this critical effort.

[From the Wall Street Journal, Feb. 24, 2010]

LEHMAN'S GHOST HAUNTS CALIFORNIA

(By John Carreyrou)

SAN MATEO, CALIF.—Little more than a year after the worst of the financial panic, Wall Street is bouncing back. But in this county just south of San Francisco, pain from the financial system's near-collapse is still felt every day.

San Mateo, a scenic swath of peninsula between the Pacific Ocean and San Francisco Bay, saw $155 million evaporate when Lehman Brothers went bankrupt in September 2008. On top of deep budget cuts brought on by California's fiscal crisis, the loss on Lehman securities means San Mateo's 735,000 residents are taking a hit.

Public schools here have laid off dozens of teachers and delayed or canceled renovations. Local community colleges are slashing classes and scrapping new facilities, even as enrollment surges because of the bad economy. The county trimmed its commuter rail service and shelved plans to build a new women's jail to alleviate overcrowding.

The biggest factor behind San Mateo's trouble is California's spending cuts. But its Lehman losses make a bad situation worse. The problem underscores the diverging fortunes of Wall Street and Main Street and helps explain the populist anger still simmering in many parts of the country. Last week, Barclays PLC reported that its 2009 profit more than doubled to $14.7 billion thanks in part to its acquisition of Lehman's North American operations.

Lehman Brothers' collapse is "old news for most of America," says Richard Gordon, a member of the county's board of supervisors. But in San Mateo County, he says, "It's a continuing story that continues to unfold."

A report by Beacon Economics, commissioned by the county, estimates that the Lehman losses reduced local government spending, especially on construction projects, by $148 million over two years. The consulting firm says this resulted in 1,648 jobs lost or not created. County unemployment now hovers around 9%, double what it was 18 months ago.

Dozens of cities and counties around the country, from Sarasota, Fla., to Boulder, Colo., lost a total of $1.7 billion when Lehman went under, because they held Lehman bonds or other securities. The two worst hit states are Florida and California. Florida public agencies lost a total of more than $400 million, mostly from a state investment pool. California municipalities lost a total of $250 million across some 28 cities and counties.

San Mateo County's loss was the biggest of any municipality. Under state rules, the county government, city governments and area school districts hold their operating funds, reserves and bond proceeds together in an investment pool that lost about 6% of its value when Lehman went under.

The investment pool owned highly rated Lehman bonds and notes, which currently trade around 20 cents on the dollar. Any recovery from the bankruptcy process will take at least another year. A recovery of 20 cents on the dollar would leave the pool with a loss of roughly $125 million.

Much of the anger in San Mateo is directed at the Obama administration and, specifically, at Timothy Geithner, the Treasury secretary. Mr. Geithner has declined to use funds from the government's Troubled Asset Relief Program, or TARP, to bail out municipalities.

"There's too big to fail, and we're too small for them to care," says Mary McMillan, the county's deputy manager.

Before Wall Street's crash in late 2008, San Mateo County was on track to balance its $1.7 billion annual budget within five years. California's cutbacks and the Lehman collapse torpedoed that.

The county government lost $37 million when Lehman Brothers went under. That's on top of a $100 million deficit due in part to state cutbacks. San Mateo County has limited power to increase taxes: Boosting sales taxes requires two-thirds voter approval, and two efforts have failed in recent years.

The schools were hit hard, too. In one typical case, Lehman-related losses at the Sequoia Union High School district, one of 25 in the county, totaled $6.2 million, an amount equivalent to 7% of the district's annual budget. Meanwhile, the state cut its funding to the Sequoia district this school year by $1.9 million and is cutting it again next school year by another $3.4 million.

San Mateo ranks among California's most diverse counties. Home to software giant Oracle Corp. and biotechnology pioneer Genentech, it encompasses both wealthy enclaves and working-class, immigrant cities such as Daly City and East Palo Alto that depend heavily on county services. In East Palo Alto, unemployment is 20%.

When Lehman Brothers filed for bankruptcy-court protection on Sept. 15, 2008, the news was met with a mix of panic and disbelief by local officials. The county's schools took the worst hit, losing $38 million overnight. Two county school districts, the Sequoia district and the Menlo Park City Elementary School District, had just sold more than $90 million worth of bonds to fund renovations and expansions and deposited the proceeds in the county investment fund. The lost bond proceeds totaled nearly $8 million, a debt local taxpayers will be paying off for the next 30 years.

Jean Holbrook, the county's superintendent of schools, says the Lehman losses came on the heels of deep funding cuts from the state that had already cost the jobs of 91 of the school's 681 employees, including 21 teachers. In the ensuing year, 60 more school employees would have to be let go, resulting in larger class sizes and fewer elective courses.

San Mateo's board of supervisors ordered an independent review of the way the county investment fund was run, but found no wrongdoing. In keeping with rules California passed in the mid–1990s (following Orange County's disastrous experiment with derivatives), San Mateo's treasurer had invested in highly rated securities and put no more than 10% of the fund in any single issuer.

With Lehman bonds trading at pennies on the dollar, county officials held little hope of recovering their investment through bankruptcy proceedings. So they opted for a two-pronged strategy: They sued former Lehman Brothers executives for fraud, and they lobbied their state congressional representatives to insert language in TARP legislation that would let municipalities tap the federal rescue program.

Though such language was included in the final bill, bailing out municipalities was low on the list of the federal government's priorities in late 2008 as the financial system flirted with collapse.

To rally support and keep the issue alive in Washington, Ms. McMillan, the deputy county manager, began reaching out to other counties and cities ensnared in the Lehman bankruptcy.

In May 2009, as financial institutions began to stabilize and the specter of a depression subsided, the House Committee on Financial Services agreed to hold a hearing on the matter.

In their testimony before the committee, Democratic Reps. Anna Eshoo and Jackie Speier, whose districts span parts of San Mateo County, argued that the $1.7 billion municipalities were asking for amounted to just one-quarter of 1% of TARP funds and paled in comparison with the hundreds of billions of dollars the Treasury Department had provided to banks.

Ron Galatolo, chancellor of San Mateo's community colleges, told the assembled congressmen that he felt it was "highly inequitable to use TARP funding to shore up banks

and to bail out failing corporations but fail to protect agencies' taxpayer dollars, such as ours.''

After the hearing, Rep. Eshoo sought a meeting with Mr. Geithner, but says the Treasury secretary didn't respond to her letters and phone calls for months.

Rep. Eshoo finally met with him on Oct. 28, followed by a second meeting on Dec. 2. She says Mr. Geithner told her that TARP was intended only for financial institutions and that rescuing municipalities would open a Pandora's box of claims from other investors.

Rep. Eshoo invoked the passage inserted a year earlier in the TARP bill, which refers to ''the need to ensure stability for U.S. public instrumentalities, such as counties and cities, that may have suffered significant increased costs or losses in the current market turmoil.''

She says Mr. Geithner said the passage fell short of mandating use of TARP funds to bail out municipalities.

While declining to comment on the meetings, a Treasury spokeswoman says: ''There are countless well-intentioned ideas for deploying TARP funds, but we determined that making Lehman Brothers' creditors whole is not consistent with what Congress intended for TARP funding.''

In San Mateo, reverberations from the Lehman losses were on display on the campus of Canada College, one of the county's three community colleges, earlier this month.

Students held a two-day teach-in to protest faculty layoffs, course cancellations and fees that jumped 30% this year.

Lilliam Castellanos, a 35-year-old student majoring in Latin America studies to become an interpreter, said she could no longer afford textbooks because the funding for a program that handed out book vouchers to Hispanic students had been cut sharply. Other students complained about long wait lists to get into courses and a reduction in the number of counselors.

Mr. Galatolo, the chancellor, says the colleges' $25 million Lehman loss compounded funding cuts made by the state, forcing him to slash the colleges' annual budget by one-fifth, to $100 million from $125 million.

Of the $25 million loss, $20 million had been earmarked for new buildings and classrooms that he says now won't be built. The remaining $5 million came directly out of the colleges' operating fund.

Mr. Galatolo says he's angered by the return of multimillion-dollar bonuses on Wall Street ''while we can't make ends meet for our students.'' As for Mr. Geithner, he says, ''He had the ability to help us, and he chose not to.''

On the other side of the peninsula, in the wind-swept, rural community of Half Moon Bay, Robert Gaskill, superintendent of the Cabrillo Unified School District, says his district's share of the Lehman loss was $1.4 million, out of an annual budget of $28 million.

Mr. Gaskill says he had to lay off five teachers and projects that 20 more will be let go in the 2010–11 school year, out of 177, because of state funding cuts. The district is also paring back summer school.

Michael Bachicha, former director of the schools' special programs, sat through the school-board meeting at which his job was eliminated in April 2009. Because he had tenure, Mr. Bachicha was able to land another job teaching at the district's ''continuation'' high school for students who are falling behind. But his salary dropped from $105,000 to $72,000. Around the same time, his wife lost her job as a kindergarten teacher at a local private school.

Mr. Gaskill, the district superintendent, says the teaching job that Mr. Bachicha took bumped someone else less senior off the payroll, resulting in one of the five teacher layoffs.

Ms. McMillan, the deputy county manager, hasn't given up on getting the Lehman money back. She holds conference calls every two weeks with officials from other affected counties and cities to plot strategy. On last week's call, 35 people dialed in from across the country.

In the meantime, the county is gearing up to dismiss hundreds of employees this spring, the first time it has had to resort to mass layoffs, according to Mr. Gordon, the member of the board of supervisors.

## DULCE VEGA SALINAS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Dulce Vega Salinas who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Dulce Vega Salinas is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Dulce Vega Salinas is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Dulce Vega Salinas for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## IN HONOR OF THOMAS P. FOTE

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PALLONE. Madam Speaker, I rise today to honor Thomas P. Fote and congratulate him upon receiving the New Jersey Governor's and New Jersey Jefferson's Environmental Stewardship award. This award recognizes outstanding volunteers who pioneer and promote energy conservation and environmental action. Mr. Fote's years of selfless work to improve New Jersey's environment make him a highly deserving recipient of this honor.

Mr. Fote serves as Legislative Chair of Jersey Coast Anglers Association where he has built a coalition to stop the Port Authority of New York and New Jersey from ocean dumping. Because of his efforts residents of New Jersey benefit from improved ocean water and a safer, cleaner coastal environment. Mr. Fote also serves on the Policy Board of the Barnegat Bay Estuary Program. Under his leadership, the Barnegat Bay's water quality has improved while the program's administrative costs have remained low. As an unpaid volunteer, Mr. Fote selflessly donates much of his time to these critical environmental efforts. Mr. Fote is also a retired Army captain who bravely served our country in Vietnam. His lifetime of service to New Jersey and our nation is an example to us all.

The Governor's Volunteer Awards are being presented for the first time this year in a new partnership with the New Jersey Jefferson Awards. Mr. Fote's volunteer work is especially deserving of an inaugural award from these two long standing and highly respected volunteer recognition efforts.

Madam Speaker, it is my hope that this body will join me in honoring Thomas P. Fote for his exceptional service and congratulate him upon receiving the New Jersey Governor's Environmental Stewardship award.

## IN SPECIAL RECOGNITION OF JOEL BOOSE ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Joel Boose of Norwalk, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

Joel's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Joel brings an enormous amount of leadership, service, and dedication to the incoming Class of 2014. While attending St. Paul High School in Norwalk, Ohio, Joel attained a grade point average that placed him in the top ten percent of his graduating class. Joel was inducted into the National Honor Society, participated in the Teens Leadership Corps, and was active in the Student Council.

Throughout high school, Joel was a member of the football, track, and swimming teams. Joel utilized his leadership skills by being captain of the football team and vice-president of the Key Club. In addition, Joel was awarded an academic letter each year and was recognized as a McScholar Athlete. I am confident that Joel will carry the lessons of his student leadership to West Point.

Madam Speaker, I ask my colleagues to join me in congratulating Joel Boose on the acceptance of his appointment to the United States Military Academy at West Point. Our service academies offer the finest military

training and education available. I am positive that Joel will excel during his career at West Point and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Captain Lawrence Nunn, USA (born March 1979) is currently serving in the United States Army. Captain Nunn is a 2001 graduate of the United States Military Academy. He served two tours in the Second Gulf War in Iraq. He is the recipient of two Bronze Star Medals for his exceptional bravery in each of his tours. He also received the Global War on Terrorism Ribbon and many other medals and accolades. Captain Nunn is married to Olivia Nunn who is also a Captain in the U.S. Army. Captain Nunn was born and raised in Canton, Michigan.

I learned from my interview with Captain Nunn that the highest form of service to our country is exemplified in soldiers like Captain Nunn. This level of service to our country requires exceptional courage, dedication, commitment and above all unrelenting perseverance to and for our country.—Nathan Lee

## DRAZEN FILLIP DOSLO

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Drazen Fillip Doslo who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Drazen Fillip Doslo is a 12th grader at Arvada School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Drazen Fillip Doslo is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Drazen Fillip Doslo for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## HONORING SHERIFF GARY MADDOX ON HIS RETIREMENT

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. STUPAK. Madam Speaker, I rise to recognize Schoolcraft County Sheriff Gary Maddox of Manistique, Michigan on his retirement after 30 years of dedicated law enforcement service. Sheriff Maddox's commitment to the citizens of Schoolcraft County reflects the enthusiasm and work ethic that embody the spirit of Michigan's Upper Peninsula.

Gary has remained close to his roots throughout his career in law enforcement. He was named Schoolcraft County Deputy Sheriff on February 22, 1979 and went on to be appointed Schoolcraft County Sheriff on January 1, 1986. Over the years he was reelected by the people of Schoolcraft County five times before retiring at the end of 2009.

Under his leadership, Schoolcraft County has implemented many important public safety programs. Gary launched the first D.A.R.E. program to provide area youth with skills to avoid involvement with drugs. He also coordinated the county's first taser program, established the county's 911 service, developed training programs for corrections officers and led an incident command school for law enforcement officers. As sheriff, Gary coordinated and managed countless search and rescue operations effectively and with composure. Over the years he has demonstrated both professionalism and concern while working to consistently improve public safety in the community.

Gary has never been one to rest on his laurels; he has always taken advantage of opportunities to improve his training and expertise. He has participated in the National Drug Court Institute Adult Drug Court Planning Initiative Training Program, completed Emergency Medical Technician-Ambulance Training and Level II Law Enforcement Training for the Federal Forest Service, among others. He has also helped to inspire and educate others looking to enter the field of law enforcement serving for 21 years as an executive board member and instructor of Northern Michigan University's Law Enforcement Training Consortium.

As sheriff, Gary has demonstrated a commitment to his profession serving as a District I Upper Peninsula representative to the Michigan Sheriffs' Association. He also served as President of the Upper Peninsula Law Enforcement Association in past years. Outside of law enforcement Gary has made community service a priority in his life. He has volunteered time working with the Veterans of Foreign Wars Ladies Auxiliary Voice of Democracy Broadcast Scriptwriting Program and served as chairman of the local C.B.C. radio telethon to raise funds for the American Cancer Society, Bay Cliffs Health Camp and the Easter Seals Society of Michigan. He also serves on the Central Upper Peninsula Planning and Development Committee.

I know Gary well and over the years he has been an honorable public servant and a good friend. Gary embodies the unique character of the Upper Peninsula through his courage in the face of danger, his forward-looking vision and his willingness to lend a hand to help those around him.

Madam Speaker, Gary devoted 30 years of his life enforcing the law and protecting the citizens of Schoolcraft County. His career as sheriff and his commitment to his community should be commended. I ask Madam Speaker, that you and the entire U.S. House of Representatives, join me in recognizing Sheriff Gary Maddox for his courage, his dedication, and his years of service on his retirement from the Schoolcraft County Sheriff's Department.

## DOMINIC DRUMRIGHT

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Dominic Drumright who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Dominic Drumright is a 7th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Dominic Drumright is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Dominic Drumright for winning the Arvada Wheat Ridge Service Ambassadors for

Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

FATHER EDWARD BRYCE

## HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. DOYLE. Madam Speaker, I rise today to honor a Pittsburgh resident and a constituent of mine, Father Edward Bryce. Father Bryce is celebrating the Golden Jubilee of his priestly ordination after 50 years of ministry to the Pittsburgh community.

Born in Pittsburgh, Father Bryce attended North Catholic High School and St. Charles Seminary in Philadelphia. He continued his studies at the North American College in Rome, eventually earning a licentiate in sacred theology from the Pontifical Gregorian University there. Father Bryce was ordained a priest on March 25th, 1960 and began his ministry as a parochial vicar at Immaculate Conception Parish in Washington, Pennsylvania. This first assignment was the beginning of a vocation that would carry him throughout the Pittsburgh area in service to the needs of the Catholic community.

In his 50 years as a priest, Father Bryce always seemed to find a way to minister to the community through a variety of means, often simultaneously. While teaching theology students for 6 years at Duquesne University, he also served as a Chaplin at St. Joseph's Hospital and a priest-in-residence at Holy Rosary Parish. He then moved to the motherhouse of the Sisters of St. Francis for 9 years. It was during this time that Father Bryce became more active in the larger efforts of the Diocese of Pittsburgh. In 1970, he became the founding director of the Office for Pro-Life Activities and 2 years later took the same position in the Office for Justice and Peace. This commitment to needs of the living Church community in an evermore complex society eventually propelled Father Bryce here to Washington, DC as the Pro-Life Activities Secretary for the U.S. Conference of Catholic Bishops, a position which he held for 10 years.

In 1988, he returned to his hometown to lead St. Bede Parish in Pittsburgh's Point Breeze neighborhood, where he has served as pastor for over 20 years. Beyond his dedicated ministry to the faith and educational life of the St. Bede parish, Father Bryce continued to play important roles in the larger Pittsburgh Catholic community as dean of the Central Deanery, consultor in the College of Consultors, and a member of the priest council. Continuing on as administrator of St. Bede past his retirement age, he provides the parish with continuity and an ever-present model for faithful ministry.

Father Bryce credits the priests that he knew growing up in St. Bernard Parish as providing the inspiration for his vocation of priestly ministry. I have no doubt that he himself has provided similar inspiration to generations of St. Bede parishioners and members of the Catholic community in Pittsburgh.

I want to congratulate Father Bryce for his 50 years of dedicated service to the Church and the Pittsburgh community and I wish him many more years at St. Bede.

DIANA ROMERO

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Diana Romero who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Diana Romero is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Diana Romero is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Diana Romero for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

IN SPECIAL RECOGNITION OF MICHAEL WATROL ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

## HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Michael Watrol of Rossford, Ohio has been offered an appointment to attend the United States Naval Academy at Annapolis, Maryland.

Michael's offer of appointment poises him to attend the United States Naval Academy this fall with the incoming midshipmen Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Michael brings an enormous amount of leadership, service, and dedication to the incoming Class of 2014. While attending St. Francis de Sales High School in Toledo, Ohio, Michael attained an impressive grade point average. He received numerous academic awards.

Throughout high school, Michael was a member of the water polo, tennis, CYO basketball and Belmont Swim teams. He received his varsity letter in tennis. Michael has been active in Young Marines of Toledo, Junior State of America, Bethel Lutheran Church, and has volunteered for numerous organizations in the community. I am confident that Michael will carry the lessons of his student leadership to the Naval Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Michael Watrol on the acceptance of his appointment to the United States Naval Academy. Our service academies offer the finest military training and education available. I am positive that Michael will excel during his career at the Naval Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

DESTINY HINOJOS

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Destiny Hinojos who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Destiny Hinojos is a 12th grader at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Destiny Hinojos is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Destiny Hinojos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

COMMENDING SAMUEL A. KRAKOWER

## HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today to congratulate Cadet Samuel A. Krakower and his outstanding performance in the Rancocas Valley Regional High School NJROTC unit. Mr. Krakower is a Naval Science 3 cadet and a junior at Rancocas Valley Regional High School.

Cadet Krakower has been a member of the NJROTC drill team for 2 years where he has earned the prestigious Blue and Gold drill cord. He has also represented his unit as a member of the Uniform Inspection Team, and has participated in, and completed the Junior Officer Leadership Training Program. Currently, Cadet Krakower holds the position of Public Affairs Department Head and is an editor of the unit's newspaper.

Throughout his academic career, Cadet Krakower has performed in the top of his class while remaining an integral and active participant in his local community through the Boy

Scouts of America and as a volunteer with a local food pantry.

Cadet Krakower has received the American Legion Medal for Scholastic Excellence and the NJROTC Community Service Ribbon, with 3 stars. He has been selected to attend the Embry-Riddle Aeronautical University Summer 2010 program for students for Science, Technology, Engineering, and Math (STEM). He will be recognized at the Rancocas Valley High School NJROTC Awards Banquet on May 26, 2010.

In recognition of this young man's achievements, I ask that the House of Representatives and all Americans join me in congratulating this honorable young man on his achievements. I have no doubt he will exhibit the same dedication and character to all his future endeavors.

## HONORING MISS LAUREN CHOLEWINSKI

### HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SPRATT. Madam Speaker, it is with great pride that I acknowledge the achievements of Miss Lauren Cholewinski. An accomplished young woman of 21 years of age, Lauren Cholewinski honorably represented the United States of America in her participation at the 2010 Vancouver Winter Olympics. Her discipline and determination carried her from her home in York County, South Carolina, where she attended Northwestern High School in Rock Hill, to compete in the 500 Meter Women's Speedskating competition on February 16, 2010. Her two times were 39.51 and 39.58 placing her 30th overall.

On behalf of South Carolina, I am proud to recognize Lauren Cholewinski's achievements as a professional and Olympic athlete.

## STATEMENT HONORING THE LIFE OF MRS. JODY LOWRY

### HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. SUTTON. Madam Speaker, I rise today with a heavy heart to pay tribute to Jody Lowry, who passed away on December 25, 2009 after a courageous battle with cancer. I know Jody from her active role in the Northeast Ohio Community, and have personally come to know her friendship and hospitality at her lovely home in Akron.

Jody was an avid volunteer, devoted daughter, wife, and loving mother.

Jody was also very active with local service groups in Akron, Ohio.

She knew that she could make a positive contribution in Akron while continuing to fight her cancer. Jody was determined to serve our community by giving to the people who needed her help.

Whether it was at The Summit County Battered Women's Shelter, Children's Hospital, or the St. Joseph Parenting Center, Jody committed her time to helping people who could not always help themselves.

Her work for children's rights continued as a Guardian Ad Litem for the Summit County CASA/GAL Program and was further proof of her devotion to others in need.

Perhaps her most avid cause was her work at the Alzheimer's Association, where she chaired the Annual Alzheimer's Association Gala last year. She became involved in the Alzheimer's Association as a result of her father, Jacob's long time Alzheimer's illness, which took his life last summer.

Jody was a lifelong resident of Akron, was a respected and beloved member of the greater Akron Community, and her presence will be remembered by the entire area. Her legacy of community, friendship, family and good work will continue for many, many years however. The fact that her funeral at the Akron Jewish Center was overflowing with hundreds upon hundreds of her friends and family members is a testament to her life long work.

Jody leaves behind not only those whom she served, but also a loving family—her husband Randy, her daughters Marisa and Meredith, her mother Elaine Apelbaum, her brother Perry Apelbaum, as well as other many other close family members and friends.

Jody will truly be missed.

We will always remember Jody for her everpresent smile, her commitment to her community, and her dedication to her family.

On behalf of the people of Ohio's 13th District, I want to express my deepest sympathies to her mother Elaine, her husband Randy and her daughters, Marisa and Meredith.

They have lost a great daughter, wife and mother who passed away much too soon and we have lost a true friend and committed member of our community.

## COMMENDING THE WORK OF THE COUNTY OF SAN MATEO'S BLUE RIBBON TASK FORCE ON ADULT HEALTH COVERAGE EXPANSION

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. SPEIER. Madam Speaker, the national healthcare reform bill passed by this Congress was an historic achievement that will improve the lives of millions of Americans. This reform would not have been possible without the tireless efforts and advocacy of so many individuals and organizations across the country, including local governments whose own healthcare initiatives improved access to medical care and advanced the cause of nationwide reform.

That is why I commend the County of San Mateo's Blue Ribbon Task Force on Adult Health Coverage Expansion. A broad-based coalition comprised of representatives from healthcare providers, labor, chambers of commerce, local governments, and community advocacy groups, the Task Force achieved meaningful gains in the quality and efficiency of San Mateo County's healthcare delivery system and expanded health coverage to more than 2,000 previously uninsured adults through the Access to Coverage for All program. Originally funded in-part through a federal grant, this program has since become a mainstay of the effort to expand access to healthcare in the county.

The work of this Task Force is an enduring symbol of the compassion, commitment, dedication and talent of the residents of San Mateo County and the 12th Congressional District, whom I am fortunate and honored to represent. Madam Speaker, I commend the County of San Mateo's Blue Ribbon Task Force on Adult Health Coverage Expansion for its leadership in helping to solve one of our nation's most pressing issues, and for its courage to think globally and to act locally.

## HONORING MARVIN AVERY PALMORE CENTER FOR HOPE, INC. FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Marvin Avery Palmore Center for Hope, Inc.

Center for Hope has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. These organizations' continuous acts of selfless efforts are admirable.

I am proud to honor Marvin Avery Palmore Center for Hope, Inc. for their extraordinary work in the community.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset

years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent tithe interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Mr. Marcus Poe is a combat veteran of World War II. He was born in rural Oklahoma. At the time of his enlistment, he was married with two children (Mark and Marcia), and was attending Tulsa Business College, majoring in secretary and accounting. He served for 22 months, from 1944 to 1945. He was in the United States Air Force and was a nose gunner on a B–24 fighter plane. Beginning at the rank of private, he eventually became a sergeant. He served in the 436th unit bomb group in the 15th Air Force. He received basic training in multiple states, such as Oklahoma and Texas. Afterwards, he was stationed in Cerignola, Italy, where he flew missions every third day. He had confirmed hits and was never shot down. He returned home on November 3, 1945, a few months after the atomic bombing of Nagasaki and Hiroshima that resulted in VJ Day. He moved to Texas in 1970 to be with his son Marcus, and retired in July of 1987, having never been unemployed for a day in his life. He is now 89 years old, and still goes about his daily lifestyle with ease.—Yu-Chun Lin

## HONORING ADELANTE OF SUFFOLK COUNTY INC. FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Adelante of Suffolk County Inc.

Adelante has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. Adelante's continuous selfless efforts are admirable.

I am proud to honor Adelante of Suffolk County Inc. for their extraordinary work in the community.

## PERSONAL EXPLANATION

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night I was unable to cast my votes on H.R. 4543, H. Res. 1103, and H.R. 4861 and wish the RECORD to reflect my intentions had I been able to vote.

Last night, I was meeting with constituents of mine who represent various student organizations from the University of Illinois at Urbana-Champaign and I was unable to arrive in Washington, DC to cast my votes.

Had I been present on rollcall No. 221 on suspending the rules and passing H.R. 4543, the Anthony J. Cortese Post Office Building, I would have voted "aye."

Had I been present on rollcall No. 222 on suspending the rules and passing H. Res. 1103, Celebrating the life of Sam Houston on the 217th anniversary of his birth, I would have voted "aye."

Had I been present on rollcall No. 223 on suspending the rules and passing H.R. 4861, the Steve Goodman Post Office Building, I would have voted "aye."

## SAN RAMON'S FIRE CHIEF

### HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. MCNERNEY. Madam Speaker, I am honored to take this opportunity to commemorate the life of William Joseph Fereira. Bill Fereira was born in 1921 and grew up in San Ramon, California when the city was inhabited by fewer than 100 people. His father was San Ramon's first postmaster, and his family owned a general store. Bill attended San Ramon Grammar School and San Ramon Valley High School, and went on to join the U.S. Navy. Bill served his country with honor in the South Pacific during World War II and was involved in the historic Doolittle Raid. After the war, Bill returned to California and started a family in nearby Danville.

As the area grew, Bill and his neighbors realized that their community required greater firefighting resources. With the help of Howard Weidemann, a local rancher, Bill established the San Ramon Fire Protection District and became San Ramon's first Fire Chief. Operations were run out of his garage, where Bill was in charge of answering calls 24 hours a day and maintaining a fire truck and jeep.

Upon retiring after serving 15 years as Fire Chief, Bill stayed active by fixing up anything that needed repairing, expanding his aviation memorabilia, and sharing his knowledge of local lore with the community. Bill was crucial to the development of San Ramon as it grew into the fine city it is today. We all mourn Bill's passing and recognize his tremendous contribution to our community.

## HONORING HUNTINGTON ENRICHMENT CENTER FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Huntington Enrichment Center.

Huntington Enrichment Center has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with Huntington Enrichment Center are admirable.

I am proud to honor Huntington Enrichment Center for their extraordinary work in the community.

## IN SPECIAL RECOGNITION OF KYLE HALL ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MERCHANT MARINE ACADEMY

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Kyle Hall of Greenwich, Ohio has been offered an appointment to attend the United States Merchant Marine Academy at Kings Point, New York.

Kyle's offer of appointment poises him to attend the United States Merchant Marine Academy this fall with the incoming midshipmen Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Kyle brings an enormous amount of leadership, service, and dedication to the incoming Class of 2014. While attending South Central High School in Greenwich, Ohio, Kyle attained an impressive grade point average. Kyle was inducted into the National Honor Society, active in the Student Council, was a class officer, and achieved numerous academic honors.

Throughout high school, Kyle was a member of the football, basketball, and track teams. He was co-captain of the football team and was a third year letterman in the sport. Kyle served the community of Greenwich by assisting with the Salvation Army. I am confident that Kyle will carry the lessons of his student leadership to the Merchant Marine Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Kyle Hall on the acceptance of his appointment to the United States

Merchant Marine Academy. Our service academies offer the finest military training and education available. I am positive that Kyle will excel during his career at the Merchant Marine Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Arjinderpal Singh Sekhon: Serving the Country, Representing a People Serving one's country is undoubtedly one of the most honorable duties of any citizen. Representing one's country in the face of great adversity and threatening challenges requires more than a sense of duty, however. It requires a sense of patriotism. Arjinderpal Singh Sekhon, a Colonel in the United States Army from 1984 to 2009, espoused that very attitude when he volunteered his medical physician services as a Pulmonary and Internal Medicine specialist. As the first follower of the Sikh faith to become a battalion commander, Dr. Sekhon served primarily in Operation Desert Storm and Operation Enduring Freedom. His experiences representing his country throughout the years, whether as a consultant or as the head of the Intensive Care Unit on base, led to him being awarded a total of 18 medals of commendation. Following his retirement, Colonel Sekhon continued serving the nation as he ran for the United States Congress, aspiring for political office. As a reminder of the multicultural foundation of our great country, Dr. Sekhon's story rings true to the basic principles of this nation: regardless of race or religion, any citizen may dedicate his or her life to safeguarding the liberties of our shared home.—Jaywin Singh Malhi

## RECOGNITION FOR THE INTERCULTURAL CENTER FOR THE STUDY OF DESERTS AND OCEANS

### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the outstanding achievements of the Intercultural Center for the Study of Deserts and Oceans, also known as CEDO—El Centro de Estudios de Desiertos y Océanos.

On May 1 2010, CEDO celebrates 30 years of exploring and helping to protect the creatures, habitats and cultures of the Sonoran Desert and the Sea of Cortez. Its educational and research facility is located on the Sea of Cortez in Puerto Peñasco, Sonora, México, where students and visitors alike are exposed to its essential work to preserve this fragile ecosystem.

CEDO was envisioned in 1975 when Peggy Turk Boyer, CEDO's executive director, first visited Puerto Peñasco with professors John Hendrickson and Don Thomson of the University of Arizona's Ecology and Evolutionary Biology Department, as part of the University of Arizona's marine biology program.

CEDO opened its doors in 1980. Since then, thousands of people have participated in CEDO's research, education and conservation programs. CEDO's biological field station annually provides hands-on marine studies to hundreds of university students and researchers. CEDO also has expanded its outreach by offering school field trips, eco adventures, summer camps for young marine biologists and community education programs.

Gus, a 13 year old who spent time at CEDO, spoke for many others who have enjoyed the incredible opportunities that are available there. Gus wrote "in one small trip, I experienced a colossal adventure. It's not every day that you get to do something as magical as I was able to do, but luckily, CEDO is dedicated to bringing people closer to nature and all of its creatures. I have gained a new determination to protect the beauty of Puerto Peñasco and its unique environment. I believe that ordinary people, such as you and me, are the key to conserving the Sea of Cortez's irreplaceable natural wonder. Together, we can save the Sea. Thank you CEDO for your wonderful contributions to conservation."

The CEDO vision is that all residents and visitors to the Northern Gulf understand, appreciate and participate in sustainable activities and actions that support a healthy, thriving and productive ecosystem. CEDO seeks to learn about the region through research, share the fruits of that research through educational activities and then use this knowledge to bring people together to help protect this unique and irreplaceable ecosystem.

Today, CEDO is working with researchers and fishermen in the Sea of Cortez to protect the Vaquita porpoise—the world's smallest and most endangered marine mammal species. Only about 200 Vaquitas remain—down two-thirds from a decade ago. CEDO is helping design a new type of net that will protect the Vaquitas and works with fishermen so they understand how they can ply their trade without harming the few remaining Vaquitas.

The research and educational efforts of the Intercultural Center for the Study of Deserts and Oceans have substantially improved the biological health and the sustainability of the Sea of Cortez. CEDO also understands the importance of collaboration with other entities. More than forty funding and program partners are part of the diverse CEDO network.

CEDO is doing critical conservation work for all of us and we look forward to everything that it will accomplish in the next 30 years. I commend the dedicated staff, board members and volunteers whose dedication sustains this essential environmental organization.

## PERSONAL EXPLANATION

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. STUPAK. Madam Speaker, on Monday, April 26, 2010, I was absent for three votes for medical reasons. I rise today to enter into the RECORD how I would have voted had I been able to vote.

House rollcall vote 221. I would have voted "yes."

House rollcall vote 222. I would have voted "yes."

House rollcall vote 223. I would have voted "yes."

## HONORING JACOB'S LIGHT FOUNDATION, INC. FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Jacob's Light Foundation.

Jacob's Light Foundation has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with Jacob's Light Foundation are admirable.

I am proud to honor Jacob's Light Foundation, Inc. for their extraordinary work in the community.

## IN SPECIAL RECOGNITION OF JACOB BRODMAN ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Jacob Brodman of Tiffin, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Jacob's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Jacob brings an enormous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Calvert High School in Tiffin, Ohio, Jacob attained an impressive grade point average. Jacob was a member of the School's Spanish Club and Quiz Bowl team, and he earned academic letters throughout his high school career.

Outside the classroom, Jacob was a member of the football, wrestling, and track teams. Jacob utilized his leadership skills by participating in Calvert High School's National Honor Society and Student Council. I am confident that Jacob will carry the lessons of his student leadership to West Point.

Madam Speaker, I ask my colleagues to join me in congratulating Jacob Brodman on his acceptance of appointment to the United States Military Academy. Our service academies offer the finest military training and education available. I am positive that Jacob will excel during his career at West Point and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

## HONORING LONG ISLAND COALITION FOR THE HOMELESS FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Long Island Coalition for the Homeless.

Coalition for the Homeless has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with the Coalition are admirable.

I am proud to honor the Long Island Coalition for the Homeless for their extraordinary work in the community.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I interviewed retired Captain John Michael Hayes, a former Air Force pilot during the Vietnam War from 1968 to 1972. Mr. Hayes is an exceptional veteran who was a vital contributor during our war efforts. He flew 166 successful combat missions and gained over 24,000 flying hours in the military and in commercial flight. In Vietnam he was given a rare opportunity to wear the mantle of senior-officer-hood while being a junior officer. He taught and trained many men in the delicate art of flight while being stationed near northern Vietnam and the brunt of the warfare. Not only was Mr. Hayes an outstanding military officer, he also is an incredible asset to our community. As Veterans Affairs/Military Liaison he deals with numerous cases daily spanning from post-war medal bestowment, to veterans/widows benefits, to youth involvement with our retired servicemen. Mr. Hayes also conducts veterans interviews to keep the stories of WWII veterans and others alive. Mr. Hayes further solidified my yearning to make a difference in America by joining the armed forces. His unique take on leadership and patriotism opened my eyes to new possibilities in America. I may now rest assured that great men are on the front lines, whether it be in the military or in public service, who are truly working for the betterment of our community and the progress of America as a whole.—Adrianne Mikes

## HONORING LONG ISLAND LATINO TEACHERS ASSOCIATION FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Long Island Latino Teachers Association.

LILTA has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with LILTA are admirable.

I am proud to honor Long Island Latino Teachers Association for their extraordinary work in the community.

## CONGRATULATING THE LINCOLN UNIVERSITY TRACK AND FIELD TEAM

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SKELTON. Madam Speaker, let me take this means to congratulate the men and women of the Lincoln University Track and Field team for their outstanding performance at this year's NCAA Division II Indoor Track and Field Championships.

The women's team finished the season by bringing home their second national title in as many years and the Blue Tigers' tenth overall national championship. This accomplishment is even more impressive given the strong performance by the men's Track and Field team. Led by junior Kimour Bruce, himself a national champion in the 60-meter dash, the men's team finished in fourth place.

Madam Speaker, I wish to extend my congratulations to the student-athletes of the Lincoln University Track and Field team for these remarkable achievements.

## COMMENDING HIS EXCELLENCY PHIANE PHILAKONE, AMBASSADOR OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

### HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to commend the distinguished service of His Excellency Phiane Philakone, the Ambassador of the Lao People's Democratic Republic (PDR) to the United States. Ambassador Philakone will soon be returning to Laos and, for historical purposes, I want to publicly acknowledge the good work he has done on behalf of his country.

For more than three years, Ambassador Philakone has honorably carried out his responsibilities as Laos' Ambassador to the United States. During his service, he has worked with the House Foreign Affairs' Subcommittee on Asia, the Pacific and the Global Environment, which I chair, to bring greater attention to the issue of Unexploded Ordnance in Laos.

Because of him, I was able to visit Laos on two occasions and gain a firsthand understanding of the catastrophic and lasting effects of U.S. Air Force bombing operations in Laos during the Vietnam War. To this very day, these deadly, unexploded ordnances continue to claim the lives of a people who are not and never were at war with us, and unless we rectify this now, the loss of life will go on and on, tomorrow, the next day, and every day thereafter. I thank Ambassador Philakone for his leadership on this issue.

Before Ambassador Philakone accepted his assignment to come to the U.S. in February 2007, he devoted six years as Ambassador of the Lao PDR to the Republic of the Philippines. From 1996–1999, he was the Deputy Governor of the Lao Central Bank. Prior to that position, he served as President of a joint venture commercial bank in the Lao PDR.

Ambassador Philakone has held other distinguished banking posts, including Managing Director of a state commercial bank and Director of Administration of the Lao Development Bank. Additionally, from 1976–1989, he was the Director of Research of the Bank of the Lao PDR.

In addition to his extensive practical experience, Ambassador Philakone has academic training in policy and diplomatic matters. He received a Bachelor's Degree in Law and Administration from Institut Royal de Droit et d'Administration in Laos and an advanced degree from Institut International d'Administration Publique (IIAP) in France. He is fluent in English, French, and Thai.

Ambassador Philakone and his wife, Mrs. Somchit Philakone, have three children, and I extend to them my highest regards and best wishes.

## IN SPECIAL RECOGNITION OF SEAN MURRAY ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Sean Murray of Defiance, Ohio has been offered an appointment to attend the United States Air Force Academy at Colorado Springs, Colorado.

Sean's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Sean brings an enormous amount of leadership, service, and dedication to the incoming Class of 2014. While attending Defiance High School in Defiance, Ohio, Sean attained a 4.0 grade point average that placed him first in his graduating class. Sean was inducted into the National Honor Society and also received the Scholar-Athlete Award, Academic Achievement Award, Eagles Excellence Award, Academic All-League, Academic All-Ohio, and was named to the Principal's List.

Throughout high school, Sean was a member of the football and track teams, serving as captain of the football team his senior year. Sean received his varsity letter in both sports and holds the school record for the 4x800 meter relay. Sean also served as National Honor Society vice president and Student Council vice president, in addition to being active in the D.A.R.E. middle school role model program. He also volunteers within the community for various organizations. I am confident that Sean will carry the lessons of his student leadership to the Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Sean Murray on the acceptance of his appointment to the United States Air Force Academy. Our service academies offer the finest military training and education available. I am positive that Sean will excel during his career at the Air Force Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

## HONORING LONG ISLAND IMMIGRATION ALLIANCE FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Long Island Immigration Alliance.

Long Island Immigration Alliance has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with the Long Island Immigration Alliance are admirable.

I am proud to honor Long Island Immigration Alliance for their extraordinary work in the community.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gill of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Charlie O'Reilly was inducted into the United States Army in Kansas City and completed Basic Army Training at Camp Chaffee, Arkansas. Charlie received badges for hours shooting proficiency. After completing his training at Camp Chaffee, Charlie was ordered to report for duty at Andrews Air Force Base, Washington D.C. He was assigned to the 601st AAA Battalion. Their

mission was the defense of the Washington, D.C. area. In addition to his normal duties, Charlie was required to serve periodically in the control center where he would plot the position of aircraft around the military District of Washington. Charlie entered the Army as a Buck Private (E1) and when transferred from active duty to the army reserves he held the rank of an E4 (SP3/CPL). He completed his active duty service and was transferred to Fort George G. Meade, Maryland where he was released from active duty and transferred to the United States Army Reserve where he served for an additional six years before receiving his Honorable Discharge. Through my interview I learned of my grandfather's times and memories as a ''troop.'' I learned that there is always hope for better days; that believing in yourself is a quality you must develop and once pursued should truly be cherished. Hope, faith, endurance, and happiness are key necessities for not only doing well in the military but surviving our society today. My grandfather learned many great lessons in the Army and over-all experienced a life-changing experience that he will value forever.—Tara O'Reilly

## HONORING BEN DAVIS HIGH SCHOOL'S GIRLS BASKETBALL TEAM

### HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. CARSON of Indiana. Madam Speaker, I would like to recognize and commend the Ben Davis High School Lady Giants for winning the 2010 Indiana State High School Athletic Association Girls Basketball Championship.

Ben Davis High School is a 3-year high school in the Metropolitan School District of Wayne Township, located in the 7th Congressional District of Indiana.

Since 1892, the school has provided Indianapolis students with nationally recognized academic and athletic programs. The high school is known for its debate and journalism activities, and it continues to expand on the artistic programs offered to its students.

The Lady Giants are an example of the success and pride that young people can achieve through receiving a well-rounded education.

In the Championship game, the Lady Giants defeated the Merrillville High School Lady Pirates with a final score of 99 to 52. Not only was this the Lady Giants' second straight championship win, but the team also set a new state record for making it their 58th consecutive victory.

I encourage all of my colleagues to join me in praising these extraordinary young women for their hard work and perseverance, and I encourage them to continue to develop and serve as an example for all students across the United States.

## TRIBUTE TO UNIVERSITY OF CENTRAL MISSOURI PRESIDENT AARON PODOLEFSKY

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SKELTON. Madam Speaker, I wish to extend my congratulations and best wishes to Dr. Aaron Podolefsky as he prepares to end his tenure as president of the University of Central Missouri, UCM, in Warrensburg, MO. After 5 years of dedicated service to the University, Dr. Podolefsky will become the president of Buffalo State College in Buffalo, New York.

After a distinguished record of academic accomplishment as a scholar at San Jose State University in California and the State University of New York at Stony Brook, Dr. Podolefsky pursued a career as an educator and academic administrator, showing a commitment to public universities and the development of young minds across the country.

During his tenure as President of UCM, Dr. Podolefsky presided over a period of great change. With the adoption of a new name for the University, he brought together students, educators, community partners, and civic leaders to develop and implement a new vision for UCM. He expanded opportunities for students and enhanced economic development in the region by reorganizing the academic departments and developing partnerships with national and international institutions.

Under his leadership, the U.S. News and World Report and Princeton Review have recognized UCM as one of the best universities in the Midwest for the first time in university history. And, UCM provides this exceptional education at low cost, ranking first in the Midwest in low student debt. These accolades, combined with an ever increasing job placement rate for UCM graduates, are evidence of Dr. Podolefsky's sustained commitment to the University.

Madam Speaker, I wish Dr. Podolefsky the best of luck in his future career at Buffalo State College and thank him for his dedication to the University of Central Missouri. Together with his wife Ronnie and sons, Noah and Isaac, Dr. Podolefsky will be missed and his mark on UCM will be felt for years to come.

## IN SPECIAL RECOGNITION OF TODD KLEMAN ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MERCHANT MARINE ACADEMY

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Todd Kleman of Fort Jennings, Ohio has been offered an appointment to attend the United States Merchant Marine Academy at Kings Point, New York.

Todd's offer of appointment poises him to attend the United States Merchant Marine Academy this fall with the incoming midshipmen Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Todd brings an enormous amount of leadership, service, and dedication to the incoming Class of 2014. While attending Fort Jennings High School in Fort Jennings, Ohio, Todd attained an impressive grade point average. Todd was inducted into the National Honor Society, active in the Scholastic Bowl, and a member of the Envirothon Team.

Throughout high school, Todd was a member of the soccer and track teams, earning varsity letters in both events. Todd was active in the community by being a 4–H member, Junior Leader, member of the Junior Fair Board, and a Boy Scout. Todd also participated in the marching and pep bands. I am confident that Todd will carry the lessons of his student leadership to the Merchant Marine Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Todd Kleman on the acceptance of his appointment to the United States Merchant Marine Academy. Our service academies offer the finest military training and education available. I am positive that Todd will excel during his career at the Merchant Marine Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, ''Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free.''

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing

a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I interviewed Master Sergeant Darrell Crews who retired from the Army with over twenty years of service and became a high school Army JROTC instructor. Master Sergeant Darrell Crews served in Infantry, Armor, and combat support during his career in the Army. He served in conflicts such as Vietnam and Desert Storm, seeing combat in both. He was also deployed in several other countries in the Middle East and was even stationed at a base in Germany. After serving he used the G.I. Bill to receive payment for college to become further educated. With his prior knowledge and experience with the military he is able to influence students to strive for their best in what they believe and that education is an important gift that should be sought after by all students. My interview with Master Sergeant Darrell Crews showed me how military service affects someone and that the skills gained throughout his career can be used to help others in their lives. Also, just like ordinary people, NCO's and officers have to use teamwork in order to make things happen which is one thing that Master Sergeant Crews truly believes in.—Eric Parker.

## HONORING NASSAU SUFFOLK LAW SERVICES FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Nassau Suffolk Law Services.

Nassau Suffolk Law Services has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with Nassau Suffolk Law Services are admirable.

I am proud to honor Nassau Suffolk Law Services for their extraordinary work in the community.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. WOOLSEY. Madam Speaker, on April 26, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 221–223. Had I been present I would have voted:

Rollcall No. 221: "Yes"—Anthony J. Cortese Post Office Building.

Rollcall No. 222: "Yes"—Celebrating the life of Sam Houston on the 217th anniversary of his birth.

Rollcall No. 223: "Yes"—Steve Goodman Post Office Building.

## PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. BECERRA. Madam Speaker, yesterday I was unavoidably detained and missed rollcall 221, 222, and 223. If present, I would have voted "yea" on rollcall 221, 222, and 223.

## IN SPECIAL RECOGNITION OF RICHARD SNYDER ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Richard Snyder of McClure, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

Richard's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Richard brings an enormous amount of leadership, service, and dedication to the incoming Class of 2014. While attending Napoleon High School in Napoleon, Ohio, Richard attained a 4.0 grade point average that placed him first in his graduating class. Richard was inducted into the National Honor Society and attained the A.P. Scholar Award.

Throughout high school, Richard was a member of the cross country and track teams and active in intramural basketball and volleyball. Richard received the Greater Buckeye Conference's All Academic Award. Richard served as senior class president at Napoleon High School and has been an active member of St. Paul Lutheran Church in Napoleon, Ohio. He was selected to attend Buckeye Boys State, was a Student Council representative and a member of Peers Achieving Win-Win Situations, P.A.W.S. I am confident that Richard will carry the lessons of his student leadership to West Point.

Madam Speaker, I ask my colleagues to join me in congratulating Richard Snyder on the acceptance of his appointment to the United States Military Academy at West Point. Our service academies offer the finest military training and education available. I am positive that Richard will excel during his career at West Point and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I interviewed John Sadler. Mr. Sadler served in the Navy branch of the armed

forces for five years. Mr. Sadler served on submarines for four years of his service and is now a very successful medical physicist. He has lived a very fulfilling and respectable life and is a great role model. Through interviewing Mr. Sadler I have really come to realize the honor that should be given to veterans in our society. They risk their lives for us, fighting to preserve our freedoms, but we so often neglect to even thank them or consider this. There are many people that we know have served in the armed forces and we aren't even aware of this. This is sad as these people should be respected and honored in today's society. These veterans should be given a special place in the society that they have risked their lives to protect, leaving behind loved ones and everything they once knew to preserve this great nation. Without the service of these veterans America would not be the free land that it is today. We should remember each day what these veterans have done for us and thank them for it. These veterans' stories should be preserved as they are a huge part of American history and how this country got to where it is today. I think that this interview has given me a new perspective on veterans and their service.—Troy Pickens

## HONORING VICTIMS INFORMATION BUREAU OF SUFFOLK FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Victims Information Bureau of Suffolk.

VIBS has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. VIBS' constant selfless efforts are admirable.

I am proud to honor Victims Information Bureau of Suffolk for their extraordinary work in the community.

## HONORING THE FIRST LADY OF ALBANIA, DR. LIRI BERISHA

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ENGEL. Madam Speaker, I rise today to honor the First Lady of the Republic of Albania, Dr. Liri Berisha, and to welcome her once again to the United States.

Dr. Liri Berisha, a devoted mother and a diligent pediatrician, became the very first First Lady in the history of democratic Albania in 1992 when her husband, Sali Berisha, was elected President of the Republic. Throughout her husband's 5 years in office and since his election in 2005 as Prime Minister, Dr. Berisha has been distinguished for her involvement in public life and commitment to people in need.

Among her many endeavors, I strongly commend the First Lady for her dedication to the women and children of Albania. Dr. Berisha is Honorary President of the UNICEF office in Albania. She actively promotes efforts to expand education and healthcare to marginalized women and children and is an outspoken voice against human trafficking. In 2009, the Women's Information Network named Dr. Berisha "Woman of the Year" for "her commitment to make the world a better place for women and all citizens".

In 2008, Dr. Berisha founded the Mother Teresa Cultural Foundation which commemorates its namesake as a symbol of hope and human dignity. This week, the First Lady joins us on Capitol Hill to honor the 100th anniversary of the birth of Mother Teresa with a reception and special exhibition. As the Chair of the Congressional Albanian Issues Caucus, I look forward to participating in this celebration and again welcoming the distinguished First Lady of Albania to the United States.

## MEDIA SHOW BIAS ON ARIZONA IMMIGRATION LAW

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SMITH of Texas. Madam Speaker, the national media have given mostly negative coverage to Arizona's new immigration enforcement law, which Arizonans support overwhelmingly.

A CBS report gave the perspective of opponents of the law, one of whom called it "mean-spirited" and compared it to Nazi repression. The report featured video of signs that read, "Veto Racism" and "Stop the Hate."

NBC asked an Arizona sheriff, "Are you worried that it affects the image of your state?" and questioned whether the new policy will "distract law enforcement" and "take valuable resources away from cracking down on more serious crimes."

An MSNBC headline curiously read, "Law Makes it a Crime to be Illegal Immigrant."

The national media should tell Americans the truth: Arizona's new law mirrors what is already federal law. Then Americans can decide for themselves what to think.

## MISTAKEN ADDITION AS COSPONSOR OF H.R. 2499

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. AKIN. Madam Speaker, my name was mistakenly added as a cosponsor of H.R. 2499. Let the RECORD reflect that I would remove my name as a cosponsor of this bill if I were able.

## IN HONOR OF THE ANNUAL JAMES MONROE DAY PROGRAM IN WESTMORELAND COUNTY

### HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. WITTMAN. Madam Speaker, I am privileged to rise today to honor the James Monroe Memorial Foundation and the annual James Monroe Day Program.

I am pleased to recognize and honor the birth and life of our Nation's fifth president, and First District of Virginia native, James Monroe. I appreciate the invitation to share this special occasion with you.

First, I want to recognize the important accomplishments of the James Monroe Foundation. Since 1928, the James Monroe Foundation has worked tirelessly to preserve the former President's great legacy. Your efforts have kept his memory alive and have allowed generations of people to learn about his many significant contributions to our Nation. I would like to thank the foundation for your hard work and for organizing this magnificent celebration.

James Monroe came to the Presidency as one of the most qualified men to ever assume the office. He was the last American President of the "Virginia Dynasty," and one who left such a lasting impression on American history that we gather today to recognize his life and celebrate his birth.

As you know, President Monroe, one of five children to Spence Monroe and Elizabeth Jones, was born here in Westmoreland County on April 28, 1758. Monroe was raised and educated in what is now the First Congressional District of the Commonwealth of Virginia. He worked on the family farm until entering the College of William and Mary at the age of 16. Within a year, the American Revolution began and Monroe soon left college to enlist in the Continental Army. He was one of the men who crossed the Delaware with George Washington.

As a politician, Monroe served in the Virginia Assembly, the Continental Congress, as Governor to the Commonwealth of Virginia, as a U.S. Senator, Secretary of State and Secretary of War to President James Madison. Ultimately, James Monroe became our fifth President of the United States.

His presidency represented a key point in our history. National identity and patriotism were growing and the country's democratic institutions and capitalist economy were taking form.

During Monroe's early years in the White House his administration was known as the "Era of Good Feelings", a time period in American political history in which partisan bitterness abated. President Monroe went on two long national tours in order to gain the trust and faith of the American people. Monroe expanded the country's borders by purchasing Florida from Spain. Yet, Monroe may be best remembered for his belief that the Americas should be free from future European colonization and interference in sovereign countries' affairs. His strong opinions and principles on foreign policy came to be known as the Monroe Doctrine.

James Monroe was a loyal public servant and an exceptional statesman. He proved to be a visionary leader who helped form our Nation in its infant stages, and later helped to reconcile a deeply divided country in the aftermath of the War of 1812.

President Monroe cherished the very principle of democracy, and championed the cause of a republic empowered not by privilege or birthright, but by the people. He once stated, "In this great Nation there is but one order, that of the people, whose power, by a peculiarly happy improvement of the representative principle, is transferred from them, without impairing in the slightest degree their sovereignty, to bodies of their own creation, and to persons elected by themselves, in the full extent necessary for the purposes of free, enlightened, and efficient government". This eloquent statement contained a very simple message that continues to ring true today.

I recently introduced the James Monroe Commemorative Coin Act (H.R. 4329) to honor James Monroe and the contributions he made to the Commonwealth and our Nation. This legislation would authorize the U.S. Treasury to mint coins to commemorate the bicentennial of the election of President James Monroe.

In addition, the funds collected from the coin will go to the James Monroe Memorial Foundation to reconstruct the birthplace of President Monroe including farm buildings and a visitor and education center in Westmoreland County. Additional proceeds will then be used to support continuing education programs about President Monroe, the Monroe Doctrine, an online library, and collection and preservation of artifacts and historical items related to James Monroe's childhood and presidency.

James Monroe was an outstanding citizen, soldier, and statesman who dedicated his life to our country. He was a good man who inspired a nation at a moment in time that begged for leadership. Jefferson said of his fellow Virginian, "A better man cannot be."

The citizens of the Commonwealth of Virginia and especially America's First District express their gratitude to James Monroe, in commemoration of the 252nd anniversary of his birthday.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,880,364,008,405.96

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,241,938,262,112.10 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

## HONORING CHARLES "KENNY" HILL

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. JOHNSON of Illinois. Madam Speaker, I rise today to pay tribute to Charles "Kenny" Hill, one of the hard working employees of the House Wellness Center. Kenny is retiring from duty as a Members' Wellness Center Attendant after 41 years of service to the Architect of the Capitol. He and his wife Carole look forward to enjoying his retirement with their children Lisa, Kenny, and Tony and their grandchildren Christopher, Charlie, Pamela, Tiffany, Elizabeth, Wayne, and Kyle. The Members of the 111th Congress would like to thank you Kenny for all your years of hard work and dedication. You will be missed.

## HONORING URBAN LEAGUE OF LONG ISLAND FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Urban League of Long Island.

Urban League has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with the Urban League of Long Island are admirable.

I am proud to honor Urban League of Long Island for their extraordinary work in the community.

## IN SPECIAL RECOGNITION OF ANDERSON SHOWMAN ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Anderson Showman of Willard, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

Anderson's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet Class of 2014. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Anderson brings an enormous amount of leadership, service, and dedication to the incoming Class of 2014. While attending Willard High School in Willard, Ohio, Anderson attained a grade point average that placed him in the top ten percent of his graduating class. Anderson was inducted into the National Honor Society, active in Student Council, and was a class officer.

Throughout high school, Anderson was a member of the football, basketball, and baseball teams. He earned varsity letters in those sports and was also an instructor with the Midwest Baseball Camp. Anderson served the community of Willard by assisting with the community's hospital events, the Salvation Army, and the local food bank. I am confident that Anderson will carry the lessons of his student leadership to West Point.

Madam Speaker, I ask my colleagues to join me in congratulating Anderson Showman on the acceptance of his appointment to the United States Military Academy at West Point. Our service academies offer the finest military training and education available. I am positive that Anderson will excel during his career at West Point and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

## TRIBUTE TO CAPTAIN RANDY JACKSON, USN

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. SKELTON. Madam Speaker, it has come to my attention that my friend CAPT Randy Jackson will retire from the United States Navy on June 4, 2010, after three decades of service to our nation. Let me take this means to congratulate Captain Jackson on his well-earned retirement and to thank him for his lifetime of service to the United States and for his many years of friendship.

Born in my hometown of Lexington, Missouri, Captain Jackson received his appointment to the United States Naval Academy and graduated in 1980 with a degree in Systems Engineering. After distinguishing himself in the classroom, Captain Jackson moved across the country to serve aboard the USS *Elliot*, based in San Diego, California.

Over the next 30 years, Captain Jackson showed remarkable adaptability and flexibility as he moved from post to post and job to job in the United States and around the world. As a Surface Warfare Officer, a Seabee Combat Warfare Officer and a Joint Qualified Officer, Captain Jackson dedicated his life to ensuring the men and women of the United States Navy had well-functioning and state-of-the-art systems, accommodations, and equipment.

His superior service did not go unnoticed. Over the years, Captain Jackson has received numerous unit and service awards, among them the Defense Superior Service Medal, the Meritorious Service Medal, the Navy Commendation Medal, and the Navy Achievement Medal.

Married to the former Sonja Huff of Camdenton, MO, Captain and Mrs. Jackson are the proud parents of three young adults: Ryan, Kirsten, and Evan.

Madam Speaker, throughout his life, Captain Jackson has shown uncommon commitment to service and dedication to country. I trust my fellow members of the House will join me in wishing him well as he prepares to close a chapter in his life and begins to write another.

## IN RECOGNITION OF SHEN YUN PERFORMING ARTS

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize the cultural impact of Shen Yun Performing Arts, a dance and music company that promotes traditional Chinese heritage throughout the United States and the world. The group will be coming to New Jersey in coordination with the New Jersey Falun Dafa Association, and I would like to thank them for sharing their art with my home state.

Shen Yun's performances are marked by their beauty and grace and the dancers' ornate costumes. Each dancer adheres to a strict training regimen that requires a thorough knowledge of Chinese dance and customs. The production showcases 5,000 years of Chinese history while bringing the audience a thrilling experience. Their show combines the energy of dance and music with the wisdom of famous Chinese legends in a manner that both educates and entertains its spectators.

Shen Yun Performing Arts has made incredible strides in its short existence. In 2009 alone, they performed in front of over 800,000 people, four times more than in their first year, in almost 100 cities worldwide. They have been featured in such esteemed venues as Radio City Music Hall in New York, the Kennedy Center in Washington, DC and Le Palais de Congres in Paris, France.

Madam Speaker, I would once more like to thank Shen Yun Performing Arts for their contribution to the advancement of the arts and their tireless promotion of Chinese culture. Their efforts have breathed new life into Chinese traditions and provided thousands with an indepth look into their heritage.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

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To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

The person I interviewed was Mr. Vance Miller, a past Captain of the United States Air Force. This person accomplished everything. Once he got back from service, he became a better person and a better leader. Mr. Miller gets respect and the care he needs for what he does every day as a businessman for his company. Once I walked into his office, everyone gave him respect and spoke to him with such care that could not be described. What I gained from this interview is to look at life as more than what you see right at first sight. When I spoke with Mr. Miller, he really made me think of what it is like to give your life up for your country and for the people you serve. Once I was finished he made me think about life a lot more. Life is more than just what is inside the box, it is about what you make of it and how much you put into it. Finally, I admire Mr. Miller tremendously for what he has done for this great nation and the people in it.—Elliott Polanchyck

## RECOGNIZING SHANA GUZMAN PANGELINAN FOR THE U.S. SMALL BUSINESS ADMINISTRATION'S JEFFREY BUTLAND FAMILY-OWNED BUSINESS OF THE YEAR FOR 2010

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. BORDALLO. Madam Speaker, I rise today to recognize Ms. Shana Guzman Pangelinan for her entrepreneurial spirit in growing her family-owned business on Guam and her dedication to our community. Ms. Pangelinan is the President of International Distributors, Inc. (IDI) and has been named the U.S. Small Business Administration's Jeffrey Butland Family-Owned Business of the Year for 2010.

A native daughter of Guam, Shana is the second oldest of five children of Frank C. and Annie P. Guzman. Shana graduated from the Academy of Our Lady of Guam High School and attended the University of San Francisco in California as a Business Management major. She returned home to Guam in 1993 and worked with her father, Frank, who established IDI, and learned from him the best practices which allowed Shana to take over management when he passed away in 2000. Under Shana's direction and leadership, IDI continues to thrive.

With the same passion and conviction Shana demonstrates for her business, she dedicates her time and talents to her three children and their school activities. She has served as the Finance Committee Co-Chair for Mercy Heights Nursery School and contributes to the community as a member of the Board of Trustees for the Department of Chamorro Affairs and through organizations such as Hurao, Inc., a non-profit organization whose mission is to perpetuate the Chamorro language and culture. To assist & promote Hurao, Shana has developed her own Chamorro immersion program. With her leadership, IDI continues to support our community by donating produce to various charitable organizations, including Catholic Social Services, Guma' San Jose, Alee Shelter, Department of Youth Affairs, and the Tamuning Senior Citizens Center. Shana also continues her father's legacy by ensuring IDI remains an active member & supporter of the Micronesian Chefs' Association, an organization of which her late father was a founding member, supporting the education and talents of young local chefs.

It is on the occasion of her recognition by the U.S. Small Business Administration as their Jeffrey Butland Family-Owned Business of the Year for 2010, that I join the people of Guam in acknowledging her service and outstanding leadership in our business community.

## RECOGNIZING MR. JACK CHAN AS THE U.S. SMALL BUSINESS ADMINISTRATION'S MINORITY CHAMPION OF THE YEAR FOR 2010

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. BORDALLO. Madam Speaker, I rise today to recognize Mr. Jack Chan for his leadership and advocacy in support of minority small business owners. Mr. Chan is the Vice President of Kwong Hwa Trading Co. and is the U.S. Small Business Administration's "Minority Champion of the Year" for 2010.

Jack was born in Hong Kong in 1972 to Ping Chan and King Ng. He attended elementary school in Hong Kong before relocating

with his parents and five siblings to Guam in 1985. He attended John F. Kennedy High School and completed a one year Tourism Vocational Program at Guam Community College during his final year of high school. Jack continued his educational pursuits at the University of Guam, graduating with a Bachelor's degree in Business Administration in Marketing in 1997 while helping to maintain his family's business and working at a local tour agency.

Jack serves as Vice President of Kwong Hwa Trading, and under his leadership, the company continues to work closely with other businesses, suppliers and local government agencies and non-profit organizations to support the local community.

Jack's hard work, dedication and industrious nature have earned him the respect of business leaders in our community and in the western Pacific region. His efforts on the Board of Directors of the Chinese Chamber of Commerce of Guam (CCCG) have made a difference in the participation of other minority business owners and associates as CCCG members. A CCCG Member since the organization's inception, Jack is actively involved in its annual events and activities. Jack's participation in CCCG has helped to raise support and awareness for local organizations such as the Big Brothers and Big Sisters Club of Guam and the American Red Cross Guam Chapter.

It is on the occasion of his recognition by the U.S. Small Business Administration as Minority Champion of the Year for 2010, that I join the people of Guam to acknowledge his service and outstanding leadership in our community.

## RECOGNIZING MR. ARTHUR F. MESA AS VETERAN SMALL BUSINESS CHAMPION OF THE YEAR FOR 2010

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. BORDALLO. Madam Speaker, I rise today to recognize Mr. Arthur F. Mesa for his years of civic engagement, leadership and advocacy for Guam's veterans. Mr. Mesa, known to his family and friends as ''Art,'' is Editor and Publisher of the Guam Veterans News, host of K-57's radio show, ''Vet Talk,'' and was recently named the U.S. Small Business Administration's ''Veteran Small Business Champion of the Year for 2010.''

Art served in the Vietnam War from 1970 to 1971 as a member of the U.S. Army's 101st Airborne Division. He is a 35-year resident of Guam. Following his service in the U.S. Army, Art worked in sales and in 1985, founded Independent Trading Company trading food products, appliances, and construction materials from the mainland to Guam and Micronesia. From 1989 to 1996, Art opened and operated Eagle Freight Services—which provided air freight services through five offices from Guam to the Midwest United States. From 1999 to 2006, Art co-founded and managed Auto Services 2000.

Art has become a prominent figure in our community and serves as a Board Member for the Pacific Island Microcredit Institute, an organization that provides microloans to veterans and individuals at poverty level seeking self sufficiency and business opportunities. A strong and dynamic advocate for Guam's veterans' community, Art volunteers his time to educate veterans on a variety of issues including programs, benefits, health care, legal rights and national representation.

Art's involvement in the veteran community has been recognized by various organizations. Art served as the Master of Ceremonies for Guam's Annual Veterans Day Memorial Program in 2009 and was a recipient of the Rotary Club of Tumon Bay's ''Service Above Self Award'' for his commitment to our island's veterans. An avid motorcycle rider, Art is a member of the Guam Veterans Harley Davidson Organization, which provides motorcade escorts for funerals of fallen soldiers and conducts other philanthropic activities such as distributing holiday treats to children on Guam during their annual Christmas motorcades.

It is on the occasion of his recognition by the U.S. Small Business Administration as their Veteran Small Business Champion of the Year for 2010, that I join the people of Guam to acknowledge him for his service and his commitment to our veteran community.

## CONGRATULATING THE ARCADIA HIGH SCHOOL CONSTITITION TEAM

### HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Mr. DREIER. Madam Speaker, I rise today to congratulate the Arcadia High School, AHS, Constitution Team on their first place finish in the 23rd annual ''We the People: The Citizen and the Constitution,'' contest which was held in Washington, DC this past weekend and concluded Monday evening.

The AHS team represented the entire state of California in the competition, which tests students' knowledge of the U.S. Constitution, the Bill of Rights and American democracy. After spending time with this outstanding group of students last week, I was confident they would take their knowledge of and dedication to learning about the Constitution and turn it into a great win for Arcadia and California.

After winning local and state competitions, these students proved themselves champions at the final competition here in our nation's capital. The City of Arcadia and the entire San Gabriel Valley should be very proud of these outstanding students.

On Monday, after three days of simulated congressional hearings testing the students' knowledge of constitutional principles, which were judged by a panel of constitutional scholars, lawyers, journalists and government leaders, the AHS team was announced the winners of this year's competition.

I believe very firmly in the tremendous importance of understanding our history and the principles on which our nation was founded. These students should be commended for their mastery of our founding documents and the words of our founding fathers, and I enthusiastically congratulate them on their success.

The AHS Constitution Team's victory is a testament not just to the hard work and dedication of these students, but also the guidance and commitment of their teacher Kevin Fox and coaches Gary Kovacic, Jim Romo, Bob Garrett and Karyn McCreary.

The members of the AHS Constitution Team are: Robel Abdella, Wini Addanki, Pallavi Bugga, Madyson Cassidy, Andrew Chang, Winston Chang, Greg Chen, Ruodi Duan, Daphne Fan, Kathy Garcia, Jamie Griswold, Derek Ha, Jennifer Hang, Lauren Hanna, Frank Huang, Rayla Hylbom, Michael Kallin, Amanda Kallis, Jesse Li, Andrew Lin, Sangavi Pari, Tim Semenov, Joanna Shen, Kiko Sunata, Bonnie Tam, Andrew Taylor, Catherine Tong and Shen Wang.

## RECOGNIZING MS. LINDA TUNG AS THE U.S. SMALL BUSINESS ADMINISTRATION'S WOMEN IN BUSINESS CHAMPION OF THE YEAR FOR 2010

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. BORDALLO. Madam Speaker, I rise today to recognize Ms. Linda Tung for her entrepreneurial leadership and mentorship in the women's business community on Guam. Ms. Tung is the President and Founder of GIT International Tours and was recently named the U.S. Small Business Administration's Women in Business Champion of the Year for 2010.

Linda was born and raised in Taiwan and is fluent in English, Japanese, Mandarin Chinese and Taiwanese. Following her graduation from high school in 1966, she began working for a number of leading in-bound travel agencies in Taipei.

Linda married Dr. Frank C. Tung in 1976 and after traveling throughout the United States for educational opportunities, the couple settled on Guam in 1985. Since that time, Linda served as Guam Operations Manager of Japan Travel Land and established GIT International Tours, Inc. Since its inception, GIT Tours has successfully provided various services to more than 320,000 visitors from Taiwan (R.O.C.), Hong Kong, Shanghai, Beijing, Honcho, Liaoning and the Philippines.

Linda's thirty years of experience have proved invaluable as Chairwoman of the Tourism Committee of the Chinese Chamber of Commerce of Guam. She works in partnership with members of the Guam Visitors Bureau, the Office of the Governor of Guam, Government of Guam agencies, Guam Hotel & Restaurant Association, Chinese Chamber of Commerce of Guam and United Chinese Association of Guam, as well as numerous agencies in the Asia-Pacific region to promote Guam as a premier, family-oriented tourist destination in the Western Pacific.

Linda often volunteers to help aspiring entrepreneurs on Guam. In addition, Linda has created opportunities for her female employees to engage in in-house cross-training to develop their leadership skills and expertise in all facets of the tour business. A number of her

former female employees have continued to pursue their education and other career opportunities and are now recognized as leaders in their respective communities. As a mentor for women in the business community, Linda is a sounding board and colleague for many women seeking to emulate her success.

It is on the occasion of her recognition by the U.S. Small Business Administration as their Women in Business Champion of the Year for 2010, that I join the people of Guam to acknowledge her service and outstanding leadership in our business community.

## RECOGNIZING MR. FONG S. WU AS THE U.S. SMALL BUSINESS ADMINISTRATION'S PERSON OF THE YEAR FOR 2010

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. BORDALLO. Madam Speaker, I rise today to recognize Mr. Fong S. Wu for his years of community involvement and service on Guam. Mr. Wu is the President and Chief Executive Officer of Sunny Plastic (Guam) Inc. and Pacific Sunny Group of Companies. He was recently named the U.S. Small Business Administration's ''Person of the Year'' for 2010.

Fong is currently the Managing Partner and Chief Executive Officer of LTA, LLC., and is responsible for corporate planning and the operation of Ladera Towers, a luxury hotel/condominium. He is also Managing Partner and Chief Executive Officer of PacSun Investments, responsible for all strategic initiatives of its real estate investment projects. In addition, Fong is Managing Partner of Pago Bay Resort, LLC.

Raised on the island of Guam, Fong is a valuable member of our community and is an officer and founding member of Guam's Chinese Chamber of Commerce. He has also served as the Chairman for the Guam Chinese School Foundation, President of the Chinese School Board of Guam and President and member of the Board of the United Chinese Association of Guam. Fong has held public office as Secretary and member of the Board of Directors for the Guam Economic Development Authority, as well as the Overseas Compatriot Affairs Commissioner of the Republic of China. He was appointed by Governor Felix Camacho of Guam as an Ambassador of Goodwill to foster better economic ties between Guam and Taiwan.

Fong strives for excellence in business and in all aspects of life. He has taken a leadership role in fundraising, contributing time and energy towards various non-profit and community organizations. His service spans a wide range of organizations including the American Red Cross, Make a Wish Foundation, Fo Guan Shan Temple, University of Guam Endowment Foundation, University of Guam Board of Regents, Guam Memorial Hospital Volunteer Association, Guam Hotel & Restaurant Association, Guam Visitors Bureau, Filipino Community of Guam, Korean Ladies' Association of Guam, Rotary of Guam Sunrise, International Women's Club of Guam, and the Guam Society of America among others.

It is on the occasion of his recognition by the U.S. Small Business Administration as Person of the Year for 2010, that I join the people of Guam to acknowledge him for his commendable service and leadership in our community.

## RECOGNIZING MR. KEVEN CAMACHO AS THE U.S. SMALL BUSINESS ADMINISTRATION'S FINANCIAL SERVICES CHAMPION OF THE YEAR FOR 2010

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 27, 2010*

Ms. BORDALLO. Madam Speaker, I rise today to recognize Mr. Keven Camacho for his community engagement, support, and assistance for small business owners on Guam. As the Vice President/Northern Regional Manager for the Bank of Guam, Mr. Camacho was recently named the Guam Small Business Administration's Financial Services Champion of the Year for 2010.

Keven earned his degree in Finance from Arizona State University in 1996 and soon began his career as a Management Trainee with the Bank of Guam. In 1997, Keven was promoted to Credits Officer, specializing in consumer loans and real estate. Continuing his advancement with the Bank of Guam, he was promoted as Branch Manager of their Tumon, Belau and Mangilao Branches. He later graduated in 2003 from the Pacific Coast Banking School at the University of Washington, completing an intensive two-year Masters-level extension program for senior officers in the banking industry. Additionally, Keven received his Masters in Business Administration from the University of Guam in 2006.

In his current role, Keven assists small businesses in our community in identifying opportunities for growth. Over his 13-year career with the Bank of Guam, Keven's hard work and dedication have helped to advance the interests of small businesses on Guam.

Keven uses his education and years of experience to serve our community by providing assistance with the grant funded Guam Options for Alternative Loans for Assistive Technology (GOAL-AT) and Get Guam Teleworking (GGT) programs. These programs provide loans to individuals with disabilities to assist them with starting home-based businesses. Keven not only provides technical assistance to these organizations but assists in outreach and presentations to various disability and senior citizen events, educating them about these programs, resources and the loan process. Keven also serves on the board of the Felix M. Camacho and Carlos G. Camacho Scholarship, a non-profit organization that offers up to four $1,000 scholarships annually to qualified participants. Keven's business background, professional advocacy, and his outstanding spirit of community, are, and will continue to be, valuable assets to our island community.

It is on the occasion of his recognition by the U.S. Small Business Administration as Financial Services Champion of the Year for 2010, that I join the people of Guam in acknowledging his service and outstanding leadership in our community.

# SENATE—*Wednesday, April 28, 2010*

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Heavenly Father, give our lawmakers strength and courage to serve You with gladness and singleness of heart. May they delight in Your will and walk in Your ways. Protect them from that preoccupation with trivial things which saps the ability of the mind to deal with the things that really matter. Lord, prepare them for the role committed to their fallible hands in these challenging days, as You bring their desires and powers into conformity to Your will. May their individual lives be lighted windows amid the encircling gloom. We pray in Your righteous Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 28, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 90 minutes, with Senators permitted to speak for up to 10 minutes each. The first 30 minutes will be under the control of the Republicans, the majority will control the next 30 minutes, and the remaining time will be equally divided.

Following morning business, the Senate will resume consideration of the motion to proceed to the Wall Street reform legislation, with the time until 12:20 equally divided. At 12:20 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to Wall Street reform. That will be the third such vote we will have taken in the last few days.

## SENATOR ARLEN SPECTER

Mr. REID. Mr. President, I wish to say a few words about one of the Senate's most senior Members but one of the newest on this side of the aisle. I have known Senator ARLEN SPECTER for many years. I have worked with him, learned from him, and admired him. He is truly a legal scholar.

Anyone who has read his books—and I have—knows Senator SPECTER's life has been a struggle. From his days as the son of immigrants in Depression-era Kansas to the treatment for Hodgkin's lymphoma, he has endured, while working as a full-time Senator. He has not had it easy, but he has fought hard.

I consider it a privilege to work with ARLEN SPECTER. He is a strong contributor to our caucus, a valuable Member of this body and, most importantly, a fine public servant for the people of Pennsylvania.

It would not surprise anyone to learn that over 25 years Senator SPECTER and I have not always agreed on every issue. But I have never seen another Senator with a greater willingness to work in a bipartisan manner, put people over party, and to encourage others to search their hearts and to do what is right.

Senator SPECTER has fought to end the partisanship in Washington as hard as he has fought for his constituents in Pennsylvania. He has often reminded us, in key times, including right here on the Senate floor, that we had to go in a direction he thought was important. He would tell us about that, that we were sent here to govern, not to demagogue.

He has warned his former colleagues on the other side of the aisle not to let a strategy of obstructing obscure their responsibility to govern. That is a message with particular relevance with the issue before us this week. Without Senator SPECTER's courage to reach across the aisle, we would not have passed the economic recovery plan that is pulling our Nation out of recession and putting people back to work. ARLEN SPECTER did not vote for it for political reasons; he supported it because he saw what the Great Depression did to his family. It forced the Specters to move from their home in Wichita to his aunt's home in Philadelphia. He did not want to see it slip up again and fall into a depression.

Senator SPECTER then came over to our side of the aisle and helped us pass the historic health care reform law that will help so many Americans afford to live healthier lives. When the anger of the townhall meetings consumed the country last summer, Senator SPECTER found himself on the frontline. He did not back up a step. He did not give in to the myths and misinformation and never lost his cool. As a senior member and former chairman of the Judiciary Committee, Senator SPECTER played a critical role in the historic confirmation of Justice Sotomayor. I know he will do an equally commendable job this summer when we work to replace Justice Stevens.

I wish to thank my friend for his good counsel, his service to the good people of Pennsylvania, and all he does, both publicly and privately, for the Senate.

The State of Pennsylvania, of course, is home to some of our Nations's most significant political history: the Declaration of Independence, the Constitution was drafted in Senator SPECTER's hometown of Philadelphia. He has recorded some history of his own. No Pennsylvanian has served that State in the Senate of the United States longer than he has.

His moderate voice has been an asset to our diverse caucus, and I look forward to working with him for many years to come.

## FINANCIAL REGULATORY REFORM

Mr. REID. Mr. President, I can remember as a boy we moved from Searchlight, and my dad got a job in Henderson, where I was going to high school, and we rented a home there. We had a TV set, the first TV set. I can remember way back then my mother watching a program called ''As The World Turns.'' It was a soap opera. I had never watched it on purpose but passing by, I guess. She watched that anytime she could, anytime she had a TV set.

My wife as a young woman, a young mother, to get away from the chores of taking care of those children of ours,

would watch ''As The World Turns.'' This soap opera went from my mother, to my wife. That show is still going on, ''As The World Turns.'' This soap opera is never going to end, I guess. I want everyone in the Senate to know that the negotiations we hear so much about are never going to end.

We have to get on this bill. My friends on the other side of the aisle should understand, we have negotiated in good faith and we have tried and we have to get to this bill. Negotiations are similar to ''As The World Turns.'' Similar to a soap opera, they are never going to end, until we get on this bill.

I would say to my friends, let's get on this bill because we are going to continue having rollcall votes on this matter as long as it takes. I am happy when we get on the bill. I have told everybody, on numerous occasions, publicly and privately, on 90 percent of issues brought to this floor we have had open debate.

We have had the most open debate in many Congresses. I am happy about that. This issue that is now before us is going to be one where we can amend, offer amendments and have debate and move forward. My friends on both sides of the aisle want to offer amendments. They have told me that. That is what we will do, but we cannot do that until we get on the bill.

I say to my friends on the other side of the aisle, again, let's stop talking about this negotiation. It is going nowhere. We started off months of negotiations with the chairman and ranking member, Senator SHELBY, until they broke it off, and then a Senator from Tennessee thought he would have his try at it. He tried. That failed. We went before the committee. There were a lot of amendments filed by the Republicans. They did not offer a single amendment before the committee. That is why it was reported to the floor.

We need to move on. Republicans and Democrats have held months of bipartisan meetings, negotiations, and consensus. But the time has come to move this conversation from the sidelines to the playing field. It is time this debate happened on the Senate floor where it belongs.

They think all the negotiations, I guess, should happen behind closed doors. They want all the disagreements to end before the discussion begins. I was so disappointed in one of my friends. I heard her on the radio this morning saying: Well, this is a complicated bill, and we have to get it worked out before we are going to let this bill go to the floor. Now that, I say with all due respect, does not make much sense.

They want everything worked out before we get to the floor. Is that the new standard, they want all the disagreements to end before the discussion begins? I wonder what they think the purpose of debate is or why we have an amendment process. Negotiations are not moving forward. It is ''As The World Turns.'' This soap opera never ends.

Well, this is going to end. We have to continue on this legislation. The Republican leadership's insistence we work this out in the backrooms is a stalling tactic. Every day they stall it a day, they say to Wall Street: Keep up the good work.

I have learned a little bit about this debate as we have moved on. I have learned, having been in the past chairman of the Nevada Gaming Commission, which is the gambling commission, we tried to make those games fair so people who came to gamble—and they gamble with their own money—if they lost that money, they lost it fair and square. But one thing they lost was their own money.

The deal on Wall Street is an interesting gamble. They use our money, and then they keep all the profits, and if there are losses, they come to us for help. It has been more than 2 years since the financial collapse and months since these negotiations started. It is time to move forward on this legislation.

What are my friends afraid of? This is the Senate. We are supposed to legislate. Negotiate? There comes a time when we have to legislate. That time has arrived.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

## FINANCIAL REGULATORY REFORM

Mr. McCONNELL. Mr. President, yesterday, I came to the floor and noted that an increasing number of businesses large and small have been weighing in on the financial regulatory bill. And what we have seen from these groups is a growing concern about the adverse effect this bill could have on their businesses. Everyone from candy bar companies to motorcycle makers, it seems, is now worried about the impact of this bill.

So this has been a very useful exercise: by giving people time to actually look at this bill and study the details for themselves, we have enabled them to assess not only potential impact of the actual text of the bill itself but also some of the unintended consequences it could have.

As we know, this is something Americans were denied in the lead-up to the vote on the stimulus bill. Democrats insisted we vote on that bill about 18 hours after we got the text. And we have seen how that turned out. This is something Americans were denied again on the health spending bill, which was basically written by a few guys in a room, then jammed through the Senate during a blizzard on Christmas Eve. And we have seen how that turned out: a bill that was sold on the promise of lower costs and lower premiums is now expected to lead to higher costs and higher premiums.

So this time people have actually had a chance to look at one of these massive Democrat bills for a change, and what is perfectly clear to most of them is that this bill needs some work, which is precisely what Republicans have been saying for the last 2 weeks.

Let's just start with the basics. The first thing we had to ensure with this bill is that it did not leave taxpayers on the hook for any more Wall Street bailouts. And that is the first thing some of us on this side of the aisle noticed: the loopholes. So I raised the alarm on that issue, and the two parties have been looking into it.

But there are other problems. In particular there is growing concern that in an effort to hold Wall Street accountable, this bill could catch the little guys up in the same net as the big banks. And this is now a major concern for a lot of people, a concern we need to address head on.

For instance, whether the authors of this bill intended it or not, there is real concern that this bill could penalize anyone in this country who buys or sells something on an installment plan, as a result of some language in section 1027.

As the New York Times put it this morning, and here I am quoting the Times, ''this bill gives broad powers to a consumer protection agency to regulate almost any business that extends credit, meaning that companies like car dealers and professionals like orthodontists who allow customers to pay over time could be subject to a new regulatory and supervisory regime.''

Does this mean that some graduate student in Louisville looking to buy an engagement ring would now be required to pay a higher interest rate, or that the jeweler wouldn't do the deal because this bill would create new oversight over any nonfinancial institutions that lend money to consumers? What about the parent trying to spread out payments for their child's braces? Will they now have to pay for it all upfront? Will the orthodontist be willing to expose his or her practice to Federal supervision because they allow patients to pay the bill in more than four installments?

I don't know the answer to these questions. But I do like to have a good answer if one of my constituents asks me about it. Right now I don't. No one can deny that the language of the bill is ambiguous, that it lends itself to broad interpretation. So let's tighten it up. And why shouldn't we? Why shouldn't we tighten up the language to make it crystal clear exactly what

this bill means and what it doesn't mean?

The last thing we want is for the little guy to get hurt by a piece of legislation that is intended to rein in bankers on Wall Street. But that is precisely why we have gotten so many letters of opposition to this bill over the last few days from groups like the National Federation of Independent Business, the U.S. Chamber of Commerce, Americans for Tax Reform, and the National Taxpayers Union.

That is also why we have gotten so many letters expressing serious concerns from groups like the United States Automobile Association, the Military Officers Association of America, the National Council of Farmer Cooperatives, the Farm Credit Council, the American Council of Life Insurers, the Housing Policy Council, the National Association of Home Builders, the National Association of Manufacturers, and the Fertilizer Institute. The list goes on.

In fact, the only people who seem willing to come out in support of this bill are the executives at Goldman Sachs, the biggest bankers at the biggest Wall Street firm of all. The CEO of Goldman Sachs was here on the Hill yesterday discussing his firm's role in the financial crisis, and the point he made about this bill is that he agrees with the President, who said last week that the biggest beneficiaries of this bill are on Wall Street.

So the supporters of this bill may have locked up the support of the folks at Goldman Sachs. But Republicans aren't about to rush this bill just to make Lloyd Blankfein happy, and not before there's an ironclad protection against any taxpayer funding of Wall Street firms like his. Americans want to knew that this bill will protect them too. And right now, they have got more questions than answers.

I already mentioned concerns about section 1027. How about section 1022? It relates to government collection of information through a new Bureau of Consumer Protection. Here's what that section of the bill says: ''In conducting research on the offering and provision of consumer financial products or services.'' It continues: ''The Bureau shall have the authority to gather information from time to time regarding the organization, business conduct, markets, and activities of persons operating in consumer financial services markets.''

It continues:

> In order to gather such information, the Bureau may make public such information obtained by the Bureau under this section, as is in the public interest in reports or otherwise in the manner best suited for public information and use.

I have a question: Does having a credit card make you a person operating in consumer financial service markets? What if you sell something on eBay and someone pays you with their credit card through Paypal? Does that make you someone operating in consumer financial service market? I am sure it is not the intent of the chairman to give the government the authority to collect personal financial information on Kentuckians who use Paypal. But why not make it clear?

These are just some of the questions people are asking once they have had a chance to look at this bill. And I am just talking now about the unintended consequences. Plenty of other groups have pointed out some of the real, practical adverse consequences of this bill on people who had absolutely nothing to do with the financial crisis.

For instance: I have heard from a number of utilities in Kentucky that use traditional derivatives as a way of keeping prices low for themselves and, by extension, for homeowners and small business owners across my state. General Electric employs more than 5,000 people in Kentucky, so I want to hear what they have to say about this bill. And what they are telling me is that this bill could really hurt them. They have got a lot of concerns. They are concerned this bill will increase the cost of managing foreign exchange risk associated with their vast global supply chain.

They are concerned about the potential cost increases related to the hedging of commodities they use in the manufacturing process. And they are concerned about increased hedging costs related to the financing they provide to suppliers and retail customers who buy GE appliances like washers and dryers and water heaters that are made in Louisville.

Homeowners and small business owners in Kentucky didn't have anything to do with the financial crisis. I am sure none of the Kentuckians who work at GE in Louisville had anything to do with it either. But because this bill doesn't distinguish between utilities that use derivatives for a legitimate use and those who abused them, ratepayers and others in my State will almost certainly get hit by this bill.

These are some of the concerns people are raising about this bill. And the fact is, those concerns are only magnified by the recent performance of the Democrat majority. I am afraid those who claim that this bill wouldn't do any of the things people are afraid of now have a higher hurdle to cross after the assurances they gave the American people on the stimulus, the debt, and health care. A lot of people took Democrats at their word in those debates, and they got burned. Now they want more than a verbal assurance that this bill doesn't allow bailouts. They want proof.

I don't think anybody really thinks the Fertilizer Institute is responsible for the financial crisis. And I don't think the authors of this bill think Kentucky farmers are to blame for the collapse of Lehman Brothers. But whether they intended to or not, this bill would punish them. And that is not right.

So Americans want a number of things in this bill fixed. And they want more than verbal assurances. At this point, Americans want the supporters of this bill to put a highlighter through the relevant passages and then tab the pages. Americans expect us to prove we are doing what we say we are doing. And after the past few debates, I don't blame them one bit. None of this should be viewed as a burden. After all, isn't that how the legislative process is supposed to work: major legislation is proposed, the American people get to take a look at it, they let us know how it would affect them, and then we weigh those concerns against the various problems at hand? The authors of this bill may believe some of these concerns are misplaced. But they are going to have to prove it.

I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for 90 minutes, with Senators permitted to speak for up to 10 minutes each, and with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for his generous and complimentary comments. As today completes 1 year since my return to the Democratic Party, I have a few observations on what we should do as Senators, not as Democrats or Republicans, to tend to the Nation's business in these difficult days.

Partisanship ran high in 2005, with Republican threats to invoke the nuclear or constitutional option, which would, in effect, change the rule to allow 51 votes to cut off filibusters. The so-called ''Gang of 14,'' a group of centrists from both parties, structured a compromise which confirmed some judicial nominees, rejected others, and established a standard that filibusters should not be employed except in ''exceptional circumstances.'' That spirit of compromise, I suggest, should be revisited today.

In the threat of a great depression in February 2009, I refused to join the Republican obstructionism and played a

key role in the passage of the American Recovery and Reinvestment Act. I am fully aware that my vote put my job on the line.

Achieving civility and cooperation for the common good in 2010, as it occurred in 2005 with respect to judicial nominations, will require independence and risk-taking by Senators. Senators must be willing to cross the aisle and work with their colleagues even at the peril of the disfavor of their own political party. The problems of the country today are too severe, too many Americans are out of work, too many Americans are fighting and dying in foreign lands, for members of this body to be unwilling to risk their seats for the public good. The stakes for America require we all do our level best and permit the public to judge us accordingly.

At the moment, there is a pressing need for Republicans to join with us in reforming Wall Street to prevent the kind of financial crisis that cost this country 8 million jobs. Both sides agree that legislation is necessary. On a motion to proceed, which is now pending on this legislation, there is no realistic contention that ''extraordinary circumstances'' justify a filibuster. Once the bill is being debated, there will be opportunity for amendments. Forty-one Republican Senators will then have the opportunity to filibuster whatever proposed legislation evolves before final passage occurs. ''Extraordinary circumstances'' now call for Republicans to join Democrats in passing legislation to prevent another economic crisis.

## FINANCIAL REFORM

Mr. ALEXANDER. Mr. President, I congratulate the Republican leader on his remarks. Listening to him, I was wondering how Kentuckians would respond to the thought that—as we seem to be hearing now about this so-called consumer protection bureau—''We are from Washington and we are here to protect you.''

Mr. McCONNELL. I would say to the Senator from Tennessee, now that we are getting a chance to take a look at this bill, it is pretty clear that it has a broad reach that would touch a whole lot of people in Tennessee and Kentucky and has nothing to do with what happened on Wall Street. It is noteworthy that the most conspicuous supporter of this bill is the chairman of Goldman Sachs.

Mr. ALEXANDER. I wonder if the Republican leader would agree with me, if I may say through the Chair, that it is noteworthy that the legislation we are talking about focuses on shop owners, auto dealers, real estate agents, farmers, community bankers, doctors, and dentists who had virtually nothing to do with this recession we are in, but this legislation completely leaves out the two giant Federal housing agencies, Fannie Mae and Freddie Mac, that had almost everything to do with the recession we are in.

Mr. McCONNELL. Many, if not most experts, believed the crisis began through Fannie and Freddie. As far as I can tell, they are not addressed in this measure at all.

Mr. ALEXANDER. I thank the Republican leader.

Mr. President, ''We are from Washington and we are here to protect you'' is a promise or an offer that is creating a lot of suspicion around my State of Tennessee, and I suspect around the country. I am hearing from a lot of people who don't like the sound of that—shop owners, auto dealers, real estate agents, community bankers, retailers, doctors, dentists, traders on eBay—they're afraid the so-called consumer protection legislation we are hearing about will make it harder to borrow money. It will take more time to borrow money. It will be more expensive to borrow money. They will have to fill out more forms to borrow money. They will have fewer choices to borrow money.

If the shop owner, the auto dealer, the real estate agent, the community banker, the doctor or the dentist, and the traders on eBay can't borrow money, then they can't invest, we can't create jobs, and we can't put an end to this recession.

We wouldn't want to pass a piece of legislation, I would not think, that says ''We are from Washington and we are here to protect you,'' and the effect of it, to people up and down Main Street, is to make it harder to borrow money, take more time to borrow money, and make it more expensive to borrow money.

Someone said yesterday, I believe the Senator from North Carolina—if the number of forms one has to fill out to buy a house is what it takes to stop a recession or to make sure we don't have one, then we should not be in this one. Anyone who has filled out a mortgage application lately knows one has to fill out a stack that high of consumer protection forms.

So just adding another layer of consumer protection forms to buying a house or borrowing money or buying something on credit, what does that have to do with Wall Street? What does that have to do with this great recession?

We need to make it possible for community banks to make a loan to a small business who can then hire a person, who can make an investment to help get the economy moving again.

Most of us thought this Wall Street bill was about Wall Street, but it is turning out to be more about Main Street. The auto dealer and the community banker and the retailer and the dentist say: Main Street is us. It is about whether we can borrow money, get credit, expand the store, or create a job. ''We are from Washington and we are here to protect you'' sounds hollow to a lot of Americans, and it sounds like another Washington takeover to me.

We have already made Washington the new American automotive capital. We have already made Washington the new American health care capital. We have already made Washington the new American student loan capital. Now we are going to move Main Street to Washington, DC, for every little credit transaction up and down Main Street? We need to be careful about that. I don't think Chicago and New York City want to move the great financial centers of this country to Washington. With some of the kind of restrictions we are talking about passing, we may move those financial centers and those jobs to Singapore, to Shanghai, to London, or to other places. But moving Main Street to Washington, what is this all about? Why is this even in the bill?

If the bill is about reining in Wall Street, that is a good idea. But why are we going up and down Main Street reining in Main Street when Main Street is having a very hard time these days?

The President is in Iowa today talking about Main Street. I hope he is explaining why we have a piece of consumer protection legislation that says ''We are from Washington and we are here to protect you,'' when most realtors, most auto dealers, most community banks, most dentists, most traders on eBay say: Wait a minute. We are not sure we need or want that kind of protection, if what it means is to make it harder to borrow money, take more time to borrow money, make it more expensive to borrow money, to fill out more forms to borrow money, or to have fewer choices to borrow money. If it means all that, we might not be able to create more jobs.

Of course, what we are saying on the Republican side is, we want to exercise the prerogative the Democrats offered when they were in the minority, which is to provide some checks and balances to the proposals made here. The majority leader, rather than encouraging that, is already the world recordholder in offering ''no'' motions. A ''no'' motion says no to more amendments, no to more debate, no to more checks and balances.

So we will vote on that again today. We want more debate. We want more amendments. We want more checks and balances. We want to exercise the prerogative we have to make sure the people up and down Main Street have a right to see what is in the bill, and so we are well informed about the bill before we pass it.

We are writing the rules for the economy of the United States of America. We produce 25 percent of all the money in the world. What we do here affects

not just Nashville and Maryville and Main Street American towns, but it affects the entire world economy. We need to be careful.

I suppose our friends on the other side think: Well, maybe it is politically smart to offer all these ''no'' motions. We would like to be known as the party—they may be thinking—that wants to cut off, for a record number of times, the opportunity to debate, the opportunity to offer amendments, the opportunity to have checks and balances. I do not think it is so politically wise. I think it is politically tone deaf.

The people in my State do not want to see another big bill run through Congress as fast as a freight train without checks and balances. We saw that with the health care bill. And do you know what we got? We got a health care law that over the weekend the Obama administration's Chief Actuary said does just what Republicans said it would do: it increases spending, increases premiums, and will have Medicare cuts.

Republicans said all that. We argued strongly that it would be better—instead of expanding a health care delivery system that already is too expensive—to, instead, focus our attention on reducing the cost of health care so more Americans could buy insurance. That was our effort at checks and balances. I think we won the argument. But we lost the vote on the floor of the Senate by one vote. We would like to win the argument here on financial regulation as well, to say: let's rein in Wall Street, but why are we making it harder to borrow money on Main Street, for heaven's sake?

We should be making it easier to create jobs and to make investments on Main Street. Why are we reining in Main Street and ignoring the two great housing agencies that were at the root cause of this great recession we are in? Main Street was not the cause of the recession. So we are reining in Main Street lending and we are ignoring Fannie Mae and Freddie Mac—the two great housing agencies.

We have some questions that we want to make sure are answered properly. Does this legislation give big banks an advantage over community banks? Does it make big banks permanently too big to fail? The Republican leader said: Well, Goldman Sachs supports the bill. Well, they may. But yesterday, in my office, the dentists did not, the auto dealer did not, the community bankers did not, the people up and down Main Street did not. So what are we to take from that difference of opinion?

So we are here today to say, let's work together. Let's take advantage of this great system of checks and balances that our Founders wrote into the Constitution that says in the Senate we come to consensus. Let's look carefully at this Bureau of Consumer Financial Protection, which will have so much independence, which will have a partisan appointment, which can choose what financial products can and cannot be offered, and could regulate hundreds of thousands of nonbank businesses. Let's look at a consumer bureau that could place new burdens on Main Street businesses that had nothing to do with the economic crisis and have very little to do with the financial world. These mandates and time-consuming requirements and these new forms to fill out are not the way to help create new jobs and get the American economy moving again.

What we are saying on the Republican side of the aisle is, we think we have a great opportunity. We think, as the President said in his campaign, we can come together, write rules that help to fix the problems that helped create the great recession. We cannot guarantee there will never be another recession, but we can avoid some of the abuses. This all started out in a good way with Senator DODD, the chairman of the committee, appointing Republicans and then Democrats, dividing them into teams to work on bipartisan legislation, and suddenly, in the middle of the discussions, somebody said: Wait a minute, we won the election, we will write the bill and pass it. We have the votes. We do not need the Republicans.

But should we not have learned with the health care law that it is not just a matter of passing a bill, it is gaining confidence in the bill? Do we not want the country to look up at Washington and say: ''I am relieved to see Republican and Democratic Senators are working together on these great issues, and 70 or 80 of them voted yes. We have written the rules for the future for the financial system of the United States, which is in some trouble, and it is not going to be changed whether we have a Republican Congress or a Democratic Congress after November. This is something you can rely on''?

Then small businesspeople up and down Main Street, big businesspeople on Wall Street, the commodities market in Chicago—they can say: We see some certainty because of this stability in Washington, and we are ready to make investment decisions. We are ready to create new jobs.

I believe this could be a tipping point in the economic recovery. So why would we play politics in the Senate on this? Why would the other side keep offering ''no'' motions that cut off our right to debate, our right to offer amendments, our constitutional prerogative to offer checks and balances on a runaway Washington government?

We think most Americans want those checks and balances. And should we have them, and should we demonstrate a bipartisan bill here, we will not only get a good bill, we will not only help create good rules for the future, we can avoid putting handcuffs on Main Street. We can send a signal to our country there is certainty in the marketplace. Go ahead and make your investment. Go ahead and create your job. The world will respond favorably to that, and we can get out of this great recession we are in.

I am here to say today there are a lot of people suspicious about this phrase: We are from Washington, and we are here to protect you. They think it is a better idea to say: We would like to see some checks and balances applied to the majority's push for this new consumer regulation legislation. And if we do apply those checks and balances, and come to a bipartisan agreement on the bill, the country will be pleased with the work we are doing here, and the economic recovery, hopefully, will have a chance to move along a little more rapidly.

Mr. President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I understand that although the Republicans still have time left under the division, with their consent, it is permissible to proceed with the time for the majority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RENEWABLE ENERGY SOLUTIONS

Mr. CARDIN. Mr. President, I take this time to emphasize the need of our Nation to move forward with a comprehensive energy policy. I know the Presiding Officer shares that commitment and is working very hard on the Environment and Public Works Committee to produce legislation that will solve the three major issues we have in this Nation with regard to energy. No. 1 is to create jobs. We need to create good, clean energy jobs here in America and not lose them to overseas competitors. We understand that. We also understand we need an energy policy that boosts our national security. We don't want to continue to support the efforts of countries that disagree with our way of life. We have to become energy secure here in America. Also, we need such a policy for the sake of our environment. We know greenhouse gas emissions and carbon emissions are polluting our air.

We know we can answer all three of these issues—creating jobs, enhancing national security, and protecting the environment—by using alternative and renewable energy sources, by using less

energy, and by moving forward with nuclear energy. We need to do all of that.

With regard to obtaining sufficient and secure energy supplies, we cannot drill our way out of this problem. I say that because America has somewhere around 3 percent of the global oil reserves. We use about 25 percent. We can't drill our way out of that disequilibrium. Secondly, we have to use less carbon-emitting fuel sources for the sake of our environment.

President Obama recently announced the opening of eight frontier Outer Continental Shelf (OCS) areas in the United States for oil and gas exploration and development. I oppose that policy. I wish to explain to my colleagues why I oppose that policy.

Interior Secretary Salazar said we need to protect our most environmentally sensitive areas from drilling. I agree. The President's plan protects the west coast and the North Atlantic. I can tell my colleagues, just talk to people in this part of the country, and they will tell you that the Chesapeake Bay and our coastlines here in the mid-Atlantic region are just as precious and just as vulnerable as the west coast of the United States or the North Atlantic.

I oppose the President's policy because there are other OCS areas which are currently available. Sixty-eight million acres that have not yet been explored are already available in this country for oil and gas exploration. Many of those areas are along the Outer Continental Shelf, so there is no need at this time to expand that network. I must tell my colleagues, the risk-reward ratio is what I am mostly concerned about—the risk of doing environmental damage versus the little oil that may be recovered in these areas. It just doesn't pay.

I have heard the advocates of offshore drilling say: Well, modern technology has substantially reduced the risk. We now know how to deal with this issue and avoid any type of catastrophic environmental risk.

Let me share this photo with my colleagues. What we are looking at is the Deepwater Horizon offshore drilling rig in the Gulf of Mexico. This photograph was taken shortly after an accident that occurred just 8 days ago. There was a tragic explosion and fire and in which 11 people lost their lives, which is the greatest tragedy—the loss of life—but it also created an environmental disaster.

Let me tell my colleagues something. Deepwater Horizon is considered to be the most technologically advanced offshore oil rig in the world, and $600 million was spent in constructing this rig so it would be safe. My point is, it exploded, capsized, and sank, and it cost people their lives and it has created an environmental disaster.

This oil rig is located 50 miles southeast of Venice, LA. There was 700,000 gallons of No. 2 fuel onboard that either burned or was spilled into the gulf. It is currently leaking about 1,000 barrels a day into the Gulf of Mexico. The oilspill is spreading.

If I could just show my colleagues this image. This is hard to see, but this is a picture taken from space, taking a look at this region of the United States of America. We start to see the coastline of Louisiana and Mississippi, and we can also see where the spill is located. The spill is right here. So in a picture taken from space, one can actually see the spill area. The spill has spread 1,800 miles, an area larger than the State of Rhode Island.

This is another, close-up view of the spill area. What this is showing is the oil we saw on the surface of the water. This is all oil that is currently in the Gulf of Mexico, and it is spreading.

The next image shows the color-coded trajectory of the spill over the past several days. What we saw in the previous image includes just this area. It doesn't include the green area; it doesn't include this light-orange area. That is where the spill was projected to go yesterday. So you can see how rapidly the spill is spreading.

Let me tell my colleagues, the good news of this—to the extent there is good news—is that the winds have been blowing from the north and northwest. If they hadn't been blowing from that direction, it is very likely this oilspill would be much closer to the Louisiana coastline.

There are many areas that are vulnerable as a result of this spill, many coastal areas in Louisiana, Mississippi, Alabama, and Florida. The spill is approaching the Delta and Breton National Wildlife Refuges and the Chandeleur Barrier Islands. It threatens our coasts, bird-nesting habitats, oyster production areas, wildlife, wetlands, and the list goes on and on and on.

I know the Presiding Officer knows the importance of bird-nesting habitats for the protection of species. He understands that oyster spawning and production areas can be destroyed for generations as a result of pollution; that when we lose wildlife, we can lose it permanently, and when we lose wetlands, we lose the filtration system that protects us from pollutants coming into estuaries and we lose the ''speed bumps'' that can slow and absorb storms and hurricanes, causing more havoc when they hit our coasts. This is all happening as a result of a fire and a spill from the most technologically advanced rig in the world.

An article in the New York Times today says we might have to have a controlled burn of the oil floating on the surface of the water because capping the well is such a challenge. First, we are told we have technology to deal with this type of incident; now, we are being told we are going to have burn the oil instead.

The first thing to do when we have an event such as this one is that we try to plug the hole so it doesn't spew more oil into the gulf. Guess what. We are told that because of the depth of this well—5,000 feet—it could take up to several months to plug the leak by drilling what are know as relief wells. So what can we do? Oil is pouring out. They said: Well, we are going to try to funnel the oil for collection underwater, before it reaches the surface. This procedure has never been done before at this depth. They are trying to design and fabricate the equipment right now to deal with that approach. Will it work? I don't know. But these are the risks inherent in offshore drilling. It underscores my concern and opposition to the offshore drilling plan as proposed by the President.

So let me talk about why this is not just a hypothetical to the people of Maryland but this is a real problem. There is a site known as lease sale 220. Lease sale 220 is located off the shore of Virginia. It is a 2.9 million-acre site. The site where they want to drill is the green triangle we see on this chart. The purple shows the current flows of the Gulf Stream, and here you see the coasts of New Jersey, Delaware, Maryland, Virginia, North Carolina, and South Carolina. This chart is instructive because we see how the currents go.

Let me also tell my colleagues that the National Atmospheric and Oceanic Administration (NOAA) tells us that 72 percent of the time, the prevailing winds in this region blow toward or along the coast—72 percent of the time. If there is a catastrophe, if there is an oilspill related to this site, the likelihood of oil washing up on the shores of New Jersey, Delaware, Maryland, Virginia, and the Outer Banks is quite high.

Here is the mouth of the Chesapeake Bay, 50 miles away from this site. As the Presiding Officer knows, we are struggling to deal with the clean-up of the Chesapeake Bay. It is hard enough just dealing with the known pollutants that come in from farming and from development and from storm runoff. Put into that a potential oilspill and it would set us back decades in trying to restart our oyster crops and help our watermen with the blue crabs and to help the rock fish return and thrive. It is too great of a risk.

As Secretary Salazar said, there are certain parts of this country that are so environmentally sensitive, they are not worth the risk—the west coast of the United States, the North Atlantic, parts of Alaska. And I tell my colleagues that the coast around the Chesapeake Bay falls into that category. We should not permit that type of drilling.

We can do something about this. We are going to have a chance. I am a strong proponent of what Senator

KERRY is attempting to do in bringing forward a bill that will solve all three of our problems: creating jobs, enhancing our national security, and responsibly dealing with pollutants in our environment while being an international leader in the effort to reduce carbon emissions. We can achieve all of those objectives without this drilling.

We will have a chance to say something about it. I urge my colleagues to take a look at what happened in the Gulf of Mexico last week, what continues to happen there, and work with those of us who want to make sure we have a sensible and sustainable energy policy in this country and help me and help our Nation protect the Chesapeake Bay and protect those lands that are just too valuable and too sensitive to risk oil drilling.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

The Senator from New Mexico is recognized.

(The remarks of Mr. UDALL of New Mexico pertaining to the introduction of S. 3217 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

## FINANCIAL REGULATORY REFORM

Mr. JOHANNS. Mr. President, I rise for a few minutes to talk about S. 3217, the financial regulatory reform bill. I focus, if I could, my comments today on why the cloture vote on financial reform is such an important key vote.

My colleagues from the other side have talked about this vote, and it is often referred to as a procedural vote to begin debate. Almost in the same sentence, I think both sides of the aisle recognize that notwithstanding the good work that has been done by Chairman DODD and Ranking Member SHELBY, there is still much to be done on this bill, and there are still some significant flaws within the bill.

The argument goes on to say: Don't worry, these problems can be worked out on the Senate floor. We will have a robust debate, and we will have floor amendments. So get the bill to the floor—the argument goes—and the promises made to fix it will then happen.

But that is where the logic goes into the ditch. Once this bill does get to the floor of the Senate, we all recognize it is going to be very difficult to change it. Look at the health care bill to see how difficult it was to make changes. Let me make that comparison because I think it is a fair comparison.

During the health care debate, let me remind my colleagues, there were 488 amendments that were filed. Of those 488 amendments, only 28 received a vote—28 out of 488. Of those 28 amendments, only 11 amendments passed. This being said, only 2 percent of all the health care amendments filed actually got passed.

If we look at the partisan nature of this bill, it even becomes more blatant. If we look at the Republican amendments, we come to the conclusion that there was a serious problem. Only one Republican amendment passed. So the death knell of the amendment depended upon whether it had an "R" or a "D" behind the name.

The notion that we will be able to fix a bill—and again, everybody is acknowledging it is a flawed bill—on the Senate floor is pure folly. History is our greatest teacher. Instead, I respectfully suggest that what we need to do is get serious about reaching a bipartisan compromise.

I have said publicly, and I will say on the Senate floor every opportunity I get, that with a sufficient amount of work, this bill can get 70 or 80 votes. We have worked on this issue on the Banking Committee for months and months, trying to understand what went wrong and how best to fix it. The American people want Members of the Senate to work together on the bill. They wonder what on Earth has come of Congress when they see us holding the exact same cloture vote on the exact same legislation day after day.

They ask a simple question: Why can't you just sit down and work through these differences of opinion?

I am mindful of the fact that this is probably clever messaging—a clever messaging ploy by Washington's standards. But by Nebraskan standards, we are tired of Washington cleverness and the partisan rhetoric that goes with it. I can tell you that people want a bill that will end too big to fail and protect our economy from financial meltdown. What they don't want is a bill written so broadly that it impacts businesses in segments of our economy that play no part in the economic collapse. I want these same things.

I still believe we can accomplish this. My hope is that we can quit making this an issue of political gamesmanship and talking points and start working toward a solution.

I have consistently stated that the issue of regulatory reform isn't a partisan exercise. The issue just doesn't cut on "R" or "D" lines. We can get a broad, bipartisan bill if we stop the attacks and focus on trying to solve the differences that still exist on this bill—important policy differences.

Stop the daily cloture votes. I understand the political theater of that, but it doesn't lend itself to solving problems. What we need is a bipartisan effort, where people sit down and work through these differences of opinion.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, yesterday, the Senate Permanent Subcommittee on Investigations, which I chair, held the fourth in our series of hearings to explore some of the causes and consequences of the financial crisis. These hearings are the culmination of nearly a year and a half of investigation.

The freezing of financial markets and the collapse of financial institutions that sparked our investigation are not just a matter of numbers on a balance sheet. These are numbers reflecting millions of Americans who lost their jobs, their homes, and their businesses in a recession that the housing crisis sparked, the worst economic decline since the Great Depression. Behind these numbers are American families who are still suffering the effects of a manmade economic catastrophe.

Our goal has been to construct a record of the facts in order to try to deepen public understanding of what went wrong, to inform a legislative debate about the need for financial reform, and to provide a foundation for building better defenses to protect Main Street from Wall Street.

Our first hearing, 3 or 4 weeks ago, dealt with the impact of high-risk mortgage lending. It focused on a case study, as our committee does, of Washington Mutual Bank, known as WaMu, a thrift whose leaders embarked on a reckless strategy to pursue higher profits by emphasizing high-risk loans. WaMu didn't just make loans that were likely to fail; these loans also created real hardships for the borrowers, as well as risk for the bank itself. What happened was there was basically a conveyor belt that fed those toxic loans into the financial system like a polluter dumping poison pollution into a river. That poison came packaged in mortgage-backed securities that WaMu sold to get the enormous risk of these mortgages off its own books and shifted to somebody else's.

Our second hearing examined how Federal regulators at the Office of Thrift Supervision watched and observed WaMu—saw the problems year after year—and did nothing to stop them. Regulation by the Office of Thrift Supervision that should have

been conducted at arm's length was instead done arm-in-arm with WaMu.

The third hearing dealt with credit rating agencies. These are specific case studies of Standard & Poor's and Moody's, the Nation's two largest credit raters. And while WaMu and other lenders—and WaMu wasn't alone by a long shot—dumped these bad loans, regulators failed to stop the behavior. Credit rating agencies were assuring everybody that the poisoned water was safe to drink. Triple A ratings were slapped on bottles of high-risk financial products. So that was the third hearing. We have to do something about the inherent conflict of interest that is involved when the credit rating agencies are paid by the people whose actual documents and whose transactions they are rating, putting labels of triple A, double A, what have you, on them. There is a built-in conflict of interest.

Yesterday's hearing explored the role of investment banks in the development of this crisis, and we focused on the period of 2007, when that housing bubble burst, of Goldman Sachs, one of the oldest firms on Wall Street. Goldman's documents made it very clear that it was betting against the housing market while it was aggressively selling investments in the housing market to its own clients. It was selling the clients high-risk, mortgage-backed securities and what they call CDOs, and synthetic CDOs, that it wanted to get off its books. They wanted to get securities off the books. They were reaching out with one hand to prospective buyers and saying: Here. But with the other hand they were betting against those same securities.

The bottom line is that what we have discovered in this investigation, and heard yesterday at our hearing, is that there is a conflict of interest too often between what was in Goldman's interest—what was good for their bottom line—and what was in their clients' best interest.

These are deeply troubling findings. There not only was a collapse of a housing market, there was a collapse of values. Extreme greed is the thread that connects these events, starting with those mortgages that were sold out there in the State of Washington by Washington Mutual Bank; extreme greed that indeed involved the people who were supposed to be doing the credit rating, being paid and doing a lousy job of rating the financial instruments that pension funds and others they were buying, and the greed, of course, that was involved in Wall Street selling securitizing financial instruments which they believed were not good and that they were betting against at the same time they were selling them to their clients and customers.

What we have to do is build defenses against these kinds of excesses. I think most of us at the hearing—Democratic and Republican Senators on the Permanent Subcommittee on Investigations—saw the problems right from the beginning, upstream where the mortgages were created and downstream where they landed in Wall Street securities. We see the problems and Americans see the problems. We cannot understand, and Americans cannot understand, how a company can design and build a product and sell that product to its clients while at the same time they are betting that product will fail. It runs contrary to common sense—a kind of common ethics.

If you are going to sell somebody a pair of shoes, and you know or believe that pair of shoes is defective and you bet against that pair of shoes so that your profit is not just the profit you would make on the immediate sale of that pair of shoes, but when the pair of shoes fails there is, in some way, a profit that comes to you as well. When you are betting on the failure of the product and will make money from that bet when that product fails, most Americans, and I think most members of the committee—hopefully, maybe all of us—would say to ourselves: That kind of conflict of interest has got to be stopped.

That is not what the Wall Street folks were telling us yesterday is ''making a market,'' where you have someone who comes in and wants to sell something and somebody who wants to buy something and they are put together. That is ''making a market''—bringing a buyer and a seller together.

This is where the firm—the entity that is going to be benefitting is on one side of the deal—and that entity was Goldman Sachs. They actually, in some of these deals, were taking securities from their own inventory that they wanted to get rid of, packaging them into a financial instrument and selling that instrument to their customers. So far, so good, providing they disclose it is their own product they are selling. That is okay. But then they take what they call a short position. They take a bet. They make a bet against the very instrument they put together to sell to their customers.

That, to me, is incredible. They also are engaged—and a lot of people are engaged—in what we call these credit default swaps, which are nothing more than casino bets as to whether something will happen; where, for instance, people are betting that a particular stock will go up or down. Neither party owns the stock, if it is a so-called synthetic default swap. I bet that stock will go up, you bet it will go down. That is okay; if people want to bet on that, let them bet. But when the government ends up paying the winning bettor, now you have a problem. Where the company that is making those bets, or insuring those bets, as it was called in the case of AIG—supposed to be insuring those bets—is too big to fail—they have insured so many bets for so many companies and so many pension funds that if that private company fails, the economy is going to be terribly damaged as a result and we end up, as taxpayers, paying off those bets—that has got to be stopped as well. These are casino bets and we shouldn't be paying them.

I yield myself 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Now, throughout these hearings we see a lack of accountability. Executives of Washington Mutual make the reckless mortgage loans—not held accountable. Executives at Goldman Sachs and their company packaged many of these same loans that were toxic securities and then took a conflict-of-interest position on it—no accountability. Regulators, credit rating agencies that were supposed to check these excesses—no accountability. In each case, the senior leaders managed to avoid responsibility for their contribution to a crisis which has caused millions of Americans to lose their jobs or their homes or their businesses.

Others may fail to take responsibility for their actions, but we must exercise our accountability. We must act. I do not understand our Republican colleagues, knowing what they know about the crisis, knowing there is no real regulator on the beat on Wall Street, can vote against beginning a debate. We don't have a cop on the beat on Wall Street. We need a regulator there. We need credit rating agencies not involved in conflicts of interest which are inherent to the way they are now being paid. We need a banking regulator which acts; one that doesn't just observe and watch things going off track but acts, and has a responsibility to act as well.

The Dodd bill takes very significant steps relative to each of these areas. Whether it is the banking area, the regulator area, the credit rating area, there are some critical steps that are taken in the Dodd bill. There are some people who say they do not like portions of the Dodd bill. Okay, bring the bill to the floor and let's debate it. Let's legislate.

The legislative process is supposed to involve, sooner or later, a bill which comes to the floor and then is open to amendment and then debate. There are a lot of areas in this bill that can be strengthened. There are some areas in the bill that some people don't like and wish to strike. We have been on this bill now in committees of jurisdiction for months. There have been hearings in those committees. I think we know what the issues are.

There is no agreement on the resolution of this. There is no unanimous

consent, obviously, as to exactly what reform should be put in place and how that should be written. But we can't always operate in the middle of a crisis by unanimous consent. At some point, where there are differences, we have to bring those difference to the floor and debate them and offer amendments on them and vote them up or down. That is our responsibility. It is not responsible—it is irresponsible—to block that process from taking place.

I think almost all of us say that we want reforms. But there are enough of us who say we are not going to allow this to be debated unless we get our way that this has been stymied. The reform process has been thwarted by a filibuster here. It is wrong. And the remedies that are offered and can be debated and can be amended are essential to avoid a repeat of this disaster. These are complex issues. We all know that. But there has been a huge amount of debate, attention, and analysis on these issues. There are going to be differences on these issues, but the place to resolve differences finally is here on the floor.

Often we can resolve them before we get to the floor. Fine. But to stop a legislative process from taking place, it seems to me, is an irresponsible act when we are in the middle of a crisis and where the people of the United States want confidence that their legislators are addressing this crisis. So I would hope our Republican colleagues will allow this bill to come to the floor and to offer amendments.

There are many amendments that are going to be offered. Senator MERKLEY and I have an amendment which we believe will strengthen the bill, to give one example. That amendment has not yet been ''worked out'' with the sponsors of the bill. Hopefully, we can get them to agree to language which will allow for a stronger step to be taken in an area which we think involves a serious conflict of interest. But if we can't ''work it out in advance,'' okay. There is such a thing called an amendment. It is part of our rule book. You can offer amendments if you want to. You can't always work out things in a back room somewhere. I don't want to denigrate working out problems. I try to do it all the time, as chairman of the Armed Services Committee. I don't denigrate that process of working things out in advance. Lord knows, we work out most things in advance. But with a threat of this size, which requires us to act, and where there has been a good-faith effort to come to some kind of agreement in advance that proves not to be possible, for heaven's sake we have to legislate. We have to have an ability to move to the floor with a bill and to go through the legislative process with it. That is what has been thwarted. That is what has been denied us because we don't have 60 votes.

I hope our Republican colleagues will see the importance of this issue, the essential need for reform, and allow this bill to come to the floor and be legislated upon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. DURBIN. Would the Senator from Louisiana yield for a question, very briefly?

Mr. VITTER. Yes, I will.

Mr. DURBIN. If I could ask the Senator how long he expects to hold the floor.

Mr. VITTER. I would expect to hold the floor for 14 minutes, at the least.

Mr. DURBIN. Mr. President, I ask unanimous consent that following the Senator from the Louisiana I be recognized for 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I rise to strongly agree with Chairman LEVIN that what we have heard in many of these hearings regarding Goldman Sachs' activity and others is extremely disturbing—outrageous—and I don't support that activity in any way, shape, or form. I think I have a lot of credibility saying that, because back in the fall of 2008, I didn't support huge taxpayer bailouts to Goldman Sachs and the other megafirms. I opposed those taxpayer bailouts. I thought it was wrong and counterproductive and moving us in the wrong direction.

But I have to disagree with the distinguished chairman that the present version of the Dodd bill fixes these key issues. I don't think it does. So I encourage us to have a true bipartisan bill that can come to the floor to address the problems that exist.

I have three major sets of concerns about the Dodd bill in its present form. The first is very fundamental. It goes exactly to what I was talking about, having opposed all the bailouts. The Dodd bill expands too big to fail. It doesn't end it. The Dodd bill ensures future bailouts; it does not stop bailouts. That is a big problem to me and I believe to American taxpayers.

It is not just me saying this. It is many educated folks. Take Time magazine, not exactly an arch-conservative publication. They have reported:

> Policy experts and economists from both ends of the political spectrum say the bill does little to end the problem of banks becoming so big that the Government is forced to bail them out when they stumble. Some say the proposed financial reform may even make the problem worse.

Also, Jeffrey Lacker—he is the President of the Richmond Federal Reserve Board—agrees with that. In a CNBC interview, CNBC asked him: ''Doesn't the Dodd bill allow for winding down failed institutions?'' And Lacker said: ''It allows those things but it does not require them.''

Let me repeat that because that goes to the heart of the problem:

> It allows those things but it does not require them. Moreover, it provides tremendous discretion for the Treasury and FDIC to use that fund to buy assets from the failed firm, to guarantee liabilities of the failed firm, to buy liabilities of the failed firm. They can support creditors in the failed firm. They have a tremendous amount of discretion.

Again, they have the ability for more bailouts, for continued pumping of taxpayer dollars into failed firms.

William Isaac is a respected former Chairman of the FDIC. He agrees.

> Nearly all of our political leaders agree that we must banish the ''too big to fail'' doctrine in banking, but neither the financial reform bill approved in the House nor the bill promoted by the Senate Banking Committee Chairman Chris Dodd will eliminate it.

Simon Johnson, distinguished MIT professor, put it succinctly:

> Too big to fail is opposed by the right and the left, though not, apparently, by the people drafting legislation.

These are specific ways the Dodd bill actually expands too big to fail, specific authorities, specific sections that clearly do that. A lot of the attention has been paid recently to the $50 billion prepaid fund, and that is problematic in my mind. But that is not the only, not even the most problematic section of the bill that expands too big to fail. All these sections go directly to that issue.

My second main objection to the bill is, the bill also creates an all-powerful superbureaucracy that goes well beyond the need for targeted regulation to prevent what has happened in the last 5 years. Again, these are specific sections that create this huge, new, all-powerful superbureaucracy. One of the most worrisome is section 1081. That subjects anybody, any business that accepts four installment payments to the CFPB, the new superbureaucracy.

That is not just Goldman Sachs. That is not just Citigroup, Bank of America. That is my family's orthodontist. That is my neighborhood store that sells electronic equipment. That is a huge coverage affecting millions of small businesses throughout America.

Imagine, anybody who accepts four installment payments—is that the problem actor we are going after? This is a huge overreach, in terms of Federal regulation, and this is a fundamental problem with the bill.

Finally, the third major problem with the bill is, the present version of the Dodd bill does nothing to fix certain key causes of the crisis. What do I mean by that? It does nothing on Fannie Mae and Freddie Mac; a 1,100-page bill, supposedly comprehensive financial regulatory reform. Yet the four words ''Fannie Mae, Freddie Mac'' are nowhere in those 1,100 pages. This was

not the only cause of the crisis, but this clearly, admittedly, was a key cause of the crisis—disastrous policy and administration at Fannie Mae and Freddie Mac. As Lawrence White, distinguished economics professor, has said:

The silence on Fannie and Freddie is deafening. How can they look at themselves in the mirror every morning thinking that they have a regulatory reform bill and they are totally silent on Fannie and Freddie? It just boggles my mind.

It boggles my mind as well.

Also, there is nothing on lending standards. Clearly, one of the fundamental problems that caused the financial crisis is institutions which lent money, subprime loans, with no meaningful standards. What are the new standards we are enacting, putting into this bill? Absolutely nothing—silence on lending standards, underwriting standards. Clearly, that was a huge part of the last crisis.

Where is the change? These are the top firms that got bailout funds, including Goldman Sachs. I voted against all these bailouts. But these are the firms that got them.

These are the billions of taxpayer dollars that they received. This is their old regulator, the Federal Reserve, and this is the brave new world this Dodd bill will be introducing—exactly, precisely the same regulator. Where is the change?

We need meaningful financial reform, but we need it targeted on the problem. We need it to include all the causes of the problem.

These are key principles that would mean permanently ending bailouts and too big to fail. I fought against the bailouts a few years ago. We cannot continue that policy. We need to end it.

Ending all bailout authorities for the Federal Reserve and FDIC. It is not good enough to say we have a new resolution mechanism. If those bailout authorities continue as they do in the Dodd bill, they will be used again.

Enhanced consumer protection without overreach, without creating this new all-powerful superbureaucracy.

Greater transparency for derivatives, while allowing businesses to properly, legitimately manage risk.

Begin addressing Fannie Mae and Freddie Mac. Again, the current Dodd bill does not include four words, ''Fannie Mae, Freddie Mac.''

Establish minimum lending standards for mortgages. We had subprimes with no underwriting standards, no lending standards. This present Dodd bill does not change that. We must change that.

Increase competition for credit rating agencies. They were clearly part of the last crisis.

Improve coordination and communication among all financial Federal regulators.

These are the principles of strong regulatory reform. I hope these are the principles around which we can come together in a bipartisan way. I certainly support that effort by RICHARD SHELBY and Chairman DODD. I encourage that effort. But those negotiations will not be meaningful unless we demand on the Senate floor that they be meaningful and demand that a bill moving to the Senate floor is true reform and a bipartisan approach. I urge that approach. I enthusiastically support that approach.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, in about 1 hour, the Senate will convene for a vote. It is one of the few times this week that the Senate comes together. Those who are following our proceedings will see Senators from all over the United States gather on the floor of the Senate. That gathering will be for a crucial vote as to whether the Republican filibuster on Wall Street reform will continue or end. This will be the third time this week we have given the Republicans an opportunity to join us in a bipartisan effort to bring real reform to Wall Street and the big banks on Wall Street.

Twice now we have failed to get a single Republican who will stand and vote with us for Wall Street reform. I don't understand it. Certainly, they understand what we have been through as a nation with this recession. They realize that some $16 trillion of value has been yanked out of our economy, yanked out of savings accounts and 401(k)s and out of business ledgers. They know what has happened when businesses have failed and millions of Americans are out of work and they realize the root cause of this was on Wall Street, with some of their dealings that, frankly, were outrageous, and now we are trying to change them. Yet we have failed to come up with one Republican Senator who will vote to begin the debate on Wall Street reform—not one.

A colleague of mine analyzed what Wall Street is doing to lobby against this bill. He took the amount of money that Wall Street banks and financial institutions are paying their lobbyists on Capitol Hill and divided it and came up with a number. They are spending $120,000 a day to stop Wall Street reform—$120,000 a day, 2 to 2½ times the average income of an American, the Wall Street banks are spending each day to stop this bill.

So far they have been successful. They have convinced every Republican Senator to vote against beginning the debate on this bill. They have convinced every Republican Senator to vote to continue the filibuster because the Wall Street lobbyists know that if this bill doesn't come to the floor, they are not going to have to change their ways. They can keep doing what they have done for so long and they do not have to face any new laws, any new oversight, any new regulation.

Of course, the American people know what has happened too. They saw the hearings yesterday. Senator CARL LEVIN of Michigan, who was just on the floor, presided over the Permanent Subcommittee of Investigations of the Committee on Homeland Security. CARL LEVIN told me he had worked for 16 months in preparation for that hearing, trying to understand the complexity of Wall Street and how it works. He brought in the highest executives from Goldman Sachs and asked them point blank to explain what they had been doing. We saw it on television, last night and this morning.

When the men who were called before him, who have literally made millions of dollars out of this investment scheme, were asked to explain it—something as basic as this—how could they sell a product to a consumer at Goldman Sachs without disclosing that Goldman Sachs was betting that consumer would lose money, that is what happened. They were so-called shorting the market, meaning they were betting huge sums of money that the investment they were selling to their customers was going to fail. These men sat before that committee and said that is business. That is how we do business.

That is the sort of thing that has to come to an end in this country. There is a man by the name of Paul Krugman, who writes for the New York Times. He wrote an article about what happened at Goldman Sachs, which led to their investigation as well as charges that have been lodged against them. I would like to read from this article, from April 19 of this year, where Mr. Krugman says:

We've known for some time that Goldman Sachs and other firms marketed mortgage-backed securities even as they sought to make profits by betting that such securities would plunge in value. This practice, however, while arguably reprehensible, wasn't illegal. But now the S.E.C. is charging that Goldman created and marketed securities that were deliberately designed to fail, so that an important client could make money off that failure.

Krugman writes, ''That's what I would call looting.''

He goes on to say, this legislation we are considering contains consumer financial protection, the strongest law in the history of the United States. Here is what Krugman writes:

For one thing, an independent consumer protection bureau could have helped limit predatory lending. Another provision in the proposed Senate bill,—

Which is before us, being filibustered by the Republicans—

requiring that lenders retain 5 percent of the value of loans they make, would have limited the practice of making bad loans and quickly selling them off to unwary investors.

He goes on to write:

The main moral you should draw from the charges against Goldman, though, doesn't involve the fine print of reform; it involves the urgent need to change Wall Street.

Listening to financial industrial lobbyists and the Republican politicians who have been huddling with them, you would think that everything will be fine as long as the Federal Government promises not to do any more bailouts. But that is totally wrong, not just because no such promise would be credible, but the fact is that much of the financial industry has become a racket, a game in which a handful of people are lavishly paid to mislead and exploit consumers and investors. If we do not lower the boom on those practices, the racket will just go on.

Every day that the Republican filibuster of Wall Street reform continues is another day that we will fail to take into consideration this bill, this Financial Stability Act, which is pending before the Senate. Each day that the Republican filibuster continues is a victory for the Wall Street lobbyists. That is just wrong. Have we learned nothing from the recession we are in? Have we learned nothing from the hearing yesterday where these men, these multimillionaires who pay themselves lavishly sat and said they thought it was perfectly acceptable to sell a product to one of their customers that they were betting would fail with their own money? They think that is just fine. It is part of the casino they run on Wall Street.

Well, JOHN ENSIGN of Nevada took exception to that and said: That gives Las Vegas casinos a bad name because we deal with things honestly, and people know the odds are against them. It is not like the situation on Wall Street where people are misled into believing they are making a good bet when the house is betting against them. And that is what happened at Goldman Sachs. That is the sort of thing that will come to an end.

What this bill does is it holds Wall Street accountable. We are fighting to hold them accountable for the reckless gambling that led to our recession and the loss of 8 million jobs in America—8 million. There are 8 million families affected by these activities on Wall Street, and the Republican filibuster would stop us from even considering changes to the regulation and oversight of Wall Street activities.

We want to end taxpayer bailouts for good. I listened to the criticism of this bill. I try to draw an analogy which I heard Senator MENENDEZ of New Jersey use. What we try to do in this bill is to create, for lack of a better term, under Senator MENENDEZ's analysis, a prepaid burial plan. What it basically means is that if your company—financial institution—is going to go out of business, we want to make sure we have put enough money in the bank to pay for funeral expenses—literally the winding down and liquidation of the company—because we don't want the American taxpayer to do it. So this bill creates a so-called prepaid corporate funeral fund and says, let the banks themselves fund it so the taxpayers do not have to. I think that is reasonable.

The Republican approach, though, is to say: Well, let's just bet there is enough money left in the estate to pay for the funeral. Maybe there will be and maybe there will not be. In that case, the taxpayers are on the hook again. That is not a good outcome. So trying to create some assurance that there is money to liquidate and wind down these financial institutions protects taxpayers from another bailout. The Republicans object to that, but they have not come up with a better solution.

The third thing we want to do is to put commerce and consumers in control in America. I do not have to remind most people, if you open a bank account, if you enter into a mortgage, if you decide to sign up for a credit card, go off to buy an automobile, sign up for a student loan, sign up for a retirement plan, they usually send you some legal documents along the way.

At a real estate closing—I have been to many as a consumer and a lawyer—they give you a stack of papers and you sit there at the bank, with your spouse nearby, signing these papers, one after the other after the other, until after 20 or 30 minutes it is all over, they hand you the keys, and you head on out to see your new house. Well, most people do not know what is in those papers. Even if a lawyer is sitting at the table with them, it is unlikely that they have parsed every single word. As a result, a lot of people end up signing up for things they did not understand. We want to change that. I do not think it is too much to ask that these financial obligations and instruments be in plain English so the average person knows what they are getting into.

What we want to do in this bill is to empower consumers so that you can make the right choice for yourself, your family, your business, and your future. We do not want you to fall victim to the tricks and traps of the latest little turn of a phrase that can turn your world upside down. That is why the consumer financial protection law is included in this bill. It is the strongest consumer financial protection law in the history of the United States.

There are lobbyists lined up outside this Chamber trying to carve out exceptions. They are trying to argue: Wait a minute, we do not want this to apply to pawn brokers; let's give them a pass. We do not want this to apply to casinos; let's give them a pass. We do not want this to apply to automobile companies, auto agencies; let's give them a pass. They want to have loopholes and carve-outs for the favorite industries they represent.

I was at the airport coming out here this week, and one of these folks, a good, local businessman in the suburbs of Chicago, came up and said: I am an honest businessman. I did not cause the recession. I have never had a problem in my life. People do not complain about me. The Better Business Bureau gives me the highest of marks. Why should I be regulated? Why should the government look at what I am doing?

And I said to him: If you are doing everything you said, you should not worry about it. What you ought to worry about is your competitor down the street who is fleecing people and giving folks in your industry a bad name.

These carve-outs and these changes—and they have been arguing for them all morning on the Republican side of the aisle—are the reason they are holding up the bill. They have promised the lobbyists that they will cut out loopholes in this bill for the special interest groups that are represented by them. They would exempt the automobile dealers, some of them would exempt the home loan industry, and some of them would exempt pawn brokers. The exemptions could be as long as your arm, exemptions as long as the list of lobbyists who are trying to push these loopholes.

I don't think that is a good outcome. I don't believe we should be creating lobbyist loopholes in this law. Let's hold everyone to the same legal standard, a good-faith standard of real disclosure and honest dealings with consumers; clear English language whether you are taking out a credit card, buying a car, buying a home, a student loan, or a retirement benefit for the rest of your life. Shouldn't the language be clear? We have to make that clear as part of this.

At some point, I hope the Republicans who are filibustering this Wall Street reform will decide, if they have a good cause and they want to bring it to the floor, that they can open the debate, provide their side of the story, and urge the Members of the Senate to go along with them. If a majority agrees, it will be in the bill. If not, it will be outside the bill.

If that sounds vaguely familiar, like the Senate you read about when you were going to school, it is. It is what we are supposed to be doing. This is not supposed to be an empty Chamber of desks here waiting as we launch day to day another filibuster vote. Ninety-nine Senators are supposed to be out here with me in heated debate over the biggest financial issue of our generation. Instead, the Republicans continue to filibuster, stop the debate, refuse to go to amendments, refuse to take their special pleadings on what they want to achieve in this bill to the court of public opinion. That is not fair, and it is not right.

It is also interesting, when we were in the middle of the health care debate,

how many times those on the other side of the aisle stood up and said: Do you know what the problem is here? The Democrats are trying to write this bill behind closed doors. They will not bring it out to the floor of the Senate.

Now fast forward to the current debate. What are the Republicans saying? You know what the problem is here—the Democrats refuse to change this bill behind closed doors. They want to amend it right here on the Senate floor.

It seems to me they are in an inconsistent position.

If they believe these amendments are good amendments, they should not be afraid to offer them in front of the American people. But if they want to cook a deal behind closed doors, I do have some problems with that. If they have a good cause, they should bring it to the floor and deal with it. Shady institutions are not good for this country and sunlight is good, transparency is good. I believe it is time we stand up for the American people and say that reckless gambling on Wall Street with the future of the American economy is absolutely unacceptable.

Some of them argue: Well, let's go after the biggest financial institutions. Let's not blame the little people who are involved in the credit business.

There was an article in the New York Times on Sunday, April 18, by Jim Dwyer. He was talking about credit card companies turning $2.50 slices of pizza into a $37.50 slice. They did it, of course, when they bought a slice of pizza with a debit card that was over the limit and the penalty was $35. The question on that fee was, Were the people notified ahead of time what they were going to face? I don't think it is unfair to notify people what they have to pay. I believe this kind of disclosure is important to confidence in our economy.

I am urging my colleagues to stand and join us in making sure we have a chance to bring this bill to the floor. In less than 1 hour, this empty floor will be filled with Senators, Democrats and Republicans. We need 60 Senators to step up and say: This recession has taught us a lesson. We are not going to let America go through this again because of the greed and malpractice of those in Wall Street and financial institutions. We are going to change the system. We are going to require them to be more transparent, more accountable, to put their own money on the table, and to be honest with their customers. We are going to require financial institutions to make full disclosure to the people they deal with so that those customers can be empowered to make the right decisions for themselves and their families. We are not going to exclude certain businesses in America and say they can do whatever they like when what is at stake is the financial security of a family.

Everybody is going to be held to the same basic standard of honesty, a standard which good businesses live up to every single day. I urge the good businesses across America not to stand in defense of the bottom feeders. I urge them to stand up for good business practices which are part of the free market system and have made our Nation so strong as the entrepreneurial spirit has blossomed into more jobs and economic growth. That spirit needs to be regained, the confidence needs be regained.

The embarrassing chapter yesterday in the Committee on Homeland Security, when these Wall Street titans came in and said they saw nothing wrong with misleading their customers into millions of dollars of losses, has to come to an end. It will only end when the Republican filibuster ends on the floor of the Senate.

I will hope at 12:20 when this vote begins that at least a handful of Republicans will stand up and say: Enough is enough. Let's move forward with reform. Let's move forward to putting the American economy back on track.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3217, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 3217, a bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 12:20 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, yesterday, in the Permanent Subcommittee on Investigations, chaired by the distinguished Senator from Michigan, Mr. LEVIN, we learned more about the reckless actions of traders and executives at Goldman Sachs. Goldman Sachs was hardly the only bad actor in bringing our financial system to the brink of collapse in 2008. Traders and executives at many other financial institutions got fabulously wealthy by gaming the unregulated casinos on Wall Street. They walked away with fortunes, even as millions of Americans lost their jobs, their savings, and their homes.

Yet as we witnessed in yesterday's hearing, Wall Street remains quite arrogant and quite unrepentant and quite unwilling to change its ways. It has the gall to believe it should remain free to do business as usual. To that end, I am told it has mobilized a legion of lobbyists—an estimated 1,500 of them; 15 lobbyists for every Senator—to try to kill or water down, stop this financial regulation reform from coming to the floor.

It is deeply unfortunate that every one of our colleagues on the other side of the aisle—every single Republican—has joined with Wall Street in obstructing this legislation—every single Republican not just filibustering the bill but preventing it from even coming to the floor for debate and amendment.

They keep saying they want to improve the bill. Well, is that not what the debate and amendment process is about? If someone has a better idea, offer it as an amendment. Let's debate it. Maybe it is a better idea. Maybe we will adopt it; maybe we will not. But it seems that is the way we ought to be conducting the Nation's business on the Senate floor.

So I say to my Republican colleagues, Senator DODD and Senator LINCOLN have bent over backwards to consult with them and invite bipartisan cooperation. Their good-faith efforts have produced solid, commonsense legislation. But if people on the other side of the aisle want some changes, that is what the amendment process is for. We are not cutting off anyone. It will be open for amendment. Why are the Republicans so afraid of offering amendments on the Senate floor if they have a better idea on how we should do this?

It is a bitter irony that, even as we spent a fortune in taxpayer dollars to rescue the global financial system, the self-appointed masters of the universe on Wall Street rewarded themselves with billions in bonuses and have geared up to fight the efforts to prevent—to prevent—this from happening again.

Well, it seems Wall Street is all too used to living a different life, playing by different rules than the rest of the country. Nowhere is this disconnect between Wall Street and Main Street more stark than in the area of compensation. Over the last decades, compensation in the financial sector has

skyrocketed, with some executives walking away with annual compensation of hundreds of millions of dollars, even as the inflation-adjusted incomes of ordinary working Americans have remained stagnant.

This chart I have in the Chamber traces the financial industry profits as a share of domestic profits since 1948.

From 1948 to about 1980, as you can see, it remained fairly stable, between 8 percent and 18 percent. Think about everything in this country, all the profits made. About 8 percent to 18 percent was taken by the financial sector on Wall Street. But starting in 1984, financial profits began to rise dramatically. We can see it on the chart, going way up.

In 2001, financial industry profits were almost 45 percent of all domestic profits in America—almost half; 45 percent—up from about 8 percent to 18 percent. Today, despite the 2008 meltdown, they are back above 35 percent. So 35 percent of all the profits made in America are going to Wall Street, going to the financial sector. This is a concentration of wealth unprecedented in our history.

This second chart I have in the Chamber contrasts this explosion of wealth on Wall Street to what happened to ordinary Americans on Main Street. From 1990 to 2008, real median household income stagnated at about $50,000 per year. It just stagnated. Since 2000, real median household income has actually fallen.

From 2000 to today, real median household income has stagnated and has actually fallen from where it was. We had a steady increase over the years. Then, since 1990, it stagnated. Since 2000, it has fallen. That is what is happening to the average household in America, the median household in America.

Well, let's see what was happening to our friends on Wall Street then.

Just as median household income was stagnating from about 1990 on, look what happened to the average Wall Street bonus—huge. Wall Street compensation skyrocketed nearly 300 percent during this period of time. Since 1990, the average Wall Street bonus—I am not even talking about salaries; I am just talking about bonuses—soared from just under $50,000 in the early 1990s to more than $200,000 in 2006.

Now, go out and talk to our constituents, go out and talk to the Main Street businesspeople who run our shops, and talk to anybody out in America today. Did their income increase 300 percent during that period of time? No; it stayed level. But look at the bonuses—and that is just the bonuses. I am not even talking about their salaries. These are bonuses.

Well, I dwell on this and point this out because I think it points to a larger issue. In my view, a big reason for the financial collapse of 2008 is that things got out of balance and they got out of whack. As Glass-Steagall was repealed—and I might say this forthrightly—there were eight Senators on this floor who voted against the repeal of Glass-Steagall. I am proud to say I was one of them. I remember at that time saying: Wait a minute, there is a reason in the 1930s, under President Roosevelt, we did not want to have this happening again.

So we said to commercial banks: If you want to be a bank and take bank deposits, fine; you can be a bank. But you cannot do insurance and you cannot do investments. You cannot do swaps and derivatives and all that kind of stuff. You are a commercial bank, and for that we give you FDIC protection. We also give you Federal Reserve protection.

We said to insurance companies: If you want to be insurance companies, fine; but you cannot be a bank. We said to investment houses: If you want to take money in to invest, fine; that is your deal. But you cannot take deposits. You are not a depository bank, and you do not get the protections of the FDIC and the Federal Reserve.

Well, in 1999, this Congress repealed that, and allowed them all to come together. I said at the time—and the record will show I said it—I hope it does not happen. I hope all these smart people know what they are doing, but I do not trust them. I do not trust them because we are going to start having a lot of funny games playing. In the last 10 years, we saw the games they played.

Well, after Glass-Steagall was repealed, the special interests attacked the very idea of government regulation. The SEC and other watchdog agencies failed to regulate and Wall Street stepped into the void. And they just drove our economy off a cliff, and ordinary, hard-working Americans had to pick up the tab. That is why we need this serious financial reform.

As others have noted—and I say again—financial crises in this country should not be looked upon as floods that just come every 10 years or some kind of natural disaster that we sort of accept; that every so often we are going to have a flood or have a hurricane hit the coast or we are going to have a drought someplace. Financial collapses that happened in the past were not preordained kinds of happenings to our system. They happen because we let people run amok with large sums of money and gamble it.

So, again, to protect ourselves against floods, what do we do? Well, we do a lot of upland treatment. We build dams. We build levees. We do all kinds of things to protect ourselves from these things. Well, there are some things we can do to protect ourselves from a financial collapse too. It is putting into place the kinds of oversight and transparency and regulations that allow our capitalist system to operate, but to operate within some bounds. I don't think anyone wants to return to the boom and bust cycle of unbridled capitalism that we had in the 19th century and the early part of the 20th century. I don't think anybody wants to go back to those days. Yes, we believe in a capitalist system where people can take their savings and invest it, make their money work for them, loan it out to other people so they can start businesses. That is the capitalist model. But should we let people take our money we have saved up for pensions, for example, or other kinds of investments, and go to Las Vegas? I don't think so. We want some rules and regulations so they can make true investments, so those investments can be used to start businesses, to invest in economic growth on a broad basis, but not to be used for gross speculation on Wall Street.

That is why we need this financial reform bill we are trying to get to the floor. It will guard against future massive meltdowns that always cost us, not only money, but also in ruined lives.

Strong financial reform must include regulations of the derivatives market. This is something I have been involved in for a long time on the Agriculture Committee, for all the years I have served, working with the Commodities Futures Trading Commission. I am pleased to say the legislation we are trying to bring to the floor includes the provisions that passed out of the Agriculture Committee under the leadership of our chairman, Senator LINCOLN. Derivatives contracts have been at the heart of Wall Street's financial manipulation. From December of 2000 to June of 2008, the height of the Wall Street boom, the notional value of over-the-counter derivatives grew from $95 billion in 2000 to $683 trillion in 2008.

I wish to make it clear. People say, Are you against all derivatives? I say, No. There are basic derivatives that can be helpful for our economy and for individuals, from businesses to farmers. Farmers use derivatives. Businesses use them to protect against currency fluctuations. That is fine. These are basic derivatives.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, since I see no one else on the floor, I ask unanimous consent for another 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Thank you.

As I said, I have no objection to basic derivatives. It is when these derivatives get out of hand; it is when you have a derivative on a derivative on a derivative and on and on and on. That is what is happening in the derivatives markets.

So, despite the usefulness of derivatives in certain cases, it got out of hand. The bill we reported out of the Agriculture Committee will bring all of these transactions into the light of day. No more behind the scenes; derivatives would be reported to regulators in real time. It would bring the vast majority of these into clearinghouses and exchanges. It would help to reduce the concentration of risk and bolster public transparency. The legislation we are trying to bring to the floor that the Republicans keep blocking gets to the heart of the too-big-to-fail problem by prohibiting swaps entities from also being commercial banks. A commercial bank backed by the government or the FDIC should not be able to use that government backing to support high-stakes gambling. That only magnifies the level of risk in the banking system. It is unfair to taxpayers, bank customers, and community banks.

I met in my office yesterday with some of the community banks in Iowa. They don't deal in swaps and derivatives. They take deposits, they loan them out for business starts, people who need a loan for different things. They are not dealing in swaps and derivatives, so why should we allow these big banks on Wall Street to do it?

We also need a strong, independent financial consumer protection agency to guard against rip-offs and abuses in mortgages, credit cards, payday loans, and other financial profits to protect consumers. It is sorely needed.

We also need to slam the door on too-big-to-fail financial institutions. No more AIGs or Citigroups. When companies make bets and lose, there ought to be a process for liquidating those companies, period.

To further improve the bill, I have cosponsored legislation introduced by Senator CANTWELL that would recreate the Great Depression-era regulation that prohibited the mixing of commercial banks, investment banks, and insurance companies. We ought to return to the Glass-Steagall law that worked well for so many years. Senator CANTWELL has been a strong leader for this, and I thank her.

I am also a cosponsor of the SAFE Banking Act offered by Senators BROWN and KAUFMAN that would limit the size of the largest institutions. No more too big to fail.

In addition, I support legislation by Senators MERKLEY and LEVIN that blocks institutions that are insured by the FDIC from proprietary trading with their own funds. We can't have high-risk gambling with money that is backed by the taxpayers of this country.

Mr. President, America has been through financial collapses and deep economic downturns before. In charting the way forward, we can learn important lessons from the financial crash of 1929 that led to the Great Depression. FDR answered that crisis by implementing tough new regulations to stabilize the financial system, rein in risk taking and recklessness on Wall Street, and made the economy work for ordinary Americans. Because of those reforms made in the 1930s, we had decades of shared economic prosperity unprecedented in our Nation's history. Well, what we did in the 1930s needs to be our model. Not exactly the same—we have a different system—but it needs to be our model as we shape today's financial reform legislation. Financial reform legislation ought to separate these big entities out. We can't have too big to fail. We need to have transparency. We need to stop banks from engaging in swaps and derivatives if they are backed by the FDIC.

These amendments—the Cantwell amendment, the Merkley-Levin amendment, the Brown-Kaufman amendment, and others I happen to be supporting—again, we can't offer them unless we get the bill to the floor. I don't know if they will win, but we ought to have the right to offer those amendments.

I wish to thank Senator DODD. He has been at the forefront of this fight for a long time, trying to bring this bill to the floor, to crack down on abusive speculation, to put in strong regulation, to have a consumer protection agency to protect our consumers. Senator DODD has led this effort. I know where his heart is. I know how he is trying to make certain this system works for everybody, not just Wall Street. I don't want to be on a roll of bashing Wall Street all the time. I know that is a popular sport. Wall Street has a role to play in our society. They surely do.

But, let's get Wall Street back to what Wall Street does best: accumulating capital and investing that capital in the economic growth of America. That is what the Dodd bill does. It gets us back to that system. It straightens things out and helps to protect us from these kinds of collapses in the future.

I do not understand why the Republicans will not let this bill come to the floor. I don't mind if they want to vote against it. If they want to be on the side of keeping Wall Street speculating with taxpayers' dollars and letting these banks get too big to fail, that is their right, but why not let the bill come to the floor so we can debate it and amend it. If they want to change it, let them offer amendments, but we can't do that unless we bring the bill to the floor.

I hope the American people understand this. I hope they understand that the Republican side of the aisle will not let this bill even come to the floor for debate.

The PRESIDING OFFICER. The Senator has used his 7 minutes.

Mr. HARKIN. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator from Connecticut for all the hard work he has put into this, he and his staff and the committee. It is a good bill. Again, we may not agree on every detail. There are some things I would like to see in it; maybe they will, maybe they won't. It is a good bill, a solid bill, and it will help us get control back again over Wall Street and all the wild speculations and it will help our country grow as it should, not in one small area, but broadly-based economic growth in our country.

I thank Senator DODD for his great leadership on this. I hope my Republican friends will understand that we have to get this bill up on the floor so we can protect the American people from these financial collapses that have happened over the last couple of years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, it is my understanding that the time of the Democratic side has expired, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DODD. I don't have a Republican colleague to ask unanimous consent to speak for a couple of minutes. I ask unanimous consent to be allowed to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Chair.

Let me first thank my friend from Iowa for his tremendous work on so many issues but also his deep interest in this subject matter. Obviously, the subject of exotic instruments—derivatives and the like—is a critical issue for all of the country but particularly in the farm State of Iowa where he has played a considerable role. All of us have a higher degree of interest in one subject matter or the other, but I am grateful to him for his longstanding interest. His is not an interest that emerged with the problems that spiked 18 months ago, but go back 8 years. In fact, he has written legislation and held hearings in his former capacity as chairman of the Agriculture Committee, so he knows the subject well. I appreciate his kind comments about the effort of the Banking Committee and the effort of BLANCHE LINCOLN, our colleague from Arkansas, and the Agriculture Committee she now chairs and where she has been working on a very important piece of our efforts here.

There are only a few minutes left before this vote will occur again. As are most people, I am somewhat mystified. I have heard my colleagues over the last day or so raise issues, concerns they have with the bill. It is no great shock that would be the case. That is normally what happens with a bill of

this size and obviously this complexity, covering as much of an area as we do across the economic spectrum of our country. I am somewhat mystified. I understand having objections to parts of the bill and wanting to be heard and wanting to have an opportunity to change the bill, either add to it or subtract from it; that is how we normally engage in the legislative process, but I can't very well help on that front if I am not allowed to get to the bill.

This morning, the major newspapers of the country of course reported about the hearings yesterday here in Washington. I don't need to say much more about it. Again, the headlines: Looking into mortgage deals and the like have reached a certain crescendo. Most people are probably aware of those things.

There was another headline, however, that wasn't at the top of the newspaper but underneath it. In this case, the local paper here in Washington had the headline ''Greek debt downgraded to junk.'' It says, ''European crisis deepens. Dow falls 2 percent on global sell-off.''

The reason I mention that here is that obviously the Goldman Sachs story was the one that got the attention, but there are problems emerging around the world that affect us as well. Our legislation doesn't write international rules, but the United States has led, historically, in financial services. If we are unable to get a bill passed to change the rules, give us a greater sense of fairness and transparency and protection, then we are missing an opportunity to correct what over the last number of years helped create some of the problems we are now facing and then to lead globally so that other nations will harmonize their rules with ours so that the problems that exist in a Shanghai or a Greece can't affect us here.

We have a lot of work to do. I expect that if we get on this bill, we are going to be working for weeks engaging in several amendments and ideas to try to strengthen this bill—make it better, if you will.

I am one of the authors of the bill. I don't claim this is a perfect piece of legislation. I have never seen one of those in my 30 years here. Normally, you bring out a bill and do the best you can. Obviously, others have different points of view. It would be presumptuous of Senator SHELBY and me to suggest that we can come to some great agreement here and tell everybody else that, whether you like it or not, this is the deal. That is not what we get elected to do here.

I have colleagues on my side who are sympathetic to what I have tried to do, but they want to change this bill. There is one amendment by my colleague from Vermont, and I think it has 33 cosponsors, two-thirds of whom are on that side of the aisle and a third are over on this side. They ought to have the right to offer an amendment to change this bill, which is what they want to do.

I am fully prepared as a manager of this product to allow that amendment process to go forward, engage in that debate. But I cannot get there if you won't even allow me to bring up the bill. So the incongruity of complaining about the product and simultaneously saying: I am not going to let you vote on it, I don't know how you explain that to people in this country.

At the end of the day, if you want to vote against the bill, do so. If you want to vote for or against amendments, do it. I am not suggesting that anything I am offering at this juncture would preclude you from that conclusion, but you cannot get to that conclusion unless we have the product in front of us.

All we have had is a series of speeches over 3 days, denying us the necessary votes in order to move effectively. In effect, a filibuster is ongoing here. The only way to break that is by getting 60 votes that will allow us to move to the product. Fifty-seven of us have said: Let's get there.

I have said this before, and I will say it again. At this juncture, this ought not to be a partisan issue. It may get partisan over some of the ideas. I am fully aware that there are a number of my colleagues here who believe we ought to get to this debate. We ought to get there sooner rather than later. That is not to suggest they agree with the product by taking that position. In fact, I suspect they don't agree with at least some parts of this product. I think they understand the importance of getting to a point where we can try to change this in some way.

I will conclude. I make that appeal once more. We have been through this twice already. I hate coming and getting into a partisan debate about this. We should not do this. It doesn't reflect well on this institution on a matter of this import not to allow this to go forward.

I yield the floor, and I yield back all time.

The PRESIDING OFFICER. All time is yielded back. The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 349, S. 3217, the Restoring American Financial Stability Act of 2010.

Christopher J. Dodd, Blanche L. Lincoln, Jeff Bingaman, Mark Begich, Charles E. Schumer, Arlen Specter, Robert Menendez, Benjamin L. Cardin, Daniel K. Inouye, Jack Reed, Edward E. Kaufman, Byron L. Dorgan, Richard J. Durbin, Tom Udall, John F. Kerry, Sheldon Whitehouse, Robert P. Casey, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3217, the Restoring American Financial Stability Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—56

| | | |
|---|---|---|
| Akaka | Franken | Mikulski |
| Baucus | Gillibrand | Murray |
| Bayh | Hagan | Nelson (FL) |
| Begich | Harkin | Pryor |
| Bennet | Inouye | Reed |
| Bingaman | Johnson | Rockefeller |
| Boxer | Kaufman | Sanders |
| Brown (OH) | Kerry | Schumer |
| Burris | Klobuchar | Shaheen |
| Cantwell | Kohl | Specter |
| Cardin | Landrieu | Stabenow |
| Carper | Lautenberg | Tester |
| Casey | Leahy | Udall (CO) |
| Conrad | Levin | Udall (NM) |
| Dodd | Lieberman | Warner |
| Dorgan | Lincoln | Webb |
| Durbin | McCaskill | Whitehouse |
| Feingold | Menendez | Wyden |
| Feinstein | Merkley | |

NAYS—42

| | | |
|---|---|---|
| Alexander | DeMint | McCain |
| Barrasso | Ensign | McConnell |
| Bond | Enzi | Murkowski |
| Brown (MA) | Graham | Nelson (NE) |
| Brownback | Grassley | Reid |
| Bunning | Gregg | Risch |
| Burr | Hatch | Roberts |
| Chambliss | Hutchison | Sessions |
| Coburn | Inhofe | Shelby |
| Cochran | Isakson | Snowe |
| Collins | Johanns | Thune |
| Corker | Kyl | Vitter |
| Cornyn | LeMieux | Voinovich |
| Crapo | Lugar | Wicker |

NOT VOTING—2

| | |
|---|---|
| Bennett | Byrd |

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed.

The PRESIDING OFFICER. The motion is entered.

The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I think it has been said before, but here we go again. What we have just seen tells us what the American people ought to know. There are fundamental questions being asked of Senators this week, principal of those: Whose side are you on? Whom do you work for?

On Monday, Tuesday, and yet again today we got an answer. On the other side of the aisle they made it clear. They stand with the big banks. They do not stand with the infrastructure of everyday people who make this country the great place we have become. They do not stand for opportunities such as the ones that allowed Americans to come together after World War II to get an education, get jobs, become the greatest generation that built our Nation into the greatest on Earth.

Instead, our friends across the aisle stand with Wall Street lobbyists who demand that we do not take up this bill. What an outrage. They stand for maintaining a banking system that denies people and businesses the funds they need and sells people mortgages they cannot afford, while lining executives' pockets with billions in compensation. The picture is quite clear. It is very obvious as to what has taken place here. After hearing the demands of the Wall Street lobbyists, the other side of the aisle systematically marches down here and votes no in lockstep, not once, not twice but three times. There is no one bold enough to say: Yes, we ought to do something about this situation that hurt our economy so; that destroyed jobs, lives, and homes.

What the Republicans voted against three times this week was simply to start debating the Wall Street reform bill, to make it an even fairer system. The banking lobbyists may not want us to take up this bill, but everyday people do want reform. They do want change. They do want to see capital flowing into small businesses so they can get on with work and planning their families' and their children's future.

On behalf of the everyday people, whose side we are on, we will keep voting to take up this bill until the other side understands that is what the American people want and gives them a break.

Some say they voted no because they wanted more time to make a deal. The reality is, the American people are fed up with backroom deals that leave them out in the cold. We have carefully listened to testimony that has been developed these days. We are shocked to find out how they think hiding the deals was OK, but they didn't want it to be known to the public. They want us to roll up our sleeves, talk aloud about this bill, tell the public the truth, vote on amendments, and pass a strong Wall Street reform bill. That is what the average person in this country wants.

Why don't the banking lobbyists like our bill? There are several reasons: Because it puts an end to giant, taxpayer-funded bailouts by creating a safe, responsible way to liquidate failing firms. They don't like it because it will end the era of too big to fail and stop protecting irresponsible executives who mismanaged their companies and because it will help prevent reckless gambling with investors' money by starting a new consumer protection watchdog. They don't want those things to happen. They don't like it because it moves the derivatives markets from the shadows to the sunlight so these transactions are transparent, so people understand what is going on.

Right now across our country, ordinary Americans are facing real tough problems. Many struggle to find a job, meet their monthly bills. Many are struggling to pay for a college education. Far too many of our people are unable to keep their homes from falling into foreclosure. That is why we have been working so hard to reform our financial system, to make big banks accountable, and shine the light on Wall Street—but not on the other side of the aisle.

They literally have taken their marching orders directly from Wall Street. We know key Republicans met with Wall Street executives and political consultants about how to attack this bill, about not permitting us to exercise the responsibility we have. But it is not working because we are on the side of everyday people, the people who sent us here. They sent us here with a plea: Help us, help us with our lives, help us take care of our families, help us educate our kids, help us protect ourselves when health care is required.

The American people have made it clear they are not fooled by the delaying tactics and secret deals. They want Wall Street reformed.

In the last decade, we saw how much power the financial sector has over our entire economy. Irresponsible actions by big banks led to the subprime bubble that led homes to appreciate far beyond their worth and led millions of Americans to take on loans for which they should never have qualified.

The results were catastrophic and the collateral damage immense. Many of these people were seduced into taking loans they were advised they could handle. They didn't use good judgment, but they paid a heck of a price for it. Eight million jobs were lost, retirement accounts shriveled, and small businesses shut their doors.

The ethical failures of Wall Street almost brought our economy to the brink of a second Great Depression. As a former CEO of a major company, I understand the need for a strong financial sector. But I also come to work every day reminded of the millions of people who have lost their jobs through no fault of their own.

Make no mistake, Wall Street reform, Wall Street change is absolutely necessary, and that is why we are going to keep moving forward on this critical bill. We have to continue to take our message to the American people and let the other people, on the other side of the aisle, say: No, no, no. Those on the other side of the aisle may try to disrupt. They may try to distort. They may try to destruct. But we are going to continue the fight for ordinary Americans, for people who wake every morning and play by the rules and work hard.

I repeat something I said a moment ago; that is, how can we ignore supporting the infrastructure in our country, the people who make the things happen every day, who are there to do whatever the jobs are that are necessary, and reserve the best and the most for those few at the top? We can't do it that way. We have an infrastructure that is even far more precious than our fiscal infrastructure; that is, our human infrastructure. We are going to continue to tell the American people what is happening so we can make changes necessary to avoid the catastrophe we have had over this last couple years.

Thank goodness that through the leadership of President Obama and the administration and the work of colleagues we are making progress, but the progress is not rapid enough nor broad enough. We are going to insist on moving down the road of progress. We are going to insist on doing what is right for our country and for our families and for our future. I hope somebody, someone on the other side of the political aisle, will say: Listen, we are not getting anywhere by just walking down the steps together and saying no and not permitting change to take place that is critical for our society and our world.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, first, I wish to make a couple comments about what has just transpired on the floor of the Senate. For the third time, we had a vote, not on anything relating to the ingredients of a bill dealing with financial reform or Wall Street reform, just on the question of the motion to proceed to debate the bill. Just the motion to proceed, yes or no, shall we proceed to bring the bill to the floor and debate it? For the third day in a row, all the members of the minority voted, no, we will not even allow the Senate to proceed to debate Wall Street reform.

It is unbelievable to me. In the shadow of yesterday's hearings, with one of the major investment banks of this country and the disclosure of e-mails deep from the bowels of that bank that clearly suggested they were peddling securities to clients and customers that they knew to be bad securities and also betting against the position of their clients, betting against a recovery for our country—in the shadow of all that, how on Earth can the minority decide we should not even move to debate Wall Street reform?

I find it interesting we have people saying government cannot solve this. There is too much government, too much this, too much that. When we had suffered a Great Depression in this country, it was the Federal Government that took action to put in place some things to try to protect our country's economy and did so for about 60 or 70 years. They said: We are not going to allow banks and FDIC-insured banks and investment banks and securities dealers and others to commingle under one corporation. We are not going to take banks and put risky enterprises fused to those banks. It doesn't make any sense. So legislation was passed to protect this country.

About 10 years ago, there were a bunch of smart people who decided that stuff is old-fashioned. We have to compete with the Europeans, let's allow holding companies to be created, and we will bring banks and investment banks and real estate and all these things together into one big holding company, under one roof. It will be fine.

It turns out it was not fine. At the same time this was happening, big holding companies now being created in which you brought risky things in the middle of banking enterprises whose very perception of safety and soundness is critical to their future—at the very same time that was happening, we had a bunch of people come to town who were supposed to be regulators, the referees, who said: You know what. We are going to be willfully blind. We are not going to regulate. We don't even like government. So do what you want. We will not watch, we will not look.

At the same time that was going on, Alan Greenspan, at the Federal Reserve Board, decided we will let all these institutions behave in their own self-interest, and their self-interest will be what governs what will be the right thing.

He now says that was a huge mistake. Yes, I guess so, probably a $15 trillion mistake. But the fact is, those who were supposed to be regulating and decided not to regulate, those who were supposed to be the referees to call the fouls, wear the striped shirts, blow the whistle, call the fouls when the free market system was being abused, were not around. They were out to lunch someplace for years and years and years.

My colleagues who say, well, we do not want government to do this—look, I do not know who else is going to set the rules here to decide we are not going to let this happen again. Does it take any amount of intelligence to understand a mortgage company advertising to people in the following way: Do you have no credit? Slow credit? No pay? Bankrupt? Come to us. We would like to give you a loan.

On the floor of the Senate, I have shown solicitation after solicitation by companies that said: If you have got bad credit, slow pay, no pay, come to us. We would like to give you a home loan. It does not take a lot of intelligence to understand that does not work.

And by the way, they also said: If you have got bad credit, come to us. In fact, we will not even ask you what your income is. We will give you a no-document loan. You do not have to document your income. It is called a no doc. By the way, we will give you a liar's loan. They do not call it that, but a no-doc is a liar's loan.

It does not take a genius to understand that is not working very well. But why was everyone anxious to do all of that? Because you could wrap it into a big fat security. Then you could sell it to an investment bank. They could sell it to a hedge fund. They could sell it back again. And, meanwhile, whoever made the original loan got rid of the liability once they sold it upstream.

They got the rating agencies to rate these things as triple A. Incidentally, conveniently, the rating agencies are paid by the very companies whose securities they rate. Sounds like trouble to me. So all of these things were happening, and everybody understands that is not going to hold up. Ultimately all of this is going to collapse. It is a house of cards that is being built. So how do you put this back together?

Well, Senator DODD and the Banking Committee put a bill together. That is the bill we are trying to get to the floor of the Senate. I think it is a pretty good bill. It tightens things up. It gives authorities to regulators they are going to need and will try to prevent this from ever happening again.

This was not some Hurricane Katrina that came ashore and flattened a bunch of buildings. This was not a volcano erupting. This was not a tornado that came sweeping through and destroyed the town. This was an economic catastrophe that took away $15 trillion from this country. It devastated a lot of families, put a lot of people out of work, a lot of people out of their homes, and in the meantime we see what has happened. And while there are substantial amounts of misery around this country for families and people who have still not recovered from the devastation of this financial near collapse, the folks at the top are now making record profits.

Yes, the investment bank that testified yesterday, record profits, big bonuses. I described earlier bonuses of $142 billion were projected on Wall Street. I talked about in the year 2008, at a point when this all began to collapse, we had something like $36 billion in losses just on Wall Street. And those firms that had $36 billion of losses paid $17 billion in bonuses to their employees.

I have an MBA and went to business school. There is not any book that teaches that in business school: Lose a ton of money and get big bonuses. Yet that is what has been happening. It is a carnival of greed at the top.

By the way, the instruments they created with these mortgage securities and others, securitizing almost anything they could get their hands on, with exotic titles such as credit default swaps—credit default swaps. We have always known about derivatives. I wrote an article which was the cover story for the ''Washington Monthly'' magazine in 1994. That is almost 16 years ago. My cover story for that magazine was titled ''Very Risky Business.'' It was about the danger that derivatives posed to the banking system. That is almost 16 years ago now.

I made the same point in the year 1999 when Glass-Steagall was repealed, and I opposed it. Very risky business. So they create synthetic credit default swaps. Synthetic would be the same as calling it naked credit default swaps. That means, instead of having something at either end of a contract, there is nothing. It is two people making a wager or a bet that something else will happen.

I happen to think there ought not be what is called a naked credit default swap. I think they ought to be outlawed. That is gambling. That is not investing. That is betting. If you want to bet, there are plenty of places to bet in this country, starting with Las Vegas and Atlantic City. They have a business doing that. No one ought to show up on an airplane in Las Vegas or Atlantic City, however, with their depositors' money or with their clients' money and decide that is what they are going to wager on a craps table or a keno table.

Yet that is exactly what has been happening with what are called naked credit default swaps. One study I have seen suggests that of the credit default swaps in England, and I suspect it would hold true here, 80 percent of them had no insurable value on the other side.

I would not be allowed today, this afternoon, to decide I am going to buy an insurance policy on the house of the Presiding Officer in North Carolina. It would be illegal for me to say my interest today is to invest in fire insurance on the Presiding Officer's home, because I have no insurable interest in that home. And it might be that I would buy fire insurance, if I could, and walk around with a box of matches. That is a problem. Right? So I have no insurable interest. It would be against the law for me to buy fire insurance on the home of the Presiding Officer.

That is not the case with respect to naked credit default swaps. You do not have to have an insurable interest in anything. You, with someone else, say

let's make a wager here on what is going to happen to this bond. There is an investment bank. Perhaps the investment bank will take part of that wager. They will certainly want to arrange it because they get great big fat fees. That is not investing in America. That is not making loans to small and medium-sized businesses. That is not investing in America's future and strength; that is gambling. And that is what we have come to.

You cannot, in a country such as ours, expand our economy without two things: production and finance. There have been, over 200 years, times when production has the upper hand and when finance has the upper hand. We have been through a period here in the last couple of decades where the financing system of our country has the upper hand.

We need a banking system, we need a financing system, with all of the levels of finance. Yes, FDIC-insured banks. Yes, investment banks, venture capital. We need all of those things. But we need to get back to the basics of the old-fashioned standard of what banking should and used to be; that is, taking deposits and then making loans.

When you make a loan, you do what is called underwriting; that is, you sit across the desk from someone who needs a loan, and you look them in the eye and you evaluate: What is their income? What is their idea; their need; their property; and you decide, yes or no. There has been no underwriting on many of those loans that helped create this foundation of sand in this economy.

There was no underwriting. Because if you could say to someone: You know what, we will give you a new home mortgage and you do not have to pay any interest, and you do not have to pay any principal, even, and you do not have to tell us what your income is—that is a no-doc liar's loan—we will do that for you. Why would someone do that? Because they are not going to have any risk. The minute they do it, they get it wrapped into a fat security and sell it to someone else.

And because the rating agencies think all of these things are triple A, whoever else bought it thought it was a safe security, and then they sold it again and again and again. You passed the risk forward. This was a cesspool of greed with a lot of people making a lot of money and creating a structure that was destined to fall.

The question is: Are we going to do something about that? Is somebody going to take some action to say that you cannot do that any more? That is what the Senator from Connecticut asks with a bill coming from the Banking Committee.

The fact is, he brought that bill out of the Banking Committee, and not one Republican offered an amendment. Not one. They said, we are not going to participate. After they had had hearings for a year, and the Senator from Connecticut had negotiated with them for 5, 6 months, following all of that, they had a markup on a bill to write the bill, and the Republicans said, we are not going to participate. We will not offer any suggestions, no amendments.

Then when the bill is now brought to the floor of the Senate, the Republicans say: Well, we were not part of it. Well, sure, they decided they did not want to be part of it, and that is why they were not part of it. That was an action they took. They say: Well, we believe this is a bailout bill. It is not a bailout bill. I will tell them what a bailout bill is. I voted against it. A bailout bill was when George W. Bush and his Treasury Secretary came to the Congress and said: I want you to pass a three-page bill in the next 3 days, putting up $700 billion to bail out America's biggest financial firms. Yes, that was a bailout bill. And most of those who called this a bailout bill voted for that. They know what a bailout is because they voted for it. I did not.

But, nonetheless, this is not a bailout bill. This is a bill that finally begins to shut the door on activities that should never have been taking place. Is the bill perfect? No. Should it be changed? There are a number of areas where I think it will be changed once it gets to the floor. But you cannot even address those unless you get past the motion to proceed.

What the minority is doing is saying, we do not intend to let you proceed at all. Well, how about deciding that we are going to do this together and we will get the best of what both political parties have to offer, get the best amendments that can be offered. I have suggested one; that is, naked credit default swaps. If you have no insurable interest, ban them.

Mr. Pearlstein, who writes a column for the Washington Post, made a suggestion that makes a lot of sense to me. Why would you allow more securities in the form of credit default swaps to insure bonds? Why would you allow more of them than there are bonds to insure?

Well, the answer is obvious, because that is gambling above that level. It is very much like about a year and a half ago when the price of oil, or almost 2 years ago, the price of oil went to $147 a barrel in day trading, and I made the point on the floor: There was 20 times more oil bought and sold each day than there was produced each day—an unbelievable orgy of speculation in the oil market. Nearly broke that market. Well, it finally came back down and the people who made the money on the upside also made money on the downside. But, you know, that is what has been happening in this country now for too long.

The bill that should come to the floor of the Senate—and my hope is that perhaps the next vote will have a couple of folks on the other side who agree with us, let us bring a bill to the Senate, let us address these issues that caused this unbelievable avalanche of greed on Wall Street and elsewhere, and let us tighten the reins so this cannot happen again.

Do we want to continue the practice? I showed yesterday on the floor of the Senate I think four examples of companies that are still advertising: Do you have bad credit? Come to us. We will give you a loan. Do you have no credit? Slow pay? Come to us, we will give you a loan. Okay. Are you bankrupt? Come to us, we will give you a loan.

It is still going on. All of this is about securitizing everything and everybody making big fees and being paid big bonuses. There is a smarter way to do financing and banking in this country. We have watched it work for decades, and it has gotten far afield in the past decade or two. We need to pull it back in and say, that is not what our country is about. The free market system is the best allocator of goods and services that I am aware of, but it is not perfect. Sometimes there are fouls in the free market system. Sometimes people try to manipulate it and do so successfully. That is why you need a referee and that is why you need effective regulations that work.

That is what the bill is about. Put together those effective regulations that work. Prevent this kind of economic collapse from happening again. This is not just some academic exercise. There are somewhere around 16 to 17 million people today in this country who woke up this morning and they are jobless and do not have any work. Some of them not only feel jobless, but they feel helpless and hopeless because they cannot find work. Some of them, by the way, have not only lost their jobs, they have lost their homes. This is a very deep recession we have been in, and it has caused unbelievable pain across this country. But not for everybody. Because once again, some of the largest financial institutions in this country are now showing record profits and paying record bonuses.

The question is, are they doing that because they are making loans out there to businesses that are ready to recover and to expand? No. The answer is, unfortunately, no. Once again they are trading securities back and forth, exchanging fees, securitizing virtually everything. There is a much better way to do financing and banking in this country that will strengthen the future of this country. I want to get at the business of getting this bill to the floor, having the minority stop blocking us, and begin offering amendments so we can get the best of what both parties have to offer.

It has been a long time since we have had that sort of thing happen on the floor of the Senate. I was hoping that if

there is one thing that might galvanize some bipartisanship in this body, it might be an understanding of the unbelievably excruciating pain the American people have felt as a result of the deepest recession since the Great Depression and perhaps an understanding that the American people demand that this Congress stand up and do something about it, to try to do the things that plug the holes and shut the gates and prevent this sort of thing from ever happening again. I guess that was too much to hope for, at least until now, on Wednesday. We will have an opportunity on Thursday and Friday, perhaps, and I hope perhaps we can get one or two people who agree with us to say: Yes, let's bring this to the floor, have it wide open for amendments, offer amendments, debate amendments, and do what is necessary for the people.

I know the biggest financial institutions have some big disagreements with this bill, but I have some big disagreements with them. I think what has gone on is pretty unbelievable. They have a role to play in this country's future going ahead, but it is not a role I consider betting; it is a role I consider to be investing. If they want to continue to simply make wagers about America and about securities, that is not the financing system we have known and grown to believe is important for this country's future.

I know there is a lot of disappointment after this last vote. My hope is there will be some who continue to think and rethink. Is this what my constituents want? Do they want me to decide to block even the opportunity to address these unbelievable gaping holes in our financing structure that allowed this country to be steered right into the ditch, the biggest economic wreck in 70 years? I think they would understand that is not what citizens and their constituents want for the future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, let me express to my colleagues how disappointed I am that we were unable to move forward with debate on Wall Street reform. People should know that what we recently voted on was a motion to proceed so a bill could be brought to the floor for debate. It did not speak to how that bill would be considered. It is open to amendment. Each Member of the Senate would have the opportunity to submit amendments for consideration.

The bill Senator DODD has brought out of his committee is a bill that establishes the types of reforms of Wall Street that are necessary, strict new regulations to stop Wall Street gambling so that we have a clear responsibility in the regulatory framework, so each of the financial institutions understands the clear roles which they must operate under and how those regulations will take place. The framework is based upon the size of the institution and the jurisdiction.

The bill provides for adequate capital to prevent too big to fail. Our first goal is to avoid an institution from becoming so large, so vulnerable that its failure jeopardizes the economy. If we have a clear regulatory structure and the right capital rules and the right regulatory oversight, we have a much better chance of protecting the public's interest. That is why the strict new guidelines to stop Wall Street gambling are critically important, so that we don't run into that situation from the past.

No more taxpayer bailouts. I hear that over and over again from my constituents. I agree. If an institution can't make it, it should fail. It should not be getting a government bailout. This bill makes it clear: no more government bailouts. It gives the regulators the authority they need to intervene a lot earlier and, if necessary, to restructure the institution or to break it apart or to have it merge or to close it down. It does not involve public funds. We will have a regulatory structure.

Today, we see institutions that call themselves banks that are not regulated under banking statutes. We find insurance companies that claim they are insurance companies but they do things other than insurance and get themselves into trouble, and there is no regulatory consistency. That will change with the bill Senator DODD has brought to the floor.

This bill puts consumers in control of information in plain English, by a strong consumer provision within the bill. This is absolutely necessary. We know today that consumers and small businesses are being victimized under the current financial structure. Consumers have been victimized by predatory lending. Small businesses have been victimized by banks that won't make loans to small businesses. We need a strong consumer presence. Senator DODD, in his bill, has brought out an independent consumer agency.

What this bill provides is tough regulation, the framework in which we can intervene earlier in order to protect the economy, no government bailout, and a way in which consumer issues can be handled independently to protect consumers.

Why not move forward? I am puzzled. I listened to my colleagues who oppose bringing this bill forward speak on the floor. I still don't understand their argument. If we move forward, amendments are in order. Amendments that are germane will have to be considered, will have to be voted on. Those are the rules of the Senate. For us to move the bill off the floor, we will need at least 60 votes. We know that. It should not take it. It should be an up-or-down vote. But we know from the prior record that the minority will insist upon 60 votes. We should be willing, on an important issue such as this, to vote up or down on amendments and final passage, but they will still have that right. So they are not jeopardizing the ability of the minority to block final consideration of the bill.

What they are doing is blocking debate on the bill. The only thing I can think of is that they would prefer to work out their issues behind closed doors rather than on the floor of the Senate. The reason is kind of self-evident: If you are trying to weaken the regulatory framework and you don't want your fingerprints on it, it would be easier to do that outside of the spotlight of the Chamber. If you are trying to diminish the consumer protections in the bill, you certainly would rather have that in a bill brought to the floor than having to offer an amendment to change it. I can only presume from the delay that the opposition is not to negotiate in good faith; the opposition is to avoid the public knowing the changes they are seeking in the bill or to weaken this bill or, even worse, in the hopes that major sections of this bill will be deleted or struck. That is not what the process should be about.

We need to move forward with Wall Street reform. We all know how our economy was brought to near the brink of destruction. We know how many millions of Americans have been adversely affected by what happened on Wall Street. People of Maryland, the people of the Nation are saying: Let's reform Wall Street. Let's make sure the reckless gambling doesn't take place in the future. Let's make sure too big to fail ends. Let's make sure those who are responsible are held accountable. The Dodd bill is a very good start to the process.

Debating the issue is what we should be doing in the Senate. The delay is aimed at preventing the public from knowing what is going on or, even worse, weakening this bill or making sure it doesn't pass.

I urge my colleagues to reconsider. Let's move forward and debate the Wall Street reform bill. Let's get on with the people's business first, our Nation's security first, our Nation's economic growth first. Let's bring this bill to the floor for immediate debate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Madam President, since the beginning of the financial crisis, the Federal Reserve, the Fed, has provided over $2 trillion in taxpayer-backed loans and other financial assistance to some of the largest financial institutions and corporations in the world. Let me repeat that: over $2 trillion—with a ''t''—$2 trillion.

Over a year ago, as a member of the Budget Committee, I asked Ben Bernanke, the Chairman of the Fed, a very simple question—very simple question; it could not be simpler—and the question, in so many words, was: Mr. Bernanke, you lent out $2 trillion. Who got that money? Who received the money? What were the terms of those loans?

Mr. Bernanke's answer was: No; I am not going to tell you, Senator SANDERS. I am not going to tell the Budget Committee, and I am not going to tell the American people.

I think that is outrageous. I think when $2 trillion of taxpayers' money is placed at risk, the American people have a right to know. How many debates have we had on the floor of the Senate about legislation dealing with $5 million, $30 million, with feverish debate—whether it is a good idea or a bad idea—and now you are looking at trillions of dollars of taxpayer money being placed at risk, and we do not know who received that. That, to me, is an outrage and that, to me, is unacceptable.

On that very day, after Ben Bernanke denied the American people the right to know who received those loans, I introduced legislation requiring the Fed to put that information on their Web site.

The Presiding Officer knows as well as I do, millions of lives have been ruined by the greed, the recklessness, and the illegal behavior of Wall Street. While the Fed was providing secret loans, at virtually no interest, to some of the largest financial institutions in this country, millions of Americans were losing their jobs, their homes, their life savings, their ability to send their kids to college—as a direct result of the same Wall Street firms the Fed was propping up.

So you have a situation where all over this country families are suffering, small- and medium-sized businesses are in desperate need of affordable loans. Yet you have the Fed providing trillions of dollars to the people who caused the recession and to some of the wealthiest and most powerful CEOs in the country.

The very least we can do for the American people is to tell them, to give them the information as to who got bailed out by the Fed. I do not think that is too much to ask. We have to explore whether there were conflicts of interest. How does it work when financial institutions get huge amounts of zero or near zero interest loans? Who sits on the committee? Are there conflicts of interest?

We have to know, for example, what I believe to be the case: that some of those financial institutions that received billions in zero or near zero interest loans may have invested that money in T-bills, in Treasury bonds, earning 3 or 4 percent interest. What kind of scam is that? You get zero interest loans from the Fed, and you invest in government-backed T bonds at 3 or 4 percent interest. That is an incredible scam. Did some of those financial institutions do that? I suspect they did. But we do not know what they did with that money and we have a right to find out.

Let us be very clear: The money put at risk does not belong to the Fed. It belongs to the American people. The American people have a right to know where their taxpayer dollars are going. Therefore, during the debate on financial reform, I will be offering an amendment to audit the Federal Reserve and to require that the Fed release all the details regarding the more than $2 trillion in virtually zero interest loans the Fed has provided to large financial institutions since the beginning of the economic crisis.

We talk a lot around here about the need for bipartisanship or tripartisanship. I am an Independent. Well, this amendment does that. I do not know that there is any amendment out there that has more bipartisan support. This amendment is being cosponsored by Senators FEINGOLD, LEAHY, WYDEN, DORGAN, and BOXER; Democrats. It is being cosponsored by Senators DEMINT, MCCAIN, GRASSLEY, VITTER, BROWNBACK, GRAHAM, RISCH, and WICKER; Republicans. But, quite significantly, on the base bill I introduced, from which this amendment comes, this legislation is being supported by 32 cosponsors; that is, 22 Republicans and 10 Democrats, and they run the gamut from some of the most conservative Members of the Senate to some of the most progressive.

The Senators who are supporting the base bill are Senators BARRASSO, BENNETT, BOXER, BROWNBACK, BURR, CARDIN, CHAMBLISS, COBURN, COCHRAN, CORNYN, CRAPO, DEMINT, DORGAN, FEINGOLD, GRAHAM, GRASSLEY, HARKIN, HATCH, HUTCHISON, INHOFE, ISAKSON, LANDRIEU, LEAHY, LINCOLN, MCCAIN, MURKOWSKI, RISCH, THUNE, VITTER, WEBB, WICKER, and WYDEN.

That is a very broad cross-section of the Senate, from some of the most conservative to some of the most progressive Members on the base bill, who say it is absurd that the Fed could lend out trillions of dollars without the American people knowing who has received that money.

Let me tell you what our amendment would do, and it is pretty simple. No. 1, it would require the nonpartisan Government Accountability Office, the GAO, to conduct an independent and comprehensive audit of the Fed within 1 year. Secondly, it would require the Fed to disclose the names of the financial institutions that received over $2 trillion in virtually zero interest loans since the start of the recession. That is it. That is the whole amendment. Pretty simple. I would hope and expect we would have widespread bipartisan support for this amendment when it gets to the floor.

This amendment also has widespread community support from organizations all over this country. It has the support of Americans for Financial Reform—a coalition of over 250 consumer, employee, investor, community, and civil rights groups, including the AFL–CIO and the AARP.

I should also mention that increasing transparency at the Fed is obviously something the American people want to see, and poll after poll suggests that.

This amendment is similar to the Federal Reserve Transparency Act that was introduced in the House by Congressman RON PAUL and now has 320 bipartisan cosponsors. That is a lot. There are 435 Members of the House, and 320 are on the House bill. A version of that bill passed the House Financial Services Committee by a vote of 43 to 28 and was incorporated into the financial reform bill that passed the House last December. So not only do we have widespread bipartisan support in the Senate, that same type of support exists in the House.

Last year, the Speaker of the House, NANCY PELOSI, said Congress should ask the Fed to put this information ''on the Internet like they've done with the recovery package and the budget.'' That is exactly what this amendment would do. Interestingly enough, not only do we have widespread bipartisan support in the Congress, not only has the House moved vigorously on this issue already, but, importantly, the courts have ruled in support of what we are trying to do.

Bloomberg News has been very aggressive on this issue, and they have won court decisions requiring the Fed to release this information to the public. But despite widespread congressional support, despite two court decisions, the Fed continues to resist the transparency which our country desperately needs.

As long as the Fed is allowed to keep the information on their loans secret, we may never know the true financial condition of the banking system. This has resulted in a whole myriad of problems, and I think it is time we brought some sunshine to the goings on of the Fed.

Let me conclude by saying this: The American people are outraged, regardless of their political views, by the behavior of Wall Street. They have seen the greed of Wall Street lead us into a recession in which millions of jobs have been lost, homes have been lost, savings have been lost, families have been destroyed, and they want to make sure we do everything we can to make sure what caused this terrible recession never happens again.

I think one of the most important things we can do in terms of Wall Street reform is to bring transparency to the Fed. So this is an incredibly simple amendment. This is an amendment that has grassroots support. This is an amendment that has support from the most progressive and conservative Members of the Congress.

When I bring up this amendment, I certainly hope we can get a great deal of support from Members of the Senate.

Mr. DURBIN. Madam President, will the Senator from Vermont yield for a question?

Mr. SANDERS. I am very pleased to yield to my friend from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I would like to ask the Senator from Vermont, through the Chair, about another issue in this bill relative to the interest rates that are being charged across America. I would like to ask the Senator from Vermont if he would tell me his take or evaluation of the provision in this bill which exempts usury laws and interest rates from the consideration of the Consumer Financial Protection Agency.

I know the Presiding Officer has an interest in some exploitation that is occurring in her State of North Carolina—frankly, in my State of Illinois, and probably across this Nation—by the so-called payday loan and title loan operations, where average people who are struggling economically go in for high-interest loans that are then rolled over, time and time and time again, until they lose whatever security has been offered for the loan and, frankly, find themselves even deeper in debt.

I would like to ask the Senator from Vermont, whom I have discussed this with on many occasions, his thoughts about consumer financial protections and the interest rates being charged across this Nation.

Mr. SANDERS. I thank my friend from Illinois for raising that question. I wish to congratulate him because our colleagues should know he has been a leader on this issue for many years and has already achieved some significant success.

My memory is, we had payday lenders that, if you can believe this, were charging men and women in the U.S. Armed Forces—who, in many cases, do not have a lot of money, who are trying to take care of their families—outrageously high interest rates on check cashing and payday loans. The Senator from Illinois led the effort successfully to put a cap on that, and I thank him very much for doing that. That is a start.

But, clearly, as the Senator from Illinois indicates, we have to go further. Here is the story. Just a couple weeks ago, there was a rally, right here on Capitol Hill, led by religious groups—religious groups—who said it is immoral and unacceptable that in the United States of America we are now seeing usury and loan sharking taking place by some of the largest financial institutions in this country. So we are not just talking, I would say to my friend from Illinois, about an economic issue; we are talking about a basically moral issue. If one reads the Bible, the Old Testament, the New Testament, the Koran, every major religion on this planet has said that usury is immoral; that if you are desperate and you need money, I cannot charge you outrageously high interest rates. That is immoral and the wrong thing to do. Yet in this country today, as a result of a Supreme Court decision some years ago, we have millions of Americans who are paying 25, 30, 35, 40 percent interest rates. This is not from loan shark gangsters on a street corner in Chicago; this is from some of the largest, most distinguished financial institutions in the world. We have to put an end to that.

I would tell my friend from Illinois that the legislation we have offered would put a cap of 15 percent, except under extraordinary circumstances, on the interest rates banks can charge the American people. We came up with this idea because this is what credit unions in this country have been doing for several decades, and they have been doing it successfully.

Mr. DURBIN. Madam President, I wish to ask through the Chair again—first, I wish to give credit where it is due. The original amendment we talked about that protects military families was offered by Senator Jim Talent of Missouri, and I supported it and everyone supported it because we found men and women in the military trained to defend our country who signed up for these payday loans and quick loans, and they became so deeply mired in debt they were forced to leave military service. So we said as a matter of national security, we can't sacrifice well-trained men and women who can keep us safe as a nation to loan sharks who have these storefront operations in my hometown of Springfield and in your hometown in Vermont and all across the Nation.

I would say to the Senator from Vermont—and he and I have joked about this a little bit—I tried to come up with a number to say this will be the maximum interest rate that can be charged. I went to a mutual friend whom I respect and said: What is a number that no one can argue with? She said 36 percent. When I mentioned that number to people back in Illinois and other places, they were aghast. They said: We don't want to pay 36 percent for anything. I said: I don't either. But this is like a ceiling.

Well, it turned out it is a little more confusing than illuminating. I happen to think the Senator from Vermont is certainly right with the cap he is suggesting.

Now, is it not true, I ask the Senator from Vermont, as this rollcall vote reflects, if the Republican Senators in this Chamber continue this filibuster against this financial reform bill, this Wall Street reform bill, this consumer financial protection bill, we can't even engage in this debate, let alone this amendment, to try to protect families across America from being preyed upon by these outrageous reptilian credit operations?

Mr. SANDERS. The Senator from Illinois is, of course, absolutely right. The point the Senator from Illinois is making, which makes eminent sense, is if our friends disagree, if our friends want to offer an amendment, if the Republicans want to alter the bill, that is their right. That is what the Senate is about. But we can't proceed or go forward in putting a cap on the outrageous interest rates financial institutions are charging the American people—the loan sharking—unless we get this bill going. We can't talk about Fed transparency unless we get this bill going.

So I certainly agree with my friend from Illinois. People have a right to disagree, but the American people are disgusted and frustrated with what is going on on Wall Street. They want action. So to simply have our Republican friends saying: No, no, no, we are not going forward, doesn't make any sense to me.

Mr. DURBIN. Madam President, I would ask the Senator from Vermont through the Chair, as informative and as entertaining as our presentations are on the floor, the fact is, 98 chairs are empty on the Senate floor, chairs that could be filled with Members of the Senate from both political parties debating the issues we are talking about; actually voting on amendments, proposing changes in the law to ultimately work with the House and send it to the President to solve some of the problems of our Nation. But as long as we are facing—and we have had three filibuster votes so far this week with more to follow—as long as we are facing this Republican filibuster where not one single Republican Senator will break with the Republican caucus or the Wall Street position that opposes any reform, we can't even bring this bill to the floor for debate so we can address the biggest economic and financial challenge America has faced in decades.

Mr. SANDERS. Madam President, my friend from Illinois is exactly right. Let me just add to it. We have the House of Representatives that voted to go forward. We have the President of the United States who wants to go forward. We have 57, or whatever the number is, Senators who wish to go forward. Now is the time to go forward.

I would add to what my friend from Illinois has just said. Let's be very clear about this. Last year, in 2009, as I understand it, our friends on Wall Street who are doing everything they can to make sure Congress does nothing to reform the way they do business—that is what they want; let's be clear about it—do you know what they spent last year? I would tell my friend from Illinois that my understanding is they spent $300 million on lobbying and campaign contributions.

I know my friend from Illinois knows that we can't walk around the Capitol without bumping in to one or another lobbyist representing Wall Street. Why are they here? Why are they representing hedge fund managers who make billions of dollars in a year? They want to be able to continue to do the exact same things they have done in the past which has led to this terrible recession.

So let's not be naive. There are huge amounts of money flooding Capitol Hill right now, and the goal is, no matter what anybody may say: Let's do no Wall Street reform.

Mr. DURBIN. I thank the Senator from Vermont for yielding for questions. I yield the floor and unless someone——

Mr. SANDERS. Madam President, I wish to thank the Senator from Illinois for his continued efforts on Wall Street reform and the excellent work he has done.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Madam President, we just witnessed a few moments ago the third attempt to try to do something about financial reform legislation in this body, and for the third time, it went down. I am an old baseball player. I played a lot of baseball in my young days, and there is a rule in baseball that says three strikes and you are out. Well, we have had three tries at this financial reform, and I will tell my distinguished colleagues on the other side of the aisle: We are not out. We are just beginning to fight under the circumstances we are confronted with because we are fighting on behalf of the American people.

Earlier this week, our distinguished majority leader called for a vote to open the debate on major financial reform. We have seen well-designed proposals from the Senator from Connecticut, Chairman DODD. This bill reflects the priorities articulated by President Obama and supported by an overwhelming majority of the American people. It will end the so-called ''too big to fail'' and prevent massive banks from making risky decisions that threaten the entire American economy. It will eliminate the need for government bailouts, and it will institute commonsense regulations so companies cannot create investments that are designed to fail and then bet against them.

In short, this legislation is a good starting point. As a matter of fact, we have heard Chairman DODD say time and time again we have to get it on the Senate floor so we can improve this legislation. I know I am supportive of a couple of amendments that would be beneficial to improve the legislation. It may not be the complete Wall Street reform package in its final form, but it contains a number of good provisions, and it is worth debating. So I am asking my colleagues, let's stop debating to debate.

The majority leader scheduled a vote to bring this bill to the floor so Members of both parties could offer amendments and make improvements. This was not a vote on the legislation itself. Leader REID was not asking the Senate to pass the bill without debate or without amendment. He simply wanted to start the process. He wanted to begin deliberations on the floor of this Chamber in front of C–SPAN cameras and in front of the American people. But when the roll was called and my colleagues and I came to the Chamber, every single one of my Republican friends voted to block the debate, plus one of ours.

So we will try again, I hope, this afternoon, if not tomorrow, but we are not playing baseball on the floor of the Senate. This is not the all-American game, but it is the all-American future.

There was a second vote to start debate—to move ahead this process and take up the consideration of financial reform. But for a third time, my Republican friends stood in the way. They know they will have plenty of opportunity to try and defeat the bill once it is on the Senate floor, but they decided to drag their feet anyway.

We have seen this kind of thing before. This is the same Republican playbook we saw with health care reform, the same obstructionism, the same tired politics. In the past, they have been able to use this strategy to score political points. This time, I would respectfully suggest that my Republican friends have miscalculated. The issue of health care reform was complicated, so when it came time for debate, it was easy to distract and delay and to spread misinformation.

It was easy to muddy the waters so they could gain traction and delay President Obama's agenda. When the health care debate was over, good policy won out over good politics, and we passed the bill—but not before my friends on the other side had scored some political points.

This time it is different. Financial reform itself is very complex. That is why it is so easy for big banks to take advantage of consumers. That is why it is difficult to apply the kind of oversight we should have seen in the years leading up to the recent collapse.

The issue itself is hard. This time around, the tactics of distraction and delay will not work. That is because Americans are smarter than that. They know who the bad guys are.

About 2 years ago, Lehman brothers was one of the first dominoes to fall. Next came Bernie Madoff. Then a handful of other Ponzi schemes came crashing down. Most recently—just yesterday—we witnessed Goldman Sachs, one of the largest and most respected firms on Wall Street, was charged with fraud.

When it comes to financial reform, we know where the problem lies. My Republican friends can try to distract and obstruct all they want, but they will not succeed in confusing the American people. Ordinary folks have had their pocketbooks bled dry by this financial crisis. They have seen their hard-earned savings disappear and their future become dramatically less secure, and they know exactly who to blame.

For far too long, Wall Street banks have been subject to relaxed oversight. As a result, the focus of their business has changed. It stopped being about lending money to businesses, making smart investments, and encouraging free enterprise. When I was in the banking business, that is what we did. I was at the biggest bank in Illinois, the seventh largest bank in America, where we worked with companies, made loans, collected interest, and took the people's deposits in and paid them interest. And we kept the economy going.

Instead, Wall Street has basically turned into a casino. Look at the derivatives market. Here you essentially have an object that is being traded that has no value of its own. It has no ties to the actual economy. There is no product, no business idea, and no actual investment. It is just a high-stakes bet.

Without intelligent risk management, capital standards, and basic rules of the road, these bets have the potential to undermine the strength of our entire economy. Wall Street is a casino gone wild, and they are gambling with our money not theirs. They are making money off of our money.

The American people know this. They can see through the distractions and political posturing. They recognize

the need to reform Wall Street so we can end bailouts, put commonsense rules in place, and make sure we never experience this kind of economic crisis ever again.

I am not sure what my Republican friends hope to gain by blocking our debate on this bill. They say they want to improve it, but that is exactly what we would be able to do once it is on the floor. Maybe they believe they can water down our reform package by dragging out this process. Maybe they would like the chance to hold some more Wall Street fundraisers before they have to take a vote on the legislation itself. Maybe they simply don't have an alternative plan, and they know they cannot win this argument on the floor of the Senate, with the eyes of the Nation on them.

I am not sure what they hope to gain by stalling financial reform. I urge my distinguished colleagues on the other side to please let us move ahead with this process. I urge them to set aside these political tactics and bring their ideas to the table so we can strengthen this bill and make sure our economic future is safe.

I call upon them to join us in debating, amending, and improving this important legislation rather than dragging their feet on a bill that has so much public support.

When we pass this into law, after extensive discussion, it will be a victory for the American people. If my Republican friends join us in this effort, it can be a victory for both political parties, as well. We will all benefit. The American people will benefit.

This legislation deserves to be debated in open session. I ask my Republican friends to let us move ahead. But if they will not, and they continue to delay and obstruct, then I challenge them to come to the floor and explain. I challenge any one of my distinguished colleagues on the other side of the aisle to walk into the Senate Chamber today and seek recognition from the Chair. I challenge them to stand before the American people and tell them why American families should be asked to fund Wall Street's recklessness and greed.

I want them to explain that, Mr. President. I believe we need to end these practices. I believe we need to take up the issue of financial reform without delay. If my friends on the other side disagree, it is their privilege to do so. But I believe they owe the American people an explanation. I am pretty sure it will be very difficult to explain to them why they are holding up this important piece of legislation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am delighted to join in this debate, and I invite my friends on the other side to listen to what the people in communities in our home States are saying, who don't spend time soliciting funds on Wall Street.

Let's be very clear: We all agree we need to hold Wall Street accountable for the havoc wreaked on Main Street. We all agree we need to enact reform to prevent another financial crisis. Where we disagree on is what the responsible reform looks like. I have real concerns that, in its current form, the Democrats' bill, written with the White House, is a massive government overreach that will punish Main Street, hurt families, and cost jobs by stifling small businesses and entrepreneurs.

To sum it up, Democrats want to treat Main Street, our community banks, our farm lenders, and our auto dealers like they were Goldman Sachs or others on Wall Street. We Republicans want to ensure we fix Wall Street, without crippling Main Street. The only way to do that is to force the Democrats to listen to the concerns of Main Street, to open this up and make it a bipartisan process. It has not been, and it isn't going to be until we get some discussion and real substantive changes in what I view as a very dangerous bill to the economic climate and health of our country, our States, our communities, and the creation of jobs.

Today, let me share with you some of the concerns I have heard from Main Street. Like families in every community and every State, small businesses were the victims. They weren't the perpetrators of the financial crisis caused, among other places, on Wall Street.

Small businesses were not responsible for the financial crisis and should not be treated as if they were. But that is exactly what this bill does. This 1,400-page bill reaches far beyond Wall Street and will impose new costs and onerous new regulations on small businesses to fix a problem they were not responsible for causing. In short, this bill would change the way every American does business.

We are not just talking about changing the way Wall Street banks do business, but also how every community banker, local dentist, farm lender, and auto dealer does business. I urge my colleagues to take time away from the floor and listen to the people at home. They have a very different message than that which we are hearing from our friends on the other side of the aisle.

These concerns are not just Republican concerns. I hope my colleagues on the other side of the aisle are also hearing from their constituents back home about disturbing provisions in the Democrats' proposal and have begun to agree with Senate Republicans that there is a lot of work to be done before we bring this 1,400-page monstrosity to the floor.

Don't misunderstand me. Like the nearly two-thirds of all Americans who favor some sort of reform of Wall Street, so do I and my Republican colleagues. But we need responsible and bipartisan reform that all Americans and businesses can be proud of. I want to work with my friends on the other side to ensure that the concerns I have heard from Missourians—1,000 miles away from Wall Street—are addressed as the process moves forward.

First, I continue to be stumped that any real form of our financial system could ignore Fannie Mae and Freddie Mac, which were significant—if not the majority—contributors to the financial crisis. But that is what this bill does. That is a mistake, and so is leaving out the rating agencies who gave triple-A ratings to bad paper that was foisted on the system.

Fannie Mae and Freddie Mac—these government-sponsored GSEs—contributed to the financial meltdown by buying high-risk loans made to people who could not afford them. In addition to the cost to taxpayers, these irresponsible actions turned the American dream into the American nightmare for too many families who faced foreclosure, lost their homes, which devastated entire neighborhoods and communities as the property values diminished, as well as the credit rating of the families displaced.

Responsible reform must address the GSEs. Responsible reform would put an end to the taxpayer-funded bailout of Fannie and Freddie and refocus them on promoting affordable housing.

Next, it is critical that in reforming Wall Street, we are not punishing Main Street. Instead, we should be protecting small business startups that are so critical to job creation.

Unfortunately, this bill will kill small business startups. While title IX of the Dodd bill has been little noticed, it would have devastating consequences. Specifically, this provision would kill small business startups by delaying and limiting the availability of private investor seed capital, which is essential for the survival and growth of these startups.

Through new, burdensome regulation by the SEC, innovators and entrepreneurs would be subject to registering with the Commission for a 4-month review before they could get out and start soliciting money. This tying up of vital venture capital dollars needed for immediate use by small businesses would cripple their startup efforts. This is not a measure that will protect people from Wall Street. This is not a measure needed because venture capitalists and small startup entrepreneurs and innovators were causing the crisis. No, they are part of the solution of the jobless problems we have now.

This provision is an overreach by the Federal Government, which would shut down the job creation that Main Street provides, which this country desperately needs. Raising the net worth

threshold for those who can invest in these venture capital firms to $2.3 million from the existing $1 million, and raising the annual household income threshold to $450,000, as the Dodd bill proposes to do, would disqualify two-thirds of the current accredited investors, according to the Wall Street Journal, who otherwise would help fund small startups in our communities. These are the people whom these innovators and entrepreneurs have to go to, and this will make it impossible for them to get the money they need. Therefore, some woman, some man with a great idea is much less likely in your hometown to be able to get the funds she or he needs to start a business.

I believe strongly—and I have always said and will continue to say—that small businesses and the startup companies are the backbone of our country. I understand the critical role these so-called angel investors can play in the creation and development of new companies, small or large. Let me tell you about my position. Right now, in Missouri, I have been working to help build an agri-biotech corridor across the State. In Missouri, we have the potential to foster a whole new industry in advanced agricultural research and biotechnology. This agriculture research and biotech industry is our best opportunity to stimulate and create high-paying skilled jobs in rural Missouri, rural America, and in the cities as well.

The stimulus these biotech companies are spurring in Missouri is also happening in other States across the Nation. According to the Kauffman Foundation, located in Kansas City, between 1980 and 2005, companies less than 5 years old accounted for all—all—net job growth in the United States. As a matter of fact, the same study showed that in 2008, angel investors provided roughly $19 billion in more than 55,000 companies. You are going to put an end to that with this bill?

Let us go back and think about it before we bring this monstrosity to the floor. The new bill, if enacted, would deny immediate access to capital. If enacted, it would say to innovators and entrepreneurs: You are too small to succeed, too small to survive. That is far different from what this bill was promised and promoted as doing—stopping too big to fail. Yes, I am going to see in my communities and you are going to see in your communities too small to survive. That is not where we should be going.

Killing small business startups and jobs on Main Street is not the only unintended consequence of the Democrats' current proposal that has come to light. Caught up in the Democrats' fervor to pass a bill—any bill—without careful consideration, are members of the U.S. military and their families. Last week, I heard from active-duty and retired military members who fear this bill would hurt their financial security. You see, under the Democrats' bill, United Services Automobile Association—USAA, a financial and insurance provider for members of the U.S. military and their families—would, after an 87-year track record, no longer be able to manage their own portfolio.

Also as a result of the Dodd bill, this company that serves our military and veterans would have their ability to offer certain competitive products to servicemembers and their families jeopardized and their ability to return money to servicemembers and their families limited by this massive expansion of government authority. This must be fixed. I would urge my colleagues to listen to the military and veterans and their families in your States. See what they think.

Unfortunately, the unintended consequences of this bill keep piling up. The next major concern I have heard from Missouri community banks that provide critical lending to families and small businesses is the creation of the so-called Consumer Financial Protection Bureau—CFPB. This massive new government bureaucracy has unprecedented authority and enforcement powers to impose mandates on any entities that extend credit. We are not just talking about big Wall Street banks here but also your community banker, your local dentist. Dentists are telling me that if they offer credit, they would be regulated. Farm lenders would find it very difficult for them to be able to operate to make their farm loans and to be able to hedge the risk that they normally do. Auto dealers can sell cars only through the benefit of private sector financing. As a result, there will be no choice but to pass the costs on for this financing, if they can get it, to the consumers—the very people this bill is supposed to protect. And it may cut some of them out of getting credit altogether.

The National Federation of Independent Businesses, a strong voice for small businesses, voiced their serious concern over the creation of this new bureaucracy. I am sure you all have received it, but if you have not, I would urge you to check your mail, because the letter from the NFIB to Congress says:

> These small businesses had nothing to do with the Wall Street meltdown and should not be faced with onerous new and duplicative regulations because of a problem they did not cause. Further, as the most recent NFIB Small Business Economic Trends survey shows, small businesses continue to struggle with lost sales, and such regulations could make these problems worse—stifling any small business recovery.

In other words, they are saying: We do this and small businesses are going to be even less likely to be able to create jobs. We have already put too much debt on the Federal books. We are threatening to increase their taxes by a tremendous amount, and now we see regulations that are going to interfere with their normal credit operations. That is a cause for concern.

This very high unemployment the stimulus bill didn't touch, other than getting more people working for the Federal Government. It was supposed to bring our unemployment rate down to 8 percent, but it is going to continue to fail and fail miserably if we stifle the ability of small businesses to create jobs.

The only way to ensure that the CFPB does not unintentionally hurt Main Street but still protects consumers is to narrow the scope and authority with clear language outlining exactly who this new regulator will regulate and what it will do. Instead of unlimited authority, this new regulator should focus on the shadow banking entities operating outside of the regulatory framework and preying on vulnerable people. The banks and the savings and loans that issue loans are regulated by government regulators. Are the people who are making these large loans, such as home loans, regulated? In a lot of areas they are not. CFPB could look at those.

I proposed 2 years ago a mortgage origination commission to make sure everybody originating mortgages was regulated by some appropriate State agency. Well, we haven't done it. We also need to ensure that we are not empowering, through this new government agency regulator, the same organizations which pushed home ownership at any cost onto families who could not afford to repay their loans. This is one of the key problems we had. People who couldn't afford homes were told that they could get them with no downpayment, even if they had bad credit. If they didn't have the money to have a home, they were told they could have a home anyhow. These are the people who saw their American dream turn into the American nightmare. These are the people whose houses were foreclosed, their families thrown out, their communities devastated, and ultimately the entire network of not only America's financial system but the world's financial system brought down by this bad paper.

Surely, my colleagues would not want to vote for a bill that creates a new government bureaucracy without knowing exactly what the bureaucracy is empowered to do and if it will take on the real bad actors who got us into this mess. This CFPB is a perfect example of how the ''one size fits all'' of this hurried legislation will have unintended consequences for those who did not contribute to the financial meltdown. Treating community banks like Goldman Sachs is a mistake, and one we cannot afford to make.

If we are aware of these unintended consequences now, why won't we correct them now? Why do my colleagues

want to bring these unintended consequences in the bill closer to being codified into law on the Senate floor? If you want to have some real consumer protection, I purchased several homes, as we have moved around recently, and I can tell you that the best thing we can do for consumer protection is to repeal all the laws that require a stack of paper that high that you are supposed to sign saying you have read it. Have consumer protection with a very simple one- or two-page form. I have talked about that before. That is simple consumer protection. Let people know, for people who are not adequately informed on financial situations.

The one thing we found out when I joined with the chairman of the Banking Committee, Senator DODD, in pushing home foreclosure counseling, as we worked with agencies that were counseling people who were losing their homes through foreclosure, is these agencies were crying out and saying: We need financial counseling for these people before they get into homes. That is the best way to avoid foreclosure. Let us go back to that. It sounds simple, but it happens to be the thing that would work.

I doubt my Democratic colleagues intend to pass a bill that will hurt families every time they turn on the light switch or try to heat their home, but that is what this bill in its current form will do, once again, trying to go for the easy one-size-fits-all approach to entities that it does not fit in any way. The $592 trillion over-the-counter derivatives market needs stronger rules of transparency on the things that are run through Wall Street. Some of these derivatives traded in this market played a significant role in the recent crisis, through products such as credit default swaps.

I have called these derivatives computer game derivatives. They were so complex. They were something somebody thought up and ran through a computer. You know what. Our regulators fell down on the job. They didn't look at these derivatives. They were not transparent. They were not regulated. Some of that is the fault of the regulators, who are now scrambling to come in and file suits. They are supposed to regulate and make sure that these products that are complicated are fully transparent and related to reality and go to those who are at least sophisticated. You can't guarantee that they win or lose, but at least know what they are; make sure they are clearly understood by everybody; get the rating agencies to judge them independently, not as captured entities for the people who issue them and will pay the rating agency if they get the rating they want.

But there is an important distinction between the computer game derivatives or the very sophisticated derivatives that are traded on Wall Street. You can make good financial arguments for them, so long as they are traded on an exchange—the Wall Street derivatives, so long as somebody is looking at them to make sure there is some integrity in them. But not all derivative contracts pose systemic risk. As a matter of fact, commercial contracts initiated by energy companies, utilities, and the agricultural industry are used to manage risks associated with their daily commercial operation, from cost fluctuations in materials and commodities to foreign currencies used in international business. These end users, these commodity hedgers, make up less than 3 percent of the market.

I don't know of any farmer or any farm agency or any utility who caused the crisis on Wall Street by entering into a long-term supply-and-purchase contract. There is no reason to make this be traded on an exchange when you have an ongoing partner; no reason to acquire collateral to be posted. The end users, as they are called, do so in order to plan for future pricing so they can provide the least expensive goods or services to the consumer as possible. Costly margin requirements for the end users will be directly passed on to their families. Guess who pays for that? That is us. That is us. Because all Americans will see their costs go up whenever they turn on their lights, put food on their table, and use any form of transportation—whether it be cars, trucks, buses, or airplanes. This is a problem that must be fixed.

For the purpose of my time on the floor, I won't go into each and every problem I have heard about in the bill. I have only been given minutes to speak rather than hours. But the current concerns I have outlined are critical. The unintended consequences on which I have shined a light must be stopped. Americans do not want another massive flawed bill that will kill more jobs, make it harder to get a home or car loan, or make it more expensive to heat their homes.

Yes, Americans are rightfully angry and frustrated about the bad actors on Wall Street who caused the financial crisis, costing many Americans their jobs and even their homes. Americans are rightfully angry and frustrated about the trillions of dollars the government has committed to rescuing the financial industry when so many of them are still struggling to pay their bills. These are the people from whom I am hearing. I agree with the majority of Americans who believe it is unfair for bad actors who caused this financial crisis to get bailed out with their tax dollars—with our tax dollars—when there is no bailout for families who lost their savings or jobs. I agree with the majority of Americans who are rightly skeptical of the Democrats' bill and the rush the majority wants to pass it in. It is no surprise that my constituents are skeptical. After all, it is the few bad actors on Wall Street who caused the financial crisis who are now cheerleading this so-called reform bill.

I was stunned when I read that the head of the investment bank Goldman Sachs, Mr. Blankfein, said, ''The biggest beneficiary of reform is Wall Street itself.'' The head of Goldman Sachs said that the biggest beneficiary of this reform bill is Wall Street. Did you hear that, everybody who has been looking at Goldman Sachs? I also understand that Citigroup now supports this measure. They are huge Wall Street players who have had access to the White House and the majority leaders of both Houses to push for all the good things this bill does for them. They are the ones who have been in there. They are the major contributors. Look where the money goes. If you want to say: OK, who is looking for contributions, look at that and see what is in the bill.

This bill clobbers Main Street and it glances off of Wall Street. Instead of helping Wall Street, I want to ensure a bill is passed that will protect Main Street. While Wall Street may be cheering this bill, I am here to ensure this bill represents Main Street concerns. What I am hearing from Main Street, they are concerned, and it doesn't address their concerns, it puts more burdens on them. I urge you, I ask you to listen to the folks at home.

We need to hold Wall Street accountable for the havoc wreaked on Main Street and enact reform to prevent another financial crisis. This bill is too large, too costly for consumers, and will kill job creation at a time when working Americans need to be left to do what they do best; that is, succeed.

My friends on the other side of the aisle can hold vote after vote, but until this bill fixes the problems and I can be sure it is not just Goldman Sachs, Citigroup, and the rest of Wall Street that will benefit, I will continue to force Democrats to listen to the concerns of Main Street America.

I urge my colleagues to turn up the hearing and turn down the volume and listen to what the people in your States are saying.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. REED. Mr. President, yesterday we and the nation heard from Goldman Sachs executives indicating they had no regrets about the financial crisis, a crisis that has left 8.5 million people without jobs and stripped billions of

dollars of retirement savings from working Americans. In fact, the Pew Institute released a study that indicates the financial crisis and recession have already cost U.S. households $100,000, on average, in lost wealth and income. That is a huge blow to the families who are struggling to pay for their retirement, to pay for their children's education, and provide a better life for themselves and their children.

We have seen, in the last five quarters, because of this financial crisis associated with and connected with the recession, $648 billion less in gross domestic product than was projected initially—$648 billion of productive enterprises. The cost of this crisis is something we all should not only recognize but commit to preventing in the future. We also should calculate the cost not just in terms of gross domestic product and how well executives on Wall Street are doing, who are doing pretty well, but how well the average family in this country is doing, and how well they will do in the future. We must consider how much in terms of their wealth has been diminished, if not lost, in rebuilding our economy.

One of the major functions of any financial sector in any part of the world is to efficiently allocate capital to grow domestic product—not to reduce it—to invest in productive enterprise and employ people. The financial sector shouldn't undercut companies or force them to lay off workers. All of this, in the last few months, I think has represented a failure in that basic function of making sure capital is accumulated and then efficiently allocated to productive means.

So Wall Street, I think, has a lot to regret about their role, and we have a lot to do to improve the situation, to ensure the regulatory structure is in place, and to set clear rules for the conduct of financial business that will protect families, protect consumers, and protect the taxpayers.

This is the third time our colleagues on the other side have blocked such efforts to begin the discussion. We recognize this is a complex topic, with many different parts: credit rating agencies, capital requirements, financial institutions, derivatives. You can go on and on and on. So anyone who implies they have all the wisdom, I think, will find themselves sadly mistaken. But we have to get on with this bill because unless we bring the bill to the floor, we cannot begin to, in the open, talk about those policy issues that people can disagree on—people have different approaches—and ultimately resolve this and create a better regulatory structure and a stronger foundation for our economy.

But in the last several days, this has been, again, ''say no and the problem might go away.'' Well, if they continue to say no, the problem will get worse. We are looking across the globe today at a crisis in Europe because of Greek sovereign debt. It is spiraling. Already, Spanish debt has been downgraded. If we think we are immune from these global currents, both good and bad, we are mistaken. If we do not put in a stronger structure of regulation, the next crisis might not be starting on Wall Street, but the impact on Main Street could be the same, and it could be just as devastating.

We have to look forward. We have to move on. The notion that we have all the time in the world and we can sort of nonchalantly go about our business—or in some cases, if it is a political judgment that it is better to resist—is not serving the people of this Nation well.

We recognize there are principle differences. Let's resolve them, as we do on the floor through debate, through discussion, and through a vote, and let's move on. We have a lot of work to do. The underlying bill Senator DODD has brought to the floor already incorporates so many of these disparate views, and I think in a very sensible way.

Let me, for the record, recall that legislation like this has been pending for months and months and months. The Presiding Officer will recall—because he participated with me in the first markup last November—Senator DODD brought a bill to the committee, opened it up to amendment, and it was quite clear there was going to be no serious discussion. In fact, our colleagues on the other side said: We need more time. We want to participate with you. I think it was done with great sincerity. Senator DODD entertained those proposals for months. From November until a few weeks ago, we were working collaboratively and creatively to try to bridge our gaps and bring a bill to the floor.

Well, finally—and somewhat in exacerbation—Senator DODD concluded this was leading nowhere, except to more delay, if not denial of the great problem we face. So we had a committee markup. Again, it was an opportunity for our colleagues on the other side to bring forth their proposals, their ideas, in a markup in which we would be able to consider their views, vote on them, and then move that bill to the floor. But it was a perfunctory session. They had concluded that, no, they were not quite yet ready to offer their proposals, their ideas, and to engage in the business of legislation.

So now the bill is before us, months after we started this process, months after we have entertained and incorporated proposals that have been made by our colleagues because they are very good proposals. It was Senator CORKER and Senator WARNER—who have done an outstanding job—who structured the whole issue of resolution, that there would be an upfront fund so that financial institutions—not taxpayers—would pay for the failure of a financial institution.

Yet when that bill was brought to the floor—or we attempted to do it—that provision, that bipartisan provision was singled out for, shall we say, criticism, if not ridicule, as a perpetual bailout bill. That was a misrepresentation of the bill and it, frankly, contradicted the whole effort, the whole bipartisan effort to come up with something that both sides could support.

But this bill incorporates so many different ideas and aspects that have been shared. In fact, it was interesting, in the lead up to this floor consideration, so many times on both sides of the aisle, people would say, routinely: well, we agree on 80 percent of the bill. I think if you have 80 percent of the bill agreed to, at least conceptually, you are probably ready to bring the bill up for debate and to vote. Yet again, the Republican side refuses to do that.

They are, I think, assuming, I guess, they have a lot of time. But as you look around the globe, at the crises in Europe, at the stock market falling dramatically yesterday because of Europe, I think we have to move aggressively to protect American families, and that means getting the bill on the floor and voting for it.

This bill will make changes that are urgently necessary. Again, the issue of too big to fail—through the extraordinary effort, painstaking effort, the hours of discussions by Senator WARNER and Senator CORKER, there was a proposal for resolution that effectively ends too big to fail. In fact, Sheila Bair, who is the Chairwoman of the FDIC and was appointed by President Bush, says it virtually eliminates the possibility of a taxpayer bailout. So that is part of it. Strengthening consumer protection. There has been, I think, an unfortunate generalization that consumer protections are bad for business. Frankly, we should have discovered in the last several months that good consumer protections are very good for business. Many of those consumer laws—which would have protected people seeking mortgages—which were ignored or exempted would have, I think, improved dramatically the mortgage situation. It would have improved business. It would have made that overriding issue of efficient allocation of capital much easier.

But when you have very little protections for consumers, they are at the mercy of people who will exploit them for a quick buck. And that is what happened. Mortgages were given to people who were not qualified. Why? Because no one was watching out for them. But not only that, the individual issuing the mortgage did not have, as they say, any skin in the game because they simply sent it in to the big securitization process. Someone got a fee for securitizing it. Someone wrapped it up into a big mortgage-backed security.

Someone else wrapped it up into a collateralized debt obligation, which is a collection of securities. Then someone else wrapped that up into a synthetic collateralized debt obligation and sold it off. Not a lot of efficient allocation of capital for productive means, but a lot of fees for investment bankers, securitizers, and mortgage brokers. At the very beginning, good consumer protections would have been an effective way to mitigate some of that damage. They are in this bill.

We are attempting to eliminate huge gaps and loopholes in financial regulation. Our regulatory scheme has grown up over many years, in fact, through the life of this country. So we have a national bank authority that was created in the 1860s. We have an Office of Thrift Supervision that was created many years later because of thrift institutions. We have the FDIC, which was created in the 1930s by Franklin Roosevelt as a result of the Depression and the need to insure deposits. We have the Federal Reserve System that monitors local banks and large banks that was created in the Wilson administration.

All of them have a little different piece of the action, and all of them have been routinely used in what is termed regulatory arbitrage, to move to the most favorable position for your business, which may not be favorable to the overall economy. Some of the big mortgage lenders that ultimately collapsed started off being regulated by the Office of the Comptroller of the Currency, and then they decided they would have a better deal at OTS. Frankly, if they had an opportunity—if they were still with us—they would be looking elsewhere. Hit and run, I think, was probably the business plan. We have to stop that.

This bill takes a strong step forward, consolidating that supervision, by consolidating the Office of the Comptroller of the Currency and the Office of Thrift Supervision, by limiting the supervision of the Federal Reserve over a countless number of small banks, and concentrating their efforts at the big institutions, where their expertise and their focus should make a difference.

This is a huge improvement over what the present system is. Yet our colleagues are not recognizing the need to improve and the need to move forward. We have been engaged, through Senator LINCOLN and Senator DODD, with derivatives legislation, which, for the first time, recognizes and regulates those derivatives. There was a great debate here in the 1990s, and through that debate derivatives were left unregulated. Today we have to recognize we have to put them back under regulatory supervision.

The legislation creates the steps, the architecture, which will go a long way to prevent some of the problems we have seen. It requires reporting all derivative transactions to a data repository which the regulators will have access to so they can see firsthand in real time what is happening out there. Is there a big buildup in Greek debt? Are there huge positions in credit default swaps on Greek bonds? They can quickly get a macro sense of what is happening.

Then, with limited exceptions, all derivatives have to be cleared on a clearing platform. That takes away the bilateral nature of transactions. Someone says: I will sell you insurance on this interest rate for a fee. You give me the fee, et cetera. That is bilateral. If one of these parties is unable to carry out its obligations, the transaction fails. In a clearing platform, there is a central party that assumes the risk of one of the parties failing. It is a mutualization, really, of risk, and it is a step forward.

But we have to step even farther than that. We have to push as many of these trades onto a trading platform, not just clearing it and holding collateral, but actually pricing it. Because of the complexity of some of these products, unless there is a market, no one knows the real value. On a trading platform, there is a market value and people can value it because basically if someone will buy it, that is the value. So we have to do that. This legislation goes a long way to doing that.

With respect to credit rating agencies, one of the great failures is the credit rating agencies. As to all of these exotic mortgage products that collapsed in value, most of them were rated investment grade—AA, AAA, according to whatever the rating is—and yet they failed. Part of it was because of the way credit rating agencies operate.

Senator LEVIN conducted recently some very good hearings on this issue. The familiarity between the investment bank that is bringing the product to the street and the raters, the interconnectedness, the failure to have the appropriate checks on the models that raters were using, an independent risk analysis within the rating agency that is going to look at these models not for the benefit of who is paying for it but for the propriety and correctness of the model. That is in the legislation.

We have done something else too: We have inserted language that would allow someone who has invested their savings through a pension plan or other method to go to court and make the case that they should find out what happened within the rating agency with respect to the poorly rated investment that caused them to lose their savings. Today, these cases are routinely dismissed before anyone can question the rating agency. Our legislation would allow them to get beyond the pleadings stage. But it would also give the rating agencies an affirmative defense. They would have to factually check their models. They would have to actually look at some of these mortgages. Frankly, this might be 20/20 hindsight, but if someone drove out to one of those counties in Florida where there were all of these exotic mortgages but no one seemed to be living there and the communities were deteriorating, I think they would pretty quickly check their rating. That appears not to have been done.

For the first time, hedge funds are regulated. They would have to register with the SEC and be subject to registration, notifying the SEC of the size of their pool and other basic information.

Well, we have had months of opportunities to share additional thoughts and work together to amend the bill in committee, which was not done, but, more importantly, to begin today—in fact, we should have begun last week—this issue of finally passing a Senate bill that responds to the crisis we saw; that builds a stronger foundation of financial expansion; that protects consumers and taxpayers as well as leads to the increase in the wealth of families, not to the dramatic decrease and decline we have witnessed because of some of these forces at work today in the marketplace on Wall Street, which still have to be addressed.

There will be parts of the proposals that come up that will be an attempt to weaken some of these provisions, particularly with respect to consumer protection. Again, I think it flows from the false logic that if it is good for consumers, it is bad for business. Actually, I always thought, in smalltown business, the customer is always right. You believed the customer, made sure you provided value for your product, and made sure he or she would come back because they were happy and satisfied. Apparently, that old-fashioned rule has been tossed out, but I think that old-fashioned rule has to be reestablished.

We have seen, as a way to deflect attention from the need to reform and the need to move this legislation, misrepresentations about the bill. I mentioned one: It is a bailout bill. Well, I think that has been dropped because it was transparently misleading. Indeed, this bailout mechanism was a bipartisan product of two of our distinguished colleagues, Senator WARNER and Senator CORKER. Now we are at the old standby: It is going to hurt business. I will tell my colleagues what has hurt business, and that is the behavior on Wall Street.

I can recall that several years ago there was a study by the McKinsey Company that said that if we did not loosen further the already, I think, lax rules, we would lose all the securities business; all of Wall Street would go to England or other places; we would lose thousands of jobs. Guess what. They have lost, unfortunately, thousands of

jobs there. And it wasn't because regulation was too stringent; it was because it was too lax.

Again, if there is any case to be made for what hurts business, it is irrational allocation of capital; lax rules with respect to consumers; a market driven not by value but by compensation, not by long-term growth but by short-term profit. That is what has cost every family in America $100,000.

So if we move purposely and with the input of our colleagues, which we have already accepted, we can establish a framework where business will begin to grow again. So I reject the argument that what we are doing will hurt business. In fact, I think this uncertainty of whether we will have this reform or that reform continues to, at least to a degree, impede capital formation and to impede investments in the country. When there are clear rules of the road, then the economy will again begin to pick up, as it is beginning to pick up for other reasons.

If we don't take up this bill, work on it, and pass good legislation, who wins? Well, I will tell my colleagues who wins. It is the big banks that have survived this crisis today, that are reporting record profits. What are they making their money on? Giving loans to small business men and women across America? Investing in municipalities? No. They are making huge profits in trading—betting, in some respects, on how the economy is going to do. Well, we need a situation in which capital is dedicated to growth and to investment and productivity.

The speculators will continue to reap billions of dollars of profits. I am sure there are several clever people who are doing quite well over the demise of sovereign wealth in Greece, who have taken short positions on Greek bonds and are making a lot of money. That is not helping us, it is not helping the country, and indeed it is not helping our trading partners across the globe. That, unchecked, will continue.

The opaque and unregulated market that I just referred to in derivatives, a $600 trillion notional market. When you talk to people about clearing of derivatives, it is not billions, no; it is trillions of dollars. That market is unregulated, and if it goes the wrong way quickly, the consequences can be devastating. We have seen that with the mortgage crisis.

So we have to move. We have to move at every level, not just the big banks, but we have to provide appropriate regulation for people in terms of the mortgage industry so those abuses in mortgages will be corrected. We have to go ahead and look at payday lenders who are charging 900 percent interest, who are stripping people of their hard-won resources. We have to look at the credit card companies. We have passed legislation, but we have to look at what they are doing. If those people—the payday lenders and the mortgage brokers—can continue to operate with impunity, the bankers win. Who loses? Well, consumers lose—paying the excessive rates, seeing their homes devalued, all of that.

I think we have to stand up and start the work of legislating. The status quo is no longer affordable, and I think the notion that we will never see another crisis is undercut by looking around. If there are not today some steady hands at the tiller in Europe in terms of the European community and their financial arrangements, the cascading effect of Greece to Spain to Ireland, et cetera, could be another problem we have to deal with.

We have lots of work to do, and the longer we delay, the more we are neglecting the real needs of our constituents. I urge that on the next vote we get down to business.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak on the motion to proceed for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, we have now voted three times—once on Monday, the second time on Tuesday, and a third time today—merely trying to get to the Wall Street financial reform bill. Each time we have been blocked from being able to proceed because we can't muster 60 votes to cut off the debate to get to the bill.

The Republican leadership remains united in opposition to bringing up the bill, at a time in which we have just seen a display of extraordinarily intense, shall we say, arrogance on the part of executives at a major Wall Street firm in the way they conducted themselves in front of Senator CARL LEVIN's investigation subcommittee yesterday in a hearing. It is rather extraordinary that the Republican leadership is not letting us come up with the bill so we can get it out here, debate it, and amend it.

This Senator has a number of amendments that I would like to offer in order to, as we say, perfect the Banking Committee's bill. But we can't even get to that.

I don't know what the thinking of the Republican leadership is that they would do this, especially in light of the fact that the American people want some changes with the way investments are handled on Wall Street. They want to see some movement. They want to see some action. So when we attempt to bring up a comprehensive bill to reform Wall Street and the reckless practices that nearly brought down the global economy, we are prevented from having a free and open debate on the bill and we are prevented from perfecting that bill by adopting amendments.

I guess the Republican leadership's alternative to this, since we can't do it out here in the normal legislative process, is to do this in the backroom, behind closed doors, outside of the sunshine. They want to have a deal cut before it comes to the floor in order to avoid an open and free debate to reform the financial system.

Why do they want to do this? Well, it seems to me common sense would tell us it is because they want to water down the bill. They want to water it down to the point where Wall Street—where we are trying to tighten the screws in order to better regulate them and prevent another near financial meltdown such as we had—will sign off on a final compromise, and that is why they are blocking the motion to proceed to get to the bill.

Does this tactic sound familiar? It is the exact kind of backroom wheeling and dealing the American people have come to resent. The only difference between now and decades ago is that in the old days those deals were cut in smoke-filled backrooms. At least now there is not a lot of tobacco that is being consumed in those backrooms. But what is similar is that the special interests are still calling the shots.

So my plea is that we break this filibuster. Let's get a bill in front of the Senate so it can be in the full light and the glare of the headlights and the cameras. Let's get it in front of the American people and then let's let the legislative process work its will as we amend the bill.

Listen to some of the arguments the Republican leadership, over and over and over, has used. They have said the Banking Committee bill guarantees future bailouts. Well, that is not true. It might be a good sound bite, but it is simply untrue. The Banking Committee bill puts an end to the promise of future bailouts.

The Republican leadership attacks the $50 billion resolution fund created in the bill. This Senator is not convinced we need that fund, and I am certainly not convinced it is going to survive the debate on the floor, but we ought to have some honest debate about that particular provision. The fund is paid for in the Banking Committee bill directly from the coffers of the largest banks. The fund acts, in the way it is devised by the Banking Committee, as a buffer to protect taxpayers so that if there is another breakup, another potential meltdown, the fund is

there—already funded by the banks—so the taxpayers don't have to go in and do the rescue operation such as we have done in the past.

Under the Banking Committee bill, the fund can only be used to liquidate a financial institution, to break it up. In short, it is a funeral tax. It is a funeral tax on the largest banks, not the taxpayers. The $50 billion fund in that Banking Committee bill only gets tapped to pay for their funeral expenses.

So here we are. The American people hear the Republican leadership talking about all this, and it is a red herring. The American people want action, and here we are stuck in procedural gridlock. Guess who the only real winners are. As we sit here, trying to break a filibuster on Monday, again Tuesday, and again today, shortly after noon, the only winners are the Wall Street bankers who have mastered the art of using the broken financial regulatory system to almost bring down the country's finances by deceiving investors and, ultimately, in order to save our system, milking the American taxpayer.

One of the major beneficiaries of the current system is the credit rating agencies. This is a subject matter the Senator from Minnesota—who now sits in the Presiding Officer's chair—has some familiarity with and on which he will be offering an amendment. This Senator is going to join him in that amendment. Credit rating agencies—something that normally is down in the weeds because it is so complicated—are private companies that assess the creditworthiness of various types of debt instruments, such as bonds and mortgage-backed securities, as well as the issuers—rating the issuers of those instruments.

They typically assign a letter grade that is designed to convey the risk of default, and there are three major credit rating agencies on Wall Street: There is Moody's, there is Standard & Poor's, and there is Fitch Ratings. For most of the last century, the rating agencies were paid by investors who subscribed to their services. Why did they do that? Because it made sense. Investors were the ones who were investing their money and they were the consumers of the ratings. They wanted the best information regarding the risk that they would have in that investment.

Well, unfortunately, in the 1970s, all this changed and the business model flipped. The rating agencies began charging the issuers of the bonds, not the people who were seeking to know if it was a good credit risk in order to invest their money. It was reversed. It was the very issuers of the credit, rather than the investors, who were charging for their services. So beginning in the 1970s, rating agencies began to be paid by the very same people who had a vested interest in receiving a high investment grade.

Think about that. The very issuers of the bonds who wanted people to invest their money in these bonds needed a high credit rating on that bond in order to get people to invest. If they could be rated at AAA, as opposed to B, people were much more willing to put their money into this instrument.

Well, talk about a conflict of interest. Now the issuers of the bonds, who have an interest in a high AAA rating, go out and hire the services of the credit rating agencies.

Did you ever hear the old adage, ''He who pays the piper calls the tune''? Well, those who were going to pay the piper were going to call what that tune was. Do you think if you are paying the bill to the credit rating agency that you have a better chance of getting a AAA rating than a lower rating? Of course you do. That is a walking conflict of interest.

How could we allow this unavoidable conflict of interest to exist and allow it to exist since the 1970s is unfathomable and unbelievable. Yet that is the way it is. Credit rating agencies failed miserably in the runup to the financial crisis, and it sure looks like—looking backward—they put profits ahead of professionalism. They failed to detect the severe deterioration in lending standards that began in the late 1990s. They failed to review all available information about the loans on which the securities they were rating were based. The conflict of interest in their business model gave the rating agencies an enormous incentive to overlook problems in mortgage-backed security markets.

In 2006, Congress passed the Credit Rating Agency Reform Act. I put that in quotes, the Credit Rating Agency ''Reform'' Act. The bill was written in the Senate by the Republican leadership, and it had the full sign-off of the credit rating industry. Here is what the bill did—2006. It standardized the process for registering rating agencies, and it gave the SEC some new oversight powers over rating agencies. At the same time, however, this so-called reform act prohibited the SEC from regulating ''the substance of credit ratings or the procedures and methodologies by which any rating agency determines credit ratings.'' It gutted the ability to double-check credit rating agencies.

Furthermore, to add insult to injury, the act also clarified that it creates no private right of action. So if a party invested in a particular financial instrument because that credit rating was high, and it turned out to be a dog and they lost lots of money, they had no private right of action through the courts.

No wonder the industry supported that legislation back in 2006. The bill, written by the Republican leadership, took away any power of Federal regulators that they might have had to crack down on the baseless credit ratings that were fueling the boom in subprime lending. To make matters worse, the bill made it clear it was not empowering the private sector to hold the credit rating agencies liable for their ratings.

The bill we hope one day, at some hour, to get to the floor so we can start working on it does some important things to improve credit rating agencies. It requires these agencies to disclose their methodologies and their ratings track record. Wouldn't you think you would want to know their track record if you are going to invest a lot of money based on their triple-A rating? It requires agencies to consider information in their ratings that comes from outside sources. But when it comes to addressing the fundamental conflict of interest in the credit rating agency business model, this bill coming out on the Senate floor falls short.

It would require the rating agencies to separate ratings activities from their sales and marketing activities, and that is like saying my left arm has no idea what my right arm is doing. In reality, it is the brain in your head that controls both the right arm and the left arm, and no one is proposing to chop off the head. So we have to deal with this conflict of interest, and we are going to. Here is what we are going to do.

We are going to do this with the help of the Presiding Officer of the Senate. We are going to offer an amendment that would establish a clearinghouse to randomly assign rating assignments with rating issuers. As simple as that, we can end the conflict of interest in the credit rating industry if, randomly, it is going to be assigned among companies that rate issuers of financial instruments.

Second, this Senator is going to offer an amendment to require the rating agencies to monitor, to review, and to update their credit ratings after the initial issuance of their credit rating so it does not become stale. They are going to have to continue to look at it, to review it, to update it, and to publish it. The rating agency should not be able to walk away from a rating after it has been issued. It is going to be fresh. The rating agencies ought to conduct continued surveillance of these securities and update them along the line.

The credit rating agency reform is just one of the many areas the Senate needs to debate. But as long as the Republican leadership continues to prevent the bill from coming to the floor, this broken system remains in place. The Wall Street bankers win and the American public loses.

Let me give some other examples. Remember the name ''AIG''? It was this Goliath organization that started out as an insurance company. It became this huge financial institution.

The core product of this company was its insurance. It was deemed too big to fail at the time of the near meltdown of our financial system. This was back in the fall of 2008.

It was deemed that when we passed the Troubled Assets Relief Program, TARP, that money had to go into this big, Goliath organization, all the way to the tune of about $80 billion of taxpayer money, as I last recall. It may be a lot more than that.

Guess what this did. They had already issued, in effect, an insurance policy that had a fancy name. It was called a credit default swap. It was an insurance policy against some of the companies if their investments went bad. That is not bad. But what happened was, when the American taxpayer dollars went in to save AIG, AIG took those taxpayer dollars and turned around and paid off those insurance policies, 100 cents on the dollar. Is that fair, when folks like some of these folks who have been in the news recently, such as Goldman Sachs, got paid off to the tune of $13 billion instead of going in and negotiating a lower payoff since it was taxpayer money? We ought to change that, and I think we will if we can ever get to the bill, if the Republican leadership will ever allow us to get to the bill.

Let's take another example. What about the same insurance policies called credit default swaps? Let's say the same set of circumstances with AIG occurred, but AIG had not been bailed out by the American taxpayer and instead had gone into bankruptcy. AIG, in this hypothetical example, had a lot of creditors that would get in line under the bankruptcy law to get whatever they could. But, oh, no; these insurance policies called credit default swaps would be exempt from the bankruptcy laws. They would get paid off in full first instead of having to get in line with all the other creditors under the bankruptcy law.

That is not right. This Senator is going to have an amendment to the Banking Committee's bill to correct that. There is no reason those insurance policies should be at the head of the line of everybody else in the case of bankruptcy.

Are we pleased about the executive compensation of some of these folks who have nearly caused the financial collapse of our country? When taxpayer money, through the TARP system, was bailing out these institutions—whether it was directly, such as into AIG, or directly into a place such as Bank of America, or whether it was indirectly coming through these credit default swaps that were getting paid off 100 cents on the dollar that I just described, through the conduit of AIG—what was happening to the compensation of those executives? Were they still getting bonuses? Were they still getting high salaries? Were they having to tighten up their belts when, in fact, their financial institutions were kept alive by the American taxpayer bailing them out?

No, we didn't see that tightening of the belt. We did not see any evidence of humility. We didn't see any evidence of appreciation. But, instead, we saw arrogance displayed through huge bonuses that were being given with a total disregard for the American people's sacrifice, of putting their hard-earned taxpayer dollars in to save those financial institutions.

Mr. President, I think you will see once we get out here on the floor that we are, in fact, going to get a number of amendments, including the amendment of this Senator, on a limitation—not on executive compensation but a limitation on the ability to deduct from their tax liability excessive executive compensation, and a tie of that excessive executive compensation to, in fact, performance for that company that pays their salary. We are going to see that. Sooner or later, we, in fact, are going to get to the bill, even though the Republican leadership continues to try to obstruct and delay because sooner or later the American people are going to have their way. They clearly want Wall Street financial reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to speak on the financial regulatory reform, and particularly the effect of the Dodd proposal that came out of the Banking Committee on which I sit, that we have been voting on cloture on for this whole week.

I heard Senators from the other side talk about delay; the Republicans are delaying this bill. I have heard them for the last week say it is because we are siding with Wall Street, Republicans are siding with Wall Street.

That is odd to me because it is the Wall Street big banks that are for this bill. It is Citigroup, it is Goldman Sachs that are in support of this bill. They are publicly supporting the bill.

It is the community banks that are flooding my office and the offices of my colleagues. It is the community banks that had nothing to do with the financial meltdown that are hugely concerned with this bill.

That is the issue. The groups that are opposing Dodd's bill are the National Federation of Independent Businesses, the small businesses of our country; the U.S. Chamber of Commerce; Americans for Tax Reform; the Americans for Limited Government; Freedom Works; the National Taxpayer Union; the United States Automobile Association.

We have had auto dealers in our offices all week who are very concerned about not being able to get credit from the little banks and the ability to finance the buying of automobiles. It is the Military Officers Association that has concerns with this bill; the National Council of Farmer Cooperatives; the Farm Credit Council; the National Association of Home Builders; the Fertilizer Institute.

This is a bill that is going to affect our economy. So many of the groups I have named are the groups that are providing jobs in our country that we want to encourage to create more jobs, not discourage in a time such as this. So, yes, Republicans have been trying to have input on this bill. There has not been any Republican input at all. If we have learned one thing as Republicans, it is that we know what it is like to be completely shut out. We were completely shut out of the health care debate. We had amendments offered day after day after day. Oh, the process worked. Not one Republican amendment was passed. Not one. Neither was there one Republican vote in the House or Senate on the health care bill. So we have had that experience. So this time, because we see the dangers in the Dodd bill to our economy and the small businesses and the small banks, we are saying we are not going to let this bill go to the floor if we have the power to stop it until there is Republican input.

The biggest failure in the bill is that it still allows taxpayer bailouts. That is wrong. That is why Republicans are voting not to bring it up yet, because we are trying to change the language in the bill before it comes to the floor to assure that the taxpayers will not have the responsibility to bail out big financial institutions that took gambles with other peoples' money. That is the holdup.

This bill is not a bill that is favored by community and little banks. It is favored by the big banks. It is favored by Goldman Sachs and Citigroup. So let's be clear about that. As we consider the bill before us, the Dodd bill, it should focus on the gaps and holes in regulations that led to our nation's financial crisis from which we have not yet recovered, because there are still millions of people who are unemployed because of the financial crisis.

We must end too big to fail. We must end taxpayer bailouts. That is not done in this bill, and that is why Republicans are saying: Stop this bill from coming to the floor until it does at least that one major thing; that is, to be clear, that we stop too big to fail in this country.

Putting the big banks in one level of operation and scrutiny and one level of access to the Fed, which this bill does, the Fed keeps its scrutiny of every bank company holding company of $50 billion or more in assets. That is it. All of the other banks in our system throughout our country are not allowed access to the Federal Reserve. They cannot be members of the Federal Reserve under the Dodd bill. That is

the major reason I am not supporting this bill.

In fact, I have an amendment, if this bill comes to the floor, I am going to offer that says the law today will prevail, that is, that community banks may join the Fed, the State-chartered banks may join the Fed, because if you do not do that, you are going to give the impression that the $50-billion-and-above banks are in one category, that they are going to be taxpayer protected. That means they are going to be able to give lower rates in competition with the community banks because it will be perceived that the risk is less.

That is not what we ought to be doing. So I am going to offer an amendment to the Dodd bill which would eliminate that part of the Dodd bill that takes away Fed access to the community banks. The other reason it is important is that we have regional Fed banks. The reason it was set up that way is so that throughout the country the Federal Reserve would be able to make monetary policy with input, with input from Kansas City, and Dallas, and Houston, and San Antonio, and Los Angeles, and San Francisco, and San Diego, and Minnesota, and Wisconsin.

That was the concept of the regional Fed bank. Let me give you an example. The Federal Reserve Bank of Dallas is headed by Richard Fisher, who came to see me last week. He said: I would go from regulating about $70 billion in bank assets, with all the community bank members that we have in the Dallas Regional Fed, to 3.

If the Fed is going to listen in Washington, when they are making the monetary policy, to the Kansas City Fed chief who completely agrees that we need to keep access for State and community banks to the Fed, for their information, as well as the level playing field. So that will be my amendment.

Community banks did not cause the financial meltdown. In fact, they provided lending and depository services to families and small businesses across Texas and across our country. Even in the hard times they were mostly the ones that helped small business get their inventory loans and the help they needed for liquidity.

A lot of people I talked to in my home State, when I visit the small businesses and the community, felt as though nobody was lending. The big banks certainly were not. So the community banks are continuing to make credit available, much more than the big banks, so businesses and consumers can invest and create jobs that will lift our Nation into a recovery.

Do not talk to me about recovery when it is still a jobless—that is an oxymoron—a jobless recovery. There are millions of people out there unemployed. Is that a recovery? No. ''Jobless recovery'' should be out of our lexicon. That is wrong. If we are going to build jobs in this country, it is going to be through small businesses. The big businesses are not hiring. Do you know why the stock market is up right now? It is because the big businesses are not hiring. They have lowered their costs. Yes, they are more profitable because they are working with fewer people. I do not considering that a success. I think we have to save our community banks. This bill before us is going to hurt them. That is why we are holding it up.

I wish I could say that is the only part of the bill that hurts community banks, but there is another part. It is the Consumer Financial Protection Bureau that is created in the Dodd bill that will add a new layer of regulations and a new agency issuing new regulations that will affect those same community banks that are already fully regulated.

We have seen the effect of poor and predatory lending standards in this financial meltdown. We need reform in that area. Americans should understand all the terms of a transaction, and they need to be creditworthy. Subprime loans to people who are not creditworthy are not healthy for our economy. We have learned that for sure. We do not need a new bureaucracy housed in the Fed but without Fed oversight, which is sort of a non sequitur. But that is the way it is in this bill, which I hope we can change. Community banks are already regulated. They have all of the regulations, either State bank regulation or by the FDIC insuring them, requiring reserves. They are doing their job.

The new agency would remove safety and soundness from consumer protection and have unlimited and unchecked rule-writing authority. The legislation does include an exemption which would allow a community bank with less than $10 billion in assets to retain examination from its prudential regulators, or the regulators they have now.

But the exemption is false because community banks will still be subject to the new agency's new rules, pricing, and prohibitions, all of which will only serve to curtail consumer credit options.

Enhancing consumer protections should instead focus on leveraging the experience of agencies that are already in place, such as the Federal Trade Commission. I am the ranking Republican on the Commerce Committee. I see the work the FTC is doing on a daily basis to stop unfair and deceptive practices that prey on consumers of financial products and services offered by nonbank entities such as mortgage loan services.

As an example, in 2009 alone, the FTC and the States, working together closely, brought more than 200 cases against firms that peddled phony mortgage modification and foreclosure rescue scams. Rather than focusing on too big to fail or the practices of large banks, the Dodd bill overreaches and threatens the authority of the FTC to protect consumers of nonbank financial products, as it has for many years.

The FTC wrote a letter to me as ranking member of Commerce, and our chairman, Jay Rockefeller, and asked for assistance with preserving their consumer protection and enforcement authority. I am working now with Chairman ROCKEFELLER. He is very focused on this. I can tell you he is very focused, because I talked to him on the telephone yesterday several times, including at 8 o'clock last night, because he is so concerned that we are not going to fix this bill to make sure the FTC is not shut off from what it already does, what it already has in place, with a new overlay of a new agency that does not have the experience, that does not now exist, and would need startup time and more taxpayer dollars.

Instead, Senator ROCKEFELLER will have an amendment, and I will cosponsor it, that will keep the FTC exactly where it is now with the enforcement actions against companies that offer nonbank financial products. I hope Senator DODD will work with us on that amendment. In fact, I am going to expand it even beyond that and say: We should put all of the nonbank regulation into the FTC instead of this new agency that will be another bureaucracy that will be confusing in many instances to the banks which are already regulated.

I hope we can do something in this bill that is right in the regulatory area, and particularly the area that contributed to the financial meltdown, such as the nonbank financial institutions, not the banks. The community banks did not have a part in this financial meltdown. I hope we can fix this bill when it comes to the floor.

It appears that the chairman of the Banking Committee and the ranking Republican, Senator DODD and Senator SHELBY, have come to an agreement on the language that will tighten and close the loophole in too big to fail. We are going to hear exactly what that language is in a few minutes in our Republican caucus. That will be very good for us to be able to then come to the floor, if the Democrats will allow Republicans to have some input into this bill on the other issues, such as Federal Trade Commission jurisdiction, the new consumer agency that I think is overreach and overkill, and most certainly to keep community banks without a competitive disadvantage against the big banks. I want a level playing field because I don't want the community banks to suffer in this country. They are the lifeblood of the heartland, and they are in peril with this bill.

I am somewhat frustrated at hearing some of the speeches in the last week

that have railed against Republicans for holding up this bill. Sometimes ''no'' is the right answer because if we bring a bill to the floor with no ability to amend it and we don't fix too big to fail, then once again, like the health care reform bill that was jammed through the Senate and the House with no Republican support and no input, we will be doing it to our economy and our financial institutions. I hope we will not do that again.

I hope that we will have a bill we can all agree closes the loopholes on too big to fail so that taxpayers will not be on the hook again for big financial institutions that bet with other people's money on fancy derivatives and all of the hedges that don't make sense; that we protect the hedges that do make sense, that are used by the end user to keep a budget in place rather than passing big price hikes on to consumers in oil and commodities. That is what derivatives are supposed to be for, and we don't need to stop that. We just need to know what is in those big derivatives so that people will have the information and so will the regulators.

We can do this job right. This should not be political. Democrats and Republicans aren't going to get an advantage for passing a financial regulation bill because most people are not going to know how it will affect them until it is passed and in place. Why don't we do it right? Let's bring the bill to the floor with some key parts that are agreed to, and then let's start having amendments. I am not saying every Republican amendment should pass, but I think it should have a fair hearing. And I think some of them should pass if this bill is going to pass the test of a true bipartisan bill that will have more than just a partisan vote out of the Senate.

I thank the Chair for listening—not that it was his choice, but I appreciate it anyway.

I hope we will do the right thing on this bill. It will affect our financial communities, every community in Texas, and especially small businesses and community banks that are going to be the reason we recover, if we do this right.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak for 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL MOTORS AND TARP

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks some letters to which I will refer.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, last Thursday, I wrote Secretary Geithner asking why the Treasury Department allowed General Motors to use TARP money from a Treasury escrow account to repay its multibillion-dollar TARP taxpayer loan. This afternoon, I received a response from Treasury. I would like to say a few words about the reply and the questions that remain unanswered.

Last week, Treasury and GM announced with press releases and nationwide TV commercials that GM had repaid its TARP loans ''in full, with interest, ahead of schedule, because more customers are buying [GM vehicles].''

However, the hype does not match the reality. Taxpayers have not been repaid in full—far from it. Many billions of TARP dollars remain invested by Treasury in GM, and much of it will never be repaid. The Congressional Budget Office estimates that taxpayers will lose around $30 billion on GM.

In addition, the payment that occurred last week did not come from revenue GM earned by selling cars, despite what was claimed. Instead, Treasury allowed GM to use funds in a separate escrow account to pay its TARP debt. The Treasury Department's response to me today makes a point of saying that GM ''owns'' the money in the escrow account, as if that somehow justifies all the hoopla about GM's so-called ''repayment.''

Well, let's look at how GM came to ''own'' those escrow funds in the first place. The escrow funds were part of the TARP money Treasury paid for GM stock coming out of the bankruptcy. The money was supposed to be used by GM for expenses, as Treasury concedes. Treasury had the power to approve or disapprove GM's use of the money to repay the TARP taxpayer loan. Treasury approved, and GM pretended it was paying the loan back from revenue because business had improved.

Business may have improved, but that is not how they paid the loan. Taking TARP money out of one account to pay back TARP loans in another account is not at all the same as paying off a loan with earnings, as GM's TV commercials imply they have done. That is why I called it ''an elaborate TARP money shuffle'' and nothing in Treasury's reply today changes that.

The public would know nothing about the TARP escrow money being the source of the supposed repayment from simply watching GM's TV commercials or reading Treasury's press release. Treasury's letter today says all these details are public knowledge and nothing new. Well, that may be technically correct, but it wasn't clearly communicated that way to the average citizen. Most Americans don't pore through SEC filings and special inspectors general reports.

The GM commercial also did not mention that GM could have used the TARP escrow funds to repay a $2.5 billion 9 percent loan it received from its union health plan as part of the bankruptcy process. The union loan runs until 2017. The TARP loan was at 7 percent and ran until 2015. What sort of money manager would advise you to pay off a lower interest loan before a higher interest loan? GM and Treasury have still not explained that, and I have asked the TARP watchdog, Special Inspector Neil Barofsky, to get to the bottom of it. And to make matters worse, Treasury has admitted that it let GM take an additional 6.6 billion of TARP dollars out of the escrow fund last week with no strings attached. That money, too, could have been used to repay the high interest union loan.

There are reports that GM also applied to the Department of Energy for a $10 billion 5 percent loan to retool its plants to meet fuel economy standards. GM seems to be using government money to pay back government money, and then asking for more government money at a lower interest rate. It sounds like a plan to refinance GM's government debt with more taxpayer money—not pay it back.

GM had to ask permission from Treasury to use the taxpayers' stock investment to pay off the taxpayers' loan. Treasury's response to my letter says that ''Treasury retained approval rights over GM's use of funds from the escrow account in order to protect the taxpayer.'' Well, why didn't they protect the taxpayer then?

Why would Treasury allow GM to use its equity investment to pay off the loan when it means giving up the legal right to 7 percent rate of return for the taxpayers in exchange for essentially nothing? Since the taxpayer has an equity stake in the company, it's true that future growth of GM could theoretically make taxpayers whole, but taxpayers already had that equity interest before this latest transaction and didn't get any more equity as a result of the transaction.

Another key question is: Why would GM orchestrate a major media campaign to make the public think this all represents some big accomplishment by GM when the truth is that the taxpayers are still on the hook for billions that we may never recover?

Using the taxpayers' stock investment in GM to reduce its debt to the taxpayers is not the same as repaying that debt from money actually earned by selling cars. Treasury's reply today does not explain why it approved this transaction. Maybe it is a step in the right direction, maybe not. But instead of misleading the American people, we should be clear and up front about what happened here.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON FINANCE,
*Washington, DC, April 22, 2010.*

Hon. TIMOTHY F. GEITHNER,
*Secretary, U.S. Department of the Treasury, Washington, DC.*

DEAR SECRETARY GEITHNER: General Motors (GM) yesterday announced that it repaid its TARP loans. I am concerned, however, that this announcement is not what it seems. In fact, it appears to be nothing more than an elaborate TARP money shuffle.

On Tuesday of this week, Mr. Neil Barofsky, the Special Inspector General for TARP, testified before the Senate Finance Committee. During his testimony Mr. Barofsky addressed GM's recent debt repayment activity, and stated that the funds GM is using to repay its TARP debt are not coming from GM earnings. Instead, GM seems to be using TARP funds from an escrow account at Treasury to make the debt repayments. The most recent quarterly report from the Office of the Special Inspector General for TARP says ''The source of funds for these quarterly [debt] payments will be other TARP funds currently held in an escrow account.'' *See*, Office of the Special Inspector General for TARP, Quarterly Report to Congress dated April 20, 2010, page 115.

Furthermore, Exhibit 99.1 of the Form 8K filed by GM with the SEC on November 16, 2009, seems to confirm that the source of funds for GM's debt repayments was a multibillion dollar escrow account at Treasury—not from earnings. In the 8K filing GM acknowledged:

Of the $42.6 billion in cash and marketable securities available to GM as of September, 30, 2009, $17.4 billion came from an escrow account with Treasury,

$6.7 billion of the escrow account available to GM was allocable to the repayment of loans to Treasury,

$5.6 billion in cash would remain in the Treasury escrow account following the repayment by GM of their loans, and

Upon repaying Treasury, any balance of escrow funds would be released to GM.

Therefore, it is unclear how GM and the Administration could have accurately announced yesterday that GM repaid its TARP loans in any meaningful way. In reality, it looks like GM merely used one source of TARP funds to repay another. The taxpayers are still on the hook, and whether TARP funds are ultimately recovered depends entirely on the government's ability to sell GM stock in the future. Treasury has merely exchanged a legal right to repayment for an uncertain hope of sharing in the future growth of GM. A debt-for-equity swap is not a repayment.

I am also troubled by the timing of this latest maneuver. According to Mr. Barofsky, Treasury had supervisory authority over GM's use of these TARP escrow funds. Since GM's exit from bankruptcy court, Treasury had approved the use of the escrow funds for costs such as GM's obligations to its parts supplier Delphi. *See*, Office of the Special Inspector General for TARP, Additional Insight on Use of Troubled Asset Relief Program Fund (SIGTARP–10–004), dated December 10, 2009, at page 6. According to the GM 8K, GM had planned to use the TARP funds in escrow to pay back the TARP loans on a quarterly basis beginning in the fourth quarter of 2009. But following the April 20, 2010, hearing of the Senate Finance Committee, where Treasury's decision to exempt GM from the bank TARP excise tax was questioned and GM's refusal to testify was noted, it is odd that GM suddenly drew down on the TARP escrow and accelerated the repayment of the remaining balance of GM's outstanding TARP loans.

The bottom line seems to be that the TARP loans were ''repaid'' with other TARP funds in a Treasury escrow account. The TARP loans were not repaid from money GM is earning selling cars, as GM and the Administration have claimed in their speeches, press releases and television commercials. When these criticisms were put to GM's Vice Chairman Stephen Girsky in a television interview yesterday, he admitted that the criticisms were valid:

Question: Are you just paying the government back with government money?

Mr. Girsky: Well listen, that is in effect true, but a year ago nobody thought we'd be able to pay this back.

Mr. Girsky then said that GM originally planned to pay the loan over the next five years. So the question is why—other than a desire to justify excluding GM from the administration's TARP tax proposal—would Treasury and GM reduce GM's TARP debt with TARP equity and then mischaracterize it as a repayment from earnings? Accordingly, please explain:

Your department's justification for allowing GM to use funds from the TARP escrow account to repay TARP loans,

The amount of funds remaining in the TARP escrow account at Treasury that may be released to GM, and

The date that you anticipate that the remaining funds in escrow will be released to GM.

Thank you in advance for your cooperation. Please provide the requested information by April 30, 2010. Should you have any questions regarding the contents of this letter please do not hesitate to contact Jason Foster. All formal correspondence should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov.

Sincerely,

CHARLES E. GRASSLEY,
*Ranking Member.*

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DEPARTMENT OF THE TREASURY,
*Washington, DC, April 27, 2010.*

Hon. CHARLES E. GRASSLEY,
*U.S. Senate, Washington, DC.*

DEAR SENATOR GRASSLEY: Thank you for your letter dated April 22, 2010 to the Secretary regarding General Motors' (GM) repayment of its loan from the Department of the Treasury. He asked me to respond on his behalf.

Your letter states that the repayment of the loan was made with funds from ''an escrow account at Treasury'' and that it constituted a ''debt-for-equity'' swap. These statements are not accurate.

On April 20, GM repaid the Treasury loan with cash in an escrow account that it owns. The escrow account was created last summer in connection with the restructuring of GM. The money used to fund the escrow account came from a portion of the proceeds of a loan made by both the Treasury and the Canadian government. The escrowed funds were expected to be used for extraordinary expenses, and a portion of the funds were so used. Treasury retained approval rights over GM's use of fluids from the escrow account in order to protect the taxpayer, but the cash was still the property of GM.

In making its April 20 loan repayment, GM determined that it did not need to retain the escrowed funds for expenses. The fact that GM made that determination and repaid the remaining $4.7 billion to the U.S. government now is good news for the company, our investment, and the American people. Consistent with Treasury's goal of recovering funds for the taxpayer and exiting TARP investments as soon as practicable, we approved GM's loan repayment.

It has long been public knowledge that GM would use these specific funds to repay the Treasury and Canadian loans, if it did not otherwise need them for expenses. Under GM's loan agreement with Treasury, any funds in the escrow account on June 30, 2010 had to be used to repay the Treasury and Canadian loans. We have highlighted the repayment requirement in our monthly Section 105(a) reports to Congress. During a meeting last fall, we also informed the staff of the Special Inspector General of TARP (SIGTARP), Neil Barofsky, that we expected GM to use these funds to repay these loans. In fact, according to the SIGTARP Report on the Use of Funds (released on December 10, 2009), ''GM officials stated that it intends to seek release of additional escrow funds to repay its outstanding $6.7 billion loan to Treasury and $1.3 billion loan to the Canadian Government.''

After the full repayment of the Treasury loan, approximately $6.6 billion remained in GM's escrow account. These funds became unrestricted on April 20 and available for GM's general use.

In addition, it is not correct that the timing of the repayment was motivated by concurrent Senate hearings. In fact, GM's Board of Directors approved the loan repayment at its monthly meeting on April 13, 2010.

As is widely known, Treasury continues to hold $2.1 billion in preferred stock and 60.8% of the GM's common equity that it received in the restructuring in July 2009. Treasury will begin selling equity once GM makes an initial public offering.

Thank you again for your attention to this important matter.

Sincerely,

HERBERT M. ALLISON, Jr.,
*Assistant Secretary for Financial Stability.*

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RESERVE NOTICE

U.S. DEPARTMENT OF THE TREASURY,
*1500 Pennsylvania Avenue, NW., Washington, DC.*

Attention: [XXXXX]
Telecopy: [XXXXX]
Email: [XXXXX]

with a copy to:

The U.S. Department of the Treasury,
*1500 Pennsylvania Avenue, NW., Washington, DC.*

Attention: Cash Management Officer
Telephone (for borrowing requests): [XXXXX]
Email: [XXXXX]

Reference is made to that certain $7,072,488,605 Second Amended and Restated Secured Credit Agreement dated as of August 12, 2009, as amended, supplemented or modified from time to time (the ''*Credit Agreement*''), among General Motors Holdings LLC, a Delaware limited liability company (the ''*Borrower*''), the Guarantors named therein and The United States Department of the Treasury (the ''*Lender*''). Terms defined in the Credit Agreement and not otherwise defined herein are used herein with the meanings so defined.

In connection with the repayment in full of the outstanding Loans and other Obligations on April 20, 2010 (the ''*Repayment Date*''), the Borrower hereby requests that a Reserve Disbursement in an amount equal to the entire amount of the Reserve Funds (the ''*Disbursement*'') be made as described below.

$4,684,964,350.73 of the proceeds of the Disbursement shall be used to pay the entire outstanding amount of the Loans and other Obligations, including all accrued and unpaid interest on the Loans, on the Repayment Date.

In accordance with Section 4.2(e) of the Credit Agreement, the balance of the proceeds of the Disbursement shall be retained by the Borrower.

The Borrower hereby requests that the proceeds of the Disbursement be made available to it as follows:

A. On the Repayment Date, $4,684,964,350.73 to be wired to:

Bank: [XXXXX]
ABA No: [XXXXX]
Beneficiary: [XXXXX]
Account No.: [XXXXX]

B. On the Repayment Date or on any date thereafter, as shall be determined by the Borrower in its sole discretion, all remaining amount of the Disbursement or a portion thereof, as shall be directed by the Borrower in its sole discretion, are to be wired to:

Bank: [XXXXX]
ABA No: [XXXXX]
Beneficiary: [XXXXX]
Account No.: [XXXXX]
General Motors Holdings LLC

By: [XXXXX]
Dated: April 19, 2010.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I rise to discuss the very important bill we are very hopeful we can move on today to start the debate on Wall Street reform. I understand there may be an agreement to move forward with this bill. We don't know that yet. If it is true that we have an agreement to start the debate on this bill, then it is very fitting that I go through why this bill is so important. If we don't have an agreement, then it is even more fitting because we know the American people got severely hurt by the crisis on Wall Street, by the fall of many of our financial institutions, and they were not the ones who were supposed to be hurt. So we need to fix this so it doesn't happen again.

Nearly 3 years after the financial system began to melt down, America continues to suffer the effects of the worst economic crisis since the Great Depression. Millions of Americans have lost their jobs, homes, and their retirement savings. Although some key indicators are beginning to move in the right direction, many families, such as those we know in Minnesota, are still struggling, and the economic damage is very slow to heal in their towns.

On Wall Street, however, it seems to be back to business as usual.

Last year, Wall Street's largest firms handed out record bonuses totaling nearly $146 billion, an 18-percent increase from 2008. Meanwhile, overall U.S. per capita income declined 2.6 percent. So it is little surprise that Wall Street financiers are not enthusiastic about reforms that could change the way they do business. In fact, some of them claim Wall Street just has a few potholes that need fixing. Well, I think they need more than that. What Wall Street needs is more stop signs and key intersections and some good traffic cops.

This bill we have is the product of months of bipartisan negotiations. For the first time ever, this bill would create a nine-member financial oversight council chaired by the Treasury Secretary and made up of Federal financial regulators. This council would serve as an early warning system for systemic risk, something that was clearly lacking 3 years ago when these institutions that people were advertising as gold and their investments as gold went tumbling down onto the people of this country.

The domino effect of deeply interconnected financial companies, such as insurance giant AIG, didn't just create economic ripples, they sent a tsunami surging through the entire economy. This financial oversight council will be charged with scanning the system for systemic risks and putting speed bumps in place to ensure we never see a crisis such as this one again. This council will, for the first time, bring the regulators together to form a picture of the entire system, so one regulator will not be dealing with one problem while another is dealing with another with no information being shared. This way there will be one place where they can look at the entire financial system and look for those warning signs of problems.

This bill will also stand at the intersection and make firms slow down by increasing the costs of being large and complex. The most interconnected firms will be required to hold larger levels of capital to minimize their risk to the system if the investments go bad. All we are asking for, so taxpayers don't have to bail out these firms, is that they have significant resources and enough resources on hand in case they face troubled times again. If firms are going to create risk to the system, they need to take some responsibility. We clearly saw in this crisis what a lack of capital can do, how it can bring a firm to the brink, and the downward spiral it can cause when they are unable to attract new investors.

As much as we would like, we simply can't predict how a future crisis might unfold. I believe one of the most important lessons we can take from this crisis is that the American taxpayer should never again be left on the hook for the unconscionable bets of Wall Street. The American taxpayers' money is not meant to be used to play games within a casino, where you can throw their money around and then maybe some of it will come back and some of it will not. We have to make sure this doesn't happen again. Preventing American taxpayers from being forced to bail out financial firms starts with strengthening big financial firms to better withstand stress, looking out for systemic risk, and putting a price on activities that pose a risk to the financial system.

In the event that a firm was to fail, this bill creates a safe way to liquidate failed financial firms that will not leave the taxpayer on the hook. First of all, it updates the Federal Reserve's authority to allow systemwide support but no longer allows it to prop up an individual firm. Second, it requires large, complex financial companies to submit plans for their rapid and orderly shutdown should they start to go under. These plans will help regulators understand the structure of the companies they oversee and serve as a roadmap for shutting them down if the company fails.

Under this plan, most large financial companies are expected to be resolved through the bankruptcy process. Bankruptcy allows those who invest in a firm to better access their risks, and it allows the possibility that a company will emerge again in some way intact. If we have a situation where a firm would not go into bankruptcy and its failure could bring down the whole system, we make the process of resolution as hard as we can on that firm. We start by shutting down the business and throwing out those who caused the mess. This is a very different route than we took in this crisis where we propped up firms and kept them alive because of the risk it was going to pose for the entire financial system. We don't want to be in that position again. The taxpayers don't want to be in that position again.

If a firm chooses our resolution, the Treasury, the FDIC, and the Federal Reserve must first all agree to put a company into the orderly liquidation process. A panel of three bankruptcy judges must then convene and agree within 24 hours that a company is insolvent. At that point, the FDIC would step in and resolve the firm through this orderly process and in a way that doesn't harm the overall system. The cost of resolution would be paid for not by the taxpayer but by a $50 billion fund built up over time—and this is key—paid for by the industry, paid for by the industry, not by the taxpayers.

Finally, I wish to talk about a key portion of the bill that came out of the Agriculture Committee, a committee on which I serve, led by Chairman LINCOLN. The portion of that bill I wish to talk about is the focus on transparency and accountability to the over-the-counter derivatives market.

Bringing transparency and accountability to the over-the-counter derivatives market is essential to our economic system and the American taxpayer and is as important as any other piece of reform we are going to be debating. Reckless trading of unregulated over-the-counter derivatives played a significant role in triggering the financial crisis in the fall of 2008. AIG, using a type of derivative known as a credit default swap, took enormous risks in guaranteeing at least $400 billion worth of other companies' loans, including those of Lehman Brothers. When the financial crisis hit and AIG was unable to make good on its commitments, Treasury and the Federal Reserve were forced to step in to accept untold, unknown risk to the financial system. In the end, the government put up $180 billion of taxpayer money to save AIG from collapse.

I bring up AIG to point out the dangers of an unregulated, over-the-counter derivatives market. Derivatives, when used properly and backed by sufficient collateral, play a crucial role in our financial and economic systems. We think about airlines that want to hedge their risk with the price of oil. You think about agribusinesses. All over this country that goes on. But this is a whole different issue we are talking about. When irresponsible financial institutions are allowed to make unconscionable bets, hidden from the view of the markets and its regulators, the stability of our entire financial system is threatened.

Right now, the over-the-counter market counts its transactions in the hundreds of trillions of dollars, but under the current system, there are almost no requirements that the most basic terms of these contracts or even their existence be disclosed to regulators or the public. Think about it: Trillions of dollars changing hands and no one even knows what is happening.

The goal of the bill we have today is to finally bring transparency and accountability to these unregulated markets. For the first time, under this bill, all trades will be required to be reported to the regulators and to the public. With this information, regulators will be able to effectively monitor risks to the system and prevent market manipulation and abuse. Transparency will also benefit those who use derivatives to hedge risks, as they will be better equipped to evaluate the market, as price information will finally be made public. By requiring mandatory clearing and trading for standardized derivatives, this bill will greatly reduce the ability of risk to build up to a point that could, once again, burst and threaten the financial stability of our financial system.

I have often said that when Wall Street gets a cold, Main Street gets pneumonia. We can't let this happen again. In this bill, careful consideration has been made to ensure that commercial entities—this was the work done in our Agriculture Committee—to make sure that commercial entities that hedge solely to mitigate their own commercial risk are not brought under requirements meant to address the failures of a market they had no hand in. We think about all the people who didn't have a hand in this problem that got affected. We think even about our small banks in the State of Minnesota. They didn't engage in this kind of risky behavior. I think about them sometimes standing there with their briefcases in the heartland, with those credit default risks swirling around their head that they never used or engaged in, saying: Toto, we are not in Kansas anymore. Because, as we know, some banks in this country had a brain. Some banks didn't go to Oz and think they could go back with the American taxpayers' money. So we have to remember that as we go forward.

But the most important thing is to make sure we put a traffic cop at those intersections, that we put some stop signs at those intersections, that Wall Street isn't allowed to drive down in their Ferraris while the government is following behind in a Model T Ford.

Enacting these reforms is not just important for our financial markets, it is important for ordinary Americans. While very few people outside of those involved in these markets understand or see the impact of derivatives on their daily lives, their misuse contributed to a recession that left millions without jobs, businesses shuttered, and trillions in household savings lost. The legislation we passed out of the Agriculture Committee and that Chairman DODD has worked to incorporate into this bill will bring these dark markets into the light of day and ensure they will never again threaten the stability of this financial system.

It is very important that we bring this before the Senate, that we begin debate on this bill. That is why, as we look at the rumors swirling around that, in fact, there is a deal and that we are going to be able to at least begin the debate on whether to proceed—not debate on the bill—we are still working out the details. We think this is a good bill. We look forward to working with our colleagues on it, but we can't even get to ''go,'' we can't even get to ''start'' if we can't get this bill on the floor to debate.

So we are looking forward to discussing this bill, debating for the American public and getting it done. The Americans who lost their jobs, their homes and their savings and are scared every day that it is going to happen again because of the recklessness of Wall Street deserve no less.

Thank you. I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent the motion to proceed to S. 3217 be agreed to; and that once the bill is reported tonight, the Senate then proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, and on Thursday, April 29, following the recognition of the leaders or their designees, the Senate then resume consideration of S. 3217; that after the reporting of the bill and recognition of Senators DODD and SHELBY to make opening statements on the bill, Senator LINCOLN then be recognized to speak for up to 20 minutes; that on Thursday, no amendments or motions be in order prior to the offering of the Dodd-Lincoln substitute amendment; and that once the substitute amendment is offered, it be considered read.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Republican leader.

Mr. MCCONNELL. Mr. President, I want to take a few moments here to thank the distinguished Senator from Alabama who has been our leader on the Banking Committee and an expert on this very complex subject of financial regulation, for his steadfast effort in bringing us to where we are today. As Senate Republicans plus Senator BEN NELSON of Nebraska have demonstrated over the last few days, we believed the bill we started with was not insignificant but that it needed to be improved. Senator SHELBY was given the opportunity, as a result of us staying together, to be empowered to improve the bill that had previously come out of the Banking Committee on a straight party-line vote. So I want to take the opportunity to thank all of my Republican colleagues, plus Senator NELSON of Nebraska, in giving us the opportunity to improve the underlying bill.

I want to thank the Senator from Alabama for his efforts in that regard. I think we have a better starting place than we would have had earlier and we look forward to, as the majority leader indicated, an open amendment process and plenty of opportunities to treat this like the serious comprehensive bill it is. We have many amendments we intend to offer. Our members will be prepared to accept reasonable and short time agreements so we can get these amendments up and voted on, and hopefully have an opportunity to make further improvements in the bill.

I know Senator SHELBY may want to make a few observations.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I will be happy to yield to my friend from Alabama and my friend from Connecticut, but I want to say a few words first. I too have great respect for my friend Senator SHELBY. He and I were neighbors in the Longworth Building many years ago and we have maintained that friendship since. There are times when we disagree on issues but our relationship is one of friendship.

CHRIS DODD has had an extremely difficult year. He has had to legislate on some of the most difficult issues to come before this body, and he has been the one who has been the chairman of that committee and had to do it. In addition to that, his dear friend, his best friend, Senator Kennedy, was ill. He had to take over that committee and do his Banking Committee. It has been a tremendously difficult year for him. He has done it with mastery of the Senate rules and with the ability to articulate his position as well as anyone who has ever served in the Senate. I admire and appreciate him so very much.

We also have a new chairman, Senator LINCOLN, on the Ag Committee. She has done a very good job. She took it over a couple of months ago but stepped into that committee and has done a remarkably good job on an extremely difficult issue dealing with derivatives and things such as that. I admire her work and I appreciate so much the ability of Senator DODD and her to work together. Their staffs worked all weekend, trying to put together this substitute amendment we will offer tomorrow. I am very grateful for their leadership in the conference, the Democratic conference. They do good work all the time.

We have so much to do in the weeks ahead in this work period. But this is the issue we are going to go on. The American people waited long enough for their leaders to get to work cleaning up Wall Street—first on Monday, then on Tuesday, and twice more today. We didn't have to vote today. That is a decision that Senator MCCONNELL and I made—that there was no need to have a vote. There was an agreement to move to the bill and that is what we have been trying to do all week.

Senate Democrats have asked one thing, that we be allowed to debate, we simply be allowed to do our job as legislators and legislate. We believe in this bill to crack down on Wall Street, to protect families' savings and seniors' pensions. We never asked the Senate to unanimously or blindly approve a single policy. We never sought to send this bill directly from the committee room to the President's desk. The only thing we fought for is the opportunity to have that conversation.

After months of bipartisan meetings and negotiations, it is time to move this debate from the sidelines to the playing field, to the Senate floor, which is where it belongs. Senate Republicans have finally agreed to let us begin this debate. I appreciate that and I hope it foreshadows more cooperation to come. I know Republicans have their own suggestions and amendments for improving this bill. So do Democrats. Now that we will be able to begin that process, the American people will finally have the opportunity to watch and weigh those ideas. Nothing has changed from our end since Monday. The only thing that is different is the date. We have always wanted to start the debate on Wall Street reform with an open, bipartisan amendment process.

I will offer the first amendment combining the best parts of the Banking Committee and Agriculture Committee's bills. That will be what we will work from. Obstruction has wasted enough of the American people's time. Now let's do our work and do our utmost to make the American people proud of our efforts. Let's work for them, the American people. Let them know Wall Street needs reforming. Democrats and Republicans all over America believe it, so let's show the American people we will listen to what they say.

There will be no more votes tonight.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me say again before turning to Senator SHELBY how much we appreciate his leadership on this and how much we appreciate all of our Republican colleagues, plus Senator NELSON, giving him the ability to improve the bill that came out of committee. Much has indeed changed since Monday. I thank Senator SHELBY for his leadership. I also commend Senator DODD for the spirit in which those discussions were commenced.

I see the Senator from Alabama on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I will be brief.

First, I thank the Republican leader Senator MCCONNELL for his kind words. Also I thank my friend, the majority leader, Senator REID, for helping bring us where we are today.

But more than that, I commend Senator DODD, the chairman of the Banking Committee, with whom I have worked for years and years. We have worked exceedingly closely on many issues dealing with the Banking Committee. What we are bringing to the floor now is something very complex, very far reaching. The idea that something should be too big to fail is very important to me. Nothing should be too big to fail, in my judgment, in this country.

I commend Senator DODD. In our negotiations, they haven't been all loss—we have reached some assurances in that. He and his staff have made some recommendations that we like. We made some they liked. I think we have made real progress. I know we have to seal it all, but I think Senator DODD is working in good faith on that.

But we have the derivatives title and we have the consumer products deal. We have not been able to resolve those yet. I hope we will on the floor of the Senate. We have moved to a new forum and it is going to be a very important debate in the weeks ahead here because this is very important to the American people.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Let me begin by thanking the majority leader for his work. I thank the minority leader as well. This has been a bit acrimonious over the last 10 days or so as we tried to get to the floor with this bill.

Of course I thank RICHARD SHELBY. He and I, as he points out, have been working together over the last about 37 months during my stewardship of the Banking Committee that I inherited in January of 2007.

I noted the other day there are some 42 measures we brought out of our committee and 37 of them have become the law of the land. This is a good result. We will now be on this bill, which the American people want us to be on. This is an important issue. As I pointed out this morning, we had the headlines, the hearings here yesterday involving mortgage deals and the other headlines about Greece and its debt. Its bonds were sinking, causing economic problems in Europe and potentially here.

These problems are huge. As Senator SHELBY has said and I have said over and over, this is a complex area of law we are talking about and it has to be gotten right. We have had very good conversations on a number of issues, but on this over many weeks, going back, obviously, and clearly we both share, as everyone does in this Chamber, our determination that we never again have institutions that become too big to fail where there is that implicit guarantee that the Federal Government will bail them out.

I am satisfied that our bill does that already, but I appreciate that there are others who would like to see it tighter, who think we can do more to make it better and more workable. I am anxious to hear them.

I know our colleague from California, BARBARA BOXER, has some ideas on this as well that she has raised and I mentioned those with my friend from Alabama. He has raised issues with me that I like as well, and he can help us get there. As he rightly points out, we have not sealed anything but we have had great conversations, as two people of good will can have, that I think will allow us to get there.

We are going to have a very busy couple of weeks coming up now. There

are a lot of Members who have very strong feelings about this bill. My job—our job—will be to see to it people have a chance to offer their amendments, to debate them, to go through that process.

I may sound pretty old-fashioned in this regard. I pointed out last night, I first got involved in this Chamber as a young person sitting here in the same outfits as these young people in their blue suits, as a page, watching Lyndon Johnson sitting in that chair where you are, Mr. President, and watching Mike Mansfield in that chair over here and Everett Dirkson in that chair.

I remember sitting there and listening to the debates on civil rights in the early 1960s, when this Chamber, in difficult moments, worked together to achieve great results for our country. I have great reverence for this institution and I want to see it work as our Founders intended, where you have a great, important debate—and this is one—that we work together as American citizens chosen by our respective States to represent them in this great hall. That is what I intend to do as the manager of this bill, to make sure that each and every one of my colleagues—whether they sit on this side of the aisle or that side of the aisle—are all in this Chamber together to try to improve the quality of life for the people who have been so badly hurt, homes lost, jobs that have evaporated, retirement accounts that disappeared for people. They want to see us work together to get a job done to make a difference for our country and I firmly believe we can do that. I will do my very best, I say to my friend from Alabama, I say to the minority leader, as I said to the majority leader, to act with fairness, to work together to try to resolve matters so we can have a good outcome on this bill.

Obviously we cannot predict that. I know there are some who want to make this a great fight—that this is a great, great issue, maybe, for the day or the week you do it—who wins, who loses. That is a great story. But this is not an athletic contest we are involved in. It is a decision to try to put our country on a far more sound and secure footing than it is today. I look forward to the opportunity to work, as I have, with Senator SHELBY. We are good friends. I admire him immensely. He was chairman of this committee before I was. He understands the job of being a chairman.

I am determined to get this job right. I encourage our colleagues who have ideas and amendments to come forward and share them with us. We are going to set up shop over the weekend to make sure we are there. So we have ideas to consider, accept, maybe modify, make it work right. If that spirit comes forward we can do a good job here and we can leave this Chamber at the end of this Congress, knowing we confronted a serious problem and stepped up to the best of our ability to try to solve it for the people we seek to represent.

Again, I thank the majority leader and the staff and others for their work. I thank Senator SHELBY in his work. This conversation will continue. We have a lot of work to do. It has been very worthwhile and very productive over these last number of weeks and we intend to keep it in that form. I thank the minority leader as well and the Republican Conference. I know it must have been probably a healthy, good, vibrant conversation for the last hour and a half in there. But for those who question whether we can do this, I want this institution to get back again to the idea of listening to each other, debating the issues, taking our votes and putting together the best product we can.

I yield the floor.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 3217 is agreed to.

The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## MORNING BUSINESS

The PRESIDING OFFICER. The Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes.

The Senator from Washington.

## WALL STREET REFORM

Mrs. MURRAY. Mr. President, I thank the Senators from Connecticut and Alabama for all their hard work on this issue. I am delighted that after three votes and 3 full days of pressuring those on the other side of the aisle to allow us to at least begin debating this critical bill, it appears they have relented. Finally, it appears they are willing to listen to not only what Democrats have been saying about the importance of a strong new reform bill for Wall Street but what the American people have been saying.

What we have been saying is it is time to hold Wall Street accountable. It is time to pass strong reforms that cannot be ignored or sidestepped. It is time to end bailouts and give Wall Street the responsibility of cleaning up their own mess. It is time credit card statements are in plain English, in loan terms that are spelled out. It is time for Wall Street to come out of the shadows and into the light of day. It is time for negotiations to come out of the back room and on to the Senate floor. It is time to put an end to obstruction and begin working for American families.

I am glad we are finally now on this bill. For most American families, this debate is not complex; it is simple. It is not about derivatives or credit default swaps. It is about fundamental fairness. It is a debate about when they walk into a bank to sign a mortgage or apply for a credit card or start a retirement plan, are the rules on their side? Are they with the big banks or Wall Street?

For far too long, the financial rules of the road have not favored the American people. Instead, they favored big banks and credit card companies and Wall Street. For too long they have abused those rules. Whether it was gambling with the money in our pension funds or making bets they could never cover or peddling mortgages to people they knew could never pay them, Wall Street made expensive choices that came at the expense of working families. That is exactly the reason we have all fought so hard to move forward now with a strong bill.

It is why we have refused to back down or sit by while it was watered down, and it is why we were ready to stay up all night or vote to move forward with this bill all week long. It is why we have insisted on a bill that includes the strongest protection for consumers ever enacted, an end to taxpayer bailouts, and tools to give individuals the resources they need to make smart financial decisions because each of us knows what the ''anything goes'' rules on Wall Street have meant for our States and our constituents.

Each one of us has talked to people who have been hurt through no fault of their own. We have all seen the tremendous cost of Wall Street's excesses. In my home State of Washington, it has cost us over 150,000 jobs. It has cost small businesses access to credit they need to grow and hire. It has cost workers their retirement accounts they were counting on to carry them through their golden years. It has cost students their college savings that would help launch their careers. It has cost homeowners the value of their most important asset, as neighborhoods have been decimated by foreclosures. It has cost our schoolteachers, our police officers, and our communities.

It has cost young people such as David Corrado of Seattle, whose mother, since he was very young, would take $400 out of her paycheck and put it toward David's education fund. It was a long-term, smart investment she knew would pay off for David's future. When the financial crisis occurred, he lost one-third of his college fund, $10,000.

It has also cost older people such as Edward Diaz, who is also from Washington State. He was not only laid off from his job of 21 years due to the recession, he also lost $100,000 from his 401(k) account. On the verge of retirement, Edward tells me he now scours the classifieds every day searching for any way to get back to work.

In the days ahead, as we debate this bill, those are the people we have to remember constantly. We have to keep them in mind as we work to protect against this happening ever again; the people who, through no fault of their own, paid the price for the risks and irresponsible behavior of Wall Street. There are people in my State and across the country who scrimped and saved and made right decisions and were left holding the bag.

Now is not the time for half measures. The American people are looking to us now for real reform and to put progress before politics. We have to put people before Wall Street.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, what is the order?

The PRESIDING OFFICER. The Senate is in morning business, and Senators are able to speak for up to 10 minutes each.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be allowed to speak for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, thank you very much.

## FINANCIAL REGULATORY REFORM

Mrs. BOXER. Mr. President, this is good news we just received that our Republican colleagues have decided to allow us to proceed to the debate on the Wall Street reform bill. I was, frankly, confused as to why they were objecting. But in any event, without going through that, I am very pleased they have backed down in terms of their objection because we want to get to this bill.

Many of us have ways we feel it can be made stronger. I bet there will be some amendments to make it weaker. And that is what the process is all about. The most important thing for the American people to know tonight is that an issue of critical importance is moving forward in the Senate.

I think it is important for us to remember the real reasons as to why we are taking up this bill. Even though it is painful to review the dark times of 2008, when our economy and the world economy were really on the brink, I believe it is important for us to do that review.

I asked my staff to put together some of the headlines from those days. We are going to go through a couple of charts and I will read a few of them, because we need to remember what it was like in those dark moments in our history.

Here is a picture of a Wall Street trader and he is under a headline that says "Black Monday." It was at a moment when the first bailout happened. It says, "Bailout Fails, Stock Drop Most In History." Then we look at this one: "Where Do We Go From Here?" "NASDAQ: The Biggest Fall Since Dot.com Crash." "Dow Down 778." "Time" magazine, "Wall Street's Latest Downfall: Madoff Charged With Fraud." "Feds' Rescue Plan: The Bailout To End All Bailouts." "Jobs, Wages, Nowhere Near Rock Bottom Yet." "Credit Crunch Continues As Lending Rates Climb." "U.S. Consumer Sentiment Decreases To A 28–Year Low." "U.S. Loses 533,000 Jobs In The Biggest Drop Since 1974."

That is one chart, and I have one other, just to remind us where we were. San Jose Mercury News: "Foreclosure Wave: San Jose Fights To Protect Neighborhoods." "Carnage Continues: 524,000 Jobs Lost." "Wall Street Employees Set To Get $145 billion." That is in bonuses during all of this. "Economy In Crisis," "Foreclosure," "Lehman Files For Bankruptcy," "Merrill Sold," "AIG Seeks Cash." We know all about that. "What now?" "The Dow Falls 777," "Economy On The Brink." "U.S. Pension Insurer Lost Billions In The Market." "Housing Prices Take Biggest Dive Since 1991." "U.S. Drafts Sweeping Plan To Fight Crisis As Turmoil Worsens In Credit Markets." And here is one: "Full Of Doubts, U.S. Shoppers Cut Spending."

I read these headlines to my colleagues to bring back those dark, dark, dark days and why we are here today trying to make sure it never happens again. If we don't learn from history, we are doomed to repeat it, and we have learned and we are ready to make sure this never happens again.

Those dark times came because we allowed Wall Street to engage in unregulated and unsupervised gambling. I have to say I am an economics major. That goes back quite a bit of time. Many years ago, before any of these kinds of exotic instruments were created, I worked on Wall Street as a stockbroker. I can tell my colleagues that every time the President of the United States would sneeze and the market went down a few points, I worried. I can just imagine how I would have felt if I would have had clients in this kind of situation where there was no control.

A shadow banking system grew up that fueled an unsustainable housing bubble. From 2001 to 2007, the issuance of toxic private mortgage-backed securities increased by over 400 percent. These securities were rated by credit rating agencies—the credit rating agencies that were supposed to be tellers of the truth. They are supposed to say to the consumer, uh-oh—I sound like my grandchild who says uh-oh—that is what they are supposed to say: Don't buy those securities because they are not good. But these credit agencies, rating agencies such as Moody's and Standard & Poor's, frankly, acted as though they were in the pockets of the issuers who paid them. In other words, they gave a good answer. If you wanted to issue securities—I don't care whether it is Goldman or anybody else—you go to these fellows, you pay them, and they tell you something good. What went wrong? That is a disaster. Where is the fiduciary responsibility in any of these relationships?

The unregulated over-the-counter derivatives market also grew by over 400 percent to a value greater than the entire U.S. economy. The unregulated over-the-counter derivatives market grew by over 400 percent to a value greater than the entire United States economy. Wall Street institutions critical to our economy purposely created complex paper instruments that had no real value. In these hearings Senator LEVIN is holding, we see what happened when one company—Goldman—knew—and I can't use the words they used because it would be improper on the floor—they knew a product they were selling was just plain junk and they sold it to their customers, to their clients. One of the people said in an e-mail: Wow, think of all the orphans and the widows we are hurting. That sounds to me like the Enron scandal where we had traders doing the same thing when energy prices went through the roof.

In 2007 and in the first part of 2008, the house of cards began to collapse, because backing up these new complex instruments Wall Street created were these exotic loans that consumers could never repay unless housing prices continued to soar to unrealistic levels. So they created these instruments that were backed by these mortgages that were doomed to fail unless the economy continued to shoot like a star straight up and the housing market went up. The housing bubble began to deflate, and think about all of these derivatives and all of these exotic securities that were based on housing. Mortgage lenders and financial institutions began to fail; first Countrywide, then Bear Stearns. The Federal Reserve had to intervene behind the scenes to try and keep credit flowing. Remember, in a capitalist society, in our economy, we have to have credit flowing. Credit,

that is what the small businesses need. That is what governments need, overnight credit. The State of California couldn't even get overnight credit. The worst crisis hit in September 2008—the worst since the 1929 Great Depression.

Listen to this: Over just 3 days, September 13, 14, and 15, three major financial institutions failed—Lehman, AIG, and Merrill Lynch. Oh, my God, the shock in the country. Regulators were unprepared. They had no warning. Panic spread from this Wall Street debacle as banks lost confidence in the solvency of the financial system and they refused to lend. Credit was frozen. Consumers started to withdraw their money from failing money market funds, and some of them found out that they weren't insured, the money markets. We had to actually create insurance.

The stock market dropped 25 percent in September alone, part of a larger 50-percent drop from 2008 to 2009. Trillions of dollars in pensions and savings wealth were lost. Without the tools to handle the crisis, the Bush administration was forced to approach us for direct taxpayer assistance. I will never forget the day when the Republican Treasury Secretary Hank Paulson looked me in the eye, along with all of my colleagues, and said capitalism was on the brink of collapse. I will tell my colleagues, I asked him a number of questions that day about the role that credit default swaps played in this, and derivatives, and to be totally candid, he didn't have an answer. He was so concerned about staving off this collapse.

It was too late. It was too late to stop Wall Street's crisis from impacting the rest of our economy. Business lending plummeted. I know the Presiding Officer knows that small businesses have created 64 percent of all of the new jobs in the last 15 years. When those good, strong businesses couldn't get credit, some of them couldn't keep the doors open. I can tell my colleagues that none of them expanded. They couldn't. They didn't have the capital. Retail spending fell by 14 percent, driven by historic declines in consumer confidence, and because consumer spending accounts for 70 percent of our economy, this was another disaster on another disaster on another disaster.

As the recession fueled by the financial crisis spread, job losses exploded to 750,000 a month, the highest ever recorded. Some 8.4 million jobs were lost in 2008 and 2009. In my own home State of California, almost 1 out of every 10 jobs was lost—1 out of every 10 jobs. To put a human face on that and think about those families in that situation where not only did they lose a lot of their net worth in the stock market which was going down, down, down, they were losing the value of their home, and then they lost their job, and it exacerbated the problem. Unemployment rose above 10 percent for the first time in 28 years. In my State it is over 12 percent today. Even though we are now creating jobs in California and in the country, they are not at a fast enough pace as more people come into the jobs market. We had a situation where almost one out of every five Americans who wanted to work was underemployed.

I don't see how anyone who knows this history—and all you had to do was wake up and read the paper or, if you didn't do that, put on the TV or, if you didn't do that, look at your Internet or, if you didn't do that, listen to the radio. And if you were without all that, you could have listened to what we were debating here, and there were probably not too many people doing that. So how could we ever for one second deny the need for the Dodd bill, which reflects the President's Wall Street reform bill, even for a minute? I can't imagine anyone living through this crisis could ever doubt the need to do the bill that we, thank goodness, are on right now.

The bill directly addresses the problems that led to the crisis. It gives regulators the tools they need to prevent a crisis in the future without ever turning to taxpayers.

I am going to quickly go through the provisions of the Dodd bill. I am going to go through six provisions.

First, the bill ends taxpayer bailouts. The bill guarantees taxpayers will never again be forced to bail out Wall Street firms. Failing companies will be liquidated. Any losses will be absorbed by companies and the financial sector, not taxpayers.

That is a jobs bill.

By the way, when I heard my colleagues on the other side say they didn't think this is true, I went up to Senator DODD and I talked to the administration. I said I am going to offer an amendment that says this in plain English; will you accept it? They did. So we will have that amendment accepted.

If anybody ever says to you this bill is about giving more taxpayer funds to bail out Wall Street, you can say: Excuse me, you are looking at the wrong bill.

Second, it puts a cop on the beat for consumers. The bill creates the consumer financial protection bureau, which will have the sole job of protecting the American consumers from the kind of deceptive and abusive financial practices that fueled the crisis. It will also look out for credit cards and other things.

We will finally have disclosure in these dark markets. Remember, I talked about these toxic assets—assets made up of slices of mortgages, many of which had no value. They were in the dark. Now these dark markets are over, derivatives markets will be open, and the shadow banking system will be over—over. No more darkness but transparency, openness, and the rest that goes with it.

Here is what the Dodd bill does. It curbs risky behavior on Wall Street. It says, essentially, no more gambling. There will be strict new capital and borrowing requirements, so you cannot go out and superleverage. You have to be able to have some balance in your bank. There will be an early warning system to prevent a future crisis. There will be a financial stability oversight council to focus on problems before they lead to a crisis.

As a last resort, the regulators can break up a company that is too big to fail. Too big to fail is over. If anyone tells you it is not over, they have not read the bill, because this bill completely and clearly says if a company is too big to fail, the regulators can break it up. We will see protection against securities market scams.

The bill mandates management improvements and increased funding for the SEC. A new office in SEC will be created to look at credit rating agencies. Remember, I mentioned that, the credit rating agencies were just giving AAA ratings to junk. No more. They will have someone looking over their shoulders. That is very important.

I want to put the headlines back up. Clearly, this bill does what we need to do. The bill stops taxpayer bailouts, and if ever there was a time to agree on one thing, it would be that.

Again, to eliminate all doubt, I proposed an amendment to Senator DODD, which he is in agreement with and the President's people are in agreement with, to make it clear that failing firms cannot be bailed out. It is very clear because it says it in this amendment. It cannot keep a company alive, on life support, and it cannot stop it from failing. When it is liquidated, the cost of that liquidation will be paid for by Wall Street firms.

I am excited about the fact that we are finally moving to this bill. By the way, the last sentence in the Boxer amendment is very short on this page:

> Taxpayers shall bear no losses from the exercise of any authority under the title.

So if anyone says to you this bill isn't clear, I have to say they are making it up because it is very clear. Senator DODD would never have accepted this amendment if it wasn't in concert with the bill.

Again, I know that many colleagues have ideas for changing the bill. That is why we are here. My Republican friends decided not to make any amendments in committee, so this is their opportunity to do so. I look forward to seeing their ideas. I say that with sincerity. A lot of Republican amendments were included in the health care bill, and that is good. We want to see some of their ideas to strengthen this bill because, as Senator DODD has said many times, no Senator

has a corner on wisdom. We have to work together, and we can get our best ideas by working together.

I am going to work with anyone on either side of the aisle who has the goal of protecting the American taxpayers and has the goal of protecting the American economy from future crises. I will vote for a couple of colleagues' amendments to strengthen this bill. I am looking forward to that.

Let's not oppose this bill on the grounds that to do nothing is better, because, clearly, to do nothing will lead us back to this road of getting up in the morning and shaking in our boots about what is happening with unemployment and with the loss of our pension funds. It is extraordinary to go back, just to 2007, not that long ago, when this all started. We have to commit ourselves to never having it happen again.

Now is the time for Wall Street reform. I am very pleased at this change of heart on the other side. I was ready to spend the evening here, and I am happy that I can actually go home to my family tonight. As much as I enjoy my colleagues' company, I would prefer to be with my family, my grandkids, my husband, and not have to spend the night here. But I was prepared to spend the weekend here or whatever it took because once in a while an opportunity for reform comes along. It did with health care. We are in an era of reform, and we have to keep doing it. It is all expressed right here on this chart. We know what will happen if we keep this going. Deregulation on steroids didn't work. We need sensible regulations, sensible rules of the road.

We want everyone to prosper, but we don't want to see gambling lead to the pain and suffering that is still going on throughout this country. Thank you very much.

I yield the floor.

## UNANIMOUS CONSENT AGREEMENT

Mrs. BOXER. Mr. President, I ask unanimous consent that tomorrow, following the recognition of Senator LINCOLN, Senator CHAMBLISS be recognized for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO ARTHUR M. CUMMINGS II

Mr. REID. Mr. President, I rise today to acknowledge the extraordinary work of Arthur M. Cummings II, who has served with distinction for more than 20 years with the Federal Bureau of Investigation.

Mr. Cummings was appointed on January 9, 2008 as executive assistant director of the FBI's National Security branch. In that position, Mr. Cummings worked diligently to oversee the FBI's counterterrorism, counterintelligence, weapons of mass destruction and intelligence programs, as well as the Terrorist Screening Center. His outstanding work leading the FBI in the coordination and liaison with the U.S. Director of National Intelligence and the rest of the Intelligence community contributed greatly to the FBI and the entire intelligence field. Mr. Cummings brought to the job a wealth of investigative and managerial experience.

Since becoming an FBI special agent in 1987, Mr. Cummings was assigned to five field offices and to the Counterterrorism Division at FBI headquarters. He managed ounterterrorism, counterintelligence, violent crimes and drug programs in several field offices, and had deployed overseas to support several major counterterrorism investigations.

Following the terrorist attacks on September 11, 2001, Mr. Cummings played an instrumental role in the reorganization of the FBI's counterterrorism program and later served as chief of the Counterterrorism Operational Response Section, responsible for the development and oversight of FBI operations in foreign theaters such as Afghanistan. In 2003, Mr. Cummings became Chief of the International Terrorism Operations Section, responsible for developing and managing FBI strategy and operations directed against al-Qaida and its affiliated organizations and networks. Mr. Cummings also served in 2004–05 as deputy director of the National Counterterrorism Center, NCTC, a multiagency organization dedicated to eliminating the terrorist threat to U.S. interest domestically and abroad.

After his tenure at NCTC, Mr. Cummings was named special agent-in-charge of the Counterterrorism Division and Intelligence branch of the FBI's Washington field office.

In recognition of his accomplishments, Mr. Cummings was awarded the 2004 Attorney General's Award for Exceptional Service and the 2006 Presidential Rank Award for Meritorious Executive. Mr. Cummings is a former Navy SEAL and speaks Mandarin Chinese. He is a graduate of the University of California in San Diego.

I, along with all of my Senate colleagues, congratulate Arthur on his well-deserved retirement after such a distinguished career.

## TRIBUTE TO THOMAS MORRIS GRIFFIN

Mr. REID. Mr. President, I rise today to recognize the extraordinary work of Thomas Morris Griffin, Jr., during his 12 years with the U.S. Secret Service.

In his prior positions, Special Agent Griffin was assigned to train agents, handle daily operations of the First Lady Whip and protect the President of the United States. Special Agent Griffin began his law enforcement career in 1985 at the Richland County Sheriff's Office in Columbia, SC. This department of more than 300 sworn officers served a county of more than 300,000 citizens. At that agency, he served as a detective and sergeant in the Major Crimes Unit and as a team leader in the narcotic division. Special Agent Griffin also served as a Sheriff's Deputy with the uniform division, greatly enhancing the safety and security of Columbia, SC.

Special Agent Griffin received his bachelor of science in criminal justice from the University of South Carolina, received hundreds of hours of training as a special agent, and was duly recognized in 1994 with the Medal of Valor for hunting down and exchanging fire with a murderer who had shot three people, killing two of them.

Special Agent Griffin's work at the Capitol since 2007 has greatly enhanced the safety and security of United States Secret Service protectees and, ultimately, those working in and visiting the Capitol complex. He has cultivated and maintained partnerships with the United States Capitol Police, and the offices of the Senate Sergeant and Arms and House Sergeant at Arms. Through these relationships, the needs of the United States Secret Service protective missions are communicated and security plans coordinated. As he is promoted to special agent-in-charge, Special Agent Griffin leaves the United States Capitol where he has forged great partnerships as the assistant to the special agent-in-charge of the United States Secret Service Liaison Division.

I wish Special Agent Griffin all the best in his promotion and new assignment.

## HIGHER EDUCATION

Mr. SPECTER. Mr. President, as I have expressed to Senator HARKIN and to Secretary Duncan, I am concerned that the Student Aid and Fiscal Responsibility Act, SAFRA, may not adequately provide for the replacement of the early college awareness, default prevention, financial literacy, and school support services that are provided by State guaranty agencies in some States. The citizens of my State rely upon the Pennsylvania Higher Education Assistance Agency, PHEAA, to provide these services. Over the years, PHEAA has funded these services with the earnings they have retained from their role as a State guaranty agency, lender, and servicer. It is my understanding that some of these earnings will no longer be available to PHEAA or to other similar agencies across the country.

Would Senator HARKIN agree that some of the services provided by these agencies are vital and should, to the extent possible, be continued?

Mr. HARKIN. I am pleased that this bill provides significant support to continue outreach and default aversion activities through the College Access Challenge Grant Program funded at $750 million, more than double the amount we have provided for these grants in years past. However, I agree that these activities are very important and we could do more to assist students.

Mr. SCHUMER. Mr. President, as Senator GILLIBRAND and I have expressed to Senator HARKIN, we share Senator SPECTER's concerns. The citizens of our State rely upon the New York State Higher Education Services Corporation, HESC, to provide similar services, which have also been funded with the earnings HESC has retained from their role as a State guaranty agency.

Mrs. GILLIBRAND. Mr. President, I ask does Senator HARKIN agree that the Secretary of Education has the authority to contract for these types of services?

Mr. HARKIN. I do.

Mrs. GILLIBRAND. And, Mr. President, I ask if Senator SCHUMER would also agree that in our State and many other States these agencies provide valuable services to students and families?

Mr. SCHUMER. Yes, I do. That is why Senator GILLIBRAND, Senator SPECTER, and I believe it would be beneficial for the Secretary of Education to use this authority for State guaranty agencies that provide valuable services.

## FIRE GRANTS REAUTHORIZATION ACT OF 2010

Mr. LIEBERMAN. Mr. President, yesterday Senators DODD, COLLINS, CARPER, MCCAIN, and I introduced the Fire Grants Reauthorization Act of 2010.

The bill we presented to the Senate is a bipartisan piece of legislation that provides support to our Nation's firefighters and emergency medical service responders. It reauthorizes the Assistance to Firefighters, AFG, program and the Staffing for Adequate Fire and Emergency Response program, SAFER—two highly successful programs I worked to establish in 2000 and 2003, respectively.

I think we are all aware of the great sacrifices first responders make for us. Since September 11 and the Hurricane Katrina catastrophe, firefighters in communities large and small have assumed a greater role in overall national emergency preparedness. They are now the frontline of defense in most communities for disasters of all types. More than ever, firefighters need the training and equipment to deal not only with fires but also with hazardous materials, nuclear, radioactive and explosive devices, and other potential threats.

The demands on firefighters have increased in other ways as well. As the New York Times reported last year, firefighters are responding more and more to medical emergencies—15.8 million in 2008, a 213 percent increase from 1980. Right here in Washington, DC, at Fire Engine Company 10—known as the ''House of Pain'' for its grueling schedule—80 percent of the calls are for medical emergencies. Our Nation's firefighters—like other first responders are the first to arrive and the last to leave whenever trouble hits. They deserve all the support we can give them.

Regrettably, they do not always get it. Firefighters often lack the equipment and vehicles they need to do their jobs safely and effectively. The U.S. Fire Administration reported in 2006 that 60 percent of fire departments did not have enough breathing apparatuses to equip all firefighters on a shift, 65 percent did not have enough portable radios, and 49 percent of all fire engines were at least 15 years old.

We can and should do more so that these brave men and women have what they need to protect their communities and themselves as they perform a very dangerous job. Our bill takes much-needed steps to ensure that they do.

To start with, because career, volunteer, and combination fire departments all suffer from shortages in equipment, vehicles, and training, our bill requires that each type receives at least 25 percent of the available AFG grant funding. The remaining funds will be allocated based on factors such as risk and the needs of individual communities and the country as a whole. This creates an appropriate balance, ensuring that funds are directed at departments facing the most significant risks while guaranteeing that no department is left out.

We have also taken a number of steps in our bill to help fire departments recover from the recession. Faced with economic difficulties, local governments have reduced spending on vital services, including fire departments. Among other things, these cuts have prevented many departments from replacing old equipment and forced them to lay off needed firefighters. To help departments rebuild, we have lowered the matching requirements for AFG and SAFER. Departments are still required to match some of their grant awards with funds of their own—ensuring they have some skin in the game—but the reduced amount will make it easier for them to accept awards.

We have also created an economic hardship waiver for both grant programs that will allow FEMA to waive certain requirements, such as requiring that grantees provide matching funds, for departments in communities that have been especially hard hit by tough economic times.

Our bill contains a number of other important provisions. It raises the maximum grant amounts available under AFG. As common sense would suggest, large communities often require a substantial amount of equipment, and they will now be able to apply for funding in amounts more in line with what they need.

We also would provide funding for national fire safety organizations and institutions of higher education that wish to create joint programs establishing fire safety research centers. There is a great need for research devoted to fire safety and prevention and improved technology. The work these centers do will help us reduce fire casualties among firefighters and civilians and make communities safer.

As important as it is to help our firefighters, we must also demand accountability when we spend taxpayer dollars. For this reason, we require that FEMA create performance management systems for these programs, complete with quantifiable metrics that will allow us to see how well they perform. Going forward, this will allow us to see what works in these programs and what does not so that we can make needed improvements when required.

We have also included provisions to prevent earmarks from being attached to these programs. AFG and SAFER have never been earmarked—an impressive accomplishment—and we want to keep it that way. The funding for these programs needs to go to firefighters, not pet projects.

Finally, this legislation authorizes $950 million each for these vital programs. This is actually less than what was authorized in the past. We believe that supporting our nation's firefighters and emergency medical service responders ought to be a priority, but we recognize that these tough fiscal times require some belt-tightening. Authorizing funding for AFG and SAFER at these amounts sends the message that Congress can direct funding where it is needed while also showing discipline.

These programs address a vital national need. Our legislation ensures that fire departments get the support they need to protect their communities while also protecting taxpayer dollars. I urge my colleagues to join me in supporting the reauthorization of these important programs.

## IMPORTANCE OF FUNDING NICS

Mr. LEVIN. Mr. President, April 16 marked the 3-year anniversary of the deadliest shooting rampage in our Nation's history, a tragedy that took the lives of 32 Virginia Tech students and faculty members and wounded 17 more. In the aftermath of the shooting, investigations uncovered that the gunman, Seung-Hui Cho, was able to purchase two guns in violation of Federal law. Due to his history of mental illness, Mr. Cho was legally prohibited from

purchasing these firearms. However, the transaction was not blocked because the State of Virginia had not provided his mental health records to the National Instant Criminal Background Check System, NICS. The Virginia Tech tragedy serves as a somber illustration of the importance of the NICS database containing accurate criminal history and mental health records of prohibited individuals.

The Virginia Tech shooting prompted the passage of the NICS Improvement Amendments Act of 2007, Public Law 110–180, which authorized funds to assist States and State courts in the automation of mental health and criminal records and in the transmittal of these records to the Federal NICS database. Unfortunately, due to budget constraints, some States still have not fully digitized their criminal history records, nor do they have the funds necessary to process the transfer of State records into NICS. According to the group Mayors Against Illegal Guns, the NICS database contains less than 20 percent of the mental health records it should. In addition, according to the Brady Campaign, NICS is missing 25 percent of the necessary felony conviction data from States. These gaps in needed records weaken the ability of current Federal law to stop firearms from getting into the hands of dangerous or potentially dangerous individuals.

It is essential that States and State courts have the resources needed to ensure that the Federal background check system contains comprehensive and up-to-date records. To that end, I recently joined seven of my colleagues in urging the Senate Appropriations Committee to include $325 million in the fiscal year 2011 Commerce, Justice, Science, and Related Agencies appropriations bill to fully implement the NICS Improvement Amendments Act. NICS is a powerful tool in the prevention of gun violence that deserves full congressional support.

## WORKER'S MEMORIAL DAY 2010

Mr. HARKIN. Mr. President, each year, we set aside April 28 as Workers Memorial Day, a time to remember and honor those who have been killed or injured or have contracted a serious illness in the workplace. Since the passage of the Coal Mine Health and Safety Act and Occupational Safety and Health Act four decades ago, countless lives have been saved and the number of workplace accidents has been dramatically reduced.

Yet too many workers still remain in harm's way. In 2008, over 5,200 people were killed at work in the United States and roughly 50,000 workers died from occupational diseases. Millions more were injured on the job. This means that, on an average day, 151 workers lose their lives, 14 from injuries and 137 from job-related diseases. These are workers from all walks of life—firefighters, police officers, coal miners and farmers, men and women who are working to put food on the table to support their families and loved ones. These deaths are tragedies that can and should be prevented.

Our entire Nation mourned when we learned of the terrible tragedy that killed 29 miners in Montcoal, WV. But it is important to remember that mines aren't our only dangerous workplaces. Our Nation suffered another great loss when we learned of the 11 missing oil rig workers off the coast of Louisiana, and we still mourn the lives of those workers who died in explosions in Washington State and Connecticut earlier this year. All of these incidents could have been prevented. These terrible tragedies illustrate the dangers hardworking Americans face on the job every day, and why we need to redouble our efforts to make every workplace a safe workplace.

Every April 28, for the past 9 years, Mary Davis and her family have observed Workers Memorial Day in honor of her husband Jeff Davis, a boilermaker who was killed in a sulfuric acid tank farm explosion at a refinery in Delaware. His body was never recovered, most likely because it was dissolved in acid. The disaster also injured eight other workers and caused major environmental impact in the surrounding area. Motiva, the company that owned the refinery, pleaded guilty to discharging pollutants into the Delaware River and negligently releasing sulfuric acid into the air, both in violation of the Clean Air Act, resulting in a $10 million fine. For the same accident, OSHA initially cited three serious and two willful violations against Motiva for Jeff Davis' death. The Agency proposed a penalty of $175,000 that Motiva later was able to reduce through settlement for a total of only $132,000.

I recently spoke with Holly Shaw, a school teacher living in Pennsylvania. Her husband Scott drowned after falling into the Schuylkill River while working on two barges, helping to dredge the river. The barges had no life jackets for workers to wear, and no life preservers in the event of an accident. The two barges were connected by a series of old tires that workers had to navigate to move from barge to barge. OSHA found Armco, the company that employed Scott, had committed four serious violations and was fined $4,950. Holly later found out that Armco was given the opportunity to plead down the fine and ended up only paying $4,000 for Scott's death. It is truly shocking that the company faced such minor consequences for its appallingly inadequate safety practices.

Unfortunately, stories like Jeff Davis's and Scott Shaw's are all too common. Although a willful or repeat violation of OSHA carries a maximum penalty of $70,000 and willful violations a minimum of $5,000, most penalties are far smaller. In both cases, current penalties weren't sufficient to force recalcitrant employers to take workplace safety more seriously even when a worker is killed. To date, OSHA has cited Motiva for nearly two dozen other violations since Jeff Davis' death. In 2009, workers went on strike against the same company that leased its barge to Armco, protesting unsafe workplace practices, after a deckhand was crushed to death between two barges. As Holly said to me, "another family suffers because of the same negligence."

This has to change. We need to increase penalties for irresponsible employers who ignore the law, and give our federal agencies the enforcement tools they need to keep workers away from imminent danger. This week we held a hearing in the HELP Committee to explore these challenging issues. And, in the weeks ahead, I intend to work with my colleagues on both sides of the aisle on legislation to make our mines and all our dangerous workplaces safer.

Workplace safety is an issue that is very personal to me. My father was a coal miner, and I saw firsthand the devastating effects of the lung problems created by his work in the mines. We still have a long way to go to ensure that our sons and daughters, moms and dads, brothers and sisters all come home safe from a hard day's work, and we should not rest until workplace tragedies are a chapter in the history books, and we no longer have any need to observe a day of mourning for American workers killed on the job.

## TRIBUTE TO FATHER RAY DOHERTY

Mr. LEAHY. Mr. President, on May 4, the Saint Michael's College community will celebrate the 80th birthday of a fellow Michaelman and longtime friend of many, Reverend Raymond Doherty. Father Ray, as he is known to many, graduated from Saint Michael's College in 1951, and began what has become a lifetime of service to the Saint Michael's community. A devoted member of the Society of Saint Edmund, whose members founded Saint Michael's over 100 years ago, Father Ray embodies the deep commitment to social justice that has become the hallmark of a Saint Michael's College education. It is among the many reasons I am proud to join Saint Michael's alumni everywhere in celebrating this milestone.

For the past seven decades, Father Ray has advised, counseled, and supported countless Saint Michael's students, faculty, alumni, and Vermonters. His contributions have not gone unnoticed. In 2005, a fellow

classmate established the Reverend Raymond Doherty SSE '51 Scholarship to honor Father Ray's significant contributions as a college administrator, friend, and religious leader. Saint Michael's students continue to learn and grow from Father Ray's contributions to the Saint Michael's community. Countless students, and in many cases generations of families, are lucky to know him.

As a student at Saint Michael's in the late 1940s and early 1950s, Father Ray graced the George ''Doc'' Jacobs baseball program as a starting and relief pitcher for the college. Later in his career, Father Ray would serve as a key member of the college's 1987 and 1996 athletic tasks forces. Last year, the Saint Michael's community honored that legacy by inducting him in to the Saint Michael's College Athletic Hall of Fame.

Saint Michael's widely recognized reputation for encouraging its students and alumni to foster peace and justice has been bolstered by Father Ray's commitment to community service and helping those in need. His frequent involvement in Saint Michael's signature service organization, the Mobilization of Volunteer efforts, MOVE, has been an example to all.

Two years ago, in 2008, Father Ray and the Edmundite community celebrated the 50th anniversary of his ordination. As Father Ray marks another milestone this year, I join with countless of fellow Michaelmen in wishing him the happiest of birthdays. We all look forward to his continued support of the Saint Michael's mission.

## ADDITIONAL STATEMENTS

### REMEMBERING ERNEST BRAUN

• Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of a remarkable man, Ernest Braun of Marin County, CA. Ernest was a passionate photographer and avid environmentalist who loved sharing the gifts of photography and nature with his family and community. He passed away on March 23, 2010.

Ernest Braun was born on September 13, 1921, in St. Louis, MO, to Maurice and Hazel Braun. At their home in San Diego, the Braun family celebrated the out of doors during Ernest's early years. Maurice Braun, an impressionist painter inspired by California's landscape, shared his deep appreciation of nature with his children. While still very young, Ernest was given his first camera as a Christmas gift, and his world would never be the same. The camera became Ernest's tool for sharing his perspective of the world with those around him.

During World War II, Ernest served in the U.S. Army as a combat photographer, capturing images of the atrocities of war in Europe. Ernest's photos of concentration camps and numerous battles brought the conflict home to American shores. He served his country greatly with his portrayals of the human cost of war. Following the end of the war, he lived briefly in New York before he and his new wife, Sally Long, settled in San Anselmo, CA. Inspired by the beautiful vistas of Marin County, in the 1960s Ernest discovered his true love: nature photography. He believed strongly in the importance of humanity's relationship to the natural world, and he created images to help people see and maintain that connection.

Ernest became an award-winning photographer serving architectural, industrial, and commercial clients while nurturing his dedication to showcasing the beauty of Mother Nature. Ernest was deeply committed to his craft and worked to ensure others had the opportunity to explore photography. Ernest taught photography at several schools including the University of California, Berkeley, and the University of California, San Diego. In addition, he traveled around the world teaching environmental photography workshops in Peru, Kenya, New Zealand, Alaska, Ecuador, China, New Zealand, the Galapagos Islands, and elsewhere. Ernest was a revered and sought-after photographer whose gift for the art form was admired by many.

Ernest's photography has been exhibited in prestigious institutions all over the country, including the San Francisco Museum of Modern Art and the Time-Life Gallery in New York City. In 1968, Ernest was voted the Nation's top architectural photographer by the American Institute of Architects, and in 1970 he won first prize in the landscape division of Life magazine's photo contest. Many of his images have also been published in books celebrating our environment.

Ernest was a kind and decent man with whom I had the great pleasure of being personally acquainted. He will certainly be remembered for his skillful photographic representations of the world around him and for his love and dedication to nature. Although he will be dearly missed, we take comfort in knowing that future generations will continue to benefit from the timeless gifts of the photographs he left behind.

Ernest is survived by his daughter Jennifer; his sons Jeff, Christopher, and Jonathan; and his four grandchildren. Our hearts go out to Ernest's family and friends during this difficult time.•

### REMEMBERING KEELER CONDON

• Mr. JOHNSON. Mr. President, today I wish to recognize Keeler Bud Condon, former councilman of the Cheyenne River Sioux Tribe in South Dakota. Keeler passed away on March 30, 2010. The community of Cherry Creek, SD, and all of the Cheyenne River Indian Reservation lost a great leader and friend.

Keeler's Lakota name, Iktomi Kuwapi, is translated as ''Cannot Be Fooled.'' He was born on May 5, 1941, in Porcupine, SD, on the Pine Ridge Reservation, and he spent his childhood years there. Keeler attended a number of tribal schools before graduating from Cheyenne-Eagle Butte High School in 1961.

One of Keeler's greatest joys was sports. He was an avid sports fan and athlete; in 1959, his basketball team won the South Dakota State ''B'' Championship. After high school, he played with the All American Indian Semi-Pro team. Illustrating his enduring commitment to community, he maintained contact throughout his life with his high school basketball coach, Gus Kolb. Keeler worked for many years as a certified building and trades professional and also served as a bus driver for the Takini School before he was elected to the Cheyenne River Tribal Council in 2002. He served a 4-year term.

In 2003, I met Keeler when he hosted me and former Indian Health Service Director Dr. Charles Grim in Cherry Creek. We joined him for a tour and pow-wow. I remember well his constant advocacy for better health care and an improved quality of life for tribal communities. After Keeler retired from the Tribal Council, he continued to be a consistent presence at Tribal Headquarters in Eagle Butte. He would take the time to visit with many tribal members and provide guidance to the elected leaders.

I am sure that Keeler's entire family, including his wife Frieda, four children, and two stepchildren are very proud of his accomplishments, as they ought to be. Strong leaders are central to the well-being of tribal communities, and the Cheyenne River Sioux Tribe certainly benefited from Keeler's contributions.•

### TRIBUTE TO PAULETTE MONTILEAUX

• Mr. JOHNSON. Mr. President, I wish today to pay tribute to Ms. Paulette Montileaux of Rapid City, SD, on an outstanding 42 years of service to the Federal Government as an employee of the U.S. Department of Interior's Indian Arts and Crafts Board. An enrolled member of the Rosebud Sioux Tribe, Ms. Montileaux began her service in Rapid City as a clerk and typist for the Indian Arts and Crafts Board in 1967. In 1978, she was promoted to Museum Assistant, and in 1983 she was named Curator for the Sioux Indian Museum.

The Sioux Indian Museum in Rapid City was founded in 1939 and is home to

the historic Anderson Collection from the Rosebud Reservation, which was gathered in the 1880s and 1890s. This museum is one of three such unique and important Museums nationwide under the care of the Indian Arts and Crafts Board. Over the years, this Museum's collections have grown into one of the most extensive collections of Lakota/Dakota/Nakota artifacts. Ms. Montileaux and her staff have worked tirelessly to preserve these possessions. Housed within the Journey Museum for the past 13 years, items from the Sioux Indian Museum are viewed by the public in a realistic travel through time.

For 42 years, Ms. Montileaux worked to preserve the history of the Lakota/Dakota/Nakota people by maintaining existing collections, as well acquiring new pieces of art. According to Authur Amiotte, during her long career she assisted in and witnessed the beginning careers of many traditional tribal artisan and contemporary painters, sculptors, and jewelers. Among her varied responsibilities, she coordinated a number of special exhibits each year to highlight the work of emerging artists. The integrity of the collections within the museum and their existence for future generations is in no small part thanks to Ms. Montileaux.

Ms. Montileaux went about her important work each day quietly and without any self interest; all of her attention was always focused on the collections and their importance to the tribes and all residents of South Dakota. Again, I congratulate her on her retirement and wish her and her husband Don Montileaux all the best on their future endeavors.●

## REMEMBERING CHRISTOPHER W. WHITE

● Mr. KAUFMAN. Mr. President, in the past couple of years, the economy took a turn for the worse, and the Community Legal Aid Society, Inc.—CLASI, for short—in my home State of Delaware, was hit with a triple whammy. More people needed help while there were fewer private and government contributions to go around.

CLASI's executive director, Christopher W. White, faced these new, increasing, and difficult challenges bravely and with an amazing sense of determination. Some would say Chris did his best work when the going got particularly tough.

Today, the Legal Aid Society is a wonderful and esteemed nonprofit law firm dedicated to providing advice to people with low incomes or disabilities as well as those who are elderly. The success of CLASI is in large part due to Chris's almost two decades of hard work, direction, and excellent fundraising abilities. His devotion to CLASI was clear during the recent recession, when he lowered his own salary so that others could keep their jobs.

However, the Delaware and legal communities faced a tragic blow last week when Chris's life was tragically cut short on Wednesday, April 21. He was 48.

You can't go far in Wilmington without hearing that Chris was a brilliant advocate and overall great person. When you talked with Chris, his passion and drive would rub off on you. He had the effect of making everyone who knew him want to become a better person.

Much of this was owed to Chris's charisma. He was one-of-a-kind, and his intelligence never came off as pretentious. Everything that Chris did was driven by his heart—not politics or career-climbing—and a strong desire to make things better in his community.

Chris was a preacher's son and a graduate of Boston College and Suffolk University Law School. During law school, Chris had a summer internship at Harvard Legal Aid, which changed his life. He could have been a private attorney with a high salary and a fraction of the workload of a public interest attorney. However, Chris devoted his entire professional career to Delaware's Community Legal Aid Society. Some of the highlights of his very bright career were when he argued before the Delaware Supreme Court.

One of his passions was the issue of safe, affordable, and adequate housing. The original Legal Aid Society dates back to 1946, but just recently CLASI added the Fair Housing Program to enforce fair housing rights for all people regardless of race, color, religion, sex, national origin, age, disability, and familial status. This is in large part due to Chris's commitment to this issue. He was involved with many community development and housing organizations and took up the cause before the State general assembly. He wrote a new State law to settle conflicts between manufactured-home owners and landlords. He also reworked New Castle County's landlord-tenant code so tenants could better understand their rights.

Chris's hard work was widely recognized by his peers. He received the New Lawyers Distinguished Service Award from the Delaware State Bar Association in 1999 and the Kind Policy Award from the Delaware Housing Coalition in 1997.

Only days after his passing, one of his many projects was opened in downtown Wilmington. He had led the renovation of an abandoned commercial space into ''Shipley Lofts,'' a 23-unit artist community. The 1,500-square-foot gallery has been named the Christopher W. White Gallery in his memory, and the nonprofit organization that oversees the project has been renamed the Christopher W. White Community Development Corporation.

Chris gave everything he had—mind, body, time, resources—to those without a voice. Tragically, he was hit by a car in front of the building he worked so hard to develop as a place of vitality and creativity.

The loss of Christopher W. White is a great loss to Delaware. He will be truly missed. My sympathies go out to his family, friends, and colleagues, especially his wife Leandria and their children, Josh and Kayla, and his mother, Donna.●

## REMEMBERING CHRISTOPHER C. BOLKCOM

● Mr. MCCAIN. Mr. President, I wish to speak in order to honor the life and achievements of Christopher C. Bolkcom, Congressional Research Service Specialist, on the occasion of the first anniversary of his passing away, on May 1, 2009.

Christopher Bolkcom served Congress with distinction for 9 years at the Library of Congress as a specialist in military aviation for the Congressional Research Service. He held a bachelor's degree in international relations from the University of Minnesota, a master's degree in international affairs from American University in Washington, DC, and a master's degree in national security strategy from the National War College in Washington, DC.

Christopher was born on June 13, 1962, in Minneapolis, MN, raised there and then spent his adult life and career in the National Capitol Region until his untimely death on May 1, 2009.

Christopher was recognized throughout Congress, the military Services, the defense community, and the aeronautical industry as an expert on the management, operational use and procurement of military aircraft. In that capacity, he assisted Congress in its legislative and oversight activities, including testifying before the Senate Armed Services Committee; the House Armed Services Committee; the Senate Commerce, Science and Transportation Committee; and the Senate Governmental Affairs Committee. Christopher published many influential CRS reports on such subjects as Air Force aerial refueling; the role of airpower in counterinsurgency operations; tactical aviation and bomber force modernization; military aviation safety; suppression of enemy air defenses; and protecting commercial aircraft from shoulder-fired missiles. He provided objective, expert analysis on a number of issues, including the Joint Strike Fighter and the KC–X Tanker, to Congress, the Senate Armed Services Committee, and to me and my staff personally—analysis for which I am very grateful.

Christopher displayed generous enthusiasm for meeting the professional needs of colleagues and clients, enlivened by persistent humor and wit in his interpersonal relations. He worked

hard at his public duties. He also played hard with friends, whether skiing or kick-boxing, and found time to serve others, at for example the Falls Church Presbyterian Church in Falls Church, VA.

On this occasion—the first anniversary of Christopher's passing away—I want to honor the life and achievements of Congressional Research Service Specialist Christopher Bolkcom, who is survived by his loving family, including his children Jessica and Maxwell Bolkcom; their mother Mary Anne Alexander; his parents Gene and Ann Bolkcom; his sister Elizabeth Matteson; his brother Bill Bolkcom; and his nephew Tristin Matteson.●

## TRIBUTE TO VICE ADMIRAL MIKE LOOSE

● Mr. McCAIN. Mr. President, I would like to take a moment today to recognize the extraordinary contributions of VADM Mike Loose, Civil Engineer Corps, U.S. Navy to our Nation. Vice Admiral Loose has served with exceptional distinction as the Deputy Chief of Naval Operations, CNO, for Fleet Readiness and Logistics, a position of great responsibility, from January 2007 to April 2010.

Vice Admiral Loose brought a unique and remarkable perspective to the CNO's leadership team, resulting in profound innovations to Navy policy, programs, and resourcing. His professional reach extended to the Joint Staff, the other Services, our international defense partners, and the industry to achieve alignment and collaboration resulting in great benefits to everyone involved. He was the visionary leader and driving force behind the Navy's transition from a level-of-effort based budget to a model-based approach that links Afloat Readiness to output metrics and resources. This transformational leap provided senior Navy leadership the intellectual basis and the tools to enhance core Warfighting capabilities in a restrained fiscal environment and to clearly define the relationship between baseline and overseas contingency operations funding.

Vice Admiral Loose was also the vanguard who recognized the strategic imperative of energy to the employment of Navy combat forces and spearheaded the establishment of Task Force Energy and the Navy Energy Coordination Office 2 years ago. He fully established the mindset that energy is a tactical advantage and strategic enabler for military forces. In short order, his Energy organization was recognized as the premier model for the other Services and as the foundation for the DON's Energy program. In addition, he profoundly reshaped and expertly guided the Navy's Environmental Program at a time when the importance of the program was paramount. His foresight and energetic leadership ensured the Navy achieved regulatory milestones and uninterrupted, critical operational training in support of national command authority objectives.

In recognition of the enormous challenges inherently facing the funding of future ownership costs of existing and new systems Vice Admiral Loose directed the development of a ''2030 and Beyond'' assessment that demonstrated that the growth in future ownership costs of existing and new systems would far exceed the expected growth in the Navy's topline budget over the next 20 years. His efforts led to an increased focus on total ownership costs across the Navy, specific direction in the 2010 Chief of Naval Operations Guidance and his assignment as the Navy's Executive Agent for Total Ownership Costs.

Today, I honor Vice Admiral Loose for his service to our country, his inspirational and visionary leadership, his extraordinary strength of character and moral courage, and his irrepressible drive and leadership. He and his wife Carol and their son Chris have made many sacrifices during his career in the Navy. I call upon my colleagues to join his family, friends, and association to wish them ''fair winds and following seas.''●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 9:52 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3808. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

H.R. 5017. An act to ensure the availability of loan guarantees for rural homeowners.

H.R. 5146. An act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

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At 1:23 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5147. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3808. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

H.R. 5017. An act to ensure the availability of loan guarantees for rural homeowners; to the Committee on Banking, Housing, and Urban Affairs.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5146. An act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Nominee: Mari Carmen Aponte

Post: El Salvador

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $500, 4–22–05, Cong. Nydia Velázquez; −$540, 6–29–05, Latina RoundTable PAC ($540 Refund from Contribution prior to 2005.); $4000, 6–30–06, DCCC; $250, 2–23–07, Cong. Jose Serrano; $400, 4–30–0, Dorgan for Senate; $2000, 12–28, Salazar 2008; $1000, 2–19–0, H Clinton Committee; $150, 3–05–0, Tadeo for Congress; $200, 6–10–0, McMahon for Congress; $800, 6–10–0, Salazar 2008; $5000, 9–19–0, Poder PAC; $5000, 10–30–08, Obama Victory Fund; $1000, 12–05–08, Poder PAC; $1000, 03–03–09, Becerra for Congress; $500, 03–18–09, Pleitez for Congress; $500, 04–22–09, Cong. Nydia Velázquez; $500, 05–11–09, DSCC; $100, 6–29–09, Amigos de Salazar; $250, 9–11–09, DSCC; $1000, 10–16–09; Menendez for Senate; $1000, 10–28–09, Ctee to Re-elect N Velázquez; $1000, 11–11–09, Ctee to Re-elect N Velázquez; −$1000, 02–02–10, Refund Poder PAC ($1000 Refund from Contribution made in error in 2008).

2. Grandparents: All four Grandparents deceased before 2005.

3. Father: Rene Aponte—deceased on June 17, 1989.

4. Mother: Maria Cristina Rodriguez, since 2005—DCCC, 6–24–06, $2000; DNC, 9–15–08, $35.

5. Sister: Maria Teresita Aponte Aloma, since 2005—DCCC, 6–30–06, $2000; Salazar 2008, 12–28–07, $1000.

6. Step Sister: Kate Wood, since 2005—Ctee to Re-elect N Velázquez, 4–25–05, $1000; Ctee to Re-elect N Velázquez, 10–20–05, $1000; Obama for America, 9–17–08, $300; Obama for America, 9–30–08, $250.

7. Step Brother: Bill Wood, since 2005—Ctee to Re-elect N Velázquez, 9–29–05, $500.

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By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Dana Katherine Bilyeu, of Nevada, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2011.

*Michael D. Kennedy, of Georgia, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2010.

*Michael D. Kennedy, of Georgia, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2014.

*Dennis P. Walsh, of Maryland, to be Chairman of the Special Panel on Appeals for a term of six years.

*Milton C. Lee, Jr., of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Todd E. Edelman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Judith Anne Smith, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 3268. A bill to amend title 49, United States Code, to prohibit individuals who have worked on motor vehicle safety issues at NHTSA from assisting motor vehicle manufacturers with NHTSA compliance matters for a period of 3 years after terminating employment at NHTSA, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself, Mr. DODD, and Ms. KLOBUCHAR):

S. 3269. A bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements; to the Committee on Environment and Public Works.

By Mr. McCAIN:

S. 3270. A bill to include the county of Mohave, in the State of Arizona, as an affected area for purposes of making claims under the Radiation Exposure Compensation Act based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

S. 3271. A bill to amend section 30166 of title 49, United States Code, to require the installation of event data recorders in all motor vehicles manufactured for sale in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNET:

S. 3272. A bill to provide greater controls and restrictions on revolving door lobbying; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 3273. A bill to establish a program to provide southern border security assistance grants, to authorize the appointment of additional Federal judges in states along the southern border, and for other purposes; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mr. BROWN of Ohio):

S. 3274. A bill to amend the Controlled Substances Act to address the use of intrathecal pumps; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3275. A bill to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Ms. MURKOWSKI):

S. 3276. A bill to provide an election to terminate certain capital construction funds without penalties; to the Committee on Finance.

By Mr. UDALL of New Mexico:

S. 3277. A bill to amend the American Recovery and Reinvestment Act of 2009 to reserve funds under the programs for payments to the Bureau of Indian Education of the Department of the Interior for Indian children; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Ms. COLLINS, Mr. CARDIN, Mr. WYDEN, Mrs. FEINSTEIN, Mr. SANDERS, Ms. CANTWELL, Mr. LEVIN, Mr. KERRY, and Mr. LAUTENBERG):

S. Res. 503. A resolution designating May 21, 2010, as ''Endangered Species Day''; to the Committee on the Judiciary.

By Mr. WICKER (for himself and Mr. COCHRAN):

S. Res. 504. A resolution expressing the condolences of the Senate to those affected by the tragic events following the tornado that hit central Mississippi on April 24, 2010; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 384

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 777

At the request of Mr. BROWN of Ohio, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 777, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Arkansas (Mr. PRYOR) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from North Carolina (Mr. BURR) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 2862

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2862, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2962

At the request of Mr. DODD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S.

2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. 2986

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2986, a bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3065

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3065, a bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation.

S. 3181

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes.

S. 3196

At the request of Mr. KAUFMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3196, a bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3254

At the request of Mr. BROWN of Ohio, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3254, a bill to amend the Fair Labor Standards Act of 1938 to require persons to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for persons who misclassify employees as non-employees, and for other purposes.

S. 3262

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3265

At the request of Mr. MCCAIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3265, a bill to restore Second Amendment rights in the District of Columbia.

S.J. RES. 28

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S.J. Res. 28, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. CON. RES. 61

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Con. Res. 61, a concurrent resolution expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 3268. A bill to amend title 49, United States Code, to prohibit individuals who have worked on motor vehicle safety issues at NHTSA from assisting motor vehicles manufacturers with NHTSA compliance matters for a period of 3 years after terminating employment at NHTSA, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, last August, California Highway Patrol Officer Mark Saylor, his wife, 13 year old daughter, and brother-in-law were killed in a tragic car accident that shocked the community of San Diego and the nation.

Their vehicle, a rental Lexus ES350, reached speeds of 120 mph as the family desperately called 911 in vain for help. This tragedy should not have occurred, and sadly, it is just one of many examples across California and the country of accidents involving Toyota and Lexus vehicles.

These accidents raise serious questions about the effectiveness of the recalls and whether Toyota and federal regulators at the National Highway Traffic Safety Administration, NHTSA, took appropriate and timely action to protect the public.

At the Senate Commerce Committee hearing on the Toyota recalls this past March, I called attention to reports that former NHTSA employees now employed by Toyota worked to limit Toyota's recall. In fact, Toyota's own internal documents stated that the company had achieved a ''win'' by ''negotiating an equipment recall'' on the Camry and Lexus ES vehicles that saved Toyota $100 million. It is a shocking example of a company counting profit wins at the expense of the public's health and safety.

The revolving door that exists between government regulators at NHTSA and the auto industry is unacceptable, and it puts consumers at risk. In fact, the Washington Post reported that as many as 33 former NHTSA and Department of Transportation, DOT, employees continue to work on vehicle recalls and safety compliance, capacities that deal directly with NHTSA's oversight authority over the industry.

That is why I am introducing the Motor Vehicle Safety Integrity Employment Act, to end the revolving door that exists between our vehicle safety regulatory agency—NHTSA—and the auto industry.

My bill prohibits NHTSA employees from working for auto manufacturers for three years in any job that involves written or oral communication with NHTSA, representing or advising a manufacturer with respect to motor vehicle safety, or assisting a manufacturer with responding to a request for information from NHTSA.

This restriction applies to high ranking NHTSA officials, as well as any individual whose responsibilities during the last 12 months at NHTSA included administrative, managerial, legal, supervisory, or senior technical responsibility for any motor vehicle safety-related program.

My legislation provides penalties for individuals and manufacturers who violate the law. Manufacturers are subject to fines not less than $100,000 and the amount equal to 90 percent annual compensation paid to that employee.

Finally, our bill requires the Inspector General to conduct a comprehensive study of DOT's policies related to post-employment restrictions for employees who handle motor vehicle safety related work beyond NHTSA at DOT, and DOT employees who handle all safety related work across all transportation modes. My legislation gives DOT the authority to take appropriate action as warranted.

We need to ensure that consumer safety is not compromised by cozy relationships between government regulators and industry. I am proud to introduce this bill to protect the public and look forward to working with my colleagues to enact this legislation as quickly as possible.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 27, 2010.

Hon. BARBARA BOXER,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR BOXER; We are writing to strongly endorse the Motor Vehicle Safety Integrity Employment Act you are sponsoring that will close a legal loophole concerning post-government employment in the auto industry by former government personnel of the National Highway Traffic Safety Administration (NHTSA). Congressional hearings and media investigations into high speed crashes and deaths caused by unintended acceleration, the premature closure of agency defect investigations and the subsequent recall of ten million vehicles by Toyota Motor Corporation exposed a revolving door of former NHTSA regulators representing the automaker in safety matters before the agency.

Activities by former NHTSA employees who are subsequently hired by automakers have the potential to jeopardize the agency's investigations, rulemakings, and oversight functions. These ethics issues need to be corrected and addressed in legislation. It is essential and expected that NHTSA conducts impartial analyses of all vehicle safety issues. It is critical to protect the integrity of the agency's investigatory and enforcement role, as well as to ensure public safety when the agency sets safety standards. Your legislation is needed in order to restore the trust of the American public in our government regulators and ensure the safety of millions of vehicles that families depend on to travel to work, transport children to school and to bring us home safely.

Your legislation, when enacted, will prevent undue industry influence in the agency's enforcement and regulatory decision-making and address an unacceptable defect in current ethics restrictions for former NHTSA employees. Thank you for your leadership.

Sincerely,

Joan Claybrook, President Emeritus, Public Citizen; Clarence Ditlow, Executive Director, Center for Auto Safety; Janette Fennell, Founder & President, KIDS AND CARS; Rosemary Shahan, President, Consumers for Auto Reliability and Safety; Ami Gadhia, Policy Counsel, Consumers Union; Jacqueline S. Gillan, Vice President, Advocates for Highway and Auto Safety; Jack Gillis, Director of Public Affairs, Consumer Federation of America; Andrew McGuire, Executive Director, Trauma Foundation; Ellen Bloom, Director, Federal Policy and Washington Office, Consumers Union.

By Mr. MCCAIN:

S. 3270. A bill to include the county of Mohave, in the State of Arizona, as an affected area for purposes of making claims under the Radiation Exposure Compensation Act based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation that would amend the Radiation Exposure Compensation Act, RECA, by adding Mohave County, AZ, to the list of counties eligible for downwinder compensation. A similar proposal was introduced in the House of Representatives by Congressman TRENT FRANKS. I'm hopeful this bill will help close a painful chapter for those Arizonans who were arguably the most affected by nuclear weapons testing during the Cold War.

In 1990, Congress enacted the Radiation Exposure Compensation Act to compensate victims or their survivors who suffered certain illnesses caused by fallout exposure ''down wind'' of atmospheric nuclear weapons testing in the 1940's and lasting into the 1960's. Among various requirements, compensation eligibility is limited to certain affected counties which are specifically listed in the law. Astonishingly, despite its close proximity to the Nevada Test Site, the original RECA law and its subsequent amendments never listed Mohave County proper as an affected area. I believe the people of Mohave County deserve to see righted this unjust policy which has obstructed their ability to qualify for compensation.

I understand that several of my colleagues have proposed similar RECA amendments based on data suggesting that their home states were also ''down wind'' of nuclear weapons testing. In addition, my colleague, Senator TOM UDALL, has introduced a far reaching legislative proposal to vastly expand the RECA program. I would hope that as these various RECA proposals advance through the legislative process, Congress gives thorough consideration to an April 2005 report by the National Academy of Sciences, NAS, that assessed, among other things, whether additional geographic areas should be added to the RECA program. The NAS study revealed a much wider area of radioactive fallout then originally identified when the RECA law was first written. The report also recommended replacing the geographic area criteria with a new science-based process for determining compensation eligibility, a method similar to what's used in the Radiation Exposed-Veterans Compensation Act and the Energy Employees Occupational Illness Compensation Program Act. I believe it is worthwhile for policy makers to consider the recommendations of the NAS report.

In the meantime and until a comprehensive overhaul of RECA is developed, I will work within the parameters of the existing RECA law in my efforts to ensure that the people of Mohave County are treated fairly in this matter. I encourage my colleagues to support this bill.

By Mr. UDALL of New Mexico:

S. 3271. A bill to amend section 30166 of title 49, United States Code, to require the installation of event data recorders in all motor vehicles manufactured for sale in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce legislation that I believe will help improve the safety of automobile drivers and passengers. The legislation, the Vehicle Safety Improvements Act, would, among other things, require all automobiles sold in the United States be equipped with an event data recorder, an EDR.

Event data recorders provide a report of a vehicle's operating statistics—things like the throttle position and speed of the vehicle—during the last seconds before and immediately after a crash.

They serve a similar function as the black boxes that are in each airplane by documenting critical information leading up to an incident. Unlike black boxes, an EDR doesn't record the voices of the vehicle occupants. It simply preserves the vehicle's internal operating data.

The information stored by an EDR can be crucial in determining what happened in the last few seconds prior to a crash and the moments immediately after. If a vehicle doesn't have a recorder, or if the data is not easily accessible, this information can be lost. That leaves local and Federal investigators little to work with as they try to determine whether a vehicle malfunction was to blame. Unfortunately, while the majority of vehicles in the United States are currently equipped with these recorders, many still do not have them.

In 2006, the National Highway Traffic Safety Administration, NHTSA, created a framework for the type of information to be recorded by event data recorders in light-duty vehicles, but it stopped short of requiring the recorders. If the vehicle manufacturer installs an event data recorder in a car, it must comply with the rule. But there is no requirement that the manufacturer install the recorder in the first place.

NHTSA's 2006 rule further requires the manufacturers to ensure that a tool to read the recorder is commercially available. Today, while there are tools commercially available, there is no one universal tool—creating a challenge for investigators who must carry a suitcase of readers with them on investigations. This is an unnecessary burden that can be easily addressed.

This particular burden came to light recently in the context of the tragic Toyota crashes. During hearings held by Chairman ROCKEFELLER in the Commerce Committee, we learned that although Toyotas were equipped with EDRs, until recently they were only able to be read by one computer in the entire United States. That is why, in addition to requiring recorders in all vehicles for sale in the United States, the Vehicle Safety Improvements Act will also require that recorders be easily read by a universal tool regardless of make or model of the vehicle.

In addition, NHTSA's rule also fails to address medium- and heavy-duty vehicles. My legislation would require NHTSA to issue a rule addressing those vehicles as well. While they comprise a small percentage of the vehicle miles traveled on an annual basis, medium- and heavy-duty vehicles are overrepresented in crashes resulting in fatalities. In these crashes, an event data recorder would be a useful tool during the crash investigation in determining the cause of the crash.

Finally, my bill protects privacy by ensuring that the data can only be accessed with the vehicle owner's permission when authorized by a court or a legal proceeding or by a government motor vehicle safety agency.

Adding these recorders would not cost much. In their rulemaking, NHTSA estimated the cost for the manufacturer to install an event data recorder at just over $2 per vehicle. That is a small price to pay for the critical information that can ultimately be used to save lives in the future.

Vehicle crashes are horrible and oftentimes tragic. They result in damage, injuries, and too often fatalities. They create congestion and cost our economy billions of dollars each year. Event data recorders will not prevent crashes, but they will help to determine what caused the crash and, in the case of a vehicle malfunction, help to identify solutions to improve vehicle performance. In the end, the data they provide will serve to ensure a safer travel environment for all.

I urge my Senate colleagues to join me in this important effort to improve vehicle safety. I look forward to working with them and my chairman, Chairman ROCKEFELLER, who has been a champion on issues of transportation safety, to pass the Vehicle Safety Improvements Act this year.

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By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3275. A bill to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, one of Aesop's Fables teaches us, ''In union there is strength.''

In 2009, Haiti's future was beginning to strengthen. A U.S. trade preference program, known as the Haitian Hemispheric Opportunity through Partnership Encouragement Act, or HOPE II, created incentives to increase textile and apparel production in Haiti. As a result, Haiti's textile and apparel sector was growing, creating new jobs and a viable economic future.

But on January 12, 2010, Haiti was struck by a 7.0 magnitude earthquake that took hundreds of thousands of lives, left a million people homeless, and shattered Haiti's burgeoning economy. As Haiti recovers from this devastation, we must unite with our neighbor to help provide the strength that it needs to recover and rebuild.

Today, Senator GRASSLEY and I introduce the Haiti Economic Lift Program Act of 2010—the HELP Act—to strengthen Haiti's path to economic recovery. Congressmen LEVIN, CAMP, and RANGEL are also introducing a companion bill in the House.

The HELP Act would build on the success of the HOPE Act by expanding access to the U.S. market for textile and apparel products from Haiti. As a result, it would create incentives for immediate and long-term private investment in Haiti, which would in turn create sustainable jobs and a stable economy. The HELP Act would also extend all of our trade preference programs for Haiti to 2020, ensuring that Haiti could rely on these tariff benefits as it plans its own economic future.

As we considered the needs of Haiti, we were also watchful of the needs of our domestic textile industry. We worked closely with the domestic industry for months to craft a bill that would not hurt our own workers, even as we help others.

The HELP Act represents a landmark union among the Senate, the House, Democrats, Republicans, and the domestic textile industry to help Haiti recover from its devastation. This union resulted in an unprecedented bill that will help Haiti emerge from the earthquake stronger than ever.

I urge my colleagues to join this union and quickly approve this legislation.

Mr. GRASSLEY. Mr. President, I have come to the floor to speak about a bill that Senator BAUCUS and I have introduced today. It's called the Haiti Economic Lift Program Act of 2010.

The purpose of our bill is to help Haiti recover from the devastation it suffered in the massive earthquake that struck the country in January.

How we respond to natural disasters says a lot about ourselves, whether it's flooding in Iowa or an earthquake in Haiti.

The idea behind the bill is simple. First, we extend current trade preferences for Haiti through fiscal year 2020, to provide more certainty for companies doing business either in Haiti or with Haitian partners.

Second, we grant additional duty-free access to the U.S. market for targeted categories of textile and apparel products. That will help to draw more investment into Haiti's economy and thereby promote long-term job creation, economic development, and political stability.

Our bill is a bipartisan, bicameral compromise. It is the product of 3 months of collaborative negotiations among the chairmen and ranking members of the Senate Finance and House Ways and Means committees and with representatives of the U.S. textile industry and the Haitians themselves.

We also reached out to members of Congress who have constituent textile and apparel interests, to ensure that their concerns were addressed.

Our ability to reach agreement on the bill is a testament to the good will and good faith of all those involved in our negotiations.

The result reflects a careful balancing of interests, including Haiti's interest in spurring more investment in its economy, the interests of our trading partners in Central America in maintaining existing trade relationships, and our own domestic textile interests.

We took special care to address the sensitivities of our domestic producers.

In fact, I have a letter here from the two leading U.S. textile industry organizations. Their letter expresses support for our bill and encourages the Senate to pass the bill in an expeditious manner by unanimous consent.

Finally, I want to make special mention of my colleagues from states with textile interests, and to thank them for their constructive input in developing this legislation.

Without their engagement and support, we would not have arrived at the compromise bill that is being introduced today in both the Senate and the House of Representatives.

This is a balanced bill that addresses an urgent priority in the Western Hemisphere.

I ask my colleagues to give the bill their unanimous support when it comes before the Senate.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 26, 2010.

Hon. MAX BAUCUS,
*Chairman, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

Hon. CHARLES GRASSLEY,
*Ranking Member, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN BAUCUS and RANKING MEMBER GRASSLEY: As representatives of the United States textile industry, we are writing in regard to the Haiti Economic Lift Program Act of 2010, a bill to provide enhanced market access for apparel products manufactured in Haiti.

After lengthy negotiations with your staffs, we are pleased that we were able to reach an acceptable compromise on this important legislation. While the bill provides Haiti with a path forward for long-term economic recovery in the wake of its devastating earthquake, it also takes into account various sensitivities from the perspective of the U.S. textile industry.

For example, the bill grants significant increases in duty free treatment through a system of Tariff Preference Levels (TPLs) but also institutes sub-limits on highly sensitive products that can be exported under the

TPLs. The sub-limits were a key priority for the domestic industry and will prevent over concentration of exports in one or two key areas that could be particularly damaging to U.S. producers. In addition, the bill extends the current Caribbean Basin Trade Partnership Act (CBTPA) through 2020. This extension will help to provide long-term certainty for a program that is of significant value for U.S. and Western Hemispheric trading partners.

Obviously, we take very seriously the impact that additional duty free imports may have on U.S. producers and workers as well as our Western Hemispheric customers. Noting those concerns, we also recognize that the devastating circumstances in Haiti produced an exceptional case that motivated Congress to develop a quick response and have worked with the Committee to develop a package that strikes an acceptable balance. We must stress, however, that this package does not set a precedent for Any future trade preference legislation.

For all these reasons, we are encouraging our Congressional members that represent the nearly 500,000 U.S. textile and apparel workers to approve this legislation in an expeditious manner under suspension of the rules in the House and by unanimous consent in the Senate.

Sincerely,

AUGUSTINE D. TANTILLO,
*Executive Director, American Manufacturing Trade Action Coalition (AMTAC).*

CASS M. JOHNSON,
*President, National Council of Textile Organizations (NCTO).*

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Mr. WYDEN (for himself and Ms. MURKOWSKI):

S. 3276. A bill to provide an election to terminate certain capital construction funds without penalties; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing a bill to reform the Capital Construction Fund to address major changes in the Nation's fisheries and to allow the Nation's fishers to have access to needed funds, to prevent over-fishing and to help create jobs.

The Capital Construction Fund, CCF, program was originally developed at a time when American fishes were having a hard time competing with highly efficient foreign fishing vessels—modern boats that often harvested US fishery resources within sight of our own shores. The initial idea behind the CCF Program was to enable US fishers to accumulate the funds necessary to develop a modern fishing fleet by allowing them to deposit a portion of their fishing-related earnings into a CCF savings account on a tax-deferred basis. Under the CCF program, monies subsequently withdrawn from the CCF accounts would remain tax free as long as they were invested in new or rebuilt fishing vessels. At the same time, any unauthorized withdrawals from CCF accounts were subject to severe interest and other penalties.

The program was a success—the CCF program helped the U.S. industry build a modern state-of-the-art fishing fleet. Unfortunately, that fleet has now become overcapitalized—a problem that has been exacerbated as managers have become more and more concerned about potential overfishing and have begun to reduce the amount of fish that they allow fishers to catch each year. As a result, the U.S. commercial fishing fleet now has more harvesting capacity than the U.S. fishery resource can sustainably support. The problem now is that the monies that remain on deposit in CCF accounts represent a potential for further overcapitalization at a time when less capitalization is needed. Yet the CCF regulations currently penalize withdrawals made for anything other than a bigger or better boat.

The issue now is what to do about the money that remains ''stranded'' in existing CCF accounts. Ironically, just as the current generation of fishers is getting ready to retire, the program puts heavy penalties on them if they take money out of their CCF accounts without using it for anything other than to further capitalize an already overcapitalized fleet.

The resulting situation is problematic for the fishers, the industry and the resource. That's why I am introducing legislation today along with my colleague Senator MURKOWSKI—to address the problem of stranded capital still on deposit in various CCF accounts and to relieve the pressure to increase further capitalization of the fishing fleet. My legislation will enable CCF fund-holders to make a one-time withdrawal from their CCF accounts without requiring them to re-invest it in the fishing industry. Instead, they will be required to pay the taxes due on the monies withdrawn, but without having to pay interest or other penalties on such withdrawals. Those funds would be freed up for other purposes, including starting a new business and finding other ways to support and create jobs. An income-averaging formula would be applied to the withdrawals so as to avoid an excessive tax rate on the one-time withdrawal. The fishers taking advantage of such an opportunity to take money out of their CCF accounts penalty free would then be required to close their CCF accounts and would be prohibited from further participation in the program. This is a win-win-win situation. The fisher gets to take the money out of his CCF without having to pay penalties and interest, but still pays the taxes when due; the Government gets taxes on the withdrawals; and the resource and the fishers who remain in the fishery avoid further capitalization of an already over-capitalized industry.

I look forward to working with Senator MURKOWSKI, the fishing community and the bill's other supporters to advance this legislation to the President's desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3276

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ELECTION TO TERMINATE CERTAIN CAPITAL CONSTRUCTION FUNDS.**

(a) AMENDMENTS TO CHAPTER 535 OF TITLE 46, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 535 of title 46, United States Code, is amended by adding at the end the following new section:

**''§ 53518. Election to terminate**

''(a) IN GENERAL.—

''(1) ELECTION.—Any person who has entered into an agreement under this chapter with respect to a vessel operated in the fisheries of the United States may make an election under this paragraph to terminate the capital construction fund established under such agreement.

''(2) EFFECT OF ELECTION ON INDIVIDUALS.—In the case of an individual who makes an election under paragraph (1) with respect to a capital construction fund—

''(A) any amount remaining in such capital construction fund on the applicable date shall be distributed to such individual as a nonqualified withdrawal, except that—

''(i) in computing the tax on such withdrawal, except as provided in paragraph (4), subsections (c)(3)(B) and (f) of section 53511 shall not apply; and

''(ii) the taxpayer may elect to average the income from such withdrawal as provided in subsection (b); and

''(B) such individual shall not be eligible to enter into, directly or indirectly, any future agreement to establish a capital construction fund under this chapter with respect to a vessel operated in the fisheries of the United States.

''(3) EFFECT OF ELECTION FOR ENTITIES.—

''(A) IN GENERAL.—In the case of a person (other than an individual) who makes an election under paragraph (1)—

''(i) the total amount in the capital construction fund on the applicable date shall be distributed to the shareholders, partners, or members of such person in accordance with the terms of the instruments setting forth the ownership interests of such shareholders, partners, or members;

''(ii) each shareholder, partner, or member shall be treated as having established a special temporary capital construction fund and having deposited amounts received in the distribution into such special temporary capital construction fund;

''(iii) no gain or loss shall be recognized with respect to such distribution;

''(iv) the basis of any shareholder, partner, or member in the person shall not be reduced as a result of such distribution;

''(v) any amounts not distributed pursuant to clause (i) shall be distributed in a nonqualified withdrawal; and

''(vi) such person shall not be eligible to enter into, directly or indirectly, any future agreement to establish a capital construction fund under this chapter with respect to a vessel operated in the fisheries of the United States.

''(B) SPECIAL TEMPORARY CAPITAL CONSTRUCTION FUNDS.—For purposes of this chapter, a special temporary capital construction fund shall be treated in the same manner as a capital construction fund established under

section 53503, except that the following rules shall apply:

''(i) A special temporary capital construction fund shall be established without regard to any agreement under section 53503 and without regard to any eligible or qualified vessel.

''(ii) Section 53505 shall not apply and no amounts may be deposited into a special temporary capital construction fund other than amounts received pursuant to a distribution described in subparagraph (A)(i).

''(iii) In the case of any amounts distributed from a special temporary capital construction fund directly to a capital construction fund of the taxpayer established under section 53505—

''(I) no gain or loss shall be recognized;

''(II) the limitation under section 53505 shall not apply with respect to any amount so transferred;

''(III) such amounts shall not reduce taxable income under section 53507(a)(1); and

''(IV) for purposes of section 53511(e), such amounts shall be treated as deposited in the capital construction fund on the date that such funds were deposited in the capital construction fund with respect to which the election under paragraph (1) was made.

''(iv) In the case of any amounts distributed from a special temporary capital construction fund pursuant to an election under paragraph (1), clauses (i) and (ii) of paragraph (2)(A) shall not apply to so much of such amounts as are attributable to earnings accrued after the date of the establishment of such special temporary capital construction fund.

''(v) Any amount not distributed from a special temporary capital construction fund before the due date of the tax return (including extension) for the last taxable year of the individual ending before January 1, 2012, shall be treated as distributed to the taxpayer on the day before such due date as if an election under paragraph (1) were made by the taxpayer on such day.

''(C) REGULATIONS.—The joint regulations shall provide rules for—

''(i) assigning the amounts received by the shareholders, partners, or members in a distribution described in subparagraph (A)(i) to the accounts described in section 53508(a) in special temporary capital construction funds; and

''(ii) preventing the abuse of the purposes of this section.

''(4) TAX BENEFIT RULE.—Rules similar to the rules under section 53511(f)(3) shall apply for purposes of determining tax liability on any nonqualified withdrawal under paragraph (2)(A), (3)(A)(v), or (3)(B)(v).

''(5) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means—

''(A) with respect to any capital construction fund which has a balance of less than $1,000,000 on the date that an election under paragraph (1) was made, the date of such election; and

''(B) with respect to any other capital construction fund, the last day of the taxable year which includes the date of the enactment of this section.

''(6) ELECTION.—Any election under paragraph (1)—

''(A) may only be made—

''(i) by a person who maintains a capital construction fund with respect to a vessel operated in the fisheries of the United States on the date of the enactment of this section; or

''(ii) by a person who maintains a capital construction fund which was established pursuant to paragraph (3)(A)(ii) as a result of an election made by an entity in which such person was a shareholder, partner, or member;

''(B) shall be made not later than the due date of the tax return (including extensions) for the person's last taxable year ending on or before December 31, 2012; and

''(C) shall apply to all amounts in the capital construction fund with respect to which the election is made.

''(b) ELECTION TO AVERAGE INCOME.—At the election of an individual who has received a distribution described in subsection (a), for purposes of section 1301 of the Internal Revenue Code of 1986—

''(1) such individual shall be treated as engaged in a fishing business, and

''(A) such distribution shall be treated as income attributable to a fishing business for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 53511 of title 46, United States Code, is amended by striking ''section 53513'' and inserting ''sections 53513 and 53518''.

(B) The table of sections for chapter 535 of title 46, United States Code, is amended by inserting after the item relating to section 53517 the following new item:

''53518. Election to terminate.''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Section 7518 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) ELECTION TO TERMINATE CAPITAL CONSTRUCTION FUNDS.—

''(1) IN GENERAL.—Any person who has entered into an agreement under chapter 535 of title 46 of the United States Code, with respect to a vessel operated in the fisheries of the United States may make an election under this paragraph to terminate the capital construction fund established under such agreement.

''(2) EFFECT OF ELECTION ON INDIVIDUALS.—In the case of an individual who makes an election under paragraph (1) with respect to a capital construction fund, any amount remaining in such capital construction fund on the applicable date shall be distributed to such individual as a nonqualified withdrawal, except that—

''(A) in computing the tax on such withdrawal, except as provided in paragraph (4), paragraphs (3)(C)(ii) and (6) of subsection (g) shall not apply, and

''(B) the taxpayer may elect to average the income from such withdrawal as provided in paragraph (7).

''(3) EFFECT OF ELECTION FOR ENTITIES.—

''(A) IN GENERAL.—In the case of a person (other than an individual) who makes an election under paragraph (1)—

''(i) the total amount in the capital construction fund on the applicable date shall be distributed to the shareholders, partners, or members of such person in accordance with the terms of the instruments setting forth the ownership interests of such shareholders, partners, or members,

''(ii) each shareholder, partner, or member shall be treated as having established a special temporary capital construction fund and having deposited amounts received in the distribution into such special temporary capital construction fund,

''(iii) no gain or loss shall be recognized with respect to such distribution,

''(iv) the basis of any shareholder, partner, or member in the person shall not be reduced as a result of such distribution, and

''(v) any amounts not distributed pursuant to clause (i) shall be distributed as a nonqualified withdrawal.

''(B) SPECIAL TEMPORARY CAPITAL CONSTRUCTION FUNDS.—For purposes of this section, a special temporary capital construction fund shall be treated in the same manner as a capital construction fund established under section 53503 of title 46, United States Code, except that the following rules shall apply:

''(i) Subsection (a) shall not apply and no amounts may be deposited into a special temporary capital construction fund other than amounts received pursuant to a distribution described in subparagraph (A)(i).

''(ii) In the case of any amounts distributed from a special temporary capital construction fund directly to a capital construction fund of the taxpayer established under section 53505 of title 46, United States Code—

''(I) no gain or loss shall be recognized;

''(II) the limitation under subsection (a) shall not apply with respect to any amount so transferred;

''(III) such amounts shall not reduce taxable income under subsection (c)(1)(A); and

''(IV) for purposes of subsection (g)(5), such amounts shall be treated as deposited in the capital construction fund on the date that such funds were deposited in the capital construction fund with respect to which the election under paragraph (1) was made.

''(iii) In the case of any amounts distributed from a special temporary capital construction fund pursuant to an election under paragraph (1), subparagraphs (A) and (B) of paragraph (2) shall not apply to so much of such amounts as are attributable to earnings accrued after the date of the establishment of such special temporary capital construction fund.

''(iv) Any amount not distributed from a special temporary capital construction fund before the due date of the tax return (including extension) for the last taxable year of the individual ending before January 1, 2012, shall be treated as distributed to the taxpayer on the day before such due date as if an election under paragraph (1) were made by the taxpayer on such day the date.

''(C) REGULATIONS.—The joint regulations shall provide rules for—

''(i) assigning the amounts received by the shareholders, partners, or members in a distribution described in subparagraph (A)(i) to the accounts described in subsection (d)(1) in special temporary capital construction funds; and

''(ii) preventing the abuse of the purposes of this section.

''(4) TAX BENEFIT RULE.—Rules similar to the rules under subsection (g)(6)(B) shall apply for purposes of determining tax liability on any nonqualified withdrawal under paragraph (2), (3)(A)(v), or (3)(B)(iv).

''(5) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means—

''(A) with respect to any capital construction fund which has a balance of less than $1,000,000 on the date that an election under paragraph (1) was made, the date of such election; and

''(B) with respect to any other capital construction fund, the last day of the taxable year which includes the date of the enactment of this subsection.

''(6) ELECTION.—Any election under paragraph (1)—

''(A) may only be made—

''(i) by a person who maintains a capital construction fund with respect to a vessel operated in the fisheries of the United States

on the date of the enactment of this subsection, or

''(ii) by a person who maintains a capital construction fund which was established pursuant to subparagraph (3)(A)(ii) as a result of an election made by an entity in which such person was a shareholder, partner, or member,

''(B) shall be made not later than the due date of the tax return (including extensions) for the person's last taxable year ending on or before December 31, 2012, and

''(C) shall apply to all amounts in the capital construction fund with respect to which the election is made.

''(7) ELECTION TO AVERAGE INCOME.—At the election of an individual who has received a distribution described in paragraph (2), for purposes of section 1301—

''(A) such individual shall be treated as engaged in a fishing business, and

''(B) such distribution shall be treated as income attributable to a fishing business for such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 7518(g)(1) of such Code is amended by striking ''subsection (h)'' and inserting ''subsections (h) and (j)''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 503—DESIGNATING MAY 21, 2010, AS ''ENDANGERED SPECIES DAY''

Mr. WHITEHOUSE (for himself, Ms. COLLINS, Mr. CARDIN, Mr. WYDEN, Mrs. FEINSTEIN, Mr. SANDERS, Ms. CANTWELL, Mr. LEVIN, Mr. KERRY, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 503

Whereas, in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas ⅔ of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 21, 2010, as ''Endangered Species Day'';

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species;

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe the day with appropriate ceremonies and activities.

### SENATE RESOLUTION 504—EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE TRAGIC EVENTS FOLLOWING THE TORNADO THAT HIT CENTRAL MISSISSIPPI ON APRIL 24, 2010

Mr. WICKER (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 504

Whereas, on the afternoon of April 24, 2010, a tornado passed across the State of Mississippi, leaving a path of destruction 1½ miles wide;

Whereas 10 lives were tragically lost, and many other people were injured;

Whereas this tornado was classified as an EF–4 by the National Weather Service, with winds estimated at 170 miles per hour;

Whereas the tornado is the largest to strike Mississippi since 2001;

Whereas almost 1,000 homes were damaged or destroyed;

Whereas thousands of residents across 18 counties have been displaced from their homes; and

Whereas, in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made Federal disaster assistance available for the State of Mississippi to assist in local recovery efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its heartfelt condolences to the families and friends of those who lost their lives in the terrible events of April 24, 2010;

(2) extends its wishes for a full recovery for all those who were injured;

(3) extends its thanks to the first responders, firefighters, law enforcement, and medical personnel who took quick action to provide aid and comfort to the victims; and

(4) stands with the people of Mississippi as they begin the healing process following this terrible event.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3731. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3732. Mr. CARDIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. MERKLEY, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3733. Mr. BROWN of Ohio (for himself, Mr. KAUFMAN, Mr. CASEY, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. HARKIN, Mr. SANDERS, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3734. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3735. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3731.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

**SEC. 122. DISCLOSURE OF FINANCIAL INTERESTS IN THE DECLINE IN VALUE OF FINANCIAL PRODUCTS.**

(a) RECOMMENDATIONS BY COUNCIL.—Not later than 180 days after the date of enactment of this Act, the Council shall make recommendations to the primary financial regulatory agencies to require any seller of a financial product or instrument to disclose to the purchaser or prospective purchaser of that product, whether the seller has any direct financial interest in the decline in value of the product.

(b) PROCEDURES AND IMPLEMENTATION.—The procedural and implementation provisions of subsections (b) and (c) of section 120 shall apply to recommendations of the Council under this section.

**SA 3732.** Mr. CARDIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. MERKLEY, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayers by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1030, between lines 9 and 10, insert the following:

**Subtitle K—Resource Extraction Issuers**

**SEC. 995. DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.**

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by this Act, is amended by adding at the end the following:

''(o) DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'commercial development of oil, natural gas, or minerals' includes the acquisition of a license, exploration, extraction, processing, export, and other significant actions relating to oil, natural gas, or minerals, as determined by the Commission;

''(B) the term 'foreign government' means a foreign government, an officer or employee of a foreign government, an agent of a foreign government, a company owned by a foreign government, or a person who will provide a personal benefit to an officer of a government if that person receives a payment, as determined by the Commission;

''(C) the term 'payment'—

''(i) means a payment that is—

''(I) made to further the commercial development of oil, natural gas, or minerals; and

''(II) not de minimis; and

''(ii) includes taxes, royalties, fees, licenses, production entitlements, bonuses, and other material benefits, as determined by the Commission;

''(D) the term 'resource extraction issuer' means an issuer that—

''(i) is required to file an annual report with the Commission; and

''(ii) engages in the commercial development of oil, natural gas, or minerals;

''(E) the term 'interactive data format' means an electronic data format in which pieces of information are identified using an interactive data standard; and

''(F) the term 'interactive data standard' means standardized list of electronic tags that mark information included in the annual report of a resource extraction issuer.

''(2) DISCLOSURE.—

''(A) INFORMATION REQUIRED.—Not later than 270 days after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission shall issue final rules that require each resource extraction issuer to include in the annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals, including—

''(i) the type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals; and

''(ii) the type and total amount of such payments made to each government.

''(B) INTERACTIVE DATA FORMAT.—The rules issued under subparagraph (A) shall require that the information included in the annual report of a resource extraction issuer be submitted in an interactive data format.

''(C) INTERACTIVE DATA STANDARD.—

''(i) IN GENERAL.—The rules issued under subparagraph (A) shall establish an interactive data standard for the information included in the annual report of a resource extraction issuer.

''(ii) ELECTRONIC TAGS.—The interactive data standard shall include electronic tags that identify, for each payment made by a resource extraction issuer to a foreign government or the Federal Government—

''(I) the amount of the payment;

''(II) the currency used to make the payment;

''(III) the financial period in which the payment was made;

''(IV) the business segment of the resource extraction issuer that made the payment;

''(V) the government that received the payment, and the country in which the government is located;

''(VI) the project of the resource extraction issuer to which the payment relates; and

''(VII) such other information as the Commission may determine is necessary or appropriate in the public interest or for the protection of investors.

''(D) INTERNATIONAL TRANSPARENCY EFFORTS.—To the extent practicable, the rules issued under subparagraph (A) shall support the commitment of the Federal Government to international transparency promotion efforts relating to the commercial development of oil, natural gas, or minerals.

''(E) EFFECTIVE DATE.—With respect to each resource extraction issuer, the final rules issued under subparagraph (A) shall take effect on the date on which the resource extraction issuer is required to submit an annual report relating to the fiscal year of the resource extraction issuer that ends not earlier than 1 year after the date on which the Commission issues final rules under subparagraph (A).

''(3) PUBLIC AVAILABILITY OF INFORMATION.—

''(A) IN GENERAL.—To the extent practicable, the Commission shall make available online, to the public, a compilation of the information required to be submitted under the rules issued under paragraph (2)(A).

''(B) OTHER INFORMATION.—Nothing in this paragraph shall require the Commission to make available online information other than the information required to be submitted under the rules issued under paragraph (2)(A).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this subsection.''.

**SEC. 996. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the President should work with foreign governments, including members of the Group of 8 and the Group of 20, to establish domestic requirements that companies under the jurisdiction of each government publicly disclose any payments made to a government relating to the commercial development of oil, natural gas, and minerals; and

(2) the President should commit the United States to become a Candidate Country of the Extractive Industries Transparency Initiative.

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**SA 3733.** Mr. BROWN of Ohio (for himself, Mr. KAUFMAN, Mr. CASEY, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. HARKIN, Mr. SANDERS, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 8 through 12 and insert the following:

(ii) liquidity requirements;

(iii) resolution plan and credit exposure report requirements; and

(iv) concentration limits.

On page 105, between lines 1 and 2, insert the following:

(i) LEVERAGE RATIO FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.—

(1) AMENDMENT.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

**''SEC. 13. LIMITS ON LEVERAGE.**

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) FINANCIAL COMPANY.—The term 'financial company' means any nonbank financial company, as that term is defined in section 102 of the Restoring American Financial Stability Act of 2010, that is supervised by the Board.

''(2) INCORPORATED TERMS.—The terms 'average total consolidated assets' and 'tier 1 capital' have the meanings given those terms in part 225 of title 12, Code of Federal Regulations, or any successor thereto.

''(b) LEVERAGE RATIO REQUIREMENTS FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.—

''(1) LEVERAGE RATIO.—A bank holding company or financial company may not maintain tier 1 capital in an amount that is less than 6 percent of the average total consolidated assets of the bank holding company or financial holding company.

''(2) BALANCE SHEET LEVERAGE RATIO.—A bank holding company or financial company may not maintain less than 6 percent of tier 1 capital for all outstanding balance sheet liabilities, as required to be recorded under section 13(p) of the Securities Exchange Act of 1934.

''(c) EXEMPTIONS.—

''(1) IN GENERAL.—The Board may adjust the leverage ratio requirements under subsection (b) for any class of institutions, based upon the size or activity of such class of institutions. No adjustment made under this paragraph may allow an institution to carry less capital than is required under subsection (b).

''(2) INTERNATIONAL AGREEMENTS.—Consistent with this subsection, the Board may adjust the leverage ratio requirements under subsection (b), as necessary to harmonize such ratios with official international agreements regarding capital standards, if the Board determines that the capital standards under such international agreements are commensurate with the credit, market, operational, or other risks posed by the bank holding companies or financial companies to which such international agreements apply.

''(3) TEMPORARY EMERGENCY EXEMPTION.—

''(A) IN GENERAL.—The appropriate Federal banking agency may, in a manner consistent with this subsection, grant any bank holding company a temporary emergency exemption from the leverage ratio requirements under subsection (b), if the appropriate Federal banking agency determines such an exemption is necessary to prevent an imminent threat to the financial stability of the United States.

''(B) PUBLICATION.—

''(i) PUBLICATION REQUIRED.—The appropriate Federal banking agency shall publish a notice of any exemption granted under this paragraph in the Federal Register within a reasonable period after granting the exemption, and in no case later than 90 days after the date on which the exemption is granted.

''(ii) CONTENTS.—The notice under clause (i) shall include—

''(I) the name of the bank holding company or financial company that is granted an exemption;

''(II) the reason for the exemption; and

''(III) a plan detailing the manner by which the bank holding company will be brought into compliance with subsection (b).

''(d) LEVERAGE RATIO REQUIREMENTS FOR OPERATING SUBSIDIARIES OF BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.—Notwithstanding any other provision of law applicable to insured depository institutions, not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010, the Board shall promulgate regulations establishing leverage ratio requirements under subsection (b) for the operating subsidiaries of bank holding companies and financial companies.

''(e) PROMPT CORRECTIVE ACTION.—

''(1) AUTHORITIES.—The Board shall require a bank holding company or financial company that violates subsection (b) to comply with the leverage ratio requirements under subsection (b) by—

''(A) selling or otherwise transferring assets or off-balance sheet items to unaffiliated firms;

''(B) terminating 1 or more activities of the bank holding company or financial company; or

''(C) imposing conditions on the manner in which the bank holding company or financial company conducts an activity of the bank holding company or financial company.

''(2) CORRECTIVE ACTION PLAN.—Not later than 60 days after the Board determines that a bank holding company or financial holding company has violated subsection (b), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a plan detailing the manner by which the bank holding company or financial company will be brought into compliance with subsection (b).

''(3) REPORTS TO CONGRESS.—

''(A) WRITTEN REPORTS.—At the end of each 60-day period following the date on which the Board submits a plan under paragraph (2) during which a bank holding company or financial company remains in violation of subsection (b), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the compliance of the bank holding company or financial holding company with the plan.

''(B) TESTIMONY.—At the end of each 120-day period following the date on which the Board submits a plan under paragraph (2) during which a bank holding company or financial company remains in violation of subsection (b), the Board shall testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives with respect to the compliance of the bank holding company or financial holding company with the plan.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

On page 497, strike line 9 and all that follows through page 501, line 15, and insert the following:

**SEC. 620. CONCENTRATION LIMITS FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.**

(a) DEPOSIT CONCENTRATION LIMIT.—

(1) AMENDMENT.—Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by striking subsection (f) and inserting the following:

''(f) NATIONWIDE CONCENTRATION LIMITS.—

''(1) CONCENTRATION LIMIT ESTABLISHED.—No single bank holding company may control more than 10 percent of the total amount of deposits of all insured depository institutions in the United States.

''(2) SALE OR TRANSFER REQUIRED.—The Board shall require any bank holding company that the Board determines is in violation of paragraph (1) to sell or otherwise transfer assets to an unaffiliated company, to the extent that the Board determines is necessary to bring the company into compliance with paragraph (1).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) SIZE REQUIREMENTS FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.—

(1) AMENDMENT.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), as amended by this Act, is amended by adding at the end the following:

**''SEC. 14. LIMITS ON NON-DEPOSIT LIABILITIES FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.**

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) FDIC-ASSESSED DEPOSITS.—The term 'FDIC-assessed deposits' means the assessment base of a bank holding company, as calculated under part 327 of title 12 Code of Federal Regulations, or any successor thereto.

''(2) FINANCIAL COMPANY.—The term 'financial company' means any nonbank financial company supervised by the Board.

''(3) NONBANK FINANCIAL COMPANY.—The term 'nonbank financial company' has the same meaning as in section 102 of the Restoring American Financial Stability Act of 2010.

''(4) NON-DEPOSIT LIABILITIES.—The term 'non-deposit liabilities' means—

''(A) with respect to a bank holding company—

''(i) the total assets of the banking holding company; minus

''(ii) the sum of—

''(I) the tier 1 capital of the bank holding company, taking into account any off-balance-sheet liabilities; and

''(II) the FDIC-assessed deposits of the bank holding company; and

''(B) with respect to a financial company—

''(i) the total assets of the financial company; minus

''(ii) the tier 1 capital of the financial company, taking into account any off-balance-sheet liabilities.

''(5) TIER 1 CAPITAL.—The term 'tier 1 capital' has the meaning given that term in part 225 of title 12, Code of Federal Regulations, or any successor thereto.

''(b) LIMIT ON NON-DEPOSIT LIABILITIES FOR BANK HOLDING COMPANIES.—

''(1) LIMITS FOR BANK HOLDING COMPANIES.—No bank holding company may control non-deposit liabilities that exceed 2 percent of the annual gross domestic product of the United States.

''(2) LIMITS FOR FINANCIAL COMPANIES.—No financial company may control non-deposit liabilities that exceed 3 percent of the annual gross domestic product of the United States.

''(3) DETERMINATION OF GROSS DOMESTIC PRODUCT.—For purposes of this subsection, the annual gross domestic product of the United States shall be determined using the average of the annual gross domestic product of the United States, as calculated by the Bureau of Economic Analysis of the Department of Commerce, during the 16 calendar quarters most recently completed at the time of the determination under paragraph (1) or (2).

''(4) TREATMENT OF INSURANCE COMPANIES.—

''(A) IN GENERAL.—Notwithstanding the limits under paragraphs (1) and (2), the Board may establish a separate liability limit for a bank holding company or financial company that the Board determines is primarily engaged in the business of insurance, if the Board determines that such a limit is necessary in order to provide for consistent and equitable treatment of the bank holding company or financial company.

''(B) CONSULTATION.—In establishing a liability limit under subparagraph (A), the Board shall consult with the State insurance regulator for any bank holding company or financial company described in subparagraph (A) having a subsidiary that is regulated by a State insurance regulator.

''(5) TREATMENT OF FOREIGN DEPOSITS.—The Board may exclude from the calculation of non-deposit liabilities under this subsection any foreign or other deposits that are not FDIC-assessed deposits, if the Board determines that such action is necessary to ensure the consistent and equitable treatment of institutions with international operations.

''(c) PROMPT CORRECTIVE ACTION.—

''(1) AUTHORITIES.—The Board shall require a bank holding company or financial company that violates subsection (a) to comply with the limit under subsection (a) by—

''(A) selling or otherwise transferring assets or off-balance-sheet items to unaffiliated firms;

''(B) terminating 1 or more activities of the bank holding company or financial company; or

''(C) imposing conditions on the manner in which the bank holding company or financial company conducts an activity of the bank holding company or financial company.

''(2) CORRECTIVE ACTION PLAN.—Not later than 60 days after the Board determines that a bank holding company or financial holding company has violated subsection (a), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a plan detailing the manner by which the bank holding company or financial company will be brought into compliance with subsection (a).

''(3) REPORTS TO CONGRESS.—

''(A) WRITTEN REPORTS.—At the end of each 60-day period following the date on which the Board submits a plan under paragraph (1) during which a bank holding company or financial company remains in violation of subsection (a), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the compliance of the bank holding company or financial holding company with the plan.

''(B) TESTIMONY.—At the end of each 120-day period following the date on which the Board submits a plan under paragraph (1) during which a bank holding company or financial company remains in violation of subsection (a), the Board shall testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives with respect to the compliance of the bank holding company or financial holding company with the plan.

**''SEC. 15. CAPITAL ASSESSMENT PROGRAM.**

''(a) ANNUAL CAPITAL ASSESSMENT REQUIRED.—Not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010, and annually thereafter, the Board shall conduct a capital

assessment of each bank holding company and financial company, to estimate the losses, revenues, and reserve needs for the bank holding company or financial company.

''(b) REPORT.—The Board shall submit an annual report on the results of the capital assessments under subsection (a) to the Secretary of the Treasury, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 3 years after the date of enactment of this Act.

On page 969, between lines 4 and 5, insert the following:

**SEC. 919C. FINANCIAL REPORTING.**

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by this Act, is amended by adding at the end the following:

''(p) STANDARD BALANCE SHEET CALCULATION FOR REPORTS.—

''(1) STANDARD ESTABLISHED.—Not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission, or a standard setter designated by and under the oversight of the Commission, shall establish a standard requiring each that each issuer that is required to submit reports to the Commission under this section record all assets and liabilities of the issuer on the balance sheet of the issuer.

''(2) CONTENTS.—The standard established under paragraph (1) shall require that—

''(A) the recorded amount of assets and liabilities reflect a reasonable assessment by the issuer of the most likely outcomes with respect to the amount of assets and liabilities, given information available at the time of the report;

''(B) each issuer record any financing of assets for which the issuer has more than minimal economic risks or rewards; and

''(C) if an issuer cannot determine the amount of a particular liability, the issuer may exclude that liability from the balance sheet of the issuer only if the issuer discloses an explanation of—

''(i) the nature of the liability and purpose for incurring the liability;

''(ii) the most likely loss and the maximum loss the issuer may incur from the liability;

''(iii) whether any other person has recourse against the issuer with respect to the liability and, if so, the conditions under which such recourse may occur; and

''(iv) whether the issuer has any continuing involvement with an asset financed by the liability or any beneficial interest in the liability.

''(3) COMPLIANCE.—The Commission shall issue rules to ensure compliance with this subsection that allow for enforcement by the Commission and civil liability under this title and the Securities Act of 1933.''.

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**SA 3734.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 837, between lines 2 and 3, insert the following:

(b) PROTECTION FOR EMPLOYEES OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—Section 1514A(a) of title 18, United States Code, is amended—

(1) by inserting ''or nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c),'' after ''78*o*(d)),''; and

(2) by inserting ''or organization'' after ''such company''.

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**SA 3735.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, between lines 5 and 6, insert the following:

**SEC. 989C. CIVIL INVESTIGATIVE DEMANDS.**

(a) EQUAL CREDIT OPPORTUNITY ACT.—Section 706(h) of the Equal Credit Opportunity Act (15 U.S.C. 1691e(h)) is amended—

(1) by inserting ''(1)'' after ''(h)''; and

(2) by adding at the end the following:

''(2) If the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation under this title, the Attorney General may, before commencing a civil proceeding under this subsection, issue in writing and cause to be served upon the person, a civil investigative demand. The authority to issue and enforce civil investigative demands under this paragraph shall be identical to the authority of the Attorney General under section 3733 of title 31, United States Code, except that the provisions of that section relating to qui tam realtors shall not apply.''.

(b) FAIR HOUSING ACT.—Section 814(c) of the Fair Housing Act (42 U.S.C. 3614(c)) is amended—

(1) by striking ''The Attorney General'' and inserting the following:

''(1) IN GENERAL.—The Attorney General''; and

(2) by adding at the end the following:

''(2) CIVIL INVESTIGATIVE DEMANDS.—If the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation under this title, the Attorney General may, before commencing a civil proceeding under this section, issue in writing and cause to be served upon the person, a civil investigative demand. The authority to issue and enforce civil investigative demands under this paragraph shall be identical to the authority of the Attorney General under section 3733 of title 31, United States Code, except that the provisions of that section relating to qui tam realtors shall not apply.''.

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## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the Public that a business meeting has been scheduled before the Committee on Energy and Natural Resources on Thursday, May 6, 2010, at 9:30 a.m., immediately preceding the Full Committee Hearing.

The purpose of this business meeting is to consider cleared legislative agenda items, and the nominations of Philip D. Moeller and Cheryl A. LaFleur, to be Members of the Federal Energy Regulatory Commission.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled ''ESEA Reauthorization: Standards and Assessments'' on April 28, 2010. The hearing will commence at 2 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 28, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 28, 2010, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 28, 2010, at 2:30 p.m. to conduct a hearing entitled, ''Oversight of Contract Management at the Centers for Medicare & Medicaid Services.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON PERSONNEL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on April 28, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on April 28, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 28, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that Kristina Swallow, a fellow in my office, be granted floor privileges for this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Curtis Sturgill and John Forristal of my staff be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROHIBITING MEMBERS OF CONGRESS A COST-OF-LIVING ADJUSTMENT IN 2011

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 359, H.R. 5146, an act to prohibit a cost-of-living adjustment for Members of Congress in 2011, an act that is identical to S. 3244, which passed the Senate on April 22; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table, with any statements relating to the bill be printed in the RECORD, as if read.

The PRESIDING OFFICER. Without objection, it so ordered.

The bill (H.R. 5146) was ordered to a third reading, was read the third time, and passed.

## AIRPORT AND AIRWAY EXTENSION ACT OF 2010

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5147, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5147) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5147) was ordered to a third reading, was read the third time, and passed.

## EXPRESSION OF CONDOLENCES TO THE PEOPLE IN CENTRAL MISSISSIPPI

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 504, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 504) expressing the condolences of the Senate to those affected by the tragic events following the tornado that hit central Mississippi on April 24, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 504) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 504

Whereas, on the afternoon of April 24, 2010, a tornado passed across the State of Mississippi, leaving a path of destruction 1½ miles wide;

Whereas 10 lives were tragically lost, and many other people were injured;

Whereas this tornado was classified as an EF–4 by the National Weather Service, with winds estimated at 170 miles per hour;

Whereas the tornado is the largest to strike Mississippi since 2001;

Whereas almost 1,000 homes were damaged or destroyed;

Whereas thousands of residents across 18 counties have been displaced from their homes; and

Whereas, in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made Federal disaster assistance available for the State of Mississippi to assist in local recovery efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its heartfelt condolences to the families and friends of those who lost their lives in the terrible events of April 24, 2010;

(2) extends its wishes for a full recovery for all those who were injured;

(3) extends its thanks to the first responders, firefighters, law enforcement, and medical personnel who took quick action to provide aid and comfort to the victims; and

(4) stands with the people of Mississippi as they begin the healing process following this terrible event.

## ORDERS FOR THURSDAY, APRIL 29, 2010

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:15 p.m., Thursday, April 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3217, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 12:15 P.M. TOMORROW

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:26 p.m., adjourned until Thursday, April 29, 2010, at 12:15 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

CARLTON W. REEVES, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE WILLIAM H. BARBOUR, JR., RETIRED.

PAUL KINLOCH HOLMES, III, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS, VICE ROBERT T. DAWSON, RETIRED.

DENISE JEFFERSON CASPER, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS, VICE REGINALD C. LINDSAY, DECEASED.

DEPARTMENT OF JUSTICE

BARRY R. GRISSOM, OF KANSAS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF FOUR YEARS, VICE ERIC F. MELGREN.

CHARLES GILLEN DUNNE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE EUGENE JAMES CORCORAN.

UNITED STATES SENTENCING COMMISSION

PATTI B. SARIS, OF MASSACHUSETTS, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION, VICE WILLIAM K. SESSIONS III.

PATTI B. SARIS, OF MASSACHUSETTS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION

FOR A TERM EXPIRING OCTOBER 31, 2015, VICE WILLIAM K. SESSIONS III, TERM EXPIRED.

DABNEY LANGHORNE FRIEDRICH, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2015. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. ALLEN G. MYERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. MICHAEL H. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) SAMUEL J. COX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) MICHAEL S. ROGERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) DAVID G. SIMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) DAVID A. DUNAWAY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) TERRY J. BENEDICT
REAR ADM. (LH) THOMAS J. ECCLES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) JOSEPH P. AUCOIN
REAR ADM. (LH) PATRICK H. BRADY
REAR ADM. (LH) TED N. BRANCH
REAR ADM. (LH) PAUL J. BUSHONG
REAR ADM. (LH) JAMES F. CALDWELL, JR.
REAR ADM. (LH) THOMAS H. COPEMAN III
REAR ADM. (LH) PHILIP S. DAVIDSON
REAR ADM. (LH) KEVIN M. DONEGAN
REAR ADM. (LH) PATRICK DRISCOLL
REAR ADM. (LH) MARK D. GUADAGNINI
REAR ADM. (LH) JOSEPH A. HORN
REAR ADM. (LH) ANTHONY M. KURTA
REAR ADM. (LH) JOSEPH P. MULLOY
REAR ADM. (LH) SEAN A. PYBUS
REAR ADM. (LH) JOHN M. RICHARDSON
REAR ADM. (LH) THOMAS S. ROWDEN
REAR ADM. (LH) NORA W. TYSON

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

CARL E. STEINBECK

*To be major*

ANDREW S. DREIER
JENNIFER M. MCKENNA

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

WILLIAM T. CARNEY
ROBERT A. ROCHFORD
WILLIAM B. SHERER

*To be lieutenant commander*

SONTHAYA CHANSIPAENG
STEPHEN J. FICHTER
ERIC J. ROZEK
JOHN B. SEARS
ANDREA S. STILLER

# HOUSE OF REPRESENTATIVES—*Wednesday, April 28, 2010*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ISRAEL).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*April 28, 2010.*

I hereby appoint the Honorable STEVE ISRAEL to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O Divine Peace, bless this place, holding in its silence human hopes and America's dreams. Plant seeds of equality and hopefulness in other nations as well. May the history of our struggles make us patient as the map of the world changes.

In all our efforts to establish peace, fair trade, civil rights, and freedom of religion, may we provide learning and experience to others. Lift all beyond mere material prosperity to seek true compassion for those most in need and create a spiritual dynamic that will build a kingdom of unity and happiness where Your Presence will be realized.

This we ask calling forth Your Spirit upon us and the whole world both now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. COBLE) come forward and lead the House in the Pledge of Allegiance.

Mr. COBLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

## GAMBLING ON SYNTHETIC GARBAGE

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, as I watched yesterday's Senate investigations subcommittee hearing, I was disappointed to discover it was not just the greedy, irresponsible, and likely illegal actions of some of Goldman Sachs' more dubious employees that were the center of attention. In fact, the useless and dangerous financial instruments known as synthetic collateralized debt obligations, or CDOs, shared the spotlight as well.

Fabrice Tourre, one of Goldman's hotshot young stars who created and sold these so-called investments to Goldman's clients, testified yesterday that they were, quote, ''things which had no purpose,'' and likened them to Frankenstein's monster. Sadly, he's right. These CDOs did nothing for our economy and spread billions of dollars in toxic assets, heightened speculation, and added dangerous risk to our financial system that ultimately was borne by the U.S. taxpayers.

Meanwhile, Goldman Sachs and others reaped millions of dollars in bonuses even as the economy was crashing. These synthetic CDOs were synthetic garbage.

Unscrupulous individuals on Wall Street worsened the financial crisis by creating garbage, selling it and betting against it. Oh, they drove away with a garbage truck full of cash.

Let's ban the creation and sale of them, and prevent this from ever happening again.

## AMERICANS ABROAD FACE BANKING ROADBLOCKS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Americans living abroad continue to face unnecessary roadblocks not only to U.S. banks, but increasingly at foreign banks as well. The requests from expats continue to come in at a startling rate.

I want to thank Congresswoman CAROLYN MALONEY for helping to bring these banking roadblocks to the attention of the Treasury Department. We are hoping that the Financial Services Committee will soon hold hearings to review current U.S. banking laws and regulations that may prevent Americans living overseas from accessing U.S. banking services.

International Herald Tribune reporter Brian Knowlton recently highlighted that ''amid mounting frustration over taxation and banking problems, small but growing numbers of overseas Americans are taking the weighty step of renouncing their citizenship.'' I encourage the Financial Services Committee to read Knowlton's article and schedule a hearing in the very near future.

In conclusion, God bless our troops and we will never forget September 11th in the Global War on Terrorism.

## CUT CONGRESSIONAL PAY

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, yesterday the House passed a bill to stop the 2011 congressional pay hike. I am proud to cosponsor this effort. Member salaries come out of taxpayer dollars. Washington needs to know it would be unacceptable to have taxpayers who are making less pay us more.

When millions of Americans are tightening their belts, folks have the right to expect their elected officials to do the same. Blocking the pay hike was a necessary first step, but it cannot be the last. Washington can and must do more.

Members have not reduced their salaries for 77 years, since the Great Depression. I do not know anyone back in Arizona who has gone eight decades without a pay cut. Senators and Representatives should be no different. That is why I introduced legislation to cut congressional pay by 5 percent. This Congress needs to pass my bill now. Americans are tired of waiting for Washington to get it.

## VETERANS MEMORIAL DEDICATION

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, last Sunday afternoon I attended the Robbins, North Carolina, First Wesleyan Church's Veterans Memorial Dedication. The program was generously

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

laced with patriotic music and appropriate hymns. Veterans, living and deceased, were recognized.

It has been said, Mr. Speaker, that many Americans do not practice patriotism as they did in the past, in the World War II era in particular. Not true in Robbins, when last Sunday patriotism was alive and well. And I am appreciative to the Wesleyan Church in Robbins for the invitation that I received to attend that very special day in Robbins Saturday last.

## COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. I stand to voice my strong opposition to the new Arizona law, S.B. 1070. This is an unjust law, inspired by hate and racism. The new law opens the door to serious civil rights abuses, and will lead to racial profiling of Latinos and Latinas in Arizona and people of color.

It is unconstitutional, violating the 4th and 14th amendments. This new law will create a division between people who are asked for legal documents and those that are not. Anyone who values fairness is opposed to this kind of hate and should not spend one cent of money in Arizona except to create jobs.

I urge Americans to show their support of the boycott by wearing red, yellow, and blue wristbands. This misguided law is another example why we must act now. We need Republicans to stand with Democrats in a bipartisan fashion to support comprehensive reform now.

## PROMOTING DISTRICT EVENT—RECESSION PROOF YOUR FINANCES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. During these tough economic times, many people are experiencing financial uncertainty. That's why on Saturday, May 8, at 9 a.m. in Plano, Texas, I will host a free workshop titled Recession Proofing Your Resources. I will host the free seminar in conjunction with Consumer Credit Counseling Service of Greater Dallas.

Unplanned emergencies like job loss, illness, natural disaster, or death can be overwhelming and financially taxing. Financial knowledge and a sound financial contingency plan are vital to ensuring that you and your family come out of this fiscal crisis in the black.

Fortunately, there are ways to plan for unexpected life changes. An expert will be on hand to show people how to learn more. Visit *SamJohnson.house.gov* or you may RSVP by calling my Texas office in Richardson.

## SUPPORT FOR MISSISSIPPI AFTER THE TORNADOES

(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)

Mr. CHILDERS. Mr. Speaker, this weekend Mississippi communities were struck by the largest natural disaster to hit our State since Hurricane Katrina. Saturday's devastating tornadoes hit several areas in North Mississippi, including three counties in the First Congressional District, which I represent. Damages included more than 700 homes or mobile homes destroyed, various businesses, 49 injuries, and 10 deaths.

I would like to express my deepest condolences to the families of the victims killed in Choctaw, Holmes, and Yazoo Counties. Choctaw County specifically is located in Mississippi's First District.

My thoughts and prayers go out to the families of Andra Patterson, sisters Tyana and Brittney Jobe, and Mary and Bobby Yates. I would also like to express my support for all those Mississippians who suffered injuries and damage to their homes and businesses. We are a strong community, and we will recover from this disaster. We will continue working with authorities at all levels of government toward the shared goal of recovery.

I ask my colleagues to join me in expressing our condolences for those who lost their lives during this weekend's storm, praying for those who were injured or lost their homes or businesses, and wishing Mississippi a swift recovery.

## A NUCLEAR IRAN IS A SEVERE THREAT

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, the DOD's recently released Military Power Report on Iran should be a wake-up call for the President and the leadership here in Congress. While I am glad the Pentagon undertook this assessment, I and most Americans didn't need a report to confirm the Iranian threat is real and credible.

Iran's extremist regime poses a significant danger to the United States and our allies, particularly Israel. Also, because of our failure to implement tough sanctions against Iran, many nations will feel the need to develop nukes, while we are reducing our stockpile and failing to modernize our nuclear inventory.

In addition, we have halted the production of F–22s, allowed a window of vulnerability in missile defense, and have delayed development of the NextGen bomber. I hope the Democrat majority and the President do not shortchange the DOD again this year on key investments in ballistic missile defense, the NextGen bomber, and other vital initiatives to protect our homeland and our allies well into the future.

## HONORING RENAE OGLETREE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, Renae Ogletree dedicated her life to fighting for others. She fought for equality in the GLBT community. She fought for equality for everyone. She fought to bring people together around issues of diversity, development, and health care. She fought for the children in the Chicago Public Schools.

In the final days of her life, the community she served for so long surrounded her with love and comfort. Upon learning of her illness, President Obama wrote to Renae, ''In trying times, each of us draw on the power of hope, determination, perseverance, and faith.''

Renae Ogletree lived her life changing the community she served through a perseverance few may ever know.

Renae, we'll continue your fight.

## CMS REPORT ON HEALTH CARE BILL

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, despite assurances the health care bill would actually lower costs for the American people, actually things are quite different. An independent CMS report released last week concluded America will spend $311 billion more on health care under the new law than we would have without it. It increases taxes on the middle class. About 3 million people will have to pay the insurance mandate penalty tax. It also kills jobs through mandates on small businesses.

The American people have said this is not the direction in which they would choose to go. Health care reform should be patient-centered to increase access to care and reduce costs without bankrupting our Nation and limiting our liberties. We should, rather, allow individuals to band together across State lines to allow deductibility to everyone for the cost of premiums, and to crack down on junk lawsuits.

## WALL STREET REFORM

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Senator MCCONNELL said yesterday about Wall Street reform that ''as you look at the bill closer and closer, it is mostly about Main Street.'' Yes, Wall Street reform is about Main Street because Americans trying to make an honest living on Main Street are being bled dry by Wall Street.

The vulgar excesses of Wall Street, the bonuses, and the profits, and all the rest are at the expense of working and middle class American families. Ordinary Americans know that the fine print that big banks' lawyers wrote in their credit card contracts, and their mortgages, and their overdraft agreements were filled with traps to take their income, and their life savings, and who knows what worthless junk Wall Street unloaded on their pension funds.

Every issue I have worked on I've compromised, but there comes a time to pick a side. I pick the side of working and middle class Americans trying to make an honest living to support themselves and their families.

□ 1015

## HEALTH CARE REFORM

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I am pleased health care reform passed the House of Representatives and the Congress on March 21 so 32 million more Americans will have access to health insurance.

Americans are already realizing the benefits of this legislation. For instance, for the past few years, as chairman of the Oversight and Investigations Subcommittee, we have investigated the industry practice of rescission. Rescission occurs when the insurance company pores through your policy application to find any excuse to drop you from coverage when you become ill. So when you need the insurance the most, they look for an excuse to abandon you. This rescission practice used by insurance companies employ up to 1,400 different computer entries to kick out claims of people who may become seriously ill, to drop them when they are sick, and will cost the insurance companies some money.

As chair of Oversight and Investigations, I have written to the largest insurance companies to stop this practice of rescission now. Under the health care legislation we passed, it says rescission practice will stop in September, but I urge the insurance companies to stop this unconscionable practice now. In America health care is a right; it's not a privilege.

## WALL STREET REFORM

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, 2 years ago, our Nation experienced the beginning of the worst financial crisis since the stock market crash of 1929, resulting in the longest, deepest financial downturn since the Great Depression.

While the factors that contributed to the crash were numerous and complicated, there's one simple underlying cause: Unchecked greed. Our history teaches us the best way to focus this greed into something constructive is to have rules to protect consumers and investors and to put cops on the beat to ensure those rules are enforced. But for decades, this country has pursued a policy of deregulation and lax enforcement, believing that ''greed is good'' and the ''invisible hand of the market'' would protect hardworking Americans.

Well, that invisible hand did something. It gave billions in bonuses to those who used other people's money like poker chips. When that game went bust, it slapped the American taxpayers to the tune of 8 million jobs and billions in bailouts. Now that this Congress is moving to restore fairness and accountability, there are those among us who would prefer to huddle with Wall Street and delay or dilute our efforts. The status quo is bailouts for too-big-to-fail banks.

I urge my colleagues, both here and in the Senate, to stand with the American people, pass reform, end bailouts.

## WORKERS' MEMORIAL DAY

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Today I join with people across the country to commemorate Workers' Memorial Day, honoring workers killed, injured, or harmed at work.

Unfortunately, workers in Nevada are all too aware of the dangers they face in the workplace. A number of deaths on the job in recent years led to Nevada's being the first State in the country to undergo an in-depth review that highlighted the problems facing the State's OSHA program. This review made it clear to me that Federal OSHA needs an additional option to work with States that are not meeting Federal standards. Currently, OSHA can only suggest improvements or completely take over the State's program.

That's why I introduced the Ensuring Worker Safety Act. This legislation aims to protect both workers and States' rights by giving Federal OSHA additional tools to make sure that State OSHA plans like Nevada's are at least as effective as Federal standards and enforcement.

The slogan of Workers' Memorial Day is ''Remember the Dead and Fight for the Living.'' That's what I intend to do in Congress.

## PARTY OF ''NO''

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I know our Republican friends don't like it when we call them the party of ''no,'' but let's review the score for just a minute.

On health care reform, 177 noes, no yeses. On Wall Street reform, 175 noes, no yeses. On the American Recovery and Reinvestment Act, 177 noes, no yeses.

Let's look at the Senate. In two consecutive votes whether to bring Wall Street reform to the floor for a debate, 40 noes, no yeses.

They're not just the party of ''no''; they're the party of no jobs for America, for no energy security, for no Wall Street reform, for no consumer protections against predatory practices, for no equal pay for women in the workplace, and the party of ''no'' for tax relief for middle class families.

If the Republicans don't want to be called the party of ''no,'' they'd better learn to say ''yes.''

## WALL STREET REFORM

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Mr. Speaker, as the newest Member of Congress, I just spent 6 months talking to voters every day, and I can say with confidence that there are a lot of partisan issues out there. However, there was one issue that united people of all political persuasions. That was our urgent need to prevent an economic meltdown from happening again.

I have only been in Congress for a week, but I can say that the actions of those turning Wall Street reform into a political issue are no less appalling in person than they are on TV. For the millions of seniors who lost so much of their life savings, Wall Street reform is not a political issue. For the 8 million workers who lost their jobs, Wall Street reform is not a political issue. And for the 2.2 million families who lost their homes, Wall Street reform is not a political issue. For them Wall Street reform is about financial security. It is about oversight and honesty. And, most importantly, it is about accountability.

Let's put politics aside and do the job that the American people sent us here to do by passing Wall Street reform and sending a tough bill to the President's desk.

## COMPREHENSIVE IMMIGRATION REFORM

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I join my good friend from Florida in acknowledging that many of the issues that we debate on this floor are not political issues.

So I ask America and I ask my friends on the other side of the aisle, let us not internally implode over a decent human rights issue of immigration reform. While the economy is failing and questions are being asked about the integrity of Wall Street, let us look to a reasoned response to immigration reform. Not troops on the border, not the National Guard on the border, but a real comprehensive immigration reform that provides access to this country, legalization, and the picking up of the criminals. We understand that. There is no time for politicking and grandstanding on the question of students and families who want to be reunited.

I am ashamed of the action of the Governor of Arizona, but I sympathize with the people. Let us have real border security. I will be reintroducing my legislation that asks for ramping up of Customs and Border Patrol agents, more technology to secure the border. Let's do this the right way. The faith community, the business community of America, let's talk reasonably. The business community should be talking across America about the importance of comprehensive immigration reform.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2010

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3393) to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3393

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Improper Payments Elimination and Recovery Act of 2010''.

**SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.**

(a) SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

''(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

''(1) IN GENERAL.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, periodically review all programs and activities that the relevant agency head administers and identify all programs and activities that may be susceptible to significant improper payments.

''(2) FREQUENCY.—Reviews under paragraph (1) shall be performed for each program and activity that the relevant agency head administers during the year after which the Improper Payments Elimination and Recovery Act of 2010 is enacted and at least once every 3 fiscal years thereafter. For those agencies already performing a risk assessment every 3 years, agencies may apply to the Director of the Office of Management and Budget for a waiver from the requirement of the preceding sentence and continue their 3-year risk assessment cycle.

''(3) RISK ASSESSMENTS.—

''(A) DEFINITION.—In this subsection the term 'significant' means—

''(i) except as provided under clause (ii), that improper payments in the program or activity in the preceding fiscal year may have exceeded—

''(I) $10,000,000 of all program or activity payments made during that fiscal year reported and 2.5 percent of program outlays; or

''(II) $100,000,000; and

''(ii) with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget, that improper payments in the program or activity in the preceding fiscal year may have exceeded—

''(I) $10,000,000 of all program or activity payments made during that fiscal year reported and 1.5 percent of program outlays; or

''(II) $100,000,000.

''(B) SCOPE.—In conducting the reviews under paragraph (1), the head of each agency shall take into account those risk factors that are likely to contribute to a susceptibility to significant improper payments, such as—

''(i) whether the program or activity reviewed is new to the agency;

''(ii) the complexity of the program or activity reviewed;

''(iii) the volume of payments made through the program or activity reviewed;

''(iv) whether payments or payment eligibility decisions are made outside of the agency, such as by a State or local government;

''(v) recent major changes in program funding, authorities, practices, or procedures;

''(vi) the level, experience, and quality of training for personnel responsible for making program eligibility determinations or certifying that payments are accurate; and

''(vii) significant deficiencies in the audit report of the agency or other relevant management findings that might hinder accurate payment certification.''.

(b) ESTIMATION OF IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (b) and inserting the following:

''(b) ESTIMATION OF IMPROPER PAYMENTS.—With respect to each program and activity identified under subsection (a), the head of the relevant agency shall—

''(1) produce a statistically valid estimate, or an estimate that is otherwise appropriate using a methodology approved by the Director of the Office of Management and Budget, of the improper payments made by each program and activity; and

''(2) include those estimates in the accompanying materials to the annual financial statement of the agency required under section 3515 of title 31, United States Code, or similar provision of law and applicable guidance of the Office of Management and Budget.''.

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (c) and inserting the following:

''(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce improper payments, including—

''(1) a description of the causes of the improper payments, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

''(2) in order to reduce improper payments to a level below which further expenditures to reduce improper payments would cost more than the amount such expenditures would save in prevented or recovered improper payments, a statement of whether the agency has what is needed with respect to—

''(A) internal controls;

''(B) human capital; and

''(C) information systems and other infrastructure;

''(3) if the agency does not have sufficient resources to establish and maintain effective internal controls under paragraph (2)(A), a description of the resources the agency has requested in its budget submission to establish and maintain such internal controls;

''(4) program-specific and activity-specific improper payments reduction targets that have been approved by the Director of the Office of Management and Budget; and

''(5) a description of the steps the agency has taken to ensure that agency managers, programs, and, where appropriate, States and localities are held accountable through annual performance appraisal criteria for—

''(A) meeting applicable improper payments reduction targets; and

''(B) establishing and maintaining sufficient internal controls, including an appropriate control environment, that effectively—

''(i) prevent improper payments from being made; and

''(ii) promptly detect and recover improper payments that are made.''.

(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (d) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (c) the following:

''(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—With respect to any improper payments identified in recovery audits conducted under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note), the head of the agency shall provide with the estimate under subsection (b) a report on all actions the agency is taking to recover improper payments, including—

''(1) a discussion of the methods used by the agency to recover overpayments;

''(2) the amounts recovered, outstanding, and determined to not be collectable, including the percent such amounts represent of the total overpayments of the agency;

''(3) if a determination has been made that certain overpayments are not collectable, a justification of that determination;

''(4) an aging schedule of the amounts outstanding;

''(5) a summary of how recovered amounts have been disposed of;

''(6) a discussion of any conditions giving rise to improper payments and how those conditions are being resolved; and

''(7) if the agency has determined under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note) that performing recovery audits for any applicable program or activity is not cost effective, a justification for that determination.

''(e) GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS AND ACTIONS TO RECOVER IMPROPER PAYMENTS.—

''(1) REPORT.—Each fiscal year the Director of the Office of Management and Budget shall submit a report with respect to the preceding fiscal year on actions agencies have taken to report information regarding improper payments and actions to recover improper overpayments to—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Oversight and Government Reform of the House of Representatives.

''(2) CONTENTS.—Each report under this subsection shall include—

''(A) a summary of the reports of each agency on improper payments and recovery actions submitted under this section;

''(B) an identification of the compliance status of each agency to which this Act applies;

''(C) governmentwide improper payment reduction targets; and

''(D) a discussion of progress made towards meeting governmentwide improper payment reduction targets.''.

(e) DEFINITIONS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsections (f) (as redesignated by this section) and inserting the following:

''(f) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means an executive agency, as that term is defined in section 102 of title 31, United States Code.

''(2) IMPROPER PAYMENT.—The term 'improper payment'—

''(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

''(B) includes any payment to an ineligible recipient, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), and any payment that does not account for credit for applicable discounts.

''(3) PAYMENT.—The term 'payment' means any transfer or commitment for future transfer of Federal funds such as cash, securities, loans, loan guarantees, and insurance subsidies to any non-Federal person or entity, that is made by a Federal agency, a Federal contractor, a Federal grantee, or a governmental or other organization administering a Federal program or activity.

''(4) PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.—The term 'payment for an ineligible good or service' shall include a payment for any good or service that is rejected under any provision of any contract, grant, lease, cooperative agreement, or any other funding mechanism.''.

(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (g) (as redesignated by this section) and inserting the following:

''(g) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Improper Payments Elimination and Recovery Act of 2010, the Director of the Office of Management and Budget shall prescribe guidance for agencies to implement the requirements of this section. The guidance shall not include any exemptions to such requirements not specifically authorized by this section.

''(2) CONTENTS.—The guidance under paragraph (1) shall prescribe—

''(A) the form of the reports on actions to reduce improper payments, recovery actions, and governmentwide reporting; and

''(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.''.

(g) DETERMINATIONS OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop—

(1) specific criteria as to when an agency should initially be required to obtain an opinion on internal control over financial reporting; and

(2) criteria for an agency that has demonstrated a stabilized, effective system of internal control over financial reporting, whereby the agency would qualify for a multiyear cycle for obtaining an audit opinion on internal control over financial reporting, rather than an annual cycle.

(h) RECOVERY AUDITS.—

(1) DEFINITION.—In this subsection, the term ''agency'' has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) IN GENERAL.—

(A) CONDUCT OF AUDITS.—Except as provided under paragraph (4) and if not prohibited under any other provision of law, the head of each agency shall conduct recovery audits with respect to each program and activity of the agency that expends $1,000,000 or more annually if conducting such audits would be cost-effective.

(B) PROCEDURES.—In conducting recovery audits under this subsection, the head of an agency—

(i) shall give priority to the most recent payments and to payments made in any program or programs identified as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

(ii) shall implement this subsection in a manner designed to ensure the greatest financial benefit to the Government; and

(iii) may conduct recovery audits directly, by using other departments and agencies of the United States, or by procuring performance of recovery audits by private sector sources by contract (subject to the availability of appropriations), or by any combination thereof.

(C) RECOVERY AUDIT CONTRACTS.—With respect to recovery audits procured by an agency by contract—

(i) subject to subparagraph (B)(iii), and except to the extent such actions are outside the agency's authority, as defined by section 605(a) of the Contract Disputes Act of 1978 (41 U.S.C. 605(a)), the head of the agency may authorize the contractor to notify entities (including persons) of potential overpayments made to such entities, respond to questions concerning potential overpayments, and take other administrative actions with respect to overpayment claims made or to be made by the agency; and

(ii) such contractor shall have no authority to make final determinations relating to whether any overpayment occurred and whether to compromise, settle, or terminate overpayment claims.

(D) CONTRACT TERMS AND CONDITIONS.—The agency shall include in each contract for procurement of performance of a recovery audit a requirement that the contractor shall—

(i) provide to the agency periodic reports on conditions giving rise to overpayments identified by the contractor and any recommendations on how to mitigate such conditions; and

(ii) notify the agency of any overpayments identified by the contractor pertaining to the agency or to any other agency or agencies that are beyond the scope of the contract.

(E) AGENCY ACTION FOLLOWING NOTIFICATION.—An agency shall take prompt and appropriate action in response to a report or notification by a contractor under subparagraph (D)(ii), to collect overpayments and shall forward to other agencies any information that applies to such agencies.

(3) DISPOSITION OF AMOUNTS RECOVERED.—

(A) IN GENERAL.—Amounts collected by agencies each fiscal year through recovery audits conducted under this subsection shall be treated in accordance with this paragraph. The agency head shall determine the distribution of collected amounts, less amounts needed to fulfill the purposes of section 3562(a) of title 31, United States Code, in accordance with subparagraphs (B), (C), and (D).

(B) USE FOR FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—Not more than 25 percent of the amounts collected by an agency through recovery audits—

(i) shall be available to the head of the agency to carry out the financial management improvement program of the agency under paragraph (4);

(ii) may be credited, if applicable, for that purpose by the head of an agency to any agency appropriations and funds that are available for obligation at the time of collection; and

(iii) shall be used to supplement and not supplant any other amounts available for that purpose and shall remain available until expended.

(C) USE FOR ORIGINAL PURPOSE.—Not more than 25 percent of the amounts collected by an agency—

(i) shall be credited to the appropriation or fund, if any, available for obligation at the time of collection for the same general purposes as the appropriation or fund from which the overpayment was made;

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited; and

(iii) if the appropriation from which the overpayment was made has expired, shall be newly available for the same time period as the funds were originally available for obligation, except that any amounts that are recovered more than five fiscal years from the

last fiscal year in which the funds were available for obligation shall be deposited in the Treasury as miscellaneous receipts, except that in the case of recoveries of overpayments that are made from trust or special fund accounts, such amounts shall revert to those accounts.

(D) USE FOR INSPECTOR GENERAL ACTIVITIES.—Not more than 5 percent of the amounts collected by an agency shall be available to the Inspector General of that agency—

(i) for—

(I) the Inspector General to carry out this Act; or

(II) any other activities of the Inspector General relating to investigating improper payments or auditing internal controls associated with payments; and

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited.

(E) REMAINDER.—Amounts collected that are not applied in accordance with subparagraphs (A), (B), (C), or (D) shall be deposited in the Treasury as miscellaneous receipts, except that in the case of recoveries of overpayments that are made from trust or special fund accounts, such amounts shall revert to those accounts.

(F) DISCRETIONARY AMOUNTS.—This paragraph shall apply only to recoveries of overpayments that are made from discretionary appropriations (as that term is defined by paragraph 7 of section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985) and shall not apply to recoveries of overpayments that are made from discretionary amounts that were appropriated prior to enactment of this Act.

(G) APPLICATION.—This paragraph shall not apply to recoveries of overpayments if the appropriation from which the overpayment was made has not expired.

(4) FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—

(A) REQUIREMENT.—The head of each agency shall conduct a financial management improvement program, consistent with rules prescribed by the Director of the Office of Management and Budget.

(B) PROGRAM FEATURES.—In conducting the program, the head of the agency—

(i) shall, as the first priority of the program, address problems that contribute directly to agency improper payments; and

(ii) may seek to reduce errors and waste in other agency programs and operations.

(5) PRIVACY PROTECTIONS.—Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subsection, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity and governmental oversight of such activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

(6) OTHER RECOVERY AUDIT REQUIREMENTS.—

(A) IN GENERAL.—(i) Except as provided in clause (ii), subchapter VI of chapter 35 of title 31, United States Code, is repealed,

(ii) Section 3562(a) of title 31, United States Code, shall continue in effect, except that references in such section 3562(a) to programs carried out under section 3561 of such title, shall be interpreted to mean programs carried out under section 2(h) of this Act.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 31, United States Code, is amended by striking the matter relating to subchapter VI.

(ii) DEFINITION.—Section 3501 of title 31, United States Code, is amended by striking ''and subchapter VI of this title''.

(iii) HOMELAND SECURITY GRANTS.—Section 2022(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)(6)) is amended by striking ''(as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code)'' and inserting ''under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note)''.

(7) RULE OF CONSTRUCTION.—Except as provided under paragraph (5), nothing in this section shall be construed as terminating or in any way limiting authorities that are otherwise available to agencies under existing provisions of law to recover improper payments and use recovered amounts.

(i) REPORT ON RECOVERY AUDITING.—Not later than 2 years after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note), in consultation with the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110–409) and recovery audit experts, shall conduct a study of—

(1) the implementation of subsection (h);

(2) the costs and benefits of agency recovery audit activities, including those under subsection (h), and including the effectiveness of using the services of—

(A) private contractors;

(B) agency employees;

(C) cross-servicing from other agencies; or

(D) any combination of the provision of services described under subparagraphs (A) through (C); and

(3) submit a report on the results of the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

**SEC. 3. COMPLIANCE.**

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) ANNUAL FINANCIAL STATEMENT.—The term ''annual financial statement'' means the annual financial statement required under section 3515 of title 31, United States Code, or similar provision of law.

(3) COMPLIANCE.—The term ''compliance'' means that the agency—

(A) has published an annual financial statement for the most recent fiscal year and posted that report and any accompanying materials required under guidance of the Office of Management and Budget on the agency website;

(B) if required, has conducted a program specific risk assessment for each program or activity that conforms with section 2(a) the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note); and

(C) if required, publishes improper payments estimates for all programs and activities identified under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in the accompanying materials to the annual financial statement;

(D) publishes programmatic corrective action plans prepared under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement;

(E) publishes improper payments reduction targets established under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement for each program assessed to be at risk, and is meeting such targets; and

(F) has reported an improper payment rate of less than 10 percent for each program and activity for which an estimate was published under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) ANNUAL COMPLIANCE REPORT BY INSPECTORS GENERAL OF AGENCIES.—Each fiscal year, the Inspector General of each agency shall determine whether the agency is in compliance and submit a report on that determination to—

(1) the head of the agency;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on Oversight and Governmental Reform of the House of Representatives; and

(4) the Comptroller General.

(c) REMEDIATION.—

(1) NONCOMPLIANCE.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) in a fiscal year, the head of the agency shall submit a plan to Congress describing the actions that the agency will take to come into compliance.

(B) PLAN.—The plan described under subparagraph (A) shall include—

(i) measurable milestones to be accomplished in order to achieve compliance for each program or activity;

(ii) the designation of a senior agency official who shall be accountable for the progress of the agency in coming into compliance for each program or activity; and

(iii) the establishment of an accountability mechanism, such as a performance agreement, with appropriate incentives and consequences tied to the success of the official designated under clause (ii) in leading the efforts of the agency to come into compliance for each program and activity.

(2) NONCOMPLIANCE FOR 2 FISCAL YEARS.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for 2 consecutive fiscal years for the same program or activity, and the Director of the Office of Management and Budget determines that additional funding would help the agency come into compliance, the head of the agency shall obligate additional funding, in an amount determined by the Director, to intensified compliance efforts.

(B) FUNDING.—In providing additional funding described under subparagraph (A), the head of an agency shall use any reprogramming or transfer authority available to the agency. If after exercising that reprogramming or transfer authority additional funding is necessary to obligate the full level of funding determined by the Director of the Office of Management and Budget under subparagraph (A), the agency shall submit a request to Congress for additional reprogramming or transfer authority.

(3) REAUTHORIZATION AND STATUTORY PROPOSALS.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for more than 3 consecutive fiscal years for the same

program or activity, the head of the agency shall, not later than 30 days after such determination, submit to Congress—

(A) reauthorization proposals for each program or activity that has not been in compliance for 3 or more consecutive fiscal years; or

(B) proposed statutory changes necessary to bring the program or activity into compliance.

(d) COMPLIANCE ENFORCEMENT PILOT PROGRAMS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget may establish 1 or more pilot programs which shall test potential accountability mechanisms with appropriate incentives and consequences tied to success in ensuring compliance with this Act and eliminating improper payments.

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the findings associated with any pilot programs conducted under paragraph (1). The report shall include any legislative or other recommendations that the Director determines necessary.

(e) REPORT ON CHIEF FINANCIAL OFFICERS ACT OF 1990.—Not later than 1 year after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note) and the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110–409), in consultation with a broad cross-section of experts and stakeholders in Government accounting and financial management shall—

(1) jointly examine the lessons learned during the first 20 years of implementing the Chief Financial Officers Act of 1990 (31 U.S.C. 901) and identify reforms or improvements, if any, to the legislative and regulatory compliance framework for Federal financial management that will optimize Federal agency efforts to—

(A) publish relevant, timely, and reliable reports on Government finances; and

(B) implement internal controls that mitigate the risk for fraud, waste, and error in Government programs; and

(2) jointly submit a report on the results of the examination to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

The Office of Management and Budget recently reported the Federal Government made $98 billion in improper and overpayments last year. This is a staggering amount and completely unacceptable. No family or business in this great country would tolerate being charged twice or even overbilled for anything and neither should the government. We need to do everything we can to ensure that the government spends every tax dollar in the most responsible way possible. In fact, we have an obligation to the taxpayers to fight waste, fraud, and abuse and to ensure that if the government overpays for something, it has the means to recover those precious tax dollars.

The bill we are now considering, H.R. 3393, the Improper Payments Elimination and Recovery Act of 2009, will provide the government with the means to fulfill this obligation to the taxpayers.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an important and bipartisan bill being brought to the floor today. It has been well thought out and well crafted, and I want to thank Mr. MURPHY and Mr. BILBRAY for their diligent work on this subject, also Mr. TODD PLATTS, who has worked in this area for a number of years and has brought to light this failure of government.

Mr. Speaker, when there are $2 trillion worth of payments being made and $100 billion worth of improper payments being noted, one would say we must be doing a good job of finding improper payments that would allow us to get to the bottom of this large amount of money. But, Mr. Speaker, without this corrective action, it is clear that what we are seeing is the tip of a very large iceberg.

Under the current law, since you must have the greater of both $10 million and 2.5 percent in order to trigger reporting, this only really triggers $10 million events with very small agencies. As we look at the Department of Defense and other large agencies, realistically the 2.5 percent becomes the trigger. If I were able to, with a stroke of a pen, change things from day one, I would look and say the American people consider not only $10 million a lot of money, but $2 million and $1 million, $100,000.

We cannot quickly make those kinds of changes in reporting, I am told. However, today we are taking a fairly significant step. By automatically having anytime when $100 million is at stake be reported and by reducing from 2.5 to 1.5 percent the program outlays, we are catching an unknown amount of greater waste, fraud, and abuse in government. These improper payments will undoubtedly rise, perhaps double, perhaps triple in reporting as a result of this new law, but it is not enough. As this reporting becomes more widespread and we're able to investigate extremely large but smaller than today programs, I hope that we will see that we must find all, all, improper payments in government and set them right. The American people expect no less.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the sponsor of the bill, Mr. PATRICK MURPHY, who is really responsible for our being here today. He has worked so hard on this legislation, and, of course, as I have said to many staffers along the way, this makes a whole lot of sense, and I want to thank him, and, of course, Mr. PLATTS and people that have worked on this and kept it going.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the chairman for yielding.

I would like to start off by thanking my colleague from across the aisle, Congressman BRIAN BILBRAY from California, for partnering with me on this bipartisan bill for the past 2 years. Today is a great day for our country, and I want to also highlight his partnership and his commitment to fiscal responsibility. It's been an honor to work with you, sir.

I also want to thank Senator TOM CARPER for his tireless efforts in advancing this legislation in the Senate.

Mr. Speaker, most of us would be outraged if we realized that our phone company charged twice for last month's bill or that we paid for car repairs that were never made to our car. We would figure out the problem, we would get our money back, and we would make sure that that never happened again.

But every day the Federal Government either overpays or pays twice the amount for products or services it was supposed to. But until now, there was too little action and even less outrage.

□ 1030

According to the Office of Management and Budget, in fiscal year 2009, Federal agencies made nearly $98 billion in improper payments. Let me repeat that: In 2009, Federal agencies made nearly $98 billion in improper payments in just 1 fiscal year.

Mr. Speaker, numbers get thrown around in this Chamber all the time. So let me put this number in context. This is more than double the budget for the Department of Homeland Security and triple the budget of the National Institutes of Health. These improper payments occur as a result of fraud or from poor fiscal management systems that do not detect or prevent mistakes before Federal dollars are already out the door. This bill—our bill—the Improper Payments Elimination and Recovery Act, will help better identify, reduce, and eliminate these improper payments. It will cut down on fraud

and waste by requiring agencies to develop and implement action plans to avoid improper payments.

Mr. Speaker, no business owner would allow an employee to get away with these mistakes. American taxpayers should not have to foot the bill when the government mismanages their hard-earned dollars. That is why this legislation has strong measures to hold those accountable for failing to protect taxpayer dollars. Perhaps most importantly, Mr. Speaker, this legislation would force the Federal Government to reclaim more money that was improperly sent.

It's pretty simple. If a family in Bristol, Bucks County, found out that they were getting double billed for their car payments or paying for groceries they never got, they'd fix the problem, get their money back, and would not allow it to happen again. My bill ensures that the Federal Government holds itself to the same standard of fiscal responsibility that will save taxpayers billions of dollars.

Mr. Speaker, there is no question that we must do more to tackle our national debt. While the debate grows increasingly partisan, the solutions seem sometimes out of political reach. But this proposal is not. This commonsense measure is something that Democrats and Republicans have come together to support. Cutting wasteful spending and growing our economy will lead us out of this recession and help put us on a path toward fiscal responsibility. I urge all of my colleagues to vote ''yes'' and pass this legislation on behalf of the American taxpayer.

Mr. ISSA. At this time I would yield 3 minutes to the coauthor of the bill, the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I would like to thank the coauthor of the bill, Mr. MURPHY, and especially Chairman TOWNS and Ranking Member ISSA for bringing this item up today. I appreciate the ability to address it.

Mr. Speaker, all across America, Americans are speaking out loudly. In fact, there's a degree of dismay for those of us in Washington when we go home to see the outrage that is coming out from the average taxpayer in this country. I think we are just now really realizing that there is a justification for the outrage and the strong feelings. Basically, as we tell the American people that they must give more and that we are going to take more, they are saying, No way. You have not earned the right to be trusted with our tax money.

Mr. MURPHY and I have been able to identify one of those items that the American people have been calling for for a long time. How do we explain to our constituents that we are giving away inappropriately twice as much money as we spend to defend their neighborhoods from terrorism when it comes to homeland security? How do we have the gall to ask them to trust us with more money when we have this kind of mismanagement of public funds—not just recently, but historically. And I think this is one place we can, in a bipartisan effort, admit that Washington needs to be more responsible, needs to do more and, frankly, demand more from Washington and the bureaucracy and less from the American people when it comes to accountability.

We're talking about the fact that we need now to lower the thresholds of reporting so the problem can be more transparent. We need to make sure that we hold those who are trusted in the Departments with the American taxpayers' money to do more, report more, and be more accountable for the mismanagement of those funds. Frankly, we need to demand more recovery of the money when we detect these funds are being misappropriated.

Frankly, right now, I think the outrage across this country is something that is healthy for all of us—Democrats, Republicans, Independents. We should not be asking, Why are the American people so outraged? We're saying, Why didn't we realize this earlier and sooner so that that outrage did not just show up in screaming town hall meetings and protests around this country?

I want to thank Mr. MURPHY for joining with me at showing the American people there are some of us that hear it loud and clear. We do not blame the American people for being outraged. We blame ourselves and the Washington establishment for not addressing this issue before and not moving forward.

So I, again, thank the chairman and the ranking member. I thank my coauthor on this. And I think, Mr. Speaker, this is more than just money. We're talking about we have taken hard-earned resources from hardworking Americans and we have been trusted in the past; and we have violated that trust.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. Mr. Speaker, I yield the gentleman 30 additional seconds.

Mr. BILBRAY. This bill will start on a pattern towards earning the trust back from the American people. But we do not have a right to ask them to trust us with more money until we prove to them that we can correct this problem and take care of the money that we have already been endowed with. So I ask that this body pass this bill and address it. It's a small step in the direction that America has asked us to go to for far too long.

Mr. TOWNS. I yield myself such time as I may consume.

The Improper Payments Elimination and Recovery Act, H.R. 3393, provides the Federal Government with the tools needed to prevent mistakes and overpayments in the first place and recover funds that are paid in error. That's the reason why I'd like to salute Congressman ISSA of California, Congressman BILBRAY, and of course Congressman PLATTS and Congressman MURPHY for the outstanding job that they have done on this legislation.

The bill we are considering today takes the next step and makes Federal agencies more accountable for properly managing taxpayers' funds. The bill requires agencies to develop and report corrective action plans based on measured error rates and creates incentives for meeting their goals and penalties for failure to meet their goals. Importantly, the bill also gives the agencies the means to go after the funds that they have overpaid, which will make the taxpayers, agencies, programs, and activities which relied on those appropriations whole.

We are living in a time, Mr. Speaker, when our government is under extreme fiscal demands, and we need to do everything possible to ensure that every tax dollar goes to where it is needed. To ensure this takes place, we need to provide our Federal agencies with the tools to properly manage their spending. We also need to give the agencies the ability to follow through with their oversight and provide them with the ability to recover erroneous payments.

However, we cannot stop there. We must do everything that we can to ensure that Federal agencies who make improper payments fix the problem that allows the improper payments to take place. At the end of the day, this bill amends current law to require more accountability through reports, plans, definitions, clarification of responsibility, allocation of funds, and oversight.

Again, I would like to thank my colleagues, Representatives MURPHY, BILBRAY, ISSA, and others, for working together in a truly, truly bipartisan manner to get this piece of important legislation to the House floor. H.R. 3393 is a commonsense, good government bill, and I encourage my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I'd like to share with you something that happened this morning. I was on C–SPAN and a woman named Betty called in and was very concerned that we were not working on a bipartisan basis; that there was no consensus or compromise; that we were paralyzed. It's sometimes hard to answer somebody on the other end of a telephone line, but I would like to today take note that this is an example of the dozens of times every week that we come together, the chairman and myself, members of the committee, and we find things we can agree

on that are good for America, the common good, and they will not usually be noted.

So today I would hope that we all note that—and for Betty who called in this morning—that in fact this is an example where we can find compromise. We can find a win-win for the American people. I would hope that we would do more of it. Chairman TOWNS has been good at looking for those examples, and I pledge to be better at looking for opportunities like this. I'd like to, lastly, thank Leader HOYER and Leader BOEHNER for the help they gave us in expediting this to the floor.

With that, Mr. Speaker, I urge support and passage of the bill and yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, let me just make this statement, and I will yield back as well.

Let me again say how glad I am that we are taking the time to fight waste, fraud, and abuse of our precious tax dollars. With this measure, I want to thank the gentleman from California for his comments and the fact that we are working together to get rid of waste, fraud, and abuse here. This is a classic example. I want to thank him for working with me and the relationship that we have had over the years in terms of doing these kinds of things.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 3393, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## CLARIFY DECEPTIVE CENSUS MAILINGS LAW

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5148) to amend title 39, United States Code, to clarify the instances in which the term "census" may appear on mailable matter.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5148

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REQUIREMENT FOR MAIL BEARING THE TERM "CENSUS" ON THE ENVELOPE OR OUTSIDE COVER OR WRAPPER.**

(a) MATTER SOLICITING THE PURCHASE OF A PRODUCT OR SERVICE.—Section 3001(h) of title 39, United States Code, is amended—

(1) in paragraph (1), by inserting "; or on which the term 'census' is visible through the envelope or outside cover or wrapper" after "or which bears the term 'census' on the envelope or outside cover or wrapper"; and

(2) in paragraph (2), by inserting "or matter on which the term 'census' is visible through the envelope or outside cover or wrapper" after "In the case of matter bearing the term 'census' on the envelope or outside cover or wrapper".

(b) MATTER SOLICITING INFORMATION OR CONTRIBUTION OF FUNDS.—Section 3001(i) of title 39, United States Code, is amended—

(1) in paragraph (1), by inserting "; or on which the term 'census' is visible through the envelope or outside cover or wrapper" after "or which bears the term 'census' on the envelope or outside cover or wrapper"; and

(2) in paragraph (2), by inserting "or matter on which the term 'census' is visible through the envelope or outside cover or wrapper" after "In the case of matter bearing the term 'census' on the envelope or outside cover or wrapper".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5148, the bill to further prohibit deceptive mailings using the word "census." Only a few weeks ago, on March 10 to be exact, the House acted unanimously to deal with the misleading fundraising mail designed to look like it is from the Census Bureau. Congresswoman MALONEY introduced H.R. 4621, the Prevent Deceptive Census Look Alike Mailing Act, which was originally cosponsored by me and Congressman CLAY, chairman of the subcommittee with jurisdiction over the census. Congresswoman MALONEY and Congressman CLAY are longtime supporters of the census, and they have worked hard to make sure we have an accurate count in 2010.

H.R. 4621 was also cosponsored by the ranking member of the committee, Congressman ISSA of California, as well as the ranking member of the subcommittee with jurisdiction over the postal service, Congressman JASON CHAFFETZ. I thank them for their support and for helping us to move it to the floor today.

The goal of the bill was simple. The United States Census, currently under way, is a critical source of information for America's future. Regrettably, scammers and con artists are trying to hijack the word "census" to confuse citizens into opening and responding to mail that is unrelated to the actual U.S. Census. We must protect the U.S. Census from this kind of fraud. H.R. 4621 simply requires mailings which have the term "census" on the envelope or cover to also include an accurate return address and the name of the sender on the envelope.

□ 1045

H.R. 4621 was drafted narrowly to avoid the First Amendment concerns and avoid interfering with the legitimate use of the mail by nonprofit organizations. The bill was intended to prevent the deceptive use of look-alike mailings by requiring transparency and disclosure. The House voted 416–0 to pass H.R. 4621. The Senate passed the same bill by unanimous consent. Not many bills pass this House unanimously, but this one did—both Houses. That's not something that happened real quick around here. You would think the message sent by that law was very clear.

Unfortunately, days after H.R. 4621 was signed into law, the RNC sent a new mailing which includes the same deceptive practices. The new mailing is also labeled a census, and it does not include a return address or identify the sender as the RNC, as required by law, Mr. Speaker. One of these offensive mailings is dated April 12, only 5 days after the President signed H.R. 4621 into law. Apparently, the RNC cannot even let 1 week go by without deceiving the American public.

Despite the unanimous action of Congress, the RNC continues to act in defiance of Congress and plain common sense and fairness. These mailings continue to mislead citizens, confuse voters, and annoy recipients.

On that note, Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5148. Not surprisingly, I'm the author of it. I insisted on being the author because it was the right thing to do and because there needed to be a message sent loud and clear. Deceptive advertising is already bad enough in America today. We often receive things that look like your credit card bill when, in fact, they're an offer to buy or to get something or, in fact, to apply for a credit card. We've all received cards that look like you're already getting a card when, in fact, it's John Doe on the card and it's only the opportunity to spend money to get the real card.

But when it comes to the census, there is no separation between Republicans and Democrats and Independents. There is no separation between the House and the Senate. The sanctity of this constitutional responsibility to get it right, to count everyone, cannot be allowed to be interfered with by anyone's attempt to raise money.

When the earlier bill was passed—authored by CAROLYN MALONEY and cosponsored by many of us—we thought we had ended this. As a matter of fact,

for all of us on both sides of the aisle, we believed then that an independent agency, the post office, could have stopped that mail without the law. But we wanted to make the intent of Congress clear. By passing that bill, we made the intent of Congress clear. We all talked about deceptive advertising, about people seeing something, thinking it was from the Census Bureau, thinking that, in fact, it was a census form. We crafted it in a way, as the chairman said, that was intended not to cross over anyone's free speech rights, including that through the mail. We achieved that. But lawyers at the Republican National Committee made a decision that the language of the bill was such that they could continue having a piece of the successful mailing go on.

Let me make something very clear here today: You cannot say we are beyond the letter of the law when you truly are within the intent of the law and tell the American people it's okay. The four squares of the law may or may not have been violated by the NRCC. Most of us believe, as I said before, the post office could have stopped it before the law and certainly could stop this after the law; and I have sent, along with my ranking subcommittee member, a letter to the Postmaster encouraging him to make that decision, as has Congresswoman MALONEY.

Notwithstanding their eventual action, we're making it clear here today that we will plug any perceived loopholes or any questions about whether or not you can or you cannot. The RNC sent out mailings which certainly violated the spirit of H.R. 4621. The mailings contained text visible from outside the envelope—not printed on the envelope, but effectively the same as printed on the envelope.

I would say to people who raise money, whether it's the Republican National Committee, the Democratic National Committee, other political entities, or nonpolitical entities who simply want to have their envelopes opened for an opportunity to raise money or get a message out, don't use the census. Don't even think about using the census, because it's wrong. If something is deceptive, then it is wrong under the law that we already passed. It is wrong under the law that we expect this bill to represent.

So, Mr. Speaker, I would like to thank the chairman, Congresswoman MALONEY and Congressman JASON CHAFFETZ and, more importantly, the leadership of the House, both Mr. BOEHNER and Mr. HOYER, because they made it possible for us to come to the floor quickly, get it to the Senate quickly, allow the Senate to deal with it quickly so the President can make a statement for the second time in less than a month. He shouldn't have to do it. He does have to do it. We're going to make sure that while the census is underway, that we not have anyone think that this is a time where they can continue to do fundraising that ultimately links itself to the ongoing census.

With that, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York, CAROLYN MALONEY, who has been very involved in this issue, of course, and to say to my colleague from California, I really appreciate his involvement in this as well, the ranking member of the committee, Congressman ISSA.

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership in so many ways, and I thank my good friend on the other side of the aisle for his leadership on this issue and many others.

We are united today in a bipartisan effort, Republicans and Democrats. We are united in our efforts to stop the RNC from using census mailings for political gain and to fundraise for the RNC.

Mr. Steele, in particular, the head of the RNC, 5 days after this Congress in a bipartisan vote that was unanimous on both sides of the aisle, mailed out another partisan mailer, raising money for the RNC in an envelope that looked like it was an official document for the Census Bureau. I suggest that Mr. Steele contact the members of his own party before he acts in such a way, because the Republicans supported stopping using the census mailer in any way for partisan gain.

Specifically, this Congress passed legislation to stop mailers, fake mailers, look-alike mailers, that made the document look official, like a census document, to open it up. The RNC and others were mailing fundraisers, acting like they were the census. This is wrong. We passed legislation to stop it. It is now under review by the postal department. I have every bit of confidence that they will report that it violated not only the spirit of the law but that it violated the law.

The ink wasn't even dry from President Obama signing the legislation into law, and 5 days later the RNC leadership sent out another partisan mailer designed to look like the census to mislead people. This is dangerous because the census is important to our country. It is mandated by the Constitution. It must take place every 10 years, and the census numbers are the numbers that we use to decide representation. Practically every funding formula is based on census numbers. So we want people to respond to the census. It's important. To the degree that mock, fake mailers are out there deceiving people, it will drive down the participation.

So today we are united on enforcing the law in a bipartisan way. And I congratulate particularly the leadership on the other side of the aisle that are speaking out against the leadership of their own RNC, knowing that the census is important and should not be used for partisan reasons. So I compliment STENY HOYER and Mr. BOEHNER for moving this to the floor immediately so that another mailer doesn't go out.

This is a critical time for the census. It is in full swing. People are responding to their mail. There will be enumerators. There will be additional mail. To the extent that people are fundraising with fake look-alike documents, it will drive down the participation in the federally mandated, constitutionally required, and federally funded census. It is undercutting tax dollars from the public that are trying to get an accurate count and an accurate picture of where we are from the census data. So this is a very important action, and it's one that we are acting quickly on. And I hope the RNC and anyone else who wants to put out a deceptive, misleading mailing will stop and respect the law, respect the census, and respect this Congress.

I thank my colleagues on both sides of the aisle.

Mr. TOWNS. I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentlelady from New York. Her words are our words; her thoughts are our thoughts. Perhaps as a proud Republican, I can do more than the thought she made.

Mr. Speaker, I want everyone to be counted in the census. I want everyone to open their envelopes from the census. As a Republican, I am particularly sensitive that I don't want Republicans to be undercounted. So I would advise, as I will do, if I receive anything and it looks like it's from the census, I'm going to open it. When I open it, if it's from the census, I'm going to fill it out. If it's not from the census, I'm going to throw it out because, ultimately, all of us, regardless of our party, should be indignant if we receive a request for money and we open it, believing it's from the census, only to find out that it is a request for money.

The census does not ask us for money. They ask us for sensitive information leading to a correct count of the American population, and from that, Congress does its work to allocate resources and, quite personally, to allocate representation here in the House. So I, for one, will open all the mail and encourage all to open all the mail. And when you open it, do the right thing if it's from the census; do the right thing if it's from somebody trying to fundraise. Let there be no doubt, this is important to us in the House. We speak with one voice. We speak today. I suspect that they will speak by tomorrow in the Senate, and we will make sure that this cannot be allowed.

In closing, I did join with the gentlelady from New York and Mr. CHAFFETZ,

the gentleman from Utah, and the chairman in calling on the Postmaster to assert any jurisdiction he may believe he can, which we believe he has, to stop mailings even if they're going out today. But certainly within a matter of hours or days, we expect there will be new power without any question that would allow for the holding of that mail and its destruction.

So with that, Mr. Speaker, I encourage passage of the bill.

I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I would like to close by saying that we need to send the kind of message that will make certain this stops. However, I do believe the new RNC mailings are illegal under current law. That's number one. This bill will clarify that any use of the word ''census'' that is visible through the envelope would trigger a requirement to disclose the name and return address of the sender. Congress should not have to act twice to make it clear that it is wrong to imitate the census, which is mandated by our Constitution. Unfortunately, the foolishness of the RNC has forced us to act again.

Mr. Speaker, I want to thank all of my colleagues, especially the ranking member of the committee, Congresswoman MALONEY, and Mr. CHAFFETZ and others, especially their staffs, who understand and recognize how important the census is and that we should not get involved in any kind of trickery when it comes to the census because there are so many things that depend on the census. Therefore, to play around with it, to me, is so unfair when you're talking about, really, playing around with the lives of people, because so many things are based on the fact that the count, the count is so important. So it's my hope that the RNC will recognize this and stop this trickery, because there is no place, no time do we need that today.

□ 1100

We need to make certain that everybody fills out their census form, and gets it back in as soon as possible.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 5148.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 264) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 264

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.**

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 29th Annual National Peace Officers' Memorial Service (in this resolution referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2009.

(b) DATE OF EVENT.—The event shall be held on May 15, 2010, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

**SEC. 2. TERMS AND CONDITIONS.**

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

**SEC. 3. EVENT PREPARATIONS.**

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

**SEC. 4. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 264 authorizes use of the Capitol grounds for the 29th annual National Peace Officers' Memorial Service, a solemn and respectful public event in our Nation's capital honoring our heroic civil servants who were killed in the line of duty in the previous year.

Mr. Speaker, 116 brave men and women were killed in the line of duty in 2009, the fewest number since 1959. The total number of officers killed in the line of duty declined 16 percent from 2008. Unfortunately, the number of officers shot and killed had a dramatic rise and increased 22 percent from the previous year. According to the National Law Enforcement Officers' Memorial Fund, the number of incidents where more than one officer was killed by a single gunman accounted for 15 deaths, nearly a third of the officers killed in firearms-related incidents.

There were three peace officers who died in Illinois in 2009, including one from my congressional district in Centreville, Illinois, Gregory Jonas.

The National Peace Officers' Memorial Service is a fitting tribute to all Federal, State and local peace officers who gave their lives in the daily work of protecting our families, our homes and our workplaces.

Consistent with all Capitol Hill events, the memorial service will be free and open to the public. I support the resolution and urge my colleagues to join me in supporting this tribute to our fallen peace officers.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 264 authorizes the use of the Capitol grounds for the 29th annual National Peace Officers' Memorial Service to be held on May 15. The memorial service will be just one event of many planned for Police Week to honor the sacrifices of the men and women who serve in law enforcement and to give special recognition of those who lost their lives in the line of duty.

In 1962, Congress established Peace Officers Memorial Day and Police Week through a joint resolution of Congress. And, in 1982, the first official memorial service took place in Senate Park with 125 people gathered to honor 91 officers. Since that time, law enforcement from around the world have come to D.C. to participate in week-long events to honor the brave service and sacrifice of officers who have fallen in the line of duty.

Today, thousands of people participate in the events, including the memorial service, and over 3,000 law enforcement officers have been honored from around our Nation. Currently, there are approximately 900,000 law enforcement officers in the United States that selflessly risk their lives so that we can be safe and protected.

Unfortunately, on average, 160 officers each year lose their lives in the

line of duty. And there are approximately 16,000 assaults on police officers each year, resulting in nearly 60,000 injuries. This year, 324 fallen officers will be honored, including 116 who lost their lives in 2009. Police Week will serve to honor the service and sacrifice law enforcement officers make for us every day.

I support this resolution and encourage my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Con. Res. 264, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service on May 15, 2010. This memorable event will provide an opportunity to honor the officers who work for States, counties, Federal law enforcement, military police, correction officers, and as peace officers in the United States and its territories and to also honor those officers that have died in the line of duty in 2009.

In October 1962, President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day. Each year on this date, we, as a nation, have an opportunity to honor the commitment with which peace officers perform their daily task of protecting our local communities. Today, the National Peace Officers' Memorial Service on Capitol Hill has become one in a series of well-attended events during the annual Police Week organized by the National Law Enforcement Memorial Fund, the Fraternal Order of Police, and Concerns of Police Survivors.

The 2010 event marks the 29th time the Capitol Grounds will be used for this noteworthy event. According to the National Peace Officers' Memorial Fund, there are approximately 900,000 sworn law enforcement officers serving the American public today. Thirty-five states and Puerto Rico had officers killed in 2009. Of the 116 officers killed, 51 were killed during a traffic-related incident, 49 were killed in a firearms-related incident, and 16 were killed in other types of incidents. Although the 116 peace officers that died in action in 2009 is the lowest number since 1959, each officer's death is a tragedy, and we should honor the sacrifices made by those who have been killed in the line of duty.

Activities on the Capitol Grounds conducted under H. Con. Res. 264 will be coordinated with the Architect of the Capitol, will be free, and open to the public.

It is fitting that we pay tribute the lives, sacrifices, and public service of our brave peace officers and their families today. I urge my colleagues to join me in supporting H. Con. Res. 264.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge support of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 264.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## AIRPORT AND AIRWAY EXTENSION ACT OF 2010

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5147) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5147

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Airport and Airway Extension Act of 2010''.

**SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''April 30, 2010'' and inserting ''July 3, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''April 30, 2010'' and inserting ''July 3, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''April 30, 2010'' and inserting ''July 3, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 2010.

**SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''May 1, 2010'' and inserting ''July 4, 2010''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''May 1, 2010'' and inserting ''July 4, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 2010.

**SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

''(7) $3,024,657,534 for the period beginning on October 1, 2009, and ending on July 3, 2010.''.

(2) AVAILABILITY OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2009, and ending on July 3, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were $4,000,000,000; and

(B) then reduce by 17 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''April 30, 2010,'' and inserting ''July 3, 2010,''.

**SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.**

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''May 1, 2010.'' and inserting ''July 4, 2010.''.

(b) Section 44302(f)(1) of such title is amended—

(1) by striking ''April 30, 2010,'' and inserting ''July 3, 2010,''; and

(2) by striking ''July 31, 2010,'' and inserting ''September 30, 2010,''.

(c) Section 44303(b) of such title is amended by striking ''July 31, 2010,'' and inserting ''September 30, 2010,''.

(d) Section 47107(s)(3) of such title is amended by striking ''May 1, 2010.'' and inserting ''July 4, 2010.''.

(e) Section 47115(j) of such title is amended by striking ''May 1, 2010,'' and inserting ''July 4, 2010,''.

(f) Section 47141(f) of such title is amended by striking ''April 30, 2010.'' and inserting ''July 3, 2010.''.

(g) Section 49108 of such title is amended by striking ''April 30, 2010,'' and inserting ''July 3, 2010,''.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''May 1, 2010,'' and inserting ''July 4, 2010,''.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''May 1, 2010,'' and inserting ''July 4, 2010,''.

(j) The amendments made by this section shall take effect on May 1, 2010.

**SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.**

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $7,070,158,159 for the period beginning on October 1, 2009, and ending on July 3, 2010.''.

**SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

''(6) $2,220,252,132 for the period beginning on October 1, 2009, and ending on July 3, 2010.''.

**SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

''(14) $144,049,315 for the period beginning on October 1, 2009, and ending on July 3, 2010.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5147.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5147, the Airport and Airway Extension Act of 2010. I want to thank Chairman OBERSTAR and Ranking Member MICA, as well as Mr. PETRI for working with me to bring this bill to the floor today.

In both the 110th and 111th Congresses, the House passed comprehensive legislation to reauthorize the FAA and to provide for much-needed modernization of our aviation system. Last month, the other body passed its own FAA reauthorization bill. We look forward to the completion of a final comprehensive bill, and are in the process of working out the differences in both legislation to reconcile and bring a conference report to the floor.

However, the airport and airways trust fund will expire on April 30, 2010, and the bill before us today is needed to extend the aviation taxes and expenditure authority, and the airport improvement program contract authority until July 3, 2010.

Specifically, H.R. 5147 provides $3 billion in AIP contract authority through early July, which translates to an annualized amount of $4 billion for fiscal year 2010. This level of funding is consistent with the annual levels provided by the House and Senate reauthorization bills, as well as the fiscal year 2010 concurrent budget resolution.

These additional funds will allow airports to continue critical safety capacity enhancement projects. Additionally, the bill provides $7 billion for the FAA operations; $2.2 billion for facility and equipment programs; and $144 million for research, engineering and development programs.

When translated to yearly amounts, these AIP figures equal the funding levels passed in the Transportation, Housing and Urban Development, and Related Agencies Appropriation Act of 2010. In addition, aviation excise taxes will also be extended through July 3, 2010. These taxes are necessary to support the airport and airways trust fund, which funds a large portion of the FAA's budget. Any lapse in these taxes could drain the trust fund's balance, so it is important that we act now pending the passage of a longer-term reauthorization bill.

Aviation is too important to our Nation's economy, contributing $1.2 trillion in output and approximately 11.4 million jobs, to allow the taxes or the funding for critical aviation programs to expire. Congress must ensure that this extension passes today to ensure that our aviation system is not disrupted and continues to function safely. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

In May of last year, the House passed H.R. 915, the FAA Reauthorization Act of 2009. Last month, the Senate passed its own FAA reauthorization bill which the House took up, amended and passed, and sent back to the Senate. While a conference has not been called, staff from both Chambers have begun informal discussions to reconcile the two versions of bill.

This process will take time, and given that the current FAA extension expires at the end of this month, we need to again extend the FAA's taxes and authorities to allow time to get a final, conferenced FAA bill.

H.R. 5147 would extend the taxes, programs, and funding of the FAA to July 3 of this year. This bill provides just over $3 billion in airport improvement program funding; extends the war risk insurance program; and extends other authorities related to small community air service, airport and safety programs.

This bill will ensure that our national airspace system continues to operate and that the FAA continues to fund important airport projects while the Congress completes action on a final reauthorization bill.

Mr. Speaker, I would now like to yield such time as he may consume to the senior Republican on the Public Works and Transportation Subcommittee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank Mr. PETRI, our ranking member on the Aviation Subcommittee, for yielding me this time. I am pleased also to recognize the fine work of the current chair of the Aviation Subcommittee, Mr. COSTELLO and our chair of the full committee, Mr. OBERSTAR.

I am here today, Mr. Speaker and my colleagues, and folks, you haven't tuned in here to the comedy hour. In fact, it is almost sort of a sad time. It almost seems like a bit of a sad comedy that we are back here for the 15th time extending FAA authorization, authorization for all of the policy, Federal programs that deal with aviation, the 15th time, and this is the 13th extension.

Mr. PETRI is the ranking member of aviation, Mr. COSTELLO the current chair. When I came to Congress, Mr. OBERSTAR was the chair of the Aviation Subcommittee and I was in the minority but a member of the committee. From 2001 to 2008, I was the chairman of the Aviation Subcommittee. In fact, in 2003, I wrote the current FAA authorization that has been extended some 13 times with the passage of this today. I know I did a great job and a thorough job, but I never intended it to last on and on. And it wasn't intended to last on and on. At that time we did a 4-year bill. We set the policies, the projects. We set all of the safety criteria for aviation in the country.

But what particularly burns me right now is we have a commuter aviation safety piece of legislation that we intend to incorporate in this extension. We have had it done for some time. We worked in a bipartisan fashion; and that sits idle. We sat down in a bipartisan fashion after we had a number of disastrous commuter flights, one up in New York, and our heart aches for those families who have suffered the loss of a loved one. We had a responsibility to pass that legislation; and that legislation, which is part of the extension, is still sitting today undone. But again, 15 times we have been here. This is the 13th extension. This goes on to July of a bill that I authored back in 2003 that expired in 2007.

□ 1115

And it couldn't come at a worse time for the economy. We need in place that policy. We need the funding formula in place. We need the ability to move and expand our airports which are our main transportation hub of today and the future.

The modernization of the air traffic control system and the provisions that we put in this to move that forward are also stalled, it's called NextGen, next-generation air traffic control. This is very sad. When you stop and think about it, 11 percent of the economy of the United States of America deals around the aviation industry. This is big business, it's big jobs, and, unfortunately it's stalled. And that's sad.

I'm not here to point fingers. The House has done due diligence. The other body continues to work on the measure. They've made some progress of late. There are some issues in here, one that's called the FedEx provision, which does expand some unionization provisions if it is passed. Quite frankly, the Senate has said that provision is not going to be accepted. Many on the House oppose this on both sides of the aisle. Let's take the controversial things, put them aside, and move forward with the bill.

Foreign repair stations. We cannot abrogate our obligations under international treaties. We can't leave planes in some foreign location without the ability to repair them. So we have to have a reasonable standard and an internationally coherent and internationally compliant way to proceed for repair stations. Those controversial provisions need to be put aside.

Move forward. People are crying out for jobs in this country, and one of the best employers that we have in this Nation is the aviation industry. It pays some of the highest salaries, and we have the potential for expanding that. When you expand aviation, you enter global markets with such ease today, but we are leaving that behind. So I am, indeed, deeply saddened that we are not at a point where we are passing this.

Now, I ask Members to support this extension, the 13th extension. This is a very embarrassing moment for the Congress, and I'm sad that our work is not done.

Mr. PETRI. Mr. Speaker, I urge my colleagues to support H.R. 5147, and I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me concur with the remarks of the ranking member of the full committee, Mr. MICA, and Mr. PETRI in his statement. I do want to make it clear, though, that in this House we have done our job, both in 2007 and in 2009. The committee, and also the full House, passed the reauthorization bill; and on both occasions, in 2007 and 2009, we sent it over to the Senate and waited for the other body to act. Unfortunately, the other body did not act until recently, and as I said in my opening remarks, we are negotiating with them now to resolve our differences so that we can bring a bill to the floor in order to get it to the President.

Mr. MICA is right about the Airline Pilot and Safety Act as well. We did pass that legislation both in the committee and the House. It was a bipartisan bill. It is urgently needed. It is a part of the reauthorization process. And, again, it is my hope that we can work out our differences and quickly bring a conference report to the floor. I urge my colleagues to support this legislation.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5147, the "Airport and Airway Extension Act of 2010".

H.R. 5147 ensures that aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority will continue without interruption, pending completion of a long-term Federal Aviation Administration, FAA, reauthorization act.

The most recent long-term FAA reauthorization act, the Vision 100—Century of Aviation Reauthorization Act, P.L. 108–176, expired on September 30, 2007. The House passed an FAA reauthorization bill during the 110th Congress, and again last year. I am pleased that the Senate passed its own comprehensive reauthorization bill last month, and I look forward to the passage of final legislation that will provide for the modernization of our aviation system and reauthorize the FAA over the long term.

We must ensure in the meantime that the FAA's programs and authority do not lapse. Accordingly, H.R. 5147 is the latest short-term extension act. It ensures continuity of funding and program authority beyond April 30, 2010, when the FAA's current extension expires. H.R. 5147 provides a two-month extension of aviation programs, through July 3, 2010.

I thank my Committee colleagues—especially Ranking Member MICA, Aviation Subcommittee Chairman COSTELLO, and Aviation Subcommittee Ranking Member PETRI—as well as Ways and Means Committee Chairman LEVIN and Ranking Member CAMP for working with me on this critical legislation.

I strongly urge my colleagues to join me in supporting H.R. 5147.

Mr. COSTELLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 5147.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 5013, IMPLEMENTING MANAGEMENT FOR PERFORMANCE AND RELATED REFORMS TO OBTAIN VALUE IN EVERY ACQUISITION ACT OF 2010

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1300 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1300

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5013) to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, the resolution provides a structured rule for consideration of H.R. 5013, the IMPROVE Acquisition Act of 2010. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. It makes in order the committee amendment as an original bill and provides that the bill shall be considered as read.

The rule waives all points of order against the committee amendment except those arising under clause 10 of rule XXI. The rule makes in order the 16 amendments printed in the Rules Committee report and waives all points of order against those amendments except those arising under clause 9 or 10 of rule XXI. The rule provides one motion to recommit with or without instructions.

The rule provides the Chair may entertain a motion that the committee rise only if offered by the Chair of the Committee on Armed Services or a designee. The Chair may not entertain a motion to strike out the enacting words of the bill.

Mr. Speaker, over the years we have watched as countless stories revealed flaws in the military's procurement operation. Disappointment with the way the Department of Defense manages the money we appropriate it reflects poorly not just on the Pentagon, but on Congress as well. The $640 toilet seat is now the stuff of legend, but sadly it is often just the tip of the iceberg.

In recent years, excesses stemming from the ill considered rush towards

privatization championed by the previous administration have become increasingly common. The push to contract out nearly every part of the military's mission has inevitably led to waste, fraud, and abuse involving some of the biggest corporate names in this country. Sadly, I believe that many years from now historians will associate a significant part of the war in Iraq with wasteful and poorly managed contracts that made private companies millions of dollars, billions of dollars, actually, often at the expense of our own men and women in uniform and certainly of taxpayers.

Two years ago in Congress, I was here on the floor as the House debated H.R. 1362, the Accountability in Contracting Act. That, too, was intended to save taxpayer money. Earlier in the 110th Congress, I worked with my friend, Ms. SCHAKOWSKY, on H.R. 897, the Iraq and Afghanistan Contractor Sunshine Act. I hesitate to say that those and other efforts towards contracting reform have been unsuccessful. Clearly, we have made significant reforms and part of our work in Congress involves regular and diligent oversight. It is a never-ending process.

For my part, one of my proudest efforts during my career in Congress has been to force the Pentagon to acknowledge that some of the testing done on body armor for troops during an early part of the war was deeply flawed. My work on this issue grew out of a 2006 audit that I read about in The New York Times that found that 80 percent of marines who had died in Iraq of upper body wounds would have survived with the proper body armor. I waited for other committees to take the lead, but no one came to the floor.

We are still working on this issue, but we have come a very long way. Major changes have been made in testing labs, some of them taken back into the Army rather than contracted out, which in this case did not work. Thankfully, however, the work did accomplish one thing: the military agreed to no more poorly managed deals for outside contractors to test the body armor. All current and future body armor testing will be conducted internally by the Department of Testing and Evaluation within the DOD with strict standards to ensure our troops receive nothing but the highest quality of body armor.

When it comes to the safety of our troops, which we send into battle, it is foolish to put the bid out to the lowest-priced contractor.

But today we have moved into a new chapter of oversight and reform, and I am happy to see it come. This morning we are bringing up an important piece of legislation intended to help the Pentagon reform inefficient procurement operations. It's called the Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010, otherwise known as the IMPROVE Act. This bill will help the Defense Department immediately, once this is signed, to crack down on cost overruns and lax oversight of contractors. Not only that, but the bill should help reduce our dangerous reliance oftentimes on outside companies to do so many varied functions on behalf of the military.

It is hard to overstate how important this bill is. My colleague, Mr. CONAWAY of Texas, who is the ranking member of the House Armed Services Committee Defense Acquisition Panel, offered the following testimonial on how urgent the need is for contracting and acquisition reform. He said: ''The Department of Defense is the largest agency in the Federal Government, owning 86 percent of the government's assets, estimated at $4.6 trillion. Over the last two decades, millions of dollars have been spent by DOD in the quest to obtain auditable financial statements.'' Yet getting those numbers has proven elusive, if not at times impossible. No more, Mr. Speaker, after this bill is signed.

This bill mandates that the Pentagon consider shifting work away from contractors if they don't meet the cost goals. It will set up a new system of cost objectives and schedules which DOD procurement officers would have to follow. The bill says that by 2017 Pentagon agencies must prepare records that can be audited and draft a new policy that wouldn't reward those who don't meet requirements. These are simple, sensible reforms that the American people can understand and appreciate.

□ 1130

No matter what anyone in Congress thinks of the ongoing wars in Afghanistan and Iraq, all of us know that the men and women who are serving overseas rely on the equipment, and they deserve to know that the funds for their equipment are not being squandered and that they are given equipment of the highest quality.

Another bright note on this legislation is that, when it was approved by the Armed Services Committee, the vote was 56–0. Such bipartisanship is rare in the House these days, and I am happy to speak on a bill that all of us can agree on. Although there is not currently any pending movement on the bill in the Senate, it is my hope a decisive and strong bipartisan vote today on this bill will spur the Senate into action. Billions of taxpayer dollars and the trust of our troops depend on it.

I reserve the balance of my time.

Ms. FOXX. I thank my colleague from New York for yielding time.

Mr. Speaker, I am very concerned that the underlying bill we have before us today is being brought forward under a structured rule, adding to the record number of structured and closed rules the Democrats have arbitrarily used since they have been in the majority.

Today, the Democrats in charge have rejected nine amendments offered by their colleagues, and they have refused to allow these amendments to be debated and for their colleagues' voices to be heard. Democrats have chosen to stifle and control the debate today, presenting the Congress with another structured rule, eliminating the ability of both the Republicans and the Democrats to offer important amendments affecting their constituents.

After promising to have the most honest and open Congress in history, why has the Speaker consistently gone back on her word? Why are the Democrats in charge shutting off debate and silencing their colleagues on both sides of the aisle? Are they afraid of debate? Are they protecting their Members from tough votes?

Regardless of their motives, one thing is clear: The Democrats in charge are doing the American people an injustice by refusing to allow their Representatives to offer their amendments on the floor of the people's House. Therefore, Mr. Speaker, I urge my colleagues to reject this structured rule.

I reserve the balance of my time.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, I need to point out to the gentlewoman that there were 26 amendments offered on this bill. Only one was a Republican amendment. Ten amendments were not allowed, but the Republican amendment was. We are not afraid of debate. We are not afraid of discussion. As a matter of fact, I am somewhat taken aback by your calling for a ''no'' vote on this rule given that this legislation passed unanimously out of the committee.

I have no further requests for time, so I reserve the balance of my time.

Ms. FOXX. I appreciate the comments of the gentlewoman from New York.

Mr. Speaker, I do realize that the bill passed out of committee unanimously, and I am sure it is going to receive strong support on the floor. Yet we know that providing protection for our Nation is one of the few jobs specifically assigned to the Federal Government by the U.S. Constitution. Indeed, the Federal Government is the only level of government that can provide for the defense of this Nation. However, based on the policies of this administration and the Democrats in charge, who have slashed defense spending even in the midst of ongoing terror threats, only to increase domestic spending and our national debt, you would never know this was true.

I am very concerned about the backward spending priorities of this administration and of the Democrats in charge. While the defense budget proposed by the administration is flat,

growing only by 1 percent last year, automatic spending grew by $77 billion, or 5 percent. Military spending represents less than one-fifth of the Federal budget and approximately half of the average level of defense spending during the Cold War as a percentage of our economy. Meanwhile, Medicare, Medicaid, Social Security, and the President's new health care takeover are on course to consume the entire Federal budget, including defense. According to the Heritage Foundation, under current projections, it is expected that the Federal Government will spend more on interest payments for the national debt than on defense by the year 2015, if not sooner.

The Obama administration's recently released Nuclear Posture Review and New START agreement will weaken national security, and it will make our Nation less safe. It will cause the U.S. to fall dangerously behind at a time when other countries are seeking to strengthen and to develop their own nuclear weapons. The President seems to believe that the power of New START's example will somehow encourage Iran and North Korea to surrender their ambitions, but there is no evidence to believe this is the case. Since the end of the Cold War, these countries have only increased their attempts to gain nuclear weapons even as the U.S. and Russia have been reducing their supplies.

What would do far more good is a loud and clear declaration that the U.S. and Russia will stop Iran from gaining a nuclear military capability by whatever means necessary. The NPR references existing treaties that our enemies disregard and treaties that have yet to be negotiated, which will take years of diplomatic effort to achieve but will do little to make America more secure.

The threat to international nonproliferation is a nuclear Iran, not the U.S. nuclear arsenal. Nuclear weapons are an inevitable truth in our modern-day world, so, unfortunately, they are essential to our national survival. As long as they exist, we must have the world's most effective nuclear arsenal and possess a missile defense system to protect ourselves against any actor that employs nuclear weapons. This is necessary in order to comply with the Constitution's requirements to provide for our common defense.

The NPR signifies that the Obama administration plans to neglect this responsibility. The administration's NPR provides many carrots but few sticks. It commits the U.S. to unilateral disarmament while hoping that this will give incentives to other nations to do the same, which it will not. It leaves the U.S. with no deterrent against rogue nations, such as North Korea and Iran, which continue to develop nuclear arsenals and to assert they will use nuclear weapons if they so much as feel threatened by the U.S.

A ''nuclear zero,'' which the Obama administration talks eloquently about, cannot be achieved unilaterally or even bilaterally. It will require many countries to make the strategic decision that nuclear weapons are unnecessary for their security. Yet the rest of the world, including our allies, friends and foes, see the continuing value in nuclear weapons.

Winston Churchill once warned the U.S. to ''be careful, above all things, not to let go of the atomic weapon until you are sure and more than sure that other means of preserving peace are in your hands.''

We are not even close to meeting Churchill's requirement, because we have not yet found an alternative basis for preventing war. Weakening our nuclear arsenal will stop us from being able to follow through on our commitments to our allies. Many of our closest allies see U.S. nuclear weapons as a large component of their security and the reason they remain nonnuclear. Without the U.S. nuclear umbrella, they may fear that they lack security and, thus, will develop their own alternative nuclear deterrent capabilities.

As the late British nuclear expert, Sir Michael Quinlan, stated, ''Better a world with nuclear weapons but no major war than one with major war but no nuclear weapons.''

Nuclear weapons have served our Nation as a primary deterrent and are the reason we have not had a world war since their inception. Without them, we will lose our ability to deter rogue nations from attacking us or our allies. Thus, we will lose the ability to lead our world towards peace.

Mr. Speaker, not so long ago, the Democrats in charge were outspoken critics of the Bush administration's spending. However, it is clear that these same Democrats either have very short memories or their criticism was all for show because, since being in charge, they have not only failed to improve our current economic situation but have undeniably made it worse. While both Republicans and Democrats need to work to hold the line on spending, it is only appropriate that the Democrats in charge be reminded of their criticisms of deficit spending under a Republican Congress, which their own spending under their Democrat Congress now dwarfs.

In 2006, then-Minority Leader PELOSI stated, ''When Republicans spend the Federal budget into the red, the U.S. Treasury borrows money from foreign countries. Our national debt is a national security issue. Countries that own our debt will not only be making our toys, our clothes, and our computers, pretty soon, they will be making our foreign policy.''

Actions speak louder than words. If only Speaker PELOSI still held these beliefs today, maybe our fiscal situation would look quite different.

Again in 2006, Minority Leader PELOSI is quoted as saying, ''If something is important to you, figure out how to pay for it, but do not make my children and grandchildren have to pay for it or anybody's children or grandchildren have to pay for it. It is immoral for us to heap these deficits on our children.''

How ironic, Mr. Speaker, to have had those words spoken by now Speaker PELOSI.

In 2006, then-Minority Whip HOYER told Republicans, ''You have voted for budgets which have provided the largest deficits in our history. You are in charge of the House; you are in charge of the Senate, and you have the Presidency.''

I would tell the majority leader today to heed his own words and to ask himself if his Democrat Congress is doing the right thing by the American people, by our children, and by our grandchildren.

Mr. Speaker, I urge my colleagues to vote ''no'' on the rule, and I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I urge a ''yes'' vote on both the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## IMPLEMENTING MANAGEMENT FOR PERFORMANCE AND RELATED REFORMS TO OBTAIN VALUE IN EVERY ACQUISITION ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1300 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5013.

□ 1148

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5013) to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes, with Mr. KIND in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of H.R. 5013, which is known as the IMPROVE Acquisition Act of 2010. For many years

we've witnessed waste in the Department of Defense's acquisition system spiral out of control, placing a heavy burden both on the American taxpayers as well as our men and women in uniform. Less frequently, but still far too often, fraud and abuse have crept into the system, as sadly it happened recently in Iraq. Our troops rely on the acquisition system to buy the equipment they need to keep them safe on the battlefield as well as to protect our country. And when that system breaks down, they suffer.

In recent years, I and many of my colleagues on the Armed Services Committee have become increasingly concerned that this flawed defense acquisition system was not responsive enough to today's mission needs, not rigorous enough in protecting the tax dollars of millions of families who are struggling financially, and not disciplined enough in the acquisition of weapons systems for tomorrow's wars.

We took action. Mr. Chairman, last year we worked with the Senate to enact legislation to reform weapons system acquisition, which covers about 20 percent of all of the military acquisitions. However, weapon systems make up only a small piece of our defense. That bill was a great launching pad; however, we need to do more.

In the House, we continued the effort by creating a Panel on Defense Acquisition Reform, ably led by Congressmen ROB ANDREWS and MIKE CONAWAY to carry out a comprehensive review of the current system and to identify what steps we need to take to make this system work. The panel could not have done a better job scrutinizing the defense acquisition system. It deals with everything from paper clips to boots to food, everything under the acquisition umbrella.

During the course of this past year, this panel held 14 hearings plus two briefings on a broad range of issues dealing with the acquisition system, unearthing everything from contract fraud to simple process errors that led to billions of wasted dollars. They put together an excellent report with suggestions to fix the system. And we are here today, with the good will of the House, to pass legislation that will enact those recommendations as outlined in the panel headed by Mr. ANDREWS and Mr. CONAWAY.

This act will overhaul the defense acquisition system in many respects. Basically, however, requiring the department to set clear objectives for the defense acquisition system and manage performance in achieving those objectives; requiring the department to introduce real accountability into the requirements process, and create a requirements process for the acquisition of services; strengthening and revitalizing the acquisition workforce; requiring the department to develop meaningful consequences for success or failure in financial management; and strengthening the industrial base to enhance competition and gain access to more innovative technology.

In other words, the legislation before us today would require the Department of Defense to adopt the basic management practices that are necessary for anything as complex as the acquisitions system to function properly. These changes will make sure that the men and women who are risking their lives to protect our country are getting the proper equipment they need to do their jobs and to protect themselves, and that they get it sooner. Additionally, we expect this bill to prevent the waste of billions of taxpayer dollars over the next 5 years.

This is a bipartisan bill. I am very proud of that fact. It passed our Armed Services Committee by a vote of 56–0. A great deal of credit goes to Mr. ROB ANDREWS and Mr. MIKE CONAWAY. And a special thanks to my partner, BUCK MCKEON, the ranking member, the gentleman from California.

I urge my colleagues to join us in sending the strongest possible message to the men and women in uniform, as well as to the American people, that we are serious about protecting the taxpayers' dollars and making the acquisition system work more smoothly. It's really for them as well as for our country.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, April 21, 2010.*

Hon. IKE SKELTON,
*Chairman, Committee on Armed Services, Washington, DC.*

DEAR CHAIRMAN SKELTON: Thank you for working with the Committee on Ways and Means (''Committee'') on H.R. 5013, the ''Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010.'' As you know, section 403 of H.R. 5013 is of jurisdictional interest to the Committee as it would require tax return information to be supplied by the Internal Revenue Service (''IRS'').

Generally, tax return information is confidential. However, Section 6103(c) of the Internal Revenue Code permits the Secretary of the Treasury to disclose the tax return information of a taxpayer to such person as the taxpayer designates. The Committee continues to monitor the expanding IRS workload and remains concerned about programs that greatly increase the agency's workload outside of its core mission. In calendar year 2009, the IRS made nearly 11,000 tax disclosures under section 6103(c). It is unknown how many additional disclosures will be made under H.R. 5013. As such, the Committee worked with the Armed Services Committee to develop a provision that is administrable by the IRS. The Committee remains committed to ensuring that any additional responsibilities imposed on the IRS do not strain agency resources and welcomes the opportunity to re-evaluate this provision in the future.

As we have discussed, this exchange of letters will be placed in the Committee Report on H.R. 5013 and inserted in the Congressional Record as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked with the Committee regarding this matter.

Sincerely,

SANDER M. LEVIN,
*Chairman.*

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COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 23, 2010.*

Hon. SANDER LEVIN,
*Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5013, the Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010. I agree that the Committee on Ways and Means has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Ways and Means is not waiving its jurisdiction over these matters.

This exchange of letters will be included in the committee report of the bill and inserted in the Congressional Record as part of consideration of the bill in the House. Thank you for your cooperation as we work towards enactment of this legislation.

Very truly yours,

IKE SKELTON,
*Chairman.*

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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,
*Washington, DC, April 22, 2010.*

Hon. IKE SKELTON,
*Chairman, Committee on Armed Services, Washington, DC.*

DEAR CHAIRMAN SKELTON: I am writing about H.R. 5013, the ''Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010'', which the Committee on Armed Services ordered reported on April 21, 2010.

I appreciate your efforts to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 5013 that fall within the Oversight Committee's jurisdiction. These provisions involve the federal workforce and federal acquisition policy.

In the interest of expediting consideration of H.R. 5013, the Oversight Committee will not object to its consideration in the House. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 5013 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed to prejudice the Oversight Committee's jurisdictional interest or prerogatives in the subject matter of H.R. 5013, or any other similar legislation.

I request that you include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

EDOLPHUS TOWNS,
*Chairman.*

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 23, 2010.*

Hon. EDOLPHUS TOWNS,
*Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 5013, the Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010.

I appreciate your willingness to support expediting floor consideration of this important legislation. I acknowledge that H.R. 5013 contains provisions under the jurisdiction of the Committee on Oversight and Government Reform. I understand and agree that your willingness to waive further consideration of the bill is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event of a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Very truly yours,

IKE SKELTON,
*Chairman.*

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Today I rise in support of H.R. 5013, the IMPROVE Acquisition Act of 2010. The very first thing I would like do is thank my partner across the aisle, Chairman IKE SKELTON. Chairman SKELTON has shown considerable leadership on this front, as well as the tone he has set for our committee throughout this Congress. I want to commend him and his staff for working so closely with us on this bipartisan bill.

Subcommittee Chairman ROB ANDREWS and Ranking Member MIKE CONAWAY deserve special recognition as well. I salute the HASC Defense Acquisition Reform Panel that they have chaired for all of their hard work. Under the leadership of Congressman ANDREWS and Congressman CONAWAY, this panel and its seven members delved into the complex world of defense acquisition. Over the last year, the panel held more than 20 events and supported the drafting and passage of the Weapons System Acquisition Reform Act of 2009. Late last month, based upon their detailed study, the panel released its final report containing recommendations for improvements to defense acquisition. On April 14, I was proud to honor their efforts by cosponsoring H.R. 5013, a bill that implements the panel's recommendations. Moreover, last week's unanimous committee vote on the bill speaks loudly to the hard work that this team put into their task.

Last year's Weapons System Acquisition Reform Act reformed the organization and processes used by the Department of Defense to manage major weapons programs, which account for approximately 20 percent of the Pentagon's procurement spending. This year Congressmen ANDREWS and CONAWAY tackled the other 80 percent. When you consider that over 50 percent of the Pentagon's procurement dollars are for services contracts alone, the legislation we intend to introduce today has the potential to effect major changes at the Department of Defense and save taxpayer dollars.

I believe these reforms are just as important as those implemented by last year's acquisition reform legislation. First, because they address the remaining 80 percent of defense acquisition, but more notably because true reform can only be accomplished by the men and women of the acquisition workforce.

The bill provides tools to enhance the experience and structure of this workforce. Our legislation will help the Department of Defense design better ways to measure value within the defense acquisition system, create a link between financial management and acquisition, address the acquisition of services, information technology, commodities, and commercial parts, and finally, foster a robust domestic industrial base.

While we may not be able to guarantee a precise level of savings associated with this bill, I will tell you why I think it's important to pursue every avenue we can for savings. I personally believe we should be spending more on our national security. But ultimately, we have a responsibility to ensure that we spend the money we do have as wisely as possible. Nobody argues that the Department of Defense faces rising costs associated with military personnel and health care. When you couple this reality with the fact that the DOD's operating costs are migrating from supplemental spending measures into the base budget, the future for the DOD's investment accounts looks bleak.

I am concerned that the department's ability to invest in technology options for the future and to procure the equipment needed by our warfighters will be curtailed. Therefore, anything we can do to save money and invest that savings back into our top national security priorities should be viewed as an imperative, not just as a good thing.

In closing, I want to give special acknowledgment to the dedicated men and women of the defense acquisition workforce. They hold the key to improving acquisition outcomes and implementing H.R. 5013 without falling victim to bureaucracy. A significant challenge, but one for which that department has our full support.

Mr. Chairman, I reserve the balance of my time.

□ 1200

Mr. SKELTON. Mr. Chairman, at this time let me pay tribute to members of our committee. BUCK MCKEON, the ranking member, a gentleman of the first order, is helping so very, very much to achieve end results in a bipartisan manner. National security is an American challenge. It is not a Democrat or a Republican challenge but one that is bipartisan. And I certainly appreciate his efforts.

ROB ANDREWS, MIKE CONAWAY, and all those on the panel, the bipartisan panel, which made the recommendations for this legislation did so unanimously. We had a full hearing, debating the issues that arise in this bill, and it was passed out to this floor with a vote of 56–0. So I want to say a special thanks to the members of the Armed Services Committee, all the members, and especially the gentleman from California (Mr. MCKEON) for his untiring efforts in this regard.

Mr. Chairman, I yield 2 minutes to my friend and my colleague, who is also the chairwoman of the Subcommittee on Military Personnel, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, for a bill designed to increase efficiency, its formal title sure is long, but the acronym gets straight to the point, just like the legislation itself.

Simply put, the IMPROVE Acquisition Act reduces waste, increases efficiency, and encourages innovation in the defense marketplace. It does this by creating a better accountability system, improving the management of the acquisition workforce, and expanding and strengthening the industrial base.

I routinely meet with small businesses in San Diego that have so much to offer the defense world in the form of quality products and efficient services. Yet it has been frustrating to hear from these very capable and resourceful companies that they continually run into barriers.

One example is the negative impact contract bundling has on our industrial base. Contract bundling is when multiple requirements are combined into a single contract. While in theory this practice generates savings and speeds up the procurement cycle, it often forces out small businesses that can't compete for large contracts. Especially now, at the brink of economic recovery, our government needs to help bring more businesses into the DOD procurement system, not push them out.

So that's why I am so pleased that the amendment I offered in committee to reduce contract bundling is included in this bipartisan bill, because smaller firms are hurt when only a select number of companies are able to bid for DOD projects, and I also must say, so is the American taxpayer hurt by that.

Mr. Chairman, I believe the IMPROVE Act will help small businesses and transform the defense acquisition

process into a system the American people can trust.

Mr. MCKEON. Mr. Chairman, I am happy to yield such time as he may consume to the gentleman from Colorado (Mr. COFFMAN), a member of the committee.

Mr. COFFMAN of Colorado. Mr. Chairman, I am proud to stand before you today in strong support of H.R. 5013, the IMPROVE Acquisition Act of 2010.

As a member of the House Armed Services Defense Acquisition Reform Panel, I commend Chairman ROB ANDREWS and Ranking Member MIKE CONAWAY for their leadership over the past year as we delved into the complex world of defense acquisition.

Recently, based on our panel's detailed study, we released our final report containing recommendations for improvements to defense acquisition. Today's legislation implements our Defense Acquisition Reform Panel's recommendation, and I am proud to cosponsor this very important bill. As a result of the panel's efforts, this legislation reforms the remaining 80 percent of the defense acquisition system not addressed by last year's Weapon Systems Acquisition Reform Act. These measures will potentially save billions of taxpayer dollars.

The primary focus of the bill is to reform defense spending by identifying cost-saving techniques at the earliest stages of development. Our goal is to decrease cost overruns exponentially before they spiral out of control.

I am pleased that many of my acquisition reform priorities are included in H.R. 5013. There is no doubt that there is a great need for enhanced accountability within the defense acquisition system. Maintaining our Nation's defense industrial base is paramount. Recruiting, training, and retaining a professional and experienced acquisition workforce within the Department of Defense is crucial to ensuring the best use of taxpayer dollars in the most cost-effective way. We must also reemphasize the need for program stability beginning with realistic requirements and periodic reassessments.

The IMPROVE Acquisition Act of 2010 will cut down on waste, fraud, and abuse, potentially saving billions of tax dollars. It will also get the right equipment to our warfighters sooner.

If Representative GERRY CONNOLLY's amendment regarding the establishment of an Industrial Base Council is adopted today, I strongly urge that the council consider the issue of supply chain vulnerability, especially with respect to rare earth metals.

I urge my colleagues to join me in voting in favor of this important legislation.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Let me point out that this acquisition legislation is based upon a complicated set of facts. You just don't go down to the local store and buy the necessary equipment for the young men and young women in uniform. Many of the issues deal with the production, with the purchase, with the right sizing, and all of the intricacies and technologies of today's high-level type of efforts.

So to explain all of this in much greater detail is the gentleman who is the key sponsor of this legislation, the gentleman who chaired the panel, and I compliment him on the excellent job that he and Mr. CONAWAY and the other members of the panel did. So I yield at this time 5 minutes to my friend, the sponsor, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my chairman and mentor and friend for yielding.

I want to begin by thanking Chairman SKELTON and Mr. MCKEON for their guidance and leadership. The two of them have run the Armed Services Committee as I believe Congress should run, on a factual, nonpartisan basis, and I appreciate very much the leadership they have shown. I also want to specifically thank Congressman MIKE CONAWAY of Texas, who is the senior Republican on the panel, who served with tremendous diligence and fortitude and made a tremendous contribution to this. I do want to thank some other people later in the debate in detail, and I certainly will.

Here is what this bill is about: The Department of Defense, even after you take away the purchase of aircraft carriers or fighter jets or what have you, is spending almost $1 billion every day of the week, every week of the year. Almost $1 billion. And sometimes the people who run that system of buying everything from software to lawn mowing services do a really good job. They provide value to the taxpayer and great tools for our servicemembers. But that's not always the case.

A few years ago the Air Force went to buy a refrigeration unit to put on a plane, and they paid $13,000 for the refrigeration unit. Less than 24 months later, they bought exactly the same refrigeration unit for the same sort of plane and paid $32,000 for the same thing. I would not want to go home, Mr. Chairman, to my spouse and explain to her I had done that kind of cost overrun buying anything for our household, and I don't want to have to explain that to the American taxpayer either.

A few years ago there was a contract let, or at least discussed, to provide refined petroleum products to truck them from Kuwait up into Iraq, and it was about a $220 million contract, and $201 million was paid for and committed before the contract was even signed. This is a $220 million contract where $201 million was paid out before there was a written contract even signed. None of us, Mr. Chairman, would buy a house that way or an automobile that way or have our kitchen remodeled that way. Neither should the taxpayers here.

When the Department of Defense buys software or hardware, when it buys information technology, from the time they think of what they need to the time they actually start to use the technology, it typically takes 81 months. Now, the way computer technologies work these days is about every 18 months, computer power doubles, which means that every 36 months or so what was a cutting-edge product is now obsolete. This would be the equivalent of using a phone that you used in 2003 as the phone you use today.

The phone that most of us used in 2003 just made phone calls, and we were happy that it did. Today the little machines that our children and others carry around can record video, can upload and download video, they can access the Internet, send text message, e-mails, act as a GPS. Imagine using a 2003 phone in 2010. That's the equivalent of what we're doing when it takes us 81 months to go from the idea of a piece of technology to actually fielding it.

This bill changes that and it has a couple of key ideas. The first key idea is that the people who are running these procurement organizations should be held to very high standards in quality and cost and time, and when they meet these high standards, they should be paid for it. They should be compensated more for doing a good job and saving money for the taxpayer. When they fail to do so, however, there should be significant consequences, and there are.

Another idea in this bill is that if a system would work well for the Marine Corps or the Air Force, then there ought to be one system, not two or three or four. And yet another idea is before we buy services, we ought to think about what we really need before we start spending money.

The second very good idea comes from Mr. CONAWAY, an issue he has pursued his entire time in the Congress, which is that every part of the Defense Department should be auditable, meaning that auditors and accountants ought to be able to look at the books and see if the money is being spent on things it is supposed to be spent on, the way virtually every business and organization in America is today.

The third idea of this bill is our workforce, that we not only enlarge the number of people working in our purchasing organizations——

The ACTING CHAIR (Mr. MORAN of Virginia). The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional 5 minutes.

Mr. ANDREWS. I thank the chair.

Not only do we want to increase the number of people working on solving this problem, we want to increase the quality of their work. So this bill provides for education and training. It provides for diversification of our workforce. It provides for the use of the best and the brightest to get the job done.

The final aspect of this bill is to induce and provide more competition in the provision of goods and services to our Department of Defense. You know, somewhere in America today, there are probably a couple of people who are scientists on a college campus or who are working in a tool and dye shop somewhere in the country who have a much better solution to some problem than a person working for an immense defense contractor. Now, if the immense defense contractor has the best solution, that's what we ought to buy. But if the three people in the college lab or the five people in the tool and dye shop have a better idea, we need to get them into the competition so they can have their idea heard, have their proposal heard, and if it's the best one for the servicemembers and for the taxpayers, that's the one that ought to be chosen. We refer to that as broadening and diversifying the industrial base.

□ 1215

I'm especially gratified, Mr. Chairman, that, by my count, 43 Members of this body will have written a part of this legislation by the time it reaches final vote later this afternoon. That includes the seven members of the panel; it includes a number of members of the full committee who offered amendments in the committee voting process; and it will include a number of amendments that we will consider here today. So just as we're trying to get the best and the brightest to contribute to the process of buying a billion dollars a day worth of items, we try to get the very best ideas of the Members of this body, Democrat and Republican, on the committee and not on the committee.

So I'd like to conclude by again thanking Chairman SKELTON, Ranking Member MCKEON, and Congressman CONAWAY for their work in making this process work. I believe we have come up with a product that will do very well by our servicemembers and do very well by our taxpayers as well. I would urge careful consideration of the amendments as we go through the afternoon, and I would obviously urge a ''yes'' vote from both parties for final passage of the bill.

Mr. MCKEON. Mr. Chairman, I'm happy to yield such time as he may consume to the gentleman who has served as the ranking member on the panel, ranking member on the subcommittee that had jurisdiction in this area, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I rise today in support of H.R. 5013, the IMPROVE Acquisition Act of 2010. First, I want to thank Chairman SKELTON and Ranking Member MCKEON for the trust and confidence they placed in the Defense Acquisition Reform Panel. I want to give special thanks and commendation to my good friend, ROB ANDREWS, for the hard work he did in leading this effort. He led it very, very well. He proved once and for all that we can start meetings on time and get our work done, even if those meetings start at 8 a.m. in the morning. So I have enjoyed this work with ROB. He and I may not agree on certain things, but in this arena and most things on the Armed Services, we are in pretty good agreement, and on this work, full agreement. I want to tell him thank you very much for the good work and his commitment to making this thing work.

The panel truly did approach its work on a nonpartisan basis. In fact, if you were to read the transcript of the hearings and read the questions without the names attached, you could not tell or distinguish between a Republican question or a Democratic question. I think that speaks volumes for the way most of the work on the Armed Services Committee occurs and in particular the work of our panel. I was very proud to be a part of that and to lend my efforts.

I also want to thank Chairman SKELTON and Ranking Member MCKEON for their generous praise for ROB and me, but I would be remiss if I don't also acknowledge the other dedicated members of the panel: JIM COOPER, DUNCAN HUNTER, BRAD ELLSWORTH, MIKE COFFMAN, and JOE SESTAK. This bill, as ROB said, bears many fingerprints, but the seven of us have the most fingerprints on it. And I want to thank my colleagues for work they have done.

I also want to thank the staff. They did an outstanding job, Andrew Hunter and Jenness Simler, who made this work—they put this together and did the heavy drafting—as well as the staff from my office, Serge Morosoff, for the great job that they did in making this work product come together as quickly as it did.

As ranking member of the Panel on Defense Acquisition Reform, I can attest that H.R. 5013 will truly be instrumental in reforming the full range of the defense acquisition system. I believe this bill will improve the way we measure value in acquisition, create a more responsive requirements process, sustain the acquisition workforce, and will manage certain elements of the acquisition system.

My colleague, Mr. ANDREWS, has talked at length about the reforms the bill implements, but I would like to speak to one that's a little dearer to my heart that's a little less obvious but no less important, a provision that plays a critical role in improving the financial management practices of the Department of Defense and provides incentives to achieve an unqualified audit opinion for all of the Department of Defense. The publication of a clean audit, an unqualified audit of DOD would finally give the American people the confidence that their tax dollars are, in fact, being accounted for and spent wisely in the defense of this great Nation.

Since 1990, there's been a requirement for the Federal Government to publish audited financial statements, but the Federal Government is not in compliance with that Federal law. A large share of the responsibility for that circumstance rests with the Department of Defense. The Department of Defense is the largest agency in the Federal Government, owning about 68 percent of the government's assets, estimated at $4.6 trillion.

Over the last two decades, money has been spent by the Department of Defense in an unsuccessful quest to obtain auditable financial statements. There have been good people working very hard on this issue for a long, long time, and good people today in the Department of Defense who are working hard at this issue. But we're not there yet. We have got a lot of work to go. Quite frankly, we cannot allow these past failures and past unsuccessful efforts to deter us from the heavy lift that's ahead of us to get this job done.

I'm a CPA and I used to audit entities. And I'm fully aware how hard this is; it is not an easy task. But it is possible and it's necessary to implement the financial control systems necessary to generate auditable financial statements. This bill ensures that DOD is no longer held to a separate standard from the public business and the rest of government.

The reliability of financial data is crucial to improve acquisition outcomes. Without understanding where the money is being spent or understanding what assets it owns, there will not be the proper accountability for acquisition costs or new requirements. Perhaps every dime is in fact being well spent. But we don't know that, the Department of Defense doesn't know that, and the taxpayer doesn't know that. Financial accountability must continue to be the high priority. If correctly implemented, this legislation will allow American tax dollars to be stretched further and will have a substantial impact on waste, fraud, and abuse.

I applaud the panel and the House Armed Services Committee for adopting these recommendations and encourage each of the components of the Department of Defense to take full advantage of the incentives provided in this bill to accelerate the auditability of the financial statements of the Department of Defense. Again, I want to thank my colleague, ROB ANDREWS, for the hard work he did in moving this forward by his strength of will.

In closing, I look forward to the progress this legislation will allow, and I encourage my colleagues to vote for this bill later on this afternoon.

Mr. ANDREWS. Mr. Chair, this bill has the potential to save $135 billion over 5 years. I'm pleased to yield 1 minute to my friend and colleague, someone who has made a career-long commitment to fiscal discipline, the majority leader of the House of Representatives, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend for yielding. I thank Mr. ANDREWS for his extraordinary work on making sure that our national defense is strong and ready and that our troops are provided for as we put them in harm's way. I thank him for his leadership. I also want to thank Mr. MCKEON for his leadership on the committee in helping to bring this bill to the floor.

America faces a massive budget challenge, and it must be addressed. The consequences of our dangerous budgetary situation are truly wide-ranging. We all know where America's unsustainable path of debt leads. Among other things, it leads to a dramatically diminished American role in the world. History has seen time and time again great powers forced into retreat by unbearable debt. Simply stated, they did not pay attention to the bottom line.

Democrats take that lesson seriously, which is why we made fiscal responsibility such a priority under President Obama. We passed the PAYGO law, which ensures that Congress pays for what it buys. We passed a health insurance reform bill that significantly cuts the deficit. President Obama has proposed a budget that freezes non-security discretionary spending, cuts the deficit by more than half by 2013, and cuts it by more than $1 trillion over the next decade.

Americans need to know that every dollar in our budget is spent wisely and that none of them go to waste. We talk a lot about waste, fraud, and abuse. Administration after administration talk about it; and then as soon as they leave, we talk again about waste, fraud, and abuse. Whether it's a Republican administration or Democratic administration, we all talk about it, and then we immediately talk about it after the last administration has left. Americans need to know that their dollars are being spent correctly. That's what this bill is focused on. Defense acquisition reform is part of that work, because defense spending accounts for nearly one-fifth of our Federal budget. We took an important step last year when we passed and the President signed the Weapons Systems Acquisition Reform Act.

I see we have now been rejoined by the chairman of the committee, my good friend, IKE SKELTON. Chairman SKELTON has been an extraordinary chairman of that committee, and there is no person in the Congress who has fought harder to make sure that the quality of life for our members of our armed services is more attended to than Chairman IKE SKELTON of Missouri. I thank him for that.

But he also understands that we need to spend our defense dollars smartly, without waste, and make sure that they are effective in providing our warfighters with the tools that they need but make sure that the dollars we spend to do that are done so effectively. Today, we can go a step further than we went last year toward fiscally responsible defense spending which still ensures that our troops can accomplish their mission, which is our number one objective.

The IMPROVE Acquisition Act contains a number of important provisions, Mr. Chair, to eliminate waste without compromising our military effectiveness. While last year's acquisition reform went a long way towards eliminating waste in major defense acquisition programs, this bill recognizes that more than 50 percent of the Defense Department's procurement budget goes towards service contracts. As a result, the IMPROVE Acquisition Act requires rigorous accountability and clear standards for DOD's acquisition of services. The public expects no less and deserves no less in the care of their dollars. It creates a better-trained and more professional acquisition workforce, which ultimately, of course, saves us money, and it brings more responsible financial management to the Defense Department.

As Chairman SKELTON, who worked so hard on this bill, put it: ''This legislation will require DOD to adopt the basic management practices that are necessary for anything as complex as the acquisition system to function properly.'' I congratulate Chairman SKELTON on those remarks and on his leadership. Those practices will save taxpayers, as Mr. ANDREWS just said, billions and billions of dollars, while getting our troops the equipment and services they require sooner—and that we want them to have.

Our position in the world is dependent on the brave efforts and sacrifice of our troops. But it also depends on our demonstrating more responsibility here at home. Our long-term security rests, to a great extent, on that challenge. We need a national conversation about balancing our budget, and this bill is an important part of achieving that larger goal. I am pleased that we bring it to the floor with bipartisan support. I'm pleased that we will pass it with bipartisan support. And I congratulate both the Chair, subcommittee Chair, and ranking members for their leadership on this bill and urge my colleagues to strongly support it.

Mr. MCKEON. Mr. Chair, I reserve the balance of my time.

Mr. ANDREWS. At this time I am pleased to yield 1 minute to a new member of the committee who clearly understands the balance Mr. HOYER just spoke of between a strong national defense and fiscal responsibility, my friend, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Chairman, there can be no dispute that our Nation's warfighters deserve the most state-of-the-art equipment on the battlefield. They risk their lives in defense of our Nation. In turn, we must protect them with the most innovative technologies available. However, far too often the Department of Defense's acquisition system has been compromised by waste, abuse, and even fraud. I applaud the DOD acquisition panel for working on this problem.

Last week, in the House Armed Services Committee, we unanimously passed H.R. 5013, the IMPROVE Acquisition Act, to put the panel's recommendations into action. The IMPROVE Acquisition Act will bring strategic financial management to the Department's acquisition system and save taxpayers an estimated $135 billion over the next 5 years.

□ 1230

This bill will ensure that our servicemembers have the most advanced resources while making the most efficient use of taxpayer dollars. Our men and women in uniform deserve no less, and I would urge my colleagues to support this legislation.

Mr. CONAWAY. One comment and then I will reserve, and that is that some of the criticisms about the multitude of defense acquisition reform studies and laws and bills that line the shelves of many offices is that they haven't worked. This one, Mr. Chair, I would argue will have a better chance of working with proper oversight by the Armed Services Committee, which I know the chairman and the ranking member are committed to, because the matrixes that are laid out for the agencies to abide by are such that we can conduct proper oversight. We will know that the programs have been put in place, and then we will also be able to see that the Department of Defense is using them properly to manage their business. So unlike previous efforts in this regard, I think these improvements are subject to being properly oversighted, if that's a proper word, by the Armed Services Committee, and I know that we are committed to do that.

Mr. ANDREWS. Mr. Chairman, I am pleased now to yield 2 minutes to the gentleman from Indiana (Mr. ELLSWORTH), the author of a key provision in this bill regarding tax cheats and defense contracts.

Mr. ELLSWORTH. Mr. Chair, I would like to thank the gentleman for yielding the time.

I rise today in strong support of this critically important defense acquisition reform legislation. Last year, Mr. Chair, Democrats and Republicans in the House and Senate came together to pass bipartisan major weapons system acquisition reform legislation. Last year's reform effort aimed to reel in the cost overruns of approximately $300 billion in major weapons systems. The bill we are considering today, the IMPROVE Acquisition Act, serves as a worthy companion to the acquisition reform overhaul by focusing on how the Department of Defense procures approximately $200 billion a year in services.

The ideas included in this bill were realized through a year's worth of hearings held by the Defense Acquisition Reform Panel. I was honored to participate in the seven-member panel which was tasked by Chairman IKE SKELTON to conduct a comprehensive review of the defense acquisition system. Thanks to the focused leadership of Chairman ROB ANDREWS and Ranking Member MIKE CONAWAY, the panel put forward final recommendations that have guided us to this point. Today we will be voting on a reform package that will strengthen the defense acquisition workforce.

I would also like to thank Chairman ANDREWS for working with me to include a commonsense contractor tax compliance provision in this bill. This is an issue I've been working on for approximately 3 years, and I will continue to do so until it's fully enacted. The provision is quite simple. It requires companies seeking a defense contract to prove they are in good standing with the Internal Revenue Service. To do this, a company must certify they carry no serious delinquent tax debt. The Department of Defense will not merely rely on their word. The company must allow the Treasury Department to verify the certification. False certification will be reported to a contractor's integrity database. This is a practical and cost-effective way to ensure all companies compete on an equal playing field and our tax dollars are being used wisely.

Every year in April, Mr. Chair, Hoosiers play by the rules and pay their taxes. They expect companies who do business with the Federal Government to do the same. It's pretty simple: Bad actors don't just cheat us, they cheat the government of tax revenue, and they also gain an unfair advantage over businesses that are doing the right thing.

With that, I urge my colleagues to support this provision. Vote for the IMPROVE Acquisition Act.

Mr. ANDREWS. Mr. Chair, at this time I yield 2 minutes to the gentlelady from New Hampshire (Ms. SHEA-PORTER), the gentlelady who built on the work Mr. ELLSWORTH just talked about to make sure that same standard applies to subcontractors.

Ms. SHEA-PORTER. I want to thank Chairman SKELTON and everyone who has worked on the IMPROVE Acquisition Act. This bill cleans up defense acquisitions spending, saving taxpayers an estimated $27 billion a year and expediting the process to get necessary equipment to our troops.

Accountability in the contracting process is critical to protect taxpayer dollars. According to a Government Accountability Office report, 63,000 Federal contractors had total tax debts of $7.7 billion in 2007. These contractors profit through taxpayer dollars but refuse to pay their own taxes. That is why I am pleased that section 403 of this bill, based on my colleague Mr. ELLSWORTH's Contracting and Tax Accountability Act, requires contractors to disclose seriously delinquent tax debt.

The bill also includes my amendment to hold the first-tier subcontractors accountable by adding a certification requirement to ensure they, too, do not have unpaid taxes. Those who have incurred a significant tax debt and have avoided paying it should not be eligible for defense contracts. There is no reason for the government to pay money through a contract to those who owe money to the government in taxes.

Again, I would like to thank the chairman, ranking member, and Defense Acquisition Panel for their hard work on this bill.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 2 minutes to my friend and colleague, the gentlelady from Massachusetts (Ms. TSONGAS), who brought the expertise of a technical base in her district to the deliberations on this bill.

Ms. TSONGAS. I thank my colleague Mr. ANDREWS, and I rise today in support of the IMPROVE Acquisition Act of 2010. I applaud the efforts of my colleagues on the House Armed Services Committee and believe we have made a real step forward in improving the acquisition process, a process beset by issues such as cost overruns and ever-changing requirements.

This is good legislation that reflects a bipartisan effort to combat waste, increase efficiency, and get good value for our taxpayer dollars. It builds on what we started last year when we enacted a bill aimed at weapons systems acquisition reform. This bill addresses systemwide problems that weren't impacted by that law. I'm delighted to report, for example, that this bill requires better communication with and stability for our industrial base. I also applaud legislative mandates that require contracting for best value and provisions that enhance the Defense Department's ability to control costs while, most importantly, protecting our soldiers.

My thanks to the Acquisition Panel members and staff for their hard work, careful study, and dedicated effort to the task at hand, and I urge passage of this landmark legislation.

Mr. MCKEON. Mr. Chairman, we have no further speakers at this time, and we will continue to reserve.

Mr. ANDREWS. Mr. Chairman, the only thing I would like to do in general debate is thank the staff and other Members and read their names into the RECORD. With that, we would close general debate.

Mr. MCKEON. We are willing to concur in the thanks to the staff and to all those who have worked so hard. I encourage our colleagues to vote in support of this bill.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, again, I want to begin by thanking Chairman SKELTON and Ranking Member MCKEON for their extraordinary efforts. I want to associate myself with the remarks of Mr. CONAWAY in thanking the other panel members—Mr. COOPER, Mr. ELLSWORTH, Mr. SESTAK on our side, and Mr. COFFMAN and Mr. HUNTER on the Republican side. The panel members all worked very hard on this, and we appreciate that.

We obviously want to extend our appreciation to the incredible members of the staff of the committee and the panel. I want to thank Andrew Hunter, who did a tremendous job on this; Cathy Garman, who particularly worked very hard on the issues regarding labor relations; Jenness Simler, who was an all-star on last year's bill and once again proved her impeccable credentials; Zach Steacy; Jennifer Kohl; Paul Arcangeli, who is our brand-new staff director; Bob Simmons; Kevin Gates; Mary Kate Cunningham; Debra Wada; Megan Howard; Matt Bell, who worked very tirelessly on this in my office, and I appreciate his excellent efforts; Phil MacNaughton; and Lara Battles. And if there are any others, I apologize for that, but there was extraordinary work.

Mr. Chairman, did you want to add anything during general debate?

Mr. SKELTON. No. I appreciate the gentleman from New Jersey. I have nothing further to add, except that hopefully this bill will receive a unanimous vote at a later moment.

Ms. CORRINE BROWN of Florida. Thank you, Mr. Chair, for your leadership and hard work on defense acquisition and making sure that our defense industrial base is working for the national defense and not for profits.

However, there is a serious problem that minority, women and veteran companies are not well represented in the contracting of defense systems and these groups need to be made more of a priority.

The Department of Defense spends billions of taxpayer dollars each year, but minority, women, and veteran-owned businesses are not getting to participate. I often use my grandma's sweet potato pie as an example. We all pay for the ingredients and we should all get a slice. But they can't even get a sliver. These same big companies keep getting all

the contracts and make little effort to include smaller companies. This is completely unacceptable.

The Defense Department doesn't need to look any further than the Department of Transportation in seeking a model for including minority participation. The DOT has a strong program for inclusion and I would encourage the Department of Defense to ensure that they develop a system that included minority, women, and veteran-owned businesses. These are their tax dollars we are spending and they deserve to be at the table.

I am pleased to see that Section 401 of the bill expands the industrial base by identifying non-traditional suppliers and using tools and resources available within the Federal Government and in the private sector.

This legislation is a good vehicle to make sure that Congress and the Department of Defense work to minimize discrimination and include all companies in the defense of our nation.

Small and minority businesses are the backbone of our economy. We need to make sure all companies have an opportunity to contribute to our national defense.

Mr. VAN HOLLEN. Mr. Chairman, I want to thank Chairman SKELTON and Ranking Member MCKEON for their efforts in crafting this important, bi-partisan bill to reform the acquisition system of the Department of Defense. I would also like to commend Congressmen ANDREWS and CONAWAY for their leadership and for their many vital contributions to the legislation.

Reports of waste, fraud and abuse in the DoD acquisition system have been the source of great concern for Members of Congress for many years. As a result, a congressional panel was established to carry out a comprehensive review of the DoD acquisition system. Led by Representatives ANDREWS and CONAWAY, this panel held more than a dozen hearings

ploring a broad range of issues within the acquisition system. Their findings and recommendations resulted in a report that is the basis of the IMPROVE Acquisition Act of 2010.

The IMPROVE Act is designed to overhaul the entire defense acquisition system. It requires DoD to introduce effective accountability measures into its requirements process to create an acquisition system with clear objectives and meaningful consequences for success or failure. Not only will the bill encourage the development and deployment of improved financial management techniques within the DoD, it will also enhance competition and increase access to more innovative technology.

As our Nation struggles through these difficult economic times, this common sense initiative will both strengthen our defense and save money for the taxpayer. I commend the members of House Armed Services Committee for their efforts and encourage my colleagues to join me in supporting this bill.

Mr. DINGELL. Mr. Chair, I rise today in support of H.R. 5013—the IMPROVE Acquisition Act of 2010. I thank my good friends and colleagues Congressman ROB ANDREWS and Armed Services Committee Chairman, IKE SKELTON, for continuing the good work the Committee did last year to reform the defense acquisition process. Importantly, the bipartisan IMPROVE Acquisition Act will save taxpayers $27 billion each year.

H.R. 5013 will, among other things, update the system by which the Department of Defense acquires weapons systems, commercial goods, and services. Over the past 20 years, the Defense Department has shifted its primary purchases from weapons systems to services. To reign in the costs associated with this outdated system and ensure the warfighter's needs are met, the committee has written a comprehensive bill that provides for better management of the acquisition system, reform of the requirements process upon which the acquisition process depends, a more professional acquisition workforce, more effective financial management, and improvements in outreach to the industrial base so that the government is getting the best quality at the lowest price.

In particular, Title IV of the IMPROVE Act has several important provisions to Michigan's 15th District and cleaning up the abuses of government contractors. First, it develops measures to utilize more of the defense industrial base in order to reach small- and mid-size businesses. I am fully supportive of this provision. As a personal note, Mr. Chair, I hear from companies throughout Michigan's 15th Congressional District with innovative technologies and ideas, companies that have been working on cutting edge research and development in association with our Michigan Universities but which have not developed the necessary relationships with the Department to successfully sell the Department their products, services and ideas. This section will help link the Department to these smaller companies by identifying and communicating with non-traditional suppliers using tools and resources available within the federal government and in the private sector.

Second, this Title reinforces a major priority for the Obama Administration by requiring a contractor to disclose whether it has outstanding tax debt when it is bidding on a new contract. Like many Members of Congress, I have been disillusioned by the scandals and abuse perpetrated by government contractors. Not only have some of these bad actors cost American and foreign lives, but they have also been a heavy burden to taxpayers. I support measures in this Title to ensure the government is contracting with responsible, high-quality suppliers. Moreover, this section gives the government better enforcement mechanisms by providing contracting officers new statutory authority to verify with the Treasury Department that the contractors under review are being forthcoming in their applications with respect to their tax status.

Finally, Title IV creates a new, independent oversight authority over the Department's contracting system. It provides for an independent General Counsel within the Defense Contract Audit Agency to carry out reviews of contractor business systems. This provision will also help to save taxpayers money in the long run, ensure effective services are provided to the Department, and ultimately protect the warfighter and the American people.

Mr. Chair, the IMPROVE Acquisition Act contains many important provisions deserving of the House's full consideration. I am pleased to support this legislation and urge my colleagues to do the same.

Mr. TURNER. Mr. Chair, I want to thank the members of the House Armed Services Committee as well as Chairman SKELTON and Ranking Member MCKEON for their support in bringing this bill to the floor today. I also appreciate their leadership in incorporating language from the Turner Amendment into the en bloc amendment in Committee, which was approved when the bill was reported out last week.

Our effectiveness on the battlefields of tomorrow relies in part on our ability to foster the innovation and technology that have made American armed forces the strongest in the world. As is the case with so many military issues, as we consider this bill we must ensure we consider our most important and precious resource: The service members who serve our country in the military. My amendment seeks to assist service members in their training and education.

The Turner Amendment also seeks to ensure that DoD leverages the acquisition educational centers of excellence already in place. These organizations of excellence—such as those at Defense Acquisition University and the Air Force Institute of Technology, known as ''AFIT,'' located at Wright-Patterson Air Force Base—do an excellent job of educating acquisition professionals.

By enhancing and improving the programs at these existing institutions, my amendment will validate appropriate and effective acquisition curricula, and leverage institutional knowledge, educational professionals, and best practices. Finally, the amendment directs organizations to identify sufficient funding amounts required for training and education.

Training requirements for personnel are important, and we must ensure that our educational institutions provide the updated and improved curricula to meet these requirements. We must also ensure the Department of Defense is planning ahead and providing the necessary resources to train the next generation of acquisition professionals.

I thank my colleagues for their unanimous bipartisan support for the Turner Amendment language incorporated in this reform legislation.

Ms. RICHARDSON. Mr. Chair, I rise today in support of H.R. 5013, the IMPROVE Acquisition Act of 2010, which will implement reforms that reduce waste within the Department of Defense, DOD. This important legislation will help ensure that our government's second largest department acts efficiently and effectively in its pursuit of our national security.

I thank Chairman SKELTON for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman ROBERT ANDREWS, for his dedication to enacting substantive government reform that protects taxpayers and makes our Federal Government work more efficiently on behalf of the American people.

Mr. Chair, in 2009, the DOD's budget was $680 billion, the second largest budget of all executive branch departments. The American taxpayer deserves our best effort to ensure that this money is spent efficiently, effectively, and in areas of the most need. H.R. 5013 will

aid in this effort by ensuring the DOD gets the maximum value possible from its acquisitions. The bill will require that the DOD set performance standards and goals for all acquisitions. It then requires all acquisitions to be subjected to regular assessments to ensure that these goals are being met.

This legislation also directs the Secretary of Defense to manage and develop a highly skilled workforce that ensures that the DOD gets the best possible value out of its expenditures. The bill requires that an enhanced system of incentives be put in place to encourage employees to reach performance goals. Finally, H.R. 5013 will require that all companies receiving DOD contracts are subjected to comprehensive audits that ensure that their federal dollars are spent wisely and efficiently.

I have long been an advocate of increased government efficiency and accountability. As the holder of a master's degree in business administration and a former employee in the private sector, I understand the importance of government being as economically efficient as possible. At a time of economic hardship across in the United States, government should spend its money carefully and efficiently, just like households and businesses across the country.

Moreover, increased efficient and accountability is the fair thing for the American people. The American people deserve a government that works for them. If government is going to spend their hard-earned tax-payer dollars, it must do so in a way that gets the best possible value out of every single dollar. H.R. 5013 will help achieve this goal. By ensuring that the DOD limits waste, this bill will play a critical part in the effort to run our government more effectively and in a way that protects the American taxpayer.

I urge my colleagues to join me in supporting H.R. 5013.

Mr. KIND. Mr. Chair, I rise today in support of H.R. 5013, the IMPROVE Acquisition Act of 2010.

Our country must return to the days of fiscal responsibility, and to do this we must look at Defense spending. The Pentagon is famous for its overspending and its misuse of tax dollars. In a time when the country is in an economic crisis, we must move forward with reforms that would help eliminate wasteful spending.

The IMPROVE Acquisition Act of 2010 seeks to create a better management system for the Pentagon's purchases. By changing the way the Pentagon buys equipment and contracts for services, we are establishing more efficient practices that will decrease government spending.

The efforts of the Defense Department to acquire goods is often complex, and it results in problems such as inefficient operations, waste, and often a lack of enforcement with regulations and laws. This is not a new problem. In fact, President Lincoln's Secretary of War resigned during the civil war because of problems with contracting. The country cannot afford to continue down this path. This needs to change, and the IMPROVE Acquisition Act is a step in the right direction.

At the beginning of the 111th Congress we passed the Weapon Systems Acquisition Reform Act of 2009, which helped to make improvements to the acquisition process. With the passage of H.R. 5013, we will take another step toward fiscal responsibility. It is time that we start making decisions that will help to guarantee that our children inherit a better country. By being fiscally responsible and passing H.R. 5013, we take a step forward in preserving the future for our children while making necessary reforms to the Department of Defense.

Mr. ANDREWS. Mr. Chairman, again, I would like to thank the Members for their cooperation and for your stewardship of this debate.

I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5013

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010''.*

***SEC. 2. DEFINITION OF CONGRESSIONAL DEFENSE COMMITTEES.***

*In this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.*

***SEC. 3. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*



***TITLE I—DEFENSE ACQUISITION SYSTEM***

***SEC. 101. PERFORMANCE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.***

*(a) PERFORMANCE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.—*

*(1) IN GENERAL.—Part IV of title 10, United States Code, is amended by inserting after chapter 148 the following new chapter:*

***''CHAPTER 149—PERFORMANCE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM***



***''§2545. Performance assessment of the defense acquisition system***

*''(a) PERFORMANCE ASSESSMENTS REQUIRED.—(1) The Secretary of Defense shall ensure that all elements of the defense acquisition system are subject to regular performance assessments—*

*''(A) to determine the extent to which such elements deliver appropriate value to the Department of Defense; and*

*''(B) to enable senior officials of the Department of Defense to manage the elements of the defense acquisition system to maximize their value to the Department.*

*''(2) The performance of each element of the defense acquisition system shall be assessed as needed, but not less often than annually.*

*''(3) The Secretary shall ensure that the performance assessments required by this subsection are appropriately tailored to reflect the diverse nature of defense acquisition so that the performance assessment of each element of the defense acquisition system accurately reflects the work performed by such element.*

*''(b) SYSTEMWIDE CATEGORIES.—(1) The Secretary of Defense shall establish categories of metrics for the defense acquisition system, including, at a minimum, categories relating to cost, quality, delivery, workforce, and policy implementation that apply to all elements of the defense acquisition system.*

*''(2) The Secretary of Defense shall issue guidance for service acquisition executives within the Department of Defense on the establishment of metrics, and goals and standards relating to such metrics, within the categories established*

*by the Secretary under paragraph (1) to ensure that there is sufficient uniformity in performance assessments across the defense acquisition system so that elements of the defense acquisition system can be meaningfully compared.*

*''(c) METRICS, GOALS, AND STANDARDS.—(1) Each service acquisition executive of the Department of Defense shall establish metrics to be used in the performance assessments required by subsection (a) for each element of the defense acquisition system for which such executive is responsible within the categories established by the Secretary under subsection (b). Such metrics shall be appropriately tailored pursuant to subsection (a)(3) and may include measures of—*

*''(A) cost, quality, and delivery;*

*''(B) contractor performance;*

*''(C) excessive use of contract bundling and availability of non-bundled contract vehicles;*

*''(D) workforce quality and program manager tenure (where applicable);*

*''(E) the quality of market research;*

*''(F) appropriate use of integrated testing;*

*''(G) appropriate consideration of long-term sustainment; and*

*''(H) appropriate acquisition of technical data and other rights and assets necessary to support long-term sustainment.*

*''(2) Each service acquisition executive within the Department of Defense shall establish goals and standards (including, at a minimum, a threshold standard and an objective goal) for each metric established under paragraph (1) by the executive. In establishing the goals and standards for an element of the defense acquisition system, a service acquisition executive shall consult with the head of the element to the maximum extent practicable, but the service acquisition executive shall retain the final authority to determine the goals and standards established. The service acquisition executive shall update the goals and standards as necessary and appropriate consistent with the guidance issued under subsection (b)(2).*

*''(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall periodically review the metrics, goals, and standards established by service acquisition executives under this subsection to ensure that they are consistent with the guidance issued under subsection (b)(2).*

*''(d) RESPONSIBILITY FOR OVERSIGHT AND DIRECTION OF PERFORMANCE ASSESSMENTS.—(1) Performance assessments required by subsection (a) shall either be carried out by, or shall be subject to the oversight of, the Director of the Office of Performance Assessment and Root Cause Analysis. The authority and responsibility granted by this subsection is in addition to any other authority or responsibility granted to the Director of the Office of Performance Assessment and Root Cause Analysis by the Secretary of Defense or by any other provision of law. In the performance of duties pursuant to this section, the Director of the Office of Performance Assessment and Root Cause analysis shall coordinate with the Deputy Chief Management Officer to ensure that performance assessments carried out pursuant to this section are consistent with the performance management initiatives of the Department of Defense.*

*''(2) A performance assessment may be carried out by an organization under the control of the service acquisition executive of a military department if—*

*''(A) the assessment fulfills the requirements of subsection (a);*

*''(B) the organization is approved to carry out the assessment by the Director of the Office of Performance Assessment and Root Cause Analysis; and*

*''(C) the assessment is subject to the oversight of the Director of the Office of Performance Assessment and Root Cause Analysis in accordance with paragraph (1).*

*''(e) RETENTION AND ACCESS TO RECORDS OF PERFORMANCE ASSESSMENTS WITHIN THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—The Secretary of Defense shall ensure that information from performance assessments of all elements of the defense acquisition system are retained electronically and that the Director of the Office of Performance Assessment and Root Cause Analysis—*

*''(1) promptly receives the results of all performance assessments conducted by an organization under the control of the service acquisition executive of a military department; and*

*''(2) has timely access to any records and data in the Department of Defense (including the records and data of each military department and Defense Agency and including classified and proprietary information) that the Director considers necessary to review in order to perform or oversee performance assessments pursuant to this section.*

*''(f) DEFINITIONS.—In this section:*

*''(1) The term 'defense acquisition system' means the acquisition workforce; the process by which the Department of Defense manages the acquisition of goods and services, including weapon systems, commodities, commercial and military unique services, and information technology; and the management structure for carrying out the acquisition function within the Department of Defense.*

*''(2) The term 'element of the defense acquisition system' means an organization that operates within the defense acquisition system and that focuses primarily on acquisition.*

*''(3) The term 'metric' means a specific measure that serves as a basis for comparison.*

*''(4) The term 'threshold performance standard' means the minimum acceptable level of performance in relation to a metric.*

*''(5) The term 'objective performance goal' means the most desired level of performance in relation to a metric.*

*''(6) The term 'Office of Performance Assessment and Root Cause Analysis' means the office reporting to the senior official designated by the Secretary of Defense under section 103(a) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23, 10 U.S.C. 2430 note).*

***''§ 2546. Audits of performance assessment***

*''(a) AUDITS REQUIRED.—The Secretary of Defense shall ensure that the performance assessments of the defense acquisition system required by section 2545 of this title are subject to periodic audits to determine the accuracy, reliability, and completeness of such assessments.*

*''(b) STANDARDS AND APPROACH.—In performing the audits required by subsection (a), the Secretary shall ensure that such audits—*

*''(1) comply with generally accepted government auditing standards issued by the Comptroller General;*

*''(2) use a risk-based approach to audit planning; and*

*''(3) appropriately account for issues associated with auditing assessments of activities occurring in a contingency operation.*

***''§ 2547. Use of performance assessments for managing performance***

*''(a) IN GENERAL.—The Secretary of Defense shall ensure that the results of performance assessments are used in the management of elements of the defense acquisition system through direct linkages between the results of a performance assessment and the following:*

*''(1) The size of the bonus pool available to the workforce of an element of the defense acquisition system.*

*''(2) Rates of promotion in the workforce of an element of the defense acquisition system.*

*''(3) Awards for acquisition excellence.*

*''(4) The scope of work assigned to an element of the defense acquisition system.*

*''(b) ADDITIONAL REQUIREMENTS.—The Secretary of Defense shall ensure that actions taken to manage the acquisition workforce pursuant to subsection (a) are undertaken in accordance with the requirements of subsections (c) and (d) of section 1701a of this title.*

***''§ 2548. Acquisition–related functions of the Chiefs of Staff of the armed forces***

*''(a) ASSISTANCE.—The Secretary of Defense shall ensure, notwithstanding section 3014(c)(1)(A), section 5014(c)(1)(A), and section 8014(c)(1)(A) of this title, that the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps assist the Secretary of the military department concerned in the performance of the following acquisition-related functions of such department:*

*''(1) The development of requirements relating to the defense acquisition system.*

*''(2) The development of measures to control requirements creep in the defense acquisition system.*

*''(3) The development of career paths in acquisition for military personnel (as required by section 1722a of this title).*

*''(4) The assignment and training of contracting officer representatives when such representatives are required to be members of the armed forces because of the nature of the contract concerned.*

*''(b) DEFINITIONS.—In this section:*

*''(1) The term 'requirements creep' means the addition of new technical or operational specifications after a requirements document is approved.*

*''(2) The term 'requirements document' means a document produced in the requirements process that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—*

*''(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;*

*''(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or*

*''(C) identifies production attributes required for a single increment of a program.''.*

*(2) CLERICAL AMENDMENTS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 148 the following new item:*

*''149. Performance Management of the Defense Acquisition System ............ 2545''.*

*(b) PHASED IMPLEMENTATION OF PERFORMANCE ASSESSMENTS.—The Secretary of Defense shall implement the requirements of chapter 149 of title 10, United States Code, as added by subsection (a), in a phased manner while guidance is issued, and categories, metrics, goals, and standards are established. Implementation shall begin with a cross section of elements of the defense acquisition system representative of the entire system and shall be completed for all elements not later than two years after the date of the enactment of this Act.*

***SEC. 102. MEANINGFUL CONSIDERATION BY JOINT REQUIREMENTS OVERSIGHT COUNCIL OF INPUT FROM CERTAIN OFFICIALS.***

*(a) ADVISORS TO THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.—*

*(1) ADDITIONAL CIVILIAN ADVISORS.—Subsection (d)(1) of section 181 of title 10, United States Code, is amended by striking ''The Under Secretary'' and all that follows through ''and expertise.'' and inserting the following: ''The following officials of the Department of Defense*

*shall serve as advisors to the Council on matters within their authority and expertise:*

*''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.*

*''(B) The Under Secretary of Defense (Comptroller).*

*''(C) The Under Secretary of Defense for Policy.*

*''(D) The Director of Cost Assessment and Program Evaluation.''.*

*(2) ROLE OF COMBATANT COMMANDERS AS MEMBERS OF THE JROC.—Paragraph (1) of subsection (c) of such section is amended—*

*(A) by striking ''and'' at the end of subparagraph (D);*

*(B) by striking the period at the end of subparagraph (E) and inserting ''; and''; and*

*(C) by adding at the end the following new subparagraph:*

*''(F) when directed by the chairman, the commander of any combatant command (or, as directed by that commander, the deputy commander of that command) when matters related to the area of responsibility or functions of that command will be under consideration by the Council.''.*

*(b) AMENDMENT RELATED TO REPORT.—Paragraph (2) of section 105(c) of the Weapon System Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1718) is amended to read as follows:*

*''(2) MATTERS COVERED.—The report shall include, at a minimum, an assessment of—*

*''(A) the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements;*

*''(B) the extent to which the Council has meaningfully considered the input and expertise of the Under Secretary of Defense for Acquisition, Technology, and Logistics in its discussions;*

*''(C) the extent to which the Council has meaningfully considered the input and expertise of the Director of Cost Assessment and Program Evaluation in its discussions;*

*''(D) the quality and effectiveness of efforts to estimate the level of resources needed to fulfill joint military requirements; and*

*''(E) the extent to which the Council has considered trade-offs among cost, schedule, and performance objectives.''.*

***SEC. 103. PERFORMANCE MANAGEMENT FOR THE JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.***

*(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall ensure that the Department of Defense develops and implements a program to manage performance in establishing joint military requirements pursuant to section 181 of title 10, United States Code.*

*(b) LEADERS.—The Secretary of Defense shall designate an officer identified or designated as a joint qualified officer to serve as leader of a joint effort to develop the performance management program required by subsection (a). The Secretary shall also designate an officer from each Armed Force to serve as leader of the effort within the Armed Force concerned. Officers designated pursuant to this section shall have the seniority and authority necessary to oversee and direct all personnel engaged in establishing joint military requirements within the Joint Staff or within the Armed Force concerned.*

*(c) MATTERS COVERED.—The program developed pursuant to subsection (a) shall:*

*(1) Measure the following in relation to each joint military requirement:*

*(A) The time a requirements document takes to receive validation through the requirements process.*

*(B) The quality of cost information associated with the requirement and the extent to which cost information was considered during the requirements process.*

*(C) The extent to which the requirements process established a meaningful level of priority for the requirement.*

*(D) The extent to which the requirements process considered trade-offs between cost, schedule, and performance objectives.*

*(E) The quality of information on sustainment associated with the requirement and the extent to which sustainment information was considered during the requirements process.*

*(F) Such other matters as the Secretary shall determine appropriate.*

*(2) Achieve, to the maximum extent practicable, the following outcomes in the requirements process:*

*(A) Timeliness in delivering capability to the warfighter.*

*(B) Mechanisms for controlling requirements creep.*

*(C) Responsiveness to fact-of-life changes occurring after the approval of a requirements document, including changes to the threat environment, the emergence of new capabilities, or changes in the resources estimated to procure or sustain a capability.*

*(D) The development of the personnel skills, capacity, and training needed for an effective and efficient requirements process.*

*(E) Such other outcomes as the Secretary shall determine appropriate.*

*(d) IMPLEMENTATION.—The program required by subsection (a) shall be developed and initially implemented not later than one year after the date of the enactment of this Act and shall apply to requirements documents entering the requirements process after the date of initial implementation.*

*(e) INITIAL REPORT.—Not later than 90 days after the initial implementation of the program required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the steps taken to develop and implement the performance management program for joint military requirements. The report shall address the measures specified in subsection (c)(1).*

*(f) FINAL REPORT.—Not later than four years after the initial implementation of the program required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the effectiveness of the program for joint military requirements in achieving the outcomes specified in subsection (c)(2).*

*(g) DEFINITIONS.—In this section:*

*(1) REQUIREMENTS PROCESS.—The term ''requirements process'' means the Joint Capabilities Integration and Development System (JCIDS) process or any successor to such process established by the Chairman of the Joint Chiefs of Staff to support the statutory responsibility of the Joint Requirements Oversight Council in advising the Chairman and the Secretary of Defense in identifying, assessing, and validating joint military capability needs, with their associated operational performance criteria, in order to successfully execute missions.*

*(2) REQUIREMENTS DOCUMENT.—The term ''requirements document'' means a document produced in the requirements process that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—*

*(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;*

*(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or*

*(C) identifies production attributes required for a single increment of a program.*

*(3) REQUIREMENTS CREEP.—The term ''requirements creep'' means the addition of new technical or operational specifications after a requirements document is approved.*

*(h) DISCRETIONARY IMPLEMENTATION AFTER 5 YEARS.—After the date that is five years after the initial implementation of the performance management program under this section, the requirement to implement a program under this section shall be at the discretion of the Secretary of Defense.*

***SEC. 104. REQUIREMENTS FOR THE ACQUISITION OF SERVICES.***

*(a) PROCESS REQUIRED.—The Secretary of Defense shall ensure that each military department establishes a process for identifying, assessing, and approving requirements for the acquisition of services, and that commanders of unified combatant commands and other officers identified or designated as joint qualified officers have an opportunity to participate in the process of each military department to provide input on joint requirements for the acquisition of services.*

*(b) GUIDANCE AND PLAN REQUIRED.—The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall—*

*(1) issue and maintain guidance relating to each process established under subsection (a); and*

*(2) develop a plan to implement each process established under subsection (a).*

*(c) MATTERS REQUIRED IN GUIDANCE.—The guidance issued under subsection (b) shall establish, in relation to a process for identifying, assessing, and approving requirements for the acquisition of services, the following:*

*(1) Organization of such process.*

*(2) The level of command responsibility required for identifying and validating requirements for the acquisition of services in accordance with the categories established under section 2330(a)(1)(C) of title 10, United States Code.*

*(3) The composition of billets necessary to operate such process.*

*(4) The training required for personnel engaged in such process.*

*(5) The relationship between doctrine and such process.*

*(6) Methods of obtaining input on joint requirements for the acquisition of services.*

*(7) Procedures for coordinating with the acquisition process.*

*(8) Considerations relating to opportunities for strategic sourcing.*

*(d) MATTERS REQUIRED IN IMPLEMENTATION PLAN.—Each plan required under subsection (b) shall provide for initial implementation of a process for identifying, assessing, and approving requirements for the acquisition of services not later than 180 days after the date of the enactment of this Act and shall provide for full implementation of such process at the earliest date practicable.*

*(e) CONSISTENCY WITH JOINT GUIDANCE.—Whenever, at any time, guidance is issued by the Chairman of the Joint Chiefs of Staff relating to requirements for the acquisition of services, each process established under subsection (a) shall be revised in accordance with such joint guidance.*

*(f) DEFINITION.—The term ''requirements for the acquisition of services'' means objectives to be achieved through acquisitions primarily involving the procurement of services.*

***SEC. 105. JOINT EVALUATION TASK FORCES.***

*(a) TASK FORCES REQUIRED.—For each joint military requirement involving a materiel solution for which the Chairman of the Joint Requirements Oversight Council is the validation authority, the Chairman shall designate a commander of a unified combatant command to provide a joint evaluation task force to participate in such materiel solution. Such task force shall—*

*(1) come from a military unit or units designated by the combatant commander concerned;*

*(2) be selected based on the relevance of such materiel solution to the mission of the unit; and*

*(3) participate consistent with its operational obligations.*

*(b) RESPONSIBILITIES.—A task force provided pursuant to subsection (a) shall, for the materiel solution concerned—*

*(1) provide input to the analysis of alternatives;*

*(2) participate in testing (including limited user tests and prototype testing);*

*(3) provide input on a concept of operations and doctrine;*

*(4) provide end user feedback to the resource sponsor; and*

*(5) participate, through the combatant commander concerned, in any alteration of the requirement for such solution.*

*(c) ADMINISTRATIVE SUPPORT.—The resource sponsor for the joint military requirement shall provide administrative support to the joint evaluation task force for purposes of carrying out this section.*

*(d) DEFINITIONS.—In this section:*

*(1) RESOURCE SPONSOR.—The term ''resource sponsor'' means the organization responsible for all common documentation, periodic reporting, and funding actions required to support the capabilities development and acquisition process for the materiel solution.*

*(2) MATERIEL SOLUTION.—The term ''materiel solution'' means the development, acquisition, procurement, or fielding of a new item, or of a modification to an existing item, necessary to equip, operate, maintain, and support military activities.*

***SEC. 106. REVIEW OF DEFENSE ACQUISITION GUIDANCE.***

*(a) REVIEW OF GUIDANCE.—The Secretary of Defense shall review the acquisition guidance of the Department of Defense, including, at a minimum, the guidance contained in Department of Defense Instruction 5000.02 entitled ''Operation of the Defense Acquisition System''.*

*(b) MATTERS CONSIDERED.—The review performed under subsection (a) shall consider—*

*(1) the extent to which it is appropriate to apply guidance relating to the acquisition of weapon systems to acquisitions not involving weapon systems (including the acquisition of commercial goods and commodities, commercial and military unique services, and information technology);*

*(2) whether long-term sustainment of weapon systems is appropriately emphasized;*

*(3) whether appropriate mechanisms exist to communicate information relating to the mission needs of the Department of Defense to the industrial base in a way that allows the industrial base to make appropriate investments in infrastructure, capacity, and technology development to help meet such needs;*

*(4) the extent to which earned value management should be required on acquisitions not involving the acquisition of weapon systems and whether measures of quality and technical performance should be included in any earned value management system;*

*(5) the extent to which it is appropriate to apply processes primarily relating to the acquisition of weapon systems to the acquisition of information technology systems, consistent with the requirement to develop an alternative process for such systems contained in section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2401; 10 U.S.C. 2225 note); and*

*(6) such other matters as the Secretary considers appropriate.*

*(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report detailing any changes in the acquisition guidance of the Department of Defense identified during the review required by subsection (a), and any actions taken, or planned to be taken, to implement such changes*

***SEC. 107. REQUIREMENT TO INCLUDE REFERENCES TO SERVICES CONTRACTING THROUGHOUT THE FEDERAL ACQUISITION REGULATION.***

*(a) FINDINGS.—Congress finds the following:*

*(1) The acquisition of services can be extremely complex, and program management skills, tools, and processes need to be applied to services acquisitions.*

*(2) An emphasis on the concept of ''services'' throughout the Federal Acquisition Regulation would enhance and support the procurement and project management community in all aspects of the acquisition planning process, including requirements development, assessment of reasonableness, and post-award management and oversight.*

*(b) REQUIREMENT FOR CHANGES TO FAR.—The Federal Acquisition Regulation shall be revised to provide, throughout the Regulation, appropriate references to services contracting that are in addition to references provided in part 37 (which relates specifically to services contracting).*

*(c) DEADLINE.—This section shall be carried out within 270 days after the date of the enactment of this Act.*

***SEC. 108. PROCUREMENT OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS.***

*(a) IN GENERAL.—*

*(1) PROCUREMENT OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:*

***''§2410r. Military purpose nondevelopmental items***

*''(a) DEFINITIONS.—In this section:*

*''(1) The term 'military purpose nondevelopmental item' means an item—*

*''(A) developed exclusively at private expense;*

*''(B) that meets a validated military requirement and for which the United States has rights in technical data as prescribed in section 2320(a)(2)(B) of this title, as certified in writing by the responsible program manager;*

*''(C) for which delivery of an initial lot of production-representative items may be made within nine months after contract award; and*

*''(D) for which the unit cost is less than $10,000,000.*

*''(2) The term 'item' has the meaning provided in section 2302(3) of this title.*

*''(b) REQUIREMENTS.—The Secretary of Defense shall ensure that, with respect to a contract for the acquisition of a military purpose nondevelopmental item, the following requirements apply:*

*''(1) The contract shall be awarded using competitive procedures in accordance with section 2304 of this title.*

*''(2) Certain contract clauses, as specified in regulations prescribed under subsection (c), shall be included in each such contract.*

*''(3) The type of contract used shall be a firm, fixed price type contract.*

*''(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall be included in regulations of the Department of Defense prescribed as part of the Federal Acquisition Regulation. At a minimum, the regulations shall include—*

*''(1) a list of contract clauses to be included in each contract for the acquisition of a military purpose nondevelopmental item;*

*''(2) definitions for the terms 'developed' and 'exclusively at private expense' that—*

*''(A) are consistent with the definitions developed for such terms in accordance with 2320(a)(3) of this title; and*

*''(B) also exclude an item developed in part or in whole with—*

*''(i) foreign government funding; or*

*''(ii) foreign or Federal Government loan financing at nonmarket rates; and*

*''(3) standards for evaluating the reasonableness of price for the military purpose nondevelopmental item, in lieu of certified cost or pricing data.''.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*''2410r. Military purpose nondevelopmental items.''.*

*(b) COST OR PRICING DATA EXCEPTION.—Section 2306a(b)(1) of title 10, United States Code, is amended—*

*(1) by striking ''or'' at the end of subparagraph (B);*

*(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and*

*(3) by adding at the end the following new subparagraph:*

*''(D) for the acquisition of a military purpose nondevelopmental item, as defined in section 2410r of this title, if the contracting officer determines in writing that—*

*''(i) the contract, subcontract or modification will be a firm, fixed price type contract; and*

*''(ii) the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for the military purpose nondevelopmental item.''.*

*(c) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), and the amendment made by subsection (b), shall apply with respect to contracts entered into after the date that is 120 days after the date of the enactment of this Act.*

## *TITLE II—DEFENSE ACQUISITION WORKFORCE*

***SEC. 201. ACQUISITION WORKFORCE EXCELLENCE.***

*(a) IN GENERAL.—*

*(1) ACQUISITION WORKFORCE EXCELLENCE.—Subchapter I of chapter 87 of title 10, United States Code, is amended by inserting after section 1701 the following new section:*

***''§1701a. Management for acquisition workforce excellence***

*''(a) PURPOSE.—The purpose of this chapter is to require the Department of Defense to develop and manage a highly skilled professional acquisition workforce—*

*''(1) in which excellence and contribution to mission is rewarded;*

*''(2) which has the technical expertise and business skills to ensure the Department receives the best value for the expenditure of public resources;*

*''(3) which serves as a model for performance management of employees of the Department; and*

*''(4) which is managed in a manner that complements and reinforces the performance management of the defense acquisition system pursuant to chapter 149 of this title.*

*''(b) PERFORMANCE MANAGEMENT.—In order to achieve the purpose set forth in subsection (a), the Secretary of Defense shall—*

*''(1) use the full authorities provided in subsections (a) through (d) of section 9902 of title 5, including flexibilities related to performance management and hiring and to training of managers;*

*''(2) require managers to develop performance plans for individual members of the acquisition workforce in order to give members an understanding of how their performance contributes to their organization's mission and the success*

*of the defense acquisition system (as defined in section 2545 of this title);*

*''(3) to the extent appropriate, use the lessons learned from the acquisition demonstration project carried out under section 1762 of this title related to contribution-based compensation and appraisal, and how those lessons may be applied within the General Schedule system;*

*''(4) develop attractive career paths;*

*''(5) encourage continuing education and training;*

*''(6) develop appropriate procedures for warnings during performance evaluations and due process for members of the acquisition workforce who consistently fail to meet performance standards;*

*''(7) take full advantage of the Defense Civilian Leadership Program established under section 1112 of the National Defense Authorization Act for Fiscal Year 2010, (Public Law 111–84; 123 Stat. 2496; 10 U.S.C. 1580 note prec.);*

*''(8) use the authorities for highly qualified experts under section 9903 of title 5, to hire experts who are skilled acquisition professionals to—*

*''(A) serve in leadership positions within the acquisition workforce to strengthen management and oversight;*

*''(B) provide mentors to advise individuals within the acquisition workforce on their career paths and opportunities to advance and excel within the acquisition workforce; and*

*''(C) assist with the design of education and training courses and the training of individuals in the acquisition workforce; and*

*''(9) use the authorities for expedited security clearance processing pursuant to section 1564 of this title.*

*''(c) NEGOTIATIONS.—Any action taken by the Secretary under this section, or to implement this section, shall be subject to the requirements of chapter 71 of title 5.*

*''(d) REGULATIONS.—Any rules or regulations prescribed pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2) of title 5, and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1) of such title.''.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1701 the following new item:*

*''1701a. Management for acquisition workforce excellence.''.*

*(b) AUTHORITY TO APPOINT HIGHLY QUALIFIED EXPERTS ON PART-TIME BASIS.—Section 9903(b)(1) of title 5, United States Code, is amended by inserting '', on a full-time or part-time basis,'' after ''positions in the Department of Defense'' the first place it appears.*

***SEC. 202. AMENDMENTS TO THE ACQUISITION WORKFORCE DEMONSTRATION PROJECT.***

*(a) CODIFICATION INTO TITLE 10.—*

*(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1761 the following new section:*

***''§ 1762. Demonstration project relating to certain acquisition personnel management policies and procedures***

*''(a) COMMENCEMENT.—The Secretary of Defense is encouraged to carry out a demonstration project, the purpose of which is to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.*

*''(b) TERMS AND CONDITIONS.—(1) Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5 and all other provisions of such title that apply with respect to any demonstration project under such section.*

*''(2) Subject to paragraph (3), in applying section 4703 of title 5 with respect to a demonstration project described in subsection (a)—*

*''(A) '180 days' in subsection (b)(4) of such section shall be deemed to read '120 days';*

*''(B) '90 days' in subsection (b)(6) of such section shall be deemed to read '30 days'; and*

*''(C) subsection (d)(1) of such section shall be disregarded.*

*''(3) Paragraph (2) shall not apply with respect to a demonstration project unless—*

*''(A) for each organization or team participating in the demonstration project—*

*''(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and*

*''(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce; and*

*''(B) the demonstration project commences before October 1, 2007.*

*''(c) LIMITATION ON NUMBER OF PARTICIPANTS.—The total number of persons who may participate in the demonstration project under this section may not exceed 120,000.*

*''(d) EFFECT OF REORGANIZATIONS.—The applicability of paragraph (2) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of such subsection when it began to participate in a demonstration project under this section, ceases to meet one or both of the conditions set forth in subparagraph (A) of such paragraph (3) as a result of a reorganization, restructuring, realignment, consolidation, or other organizational change.*

*''(e) ASSESSMENT.—(1) The Secretary of Defense shall designate an independent organization to review the acquisition workforce demonstration project described in subsection (a).*

*''(2) Such assessment shall include:*

*''(A) A description of the workforce included in the project.*

*''(B) An explanation of the flexibilities used in the project to appoint individuals to the acquisition workforce and whether those appointments are based on competitive procedures and recognize veteran's preferences.*

*''(C) An explanation of the flexibilities used in the project to develop a performance appraisal system that recognizes excellence in performance and offers opportunities for improvement.*

*''(D) The steps taken to ensure that such system is fair and transparent for all employees in the project.*

*''(E) How the project allows the organization to better meet mission needs.*

*''(F) An analysis of how the flexibilities in subparagraphs (B) and (C) are used, and what barriers have been encountered that inhibit their use.*

*''(G) Whether there is a process for (i) ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the performance appraisal period, and (ii) setting timetables for performance appraisals.*

*''(H) The project's impact on career progression.*

*''(I) The project's appropriateness or inappropriateness in light of the complexities of the workforce affected.*

*''(J) The project's sufficiency in terms of providing protections for diversity in promotion and retention of personnel.*

*''(K) The adequacy of the training, policy guidelines, and other preparations afforded in connection with using the project.*

*''(L) Whether there is a process for ensuring employee involvement in the development and improvement of the project.*

*''(3) The first such assessment under this subsection shall be completed not later than September 30, 2011, and subsequent assessments shall be completed every two years thereafter until the termination of the project. The Secretary shall submit to the covered congressional committees a copy of the assessment within 30 days after receipt by the Secretary of the assessment.*

*''(f) COVERED CONGRESSIONAL COMMITTEES.—In this section, the term 'covered congressional committees' means—*

*''(1) the Committees on Armed Services of the Senate and the House of Representatives;*

*''(2) the Committee on Homeland Security and Governmental Affairs of the Senate; and*

*''(3) the Committee on Oversight and Government Reform of the House of Representatives.*

*''(g) TERMINATION OF AUTHORITY.—The authority to conduct a demonstration program under this section shall terminate on September 30, 2017.*

*''(h) CONVERSION.—Within six months after the authority to conduct a demonstration project under this section is terminated as provided in subsection (g), employees in the project shall convert to the civilian personnel system created pursuant to section 9902 of title 5.''.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1761 the following new item:*

*''1762. Demonstration project relating to certain acquisition personnel management policies and procedures.''.*

*(b) CONFORMING REPEAL.—Section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1701 note) is repealed.*

***SEC. 203. INCENTIVE PROGRAMS FOR CIVILIAN AND MILITARY PERSONNEL IN THE ACQUISITION WORKFORCE.***

*(a) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1762, as added by section 202, the following new section:*

***''§ 1763. Incentive programs for civilian and military personnel in the acquisition workforce***

*''(a) CIVILIAN ACQUISITION WORKFORCE INCENTIVES.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall provide for an enhanced system of incentives for the encouragement of excellence in the acquisition workforce by providing rewards for employees who contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—*

*''(1) relate salary increases, bonuses, and awards to performance and contribution to the agency mission (including the extent to which the performance of personnel in such workforce contributes to achieving the goals and standards established for acquisition programs pursuant to section 2545 of this title;*

*''(2) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such goals and standards;*

*''(3) use the Department of Defense Civilian Workforce Incentive Fund established pursuant to section 9902(a) of title 5; and*

*''(4) provide opportunities for career broadening experiences for high performers.*

*''(b) MILITARY ACQUISITION WORKFORCE INCENTIVES.—The Secretaries of the military departments shall fully use and enhance incentive*

*programs that reward individuals, through recognition certificates or cash awards, for suggestions of process improvements that contribute to improvements in efficiency and economy and a better way of doing business.''.*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1762, as added by section 202, the following new item:*

*''1763. Incentive programs for civilian and military personnel in the acquisition workforce.''.*

***SEC. 204. CAREER DEVELOPMENT FOR CIVILIAN AND MILITARY PERSONNEL IN THE ACQUISITION WORKFORCE.***

*(a) CAREER PATHS.—*

*(1) AMENDMENT.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722a the following new section:*

***''§ 1722b. Special requirements for civilian employees in the acquisition field***

*''(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING CIVILIAN PERSONNEL IN ACQUISITION.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish policies and issue guidance to ensure the proper development, assignment, and employment of civilian members of the acquisition workforce to achieve the objectives specified in subsection (b).*

*''(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:*

*''(1) A career path in the acquisition field that attracts the highest quality civilian personnel, from either within or outside the Federal Government.*

*''(2) A deliberate workforce development strategy that increases attainment of key experiences that contribute to a highly qualified acquisition workforce.*

*''(3) Sufficient opportunities for promotion and advancement in the acquisition field.*

*''(4) A sufficient number of qualified, trained members eligible for and active in the acquisition field to ensure adequate capacity, capability, and effective succession for acquisition functions, including contingency contracting, of the Department of Defense.*

*''(c) INCLUSION OF INFORMATION IN ANNUAL REPORT.—The Secretary of Defense shall include in the report to Congress required under section 115b(d) of this title the following information related to the acquisition workforce for the period covered by the report (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, Marine Corps, Defense Agencies, and Office of the Secretary of Defense):*

*''(1) The total number of persons serving in the Acquisition Corps, set forth separately for members of the armed forces and civilian employees, by grade level and by functional specialty.*

*''(2) The total number of critical acquisition positions held, set forth separately for members of the armed forces and civilian employees, by grade level and by other appropriate categories (including by program manager, deputy program manager, and division head positions). For each such category, the report shall specify the number of civilians holding such positions compared to the total number of positions filled.*

*''(3) The number of employees to whom the requirements of subsections (b)(2)(A) and (b)(2)(B) of section 1732 of this title did not apply because of the exceptions provided in paragraphs (1) and (2) of section 1732(c) of this title, set forth separately by type of exception.*

*''(4) The number of program managers and deputy program managers who were reassigned after completion of a major milestone occurring closest in time to the date on which the person has served in the position for four years (as required under section 1734(b) of this title), and the proportion of those reassignments to the total number of reassignments of program managers and deputy program managers, set forth separately for program managers and deputy program managers. The Secretary also shall include the average length of assignment served by program managers and deputy program managers so reassigned.*

*''(5) The number of persons, excluding those reported under paragraph (4), in critical acquisition positions who were reassigned after a period of three years or longer (as required under section 1734(a) of this title), and the proportion of those reassignments to the total number of reassignments of persons, excluding those reported under paragraph (4), in critical acquisition positions.*

*''(6) The number of times a waiver authority was exercised under section 1724(d), 1732(d), 1734(d), or 1736(c) of this title or any other provision of this chapter (or other provision of law) which permits the waiver of any requirement relating to the acquisition workforce, and in the case of each such authority, the reasons for exercising the authority. The Secretary may present the information provided under this paragraph by category or grouping of types of waivers and reasons.''.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1722a the following new item:*

*''1722b. Special requirements for civilian employees in the acquisition field.''.*

*(b) CAREER EDUCATION AND TRAINING.—Chapter 87 of title 10, United States Code, is amended in section 1723 by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:*

*''(b) CAREER PATH REQUIREMENTS.—For each career path, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish requirements for the completion of course work and related on-the-job training and demonstration of qualifications in the critical acquisition-related duties and tasks of the career path. The Secretary of Defense, acting through the Under Secretary, shall also—*

*''(1) encourage individuals in the acquisition workforce to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities; and*

*''(2) develop key work experiences, including the creation of a program sponsored by the Department of Defense that facilitates the periodic interaction between individuals in the acquisition workforce and the end user in such end user's environment to enhance the knowledge base of such workforce, for individuals in the acquisition workforce so that the individuals may gain in-depth knowledge and experience in the acquisition process and become seasoned, well-qualified members of the acquisition workforce.''.*

***SEC. 205. RECERTIFICATION AND TRAINING REQUIREMENTS.***

*(a) CONTINUING EDUCATION.—Section 1723 of title 10, United States Code, as amended by section 204, is further amended by amending subsection (a) to read as follows:*

*''(a) QUALIFICATION REQUIREMENTS.—(1) The Secretary of Defense shall establish education, training and experience requirements for each acquisition position, based on the level of complexity of duties carried out in the position. In establishing such requirements, the Secretary shall ensure the availability and sufficiency of training in all areas of acquisition, including additional training courses with an emphasis on services contracting, long-term sustainment strategies, information technology, and rapid acquisition.*

*''(2) In establishing such requirements for positions other than critical acquisition positions designated pursuant to section 1733 of this title, the Secretary may state the requirements by categories of positions.*

*''(3) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish requirements for continuing education and periodic renewal of an individual's certification. Any requirement for a certification renewal shall not require a renewal more often than once every five years.''.*

*(b) STANDARDS FOR TRAINING.—*

*(1) IN GENERAL.—Subchapter IV of Chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:*

***''§ 1748. Guidance and standards for acquisition workforce training***

*''(a) FULFILLMENT STANDARDS.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop fulfillment standards, and implement and maintain a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of this title. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.*

*''(b) GUIDANCE AND STANDARDS RELATING TO CONTRACTS FOR TRAINING.—The Secretary of Defense shall develop appropriate guidance and standards to ensure that the Department of Defense will continue, where appropriate and cost-effective, to enter into contracts for the training requirements of sections 1723, 1724, and 1735 of this title, while maintaining appropriate control over the content and quality of such training.''.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:*

*''1748. Guidance and standards for acquisition workforce training.''.*

*(3) DEADLINE FOR FULFILLMENT STANDARDS.—The fulfillment standards required under section 1748(a) of title 10, United States Code, as added by paragraph (1), shall be developed not later than 90 days after the date of the enactment of this Act.*

*(4) CONFORMING REPEAL.—Section 853 of Public Law 105–85 (111 Stat. 1851) is repealed.*

***SEC. 206. INFORMATION TECHNOLOGY ACQUISITION WORKFORCE.***

*(a) IN GENERAL.—*

*(1) INFORMATION TECHNOLOGY.—Subchapter II of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:*

***''§ 1725. Information technology acquisition positions***

*''(a) PLAN REQUIRED.—The Secretary of Defense shall develop and carry out a plan to strengthen the part of the acquisition workforce that specializes in information technology. The plan shall include the following:*

*''(1) Defined targets for billets devoted to information technology acquisition.*

*''(2) Specific certification requirements for individuals in the acquisition workforce who specialize in information technology acquisition.*

*''(3) Defined career paths for individuals in the acquisition workforce who specialize in information technology acquisitions.*

''(b) DEFINITIONS.—In this section:

''(1) The term 'information technology' has the meaning provided such term in section 11101 of title 40 and includes information technology incorporated into a major weapon system.

''(2) The term 'major weapon system' has the meaning provided such term in section 2379(f) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1725. Information technology acquisition positions.''.

(b) DEADLINE.—The Secretary of Defense shall develop the plan required under section 1725 of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

**SEC. 207. DEFINITION OF ACQUISITION WORKFORCE.**

Section 101(a) of title 10, United States Code, is amended by inserting after paragraph (17) the following new paragraph:

''(18) The term 'acquisition workforce' means the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of this title.''.

**SEC. 208. DEFENSE ACQUISITION UNIVERSITY CURRICULUM REVIEW.**

(a) CURRICULUM REVIEW.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall lead a review of the curriculum offered by the Defense Acquisition University to ensure it adequately supports the training and education requirements of acquisition professionals, particularly in service contracting, long term sustainment strategies, information technology, and rapid acquisition. The review shall also involve the service acquisition executives of each military department.

(b) ANALYSIS OF FUNDING REQUIREMENTS FOR TRAINING.—Following the review conducted under subsection (a), the Secretary of Defense shall analyze the most recent future-years defense program to determine the amounts of estimated expenditures and proposed appropriations necessary to support the training requirements of the amendments made by section 205 of this Act, including any new training requirements determined after the review conducted under subsection (a). The Secretary shall identify any additional funding needed for such training requirements in the separate chapter on the defense acquisition workforce required in the next annual strategic workforce plan under 115b of title 10, United States Code.

(c) REQUIREMENT FOR ONGOING CURRICULUM DEVELOPMENT WITH CERTAIN SCHOOLS.—

(1) REQUIREMENT.—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) CURRICULUM DEVELOPMENT.—The President of the Defense Acquisition University shall work with the relevant professional schools and degree-granting institutions of the Department of Defense and military departments to ensure that best practices are used in curriculum development to support acquisition workforce positions.''.

(2) AMENDMENT TO SECTION HEADING.—(A) The heading of section 1746 of such title is amended to read as follows:

**''§ 1746. Defense Acquisition University''.**

(B) The item relating to section 1746 in the table of sections at the beginning of subchapter IV of chapter 87 of such title is amended to read as follows:

''1746. Defense Acquisition University.''.

**SEC. 209. COST ESTIMATING INTERNSHIP AND SCHOLARSHIP PROGRAMS.**

(a) PURPOSE.—The purpose of this section is to require the Department of Defense to develop internship and scholarship programs in cost estimating to underscore the importance of cost estimating, as a core acquisition function, to the acquisition process.

(b) REQUIREMENT.—The Secretary of Defense shall develop intern and scholarship programs in cost estimating for purposes of improving education and training in cost estimating and providing an opportunity to meet any certification requirements in cost estimating.

(c) IMPLEMENTATION.—Such programs shall be established not later than 270 days after the date of the enactment of this Act and shall be implemented for a four-year period following establishment of the programs.

## TITLE III—FINANCIAL MANAGEMENT

**SEC. 301. INCENTIVES FOR ACHIEVING AUDITABILITY.**

(a) PREFERENTIAL TREATMENT AUTHORIZED.—The Under Secretary of Defense (Comptroller) shall ensure that any component of the Department of Defense that the Under Secretary determines has financial statements validated as ready for audit earlier than September 30, 2017, shall receive preferential treatment, as the Under Secretary determines appropriate—

(1) in financial matter matters, including—

(A) consistent with the need to fund urgent warfighter requirements and operational needs, priority in the release of appropriated funds to such component;

(B) relief from the frequency of financial reporting of such component in cases in which such reporting is not required by law;

(C) relief from departmental obligation and expenditure thresholds to the extent that such thresholds establish requirements more restrictive than those required by law; or

(D) such other measures as the Under Secretary considers appropriate; and

(2) in the availability of personnel management incentives, including—

(A) the size of the bonus pool available to the financial and business management workforce of the component;

(B) the rates of promotion within the financial and business management workforce of the component;

(C) awards for excellence in financial and business management; or

(D) the scope of work assigned to the financial and business management workforce of the component.

(b) INCLUSION OF INFORMATION IN REPORT.—The Under Secretary shall include information on any measure initiated pursuant to this section in the next semiannual report pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) after such measure is initiated.

(c) EXPIRATION.—This section shall expire on September 30, 2017.

(d) DEFINITION.—In this section, the term ''component of the Department of Defense'' means any organization within the Department of Defense that is required to submit an auditable financial statement to the Secretary of Defense.

**SEC. 302. MEASURES REQUIRED AFTER FAILURE TO ACHIEVE AUDITABILITY.**

(a) IN GENERAL.—The Secretary of Defense shall ensure that corrective measures are immediately taken to address the failure of a component of the Department of Defense to achieve a financial statement validated as ready for audit by September 30, 2017.

(b) MEASURES REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and issue guidance detailing measures to be taken in accordance with subsection (a). Such measures shall include—

(1) the development of a remediation plan to ensure the component can achieve a financial statement validated as ready for audit within one year;

(2) additional reporting requirements that may be necessary to mitigate financial risk to the component;

(3) delaying the release of appropriated funds to such component, consistent with the need to fund urgent warfighter requirements and operational needs, until such time as the Secretary is assured that the component will achieve a financial statement validated as ready for audit within one year;

(4) specific consequences for key personnel in order to ensure accountability within the leadership of the component; and

(5) such other measures as the Secretary considers appropriate.

(c) DEFINITION.—The term ''component'' of the Department of Defense means any organization within the Department of Defense that is required to submit an auditable financial statement to the Secretary of Defense.

**SEC. 303. REVIEW OF OBLIGATION AND EXPENDITURE THRESHOLDS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Department of Defense program managers should be encouraged to place a higher priority on seeking the best value for the Government than on meeting arbitrary benchmarks for spending; and

(2) actions to carry out paragraph (1) should be supported by the Department's leadership at every level.

(b) POLICY REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense, in coordination with the Chief Management Officer of each military department, shall review and update as necessary all relevant policy and instruction regarding obligation and expenditure benchmarks to ensure that such guidance does not inadvertantly prevent achieving the best value for the Government in the obligation and expenditure of funds.

(c) PROCESS REVIEW.—Not later than one year after the date of the enactment of this Act, the Chief Management Officer, in coordination with the Chief Management Officer of each military department, the Director of the Office of Performance Assessment and Root Cause Analysis, the Under Secretary of Defense (Comptroller), and the Comptrollers of the military departments, shall conduct a comprehensive review of the use and value of obligation and expenditure benchmarks and propose new benchmarks or processes for tracking financial performance, including, as appropriate—

(1) increased reliance on individual obligation and expenditure plans for measuring program financial performance;

(2) mechanisms to improve funding stability and to increase the predictability of the release of funding for obligation and expenditure; and

(3) streamlined mechanisms for a program manager to submit an appeal for funding changes and to have such appeal evaluated promptly.

(d) TRAINING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense (Comptroller) shall ensure that as part of the training required for program managers and business managers, an emphasis is placed on obligating and expending appropriated funds in a manner that achieves the best value for the Government and that the purpose and limitations of obligation and expenditure benchmarks are made clear.

## TITLE IV—INDUSTRIAL BASE

**SEC. 401. EXPANSION OF THE INDUSTRIAL BASE.**

(a) PROGRAM TO EXPAND INDUSTRIAL BASE REQUIRED.—The Secretary of Defense shall establish a program to expand the industrial base

*of the Department of Defense to increase the Department's access to innovation and the benefits of competition.*

*(b) IDENTIFYING AND COMMUNICATING WITH NONTRADITIONAL SUPPLIERS.—The program established under subsection (a) shall use tools and resources available within the Federal Government and available from the private sector, to provide a capability for identifying and communicating with nontraditional suppliers, including commercial firms and firms of all business sizes, that are engaged in markets of importance to the Department of Defense.*

*(c) INDUSTRIAL BASE REVIEW.—The program required by subsection (a) shall include a continuous effort to review the industrial base supporting the Department of Defense, including the identification of markets of importance to the Department of Defense.*

*(d) DEFINITION.—In this section:*

*(1) NONTRADITIONAL SUPPLIERS.—The term ''nontraditional suppliers'' means firms that have received contracts from the Department of Defense with a total value of not more than $100,000 in the previous 5 years.*

*(2) MARKETS OF IMPORTANCE TO THE DEPARTMENT OF DEFENSE.—The term ''markets of importance to the Department of Defense'' means industrial sectors in which the Department of Defense spends more than $500,000,000 annually.*

***SEC. 402. COMMERCIAL PRICING ANALYSIS.***

*Section 803(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 2306a note) is amended to read as follows:*

*''(c) COMMERCIAL PRICE TREND ANALYSIS.—*

*''(1) The Secretary of Defense shall develop and implement procedures that, to the maximum extent practicable, provide for the collection and analysis of information on price trends for categories of exempt commercial items described in paragraph (2).*

*''(2) A category of exempt commercial items referred to in paragraph (1) consists of exempt commercial items that are in a single Federal Supply Group or Federal Supply Class, are provided by a single contractor, or are otherwise logically grouped for the purpose of analyzing information on price trends.*

*''(3) The analysis of information on price trends under paragraph (1) shall include, in any category in which significant escalation in prices is identified, a more detailed examination of the causes of escalation for such prices within the category and whether such price escalation is consistent across the Department of Defense.*

*''(4) The head of a Department of Defense agency or the Secretary of a military department shall take appropriate action to address any unjustified escalation in prices being paid for items procured by that agency or military department as identified in an analysis conducted pursuant to paragraph (1).*

*''(5) Not later than April 1 of each of year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the analyses of price trends that were conducted for categories of exempt commercial items during the preceding fiscal year under the procedures prescribed pursuant to paragraph (1). The report shall include a description of the actions taken to identify and address any unjustified price escalation for the categories of items.*

*''(6) This subsection shall not be in effect on and after April 1, 2013.''.*

***SEC. 403. CONTRACTOR AND GRANTEE DISCLOSURE OF DELINQUENT FEDERAL TAX DEBTS.***

*(a) REQUIREMENT.—*

*(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended by adding at the end of subchapter II the following new section:*

***''§3720F. Contractor and grantee disclosure of delinquent Federal tax debts***

*''(a) REQUIREMENT RELATING TO CONTRACTS.—The head of any executive agency that issues an invitation for bids or a request for proposals for a contract in an amount greater than the simplified acquisition threshold shall require each person that submits a bid or proposal to submit with the bid or proposal a form—*

*''(1) certifying that the person does not have a seriously delinquent tax debt; and*

*''(2) authorizing the Secretary of the Treasury to disclose to the head of the agency information strictly limited to verifying whether the person has a seriously delinquent tax debt.*

*''(b) REQUIREMENT RELATING TO GRANTS.—The head of any executive agency that offers a grant in excess of an amount equal to the simplified acquisition threshold may not award such grant to any person unless such person submits with the application for such grant a form—*

*''(1) certifying that the person does not have a seriously delinquent tax debt; and*

*''(2) authorizing the Secretary of the Treasury to disclose to the head of the executive agency information strictly limited to verifying whether the person has a seriously delinquent tax debt.*

*''(c) FORM FOR RELEASE OF INFORMATION.—The Secretary of the Treasury shall make available to all executive agencies a standard form for the certification and authorization described in subsections (a) and (b).*

*''(d) DEFINITIONS.—In this section:*

*''(1) CONTRACT.—The term 'contract' means a binding agreement entered into by an executive agency for the purpose of obtaining property or services, but does not include—*

*''(A) a contract for property or services that is intended to be entered into through the use of procedures other than competitive procedures by reason of section 2304(c)(2) of this title; or*

*''(B) a contract designated by the head of the agency as necessary to the national security of the United States.*

*''(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).*

*''(3) PERSON.—The term 'person' includes—*

*''(A) an individual;*

*''(B) a partnership; and*

*''(C) a corporation.*

*''(4) SERIOUSLY DELINQUENT TAX DEBT.—The term 'seriously delinquent tax debt'—*

*''(A) means any Federal tax liability—*

*''(i) that exceeds $3,000;*

*''(ii) that has been assessed by the Secretary of the Treasury and not paid; and*

*''(iii) for which a notice of lien has been filed in public records; and*

*''(B) does not include any Federal tax liability—*

*''(i) being paid in a timely manner under an offer-in-compromise or installment agreement;*

*''(ii) with respect to which collection due process proceedings are not completed; or*

*''(iii) with respect to which collection due process proceedings are completed and no further payment is required.*

*''(5) SIMPLIFIED ACQUISITION THRESHOLD.—The term 'simplified acquisition threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).*

*''(e) REGULATIONS.—The Administrator for Federal Procurement Policy, in consultation with the Secretary of the Treasury, shall promulgate regulations that—*

*''(1) treat corporations and partnerships as having a seriously delinquent tax debt if such corporation or partnership is controlled (directly or indirectly) by persons who have a seriously delinquent tax debt;*

*''(2) provide for the proper application of subsections (a)(2) and (b)(2) in the case of corporations and partnerships; and*

*''(3) provide for the proper application of subsection (a) to first-tier subcontractors that are identified in a bid or proposal and are a significant part of a bid or proposal team.''.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of such title is amended by adding after the item relating to section 3720E the following new item:*

*''3720F. Contractor and grantee disclosure of delinquent Federal tax debts.''.*

*(b) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 90 days after the final promulgation of regulations under section 3720F(e) of title 31, United States Code, as added by subsection (a), the Federal Acquisition Regulation shall be revised to incorporate the requirements of section 3720F of such title.*

***SEC. 404. INDEPENDENCE OF CONTRACT AUDITS AND BUSINESS SYSTEM REVIEWS.***

*(a) DEFENSE CONTRACT AUDIT AGENCY GENERAL COUNSEL.—*

*(1) IN GENERAL.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:*

***''§204. Defense Contract Audit Agency general counsel***

*''(a) GENERAL COUNSEL.—The Director of the Defense Contract Audit Agency shall appoint a General Counsel of the Defense Contract Audit Agency.*

*''(b) DUTIES.—(1) The General Counsel shall perform such functions as the Director may prescribe and shall serve at the discretion of the Director.*

*''(2) Notwithstanding section 140(b) of this title, the General Counsel shall be the chief legal officer of the Defense Contract Audit Agency.*

*''(3) The Defense Contract Audit Agency shall be the exclusive legal client of the General Counsel.*

*''(c) OFFICE OF THE GENERAL COUNSEL.—There is established an Office of the General Counsel within the Defense Contract Audit Agency. The Director may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Director determines is appropriate.''.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by adding at the end the following new item:*

*''204. Defense Contract Audit Agency general counsel.''.*

*(b) CRITERIA FOR BUSINESS SYSTEM REVIEWS.—*

*(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2222 the following new section:*

***''§2222a. Criteria for business system reviews***

*''(a) CRITERIA FOR BUSINESS SYSTEM REVIEWS.—The Secretary of Defense shall ensure that any contractor business system review carried out by a military department, a Defense Agency, or a Department of Defense Field Activity—*

*''(1) complies with generally accepted government auditing standards issued by the Comptroller General;*

*''(2) is performed by an audit team that does not engage in any other official activity (audit-related or otherwise) involving the contractor concerned;*

*''(3) is performed in a time and manner consistent with a documented assessment of the risk to the Federal Government; and*

*''(4) involves testing on a representative sample of transactions sufficient to fully examine the integrity of the contractor business system concerned.*

*''(b) CONTRACTOR BUSINESS SYSTEM REVIEW DEFINED.—In this section, the term 'contractor business system review' means an audit of policies, procedures, and internal controls relating to accounting and management systems of a contractor.''.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2222 the following new item:*

*''2222a. Criteria for business system reviews.''.*

*(c) CONTRACT AUDIT GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance relating to contract audits carried out by a military department, a defense agency, or a Department of Defense field activity that are not contractor business system reviews, as described under section 2222a of title 10, United States Code, that—*

*(1) requires that such audits comply with generally accepted government auditing standards issued by the Comptroller General and are performed in a time and manner consistent with a documented assessment of risk to the Federal Government;*

*(2) establishes guidelines for discussions of the scope of the audit with the contractor concerned that ensure that such scope is not improperly influenced by the contractor;*

*(3) provides for withholding of contract payments when necessary to compel the submission of documentation from the contractor; and*

*(4) requires that the results of contract audits performed on behalf of an agency of the Department of Defense be shared with other Federal agencies upon request, without reimbursement.*

*(d) EFFECTIVE DATES.—*

*(1) SECTION 204.—Section 204 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.*

*(2) SECTION 2222A.—Section 2222a of title 10, United States Code, as added by subsection (b), shall take effect 180 days after the date of the enactment of this Act.*

***SEC. 405. BLUE RIBBON PANEL ON ELIMINATING BARRIERS TO CONTRACTING WITH THE DEPARTMENT OF DEFENSE.***

*(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish a panel consisting of owners of large and small businesses that are not traditional defense suppliers, for purposes of creating a set of recommendations on eliminating barriers to contracting with the Department of Defense and its defense supply centers.*

*(b) MEMBERS.—The panel shall consist of nine members, of whom—*

*(1) three shall be appointed by the Secretary of the Army;*

*(2) three shall be appointed by the Secretary of the Navy; and*

*(3) three shall be appointed by the Secretary of the Air Force.*

*(c) APPOINTMENT DEADLINE.—Members shall be appointed to the panel not later than 180 days after the date of the enactment of this Act.*

*(d) DUTIES.—The panel shall be responsible for developing a set of recommendations on eliminating barriers to contracting with the Department of Defense and its defense supply centers.*

*(e) REPORT.—Not later than one year after the date of the enactment of this Act, the panel shall submit to Congress a report containing its recommendations.*

***SEC. 406. INCLUSION OF THE PROVIDERS OF SERVICES AND INFORMATION TECHNOLOGY IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.***

*(a) REVISED DEFINITIONS.—Section 2500 of title 10, United States Code, is amended—*

*(1) in paragraph (1), by striking ''or maintenance'' and inserting ''integration, services, or information technology'';*

*(2) in paragraph (4), by striking ''or production'' and inserting ''production, integration, services, or information technology'';*

*(3) in paragraph (9)(A), by striking ''and manufacturing'' and inserting ''manufacturing, integration, services, and information technology''; and*

*(4) by adding at the end the following new paragraph:*

*''(15) The term 'integration' means the process of providing systems engineering and technical direction for a system for the purpose of achieving capabilities that satisfy contract requirements.''.*

*(b) REVISED OBJECTIVES.—Section 2501(a) of such title is amended—*

*(1) in paragraph (1), by striking ''Supplying and equipping'' and inserting ''Supplying, equipping, and supporting'';*

*(2) in paragraph (2), by striking ''and logistics for'' and inserting ''logistics, and other activities in support of'';*

*(3) in paragraph (4), by striking ''and produce'' and inserting '', produce, and support''; and*

*(4) by redesignating paragraph (6) as paragraph (8) and inserting after paragraph (5) the following new paragraphs:*

*''(6) Providing for the generation of services capabilities that are not core functions of the armed forces and that are critical to military operations within the national technology and industrial base.*

*''(7) Providing for the development, production, and integration of information technology within the national technology and industrial base.''.*

*(c) REVISED ASSESSMENTS.—Section 2505(b)(4) of such title is amended by inserting after ''of this title)'' the following ''or major automated information systems (as defined in section 2445a of this title)''.*

*(d) REVISED POLICY GUIDANCE.—Section 2506(a) of such title is amended by striking ''budget allocation, weapons'' and inserting ''strategy, management, budget allocation,''.*

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 411–467. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–467.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 3, in the table of contents, strike the item relating to section 107 and insert the following:

Sec. 107. Requirement to include references to services acquisition throughout the Federal Acquisition Regulation.

Page 4, after line 12, strike the items relating to sections 2545 and 2546 and insert the following:

''2545. Performance assessments of the defense acquisition system.

''2546. Audits of performance assessments.

Page 5, line 1, strike ''**assessment**'' and insert ''**assessments**''.

Page 8, line 12, strike ''analysis'' and insert ''Analysis''.

Page 11, line 1, strike ''**assessment**'' and insert ''**assessments**''.

Page 16, line 9, strike ''System'' and insert ''Systems''.

Page 26, line 10, insert ''primarily'' after ''guidance''.

Page 27, line 22, strike ''**CONTRACTING**'' and insert ''**ACQUISITION**''.

Page 28, line 14, strike ''contracting'' and insert ''acquisition''.

Page 28, lines 15 and 16, strike ''contracting'' and insert ''acquisition''.

Page 29, beginning on line 8, strike ''and for which'' and all that follows through ''title'' on line 10.

Page 30, insert after line 5 the following:

''(4) Nothing in the contract shall further restrict or otherwise affect the rights in technical data of the Government, the contractor, or any subcontractor of the contractor for items developed by the contractor or any such subcontractor exclusively at private expense, as prescribed in regulations implementing section 2320(a)(2)(B) of this title.

Page 69, line 17, strike ''of the risk'' and insert ''of risk''.

Page 73, line 12, strike ''contract'' and insert ''program''.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, the amendment before us is one that is technical in nature. It merely seeks to clarify certain technical errors and inconsistencies that arose during the process of drafting the bill. It conforms the bill to the intent of the Armed Services Committee in its markup. It makes no substantive changes, is noncontroversial, and I would certainly hope that we could adopt the amendment.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. We find it completely acceptable to yield to the minority if they have any comments. Otherwise, we support the amendment.

I yield back the balance of my time.

Mr. SKELTON. At this time, Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Mr. Chairman, thank you for yielding me this time, and I ask that we enter a colloquy to discuss the Arcuri-Shuler-Davis amendment and the health of the titanium industrial base.

As this bill recognizes, providing high technology equipment to the Department of Defense is a major source

of high-paying, high-skilled jobs throughout this country. Although it is easy to think of the industrial base in terms of big aerospace companies, the real guts of these systems are mostly built by small parts assembly suppliers located throughout this country. I represent a number of those firms in my district.

Congress has long recognized that certain industrial capacities important to the Department of Defense are critical to maintain in this country; among these are the ability to produce titanium parts made from titanium. Section 2533(b) of Title 10 of the United States Code requires the products procured by the Department of Defense which contain titanium must use titanium metal and titanium parts produced in the United States. The law contains a number of exceptions, however, that allow for metal and parts produced overseas to enter the supply chain. I am concerned that the use of these exceptions has expanded far beyond Congress' original intent and may be undermining the law.

I, along with my colleagues HEATH SHULER and GEOFF DAVIS, filed an amendment with the Rules Committee requiring the Department of Defense to prepare a report on the impact that these exceptions are having on the domestic industrial base. However, it was brought to our attention that your committee is working on this issue as part of the National Defense Authorization Act for fiscal year 2011 and that this matter will be addressed in a few weeks.

Mr. Chairman, is that correct?

Mr. SKELTON. Will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from Missouri.

Mr. SKELTON. The gentleman is correct. The Armed Services Committee has under consideration a number of requests from Members of the House related to the impacts of current law regarding titanium and other specialty metals on the industrial base. We will consider these requests when we mark up the National Defense Authorization Act for fiscal year 2011.

I look forward to working with Mr. ARCURI, Mr. SHULER, and Mr. DAVIS on the issue in the coming weeks so that these important concerns are addressed. I thank the gentleman for his efforts on this bill, H.R. 5013, and for agreeing to assist the committee in putting together our authorization bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chair, I rise in support of the amendment and thank the gentleman for yielding.

This bill really reflects two major responsibilities of our government—keeping America safe and restoring discipline to our budget by eliminating unnecessary government spending—and I commend them.

For too long, the unscrupulous defense contractors have been taking advantage of American taxpayers, which not only costs us money but restricts our ability to get our soldiers the equipment they need in a timely manner. This bill ends waste, fraud, and abuse and makes sure that we get five cents of value for every nickel spent.

As a former small business owner in North Carolina, I know what it takes to balance the books and get value for the dollar invested.

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This bill and amendment modernizes the Defense Department's acquisitions by practices that are proven in business. More broadly, this bill makes sure that our men and women in harm's way can get the tools they need to protect our Nation quickly and efficiently. Simply put, this reform saves lives and saves money, Mr. Chairman. I thank the gentlemen for this legislation.

I rise today in support of H.R. 5013, the IMPROVE Act for defense acquisition reform.

This bill reflects two major responsibilities of our government: keeping Americans safe and restoring discipline to our budget by eliminating unnecessary government spending.

For too long, unscrupulous defense contractors have been taking advantage of the American taxpayer, which not only costs us money but restricts our ability to get our soldiers the equipment they need.

This bill ends waste, fraud, and abuse and makes sure that we get five cents of value for every nickel spent.

As a former small business owner in North Carolina, I know what it takes to balance the books and get value from purchases. This bill modernizes Department of Defense acquisition using practices that have been proven to work in business. The IMPROVE Acquisition Act will boost DOD transparency and accountability, increase innovation and competitiveness in the acquisition process, and modernize the DOD workforce and financial management system. It reforms the business of our national defense, providing the military with the power to tackle greed, corruption and self-serving business practices that threaten our safety and waste our money

This reform provides a fair and level playing field. Businesses that play by the rules should not be disadvantaged by those who don't. Businesses that have been giving fair value should be rewarded, and contractors that fail should not get another dime. This reform restores common sense to a system that should reward patriotic businesses who are trying to serve our nation.

This acquisition reform provides incentives for acquisition managers to protect our investment, proud and certain that they can say "No!" to cynical manipulation of contracts.

The bill also sets reasonable expectations for contractors, that, my North Carolina neighbors would be surprised aren't already in place. For example, if you owe taxes you should not be planning to be paid by the government. That is basic fairness and judgment, straight out common sense, and this reform provides more of that.

More broadly, this bill makes sure that our men and women in harm's way can get the tools they need to protect our nation quickly and efficiently. Service men and service women commit their very lives to the service of the Nation. They deserve the best equipment, the best materials, and the best possible support. Bringing together all the materiel that makes the world's greatest military possible has been a continuous challenge. In addition to the process and business reforms in the bill, H.R. 5013 brings the commanders into the loop, so they can be confident that they will get the right tools to their soldiers in the field. The progress we have made in this bill will empower the Armed Forces to better meet the many challenges faced by our military.

Simply put, this reform saves lives and saves money. Mr. Chair, I support this legislation, and I urge my colleagues to join me in passing H.R. 5013.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–467.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SESSIONS:

At the end of title IV, add the following new section:

**SEC. 407. CONSTRUCTION OF ACT ON COMPETITION REQUIREMENTS FOR THE ACQUISITION OF SERVICES.**

Nothing in this Act or the amendments made by this Act shall be construed to affect the competition requirements of section 2304 of title 10, United States Code, with respect to the acquisition of services.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment to the IMPROVE Act sets the record straight on the importance of competition in Federal contracting. My amendment simply clarifies that nothing in this bill restricts the current public-private competition requirements that already exist in title 10 of the United States Code.

Competing contracts help the government to be a "smarter shopper." This process simply compares costs and performance currently being used by the Federal Government to alternatives available in the private and nonprofit organizations. Whether the benefits are produced by keeping the work within

the agency, or from contracting out, the best deal for the taxpayer and our national defense should win every single time.

The Office of Management and Budget Report on Competitive Sourcing Results for fiscal year 2007 showed that competitions between year 2003 and 2007 have saved the taxpayer $7.2 billion. Expected savings from competition are approximately $1 billion a year. Taxpayers will receive a return of about $30 for every dollar spent on competition. Competition simply gives the taxpayer the opportunity to be a smarter shopper and to get the best products available for the very best price.

I not only encourage my colleagues to support this amendment, but also to adopt competitive sourcing procedures in all of our Federal agencies. What is good for the Department of Justice and the Department of Defense and all across this government is certainly good enough for the Department of Labor and all agencies.

This IMPROVE Act is one step toward combating the waste, fraud and abuse of contracting within the Federal Government. I support this legislation and believe it is not only intended for the right purposes, but will also achieve that. I ask that all of my colleagues support passage of this amendment.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I would like to thank my friend from Texas for offering this amendment. I think it makes a very significant contribution to this legislation.

What it effectively says is that competition should always be the general rule. Only when there is a compelling reason for an exception should there be one. So, for example, if there is a national emergency or there truly is only one entity that could provide a good or service, then in those exceptional circumstances, but only in those exceptional circumstances, should there be no competition before rewarding of a contract.

Again, I think the amendment is very much consistent with the purpose, spirit and letter of the bill, and I would urge my colleagues to support it.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, I do want to thank the gentleman from New Jersey (Mr. ANDREWS) not only for his testimony before the Rules Committee yesterday, but also that of Mr. CONAWAY.

With the intent of their legislation, they are trying to streamline the government, save money, produce a better product, and perhaps more importantly, to make sure that the American people have confidence in the money that they are spending that goes for the intended reasons. For that I not only appreciate you, Mr. Chairman, but also the hard work and the thoughtfulness that the gentleman from New Jersey (Mr. ANDREWS) has put into this.

I yield back the balance of my time.

Mr. ANDREWS. I urge support of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. ANDREWS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–467.

Mr. ANDREWS. I have an amendment at the desk as the designee of the author, Mr. HASTINGS.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ANDREWS:

Page 44, after line 17, insert the following:

''(5) A deliberate workforce development strategy that ensures diversity in promotion, advancement, and experiential opportunities commensurate with the general workforce outlined in this section.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, Mr. HASTINGS makes a very valid amendment to this bill that acknowledges that when we want to build the best workforce and brightest workforce, we should reach for diversity of the workforce. Mr. HASTINGS' amendment acknowledges the fact that we are living in a global economy, and one of the principal assets of our country is the diversity of our population in understanding literally every corner of the world because our people come from every corner of the world.

Mr. HASTINGS's amendment directs that the Department of Defense, in its efforts under Title II of this bill, to improve the quality of our workforce, take into account the diversity of life experiences and backgrounds of those who apply for those positions. It is a very worthy amendment, entirely consistent with the purposes of the bill. I urge its adoption.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HALL OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–467.

Mr. HALL of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HALL of New York:

Page 9, after line 22, insert the following:

''(f) INCLUSION IN ANNUAL REPORT.—The Director of the Office of Performance Assessment and Root Cause Analysis shall include information on the activities undertaken by the Director under this section in the annual report of the Director required under section 103(f) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1716), including information on any performance assessment required by subsection (a) with significant findings. In addition, if a performance assessment uncovers particularly egregious problems, as identified by the Director, the Director shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such problems within 30 days after the problems are identified.

Page 9, line 23, strike ''(f)'' and insert ''(g)''.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from New York (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HALL of New York. Mr. Chairman, I thank Mr. ANDREWS for supporting this amendment and offering me the time to rise in support of increasing reporting requirements and Congressional oversight of defense acquisition systems. I thank Chairwoman SLAUGHTER of the Rules Committee for making this amendment in order, and also to Chairman SKELTON and Mr. ANDREWS for bringing H.R. 5013 forward and supporting the amendment. I would also like to thank the staff of the House Armed Services Committee and the Office of Legislative Counsel for helping draft this amendment.

I am pleased that we are addressing this critical issue. Last year when Congress reformed defense weapons procurement, we tackled only about 20 cents of each dollar that this Nation spends on defense contracting. The other 80 percent is on non-weapons system contracts. This amounts to more than $1 billion a day.

Today's bill may seems to address the less glamorous side of defense spending until you remember our men and women in uniform rely every day on contractors to provide them with meals, equipment, and even health care. Increased accountability for these service contracts is critical to the well-being of our soldiers and to ensuring that the taxpayers are not on the hook for wasteful spending.

As the Representative for New York's 19th Congressional District, I am also well aware of importance of this sort of defense spending since I have the honor and privilege of representing the United States military academy at West Point and serving on its board of visitors.

West Point does not develop major weapons systems, but it does develop the Army's next generation of leaders. The cadets at West Point rely on exactly the services and products covered by this bill. They, and all service men and women, deserve to know that they are getting the best.

This amendment would require the DOD to include the performance assessments required by H.R. 5013 in an annual report to Congress, similar to provisions in last year's weapons systems procurement bill. It also requires that DOD report to Congress when it uncovers a particularly egregious problem.

When I visited Afghanistan last April, I talked to soldiers from all over New York and asked them what they needed, what Congress could do to improve their lives. I expected to hear more about MRAPs or shorter tours of duty. Instead, they told me they wanted more shower facilities with more hot water that works, and faster Internet broadband connections so they could talk with their families. These services which we take for granted provide a slice of home life and comfort to our troops serving in the most difficult of circumstances.

This amendment will help ensure Congress is made aware of defense acquisition systems that are not delivering a useful service to our men and women in uniform, or are wasting taxpayer funds. Prompt knowledge of the worst offenders will help Congress better address these issues. Our soldiers serving overseas and here at home and the cadets at West Point deserve no less. Their safety, comfort and health depend on it, and I urge my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition to the amendment, although we do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. We support Mr. HALL's amendment. He has been an advocate for government transparency since his first day in this institution. This amendment is a significant stride forward for transparency.

Last year's major weapons system bill and this bill vests significant authority in the PARCA office, which is the review office or the auditing office of the Secretary of Defense. This office, under this bill, will compile annual reports judging the quality of the work by procurement organizations throughout the Department of Defense.

Mr. HALL's amendment ensures that those reports become public documents so the taxpayer can understand with great specificity the quality or lack thereof by which their tax dollars are being spent. Mr. HALL is providing a valuable tool for oversight. Future Congresses will be able to understand those reports and act efficiently in terms of their oversight responsibilities.

I think even more importantly what Mr. HALL has done is given the public an opportunity for that oversight. Some of the very best work on ferreting out wasteful government spending has come as a result of the First Amendment, from the press and from the public.

So Mr. HALL's amendment will give the press and the public, as well as the Members of this body, an opportunity to understand the quality or lack thereof of procurement activities. I commend him for that, and urge support of his amendment.

I reserve the balance of my time.

□ 1300

Mr. HALL of New York. Once again, I urge my colleagues to support the amendment and yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield back the time in opposition and urge a ''yes'' vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HALL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HALL of New York. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. EDWARDS OF MARYLAND

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–467.

Ms. EDWARDS of Maryland. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. EDWARDS of Maryland:

Page 61, line 3, strike ''(c)'' and insert ''(d)''.

Page 61, line 8, strike ''(d)'' and insert ''(e)''.

Page 61, insert after line 2 the following new subsection:

(c) OUTREACH TO LOCAL FIRMS NEAR DEFENSE INSTALLATIONS.—The program established under subsection (a) shall include outreach, using procurement technical assistance centers, to notify firms of all business sizes in the vicinity of Department of Defense installations of opportunities to obtain contracts and subcontracts to perform work at such installations.

Page 61, insert after line 18 the following new paragraph:

(3) PROCUREMENT TECHNICAL ASSISTANCE CENTER.—The term ''procurement technical assistance center'' means a center operating under a cooperative agreement with the Defense Logistics Agency to provide procurement technical assistance pursuant to the authority provided in chapter 142 of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentlewoman from Maryland (Ms. EDWARDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maryland.

Ms. EDWARDS of Maryland. Mr. Chairman, I yield myself such time as I may consume.

I want to first thank Representative ANDREWS for introducing the IMPROVE Act, H.R. 5013, and to Chairman SKELTON for all their hard work on this legislation and really steadfast support of our armed services.

My amendment will help businesses that are in the vicinity of defense installations, especially small, minority and women-owned businesses and veteran-owned businesses, access defense contracting opportunities.

I have heard the frustration of my constituent small businesses that are unable to access the complex system of defense acquisition and procurement. For example, one company located just across the street from Andrews Air Force Base in Camp Springs, Maryland, in my congressional district has repeatedly attempted to access on-base business opportunities. This company has the capacity, as indicated by contracts they have with other government entities, but they have been stymied on every attempt at Andrews. With this amendment, this company will receive the technical assistance necessary to compete.

In my conversations with the base leadership at Andrews—and I want to thank them for their hard work—I hear their desire to work with the surrounding community and the businesses in it. With this amendment, they will receive the authority they need to engage in outreach to drive economic development activity directly around the base with entities such as the company I referenced in Camp Springs. This is true all across the country where we have installations located.

I am encouraged that through this provision this scenario can really play out in Maryland, from Andrews to Fort Meade and all across the country; and in some regions this is particularly important. This provision will help build communities around our defense installations by directly including the businesses which are oftentimes right

along the fence line but are currently left out of the contracting opportunity. By including these community businesses, capable community businesses, small businesses, the installations will strengthen their bonds to the community and these areas will receive a much needed economic boost. It is as important for those communities as it is for our installations. We want there to be a bond with the local community because we want them to embrace the installations that surround them.

In the Fourth Congressional District of Maryland, I have so many competent and capable businesses that provide products and services that could really be used by the Department of Defense; but due to a lack of knowledge and a lack of communication and a lack of outreach, these companies often don't even hear about the opportunities until it's way too late. This amendment takes a step toward ensuring our businesses are aware of those opportunities and then supports competing for them.

This amendment is a powerful tool for the Defense Department to use to be more inclusive of our businesses that all too often watch competitors from other States, regions, and sometimes even other nations receive contracting opportunities right in those communities.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I claim time in opposition, although I do not oppose the amendment. Again, I would yield to the minority at any time it wishes.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. I want to strongly support the gentlelady's amendment. I think there is scarcely a Member of this body who has not encountered a situation where a strong, viable business just outside the gate of a military establishment finds frustration that it cannot fairly compete for business opportunities, and the gentlelady has well described the situation.

I have never heard a constituent say they want a special deal or they want to have special rules under the competition. What I've heard them say, Mr. Chairman, is that they want a fair and even chance to compete, but they want to be able to show there is some benefit to shopping locally. I think this is true in each of the districts that we all represent.

I think the gentlelady has struck exactly the right balance between the need for true competition, so if the best deal is further away, you take it; but where there is careful and deliberate consideration of the companies and vendors that already exist in the community in which the military base is located, not only does this have the benefit of offering better value for the tax dollar, it also, I think, will build better community relations for our bases throughout the country.

So I think she has done a great service by offering this amendment.

I would urge a ''yes'' vote on it and reserve the balance of my time in opposition.

Ms. EDWARDS of Maryland. Let me just conclude—and I thank you, Mr. ANDREWS, for your comments because it's so true that as a Nation we have already seen the beginnings of an economic recovery, what looks to be a strong economic recovery, but we need to make sure that our constituents and that communities and businesses throughout this country, especially the ones that are located in proximity and vicinity to defense installations, also enjoy the benefits of this economic recovery.

And so it is true, it is my goal that, with this amendment, no more of my constituents will drive by an on-base construction job and look at that job in progress or see a delivery truck going into that base and through the gates of the installation and say to themselves, I wish I knew how to get business with the Defense Department. I understand that frustration, and I understand why we must address it; and I believe that this amendment does exactly that.

Again, as Mr. ANDREWS has pointed out, the gentleman from New Jersey has pointed out, in fact this is about enhancing competition. It's not about getting in the way of it. And it's about giving the Department of Defense the kind of tools that it needs to engage in that kind of community outreach. And so no more will there be an excuse of not understanding how to reach those businesses, but they will have a tool to make sure that they get to them.

Mr. Chairman, I urge the passage of this amendment and yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I urge a ''yes'' vote and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. MOORE OF WISCONSIN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–467.

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. MOORE of Wisconsin:

Page 6, line 21, insert after ''performance'' the following: '', including compliance with the Department of Defense policy regarding the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals, veteran-owned small businesses, service-disabled, veteran-owned small businesses, and women-owned small businesses''.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Mr. Chairman, my amendment addresses the role that small businesses can play in helping our Defense Department and the men and women in uniform who ultimately are benefited by a properly functioning acquisition process.

Now, there is not an elected official anywhere who won't tell you that small businesses are the key engines of economic growth for communities across our country, including Milwaukee, which I have the honor to represent. We've heard this statement countless times.

According to the Department of Defense, small business is the key to sustaining and improving our industrial base and to maintain competition and innovation. Yet despite congressional efforts to encourage the participation of small economically and socially disadvantaged businesses, including those owned by veterans, small businesses, in Defense Department acquisitions, concerns remain about bundled contracts and the ability of those businesses to fully participate on a level playing field against larger defense contractors.

I know I have heard these concerns from businesses in my district, including just this morning. I'm sure that my colleagues can share similar stories. When the rubber hits the road at the Department of Defense, small businesses find a giant pothole waiting for them in pursuing contracts.

If we are to reform this broken acquisition system, which is the goal of this bipartisan bill, we need to ensure that it is working for small businesses as well. We can't do that without assessing how well it is working for those businesses now, and that's what my amendment intends to do.

My amendment calls upon the Department, when developing measures to assess contractor performance as called for in this bill before us, to specifically measure how the prime contractors themselves are involving small businesses, including those owned by veterans, women, and socially and economically disadvantaged individuals, as well as subcontractors. If I'm not mistaken, Federal law requires that large Federal prime contractors receiving Federal contracting exceeding $550,000—and $1 million in the case of construction—on a contract which offers subcontracting opportunities must have subcontracting plans

with goals that provide maximum opportunities to these small businesses.

I am so pleased that the bill already would require the Department to look at the excessive use of contract bundling which has previously been identified as an obstacle for small businesses competing for DOD contracts. And I also know that in the report accompanying this bill, the House Armed Services Committee urged the Department to develop a metric for small business utilization as part of the new assessment tools the bill requires. My amendment supports that goal.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I would like to thank the gentlelady for offering this amendment and for her fierce advocacy for the people not only of the Milwaukee area, but small businesses across the country.

The gentlelady is correct that one of the underlying ideas in this bill is that defense procurement organizations within the Department of Defense will be evaluated by measurements of how well they are doing their job. They in turn will measure contractors, prime contractors, on how well they are doing their job for the servicemember and for the taxpayer.

One of the criteria by which the procurement organization should be measured and by which the prime contractors should be measured is their compliance with the law with respect to inclusion of small businesses. That is what the gentlelady's amendment does. We strive to include small businesses not only because we acknowledge on both sides of the aisle that small businesses are the economic generator of three-quarters of the private sector jobs created in our country, but also because we understand that competition that is engendered by the inclusion of more small businesses improves the quality and value of the contracting process, it improves the quality of what we're buying for the servicemembers and their families, and value for the taxpayer as well.

So the gentlelady's amendment, I believe, institutionalizes the practice of evaluating inclusion of small business competition, not in lieu of a better deal, but to create a better deal for the servicemembers and for the taxpayer. So I thank her very much for her contribution to this bill.

I would urge a ''yes'' vote in favor of her amendment, and I reserve the balance of my time in opposition.

Ms. MOORE of Wisconsin. It is time that the rhetoric meets reality. Small business is the key to economic growth in our country and ensuring that small businesses can compete and that the Defense Department gets the products, services and goods it needs on time and on budget, which are not mutually exclusive goals. But unfortunately for small businesses, business as usual at the DOD and too many other Federal agencies means little or no business for them.

Innovation is not the exclusive domain of large companies. Small businesses are innovative. In fact, they may have a greater incentive to be innovative because that innovation is what may allow them to successfully compete against larger firms. When we put all of America's ingenuity to work, it benefits our military, our taxpayers, and our communities.

I urge a ''yes'' vote on my amendment and yield back the balance of my time.

Mr. ANDREWS. I yield back the balance of my time in opposition and urge a ''yes'' vote.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

□ 1315

AMENDMENT NO. 7 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–467.

Mr. MURPHY of Connecticut. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MURPHY of Connecticut:

Page 60, line 19, insert after the period the following: ''The program shall be limited to firms within the national technology and industrial base (as defined in section 2500(1) of title 10, United States Code).''.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Chairman, first, let me express my thanks to Mr. ANDREWS, to the committee, and to the ranking members for all of their work by bringing this bipartisan bill to the floor today.

My amendment is similar, but I think it adds a very important clarification to the bill. There is a really important program in title IV of this legislation which seeks to have the Department of Defense do outreach to nontraditional suppliers, to nontraditional manufacturers, throughout the country.

With a little bit of outreach and with a little bit of contracting help, those small manufacturers, by and large, which may have very small numbers of contracts with the Department of Defense or which may have no contracts at all, can be future suppliers and future members of our industrial military base in this country.

This amendment simply seeks to make sure that that program is operational for firms here in the United States of America, specifically targeting the help to the national technology and industrial base, which is defined as those companies in the United States and Canada.

We know why it is so important to spend our military acquisition dollars here at home. First, we need to be using taxpayer dollars to grow jobs right here in our backyard. By better targeting U.S. taxpayer dollars, 70 percent of which are used to purchase goods through the military budget here in the United States, we are growing the American workforce.

We also have national security reasons we should be purchasing here at home. By making sure that we have American manufacturers building for our military and that we are securing a long-term industrial manufacturing base for our military equipment, we further protect the security of this Nation.

This is a great program, and I am so thankful to both parties here for bringing it before us for a vote today. I think that you will find a myriad of companies throughout the country which, with a little bit of help and with a little bit of outreach, can be part of this industrial base.

I can think of one company in Meriden, Connecticut, DI-EL Tool, which is a small manufacturing firm with only about six or seven employees. They've got a small number of military contracts as a subcontractor today. They came to me, and they said, Listen, Representative MURPHY. We could do more, but we just don't have the capacity to compete with some of these traditional, large manufacturers.

This is the type of program that can help DI-EL Tool, and it could probably help thousands of others across this country. This amendment simply seeks to clarify that this program will be operational here at home.

Mr. Chair, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I would like to thank my friend from Connecticut for offering this very important amendment which clarifies the legislation and which, I think, drives home a very important point.

He has been very focused, as many of us have, on protecting and on expanding the industrial base of our country

to create jobs and national security. He tells the story of his visit to the firm in Connecticut that has six or seven employees. That is precisely the firm that title IV of this bill wants the Department of Defense to reach out to, not simply because we understand the job creation benefits of it but because we understand the ingenuity and the creativity of small firms like the ones that Mr. MURPHY just mentioned. Some of the very best solutions—engineering solutions, software solutions, logistical solutions—have come from very small organizations that are agile enough and creative enough to solve very big problems.

In his careful reading of this bill, Mr. MURPHY realized that there was some question as to whether or not that outreach would occur to firms based in the United States or in Canada under the terms of the statute to which he referred, and I think he has made a very important contribution in making sure that that outreach is targeted to those firms as this is not only a mechanism for creating jobs in our country and for assisting the national security of our country but for inviting ingenuity and competition into the defense procurement process, therefore, saving the taxpayers money.

So I very much appreciate his efforts in bringing forth this amendment, and I would urge its adoption.

I reserve the balance of my time.

Mr. MURPHY of Connecticut. Again, thank you, Mr. ANDREWS, for working with us on this.

Mr. Chair, all of us who represent small manufacturers have heard the stories as they seek to compete with companies that are underpricing them from China, Asia, and across the globe. The defense dollars that we spend here on acquisition better targeted to help those small firms is part of their future salvation. Overall, I think this bill represents a tremendous opportunity for the U.S. taxpayers and for U.S. manufacturers alike.

I yield back the balance of my time.

Mr. ANDREWS. I urge a ''yes'' vote on the amendment, and I yield back the balance of my time in opposition.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–467.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. QUIGLEY:

Page 7, line 4, insert after ''sustainment'' the following: ''and energy efficiency''.

Page 26, line 15, insert ''and energy efficiency'' after ''sustainment''.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, I rise today in strong support of H.R. 5013, and I want to commend Mr. ANDREWS and all of his colleagues who have worked so diligently on this important piece of legislation.

I have offered an amendment, along with Congresswoman GIFFORDS and Congressman BARTLETT, which seeks to make the Department of Defense more energy efficient. This goal is absolutely essential to improving defense acquisition.

The Department of Defense accounts for 80 percent of the U.S. Government's energy consumption, including 330,000 barrels of oil each day. Just petroleum products cost the DOD $13 billion per year. Passing my amendment will save money and will conserve energy by including energy efficiency as a metric in performance assessment of defense acquisitions. It will also make weapon systems more energy efficient, which is a critical reform that can save lives.

In Afghanistan, consider that the Marines alone consume 800,000 gallons of fuel each day. These 800,000 gallons of fuel must cross from Pakistan into Afghanistan through a lawless border region. During this 400-mile trip from Karachi, convoys are extremely vulnerable to IEDs, but energy-efficient weapons systems reduces fuel use, which reduces the number of convoys, which reduces the number of troops in harm's way.

I urge you to support my amendment and to support energy efficiency in the defense acquisition process, and I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. I yield myself such time as I may consume.

Mr. Chairman, I would like to thank Mr. QUIGLEY for offering this amendment, as well as Ms. GIFFORDS and Mr. BARTLETT for their joint authorship of this amendment.

As I stated earlier, the basic mechanism in this bill is to provide performance criteria for the purchasing organizations within the Department of Defense. This amendment says that one criterion may be energy-efficiency standards in the purchasing.

Now, what does this mean?

It means that the procurement organization should get the very best deal from the point of view of the servicemember as well as of the taxpayer and that one of the factors that should be taken into account is energy efficiency. For example, if under this bill the procurement organization is purchasing landscaping services and if, all other things being equal for the quality of the landscaping services and the price, one of the organizations uses more energy-efficient lawnmowers or other gardening machines, that purchase would be favored under this mechanism to encourage but not to require energy efficiency.

This goes to a much broader question in our country that obviously involves the fact that we are buying nearly $300 billion a year worth of imported oil from countries around the world which may or may not be friendly to us.

The largest consumer of energy in the United States' economy is the Department of Defense. Commendably, the Department under Republican and Democratic administrations has adopted, as a matter of policy, a methodical increase in the amount of renewable energy the Department is using. One of the ways it can reduce consumption toward that goal is by implementing energy efficiency.

The amendment the gentleman from Illinois is offering is entirely consistent with that purpose because what it does is integrates into the procurement decisionmaking process a set of ideas which says that the procurement organization will look at the energy-efficiency ideas of a given competitor for a given contract.

We support this amendment because we believe it will save the taxpayers money, that it will add value to our efforts to protect the environment, and that it will provide inducements to the ability to promote renewable energy, so we would urge a ''yes'' vote.

Mr. Chairman, I yield the balance of my time to one of the coauthors of the amendment, the gentleman from Maryland (Mr. BARTLETT).

The Acting CHAIR. The gentleman from Maryland is recognized for the 2 minutes remaining.

Mr. BARTLETT. Mr. Chairman, I am very pleased and proud to rise today in strong support of H.R. 5013.

I join my colleagues on the Armed Services Committee, and I especially want to thank the bill managers—Mr. ANDREWS, Mr. CONAWAY, Mr. SKELTON, Mr. MCKEON, Mr. ELLSWORTH, Mr. COFFMAN, and Mr. HUNTER—who worked so diligently on this bipartisan legislation.

I am very pleased to join my colleagues Congressman QUIGLEY and Congresswoman GIFFORDS in offering this amendment. This amendment provides the Department of Defense the full support of Congress to use energy efficiency as a key tool toward improving our national security and toward providing more value to taxpayers for our defense dollars. This amendment will send an important and strong signal to defense contractors that their bids will

be more competitive if their products and services will use less energy.

I urge the support of this bill. I am very pleased that, among all of the institutions in our country, our Defense Department is the most aggressive in pursuing good energy policies. We and the world face a huge crisis in energy, so I am pleased that our Defense Department is leading the way in our country. I am very pleased to be here to support this good amendment and a really good bill.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–467.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. QUIGLEY:

Page 17, after line 8, insert the following:

(c) ASSESSMENT OF INDEPENDENCE OF COST ESTIMATORS AND COST ANALYSTS REQUIRED IN NEXT ANNUAL REPORT ON COST ASSESSMENT ACTIVITIES.—In the next annual report prepared by the Director of Cost Assessment and Program Evaluation under section 2334(e) of title 10, United States Code, the Director shall include an assessment of whether and to what extent personnel responsible for cost estimates or cost analysis developed by a military department or defense agency for a major defense acquisition program are independent and whether their independence or lack thereof affects their ability to generate reliable cost estimates.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, this amendment directs the Cost Assessment and Program Evaluation, or CAPE, in its next report to Congress to do two things:

First, the amendment asks the CAPE to assess whether and to what extent program cost estimators for major defense acquisition programs are, indeed, independent.

Second, the amendment asks the CAPE to determine whether a lack of independence affects their ability to generate reliable cost estimates.

For 30 years now, DOD officials, analysts, and industry experts have argued that a primary cause of the cost growth in DOD acquisitions is unrealistically low cost estimates. Many of these unrealistic cost estimates are generated by individuals, such as program representatives, who have a stake in the approval of their systems. The newly created CAPE is designed to generate reliable cost estimates, but cost estimates are still generated by contractors and program representatives whose independence is paramount to creating reliable estimates. This amendment seeks to address this problem.

I urge my colleagues to support this commonsense amendment, and I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise in opposition, although I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I, in fact, support this amendment. I think it not only adds important tools to the bill before the body today but to the law that was enacted last year.

Both today's bill and last year's law require the Department of Defense to make early decisions about whether a product or service it is buying or a system that it is buying is on track or not. If it is not on track, the idea is to either get it on track or to not buy it. This is how we can eliminate some of the $296 billion in cost overruns in weapons systems that the Government Accountability Office found in its report of 2 years ago.

□ 1330

What Mr. QUIGLEY has done is to say that the cost estimators on whom we are relying need to be truly independent and competent. If that estimator has a vested interest in buying the product or building the system, then he or she is not going to give us an accurate or honest judgment about whether to go forward. So this amendment assures that there will be both independence and competence in those cost estimators. I think it's an excellent addition to the bill.

I reserve the balance of my time.

Mr. QUIGLEY. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentlelady from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Chairman, as one of the sponsors of this amendment, and a strong advocate for defense acquisition reform, I rise today in support of the amendment and urge its passage.

The amendment requires the Department of Defense to make energy efficiency a consideration in buying and developing new weapons systems and new equipment for the military. This is a smart amendment from a green technology standpoint. But let me also stress that this is not just about being green. First and foremost, platform efficiency is a national security issue. Our military's use of fuel and electricity has intertwining impacts on our greater national security.

A 2007 Army report cites 170 servicemembers killed transporting fuel or guarding fuel convoys. Requiring the department to examine how well current and new systems use that precious commodity will help us reduce consumption, a good green tech benefit, but also saving lives of our military, the overarching national security benefit.

In terms of electricity usage, most of our military bases' critical loads are dependent upon the fragile national grid system that is underpinned by a 60 percent dependence on foreign oil.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. QUIGLEY. I yield the gentlelady 1 additional minute.

Ms. GIFFORDS. This represents a single point of possible failure for our most important military assets. The requirement that this amendment puts in place will mean we must take into account the stresses placed upon the grid and how we can reduce those to enhance the security of our defense infrastructure.

By considering the use of on-site renewable generation, like the array that will be installed at Davis-Monthan Air Force Base in my district, we can better secure our base critical infrastructure against possible attack.

I urge my colleagues to support this amendment and vote for the underlying bill. I commend Chairman SKELTON and Ranking Member MCKEON for bringing this to the floor and Congressmen ANDREWS and CONAWAY for their hard work putting it together.

Mr. ANDREWS. Mr. Chairman, I urge a ''yes'' vote, and I yield back the balance of my time.

Mr. QUIGLEY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–467.

Mr. SCHRADER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SCHRADER:

At the end of title II, add the following new section:

**SEC. 210. PROHIBITION ON PERSONAL SERVICES CONTRACTS FOR SENIOR MENTORS.**

(a) PROHIBITION.—The Secretary of Defense shall prohibit the award of a contract for personal services by any component of the Department of Defense for the purpose of obtaining the services of a senior mentor.

(b) INTERPRETATION.—Nothing in this section shall be interpreted to prohibit the employment of a senior mentor as a highly qualified expert pursuant to section 9903 of title 5, United States Code, subject to the pay and term limitations of that section. A senior mentor employed as a highly qualified expert shall be required to submit a financial

disclosure report and comply with all conflict of interest laws and regulations applicable to other Federal employees with similar conditions of service.

(c) DEFINITIONS.—In this section:

(1) The term ''contract for personal services'' means a contract awarded under the authority of section 129b(a) of title 10, United States Code, or section 3109 of title 5, United States Code.

(2) The term ''component of the Department of Defense'' means a military department, a defense agency, a Department of Defense field activity, a unified combatant command, or the joint staff.

(3) The term ''senior mentor'' means any person—

(A)(i) who has served as a general or flag officer in the Armed Forces; or

(ii) who has served in a position at a level at or above the level of the senior executive service;

(B) has retired within the 10 years preceding the award of a contract; and

(C) who serves as a mentor, teacher, trainer, or advisor to government personnel on matters pertaining to the former official duties of such person.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Mr. Chairman, I yield myself such time as I may consume.

I rise today because it is no secret to any Member of the House that the United States faces a looming budget crisis. To address this crisis and bring our deficits under control, we must consider all options. Today we continue our work on reining in the profligate spending on defense contracts. We do this work to strengthen our budget and our national security.

The amendment I am offering today will control a small portion of this spending and ensure necessary transparencies are in place within the defense-industrial relationship. My amendment addresses the Department of Defense's use of contracts for personal services to hire senior mentors. The current use of contracts for senior mentor personal services circumvents necessary transparency protocols the rest of the department has.

The Defense Department has no uniform policy on the use of the senior mentor contracts, which vary among the services. They do not know, we do not know, and the public does not know how many of these contracts are awarded or even at what cost. My amendment would open these contracts to regular procedures for transparency. The amendment will establish standard rates of pay for senior mentors and allow and apply financial disclosure and conflict of interest provisions already applicable to other Federal employees. The military will still benefit from the knowledge and wisdom of retired officers while ensuring taxpayer money is spent wisely and appropriately.

I reserve the balance of my time.

Mr. CONAWAY. Mr. Chairman, I claim the time in opposition even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. CONAWAY. Mr. Chairman, I want to just add a word of caution to the amendment. We intend to support it. The Department of Defense has in fact instituted a suspension of the policy that led to these problems, and have put in place a policy that looks very similar to this codification of the rules. The Department of Defense will live under those rules over the next several months, but I worry that the policy is too strict and will limit Department of Defense's access to the right people for the right information at the right time. None of us want that.

We all want transparency, we all want evidence of conflict of interest to be out there so that we all know that. I am in agreement with the spirit of what the gentleman is trying to do; I just offer a word of caution that if the practice under the Department of Defense's current policy, which is very similar to this, shows problems and issues that we don't anticipate with this, that we would in conference come back and address those properly.

Mr. ANDREWS. Will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I support the amendment. I also share my friend the ranking member's concerns. I think the amendment addresses them in two ways. One is that the language of the amendment is quite flexible, that as long as there is transparency and adherence to high quality, the department is not restricted from these relationships. It simply has to be more careful about them. And secondly, obviously the committee has continuing oversight over this issue. The gentleman has my assurances that if we see an undue restriction on access to talent, then we are in a position to take appropriate action to correct that problem.

Mr. CONAWAY. With that, I will support the amendment and yield back the balance of my time.

Mr. SCHRADER. In closing, I appreciate the concerns of the Member from Texas and acknowledge the Member from New Jersey's responses. I think that this is a good amendment. It does hopefully make sure that our senior officers can continue to give their insight, knowledge, and wisdom, without any hint or taint of opprobrium, which I think is possible under our current statute and laws. This should actually make it easier for our members who have served our country gallantly over their careers to come back and continue to share with us in a forthright, transparent manner. We win, they win, and the taxpayer wins.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–467.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. CONNOLLY of Virginia:

At the end of title IV, add the following new section:

**SEC. 407. INDUSTRIAL BASE COUNCIL AND FUND.**

(a) INDUSTRIAL BASE COUNCIL.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 188. Industrial Base Council**

''(a) COUNCIL ESTABLISHED.—There is in the Department of Defense an Industrial Base Council.

''(b) MISSION.—The mission of the Industrial Base Council is to assist the Secretary in all matters pertaining to the industrial base of the Department of Defense, including matters pertaining to the national defense technology and industrial base included in chapter 148 of this title.

''(c) MEMBERSHIP.—The following officials of the Department of Defense shall be members of the Council:

''(1) The Chairman of the Council, who shall be the Under Secretary of Defense for Acquisition, Technology, and Logistics, the functions of which may be delegated by the Under Secretary only to the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Executive Director of the Council, who shall be an official from within the Office of the Under Secretary responsible for industrial base matters and who shall report directly to the Under Secretary or the Principal Deputy Under Secretary.

''(3) Officials from within the Office of the Secretary of Defense, as designated by the Secretary, with direct responsibility for matters pertaining to following areas:

''(A) Manufacturing.

''(B) Research and development.

''(C) Systems engineering and system integration.

''(D) Services.

''(E) Information Technology.

''(F) Sustainment and logistics.

''(4) The Director of the Defense Logistics Agency.

''(5) Officials from the military departments, as designated by the Secretary of each military department, with responsibility for industrial base matters relevant to the military department concerned.

''(d) DUTIES.—The Council shall assist the Secretary in the following:

''(1) Providing input on industrial base matters to strategy reviews, including quadrennial defense reviews performed pursuant to section 118 of this title.

''(2) Managing the industrial base.

''(3) Providing recommendations to the Secretary on budget matters pertaining to the industrial base.

''(4) Providing recommendations to the Secretary on supply chain management and supply chain vulnerability.

''(5) Providing input on industrial base matters to defense acquisition policy guidance.

''(6) Issuing and revising the Department of Defense technology and industrial base guidance required by section 2506 of this title.

''(7) Such other duties as are assigned by the Secretary.

''(e) REPORTING OF ACTIVITIES.—The Secretary shall include a section describing the activities of the Council in the annual report to Congress required by section 2505 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''188. Industrial Base Council.''.

(b) INDUSTRIAL BASE FUND.—

(1) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2508. Industrial Base Fund**

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Industrial Base Fund (in this section referred to as the 'Fund').

''(b) CONTROL OF FUND.—The Fund shall be under the control of the Industrial Base Council established pursuant to section 188 of this title.

''(c) AMOUNTS IN FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

''(d) USE OF FUND.—Subject to subsection (e), the Fund shall be used—

''(1) to support the monitoring and assessment of the industrial base required by this chapter;

''(2) to address critical issues in the industrial base relating to urgent operation needs;

''(3) to support efforts to expand the industrial base; and

''(4) to address supply chain vulnerabilities.

''(e) USE OF FUND SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to use the Fund under this section in any fiscal year is subject to the availability of appropriations for that purpose.

''(f) EXPENDITURES.—The Secretary shall establish procedures for expending monies in the Fund in support of the uses identified in subsection (d), including the following:

''(1) Direct obligations from the Fund.

''(2) Transfers of monies from the Fund to relevant appropriations of the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2508. Industrial Base Fund.''.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Let me start by thanking the chairman and ranking member of the committee and the subcommittee for their leadership on this thoughtful legislation to deliver long-needed reforms to our military acquisition. I would also like to acknowledge the tremendous work of the Armed Services Committee's bipartisan Panel on Acquisition Reform, led of course by Mr. ANDREWS of New Jersey and Mr. CONAWAY of Texas.

My amendment builds upon the panel's recommendations for getting the most out of the industrial base. Defining and assessing the industrial base has been an ongoing challenge for both the Department of Defense and Congress, dating back to the creation of the Armed Forces themselves. One of the key findings of the panel was the need to cast a wider net in terms of defining the industrial base beyond the traditional players. Many of today's technology innovations are being brought forth by small- and mid-sized companies that are more commercial in nature and don't fit the traditional mold of the industrial base. While we must preserve those unique industrial capabilities that have made our Armed Forces the world's most advanced military force, we also must adjust to the innovative changes within the supply chain to ensure that we provide our troops with the tools they need to perform their duties. To accomplish this, we need to adjust our industrial policy to reflect the growing importance of services and information technology providers in the industrial base.

We also need, Mr. Chairman, to acknowledge the importance of systems engineering and integration to our military operations. This amendment would create an Industrial Base Council within the DOD. The council would complement the Blue Ribbon Panel on Eliminating Barriers to Contracting with the Department of Defense that's also created by this legislation. Whereas the Blue Ribbon Panel would be comprised of industry representatives that will present recommendations to the Pentagon on eliminating barriers to those nontraditional industrial base suppliers, this council would be tasked with assessing those and other proposed policy changes and then recommending specific actions to the Secretary of Defense.

The council will be comprised of the Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall chair the group. An official from within the Under Secretary's office will be appointed to oversee the council. Council membership will also include: officials within the Secretary's office responsible for manufacturing, research and development, systems engineering and systems integration, services, information technology, and sustainment and logistics; the director of DLA; and representatives from other military departments.

In addition to providing budget and policy guidance to the Secretary on modernizing the industrial base, the council will provide strategic input for the Quadrennial Defense Review and other reports, and will revise and issue new guidance for the DOD's technology and industrial base.

This amendment, Mr. Chairman, creates an Industrial Base Fund, which when supported by appropriations, will support the actions and recommendations of the council itself. This is a good government initiative that will strengthen our industrial base, strengthen our small business community, and our military readiness moving forward.

I urge my colleagues to support the amendment and these important acquisition reforms.

I reserve the balance of my time.

Mr. CONAWAY. Mr. Chairman, I claim time in opposition even though I am in support of the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. CONAWAY. Mr. Chairman, I yield as much time as he may consume to my colleague from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman from Texas for yielding me this time. I rise in support of this bill to make some very needed and commonsense reforms in the defense acquisition program.

I want to say that I support the last amendment that just passed to help relieve the problem that I have been concerned about for a long time, the revolving door at the Pentagon, and I support this amendment which hopefully will help, and I think is intended, at least in part, to make it easier for small businesses to get involved in the Defense Department contracting process. Far too many defense contracts in recent years have been sweetheart insider deals that have gone primarily to very large businesses, very large, well-connected businesses.

USA Today reported on its front page on December 29 that the Durango Group has 59 former high ranking military officers advising clients on how to get defense contracts while many are also being paid by the Defense Department to give it advice. And they are drawing huge pensions, with some getting 15,000 a month or more plus free health care.

Some of these people connected with this Durango Group even serve as corporate directors or paid advisers to the defense contractors in addition to their pay from Durango. The founder of Durango, a former Air Force chief of staff, refused to be interviewed for the USA Today story about this, but he received $180,000 in 2009 from one defense contractor, $127,000 from another, served on the board of four other defense contractors that do not disclose compensation, was a board member of another

company that buys and sells defense companies, and a consultant to three other defense giants. He has been described as a ''military-industrial legend'' by one columnist. Too much of this has gone on in recent years. And I hope and I think that this is what in part this bill is directed at.

In addition to pensions as high as $220,000 a year, many retired admirals and generals are paid up to $1,600 a day to be Defense Department ''mentors.'' Eighty percent of these mentors have ties to defense contractors, in what one observer described as an amazing conflict of interest.

□ 1345

I do want to say that I commend the Secretary of Defense, who has, as I understand, put in new rules recently to try to correct some of this, but this is a problem that has been crying out for action, and I hope that this bill will correct some of this that has gone on. It's something that we need to keep an eye on to make sure that some of these scandalous types of sweetheart insider deals don't continue as they have, unfortunately, in the past.

Mr. CONAWAY. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. ANDREWS. I thank my friend for yielding.

I would like to thank our friend from Tennessee for his comments, which we embrace. I think one of the purposes of Mr. SCHRADER's amendment, which we just adopted, was to try to address that concern, and we thank him for his support.

I want to commend and thank my friend from Virginia for his excellent amendment. We have tried to establish in this bill the idea that the Defense Department should coordinate the industrial base and broaden it so the servicemembers and taxpayers get a better deal and we invite ingenuity and innovation. Mr. CONNOLLY has made sure that our good intentions in this bill will become a good reality. By the establishment of the council that Mr. CONNOLLY establishes, there will be a group that oversees the implementation of the ideas that we have.

So I think it strengthens the bill considerably. I commend Mr. CONNOLLY for being a fierce advocate for his district and his area, which is so intimately involved in solving this problem. I thank him for his contribution and urge a ''yes'' vote.

Mr. CONAWAY. Mr. Chairman, I yield back the balance of my time.

Mr. CONNOLLY of Virginia. I just want to thank my colleague for his gracious remarks.

Mr. Chair, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. CHILDERS

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–467.

Mr. CHILDERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. CHILDERS:

Page 48, line 21, insert ''market research strategies (including assessments of local contracting capabilities),'' after ''services contracting,''.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Mississippi (Mr. CHILDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. CHILDERS. I would like to add my thanks to Mr. ANDREWS and the House Armed Services Committee, especially my dear friend and chairman, IKE SKELTON, for putting forth this important legislation.

Changing the way the Department of Defense conducts its acquisition activities is essential to restoring fiscal discipline in our government. I commend the committee's efforts to ensure that acquisition personnel at the Department of Defense are well trained to make the best decisions for both our national security and our economy.

My amendment makes a small addition to this training by including ''market research strategies.'' This minor addition is of great importance to many districts like mine. Today, upwards of 4,000 North Mississippians are employed by defense contractors, and that number continues to grow. These employees work hard every day to create many of the products and services that keep our troops safe in theater and protect our homeland from outside threats. These include many contractors on Columbus Air Force Base as well as contractors that produce everything from military uniforms to MRAPS and Unmanned Aerial Systems.

The defense companies are vital to the economy of Mississippi. It is important that when the Department of Defense makes a decision about who receives a military contract and what term that contract contains, it considers how surrounding communities are affected and how these communities can contribute to that contract.

The addition of market research strategies to acquisition training would ensure that the acquisition personnel at the Department of Defense are trained to take into account the local economy surrounding a potential defense contractor and how the unique makeup of the local community could provide added value to the department. It will assist the department in taking into account the unique workforces that communities like the Golden Triangle region in my district encompass and their ability to save the government money.

During this difficult economy, it is important that Congress remains focused on job creation and preservation as well as restoring a balanced budget. My amendment ensures that the DOD can consider the impact of defense acquisition on local jobs and that the government has additional tools to find new ways to cut costs and promote fiscal responsibility.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. I thank my friend from Mississippi for offering this very well-thought-out amendment.

One of the key ideas of this bill is that we have a high-quality, well-trained acquisition workforce. Mr. CHILDERS's amendment makes sure that that workforce is well trained in a key area, which is understanding that a contract does not simply affect the firm that wins the contract and the employees that work for that firm. It affects the entire region for which a contract is awarded.

Now, again, nothing in Mr. CHILDERS's amendment would divert the procurement organizations away from best value for the taxpayer dollar. But what he does suggest is that when one defines the concept of value, it's broader than just the four corners of the contract being considered. The area he represents so ably is one where the economy really pivots on the presence or absence of military contracts, and in his efforts to try to make sure that his region prospers, I know that he wants to be sure, as each of us does, that there is fair consideration of the regional and community economic impact of a contracting decision.

I think the amendment that he has offered, which goes to the training of decision-makers, is entirely appropriate in that regard. We appreciate his contribution to the bill, and I would encourage the Members to vote ''yes.''

Mr. Chairman, I reserve the balance of my time.

Mr. CHILDERS. I want to thank my colleague and the gentleman for his concurrence in my amendment. I urge my colleagues to support this amendment and the underlying bill as well.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ANDREWS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. CHILDERS).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MRS. DAHLKEMPER

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111–467.

Mrs. DAHLKEMPER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mrs. DAHLKEMPER:

At the end of title IV, add the following new section:

**SEC. 407. ACQUISITION SAVINGS PROGRAM.**

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall carry out a program to provide opportunities to provide cost-savings on nondevelopmental items.

(2) SAVINGS.—The program, to be known as the Acquisition Savings Program, shall provide any person or activity within or outside the Department of Defense with the opportunity to offer a proposal to provide savings in excess of 15 percent, to be known as an acquisition savings proposal, for covered contracts.

(3) SUNSET.—The program shall cease to be required on September 30, 2013.

(b) QUALIFYING ACQUISITION SAVINGS PROPOSALS.—A proposal shall qualify as an acquisition savings proposal for purposes of this section if it offers to supply a nondevelopmental item that is identical to, or equivalent to (under a performance specification or relevant commercial standard), an item being procured under a covered contract.

(c) REVIEW BY CONTRACTING OFFICER.—Each acquisition savings proposal shall be reviewed by the contracting officer for the covered contract concerned to determine if such proposal qualifies under this section and to calculate the savings provided by such proposal.

(d) ACTIONS UPON FAVORABLE REVIEW.—If the contracting officer for a covered contract determines after review of an acquisition savings proposal that the proposal would provide an identical or equivalent nondevelopmental item at a savings in excess of 15 percent, and that a contract award to the offeror of the proposal would not result in the violation of a minimum purchase agreement or otherwise cause a breach of contract for the covered contract, the contracting officer may make an award under the covered contract to the offeror of the acquisition savings proposal or otherwise award a contract for the nondevelopmental item concerned to such offeror.

(e) ACTIONS UPON UNFAVORABLE REVIEW.—If a contracting officer determines after review of an acquisition savings proposal that the proposal would not satisfy the requirements of this section, the contracting officer shall debrief the person or activity offering such proposal within 30 days after completion of the review.

(f) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding the program, including the number of acquisition savings proposals submitted, the number favorably reviewed, the cumulative savings, and any further recommendations for the program.

(g) DEFINITIONS.—In this section:

(1) NONDEVELOPMENTAL ITEM.—The term ''nondevelopmental item'' has the meaning provided for such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) COVERED CONTRACT.—The term ''covered contract''—

(A) means an indefinite delivery indefinite quantity contract for property as defined in section 2304d(2) of title 10, United States Code; and

(B) does not include any contract awarded under an exception to competitive acquisition authorized by the Small Business Act (15 U.S.C. 631 et seq.)

(3) PERFORMANCE SPECIFICATION.—The term ''performance specification'' means a specification of required item functional characteristics.

(4) COMMERCIAL STANDARD.—The term ''commercial standard'' means a standard used in industry promulgated by an accredited standards organizations that is not a Federal entity.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Mrs. DAHLKEMPER. Mr. Chairman, my amendment to the IMPROVE Acquisition Act of 2010 will help cut wasteful spending and ensure that taxpayer funds used for our national defense are spent responsibly and efficiently.

The agencies charged with our defense have a responsibility to ensure that taxpayers get the highest return on their investment while providing for the safety of our soldiers and of our Nation.

My amendment gives the Department of Defense a way to save 15 percent or more on its existing contracts for nondevelopmental items by allowing contract officers to opt for more efficient proposals as long as doing so does not breach existing contracts.

This legislation furthers our commitment to fiscal responsibility in defense spending by putting performance metrics where they are needed most: on the service and other contracts that make up the majority of our defense budget.

I urge my colleagues to support my amendment and to support the underlying bill.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I do not oppose it.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I rise in strong support of this amendment, which is almost as striking in its common sense as it is striking that there is any legal issue as to whether a canon should be done. There is such a legal issue, unfortunately, and the gentlewoman's amendment clears that legal issue up.

Here is the situation her amendment contemplates: The Defense Department lets a contract to a vendor. The vendor is performing the contract. Because of a new efficiency or a drop in the price of a material, let's say that the price of food or gasoline that the vendor is using drops dramatically, the vendor offers to continue the contract at a lower price. There are rules which today would preclude the Defense Department from taking advantage of that offer.

What Mrs. DAHLKEMPER's amendment says is that so long as the quality is preserved and so long as there at least is a 15 percent savings at a minimum and all other rules are complied with that the Defense Department can take advantage of that offer. Any business in this country would jump at that opportunity. And the gentlewoman has offered an amendment which makes an awful lot of sense, which will let the Department of Defense operate on those sound business principles.

Again, her amendment does not provide for any deviation from the rules of conflict of interest or legal procedure, but it says if there is an opportunity to achieve at least a 15-percent reduction and all other things are appropriate, then we should achieve that reduction. This makes eminent common sense.

We thank her for offering the amendment. I urge a ''yes'' vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. KISSELL

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111–467.

Mr. KISSELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. KISSELL:

At the end of the bill, add the following:

**TITLE V—OTHER MATTERS**

**SEC. 501. CLOTHING ALLOWANCE REQUIREMENT.**

The Comptroller General shall conduct a study of the items purchased under section 418 of title 37, United States Code, to determine if there is sufficient domestic production of such items to adequately supply

members of the Armed Forces and shall transmit the results of such study to the Secretary of Defense. Not later than 6 months after receiving the results of such study, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives an evaluation on whether such items under the study should be considered subject to section 2533a of title 10, United States Code (popularly known as the ''Berry Amendment'').

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from North Carolina (Mr. KISSELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. KISSELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a member of the House Armed Services Committee, I would like to thank my colleagues and our chairman, IKE SKELTON, for bringing this much-needed legislation to the floor. I would also like to thank my friends and colleagues HOWARD COBLE from North Carolina and MIKE MICHAUD from Maine for helping me sponsor this amendment.

This amendment is very simple in its intent. For over 60 years, Mr. Chairman, the Berry amendment has allowed the Department of Defense to buy clothing and other apparel materials that are made in the United States when available. There has, in recent years, however, been a list of clothing articles that our soldiers and military personnel are required to purchase that are not provided by the Department of Defense. The Department of Defense does provide a clothing cash allowance for this purchase, but these items that are on this list are not necessarily made in the United States.

This amendment would require the GAO to look at this list, to look at the possibilities and potential for making these materials in the United States or is the capacity there to make them there now to meet the demands, get with the Department of Defense, and then the Department of Defense, within 6 months, would be required to get back to the House Armed Services Committee with its findings as to whether or not these materials could be made in the United States under the Berry amendment. So it's a commonsense approach to expanding the Berry amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I commend the gentlemen from North Carolina and from Maine for offering the amendment and support it.

The general rule under the law is that the Defense Department must buy goods and services made in the United States. There's an exception to that rule which deals with vouchers, essentially, where if there's a voucher given to a servicemember to buy certain goods, there's an exception to that.

□ 1400

The gentlemen who are offering this amendment are interested in finding out whether that exception could be accomplished in a way that would protect the choice and quality for the servicemembers while promoting the purchase of American goods and services. I think that inquiring into that is entirely appropriate.

At this time I would like to yield to my friend, the ranking member, the gentleman from Texas (Mr. CONAWAY), for his comments on this.

Mr. CONAWAY. I appreciate that. I also tentatively support the amendment—certainly, the spirit of the Berry amendment—as well. But, as drafted, the GAO study, I think, will be very difficult to implement. Servicemembers are not required to keep records of the items that they purchase with their clothing allowance; nor are they required to set aside these dollars in a teacup to purchase uniforms only. So the GAO may not be able to determine what servicemembers bought with their clothing allowance, let alone whether those items were produced domestically.

If the sponsor will allow us to revise the amendment in conference to specifically evaluate the sufficiency of the domestic supply of military uniforms, then I can certainly support that. But I support it with some reservations that the study as drafted specifically under this rule would be less than optimal. And if the sponsor would allow us to work on it in conference, I would support it.

Mr. ANDREWS. Mr. Chairman, we look forward to reviewing the results of the GAO study so we can work with all the gentlemen to achieve the objective they have set forth.

I reserve the balance of my time.

Mr. KISSELL. Mr. Chairman, I would like to yield 2 minutes to my friend from Maine (Mr. MICHAUD).

Mr. MICHAUD. I'd like to thank the gentleman for yielding. I rise today in support of this amendment. This is a bipartisan effort to ensure that our troops are outfitted with American-made goods as much as possible. Under current policy, clothing items that soldiers purchase with DOD-issued cash allowances are not subject to the Berry amendment. Our amendment asks GAO to determine whether U.S. companies make enough of these cash-allowance items to meet the demands of our troops. DOD will report to Congress on GAO's findings and indicate whether or not they will extend the Berry amendment to any of these American-made products.

This amendment supports United States businesses. This amendment protects and creates American jobs. And this amendment makes sure that, wherever possible, our troops are outfitted with goods made with pride in the U.S.A.

I urge my colleagues to support this bipartisan amendment.

Mr. KISSELL. Mr. Chairman, the strength of America is shown in many ways—the strength of our military and its personnel and families that make up our service, but also shown in the strength of a strong economy and as many Americans working as possible. This amendment would help ensure that as many Americans as possible are working to make the clothing articles that our great servicepeople use. I encourage my colleagues to vote ''yes'' on this amendment.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, we would urge a ''yes'' vote, and I yield back the balance of my time in opposition.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. KISSELL).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. GRAYSON

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111–467.

Mr. GRAYSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. GRAYSON:

At the end of the bill add the following new section:

**SEC. 501. REQUIREMENT THAT COST OR PRICE TO THE FEDERAL GOVERNMENT BE GIVEN AT LEAST EQUAL IMPORTANCE AS TECHNICAL OR OTHER CRITERIA IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE CONTRACTS.**

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(3) of title 10, United States Code, is amended by striking ''proposals; and'' at the end of clause (ii) and all that follows through the end of the subparagraph and inserting the following: ''proposals and that must be assigned importance at least equal to all evaluation factors other than cost or price when combined.''.

(b) WAIVER.—Section 2305(a)(3) of such title is further amended by striking subparagraph (B) and inserting the following:

''(B) The requirement of subparagraph (A)(ii) relating to assigning at least equal importance to evaluation factors of cost or price may be waived by the head of the agency. The authority to issue a waiver under this subparagraph may not be delegated.''.

(c) REPORT.—Section 2305(a)(3) of such title is further amended by adding at the end the following new subparagraph:

''(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of

Defense, a report containing a list of each waiver issued by the head of an agency under subparagraph (B) during the preceding fiscal year.''.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Florida (Mr. GRAYSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. I want to also express my thanks to the chairman of the Armed Services Committee, the members of the committee and the staff, and specifically and especially to Congressman ANDREWS and Congressman CONAWAY, who brought this bill to the floor today and allowed this to be considered for amendments. I also want to express my thanks to the members of the Rules Committee and their staff for finding this amendment in order for consideration today.

This is an amendment, in short, that gives guidance to contracting officers that they never had before in DOD concerning the question of to what extent cost or price should be considered in procurement. I ask for the support of the Grayson amendment to the IMPROVE Act to give legislative guidance to the Defense Department concerning the need to emphasize price or cost in defense procurement.

Under current law, the DOD contracting officer—could be a GS–8, GS–9—has no authority, no guidance from this institution to determine how much should be considered for cost or price. Rather, the contracting officer on his or her own volition establishes an evaluation scheme before each procurement, telling the offerers how their proposal will be evaluated. Current law permits DOD to announce an evaluation scheme that would consider price or cost as only 1 percent of the evaluation and other more subjective factors as 99 percent of the evaluation scheme. In practice, price or cost frequently is weighed as only 25 percent or 33 percent of the evaluation scheme; and other, more subjective, factors remain in the balance.

The resulting waste is twofold. First, DOD frequently rejects the low-cost proposal because its own evaluation scheme dictates that it does so. This alone costs the taxpayers untold billions of dollars. Secondly, defense contractors who know how to build a better mousetrap that could actually save DOD substantial amounts of money don't even bother to frame their proposals that way because they know that the evaluation will not turn on cost, but rather will turn on factors other than cost. So they don't even submit such a proposal.

Our amendment solves these problems by mandating that DOD procurements weigh cost or price at 50 percent of the evaluation scheme, or more, unless the head of the agency decides otherwise. For large purchases of standard commodities like fuels, hammers, et cetera, there's no reason not to do this. And for items that are mission critical, the head of the agency, under our amendment, has the discretion to weigh cost or price at less than 50 percent, in fact, to weigh it any amount the head of the agency deems appropriate.

In my 20 years in government contracts procurement before I was elected to serve in Congress, including my time spent fighting war profiteers in Iraq, I saw substantial overuse of subjective factors in DOD contractor awards at taxpayer expense. Our amendment is a commonsense solution to that problem, which will allow all us of to say at the end of the day that we fought hard to fight against waste, fraud, and abuse in defense procurement.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I'd like to thank my friends from Florida, Mr. GRAYSON and Mr. HASTINGS, for offering this amendment. It makes eminently good sense. It says this: if a procurement officer decides to buy the product that isn't the least expensive, a couple of rules apply. First of all, price has to be at least equal to the greatest factor that's being used. It can't be any less than equal. And if it is less than equal, the procurement officer has to explain why.

Now this makes pretty good sense. I think most people would agree that it's not always true that the least expensive item is the best. But if you think a more expensive item is the best, then you ought to explain why. I think most of us would want that in the way we manage our household budgets, our businesses, our towns, our local school districts.

Mr. GRAYSON, based upon his years of experience in this field, has written an amendment that carries that idea forward. I think it's very worthy. Again, I think it strikes the right balance between flexibility for the procurement officer to make a decision that he or she thinks is the right one, but justification to the public as to why we're not spending the least amount of money on something that we're buying. I think most of our constituents would want us to presume that we should get the best price available; and only if it can be demonstrated that the best price available is not the best value available, should we make a different decision. So I think this amendment makes very, very good sense. I would urge its adoption.

I would now like to yield such time as he may consume to my friend from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I appreciate the gentleman yielding. I certainly rise in agreement with the maker of the amendment that we need to get the best value for the American taxpayers when it comes to the acquisition of goods and services. In fact, the underlying bill we're discussing here today is about achieving that exact goal—getting that best value.

I do want to express a concern, however, that sometimes getting the best value may mean paying more for a superior product or service, especially when it comes to the complex technological requirements of the equipment of our men and women in the American Armed Forces. There may be legitimate cases where the cost, the price of a good or service, is less important than other factors. Probably a good example of that is pretty recently the acquisition of MRAPs and body armor that certainly have saved the lives of our courageous troops.

A concern that I think we need to weigh here is just that this may be a little premature, this specific amendment, because a similar amendment was included in the 2010 National Defense Authorization Act. During the conference, a provision was added to that language that requires the Government Accountability Office to do a study to determine how often it occurs that cost is not the overriding factor or the primary factor. That study is due back to us in October of this year. It seems like it would be appropriate to get that knowledge base from GAO before going further with another requirement at this time.

So I don't oppose the intent of the sponsor of the amendment. We are certainly in agreement that we want to get the best value, but just believe it may be helpful to wait for GAO to complete its work.

Mr. GRAYSON. I yield myself the balance of my time, and I thank my colleague for making these points. I'd like to respond to them briefly.

With regard to the first point, I want to make it clear that within the literal wording of this amendment no agency is ever required to choose the least-cost product. All that this amendment says is that in the evaluation scheme, in order to encourage people who are offerers to think about how to save money for DOD, we make the commitment in general, overall, that cost or price will be considered at least as much as all the other factors combined.

In addition to that, we allow the head of the agency to suspend the rule at will, without any condition or limitation in the statute. The head of the agency can determine that for any item, including mission-critical items,

cost or price can be 40 percent, 30 percent, 10 percent, even 5 percent of the evaluation factors.

So I think that although the gentleman's point is well taken, that we should not ever bind the hands of the DOD when DOD needs to get items that may not be the low cost item, this is an amendment that does not do that. This amendment simply says that, in general, under ordinary circumstances, particularly in buying volume commodities that are identical to each other, we should in fact make 50 percent of the consideration cost or price.

Now, I've seen procurements where, for instance, a commodity like gasoline is being bought by DOD and somehow they determine that two-thirds of the evaluation factor should be something other than cost or price. Sometimes we waste billions of dollars on account of decisions like that.

So I think that this is a rule that really needs to take place. I understand the gentleman's point concerning the study that's ongoing; but, frankly, I think that if we do this now, we'll save money now. If we do this later, we'll save less money. I'd rather see the money saved now, particularly when we have such great needs abroad and our defense budget is so great. I think that this simple rule, this commonsense rule, will help to save billions almost immediately as soon as it's implemented. I thank the gentleman for his comments.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I would urge a ''yes'' vote on the amendment. I do share the concerns of my friend from Pennsylvania. I believe that the amendment that's in front of us here, I think the language of the amendment addresses the concerns the gentleman raises. I think it provides sufficient flexibility. I commend the gentleman for offering it.

I urge a ''yes'' vote and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. GRAYSON).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. HARE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 111–467.

Mr. HARE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. HARE:

At the end of title IV, add the following new section:

**SEC. 407. SENSE OF CONGRESS REGARDING COMPLIANCE WITH THE BERRY AMENDMENT, THE BUY AMERICAN ACT, AND LABOR STANDARDS OF THE UNITED STATES.**

In order to create jobs, level the playing field for domestic manufacturers, and strengthen economic recovery, it is the sense of Congress that the Department of Defense should—

(1) ensure full contractor and subcontractor compliance with the Berry Amendment (10 U.S.C. 2533a) and the Buy American Act (41 U.S.C. 10a et seq.); and

(2) not procure products made by manufacturers in the United States that violate labor standards as defined under the laws of the United States.

The Acting CHAIR. Pursuant to House Resolution 1300, the gentleman from Illinois (Mr. HARE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1415

Mr. HARE. Mr. Chair, I yield myself as much time as I may consume.

Let me begin by taking this opportunity to thank Chairman SKELTON and Ranking Member MCKEON as well as Chairman ANDREWS and Ranking Member CONAWAY for their leadership on the underlying bill and for their commitment to our Nation's Armed Forces.

The amendment before us today is one of great importance that aims to ensure a level playing field for domestic manufacturers with the hope of strengthening our economic recovery through the defense acquisition process. My amendment declares that it is the sense of Congress that the Department of Defense should ensure full compliance throughout the acquisition process with the Berry Amendment and the Buy American Act. Further, the amendment declares the sense of Congress that the Department of Defense not procure products made by domestic manufacturers that fail to comply with the labor standards that are set by the laws established by Congress.

Both the Buy American Act and the Berry Amendment are intended to benefit American industry and workers. And at a time of high unemployment, we must ensure compliance with these important laws to ensure that DOD procurement benefits American families in every corner of this Nation whenever possible.

I think we can all agree here that we want the best equipment and items procured for our Armed Forces, and I think we can all agree that we want to ensure that these acquisitions adhere to the laws and labor standards of the land. My amendment simply expresses and reaffirms congressional intent and aims to aid the economic recovery that our Nation so desperately needs. I urge my colleagues to join me in supporting this amendment.

I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I rise in opposition to the amendment, but I do not oppose it.

The Acting CHAIR. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. The amendment before us is a sense of Congress amendment. In essence it says, we should follow the law. It reaffirms Congress' support for the Buy American Act and other United States labor laws, and Congress has acted in recent years to make contracting officers aware of firms seeking contracts that have engaged in certain violations of the law. This is a ''wake up and pay attention to the law'' sense of Congress.

Today, Mr. Chairman, we have done more than adopt 16 amendments and had an excellent general debate on this bill. We have exhibited in a very substantial and substantive piece of legislation that Democrats and Republicans can work together, that, in a bipartisan effort, we can make things better for the young men and women in uniform, that we can save the taxpayer dollars, and over a period of time, it will be in the billions of dollars if this legislation becomes law. And we certainly hope that it will not only pass here with a substantial vote but also pass the United States Senate with a substantial vote, because it is a hallmark piece of real legislation. It should have been done before, but it wasn't. And here we are, taking up legislation that will be good for the young men and young women in uniform and save the American taxpayer dollars.

I am really proud of the committee. I am really proud of BUCK MCKEON, the ranking member, for his excellent cooperation and work; ROB ANDREWS, the chairman of the panel that I appointed; MIKE CONAWAY, for the excellent work that he did, in particular, the sections relating to the required audits that will be part of this legislation. We have just done marvelous work. I could not be prouder of the Armed Services Committee and those who worked on it as well as those who offered the very important amendments.

With that, Mr. Chairman, I am very grateful for the work that has been done, and I do urge a ''yes'' vote on this particular amendment.

I yield back the balance of my time.

Mr. HARE. Once again, I just want to thank Chairman SKELTON for his wonderful work on this bill.

With that, Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. HARE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–467 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. HALL of New York.

Amendment No. 11 by Mr. CONNOLLY of Virginia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. HALL OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 20, as follows:

[Roll No. 227]

AYES—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Barrett (SC)
Culberson
Davis (AL)
DeGette
Faleomavaega
Fallin
Fudge
Gohmert
Gordon (TN)
Harman
Hoekstra
Meeks (NY)
Rangel
Serrano
Tanner
Teague
Thornberry
Wamp
Waters
Wolf

□ 1448

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR (Mr. SALAZAR). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 2, not voting 17, as follows:

[Roll No. 228]

AYES—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas

| | | |
|---|---|---|
| Kratovil | Murphy, Tim | Schmidt |
| Kucinich | Myrick | Schock |
| Lamborn | Nadler (NY) | Schrader |
| Lance | Napolitano | Schwartz |
| Langevin | Neal (MA) | Scott (GA) |
| Larsen (WA) | Neugebauer | Scott (VA) |
| Larson (CT) | Norton | Sensenbrenner |
| Latham | Nunes | Serrano |
| LaTourette | Nye | Sessions |
| Latta | Oberstar | Sestak |
| Lee (CA) | Obey | Shadegg |
| Lee (NY) | Olson | Shea-Porter |
| Levin | Olver | Sherman |
| Lewis (CA) | Ortiz | Shimkus |
| Lewis (GA) | Owens | Shuler |
| Linder | Pallone | Shuster |
| Lipinski | Pascrell | Simpson |
| LoBiondo | Pastor (AZ) | Sires |
| Loebsack | Paul | Skelton |
| Lofgren, Zoe | Paulsen | Slaughter |
| Lowey | Payne | Smith (NE) |
| Lucas | Pence | Smith (NJ) |
| Luetkemeyer | Perlmutter | Smith (TX) |
| Luján | Perriello | Smith (WA) |
| Lummis | Peters | Snyder |
| Lungren, Daniel E. | Peterson | Souder |
| Lynch | Petri | Space |
| Mack | Pierluisi | Speier |
| Maffei | Pingree (ME) | Spratt |
| Maloney | Pitts | Stark |
| Manzullo | Platts | Stearns |
| Marchant | Poe (TX) | Stupak |
| Markey (CO) | Polis (CO) | Sullivan |
| Markey (MA) | Pomeroy | Sutton |
| Marshall | Posey | Taylor |
| Matheson | Price (GA) | Terry |
| Matsui | Price (NC) | Thompson (CA) |
| McCarthy (CA) | Putnam | Thompson (MS) |
| McCarthy (NY) | Quigley | Thompson (PA) |
| McCaul | Radanovich | Tiahrt |
| McClintock | Rahall | Tiberi |
| McCollum | Rehberg | Tierney |
| McCotter | Reichert | Titus |
| McDermott | Reyes | Tonko |
| McGovern | Richardson | Towns |
| McHenry | Rodriguez | Tsongas |
| McIntyre | Roe (TN) | Turner |
| McKeon | Rogers (AL) | Upton |
| McMahon | Rogers (KY) | Van Hollen |
| McMorris Rodgers | Rogers (MI) | Velázquez |
| McNerney | Rohrabacher | Visclosky |
| Meek (FL) | Rooney | Walden |
| Meeks (NY) | Ros-Lehtinen | Walz |
| Melancon | Roskam | Wasserman Schultz |
| Mica | Ross | Waters |
| Michaud | Rothman (NJ) | Watson |
| Miller (FL) | Roybal-Allard | Watt |
| Miller (MI) | Royce | Waxman |
| Miller, Gary | Ruppersberger | Weiner |
| Miller, George | Rush | Welch |
| Minnick | Ryan (OH) | Westmoreland |
| Mitchell | Ryan (WI) | Whitfield |
| Mollohan | Sablan | Wilson (OH) |
| Moore (KS) | Salazar | Wilson (SC) |
| Moore (WI) | Sánchez, Linda T. | Wittman |
| Moran (KS) | Sanchez, Loretta | Wolf |
| Moran (VA) | Sarbanes | Woolsey |
| Murphy (CT) | Scalise | Wu |
| Murphy (NY) | Schakowsky | Yarmuth |
| Murphy, Patrick | Schauer | Young (AK) |
| | Schiff | Young (FL) |

NOES—2

| | |
|---|---|
| Campbell | Flake |

NOT VOTING—17

| | | |
|---|---|---|
| Barrett (SC) | Fudge | Rangel |
| Culberson | Harman | Tanner |
| Davis (AL) | Hoekstra | Teague |
| DeGette | Johnson (GA) | Thornberry |
| Faleomavaega | Kline (MN) | Wamp |
| Fallin | Miller (NC) | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1458

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. SALAZAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5013) to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes, pursuant to House Resolution 1300, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BUYER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BUYER. In its present form, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Buyer moves to recommit the bill H.R. 5013 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of title III, add the following new section:

**SEC. 304. DISCLOSURE AND TRACEABILITY OF THE COST OF DEPARTMENT OF DEFENSE HEALTH CARE CONTRACTS.**

(a) DISCLOSURE REQUIREMENT.—The Secretary of Defense shall require—

(1) an offeror that submits a bid or proposal in response to an invitation for bids or a request for proposals issued by a component of the Department of Defense for a health care contract to submit with the bid or proposal a disclosure of the additional cost, if any, contained in such bid or proposal associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152); and

(2) a contractor for a health care contract awarded following the date of the enactment of this Act to disclose on an annual basis the additional cost, if any, incurred for such contract associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) REPORT.—

(1) REQUIREMENT.—Not later than April 1, 2011, and each April 1st thereafter until April 1, 2016, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the additional cost to the Department of Defense associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(2) MATTERS COVERED.—The report required by paragraph (1) shall include—

(A) the projected costs of compliance for all health care contracts awarded during the preceding year, as disclosed in a bid or proposal in accordance with subsection (a)(1);

(B) for all other health care contracts, the incurred cost of compliance for the preceding year, as disclosed in accordance with subsection (a)(2); and

(C) any additional costs to the Department of Defense necessary to comply with such Acts.

(c) HEALTH CARE CONTRACT DEFINED.—In this section, the term ''health care contract'' means a contract in an amount greater than the simplified acquisition threshold for the acquisition of any of the following:

(1) Medical supplies.

(2) Health care services and administration, including the services of medical personnel.

(3) Durable medical equipment.

(4) Pharmaceuticals.

(5) Health care-related information technology.

Mr. BUYER (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. SKELTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. Last Thursday's report by the Department of Health and Human Services has now been delivered to all of our offices. In particular, a report by the Centers for Medicare & Medicaid Services has confirmed that President Obama's new health care law will increase costs for taxpayers and patients. The CMS has estimated that the new law will increase health care spending in this country by $311 billion. Now, that $311 billion figure is on page 4, but all Members should note, on page 2, that they are very up front about this.

On page 2, it reads: Because of the transition effects and the fact that most coverage provisions are going to be in effect for 6 of the 10 years of the budget period, the cost estimates that were shown in the memorandum do not represent a full 10-year cost of the legislation.

So, even though they are projecting that it is going to be $311 billion, please understand that this is really not a

true 10-year time frame. This is why I want to bring this to everyone's attention.

Please, Members, look at this report. Please, look at the report. As policymakers, all of us who have responsibilities for health initiatives need to understand what the impacts will be upon our areas of responsibility. Of the Federal expenditure for only the 6-year time frame, it is going to be about $251 billion.

As you know, the Department of Defense is one of the largest procurers of health care goods and services in the country. Now, I'm not even talking about VA. We're only going to focus for the moment here on DOD because of jurisdictional matters. By caring for our wounded warriors and their families, the Pentagon strives to support our brave wounded soldiers, sailors, airmen, and marines along the road to recovery. This support not only includes medical care for injured troops but also for our active duty military, their families, and the retirees as well.

In order to provide that level of care, the DOD purchases from a network of managed care support organizations, from health care professionals, manufacturers, and from information technology providers. What CMS has made clear to all of us in this report is that this network is heavily impacted by the new health care law.

Let me remind my colleagues that CMS is not a partisan group. CMS, formerly known as the Health Care Financing Administration, or HCFA, is very much part of President Obama's administration. So, if CMS estimates that there are greater costs, I am sure that these are likely to be conservative estimates, and greater costs are not something the Pentagon is prepared to absorb. As many of you are aware, the Department's overall expenditures for health care are rising rapidly. Secretary Gates testified in the fall that the increased costs are ''beginning to eat us alive.''

So, if there are direct or secondary effects of the President's health care program, the only way to cover those costs is to raise the premiums to beneficiaries, to families, and to retirees or to eat further into DOD's ability to support the needs of our men and women in uniform. This is not what we want to do. This is why we must understand the impact of the President's new health care law on DOD. We know that the health care law includes new fees on manufacturers of brand-name prescription drugs. We sell to the Federal health care programs, including the Department of Defense.

CMS stated in last Thursday's report: ''We anticipate these fees would generally be passed through to health consumers in the form of higher drug prices.'' That means a pass-through to DOD. We need to know and to understand the impact of those increased fees upon us.

Section 9011 of the President's health care law already requires the Department of Veterans Affairs to conduct a study of the impact of the increased costs on veterans' health care which are imposed by the new law. This includes reporting on the costs to the VA of any fees assessed on brand-name prescription drugs and medical device manufacturers.

It seems only reasonable, if we supported that provision for the VA, as many of my colleagues on the other side of the aisle did, that we should do the very same thing with DOD. That is what I am asking in this motion to recommit. The Pentagon is slated to spend $56 billion on the next procurement round of TRICARE contracts. This amendment simply asks for the DOD to identify through their acquisition process any additional costs as a result of the President's new health care law and to report that to Congress. We are asking for transparency.

I urge a ''yes'' vote on the motion to recommit, and I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well when other Members are speaking.

Mr. SKELTON. Mr. Speaker, I claim time in opposition, though I do not oppose the motion.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I would urge Members to vote ''yes'' on this motion to recommit because the language of the recommit does what the gentleman's argument doesn't do.

The language of this argument says we should have full, accurate transparency about the cost of the new health care bill as it applies to defense contracts. In other words, we ought to know the facts. We agree with that. With all of the respect of the gentleman's argument, the facts were kind of missing. Here is what the facts are:

As to the report that he references from CMS, I would take due note of the fact that the ''M'' in CMS means ''Medicare.'' Here is what the report said:

Before the President signed the health care law, the Medicare Trust Fund was due to run out of money in 2017. Because the President signed the health care law, the Medicare Trust Fund will live for at least 12 more years.

The fact is that the report said that future forecasts of health care costs are, to quote the report: only a prediction, difficult to ascertain, subject to interpretation.

Well, here are some interpretations that the American public are beginning to see: When sons and daughters under the age of 26 years old can be covered on their parents' policies, the American people support that. When people cannot be turned away from buying insurance or cannot have their premiums raised because they had breast cancer or asthma, the American people support that. When an insurance company cannot cancel people's policies when they're on the way to the operating rooms after they've paid premiums for years, the American people support that.

We embrace and support the idea of learning the facts about the health care bill. That's what the amendment says. We support the idea of speaking the truth about the health care bill. That's what all Members of the House should do. That's what the American people are entitled to do.

Vote ''yes'' on the motion to recommit, and vote ''yes'' on the underlying bipartisan bill.

Mr. SKELTON. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BUYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 419, noes 1, not voting 10, as follows:

[Roll No. 229]

AYES—419

| | | |
|---|---|---|
| Ackerman | Blunt | Capito |
| Aderholt | Boccieri | Capps |
| Adler (NJ) | Boehner | Capuano |
| Akin | Bonner | Cardoza |
| Alexander | Bono Mack | Carnahan |
| Altmire | Boozman | Carney |
| Andrews | Boren | Carson (IN) |
| Arcuri | Boswell | Carter |
| Austria | Boucher | Cassidy |
| Baca | Boustany | Castle |
| Bachmann | Boyd | Castor (FL) |
| Bachus | Brady (PA) | Chaffetz |
| Baird | Brady (TX) | Chandler |
| Baldwin | Braley (IA) | Childers |
| Barrow | Bright | Chu |
| Bartlett | Broun (GA) | Clarke |
| Barton (TX) | Brown (SC) | Clay |
| Bean | Brown, Corrine | Cleaver |
| Becerra | Brown-Waite, Ginny | Clyburn |
| Berkley | Buchanan | Coble |
| Berman | Burgess | Coffman (CO) |
| Berry | Burton (IN) | Cohen |
| Biggert | Butterfield | Cole |
| Bilbray | Buyer | Conaway |
| Bilirakis | Calvert | Connolly (VA) |
| Bishop (GA) | Camp | Conyers |
| Bishop (NY) | Campbell | Cooper |
| Bishop (UT) | Cantor | Costa |
| Blackburn | Cao | Costello |
| Blumenauer | | Courtney |

Crenshaw
Crowley
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Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
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Hastings (FL)
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Herseth Sandlin
Higgins
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Hinojosa
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Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

Pascrell

NOT VOTING—10

Barrett (SC)
Davis (AL)
DeGette
Ehlers
Fallin
Fudge
Harman
Hoekstra
Teague
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORAN of Virginia) (during the vote). There are 2 minutes remaining in this vote.

□ 1533

Mr. DICKS changed his vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 229 I was detained in the Attending Physician's Office, and arrived on the House floor too late to be recorded on this rollcall. Had I been present, I would have voted "yes."

Mr. SKELTON. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 5013, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON:

At the end of title III, add the following new section:

**SEC. 304. DISCLOSURE AND TRACEABILITY OF THE COST OF DEPARTMENT OF DEFENSE HEALTH CARE CONTRACTS.**

(a) DISCLOSURE REQUIREMENT.—The Secretary of Defense shall require—

(1) an offeror that submits a bid or proposal in response to an invitation for bids or a request for proposals issued by a component of the Department of Defense for a health care contract to submit with the bid or proposal a disclosure of the additional cost, if any, contained in such bid or proposal associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152); and

(2) a contractor for a health care contract awarded following the date of the enactment of this Act to disclose on an annual basis the additional cost, if any, incurred for such contract associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) REPORT.—

(1) REQUIREMENT.—Not later than April 1, 2011, and each April 1st thereafter until April 1, 2016, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the additional cost to the Department of Defense associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(2) MATTERS COVERED.—The report required by paragraph (1) shall include—

(A) the projected costs of compliance for all health care contracts awarded during the preceding year, as disclosed in a bid or proposal in accordance with subsection (a)(1);

(B) for all other health care contracts, the incurred cost of compliance for the preceding year, as disclosed in accordance with subsection (a)(2); and

(C) any additional costs to the Department of Defense necessary to comply with such Acts.

(c) HEALTH CARE CONTRACT DEFINED.—In this section, the term ''health care contract'' means a contract in an amount greater than the simplified acquisition threshold for the acquisition of any of the following:

(1) Medical supplies.

(2) Health care services and administration, including the services of medical personnel.

(3) Durable medical equipment.

(4) Pharmaceuticals.

(5) Health care-related information technology.

Mr. SKELTON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 10, as follows:

[Roll No. 230]

AYES—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner

Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—3

Broun (GA)
Flake
Paul

NOT VOTING—10

Barrett (SC)
Davis (AL)
DeGette
Fallin
Fattah
Fudge
Harman
Hoekstra
Teague
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1541

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in which to insert extraneous materials in the RECORD on the bill, H.R. 5013, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## UM RESEARCH DISCOVERY ON ALZHEIMER'S

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to extend my congratulations to the University of Miami researchers on their recent discovery that will lead toward a new understanding of Alzheimer's disease.

University of Miami researchers identified a gene that appears to double a person's risk of developing late-onset Alzheimer's. Alzheimer's, as we all know, is a debilitating disease that impacts 5 million Americans. As a daughter of a mother with Alzheimer's disease, I know how painful this disease can be for both the individual and the family.

I would like to thank Director Margaret Pericak-Vance and all of the staff of the John P. Hussman Institute for Human Genomics at the University of Miami Medical School for their hard work and dedication to this valuable research.

The University of Miami will continue to take steps to improve our knowledge about Alzheimer's so that families will not have to feel the pain of watching their loved ones being slowly ravaged by this terrible affliction.

□ 1545

## EXPIRATION OF 45G CREDIT

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Mr. Speaker, for 7 years now, my colleague Mr. POMEROY and I have worked to preserve transportation connections for communities that would be disconnected but for their short line and regional freight railroads. Our bill, H.R. 1132, which extends the section 45G short line railroad tax credit, is supported by 259 of our colleagues.

Unfortunately for Kansas businesses that depend upon rail service, the 45G credit expired last year. As a result, small railroads like the Kansas & Oklahoma Railroad, the Kyle Railroad, and the Nebraska, Kansas & Colorado Railway are unable to maximize their infrastructure investments to best serve their customers. The 45G tax credit generates nearly 7 million good-paying track worker hours each year. More importantly, the tax credit helps farmers and coops in rural communities of Kansas move grain to food processors in Kansas City and manufacturers in Wichita to move steel and their finished goods to market.

I rise today to express my hope that we can find a path forward to continue the economic development and sound transportation policy fostered by the tax provisions contained in H.R. 1132.

## UNFUNDED MANDATES ON STATES

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I received a letter from a member of the Pennsylvania State House explaining a resolution he has introduced to stop the Federal Government from imposing unfunded mandates on the State. The resolution cites

the Urban Institute as estimating Pennsylvania will see an additional 818,390 people eligible for Medicaid under the health care reform law. The cost to the Commonwealth of that additional burden totals $2.31 billion between 2014 and 2019. Some 12 percent of Pennsylvania is now enrolled in Medicaid, making welfare entitlements one of the top-spending categories in the budget.

The resolution states that on September 9, 2009, the President promised that health legislation being considered by Congress would not add to the Federal deficit but was silent about States bearing the weight of unfunded mandates. The proposed legislation asks Congress to refrain from imposing unfunded mandates on the State and asks that every Member be given a copy.

We already have a law against unfunded mandates, but that did not stop the Democrat majority from adding a huge burden on the States with this new law. I agree with this resolution and will encourage Pennsylvania legislators to support it.

## FEDERAL GOVERNMENT IS MIA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, a bipartisan group of Members representing all the southern border States today called for armed National Guard troops at the border. Our border State Governors have been specifically asking for troops over a year. Violence is escalating. Law enforcement lacks the manpower and equipment they need to protect the people on the border. National Guard troops must be armed and sent to the border, with clear and concise rules of engagement that allow them to defend themselves if fired upon.

Seventy-nine American citizens were murdered in Juarez, Mexico, just last year. Last month, an Arizona rancher was shot dead on his own property. His murderer was tracked to the border. Assaults against Border Patrol agents have increased 16 percent so far this year. Border Patrol Agent Robert Rosas was murdered in July—execution style.

Border States need help. The Federal Government has been missing in action. National Guard troops should be sent to the border to help the Border Patrol and local sheriffs protect the safety and security of the people.

And that's just the way it is.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DRIEHAUS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## MORE NEWS FROM THE BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. I bring you news from the third front—that being the southern border of the United States with Mexico. The first front, of course, is that engagement in Iraq; the second, in Afghanistan; the third, on our violent southern border. People are coming into the United States from all over the world through the country of Mexico. Because Mexico has a vast coastline in the Atlantic and the Pacific, people go to Mexico, sneak into Mexico, and then sneak into the United States through our southern border. Part of those people that are coming in are called drug cartels. They're coming in to sell narcotics—a profit of over $40 billion a year to the drug cartels that smuggle dope into this country. But also other people are coming into the United States.

Here's a photograph that was taken in Zapata County, Texas. I'm sure you've never been there, Mr. Speaker, but it's down on the Texas-Mexico border. It's a small county. This is an RV parked near the border. But this happens to be a helicopter. It turns out it's a Russian-made helicopter with Mexican markings on it. It's about a mile and a half to two miles into the United States across the border.

Now, the border with Mexico and Texas is not a land border. There's a river there. So there is no way somebody can be mistaken when they accidentally, they say, come into the United States. We don't know the intentions of this helicopter. Two weeks before this photograph was taken, other photographs were taken of either this helicopter or a similar helicopter, once again, coming into the United States—intentions unknown. Are these folks guarding a shipment of drugs? Are they working with the drug cartels? Are they looking for bad guys, or what are they doing? We don't know.

The problem is the border is porous. The southern border of the United States is porous with that border of Mexico. The violence in Mexico is escalating. Of course, it comes into the United States. There are 14 border counties in Texas that border Mexico. I recently talked to the sheriffs of those counties on the same day and asked them this question: How many people in your local jail are foreign nationals charged with crimes that are not immigration violations? The total number was 37 percent. That's right, 37 percent of the people in border county jails in Texas are foreign nationals charged with misdemeanors and felonies. That's a lot of folks. That costs somebody a lot of money. And that is because the crime problem goes back and forth across the border. It's in Texas and it's also in Mexico. It's because the borders are porous.

We have down on the border with Mexico the Border Patrol. They're doing as marvelous a job as they possibly can, but they need some help. Here's a photograph, Mr. Speaker, that was also recently taken. This is a Border Patrol vehicle. It has been improvised. It's a pickup truck. They call these things the ''war wagons.'' Now why do they do that? Because they think they may be in a war zone down on the border. If you notice, Mr. Speaker, there's a mesh steel wire across the windshield, across all of the windows. There's even a mesh cage that protects the emergency lights on top of the vehicle.

The question is, Why do they have that stuff on their Border Patrol vehicles? Well, you see, when they patrol the border with Mexico, people who wish to come into the United States illegally pelt rocks at our Border Patrol. And so they have to protect themselves and their vehicles by putting this wiring, this cage, around their own vehicle. Now, if somebody threw rocks at a police officer in the United States, normally those people get arrested and go to jail. But it doesn't seem like that is what is occurring, and so they have to protect themselves.

This is just one example of the violence that is occurring. Border Patrol in the Tucson area, assaults against them this year are up 300 percent from last year. That's right, assaults on our agents who are trying to protect the border, protect us. So we have to do more than that. We have to support the Border Patrol, the sheriffs that work along the border; and we have to do what the Governors of some of those States have asked for, and that's send the National Guard down to the border.

We protect the borders of other nations. Why don't we protect our own? We don't know. I think it's politics. It's time that we have the moral will to secure the dignity of the United States. It's about border security. It's about national security. It's not an issue of immigration. It's an issue of whether or not people can come into the United States legally or illegally. We must have the moral will to keep the criminal gangs, the drug cartels, the human smugglers out of the United States. They know our borders are porous. People in other countries know our borders are porous. They go through Mexico and come into the United States.

The Federal Government has been missing in action. It's time that they show up on the border and send the National Guard to support our troops, support the border sheriffs, and support the Border Patrol.

And that's just the way it is.

## ARIZONA PROTECTS ITS CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, in a recent editorial praising Arizona for its action to enforce immigration laws, Investor's Business Daily said the following: ''There are 460,000 illegal immigrants in Arizona, a number that increases daily, placing an undue burden on the State's schools, hospitals, and law enforcement. Arizona has a window seat to an illegal invasion and on the escalating and violent drug war in Mexico that has put American lives and society at risk.

''President Obama calls Arizona's tough new law 'irresponsible' and 'misguided.' But it wouldn't be necessary if the Federal Government fulfilled its responsibilities to secure the border. We are a Nation of immigrants—legal immigrants—but we are also a Nation of laws that 70 percent of Arizonans and most Americans want to see enforced. The first duty of the Federal Government is to protect the rights, property, and lives of U.S. citizens.''

I couldn't agree more.

## DON'T STOP WITH IMPROVING DEFENSE PROCUREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this body took an important step today by passing the IMPROVE Acquisitions Act, which will bring badly needed reforms to the defense procurement process. The Pentagon, of course, is legendary for bureaucratic inefficiency, cost overruns, and even outright corruption in its purchasing practices. Remember the $640 toilet seat that the Navy bought back in the 1980s? Remember our soldiers in Iraq sifting through scrap heaps for makeshift body armor?

□ 1600

For too long, Mr. Speaker, the Pentagon has been the irresponsible teenager who gets a ridiculously generous allowance, loses part of it, and then spends the rest on junk food. With this new bill, though, mom and dad will begin to exercise some oversight over that allowance. Given the size of the DOD budget and the nature of its mission, it is about time. It's remarkable that up until now, there's been no effective performance metric system to assure that taxpayers are getting value for their defense dollars.

We're living through a time, Mr. Speaker, when nearly every American family is tightening its belt and making sure that every dollar it spends is on something it truly needs. We owe it to these families to ensure that the government agency charged with keeping them safe is doing the same.

As pleased as I am with the passage of the IMPROVE Act, I can't help but think that we are nibbling around the edges of a much, much larger problem. The issue is not just a managerial one of how the Pentagon goes about its acquisitions. The more significant matter is the Nation's overall defense policy and budget priorities. For example, we continue to spend billions of dollars every year on sacred cow weapons systems that were designed for a bygone era.

Finally, last year, we cut off funding for the F–22 Raptor, designed to neutralize the next generation of Soviet planes. I guess it took almost 20 years to figure out there has been no generation of Soviet plane because there's been no generation of the Soviet Union. But we're still throwing money at the V–22 Osprey, a plane so wasteful and unnecessary that even former Vice President Cheney was trying to kill it as far back as the late 1980s when he was Secretary of Defense. According to our analysis at the Congressional Progressive Caucus, we can save $60 billion, at least, a year by eliminating such Cold War relics.

And, Mr. Speaker, then there's the biggest ticket item of all, purportedly keeping us safe but actually spending us into bankruptcy and undermining our national security interests. I'm referring to the ongoing wars in Afghanistan and Iraq. Every day, at a predicted price tag of around $1 trillion, we are sending American soldiers to die for a strategy that is a moral outrage and a practical failure. For a fraction of the cost, we could take a smarter approach by expanding poor countries' capacity to provide for their own people. That means more resources for democracy promotion, physical infrastructure, human capital development, et cetera, et cetera. That would be the way to fight terrorism—with compassion, not aggression; using diplomacy, not destruction; by investing, rather than invading.

So let's do more than streamline procurement, because, Mr. Speaker, if we overhaul the way we go about protecting America and we redefine what it means to provide for the common defense as the Constitution instructs us to do, we will do the right thing, and the right thing will be to start by bringing our troops home.

## CONGRATULATING ALLISON NOVACK FOR BEING NAMED THE TOP OUTSTANDING SCHOOL YOUTH VOLUNTEER OF THE YEAR

The SPEAKER pro tempore (Ms. CHU). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise today with a wonderful mission—to recognize a local student, Allison Novack. Allison has recently been named the Top Outstanding School Youth Volunteer of the Year for the Miami-Dade County Public Schools system. Our superintendent of schools, Alberto Carvalho, presented her with this impressive award at Miami's Jungle Island earlier this month.

As a senior at Miami Beach Senior High School, Allison has volunteered in numerous capacities. She has served as the president of the Miami Beach chapter of the Junior State of America. She has served as producer for the nonprofit group 1308 Productions. She is also known for her work as part of Sky News and as the creator of the Rock the Vote concerts and shows in our area. And I can personally attest, she was a fabulous host to my recent congressional visit to Miami Beach High.

As an elected public official, I understand the great effort and the personal sacrifice that goes along with trying to make a difference in our community. The time that Allison has spent and the care she has demonstrated are truly beyond her years. All of us in south Florida are fortunate to have someone like Allison who gives so generously of her time and energy to our area. This award is yet another shining example of how one individual's hard work can make a difference. Allison is an inspirational and energetic student leader who has created positive results for her school and our greater community.

Allison's public service has also been recognized by organizations such as Voice of America radio as well as many other media and civic groups.

This dedication to civic engagement stems from Allison's family, which has a legacy of public service. Allison is the daughter of Surfside mayor emeritus Paul Novack. Mayor Novack served as mayor for six terms and is himself, also, a graduate of Miami Beach Senior High School, the Hi-Tides. Also, Allison's grandmother Mickey Novack served as Surfside vice mayor, as president of Women in Government Service, WIGS, and as treasurer of several educational and civic organizations, including the PTA and Hadassah.

It is wonderful to see Allison continuing in the family tradition of giving back to our community. Her hard work is fundamental in making our community better for years to come. With the support of wonderful parents like Paul and Denise, I am certain that Allison enjoyed the strong family network of support and guidance that is needed to accomplish so much for this young woman who is soon to be off going to college. Allison's steadfast commitment to public service is a testament to her character and to her family. She is a wonderful example of

today's young adults who have the will to affect positive change in our community.

Allison will soon graduate from Miami Beach Senior High School this June as an exemplary student who has been a credit to her school and our community. Next semester, she will be joining the proud ranks of students attending the University of Miami—go Canes—and pursuing a degree in communications.

Again, I congratulate Allison for her recent award as Top Outstanding School Youth Volunteer. I also wish her the best as she makes the transition to college life, and I look forward to hearing from her about her continued work in making this community an even better place in which to live. I know that Allison will continue to benefit our area in her volunteer work and will be a magnificent addition to the University of Miami Canes team.

Congratulations, Allison. Congratulations to the Novack family.

## A TRIBUTE TO DR. DOROTHY HEIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I take this opportunity to pay tribute to one of the most accomplished, most engaged, and most effective social workers that this country has ever known, Dr. Dorothy Height. Following in the footsteps and tradition of Mary McLeod Bethune, Dr. Height became renowned for her dedication to social justice in her roles as administrator, educator, and social activist.

Dr. Height was born in 1912, the same year as my father, and, therefore, experienced and endured all of the social characteristics of her childhood era. Nevertheless, she attended college at New York University and did postgraduate work at Columbia University and the New York School of Social Work. Working as a social worker, Dr. Height came into contact with the problems and conditions of the average citizen or common man. These experiences and understandings guided her thinking, ignited her passions, and kept her going until just a few days ago.

Dr. Height joined the National Council of Negro Women and became its voice and leader. She served as the national president of Delta Sigma Theta, Inc. for 11 years and was the only woman engaged in leadership of the United Civil Rights Organization with Dr. Martin Luther King, Jr., Whitney Young, Jr., A. Phillip Randolph, James Farmer, Roy Wilkins, and JOHN LEWIS. When the movement subsided, Dr. Height's work continued.

She was energetic, went everywhere and to everything. She developed women by serving as their mentor and friend. The women that I know and worked with in Chicago are Ms. Rosie Bean and Ms. Anetta Wilson, both of whom are always willing to call themselves disciples of Dr. Dorothy Height.

Dr. Height was an incredible, unbelievably committed and dedicated woman whose life was the true essence of living. And I think that the poet Sam Walter Foss may have had Dr. Dorothy Height in mind when he penned, ''House by the Side of the Road.''

''There are hermit souls that live withdrawn, in the place of their self-content. There are souls like stars that dwell apart, in a fellowless firmament. There are pioneer souls that blaze the paths, where highways never ran. But let me live by the side of the road and be a friend to man.

''Let me live in a house by the side of the road, where the race of men go by. The men who are good and the men who are bad, as good and as bad as I. I would not sit in the scorner's seat, nor hurl the cynic's ban. Let me live in a house by the side of the road and be a friend to man.

''I see from my house by the side of the road, by the side of the highway of life, the men who press with the ardor of hope, the men who faint with the strife. But I turn not away from their smiles and tears, both parts of an infinite plan. Let me live in a house by the side of the road and be a friend to man.

''I know there are brook-gladdened meadows ahead, and mountains of wearisome height; that the road passes on through the long afternoon, and stretches away to the night. And still I rejoice when the travelers rejoice, and weep with the strangers that moan, nor live in my house by the side of the road, like a man who dwells alone.

''Let me live in my house by the side of the road, where the race of men go by. They are good, they are bad, they are weak, they are strong, wise, foolish; so am I. Then why should I sit in the scorner's seat, or hurl the cynic's ban? Let me live in my house by the side of the road''—like Dr. Dorothy Height—''and be a friend to man.''

## ADDITIONAL FACTS AND FIGURES FROM THE HEALTH CARE BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, I appreciate being recognized. As we do on occasion on Wednesday, after the main part of the House business is closed, we have an opportunity to take a look at various topics and subjects. Usually we have chosen subjects of significant importance to Americans, ones that affect everybody's lives. And it might seem odd in that we have already passed the government takeover of health care bill that we would go back to that bill, but I think there is continuing information that is being released that a lot of people may not have known about when the bill was passed, additional facts and figures which are, at a minimum, quite disturbing.

The facts and figures that I thought that would be important to talk a little bit about today are the facts and figures that come from the President's own people, the Centers for Medicare & Medicaid Services. These are people that the administration has chosen. They are a group of people who are taking a good look at the bill that was proposed and has been passed, what its implications are and some of the financial facts.

So this was something that was actually approved by the Obama administration. This was not the House Congressional Budget Office, which is viewed as being fairly bipartisan and has its own numbers. But these facts have just come out recently. We have to assume the President knew them, and the facts are in sharp contradiction, in complete disagreement with statements made by the President himself.

So I think we need to take a look at some of these things. Particularly, there was the claim in the health care bill that we have to bend the cost curve down because the numbers financially, for our Nation, we can't continue to have increasing health care costs.

□ 1615

Everything was centered on the fact that we are spending too much on health care. First of all, of course, the premise of that is a little odd. If you are a sick person, maybe you are not spending too much on health care. Maybe you spent what you needed to get well. But we are looking when that comment is made on what the government is spending on health care, particularly Medicare and Medicaid. So we are saying the government runs Medicaid and Medicare and they are spending too much, so the government needs to take it all over.

But the whole thing was sold on we are going to bend the cost curve down so Medicare and Medicaid, also health care in America, will cost less. Here we have Obama's hand-picked Center for Medicare and Medicaid Services saying that, in fact, this bill is going to increase the cost of health care. Well, that is kind of odd because the whole logic for doing it was because we are going to decrease it. And now we are hearing it will increase it. We are going to look at some of the different promises, quotes, and comments.

I am joined by a good friend of mine from Pennsylvania, and hopefully we will have some other guests on the

floor tonight. I will introduce things first, and then we will discuss this.

This was an attempt to try to summarize the 2,000-page bill. They say a picture is worth a thousand words. Well, this picture may be a little tough. I don't know if it is worth 2,000 pages or not, but it is a tough picture. This is a rough idea what the government has to take over on the bill we just passed. So obviously it is going to be complicated. It shouldn't surprise us when we see this and ask: Is this going to save money? The answer now from Obama's own people is, No, this is going to cost more money than it is going to save.

So this is one of those things, just to get a sense of how complex the change is, and people are asking our offices all the time: When is this going to take place? For instance, those of us in Congress, we lose our health care coverage with this bill. So we are asking ourselves: When do we no longer have health insurance; and where do we have to go to buy it?

Well, you have to go to an open exchange. And there are a lot of questions about how is it that the Federal Government is going to take over one-sixth of the U.S. economy and somehow make it more efficient than what we have right now. The answer is they are not. They are not. The authorities appointed by the Obama administration again say it is not going to be more efficient, it is going to be more expensive.

There were all kinds of promises that we heard about, and I think it is important to go back and look at some of those things. Congressman THOMPSON from Pennsylvania may remember some of those quotes.

First, this is one that the President said: If you are among the hundreds of millions of Americans who already have health insurance through your job, Medicare or Medicaid or the VA, nothing will require your employer to change the coverage with the doctor you have. Try to explain that to the Members of Congress who are all losing their health insurance. This doesn't even pass the laugh test. This is ridiculous to make this statement.

The proposal that is before us, and you can probably technically say first, if you are among those who already have a health insurance policy, nothing in this plan will require you or your employer to change. Well, for how long? Well, until the bill goes into effect; then it will make you change. So this is really something here. Particularly the people who are going to be rather cynical when they read this are the people who are the Medicare seniors on Medicare Advantage. I don't know how many hundreds of thousands of people are in Medicare Advantage. You are going to have half a billion dollars taken out, $500 billion being taken out of Medicare Advantage. And obviously when you take that money out, the people on that plan are not going to have that same plan. About 50 percent of the seniors in Medicare Advantage are not going to have the same thing.

I want to contrast back and forth, the President says something, but yet, it taint necessarily so, as the song goes.

Mr. THOMPSON of Pennsylvania. I thank my good friend from Missouri for leading this discussion. It is such an important discussion as we look at the consequences of this health care bill that has been passed.

Mr. AKIN. Do you think we really know the consequences? I don't think people have a clue what the consequences are.

Mr. THOMPSON of Pennsylvania. That's right. I don't think we do either. The original Senate bill was 2,000 pages. We had a manager's amendment, and a reconciliation bill on top of that. We are talking close to 4,000 pages, and now the bureaucrats have to take that bill and put it into regulatory language. We may not know certainly for months and maybe years everything that is in here.

It really comes down to one word, and it is credibility. To say one thing, words one way and your actions completely opposite, it lacks credibility. We shouldn't be surprised. We saw that going back. Stretch our imaginations, we don't have to go that far back, we saw that a little over a year ago with the stimulus bill. The President said we have to do this stimulus bill. It was his words then that said we have to do this stimulus bill because if we don't, unemployment may go over 8 percent. So we spent $878 billion on the stimulus bill; and in the end, what did we get? Well, we are at 10 percent or just under 10 percent unemployment at this point.

Mr. AKIN. So we are getting this radical, one statement says one thing and yet when you look at it, it is the exact opposite.

Mr. THOMPSON of Pennsylvania. Actions as we know, speak louder than words.

Mr. AKIN. The promise was if you don't pass the stimulus bill, this was a year ago, you could have unemployment above 8 percent. I wish we hadn't passed it because our unemployment is now 10 percent.

You were on the floor here about a year ago saying it wasn't going to work. It wasn't that we were being pessimistic, but we learned from history from Henry Morgenthau, FDR's Secretary of the Treasury. He said this economic approach of the government spending tons of money doesn't fix this problem of unemployment and recession. It just doesn't work. After trying it for 8 years, it wasn't that we were rocket scientists, it is just we learned a little something from history.

Yet we get this one promise that if you don't do this, unemployment is going to go as high as 8 percent. Instead it went to 10 when we spent whatever it was, $700 billion or $800 billion. That is just amazing. That is one of the promises. I was thinking about the health care promises, but you're right on that.

Mr. THOMPSON of Pennsylvania. One of the premises that I have always led my life by is the best predictor of future performance is past performance. I think there is a significant issue, a great divide being what is being said, what the President said about the health care and some of the promises that were made in order to get this bill pushed through Congress and what we see now and what we have now is the reality as we take our time to look through this bill.

Mr. AKIN. Here is one that might be of interest to you. I have a couple of examples.

This is a quote from Senator Barack Obama and it was on 10–4–08. We will start—talking about his health care proposal—we will start by reducing premiums as much as $2,500 a family. If somebody told me that, I am saying I like that. Our expenses, we go through a lot of money with a bunch of kids and health care. If you are going to reduce my premiums by $2,500 a family, that is a great promise if it is any good. And yet after making this promise, now here we go, not only the Congressional Budget Office which is our bean counters, Republican and Democrat bean counters in the House and Senate, our guys, and this Center for Medicare and Medicaid Services which is the administration's, it is Obama's bean counters, are saying it is going to reduce the premiums by as much as $2,500, both of these offices are saying that the insurance premiums will increase under the Obama care, not decrease by $2,500, it is going to increase and it is going to increase by, I think they are saying—let's see, here it is: Americans who buy their own health insurance plans will pay an average of $2,100 a year more for their policies.

So if you are somebody going out and buying your health insurance, instead of decreasing by $2,500, it is going to increase by $2,100. That is a little different story. That is the sort of thing that gets people upset.

We are joined by a doctor with a medical opinion on this subject.

Mr. ROE of Tennessee. Thank you. One of the things that we are trying to do here, and as I go back and think through the last 15 months, and remember when this debate first began: What is the problem that we are trying to fix? Well, the problem we are trying to fix was we had 40-plus million uninsured people in America, and that is untenable in this country.

Number two, health care costs were going up faster than inflation. That

was a problem. There is no question that the uninsured and rising health care costs had to be addressed. There are many ways you can address this. I brought to the table 17 years experience with a failed plan in Tennessee.

Mr. AKIN. I want to mention that there may be some people joining us that are not always here on Wednesday evening. You are not just a Member of Congress, you are not just a former doctor, but you are also from the State of Tennessee, and the State of Tennessee is one of two States that tried this ObamaCare kind of approach to health care. And your experience in the State of Tennessee was did it decrease premiums and decrease the cost of insurance? That is what was promised by the President when he was a Senator. He said we are going to start by reducing premiums by as much as $2,500 a family. Did you believe that?

Mr. ROE of Tennessee. No, I did not. One of the reasons was just the practical experience I had for over 16 years has shown that was not in the case. Back in the 1990s, we had a lot of uninsured people, and we asked for a Medicaid exemption and we got that in Tennessee to form a managed care plan. The idea was we were going to have various plans compete among each other to hold health care costs down. What actually happened was over about a 10-year period of time our costs tripled in this particular plan.

Mr. AKIN. So your costs tripled when you went this route?

Mr. ROE of Tennessee. Over 10 years they tripled. What happened was a lot of people, and I will predict this right here on the House floor right now, what is going to happen nationally with this plan is exactly what happened with our plan. I have seen this picture before. What will happen is you will have people, and we already have a business in west Tennessee that is a large plan. And remember, the Federal Government is going to determine what is adequate health care coverage in this great scheme, not you the individual or you the company, what you can afford, but the Federal Government will decide what is adequate health care coverage.

This particular business their coverage that they have now the Federal Government says no, this is not adequate coverage. And so it will cost this one business $40 million more. Now if they drop their coverage, their covered workers into the exchange and they pay the $2,000 fine per individual, it will save that company $40 million.

Mr. AKIN. Let's get this straight. You have a company here and the company is being faced with some choices now. Their first choice is just take their employees and dump them into, is it the State or the Federal?

Mr. ROE of Tennessee. The Federal exchange.

Mr. AKIN. You can take your employees and unload them on the Federal Government, and if you do that, how much money does it save?

Mr. ROE of Tennessee. It saves $40 million. It is a large company.

Mr. AKIN. So if you are a big company, you can make $40 million by just dumping your employees onto this plan?

Mr. ROE of Tennessee. That's correct.

Mr. AKIN. Why wouldn't somebody do that?

Mr. ROE of Tennessee. Why wouldn't they do that. Exactly. That is exactly what happened in Tennessee. What happened in Tennessee is employers saw they could let their employees go to the TennCare plan, and 45 percent of the people who got on TennCare had private health insurance and those costs were shifted to the State of Tennessee.

What happened, the little caveat that isn't ever talked about is that no Federal plan, including Medicare, pays the actual cost of the care. What you are talking about right there in Tennessee, the TennCare plan paid about 50 or 60 cents on the dollar. So guess what happened to private businesses, those costs got shifted and their premiums not only went up at the rate of inflation, but you got those added costs added to it.

□ 1630

So that's where your $2,000 comes as cost shift that we're talking about.

Mr. AKIN. Okay, I'm starting to understand. Doctor, you're great at explaining this stuff.

So what you're saying is you've got a certain number of people that are all kicking into the system and paying for medical care. All of a sudden you create a government incentive to dump all those people on the government. Now the government is having to pick it up, and guess who's going to pick up the bill? Well, it's the people who are still buying private insurance. So when you take these people out—the company is not paying for them anymore—now the private insurance guys, their cost goes way up to compensate for these other people because the government is not paying enough to cover the insurance.

So if the government puts in 50 cents on the dollar, somebody's got to make up the other 50 cents. Guess who it's going to be? The other poor sucker out there who's trying to buy his own health insurance.

Mr. ROE of Tennessee. And then what's going to happen is going to be, in a few years—in our State, it took about 5 or 6 years for us to recognize that we had a big problem on our hands. What's going to happen is that then, us, the politicians, are going to step up and say, see, the private sector failed; we told you it was going to fail. This system that we have, Congressman AKIN, is designed to fail, and it will.

Mr. AKIN. Oh, so we're designed to fail because if you get the private system to fail, guess who's going to end up having to run the whole system?

Mr. ROE of Tennessee. You got it.

Mr. AKIN. The Federal Government. What a treat.

Every time we take a look at this thing and we discuss it on the floor, no matter which way you poke at it, it seems to me you come to the came conclusion. There's one solution to this problem: repeal this silly bill that we passed. It's a disaster.

Congressman THOMPSON from Pennsylvania, please join us.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend from Missouri.

The other part of that is, what they are paying, what my good friend, Dr. ROE from Tennessee, talked about how Medicare pays today less in costs. Commercial insurance on the average nationally pays 130 percent of cost. And there is only one reason—well, there's two reasons for that, but it all comes from the government. The government pays Medicare 80, 90 cents on the dollar, if we're lucky. Medical assistance, which has been expanded tremendously under this bill, only pays 40 to 60 cents for every dollar cost.

The President's own agency, the Centers for Medicare and Medicaid Services, in their actuarial report—so that's taking the folks at Medicare and taking the brightest and the best in terms of determining the economic impact of this bill, the section that talks about how will this impact our hospitals? Right in that bill, and I'll quote: ''Medicare cuts could drive about 15 percent of hospitals and other institutional providers into the red'' and ''possibly jeopardizing access'' to care for seniors. That's a significant risk.

My background was working in rehabilitation therapy as a manager within rural hospitals. And most rural hospitals—and, frankly, underserved urban hospitals—in my experience, if they're having a banner year, make a margin of about 1 to 4 percent. And out of that 1 to 4 percent, we hope that they can give cost-of-living increases because we want them to keep the best and the brightest and be able to recruit and retain—and that's a challenge when it comes to recruiting health care professionals.

Mr. AKIN. Just interrupting for a minute, from a business standpoint, because my background was engineering and business, when a business is running at 1 to 4 percent, that's like if you think about somebody that has to breathe keeping his lips above the water, you don't have much margin there before you go into the red when you're running at 1 to 4 percent.

Mr. THOMPSON of Pennsylvania. And you don't. When you're looking at difficulty recruiting and retaining

health care professionals, especially to rural areas and some urban areas, when you look at escalating costs of medical liability insurance—which our colleagues across the aisle refuse to deal with—they allow $39 billion annually to be spent for medical malpractice insurance. That's $39 billion that could be reduced out of the cost of providing health care, let alone the impacts of defensive medicine practice. So you've got that 1 to 4 percent. You also have hospitals under pressure to continually invest in new technology because we want them to have the technology to save lives.

Mr. AKIN. Let me just cut to the chase for a minute here. Are you suggesting that with this new proposal, because of the tremendous pressure that's going to be placed on those hospitals, that they're basically going to be starting to close?

Mr. THOMPSON of Pennsylvania. Well, not only am I suggesting that, but the President's agency, the Centers for Medicare and Medicaid Services, put that in writing.

Mr. AKIN. So they're saying that this new bill, among other things, is going to close hospitals.

Mr. THOMPSON of Pennsylvania. That is correct. They're estimating up to 15 percent.

Mr. AKIN. Now there's something here that just seems to be ironic to an extreme. We passed this massive government takeover of health care, and the very people that the President and his administration chose to take a look at and study the effect on Medicare and Medicaid of this proposal are saying it's going to close hospitals; and yet this bill is going to hire 16,000 new IRS agents to try and enforce the plan. You would think if you had a medical bill, you would hire more nurses and doctors. No, we're going to do 16,000 IRS agents.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. AKIN. Yes.

Mr. ROE of Tennessee. I want to just comment on that right now before I have to go on blood pressure medication.

Mr. AKIN. Which is brought on by the bill, is my question.

Mr. ROE of Tennessee. Which is brought on by the bill.

Here we have something as ridiculous as hiring 16,000 IRS agents to check a box to see whether you have bought health insurance, where if you took that $10 billion right there, you could solve the uninsured, and our TennCare problems in the State of Tennessee could actually provide the care. Now, that's absurd when you hire government bureaucrats to check a box when you could actually provide care for pregnant women, for the elderly on Medicaid, for young people.

The gentleman from Pennsylvania brings up a great point on rural hospitals. Typically, if you look at the demographics—and I live in a rural area in Tennessee—if you look at the demographics, they tend to be older and less affluent. And those smaller hospitals that don't get the more affluent people have a higher percentage of Medicaid and Medicare patients, meaning there's more pressure on them. You lower those reimbursements and there's a very real chance they will be in financial trouble.

I yield back.

Mr. AKIN. Wow. Well, we're joined by a good friend of mine who does represent a rural area from the great State of Missouri, BLAINE LUETKEMEYER, a gentleman that I have already a tremendous amount of respect for, and somebody who is also going to share a couple of his ideas on this whole ridiculous situation with this government takeover of health care.

Congressman.

Mr. LUETKEMEYER. Thank you, Congressman AKIN. It's good to be with you.

I've had a number of visitors over the last several days that have been talking about the health care bill. It's amazing, people are now starting to sit down and look at the bill, trying to figure out what kind of implications it has for themselves, their business, their families, whatever it may be.

And to follow up on the gentleman from Pennsylvania's comment, yesterday I had a group of rural hospital folks in, and not only is it going to affect the hospitals, it's also going to affect the doctors from the standpoint that the payment schedule can't be made whole so that they can make enough money to keep their doors open. Private practices will be a thing of the past. You're looking at them all becoming employees of hospitals or the government, whichever one is the surviving—I guess the last one standing here. So it's really a challenging time for not only the medical professionals, but also for the businesses as well.

Mr. AKIN. I really appreciate you bringing that point up, gentleman, because what you're really saying is there are a whole lot of question marks out there. It almost seems like to me, coming from our State of Missouri, it's almost like maybe you fall off your roof and you land on the ground and you know you hit pretty hard—you get to be an old geezer like me—and you kind of pick yourself up and say, I wonder if anything's broken. You start reaching around to see what's the damage. It seems like now people are kind of asking the question, what's the damage going to be? You really hit the nail on the head.

Go ahead, I didn't mean to interrupt you.

Mr. LUETKEMEYER. And, again, as you talk to the individuals—and each individual industry is a little different, but I know the fast food industry, I was talking to a gentleman who has 25 fast food franchises from Missouri all the way to South Dakota. He said it's going to cost him about $20,000 per location. And some of his locations don't make $20,000 because they're small towns or smaller locations.

Before the bill passed, he was looking not only at trying to figure out how he could make some more dollars here, but he was looking to expand his operation. He was looking to purchase eight other units from another fast food franchise owner as well as build four additional ones. But now he says, Because of this extra cost, I not only am not going to expand my operation, I'm probably going to have to contract because I can't afford it.

At the end of the day, he's looking at half a million dollars in additional costs. He did nothing wrong. He didn't change his business model, but all of a sudden now, under this bill, he's got another half a million dollar bill that he has to figure out how to——

Mr. AKIN. You're talking about a bill that is actually driving the unemployment worse. It's a bill that's going to create unemployment is what you're saying. That's what this small business owner says. In other words, you're saying he's making enough money as it is now to open additional franchises, but with the cost of this bill, it pushes him under water, which says, I've got to close some rather than open them, and there goes some more jobs. So why in the world are we doing this when we've got an unemployment problem?

Mr. LUETKEMEYER. Well, I think it's pretty obvious, gentleman. I think that we're not about preventing health care in this bill. It's about a government takeover of one-sixth of our economy. It's about control; they want to control that portion of the economy.

Again, I've got another friend of mine who owns three manufacturing plants around the country, looking to open a fourth, but with the uncertainty of our economy, with bills like the health care bill, cap-and-trade, the stimulus package, additional tax increases that are sitting on the back burner right now, he says, I'm not going to open this business; I'm not going to build a new manufacturing plant.

To bring another business example here, I had a group of bankers in yesterday and I asked them, I said, How is your money supply? Have you got plenty of funds to loan out and what is your loan demand? And he said, We have the funds to loan out. The demand is sort of lukewarm right now, but the last five guys we've had come in who wanted to take out business loans were all ready to sign the papers. We had approved them, everything was fine. They're good customers, they're good business people, they decided at the last minute, we're not going to expand. We don't want to do this because we're

going to endanger our whole operation if we go down this road. So they actually backed off, and as a result, look at how many jobs we're not providing or jobs that we're killing because of bills like this.

Mr. AKIN. I would like to underline that point. We just had my good friend from Tennessee talking about what happened when Tennessee did this crazy harebrained idea and how it really messed up the economy in the State of Tennessee. And now you're saying, actually, if I remember right, is that today the President is coming to Missouri to some degree to assure people that he's concerned with unemployment, and yet what you're telling me is you had small business owners going to bankers—I think you had a banking background, is that right, gentleman?

Mr. LUETKEMEYER. That's correct. That's correct.

Mr. AKIN. They're going to bankers, those loans are all set up, and when this thing passes, they go, Forget it, we're not going to expand business that way. And so you literally have people you know in the banking business in the State where the President is visiting today, and they're saying, These people came to us and said we don't want your money because we can't make enough profit on it to pay you back because we passed this piece—you keep coming to the same conclusion that—and I don't mean to beat on this a little bit—the solution to this is repeal. We've got to get rid of this thing.

I am also joined by another good friend of ours, another doctor who has been a stalwart on this from Georgia, my good friend, Congressman GINGREY.

We've just been talking about this tremendous gap between statements that the President is making, and now the gap between what the President is saying and what this Centers for Medicare and Medicaid, the center that's collecting the numbers, is saying totally different than what the President is saying. I just wanted your thoughts on that because you've been very much on top of this bill.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding.

I think the truth is finally coming out. I guess it's kind of like what Speaker PELOSI said maybe a week or just a matter of days before the vote on ObamaCare. They finally did get that passed, as we all know, by deem-and-scheme and reconciliation and everything that you can think of. It barely passed. But her famous quote was, Well, we need to hurry up and do this so that the American people can find out what's in it. And, boy, was she prophetic. Nothing could be further from the truth—finally.

And I think the gentleman from Missouri is absolutely right: now all of a sudden the true numbers coming out from the Centers for Medicare and Medicaid Services, CMS, are showing quite clearly that this pledge that the President, then-Senator Obama, made I guess back in as late as October of 2008 that if you like what you have you can keep it. Certainly, nothing could be further from the truth for those 11 million, I think, Medicare recipients who get their Medicare coverage under the Advantage Plan. That's cut 18 percent a year over the next 10 years, something like $150 billion. That plan is going to go away, certainly.

Mr. AKIN. If you let me just cut in for a second, Doctor, I've actually got that exact quote. Here it is. This is President Obama, June 15, 2009: ''If you like your doctor, you will be able to keep your doctor. If you like your health care plan, you will be able to keep your health care plan. No one will take it away no matter what.'' And yet this center is saying that's not true. Go ahead.

□ 1645

Mr. GINGREY of Georgia. That is the exact quote, and I thank him for having that.

It is exactly what we all predicted on our side of the aisle, and that's why no Republicans could vote for this massive takeover of the health care system—a sixth of our economy. It's part of a grand scheme, of course, and that's why you see people all across this country who are upset, certainly not just Republicans, but Independents and the grass root activists, be they Tea Party patriots or the 9–12 Group or Freedom First or the Doctors for Patient Care. All of these folks have been coming to the people's House, to the Nation's Capitol, over the last year. They are the same folks who were turning out for the town hall meetings last August to whom the Democratic majority, Madam Speaker, just absolutely turned a deaf ear. They came back, and then all they did was change the name and the number of the bill.

So I thank the gentleman for giving me an opportunity to weigh in as a physician Member. There are 10 M.D.'s on our side of the aisle. There have been 31 years of experience for me and many, many years of experience for my colleagues who practice medicine.

Mr. AKIN. How many of those doctors voted for this bill? Of those 10 doctors you just mentioned, how many voted for this bill?

Mr. GINGREY of Georgia. I thank the gentleman for asking.

The answer is nada, a big zero. That is also true for the two Republican Senators, the only M.D.'s, in fact, in the Senate—Dr. COBURN and Dr. BARRASSO.

There is expertise that we had. In the House organization of the Doctors Caucus, of the GOP's Doctors Caucus, there are, in fact, 15 of us—10 are M.D.'s, and there are others who were health care providers in their professional lives. The unfortunate thing is that none of us got an opportunity to try to help. Even though we were knocking on that door, it was never opened.

I yield back.

Mr. AKIN. There was no chance for input or anything else.

My good friend, Congressman LUETKEMEYER, you recently have been elected to Congress. You come from an out-State part of Missouri with a lot of pretty conservative, but Democrats, in your district.

Now, what would they have thought if you had voted, first of all, for cutting Medicare? Next, you've got a brilliant idea for a tax on wheelchairs, on medical devices and on something which is going to increase the average person's cost to health care and which is going to force the person to go to the Federal Government ultimately to get health care.

What would they have thought of you if you had voted for this thing?

Mr. LUETKEMEYER. They would have literally rode me out of town on a rail. The people in my district are conservatives. Whether Republicans or Democrats, they are conservatives, and they don't believe in government takeovers. They don't believe in governments solving problems that people can solve for themselves. Regardless of party, I think they are appalled by what is going on.

Last night, for instance—and, in fact, today—we have the President in my district. He had a closed meeting with some folks versus an open meeting where the people could have actually spoken to him and where they could have actually listened to what's going on, which is concerning to me because, here in D.C., we hear more lecturing than we do listening from him, and it's unfortunate, because I think there are a lot of people who have a lot of good things to say, and a lot of information could be transferred back and forth.

At the end of the day, I think the folks in my district—and there were 1,100 people at a rally last night in a town of 5,000, and they weren't supporting what the President was doing. So I think that will tell you—and this was in an area that is conservative Democrat by nature.

Mr. AKIN. There were 1,100 people in a town that had 1,000 people?

Mr. LUETKEMEYER. Well, 5,000 people.

Mr. AKIN. There were 5,000. So more than one out of five were there.

Mr. LUETKEMEYER. I think that tells you that there is a lot of concern and that there is a lot of frustration. These are people who are watching what's going on. They don't approve of it, and they want their voices heard.

I think this is the key—that nobody here in D.C. is listening to these folks. They don't perceive what is happening with this administration as listening to their voices, as listening to their

concerns, as listening to them when they point out that there are problems with this bill, that there are problems with this thought process, that there are problems with this ideology. They are being shut out just like we are as minority Members. As a result, they're standing up, and they're doing what they can, which is to raise their voices even louder.

So it was exciting to be able to talk to that group last night by conference phone. They're energized, and they're going to be very vocal come November.

Mr. AKIN. Well, I'll tell you that I'm going to be talking to one in another hour or two not very far from my district. I think they've got the same set of concerns. It's at a place where the President has been visiting, and they're turning out to say, We're not buying this solution.

My good friend from Pennsylvania, are you getting the same kind of sense from your constituents that there is a deep-seated concern for a plan that is just going to put 16,000 new IRS agents on the line to try and monitor whether you've done the right government thing?

Mr. THOMPSON of Pennsylvania. Yes, and not just from my constituents.

When I get home, I am out all over my district. My district is a great snapshot of Pennsylvania because it is actually 22 percent of the landmass of the commonwealth State, so it is a fairly large piece of Pennsylvania, and consistently, people are very conservative. Yet it's not just the people. Their State representatives are concerned as well.

I just received a resolution that is being put forward in the Pennsylvania State House by members of that chamber. It is essentially expressing their concern over this health care mandate. You know, Pennsylvania, with the expanded roles of Medicaid, is expected to have a bill of somewhere in excess of $3 billion between 2014 and 2019. Three billion dollars.

I've got to tell you that, financially, Pennsylvania is strapped right now. We were the last State to get a budget this past fiscal year, and this year's budget is not going to be much better, I don't think. These are very, very challenging times for States, for a lot of States, not just for Pennsylvania.

Mr. AKIN. Could I interrupt just for a moment and jump in there? I do have specifics on that very point that you've made.

I don't know if you gentlemen were aware of it, but as of today, there are 19 States representing 41 percent of the population—and our State of Missouri is not here, but I know they have this on the burner to do. As of today, there are 19 States, representing 41 percent of the population, which have sued the Federal Government over ObamaCare, which has caused Justice Briar to make the statement: ObamaCare, a good candidate for review by the Supreme Court of the United States.

So it's not just Tennessee. It's not just Missouri. It's not just Georgia. It's not just Pennsylvania. There are 19 States here that are saying something.

Mr. GINGREY of Georgia. Will the gentleman yield for just a second?

Mr. AKIN. I do yield to my good friend from Georgia.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding, and of course I will yield the time back so the gentleman from Pennsylvania can continue to make his point.

He is right on target in regard to what is happening in the States and in the Commonwealth of Pennsylvania. In the great State of Georgia, we have one more day, tomorrow. We have a 40-day session, and tomorrow is the last day.

They passed a budget for fiscal year 2011, which begins on July 1 in the State of Georgia, and it had to cut almost $1 billion. Now, that has been extremely painful, and I'm sure it's painful in the State of Pennsylvania.

Though, I want to commend the Governor of the State of Georgia and my colleagues in the general assembly—a Republican majority in the House and Senate. Madam Speaker, they have made these tough cuts, and most States—I think 47 States in the Union—have this balanced budget requirement as part of their constitutions. If they can do it, why in the world are we sitting here with—what is it?—$12.8 trillion worth of debt and with a $700 billion deficit already in this current fiscal year?

I hope my colleagues and anybody who might happen to be listening to us here tonight get what I'm trying to say. This is serious business, and we're not doing our job up here, quite honestly, and it embarrasses me.

I yield back.

Mr. AKIN. Maybe we're doing a bad job.

I want to continue back with my friend from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Thank you.

In terms of Medicaid, I think it's an important area for us to look at in terms of, again, the credibility of what the President said he was going to deliver, of what the Democrats say they are going to deliver and what the reality is in the actions that have taken place here and that will take place. Now that we have these volumes of pages, we will read through them and begin to see what the reality is.

When it comes to Medicaid, there will be 18 million more people on the Medicaid program. Essentially, that means they will have coverage. To me, that means they're going to have cards in their wallets or in their purses which will say they're eligible for Medicaid insurance, which is a form of government insurance. We've already had the discussion of the flaws of it. It pays 40 cents to 60 cents for every dollar of cost today. I suspect that will probably go down. If you include 18 million more people in that program, the pressure that that will put on it will be significant.

We have a problem today. The credibility issue for the Democrats is the difference between coverage and access. The fact is, today, there are 40 percent of physicians in this country who will accept medical assistance patients. That's family practice.

Mr. ROE of Tennessee. Sixty.

Mr. THOMPSON of Pennsylvania. Sixty.

For specialists today, it's 60 percent. It's expected to go to 80 percent.

So they may have coverage, but they really don't have access. If you don't have a physician who is able to accept you or who will see you, then we're not really providing them access to quality care.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. THOMPSON of Pennsylvania. I certainly will.

Mr. ROE of Tennessee. You bring up a very, very pertinent point, which is, this year in America, as of the last number I saw, we were training a whopping total of 600 primary care physicians.

Mr. AKIN. You're saying we are training this year 600 primary care physicians?

Mr. ROE of Tennessee. This is for a country with 300 million people in it. Also, 15 percent of the practicing physicians in America today are over 65, and you know what they're going to do when this ObamaCare plan hits.

I've studied the Massachusetts plan in detail. It's a little different than what we did in Tennessee. What they did there was to impose the mandates like they have in this plan. The idea was to spread the costs over more people. Therefore, we were going to hold the costs down, and we'd have fewer people going to the emergency rooms.

So what's going on in Massachusetts? This is the fourth year that they've had it. It was initiated in 2006, and it's like in Tennessee. You can't spend $8 billion and not help some people. You do. There is no question about that. No one is arguing that point. In Massachusetts, with the billions of dollars that have been spent, you are going to help some folks because they've included another 400,000-plus people. What the Governor is now doing is recommending that almost all of the private plans' premiums be capped.

Why are they going up faster than they thought they would?

Well, they've added more people to the rolls that they're not paying the costs of, and the idea was we were going to get people out to primary care doctors and that we were going to cut

the number of people who would be going to the emergency rooms.

Well, guess what? That didn't happen. Why?

As the gentleman from Pennsylvania just pointed out, Mr. THOMPSON, who is going to see you? That is the problem with this whole plan. The fallacy is: Who is going to see these patients?

Let me just make one final point.

Mr. AKIN. I don't want you to make just a final point, but I'd like you to answer this question:

The Democrat Governor of Tennessee, before this bill was passed, called this the mother of all unfunded mandates. In other words, one thing State legislators hate is when we up here pass some piece of legislation which busts their budgets. Then they have to take the political hit for the fact that we're fiscally irresponsible and legislatively irresponsible.

Now, is this a budget buster for a State?

Mr. ROE of Tennessee. There is no question. In Tennessee, it's over $1 billion.

The problem with it is that people from a patient standpoint don't understand that, if I've got a card, I've got health insurance coverage. Not necessarily. That's what happened with Senator NELSON in Nebraska. He exempted Nebraska. Then, of course, the final bill that was passed put everybody in, and the States were made whole for the first 3 or 4 years of this plan.

Mr. AKIN. Was that the cornhusker kickback?

Mr. ROE of Tennessee. That was the kickback. Exactly.

Eventually what happens is that it will be an unfunded mandate for the States. They see it coming. They get it. We have a gubernatorial election right now in Tennessee, and it's a hot topic. Who is going to pay this unfunded mandate? We've dealt with it for so long.

You're right. This was a fiscally conservative Democratic Governor who understood. He got it. He had to deal with it, and he asked them not to do that, not to pass this bill. He was very much against it.

Mr. AKIN. Wow.

We've been joined by a good friend of mine, Congressman LAMBORN.

Welcome to the discussion. We're just taking a look at the fact that, you know, you'd think logically: What in the world are these Congressmen doing, standing on the floor, railing about some bill that has already been passed?

Well, part of the reason is there was some truth in what Speaker PELOSI said, which is that you've got to pass the bill to find out what's in it. We're still discovering all kinds of surprises. In a way, that's what we've been talking about tonight—things that the Obama accountants in the Medicare/Medicaid group are analyzing in the bill. They're saying, Whoops. It's not going to bend the cost curve down; it's going to bend the cost curve up, so it's going to be more expensive. Uh-oh, it's going to cost jobs.

Anyway, please join us.

Mr. LAMBORN. Well, thank you. This is a great discussion that you all are having. Thanks for letting me participate for a few minutes.

You raised a really good point, which is that this report has shown that this is going to be a lot more expensive, that it's going to raise taxes, that it's going to raise health insurance premiums, that it's going to make people drop out of the existing coverage they have. They will be thrown into the government plan. This is a CMS report, the Centers for Medicare & Medicaid Services, which is nonpartisan and objective.

What really is outrageous about this report, Representative AKIN, is that they had it over at DHS before we ever had the final vote on ObamaCare. They were sitting on it. Their language now is, Oh, we didn't want to influence the debate.

Isn't that what a report is all about?

□ 1700

Mr. AKIN. Influence the debate with any facts? My goodness, people might not vote for this thing.

Mr. LAMBORN. These are vital facts to have. It really is a lot more expensive. And it is going to raise taxes and throw people out of the insurance they have now than what the administration was claiming. So if we had known this maybe it wouldn't have passed by the four or five votes that it passed by. Maybe it would have failed, and we would have been on a whole different trajectory right now if they had been open and honest about this report that the American people and us as their Representatives should have had access to.

Mr. AKIN. That is really frustrating, isn't it, to basically give people a mushroom treatment. You keep them in the dark, smother them in some sort of a fertilizing material, and we tell them these things: if you like your doctor, you will be able to keep your doctor, period. If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what. And yet the report that you are talking about makes it clear that this just flat is not true. So it is a frustrating thing. And in a sense, all of these things are falling out now, and it wasn't so obvious before.

My good friend from Louisiana, Congressman SCALISE, please join us.

Mr. SCALISE. I thank the gentleman from Missouri. And this latest smoking gun that's come out is just yet one more example of why the American people are so angry about what happened with this government takeover of health care, with the way it was rammed through, with all the broken promises.

And you can go back to the very beginning when the President was a candidate. He said multiple times all of these hearings would be on C–SPAN so you could actually have transparency and find out what's going on. In fact, none of that transparency happened. None of those meetings were held on C–SPAN. And now we see this document that comes out conveniently just 2 weeks, 3 weeks after the vote that barely passed by three votes that confirms what we were saying, that this would actually raise the costs of health care for most American families at a time when we should be lowering the cost of health care, like our bill did that we filed that actually would have addressed the real problems in health care. But in fact their bill does the opposite, and now it's confirmed that.

What I really want to find out is when did the administration know about this report? Was this report produced by CMS, a Federal agency, before the vote and then covered up, literally held under wraps so that this couldn't become public until after the vote, when the American people would once again see that yet another promise by this administration on health care was broken with their government takeover?

Mr. AKIN. That's an incredible question, isn't it, the control of the information, the spin on the whole thing, the promises initially of it being a transparent process, it's going to be on C–SPAN, everybody can watch it, and in fact everything is closed doors.

A couple of our doctors have left, but, Dr. ROE, were you invited to take part in the drafting and putting this bill together? Were you allowed to go into their meetings? I think that's an important question.

Mr. ROE of Tennessee. I am smiling because this actually is kind of funny. What happened, the President last July said he would go over this line by line with any Congressman that would like to go over this bill. So I wrote the President the next day, and then was on Greta Van Susteren three or four times. We contacted the White House by email, by phone, by letter. I guess I was going to have to try a carrier pigeon and smoke signals. But we never did hear one word back.

And the Physicians Caucus, with over 400 years experience, not one of us was consulted in a meaningful way. I practiced medicine, Congressman AKIN, for 31 years in Johnson City, Tennessee, left my practice and got myself elected to Congress to become part of the debate. I was never included in any way whatsoever.

Mr. AKIN. So I guess from what you are saying, a quick summary, 31 years in medicine, you thought maybe you knew something about medicine, decided to take the huge amount of effort

to come to Congress so you would have something to say about the debate. And in spite of the fact that you tried everything other than carrier pigeons and smoke signals, the White House refused to honor their promise to let you look at line by line what's going on. So the logical conclusion is you are going to run for President? Is that where we are going?

Mr. ROE of Tennessee. No, that's not where we are going. A couple of things I want to go over I think that our seniors get, and all of us here understand this. One of the things as a physician that bothers me about it, and Dr. GINGREY was here a moment ago, our concern is the quality of care that our patients are going to get. When you take our senior citizens and you cut, the new CMS estimate is, $575 billion out of a Medicare plan—and remember, beginning next year, 2011, we begin to add the baby boomers at 3 million per year. So in the next 10 years we are going to add 35, 36 million more people to the Medicare plan with almost $600 billion less money.

Let me tell you three things that will happen. One, you will have decreased access to your doctor. Two, you will have decreased quality of care because you can't get to your doctor. Number three, it's going to cost you more money. The seniors understand that. I understand that. And the American people understand that.

Mr. AKIN. What you just said is so common sense and straightforward. You are going to take how many more people and put them into Medicare?

Mr. ROE of Tennessee. Thirty-six million in the next 10 years.

Mr. AKIN. Thirty-six million more people go into Medicare—now, you don't have to be too much of a wizard on business—36 million people go into Medicare that weren't there before, it's going to cost more money. And then you are going to cut $575 billion out of the program. So now you are doing two things: one, you are adding millions of people into the program, you are taking billions out of the program, and you are saying, hey, maybe your quality of health care is going to go down. That's pretty straightforward.

Mr. THOMPSON of Pennsylvania. Will the gentleman yield?

Mr. AKIN. I yield to my good friend from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I want to reach back into the past, the Balanced Budget Act of 1997, where similar cuts were made to the Medicare program, because we have been accused of making this things up on this side of the aisle when it comes to rationing of services by our Democratic colleagues. And they just don't know how to deal with the facts. They don't know how to deal with the reality. The Medicare part B cuts have been made. Today in this country we ration health care services. But we ration government health care services.

Medicare part B. My background was rehabilitation services, licensed as a nursing home administrator. An older adult that is going in for therapy, physical therapy, occupational therapy, speech therapy, you are going to an outpatient clinic or into a skilled nursing facility because you have had some type of a disease or disability that disabled you that you need rehabilitation services, did you know that today the Federal Government under Medicare part B rations those services? There is a cap that is placed on how much therapy services you can receive on an annual basis.

I know that because, unfortunately, I was the person that was responsible in my facilities to track where those patients were in terms of that cap. And when they reached that cap, we had to serve them notice and their family members notice that they were no longer eligible for Medicare, for Medicare part B specifically, for those rehabilitation services.

And you think about the people who wind up in skilled nursing facilities, they are the sickest of the sick. These are people who have no other place to go for the type of compassion and care that they need to receive. Yet there is an example of how we ration already.

Going forward, I want to read from a report from the actuary on this Medicare part B so we have that language. This is according to CMS, the Centers for Medicare and Medicaid Services.

Mr. AKIN. This is part of that same report that we were just talking about that has just now been released conveniently after the bill was voted on.

Mr. THOMPSON of Pennsylvania. After the vote.

Mr. AKIN. Let's get the exact quote.

Mr. THOMPSON of Pennsylvania. The question is for the President, Mr. President, when did you have this report? And why did Congress not have it?

As the actuaries put it:

''Therefore, it is reasonable to expect that a significant portion of the increased demand for Medicaid would be difficult to meet, particularly over the next few years.''

They continue:

''For now, we believe that consideration should be given to the potential consequences of a significant increase in demand for health care meeting a relatively fixed supply of health care providers and services.'' In other words, there will be shortages of both physicians and hospitals. That really amounts to having less access to quality care.

Mr. AKIN. Less access or, as you used the word, rationing.

Mr. ROE of Tennessee. Let me give you just one quick example. You talk about rationing of care. In the State of Tennessee this year, what we did to get control of our TennCare plan was cut the rolls by hundreds of thousands of people. And this year we are going to limit doctor access to 10 visits per year, unless something can be done in the budget, and a grand total of a hospital pay of $10,000. I don't care if you have a massive wreck and your bill is $100,000, the State will pay $10,000. And in rehabilitative services, as of July, right now, unless something changes before the end of the State legislature, there will be no rehabilitative services. If you have a knee replacement, you are just going to have to rehabilitate it on your own because the State cannot afford to pay for it.

That is rationing of care going on right now with the government plan.

Mr. AKIN. Wow.

Mr. ROE of Tennessee. And we just voted to massively expand this plan.

Mr. AKIN. I have not jumped in from a personal point of view because you guys are all experts. I am just the poor sucker that receives the services. I am a cancer survivor. I happened to have taken a look at the cancer survival rates in foreign countries that have socialized medicine. You notice the U.K. survival rate of cancer in men is a whole lot less than it is in the U.S. Well, why would that be? Is it that the cancer technology is different? I don't think so.

I think the deal on cancer is if you've got it, you want to get treated as quick as you can. So what happens in the U.S., you don't have the same waiting line. Now, you start putting those waiting lines in and it starts to affect your statistics of what's going to happen on a disease. That's what we talk about when you all of a sudden hear your doctor say, oh, by the way, you're doing great, Blaine, but little detail, you have cancer. That kind of gets your attention. And you think, I better get that dealt with right away. They say, well, that's just fine, but you are going to have to wait for, you know, whatever it is. You are going to have to wait 6 months to get treated. You got melanoma, that's probably not a real good idea to be waiting 6 months.

I have a good friend that's a doctor friend of mine, Steve Smith. He has told me that on these kinds of things, you just don't want waiting lines. You just don't want socialized medicine. His advice to me is the same as the doctor friends we have down here, just repeal this piece of junk. That's what he is saying.

My good friend from Missouri, Congressman LUETKEMEYER.

Mr. LUETKEMEYER. I thank the gentleman.

I think at the end of the day everybody understands now what's in this bill. And it's not something that's good for our country, it's not good for our people, it's not good for our business climate. It's impacting everybody in a negative way. And I think the only alternative is to replace and repeal it. I think that at some point we are going

to be able to do that. And I think it's imperative that now that we have seen what's in it, and again have another report that's come out that shows it's going to cost more than anticipated, this thing is a boondoggle. It's got to be replaced, it's got to be repealed.

This can't continue because it's going to lead us over a cliff, as the gentleman from Tennessee has talked about TennCare. The Massachusetts plan continues to go over a cliff as well. We are headed over that cliff with our national health care as well.

Mr. AKIN. Thank you very much, Mr. Speaker. I appreciate my colleagues joining me here tonight and for being a part of an important discussion. It is an ongoing story.

## THE NEED FOR FINANCIAL REFORM

The SPEAKER pro tempore (Mr. GARAMENDI). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. SPEIER) is recognized for 60 minutes as the designee of the majority leader.

Ms. SPEIER. Mr. Speaker, I am joined this evening by a number of colleagues who are going to give us, I think, the reasons why financial reform is a must in this country. And the biggest poster child for why we have to do financial reform really is in Goldman Sachs.

So we thought we would start our discussion tonight by looking at the principles that Goldman Sachs has promoted on its Web site. There are 14 principles that Goldman Sachs has promoted on its Web site. The very first, and one I would like to start out with, is ''Our clients' interests always come first.'' Well, let's talk about their clients' interests coming first.

Let's speak precisely about one deal, the deal called Abacus. And in Abacus their clients were many people. They had a client named John Paulson, the biggest hedge fund individual in this country. He wanted Goldman to sell mortgage-backed securities that were bad. They were subprime. And he precisely wanted them to sell them to many of their clients, and he was going to short them, meaning he was going to bet against them.

□ 1715

But it just doesn't end there. He specifically designed the package. He handpicked the mortgages that were going to be in the package. And then Goldman sold them to unsuspecting buyers. And lo and behold, what happened? What happened was Mr. Paulson made a billion dollars, and the other clients of Goldman Sachs lost a billion dollars, and Goldman Sachs walked away with $50 million of fees that were paid to Goldman Sachs by Mr. Paulson. Now, that is the basis of the SEC complaint filed against Goldman Sachs for civil fraud.

So what is civil fraud, you might ask? Civil fraud is, It shall be unlawful for any person in the offer or sale of any securities to obtain money or property by means of any untrue statements of a material fact or any omission to state a material fact necessary.

So the question is, was it a material fact that Abacus was made up of these mortgage-backed securities, 90 percent of which were what are considered no doc mortgages? That means there was no documentation that the people that got those mortgages could pay for them. There was no documentation of income, no documentation of debt. Those were no doc loans. And there was a history of no doc loans going back. So it was fixed from the very beginning.

They were arranged by John Paulson, a material fact that was not disclosed to the other buyers, and it was not disclosed to the other buyers that John Paulson created this because he wanted to short them, because he wanted to bet against them. So if there ever was a case of fraud, I would argue that that was a case of fraud. Yet Goldman Sachs says, ''Our very first priority is that our clients come first.''

Let's move over here to No. 14: ''Integrity and honesty are at the heart of our business. We expect our people to maintain high ethical standards in everything they do, both in their work for the firm and in their personal lives.''

Well, there is one gentleman who has worked for Goldman Sachs that they referred to as the Fabulous Fab. He's a gentleman by the name of Fabrice Tourre out of their office in London. Well, I wouldn't suggest to you that Mr. Tourre is fabulous. I would suggest to you that he is fraudulent.

In some of the e-mails that the Senate Committee on Investigations was able to collect, this is what Mr. Tourre was saying. Now, Mr. Tourre is the individual who was selling these synthetic collateralized debt obligations. He was the one that was doing the work on behalf of Mr. Paulson. So what did he say? He said, ''The whole building is about to collapse anytime now.'' Those were Mr. Tourre's words. He described himself in an e-mail as the only potential survivor, the Fabulous Fab, standing in the middle of all these complex, highly leveraged, exotic trades he created without necessarily understanding all the implications of these monstrosities. He then went on to say in an e-mail in 2007, he described the mortgage business as ''totally dead and the poor little subprime borrowers would not last too long.'' Yet 2 months later, he was boasting that he continued to dump some of the worthless mortgage securities on, and I quote, ''widows and orphans that I run into at the airport.''

This is a man of integrity and honesty. I would suggest that is not the case.

And, finally, in an e-mail to his girlfriend, he called his Frankenstein creation, these synthetic CDOs, a product of pure intellectual masturbation, the type of thing which you invent telling yourself, well, what if we created a thing which has no purpose, which is absolutely conceptual and highly theoretical and which nobody knows how to price? That's Mr. Tourre, who yesterday when he testified said, and I quote, ''I firmly believe that my conduct was correct.'' That is Mr. Tourre. That is Goldman Sachs.

I would like to now ask my good friend, JOHN YARMUTH from Kentucky, to join me in this colloquy.

Mr. YARMUTH. I thank the gentlewoman for yielding.

It's a great pleasure to be here today to discuss with the American people the fundamentals of the problem that we're trying to deal with with the Wall Street reform legislation now working its way through Congress.

I had the privilege in the last Congress to be a member of the Oversight and Government Reform Committee when all of this was unfolding, in the fall of 2008 when for the first time people were getting a sense that Wall Street was essentially operating like an unregulated casino. It was essentially the Wild West of finance. And my economics training, as skimpy as it may have been, taught me that the financial system in our capitalist form of government, in our free market, is supposed to help with the allocation of capital in its most productive way so that capital finds its most productive uses. And what we found looking at these incidents as they unfolded back in 2008 and as we have seen even up until the last couple of weeks is that the giants of the financial system in this country, Goldman Sachs, the other major Wall Street financial institutions, weren't guiding capital to its most productive use.

They were guiding capital, hoarding capital, accumulating enormous sums of capital, in some cases essentially creating capital out of the ether, and deploying it for their own very greedy use. And I know that when we have had arguments both inside of Congress and out over the last few years, we say, well, why would government allow these institutions to get so big that they can wield this kind of power? And the answer we always got from the Goldman Sachses of the world and from others was, well, we need to be that big so we can compete in the global economy.

The question they have never answered to my satisfaction and I don't think to the congresswoman's satisfaction and certainly I don't think to the American people's satisfaction is competing for whom? For what? To what purpose? Because if we allow, as a society, companies to get that big where they can threaten to bring down the

entire economy and they don't produce any good for society at large, then why do we care if they can compete?

Whom are they competing for? Are they competing just for their stockholders? In the case of Goldman, are they competing just for their partners who take home $13 billion, $15 billion worth of bonuses each year? That's the question I think that is at the core of this debate and has to be as we move forward trying to decide exactly what policies we should adopt.

In Goldman's case, as I mentioned, I think in 2009, the total bonuses they have allocated for their partners, their principals, and their employees is something like $13 billion. Do you know how much their Federal tax rate was? It was .9 percent, .9 percent.

Now, virtually every American pays a higher tax rate than that. Goldman Sachs paid less than 1 percent of its net income in taxes, while its principals and its employees, its top earners, Mr. Blankfein and others, were making millions upon millions.

So we have to say, does society benefit from having Goldman Sachs here? No. I think we can make a pretty strong case that over the last couple of years, this country has suffered enormous damage, and not just in New York but throughout the country, throughout Main Street, with defaults, mortgage, collapse of banks, all sorts of things. The enormous problems with AIG and its cost to the taxpayers when we had to bail them out, largely attributable to the type of activity that Goldman and others were involved in.

So as we look through Goldman's business principles, and I think you have done an excellent job of pointing out some of the ironies, to use a gentle term, some of the ironies involved in those principles, we have to ask ourselves, what are Goldman's principles for being part of the American economy? Where do we show anywhere in there that they want to help our economy prosper? No. This is for their shareholders, their principals, and their clients who are among the wealthiest individuals in the world.

So while we worry about what Goldman has done, and I think most of us, most Americans, are outraged at, if for nothing else, the ethical shortcomings of the techniques that they have been using, we have to ask ourselves as well what good does Goldman Sachs, what good does Bear Stearns, may it rest in peace, and Lehman Brothers, what good do they do for the American economy? Because I think the evidence is pretty strong that, in fact, they have been extremely detrimental to the American economy and to the average American in their activities over the last few years.

Ms. SPEIER. Reclaiming my time, you mentioned that they paid a tax rate of less than 1 percent. The average American pays a tax rate of what?

Mr. YARMUTH. Well, actually, as we heard just a few weeks ago, about 47 percent of the lowest income earners in America pay almost no income tax. They do pay a significant employment tax, Social Security and Medicare. In fact, every American working pays 7.5 percent combined Social Security and employment tax. Income tax will vary. I think the average Federal income tax, people making $40,000 to $50,000 a year, was in the 3 or 4 percent range, which is still three or four times what Goldman Sachs was paying. And, of course, once you get to higher levels, the Federal income tax is somewhere—I think the average American making more than $250,000 a year pays an average of 23 percent. So that's just somebody making $250,000, $300,000 a year, not the billions and billions of dollars that Goldman Sachs has made. They pay 23 percent on average more than Goldman Sachs paid.

Ms. SPEIER. Thank you.

I now yield to my good friend from the State of Oregon, PETER DEFAZIO.

Mr. DEFAZIO. Thank you for yielding.

I think the American people are a bit confused as to what is really going on here. And, you know, it's a lot like the Humphrey Bogart movie: What's going on here is gambling, plain and simple.

It would be one thing if these so-called investment banks like Goldman Sachs were lending into the productive sector of the U.S. economy, if they were lending to people who had good ideas to produce products and goods, employ Americans and help us compete in the world economy. But they are not doing that. In this case, they weren't even helping to package and move mortgages off of people's portfolios and someplace else. They were merely mimicking with what are called synthetic collateralized debt obligations, packages of bad or potentially bad mortgages to bet on, for this one hedge fund to bet against and make a billion dollars.

But then, of course, unfortunately, other parts of Goldman Sachs, apparently unbeknownst to them, I mean, in totally good faith, went to clients of Goldman Sachs and said, Hey, we've got a good product here we'd like to sell you. Unfortunately, other parts of Goldman Sachs had assembled this product with the intention that it would fail, and these other people were not informed of that fact and purchasing them, although Goldman would say they didn't have an obligation to tell people that they had designed it to fail, working with someone who was betting it to fail, and that Goldman itself was betting on it to fail.

But the bottom line of all is it's a huge amount of churning on things that don't help the economy, help the American people, help us compete in the world.

□ 1730

Goldman has gone to the point in 2007, their gambling income—excuse me—their financial services, investment, self-proprietary, et cetera stuff, whatever you want to call it, was actually five times larger than their investment banking activities. So 20 cents of every dollar at Goldman was going into productive investment. The other 80 cents was going into gambling on imaginary products. It's a lot like fantasy football. A lot of Americans can understand that. Imagine if they took out and created synthetic products that related to fantasy football. Maybe some Americans can understand that.

Recently, one firm actually proposed, a Cantor Fitzgerald subsidiary, proposed to do futures on movies. In L.A. they would produce a movie and then the people on Wall Street would bet on what the opening weekend was going to return, and they would bet on how much money it might make. This became of such concern to producers in L.A. because they thought, My God, if they start out shorting us right away, that's going to depress our investment potential for the movie, et cetera, et cetera. So in the Senate bill they're actually banning this sort of derivative.

So they have banned two kinds of derivatives. One has been historically banned for some reason lost in the mist of time. Onions, you can't do them on onions. And the second would be movies from Hollywood. Otherwise, you can bet on anything. You can bet on the weather tomorrow as a derivative product. You can market it on Wall Street, et cetera, et cetera.

This is not a productive activity. I would suggest a simple way to deal with it. One thing that's good is the Senate has actually, for once, proposed something useful, which is to say that if Goldman wants to have a proprietary trading section and trade in these gambling products, that they couldn't be insured by the FDIC or draw money through special windows at the Treasury. We should not subsidize their addiction to gambling. The taxpayers should not subsidize it. That would be a good step.

But the other thing we could do would be to put a very modest tax on this gambling and to say, Look, for legitimate hedgers, airlines who want to hedge against fuel price increases, farmers who are worried about failure of the corn crop, those people. We already distinguish between hedgers and speculators over at the Commodity Futures Trading Commission.

Let's just say hedgers would be exempt from the tax. But speculators, those who have no skin in the game, aren't producers, or even worse, are not even actually involved in any way as a counterparty but just merely creating synthetic things to bet for or against, they would pay a very modest tax. If the tax was approximately two-tenths

of 1 percent—that's .0002—on each of these, we could raise somewhere between $30 billion to $50 billion a year to help pay for some of the damage they have caused to our economy.

It might not raise that much because it might rein in some of this speculative activity, which I think would be a desirable impact; but I would suggest that would be one way to deal with this very, very reckless activity.

I congratulate the gentlelady for having this hour to highlight these concerns and the contradictions that we see in the business principles versus what we all saw going on.

With that, I'd yield back.

Ms. SPEIER. I thank the gentleman for his great commentary. I now would like to recognize from the State of Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentlelady for holding this hour. And I want to thank her for yielding and I want to thank all my colleagues for being here tonight. As I listen to my colleagues this evening, I could not help but think that the American people have lost in at least two ways. One, they have lost with regard to money that they could have been making on the market. Two, they have lost because the so-called swaps that were purchased, these insurance—what we could call insurance, for those people who may be listening, Mr. Speaker—some of that money, particularly the ones that we're dealing with right now, were bought from AIG. When these bonds went down, AIG ended up paying.

Folks may be asking the question, What does that have to do with me? Well, the fact is that when those bonds were paid off, those are the kinds of—because they were paid off from AIG, just like an insurance policy would pay—a lot of American money had to go into AIG to keep it propped up—to the tune of $180 billion, with a B.

I cannot help but think about yesterday as I listened to Fabulous Fab—

Ms. SPEIER. Fraudulent Fab.

Mr. CUMMINGS. Fraudulent Fab. As he talked, I heard no remorse. I heard folks basically saying, This is the way we do it, this is how we do it, and almost implying that it was none of our business, none of the business of the Senate or the House. The sad part about it, as I sat there, I really wanted to almost come through the television screen because I thought about all of the people who have lost so much, have lost so much over the last few years. The people who have lost their homes, lost their savings, lost their jobs, lost opportunities. Children cannot go to school. They can't get loans. Yet, still folks sitting there from Goldman almost acting as if, You know what, don't even bother asking us about what we do. It's our business.

Well, it's not just their business because it affects almost every single American, the types of things they do. That's why 60 Members of this Congress wrote to the SEC—and I'm very glad to see Mary Schapiro taking over the SEC and doing what needs to be done—and said to them, Look, we're glad that you're bringing the civil action, but we also want you to look at other deals similar to this one because we want to get to the bottom of this. And we also said that if any money was paid from AIG to Goldman and Paulsen and it was ill-gotten, we want our money back. But we said another thing. We said that if there appeared to be criminal activity, we wanted it referred to the Justice Department so that they could take appropriate action.

Now let me be clear: I live in Baltimore. There are people in my neighborhood in the inner city of Baltimore that if they stole a $300 bike, they're going to jail, period. A $300 bike. And the reason why it's so important to me that we look at all these other transactions and try to figure out if there was criminal activity is because I want the folks on Wall Street to be treated like the folks on Madison Avenue in Baltimore. And so I think what we are doing here is so important. I think that we are at the tip of an iceberg, but we have got to chisel down.

The gentlelady, when she first started our discussion, she said reform is so important that we've got to deal with reform now. I think when you look at what has happened in this deal as it has been so wonderfully and accurately described by my colleagues, we understand why it is so important that we have transparency. We have got to have it.

Ms. SPEIER. Will the gentleman yield?

Mr. CUMMINGS. Yes, I yield to the gentlelady.

Ms. SPEIER. When you speak to the term ''transparency,'' do you think that Goldman would have sold a dollar's worth of those synthetic collateralized debt obligations if people knew that their other client was shorting them and that 90 percent of them were no-doc loans that were destined to fail?

Mr. CUMMINGS. No, I really don't. Goldman, they said our slogan is: Our customers always come first.

Ms. SPEIER. Very first principle. Our clients' interests always come first.

Mr. CUMMINGS. Our clients' interests always come first. If that were truly their goal, they would have put out that information. They seem to be saying, Well, you know, maybe it may be a little teeny bit unethical, but we did not have a duty. When you have a slogan like our clients' interests always come first, it seems to me that you would operate on the highest level of integrity, transparency, clarity, and accountability, end of case.

But that's not what happened here. And so you're absolutely right. We have got to make sure that we shine some light on this system, that we have the kind of reform that we are trying to get through here. And I know that there are people who are saying, Well, maybe too much is being done. I just want to take one more minute to talk about that.

It seems to me that if you want people to invest in something, you want them to understand and believe that it's not rigged before they get there. I don't know how many people—and that's basically what you're talking about—How many people are going to go into a card game believing it's rigged before they get there. They're just not going to do them, that the odds are against them big time. They're not going to do it.

This shining of the light, this transparency, would be good for the market, for Wall Street. Americans would feel comfortable and others would feel comfortable in investing in Wall Street. And therefore, in the end, in the end, we have a solid, strong Wall Street that people feel comfortable about investing their hard-earned money.

Again, I want to thank the gentlelady. I yield to the gentlelady.

Ms. SPEIER. I thank the gentleman from Maryland, who's been passionate about trying to get to the bottom of AIG. I think it's important to point out—and this may curl the hair on top of your head, my dear friend—but on top of everything else, Goldman Sachs' directors, the CEO, Mr. Blankfein, all have insurance for any omissions or conduct that they may become the subject of any inquiry for. If they commit any civil fraud or criminal fraud, they have insurance for that. You won't be surprised probably to know who their insurance is with.

Mr. CUMMINGS. Please don't tell me.

Ms. SPEIER. None other than AIG. And who owns AIG today but the American people.

Mr. CUMMINGS. The American people.

Ms. SPEIER. The U.S. taxpayers.

Mr. CUMMINGS. To the tune of $180 billion.

Ms. SPEIER. Correct. What is even more disconcerting, and we will find that out in the upcoming weeks, just like the synthetic CDO known as Abacus, it appears that Mr. Blankfein and Goldman Sachs also sold to AIG more of the CDOs that were rigged.

Mr. CUMMINGS. Again, you make the case for why we have to have reform. We have to have reform and act with the urgency of now, because every moment that goes by, I'm afraid there's going to be another Goldman Sachs deal. By the way, others are watching all of this in the market. And there may be others doing the same things.

Ms. SPEIER. Clearly.

Mr. CUMMINGS. So the urgency is now. We've got to act on this now. I'm

hoping that that will happen. We have done our part. Then we've got to wait for our brothers and sisters on the other side to do theirs. Again, we just cannot continue to wait.

Ms. SPEIER. I thank the gentleman.

Mr. CUMMINGS. I want to thank the gentlelady for yielding.

Ms. SPEIER. I now would like to invite my good friend from the State of New York, Congressman HINCHEY, to engage.

□ 1745

Mr. HINCHEY. Well, thank you very much. I want to express to you my appreciation for you engaging and initiating this discussion here. It's something that's very important; it's something that needs attention, and it certainly needs relief. As I think we all know, we are facing—involved in one of the most serious economic crises in the history of this country. We haven't had an economic downturn as serious as this one since the Great Depression, which happened in 1929 and ran through the thirties.

One of the most interesting things about the way in which this economic recession has come about and continues is the failure, in fact, in many ways, the refusal of responsible people to understand what happened back in the 1930s and the relationship between what's happening now, the kinds of circumstances that caused that Great Depression similar to the circumstances that are causing this deep recession that we are experiencing now. And it's only a recession because we have Social Security now, which went into place after the Depression in the 1930s as a means to sort of fight against that Depression, and a number of other things which were engaged in to try to deal with it effectively.

There are a lot of people who are trying to eliminate some of those effective things. In fact, we had a President recently come in and say that we should privatize Social Security. I think we could imagine what might have happened if we had privatized Social Security and how much worse this economic recession would be today if the Social Security system had been privatized, and it then certainly would have been lost.

So this is a serious issue, and it's an issue that needs financial regulatory reform; and that need for financial regulatory reform has never been more evident for us in the context of our lives and especially our experience here in this Congress. We are still feeling the effects of that meltdown, which began in 2007 and then hit hard in 2008 on Wall Street. And now, 2 years after that 2008 meltdown, we still have record unemployment with roughly 15 million Americans currently out of work. Obviously, much needs to be done to deal with this and correct it.

Wall Street recovered rather quickly, interestingly enough, while the jobs and housing market remain on life support. It seems that Wall Street was able to recover quickly because it knew the housing bubble was on the verge of bursting and hedged their bets appropriately. And they knew that the housing bubble was on the verge of bursting because of the subprime mortgages that they manipulated into the context of investing operations. They knew what they had done, and they knew what was happening as a result of what they had done.

As we all know, the Securities and Exchange Commission recently made claims that Goldman purposefully created an investment, a collateralized debt obligation called ABACUS 2007–AC1, that was designed to fail. The SEC suspects that a Goldman Sachs employee—and probably not just one—Goldman Sachs employees purposefully misled clients into buying investments that were not only worthless but were almost guaranteed to have a devastating effect on the great economy.

I have signed my name onto two letters that are aimed at expanding the investigation of Goldman Sachs. One of those letters is to the Securities and Exchange Commission Chair Mary Schapiro and the other to Attorney General Eric Holder. Goldman Sachs deserves to be thoroughly investigated for this suspicious activity, but we need to keep in mind that they are not solely to blame.

It's not just Goldman Sachs that was responsible for this problem. Throughout the 1990s, there was unprecedented deregulation of the banking sector, which set the stage for Wall Street to run amok. Safeguards put in place in the 1930s to deal with that Great Depression were thrown out, and that is just fascinating how intentionally that was done. Safeguards put in place in the 1930s, thrown out and unraveled by both Congress and the Federal Reserve. As they let this happen, some of us tried to stop the deregulation, but we were in the minority. We should not delay in getting commonsense reforms passed that will increase consumer protections, regulate hedge funds and the derivatives market. And let us not forget to include a stronger Volcker Rule.

The Volcker Rule, interestingly enough, puts an end to an investment bank's ability to conduct proprietary trading with their bank deposits. This proposal also prevents bank holding companies from housing hedge funds or private equity branches. The overarching goal is very similar to what I tried to achieve when I submitted a Glass-Steagall amendment to the House financial regulatory reform bill.

Restoring the Glass-Steagall Act—which of course was passed back in the context of the Great Depression—would put back in place the clean division between commercial and investment banking that was first established in that Banking Act back in 1933. The original bill was put in place as a response to the Great Depression and resulted in decades of economic stability and prosperity. Throughout the 1990s, the banking lobby worked hard to undermine the Glass-Steagall Act, and it was ultimately overturned in 1999.

Ms. SPEIER. Will the gentleman yield?

Mr. HINCHEY. Yes.

Ms. SPEIER. You make the case for this great poster that shows the cracks in Wall Street. And back in 1996, the Federal Reserve reinterpreted the Glass-Steagall Act several times at the behest of Wall Street, eventually allowing bank holding companies to earn up to 25 percent of their revenues in investment banking.

But you know what? That wasn't enough for them. They then came back in 1999 and repealed the Glass-Steagall Act that worked for over 60 years in this country, brought about, as you pointed out, because of the Great Depression that created those firewalls between investment banking, commercial banks, and insurance companies.

And then in 2000, what was the next thing that happened? The next thing that happened in 2000 when Brooksley Born, who was then the Commodity Futures Trading Commission Chairman, said, We should regulate derivatives, and our friends in the White House and around basically said, Oh, no. We can't. We passed a law that basically prevented Congress from regulating derivatives. Those derivatives are the things we're talking about today, these credit default swaps that brought AIG down; these collateralized debt obligations, synthetic or otherwise, that brought the entire financial services industry down.

And as you can see, the other cracks, the regulation that was created in 2004 that took away the leverage cap of 12 to 1, and as a result, where were they leveraged at but at 30 to 1, the Lehman Brothers, the Goldman Sachs of the world.

And then again in 2005, a very interesting rule that basically exempted stockbrokers from the Investment Advisers Act. Do you know why? Because they didn't want to have a fiduciary duty to their clients. They only wanted to have a duty to themselves.

Mr. HINCHEY. That is exactly right, and I very much appreciate you putting that form up there, Cracks in Wall Street. It's a very interesting presentation and a very accurate presentation of the set of circumstances that were put into play over that period of time beginning in 1996 with this Congress here trying to manipulate the situation.

I remember how many of us fought against those things. We fought against them. We voted against them. And, of course, we voted against that elimination of that Glass-Steagall Act because we understood very clearly

that the elimination of investments, by allowing investment banks to work closely together with commercial banks and take issues like mortgages and manipulate the mortgages into subprime mortgages, and sell mortgages to people who were not able to afford them, and to continue to manipulate that mortgage system and to include that mortgage system into large investment packages, and those large investment packages which were weak and really didn't deserve nearly the kind of attention or the funding that they received were successful based upon—largely based upon, at least, the fact that they had mortgages within them. And people had the idea that, Well, mortgages are secure. Anyone who has a mortgage is going to pay that mortgage off. Hardly anybody misses their mortgage payment.

And it was the intentional manipulation of the mortgages in those investments which led to, to a great extent, the collapse of this economy and the collapse that we're experiencing now and all of the difficult circumstances we have to deal with.

Now, a lot of these things need to be addressed. Some of them have been addressed in the context of legislation that we have passed. The Senate is now struggling with that legislation, trying to pass something similar to it so that we could agree on something that is going to begin to modify this dire situation that we're dealing with. But the fact of the matter is there is more that we're going to have to do, not just the situations that are pending right at this moment. Even though they are critically important and they need to be dealt with and completed, there is more that needs to be done. And what needs to be done, including other things, is the prevention in the future of the manipulation of mortgages and the other kind of investment manipulation that took place in the context of this molding together of commercial and investment banking.

We need honest banking in this country. We have had it for most of the time, and most of the bankers in this country are honest and strong and safe and secure and working in the best interests of the people in their community. But there are exceptions to that, and those exceptions can be deep and dire, and we've seen the results of it in the context of this economic situation that we are dealing with now. It needs to be corrected, and I deeply appreciate you for bringing this subject up in this way and for bringing attention to the issues that you have presented in the context there next to you.

So thank you very much. It's a great pleasure to be with you in this context, and I sure hope that the opponents of this bill in the Senate are going to get the kind of pressure that they need from sensible places and sensible people, conscientious people, to make sure that they stop blocking it. We need to get these things passed.

Ms. SPEIER. I thank the gentleman from New York for his well-placed comments and his recommendations to our colleagues in the other House.

I now have the great pleasure of joining in colloquy with my good friend from the State of Ohio, the great and passionate MARCY KAPTUR.

Ms. KAPTUR. I thank you very much, Congresswoman JACKIE SPEIER, for spearheading this effort this evening and for the incredible work that you do for this House and for our country and for your superior knowledge of the financial markets and the banking industry. America really needs you now more than ever, and I thank your constituents for electing you here. You are the right person at the right time and the right place, that's for sure.

Ms. SPEIER. I thank the gentlelady.

Ms. KAPTUR. It's a pleasure to join you tonight to place information on the RECORD related to Goldman's behavior as well as other institutions that have caused our country so much harm. And as others have mentioned, on April 16, the Securities and Exchange Commission announced that it was filing a civil lawsuit at long last against the big speculator Goldman Sachs, accusing it of committing fraud, but it was a civil filing.

We know that what happened on Wall Street in the financial markets, the commodities markets, and in the housing markets led to enormous financial turmoil in our country and, ultimately, this great economic crisis that we are facing. And the American people want answers. They want to know who did what, and they ultimately want justice.

A few days after that filing, over five dozen of our colleagues signed on to a bipartisan letter sent to the Attorney General on April 23, and our letter called upon the Attorney General to begin a criminal investigation and prosecution.

One of our concerns continues to be that if, in fact, a civil case is filed by the SEC, could it be possible down the road that some of that evidence could be inadmissible in the event there is a criminal proceeding. So we urged Attorney General Holder to proceed quickly, and today we delivered—in addition to that letter—signatures from over 140,000 Americans who have been signing up on an e-petition to the Attorney General urging the same.

We thank the organizations Progressive Change Campaign Committee and MoveOn.org for alerting citizens across this country that they don't have to be neutral in this fight. They can let their views be known to the Attorney General of our country about the importance of criminal proceedings.

What makes that so important is the fact that the Attorney General's office in the Department of Justice has been understaffed throughout the last 10 years, unable to do the type of financial crimes investigations that are necessary. Back in the savings and loan crisis at the end of the 1990s and early 2000s—or I should say at the end of 1989 up until the early 1990s—we had over 1,000 investigators in financial fraud at this Department of Justice. After 9/11, that was reduced to about 75; and, therefore, we were totally unequipped at the Justice Department to deal with a lot of the wrongdoing that was proceeding through those years and those decades.

□ 1800

I have a bill, H.R. 3995, to close that gap and increase the number of investigators. Quite frankly, I have a deep concern about some of the self-serving individuals that may have been representing private interests rather than the public interest as they were conducting their business through Goldman Sachs and other firms.

I would like to place on the record, for example, the following: Joshua Bolten, who was President Bush's chief of staff in the White House at the time that the markets melted down, had actually been the person who ran Goldman Sachs' London office, and yet then he came to be President Bush's chief budget officer and then went to be chief of staff at the White House at the key moment when decisions had to be made about how to handle the financial markets.

In the current administration, it is no secret that the chief of staff to the current Secretary of the Treasury, Mark Patterson, had come directly from Goldman Sachs as its top lobbyist. In addition, Neel Kashkari from Goldman Sachs had gone to handle the TARP. I think this goes far beyond party, this has to do with America and standing up as patriots for this country and asking the question: Isn't that too much insider dealing? How do you know that they are really representing their client's interest or the public interest when they are personally involved both on the private side and then on the public side like a very fast revolving door?

I will also place on the RECORD tonight the fact that since the crisis started the six institutions in addition to Goldman Sachs, that includes Citibank and Wells Fargo, HSBC, Morgan Stanley, all these big banks now control two-thirds of the deposits and GDP of this country. Six institutions. They are raiding equity out of our local communities. They are just simply too powerful and they are too irresponsible. They are not doing loan workouts in places I come from. I thank the gentlelady for calling into question their business principles as you so ably put on the floor here as to who their interests really are.

That is my bottom line question: Who do these people represent? They seem to be getting bonuses at extraordinary levels, in the millions of dollars. When people in my district have fallen off unemployment benefits, these companies like JPMorgan Chase do not return phone calls to do loan workouts. Wells Fargo, they are totally irresponsible. They have too much power and they are thumbing their nose at the American people at a time when our people are just hanging on.

I want to thank the gentlelady for holding this Special Order this evening and for giving us a chance to place on the RECORD the letter that we sent to the attorney general asking for criminal proceedings, and also the names of the Members of Congress who have signed on this letter. I urge other colleagues who wish to join us to please give us a call. I thank you for allowing me to place this information into the RECORD.

CONGRESS OF THE UNITED STATES,
*Washington, DC, April 23, 2010.*

Hon. ERIC HOLDER
*U.S. Attorney General, U.S. Department of Justice, Washington, DC.*

DEAR ATTORNEY GENERAL HOLDER: The U.S. Securities and Exchange Commission (SEC) announced on Friday, April 16, 2010, that it had filed a securities fraud action against the Wall Street company Goldman Sachs & Co (GS& Co.) and one of its employees for making materially misleading statements and omissions in connection with a synthetic collateralized debt obligation (''CDO'') that GS & Co. structured and marketed to investors. The SEC alleges that:

1. This synthetic CDO, ABACUS 2007–AC1, was tied to the performance of sub-prime residential mortgage-backed securities (''RMBS'') and was structured and marketed by GS & Co. in early 2007 when the United States housing market and related securities were beginning to show signs of distress. Synthetic CDOs like ABACUS 2007–AC1 contributed to the recent financial crisis by magnifying losses associated with the downturn in the United States housing market.

2. GS & Co. marketing materials for ABACUS 2007–AC1—including the term sheet, flip book and offering memorandum for the CDO—all represented that the reference portfolio of RMBS underlying the CDO was selected by ACA Management with experience analyzing credit risk in RMBS. Undisclosed in the marketing materials and unbeknownst to investors, a large hedge fund, Paulson & Co. Inc. (''Paulson''), with economic interests directly adverse to investors in the ABACUS 2007–AC1 CDO, played a significant role in the portfolio selection process. After participating in the selection of the reference portfolio, Paulson effectively shorted the RMBS portfolio it helped select by entering into credit default swaps (''CDS'') with GS & Co. to buy protection on specific layers of the ABACUS 2007–AC1 capital structure.

3. In sum, GS & Co. arranged a transaction at Paulson's request in which Paulson heavily influenced the selection of the portfolio to suit its economic interests, but failed to disclose to investors, as part of the description of the portfolio selection process contained in the marketing materials used to promote the transaction, Paulson's role in the portfolio selection process or its adverse economic interests.

As the SEC notes, financial manipulations such as this contributed to the near collapse of the U.S. financial system and cost American taxpayers hundreds of billions of dollars. On the face of the SEC filing, criminal fraud on a historic scale seems to have occurred in this instance. As an ever growing mountain of evidence reveals, this case is neither unique nor isolated.

If both global and domestic confidence in the integrity of the U.S. financial system is to be regained, there must be confidence that criminal acts will be vigorously pursued and perpetrators punished.

While the SEC lacks the authority to act beyond civil actions, the U.S. Department of Justice (DOJ) has the power to file criminal actions against those who commit financial fraud. We ask assurance from you that the U.S. Department of Justice is closely looking at this case and similar cases to further investigate and prosecute the criminals involved in this, and other financially fraudulent acts. Furthermore, if the DOJ is not currently looking into this particular case, we respectfully ask you to ensure that the U.S. Department of Justice immediately open a case on this matter and investigate it with the full authority and power that your agency holds. The American people both demand and deserve justice in the matter of Wall Street banks whom the American taxpayers bailed out, only to see unemployment and housing foreclosures rise.

This matter is of deep importance to us. As you may know, H.R. 3995, the Financial Crisis of 2008 Criminal Investigation and Prosecution Act, has been introduced, which authorizes you to hire more prosecutors, Director Mueller of the Federal Bureau of Investigation to hire 1,000 more agent as well as additional forensic experts, and Chair Mary Schapiro of the U.S. Securities and Exchange Commission to hire more investigators to continue to pursue justice and route out the criminals in our financial system. Part of financial regulatory reform should include removing the criminals and crafting a system that supports those who follow the law.

We in Congress stand ready to support you in protecting the American taxpayers from financial crimes such as the fraud that the U.S. Securities and Exchange Commission has charged Goldman Sachs with committing. We ask that you take up this case, and others, to pursue justice for the American people, to put criminals in jail, and seek to restore the integrity of our nation's financial system.

Sincerely,

Marcy Kaptur, John Conyers, Michael Burgess, Jim McDermott, Diane E. Watson, Christopher P. Carney, Raúl Grijalva, Keith Ellison, Charlie Melancon, Tom Perriello, Betty Sutton, Jay Inslee, Pete Stark, Michael Honda, John T. Salazar, Niki Tsongas, Alan Grayson, David Loebsack, Bob Filner, Betsy Markey, John Barrow, Jesse Jackson Jr., Eleanor Holmes Norton, Grace F. Napolitano, Maurice Hinchey, Peter Welch, Marcia L. Fudge, Rush Holt, Peter DeFazio, Michael E. Capuano, Bill Pascrell, Jr., Michael H. Michaud, Steve Cohen, Bruce L. Braley, Bart Stupak, Mark Schauer, Chellie Pingree, Martin Heinrich, Jackie Speier, Janice D. Schakowsky, Sheila Jackson Lee, Tammy Baldwin, Barbara Lee, Mike Doyle, Gene Taylor, Wm. Lacy Clay, Jr., James Moran, Danny K. Davis, Ben Chandler, Dennis Kucinich, Carol Shea-Porter, Bennie G. Thompson, Laura Richardson, Loretta Sanchez, Dale Kildee, Leonard L. Boswell, Donna F. Edwards, Frank Pallone, Jr., Ann Kirkpatrick, Carolyn C. Kilpatrick, Mazie K. Hirono, James P. McGovern.

Ms. SPEIER. I thank the gentlelady from Ohio. You referenced the number of people in the Department of Justice that are tasked with doing the investigations. It was very interesting this week when we had the hearing on Lehman Brothers and Mary Schapiro spoke to their ability to do their job when they only had 24 staff members in that specific division to do investigations of all of the Wall Street firms.

If you ill-equip your very agencies to do the job, they won't be able to do the job. Between 2003 and 2007 under the Bush administration with Christopher Cox as the head of the SEC, you will not be surprised to know that there was an 80 percent reduction in enforcement actions at the SEC and 60 percent reduction in disgorgement actions at the SEC.

So no surprise that we had an SEC that was ill-equipped, and also a different perspective. It was not there to protect the American people but to allow business to flourish. And the business that flourished was much like what Goldman Sachs was doing where they actually put AIG in some of these synthetic collateralized debt obligations that they knew were going to fail.

Lehman Brothers, Goldman Sachs shorted Lehman Brothers and helped make sure it did come down. It was reportedly in many of the e-mails at Goldman Sachs by employees when they were communicating with some of their clients that they said that they were no longer going to support or back up Bear Stearns, and then all of a sudden Bear Stearns went down.

We now have China suing Goldman Sachs over bad derivative deals. We have Germany, France, and the U.K.; and God knows, what did they do with Greece? Much like Enron, Goldman Sachs went to Greece and created a way by which they could take some of their debts off their balance sheet so they could get support from the EU, and in the course of doing so, hid much of the debt. And now we all know what has happened to Greece. We all know what has happened to the stock market just yesterday as a result of the rating agencies taking the steps they did.

This company has no shame. This company is willing to do any deal as long as it makes them money.

Ms. KAPTUR. Do you happen to know what the bonuses were for Goldman Sachs? I know they totaled into the billions.

Mr. DEFAZIO. Last year it was rather modest for Mr. Blankfein, he only got a $9 million bonus which was considerably less than previous, but that does figure out to $1,000 an hour, 24 hours a day, 7 days a week, 365 days a

year. Most Americans would be happy to have that salary for a fraction of a week.

Ms. KAPTUR. I think he thought it was too little, didn't he?

Mr. DEFAZIO. Well, compared to the enormous wealth that he created by shorting and manipulating and synthesizing. You know, the one thing I would reflect on, I was a little puzzled yesterday when I kept hearing him say, We are the market makers. We are the market makers.

After awhile I started thinking about book makers, market makers, is there a difference. What is the difference when they are not dealing in reality or productive investment, they are dealing in manipulated investments, products that are designed to fail. I mean, we have too-big-to-fail institutions that create products that are designed to fail, and they profit immensely by doing that. What's that about market making?

Ms. SPEIER. The hardest thing to try to explain to the American people is what is a synthetic CDO and liken it to what goes on in our lives. So I have been scratching my head trying to think of what it would be like. This may not be a good analogy, but I offer it up. It would be like a doctor going in and doing open heart surgery knowing that his patient was very close to death anyway, and then taking out a life insurance policy on that patient because he was clearly going to win each way.

Ms. KAPTUR. Excellent analogy. They created rules by which only they could win, and that doesn't seem to me to be the spirit of free enterprise. They created so much collateral damage it brought down the economy of the whole country. They keep using the argument if we didn't have the TARP, then things would have really gone wrong. I thought, How could it be worse? How could it be worse than this? Is what they did with the TARP just bailing themselves out, because they certainly have not done anything for the American people. They have thrown all of the bills of all of their mistakes on Fannie Mae, Freddie Mac, FHA, all of the instrumentalities of the United States for decades to come. They didn't take any losses on those themselves. They were enriched by the taxpayers of the United States who lifted them right up. And they are not dealing with the damage across this country where foreclosures continue to go up.

I place on the Record the names of the six companies that now hold two-thirds of the wealth of this Nation, and they are Goldman Sachs, Morgan Stanley, JPMorgan Chase, Citigroup, Bank of America, and Wells Fargo. They have enriched themselves handsomely. They doubled their importance since the beginning of this crisis while quashing community banks across this country, seeing forced mergers as institutions like PNC bought up National Citibank in Ohio, as local community banks that didn't do anything wrong and were not permitted to do this kind of wild-eyed business deal, found themselves having to pay huge FDIC fees. And the net yield of all of this is the big ones got bigger and the American people are continuing to be kicked out of their homes and these institutions won't return phone calls and they have hold of the auction process and their investment intermediaries are holding the equity and the ownership in these properties. How is that good for this country?

Ms. SPEIER. I thank the gentlelady from Ohio. It is very important to make the point that Goldman Sachs has never loaned a dime, has never offered a loan to an American trying to buy a house. They have never been a commercial bank as we know them, and yet they have the luxury of being at the discount window getting the money cheap even though they have not been a commercial bank as we know a commercial bank to be. All they have done is bet on how to rig these various mortgage-backed securities and make a truckload of money off them.

Ms. KAPTUR. What amazed me is when all of the house of cards started to fall, sometimes in my part of the country you see chipmunks tearing across the concrete, and they go so fast. The minute they got in trouble, what did they do, they came under the umbrella of the Bank Holding Company Act so they could not be a speculator any more, now they are a legitimate bank; right? Even though they were trafficking in all of those securities, they were just like those little chipmunks. They hid themselves right under the Bank Holding Company Act. I don't agree with what was done, but they took good care of themselves.

Ms. SPEIER. I now yield time to my good friend, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentlelady for yielding, and I want to echo the concerns and the words of my colleagues who have spoken on this issue of financial reform and the outrageous financial business practices that have been taking place on Wall Street.

I am angry, as you are, and I certainly want to take the opportunity to express my strong support for the work being done to crack down on Wall Street and enact reform to prevent another near-economic collapse from endangering our financial system and American families.

I was certainly proud to vote for the Wall Street Reform and Consumer Protection Act this past December, and I look forward to voting for its final passage into law this year.

In my home State of Rhode Island, we are still feeling the repercussions of the Great Recession. With an unemployment rate of 12.6 percent, we are tied for the third highest unemployment rate in the Nation. And I'm angry that while Wall Street banks were propped up with taxpayer funds last year, our small businesses on Main Street are struggling to keep their doors open. American families are struggling to keep their homes, and they are still asking where is their assistance because it hasn't been enough.

Over the past few years, I, like many Rhode Islanders, have been angered by the greed exhibited by Wall Street and other companies that took advantage of their investors, preyed on our constituents, and rewarded executives with outrageous pay packages. This week, we heard Goldman Sachs executives testify before the Senate that they are not to blame for the bad investment deals that were based on the mortgage market and added to its collapse.

This testimony is a slap in the face to hardworking Americans, small business owners and everyone else who played by the rules only to find themselves devastated by the economic downturn. And it should convince every Member of this body to prioritize legislation that puts consumers first and demands accountability of our regulators and financial institutions.

Sadly, Wall Street has been fighting such reform tooth and nail when in fact they should be embracing our efforts to ensure that the rules are clear, the system is transparent and the playing field is even. Once again, I urge the financial sector to join us instead of fighting us—if your practices are legitimate, you should have, nothing to fear from this legislation.

The reckless actions of Goldman Sachs and other financial institutions provide a clear illustration of why we need to place a greater importance on good corporate governance. We must create an environment in which businesses take care of—and are held accountable to—their shareholders, employees and customers. Companies should be encouraged to have sustainable environmental policies and practices, solid workplace relations and produce safe products.

That is why I plan to reintroduce the Federal Employees Responsible Investment Act, which would add a socially responsible investment option to the Thrift Savings Plan. Making an investment in companies that are committed to corporate responsibility will have a positive impact on our financial system, as well as empower individuals to reward companies that share their values.

We must do everything in our power to move our economy forward, and I urge all my colleagues, especially those in the Senate, to support legislation that ends Wall Street's gambling with our hard-earned dollars. I agree with President Obama when he said last week, "this issue is too important and the cost of inaction is too great." My constituents in Rhode Island couldn't agree more.

Ms. SPEIER. I thank the gentleman and recognize we could have spoken for

2 hours this evening, and we will continue this.

## ECONOMIC CRISIS IN AMERICA

The SPEAKER pro tempore (Mr. BOCCIERI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I listened with interest to the presentations made here in the previous hour, and there were a couple of visuals that I want to look at and commit some of that to memory.

I heard from Ms. KAPTUR that this is not a partisan issue, it is an economic issue and an American issue, and I agree. I have been troubled for some time not just the influence that comes out of Goldman Sachs, but the influence that comes out of Wall Street. Here is my concern and here how it was internalized.

I lived much of my life watching from a distance what was going on on Wall Street, and I believed that as those investors and those bankers sat down there and began to trade on the streets of Wall Street and began to build the edifices that exist there today so very close to Ground Zero, that they were keepers of the free enterprise flame in America.

□ 1815

I had great trust that they were the ones that understood from the top down, from the multiple billions of dollars in investments down, how to hold together free enterprise, how to plan for the long term, how to put provisions in place so that each generation could have that opportunity to do free enterprise capitalism and free market capitalism.

I got my first wide open eyes when I first went to Wall Street when I was elected to Congress; it would be fairly early in 2003 for me. It's a long story, but the short version of it was after I went around Wall Street and met with a lot of the CEOs and the players that were there, on the way back I turned to my wife and I said, Marilyn, they don't have a vision for the long term. They don't have a plan in place to protect our investments and see to it that this doesn't collapse. They're looking at the short term. They're looking at taking their margins out and they're looking at their quarterly reports, but they're not looking at where we are in 10 years or a generation or 50 years or 100. That was well before we saw anything except a dot-com bubble that was, at the time, being filled by an unnatural housing market that was partially fueled by unnaturally low interest rates. But that was my vision then.

As I watch this unfold, I reflect upon an individual we brought in as an expert, and since I'm going to quote him on the floor, I don't want to attribute it to the name, but it's 30 years in investment banking. This was in the beginning of the subprime mortgage crisis as the dialogue was beginning in the country before we actually saw this starting to tail off. He explained it this way: when you're in this investment banking business, what you do is—and these would be the experts—what you do is pretty much what everybody does. That way if they're making money, you're making money, and if things fall apart and they get bailed out, you'll be bailed out with them.

That was more than 3 years ago. That's another incident that was branded into my memory because it was a seminal moment in my understanding that the economy that most of us deal with as individuals, balancing our checkbook, paying our credit card bills, looking at the income that comes in weekly or monthly and budgeting our expenses and knowing that there are checks and balances in everything that we do, if we fail to make our house payment, somebody comes and sells our house. If we fail to make our car payment, somebody repossesses our car. They don't come along and say, oh, sorry, you didn't buy a nice enough car, we're going to tax somebody and fund that. We have to be responsible for our finances.

If we start a business, we have to guarantee those payments. We have to get a line of credit at the bank so we can make our monthly bills and we can meet the payroll and the utilities and all of the things that come along with the free enterprise side of this.

I looked at Wall Street and I found out that they had a different set of rules, a different way of looking at this, that their checks and balances were not built in so that there was an assurance that—the built-in component that is a check and balance that would require that the people who would make the over-investments and take the excessive risks would pay the price for that.

So as we get to this point now where we have seen the downward spiral in our economy, this ''Great Recession'' as some will call it and the massive government bailouts that we have had and the tremendous burden on the taxpayers, born and unborn, that we will have this obligation to try to service the interest and the principal on this debt, still the guarantee is there, more than implicit, it's now nearly explicit with this legislation. And we may or may not agree on how we go forward, but I think we can agree that the things that we've done in the past haven't had enough checks and balances internally.

As I listened to this dialogue—I didn't come to the floor to speak about this subject, but I wanted to express this right in the aftermath of this previous Special Order, Mr. Speaker, to let you know and everyone know that we do have a common cause to put responsibility and government responsibility in the market system. I just watched the gentlelady pay attention here. I would yield to whatever remarks she might choose to make.

Ms. KAPTUR. I want to thank Congressman KING very much for coming to the floor because we share a concern that goes beyond party. This is so serious for our country, it's serious for our generation, it's serious for the next generation.

If we look at the abuses of the financial system over the last 30 years, let's say, every time something bad happened, the government bailed them out. And then the next crisis was worse than the one before it. I came here during the 1980s. I saw what happened, and I saw a huge debt put on the American people, $140 billion at that point. And rather than strengthening the laws to prevent moral hazard, we loosen them. And then we got a worse crisis.

If you look back to Enron, if you look back to everything that happened during the 1990s, rather than repairing it, what we did was we gave them more latitude—it's inexplicable what occurred—and the moral hazard got greater. And now with this, this is so much larger than the last two crises, and it's a real question as to whether the so-called ''reform'' coming out of the Congress will actually work.

I would like to place in the RECORD an interview with Professor William Black, an attorney who was recently on television, that I think is very, very probing about the enormous potential here for financial fraud, control fraud, the lack of investigators inside the FBI, and as Congresswoman SPEIER mentioned, inside of the SEC. And then also an interview with Dr. Simon Johnson of MIT and Mr. James Kwak about what is actually happening in this crisis and how we are not addressing it fully in the reform bills proceeding through this Congress.

So I just appreciate you giving me the opportunity to say that and to say we are in common cause here. I appreciate your comments very much. I am very worried about where we're headed as a country. I see community banks being destroyed in my region. I see these big money center institutions that have been prone to moral hazard having greater and greater authority in our country. And the amount of money they give to political campaigns, and with the recent decision by the Supreme Court to allow endless funding by any group in our political campaigns. Any one of them could wipe us out.

That's not what this country was set up for. We were set up for opportunity. We were set up for the individual to matter, for our communities to matter, for the equity that our people, when they create it in their homes, that they just don't lose it because these people

think of some scheme to raid them. And yet that's what we're facing now.

So we have an enormous obligation to educate the American people and learn from them and hear their best advice on how we can dig ourselves out of this hole.

I thank you for allowing me a few moments of your time.

INTERVIEW: EXCERPTS FROM BILL MOYERS JOURNAL, APRIL 23, 2010, GUEST: BILL BLACK

Bill Moyers: Bill Black is with me now. One of the country's leading experts on crimes in high places he teaches economics and law at the University of Missouri-Kansas City, and wrote this book, ''The Best Way To Rob a Bank Is To Own One.''

Welcome back to the Journal.

William K. Black: Thank you.

Bill Moyers: What did you think of the President's speech late this week?

William K. Black: It's a good speech. He's a very good spokesman for his causes. I don't think substantively the measures are going to prevent a future crisis. And I was disappointed that he wasn't willing to be blunt. He used a number of euphemisms, but he was unwilling to use the F word.

Bill Moyers: The F word?

William K. Black: The F word's fraud in this. And it's the word that explains why we have these recurrent, intensifying crisis.

Bill Moyers: How is that? What do you mean when you say fraud is at the center of it?

William K. Black: Well, first, when you deregulate or never regulate, mortgage bankers were never regulated, you effectively have decriminalized that industry, because only the regulators can serve as the sherpas, that the FBI and the prosecutors need to be able to understand and prosecute these kind of complex frauds. They can do one or two or maybe three on their own, but when an entire industry is beset by wide scale fraud, you have to have the regulators. And the regulators were the problem. They became a self-fulfilling prophecy of failure, because they, President Bush appointed people who hated regulation. I call them the anti-regulators. And that's what they were.

Bill Moyers: This hearing that, where you testified this week, looking into the bankruptcy at Lehman Brothers, had something on this.

Timothy Geithner: And tragically, when we saw firms manage themselves to the edge of failure, the government had exceptionally limited authority to step in and to protect the economy from those failures.

Ben Bernanke: In September 2008, no government agency had sufficient authority to compel Lehman to operate in a safe and sound manner and in a way that did not pose dangers to the broader financial system.

Anton Valukas: What is clear is that the regulators were not fully engaged and did not direct Lehman to alter the conduct which we now know in retrospect led to Lehman's ruin.

Bill Moyers: The regulators were not fully engaged. I mean, this is an old story. We all know about regulatory capture where the regulated take control of the regulators.

William K. Black: Yeah, but this one is far worse. That's not very candid testimony on anybody's part there. The Fed had unique authority. And it had it since 1994 to regulate every single mortgage lender in America. And you might think the Fed would use that authority.

And you might especially think that, if you knew that Gramlich, one of the Fed members, went personally to Alan Greenspan and said, there's a housing bubble. And there's a terrible crisis in non-prime. We need to send the examiners in. We need to use our regulatory authority. And Greenspan refused. Lehman was brought down primarily by selling liar's loans. It was the biggest seller of liar's loans in the world.

And when we look at these liar's loans, we find 90 percent fraud. 90 percent. And we find that most of the frauds are not induced by the borrower, but they're overwhelmingly done by the loan brokers.

Bill Moyers: And liar's loans are?

William K. Black: A liar's loan is we don't get any verified information from you about your income, your employment, your job history or your assets.

Bill Moyers: You give me a loan, no questions asked?

William K. Black: No real questions asked. Certainly no answers checked. In fact, we just had hearings last week about WaMu, which is also a huge player——

Bill Moyers: Washington Mutual——

William K. Black [continuing]: In these frauds. Washington Mutual, which used to make, run all those ads making fun of bankers who, because they were stuffy and looked at loan quality before they made a loan. Well, WaMu didn't do any of that stuff. And of course, WaMu had just massive failures. And who got in trouble at WaMu? Who got in trouble at Lehman? You got in trouble if you told the truth. They fired the people who found the problems. They promoted the people that caused the problem, and they gave them massive bonuses.

Bill Moyers: I watched the testimony where you were present the other day in the Lehman hearings. And there was a very moving moment with a former vice-president of Lehman Brothers who had gone and tried to blow the whistle, who tried to get people to pay attention to what was going on. Take a look.

Matthew Lee: I hand-delivered my letter to the four addressees and I'll give a quick timeline of what happened, May 16th was a Friday, on the Monday I sat down with the chief risk officer and discussed the letter, on the Wednesday I sat down with the general counsel and the head of internal audit, discussed the letter. On the Thursday I was on a conference call to Brazil. Somebody came into my office, pulled me out, and fired me on the spot without any notification. I stayed, sorry.

Bill Moyers: Matthew Lee, vice-president of Lehman Brothers, fired because he tried to blow the whistle. What does that say to you?

William K. Black: Well, it tells me that they were covering up the frauds, that they knew about the frauds and that they were desperate to prevent other people from learning.

Bill Moyers: Matthew Lee told the accounting firm Ernst & Young what was going on. Isn't the accounting firm supposed to report this, once they learn from somebody like him that there's fraud going on?

William K. Black: Yes, they're supposed to be the most important gatekeeper. They're supposed to be independent. They're supposed to be ultra-professional. But they have an enormous problem, and it's compensation. And that is, the way you rise to power within one of these big four accounting firms is by being a rainmaker, bringing in the big clients.

And so, every single one of these major frauds we call control frauds in the financial sphere has been—their weapon of choice has been accounting. And every single one, for many years, was able to get what we call clean opinions from one of the most prestigious audit firms in the world, while they were massively fraudulent and deeply insolvent.

Bill Moyers: I read an essay last night where you describe what you call a criminogenic environment. What is a criminogenic environment?

William K. Black: A criminogenic environment is a steal from pathology, a pathogenic environment, an environment that spreads disease. In this case, it's an environment that spreads fraud. And there are two key elements. One we talked about. If you don't regulate, you create a criminogenic environment because you can get away with the frauds. The second is compensation. And that has two elements. One is the executive compensation that people have talked about that creates the perverse incentives. But the second is for these professionals. And for the lower level employees, to give the bonuses. And it creates what we call a Gresham's dynamic. And that just means cheaters prosper. And when cheaters prosper, markets become perverse and they drive honesty out of the market.

Bill Moyers: You also wrote that the New York Federal Reserve knew about this so-called three-card monte routine. But that, the man who led it, at the time, Timothy Geithner, now the treasury secretary, testified that there was nothing he could do.

Timothy Geithner: In our system the Federal Reserve was a fire station, a fire station with important, if limited, tools to put foam on the runway, to provide liquidity to markets in extremis. However, the Federal Reserve, under the laws of this land was not given any legal authority to set or enforce limits on risk-taking by large financial institutions like the independent investment banks, insurance companies like AIG, Fannie and Freddie, or the hundreds of non-bank financial firms that operated outside the constraints of the banking system.

Bill Moyers: Now, what I hear is the gentleman who was then chairman of the New York Fed, saying, I, we had this job to do, but we didn't have the authority to do it.

William K. Black: Yeah.

Bill Moyers: We were the fire truck, but we didn't have any water in our hose.

William K. Black: Yeah, this was pretty disingenuous, because other portions of his testimony, he explained why there was this gap. And he said it was because we repealed Glass-Steagall. Well, the Fed pushed for the repeal of Glass-Steagall.

Bill Moyers: Glass-Steagall was the act that was repealed in the late nineties that separated regular banks from investment banks, right?

William K. Black: Correct. So this is a deliberately created regulatory black hole, created by the Fed. And then the Fed comes into the hearing, eight years later, and said, we were helpless. Helpless to do anything, because of a black hole we designed.

INTERVIEW: EXCERPTS FROM BILL MOYERS JOURNAL, APRIL 16, 2010, GUESTS: SIMON JOHNSON AND JAMES KWAK

Simon Johnson is a former chief economist at the International Monetary Fund. He now teaches at MIT's Sloan School of Management and is a Senior Fellow at the Peterson Institute for International Economics.

James Kwak is studying law at Yale Law School—a career he decided to pursue after working as a management consultant at McKinsey & Company and co-founding the successful software company, Guidewire. Together James Kwak and Simon Johnson run

the indispensable economic website BaselineScenario.com.

Welcome to you both.

Let me get to the blunt conclusion you reach in your book. You say that two years after the devastating financial crisis of '08 our country is still at the mercy of an oligarchy that is bigger, more profitable, and more resistant to regulation than ever. Correct?

Simon Johnson: Absolutely correct, Bill. The big banks became stronger as a result of the bailout. That may seem extraordinary, but it's really true. They're turning that increased economic clout into more political power. And they're using that political power to go out and take the same sort of risks that got us into disaster in September 2008.

Bill Moyers: And your definition of oligarchy is?

Simon Johnson: Oligarchy is just—it's a very simple, straightforward idea from Aristotle. It's political power based on economic power. And it's the rise of the banks in economic terms, which we document at length, that it'd turn into political power. And they then feed that back into more deregulation, more opportunities to go out and take reckless risks and—and capture huge amounts of money.

Bill Moyers: And you say that these this oligarchy consists of six megabanks. What are the six banks?

James Kwak: They are Goldman Sachs, Morgan Stanley, JPMorgan Chase, Citigroup, Bank of America, and Wells Fargo.

Bill Moyers: And you write that they control 60 percent of our gross national product?

James Kwak: They have assets equivalent to 60 percent of our gross national product. And to put this in perspective, in the mid-1990s, these six banks or their predecessors, since there have been a lot of mergers, had less than 20 percent. Their assets were less than 20 percent of the gross national product.

Bill Moyers: And what's the threat from an oligarchy of this size and scale?

Simon Johnson: They can distort the system, Bill. They can change the rules of the game to favor themselves. And unfortunately, the way it works in modern finance is when the rules favor you, you go out and you take a lot of risk. And you blow up from time to time, because it's not your problem. When it blows up, it's the taxpayer and it's the government that has to sort it out.

Bill Moyers: So, you're not kidding when you say it's an oligarchy?

James Kwak: Exactly. I think that in particular, we can see how the oligarchy has actually become more powerful in the last since the financial crisis. If we look at the way they've behaved in Washington. For example, they've been spending more than $1 million per day lobbying Congress and fighting financial reform. I think that's for some time, the financial sector got its way in Washington through the power of ideology, through the power of persuasion. And in the last year and a half, we've seen the gloves come off. They are fighting as hard as they can to stop reform.

Simon Johnson: I know people react a little negatively when you use this term for the United States. But it means political power derived from economic power. That's what we're looking at here. It's disproportionate, it's unfair, it is very unproductive, by the way. Undermines business in this society. And it's an oligarchy like we see in other countries.

Mr. KING of Iowa. Reclaiming my time and, Mr. Speaker, I would point out that it is unusual for Democrats and Republicans to share time spontaneously on the floor, but it's because there is a bond of common interest and a bond of a serious legislator that I recognize that's here on the floor for a serious reason.

I thank the gentlelady from Ohio for the presentation.

I'm going to shift off now into the subject matters that I had on the front of my mind, but I was compelled to address this and I appreciate the response.

Mr. Speaker, I come here to the floor tonight to talk about a range of issues. Perhaps if I would pick up on the financial side of this and go through a list of some of the things that have happened that I think contributed to the ''Great Recession'' that some refer to it as. And I would take us back a long ways. I would take us far back to the time that there became implicit guarantees that the Federal Government would do bailouts.

I remember those years of the eighties that the gentlelady mentioned. I went through 28 years of business, and I was highly leveraged going into the farm crisis of the eighties. I know the pain of that. I lived for 3½ years with a knot in my stomach that didn't go away unless there was something incredibly distracting that would cause it to disappear, and then I remember it would form again.

The SPEAKER pro tempore. The gentleman will suspend.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2499, PUERTO RICO DEMOCRACY ACT OF 2009

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–468) on the resolution (H. Res. 1305) providing for consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico, which was referred to the House Calendar and ordered to be printed.

## ECONOMIC CRISIS IN AMERICA

The SPEAKER pro tempore. The gentleman may resume.

Mr. KING of Iowa. I am always happy to yield when the Rules Committee is conducting business here on the floor.

So I will go back to the beginning, Mr. Speaker, and that is this: that if we would go to 1978—and I want to illustrate the chronology of how we got to where we are today financially. Excuse me, Mr. Speaker, I will take it back even further than that. Let's go back to October of 1929 when the stock market crashed and it launched the Great Depression rather than the Great Recession. We saw a downward spiral in the value of that Dow Jones Stock Exchange and the other shares that were not registered on the Dow at the time, or as part of the Dow Jones Industrial Average, and Americans lost equity. Some jumped out of windows—actually, not nearly as many as history would have us believe—but that crash in the stock market precipitously dropped. Of course it came up and went down, and it's always been a sawtooth.

But we went through the thirties. We saw Franklin Delano Roosevelt being elected in 1932. And actually, prior to that, but certainly accelerated from that point, he borrowed money and spent money and created make-work projects, and he put the United States in debt like never before and never envisioned by the Founding Fathers. Even his own people, including John Maynard Keynes, got nervous with the amount of money that was spent. His Treasurer, Morgenthau, expressed his concern that we spent all this money and what do we have to show for it. Unemployment is still high; the economy still hasn't recovered. And they lumbered all the way through the thirties with marginal improvement in the economy.

And one has to question if it ever would have recovered if it hadn't been for World War II. In fact, the President of the United States, the current President, has made the remark that World War II was the largest stimulus plan ever. He can make that statement and challenge it or not, I don't take issue with the concept that he is illustrating in that point, Mr. Speaker.

But I would continue and make this point, that from October of 1929 we saw all of this spending in the New Deal era of the Great Depression throughout the thirties. We saw all the borrowed money that went into winning World War II, and it's a good thing that we did. I believe Franklin Delano Roosevelt was an outstanding war leader for the better part of the Second World War, not so much of an economic leader, in my view, nor a social and cultural one; but he did hold us together as a Nation and he provided that clear voice and that leadership that was so important during that period of time, and he stood on the ground of unconditional surrender. So I tip my hat to that contribution to history to that man.

However, by the end of World War II, we had not recovered economically from where we were in 1929. And by the beginning of the Korean War—let me say by the beginning of the Cold War in 1948, as it was illustrated by Winston Churchill—we had not recovered from the Great Depression. By the beginning of the Korean War, we had not yet recovered from the Great Depression. And by the end of the Korean War, we had still not yet recovered from the Great Depression. If you measure it as the Dow Jones Industrial Average recovering back to the place where it was in October of 1929, that happened, Mr.

Speaker, 9 years after Franklin Delano Roosevelt had passed away. It was 1954 when the stock market got back to where it was in October of 1929. All of those years.

And I will argue, Mr. Speaker, that overspending by government, the interest and the principal overspending by government delays the recovery. It may diminish the depths to which we might have otherwise fallen, but it delays the recovery.

It's the same as in a business. Let's say, for example, you're a small business and you're grossing $500,000 a year and meeting a payroll and all the bills that I talked about earlier and you have a flood that wipes out your asset base. Then along comes FEMA, and if you're in business, they're not going to give you a grant; they might help you get an SBA loan. So if there's a disaster loan, it might even be a preferable interest rate, but let's say your debt was $100,000 and you're grossing $500,000 and meeting a payroll of $250,000 a year. Now, it takes another $400,000 to put all the pieces back in your business, and you're able to borrow that money at 4 percent or 5 or 6 percent.

Now you have the interest rate on the $400,000, plus the requirement to pay the principal off on that $400,000. All of that money that you're spending now that is the result of the overleveraging that may be necessary to keep you in business is money that's earned, it's money that you had to earn, you would have earned it anyway, but now that money goes off for interest and principal rather than capital investment, which is what creates jobs.

□ 1830

At a certain point, you can't service the debt any longer. At a certain point, a business can't pay the interest; it can't pay the principal, and it becomes insolvent if the debt and the leverage is too high. That is true for a family that runs their credit card bills up too much to where they can't service even the interest or the minimum payments on their credit cards. It's true also for a small business. It's true for a large business—and, Mr. Speaker, it's true for a government. It's true for a small government like Greece. It's true for a large government like the United States of America. At some point, this debt that we have taken on here in this time, in this era, becomes too great for even the most robust economy in the world to overcome—to service, to pay the interest, and to pay the principal on that debt.

That's where I think we are headed. We may already be there.

That was the fear that they had during the thirties, and that was something that may have restrained Roosevelt in his spending to where we were able to recover from it; although, it took a long, long time—from 1929 until 1954, until 9 years after the Second World War was over and 9 years after Franklin Delano Roosevelt passed away. We carried this burden throughout this whole period of time.

Through the fifties, during those idyllic years of Fun with Dick and Jane, which is the life that I grew up in, we were responsible for our budgets. The people who were coming into adulthood at that period of time had now cut their economic teeth on fiscal responsibility because they had pinched pennies and had made it through the Great Depression. Then they fought and won a world war. Then they were engaged in a Cold War. Of course, we had the war in Korea that was a negotiated settlement in the end. These were a frugal, hardened people who were the sons and daughters, in my part of the country, of pioneers who came across the prairie in a covered wagon—generally walking beside the team of oxen, not riding in the wagon—to live free or die on the prairie. These were independent, hardworking, industrious, entrepreneurial spirited, strong faith family people who took advantage of the opportunity to be legally here in America, to build lives for themselves and to lay the foundation for their children and their grandchildren. These were the people in the fifties.

Now we watch the next generation, the baby boomer generation, blossom with the component of the generation which was referred to as the ''flower children,'' who didn't take that responsibility, who weren't hardened by those experiences, which were only the secondhand experiences of what had been transferred from their parents to them, and they began to push this irresponsibility.

By 1978, the class envy component got high enough, and there were some things that were inappropriate in what was going on, but the lending institutions were redlining neighborhoods. They would look at the inner cities in America that were losing asset value. Now think of this: If you owned an apartment—a ''condominium'' is how we refer to it today—or a house or a piece of industrial or commercial property in an inner city that was being run down, the value of the real estate was diminished sometimes by the crime rates that were there, by the abusive drugs, by the businesses that weren't sustaining their value and their cash flows. So you might have a nice home in a neighborhood that's not as nice as it used to be. Even though you keep your home up, people don't want to buy that home because they don't want to move into that neighborhood, so the value is going down.

The bankers and the In orders were doing what they call ''redlining.'' I have a red pen in my hand. They would draw, Mr. Speaker, a line around this neighborhood or this area in the city, and they would make a determination that they were no longer going to lend money on real estate in those neighborhoods or in those commercial industrial property areas that were being run down.

It may well have been a prudent business decision. It was defined as a racist decision, and in some cases, I think it probably was. This Congress passed legislation called the Community Reinvestment Act. It compelled lenders to make bad loans in bad neighborhoods. That was in 1978. ACORN was formed and shaped around that same period of time.

As this moved forward into the 1990s, under the Clinton administration, there was a refreshment of the Community Reinvestment Act that set yet higher standards for making more bad loans into bad neighborhoods. They had found that Fannie Mae and Freddie Mac had become quasi-government entities for formerly private entities who were not making, according to the opinion of this Democrat majority in this Congress, enough bad loans into bad neighborhoods. So they changed the standards in the Community Reinvestment Act. They were lobbied by ACORN to lower the standards for Fannie Mae and Freddie Mac. They lowered the standards for Fannie Mae and Freddie Mac for the secondary loan market so that more lenders could make more bad loans in more bad neighborhoods and could peddle them off into the secondary loan market of Fannie Mae and Freddie Mac.

Now we are into the mid-1990s, and still it wasn't such a crisis until such time as the dot-com bubble burst. The dot-com bubble burst, I think, was initiated by the lawsuits against Microsoft that were joined by several State attorneys general, including by my State attorney general, Tom Miller. I think that he and others wielded the lance that pierced the dot-com bubble when they filed the class-action lawsuit against Bill Gates' operation and Microsoft. Even though I believe that that bubble was swelling and that it would have burst at some point, I think the lance that was wielded was by those State attorneys general. That brought about the bursting of the dot-com bubble.

In the aftermath of the bursting of the dot-com bubble, we had, I'll say, a mini recession. Alan Greenspan saw that mini recession. Mr. Speaker, this is my interpretation of his actions. Certainly, this is subject to rebuttal by Alan Greenspan or by somebody else who may have some knowledge that I'm not privy to. He set about a policy here in the United States to unnaturally lower the interest rates so that more people could buy homes in order to drive the housing market. This was to partially compensate for the bursting of the dot-com bubble. We had more

homes built than before, a higher demand because of the unnaturally low interest rates and favorable terms, and we had the lower underwriting standards that had been provided to Fannie Mae and Freddie Mac as far as their secondary mortgages were concerned.

There was pressure that was put on the lenders. They had been pushed by ACORN, which found itself in the inner-city neighborhoods brokering home loans and approving the conduct of the lenders as to whether they were complying with the Community Reinvestment Act.

So we have a political organization that has turned out to be a corrupt criminal enterprise, promoting bad loans in bad neighborhoods at unnaturally low interest rates, driving up a false economy in the housing market to, presumably to some degree, compensate for the bursting of the dot-com bubble that was brought about by the suits of the States' attorneys general, including by my attorney general, Tom Miller.

While all of that was going on, we got hit by the September 11 attack on our financial centers. There were the ensuing extra costs involved, and there was a tremendous loss in life and in treasure that took place due to that. Then what do we see happening here?

We have seen now an economic crisis that has been, perhaps, averted, but maybe it would have been better if we would have simply allowed some of those businesses that were too big to fail to just simply fail. We'd have reorganized them, and we would have put them through the process to get them back into the system again. We would have recovered more quickly. It may have hurt more, but in the end, we would have reestablished the principle that you simply cannot have ''too big to fail'' unless you are going to have a government guarantee. Now the government guarantee on Fannie and Freddie is $5.5 trillion in contingent liabilities. All of this has taken place, and it has moved us away from those standards of free enterprise and accountability.

I would be very happy to yield so much time as she may consume to the gentlewoman from Minnesota, who is on the Financial Services Committee and who is extremely knowledgeable about this and about any subject that she might choose to change it to.

Mrs. BACHMANN. I thank the gentleman from Iowa for laying out the history of where we are today in terms of the financial problem.

Really, the concern that I have on the bill that is being debated over on the Senate side right now is that it seems that this bill effectively wants to institutionalize the very bad government interventionist policies that got us to the point at which we are now. Here are just a couple of things that this bill will do over on the Senate side:

Number one, it makes bailouts permanent. It's as though we had bailout 1.0, which no one really liked. It was a $700 billion bailout. I know Congressman KING and I both voted against the original $700 billion bailout, but it would institutionalize and make permanent the bailouts.

This is something that is not generally known: With the first bailout—and it was under President Bush, unfortunately, that the first bailout was passed—the President had to come to Congress and ask us for our permission for the $700 billion fund to be created. Now, remember, this never had happened in the history of the United States whereby the Secretary of the Treasury was given a blank check for $700 billion. The Treasury Secretary virtually was able to do whatever he wanted to do with that $700 billion, and he had, effectively, no oversight from Congress. He got a blank check for $700 billion.

In good conscience, I could not give that kind of money to one single individual, because, if you give that sum of money, which had never before been given to any individual in American history, you know there is going to be waste; you know there is going to be fraud; you know there is going to be abuse. That is something that government tends to do when it spends too much money. So, of course, that's what we saw. We saw that the money went all over the place, and we still don't have a full accounting of where all of the TARP money is.

Yet what did that money fund? Think of it.

That money allowed the United States to purchase the largest banks in this country, and the United States Federal Government still owns those private banks—Citibank and Bank of America. That money also allowed the Federal Government to buy AIG, the largest insurance company in America.

Barack Obama, who is now our President, was elected in November of 2008. Shortly after his election, he went to then-President George Bush and said, President Bush, I would like to have something under $20 billion. I want to set up an automobile task force because, if we don't spend money now, Chrysler and GM could fail, and to prevent their failure and to prevent job loss, we need to have an automobile task force fund.

President Bush was on his way out the door. He was ending his Presidency. President Obama was about to begin his. He gave that amount of money over to President Obama and to his team to set up the automobile task force. We all know what happened. The automobile task force was set up. Literally, billions of dollars were pumped into Chrysler and GM.

What happened?

Chrysler filed bankruptcy. GM filed bankruptcy. In fact, it was so bad that GM stock was taken off of the New York Stock Exchange because the value of their stock plummeted so far. So, contrary to what President Obama said as to his being able to save the car companies with this bailout fund, the car companies went under. They failed.

As a matter of fact, President Obama then decided—I don't know where he got the power from—to fire the head of GM. Out of what power? No one knows. So here you have the President of the United States deciding that a CEO of a company is going to be fired. That is a jurisdictional issue. The President of the United States does not have the power to fire anyone in the private sector, but isn't it amazing what a whole lot of money will do for a person. That money put so much power into one man's hands that he was able to do virtually anything he wanted, including overturning about 150 years of bankruptcy law.

How was that? Because Chrysler bondholders, who are the people who invested money into the Chrysler car company, had an investment.

Let's say you put $100 into a company that your friend holds. That's your money that you put in. Then the company gives you a bond. It says, Hey, if anything happens to our company, we'll make sure that your $100 is paid back first before anyone else is paid back, and we'll pay you back all of your $100.

Well, unfortunately, President Obama and his team decided to turn upside down 150 years of bankruptcy law. What they did is they said, You bondholders who have a secured interest in your investment are no longer getting your secured investment. We are taking your money, and we are giving it to well-connected political people. We want to make sure they get that money. In that case, those people were their friends at the UAW, at the unions.

Mr. KING of Iowa. Will the gentlelady yield?

Mrs. BACHMANN. Yes.

Mr. KING of Iowa. I thank the gentlelady.

In reclaiming my time, I wanted to explore this ''secured creditor'' so that the Speaker and those who are observing will understand clearly what this means. A ''secured creditor'' would be someone who holds collateral, which is a guaranty that's behind the bond.

I'm going to ask you to flesh this out a little bit, but I'm going to say that it includes, perhaps, real property, which could be the actual factory, itself. It could be the equipment inside the factory. It could be cash collateral, security. It could be the cars sitting as ready for shipment to the dealers but not the cars in the dealers' lots, because they own those cars.

Is that a reasonable picture of what ''secured collateral'' is when you talk about bondholders and the secured creditors?

I would yield to the gentlelady.

Mrs. BACHMANN. That's right, and there is something else to know on secured creditors.

Usually, secured creditors take a lower interest rate. They get paid back at a lower rate because they are first in line. When Chrysler went under, what happened is that, rather than making the bondholders whole first, they actually had their secured interests taken away from them, and other creditors were made whole first.

□ 1845

How can you do that? That's an abrogation of contract law; an abrogation of bankruptcy law. And so we saw a violation of law. That's something that is foundational to the United States that gives us a good business climate. The rule of law is a good thing. The sanctity of contracts works. When we start violating the law and when we start penetrating contracts and violating contracts, that's when we get into trouble with our business climate. We saw that happen in this bailout.

Not only did the Federal Government take money that we don't have. Remember, we had to borrow money. So this wasn't money that we had sitting in a bank vault here in Washington, D.C., where we opened up the bank vault and we pulled out big wads of $700 billion that we could give to the Treasury Secretary to give out to whatever his favorite private business was or his favorite group was. No. We had to borrow that money from the Chinese or whoever we could go and sell our debt to. And so who's going to pay that back? That money is going to be paid back by the debt-paying generation. That gets us into a whole 'nother area.

The gentleman was talking about the financial mess we're in. You were talking about ACORN. You were talking about the subprime mortgages, where all of that's gone, Freddie and Fannie. And the point I guess that I'm trying to make is that the Federal Government with this TARP bailout ended up taking that money and, rather than making our economy whole, rather than creating jobs, because, remember, President Obama said, again, this is with the stimulus spending, $787 worth of stimulus spending, we were promised that we wouldn't see unemployment go above 8 percent, and we were promised that he would create 3½ million jobs.

I know my colleague STEVE KING knows that rather than creating 3½ million jobs, we lost 3½ million jobs. So the spread of error for President Obama is about 7 million jobs, let alone the fact that the debt-paying generation that will pay back the $787 billion, those today that are age 5 to age 30, that age cohort for the next 45 years of their work history will have to pay back the same amount of money as if they went to the store and bought an iPod for $300. So the 5- to 30-year-olds for the next 45 years of their work life will have to go down to a store, buy an iPod, at the end of the month crush the iPod under their heel; then buy another one the next month, crush it; buy one the next month. Every month for 45 years of work history, the debt-paying generation in America will have to effectively buy an iPod and crush it and then replace it to equal what will be spent in this stimulus bill. That's just one of the egregious spending bills.

And when I think of the debt-paying generation, the 5- to 30-year-olds are saving up and would love to buy an iPod, just own one. But now they're condemned to, for 45 years of their life every month, going out and buying a brand new iPod and effectively giving it over to the Federal Government.

Mr. KING of Iowa. Reclaiming my time, I would add onto that that I hadn't thought of that in terms of, and this is a presumption that iPods will stay the price they are, which we know that competition and mass production will probably reduce the cost. But under current value and current dollars, a child born today, for being a natural-born American citizen, their share of the national debt is $44,000. That's like here's your mortgage, sign here with your little ink footprint when you're born, we'll wheel you right out of the delivery room and you've got a $44,000 debt that you have to pay the interest and the principal on. That same child born today, by the time they start fifth grade in school, their share of the national debt will be $88,000. That's the difference between the Obama budget and the budget that we had coming into the Obama administration. That's that kind of a burden that I'm going to presume cross-references to the $300 a month that the gentlelady from Minnesota has talked about.

Mrs. BACHMANN. Also, remember, that's if every American is paying taxes and paying the debt. But one thing that we saw from this current filing of income tax is that 47 percent of Americans paid no taxes. Now, that doesn't mean that 47 percent of Americans are deadbeats, because they aren't. Many Americans don't have income because they're senior citizens living off of fixed assets. There are a number of reasons. But still the number remains true, that 47 percent of Americans aren't paying the taxes. An increasingly smaller group of people are paying a larger share of the taxes. And so the debt burden on particular Americans will be especially egregious.

Mr. KING of Iowa. One of the important studies was done not that long ago by Robert Rector of the Heritage Foundation. He's done a couple of very important studies in the last 2 years. One of them was the level of welfare that's here in the country. I believe he counted 72 different programs that distribute the wealth from taxpayers in America to people who are sometimes taxpayers but more often a greater share of them are tax users. Of those programs, even though we brought down some of the welfare in the mid nineties, it didn't really reduce it so much as it produced a temporary plateau; and then it was built up again with a whole series of programs that we can't track.

Well, he has done so. And it's a chilling thing to see what happens to a society that was a meritocracy, that rewarded people for their work, that now has become a welfare state.

One of his definitive studies, Mr. Speaker, was this. He went in and looked at households that are headed by high school dropouts, without regard to their immigration status; whether they were legal, illegal, foreign or natural-born Americans, whatever their category might have been with their immigration status, if they headed households, and the average household, a family of four, and they were a high school dropout, they would draw down an average of $32,000 a year in taxes in the whole collection of the benefits that are there and they would pay about $9,000 a year in taxes. They would draw down 32, they would pay about $9,000 a year in taxes. The net cost to the taxpayer was $22,449 a year, and that's an average, and the average sustained life of that household, Mr. Rector calculated, was 50 years.

So the math comes out to about $1.5 million to subsidize that household. And we've got people here in this country that are arguing that we need to open up our borders and bring in any number of people because our economy needs this labor and we need someone to pay for the Social Security of the baby boomers. Well, if they can't sustain themselves here, if they're undereducated, even though we have entrepreneurs that fit that category, that are going to make millions of dollars and create millions of jobs, on average it is a net cost to the taxpayer of $22,449 a year, $1.5 million for the duration of that household, that's a burden on the taxpayers that is not a stimulation to the economy, it's a drag and a drain on the economy. And the argument that they are paying Social Security with the payroll tax and, therefore, that's good for those of us that are looking at retirement, members of the baby boom generation, which I am and Mrs. BACHMANN is not. That's my little pandering piece here, Mr. Speaker.

Mrs. BACHMANN. If I could just add with Robert Rector from the Heritage Foundation, he also did a study on welfare and increasing use of welfare in the United States. The trajectory that we're on with the growth in welfare is also unsustainable. And we also recall that shortly after President Obama came into office, one thing that he did is he rescinded all of the welfare reform regulations that were put into

place by the Republican Congress after they won control in 1994. So all of the reforms that actually got people off of welfare and into working jobs and actually plateaued the cost of the welfare, now all of those restraints have been taken off. We're seeing a dramatic increase in the trajectory in welfare spending.

But something else that was interesting from Robert Rector, he said that if an individual on the full panoply of welfare benefits leaves welfare, that that individual would have to seek a job paying in excess of $44,000 a year to replace the welfare benefits that they're receiving from the Federal Government. That is the level of generosity of the welfare benefits that are currently available to people in the United States. There are people in my district that would love to be making an income of $44,000 a year. And yet that is what the United States is providing on average for welfare benefits across the United States. Of course there are exceptions to that, but that's on average. Again I would refer people, Mr. Speaker, to the heritage Web site and the work is by Robert Rector.

Mr. KING of Iowa. Reclaiming my time, I appreciate the gentlelady refreshing that point. I had actually forgotten that number. I remember it now when you say it. $44,000. And now I think in terms of, if you have all the free time in the world to do whatever it is you want to do and you have rent subsidy and heat subsidy and food stamps and the refundable child care credit and the earned income tax credit.

Mrs. BACHMANN. And you've got a home mortgage, a home mortgage that is subsidized by the taxpayers. Because, remember, this was a part of the problem with the amendments to the Community Reinvestment Act in the 1990s, and it was this: An individual could have no income, no assets, no job. With all of that, you could still get a mortgage just based on your welfare benefits. This was a complete change in the way mortgages were given out. And welfare is inherently unstable.

So to think that a 30-year mortgage is being given to someone on the basis of their welfare payments. We had never done that before in the United States. And so what we saw is a correlation with a very high rate of foreclosure. What inducement or incentive is there for an individual to save up to buy a house, save up for a down payment, be frugal, do what you need to do to have a good credit score to get into a house when if in fact because of the Community Reinvestment Act, banks were forced to not look at credit scores essentially and to give mortgages to people on the basis of their welfare checks?

And a lot of these mortgages that were given would give cash back to people. Then people went out and took home equity loans against their home and they had virtually nothing in the home. No wonder we're in the problem we're in. If you change your banking standards to ones that don't even rank up with a comic strip level of regulations, you're going to get disastrous results. That's what we're in the middle of living with now.

Unfortunately the bill that's going through the Senate is institutionalizing the worst aspects that there are about government policy that led to the financial meltdown.

Mr. KING of Iowa. Reclaiming my time, I think it might be useful for the gentlelady and I to go through this list of things that have happened about the nationalization. Because if I look at the dialogue in the country, we've carried this dialogue, I think, back and forth together and teamed up on it.

The gentlelady has talked about $700 billion in TARP. We haven't brought it up so much, but it is part of this, that three large investment banks were nationalized, either by action of or the support and approval of President Obama; along with AIG, the large insurance company, for some amount around $180 billion. We might have used $185 billion at one time. It's in that area. Then we've seen Fannie Mae and Freddie Mac, which I did mention earlier. The President by his executive order has swallowed up the balance of the risk, put it on the taxpayers, to the tune of $5.5 trillion in the contingent liability should Fannie and Freddie, either combination of them, collapse.

While that's going on, we watched the nationalization, the takeover, of two of our proud American car companies: General Motors and Chrysler. We saw the CEO of General Motors fired and replaced by a CEO that was essentially de facto hired by the President of the United States. We've seen all but two of the board of directors of General Motors put in place by the President of the United States who doesn't even deny it. He takes a little bow and a smile as if that's what we should be doing with government.

We have them looking in at CEOs' pay. We look at the student loan program that's been taken over by the Federal Government. We've watched the nationalization of our skin and everything inside it with ObamaCare taken over by the Federal Government. Now we're watching the financial institutions all the way down to the smallest credit transaction will be looked over by the Federal Government. This is a chilling display of the continuum of history of the last 18 months.

Mrs. BACHMANN. What we have witnessed in the last 18 months is effectively an economic coup. Because as you have correctly stated with Fannie and Freddie, today the Federal Government owns over 50 percent of all private home mortgages in this country. So over 50 percent of the homes, they aren't owned by the people occupying them paying the mortgage. It's really owned by the Federal Government. Not only that, for anyone going to secure a mortgage today for a home, nine times out of 10 they have to go to the Federal Government to get their mortgage. So that number will swell for the number of homes that are owned by the Federal Government.

According to an economist from Arizona State University, if you add up all of those sectors of the private economy, we've gone from, 18 months ago, 100 percent of the private economy, private, now we have over 51 percent of the private economy effectively directly owned or controlled by the Federal Government.

But President Obama isn't done. He is demanding that the Federal Government effectively control the energy industry. That's another 8 percent of the economy. He also wants to have the Federal Government control the financial services industry. Some people calculate that at 15 percent. So that would take us from 51, an additional 8 with cap and trade, to 59 percent. Then if we add the financial services sector on, that would take us then up to 74 percent.

President Obama hasn't even been in office 18 months, and we're already at the point where we could be at effectively nearly three-fourths of the private economy under the thumb of Uncle Sam, which is why we absolutely have no choice. This fall we have to see constitutional conservatives retake both the House and the Senate, and then 2 years from now we need a President who will be a constitutional conservative President so we can repeal the government takeover of health care and truly unwind the Federal Government getting out of owning or controlling private businesses.

□ 1900

We have no choice, because otherwise we will go the way of the rest of the world. And all we have to do is take a page out of Greece. Greece is effectively a bankrupt country that's being bailed out by the European Union. Because of the bailouts that the European Union is giving to Greece, the Euro is dropping in value.

The same thing with the United States. We can't think that just because we have been the greatest power and the greatest Nation the world has ever known that we will always continue that way. If we change our economic policies so they have more in line with left of socialist nations, if that's our economic policy that we are embracing, then should we be surprised if the result is analogous to that of countries that are left of socialist-embracing economies? That's not who we are. It's not our character as a people.

And I think it would shock the American people to realize, Mr. Speaker,

that today the Federal Government owns or controls 51 percent of the private economy. That cannot be. And I know Congressman KING joins me in putting his marker in the ground, saying that on his watch in Congress he will do everything he can, as I will do everything I can, to get the Federal Government in its proper realm of jurisdictional authority.

The government doesn't have sovereignty over private business. Only private business has sovereignty over private business.

Mr. KING of Iowa. And reclaiming my time, I do wish to join in that pledge and putting my marker here. We have joined together in the introduction of legislation to repeal ObamaCare, to pull it out root and branch, lock, stock, and barrel, to eliminate ObamaCare so there is not one vestige of ObamaCare DNA left behind that could reproduce itself and further poison our legislation and our laws in America and further diminish the vitality of the American people.

I recall that President Obama as a candidate consistently was critical of President Bush for not having an exit strategy in Iraq. He pounded on President Bush for not having an exit strategy in Iraq. However, that exit strategy actually is being implemented, ironically by the very individual who was so critical.

My point is that Barack Obama has been involved in the nationalization of these huge sections of our private sector, as the gentlelady has described, more than 51 percent of our private sector activity. And when we add the financial sector to it, it becomes a number that approaches that three-quarters, as she has said.

I sent a letter to Secretary Geithner, a formal letter. The response needed to be under oath because it was within a hearing of Financial Services and Ag hearing that we did jointly. The question was if the President was elected at least in part because he was critical of President Bush for not having an exit strategy in Iraq, what's President Obama's exit strategy to divest the taxpayers of their invested interest in this whole list of private entities that we have talked about from the banks to AIG to Fannie and Freddie to the car companies? I didn't get to the point of the student loan or ObamaCare because that hadn't been nationalized yet at that point.

Two months later I did get an answer. And it took a couple of days for the smartest lawyers I had to analyze all the language, which boils down to this: The response from Secretary of the Treasury Geithner, well, we will divest ourselves of these assets when the time is right. And only he would know when that was. But there was no criteria for the Federal Government getting out of this business.

It appears that there is a powerful incentive that is driven within the White House and within the progressives, the very liberals in this Congress, of which there are at least 77, to continue the nationalization, the management now that they are seeking to do of managing all of our financial industry, taking over student loans, and now every credit account in America. And additionally to that, I would give a new example that was exposed to me the other day.

We have an example of how the Federal Government takes over the insurance industry. They did so in about 1963 or 1964 with the Federal flood insurance program. They argued that the private sector didn't produce enough competition so that you couldn't buy flood insurance in flood plains. Maybe there was a reason for that, because you would be flooded and the risks were too high. So they set up the Federal flood insurance program to provide competition to the private sector that was property and casualty at the time.

In a few years, it came to pass that—and it is true today—that the only flood insurance that you can buy in America is under the Federal flood insurance program. It's also true today that that program is $19.2 billion in the red because their premiums don't reflect the risk because they offer this insurance—and by the way, it's compulsory to buy that insurance if you borrow the money through a mortgage loan under a national bank. So it looks to me as though FEMA has been assigned by Congress and is carrying out an action that has now expanded the flood plains dramatically so that the people in these flood plains have to buy more and more flood insurance.

And I looked at one area within one county in my district where there are 2,200 more properties and 1,100 more property owners that will be compelled to pay for the national flood insurance premium. Presumably, if you expand the areas that people are compelled to buy insurance and do business with the Federal Government, then you will be able to bring this Federal flood insurance out of their $19.2 billion in the red.

Think of what happens when the Federal Government sticks their regulatory nose in every transaction in America, every credit transaction, every private flood insurance transaction, every health insurance transaction, operates and manufactures probably two-thirds of the American cars, probably not quite that many actually, and has already taken over the secondary loan market to where they are in more than 50 percent of the real estate.

Mrs. BACHMANN. It even gets more minute than that because under the bill that's being debated right now over in the Senate, if a person has a transaction where it's four payments or more, so presumably if you buy braces for your child and you are paying by payments for your child's braces. If you have four payments or more that's a financial transaction that could come under the purview of the Federal Government. So the orthodontist would then have to conform with regulatory requirements from the Federal Government. That's how insidious this is getting.

As a matter of fact, the bill I believe on the House side would give the Federal Government the authority through a new pay czar that has been selected who would establish the wages of like a bank teller in Peoria, Illinois. So the Federal Government isn't just getting into big things, they are getting into every small area of our life. And I think we just haven't begun to see the levels of involvement.

The other thing you had mentioned, Congressman KING, and Madam Speaker, is that you had wondered about President Obama and where he is going. There is no exit strategy because this current financial reform bill that we are looking at is all we need to know about where President Obama and the Democrats that control Congress want to go. They want more Federal Government intervention. They want more Federal Government spending, which necessitates more Federal Government borrowing, which will mean more taxes.

But what are those taxes? The President has punted that issue to his new commission. But we all know a boatload of taxes needs to be raised. And we are in all likelihood looking at a new form of a national sales tax with a VAT tax, which would mean every item we purchase would have a tax of about 25 percent attached to it. So if you go through the value drive-in meal at McDonald's or a fast food place, although I guess we aren't going to be allowed to eat fast food anymore, it looks like that's the road we are going down next, instead of paying a dollar for that item, now we are going to have to pay $1.25.

All of this means real consequences for real people's lives. It means fewer choices we can make. And apparently what President Obama and the Democrats who control Congress believe is that the American people have too much discretionary income and the American people shouldn't have that discretionary income. They really are the party of big government and of government making the choices over our lives.

The Republicans have a different view. We believe that people make the better choices, and we want them to keep their money. But unfortunately, President Obama has laid all his cards down on the table, as have the Democrats that run Congress, and they have made a decision. It's very clear. We know because their bills are already before us. Anyone can read them online. And they want to be involved in

the smallest financial transactions of our lives. And ultimately they want to decide who will get credit in this country and who won't. That will stifle every one of us in this country. And it won't mean job growth, it won't mean job creation. But we can do far better than that.

Mr. KING of Iowa. Well, and they decided who would get the credit on home loan mortgages based upon the cash flow of the welfare check. And it didn't work out so well. That's one of the examples. I am standing here thinking about this. Where would they stop? A party whose policy is change, who don't have any timeless values, there is not even a definition of truth over on that side that they can agree on, it is about change.

And I have often said that if you would give me the magic wand and I could grant to the progressives, the liberals, the people that fit that definition of folks on that side of the aisle their wish, which would be the entire wish list of all the things that they could compile on that list between now and New Year's, and say to them you get all of this, you get all of this, every policy that you can possibly dream of, and we are going to give it to you when the ball drops at Times Square for New Year's, but the deal is then you have to clam up and not be clamoring for change any more, you have to live under all of the rules and all of the changes that you advocate for, here is what I can guarantee you. They would work night and day to make this list as complete as possible.

They would work right up to the last minute. They would have an amendment they were trying to slip in as the ball was dropping at Times Square to bring New Year's about and grant them their wish. And then when they were granted everything they wished, they would stay up the rest of the night trying to figure out how they got cheated and what they forgot. And they would never keep their word about having to live under the rules and the regulations that were part of their wish list.

We, on the other hand, believe in timeless values. We believe in the integrity of the human being. We believe that our rights come from God. We believe in free enterprise capitalism. We believe in property rights. We think that people that work should live better than those that don't. We believe the wealth of this Nation is not a zero sum game, but it's something that's built upon the entrepreneurial spirit and the foundations of free enterprise, property rights, individual rights, not group rights. And the destiny of America is going to be determined by the amount of liberty that we can grant to people out of this Congress instead of diminish from them.

And my mission is to go forth and to give back out of this Congress the rights that rightfully come from God to the people that have worked so hard to build this country, and not to destroy it incrementally by these huge bites out of our freedom and our liberty. And the question that comes to me is what would a socialist do, what would a progressive do, what would a liberal do that a communist would not? Where do they draw the line? This has been a breathtaking sweep into a takeover of huge chunks of our economy. And they have designs on big chunks of the economy yet. When there is no restraint except the American people and the constitutional conservatives that are filling the streets of America.

They come out with their American flags, their yellow Gadsden ''Don't Tread on Me'' flags, their constitutions in their pocket, and patriotism in their hearts, and tears running down their cheeks because of what they see is happening to America under this ruling troika of Obama, PELOSI, and REID. And it's going to turn around, Mr. Speaker. It's going to turn around this November. It's coming back into the hands of the people. And we will have a lot of work to do to clean up the mess.

One of the things is on the immigration cards, the flash cards that train people to study their naturalization and pass the test. On one side it will say, ''Who is the father of our country?'' You snap it around and it says, ''George Washington.'' You pick up I think it's card 11, and it says, ''What is the economic system of the United States?'' You flap that card around and it says, ''Free enterprise capitalism.'' It probably isn't the case today given what's happened.

I don't want to have to pull that card out of the deck. I want the freedom, the liberty card in the deck. And I want to be able to see my children and grandchildren and every succeeding generation not live the American dream, but live the American dream in addition with a higher standard of living and greater aspirations and more liberty than we had, which is tremendous.

This is what is pulling at the heart of America. This is why the constitutional conservatives, which are comprised of the Obamaites with buyers' remorse, the independents that really don't want a label but they understand the Constitution and free enterprise, the 9–12 Project people that have been so activated here on September 12, all of the Tea Party groups that are there, the conservative Republicans, in fact, almost every Republican constitutional conservative, people that understand that our default position needs to be the Constitution itself and not some activist judge's idea of what they would want that Constitution to say, but what it actually says, what it was understood to mean at the time of its ratification.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today until 3:15 p.m. on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, May 5.

Mr. POE of Texas, for 5 minutes, May 5.

Mr. JONES, for 5 minutes, May 5.

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, April 29, 2010, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7227. A letter from the Assistant Secretary, Financial Management and Comptroller, Department of the Navy, transmitting Fiscal Year 2009 annual report on the authority granted therein to pay for meals sold by messes for United States Navy and Naval Auxiliary vessels; to the Committee on Armed Services.

7228. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting Buy American Act report for Fiscal Year 2009; to the Committee on Education and Labor.

7229. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of North Dakota since February 26, 2010, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

7230. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents [Docket No.: FDA-1995-N-0259] (formerly Docket No. 1995N-0253) (RIN:

0910-AG33) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7231. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 2008 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

7232. A letter from the Deputy Chief Human Capital Officer and Director for Human Resources Management, Department of Commerce, transmitting the Department's report on the use of the Category Rating System; to the Committee on Oversight and Government Reform.

7233. A letter from the Chairman, National Labor Relations Board, transmitting the Board's FY 2009 Buy American Act report; to the Committee on Oversight and Government Reform.

7234. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 0912281446-0111-02] (RIN: 0648-XT32) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7235. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure [Docket No.: 040205043-4043-01] (RIN: 0648-XU86) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7236. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program [Docket No.: 0910131362-0087-02 and 0910131363-0087-02] (RIN: 0648-XV03) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7237. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XV12) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7238. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery [Docket No.: 0907221160-91412-02] (RIN: 0648-AY01) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7239. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped With Honeywell Primus II RNZ-850()/-851() Integrated Navigation Units [Docket No.: FAA-2008-0556; Directorate Identifier 2007-NM-028-AD; Amendment 39-16246; AD 2010-07-02] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7240. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors With a Sport Pilot Rating; Correction [Docket No.: FAA-2007-29015; Amdt. No. 61-125A] (RIN: 2120-AJ10) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7241. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes [Docket No.: FAA-2008-0978; Directorate Identifier 2008-NM-014-AD; Amendment 39-16234; AD 2010-06-10] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7242. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kindred, ND [Docket No.: FAA-2009-0802; Airspace Docket No. 09-AGL-22] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7243. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-1256; Directorate Identifier 2009-CE-064-AD; Amendment 39-16252; AD 2010-07-07] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7244. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries a.s. Model L23 Super Blanik Gliders [Docket No.: FAA-2010-0357; Directorate Identifier 2010-CE-017-AD; Amendment 39-16256; AD 2010-08-01] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7245. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca ARRIEL 1B, 1D, 1D1, 2B, and 2B1 Turboshaft Engines [Docket No.: FAA-2009-0302; Directorate Identifier 2009-NE-09- AD; Amendment 39-16245; AD 2009-08-08R1] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7246. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Area R-2510A; El Centro, CA [Docket No.: FAA-2010-0346; Airspace Docket No. 10-AWP-3] (RIN: 2120-AA66) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7247. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kelly Aerospace Energy Systems, LLC Rebuilt Turbochargers [Docket No.: FAA-2009-1259; Directorate Identifier 2009-NE-41-AD; Amendment 39-16253; AD 2010-07-08] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7248. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2009-1214; Directorate Identifier 2009-NM-091-AD; Amendment 39-16251; AD 2010-07-06] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7249. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 700 Series Turbofan Engines [Docket No.: FAA-2005-19559; Directorate Identifier 2004-NE-03-AD; Amendment 39-16254; AD 2010-07-09] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7250. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-200C and -200F Series Airplanes [Docket No.: FAA-2009-0684; Directorate Identifier 2008-NM-149-AD; Amendment 39-16247; AD 2010-07-03] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7251. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes [Docket No.: FAA-2010-0230; Directorate Identifier 2010-NM-071-AD; Amendment 39-16250; AD 2010-06-51] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7252. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, B2K-3C, B2-203, B4-2C, B4-103, and B4-203 Airplanes [Docket No.: FAA-2009-1166; Directorate Identifier 2009-NM-107-AD; Amendment 39-16255; AD 2010-07-10] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7253. A letter from the President and Chief Executive Officer, Amtrak, National Railroad Passenger Corporation, transmitting the Corporation's FY 2011 General and Legislative annual report supporting documents; to the Committee on Transportation and Infrastructure.

7254. A letter from the Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting a copy of the Report of the Chairman for FY 2009; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 1305. Resolution providing for

consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico (Rept. 111–468). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MILLER of North Carolina (for himself, Mr. CHANDLER, Mr. COHEN, Mr. ELLISON, and Mr. SHERMAN):

H.R. 5159. A bill to provide for a safe, accountable, fair, and efficient banking system, and for other purposes; to the Committee on Financial Services.

By Mr. RANGEL (for himself, Mr. LEVIN, and Mr. CAMP):

H.R. 5160. A bill to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes; to the Committee on Ways and Means.

By Mr. REYES:

H.R. 5161. A bill to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. CHILDERS (for himself, Mr. SOUDER, Mr. ALTMIRE, Mr. DAVIS of Alabama, Mr. MELANCON, Mr. MICA, Mr. CARNEY, Mr. BURTON of Indiana, Mr. DAVIS of Tennessee, Mr. SHULER, Mr. ROSS, Mr. GINGREY of Georgia, Mr. SESSIONS, Mr. SHUSTER, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. ELLSWORTH, Mr. WILSON of Ohio, Mr. BISHOP of Georgia, Mr. CARDOZA, Mr. BOUCHER, Mr. KAGEN, Mr. BARROW, Mr. WALZ, Mr. HILL, Mr. HOLDEN, Mr. HEINRICH, Mr. YOUNG of Alaska, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MACK, Mr. MARSHALL, Mr. KISSELL, Mr. MORAN of Kansas, Mr. RAHALL, Mr. DINGELL, Mr. DONNELLY of Indiana, Mr. KINGSTON, Mr. MINNICK, Mr. TIAHRT, Mr. TEAGUE, Mr. JONES, Mr. OWENS, Ms. JENKINS, Mr. BOYD, Mr. GENE GREEN of Texas, Mr. CHANDLER, Mr. MCHENRY, Mr. BACHUS, Mrs. HALVORSON, Mr. WHITFIELD, Mr. HODES, Mr. TAYLOR, Mr. GERLACH, Mr. CALVERT, Mr. PERRIELLO, Ms. GIFFORDS, Mr. MCNERNEY, Mr. STUPAK, Ms. MARKEY of Colorado, Mr. DENT, Mr. TANNER, and Mr. BISHOP of Utah):

H.R. 5162. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. ALTMIRE (for himself, Mr. BARTON of Texas, Mr. FOSTER, Mr. HALL of Texas, Mr. ROSS, Mr. UPTON, Mr. MELANCON, Mrs. MYRICK, Mr. MCMAHON, Mr. ROGERS of Michigan, Mr. MURPHY of New York, Mr. BARTLETT, Mr. PERRIELLO, Mrs. BIGGERT, Mr. MURPHY of Connecticut, Mr. SHIMKUS, Mr. SALAZAR, Mrs. BONO MACK, Mrs. HALVORSON, and Mr. GRIFFITH):

H.R. 5163. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Science and Technology.

By Mr. ALTMIRE (for himself, Mr. BARTON of Texas, Mr. FOSTER, Mr. UPTON, Mr. ROSS, Mrs. MYRICK, Mr. MELANCON, Mr. ROGERS of Michigan, Mr. MCMAHON, Mr. BARTLETT, Mr. MURPHY of New York, Mrs. BIGGERT, Mr. PERRIELLO, Mr. SHIMKUS, Mr. MURPHY of Connecticut, Mrs. BONO MACK, Mr. SALAZAR, Mr. GRIFFITH, and Mrs. HALVORSON):

H.R. 5164. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 5165. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to provide grants to State educational agencies in order to provide subgrants to eligible local entities to promote financial education to students in the classroom; to the Committee on Education and Labor.

By Mr. DENT:

H.R. 5166. A bill to amend the Immigration and Nationality Act to provide for the loss of United States citizenship by individuals who are unprivileged enemy belligerents; to the Committee on the Judiciary.

By Mr. ELLISON:

H.R. 5167. A bill to amend the Richard B. Russell National School Lunch Act to reduce stigma associated with unpaid meal fees, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLSWORTH:

H.R. 5168. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit through December 31, 2010, and for other purposes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 5169. A bill to amend title 49, United States Code, to require the Secretary of Transportation to promulgate rules to require that all motor vehicles be equipped with event data recorders by 2015, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOLT (for himself, Ms. SHEA-PORTER, Mr. GEORGE MILLER of California, Ms. BERKLEY, Mr. BARTLETT, and Mr. HIMES):

H.R. 5170. A bill to amend title 10, United States Code, to direct the Secretary of Defense to provide members of the Individual Ready Reserve who served in Afghanistan or Iraq with information on counseling to prevent suicide; to the Committee on Armed Services.

By Mr. GARY G. MILLER of California:

H.R. 5171. A bill to create a program under which qualified and available United States construction workers and appropriate equipment can be sent to Haiti to assist Haitians in the rebuilding of their country after the devastating January 12, 2010, earthquake, as requested by the government of Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SARBANES (for himself, Mr. POLIS, and Ms. FUDGE):

H.R. 5172. A bill to amend the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to authorize competitive grants to train school principals in instructional leadership skills and to promote the incorporation of standards of instructional leadership into State-level principal certification or licensure; to the Committee on Education and Labor.

By Mr. TIAHRT (for himself, Mr. BILBRAY, Mr. ROHRABACHER, Mr. AKIN, and Mr. CALVERT):

H.R. 5173. A bill to provide for certain enhanced border security measures, and for other purposes; to the Committee on Homeland Security.

By Mr. TONKO:

H.R. 5174. A bill to amend the Internal Revenue Code of 1986 to modify the credit for qualified fuel cell motor vehicles by maintaining the level of credit for vehicles placed in service after 2009 and by allowing the credit for certain off-highway vehicles; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Mr. BAIRD, Mr. FILNER, and Mr. ELLISON):

H. Con. Res. 270. Concurrent resolution calling on the United States Government to investigate the case of Tristan Anderson, a United States citizen from Oakland, California, who was critically injured in the West Bank village of Ni'lin on March 13, 2009, and expressing sympathy to Tristan Anderson and his family, friends, and loved ones during this trying time; to the Committee on Foreign Affairs.

By Ms. NORTON:

H. Res. 1306. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued to honor the lives of Joseph Curseen, Jr. and Thomas Morris, Jr., the two United States Postal Service workers and District of Columbia natives who died as a result of their contact with anthrax while working at the United States Postal Service facility located at 900 Brentwood Road, NE, Washington, D.C., during the anthrax attack in the fall of 2001; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

267. The SPEAKER presented a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution 1326 urging the United States Congress to support the restoring and conserving the Northeast Great Waters; to the Committee on Appropriations.

268. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution 1302 urging the United States Congress to enact the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009; to the Committee on Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. MARKEY of Colorado, Mr. CANTOR, Ms. KILROY, Mr. POLIS, Mr. INSLEE, and Mr. PERRIELLO.

H.R. 40: Mr. SERRANO, Mr. MEEKS of New York, Mr. ELLISON, Mr. JACKSON of Illinois, Mr. FILNER, and Mr. KUCINICH.

H.R. 211: Ms. HIRONO.
H.R. 275: Mr. TIBERI, Mr. PETRI, Ms. TITUS, and Mr. COLE.
H.R. 313: Mr. MEEKS of New York.
H.R. 333: Mr. VAN HOLLEN and Mr. STARK.
H.R. 442: Mr. BOSWELL.
H.R. 484: Mr. WILSON of South Carolina.
H.R. 673: Ms. PINGREE of Maine.
H.R. 855: Mr. HEINRICH.
H.R. 886: Ms. WASSERMAN SCHULTZ, Mr. ELLISON, Mr. LARSEN of Washington, Mr. LATHAM, Mr. PLATTS, Ms. CLARKE, and Mr. ARCURI, and Ms. CORRINE BROWN of Florida.
H.R. 1017: Mr. ARCURI.
H.R. 1034: Mr. BOUCHER.
H.R. 1126: Ms. FUDGE and Mr. LUJÁN.
H.R. 1173: Mr. ROONEY.
H.R. 1193: Ms. MARKEY of Colorado, Mr. VAN HOLLEN, and Mr. HOLT.
H.R. 1410: Mr. BOSWELL.
H.R. 1422: Mr. TIM MURPHY of Pennsylvania.
H.R. 1503: Mr. CONAWAY.
H.R. 1547: Mr. GARAMENDI, Mr. SENSENBRENNER, and Mr. TIBERI.
H.R. 1551: Ms. HARMAN.
H.R. 1570: Ms. LEE of California.
H.R. 1587: Mr. ROSKAM.
H.R. 1596: Ms. RICHARDSON.
H.R. 1597: Mr. HODES.
H.R. 1708: Ms. SHEA-PORTER.
H.R. 1806: Mr. BLUMENAUER.
H.R. 1826: Ms. FUDGE.
H.R. 1939: Mr. LEE of New York.
H.R. 2000: Mr. WESTMORELAND, Mr. PITTS, and Mr. YOUNG of Florida.
H.R. 2030: Mr. CAPUANO.
H.R. 2049: Mr. GINGREY of Georgia.
H.R. 2067: Mr. STARK, Ms. SPEIER, and Mr. WAXMAN.
H.R. 2149: Mr. TAYLOR and Mr. BARROW.
H.R. 2378: Mr. FOSTER.
H.R. 2413: Mr. COHEN, Mr. CARNAHAN, and Mr. RYAN of Ohio.
H.R. 2417: Mr. HODES and Ms. BERKLEY.
H.R. 2555: Mr. FILNER, Mr. MICA, and Mr. DEUTCH.
H.R. 2906: Mr. BLUMENAUER and Mr. MCGOVERN.
H.R. 3035: Mr. MCGOVERN, Mr. ELLISON, Mr. HARE, Ms. MOORE of Wisconsin, Mr. LATOURETTE, Mr. CHANDLER, Ms. MCCOLLUM, Mr. BISHOP of Georgia, Mr. CLAY, Mr. AUSTRIA, and Mr. SCHOCK.
H.R. 3151: Mr. BISHOP of Georgia and Mr. KAGEN.
H.R. 3339: Mr. PASTOR of Arizona.
H.R. 3393: Mr. MICHAUD.
H.R. 3421: Mr. MCCARTHY of New York.
H.R. 3439: Mr. CONNOLLY of Virginia.
H.R. 3457: Ms. WOOLSEY.
H.R. 3517: Mr. MCDERMOTT.
H.R. 3564: Mr. CUELLAR.
H.R. 3577: Ms. PINGREE of Maine.
H.R. 3615: Mrs. DAHLKEMPER and Mr. THOMPSON of Pennsylvania.
H.R. 3662: Mr. ELLISON.
H.R. 3712: Mr. RAHALL and Mr. REICHERT.
H.R. 3764: Ms. WATERS.
H.R. 3781: Mr. SALAZAR.
H.R. 3790: Mr. MCMORRIS RODGERS, Mr. COLE, Mr. SMITH of New Jersey, and Mr. ROGERS of Michigan.
H.R. 3995: Mr. CLAY.
H.R. 4011: Mr. FORBES.
H.R. 4085: Mr. MINNICK and Mr. STARK.
H.R. 4109: Ms. VELÁZQUEZ.
H.R. 4191: Mr. DEUTCH.
H.R. 4286: Mr. STARK and Mr. CLAY.
H.R. 4301: Mr. STARK.
H.R. 4302: Mr. MCNERNEY, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. ROSS, Mr. JOHNSON of Georgia, Mrs. DAHLKEMPER, Mr. SKELTON, Ms. HERSETH SANDLIN, Ms. MARKEY of Colorado, Mr. MCGOVERN, and Mrs. CAPPS.
H.R. 4321: Mr. HINCHEY.
H.R. 4322: Mr. PASTOR of Arizona.
H.R. 4472: Ms. KILPATRICK of Michigan and Mr. SCHAUER.
H.R. 4530: Mr. SARBANES and Mr. YARMUTH.
H.R. 4544: Mr. HOLT.
H.R. 4671: Mr. STARK.
H.R. 4674: Mr. SULLIVAN.
H.R. 4684: Mr. BOCCIERI and Mr. DAVIS of Tennessee.
H.R. 4720: Mr. CARNAHAN, and Ms. TSONGAS.
H.R. 4722: Mr. KIND, Mr. BOUCHER, and Mr. JACKSON of Illinois.
H.R. 4728: Mr. BILIRAKIS, Mr. SCHOCK, and Mr. ISSA.
H.R. 4755: Mr. ROGERS of Michigan.
H.R. 4812: Ms. CASTOR of Florida and Mr. SCHIFF.
H.R. 4844: Mrs. MCMORRIS RODGERS and Mr. KAGEN.
H.R. 4850: Ms. KOSMAS and Mr. BLUMENAUER.
H.R. 4858: Mr. POLIS.
H.R. 4869: Mr. CLAY and Mr. THOMPSON of Mississippi.
H.R. 4876: Mr. DINGELL and Mr. KILDEE.
H.R. 4879: Mr. WELCH, Mr. MOORE of Kansas, Mr. CARNAHAN, and Mr. MCDERMOTT.
H.R. 4886: Mr. CALVERT.
H.R. 4890: Mr. COHEN.
H.R. 4903: Mr. COLE.
H.R. 4933: Mr. STARK.
H.R. 4947: Mr. BOOZMAN and Mr. KING of Iowa.
H.R. 4959: Mr. DOGGETT and Mr. MCNERNEY.
H.R. 4960: Mr. OLSON.
H.R. 4972: Mr. PRICE of Georgia.
H.R. 5000: Ms. BERKLEY and Mr. CAPUANO.
H.R. 5015: Mrs. NAPOLITANO.
H.R. 5019: Mr. CONNOLLY of Virginia, Mr. BISHOP of New York, Mr. SCOTT of Georgia, Mr. POLIS, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. NORTON, Mr. CARNEY, Mr. JACKSON of Illinois, Mr. DOYLE, Ms. RICHARDSON, Ms. HIRONO, Ms. MATSUI, and Mr. PERRIELLO.
H.R. 5037: Mr. CAPUANO and Mr. FRANK of Massachusetts.
H.R. 5040: Mr. SKELTON.
H.R. 5041: Mr. CARSON of Indiana and Ms. GIFFORDS.
H.R. 5091: Ms. MOORE of Wisconsin and Mr. LEWIS of Georgia.
H.R. 5092: Ms. HIRONO, Mr. MOORE of Kansas, Mr. PAYNE, Ms. ESHOO, Ms. KILPATRICK of Michigan, Mr. PASTOR of Arizona, Mr. RADANOVICH, Mr. SCOTT of Georgia, Mr. COFFMAN of Colorado, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of New Jersey, Mr. ROE of Tennessee, Ms. LEE of California, Mrs. NAPOLITANO, Mrs. MILLER of Michigan, Mr. CARNAHAN, and Mr. YOUNG of Florida.
H.R. 5117: Ms. ZOE LOFGREN of California, Mr. POMEROY, and Ms. WOOLSEY.
H.R. 5121: Mr. CLAY.
H.R. 5125: Mr. FARR.
H.R. 5128: Mr. GEORGE MILLER of California, Mr. MATHESON, Mr. MEEKS of New York, Mr. HODES, Mr. SHULER, Mr. MARKEY of Massachusetts, Ms. MARKEY of Colorado, Mr. SALAZAR, Mrs. CAPPS, Mr. NADLER of New York, Mr. RAHALL, Mr. KILDEE, Mr. CONNOLLY of Virginia, and Ms. DEGETTE.
H.R. 5138: Mr. KILDEE.
H.R. 5142: Mr. MCDERMOTT, Mr. MAFFEI, Ms. KILROY, Ms. KAPTUR, Mr. MARKEY of Massachusetts, Mr. INSLEE, and Mr. BISHOP of New York.
H.J. Res. 14: Mr. COLE.
H.J. Res. 81: Mr. CROWLEY, Mr. ENGEL, and Mr. MAFFEI.
H. Con. Res. 49: Mr. BUTTERFIELD.
H. Con. Res. 262: Mr. LIPINSKI, Mr. MCGOVERN, Ms. KILPATRICK of Michigan, Ms. NORTON, Mr. TOWNS, Ms. MATSUI, Mr. MCNERNEY, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. HARE, Mr. SCOTT of Georgia, and Mr. HASTINGS of Florida.
H. Con. Res. 266: Mr. AUSTRIA and Mr. EHLERS.
H. Res. 20: Mrs. MYRICK.
H. Res. 416: Mr. MCDERMOTT.
H. Res. 988: Mr. GRAVES.
H. Res. 1016: Ms. LEE of California.
H. Res. 1158: Mr. MORAN of Virginia and Ms. KILROY.
H. Res. 1196: Mr. HASTINGS of Washington.
H. Res. 1211: Ms. RICHARDSON.
H. Res. 1226: Mr. SIMPSON, Mr. BOOZMAN, Mrs. MALONEY, and Mr. ISSA.
H. Res. 1256: Mr. BARROW, Mr. LINDER, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia.
H. Res. 1258: Mr. LUJÁN, Mr. FRANK of Massachusetts, Mr. LEVIN, Ms. ESHOO, Mr. GONZALEZ, Mr. PIERLUISI, Mr. KILDEE, Ms. BALDWIN, Mr. BARROW, Mrs. CAPPS, Mr. ENGEL, Mr. GENE GREEN of Texas, Mr. MELANCON, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. STUPAK, Mr. WEINER, Mr. THOMPSON of California, Mr. HALL of New York, Ms. ZOE LOFGREN of California, Mr. LYNCH, Ms. DELAURO, Mr. CONYERS, and Mr. HONDA.
H. Res. 1261: Ms. NORTON.
H. Res. 1273: Mr. CASSIDY, Mr. HALL of Texas, Mr. JONES, Mr. BOEHNER, Mr. COFFMAN of Colorado, Mr. SENSENBRENNER, Mr. WHITFIELD, Mr. REHBERG, Mr. NUNES, Mr. MARCHANT, Mr. TURNER, Mr. RYAN of Wisconsin, and Mr. ROHRABACHER.
H. Res. 1283: Mr. CONYERS.
H. Res. 1294: Mr. BRIGHT.
H. Res. 1297: Ms. PINGREE of Maine, Mr. DINGELL, Ms. BALDWIN, Mr. LOEBSACK, Mr. SNYDER, and Mr. MOORE of Kansas.

# EXTENSIONS OF REMARKS

## HONORING SAFE HARBOR MENTORING, INC. FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Safe Harbor Mentoring, Inc.

Safe Harbor has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. Safe Harbor's continuous acts of selfless efforts are admirable.

I am proud to honor Save Harbor Mentoring, Inc. for their extraordinary work in the community.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The Summary follows:

The person whom I interviewed was Kirby Dean Luke, my stepfather. He married my mother four years ago, and ever since that day I have had a new found respect for the branches of the government. He ended his career as a Petty Officer first class/E6/M1 A. To me he has accomplished being a great soldier who has protected this country with his heart and soul. He accomplished being a great friend to other soldiers in need and he accomplished being a great father for his daughter and me, a girl whom he has only known for a few years.

What I have gained from this experience is that a solider is a man who is honorable, strong, intelligent, and loving. He is a man who puts others before himself. He is a man whom you would want by your side during difficult times. He is a man whom you would want defending your country. To me one of the greatest parts of this country is the men and women we have in all our branches of government. I am thankful that we have them to defend our country and there is no one else out there better than them.—Caitlin Zanin.

## CIRT–ACE NATIONAL DESIGN COMPETITION

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. PERLMUTTER. Madam Speaker, on April 26th, 2010 a team of high school students from Green Mountain High school in Lakewood, Colorado successfully competed as one of three finalists in the Fourth Annual CIRT–ACE National Design Competition, and I am proud to say won. Cosponsored by the Construction Industry Round Table, this competition recognizes students participating in the ACE Mentor Program of America for their creativity and character; and their design projects for their innovation, cost, and constructability.

The team from Lakewood was selected from among their peers for its outstanding design of an ideal school. They have worked hard and enthusiastically over the past school year to develop a practical construction project that reflects real-world skills and concepts. I would like to congratulate students Kristin Bayley and Lane Brugman as well as their mentors Nate Talocco and Angela Talocco.

The ACE Mentor of America was founded in 1994 by leading firms of the integrated construction industry as a mentoring and workforce pipeline to attract youth to pursue careers in architecture, construction and engineering fields. ACE's mission is not only to expose high school students to career opportunities, but also to encourage students to pursue the necessary secondary and post-secondary education. According to a recent survey of alumni of the ACE program, nine in ten of ACE graduates enter a post-secondary institution. The large majority of ACE students come from low-income, minority families.

At the heart of ACE's highly effective program model is a unique partnership between industry professionals who volunteer their time as mentors and the enthusiastic young people who learn all aspects of the integrated construction professions. Today 1,800 ACE mentors engage 8,000 students in more than 190 cities and communities across the nation.

The winning team from Lakewood embodies the love of education, teamwork and dedication to success that ACE hopes to infuse in all their participants and today I rise to recognize, and direct my colleague's attention to, these future leaders.

## IN HONOR AND MEMORY OF JOSEPH F. GOLUBSKI, D.O.

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and memory of Joseph F. Golubski, D.O. whose lifelong commitment to family, friends and his patients made a permanent impact on countless lives from Ohio to Wisconsin.

Mr. Golubski grew up in a large, lively family on Cleveland's southeast side where he learned the values of family, faith and hard work. He attended St. Stanislaus Elementary School and graduated from St. Ignatius High School in 1971. Following his graduation from Ohio Wesleyan in 1975, he earned a Master of Science degree in organic chemistry from Cleveland State University. Motivated to pursue a career in medicine, he attended the Kansas City College of Osteopathic Medicine where he graduated with a Doctorate in Osteopathic Medicine.

Mr. Golubski's focus and dedication on his career was surpassed only by his love of family and friends. He was a devoted husband to Theresa, and was the beloved father of Anne and Joseph. He was the son of Rita and the late Joseph J., and he was the brother of Linda, Robert, Nancy, Steven, Cheryl and Pamela, and the brother-in-law of Deborah, Debra and Albert.

Madam Speaker, please join me in honor and remembrance of Joseph F. Golubski, a man who lived his life with love for family, devotion to friends and dedication to medical

service. Mr. Golubski's generous heart, great sense of humor and joy for living will live forever within the hearts and memories of his family and friends.

## HONORING SAUNDERS OMNIPRESENT NETWORK INSPIRING AMERICA'S YOUTH, INC. FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Saunders Omnipresent Network Inspiring America's Youth, Inc.

S.O.N.I.A.Y. has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. S.O.N.I.A.Y.'s continuous acts of selfless efforts are admirable.

I am proud to honor Saunders Omnipresent Network Inspiring America's Youth, Inc. for their extraordinary work in the community.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year, 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Sergeant Archie Lee Dyer joined the Marine Corps on November 22, 1967. He was only 19 years old at the time, but he was courageous enough to begin his journey as a soldier in the Vietnam War. As a granddaughter of Archie Dyer, I have gotten to know his military career well. It's amazing to sit and listen to the stories of my sweet, humble' and brave Pawpaw's journey as a Marine. His life has been shaped greatly because of his time spent in the Vietnam War and I am very lucky to have a brave grandfather who was willing to potentially sacrifice his life far our nation. Although he has created a successful pool company and had many other great successes in life, the one that can be most appreciated is his success as a Marine. I have learned so much about my Pawpaw by doing this interview. I have realized how passionate he is about protecting our nation by the way he continually holds his head high while telling stories of the "good old days" when he was a Marine. Although his time in the Vietnam War was a very trying experience, my Pawpaw never regrets his time spent braving the war and protecting our great nation. I am so proud of my Pawpaw for all that he has done and I am grateful to have had this experience to learn more about this man that I love and respect so much.—Caitlyn Woolum.

## HONORING THE LIFE OF JERALD F. TERHORST

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the life and work of Mr. Jerald F. terHorst, longtime reporter, columnist, and White House Press Secretary, who passed away on March 31, 2010 at his home in Asheville, North Carolina. He was surrounded and supported by his four children in his final hours.

Born in Grand Rapids in 1922, Mr. terHorst discovered his passion for journalism while at Michigan State University. While working at the State News, the MSU college newspaper, he met Louise, his companion, confidante and best friend through 64 years of marriage. Mr. terHorst was a proud veteran having served as a Marine in World War II. Following the war, Jerry jumped head-first into his passion, reporting, while working for the Grand Rapids Press. During his time there, he covered future-President Gerald Ford's early political career during his successful bid for Congress. A few years later, after a stint in the Marine Corps, Mr. terHorst took a job as a political writer for the Detroit News. He moved to their Washington bureau and shortly thereafter became bureau chief in 1961.

In 1974, when then-Vice President Ford inherited the presidency after Nixon's resignation, Mr. terHorst signed on as Press Secretary for the man he had been closely covering for close to 20 years. It was to be a short-lived tenure, however, lasting one month. His resignation of the prestigious role was due to his strong disagreement with President Nixon's pardoning. In his resignation letter and personal statements in the years following, terHorst stated that his decision was ultimately because he believed Ford had displayed a double standard of justice in choosing to pardon Nixon, yet refusing to pardon conscientious objectors to the Vietnam War. Jerry's resignation, risking his entire career, was a testament to his strong ethical values that had brought him so far in his career. Mr. terHorst received the first Conscience-in-Media Award for his decision. Following his tenure at the White House, Mr. terHorst reentered the profession he loved, signing on as a syndicated columnist for the Detroit News, finally retiring in 1981 after a long and distinguished career.

Mr. terHorst was a friend, strong advocate for truth and justice, and inspiration to those who knew him and read his work. He forever left a mark on reporting and the role of the White House Press Secretary. Jerry will be deeply missed but his legacy lives on, serving as an example for future generations of journalists to model themselves after.

## IN HONOR AND RECOGNITION OF ELAINE MARIE FORTNEY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Elaine Marie Fortney, a woman who lived life with grace and a sense of service to community.

Ms. Fortney was a longtime leader in the Cuyahoga County Democratic Party and a staunch political activist, working on numerous local and national campaigns. Raised in East Cleveland, Ms. Fortney lived most of her life in Cleveland Heights, where she became president of the Cleveland Heights Democratic Club. Her energy spawned from a deep belief that the political process was a vehicle for change. She was regularly called upon by candidates seeking her expertise, including U.S. Senate candidate Mary Boyle, for whom she served as Ohio field director.

Although she lost her ability to walk in her early thirties, she never let a wheelchair slow her down. Ms. Fortney was a dedicated public servant, serving as executive assistant to former Cuyahoga County Commissioner Mary Boyle and as the district director for former United States Congressman Dennis Eckart. She led the Cuyahoga County Democrats as the Executive Director from 1982 to 1985. In 2009, Ms. Fortney retired from service after twelve years of managing worker's compensation claims for Cuyahoga County.

Madam Speaker and Colleagues please join me in honor and remembrance of Elaine Marie Fortney, whose great joy for life, energetic spirit and commitment to community inspired all of us who had the honor of knowing her.

I offer my deep condolences to her sisters, Linda and Jane; to her brothers-in-law, Robert and Matthew; her nieces, Tricia and Elizabeth; her nephews, Shawn and Zachary; and her extended family members and many friends.

## SUPPORT OF H.R. 4994 THE TAXPAYER ASSISTANCE ACT OF 2010

### HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, April 28, 2010*

Mr. DAVIS of Illinois. Madam Speaker, across the United States, April 15th is Tax Day. As Americans file their taxes, H.R. 4994, the Taxpayer Assistance Act of 2010, improves taxpayer programs and protections. The "Tax Day" bill has a history of broad bipartisan support and continues to receive large support today.

Most importantly for the residents of the 7th District of Illinois and the Nation, the Taxpayer Assistance Act of 2010 includes programs that benefit low-income taxpayers. For example, H.R. 4994 increases funding for grants to provide low-income taxpayer clinics. Even in the absence of a specific appropriation, the Volunteer Income Tax Assistance program will be available for use because the Secretary of Treasury could allocate up to $20 million of grant funding annually for the program. As recommended by the National Taxpayer Advocate, the bill allows IRS employees to refer people to these tax clinics as well. The Taxpayer Assistance Act of 2010 also improves the IRS's ability to inform taxpayers about the availability of the Earned Income Tax Credit in prior years, a tax credit that we know helps low income households. In the 7th Congressional District alone, over 72,000 people participated in this program in 2007 with a savings of over $172 million, with most of those taxpayers earning less than $20,000 a year. Further, the bill makes it easier for taxpayers to settle outstanding payments via the offers-in-compromise program. Importantly, H.R. 4994 contains provisions to assure the protection of taxpayers, such as requiring the IRS to notify taxpayers when it suspects that a taxpayer's identity, or a dependent's identity, has been stolen. Each of the bill's provisions provides timely assistance and improvements for taxpayers.

The Taxpayer Assistance Act of 2010 also adapts the tax system to technology in several ways. By allowing the removal of cell phones from listed property, the bill eliminates a strict, outdated rule. The current rule requires individuals to keep detailed records regarding cell phones and similar equipment used for business purposes, imposing unnecessary burdens on companies and taxpayers. The IRS also will be given the opportunity to utilize the internet and other forms of mass communication to notify taxpayers of "unclaimed" or "undeliverable" funds.

Overall H.R. 4994 the Taxpayer Assistance Act of 2010 continues the tradition of the "Tax Day" bill by providing needed programs, protection to our taxpayers, and updates to outdated rules.

## HONORING PRONTO OF LONG ISLAND FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, PRONTO of Long Island.

PRONTO has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with PRONTO are admirable.

I am proud to honor PRONTO of Long Island for their extraordinary work in the community.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, April 28, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I interviewed my grandfather, Ted Falconer, who served for four years, 1948 to 1952, in the Navy as an electrician. He enlisted in September 1948 as a Seaman Recruit. Initially planning on three years of service, the Korean War caused him to serve for four years instead. After basic training he went to Treasure Island for the Navy electrician school. Then he was stationed at the Naval Communication Station on Guam. During this time was when the Korean War broke out and caused him to see a shift in life on Guam. There was more movement of soldiers and material; and he participated in training exercises to practice loading Marines onto naval vessels and practice landings in preparation, for the Incheon Landing. After months of exercises he was shipped back to Hunter's Point in San Francisco to re-commission an old World War II troop transport for active service in the Korean War. After six months his commission ended and he was honorably discharged from the Navy in September 1952 as a 2nd Class Petty Officer. He then went to Texas with his best friend Wayne, who he met in the Navy, and they both attended college at the University of Texas at Austin. There he earned his Bachelor's and Master's Degree. During this time he also met and married Alice Wilkinson, my grandmother, who both have been happily married for fifty-three years.—Eric Womboldt.

## PERSONAL EXPLANATION

### HON. J. GRESHAM BARRETT
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, April 28, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Tuesday, April 20, 2010.

For Tuesday, April 20, 2010, had I been present I would have voted "aye" on rollcall vote #212 (on motion to suspend the rules and agree to H. Res. 1257), "aye" on rollcall vote #213 (on motion to suspend the rules and agree to H. Res. 1271).

For Wednesday, April 21, 2010, had I been present I would have voted "aye" on rollcall vote #214 (on motion to suspend the rules and agree to S. 1963), "aye" on rollcall vote #215 (on motion to suspend the rules and agree to H. Res. 1104), "aye" on rollcall vote #216 (on 'notion to suspend the rules and agree to H. Res. 1216).

For Thursday, April 22, 2010, had I been present I would have voted "aye" on rollcall vote #217 (on ordering the previous question to H. Res. 1287), "aye" on rollcall vote #218 (on motion to refer H. Res. 1287), "aye" on rollcall vote #219 (on motion to instruct Conferees to H.R. 2194), "aye" on rollcall vote #220 (on motion to suspend the rules and agree to H. Res. 1270).

## IN HONOR AND RECOGNITION OF DOROTHY ANN MUELLER

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Dorothy Ann Mueller upon the joyous occasion of her 80th birthday on April 4th, 2010.

Mrs. Mueller grew up in the Tremont neighborhood, in a lively household surrounded by three siblings and her parents, Ann and Joe Kmetz. Her family's heritage includes Slovak, Hungarian, Russian and Polish. As a young girl, Mrs. Mueller and her family moved from Tremont to the Stockyard neighborhood, where she enjoyed skating, dancing and going to the movies. She graduated from West Tech High School, and soon thereafter met and married the love of her life, United States Navy Veteran, Frank Mueller. Together they raised their children and created a home filled with love, respect, faith and compassion. Mrs. Mueller successfully raised her family while working many different jobs, including office manager, salesperson, nanny and many others.

Mrs. Mueller's love of life continues to reflect to this day. Her kindness, quick smile, compassionate heart and sense of humor have made her beloved. She enjoys pinochle, travel, and bocce. Mrs. Mueller's life is highlighted by her abiding faith and sense of service to others. She is a lifelong volunteer at Corpus Christie Church and St. Leo the Great Church. She even moved to Pittsburgh, Pennsylvania when she learned of the city's great need of missionaries. In Pittsburgh, she volunteered at a homeless shelter, utilizing her talents as a cook to prepare and serve meals in the soup kitchen. Mrs. Mueller considers that time as one of the most rewarding periods of her life.

Madam Speaker, please join me in celebrating Dorothy Ann Mueller's 80th birthday. Affectionately known as Ma, Dor, Auntie, Auntie Dor, Ma Mueller, Grandma and Baba, Mrs. Mueller lives life with an open heart, a sparkle in her eye and warm smile. I wish her happiness, joy and love on her 80th birthday and always.

"Love is life. And if you miss love, you miss life"—Leo Buscaglia, one of Mrs. Mueller's favorite authors.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Mr. Craig Sherwood was born on February 3, 1966, and was influenced at an early age by the sense of "duty, honor, country" that was enforced at the U.S. Military Academy at West Point. He was highly impressed by their integrity and strived to be like the officers he had seen at the academy. His father served in the Korean War and his uncle had served in the Vietnam War. Mr. Sherwood enlisted in August 1985 at age 19 and was sent to several training camps including airborne camp where he trained with parachutes and infiltration maneuvers. Afterwards, he was sent to ranger camp where he was put through rigorous training programs and eventually came through 43 pounds thinner! After training, he was sent to Germany and was stationed over 50 men and four canons. Mr. Sherwood was placed in 1989 to hold off the Soviet Union forces and was outnumbered three to one but was able to hold them off for 45 minutes, ensuring a U.S. victory. I have learned that despite the pride of serving the Nation at home and abroad, there is still a danger that is faced. I have gained an understanding and appreciation for those who have served and given their time to preserve freedom in the U.S. Mr. Sherwood's story portrays the sanctity of life and how important it is to protect those moments with loved ones and to never give up.—Alexis Webber.

## HONORING PARENTS FOR MEGAN'S LAW FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Parents for Megan's Law.

Parents of Megan's Law have demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless acts of Parents for Megan's Law are admirable.

I am proud to honor Parents for Megan's Law for their extraordinary work in the community.

## IN HONOR AND MEMORY OF HERMAN KAMMERMAN

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and memory of Herman Kammerman, whose lifelong dedication to promoting consumer rights, workers rights and social justice has made a lasting impression on the citizens of our community.

In 1972, Mr. Kammerman was appointed Director of Consumer Affairs by the late Ralph Perk, former Mayor of Cleveland. He was relieved of that position for ruffling corporate feathers, but I reappointed him when I became Mayor in 1977. As Director of Consumer Affairs in my administration, Mr. Kammerman worked tirelessly to expose unfair practices in the marketplace. Thanks to his efforts, we implemented several consumer protection laws, including a requirement to date perishable grocery items. His work also paved the way for an ordinance which mandated that all gas stations post their prices, as well as an ordinance which made it illegal for companies to advertise sale prices for products without sufficient inventories in stock.

During and following his tenure as a consumer affairs advocate, Mr. Kammerman was a proud tool and die maker at Ford Motor Company. He served as vice-president of UAW Local 420 and served as chairman for the UAW's Council for Consumer Services.

Madam Speaker, please join me in honor of Herman Kammerman, a man who lived his life with great joy and in dedicated service to others. I offer my sincere condolences to his wife, Annette Solomon; to his children, Walter, Kathleen, and Teresa; and to his five grandchildren, three great-grandchildren and friends. Mr. Kammerman's love for his family and devotion to protecting the rights of consumers and workers will be always appreciated and remembered.

IN RECOGNITION OF DR. BENJAMIN FRANKLIN PAYTON AT HIS RETIREMENT AS PRESIDENT OF TUSKEGEE UNIVERSITY

## HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the distinguished career of Dr. Benjamin Franklin Payton, who will be retiring this year from his position as the 5th president of Tuskegee University, a position he has held for the past 29 years.

It goes without saying that Dr. Payton has led a highly successful career serving the students, faculty and community of Tuskegee University. As President, his many accomplishments at the University will certainly be remembered long after his departure. Among his many milestones include the launching of Tuskegee University's first Ph.D. programs in Materials Science and Engineering and Integrated Biosciences; his involvement in the reconstruction and renovation of the entire campus; and his success in leading and exceeding a $150 million Capital Campaign. Dr. Payton's work at Tuskegee University, coupled with his previous accomplishments, has earned him many honors and awards including First Place winner of the Harvard Billings Prize, 1957; South Carolinian of the Year, 1972; an appointment by President Ronald Reagan to the Board for International Food and Agricultural Development; and under President George W. Bush, he was appointed to lead the Task Force on Agricultural and Economic Development to Zaire.

All of us across Macon County and East Alabama have been touched by the visionary leadership of Dr. Benjamin Franklin Payton. He will be missed in the community and at the University he has led for so long. On behalf of us all, I congratulate him for his distinguished service.

KENNETH BANKS

## HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mr. Kenneth Banks for his outstanding business success, community involvement, and impact on Maryland's economic growth and prosperity.

Mr. Banks graduated from Adelphi University in 1974; Mr. Banks has been in the construction field since 1975. He was a foreman and project manager for a contractor before launching his own firm in 1980. Mr. Banks' high standard of excellence, emphasis on professional expertise, and dependability has had a powerful impact on the community. He has worked with numerous community organizations including the American Heart Association, where he chaired the 25th Anniversary Heart Ball.

Mr. Banks is a member of the Greater Baltimore Executive Committee and serves as a member of the Board on the Chesapeake Crescent Commission, chaired by the Governors of Maryland and Virginia and the Mayor of Washington, D.C. He is also a member of the board of the Maryland Affordable Housing Trust and the United Way of Central Maryland. He is a past member of the Board of Trustees at Adelphi University, his alma mater, and is an Executive-in-Residence at Morgan State University's Earl G. Graves School of Business and Management Honors Program.

In 2009, Mr. Banks won several awards for business results and community focus including The Greater Baltimore Committee Mayor's Business Recognition Award, the Award of Excellence given by Associated Builders and Contractors, the Professional Achievement and Community Service Award by the Baltimore City Community College Foundation, the Entrepreneur Award by the Black Engineer of the Year Global Competitiveness Conference, and the Future 50 Award by SmartCEO Publishing.

Madam Speaker, I ask that you join with me today to honor Mr. Kenneth Banks for his outstanding work and community involvement. Through his visionary leadership and stellar business principals, Baltimore continues to grow and flourish.

HONORING KANSAS CITY, KANSAS, POLICE CHIEF SAMUEL F. BRESHEARS

## HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. MOORE of Kansas. Madam Speaker, Kansas City, Kansas, Chief of Police Samuel F. Breshears was honored as Kansas' recipient of the prestigious 2010 Clarence M. Kelley Meritorious Service Award at the spring conference of the Kansas/Western Missouri Chapter of the Federal Bureau of Investigation National Academy Association in Wichita, Kansas, on Friday, April 9th, 2010.

Chief Breshears' dedication to the law enforcement profession, and to the men and women who make up the heart and soul of the calling of law enforcement, is reflected in his commitment to seeking the best possible training for them. Throughout his career he has taken great interest in making it possible for officers get the best contemporary training, acknowledging that training and policy development are practical tools in fighting crime. He has also continued the organizational philosophy of community policing and recognizes that aggressive law enforcement must remain sensitive to the needs of the community. This philosophy is a benchmark to his core police officer values of establishing and maintaining competent, dedicated and exemplary law enforcement officers.

Since 1999, Chief Breshears has served with distinction on the Kansas Commission on Peace Officers Standards and Training, (KSCPOST), a position he was appointed to by the Governor of the State of Kansas. This body is responsible for certifying Kansas Law Enforcement Officers. Further, Chief Breshears has shown his respect for and lifelong appreciation of the law enforcement field by continuing to expand his knowledge and training in the law enforcement discipline, such as having been invited to attend and participate in the FBI-sponsored National Executive Institute.

In addition to his graduate-level academic achievements and being a graduate of the FBI National Academy in 1994, graduating in the 176th session, he has been a model of community service and volunteerism serving on numerous boards and committees throughout the years. His service record reflects his dedication to an exemplary career in law enforcement: High Intensity Drug Trafficking Areas Program Executive Board; FBI Joint Terrorism Task Force Executive Board; FBI HARCFL Executive Board; Kansas City Metro Chiefs and Sheriffs Executive Board; Emerging Threat Analysis Capability Executive Board; and Kansas Peace Officers Association/Governor at Large.

The singularly distinctive accomplishments of Chief Breshears culminate a long and distinguished career in the service of the citizens of Kansas City, Kansas, and reflect great credit upon himself and the Kansas City, Kansas, Police Department, and the Unified Government of Wyandotte County, Kansas. Madam Speaker, I know that you join with all members of the House of Representatives in acknowledging his distinguished service to our community.

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

## HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

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may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Like water that seeps through the cracks of our hands, history is continually being lost because it is not being written down. While interviewing Donald D. Simmons and documenting his experiences as a member of the Air Force during the Korean War, I felt that I became part of the quilt of history that is perpetually being woven. I hope by telling Don's story, I gave a veteran the full appreciation he deserved for what he had done for his country by ensuring that his story would never be forgotten. At the ripe young age of 18, Don decided to enlist in the Air Force. From 1952–1954, he spent his days on a mountaintop north of Seoul where he repaired radar systems and monitored the search radar that was operational 24 hours a day, 7 days a week. After starting out as a private, he climbed the ranks to become a captain and received a Commendation Medal for his service in Korea. After the armistice was signed he continued college under the GI Bill at the University of Maryland where he studied electrical engineering. He is now the secretary of the Aircraft Control and Warning Group, a Korean War veterans' organization that holds annual reunions in cities across the United States, as well as a volunteer at Methodist Richardson Medical Center.—Cindy Wang.

## HONORING MERCY CENTER MINISTRIES, INC. FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Mercy Center Ministries, Inc.

Mercy Center Ministries has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. Mercy Center Ministries' continuous acts of selfless efforts are admirable.

I am proud to honor Mercy Center Ministries, Inc. for their extraordinary work in the community.

## IN HONOR AND REMEMBRANCE OF MRS. LUZ MARIA VILLANUEVA

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Mrs. Luz Maria Villanueva who lived her life with joy, grace and total dedication to her family and friends.

Mrs. Villanueva was born to a large, loving family in Puerto Rico before moving to Cleveland, Ohio. She learned the values of faith and sharing as a young child, values that stayed with her throughout her life. Mrs. Villanueva was preceded in death by her husband of 34 years, Jose, and also by her son, James. Mrs. Villanueva and her husband raised seven children. Her children, grandchildren and great-grandchildren were a source of her strength and joy. In addition to her family, she was never far from her beloved Chihuahua, Chico.

Mrs. Villanueva was dedicated to the teachings of her Roman Catholic faith. She was always willing to offer a helping hand, a warm smile or a kind word. She moved to Florida thirty-one years ago and became active in the parish community of the Church of the Transfiguration. Mrs. Villanueva was a Eucharist Minister, a member of Damas Catolica, and taught catechism.

Madam Speaker and colleagues, please join me in honor and remembrance of Luz Maria Villanueva. I offer my deep condolences to her children; Jose (Margaret) Villanueva, Fred (Ellen) Villanueva, Jennie Orama, Providencia (Santos) Roman, Angela (Winfred) Robinson and Myrna Villanueva (Edwin Montalvo); her twelve grandchildren; five great-grandchildren; and her extended family and many friends. Mrs. Villanueva brought love, kindness and joy into the lives of those around her. She will never be forgotten.

## IN HONOR OF DAVID JOHN McKELVEY

### HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. RYAN of Ohio. Madam Speaker, I submit the following.

Youngstown—Calling hours for David John McKelvey, 58, will be held at St. Edward Church (240 Tod Lane) from 2 to 4 p.m. and 6 to 8 p.m. on Thursday, April 29, 2010.

Funeral services will be held on Friday at St. Edward Church at 11 a.m. Additional calling hours will be held from 9:45 to 10:45 a.m., prior to the service.

David was born on March 23, 1952, in Youngstown, the son of William B. McKelvey and Sallie Turner McKelvey. David was a lifelong member of the community.

David was a member of St. Edward Church and attended Ursuline and The Rayen School. After graduation, David joined the Peace Corps and later attended Youngstown State University. He worked in real estate and business development for the majority of his life.

He was married in 1985 to Meg Mitchell of Youngstown.

He is survived by his children, Jonathan (22), Catherine (18), and Connor (11). David is also survived by his mother, Sallie T. McKelvey; his siblings, Letitia McKelvey, Lucius McKelvey (Terrie), Walter McKelvey (Carol), William McKelvey (Sarah), former Mayor George McKelvey (Sherry), Sally McKelvey Bulger (David) and Anne McKelvey; and many loving nieces, nephews, and cousins.

David was preceded in death by his father, William B. McKelvey.

David was passionate about his faith, family, friends, fishing and traveling. David was an avid volunteer. His favorite charitable cause was serving holiday meals at the Rescue Mission. It gave him great joy to see his children participate in this charitable work.

David was held in high esteem by his many friends, earning respect by his character strengths of integrity, reliability and loyalty. David will be sadly missed and remembered fondly in the hearts of the lives he touched.

In lieu of flowers, the family asks that your generosity be best expressed by a donation to the Gleaner's Food Bank, 94 Pyatt St., Youngstown, OH 44502.

Funeral arrangements are being handled by the McCauley Funeral Home on Broadway Ave. in Youngstown.

## IN HONOR OF THE GRAND OPENING OF THE ELITE NEWS NATIONAL RELIGIOUS HALL OF FAME MUSEUM

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. SESSIONS. Madam Speaker, I rise today to celebrate the grand opening of the Elite News National Religious Hall of Fame Museum on Thursday, April 29, 2010.

First launched in 2000 by Mr. William Blair, Jr., the National Religious Hall of Fame Museum seeks to celebrate, encourage, and showcase the positive impact of ministers in our local community. The inductees are individuals that have been active in ministry for at least fifteen years and are honored for their community, social, and spiritual contributions. Their dedicated efforts have positively influenced our community and touched the lives of numerous individuals, spanning generations.

The National Religious Hall of Fame Museum highlights the important role ministers play in our society. They work countless hours, wholeheartedly devoted to serving God and mankind. Although the results of their tireless efforts may be unseen by many, the impact of our ministers speak loudly in the legacy they leave and in the lives they transform. This museum serves as a tribute to how they have made our community and our world a better place.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating Elite News and their commitment to honoring ministers with the National Religious Hall of Fame Museum.

RECOGNIZING FRANK W. MANN, JR., ON HIS 90TH BIRTHDAY

## HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise to honor Colonel Frank Mann Jr., upon the occasion of his 90th birthday. Colonel Mann has spent a lifetime serving both country and community, and it is a privilege to recognize him on this special day. Throughout the span of his nine decades, Colonel Mann has lived as a shining example to show all what the virtues of patriotism and voluntarism truly mean. I know that as he continues to live out his days, the life of Colonel Mann will serve as a reflection for all to gaze upon to find the exact measure of a man.

Frank was born in Bayonne, New Jersey, on May 2, 1920. As a young pilot, Colonel Mann spent time in the service as an instructor pilot and in England as a B–24 and B–29 aircraft commander during World War II. After leaving the service, he returned to the University of Wyoming and earned a Bachelor of Science in Geology.

As war broke out in Korea, Colonel Mann was recalled to active duty and stationed at F.E. Warren AFB, Wyoming. After a few short months, Colonel Mann was assigned as the Chief of Combat Operations for the 19th Bombardment Group based at Kadena Air Base, Okinawa. During this time he flew B–29 bombing missions over Korea. By the time the war ended in 1953, the 19th had flown 645 missions, 5,950 sorties, and had dropped more than 52,000 tons of bombs on enemy targets. For their display of ability, the 19th was awarded a Presidential Unit Citation. They were also awarded the Republic of Korea Presidential Unit Citation.

Colonel Mann spent the later portion of his illustrious career as an Air Force officer in numerous leadership and command positions throughout the world. Some of those posts include Commander of the 705th Aircraft Control and Warning Squadron, Director of Flight Operations at Wright-Patterson AFB and Commander of an Air Defense Command Radar Station at Mt. Laguna, California. In 1973, after 37 long years of selfless service, Colonel Mann retired. Through his distinguished and decorated career, Colonel Mann earned many awards including the Bronze Star, Air Medal and the Air Force and Army Commendation Medals.

Colonel Mann's record of military service alone is enough to merit a lifetime of achievement. However, after retiring from the military he did not quit his commitment to service. Instead, he continued to go above and beyond the call of duty and put his service-oriented lifestyle to work in the community. Colonel Mann helped co-found the local Lions Club in the 1980s. He also became a volunteer at the Chamber of Commerce where he remains active today. As a civilian, Colonel Mann worked with local retired military personnel and advocated on their behalf at the national level as a member of the Board of Directors and President of the Ft. Walton Beach Military Officers Association of America. In addition, Colonel Mann is a member of the Order of Daedalians. In this capacity, he worked to enroll high school youth in ROTC programs, and sponsored an annual scholarship for ROTC students. Frank is married to the former Margie Hatton of Malone, Florida. Together they have two daughters, Cindy and Karen.

It is with great honor, the highest respect and much personal pride, Madam Speaker, that I recognize the life and deeds of Colonel Frank W. Mann, Jr. on his 90th birthday. He has been a leader both on the battlefield and in northwest Florida. My wife Vicki and I wish him a happy birthday and his entire family all the best for the future.

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

## HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

I spent an evening with Staff Sergeant (SSG) Efrain Garcia, a member of the Texas Army National Guard, recipient of a Bronze Star and an Army Commendation Medal, currently serving his second term. That's right. A second term. You see, Staff Sergeant Garcia originally joined the U.S. Army when he was just a kid out of Grand Prairie High School, served seven years in the regular army, took a ten year break, and decided he missed the Army life so much, he reenlisted.

SSG Efrain Garcia was a pleasant looking man, inoffensive in mannerism and he had a humble style of speaking. But, as he said best, "The plumber working on your pipes could have a Silver Star. But so what? He's not going to tell you his life story, he's going to fix your pipes." Garcia shrugged, as his wife continued to inform us of his endless humility. It clearly wasn't recognition that drove him. It was something greater. It was the bond between men serving their country. When he had left the Army, it called to him, and finally—called him back. He is a man in his element. He doesn't need to brag. He just serves.—Ross Van de Kop.

HONORING MR. DEAN G. POPPS

## HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. KING of Iowa. Madam Speaker, I rise today to pay tribute to an outstanding public servant and proud Greek American, Mr. Dean G. Popps. Dean most recently served our Nation as Acting Assistant Secretary of the Army for Acquisition, Logistics and Technology, and on April 16, 2010, he stepped down from his position to return to civilian life. This brings to a close a 7-year tour in the Department of Defense that started with his volunteering for a 179-day rotation in Iraq as part of the Coalition Provisional Authority, where I first had the pleasure of meeting him.

Since then, Dean has served our Nation under two Presidents, two Secretaries of Defense and three Deputy Secretaries of Defense in a variety of increasingly senior roles. His visionary approach to his most recent position brought sorely needed business acumen to the Army's bureaucratic acquisition process. By calling on his years of experience as a businessman and entrepreneur, he reinvigorated his staff, reshaped rigid business practices and advanced the Army's acquisition objectives. Through this work, Dean has made invaluable contributions to multiple aspects of Army operations in his years of service.

Among Dean's many contributions to the Army and the Nation was his leadership role in the Army's modernization program, in which he successfully defended resources and secured funding for many projects that have strengthened the capabilities of our Armed Forces as they carry out missions in Iraq, Afghanistan, and elsewhere around the world. Dean also oversaw the Iraq Relief and Reconstruction Fund for three years, running what became the largest construction effort since the Marshall Plan. This project saw the completion of more than 3,400 reconstruction projects that have had a profound impact on the restoration of key elements of the Iraqi infrastructure as the country rebuilds and establishes a democratic system.

A committed leader in every position he has held, Dean effectively ran the U.S. Elimination

of Chemical Weapons Program as well, which has become a model for achieving the safe destruction of stockpiled chemical weapons. By the end of his time at the program's helm, the program had successfully completed over 50 percent of our national goal to eliminate stockpiled chemical agents in accordance with the Chemical Weapons Convention, and it will continue to serve as an outstanding model for similar programs elsewhere in the world.

Foremost in Dean's mind has always been a commitment to the welfare of each soldier serving our Nation, a concern that he has upheld throughout his tenure as he helped various projects overcome a myriad of obstacles. He has constantly held himself to exacting performance standards and his visionary leadership and unselfish commitment to duty are truly admirable. The Nation will miss Dean's service but I'm confident his wife Lise, sons Stephen, Jason, and George, and his daughter Christina, will be happy to have him back after his extended loan to the American people. I hope my colleagues will join me in wishing him well in all his future endeavors and hope that those who follow in his footsteps will continue his legacy of selfless dedication to our great Nation. Good luck and godspeed.

## RECOGNIZING THE 50TH ANNIVERSARY OF THE "RED KNIGHTS" OF TRAINING SQUADRON THREE

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. MILLER of Florida. Madam Speaker, it is with great pleasure I rise to recognize the 50th anniversary the Red Knights of Training Squadron Three. Through times of war and through times of peace, the Red Knights have served our country with great distinction and valor. In their commitment and in their sacrifice, Training Squadron Three rightfully holds a place in the annals of Naval History as a squadron that took immense pride in preparing America's finest youth for the defense of our great nation and her ideals. For that reason, I am proud to recognize the Red Knights of Squadron Three for their exceptional training and excellent performance over the last 50 years.

With World War II raging in both the Atlantic and Pacific theaters the demand for trained pilots was at its zenith, and the first squadron to bear the name Training Squadron Three was created. Throughout the costly struggle with the Axis Alliance that claimed many young pilots, Training Squadron Three continued to train pilots for day-to-day operations and for the units needed to carry out the final campaigns against the Japanese mainland. After the terms of surrender were signed by the Japanese, there was little need for multiple training squadrons to train an enormous invasion force and Training Squadron Three was decommissioned.

The current Red Knights of Training Squadron Three picked up the torch lit by their predecessors on May 1, 1960, and continued the legacy of "Training the Best for America's Defense." On that day, Training Squadron Three was commissioned with the task of utilizing the T–28 Trojan to prepare a younger generation of student naval aviators in radio instruments, formation flying and air-to-air gunnery. In 1968, at the height of the Vietnam War, Training Squadron Three was at its peak size; consisting of 174 instructors, 494 students, 649 enlisted and 162 T–28 aircraft. During 1968, Training Squadron Three had flown almost 110,000 instructional hours and trained 902 students. These impressive figures set the record for any training squadron in the history of Naval Air Training command.

In 1980, Training Squadron Three became the only primary fixed wing training squadron to be alternately commanded by a Navy and Marine Corps officer. The Red Knights were honored once again in 1994 when they became the Navy's first and only joint service primary flight training squadron. In 1997, the squadron was selected as the first Navy squadron to transition to and fly the T–6 Texan II.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize the Red Knights for going above and beyond the call of duty on their 50th anniversary. To this day, the Red Knights of Squadron Three continue to provide the highest quality training to student aviators from the Navy, Marine Corps, Coast Guard, Air Force and several Allied nations. As they remain resolute and steadfast to do their part defending our nation, we must do our part to remember their unwavering commitment with our hearts and minds.

## HEROES COME IN ALL SHAPES AND SIZES: EIGHT-YEAR-OLD DILLON EARL IS A HERO

### HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. SALAZAR. Madam Speaker, heros come in all shapes and sizes and I rise today to honor eight-year-old Dillon Earl of Fruita, Colorado for heroic acts that saved lives on Sunday, April 25.

While the two were on their way to church, Dillon's grandmother Lisa DeKruger had a seizure behind the wheel of her truck. Luckily for both of them, Dillon's quick thinking and bravery under pressure saved both their lives and those of other drivers on the road.

When he noticed something was wrong with his grandmother, eight-year-old Dillon reached for the brake and guided the truck to the side of the interstate. With the assistance of another driver, he called 9–1–1 and got his grandmother the urgent medical attention she needed.

The impact of Dillon's actions has only begun to sink in for his grandmother who recently told him, "I guess Grandma owes you lots of candy for the rest of your life."

Throughout this incredible incident, Dillon has shown humility and a maturity beyond his years. His remarkable courage and concern for his loved ones are an inspiration to all of us. This brave young man from Mesa County Colorado has made his family, his community and his Congressman very proud.

I wish him and his family continued health and happiness.

## HONORING CARLOS BRADLEY

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor one of Philadelphia's great athletes, Carlos Bradley, on his induction into the Pennsylvania State Sports Hall of Fame. Throughout his athletic career, Carlos has proven to be not only an extraordinary sportsman, but a man of great character as well.

Carlos was an All-American linebacker at Germantown High School in Philadelphia, and he also earned the distinction of being an All-American at Wake Forest University. Carlos then went on to become a successful NFL linebacker, playing for the San Diego Chargers and, later, the Philadelphia Eagles. Carlos now uses his athletic experience to help clients as a personal trainer, where he is one of the most sought after trainers in the country.

In addition to having a spectacular athletic career, Carlos has worked to help give back to our youth. As the Executive Vice President of the International Student Athlete Academy, Carlos works to help young athletes realize their true athletic and academic potentials. By working with junior high and high school student athletes, the ISAA helps these students prepare for well rounded lives.

Carlos's impressive career shows a long-standing commitment towards promoting the benefits of sport and exercise, and he is well deserving of being inducted into the Pennsylvania State Sports Hall of Fame.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating Carlos Bradley on his induction into the Pennsylvania State Sports Hall of Fame, and thank Carlos for his hard work and dedication to his community.

## THE CONGRESSIONAL YOUTH ADVISORY COUNCIL: A LEGACY OF SERVICE

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I ask my fellow colleagues to join me in congratulating the 2009–2010 Congressional Youth Advisory Council. This year 45 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their communities, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation. As young leaders within their communities and their schools, these students boldly represent the promise and the hope we all have for their very bright future.

President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free."

To ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting the experience for the "Preserving History Project." Today I'm proud to submit the brief summaries provided so the patriotic service of our dedicated veterans and the thoughtful work of the CYAC may be preserved for antiquity in the CONGRESSIONAL RECORD. A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. It is not a coincidence that this congressional tribute celebrates two generations of service. Each of you is trusted with the precious gift of freedom.

You are the voices of the future and I salute you. God bless you and God bless America.

The summary follows:

Louis A. Giamporcaro served as a Technical Sergeant in WWII. He worked with all forms of communication: teletype, phone, radio, photography, etc and was responsible for copying Morse code to send messages to different places and receive incoming messages. In addition, he was ordered to intercept where bullet shells were coming from and give instructions to the artillery unit so they could respond. His team's main assignment was to act as a liaison between the American Army and the Italian Army and place the army on the allied side. Unfortunately, it never materialized. After my interview with Mr. Giamporcaro, I gained valuable insight that I would have never been able to obtain had I read my U.S. History textbook. War is real and it is not something to be taken lightly. Many Americans nowadays tend to forget that war is existent because it is not happening on U.S. soil. In addition, I believe the citizens of America have become a little less disturbed of the thought of a fallen soldier because death is a reoccurring, constant process. This should not be the case. Every lost life of a soldier results in a loss of a whole generation of Americans. I also learned that no matter what position a soldier has in the military, they are an integral part to the execution of battle plans. The military functions as one unit, which is supported by many different departments. As a result, we are called upon to recognize and shine light to the millions of unsung war heroes who fought for our country to provide for the general welfare of the people.—Julia Wang

## COMMEMORATING THE 2010 WORKERS' MEMORIAL DAY

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. COURTNEY. Madam Speaker, I rise. today to join the millions of men and women across our country that will stand in silence today to honor the memory of those individuals who have lost their lives or have been injured on the job. Today, April 28, 2010, is Workers' Memorial Day, a day created by the AFL–CIO and its membership, on which we honor all working men and women in this country for their sacrifice and dedication.

The first Workers' Memorial Day was celebrated in the United States on April 28, 1989. The date was chosen because it was the anniversary of the establishment of the Occupational Safety and Health Administration (OSHA). Since its inception, OSHA has worked to protect employees on job sites across the country. While OSHA has done a great deal to protect the safety and interests of workers, more must be done to protect workers and hold accountable those employers who fail to ensure the safety of their employees.

This years' Workers' Memorial Day has a special significance for those of us in Connecticut. It was a little more than two months ago that on February 7, 2010, 6 workers lost their lives and another 26 were injured when an explosion occurred at the Kleen Energy plant in Middletown, CT. This horrific accident should never have happened and it is the responsibility of each and every one of us to not only honor the memory of those that were lost, but to ensure that such a tragedy never happens again.

Madam Speaker, I ask that all my colleagues join me and working men and women around the country in remembering the men and women who have been killed or injured on the job and to honor the families whom have lost so much.

## THE INTRODUCTION OF THE ANTHRAX ATTACK COMMEMORATIVE STAMP RESOLUTION

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Ms. NORTON. Madam Speaker, today I introduce a resolution directing the Citizens' Stamp Advisory Committee to recommend to the Postmaster General that a commemorative stamp be issued to honor the lives of Joseph Curseen, Jr. and Thomas Morris, Jr., the two United States Postal Service (USPS) workers, and District of Columbia natives, who died as a result of their exposure to anthrax while working at the USPS facility located at 900 Brentwood Road, NE, Washington, D.C., during the 2001 anthrax attack. This commemorative stamp meets the Citizens' Stamp Advisory Committee's requirement that no postal item may be issued sooner than five years after an individual's death.

Joseph Curseen, Jr. and Thomas Morris, Jr. served the USPS honorably and diligently for a combined period of 52 years until their deaths on October 22, 2001, and October 21, 2001, respectively. Curseen, remembered as a quiet man with a fuzzy mustache, loved to tell stories and loved his church. He was so dedicated to his work, that during the 15 years that he worked for the USPS, he never called in sick. His co-workers described him as someone who was kind and courteous, who stayed at the Post Office seven days a week, giving up breaks to get the mail out, and who regularly led a postal worker Bible study group. In his neighborhood of Cambridge Estates, Maryland, Curseen was the president of the homeowners association, an avid jogger, and a member of St. John the Evangelist Church. To his neighbors, Curseen was someone who everyone knew, who was friendly, and who worked quietly, but "really got things done." He helped build a playground and park in the Cambridge Estates area, even though he and his wife had no children. Although Curseen lived in Clinton, Maryland, he grew up in Southeast D.C., where Our Lady of Perpetual Help Roman Catholic Church was his childhood parish and school. Curseen's wife, Celestine Willingham Curseen, to whom he was married for 16 years, described her late husband as a generous, kind, hard-working man who will be greatly missed.

Thomas Morris, Jr. also grew up in the District of Columbia, although he and his family moved to Suitland, Maryland. Before joining the USPS, Morris served in the United States Air Force. Morris joined the USPC in 1973 and worked as a distribution clerk. He was a hard worker who had no aversion to working overtime, a proud husband and father of one son and two stepchildren, as well as the president of a bowling league team. To his neighbors, Morris was a quiet, thoughtful, deeply religious and humble man, who dispensed helpful, and often paternal advice to his younger neighbors. His wife, Mary, described him as true to others and to himself, as someone who was respectful and law-abiding.

Please join me in honoring the lives of these two men, who died serving their country, and in requesting a commemorative stamp in their memory.

I urge my colleagues to support this resolution.

## HONORING THE LIFE OF MR. EARL DURDEN

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. MILLER of Florida. Madam Speaker, it is with both great honor and humility that I rise to recognize the life of Mr. Earl Durden. After 18 years, Earl succumbed to his battle with cancer and now rests in peace. Throughout his 78 years, Mr. Durden spent his days working as a community leader, and I am proud to honor his lifetime as a compassionate giver and visionary.

Mr. Durden came from humble beginnings. He was born the son of a farmer outside of Dothan, Alabama, but became a powerful leader in the transportation industry. While he was a well known railroad magnate throughout Florida, Mr. Durden was perhaps best known as a local philanthropist and for his quiet charity. Earl Durden was a friend to many and was respected by even more. He was a man who always gave generously and has good deeds that will forever go unknown. Even during his

fight with cancer, he never forgot what was important and what was worth living for.

Earl Durden was a self-made man. He believed in being honest, working hard and making the most of life. His impressive list of accomplishments includes being named chairman of the state transportation commission under Governor Jeb Bush, CEO and Director of Rail Management Corporation and owner of Magic Broadcasting Company. At age 68, Durden was honored by being named one of the most influential people in Florida.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize and honor the life of Earl Durden. The size of Mr. Durden's heart was only matched by his love for family. My wife Vicki and I express the deepest sympathies to his loving wife Karen and their three sons.

## RECOGNIZING THE SERVICE OF MAJOR MARK B. HILL

### HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. MCCLINTOCK. Madam Speaker, I rise today to recognize the service of Major Mark B. Hill of El Dorado Hills, California. Hill grew up in El Dorado Hills and after graduating from California State University-Sacramento, he was commissioned into the U.S. Air Force at Mather Air Force Base.

Major Hill has served with distinction for the last 20 years, flying over 4,500 hours and more than 130 combat support missions aboard the E–3 Airborne Warning and Control System aircraft and as a qualified Master Air Battle Manager. He has deployed in support of multiple operations, including: Desert Storm, Provide Comfort, Southern Watch, Deliberate Force, Allied Force, Enduring Freedom, and Noble Eagle. As a qualified Joint Service Officer, he left a NATO post for his current duty assignment as a Branch Chief within the Command and Control, Intelligence, Surveillance and Reconnaissance Division, Directorate of Requirements, Headquarters Air Combat Command, Langley Air Force Base, Virginia. As a former Eagle Scout, he remains a volunteer supporting the Boy Scouts of America and has done so throughout his military career. Hill's commendations include the Defense Meritorious Service Medal, the Meritorious Service Medal (two oak leaf clusters), Air Force Commendation Medal, and the Joint Service Achievement Medal.

Madam Speaker, with his retirement from active duty in the United States Air Force on June 1, 2010, I am proud to recognize Major Mark B. Hill and thank him for over two decades of representing the finest of our values and for his long service in defense of our nation.

## HOOSIER HONOR FLIGHT

### HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ELLSWORTH. Madam Speaker, I rise today to commend the brave and heroic veterans of the Hoosier Honor Flight for their outstanding leadership and service to our country.

Hoosier Honor Flight is an organization created solely to honor the men and women who have bravely sacrificed in their service to our country by flying our heroes to Washington, DC to visit and reflect at the memorials they so rightly earned.

The Hoosier Honor Flight is an admirable undertaking. It is of the utmost importance to me that all American veterans are honored. Thanks to their courageous service, all Americans live free in this great country.

Thanks to the dedication of Monroe County veterans' organizations, businesses and Hoosiers from across southern Indiana who joined forces to provide the first Hoosier Honor Flight on 12 November 2008, 39 World War II veterans and one Korean War veteran were able to enjoy visiting the national WWII Memorial, Lincoln and FDR memorials, Vietnam and Korean War memorials, as well as the Marine Memorial, Arlington National Cemetery, the Changing of the Guard at the Tomb of the Unknowns, and laying a Hoosier Honor Flight wreath at the Tomb.

Today, over one hundred Hoosier veterans will arrive in Washington, DC to visit the memorials dedicated in their honor. I will have the privilege of meeting these fine men and women to thank them for their service to our country.

## CELEBRATING THE SUCCESS OF "OPERATON COOKIE SHARE"

### HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mrs. HALVORSON. Madam Speaker, today I rise to recognize the success of "Operation Cookie Share," a collaborative effort of the Girl Scouts of Central Illinois and the State Farm Military Affinity Group. This year, customers purchasing Girl Scout cookies were able check on their order form whether they wanted to donate extra boxes of cookies to our troops. As a result of this effort, over 86,000 boxes of Girl Scout cookies were sold and delivered to our troops serving in Iraq and Afghanistan, military hospitals in the U.S. and overseas, and USO hubs at major American airports for deploying and returning troops.

Our sons and daughters fighting for us overseas put their lives on the line every day and everything we can do to make their lives easier helps. These cookies aren't just a treat; they're a simple reminder of home and a simple gesture of thanks from a grateful community. I'm proud to support the great members of the Girl Scouts of Central Illinois and the State Farm Military Affinity Group, and honor the work done by so many in our community to thank our troops.

## HONORING EDUCATION & ASSISTANCE CORPORATION FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Educational & Assistance Corp.

EAC has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with Education & Assistance Corp. are admirable.

I am proud to honor Educational & Assistance Corp. for their extraordinary work in the community.

## RECOGNIZING OUTSTANDING PARENT SUPPORT FOR SCHOOLS

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize and pay tribute to the contributions of Parent Teacher Associations (PTA) and Parent Teacher Student Associations (PTSA) in northern Virginia. These associations serve a critical role in helping to provide the best possible educational environment for our students.

Schools located throughout northern Virginia are consistently recognized as being among the very best in our country. I strongly believe one factor in the excellent education received by our students is the high level of involvement and encouragement provided by parents through PTAs and PTSAs. Parent volunteers exist in a number of capacities within each school ranging from planning and implementing social events to helping ensure that teachers have the classroom resources they need to succeed.

The Northern Virginia District PTA represents a region with more than 220 schools. Maintaining a healthy and strong organization is an important part of allowing these groups to have the greatest possible impact on the students they serve. To encourage such strength, it is important to note the individual PTAs and PTSAs that excel in this mission as well as the individual Volunteers of the Year.

I am pleased to congratulate the following on being recognized by the National PTA and Virginia PTA for 2009–2010 school year:

$1,000.00 National PTA Healthy Lifestyle Grant: Laurel Hill ES PTA

$300.00 Virginia PTA Family Fitness Grants: Samuel Tucker ES PTA and Haycock ES PTA

2010 National PTA Phoebe Apperson Hearst Family-School Partnership Awards of

Merit: Fairview ES PTA, Lake Braddock SS PTA, Mosby Woods ES PTA, and White Oaks ES PTA

2009–2010 Virginia PTA Superior Membership Achievement Awards: Falls Church ES PTA, Nottingham ES PTA, Flint Hill ES PTA, and Langley HS PTSA

2009–2010 Virginia PTA Outstanding Membership Achievement Award: Peyton Randolph ES PTA

2009–2010 100 percent Membership Awards: Chesterbrook ES PTA, Falls Church ES PTA, Flint Hill ES PTA, Langley HS PTSA, Nottingham ES PTA, and Waynewood ES PTA

2009–2010 New Unit Charters: Cedar Lane School PTSA, Laurel Hill ES PTA, Lutie Lewis Coates ES PTA, Drew Model School PTA, and Arlington Special Education PTA

2009 Virginia PTA Volunteer of the Year: Sue Bernstein, Hollin Meadows ES PTA

2010 District Volunteer of the Year Nominees (Secondary): Kathy Conrad, Patricia Fausser, John Long, Janet Robinson and Greg Brandon.

2010 District Volunteer of the Year Nominees (Elementary): Karen Hildebrand, Teresa Willebeek-Lemair, Jenniefer Schantz, Jana Hollis, Ellen Giblin, Jill Chastain and Christa Soltis.

Congratulations to Sue Bernstein for being named the 2009 Volunteer of the Year and best of luck to the 2010 Volunteer of the Year Nominees.

A special note of appreciation is deserved by the following individuals for their service as elected officers of the Northern Virginia PTA Executive Board as they complete their term in office; District Director Debbie Kilpatrick, 1st Asst. District Director Nina Austin, 2nd Asst. Director Rob Horvath, Secretary Angela Nesley and Treasurer Donald Cantwell. Thank you and those who serve as Committee Chairs for your tireless efforts during the 2008–2010 term in office.

Madam Speaker, I ask my colleagues to join with me in recognizing the outstanding achievements of the individuals and the PTA/PTSA organizations being recognized. Dedicated involvement from so many parents reflects a strong commitment to public education and community service that students in our schools are fortunate to experience. I offer my strong support for these organizations and their dedicated volunteers.

## THE OCCASION OF FIRST ANNIVERSARY OF UNVEILING OF SOJOURNER TRUTH MEMORIAL

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Ms. RICHARDSON. Madam Speaker, what does the unveiling of the Sojourner Truth Memorial in the U.S. Capitol mean to me?

I feel extraordinarily proud to celebrate the one-year anniversary of the unveiling of the memorial to Sojourner Truth in the United States Capitol. I am inspired by the legacy of Sojourner Truth, who was born a slave and overcame daunting odds to become one of the most influential figures in both the women's rights movement and the African-American struggle for equality.

The existence of such an eloquent memorial statue in her honor in the U.S. Capitol ensures that her legacy will never be forgotten. Lawmakers and visitors alike will be reminded of her spirit, dedication and courage each time they pass by her memorial. Just as Sojourner Truth paved the way for so many who came after her, this memorial reminds all visitors and those who work and serve here that the fight for freedom is hard fought but worth the victory.

## HONORING UNITED WAY OF LONG ISLAND FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, United Way of Long Island.

United Way has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with the United Way of Long Island are admirable.

I am proud to honor United Way of Long Island for their extraordinary work in the community.

## INTRODUCING THE INSTRUCTIONAL LEADERSHIP ACT OF 2010

### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. SARBANES. Madam Speaker, I rise today to introduce the Instructional Leadership Act of 2010, which will strengthen schools by helping principals to become instructional leaders.

With the passage of No Child Left Behind, NCLB, school principals often find themselves with greater responsibilities. They are accountable for student achievement and the broader goals of NCLB but they lack the appropriate training and resources needed to accomplish these goals. It is time to bring equal attention to developing programs that train principals on the best practices to guide teaching and learning in schools.

The Instructional Leadership Act of 2010 provides grants to State and local educational agencies to drive gains in academic achievement for all children by: (1) Creating innovative programs and sites to train principals in instructional leadership skills including developing a school vision, staff development, and effective instructional practices; (2) Developing pilot programs to evaluate the incorporation of standards of instructional leadership into State principal certifications; and (3) Establishing state-of-the-art principal induction programs that provide mentoring and on-the-job training for new principals.

This legislation is strongly supported by the National Association of Secondary School Principals, NASSP. It represents a necessary first step towards developing the next generation of school leaders who are committed to, and effective in, increasing student achievement. I urge support for this important piece of legislation.

## PERSONAL EXPLANATION

### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. SOUDER. Madam Speaker, yesterday I was unable to vote during rollcall No. 226 because of illness. If I would have been present, I would have voted "yea."

## HONORING FAMILY SERVICE LEAGUE FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Family Service League.

Family Service League has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless efforts of those involved with Family Service League are admirable.

I am proud to honor Family Service League for their extraordinary work in the community.

## TRIBUTE TO MS. PAM McCUE

### HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. GRIFFITH. Madam Speaker, I rise today to recognize the career of Ms. Pam McCue. Ms. McCue is the Director of the Missile and Space Intelligence Center (MSIC), which is headquartered at Redstone Arsenal in my district.

Ms. McCue has spent her entire career in the field of intelligence analysis of foreign missile and air defense systems. She assumed her current position upon her appointment to the Defense Intelligence Senior Executive Service in May of 2007. She is responsible for planning, organizing, and directing an organization of 400 people in analyzing intelligence information on foreign missile and space systems and related technology.

The work done at MSIC under Ms. McCue's direction delivers integrated, timely, and high

confidence intelligence assessments to our warfighters, weapons system developers, and policy makers.

Madam Speaker, I wish to congratulate Ms. Pam McCue on a spectacular career and wish her continued success.

## REMARKS RECOGNIZING THE YWCA OF BERGEN COUNTY RAPE CRISIS CENTER AND THEIR ADVOCACY OF DENIM DAY

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize the New Jersey Legislature's declaration of April 28th as Denim Day and to thank advocates across the state for their tireless efforts to promote sexual assault awareness and provide assistance to victims of sexual assault. Recently, New Jersey became the newest state to adopt Denim Day as an annual event to raise awareness for acts of sexual assault. The establishment of Denim Day across the state of New Jersey is an important call to action reminding us that we must do everything possible as a community and as a nation of laws to stop rape and sexual assault and help survivors.

Denim Day originated in 1998, when a decision to overturn a case of sexual assault by the Italian Supreme Court caused outrage among Italian legislators and the public. A statement released by the Head Judge of the Court stated, "Because the victim wore very, very tight jeans, she had to help him remove them . . . and by removing the jeans . . . it was no longer assault but consensual sex." The women in the Italian Parliament protested by wearing jeans on the steps of the Parliament building and the protests that followed eventually spread to the United States.

The movement that originated in Italy reached New Jersey in 2008 and 2009 when several county-based Sexual Violence Programs in New Jersey launched Denim Day. I am proud to say that the YWCA of Bergen County Rape Crisis Center, located in my district, has been a champion of this cause. Today, they will be hosting the third annual "Denim Day in NJ" in Bergen County. This is also the first year that Denim Day will be observed officially throughout the state of New Jersey thanks to a New Jersey State Legislature resolution designating April 28 of each year as Denim Day to promote rape awareness throughout the state.

I commend the ongoing efforts of the YWCA of Bergen County Rape Crisis Center to provide free and confidential assistance, counseling, and medical and legal services to survivors of sexual assault. I stand united with the YWCA, survivors of sexual assault, and their loved ones in observing this important day.

## HONORING HEALTH AND WELFARE COUNCIL OF LONG ISLAND FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Health and Welfare Council of Long Island.

Health and Welfare Council has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. Health and Welfare Council's continuous acts of selfless efforts are admirable.

I am proud to honor Health and Welfare Council of Long Island for their extraordinary work in the community.

## RECOGNIZING OUTSTANDING STUDENTS IN NORTHERN VIRGINIA

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the achievements of several students in Northern Virginia. These students have participated and excelled in programs administered by their local Parent Teacher Associations and Parent Teacher Student Associations.

Parent Teacher Associations, PTAs, and Parent Teacher Student Associations, PTSAs, serve a critical role in helping to provide the best possible educational environment for our students. The Northern Virginia District PTA consists of a region with more than 220 schools. Schools located throughout northern Virginia are consistently recognized as being among the very best schools in our country. I strongly believe one factor in the excellent education received by our students is the high level of involvement and encouragement provided by parents through the PTA and PTSAs.

I am pleased to congratulate the following students on being recognized by the National PTA and Virginia PTA for their outstanding achievements:

2010 District PTA Citizenship Essay Awards—High School Division: Trisha Hajela (10th Grade, Centreville High School), and Katherine DeFazio (12th Grade, James Madison High School).

2010 District PTA Citizenship Essay Awards—Middle School Division: Bennett Casciano (7th Grade, South County Secondary School), and Cali Willcockson (8th Grade, Liberty Middle School).

The 2010 PTA Reflections National PTA Nominees are:

Dance Choreography: Primary Division—Claire de la Paz (2nd Grade, Herndon Elementary School PTA) for her dance performance titled "Free Bird."

Literature: Middle/Junior Division—Eliza Malakoff, (7th Grade George Washington Middle School PTA) for her insightful essay titled "No Beauty?"

Music Composition: Intermediate Division—Kyle Gatesman, (4th Grade, Canterbury Woods Elementary School PTA) for his musical composition titled "Reflections in Color: Variations on a Theme."

Visual Art: Primary Division—Hannah Cadenazzi, (1st Grade, Great Falls Elementary School PTA) for her interpretative painting titled "Family."

Visual Art: Intermediate Division—Brittney Fogg, (5th Grade, Willow Springs Elementary School PTA) for her authentic drawing titled "Beauty is worth looking for."

Visual Art: Middle/Junior Division—Jiwhae Choi, (8th Grade, Rachel Carson Middle School) for the multifaceted vision of "Beauty is never giving up."

2009 National PTA Award of Excellence: William Park, (12th Grade, Langley High School) who was recognized at an awards reception at the Department of Energy on January 16.

Madam Speaker, I ask my colleagues to join with me today to recognize the outstanding achievements of these students. I also ask that we recognize the Northern Virginia District PTA, in partnership with the Virginia PTA, as they work diligently to develop the diversity of talents and skills of students attending schools throughout Northern Virginia. It gives me great pleasure to acknowledge the achievements of these students and the Parent Teacher Associations that support them.

## HONORING THE LIFE OF ROBERT HIESTAND

### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. LEWIS of Georgia. Madam Speaker, on Tuesday, March 30, an Atlanta icon passed away. Robert Hiestand sold roses and carnations on the corner of Northside Parkway and West Paces Ferry for 20 years and, in the process, became a ubiquitous fixture in the daily routine of Atlantans from all walks of life. He was 55 when he passed.

Over the years, Governors, state legislators and Members of Congress including myself have stopped for a few kind words and a few beautiful flowers from Robert. Yet it is the students who often saw him on their way back and forth from school that have most loudly opined his loss.

I have heard a few different versions of how Robert ended up in Atlanta but the version he told was that his motorcycle ran out of gas as he was passing through and he decided to stay. For two decades after that, come rain, come summer heat, come winter cold, come what may, Robert's only condition to go to work was whether the flowers could survive.

The vibrant remembrances of the Atlanta community reflect the tremendous impact of his character, of his hard work and of his staunch individualism that allowed him to carve out his own niche and leave a lasting impression on the lives of so many. He will be missed and I ask my colleagues to join me in honoring his contribution to Atlanta.

## HONORING LONG ISLAND ADVOCACY CENTER FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Long Island Advocacy Center.

Long Island Advocacy Center has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. Long Island Advocacy Center's continuous acts of selfless efforts are admirable.

I am proud to honor Long Island Advocacy Center for their extraordinary work in the community.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,886,315,749,582.96.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,247,890,003,289.16 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

## IN RECOGNITION OF THE FIFTH ANNUAL MICHIGAN EARTH DAY FESTIVAL ON THE OCCASION OF THE 40TH ANNIVERSARY OF EARTH DAY

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. PETERS. Madam Speaker, I rise today to recognize the organizers and participants of the fifth annual Michigan Earth Day Festival on the occasion of the 40th anniversary of Earth Day. As a Member of Congress it is my privilege to support this forum as we work to develop Michigan's green and blue economies.

Much like the day it celebrates, the Michigan Earth Day Festival brings together Michiganians from all regions and sectors of community who recognize that the economic vitality of Michigan lies in the innovation and development of our of State's complementary green and blue economies. This festival provides an opportunity for local entrepreneurs, environmentalists, conservationists, civic officials and everyday citizens to build the network of human capital infrastructure so critical to Michigan becoming a leader in these new industries. Last year the Festival attracted an estimated 50,000 Michiganians to its grounds in downtown Rochester, all of whom were focused on the "triple bottom line" of economic, environmental, and individual prosperity.

On its fifth anniversary, the Michigan Earth Day Festival is set to provide its largest platform yet in its effort to draw attention to the connection between our environment and our future economic prosperity. This year's Festival event will host over 200 participants including environmental and conservation groups, local governments, green business owners and others who will be promoting resource conservation, green technology development, and good stewardship of our environment which will brighten Michigan's economic future while securing our State's rich natural wonders.

Madam Speaker, I ask all of my colleagues to join me today in recognizing the work of the Michigan Earth Day Festival's organizers and participants towards creating a greener and stronger Michigan economy. I wish the Festival's organizers and participants many future years of success as we work together to develop a renewed, greener and more robust Michigan economy.

## HONORING THE WORK OF THE REVEREND DR. WALTER THOMAS RICHARDSON ON THE OCCASION OF HIS RETIREMENT FROM SWEET HOME MISSIONARY BAPTIST CHURCH

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2010*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, today I rise to honor and thank The Reverend Dr. Walter Thomas Richardson of South Florida for his 26 years of service to Sweet Home Missionary Baptist Church.

Pastor Richardson's historic tenure at Sweet Home began in October of 1983, and for nearly three decades, he has dedicated his life to serving others. Under his leadership, the parish has achieved great things. Sweet Home transitioned from two-Sunday a month worships to weekly Sunday worships, as well as going from one-morning service to two-morning services. Sweet Home also grew from a small facility to a modern and up-to-date facility with classrooms, offices and seating capacity for 500 in 1991. In 2009, the facility grew yet again to house more than 1000 people and sits on 24 acres of land. The staff at Sweet Home also grew and now has full-time employees. During his tenure, Sweet Home has also been involved in advocating for social justice and multicultural integration, protesting against hate crimes, drugs and corruption, and taken part in building the first Habitat for Humanity housing project in Miami-Dade County.

Pastor Richardson has preached and ministered across our great nation and around the world, including places like Korea, South Africa, Haiti and the Caribbean. More than 51 associate ministers have served with him at Sweet Home, and at least 16 are now serving as senior pastors and chaplains throughout the country. He has counseled more than 200 couples, married more than 100 couples, performed more than 1000 funerals, baptized more than 2000, and preached more than 5,000 sermons. Pastor Richardson currently serves as an adjunct professor at St. Thomas University in South Florida, and will continue to lecture, speak, and preach at conferences, churches and seminars in the U.S. and around the world.

Pastor Richardson retires in the coming weeks but the end of his tenure as Senior Pastor at Sweet Home, does not mark the end of his work in our community, our nation and the world. I am certain that Pastor Richardson will continue to serve and inspire others and change lives. I ask you to join me in honoring the work of Pastor Richardson, thanking him for his service to our community, and wishing him the best in future endeavors.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 29, 2010 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

MAY 4

9:30 a.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine Wall Street fraud and fiduciary duties, focusing on if jail time can serve as an adequate deterrent for willful violations.

SD–226

10 a.m.

Finance

To resume hearings to examine the President's proposed fee on financial institutions regarding the Troubled Asset Relief Program (TARP).

SD–215

Commission on Security and Cooperation in Europe

To hold hearings to examine mitigating inter-ethnic conflict in the Organization for Security and Co-operation in

Europe (OCSE) region, focusing on persisting tensions.
SVC–208/209

2 p.m.
Health, Education, Labor, and Pensions
To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on improving America's secondary schools.
SD–430

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine work-life programs, focusing on attracting, retaining and empowering the Federal workforce.
SD–342
Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Institutes of Health.
SD–124
Veterans' Affairs
To hold an oversight hearing to examine traumatic brain injury (TBI), focusing on progress in treating the signature wound of the current conflicts.
SR–418

10 a.m.
Environment and Public Works
Clean Air and Nuclear Safety Subcommittee
To hold an oversight hearing to examine the Nuclear Regulatory Commission.
SD–406
Homeland Security and Governmental Affairs
To hold hearings to examine terrorists and guns, focusing on the nature of the threat and proposed reforms.
SD–342
Judiciary
To hold hearings to examine the increased importance of the Violence Against Women Act in a time of economic crisis.
SD–226
Rules and Administration
To hold hearings to examine voting by mail, focusing on state and local experiences.
SR–301
United States Senate Caucus on International Narcotics Control
To hold hearings to examine violence in Mexico and Ciudad Juarez and its implications for the United States.
SD–124

1 p.m.
Joint Economic Committee
To hold hearings to examine how to promote job creation.
Room to be announced

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's implementations of the American Recovery and Reinvestment Act.
SD–366

MAY 6

9:30 a.m.
Energy and Natural Resources
Business meeting to consider the nominations of Philip D. Moeller, of Washington, and Cheryl A. LaFleur, of Massachusetts, both to be a Member of the Federal Energy Regulatory Commission, and any pending calendar business; to be immediately followed by a hearing to examine current issues related to offshore oil and gas development including the Department of the Interior's recent five year planning announcements and the accident in the Gulf of Mexico involving the offshore oil rig Deepwater Horizon.
SD–366

10 a.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Justice.
SD–192
Health, Education, Labor, and Pensions
To hold hearings to examine ensuring fairness for older workers.
SD–430

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.
SR–222
Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

MAY 19

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending legislation.
SR–418

MAY 25

9 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

10:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

3:30 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

5 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 26

9:30 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 27

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 28

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

# SENATE—*Thursday, April 29, 2010*

The Senate met at 12:15 p.m. and was called to order by the Honorable KAY R. HAGAN, a Senator from the State of North Carolina.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father God, by whom the meek are guided in judgment and light rises up in darkness for the godly, give our Senators the wisdom that saves them from false choices. Illuminate their path with the light of Your presence so that they will not stumble in all their deliberations. Keep their motives clean, their vision clear, their patriotism fervent, their speech guarded, their appraisals fair, and their consciences unbetrayed.

We pray in Your sacred Name. Amen

## PLEDGE OF ALLEGIANCE

The Honorable KAY R. HAGAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 29, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KAY R. HAGAN, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. HAGAN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

## KENTUCKY COAL MINE DISASTER

Mr. MCCONNELL. Madam President, many Kentuckians awoke this morning to the sad news that one miner was killed and another is missing after a ceiling collapse in an underground coal mine in Webster County, which is in the western part of Kentucky.

Right now, it is my understanding that MSHA officials are on the site and rescue teams are working to locate the missing miner. For now we can only hope their efforts are successful.

I ask my colleagues and the American people to keep the miners, their families, and the rescue workers in their prayers.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, for me, being a miner's son, having worked in the mines myself, these reports out of West Virginia and Kentucky are very troubling. Mining is a very dangerous occupation. I know that personally as a result of my dad having been ''blasted'' as we called it, and reflecting back on my childhood friend, Stan Hudgens, whose father was working in the blossom with my dad and a rock dropped on his head and killed him. My dad brought him out of the mine.

So these reports out of the coal mines are troubling. I agree with my distinguished friend that we have to make sure that we act—not do anything harmful to the industry because it is a very important industry. Mining is the No. 2 industry in Nevada. It is not coal mining. And a lot of our mining now in Nevada is open pit, but not all of it is. We have a lot of underground mines too. The same with coal mining; coal mining is what we refer to as the hard rock business. It is open pit mining, but they have a significant amount of underground mining also.

So I look forward to working with my friend, the Republican leader, and all of those who want to make mines safer and protect this most important industry.

## SIGNING AUTHORITY

Mr. REID. Madam President, I ask unanimous consent that I be authorized to sign any duly enrolled bills and joint resolutions for the period of today, April 29, and tomorrow, April 30.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3217, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 3739

Mr. REID. Mr. President, there is a substitute amendment at the desk. I call up that amendment on behalf of Senators DODD and LINCOLN.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DODD, for himself and Mrs. LINCOLN, proposes an amendment numbered 3739.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 3737 TO AMENDMENT NO. 3739

(Purpose: To prohibit taxpayers from ever having to bail out the financial sector)

Mr. REID. Mr. President, I now ask the clerk to report the Boxer amendment No. 3737.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. BOXER, proposes an amendment numbered 3737 to amendment No. 3739.

At the end of title II, add the following:

**SEC. 212. PROHIBITION ON TAXPAYER FUNDING.**

(a) LIQUIDATION REQUIRED.—All financial companies put into receivership under this title shall be liquidated. No taxpayer funds shall be used to prevent the liquidation of any financial company under this title.

(b) RECOVERY OF FUNDS.—All funds expended in the liquidation of a financial company under this title shall be recovered from the disposition of assets of such financial company, or shall be the responsibility of the financial sector, through assessments.

(c) NO LOSSES TO TAXPAYERS.—Taxpayers shall bear no losses from the exercise of any authority under this title.

Mr. REID. Mr. President, the managers of the bill wish to give opening statements on this important legislation. I ask unanimous consent that Senator DODD be recognized to use whatever time he feels appropriate, that Senator SHELBY then be recognized to use whatever time he feels appropriate, that Chairman LINCOLN then be recognized to make a statement, and following that, Senator CHAMBLISS, the ranking member of the Agriculture Committee, and then Senator WARNER, a member of the Banking Committee, wishes to make a statement. I ask that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, we are beginning debate on the floor of the Senate of a matter that has obviously been the subject of great discussion and debate over the last couple years. My remarks will be very brief. I have talked a lot over the last week or so about the bill. I presume I will be spending a lot of time in the coming days. I do not need to spend a lot of time now. My colleague and friend from Alabama, Senator SHELBY, wants to be heard and others want to be heard this afternoon. I will be here to engage them.

I begin by thanking and commending my colleague from Alabama. We have disagreements about this bill. He is a good friend and someone I work with closely, as we will on this bill as we move forward. We want to accommodate Members on all sides to be heard, to offer their amendments, to have a good debate. We would like to accommodate and accept amendments where we can. If we cannot, we will try to lay out why or offer alternative ideas as we move through this debate.

Obviously, it is very important we get this right. Senator SHELBY has said that many times, and I agree with him. It is very important. Literally, language, punctuation marks can have implications. It is that delicate as we work through language. My intention is to get there.

Today we are going to have general debate on the bill; tomorrow possibly some additional debate. We will pick up our first amendments on Tuesday when we get back. I wish to address that point in a minute, if I may.

I wish to begin the debate with a message for those who have seen the acrimony in the Chamber over the past couple weeks and have concluded that the Senate is not up to getting the job done on legislation of this import and this size.

I will be the first to admit that sometimes we become discouraged and disappointed with each other. That is the nature, I suppose, of a legislative body when we have as many different and strongly held views. I, myself, was frustrated with how long it took to bring the bill up on the floor. Others are frustrated by what they see in the bill. All of this can be a rationale for why we express our frustration.

The thing that made it possible to get to this point is the same thing that will make it possible to get to the finish line on this important legislation; that is, the trust we have, that we are each committed to getting the job done.

As Senator SHELBY and I both pointed out last evening, we have worked closely over the past 37 months that I have chaired the Banking Committee. I mentioned we brought 42 measures out of our committee, 37 of which have become the law of the land. While we do not agree on this bill or at least not all of it, we are both confident this legislation can become law as well if we work hard and together and achieve common ground, even if it is not exactly as we would want if we were writing it on our own. I think it is what our colleagues in the country think of us.

Simply put, we have no other choice but to do so. The status quo is unacceptable. We cannot leave the American people vulnerable to the present construct of our financial regulatory system. The American people have paid too high a price for the failure of our system to stop Wall Street greed and recklessness from undermining the stability of our economy.

We heard over and over that we have lost 8.5 million jobs and 7 million homes lost to foreclosure or are in foreclosure. Trillions of dollars—some say $11 trillion, some say $13 trillion, some say higher—trillions of dollars of household wealth has been lost in the last 18 months; home values—again, the number everyone agrees on—a 37 percent decline in home values across the Nation. In some States, the numbers are much higher. We have seen a decline in retirement income by some 20 percent as well across the Nation.

All this was not cause by one particular event or set of circumstances. There was a variety of circumstances, the culmination of which and the expansion brought us to the brink of financial collapse and disaster.

I described the aims of our legislation. First, it ends ''too big to fail.'' Senator SHELBY and I have been working on that issue. We have had long discussions agreeing on principles and what needs to be done. My hope is, in the first part of next week—our staffs are going to work over the weekend to take the principles on which we have reached some agreements and then do the delicate job of writing the language that reflects those principles and ideas.

I thank my staff as well as Senator SHELBY's staff for trying to get us to a point where we reach a level of comfort, that we have done what we said we were going to do; that is, to end too big to fail. No longer will there be an implicit understanding that if a major financial institution or even a less-than-major financial institution starts to fail somehow it is going to get propped up by taxpayer dollars. Our colleague from California, BARBARA BOXER—we heard already the language of her amendment which will once again add a voice to this effort to say, when losses occur, too big to fail will never expose the American taxpayers to writing a check to have to underwrite that cost.

I presume there may be others who have ideas on how best to nail this down. We welcome those ideas. Again, Senator SHELBY and I will work on an amendment we intend to offer the first part of next week that reflects those values as well. I thank him and his staff and others for the time already spent. I cannot count the hours we have spent sitting with each other, talking about these ideas and how best to achieve them.

Obviously, we want to involve as well the Treasury Department and others for their advice and counsel because they ultimately will be asked to implement a lot of what we have talked about. We will be busy over the coming days as well on those issues.

Senator BOXER's idea—I discussed this with Senator SHELBY already, and without committing anyone at all, there seems to be, at least at this juncture, a relatively good response or reaction to what she intends to do. Too big to fail has been a subject of major conversation. We all agree what we want to achieve. The question is, Can we do this? I am confident we can.

I would like us to begin on a positive note as well. There will be times during this debate where we will be at very different sides. That will happen, as it should be. There is nothing wrong with that. I think it is better to begin a process where you can agree on issues and sit down and come to common understandings. Too big to fail is an area where there is no disagreement about what we are trying to achieve. That is a great starting point. My hope is we can do that in the coming days.

We create an early warning system. This has not been the subject of a lot of debate. I think we all agree that to have the ability to watch and monitor what is occurring, both domestically and internationally, is very important.

We have established what we call a systemic risk council that will allow us to observe what is occurring on a regular basis so we can spot these problems before they metastasize and grow into, as we have seen, problems that created as much harm for our economy as the present recession has. I will not go into the details of it, but I think there is a general agreement that this makes a lot of sense.

We bring derivatives out of the shadow and into the sunlight so Wall Street is accountable for actions. I do not sense a lot of disagreement on what we are trying to achieve. There is some disagreement on about how this is best worked.

I am hopeful that in the coming weeks we can resolve these differences as we deal with these exotic instruments. Clearly, getting more sunshine, more transparency we think will be a great asset as well.

Finally, we put cops on the beat with consumer protection so Americans can make smart decisions based on full information when they are planning for their financial futures. There is general agreement having a consumer protection agency or bureau or division makes sense. There is disagreement on what the powers of that agency will be, how it should operate, how it can be working. We have to work on that issue to see if we can reach common ground. If not, we will have votes on whether one is for it or against it, with additions or subtractions, what it can do and over what jurisdiction it has authority.

These are the principles. There is not much disagreement with what we are trying to achieve but there will be on how best to do it in certain areas. There may be disagreements on how to actually accomplish these goals.

I said before that we agreed to move forward on this bill and that I will allow each Member in this Chamber to offer his or her suggestions, air their concerns, vote up or down on ideas.

What I would like to see occur during this debate is not only are we taking on a large issue, but this institution has been damaged over the last number of years. It amounts to this: Senator JON KYL and I engaged in a colloquy the other day—not a planned one—about the issue of trust, which is what people are concerned about. We need to restore that trust if we can. It is incumbent we try to understand each other's motives, not question them, and then deal effectively with ideas as they come up.

My hope is not only will we end up with a good bill at the end of all this, but we can also end up repairing some of the tensions and stress that exists in this legislative body. When I said I want Members to be able to offer their amendments, to debate those amendments, and have votes on those amendments, I mean it—I know my colleague from Alabama shares that view as well—and that people with limited time—obviously, we do not want filibustering occurring—ought to have it to express those ideas and then vote on the ideas.

I mentioned last night the amendment proposed by Senator BOXER. I have discussed that amendment already. Others will have amendments to come next week as well.

I cannot promise that the final product will be a bill that all 100 Senators will feel they can support. I understand that. But my goal is to get the best, most effective legislation we can. My belief is we can make that happen by acting like Senators, listening to each other, ensuring our debate is as civil as it is passionate, as factual as it is fierce.

To paraphrase our President: We did not ask for the job of saving our financial system from its inefficiencies and excesses, but that is our job today. That is what we have been asked to do. I have the greatest confidence in my colleagues that we can get that job done. I look forward, again, to working with my colleague and friend, Senator SHELBY, moving forward as well with the leadership and others to achieve the desired results with this bill.

I yield the floor to my colleague and friend from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, before proceeding to my remarks on the bill, I want to thank Senator MCCONNELL, the Republican leader, for his leadership, and also the members of the Banking Committee on both sides of the aisle for their hard work and dedication which has brought us this far.

Also, I want to thank my colleague and the committee's chairman, my friend, Senator CHRIS DODD. Over the years, as he has said, we have worked together on a number of bills and quite often found a way to compromise, to work forward on some very difficult and complex issues. Unfortunately, thus far, compromise has alluded us on this particular piece of legislation, at least some of it.

Throughout our discussions, we shared roughly, I believe, the same goals. Where we have differed, however, is how to achieve those goals. My goal during consideration of this legislation here will be to reshape this bill so that it actually ends bailouts, protects consumers without jeopardizing our small community banks, and brings transparency, as Senator DODD mentioned, to the world of derivatives, without sacrificing economic growth and job creation, which we desperately need in this country.

I, along with many of my colleagues on both sides of the aisle—Democrats and Republicans—will seek to remove dozens of provisions that unnecessarily expand the reach of the Federal Government into the private affairs of Americans and potentially endanger our civil liberties. As always, I will try to focus on policy and not politics.

Unfortunately, over the last several days, debate has become tainted by accusations and misrepresentations. This is nothing new here. The process has already become overly political with allegations that Republicans are blindly following the advice of a pollster's political memo.

I wish to say for the record here that I voted against the Chrysler bailout in 1979, I believe it was, when this particular pollster they are talking about was still in high school. So I have a long record of fighting against bailouts and trying to protect the taxpayer.

Also, I advanced the toughest piece of legislation that would have reined in Fannie Mae and Freddie Mac years ago. But that was opposed unanimously by the Democrats in the Banking Committee.

I was the only Senator criticizing the SEC's lack of supervision of the Nation's largest investment banks while some of my Democratic colleagues, including then-Senator Obama, were endorsing it.

I also opposed the imposition of the Basel II capital accords that would have left our banks in far worse shape than they were when the crisis hit.

I was questioning regulators about the growing housing bubble and the stability of our housing market years before the collapse.

As chairman of the Banking Committee before Senator DODD, I authored and passed, with the help of the Senator, the only attempt to address the lack of competition in the credit rating industry, once again over a lot of opposition.

Finally, when Congress repealed the restrictions put in place by Glass-Steagall, I was the only Republican on the Banking Committee to vote no. So if any of my colleagues wish to discuss my motivation and my record, I am standing here on the floor right now.

As I have stated, there are a number of changes I believe need to be made to this bill before I can consider supporting it. I think we should begin by listening to the people who will be negatively affected by this bill if it were to become law.

If a small business owner from my hometown in Tuscaloosa, AL, tells me that he fears an out-of-control consumer regulator, I listen. If an orthodontist from Mobile, AL, fears regulatory burdens because she offers installment payments, I listen. If the makers of Mars candy bars fear massive cost increases from this legislation that will threaten American jobs and prices, I listen.

There are others we should be listening to as well. For example, large financial firms such as Goldman Sachs and Citigroup are in favor of this bill. Why is that? The answer is, as now written, they know that the bill will bring them and Wall Street firms like them under the Federal safety net where they will get preferential treatment, just as Goldman Sachs got in the AIG bailout.

Yes, the bill, as written, will guarantee that Goldman Sachs could again be paid 100 cents on the dollar if its bets go bad. That is a huge benefit for Wall Street firms at the expense of others—mainly the taxpayers.

The resolution authority established by this bill at the moment will ensure that the politically influential investors in these firms, such as foreign governments and sovereign wealth funds, will get special taxpayer bailouts not available to creditors of small financial companies. This will give these firms a permanent funding advantage over smaller competitors on Main Street.

Make no mistake, this bill will help the big banks get bigger, as it is written today, and further tilt the competitive playing field against small and less politically connected firms.

The legislation that we are about to consider will help the likes of Goldman Sachs but harm the American people. It will lead to job losses, lost opportunities for businesses to productively invest in the future, and it will ensure future bailouts, which Senator DODD and I both want to prevent.

Chairman DODD has assured me that he will address a number of concerns I have expressed with respect to bailouts. We have talked about this at length. I appreciate his assurances and take him at his word, but I am concerned that there appear to be no substantive changes in the relevant sections of the bill that would reflect such assurances yet. Therefore, at the conclusion of my remarks, and picking up on what we talked about earlier, I wish to hear how the chairman intends to address the following: the removal of the $50 million bailout fund, which some people call the honey pot; not allowing the government to pay creditors and shareholders of a failed firm more than they would be entitled to in bankruptcy; not allowing the FDIC to prop up failing firms with government and debt guarantees—meaning the taxpayer; not allowing the Federal Reserve to lend broadly on bad collateral; holding the FDIC accountable if it fails to properly conduct resolutions or uses the resolution authority to provide bailouts; and not allowing the government to deem any nonbank financial company as systemically important and worthy of taxpayer funds at the Fed's discount window.

As many of my colleagues are beginning to realize, it doesn't matter what we say. What matters is what is in the bill's language. And the language in this bill right now would allow for bailouts. I urge my colleagues to read the language carefully.

I have been assured that the bailout provisions will be addressed. However, they have not been addressed yet in the chairman's substitute language. We need to see language from the majority that clearly addresses the issues I have set forth. My hope is that by Tuesday this can be resolved quickly, with both of us offering a joint amendment.

Nevertheless, we are still left with a bill this afternoon that will create massive and intrusive new government bureaucracies, damage job creation, reduce private investment in productive projects, make risk management more difficult, and threaten our economy.

The bill before us now establishes overarching bureaucracies without any meaningful protections for our financial privacy rights. Also, the bureaucracies have been designed to address many issues that have little or no bearing on the recent crisis or any financial crisis. It is a power grab that can reach into virtually every aspect of our economy, and it needs to be restrained.

I wonder how any crisis will be prevented through data collection from banks about deposit accounts of their customers to identify community development opportunities as found in section 1071 of this bill.

Small businesses across this country fear the massive and potentially very intrusive new bureaucracy created under the rubric of consumer protection. And they have every right to be afraid. The massive new government bureaucracy called for in this bill has authorities and powers to call you forward and ask you, under oath, about your personal financial affairs. The fact so many are looking the other way on this serious threat to our civil liberties is troubling. But as this debate goes on, I think America is going to start focusing on the deep aspects of this bill.

The architects of this massive new bureaucracy have long argued for a consumer bureau with the right culture, they call it. Whether that culture focuses on consumer protection and a safe and sound banking system or it becomes a way for community organizers and groups such as ACORN to grab Federal resources is left wide open here.

This massive new bureaucracy will be funded by over $600 million taken directly from the Federal Reserve, outside of the congressional oversight or appropriations process. Tapping the central bank to pay for political initiatives is a very disturbing and dangerous precedent. They did that in Argentina to the utter dismay of the global community and to Argentina itself. It shows a complete lack of understanding of the importance of an independent central bank. For us to follow Argentina's lead and tap the Fed for new government programs is not only shortsighted but signals to the rest of the world the failure of this country to act in a fiscally responsible manner.

In addition to the new Fed consumer protection bureaucracy, this bill envisions a massive new potentially $½ billion per year Federal bureaucracy called the Office of Financial Research, designed to collect granular financial data and to construct complex financial models. Did you hear that? This new bureaucracy is given unprecedented authority, including abilities to obtain virtually any type of data it wants from financial companies, to the level of detail of what you buy on your credit card.

This new bureaucracy is also designed to gather data, process it, and then is required to make it available to Wall Street firms so they can cut their costs. So who is for Wall Street now?

This bill also threatens our economy, as Senator DODD mentioned, by its treatment of derivatives. Greater transparency in all derivative markets is a good thing. But this bill, at this juncture, under the guise of promoting transparency, I believe, threatens Main Street companies and their customers for no good reason. The end-user exemptions put Main Street companies through almost endless and unworkable hoops that will ensure higher costs, lower growth, fewer jobs, and diminished economic opportunity.

In addition, by seeking to concentrate all manner of risky products into clearinghouses, the bill threatens to concentrate risk to the point of becoming systemically large, which, as we all know, leads to government or taxpayer bailouts. This bill could actually increase risk in our financial system, as it is written, and decrease economic output at a time when we need it the most.

Finally, while concentrating risks in America, this bill will shift derivative trades offshore to places where we have no oversight or regulatory abilities to act.

Proponents of this bill also argue that regulatory gaps are being closed and that the bill somehow simplifies and rationalizes the regulatory framework. Yet the Kansas City Fed President has said:

> This bill actually increases the complexity of the regulatory structure . . . as well as creating unnecessary costs.

As is often the case with this bill, claims about what it does do not match the language itself. They claim it is regulatory simplicity; the language means that there will be increased complexity.

I have highlighted here this afternoon some of the major problems in this bill. It will not end taxpayer-funded bailouts as it is written; it provides for a drastic expansion and overreach

of government into the economy and every aspect of our personal financial lives; it also raises the cost of risk management and threatens the abilities of companies to manage risk using derivatives while potentially accumulating risk to systemic proportions; and it makes an already complex regulatory maze even more complex.

I welcome the opportunity to debate the bill before us and to offer amendments and work with Senator DODD, the chairman, to improve the deficiencies and strengthen this bill's shortcomings. I hope we are going to be able to do this in a spirit of cooperation in the days ahead.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I say to my colleagues, other than what you heard from my good friend from Alabama, he likes the bill. So we will have some work to do.

Let me again assure him and my colleagues here that we have had very productive talks, my friend from Alabama and I, particularly in the too-big-to-fail area. My two colleagues, MARK WARNER and BOB CORKER, did a tremendous amount of work in our committee over many weeks as we divided the labor to try to address these issues as thoroughly and as comprehensively as possible. I think we have done that work, but I respect the fact that others may have additional ideas to make this work even better. I know he raised the issue here, and we are going to try to work over this weekend to try to put together the legal language, the language that has to be drafted here, to reflect some of these ideas we can incorporate as part of this bill. My colleague and friend from Alabama has my word on that. We will work on that to do that. Again, I thank him. We have worked well together over these last 37 months.

I make this offer to my colleagues too. I just had a brief conversation with Senator CHAMBLISS. I say this on my own behalf, but I hope Senator SHELBY might agree with me. If Members have amendments, it would help, even in the next day or so, if you could let us know what those amendments are. Even though we may not get to them for a while, we can start to work with our colleagues on their ideas. We may be able to accept some.

I see my colleague from Arkansas here, the chairman of the Agriculture Committee. I don't know whether she shares that view, but it would be helpful. If people have ideas, the earlier we know about them, the better we will be able to respond to them or modify them in some way so they are acceptable. I hope Senators will take advantage of that offer; that the chair of the Agriculture Committee, myself, and I presume Senator CHAMBLISS would share that view as well. Let's see these amendments early on so we can try to be helpful to our colleagues early on, if at all possible.

I commend my colleague as chairperson of the Agriculture Committee. She has taken over that job over the last number of months and done a great job at it. I look forward to working with her, hopefully, in the next week or two on this bill as well.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I thank Chairman DODD for his hard work. I absolutely agree that getting Members to bring their amendments forward is going to be critical in terms of working with them and their ideas to see if we can move forward. We have a historic opportunity to do something on behalf our country, and I hope we all work together to make that happen.

I ask unanimous consent that Senator BOXER be the next Democratic speaker after Senator WARNER in the queue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I rise today to speak in support of the Dodd-Lincoln substitute amendment. This substitute amendment represents a critical step forward in restoring the soundness of our financial system. This bill will ensure that our markets work for Main Street and not just for Wall Street.

We have come to a critical juncture, and our Nation faces great challenges. But within those challenges we find great opportunities.

Last fall, I had the honor and solemn responsibility of taking over the gavel of the Committee on Agriculture, Nutrition, and Forestry. As the daughter of a very pragmatic, seven-generation Arkansas family, I find myself, in the Senate Committee on Agriculture's 184 years, the first Arkansan to ever serve as chairman of that committee. I am proud of the work that has gone into the product we bring, along with the banking bill, to this process.

Our committee was tasked with putting an end to the reckless behavior that put our financial system in jeopardy, specifically bringing regulation to the over-the-counter derivatives market. Reforming this market is at the heart of financial regulatory reform. Within a decade, this market exploded to $600 trillion in notional value and is today completely unregulated.

Last week, the Senate Agriculture Committee took a critical step toward bringing transparency and accountability to this market, a critical step toward passing the Wall Street Transparency and Accountability Act with bipartisan support.

The major provisions of this bill are included in this substitute amendment I have offered today with Chairman DODD. I appreciate the work of my distinguished colleague, Chairman DODD, and the Senate Banking Committee staff, along with the amazing staff from the Agriculture Committee, to merge our two bills.

I also appreciate the leadership of Majority Leader REID, whose commitment to producing strong financial regulatory reform guided us through this process.

This substitute legislation takes the best of both committees' products and represents the strongest reform legislation to date. I thank Chairman DODD for his strong leadership on this combined effort. He is a longtime leader in this body, and I very much appreciate not only all of his leadership but certainly our strong relationship. I am grateful for all of his hard work.

I would also like to thank the President and his Treasury Department for their leadership on this issue. I also greatly appreciate the strong support from Chairman Gensler at the Commodity Futures Trading Commission. Because of their commitment, the administration has been instrumental in bringing us to this point.

I am also very fortunate to have a strong partner in my good friend and ranking member, SAXBY CHAMBLISS. His thoughtfulness and the hard work of his unbelievable staff is reflected in many of the provisions we will begin debating on the Senate floor today. While we have had some policy differences, I know without a doubt that we share the goal of bringing thoughtful reform to these markets.

This legislation is historic. It is landmark reform. It will keep banks in the business of banking. It will prevent future bailouts and, through the work done by Chairman DODD, put an end to too big to fail. It will lower systemic risk—systemic risk through our clearing mechanisms and our exchange trading and real-time price transparency. It will close loopholes and make sure the regulators have the full authority to go after those entities that would evade or abuse the law. It protects jobs on Main Street by giving true commercial end users the ability to hedge and manage their risks. It protects municipalities, along with pensions and retirees and any governmental agency, from the gouging or the gross profiteering that has occurred in the past. Most importantly, it will bring 100 percent transparency to what is currently a completely unregulated and dark marketplace.

This bill is true reform. This is strong reform. But we need to remember that this is not regulation for regulation sake. We have an important but narrowly tailored end user exemption and appropriate restraint on the regulators where necessary. We understand we are competing in a global financial world. This is a robust package that balances the need for strong, meaningful reform and recognizes the importance of these markets.

Americans are demanding transparency and accountability from their

government and from their financial system. America's consumers and businesses deserve strong reform that will ensure that the U.S. financial oversight system promotes and fosters the most honest, open, and reliable financial markets in the world. That ensures that not only does the United States remain the world financial leader but, most importantly, that we lead by example.

I look forward to working with Chairman DODD and my colleagues to consider amendments over the next several days and to improving the substitute bill where necessary. Most importantly, though, I am looking forward to providing the American people with a sound economy and a financial regulatory system that they truly deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I will say more about it in my conclusion remarks, but first of all, Senators DODD and SHELBY, thanks for continuing your dialog with each other, and thanks for coming forth with the type of agreement that has allowed us to get this extremely important agreement to the floor.

With the financial collapse of 2008, there are a number of issues that simply have to be addressed, and this is the appropriate forum now for all of those issues to come forward and have debate on both sides of the aisle; to hopefully at the end of the day come up with the right kind of product that is going to make sure situations like 2008 never occur again.

To my chairman and my partner on the Committee on Agriculture, she is my dear friend, and we have worked very closely together on so many issues, including this one. When we have our differences, we are able to disagree in a very professional way. I am very appreciative of her as well as of her friendship.

We all know that appropriate regulation of derivatives and specifically the swaps market is a critical component of this legislation, and the Agriculture Committee is responsible for the oversight of the Commodity Futures Trading Commission, which will become one of the key regulators of the swaps market. As the ranking member on the Agriculture Committee, I have the responsibility to ensure that we get this right.

The Agriculture Committee has a history of not falling subject to partisan influence. We have a long tradition of checking our partisan politics at the door in an effort to reach consensus so that both Republicans and Democrats can then support our products on the floor. For instance, the Agriculture Committee facilitated a bipartisan deal to close the Enron loophole back in 2008. Then-chairman Senator HARKIN and I worked across party lines with Senators SNOWE, FEINSTEIN, LEVIN, and CANTWELL to ensure that electronic trading facilities offering contracts that perform a significant price discovery function are properly regulated in a transparent way. Earlier this week, the CFTC used this new authority to subject seven natural gas contracts to increased oversight. That is an example of how laws written with bipartisan agreements yield real results.

Derivatives legislation should have been handled this way too. It should have come out of the Agriculture Committee as a bipartisan product. My staff and Chairman LINCOLN's staff spent 5 months crafting a derivatives bill which should have been reported from the committee with support from both sides.

Unfortunately, things fell apart just as we were about to circulate an agreed-upon discussion draft. This discussion draft, which would have required clearing of swaps by swaps dealers and others who contribute to systemic risk—it would have provided the FTC and the CFTC with the authority to establish capital markets and margin requirements. It would have allowed the CFTC to impose aggregate limits, and, most importantly, it would have provided the much needed transparency that has been absent from the swaps market. This would have represented a 180-degree shift from current law that was in place in 2008. Transparency is the key here. Under our agreed-upon discussion draft, 100 percent of all trades in the swaps and derivatives market would have been out in the open and available to regulators to review in real time.

Unfortunately, this language is not part of the underlying bill. Instead, we are faced with a derivatives product crafted without input from Republicans, a derivatives product that reflects an agreement between both Democratic committee chairmen and the administration. Republicans were not even invited into the room to provide input.

The product they have developed will have many unfortunate consequences for Main Street businesses that had nothing to do with creating this financial meltdown. I fear what I believe to be unintended consequences resulting from applying complicated regulations too broadly will subject our American businesses to more risk, not less.

For example, this legislation would force the Farm Credit System institutions to run their interest rate swaps through a clearinghouse, which will result in additional costs in the form of higher interest rates to their customers, without doing anything to lessen systemic risk. Let me be clear as to whom this will ultimately affect—our farmers and ranchers, our electric cooperatives, and our ethanol facilities that seek financing from these institutions. Institutions such as CoBank will be forced to clear their swaps and execute them on a trading facility, which will impose significant new costs and result in higher interest rates for their customers or, worse, discourage them from managing their risk, which will again result in higher costs for their borrowers.

Because this legislation broadly applies regulation, treating all financial institutions exactly the same. Cobank and Goldman Sachs are not the same and should not be regulated in the same manner. Cobank should have the option to clear their swaps and not be mandated to do so.

This legislation will also prevent John Deere Credit from hedging its interest rate risk except through a clearinghouse. Again, this will result in less attractive credit arrangements for farmers who need financing to buy tractors and combines.

The same can be said for consumers who would like favorable financing arrangements with Ford Motor Credit to buy a car. They will not be allowed the best deal because Ford Motor Credit is now going to be forced to take on additional cost when hedging their interest rate risk. Can anyone tell me why we are treating John Deere and Ford Motor Credit exactly the same as Goldman Sachs?

Also, entities such as Koch Industries that is hedging their risk and also engaged in developing products for their customers' hedging needs should not inadvertently be captured in a new regulatory category designed to apply to big financial dealers. But that is exactly what this legislation does.

Koch's and Goldman Sachs' swaps businesses would essentially be regulated in the same way. Treating these entities like dealers may force them to stop offering those products to their customers, in which case their customers will have no other option but to seek products from the large dealers such as Goldman Sachs and other Wall Street bankers.

Today I heard the stock price of Goldman Sachs is up, and this explains it. They will get increased opportunities to make more money under this legislation. Why do we want to essentially lessen competition and drive all of the swaps business to those that are the most systemically risky or, even worse, drive them offshore where we cannot regulate them?

Banks such as Goldman Sachs may even be forced out of the swaps business if this legislation becomes law, which begs the question: Who will then be left to offer these risk management tools to our constituents' businesses? Businesses rely on swaps as a very legitimate option to help them alleviate risk inherent to their business. But if no one is left to sell them this protection, they will be forced to hold the

risk on their books. Why on Earth would Congress advance legislation that would actually prevent the businesses in each of our States from properly managing their risk, especially in these difficult times?

The American public wants to know why we cannot target these new regulations so Wall Street is regulated properly without punishing the businesses they rely on every day. I would like to know the same thing. Unfortunately, I think I already know the answer: It has absolutely nothing to do with regulating Wall Street.

When the Obama administration realized the Committee on Agriculture was on the verge of producing a derivatives regulation package that would have appealed to both Republicans and Democrats, they scrambled to kill the deal. You see, to the extent that any aspect of the financial regulatory reform package has Republican support, they can no longer play politics with this issue.

If we produce a bill that has the support of several Republicans, then they can no longer blame us for holding up this process, which would cause the administration to lose the message they are pushing, in hopes that voters will forget about health care. Their message is simple: They want to be able to tell the public that Republicans are opposed to regulating Wall Street.

Well, that is disingenuous at best and totally false at worst. Republicans are just as anxious as Democrats to address what went wrong on Wall Street and, frankly, it is long overdue. Why has the administration waited almost 18 months to push financial regulatory reform? Why are they trying to cut Republicans out of the process? Is it that they wanted an issue that will drag on into the election season, not a solution that will truly protect the consumers on Main Street?

I wish we were here today debating a derivatives product that had input from Senators on both sides of the aisle and perhaps a little less input from the administration. The American people expect the administration to implement the laws that Congress passes, but they elected us to write those laws.

I feel certain that we could have done a much better job had we been allowed to work in a more bipartisan way. Unfortunately, I have to encourage my colleagues to oppose the derivatives portion of this bill because I think it will have undesirable consequences for Main Street businesses and consumers who are already struggling in this weakened economy.

We will have amendments to correct the deficiencies in this bill, and I hope we will receive bipartisan support for those amendments because they truly will reflect commonsense solutions to the complex derivatives issue.

Let me close by saying that I know Senator DODD, Senator LINCOLN, Senator SHELBY, all of us, wanted, at the end of the day, to develop a bipartisan bill. I hope we can still do that. I see my friend, Senator WARNER, is on the Senate floor. He and I have had some conversations about trying to meld some of our ideas. I know he has worked very closely with my dear friend, Senator CORKER, from this side of the aisle.

Now that we have this bill on the Senate floor, I hope we can get by the rhetoric; that we can all say our piece and that we can roll up our sleeves and do what the American people want to see us do, which is to work together for their best interests. They are the ones who are going to suffer for what comes out of here or they will be the ones to benefit from what comes out of the Senate.

Senator DODD is a dear friend. We have had many conversations about this bill. I know what is in his heart. I know he wants to get this done in the right way. Likewise with my dear friend, Senator LINCOLN. So as we move ahead now, I am very hopeful we can settle down to the real business the Senate is famous for; that is, having real, hard-core debate on issues because these are extremely tough.

There has not been a more complex issue that we have had to deal with in my now going on 8 years in this body. But the minds are very capable of resolving these issues. We can do so with good ideas from both sides of the aisle. I am very hopeful at the end of the day, we will come out with a product the American people can look back at and say: Wow. That is the way the Senate is supposed to work. And the people we sent to do the peoples' business have, in fact, put together a good product that is going to benefit America; it is going to benefit American business and, most importantly, it will benefit Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before Senator CHAMBLISS leaves the floor, before we hear from my colleague from Virginia, let me thank both of our colleagues: my colleague from Arkansas who spoke, but also my good friend from Georgia. I thank him immensely for his comments. We have worked together, not as often, and we do not sit on committees together. But we have come to know each other and respect each other immensely. I know he is going to do exactly what we are talking about. This is an opportunity for us not only to get a bill right, but to get this institution right, in a way. It ought to be the way we can conduct ourselves.

I have always said, there is nothing wrong with partisanship. In fact, the country was not built on anything but partisanship. It was the contest of ideas. But the ability to have a civil debate in the context of some partisan ideas, with the ultimate goal of resolving those issues so that we reach a common solution, is the purpose for our existence in all this.

I have great faith in our ability to do that. I know we will get closer to that because there is a guy named SAXBY CHAMBLISS. So I thank him.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I appreciate the opportunity to follow the chair and the ranking member of the Banking Committee and the chair and the ranking member of the Agriculture Committee on this critically important debate.

I commend their work, the great amount of work that has been done, actually, in a bipartisan fashion already on this important piece of legislation. There are differences. But an awful lot of work has gone into getting this product that now can be fully aired on the floor of the Senate.

I want to pay particular compliments to my dear friend, someone I had the opportunity to actually work for close to 30 years ago, the chairman of the Banking Committee, who, while I am a new guy in the Senate, seems to me, on this bill, has kind of done it the old-fashioned way. He has had an open door to any Member of both sides of the aisle.

As this issue got more and more complex, he asked various members of the committee to roll up their sleeves and take on portions. Senator CORKER and I—and nobody has been a better partner than BOB CORKER for me during this process—took on a major portion of the bill. Then, as we kind of got to the Senate floor, time and again—and I will come back to certain specific examples—he has said: How can we find that common ground that seems to be so often missing from this debate?

I also commend the ranking member, Senator SHELBY. Nobody has been kinder and no one has spent more time with me kind of helping me learn the ropes of this institution than Senator SHELBY. But I also have to say that as we get into the substance, some of the comments that have been made from my colleagues, particularly on the other side, do not resemble the bill we are actually starting debate on, particularly some of the portions in which I personally have been very involved.

I want to try to address some of those briefly. In some of the comments we have heard from my colleagues, they have talked about that we did not put in too big to fail. If there was one overriding challenge that we were all tasked with—I believe my colleagues from the other side of the aisle would completely concur with this—it was ending too big to fail and never again exposing taxpayers to the financial mistakes made by large systemically important institutions, made by Wall Street.

What I have not heard from my colleagues—and I guess this will be assent—is that a lot of the things that we have put in this legislation, bipartisan, take us down that path. We have created a systemic risk council so for the first time the regulators can actually get above their silo-like focus, so they can look ahead of the crisis and create early trip wires to make sure we do not get to the kind of catastrophic place we ended up in September of 2008.

This systemic risk council will make sure that these systemically important firms—and there will be systemically firms no matter what we do—but that the price of getting so large will actually be borne by those institutions and not by the taxpayers.

So what are those speed bumps, as I have called them? Increased capital requirements, making sure there is a better management of leverage, making sure they actually have in place risk management plans.

Then we have created two brandnew tools that regulators have never had before. In fact, the price of getting so large, one is a whole new—and I apologize to my colleagues and those who are viewing because some of this is in the weeds, but the weeds are where billions of dollars are made or lost.

But we are creating a whole new area of capital that is called contingent debt, that any of these firms will have to put in place. That debt will convert to equity and dilute shareholders and dilute management if any firm even gets close to getting into trouble.

It will be an immediate check by current management on not getting too far over the edge, because we believe the bankruptcy process should be the way that firms unwind themselves; if they get into trouble, go into bankruptcy. They may or may not come out at the other end, but you have to have a plan in place.

We have spent an awful lot of time looking back, back to the Bear Stearns crisis, the Lehman crisis, AIG. All of the stories show there was no plan in place for how to unwind these firms.

So we have given this risk council the ability to require these systemically important firms to basically put forward a plan on how they will unwind themselves in bankruptcy at no risk to taxpayers. If the regulators do not approve, they have the ultimate sanction of actually being able to break up these firms.

Now, time and again, in this legislation—and I hear some of my colleagues saying: We are going to always default to resolution. If this works, resolution should rarely and hopefully never, ever have to be called upon. But who would have ever predicted that we would have ever gotten to the point of complete financial meltdown of September 2008? So we cannot go responsibly forward without also having—and we heard this from people across the spectrum—without having some form of a resolution plan in place.

There has been a great deal of comment made about the notion that the chairman's bill says we ought to go ahead and in effect ask these financially important firms to pony up a little bit of the resources so that if one of them gets into trouble and has to be unwound, there is some capital available to, in effect, keep the firm operating so the market doesn't lose faith in that institution and then create a financial run. We saw institutions that seemed to be very well capitalized but, because the market lost faith in them, their capital disappeared virtually overnight. You have to make sure there is an assurance that the firm can continue to operate and be out of business. Senator CORKER and I looked at different options, but we thought perhaps the best way is to have some resources available, whether the number is $50 billion, as the chairman proposed, or a lesser amount, subject to valid debate, and perhaps the industry ought to be paying for that.

I have heard others criticize that, but what I have not heard from my colleagues on the other side is, if the industry is not going to pay to keep these firms alive through the process of being put out of business—again, resolution means your firm is going out of business, your management is gone, your shareholders are gone, your unsecured creditors are gone. No rational management team would ever want this to happen. They would always prefer bankruptcy. That is how we have tilted this process. But if you are going to do that, you need to put them out in an orderly way. You don't want to have what happened when there was no plan to unwind Lehman. What I would ask is, if they don't like the prefund from industry—and some even in the Treasury don't like it—then who will pay and how do we make sure taxpayers are not exposed?

My two goals are—and I know Senator CORKER agrees—that taxpayers should not be exposed, and you have to have some liquidity operating so you can keep the firm operating so you can put it out of business.

I have also heard critiques that somehow in this process there would be some preference for one creditor over another. Nothing could be further from the truth in terms of what the Dodd bill proposes. It is as if somehow a whole new process was created out of whole cloth where somehow the firm that was going to be put out of business was going to be choosing which creditor was going to be paid or not paid. Nothing could be further from the truth. The model I believe the chairman's bill adopted was basically the model the FDIC uses as it puts banks out of business through the normal resolution process.

The fact is, the FDIC is charged, as this resolution authority is charged, to say you have to maximize value as you put the firm out of business. So, yes, you may have to pay the electric bill to keep the lights on, but there will be a recoupment process at the end so that creditors balance out. It is not some new process. This has been used for decades relatively effectively.

I also heard comments made about some new bureaucracy in the Office of Financial Resolution. Nothing could be further from the truth. One thing we heard time and again as institutions came in, as regulators came in, was that too often they didn't have current real-time data. So when AIG was going down, nobody knew the extent of the interconnectedness. When Lehman went down, nobody understood the state of their transactions. The Office of Financial Resolution that is proposed is to make sure that the regulators—experts from all across the field, not Wall Street—have real-time data on the state of interconnectedness of all the transactions that take place on a daily basis. To me this could be one of the most effective tools in this whole piece of legislation, making sure we have an immediate snapshot of the market.

In the consumer area, I think there is, again, broad agreement that we need to improve consumer protections; that we ought to make sure financial products are regulated by the nature of the product, not by the charter of the organization that is issuing the product.

There are still parts we need to work on. We need to make sure, particularly for community-based banks, that a community-based bank, a smaller institution that didn't create the crisis in the first place, doesn't have one regulator come in on a Monday on a consumer issue and another come in on a Wednesday on safety and soundness, and get conflicting advice. How we get enforcement right is an issue we have to work through. But again, common ground can be found on this issue.

I commend the Agriculture chair and Senator CHAMBLISS on the issue on derivatives. There has been a lot of discussion. There is an agreement that derivatives, while they have been oftentimes appropriately vilified as some of the tools that created the crisis, are also a useful way that legitimate businesses hedge risk. At the same time, as we try to put in place new rules around derivatives, we don't want to push the whole derivatives market offshore. While I commend the end-use exemption that was created and the goal of trying to get everything cleared and on exchanges, my hope is we can put some penalties in place. Some of the penalties the Agriculture Committee has put in place perhaps could be triggered if the banks do not end up meeting what they basically said, not overusing the end-use exemption or not getting all their products cleared or on the exchanges. My concern is that no matter

how good the end-use exemption we write, there will always be more resources on Wall Street to find ways around even the best written legislation on something where as much money was put in place. So putting in place trip wires that might then cause a Draconian response would help self-police the industry.

One more example of the approach Chairman DODD has taken on this bill. In my background, I spent 20 years in the finance industry before I was Governor. I was in the early stage capital formation business, something that is very important in the tech community. A lot of firms that are thrown around on this floor and elsewhere I have been a client of, worked with, worked against. One of the areas I had great concerns about in an earlier draft was anything that might stop or slow the ability for startup companies to access capital. There were some provisions in the bill that looked at the definition of a qualified investor that could hurt the creation of angel investors which are so critical to creating new jobs. There were perhaps provisions put in around the SEC in terms of new deals that might have to be vetted for a long period.

If you are a startup company, you don't have 120 days before you can raise your dollars to kind of get to the next step to stay alive. I cite these two examples because instead of simply saying no to the chairman, I said: Yes, you raise good points. Others have raised these points. They are changing the bill. I think that spirit is what the chairman is going to bring to the debate.

In the 20 years of being in the finance business or around the finance business, I came to this body thinking I might know a little something about this subject. There was probably a month in which I realized that whatever I knew was incremental and that the last year and a half I have had to go back and retest all of my assumptions. It has been an enormously challenging and exciting experience. I come away from this year and a half—again, particularly working with Senator CORKER, where we had everybody from across the political spectrum talk to us to get us up to speed on these issues—with a couple conclusions.

One, there is no Democratic or Republican solution to financial regulatory reform. If there is ever an area that should not be broken down on partisanship, it is this issue. Second, what the market craves most is predictability. Sometimes it is overstated: if you do this, oh, my gosh, it will be the death knell of American capitalism—there has to be balance. But oftentimes those statements are overstated. At the end of the day, what the market wants is a good, commonsense bill that will set the tone, not just for the next year or two but for the next 20 to 30 years.

Finally, because of the good work of Chairman DODD, Senator SHELBY, and many others, common ground is attainable. I look forward to spending as much time as needed and appreciate in particular those on the Republican side who agreed to bring this bill to the floor and no longer are there going to be political shenanigans; let's air these issues back and forth.

There is a lot more to say about some of the critiques that are made of the bill. I look forward to that discussion and look forward to working toward that common ground so we end up with 21st century financial rules of the road.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before we hear from my colleague from California, I thank Senator WARNER of Virginia. He is a relatively new Member of this body and a new member of the committee, but I can't even begin to aptly characterize his contribution to this product. Since day one, he has been at every meeting, been involved in almost every conversation about this bill, particularly the focus that he and Senator BOB CORKER agreed to take on in working out title I and title II of the bill dealing with resolution authority and too big to fail. His background, his experience, his knowledge made a wonderful contribution to this product. His interest in other matters is valued as well, because he brings two decades of living in a world in which these matters were something he absolutely grappled with. We have a long journey in front of us in the coming weeks to get through all of this, but his continuing involvement in this Chamber on this subject matter will be invaluable to all of us as we go forward. I thank him for that.

Let me thank my colleague from California. She also has a background on this subject matter. She has often talked about it. I thank her for what will be our first amendment on this bill, something I think brings all of us together. I thank her for her energy and interest in the subject.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 3737

Mrs. BOXER. Mr. President, I thank Senator DODD for all his work on so many issues. Just the way things worked out, he has been so pivotal in health care reform and now in Wall Street reform. This is an era of reform. My friend should be very proud that he happens to be here at this time, because we can't go back to the days we left. As a reminder, I will show you some of the headlines. It is worth a minute of looking at these headlines. This is taken from 2007 and 2008, some of the headlines we had to face in those times: ''U.S. unemployment rate hits 10.2 percent, highest in 26 years.'' How about this one: ''Nightmare on Wall St.'' ''The bailout to end all bailouts.'' ''Wall Street's latest downfall: Madoff charged with fraud.'' ''Credit crunch continues as lending rates climb.'' ''Jobs, wages nowhere near rock bottom yet.'' ''Where do we go from here?'' ''The Nasdaq in biggest fall since the dot.com crash.'' ''Dow dives 778 points.'' ''U.S. loses 533,000 jobs in biggest drop since 1974.'' We can see the look on this man's face. He is obviously standing in the middle of the New York Stock Exchange. That explains how everybody felt as our constituents lost their wealth. They lost their wealth and with it their confidence in America.

I want to continue with one more chart because all of us want so much to put this behind us. That is what we will do with this bill. But we have to remember. ''Economy in crisis, what now?'' ''U.S. pension insurer lost billions in market.'' ''Housing prices take biggest dive since 1991.'' ''Full of doubts, U.S. shoppers cut spending.'' ''Wall Street employees set to get 145 billion 2009,'' the bonuses during this time. ''How low can they go?'' ''Home prices drop 42%.'' ''Carnage continues: 524,000 jobs lost in December.'' And from the San Jose Mercury News: ''Foreclosure Wave, San Jose Fights to Protect Neighborhoods.''

What we are doing here is so important. I am so proud of the work Senator DODD did in his committee that has brought us to this point. I am grateful that our Republican friends let this bill move forward. We will have our debates. That is fine. But we can't afford to go back to those old days. Those old days could happen unless we act, as the President has stated.

I want to take the time to thank Senator DODD in particular for working with us, as well as to thank the administration for working with us, to come up with an amendment which will synthesize exactly what the bill does.

The purpose of this amendment—which is pending at the desk, which I am hopeful we will vote on Tuesday—says in its purpose: ''To prohibit taxpayers from ever having to bail out the financial sector.''

When I heard my colleagues on the other side say Senator DODD's bill would ensure taxpayer bailouts, I knew it was false, and I went to Senator DODD and colleagues on the committee and said I did not understand why these comments were coming from the other side, as if saying this glass of water on my desk is a cup of coffee. No. This glass of water is a glass of water. It is not coffee. And if you say seven, eight, and nine times that it is coffee, somebody might believe it. That is how I view the comments from the other side that this is guaranteeing bailouts, when in fact it is not.

So I said to Chairman DODD: I have an idea that we should put together a

very simple amendment to the bill that basically says what we know is true:

All financial companies put into receivership under this title shall be liquidated.

No company is ever going to be kept afloat. No taxpayer funds should ever be used to prevent the liquidation of any financial company under this title, that all funds expended will be repaid to the taxpayers by the financial sector through assessments or the sale of the assets of the company.

Then, we repeated at the end:

Taxpayers shall bear no losses from the exercise of any authority under this title.

I am going to put up the Boxer amendment. It simply fits right on this chart, I say to my friends. It is very simple. If a company is taken into receivership, liquidation must follow. Nobody is being kept afloat. No one's business is being kept afloat. They are liquidated.

Recovery of Funds.—All funds expended in the liquidation of a financial company under this title shall be recovered [either] from the disposition of assets of such financial company, or shall be the responsibility of the financial sector, through assessments.

Lastly, just in case people really wanted it stated—and I see some smiles on faces because we worked together to make sure no one could turn this around—

No Losses to Taxpayers.—Taxpayers shall bear no losses from the exercise of any authority under this title.

So let there be no mistake. Senator DODD's arms were open to this amendment. He said this reflects exactly what we have done. But he said: Senator, if you feel better if we put it in one place, we will do it.

I think it is important for the American people to understand the simplicity of the approach: No loss to taxpayers, period, end of quote. So if somebody goes on TV this weekend and says this bill is about bailing out companies and keeping them afloat with taxpayer funds, it cannot be done under the bill, and this amendment certainly brings it home in a very simple, plain English fashion.

I am proud to be working with my colleague Senator DODD. I used to sit on the Banking Committee, and I was kind of lured off the committee because the people in California said: We have to have somebody on the Commerce Committee. We have so much at stake there. So it was tough for me to walk away, but I did walk away. But I still retain the relationships.

I am going to go through what is in the Dodd bill that I think is so terrific—then I am going to yield the floor—because Senator DODD has been talking about this by himself, and I think he deserves to have a bit of a rest and the rest of us should come over here and talk about it.

Again, taxpayer bailouts are done. We know the bill itself does it, but we have made it clear. Taxpayers are covered. We will have a cop on the beat for our consumers. We will know that a Consumer Financial Protection Bureau has only one job, and that is the job to look after our consumers so they are protected from the kind of deceptive and abusive practices that fueled this crisis.

Let's face it, this crisis was fueled by Wall Street, by speculation, no leverage requirements—lots of things—dark markets. This bill takes on these issues.

We see another part: brings disclosure to dark markets. The bill eliminates the loopholes that allow reckless speculative practices to go unnoticed. It brings real regulation to derivatives markets and to the ‘‘shadow banking system.''

I think we are probably going to have some debate over this. But I can say right now, when I worked on Wall Street so many years ago, I have to say—too many years ago to remind myself of, but let's say it was a long time ago, and it was in the 1960s—those were the years when a $12 million share day on Wall Street was breaking all the records. Now a $1 billion share day isn't that much. We did not have these kinds of instruments. We did not have these kinds of toxic instruments that were so complex.

When I asked Treasury Secretary Paulson about it—he was George Bush's Secretary of the Treasury—he essentially held his head in his hands and said: You know, it is hard for me to explain this to you. That is a fact. It did not build up my confidence very much. I have to say, we need to have a financial system that is understandable by everybody. But certainly the Secretary of the Treasury should not have to hold his head in his hands and say: I can't explain it. We have to end those days, and the best way is sunshine.

So I say to Senator DODD, you did a great job in working to bring disclosure to the dark markets. Senator LINCOLN, working through the Agriculture Committee, I think brought us even more protection, and that is very good. Because I think the President said it well. The President said: We want everyone to prosper. We want everyone to be innovative. But we do not want to put our people at risk. When people start losing in the ways we were losing—20 percent of our net worth; 40 percent, 50 percent the market went down—50 percent of its value—a lot of people lost their dreams, and it was unnecessary. But it happened because there were markets that were in the dark, and there were people who were not fulfilling their fiduciary responsibility to their clients.

What else does the Dodd bill do? It curbs risky behavior on Wall Street. The bill provides for strict new capital and borrowing requirements as financial companies grow in size and complexity and pose a risk to the financial system.

Regulators will restrict proprietary trading—speculative gambling—by critical financial firms. We have situations where a firm is advising a client—and we know this happened with Goldman Sachs—advising clients to buy a particular instrument which happened to be worthless. And I cannot use the word the traders used to describe it because this is a family audience. These were junk, and they called them worse than that. They were junk. They were being sold to the customers of Goldman while Goldman was taking a short position—in other words, a position that bet on these instruments' failure. The kind of e-mails that came out were reminiscent of the e-mails that came out during the Enron scandal, bragging about how widows and orphans were going to get hurt.

Well, if there is anything we should do here, it is to protect our people, not put them at greater risk.

There is going to be an early warning system created to prevent a future crisis—the Financial Stability Oversight Council—to focus on the risks before they lead to a crisis. As a last resort, the regulators can break up a company that is too big to fail.

Lastly, of the big accomplishments of the bill, the bill protects against securities markets scams. It mandates management improvements and increased funding for the SEC. The bill creates a new SEC Office of Credit Rating Agencies to strengthen the regulation of credit rating agencies, many of which failed to correctly rate risky financial products.

I have to say, I am working on an amendment that is even stronger because, for me, as someone who relied on, so many years ago, the honesty of these rating companies—these are the companies that say: This is AA, this is AAA, this is A, this is B, this is bad—they are getting paid by the people who have an interest in them giving a good rating. That is wrong, and we have to do something here to insert some type of responsibility to the public. These rating agencies have a responsibility to the public. I am working on some approaches. We do not have it ready. We are going to talk to Senator DODD, and we hope he will be amenable to it. But we have some thoughts about it.

In this area, the people of this country are putting their hopes and dreams into the financial markets. It has been a great thing, in general, over the years. It has been a great thing because America is a great country, and we have innovation and innovators, and we have venture capitalists who put it all on the line, and they hit, and we can all do very well if we invest, even if we do it through our 401(k) or our company does it through a pension plan.

We know most Americans have a stake in these markets. I heard some

things from Goldman Sachs—they said something like this: Well, the people we were selling to were sophisticated, and they should have known better. But they stop short of the truth. Maybe they were sophisticated, and maybe they were not doing their job either; therefore, it trickles down to the people who were relying on that so-called sophisticated investor. All we are saying is, we need reasonable rules of the road. We want to know a rating agency is giving it their best shot to tell the truth about a security. We want to ensure that. If there are new, exotic instruments being traded, that is fine, but let's take a look at them in the light of day so people are fully informed. Then, if you take a gamble, if you are fully informed, that is one thing. But if you do not understand you are taking a gamble, that is another.

So again, I am very pleased we are at this point. Somebody said the only reason we got here is we threatened to work through the night. Maybe there is some truth in that. Frankly, it does not matter to me. We are at this point. We can get to this bill. My Republican friends who say they want to improve it—they did not try to do it in the committee, is my understanding—but if they want to do it now, I welcome that because I am sure I will support some of their amendments if they are in the spirit of this bill. The spirit of the bill is protecting consumers, protecting taxpayers, making sure taxpayers are never on the hook, and stopping a situation like this one, as shown on this chart, where every newspaper had pictures of people like this who were at a loss to understand: How could this happen in America?

I get the chills thinking about the conversations many Democratic Senators had. I know Republicans had the same conversation with the Secretary of the Treasury and with Fed Chairman Ben Bernanke, in which they basically said: We are on the brink of collapse. We may never come back from this situation.

We cannot forget that. If we do not move to correct the system in ways that are not overly burdensome, but we get it right—and I think Senator DODD pretty much has gotten to that sweet spot on this thing; we may want to move here or there with an amendment—if we can do this, if we did nothing else—and, by the way, we have done other things, and we will do more—this is crucial. It is crucial to consumer confidence. Consumer confidence fuels 70 percent of the market. Let's do this right.

I thank my Republican friends who decided to work with us. I thank Senator DODD for his patience, for his passion, and I am very happy he is leading us because he is so effective and he knows what he is saying.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Connecticut.

Mr. DODD. Mr. President, again, I commend our colleague from California and thank her for her involvement and her ideas and suggestions. Again, it is going to be helpful that we begin with a proposal that I think is going to bring us together. As I said—I cannot speak for others; but at least I have heard, when I have asked people to comment on the Senator's proposal—there seems to be almost unanimity around the Senator's idea. In a debate that is obviously going to have us not with unanimity, as we move forward in a number of areas, I think it is always good to begin where we speak with one voice. I think that common voice is making sure we never again have that too-big-to-fail concept as part of our economic structure.

The Senator will be making a significant and historic contribution to this effort, and I thank her.

Mrs. BOXER. I thank the Senator.

Mr. DODD. Mr. President, I do not have any other requests for time to speak this afternoon on this bill. But it is obviously a leadership call as to what their decisions are to go forward.

Again, I want to say to my friend and colleague from Alabama, we have had a very good working relationship, and it will continue through this process. We have already been discussing several ideas. I appreciate Senator WARNER raising a couple of issues. The angel investor idea is one that needs to be changed. I know my friend and colleague from Missouri, KIT BOND, has ideas on this as well, and I am going to be getting in touch with him and asking him, along with Senator WARNER and others, to work on some language we can add to our bill. I know Senator CORKER is working on some ideas as well and, again, we want to be cooperative. A number of my colleagues over here have been submitting amendments, including BEN CARDIN and others, SHERROD BROWN. I know Senator SANDERS has some amendments. We have a lot of ideas that are going to be coming up in the coming days, so we have a lot of work in front of us before we complete action on this bill.

Again, I am grateful to Senator SHELBY and the other members of the Banking Committee. They have been very helpful over these many months, and we have had long conversations about this. There are a lot of different ideas as to how this all can work, but each and every one of them made a constructive contribution to the process, and I am grateful to them for that. I am very grateful to Leader REID. Obviously, none of this happens without the involvement of the leader and his very fine staff who have been tremendously helpful in us getting to this point by providing the structure and the organization that allows us to actually begin a debate. Many thought we couldn't even get to this debate. I wish to underscore something Senator BOXER said a few minutes ago. We spent a lot of time over the last 2 weeks; there was a lot of acrimony and finger-pointing as to why we weren't starting. That is behind us. We have now started. Some people want to flyspeck that debate. The fact is, we are on the bill and we are moving forward. That is good news. My hope is, over the next few weeks, we will complete this bill.

With that, I will note the absence of a quorum and let the leadership decide what they want to do.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, Wall Street's crisis became the Nation's crisis. Lost jobs in Toledo, foreclosed homes in Bedford Heights, frozen credit for small businesses in Lebanon, State budget shortfalls, and the list goes on and on. It can't happen again. We must not let it happen again.

One of the most disturbing aspects of the Wall Street reform process is, some policymakers started with the premise that, first of all, Wall Street wealth must be protected. Sure, they have their lobbyists. Sure, they have their PR people spinning. But it amazes me to think that is where some people started this whole debate. They focused their energies on minimizing the safeguards put in place to protect our Nation from another financial meltdown.

In this morning's Washington Post, E.J. Dionne quotes an e-mail from an arrogant banker, who happens to work at Goldman Sachs, who wrote:

> What if we created a "thing," which has no purpose, which is absolutely conceptual and highly theoretical and which nobody knows how to price?

At some point, we have to ask in this body: Whom do we report to, the megabanks that raked in millions by gambling with the livelihoods, the homes, the retirement security of middle-class Americans, or do we report to middle-class Americans themselves? Is our job to protect Wall Street or is our job to protect against more taxpayer-funded bailouts?

In my view, we must take the steps necessary to eliminate bailouts and establish foolproof financial protections for the Americans we represent, and we do it even if the behemoth banks don't like it, even if Wall Street lobbyists don't like it, and even if most of my Republican colleagues don't like it. That is what the amendment I will offer on Tuesday is all about.

In the last few decades, the banking industry has become so concentrated it

no longer functions as a competitive market. Yesterday I met with Kansas City Fed President Dr. Tom Hoenig. He observed that since 1990, the 20 largest financial firms have increased their control of banking assets. They once controlled 35 percent of those assets. Today they control 70 percent. Some firms are 30 to 40 percent larger than they had been just before the crisis.

What does that mean? We are twiddling our thumbs as Wall Street once again places our Nation at risk.

Think about this: 15 years ago the 6 largest U.S. banks had assets equal to 17 percent of GDP. Today, the 6 largest megabanks in this country have combined assets of 63 percent of GDP; from 17 percent 15 years ago, percent of GDP, assets as a percent of GDP, to 63 percent today. Three of these megabanks have close to $2 trillion—that is two thousand billion—$2 trillion of assets on their balance sheets and over $1 trillion in liabilities. Because our economy rides on a few megabanks, taxpayer-funded bailouts are far more likely than if these banks were not so dominant.

As we have seen, that is not the only downside of banking concentration. It also jeopardizes our small businesses which generate over 60 percent of new jobs. The current distortion in the market gives privileged large banks clear funding advantages, up to $34 billion annually over smaller community banks. These large banks could game the system far too often at the expense of the smaller banks, at the expense of the community banks. These large banks have put a virtual freeze on spending on small businesses—despite receiving this taxpayer bailout.

Three of these largest banks slashed their SBA lending by 86 percent from 2008 to 2009. In Ohio, SBA-backed loans—those are government-guaranteed loans to help small business. I know the Presiding Officer has fought for small business in Duluth and Rochester and St. Paul, as I have for small business in Toldedo and Dayton and Cincinnati. In 2007, SBA-backed loans in my State went from 4,200 to only 2,100 in 2009. They basically were cut in half.

I have heard from manufacturers and entrepreneurs, energy startups and mom-and-pop corner stores—all small business owners who strive to be in the middle class and bring their employees up to the middle class, who are struggling to get the credit they need to hire workers and expand businesses. They have the capacity, they have the customers, they simply cannot get the credit they need to expand. It is clearly not the small banks who are cutting their lending. In fact, according to the Kansas City Fed, 45 percent of banks with assets under $1 billion actually increased their business lending in 2009.

What do the megabusinesses do instead of lending? In the last year Wall Street megafirms have increased their trading by 23 percent. They are trading with each other on Wall Street so they can make money. They are not making loans to Main Street because it simply is not as profitable for them.

Last year, we let 100 community banks fail across the Nation. Meanwhile, we spent $165 billion of taxpayers' money to keep the big six banks afloat. But the cost of having these six megabanks is even greater. The Bank of England estimates that the true social cost to our economy of the financial crisis has exceeded $4 trillion, four thousand billion dollars. If we don't want another economic crisis, if we don't want more small business failures, if we don't want more bailouts, we need to do something about the unprecedented concentration of wealth among a few large banks.

That is why Senator KAUFMAN of Delaware, Senator CASEY of Pennsylvania, Senator MERKLEY of Oregon, Senator WHITEHOUSE of Rhode Island, Senator HARKIN of Iowa, Senator SANDERS of Vermont, Senator BURRIS of Illinois, and I have introduced this amendment modeled after the Safe Banking Act of 2010. These Senators come from the East and the South and the Midwest and all over our country. They will rise with me in support of the Brown-Kaufman amendment.

It would prevent any financial institution from becoming so large that it could jeopardize the entire economy. Too big to fail means too big to exist. The amendment would scale back the six largest banks of the Nation—just six banks but six megabanks. Those six banks' total assets, as I said, are 63 percent of gross domestic product in this country. This amendment would require them to liquidate some of their bank before it is too late.

That would mean they could spin off one of their lines of work, they could reduce one of their lines of work, they could do less business in one region—whatever—so they are not megabanks with this kind of power over our economy.

Our amendment would place statutory limits on the leverage of these banks. Our amendment imposes sensible size constraints on these banks. The leverage ratio would be set in the vicinity of 6 percent—about 16 to 1.

We saw on Wall Street one of the things that brought on this crisis was there were ratios of 25 and 30 and sometimes even 35 or 40 to 1. This amendment would cap concentration of deposits held by any one bank at 10 percent of the Nation's deposits, about $750 billion—not small but not so humongous as they are now.

The bill we will be considering beginning next week is strong, but it needs to be stronger. It focuses on monitoring risk—that is the right thing—and taking action should regulators believe the risk has grown too big. But we know the regulators didn't exactly do it right during the Bush years, and that is why it is so important that we write legislation in a way to keep these large banks from getting too big. We should not just monitor risk until we are once again on the brink of trouble. We should learn from recent history and correct our regulatory mistakes by nipping risk in the bud. That means preventing the anticompetitive concentration of banks that become too big to fail and bank on that to engage in high-risk behavior. Not only would our amendment help prevent bailouts and protect us against economic collapse, it would help boost lending to small businesses.

I am joined in the Chamber by the Senator from Louisiana who has specialized in finding ways to help small businesses. She knows, as I do, these small businesses have not gotten the kind of credit they need to expand; that they have the capacity to grow; that they have the employees, they have the customers, but they too often have not been able to get credit.

The Brown-Kaufman amendment would take action now to prevent economic collapse and taxpayer-funded bailouts in the future. We believe the American public does not want regulators to wait and see whether another crisis develops. We should prevent it before it starts.

Too big to fail is too big. The American people saw the arrogance of Goldman bankers who seem, with little regret, without second thought, to completely disregard the public interest. They want us to teach Wall Street megabanks a lesson that they will never again monopolize America's wealth or gamble away America's dreams.

This is not about retribution. This is about protecting the American public from banks too big to fail, banks that are too big to exist. It will affect a relatively small number of banks, but these banks, frankly, have too much power over our economy. These banks, coupled with their risk and their size, present a real threat to the future prosperity of our great country.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Before I begin on my topic, which is different from the topic of the Senator from Ohio—I thank him for his comments about our focus on small business and assure him, as the Chair knows, that we are doubling our efforts this week to hone in on a package of support and help for small businesses in America. We believe the recovery can take place and will take place, but it will be led in

large measure by the small businesses in America. We are going to do our very best, after we deal with this bill that is on the Senate floor, to focus the attention of the Senate in that regard.

I thank the Senator from Ohio and look forward to working with him in the weeks ahead.

TRAGEDY IN THE GULF

Madam President, I rise today, though, to speak on an equally serious subject—actually, a tragedy and disaster that is occurring right now off the coast of my home State, in Louisiana. On Tuesday, on April 20, as we all now know, at approximately 10 p.m., a tremendous and terrible explosion occurred aboard a state-of-the-art drill ship, the Transocean Deepwater Horizon.

There were 126 men and women onboard that rig. It was drilling in almost 6,000 feet of water—a real technological feat—some 50 miles off the Louisiana coast. The explosion, unfortunately and sadly, killed 11 men and 17 others were injured—3 of them critically—and today 1 remains in the hospital.

We don't know what precisely caused this accident, but at present it appears that the blow-out preventer failed. We do not know why.

The blowout preventer is a very large piece of equipment. I would like to try to explain.

It is, of course, very dark down in the depths of the ocean. This is the best picture we have. This is what the floor of the ocean looks like. This is the blowout preventer. This is a graph of it.

It is a standard piece of equipment on all wells, and it is a huge piece of equipment on a well like this. It would weigh up to 500 tons. It is about 18 feet in length. At some point this piece of equipment, which is standard—this piece of equipment, which is tested every 14 days, as required by law—failed. This actual piece of equipment, this blowout preventer on this rig, was actually tested 10 days before this tragic incident, and it passed the inspection.

The investigation that is fully underway now and will continue for many weeks and months will tell us more. But what we know today is the blowout preventer failed. The explosion that occurred ignited the oil and gas that flowed from a riser pipe that was connected to the well at the sea bed. This riser pipe is a very thick and strong pipe. Right now, today, as we speak, it is curled on the bottom of the ocean floor much like a garden hose would be, twisted in many places, but the well is not closed. So there are anywhere from 1,000 to 5,000 barrels of oil leaking from this well.

Despite heroic efforts that have been underway now for days, this has not been closed. This will continue to leach and leak until it is. The rig burned, as did the oil and gas that issued forth, for some 36 hours, and then the rig began to take on water and ultimately sank to the sea floor.

As I said, we know what the leak rate is, and it is headed to shore. These are the facts. Everyone agrees this accident was and is an unmitigated disaster. I know the hearts and prayers of everyone in the United States are with the families of those who lost their lives and those who are injured and we continue to pray for them as they recover.

But the issue for us is to acknowledge this and to make decisions about how to move forward. Today, the U.S. Coast Guard reports that a rainbow sheen can be seen in the water—I will put up a map in a minute—about 32 miles by 42 miles in length. What is important about this sheen is that 97 percent of it is a rainbow sheen. Only 3 percent contains emulsified crude.

I would like to take a moment to explain what emulsified crude means. It is a thicker oil clotted in water, but even in the areas where the crude has beaded or gathered on the water's surface, it is a very thin layer. In fact, in a briefing with the Coast Guard yesterday, the oil slick at its thickest point is about a millimeter or two in thickness, about the thickness of a couple of strands of hair.

So it is important to understand why this is an unprecedented disaster. The oil slick is wide and covers a large section of our ocean. It is very thin; 97 percent of it is an extremely thin sheen of relatively light oil on the surface.

I do not say that to diminish the tragedy, but to accurately convey to the American people what we are dealing with. This is not the heavy, thick oil that stained the Santa Barbara coast in 1969, nor does it look like Prudhoe Bay crude that spilled from the ruptured hull of a tanker in 1989.

But what is of immediate concern to the people of my State and the Gulf Coast is that the oil sheen is approaching our shores. The edge of the sheen is approximately 23 miles off the coast of Plaquemines Parish. This could change in a few days. We do not know. But it looks as though the spill is going to move right to the mouth of the Mississippi River, to the Bayou La Loutre Pass.

In the meantime, I do know that there are 56,000 feet of flexible barrier that have been deployed to contain the spill. That is about 15 miles of barrier. An additional 31 miles is available to be deployed, and 72 miles of barrier and buffer have been ordered.

I also know there are literally hundreds if not thousands of people—I have been on the phone with the Commandant of the Coast Guard, I have been on the phone the last 3 days with the Admiral of the Coast Guard, Mary Landry. I have spoken to the Department of Interior, I have kept in touch with local and parish officials. I do know there are hundreds and thousands of people at work, in Houma, LA, outside of Hammond, LA, and hundreds along the coast doing everything they can to minimize potential damage to our shore.

We are investigating every hour what more can be done. There are 70 response vessels in place. They are being used as skimmers, tugs, barges, and recovery vessels, and approximately 1,000 government/industry response personnel are on site responding to the incident. Some 65,000 gallons of dispersant have been deployed, and an additional 110,000 gallons are available. And, today, a controlled burn began. There are different views about how this oil can be eliminated. Some of it is dispersed naturally, some of it can be burned. It has to be corralled and burned and, of course, controlled.

This has not happened in this depth of water. So the industry and our government officials are using everything known at our disposal now to take care of it. Some of it will be trial and error.

I want to spend a minute about what the options should be. We have seen disasters such as this before. We have seen them in the oil industry when tankers explode or hit ground. We have seen them in shipping, when ships, for no apparent reason, sink in the middle of an ocean. We have seen them in the nuclear power industry. And, in fact, we have seen them in our space program.

We must react to this disaster in the measured but right way. We must apply the lessons of past tragedies to this one, so we can make the best and wisest decisions that will instruct us about how to move forward. I do not believe we can react in fear. I do not believe we should retreat.

One option would be the way we dealt with, and I think it was a poor choice, the Three Mile Island nuclear powerplant disaster. There were no deaths or injuries, but the disaster was so frightening to people, there was so much concern, that basically we brought all new nuclear powerplant applications to a screeching halt.

In hindsight, that was not the right decision. Today, we are 30 years behind the French in nuclear technology. France gets 80 percent of its electricity from nuclear; we get less than 20. France is the largest net exporter of electric power, exporting 18 percent of its total production to Italy, the Netherlands, Belgium, Britain, and Germany. Its electricity cost is the lowest in Europe.

Today, Areva, a French company, is the world's leading nuclear company. It could have been a U.S. company, but it is not, because we ran, we retreated out of fear. We did not, in my view, respond the way we should have.

For those who are interested in reducing carbon emissions—and I am one of them—consider that France's carbon

emissions per kilowatt hour are less than one-tenth of Germany's, and one-thirteenth that of Denmark. France's emissions of nitrogen oxide and sulfur dioxide have been reduced by 70 percent over 20 years, even though their total output of power has tripled. Let me repeat that. Its emissions of nitrogen oxide and sulfur have been reduced by 70 percent, even through their production has tripled because they moved forward with nuclear power, found a way, fine-tuned their technology.

But because of our poor and inappropriate and wrong reaction, our United States has largely sat out of the nuclear renaissance at great expense to our country. We have allowed foreign companies to step in as global leaders and 30 years later we are now trying to make up that ground. So retreat is not an option.

By contrast, we can look at how we, the United States, responded to the 1986 disaster of the Space Shuttle *Challenger*. I can remember exactly where I was, as many Americans can remember when that incident happened. We all remember the joy of the takeoff and of the launch, and then the unbelievable visual of that space shuttle exploding into a billion pieces in space, losing all seven lives, and, remember, there was a teacher on board, Christa McAuliffe. The horror of that disaster shocked us all, and it haunts us to this day. However, what we did not do is end the space program. We did not stop launching. We did not stop exploring.

As we go through with this disaster, and we handle it, whether it takes us a week or several weeks or a month or several months, we have to find a way to make sure it never happens again, strengthen our resolve, strengthen our technology, and continue to be the world leader in clean technology in this world. We did not declare the risks were too great and the benefits of the program were too few. We moved forward. As a result, the United States remains a global leader in the space race, and we must continue to remain a leader in energy production, even as we transition from fossil fuels to wind and solar and other offshore opportunities.

No one has ever claimed, including myself, an unabashed proponent of the industry, that drilling is risk free. The people of my home State of Louisiana know these risks better than anyone, both the safety of the rig workers, and to the environment itself. But we also know that America needs 21 million gallons of oil a day to keep this economy moving. Twenty-one million gallons of oil a day are necessary for this economy. This well is leaching right now 5,000. That is less than one-fourth of 1 percent of the oil that is necessary.

So we must continue to drill. For advocates who say we cannot afford to drill off our coast, then what coast should we drill off of? Should we have all of our oil coming, 100 percent, from Saudi Arabia or Venezuela or Honduras or West Africa? We have to take responsibility to drill where we can safely. Out away from our shores is as safe as we can be. We obviously have to improve our technology, and that we will. Retreat, we will not.

Let me give a few more facts, and then I will wrap up my comments. It is more risky to import our oil in tankers than it is to drill for it offshore, even considering this disaster we are dealing with today. According to a report by the National Academy of Sciences, spills from tankers bringing oil in from overseas account for four times as many oil spills as does offshore drilling.

Compared to how much oil we use in this country, the industry spill rate is quite low. Minerals Management Service reports offshore operators have a spill rate of only .001 percent since 1980. That means that 99.99 percent of all oil is produced, transported, and consumed safely.

Again, I am not saying that to minimize this disaster. We know the blowout preventer failed. There may be other safeguards that must be put into place. The investigation will show that. There may be those who need to be held accountable. The investigation will show that as well.

But the fact is, natural seeps introduce as much as 150 times more oil into our oceans than does offshore drilling. I agree we do not want to drill everywhere. I do not think we should drill in Yosemite National Park. I believe there are places such as the Great Lakes and other places potentially off the Atlantic Coast that we should not drill. But using the right amount of buffer zone, whether it is 50 miles, or 35 miles, or 100 miles, using up-to-date technologies, backup blowout preventers, something I am learning about that actually goes on in Norway and other countries, might also reduce these risks even further.

But let me say one more word before I close, a word about revenue sharing. I have been probably the most outspoken advocate in this Senate, and will continue to be, and am proud of my advocacy on the part of coastal States, particularly the States of Texas, Louisiana, Mississippi, and Alabama, that have been host to this industry for the better part of 75 years. We have lived through its ups and downs. We have lived through disasters such as this, and periods of relative calm. We have benefitted from the millions of dollars that have benefitted our States indirectly through jobs. But with all that we have done, generating almost $5 billion in taxes off the Gulf Coast, out of this Gulf Coast, $5 billion a year comes to the Federal Treasury. The fishermen in Plaquemines Parish, the fishermen in St. Bernard, the schoolchildren in Orleans and in Jefferson have not received one penny, even though in our whole State today, many people along the coast are standing watch to keep this oil spill from our shores.

We have come here time and time again and said, we are proud to be partners in this industry, even today, in the midst of this disaster we still have. But you must understand the risk. We do. And we would like to have a portion of that funding to help us either have the kind of technology in place to invest in our wetlands, to fill up some of these canals that have been left, even as we make the industry reach to higher and better standards. I hope that as people watch this disaster unfold, they will hear again the call of the gulf coast Senators and House Members to allow us to share these revenues in a fair way so we can all benefit from the upside, and most certainly share the downside, as we will do in the next weeks and months ahead.

We are going to continue to monitor, to react, to do everything we can to save the environment, to investigate the accident, to continue to nurture and care for those who are still injured, and to comfort those who have lost members of their family. There is a young mother I spoke to who lost her 21-year-old husband, and will be raising a 3-month-old and a 3-year-old by herself, at least for the foreseeable future. There are many other stories like that. But we are proud to be part of producing the resources this country needs, as we work on technologies to prevent these kinds of disasters in the future. We do not believe that moving this production completely off of our shore is the answer. We do not believe burying our head in the sand and pretending the country does not need 21 million gallons of oil a day, or pretending we can get this energy tomorrow from somewhere else—we may get it somewhere else in 20 or 30 years, but not next week, and not the month after, and not the year after.

So let us be careful in the way we move forward. Let us be measured. Let us be open to hear the facts. Let us hold people accountable for what happened and understand what happened and prevent it again. In the meantime, I know the Coast Guard, the military, Louisiana's agencies, and our local officials are going to do everything we can to protect our people and our environment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

## MORNING BUSINESS

Mr. FRANKEN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCLOSE ACT

Mr. FRANKEN. Madam President, I rise to support the Democracy Is Strengthened by Casting Light On Spending in Elections Act, or the DISCLOSE Act, Senator SCHUMER's bill to fight the effects of the Citizens United decision.

I want to tell Minnesotans listening at home why I support this bill. I want to talk about the problem this bill addresses and how this bill fixes that problem. I also want to talk about a part of this legislation that came from a bill I introduced earlier this year.

A lot of people don't follow the Supreme Court very closely, so I would like to summarize what the Citizens United decision does. In a nutshell, it allows corporations to spend as much money as they want, whenever they want, in any election in this country. It lets corporations spend their shareholder money to do this. What is worse, it will allow foreign subsidiaries, wholly owned by foreign governments, to spend just as much money as their American competitors.

This decision changed our election laws in a radical way. In a single decision, the Supreme Court reversed a century-old legal standard, 2 Federal laws, 24 State laws, including a 20-year-old Minnesota law, and 2 of its own decisions, one of which it handed down just 6 years ago. I am not a lawyer and I don't speak Latin, but unless the term ''stare decisis'' means ''overrule stuff,'' I think we have an activist court on our hands.

But I don't want to talk about legal precedent; I want to talk about how this decision will affect people's everyday lives. I want to talk about the crisis Citizens United has created for communities: for the safety of our communities and for our ability to run them without a permission slip from big business.

Let me give a couple of examples of policies that might never have been enacted if Citizens United had been the law of the land.

As of 1965, when America's population was about half as large as it is today, 50,000 people died every year from car accidents. Believe it or not, the auto industry knew full well it could prevent a large portion of highway deaths just by installing seatbelts in every car they sold. But as late as the early 1960s, they refused to do that. They said: ''Safety doesn't sell.'' They lobbied against legislation to require seatbelts.

Fortunately for all of us, in 1966 Congress passed a law requiring all passenger cars to have seatbelts. By the year 2000, the fatality rate from car accidents had dropped by 71 percent.

Here is another story. In the 1920s, oil companies started adding lead to gasoline. They did this even though they knew that lead was a poison. In fact, 80 percent of the workers at Standard Oil's very first lead gas plant died of or got lead poisoning. This didn't stop oil company representatives from testifying before this very body repeatedly that leaded gasoline and lead pollution in the air were totally safe. That is what they said.

But Congress didn't take the bait. In 1970, Congress passed the Clean Air Act and phased out leaded gasoline over the next two decades. By 1995, the percentage of children with elevated levels of lead in their blood had dropped by 84 percent. By 2000, the level of ambient lead in the air had dropped 98 percent.

A lot of people know that the National Traffic and Motor Vehicle Safety Act and the Clean Air Act of 1970 are two of the pillars of modern consumer and environmental safety laws. Here is another thing they have in common: They were both passed about 60 days before midterm elections.

Do you think the seatbelt bill would have been as strong if GM could have run $1 million in attack ads against vulnerable Congressmen, by name, in the last months before those elections?

Do you think the Clean Air Act would have been so aggressive on lead if Standard Oil could have spent $10 million against lawmakers in Texas? These kinds of corporate expenditures would have been made possible by Citizens United, and this is what the DISCLOSE bill will fight.

Here is my point. At the end of the day, this bill is not about election law. It's not about campaign finance. It's about seatbelts. It's about clean air. It's about protecting our right to improve our lives without some corporation saying: No, you can't do that.

I want to talk a little about how the DISCLOSE Act is going to temper the effects of Citizens United.

First, the bill will make sure voters know who is really behind any advocacy group's election ad. Both the head of the advocacy group and its top contributors will have to appear in and approve every ad. These groups will also have to disclose their top donors to the Federal Election Commission.

Secondly, the DISCLOSE Act will enhance accountability to shareholders. Corporations will have to disclose their political expenditures in periodic reports. They will have to post this information on their Web sites. I have worked with Senator SCHUMER on getting strong disclosure provisions, so I am particularly pleased to see these provisions in place.

Thirdly, under the DISCLOSE Act, government contractors receiving more than $50,000 will be banned from spending money on our elections. The same goes for recipients of TARP funds who have yet to pay taxpayers back. This makes sense. If companies are getting taxpayers' money, they should not be able to turn around and spend that same money to tell taxpayers how to vote.

I want to talk about a fourth part of the bill which I think is crucial. As President Obama said in his State of the Union Address in January, the Citizens United decision won't just open the floodgates for special interests; it is going to open the floodgates for foreign interests. Under Citizens United, foreign companies with subsidiaries in the United States will be able to use those companies to spend without limit in American elections. As President Obama said, American elections should not be bankrolled by foreign entities. Can't we all agree on that?

That is why that day, a few hours before President Obama stood before the combined Houses of Congress, I introduced the American Elections Act, a bill that would close loopholes in our current laws that allow foreign companies to spend freely in our elections.

I am thrilled to say that the DISCLOSE Act contains three of the core provisions of my legislation. I am so thankful to Senator SCHUMER for reaching out to work together to include them and for his remarks this morning. He has been a true champion on this issue.

Let me summarize these provisions. First, the DISCLOSE Act bars election spending by companies in which a foreign national controls political decisionmaking or the company's operations. This effectively codifies an existing regulation. Secondly, it bars election spending by companies in which foreign nationals make up a majority of the board of directors. Finally, it bars election spending by companies in which a foreign entity owns a controlling share of stock, defined by the leading Delaware standard for a controlling share, which is 20 percent stock ownership. This may seem low, but, in fact, 31 out of the 32 States that define a controlling share with a number define it as 20 percent or less. Actually, almost all of them define it as 10 percent, including Minnesota.

They all boil down to this: If a foreign individual, foreign company, or foreign government controls your company, your company should not be spending freely in American elections. American elections should be controlled by Americans.

My Republican colleagues are saying that we are fighting a paper tiger here, that we should not be concerned about foreign influence in our elections because the law already prohibits it. The day after President Obama delivered his State of the Union, Minority Leader MCCONNELL came to the floor to talk about this, and said that President Obama was wrong and that the law was actually ''crystal clear'' on foreign spending. He said:

> [C]ontrary to what the President and some of his surrogates in Congress say, foreign persons, corporations, partnerships, associations, organizations or other combination of persons are strictly prohibited from any participation in U.S. elections, just as they were

prohibited before the Supreme Court's Citizens United decision.

"Strictly prohibited from any participation"? Yet, in fact, because our current laws are vague and out of date, even CITGO, a wholly owned subsidiary of the Government of Venezuela, could easily spend freely in our elections before Citizens United.

Current Federal law has three main provisions against Federal influence:

First, companies must be incorporated and have their principal place of business in the United States.

CITGO's parent company is located in Venezuela, but CITGO itself is organized under the laws of Delaware, with its principal place of business in Texas. CITGO passes that test.

Second, the Federal Elections Commission requires that any political spending by foreign subsidiaries be drawn from profits made in America.

No problem for CITGO. The latest SEC 10–K filing we could obtain showed $625 million in annual profits here in the United States. CITGO passes that test. But it can only spend $625 million on American elections.

Finally, current regulations require that all political decisionmaking for a company be made by Americans, not foreign nationals.

You would think that because CITGO's board of directors has no Americans—it is just four Venezuelan citizens—it couldn't pass this test. But believe it or not, a July 2000 decision from the Federal Elections Commission said that even this would not disqualify a company. As long as a board of directors formed an elections committee with only American members, that company can still spend on elections, even with 100 percent foreign board membership.

So there you have it. If our current laws can't stop Hugo Chavez, whom can they stop?

Far from expanding the rights of American companies and leaving foreign ones behind a legal firewall, Citizens United has expanded the existing rights of American companies and foreign subsidiaries equally. Both American companies and foreign subsidiaries can now spend as much money as they want whenever they want in our elections.

We need to act now to protect our elections against foreign governments. We need to act now to protect our consumer safety and our environmental laws against a corporate veto. We need to act now to pass the DISCLOSE Act, which I am proud to join as an original cosponsor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMEMBERING DR. DOROTHY I. HEIGHT

Ms. LANDRIEU. Madam President, I come to the floor today to pay tribute to a great civil rights leader of our Nation, a woman who was memorialized today at the National Cathedral here in Washington, DC. Of course, I am speaking of Dr. Dorothy Height, who was a tremendous trailblazer, a true heroine of our time, a great leader of the civil rights movement. She had tremendous courage and tremendous determination that allowed women all over our Nation and, in fact, the world to break through irrational limits set by society at large. She was an inspiration to me and I know to the Presiding Officer and to other women who serve in this Chamber and to women leaders in all 50 States.

She was the chair and president emerita of the National Council of Negro Women. The council was founded, as we know, by Mary McLeod Bethune when she brought 28 women's organizations together to improve the quality of life for women. Dr. Height embraced that vision and continued her work, her crusade for justice. Through her leadership, she changed our Nation by shining a light on discrimination and injustice, which was all too common in the century that has just ended. And we still find versions and, unfortunately, visions of it here today.

She was a member of many other organizations that have come to represent so many good things about America, such as the YWCA. She was a very proud member of Delta Sigma Theta Sorority and traveled here frequently with her sorority sisters, who I know are in true mourning for her today as well. Through her dedication and commitment to these organizations, she encouraged women to be leaders in national and community organizations and on college campuses.

She had an extraordinary presence, a very big and warm heart. She was a great intellect. She had a passion for people, and in her own quiet but very forceful way, she brought great change to our Nation.

She has received any number of awards. Many of those were mentioned today and in the past weeks, as we remember her fondly—the Presidential Medal of Freedom Award, the Congressional Gold Medal Award.

I was proud to join many of my colleagues in introducing a resolution honoring the life and legacy of Dr. Height. She will be greatly missed. She will be fondly remembered. There are very few women who will live in this century and have the kind of impact she has had on so many of us. So our prayers and thoughts are with her family and with her closest of friends. But I wanted to give a moment of honor to her on the Senate floor today.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## OFFSHORE DRILLING

Mr. MENENDEZ. Madam President, I rise today, as I am pleased we are finally moving to Wall Street reform—something I have come to speak about several times on the floor. That is critically important to our country, critically important to our economy, critically important to investors and consumers to have confidence, and I am glad we are moving to that, as a member of the Banking Committee. But at the same time, there is an enormous environmental challenge taking place in our country, one that I think portends the consequences of offshore drilling.

I rise today to discuss the tragedy in the gulf and looming environmental disaster that threatens the gulf.

First, I want to remember those who lost their lives in the tragic fire and explosion of the Deepwater Horizon oil rig in the Gulf of Mexico last week. Our thoughts and prayers are with the workers and their families.

The loss of life and the injuries are truly horrific, but this is also an environmental tragedy, one that threatens to reach historic proportions. Over 1 million gallons of oil have already leaked into the gulf. Each hour that passes without a solution, without a way to stop it, leads us to wonder what the extent of the damage will be. It is a wake-up call to all who are trying to weigh the benefits against the risks of offshore drilling as part of our energy mix. It certainly leads this Senator to wonder about the wisdom and the necessity of drilling off the coast of my State of New Jersey and, I would argue, off the coast of any Senator's coastal State.

As I stand on this floor today—and I show you this picture I have in the Chamber of the fire the Deepwater Horizon oil rig was engulfed in before it sunk—before it sunk—and then had all of the oil spilling into the gulf. As I stand here on this floor today, an oil slick bigger than the State of Delaware—over 4,000 square miles—is drifting toward shore—drifting toward

shore. To give you some perspective of what that means, as shown in this other picture, this is how big this oil sheen is when compared to my home State of New Jersey—all of the yellow. If this spill in the gulf were happening, for example, in Virginia waters right now, my whole State would be holding its breath because NOAA has shown my office how a spill in Virginia waters could easily wash up on the New Jersey shore.

I say to the Presiding Officer, I do not know if you have visited New Jersey, but we have magnificent, pristine beaches. The dunes along the coast are breathtaking. Wildlife is abundant. Tourism depends on it. It would all—it would all—be in jeopardy.

The next photograph I want to show is what happens to wildlife in these oil slicks. This is a photograph in the aftermath of the Exxon Valdez spill. We hope and pray the spill in the gulf stays offshore, but the reality is, it could make landfall any day now and this photograph could be repeated a thousand times.

Now we learn the spill from the Deepwater Horizon is worse than it was originally reported—far worse, at least five times worse. The Coast Guard and NOAA have revised their estimate of the leak. They now say it is not 42,000 gallons per day but 210,000 gallons a day. Imagine if the leak continues for 2 months, which seems like a real possibility at this point. In 2 months, it will have exceeded the amount of oil spilled in the Exxon Valdez disaster. Let's keep something in mind: The Exxon Valdez was a tanker with a finite amount of oil aboard. This is virtually a bottomless pit of oil.

When asked to compare this spill to previous spills, the Coast Guard compared it to the IXTOC I spill. On June 3, 1979, an exploratory well called the IXTOC I blew out in the Gulf of Mexico. It took 9 months—9 months—to cap, to seal, and the resulting spill was the second largest in world history, over 10 times larger than the Exxon Valdez spill. As my colleagues can see from this map which has Texas, Louisiana, and the gulf, the spill traveled 600 miles from its center—600 miles—blanketing the coasts of Mexico, Texas, and Louisiana, causing extraordinary damage.

Now we are debating the wisdom of expanding oil production on the Outer Continental Shelf; in essence, all along the coastlines of our country. Some think the way to expand offshore drilling reasonably is simply to create some type of a buffer zone off the coast as if a little more room can protect our shores; as if the ocean is in neat, little boxes that could somehow be confined. Frankly, I think this graphic of the IXTOC spill shows that oilspills don't respect State borders or buffer zones.

In the wake of what we are seeing in the gulf, I am deeply concerned that the current 5-year plan recently announced by the administration would allow oil drilling less than 100 miles from Cape May, NJ. Cape May is a great historical place in New Jersey with beautiful beaches—some of the greatest beaches in the Nation. Cape May, where Delaware Bay meets the Atlantic, is the epicenter of bird migration on the entire East Coast and one of New Jersey's most significant seaside resort communities; the fourth most lucrative fishing port in the entire Nation, rich with scallop beds. It is less than 10 miles from Delaware waters—waters that the administration announced they are studying for possible future drilling.

So I am concerned that if the lease sales go forward, the coastlines of Maryland, Delaware, and New Jersey will be under threat—not just an environmental threat but an economic one as well. Approximately 60 percent—60 percent—of New Jersey's $38 billion tourism industry comes from the Jersey shore, and the State's multibillion-dollar fishing industry would also be threatened by the specter of a potential oilspill.

We had an unfortunate incident in New Jersey's history. Years ago, in 1987, when the shore was polluted with medical waste in that year and medical waste that ended up on the beaches of New Jersey—syringes on the beach of New Jersey and other medical waste on the beaches of New Jersey—tourism revenue dropped 22 percent the very next year, and it took some time to recover. If a serious oilspill were ever to hit our coast, the damage would be enormously costly, and if the Exxon Valdez spill is any guide, much of the damage would be permanent.

It simply does not make sense to play Russian roulette with an asset that generates thousands of jobs and tens of billions of dollars per year for potential drilling assets that could never generate even one-tenth of that, and this is only in one State. Magnify that by so many other States that have similar coastal economies.

This tragedy in the gulf is a wakeup call. It demands that whatever we do in terms of drilling, we do carefully, thoughtfully, and with the very real images of this tragedy in mind. It is obvious—now more than ever—that we cannot ignore the risks of oil exploration, that we cannot take the safety of these rigs for granted or the reliability of redundant shutoff systems that were supposed to prevent such a spill.

It is time to weigh the risks against the payback. And what is the payback? Well, the Energy Information Administration, the entity our Federal Government has to give us information about our energy sources, estimates that opening all the shores—all shores to drilling—would amount to no more than a few hundred thousand barrels per day, which translates to a few tablespoons of gasoline per American vehicle. We don't keep oil in a domestic market. Oil is part of a world market, so there is no guarantee that American-produced oil comes to America for the purposes we need. It is hardly a drop in the bucket, with no measurable impact on gas prices. I don't want to gamble with the coastline of New Jersey or any of these other States for a few tablespoons of gasoline.

This image of a burning rig in the gulf that ultimately sunk and for which we have all this disaster taking place is a wakeup call to all of us who are committed to finding the best energy options for the future—options that will not put hundreds of miles of our coastline at risk. I don't quite understand why it is that when we are talking about global climate change legislation, we are also in desperate pursuit of oil, which is a contributor to the greenhouse gas emissions we are trying to avoid and, in essence, change from, so we don't have the climactic changes that can threaten our way of life. However, that is exactly what we are doing by going after this.

So I am respectfully requesting that the administration reconsider its proposal to expand offshore drilling until we are absolutely certain we can protect the New Jersey shore and the entire Atlantic seaboard from the potential environmental and economic disaster that could come from coastal drilling. I don't know why the Atlantic coast has to be under siege, but it seems to be. The other coastline was largely kept unexplored.

Instead of doubling down on 19th century fuels such as oil, we should be investing in a 21st century green economy that will create thousands of new jobs, billions in new wealth, and help protect our air and water from pollution. It is time for this country to move forward and embrace the future rather than clutch to the ways of the past that have not only given us this addiction but at the same time given us the consequences in our environment of polluting it in a way that ultimately creates risks to our crops, our farmers, our shorelines, as well as our health. My home State of New Jersey still has far too much incidence of respiratory ailments, including cancers.

We can do much better than this. We should do much better than this. We should stop feeding an addiction that ultimately would only add but a few tablespoons of gas and not do anything about the price but put an enormous risk to the economy of these coastlines, to our natural habitats, and to the quality of air we breathe. I hope the President will understand this disaster is a wakeup call that needs to be thought of seriously before we move forward on something that can be so risky to our economy, to our environment, and to our way of life.

With that, I yield the floor and observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SECRET HOLDS ON NOMINATIONS

Mrs. MCCASKILL. Madam President, I came to the floor of the Senate last Tuesday to make 74 unanimous consent motions to trigger a law this body voted for by a vote of 96 to 2 back in January of 2007, and this law says that once a unanimous consent motion is made for a nomination, that people who are secretly holding the nomination must come out into the sunlight.

The law requires that 6 days after that motion is made, whoever is holding the nominee must identify themselves and, in fact, that must be published in the CONGRESSIONAL RECORD. Tomorrow would be the day for publication for all the dozens of different nominees being held up by who knows who for who knows what reason.

I wished to make sure the leaders of both parties were aware that this time had run and, today, I will ask unanimous consent that a letter I sent to the minority leader and the majority leader acknowledging that the rule has been triggered, with the list of the various nominees, asking that they make sure the Members of their party have, in fact, come forward and identified themselves for the RECORD tomorrow.

I ask unanimous consent that the letter I sent to Leader MCCONNELL and Leader REID be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, April 29, 2010.*

Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate,*
*The Capitol, Washington, DC.*

MINORITY LEADER MCCONNELL: Last week I went to the Senate floor to raise the issue of ‘‘secret holds’’ and to call attention to the need for openness and transparency within the United States Senate. As you know, a secret hold refers to the practice where one member of the Senate puts an anonymous hold on a nominee or legislation without publicly raising their objections. In spite of efforts in 2007 to end this practice, we now know that secret holds remain the status quo in the Senate. While efforts are being made to strengthen this rule and eliminate secret holds, I am concerned that Senators continue to ignore the current requirements for disclosure of holds.

Under the existing rule, after a unanimous consent request is made to confirm a nomination or pass legislation, the Senator with objections to the particular measure or nominee must notify their party leader and then submit a notice of intent specifying the reasons for their hold. Within six-session days of the unanimous consent request, the notice must be printed publicly in the Congressional Record. The rule is clear that it is incumbent upon the leaders of each party to enforce the rules should members fail to comply.

Today marks the sixth session-day since I made seventy-four unanimous consent requests to confirm the non-controversial nominations on the Senate Executive Calendar (a complete list is attached). These nominees were reported out of committee by voice vote or by a unanimous vote of the committee and have no known opposition. To date, there have not been any notices filed in the Congressional Record despite the fact that all seventy-four motions were objected to by Senator Kyl on behalf of his Republican colleagues. While, several of these nominations have since been confirmed by the Senate, the bulk of the nominations remain stalled without any public notification.

Therefore, I write today to ask if you have been notified by any member that he/she has objections to any of the confirmation requests I made last week. If so, I urge you to enforce the member's obligation to place a public notice in the Congressional Record stating their objection. Should there be no known opposition to these nominees I ask that they be immediately confirmed by unanimous consent of the Senate.

Thank you for the consideration of this request. Should you or your staff have any additional concerns or questions, please feel free to contact Nichole Distefano of my staff at nichole_distefano@mccaskill.senate.gov.

Sincerely,

CLAIRE MCCASKILL,
*United States Senator.*

U.S. SENATE,
*Washington, DC, April 29, 2010.*

Hon. HARRY REID,
*Majority Leader, U.S. Senate,*
*The Capitol, Washington, DC.*

MAJORITY LEADER REID: Last week I went to the Senate floor to raise the issue of ‘‘secret holds’’ and to call attention to the need for openness and transparency within the United States Senate. As you know, a secret hold refers to the practice where one member of the Senate puts an anonymous hold on a nominee or legislation without publicly raising their objections. In spite of efforts in 2007 to end this practice, we now know that secret holds remain the status quo in the Senate. While efforts are being made to strengthen this rule and eliminate secret holds, I am concerned that Senators continue to ignore the current requirements for disclosure of holds.

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Sincerely,

CLAIRE MCCASKILL,
*United States Senator.*

Mrs. MCCASKILL. Madam President, we have gone back and looked at the Executive Calendar from a historic perspective. At the beginning of this week, we had 84 pending nominations. At the exact same time in President Bush's Presidency, we had eight. That is what we call a lopsided score—84 to 8. Of the 49 nominations we have voted on as a body since President Obama took office, 38 of them were confirmed by more than 70 votes. That is a pretty lopsided margin. Twenty of them were confirmed by more than 90 votes.

I am confident that if we took the time—which I think may be the desire of my friends on the other side—to file cloture and go through individual votes on all these nominees, the vast majority of them would receive those kinds of lopsided confirmations. This is a game we need to quit playing. The secret hold needs to end.

I have written some colleagues of mine, including Senator MARK WARNER and Senator WHITEHOUSE, and we have composed a letter—and we asked our colleagues to sign it—saying we will no longer participate in the secret hold. No more secret holds for us. We don't need the law to tell us we only have 6 days to secretly hold. We have asked in the letter that the secret hold be abolished. There is not a good reason for it. There isn't. Why does anything such as that need to be a secret? It is something that needs to be done publicly. The people whom everyone works for need to know why they are holding up a nomination or blocking a bill. The secrecy needs to stop.

You can hold somebody; it is your prerogative as a Senator to hold a nominee. Work against that nomination. Try to defeat them in committee. Keep in mind that all these nominees came out of committee without an objection—no objection in committee. If you want to object, that is your prerogative. Come out and tell the world why this is the wrong person for the job but don't hide. Don't hide.

I will be watching with interest tomorrow the CONGRESSIONAL RECORD. I

am very worried we are going to have the old switcharoo, which means if you withdraw your hold in 6 days, then you can hand it off to somebody else. You can say: I no longer have a secret hold, and then you whisper to your buddy: Why don't you do it now and then we will have 6 more days and then another 6 days.

I wish to serve notice that I will be making these unanimous consent requests every time there is a secret hold, so anybody who does it is only going to have 6 days. Seriously, if we start the switcharoo and continue to go week after week without knowing who is holding these people or why, that is when people should get angry. That means they voted for a law that they had every intention of evading. People are mad enough at us. That is liable to get them over to the ''flat furious'' category if we go into that territory.

I am hopeful this Congress will be the Congress where we end the secret hold. I wish to again acknowledge the work Senator GRASSLEY and Senator WYDEN have done for years. They have definitely tilled this ground, and they, in fact, put this in the law that we voted on in 2007. I compliment them for their work on this issue. We are continuing to work together on this issue. Senator WYDEN and Senator GRASSLEY are continuing to try to find a way to reform and make this place more open and transparent.

I invite all my colleagues to sign the letter—Republican, Democratic, Independent. Sign the letter. We have 43 signatures. That means we are almost halfway there. If we can get to 60—we can move mountains here when we get that magic 60 number. I hope we can get to 60 by the end of next week. That means we will have more than a majority to say: I don't need a rule or a law; I am willing to make any hold I have open to public inspection.

I wish to also make another unanimous consent request today. We have a very important function in government; that is, investigating accidents. We are getting ready to enter into the travel season. The National Transportation Safety Board is a very important body. In fact, they are going to be considering, in the next week, the ''miracle on the Hudson'' accident and the problem with aviation as it relates to the danger of birds and possible engine failure. In June, they will be investigating the tragic Metro accident here in Washington, when 9 people died. This is one of those boards where a Democrat and a Republican are both appointed. The Democrat has been waiting since last December, ostensibly, for the Republican. Dr. Earl Weener has been on the Executive Calendar for a number of weeks.

Dr. Rosekind and Dr. Weener are needed on the NTSB. If any Member has a reason to recuse themselves, they would not have enough Members to go forward with these investigations. This is the kind of work that needs to be done. This is what people want the government to do. There is a lot of stuff the government does they don't want us doing. They want us to figure out what is going on with accidents in our transportation system and come up with answers so we can avoid these deadly accidents in the future. I think it is important, in light of that, that I go ahead and make another unanimous consent request to try to confirm these two people so they can begin working on the National Transportation Safety Board as we enter into the most heavily traveled period in America—the summer vacation months, when so many more Americans are traveling with their families.

## UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the Senate proceed to executive session for the purpose of the consideration of Calendar No. 592, Mark R. Rosekind, to be a member of the National Transportation Safety Board, and No. 787, Earl F. Weener, to be a member of the National Transportation Safety Board; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating to the nominations be printed in the RECORD, as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, I have no problem with either nomination. I understand they are in the process of being cleared by other Members. I believe that, while I have no specific problem, we want to allow all Senators to sign off before consent is granted.

Last week, I objected to some of the nominations to allow the two leaders to work their clearance process on the Executive Calendar. I understand that the two leaders worked to confirm four U.S. attorneys later today.

Under the circumstances, as to the specific request of my colleague, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, if I could inquire of the Senator from Arizona for the purpose of making a clear record.

Mr. KYL. Madam President, I objected.

Mrs. MCCASKILL. Madam President, I wish to make sure that the objection—the reason I am asking to inquire is it has to be clear that the objection is being made on behalf of someone else and not on behalf of the Senator from Arizona.

Mr. KYL. Madam President, reserving the right to object, let me explain this process. When a nomination is sought to be cleared by both sides, there is what is called a hotline. All offices receive a quick notice that a particular bill or nominee is being hotlined. If you have a question or a concern, you register that. It is registered as an objection until it can be cleared up. In many cases, it is cleared up very quickly—sometimes overnight. Sometimes the two leaders need to work out a process for it to be cleared. It is, in one sense, a hold.

As I said, I have no objection to these two people, so I am not holding them. I am objecting on behalf of the Republican leadership in order to enable the two leaders to clear both of these nominees; that is, to make sure there is no objection on either side, so they can both go forward. That is the basis for my objection.

Mrs. MCCASKILL. Madam President, let me make a couple comments concerning that.

First, Mr. Weener has been on the Executive Calendar since March 24. So this isn't something that happened in the last couple days.

Second, it was very clear that the Senator from Arizona said he wasn't objecting, so he is objecting for someone else. This notion that this has something to do with the leaders working together, none of these nominees are being held by anybody. This is not about the leader asking for time to clear names. It is not whether somebody can hold. Certainly, somebody can hold. The question is, After they have done it for 6 days, they can't be secret anymore. What I am trying to do—and I know the Senator from Arizona understands this. I am not quarreling with somebody's ability to hold. I just need to know who is holding. It cannot just be that we are working on it and it came over on the hotline and give us a few days. The 6 days are up. The people who are holding these nominees now have to say who they are.

I wished to make it clear that your objection was not your objection to these nominees. In other words, you are not claiming the objection, you are claiming it on behalf of someone else who will not identify themselves. That is the point. Tomorrow is the day that all these people need to be identified as to who is holding them. If it is Senator MCCONNELL holding every one, then he needs to claim them and say: I am holding all the nominees. If it is other Members of the caucus, then they need to claim it. It is the same for any Democrats who are holding. I believe we had two or three nominees being held by Democrats. They need to be published in the CONGRESSIONAL RECORD tomorrow. But this notion that it is being held up because the two

leaders are working together, Senator REID doesn't have anybody being held. So I wish to make sure we got that clear.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mrs. MCCASKILL. I yield to the Senator from Rhode Island for a question.

Mr. KYL. If my colleague will yield first for a minute, I wish to make it clear that it is precisely on the basis that I stated that I am objecting this evening. I believe the two leaders will be able to clear the two specific nominees my colleague asked unanimous consent for tonight. It is truly a matter of the clearance process through the hotline. As a result, what I said is true. It is nothing more than that, to my knowledge.

I take all the other points my colleague made. As to my objection this evening, I prefer to have my colleague acknowledge that what I said is what I believe; namely, that this is a clearance process for the two leaders through the hotline and that it is my expectation that these nominees will be cleared through that process. It is simply not completed.

Mrs. MCCASKILL. I apologize. I didn't mean to intimate that the Senator was saying something he didn't believe. I apologize if that is the way it was taken.

The point is pretty obvious. We have 84 nominees backed up at the train station, compared to 8 under the Bush administration. If anybody can't see what is going on, they need to tune in and pay attention. This is stall and block, stall and block, stall and block. Fine, but own it. If you are going to stall and block, let's see who you are. Claim it. That is all this is about. Claim it.

If you are proud of slowing the process down, we just want to know who you are. To say this is about the two leaders clearing the hotline, that is not what this is about. This is about the law that says you cannot have secret holds once a unanimous consent request is made. I will be here as many times as it takes to reform this process and end the secret hold.

I yield to my colleague from Rhode Island.

Mr. WHITEHOUSE. First of all, I thank the Senator for her continuing efforts on this point. I had the privilege of joining her on the first day in moving some of these unanimous consents. She brought up 73, I think, in 1 day, to tee up all these names under the Senate rules that require that once a unanimous consent has been proposed, the identity of the Senator with the hold has to be divulged in 6 legislative days. As I understand it, the 6 legislative days run today.

Mrs. MCCASKILL. Correct.

Mr. WHITEHOUSE. Therefore, tomorrow is the day when one of three things has to take place. We can come to the floor and clear these folks by unanimous consent because there will no longer be a secret hold is option 1. Option 2 is a Senator would have stood up, filed the papers that the rules of the Senate require and admit to the secret hold, making this process transparent and open. The third is they will have done what Senator MCCASKILL and I have both called the switcheroo, and they will have gone quietly to some other Senator and said: I only have 4 days left; I don't want to hold it till 6. If you pick up my hold now for me, then you are after the unanimous consent request, and we think we can dodge the rules this way.

Is it the understanding of the Senator from Missouri that those are the three options we will discover tomorrow as to all of these 80 nominees, which category they are in?

Mrs. MCCASKILL. I believe under the law, those are the only three options available: to either withdraw the hold and let the nomination go forward or claim the hold and publicly identify yourself or evade the law.

Mr. WHITEHOUSE. With respect to the observation that the distinguished Senator from Arizona made that they had just, after this process, allowed four U.S. attorneys to be cleared, in the light of the fact that at this time in the Bush administration there were eight Bush administration officials who were the subject of Democratic holds, but it is more than 80 Obama officials who are now still the subject of almost exclusively Republican holds, notwithstanding what is clear under the pressure of this initiative, we are actually down from over 100, but we are still holding at over 80 officials who are tangled up in secret holds.

Is it a fair statement of mine to put, ''Gosh, we released four'' into the context of, ''Yeah, but we are holding 84''? That is the way the ratio works right now; does it not?

Mrs. MCCASKILL. To be fair, I know we had 84 pending at the first of the week. I think our raising a ruckus is beginning to have a little bit of an impact because the iceberg moved slightly this week. We may have confirmed 14 this week of the 74, I believe, that I moved by unanimous consent last week.

Keep in mind, all 74 I moved last week had been unanimously reported out of committee, with no opposition from the Republican Party in committee. None.

Mr. WHITEHOUSE. Indeed, votes in favor by the Republicans on the committee.

Mrs. MCCASKILL. Exactly. In fact, many of them were voice-voted. We even checked to make sure no one said nay at the committee level. These were unanimously agreed to out of committee. There were 74 last week. I made the requests last Tuesday on the 74. The Senator from Rhode Island made a few requests on some that were not in that group that had been unanimously agreed to. I believe this week some of the group—maybe some of the Senator's, maybe some of the ones on which I made unanimous consent requests. I know we had 14 that moved. I think we are around 70 total right now. But of those, 60 of them are in this unanimous-consent category and ones we have no idea who is holding them.

Mr. WHITEHOUSE. Of those, if I may ask another question, who have been cleared, some have been allowed to come forward for votes on the Senate floor. The last was Judge Chin who had been held for a considerable period of time. We actually, if I recall correctly, had to file cloture and take more time. There is a process built around cloture so it burns up Senate floor time. We were forced to do that.

When the nomination was finally voted on in the Senate, is my recollection correct that he cleared the Senate 98 to 0?

Mrs. MCCASKILL. He was held for a long time. And, yes, the Senator is correct, we had to go through all the procedural hoops that take time. Time is money when you are working for the taxpayers. Every hour we spend on something is an hour we cannot spend on something else. Everyone—all the good people who are working in this room, in the cloakrooms, and in all the offices—is paid by the taxpayers. We took time to go through cloture. Then there was not one ''no'' vote. If that is not a great example of obstructionism for the sake of obstructing, I cannot think of a better one—forcing the Senate to take days to confirm unanimously a nominee after they have held for a long period of time.

Mr. WHITEHOUSE. Just by a process of elimination, unless one of the two absent Senators was the one who had the hold, whoever was holding Judge Chin actually ended up voting for him after months and months of having delayed the nomination.

Mrs. MCCASKILL. I don't know about the Senator from Rhode Island, but I would love to know how many people secretly hold a nominee and end up voting yes. Nine times out of ten—I should not say that. I don't know. It is secret. I have to believe that most times people secretly hold a nominee because they want something from an agency. In fact, I had a Member actually acknowledge to me: I don't care what happens to that nominee, but I need something from this agency. It is a leverage: I am going to hold your nominee hostage until this agency gives me what I want.

I think we remember, there was an instance that came out in public that some people were being held for projects in their State.

Mr. WHITEHOUSE. That is the right of the Senator to do, so long as they do it publicly.

Mrs. MCCASKILL. Right.

Mr. WHITEHOUSE. They can still do that even after the secret holds.

Mrs. MCCASKILL. Absolutely. If someone is trying to leverage—I do not agree with it, but that is their right as a Senator—if they want to leverage a project in their State by saying to the administration: I won't let you have any nominees to go to work in that agency until that agency gives me what I want—that is their right. People should know about it. I don't think it would be very popular. People might have a problem with that. That is the beauty of the secret hold. They never have to tell that they are leveraging a nominee to get something they want out of an agency. That is why we need to end the secret hold. Simple.

Mr. WHITEHOUSE. Madam President, if I may conclude, I thank the Senator for indulging me in these questions and allowing me to ask them and for her energetic and principled leadership on this issue.

Mrs. MCCASKILL. Madam President, I thank my colleague from Rhode Island. There are so many things about the Senate I respect—the traditions, the service. Make no mistake about it, there are so many of my Republican colleagues who serve whom I admire and respect. They care deeply about their country. Sometimes we disagree on issues, but that does not diminish my respect for them as public servants and as people. We all get along better than people probably realize we do. But there are certain traditions around here, frankly, that are more like a bad habit.

The tradition of comity is wonderful. The tradition of debate is wonderful. The tradition of collegiality is wonderful, the tradition of seniority and respecting people who have been here for a great deal of time. So much of it has been built up over the history of this Nation, and I am so proud to be a Member of this body in so many ways.

But there are some bad habits that are traditions of which we should not be proud, and this is one of them. This is a tradition that needs to end. The secret hold is a bad habit. It is a luxury in which we should not indulge as members of a public body to serve the public on behalf of the people for whom we work.

Our work should be open. The word ''secret'' does not have a place of honor in this democracy. Secret, good government, that is a little bit like oil and water. Let's do away with this bad habit. Let's demolish this tradition for all the right reasons and go forward and have a new tradition that from now on, if a Senator feels strongly enough about a nominee to block their nomination, that they come forward, explain their reasoning, and allow the people they work for to judge for themselves whether that is a valid reason to stop a nomination.

In many instances, the people they work for may believe it is a valid reason and may applaud them for it. But if it needs to be secret, I don't know, I bet maybe they might not. Let's end the tradition.

I thank the Senator from Rhode Island. I also, obviously, thank, once again, Senator GRASSLEY. He has so many times been the conscience of this place for so many different reasons, so many different issues. I have greatly admired his work in the inspector general community. He has done so much with inspectors general to strengthen them, make sure they have independence.

He has been a great champion for accountability and transparency in the Senate. I am proud he has worked as long as he has on trying to stop the tradition of secret holds. He and Senator WYDEN get the lion's share of the credit that has been done on this issue over the years.

We now have 43 Senators who are willing to say: Enough already. Now if we can just get a few more, we can nail the coffin shut on secret holds once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

## RUNAWAY CREDIT CARD INTEREST RATES

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that my statement be followed by a colloquy among the cosponsors of the amendment I will be discussing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I had actually planned to offer an amendment to the Wall Street reform bill this afternoon, but I have been informed that the open-amendment process does not begin until next week. I will describe my amendment this afternoon and then return to the floor at the earliest opportunity to actually call it up.

Before I describe it, I wish to commend Chairman DODD and Chairman LINCOLN for their hard work in crafting a strong Wall Street reform bill. The collapse of the housing market in 2008 and the resulting recession, near depression, was painful evidence that our financial institutions were underregulated and that we were ill-prepared for the invention of complex, new financial products.

The legislation we are currently debating will strengthen and modernize our Nation's financial regulation and substantially reduce the chances for future market bubbles and collapses, with all the economywide collateral damage we have seen from this collapse.

My amendment is cosponsored by Senator MERKLEY, who is on the Senate floor—I am delighted he is here with me—Senator DURBIN, Senator SANDERS, and Senator LEVIN. It would address an area that is not yet covered by the Wall Street reform bill, and that is runaway credit card interest rates.

This amendment would address that issue not by imposing any new restrictions on lending but, rather, by restoring to our States historic powers that they held for hundreds of years and that were eliminated only in the relatively recent past.

Madam President, when you and I were growing up, a credit card offer with a 20-percent or 30-percent interest rate might well have been a matter to bring to the police. Such interest rates were illegal under the laws of most, if not all, of the 50 States.

Today, in contrast, credit cards routinely charge rates of 30 percent or even more, usually after they have trapped people into a late payment or some trick of some kind to get them away from the teaser rate with which they sold them the credit card. They end up with 30 percent interest or higher. These interest rates have spiraled out of control, and for reasons I will explain, the States, at least recently, have been powerless to do anything about it despite the historic power they had in this area.

Prior to 1978—indeed, for the first 202 years of our Republic—each State had the ability to enforce usury laws against any lenders doing business with its citizens. Our economy grew and flourished during these two centuries. These were not hard periods for the financial services industries, and lenders profited while complying with the laws in effect where they operated. Then in 1978 came an apparently uneventful Supreme Court case. It was little noticed at the time it was decided. In Marquette National Bank of Minneapolis v. First of Omaha Service Corporation, the Supreme Court interpreted one word—the word ''located''—in the National Bank Act of 1863. That word sat quietly in that statute for 102 years, but in 1978 they interpreted it as meaning the location of the business rather than the location of the customer—where the bank was headquartered or domiciled rather than where their customer lived.

Well, it did not take long before big banks cottoned on to the opportunity this created—an opportunity never sanctioned by Congress nor apparently even intended by the Supreme Court. It was an inadvertent loophole, but they found it, and they realized they could avoid the interest rate restrictions by reorganizing as national banks and moving to States that had the weakest consumer protections. So what happened? A race to the bottom. The proverbial race to the bottom took place as a small handful of States eliminated consumer protections, eliminated interest rate caps in order to attract into their States lucrative credit card business and their related tax revenue.

Today, there is a reason the credit card divisions of major banks are based in just a few States, and it causes consumers in all of our other States to be denied the historic protection they enjoyed from outrageous interest rates and fees. My amendment would reinstate the historic longstanding powers of our sovereign States to decide which interest rate limits, if any, should be set to protect their own citizens.

Let me be clear about what this amendment would not do. It would not prescribe or even recommend any interest rate caps and it would not impose any other lending limitations. It would restore to the States the power they enjoyed for over 200 years, from the very founding of the Republic—the power to say ''enough,'' the power to say 30 percent interest or 50 percent interest or 100 percent interest is too much and we won't allow you to charge it to our citizens.

The current system is not just unfair to consumers who can't be protected by their own State's government and are vulnerable to predatory lending in States far from their home, it is unfair to local lenders and retailers that continue to be bound by the laws of the home State. They are still bound. So the home State bank is under the State law. It is the huge, gigantic out-of-State national bank that can come in and compete against those small banks with that disadvantage. The small local bank has to play by the rules of fair interest rates, but the gigantic national credit card companies can avoid having any rules at all. So we need to level the playing field to eliminate this unfair and lucrative advantage that Wall Street banks enjoy against our local Main Street community banks.

To make sure lenders can't find another statute to use to once again avoid State law, my amendment would apply to all types of consumer lending institutions, not just national banks, and that is for the purpose of forbidding them and preventing them from changing their charters to avoid limitations on gouging consumers.

One of the other factors in this bill is that you can't choose your regulator by changing your charter, and we have reached broadly with this to protect against exactly that. My amendment would give State legislatures ample time to revise their usury statutes, if they feel they need revision, and would allow lenders the time to adjust. The amendment would not go into effect until 1 year after the President signs the bill into law.

In the meantime, it is worth noting that most States' usury laws are around or above 18 percent, and that federally regulated credit unions do quite well under a Federal 18-percent interest rate cap. So the underlying interest rates that States tend to apply, when this power has not been stripped from them, really inadvertently, tend to be quite reasonable, as proven by the fact that our credit union industry operates under a Federal 18-percent interest rate cap and does quite well.

It is the 30-percent and over interest rates that are the recent anomaly, the peculiarity in our country's history. We should go back to the historic norm—the way the Founding Fathers saw things under the doctrine of federalism—and close this modern bureaucratic loophole; probably an inadvertent loophole, but one that the big Wall Street banks found to gouge local citizens and compete unfairly with local banks.

I ask my colleagues for their consideration on this, and I turn to the distinguished Senator from Oregon, Senator MERKLEY.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I rise to praise my colleague from Rhode Island for producing this amendment. I look forward to seeing it offered. I certainly am honored to be able to cosponsor it. I thought I would share with him a story that goes back to my days as a member of the Oregon legislature.

When I came to the Oregon legislature, I had a lot of folks in my house district saying: Wouldn't you do something about payday lending and other high-interest lending? How is it possibly reasonable to have payday loans, which are secured by the next paycheck at over 500 percent interest; and how is it reasonable or fair that I am being lent money through my credit card at 25 or 30 percent when the interest I am earning is just 1 or 2 percent? And I had no good answer for why it was fair, because it wasn't fair. It wasn't right.

So I proceeded to start working on this issue. When I went down to legal counsel, they advised me: Well, Representative MERKLEY, it works like this. You, at the State level, can apply rules to payday lending and to pawnbrokers and to title loans and to local consumer lending companies but not when it comes to credit cards. They explained to me the story that the Senator from Rhode Island just shared, that those rules are set by the States issuing the credit cards.

Well, certainly any State that has reasonable standards for a credit card, they are not going to be issued from within that State. Thus, we come to the race to the bottom my colleague was describing. So I proceeded to carry the fight and the battle over the payday lending, the title loans, the pawnbrokers and the local consumer loans, and we largely won that battle in Oregon, but we couldn't take on credit cards.

In the back of my mind, when I was running for the Senate, I thought, this will be an opportunity, if I join this body, to be able to weigh in on the issue of States rights in favor of consumers, in favor of common sense. So it is for all these reasons I am pleased to join Senator WHITEHOUSE as a cosponsor of his amendment.

Mr. WHITEHOUSE. Madam President, I am grateful for my colleague's support.

I see Senator SANDERS of Vermont has joined us on the floor, and I am delighted to welcome him to our colloquy.

Senator SANDERS.

Mr. SANDERS. I thank my colleague, and I applaud his introducing this amendment.

The issue of credit card companies charging Americans outrageously high interest rates is something that has concerned me for a number of years. We have another amendment which approaches this issue from a different level, but I am going to work with Senator WHITEHOUSE, and I think this is a very important amendment.

The bottom line here is that usury and loan-sharking is immoral, it is wrong, and it has got to be prohibited. I know Senator WHITEHOUSE and Senator MERKLEY are more than aware, there are even Biblical references in both the Old and New Testament to the immorality and the condemnation of usury. We know as a Nation, people look askance at loan sharks.

Let's be honest. What are we talking about here? If a financial institution is charging people who are desperate enough to be buying their groceries, in many cases their basic necessities, on their credit card, 25- or 30-percent interest rates, if that is not usury, if that is not loan sharking, then I don't know what is.

We have introduced legislation that would cap credit card interest rates at 15 percent. Senator WHITEHOUSE is approaching it in another way, which is an interesting way. But the bottom line is that we have to deal with the absurd Marquette ruling which essentially nullifies what every State in the country has done. I think in Vermont we have usury rates at 12 percent. But it doesn't mean anything because of the Marquette decision.

So all over this country, when we have 20 percent of the people in America now paying at least 20 percent interest rates on their credit cards, those people want action. And when we talk about Wall Street reform and we talk about consumer protection, yes, of course, we need a strong, independent financial services consumer protection agency but, more importantly, we need to address this outrage of high credit card interest rates, and the amendment of the Senator from Rhode Island would do that.

I think the American people want to see action, and I hope we can work together on the amendment and on my amendment and give people some relief.

Mr. WHITEHOUSE. Madam President, I thank Senator SANDERS and

both my colleagues very much for their cosponsorship of this amendment and their advocacy of it. I would hope we could find support for this from the other side of the aisle.

I do not see this as an exclusively Democratic issue. If you look at the arguments that have been made by all of us on the floor just now for it—Senator SANDERS spoke eloquently about the Judeo-Christian tradition that informs so much of our civilization and its horror of exaggerated exorbitant interest rates—for those of our colleagues who are attuned to those traditions, who take their religious principles seriously, they only have to harken back to sources of our Judeo-Christian tradition to find these kinds of limits are good and historic.

For those of us who are constitutional scholars and historians and are familiar with the doctrine of federalism and the role of the States in protecting their local citizens, the notion of States rights is one that has frankly been championed by colleagues on the other side of the aisle. Here is an opportunity to express their fealty to that doctrine and to that principle of States rights.

To those who think that 202 years of successful tradition of local regulation of interest rates has value, we can document that this is a recent anomaly. This is a peculiarity we are correcting. The great sweep of American history, over more than two centuries, is that the States protected their citizens properly and well. Anyone who cares for consumers in their States, local consumers up against huge credit card companies that keep you waiting on the phone for hours when you have to try to file a complaint, whose offices are in another State or in another country, sticking up for your local citizens is something I think we should all be prepared to agree to.

And finally, for those of us who have local banks, community banks, Main Street banks that are domiciled in our home States, why should they suffer the disadvantage of having to compete against these huge rapacious credit card companies and Wall Street banks and be subject to their State's law but have this loophole allow the monster banks, the gigantic banks to take advantage of consumers in this way?

I think you can look at this amendment from a whole variety of perspectives and the principles that it stands on are ones that many of our colleagues on the other side of the aisle have supported and championed over the years.

Mr. MERKLEY. If I might chime in at this point and say that in terms of the discussion I saw at the State level in Oregon, this is a bipartisan discussion, because it is indeed deeply rooted in traditions and wisdom that extends back not just generations but thousands of years.

Indeed, time after time after time the leaders—the philosophical and the religious leaders, as well as political leaders—saw the damage that was done to the foundation of societies from extraordinarily high interest rates.

I think it goes back to understanding that the strength of a society is in the strength of its families. You do not build strong families when wealth is stripped away by usurious interest rates, by extraordinary interest rates, rates that exceed by many times the earnings on interest that a family can get by putting their money into a bank or lending their money into a financial system. There is a very small return there, but borrowing out of that financial system, very high charges.

If our goal is to build families, then this has all the wisdom in the world. I certainly want to note that the other aspect of this that helps tie together Democrats and Republicans is that it is an issue of local control. There was never a moment when this Chamber, or the Chamber a few yards from here, the House Chamber, proceeded to say we are going to take away States rights to control their own interest rates on cards. There was never a moment like that. Such a law was never passed.

Indeed, you have not just the fact that Federal law has trumped State law but has trumped it without any deliberate act of Congress and in the most bizarre of fashions. So I should think the reach in favor of building strong families, building strong communities, and local control will be high. I certainly look forward to a bipartisan effort to pass this legislation.

Mr. SANDERS. If I can pick up from the Senator from Oregon, the reason, for thousands of years, that religious leaders and philosophers have condemned usury, which is what we are talking about today, is that it is basically immoral, according to every major religion on Earth, to tell a desperate person who is in need of a loan that I am going to give you this loan but I am going to charge a very high interest rate. That is condemned by every major religion on Earth as well as every great writer I can think of who addressed that issue.

What I wish to do, I suggest to my friend from Rhode Island, is I want for a moment to read some of the e-mails I received from Vermont dealing with this issue we are attempting to address. You are dealing with it one way. I am trying to deal with it more on a national way. But we both, together, are trying to address this.

Let me give a couple of e-mails that came to me over the last couple of months. This is from Jeffrey, from the State of Vermont:

> I was one of those guys who failed to read the fine print. A couple of years ago my credit card payment got lost in the mail. By the time I had realized what had happened, they charged me a $45 late fee and then spiked my interest rate up to 35 percent. At the time I was in good standing with them. I desperately tried to get this back on track but after 10 or 12 months of making these crazy payments I had to make a choice—lose my transportation to work, lose my house—I am a father of four beautiful children—or stop paying on the credit card. Now my credit card report has suffered greatly and, even though it has been over a year, they still harass me almost daily. This situation has affected every part of my family and my life.

That is the end of the quote from Jeffrey from Vermont.

This is Ronald from Colchester, VT:

> I am writing about my Citi credit card.

I should point out, as my friend from Rhode Island knows, that the four largest financial institutions in this country issue 66 percent, two-thirds, of the credit cards in the country.

> I am writing about my Citi credit card. My interest rate went from 12 percent to 29.9 percent overnight. I phoned them and was told it was not just myself paying that rate, but everyone pays that rate. How can credit card companies let you make purchases on your account for a moderate interest rate and just mysteriously move to 29.9 percent overnight? I hope you are able to pass your law to restrict credit card companies from abusing their power over their customers.

I have gotten many e-mails and I am sure you have as well. The bottom line is what we are saying is we intend to end this outrageous practice on the part of huge banks that are ripping off the American people. What Senator WHITEHOUSE is trying to do is say let us go back to the federalist principles of this country where States have established their own interest rate caps, and let's enforce that.

We are taking a little bit different position. But both of us are going to do everything we can to end this outrage and I applaud the Senator from Rhode Island for his hard work on this.

Mr. WHITEHOUSE. Let me thank Senator SANDERS, who is a passionate and articulate consumer advocate, and Senator MERKLEY of Oregon, who has come to the Senate in the interests of his native Oregonians, trying to make sure they are well served. He has been remarkable at that.

I apologize to Senator DURBIN. I know he wanted to come and join us as well, but the timing changed and he was unable to attend. I thank him for his cosponsorship of this amendment. I also thank distinguished chairman of the Armed Services Committee, Chairman LEVIN, for cosponsoring it. I am truly honored by their support. The distinguished Senator from Illinois, Senator BURRIS, tells me he wishes to cosponsor as well. So I am grateful to him and I thank him. He is a former banker so he understands these issues very well, and he understands the effect of backing in the local community. I am very gratified by his support.

The last thing I want to say before I close on this subject is that the system by which credit card companies get

consumers into these high-interest rate predicaments is no accident. It is a system and it has been carefully designed by the credit card companies, beginning with the way they write the agreement.

When credit cards began, the credit card agreement was two or three pages long. I am looking at an array of young pages here in front of me. They are pretty soon going to be getting credit cards of their own. They won't know what it was like when I got my first credit card. They are going to get a first credit card contract that has 20 pages of fine print. And hidden in the fine print have been amazing tricks and traps.

One of my personal favorites, which we thankfully ended under the leadership of Chairman DODD earlier, was that the credit card companies would declare the day was over at 10 in the morning and then they would open the mail at 11. So if you got your payment in on the day it was due, they didn't open the mail until they declared the day was over.

The day wasn't over. The Sun was still up, morning was not even over, but they had declared in the fine print of the contract that they could end the payment day at 10 in the morning and then open the mail later that day so your check was, guess what, late, and that put you into a late payment category so they could jack your interest rate.

As Senator SANDERS' constituent and so many folks in Rhode Island have experienced, 1 day you are at 12.9 percent and the next day you are at 30 percent and you don't know what hit you. And once they have you there, it is very hard to unwind. It is very hard to pay it off and get out. Many consumers cannot pay off their credit card all at once so now they are trapped, and they are trapped in what Prof. Ronald Mann of Columbia University has called "the sweat box."

He has looked at how the credit card companies manipulate their consumers, and what they do is they set up all these tricks and traps and suddenly you build up a nice balance and it is at a reasonable interest rate but you fall into one of the traps. They catch you with one of the tricks. And bang, they have you. You are now at a 30-percent interest rate, you don't have the resources to pay it off all at once, and the charges begin to pile up—the fees, the exorbitant interest—and pretty soon they have got you completely over a barrel.

It is systematized. It is done to extract the maximum amount of money and profit from consumers who are not aware of how sophisticated the machinery is that is out there trying to gouge them.

This is not just a question of exorbitant interest rates; it is also a question of pushing back against credit card companies that have developed a system, the sweat box system, that needs to be put to an end. And State regulation can help do it. Because if the State is not being paid off with tax revenues to look away from what the bank is doing, and if most of the damage is not being done in other States whose complaints are not as relevant in the home State, in the domicile State, then they get away with it.

They will not get away with it once federalism, States rights, and the American tradition of State protection of its citizens are restored and this inadvertent loophole is closed. My amendment would do that.

I hope colleagues who are listening to this will think about supporting the amendment. As I said, I think it ought to have bipartisan appeal and will certainly be good for people in our country who are at the business end of the credit card industry's machine.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Illinois.

Mr. BURRIS. Mr. President, my colleagues and I here in Washington are here to fulfill a sacred public trust, a commitment we made the moment we raised our hands and swore the oath of office. Whether we swore that oath 30 days ago or 30 years ago, that commitment remains very real. We are here to fight for the citizens of our respective States, to represent their concerns and to make sure their voice rings out in the committee hearings and on the floor of this Chamber. That is the obligation we took upon ourselves the moment we entered public service. I know it is something all of us take very seriously.

I call upon my colleagues to rise to the challenge of this pivotal moment. It is time to live up to the promise we made. It is time to stand up for the people we came here to represent, from all 50 States of this Union. It is time to take action on Wall Street reform so we can restore accountability to a system that has spiraled out of control, and cost billions in taxpayers' dollars.

The U.S. Constitution makes it clear that my colleagues and I are accountable to the American people we came here to serve. But because we enjoy a thriving free market system, Wall Street bankers are bound by no such accountability. That is why we used to have strict regulations in place, such as basic capital standards and lending requirements, that laid out the rules of the road by which all financial institutions must operate—not to interfere with the market but to assure that business practices were free and fair.

It used to be that banks, large and small, based their security on the quality of their investments. I worked at a very large bank in those days. The lending decisions were driven by confidence in the local businesses. Financial institutions sank or swam as a result of the choices they made. This encouraged responsible choices and ensured that banks made smart investments. It kept them accountable to the communities they served and to the businesses in those communities.

I said a moment ago I served as a banker for many years. I helped secure loans for small and large businesses. I fought to keep investing in the local economy because I knew we had a responsibility to those who worked with us. We helped enrich the people with whom we did business. The bank's responsibility is to keep capital and cash flowing.

The bank's responsibility is to keep capital and cash flowing. So we were accountable to our customers. That is what banking used to be. But not anymore. Gradually over the past few decades, tough standards were relaxed, regulations were rolled back, and rules were bent or ignored by some of the country's largest and most trusted financial institutions. Greed replaced accountability as the driving force behind many transactions. Banks made bad loans and then repackaged them with other loans and sold off the risk. They created new types of securities and invented ways to place high-stake bets on investments. These activities have no value of their own. They have nothing to do with our free market economy. They are designed to make easy money for big banks, which pass the risk on to someone else. But they contribute absolutely nothing to the economy. There is no product, no investment in private enterprise that will benefit local communities.

So Wall Street has basically turned into a casino, and it has done so at our expense. These fat-cat bankers were gambling not just with our money but with our economic future. They placed our entire economy at risk, and about 2 years ago their recklessness caught up with them. The bottom fell out. The whole massive scheme began to unravel. The American economy fell apart like a house of cards because that is exactly what Wall Street had become—a giant pile of empty investments that had been passed around between big banks, packaged and repackaged to the point where these investments were supported by little more than the paper on which they were written. These large investment banks tried to make something from nothing, and in their wild pursuit of bigger and bigger profits, they gambled the stability of our entire economy. So it is no wonder these systems came crashing down.

Wall Street dropped the ball, and now they are trying to pass the buck. I refuse to let them do that. I refuse to stand by as these big firms try to take the government bailout money and escape the consequences of their action. What they did was irresponsible and unethical.

My colleagues and I were forced to make difficult decisions to prevent a complete economic collapse. We did what was necessary to stop the bleeding and get America back on the road to recovery.

Now it is time to make sure this can never happen again. It is time we pass financial reform that will make Wall Street accountable again so they cannot make decisions that undermine our economic security. That is why I strongly support the bill introduced by my good friend, the distinguished Senator from Connecticut, Chairman DODD.

I thank my Republican friends for allowing us to bring it up for debate. I said on this floor yesterday that the ball game had another inning, and it did. I am grateful to our Republican friends who said: Yes, let's put this on the floor and let's debate it.

Let's not debate to debate and then not get on with the business of average American citizens. As we discuss this legislation in this Chamber in front of the American people, I hope to work with my colleagues in both parties to hammer out a comprehensive, bipartisan bill, a bill that ends the days of the Wall Street casino and safeguards every American from the kind of reckless behavior that led to this crisis in the first place. This is the difficult work we swore to do when we came to this Senate. As we take up the issue of Wall Street reform, I intend to work with my colleagues, both Democrats and Republicans, to see that it gets done.

As I said to the Senator from Rhode Island, I am very interested in his piece of legislation that deals with the credit card interest.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS.) Without objection, it is so ordered.

## UNANIMOUS CONSENT REQUEST—AMENDMENT NO. 3739

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that amendment No. 3739 be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO MORRIS BLACK

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man from Keavy, KY, who bravely served his country in World War II.

Morris Black was drafted at age 19, and he proudly put on his uniform and left his friends and family behind. Among those left behind was his sweetheart and future wife, Ms. Pauline Cassidy. During the Battle of the Bulge, while serving in one of the most exposed roles within his company—a field medic—Black was injured in both his head and leg. In a subsequent battle, he rushed from one wounded soldier to the next, providing as much care as possible, while coming under heavy enemy fire. For his heroic service as a field medic, Mr. Black received several medals, awards, and decorations, including the Purple Heart and the Silver Star.

Unfortunately, field medic Black's well-deserved accolades would not be presented to him for another 60 years due to bureaucratic oversight. Mr. Black finally received these medals on March 7, 2010. Though he is appreciative, he is quick to point out that his service was not done for the purpose of winning medals; it was to help the soldiers that needed his assistance in those critical moments.

The Corbin Times-Tribune recently ran a story about Morris Black's service. As Mr. Black recalls his experience in the interview, he says, ''There were times when I didn't know whether I'd make it home or not, but I did. There is no greater honor than to fight for your country.''

Today, I know my colleagues will join me in paying tribute to his service and I ask unanimous consent that the full article from the Times-Tribune be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Corbin Times-Tribune, Mar. 20, 2010]

### A QUIET HERO

(By Erica Bowlin)

CORBIN, KY.—Morris Black received a very special delivery in the mail on March 7, 2010. He finally received his Silver Star—60 years after serving in World War II.

During the war, Morris, of Keavy, won several badges, medals, and honors. For so many years he wondered why he never received his Silver Star, and he was unsure if he ever would.

Black was drafted into the Army when he was just a young man of nineteen. He was concerned about what would await him, and he was unsure about leaving behind his sweetheart, Miss Pauline Cassidy. But, the young man knew he had a responsibility to fight for his country, to fight for those who couldn't fight. So, Morris Black proudly put on his uniform and joined the Army. The year was 1943.

Black was first sent to Army basic training at Campground, Illinois. After boot camp he received orders to England and worked there as an orderly in a hospital. Then the call came to go to combat, and off he went to Germany.

As a Field Medic, Technician Grade 5, Black saw many strenuous battles. During the Battle of the Bulge, he received injuries to his leg and head. In a separate battle, Black's unit was taking heavy enemy fire. Black ran from one fallen soldier to the next, doing his best to care for each and every one.

''They had us all penned down,'' said Morris, ''and I just did the best I could to get them in as good a shape as I could get them.''

Black won the Silver Star for his efforts that day in Germany. He was also awarded the Purple Heart after the battle in which he was injured. He just never got to hold the actual awards in his hand. That is, until earlier this month.

But Black did not do what he did for the medals. He did what he did because he is a patriot, and he knew he was the only hope his fallen brothers may have had at those critical moments.

Black is quiet in demeanor, never boasting. But, his honor and integrity shows—in the way he holds his head high and the way he smiles. It is clear that he is a hero.

''I was just doing my job,'' he said.

After two years and nine months in Germany, Black was the only one in his unit who hadn't returned home for leave. Finally, he was granted a leave of absence and got the chance to come home to his beloved country and back to his sweetheart, Pauline. The two had been exchanging letters during the war. Pauline was anxiously awaiting the arrival of her soldier.

Black received word that the war had ended, just as his ship arrived in New York.

''They were unloading at the station when they started to say 'the war is over,' and I was very happy that day,'' he said.

Soon Black was back at home in Keavy, where he'd been raised. He was back with his family, back to his life. He returned to Pauline, and the two were married just a few days later.

''I had really missed him,'' said Pauline, ''and I had really worried about him. It was good to have him home.''

The two began building their house shortly after they were married. They still live in the home today. Black worked as a carpenter, and Pauline worked for the United States Postal Service. The couple had two children, Harold Gene and Sheila Kay. The Blacks will celebrate their 65th anniversary on May 19, 2010.

Morris Black continued to serve his community and country after returning home. He was one of the founding members of The Disabled American Veterans Chapter 158 in Keavy. The center now serves as a community gathering place.

''They hold family reunions and play ball at the field,'' said Black.

Black also worked as a volunteer firefighter. Pauline remembers her husband rushing off at all hours to fight fires.

''He would be working on something and when a call came in, he was out the door,'' she said.

''There was about three or four of us who got together and decided we needed a fire department. So we started one,'' said Black.

The Keavy Volunteer Fire Department is thriving and continues to serve the community. Black is proud of all he has done, and very grateful that he has been able to serve. He is most grateful, he said, for his family.

''It feels good to have my wife and children, and grandchildren and great-grandchildren. That's what really makes me proud.''

Morris and Pauline live each day as it comes, and they thank God for every day they have together.

''There are times when I didn't know whether I'd make it home or not, but I did. There is no greater honor than to fight for your country. And there's nothing like the feeling of having people who love you,'' said Black.

After a lifetime of service, Black has every right to brag, but that is not his style. As he holds his Silver Star in his hands, he looks at it with pride, and he does appreciate it. But the real satisfaction for a soldier is much bigger than an award. Black remembers each one of the soldiers he stopped to help that day in Germany, and thinks of the ones who didn't make it home. His gratitude is to those who fought before and with him, and for those who continue to fight.

## REMEMBERING DOROTHY HEIGHT

Mr. MENENDEZ. Mr. President, I would like to take a moment to recognize the life of women and civil rights pioneer Dorothy Height, a woman who helped pave the way for an African American to be elected President of the Unites States, a Latino son of immigrants to represent New Jersey in the U.S. Senate, and brilliant Jewish and Latina women to preside in the U.S. Supreme Court.

Dorothy Height first immersed herself in the civil rights movement in 1933 when she became a leader of the United Christian Youth Movement of North America. It was her dedication to ending the horror of lynching, reforming the criminal justice system, and securing free access to public accommodations that made her an American hero and the obvious choice to serve as a representative of the YWCA to the World Conference of Christian Youth.

While serving as the assistant executive director of the Harlem YWCA, Ms. Height met Mary McLeod Bethune, founder and president of the National Council of Negro Women. Recognizing the promise and potential in Ms. Height, Bethune invited her to join the NCNW in her mission to secure equal rights for women.

Throughout her countless years of leadership with the YWCA, the National Council of Negro Women, and Delta Sigma Theta Sorority Incorporated, Ms. Height inspired a generation of future leaders. During those days of racism, intolerance, and hatred, it was extremely difficult for a woman, an African-American woman, to advocate for civil rights. Imagine how frightening it must have been to stand up to oppression, intolerance, and injustice that often ended in violence against those who simply came in peace seeking to be treated equally and fairly. A fearless leader, Ms. Height took the chance she knew she had to take because as she plainly stated, ''we all have to do whatever we can.''

It was that simple philosophy that motivated her to accomplish many achievements through her leadership with the YWCA, NCNW, and Delta Sigma Theta Sorority. Her contributions are endless, and as a testament to her accomplishments, Ms. Height was awarded the Presidential Medal of Freedom in 1994 and the Congressional Gold Medal in 2004.

Dorothy Height's commitment to ensuring equality for all is her legacy and our hope.

Heralded as a civil rights leader, Ms. Height was the only woman at the highest level of the civil rights movement to march alongside revered leaders such as Dr. Martin Luther King, Jr., Whitney H. Young, A. Phillip Randolph, and John Lewis, just to name a few. During the height of the civil rights era, she organized the ''Wednesdays in Mississippi'' event, which brought together African-American and Caucasian women from different walks of life to create a discourse of understanding. Respected as a national leader, Ms. Height played a pivotal role in several Presidential committees, including the President's Committee on the Employment of the Handicapped and the President's Committee on the Status of Women.

Her life's work helped to bring our Nation out from the shadow of segregation to a place where we are moving closer to true racial, ethnic, and gender equality. While we have made great strides toward obtaining equality, there is still much work left to be done. At the age of 98, Dorothy Height continued to play a role in addressing the social inequities some Americans face, as evidenced by her position of chairperson of the Leadership Conference on Civil Rights. She once stated, ''I want to be remembered as someone who used herself and anything she could touch to work for justice and freedom . . . I want to be remembered as one who tried.'' Ms. Height will not only be remembered as one who tried but also as one who achieved, one who inspired, and one who has left a footprint in this world. We can honor her legacy by doing our part and trying to make this society better than the one she lived in by finally achieving equality for all.

## ENUMERATED POWERS ACT

Mr. ENZI. Mr. President, I rise today to discuss the need to closely examine our United States Constitution and Congress's limits held within this important document. Our Founding Fathers granted Congress limited powers within the Constitution, and we should not stray outside those powers. They knew what would happen if a government grew too large and too controlling. So far during the 111th Congress, the government has taken over banks, insurance companies, the student loan industry and the automobile industry. The American people know this is wrong and they have spoken out. During the Wyoming State legislative session, which concluded on March 5, two resolutions were passed because the Federal Government continues to overstep its bounds. These two resolutions, House Enrolled Joint Resolution 2 and House Enrolled Joint Resolution 3, demand that Congress desist from making mandates beyond the enumerated powers of the United States Constitution.

In the U.S. Senate, I am working to pass S. 1319, The Enumerated Powers Act, to achieve what the Wyoming State Legislature passed and signed into law on the State level earlier this year. The Enumerated Powers Act would require that every bill introduced in Congress include a constitutionality clause pointing to the exact section in the Constitution that grants Congress the right to make that specific law. I am proud to be an original cosponsor of this piece of legislation which was introduced by Senator COBURN.

We must learn from our constituents and fellow lawmakers. Our Constitution has held our country together for hundreds of years and this is no time to abandon it.

I ask unanimous consent to have these two resolutions printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENROLLED JOINT RESOLUTION NO. 2

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people''; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, the states are demonstrably treated as agents of the federal government; and

Whereas, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

Whereas, Section 4, Article IV, of the Constitution says, ''The United States shall guarantee to every State in this Union a Republican Form of Government,'' and the Ninth Amendment states that ''The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people''; and

Whereas, Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, the United States Congress frequently considers and enacts laws, and the executive agencies of the federal government frequently promulgate regulations, the constitutional authority for which is either absent or tenuous, including, without limitation, the Real ID Act, which imposes significant unfunded mandates upon the states with respect to the traditional state function of drivers licensing, the Endangered Species Act, which, as construed by the United

States Fish & Wildlife Service, authorizes a federal executive agency to require specific state legislation related to the traditional state function of wildlife management, the Clean Water Act, which, as construed by the Environmental Protection Agency, authorizes a federal executive agency to exercise regulatory jurisdiction over waters that are not subject to federal regulation, the Federal Land Policy and Management Act, which implements a policy of federal lands retention in derogation of the ''equal footing'' doctrine. Now, therefore, be it

*Resolved by the members of the Legislature of the State of Wyoming:*

Section 1. That the State of Wyoming Legislature claims sovereignty on behalf of the State of Wyoming and for its citizens under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government or reserved to the people by the Constitution of the United States.

Section 2. That the rights and liberties of Wyoming, its costates and their respective citizens must be protected from any dangers by declaring that Congress is limited by the Tenth Amendment to the Constitution of the United States and that this state calls on its costates for an expression of their sentiments on acts not authorized by the United States Constitution.

Section 3. That this resolution serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, from enacting mandates that are beyond the scope of these constitutionally delegated powers. The State of Wyoming will not enforce such mandates.

Section 4. That all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions be prohibited or repealed.

Section 5. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America.

COLIN M. SIMPSON,
*Speaker of the House.*
DAVE FREUDENTHAL,
*Governor.*
JOHN J. HINES,
*President of the Senate.*

Time Approved: 3:48 p.m.
Date Approved: 3/8/10.

I hereby certify that this act originated in the House.

PATRICIA L. BUSH,
*Chief Clerk.*

ENROLLED JOINT RESOLUTION NO. 3

Whereas, the tenth amendment to the Constitution of the United States reads as follows: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''; and

Whereas, the tenth amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of the power defined by the tenth amendment to the Constitution of the United States means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, the states are demonstrably treated as agents of the federal government; and

Whereas, many powers assumed by the federal government and federal mandates are directly in violation of the tenth amendment to the United States Constitution; and

Whereas, the interstate commerce clause in article 1, section 8 of the Constitution of the United States provides that Congress shall have the power: ''To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes;'' and

Whereas, the interstate commerce clause is limited to the federal government regulating trade between the states and between the states and other nations, to help prevent conflicts between states over commercial activities and to prevent the erection of barriers to commerce between the states; and

Whereas, the interstate commerce clause should not be used to provide Congress with authority to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce; and

Whereas, many federal laws are beyond the scope and intent of the interstate commerce clause and the tenth amendment to the Constitution of the United States; and

Whereas, the tenth amendment to the Constitution of the United States assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

Whereas, article 4, section 4, of the Constitution of the United States says: ''The United States shall guarantee to every State in this Union a Republican Form of Government,'' and the ninth amendment to the Constitution of the United States adds ''The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retain by the people.''; and

Whereas, Congress may not simply commandeer the legislative and regulatory processes of the states. Now, therefore, be it

*Resolved by the members of the legislature of the State of Wyoming:*

Section 1. That the Wyoming Congressional delegation and Congress take action to initiate the amendment process provided by article 5 of the Constitution of the United States to amend the tenth amendment and article 1, section 8 (the interstate commerce clause), of the Constitution of the United States.

Section 2. That Congress amend the tenth amendment of the Constitution of the United States as follows, with proposed changes indicated in underscored text:

The powers not *expressly* delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. *This amendment shall be considered by all courts as a rule of interpretation and construction in any case involving an interpretation of any constitutional power claimed by the Congress.*

Section 3. That Congress amend the interstate commerce clause, article 1 section 8, of the Constitution of the United States as follows, with proposed changes indicated in underscored text:

To *directly* regulate Commerce with foreign nations, and among the several states, and with the Indian Tribes, *with no authority in Congress to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce;*

Section 4. That Congress shall specify that the amendments to the tenth amendment and the interstate commerce clause, article 1 section 8, of the Constitution of the United States, as provided herein, shall be operative upon ratification by the legislatures of three-fourths of the several states, provided that such ratification shall occur within seven years from the date of the submission of the amendments to the states by Congress.

Section 5. That this state calls on its costates for an expression of their sentiments on the need to amend the tenth amendment and article 1, section 8 of the Constitution of the United States as provided in this resolution.

Section 6.

(a) That the Secretary of State of Wyoming transmit copies of this resolution:

(i) To the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that the Wyoming Congressional Delegation take all reasonable and necessary actions to initiate the amendment process to amend the Constitution of the United States consistent with the language proposed in this resolution and that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America; and

(ii) To the Speaker of the House of Representatives and President of the Senate, or their equivalent, and the governor of each of the other forty-nine states.

COLIN M. SIMPSON,
*Speaker of the House.*
DAVE FREUDENTHAL,
*Governor.*
JOHN J. HINES,
*President of the Senate.*

Time Approved: 1:53 p.m.
Date Approved: 3/11/10.

I hereby certify that this act originated in the House.

PATRICIA L. BUSH,
*Chief Clerk.*

## QUEST FOR MODERNITY

Mr. INHOFE. Mr. President, as the co-chairman of the U.S. Senate Taiwan Caucus, I ask for unanimous consent to have printed in the RECORD the speech of Taiwan President Ma Ying-jeou, delivered, via video conference, before the faculty and students at the Fairbank Center for Chinese Studies at Harvard University.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE QUEST FOR MODERNITY

(Speech by Ma Ying-jeou, President, Republic of China at Fairbank Center, Harvard University, Apr. 6, 2010)

President Ma Ying-jeou took part this morning in a video conference with the Fairbank Center for Chinese Studies at Harvard University. The conference was moderated by Dr. William Kirby, Director of the Fairbank Center. Harvard University president Drew G. Faust opened the conference with a videotaped talk in which she welcomed President Ma to the video conference. After the moderator's opening remarks, President Ma followed with a speech entitled ''The Quest for Modernity.'' Thereafter, professors Steven M. Goldstein, David Der-Wei

Wang, William P. Alford each posed a few questions to the president. This was followed by a Q&A session in which the president fielded questions from members of the audience. As the conference was drawing to a close, President Ma gave a short closing statement.

Prof. Kirby, Prof. Goldstein, Prof. Alford, Prof. Wang, Prof. Su Chi, Ambassador Yuan, Director General Hung, Dear faculty members, students, distinguished guests, ladies and gentlemen: Good Evening!

I. NOSTALGIA ABOUT HARVARD

It heartens me to be once again addressing the excellent faculty and student body of Harvard University. This moment brings back a rush of nostalgia because it was here I became a proud father for the first time before I even got my doctoral degree. It was also at Harvard when I was cloistered for long hours in the Law School Library, or debating with fellow classmates and professors, that I was able to broaden my understanding of the world, and hone my skills as a scholar, intellectual and eventually a leader. I also feel nostalgic on a deeper level. When I think of a long litany of historic events, figures, and institutions: John Hay's Open-Door Policy, Boxer Rebellion, American Indemnity Scholarships for China with all its recipients, like Hu Shih and Chien Shih-Liang, Tsinghua University, Yenching University, May Fourth Movement, Flying Tigers, Pearl Harbor, John Leighton Stuart, 1949, Korean War, United States-Republic of China Mutual Defense Treaty, Fairbank Center, the Quemoy and Matsu Crisis, Cultural Revolution, Shanghai Communiqué, Taiwan Relations Act, mainland China's Reform and Open Policy, U.S. arms sales to Taiwan and so on, I cannot help but think of the far-reaching impact that America has had on China's, and later on Taiwan's, convoluted path to modernization. I cannot help but think my time at Harvard was not only a personal academic journey, but also a microcosm reflecting a people's long search for a modern nation.

II. WEALTH, POWER AND DEMOCRACY

The late venerable Benjamin Schwartz, who as you know had been a prominent member of the Fairbank Center, described in the life of Yen Fu that the evolution of modern China has been a journey in search of wealth and power. Given the rise of mainland China's economic power and military strength over the last thirty years, it seems that it has achieved those goals to a considerable degree. However, I believe a society that is truly modernizing should not be limited to wealth and power but must also include the foundations for freedom and democracy. For it is only through the active participation and free choice of one's citizens that government truly serves the welfare of the people; only then can a government sustain, and a nation thrive. So I am proud to say that the Republic of China on Taiwan has in fact achieved all these three pillars. The ROC has since become a thriving nation with a robust economy, viable military and a truly open and vibrant democracy. With so much already achieved the roadmap of my administration is quite straightforward: namely to strengthen the foundation of these three pillars so as to safeguard the future of Taiwan's posterity, and to share with mainland China our values and way of life.

III. COMING OUT OF RECESSION

My administration came into office two years ago in the midst of a global economic crisis, so it's not an exaggeration that we definitely ''hit the ground running.'' Since then we have worked relentlessly to revitalize Taiwan's economy. By taking measures such as guaranteeing 100% bank deposits, substantially lowering interest rate in seven instances, investing 16 billion US dollars in domestic infrastructure in 5 years, distributing 2.7 billion US dollars worth of shopping vouchers, and providing emergency assistance for the underprivileged, my administration has successfully brought the economy out of the downturn after a year and a half. Now we expect to create about a quarter of a million jobs to bring the unemployment rate below 5% and GDP growth up to 4.72% this year. Job creation will remain our top priority, especially those in the green energy sector. With carbon reduction in mind, we are now ambitiously promoting innovation across all of Taiwan's most competitive sectors. These include the country's traditional strongholds such as IT, agriculture, and healthcare as well as other emerging industries like green energy, biotech, tourism and the cultural creative industries. However, the growing trend towards regional integration among economic powerhouses in East Asia, like Japan, mainland China, South Korea and the ASEAN countries, is threatening to marginalize Taiwan's heavily export-driven economy. As such, my administration has been seeking to institutionalize economic relations with mainland China and diversify our export markets and products so that Taiwan will not only avoid being cut off from the global economy but also enhance its international competitiveness. Therefore, we have been pushing hard for an Economic Cooperation Framework Agreement (ECFA) with the mainland that will serve as a critical structural platform for economic interaction between the two sides. On top of intellectual property rights protection and investment guarantee, the framework will include an early harvest package of goods and services to enjoy zero custom tariffs. The negotiations are already underway and expect to conclude in the next few months. We have also established government programs that will cushion potential shocks to industries and workers, especially small- and medium-sized enterprises. Although some assert that signing the ECFA with mainland China will compromise our sovereignty, this is definitely not the case. The top priority of my administration has always been the principle of ''putting Taiwan first for the benefit of the people.'' The truth of the matter, ECFA will spearhead Taiwan's return to the accelerated track for economic integration in Asia-Pacific and beyond. This without a doubt will strengthen Taiwan's capabilities to enhance its competitive edge in the global market and brighten its outlook for negotiating similar arrangements with other countries.

IV. CROSS-STRAIT RAPPROCHEMENT AND FLEXIBLE DIPLOMACY

In the pursuit of power my administration is not merely seeking military strength but more importantly to build up our soft power. In fact, the heart of my foreign policy is to reestablish mutual trust with all our major international partners, especially the United States. In achieving this goal, my administration has worked incessantly to transform the Taiwan Straits from a major flashpoint into a conduit for regional peace and prosperity. Therefore, in order to resume constructive dialogue with the mainland after a hiatus of over a decade, we first announced in 2008 the policy of ''No Unification, No Independence, No Use of Force'' so as to maintain the status quo across the Taiwan Strait under the framework of the Republic of China's 1946 Constitution. This breakthrough was further advanced under the framework of the 92 Consensus of ''one China, respective interpretations'' that was reached by the two sides in November 1992. That is now deemed a feasible formula by government leaders across the Taiwan Strait as well as many in the wider world community. We have also adopted a policy of Flexible Diplomacy and pursued a diplomatic truce with the mainland, which has by and large ended the vicious cycle of diplomatic warfare between the two sides. This will assuredly foster responsible stakeholdership in both Taiwan as well as the mainland. At the same time, we are working equally hard to enhance Taiwan's meaningful participation in and contribution to the international community. This will be achieved through our strong initiative to develop Taiwan's green technology and healthcare industries in conjunction with our foreign aid policies. For example, under the Flagship Program for Green Energy Industry, we will be building up Taiwan's industrial base in green technology especially in Photo voltaic solar cells and LED. This will not only benefit our people and economy, but more importantly, Taiwan will be able to share its resources and expertise with our allies and friends. On my visit to our Pacific island allies last month, I was proud to survey firsthand the work that Taiwan has done for some of the countries in the area. For example, Taiwan has installed and provided solar energy technology to the Solomon Islands in hopes of improving the environment and livelihoods of their people. Taiwan has also set up an impressive medical mission in the Marshall Islands to treat the high prevalence of cataracts sufferers. In fact, our government will boost the overall effectiveness of our medical aid by initiating many more medical and public health missions that will target specific conditions and diseases common among the people of the Pacific island allies and friends. At the same time, after Taiwan effectively controlled the spread of the H1N1 Flu within our own borders, with a mortality rate of 2 deaths per million, which is only ⅓ of the average for OECD countries, I am proud to report that Taiwan will also be giving away locally manufactured vaccines worth 5 million U.S. dollars to other countries in need. Taiwan's search and rescue teams were also one of the first on the scenes when Haiti was hit by a devastating earthquake earlier this year. In addition to donating $16 million worth in aid and funds, our government is also planning to set up medical and vocational training centers to train for hundreds of medical and skilled workers, and build 1,200 housing units. Also, as a sign of Taiwan's flourishing civil society, World Vision Taiwan has collected countless small donations from our people that will be sufficient to feed and save more than 8,000 homeless Haitian children and orphans. However, my administration realizes humanitarian relief is only a small part of the long and challenging road to full recovery. This is why we hope to continue the work we have started in integrating the advances we make in healthcare and green technology into our foreign aid framework, so that Taiwan can truly make a meaningful difference in the countries we help.

V. THE UNIVERSAL VALUE OF FREEDOM AND DEMOCRACY

However, coming back full circle, the search for a modern nation cannot merely lie upon the pillars of wealth and power. It is

only under a true democracy that one's citizens can live without fear according to the law, and share in the burdens as well as benefits of good governance. Although Taiwan has made impressive sociopolitical progress over the last decades, it is still a young democracy. So, as firm champions for democracy, my administration will work to strengthen the democratic infrastructure of my country. Already we are taking tangible steps to enhance Taiwan's rule of law and protection of human rights in conformity with international standards. In the past year, we have ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both administered by the United Nations. In converting these covenants into domestic law, they will certainly strengthen the human rights of our citizenry and further consolidate our rule of law. Furthermore, I came to power on the promise of combating corruption in elections and government, whereby we have already made meaningful progress. Without a doubt this goal will continue to be a cornerstone of my presidency, which I am determined to carry through in my capacity as the President of the country. I will assuredly not waver from the path in laying the foundations of a true democracy. In fact, next year in 2011 will be the Centennial Anniversary of the Republic of China. Against the background of thousands of years of Chinese history, the last century was in some ways merely a comma. But from a larger perspective, it was nothing short of an exclamation mark, as it has been 100 years of struggle; 100 years of experimentation and 100 years of education before a people learned that they too have the unequivocal rights to life, liberty and the pursuit of happiness. This nation-building process undoubtedly was achieved through the collective efforts of countless dedicated individuals who traversed between tradition and modernity that helped bridge the East to the West so many years ago. Inevitably, this made it possible for a people to aspire to the same democratic values as you cherish. From the chaos arising out of the turn of the 20th century, to the founding of the first republic in Asia in 1912 and its evolution forward in 1949 when the Republic of China Government moved to Taiwan, in 1987 when Taiwan lifted martial law, launched its democratic transformation, and subsequently allowed Taiwan residents to visit their relatives on the mainland, in 1996 when people on Taiwan directly elected its President for the first time, and in 2000 and 2008 when the Presidential elections further consolidated Taiwan's democracy through two rotations of power between political parties, the passage of these 100 years has irrevocably transformed the foundations of a political culture. Distinguished faculty members and students, ladies and gentlemen, as the elected president of the Republic of China, I will continue to strive toward forging Taiwan into an exemplary democracy; one that will be a source of inspiration and emulation for generations to come.

Thank you.

PRESIDENT MA'S CLOSING REMARKS

Dear distinguished faculty, students and friends; it is my great pleasure to hold this teleconference with you. Your questions and comments are very good, and some are very tough to answer, but in thinking and answering these questions you force me to think deeper and strive harder on the challenges that confront the road ahead.

Although today's conference is near an end, I am heartened by the thought that our friendship will continue to grow as there is still so much we need to do, together. The international system that the US forged out of the devastation of World War II 65 years ago has today become the enduring foundation of our global village. Being rule-based and sufficiently flexible, this system encourages positive-sum international cooperation rather than zero-sum interstate conflict. Hence, it changed the underlying dynamics of the world order that made it possible for countries, big or small, to prosper together. As a matter of fact, my idea to seek rapprochement with the mainland find some similarities with the ideas espoused by the American leaders in having soft talks with the Soviet Union and to have détente. In other words, to replace confrontation with negotiations; to solve international disputes through peaceful means. It is this very system that has interlocked the world into a community of thriving interdependence, giving rise to the possibility where foes can turn into friends, where every country can be a winner and every contribution become part of a greater picture.

This is also the system from which I draw my inspiration to lead my country, particularly in dealing with the mainland. In taking a responsible stake in the world, and in seeking rapprochement with the Chinese mainland, my administration has committed the Republic of China on Taiwan to becoming a dependable and valuable contributor to this international system. In my visit abroad last month, I kept saying to our friends or to the overseas Taiwanese and to members of my delegations, that what I tried to do as far as my country's foreign relations is concerned is to make Taiwan a respectable member of the international community. I want every Taiwanese when they walk in the streets of New York, of Paris, of Sydney, of Beijing that they are respected. People will say they are from Taiwan, and that Taiwan is a respectful country in the world. Some in my domestic audience may disagree with me, but I firmly believe that this is the right path for Taiwan to avoid being marginalized from the forward march of the rest of the world. However, we will not merely concentrate on our own interests but equally apply our resources in hopes of having a positive impact on the world community. In fact, under this system that the United States started over half a century ago, we, as a whole, ought to be able to right what has gone wrong; to unite as one humanity against the global crises that threatens all that we hold dear, whether climate change, the global economic downturn, the risk of pandemics, or the wars that endanger the peace of our world. In the end, we are the only ones that can overcome the challenges we face. And in such an important partnership, I am confident Taiwan will be there to live up to its responsibilities.

Thank you.

## TRIBUTE TO JIMMY WAYNE

Mr. CORKER. Mr. President, I want to take a moment of the Senate's time to recognize the leadership and contributions of Jimmy Wayne to the State of Tennessee and the United States of America for his remarkable efforts to combat homelessness.

Jimmy Wayne began his ''Meet Me Halfway'' on January 1, 2010. He plans to walk 1,660 miles from Nashville, TN, to Phoenix, AZ, to raise awareness about the plight of homeless youth in our country.

He knows firsthand about the challenges of being homeless. Jimmy is a product of the foster child system who grew up in a variety of foster homes, and he occasionally found himself homeless as a teen.

He was fortunate to be given a second chance at the age of 16 when Bea and Russell Costner gave him a home and a new start. They gave him a place to stay but only if he agreed to ''meet them halfway,'' by following the rules of their house.

It is fitting that Jimmy Wayne is using his ''Meet Me Halfway'' campaign to not only raise awareness but to raise funds for organizations that benefit homeless youth. I thank Jimmy Wayne for his work, and I look forward to congratulating him once he finishes this campaign.

## ADDITIONAL STATEMENTS

## TRIBUTE TO MAYOR DAVE MUNSON

• Mr. JOHNSON. Mr. President, I wish to recognize the lifetime of achievement by one of South Dakota's finest and most dedicated public servants. Dave Munson's distinguished tenure as mayor of South Dakota's largest city, Sioux Falls, followed a successful career in the financial industry and 24 years as an elected member of the South Dakota Legislature.

As a native of Sioux Falls, Mayor Munson married and raised his children in the city he loves, pursued a successful business career, and ultimately rose to the position of mayor. He has provided critical, consistent, and caring leadership to the residents of Sioux Falls during his terms in office.

Over the past decade, Sioux Falls has witnessed tremendous residential housing growth and business development. During Mayor Munson's tenure, an impressive sum of over 16,000 jobs have been added in the city. Tax valuation in the city has grown from $125 million in 2002 to $229 million today.

Sioux Falls continues to be a great place to work, live, and raise a family, and this has been reflected in numerous top national rankings for quality of life and job development. Most recently, Sioux Falls was named one of the top five cities in the Nation for job prospects by the Manpower Employment Outlook Survey. For the past 8 years, Forbes magazine has ranked Sioux Falls first out of 200 small metropolitan areas as the best places for businesses and careers. From adding 490 acres of parkland throughout Sioux Falls to increasing public safety by adding 50 police officers to the streets, from development of 23,000 acres on the east side of the thriving community to enhancing and improving neighborhoods, Mayor Munson has exhibited a

progressive attitude to developing and maintaining Sioux Falls as one of the best cities in our Nation. A recent survey shows that 92 percent of Sioux Falls citizens say their community is a good or excellent place to live. Few city officials can tout such an extraordinary level of satisfaction.

I have enjoyed my working relationship and friendship with Mayor Munson over many years. I have appreciated his can-do attitude, his vision for the future of Sioux Falls, and his team-oriented approach to resolving issues. Most of all, I have enjoyed collaborating with him on several large-scale projects that will continue to enhance the quality of life in Sioux Falls for decades. For example, the roadway from ''Phillips to the Falls'' has been completed. Together, we ensured the future of the Orpheum Theater. We have long been partners to bring much needed water to Sioux Falls with the construction of the Lewis and Clark Regional Water System, which will meet the infrastructure needs for increased growth in the Sioux Falls area far into the future.

Mayor Munson has provided a lasting legacy of leadership that will benefit the citizens of Sioux Falls for generations to come. His dedication and commitment to the people of Sioux Falls is unmatched, and I commend his distinguished service as mayor. Another of his achievements, the illumination at Christmastime of the falls for which the city is named, will serve as an annual reminder of his leadership. As Mayor Munson concludes his final tenure, I thank him for his service, and I wish him all the best in his future endeavors.●

## TRIBUTE TO LOUISIANA WWII VETERANS

● Ms. LANDRIEU. Mr. President, I would like to thank my colleagues for the time this morning to speak about a very special flight that just took place. The Louisiana HonorAir flight that came into Washington on Saturday, April 10 included a group of 82 World War II veterans from Louisiana. These veterans visited the various memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

Louisiana HonorAir, a group based in Lafayette, LA, sponsored this latest trip—its 21st flight—to the Nation's Capital. The organization honors surviving Louisiana World War II veterans by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans visited the World War II, Korea, Vietnam and Iwo Jima memorials. They traveled to Arlington National Cemetery to lay a wreath on the Tomb of the Unknown Soldier.

World War II was one of America's greatest triumphs, but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there are roughly 30,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. The oldest in this HonorAir group was born in 1918. Some began their service as early as 1940, before the bombing of Pearl Harbor, and some members of this group served as late as 1972. This HonorAir group served in various branches of the military: 31 in the U.S. Army, 21 in the Navy, 16 in the Air Force, 7 in the Marine Corps, 2 in the Coast Guard, 2 in the Merchant Marines and 1 was a Women's Army Corps Member, WAC.

Our heroes trekked the world for their country. They served across the globe, participating in major invasions such as those at Iwo Jima, Okinawa, Guadalcanal, Leyte, the Phillippines, and southern France.

One was a prisoner of war in Germany, while others fought in the historic Battle of the Bulge or stormed the beaches at Normandy.

Many of these veterans have been decorated with multiple Purple Hearts, Bronze Star Medals, Air Medals and Navy Crosses.

These men and women, who have given so much for our country, truly represent our greatest generation. I ask the Senate to join me in honoring these 82 veterans, all Louisiana heroes, that we welcomed to Washington on April 10 and Louisiana HonorAir for making these trips a reality.●

## RECOGNIZING SEA BAGS, INC.

● Ms. SNOWE. Mr. President, today I honor a Maine small business that has not only captured Maine history and tradition through their unique craft, but has also aimed to selflessly support various organizations and charities throughout the State of Maine for over a decade. Sea Bags, Inc., coowned by Maine natives Hannah Kubiak and Beth Shissler, is based in Maine's largest city, Portland, and has been using recycled sails to create inventive, environmentally friendly purses and tote bags that are ''sailed around the world'' and ''recycled in Maine.''

Sea Bags, Inc. was founded in 1999 on the principle that ''recycling is not just a fad, but a responsibility.'' And while they own a globally successful business, Hannah Kubiak and Beth Shissler have always emphasized making a positive and lasting impact locally. Ms. Kubiak, who grew up sailing in the famed seaside town of Kennebunkport, was inspired by her father, who would often brainstorm ways to reuse old sails. Additionally, Ms. Shissler travelled the world in her work for several large companies before being drawn home to put her business experience to use at Sea Bags. Their work has been featured in a variety of publications, including Vanity Fair; the New York Times; Vogue; and O, the Oprah Magazine.

Believing that everyone should have a second chance, Sea Bags has previously partnered with the Maine Department of Correction's Industries Program to engage inmates at the Maine Correctional Institute for Women in helping make the bags and teaching them job skills such as sewing. This 2-year collaboration helped the company keep up with the increased demand in recent years. In 2005, Sea Bags was selling roughly 60 items per year, and it now sells over 2,000 each month. In addition to its line of regular, everyday tote bags—which are water resistant and durable—the company also offers creative bath mats, coasters, and shaving kits. Sea Bags has also created a limited-edition line of ''Cure Bags'' to ''celebrate a cure'' for breast cancer. Fifty percent of all of the proceeds from Cure Bags goes to the Maine Cancer Foundation for breast cancer support and awareness programs.

When it comes to supporting Maine's timeless tradition of sailing, Sea Bags donates to the Sail Maine Scholarship Fund with the aim of helping underprivileged children learn how to sail. Sea Bags has teamed up with other local nautical organizations, including the Islesboro Yacht Club Youth Sailing Program, the Compass Project, and the Maine Maritime Academy, to sustain the historic art of sailing. Additionally, for the 2008 Olympics, Sea Bags created a line of totes to support the quest of New England sailors Andy Horton and Brad Nichol, pledging $40,000 to help send the athletes to Beijing.

Hannah Kubiak and Beth Shissler have offered a vivid example of the difference a small business can make in a community locally, and globally, through a noble devotion to social responsibility. It is evident that through their distinctive dedication to promoting recycling and assisting charities, they have started a trend in responsible entrepreneurship that other small companies will surely emulate. I sincerely thank Ms. Kubiak and Ms. Shissler and everyone at Sea Bags, Inc. for their continued service to the State of Maine, and offer my best wishes for their future success.●

## TRIBUTE TO ASHLEY VAN DEN TOP

• Mr. THUNE. Mr. President, today I recognize Ashley Van Den Top, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Ashley is a graduate of Western Christian High School in Rock Valley, IA. Currently she is attending National American University, where she is majoring in paralegal studies. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Ashley for all of the fine work she has done and wish her continued success in the years to come.•

## RECOGNIZING DAKOTA BUSINESS FINANCE

• Mr. THUNE. Mr. President, today I recognize Dakota BUSINESS Finance, a company in South Dakota being awarded as the Certified Development Company of the year by the U.S. Small Business Administration. Dakota BUSINESS Finance will be presented with this award as part of the U.S. Small Business Administration's Small Business Week in Washington, DC, on May 23–25.

Since becoming a certified development company, Dakota BUSINESS Finance has become one of the fastest growing certified development companies in the Nation. Dakota BUSINESS Finance has created nearly 500 jobs after processing more than $45 million in approved SBA 504 loan applications to more than 50 applicants. The 504 loan program provides a number of financing options for businesses that are looking to procure land or other types of fixed assets.

Dakota BUSINESS Finance has also been recognized with the Asset Builder Award for Federal Fiscal Year 2009 by the South Dakota Small Business Administration's District Office. This award is for the largest approved load volume for a certified development company in South Dakota in 2009. Dakota BUSINESS Finance has come a long way, and I look forward to their continued success.

It is organizations such as Dakota BUSINESS Finance that keep South Dakota small businesses growing and flourishing. So it gives me great pleasure to commemorate Dakota BUSINESS Finance on this special occasion and wish them continued successes in the years to come.•

## RECOGNIZING SIOUX FALLS NATIONAL WEATHER SERVICE

• Mr. THUNE. Mr. President, today I recognize the Sioux Falls National Weather Service, a public weather informer that has been serving the U.S. since 1870.

Volunteers began making weather observations in the Sioux Falls area in 1890 creating the basis for the Sioux Falls station. From its first local forecast to the public in 1955 to the harsh weather South Dakota experienced this past winter, the station has kept State residents apprised of current conditions.

There is a strong need for the weather service to effectively communicate information to the public regarding storms, floods, wildfires, tornados, hail, and blizzards. The Sioux Falls National Weather Service provides these advisories for the area to keep families safe and informed.

The Sioux Falls National Weather Service played a vital role in helping the news media inform South Dakotans about the snow storms that hit South Dakota last winter. I would like to offer my appreciation to the staff at the Sioux Falls Weather Forecast Office for their devotion to residents during times of critical need.•

## TRIBUTE TO HENRY SHELTON

• Mr. WHITEHOUSE. Mr. President, today I wish to honor a Rhode Islander who has devoted his life to improving the lot of others. For decades now, the name Henry Shelton has rung out as a clarion for social justice and equality in our Ocean State. He is and has always been a voice for the little guy—the homeless veteran, the hungry child, or the underpaid laborer.

Most folks in Rhode Island know Henry as the founder and coordinator of the George Wiley Center, a nonprofit antipoverty organization based in Pawtucket. But before that, Henry was a Catholic priest for 16 years, during which he began organizing needy Rhode Islanders in Providence to elect leaders responsive to their needs. In 1973 he left the church to marry his beloved Carol, a former nun who shared his passion for advocacy.

Ever since then, Henry has been ''raising hell,'' as he might say, and fighting for Rhode Island's overlooked and underpaid. In 1974 he started the Coalition for Consumer Justice and in 1981 founded the George Wiley Center. Over the years Henry has organized sit-ins, battled budget cuts, fasted to get clothes for children on welfare, advocated to keep electricity rates down for low income residents, and even been arrested for disorderly conduct—a fact which may amuse those who know Henry as a peaceful and gentle man.

And last year, Henry fought through his toughest battle yet. Just before the New Year, Henry suffered a serious stroke which landed him in the hospital. Anyone with a friend or family member who has experienced a stroke knows that the recovery is often a slow and painful process, but none of this stopped Henry. In fact, the headline in the Providence Journal following his hospitalization read: ''Advocate for the poor, Henry Shelton, suffers stroke—but continue work from hospital.'' The paper went on to report that Henry organized a State house rally from his hospital bed.

This is the Henry I know, and who we in Rhode Island have known and loved for many years. This Monday in Rhode Island, the Fund for Community Progress will present Henry with its Profile in Courage Award, which the organization describes as a ''distinctive honor for those who have dedicated their lives to creating positive change in the community.'' Henry Shelton has generated enough positive change in his life to satisfy that requirement many times over.

And so today, Mr. President, I would like to thank Henry Shelton for a lifetime of selflessness and courage, and for always being a voice for those who needed one most.•

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

### ENROLLED BILL SIGNED

At 12:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5147. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

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At 12:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3393. An act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

H.R. 5013. An act to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes.

H.R. 5148. An act to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 264. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

ENROLLED BILL SIGNED

The Acting President pro tempore (Mr. REID) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 3253. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3393. An act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5013. An act to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes; to the Committee on Armed Services.

H.R. 5148. An act to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter; to the Committee on Homeland Security and Governmental Affairs.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 29, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3253. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5627. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation; Change of Registration Date, Address, and Telephone Number; Technical Amendment'' (Docket No. FDA–2000–N–190) received in the Office of the President of the Senate on April 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5628. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Papayas From Colombia and Ecuador'' ((RIN0579–AC95)(Docket No. APHIS–2008–0050)) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5629. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Direct and Counter-Cyclical Program and Average Crop Revenue Election Program, Disaster Assistance Programs, Marketing Assistance Loans and Loan Deficiency Payments Program, Supplemental Revenue Assistance Payments Program, and Payment Limitation and Payment Eligibility; Clarifying Amendments'' ((7 CFR 1400, 1412, and 1421)(RIN0560–AH84)) received in the Office of the President of the Senate on April 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5630. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Service Contract Surveillance'' (DFARS Case 2008–D032) received in the Office of the President of the Senate on April 29, 2010; to the Committee on Armed Services.

EC–5631. A communication from the Secretary of Energy, transmitting a legislative proposal relative to the Department of Energy's efforts to develop a sustainable nuclear materials protection, control, and accounting system for the nuclear materials of the Russian Federation that is supported solely by the Russian Federation, received in the Office of the President of the Senate on April 6, 2010; to the Committee on Armed Services.

EC–5632. A communication from the General Counsel of the Department of Defense, transmitting a legislative proposal relative to the National Defense Authorization Bill for fiscal year 2011, received in the Office of the President of the Senate on March 17, 2010; to the Committee on Armed Services.

EC–5633. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (75 FR 18070)'' ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5634. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (75 FR 18073)'' ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5635. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (75 FR 18074)'' ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5636. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (75 FR 18079)'' ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 27, 2010; to th e Committee on Banking, Housing, and Urban Affairs.

EC–5637. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (75 FR 18082)'' ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5638. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (75 FR 18084)'' ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (75 FR 18088)'' ((44 CFR Part 65)(Docket No. FEMA–2010–000)) received in the Office of the President of the Senate on April 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility (75 FR 19891)'' ((44 CFR Part 64)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5641. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (75 FR 19895)'' ((44 CFR Part 67)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on April 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5642. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Community Disaster Loans Program'' ((RIN1660–AA44)(Docket No. FEMA–2005–0051)) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5643. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Reporting Requirements for the Indian Community Development Block Grant Program''

(RIN2577–AC79) received in the Office of the President of the Senate on April 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5644. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing—Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Federal Housing Administration: Continuation of FHA Reform; Strengthening Risk Management Through Responsible FHA-Approved Lenders'' (RIN2502–AI81) received in the Office of the President of the Senate on April 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5645. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Somalia Sanctions Regulations'' (31 CFR Part 551) received in the Office of the President of the Senate on April 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5646. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5647. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5648. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–5649. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XU89) received in the Office of the President of the Senate on April 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5650. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Update of Revised and Reaffirmed Documents Incorporated by Reference'' (RIN1010–AD54) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Energy and Natural Resources.

EC–5651. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings'' (FRL No. 8823–6) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Environment and Public Works.

EC–5652. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''LMSB Industry Director Directive on Domestic Production Deduction (DPD) No. 4'' (LMSB–4–0310–010) received in the Office of the President of the Senate on April 26, 2010; to the Committee on Finance.

EC–5653. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Specified Tax Credit Bonds'' (Notice No. 2010–35) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Finance.

EC–5654. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''LMSB Industry Director Directive Tier II—Extraterritorial Income Exclusion Effective Date and Transition Rules'' (LMSB–4–3010–011) received in the Office of the President of the Senate on April 26, 2010; to the Committee on Finance.

EC–5655. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Waiver of Disapproval of Nurse Aide Training Program in Certain Cases'' (RIN0938–AO82) received in the Office of the President of the Senate on April 26, 2010; to the Committee on Finance.

EC–5656. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, proposed legislation relative to Sportfishing and Recreational Boating Safety, received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Finance.

EC–5657. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0064–2010–0068); to the Committee on Foreign Relations.

EC–5658. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's response to the GAO report entitled ''Iraqi Refugee Assistance: Improvements Needed in Measuring Progress, Assessing Needs, Tracking Funds, and Developing an International Strategic Plan''; to the Committee on Foreign Relations.

EC–5659. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's second fiscal year 2010 quarterly report relative to unobligated and unexpended appropriated funds; to the Committee on Foreign Relations.

EC–5660. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the second quarter for fiscal year 2009 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1237. A bill to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, and for other purposes (Rept. No. 111–175).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 657. A bill to provide for media coverage of Federal court proceedings.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David B. Fein, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Zane David Memeger, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

Clifton Timothy Massanelli, of Arkansas, to be United States Marshal for the Eastern District of Arkansas for the term of four years .

Paul Ward, of North Dakota, to be United States Marshal for the District of North Dakota for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNET (for himself, Mr. BAUCUS, and Mr. CRAPO):

S. 3278. A bill to establish the Meth Project Prevention Campaign Grant Program; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Ms. STABENOW, Mr. MERKLEY, Mr. SPECTER, Mrs. HAGAN, and Mr. HARKIN):

S. 3279. A bill to reauthorize the national small business tree planting program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. LEVIN (by request):

S. 3280. A bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

By Mr. SPECTER:

S. 3281. A bill to expand student loan forgiveness, to provide loan repayment assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 3282. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for employers of certain veterans; to the Committee on Finance.

By Mrs. BOXER:

S. 3283. A bill to designate Mt. Andrea Lawrence; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 3284. A bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 3285. A bill to help certain communities adversely affected by FEMA's flood mapping modernization program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 3286. A bill to require the Secretary of Veterans Affairs to carry out a pilot program on the award of grants to State and local government agencies and nonprofit organizations to provide assistance to veterans with their submittal of claims to the Veterans Benefits Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWNBACK (for himself, Mr. ROBERTS, and Mr. BEGICH):

S. 3287. A bill to award a Congressional Gold Medal in honor of the recipients of assistance under the Servicemen's Readjustment Act of 1944 (commonly referred to as the ''GI Bill of Rights'') in recognition of the great contributions such recipients made to the Nation in both their military and civilian service and the contributions of Harry W. Colmery in initiating actions which led to the enactment of that Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself and Mr. DURBIN):

S. 3288. A bill to amend the Internal Revenue Code to reduce tobacco smuggling, and for other purposes; to the Committee on Finance.

By Mr. CARDIN:

S. 3289. A bill to amend the American Recovery and Reinvestment Tax Act of 2009 to allow specified energy property grants to real estate investment trusts without regard to the ratable share income limitations; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3290. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 3291. A bill to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3292. A bill to amend the Richard B. Russell National School Lunch to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. DODD, Mr. REID, Ms. SNOWE, Ms. MIKULSKI, Ms. COLLINS, Mr. CASEY, Mr. RISCH, Mr. FRANKEN, and Mr. JOHANNS):

S. 3293. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself, Mrs. HAGAN, and Mr. KAUFMAN):

S. Res. 505. A resolution congratulating the Duke University men's basketball team for winning the 2009–2010 NCAA Division I Men's Basketball National Championship; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. CARDIN):

S. Res. 506. A resolution designating May 2010 as ''National X and Y Chromosomal Variations Awareness Month''; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. HATCH, Mr. REID, Mr. LUGAR, Mr. DURBIN, Mr. BINGAMAN, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CASEY, Mrs. GILLIBRAND, and Mr. AKAKA):

S. Res. 507. A resolution designating April 30, 2010, as ''Dia de los Ninos: Celebrating Young Americans''; considered and agreed to.

By Mr. JOHNSON (for himself and Mr. BENNETT):

S. Res. 508. A resolution recognizing June 2010 as National Hereditary Hemorrhagic Telangiecstasia (HHT) month established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURRIS:

S. Res. 509. A resolution designating April 2010 as ''National STD Awareness Month''; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. CHAMBLISS, Mrs. MURRAY, Mr. PRYOR, Mr. BAUCUS, Mr. CASEY, Mr. DURBIN, Mr. REID, Mr. KOHL, Mr. HARKIN, Mr. BENNET, Mr. BROWNBACK, Mr. GRASSLEY, Mr. CRAPO, Mr. LEAHY, and Mr. JOHANNS):

S. Con. Res. 62. A concurrent resolution congratulating the outstanding professional public servants, both past and present, of the Natural Resources Conservation Service on the occasion of its 75th anniversary; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 471

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 471, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 657

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 657, a bill to provide for media coverage of Federal court proceedings.

S. 934

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 1025

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1025, a bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies or major disasters, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1241

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1241, a bill to amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Delaware

(Mr. CARPER) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2881

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 2881, a bill to provide greater technical resources to FCC Commissioners.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3164

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3164, a bill to amend the Internal Revenue Code of 1986 to extend financing of the Superfund.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3178

At the request of Mr. BROWN of Ohio, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3178, a bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model.

S. 3181

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3190

At the request of Ms. LANDRIEU, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 3190, a bill to reaffirm that the Small Business Reauthorization Act of 1997 does not limit a contracting officer's discretion regarding whether to make a contract available for award pursuant to any of the restricted competition programs authorized by the Small Business Act.

S. 3206

At the request of Mr. HARKIN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. LEAHY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3206, a bill to establish an Education Jobs Fund.

S. 3233

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3233, a bill to amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department of Energy, and for other purposes.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3260

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3260, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 3265

At the request of Mr. MCCAIN, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 3265, a bill to restore Second Amendment rights in the District of Columbia.

S. 3275

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 3275, a bill to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

S. CON. RES. 61

At the request of Mr. PRYOR, his name was added as a cosponsor of S. Con. Res. 61, a concurrent resolution expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts.

S. RES. 345

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 345, a resolution deploring the rape and assault of women in Guinea and the killing of political protesters on September 28, 2009.

S. RES. 502

At the request of Mr. WYDEN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 502, a resolution eliminating secret Senate holds.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Ms. STABENOW, Mr. MERKLEY, Mr. SPECTER, Mrs. HAGAN, and Mr. HARKIN):

S. 3279. A bill to reauthorize the national small business tree planting program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. WYDEN. Mr. President, today I am introducing the Small Business Environmental Stewardship Assistance Act of 2010, a companion bill to the legislation introduced in the House by another member of the Oregon delegation, Congressman SCHRADER. I am pleased to launch this legislation in the Senate and am joined today by Senator MERKLEY from my home State, as well as Senators STABENOW, SPECTER, and HARKIN.

Trees provide numerous benefits to our communities—from cleaner air to energy efficiency to more beautiful city streets. But trees and green spaces are also good for business and good for green job creation. Beyond the most obvious benefits of trees, studies have shown that businesses thrive in green, attractive, pedestrian-oriented retail environments. And this legislation will help America's small businesses and communities plant trees and enhance those kinds of environments. As a Senator from Oregon—a State that grows

many of the trees that beautify cities around our Nation, including some of the very trees that grace the Capitol grounds—I also know how critical jobs in our nursery and landscaping sector can be. In my State, the industry provides 21,000 jobs and helps provide over $2 billion worth of economic activity.

This bill would reauthorize the National Small Business Tree Planting Program, which existed for several years in the 1990s. Between 1991 and 1994, more than 18,000 green industry firms were employed to plant more than 23 million trees across the country through the Small Business Administration program. This program had numerous successes, including in my home State where 109 tree planting grants were administered between 1991 and 1994. Nearly 11,700 shade, landscape, and riparian area trees were planted.

The program would be authorized at $50 million a year between fiscal years 2011 and 2015. The funding provides grants to State forestry agencies to enable communities to plant trees around retail storefronts, rental housing units, and other public areas. This program requires a 25-percent match for any grant received under the program, including in-kind contributions such as the cost or value of providing care and maintenance for a period of 3 years after planting. Having a match requirement ensures that both private and community investments are made for the installation and care of trees funded by this program Ultimately, this program will lead to healthier, greener more vibrant communities and result in green jobs. I look forward to working with Senate cosponsors, the nursery industry, State foresters, and the bill's other supporters to advance this legislation to the President's desk.

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By Mr. SPECTER:

S. 3281. A bill to expand student loan forgiveness, to provide loan repayment assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I seek recognition today to introduce an important piece of legislation entitled the Student Loan Forgiveness and Repayment Assistance Act of 2010.

This legislation is in response to the increasingly high cost of postsecondary education, an important issue that I recently discussed with Pennsylvania students. During this conversation I discussed the need for what I called an ''education bill of rights'' and today I am introducing a practical approach to increasing the accessibility and affordability of higher education.

On March 30, 2010, the President signed into law the Student Aid and Fiscal Responsibility Act, AFRA, as part of the healthcare and education reconciliation bill, which I am proud to have supported in the Senate. This historic legislation made an important investment in higher education, including: $36 billion to fund and strengthen the Pell Grant program, $2.55 billion to support Historically Black Colleges and Universities and Minority Serving Institutions, $1.5 billion to strengthen the Income Based Repayment, IBR, plan as well as several other student financial assistance and deficit reduction provisions.

These actions were an important first step, but we must do more. According to Campus Progress—the total federal student debt is more than $617 million; the average student today graduates college with student debt 25 percent higher than that of college graduates a decade ago; the average college senior graduated with $4,100 in credit card debt and $23,200 in student loans; almost 7 in 10 college graduates are burdened with educational debt; student debt is outpacing the starting salaries of jobs in teaching and social work; 38 percent of graduates delay buying their first house because of debt, 14 percent marriage, and 21 percent delay having children; and over 60 percent of minorities face a gap between their expected family contributions, grants and loans and the cost of their education. These troublesome statistics underscore the need for further action.

I strongly feel that education is our Nation's greatest capital investment. The legislation that I am introducing today reinforces this belief and helps us make several smart investments in our Nation's future. We must improve accessibility to higher education, and the key to accessibility is affordability. For these reasons, the Student Loan Forgiveness and Repayment Assistance Act of 2010 will focus on 5 key initiatives which help make prudent and targeted investments in higher education.

First, my bill will strengthen the IBR plan. The IBR plan is an important tool that helps borrowers afford their monthly student loan payments by capping a borrower's monthly payment based on his/her income and family size. Currently the IBR plan caps monthly payments at 15 percent of a borrower's discretionary income. SAFRA lowered the percentage to 10 percent starting in 2014, which will allow more borrowers to take advantage of this helpful plan. I propose to further reduce the percentage to 7 percent, thereby allowing more students to participate in the IBR plan. In addition to capping monthly payments, a borrower's remaining debt will be forgiven after 20 years of making qualified monthly payments. SAFRA reduced this threshold by 5 years from the original 25 year requirement. My legislation will further reduce the number of years that a borrower must make his/her payments before debt is forgiven to 15 years.

Second, the bill I am introducing will enhance the Public Service Loan Forgiveness Program. This program, which was created in 2007 by the College Cost Reduction and Access Act, discharges remaining student loan debt if the borrower is employed in public service for 10 years. This program not only provides important loan forgiveness, but it encourages essential public service. My legislation proposes to make the benefits of this program more generous and encourage greater public service participation. My bill would reduce the number of years, from 10 to 5 that a borrower must work in the public sector before being able to take advantage of this program. After the 5th year, a percentage of the borrower's debt will be incrementally forgiven each year, up until after the 10th year of public service when all remaining debt will be forgiven.

Third, my legislation will expand the student loan programs or health professions, primary care, and nursing by reducing the interest rate to 3.5 percent. My bill will also expand the health professions student loan program to include physician's assistants. Health care reform's embrace of some 32 million previously uninsured Americans has created a need for additional doctors and nurses. Ways must be found to make medical education more affordable and accompanying debt burdens less onerous. I believe my bill helps achieve this goal.

Fourth, my bill will enhance opportunities for minorities by creating a new pilot program administered by the U.S. Department of Education, which will provide funding opportunities for minority serving institutions. This program will provide grants on a competitive basis to eligible institutions based on a college's plan to increase enrollment and graduation rates without increasing costs to students. My legislation authorizes $100 million annually for this purpose, for 5 years.

Fifth and lastly, my legislation will establish an Assistant Secretary position to evaluate and promote accessibility and affordability in higher education. It is important that we have a person who can not only evaluate the efficacy of the programs that I have discussed and to make recommendations to Congress on how to improve them, but also to help make prospective students aware of how they can gain access to, and afford a higher education. As I said earlier, education is our greatest capital investment, and I believe that the Student Loan Forgiveness and Repayment Assistance Act of 2010 will help our nation make a smart investment in our future.

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By Mr. SPECTER:

S. 3282. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for employers of certain veterans; to the Committee on Finance.

Mr. SPECTER. Mr. President, the health and future of Pennsylvania's veterans has been a longstanding concern of mine. The first veteran I knew was my father, Harry Specter, a veteran of WWI.

My father received terrific care from the VA following his service to our Nation. I want to make sure today's veterans, whatever their age, receive the benefits and services we owe them.

I have had the privilege of serving for 6 of my nearly 30 years in the Senate as chairman of the Veterans Affairs Committee. Under my chairmanship from 1998 to 2002, funding for the VA increased by 28 percent, and from 2004 to 2006, funding increased a further 16 percent. Such funding increases have allowed the VA to expand to meet increasing challenges.

I want to note at this time that I recently cosponsored legislation to restore collective bargaining rights to VA medical personnel, as their well being is vital to ensuring that veterans get the best possible care.

The ongoing conflicts in Iraq and Afghanistan, coupled with the recession, have put tremendous stress on the VA, and necessitate further improvements. Today I will outline proposals for making improvements in five related areas: reducing the claims backlog; increasing veterans' employment opportunities; combating homelessness among veterans; widening education opportunities through the Post-9/11 GI Bill; and expanding veterans courts.

In a slap at the men and women who fight our wars, a court created by Congress expressly to handle appeals of veterans' disability claims turned down the appeal of a disabled Korean War veteran because he missed a filing deadline.

The veteran, David L. Henderson, served in the military from 1950 to 1952. He was discharged following a diagnosis of paranoid schizophrenia and assigned a 100 percent disability rating. In 2001, he applied for in-home care and was turned down by a regional Veterans Administration department.

The congressionally established Court of Appeals for Veterans Claims—the Veterans Court—then refused to hear his appeal on grounds that he missed the filing deadline by 15 days. A divided federal appeals court upheld the decision.

After fighting a war and suffering long-term disability as a result, Henderson in later life has been penalized because he took 135 days, instead of 120, to file his claims appeal.

The fact that he had good reason for missing the deadline didn't matter. His psychiatrist called him ''incapable of rational thought or deliberate decisionmaking.''

On April 12, 2010, I introduced the Fair Access to Veterans Benefits Act, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals. Its main provision would require the United States Court of Appeals for Veterans Claims, known as the Veterans Court, to hear appeals by veterans of administrative decisions denying them benefits when circumstances beyond their control—sometimes the very service-related disabilities that entitle them to benefits—render them unable to meet the deadline for filing an appeal.

On January 28, 2010, I met with VA Secretary Eric Shinseki in my Washington, DC office. Secretary Shinseki identified reducing the VA claims backlog—which currently numbers 400,000—as being his top priority this year. The average processing time for an individual claim was 161 days in January 2010. This is simply too long.

In January 2010, Secretary Shinseki initiated a pilot project at the VA Pittsburgh Regional Office to identify opportunities to reduce the time required for the VA to request and receive evidence required to support veterans' claims. I believe that efforts such as this, which leverage the expertise of veterans' service organizations, will help to decrease significantly the claims backlog by streamlining each claims submission, and so improving the care and benefits given to our veterans. I recently requested that the Milcon/VA Appropriations Subcommittee increase funding by $1 million in fiscal year 2011 for costs associated with expanding the pilot program.

Beyond this pilot program, I am introducing legislation to give the Secretary of the Veterans Affairs the authority to award grants to state and local agencies, and non-profit organizations such as VSOs, to assist in collecting evidence and submitting claims. I believe this pre-submission assistance will aid the Veterans Benefits Administration in reducing the claims backlog.

The National Guard has played a vital role in ensuring our nation's security since September 11, 2001. The citizen soldiers and airmen serving in the Guard have been called upon to serve both domestically and overseas.

Current law protects Guardsmen who are called up to serve overseas from losing their civilian jobs, but the same degree of protection does not extend to domestic missions. After repeated deployments, Guardsmen could soon find themselves having to chose between critical national security missions—like protecting the southern border or responding to natural disasters—and keeping their civilian job due to a five-year cap on cumulative service for employment protection, which can be waived for overseas service but currently not domestic.

Legislation is needed to ensure that Guardsmen receive the same employment protection whether they are called to serve domestically or overseas.

Congress took an important step when it established a tax credit incentivizing the hiring of Iraq and Afghanistan veterans as part of the American Recovery and Reinvestment Act. This tax credit is set to expire in August 2011, and I am introducing legislation to extend through 2012 the veteran-specific provisions of the tax credit to assist recently discharged veterans secure employment.

On November 3, 2009, Secretary of Veterans Affairs Eric Shinseki unveiled an ambitious five-year plan to end homelessness among the nation's veterans. According to the VA's latest estimates, there are currently 107,000 homeless veterans, down from 131,000 in 2008.

The VA's fiscal year 2011 budget request includes $4.2 billion to prevent and reduce homelessness among Veterans—over $3.4 billion for core medical services and $799 million for specific homeless programs and expanded medical programs.

On November 11, 2009, I held a field hearing on the issue of unemployment and homelessness among veterans. Among those who testified were four formerly homeless veterans who have benefited from HUD–VASH vouchers and VA job training programs. The hearing highlighted the success of the HUD–VASH voucher program and the need to expand it, so I cosponsored Sen. REED's Zero Tolerance for Veterans Homelessness Act of 2009, which would increase the number of vouchers by 60,000 over the next four years. Additionally, two of the witnesses were single mothers. Their testimony underscored the importance of tailoring assistance to the needs of individual veterans, and to ensuring that the specific needs of veterans with special needs, such as homeless female veterans and homeless veterans with children are addressed. I cosponsored Senator MURRAY's Homeless Women Veterans and Homeless Veterans with Children Act, which would authorize $10 million a year in grants for five years to assist homeless veterans with special needs or dependents. I voted for this legislation when it was passed by the Veterans Affairs Committee on January 28, 2010.

The GI Bill of Rights, which had remained largely unchanged for over two decades, was in need of revision. I was pleased to cosponsor and advocate for the Post-9/11 GI bill, which was signed into law in June 2008. This bill, which went into effect in August 2009, will provide for this generation what the post-WWII GI Bill provided for veterans of that conflict. As our men and women serving today will continue to lead and serve our country tomorrow, it is in our best interest to ensure that they are afforded higher educational opportunities.

Yet there remain aspects of this legislation which need improvement.

While all veterans deserve educational opportunities, they also deserve the right to choose where to secure their education. For some, a vocational program, apprenticeship, or on the job training is more appealing than a traditional university education. We should support such decisions, and so I recently cosponsored the Veterans Training Act, introduced by Senator LINCOLN, to make this enhancement.

Various studies report that between 20- and 50-percent of the veterans returning from the Iraq and Afghanistan wars will suffer from post-traumatic stress disorder, PTSD, depression, traumatic brain injury, TBI, or other mental disorders, and half of those veterans will not receive the mental health care they need.

The symptoms and subsequent behavior associated with PTSD and TBI, as well as the abuse of drugs and alcohol by veterans suffering from these symptoms, bring many of these veterans into contact with the criminal justice system. Veterans account for 9 of every 100 inmates in U.S. jails and prisons. In Pennsylvania state prisons, there are approximately 3,000 male and female military veterans currently incarcerated, according to Dr. Mark L. Dembert, Chief of Psychiatry, Bureau of Health Care Services, Pennsylvania Department of Corrections. That number does not include those locked up in county jails.

The chief goal of the Veterans Court program is to direct veterans who have been charged with a crime into an intensely monitored network of support coordinated by the VA and the courts. While Veterans Courts are voluntary, they will offer participating veterans a pathway to rehabilitation and reduced rates of recidivism. Following my February 2010 hearing on veterans courts in Pittsburgh, I cosponsored legislation, S. 902, the Services, Education, and Rehabilitation for Veterans Act, introduced by Senators KERRY and MURKOWSKI, which would authorize the Attorney General to award grants up to $25 million over 5 years to assist States in the development of Veterans Courts.

Our freedom has been assured by the courageous service of our veterans. Our gratitude can best be shown by ensuring that their needs are met, whether medical, educational, professional or legal. I will continue to fight for treatment of our veterans worthy of the sacrifices they have made and dedication they have shown.

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By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 3284. A bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I rise today with my colleague, Senator FEINSTEIN, to introduce legislation to honor recipients of the Distinguished Flying Cross—the oldest military aviation award created by Congress.

This bill would designate the Distinguished Flying Cross National Memorial at March Field Air Museum in Riverside, California as the National Distinguished Flying Cross Memorial. Companion legislation was introduced in the House of Representatives by Congressman KEN CALVERT and recently passed by a vote of 410–0.

The Distinguished Flying Cross honors members of the armed forces who perform an act of "heroism or extraordinary achievement while participating in an aerial flight." Since it was established by Congress in 1926, tens of thousands of brave Americans have been awarded the Distinguished Flying Cross, including Wilber and Orville Wright, Charles Lindbergh, Amelia Earhart, former President George H. W. Bush, Senator JOHN MCCAIN, former Senator John Glenn, Chuck Yeager, General Jimmy Doolittle, and Admiral Jim Stockdale.

More recently, it has been awarded to a number of American men and women serving our Nation in Iraq and Afghanistan. I am proud that so many of the service members who have received the prestigious Distinguished Flying Cross are from my home State of California.

This legislation has the support of the Distinguished Flying Cross Society, the Military Officers Association of America, the Air Force Association, the Air Force Sergeants Association, the Association of Naval Aviation, the Vietnam Helicopter Pilots Association, and the China Burma Indian Veterans Association.

This is a fitting tribute to those who have served our country with honor and distinction. I hope my colleagues will join me in honoring these brave service men and women by supporting this legislation, and I look forward to seeing it enacted into law.

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By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3290. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Indian Affairs.

Mr. BAUCUS. Mr. President, I rise today to introduce the Blackfeet Water Rights Settlement Act, along with my good friend, Senator TESTER. We introduce this bill as a critical step in 2 decades of negotiations between the Blackfeet Nation, the State of Montana, and the U.S. The bill ratifies the water rights compact with the Blackfeet Nation. It confirms that the United States is a nation that honors its commitments to all its citizens, including those who belong to Tribal Nations.

Over 150 years ago, the United States and the Blackfeet people signed a treaty that created the Blackfeet Reservation on a tract of land the size of Delaware abutting what became Glacier National Park and the Canadian Border. Over 100 years ago, the U.S. Supreme Court ruled that such treaties imply a commitment to reserve sufficient water to satisfy both present and future needs of a Tribe. Honoring this particular commitment has been delayed for decades. With the introduction of this bill, we are on the brink of fulfilling that commitment.

The Blackfeet people call the mountains of their homeland the "backbone of the world." When you visit their land, you can feel a shiver in your own backbone at its beauty and spiritual significance. These mountains are also the wellspring of the reservation's water. Their cirques and flanks, frozen for much of the year, store the crucial resource that makes the Great Plains inhabitable. The drainages and storage systems that define how the snow melts and the water flows are the principal subject of this legislation. This water is necessary for irrigation, livestock, fisheries, wildlife, homes, and other uses.

By ratifying this compact, Congress will both establish the federal reserved water rights of the Tribe and authorize funds to construct the infrastructure necessary to make the water available for use. This infrastructure includes rehabilitation of the Blackfeet Irrigation Project and construction of other water projects. It also mitigates the impacts of the Tribe's water rights on current non-tribal water users.

The Blackfeet Water Compact has already been ratified by the State of Montana. The Montana Legislature has appropriated $15 million toward the overall Blackfeet settlement and has committed to provide an additional $20 million in this bill.

The bill that Senator TESTER and I have introduced addresses a vital concern of the Blackfeet people and the State of Montana. It is time for the U.S. to honor its commitment to the Blackfeet Nation.

Mr. TESTER. Mr. President, I rise today to introduce the Blackfeet Water Settlement Act of 2010 with my friend and colleague, Senator BAUCUS. The bill will ratify the water rights compact negotiated for two decades by the Blackfeet Tribe, State of Montana and U.S. It will improve water infrastructure in the local area and, more importantly, create a self-sustaining homeland for the Blackfeet Nation. The bill enjoys broad support on the local, regional and national level. I look forward to working with my colleagues to enact it this year.

The time to implement this legislation is now. The United States and

Blackfeet Tribe created the Blackfeet Reservation by treaty over 150 years ago. Over 100 years ago, the U.S. Supreme Court held that in creating Indian reservations, the government must provide enough water to sustain a permanent homeland for the American Indians living on them. This legislation will fulfill that law.

By ratifying the compact, this bill provides water for domestic and municipal use, irrigation and livestock, and for developing Reservation resources. It will also provide water to sustain reservation wildlife and fisheries located in the majestic Rocky Mountains, next door to Glacier National Park. Enacting this bill not only establishes the Tribe's federally reserved water rights, paper water, but also authorizes resources to construct the infrastructure that will deliver water to Reservation users, wet water.

The process of building critical infrastructure authorized by this bill will also create valuable reservation jobs, where the unemployment rate regularly reaches 70–80 percent. It authorizes funds to rehabilitate the Blackfeet Irrigation Project, construct water storage facilities, repair community water systems and promote economic development.

The bill enjoys strong support in Montana. The State of Montana ratified the Blackfeet Water Compact in 2009. The Montana Legislature has already appropriated $15 million toward the overall Blackfeet settlement. Most recently, the state supports provisions in this bill that commit it to provide an additional $10 million.

This bill is long past due. As Justice Hugo Black said in the 1960 Tuscarora case: ''Great nations, like great men, should keep their word.'' It is time for this great Nation to keep its word to the Blackfeet people. Senator BAUCUS and I introduce this bill to do just that. With adequate water, infrastructure and jobs, the Blackfeet Nation will take another step to a secure future for many years to come.

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By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 3291. A bill to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, I rise today to introduce the Coltsville National Historic Park Act, which provides for the designation of the Coltsville Historic District in Hartford, Connecticut, as a national park. I would like to thank my colleague, Senator LIEBERMAN, for supporting this legislation, as well as my good friend, Congressman LARSON, who recently introduced an identical version of this bill in the House.

I recognize that when most of us think of national parks, we picture the vast, sprawling landscapes of Yellowstone and Yosemite. Clearly, Connecticut's smaller size precludes it from having a national park on the scale of these sites. In fact, Connecticut itself is only about twice the size of Yellowstone National Park and currently has only one national park, the Weir Farm National Historic Site, which spans 60 acres in the towns of Ridgefield and Wilton. But, while Connecticut may not possess the physical grandeur of our nation's largest parks, it is home to a rich national heritage that must be made accessible to every American.

Located in Hartford's Sheldon-Charter Oak neighborhood, Coltsville grew around Samuel Colt's firearms factory, a landmark red brick building with a blue onion dome, during the Industrial Revolution of the 19th century. Colt made Hartford the center of precision manufacturing. While Americans may associate the name Sam Colt with firearms, the Colt legacy goes far beyond. Colt was a key figure of the Industrial Revolution, contributing to the development of waterproof ammunition, underwater mines, and the telegraph. He was also the first American manufacturer to open a plant overseas. Colt set the standard for a nation that fast became known for its technological innovations and industrial productivity. It is also a little-known fact that after Colt's death in 1862, his widow, Elizabeth Hart Jarvis Colt, successfully managed Colt Industries for 42 years and presided over the company during its most prosperous years in a period when men dominated the industrial world.

Today, the Colt armory remains a beacon in the Hartford skyline, and Coltsville still boasts grand Victorian homes, including Armsmear, the home of Sam and Elizabeth Colt. Other nearby attractions include old mill housing, the Church of the Good Shepherd, and the Colt Memorial. A national park at Coltsville would be the main venue on a tour of Hartford that could include sites such as the houses of Mark Twain and Harriet Beecher Stowe and the riverfront. It would also be a prime destination for anyone taking an extended tour of historic and scenic New England.

A national park at Coltsville would include more than 200 acres and be comprised of both public and private space. The centerpiece would be a museum within the armory celebrating Sam Colt and the growth of American industry. The museum could hold the vast collection of Colt firearms that currently rests in the Museum of Connecticut History as well as other machinery and memorabilia from the Industrial Revolution. Private property which is currently located within the proposed boundaries of the park, such as artists' studios and condominiums, could remain private. In fact, a museum and visitors' center in the Colt armory itself would take up only part of the building, the rest of which could be left open for private development. The armory already houses a business that manufactures replica Colt firearms, which would only enhance the proposed museum.

In my capacity as Connecticut's senior Senator, I have fought hard alongside my colleagues in the State's Congressional delegation to help realize the goal of including this testament to America's industrial and manufacturing prowess within the National Park System. In 2003, we were successful in passing legislation that required the National Park Service to conduct a study assessing the feasibility of designating Coltsville as a national park. On July 22, 2008, Coltsville reached another critical milestone in this effort when it was designated as a National Historic Landmark by the Secretary of the Interior.

Unfortunately, Coltsville has not been immune from the devastating effects of the global financial crisis that began later that year. While the Park Service's report, which was finally released last November, found that Coltsville is nationally significant and suitable for inclusion in the Park System, its determination of feasibility largely hinged on the ability of a private developer to manage the site in conjunction with the Park Service. Given the challenges currently facing our Nation's economy, Coltsville has run into some difficulties with this requirement. As a result, the Park Service was unable to conclude that Coltsville met the feasibility standards for inclusion in the Park System.

That is why the legislation I introduced today with Senator LIEBERMAN is so timely and important. The Coltsville National Historic Park Act authorizes the establishment of a national park in Coltsville when the feasibility issues outlined in the Park Service's November 2009 study, namely those surrounding private management of the site, are resolved. Our bill also sets standards for administration of the park, and creates a local advisory commission to develop and implement an overarching management plan for the park. This legislative approach is supported by a variety of State and local stakeholders, and in my view, provides us with a great opportunity to jump-start efforts to bring Coltsville into compliance with Park Service feasibility standards.

I firmly believe that one of our most important obligations as Senators is to ensure that our Nation's vast array of natural treasures and historical landmarks are managed responsibly and preserved for the benefit of future generations. I urge my colleagues to join me in extending these protections to the Coltsville Historic District.

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By Mr. SPECTER (for himself and Mr. CASEY):

S. 3292. A bill to amend the Richard B. Russell National School Lunch to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation titled The Weekends Without Hunger Act. This legislation will ensure that children who rely on free and reduced-price school meals have access to nutritious meals on the weekends and during other periods in which they are away from school.

Nearly 20 million school-age children, including more than one million in Pennsylvania, eat a free or reduced-price meal at school. Existing programs designed to ensure access to affordable meals for these disadvantaged children at home are inadequate. A Department of Agriculture survey released in November 2009 reported that 49 million Americans were unable to consistently get enough to eat during 2008; 17 million of them were children. A recently conducted survey by Drexel University shows that the number of children under the age of 6 experiencing very low food security has tripled since 2006.

The legislation I am introducing today addresses the food insecurity experienced by our Nation's school children by providing them a weekend feeding option. My legislation establishes a 5-year pilot program during which time eligible institutions, such as schools and food banks, may provide a free backpack of child-friendly, nonperishable food for the weekend. It is my intention to seek inclusion of The Weekends Without Hunger Act in the upcoming reauthorization of the Child Nutrition Act.

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By Mr. HARKIN (for himself, Mr. HATCH, Mr. DODD, Mr. REID, Ms. SNOWE, Ms. MIKULSKI, Ms. COLLINS, Mr. CASEY, Mr. RISCH, Mr. FRANKEN, and Mr. JOHANNS):

S. 3293. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have come to the floor, today, to introduce the Eunice Kennedy Shriver Act. I am very pleased that Senator HATCH has joined me in introducing this legislation, as well as Senator DODD, who has been a long time supporter of the Best Buddies program. We are also joined by 8 other co-sponsors, both Republicans and Democrats, demonstrating the bipartisan support for this legislation.

The Special Olympics program is respected around the world as a model and leader in using sport to end the isolation and stigmatization of individuals with intellectual disabilities. For more than 40 years, Special Olympics has encouraged skill development, sharing, courage and confidence through year-round sports training and athletic competition for children and adults with intellectual disabilities. Through their programs, Special Olympics has helped to ensure that millions of individuals with intellectual disabilities are assured of equal opportunities for community participation, access to appropriate health care, and inclusive education, and to experience life in a nondiscriminatory manner. Special Olympics gives athletes with intellectual disabilities the tools they need to be included in society, and it gives society the understanding and tools it needs to include them.

I can speak first-hand about what a rewarding experience it is for all of us who have been involved in Special Olympics. In 2006, my State of Iowa hosted the first USA National Summer Games. Thousands of athletes, volunteers, coaches, and families attended our Games, in addition to 30,000 fans and spectators. Ames, IA, was transformed into an Olympic Village, and it was thrilling to experience.

Similarly, the Best Buddies program is dedicated to ending the social isolation of people with intellectual disabilities by promoting peer support and friendships with their non-disabled peers. The aim is to increase the self-esteem, confidence and abilities of people with and without intellectual disabilities. Equally important, the Best Buddies program has provided opportunities for integrated employment for individuals with intellectual disabilities.

Research shows that participation in activities involving both people with intellectual disabilities and people without disabilities results in more positive support for inclusion in society, including in schools.

This new bill is named in honor of Eunice Kennedy Shriver, who devoted her life to improving the lives of people with intellectual disabilities around the world. Mrs. Shriver founded and fostered the development of Special Olympics and Best Buddies, both of which celebrate the possibilities of a world where all people, including those with disabilities, have meaningful opportunities for participation and inclusion.

In addition to reauthorizing the former Special Olympics Sports and Empowerment Act and providing an authorization for the Best Buddies program, this bill will also allow the Department of Education to award competitive grants to support increased opportunities for inclusive participation by individuals with intellectual disabilities in sports and recreation programs.

I am pleased to be the chief sponsor of this legislation, which will continue our support for these important programs which promote the extraordinary gifts and contributions of people with intellectual disabilities as well as broader community inclusion.

I urge all my colleagues to join with me, Senator HATCH, Senator DODD, Senator CASEY, Senator COLLINS, Senator FRANKEN, Senator JOHANNS, Senator MIKULSKI, Senator REID, Senator RISCH, and Senator SNOWE in supporting this very worthy bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3293

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Eunice Kennedy Shriver Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:



**TITLE I—REAUTHORIZATION OF SPECIAL OLYMPICS ACT**

**SEC. 101. REAUTHORIZATION.**

Sections 2 through 5 of the Special Olympics Sport and Empowerment Act of 2004 (42 U.S.C. 15001 note) are amended to read as follows:

**''SEC. 2. FINDINGS AND PURPOSE.**

''(a) FINDINGS.—Congress finds the following:

''(1) Special Olympics celebrates the possibilities of a world where everybody matters, everybody counts, and every person contributes.

''(2) The Government and the people of the United States recognize the dignity and value the giftedness of children and adults with intellectual disabilities.

''(3) The Government and the people of the United States recognize that children and adults with intellectual disabilities experience significant health disparities, including lack of access to primary care services and difficulties in accessing community-based prevention and treatment programs for chronic diseases.

''(4) The Government and the people of the United States are determined to end the isolation and stigmatization of people with intellectual disabilities, and to ensure that such people are assured of equal opportunities for community participation, access to appropriate health care, and inclusive education, and to experience life in a nondiscriminatory manner.

''(5) For more than 40 years, Special Olympics has encouraged skill development, sharing, courage, and confidence through year-round sports training and athletic competition for children and adults with intellectual disabilities.

''(6) Special Olympics provides year-round sports training and competitive opportunities to more than 3,000,000 athletes with intellectual disabilities in 26 sports and plans to expand the benefits of participation through sport to hundreds of thousands of people with intellectual disabilities within the United States and worldwide over the next 5 years.

''(7) Research shows that participation in activities involving both people with intellectual disabilities and nondisabled people results in more positive support for inclusion in society, including in schools.

''(8) Special Olympics has demonstrated its ability to provide a major positive effect on the quality of life of people with intellectual disabilities, improving their health and physical well-being, building their confidence and self-esteem, and giving them a voice to become active and productive members of their communities.

''(9) In society as a whole, Special Olympics has become a vehicle and platform for reducing prejudice, improving public health, promoting inclusion efforts in schools and communities, and encouraging society to value the contributions of all members.

''(10) The Government of the United States enthusiastically supports the Special Olympics movement, recognizes its importance in improving the lives of people with intellectual disabilities, and recognizes Special Olympics as a valued and important component of the global community.

''(b) PURPOSE.—The purposes of this Act are to—

''(1) provide support to Special Olympics to increase athlete participation in, and public awareness about, the Special Olympics movement, including efforts to promote broader community inclusion;

''(2) dispel negative stereotypes about people with intellectual disabilities;

''(3) build community engagement through sport involvement; and

''(4) promote the extraordinary gifts and contributions of people with intellectual disabilities.

**''SEC. 3. ASSISTANCE FOR SPECIAL OLYMPICS.**

''(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter into contracts or cooperative agreements with, Special Olympics to carry out each of the following:

''(1) Activities to promote the expansion of Special Olympics, including activities to increase the full participation of people with intellectual disabilities in athletics, sports and recreation, and other inclusive school and community activities with non-disabled people.

''(2) The design and implementation of Special Olympics education programs, including character education and volunteer programs that support the purposes of this Act, that can be integrated into classroom instruction and are consistent with academic content standards.

''(b) INTERNATIONAL ACTIVITIES.—The Secretary of State, acting through the Assistant Secretary of State for Educational and Cultural Affairs, may award grants to, or enter into contracts or cooperative agreements with, Special Olympics to carry out each of the following:

''(1) Activities to increase the participation of people with intellectual disabilities in Special Olympics outside of the United States.

''(2) Activities to improve the awareness outside of the United States of the abilities and unique contributions that people with intellectual disabilities can make to society.

''(c) HEALTHY ATHLETES.—

''(1) IN GENERAL.—The Secretary of Health and Human Services may award grants to, or enter into contracts or cooperative agreements with, Special Olympics for the implementation of on-site health assessments, screening for health problems, health education, community-based prevention, data collection, and referrals to direct health care services.

''(2) COORDINATION.—Activities under paragraph (1) shall be coordinated with appropriate health care entities, including private health care providers, entities carrying out local, State, Federal, or international programs, and the Department of Health and Human Services, as applicable.

''(d) LIMITATION.—Amounts appropriated to carry out this section shall not be used for direct treatment of diseases, medical conditions, or mental health conditions. Nothing in the preceding sentence shall be construed to limit the use of non-Federal funds by Special Olympics.

**''SEC. 4. APPLICATION AND ANNUAL REPORT.**

''(a) APPLICATION.—

''(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under subsection (a), (b), or (c) of section 3, Special Olympics shall submit an application at such time, in such manner, and containing such information as the Secretary of Education, Secretary of State, or Secretary of Health and Human Services, as applicable, may require.

''(2) CONTENT.—At a minimum, an application under this subsection shall contain each of the following:

''(A) ACTIVITIES.—A description of activities to be carried out with the grant, contract, or cooperative agreement.

''(B) MEASURABLE GOALS.—A description of specific measurable annual benchmarks and long-term goals and objectives to be achieved through specified activities carried out with the grant, contract, or cooperative agreement, which specified activities shall include, at a minimum, each of the following activities:

''(i) Activities to increase the full participation of people with intellectual disabilities in athletics, sports and recreation, and other inclusive school and community activities with nondisabled people.

''(ii) Education programs that dispel negative stereotypes about people with intellectual disabilities.

''(iii) Activities to increase the participation of people with intellectual disabilities in Special Olympics outside of the United States.

''(iv) Health-related activities as described in section 3(c).

''(b) ANNUAL REPORT.—

''(1) IN GENERAL.—As a condition on receipt of any funds for a program under subsection (a), (b), or (c) of section 3, Special Olympics shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education, Secretary of State, or Secretary of Health and Human Services, as applicable, may require.

''(2) CONTENT.—At a minimum, each annual report under this subsection shall describe—

''(A) the degree to which progress has been made toward meeting the annual benchmarks and long-term goals and objectives described in the applications submitted under subsection (a); and

''(B) demographic data about Special Olympics participants, including the number of people with intellectual disabilities served in each program referred to in paragraph (1).

**''SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated—

''(1) for grants, contracts, or cooperative agreements under section 3(a), $9,500,000 for fiscal year 2011, and such sums as may be necessary for each of the 4 succeeding fiscal years;

''(2) for grants, contracts, or cooperative agreements under section 3(b), $4,500,000 for fiscal year 2011, and such sums as may be necessary for each of the 4 succeeding fiscal years; and

''(3) for grants, contracts, or cooperative agreements under section 3(c), $8,500,000 for fiscal year 2011, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

## TITLE II—BEST BUDDIES

**SEC. 201. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Best Buddies operates the first national social and recreational program in the United States for people with intellectual disabilities.

(2) Best Buddies is dedicated to helping people with intellectual disabilities become part of mainstream society.

(3) Best Buddies is determined to end social isolation for people with intellectual disabilities by promoting meaningful friendships between them and their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities.

(4) Since 1989, Best Buddies has enhanced the lives of people with intellectual disabilities by providing opportunities for 1-to-1 friendships and integrated employment.

(5) Best Buddies is an international organization spanning 1,300 middle school, high school, and college campuses.

(6) Best Buddies implements programs that will positively impact more than 700,000 individuals in 2010.

(7) The Best Buddies Middle Schools program matches middle school students with intellectual disabilities with other middle school students and supports 1-to-1 friendships between them.

(8) The Best Buddies High Schools program matches high school students with intellectual disabilities with other high school students and supports 1-to-1 friendships between them.

(9) The Best Buddies Colleges program matches adults with intellectual disabilities with college students and creates 1-to-1 friendships between them.

(10) The Best Buddies e-Buddies program supports e-mail friendships between people with and without intellectual disabilities.

(11) The Best Buddies Citizens program pairs adults with intellectual disabilities in 1-to-1 friendships with other people in the corporate and civic communities.

(12) The Best Buddies Jobs program promotes the integration of people with intellectual disabilities into the community through supported employment.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide support to Best Buddies to increase participation in and public awareness about Best Buddies programs that serve people with intellectual disabilities;

(2) dispel negative stereotypes about people with intellectual disabilities; and

(3) promote the extraordinary contributions of people with intellectual disabilities.

**SEC. 202. ASSISTANCE FOR BEST BUDDIES.**

(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter into contracts or cooperative agreements with, Best Buddies to carry out activities to promote the expansion of Best Buddies, including activities to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life, including education and employment, within the United States.

(b) LIMITATIONS.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act may not be used for direct treatment of diseases, medical conditions, or mental health conditions.

(2) ADMINISTRATIVE ACTIVITIES.—Not more than 5 percent of amounts appropriated to carry out this Act for a fiscal year may be used for administrative activities.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the use of non-Federal funds by Best Buddies.

**SEC. 203. APPLICATION AND ANNUAL REPORT.**

(a) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under section 202(a), Best Buddies shall submit an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, an application under this subsection shall contain the following:

(A) A description of activities to be carried out under the grant, contract, or cooperative agreement.

(B) Information on specific measurable goals and objectives to be achieved through activities carried out under the grant, contract, or cooperative agreement.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—As a condition of receipt of any funds under section 202(a), Best Buddies shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, each annual report under this subsection shall describe the degree to which progress has been made toward meeting the specific measurable goals and objectives described in the applications submitted under subsection (a).

**SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Education for grants, contracts, or cooperative agreements under section 202(a), $10,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 4 succeeding fiscal years.

## TITLE III—ESTABLISHMENT OF EUNICE KENNEDY SHRIVER INSTITUTES FOR SPORT AND SOCIAL IMPACT

**SEC. 301. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds as follows:

(1) For more than 50 years, Eunice Kennedy Shriver dedicated her life, energies, and resources without bounds to improving the lives of people with intellectual and developmental disabilities around the world. She stands as the iconic founder and leader of one of the most important disability rights movements in history.

(2) Eunice Kennedy Shriver founded and influenced the development of Special Olympics and Best Buddies, both of which celebrate the possibilities of a world where everybody matters, everybody counts, every person has value, and every person has worth.

(b) PURPOSE.—It is the purpose of this title to improve and advance opportunities for people with intellectual disabilities to fully participate and engage in inclusive sports and recreation, social activities, and other community opportunities, through—

(1) conducting research, data collection, and evaluation activities;

(2) providing technical assistance and training;

(3) fostering and promoting interdisciplinary collaboration, cooperation, and partnerships; and

(4) commemorating the work and contributions of Eunice Kennedy Shriver and encouraging others to emulate her leadership, including her efforts to encourage and promote greater social and community opportunities for people with intellectual disabilities and their families.

**SEC. 302. ESTABLISHMENT OF INSTITUTES.**

(a) IN GENERAL.—From the amount made available under section 304 that is not reserved under subsection (g), the Secretary of Education shall award competitive grants to one or more eligible entities for the purpose of establishing Eunice Kennedy Shriver Institutes for Sport and Social Impact (referred to in this title as ''Institutes'').

(b) ELIGIBLE ENTITY.—In this title, the term ''eligible entity'' means an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) with demonstrated expertise and experience in research, technical assistance, and training related to improving and advancing opportunities for people with intellectual disabilities to fully participate and engage in inclusive community opportunities, in partnership with a nonprofit organization with demonstrated expertise and experience in inclusive sports, recreation, social, educational, and community opportunities for people with intellectual disabilities.

(c) GRANT PERIOD.—Each grant awarded under this title shall be for a 3-year period.

(d) GRANT RECIPIENT CONTRIBUTION.—An eligible entity receiving a grant under this title shall provide a contribution (which may include an in-kind contribution), in an amount not less than 25 percent of the costs of the activities assisted under the grant, to carry out such activities.

(e) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this title shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out the purpose of this title.

(f) APPLICATION.—An eligible entity that desires to receive a grant under this title shall submit an application to the Secretary of Education at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall, at a minimum, include—

(1) a description of activities to be carried out consistent with section 303; and

(2) proposed annual measurable benchmarks and long-term goals and objectives to be achieved through such activities.

(g) RESERVATION OF FUNDS FOR NATIONAL ACTIVITIES.—From the amount appropriated under section 304, the Secretary of Education shall reserve not more than 10 percent to enter into a cooperative agreement, on a competitive basis, with an eligible entity for the purpose of implementing national coordination activities, including development of mechanisms for communication between grant recipients, dissemination of information resulting from activities under the grants, and technical assistance to grant recipients.

**SEC. 303. ACTIVITIES OF INSTITUTES.**

(a) IN GENERAL.—Each eligible entity that receives a grant under this title shall use the grant to advance the quality of life and inclusion of people with intellectual disabilities through research and evaluation, technical assistance, training, data collection, evaluation, collaboration, and dissemination of evidence-based best practices.

(b) REQUIRED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity receiving a grant under this title shall use grant funds to—

(A) establish a research agenda and annual measurable benchmarks and long-term goals, and conduct research and evaluation of evidence-based best practices, to improve the quality of life and further the social inclusion of people with intellectual disabilities, in cooperation and consultation with—

(i) people with intellectual disabilities;

(ii) family members of people with intellectual disabilities;

(iii) University Centers for Excellence in Developmental Disabilities Education, Research, and Service (as designated in section 151 of the Developmental Disabilities Act (42 U.S.C. 15061)); and

(iv) other relevant Federal, State, and local entities conducting research related to people with intellectual disabilities;

(B) provide training and technical assistance to people with intellectual disabilities, families of people with intellectual disabilities, nonprofit organizations, public entities, educational programs, recreation programs, and others to increase opportunities for inclusive participation by such people in sports and recreation, social opportunities, education, and the community, including provision of assistance to programs and entities serving primarily non-disabled people in order to successfully include people with intellectual disabilities in activities with non-disabled people;

(C) collect and analyze data related to barriers to, and factors assuring, access to full inclusion and participation in community and quality of life for people with intellectual disabilities, including demographic data; and

(D) report on the research, findings, conclusions, and recommendations resulting from the activities of the grant.

(2) RESEARCH AND EVALUATION.—Research, evaluation, and data collection described in paragraph (1)(A) shall include—

(A) best practices in preventive health and wellness for people with intellectual disabilities, including sports and recreational activities;

(B) identification of barriers to, and factors assuring, access to full inclusion and participation in community and quality of life for people with intellectual disabilities;

(C) best practices in supporting independence, community living, and inclusive social engagement for people with intellectual disabilities;

(D) physical and mental health disparities for people with intellectual disabilities; and

(E) other relevant activities related to the purpose of this title, as described by the eligible entity in the application submitted under section 302(f).

(c) REPORT.—Each recipient of a grant under this title shall prepare and submit to the Secretary of Education an annual report that includes information on progress made in achieving the projected goals and outcomes of the activities of the Institute for the previous year, including demographic information on the populations served and measurable accomplishments in advancing the quality of life and inclusion of people with intellectual disabilities in the community.

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal years 2011 through 2015.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 505—CONGRATULATING THE DUKE UNIVERSITY MEN'S BASKETBALL TEAM FOR WINNING THE 2009–2010 NCAA DIVISION I MEN'S BASKETBALL NATIONAL CHAMPIONSHIP

Mr. BURR (for himself, Mrs. HAGAN, and Mr. KAUFMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 505

Whereas on April 5, 2010, Duke University defeated Butler University by a score of 61–59 to win the 2009–2010 National Collegiate Athletic Association (referred to in this resolution as the ''NCAA'') Division I Men's Basketball National Championship;

Whereas Duke completed a record-breaking season, tying for first in the Atlantic Coast Conference (referred to in this resolution as the ''ACC'') regular season with a record of 13–3, winning the National Invitation Tournament Season Tip-Off, and winning the ACC tournament;

Whereas Coach Mike Krzyzewski won his fourth national championship, making him the second winningest coach of all time;

Whereas players Seth Curry, Jordan Davidson, Andre Dawkins, Steve Johnson, Ryan Kelly, Casey Peters, Mason Plumlee, Miles Plumlee, Jon Scheyer, Kyle Singler, Nolan Smith, Lance Thomas, Todd Zafirovski, and Brian Zoubek made up this year's national championship team;

Whereas forward Kyle Singler was named Most Outstanding Player of the Final Four, scoring 19 points in the championship game;

Whereas guard Jon Scheyer was named 2nd team All-American and 1st team All-ACC;

Whereas Kyle Singler was named 1st team All-ACC;

Whereas guard Nolan Smith was named 2nd team All-ACC;

Whereas forward Lance Thomas was named to the ACC All-Defensive team;

Whereas senior Brian Zoubek and freshman Ryan Kelly made the ACC All-Academic team;

Whereas Duke made their 34th appearance in the NCAA tournament;

Whereas Duke appeared in the national championship game for the 10th time, the eighth under Coach Krzyzewski and the fourth since 1999;

Whereas Duke was a number 1 seed in the tournament for the 11th time;

Whereas Duke finished the 2009–2010 season with a record of 35–5;

Whereas Duke went undefeated at home with 17 wins, setting a new school record;

Whereas Duke won its 1,000th game at home under Coach Krzyzewski against the University of Maryland on February 13, 2010;

Whereas Duke showed incredible dedication and respect for the game of basketball throughout the 2009–2010 season; and

Whereas Duke is to be congratulated for its sportsmanship, dedication, and commitment: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Duke team for winning the 2010 NCAA Division I Men's Basketball Tournament;

(2) recognizes the achievements of the players and coaches; and

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to Duke University President Richard H. Brodhead, Athletic Director Kevin White, and Head Coach Mike Krzyzewski for appropriate display.

### SENATE RESOLUTION 506—DESIGNATING MAY 2010 AS ''NATIONAL X AND Y CHROMOSOMAL VARIATIONS AWARENESS MONTH''

Mr. BROWNBACK (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 506

Whereas 1 in 500 children in the United States have X and Y chromosomal variations that cause complex learning disabilities, including reading, language, and motor-planning impairments;

Whereas 1 in 10 babies born every day has an X and Y chromosomal variation, but only 30 percent of those babies will ever receive the treatment needed in order to succeed academically;

Whereas, although all physicians, ancillary health care providers, and special educators are taught that genetic abnormalities can impact the development of a child, most practitioners receive insufficient information about X and Y chromosomal variations;

Whereas many health care and educational providers do not consider testing for X and Y chromosomal variations when the providers encounter a child who presents with developmental disabilities;

Whereas widespread misinformation about X and Y chromosomal variations causes unnecessary distress to families dealing with such a diagnosis;

Whereas, with greater national awareness about the existence of X and Y chromosomal variations, children with these disorders can be diagnosed and provided with the syndrome-specific medical care and academic intervention the children need to succeed academically, to prepare for the workforce, and to live full and productive lives; and

Whereas, with the proper diagnosis and intervention, children who have X and Y chromosomal variations can excel academically and in the workforce: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 2010 as ''National X and Y Chromosomal Variations Awareness Month''; and

(2) encourages the appropriate organizations to recognize the month with appropriate activities.

### SENATE RESOLUTION 507—DESIGNATING APRIL 30, 2010, AS ''DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS''

Mr. MENENDEZ (for himself, Mr. HATCH, Mr. REID, Mr. LUGAR, Mr. DURBIN, Mr. BINGAMAN, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CASEY, Mrs. GILLIBRAND, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 507

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''el Dia de los Niños'', or ''Day of the Children'', on April 30, in recognition and celebration of the future of the nations—their children;

Whereas children represent the hopes and dreams of the people of the United States and are the center of families in the United States;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the spirit of the United States;

Whereas according to the latest Census report, there are more than 47,000,000 individuals of Hispanic descent living in the United States, nearly 16,000,000 of whom are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on el Dia de los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and people in the United States rely on children to pass on these family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the Nation to declare April 30 as ''el Dia de los Niños: Celebrating Young Americans'', a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 30, 2010, as ''el Dia de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit

from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

## SENATE RESOLUTION 508—RECOGNIZING JUNE 2010 AS NATIONAL HEREDITARY HEMORRHAGIC TELANGIECSTASIA (HHT) MONTH ESTABLISHED TO INCREASE AWARENESS OF HHT, WHICH IS A COMPLEX GENETIC BLOOD VESSEL DISORDER THAT AFFECTS APPROXIMATELY 70,000 PEOPLE IN THE UNITED STATES

Mr. JOHNSON (for himself and Mr. BENNETT) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 508

Whereas according to the HHT Foundation International, Hereditary Hemorrhagic Telangiecstasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 people worldwide;

Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and artery-vein malformations that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;

Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;

Whereas according to the HHT Foundation International, 20 percent of those with HHT, regardless of age, suffer death and disability;

Whereas according to the HHT Foundation International, due to widespread lack of knowledge of the disorder among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

Whereas the HHT Foundation International estimates that 20 to 40 percent of complications and sudden death due to these ''vascular time bombs'' are preventable;

Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome systemically;

Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and diagnosis with suitable tests, and there are acceptable treatments available in already-established facilities such as the 8 HHT Treatment Centers of Excellence in the United States; and

Whereas adequate Federal funding is needed for education, outreach, and research to prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;

(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;

(3) supports the designation of June 2010 as National Hereditary Hemorrhagic Telangiecstasia (HHT) month, to increase awareness of HHT;

(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;

(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;

(7) recognizes severe hemorrhages in the nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatments;

(8) recognizes that a leading medical and academic institution estimated that $6,600,000,000 of 1-time health care costs can be saved through aggressive management of HHT in the at-risk population; and

(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

## SENATE RESOLUTION 509—DESIGNATING APRIL 2010 AS ''NATIONAL STD AWARENESS MONTH''

Mr. BURRIS submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 509

Whereas sexually transmitted infections (referred to in this preamble as ''STIs'') (also commonly known as sexually transmitted diseases, or ''STDs'') are a major public health challenge for the United States in economic and human terms;

Whereas the United States has the highest rate of people with STIs in the industrialized world, with an estimated 19,000,000 new cases occurring each year;

Whereas, each year, approximately ½ of the new cases of STIs occur in young people between the ages of 15 to 24;

Whereas all people of the United States have an interest in STIs because every community is impacted and everyone pays for the cost of the infections, either directly or indirectly;

Whereas, according to the Centers for Disease Control and Prevention (referred to in this preamble as ''CDC''), STIs impose a tremendous economic burden on the United States, with direct medical costs for treating STIs as high as $15,900,000 per year;

Whereas, in 2008, the CDC estimated that 1 in 4 young women between the ages of 14 and 19 in the United States, or 3,200,000 teenage girls, and nearly 1 in 2 African-American young women are infected with 1 or more of the most common sexually transmitted infections, including the human papillomavirus (referred to in this preamble as ''HPV''), chlamydia, herpes simplex virus, and trichomoniasis;

Whereas, in 2010, CDC data indicated that 1 in 6 Americans between the ages of 14 and 49 years old are infected with type 2 of the herpes simplex virus, a lifelong and incurable infection, and that of the group of infected Americans, African-American women were the most affected group, with a prevalence rate of 48 percent;

Whereas poverty and lack of access to quality health care exacerbate the rate of infection with the human immunodeficiency virus (referred to in this preamble as ''HIV'') and other STIs;

Whereas men who have sex with men continue to be disproportionately impacted by STIs, accounting for 63 percent of all syphilis cases in 2008 as compared to only 4 percent of STIs in 2000;

Whereas racial disparities in rates of STIs are among the worst health disparities in the United States for any health condition;

Whereas most STIs have been associated with increased risk of HIV transmission and are likely contributing to the ongoing HIV epidemic in the United States;

Whereas the CDC reports that the 2 most common STIs among young women are HPV, with 18 percent infected, and chlamydia, with 4 percent infected;

Whereas the long-term health effects of HPV and chlamydia are especially severe for women and include infertility and cervical cancer;

Whereas vaccination, screening, and early treatment can prevent some of the most devastating effects of STIs;

Whereas high STI infection rates in the United States demonstrate the need for better ways to reach the individuals most at risk for infection;

Whereas the CDC recommends—

(1) annual chlamydia screenings for sexually active women 25 years of age and younger;

(2) HPV vaccination for girls and women between the ages of 11 and 26 who have not been vaccinated, or who have not completed the full series of shots; and

(3) screening for HIV, syphilis, chlamydia, and gonorrhea at least once a year for men who have sex with men and who are not in a long-term, mutually monogamous relationship;

Whereas chlamydia can lead to pelvic inflammatory disease, chronic pelvic pain, infertility, and tubular pregnancies, which can affect the health and well-being of a woman throughout her lifetime;

Whereas STIs can be transmitted from infected mothers to infants during childbirth and can cause severe health consequences in the infants;

Whereas STIs often cause social stigma and may have a serious psychological impact among the individuals who are infected;

Whereas people protect themselves against STIs through participation in programs that provide comprehensive and medically accurate health information and screening and treatment services, including title X of the Public Health Service Act (42 U.S.C. 300 et seq.) and the STI prevention program of the CDC;

Whereas school-based STI screening programs have been highly successful in cases in which the programs are implemented and are effective at preventing the spread of STIs among adolescents;

Whereas the sexual and reproductive health needs of men must be more thoroughly recognized and better addressed by

the public health and medical provider community in order to more effectively combat the spread of STIs;

Whereas STI programs in State and local health departments that are funded through the Division of STD Prevention of the CDC are the frontline of the defense of the United States against the spread of STIs;

Whereas STI screening, vaccination, and other prevention strategies for sexually active women should be among the highest public health priorities; and

Whereas the CDC observes April as ''National STD Awareness Month'': Now, therefore, be it

*Resolved,* That the Senate—

(1) designates April 2010 as ''National STD Awareness Month'';

(2) encourages the Federal Government, States, localities, and nonprofit organizations to observe the month with appropriate programs and activities, with the goal of increasing public knowledge of the risks of sexually transmitted infections (referred to in this resolution as ''STIs'') and protecting people of all ages;

(3) recognizes the human toll of STIs and the importance of making the prevention, diagnosis, and treatment of STIs an urgent public health priority;

(4) calls on all people of the United States to learn about STIs and the prevention approaches recommended for STIs; and

(5) encourages all sexually active individuals to get tested for STIs and to seek appropriate care if infected.

## SENATE CONCURRENT RESOLUTION 62—CONGRATULATING THE OUTSTANDING PROFESSIONAL PUBLIC SERVANTS, BOTH PAST AND PRESENT, OF THE NATURAL RESOURCES CONSERVATION SERVICE ON THE OCCASION OF ITS 75TH ANNIVERSARY

Mrs. LINCOLN (for herself, Mr. CHAMBLISS, Mrs. MURRAY, Mr. PRYOR, Mr. BAUCUS, Mr. CASEY, Mr. DURBIN, Mr. REID, Mr. KOHL, Mr. HARKIN, Mr. BENNET, Mr. BROWNBACK, Mr. GRASSLEY, Mr. CRAPO, Mr. LEAHY, and Mr. JOHANNS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 62

Whereas the well-being of the United States is dependent on productive soils along with abundant and high-quality water and related natural resources;

Whereas the Natural Resources Conservation Service (in this resolution referred to as ''NRCS'') was established as the Soil Conservation Service in the Department of Agriculture in 1935 to assist farmers, ranchers, and other landowners in protecting soil and water resources on private lands;

Whereas Hugh Hammond Bennett, the first Chief of the Soil Conservation Service and the ''father of soil conservation'', led the creation of the modern soil conservation movement that established soil and water conservation as a national priority;

Whereas the NRCS, with the assistance of President Franklin D. Roosevelt, State governments, and local partners, developed a new mechanism of American conservation service delivery, which brings together private individuals with Federal, State, and local governments to achieve common conservation objectives;

Whereas the NRCS provides a vital public service by supplying technical expertise and financial assistance to cooperating private landowners for the conservation of soil and water resources;

Whereas the NRCS, as authorized by Congress, has developed and provided land conservation programs that have resulted in the restoration and preservation of millions of acres of wetlands, forests, and grasslands that provide innumerable benefits to the general public in the form of recreational opportunities, wildlife habitat, water quality, and reduced soil erosion;

Whereas the NRCS is the world leader in soil science and soil surveying;

Whereas the NRCS is the national leader in the inventory of natural resources on private lands, providing national leaders and the public with the status and trends related to these resources and helping forecast the availability of critical water supplies;

Whereas the NRCS has helped communities develop and implement thousands of locally led projects that continue to provide flood control, soil conservation, water supply, and recreational benefits to all Americans, while providing business and job creation opportunities as well;

Whereas, since its establishment, the NRCS has developed, tested, and demonstrated conservation practices, helped develop the science and art of conservation, and continues to strive toward innovation;

Whereas the NRCS encourages and works with landowners and land users to adopt conservation practices and technologies in a voluntary manner to address natural resource concerns;

Whereas NRCS employees serve in offices in every State and territory, while other employees assist other countries and governments;

Whereas, while some NRCS employees work directly with landowners, other employees serve in support of NRCS field operations, but all work toward a common goal of improving the condition of all natural resources found on private lands, knowing when they succeed, all Americans benefit; and

Whereas the NRCS has been ''helping people, help the land'' for 75 years: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress—

(1) congratulates the outstanding conservation professionals of the Natural Resources Conservation Service on the occasion of the 75th anniversary of the Natural Resources Conservation Service;

(2) recognizes the vital role conservation plays in the well-being of the United States;

(3) expresses its continued commitment to the conservation of natural resources on private lands in both the national interest and as a national priority; and

(4) recognizes the services that the Natural Resources Conservation Service provides to the United States by helping farmers, ranchers, and other landowners to protect soil, water, and related natural resources.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3736. Mr. WEBB (for himself, Mrs. BOXER, Mr. SANDERS, Mrs. MURRAY, Mrs. LINCOLN, Mr. DURBIN, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3737. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra.

SA 3738. Mr. SANDERS (for himself, Mr. FEINGOLD, Mr. DEMINT, Mr. LEAHY, Mr. MCCAIN, Mr. WYDEN, Mr. GRASSLEY, Mr. DORGAN, Mr. VITTER, Mrs. BOXER, Mr. BROWNBACK, Mr. RISCH, Mr. WICKER, Mr. GRAHAM, Mr. HATCH, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3739. Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) proposed an amendment to the bill S. 3217, supra.

SA 3740. Mr. SANDERS (for himself, Mr. LEAHY, Mr. HARKIN, Mr. WHITEHOUSE, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3741. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3742. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3743. Mr. CORKER (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3744. Mrs. HAGAN (for herself, Mr. DURBIN, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3745. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3746. Mr. WHITEHOUSE (for himself, Mr. MERKLEY, Mr. DURBIN, Mr. SANDERS, Mr. LEVIN, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3747. Mr. BENNET (for himself, Mr. ISAKSON, Ms. KLOBUCHAR, Mr. TESTER, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3748. Mrs. FEINSTEIN (for herself, Mr. GREGG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3749. Mr. TESTER (for himself, Mr. CONRAD, Mrs. MURRAY, Mr. BURRIS, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 3739

proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3750. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3751. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3736.** Mr. WEBB (for himself, Mrs. BOXER, Mr. SANDERS, Mrs. MURRAY, Mrs. LINCOLN, Mr. DURBIN, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers form abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

**TITLE XIII—TAXPAYER FAIRNESS ACT**

**SEC. 1301. SHORT TITLE.**

This title may be cited as the ''Taxpayer Fairness Act''.

**SEC. 1302. FINDINGS.**

Congress finds the following:

(1) During the years 2008 and 2009, the Nation's largest financial firms received extraordinary and unprecedented assistance from the public.

(2) Such assistance was critical to the success and in many cases the survival of these firms during the year 2009.

(3) High earners at such firms should contribute a portion of any excessive bonuses obtained for the year 2009 to help the Nation reduce the public debt and recover from the recession.

**SEC. 1303. EXCISE TAXES ON EXCESSIVE 2009 BONUSES RECEIVED FROM MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.**

(a) IMPOSITION OF TAX.—Chapter 46 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 4999A. EXCESSIVE 2009 BONUSES RECEIVED FROM MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.**

''(a) IMPOSITION OF TAX.—There is hereby imposed on any person who receives a covered excessive 2009 bonus a tax equal to 50 percent of the amount of such bonus.

''(b) DEFINITION.—For purposes of this section, the term 'covered excessive 2009 bonus' has the meaning given such term by section 280I(b).

''(c) ADMINISTRATIVE PROVISIONS AND SPECIAL RULES.—

''(1) WITHHOLDING.—

''(A) IN GENERAL.—In the case of any covered excessive 2009 bonus which is treated as wages for purposes of section 3402, the amount otherwise required to be deducted and withheld under such section shall be increased by the amount of the tax imposed by this section on such bonus.

''(B) BONUSES PAID BEFORE ENACTMENT.—In the case of any covered excessive 2009 bonus to which subparagraph (A) applies which is paid before the date of the enactment of this section, no penalty, addition to tax, or interest shall be imposed with respect to any failure to deduct and withhold the tax imposed by this section on such bonus.

''(2) TREATMENT OF TAX.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.

''(3) NOTICE REQUIREMENTS.—The Secretary shall require each major Federal emergency economic assistance recipient (as defined in section 280I(d)(1)) to notify, as soon as practicable after the date of the enactment of this section and at such other times as the Secretary determines appropriate, the Secretary and each covered employee (as defined in section 280I(e)) of the amount of covered excessive 2009 bonuses to which this section applies and the amount of tax deducted and withheld on such bonuses.

''(4) SECRETARIAL AUTHORITY.—The Secretary may prescribe such regulations, rules, and guidance of general applicability as may be necessary to carry out the provisions of this section, including—

''(A) to prescribe the due date and manner of payment of the tax imposed by this section with respect to any covered excessive 2009 bonus paid before the date of the enactment of this section, and

''(B) to prevent—

''(i) the recharacterization of a bonus payment as a payment which is not a bonus payment in order to avoid the purposes of this section,

''(ii) the treatment as other than an additional 2009 bonus payment of any payment of increased wages or other payments to a covered employee who receives a bonus payment subject to this section in order to reimburse such covered employee for the tax imposed by this section with regard to such bonus, or

''(iii) the avoidance of the purposes of this section through the use of partnerships or other pass-thru entities.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading and table of sections for chapter 46 of the Internal Revenue Code of 1986 are amended to read as follows:

''CHAPTER 46—TAXES ON CERTAIN EXCESSIVE REMUNERATION

''Sec. 4999. Golden parachute payments.

''Sec. 4999A. Excessive 2009 bonuses received from major recipients of Federal emergency economic assistance.''.

(2) The item relating to chapter 46 in the table of chapters for subtitle D of such Code is amended to read as follows:

''Chapter 46. Taxes on certain excessive remuneration.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments of covered excessive 2009 bonuses after December 31, 2008, in taxable years ending after such date.

**SEC. 1304. LIMITATION ON DEDUCTION OF AMOUNTS PAID AS EXCESSIVE 2009 BONUSES BY MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.**

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 280I. EXCESSIVE 2009 BONUSES PAID BY MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.**

''(a) GENERAL RULE.—The deduction allowed under this chapter with respect to the amount of any covered excessive 2009 bonus shall not exceed 50 percent of the amount of such bonus.

''(b) COVERED EXCESSIVE 2009 BONUS.—For purposes of this section, the term 'covered excessive 2009 bonus' means any 2009 bonus payment paid during any calendar year to a covered employee by any major Federal emergency economic assistance recipient, to the extent that the aggregate of such 2009 bonus payments (without regard to the date on which such payments are paid) with respect to such employee exceeds the dollar amount of the compensation received by the President under section 102 of title 3, United States Code, for calendar year 2009.

''(c) 2009 BONUS PAYMENT.—

''(1) IN GENERAL.—The term '2009 bonus payment' means any payment which—

''(A) is a payment for services rendered,

''(B) is in addition to any amount payable to a covered employee for services performed by such covered employee at a regular hourly, daily, weekly, monthly, or similar periodic rate,

''(C) in the case of a retention bonus, is paid for continued service during calendar year 2009 or 2010, and

''(D) in the case of a payment not described in subparagraph (C), is attributable to services performed by a covered employee during calendar year 2009 (without regard to the year in which such payment is paid).

Such term does not include payments to an employee as commissions, contributions to any qualified retirement plan (as defined in section 4974(c)), welfare and fringe benefits, overtime pay, or expense reimbursements. In the case of a payment which is attributable to services performed during multiple calendar years, such payment shall be treated as a 2009 bonus payment to the extent it is attributable to services performed during calendar year 2009.

''(2) DEFERRED DEDUCTION BONUS PAYMENTS.—

''(A) IN GENERAL.—The term '2009 bonus payment' includes payments attributable to services performed in 2009 which are paid in the form of remuneration (within the meaning of section 162(m)(4)(E)) for which the deduction under this chapter (determined without regard to this section) for such payment is allowable in a subsequent taxable year.

''(B) TIMING OF DEFERRED DEDUCTION BONUS PAYMENTS.—For purposes of this section and section 4999A, the amount of any payment described in subparagraph (A) (as determined in the year in which the deduction under this chapter, determined without regard to this section, for such payment would be allowable) shall be treated as having been made in the calendar year in which any interest in such amount is granted to a covered employee (without regard to the date on which any portion of such interest vests).

''(3) RETENTION BONUS.—The term 'retention bonus' means any bonus payment (without regard to the date such payment is paid) to a covered employee which—

''(A) is contingent on the completion of a period of service with a major Federal emergency economic assistance recipient, the completion of a specific project or other activity for the major Federal emergency economic assistance recipient, or such other circumstances as the Secretary may prescribe, and

''(B) is not based on the performance of the covered employee (other than a requirement that the employee not be separated from employment for cause).

A bonus payment shall not be treated as based on performance for purposes of subparagraph (B) solely because the amount of

the payment is determined by reference to a previous bonus payment which was based on performance.

''(d) MAJOR FEDERAL EMERGENCY ECONOMIC ASSISTANCE RECIPIENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'major Federal emergency economic assistance recipient' means—

''(A) any financial institution (within the meaning of section 3 of the Emergency Economic Stabilization Act of 2008) if at any time after December 31, 2007, the Federal Government acquires—

''(i) an equity interest in such person pursuant to a program authorized by the Emergency Economic Stabilization Act of 2008 or the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343), or

''(ii) any warrant (or other right) to acquire any equity interest with respect to such person pursuant to any such program,

but only if the total value of the equity interest described in clauses (i) and (ii) in such person is not less than $5,000,000,000,

''(B) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

''(C) any person which is a member of the same affiliated group (as defined in section 1504, determined without regard to subsection (b) thereof) as a person described in subparagraph (A) or (B).

''(2) TREATMENT OF CONTROLLED GROUPS.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single employer with respect to any covered employee.

''(e) COVERED EMPLOYEE.—For purposes of this section, the term 'covered employee' means, with respect to any major Federal emergency economic assistance recipient—

''(1) any employee of such recipient, and

''(2) any director of such recipient who is not an employee.

In the case of any major Federal emergency economic assistance recipient which is a partnership or other unincorporated trade or business, the term 'employee' shall include employees of such recipient within the meaning of section 401(c)(1).

''(f) REGULATIONS.—The Secretary may prescribe such regulations, rules, and guidance of general applicability as may be necessary to carry out the provisions of this section, including—

''(1) to prescribe the due date and manner of reporting and payment of any increase in the tax imposed by this chapter due to the application of this section to any covered excessive 2009 bonus paid before the date of the enactment of this section, and

''(2) to prevent—

''(A) the recharacterization of a bonus payment as a payment which is not a bonus payment in order to avoid the purposes of this section, or

''(B) the avoidance of the purposes of this section through the use of partnerships or other pass-thru entities.''.

(b) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 280I. Excessive 2009 bonuses paid by major recipients of Federal emergency economic assistance.''.

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (F) of section 162(m)(4) of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''AND EXCESSIVE 2009 BONUSES'' after ''PAYMENTS'' in the heading,

(B) by striking ''the amount'' and inserting ''the total amounts'', and

(C) by inserting ''or 280I'' before the period.

(2) Subparagraph (A) of section 3121(v)(2) of such Code is amended by inserting '', to any covered excessive 2009 bonus (as defined in section 280I(b)),'' after ''section 280G(b))''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments of covered excessive 2009 bonuses after December 31, 2008, in taxable years ending after such date.

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**SA 3737.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; as follows:

At the end of title II, add the following:

**SEC. 212. PROHIBITION ON TAXPAYER FUNDING.**

(a) LIQUIDATION REQUIRED.—All financial companies put into receivership under this title shall be liquidated. No taxpayer funds shall be used to prevent the liquidation of any financial company under this title.

(b) RECOVERY OF FUNDS.—All funds expended in the liquidation of a financial company under this title shall be recovered from the disposition of assets of such financial company, or shall be the responsibility of the financial sector, through assessments.

(c) NO LOSSES TO TAXPAYERS.—Taxpayers shall bear no losses from the exercise of any authority under this title.

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**SA 3738.** Mr. SANDERS (for himself, Mr. FEINGOLD, Mr. DEMINT, Mr. LEAHY, Mr. MCCAIN, Mr. WYDEN, Mr. GRASSLEY, Mr. DORGAN, Mr. VITTER, Mrs. BOXER, Mr. BROWNBACK, Mr. RISCH, Mr. WICKER, Mr. GRAHAM, Mr. HATCH, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1525, strike line 20 and all that follows through page 1528 line 3 and insert the following: ''to the taxpayers of such assistance.''.

**SEC. 1152. INDEPENDENT AUDIT OF THE BOARD OF GOVERNORS.**

(a) AMENDMENTS TO SECTION 714.—Section 714 of title 31, United States Code, is amended—

(1) in subsection (a), by striking ''the Office of the Comptroller of the Currency, and the Office of Thrift Supervision.'' and inserting ''and the Office of the Comptroller of the Currency.'';

(2) in subsection (b), by striking all after ''has consented in writing.'' and inserting the following: ''Audits of the Federal Reserve Board and Federal reserve banks shall not include unreleased transcripts or minutes of meetings of the Board of Governors or of the Federal Open Market Committee. To the extent that an audit deals with individual market actions, records related to such actions shall only be released by the Comptroller General after 180 days have elapsed following the effective date of such actions.'';

(3) in subsection (c)(1), in the first sentence, by striking ''subsection,'' and inserting ''subsection or in the audits or audit reports referring or relating to the Federal Reserve Board or Reserve Banks,''; and

(4) by adding at the end the following:

''(f) AUDIT OF AND REPORT ON THE FEDERAL RESERVE SYSTEM.—

''(1) IN GENERAL.—An audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed within 12 months of the enactment of the Restoring American Financial Stability Act of 2010.

''(2) REPORT.—

''(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to—

''(i) the Speaker of the House of Representatives;

''(ii) the majority and minority leaders of the House of Representatives;

''(iii) the majority and minority leaders of the Senate;

''(iv) the Chairman and Ranking Member of the appropriate committees and each subcommittee of jurisdiction in the House of Representatives and the Senate; and

''(v) any other Member of Congress who requests it.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed—

''(A) as interference in or dictation of monetary policy to the Federal Reserve System by the Congress or the Government Accountability Office; or

''(B) to limit the ability of the Government Accountability Office to perform additional audits of the Board of Governors of the Federal Reserve System or of the Federal reserve banks.''.

**SEC. 1153. PUBLICATION OF BOARD ACTIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Board of Governors shall publish on its website, with respect to all loans and other financial assistance it has provided since December 1, 2007 under the Asset-Backed Commercial Paper Money Market Mutual Fund Liquidity Facility, the Term Asset-Backed Securities Loan Facility, the Primary Dealer Credit Facility, the Commercial Paper Funding Facility, the Term Securities Lending Facility, the Term Auction Facility, the agency Mortgage-Backed Securities program, foreign currency liquidity swap lines, and any other program created as a result of the third undesignated paragraph of section 13 of the Federal Reserve Act—

(1) the identity of each business, individual, entity, or foreign central bank to which the Board of Governors has provided such assistance;

(2) the type of financial assistance provided to that business, individual, entity, or foreign central bank;

(3) the value or amount of that financial assistance;

(4) the date on which the financial assistance was provided;

(5) the specific terms of any repayment expected, including the repayment time period, interest charges, collateral, limitations on executive compensation or dividends, and other material terms; and

(6) the specific rationale for providing assistance in each instance.

(b) TIMING.—The Board of Governors shall publish information required by subsection (a)—

(1) not later than 30 days after the date of enactment of this Act; and

(2) in updated form, not less frequently than once annually.

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**SA 3739.** Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) proposed an amendment to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Restoring American Financial Stability Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

**SEC. 2. DEFINITIONS.**

As used in this Act, the following definitions shall apply, except as the context otherwise requires or as otherwise specifically provided in this Act:

(1) AFFILIATE.—The term ''affiliate'' means any company that controls, is controlled by, or is under common control with another company.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—On and after the transfer date, the term ''appropriate Federal banking agency'' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), as amended by title III.

(3) BOARD OF GOVERNORS.—The term ''Board of Governors'' means the Board of Governors of the Federal Reserve System.

(4) BUREAU.—The term ''Bureau'' means the Bureau of Consumer Financial Protection established under title X.

(5) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission, except in the context of the Commodity Futures Trading Commission.

(6) CORPORATION.—The term ''Corporation'' means the Federal Deposit Insurance Corporation.

(7) COUNCIL.—The term ''Council'' means the Financial Stability Oversight Council established under title I.

(8) CREDIT UNION.—The term ''credit union'' means a Federal credit union, State credit union, or State-chartered credit union, as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(9) FEDERAL BANKING AGENCY.—The term—

(A) ''Federal banking agency'' means, individually, the Board of Governors, the Office of the Comptroller of the Currency, and the Corporation; and

(B) ''Federal banking agencies'' means all of the agencies referred to in subparagraph (A), collectively.

(10) FUNCTIONALLY REGULATED SUBSIDIARY.—The term ''functionally regulated subsidiary'' has the same meaning as in section 5(c)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(5)).

(11) PRIMARY FINANCIAL REGULATORY AGENCY.—The term ''primary financial regulatory agency'' means—

(A) the appropriate Federal banking agency, with respect to institutions described in section 3(q) of the Federal Deposit Insurance Act, except to the extent that an institution is or the activities of an institution are otherwise subject to the jurisdiction of an agency listed in subparagraph (B), (C), (D), or (E);

(B) the Securities and Exchange Commission, with respect to—

(i) any broker or dealer that is registered with the Commission under the Securities Exchange Act of 1934;

(ii) any investment company that is registered with the Commission under the Investment Company Act of 1940;

(iii) any investment adviser that is registered with the Commission under the Investment Advisers Act of 1940, with respect to the investment advisory activities of such company and activities that are incidental to such advisory activities; and

(iv) any clearing agency registered with the Commission under the Securities Exchange Act of 1934;

(C) the Commodity Futures Trading Commission, with respect to any futures commission merchant, any commodity trading adviser, and any commodity pool operator registered with the Commodity Futures Trading Commission under the Commodity Exchange Act, with respect to the commodities activities of such entity and activities that are incidental to such commodities activities;

(D) the State insurance authority of the State in which an insurance company is domiciled, with respect to the insurance activities and activities that are incidental to such insurance activities of an insurance company that is subject to supervision by the State insurance authority under State insurance law; and

(E) the Federal Housing Finance Agency, with respect to Federal Home Loan Banks or the Federal Home Loan Bank System, and with respect to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(12) PRUDENTIAL STANDARDS.—The term ''prudential standards'' means enhanced supervision and regulatory standards developed by the Board of Governors under section 115 or 165.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(14) SECURITIES TERMS.—The—

(A) terms ''broker'', ''dealer'', ''issuer'', ''nationally recognized statistical ratings organization'', ''security'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(B) term ''investment adviser'' has the same meaning as in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2); and

(C) term ''investment company'' has the same meaning as in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3).

(15) STATE.—The term ''State'' means any State, commonwealth, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, or the United States Virgin Islands.

(16) TRANSFER DATE.—The term ''transfer date'' means the date established under section 311.

(17) OTHER INCORPORATED DEFINITIONS.—

(A) FEDERAL DEPOSIT INSURANCE ACT.—The terms ''affiliate'', ''bank'', ''bank holding company'', ''control'' (when used with respect to a depository institution), ''deposit'', ''depository institution'', ''Federal depository institution'', ''Federal savings association'', ''foreign bank'', ''including'', ''insured branch'', ''insured depository institution'', ''national member bank'', ''national nonmember bank'', ''savings association'', ''State bank'', ''State depository institution'', ''State member bank'', ''State nonmember bank'', ''State savings association'', and ''subsidiary'' have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(B) HOLDING COMPANIES.—The term—

(i) ''bank holding company'' has the same meaning as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841);

(ii) ''financial holding company'' has the same meaning as in section 2(p) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(p)); and

(iii) ''savings and loan holding company'' has the same meaning as in section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a(a)).

**SEC. 3. SEVERABILITY.**

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

**SEC. 4. EFFECTIVE DATE.**

Except as otherwise specifically provided in this Act or the amendments made by this Act, this Act and such amendments shall take effect 1 day after the date of enactment of this Act.

## TITLE I—FINANCIAL STABILITY

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Financial Stability Act of 2010''.

**SEC. 102. DEFINITIONS.**

(a) IN GENERAL.—For purposes of this title, unless the context otherwise requires, the following definitions shall apply:

(1) BANK HOLDING COMPANY.—The term ''bank holding company'' has the same meaning as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841). A foreign bank or company that is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956, pursuant to section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3106(a)), shall be treated as a bank holding company for purposes of this title.

(2) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Council.

(3) MEMBER AGENCY.—The term ''member agency'' means an agency represented by a voting member of the Council.

(4) NONBANK FINANCIAL COMPANY DEFINITIONS.—

(A) FOREIGN NONBANK FINANCIAL COMPANY.—The term ''foreign nonbank financial company'' means a company (other than a company that is, or is treated in the United States as, a bank holding company or a subsidiary thereof) that is—

(i) incorporated or organized in a country other than the United States; and

(ii) substantially engaged in, including through a branch in the United States, activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956).

(B) U.S. NONBANK FINANCIAL COMPANY.—The term ''U.S. nonbank financial company'' means a company (other than a bank holding company or a subsidiary thereof, or a Farm Credit System institution chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et. seq.)) that is—

(i) incorporated or organized under the laws of the United States or any State; and

(ii) substantially engaged in activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956).

(C) NONBANK FINANCIAL COMPANY.—The term ''nonbank financial company'' means a

U.S. nonbank financial company and a foreign nonbank financial company.

(D) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD OF GOVERNORS.—The term ''nonbank financial company supervised by the Board of Governors'' means a nonbank financial company that the Council has determined under section 113 shall be supervised by the Board of Governors.

(5) OFFICE OF FINANCIAL RESEARCH.—The term ''Office of Financial Research'' means the office established under section 152.

(6) SIGNIFICANT INSTITUTIONS.—The terms ''significant nonbank financial company'' and ''significant bank holding company'' have the meanings given those terms by rule of the Board of Governors.

(b) DEFINITIONAL CRITERIA.—The Board of Governors shall establish, by regulation, the criteria to determine whether a company is substantially engaged in activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) for purposes of the definitions of the terms ''U.S. nonbank financial company'' and ''foreign nonbank financial company'' under subsection (a)(4).

(c) FOREIGN NONBANK FINANCIAL COMPANIES.—For purposes of the authority of the Board of Governors under this title with respect to foreign nonbank financial companies, references in this title to ''company'' or ''subsidiary'' include only the United States activities and subsidiaries of such foreign company.

**Subtitle A—Financial Stability Oversight Council**

**SEC. 111. FINANCIAL STABILITY OVERSIGHT COUNCIL ESTABLISHED.**

(a) ESTABLISHMENT.—Effective on the date of enactment of this Act, there is established the Financial Stability Oversight Council.

(b) MEMBERSHIP.—The Council shall consist of the following members:

(1) VOTING MEMBERS.—The voting members, who shall each have 1 vote on the Council shall be—

(A) the Secretary of the Treasury, who shall serve as Chairperson of the Council;

(B) the Chairman of the Board of Governors;

(C) the Comptroller of the Currency;

(D) the Director of the Bureau;

(E) the Chairman of the Commission;

(F) the Chairperson of the Corporation;

(G) the Chairperson of the Commodity Futures Trading Commission;

(H) the Director of the Federal Housing Finance Agency; and

(I) an independent member appointed by the President, by and with the advice and consent of the Senate, having insurance expertise.

(2) NONVOTING MEMBERS.—The Director of the Office of Financial Research—

(A) shall serve in an advisory capacity as a nonvoting member of the Council; and

(B) may not be excluded from any of the proceedings, meetings, discussions, or deliberations of the Council.

(c) TERMS; VACANCY.—

(1) TERMS.—The independent member of the Council shall serve for a term of 6 years.

(2) VACANCY.—Any vacancy on the Council shall be filled in the manner in which the original appointment was made.

(3) ACTING OFFICIALS MAY SERVE.—In the event of a vacancy in the office of the head of a member agency or department, and pending the appointment of a successor, or during the absence or disability of the head of a member agency or department, the acting head of the member agency or department shall serve as a member of the Council in the place of that agency or department head.

(d) TECHNICAL AND PROFESSIONAL ADVISORY COMMITTEES.—The Council may appoint such special advisory, technical, or professional committees as may be useful in carrying out the functions of the Council, including an advisory committee consisting of State regulators, and the members of such committees may be members of the Council, or other persons, or both.

(e) MEETINGS.—

(1) TIMING.—The Council shall meet at the call of the Chairperson or a majority of the members then serving, but not less frequently than quarterly.

(2) RULES FOR CONDUCTING BUSINESS.—The Council shall adopt such rules as may be necessary for the conduct of the business of the Council. Such rules shall be rules of agency organization, procedure, or practice for purposes of section 553 of title 5, United States Code.

(f) VOTING.—Unless otherwise specified, the Council shall make all decisions that it is authorized or required to make by a majority vote of the members then serving.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council, or to any special advisory, technical, or professional committee appointed by the Council, except that, if an advisory, technical, or professional committee has one or more members who are not employees of or affiliated with the United States Government, the Council shall publish a list of the names of the members of such committee.

(h) ASSISTANCE FROM FEDERAL AGENCIES.—Any department or agency of the United States may provide to the Council and any special advisory, technical, or professional committee appointed by the Council, such services, funds, facilities, staff, and other support services as the Council may determine advisable.

(i) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEE MEMBERS.—All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) COMPENSATION FOR NON-FEDERAL MEMBER.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Independent Member of the Financial Stability Oversight Council (1).''.

(j) DETAIL OF GOVERNMENT EMPLOYEES.—Any employee of the Federal Government may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. An employee of the Federal Government detailed to the Council shall report to and be subject to oversight by the Council during the assignment to the Council, and shall be compensated by the department or agency from which the employee was detailed.

**SEC. 112. COUNCIL AUTHORITY.**

(a) PURPOSES AND DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The purposes of the Council are—

(A) to identify risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected bank holding companies or nonbank financial companies;

(B) to promote market discipline, by eliminating expectations on the part of shareholders, creditors, and counterparties of such companies that the Government will shield them from losses in the event of failure; and

(C) to respond to emerging threats to the stability of the United States financial markets.

(2) DUTIES.—The Council shall, in accordance with this title—

(A) collect information from member agencies and other Federal and State financial regulatory agencies and, if necessary to assess risks to the United States financial system, direct the Office of Financial Research to collect information from bank holding companies and nonbank financial companies;

(B) provide direction to, and request data and analyses from, the Office of Financial Research to support the work of the Council;

(C) monitor the financial services marketplace in order to identify potential threats to the financial stability of the United States;

(D) facilitate information sharing and coordination among the member agencies and other Federal and State agencies regarding domestic financial services policy development, rulemaking, examinations, reporting requirements, and enforcement actions;

(E) recommend to the member agencies general supervisory priorities and principles reflecting the outcome of discussions among the member agencies;

(F) identify gaps in regulation that could pose risks to the financial stability of the United States;

(G) require supervision by the Board of Governors for nonbank financial companies that may pose risks to the financial stability of the United States in the event of their material financial distress or failure, pursuant to section 113;

(H) make recommendations to the Board of Governors concerning the establishment of heightened prudential standards for risk-based capital, leverage, liquidity, contingent capital, resolution plans and credit exposure reports, concentration limits, enhanced public disclosures, and overall risk management for nonbank financial companies and large, interconnected bank holding companies supervised by the Board of Governors;

(I) identify systemically important financial market utilities and payment, clearing, and settlement activities (as that term is defined in title VIII), and require such utilities and activities to be subject to standards established by the Board of Governors;

(J) make recommendations to primary financial regulatory agencies to apply new or heightened standards and safeguards for financial activities or practices that could create or increase risks of significant liquidity, credit, or other problems spreading among bank holding companies, nonbank financial companies, and United States financial markets;

(K) make determinations regarding exemptions in title VII, where necessary;

(L) provide a forum for—

(i) discussion and analysis of emerging market developments and financial regulatory issues; and

(ii) resolution of jurisdictional disputes among the members of the Council; and

(M) annually report to and testify before Congress on—

(i) the activities of the Council;

(ii) significant financial market developments and potential emerging threats to the financial stability of the United States;

(iii) all determinations made under section 113 or title VIII, and the basis for such determinations; and

(iv) recommendations—

(I) to enhance the integrity, efficiency, competitiveness, and stability of United States financial markets;

(II) to promote market discipline; and

(III) to maintain investor confidence.

(b) AUTHORITY TO OBTAIN INFORMATION.—

(1) IN GENERAL.—The Council may receive, and may request the submission of, any data or information from the Office of Financial Research and member agencies, as necessary—

(A) to monitor the financial services marketplace to identify potential risks to the financial stability of the United States; or

(B) to otherwise carry out any of the provisions of this title.

(2) SUBMISSIONS BY THE OFFICE AND MEMBER AGENCIES.—Notwithstanding any other provision of law, the Office of Financial Research and any member agency are authorized to submit information to the Council.

(3) FINANCIAL DATA COLLECTION.—

(A) IN GENERAL.—The Council, acting through the Office of Financial Research, may require the submission of periodic and other reports from any nonbank financial company or bank holding company for the purpose of assessing the extent to which a financial activity or financial market in which the nonbank financial company or bank holding company participates, or the nonbank financial company or bank holding company itself, poses a threat to the financial stability of the United States.

(B) MITIGATION OF REPORT BURDEN.—Before requiring the submission of reports from any nonbank financial company or bank holding company that is regulated by a member agency or any primary financial regulatory agency, the Council, acting through the Office of Financial Research, shall coordinate with such agencies and shall, whenever possible, rely on information available from the Office of Financial Research or such agencies.

(4) BACK-UP EXAMINATION BY THE BOARD OF GOVERNORS.—If the Council is unable to determine whether the financial activities of a nonbank financial company pose a threat to the financial stability of the United States, based on information or reports obtained under paragraph (3), discussions with management, and publicly available information, the Council may request the Board of Governors, and the Board of Governors is authorized, to conduct an examination of the nonbank financial company for the sole purpose of determining whether the nonbank financial company should be supervised by the Board of Governors for purposes of this title.

(5) CONFIDENTIALITY.—

(A) IN GENERAL.—The Council, the Office of Financial Research, and the other member agencies shall maintain the confidentiality of any data, information, and reports submitted under this subsection and subtitle B.

(B) RETENTION OF PRIVILEGE.—The submission of any nonpublicly available data or information under this subsection and subtitle B shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

(C) FREEDOM OF INFORMATION ACT.—Section 552 of title 5, United States Code, including the exceptions thereunder, shall apply to any data or information submitted under this subsection and subtitle B.

**SEC. 113. AUTHORITY TO REQUIRE SUPERVISION AND REGULATION OF CERTAIN NONBANK FINANCIAL COMPANIES.**

(a) U.S. NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, may determine that a U.S. nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards, in accordance with this title, if the Council determines that material financial distress at the U.S. nonbank financial company would pose a threat to the financial stability of the United States.

(2) CONSIDERATIONS.—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the financial assets of the company;

(C) the amount and types of the liabilities of the company, including the degree of reliance on short-term funding;

(D) the extent and types of the off-balance-sheet exposures of the company;

(E) the extent and types of the transactions and relationships of the company with other significant nonbank financial companies and significant bank holding companies;

(F) the importance of the company as a source of credit for households, businesses, and State and local governments and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the operation of, or ownership interest in, any clearing, settlement, or payment business of the company;

(I) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(J) any other factors that the Council deems appropriate.

(b) FOREIGN NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, may determine that a foreign nonbank financial company that has substantial assets or operations in the United States shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title, if the Council determines that material financial distress at the foreign nonbank financial company would pose a threat to the financial stability of the United States.

(2) CONSIDERATIONS.—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the United States financial assets of the company;

(C) the amount and types of the liabilities of the company used to fund activities and operations in the United States, including the degree of reliance on short-term funding;

(D) the extent of the United States-related off-balance-sheet exposure of the company;

(E) the extent and type of the transactions and relationships of the company with other significant nonbank financial companies and bank holding companies;

(F) the importance of the company as a source of credit for United States households, businesses, and State and local governments, and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(I) any other factors that the Council deems appropriate.

(c) REEVALUATION AND RESCISSION.—The Council shall—

(1) not less frequently than annually, reevaluate each determination made under subsections (a) and (b) with respect to each nonbank financial company supervised by the Board of Governors; and

(2) rescind any such determination, if the Council, by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, determines that the nonbank financial company no longer meets the standards under subsection (a) or (b), as applicable.

(d) NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION.—

(1) IN GENERAL.—The Council shall provide to a nonbank financial company written notice of a proposed determination of the Council, including an explanation of the basis of the proposed determination of the Council, that such nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title.

(2) HEARING.—Not later than 30 days after the date of receipt of any notice of a proposed determination under paragraph (1), the nonbank financial company may request, in writing, an opportunity for a written or oral hearing before the Council to contest the proposed determination. Upon receipt of a timely request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(3) FINAL DETERMINATION.—Not later than 60 days after the date of a hearing under paragraph (2), the Council shall notify the nonbank financial company of the final determination of the Council, which shall contain a statement of the basis for the decision of the Council.

(4) NO HEARING REQUESTED.—If a nonbank financial company does not make a timely request for a hearing, the Council shall notify the nonbank financial company, in writing, of the final determination of the Council under subsection (a) or (b), as applicable, not later than 10 days after the date by which the company may request a hearing under paragraph (2).

(e) EMERGENCY EXCEPTION.—

(1) IN GENERAL.—The Council may waive or modify the requirements of subsection (d) with respect to a nonbank financial company, if the Council determines, by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, that such waiver or modification is necessary or appropriate to prevent or mitigate threats posed by the nonbank financial company to the financial stability of the United States.

(2) NOTICE.—The Council shall provide notice of a waiver or modification under this paragraph to the nonbank financial company concerned as soon as practicable, but not later than 24 hours after the waiver or modification is granted.

(3) OPPORTUNITY FOR HEARING.—The Council shall allow a nonbank financial company to request, in writing, an opportunity for a written or oral hearing before the Council to contest a waiver or modification under this paragraph, not later than 10 days after the date of receipt of notice of the waiver or

modification by the company. Upon receipt of a timely request, the Council shall fix a time (not later than 15 days after the date of receipt of the request) and place at which the nonbank financial company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(4) NOTICE OF FINAL DETERMINATION.—Not later than 30 days after the date of any hearing under paragraph (3), the Council shall notify the subject nonbank financial company of the final determination of the Council under this paragraph, which shall contain a statement of the basis for the decision of the Council.

(f) CONSULTATION.—The Council shall consult with the primary financial regulatory agency, if any, for each nonbank financial company or subsidiary of a nonbank financial company that is being considered for supervision by the Board of Governors under this section before the Council makes any final determination with respect to such nonbank financial company under subsection (a), (b), or (c).

(g) JUDICIAL REVIEW.—If the Council makes a final determination under this section with respect to a nonbank financial company, such nonbank financial company may, not later than 30 days after the date of receipt of the notice of final determination under subsection (d)(3) or (e)(4), bring an action in the United States district court for the judicial district in which the home office of such nonbank financial company is located, or in the United States District Court for the District of Columbia, for an order requiring that the final determination be rescinded, and the court shall, upon review, dismiss such action or direct the final determination to be rescinded. Review of such an action shall be limited to whether the final determination made under this section was arbitrary and capricious.

**SEC. 114. REGISTRATION OF NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.**

Not later than 180 days after the date of a final Council determination under section 113 that a nonbank financial company is to be supervised by the Board of Governors, such company shall register with the Board of Governors, on forms prescribed by the Board of Governors, which shall include such information as the Board of Governors, in consultation with the Council, may deem necessary or appropriate to carry out this title.

**SEC. 115. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.**

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions, the Council may make recommendations to the Board of Governors concerning the establishment and refinement of prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies, that—

(A) are more stringent than those applicable to other nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) LIMITATION ON BANK HOLDING COMPANIES.—Any standards recommended under subsections (b) through (f) shall not apply to any bank holding company with total consolidated assets of less than $50,000,000,000. The Council may recommend an asset threshold greater than $50,000,000,000 for the applicability of any particular standard under those subsections.

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—The recommendations of the Council under subsection (a) may include—

(A) risk-based capital requirements;

(B) leverage limits;

(C) liquidity requirements;

(D) resolution plan and credit exposure report requirements;

(E) concentration limits;

(F) a contingent capital requirement;

(G) enhanced public disclosures; and

(H) overall risk management requirements.

(2) PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In making recommendations concerning the standards set forth in paragraph (1) that would apply to foreign nonbank financial companies supervised by the Board of Governors or foreign-based bank holding companies, the Council shall give due regard to the principle of national treatment and competitive equity.

(3) CONSIDERATIONS.—In making recommendations concerning prudential standards under paragraph (1), the Council shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

(i) the factors described in subsections (a) and (b) of section 113;

(ii) whether the company owns an insured depository institution;

(iii) nonfinancial activities and affiliations of the company; and

(iv) any other factors that the Council determines appropriate; and

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1).

(c) CONTINGENT CAPITAL.—

(1) STUDY REQUIRED.—The Council shall conduct a study of the feasibility, benefits, costs, and structure of a contingent capital requirement for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), which study shall include—

(A) an evaluation of the degree to which such requirement would enhance the safety and soundness of companies subject to the requirement, promote the financial stability of the United States, and reduce risks to United States taxpayers;

(B) an evaluation of the characteristics and amounts of convertible debt that should be required;

(C) an analysis of potential prudential standards that should be used to determine whether the contingent capital of a company would be converted to equity in times of financial stress;

(D) an evaluation of the costs to companies, the effects on the structure and operation of credit and other financial markets, and other economic effects of requiring contingent capital;

(E) an evaluation of the effects of such requirement on the international competitiveness of companies subject to the requirement and the prospects for international coordination in establishing such requirement; and

(F) recommendations for implementing regulations.

(2) REPORT.—The Council shall submit a report to Congress regarding the study required by paragraph (1) not later than 2 years after the date of enactment of this Act.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—Subsequent to submitting a report to Congress under paragraph (2), the Council may make recommendations to the Board of Governors to require any nonbank financial company supervised by the Board of Governors and any bank holding company described in subsection (a) to maintain a minimum amount of long-term hybrid debt that is convertible to equity in times of financial stress.

(B) FACTORS TO CONSIDER.—In making recommendations under this subsection, the Council shall consider—

(i) an appropriate transition period for implementation of a conversion under this subsection;

(ii) the factors described in subsection (b)(3);

(iii) capital requirements applicable to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof;

(iv) results of the study required by paragraph (1); and

(v) any other factor that the Council deems appropriate.

(d) RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.—

(1) RESOLUTION PLAN.—The Council may make recommendations to the Board of Governors concerning the requirement that each nonbank financial company supervised by the Board of Governors and each bank holding company described in subsection (a) report periodically to the Council, the Board of Governors, and the Corporation, the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) CREDIT EXPOSURE REPORT.—The Council may make recommendations to the Board of Governors concerning the advisability of requiring each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) to report periodically to the Council, the Board of Governors, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other such significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(e) CONCENTRATION LIMITS.—In order to limit the risks that the failure of any individual company could pose to nonbank financial companies supervised by the Board of Governors or bank holding companies described in subsection (a), the Council may make recommendations to the Board of Governors to prescribe standards to limit such risks, as set forth in section 165.

(f) ENHANCED PUBLIC DISCLOSURES.—The Council may make recommendations to the Board of Governors to require periodic public disclosures by bank holding companies described in subsection (a) and by nonbank financial companies supervised by the Board of Governors, in order to support market

evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

**SEC. 116. REPORTS.**

(a) IN GENERAL.—Subject to subsection (b), the Council, acting through the Office of Financial Research, may require a bank holding company with total consolidated assets of $50,000,000,000 or greater or a nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit certified reports to keep the Council informed as to—

(1) the financial condition of the company;

(2) systems for monitoring and controlling financial, operating, and other risks;

(3) transactions with any subsidiary that is a depository institution; and

(4) the extent to which the activities and operations of the company and any subsidiary thereof, could, under adverse circumstances, have the potential to disrupt financial markets or affect the overall financial stability of the United States.

(b) USE OF EXISTING REPORTS.—

(1) IN GENERAL.—For purposes of compliance with subsection (a), the Council, acting through the Office of Financial Research, shall, to the fullest extent possible, use—

(A) reports that a bank holding company, nonbank financial company supervised by the Board of Governors, or any functionally regulated subsidiary of such company has been required to provide to other Federal or State regulatory agencies;

(B) information that is otherwise required to be reported publicly; and

(C) externally audited financial statements.

(2) AVAILABILITY.—Each bank holding company described in subsection (a) and nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, shall provide to the Council, at the request of the Council, copies of all reports referred to in paragraph (1).

(3) CONFIDENTIALITY.—The Council shall maintain the confidentiality of the reports obtained under subsection (a) and paragraph (1)(A) of this subsection.

**SEC. 117. TREATMENT OF CERTAIN COMPANIES THAT CEASE TO BE BANK HOLDING COMPANIES.**

(a) APPLICABILITY.—This section shall apply to any entity or a successor entity that—

(1) was a bank holding company having total consolidated assets equal to or greater than $50,000,000,000 as of January 1, 2010; and

(2) received financial assistance under or participated in the Capital Purchase Program established under the Troubled Asset Relief Program authorized by the Emergency Economic Stabilization Act of 2008.

(b) TREATMENT.—If an entity described in subsection (a) ceases to be a bank holding company at any time after January 1, 2010, then such entity shall be treated as a nonbank financial company supervised by the Board of Governors, as if the Council had made a determination under section 113 with respect to that entity.

(c) APPEAL.—

(1) REQUEST FOR HEARING.—An entity may request, in writing, an opportunity for a written or oral hearing before the Council to appeal its treatment as a nonbank financial company supervised by the Board of Governors in accordance with this section. Upon receipt of the request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such entity may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(2) DECISION.—

(A) PROPOSED DECISION.—Not later than 60 days after the date of a hearing under paragraph (1), the Council shall submit a report to, and may testify before, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the proposed decision of the Council regarding an appeal under paragraph (1), which report shall include a statement of the basis for the proposed decision of the Council.

(B) NOTICE OF FINAL DECISION.—The Council shall notify the subject entity of the final decision of the Council regarding an appeal under paragraph (1), which notice shall contain a statement of the basis for the final decision of the Council, not later than 60 days after the later of—

(i) the date of the submission of the report under subparagraph (A); or

(ii) if the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives holds one or more hearings regarding such report, the date of the last such hearing.

(C) CONSIDERATIONS.—In making a decision regarding an appeal under paragraph (1), the Council shall consider whether the company meets the standards under section 113(a) or 113(b), as applicable, and the definition of the term ''nonbank financial company'' under section 102. The decision of the Council shall be final, subject to the review under paragraph (3).

(3) REVIEW.—If the Council denies an appeal under this subsection, the Council shall, not less frequently than annually, review and reevaluate the decision.

**SEC. 118. COUNCIL FUNDING.**

Any expenses of the Council shall be treated as expenses of, and paid by, the Office of Financial Research.

**SEC. 119. RESOLUTION OF SUPERVISORY JURISDICTIONAL DISPUTES AMONG MEMBER AGENCIES.**

(a) REQUEST FOR DISPUTE RESOLUTION.—The Council shall resolve a dispute among 2 or more member agencies, if—

(1) a member agency has a dispute with another member agency about the respective jurisdiction over a particular bank holding company, nonbank financial company, or financial activity or product (excluding matters for which another dispute mechanism specifically has been provided under Federal law);

(2) the Council determines that the disputing agencies cannot, after a demonstrated good faith effort, resolve the dispute without the intervention of the Council; and

(3) any of the member agencies involved in the dispute—

(A) provides all other disputants prior notice of the intent to request dispute resolution by the Council; and

(B) requests in writing, not earlier than 14 days after providing the notice described in subparagraph (A), that the Council resolve the dispute.

(b) COUNCIL DECISION.—The Council shall resolve each dispute described in subsection (a)—

(1) within a reasonable time after receiving the dispute resolution request;

(2) after consideration of relevant information provided by each agency party to the dispute; and

(3) by agreeing with 1 of the disputants regarding the entirety of the matter, or by determining a compromise position.

(c) FORM AND BINDING EFFECT.—A Council decision under this section shall—

(1) be in writing;

(2) include an explanation of the reasons therefor; and

(3) be binding on all Federal agencies that are parties to the dispute.

**SEC. 120. ADDITIONAL STANDARDS APPLICABLE TO ACTIVITIES OR PRACTICES FOR FINANCIAL STABILITY PURPOSES.**

(a) IN GENERAL.—The Council may issue recommendations to the primary financial regulatory agencies to apply new or heightened standards and safeguards, including standards enumerated in section 115, for a financial activity or practice conducted by bank holding companies or nonbank financial companies under their respective jurisdictions, if the Council determines that the conduct of such activity or practice could create or increase the risk of significant liquidity, credit, or other problems spreading among bank holding companies and nonbank financial companies or the financial markets of the United States.

(b) PROCEDURE FOR RECOMMENDATIONS TO REGULATORS.—

(1) NOTICE AND OPPORTUNITY FOR COMMENT.—The Council shall consult with the primary financial regulatory agencies and provide notice to the public and opportunity for comment for any proposed recommendation that the primary financial regulatory agencies apply new or heightened standards and safeguards for a financial activity or practice.

(2) CRITERIA.—The new or heightened standards and safeguards for a financial activity or practice recommended under paragraph (1)—

(A) shall take costs to long-term economic growth into account; and

(B) may include prescribing the conduct of the activity or practice in specific ways (such as by limiting its scope, or applying particular capital or risk management requirements to the conduct of the activity) or prohibiting the activity or practice.

(c) IMPLEMENTATION OF RECOMMENDED STANDARDS.—

(1) ROLE OF PRIMARY FINANCIAL REGULATORY AGENCY.—

(A) IN GENERAL.—Each primary financial regulatory agency may impose, require reports regarding, examine for compliance with, and enforce standards in accordance with this section with respect to those entities for which it is the primary financial regulatory agency.

(B) RULE OF CONSTRUCTION.—The authority under this paragraph is in addition to, and does not limit, any other authority of a primary financial regulatory agency. Compliance by an entity with actions taken by a primary financial regulatory agency under this section shall be enforceable in accordance with the statutes governing the respective jurisdiction of the primary financial regulatory agency over the entity, as if the agency action were taken under those statutes.

(2) IMPOSITION OF STANDARDS.—The primary financial regulatory agency shall impose the standards recommended by the Council in accordance with subsection (a), or similar standards that the Council deems acceptable, or shall explain in writing to the Council, not later than 90 days after the date on which the Council issues the recommendation, why the agency has determined not to follow the recommendation of the Council.

(d) REPORT TO CONGRESS.—The Council shall report to Congress on—

(1) any recommendations issued by the Council under this section;

(2) the implementation of, or failure to implement such recommendation on the part of a primary financial regulatory agency; and

(3) in any case in which no primary financial regulatory agency exists for the nonbank financial company conducting financial activities or practices referred to in subsection (a), recommendations for legislation that would prevent such activities or practices from threatening the stability of the financial system of the United States.

(e) EFFECT OF RESCISSION OF IDENTIFICATION.—

(1) NOTICE.—The Council may recommend to the relevant primary financial regulatory agency that a financial activity or practice no longer requires any standards or safeguards implemented under this section.

(2) DETERMINATION OF PRIMARY FINANCIAL REGULATORY AGENCY TO CONTINUE.—

(A) IN GENERAL.—Upon receipt of a recommendation under paragraph (1), a primary financial regulatory agency that has imposed standards under this section shall determine whether standards that it has imposed under this section should remain in effect.

(B) APPEAL PROCESS.—Each primary financial regulatory agency that has imposed standards under this section shall promulgate regulations to establish a procedure under which entities under its jurisdiction may appeal a determination by such agency under this paragraph that standards imposed under this section should remain in effect.

**SEC. 121. MITIGATION OF RISKS TO FINANCIAL STABILITY.**

(a) MITIGATORY ACTIONS.—If the Board of Governors determines that a bank holding company with total consolidated assets of $50,000,000,000 or more, or a nonbank financial company supervised by the Board of Governors, poses a grave threat to the financial stability of the United States, the Board of Governors, upon an affirmative vote of not fewer than ⅔ of the Council members then serving, shall require the subject company—

(1) to terminate one or more activities;

(2) to impose conditions on the manner in which the company conducts one or more activities; or

(3) if the Board of Governors determines that such action is inadequate to mitigate a threat to the financial stability of the United States in its recommendation, to sell or otherwise transfer assets or off-balance-sheet items to unaffiliated entities.

(b) NOTICE AND HEARING.—

(1) IN GENERAL.—The Board of Governors, in consultation with the Council, shall provide to a company described in subsection (a) written notice that such company is being considered for mitigatory action pursuant to this section, including an explanation of the basis for, and description of, the proposed mitigatory action.

(2) HEARING.—Not later than 30 days after the date of receipt of notice under paragraph (1), the company may request, in writing, an opportunity for a written or oral hearing before the Board of Governors to contest the proposed mitigatory action. Upon receipt of a timely request, the Board of Governors shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the discretion of the Board of Governors, in consultation with the Council, oral testimony and oral argument).

(3) DECISION.—Not later than 60 days after the date of a hearing under paragraph (2), or not later than 60 days after the provision of a notice under paragraph (1) if no hearing was held, the Board of Governors shall notify the company of the final decision of the Board of Governors, including the results of the vote of the Council, as described in subsection (a).

(c) FACTORS FOR CONSIDERATION.—The Board of Governors and the Council shall take into consideration the factors set forth in subsection (a) or (b) of section 113, as applicable, in a determination described in subsection (a) and in a decision described in subsection (b).

(d) APPLICATION TO FOREIGN FINANCIAL COMPANIES.—The Board of Governors may prescribe regulations regarding the application of this section to foreign nonbank financial companies supervised by the Board of Governors and foreign-based bank holding companies, giving due regard to the principle of national treatment and competitive equity.

## Subtitle B—Office of Financial Research

**SEC. 151. DEFINITIONS.**

For purposes of this subtitle—

(1) the terms ''Office'' and ''Director'' mean the Office of Financial Research established under this subtitle and the Director thereof, respectively;

(2) the term ''financial company'' has the same meaning as in title II, and includes an insured depository institution and an insurance company;

(3) the term ''Data Center'' means the data center established under section 154;

(4) the term ''Research and Analysis Center'' means the research and analysis center established under section 154;

(5) the term ''financial transaction data'' means the structure and legal description of a financial contract, with sufficient detail to describe the rights and obligations between counterparties and make possible an independent valuation;

(6) the term ''position data''—

(A) means data on financial assets or liabilities held on the balance sheet of a financial company, where positions are created or changed by the execution of a financial transaction; and

(B) includes information that identifies counterparties, the valuation by the financial company of the position, and information that makes possible an independent valuation of the position;

(7) the term ''financial contract'' means a legally binding agreement between 2 or more counterparties, describing rights and obligations relating to the future delivery of items of intrinsic or extrinsic value among the counterparties; and

(8) the term ''financial instrument'' means a financial contract in which the terms and conditions are publicly available, and the roles of one or more of the counterparties are assignable without the consent of any of the other counterparties (including common stock of a publicly traded company, government bonds, or exchange traded futures and options contracts).

**SEC. 152. OFFICE OF FINANCIAL RESEARCH ESTABLISHED.**

(a) ESTABLISHMENT.—There is established within the Department of the Treasury the Office of Financial Research.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM OF SERVICE.—The Director shall serve for a term of 6 years, except that, in the event that a successor is not nominated and confirmed by the end of the term of service of a Director, the Director may continue to serve until such time as the next Director is appointed and confirmed.

(3) EXECUTIVE LEVEL.—The Director shall be compensated at level III of the Executive Schedule.

(4) PROHIBITION ON DUAL SERVICE.—The individual serving in the position of Director may not, during such service, also serve as the head of any financial regulatory agency.

(5) RESPONSIBILITIES, DUTIES, AND AUTHORITY.—The Director shall have sole discretion in the manner in which the Director fulfills the responsibilities and duties and exercises the authorities described in this subtitle.

(c) BUDGET.—The Director, in consultation with the Chairperson, shall establish the annual budget of the Office.

(d) OFFICE PERSONNEL.—

(1) IN GENERAL.—The Director, in consultation with the Chairperson, may fix the number of, and appoint and direct, all employees of the Office.

(2) COMPENSATION.—The Director, in consultation with the Chairperson, shall fix, adjust, and administer the pay for all employees of the Office, without regard to chapter 51 or subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(3) COMPARABILITY.—Section 1206(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b(a)) is amended—

(A) by striking ''Finance Board,'' and inserting ''Finance Board, the Office of Financial Research, and the Bureau of Consumer Financial Protection''; and

(B) by striking ''and the Office of Thrift Supervision,''.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—Any department or agency of the United States may provide to the Office and any special advisory, technical, or professional committees appointed by the Office, such services, funds, facilities, staff, and other support services as the Office may determine advisable. Any Federal Government employee may be detailed to the Office without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) CONTRACTING AND LEASING AUTHORITY.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or any other provision of law, the Director may—

(1) enter into and perform contracts, execute instruments, and acquire, in any lawful manner, such goods and services, or personal or real property (or property interest), as the Director deems necessary to carry out the duties and responsibilities of the Office; and

(2) hold, maintain, sell, lease, or otherwise dispose of the property (or property interest) acquired under paragraph (1).

(h) NON-COMPETE.—The Director and any staff of the Office who has had access to the transaction or position data maintained by the Data Center or other business confidential information about financial entities required to report to the Office, may not, for a period of 1 year after last having access to such transaction or position data or business

confidential information, be employed by or provide advice or consulting services to a financial company, regardless of whether that entity is required to report to the Office. For staff whose access to business confidential information was limited, the Director may provide, on a case-by-case basis, for a shorter period of post-employment prohibition, provided that the shorter period does not compromise business confidential information.

(i) TECHNICAL AND PROFESSIONAL ADVISORY COMMITTEES.—The Office, in consultation with the Chairperson, may appoint such special advisory, technical, or professional committees as may be useful in carrying out the functions of the Office, and the members of such committees may be staff of the Office, or other persons, or both.

(j) FELLOWSHIP PROGRAM.—The Office, in consultation with the Chairperson, may establish and maintain an academic and professional fellowship program, under which qualified academics and professionals shall be invited to spend not longer than 2 years at the Office, to perform research and to provide advanced training for Office personnel.

(k) EXECUTIVE SCHEDULE COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Director of the Office of Financial Research.''.

**SEC. 153. PURPOSE AND DUTIES OF THE OFFICE.**

(a) PURPOSE AND DUTIES.—The purpose of the Office is to support the Council in fulfilling the purposes and duties of the Council, as set forth in subtitle A, and to support member agencies, by—

(1) collecting data on behalf of the Council, and providing such data to the Council and member agencies;

(2) standardizing the types and formats of data reported and collected;

(3) performing applied research and essential long-term research;

(4) developing tools for risk measurement and monitoring;

(5) performing other related services;

(6) making the results of the activities of the Office available to financial regulatory agencies; and

(7) assisting such member agencies in determining the types and formats of data authorized by this Act to be collected by such member agencies.

(b) ADMINISTRATIVE AUTHORITY.—The Office may—

(1) share data and information, including software developed by the Office, with the Council and member agencies, which shared data, information, and software—

(A) shall be maintained with at least the same level of security as is used by the Office; and

(B) may not be shared with any individual or entity without the permission of the Council;

(2) sponsor and conduct research projects; and

(3) assist, on a reimbursable basis, with financial analyses undertaken at the request of other Federal agencies that are not member agencies.

(c) RULEMAKING AUTHORITY.—

(1) SCOPE.—The Office, in consultation with the Chairperson, shall issue rules, regulations, and orders only to the extent necessary to carry out the purposes and duties described in paragraphs (1), (2), and (7) of subsection (a).

(2) STANDARDIZATION.—Member agencies, in consultation with the Office, shall implement regulations promulgated by the Office under paragraph (1) to standardize the types and formats of data reported and collected on behalf of the Council, as described in subsection (a)(2). If a member agency fails to implement such regulations prior to the expiration of the 3-year period following the date of publication of final regulations, the Office, in consultation with the Chairperson, may implement such regulations with respect to the financial entities under the jurisdiction of the member agency.

(d) TESTIMONY.—

(1) IN GENERAL.—The Director of the Office shall report to and testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives annually on the activities of the Office, including the work of the Data Center and the Research and Analysis Center, and the assessment of the Office of significant financial market developments and potential emerging threats to the financial stability of the United States.

(2) NO PRIOR REVIEW.—No officer or agency of the United States shall have any authority to require the Director to submit the testimony required under paragraph (1) or other Congressional testimony to any officer or agency of the United States for approval, comment, or review prior to the submission of such testimony. Any such testimony to Congress shall include a statement that the views expressed therein are those of the Director and do not necessarily represent the views of the President.

(e) ADDITIONAL REPORTS.—The Director may provide additional reports to Congress concerning the financial stability of the United States. The Director shall notify the Council of any such additional reports provided to Congress.

(f) SUBPOENA.—

(1) IN GENERAL.—The Director may require, by subpoena, the production of the data requested under subsection (a)(1) and section 154(b)(1), but only upon a written finding by the Director that—

(A) such data is required to carry out the functions described under this subtitle; and

(B) the Office has coordinated with such agency, as required under section 154(b)(1)(B)(ii).

(2) FORMAT.—Subpoenas under paragraph (1) shall bear the signature of the Director, and shall be served by any person or class of persons designated by the Director for that purpose.

(3) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena, the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of court.

**SEC. 154. ORGANIZATIONAL STRUCTURE; RESPONSIBILITIES OF PRIMARY PROGRAMMATIC UNITS.**

(a) IN GENERAL.—There are established within the Office, to carry out the programmatic responsibilities of the Office—

(1) the Data Center; and

(2) the Research and Analysis Center.

(b) DATA CENTER.—

(1) GENERAL DUTIES.—

(A) DATA COLLECTION.—The Data Center, on behalf of the Council, shall collect, validate, and maintain all data necessary to carry out the duties of the Data Center, as described in this subtitle. The data assembled shall be obtained from member agencies, commercial data providers, publicly available data sources, and financial entities under subparagraph (B).

(B) AUTHORITY.—

(i) IN GENERAL.—The Office may, as determined by the Council or by the Director in consultation with the Council, require the submission of periodic and other reports from any financial company for the purpose of assessing the extent to which a financial activity or financial market in which the financial company participates, or the financial company itself, poses a threat to the financial stability of the United States.

(ii) MITIGATION OF REPORT BURDEN.—Before requiring the submission of a report from any financial company that is regulated by a member agency or any primary financial regulatory agency, the Office shall coordinate with such agencies and shall, whenever possible, rely on information available from such agencies.

(C) RULEMAKING.—The Office shall promulgate regulations pursuant to subsections (a)(1), (a)(2), (a)(7), and (c)(1) of section 153 regarding the type and scope of the data to be collected by the Data Center under this paragraph.

(2) RESPONSIBILITIES.—

(A) PUBLICATION.—The Data Center shall prepare and publish, in a manner that is easily accessible to the public—

(i) a financial company reference database;

(ii) a financial instrument reference database; and

(iii) formats and standards for Office data, including standards for reporting financial transaction and position data to the Office.

(B) CONFIDENTIALITY.—The Data Center shall not publish any confidential data under subparagraph (A).

(3) INFORMATION SECURITY.—The Director shall ensure that data collected and maintained by the Data Center are kept secure and protected against unauthorized disclosure.

(4) CATALOG OF FINANCIAL ENTITIES AND INSTRUMENTS.—The Data Center shall maintain a catalog of the financial entities and instruments reported to the Office.

(5) AVAILABILITY TO THE COUNCIL AND MEMBER AGENCIES.—The Data Center shall make data collected and maintained by the Data Center available to the Council and member agencies, as necessary to support their regulatory responsibilities.

(6) OTHER AUTHORITY.—The Office shall, after consultation with the member agencies, provide certain data to financial industry participants and to the general public to increase market transparency and facilitate research on the financial system, to the extent that intellectual property rights are not violated, business confidential information is properly protected, and the sharing of such information poses no significant threats to the financial system of the United States.

(c) RESEARCH AND ANALYSIS CENTER.—

(1) GENERAL DUTIES.—The Research and Analysis Center, on behalf of the Council, shall develop and maintain independent analytical capabilities and computing resources—

(A) to develop and maintain metrics and reporting systems for risks to the financial stability of the United States;

(B) to monitor, investigate, and report on changes in system-wide risk levels and patterns to the Council and Congress;

(C) to conduct, coordinate, and sponsor research to support and improve regulation of financial entities and markets;

(D) to evaluate and report on stress tests or other stability-related evaluations of financial entities overseen by the member agencies;

(E) to maintain expertise in such areas as may be necessary to support specific requests for advice and assistance from financial regulators;

(F) to investigate disruptions and failures in the financial markets, report findings, and make recommendations to the Council based on those findings;

(G) to conduct studies and provide advice on the impact of policies related to systemic risk; and

(H) to promote best practices for financial risk management.

(d) REPORTING RESPONSIBILITIES.—

(1) REQUIRED REPORTS.—Not later than 2 years after the date of enactment of this Act, and not later than 120 days after the end of each fiscal year thereafter, the Office shall prepare and submit a report to Congress.

(2) CONTENT.—Each report required by this subsection shall assess the state of the United States financial system, including—

(A) an analysis of any threats to the financial stability of the United States;

(B) the status of the efforts of the Office in meeting the mission of the Office; and

(C) key findings from the research and analysis of the financial system by the Office.

**SEC. 155. FUNDING.**

(a) FINANCIAL RESEARCH FUND.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a separate fund to be known as the ''Financial Research Fund''.

(2) FUND RECEIPTS.—All amounts provided to the Office under subsection (c), and all assessments that the Office receives under subsection (d) shall be deposited into the Financial Research Fund.

(3) INVESTMENTS AUTHORIZED.—

(A) AMOUNTS IN FUND MAY BE INVESTED.—The Director may request the Secretary to invest the portion of the Financial Research Fund that is not, in the judgment of the Director, required to meet the needs of the Office.

(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Financial Research Fund, as determined by the Director.

(4) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Financial Research Fund shall be credited to and form a part of the Financial Research Fund.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds obtained by, transferred to, or credited to the Financial Research Fund shall be immediately available to the Office, and shall remain available until expended, to pay the expenses of the Office in carrying out the duties and responsibilities of the Office.

(2) FEES, ASSESSMENTS, AND OTHER FUNDS NOT GOVERNMENT FUNDS.—Funds obtained by, transferred to, or credited to the Financial Research Fund shall not be construed to be Government funds or appropriated monies.

(3) AMOUNTS NOT SUBJECT TO APPORTIONMENT.—Notwithstanding any other provision of law, amounts in the Financial Research Fund shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or under any other authority, or for any other purpose.

(c) INTERIM FUNDING.—During the 2-year period following the date of enactment of this Act, the Board of Governors shall provide to the Office an amount sufficient to cover the expenses of the Office.

(d) PERMANENT SELF-FUNDING.—

(1) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, the Secretary shall establish, by regulation, and with the approval of the Council, an assessment schedule, including the assessment base and rates, applicable to bank holding companies with total consolidated assets of $50,000,000,000 or greater and nonbank financial companies supervised by the Board of Governors, that takes into account differences among such companies, based on the considerations for establishing the prudential standards under section 115, to collect assessments equal to the estimated total expenses of the Office.

(2) SHORTFALL.—To the extent that the assessments under paragraph (1) do not fully cover the total expenses of the Office, the Board of Governors shall provide to the Office an amount sufficient to cover the difference.

**SEC. 156. TRANSITION OVERSIGHT.**

(a) PURPOSE.—The purpose of this section is to ensure that the Office—

(1) has an orderly and organized startup;

(2) attracts and retains a qualified workforce; and

(3) establishes comprehensive employee training and benefits programs.

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Office shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that includes the plans described in paragraph (2).

(2) PLANS.—The plans described in this paragraph are as follows:

(A) TRAINING AND WORKFORCE DEVELOPMENT PLAN.—The Office shall submit a training and workforce development plan that includes, to the extent practicable—

(i) identification of skill and technical expertise needs and actions taken to meet those requirements;

(ii) steps taken to foster innovation and creativity;

(iii) leadership development and succession planning; and

(iv) effective use of technology by employees.

(B) WORKPLACE FLEXIBILITY PLAN.—The Office shall submit a workforce flexibility plan that includes, to the extent practicable—

(i) telework;

(ii) flexible work schedules;

(iii) phased retirement;

(iv) reemployed annuitants;

(v) part-time work;

(vi) job sharing;

(vii) parental leave benefits and childcare assistance;

(viii) domestic partner benefits;

(ix) other workplace flexibilities; or

(x) any combination of the items described in clauses (i) through (ix).

(C) RECRUITMENT AND RETENTION PLAN.—The Office shall submit a recruitment and retention plan that includes, to the extent practicable, provisions relating to—

(i) the steps necessary to target highly qualified applicant pools with diverse backgrounds;

(ii) streamlined employment application processes;

(iii) the provision of timely notification of the status of employment applications to applicants; and

(iv) the collection of information to measure indicators of hiring effectiveness.

(c) EXPIRATION.—The reporting requirement under subsection (b) shall terminate 5 years after the date of enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) a collective bargaining agreement, as that term is defined in section 7103(a)(8) of title 5, United States Code, that is in effect on the date of enactment of this Act; or

(2) the rights of employees under chapter 71 of title 5, United States Code.

## Subtitle C—Additional Board of Governors Authority for Certain Nonbank Financial Companies and Bank Holding Companies

**SEC. 161. REPORTS BY AND EXAMINATIONS OF NONBANK FINANCIAL COMPANIES BY THE BOARD OF GOVERNORS.**

(a) REPORTS.—

(1) IN GENERAL.—The Board of Governors may require each nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit reports under oath, to keep the Board of Governors informed as to—

(A) the financial condition of the company or subsidiary, systems of the company or subsidiary for monitoring and controlling financial, operating, and other risks, and the extent to which the activities and operations of the company or subsidiary pose a threat to the financial stability of the United States; and

(B) compliance by the company or subsidiary with the requirements of this subtitle.

(2) USE OF EXISTING REPORTS AND INFORMATION.—In carrying out subsection (a), the Board of Governors shall, to the fullest extent possible, use—

(A) reports and supervisory information that a nonbank financial company or subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

(B) information otherwise obtainable from Federal or State regulatory agencies;

(C) information that is otherwise required to be reported publicly; and

(D) externally audited financial statements of such company or subsidiary.

(3) AVAILABILITY.—Upon the request of the Board of Governors, a nonbank financial company supervised by the Board of Governors, or a subsidiary thereof, shall promptly provide to the Board of Governors any information described in paragraph (2).

(b) EXAMINATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board of Governors may examine any nonbank financial company supervised by the Board of Governors and any subsidiary of such company, to determine—

(A) the nature of the operations and financial condition of the company and such subsidiary;

(B) the financial, operational, and other risks within the company that may pose a threat to the safety and soundness of such company or to the financial stability of the United States;

(C) the systems for monitoring and controlling such risks; and

(D) compliance by the company with the requirements of this subtitle.

(2) USE OF EXAMINATION REPORTS AND INFORMATION.—For purposes of this subsection, the Board of Governors shall, to the fullest extent possible, rely on reports of examination of any depository institution subsidiary or functionally regulated subsidiary made by the primary financial regulatory agency for that subsidiary, and on information described in subsection (a)(2).

(c) COORDINATION WITH PRIMARY FINANCIAL REGULATORY AGENCY.—The Board of Governors shall—

(1) provide to the primary financial regulatory agency for any company or subsidiary, reasonable notice before requiring a report, requesting information, or commencing an examination of such subsidiary under this section; and

(2) avoid duplication of examination activities, reporting requirements, and requests for information, to the extent possible.

**SEC. 162. ENFORCEMENT.**

(a) IN GENERAL.—Except as provided in subsection (b), a nonbank financial company supervised by the Board of Governors and any subsidiaries of such company (other than any depository institution subsidiary) shall be subject to the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the same manner and to the same extent as if the company were a bank holding company, as provided in section 8(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(3)).

(b) ENFORCEMENT AUTHORITY FOR FUNCTIONALLY REGULATED SUBSIDIARIES.—

(1) REFERRAL.—If the Board of Governors determines that a condition, practice, or activity of a depository institution subsidiary or functionally regulated subsidiary of a nonbank financial company supervised by the Board of Governors does not comply with the regulations or orders prescribed by the Board of Governors under this Act, or otherwise poses a threat to the financial stability of the United States, the Board of Governors may recommend, in writing, to the primary financial regulatory agency for the subsidiary that such agency initiate a supervisory action or enforcement proceeding. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

(2) BACK-UP AUTHORITY OF THE BOARD OF GOVERNORS.—If, during the 60-day period beginning on the date on which the primary financial regulatory agency receives a recommendation under paragraph (1), the primary financial regulatory agency does not take supervisory or enforcement action against a subsidiary that is acceptable to the Board of Governors, the Board of Governors (upon a vote of its members) may take the recommended supervisory or enforcement action, as if the subsidiary were a bank holding company subject to supervision by the Board of Governors.

**SEC. 163. ACQUISITIONS.**

(a) ACQUISITIONS OF BANKS; TREATMENT AS A BANK HOLDING COMPANY.—For purposes of section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), a nonbank financial company supervised by the Board of Governors shall be deemed to be, and shall be treated as, a bank holding company.

(b) ACQUISITION OF NONBANK COMPANIES.—

(1) PRIOR NOTICE FOR LARGE ACQUISITIONS.—Notwithstanding section 4(k)(6)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)(6)(B)), a bank holding company with total consolidated assets equal to or greater than $50,000,000,000 or a nonbank financial company supervised by the Board of Governors shall not acquire direct or indirect ownership or control of any voting shares of any company (other than an insured depository institution) that is engaged in activities described in section 4(k) of the Bank Holding Company Act of 1956 having total consolidated assets of $10,000,000,000 or more, without providing written notice to the Board of Governors in advance of the transaction.

(2) EXEMPTIONS.—The prior notice requirement in paragraph (1) shall not apply with regard to the acquisition of shares that would qualify for the exemptions in section 4(c) or section 4(k)(4)(E) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c) and (k)(4)(E)).

(3) NOTICE PROCEDURES.—The notice procedures set forth in section 4(j)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(1)), without regard to section 4(j)(3) of that Act, shall apply to an acquisition of any company (other than an insured depository institution) by a bank holding company with total consolidated assets equal to or greater than $50,000,000,000 or a nonbank financial company supervised by the Board of Governors, as described in paragraph (1), including any such company engaged in activities described in section 4(k) of that Act.

(4) STANDARDS FOR REVIEW.—In addition to the standards provided in section 4(j)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(2)), the Board of Governors shall consider the extent to which the proposed acquisition would result in greater or more concentrated risks to global or United States financial stability or the United States economy.

**SEC. 164. PROHIBITION AGAINST MANAGEMENT INTERLOCKS BETWEEN CERTAIN FINANCIAL COMPANIES.**

A nonbank financial company supervised by the Board of Governors shall be treated as a bank holding company for purposes of the Depository Institutions Management Interlocks Act (12 U.S.C. 3201 et seq.), except that the Board of Governors shall not exercise the authority provided in section 7 of that Act (12 U.S.C. 3207) to permit service by a management official of a nonbank financial company supervised by the Board of Governors as a management official of any bank holding company with total consolidated assets equal to or greater than $50,000,000,000, or other nonaffiliated nonbank financial company supervised by the Board of Governors (other than to provide a temporary exemption for interlocks resulting from a merger, acquisition, or consolidation).

**SEC. 165. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.**

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions, the Board of Governors shall, on its own or pursuant to recommendations by the Council under section 115, establish prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies that—

(A) are more stringent than the standards and requirements applicable to nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) LIMITATION ON BANK HOLDING COMPANIES.—Any standards established under subsections (b) through (f) shall not apply to any bank holding company with total consolidated assets of less than $50,000,000,000, but the Board of Governors may establish an asset threshold greater than $50,000,000,000 for the applicability of any particular standard under subsections (b) through (f).

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—

(A) REQUIRED STANDARDS.—The Board of Governors shall, by regulation or order, establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that shall include—

(i) risk-based capital requirements;

(ii) leverage limits;

(iii) liquidity requirements;

(iv) resolution plan and credit exposure report requirements; and

(v) concentration limits.

(B) ADDITIONAL STANDARDS AUTHORIZED.—The Board of Governors may, by regulation or order, establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that include—

(i) a contingent capital requirement;

(ii) enhanced public disclosures; and

(iii) overall risk management requirements.

(2) PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In applying the standards set forth in paragraph (1) to foreign nonbank financial companies supervised by the Board of Governors and to foreign-based bank holding companies, the Board of Governors shall give due regard to the principle of national treatment and competitive equity.

(3) CONSIDERATIONS.—In prescribing prudential standards under paragraph (1), the Board of Governors shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

(i) the factors described in subsections (a) and (b) of section 113;

(ii) whether the company owns an insured depository institution;

(iii) nonfinancial activities and affiliations of the company; and

(iv) any other factors that the Board of Governors determines appropriate;

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1) of this subsection; and

(C) take into account any recommendations of the Council under section 115.

(4) REPORT.—The Board of Governors shall submit an annual report to Congress regarding the implementation of the prudential standards required pursuant to paragraph (1), including the use of such standards to mitigate risks to the financial stability of the United States.

(c) CONTINGENT CAPITAL.—

(1) IN GENERAL.—Subsequent to submission by the Council of a report to Congress under section 115(c), the Board of Governors may promulgate regulations that require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to maintain a minimum amount of long-term hybrid debt that is convertible to equity in times of financial stress.

(2) FACTORS TO CONSIDER.—In establishing regulations under this subsection, the Board of Governors shall consider—

(A) the results of the study undertaken by the Council, and any recommendations of the Council, under section 115(c);

(B) an appropriate transition period for implementation of a conversion under this subsection;

(C) the factors described in subsection (b)(3)(A);

(D) capital requirements applicable to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof; and

(E) any other factor that the Board of Governors deems appropriate.

(d) RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.—

(1) RESOLUTION PLAN.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) CREDIT EXPOSURE REPORT.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(3) REVIEW.—The Board of Governors and the Corporation shall review the information provided in accordance with this section by each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a).

(4) NOTICE OF DEFICIENCIES.—If the Board of Governors and the Corporation jointly determine, based on their review under paragraph (3), that the resolution plan of a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) is not credible or would not facilitate an orderly resolution of the company under title 11, United States Code—

(A) the Board of Governors and the Corporation shall notify the company, as applicable, of the deficiencies in the resolution plan; and

(B) the company shall resubmit the resolution plan within a time frame determined by the Board of Governors and the Corporation, with revisions demonstrating that the plan is credible and would result in an orderly resolution under title 11, United States Code, including any proposed changes in business operations and corporate structure to facilitate implementation of the plan.

(5) FAILURE TO RESUBMIT CREDIBLE PLAN.—

(A) IN GENERAL.—If a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) fails to timely resubmit the resolution plan as required under paragraph (4), with such revisions as are required under subparagraph (B), the Board of Governors and the Corporation may jointly impose more stringent capital, leverage, or liquidity requirements, or restrictions on the growth, activities, or operations of the company, or any subsidiary thereof, until such time as the company resubmits a plan that remedies the deficiencies.

(B) DIVESTITURE.—The Board of Governors and the Corporation, in consultation with the Council, may direct a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), by order, to divest certain assets or operations identified by the Board of Governors and the Corporation, to facilitate an orderly resolution of such company under title 11, United States Code, in the event of the failure of such company, in any case in which—

(i) the Board of Governors and the Corporation have jointly imposed more stringent requirements on the company pursuant to subparagraph (A); and

(ii) the company has failed, within the 2-year period beginning on the date of the imposition of such requirements under subparagraph (A), to resubmit the resolution plan with such revisions as were required under paragraph (4)(B).

(6) RULES.—Not later than 18 months after the date of enactment of this Act, the Board of Governors and the Corporation shall jointly issue final rules implementing this subsection.

(e) CONCENTRATION LIMITS.—

(1) STANDARDS.—In order to limit the risks that the failure of any individual company could pose to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), the Board of Governors, by regulation, shall prescribe standards that limit such risks.

(2) LIMITATION ON CREDIT EXPOSURE.—The regulations prescribed by the Board of Governors under paragraph (1) shall prohibit each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) from having credit exposure to any unaffiliated company that exceeds 25 percent of the capital stock and surplus (or such lower amount as the Board of Governors may determine by regulation to be necessary to mitigate risks to the financial stability of the United States) of the company.

(3) CREDIT EXPOSURE.—For purposes of paragraph (2), ''credit exposure'' to a company means—

(A) all extensions of credit to the company, including loans, deposits, and lines of credit;

(B) all repurchase agreements and reverse repurchase agreements with the company;

(C) all securities borrowing and lending transactions with the company, to the extent that such transactions create credit exposure for the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a);

(D) all guarantees, acceptances, or letters of credit (including endorsement or standby letters of credit) issued on behalf of the company;

(E) all purchases of or investment in securities issued by the company;

(F) counterparty credit exposure to the company in connection with a derivative transaction between the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) and the company; and

(G) any other similar transactions that the Board of Governors, by regulation, determines to be a credit exposure for purposes of this section.

(4) ATTRIBUTION RULE.—For purposes of this subsection, any transaction by a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) with any person is a transaction with a company, to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that company.

(5) RULEMAKING.—The Board of Governors may issue such regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out this subsection.

(6) EXEMPTIONS.—The Board of Governors may, by regulation or order, exempt transactions, in whole or in part, from the definition of ''credit exposure'' for purposes of this subsection, if the Board of Governors finds that the exemption is in the public interest and is consistent with the purpose of this subsection.

(7) TRANSITION PERIOD.—

(A) IN GENERAL.—This subsection and any regulations and orders of the Board of Governors under this subsection shall not be effective until 3 years after the date of enactment of this Act.

(B) EXTENSION AUTHORIZED.—The Board of Governors may extend the period specified in subparagraph (A) for not longer than an additional 2 years.

(f) ENHANCED PUBLIC DISCLOSURES.—The Board of Governors may prescribe, by regulation, periodic public disclosures by nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

(g) RISK COMMITTEE.—

(1) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors that is a publicly traded company to establish a risk committee, as set forth in paragraph (3), not later than 1 year after the date of receipt of a notice of final determination under section 113(d)(3) with respect to such nonbank financial company supervised by the Board of Governors.

(2) CERTAIN BANK HOLDING COMPANIES.—

(A) MANDATORY REGULATIONS.—The Board of Governors shall issue regulations requiring each bank holding company that is a publicly traded company and that has total consolidated assets of not less than $10,000,000,000 to establish a risk committee, as set forth in paragraph (3).

(B) PERMISSIVE REGULATIONS.—The Board of Governors may require each bank holding company that is a publicly traded company and that has total consolidated assets of less than $10,000,000,000 to establish a risk committee, as set forth in paragraph (3), as determined necessary or appropriate by the Board of Governors to promote sound risk management practices.

(3) RISK COMMITTEE.—A risk committee required by this subsection shall—

(A) be responsible for the oversight of the enterprise-wide risk management practices of the nonbank financial company supervised by the Board of Governors or bank holding company described in subsection (a), as applicable;

(B) include such number of independent directors as the Board of Governors may determine appropriate, based on the nature of operations, size of assets, and other appropriate criteria related to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), as applicable; and

(C) include at least 1 risk management expert having experience in identifying, assessing, and managing risk exposures of large, complex firms.

(4) RULEMAKING.—The Board of Governors shall issue final rules to carry out this subsection, not later than 1 year after the transfer date, to take effect not later than 15 months after the transfer date.

(h) STRESS TESTS.—The Board of Governors shall conduct analyses in which nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) are subject to evaluation of whether the companies have the capital, on a total consolidated basis, necessary to absorb losses as a result of adverse economic conditions. The Board of Governors may develop and apply such other analytic techniques as are necessary to identify, measure, and monitor risks to the financial stability of the United States.

**SEC. 166. EARLY REMEDIATION REQUIREMENTS.**

(a) IN GENERAL.—The Board of Governors, in consultation with the Council and the Corporation, shall prescribe regulations establishing requirements to provide for the early remediation of financial distress of a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a), except that nothing in this subsection authorizes the provision of financial assistance from the Federal Government.

(b) PURPOSE OF THE EARLY REMEDIATION REQUIREMENTS.—The purpose of the early remediation requirements under subsection (a) shall be to establish a series of specific remedial actions to be taken by a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a) that is experiencing increasing financial distress, in order to minimize the probability that the company will become insolvent and the potential harm of such insolvency to the financial stability of the United States.

(c) REMEDIATION REQUIREMENTS.—The regulations prescribed by the Board of Governors under subsection (a) shall—

(1) define measures of the financial condition of the company, including regulatory capital, liquidity measures, and other forward-looking indicators; and

(2) establish requirements that increase in stringency as the financial condition of the company declines, including—

(A) requirements in the initial stages of financial decline, including limits on capital distributions, acquisitions, and asset growth; and

(B) requirements at later stages of financial decline, including a capital restoration plan and capital-raising requirements, limits on transactions with affiliates, management changes, and asset sales.

**SEC. 167. AFFILIATIONS.**

(a) AFFILIATIONS.—Nothing in this subtitle shall be construed to require a nonbank financial company supervised by the Board of Governors, or a company that controls a nonbank financial company supervised by the Board of Governors, to conform the activities thereof to the requirements of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843).

(b) REQUIREMENT.—

(1) IN GENERAL.—If a nonbank financial company supervised by the Board of Governors conducts activities other than those that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, the Board of Governors may require such company to establish and conduct such activities that are determined to be financial in nature or incidental thereto in an intermediate holding company established pursuant to regulation of the Board of Governors, not later than 90 days after the date on which the nonbank financial company supervised by the Board of Governors was notified of the determination under section 113(a).

(2) INTERNAL FINANCIAL ACTIVITIES.—For purposes of this subsection, activities that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, as described in paragraph (1), shall not include internal financial activities conducted for a nonbank financial company supervised by the Board of Governors or any affiliate, including internal treasury, investment, and employee benefit functions. With respect to any internal financial activity of such company during the year prior to the date of enactment of this Act, such company may continue to engage in such activity as long as at least ⅔ of the assets or ⅔ of the revenues generated from the activity are from or attributable to such company, subject to review by the Board of Governors, to determine whether engaging in such activity presents undue risk to such company or to the financial stability of the United States.

(c) REGULATIONS.—The Board of Governors—

(1) shall promulgate regulations to establish the criteria for determining whether to require a nonbank financial company supervised by the Board of Governors to establish an intermediate holding company under subsection (a); and

(2) may promulgate regulations to establish any restrictions or limitations on transactions between an intermediate holding company or a nonbank financial company supervised by the Board of Governors and its affiliates, as necessary to prevent unsafe and unsound practices in connection with transactions between such company, or any subsidiary thereof, and its parent company or affiliates that are not subsidiaries of such company, except that such regulations shall not restrict or limit any transaction in connection with the bona fide acquisition or lease by an unaffiliated person of assets, goods, or services.

**SEC. 168. REGULATIONS.**

Except as otherwise specified in this subtitle, not later than 18 months after the transfer date, the Board of Governors shall issue final regulations to implement this subtitle and the amendments made by this subtitle.

**SEC. 169. AVOIDING DUPLICATION.**

The Board of Governors shall take any action that the Board of Governors deems appropriate to avoid imposing requirements under this subtitle that are duplicative of requirements applicable to bank holding companies and nonbank financial companies under other provisions of law.

**SEC. 170. SAFE HARBOR.**

(a) REGULATIONS.—The Board of Governors shall promulgate regulations on behalf of, and in consultation with, the Council setting forth the criteria for exempting certain types or classes of U.S. nonbank financial companies or foreign nonbank financial companies from supervision by the Board of Governors.

(b) CONSIDERATIONS.—In developing the criteria under subsection (a), the Board of Governors shall take into account the factors for consideration described in subsections (a) and (b) of section 113 in determining whether a U.S. nonbank financial company or foreign nonbank financial company shall be supervised by the Board of Governors.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require supervision by the Board of Governors of a U.S. nonbank financial company or foreign nonbank financial company, if such company does not meet the criteria for exemption established under subsection (a).

(d) UPDATE.—The Board of Governors shall, in consultation with the Council, review the regulations promulgated under subsection (a), not less frequently than every 5 years, and based upon the review, the Board of Governors may revise such regulations on behalf of, and in consultation with, the Council to update as necessary the criteria set forth in such regulations.

(e) TRANSITION PERIOD.—No revisions under subsection (d) shall take effect before the end of the 2-year period after the date of publication of such revisions in final form.

(f) REPORT.—The Chairperson of the Board of Governors and the Chairperson of the Council shall submit a joint report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 30 days after the date of the issuance in final form of the regulations under subsection (a), or any subsequent revision to such regulations under subsection (d), as applicable. Such report shall include, at a minimum, the rationale for exemption and empirical evidence to support the criteria for exemption.

## TITLE II—ORDERLY LIQUIDATION AUTHORITY

**SEC. 201. DEFINITIONS.**

In this title, the following definitions shall apply:

(1) ADMINISTRATIVE EXPENSES OF THE RECEIVER.—The term ''administrative expenses of the receiver'' includes—

(A) the actual, necessary costs and expenses incurred by the Corporation as receiver for a covered financial company in liquidating a covered financial company; and

(B) any obligations that the Corporation as receiver for a covered financial company determines are necessary and appropriate to facilitate the smooth and orderly liquidation of the covered financial company.

(2) BANKRUPTCY CODE.—The term ''Bankruptcy Code'' means title 11, United States Code.

(3) BRIDGE FINANCIAL COMPANY.—The term ''bridge financial company'' means a new financial company organized by the Corporation in accordance with section 210(h) for the purpose of resolving a covered financial company.

(4) CLAIM.—The term ''claim'' means any right of payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(5) COMPANY.—The term ''company'' has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)), except that such term includes any company described in paragraph (11), the majority of the securities of which are owned by the United States or any State.

(6) COVERED BROKER OR DEALER.—The term ''covered broker or dealer'' means a covered financial company that is a broker or dealer that—

(A) is registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)); and

(B) is a member of SIPC.

(7) COVERED FINANCIAL COMPANY.—The term ''covered financial company''—

(A) means a financial company for which a determination has been made under section 203(b); and

(B) does not include an insured depository institution.

(8) COVERED SUBSIDIARY.—The term ''covered subsidiary'' means a subsidiary of a covered financial company, other than—

(A) an insured depository institution;

(B) an insurance company; or

(C) a covered broker or dealer.

(9) DEFINITIONS RELATING TO COVERED BROKERS AND DEALERS.—The terms ''customer'', ''customer name securities'', ''customer property'', and ''net equity'' in the context of a covered broker or dealer, have the same meanings as in section 16 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll).

(10) FINANCIAL COMPANY.—The term ''financial company'' means any company that—

(A) is incorporated or organized under any provision of Federal law or the laws of any State;

(B) is—

(i) a bank holding company, as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), and including any company described in paragraph (5);

(ii) a nonbank financial company supervised by the Board of Governors;

(iii) any company that is predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) other than a company described in clause (i) or (ii); or

(iv) any subsidiary of any company described in any of clauses (i) through (iii) (other than a subsidiary that is an insured depository institution or an insurance company); and

(C) is not a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971, as amended (12 U.S.C. 2001 et seq.).

(11) FUND.—The term ''Fund'' means the Orderly Liquidation Fund established under section 210(n).

(12) INSURANCE COMPANY.—The term ''insurance company'' means any entity that is—

(A) engaged in the business of insurance;

(B) subject to regulation by a State insurance regulator; and

(C) covered by a State law that is designed to specifically deal with the rehabilitation, liquidation, or insolvency of an insurance company.

(13) NONBANK FINANCIAL COMPANY.—The term ''nonbank financial company'' has the same meaning as in section 102(a)(4)(C).

(14) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD OF GOVERNORS.—The term ''nonbank financial company supervised by the Board of Governors'' has the same meaning as in section 102(a)(3)(D).

(15) PANEL.—The term ''Panel'' means the Orderly Liquidation Authority Panel established under section 202.

(16) SIPC.—The term ''SIPC'' means the Securities Investor Protection Corporation.

**SEC. 202. ORDERLY LIQUIDATION AUTHORITY PANEL.**

(a) ORDERLY LIQUIDATION AUTHORITY PANEL.—

(1) ESTABLISHMENT.—There is established in the United States Bankruptcy Court for the District of Delaware, an Orderly Liquidation Authority Panel. The Chief Judge of the United States Bankruptcy Court for the District of Delaware shall appoint judges to the Panel, consistent with paragraph (2). In making such appointments, the Chief Judge shall consider the expertise in financial matters of each judge.

(2) COMPOSITION.—The Panel shall be composed of 3 judges from the United States Bankruptcy Court for the District of Delaware.

(3) JURISDICTION.—The Panel shall have original and exclusive jurisdiction of proceedings to consider petitions by the Secretary under subsection (b)(1).

(b) COMMENCEMENT OF ORDERLY LIQUIDATION.—

(1) PETITION TO PANEL.—

(A) ORDERLY LIQUIDATION AUTHORITY PANEL.—

(i) PETITION TO PANEL.—Subsequent to a determination by the Secretary under section 203 that a financial company meets the criteria in section 203(b), the Secretary, upon notice to the Corporation and the covered financial company, shall petition the Panel for an order authorizing the Secretary to appoint the Corporation as receiver.

(ii) FORM AND CONTENT OF ORDER.—The Secretary shall present all relevant findings and the recommendation made pursuant to section 203(a) to the Panel. The petition shall be filed under seal.

(iii) DETERMINATION.—On a strictly confidential basis, and without any prior public disclosure, the Panel, after notice to the covered financial company and a hearing in which the covered financial company may oppose the petition, shall determine, within 24 hours of receipt of the petition filed by the Secretary, whether the determination of the Secretary that the covered financial company is in default or in danger of default is supported by substantial evidence.

(iv) ISSUANCE OF ORDER.—If the Panel determines that the determination of the Secretary that the covered financial company is in default or in danger of default—

(I) is supported by substantial evidence, the Panel shall issue an order immediately authorizing the Secretary to appoint the Corporation as receiver of the covered financial company; or

(II) is not supported by substantial evidence, the Panel shall immediately provide to the Secretary a written statement of each reason supporting its determination, and afford the Secretary an immediate opportunity to amend and refile the petition under clause (i).

(B) EFFECT OF DETERMINATION.—The determination of the Panel under subparagraph (A) shall be final, and shall be subject to appeal only in accordance with paragraph (2). The decision shall not be subject to any stay or injunction pending appeal. Upon conclusion of its proceedings under subparagraph (A), the Panel shall provide immediately for the record a written statement of each reason supporting the decision of the Panel, and shall provide copies thereof to the Secretary and the covered financial company.

(C) CRIMINAL PENALTIES.—A person who recklessly discloses a determination of the Secretary under section 203(b) or a petition of the Secretary under subparagraph (A), or the pendency of court proceedings as provided for under subparagraph (A), shall be fined not more than $250,000, or imprisoned for not more than 5 years, or both.

(2) APPEAL OF DECISIONS OF THE PANEL.—

(A) APPEAL TO COURT OF APPEALS.—

(i) IN GENERAL.—Subject to clause (ii), the United States Court of Appeals for the Third Circuit shall have jurisdiction of an appeal of a final decision of the Panel filed by the Secretary or a covered financial company, through its board of directors, notwithstanding section 210(a)(1)(A)(i), not later than 30 days after the date on which the decision of the Panel is rendered or deemed rendered under this subsection.

(ii) CONDITION OF JURISDICTION.—The Court of Appeals shall have jurisdiction of an appeal by a covered financial company only if the covered financial company did not acquiesce or consent to the appointment of a receiver by the Secretary under paragraph (1)(A).

(iii) EXPEDITION.—The Court of Appeals shall consider any appeal under this subparagraph on an expedited basis.

(iv) SCOPE OF REVIEW.—For an appeal taken under this subparagraph, review shall be limited to whether the determination of the Secretary that a covered financial company is in default or in danger of default is supported by substantial evidence.

(B) APPEAL TO THE SUPREME COURT.—

(i) IN GENERAL.—A petition for a writ of certiorari to review a decision of the Court of Appeals under subparagraph (A) may be filed by the Secretary or the covered financial company, through its board of directors, notwithstanding section 210(a)(1)(A)(i), with the Supreme Court of the United States, not later than 30 days after the date of the final decision of the Court of Appeals, and the Supreme Court shall have discretionary jurisdiction to review such decision.

(ii) WRITTEN STATEMENT.—In the event of a petition under clause (i), the Court of Appeals shall immediately provide for the record a written statement of each reason for its decision.

(iii) EXPEDITION.—The Supreme Court shall consider any petition under this subparagraph on an expedited basis.

(iv) SCOPE OF REVIEW.—Review by the Supreme Court under this subparagraph shall be limited to whether the determination of the Secretary that the covered financial company is in default or in danger of default is supported by substantial evidence.

(c) ESTABLISHMENT AND TRANSMITTAL OF RULES AND PROCEDURES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Panel shall establish such rules and procedures as may be necessary to ensure the orderly conduct of proceedings, including rules and procedures to ensure that the 24-hour deadline is met and that the Secretary shall have an ongoing opportunity to amend and refile petitions under subsection (b)(1). The rules and procedures shall include provisions for the appointment of judges to the Panel, such that the composition of the Panel is established in advance of the filing of a petition under subsection (b).

(2) PUBLICATION OF RULES.—The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded and shall be transmitted to—

(A) each judge of the Panel;

(B) the Chief Judge of the United States Bankruptcy Court for the District of Delaware;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(E) the Committee on the Judiciary of the House of Representatives; and

(F) the Committee on Financial Services of the House of Representatives.

(d) PROVISIONS APPLICABLE TO FINANCIAL COMPANIES.—

(1) BANKRUPTCY CODE.—Except as provided in this subsection, the provisions of the Bankruptcy Code and rules issued thereunder, and not the provisions of this title, shall apply to financial companies that are not covered financial companies for which the Corporation has been appointed as receiver.

(2) THIS TITLE.—The provisions of this title shall exclusively apply to and govern all matters relating to covered financial companies for which the Corporation is appointed

as receiver, and no provisions of the Bankruptcy Code or the rules issued thereunder shall apply in such cases.

(e) STUDY OF BANKRUPTCY AND ORDERLY LIQUIDATION PROCESS FOR FINANCIAL COMPANIES.—

(1) STUDY.—

(A) IN GENERAL.—The Administrative Office of the United States Courts and the Comptroller General of the United States shall each monitor the activities of the Panel, and each such Office shall conduct separate studies regarding the bankruptcy and orderly liquidation process for financial companies under the Bankruptcy Code.

(B) ISSUES TO BE STUDIED.—In conducting the study under subparagraph (A), the Administrative Office of the United States Courts and the Comptroller General of the United States each shall evaluate—

(i) the effectiveness of chapter 7 or chapter 11 of the Bankruptcy Code in facilitating the orderly liquidation or reorganization of financial companies;

(ii) ways to maximize the efficiency and effectiveness of the Panel; and

(iii) ways to make the orderly liquidation process under the Bankruptcy Code for financial companies more effective.

(2) REPORTS.—Not later than 1 year after the date of enactment of this Act, in each successive year until the third year, and every fifth year after that date of enactment, the Administrative Office of the United States Courts and the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on the Judiciary of the Senate and the Committee on Financial Services and the Committee on the Judiciary of the House of Representatives separate reports summarizing the results of the studies conducted under paragraph (1).

(f) STUDY OF INTERNATIONAL COORDINATION RELATING TO BANKRUPTCY PROCESS FOR FINANCIAL COMPANIES.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding international coordination relating to the orderly liquidation of financial companies under the Bankruptcy Code.

(B) ISSUES TO BE STUDIED.—In conducting the study under subparagraph (A), the Comptroller General of the United States shall evaluate, with respect to the bankruptcy process for financial companies—

(i) the extent to which international coordination currently exists;

(ii) current mechanisms and structures for facilitating international cooperation;

(iii) barriers to effective international coordination; and

(iv) ways to increase and make more effective international coordination.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on the Judiciary of the Senate and the Committee on Financial Services and the Committee on the Judiciary of the House of Representatives and the Secretary a report summarizing the results of the study conducted under paragraph (1).

**SEC. 203. SYSTEMIC RISK DETERMINATION.**

(a) WRITTEN RECOMMENDATION AND DETERMINATION.—

(1) VOTE REQUIRED.—

(A) IN GENERAL.—On their own initiative, or at the request of the Secretary, the Corporation and the Board of Governors shall consider whether to make a written recommendation described in paragraph (2) with respect to whether the Secretary should appoint the Corporation as receiver for a financial company. Such recommendation shall be made upon a vote of not fewer than ⅔ of the members of the Board of Governors then serving and ⅔ of the members of the board of directors of the Corporation then serving.

(B) CASES INVOLVING COVERED BROKERS OR DEALERS.—In the case of a covered broker or dealer, or in which the largest United States subsidiary (as measured by total assets as of the end of the previous calendar quarter) of a financial company is a covered broker or dealer, the Commission and the Board of Governors, at the request of the Secretary, or on their own initiative, shall consider whether to make the written recommendation described in paragraph (2) with respect to the financial company. Subject to the requirements in paragraph (2), such recommendation shall be made upon a vote of not fewer than ⅔ of the members of the Board of Governors then serving and the members of the Commission then serving, and in consultation with the Corporation.

(2) RECOMMENDATION REQUIRED.—Any written recommendation pursuant to paragraph (1) shall contain—

(A) an evaluation of whether the financial company is in default or in danger of default;

(B) a description of the effect that the default of the financial company would have on financial stability in the United States;

(C) a recommendation regarding the nature and the extent of actions to be taken under this title regarding the financial company;

(D) an evaluation of the likelihood of a private sector alternative to prevent the default of the financial company;

(E) an evaluation of why a case under the Bankruptcy Code is not appropriate for the financial company; and

(F) an evaluation of the effects on creditors, counterparties, and shareholders of the financial company and other market participants.

(b) DETERMINATION BY THE SECRETARY.—Notwithstanding any other provision of Federal or State law, the Secretary shall take action in accordance with section 202(b)(1)(A), if, upon the written recommendation under subsection (a), the Secretary (in consultation with the President) determines that—

(1) the financial company is in default or in danger of default;

(2) the failure of the financial company and its resolution under otherwise applicable Federal or State law would have serious adverse effects on financial stability in the United States;

(3) no viable private sector alternative is available to prevent the default of the financial company;

(4) any effect on the claims or interests of creditors, counterparties, and shareholders of the financial company and other market participants as a result of actions to be taken under this title is appropriate, given the impact that any action taken under this title would have on financial stability in the United States;

(5) any action under section 204 would avoid or mitigate such adverse effects, taking into consideration the effectiveness of the action in mitigating potential adverse effects on the financial system, the cost to the general fund of the Treasury, and the potential to increase excessive risk taking on the part of creditors, counterparties, and shareholders in the financial company; and

(6) a Federal regulatory agency has ordered the financial company to convert all of its convertible debt instruments that are subject to the regulatory order.

(c) DOCUMENTATION AND REVIEW.—

(1) IN GENERAL.—The Secretary shall—

(A) document any determination under subsection (b);

(B) retain the documentation for review under paragraph (2); and

(C) notify the covered financial company and the Corporation of such determination.

(2) REPORT TO CONGRESS.—Not later than 24 hours after the date of appointment of the Corporation as receiver for a covered financial company, the Secretary shall provide written notice of the recommendations and determinations reached in accordance with subsections (a) and (b) to the Majority Leader and the Minority Leader of the Senate and the Speaker and the Minority Leader of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, which shall consist of a summary of the basis for the determination, including, to the extent available at the time of the determination—

(A) the size and financial condition of the covered financial company;

(B) the sources of capital and credit support that were available to the covered financial company;

(C) the operations of the covered financial company that could have had a significant impact on financial stability, markets, or both;

(D) identification of the banks and financial companies which may be able to provide the services offered by the covered financial company;

(E) any potential international ramifications of resolution of the covered financial company under other applicable insolvency law;

(F) an estimate of the potential effect of the resolution of the covered financial company under other applicable insolvency law on the financial stability of the United States;

(G) the potential effect of the appointment of a receiver by the Secretary on consumers;

(H) the potential effect of the appointment of a receiver by the Secretary on the financial system, financial markets, and banks and other financial companies; and

(I) whether resolution of the covered financial company under other applicable insolvency law would cause banks or other financial companies to experience severe liquidity distress.

(3) REPORTS TO CONGRESS AND THE PUBLIC.—

(A) IN GENERAL.—Not later than 60 days after the date of appointment of the Corporation as receiver for a covered financial company, the Corporation, as receiver, shall—

(i) prepare reports setting forth information on the assets and liabilities of the covered financial company as of the date of the appointment;

(ii) file such reports with the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives; and

(iii) publish such reports on an online website maintained by the Corporation.

(B) AMENDMENTS.—The Corporation shall, on a timely basis, not less frequently than quarterly, amend or revise and resubmit the reports prepared under this paragraph, as necessary.

(4) DEFAULT OR IN DANGER OF DEFAULT.—For purposes of this title, a financial company shall be considered to be in default or

in danger of default if, as determined in accordance with subsection (b)—

(A) a case has been, or likely will promptly be, commenced with respect to the financial company under the Bankruptcy Code;

(B) the financial company has incurred, or is likely to incur, losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the company to avoid such depletion;

(C) the assets of the financial company are, or are likely to be, less than its obligations to creditors and others; or

(D) the financial company is, or is likely to be, unable to pay its obligations (other than those subject to a bona fide dispute) in the normal course of business.

(5) GAO REVIEW.—The Comptroller General of the United States shall review and report to Congress on any determination under subsection (b), that results in the appointment of the Corporation as receiver, including—

(A) the basis for the determination;

(B) the purpose for which any action was taken pursuant thereto;

(C) the likely effect of the determination and such action on the incentives and conduct of financial companies and their creditors, counterparties, and shareholders; and

(D) the likely disruptive effect of the determination and such action on the reasonable expectations of creditors, counterparties, and shareholders, taking into account the impact any action under this title would have on financial stability in the United States, including whether the rights of such parties will be disrupted.

(d) CORPORATION POLICIES AND PROCEDURES.—As soon as is practicable after the date of enactment of this Act, the Corporation shall establish policies and procedures that are acceptable to the Secretary governing the use of funds available to the Corporation to carry out this title, including the terms and conditions for the provision and use of funds under sections 204(d), 210(h)(2)(G)(iv), and 210(h)(9).

(e) TREATMENT OF INSURANCE COMPANIES AND INSURANCE COMPANY SUBSIDIARIES.—

(1) IN GENERAL.—Notwithstanding subsection (b), if an insurance company is a covered financial company or a subsidiary or affiliate of a covered financial company, the liquidation or rehabilitation of such insurance company, and any subsidiary or affiliate of such company that is not excepted under paragraph (2), shall be conducted as provided under such State law.

(2) EXCEPTION FOR SUBSIDIARIES AND AFFILIATES.—The requirement of paragraph (1) shall not apply with respect to any subsidiary or affiliate of an insurance company that is not itself an insurance company.

(3) BACKUP AUTHORITY.—Notwithstanding paragraph (1), with respect to a covered financial company described in paragraph (1), if, after the end of the 60-day period beginning on the date on which a determination is made under section 202(b) with respect to such company, the appropriate regulatory agency has not filed the appropriate judicial action in the appropriate State court to place such company into orderly liquidation under the laws and requirements of the State, the Corporation shall have the authority to stand in the place of the appropriate regulatory agency and file the appropriate judicial action in the appropriate State court to place such company into orderly liquidation under the laws and requirements of the State.

**SEC. 204. ORDERLY LIQUIDATION.**

(a) PURPOSE OF ORDERLY LIQUIDATION AUTHORITY.—It is the purpose of this title to provide the necessary authority to liquidate failing financial companies that pose a significant risk to the financial stability of the United States in a manner that mitigates such risk and minimizes moral hazard. The authority provided in this title shall be exercised in the manner that best fulfills such purpose, with the strong presumption that—

(1) creditors and shareholders will bear the losses of the financial company;

(2) management responsible for the condition of the financial company will not be retained; and

(3) the Corporation and other appropriate agencies will take all steps necessary and appropriate to assure that all parties, including management and third parties, having responsibility for the condition of the financial company bear losses consistent with their responsibility, including actions for damages, restitution, and recoupment of compensation and other gains not compatible with such responsibility.

(b) CORPORATION AS RECEIVER.—Upon the appointment of the Corporation under section 202, the Corporation shall act as the receiver for the covered financial company, with all of the rights and obligations set forth in this title.

(c) CONSULTATION.—The Corporation, as receiver—

(1) shall consult with the primary financial regulatory agency or agencies of the covered financial company and its covered subsidiaries for purposes of ensuring an orderly liquidation of the covered financial company;

(2) may consult with, or under subsection (a)(1)(B)(v) or (a)(1)(L) of section 210, acquire the services of, any outside experts, as appropriate to inform and aid the Corporation in the orderly liquidation process;

(3) shall consult with the primary financial regulatory agency or agencies of any subsidiaries of the covered financial company that are not covered subsidiaries, and coordinate with such regulators regarding the treatment of such solvent subsidiaries and the separate resolution of any such insolvent subsidiaries under other governmental authority, as appropriate; and

(4) shall consult with the Commission and the Securities Investor Protection Corporation in the case of any covered financial company for which the Corporation has been appointed as receiver that is a broker or dealer registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) and is a member of the Securities Investor Protection Corporation, for the purpose of determining whether to transfer to a bridge financial company organized by the Corporation as receiver, without consent of any customer, customer accounts of the covered financial company.

(d) FUNDING FOR ORDERLY LIQUIDATION.—Upon its appointment as receiver for a covered financial company, and thereafter as the Corporation may, in its discretion, determine to be necessary or appropriate, the Corporation may make available to the receivership, subject to the conditions set forth in section 206 and subject to the plan described in section 210(n)(13), funds for the orderly liquidation of the covered financial company.

**SEC. 205. ORDERLY LIQUIDATION OF COVERED BROKERS AND DEALERS.**

(a) APPOINTMENT OF SIPC AS TRUSTEE FOR PROTECTION OF CUSTOMER SECURITIES AND PROPERTY.—Upon the appointment of the Corporation as receiver for any covered broker or dealer, the Corporation shall appoint, without any need for court approval, the Securities Investor Protection Corporation to act as trustee for liquidation under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) of the covered broker or dealer.

(b) POWERS AND DUTIES OF SIPC.—

(1) IN GENERAL.—Except as provided in this section, upon its appointment as trustee for the liquidation of a covered broker or dealer, SIPC shall have all of the powers and duties provided by the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), including, without limitation, all rights of action against third parties, but shall have no powers or duties with respect to assets and liabilities transferred by the Corporation from the covered broker or dealer to any bridge financial company established in accordance with this title.

(2) LIMITATION OF POWERS.—The exercise by SIPC of powers and functions as trustee under subsection (a) shall not impair or impede the exercise of the powers and duties of the Corporation with regard to—

(A) any action, except as otherwise provided in this title—

(i) to make funds available under section 204(d);

(ii) to organize, establish, operate, or terminate any bridge financial company;

(iii) to transfer assets and liabilities;

(iv) to enforce or repudiate contracts; or

(v) to take any other action relating to such bridge financial company under section 210; or

(B) determining claims under subsection (d).

(3) QUALIFIED FINANCIAL CONTRACTS.—Notwithstanding any provision of the Securities Investor Protection Act of 1970 to the contrary (including section 5(b)(2)(C) of that Act (15 U.S.C. 78eee(b)(2)(C))), the rights and obligations of any party to a qualified financial contract (as that term is defined in section 210(c)(8)) to which a covered broker or dealer described in subsection (a) is a party shall be governed exclusively by section 210, including the limitations and restrictions contained in section 210(c)(10)(B).

(c) LIMITATION ON COURT ACTION.—Except as otherwise provided in this title, no court may take any action, including any action pursuant to the Securities Investor Protection Act of 1970 or the Bankruptcy Code, to restrain or affect the exercise of powers or functions of the Corporation as receiver for a covered broker or dealer and any claims against the Corporation as such receiver shall be determined in accordance with subsection (e) and such claims shall be limited to money damages.

(d) ACTIONS BY CORPORATION AS RECEIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, no action taken by the Corporation, as receiver with respect to a covered broker or dealer, shall—

(A) adversely affect the rights of a customer to customer property or customer name securities;

(B) diminish the amount or timely payment of net equity claims of customers; or

(C) otherwise impair the recoveries provided to a customer under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.).

(2) NET PROCEEDS.—The net proceeds from any transfer, sale, or disposition of assets by the Corporation as receiver for the covered broker or dealer shall be for the benefit of the estate of the covered broker or dealer, as provided in this title.

(e) CLAIMS AGAINST THE CORPORATION AS RECEIVER.—Any claim against the Corporation as receiver for a covered broker or dealer for assets transferred to a bridge financial

company established with respect to such covered broker or dealer—

(1) shall be determined in accordance with section 210(a)(2); and

(2) may be reviewed by the appropriate district or territorial court of the United States in accordance with section 210(a)(5).

(f) SATISFACTION OF CUSTOMER CLAIMS.—

(1) OBLIGATIONS TO CUSTOMERS.—Notwithstanding any other provision of this title, all obligations of a covered broker or dealer or of any bridge financial company established with respect to such covered broker or dealer to a customer relating to, or net equity claims based upon, customer property shall be promptly discharged by the delivery of securities or the making of payments to or for the account of such customer, in a manner and in an amount at least as beneficial to the customer as would have been the case had the covered broker or dealer been subject to a proceeding under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) without the appointment of the Corporation as receiver, and with a filing date as of the date on which the Corporation is appointed as receiver.

(2) SATISFACTION OF CLAIMS BY SIPC.—SIPC, as trustee for a covered broker or dealer, shall satisfy customer claims in the manner and amount provided under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), as if the appointment of the Corporation as receiver had not occurred, and with a filing date as of the date on which the Corporation is appointed as receiver. The Corporation shall satisfy customer claims, to the extent that a customer would have received more securities or cash with respect to the allocation of customer property had the covered financial company been subject to a proceeding under the Securities Investor Protection Act (15 U.S.C. 78aaa et seq.) without the appointment of the Corporation as receiver, and with a filing date as of the date on which the Corporation is appointed as receiver.

(g) PRIORITIES.—

(1) CUSTOMER PROPERTY.—As trustee for a covered broker or dealer, SIPC shall allocate customer property and deliver customer name securities in accordance with section 8(c) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff–2(c)).

(2) OTHER CLAIMS.—All claims other than those described in paragraph (1) (including any unpaid claim by a customer for the allowed net equity claim of such customer from customer property) shall be paid in accordance with the priorities in section 210(b).

(h) RULEMAKING.—The Commission and the Corporation, after consultation with SIPC, shall jointly issue rules to implement this section.

**SEC. 206. MANDATORY TERMS AND CONDITIONS FOR ALL ORDERLY LIQUIDATION ACTIONS.**

In taking action under this title, the Corporation shall—

(1) determine that such action is necessary for purposes of the financial stability of the United States, and not for the purpose of preserving the covered financial company;

(2) ensure that the shareholders of a covered financial company do not receive payment until after all other claims and the Fund are fully paid;

(3) ensure that unsecured creditors bear losses in accordance with the priority of claim provisions in section 210;

(4) ensure that management responsible for the failed condition of the covered financial company is removed (if such management has not already been removed at the time at which the Corporation is appointed receiver); and

(5) not take an equity interest in or become a shareholder of any covered financial company or any covered subsidiary.

**SEC. 207. DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF RECEIVER.**

The members of the board of directors (or body performing similar functions) of a covered financial company shall not be liable to the shareholders or creditors thereof for acquiescing in or consenting in good faith to the appointment of the Corporation as receiver for the covered financial company under section 203.

**SEC. 208. DISMISSAL AND EXCLUSION OF OTHER ACTIONS.**

(a) IN GENERAL.—Effective as of the date of the appointment of the Corporation as receiver for the covered financial company under section 202 or the appointment of SIPC as trustee for a covered broker or dealer under section 205, as applicable, any case or proceeding commenced with respect to the covered financial company under the Bankruptcy Code or the Securities Investor Protection Act of 1970 shall be dismissed, upon notice to the Bankruptcy Court (with respect to a case commenced under the Bankruptcy Code), and upon notice to SIPC (with respect to a covered broker or dealer) and no such case or proceeding may be commenced with respect to a covered financial company at any time while the orderly liquidation is pending.

(b) REVESTING OF ASSETS.—Effective as of the date of appointment of the Corporation as receiver, the assets of a covered financial company shall, to the extent they have vested in any entity other than the covered financial company as a result of any case or proceeding commenced with respect to the covered financial company under the Bankruptcy Code, the Securities Investor Protection Act of 1970, or any similar provision of State liquidation or insolvency law applicable to the covered financial company, revest in the covered financial company.

(c) LIMITATION.—Notwithstanding subsections (a) and (b), any order entered or other relief granted by a bankruptcy court prior to the date of appointment of the Corporation as receiver shall continue with the same validity as if an orderly liquidation had not been commenced.

**SEC. 209. RULEMAKING; NON-CONFLICTING LAW.**

The Corporation shall, in consultation with the Council, prescribe such rules or regulations as the Corporation considers necessary or appropriate to implement this title, including rules and regulations with respect to the rights, interests, and priorities of creditors, counterparties, security entitlement holders, or other persons with respect to any covered financial company or any assets or other property of or held by such covered financial company. To the extent possible, the Corporation shall seek to harmonize applicable rules and regulations promulgated under this section with the insolvency laws that would otherwise apply to a covered financial company.

**SEC. 210. POWERS AND DUTIES OF THE CORPORATION.**

(a) POWERS AND AUTHORITIES.—

(1) GENERAL POWERS.—

(A) SUCCESSOR TO COVERED FINANCIAL COMPANY.—The Corporation shall, upon appointment as receiver for a covered financial company under this title, succeed to—

(i) all rights, titles, powers, and privileges of the covered financial company and its assets, and of any stockholder, member, officer, or director of such company; and

(ii) title to the books, records, and assets of any previous receiver or other legal custodian of such covered financial company.

(B) OPERATION OF THE COVERED FINANCIAL COMPANY DURING THE PERIOD OF ORDERLY LIQUIDATION.—The Corporation, as receiver for a covered financial company, may—

(i) take over the assets of and operate the covered financial company with all of the powers of the members or shareholders, the directors, and the officers of the covered financial company, and conduct all business of the covered financial company;

(ii) collect all obligations and money owed to the covered financial company;

(iii) perform all functions of the covered financial company, in the name of the covered financial company;

(iv) manage the assets and property of the covered financial company, consistent with maximization of the value of the assets in the context of the orderly liquidation; and

(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Corporation as receiver.

(C) FUNCTIONS OF COVERED FINANCIAL COMPANY OFFICERS, DIRECTORS, AND SHAREHOLDERS.—

(i) IN GENERAL.—The Corporation may provide for the exercise of any function by any member or stockholder, director, or officer of any covered financial company for which the Corporation has been appointed as receiver under this title.

(ii) PRESUMPTION.—There shall be a strong presumption that the Corporation, as receiver for a covered financial company, will remove management responsible for the failed condition of the covered financial company.

(D) ADDITIONAL POWERS AS RECEIVER.—The Corporation shall, as receiver for a covered financial company, and subject to all legally enforceable and perfected security interests and all legally enforceable security entitlements in respect of assets held by the covered financial company, liquidate, and wind-up the affairs of a covered financial company, including taking steps to realize upon the assets of the covered financial company, in such manner as the Corporation deems appropriate, including through the sale of assets, the transfer of assets to a bridge financial company established under subsection (h), or the exercise of any other rights or privileges granted to the receiver under this section.

(E) ADDITIONAL POWERS WITH RESPECT TO FAILING SUBSIDIARIES OF A COVERED FINANCIAL COMPANY.—

(i) IN GENERAL.—In any case in which a receiver is appointed for a covered financial company under section 202, the Corporation may appoint itself as receiver of any subsidiary (other than an insured depository institution, any covered broker or dealer, or an insurance company) of the covered financial company that is organized under Federal law or the laws of any State, if the Corporation and the Secretary jointly determine that—

(I) the subsidiary is in default or in danger of default;

(II) such action would avoid or mitigate serious adverse effects on the financial stability or economic conditions of the United States; and

(III) such action would facilitate the orderly liquidation of the covered financial company.

(ii) TREATMENT AS COVERED FINANCIAL COMPANY.—If the Corporation is appointed as receiver of a subsidiary of a covered financial company under clause (i), the subsidiary shall thereafter be considered a covered financial company under this title, and the

Corporation shall thereafter have all the powers and rights with respect to that subsidiary as it has with respect to a covered financial company under this title.

(F) ORGANIZATION OF BRIDGE COMPANIES.—The Corporation, as receiver for a covered financial company, may organize a bridge financial company under subsection (h).

(G) MERGER; TRANSFER OF ASSETS AND LIABILITIES.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Corporation, as receiver for a covered financial company, may—

(I) merge the covered financial company with another company; or

(II) transfer any asset or liability of the covered financial company (including any assets and liabilities held by the covered financial company for security entitlement holders, any customer property, or any assets and liabilities associated with any trust or custody business) without obtaining any approval, assignment, or consent with respect to such transfer.

(ii) FEDERAL AGENCY APPROVAL; ANTITRUST REVIEW.—With respect to a transaction described in clause (i)(I) that requires approval by a Federal agency—

(I) the transaction may not be consummated before the 5th calendar day after the date of approval by the Federal agency responsible for such approval;

(II) if, in connection with any such approval, a report on competitive factors is required, the Federal agency responsible for such approval shall promptly notify the Attorney General of the United States of the proposed transaction, and the Attorney General shall provide the required report not later than 10 days after the date of the request; and

(III) if notification under section 7A of the Clayton Act is required with respect to such transaction, then the required waiting period shall end on the 15th day after the date on which the Attorney General and the Federal Trade Commission receive such notification, unless the waiting period is terminated earlier under subsection (b)(2) of such section 7A, or is extended pursuant to subsection (e)(2) of such section 7A.

(iii) SETOFF.—Subject to the other provisions of this title, any transferee of assets from a receiver, including a bridge financial company, shall be subject to such claims or rights as would prevail over the rights of such transferee in such assets under applicable noninsolvency law.

(H) PAYMENT OF VALID OBLIGATIONS.—The Corporation, as receiver for a covered financial company, shall, to the extent that funds are available, pay all valid obligations of the covered financial company that are due and payable at the time of the appointment of the Corporation as receiver, in accordance with the prescriptions and limitations of this title.

(I) APPLICABLE NONINSOLVENCY LAW.—Except as may otherwise be provided in this title, the applicable noninsolvency law shall be determined by the noninsolvency choice of law rules otherwise applicable to the claims, rights, titles, persons, or entities at issue.

(J) SUBPOENA AUTHORITY.—

(i) IN GENERAL.—The Corporation, as receiver for a covered financial company, may, for purposes of carrying out any power, authority, or duty with respect to the covered financial company (including determining any claim against the covered financial company and determining and realizing upon any asset of any person in the course of collecting money due the covered financial company), exercise any power established under section 8(n) of the Federal Deposit Insurance Act, as if the Corporation were the appropriate Federal banking agency for the covered financial company, and the covered financial company were an insured depository institution.

(ii) RULE OF CONSTRUCTION.—This subparagraph may not be construed as limiting any rights that the Corporation, in any capacity, might otherwise have to exercise any powers described in clause (i) or under any other provision of law.

(K) INCIDENTAL POWERS.—The Corporation, as receiver for a covered financial company, may exercise all powers and authorities specifically granted to receivers under this title, and such incidental powers as shall be necessary to carry out such powers under this title.

(L) UTILIZATION OF PRIVATE SECTOR.—In carrying out its responsibilities in the management and disposition of assets from the covered financial company, the Corporation, as receiver for a covered financial company, may utilize the services of private persons, including real estate and loan portfolio asset management, property management, auction marketing, legal, and brokerage services, if such services are available in the private sector, and the Corporation determines that utilization of such services is practicable, efficient, and cost effective.

(M) SHAREHOLDERS AND CREDITORS OF COVERED FINANCIAL COMPANY.—Notwithstanding any other provision of law, the Corporation, as receiver for a covered financial company, shall succeed by operation of law to the rights, titles, powers, and privileges described in subparagraph (A), and shall terminate all rights and claims that the stockholders and creditors of the covered financial company may have against the assets of the covered financial company or the Corporation arising out of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under this section. The Corporation shall ensure that shareholders and unsecured creditors bear losses, consistent with the priority of claims provisions under this section.

(N) COORDINATION WITH FOREIGN FINANCIAL AUTHORITIES.—The Corporation, as receiver for a covered financial company, shall coordinate, to the maximum extent possible, with the appropriate foreign financial authorities regarding the orderly liquidation of any covered financial company that has assets or operations in a country other than the United States.

(O) RESTRICTION ON TRANSFERS TO BRIDGE FINANCIAL COMPANY.—

(i) SECTION OF ACCOUNTS FOR TRANSFER.—If the Corporation establishes one or more bridge financial companies with respect to a covered broker or dealer, the Corporation shall transfer to a bridge financial company, all customer accounts of the covered financial company, unless the Corporation, after consulting with the Commission and SIPC, determines that—

(I) the customer accounts are likely to be promptly transferred to another covered broker or dealer; or

(II) the transfer of the accounts to a bridge financial company would materially interfere with the ability of the Corporation to avoid or mitigate serious adverse effects on financial stability or economic conditions in the United States.

(ii) TRANSFER OF PROPERTY.—SIPC, as trustee for the liquidation of the covered broker or dealer, and the Commission, shall provide any and all reasonable assistance necessary to complete such transfers by the Corporation.

(iii) CUSTOMER CONSENT AND COURT APPROVAL NOT REQUIRED.—Neither customer consent nor court approval shall be required to transfer any customer accounts and associated customer property to a bridge financial company in accordance with this section.

(iv) NOTIFICATION OF SIPC AND SHARING OF INFORMATION.—The Corporation shall identify to SIPC the customer accounts and associated customer property transferred to the bridge financial company. The Corporation and SIPC shall cooperate in the sharing of any information necessary for each entity to discharge its obligations under this title and under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) including by providing access to the books and records of the covered financial company and any bridge financial company established in accordance with this title.

(2) DETERMINATION OF CLAIMS.—

(A) IN GENERAL.—The Corporation, as receiver for a covered financial company, shall report on claims, as set forth in section 203(c)(3). Subject to paragraph (4) of this subsection, the Corporation, as receiver for a covered financial company, shall determine claims in accordance with the requirements of this subsection and regulations prescribed under section 209.

(B) NOTICE REQUIREMENTS.—The Corporation, as receiver for a covered financial company, in any case involving the liquidation or winding up of the affairs of a covered financial company, shall—

(i) promptly publish a notice to the creditors of the covered financial company to present their claims, together with proof, to the receiver by a date specified in the notice, which shall be not earlier than 90 days after the date of publication of such notice; and

(ii) republish such notice 1 month and 2 months, respectively, after the date of publication under clause (i).

(C) MAILING REQUIRED.—The Corporation as receiver shall mail a notice similar to the notice published under clause (i) or (ii) of subparagraph (B), at the time of such publication, to any creditor shown on the books and records of the covered financial company—

(i) at the last address of the creditor appearing in such books;

(ii) in any claim filed by the claimant; or

(iii) upon discovery of the name and address of a claimant not appearing on the books and records of the covered financial company, not later than 30 days after the date of the discovery of such name and address.

(3) PROCEDURES FOR RESOLUTION OF CLAIMS.—

(A) DECISION PERIOD.—

(i) IN GENERAL.—Prior to the 180th day after the date on which a claim against a covered financial company is filed with the Corporation as receiver, or such later date as may be agreed as provided in clause (ii), the Corporation shall notify the claimant whether it accepts or objects to the claim, in accordance with subparagraphs (B), (C), and (D).

(ii) EXTENSION OF TIME.—By written agreement executed not later than 180 days after the date on which a claim against a covered financial company is filed with the Corporation, the period described in clause (i) may be extended by written agreement between the claimant and the Corporation. Failure to notify the claimant of any disallowance

within the time period set forth in clause (i), as it may be extended by agreement under this clause, shall be deemed to be a disallowance of such claim, and the claimant may file or continue an action in court, as provided in paragraph (4).

(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any decision with respect to any claim is mailed to the last address of the claimant which appears—

(I) on the books, records, or both of the covered financial company;

(II) in the claim filed by the claimant; or

(III) in documents submitted in proof of the claim.

(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If the Corporation as receiver objects to any claim filed under clause (i), the notice to the claimant shall contain—

(I) a statement of each reason for the disallowance; and

(II) the procedures required to file or continue an action in court, as provided in paragraph (4).

(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received by the receiver on or before the date specified in the notice under paragraph (2)(B)(i), which is proved to the satisfaction of the receiver.

(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—

(i) IN GENERAL.—Except as provided in clause (ii), claims filed after the date specified in the notice published under paragraph (2)(B)(i) shall be disallowed, and such disallowance shall be final.

(ii) CERTAIN EXCEPTIONS.—Clause (i) shall not apply with respect to any claim filed by a claimant after the date specified in the notice published under paragraph (2)(B)(i), and such claim may be considered by the receiver under subparagraph (B), if—

(I) the claimant did not receive notice of the appointment of the receiver in time to file such claim before such date; and

(II) such claim is filed in time to permit payment of such claim.

(D) AUTHORITY TO DISALLOW CLAIMS.—

(i) IN GENERAL.—The Corporation may object to any portion of any claim by a creditor or claim of a security, preference, setoff, or priority which is not proved to the satisfaction of the Corporation.

(ii) PAYMENTS TO UNDERSECURED CREDITORS.—In the case of a claim against a covered financial company that is secured by any property or other asset of such covered financial company, the receiver—

(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim; and

(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the covered financial company.

(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

(I) any extension of credit from any Federal reserve bank, or the Corporation, to any covered financial company; or

(II) subject to clause (ii), any legally enforceable and perfected security interest in the assets of the covered financial company securing any such extension of credit.

(E) LEGAL EFFECT OF FILING.—

(i) STATUTE OF LIMITATIONS TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (8), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of appointment of the receiver for the covered financial company.

(4) JUDICIAL DETERMINATION OF CLAIMS.—

(A) IN GENERAL.—Subject to subparagraph (B), a claimant may file suit on a claim (or continue an action commenced before the date of appointment of the Corporation as receiver) in the district or territorial court of the United States for the district within which the principal place of business of the covered financial company is located (and such court shall have jurisdiction to hear such claim).

(B) TIMING.—A claim under subparagraph (A) may be filed before the end of the 60-day period beginning on the earlier of—

(i) the end of the period described in paragraph (3)(A)(i) (or, if extended by agreement of the Corporation and the claimant, the period described in paragraph (3)(A)(ii)) with respect to any claim against a covered financial company for which the Corporation is receiver; or

(ii) the date of any notice of disallowance of such claim pursuant to paragraph (3)(A)(i).

(C) STATUTE OF LIMITATIONS.—If any claimant fails to file suit on such claim (or to continue an action on such claim commenced before the date of appointment of the Corporation as receiver) prior to the end of the 60-day period described in subparagraph (B), the claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver) as of the end of such period, such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

(5) EXPEDITED DETERMINATION OF CLAIMS.—

(A) PROCEDURE REQUIRED.—The Corporation shall establish a procedure for expedited relief outside of the claims process established under paragraph (3), for any claimant that alleges—

(i) the existence of a legally valid and enforceable or perfected security interest in property of a covered financial company, or is an entitlement holder that has obtained control of any legally valid and enforceable security entitlement in respect of any asset held by the covered financial company for which the Corporation has been appointed receiver; and

(ii) that irreparable injury will occur if the claims procedure established under paragraph (3) is followed.

(B) DETERMINATION PERIOD.—Prior to the end of the 90-day period beginning on the date on which a claim is filed in accordance with the procedures established pursuant to subparagraph (A), the Corporation shall—

(i) determine—

(I) whether to allow or disallow such claim, or any portion thereof; or

(II) whether such claim should be determined pursuant to the procedures established pursuant to paragraph (3);

(ii) notify the claimant of the determination; and

(iii) if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining a judicial determination.

(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file suit (or continue a suit filed before the date of appointment of the Corporation as receiver seeking a determination of the rights of the claimant with respect to such security interest (or such security entitlement) after the earlier of—

(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

(ii) the date on which the Corporation denies the claim or a portion thereof.

(D) STATUTE OF LIMITATIONS.—If an action described in subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed in accordance with subparagraph (C), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

(E) LEGAL EFFECT OF FILING.—

(i) STATUTE OF LIMITATIONS TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (8), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the appointment of the Corporation as receiver for the covered financial company.

(6) AGREEMENTS AGAINST INTEREST OF THE RECEIVER.—No agreement that tends to diminish or defeat the interest of the Corporation as receiver in any asset acquired by the receiver under this section shall be valid against the receiver, unless such agreement—

(A) is in writing;

(B) was executed by an authorized officer or representative of the covered financial company, or confirmed in the ordinary course of business by the covered financial company; and

(C) has been, since the time of its execution, an official record of the company or the party claiming under the agreement provides documentation, acceptable to the receiver, of such agreement and its authorized execution or confirmation by the covered financial company.

(7) PAYMENT OF CLAIMS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Corporation as receiver may, in its discretion and to the extent that funds are available, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

(i) allowed by the receiver;

(ii) approved by the receiver pursuant to a final determination pursuant to paragraph (3) or (5), as applicable; or

(iii) determined by the final judgment of a court of competent jurisdiction.

(B) LIMITATION.—A creditor shall, in no event, receive less than the amount that the creditor is entitled to receive under paragraphs (2) and (3) of subsection (d), as applicable.

(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The Corporation as receiver may, in its sole discretion, and to the extent otherwise permitted by this section, pay dividends on proven claims at any time, and no liability shall attach to the Corporation as receiver, by reason of any such payment or for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

(D) RULEMAKING BY THE CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as the Corporation deems appropriate to establish an interest rate for or to make payments of post-insolvency interest to creditors holding proven

claims against the receivership estate of a covered financial company, except that no such interest shall be paid until the Corporation as receiver has satisfied the principal amount of all creditor claims.

(8) SUSPENSION OF LEGAL ACTIONS.—

(A) IN GENERAL.—After the appointment of the Corporation as receiver for a covered financial company, the Corporation may request a stay in any judicial action or proceeding in which such covered financial company is or becomes a party, for a period of not to exceed 90 days.

(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by the Corporation pursuant to subparagraph (A), the court shall grant such stay as to all parties.

(9) ADDITIONAL RIGHTS AND DUTIES.—

(A) PRIOR FINAL ADJUDICATION.—The Corporation shall abide by any final, non-appealable judgment of any court of competent jurisdiction that was rendered before the appointment of the Corporation as receiver.

(B) RIGHTS AND REMEDIES OF RECEIVER.—In the event of any appealable judgment, the Corporation as receiver shall—

(i) have all the rights and remedies available to the covered financial company (before the date of appointment of the Corporation as receiver under section 202) and the Corporation, including removal to Federal court and all appellate rights; and

(ii) not be required to post any bond in order to pursue such remedies.

(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may be issued by any court upon assets in the possession of the Corporation as receiver for a covered financial company.

(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this title, no court shall have jurisdiction over—

(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any covered financial company for which the Corporation has been appointed receiver, including any assets which the Corporation may acquire from itself as such receiver; or

(ii) any claim relating to any act or omission of such covered financial company or the Corporation as receiver.

(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as receiver in connection with any covered financial company for which the Corporation is acting as receiver under this section, the Corporation shall, to the greatest extent practicable, conduct its operations in a manner that—

(i) maximizes the net present value return from the sale or disposition of such assets;

(ii) minimizes the amount of any loss realized in the resolution of cases;

(iii) mitigates the potential for serious adverse effects to the financial system;

(iv) ensures timely and adequate competition and fair and consistent treatment of offerors; and

(v) prohibits discrimination on the basis of race, sex, or ethnic group in the solicitation and consideration of offers.

(10) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY RECEIVER.—

(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Corporation as receiver for a covered financial company shall be—

(i) in the case of any contract claim, the longer of—

(I) the 6-year period beginning on the date on which the claim accrues; or

(II) the period applicable under State law; and

(ii) in the case of any tort claim, the longer of—

(I) the 3-year period beginning on the date on which the claim accrues; or

(II) the period applicable under State law.

(B) DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in subparagraph (A) shall be the later of—

(i) the date of the appointment of the Corporation as receiver under this title; or

(ii) the date on which the cause of action accrues.

(C) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

(i) IN GENERAL.—In the case of any tort claim described in clause (ii) for which the applicable statute of limitations under State law has expired not more than 5 years before the date of appointment of the Corporation as receiver for a covered financial company, the Corporation may bring an action as receiver on such claim without regard to the expiration of the statute of limitations.

(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the covered financial company.

(11) AVOIDABLE TRANSFERS.—

(A) FRAUDULENT TRANSFERS.—The Corporation, as receiver for any covered financial company, may avoid a transfer of any interest of the covered financial company in property, or any obligation incurred by the covered financial company, that was made or incurred at or within 2 years before the time of commencement, if—

(i) the covered financial company voluntarily or involuntarily—

(I) made such transfer or incurred such obligation with actual intent to hinder, delay, or defraud any entity to which the covered financial company was or became, on or after the date on which such transfer was made or such obligation was incurred, indebted; or

(II) received less than a reasonably equivalent value in exchange for such transferor obligation; and

(ii) the covered financial company voluntarily or involuntarily—

(I) was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as a result of such transfer or obligation;

(II) was engaged in business or a transaction, or was about to engage in business or a transaction, for which any property remaining with the covered financial company was an unreasonably small capital;

(III) intended to incur, or believed that the covered financial company would incur, debts that would be beyond the ability of the covered financial company to pay as such debts matured; or

(IV) made such transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.

(B) PREFERENTIAL TRANSFERS.—The Corporation as receiver for any covered financial company may avoid a transfer of an interest of the covered financial company in property—

(i) to or for the benefit of a creditor;

(ii) for or on account of an antecedent debt that was owed by the covered financial company before the transfer was made;

(iii) that was made while the covered financial company was insolvent;

(iv) that was made—

(I) 90 days or less before the date on which the Corporation was appointed receiver; or

(II) more than 90 days, but less than 1 year before the date on which the Corporation was appointed receiver, if such creditor at the time of the transfer was an insider; and

(v) that enables the creditor to receive more than the creditor would receive if—

(I) the covered financial company had been liquidated under chapter 7 of the Bankruptcy Code;

(II) the transfer had not been made; and

(III) the creditor received payment of such debt to the extent provided by the provisions of chapter 7 of the Bankruptcy Code.

(C) POST-RECEIVERSHIP TRANSACTIONS.—The Corporation as receiver for any covered financial company may avoid a transfer of property of the receivership that occurred after the Corporation was appointed receiver that was not authorized under this title by the Corporation as receiver.

(D) RIGHT OF RECOVERY.—To the extent that a transfer is avoided under subparagraph (A), (B), or (C), the Corporation may recover, for the benefit of the covered financial company, the property transferred or, if a court so orders, the value of such property (at the time of such transfer) from—

(i) the initial transferee of such transfer or the person for whose benefit such transfer was made; or

(ii) any immediate or mediate transferee of any such initial transferee.

(E) RIGHTS OF TRANSFEREE OR OBLIGEE.—The Corporation may not recover under subparagraph (D)(ii) from—

(i) any transferee that takes for value, including in satisfaction of or to secure a present or antecedent debt, in good faith, and without knowledge of the voidability of the transfer avoided; or

(ii) any immediate or mediate good faith transferee of such transferee.

(F) DEFENSES.—Subject to the other provisions of this title—

(i) a transferee or obligee from which the Corporation seeks to recover a transfer or to avoid an obligation under subparagraph (A), (B), (C), or (D) shall have the same defenses available to a transferee or obligee from which a trustee seeks to recover a transfer or avoid an obligation under; and

(ii) the authority of the Corporation to recover a transfer or avoid an obligation shall be subject to subsections (b) and (c) of section 546, section 547(c), and section 548(c) of the Bankruptcy Code.

(G) RIGHTS UNDER THIS SECTION.—The rights of the Corporation as receiver under this section shall be superior to any rights of a trustee or any other party (other than a Federal agency) under the Bankruptcy Code.

(H) RULES OF CONSTRUCTION; DEFINITIONS.—For purposes of—

(i) subparagraphs (A) and (B)—

(I) the term ''insider'' has the same meaning as in section 101(31) of the Bankruptcy Code;

(II) a transfer is made when such transfer is so perfected that a bona fide purchaser from the covered financial company against whom applicable law permits such transfer to be perfected cannot acquire an interest in the property transferred that is superior to the interest in such property of the transferee, but if such transfer is not so perfected before the date on which the Corporation is appointed as receiver for the covered financial company, such transfer is made immediately before the date of such appointment; and

(III) the term ''value'' means property, or satisfaction or securing of a present or antecedent debt of the covered financial company, but does not include an unperformed promise to furnish support to the covered financial company; and

(ii) subparagraph (B)—

(I) the covered financial company is presumed to have been insolvent on and during the 90-day period immediately preceding the date of appointment of the Corporation as receiver; and

(II) the term ''insolvent'' has the same meaning as in section 101(32) of the Bankruptcy Code.

(12) SETOFF.—

(A) GENERALLY.—Except as otherwise provided in this title, any right of a creditor to offset a mutual debt owed by the creditor to any covered financial company that arose before the Corporation was appointed as receiver for the covered financial company against a claim of such creditor may be asserted if enforceable under applicable noninsolvency law, except to the extent that—

(i) the claim of the creditor against the covered financial company is disallowed;

(ii) the claim was transferred, by an entity other than the covered financial company, to the creditor—

(I) after the Corporation was appointed as receiver of the covered financial company; or

(II)(aa) after the 90-day period preceding the date on which the Corporation was appointed as receiver for the covered financial company; and

(bb) while the covered financial company was insolvent (except for a setoff in connection with a qualified financial contract); or

(iii) the debt owed to the covered financial company was incurred by the covered financial company—

(I) after the 90-day period preceding the date on which the Corporation was appointed as receiver for the covered financial company;

(II) while the covered financial company was insolvent; and

(III) for the purpose of obtaining a right of setoff against the covered financial company (except for a setoff in connection with a qualified financial contract).

(B) INSUFFICIENCY.—

(i) IN GENERAL.—Except with respect to a setoff in connection with a qualified financial contract, if a creditor offsets a mutual debt owed to the covered financial company against a claim of the covered financial company on or within the 90-day period preceding the date on which the Corporation is appointed as receiver for the covered financial company, the Corporation may recover from the creditor the amount so offset, to the extent that any insufficiency on the date of such setoff is less than the insufficiency on the later of—

(I) the date that is 90 days before the date on which the Corporation is appointed as receiver for the covered financial company; or

(II) the first day on which there is an insufficiency during the 90-day period preceding the date on which the Corporation is appointed as receiver for the covered financial company.

(ii) DEFINITION OF INSUFFICIENCY.—In this subparagraph, the term ''insufficiency'' means the amount, if any, by which a claim against the covered financial company exceeds a mutual debt owed to the covered financial company by the holder of such claim.

(C) INSOLVENCY.—The term ''insolvent'' has the same meaning as in section 101(32) of the Bankruptcy Code.

(D) PRESUMPTION OF INSOLVENCY.—For purposes of this paragraph, the covered financial company is presumed to have been insolvent on and during the 90-day period preceding the date of appointment of the Corporation as receiver.

(E) LIMITATION.—Nothing in this paragraph (12) shall be the basis for any right of setoff where no such right exists under applicable noninsolvency law.

(F) PRIORITY CLAIM.—Except as otherwise provided in this title, the Corporation as receiver for the covered financial company may sell or transfer any assets free and clear of the setoff rights of any party, except that such party shall be entitled to a claim, subordinate to the claims payable under subparagraphs (A), (B), and (C) of subsection (b)(1), but senior to all other unsecured liabilities defined in subsection (b)(1)(D), in an amount equal to the value of such setoff rights.

(13) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (14), any court of competent jurisdiction may, at the request of the Corporation as receiver for a covered financial company, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Corporation under the control of the court and appointing a trustee to hold such assets.

(14) STANDARDS.—

(A) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (13), without regard to the requirement that the applicant show that the injury, loss, or damage is irreparable and immediate.

(B) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of the State provide substantially similar protections of the right of the parties to due process as provided under Rule 65 (as modified with respect to such proceeding by subparagraph (A)), the relief sought by the Corporation pursuant to paragraph (14) may be requested under the laws of such State.

(15) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CORPORATION AS RECEIVER.—Notwithstanding any other provision of this title, any final and non-appealable judgment for monetary damages entered against the Corporation as receiver for a covered financial company for the breach of an agreement executed or approved by the Corporation after the date of its appointment shall be paid as an administrative expense of the receiver. Nothing in this paragraph shall be construed to limit the power of a receiver to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

(16) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

(A) IN GENERAL.—The Corporation as receiver for a covered financial company shall, consistent with the accounting and reporting practices and procedures established by the Corporation, maintain a full accounting of each receivership or other disposition of any covered financial company.

(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each receivership to which the Corporation is appointed, the Corporation shall make an annual accounting or report, as appropriate, available to the Secretary and the Comptroller General of the United States.

(C) AVAILABILITY OF REPORTS.—Any report prepared pursuant to subparagraph (B) and section 203(c)(3) shall be made available to the public by the Corporation.

(D) RECORDKEEPING REQUIREMENT.—

(i) IN GENERAL.—The Corporation shall prescribe such regulations and establish such retention schedules as are necessary to maintain the documents and records of the Corporation generated in exercising the authorities of this title and the records of a covered financial company for which the Corporation is appointed receiver, with due regard for—

(I) the avoidance of duplicative record retention; and

(II) the expected evidentiary needs of the Corporation as receiver for a covered financial company and the public regarding the records of covered financial companies.

(ii) RETENTION OF RECORDS.—Unless otherwise required by applicable Federal law or court order, the Corporation may not, at any time, destroy any records that are subject to clause (i).

(iii) RECORDS DEFINED.—As used in this subparagraph, the terms ''records'' and ''records of a covered financial company'' mean any document, book, paper, map, photograph, microfiche, microfilm, computer or electronically-created record generated or maintained by the covered financial company in the course of and necessary to its transaction of business.

(b) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

(1) IN GENERAL.—Unsecured claims against a covered financial company, or the Corporation as receiver for such covered financial company under this section, that are proven to the satisfaction of the receiver shall have priority in the following order:

(A) Administrative expenses of the receiver.

(B) Any amounts owed to the United States, unless the United States agrees or consents otherwise.

(C) Any other general or senior liability of the covered financial company (which is not a liability described under subparagraph (D) or (E)).

(D) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (E)).

(E) Any obligation to shareholders, members, general partners, limited partners, or other persons, with interests in the equity of the covered financial company arising as a result of their status as shareholders, members, general partners, limited partners, or other persons with interests in the equity of the covered financial company.

(2) POST-RECEIVERSHIP FINANCING PRIORITY.—In the event that the Corporation, as receiver for a covered financial company, is unable to obtain unsecured credit for the covered financial company from commercial sources, the Corporation as receiver may obtain credit or incur debt on the part of the covered financial company, which shall have priority over any or all administrative expenses of the receiver under paragraph (1)(A).

(3) CLAIMS OF THE UNITED STATES.—Unsecured claims of the United States shall, at a minimum, have a higher priority than liabilities of the covered financial company that count as regulatory capital.

(4) CREDITORS SIMILARLY SITUATED.—All claimants of a covered financial company that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Corporation as receiver may take any action (including making payments, subject to subsection (o)(1)(E)(ii)) that does not comply with this subsection, if—

(A) the Corporation determines that such action is necessary—

(i) to maximize the value of the assets of the covered financial company;

(ii) to maximize the present value return from the sale or other disposition of the assets of the covered financial company; or

(iii) to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered financial company; and

(B) all claimants that are similarly situated under paragraph (1) receive not less than the amount provided in paragraphs (2) and (3) of subsection (d).

(5) SECURED CLAIMS UNAFFECTED.—This section shall not affect secured claims or security entitlements in respect of assets or property held by the covered financial company, except to the extent that the security is insufficient to satisfy the claim, and then only with regard to the difference between the claim and the amount realized from the security.

(6) PRIORITY OF EXPENSES AND UNSECURED CLAIMS IN THE ORDERLY LIQUIDATION OF SIPC MEMBER.—Where the Corporation is appointed as receiver for a covered broker or dealer, unsecured claims against such covered broker or dealer, or the Corporation as receiver for such covered broker or dealer under this section, that are proven to the satisfaction of the receiver under section 205(e), shall have the priority prescribed in paragraph (1), except that—

(A) SIPC shall be entitled to recover administrative expenses incurred in performing its responsibilities under section 205 on an equal basis with the Corporation, in accordance with paragraph (1)(A);

(B) the Corporation shall be entitled to recover any amounts paid to customers or to SIPC pursuant to section 205(f), in accordance with paragraph (1)(B);

(C) SIPC shall be entitled to recover any amounts paid out of the SIPC Fund to meet its obligations under section 205 and under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), which claim shall be subordinate to the claims payable under subparagraphs (A) and (B) of paragraph (1), but senior to all other claims; and

(D) the Corporation may, after paying any proven claims to customers under section 205 and the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and as provided above, pay dividends on other proven claims, in its discretion, and to the extent that funds are available, in accordance with the priorities set forth in paragraph (1).

(c) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF RECEIVER.—

(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights that a receiver may have, the Corporation as receiver for any covered financial company may disaffirm or repudiate any contract or lease—

(A) to which the covered financial company is a party;

(B) the performance of which the Corporation as receiver, in the discretion of the Corporation, determines to be burdensome; and

(C) the disaffirmance or repudiation of which the Corporation as receiver determines, in the discretion of the Corporation, will promote the orderly administration of the affairs of the covered financial company.

(2) TIMING OF REPUDIATION.—The Corporation, as receiver for any covered financial company, shall determine whether or not to exercise the rights of repudiation under this section within a reasonable period of time.

(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

(A) IN GENERAL.—Except as provided in paragraphs (4), (5), and (6) and in subparagraphs (C), (D), and (E) of this paragraph, the liability of the Corporation as receiver for a covered financial company for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

(i) limited to actual direct compensatory damages; and

(ii) determined as of—

(I) the date of the appointment of the Corporation as receiver; or

(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term ''actual direct compensatory damages'' does not include—

(i) punitive or exemplary damages;

(ii) damages for lost profits or opportunity; or

(iii) damages for pain and suffering.

(C) MEASURE OF DAMAGES FOR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

(ii) paid in accordance with this paragraph and subsection (d), except as otherwise specifically provided in this subsection.

(D) MEASURE OF DAMAGES FOR REPUDIATION OR DISAFFIRMANCE OF DEBT OBLIGATION.—In the case of any debt for borrowed money or evidenced by a security, actual direct compensatory damages shall be no less than the amount lent plus accrued interest plus any accreted original issue discount as of the date the Corporation was appointed receiver of the covered financial company and, to the extent that an allowed secured claim is secured by property the value of which is greater than the amount of such claim and any accrued interest through the date of repudiation or disaffirmance, such accrued interest pursuant to paragraph (1).

(E) MEASURE OF DAMAGES FOR REPUDIATION OR DISAFFIRMANCE OF CONTINGENT OBLIGATION.—In the case of any contingent obligation of a covered financial company consisting of any obligation under a guarantee, letter of credit, loan commitment, or similar credit obligation, the Corporation may, by rule or regulation, prescribe that actual direct compensatory damages shall be no less than the estimated value of the claim as of the date the Corporation was appointed receiver of the covered financial company, as such value is measured based on the likelihood that such contingent claim would become fixed and the probable magnitude thereof.

(4) LEASES UNDER WHICH THE COVERED FINANCIAL COMPANY IS THE LESSEE.—

(A) IN GENERAL.—If the Corporation as receiver disaffirms or repudiates a lease under which the covered financial company is the lessee, the receiver shall not be liable for any damages (other than damages determined pursuant to subparagraph (B)) for the disaffirmance or repudiation of such lease.

(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which subparagraph (A) would otherwise apply shall—

(i) be entitled to the contractual rent accruing before the later of the date on which—

(I) the notice of disaffirmance or repudiation is mailed; or

(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment which shall be paid in accordance with this paragraph and subsection (d).

(5) LEASES UNDER WHICH THE COVERED FINANCIAL COMPANY IS THE LESSOR.—

(A) IN GENERAL.—If the Corporation as receiver for a covered financial company repudiates an unexpired written lease of real property of the covered financial company under which the covered financial company is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

(i) treat the lease as terminated by such repudiation; or

(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described in subparagraph (A) remains in possession of a leasehold interest pursuant to clause (ii) of subparagraph (A)—

(i) the lessee—

(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, any damages which accrue after such date due to the nonperformance of any obligation of the covered financial company under the lease after such date; and

(ii) the Corporation as receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

(A) IN GENERAL.—If the receiver repudiates any contract (which meets the requirements of subsection (a)(6)) for the sale of real property, and the purchaser of such real property under such contract is in possession and is not, as of the date of such repudiation, in default, such purchaser may either—

(i) treat the contract as terminated by such repudiation; or

(ii) remain in possession of such real property.

(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described in subparagraph (A) remains in possession of such property pursuant to clause (ii) of subparagraph (A)—

(i) the purchaser—

(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the covered financial company under the contract; and

(ii) the Corporation as receiver shall—

(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

(II) deliver title to the purchaser in accordance with the provisions of the contract; and

(III) have no obligation under the contract other than the performance required under subclause (II).

(C) ASSIGNMENT AND SALE ALLOWED.—

(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the Corporation as receiver to assign the contract described in subparagraph (A) and sell the property, subject to the contract and the provisions of this paragraph.

(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described in clause (i) is consummated, the Corporation as receiver shall have no further liability under the contract described in subparagraph (A) or with respect to the real property which was the subject of such contract.

(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any covered financial company for which the Corporation has been appointed receiver, any claim of such person for services performed before the date of appointment shall be—

(i) a claim to be paid in accordance with subsections (a), (b), and (d); and

(ii) deemed to have arisen as of the date on which the receiver was appointed.

(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described in subparagraph (A), the Corporation as receiver accepts performance by the other person before making any determination to exercise the right of repudiation of such contract under this section—

(i) the other party shall be paid under the terms of the contract for the services performed; and

(ii) the amount of such payment shall be treated as an administrative expense of the receivership.

(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the Corporation as receiver for services referred to in subparagraph (B) in connection with a contract described in subparagraph (B) shall not affect the right of the Corporation as receiver to repudiate such contract under this section at any time after such performance.

(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to subsection (a)(8) and paragraphs (9) and (10) of this subsection, and notwithstanding any other provision of this section, any other provision of Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

(i) any right that such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a covered financial company which arises upon the date of appointment of the Corporation as receiver for such covered financial company at any time after such appointment;

(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i); or

(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts or agreements described in clause (i), including any master agreement for such contracts or agreements.

(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (a)(8) shall apply in the case of any judicial action or proceeding brought against the Corporation as receiver referred to in subparagraph (A), or the subject covered financial company, by any party to a contract or agreement described in subparagraph (A)(i) with such covered financial company.

(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

(i) IN GENERAL.—Notwithstanding subsection (a)(11), (a)(12), or (c)(12), section 5242 of the Revised Statutes of the United States, or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Corporation, whether acting as the Corporation or as receiver for a covered financial company, may not avoid any transfer of money or other property in connection with any qualified financial contract with a covered financial company.

(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a covered financial company if the transferee had actual intent to hinder, delay, or defraud such company, the creditors of such company, or the Corporation as receiver appointed for such company.

(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—For purposes of this subsection, the following definitions shall apply:

(i) QUALIFIED FINANCIAL CONTRACT.—The term ''qualified financial contract'' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Corporation determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

(ii) SECURITIES CONTRACT.—The term ''securities contract''—

(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option (whether or not such repurchase or reverse repurchase transaction is a ''repurchase agreement'', as defined in clause (v));

(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

(III) means any option entered into on a national securities exchange relating to foreign currencies;

(IV) means the guarantee (including by novation) by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit or mortgage loans or interests therein (including any interest therein or based on the value thereof) or an option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option (whether or not such settlement is in connection with any agreement or transaction referred to in subclauses (I) through (XII) (other than subclause (II)));

(V) means any margin loan;

(VI) means any extension of credit for the clearance or settlement of securities transactions;

(VII) means any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction;

(VIII) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

(IX) means any combination of the agreements or transactions referred to in this clause;

(X) means any option to enter into any agreement or transaction referred to in this clause;

(XI) means a master agreement that provides for an agreement or transaction referred to in any of subclauses (I) through (X), other than subclause (II), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in any of subclauses (I) through (X), other than subclause (II); and

(XII) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

(iii) COMMODITY CONTRACT.—The term ''commodity contract'' means—

(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

(II) with respect to a foreign futures commission merchant, a foreign future;

(III) with respect to a leverage transaction merchant, a leverage transaction;

(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

(V) with respect to a commodity options dealer, a commodity option;

(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

(VII) any combination of the agreements or transactions referred to in this clause;

(VIII) any option to enter into any agreement or transaction referred to in this clause;

(IX) a master agreement that provides for an agreement or transaction referred to in any of subclauses (I) through (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in any of subclauses (I) through (VIII); or

(X) any security agreement or arrangement or other credit enhancement related to

any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

(iv) FORWARD CONTRACT.—The term ''forward contract'' means—

(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date that is more than 10 days after the date on which the contract is entered into, including a repurchase or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a ''repurchase agreement'', as defined in clause (v)), consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

(IV) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

(v) REPURCHASE AGREEMENT.—The term ''repurchase agreement'' (which definition also applies to a reverse repurchase agreement)—

(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as such term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (which, for purposes of this clause, means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the Board of Governors), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Corporation determines, by regulation, resolution, or order to include any such participation within the meaning of such term;

(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

(vi) SWAP AGREEMENT.—The term ''swap agreement'' means—

(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange, precious metals, or other commodity agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; weather swap, option, future, or forward agreement; an emissions swap, option, future, or forward agreement; or an inflation swap, option, future, or forward agreement;

(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap or other derivatives markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, option, or spot transaction on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

(III) any combination of agreements or transactions referred to in this clause;

(IV) any option to enter into any agreement or transaction referred to in this clause;

(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

(VI) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in any of clauses (I) through (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such clause.

(vii) DEFINITIONS RELATING TO DEFAULT.—When used in this paragraph and paragraph (10)—

(I) the term ''default'' means, with respect to a covered financial company, any adjudication or other official decision by any court of competent jurisdiction, or other public authority pursuant to which the Corporation has been appointed receiver; and

(II) the term ''in danger of default'' means a covered financial company with respect to which the Corporation or appropriate State authority has determined that—

(aa) in the opinion of the Corporation or such authority—

(AA) the covered financial company is not likely to be able to pay its obligations in the normal course of business; and

(BB) there is no reasonable prospect that the covered financial company will be able to pay such obligations without Federal assistance; or

(bb) in the opinion of the Corporation or such authority—

(AA) the covered financial company has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and

(BB) there is no reasonable prospect that the capital will be replenished without Federal assistance.

(viii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any of clauses (i) through (vi) (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contact. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

(ix) TRANSFER.—The term ''transfer'' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the covered financial company.

(x) PERSON.—The term ''person'' includes any governmental entity in addition to any entity included in the definition of such term in section 1, title 1, United States Code.

(E) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and

(10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (c)(1).

(F) WALKAWAY CLAUSES NOT EFFECTIVE.—

(i) IN GENERAL.—Notwithstanding the provisions of subparagraph (A) of this paragraph and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a covered financial company in default.

(ii) LIMITED SUSPENSION OF CERTAIN OBLIGATIONS.—In the case of a qualified financial contract referred to in clause (i), any payment or delivery obligations otherwise due from a party pursuant to the qualified financial contract shall be suspended from the time at which the Corporation is appointed as receiver until the earlier of—

(I) the time at which such party receives notice that such contract has been transferred pursuant to paragraph (10)(A); or

(II) 5:00 p.m. (eastern time) on the 5th business day following the date of the appointment of the Corporation as receiver.

(iii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term ''walkaway clause'' means any provision in a qualified financial contract that suspends, conditions, or extinguishes a payment obligation of a party, in whole or in part, or does not create a payment obligation of a party that would otherwise exist, solely because of the status of such party as a nondefaulting party in connection with the insolvency of a covered financial company that is a party to the contract or the appointment of or the exercise of rights or powers by the Corporation as receiver for such covered financial company, and not as a result of the exercise by a party of any right to offset, setoff, or net obligations that exist under the contract, any other contract between those parties, or applicable law.

(iv) CERTAIN OBLIGATIONS TO CLEARING ORGANIZATIONS.—In the event that the Corporation has been appointed as receiver for a covered financial company which is a party to any qualified financial contract cleared by or subject to the rules of a clearing organization (as defined in subsection (c)(9)(D)), the receiver shall use its best efforts to meet all margin, collateral, and settlement obligations of the covered financial company that arise under qualified financial contracts (other than any margin, collateral, or settlement obligation that is not enforceable against the receiver under paragraph (8)(F)(i) or paragraph (10)(B)), as required by the rules of the clearing organization when due, and such obligations shall not be suspended pursuant to paragraph (8)(F)(ii). Notwithstanding paragraph (8)(F)(ii) or (10)(B), if the receiver fails to satisfy any such margin, collateral, or settlement obligations under the rules of the clearing organization, the clearing organization shall have the immediate right to exercise, and shall not be stayed from exercising, all of its rights and remedies under its rules and applicable law with respect to any qualified financial contract of the covered financial company, including, without limitation, the right to liquidate all positions and collateral of such covered financial company under the company's qualified financial contracts, and suspend or cease to act for such covered financial company, all in accordance with the rules of the clearing organization.

(G) RECORDKEEPING.—

(i) JOINT RULEMAKING.—The Federal primary financial regulatory agencies shall jointly prescribe regulations requiring that financial companies maintain such records with respect to qualified financial contracts (including market valuations) that the Federal primary financial regulatory agencies determine to be necessary or appropriate in order to assist the Corporation as receiver for a covered financial company in being able to exercise its rights and fulfill its obligations under this paragraph or paragraph (9) or (10).

(ii) TIMEFRAME.—The Federal primary financial regulatory agencies shall prescribe joint final or interim final regulations not later than 24 months after the date of enactment of this Act.

(iii) BACK-UP RULEMAKING AUTHORITY.—If the Federal primary financial regulatory agencies do not prescribe joint final or interim final regulations within the time frame in clause (ii), the Chairperson of the Council shall prescribe, in consultation with the Corporation, the regulations required by clause (i).

(iv) CATEGORIZATION AND TIERING.—The joint regulations prescribed under clause (i) shall, as appropriate, differentiate among financial companies by taking into consideration their size, risk, complexity, leverage, frequency and dollar amount of qualified financial contracts, interconnectedness to the financial system, and any other factors deemed appropriate.

(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

(A) IN GENERAL.—In making any transfer of assets or liabilities of a covered financial company in default, which includes any qualified financial contract, the Corporation as receiver for such covered financial company shall either—

(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

(I) all qualified financial contracts between any person or any affiliate of such person and the covered financial company in default;

(II) all claims of such person or any affiliate of such person against such covered financial company under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such company);

(III) all claims of such covered financial company against such person or any affiliate of such person under any such contract; and

(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

(B) TRANSFER TO FOREIGN BANK, FINANCIAL INSTITUTION, OR BRANCH OR AGENCY THEREOF.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the Corporation as receiver for the covered financial company shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that the Corporation as receiver for a financial institution transfers any qualified financial contract and related claims, property, or credit enhancement pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

(D) DEFINITIONS.—For purposes of this paragraph—

(i) the term ''financial institution'' means a broker or dealer, a depository institution, a futures commission merchant, a bridge financial company, or any other institution determined by the Corporation, by regulation, to be a financial institution; and

(ii) the term ''clearing organization'' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

(10) NOTIFICATION OF TRANSFER.—

(A) IN GENERAL.—

(i) NOTICE.—The Corporation shall provide notice in accordance with clause (ii), if—

(I) the Corporation as receiver for a covered financial company in default or in danger of default transfers any assets or liabilities of the covered financial company; and

(II) the transfer includes any qualified financial contract.

(ii) TIMING.—The Corporation as receiver for a covered financial company shall notify any person who is a party to any contract described in clause (i) of such transfer not later than 5:00 p.m. (eastern time) on the 5th business day following the date of the appointment of the Corporation as receiver.

(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a covered financial company may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) solely by reason of or incidental to the appointment under this section of the Corporation as receiver for the covered financial company (or the insolvency or financial condition of the covered financial company for which the Corporation has been appointed as receiver)—

(I) until 5:00 p.m. (eastern time) on the 5th business day following the date of the appointment; or

(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

(ii) NOTICE.—For purposes of this paragraph, the Corporation as receiver for a covered financial company shall be deemed to have notified a person who is a party to a qualified financial contract with such covered financial company, if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

(C) TREATMENT OF BRIDGE FINANCIAL COMPANY.—For purposes of paragraph (9), a bridge financial company shall not be considered to be a covered financial company for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or which is otherwise the

subject of a bankruptcy or insolvency proceeding.

(D) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term ''business day'' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of the Corporation as receiver with respect to any qualified financial contract to which a covered financial company is a party, the Corporation shall either—

(A) disaffirm or repudiate all qualified financial contracts between—

(i) any person or any affiliate of such person; and

(ii) the covered financial company in default; or

(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

(12) CERTAIN SECURITY AND CUSTOMER INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any—

(A) legally enforceable or perfected security interest in any of the assets of any covered financial company, except in accordance with subsection (a)(11); or

(B) legally enforceable interest in customer property, security entitlements in respect of assets or property held by the covered financial company for any security entitlement holder.

(13) AUTHORITY TO ENFORCE CONTRACTS.—

(A) IN GENERAL.—The Corporation, as receiver for a covered financial company, may enforce any contract, other than a liability insurance contract of a director or officer, a financial institution bond entered into by the covered financial company, notwithstanding any provision of the contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency, the appointment of or the exercise of rights or powers by the Corporation as receiver, the filing of the petition pursuant to section 202(c)(1), or the issuance of the recommendations or determination, or any actions or events occurring in connection therewith or as a result thereof, pursuant to section 203.

(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the Corporation as receiver to enforce or recover under a liability insurance contract of a director or officer or financial institution bond under other applicable law.

(C) CONSENT REQUIREMENT AND IPSO FACTO CLAUSES.—

(i) IN GENERAL.—Except as otherwise provided by this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the covered financial company is a party (and no provision in any such contract providing for such default, termination, or acceleration shall be enforceable), or to obtain possession of or exercise control over any property of the covered financial company or affect any contractual rights of the covered financial company, without the consent of the Corporation as receiver for the covered financial company during the 90 day period beginning from the appointment of the Corporation as receiver.

(ii) EXCEPTIONS.—No provision of this subparagraph shall apply to a director or officer liability insurance contract or a financial institution bond, to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or to the rights of parties to netting contracts pursuant to subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.), or shall be construed as permitting the Corporation as receiver to fail to comply with otherwise enforceable provisions of such contract.

(D) CONTRACTS TO EXTEND CREDIT.—Notwithstanding any other provision in this title, if the Corporation as receiver enforces any contract to extend credit to the covered financial company or bridge financial company, any valid and enforceable obligation to repay such debt shall be paid by the Corporation as receiver, as an administrative expense of the receivership.

(14) EXCEPTION FOR FEDERAL RESERVE BANKS AND CORPORATION SECURITY INTEREST.—No provision of this subsection shall apply with respect to—

(A) any extension of credit from any Federal reserve bank or the Corporation to any covered financial company; or

(B) any security interest in the assets of the covered financial company securing any such extension of credit.

(15) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

(16) ENFORCEMENT OF CONTRACTS GUARANTEED BY THE COVERED FINANCIAL COMPANY.—

(A) IN GENERAL.—The Corporation, as receiver for a covered financial company or as receiver for a subsidiary of a covered financial company (including an insured depository institution) shall have the power to enforce contracts of subsidiaries or affiliates of the covered financial company, the obligations under which are guaranteed or otherwise supported by or linked to the covered financial company, notwithstanding any contractual right to cause the termination, liquidation, or acceleration of such contracts based solely on the insolvency, financial condition, or receivership of the covered financial company, if—

(i) such guaranty or other support and all related assets and liabilities are transferred to and assumed by a bridge financial company or a third party (other than a third party for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or which is otherwise the subject of a bankruptcy or insolvency proceeding) within the same period of time as the Corporation is entitled to transfer the qualified financial contracts of such covered financial company; or

(ii) the Corporation, as receiver, otherwise provides adequate protection with respect to such obligations.

(B) RULE OF CONSTRUCTION.—For purposes of this paragraph, a bridge financial company shall not be considered to be a third party for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or which is otherwise the subject of a bankruptcy or insolvency proceeding.

(d) VALUATION OF CLAIMS IN DEFAULT.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method utilized by the Corporation for a covered financial company, including transactions authorized under subsection (h), this subsection shall govern the rights of the creditors of any such covered financial company.

(2) MAXIMUM LIABILITY.—The maximum liability of the Corporation, acting as receiver for a covered financial company or in any other capacity, to any person having a claim against the Corporation as receiver or the covered financial company for which the Corporation is appointed shall equal the amount that such claimant would have received if—

(A) the Corporation had not been appointed receiver with respect to the covered financial company; and

(B) the covered financial company had been liquidated under chapter 7 of the Bankruptcy Code, or any similar provision of State insolvency law applicable to the covered financial company.

(3) SPECIAL PROVISION FOR ORDERLY LIQUIDATION BY SIPC.—The maximum liability of the Corporation, acting as receiver or in its corporate capacity for any covered broker or dealer to any customer of such covered broker or dealer, with respect to customer property of such customer, shall be—

(A) equal to the amount that such customer would have received with respect to such customer property in a case initiated by SIPC under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.); and

(B) determined as of the close of business on the date on which the Corporation is appointed as receiver.

(4) ADDITIONAL PAYMENTS AUTHORIZED.—

(A) IN GENERAL.—Subject to subsection (o)(1)(E)(ii), the Corporation, with the approval of the Secretary, may make additional payments or credit additional amounts to or with respect to or for the account of any claimant or category of claimants of the covered financial company, if the Corporation determines that such payments or credits are necessary or appropriate to minimize losses to the Corporation as receiver from the orderly liquidation of the covered financial company under this section.

(B) LIMITATION.—Notwithstanding any other provision of Federal or State law, or the constitution of any State, the Corporation shall not be obligated, as a result of having made any payment under subparagraph (A) or credited any amount described in subparagraph (A) to or with respect to or for the account of any claimant or category of claimants, to make payments to any other claimant or category of claimants.

(C) MANNER OF PAYMENT.—The Corporation may make payments or credit amounts under subparagraph (A) directly to the claimants or may make such payments or credit such amounts to a company other than a covered financial company or a bridge financial company established with respect thereto in order to induce such other company to accept liability for such claims.

(e) LIMITATION ON COURT ACTION.—Except as provided in this title, no court may take any action to restrain or affect the exercise of powers or functions of the receiver hereunder, and any remedy against the Corporation or receiver shall be limited to money damages determined in accordance with this title.

(f) LIABILITY OF DIRECTORS AND OFFICERS.—

(1) IN GENERAL.—A director or officer of a covered financial company may be held personally liable for monetary damages in any

civil action described in paragraph (2) by, on behalf of, or at the request or direction of the Corporation, which action is prosecuted wholly or partially for the benefit of the Corporation—

(A) acting as receiver for such covered financial company;

(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by the Corporation as receiver; or

(C) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed in whole or in part by a covered financial company or its affiliate in connection with assistance provided under this title.

(2) ACTIONS COVERED.—Paragraph (1) shall apply with respect to actions for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall impair or affect any right of the Corporation under other applicable law.

(g) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, or appraiser of a covered financial company, or any other party employed by or providing services to a covered financial company, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the covered financial company shall include principal losses and appropriate interest.

(h) BRIDGE FINANCIAL COMPANIES.—

(1) ORGANIZATION.—

(A) PURPOSE.—The Corporation, as receiver for one or more covered financial companies or in anticipation of being appointed receiver for one or more covered financial companies, may organize one or more bridge financial companies in accordance with this subsection.

(B) AUTHORITIES.—Upon the creation of a bridge financial company under subparagraph (A) with respect to a covered financial company, such bridge financial company may—

(i) assume such liabilities (including liabilities associated with any trust or custody business, but excluding any liabilities that count as regulatory capital) of such covered financial company as the Corporation may, in its discretion, determine to be appropriate;

(ii) purchase such assets (including assets associated with any trust or custody business) of such covered financial company as the Corporation may, in its discretion, determine to be appropriate; and

(iii) perform any other temporary function which the Corporation may, in its discretion, prescribe in accordance with this section.

(2) CHARTER AND ESTABLISHMENT.—

(A) ESTABLISHMENT.—Except as provided in subparagraph (H), where the covered financial company is a covered broker or dealer, the Corporation, as receiver for a covered financial company, may grant a Federal charter to and approve articles of association for one or more bridge financial company or companies, with respect to such covered financial company which shall, by operation of law and immediately upon issuance of its charter and approval of its articles of association, be established and operate in accordance with, and subject to, such charter, articles, and this section.

(B) MANAGEMENT.—Upon its establishment, a bridge financial company shall be under the management of a board of directors appointed by the Corporation.

(C) ARTICLES OF ASSOCIATION.—The articles of association and organization certificate of a bridge financial company shall have such terms as the Corporation may provide, and shall be executed by such representatives as the Corporation may designate.

(D) TERMS OF CHARTER; RIGHTS AND PRIVILEGES.—Subject to and in accordance with the provisions of this subsection, the Corporation shall—

(i) establish the terms of the charter of a bridge financial company and the rights, powers, authorities, and privileges of a bridge financial company granted by the charter or as an incident thereto; and

(ii) provide for, and establish the terms and conditions governing, the management (including the bylaws and the number of directors of the board of directors) and operations of the bridge financial company.

(E) TRANSFER OF RIGHTS AND PRIVILEGES OF COVERED FINANCIAL COMPANY.—

(i) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Corporation may provide for a bridge financial company to succeed to and assume any rights, powers, authorities, or privileges of the covered financial company with respect to which the bridge financial company was established and, upon such determination by the Corporation, the bridge financial company shall immediately and by operation of law succeed to and assume such rights, powers, authorities, and privileges.

(ii) EFFECTIVE WITHOUT APPROVAL.—Any succession to or assumption by a bridge financial company of rights, powers, authorities, or privileges of a covered financial company under clause (i) or otherwise shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

(F) CORPORATE GOVERNANCE AND ELECTION AND DESIGNATION OF BODY OF LAW.—To the extent permitted by the Corporation and consistent with this section and any rules, regulations, or directives issued by the Corporation under this section, a bridge financial company may elect to follow the corporate governance practices and procedures that are applicable to a corporation incorporated under the general corporation law of the State of Delaware, or the State of incorporation or organization of the covered financial company with respect to which the bridge financial company was established, as such law may be amended from time to time.

(G) CAPITAL.—

(i) CAPITAL NOT REQUIRED.—Notwithstanding any other provision of Federal or State law, a bridge financial company may, if permitted by the Corporation, operate without any capital or surplus, or with such capital or surplus as the Corporation may in its discretion determine to be appropriate.

(ii) NO CONTRIBUTION BY THE CORPORATION REQUIRED.—The Corporation is not required to pay capital into a bridge financial company or to issue any capital stock on behalf of a bridge financial company established under this subsection.

(iii) AUTHORITY.—If the Corporation determines that such action is advisable, the Corporation may cause capital stock or other securities of a bridge financial company established with respect to a covered financial company to be issued and offered for sale in such amounts and on such terms and conditions as the Corporation may, in its discretion, determine.

(iv) OPERATING FUNDS IN LIEU OF CAPITAL AND IMPLEMENTATION PLAN.—Upon the organization of a bridge financial company, and thereafter as the Corporation may, in its discretion, determine to be necessary or advisable, the Corporation may make available to the bridge financial company, subject to the plan described in subsection (n)(13), funds for the operation of the bridge financial company in lieu of capital.

(H) BRIDGE BROKERS OR DEALERS.—

(i) IN GENERAL.—The Corporation, as receiver for a covered broker or dealer, may approve articles of association for one or more bridge financial companies with respect to such covered broker or dealer, which bridge financial company or companies shall, by operation of law and immediately upon approval of its articles of association—

(I) be established and deemed registered with the Commission under the Securities Exchange Act of 1934 and a member of SIPC;

(II) operate in accordance with such articles and this section; and

(III) succeed to any and all registrations and memberships of the covered financial company with or in any self-regulatory organizations.

(ii) OTHER REQUIREMENTS.—Except as provided in clause (i), and notwithstanding any other provision of this section, the bridge financial company shall be subject to the Federal securities laws and all requirements with respect to being a member of a self-regulatory organization, unless exempted from any such requirements by the Commission, as is necessary or appropriate in the public interest or for the protection of investors.

(iii) TREATMENT OF CUSTOMERS.—Except as otherwise provided by this title, any customer of the covered broker or dealer whose account is transferred to a bridge financial company shall have all the rights, privileges, and protections under section 205(f) and under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), that such customer would have had if the account were not transferred from the covered financial company under this subparagraph.

(iv) OPERATION OF BRIDGE BROKERS OR DEALERS.—Notwithstanding any other provision of this title, the Corporation shall not operate any bridge financial company created by the Corporation under this title with respect to a covered broker or dealer in such a manner as to adversely affect the ability of customers to promptly access their customer property in accordance with applicable law.

(3) INTERESTS IN AND ASSETS AND OBLIGATIONS OF COVERED FINANCIAL COMPANY.—Notwithstanding paragraph (1) or (2) or any other provision of law—

(A) a bridge financial company shall assume, acquire, or succeed to the assets or liabilities of a covered financial company (including the assets or liabilities associated with any trust or custody business) only to the extent that such assets or liabilities are transferred by the Corporation to the bridge financial company in accordance with, and subject to the restrictions set forth in, paragraph (1)(B); and

(B) a bridge financial company shall not assume, acquire, or succeed to any obligation that a covered financial company for which the Corporation has been appointed receiver may have to any shareholder, member, general partner, limited partner, or other person with an interest in the equity of the covered financial company that arises as a result of the status of that person having an equity claim in the covered financial company.

(4) BRIDGE FINANCIAL COMPANY TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A bridge financial company shall be treated as

a covered financial company in default at such times and for such purposes as the Corporation may, in its discretion, determine.

(5) TRANSFER OF ASSETS AND LIABILITIES.—

(A) AUTHORITY OF CORPORATION.—The Corporation, as receiver for a covered financial company, may transfer any assets and liabilities of a covered financial company (including any assets or liabilities associated with any trust or custody business) to one or more bridge financial companies, in accordance with and subject to the restrictions of paragraph (1).

(B) SUBSEQUENT TRANSFERS.—At any time after the establishment of a bridge financial company with respect to a covered financial company, the Corporation, as receiver, may transfer any assets and liabilities of such covered financial company as the Corporation may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

(C) TREATMENT OF TRUST OR CUSTODY BUSINESS.—For purposes of this paragraph, the trust or custody business, including fiduciary appointments, held by any covered financial company is included among its assets and liabilities.

(D) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities, including those associated with any trust or custody business of a covered financial company, to a bridge financial company shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

(E) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Corporation shall treat all creditors of a covered financial company that are similarly situated under subsection (b)(1), in a similar manner in exercising the authority of the Corporation under this subsection to transfer any assets or liabilities of the covered financial company to one or more bridge financial companies established with respect to such covered financial company, except that the Corporation may take any action (including making payments, subject to subsection (o)(1)(E)(ii)) that does not comply with this subparagraph, if—

(i) the Corporation determines that such action is necessary—

(I) to maximize the value of the assets of the covered financial company;

(II) to maximize the present value return from the sale or other disposition of the assets of the covered financial company; or

(III) to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered financial company; and

(ii) all creditors that are similarly situated under subsection (b)(1) receive not less than the amount provided under paragraphs (2) and (3) of subsection (d).

(F) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of a covered financial company that are transferred to, or assumed by, a bridge financial company from a covered financial company may not exceed the aggregate amount of the assets of the covered financial company that are transferred to, or purchased by, the bridge financial company from the covered financial company.

(6) STAY OF JUDICIAL ACTION.—Any judicial action to which a bridge financial company becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a covered financial company shall be stayed from further proceedings for a period of not longer than 45 days (or such longer period as may be agreed to upon the consent of all parties) at the request of the bridge financial company.

(7) AGREEMENTS AGAINST INTEREST OF THE BRIDGE FINANCIAL COMPANY.—No agreement that tends to diminish or defeat the interest of the bridge financial company in any asset of a covered financial company acquired by the bridge financial company shall be valid against the bridge financial company, unless such agreement—

(A) is in writing;

(B) was executed by an authorized officer or representative of the covered financial company or confirmed in the ordinary course of business by the covered financial company; and

(C) has been on the official record of the company, since the time of its execution, or with which, the party claiming under the agreement provides documentation of such agreement and its authorized execution or confirmation by the covered financial company that is acceptable to the receiver.

(8) NO FEDERAL STATUS.—

(A) AGENCY STATUS.—A bridge financial company is not an agency, establishment, or instrumentality of the United States.

(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), directors, officers, employees, or agents of a bridge financial company are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Corporation or of any Federal instrumentality who serves at the request of the Corporation as a representative for purposes of paragraph (1)(B), director, officer, employee, or agent of a bridge financial company shall not—

(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

(ii) receive any salary or benefits for service in any such capacity with respect to a bridge financial company in addition to such salary or benefits as are obtained through employment with the Corporation or such Federal instrumentality.

(9) FUNDING AUTHORIZED.—The Corporation may, subject to the plan described in subsection (n)(13), provide funding to facilitate any transaction described in subparagraph (A), (B), (C), or (D) of paragraph (13) with respect to any bridge financial company, or facilitate the acquisition by a bridge financial company of any assets, or the assumption of any liabilities, of a covered financial company for which the Corporation has been appointed receiver.

(10) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a bridge financial company, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

(11) FEDERAL AGENCY APPROVAL; ANTITRUST REVIEW.—If a transaction involving the merger or sale of a bridge financial company requires approval by a Federal agency, the transaction may not be consummated before the 5th calendar day after the date of approval by the Federal agency responsible for such approval with respect thereto. If, in connection with any such approval a report on competitive factors from the Attorney General is required, the Federal agency responsible for such approval shall promptly notify the Attorney General of the proposed transaction and the Attorney General shall provide the required report within 10 days of the request. If a notification is required under section 7A of the Clayton Act with respect to such transaction, the required waiting period shall end on the 15th day after the date on which the Attorney General and the Federal Trade Commission receive such notification, unless the waiting period is terminated earlier under section 7A(b)(2) of the Clayton Act, or extended under section 7A(e)(2) of that Act.

(12) DURATION OF BRIDGE FINANCIAL COMPANY.—Subject to paragraphs (13) and (14), the status of a bridge financial company as such shall terminate at the end of the 2-year period following the date on which it was granted a charter. The Corporation may, in its discretion, extend the status of the bridge financial company as such for no more than 3 additional 1-year periods.

(13) TERMINATION OF BRIDGE FINANCIAL COMPANY STATUS.—The status of any bridge financial company as such shall terminate upon the earliest of—

(A) the date of the merger or consolidation of the bridge financial company with a company that is not a bridge financial company;

(B) at the election of the Corporation, the sale of a majority of the capital stock of the bridge financial company to a company other than the Corporation and other than another bridge financial company;

(C) the sale of 80 percent, or more, of the capital stock of the bridge financial company to a person other than the Corporation and other than another bridge financial company;

(D) at the election of the Corporation, either the assumption of all or substantially all of the liabilities of the bridge financial company by a company that is not a bridge financial company, or the acquisition of all or substantially all of the assets of the bridge financial company by a company that is not a bridge financial company, or other entity as permitted under applicable law; and

(E) the expiration of the period provided in paragraph (12), or the earlier dissolution of the bridge financial company, as provided in paragraph (15).

(14) EFFECT OF TERMINATION EVENTS.—

(A) MERGER OR CONSOLIDATION.—A merger or consolidation, described in paragraph (12)(A) shall be conducted in accordance with, and shall have the effect provided in, the provisions of applicable law. For the purpose of effecting such a merger or consolidation, the bridge financial company shall be treated as a corporation organized under the laws of the State of Delaware (unless the law of another State has been selected by the bridge financial company in accordance with paragraph (2)(F)), and the Corporation shall be treated as the sole shareholder thereof, notwithstanding any other provision of State or Federal law.

(B) CHARTER CONVERSION.—Following the sale of a majority of the capital stock of the bridge financial company, as provided in paragraph (13)(B), the Corporation may amend the charter of the bridge financial company to reflect the termination of the status of the bridge financial company as such, whereupon the company shall have all of the rights, powers, and privileges under its constituent documents and applicable Federal or State law. In connection therewith, the Corporation may take such steps as may be necessary or convenient to reincorporate the bridge financial company under the laws of a State and, notwithstanding any provisions of Federal or State law, such State-chartered corporation shall be deemed to

succeed by operation of law to such rights, titles, powers, and interests of the bridge financial company as the Corporation may provide, with the same effect as if the bridge financial company had merged with the State-chartered corporation under provisions of the corporate laws of such State.

(C) SALE OF STOCK.—Following the sale of 80 percent or more of the capital stock of a bridge financial company, as provided in paragraph (13)(C), the company shall have all of the rights, powers, and privileges under its constituent documents and applicable Federal or State law. In connection therewith, the Corporation may take such steps as may be necessary or convenient to reincorporate the bridge financial company under the laws of a State and, notwithstanding any provisions of Federal or State law, the State-chartered corporation shall be deemed to succeed by operation of law to such rights, titles, powers and interests of the bridge financial company as the Corporation may provide, with the same effect as if the bridge financial company had merged with the State-chartered corporation under provisions of the corporate laws of such State.

(D) ASSUMPTION OF LIABILITIES AND SALE OF ASSETS.—Following the assumption of all or substantially all of the liabilities of the bridge financial company, or the sale of all or substantially all of the assets of the bridge financial company, as provided in paragraph (13)(D), at the election of the Corporation, the bridge financial company may retain its status as such for the period provided in paragraph (12) or may be dissolved at the election of the Corporation.

(E) AMENDMENTS TO CHARTER.—Following the consummation of a transaction described in subparagraph (A), (B), (C), or (D) of paragraph (13), the charter of the resulting company shall be amended to reflect the termination of bridge financial company status, if appropriate.

(15) DISSOLUTION OF BRIDGE FINANCIAL COMPANY.—

(A) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if the status of a bridge financial company as such has not previously been terminated by the occurrence of an event specified in subparagraph (A), (B), (C), or (D) of paragraph (13)—

(i) the Corporation may, in its discretion, dissolve the bridge financial company in accordance with this paragraph at any time; and

(ii) the Corporation shall promptly commence dissolution proceedings in accordance with this paragraph upon the expiration of the 2-year period following the date on which the bridge financial company was chartered, or any extension thereof, as provided in paragraph (12).

(B) PROCEDURES.—The Corporation shall remain the receiver for a bridge financial company for the purpose of dissolving the bridge financial company. The Corporation as receiver for a bridge financial company shall wind up the affairs of the bridge financial company in conformity with the provisions of law relating to the liquidation of covered financial companies under this title. With respect to any such bridge financial company, the Corporation as receiver shall have all the rights, powers, and privileges and shall perform the duties related to the exercise of such rights, powers, or privileges granted by law to the Corporation as receiver for a covered financial company under this title and, notwithstanding any other provision of law, in the exercise of such rights, powers, and privileges, the Corporation shall not be subject to the direction or supervision of any State agency or other Federal agency.

(16) AUTHORITY TO OBTAIN CREDIT.—

(A) IN GENERAL.—A bridge financial company may obtain unsecured credit and issue unsecured debt.

(B) INABILITY TO OBTAIN CREDIT.—If a bridge financial company is unable to obtain unsecured credit or issue unsecured debt, the Corporation may authorize the obtaining of credit or the issuance of debt by the bridge financial company—

(i) with priority over any or all of the obligations of the bridge financial company;

(ii) secured by a lien on property of the bridge financial company that is not otherwise subject to a lien; or

(iii) secured by a junior lien on property of the bridge financial company that is subject to a lien.

(C) LIMITATIONS.—

(i) IN GENERAL.—The Corporation, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a bridge financial company that is secured by a senior or equal lien on property of the bridge financial company that is subject to a lien, only if—

(I) the bridge financial company is unable to otherwise obtain such credit or issue such debt; and

(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

(ii) HEARING.—The hearing required pursuant to this subparagraph shall be before a court of the United States, which shall have jurisdiction to conduct such hearing.

(D) BURDEN OF PROOF.—In any hearing under this paragraph, the Corporation has the burden of proof on the issue of adequate protection.

(E) QUALIFIED FINANCIAL CONTRACTS.—No credit or debt obtained or issued by a bridge financial company may contain terms that impair the rights of a counterparty to a qualified financial contract upon a default by the bridge financial company, other than the priority of such counterparty's unsecured claim (after the exercise of rights) relative to the priority of the bridge financial company's obligations in respect of such credit or debt, unless such counterparty consents in writing to any such impairment.

(17) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

(i) SHARING RECORDS.—If the Corporation has been appointed as receiver for a covered financial company, other Federal regulators shall make all records relating to the covered financial company available to the Corporation, which may be used by the Corporation in any manner that the Corporation determines to be appropriate.

(j) EXPEDITED PROCEDURES FOR CERTAIN CLAIMS.—

(1) TIME FOR FILING NOTICE OF APPEAL.—The notice of appeal of any order, whether interlocutory or final, entered in any case brought by the Corporation against a director, officer, employee, agent, attorney, accountant, or appraiser of the covered financial company, or any other person employed by or providing services to a covered financial company, shall be filed not later than 30 days after the date of entry of the order. The hearing of the appeal shall be held not later than 120 days after the date of the notice of appeal. The appeal shall be decided not later than 180 days after the date of the notice of appeal.

(2) SCHEDULING.—The court shall expedite the consideration of any case brought by the Corporation against a director, officer, employee, agent, attorney, accountant, or appraiser of a covered financial company or any other person employed by or providing services to a covered financial company. As far as practicable, the court shall give such case priority on its docket.

(3) JUDICIAL DISCRETION.—The court may modify the schedule and limitations stated in paragraphs (1) and (2) in a particular case, based on a specific finding that the ends of justice that would be served by making such a modification would outweigh the best interest of the public in having the case resolved expeditiously.

(k) FOREIGN INVESTIGATIONS.—The Corporation, as receiver for any covered financial company, and for purposes of carrying out any power, authority, or duty with respect to a covered financial company—

(1) may request the assistance of any foreign financial authority and provide assistance to any foreign financial authority in accordance with section 8(v) of the Federal Deposit Insurance Act, as if the covered financial company were an insured depository institution, the Corporation were the appropriate Federal banking agency for the company, and any foreign financial authority were the foreign banking authority; and

(2) may maintain an office to coordinate foreign investigations or investigations on behalf of foreign financial authorities.

(l) PROHIBITION ON ENTERING SECRECY AGREEMENTS AND PROTECTIVE ORDERS.—The Corporation may not enter into any agreement or approve any protective order which prohibits the Corporation from disclosing the terms of any settlement of an administrative or other action for damages or restitution brought by the Corporation in its capacity as receiver for a covered financial company.

(m) LIQUIDATION OF CERTAIN COVERED FINANCIAL COMPANIES OR BRIDGE FINANCIAL COMPANIES.—

(1) IN GENERAL.—Except as specifically provided in this section, and notwithstanding any other provision of law, the Corporation, in connection with the liquidation of any covered financial company or bridge financial company with respect to which the Corporation has been appointed as receiver, shall—

(A) in the case of any covered financial company or bridge financial company that is or has a subsidiary that is a stockbroker, but is not a member of the Securities Investor Protection Corporation, apply the provisions of subchapter III of chapter 7 of the Bankruptcy Code, in respect of the distribution to any customer of all customer name securities and customer property, as if such covered financial company or bridge financial company were a debtor for purposes of such subchapter; or

(B) in the case of any covered financial company or bridge financial company that is a commodity broker, apply the provisions of subchapter IV of chapter 7 the Bankruptcy Code, in respect of the distribution to any customer of all customer property, as if such

covered financial company or bridge financial company were a debtor for purposes of such subchapter.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the terms ''customer'', ''customer name securities'', and ''customer property'' have the same meanings as in section 741 of title 11, United States Code; and

(B) the terms ''commodity broker'' and ''stockbroker'' have the same meanings as in section 101 of the Bankruptcy Code.

(n) ORDERLY LIQUIDATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate fund to be known as the ''Orderly Liquidation Fund'', which shall be available to the Corporation to carry out the authorities contained in this title, for the cost of actions authorized by this title, including the orderly liquidation of covered financial companies, payment of administrative expenses, the payment of principal and interest by the Corporation on obligations issued under paragraph (9), and the exercise of the authorities of the Corporation under this title.

(2) PROCEEDS.—Amounts received by the Corporation, including assessments received under subsection (o), proceeds of obligations issued under paragraph (9), interest and other earnings from investments, and repayments to the Corporation by covered financial companies, shall be deposited into the Fund.

(3) MANAGEMENT.—The Corporation shall manage the Fund in accordance with this subsection and the policies and procedures established under section 203(d).

(4) INVESTMENTS.—The Corporation shall invest amounts in the Fund in accordance with paragraph (8).

(5) TARGET SIZE OF THE FUND.—The target size of the Fund (in this section referred to as ''target size'') shall be $50,000,000,000, adjusted for inflation on a periodic basis by the Corporation.

(6) INITIAL CAPITALIZATION PERIOD.—The Corporation shall impose risk-based assessments as provided under subsection (o), during the period beginning one year after the date of enactment of this Act and ending on the date on which the Fund reaches the target size (in this section referred to as the ''initial capitalization period''), provided that the initial capitalization period shall be not shorter than 5 years, and not longer than 10 years, after the date of enactment of this Act. The Corporation, with the approval of the Secretary, may extend the initial capitalization period for a longer period, as determined necessary by the Corporation, if the Corporation is appointed receiver for a covered financial company under this title and the Fund incurs a loss before the expiration of such period.

(7) MAINTAINING THE FUND.—Upon the expiration of the initial capitalization period, the Corporation shall suspend assessments, except as set forth in subsection (o)(1).

(8) INVESTMENTS.—At the request of the Corporation, the Secretary may invest such portion of amounts held in the Fund that are not, in the judgment of the Corporation, required to meet the current needs of the Corporation, in obligations of the United States having suitable maturities, as determined by the Corporation. The interest on and the proceeds from the sale or redemption of such obligations shall be credited to the Fund.

(9) AUTHORITY TO ISSUE OBLIGATIONS.—

(A) CORPORATION AUTHORIZED TO ISSUE OBLIGATIONS.—Upon appointment by the Secretary of the Corporation as receiver for a covered financial company, the Corporation is authorized to issue obligations to the Secretary.

(B) SECRETARY AUTHORIZED TO PURCHASE OBLIGATIONS.—The Secretary may, under such terms and conditions as the Secretary may require, purchase or agree to purchase any obligations issued under subparagraph (A), and for such purpose, the Secretary is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under chapter 31 of title 31, United States Code, are extended to include such purchases.

(C) INTEREST RATE.—Each purchase of obligations by the Secretary under this paragraph shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity.

(D) SECRETARY AUTHORIZED TO SELL OBLIGATIONS.—The Secretary may sell, upon such terms and conditions as the Secretary shall determine, any of the obligations acquired under this paragraph.

(E) PUBLIC DEBT TRANSACTIONS.—All purchases and sales by the Secretary of such obligations under this paragraph shall be treated as public debt transactions of the United States, and the proceeds from the sale of any obligations acquired by the Secretary under this paragraph shall be deposited into the Treasury of the United States as miscellaneous receipts.

(10) MAXIMUM OBLIGATION LIMITATION.—The Corporation may not, in connection with the orderly liquidation of a covered financial company, issue or incur any obligation, if, after issuing or incurring the obligation, the aggregate amount of such obligations outstanding under this subsection would exceed the sum of—

(A) the amount of cash or the cash equivalents held by the Fund; and

(B) the amount that is equal to 90 percent of the fair value of assets from each covered financial company that are available to repay the Corporation.

(11) RULEMAKING.—The Corporation and the Secretary shall jointly, in consultation with the Council, prescribe regulations governing the calculation of the maximum obligation limitation defined in this paragraph.

(12) RELIANCE ON PRIVATE SECTOR FUNDING.—The Corporation may exercise its authority under paragraph (9) only after the cash and cash equivalents held by the Fund have been drawn down to facilitate the orderly liquidation of a covered financial company.

(13) RULE OF CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this section shall be construed to affect the authority of the Corporation under subsection (a) or (b) of section 14 or section 15(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1824, 1825(c)(5)), the management of the Deposit Insurance Fund by the Corporation, or the resolution of insured depository institutions, provided that—

(i) none of the authorities contained in this title shall be used to assist the Deposit Insurance Fund with any of the other responsibilities of the Corporation under applicable law other than this title; and

(ii) the authorities of the Corporation relating to the Deposit Insurance Fund, or any other responsibilities of the Corporation, shall not be used to assist a covered financial company pursuant to this title.

(B) VALUATION.—For purposes of determining the amount of obligations under this subsection—

(i) the Corporation shall include as an obligation any contingent liability of the Corporation pursuant to this title; and

(ii) the Corporation shall value any contingent liability at its expected cost to the Corporation.

(14) ORDERLY LIQUIDATION PLAN.—Amounts in the Fund shall be available to the Corporation with regard to a covered financial company for which the Corporation is appointed receiver after the Corporation has developed an orderly liquidation plan that is acceptable to the Secretary with regard to such covered financial company, including the provision and use of funds under section 204(d) and subsection (h)(2)(G)(iv) and (h)(9) of this section. The Corporation may, at any time, amend any orderly liquidation plan approved by the Secretary with the concurrence of the Secretary.

(o) ASSESSMENTS.—

(1) RISK-BASED ASSESSMENTS.—

(A) ASSESSMENTS TO CAPITALIZE THE FUND.—

(i) IN GENERAL.—Except as provided under subparagraph (C)(ii), the Corporation shall impose risk-based assessments on eligible financial companies to capitalize the Fund during the initial capitalization period, taking into account the considerations set forth in paragraph (4).

(ii) SUSPENSION OF ASSESSMENTS.—The Corporation shall suspend the imposition of assessments under clause (i) following a determination by the Corporation that the Fund has reached the target size described in subsection (n).

(B) ELIGIBLE FINANCIAL COMPANIES DEFINED.—For purposes of this subsection, the term ''eligible financial company'' means any bank holding company with total consolidated assets equal to or greater than $50,000,000,000 and any nonbank financial company supervised by the Board of Governors.

(C) ADDITIONAL ASSESSMENTS.—The Corporation shall charge one or more risk-based assessments in accordance with the provisions of subparagraph (E), if—

(i) the Fund falls below the target size after the initial capitalization period, in order to restore the Fund to the target size over a period of time determined by the Corporation;

(ii) the Corporation is appointed receiver for a covered financial company and the Fund incurs a loss during the initial capitalization period with respect to that covered financial company; or

(iii) such assessments are necessary to pay in full the obligations issued by the Corporation to the Secretary within 60 months of the date of issuance of such obligations.

(D) EXTENSIONS AUTHORIZED.—The Corporation may, with the approval of the Secretary, extend the time period under subparagraph (C)(iii), if the Corporation determines that an extension is necessary to avoid a serious adverse effect on the financial system of the United States.

(E) APPLICATION OF ADDITIONAL ASSESSMENTS.—To meet the requirements of subparagraph (C), the Corporation shall, taking into account the considerations set forth in paragraph (4), impose assessments—

(i) on—

(I) eligible financial companies; and

(II) financial companies with total consolidated assets over $50,000,000,000 that are not eligible financial companies; and

(ii) at a substantially higher rate than otherwise would be assessed on any financial

company that received payments or credit pursuant to subsection (b)(4), (d)(4), or (h)(5)(E).

(F) NEW ELIGIBLE FINANCIAL COMPANIES.—The Corporation shall impose an assessment, in an amount determined by the Corporation in consultation with the Secretary and taking into account the considerations set forth in paragraph (4), on any company that becomes an eligible financial company after the initial capitalization period.

(2) GRADUATED ASSESSMENT RATE.—The Corporation shall impose assessments on a graduated basis, with financial companies having greater assets being assessed at a higher rate.

(3) NOTIFICATION AND PAYMENT.—The Corporation shall notify each financial company of that company's assessment under this subsection. Any financial company subject to assessment under this subsection shall pay such assessment in accordance with the regulations prescribed pursuant to paragraph (6).

(4) RISK-BASED ASSESSMENT CONSIDERATIONS.—In imposing assessments under this subsection, the Corporation shall—

(A) take into account economic conditions generally affecting financial companies, so as to allow assessments to be lower during less favorable economic conditions;

(B) take into account any assessments imposed on—

(i) an insured depository institution subsidiary of a financial company pursuant to section 7 or section 13(c)(4)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1817, 1823(c)(4)(G));

(ii) a financial company or subsidiary of such company that is a member of SIPC pursuant to section 4 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ddd); and

(iii) a financial company or subsidiary of such company that is an insurance company pursuant to applicable State law to cover (or reimburse payments made to cover) the costs of rehabilitation, liquidation, or other State insolvency proceeding with respect to one or more insurance companies;

(C) take into account the financial condition of the financial company, including the extent and type of off-balance-sheet exposures of the financial company;

(D) take into account the risks presented by the financial company to the financial stability of the United States economy;

(E) take into account the extent to which the financial company or group of financial companies has benefitted, or likely would benefit, from the orderly liquidation of a covered financial company and the use of the Fund under this title;

(F) distinguish among different classes of assets or different types of financial companies (including distinguishing among different types of financial companies, based on their levels of capital and leverage) in order to establish comparable assessment bases among financial companies subject to this subsection;

(G) establish the parameters for the graduated assessment requirement in paragraph (2); and

(H) take into account such other factors as the Corporation deems appropriate.

(5) COLLECTION OF INFORMATION.—The Corporation may impose on covered financial companies such collection of information requirements as the Corporation deems necessary to carry out this subsection after the appointment of the Corporation as receiver under this title.

(6) RULEMAKING.—

(A) IN GENERAL.—The Corporation shall, in consultation with the Secretary and the Council, prescribe regulations to carry out this subsection.

(B) EQUITABLE TREATMENT.—The regulations prescribed under subparagraph (A) shall take into account the differences in risks posed to the financial stability of the United States by financial companies, the differences in the liability structures of financial companies, and the different bases for other assessments that such financial companies may be required to pay, to ensure that assessed financial companies are treated equitably and that assessments under this subsection reflect such differences.

(p) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—

(1) IN GENERAL.—No provision described in paragraph (2) shall be enforceable against or impose any liability on any person, as such enforcement or liability shall be contrary to public policy.

(2) PROHIBITED PROVISIONS.—A provision described in this paragraph is any term contained in any existing or future standstill, confidentiality, or other agreement that, directly or indirectly—

(A) affects, restricts, or limits the ability of any person to offer to acquire or acquire;

(B) prohibits any person from offering to acquire or acquiring; or

(C) prohibits any person from using any previously disclosed information in connection with any such offer to acquire or acquisition of,

all or part of any covered financial company, including any liabilities, assets, or interest therein, in connection with any transaction in which the Corporation exercises its authority under this title.

(q) OTHER EXEMPTIONS.—

(1) IN GENERAL.—When acting as a receiver under this title—

(A) the Corporation, including its franchise, its capital, reserves and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, such value, and the tax thereon, shall be determined as of the period for which such tax is imposed;

(B) no property of the Corporation shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Corporation, nor shall any involuntary lien attach to the property of the Corporation; and

(C) the Corporation shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due; and

(D) the Corporation shall be exempt from all prosecution by the United States or any State, county, municipality, or local authority for any criminal offense arising under Federal, State, county, municipal, or local law, which was allegedly committed by the covered financial company, or persons acting on behalf of the covered financial company, prior to the appointment of the Corporation as receiver.

(2) LIMITATION.—Paragraph (1) shall not apply with respect to any tax imposed (or other amount arising) under the Internal Revenue Code of 1986.

(r) CERTAIN SALES OF ASSETS PROHIBITED.—

(1) PERSONS WHO ENGAGED IN IMPROPER CONDUCT WITH, OR CAUSED LOSSES TO, COVERED FINANCIAL COMPANIES.—The Corporation shall prescribe regulations which, at a minimum, shall prohibit the sale of assets of a covered financial company by the Corporation to—

(A) any person who—

(i) has defaulted, or was a member of a partnership or an officer or director of a corporation that has defaulted, on 1 or more obligations, the aggregate amount of which exceeds $1,000,000, to such covered financial company;

(ii) has been found to have engaged in fraudulent activity in connection with any obligation referred to in clause (i); and

(iii) proposes to purchase any such asset in whole or in part through the use of the proceeds of a loan or advance of credit from the Corporation or from any covered financial company;

(B) any person who participated, as an officer or director of such covered financial company or of any affiliate of such company, in a material way in any transaction that resulted in a substantial loss to such covered financial company; or

(C) any person who has demonstrated a pattern or practice of defalcation regarding obligations to such covered financial company.

(2) CONVICTED DEBTORS.—Except as provided in paragraph (3), a person may not purchase any asset of such institution from the receiver, if that person—

(A) has been convicted of an offense under section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1341, 1343, or 1344 of title 18, United States Code, or of conspiring to commit such an offense, affecting any covered financial company; and

(B) is in default on any loan or other extension of credit from such covered financial company which, if not paid, will cause substantial loss to the Fund or the Corporation.

(3) SETTLEMENT OF CLAIMS.—Paragraphs (1) and (2) shall not apply to the sale or transfer by the Corporation of any asset of any covered financial company to any person, if the sale or transfer of the asset resolves or settles, or is part of the resolution or settlement, of 1 or more claims that have been, or could have been, asserted by the Corporation against the person.

(4) DEFINITION OF DEFAULT.—For purposes of this subsection, the term ''default'' means a failure to comply with the terms of a loan or other obligation to such an extent that the property securing the obligation is foreclosed upon.

**SEC. 211. MISCELLANEOUS PROVISIONS.**

(a) CLARIFICATION OF PROHIBITION REGARDING CONCEALMENT OF ASSETS FROM RECEIVER OR LIQUIDATING AGENT.—Section 1032(1) of title 18, United States Code, is amended by inserting ''the Federal Deposit Insurance Corporation acting as receiver for a covered financial company, in accordance with title II of the Restoring American Financial Stability Act of 2010,'' before ''or the National Credit''.

(b) CONFORMING AMENDMENT.—Section 1032 of title 18, United States Code, is amended in the section heading, by striking ''**of financial institution**''.

(c) FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.—Section 403(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403(a)) is amended by inserting ''section 210(c) of the Restoring American Financial Stability Act of 2010, section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C.

4617(d)),'' after ''section 11(e) of the Federal Deposit Insurance Act,''.

## TITLE III—TRANSFER OF POWERS TO THE COMPTROLLER OF THE CURRENCY, THE CORPORATION, AND THE BOARD OF GOVERNORS

**SEC. 300. SHORT TITLE.**

This title may be cited as the ''Enhancing Financial Institution Safety and Soundness Act of 2010''.

**SEC. 301. PURPOSES.**

The purposes of this title are—

(1) to provide for the safe and sound operation of the banking system of the United States;

(2) to preserve and protect the dual system of Federal and State-chartered depository institutions;

(3) to ensure the fair and appropriate supervision of each depository institution, regardless of the size or type of charter of the depository institution; and

(4) to streamline and rationalize the supervision of depository institutions and the holding companies of depository institutions.

**SEC. 302. DEFINITION.**

In this title, the term ''transferred employee'' means, as the context requires, an employee transferred to the Office of the Comptroller of the Currency or the Corporation under section 322.

### Subtitle A—Transfer of Powers and Duties

**SEC. 311. TRANSFER DATE.**

(a) TRANSFER DATE.—Except as provided in subsection (b), the term ''transfer date'' means the date that is 1 year after the date of enactment of this Act.

(b) EXTENSION PERMITTED.—

(1) NOTICE REQUIRED.—The Secretary, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chairman of the Board of Governors, and the Chairperson of the Corporation, may extend the period under subsection (a) and designate a transfer date that is not later than 18 months after the date of enactment of this Act, if the Secretary transmits to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

(A) a written determination that commencement of the orderly process to implement this title is not feasible by the date that is 1 year after the date of enactment of this Act;

(B) an explanation of why an extension is necessary to commence the process of orderly implementation of this title;

(C) the transfer date designated under this subsection; and

(D) a description of the steps that will be taken to initiate the process of an orderly and timely implementation of this title within the extended time period.

(2) PUBLICATION OF NOTICE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register notice of any transfer date designated under paragraph (1).

**SEC. 312. POWERS AND DUTIES TRANSFERRED.**

(a) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

(b) FUNCTIONS OF THE OFFICE OF THRIFT SUPERVISION.—

(1) SAVINGS AND LOAN HOLDING COMPANY FUNCTIONS TRANSFERRED.—

(A) BOARD OF GOVERNORS.—There are transferred to the Board of Governors all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision (including the authority to issue orders) relating to—

(i) the supervision of—

(I) any savings and loan holding company—

(aa) having $50,000,000,000 or more in total consolidated assets; or

(bb) that is a foreign bank; and

(II) any subsidiary (other than a depository institution) of a savings and loan holding company described in subclause (I); and

(ii) all rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to savings and loan holding companies.

(B) COMPTROLLER OF THE CURRENCY.—Except as provided in subparagraph (A), there are transferred to the Office of the Comptroller of the Currency all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision (including the authority to issue orders) relating to the supervision of—

(i) any savings and loan holding company (other than a foreign bank)—

(I) having less than $50,000,000,000 in total consolidated assets; and

(II) having—

(aa) a subsidiary that is an insured depository institution, if all such insured depository institutions are Federal depository institutions; or

(bb) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are Federal depository institutions exceed the total consolidated assets of all subsidiaries that are State depository institutions; and

(ii) any subsidiary (other than a depository institution) of a savings and loan holding company described in clause (i).

(C) CORPORATION.—Except as provided in subparagraph (A), there are transferred to the Corporation all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision (including the authority to issue orders) relating to the supervision of—

(i) any savings and loan holding company (other than a foreign bank)—

(I) having less than $50,000,000,000 in total consolidated assets; and

(II) having—

(aa) a subsidiary that is an insured depository institution, if all such insured depository institutions are State depository institutions; or

(bb) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are State depository institutions exceed the total consolidated assets of all subsidiaries that are Federal depository institutions; and

(ii) any subsidiary (other than a depository institution) of a savings and loan holding company described in clause (i).

(2) ALL OTHER FUNCTIONS TRANSFERRED.—

(A) BOARD OF GOVERNORS.—All rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision under section 11 of the Home Owners' Loan Act (12 U.S.C. 1468) relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders is transferred to the Board of Governors.

(B) COMPTROLLER OF THE CURRENCY.—Except as provided in subparagraph (A), there are transferred to the Comptroller of the Currency all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to Federal savings associations.

(C) CORPORATION.—Except as provided in paragraph (1), all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to State savings associations are transferred to the Corporation.

(D) COMPTROLLER OF THE CURRENCY AND THE CORPORATION.—All rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to savings associations is transferred to, and shall be exercised jointly by, the Comptroller of the Currency and the Corporation.

(c) CERTAIN FUNCTIONS OF THE BOARD OF GOVERNORS.—

(1) BANK HOLDING COMPANY FUNCTIONS TRANSFERRED.—

(A) COMPTROLLER OF THE CURRENCY.—Except as provided in subparagraph (C), there are transferred to the Office of the Comptroller of the Currency all functions of the Board of Governors (including any Federal reserve bank) relating to the supervision of—

(i) any bank holding company (other than a foreign bank)—

(I) having less than $50,000,000,000 in total consolidated assets; and

(II) having—

(aa) a subsidiary that is an insured depository institution, if all such insured depository institutions are Federal depository institutions; or

(bb) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are Federal depository institutions exceed the total consolidated assets of all subsidiaries that are State depository institutions; and

(ii) any subsidiary (other than a depository institution) of a bank holding company that is described in clause (i).

(B) CORPORATION.—Except as provided in subparagraph (C), there are transferred to the Corporation all functions of the Board of Governors (including any Federal reserve bank) relating to the supervision of—

(i) any bank holding company (other than a foreign bank)—

(I) having less than $50,000,000,000 in total consolidated assets; and

(II) having—

(aa) a subsidiary that is an insured depository institution, if all such insured depository institutions are State depository institutions; or

(bb) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are State depository institutions exceed the total consolidated assets of all subsidiaries that are Federal depository institutions; and

(ii) any subsidiary (other than a depository institution) of a bank holding company that is described in clause (i).

(C) RULEMAKING AUTHORITY.—No rulemaking authority of the Board of Governors is transferred to the Office of the Comptroller of the Currency or the Corporation under this paragraph.

(2) OTHER FUNCTIONS TRANSFERRED.—There are transferred to the Corporation all functions (other than rulemaking authority under the Federal Reserve Act) of the Board of Governors (and any Federal reserve bank) relating to the supervision of insured State member banks.

(d) CONFORMING AMENDMENTS.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—Section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) the Office of the Comptroller of the Currency, in the case of—

''(A) any national banking association;

''(B) any Federal branch or agency of a foreign bank;

''(C) any bank holding company (other than a foreign bank)—

''(i) having less than $50,000,000,000 in total consolidated assets; and

''(ii) having—

''(I) a subsidiary that is an insured depository institution, if all such insured depository institutions are Federal depository institutions; or

''(II) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are Federal depository institutions exceed the total consolidated assets of all subsidiaries that are State depository institutions;

''(D) any subsidiary (other than a depository institution) of a bank holding company that is described in subparagraph (C);

''(E) any Federal savings association;

''(F) any savings and loan holding company (other than a foreign bank)—

''(i) having less than $50,000,000,000 in total consolidated assets; and

''(ii) having—

''(I) a subsidiary that is an insured depository institution, if all such insured depository institutions are Federal depository institutions; or

''(II) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are Federal depository institutions exceed the total consolidated assets of all subsidiaries that are State depository institutions; and

''(G) any subsidiary (other than a depository institution) of a savings and loan holding company that is described in subparagraph (F);

''(2) the Federal Deposit Insurance Corporation, in the case of—

''(A) any insured State bank;

''(B) any foreign bank having an insured branch;

''(C) any State savings association;

''(D) any bank holding company (other than a foreign bank)—

''(i) having less than $50,000,000,000 in total consolidated assets; and

''(ii) having—

''(I) a subsidiary that is an insured depository institution, if all such insured depository institutions are State depository institutions; or

''(II) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are State depository institutions exceed the total consolidated assets of all subsidiaries that are Federal depository institutions;

''(E) any subsidiary (other than a depository institution) of a bank holding company that is described in subparagraph (D);

''(F) any savings and loan holding company (other than a foreign bank)—

''(i) having less than $50,000,000,000 in total consolidated assets; and

''(ii) having—

''(I) a subsidiary that is an insured depository institution, if all such insured depository institutions are State depository institutions; or

''(II) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are State depository institutions exceed the total consolidated assets of all subsidiaries that are Federal depository institutions; and

''(G) any subsidiary (other than a depository institution) of a savings and loan holding company that is described in subparagraph (F);

''(3) the Board of Governors of the Federal Reserve System, in the case of—

''(A) any noninsured State member bank;

''(B) any branch or agency of a foreign bank with respect to any provision of the Federal Reserve Act which is made applicable under the International Banking Act of 1978;

''(C) any foreign bank which does not operate an insured branch;

''(D) any agency or commercial lending company other than a Federal agency;

''(E) supervisory or regulatory proceedings arising from the authority given to the Board of Governors under section 7(c)(1) of the International Banking Act of 1978, including such proceedings under the Financial Institutions Supervisory Act of 1966;

''(F) any bank holding company having total consolidated assets of $50,000,000,000 or more, any bank holding company that is a foreign bank, and any subsidiary (other than a depository institution) of such a bank holding company; and

''(G) any savings and loan holding company having total consolidated assets of $50,000,000,000 or more, any savings and loan holding company that is a foreign bank, and any subsidiary (other than a depository institution) of such a savings and loan holding company.''.

(2) CERTAIN REFERENCES IN THE BANK HOLDING COMPANY ACT OF 1956.—

(A) COMPTROLLER OF THE CURRENCY.—On or after the transfer date, in the case of a bank holding company described in section 3(q)(1)(C) of the Federal Deposit Insurance Act, as amended by this Act, any reference in the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) to the Board of Governors shall be deemed to be a reference to the Office of the Comptroller of the Currency.

(B) CORPORATION.—On or after the transfer date, in the case of a bank holding company described in section 3(q)(2)(D) of the Federal Deposit Insurance Act, as amended by this Act, any reference in the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) to the Board of Governors shall be deemed to be a reference to the Corporation.

(C) RULE OF CONSTRUCTION.—Notwithstanding subparagraph (A) or (B), the Board of Governors shall retain all rulemaking authority under the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.).

(3) CONSULTATION IN HOLDING COMPANY RULEMAKING.—

(A) BANK HOLDING COMPANIES.—Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following:

''(h) CONSULTATION IN RULEMAKING.—Before proposing or adopting regulations under this Act that apply to bank holding companies having less than $50,000,000,000 in total consolidated assets, the Board of Governors shall consult with the Comptroller of the Currency and the Federal Deposit Insurance Corporation as to the terms of such regulations.''.

(B) SAVINGS AND LOAN HOLDING COMPANIES.—

(i) HOME OWNERS' LOAN ACT.—Section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) is amended by adding at the end the following:

''(u) CONSULTATION IN RULEMAKING.—Before proposing or adopting regulations under this section that apply to savings and loan holding companies having less than $50,000,000,000 in total consolidated assets, the Board of Governors shall consult with the Comptroller of the Currency and the Federal Deposit Insurance Corporation as to the terms of such regulations.''.

(ii) FEDERAL DEPOSIT INSURANCE ACT.—Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended—

(I) in subsection (d)(2), by inserting '', in consultation with the Corporation and the Comptroller of the Currency,'' after ''System''; and

(II) in subsection (e)(2), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Board of Governors of the Federal Reserve System, in consultation with the Corporation and the Comptroller of the Currency,''.

(4) FEDERAL DEPOSIT INSURANCE ACT.—

(A) APPLICATION.—Section 8(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(3)) is amended to read as follows:

''(3) APPLICATION TO BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND EDGE AND AGREEMENT CORPORATIONS.—

''(A) APPLICATION.—This subsection, subsections (c) through (s) and subsection (u) of this section, and section 50 shall apply to—

''(i) any bank holding company, and any subsidiary (other than a bank) of a bank holding company, as those terms are defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), as if such company or subsidiary was an insured depository institution for which the appropriate Federal banking agency for the bank holding company was the appropriate Federal banking agency;

''(ii) any savings and loan holding company, and any subsidiary (other than a depository institution) of a savings and loan holding company, as those terms are defined in section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a), as if such company or subsidiary was an insured depository institution for which the appropriate Federal banking agency for the savings and loan holding company was the appropriate Federal banking agency; and

''(iii) any organization organized and operated under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.) or operating under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.) and any noninsured State member bank, as if such organization was a bank holding company for which the Board of Governors of the Federal Reserve System was the appropriate Federal banking agency.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to alter or affect the authority of an appropriate Federal banking agency to initiate enforcement proceedings, issue directives, or take other remedial action under any other provision of law.''.

(B) CONFORMING AMENDMENT.—Section 8(b)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(9)) is amended to read as follows:

''(9) [Reserved].''.

(e) DETERMINATION OF TOTAL CONSOLIDATED ASSETS.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors, in order to avoid disruptive transfers of regulatory responsibility, shall issue joint regulations that specify—

(i) the source of data for determining the total consolidated assets of a depository institution, bank holding company, or savings and loan holding company for purposes of this Act, and the amendments made by this Act, including the amendments to section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

(ii) the interval and frequency at which the total consolidated assets of a depository institution, bank holding company, or savings and loan holding company will be determined.

(B) CONTENT.—The regulations issued under subparagraph (A)—

(i) shall use information contained in the reports described in paragraph (2), other regulatory reports, audited financial statements, or other comparable sources;

(ii) shall establish the frequency with which the total consolidated assets of depository institutions, bank holding companies, and savings and loan companies are determined, at an interval that—

(I) avoids undue disruption in regulatory oversight;

(II) facilitates nondisruptive transfers of regulatory responsibility; and

(III) is not shorter than 2 years; and

(iii) may provide for more frequent determinations of the total consolidated assets of a depository institution, bank holding company, or savings and loan holding company, to take into account a transaction outside the ordinary course of business, including a merger, acquisition, or other circumstance, as determined jointly by the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors, by rule.

(2) INTERIM PROVISIONS.—Until the date on which final regulations issued under paragraph (1) are effective, for purposes this Act, and the amendments made by this Act, including the amendments to section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the total consolidated assets of—

(A) a depository institution shall be determined by reference to the total consolidated assets reported in the most recent Consolidated Report of Income and Condition or Thrift Financial Report (or any successor thereto) filed by the depository institution with the Corporation or the Office of Thrift Supervision before the transfer date;

(B) a bank holding company shall be determined by reference to the total consolidated assets reported in the most recent Consolidated Financial Statements for Bank Holding Companies (commonly referred to as the ''FR Y–9C'', or any successor thereto) filed by the bank holding company with the Board of Governors before the transfer date; and

(C) a savings and loan holding company shall be determined by reference to the total consolidated assets reported in the applicable schedule of the most recent Thrift Financial Report (or any successor thereto) filed by the savings and loan holding company with the Office of Thrift Supervision before the transfer date.

(f) CONSUMER PROTECTION.—Nothing in this section may be construed to limit or otherwise affect the transfer of powers under title X.

**SEC. 313. ABOLISHMENT.**

Effective 90 days after the transfer date, the Office of Thrift Supervision and the position of Director of the Office of Thrift Supervision are abolished.

**SEC. 314. AMENDMENTS TO THE REVISED STATUTES.**

(a) AMENDMENT TO SECTION 324.—Section 324 of the Revised Statutes of the United States (12 U.S.C. 1) is amended to read as follows:

**''SEC. 324. COMPTROLLER OF THE CURRENCY.**

''(a) OFFICE OF THE COMPTROLLER OF THE CURRENCY ESTABLISHED.—There is established in the Department of the Treasury a bureau to be known as the 'Office of the Comptroller of the Currency' which is charged with assuring the safety and soundness of, and compliance with laws and regulations, fair access to financial services, and fair treatment of customers by, the institutions and other persons subject to its jurisdiction.

''(b) COMPTROLLER OF THE CURRENCY.—

''(1) IN GENERAL.—The chief officer of the Office of the Comptroller of the Currency shall be known as the Comptroller of the Currency. The Comptroller of the Currency shall perform the duties of the Comptroller of the Currency under the general direction of the Secretary of the Treasury. The Secretary of the Treasury may not delay or prevent the issuance of any rule or the promulgation of any regulation by the Comptroller of the Currency, and may not intervene in any matter or proceeding before the Comptroller of the Currency (including agency enforcement actions), unless otherwise specifically provided by law.

''(2) ADDITIONAL AUTHORITY.—The Comptroller of the Currency shall have the same authority with respect to functions transferred to the Comptroller of the Currency under the Enhancing Financial Institution Safety and Soundness Act of 2010 (including matters that were within the jurisdiction of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision on the day before the transfer date under that Act) as was vested in the Director of the Office of Thrift Supervision on the transfer date under that Act.''.

(b) AMENDMENT TO SECTION 329.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by inserting before the period at the end the following: ''or any Federal savings association''.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

**SEC. 315. FEDERAL INFORMATION POLICY.**

Section 3502(5) of title 44, United States Code, is amended by inserting ''Office of the Comptroller of the Currency,'' after ''the Securities and Exchange Commission,''.

**SEC. 316. SAVINGS PROVISIONS.**

(a) OFFICE OF THRIFT SUPERVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Sections 312(b) and 313 shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Thrift Supervision, the Office of Thrift Supervision, or any other person, that existed on the day before the transfer date.

(2) CONTINUATION OF SUITS.—This title shall not abate any action or proceeding commenced by or against the Director of the Office of Thrift Supervision or the Office of Thrift Supervision before the transfer date, except that, for any action or proceeding arising out of a function of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision that is transferred to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors by this subtitle, the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors shall be substituted for the Director of the Office of Thrift Supervision or the Office of Thrift Supervision, as appropriate, as a party to the action or proceeding as of the transfer date.

(b) BOARD OF GOVERNORS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 312(c) shall not affect the validity of any right, duty, or obligation of the United States, the Board of Governors, any Federal reserve bank, or any other person, that existed on the day before the transfer date.

(2) CONTINUATION OF SUITS.—This title shall not abate any action or proceeding commenced by or against the Board of Governors or a Federal reserve bank before the transfer date, except that, for any action or proceeding arising out of a function of the Board of Governors or a Federal reserve bank transferred to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, or the Corporation by this subtitle, the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, or the Corporation shall be substituted for the Board of Governors or the Federal reserve bank, as appropriate, as a party to the action or proceeding, as of the transfer date.

(c) CONTINUATION OF EXISTING ORDERS, RESOLUTIONS, DETERMINATIONS, AGREEMENTS, REGULATIONS, AND OTHER MATERIALS.—

(1) OFFICE OF THRIFT SUPERVISION.—All orders, resolutions, determinations, agreements, regulations, interpretative rules, other interpretations, guidelines, procedures, and other advisory materials that have been issued, made, prescribed, or allowed to become effective by the Office of Thrift Supervision, or by a court of competent jurisdiction, in the performance of functions of the Office of Thrift Supervision that are transferred by this subtitle and that are in effect on the day before the transfer date, shall continue in effect according to the terms of those materials, and shall be enforceable by or against the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as appropriate, until modified, terminated, set aside, or superseded in accordance with applicable law by the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as appropriate, by any court of competent jurisdiction, or by operation of law.

(2) BOARD OF GOVERNORS.—All orders, resolutions, determinations, agreements, regulations, interpretative rules, other interpretations, guidelines, procedures, and other advisory materials, that have been issued, made, prescribed, or allowed to become effective by the Board of Governors, or by a court of competent jurisdiction, in the performance of functions of the Board of Governors that are transferred by this subtitle and that are in effect on the day before the transfer date, shall continue in effect according to the terms of those materials, and shall be enforceable by or against the Office of the Comptroller of the Currency or the Corporation, as appropriate, until modified, terminated, set aside, or superseded in accordance with applicable law by the Office of the Comptroller of the Currency or the Corporation, as appropriate, by any court of competent jurisdiction, or by operation of law.

(d) IDENTIFICATION OF REGULATIONS CONTINUED.—

(1) BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY.—Not later than the transfer date, the Office of the Comptroller of the Currency shall—

(A) in consultation with the Corporation, identify the regulations continued under

subsection (c) that will be enforced by the Office of the Comptroller of the Currency; and

(B) publish a list of such regulations in the Federal Register.

(2) BY THE CORPORATION.—Not later than the transfer date, the Corporation shall—

(A) in consultation with the Office of the Comptroller of the Currency, identify the regulations continued under subsection (c) that will be enforced by the Corporation; and

(B) publish a list of such regulations in the Federal Register.

(3) BY THE BOARD OF GOVERNORS.—Not later than the transfer date, the Board of Governors shall—

(A) in consultation with the Office of the Comptroller of the Currency and the Corporation, identify the regulations continued under subsection (c) that will be enforced by the Board of Governors; and

(B) publish a list of such regulations in the Federal Register.

(e) STATUS OF REGULATIONS PROPOSED OR NOT YET EFFECTIVE.—

(1) PROPOSED REGULATIONS.—Any proposed regulation of the Office of Thrift Supervision or the Board of Governors, which that agency, in performing functions transferred by this subtitle, has proposed before the transfer date, but has not published as a final regulation before that date, shall be deemed to be a proposed regulation of the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as appropriate, according to its terms.

(2) REGULATIONS NOT YET EFFECTIVE.—Any interim or final regulation of the Office of Thrift Supervision or the Board of Governors, which that agency, in performing functions transferred by this subtitle, has published before the transfer date, but which has not become effective before that date, shall become effective as a regulation of the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as appropriate, according to its terms.

**SEC. 317. REFERENCES IN FEDERAL LAW TO FEDERAL BANKING AGENCIES.**

(a) DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION AND THE OFFICE OF THRIFT SUPERVISION.—Except as provided in section 312(d)(2), on and after the transfer date, any reference in Federal law to the Director of the Office of Thrift Supervision or the Office of Thrift Supervision, in connection with any function of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision transferred under section 312(b) or any other provision of this subtitle, shall be deemed to be a reference to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors, as appropriate.

(b) BOARD OF GOVERNORS.—Except as provided in section 312(d)(2), on and after the transfer date, any reference in Federal law to the Board of Governors or any Federal reserve bank, in connection with any function of the Board of Governors or any Federal reserve bank transferred under section 312(c) or any other provision of this subtitle, shall be deemed to be a reference to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, or the Corporation, as appropriate.

**SEC. 318. FUNDING.**

(a) FUNDING OF OFFICE OF THE COMPTROLLER OF THE CURRENCY.—

(1) AUTHORITY TO COLLECT ASSESSMENTS, FEES, AND OTHER CHARGES, AND TO RECEIVE TRANSFERRED FUNDS.—Chapter 4 of title LXII of the Revised Statutes is amended by inserting after section 5240 (12 U.S.C. 481, 482) the following:

''SEC. 5240A. The Comptroller of the Currency may collect an assessment, fee, or other charge from any entity described in section 3(q)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(1)), as the Comptroller determines is necessary or appropriate to carry out the responsibilities of the Office of the Comptroller of the Currency. The Comptroller of the Currency also may collect an assessment, fee, or other charge from any entity, the activities of which are supervised by the Comptroller of the Currency under section 6 of the Bank Holding Company Act of 1956, as the Comptroller determines is necessary or appropriate to carry out the responsibilities of the Office of the Comptroller of the Currency in connection with such activities. In establishing the amount of an assessment, fee, or charge collected from an entity under this section, the Comptroller of the Currency may take into account the funds transferred to the Office of the Comptroller of the Currency under this section, the nature and scope of the activities of the entity, the amount and type of assets that the entity holds, the financial and managerial condition of the entity, and any other factor, as the Comptroller of the Currency determines is appropriate. Funds derived from any assessment, fee, or charge collected or payment made pursuant to this section may be deposited by the Comptroller of the Currency in accordance with the provisions of section 5234. Such funds shall not be construed to be Government funds or appropriated monies, and shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or any other provision of law. The authority of the Comptroller of the Currency under this section shall be in addition to the authority under section 5240.

''The Comptroller of the Currency shall have sole authority to determine the manner in which the obligations of the Office of the Comptroller of the Currency shall be incurred and its disbursements and expenses allowed and paid, in accordance with this section.''.

(2) PROMOTING PARITY IN SUPERVISION FEES.—

(A) PROPOSAL REQUIRED.—

(i) IN GENERAL.—The Comptroller of the Currency shall submit to the Board of Directors of the Corporation a proposal to promote parity in the examination fees paid by State and Federal depository institutions having total consolidated assets of less than $50,000,000,000.

(ii) CONTENTS.—The proposal submitted under clause (i) shall recommend a transfer from the Corporation to the Office of the Comptroller of the Currency of a percentage of the amount that the Office of the Comptroller of the Currency estimates is necessary or appropriate to carry out the responsibilities of the Office of the Comptroller of the Currency associated with the supervision of Federal depository institutions having total consolidated assets of less than $50,000,000,000.

(iii) DATA COLLECTION.—The Corporation shall assist the Office of the Comptroller of the Currency in collecting data relative to the supervision of State depository institutions to develop the proposal submitted under clause (i).

(B) VOTE.—Not later than 60 days after the date of receipt of the proposal under subparagraph (A), the Board of Directors of the Corporation shall—

(i) vote on the proposal; and

(ii) promptly implement a plan to periodically transfer to the Office of the Comptroller of the Currency a percentage of the amount that the Office of the Comptroller of the Currency estimates is necessary or appropriate to carry out the responsibilities of the Office of the Comptroller of the Currency associated with the supervision of Federal depository institutions having total consolidated assets of less than $50,000,000,000, as approved by the Board of Directors of the Corporation.

(C) REPORT TO CONGRESS.—Not later than 30 days after date of the vote of the Board of Directors of the Corporation under subparagraph (B), the Corporation shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report describing—

(i) the proposal made to the Board of Directors of the Corporation by the Comptroller of the Currency; and

(ii) the decision resulting from the vote of the Board of Directors of the Corporation.

(D) FAILURE TO APPROVE PLAN.—If, on the date that is 2 years after the date of enactment of this Act, the Board of Directors of the Corporation has failed to approve a plan under subparagraph (B), the Council shall approve a plan using the dispute resolution procedures under section 119.

(b) FUNDING OF BOARD OF GOVERNORS.—Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following:

''(s) ASSESSMENTS, FEES, AND OTHER CHARGES FOR CERTAIN COMPANIES.—

''(1) IN GENERAL.—The Board shall collect a total amount of assessments, fees, or other charges from the companies described in paragraph (2) that is equal to the total expenses the Board estimates are necessary or appropriate to carry out the responsibilities of the Board with respect to such companies.

''(2) COMPANIES.—The companies described in this paragraph are—

''(A) all bank holding companies having total consolidated assets of $50,000,000,000 or more;

''(B) all savings and loan holding companies having total consolidated assets of $50,000,000,000 or more; and

''(C) all nonbank financial companies supervised by the Board under section 113 of the Restoring American Financial Stability Act of 2010.''.

(c) CORPORATION EXAMINATION FEES.—Section 10(e) of the Federal Deposit Insurance Act (12 U.S.C. 1820(e)) is amended by striking paragraph (1) and inserting the following:

''(1) REGULAR AND SPECIAL EXAMINATIONS OF DEPOSITORY INSTITUTIONS.—The cost of conducting any regular examination or special examination of any depository institution under subsection (b)(2), (b)(3), or (d) or of any entity described in section 3(q)(2) may be assessed by the Corporation against the institution or entity to meet the expenses of the Corporation in carrying out such examinations, or as the Corporation determines is necessary or appropriate to carry out the responsibilities of the Corporation. The Corporation may also collect an assessment, fee, or other charge from any entity, the activities of which are supervised by the Corporation under section 6 of the Bank Holding Company Act of 1956, as the Corporation determines is necessary or appropriate to carry out the responsibilities of the Corporation in connection with such activities.''.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

**SEC. 319. CONTRACTING AND LEASING AUTHORITY.**

Notwithstanding the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or any other provision of law, the Office of the Comptroller of the Currency may—

(1) enter into and perform contracts, execute instruments, and acquire, in any lawful manner, such goods and services, or personal or real property (or property interest) as the Comptroller deems necessary to carry out the duties and responsibilities of the Office of the Comptroller of the Currency; and

(2) hold, maintain, sell, lease, or otherwise dispose of the property (or property interest) acquired under paragraph (1).

**Subtitle B—Transitional Provisions**

**SEC. 321. INTERIM USE OF FUNDS, PERSONNEL, AND PROPERTY.**

(a) OFFICE OF THRIFT SUPERVISION.—

(1) IN GENERAL.—Before the transfer date, the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors shall—

(A) consult and cooperate with the Office of Thrift Supervision to facilitate the orderly transfer of functions to the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors in accordance with this title;

(B) determine jointly, from time to time—

(i) the amount of funds necessary to pay any expenses associated with the transfer of functions (including expenses for personnel, property, and administrative services) during the period beginning on the date of enactment of this Act and ending on the transfer date;

(ii) which personnel are appropriate to facilitate the orderly transfer of functions by this title; and

(iii) what property and administrative services are necessary to support the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors during the period beginning on the date of enactment of this Act and ending on the transfer date; and

(C) take such actions as may be necessary to provide for the orderly implementation of this title.

(2) AGENCY CONSULTATION.—When requested jointly by the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors to do so before the transfer date, the Office of Thrift Supervision shall—

(A) pay to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, from funds obtained by the Office of Thrift Supervision through assessments, fees, or other charges that the Office of Thrift Supervision is authorized by law to impose, such amounts as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be necessary under paragraph (1);

(B) detail to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such personnel as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be appropriate under paragraph (1); and

(C) make available to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such property and provide to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such administrative services as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be necessary under paragraph (1).

(3) NOTICE REQUIRED.—The Office of the Comptroller of the Currency, the Corporation, and the Board of Governors shall jointly give the Office of Thrift Supervision reasonable prior notice of any request that the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly intend to make under paragraph (2).

(b) BOARD OF GOVERNORS.—

(1) IN GENERAL.—Before the transfer date, the Office of the Comptroller of the Currency and the Corporation shall—

(A) consult and cooperate with the Board of Governors to facilitate the orderly transfer of functions to the Office of the Comptroller of the Currency and the Corporation in accordance with this title;

(B) determine jointly, from time to time—

(i) the amount of funds necessary to pay any expenses associated with the transfer of functions (including expenses for personnel, property, and administrative services) during the period beginning on the date of enactment of this Act and ending on the transfer date;

(ii) which personnel are appropriate to facilitate the orderly transfer of functions by this title; and

(iii) what property and administrative services are necessary to support the Office of the Comptroller of the Currency and the Corporation during the period beginning on the date of enactment of this Act and ending on the transfer date; and

(C) take such actions as may be necessary to provide for the orderly implementation of this title.

(2) AGENCY CONSULTATION.—When requested jointly by the Office of the Comptroller of the Currency and the Corporation to do so before the transfer date, the Board of Governors shall—

(A) pay to the Office of the Comptroller of the Currency or the Corporation, as applicable, from funds obtained by the Board of Governors through assessments, fees, or other charges that the Board of Governors is authorized by law to impose, such amounts as the Office of the Comptroller of the Currency and the Corporation jointly determine to be necessary under paragraph (1);

(B) detail to the Office of the Comptroller of the Currency or the Corporation, as applicable, such personnel as the Office of the Comptroller of the Currency and the Corporation jointly determine to be appropriate under paragraph (1); and

(C) make available to the Office of the Comptroller of the Currency or the Corporation, as applicable, such property and provide to the Office of the Comptroller of the Currency or the Corporation, as applicable, such administrative services as the Office of the Comptroller of the Currency and the Corporation jointly determine to be necessary under paragraph (1).

(3) NOTICE REQUIRED.—The Office of the Comptroller of the Currency and the Corporation shall jointly give the Board of Governors reasonable prior notice of any request that the Office of the Comptroller of the Currency and the Corporation jointly intend to make under paragraph (2).

**SEC. 322. TRANSFER OF EMPLOYEES.**

(a) IN GENERAL.—

(1) OFFICE OF THRIFT SUPERVISION EMPLOYEES.—

(A) IN GENERAL.—All employees of the Office of Thrift Supervision shall be transferred to the Office of the Comptroller of the Currency or the Corporation for employment in accordance with this section.

(B) ALLOCATING EMPLOYEES FOR TRANSFER TO RECEIVING AGENCIES.—The Director of the Office of Thrift Supervision, the Comptroller of the Currency, and the Chairperson of the Corporation shall—

(i) jointly determine the number of employees of the Office of Thrift Supervision necessary to perform or support the functions that are transferred to the Office of the Comptroller of the Currency or the Corporation by this title; and

(ii) consistent with the determination under clause (i), jointly identify employees of the Office of Thrift Supervision for transfer to the Office of the Comptroller of the Currency or the Corporation.

(2) BOARD OF GOVERNORS.—The Comptroller of the Currency, the Chairperson of the Corporation, and the Chairman of the Board of Governors shall—

(A) jointly determine the number of employees of the Board of Governors (including employees of the Federal reserve banks who, on the day before the transfer date, are performing functions on behalf of the Board of Governors) necessary to perform or support the functions that are transferred to the Office of the Comptroller of the Currency or the Corporation under this title; and

(B) consistent with the determination under subparagraph (A), jointly identify employees of the Board of Governors (including employees of the Federal reserve banks who, on the day before the transfer date, are performing functions on behalf of the Board of Governors) for transfer to the Office of the Comptroller of the Currency or the Corporation.

(3) EMPLOYEES TRANSFERRED; SERVICE PERIODS CREDITED.—For purposes of this section, periods of service with a Federal home loan bank, a joint office of Federal home loan banks, or a Federal reserve bank shall be credited as periods of service with a Federal agency.

(4) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE TRANSFERRED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any appointment authority of the Office of Thrift Supervision or the Board of Governors under Federal law that relates to the functions transferred under section 312, including the regulations of the Office of Personnel Management, for filling the positions of employees in the excepted service shall be transferred to the Comptroller of the Currency or the Chairperson of the Corporation, as appropriate.

(B) DECLINING TRANSFERS ALLOWED.—The Office of the Comptroller of the Currency or the Chairperson of the Corporation may decline to accept a transfer of authority under subparagraph (A) (and the employees appointed under that authority) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(5) ADDITIONAL APPOINTMENT AUTHORITY.—Notwithstanding any other provision of law, the Office of the Comptroller of the Currency and the Corporation may appoint transferred employees to positions in the Office of the Comptroller of the Currency or the Corporation, respectively. For purposes of this paragraph, an employee transferred from any Federal reserve bank shall be treated as an employee of the Board of Governors.

(b) TIMING OF TRANSFERS AND POSITION ASSIGNMENTS.—Each employee to be transferred under subsection (a)(1) shall—

(1) be transferred not later than 90 days after the transfer date; and

(2) receive notice of the position assignment of the employee not later than 120 days

after the effective date of the transfer of the employee.

(c) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the transfer of employees under this subtitle shall be deemed a transfer of functions for the purpose of section 3503 of title 5, United States Code.

(2) PRIORITY.—If any provision of this subtitle conflicts with any protection provided to a transferred employee under section 3503 of title 5, United States Code, the provisions of this subtitle shall control.

(d) EMPLOYEE STATUS AND ELIGIBILITY.—The transfer of functions and employees under this subtitle, and the abolishment of the Office of Thrift Supervision under section 313, shall not affect the status of the transferred employees as employees of an agency of the United States under any provision of law.

(e) EQUAL STATUS AND TENURE POSITIONS.—

(1) STATUS AND TENURE.—

(A) OFFICE OF THRIFT SUPERVISION.—Each transferred employee from the Office of Thrift Supervision shall be placed in a position at the Office of the Comptroller of the Currency or the Corporation with the same status and tenure as the transferred employee held on the day before the date on which the employee was transferred.

(B) BOARD OF GOVERNORS.—Each transferred employee from the Board of Governors or from a Federal reserve bank shall be placed in a position with the same status and tenure as employees of the Office of the Comptroller of the Currency or the Corporation who perform similar functions and have similar periods of service.

(2) FUNCTIONS.—To the extent practicable, each transferred employee shall be placed in a position at the Office of the Comptroller of the Currency or the Corporation, as applicable, responsible for the same functions and duties as the transferred employee had on the day before the date on which the employee was transferred, in accordance with the expertise and preferences of the transferred employee.

(f) NO ADDITIONAL CERTIFICATION REQUIREMENTS.—An examiner who is a transferred employee shall not be subject to any additional certification requirements before being placed in a comparable position at the Office of the Comptroller of the Currency or the Corporation, if the examiner carries out examinations of the same type of institutions as an employee of the Office of the Comptroller of the Currency or the Corporation as the employee was responsible for carrying out before the date on which the employee was transferred.

(g) PERSONNEL ACTIONS LIMITED.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), during the 2-year period beginning on the transfer date, an employee holding a permanent position on the day before the date on which the employee was transferred shall not be involuntarily separated or involuntarily reassigned outside the locality pay area (as defined by the Office of Personnel Management) of the employee.

(2) EXCEPTIONS.—The Comptroller of the Currency and the Chairperson of the Corporation, as applicable, may—

(A) separate a transferred employee for cause, including for unacceptable performance; or

(B) terminate an appointment to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character.

(h) PAY.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), during the 2-year period beginning on the date on which the employee was transferred under this subtitle, a transferred employee shall be paid at a rate that is not less than the basic rate of pay, including any geographic differential, that the transferred employee received during the pay period immediately preceding the date on which the employee was transferred.

(2) EXCEPTIONS.—The Comptroller of the Currency, the Chairperson of the Corporation, or the Chairman of the Board of Governors may reduce the rate of basic pay of a transferred employee—

(A) for cause, including for unacceptable performance; or

(B) with the consent of the transferred employee.

(3) PROTECTION ONLY WHILE EMPLOYED.—This subsection shall apply to a transferred employee only during the period that the transferred employee remains employed by Office of the Comptroller of the Currency or the Corporation.

(4) PAY INCREASES PERMITTED.—Nothing in this subsection shall limit the authority of the Comptroller of the Currency or the Chairperson of the Corporation to increase the pay of a transferred employee.

(i) BENEFITS.—

(1) RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) IN GENERAL.—

(i) CONTINUATION OF EXISTING RETIREMENT PLAN.—Each transferred employee shall remain enrolled in the retirement plan of the transferred employee, for as long as the transferred employee is employed by the Office of the Comptroller of the Currency or the Corporation.

(ii) EMPLOYER'S CONTRIBUTION.—The Comptroller of the Currency or the Chairperson of the Corporation, as appropriate, shall pay any employer contributions to the existing retirement plan of each transferred employee, as required under each such existing retirement plan.

(B) OPTION FOR EMPLOYEES TRANSFERRED FROM FEDERAL RESERVE SYSTEM TO BE SUBJECT TO FEDERAL EMPLOYEE RETIREMENT PROGRAM.—

(i) ELECTION.—Any transferred employee who was enrolled in a Federal Reserve System retirement plan on the day before the date of the transfer of the employee to the Office of the Comptroller of the Currency or the Corporation may, during the period beginning 6 months after the transfer date and ending 1 year after the transfer date, elect to be subject to the Federal employee retirement program.

(ii) EFFECTIVE DATE OF COVERAGE.—For any employee making an election under clause (i), coverage by the Federal employee retirement program shall begin 1 year after the transfer date.

(C) AGENCY PARTICIPATION IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN.—

(i) SEPARATE ACCOUNT IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN ESTABLISHED.—A separate account in the Federal Reserve System retirement plan shall be established for employees transferred to the Office of the Comptroller of the Currency or the Corporation under this title who do not make the election under subparagraph (B).

(ii) FUNDS ATTRIBUTABLE TO TRANSFERRED EMPLOYEES REMAINING IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN TRANSFERRED.—The proportionate share of funds in the Federal Reserve System retirement plan, including the proportionate share of any funding surplus in that plan, attributable to a transferred employee who does not make the election under subparagraph (B), shall be transferred to the account established under clause (i).

(iii) EMPLOYER CONTRIBUTIONS DEPOSITED.—The Office of the Comptroller of the Currency or the Corporation, as appropriate, shall deposit into the account established under clause (i) the employer contributions that the Office of the Comptroller of the Currency or the Corporation, respectively, makes on behalf of transferred employees who do not make an election under subparagraph (B).

(iv) ACCOUNT ADMINISTRATION.—The Office of the Comptroller of the Currency or the Corporation, as appropriate, shall administer the account established under clause (i) as a participation employer in the Federal Reserve System retirement plan.

(D) DEFINITION.—In this paragraph, the term ''existing retirement plan'' means, with respect to a transferred employee, the retirement plan (including the Financial Institutions Retirement Fund), and any associated thrift savings plan, of the agency from which the employee was transferred in which the employee was enrolled on the day before the date on which the employee was transferred.

(2) BENEFITS OTHER THAN RETIREMENT BENEFITS.—

(A) DURING FIRST YEAR.—

(i) EXISTING PLANS CONTINUE.—During the 1-year period following the transfer date, each transferred employee may retain membership in any employee benefit program (other than a retirement benefit program) of the agency from which the employee was transferred under this title, including any dental, vision, long term care, or life insurance program to which the employee belonged on the day before the transfer date.

(ii) EMPLOYER'S CONTRIBUTION.—The Office of the Comptroller of the Currency or the Corporation, as appropriate, shall pay any employer cost required to extend coverage in the benefit program to the transferred employee as required under that program or negotiated agreements.

(B) DENTAL, VISION, OR LIFE INSURANCE AFTER FIRST YEAR.—If, after the 1-year period beginning on the transfer date, the Office of the Comptroller of the Currency or the Corporation determines that the Office of the Comptroller of the Currency or the Corporation, as the case may be, will not continue to participate in any dental, vision, or life insurance program of an agency from which an employee was transferred, a transferred employee who is a member of the program may, before the decision takes effect and without regard to any regularly scheduled open season, elect to enroll in—

(i) the enhanced dental benefits program established under chapter 89A of title 5, United States Code;

(ii) the enhanced vision benefits established under chapter 89B of title 5, United States Code; and

(iii) the Federal Employees' Group Life Insurance Program established under chapter 87 of title 5, United States Code, without regard to any requirement of insurability.

(C) LONG TERM CARE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the transfer date, the Office of the Comptroller of the Currency or the Corporation determines that the Office of the Comptroller of the Currency or the Corporation, as appropriate, will not continue to participate in any long term care insurance program of an agency from which an employee transferred, a transferred employee who is a member of such a program may, before the

decision takes effect, elect to apply for coverage under the Federal Long Term Care Insurance Program established under chapter 90 of title 5, United States Code, under the underwriting requirements applicable to a new active workforce member, as described in part 875 of title 5, Code of Federal Regulations (or any successor thereto).

(D) CONTRIBUTION OF TRANSFERRED EMPLOYEE.—

(i) IN GENERAL.—Subject to clause (ii), a transferred employee who is enrolled in a plan under the Federal Employees Health Benefits Program shall pay any employee contribution required under the plan.

(ii) COST DIFFERENTIAL.—The Office of the Comptroller of the Currency or the Corporation, as applicable, shall pay any difference in cost between the employee contribution required under the plan provided to transferred employees by the agency from which the employee transferred on the date of enactment of this Act and the plan provided by the Office of the Comptroller of the Currency or the Corporation, as the case may be, under this section.

(iii) FUNDS TRANSFER.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Comptroller of the Currency or the Chairperson of the Corporation, as the case may be, and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing any benefits under this subparagraph that are not otherwise paid for by a transferred employee under clause (i).

(E) SPECIAL PROVISIONS TO ENSURE CONTINUATION OF LIFE INSURANCE BENEFITS.—

(i) IN GENERAL.—An annuitant, as defined in section 8901 of title 5, United States Code, who is enrolled in a life insurance plan administered by an agency from which employees are transferred under this title on the day before the transfer date shall be eligible for coverage by a life insurance plan under sections 8706(b), 8714a, 8714b, or 8714c of title 5, United States Code, or by a life insurance plan established by the Office of the Comptroller of the Currency or the Corporation, as applicable, without regard to any regularly scheduled open season or any requirement of insurability.

(ii) CONTRIBUTION OF TRANSFERRED EMPLOYEE.—

(I) IN GENERAL.—Subject to subclause (II), a transferred employee enrolled in a life insurance plan under this subparagraph shall pay any employee contribution required by the plan.

(II) COST DIFFERENTIAL.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall pay any difference in cost between the benefits provided by the agency from which the employee transferred on the date of enactment of this Act and the benefits provided under this section.

(III) FUNDS TRANSFER.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall transfer to the Federal Employees' Group Life Insurance Fund established under section 8714 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Comptroller of the Currency or the Chairperson of the Corporation, as the case may be, and the Office of Management and Budget, to be necessary to reimburse the Federal Employees' Group Life Insurance Fund for the cost to the Federal Employees' Group Life Insurance Fund of providing benefits under this subparagraph not otherwise paid for by a transferred employee under subclause (I).

(IV) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For any transferred employee, enrollment in a life insurance plan administered by the agency from which the employee transferred, immediately before enrollment in a life insurance plan under chapter 87 of title 5, United States Code, shall be considered as enrollment in a life insurance plan under that chapter for purposes of section 8706(b)(1)(A) of title 5, United States Code.

(j) INCORPORATION INTO AGENCY PAY SYSTEM.—Not later than 2 years after the transfer date, the Comptroller of the Currency and the Chairperson of the Corporation shall place each transferred employee into the established pay system and structure of the appropriate employing agency.

(k) EQUITABLE TREATMENT.—In administering the provisions of this section, the Comptroller of the Currency and the Chairperson of the Corporation—

(1) may not take any action that would unfairly disadvantage a transferred employee relative to any other employee of the Office of the Comptroller of the Currency or the Corporation on the basis of prior employment by the Office of Thrift Supervision, the Board of Governors, or a Federal reserve bank; and

(2) may take such action as is appropriate in an individual case to ensure that a transferred employee receives equitable treatment, with respect to the status, tenure, pay, benefits (other than benefits under programs administered by the Office of Personnel Management), and accrued leave or vacation time for prior periods of service with any Federal agency of the transferred employee.

(l) REORGANIZATION.—

(1) IN GENERAL.—If the Comptroller of the Currency or the Chairperson of the Corporation determines, during the 2-year period beginning 1 year after the transfer date, that a reorganization of the staff of the Office of the Comptroller of the Currency or the Corporation, respectively, is required, the reorganization shall be deemed a ''major reorganization'' for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(2) SERVICE CREDIT.—For purposes of this subsection, periods of service with a Federal home loan bank, a joint office of Federal home loan banks or a Federal reserve bank shall be credited as periods of service with a Federal agency.

**SEC. 323. PROPERTY TRANSFERRED.**

(a) PROPERTY DEFINED.—For purposes of this section, the term ''property'' includes all real property (including leaseholds) and all personal property, including computers, furniture, fixtures, equipment, books, accounts, records, reports, files, memoranda, paper, reports of examination, work papers, and correspondence related to such reports, and any other information or materials.

(b) PROPERTY OF THE OFFICE OF THRIFT SUPERVISION.—Not later than 90 days after the transfer date, all property of the Office of Thrift Supervision that the Comptroller of the Currency and the Chairperson of the Corporation jointly determine is used, on the day before the transfer date, to perform or support the functions of the Office of Thrift Supervision transferred to the Office of the Comptroller of the Currency or the Corporation under this title, shall be transferred to the Office of the Comptroller of the Currency or the Corporation in a manner consistent with the transfer of employees under this subtitle.

(c) PROPERTY OF THE BOARD OF GOVERNORS.—

(1) IN GENERAL.—Not later than 90 days after the transfer date, all property of the Board of Governors that the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine is used, on the day before the transfer date, to perform or support the functions of the Board of Governor transferred to the Office of the Comptroller of the Currency or the Corporation under this title, shall be transferred to the Office of the Comptroller of the Currency or the Corporation in a manner consistent with the transfer of employees under this subtitle.

(2) PROPERTY OF FEDERAL RESERVE BANKS.—Any property of any Federal reserve bank that, on the day before the transfer date, is used to perform or support the functions of the Board of Governors transferred to the Office of the Comptroller of the Currency or the Corporation by this title shall be treated as property of the Board of Governors for purposes of paragraph (1).

(d) CONTRACTS RELATED TO PROPERTY TRANSFERRED.—Each contract, agreement, lease, license, permit, and similar arrangement relating to property transferred to the Office of the Comptroller of the Currency or the Corporation by this section shall be transferred to the Office of the Comptroller of the Currency or the Corporation, as appropriate, together with the property to which it relates.

(e) PRESERVATION OF PROPERTY.—Property identified for transfer under this section shall not be altered, destroyed, or deleted before transfer under this section.

**SEC. 324. FUNDS TRANSFERRED.**

The funds that, on the day before the transfer date, the Director of the Office of Thrift Supervision (in consultation with the Comptroller of the Currency, the Chairperson of the Corporation, and the Chairman of the Board of Governors) determines are not necessary to dispose of the affairs of the Office of Thrift Supervision under section 325 and are available to the Office of Thrift Supervision to pay the expenses of the Office of Thrift Supervision—

(1) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(B), shall be transferred to the Office of the Comptroller of the Currency on the transfer date;

(2) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(C), shall be transferred to the Corporation on the transfer date; and

(3) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(A), shall be transferred to the Board of Governors on the transfer date.

**SEC. 325. DISPOSITION OF AFFAIRS.**

(a) AUTHORITY OF DIRECTOR.—During the 90-day period beginning on the transfer date, the Director of the Office of Thrift Supervision—

(1) shall, solely for the purpose of winding up the affairs of the Office of Thrift Supervision relating to any function transferred to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors under this title—

(A) manage the employees of the Office of Thrift Supervision who have not yet been

transferred and provide for the payment of the compensation and benefits of the employees that accrue before the date on which the employees are transferred under this title; and

(B) manage any property of the Office of Thrift Supervision, until the date on which the property is transferred under section 323; and

(2) may take any other action necessary to wind up the affairs of the Office of Thrift Supervision.

(b) STATUS OF DIRECTOR.—

(1) IN GENERAL.—Notwithstanding the transfer of functions under this subtitle, during the 90-day period beginning on the transfer date, the Director of the Office of Thrift Supervision shall retain and may exercise any authority vested in the Director of the Office of Thrift Supervision on the day before the transfer date, only to the extent necessary—

(A) to wind up the Office of Thrift Supervision; and

(B) to carry out the transfer under this subtitle during such 90-day period.

(2) OTHER PROVISIONS.—For purposes of paragraph (1), the Director of the Office of Thrift Supervision shall, during the 90-day period beginning on the transfer date, continue to be—

(A) treated as an officer of the United States; and

(B) entitled to receive compensation at the same annual rate of basic pay that the Director of the Office of Thrift Supervision received on the day before the transfer date.

(c) AUTHORITY OF CHAIRMAN OF THE BOARD OF GOVERNORS.—During the 90-day period beginning on the transfer date, the Chairman of the Board of Governors shall—

(1) manage the employees of the Board of Governors who have not yet been transferred under this title and provide for the payment of the compensation and benefits of the employees that accrue before the date on which the employees are transferred under this title; and

(2) manage any property of the Board of Governors that is transferred under this title, until the date on which the property is transferred under section 323.

**SEC. 326. CONTINUATION OF SERVICES.**

Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, that was, before the transfer date, providing support services to the Office of Thrift Supervision or the Board of Governors in connection with functions transferred to the Office of the Comptroller of the Currency, the Corporation or the Board of Governors under this title, shall—

(1) continue to provide such services, subject to reimbursement by the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, until the transfer of functions under this title is complete; and

(2) consult with the Comptroller of the Currency, the Chairperson of the Corporation, or the Chairman of the Board of Governors, as appropriate, to coordinate and facilitate a prompt and orderly transition.

## Subtitle C—Federal Deposit Insurance Corporation

**SEC. 331. DEPOSIT INSURANCE REFORMS.**

(a) SIZE DISTINCTIONS.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraph (D); and

(2) by redesignating subparagraph (C) as subparagraph (D).

(b) ASSESSMENT BASE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall amend the regulations issued by the Corporation under section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) to define the term ''assessment base'' with respect to an insured depository institution for purposes of that section 7(b)(2), as an amount equal to—

(A) the average total consolidated assets of the insured depository institution during the assessment period; minus

(B) the sum of—

(i) the average tangible equity of the insured depository institution during the assessment period; and

(ii) the average long-term unsecured debt of the insured depository institution during the assessment period.

(2) DETERMINATION.—If, not later than 1 year after the date of enactment of this Act, the Corporation submits to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, in writing, a finding that an amendment to the rules of the Corporation regarding the definition of the term ''assessment base'', as provided in paragraph (1), would reduce the effectiveness of the risk-based assessment system of the Corporation or increase the risk of loss to the Deposit Insurance Fund, the Corporation may—

(A) continue in effect the definition of the term ''assessment base'', as in effect on the day before the date of enactment of this Act; or

(B) establish, by rule, a definition of the term ''assessment base'' that the Corporation deems appropriate.

**SEC. 332. MANAGEMENT OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.**

(a) IN GENERAL.—Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended—

(1) in subsection (a)(1)(B), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Director of the Consumer Financial Protection Bureau'';

(2) by amending subsection (d)(2) to read as follows:

''(2) ACTING OFFICIALS MAY SERVE.—In the event of a vacancy in the Office of the Comptroller of the Currency and pending the appointment of a successor, or during the absence or disability of the Comptroller of the Currency, the acting Comptroller of the Currency shall be a member of the Board of Directors in the place of the Comptroller of the Currency.''; and

(3) in subsection (f)(2), by striking ''or of the Office of Thrift Supervision''.

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

## Subtitle D—Termination of Federal Thrift Charter

**SEC. 341. TERMINATION OF FEDERAL SAVINGS ASSOCIATIONS.**

(a) IN GENERAL.—Beginning on the date of enactment of this Act, the Director of the Office of Thrift Supervision, or the Comptroller of the Currency, may not issue a charter for a Federal savings association under section 5 of the Home Owners' Loan Act (12 U.S.C. 1464).

(b) CONFORMING AMENDMENT.—Section 5(a) of the Home Owner's Loan Act (12 U.S.C. 1464(a)) is amended to read as follows:

''(a) IN GENERAL.—In order to provide thrift institutions for the deposit of funds and for the extension of credit for homes and other goods and services, the Comptroller of the Currency is authorized, under such regulations as the Comptroller of the Currency may prescribe, to provide for the examination, operation, and regulation of associations to be known as 'Federal savings associations' (including Federal savings banks), giving primary consideration to the best practices of thrift institutions in the United States. The lending and investment powers conferred by this section are intended to encourage such institutions to provide credit for housing safely and soundly.''.

(c) PROSPECTIVE REPEAL.—Effective on the date on which the Comptroller of the Currency determines that no Federal savings associations exist, section 5 of the Home Owner's Loan Act (12 U.S.C. 1464) is repealed.

**SEC. 342. BRANCHING.**

Notwithstanding the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any other provision of Federal or State law, a savings association that becomes a bank may continue to operate any branch or agency that the savings association operated immediately before the savings association became a bank.

## TITLE IV—REGULATION OF ADVISERS TO HEDGE FUNDS AND OTHERS

**SEC. 401. SHORT TITLE.**

This title may be cited as the ''Private Fund Investment Advisers Registration Act of 2010''.

**SEC. 402. DEFINITIONS.**

(a) INVESTMENT ADVISERS ACT OF 1940 DEFINITIONS.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended by adding at the end the following:

''(29) The term 'private fund' means an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3), but for section 3(c)(1) or 3(c)(7) of that Act.

''(30) The term 'foreign private adviser' means any investment adviser who—

''(A) has no place of business in the United States;

''(B) has, in total, fewer than 15 clients who are domiciled in or residents of the United States;

''(C) has aggregate assets under management attributable to clients in the United States and investors in the United States in private funds advised by the investment adviser of less than $25,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title; and

''(D) neither—

''(i) holds itself out generally to the public in the United States as an investment adviser; nor

''(ii) acts as—

''(I) an investment adviser to any investment company registered under the Investment Company Act of 1940; or

''(II) a company that has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53), and has not withdrawn its election.''.

(b) OTHER DEFINITIONS.—As used in this title, the terms ''investment adviser'' and ''private fund'' have the same meanings as in section 202 of the Investment Advisers Act of 1940, as amended by this title.

**SEC. 403. ELIMINATION OF PRIVATE ADVISER EXEMPTION; LIMITED EXEMPTION FOR FOREIGN PRIVATE ADVISERS; LIMITED INTRASTATE EXEMPTION.**

Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) in paragraph (1), by inserting '', other than an investment adviser who acts as an

investment adviser to any private fund,'' before ''all of whose'';

(2) by striking paragraph (3) and inserting the following:

''(3) any investment adviser that is a foreign private adviser;''; and

(3) in paragraph (5), by striking ''or'' at the end;

(4) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(7) any investment adviser, other than any entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–54), who solely advises—

''(A) small business investment companies that are licensees under the Small Business Investment Act of 1958;

''(B) entities that have received from the Small Business Administration notice to proceed to qualify for a license as a small business investment company under the Small Business Investment Act of 1958, which notice or license has not been revoked; or

''(C) applicants that are affiliated with 1 or more licensed small business investment companies described in subparagraph (A) and that have applied for another license under the Small Business Investment Act of 1958, which application remains pending.''.

**SEC. 404. COLLECTION OF SYSTEMIC RISK DATA; REPORTS; EXAMINATIONS; DISCLOSURES.**

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) RECORDS AND REPORTS OF PRIVATE FUNDS.—

''(1) IN GENERAL.—The Commission may require any investment adviser registered under this title—

''(A) to maintain such records of, and file with the Commission such reports regarding, private funds advised by the investment adviser, as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk by the Financial Stability Oversight Council (in this subsection referred to as the 'Council'); and

''(B) to provide or make available to the Council those reports or records or the information contained therein.

''(2) TREATMENT OF RECORDS.—The records and reports of any private fund to which an investment adviser registered under this title provides investment advice shall be deemed to be the records and reports of the investment adviser.

''(3) REQUIRED INFORMATION.—The records and reports required to be maintained by a private fund and subject to inspection by the Commission under this subsection shall include, for each private fund advised by the investment adviser, a description of—

''(A) the amount of assets under management and use of leverage;

''(B) counterparty credit risk exposure;

''(C) trading and investment positions;

''(D) valuation policies and practices of the fund;

''(E) types of assets held;

''(F) side arrangements or side letters, whereby certain investors in a fund obtain more favorable rights or entitlements than other investors;

''(G) trading practices; and

''(H) such other information as the Commission, in consultation with the Council, determines is necessary and appropriate in the public interest and for the protection of investors or for the assessment of systemic risk, which may include the establishment of different reporting requirements for different classes of fund advisers, based on the type or size of private fund being advised.

''(4) MAINTENANCE OF RECORDS.—An investment adviser registered under this title shall maintain such records of private funds advised by the investment adviser for such period or periods as the Commission, by rule, may prescribe as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk.

''(5) FILING OF RECORDS.—The Commission shall issue rules requiring each investment adviser to a private fund to file reports containing such information as the Commission deems necessary and appropriate in the public interest and for the protection of investors or for the assessment of systemic risk.

''(6) EXAMINATION OF RECORDS.—

''(A) PERIODIC AND SPECIAL EXAMINATIONS.—The Commission—

''(i) shall conduct periodic inspections of all records of private funds maintained by an investment adviser registered under this title in accordance with a schedule established by the Commission; and

''(ii) may conduct at any time and from time to time such additional, special, and other examinations as the Commission may prescribe as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk.

''(B) AVAILABILITY OF RECORDS.—An investment adviser registered under this title shall make available to the Commission any copies or extracts from such records as may be prepared without undue effort, expense, or delay, as the Commission or its representatives may reasonably request.

''(7) INFORMATION SHARING.—

''(A) IN GENERAL.—The Commission shall make available to the Council copies of all reports, documents, records, and information filed with or provided to the Commission by an investment adviser under this subsection as the Council may consider necessary for the purpose of assessing the systemic risk posed by a private fund.

''(B) CONFIDENTIALITY.—The Council shall maintain the confidentiality of information received under this paragraph in all such reports, documents, records, and information, in a manner consistent with the level of confidentiality established by the Commission pursuant to paragraph (8). The Council shall be exempt from section 552 of title 5, United States Code, with respect to any information in any report, document, record, or information made available, to the Council under this subsection.''.

''(8) COMMISSION CONFIDENTIALITY OF REPORTS.—Notwithstanding any other provision of law, the Commission may not be compelled to disclose any report or information contained therein required to be filed with the Commission under this subsection, except that nothing in this subsection authorizes the Commission—

''(A) to withhold information from Congress, upon an agreement of confidentiality; or

''(B) prevent the Commission from complying with—

''(i) a request for information from any other Federal department or agency or any self-regulatory organization requesting the report or information for purposes within the scope of its jurisdiction; or

''(ii) an order of a court of the United States in an action brought by the United States or the Commission.

''(9) OTHER RECIPIENTS CONFIDENTIALITY.—Any department, agency, or self-regulatory organization that receives reports or information from the Commission under this subsection shall maintain the confidentiality of such reports, documents, records, and information in a manner consistent with the level of confidentiality established for the Commission under paragraph (8).

''(10) PUBLIC INFORMATION EXCEPTION.—

''(A) IN GENERAL.—The Commission, the Council, and any other department, agency, or self-regulatory organization that receives information, reports, documents, records, or information from the Commission under this subsection, shall be exempt from the provisions of section 552 of title 5, United States Code, with respect to any such report, document, record, or information. Any proprietary information of an investment adviser ascertained by the Commission from any report required to be filed with the Commission pursuant to this subsection shall be subject to the same limitations on public disclosure as any facts ascertained during an examination, as provided by section 210(b) of this title.

''(B) PROPRIETARY INFORMATION.—For purposes of this paragraph, proprietary information includes—

''(i) sensitive, non-public information regarding the investment or trading strategies of the investment adviser;

''(ii) analytical or research methodologies;

''(iii) trading data;

''(iv) computer hardware or software containing intellectual property; and

''(v) any additional information that the Commission determines to be proprietary.

''(11) ANNUAL REPORT TO CONGRESS.—The Commission shall report annually to Congress on how the Commission has used the data collected pursuant to this subsection to monitor the markets for the protection of investors and the integrity of the markets.''.

**SEC. 405. DISCLOSURE PROVISION ELIMINATED.**

Section 210(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10(c)) is amended by inserting before the period at the end the following: ''or for purposes of assessment of potential systemic risk''.

**SEC. 406. CLARIFICATION OF RULEMAKING AUTHORITY.**

Section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–11) is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: '', including rules and regulations defining technical, trade, and other terms used in this title, except that the Commission may not define the term 'client' for purposes of paragraphs (1) and (2) of section 206 to include an investor in a private fund managed by an investment adviser, if such private fund has entered into an advisory contract with such adviser''; and

(2) by adding at the end the following:

''(e) DISCLOSURE RULES ON PRIVATE FUNDS.—The Commission and the Commodity Futures Trading Commission shall, after consultation with the Council but not later than 12 months after the date of enactment of the Private Fund Investment Advisers Registration Act of 2010, jointly promulgate rules to establish the form and content of the reports required to be filed with the Commission under subsection 204(b) and with the Commodity Futures Trading Commission by investment advisers that are registered both under this title and the Commodity Exchange Act (7 U.S.C. 1a et seq.).''.

**SEC. 407. EXEMPTION OF VENTURE CAPITAL FUND ADVISERS.**

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended by adding at the end the following:

''(l) EXEMPTION OF VENTURE CAPITAL FUND ADVISERS.—No investment adviser shall be subject to the registration requirements of this title with respect to the provision of investment advice relating to a venture capital fund. Not later than 6 months after the date of enactment of this subsection, the Commission shall issue final rules to define the term 'venture capital fund' for purposes of this subsection.''.

**SEC. 408. EXEMPTION OF AND RECORD KEEPING BY PRIVATE EQUITY FUND ADVISERS.**

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended by adding at the end the following:

''(m) EXEMPTION OF AND REPORTING BY PRIVATE EQUITY FUND ADVISERS.—

''(1) IN GENERAL.—Except as provided in this subsection, no investment adviser shall be subject to the registration or reporting requirements of this title with respect to the provision of investment advice relating to a private equity fund or funds.

''(2) MAINTENANCE OF RECORDS AND ACCESS BY COMMISSION.—Not later than 6 months after the date of enactment of this subsection, the Commission shall issue final rules—

''(A) to require investment advisers described in paragraph (1) to maintain such records and provide to the Commission such annual or other reports as the Commission taking into account fund size, governance, investment strategy, risk, and other factors, as the Commission determines necessary and appropriate in the public interest and for the protection of investors; and

''(B) to define the term 'private equity fund' for purposes of this subsection.''.

**SEC. 409. FAMILY OFFICES.**

(a) IN GENERAL.—Section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)) is amended by striking ''or (G)'' and inserting the following: ''; (G) any family office, as defined by rule, regulation, or order of the Commission, in accordance with the purposes of this title; or (H)''.

(b) RULEMAKING.—The rules, regulations, or orders issued by the Commission pursuant to section 202(a)(11)(G) of the Investment Advisers Act of 1940, as added by this section, regarding the definition of the term ''family office'' shall provide for an exemption that—

(1) is consistent with the previous exemptive policy of the Commission, as reflected in exemptive orders for family offices in effect on the date of enactment of this Act; and

(2) recognizes the range of organizational, management, and employment structures and arrangements employed by family offices.

**SEC. 410. STATE AND FEDERAL RESPONSIBILITIES; ASSET THRESHOLD FOR FEDERAL REGISTRATION OF INVESTMENT ADVISERS.**

Section 203A(a)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''$25,000,000'' and inserting ''$100,000,000''; and

(B) by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) is an adviser to a company that has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940, and has not withdrawn its election.''.

**SEC. 411. CUSTODY OF CLIENT ASSETS.**

The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by adding at the end the following new section:

**''SEC. 223. CUSTODY OF CLIENT ACCOUNTS.**

''An investment adviser registered under this title shall take such steps to safeguard client assets over which such adviser has custody, including, without limitation, verification of such assets by an independent public accountant, as the Commission may, by rule, prescribe.''.

**SEC. 412. ADJUSTING THE ACCREDITED INVESTOR STANDARD FOR INFLATION.**

The Commission shall, by rule—

(1) increase the financial threshold for an accredited investor, as set forth in the rules of the Commission under the Securities Act of 1933, by calculating an amount that is greater than the amount in effect on the date of enactment of this Act of $200,000 income for a natural person (or $300,000 for a couple) and $1,000,000 in assets, as the Commission determines is appropriate and in the public interest, in light of price inflation since those figures were determined; and

(2) adjust that threshold not less frequently than once every 5 years, to reflect the percentage increase in the cost of living.

**SEC. 413. GAO STUDY AND REPORT ON ACCREDITED INVESTORS.**

The Comptroller General of the United States shall conduct a study on the appropriate criteria for determining the financial thresholds or other criteria needed to qualify for accredited investor status and eligibility to invest in private funds, and shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of such study not later than 1 year after the date of enactment of this Act.

**SEC. 414. GAO STUDY ON SELF-REGULATORY ORGANIZATION FOR PRIVATE FUNDS.**

The Comptroller General of the United States shall—

(1) conduct a study of the feasibility of forming a self-regulatory organization to oversee private funds; and

(2) submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of such study, not later than 1 year after the date of enactment of this Act.

**SEC. 415. COMMISSION STUDY AND REPORT ON SHORT SELLING.**

(a) STUDY.—The Division of Risk, Strategy, and Financial Innovation of the Commission shall conduct a study, taking into account current scholarship, on the state of short selling on national securities exchanges and in the over-the-counter markets, with particular attention to the impact of recent rule changes and the incidence of—

(1) the failure to deliver shares sold short; or

(2) delivery of shares on the fourth day following the short sale transaction.

(b) REPORT.—The Division of Risk, Strategy, and Financial Innovation shall submit a report, together with any recommendations for market improvements, including consideration of real time reporting of short sale positions, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study conducted under subsection (a), not later than 2 years after the date of enactment of this Act.

**SEC. 416. TRANSITION PERIOD.**

Except as otherwise provided in this title, this title and the amendments made by this title shall become effective 1 year after the date of enactment of this Act, except that any investment adviser may, at the discretion of the investment adviser, register with the Commission under the Investment Advisers Act of 1940 during that 1-year period, subject to the rules of the Commission.

## TITLE V—INSURANCE

### Subtitle A—Office of National Insurance

**SEC. 501. SHORT TITLE.**

This subtitle may be cited as the ''Office of National Insurance Act of 2010''.

**SEC. 502. ESTABLISHMENT OF OFFICE OF NATIONAL INSURANCE.**

(a) ESTABLISHMENT OF OFFICE.—Subchapter I of chapter 3 of subtitle I of title 31, United States Code, is amended—

(1) by redesignating section 312 as section 315;

(2) by redesignating section 313 as section 312; and

(3) by inserting after section 312 (as so redesignated) the following new sections:

**''SEC. 313. OFFICE OF NATIONAL INSURANCE.**

''(a) ESTABLISHMENT.—There is established within the Department of the Treasury the Office of National Insurance.

''(b) LEADERSHIP.—The Office shall be headed by a Director, who shall be appointed by the Secretary of the Treasury. The position of Director shall be a career reserved position in the Senior Executive Service, as that position is defined under section 3132 of title 5, United States Code.

''(c) FUNCTIONS.—

''(1) AUTHORITY PURSUANT TO DIRECTION OF SECRETARY.—The Office, pursuant to the direction of the Secretary, shall have the authority—

''(A) to monitor all aspects of the insurance industry, including identifying issues or gaps in the regulation of insurers that could contribute to a systemic crisis in the insurance industry or the United States financial system;

''(B) to recommend to the Financial Stability Oversight Council that it designate an insurer, including the affiliates of such insurer, as an entity subject to regulation as a nonbank financial company supervised by the Board of Governors pursuant to title I of the Restoring American Financial Stability Act of 2010;

''(C) to assist the Secretary in administering the Terrorism Insurance Program established in the Department of the Treasury under the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note);

''(D) to coordinate Federal efforts and develop Federal policy on prudential aspects of international insurance matters, including representing the United States, as appropriate, in the International Association of Insurance Supervisors (or a successor entity) and assisting the Secretary in negotiating International Insurance Agreements on Prudential Measures;

''(E) to determine, in accordance with subsection (f), whether State insurance measures are preempted by International Insurance Agreements on Prudential Measures;

''(F) to consult with the States (including State insurance regulators) regarding insurance matters of national importance and prudential insurance matters of international importance; and

''(G) to perform such other related duties and authorities as may be assigned to the Office by the Secretary.

''(2) ADVISORY FUNCTIONS.—The Office shall advise the Secretary on major domestic and

prudential international insurance policy issues.

''(d) SCOPE.—The authority of the Office shall extend to all lines of insurance except health insurance, as such insurance is determined by the Secretary based on section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), and crop insurance, as established by the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(e) GATHERING OF INFORMATION.—

''(1) IN GENERAL.—In carrying out the functions required under subsection (c), the Office may—

''(A) receive and collect data and information on and from the insurance industry and insurers;

''(B) enter into information-sharing agreements;

''(C) analyze and disseminate data and information; and

''(D) issue reports regarding all lines of insurance except health insurance.

''(2) COLLECTION OF INFORMATION FROM INSURERS AND AFFILIATES.—

''(A) IN GENERAL.—Except as provided in paragraph (3), the Office may require an insurer, or any affiliate of an insurer, to submit such data or information as the Office may reasonably require in carrying out the functions described under subsection (c).

''(B) RULE OF CONSTRUCTION.—Notwithstanding any other provision of this section, for purposes of subparagraph (A), the term 'insurer' means any person that is authorized to write insurance or reinsure risks and issue contracts or policies in 1 or more States.

''(3) EXCEPTION FOR SMALL INSURERS.—Paragraph (2) shall not apply with respect to any insurer or affiliate thereof that meets a minimum size threshold that the Office may establish, whether by order or rule.

''(4) ADVANCE COORDINATION.—Before collecting any data or information under paragraph (2) from an insurer, or any affiliate of an insurer, the Office shall coordinate with each relevant State insurance regulator (or other relevant Federal or State regulatory agency, if any, in the case of an affiliate of an insurer) to determine if the information to be collected is available from, or may be obtained in a timely manner by, such State insurance regulator, individually or collectively, another regulatory agency, or publicly available sources. Notwithstanding any other provision of law, each such relevant State insurance regulator or other Federal or State regulatory agency is authorized to provide to the Office such data or information.

''(5) CONFIDENTIALITY.—

''(A) RETENTION OF PRIVILEGE.—The submission of any nonpublicly available data and information to the Office under this subsection shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

''(B) CONTINUED APPLICATION OF PRIOR CONFIDENTIALITY AGREEMENTS.—Any requirement under Federal or State law to the extent otherwise applicable, or any requirement pursuant to a written agreement in effect between the original source of any nonpublicly available data or information and the source of such data or information to the Office, regarding the privacy or confidentiality of any data or information in the possession of the source to the Office, shall continue to apply to such data or information after the data or information has been provided pursuant to this subsection to the Office.

''(C) INFORMATION SHARING AGREEMENT.—Any data or information obtained by the Office may be made available to State insurance regulators, individually or collectively, through an information sharing agreement that—

''(i) shall comply with applicable Federal law; and

''(ii) shall not constitute a waiver of, or otherwise affect, any privilege under Federal or State law (including the rules of any Federal or State Court) to which the data or information is otherwise subject.

''(D) AGENCY DISCLOSURE REQUIREMENTS.—Section 552 of title 5, United States Code, shall apply to any data or information submitted to the Office by an insurer or an affiliate of an insurer.

''(6) SUBPOENAS AND ENFORCEMENT.—The Director shall have the power to require by subpoena the production of the data or information requested under paragraph (2), but only upon a written finding by the Director that such data or information is required to carry out the functions described under subsection (c) and that the Office has coordinated with such regulator or agency as required under paragraph (4). Subpoenas shall bear the signature of the Director and shall be served by any person or class of persons designated by the Director for that purpose. In the case of contumacy or failure to obey a subpoena, the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of court.

''(f) PREEMPTION OF STATE INSURANCE MEASURES.—

''(1) STANDARD.—A State insurance measure shall be preempted if, and only to the extent that the Director determines, in accordance with this subsection, that the measure—

''(A) results in less favorable treatment of a non-United States insurer domiciled in a foreign jurisdiction that is subject to an international insurance agreement on prudential measures than a United States insurer domiciled, licensed, or otherwise admitted in that State; and

''(B) is inconsistent with an International Insurance Agreement on Prudential Measures.

''(2) DETERMINATION.—

''(A) NOTICE OF POTENTIAL INCONSISTENCY.—Before making any determination under paragraph (1), the Director shall—

''(i) notify and consult with the appropriate State regarding any potential inconsistency or preemption;

''(ii) cause to be published in the Federal Register notice of the issue regarding the potential inconsistency or preemption, including a description of each State insurance measure at issue and any applicable International Insurance Agreement on Prudential Measures;

''(iii) provide interested parties a reasonable opportunity to submit written comments to the Office; and

''(iv) consider any comments received.

''(B) SCOPE OF REVIEW.—For purposes of this subsection, the determination of the Director regarding State insurance measures shall be limited to the subject matter contained within the international insurance agreement on prudential measure involved.

''(C) NOTICE OF DETERMINATION OF INCONSISTENCY.—Upon making any determination under paragraph (1), the Director shall—

''(i) notify the appropriate State of the determination and the extent of the inconsistency;

''(ii) establish a reasonable period of time, which shall not be less than 30 days, before the determination shall become effective; and

''(iii) notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of the inconsistency.

''(3) NOTICE OF EFFECTIVENESS.—Upon the conclusion of the period referred to in paragraph (2)(C)(ii), if the basis for such determination still exists, the determination shall become effective and the Director shall—

''(A) cause to be published a notice in the Federal Register that the preemption has become effective, as well as the effective date; and

''(B) notify the appropriate State.

''(4) LIMITATION.—No State may enforce a State insurance measure to the extent that such measure has been preempted under this subsection.

''(g) APPLICABILITY OF ADMINISTRATIVE PROCEDURES ACT.—Determinations of inconsistency made pursuant to subsection (f)(2) shall be subject to the applicable provisions of subchapter II of chapter 5 of title 5, United States Code (relating to administrative procedure), and chapter 7 of such title (relating to judicial review).

''(h) REGULATIONS, POLICIES, AND PROCEDURES.—The Secretary may issue orders, regulations, policies, and procedures to implement this section.

''(i) CONSULTATION.—The Director shall consult with State insurance regulators, individually or collectively, to the extent the Director determines appropriate, in carrying out the functions of the Office.

''(j) SAVINGS PROVISIONS.—Nothing in this section shall—

''(1) preempt—

''(A) any State insurance measure that governs any insurer's rates, premiums, underwriting, or sales practices;

''(B) any State coverage requirements for insurance;

''(C) the application of the antitrust laws of any State to the business of insurance; or

''(D) any State insurance measure governing the capital or solvency of an insurer, except to the extent that such State insurance measure results in less favorable treatment of a non-United State insurer than a United States insurer;

''(2) be construed to alter, amend, or limit any provision of the Consumer Financial Protection Agency Act of 2010; or

''(3) affect the preemption of any State insurance measure otherwise inconsistent with and preempted by Federal law.

''(k) RETENTION OF EXISTING STATE REGULATORY AUTHORITY.—Nothing in this section or section 314 shall be construed to establish or provide the Office or the Department of the Treasury with general supervisory or regulatory authority over the business of insurance.

''(l) ANNUAL REPORT TO CONGRESS.—Beginning September 30, 2011, the Director shall submit a report on or before September 30 of each calendar year to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the insurance industry, any actions taken by the Office pursuant to subsection (f) (regarding preemption of inconsistent State insurance measures), and any other information as deemed relevant by the Director or as requested by such Committees.

''(m) STUDY AND REPORT ON REGULATION OF INSURANCE.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Director shall conduct a study and submit a report to Congress on how to modernize and improve the system of insurance regulation in the United States.

''(2) CONSIDERATIONS.—The study and report required under paragraph (1) shall be based on and guided by the following considerations:

''(A) Systemic risk regulation with respect to insurance.

''(B) Capital standards and the relationship between capital allocation and liabilities, including standards relating to liquidity and duration risk.

''(C) Consumer protection for insurance products and practices, including gaps in state regulation.

''(D) The degree of national uniformity of state insurance regulation.

''(E) The regulation of insurance companies and affiliates on a consolidated basis.

''(F) International coordination of insurance regulation.

''(3) ADDITIONAL FACTORS.—The study and report required under paragraph (1) shall also examine the following factors:

''(A) The costs and benefits of potential Federal regulation of insurance across various lines of insurance (except health insurance).

''(B) The feasibility of regulating only certain lines of insurance at the Federal level, while leaving other lines of insurance to be regulated at the State level.

''(C) The ability of any potential Federal regulation or Federal regulators to eliminate or minimize regulatory arbitrage.

''(D) The impact that developments in the regulation of insurance in foreign jurisdictions might have on the potential Federal regulation of insurance.

''(E) The ability of any potential Federal regulation or Federal regulator to provide robust consumer protection for policyholders.

''(F) The potential consequences of subjecting insurance companies to a Federal resolution authority, including the effects of any Federal resolution authority—

''(i) on the operation of State insurance guaranty fund systems, including the loss of guaranty fund coverage if an insurance company is subject to a Federal resolution authority;

''(ii) on policyholder protection, including the loss of the priority status of policyholder claims over other unsecured general creditor claims;

''(iii) in the case of life insurance companies, the loss of the special status of separate account assets and separate account liabilities; and

''(iv) on the international competitiveness of insurance companies.

''(G) Such other factors as the Director determines necessary or appropriate, consistent with the principles set forth in paragraph (2).

''(4) REQUIRED RECOMMENDATIONS.—The study and report required under paragraph (1) shall also contain any legislative, administrative, or regulatory recommendations, as the Director determines appropriate, to carry out or effectuate the findings set forth in such report.

''(5) CONSULTATION.—With respect to the study and report required under paragraph (1), the Director shall consult with the National Association of Insurance Commissioners, consumer organizations, representatives of the insurance industry and policyholders, and other organizations and experts, as appropriate.

''(n) USE OF EXISTING RESOURCES.—To carry out this section, the Office may employ personnel, facilities, and any other resource of the Department of the Treasury available to the Secretary.

''(o) DEFINITIONS.—In this section and section 314, the following definitions shall apply:

''(1) AFFILIATE.—The term 'affiliate' means, with respect to an insurer, any person who controls, is controlled by, or is under common control with the insurer.

''(2) INSURER.—The term 'insurer' means any person engaged in the business of insurance, including reinsurance.

''(3) INTERNATIONAL INSURANCE AGREEMENT ON PRUDENTIAL MEASURES.—The term 'International Insurance Agreement on Prudential Measures' means a written bilateral or multilateral agreement entered into between the United States and a foreign government, authority, or regulatory entity regarding prudential measures applicable to the business of insurance or reinsurance.

''(4) NON-UNITED STATES INSURER.—The term 'non-United States insurer' means an insurer that is organized under the laws of a jurisdiction other than a State, but does not include any United States branch of such an insurer.

''(5) OFFICE.—The term 'Office' means the Office of National Insurance established by this section.

''(6) STATE INSURANCE MEASURE.—The term 'State insurance measure' means any State law, regulation, administrative ruling, bulletin, guideline, or practice relating to or affecting prudential measures applicable to insurance or reinsurance.

''(7) STATE INSURANCE REGULATOR.—The term 'State insurance regulator' means any State regulatory authority responsible for the supervision of insurers.

''(8) UNITED STATES INSURER.—The term 'United States insurer' means—

''(A) an insurer that is organized under the laws of a State; or

''(B) a United States branch of a non-United States insurer.

''(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Office for each fiscal year such sums as may be necessary.

**''SEC. 314. INTERNATIONAL INSURANCE AGREEMENTS ON PRUDENTIAL MEASURES.**

''(a) IN GENERAL.—The Secretary of the Treasury is authorized to negotiate and enter into International Insurance Agreements on Prudential Measures on behalf of the United States.

''(b) SAVINGS PROVISION.—Nothing in this section or section 313 shall be construed to affect the development and coordination of United States international trade policy or the administration of the United States trade agreements program. It is to be understood that the negotiation of International Insurance Agreements on Prudential Measures under such sections is consistent with the requirement of this subsection.

''(c) CONSULTATION.—The Secretary shall consult with the United States Trade Representative on the negotiation of International Insurance Agreements on Prudential Measures, including prior to initiating and concluding any such agreements.''.

(b) DUTIES OF SECRETARY.—Section 321(a) of title 31, United States Code, is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8)(C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) advise the President on major domestic and international prudential policy issues in connection with all lines of insurance except health insurance.''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 3 of title 31, United States Code, is amended by striking the item relating to section 312 and inserting the following new items:

''Sec. 312. Terrorism and financial intelligence.
''Sec. 313. Office of National Insurance.
''Sec. 314. International insurance agreements on prudential measures.
''Sec. 315. Continuing in office.''.

## Subtitle B—State-based Insurance Reform

**SEC. 511. SHORT TITLE.**

This subtitle may be cited as the ''Nonadmitted and Reinsurance Reform Act of 2010''.

**SEC. 512. EFFECTIVE DATE.**

Except as otherwise specifically provided in this subtitle, this subtitle shall take effect upon the expiration of the 12-month period beginning on the date of the enactment of this subtitle.

## PART I—NONADMITTED INSURANCE

**SEC. 521. REPORTING, PAYMENT, AND ALLOCATION OF PREMIUM TAXES.**

(a) HOME STATE'S EXCLUSIVE AUTHORITY.—No State other than the home State of an insured may require any premium tax payment for nonadmitted insurance.

(b) ALLOCATION OF NONADMITTED PREMIUM TAXES.—

(1) IN GENERAL.—The States may enter into a compact or otherwise establish procedures to allocate among the States the premium taxes paid to an insured's home State described in subsection (a).

(2) EFFECTIVE DATE.—Except as expressly otherwise provided in such compact or other procedures, any such compact or other procedures—

(A) if adopted on or before the expiration of the 330-day period that begins on the date of the enactment of this subtitle, shall apply to any premium taxes that, on or after such date of enactment, are required to be paid to any State that is subject to such compact or procedures; and

(B) if adopted after the expiration of such 330-day period, shall apply to any premium taxes that, on or after January 1 of the first calendar year that begins after the expiration of such 330-day period, are required to be paid to any State that is subject to such compact or procedures.

(3) REPORT.—Upon the expiration of the 330-day period referred to in paragraph (2), the NAIC may submit a report to the Committee on Financial Services and Committee on the Judiciary of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate identifying and describing any compact or other procedures for allocation among the States of premium taxes that have been adopted during such period by any States.

(4) NATIONWIDE SYSTEM.—The Congress intends that each State adopt nationwide uniform requirements, forms, and procedures, such as an interstate compact, that provides for the reporting, payment, collection, and allocation of premium taxes for nonadmitted insurance consistent with this section.

(c) ALLOCATION BASED ON TAX ALLOCATION REPORT.—To facilitate the payment of premium taxes among the States, an insured's home State may require surplus lines brokers and insureds who have independently

procured insurance to annually file tax allocation reports with the insured's home State detailing the portion of the nonadmitted insurance policy premium or premiums attributable to properties, risks, or exposures located in each State. The filing of a nonadmitted insurance tax allocation report and the payment of tax may be made by a person authorized by the insured to act as its agent.

**SEC. 522. REGULATION OF NONADMITTED INSURANCE BY INSURED'S HOME STATE.**

(a) HOME STATE AUTHORITY.—Except as otherwise provided in this section, the placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements solely of the insured's home State.

(b) BROKER LICENSING.—No State other than an insured's home State may require a surplus lines broker to be licensed in order to sell, solicit, or negotiate nonadmitted insurance with respect to such insured.

(c) ENFORCEMENT PROVISION.—With respect to section 521 and subsections (a) and (b) of this section, any law, regulation, provision, or action of any State that applies or purports to apply to nonadmitted insurance sold to, solicited by, or negotiated with an insured whose home State is another State shall be preempted with respect to such application.

(d) WORKERS' COMPENSATION EXCEPTION.—This section may not be construed to preempt any State law, rule, or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a nonadmitted insurer.

**SEC. 523. PARTICIPATION IN NATIONAL PRODUCER DATABASE.**

After the expiration of the 2-year period beginning on the date of the enactment of this subtitle, a State may not collect any fees relating to licensing of an individual or entity as a surplus lines broker in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of surplus lines brokers and the renewal of such licenses.

**SEC. 524. UNIFORM STANDARDS FOR SURPLUS LINES ELIGIBILITY.**

A State may not—

(1) impose eligibility requirements on, or otherwise establish eligibility criteria for, nonadmitted insurers domiciled in a United States jurisdiction, except in conformance with such requirements and criteria in sections 5A(2) and 5C(2)(a) of the Non-Admitted Insurance Model Act, unless the State has adopted nationwide uniform requirements, forms, and procedures developed in accordance with section 521(b) of this subtitle that include alternative nationwide uniform eligibility requirements; or

(2) prohibit a surplus lines broker from placing nonadmitted insurance with, or procuring nonadmitted insurance from, a nonadmitted insurer domiciled outside the United States that is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the NAIC.

**SEC. 525. STREAMLINED APPLICATION FOR COMMERCIAL PURCHASERS.**

A surplus lines broker seeking to procure or place nonadmitted insurance in a State for an exempt commercial purchaser shall not be required to satisfy any State requirement to make a due diligence search to determine whether the full amount or type of insurance sought by such exempt commercial purchaser can be obtained from admitted insurers if—

(1) the broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(2) the exempt commercial purchaser has subsequently requested in writing the broker to procure or place such insurance from a nonadmitted insurer.

**SEC. 526. GAO STUDY OF NONADMITTED INSURANCE MARKET.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the nonadmitted insurance market to determine the effect of the enactment of this part on the size and market share of the nonadmitted insurance market for providing coverage typically provided by the admitted insurance market.

(b) CONTENTS.—The study shall determine and analyze—

(1) the change in the size and market share of the nonadmitted insurance market and in the number of insurance companies and insurance holding companies providing such business in the 18-month period that begins upon the effective date of this subtitle;

(2) the extent to which insurance coverage typically provided by the admitted insurance market has shifted to the nonadmitted insurance market;

(3) the consequences of any change in the size and market share of the nonadmitted insurance market, including differences in the price and availability of coverage available in both the admitted and nonadmitted insurance markets;

(4) the extent to which insurance companies and insurance holding companies that provide both admitted and nonadmitted insurance have experienced shifts in the volume of business between admitted and nonadmitted insurance; and

(5) the extent to which there has been a change in the number of individuals who have nonadmitted insurance policies, the type of coverage provided under such policies, and whether such coverage is available in the admitted insurance market.

(c) CONSULTATION WITH NAIC.—In conducting the study under this section, the Comptroller General shall consult with the NAIC.

(d) REPORT.—The Comptroller General shall complete the study under this section and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the findings of the study not later than 30 months after the effective date of this subtitle.

**SEC. 527. DEFINITIONS.**

For purposes of this part, the following definitions shall apply:

(1) ADMITTED INSURER.—The term ''admitted insurer'' means, with respect to a State, an insurer licensed to engage in the business of insurance in such State.

(2) AFFILIATE.—The term ''affiliate'' means, with respect to an insured, any entity that controls, is controlled by, or is under common control with the insured.

(3) AFFILIATED GROUP.—The term ''affiliated group'' means any group of entities that are all affiliated.

(4) CONTROL.—An entity has ''control'' over another entity if—

(A) the entity directly or indirectly or acting through 1 or more other persons owns, controls, or has the power to vote 25 percent or more of any class of voting securities of the other entity; or

(B) the entity controls in any manner the election of a majority of the directors or trustees of the other entity.

(5) EXEMPT COMMERCIAL PURCHASER.—The term ''exempt commercial purchaser'' means any person purchasing commercial insurance that, at the time of placement, meets the following requirements:

(A) The person employs or retains a qualified risk manager to negotiate insurance coverage.

(B) The person has paid aggregate nationwide commercial property and casualty insurance premiums in excess of $100,000 in the immediately preceding 12 months.

(C)(i) The person meets at least 1 of the following criteria:

(I) The person possesses a net worth in excess of $20,000,000, as such amount is adjusted pursuant to clause (ii).

(II) The person generates annual revenues in excess of $50,000,000, as such amount is adjusted pursuant to clause (ii).

(III) The person employs more than 500 full-time or full-time equivalent employees per individual insured or is a member of an affiliated group employing more than 1,000 employees in the aggregate.

(IV) The person is a not-for-profit organization or public entity generating annual budgeted expenditures of at least $30,000,000, as such amount is adjusted pursuant to clause (ii).

(V) The person is a municipality with a population in excess of 50,000 persons.

(ii) Effective on the fifth January 1 occurring after the date of the enactment of this subtitle and each fifth January 1 occurring thereafter, the amounts in subclauses (I), (II), and (IV) of clause (i) shall be adjusted to reflect the percentage change for such 5-year period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(6) HOME STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''home State'' means, with respect to an insured—

(i) the State in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or

(ii) if 100 percent of the insured risk is located out of the State referred to in subparagraph (A), the State to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(B) AFFILIATED GROUPS.—If more than 1 insured from an affiliated group are named insureds on a single nonadmitted insurance contract, the term ''home State'' means the home State, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

(7) INDEPENDENTLY PROCURED INSURANCE.—The term ''independently procured insurance'' means insurance procured directly by an insured from a nonadmitted insurer.

(8) NAIC.—The term ''NAIC'' means the National Association of Insurance Commissioners or any successor entity.

(9) NONADMITTED INSURANCE.—The term ''nonadmitted insurance'' means any property and casualty insurance permitted to be placed directly or through a surplus lines broker with a nonadmitted insurer eligible to accept such insurance.

(10) NON-ADMITTED INSURANCE MODEL ACT.—The term ''Non-Admitted Insurance Model Act'' means the provisions of the Non-Admitted Insurance Model Act, as adopted by the NAIC on August 3, 1994, and amended on

September 30, 1996, December 6, 1997, October 2, 1999, and June 8, 2002.

(11) NONADMITTED INSURER.—The term ''nonadmitted insurer''—

(A) means, with respect to a State, an insurer not licensed to engage in the business of insurance in such State; but

(B) does not include a risk retention group, as that term is defined in section 2(a)(4) of the Liability Risk Retention Act of 1986 (15 U.S.C. 3901(a)(4)).

(12) QUALIFIED RISK MANAGER.—The term ''qualified risk manager'' means, with respect to a policyholder of commercial insurance, a person who meets all of the following requirements:

(A) The person is an employee of, or third party consultant retained by, the commercial policyholder.

(B) The person provides skilled services in loss prevention, loss reduction, or risk and insurance coverage analysis, and purchase of insurance.

(C) The person—

(i)(I) has a bachelor's degree or higher from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management; and

(II)(aa) has 3 years of experience in risk financing, claims administration, loss prevention, risk and insurance analysis, or purchasing commercial lines of insurance; or

(bb) has 1 of the following designations:

(AA) a designation as a Chartered Property and Casualty Underwriter (in this subparagraph referred to as ''CPCU'') issued by the American Institute for CPCU/Insurance Institute of America;

(BB) a designation as an Associate in Risk Management (ARM) issued by the American Institute for CPCU/Insurance Institute of America;

(CC) a designation as Certified Risk Manager (CRM) issued by the National Alliance for Insurance Education & Research;

(DD) a designation as a RIMS Fellow (RF) issued by the Global Risk Management Institute; or

(EE) any other designation, certification, or license determined by a State insurance commissioner or other State insurance regulatory official or entity to demonstrate minimum competency in risk management;

(ii)(I) has at least 7 years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; and

(II) has any 1 of the designations specified in subitems (AA) through (EE) of clause (i)(II)(bb);

(iii) has at least 10 years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; or

(iv) has a graduate degree from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management.

(13) PREMIUM TAX.—The term ''premium tax'' means, with respect to surplus lines or independently procured insurance coverage, any tax, fee, assessment, or other charge imposed by a government entity directly or indirectly based on any payment made as consideration for an insurance contract for such insurance, including premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.

(14) SURPLUS LINES BROKER.—The term ''surplus lines broker'' means an individual, firm, or corporation which is licensed in a State to sell, solicit, or negotiate insurance on properties, risks, or exposures located or to be performed in a State with nonadmitted insurers.

## PART II—REINSURANCE

**SEC. 531. REGULATION OF CREDIT FOR REINSURANCE AND REINSURANCE AGREEMENTS.**

(a) CREDIT FOR REINSURANCE.—If the State of domicile of a ceding insurer is an NAIC-accredited State, or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, and recognizes credit for reinsurance for the insurer's ceded risk, then no other State may deny such credit for reinsurance.

(b) ADDITIONAL PREEMPTION OF EXTRATERRITORIAL APPLICATION OF STATE LAW.—In addition to the application of subsection (a), all laws, regulations, provisions, or other actions of a State that is not the domiciliary State of the ceding insurer, except those with respect to taxes and assessments on insurance companies or insurance income, are preempted to the extent that they—

(1) restrict or eliminate the rights of the ceding insurer or the assuming insurer to resolve disputes pursuant to contractual arbitration to the extent such contractual provision is not inconsistent with the provisions of title 9, United States Code;

(2) require that a certain State's law shall govern the reinsurance contract, disputes arising from the reinsurance contract, or requirements of the reinsurance contract;

(3) attempt to enforce a reinsurance contract on terms different than those set forth in the reinsurance contract, to the extent that the terms are not inconsistent with this part; or

(4) otherwise apply the laws of the State to reinsurance agreements of ceding insurers not domiciled in that State.

**SEC. 532. REGULATION OF REINSURER SOLVENCY.**

(a) DOMICILIARY STATE REGULATION.—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, such State shall be solely responsible for regulating the financial solvency of the reinsurer.

(b) NONDOMICILIARY STATES.—

(1) LIMITATION ON FINANCIAL INFORMATION REQUIREMENTS.—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, no other State may require the reinsurer to provide any additional financial information other than the information the reinsurer is required to file with its domiciliary State.

(2) RECEIPT OF INFORMATION.—No provision of this section shall be construed as preventing or prohibiting a State that is not the State of domicile of a reinsurer from receiving a copy of any financial statement filed with its domiciliary State.

**SEC. 533. DEFINITIONS.**

For purposes of this part, the following definitions shall apply:

(1) CEDING INSURER.—The term ''ceding insurer'' means an insurer that purchases reinsurance.

(2) DOMICILIARY STATE.—The terms ''State of domicile'' and ''domiciliary State'' mean, with respect to an insurer or reinsurer, the State in which the insurer or reinsurer is incorporated or entered through, and licensed.

(3) REINSURANCE.—The term ''reinsurance'' means the assumption by an insurer of all or part of a risk undertaken originally by another insurer.

(4) REINSURER.—

(A) IN GENERAL.—The term ''reinsurer'' means an insurer to the extent that the insurer—

(i) is principally engaged in the business of reinsurance;

(ii) does not conduct significant amounts of direct insurance as a percentage of its net premiums; and

(iii) is not engaged in an ongoing basis in the business of soliciting direct insurance.

(B) DETERMINATION.—A determination of whether an insurer is a reinsurer shall be made under the laws of the State of domicile in accordance with this paragraph.

## PART III—RULE OF CONSTRUCTION

**SEC. 541. RULE OF CONSTRUCTION.**

Nothing in this subtitle or the amendments made by this subtitle shall be construed to modify, impair, or supersede the application of the antitrust laws. Any implied or actual conflict between this subtitle and any amendments to this subtitle and the antitrust laws shall be resolved in favor of the operation of the antitrust laws.

**SEC. 542. SEVERABILITY.**

If any section or subsection of this subtitle, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this subtitle, and the application of the provision to any other person or circumstance, shall not be affected.

## TITLE VI—IMPROVEMENTS TO REGULATION OF BANK AND SAVINGS ASSOCIATION HOLDING COMPANIES AND DEPOSITORY INSTITUTIONS

**SEC. 601. SHORT TITLE.**

This title may be cited as the ''Bank and Savings Association Holding Company and Depository Institution Regulatory Improvements Act of 2010''.

**SEC. 602. DEFINITION.**

In this title, the term ''commercial firm'' means any entity that derives not less than 15 percent of the consolidated annual gross revenues of the entity, including all affiliates of the entity, from engaging in activities that are not financial in nature or incidental to activities that are financial in nature, as provided in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

**SEC. 603. MORATORIUM AND STUDY ON TREATMENT OF CREDIT CARD BANKS, INDUSTRIAL LOAN COMPANIES, AND CERTAIN OTHER COMPANIES UNDER THE BANK HOLDING COMPANY ACT OF 1956.**

(a) MORATORIUM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''credit card bank'' means an institution described in section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F));

(B) the term ''industrial bank'' means an institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(H)); and

(C) the term ''trust bank'' means an institution described in section 2(c)(2)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(D)).

(2) MORATORIUM ON PROVISION OF DEPOSIT INSURANCE.—The Corporation may not approve an application for deposit insurance

under section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815) that is received after November 10, 2009, for an industrial bank, a credit card bank, or a trust bank that is directly or indirectly owned or controlled by a commercial firm.

(3) CHANGE IN CONTROL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the appropriate Federal banking agency shall disapprove a change in control, as provided in section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)), of an industrial bank, a credit card bank, or a trust bank if the change in control would result in direct or indirect control of the industrial bank, credit card bank, or trust bank by a commercial firm.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply to a change in control of an industrial bank, credit card bank, or trust bank that—

(i) is in danger of default, as determined by the appropriate Federal banking agency; or

(ii) results from the merger or whole acquisition of a commercial firm that directly or indirectly controls the industrial bank, credit card bank, or trust bank in a bona fide merger with or acquisition by another commercial firm, as determined by the appropriate Federal banking agency.

(4) SUNSET.—This subsection shall cease to have effect 3 years after the date of enactment of this Act.

(b) GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF EXCEPTIONS UNDER THE BANK HOLDING COMPANY ACT OF 1956.—

(1) STUDY REQUIRED.—The Comptroller General of the United States shall carry out a study to determine whether it is necessary, in order to strengthen the safety and soundness of institutions or the stability of the financial system, to eliminate the exceptions under section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) for institutions described in—

(A) section 2(a)(5)(E) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(5)(E));

(B) section 2(a)(5)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(5)(F));

(C) section 2(c)(2)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(D));

(D) section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F));

(E) section 2(c)(2)(H) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(H)); and

(F) section 2(c)(2)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(B)).

(2) CONTENT OF STUDY.—

(A) IN GENERAL.—The study required under paragraph (1), with respect to the institutions referenced in each of subparagraphs (A) through (E) of paragraph (1), shall, to the extent feasible be based on information provided to the Comptroller General by the appropriate Federal or State regulator, and shall—

(i) identify the types and number of institutions excepted from section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) under each of the subparagraphs described in subparagraphs (A) through (E) of paragraph (1);

(ii) generally describe the size and geographic locations of the institutions described in clause (i);

(iii) determine the extent to which the institutions described in clause (i) are held by holding companies that are commercial firms;

(iv) determine whether the institutions described in clause (i) have any affiliates that are commercial firms;

(v) identify the Federal banking agency responsible for the supervision of the institutions described in clause (i) on and after the transfer date;

(vi) determine the adequacy of the Federal bank regulatory framework applicable to each category of institution described in clause (i), including any restrictions (including limitations on affiliate transactions or cross-marketing) that apply to transactions between an institution, the holding company of the institution, and any other affiliate of the institution; and

(vii) evaluate the potential consequences of subjecting the institutions described in clause (i) to the requirements of the Bank Holding Company Act of 1956, including with respect to the availability and allocation of credit, the stability of the financial system and the economy, the safe and sound operation of each category of institution, and the impact on the types of activities in which such institutions, and the holding companies of such institutions, may engage.

(B) SAVINGS ASSOCIATIONS.—With respect to institutions described in paragraph (1)(F), the study required under paragraph (1) shall—

(i) determine the adequacy of the Federal bank regulatory framework applicable to such institutions, including any restrictions (including limitations on affiliate transactions or cross-marketing) that apply to transactions between an institution, the holding company of the institution, and any other affiliate of the institution; and

(ii) evaluate the potential consequences of subjecting the institutions described in paragraph (1)(F) to the requirements of the Bank Holding Company Act of 1956, including with respect to the availability and allocation of credit, the stability of the financial system and the economy, the safe and sound operation of such institutions, and the impact on the types of activities in which such institutions, and the holding companies of such institutions, may engage.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the study required under paragraph (1).

**SEC. 604. REPORTS AND EXAMINATIONS OF HOLDING COMPANIES; REGULATION OF FUNCTIONALLY REGULATED SUBSIDIARIES.**

(a) REPORTS BY BANK HOLDING COMPANIES.—Sections 5(c)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) USE OF EXISTING REPORTS AND OTHER SUPERVISORY INFORMATION.—The appropriate Federal banking agency for a bank holding company shall, to the fullest extent possible, use—

''(i) reports and other supervisory information that the bank holding company or any subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

''(ii) externally audited financial statements of the bank holding company or subsidiary;

''(iii) information otherwise available from Federal or State regulatory agencies; and

''(iv) information that is otherwise required to be reported publicly.''; and

(2) by adding at the end the following:

''(C) AVAILABILITY.—Upon the request of the appropriate Federal banking agency for a bank holding company, the bank holding company or a subsidiary of the bank holding company shall promptly provide to the appropriate Federal banking agency any information described in clauses (i) through (iii) of subparagraph (B).''.

(b) EXAMINATIONS OF BANK HOLDING COMPANIES.—Section 5(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(2)) is amended to read as follows:

''(2) EXAMINATIONS.—

''(A) IN GENERAL.—The appropriate Federal banking agency for a bank holding company may make examinations of the bank holding company and each subsidiary of the bank holding company in order to—

''(i) inform such appropriate Federal banking agency of—

''(I) the nature of the operations and financial condition of the bank holding company and the subsidiary;

''(II) the financial, operational, and other risks within the bank holding company system that may pose a threat to—

''(aa) the safety and soundness of the bank holding company or of any depository institution subsidiary of the bank holding company; or

''(bb) the stability of the financial system of the United States; and

''(III) the systems of the bank holding company for monitoring and controlling the risks described in subclause (II); and

''(ii) enforce the compliance of the bank holding company and the subsidiary with this Act and any other Federal law that such appropriate Federal banking agency has specific jurisdiction to enforce against the bank holding company or subsidiary.

''(B) USE OF REPORTS TO REDUCE EXAMINATIONS.—For purposes of this paragraph, the appropriate Federal banking agency for a bank holding company shall, to the fullest extent possible, rely on—

''(i) examination reports made by other Federal or State regulatory agencies relating to the bank holding company and any subsidiary of the bank holding company; and

''(ii) the reports and other information required under paragraph (1).

''(C) COORDINATION WITH OTHER REGULATORS.—The appropriate Federal banking agency for a bank holding company shall—

''(i) provide reasonable notice to, and consult with, the appropriate Federal banking agency or State regulatory agency of a subsidiary that is a depository institution or a functionally regulated subsidiary before commencing an examination of the subsidiary under this section; and

''(ii) to the fullest extent possible, avoid duplication of examination activities, reporting requirements, and requests for information.''.

(c) AUTHORITY TO REGULATE FUNCTIONALLY REGULATED SUBSIDIARIES OF BANK HOLDING COMPANIES.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 5(c) (12 U.S.C. 1844(c)), by striking paragraphs (3) and (4) and inserting the following:

''(3) [Reserved]

''(4) [Reserved]''; and

(2) by striking section 10A (12 U.S.C. 1848a).

(d) ACQUISITIONS OF BANKS.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended by adding at the end the following:

''(7) FINANCIAL STABILITY.—In every case, the appropriate Federal banking agency of a bank holding company shall take into consideration the extent to which a proposed acquisition, merger, or consolidation would result in greater or more concentrated risks to the stability of the United States banking or financial system.''.

(e) ACQUISITIONS OF NONBANKS.—

(1) NOTICE PROCEDURES.—Section 4(j)(2)(A) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(2)(A)) is amended by striking ''or unsound banking practices'' and inserting ''unsound banking practices, or risk to the stability of the United States banking or financial system''.

(2) ACTIVITIES THAT ARE FINANCIAL IN NATURE.—Section 4(k)(6)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)(6)(B)) is amended to read as follows:

''(B) APPROVAL NOT REQUIRED FOR CERTAIN FINANCIAL ACTIVITIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), a financial holding company may commence any activity or acquire any company, pursuant to paragraph (4) or any regulation prescribed or order issued under paragraph (5), without prior approval of the appropriate Federal banking agency for the financial holding company.

''(ii) EXCEPTION.—A financial holding company may not acquire a company, without the prior approval of the appropriate Federal banking agency for the financial holding company, in a transaction in which the total consolidated assets to be acquired by the financial holding company exceed $25,000,000,000.''.

(f) BANK MERGER ACT TRANSACTIONS.—Section 18(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(5)) is amended, in the matter immediately following subparagraph (B), by striking ''and the convenience and needs of the community to be served'' and inserting ''the convenience and needs of the community to be served, and the risk to the stability of the United States banking or financial system''.

(g) REPORTS BY SAVINGS AND LOAN HOLDING COMPANIES.—Section 10(b)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)(2) is amended—

(1) by striking ''Each savings'' and inserting the following:

''(A) IN GENERAL.—Each savings''; and

(2) by adding at the end the following:

''(B) USE OF EXISTING REPORTS AND OTHER SUPERVISORY INFORMATION.—The appropriate Federal banking agency for a savings and loan holding company shall, to the fullest extent possible, use—

''(i) reports and other supervisory information that the savings and loan holding company or any subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

''(ii) externally audited financial statements of the savings and loan holding company or subsidiary;

''(iii) information that is otherwise available from Federal or State regulatory agencies; and

''(iv) information that is otherwise required to be reported publicly.

''(C) AVAILABILITY.—Upon the request of the appropriate Federal banking agency for a savings and loan holding company, the savings and loan holding company or a subsidiary of the savings and loan holding company shall promptly provide to the appropriate Federal banking agency any information described in clauses (i) through (iii) of subparagraph (B).''.

(h) EXAMINATION OF SAVINGS AND LOAN HOLDING COMPANIES.—

(1) DEFINITIONS.—Section 2 of the Home Owners' Loan Act (12 U.S.C. 1462) is amended by adding at the end the following:

''(10) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(11) FUNCTIONALLY REGULATED SUBSIDIARY.—The term 'functionally regulated subsidiary' has the same meaning as in section 5(c)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(5)).''.

(2) EXAMINATION.—Section 10(b) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)) is amended by striking paragraph (4) and inserting the following:

''(4) EXAMINATIONS.—

''(A) IN GENERAL.—The appropriate Federal banking agency for a savings and loan holding company may make examinations of the savings and loan holding company and each subsidiary of the savings and loan holding company system, in order to—

''(i) inform such appropriate Federal banking agency of—

''(I) the nature of the operations and financial condition of the savings and loan holding company and the subsidiary;

''(II) the financial, operational, and other risks within the savings and loan holding company that may pose a threat to—

''(aa) the safety and soundness of the savings and loan holding company or of any depository institution subsidiary of the savings and loan holding company; or

''(bb) the stability of the financial system of the United States; and

''(III) the systems of the savings and loan holding company for monitoring and controlling the risks described in subclause (II); and

''(ii) enforce the compliance of the savings and loan holding company and the subsidiary with this Act and any other Federal law that such appropriate Federal banking agency has specific jurisdiction to enforce against the savings and loan holding company or subsidiary.

''(B) USE OF REPORTS TO REDUCE EXAMINATIONS.—For purposes of this subsection, the appropriate Federal banking agency for a savings and loan holding company shall, to the fullest extent possible, rely on—

''(i) the examination reports made by other Federal or State regulatory agencies relating to the savings and loan holding company and any subsidiary; and

''(ii) the reports and other information required under paragraph (2).

''(C) COORDINATION WITH OTHER REGULATORS.—The appropriate Federal banking agency for a savings and loan holding company shall—

''(i) provide reasonable notice to, and consult with, the appropriate Federal banking agency or State regulatory agency of a subsidiary that is a depository institution or a functionally regulated subsidiary before commencing an examination of the subsidiary under this section; and

''(ii) to the fullest extent possible, avoid duplication of examination activities, reporting requirements, and requests for information.''.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

**SEC. 605. ASSURING CONSISTENT OVERSIGHT OF PERMISSIBLE ACTIVITIES OF DEPOSITORY INSTITUTION SUBSIDIARIES OF HOLDING COMPANIES.**

Section 6 of the Bank Holding Company Act of 1956 (12 U.S.C. 1845) is amended to read as follows:

**''SEC. 6. ASSURING CONSISTENT OVERSIGHT OF PERMISSIBLE ACTIVITIES OF DEPOSITORY INSTITUTION SUBSIDIARIES OF HOLDING COMPANIES.**

''(a) DEFINITIONS.—

''(1) DEFINITIONS.—In this section—

''(A) the term 'depository institution holding company' has the same meaning as in section 3(w) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w));

''(B) the term 'functionally regulated subsidiary' has the same meaning as in section 5(c)(5); and

''(C) the term 'lead Federal banking agency' means—

''(i) the Office of the Comptroller of the Currency, in the case of any depository institution holding company having—

''(I) a subsidiary that is an insured depository institution, if all such insured depository institutions are Federal depository institutions; or

''(II) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are Federal depository institutions exceed the total consolidated assets of all subsidiaries that are State depository institutions; and

''(ii) the Federal Deposit Insurance Corporation, in the case of any depository institution holding company having—

''(I) a subsidiary that is an insured depository institution, if all such insured depository institutions are State depository institutions; or

''(II) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are State depository institutions exceed the total consolidated assets of all subsidiaries that are Federal depository institutions.

''(2) DETERMINATION OF TOTAL CONSOLIDATED ASSETS.—For purposes of paragraph (1)(A), the total consolidated assets of a depository institution shall be determined in the same manner that total consolidated assets of depository institutions are determined for purposes of section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(b) LEAD AGENCY SUPERVISION.—

''(1) IN GENERAL.—The lead Federal banking agency for each depository institution holding company shall make examinations of the activities of each nondepository institution subsidiary (other than a functionally regulated subsidiary) of the depository institution holding company that are permissible for depository institution subsidiaries of the depository institution holding company, to determine whether the activities—

''(A) present safety and soundness risks to any depository institution subsidiary of the depository institution holding company;

''(B) are conducted in accordance with applicable law; and

''(C) are subject to appropriate systems for monitoring and controlling the financial, operating, and other risks of the activity and protecting the depository institution subsidiaries of the holding company.

''(2) PROCESS FOR EXAMINATION.—An examination under paragraph (1) shall be carried out under the authority of the lead Federal banking agency, as if the nondepository institution subsidiary were an insured depository institution for which the lead Federal banking agency is the appropriate Federal banking agency.

''(c) COORDINATION.—For each depository institution holding company for which the Board of Governors is the appropriate Federal banking agency, the lead Federal banking agency of the depository institution holding company shall coordinate the supervision of the activities of subsidiaries described in subsection (b) with the Board of Governors, in a manner that—

''(1) avoids duplication;

''(2) shares information relevant to the supervision of the depository institution holding company by each agency;

''(3) achieves the objectives of subsection (b); and

''(4) ensures that the depository institution holding company and the subsidiaries of the depository institution holding company are not subject to conflicting supervisory demands by the 2 agencies.

''(d) REFERRALS FOR ENFORCEMENT.—

''(1) RECOMMENDATION OF ACTION BY BOARD OF GOVERNORS.—The lead Federal banking agency for a depository institution holding company, based on information obtained pursuant to the responsibilities of the agency under subsection (b), may submit to the Board of Governors, in writing, a recommendation that the Board of Governors take enforcement action against a nondepository institution subsidiary (other than a functionally regulated subsidiary) of the depository institution holding company, together with an explanation of the concerns giving rise to the recommendation.

''(2) BACK-UP AUTHORITY OF THE LEAD FEDERAL BANKING AGENCY.—If, within the 60-day period beginning on the date on which the Board of Governors receives a recommendation under paragraph (1), the Board of Governors does not take enforcement action against a nondepository institution subsidiary or provide a plan for enforcement action that is acceptable to the lead Federal banking agency, the lead Federal banking agency (upon the authorization of the Comptroller, or the Federal Deposit Insurance Corporation, upon a vote of its members, as applicable) may take the recommended enforcement action, in the same manner as if the subsidiary were an insured depository institution for which the lead Federal banking agency is the appropriate Federal banking agency.''.

**SEC. 606. REQUIREMENTS FOR FINANCIAL HOLDING COMPANIES TO REMAIN WELL CAPITALIZED AND WELL MANAGED.**

(a) AMENDMENT.—Section 4(l)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(l)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following:

''(C) the bank holding company is well capitalized and well managed; and''; and

(4) in subparagraph (D)(ii), as so redesignated, by striking ''subparagraphs (A) and (B)'' and inserting ''subparagraphs (A), (B), and (C)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

**SEC. 607. STANDARDS FOR INTERSTATE ACQUISITIONS.**

(a) ACQUISITION OF BANKS.—Section 3(d)(1)(A) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)(1)(A)) is amended by striking ''adequately capitalized and adequately managed'' and inserting ''well capitalized and well managed''.

(b) INTERSTATE BANK MERGERS.—Section 44(b)(4)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)(4)(B)) is amended by striking ''will continue to be adequately capitalized and adequately managed'' and inserting ''will be well capitalized and well managed''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

**SEC. 608. ENHANCING EXISTING RESTRICTIONS ON BANK TRANSACTIONS WITH AFFILIATES.**

(a) AFFILIATE TRANSACTIONS.—Section 23A of the Federal Reserve Act (12 U.S.C. 371c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

''(D) any investment fund with respect to which a member bank or affiliate thereof is an investment adviser; and''; and

(B) in paragraph (7)—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: '', including a purchase of assets subject to an agreement to repurchase'';

(ii) in subparagraph (C), by striking '', including assets subject to an agreement to repurchase,'';

(iii) in subparagraph (D)—

(I) by inserting ''or other debt obligations'' after ''acceptance of securities''; and

(II) by striking ''or'' at the end; and

(iv) by adding at the end the following:

''(F) a transaction with an affiliate that involves the borrowing or lending of securities, to the extent that the transaction causes a member bank or a subsidiary to have credit exposure to the affiliate; or

''(G) a derivative transaction, as defined in paragraph (3) of section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b)), with an affiliate, to the extent that the transaction causes a member bank or a subsidiary to have credit exposure to the affiliate;'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsidiary'' and all that follows through ''time of the transaction'' and inserting ''subsidiary, and any credit exposure of a member bank or a subsidiary to an affiliate resulting from a securities borrowing or lending transaction, or a derivative transaction, shall be secured at all times''; and

(ii) in each of subparagraphs (A) through (D), by striking ''or letter of credit'' and inserting ''letter of credit, or credit exposure'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(D) in paragraph (2), as so redesignated, by inserting before the period at the end '', or credit exposure to an affiliate resulting from a securities borrowing or lending transaction, or derivative transaction''; and

(E) in paragraph (3), as so redesignated—

(i) by inserting ''or other debt obligations'' after ''securities''; and

(ii) by striking ''or guarantee'' and all that follows through ''behalf of,'' and inserting ''guarantee, acceptance, or letter of credit issued on behalf of, or credit exposure from a securities borrowing or lending transaction, or derivative transaction to,'';

(3) in subsection (d)(4), in the matter preceding subparagraph (A), by striking ''or issuing'' and all that follows through ''behalf of,'' and inserting ''issuing a guarantee, acceptance, or letter of credit on behalf of, or having credit exposure resulting from a securities borrowing or lending transaction, or derivative transaction to,''; and

(4) in subsection (f)—

(A) in paragraph (2)—

(i) by striking ''or order'';

(ii) by striking ''if it finds'' and all that follows through the end of the paragraph and inserting the following: ''if—

''(i) the Board finds the exemption to be in the public interest and consistent with the purposes of this section, and notifies the Federal Deposit Insurance Corporation of such finding; and

''(ii) before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under clause (i), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.'';

(iii) by striking the Board and inserting the following:

''(A) IN GENERAL.—The Board''; and

(iv) by adding at the end the following:

''(B) ADDITIONAL EXEMPTIONS.—

''(i) NATIONAL BANKS.—The Comptroller of the Currency may, by order, exempt a transaction of a national bank from the requirements of this section if—

''(I) the Board and the Office of the Comptroller of the Currency jointly find the exemption to be in the public interest and consistent with the purposes of this section and notify the Federal Deposit Insurance Corporation of such finding; and

''(II) before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under subclause (I), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.

''(ii) STATE BANKS.—The Federal Deposit Insurance Corporation may, by order, exempt a transaction of a State bank from the requirements of this section if—

''(I) the Board and the Federal Deposit Insurance Corporation jointly find that the exemption is in the public interest and consistent with the purposes of this section; and

''(II) the Federal Deposit Insurance Corporation finds that the exemption does not present an unacceptable risk to the Deposit Insurance Fund.''; and

(B) by adding at the end the following:

''(4) AMOUNTS OF COVERED TRANSACTIONS.—The Board may issue such regulations or interpretations as the Board determines are necessary or appropriate with respect to the manner in which a netting agreement may be taken into account in determining the amount of a covered transaction between a member bank or a subsidiary and an affiliate, including the extent to which netting agreements between a member bank or a subsidiary and an affiliate may be taken into account in determining whether a covered transaction is fully secured for purposes of subsection (d)(4). An interpretation under this paragraph with respect to a specific member bank, subsidiary, or affiliate shall be issued jointly with the appropriate Federal banking agency for such member bank, subsidiary, or affiliate.''.

(b) TRANSACTIONS WITH AFFILIATES.—Section 23B(e) of the Federal Reserve Act (12 U.S.C. 371c–1(e)) is amended—

(1) by striking the undesignated matter following subparagraph (B);

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the clause margins accordingly;

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the subparagraph margins accordingly;

(4) by striking ''The Board'' and inserting the following:

''(1) IN GENERAL.—The Board'';

(5) in paragraph (1)(B), as so redesignated—

(A) in the matter preceding clause (i), by inserting before ''regulations'' the following: ''subject to paragraph (2), if the Board finds that an exemption or exclusion is in the public interest and is consistent with the purposes of this section, and notifies the Federal

Deposit Insurance Corporation of such finding,''; and

(B) in clause (ii), by striking the comma at the end and inserting a period; and

(6) by adding at the end the following:

''(2) EXCEPTION.—The Board may grant an exemption or exclusion under this subsection only if, during the 60-day period beginning on the date of receipt of notice of the finding from the Board under paragraph (1)(B), the Federal Deposit Insurance Corporation does not object, in writing, to such exemption or exclusion, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.''.

(c) HOME OWNERS' LOAN ACT.—Section 11 of the Home Owners' Loan Act (12 U.S.C. 1468) is amended by adding at the end the following:

''(d) EXEMPTIONS.—

''(1) FEDERAL SAVINGS ASSOCIATIONS.—The Comptroller of the Currency may, by order, exempt a transaction of a Federal savings association from the requirements of this section if—

''(A) the Board and the Office of the Comptroller of the Currency jointly find the exemption to be in the public interest and consistent with the purposes of this section and notify the Federal Deposit Insurance Corporation of such finding; and

''(B) before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under subparagraph (A), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.

''(2) STATE SAVINGS ASSOCIATION.—The Federal Deposit Insurance Corporation may, by order, exempt a transaction of a State savings association from the requirements of this section if the Board and the Federal Deposit Insurance Corporation jointly find that—

''(A) the exemption is in the public interest and consistent with the purposes of this section; and

''(B) the exemption does not present an unacceptable risk to the Deposit Insurance Fund.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

**SEC. 609. ELIMINATING EXCEPTIONS FOR TRANSACTIONS WITH FINANCIAL SUBSIDIARIES.**

(a) AMENDMENT.—Section 23A(e) of the Federal Reserve Act (12 U.S.C. 371c(e)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(b) PROSPECTIVE APPLICATION OF AMENDMENT.—The amendments made by this section shall apply with respect to any covered transaction between a bank and a subsidiary of the bank, as those terms are defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), that is entered into on or after the date of enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

**SEC. 610. LENDING LIMITS APPLICABLE TO CREDIT EXPOSURE ON DERIVATIVE TRANSACTIONS, REPURCHASE AGREEMENTS, REVERSE REPURCHASE AGREEMENTS, AND SECURITIES LENDING AND BORROWING TRANSACTIONS.**

(a) NATIONAL BANKS.—Section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b)) is amended—

(1) in paragraph (1), by striking ''shall include'' and all that follows through the end of the paragraph and inserting the following: ''shall include—

''(A) all direct or indirect advances of funds to a person made on the basis of any obligation of that person to repay the funds or repayable from specific property pledged by or on behalf of the person;

''(B) to the extent specified by the Comptroller of the Currency, any liability of a national banking association to advance funds to or on behalf of a person pursuant to a contractual commitment; and

''(C) any credit exposure to a person arising from a derivative transaction, repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction between the national banking association and the person;'';

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'derivative transaction' includes any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices, or other assets.''.

(b) SAVINGS ASSOCIATIONS.—Section 5(u)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(u)(3)) is amended by striking ''Director'' each place that term appears and inserting ''Comptroller of the Currency''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

**SEC. 611. APPLICATION OF NATIONAL BANK LENDING LIMITS TO INSURED STATE BANKS.**

(a) AMENDMENT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

''(y) APPLICATION OF LENDING LIMITS TO INSURED STATE BANKS.—Section 5200 of the Revised Statutes of the United States (12 U.S.C. 84) shall apply to each insured State bank, in the same manner and to the same extent as if the insured State bank were a national banking association.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the transfer date.

**SEC. 612. RESTRICTION ON CONVERSIONS OF TROUBLED BANKS.**

(a) CONVERSION OF A NATIONAL BANKING ASSOCIATION TO A STATE BANK.—The Act entitled ''An Act to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes.'' (12 U.S.C. 214 et seq.) is amended by adding at the end the following:

**''SEC. 10. PROHIBITION ON CONVERSION.**

''A national banking association may not convert to a State bank or State savings association during any period in which the national banking association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, the Comptroller of the Currency with respect to a significant supervisory matter.''.

(b) CONVERSION OF A STATE BANK TO A NATIONAL BANK.—Section 5154 of the Revised Statutes of the United States (12 U.S.C. 35) is amended by adding at the end the following: ''The Comptroller of the Currency may not approve the conversion of a State bank or State savings association to a national banking association during any period in which the State bank or State savings association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, a State bank supervisor or the appropriate Federal banking agency with respect to a significant supervisory matter.''.

(c) CONVERSION OF A FEDERAL SAVINGS ASSOCIATION TO A NATIONAL OR STATE BANK OR STATE SAVINGS ASSOCIATION.—Section 5(i) of the Home Owners' Loan Act (12 U.S.C. 1464(i)) is amended by adding at the end the following:

''(6) LIMITATION ON CERTAIN CONVERSIONS BY FEDERAL SAVINGS ASSOCIATIONS.—A Federal savings association may not convert to a national bank or State bank or State savings association during any period in which the Federal savings association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, the Office of Thrift Supervision or the Comptroller of the Currency with respect to a significant supervisory matter.''.

**SEC. 613. DE NOVO BRANCHING INTO STATES.**

(a) NATIONAL BANKS.—Section 5155(g)(1)(A) of the Revised Statutes of the United States (12 U.S.C. 36(g)(1)(A)) is amended to read as follows:

''(A) the law of the State in which the branch is located, or is to be located, would permit establishment of the branch, if the national bank were a State bank chartered by such State; and''.

(b) STATE INSURED BANKS.—Section 18(d)(4)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)(A)(i)) is amended to read as follows:

''(i) the law of the State in which the branch is located, or is to be located, would permit establishment of the branch, if the bank were a State bank chartered by such State; and''.

**SEC. 614. LENDING LIMITS TO INSIDERS.**

(a) EXTENSIONS OF CREDIT.—Section 22(h)(9)(D)(i) of the Federal Reserve Act (12 U.S.C. 375b(9)(D)(i)) is amended—

(1) by striking the period at the end and inserting ''; or'';

(2) by striking ''a person'' and inserting ''the person'';

(3) by striking ''extends credit by making'' and inserting the following: ''extends credit to a person by—

''(I) making''; and

(4) by adding at the end the following:

''(II) having credit exposure to the person arising from a derivative transaction (as defined in section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b))), repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction between the member bank and the person.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

**SEC. 615. LIMITATIONS ON PURCHASES OF ASSETS FROM INSIDERS.**

(a) AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

''(z) GENERAL PROHIBITION ON SALE OF ASSETS.—

''(1) IN GENERAL.—An insured depository institution may not purchase an asset from, or sell an asset to, an executive officer, director, or principal shareholder of the insured depository institution, or any related interest of such person (as such terms are defined in section 22(h) of Federal Reserve Act), unless—

''(A) the transaction is on market terms; and

''(B) if the transaction represents more than 10 percent of the capital stock and surplus of the insured depository institution, the transaction has been approved in advance by a majority of the members of the board of directors of the insured depository institution who do not have an interest in the transaction.

''(2) RULEMAKING.—The Board of Governors of the Federal Reserve System may issue such rules as may be necessary to define terms and to carry out the purposes this subsection. Before proposing or adopting a rule under this paragraph, the Board of Governors of the Federal Reserve System shall consult with the Comptroller of the Currency and the Corporation as to the terms of the rule.''.

(b) AMENDMENTS TO THE FEDERAL RESERVE ACT.—Section 22(d) of the Federal Reserve Act (12 U.S.C. 375) is amended to read as follows:

''(d) [Reserved]''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

**SEC. 616. REGULATIONS REGARDING CAPITAL LEVELS OF HOLDING COMPANIES.**

(a) CAPITAL LEVELS OF BANK HOLDING COMPANIES.—Section 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(b)) is amended by inserting after ''regulations'' the following: ''(including regulations relating to the capital requirements of bank holding companies)''.

(b) CAPITAL LEVELS OF SAVINGS AND LOAN HOLDING COMPANIES.—Section 10(g)(1) of the Home Owners' Loan Act (12 U.S.C. 1467a(g)(1)) is amended by inserting after ''orders'' the following: ''(including regulations relating to capital requirements for savings and loan holding companies)''.

(c) SOURCE OF STRENGTH.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 38 (12 U.S.C. 1831o) the following:

**''SEC. 38A. SOURCE OF STRENGTH.**

''(a) HOLDING COMPANIES.—The appropriate Federal banking agency for a bank holding company or savings and loan holding company shall require the bank holding company or savings and loan holding company to serve as a source of financial strength for any subsidiary of the bank holding company or savings and loan holding company that is a depository institution.

''(b) OTHER COMPANIES.—If an insured depository institution is not the subsidiary of a bank holding company or savings and loan holding company, the appropriate Federal banking agency for the insured depository institution shall require any company that directly or indirectly controls the insured depository institution to serve as a source of financial strength for such institution.

''(c) REPORTS.—The appropriate Federal banking agency for an insured depository institution described in subsection (b) may, from time to time, require the company, or a company that directly or indirectly controls the insured depository institution to submit a report, under oath, for the purposes of—

''(1) assessing the ability of such company to comply with the requirement under subsection (b); and

''(2) enforcing the compliance of such company with the requirement under subsection (b).

''(d) RULES.—Not later than 1 year after the transfer date, as defined in section 311 of the Enhancing Financial Institution Safety and Soundness Act of 2010, the appropriate Federal banking agencies shall jointly issue final rules to carry out this section.

''(e) DEFINITION.—In this section, the term 'source of financial strength' means the ability of a company that directly or indirectly owns or controls an insured depository institution to provide financial assistance to such insured depository institution in the event of the financial distress of the insured depository institution.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

**SEC. 617. ELIMINATION OF ELECTIVE INVESTMENT BANK HOLDING COMPANY FRAMEWORK.**

(a) AMENDMENT.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

**SEC. 618. SECURITIES HOLDING COMPANIES.**

(a) DEFINITIONS.—In this section—

(1) the term ''associated person of a securities holding company'' means a person directly or indirectly controlling, controlled by, or under common control with, a securities holding company;

(2) the term ''foreign bank'' has the same meaning as in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(b)(7));

(3) the term ''insured bank'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(4) the term ''securities holding company''—

(A) means—

(i) a person (other than a natural person) that owns or controls 1 or more brokers or dealers registered with the Commission; and

(ii) the associated persons of a person described in clause (i); and

(B) does not include a person that is—

(i) a nonbank financial company supervised by the Board under title I;

(ii) an affiliate of an insured bank (other than an institution described in subparagraphs (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)) or an affiliate of a savings association;

(iii) a foreign bank, foreign company, or company that is described in section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3106(a));

(iv) a foreign bank that controls, directly or indirectly, a corporation chartered under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.); or

(v) subject to comprehensive consolidated supervision by a foreign regulator;

(5) the term ''supervised securities holding company'' means a securities holding company that is supervised by the Board of Governors under this section; and

(6) the terms ''affiliate'', ''bank'', ''bank holding company'', ''company'', ''control'', ''savings association'', and ''subsidiary'' have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

(b) SUPERVISION OF A SECURITIES HOLDING COMPANY NOT HAVING A BANK OR SAVINGS ASSOCIATION AFFILIATE.—

(1) IN GENERAL.—A securities holding company that is required by a foreign regulator or provision of foreign law to be subject to comprehensive consolidated supervision may register with the Board of Governors under paragraph (2) to become a supervised securities holding company. Any securities holding company filing such a registration shall be supervised in accordance with this section, and shall comply with the rules and orders prescribed by the Board of Governors applicable to supervised securities holding companies.

(2) REGISTRATION AS A SUPERVISED SECURITIES HOLDING COMPANY.—

(A) REGISTRATION.—A securities holding company that elects to be subject to comprehensive consolidated supervision shall register by filing with the Board of Governors such information and documents as the Board of Governors, by regulation, may prescribe as necessary or appropriate in furtherance of the purposes of this section.

(B) EFFECTIVE DATE.—A securities holding company that registers under subparagraph (A) shall be deemed to be a supervised securities holding company, effective on the date that is 45 days after the date of receipt of the registration information and documents under subparagraph (A) by the Board of Governors, or within such shorter period as the Board of Governors, by rule or order, may determine.

(c) SUPERVISION OF SECURITIES HOLDING COMPANIES.—

(1) RECORDKEEPING AND REPORTING.—

(A) RECORDKEEPING AND REPORTING REQUIRED.—Each supervised securities holding company and each affiliate of a supervised securities holding company shall make and keep for periods determined by the Board of Governors such records, furnish copies of such records, and make such reports, as the Board of Governors determines to be necessary or appropriate to carry out this section, to prevent evasions thereof, and to monitor compliance by the supervised securities holding company or affiliate with applicable provisions of law.

(B) FORM AND CONTENTS.—

(i) IN GENERAL.—Any record or report required to be made, furnished, or kept under this paragraph shall—

(I) be prepared in such form and according to such specifications (including certification by a registered public accounting firm), as the Board of Governors may require; and

(II) be provided promptly to the Board of Governors at any time, upon request by the Board of Governors.

(ii) CONTENTS.—Records and reports required to be made, furnished, or kept under this paragraph may include—

(I) a balance sheet or income statement of the supervised securities holding company or an affiliate of a supervised securities holding company;

(II) an assessment of the consolidated capital and liquidity of the supervised securities holding company;

(III) a report by an independent auditor attesting to the compliance of the supervised securities holding company with the internal risk management and internal control objectives of the supervised securities holding company; and

(IV) a report concerning the extent to which the supervised securities holding company or affiliate has complied with the provisions of this section and any regulations prescribed and orders issued under this section.

(2) USE OF EXISTING REPORTS.—

(A) IN GENERAL.—The Board of Governors shall, to the fullest extent possible, accept reports in fulfillment of the requirements of this paragraph that a supervised securities holding company or an affiliate of a supervised securities holding company has been

required to provide to another regulatory agency or a self-regulatory organization.

(B) AVAILABILITY.—A supervised securities holding company or an affiliate of a supervised securities holding company shall promptly provide to the Board of Governors, at the request of the Board of Governors, any report described in subparagraph (A), as permitted by law.

(3) EXAMINATION AUTHORITY.—

(A) FOCUS OF EXAMINATION AUTHORITY.—The Board of Governors may make examinations of any supervised securities holding company and any affiliate of a supervised securities holding company to carry out this subsection, to prevent evasions thereof, and to monitor compliance by the supervised securities holding company or affiliate with applicable provisions of law.

(B) DEFERENCE TO OTHER EXAMINATIONS.—For purposes of this subparagraph, the Board of Governors shall, to the fullest extent possible, use the reports of examination made by other appropriate Federal or State regulatory authorities with respect to any functionally regulated subsidiary or any institution described in subparagraph (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)).

(d) CAPITAL AND RISK MANAGEMENT.—

(1) IN GENERAL.—The Board of Governors shall, by regulation or order, prescribe capital adequacy and other risk management standards for supervised securities holding companies that are appropriate to protect the safety and soundness of the supervised securities holding companies and address the risks posed to financial stability by supervised securities holding companies.

(2) DIFFERENTIATION.—In imposing standards under this subsection, the Board of Governors may differentiate among supervised securities holding companies on an individual basis, or by category, taking into consideration the requirements under paragraph (3).

(3) CONTENT.—Any standards imposed on a supervised securities holding company under this subsection shall take into account—

(A) the differences among types of business activities carried out by the supervised securities holding company;

(B) the amount and nature of the financial assets of the supervised securities holding company;

(C) the amount and nature of the liabilities of the supervised securities holding company, including the degree of reliance on short-term funding;

(D) the extent and nature of the off-balance sheet exposures of the supervised securities holding company;

(E) the extent and nature of the transactions and relationships of the supervised securities holding company with other financial companies;

(F) the importance of the supervised securities holding company as a source of credit for households, businesses, and State and local governments, and as a source of liquidity for the financial system; and

(G) the nature, scope, and mix of the activities of the supervised securities holding company.

(4) NOTICE.—A capital requirement imposed under this subsection may not take effect earlier than 180 days after the date on which a supervised securities holding company is provided notice of the capital requirement.

(e) EXCEPTION FOR BANKS.—No bank shall be subject to any of the requirements set forth in subsections (c) and (d).

(f) OTHER PROVISIONS OF LAW APPLICABLE TO SUPERVISED SECURITIES HOLDING COMPANIES.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—Subsections (b), (c) through (s), and (u) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) shall apply to any supervised securities holding company, and to any subsidiary (other than a bank or an institution described in subparagraph (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2))) of a supervised securities holding company, in the same manner as such subsections apply to a bank holding company for which the Board of Governors is the appropriate Federal banking agency. For purposes of applying such subsections to a supervised securities holding company or a subsidiary (other than a bank or an institution described in subparagraph (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2))) of a supervised securities holding company, the Board of Governors shall be deemed the appropriate Federal banking agency for the supervised securities holding company or subsidiary.

(2) BANK HOLDING COMPANY ACT OF 1956.—Except as the Board of Governors may otherwise provide by regulation or order, a supervised securities holding company shall be subject to the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) in the same manner and to the same extent a bank holding company is subject to such provisions, except that a supervised securities holding company may not, by reason of this paragraph, be deemed to be a bank holding company for purposes of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843).

**SEC. 619. RESTRICTIONS ON CAPITAL MARKET ACTIVITY BY BANKS AND BANK HOLDING COMPANIES.**

(a) DEFINITIONS.—In this section—

(1) the terms ''hedge fund'' and ''private equity fund'' mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1) or 80a–3(c)(7)), or a similar fund, as jointly determined by the appropriate Federal banking agencies;

(2) the term ''proprietary trading''—

(A) means purchasing or selling, or otherwise acquiring or disposing of, stocks, bonds, options, commodities, derivatives, or other financial instruments by an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company, for the trading book (or such other portfolio as the Federal banking agencies may determine) of such institution, company, or subsidiary; and

(B) subject to such restrictions as the Federal banking agencies may determine, does not include purchasing or selling, or otherwise acquiring or disposing of, stocks, bonds, options, commodities, derivatives, or other financial instruments on behalf of a customer, as part of market making activities, or otherwise in connection with or in facilitation of customer relationships, including risk-mitigating hedging activities related to such a purchase, sale, acquisition, or disposal; and

(3) the term ''sponsoring'', when used with respect to a hedge fund or private equity fund, means—

(A) serving as a general partner, managing member, or trustee of the fund;

(B) in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund; or

(C) sharing with the fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

(b) PROHIBITION ON PROPRIETARY TRADING.—

(1) IN GENERAL.—Subject to the recommendations and modifications of the Council under subsection (g), and except as provided in paragraph (2) or (3), the appropriate Federal banking agencies shall, through a rulemaking under subsection (g), jointly prohibit proprietary trading by an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company.

(2) EXCEPTED OBLIGATIONS.—

(A) IN GENERAL.—The prohibition under this subsection shall not apply with respect to an investment that is otherwise authorized by Federal law in—

(i) obligations of the United States or any agency of the United States, including obligations fully guaranteed as to principal and interest by the United States or an agency of the United States;

(ii) obligations, participations, or other instruments of, or issued by, the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, including obligations fully guaranteed as to principal and interest by such entities; and

(iii) obligations of any State or any political subdivision of a State.

(B) CONDITIONS.—The appropriate Federal banking agencies may impose conditions on the conduct of investments described in subparagraph (A).

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to grant any authority to any person that is not otherwise provided in Federal law.

(3) FOREIGN ACTIVITIES.—An investment or activity conducted by a company pursuant to paragraph (9) or (13) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) solely outside of the United States shall not be subject to the prohibition under paragraph (1), provided that the company is not directly or indirectly controlled by a company that is organized under the laws of the United States or of a State.

(c) PROHIBITION ON SPONSORING AND INVESTING IN HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the recommendations and modifications of the Council under subsection (g), the appropriate Federal banking agencies shall, through a rulemaking under subsection (g), jointly prohibit an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any subsidiary of such institution or company, from sponsoring or investing in a hedge fund or a private equity fund.

(2) APPLICATION TO FOREIGN ACTIVITIES OF FOREIGN FIRMS.—An investment or activity conducted by a company pursuant to paragraph (9) or (13) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) solely outside of the United States

shall not be subject to the prohibitions and restrictions under paragraph (1), provided that the company is not directly or indirectly controlled by a company that is organized under the laws of the United States or of a State.

(d) INVESTMENTS IN SMALL BUSINESS INVESTMENT COMPANIES AND INVESTMENTS DESIGNED TO PROMOTE THE PUBLIC WELFARE.—

(1) IN GENERAL.—A prohibition imposed by the appropriate Federal banking agencies under subsection (c) shall not apply with respect an investment otherwise authorized under Federal law that is—

(A) an investment in a small business investment company, as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); or

(B) designed primarily to promote the public welfare, as provided in the 11th paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24).

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to grant any authority to any person that is not otherwise provided in Federal law.

(e) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

(1) COVERED TRANSACTIONS.—An insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may not enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with such hedge fund or private equity fund.

(2) AFFILIATION.—An insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to section 23B of the Federal Reserve Act (12 U.S.C. 371c–1) as if such institution, company, or subsidiary were a member bank and such hedge fund or private equity fund were an affiliate.

(f) CAPITAL AND QUANTITATIVE LIMITATIONS FOR CERTAIN NONBANK FINANCIAL COMPANIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the recommendations and modifications of the Council under subsection (g), the Board of Governors shall adopt rules imposing additional capital requirements and specifying additional quantitative limits for nonbank financial companies supervised by the Board of Governors under section 113 that engage in proprietary trading or sponsoring and investing in hedge funds and private equity funds.

(2) EXCEPTIONS.—The rules under this subsection shall not apply with respect to the trading of an investment that is otherwise authorized by Federal law—

(A) in obligations of the United States or any agency of the United States, including obligations fully guaranteed as to principal and interest by the United States or an agency of the United States;

(B) in obligations, participations, or other instruments of, or issued by, the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, including obligations fully guaranteed as to principal and interest by such entities;

(C) in obligations of any State or any political subdivision of a State;

(D) in a small business investment company, as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); or

(E) that is designed primarily to promote the public welfare, as provided in the 11th paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24).

(g) COUNCIL STUDY AND RULEMAKING.—

(1) STUDY AND RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this Act, the Council—

(A) shall complete a study of the definitions under subsection (a) and the other provisions under subsections (b) through (f), to assess the extent to which the definitions under subsection (a) and the implementation of subsections (a) through (f) would—

(i) promote and enhance the safety and soundness of depository institutions and the affiliates of depository institutions;

(ii) protect taxpayers and enhance financial stability by minimizing the risk that depository institutions and the affiliates of depository institutions will engage in unsafe and unsound activities;

(iii) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

(iv) reduce inappropriate conflicts of interest between the self-interest of depository institutions, affiliates of depository institutions, and financial companies supervised by the Board, and the interests of the customers of such institutions and companies;

(v) raise the cost of credit or other financial services, reduce the availability of credit or other financial services, or impose other costs on households and businesses in the United States;

(vi) limit activities that have caused undue risk or loss in depository institutions, affiliates of depository institutions, and financial companies supervised by the Board of Governors, or that might reasonably be expected to create undue risk or loss in such institutions, affiliates, and companies; and

(vii) appropriately accommodates the business of insurance within an insurance company subject to regulation in accordance with State insurance company investment laws;

(B) shall make recommendations regarding the definitions under subsection (a) and the implementation of other provisions under subsections (b) through (f), including any modifications to the definitions, prohibitions, requirements, and limitations contained therein that the Council determines would more effectively implement the purposes of this section; and

(C) may make recommendations for prohibiting the conduct of the activities described in subsections (b) and (c) above a specific threshold amount and imposing additional capital requirements on activities conducted below such threshold amount.

(2) RULEMAKING.—Not earlier than the date of completion of the study required under paragraph (1), and not later than 9 months after the date of completion of such study—

(A) the appropriate Federal banking agencies shall jointly issue final regulations implementing subsections (b) through (e), which shall reflect any recommendations or modifications made by the Council pursuant to paragraph (1)(B); and

(B) the Board of Governors shall issue final regulations implementing subsection (f), which shall reflect any recommendations or modifications made by the Council pursuant to paragraph (1)(B).

(h) TRANSITION.—

(1) IN GENERAL.—The final regulations issued by the appropriate Federal banking agencies and the Board of Governors under subsection (g)(2) shall provide that, effective 2 years after the date on which such final regulations are issued, no insured depository institution, company that controls, directly or indirectly, an insured depository institution, company that is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or subsidiary of such institution or company, may retain any investment or relationship prohibited under such regulations.

(2) EXTENSION.—

(A) IN GENERAL.—The appropriate Federal banking agency for an insured depository institution or a company described in paragraph (1) may, upon the application of any such company, extend the 2-year period under paragraph (1) with respect to such company, if the appropriate Federal banking agency determines that an extension would not be detrimental to the public interest.

(B) TIME PERIOD FOR EXTENSION.—An extension granted under subparagraph (A) may not exceed—

(i) 1 year for each determination made by the appropriate Federal banking agency under subparagraph (A); and

(ii) a total of 3 years with respect to any 1 company.

**SEC. 620. CONCENTRATION LIMITS ON LARGE FINANCIAL FIRMS.**

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

**"SEC. 13. CONCENTRATION LIMITS ON LARGE FINANCIAL FIRMS.**

''(a) DEFINITIONS.—In this section—

''(1) the term 'Council' means the Financial Stability Oversight Council;

''(2) the term 'financial company' means—

''(A) an insured depository institution;

''(B) a bank holding company;

''(C) a savings and loan holding company;

''(D) a company that controls an insured depository institution;

''(E) a nonbank financial company supervised by the Board under title I of the Restoring American Financial Stability Act of 2010; and

''(F) a foreign bank or company that is treated as a bank holding company for purposes of this Act; and

''(3) the term 'liabilities' means—

''(A) with respect to a United States financial company—

''(i) the total risk-weighted assets of the financial company, as determined under the risk-based capital rules applicable to bank holding companies, as adjusted to reflect exposures that are deducted from regulatory capital; less

''(ii) the total regulatory capital of the financial company under the risk-based capital rules applicable to bank holding companies;

''(B) with respect to a foreign-based financial company—

''(i) the total risk-weighted assets of the United States operations of the financial company, as determined under the applicable risk-based capital rules, as adjusted to reflect exposures that are deducted from regulatory capital; less

''(ii) the total regulatory capital of the United States operations of the financial

company, as determined under the applicable risk-based capital rules; and

''(C) with respect to an insurance company or other nonbank financial company supervised by the Board, such assets of the company as the Board shall specify by rule, in order to provide for consistent and equitable treatment of such companies.

''(b) CONCENTRATION LIMIT.—Subject to the recommendations by the Council under subsection (e), a financial company may not merge or consolidate with, acquire all or substantially all of the assets of, or otherwise acquire control of, another company, if the total consolidated liabilities of the acquiring financial company upon consummation of the transaction would exceed 10 percent of the aggregate consolidated liabilities of all financial companies at the end of the calendar year preceding the transaction.

''(c) EXCEPTION TO CONCENTRATION LIMIT.—With the prior written consent of the Board, the concentration limit under subsection (b) shall not apply to an acquisition—

''(1) of a bank in default or in danger of default;

''(2) with respect to which assistance is provided by the Federal Deposit Insurance Corporation under section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)); or

''(3) that would result only in a de minimis increase in the liabilities of the financial company.

''(d) RULEMAKING AND GUIDANCE.—The Board shall issue regulations implementing this section in accordance with the recommendations of the Council under subsection (e), including the definition of terms, as necessary. The Board may issue interpretations or guidance regarding the application of this section to an individual financial company or to financial companies in general.

''(e) COUNCIL STUDY AND RULEMAKING.—

''(1) STUDY AND RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this section, the Council shall—

''(A) complete a study of the extent to which the concentration limit under this section would affect financial stability, moral hazard in the financial system, the efficiency and competitiveness of United States financial firms and financial markets, and the cost and availability of credit and other financial services to households and businesses in the United States; and

''(B) make recommendations regarding any modifications to the concentration limit that the Council determines would more effectively implement this section.

''(2) RULEMAKING.—Not later than 9 months after the date of completion of the study under paragraph (1), and notwithstanding subsections (b) and (d), the Board shall issue final regulations implementing this section, which shall reflect any recommendations by the Council under paragraph (1)(B).''.

## TITLE VII—WALL STREET TRANSPARENCY AND ACCOUNTABILITY

**SEC. 701. SHORT TITLE.**

This title may be cited as the ''Wall Street Transparency and Accountability Act of 2010''.

### Subtitle A—Regulation of Over-the-Counter Swaps Markets

### PART I—REGULATORY AUTHORITY

**SEC. 711. DEFINITIONS.**

In this subtitle, the terms ''prudential regulator'', ''swap'', ''swap dealer'', ''major swap participant'', ''swap data repository'', ''associated person of a swap dealer or major swap participant'', ''eligible contract participant'', ''swap execution facility'', ''security-based swap'', ''security-based swap dealer'', ''major security-based swap participant'', ''swap data repository'', and ''associated person of a security-based swap dealer or major security-based swap participant'' have the meanings given the terms in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

**SEC. 712. REVIEW OF REGULATORY AUTHORITY.**

(a) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraphs (4) and (8), the Commodity Futures Trading Commission and the Securities and Exchange Commission shall each prescribe such regulations as may be necessary to carry out the purposes of this title.

(2) COORDINATION, CONSISTENCY, AND COMPARABILITY.—Both Commissions required under paragraph (1) to prescribe regulations shall consult and coordinate with each other for the purposes of assuring, to the extent possible, that the regulations prescribed by each such Commission are consistent and comparable with the regulations prescribed by the other.

(3) PROCEDURES AND DEADLINE.—Such regulations shall be prescribed in accordance with applicable requirements of title 5, United States Code, and, shall be issued in final form not later than 180 days after the date of enactment of this Act.

(4) APPLICABILITY.—The requirements of paragraph (1) shall not apply to an order issued—

(A) in connection with or arising from a violation or potential violation of any provision of the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) in connection with or arising from a violation or potential violation of any provision of the securities laws; or

(C) in any proceeding that is conducted on the record in accordance with sections 556 and 557 of title 5, United States Code.

(5) EFFECT.—Nothing in this subsection authorizes any consultation or procedure for consultation that is not consistent with the requirements of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(6) RULES; ORDERS.—In developing and promulgating rules or orders pursuant to this subsection, each Commission shall consider the views of the prudential regulators.

(7) TREATMENT OF SIMILAR PRODUCTS AND ENTITIES.—

(A) IN GENERAL.—In adopting rules and orders under this subsection, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall treat functionally or economically similar products or entities described in paragraphs (1) and (2) in a similar manner.

(B) EFFECT.—Nothing in this subtitle requires the Commodity Futures Trading Commission or the Securities and Exchange Commission to adopt joint rules or orders that treat functionally or economically similar products or entities described in paragraphs (1) and (2) in an identical manner.

(8) MIXED SWAPS.—The Commodity Futures Trading Commission and the Securities and Exchange Commission shall jointly prescribe such regulations regarding mixed swaps, as described in section 1a(47)(D) of the Commodity Exchange Act (7 U.S.C. 1a(47)(D)) and in section (68)(D) of the Securities Exchange Act of 1934 (15 U.S.C. (68)(D)), as may be necessary to carry out the purposes of this title.

(b) LIMITATION.—

(1) COMMODITY FUTURES TRADING COMMISSION.—Nothing in this title, unless specifically provided, confers jurisdiction on the Commodity Futures Trading Commission to issue a rule, regulation, or order providing for oversight or regulation of—

(A) security-based swaps; or

(B) with regard to its activities or functions concerning security-based swaps—

(i) security-based swap dealers;

(ii) major security-based swap participants;

(iii) security-based swap data repositories;

(iv) persons associated with a security-based swap dealer or major security-based swap participant;

(v) eligible contract participants with respect to security-based swaps; or

(vi) swap execution facilities with respect to security-based swaps.

(2) SECURITIES AND EXCHANGE COMMISSION.—Nothing in this title, unless specifically provided, confers jurisdiction on the Securities and Exchange Commission or State securities regulators to issue a rule, regulation, or order providing for oversight or regulation of—

(A) swaps; or

(B) with regard to its activities or functions concerning swaps—

(i) swap dealers;

(ii) major swap participants;

(iii) swap data repositories;

(iv) persons associated with a swap dealer or major swap participant;

(v) eligible contract participants with respect to swaps; or

(vi) swap execution facilities with respect to swaps.

(3) PROHIBITION ON CERTAIN FUTURES ASSOCIATIONS AND NATIONAL SECURITIES ASSOCIATIONS.—

(A) FUTURES ASSOCIATIONS.—Notwithstanding any other provision of law (including regulations), unless otherwise authorized by this title, no futures association registered under section 17 of the Commodity Exchange Act (7 U.S.C. 21) may issue a rule, regulation, or order for the oversight or regulation of, or otherwise assert jurisdiction over, for any purpose, any security-based swap, except that this shall not limit the authority of a national futures association to examine for compliance with and enforce its rules on advertising and capital adequacy.

(B) NATIONAL SECURITIES ASSOCIATIONS.—Notwithstanding any other provision of law (including regulations), unless otherwise authorized by this title, no national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*–3) may issue a rule, regulation, or order for the oversight or regulation of, or otherwise assert jurisdiction over, for any purpose, any swap, except that this shall not limit the authority of a national securities association to examine for compliance with and enforce its rules on advertising and capital adequacy.

(c) OBJECTION TO COMMISSION REGULATION.—

(1) FILING OF PETITION FOR REVIEW.—

(A) IN GENERAL.—If either Commission referred to in this section determines that a final rule, regulation, or order of the other Commission conflicts with subsection (a)(4) or (b), then the complaining Commission may obtain review of the final rule, regulation, or order in the United States Court of Appeals for the District of Columbia Circuit by filing in the court, not later than 60 days after the date of publication of the final rule, regulation, or order, a written petition requesting that the rule, regulation, or order be set aside.

(B) EXPEDITED PROCEEDING.—A proceeding described in subparagraph (A) shall be expedited by the United States Court of Appeals for the District of Columbia Circuit.

(2) TRANSMITTAL OF PETITION AND RECORD.—

(A) IN GENERAL.—A copy of a petition described in paragraph (1) shall be transmitted not later than 1 business day after the date of filing by the complaining Commission to the Secretary of the responding Commission.

(B) DUTY OF RESPONDING COMMISSION.—On receipt of the copy of a petition described in paragraph (1), the responding Commission shall file with the United States Court of Appeals for the District of Columbia Circuit—

(i) a copy of the rule, regulation, or order under review (including any documents referred to therein); and

(ii) any other materials prescribed by the United States Court of Appeals for the District of Columbia Circuit.

(3) STANDARD OF REVIEW.—The United States Court of Appeals for the District of Columbia Circuit shall—

(A) give deference to the views of neither Commission; and

(B) determine to affirm or set aside a rule, regulation, or order of the responding Commission under this subsection, based on the determination of the court as to whether the rule, regulation, or order is in conflict with subsection (a)(4) or (b), as applicable.

(4) JUDICIAL STAY.—The filing of a petition by the complaining Commission pursuant to paragraph (1) shall operate as a stay of the rule, regulation, or order until the date on which the determination of the United States Court of Appeals for the District of Columbia Circuit is final (including any appeal of the determination).

(d) ADOPTION OF RULES ON UNCLEARED SWAPS.—Notwithstanding subsections (b) and (c), the Commodity Futures Trading Commission and the Securities and Exchange Commission shall, after consulting with each other Commission, adopt rules—

(1) to require the maintenance of records of all activities relating to transactions in swaps and security-based swaps under the respective jurisdictions of the Commodity Futures Trading Commission and the Securities and Exchange Commission that are uncleared;

(2) to make available, consistent with section 8 of the Commodity Exchange Act (7 U.S.C. 12), to the Securities and Exchange Commission information relating to swaps transactions that are uncleared; and

(3) to make available to the Commodity Futures Trading Commission information relating to security-based swaps transactions that are uncleared.

(e) DEFINITIONS.—Notwithstanding subsections (b) and (c), the Commodity Futures Trading Commission and the Securities and Exchange Commission shall jointly adopt rules to define the term ''security-based swap agreement'' in section 1a(47)(A)(v) of the Commodity Exchange Act (7 U.S.C. 1a(47)(A)(v)) and in section 3(a)(78) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(78)).

(f) GLOBAL RULEMAKING TIMEFRAME.—Unless otherwise provided in a particular provision of this title, or an amendment made by this title, the Commodity Futures Trading Commission or the Securities and Exchange Commission, or both, shall individually, and not jointly, promulgate rules and regulations required of each Commission under this title or an amendment made by this title not later than 180 days after the date of enactment of this Act.

(g) EXPEDITED RULEMAKING PROCESS.—The Commodity Futures Trading Commission or the Securities and Exchange Commission, or both, may use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this title and the amendments made by this title if, in either of the Commissions' discretion, it considers it necessary to do so.

**SEC. 713. RECOMMENDATIONS FOR CHANGES TO PORTFOLIO MARGINING LAWS.**

Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the prudential regulators shall submit to the appropriate committees of Congress recommendations for legislative changes to the Federal laws to facilitate the portfolio margining of securities and commodity futures and options, commodity options, swaps, and other financial instrument positions.

**SEC. 714. ABUSIVE SWAPS.**

The Commodity Futures Trading Commission or the Securities and Exchange Commission, or both, individually may, by rule or order—

(1) collect information as may be necessary concerning the markets for any types of—

(A) swap (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); or

(B) security-based swap (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); and

(2) issue a report with respect to any types of swaps or security-based swaps that the Commodity Futures Trading Commission or the Securities and Exchange Commission determines to be detrimental to—

(A) the stability of a financial market; or

(B) participants in a financial market.

**SEC. 715. AUTHORITY TO PROHIBIT PARTICIPATION IN SWAP ACTIVITIES.**

Except as provided in section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 738), if the Commodity Futures Trading Commission or the Securities and Exchange Commission determines that the regulation of swaps or security-based swaps markets in a foreign country undermines the stability of the United States financial system, either Commission, in consultation with the Secretary of the Treasury, may prohibit an entity domiciled in the foreign country from participating in the United States in any swap or security-based swap activities.

**SEC. 716. PROHIBITION AGAINST FEDERAL GOVERNMENT BAILOUTS OF SWAPS ENTITIES.**

(a) PROHIBITION ON FEDERAL ASSISTANCE.—Notwithstanding any other provision of law (including regulations), no Federal assistance may be provided to any swaps entity with respect to any swap, security-based swap, or other activity of the swaps entity.

(b) DEFINITIONS.—In this section:

(1) FEDERAL ASSISTANCE.—The term ''Federal assistance'' means the use of any funds, including advances from any Federal Reserve credit facility, discount window, or pursuant to the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343) (relating to emergency lending authority), Federal Deposit Insurance Corporation insurance, or guarantees for the purpose of—

(A) making any loan to, or purchasing any stock, equity interest, or debt obligation of, any swaps entity;

(B) purchasing the assets of any swaps entity;

(C) guaranteeing any loan or debt issuance of any swaps entity; or

(D) entering into any assistance arrangement (including tax breaks), loss sharing, or profit sharing with any swaps entity.

(2) SWAPS ENTITY.—The term ''swaps entity'' means any swap dealer, security-based swap dealer, major swap participant, major security-based swap participant, swap execution facility, designated contract market, national securities exchange, central counterparty, clearing house, clearing agency, or derivatives clearing organization that is registered under—

(A) the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); or

(C) any other Federal or State law (including regulations).

**SEC. 717. NEW PRODUCT APPROVAL—CFTC–SEC PROCESS.**

(a) AMENDMENTS TO THE COMMODITY EXCHANGE ACT.—Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(C)) is amended—

(1) in clause (i) by striking ''This'' and inserting ''(I) Except as provided in subclause (II), this''; and

(2) by adding at the end of clause (i) the following:

''(II) This Act shall apply to and the Commission shall have jurisdiction with respect to accounts, agreements, and transactions involving, and may permit the listing for trading pursuant to section 5c(c) of, a put, call, or other option on 1 or more securities (as defined in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934 on the date of enactment of the Futures Trading Act of 1982), including any group or index of such securities, or any interest therein or based on the value thereof, that is exempted by the Securities and Exchange Commission pursuant to section 36(a)(1) of the Securities Exchange Act of 1934 with the condition that the Commission exercise concurrent jurisdiction over such put, call, or other option; *provided*, however, that nothing in this paragraph shall be construed to affect the jurisdiction and authority of the Securities and Exchange Commission over such put, call, or other option.''.

(b) AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 is amended by adding the following section after section 3A (15 U.S.C. 78c–1):

**''SEC. 3B. SECURITIES-RELATED DERIVATIVES.**

''(a) Any agreement, contract, or transaction (or class thereof) that is exempted by the Commodity Futures Trading Commission pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with the condition that the Commission exercise concurrent jurisdiction over such agreement, contract, or transaction (or class thereof) shall be deemed a security for purposes of the securities laws.

''(b) With respect to any agreement, contract, or transaction (or class thereof) that is exempted by the Commodity Futures Trading Commission pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with the condition that the Commission exercise concurrent jurisdiction over such agreement, contract, or transaction (or class thereof), references in the securities laws to the 'purchase' or 'sale' of a security shall be deemed to include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under such agreement, contract, or transaction, as the context may require.''.

(c) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 19(b) of the Securities

Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

''(10) Notwithstanding the provisions of paragraph (2), the time period within which the Commission is required by order to approve a proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved is stayed pending a determination by the Commission upon the request of the Commodity Futures Trading Commission or its Chairman that the Commission issue a determination as to whether a product that is the subject of such proposed rule change is a security pursuant to section 718 of the Wall Street Transparency and Accountability Act of 2010.''.

(d) AMENDMENT TO COMMODITY EXCHANGE ACT.—Section 5c(c)(1) of the Commodity Exchange Act (7 U.S.C. 7a–2(c)(1)) is amended—

(1) by striking ''Subject to paragraph (2)'' and inserting the following:

''(A) ELECTION.—Subject to paragraph (2)''; and

(2) by adding at the end the following:

''(B) CERTIFICATION.—The certification of a product pursuant to this paragraph shall be stayed pending a determination by the Commission upon the request of the Securities and Exchange Commission or its Chairman that the Commission issue a determination as to whether the product that is the subject of such certification is a contract of sale of a commodity for future delivery, an option on such a contract, or an option on a commodity pursuant to section 718 of the Wall Street Transparency and Accountability Act of 2010.''.

**SEC. 718. DETERMINING STATUS OF NOVEL DERIVATIVE PRODUCTS.**

(a) PROCESS FOR DETERMINING THE STATUS OF A NOVEL DERIVATIVE PRODUCT.—

(1) NOTICE.—

(A) IN GENERAL.—Any person filing a proposal to list or trade a novel derivative product that may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities) may concurrently provide notice and furnish a copy of such filing with both the Securities and Exchange Commission and the Commodity Futures Trading Commission. Any such notice shall state that notice has been made with both Commissions.

(B) NOTIFICATION.—If no concurrent notice is made pursuant to subparagraph (A), within 5 business days after determining that a proposal that seeks to list or trade a novel derivative product may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities), the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable, shall notify the other Commission and provide a copy of such filing to the other Commission.

(2) REQUEST FOR DETERMINATION.—

(A) IN GENERAL.—No later than 21 days after receipt of a notice under paragraph (1), or upon its own initiative if no such notice is received, the Commodity Futures Trading Commission may request that the Securities and Exchange Commission issue a determination as to whether a product is a security, as defined in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

(B) REQUEST.—No later than 21 days after receipt of a notice under paragraph (1), or upon its own initiative if no such notice is received, the Securities and Exchange Commission may request that the Commodity Futures Trading Commission issue a determination as to whether a product is a contract of sale of a commodity for future delivery, an option on such a contract, or an option on a commodity subject to the Commodity Futures Trading Commission's exclusive jurisdiction under section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)).

(C) REQUIREMENT RELATING TO REQUEST.—A request under subparagraph (A) or (B) shall be made by submitting such request, in writing, to the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable.

(D) EFFECT.—Nothing in this paragraph shall be construed to prevent—

(i) the Commodity Futures Trading Commission from requesting that the Securities and Exchange Commission grant an exemption pursuant to section 36(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78mm(a)(1)) with respect to a product that is the subject of a filing under paragraph (1); or

(ii) the Securities and Exchange Commission from requesting that the Commodity Futures Trading Commission grant an exemption pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with respect to a product that is the subject of a filing under paragraph (1).

*Provided*, however, that nothing in this subparagraph shall be construed to require the Commodity Futures Trading Commission or the Securities and Exchange Commission to issue an exemption requested pursuant to this subparagraph; *provided further*, That an order granting or denying an exemption described in this subparagraph and issued under paragraph (3)(B) shall not be subject to judicial review pursuant to subsection (b).

(E) WITHDRAWAL OF REQUEST.—A request under subparagraph (A) or (B) may be withdrawn by the Commission making the request at any time prior to a determination being made pursuant to paragraph (3) for any reason by providing written notice to the head of the other Commission.

(3) DETERMINATION.—Notwithstanding any other provision of law, no later than 120 days after the date of receipt of a request—

(A) under subparagraph (A) or (B) of paragraph (2), unless such request has been withdrawn pursuant to paragraph (2)(E), the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable, shall, by order, issue the determination requested in subparagraph (A) or (B) of paragraph (2), as applicable, and the reasons therefore; or

(B) under paragraph (2)(D), unless such request has been withdrawn, the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable, shall grant an exemption or provide reasons for not granting such exemption, provided that any decision by the Securities and Exchange Commission not to grant such exemption shall not be reviewable under section 25 of the Securities Exchange Act of 1934 (15 U.S.C. 78y).

(b) JUDICIAL RESOLUTION.—

(1) IN GENERAL.—The Commodity Futures Trading Commission or the Securities and Exchange Commission may petition the United States Court of Appeals for the District of Columbia Circuit for review of a final order of the other Commission, with respect to a novel derivative product that may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities) that it believes affects its statutory jurisdiction, including an order or orders issued under subsection (a)(3)(A), by filing in such court, within 60 days after the date of entry of such order, a written petition requesting a review of the order. Any such proceeding shall be expedited by the Court of Appeals.

(2) TRANSMITTAL OF PETITION AND RECORD.—A copy of a petition described in paragraph (1) shall be transmitted not later than 1 business day after filing by the complaining Commission to the responding Commission. On receipt of the petition, the responding Commission shall file with the court a copy of the order under review and any documents referred to therein, and any other materials prescribed by the court.

(3) STANDARD OF REVIEW.—The court, in considering a petition filed pursuant to paragraph (1), shall give no deference to, or presumption in favor of, the views of either Commission.

(4) JUDICIAL STAY.—The filing of a petition by the complaining Commission pursuant to paragraph (1) shall operate as a stay of the order, until the date on which the determination of the court is final (including any appeal of the determination).

## PART II—REGULATION OF SWAP MARKETS

**SEC. 721. DEFINITIONS.**

(a) IN GENERAL.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (2), (3) and (4), (5) through (17), (18) through (23), (24) through (28), (29), (30), (31) through (33), and (34) as paragraphs (6), (8) and (9), (11) through (23), (26) through (31), (34) through (38), (40), (41), (44) through (46), and (51), respectively;

(2) by inserting after paragraph (1) the following:

''(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(3) ASSOCIATED PERSON OF A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—The term 'associated person of a security-based swap dealer or major security-based swap participant' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(4) ASSOCIATED PERSON OF A SWAP DEALER OR MAJOR SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'associated person of a swap dealer or major swap participant' means—

''(i) any partner, officer, director, or branch manager of a swap dealer or major swap participant (including any individual who holds a similar status or performs a similar function with respect to any partner, officer, director, or branch manager of a swap dealer or major swap participant);

''(ii) any person that directly or indirectly controls, is controlled by, or is under common control with, a swap dealer or major swap participant; and

''(iii) any employee of a swap dealer or major swap participant.

''(B) EXCLUSION.—Other than for purposes of section 4s(b)(6), the term 'associated person of a swap dealer or major swap participant' does not include any person associated with a swap dealer or major swap participant the functions of which are solely clerical or ministerial.

''(5) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.'';

(3) by inserting after paragraph (6) (as redesignated by paragraph (1)) the following:

''(7) CLEARED SWAP.—The term 'cleared swap' means any swap that is, directly or indirectly, submitted to and cleared by a derivatives clearing organization registered with the Commission.'';

(4) in paragraph (9) (as redesignated by paragraph (1)), by striking ''except onions'' and all that follows through the period at the end and inserting the following: ''except onions (as provided in section 13-1) and motion picture box office receipts (or any index, measure, value, or data related to such receipts), and all services, rights, and interests (except motion picture box office receipts, or any index, measure, value or data related to such receipts) in which contracts for future delivery are presently or in the future dealt in.'';

(5) by inserting after paragraph (9) (as redesignated by paragraph (1)) the following:

''(10) COMMODITY POOL.—

''(A) IN GENERAL.—The term 'commodity pool' means any investment trust, syndicate, or similar form of enterprise operated for the purpose of trading in commodity interests, including any—

''(i) commodity for future delivery, security futures product, or swap;

''(ii) agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(iii) commodity option authorized under section 4c; or

''(iv) leverage transaction authorized under section 19.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'commodity pool' any investment trust, syndicate, or similar form of enterprise if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(6) by striking paragraph (11) (as redesignated by paragraph (1)) and inserting the following:

''(11) COMMODITY POOL OPERATOR.—

''(A) IN GENERAL.—The term 'commodity pool operator' means any person—

''(i) engaged in a business that is of the nature of a commodity pool, investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in commodity interest, including any—

''(I) commodity for future delivery, security futures product, or swap;

''(II) agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(III) commodity option authorized under section 4c; or

''(IV) leverage transaction authorized under section 19; or

''(ii) who is registered with the Commission as a commodity pool operator.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'commodity pool operator' any person engaged in a business that is of the nature of a commodity pool, investment trust, syndicate, or similar form of enterprise if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(7) in paragraph (12) (as redesignated by paragraph (1)), in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking ''made or to be made on or subject to the rules of a contract market or derivatives transaction execution facility'' and inserting '', security futures product, or swap'';

(ii) by redesignating subclauses (II) and (III) as subclauses (III) and (IV);

(iii) by inserting after subclause (I) the following:

''(II) any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i)''; and

(iv) in subclause (IV) (as so redesignated), by striking ''or'' ;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) is registered with the Commission as a commodity trading advisor; or

''(iv) the Commission, by rule or regulation, may include if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(8) in paragraph (17) (as redesignated by paragraph (1)), in subparagraph (A), in the matter preceding clause (i), by striking ''paragraph (12)(A)'' and inserting ''paragraph (18)(A)'';

(9) in paragraph (18) (as redesignated by paragraph (1))—

(A) in subparagraph (A)—

(i) in the matter following clause (vii)(III)—

(I) by striking ''section 1a (11)(A)'' and inserting ''paragraph (17)(A)''; and

(II) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(ii) in clause (xi), in the matter preceding subclause (I), by striking ''total assets in an amount'' and inserting ''amounts invested on a discretionary basis, the aggregate of which is'';

(10) by striking paragraph (22) (as redesignated by paragraph (1)) and inserting the following:

''(22) FLOOR BROKER.—

''(A) IN GENERAL.—The term 'floor broker' means any person—

''(i) who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person—

''(I) any commodity for future delivery, security futures product, or swap; or

''(II) any commodity option authorized under section 4c; or

''(ii) who is registered with the Commission as a floor broker.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'floor broker' any person in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged who trades for any other person if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(11) by striking paragraph (23) (as redesignated by paragraph (1)) and inserting the following:

''(23) FLOOR TRADER.—

''(A) IN GENERAL.—The term 'floor trader' means any person—

''(i) who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, purchases, or sells solely for such person's own account—

''(I) any commodity for future delivery, security futures product, or swap; or

''(II) any commodity option authorized under section 4c; or

''(ii) who is registered with the Commission as a floor trader.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'floor trader' any person in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged who trades solely for such person's own account if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(12) by inserting after paragraph (23) (as redesignated by paragraph (1)) the following:

''(24) FOREIGN EXCHANGE FORWARD.—The term 'foreign exchange forward' means a transaction that solely involves the exchange of 2 different currencies on a specific future date at a fixed rate agreed upon on the inception of the contract covering the exchange.

''(25) FOREIGN EXCHANGE SWAP.—The term 'foreign exchange swap' means a transaction that solely involves—

''(A) an exchange of 2 different currencies on a specific date at a fixed rate that is agreed upon on the inception of the contract covering the exchange; and

''(B) a reverse exchange of the 2 currencies described in subparagraph (A) at a later date and at a fixed rate that is agreed upon on the inception of the contract covering the exchange.'';

(13) by striking paragraph (28) (as redesignated by paragraph (1)) and inserting the following:

''(28) FUTURES COMMISSION MERCHANT.—

''(A) IN GENERAL.—The term 'futures commission merchant' means an individual, association, partnership, corporation, or trust—

''(i) that—

''(I) is engaged in soliciting or in accepting orders for—

''(aa) the purchase or sale of a commodity for future delivery;

''(bb) a security futures product;

''(cc) a swap;

''(dd) any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(ee) any commodity option authorized under section 4c; or

''(ff) any leverage transaction authorized under section 19; or

''(II) is acting as a counterparty in any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i); and

''(III) in or in connection with the activities described in subclause (I) or (II), accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom; or

''(ii) that is registered with the Commission as a futures commission merchant.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'futures commission merchant' any person who engages in soliciting or accepting orders for, or acting as a counterparty in, any agreement, contract, or transaction subject to this Act, and who accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom, if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(14) in paragraph (30) (as redesignated by paragraph (1)), in subparagraph (B), by striking ''state'' and inserting ''State'';

(15) by striking paragraph (31) (as redesignated by paragraph (1)) and inserting the following:

''(31) INTRODUCING BROKER.—

''(A) IN GENERAL.—The term 'introducing broker' means any person (except an individual who elects to be and is registered as an associated person of a futures commission merchant)—

''(i) who—

''(I) is engaged in soliciting or in accepting orders for—

''(aa) the purchase or sale of any commodity for future delivery, security futures product, or swap;

''(bb) any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(cc) any commodity option authorized under section 4c; or

''(dd) any leverage transaction authorized under section 19; and

''(II) does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom; or

''(ii) who is registered with the Commission as an introducing broker.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'introducing broker' any person who engages in soliciting or accepting orders for any agreement, contract, or transaction subject to this Act, and who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom, if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(16) by inserting after paragraph (31) (as redesignated by paragraph (1)) the following:

''(32) MAJOR SECURITY-BASED SWAP PARTICIPANT.—The term 'major security-based swap participant' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(33) MAJOR SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major swap participant' means any person who is not a swap dealer, and—

''(i) maintains a substantial position in swaps for any of the major swap categories as determined by the Commission, excluding—

''(I) positions held for hedging or mitigating commercial risk; and

''(II) positions maintained by any employee benefit plan (or any contract held by such a plan) as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) for the primary purpose of hedging or mitigating any risk directly associated with the operation of the plan; or

''(ii) whose outstanding swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or

''(iii)(I) is a financial entity, other than an entity predominantly engaged in providing financing for the purchase of an affiliate's merchandise or manufactured goods, that is highly leveraged relative to the amount of capital it holds; and

''(II) maintains a substantial position in outstanding swaps in any major swap category as determined by the Commission.

''(B) DEFINITION OF SUBSTANTIAL POSITION.—For purposes of subparagraph (A), the Commission shall define by rule or regulation the term 'substantial position' at the threshold that the Commission determines to be prudent for the effective monitoring, management, and oversight of entities that are systemically important or can significantly impact the financial system of the United States.

''(C) SCOPE OF DESIGNATION.—For purposes of subparagraph (A), a person may be designated as a major swap participant for 1 or more categories of swaps without being classified as a major swap participant for all classes of swaps.

''(D) CAPITAL.—In setting capital requirements for a person that is designated as a major swap participant for a single type or single class or category of swaps or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of swaps or classes of swaps or categories of swaps engaged in and the other activities conducted by that person that are not otherwise subject to regulation applicable to that person by virtue of the status of the person as a major swap participant.'';

(17) by inserting after paragraph (38) (as redesignated by paragraph (1)) the following:

''(39) PRUDENTIAL REGULATOR.—The term 'prudential regulator' means—

''(A) the Office of the Comptroller of the Currency, in the case of—

''(i) any national banking association;

''(ii) any Federal branch or agency of a foreign bank; or

''(iii) any Federal savings association;

''(B) the Federal Deposit Insurance Corporation, in the case of—

''(i) any insured State bank;

''(ii) any foreign bank having an insured branch; or

''(iii) any State savings association;

''(C) the Board of Governors of the Federal Reserve System, in the case of—

''(i) any noninsured State member bank;

''(ii) any branch or agency of a foreign bank with respect to any provision of the Federal Reserve Act (12 U.S.C. 221 et seq.) which is made applicable under the International Banking Act of 1978 (12 U.S.C. 3101 et seq.);

''(iii) any foreign bank which does not operate an insured branch;

''(iv) any agency or commercial lending company other than a Federal agency; or

''(v) supervisory or regulatory proceedings arising from the authority given to the Board of Governors under section 7(c)(1) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(1)), including such proceedings under the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1464 et seq.); and

''(D) the Farm Credit Administration, in the case of a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant that is an institution chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).'';

(18) in paragraph (40) (as redesignated by paragraph (1))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (F), respectively;

(C) in subparagraph (C) (as so redesignated), by striking ''and'';

(D) by inserting after subparagraph (C) (as so redesignated) the following:

''(D) a swap execution facility registered under section 5h;

''(E) a swap data repository; and'';

(19) by inserting after paragraph (41) (as redesignated by paragraph (1)) the following:

''(42) SECURITY-BASED SWAP.—The term 'security-based swap' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(43) SECURITY-BASED SWAP DEALER.—The term 'security-based swap dealer' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).'';

(20) in paragraph (46) (as redesignated by paragraph (1)), by striking ''subject to section 2(h)(7)'' and inserting ''subject to section 2(h)(5)'';

(21) by inserting after paragraph (46) (as redesignated by paragraph (1)) the following:

''(47) SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'swap' means any agreement, contract, or transaction—

''(i) that is a put, call, cap, floor, collar, or similar option of any kind that is for the purchase or sale, or based on the value, of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind;

''(ii) that provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

''(iii) that provides on an executory basis for the exchange, on a fixed or contingent basis, of 1 or more payments based on the value or level of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any agreement, contract, or transaction commonly known as—

''(I) an interest rate swap;

''(II) a rate floor;

''(III) a rate cap;

''(IV) a rate collar;

''(V) a cross-currency rate swap;

''(VI) a basis swap;

''(VII) a currency swap;

''(VIII) a foreign exchange swap;

''(IX) a total return swap;

''(X) an equity index swap;

''(XI) an equity swap;

''(XII) a debt index swap;

''(XIII) a debt swap;

''(XIV) a credit spread;

''(XV) a credit default swap;

''(XVI) a credit swap;

''(XVII) a weather swap;

''(XVIII) an energy swap;

''(XIX) a metal swap;

''(XX) an agricultural swap;

''(XXI) an emissions swap; and

''(XXII) a commodity swap;

''(iv) that is an agreement, contract, or transaction that is, or in the future becomes commonly known to the trade as a swap;

''(v) including any security-based swap agreement which meets the definition of 'swap agreement' as defined in section 206A of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein; or

''(vi) that is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (v).

''(B) EXCLUSIONS.—The term 'swap' does not include—

''(i) any contract of sale of a commodity for future delivery (or option on such a contract), leverage contract authorized under section 19, security futures product, or agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(ii) any sale of a nonfinancial commodity or security for deferred shipment or delivery, so long as the transaction is intended to be physically settled;

''(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to—

''(I) the Securities Act of 1933 (15 U.S.C. 77a et seq.); and

''(II) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

''(iv) any put, call, straddle, option, or privilege relating to a foreign currency entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a));

''(v) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a fixed basis that is subject to—

''(I) the Securities Act of 1933 (15 U.S.C. 77a et seq.); and

''(II) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

''(vi) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a contingent basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless the agreement, contract, or transaction predicates the purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

''(vii) any note, bond, or evidence of indebtedness that is a security, as defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a));

''(viii) any agreement, contract, or transaction that is—

''(I) based on a security; and

''(II) entered into directly or through an underwriter (as defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a))) by the issuer of such security for the purposes of raising capital, unless the agreement, contract, or transaction is entered into to manage a risk associated with capital raising;

''(ix) any agreement, contract, or transaction a counterparty of which is a Federal Reserve bank, the Federal Government, or a Federal agency that is expressly backed by the full faith and credit of the United States; and

''(x) any security-based swap, other than a security-based swap as described in subparagraph (D).

''(C) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'swap' includes a master agreement that provides for an agreement, contract, or transaction that is a swap under subparagraph (A), together with each supplement to any master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap pursuant to subparagraph (A).

''(ii) EXCEPTION.—For purposes of clause (i), the master agreement shall be considered to be a swap only with respect to each agreement, contract, or transaction covered by the master agreement that is a swap pursuant to subparagraph (A).

''(D) MIXED SWAP.—The term 'security-based swap' includes any agreement, contract, or transaction that is as described in section 3(a)(68)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(68)(A)) and also is based on the value of 1 or more interest or other rates, currencies, commodities, instruments of indebtedness, indices, quantitative measures, other financial or economic interest or property of any kind (other than a single security or a narrow-based security index), or the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence (other than an event described in subparagraph (A)(iii)).

''(E) TREATMENT OF FOREIGN EXCHANGE SWAPS AND FORWARDS.—

''(i) IN GENERAL.—Foreign exchange swaps and foreign exchange forwards shall be considered swaps under this paragraph unless the Secretary makes a written determination that either foreign exchange swaps or foreign exchange forwards or both—

''(I) should be not be regulated as swaps under this Act; and

''(II) are not structured to evade the Wall Street Transparency and Accountability Act of 2010 in violation of any rule promulgated by the Commission pursuant to section 111(c) of that Act.

''(ii) CONGRESSIONAL NOTICE; EFFECTIVENESS.—The Secretary shall submit any written determination under clause (i) to the appropriate committees of Congress, including the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. Any such written determination by the Secretary shall not be effective until it is submitted to the appropriate committees of Congress.

''(iii) REPORTING.—Notwithstanding a written determination by the Secretary under clause (i), all foreign exchange swaps and foreign exchange forwards shall be reported to either a swap data repository, or, if there is no swap data repository that would accept such swaps or forwards, to the Commission pursuant to section 4r within such time period as the Commission may by rule or regulation prescribe.

''(iv) BUSINESS STANDARDS.—Notwithstanding clauses (ix) and (x) of subparagraph (B) and clause (ii), any party to a foreign exchange swap or forward that is a swap dealer or major swap participant shall conform to the business conduct standards contained in section 4s(h).

''(v) SECRETARY.—For purposes of this subparagraph only, the term 'Secretary' means the Secretary of the Treasury.

''(F) EXCEPTION FOR CERTAIN FOREIGN EXCHANGE SWAPS AND FORWARDS.—

''(i) REGISTERED ENTITIES.—Any foreign exchange swap and any foreign exchange forward that is listed and traded on or subject to the rules of a designated contract market or a swap execution facility, or that is cleared by a derivatives clearing organization shall not be exempt from any provision of this Act or amendments made by the Wall Street Transparency and Accountability Act of 2010 prohibiting fraud or manipulation.

''(ii) RETAIL TRANSACTIONS.—Nothing in subparagraph (E) shall affect, or be construed to affect, the applicability of this Act or the jurisdiction of the Commission with respect to agreements, contracts, or transactions in foreign currency pursuant to section 2(c)(2).

''(48) SWAP DATA REPOSITORY.—The term 'swap data repository' means any person that collects, calculates, prepares, or maintains information or records with respect to transactions or positions in, or the terms and conditions of, swaps entered into by third parties.

''(49) SWAP DEALER.—

''(A) IN GENERAL.—The term 'swap dealer' means any person who—

''(i) holds itself out as a dealer in swaps;

''(ii) makes a market in swaps;

''(iii) regularly engages in the purchase and sale of swaps in the ordinary course of business; or

''(iv) engages in any activity causing the person to be commonly known in the trade as a dealer or market maker in swaps.

''(B) INCLUSION.—A person may be designated as a swap dealer for a single type or single class or category of swap or activities and considered not to be a swap dealer for other types, classes, or categories of swaps or activities.

''(C) CAPITAL.—In setting capital requirements for a person that is designated as a swap dealer for a single type or single class or category of swap or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of swaps or classes of swaps or categories of swaps engaged in and the other activities conducted by that person that are not otherwise subject to regulation applicable to that person by virtue of the status of the person as a swap dealer.

''(D) EXCEPTION.—The term 'swap dealer' does not include a person that buys or sells swaps for such person's own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

''(50) SWAP EXECUTION FACILITY.—The term 'swap execution facility' means a facility in which multiple participants have the ability to execute or trade swaps by accepting bids and offers made by other participants that are open to multiple participants in the facility or system, through any means of interstate commerce, including any trading facility, that—

''(A) facilitates the execution of swaps between persons; and

''(B) is not a designated contract market.''; and

(22) in paragraph (51) (as redesignated by paragraph (1)), in subparagraph (A)(i), by striking ''partipants'' and inserting ''participants''.

(b) AUTHORITY TO DEFINE TERMS.—The Commodity Futures Trading Commission may adopt a rule to define—

(1) the term ''commercial risk''; and

(2) any other term included in an amendment to the Commodity Exchange Act (7 U.S.C. 1 et seq.) made by this subtitle.

(c) MODIFICATION OF DEFINITIONS.—To include transactions and entities that have been structured to evade this subtitle (or an amendment made by this subtitle), the Commodity Futures Trading Commission shall adopt a rule to further define the terms ''swap'', ''swap dealer'', ''major swap participant'', and ''eligible contract participant''.

(d) EXEMPTIONS.—Section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) is amended by striking ''except that'' and all that follows through the period at the end and inserting the following: ''except that—

''(A) unless the Commission is expressly authorized by any provision described in this subparagraph to grant exemptions, with respect to amendments made by subtitle A of the Wall Street Transparency and Accountability Act of 2010—

''(i) with respect to—

''(I) paragraphs (2), (3), (4), (5), and (7), clause (vii)(III) of paragraph (17), paragraphs (23), (24), (31), (32), (38), (39), (41), (42), (46), (47), (48), and (49) of section 1a, and sections 2(a)(13), 2(c)(D), 4a(a), 4a(b), 4d(c), 4d(d), 4r, 4s, 5b(a), 5b(b), 5(d), 5(g), 5(h), 5b(c), 5b(i), 8e, and 21; and

''(II) section 206(e) of the Gramm-Leach-Bliley Act (Public Law 106–102; 15 U.S.C. 78c note); and

''(ii) in subsection (c) of section 111 and section 132; and

''(B) the Commission and the Securities and Exchange Commission may by rule, regulation, or order jointly exclude any agreement, contract, or transaction from section 2(a)(1)(D)) if the Commission determines that the exemption would be consistent with the public interest.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)) is amended—

(A) in item (cc)—

(i) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(ii) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in item (dd), by striking ''section 1a(12)(A)(ii)'' and inserting ''section 1a(18)(A)(ii)''.

(2) Section 4m(3) of the Commodity Exchange Act (7 U.S.C. 6m(3)) is amended by striking ''section 1a(6)'' and inserting ''section 1a''.

(3) Section 4q(a)(1) of the Commodity Exchange Act (7 U.S.C. 6o–1(a)(1)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(4) Section 5(e)(1) of the Commodity Exchange Act (7 U.S.C. 7(e)(1)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(5) Section 5a(b)(2)(F) of the Commodity Exchange Act (7 U.S.C. 7a(b)(2)(F)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(6) Section 5b(a) of the Commodity Exchange Act (7 U.S.C. 7a–1(a)) is amended, in the matter preceding paragraph (1), by striking ''section 1a(9)'' and inserting ''section 1a''.

(7) Section 5c(c)(2)(B) of the Commodity Exchange Act (7 U.S.C. 7a–2(c)(2)(B)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(8) Section 6(g)(5)(B)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(g)(5)(B)(i)) is amended—

(A) in subclause (I), by striking ''section 1a(12)(B)(ii)'' and inserting ''section 1a(18)(B)(ii)''; and

(B) in subclause (II), by striking ''section 1a(12)'' and inserting ''section 1a(18)''.

(9) The Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27 et seq.) is amended—

(A) in section 402—

(i) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a'';

(ii) in subsection (b)(2), by striking ''section 1a(12)'' and inserting ''section 1a'';

(iii) in subsection (c), by striking ''section 1a(4)'' and inserting ''section 1a''; and

(iv) in subsection (d)—

(I) in the matter preceding paragraph (1), by striking ''section 1a(4)'' and inserting ''section 1a(9)'';

(II) in paragraph (1)—

(aa) in subparagraph (A), by striking ''section 1a(12)'' and inserting ''section 1a''; and

(bb) in subparagraph (B), by striking ''section 1a(33)'' and inserting ''section 1a'';

(III) in paragraph (2)—

(aa) in subparagraph (A), by striking ''section 1a(10)'' and inserting ''section 1a'';

(bb) in subparagraph (B), by striking ''section 1a(12)(B)(ii)'' and inserting ''section 1a(18)(B)(ii)'';

(cc) in subparagraph (C), by striking ''section 1a(12)'' and inserting ''section 1a(18)''; and

(dd) in subparagraph (D), by striking ''section 1a(13)'' and inserting ''section 1a''; and

(B) in section 404(1), by striking ''section 1a(4)'' and inserting ''section 1a''.

**SEC. 722. JURISDICTION.**

(a) EXCLUSIVE JURISDICTION.—Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)) is amended in the first sentence—

(1) by inserting ''the Wall Street Transparency and Accountability Act of 2010 (including an amendment made by that Act) and'' after ''otherwise provided in'';

(2) by striking ''(c) through (i) of this section'' and inserting ''(c) and (f)'';

(3) by striking ''contracts of sale'' and inserting ''swaps or contracts of sale''; and

(4) by striking ''or derivatives transaction execution facility registered pursuant to section 5 or 5a'' and inserting ''pursuant to section 5''.

(b) REGULATION OF SWAPS UNDER FEDERAL AND STATE LAW.—Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by adding at the end the following:

''(h) REGULATION OF SWAPS AS INSURANCE UNDER STATE LAW.—A swap—

''(1) shall not be considered to be insurance; and

''(2) may not be regulated as an insurance contract under the law of any State.''.

(c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—Section 2(c)(2)(A) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(A)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) a swap; or''.

(d) APPLICABILITY.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by section 723(a)(3)) is amended by adding at the end the following:

''(i) APPLICABILITY.—The provisions of this Act relating to swaps that were enacted by the Wall Street Transparency and Accountability Act of 2010 (including any rule prescribed or regulation promulgated under that Act), shall not apply to activities outside the United States unless those activities—

''(1) have a direct and significant connection with activities in, or effect on, commerce of the United States; or

''(2) contravene such rules or regulations as the Commission may prescribe or promulgate as are necessary or appropriate to prevent the evasion of any provision of this Act that was enacted by the Wall Street Transparency and Accountability Act of 2010.''.

**SEC. 723. CLEARING.**

(a) CLEARING REQUIREMENT.—

(1) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(A) by striking subsections (d), (e), (g), and (h); and

(B) by redesignating subsection (i) as subsection (g).

(2) SWAPS; LIMITATION ON PARTICIPATION.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by paragraph (1)) is amended by inserting after subsection (c) the following:

''(d) SWAPS.—Nothing in this Act (other than subparagraphs (A), (B), (C), and (D) of subsection (a)(1), subsections (f) and (g), sections 1a, 2(c)(2)(A)(ii), 2(e), 2(h), 4(c), 4a, 4b, and 4b-1, subsections (a), (b), and (g) of section 4c, sections 4d, 4e, 4f, 4g, 4h, 4i, 4j, 4k, 4l, 4m, 4n, 4o, 4p, 4r, 4s, 4t, 5, 5b, 5c, 5e, and 5h, subsections (c) and (d) of section 6, sections 6c, 6d, 8, 8a, and 9, subsections (e)(2) and (f) of section 12, subsections (a) and (b) of section 13, sections 17, 20, 21, and 22(a)(4), and any other provision of this Act that is applicable to registered entities and Commission registrants) governs or applies to a swap.

''(e) LIMITATION ON PARTICIPATION.—It shall be unlawful for any person, other than an eligible contract participant, to enter into a swap unless the swap is entered into on, or subject to the rules of, a board of trade designated as a contract market under section 5.''.

(3) MANDATORY CLEARING OF SWAPS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by inserting after subsection (g) (as redesignated by paragraph (1)(B)) the following:

''(h) CLEARING REQUIREMENT.—

''(1) SUBMISSION.—

''(A) IN GENERAL.—Except as provided in paragraphs (9) and (10), any person who is a party to a swap shall submit such swap for clearing to a derivatives clearing organization that is registered under this Act or a derivatives clearing organization that is exempt from registration under section 5b(j) of this Act.

''(B) OPEN ACCESS.—The rules of a registered derivatives clearing organization shall—

''(i) prescribe that all swaps with the same terms and conditions are economically equivalent and may be offset with each other within the derivatives clearing organization; and

''(ii) provide for nondiscriminatory clearing of a swap executed bilaterally or on or through the rules of an unaffiliated designated contract market or swap execution facility, subject to the requirements of section 5(b).

''(2) COMMISSION APPROVAL.—

''(A) IN GENERAL.—A derivatives clearing organization shall submit to the Commission for prior approval any group, category, type, or class of swaps that the derivatives clearing organization seeks to accept for clearing, which submission the Commission shall make available to the public.

''(B) DEADLINE.—The Commission shall take final action on a request submitted pursuant to subparagraph (A) not later than 90 days after submission of the request, unless the derivatives clearing organization submitting the request agrees to an extension of the time limitation established under this subparagraph.

''(C) APPROVAL.—The Commission shall approve, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, any request submitted pursuant to subparagraph (A) if the Commission finds that the request is consistent with section 5b(c)(2). The Commission shall not approve any such request if the Commission does not make such finding.

''(D) RULES.—The Commission shall adopt rules for a derivatives clearing organization's submission for approval, pursuant to

this paragraph, of any group, category, type, or class of swaps that the derivative clearing organization seeks to accept for clearing.

''(3) STAY OF CLEARING REQUIREMENT.—At any time after issuance of an approval pursuant to paragraph (2):

''(A) REVIEW PROCESS.—The Commission, on application of a counterparty to a swap or on its own initiative, may stay the clearing requirement of paragraph (1) until the Commission completes a review of the terms of the swap, or the group, category, type, or class of swaps, and the clearing arrangement.

''(B) DEADLINE.—The Commission shall complete a review undertaken pursuant to subparagraph (A) not later than 90 days after issuance of the stay, unless the derivatives clearing organization that clears the swap, or the group, category, type, or class of swaps, agrees to an extension of the time limitation established under this subparagraph.

''(C) DETERMINATION.—Upon completion of the review undertaken pursuant to subparagraph (A)—

''(i) the Commission may determine, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, that the swap, or the group, category, type, or class of swaps, must be cleared pursuant to this subsection if the Commission finds that such clearing—

''(I) is consistent with section 5b(c)(2); and

''(II) is otherwise in the public interest, for the protection of investors, and consistent with the purposes of this Act;

''(ii) the Commission may determine that the clearing requirement of paragraph (1) shall not apply to the swap, or the group, category, type, or class of swaps; or

''(iii) if a determination is made that the clearing requirement of paragraph (1) shall no longer apply, then it shall still be permissible to clear such swap, or the group, category, type, or class of swaps.

''(D) RULES.—The Commission shall adopt rules for reviewing, pursuant to this paragraph, a derivatives clearing organization's clearing of a swap, or a group, category, type, or class of swaps that the Commission has accepted for clearing.

''(4) SWAPS REQUIRED TO BE ACCEPTED FOR CLEARING.—

''(A) RULEMAKING.—The Commission shall adopt rules to further identify any group, category, type, or class of swaps not submitted for approval under paragraph (2) that the Commission deems should be accepted for clearing. In adopting such rules, the Commission shall take into account the following factors:

''(i) The extent to which any of the terms of the group, category, type, or class of swaps, including price, are disseminated to third parties or are referenced in other agreements, contracts, or transactions.

''(ii) The volume of transactions in the group, category, type, or class of swaps.

''(iii) The extent to which the terms of the group, category, type, or class of swaps are similar to the terms of other agreements, contracts, or transactions that are cleared.

''(iv) Whether any differences in the terms of the group, category, type, or class of swaps, compared to other agreements, contracts, or transactions that are cleared, are of economic significance.

''(v) Whether a derivatives clearing organization is prepared to clear the group, category, type, or class of swaps and such derivatives clearing organization has in place effective risk management systems.

''(vi) Any other factors the Commission determine to be appropriate.

''(B) OTHER DESIGNATIONS.—At any time after the adoption of the rules required under subparagraph (A), the Commission may separately designate a particular swap or class of swaps as subject to the clearing requirement in paragraph (1), taking into account the factors described in clauses (i) through (vi) of subparagraph (A) and the rules adopted under such subparagraph.

''(C) IN GENERAL.—In accordance with subparagraph (A), the Commission shall, consistent with the public interest, adopt rules under the expedited process described in subparagraph (D) to establish criteria for determining that a swap, or any group, category, type, or class of swap is required to be cleared.

''(D) EXPEDITED RULEMAKING AUTHORITY.—

''(i) PROCEDURE.—The promulgation of regulations under subparagraph (A) may be made without regard to—

''(I) the notice and comment provisions of section 553 of title 5, United States Code; and

''(II) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act').

''(ii) AGENCY RULEMAKING.—In carrying out subparagraph (A), the Commission shall use the authority provided under section 808 of title 5, United States Code.

''(5) PREVENTION OF EVASION.—

''(A) IN GENERAL.—The Commission may prescribe rules under this subsection (and issue interpretations of rules prescribed under this subsection) as determined by the Commission to be necessary to prevent evasions of the mandatory clearing requirements under this Act.

''(B) DUTY OF COMMISSION TO INVESTIGATE AND TAKE CERTAIN ACTIONS.—To the extent the Commission finds that a particular swap, group, category, type, or class of swaps would otherwise be subject to mandatory clearing but no derivatives clearing organization has listed the swap, group, category, type, or class of swaps for clearing, the Commission shall—

''(i) investigate the relevant facts and circumstances;

''(ii) within 30 days issue a public report containing the results of the investigation; and

''(iii) take such actions as the Commission determines to be necessary and in the public interest, which may include requiring the retaining of adequate margin or capital by parties to the swap, group, category, type, or class of swaps.

''(C) EFFECT ON AUTHORITY.—Nothing in this paragraph shall—

''(i) authorize the Commission to require a derivatives clearing organization to list for clearing a swap, group, category, type, or class of swaps if the clearing of the swap, group, category, type, or class of swaps would adversely affect the business operations of the derivatives clearing organization, threaten the financial integrity of the derivatives clearing organization, or pose a systemic risk to the derivatives clearing organization; and

''(ii) affect the authority of the Commission to enforce the open access provisions of paragraph (1) with respect to a swap, group, category, type, or class of swaps that is listed for clearing by a derivatives clearing organization.

''(6) REQUIRED REPORTING.—

''(A) BOTH COUNTERPARTIES.—Both counterparties to a swap that is not cleared by any derivatives clearing organization shall report such a swap either to a registered swap repository described in section 21 or, if there is no repository that would accept the swap, to the Commission pursuant to section 4r.

''(B) TIMING.—Counterparties to a swap shall submit the reports required under subparagraph (A) not later than such time period as the Commission may by rule or regulation prescribe.

''(7) TRANSITION RULES.—

''(A) REPORTING TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

''(i) SWAPS ENTERED INTO BEFORE DATE OF ENACTMENT OF THIS SUBSECTION.—Swaps entered into before the date of the enactment of this subsection shall be reported to a registered swap repository or the Commission not later than 180 days after the effective date of this subsection.

''(ii) SWAPS ENTERED INTO ON OR AFTER DATE OF ENACTMENT OF THIS SUBSECTION.—Swaps entered into on or after such date of enactment shall be reported to a registered swap repository or the Commission not later than the later of—

''(I) 90 days after such effective date; or

''(II) such other time after entering into the swap as the Commission may prescribe by rule or regulation.

''(B) CLEARING TRANSITION RULES.—

''(i) SWAPS ENTERED INTO BEFORE THE DATE OF THE ENACTMENT OF THIS SUBSECTION.—Swaps entered into before the date of the enactment of this subsection are exempt from the clearing requirements of this subsection if reported pursuant to subparagraph (A)(i).

''(ii) SWAPS ENTERED INTO BEFORE APPLICATION OF CLEARING REQUIREMENT.—Swaps entered into before application of the clearing requirement pursuant to this subsection are exempt from the clearing requirements of this subsection if reported pursuant to subparagraph (A)(ii).

''(8) TRADE EXECUTION.—

''(A) IN GENERAL.—With respect to transactions involving swaps subject to the clearing requirement of paragraph (1), counterparties shall—

''(i) execute the transaction on a board of trade designated as a contract market under section 5; or

''(ii) execute the transaction on a swap execution facility registered under section 5h or a swap execution facility that is exempt from registration under section 5h(f) of this Act.

''(B) EXCEPTION.—The requirements of clauses (i) and (ii) of subparagraph (A) shall not apply if no board of trade or swap execution facility makes the swap available to trade or a swap transactions where a commercial end user opts to use the clearing exemption under paragraph (9).

''(9) REQUIRED EXEMPTION.—Subject to paragraph (4), the Commission shall exempt a swap from the requirements of paragraphs (1) and (8) and any rules issued under this subsection, if no derivatives clearing organization registered under this Act or no derivatives clearing organization that is exempt from registration under section 5b(j) of this Act will accept the swap from clearing.

''(10) END USER CLEARING EXEMPTION.—

''(A) DEFINITION OF COMMERCIAL END USER.—

''(i) IN GENERAL.—In this paragraph, the term 'commercial end user' means any person other than a financial entity described in clause (ii) who, as its primary business activity, owns, uses, produces, processes, manufactures, distributes, merchandises, or markets goods, services, or commodities (which shall include but not be limited to coal, natural gas, electricity, ethanol, crude oil, gasoline, propane, distillates, and other hydrocarbons) either individually or in a fiduciary capacity.

''(ii) FINANCIAL ENTITY.—The term 'financial entity' means—

''(I) a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant;

''(II) a person predominantly engaged in activities that are in the business of banking or financial in nature, as defined in Section 4(k) of the Bank Holding Company Act of 1956;

''(III) a person predominantly engaged in activities that are financial in nature;

''(IV) a commodity pool or a private fund as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)); or

''(V) a person that is registered or required to be registered with the Commission.

''(B) END USER CLEARING EXEMPTION.—

''(i) IN GENERAL.—Subject to clause (ii), in the event that a swap is subject to the mandatory clearing requirement under paragraph (1), and 1 of the counterparties to the swap is a commercial end user, that counterparty—

''(I)(aa) may elect not to clear the swap, as required under paragraph (1); or

''(bb) may elect to require clearing of the swap; and

''(II) if the end user makes an election under subclause (I)(bb), shall have the sole right to select the derivatives clearing organization at which the swap will be cleared.

''(ii) LIMITATION.—A commercial end user may only make an election under clause (i) if the end user is using the swap to hedge its own commercial risk.

''(C) TREATMENT OF AFFILIATES.—

''(i) IN GENERAL.—An affiliate of a commercial end user (including affiliate entities predominantly engaged in providing financing for the purchase of the merchandise or manufactured goods of the commercial end user) may make an election under subparagraph (B)(i) only if the affiliate, acting on behalf of the commercial end user and as an agent, uses the swap to hedge or mitigate the commercial risk of the commercial end user parent or other affiliate of the commercial end user that is not a financial entity.

''(ii) PROHIBITION RELATING TO CERTAIN AFFILIATES.—An affiliate of a commercial end user shall not use the exemption under subparagraph (B) if the affiliate is—

''(I) a swap dealer;

''(II) a security-based swap dealer;

''(III) a major swap participant;

''(IV) a major security-based swap participant;

''(V) an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3), but for paragraph (1) or (7) of subsection (c) of that Act (15 U.S.C. 80a–3(c));

''(VI) a commodity pool;

''(VII) a bank holding company with over $50,000,000,000 in consolidated assets; or

''(VIII) an affiliate of any entity described in subclauses (I) through (VII).

''(D) ABUSE OF EXEMPTION.—The Commission may prescribe such rules or issue interpretations of the rules as the Commission determines to be necessary to prevent abuse of the exemption described in subparagraph (B). The Commission may also request information from those entities claiming the clearing exemption as necessary to prevent abuse of the exemption described in subparagraph (B).

''(E) OPTION TO CLEAR.—

''(i) SWAPS REQUIRED TO BE CLEARED ENTERED INTO WITH A FINANCIAL ENTITY.—With respect to any swap that is required to be cleared by a derivatives clearing organization and entered into by a swap dealer or a major swap participant with a financial entity, the financial entity shall have the sole right to select the derivatives clearing organization at which the swap will be cleared.

''(ii) SWAPS NOT REQUIRED TO BE CLEARED ENTERED INTO WITH A FINANCIAL ENTITY OR COMMERCIAL END USER.—With respect to any swap that is not required to be cleared by a derivatives clearing organization and entered into by a swap dealer or a major swap participant with a financial entity or commercial end user, the financial entity or commercial end user—

''(I) may elect to require clearing of the swap; and

''(II) shall have the sole right to select the derivatives clearing organization at which the swap will be cleared.''.

(b) COMMODITY EXCHANGE ACT.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) AUDIT COMMITTEE APPROVAL.—Exemptions from the requirements of subsection (h)(2)(F) to clear a swap and subsection (b) to trade a swap through a board of trade or swap execution facility shall be available to a counterparty that is an issuer of securities that are registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o) only if the issuer's audit committee has reviewed and approved its decision to enter into swaps that are subject to such exemptions.''.

(c) GRANDFATHER PROVISIONS.—

(1) LEGAL CERTAINTY FOR CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—Not later than 60 days after the date of enactment of this Act, a person may submit to the Commodity Futures Trading Commission a petition to remain subject to section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) (as in effect on the day before the date of enactment of this Act).

(2) CONSIDERATION; AUTHORITY OF COMMODITY FUTURES TRADING COMMISSION.—The Commodity Futures Trading Commission—

(A) shall consider any petition submitted under subparagraph (A) in a prompt manner; and

(B) may allow a person to continue operating subject to section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) (as in effect on the day before the date of enactment of this Act) for not longer than a 1-year period.

(3) AGRICULTURAL SWAPS.—

(A) IN GENERAL.—Except as provided in paragraph (2), no person shall offer to enter into, enter into, or confirm the execution of, any swap in an agricultural commodity (as defined by the Commodity Futures Trading Commission).

(B) EXCEPTION.—Notwithstanding paragraph (1), a person may offer to enter into, enter into, or confirm the execution of, any swap in an agricultural commodity pursuant to section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)) or any rule, regulation, or order issued thereunder (including any rule, regulation, or order in effect as of the date of enactment of this Act) by the Commodity Futures Trading Commission to allow swaps under such terms and conditions as the Commission shall prescribe.

(4) REQUIRED REPORTING.—If the exception described in paragraph (2) applies, and there is no facility that makes the swap available to trade, the counterparties shall comply with any recordkeeping and transaction reporting requirements that may be prescribed by the Commission with respect to swaps subject to the requirements of paragraph (1).

**SEC. 724. SWAPS; SEGREGATION AND BANKRUPTCY TREATMENT.**

(a) SEGREGATION REQUIREMENTS FOR CLEARED SWAPS.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) (as amended by section 732) is amended by adding at the end the following:

''(f) SWAPS.—

''(1) REGISTRATION REQUIREMENT.—It shall be unlawful for any person to accept any money, securities, or property (or to extend any credit in lieu of money, securities, or property) from, for, or on behalf of a swaps customer to margin, guarantee, or secure a swap cleared by or through a derivatives clearing organization (including money, securities, or property accruing to the customer as the result of such a swap), unless the person shall have registered under this Act with the Commission as a futures commission merchant, and the registration shall not have expired nor been suspended nor revoked.

''(2) CLEARED SWAPS.—

''(A) SEGREGATION REQUIRED.—A futures commission merchant shall treat and deal with all money, securities, and property of any swaps customer received to margin, guarantee, or secure a swap cleared by or though a derivatives clearing organization (including money, securities, or property accruing to the swaps customer as the result of such a swap) as belonging to the swaps customer.

''(B) COMMINGLING PROHIBITED.—Money, securities, and property of a swaps customer described in subparagraph (A) shall be separately accounted for and shall not be commingled with the funds of the futures commission merchant or be used to margin, secure, or guarantee any trades or contracts of any swaps customer or person other than the person for whom the same are held.

''(3) EXCEPTIONS.—

''(A) USE OF FUNDS.—

''(i) IN GENERAL.—Notwithstanding paragraph (2), money, securities, and property of a swaps customer of a futures commission merchant described in paragraph (2) may, for convenience, be commingled and deposited in the same 1 or more accounts with any bank or trust company or with a derivatives clearing organization.

''(ii) WITHDRAWAL.—Notwithstanding paragraph (2), such share of the money, securities, and property described in clause (i) as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle a cleared swap with a derivatives clearing organization, or with any member of the derivatives clearing organization, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other charges, lawfully accruing in connection with the cleared swap.

''(B) COMMISSION ACTION.—Notwithstanding paragraph (2), in accordance with such terms and conditions as the Commission may prescribe by rule, regulation, or order, any money, securities, or property of the swaps customer of a futures commission merchant described in paragraph (2) may be commingled and deposited as provided in this section with any other money, securities, or property received by the futures commission merchant and required by the Commission to be separately accounted for and treated and dealt with as belonging to the swaps customer of the futures commission merchant.

''(4) PERMITTED INVESTMENTS.—Money described in paragraph (2) may be invested in obligations of the United States, in general obligations of any State or of any political subdivision of a State, and in obligations

fully guaranteed as to principal and interest by the United States, or in any other investment that the Commission may by rule or regulation prescribe, and such investments shall be made in accordance with such rules and regulations and subject to such conditions as the Commission may prescribe.

''(5) COMMODITY CONTRACT.—A swap cleared by or through a derivatives clearing organization shall be considered to be a commodity contract as such term is defined in section 761 of title 11, United States Code, with regard to all money, securities, and property of any swaps customer received by a futures commission merchant or a derivatives clearing organization to margin, guarantee, or secure the swap (including money, securities, or property accruing to the customer as the result of the swap).

''(6) PROHIBITION.—It shall be unlawful for any person, including any derivatives clearing organization and any depository institution, that has received any money, securities, or property for deposit in a separate account or accounts as provided in paragraph (2) to hold, dispose of, or use any such money, securities, or property as belonging to the depositing futures commission merchant or any person other than the swaps customer of the futures commission merchant.''.

(b) BANKRUPTCY TREATMENT OF CLEARED SWAPS.—Section 761 of title 11, United States Code, is amended—

(1) in paragraph (4), by striking subparagraph (F) and inserting the following:

''(F)(i) any other contract, option, agreement, or transaction that is similar to a contract, option, agreement, or transaction referred to in this paragraph; and

''(ii) with respect to a futures commission merchant or a clearing organization, any other contract, option, agreement, or transaction, in each case, that is cleared by a clearing organization;''; and

(2) in paragraph (9)(A)(i), by striking ''the commodity futures account'' and inserting ''a commodity contract account''.

(c) SEGREGATION REQUIREMENTS FOR UNCLEARED SWAPS.—Section 4s of the Commodity Exchange Act (as added by section 731) is amended by adding at the end the following:

''(l) SEGREGATION REQUIREMENTS.—

''(1) SEGREGATION OF ASSETS HELD AS COLLATERAL IN UNCLEARED SWAP TRANSACTIONS.—

''(A) NOTIFICATION.—A swap dealer or major swap participant shall be required to notify the counterparty of the swap dealer or major swap participant at the beginning of a swap transaction that the counterparty has the right to require segregation of the funds or other property supplied to margin, guarantee, or secure the obligations of the counterparty.

''(B) SEGREGATION AND MAINTENANCE OF FUNDS.—At the request of a counterparty to a swap that provides funds or other property to a swap dealer or major swap participant to margin, guarantee, or secure the obligations of the counterparty, the swap dealer or major swap participant shall—

''(i) segregate the funds or other property for the benefit of the counterparty; and

''(ii) in accordance with such rules and regulations as the Commission may promulgate, maintain the funds or other property in a segregated account separate from the assets and other interests of the swap dealer or major swap participant.

''(2) APPLICABILITY.—The requirements described in paragraph (1) shall—

''(A) apply only to a swap between a counterparty and a swap dealer or major swap participant that is not submitted for clearing to a derivatives clearing organization; and

''(B)(i) not apply to variation margin payments; or

''(ii) not preclude any commercial arrangement regarding—

''(I) the investment of segregated funds or other property that may only be invested in such investments as the Commission may permit by rule or regulation; and

''(II) the related allocation of gains and losses resulting from any investment of the segregated funds or other property.

''(3) USE OF INDEPENDENT THIRD-PARTY CUSTODIANS.—The segregated account described in paragraph (1) shall be—

''(A) carried by an independent third-party custodian; and

''(B) designated as a segregated account for and on behalf of the counterparty.

''(4) REPORTING REQUIREMENT.—If the counterparty does not choose to require segregation of the funds or other property supplied to margin, guarantee, or secure the obligations of the counterparty, the swap dealer or major swap participant shall report to the counterparty of the swap dealer or major swap participant on a quarterly basis that the back office procedures of the swap dealer or major swap participant relating to margin and collateral requirements are in compliance with the agreement of the counterparties.''.

**SEC. 725. DERIVATIVES CLEARING ORGANIZATIONS.**

(a) REGISTRATION REQUIREMENT.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended by striking subsections (a) and (b) and inserting the following:

''(a) REGISTRATION REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for a derivatives clearing organization, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization with respect to—

''(A) a contract of sale of a commodity for future delivery (or an option on the contract of sale) or option on a commodity, in each case, unless the contract or option is—

''(i) excluded from this Act by subsection (a)(1)(C)(i), (c), or (f) of section 2; or

''(ii) a security futures product cleared by a clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); or

''(B) a swap.

''(2) EXCEPTION.—Paragraph (1) shall not apply to a derivatives clearing organization that is registered with the Commission.

''(b) VOLUNTARY REGISTRATION.—A person that clears 1 or more agreements, contracts, or transactions that are not required to be cleared under this Act may register with the Commission as a derivatives clearing organization.''.

(b) REGISTRATION FOR DEPOSITORY INSTITUTIONS AND CLEARING AGENCIES; EXEMPTIONS; COMPLIANCE OFFICER; ANNUAL REPORTS.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended by adding at the end the following:

''(g) REQUIRED REGISTRATION FOR DEPOSITORY INSTITUTIONS AND CLEARING AGENCIES.—A person that is required to be registered as a derivatives clearing organization under this section shall register with the Commission regardless of whether the person is also licensed as a depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or a clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

''(h) EXISTING DEPOSITORY INSTITUTIONS AND CLEARING AGENCIES.—

''(1) IN GENERAL.—A depository institution or clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) that is required to be registered as a derivatives clearing organization under this section is deemed to be registered under this section to the extent that, before the date of enactment of this subsection—

''(A) the depository institution cleared swaps as a multilateral clearing organization; or

''(B) the clearing agency cleared swaps.

''(2) CONVERSION OF DEPOSITORY INSTITUTIONS.—A depository institution to which this paragraph applies may, by the vote of the shareholders owning not less than 51 percent of the voting interests of the depository institution, be converted into a State corporation, partnership, limited liability company, or similar legal form pursuant to a plan of conversion, if the conversion is not in contravention of applicable State law.

''(i) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a derivatives clearing organization from registration under this section for the clearing of swaps if the Commission determines that the derivatives clearing organization is subject to comparable, comprehensive supervision and regulation by the Securities and Exchange Commission or the appropriate government authorities in the home country of the organization. Such conditions may include, but are not limited to, requiring that the derivatives clearing organization be available for inspection by the Commission and make available all information requested by the Commission.

''(j) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each derivatives clearing organization shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the derivatives clearing organization;

''(B) review the compliance of the derivatives clearing organization with respect to the core principles described in subsection (c)(2);

''(C) in consultation with the board of the derivatives clearing organization, a body performing a function similar to the board of the derivatives clearing organization, or the senior officer of the derivatives clearing organization, resolve any conflicts of interest that may arise;

''(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(E) ensure compliance with this Act (including regulations) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

''(F) establish procedures for the remediation of noncompliance issues identified by the compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the derivatives clearing organization of the compliance officer with respect to this Act (including regulations); and

''(ii) each policy and procedure of the derivatives clearing organization of the compliance officer (including the code of ethics and conflict of interest policies of the derivatives clearing organization).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the derivatives clearing organization that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.''.

(c) CORE PRINCIPLES FOR DERIVATIVES CLEARING ORGANIZATIONS.—Section 5b(c) of the Commodity Exchange Act (7 U.S.C. 7a–1(c)) is amended by striking paragraph (2) and inserting the following:

''(2) CORE PRINCIPLES FOR DERIVATIVES CLEARING ORGANIZATIONS.—

''(A) COMPLIANCE.—

''(i) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, a derivatives clearing organization shall comply with each core principle described in this paragraph and any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(ii) DISCRETION OF DERIVATIVES CLEARING ORGANIZATION.—Subject to any rule or regulation prescribed by the Commission, a derivatives clearing organization shall have reasonable discretion in establishing the manner by which the derivatives clearing organization complies with each core principle described in this paragraph.

''(B) FINANCIAL RESOURCES.—

''(i) IN GENERAL.—Each derivatives clearing organization shall have adequate financial, operational, and managerial resources, as determined by the Commission, to discharge each responsibility of the derivatives clearing organization.

''(ii) MINIMUM AMOUNT OF FINANCIAL RESOURCES.—Each derivatives clearing organization shall possess financial resources that, at a minimum, exceed the total amount that would—

''(I) enable the organization to meet its financial obligations to its members and participants notwithstanding a default by the member or participant creating the largest financial exposure for that organization in extreme but plausible market conditions; and

''(II) enable the derivatives clearing organization to cover the operating costs of the derivatives clearing organization for a period of 1 year (as calculated on a rolling basis).

''(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—

''(i) IN GENERAL.—Each derivatives clearing organization shall establish—

''(I) appropriate admission and continuing eligibility standards (including sufficient financial resources and operational capacity to meet obligations arising from participation in the derivatives clearing organization) for members of, and participants in, the derivatives clearing organization; and

''(II) appropriate standards for determining the eligibility of agreements, contracts, and transactions submitted to the derivatives clearing organization for clearing.

''(ii) REQUIRED PROCEDURES.—Each derivatives clearing organization shall establish and implement procedures to verify, on an ongoing basis, the compliance of each participation and membership requirement of the derivatives clearing organization.

''(iii) REQUIREMENTS.—The participation and membership requirements of each derivatives clearing organization shall—

''(I) be objective;

''(II) be publicly disclosed; and

''(III) permit fair and open access.

''(D) RISK MANAGEMENT.—

''(i) IN GENERAL.—Each derivatives clearing organization shall ensure that the derivatives clearing organization possesses the ability to manage the risks associated with discharging the responsibilities of the derivatives clearing organization through the use of appropriate tools and procedures.

''(ii) MEASUREMENT OF CREDIT EXPOSURE.—Each derivatives clearing organization shall—

''(I) not less than once during each business day of the derivatives clearing organization, measure the credit exposures of the derivatives clearing organization to each member and participant of the derivatives clearing organization; and

''(II) monitor each exposure described in subclause (I) periodically during the business day of the derivatives clearing organization.

''(iii) LIMITATION OF EXPOSURE TO POTENTIAL LOSSES FROM DEFAULTS.—Each derivatives clearing organization, through margin requirements and other risk control mechanisms, shall limit the exposure of the derivatives clearing organization to potential losses from defaults by members and participants of the derivatives clearing organization to ensure that—

''(I) the operations of the derivatives clearing organization would not be disrupted; and

''(II) nondefaulting members or participants would not be exposed to losses that nondefaulting members or participants cannot anticipate or control.

''(iv) MARGIN REQUIREMENTS.—The margin required from each member and participant of a derivatives clearing organization shall be sufficient to cover potential exposures in normal market conditions.

''(v) REQUIREMENTS REGARDING MODELS AND PARAMETERS.—Each model and parameter used in setting margin requirements under clause (iv) shall be—

''(I) risk-based; and

''(II) reviewed on a regular basis.

''(E) SETTLEMENT PROCEDURES.—Each derivatives clearing organization shall—

''(i) complete money settlements on a timely basis (but not less frequently than once each business day);

''(ii) employ money settlement arrangements to eliminate or strictly limit the exposure of the derivatives clearing organization to settlement bank risks (including credit and liquidity risks from the use of banks to effect money settlements);

''(iii) ensure that money settlements are final when effected;

''(iv) maintain an accurate record of the flow of funds associated with each money settlement;

''(v) possess the ability to comply with each term and condition of any permitted netting or offset arrangement with any other clearing organization;

''(vi) regarding physical settlements, establish rules that clearly state each obligation of the derivatives clearing organization with respect to physical deliveries; and

''(vii) ensure that each risk arising from an obligation described in clause (vi) is identified and managed.

''(F) TREATMENT OF FUNDS.—

''(i) REQUIRED STANDARDS AND PROCEDURES.—Each derivatives clearing organization shall establish standards and procedures that are designed to protect and ensure the safety of member and participant funds and assets.

''(ii) HOLDING OF FUNDS AND ASSETS.—Each derivatives clearing organization shall hold member and participant funds and assets in a manner by which to minimize the risk of loss or of delay in the access by the derivatives clearing organization to the assets and funds.

''(iii) PERMISSIBLE INVESTMENTS.—Funds and assets invested by a derivatives clearing organization shall be held in instruments with minimal credit, market, and liquidity risks.

''(G) DEFAULT RULES AND PROCEDURES.—

''(i) IN GENERAL.—Each derivatives clearing organization shall have rules and procedures designed to allow for the efficient, fair, and safe management of events during which members or participants—

''(I) become insolvent; or

''(II) otherwise default on the obligations of the members or participants to the derivatives clearing organization.

''(ii) DEFAULT PROCEDURES.—Each derivatives clearing organization shall—

''(I) clearly state the default procedures of the derivatives clearing organization;

''(II) make publicly available the default rules of the derivatives clearing organization; and

''(III) ensure that the derivatives clearing organization may take timely action—

''(aa) to contain losses and liquidity pressures; and

''(bb) to continue meeting each obligation of the derivatives clearing organization.

''(H) RULE ENFORCEMENT.—Each derivatives clearing organization shall—

''(i) maintain adequate arrangements and resources for—

''(I) the effective monitoring and enforcement of compliance with the rules of the derivatives clearing organization; and

''(II) the resolution of disputes;

''(ii) have the authority and ability to discipline, limit, suspend, or terminate the activities of a member or participant due to a violation by the member or participant of any rule of the derivatives clearing organization; and

''(iii) report to the Commission regarding rule enforcement activities and sanctions imposed against members and participants as provided in clause (ii).

''(I) SYSTEM SAFEGUARDS.—Each derivatives clearing organization shall—

''(i) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk through the development of appropriate controls and procedures, and automated systems, that are reliable, secure, and have adequate scalable capacity;

''(ii) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allows for—

''(I) the timely recovery and resumption of operations of the derivatives clearing organization; and

''(II) the fulfillment of each obligation and responsibility of the derivatives clearing organization; and

''(iii) periodically conduct tests to verify that the backup resources of the derivatives clearing organization are sufficient to ensure daily processing, clearing, and settlement.

''(J) REPORTING.—Each derivatives clearing organization shall provide to the Commission all information that the Commission determines to be necessary to conduct oversight of the derivatives clearing organization.

''(K) RECORDKEEPING.—Each derivatives clearing organization shall maintain records of all activities related to the business of the derivatives clearing organization as a derivatives clearing organization—

''(i) in a form and manner that is acceptable to the Commission; and

''(ii) for a period of not less than 5 years.

''(L) PUBLIC INFORMATION.—

''(i) IN GENERAL.—Each derivatives clearing organization shall provide to market participants sufficient information to enable the market participants to identify and evaluate accurately the risks and costs associated with using the services of the derivatives clearing organization.

''(ii) AVAILABILITY OF INFORMATION.—Each derivatives clearing organization shall make information concerning the rules and operating procedures governing the clearing and settlement systems of the derivatives clearing organization available to market participants.

''(iii) PUBLIC DISCLOSURE.—Each derivatives clearing organization shall disclose publicly and to the Commission information concerning—

''(I) the terms and conditions of each contract, agreement, and other transaction cleared and settled by the derivatives clearing organization;

''(II) each clearing and other fee that the derivatives clearing organization charges the members and participants of the derivatives clearing organization;

''(III) the margin-setting methodology, and the size and composition, of the financial resource package of the derivatives clearing organization;

''(IV) daily settlement prices, volume, and open interest for each contract settled or cleared by the derivatives clearing organization; and

''(V) any other matter relevant to participation in the settlement and clearing activities of the derivatives clearing organization.

''(M) INFORMATION-SHARING.—Each derivatives clearing organization shall—

''(i) enter into, and abide by the terms of, each appropriate and applicable domestic and international information-sharing agreement; and

''(ii) use relevant information obtained from each agreement described in clause (i) in carrying out the risk management program of the derivatives clearing organization.

''(N) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, a derivatives clearing organization shall not—

''(i) adopt any rule or take any action that results in any unreasonable restraint of trade; or

''(ii) impose any material anticompetitive burden.

''(O) GOVERNANCE FITNESS STANDARDS.—

''(i) GOVERNANCE ARRANGEMENTS.—Each derivatives clearing organization shall establish governance arrangements that are transparent—

''(I) to fulfill public interest requirements; and

''(II) to support the objectives of owners and participants.

''(ii) FITNESS STANDARDS.—Each derivatives clearing organization shall establish and enforce appropriate fitness standards for—

''(I) directors;

''(II) members of any disciplinary committee;

''(III) members of the derivatives clearing organization;

''(IV) any other individual or entity with direct access to the settlement or clearing activities of the derivatives clearing organization; and

''(V) any party affiliated with any individual or entity described in this clause.

''(P) CONFLICTS OF INTEREST.—Each derivatives clearing organization shall—

''(i) establish and enforce rules to minimize conflicts of interest in the decision-making process of the derivatives clearing organization; and

''(ii) establish a process for resolving conflicts of interest described in clause (i).

''(Q) COMPOSITION OF GOVERNING BOARDS.—Each derivatives clearing organization shall ensure that the composition of the governing board or committee of the derivatives clearing organization includes market participants.

''(R) LEGAL RISK.—Each derivatives clearing organization shall have a well-founded, transparent, and enforceable legal framework for each aspect of the activities of the derivatives clearing organization.

''(S) MODIFICATION OF CORE PRINCIPLES.—The Commission may conform the core principles established in this paragraph to reflect evolving United States and international standards.''.

(d) CONFLICTS OF INTEREST.—The Commodity Futures Trading Commission shall adopt rules mitigating conflicts of interest in connection with the conduct of business by a swap dealer or a major swap participant with a derivatives clearing organization, board of trade, or a swap execution facility that clears or trades swaps in which the swap dealer or major swap participant has a material debt or material equity investment.

(e) REPORTING REQUIREMENTS.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) (as amended by subsection (b)) is amended by adding at the end the following:

''(k) REPORTING REQUIREMENTS.—

''(1) DUTY OF DERIVATIVES CLEARING ORGANIZATIONS.—Each derivatives clearing organization that clears swaps shall provide to the Commission all information that is determined by the Commission to be necessary to perform each responsibility of the Commission under this Act.

''(2) DATA COLLECTION AND MAINTENANCE REQUIREMENTS.—The Commission shall adopt data collection and maintenance requirements for swaps cleared by derivatives clearing organizations that are comparable to the corresponding requirements for—

''(A) swaps data reported to swap data repositories; and

''(B) swaps traded on swap execution facilities.

''(3) REPORTS ON SECURITY-BASED SWAP AGREEMENTS TO BE SHARED WITH THE SECURITIES AND EXCHANGE COMMISSION.—

''(A) IN GENERAL.—A derivatives clearing organization that clears security-based swap agreements (as defined in section 3(a)(79) of the Securities Exchange Act) shall, upon request, make available to the Securities and Exchange Commission all books and records relating to such security-based swap agreements, consistent with the confidentiality and disclosure requirements of section 8.

''(B) JURISDICTION.—Nothing in this paragraph shall affect the exclusive jurisdiction of the Commission to prescribe recordkeeping and reporting requirements for a derivatives clearing organization that is registered with the Commission.''

''(4) INFORMATION SHARING.—Subject to section 8, and upon request, the Commission shall share information collected under paragraph (2) with—

''(A) the Board;

''(B) the Securities and Exchange Commission;

''(C) each appropriate prudential regulator;

''(D) the Financial Stability Oversight Council;

''(E) the Department of Justice; and

''(F) any other person that the Commission determines to be appropriate, including—

''(i) foreign financial supervisors (including foreign futures authorities);

''(ii) foreign central banks; and

''(iii) foreign ministries.

''(5) CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT.—Before the Commission may share information with any entity described in paragraph (4)—

''(A) the Commission shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided; and

''(B) each entity shall agree to indemnify the Commission for any expenses arising from litigation relating to the information provided under section 8.

''(6) PUBLIC INFORMATION.—Each derivatives clearing organization that clears swaps shall provide to the Commission (including any designee of the Commission) information under paragraph (2) in such form and at such frequency as is required by the Commission to comply with the public reporting requirements contained in section 2(a)(13).''.

(f) PUBLIC DISCLOSURE.—Section 8(e) of the Commodity Exchange Act (7 U.S.C. 12(e)) is amended in the last sentence—

(1) by inserting '', central bank and ministries,'' after ''department'' each place it appears; and

(2) by striking ''. is a party.'' and inserting '', is a party.''.

(g) LEGAL CERTAINTY FOR IDENTIFIED BANKING PRODUCTS.—

(1) REPEALS.—The Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27 et seq.) is amended—

(A) by striking sections 404 and 407 (7 U.S.C. 27b, 27e);

(B) in section 402 (7 U.S.C. 27), by striking subsection (d); and

(C) in section 408 (7 U.S.C. 27f)—

(i) in subsection (c)—

(I) by striking ''in the case'' and all that follows through ''a hybrid'' and inserting ''in the case of a hybrid'';

(II) by striking ''; or'' and inserting a period; and

(III) by striking paragraph (2);

(ii) by striking subsection (b); and

(iii) by redesignating subsection (c) as subsection (b).

(2) LEGAL CERTAINTY FOR BANK PRODUCTS ACT OF 2000.—Section 403 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27a) is amended to read as follows:

**''SEC. 403. EXCLUSION OF IDENTIFIED BANKING PRODUCT.**

''(a) EXCLUSION.—Except as provided in subsection (b) or (c)—

''(1) the Commodity Exchange Act (7 U.S.C. 1 et seq.) shall not apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority under the Commodity Exchange Act (7 U.S.C. 1 et seq.)

with respect to, an identified banking product; and

''(2) the definitions of 'security-based swap' in section 3(a)(68) of the Securities Exchange Act of 1934 and 'security-based swap agreement' in section 3(a)(79) of the Securities Exchange Act of 1934 do not include any identified bank product.

''(b) EXCEPTION.—An appropriate Federal banking agency may except an identified banking product of a bank under its regulatory jurisdiction from the exclusion in subsection (a) if the agency determines, in consultation with the Commodity Futures Trading Commission and the Securities and Exchange Commission, that the product—

''(1) would meet the definition of a 'swap' under section 1a(46) of the Commodity Exchange Act (7 U.S.C. 1a) or a 'security-based swap' under that section 3(a)(68) of the Securities Exchange Act of 1934; and

''(2) has become known to the trade as a swap or security-based swap, or otherwise has been structured as an identified banking product for the purpose of evading the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), the Securities Act of 1933 (15 U.S.C. 77a et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

''(c) EXCEPTION.—The exclusions in subsection (a) shall not apply to an identified bank product that—

''(1) is a product of a bank that is not under the regulatory jurisdiction of an appropriate Federal banking agency;

''(2) meets the definition of swap in section 1a(46) of the Commodity Exchange Act or security-based swap in section 3(a)(68) of the Securities Exchange Act of 1934; and

''(3) has become known to the trade as a swap or security-based swap, or otherwise has been structured as an identified banking product for the purpose of evading the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), the Securities Act of 1933 (15 U.S.C. 77a et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).''.

**SEC. 726. RULEMAKING ON CONFLICT OF INTEREST.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the Commodity Futures Trading Commission shall determine whether to adopt rules to establish limits on the control of any derivatives clearing organization that clears swaps, or swap execution facility or board of trade designated as a contract market that posts swaps or makes swaps available for trading, by a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) with total consolidated assets of $50,000,000,000 or more, a nonbank financial company (as defined in section 102) supervised by the Board of Governors of the Federal Reserve System, an affiliate of such a bank holding company or nonbank financial company, a swap dealer, major swap participant, or associated person of a swap dealer or major swap participant.

(b) PURPOSES.—The Commission shall adopt rules if it determines, after the review described in subsection (a), that such rules are necessary or appropriate to improve the governance of, or to mitigate systemic risk, promote competition, or mitigate conflicts of interest in connection with a swap dealer or major swap participant's conduct of business with, a derivatives clearing organization, contract market, or swap execution facility that clears or posts swaps or makes swaps available for trading and in which such swap dealer or major swap participant has a material debt or equity investment.

**SEC. 727. PUBLIC REPORTING OF SWAP TRANSACTION DATA.**

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) is amended by adding at the end the following:

''(13) PUBLIC AVAILABILITY OF SWAP TRANSACTION DATA.—

''(A) DEFINITION OF REAL-TIME PUBLIC REPORTING.—In this paragraph, the term 'real-time public reporting' means to report data relating to a swap transaction as soon as technologically practicable after the time at which the swap transaction has been executed.

''(B) PURPOSE.—The purpose of this section is to authorize the Commission to make swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.

''(C) GENERAL RULE.—The Commission is authorized and required to provide by rule for the public availability of swap transaction and pricing data as follows:

''(i) With respect to those swaps that are subject to the mandatory clearing requirement described in subsection (h)(2) (including those swaps that are exempted from the requirement pursuant to subsection (h)(10)), the Commission shall require real-time public reporting for such transactions.

''(ii) With respect to those swaps that are not subject to the mandatory clearing requirement described in subsection (h)(2), but are cleared at a registered derivatives clearing organization, the Commission shall require real-time public reporting for such transactions.

''(iii) With respect to swaps that are not cleared at a registered derivatives clearing organization and which are reported to a swap data repository or the Commission under subsection (h), the Commission shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on such swap trading volumes and positions.

''(iv) With respect to swaps that are exempt from the requirements of subsection (h)(1), pursuant to subsection (h)(10), the Commission shall require real-time public reporting for such transactions.

''(D) REGISTERED ENTITIES AND PUBLIC REPORTING.—The Commission may require registered entities to publicly disseminate the swap transaction and pricing data required to be reported under this paragraph.

''(E) RULEMAKING REQUIRED.—With respect to the rule providing for the public availability of transaction and pricing data for swaps described in clauses (i) and (ii) of subparagraph (C), the rule promulgated by the Commission shall contain provisions—

''(i) to ensure such information does not identify the participants;

''(ii) to specify the criteria for determining what constitutes a large notional swap transaction (block trade) for particular markets and contracts;

''(iii) to specify the appropriate time delay for reporting large notional swap transactions (block trades) to the public; and

''(iv) that take into account whether the public disclosure will materially reduce market liquidity.

''(F) TIMELINESS OF REPORTING.—Parties to a swap (including agents of the parties to a swap) shall be responsible for reporting swap transaction information to the appropriate registered entity in a timely manner as may be prescribed by the Commission.

''(14) SEMIANNUAL AND ANNUAL PUBLIC REPORTING OF AGGREGATE SWAP DATA.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall issue a written report on a semiannual and annual basis to make available to the public information relating to—

''(i) the trading and clearing in the major swap categories; and

''(ii) the market participants and developments in new products.

''(B) USE; CONSULTATION.—In preparing a report under subparagraph (A), the Commission shall—

''(i) use information from swap data repositories and derivatives clearing organizations; and

''(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.''.

**SEC. 728. SWAP DATA REPOSITORIES.**

The Commodity Exchange Act is amended by inserting after section 20 (7 U.S.C. 24) the following:

**''SEC. 21. SWAP DATA REPOSITORIES.**

''(a) REGISTRATION REQUIREMENT.—

''(1) IN GENERAL.—It shall be unlawful for any person, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a swap data repository.

''(2) INSPECTION AND EXAMINATION.—Each registered swap data repository shall be subject to inspection and examination by any representative of the Commission.

''(3) COMPLIANCE WITH CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered, and maintain registration, as a swap data repository, the swap data repository shall comply with—

''(i) the core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) REASONABLE DISCRETION OF SWAP DATA REPOSITORY.—Unless otherwise determined by the Commission by rule or regulation, a swap data repository described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the swap data repository complies with the core principles described in this subsection.

''(b) STANDARD SETTING.—

''(1) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each swap that shall be collected and maintained by each registered swap data repository.

''(2) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for swap data repositories.

''(3) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on derivatives clearing organizations in connection with their clearing of swaps.

''(4) SHARING OF INFORMATION WITH SECURITIES AND EXCHANGE COMMISSION.—Registered swap data repositories shall make available to the Securities and Exchange Commission, upon request, all books and records relating to security-based swap agreements that are maintained by such swap data repository, consistent with the confidentiality and disclosure requirements of section 8. Nothing in this paragraph shall affect the exclusive jurisdiction of the Commission to prescribe recordkeeping and reporting requirements for a swap data repository that is registered with the Commission.

''(c) DUTIES.—A swap data repository shall—

''(1) accept data prescribed by the Commission for each swap under subsection (b);

''(2) confirm with both counterparties to the swap the accuracy of the data that was submitted;

''(3) maintain the data described in paragraph (1) in such form, in such manner, and for such period as may be required by the Commission;

''(4)(A) provide direct electronic access to the Commission (or any designee of the Commission, including another registered entity); and

''(B) provide the information described in paragraph (1) in such form and at such frequency as the Commission may require to comply with the public reporting requirements contained in section 2(a)(13);

''(5) at the direction of the Commission, establish automated systems for monitoring, screening, and analyzing swap data, including compliance and frequency of end user clearing exemption claims by individual and affiliated entities;

''(6) maintain the privacy of any and all swap transaction information that the swap data repository receives from a swap dealer, counterparty, or any other registered entity; and

''(7) on a confidential basis pursuant to section 8, upon request, and after notifying the Commission of the request, make available all data obtained by the swap data repository, including individual counterparty trade and position data, to—

''(A) each appropriate prudential regulator;

''(B) the Financial Stability Oversight Council;

''(C) the Securities and Exchange Commission;

''(D) the Department of Justice; and

''(E) any other person that the Commission determines to be appropriate, including—

''(i) foreign financial supervisors (including foreign futures authorities);

''(ii) foreign central banks;

''(iii) foreign ministries; and

''(8) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allows for the timely recovery and resumption of operations and the fulfillment of the responsibilities and obligations of the organization.

''(d) CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT.—Before the swap data repository may share information with any entity described above—

''(1) the swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided; and

''(2) each entity shall agree to indemnify the swap data repository and the Commission for any expenses arising from litigation relating to the information provided under section 8.

''(e) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each swap data repository shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the swap data repository;

''(B) review the compliance of the swap data repository with respect to the core principles described in subsection (f);

''(C) in consultation with the board of the swap data repository, a body performing a function similar to the board of the swap data repository, or the senior officer of the swap data repository, resolve any conflicts of interest that may arise;

''(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(E) ensure compliance with this Act (including regulations) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

''(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the swap data repository of the chief compliance officer with respect to this Act (including regulations); and

''(ii) each policy and procedure of the swap data repository of the chief compliance officer (including the code of ethics and conflict of interest policies of the swap data repository).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the swap data repository that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.

''(f) CORE PRINCIPLES APPLICABLE TO SWAP DATA REPOSITORIES.—

''(1) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, a swap data repository shall not

''(A) adopt any rule or take any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on the trading, clearing, or reporting of transactions.

''(2) GOVERNANCE ARRANGEMENTS.—Each swap data repository shall establish governance arrangements that are transparent—

''(A) to fulfill public interest requirements; and

''(B) to support the objectives of the Federal Government, owners, and participants.

''(3) CONFLICTS OF INTEREST.—Each swap data repository shall—

''(A) establish and enforce rules to minimize conflicts of interest in the decision-making process of the swap data repository; and

''(B) establish a process for resolving conflicts of interest described in subparagraph (A).

''(g) REQUIRED REGISTRATION FOR SWAP DATA REPOSITORIES.—Any person that is required to be registered as a swap data repository under this section shall register with the Commission regardless of whether that person is also licensed as a bank or registered with the Securities and Exchange Commission as a swap data repository.

''(h) RULES.—The Commission shall adopt rules governing persons that are registered under this section.''.

**SEC. 729. REPORTING AND RECORDKEEPING.**

The Commodity Exchange Act is amended by inserting after section 4q (7 U.S.C. 6o-1) the following:

**''SEC. 4r. REPORTING AND RECORDKEEPING FOR UNCLEARED SWAPS.**

''(a) REQUIRED REPORTING OF SWAPS NOT ACCEPTED BY ANY DERIVATIVES CLEARING ORGANIZATION.—

''(1) IN GENERAL.—Each swap that is not accepted for clearing by any derivatives clearing organization shall be reported to—

''(A) a swap data repository described in section 21; or

''(B) in the case in which there is no swap data repository that would accept the swap, to the Commission pursuant to this section within such time period as the Commission may by rule or regulation prescribe.

''(2) TRANSITION RULE FOR PREENACTMENT SWAPS.—

''(A) SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.—Each swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment of that Act, shall be reported to a registered swap data repository or the Commission by a date that is not later than—

''(i) 30 days after issuance of the interim final rule; or

''(ii) such other period as the Commission determines to be appropriate.

''(B) COMMISSION RULEMAKING.—The Commission shall promulgate an interim final rule within 90 days of the date of enactment of this section providing for the reporting of each swap entered into before the date of enactment as referenced in subparagraph (A).

''(C) EFFECTIVE DATE.—The reporting provisions described in this section shall be effective upon the enactment of this section.

''(3) REPORTING OBLIGATIONS.—

''(A) SWAPS IN WHICH ONLY 1 COUNTERPARTY IS A SWAP DEALER OR MAJOR SWAP PARTICIPANT.—With respect to a swap in which only 1 counterparty is a swap dealer or major swap participant, the swap dealer or major swap participant shall report the swap as required under paragraphs (1) and (2).

''(B) SWAPS IN WHICH 1 COUNTERPARTY IS A SWAP DEALER AND THE OTHER A MAJOR SWAP PARTICIPANT.—With respect to a swap in which 1 counterparty is a swap dealer and the other a major swap participant, the swap dealer shall report the swap as required under paragraphs (1) and (2).

''(C) OTHER SWAPS.—With respect to any other swap not described in subparagraph (A) or (B), the counterparties to the swap shall select a counterparty to report the swap as required under paragraphs (1) and (2).

''(b) DUTIES OF CERTAIN INDIVIDUALS.—Any individual or entity that enters into a swap shall meet each requirement described in subsection (c) if the individual or entity did not—

''(1) clear the swap in accordance with section 2(h)(1); or

''(2) have the data regarding the swap accepted by a swap data repository in accordance with rules (including timeframes) adopted by the Commission under section 21.

''(c) REQUIREMENTS.—An individual or entity described in subsection (b) shall—

''(1) upon written request from the Commission, provide reports regarding the swaps held by the individual or entity to the Commission in such form and in such manner as the Commission may request; and

''(2) maintain books and records pertaining to the swaps held by the individual or entity

in such form, in such manner, and for such period as the Commission may require, which shall be open to inspection by—

''(A) any representative of the Commission;

''(B) an appropriate prudential regulator;

''(C) the Securities and Exchange Commission;

''(D) the Financial Stability Oversight Council; and

''(E) the Department of Justice.

''(d) IDENTICAL DATA.—In prescribing rules under this section, the Commission shall require individuals and entities described in subsection (b) to submit to the Commission a report that contains data that is not less comprehensive than the data required to be collected by swap data repositories under section 21.''.

**SEC. 730. LARGE SWAP TRADER REPORTING.**

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding after section 4s (as added by section 731) the following:

**''SEC. 4t. LARGE SWAP TRADER REPORTING.**

''(a) PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to enter into any swap that the Commission determines to perform a significant price discovery function with respect to registered entities if—

''(A) the person directly or indirectly enters into the swap during any 1 day in an amount equal to or in excess of such amount as shall be established periodically by the Commission; and

''(B) the person directly or indirectly has or obtains a position in the swap equal to or in excess of such amount as shall be established periodically by the Commission.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the person files or causes to be filed with the properly designated officer of the Commission such reports regarding any transactions or positions described in subparagraphs (A) and (B) of paragraph (1) as the Commission may require by rule or regulation; and

''(B) in accordance with the rules and regulations of the Commission, the person keeps books and records of all such swaps and any transactions and positions in any related commodity traded on or subject to the rules of any board of trade, and of cash or spot transactions in, inventories of, and purchase and sale commitments of, such a commodity.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Books and records described in subsection (a)(2)(B) shall—

''(A) show such complete details concerning all transactions and positions as the Commission may prescribe by rule or regulation;

''(B) be open at all times to inspection and examination by any representative of the Commission; and

''(C) be open at all times to inspection and examination by the Securities and Exchange Commission, to the extent such books and records relate to transactions in security-based swap agreements (as that term is defined in section 3(a)(79) of the Securities Exchange Act of 1934), and consistent with the confidentiality and disclosure requirements of section 8.

''(2) JURISDICTION.—Nothing in paragraph (1) shall affect the exclusive jurisdiction of the Commission to prescribe recordkeeping and reporting requirements for large swap traders under this section.

''(c) APPLICABILITY.—For purposes of this section, the swaps, futures, and cash or spot transactions and positions of any person shall include the swaps, futures, and cash or spot transactions and positions of any persons directly or indirectly controlled by the person.

''(d) SIGNIFICANT PRICE DISCOVERY FUNCTION.—In making a determination as to whether a swap performs or affects a significant price discovery function with respect to registered entities, the Commission shall consider the factors described in section 4a(a)(3).''.

**SEC. 731. REGISTRATION AND REGULATION OF SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.**

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4r (as added by section 729) the following:

**''SEC. 4s. REGISTRATION AND REGULATION OF SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.**

''(a) REGISTRATION.—

''(1) SWAP DEALERS.—It shall be unlawful for any person to act as a swap dealer unless the person is registered as a swap dealer with the Commission.

''(2) MAJOR SWAP PARTICIPANTS.—It shall be unlawful for any person to act as a major swap participant unless the person is registered as a major swap participant with the Commission.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A person shall register as a swap dealer or major swap participant by filing a registration application with the Commission.

''(2) CONTENTS.—

''(A) IN GENERAL.—The application shall be made in such form and manner as prescribed by the Commission, and shall contain such information, as the Commission considers necessary concerning the business in which the applicant is or will be engaged.

''(B) CONTINUAL REPORTING.—A person that is registered as a swap dealer or major swap participant shall continue to submit to the Commission reports that contain such information pertaining to the business of the person as the Commission may require.

''(3) EXPIRATION.—Each registration under this section shall expire at such time as the Commission may prescribe by rule or regulation.

''(4) RULES.—Except as provided in subsections (c), (e), and (f), the Commission may prescribe rules applicable to non-bank swap dealers and non-bank major swap participants, including rules that limit the activities of swap dealers and major swap participants.

''(5) TRANSITION.—Rules under this section shall provide for the registration of swap dealers and major swap participants not later than 1 year after the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

''(6) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order, it shall be unlawful for a swap dealer or a major swap participant to permit any person associated with a swap dealer or a major swap participant who is subject to a statutory disqualification to effect or be involved in effecting swaps on behalf of the swap dealer or major swap participant, if the swap dealer or major swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

''(c) DUAL REGISTRATION.—

''(1) SWAP DEALER.—Any person that is required to be registered as a swap dealer under this section shall register with the Commission regardless of whether the person also is a depository institution or is registered with the Securities and Exchange Commission as a security-based swap dealer.

''(2) MAJOR SWAP PARTICIPANT.—Any person that is required to be registered as a major swap participant under this section shall register with the Commission regardless of whether the person also is a depository institution or is registered with the Securities and Exchange Commission as a major security-based swap participant.

''(d) RULEMAKINGS.—

''(1) IN GENERAL.—The Commission shall adopt rules for persons that are registered as swap dealers or major swap participants under this section.

''(2) EXCEPTION FOR PRUDENTIAL REQUIREMENTS.—

''(A) IN GENERAL.—The Commission may not prescribe rules imposing prudential requirements on swap dealers or major swap participants for which there is a prudential regulator.

''(B) APPLICABILITY.—Subparagraph (A) does not limit the authority of the Commission to prescribe appropriate business conduct, reporting, and recordkeeping requirements to protect investors.

''(e) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—Each registered swap dealer and major swap participant that is a depository institution, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall meet such minimum capital requirements and minimum initial and variation margin requirements as the appropriate Federal banking agency shall by rule or regulation prescribe under paragraph (2)(A) to help ensure the safety and soundness of the swap dealer or major swap participant.

''(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—Each registered swap dealer and major swap participant that is not a depository institution, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Commission and the Securities and Exchange Commission shall by rule or regulation prescribe under paragraph (2)(B) to help ensure the safety and soundness of the swap dealer or major swap participant.

''(2) RULES.—

''(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—The appropriate Federal banking agencies, in consultation with the Commission and the Securities and Exchange Commission, shall adopt rules imposing capital and margin requirements under this subsection for swap dealers and major swap participants that are depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—The Commission shall adopt rules imposing capital and margin requirements under this subsection for swap dealers and major swap participants that are not depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(3) CAPITAL.—

''(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—The capital requirements prescribed under paragraph (2)(A) for swap dealers and major swap participants that are depository institutions shall contain—

''(i) a capital requirement that is greater than zero for swaps that are cleared by a registered derivatives clearing organization or a derivatives clearing organization that is exempt from registration under section 5b(j); and

''(ii) to offset the greater risk to the swap dealer or major swap participant and to the financial system arising from the use of swaps that are not cleared, substantially higher capital requirements for swaps that are not cleared by a registered derivatives clearing organization or a derivatives clearing organization that is exempt from registration under section 5b(j) than for swaps that are cleared.

''(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—The capital requirements prescribed under paragraph (2)(B) for swap dealers and major swap participants that are not depository institutions shall be as strict as or stricter than the capital requirements prescribed for swap dealers and major swap participants that are depository institutions under paragraph (2)(A).

''(C) RULE OF CONSTRUCTION.—

''(i) IN GENERAL.—Nothing in this section shall limit, or be construed to limit, the authority—

''(I) of the Commission to set financial responsibility rules for a futures commission merchant or introducing broker registered pursuant to section 4f(a) (except for section 4f(a)(3)) in accordance with section 4f(b); or

''(II) of the Securities and Exchange Commission to set financial responsibility rules for a broker or dealer registered pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*(b)) (except for section 15(b)(11) of that Act (15 U.S.C. 78*o*(b)(11)) in accordance with section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*(c)(3)).

''(ii) FUTURES COMMISSION MERCHANTS AND OTHER DEALERS.—A futures commission merchant, introducing broker, broker, or dealer shall maintain sufficient capital to comply with the stricter of any applicable capital requirements to which such futures commission merchant, introducing broker, broker, or dealer is subject to under this Act or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

''(4) MARGIN.—

''(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—The appropriate Federal banking agency for swap dealers and major swap participants that are depository institutions shall impose both initial and variation margin requirements in accordance with paragraph (2)(A) on all swaps that are not cleared by a registered derivatives clearing organization or a derivatives clearing organization that is exempt from registration under section 5b(j) .

''(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—The Commission and the Securities and Exchange Commission shall impose both initial and variation margin requirements in accordance with paragraph (2)(B) for swap dealers and major swap participants that are not depository institutions on all swaps that are not cleared by a registered derivatives clearing organization or a derivatives clearing organization that is exempt from registration under section 5b(j). Any such initial and variation margin requirements shall be as strict as or stricter than the margin requirements prescribed under paragraph (4)(A).

''(5) MARGIN REQUIREMENTS.—In prescribing margin requirements under this subsection, the appropriate Federal banking agency with respect to swap dealers and major swap participants that are depository institutions and the Commission with respect to swap dealers and major swap participants that are not depository institutions may permit the use of noncash collateral, as the agency or the Commission determines to be consistent with—

''(A) preserving the financial integrity of markets trading swaps; and

''(B) preserving the stability of the United States financial system.

''(6) COMPARABILITY OF CAPITAL AND MARGIN REQUIREMENTS.—

''(A) IN GENERAL.—The appropriate Federal banking agencies, the Commission, and the Securities and Exchange Commission shall periodically (but not less frequently than annually) consult on minimum capital requirements and minimum initial and variation margin requirements.

''(B) COMPARABILITY.—The entities described in subparagraph (A) shall, to the maximum extent practicable, establish and maintain comparable minimum capital requirements and minimum initial and variation margin requirements, including the use of non cash collateral, for—

''(i) swap dealers; and

''(ii) major swap participants.

''(7) REQUESTED MARGIN.—If any party to a swap that is exempt from the margin requirements of paragraph (4)(A)(i) pursuant to the provisions of paragraph (4)(A)(ii), or from the margin requirements of paragraph (4)(B)(i) pursuant to the provisions of paragraph (4)(B)(ii), requests that such swap be margined, then—

''(A) the exemption shall not apply; and

''(B) the counterparty to such swap shall provide the requested margin.

''(8) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—Paragraph (4) shall not apply to initial and variation margin for swaps in which 1 of the counterparties is not—

''(A) a swap dealer;

''(B) a major swap participant; or

''(C) a financial entity as described in section 2(h)(9)(A)(ii), and such counterparty is eligible for and utilizing the commercial end user clearing exemption under section 2(h)(9).

''(f) REPORTING AND RECORDKEEPING.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant—

''(A) shall make such reports as are required by the Commission by rule or regulation regarding the transactions and positions and financial condition of the registered swap dealer or major swap participant;

''(B)(i) for which there is a prudential regulator, shall keep books and records of all activities related to the business as a swap dealer or major swap participant in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

''(ii) for which there is no prudential regulator, shall keep books and records in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

''(C) shall keep books and records described in subparagraph (B) open to inspection and examination by any representative of the Commission.

''(2) RULES.—The Commission shall adopt rules governing reporting and recordkeeping for swap dealers and major swap participants.

''(g) DAILY TRADING RECORDS.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant shall maintain daily trading records of the swaps of the registered swap dealer and major swap participant and all related records (including related cash or forward transactions) and recorded communications, including electronic mail, instant messages, and recordings of telephone calls, for such period as may be required by the Commission by rule or regulation.

''(2) INFORMATION REQUIREMENTS.—The daily trading records shall include such information as the Commission shall require by rule or regulation.

''(3) COUNTERPARTY RECORDS.—Each registered swap dealer and major swap participant shall maintain daily trading records for each counterparty in a manner and form that is identifiable with each swap transaction.

''(4) AUDIT TRAIL.—Each registered swap dealer and major swap participant shall maintain a complete audit trail for conducting comprehensive and accurate trade reconstructions.

''(5) RULES.—The Commission shall adopt rules governing daily trading records for swap dealers and major swap participants.

''(h) BUSINESS CONDUCT STANDARDS.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant shall conform with such business conduct standards as may be prescribed by the Commission by rule or regulation that relate to—

''(A) fraud, manipulation, and other abusive practices involving swaps (including swaps that are offered but not entered into);

''(B) diligent supervision of the business of the registered swap dealer and major swap participant;

''(C) adherence to all applicable position limits; and

''(D) such other matters as the Commission determines to be appropriate.

''(2) SPECIAL RULE; FIDUCIARY DUTIES TO CERTAIN ENTITIES.—

''(A) GOVERNMENTAL ENTITIES.—A swap dealer that provides advice regarding, or offers to enter into, or enters into a swap with a State, State agency, city, county, municipality, or other political subdivision of a State or a Federal agency shall have a fiduciary duty to the State, State agency, city, county, municipality, or other political subdivision of a State, or the Federal agency, as appropriate.

''(B) PENSION PLANS; ENDOWMENTS; RETIREMENT PLANS.—A swap dealer that provides advice regarding, or offers to enter into, or enters into a swap with a pension plan, endowment, or retirement plan shall have a fiduciary duty to the pension plan, endowment, or retirement plan, as appropriate.

''(3) BUSINESS CONDUCT REQUIREMENTS.—Business conduct requirements adopted by the Commission shall—

''(A) establish the standard of care for a swap dealer or major swap participant to verify that any counterparty meets the eligibility standards for an eligible contract participant;

''(B) require disclosure by the swap dealer or major swap participant to any counterparty to the transaction (other than a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant) of—

''(i) information about the material risks and characteristics of the swap;

''(ii) the source and amount of any fees or other material remuneration that the swap dealer or major swap participant would directly or indirectly expect to receive in connection with the swap;

''(iii) any other material incentives or conflicts of interest that the swap dealer or

major swap participant may have in connection with the swap; and

''(iv)(I) for cleared swaps, upon the request of the counterparty, the daily mark from the appropriate derivatives clearing organization; and

''(II) for uncleared swaps, the daily mark of the swap dealer or the major swap participant;

''(C) establish a standard of conduct for a swap dealer or major swap participant to communicate in a fair and balanced manner based on principles of fair dealing and good faith;

''(D) establish a standard of conduct for a swap dealer or major swap participant, with respect to a counterparty that is an eligible contract participant within the meaning of subclause (I) or (II) of clause (vii) of section 1a(18) of this Act, to have a reasonable basis to believe that the counterparty has an independent representative that—

''(i) has sufficient knowledge to evaluate the transaction and risks;

''(ii) is not subject to a statutory disqualification;

''(iii) is independent of the swap dealer or major swap participant;

''(iv) undertakes a duty to act in the best interests of the counterparty it represents;

''(v) makes appropriate disclosures; and

''(vi) will provide written representations to the eligible contract participant regarding fair pricing and the appropriateness of the transaction; and

''(E) establish such other standards and requirements as the Commission may determine are appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act.

''(4) RULES.—The Commission shall prescribe rules under this subsection governing business conduct standards for swap dealers and major swap participants.

''(i) DOCUMENTATION AND BACK OFFICE STANDARDS.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant shall conform with such standards as may be prescribed by the Commission by rule or regulation that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all swaps.

''(2) RULES.—The Commission shall adopt rules governing documentation and back office standards for swap dealers and major swap participants.

''(j) DUTIES.—Each registered swap dealer and major swap participant at all times shall comply with the following requirements:

''(1) MONITORING OF TRADING.—The swap dealer or major swap participant shall monitor its trading in swaps to prevent violations of applicable position limits.

''(2) RISK MANAGEMENT PROCEDURES.—The swap dealer or major swap participant shall establish robust and professional risk management systems adequate for managing the day-to-day business of the swap dealer or major swap participant.

''(3) DISCLOSURE OF GENERAL INFORMATION.—The swap dealer or major swap participant shall disclose to the Commission and to the prudential regulator for the swap dealer or major swap participant, as applicable, information concerning—

''(A) terms and conditions of its swaps;

''(B) swap trading operations, mechanisms, and practices;

''(C) financial integrity protections relating to swaps; and

''(D) other information relevant to its trading in swaps.

''(4) ABILITY TO OBTAIN INFORMATION.—The swap dealer or major swap participant shall—

''(A) establish and enforce internal systems and procedures to obtain any necessary information to perform any of the functions described in this section; and

''(B) provide the information to the Commission and to the prudential regulator for the swap dealer or major swap participant, as applicable, on request.

''(5) CONFLICTS OF INTEREST.—The swap dealer and major swap participant shall implement conflict-of-interest systems and procedures that—

''(A) establish structural and institutional safeguards to ensure that the activities of any person within the firm relating to research or analysis of the price or market for any commodity or swap or acting in a role of providing clearing activities or making determinations as to accepting clearing customers are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of persons whose involvement in pricing, trading, or clearing activities might potentially bias their judgment or supervision and contravene the core principles of open access and the business conduct standards described in this Act; and

''(B) address such other issues as the Commission determines to be appropriate.

''(6) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, a swap dealer or major swap participant shall not—

''(A) adopt any process or take any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading or clearing.

''(k) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each swap dealer and major swap participant shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the swap dealer or major swap participant;

''(B) review the compliance of the swap dealer or major swap participant with respect to the swap dealer and major swap participant requirements described in this section;

''(C) in consultation with the board of directors, a body performing a function similar to the board, or the senior officer of the organization, resolve any conflicts of interest that may arise;

''(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(E) ensure compliance with this Act (including regulations) relating to swaps, including each rule prescribed by the Commission under this section;

''(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the swap dealer or major swap participant with respect to this Act (including regulations); and

''(ii) each policy and procedure of the swap dealer or major swap participant of the chief compliance officer (including the code of ethics and conflict of interest policies).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the swap dealer or major swap participant that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.''.

**SEC. 732. CONFLICTS OF INTEREST.**

Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) CONFLICTS OF INTEREST.—The Commission shall require that futures commission merchants and introducing brokers implement conflict-of-interest systems and procedures that—

''(1) establish structural and institutional safeguards to ensure that the activities of any person within the firm relating to research or analysis of the price or market for any commodity are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of persons whose involvement in trading or clearing activities might potentially bias the judgment or supervision of the persons; and

''(2) address such other issues as the Commission determines to be appropriate.

''(d) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each futures commission merchant shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the futures commission merchant;

''(B) review the compliance of the futures commission merchant with respect to requirements described in this section;

''(C) in consultation with the board of directors, a body performing a function similar to the board, or the senior officer of the organization, resolve any conflicts of interest that may arise;

''(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(E) ensure compliance with this Act (including regulations and each rule prescribed by the Commission under this section) relating, but not limited, to—

''(i) contracts of sale of a commodity for future delivery;

''(ii) options on the contracts described in clause (i);

''(iii) commodity options;

''(iv) retail commodity transactions;

''(v) security futures products;

''(vi) leverage contracts; and

''(vii) swaps;

''(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the futures commission merchant with respect to this Act (including regulations); and

''(ii) each policy and procedure of the futures commission merchant of the chief compliance officer (including the code of ethics and conflict of interest policies).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the futures commission merchant that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.''.

**SEC. 733. SWAP EXECUTION FACILITIES.**

The Commodity Exchange Act is amended by inserting after section 5g (7 U.S.C. 7b-2) the following:

**''SEC. 5h. SWAP EXECUTION FACILITIES.**

''(a) REGISTRATION.—

''(1) IN GENERAL.—No person may operate a facility for the trading or processing of swaps unless the facility is registered as a swap execution facility or as a designated contract market under this section.

''(2) DUAL REGISTRATION.—Any person that is registered as a swap execution facility under this section shall register with the Commission regardless of whether the person also is registered with the Securities and Exchange Commission as a swap execution facility.

''(b) TRADING AND TRADE PROCESSING.—A swap execution facility that is registered under subsection (a) may—

''(1) make available for trading any swap; and

''(2) facilitate trade processing of any swap.

''(c) IDENTIFICATION OF FACILITY USED TO TRADE SWAPS BY CONTRACT MARKETS.—A board of trade that operates a contract market shall, to the extent that the board of trade also operates a swap execution facility and uses the same electronic trade execution system for listing and executing trades of swaps on or through the contract market and the swap execution facility, identify whether the electronic trading of such swaps is taking place on or through the contract market or the swap execution facility.

''(d) CORE PRINCIPLES FOR SWAP EXECUTION FACILITIES.—

''(1) COMPLIANCE WITH CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered, and maintain registration, as a swap execution facility, the swap execution facility shall comply with—

''(i) the core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) REASONABLE DISCRETION OF SWAP EXECUTION FACILITY.—Unless otherwise determined by the Commission by rule or regulation, a swap execution facility described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the swap execution facility complies with the core principles described in this subsection.

''(2) COMPLIANCE WITH RULES.—A swap execution facility shall—

''(A) monitor and enforce compliance with any rule of the swap execution facility, including—

''(i) the terms and conditions of the swaps traded or processed on or through the swap execution facility; and

''(ii) any limitation on access to the swap execution facility;

''(B) establish and enforce trading, trade processing, and participation rules that will deter abuses and have the capacity to detect, investigate, and enforce those rules, including means—

''(i) to provide market participants with impartial access to the market; and

''(ii) to capture information that may be used in establishing whether rule violations have occurred;

''(C) establish rules governing the operation of the facility, including rules specifying trading procedures to be used in entering and executing orders traded or posted on the facility, including block trades; and

''(D) provide by its rules that when a swap dealer or major swap participant enters into or facilitates a swap that is subject to the mandatory clearing requirement of section 2(h)(2)(F), the swap dealer or major swap participant shall be responsible for compliance with the mandatory trading requirement of section 113(d) of the Wall Street Transparency and Accountability Act of 2010.

''(3) SWAPS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The swap execution facility shall permit trading only in swaps that are not readily susceptible to manipulation.

''(4) MONITORING OF TRADING AND TRADE PROCESSING.—The swap execution facility shall—

''(A) establish and enforce rules or terms and conditions defining, or specifications detailing—

''(i) trading procedures to be used in entering and executing orders traded on or through the facilities of the swap execution facility; and

''(ii) procedures for trade processing of swaps on or through the facilities of the swap execution facility; and

''(B) monitor trading in swaps to prevent manipulation, price distortion, and disruptions of the delivery or cash settlement process through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(5) ABILITY TO OBTAIN INFORMATION.—The swap execution facility shall—

''(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this section;

''(B) provide the information to the Commission on request; and

''(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(6) POSITION LIMITS OR ACCOUNTABILITY.—

''(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, a swap execution facility that is a trading facility shall adopt for each of the contracts of the facility, as is necessary and appropriate, position limitations or position accountability for speculators.

''(B) POSITION LIMITS.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the swap execution facility shall set its position limitation at a level no higher than the Commission limitation.

''(C) POSITION ENFORCEMENT.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), a swap execution facility shall reject any proposed swap transaction if, based on information readily available to a swap execution facility, any proposed swap transaction would cause a swap execution facility customer that would be a party to such swap transaction to exceed such position limitation.

''(7) FINANCIAL INTEGRITY OF TRANSACTIONS.—The swap execution facility shall establish and enforce rules and procedures for ensuring the financial integrity of swaps entered on or through the facilities of the swap execution facility, including the clearance and settlement of the swaps pursuant to section 2(h)(1).

''(8) EMERGENCY AUTHORITY.—The swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as is necessary and appropriate, including the authority to liquidate or transfer open positions in any swap or to suspend or curtail trading in a swap.

''(9) TIMELY PUBLICATION OF TRADING INFORMATION.—

''(A) IN GENERAL.—The swap execution facility shall make public timely information on price, trading volume, and other trading data on swaps to the extent prescribed by the Commission.

''(B) CAPACITY OF SWAP EXECUTION FACILITY.—The swap execution facility shall be required to have the capacity to electronically capture trade information with respect to transactions executed on the facility.

''(10) RECORDKEEPING AND REPORTING.—

''(A) IN GENERAL.—A swap execution facility shall—

''(i) maintain records of all activities relating to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of 5 years; and

''(ii) report to the Commission, in a form and manner acceptable to the Commission, such information as the Commission determines to be necessary or appropriate for the Commission to perform the duties of the Commission under this Act.

''(B) REQUIREMENTS.—The Commission shall adopt data collection and reporting requirements for swap execution facilities that are comparable to corresponding requirements for derivatives clearing organizations and swap data repositories.

''(11) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the swap execution facility shall not—

''(A) adopt any rules or taking any actions that result in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading or clearing.

''(12) CONFLICTS OF INTEREST.—The swap execution facility shall—

''(A) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

''(B) establish a process for resolving the conflicts of interest.

''(13) FINANCIAL RESOURCES.—

''(A) IN GENERAL.—The swap execution facility shall have adequate financial, operational, and managerial resources to discharge each responsibility of the swap execution facility.

''(B) DETERMINATION OF RESOURCE ADEQUACY.—The financial resources of a swap execution facility shall be considered to be adequate if the value of the financial resources exceeds the total amount that would enable the swap execution facility to cover the operating costs of the swap execution facility for a 1-year period, as calculated on a rolling basis.

''(14) SYSTEM SAFEGUARDS.—The swap execution facility shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and automated systems, that—

''(i) are reliable and secure; and

''(ii) have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that are designed to allow for—

''(i) the timely recovery and resumption of operations; and

''(ii) the fulfillment of the responsibilities and obligation of the swap execution facility; and

''(C) periodically conduct tests to verify that the backup resources of the swap execution facility are sufficient to ensure continued—

''(i) order processing and trade matching;

''(ii) price reporting;

''(iii) market surveillance and

''(iv) maintenance of a comprehensive and accurate audit trail.

''(15) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(A) IN GENERAL.—Each swap execution facility shall designate an individual to serve as a chief compliance officer.

''(B) DUTIES.—The chief compliance officer shall—

''(i) report directly to the board or to the senior officer of the facility;

''(ii) review compliance with the core principles in this subsection;

''(iii) in consultation with the board of the facility, a body performing a function similar to that of a board, or the senior officer of the facility, resolve any conflicts of interest that may arise;

''(iv) be responsible for establishing and administering the policies and procedures required to be established pursuant to this section;

''(v) ensure compliance with this Act and the rules and regulations issued under this Act, including rules prescribed by the Commission pursuant to this section; and

''(vi) establish procedures for the remediation of noncompliance issues found during compliance office reviews, look backs, internal or external audit findings, self-reported errors, or through validated complaints.

''(C) REQUIREMENTS FOR PROCEDURES.—In establishing procedures under subparagraph (B)(vi), the chief compliance officer shall design the procedures to establish the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(D) ANNUAL REPORTS.—

''(i) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(I) the compliance of the swap execution facility with this Act; and

''(II) the policies and procedures, including the code of ethics and conflict of interest policies, of the swap execution facility.

''(ii) REQUIREMENTS.—The chief compliance officer shall—

''(I) submit each report described in clause (i) with the appropriate financial report of the swap execution facility that is required to be submitted to the Commission pursuant to this section; and

''(II) include in the report a certification that, under penalty of law, the report is accurate and complete.

''(e) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a swap execution facility from registration under this section if the Commission finds that the facility is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Securities and Exchange Commission, a prudential regulator, or the appropriate governmental authorities in the home country of the facility.

''(f) RULES.—The Commission shall prescribe rules governing the regulation of alternative swap execution facilities under this section.''.

**SEC. 734. DERIVATIVES TRANSACTION EXECUTION FACILITIES AND EXEMPT BOARDS OF TRADE.**

(a) IN GENERAL.—Sections 5a and 5d of the Commodity Exchange Act (7 U.S.C. 7a, 7a-3) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(A) in subsection (a)(1)(A), in the first sentence, by striking ''or 5a''; and

(B) in paragraph (2) of subsection (g) (as redesignated by section 723(a)(1)(B)), by striking ''section 5a of this Act'' and all that follows through ''5d of this Act'' and inserting ''section 5b of this Act''.

(2) Section 6(g)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(g)(1)(A)) is amended—

(A) by striking ''that—'' and all that follows through ''(i) has been designated'' and inserting ''that has been designated'';

(B) by striking ''; or'' and inserting ''; and'' and

(C) by striking clause (ii).

**SEC. 735. DESIGNATED CONTRACT MARKETS.**

(a) CRITERIA FOR DESIGNATION.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by striking subsection (b).

(b) CORE PRINCIPLES FOR CONTRACT MARKETS.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by striking subsection (d) and inserting the following:

''(d) CORE PRINCIPLES FOR CONTRACT MARKETS.—

''(1) DESIGNATION AS CONTRACT MARKET.—

''(A) IN GENERAL.—To be designated, and maintain a designation, as a contract market, a board of trade shall comply with—

''(i) any core principle described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) REASONABLE DISCRETION OF CONTRACT MARKET.—Unless otherwise determined by the Commission by rule or regulation, a board of trade described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles described in this subsection.

''(2) COMPLIANCE WITH RULES.—

''(A) IN GENERAL.—The board of trade shall establish, monitor, and enforce compliance with the rules of the contract market, including—

''(i) access requirements;

''(ii) the terms and conditions of any contracts to be traded on the contract market; and

''(iii) rules prohibiting abusive trade practices on the contract market.

''(B) CAPACITY OF CONTRACT MARKET.—The board of trade shall have the capacity to detect, investigate, and apply appropriate sanctions to any person that violates any rule of the contract market.

''(C) REQUIREMENT OF RULES.—The rules of the contract market shall provide the board of trade with the ability and authority to obtain any necessary information to perform any function described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.

''(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.

''(4) PREVENTION OF MARKET DISRUPTION.—The board of trade shall have the capacity and responsibility to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and enforcement practices and procedures, including—

''(A) methods for conducting real-time monitoring of trading; and

''(B) comprehensive and accurate trade reconstructions.

''(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—

''(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion (especially during trading in the delivery month), the board of trade shall adopt for each contract of the board of trade, as is necessary and appropriate, position limitations or position accountability for speculators.

''(B) MAXIMUM ALLOWABLE POSITION LIMITATION.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the board of trade shall set the position limitation of the board of trade at a level not higher than the position limitation established by the Commission.

''(6) EMERGENCY AUTHORITY.—The board of trade, in consultation or cooperation with the Commission, shall adopt rules to provide for the exercise of emergency authority, as is necessary and appropriate, including the authority—

''(A) to liquidate or transfer open positions in any contract;

''(B) to suspend or curtail trading in any contract; and

''(C) to require market participants in any contract to meet special margin requirements.

''(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public accurate information concerning—

''(A) the terms and conditions of the contracts of the contract market; and

''(B)(i) the rules, regulations, and mechanisms for executing transactions on or through the facilities of the contract market; and

''(ii) the rules and specifications describing the operation of the contract market's—

''(I) electronic matching platform; or

''(II) trade execution facility.

''(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.

''(9) EXECUTION OF TRANSACTIONS.—

''(A) IN GENERAL.—The board of trade shall provide a competitive, open, and efficient

market and mechanism for executing transactions that protects the price discovery process of trading in the centralized market of the board of trade.

''(B) RULES.—The rules of the board of trade may authorize, for bona fide business purposes—

''(i) transfer trades or office trades;

''(ii) an exchange of—

''(I) futures in connection with a cash commodity transaction;

''(II) futures for cash commodities; or

''(III) futures for swaps; or

''(iii) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.

''(10) TRADE INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information—

''(A) to assist in the prevention of customer and market abuses; and

''(B) to provide evidence of any violations of the rules of the contract market.

''(11) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce—

''(A) rules and procedures for ensuring the financial integrity of transactions entered into on or through the facilities of the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization); and

''(B) rules to ensure—

''(i) the financial integrity of any—

''(I) futures commission merchant; and

''(II) introducing broker; and

''(ii) the protection of customer funds.

''(12) PROTECTION OF MARKETS AND MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules—

''(A) to protect markets and market participants from abusive practices committed by any party, including abusive practices committed by a party acting as an agent for a participant; and

''(B) to promote fair and equitable trading on the contract market.

''(13) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.

''(14) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules regarding, and provide facilities for alternative dispute resolution as appropriate for, market participants and any market intermediaries.

''(15) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other person with direct access to the facility (including any party affiliated with any person described in this paragraph).

''(16) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules—

''(A) to minimize conflicts of interest in the decision-making process of the contract market; and

''(B) to establish a process for resolving conflicts of interest described in subparagraph (A).

''(17) COMPOSITION OF GOVERNING BOARDS OF CONTRACT MARKETS.—The governance arrangements of the board of trade shall be designed to promote the objectives of market participants.

''(18) RECORDKEEPING.—The board of trade shall maintain records of all activities relating to the business of the contract market—

''(A) in a form and manner that is acceptable to the Commission; and

''(B) for a period of at least 5 years.

''(19) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall not—

''(A) adopt any rule or taking any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading on the contract market.

''(20) SYSTEM SAFEGUARDS.—The board of trade shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and the development of automated systems, that are reliable, secure, and have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allow for the timely recovery and resumption of operations and the fulfillment of the responsibilities and obligations of the board of trade; and

''(C) periodically conduct tests to verify that backup resources are sufficient to ensure continued order processing and trade matching, price reporting, market surveillance, and maintenance of a comprehensive and accurate audit trail.

''(21) FINANCIAL RESOURCES.—

''(A) IN GENERAL.—The board of trade shall have adequate financial, operational, and managerial resources to discharge each responsibility of the board of trade.

''(B) DETERMINATION OF ADEQUACY.—The financial resources of the board of trade shall be considered to be adequate if the value of the financial resources exceeds the total amount that would enable the contract market to cover the operating costs of the contract market for a 1-year period, as calculated on a rolling basis.''.

**SEC. 736. MARGIN.**

Section 8a(7) of the Commodity Exchange Act (7 U.S.C. 12a(7)) is amended—

(1) in subparagraph (C), by striking '', excepting the setting of levels of margin'';

(2) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(3) by inserting after subparagraph (C) the following:

''(D) margin requirements, provided that the rules, regulations, or orders shall—

''(i) be limited to protecting the financial integrity of the derivatives clearing organization;

''(ii) be designed for risk management purposes to protect the financial integrity of transactions; and

''(iii) not set specific margin amounts;''.

**SEC. 737. POSITION LIMITS.**

(a) AGGREGATE POSITION LIMITS.—Section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) is amended—

(1) by inserting after ''(a)'' the following:

''(1) IN GENERAL.—'';

(2) in the first sentence, by striking ''on electronic trading facilities with respect to a significant price discovery contract'' and inserting ''swaps that perform or affect a significant price discovery function with respect to registered entities'';

(3) in the second sentence—

(A) by inserting '', including any group or class of traders,'' after ''held by any person''; and

(B) by striking ''on an electronic trading facility with respect to a significant price discovery contract,'' and inserting ''swaps traded on or subject to the rules of an swaps execution facility, or swaps not traded on or subject to the rules of an swaps execution facility that perform a significant price discovery function with respect to a registered entity,''; and

(4) by adding at the end the following:

''(2) AGGREGATE POSITION LIMITS.—The Commission shall, by rule or regulation, establish limits (including related hedge exemption provisions) on the aggregate number or amount of positions in contracts based on the same underlying commodity (as defined by the Commission) that may be held by any person, including any group or class of traders, for each month across—

''(A) contracts listed by designated contract markets;

''(B) with respect to an agreement, contract, or transaction that settles against, or in relation to, any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, contracts traded on a foreign board of trade that provides members or other participants located in the United States with direct access to the electronic trading and order matching system of the foreign board of trade;

''(C) swaps traded on or subject to the rules of a swap execution facility; and

''(D) swaps not traded on or subject to the rules of a swap execution facility that perform or affect a significant price discovery function with respect to a registered entity.

''(3) SIGNIFICANT PRICE DISCOVERY FUNCTION.—In making a determination as to whether a swap performs or affects a significant price discovery function with respect to registered entities, the Commission shall consider, as appropriate, the following factors:

''(A) PRICE LINKAGE.—The extent to which the swap uses or otherwise relies on a daily or final settlement price, or other major price parameter, of another contract traded on a registered entity based on the same underlying commodity, to value a position, transfer or convert a position, financially settle a position, or close out a position.

''(B) ARBITRAGE.—The extent to which the price for the swap is sufficiently related to the price of another contract traded on a registered entity based on the same underlying commodity so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the swaps on a frequent and recurring basis.

''(C) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a contract traded on a registered entity are directly based on, or are determined by referencing, the price generated by the swap.

''(D) MATERIAL LIQUIDITY.—The extent to which the volume of swaps being traded in the commodity is sufficient to have a material effect on another contract traded on a registered entity.

''(E) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule or regulation as relevant to determine whether a swap serves a significant price discovery function with respect to a regulated market.

''(4) EXEMPTIONS.—The Commission, by rule, regulation, or order, may exempt, conditionally or unconditionally, any person or class of persons, any swap or class of swaps, or any transaction or class of transactions from any requirement that the Commission establishes under this section with respect to position limits.''.

(b) CONFORMING AMENDMENTS.—Section 4a(b) of the Commodity Exchange Act (7 U.S.C. 6a(b)) is amended—

(1) in paragraph (1), by striking ''or derivatives transaction execution facility or facilities or electronic trading facility'' and inserting ''or swap execution facility or facilities''; and

(2) in paragraph (2), by striking ''or derivatives transaction execution facility or facilities or electronic trading facility'' and inserting ''or swap execution facility''.

**SEC. 738. FOREIGN BOARDS OF TRADE.**

(a) IN GENERAL.—Section 4(b) of the Commodity Exchange Act (7 U.S.C. 6(b)) is amended—

(1) in the first sentence, by striking ''The Commission'' and inserting the following:

''(2) PERSONS LOCATED IN THE UNITED STATES.—

''(A) IN GENERAL.—The Commission'';

(2) in the second sentence, by striking ''Such rules and regulations'' and inserting the following:

''(B) DIFFERENT REQUIREMENTS.—Rules and regulations described in subparagraph (A)'';

(3) in the third sentence—

(A) by striking ''No rule or regulation'' and inserting the following:

''(C) PROHIBITION.—Except as provided in paragraphs (1) and (2), no rule or regulation'';

(B) by striking ''that (1) requires'' and inserting the following: ''that—

''(i) requires''; and

(C) by striking ''market, or (2) governs'' and inserting the following: ''market; or

''(ii) governs''; and

(4) by inserting before paragraph (2) (as designated by paragraph (1)) the following:

''(1) FOREIGN BOARDS OF TRADE.—

''(A) IN GENERAL.—It shall be unlawful for a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order-matching system of the foreign board of trade with respect to an agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless the Commission determines that—

''(i) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(ii) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(I) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

''(II) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

''(III) agrees to promptly notify the Commission, with regard to the agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, of any change regarding—

''(aa) the information that the foreign board of trade will make publicly available;

''(bb) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

''(cc) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

''(dd) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

''(IV) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(V) provides the Commission such information as is necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports on aggregate trader positions for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

''(B) EXISTING FOREIGN BOARDS OF TRADE.—Subparagraph (A) shall not be effective with respect to any foreign board of trade to which, prior to the date of enactment of this paragraph, the Commission granted direct access permission until the date that is 180 days after that date of enactment.''.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''or by subsection (e)'' after ''Unless exempted by the Commission pursuant to subsection (c)''; and

(2) by adding at the end the following:

''(e) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person has reason to believe that the transaction and the contract is made on or subject to the rules of a foreign board of trade that has complied with paragraphs (1) and (2) of subsection (b).''.

(c) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) (as amended by section 739) is amended by adding at the end the following:

''(6) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.''.

**SEC. 739. LEGAL CERTAINTY FOR SWAPS.**

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by striking paragraph (4) and inserting the following:

''(4) CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.—

''(A) IN GENERAL.—No hybrid instrument sold to any investor shall be void, voidable, or unenforceable, and no party to a hybrid instrument shall be entitled to rescind, or recover any payment made with respect to, the hybrid instrument under this section or any other provision of Federal or State law, based solely on the failure of the hybrid instrument to comply with the terms or conditions of section 2(f) or regulations of the Commission.

''(B) SWAPS.—No agreement, contract, or transaction between eligible contract participants or persons reasonably believed to be eligible contract participants shall be void, voidable, or unenforceable, and no party to an agreement, contract, or transaction shall be entitled to rescind, or recover any payment made with respect to, the agreement, contract, or transaction under this section or any other provision of Federal or State law, based solely on the failure of the agreement, contract, or transaction—

''(i) to meet the definition of a swap under section 1a; or

''(ii) to be cleared in accordance with section 2(h)(1).

''(5) LEGAL CERTAINTY FOR LONG-TERM SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.—

''(A) IN GENERAL.—Any swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment, shall not be subject to the mandatory clearing requirements under this Act.

''(B) EFFECT ON SWAPS.—Unless specifically reserved in the applicable bilateral trading agreement, neither the enactment of the Wall Street Transparency and Accountability Act of 2010, nor any requirement under that Act or an amendment made by that Act, shall constitute a termination event, force majeure, illegality, increased costs, regulatory change, or similar event under a bilateral trading agreement (including any related credit support arrangement) that would permit a party to terminate, renegotiate, modify, amend, or supplement 1 or more transactions under the bilateral trading agreement.

''(C) POSITION LIMITS.—Any position limit established under the Wall Street Transparency and Accountability Act of 2010 shall not apply to a position acquired in good faith prior to the effective date of any rule, regulation, or order under the Act that establishes the position limit; provided, however, that such positions shall be attributed to the trader if the trader's position is increased after the effective date such position limit rule, regulation, or order.''.

**SEC. 740. MULTILATERAL CLEARING ORGANIZATIONS.**

Sections 408 and 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421, 4422) are repealed.

**SEC. 741. ENFORCEMENT.**

(a) ENFORCEMENT AUTHORITY.—The Commodity Exchange Act is amended by inserting after section 4b (7 U.S.C. 6b) the following:

**"SEC. 4b–1. ENFORCEMENT AUTHORITY.**

''(a) COMMISSION.—Except as provided in subsections (b), (c), and (d), the Commission shall have primary authority to enforce the amendments made by the Wall Street Transparency and Accountability Act of 2010 with respect to any person.

''(b) APPROPRIATE FEDERAL BANKING AGENCIES.—The appropriate Federal banking agency for swap dealers or major swap participants that are depository institutions, as that term is defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall have exclusive authority to enforce the provisions of section 4s(e) and other prudential requirements of this Act, with respect to depository institutions that are swap dealers or major swap participants.

''(c) REFERRALS.—

''(1) PRUDENTIAL REGULATORS.—If the prudential regulator for a swap dealer or major swap participant has cause to believe that the swap dealer or major swap participant, or any affiliate or division of the swap dealer or major swap participant, may have engaged in conduct that constitutes a violation of the nonprudential requirements of this Act (including section 4s or rules adopted by the Commission under that section), the prudential regulator shall promptly notify the Commission in a written report that includes—

''(A) a request that the Commission initiate an enforcement proceeding under this Act; and

''(B) an explanation of the facts and circumstances that led to the preparation of the written report.

''(2) COMMISSION.—If the Commission has cause to believe that a swap dealer or major swap participant that has a prudential regulator may have engaged in conduct that constitutes a violation of any prudential requirement of section 4s or rules adopted by the Commission under that section, the Commission may notify the prudential regulator of the conduct in a written report that includes—

''(A) a request that the prudential regulator initiate an enforcement proceeding under this Act or any other Federal law (including regulations); and

''(B) an explanation of the concerns of the Commission, and a description of the facts and circumstances, that led to the preparation of the written report.

''(d) BACKSTOP ENFORCEMENT AUTHORITY.—

''(1) INITIATION OF ENFORCEMENT PROCEEDING BY PRUDENTIAL REGULATOR.—If the Commission does not initiate an enforcement proceeding before the end of the 90-day period beginning on the date on which the Commission receives a written report under subsection (c)(1), the prudential regulator may initiate an enforcement proceeding.

''(2) INITIATION OF ENFORCEMENT PROCEEDING BY COMMISSION.—If the prudential regulator does not initiate an enforcement proceeding before the end of the 90-day period beginning on the date on which the prudential regulator receives a written report under subsection (c)(2), the Commission may initiate an enforcement proceeding.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(A) in subsection (a)(2), by striking ''or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g),'' and inserting ''or swap,'';

(B) in subsection (b), by striking ''or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g),'' and inserting ''or swap,''; and

(C) by adding at the end the following:

''(e) It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any registered entity, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery (or option on such a contract), or any swap, on a group or index of securities (or any interest therein or based on the value thereof)—

''(1) to employ any device, scheme, or artifice to defraud;

''(2) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

''(3) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.''.

(2) Section 4c(a)(1) of the Commodity Exchange Act (7 U.S.C. 6c(a)(1)) is amended by inserting ''or swap'' before ''if the transaction is used or may be used''.

(3) Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9) is amended in the first sentence by inserting ''or of any swap,'' before ''or has willfully made''.

(4) Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence, in the matter preceding the proviso, by inserting ''or of any swap,'' before ''or otherwise is violating''.

(5) Section 6c(a) of the Commodity Exchange Act (7 U.S.C. 13a-1(a)) is amended in the matter preceding the proviso by inserting ''or any swap'' after ''commodity for future delivery''.

(6) Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by inserting ''or of any swap,'' before ''or to corner''; and

(ii) in paragraph (4), by inserting ''swap data repository,'' before ''or futures association'' and

(B) in subsection (e)(1)—

(i) by inserting ''swap data repository,'' before ''or registered futures association''; and

(ii) by inserting '', or swaps,'' before ''on the basis''.

(7) Section 9(a) of the Commodity Exchange Act (7 U.S.C. 13(a)) is amended by adding at the end the following:

''(6) Any person to abuse the end user clearing exemption under section 2(h)(4), as determined by the Commission.''.

(8) Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by adding at the end the following:

''(11) SWAPS.—

''(A) IN GENERAL.—Subject to subparagraph (B), this section shall apply to any swap dealer, major swap participant, security-based swap dealer, major security-based swap participant, derivatives clearing organization, swap data repository, or swap execution facility, regardless of whether the dealer, participant, organization, repository, or facility is an insured depository institution, for which the Board, the Corporation, or the Office of the Comptroller of the Currency is the appropriate Federal banking agency or prudential regulator for purposes of the amendments made by the Wall Street Transparency and Accountability Act of 2010.

''(B) LIMITATION.—The authority described in subparagraph (A) shall be limited by, and exercised in accordance with, section 4b–1 of the Commodity Exchange Act.''.

(9) Section 2(c)(2)(B) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)) is amended—

(A) by striking ''(dd),'' each place it appears;

(B) in clause (iii), by inserting '', and accounts or pooled investment vehicles described in clause (vi),'' before ''shall be subject to''; and

(C) by adding at the end the following:

''(vi) This Act applies to, and the Commission shall have jurisdiction over, an account or pooled investment vehicle that is offered for the purpose of trading, or that trades, any agreement, contract, or transaction in foreign currency described in clause (i).''.

(10) Section 2(c)(2)(C) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(C)) is amended—

(A) by striking ''(dd),'' each place it appears;

(B) in clause (ii)(I), by inserting '', and accounts or pooled investment vehicles described in clause (vii),'' before ''shall be subject to''; and

(C) by adding at the end the following:

''(vii) This Act applies to, and the Commission shall have jurisdiction over, an account or pooled investment vehicle that is offered for the purpose of trading, or that trades, any agreement, contract, or transaction in foreign currency described in clause (i).''.

(11) Section 1a(19)(A)(iv)(II) of the Commodity Exchange Act (7 U.S.C. 1a(19)(A)(iv)(II)) (as redesignated by section 721(a)(1)) is amended by inserting before the semicolon at the end the following: ''provided, however, that for purposes of section 2(c)(2)(B)(vi) and section 2(c)(2)(C)(vii), the term 'eligible contract participant' shall not include a commodity pool in which any participant is not otherwise an eligible contract participant''.

**SEC. 742. RETAIL COMMODITY TRANSACTIONS.**

(a) IN GENERAL.—Section 2(c) of the Commodity Exchange Act (7 U.S.C. 2(c)) is amended—

(1) in paragraph (1), by striking ''(to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B))'' and inserting '', 5b, or 12(e)(2)(B))''; and

(2) in paragraph (2), by adding at the end the following:

''(D) RETAIL COMMODITY TRANSACTIONS.—

''(i) APPLICABILITY.—Except as provided in clause (ii), this subparagraph shall apply to any agreement, contract, or transaction in any commodity that is—

''(I) entered into with, or offered to (even if not entered into with), a person that is not an eligible contract participant or eligible commercial entity; and

''(II) entered into, or offered (even if not entered into), on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

''(ii) EXCEPTIONS.—This subparagraph shall not apply to—

''(I) an agreement, contract, or transaction described in paragraph (1) or subparagraphs (A), (B), or (C), including any agreement, contract, or transaction specifically excluded from subparagraph (A), (B), or (C);

''(II) any security;

''(III) a contract of sale that—

''(aa) results in actual delivery within 28 days or such other period as the Commission may determine by rule or regulation based upon the typical commercial practice in cash

or spot markets for the commodity involved; or

''(bb) creates an enforceable obligation to deliver between a seller and a buyer that have the ability to deliver and accept delivery, respectively, in connection with the line of business of the seller and buyer; or

''(IV) an agreement, contract, or transaction that is listed on a national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(V) an identified banking product, as defined in section 402(b) of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C.27(b)).

''(iii) ENFORCEMENT.—Sections 4(a), 4(b), and 4b apply to any agreement, contract, or transaction described in clause (i), as if the agreement, contract, or transaction was a contract of sale of a commodity for future delivery.

''(iv) ELIGIBLE COMMERCIAL ENTITY.—For purposes of this subparagraph, an agricultural producer, packer, or handler shall be considered to be an eligible commercial entity for any agreement, contract, or transaction for a commodity in connection with the line of business of the agricultural producer, packer, or handler.

''(v) ACTUAL DELIVERY.—For purposes of clause (ii)(III), the term 'actual delivery' does not include delivery to a third party in a financed transaction in which the commodity is held as collateral.''.

(b) GRAMM-LEACH-BLILEY ACT.—Section 206(a) of the Gramm-Leach-Bliley Act (Public Law 106–102; 15 U.S.C. 78c note) is amended, in the matter preceding paragraph (1), by striking ''For purposes of'' and inserting ''Except as provided in subsection (e), for purposes of''.

(c) CONFORMING AMENDMENTS RELATING TO RETAIL FOREIGN EXCHANGE TRANSACTIONS.—

(1) Section 2(c)(2)(B)(i)(II) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)) is amended—

(A) in item (aa), by inserting ''United States'' before ''financial institution'';

(B) by striking items (dd) and (ff);

(C) by redesignating items (ee) and (gg) as items (dd) and (ff), respectively; and

(D) in item (dd) (as so redesignated), by striking the semicolon and inserting ''; or''.

(2) Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) (as amended by subsection (a)(2)) is amended by adding at the end the following:

''(E) PROHIBITION.—

''(i) DEFINITION OF FEDERAL REGULATORY AGENCY.—In this subparagraph, the term 'Federal regulatory agency' means—

''(I) the Commission;

''(II) the Securities and Exchange Commission;

''(III) an appropriate Federal banking agency;

''(IV) the National Credit Union Association; and

''(V) the Farm Credit Administration.

''(ii) PROHIBITION.—A person described in subparagraph (B)(i)(II) for which there is a Federal regulatory agency shall not offer to, or enter into with, a person that is not an eligible contract participant, any agreement, contract, or transaction in foreign currency described in subparagraph (B)(i)(I) except pursuant to a rule or regulation of a Federal regulatory agency allowing the agreement, contract, or transaction under such terms and conditions as the Federal regulatory agency shall prescribe.

''(iii) REQUIREMENTS OF RULES AND REGULATIONS.—

''(I) IN GENERAL.—The rules and regulations described in clause (ii) shall prescribe appropriate requirements with respect to—

''(aa) disclosure;

''(bb) recordkeeping;

''(cc) capital and margin;

''(dd) reporting;

''(ee) business conduct;

''(ff) documentation; and

''(gg) such other standards or requirements as the Federal regulatory agency shall determine to be necessary.

''(II) TREATMENT.—The rules or regulations described in clause (ii) shall treat all agreements, contracts, and transactions in foreign currency described in subparagraph (B)(i)(I), and all agreements, contracts, and transactions in foreign currency that are functionally or economically similar to agreements, contracts, or transactions described in subparagraph (B)(i)(I), similarly.''.

**SEC. 743. OTHER AUTHORITY.**

Unless otherwise provided by the amendments made by this subtitle, the amendments made by this subtitle do not divest any appropriate Federal banking agency, the Commodity Futures Trading Commission, the Securities and Exchange Commission, or other Federal or State agency of any authority derived from any other applicable law.

**SEC. 744. RESTITUTION REMEDIES.**

Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a–1(d)) is amended by adding at the end the following:

''(3) EQUITABLE REMEDIES.—In any action brought under this section, the Commission may seek, and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation, equitable remedies including—

''(A) restitution to persons who have sustained losses proximately caused by such violation (in the amount of such losses); and

''(B) disgorgement of gains received in connection with such violation.''.

**SEC. 745. ENHANCED COMPLIANCE BY REGISTERED ENTITIES.**

(a) CORE PRINCIPLES FOR CONTRACT MARKETS.—Section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) (as amended by section 735(b)) is amended by striking paragraph (1) and inserting the following:

''(1) DESIGNATION.—

''(A) IN GENERAL.—To be designated as, and to maintain the designation of, a board of trade as a contract market, the board of trade shall comply with—

''(i) the core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) DISCRETION OF BOARD OF TRADE.—Unless the Commission determines otherwise by rule or regulation, the board of trade shall have reasonable discretion in establishing the manner by which the board of trade complies with each core principle.''.

(b) CORE PRINCIPLES.—Section 5b(c)(2) of the Commodity Exchange Act (7 U.S.C. 7a–1(c)(2)) (as amended by section 725(c)) is amended by striking subparagraph (A) and inserting the following:

''(A) REGISTRATION.—

''(i) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, a derivatives clearing organization shall comply with—

''(I) the core principles described in this paragraph; and

''(II) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(ii) DISCRETION OF COMMISSION.—Unless the Commission determines otherwise by rule or regulation, a derivatives clearing organization shall have reasonable discretion in establishing the manner by which the derivatives clearing organization complies with each core principle.''.

(c) EFFECT OF INTERPRETATION.—Section 5c(a) of the Commodity Exchange Act (7 U.S.C. 7a–2(a)) is amended by striking paragraph (2) and inserting the following:

''(2) EFFECT OF INTERPRETATION.—An interpretation issued under paragraph (1) may provide the exclusive means for complying with each section described in paragraph (1).''.

(d) NEW CONTRACTS, NEW RULES, AND RULE AMENDMENTS.—

(1) IN GENERAL.—A registered entity may elect to list for trading or accept for clearing any new contract, or other instrument, or may elect to approve and implement any new rule or rule amendment, by providing to the Commission (and the Secretary of the Treasury, in the case of a contract of sale of a government security for future delivery (or option on such a contract) or a rule or rule amendment specifically related to such a contract) a written certification that the new contract or instrument or clearing of the new contract or instrument, new rule, or rule amendment complies with this Act (including regulations under this Act).

(2) RULE REVIEW.—The new rule or rule amendment described in paragraph (1) shall become effective, pursuant to the certification of the registered entity, on the date that is 10 business days after the date on which the Commission receives the certification (or such shorter period as determined by the Commission by rule or regulation) unless the Commission notifies the registered entity within such time that it is staying the certification because there exist novel or complex issues that require additional time to analyze, an inadequate explanation by the submitting registered entity, or a potential inconsistency with this Act (including regulations under this Act).

(3) STAY OF CERTIFICATION FOR RULES.—

(A) A notification by the Commission pursuant to paragraph (2) shall stay the certification of the new rule or rule amendment for up to an additional 90 days from the date of the notification.

(B) A rule or rule amendment subject to a stay pursuant to subparagraph (A) shall become effective, pursuant to the certification of the registered entity, at the expiration of the period described in subparagraph (A) unless the Commission—

(i) withdraws the stay prior to that time; or

(ii) notifies the registered entity during such period that it objects to the proposed certification on the grounds that it is inconsistent with this Act (including regulations under this Act).

(4) PRIOR APPROVAL.—

(A) IN GENERAL.—A registered entity may request that the Commission grant prior approval to any new contract or other instrument, new rule, or rule amendment.

(B) PRIOR APPROVAL REQUIRED.—Notwithstanding any other provision of this section, a designated contract market shall submit to the Commission for prior approval each rule amendment that materially changes the terms and conditions, as determined by the Commission, in any contract of sale for future delivery of a commodity specifically enumerated in section 1a(10) (or any option thereon) traded through its facilities if the

rule amendment applies to contracts and delivery months which have already been listed for trading and have open interest.

(C) DEADLINE.—If prior approval is requested under subparagraph (A), the Commission shall take final action on the request not later than 90 days after submission of the request, unless the person submitting the request agrees to an extension of the time limitation established under this subparagraph.

(5) APPROVAL.—

(A) RULES.—The Commission shall approve a new rule, or rule amendment, of a registered entity unless the Commission finds that the new rule, or rule amendment, is inconsistent with this subtitle (including regulations).

(B) CONTRACTS AND INSTRUMENTS.—The Commission shall approve a new contract or other instrument unless the Commission finds that the new contract or other instrument would violate this subtitle (including regulations).

(C) SPECIAL RULE FOR REVIEW AND APPROVAL OF EVENT CONTRACTS AND SWAPS CONTRACTS.—

(i) EVENT CONTRACTS.—In connection with the listing of agreements, contracts, transactions, or swaps in excluded commodities that are based upon the occurrence, extent of an occurrence, or contingency (other than a change in the price, rate, value, or levels of a commodity described in section 1a(2)(i)), by a designated contract market or swap execution facility, the Commission may determine that such agreements, contracts, or transactions are contrary to the public interest if the agreements, contracts, or transactions involve—

(I) activity that is unlawful under any Federal or State law;

(II) terrorism;

(III) assassination;

(IV) war;

(V) gaming; or

(VI) other similar activity determined by the Commission, by rule or regulation, to be contrary to the public interest.

(ii) PROHIBITION.—No agreement, contract, or transaction determined by the Commission to be contrary to the public interest under clause (i) may be listed or made available for clearing or trading on or through a registered entity.

(iii) SWAPS CONTRACTS.—

(I) IN GENERAL.—In connection with the listing of a swap for clearing by a derivatives clearing organization, the Commission shall determine, upon request or on its own motion, the initial eligibility, or the continuing qualification, of a derivatives clearing organization to clear such a swap under those criteria, conditions, or rules that the Commission, in its discretion, determines.

(II) REQUIREMENTS.—Any such criteria, conditions, or rules shall consider—

(aa) the financial integrity of the derivatives clearing organization; and

(bb) any other factors which the Commission determines may be appropriate.

(iv) DEADLINE.—The Commission shall take final action under clauses (i) and (ii) in not later than 90 days from the commencement of its review unless the party seeking to offer the contract or swap agrees to an extension of this time limitation.

(e) VIOLATION OF CORE PRINCIPLES.—Section 5c of the Commodity Exchange Act (7 U.S.C. 7a–2) is amended by striking subsection (d).

**SEC. 746. INSIDER TRADING.**

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended by adding at the end the following:

''(3) CONTRACT OF SALE.—It shall be unlawful for any employee or agent of any department or agency of the Federal Government who, by virtue of the employment or position of the employee or agent, acquires information that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, and which information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, to use the information in his personal capacity and for personal gain to enter into, or offer to enter into—

''(A) a contract of sale of a commodity for future delivery (or option on such a contract);

''(B) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(C) a swap.

''(4) NONPUBLIC INFORMATION.—

''(A) IMPARTING OF NONPUBLIC INFORMATION.—It shall be unlawful for any employee or agent of any department or agency of the Federal Government who, by virtue of the employment or position of the employee or agent, acquires information that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, and which information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, to impart the information in his personal capacity and for personal gain with intent to assist another person, directly or indirectly, to use the information to enter into, or offer to enter into—

''(i) a contract of sale of a commodity for future delivery (or option on such a contract);

''(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(iii) a swap.

''(B) KNOWING USE.—It shall be unlawful for any person who receives information imparted by any employee or agent of any department or agency of the Federal Government as described in subparagraph (A) to knowingly use such information to enter into, or offer to enter into—

''(i) a contract of sale of a commodity for future delivery (or option on such a contract);

''(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(iii) a swap.

''(C) THEFT OF NONPUBLIC INFORMATION.—It shall be unlawful for any person to steal, convert, or misappropriate, by any means whatsoever, information held or created by any department or agency of the Federal Government that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, where such person knows, or acts in reckless disregard of the fact, that such information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, and to use such information, or to impart such information with the intent to assist another person, directly or indirectly, to use such information to enter into, or offer to enter into—

''(i) a contract of sale of a commodity for future delivery (or option on such a contract);

''(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(iii) a swap.

*Provided*, however, that nothing in this subparagraph shall preclude a person that has provided information concerning, or generated by, the person, its operations or activities, to any employee or agent of any department or agency of the Federal Government, voluntarily or as required by law, from using such information to enter into, or offer to enter into, a contract of sale, option, or swap described in clauses (i), (ii), or (iii).''.

**SEC. 747. ANTIDISRUPTIVE PRACTICES AUTHORITY.**

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (as amended by section 746) is amended by adding at the end the following:

''(5) DISRUPTIVE PRACTICES.—It shall be unlawful for any person to engage in any trading, practice, or conduct on or subject to the rules of a registered entity that—

''(A) violates bids or offers;

''(B) demonstrates intentional or reckless disregard for the orderly execution of transactions during the closing period; or

''(C) is, is of the character of, or is commonly known to the trade as, 'spoofing' (bidding or offering with the intent to cancel the bid or offer before execution).

''(6) RULEMAKING AUTHORITY.—The Commission may make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to prohibit the trading practices described in paragraph (5) and any other trading practice that is disruptive of fair and equitable trading.

''(7) USE OF SWAPS TO DEFRAUD.—It shall be unlawful for any person to enter into a swap knowing, or acting in reckless disregard of the fact, that its counterparty will use the swap as part of a device, scheme, or artifice to defraud any third party.''.

**SEC. 748. COMMODITY WHISTLEBLOWER INCENTIVES AND PROTECTION.**

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding at the end the following:

**''SEC. 23. COMMODITY WHISTLEBLOWER INCENTIVES AND PROTECTION.**

''(a) DEFINITIONS.—In this section:

''(1) COVERED JUDICIAL OR ADMINISTRATIVE ACTION.—The term 'covered judicial or administrative action' means any judicial or administrative action brought by the Commission under this Act that results in monetary sanctions exceeding $1,000,000.

''(2) FUND.—The term 'Fund' means the Commodity Futures Trading Commission Customer Protection Fund established under subsection (g).

''(3) MONETARY SANCTIONS.—The term 'monetary sanctions', when used with respect to any judicial or administrative action means—

''(A) any monies, including penalties, disgorgement, restitution, and interest ordered to be paid; and

''(B) any monies deposited into a disgorgement fund or other fund pursuant to section 308(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(b)), as a result of such action or any settlement of such action.

''(4) ORIGINAL INFORMATION.—The term 'original information' means information that—

''(A) is derived from the independent knowledge or analysis of a whistleblower;

''(B) is not known to the Commission from any other source, unless the whistleblower is the original source of the information; and

''(C) is not exclusively derived from an allegation made in a judicial or administrative hearing, in a governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is a source of the information.

''(5) RELATED ACTION.—The term 'related action', when used with respect to any judicial or administrative action brought by the Commission under this Act, means any judicial or administrative action brought by an entity described in subclauses (i) through (vi) of subsection (g)(2)(B) that is based upon the original information provided by a whistleblower pursuant to subsection (a) that led to the successful enforcement of the Commission action.

''(6) SUCCESSFUL RESOLUTION.—The term 'successful resolution', when used with respect to any judicial or administrative action brought by the Commission under this Act, includes any settlement of such action.

''(7) WHISTLEBLOWER.—The term 'whistleblower' means any individual, or 2 or more individuals acting jointly, who provides information relating to a violation of this Act to the Commission, in a manner established by rule or regulation, by the Commission.

''(b) AWARDS.—

''(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Commission, under regulations prescribed by the Commission and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the Commission that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

''(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

''(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

''(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund.

''(c) DETERMINATION OF AMOUNT OF AWARD; DENIAL OF AWARD.—

''(1) DETERMINATION OF AMOUNT OF AWARD.—

''(A) DISCRETION.—The determination of the amount of an award made under subsection (b) shall be in the discretion of the Commission.

''(B) CRITERIA.—In determining the amount of an award made under subsection (b), the Commission shall take into account—

''(i) the significance of the information provided by the whistleblower to the success of the covered judicial or administrative action;

''(ii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in a covered judicial or administrative action;

''(iii) the programmatic interest of the Commission in deterring violations of the Act (including regulations under the Act) by making awards to whistleblowers who provide information that leads to the successful enforcement of such laws; and

''(iv) such additional relevant factors as the Commission may establish by rule or regulation.

''(2) DENIAL OF AWARD.—No award under subsection (b) shall be made—

''(A) to any whistleblower who is, or was at the time the whistleblower acquired the original information submitted to the Commission, a member, officer, or employee of—

''(i) a appropriate regulatory agency;

''(ii) the Department of Justice;

''(iii) a registered entity;

''(iv) a registered futures association; or

''(v) a self-regulatory organization as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or

''(vi) a law enforcement organization;

''(B) to any whistleblower who is convicted of a criminal violation related to the judicial or administrative action for which the whistleblower otherwise could receive an award under this section;

''(C) to any whistleblower who submits information to the Commission that is based on the facts underlying the covered action submitted previously by another whistleblower;

''(D) to any whistleblower who fails to submit information to the Commission in such form as the Commission may, by rule or regulation, require.

''(d) REPRESENTATION.—

''(1) PERMITTED REPRESENTATION.—Any whistleblower who makes a claim for an award under subsection (b) may be represented by counsel.

''(2) REQUIRED REPRESENTATION.—

''(A) IN GENERAL.—Any whistleblower who anonymously makes a claim for an award under subsection (b) shall be represented by counsel if the whistleblower submits the information upon which the claim is based.

''(B) DISCLOSURE OF IDENTITY.—Prior to the payment of an award, a whistleblower shall disclose the identity of the whistleblower and provide such other information as the Commission may require, directly or through counsel for the whistleblower.

''(e) NO CONTRACT NECESSARY.—No contract with the Commission is necessary for any whistleblower to receive an award under subsection (b), unless otherwise required by the Commission, by rule or regulation.

''(f) APPEALS.—

''(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make awards, shall be in the discretion of the Commission.

''(2) APPEALS.—Any determination described in paragraph (1) may be appealed to the appropriate court of appeals of the United States not more than 30 days after the determination is issued by the Commission.

''(3) REVIEW.—The court shall review the determination made by the Commission in accordance with section 7064 of title 5, United States Code.

''(g) COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the 'Commodity Futures Trading Commission Customer Protection Fund'.

''(2) USE OF FUND.—The Fund shall be available to the Commission, without further appropriation or fiscal year limitation, for—

''(A) the payment of awards to whistleblowers as provided in subsection (a); and

''(B) the funding of customer education initiatives designed to help customers protect themselves against fraud or other violations of this Act, or the rules and regulations thereunder.

''(3) DEPOSITS AND CREDITS.—There shall be deposited into or credited to the Fund—

''(A) any monetary judgment collected by the Commission in any judicial or administrative action brought by the Commission under this Act, that is not otherwise distributed to victims of a violation of this Act or the rules and regulations thereunder underlying such action, unless the balance of the Fund at the time the monetary judgment is collected exceeds $100,000,000; and

''(B) all income from investments made under paragraph (4).

''(4) INVESTMENTS.—

''(A) AMOUNTS IN FUND MAY BE INVESTED.—The Commission may request the Secretary of the Treasury to invest the portion of the Fund that is not, in the Commission's judgment, required to meet the current needs of the Fund.

''(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Commission.

''(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

''(5) REPORTS TO CONGRESS.—Not later than October 30 of each year, the Commission shall transmit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a report on—

''(A) the Commission's whistleblower award program under this section, including a description of the number of awards granted and the types of cases in which awards were granted during the preceding fiscal year;

''(B) customer education initiatives described in paragraph (2)(B) that were funded by the Fund during the preceding fiscal year;

''(C) the balance of the Fund at the beginning of the preceding fiscal year;

''(D) the amounts deposited into or credited to the Fund during the preceding fiscal year;

''(E) the amount of earnings on investments of amounts in the Fund during the preceding fiscal year;

''(F) the amount paid from the Fund during the preceding fiscal year to whistleblowers pursuant to subsection (b);

''(G) the amount paid from the Fund during the preceding fiscal year for customer education initiatives described in paragraph (2)(B);

''(H) the balance of the Fund at the end of the preceding fiscal year; and

''(I) a complete set of audited financial statements, including a balance sheet, income statement, and cash flow analysis.

''(h) PROTECTION OF WHISTLEBLOWERS.—

''(1) PROHIBITION AGAINST RETALIATION.—

''(A) IN GENERAL.—No employer may discharge, demote, suspend, threaten, harass,

directly or indirectly, or in any other manner discriminate against, a whistleblower in the terms and conditions of employment because of any lawful act done by the whistleblower—

''(i) in providing information to the Commission in accordance with subsection (b); or

''(ii) in assisting in any investigation or judicial or administrative action of the Commission based upon or related to such information.

''(B) ENFORCEMENT.—

''(i) CAUSE OF ACTION.—An individual who alleges discharge or other discrimination in violation of subparagraph (A) may bring an action under this subsection in the appropriate district court of the United States for the relief provided in subparagraph (C), unless the individual who is alleging discharge or other discrimination in violation of subparagraph (A) is an employee of the federal government, in which case the individual shall only bring an action under section 1221 of title 5 United States Code.

''(ii) SUBPOENAS.—A subpoena requiring the attendance of a witness at a trial or hearing conducted under this subsection may be served at any place in the United States.

''(iii) STATUTE OF LIMITATIONS.—An action under this subsection may not be brought more than 2 years after the date on which the violation reported in subparagraph (A) is committed.

''(C) RELIEF.—Relief for an individual prevailing in an action brought under subparagraph (B) shall include—

''(i) reinstatement with the same seniority status that the individual would have had, but for the discrimination;

''(ii) the amount of back pay otherwise owed to the individual, with interest; and

''(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

''(2) CONFIDENTIALITY.—

''(A) INFORMATION PROVIDED.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), all information provided to the Commission by a whistleblower shall be confidential and privileged as an evidentiary matter (and shall not be subject to civil discovery or other legal process) in any proceeding in any Federal or State court or administrative agency, and shall be exempt from disclosure, in the hands of a department or agency of the Federal Government, under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act') or otherwise, unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission or any entity described in subparagraph (B).

''(ii) CONSTRUCTION.—For purposes of section 552 of title 5, United States Code, this paragraph shall be considered to be a statute described in subsection (b)(3)(B) of that section.

''(iii) EFFECT.—Nothing in this paragraph is intended to limit the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

''(B) AVAILABILITY TO GOVERNMENT AGENCIES.—

''(i) IN GENERAL.—Without the loss of its status as confidential and privileged in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when determined by the Commission to be necessary or appropriate to accomplish the purposes of this Act and protect customers and in accordance with clause (ii), be made available to—

''(I) the Department of Justice;

''(II) an appropriate department or agency of the Federal Government, acting within the scope of its jurisdiction;

''(III) a registered entity, registered futures association, or self-regulatory organization as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a));

''(IV) a State attorney general in connection with any criminal investigation;

''(V) an appropriate department or agency of any State, acting within the scope of its jurisdiction; and

''(VI) a foreign futures authority.

''(ii) MAINTENANCE OF INFORMATION.—Each of the entities, agencies, or persons described in clause (i) shall maintain information described in that clause as confidential and privileged, in accordance with the requirements in subparagraph (A).

''(3) RIGHTS RETAINED.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any whistleblower under any Federal or State law, or under any collective bargaining agreement.

''(i) RULEMAKING AUTHORITY.—The Commission shall have the authority to issue such rules and regulations as may be necessary or appropriate to implement the provisions of this section consistent with the purposes of this section.

''(j) IMPLEMENTING RULES.—The Commission shall issue final rules or regulations implementing the provisions of this section not later than 270 days after the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

''(k) ORIGINAL INFORMATION.—Information submitted to the Commission by a whistleblower in accordance with rules or regulations implementing this section shall not lose its status as original information solely because the whistleblower submitted such information prior to the effective date of such rules or regulations, provided such information was submitted after the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

''(l) AWARDS.—A whistleblower may receive an award pursuant to this section regardless of whether any violation of a provision of this Act, or a rule or regulation thereunder, underlying the judicial or administrative action upon which the award is based occurred prior to the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

''(m) PROVISION OF FALSE INFORMATION.—A whistleblower who knowingly and willfully makes any false, fictitious, or fraudulent statement or representation, or who makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to an award under this section and shall be subject to prosecution under section 1001 of title 18, United States Code.''.

**SEC. 749. CONFORMING AMENDMENTS.**

(a) Section 2(c)(1) of the Commodity Exchange Act (7 U.S.C. 2(c)(1)) is amended, in the matter preceding subparagraph (A), by striking ''5a (to the extent provided in section 5a(g)),''.

(b) Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) (as amended by section 724) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''engage as'' and inserting ''be a''; and

(ii) by striking ''or introducing broker'' and all that follows through ''or derivatives transaction execution facility'';

(B) in paragraph (1), by striking ''or introducing broker''; and

(C) in paragraph (2), by striking ''if a futures commission merchant,''; and

(2) by adding at the end the following:

''(g) It shall be unlawful for any person to be an introducing broker unless such person shall have registered under this Act with the Commission as an introducing broker and such registration shall not have expired nor been suspended nor revoked.''.

(c) Section 4m(3) of the Commodity Exchange Act (7 U.S.C. 6m(3)) is amended—

(1) by striking ''(3) Subsection (1) of this section'' and inserting the following:

''(3) EXCEPTION.—

''(A) IN GENERAL.—Paragraph (1)''; and

(2) by striking ''to any investment trust'' and all that follows through the period at the end and inserting the following: ''to any commodity pool that is engaged primarily in trading commodity interests.

''(B) ENGAGED PRIMARILY.—For purposes of subparagraph (A), a commodity trading advisor or a commodity pool shall be considered to be 'engaged primarily' in the business of being a commodity trading advisor or commodity pool if it is or holds itself out to the public as being engaged primarily, or proposes to engage primarily, in the business of advising on commodity interests or investing, reinvesting, owning, holding, or trading in commodity interests, respectively.

''(C) COMMODITY INTERESTS.—For purposes of this paragraph, commodity interests shall include contracts of sale of a commodity for future delivery, options on such contracts, security futures, swaps, leverage contracts, foreign exchange, spot and forward contracts on physical commodities, and any monies held in an account used for trading commodity interests.''.

(d) Section 5c of the Commodity Exchange Act (7 U.S.C. 7a-2) is amended—

(1) in subsection (a)(1)—

(A) by striking '', 5a(d),''; and

(B) by striking ''and section (2)(h)(7) with respect to significant price discovery contracts,''; and

(2) in subsection (f)(1), by striking ''section 4d(c) of this Act'' and inserting ''section 4d(e)''.

(e) Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) is amended by striking ''or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,''.

(f) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended in the first sentence by striking '', or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,''.

(g) Section 12(e)(2)(B) of the Commodity Exchange Act (7 U.S.C. 16(e)(2)(B)) is amended—

(1) by striking ''section 2(c), 2(d), 2(f), or 2(g) of this Act'' and inserting ''section 2(c), 2(f), or 2(i) of this Act''; and

(2) by striking ''2(h) or''.

(h) Section 17(r)(1) of the Commodity Exchange Act (7 U.S.C. 21(r)(1)) is amended by striking ''section 4d(c) of this Act'' and inserting ''section 4d(e)''.

(i) Section 22(b)(1)(A) of the Commodity Exchange Act (7 U.S.C. 25(b)(1)(A)) is amended by striking ''section 2(h)(7) or''.

(j) Section 408(2)(C) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421(2)(C)) is amended—

(1) by striking ''section 2(c), 2(d), 2(f), or (2)(g) of such Act'' and inserting ''section 2(c), 2(f), or 2(i) of that Act''; and

(2) by striking ''2(h) or''.

**SEC. 750. STUDY ON OVERSIGHT OF CARBON MARKETS.**

(a) INTERAGENCY WORKING GROUP.—There is established to carry out this section an interagency working group (referred to in this section as the ''interagency group'') composed of the following members or designees:

(1) The Chairman of the Commodity Futures Trading Commission (referred to in this section as the ''Commission''), who shall serve as Chairman of the interagency group.

(2) The Secretary of Agriculture.

(3) The Secretary of the Treasury.

(4) The Chairman of the Securities and Exchange Commission.

(5) The Administrator of the Environmental Protection Agency.

(6) The Chairman of the Federal Energy Regulatory Commission.

(7) The Commissioner of the Federal Trade Commission.

(8) The Administrator of the Energy Information Administration.

(b) ADMINISTRATIVE SUPPORT.—The Commission shall provide the interagency group such administrative support services as are necessary to enable the interagency group to carry out the functions of the interagency group under this section.

(c) CONSULTATION.—In carrying out this section, the interagency group shall consult with representatives of exchanges, clearinghouses, self-regulatory bodies, major carbon market participants, consumers, and the general public, as the interagency group determines to be appropriate.

(d) STUDY.—The interagency group shall conduct a study on the oversight of existing and prospective carbon markets to ensure an efficient, secure, and transparent carbon market, including oversight of spot markets and derivative markets.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the interagency group shall submit to Congress a report on the results of the study conducted under subsection (b), including recommendations for the oversight of existing and prospective carbon markets to ensure an efficient, secure, and transparent carbon market, including oversight of spot markets and derivative markets.

**SEC. 751. ENERGY AND ENVIRONMENTAL MARKETS ADVISORY COMMITTEE.**

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) (as amended by section 727) is amended by adding at the end the following:

''(15) ENERGY AND ENVIRONMENTAL MARKETS ADVISORY COMMITTEE.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—An Energy and Environmental Markets Advisory Committee is hereby established.

''(ii) MEMBERSHIP.—The Committee shall have 9 members.

''(iii) ACTIVITIES.—The Committee's objectives and scope of activities shall be—

''(I) to conduct public meetings;

''(II) to submit reports and recommendations to the Commission (including dissenting or minority views, if any); and

''(III) otherwise to serve as a vehicle for discussion and communication on matters of concern to exchanges, firms, end users, and regulators regarding energy and environmental markets and their regulation by the Commission.

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—The Committee shall hold public meetings at such intervals as are necessary to carry out the functions of the Committee, but not less frequently than 2 times per year.

''(ii) MEMBERS.—Members shall be appointed to 3-year terms, but may be removed for cause by vote of the Commission.

''(C) APPOINTMENT.—The Commission shall appoint members with a wide diversity of opinion and who represent a broad spectrum of interests, including hedgers and consumers.

''(D) REIMBURSEMENT.—Members shall be entitled to per diem and travel expense reimbursement by the Commission.

''(E) FACA.—The Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).''.

**SEC. 752. INTERNATIONAL HARMONIZATION.**

In order to promote effective and consistent global regulation of swaps and security-based swaps, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Financial Stability Oversight Council, and the Treasury Department—

(1) shall, both individually and collectively, consult and coordinate with foreign regulatory authorities on the establishment of consistent international standards with respect to the regulation of such swaps; and

(2) may, both individually and collectively, agree to such information-sharing arrangements as may be deemed to be necessary or appropriate in the public interest or for the protection of investors and swap counterparties.

**SEC. 753. EFFECTIVE DATE.**

Unless otherwise provided in this title, this subtitle shall take effect on the date that is 180 days after the date of enactment of this Act.

## Subtitle B—Regulation of Security-Based Swap Markets

**SEC. 761. DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.**

(a) DEFINITIONS.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in subparagraphs (A) and (B) of paragraph (5), by inserting ''(not including security-based swaps, other than security-based swaps with or for persons that are not eligible contract participants)'' after ''securities'' each place that term appears;

(2) in paragraph (10), by inserting ''security-based swap,'' after ''security future,'';

(3) in paragraph (13), by adding at the end the following: ''For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.'';

(4) in paragraph (14), by adding at the end the following: ''For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.'';

(5) in paragraph (39)—

(A) in subparagraph (B)(i)—

(i) in subclause (I), by striking ''or government securities dealer'' and inserting ''government securities dealer, security-based swap dealer, or major security-based swap participant''; and

(ii) in subclause (II), by inserting ''security-based swap dealer, major security-based swap participant,'' after ''government securities dealer,'';

(B) in subparagraph (C), by striking ''or government securities dealer'' and inserting ''government securities dealer, security-based swap dealer, or major security-based swap participant''; and

(C) in subparagraph (D), by inserting ''security-based swap dealer, major security-based swap participant,'' after ''government securities dealer,''; and

(6) by adding at the end the following:

''(65) ELIGIBLE CONTRACT PARTICIPANT.—The term 'eligible contract participant' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(66) MAJOR SWAP PARTICIPANT.—The term 'major swap participant' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(67) MAJOR SECURITY-BASED SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major security-based swap participant' means any person—

''(i) who is not a security-based swap dealer; and

''(ii)(I) who maintains a substantial position in security-based swaps for any of the major security-based swap categories, as such categories are determined by the Commission, excluding—

''(aa) positions held for hedging or mitigating commercial risk; and

''(bb) positions maintained by any employee benefit plan (or any contract held by such a plan), as that term is defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002), for the primary purpose of hedging or mitigating any risk directly associated with the operation of the plan;

''(II) whose outstanding security-based swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or

''(III) that is a financial entity that—

''(aa) is highly leveraged relative to the amount of capital such entity holds; and

''(bb) maintains a substantial position in outstanding security-based swaps in any major security-based swap category, as such categories are determined by the Commission.

''(B) DEFINITION OF SUBSTANTIAL POSITION.—For purposes of subparagraph (A), the Commission shall define, by rule or regulation, the term 'substantial position' at the threshold that the Commission determines to be prudent for the effective monitoring, management, and oversight of entities that are systemically important or can significantly impact the financial system of the United States.

''(C) SCOPE OF DESIGNATION.—For purposes of subparagraph (A), a person may be designated as a major security-based swap participant for 1 or more categories of security-based swaps without being classified as a major security-based swap participant for all classes of security-based swaps.

''(D) CAPITAL.—In setting capital requirements for a person that is designated as a major security-based swap participant for a single type or single class or category of security-based swap or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of security-based swaps or classes of security-based swaps or categories of security-based swaps engaged in and the other activities conducted by that person that are

not otherwise subject to regulation applicable to that person by virtue of the status of the person as a major security-based swap participant.

''(68) SECURITY-BASED SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'security-based swap' means any agreement, contract, or transaction that—

''(i) is a swap, as that term is defined under section 1a of the Commodity Exchange Act; and

''(ii) is based on—

''(I) an index that is a narrow-based security index, including any interest therein or on the value thereof;

''(II) a single security or loan, including any interest therein or on the value thereof; or

''(III) the occurrence, nonoccurrence, or extent of the occurrence of an event relating to a single issuer of a security or the issuers of securities in a narrow-based security index, provided that such event directly affects the financial statements, financial condition, or financial obligations of the issuer.

''(B) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—The term 'security-based swap' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a security-based swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a security-based swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a security-based swap only with respect to each agreement, contract, or transaction under the master agreement that is a security-based swap pursuant to subparagraph (A).

''(C) EXCLUSIONS.—The term 'security-based swap' does not include any agreement, contract, or transaction that meets the definition of a security-based swap only because such agreement, contract, or transaction references, is based upon, or settles through the transfer, delivery, or receipt of an exempted security under paragraph (12), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in paragraph (29) as in effect on the date of enactment of the Futures Trading Act of 1982), unless such agreement, contract, or transaction is of the character of, or is commonly known in the trade as, a put, call, or other option.

''(D) MIXED SWAP.—The term 'security-based swap' includes any agreement, contract, or transaction that is as described in subparagraph (A) and also is based on the value of 1 or more interest or other rates, currencies, commodities, instruments of indebtedness, indices, quantitative measures, other financial or economic interest or property of any kind (other than a single security or a narrow-based security index), or the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence (other than an event described in subparagraph (A)(ii)(III)).

''(69) SWAP.—The term 'swap' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(70) PERSON ASSOCIATED WITH A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'person associated with a security-based swap dealer or major security-based swap participant' or 'associated person of a security-based swap dealer or major security-based swap participant' means—

''(i) any partner, officer, director, or branch manager of such security-based swap dealer or major security-based swap participant (or any person occupying a similar status or performing similar functions);

''(ii) any person directly or indirectly controlling, controlled by, or under common control with such security-based swap dealer or major security-based swap participant; or

''(iii) any employee of such security-based swap dealer or major security-based swap participant.

''(B) EXCLUSION.—Other than for purposes of section 15F(l)(2), the term 'person associated with a security-based swap dealer or major security-based swap participant' or 'associated person of a security-based swap dealer or major security-based swap participant' does not include any person associated with a security-based swap dealer or major security-based swap participant whose functions are solely clerical or ministerial.

''(71) SECURITY-BASED SWAP DEALER.—

''(A) IN GENERAL.—The term 'security-based swap dealer' means any person who—

''(i) holds themself out as a dealer in security-based swaps;

''(ii) makes a market in security-based swaps;

''(iii) regularly engages in the purchase and sale of security-based swaps in the ordinary course of a business; or

''(iv) engages in any activity causing it to be commonly known in the trade as a dealer or market maker in security-based swaps.

''(B) DESIGNATION BY TYPE OR CLASS.—A person may be designated as a security-based swap dealer for a single type or single class or category of security-based swap or activities and considered not to be a security-based swap dealer for other types, classes, or categories of security-based swaps or activities.

''(C) CAPITAL.—In setting capital requirements for a person that is designated as a security-based swap dealer for a single type or single class or category of security-based swap or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of security-based swaps or classes of security-based swaps or categories of security-based swaps engaged in and the other activities conducted by that person that are not otherwise subject to regulation applicable to that person by virtue of the status of the person as a security-based swap dealer.

''(72) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(73) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(74) PRUDENTIAL REGULATOR.—The term 'prudential regulator' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(75) SECURITY-BASED SWAP DATA REPOSITORY.—The term 'security-based swap data repository' means any person that collects, calculates, prepares, or maintains information or records with respect to transactions or positions in, or the terms and conditions of, security-based swaps entered into by third parties.

''(76) SWAP DEALER.—The term 'swap dealer' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(77) SWAP EXECUTION FACILITY.—The term 'swap execution facility' means a facility in which multiple participants have the ability to execute or trade security-based swaps by accepting bids and offers made by other participants that are open to multiple participants in the facility or system, or confirmation facility, that—

''(A) facilitates the execution of security-based swaps between persons; and

''(B) is not a designated contract market.

''(78) SECURITY-BASED SWAP AGREEMENT.—

''(A) IN GENERAL.—For purposes of sections 9, 10, 16, 20, and 21A of this Act, and section 17 of the Securities Act of 1933 (15 U.S.C. 77q), the term 'security-based swap agreement' means a swap agreement as defined in section 206A of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein.

''(B) EXCLUSIONS.—The term 'security-based swap agreement' does not include any security-based swap.''.

(b) AUTHORITY TO FURTHER DEFINE TERMS.—The Securities and Exchange Commission may, by rule, further define the terms ''security-based swap'', ''security-based swap dealer'', ''major security-based swap participant'', and ''eligible contract participant'' with regard to security-based swaps (as such terms are defined in the amendments made by subsection (a)) for the purpose of including transactions and entities that have been structured to evade this subtitle or the amendments made by this subtitle.

(c) OTHER INCORPORATED DEFINITIONS.—Except as the context otherwise requires, in this subtitle, the terms ''prudential regulator'', ''swap'', ''swap dealer'', ''major swap participant'', ''swap data repository'', ''associated person of a swap dealer or major swap participant'', ''eligible contract participant'', ''swap execution facility'', ''security-based swap'', ''security-based swap dealer'', ''major security-based swap participant'', ''security-based swap data repository'', and ''associated person of a security-based swap dealer or major security-based swap participant'' have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a), as amended by this Act.

**SEC. 762. REPEAL OF PROHIBITION ON REGULATION OF SECURITY-BASED SWAP AGREEMENTS.**

(a) REPEAL.—Sections 206B and 206C of the Gramm-Leach-Bliley Act (Public Law 106–102; 15 U.S.C. 78c note) are repealed.

(b) CONFORMING AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) Section 2A of the Securities Act of 1933 (15 U.S.C. 77b-1) is amended—

(A) by striking subsection (a) and reserving that subsection; and

(B) by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that such term appears and inserting ''(as defined in section 3(a)(78) of the Securities Exchange Act of 1934)''.

(2) Section 17 of the Securities Act of 1933 (15 U.S.C. 77q) is amended—

(A) in subsection (a)—

(i) by inserting ''(including security-based swaps)'' after ''securities''; and

(ii) by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' and inserting ''(as defined in section 3(a)(78) of the Securities Exchange Act)''; and

(B) in subsection (d), by striking ''206B of the Gramm-Leach-Bliley Act'' and inserting ''3(a)(78) of the Securities Exchange Act of 1934''.

(c) CONFORMING AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 3A (15 U.S.C. 78c–1)—

(A) by striking subsection (a) and reserving that subsection; and

(B) by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that the term appears;

(2) in section 9 (15 U.S.C. 78i)—

(A) in subsection (a), by striking paragraphs (2) through (5) and inserting the following:

''(2) To effect, alone or with 1 or more other persons, a series of transactions in any security registered on a national securities exchange, any security not so registered, or in connection with any security-based swap or security-based swap agreement with respect to such security creating actual or apparent active trading in such security, or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

''(3) If a dealer, broker, security-based swap dealer, major security-based swap participant, or other person selling or offering for sale or purchasing or offering to purchase the security, a security-based swap, or a security-based swap agreement with respect to such security, to induce the purchase or sale of any security registered on a national securities exchange, any security not so registered, any security-based swap, or any security-based swap agreement with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security.

''(4) If a dealer, broker, security-based swap dealer, major security-based swap participant, or other person selling or offering for sale or purchasing or offering to purchase the security, a security-based swap, or security-based swap agreement with respect to such security, to make, regarding any security registered on a national securities exchange, any security not so registered, any security-based swap, or any security-based swap agreement with respect to such security, for the purpose of inducing the purchase or sale of such security, such security-based swap, or such security-based swap agreement any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which that person knew or had reasonable ground to believe was so false or misleading.

''(5) For a consideration, received directly or indirectly from a broker, dealer, security-based swap dealer, major security-based swap participant, or other person selling or offering for sale or purchasing or offering to purchase the security, a security-based swap, or security-based swap agreement with respect to such security, to induce the purchase of any security registered on a national securities exchange, any security not so registered, any security-based swap, or any security-based swap agreement with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security.''; and

(B) in subsection (i), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(3) in section 10 (15 U.S.C. 78j)—

(A) in subsection (b), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act),'' each place that term appears; and

(B) in the matter following subsection (b), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(4) in section 15 (15 U.S.C. 78o)—

(A) in subsection (c)(1)(A), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act),'';

(B) in subparagraphs (B) and (C) of subsection (c)(1), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that term appears;

(C) by redesignating subsection (i), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–455)), as subsection (j); and

(D) in subsection (j), as redesignated by subparagraph (C), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(5) in section 16 (15 U.S.C. 78p)—

(A) in subsection (a)(2)(C), by striking ''(as defined in section 206(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note))'';

(B) in subsection (a)(3)(B), by inserting ''or security-based swaps'' after ''security-based swap agreement'';

(C) in the first sentence of subsection (b), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(D) in the third sentence of subsection (b), by striking ''(as defined in section 206B of the Gramm-Leach Bliley Act)'' and inserting ''or a security-based swap''; and

(E) in subsection (g), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(6) in section 20 (15 U.S.C. 78t),

(A) in subsection (d), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(B) in subsection (f), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(7) in section 21A (15 U.S.C. 78u–1)—

(A) in subsection (a)(1), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(B) in subsection (g), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''.

**SEC. 763. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.**

(a) CLEARING FOR SECURITY-BASED SWAPS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3B (as added by section 717 of this Act):

**''SEC. 3C. CLEARING FOR SECURITY-BASED SWAPS.**

''(a) CLEARING REQUIREMENT.—

''(1) SUBMISSION.—

''(A) IN GENERAL.—Except as provided in paragraphs (9) and (10), any person who is a party to a security-based swap shall submit such security-based swap for clearing to a clearing agency registered under section 17A of this title.

''(B) OPEN ACCESS.—The rules of a registered clearing agency shall—

''(i) prescribe that all security-based swaps with the same terms and conditions are economically equivalent and may be offset with each other within the clearing agency; and

''(ii) provide for nondiscriminatory clearing of a security-based swap executed bilaterally or on or through the rules of an unaffiliated national securities exchange or swap execution facility, subject to the requirements of section 5(b).

''(2) COMMISSION APPROVAL.—

''(A) IN GENERAL.—A clearing agency shall submit to the Commission for prior approval any group, category, type, or class of security-based swaps that the clearing agency seeks to accept for clearing, which submission the Commission shall make available to the public.

''(B) DEADLINE.—The Commission shall take final action on a request submitted pursuant to subparagraph (A) not later than 90 days after submission of the request, unless the clearing agency submitting the request agrees to an extension of the time limitation established under this subparagraph.

''(C) APPROVAL.—The Commission shall approve, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, any request submitted pursuant to subparagraph (A) if the Commission finds that the request is consistent with the requirements of section 17A. The Commission shall not approve any such request if the Commission does not make such finding.

''(D) RULES.—The Commission shall adopt rules for a clearing agency's submission for approval, pursuant to this paragraph, of any group, category, type, or class of security-based swaps that the clearing agency seeks to accept for clearing.

''(3) STAY OF CLEARING REQUIREMENT.—At any time after issuance of an approval pursuant to paragraph (2):

''(A) REVIEW PROCESS.—The Commission, on application of a counterparty to a security-based swap or on its own initiative, may stay the clearing requirement of paragraph (1) until the Commission completes a review of the terms of the security-based swap, or the group, category, type, or class of security-based swaps, and the clearing arrangement.

''(B) DEADLINE.—The Commission shall complete a review undertaken pursuant to subparagraph (A) not later than 90 days after issuance of the stay, unless the clearing agency that clears the security-based swap, or the group, category, type, or class of security-based swaps, agrees to an extension of the time limitation established under this subparagraph.

''(C) DETERMINATION.—Upon completion of the review undertaken pursuant to subparagraph (A)—

''(i) the Commission may determine, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, that the security-based swap, or the group, category, type, or class of security-based swaps, must be cleared pursuant to this subsection if the Commission finds that such clearing—

''(I) is consistent with the requirements of section 17A; and

''(II) is otherwise in the public interest, for the protection of investors, and consistent with the purposes of this title;

''(ii) the Commission may determine that the clearing requirement of paragraph (1) shall not apply to the security-based swap, or the group, category, type, or class of security-based swaps; or

''(iii) if a determination is made that the clearing requirement of paragraph (1) shall no longer apply, then the Commission may still permit such security-based swap, or the group, category, type, or class of security-based swaps to be cleared.

''(D) RULES.—The Commission shall adopt rules for reviewing, pursuant to this paragraph, a clearing agency's clearing of a security-based swap, or a group, category, type, or class of security-based swaps that the Commission has accepted for clearing.

''(4) SECURITY-BASED SWAPS REQUIRED TO BE ACCEPTED FOR CLEARING.—

''(A) RULEMAKING.—The Commission shall adopt rules to further identify any group, category, type, or class of security-based swaps not submitted for approval under paragraph (2) that the Commission deems should be accepted for clearing. In adopting such rules, the Commission shall take into account the following factors:

''(i) The extent to which any of the terms of the group, category, type, or class of security-based swaps, including price, are disseminated to third parties or are referenced in other agreements, contracts, or transactions.

''(ii) The volume of transactions in the group, category, type, or class of security-based swaps.

''(iii) The extent to which the terms of the group, category, type, or class of security-based swaps are similar to the terms of other agreements, contracts, or transactions that are cleared.

''(iv) Whether any differences in the terms of the group, category, type, or class of security-based swaps, compared to other agreements, contracts, or transactions that are cleared, are of economic significance.

''(v) Whether a clearing agency is prepared to clear the group, category, type, or class of security-based swaps and such clearing agency has in place effective risk management systems.

''(vi) Any other factor the Commission determines to be appropriate.

''(B) OTHER DESIGNATIONS.—At any time after the adoption of the rules required under subparagraph (A), the Commission may separately designate a particular security-based swap or class of security-based swaps as subject to the clearing requirement of paragraph (1), taking into account the factors established in clauses (i) through (vi) of subparagraph (A) and the rules adopted in such subparagraph.

''(C) IN GENERAL.—In accordance with subparagraph (A), the Commission shall, consistent with the public interest, adopt rules under the expedited process described in subparagraph (D) to establish criteria for determining that a swap, or any group, category, type, or class of swap is required to be cleared.

''(D) EXPEDITED RULEMAKING AUTHORITY.—

''(i) PROCEDURE.—The promulgation of regulations under subparagraph (A) may be made without regard to—

''(I) the notice and comment provisions of section 553 of title 5, United States Code; and

''(II) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act').

''(ii) AGENCY RULEMAKING.—In carrying out subparagraph (A), the Commission shall use the authority provided under section 808 of title 5, United States Code.

''(5) PREVENTION OF EVASION.—

''(A) IN GENERAL.—The Commission shall have authority to prescribe rules under this section, or issue interpretations of such rules, as necessary to prevent evasions of this section.

''(B) DUTY OF COMMISSION TO INVESTIGATE AND TAKE CERTAIN ACTIONS.—To the extent the Commission finds that a particular security-based swap or any group, category, type, or class of security-based swaps that would otherwise be subject to mandatory clearing but no clearing agency has listed the security-based swap or the group, category, type, or class of security-based swaps for clearing, the Commission shall—

''(i) investigate the relevant facts and circumstances;

''(ii) within 30 days issue a public report containing the results of the investigation; and

''(iii) take such actions as the Commission determines to be necessary and in the public interest, which may include requiring the retaining of adequate margin or capital by parties to the security-based swap or the group, category, type, or class of security-based swaps.

''(C) EFFECT ON AUTHORITY.—Nothing in this paragraph—

''(i) authorize the Commission to require a clearing agency to list for clearing a security-based swap or any group, category, type, or class of security-based swaps if the clearing of the security-based swap or the group, category, type, or class of security-based swaps would adversely affect the business operations of the clearing agency, threaten the financial integrity of the clearing agency, or pose a systemic risk to the clearing agency; and

''(ii) affect the authority of the Commission to enforce the open access provisions of paragraph (1) with respect to a security-based swap or the group, category, type, or class of security-based swaps that is listed for clearing by a clearing agency.

''(6) REQUIRED REPORTING.—

''(A) BOTH COUNTERPARTIES.—Both counterparties to a security-based swap that is not cleared by any clearing agency shall report such a security-based swap either to a registered security-based swap repository described in section 13(n) or, if there is no repository that would accept the security-based swap, to the Commission pursuant to section 13A.

''(B) TIMING.—Counterparties to a security-based swap shall submit the reports required under subparagraph (A) not later than such time period as the Commission may by rule or regulation prescribe.

''(7) TRANSITION RULES.—

''(A) REPORTING TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

''(i) Security-based swaps entered into before the date of the enactment of this section shall be reported to a registered security-based swap repository or the Commission not later than 180 days after the effective date of this section.

''(ii) Security-based swaps entered into on or after such date of enactment shall be reported to a registered security-based swap repository or the Commission not later than the later of—

''(I) 90 days after such effective date; or

''(II) such other time after entering into the security-based swap as the Commission may prescribe by rule or regulation.

''(B) CLEARING TRANSITION RULES.—

''(i) Security-based swaps entered into before the date of the enactment of this section are exempt from the clearing requirements of this subsection if reported pursuant to subparagraph (A)(i).

''(ii) Security-based swaps entered into before application of the clearing requirement pursuant to this section are exempt from the clearing requirements of this section if reported pursuant to subparagraph (A)(ii).

''(8) TRADE EXECUTION.—

''(A) IN GENERAL.—With respect to transactions involving security-based swaps subject to the clearing requirement of paragraph (1), counterparties shall—

''(i) execute the transaction on an exchange; or

''(ii) execute the transaction on a swap execution facility registered under section 3D or a swap execution facility that is exempt from registration under section 3D(e).

''(B) EXCEPTION.—The requirements of clauses (i) and (ii) of subparagraph (A) shall not apply—

''(i) if no national securities exchange or security-based swap execution facility makes the security-based swap available to trade; or

''(ii) to swap transactions where a commercial end user opts to use the clearing exemption under paragraph (10).

''(9) REQUIRED EXEMPTION.—Subject to paragraph (4), the Commission shall exempt a security-based swap from the requirements of paragraphs (1) and (8) and any rules issued under this subsection, if no clearing agency registered under this Act will accept the security-based swap from clearing.

''(10) END USER CLEARING EXEMPTION.—

''(A) DEFINITION OF COMMERCIAL END USER.—

''(i) IN GENERAL.—In this paragraph, the term 'commercial end user' means any person other than a financial entity described in clause (ii) who, as its primary business activity, owns, uses, produces, processes, manufactures, distributes, merchandises, or markets services or commodities (which shall include coal, natural gas, electricity, ethanol, crude oil, distillates, and other hydrocarbons) either individually or in a fiduciary capacity.

''(ii) FINANCIAL ENTITY.—The term 'financial entity' means—

''(I) a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant;

''(II) a person predominantly engaged in activities that are in the business of banking or financial in nature, as defined in Section 4(k) of the Bank Holding Company Act of 1956;

''(III) a person predominantly engaged in activities that are financial in nature;

''(IV) a private fund as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) or a commodity pool as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a); or

''(V) a person that is registered or required to be registered with the Commission, but does not include a public company which registers its securities with the Commission.

''(B) END USER CLEARING EXEMPTION.—

''(i) IN GENERAL.—Subject to clause (ii), in the event that a security-based swap is subject to the mandatory clearing requirement under paragraph (1), and 1 of the counterparties to the security-based swap is a commercial end user that counterparty—

''(I)(aa) may elect not to clear the security-based swap, as required under paragraph (1); or

''(bb) may elect to require clearing of the security-based swap; and

''(II) if the end user makes an election under subclause (I)(bb), shall have the sole right to select the clearing agency at which the security-based swap will be cleared.

''(ii) LIMITATION.—A commercial end user may only make an election under clause (i) if the end user is using the security-based swap to hedge its own commercial risk.

''(C) TREATMENT OF AFFILIATES.—

''(i) IN GENERAL.—An affiliate of a commercial end user (including affiliate entities predominantly engaged in providing financing for the purchase of the merchandise or manufactured goods of the commercial end user) may make an election under subparagraph (B)(i) only if the affiliate, acting on behalf of the commercial end user and as an agent, uses the security-based swap to hedge or

mitigate the commercial risk of the commercial end user parent or other affiliates of the commercial end user that is not a financial entity..

''(ii) PROHIBITION RELATING TO CERTAIN AFFILIATES.—An affiliate of a commercial end user shall not use the exemption under subparagraph (B) if the affiliate is—

''(I) a security-based swap dealer;

''(II) a security-based security-based swap dealer;

''(III) a major security-based swap participant;

''(IV) a major security-based security-based swap participant;

''(V) an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3), but for paragraph (1) or (7) of subsection (c) of that section 3 (15 U.S.C. 80a–3(c));

''(VI) a commodity pool;

''(VII) a bank holding company with over $50,000,000,000 in consolidated assets; or

''(VIII) an affiliate of any entity described in subclauses (I) through (VII).

''(iii) ABUSE OF EXEMPTION.—The Commission may prescribe such rules, or issue interpretations of the rules, as the Commission determines to be necessary to prevent abuse of the exemption described in subparagraph (B).

''(D) OPTION TO CLEAR.—

''(i) SECURITY-BASED SWAPS REQUIRED TO BE CLEARED ENTERED INTO WITH A FINANCIAL ENTITY.—With respect to any securities-based swap that is required to be cleared by a clearing agency and entered into by a securities-based swap dealer or a major securities-based swap participant with a financial entity, the financial entity shall have the sole right to select the clearing agency at which the securities-based swap will be cleared.

''(ii) SECURITY-BASED SWAPS NOT REQUIRED TO BE CLEARED ENTERED INTO WITH A FINANCIAL ENTITY OR COMMERCIAL END USER.—With respect to any securities-based swap that is not required to be cleared by a clearing agency and entered into by a securities-based swap dealer or a major securities-based swap participant with a financial entity or commercial end user, the financial entity or commercial end user—

''(I) may elect to require clearing of the securities-based swap; and

''(II) shall have the sole right to select the clearing agency at which the securities-based swap will be cleared.

''(b) AUDIT COMMITTEE APPROVAL.—Exemptions from the requirements of this section to clear or trade a security-based swap through a national securities exchange or security-based swap execution facility shall be available to a counterparty that is an issuer of securities that are registered under section 12 or that is required to file reports pursuant to section 15(d), only if the issuer's audit committee has reviewed and approved the issuer's decision to enter into security-based swaps that are subject to such exemptions.

''(c) PUBLIC AVAILABILITY OF SECURITY-BASED SWAP TRANSACTION DATA.—

''(1) IN GENERAL.—

''(A) DEFINITION OF REAL-TIME PUBLIC REPORTING.—In this paragraph, the term 'real-time public reporting' means to report data relating to a security-based swap transaction as soon as technologically practicable after the time at which the security-based swap transaction has been executed.

''(B) PURPOSE.—The purpose of this section is to authorize the Commission to make security-based swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.

''(C) GENERAL RULE.—The Commission is authorized to provide by rule for the public availability of security-based swap transaction and pricing data as follows:

''(i) With respect to those security-based swaps that are subject to the mandatory clearing requirement described in subsection (a)(1) (including those security-based swaps that are exempted from those requirements), the Commission shall require real-time public reporting for such transactions.

''(ii) With respect to those security-based swaps that are not subject to the mandatory clearing requirement described in subsection (a)(1), but are cleared at a registered clearing agency, the Commission shall require real-time public reporting for such transactions.

''(iii) With respect to security-based swaps that are not cleared at a registered clearing agency and which are reported to a security-based swap data repository or the Commission under subsection (a), the Commission shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on such security-based swap trading volumes and positions.

''(iv) With respect to security-based swaps that are exempt from the requirements of subsection (a)(1), but are subject to the requirements of subsection (a)(8), the Commission shall require real-time public reporting for such transactions.

''(D) REGISTERED ENTITIES AND PUBLIC REPORTING.—The Commission may require registered entities to publicly disseminate the security-based swap transaction and pricing data required to be reported under this paragraph.

''(E) RULEMAKING REQUIRED.—With respect to the rule providing for the public availability of transaction and pricing data for security-based swaps described in clauses (i) and (ii) of subparagraph (C), the rule promulgated by the Commission shall contain provisions—

''(i) to ensure such information does not identify the participants;

''(ii) to specify the criteria for determining what constitutes a large notional security-based swap transaction (block trade) for particular markets and contracts;

''(iii) to specify the appropriate time delay for reporting large notional security-based swap transactions (block trades) to the public; and

''(iv) that take into account whether the public disclosure will materially reduce market liquidity.

''(F) TIMELINESS OF REPORTING.—Parties to a security-based swap (including agents of the parties to a security-based swap) shall be responsible for reporting security-based swap transaction information to the appropriate registered entity in a timely manner as may be prescribed by the Commission.

''(2) SEMIANNUAL AND ANNUAL PUBLIC REPORTING OF AGGREGATE SECURITY-BASED SWAP DATA.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall issue a written report on a semiannual and annual basis to make available to the public information relating to—

''(i) the trading and clearing in the major security-based swap categories; and

''(ii) the market participants and developments in new products.

''(B) USE; CONSULTATION.—In preparing a report under subparagraph (A), the Commission shall—

''(i) use information from security-based swap data repositories and clearing agencies; and

''(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.

''(C) TRANSITION RULE FOR PREENACTMENT SECURITY-BASED SWAPS.—

''(i) SECURITY-BASED SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.—Each security-based swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment of that Act, shall be reported to a registered security-based swap data repository or the Commission by a date that is not later than—

''(I) 30 days after the date of issuance of the interim final rule; or

''(II) such other period as the Commission determines to be appropriate.

''(ii) COMMISSION RULEMAKING.—The Commission shall promulgate an interim final rule within 90 days of the date of enactment of this section providing for the reporting of each security-based swap entered into before the date of enactment as referenced in clause (i).

''(D) EFFECTIVE DATE.—The reporting provisions described in this paragraph shall be effective upon the date of enactment of this section.

''(d) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each registered clearing agency shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the clearing agency;

''(B) in consultation with its board, a body performing a function similar thereto, or the senior officer of the registered clearing agency, resolve any conflicts of interest that may arise;

''(C) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(D) ensure compliance with this title (including regulations issued under this title) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

''(E) establish procedures for the remediation of noncompliance issues identified by the compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(F) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the registered clearing agency or security-based swap execution facility of the compliance officer with respect to this title (including regulations under this title); and

''(ii) each policy and procedure of the registered clearing agency of the compliance officer (including the code of ethics and conflict of interest policies of the registered clearing agency).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the registered clearing agency that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.''.

(b) CLEARING AGENCY REQUIREMENTS.—Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1) is amended by adding at the end the following:

''(g) REGISTRATION REQUIREMENT.—It shall be unlawful for a clearing agency, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a clearing agency with respect to a security-based swap.

''(h) VOLUNTARY REGISTRATION.—A person that clears agreements, contracts, or transactions that are not required to be cleared under this title may register with the Commission as a clearing agency.

''(i) STANDARDS FOR CLEARING AGENCIES CLEARING SECURITY-BASED SWAP TRANSACTIONS.—To be registered and to maintain registration as a clearing agency that clears security-based swap transactions, a clearing agency shall comply with such standards as the Commission may establish by rule. In establishing any such standards, and in the exercise of its oversight of such a clearing agency pursuant to this title, the Commission may conform such standards or oversight to reflect evolving United States and international standards. Except where the Commission determines otherwise by rule or regulation, a clearing agency shall have reasonable discretion in establishing the manner in which it complies with any such standards.

''(j) RULES.—The Commission shall adopt rules governing persons that are registered as clearing agencies for security-based swaps under this title.

''(k) EXEMPTIONS.—

''(1) IN GENERAL.—The Commission may exempt, conditionally or unconditionally, a clearing agency from registration under this section for the clearing of security-based swaps if the Commission determines that the clearing agency is subject to comparable, comprehensive supervision and regulation by the Commodity Futures Trading Commission or the appropriate government authorities in the home country of the agency. Such conditions may include, but are not limited to, requiring that the clearing agency be available for inspection by the Commission and make available all information requested by the Commission.

''(2) DERIVATIVES CLEARING ORGANIZATIONS.—A person that is required to be registered as a derivatives clearing organization under the Commodity Exchange Act, whose principal business is clearing commodity futures and options on commodity futures transactions and swaps and which is a derivatives clearing organization registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.), shall be unconditionally exempt from registration under this section solely for the purpose of clearing security-based swaps, unless the Commission finds that such derivatives clearing organization is not subject to comparable, comprehensive supervision and regulation by the Commodity Futures Trading Commission.

''(l) MODIFICATION OF CORE PRINCIPLES.—The Commission may conform the core principles established in this section to reflect evolving United States and international standards.''.

(c) SECURITY-BASED SWAP EXECUTION FACILITIES.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3C (as added by subsection (a) of this section) the following:

**''SEC. 3D. SECURITY-BASED SWAP EXECUTION FACILITIES.**

''(a) REGISTRATION.—

''(1) IN GENERAL.—No person may operate a facility for the trading or processing of security-based swaps, unless the facility is registered as a security-based swap execution facility or as a national securities exchange under this section.

''(2) DUAL REGISTRATION.—Any person that is registered as a security-based swap execution facility under this section shall register with the Commission regardless of whether the person also is registered with the Commodity Futures Trading Commission as a swap execution facility.

''(b) TRADING AND TRADE PROCESSING.—A security-based swap execution facility that is registered under subsection (a) may—

''(1) make available for trading any security-based swap; and

''(2) facilitate trade processing of any security-based swap.

''(c) IDENTIFICATION OF FACILITY USED TO TRADE SECURITY-BASED SWAPS BY NATIONAL SECURITIES EXCHANGES.—A national securities exchange shall, to the extent that the exchange also operates a security-based swap execution facility and uses the same electronic trade execution system for listing and executing trades of security-based swaps on or through the exchange and the facility, identify whether electronic trading of such security-based swaps is taking place on or through the national securities exchange or the security-based swap execution facility.

''(d) CORE PRINCIPLES FOR SECURITY-BASED SWAP EXECUTION FACILITIES.—

''(1) COMPLIANCE WITH CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered, and maintain registration, as a security-based swap execution facility, the security-based swap execution facility shall comply with—

''(i) the core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation.

''(B) REASONABLE DISCRETION OF SECURITY-BASED SWAP EXECUTION FACILITY.—Unless otherwise determined by the Commission, by rule or regulation, a security-based swap execution facility described in subparagraph (A) shall have reasonable discretion in establishing the manner in which it complies with the core principles described in this subsection.

''(2) COMPLIANCE WITH RULES.—A security-based swap execution facility shall—

''(A) monitor and enforce compliance with any rule established by such security-based swap execution facility, including—

''(i) the terms and conditions of the security-based swaps traded or processed on or through the facility; and

''(ii) any limitation on access to the facility;

''(B) establish and enforce trading, trade processing, and participation rules that will deter abuses and have the capacity to detect, investigate, and enforce those rules, including means—

''(i) to provide market participants with impartial access to the market; and

''(ii) to capture information that may be used in establishing whether rule violations have occurred; and

''(C) establish rules governing the operation of the facility, including rules specifying trading procedures to be used in entering and executing orders traded or posted on the facility, including block trades.

''(3) SECURITY-BASED SWAPS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The security-based swap execution facility shall permit trading only in security-based swaps that are not readily susceptible to manipulation.

''(4) MONITORING OF TRADING AND TRADE PROCESSING.—The security-based swap execution facility shall—

''(A) establish and enforce rules or terms and conditions defining, or specifications detailing—

''(i) trading procedures to be used in entering and executing orders traded on or through the facilities of the security-based swap execution facility; and

''(ii) procedures for trade processing of security-based swaps on or through the facilities of the security-based swap execution facility; and

''(B) monitor trading in security-based swaps to prevent manipulation, price distortion, and disruptions of the delivery or cash settlement process through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(5) ABILITY TO OBTAIN INFORMATION.—The security-based swap execution facility shall—

''(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this subsection;

''(B) provide the information to the Commission on request; and

''(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(6) POSITION LIMITS OR ACCOUNTABILITY.—

''(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, a security-based swap execution facility that is a trading facility shall adopt for each of the contracts of the facility, as is necessary and appropriate, position limitations or position accountability for speculators.

''(B) POSITION LIMITS.—For any contract or agreement that is subject to a position limitation established by the Commission pursuant to section 10B, the security-based swap execution facility shall set its position limitation at a level no higher than the limitation established by the Commission.

''(C) POSITION ENFORCEMENT.—For any contract or agreement that is subject to a position limitation established by the Commission pursuant to section 10B, a security-based swap execution facility shall reject any proposed security-based swap transaction if, based on information readily available to a security-based swap execution facility, any proposed security-based swap transaction would cause a security-based swap execution facility customer that would be a party to such swap transaction to exceed such position limitation.

''(7) FINANCIAL INTEGRITY OF TRANSACTIONS.—The security-based swap execution facility shall establish and enforce rules and

procedures for ensuring the financial integrity of security-based swaps entered on or through the facilities of the security-based swap execution facility, including the clearance and settlement of security-based swaps pursuant to section 3C(a)(1).

''(8) EMERGENCY AUTHORITY.—The security-based swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as is necessary and appropriate, including the authority to liquidate or transfer open positions in any security-based swap or to suspend or curtail trading in a security-based swap.

''(9) TIMELY PUBLICATION OF TRADING INFORMATION.—

''(A) IN GENERAL.—The security-based swap execution facility shall make public timely information on price, trading volume, and other trading data on security-based swaps to the extent prescribed by the Commission.

''(B) CAPACITY OF SECURITY-BASED SWAP EXECUTION FACILITY.—The security-based swap execution facility shall be required to have the capacity to electronically capture trade information with respect to transactions executed on the facility.

''(10) RECORDKEEPING AND REPORTING.—

''(A) IN GENERAL.—A security-based swap execution facility shall—

''(i) maintain records of all activities relating to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of 5 years; and

''(ii) report to the Commission, in a form and manner acceptable to the Commission, such information as the Commission determines to be necessary or appropriate for the Commission to perform the duties of the Commission under this title.

''(B) REQUIREMENTS.—The Commission shall adopt data collection and reporting requirements for security-based swap execution facilities that are comparable to corresponding requirements for clearing agencies and security-based swap data repositories.

''(11) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the security-based swap execution facility shall not—

''(A) adopt any rules or taking any actions that result in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading or clearing.

''(12) CONFLICTS OF INTEREST.—The security-based swap execution facility shall—

''(A) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

''(B) establish a process for resolving the conflicts of interest.

''(13) FINANCIAL RESOURCES.—

''(A) IN GENERAL.—The security-based swap execution facility shall have adequate financial, operational, and managerial resources to discharge each responsibility of the security-based swap execution facility, as determined by the Commission.

''(B) DETERMINATION OF RESOURCE ADEQUACY.—The financial resources of a security-based swap execution facility shall be considered to be adequate if the value of the financial resources—

''(i) enables the organization to meet its financial obligations to its members and participants notwithstanding a default by the member or participant creating the largest financial exposure for that organization in extreme but plausible market conditions; and

''(ii) exceeds the total amount that would enable the security-based swap execution facility to cover the operating costs of the security-based swap execution facility for a 1-year period, as calculated on a rolling basis.

''(14) SYSTEM SAFEGUARDS.—The security-based swap execution facility shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and automated systems, that—

''(i) are reliable and secure; and

''(ii) have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that are designed to allow for—

''(i) the timely recovery and resumption of operations; and

''(ii) the fulfillment of the responsibilities and obligation of the security-based swap execution facility; and

''(C) periodically conduct tests to verify that the backup resources of the security-based swap execution facility are sufficient to ensure continued—

''(i) order processing and trade matching;

''(ii) price reporting;

''(iii) market surveillance; and

''(iv) maintenance of a comprehensive and accurate audit trail.

''(15) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(A) IN GENERAL.—Each security-based swap execution facility shall designate an individual to serve as a chief compliance officer.

''(B) DUTIES.—The chief compliance officer shall—

''(i) report directly to the board or to the senior officer of the facility;

''(ii) review compliance with the core principles in this subsection;

''(iii) in consultation with the board of the facility, a body performing a function similar to that of a board, or the senior officer of the facility, resolve any conflicts of interest that may arise;

''(iv) be responsible for establishing and administering the policies and procedures required to be established pursuant to this section;

''(v) ensure compliance with this title and the rules and regulations issued under this title, including rules prescribed by the Commission pursuant to this section;

''(vi) establish procedures for the remediation of noncompliance issues found during—

''(I) compliance office reviews;

''(II) look backs;

''(III) internal or external audit findings;

''(IV) self-reported errors; or

''(V) through validated complaints; and

''(vii) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(C) ANNUAL REPORTS.—

''(i) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(I) the compliance of the security-based swap execution facility with this title; and

''(II) the policies and procedures, including the code of ethics and conflict of interest policies, of the security-based security-based swap execution facility.

''(ii) REQUIREMENTS.—The chief compliance officer shall—

''(I) submit each report described in clause (i) with the appropriate financial report of the security-based swap execution facility that is required to be submitted to the Commission pursuant to this section; and

''(II) include in the report a certification that, under penalty of law, the report is accurate and complete.

''(e) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a security-based swap execution facility from registration under this section if the Commission finds that the facility is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Commodity Futures Trading Commission.

''(f) RULES.—The Commission shall prescribe rules governing the regulation of security-based swap execution facilities under this section.''.

(d) SEGREGATION OF ASSETS HELD AS COLLATERAL IN SECURITY-BASED SWAP TRANSACTIONS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3D (as added by subsection (b)) the following:

**''SEC. 3E. SEGREGATION OF ASSETS HELD AS COLLATERAL IN SECURITY-BASED SWAP TRANSACTIONS.**

''(a) REGISTRATION REQUIREMENT.—It shall be unlawful for any person to accept any money, securities, or property (or to extend any credit in lieu of money, securities, or property) from, for, or on behalf of a security-based swaps customer or to margin, guarantee, or secure a security-based swap cleared by or through a clearing agency (including money, securities, or property accruing to the customer as the result of such a security-based swap), unless the person shall have registered under this title with the Commission as a broker, dealer, or security-based swap dealer, and the registration shall not have expired nor been suspended nor revoked.

''(b) CLEARED SECURITY-BASED SWAPS.—

''(1) SEGREGATION REQUIRED.—A broker, dealer, or security-based swap dealer shall treat and deal with all money, securities, and property of any security-based swaps customer received to margin, guarantee, or secure a security-based swap cleared by or though a clearing agency (including money, securities, or property accruing to the security-based swaps customer as the result of such a security-based swap) as belonging to the security-based swaps customer.

''(2) COMMINGLING PROHIBITED.—Money, securities, and property of a security-based swaps customer described in paragraph (1) shall be separately accounted for and shall not be commingled with the funds of the broker, dealer, or security-based swap dealer or be used to margin, secure, or guarantee any trades or contracts of any security-based swaps customer or person other than the person for whom the same are held.

''(c) EXCEPTIONS.—

''(1) USE OF FUNDS.—

''(A) IN GENERAL.—Notwithstanding subsection (b), money, securities, and property of a security-based swaps customer of a broker, dealer, or security-based swap dealer described in subsection (b) may, for convenience, be commingled and deposited in the same 1 or more accounts with any bank or trust company or with a clearing agency.

''(B) WITHDRAWAL.—Notwithstanding subsection (b), such share of the money, securities, and property described in subparagraph (A) as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle a cleared security-based swap with a clearing agency, or with any member of the clearing agency, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other

charges, lawfully accruing in connection with the cleared security-based swap.

''(2) COMMISSION ACTION.—Notwithstanding subsection (b), in accordance with such terms and conditions as the Commission may prescribe by rule, regulation, or order, any money, securities, or property of the security-based swaps customer of a broker, dealer, or security-based swap dealer described in subsection (b) may be commingled and deposited as provided in this section with any other money, securities, or property received by the broker, dealer, or security-based swap dealer and required by the Commission to be separately accounted for and treated and dealt with as belonging to the security-based swaps customer of the broker, dealer, or security-based swap dealer.

''(d) PERMITTED INVESTMENTS.—Money described in subsection (b) may be invested in obligations of the United States, in general obligations of any State or of any political subdivision of a State, and in obligations fully guaranteed as to principal and interest by the United States, or in any other investment that the Commission may by rule or regulation prescribe, and such investments shall be made in accordance with such rules and regulations and subject to such conditions as the Commission may prescribe.

''(e) PROHIBITION.—It shall be unlawful for any person, including any clearing agency and any depository institution, that has received any money, securities, or property for deposit in a separate account or accounts as provided in subsection (b) to hold, dispose of, or use any such money, securities, or property as belonging to the depositing broker, dealer, or security-based swap dealer or any person other than the swaps customer of the broker, dealer, or security-based swap dealer.''.

(e) TRADING IN SECURITY-BASED SWAPS.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

''(l) SECURITY-BASED SWAPS.—It shall be unlawful for any person to effect a transaction in a security-based swap with or for a person that is not an eligible contract participant, unless such transaction is effected on a national securities exchange registered pursuant to subsection (b).''.

(f) ADDITIONS OF SECURITY-BASED SWAPS TO CERTAIN ENFORCEMENT PROVISIONS.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) any transaction in connection with any security whereby any party to such transaction acquires—

''(A) any put, call, straddle, or other option or privilege of buying the security from or selling the security to another without being bound to do so;

''(B) any security futures product on the security; or

''(C) any security-based swap involving the security or the issuer of the security;

''(2) any transaction in connection with any security with relation to which such person has, directly or indirectly, any interest in any—

''(A) such put, call, straddle, option, or privilege;

''(B) such security futures product; or

''(C) such security-based swap; or

''(3) any transaction in any security for the account of any person who such person has reason to believe has, and who actually has, directly or indirectly, any interest in any—

''(A) such put, call, straddle, option, or privilege;

''(B) such security futures product with relation to such security; or

''(C) any security-based swap involving such security or the issuer of such security.''.

(g) RULEMAKING AUTHORITY TO PREVENT FRAUD, MANIPULATION AND DECEPTIVE CONDUCT IN SECURITY-BASED SWAPS.—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended by adding at the end the following:

''(j) It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security-based swap, in connection with which such person engages in any fraudulent, deceptive, or manipulative act or practice, makes any fictitious quotation, or engages in any transaction, practice, or course of business which operates as a fraud or deceit upon any person. The Commission shall, for the purposes of this subsection, by rules and regulations define, and prescribe means reasonably designed to prevent, such transactions, acts, practices, and courses of business as are fraudulent, deceptive, or manipulative, and such quotations as are fictitious.''.

(h) POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS.—The Securities Exchange Act of 1934 is amended by inserting after section 10A (15 U.S.C. 78j–1) the following:

**''SEC. 10B. POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS AND LARGE TRADER REPORTING.**

''(a) POSITION LIMITS.—As a means reasonably designed to prevent fraud and manipulation, the Commission shall, by rule or regulation, as necessary or appropriate in the public interest or for the protection of investors, establish limits (including related hedge exemption provisions) on the size of positions in any security-based swap that may be held by any person. In establishing such limits, the Commission may require any person to aggregate positions in—

''(1) any security-based swap and any security or loan or group of securities or loans on which such security-based swap is based, which such security-based swap references, or to which such security-based swap is related as described in paragraph (68) of section 3(a), and any other instrument relating to such security or loan or group or index of securities or loans; or

''(2) any security-based swap and—

''(A) any security or group or index of securities, the price, yield, value, or volatility of which, or of which any interest therein, is the basis for a material term of such security-based swap as described in paragraph (68) of section 3(a); and

''(B) any other instrument relating to the same security or group or index of securities described under subparagraph (A).

''(b) EXEMPTIONS.—The Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person or class of persons, any security-based swap or class of security-based swaps, or any transaction or class of transactions from any requirement the Commission may establish under this section with respect to position limits.

''(c) SRO RULES.—

''(1) IN GENERAL.—As a means reasonably designed to prevent fraud or manipulation, the Commission, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, may direct a self-regulatory organization—

''(A) to adopt rules regarding the size of positions in any security-based swap that may be held by—

''(i) any member of such self-regulatory organization; or

''(ii) any person for whom a member of such self-regulatory organization effects transactions in such security-based swap; and

''(B) to adopt rules reasonably designed to ensure compliance with requirements prescribed by the Commission under this subsection.

''(2) REQUIREMENT TO AGGREGATE POSITIONS.—In establishing the limits under paragraph (1), the self-regulatory organization may require such member or person to aggregate positions in—

''(A) any security-based swap and any security or loan or group or narrow-based security narrow-based security index of securities or loans on which such security-based swap is based, which such security-based swap references, or to which such security-based swap is related as described in section 3(a)(68), and any other instrument relating to such security or loan or group or narrow-based security index of securities or loans; or

''(B)(i) any security-based swap; and

''(ii) any security-based swap and any other instrument relating to the same security or group or narrow-based security index of securities.

''(d) LARGE TRADER REPORTING.—The Commission, by rule or regulation, may require any person that effects transactions for such person's own account or the account of others in any securities-based swap or uncleared security-based swap and any security or loan or group or narrow-based security index of securities or loans as set forth in paragraphs (1) and (2) of subsection (a) under this section to report such information as the Commission may prescribe regarding any position or positions in any security-based swap or uncleared security-based swap and any security or loan or group or narrow-based security index of securities or loans and any other instrument relating to such security or loan or group or narrow-based security index of securities or loans as set forth in paragraphs (1) and (2) of subsection (a) under this section.''.

(i) PUBLIC REPORTING AND REPOSITORIES FOR SECURITY-BASED SWAPS.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(m) PUBLIC AVAILABILITY OF SECURITY-BASED SWAP TRANSACTION DATA.—

''(1) IN GENERAL.—

''(A) DEFINITION OF REAL-TIME PUBLIC REPORTING.—In this paragraph, the term 'real-time public reporting' means to report data relating to a security-based swap transaction as soon as technologically practicable after the time at which the security-based swap transaction has been executed.

''(B) PURPOSE.—The purpose of this section is to authorize the Commission to make security-based swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.

''(C) GENERAL RULE.—The Commission is authorized to provide by rule for the public availability of security-based swap transaction and pricing data as follows:

''(i) With respect to those security-based swaps that are subject to the mandatory clearing requirement described in section

3C(a)(1) (including those security-based swaps that are exempted from the requirement pursuant to section 3C(a)(10)), the Commission shall require real-time public reporting for such transactions.

''(ii) With respect to those security-based swaps that are not subject to the mandatory clearing requirement described in subsection section 3C(a)(1), but are cleared at a registered clearing agency, the Commission shall require real-time public reporting for such transactions.

''(iii) With respect to security-based swaps that are not cleared at a registered clearing agency and which are reported to a security-based swap data repository or the Commission under section 3C(a), the Commission shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on such security-based swap trading volumes and positions.

''(iv) With respect to security-based swaps that are exempt from the requirements of section 3C(a)(1), but are subject to the requirements of section 3C(a)(8), the Commission shall require real-time public reporting for such transactions.

''(D) REGISTERED ENTITIES AND PUBLIC REPORTING.—The Commission may require registered entities to publicly disseminate the security-based swap transaction and pricing data required to be reported under this paragraph.

''(E) RULEMAKING REQUIRED.—With respect to the rule providing for the public availability of transaction and pricing data for security-based swaps described in clauses (i) and (ii) of subparagraph (C), the rule promulgated by the Commission shall contain provisions—

''(i) to ensure such information does not identify the participants;

''(ii) to specify the criteria for determining what constitutes a large notional security-based swap transaction (block trade) for particular markets and contracts;

''(iii) to specify the appropriate time delay for reporting large notional security-based swap transactions (block trades) to the public; and

''(iv) that take into account whether the public disclosure will materially reduce market liquidity.

''(F) TIMELINESS OF REPORTING.—Parties to a security-based swap (including agents of the parties to a security-based swap) shall be responsible for reporting security-based swap transaction information to the appropriate registered entity in a timely manner as may be prescribed by the Commission.

''(2) SEMIANNUAL AND ANNUAL PUBLIC REPORTING OF AGGREGATE SECURITY-BASED SWAP DATA.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall issue a written report on a semiannual and annual basis to make available to the public information relating to—

''(i) the trading and clearing in the major security-based swap categories; and

''(ii) the market participants and developments in new products.

''(B) USE; CONSULTATION.—In preparing a report under subparagraph (A), the Commission shall—

''(i) use information from security-based swap data repositories and derivatives clearing organizations; and

''(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.

''(n) SECURITY-BASED SWAP DATA REPOSITORIES.—

''(1) REGISTRATION REQUIREMENT.—It shall be unlawful for any person, unless registered with the Commission, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a security-based swap data repository.

''(2) INSPECTION AND EXAMINATION.—Each registered security-based swap data repository shall be subject to inspection and examination by any representative of the Commission.

''(3) COMPLIANCE WITH CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered, and maintain registration, as a security-based swap data repository, the security-based swap data repository shall comply with—

''(i) the core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation.

''(B) REASONABLE DISCRETION OF SECURITY-BASED SWAP DATA REPOSITORY.—Unless otherwise determined by the Commission, by rule or regulation, a security-based swap data repository described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the security-based swap data repository complies with the core principles described in this subsection.

''(4) STANDARD SETTING.—

''(A) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each security-based swap that shall be collected and maintained by each registered security-based swap data repository.

''(B) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for security-based swap data repositories.

''(C) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on clearing agencies in connection with their clearing of security-based swaps.

''(5) DUTIES.—A security-based swap data repository shall—

''(A) accept data prescribed by the Commission for each security-based swap under subsection (b);

''(B) confirm with both counterparties to the security-based swap the accuracy of the data that was submitted;

''(C) maintain the data described in subparagraph (A) in such form, in such manner, and for such period as may be required by the Commission;

''(D)(i) provide direct electronic access to the Commission (or any designee of the Commission, including another registered entity); and

''(ii) provide the information described in subparagraph (A) in such form and at such frequency as the Commission may require to comply with the public reporting requirements set forth in subsection (m);

''(E) at the direction of the Commission, establish automated systems for monitoring, screening, and analyzing security-based swap data;

''(F) maintain the privacy of any and all security-based swap transaction information that the security-based swap data repository receives from a security-based swap dealer, counterparty, or any other registered entity; and

''(G) on a confidential basis pursuant to section 24, upon request, and after notifying the Commission of the request, make available all data obtained by the security-based swap data repository, including individual counterparty trade and position data, to—

''(i) each appropriate prudential regulator;

''(ii) the Financial Stability Oversight Council;

''(iii) the Commodity Futures Trading Commission;

''(iv) the Department of Justice; and

''(v) any other person that the Commission determines to be appropriate, including—

''(I) foreign financial supervisors (including foreign futures authorities);

''(II) foreign central banks; and

''(III) foreign ministries.

''(H) CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT.—Before the security-based swap data repository may share information with any entity described in subparagraph (G)—

''(i) the security-based swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 24 relating to the information on security-based swap transactions that is provided; and

''(ii) each entity shall agree to indemnify the security-based swap data repository and the Commission for any expenses arising from litigation relating to the information provided under section 24.

''(6) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(A) IN GENERAL.—Each security-based swap data repository shall designate an individual to serve as a chief compliance officer.

''(B) DUTIES.—The chief compliance officer shall—

''(i) report directly to the board or to the senior officer of the security-based swap data repository;

''(ii) review the compliance of the security-based swap data repository with respect to the core principles described in paragraph (7);

''(iii) in consultation with the board of the security-based swap data repository, a body performing a function similar to the board of the security-based swap data repository, or the senior officer of the security-based swap data repository, resolve any conflicts of interest that may arise;

''(iv) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(v) ensure compliance with this title (including regulations) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

''(vi) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

''(I) compliance office review;

''(II) look-back;

''(III) internal or external audit finding;

''(IV) self-reported error; or

''(V) validated complaint; and

''(vii) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(C) ANNUAL REPORTS.—

''(i) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(I) the compliance of the security-based swap data repository of the chief compliance officer with respect to this title (including regulations); and

''(II) each policy and procedure of the security-based swap data repository of the chief compliance officer (including the code of ethics and conflict of interest policies of the security-based swap data repository).

''(ii) REQUIREMENTS.—A compliance report under clause (i) shall—

''(I) accompany each appropriate financial report of the security-based swap data repository that is required to be furnished to the Commission pursuant to this section; and

''(II) include a certification that, under penalty of law, the compliance report is accurate and complete.

''(7) CORE PRINCIPLES APPLICABLE TO SECURITY-BASED SWAP DATA REPOSITORIES.—

''(A) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the swap data repository shall not—

''(i) adopt any rule or take any action that results in any unreasonable restraint of trade; or

''(ii) impose any material anticompetitive burden on the trading, clearing, or reporting of transactions.

''(B) GOVERNANCE ARRANGEMENTS.—Each security-based swap data repository shall establish governance arrangements that are transparent—

''(i) to fulfill public interest requirements; and

''(ii) to support the objectives of the Federal Government, owners, and participants.

''(C) CONFLICTS OF INTEREST.—Each security-based swap data repository shall—

''(i) establish and enforce rules to minimize conflicts of interest in the decision-making process of the security-based swap data repository; and

''(ii) establish a process for resolving any conflicts of interest described in clause (i).

''(8) REQUIRED REGISTRATION FOR SECURITY-BASED SWAP DATA REPOSITORIES.—Any person that is required to be registered as a security-based swap data repository under this subsection shall register with the Commission, regardless of whether that person is also licensed under the Commodity Exchange Act as a swap data repository.

''(9) RULES.—The Commission shall adopt rules governing persons that are registered under this subsection.''.

**SEC. 764. REGISTRATION AND REGULATION OF SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.**

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15E (15 U.S.C. 78o–7) the following:

**''SEC. 15F. REGISTRATION AND REGULATION OF SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.**

''(a) REGISTRATION.—

''(1) SECURITY-BASED SWAP DEALERS.—It shall be unlawful for any person to act as a security-based swap dealer unless the person is registered as a security-based swap dealer with the Commission.

''(2) MAJOR SECURITY-BASED SWAP PARTICIPANTS.—It shall be unlawful for any person to act as a major security-based swap participant unless the person is registered as a major security-based swap participant with the Commission.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A person shall register as a security-based swap dealer or major security-based swap participant by filing a registration application with the Commission.

''(2) CONTENTS.—

''(A) IN GENERAL.—The application shall be made in such form and manner as prescribed by the Commission, and shall contain such information, as the Commission considers necessary concerning the business in which the applicant is or will be engaged.

''(B) CONTINUAL REPORTING.—A person that is registered as a security-based swap dealer or major security-based swap participant shall continue to submit to the Commission reports that contain such information pertaining to the business of the person as the Commission may require.

''(3) EXPIRATION.—Each registration under this section shall expire at such time as the Commission may prescribe by rule or regulation.

''(4) RULES.—Except as provided in subsections (c), (e), and (f), the Commission may prescribe rules applicable to security-based swap dealers and major security-based swap participants, including rules that limit the activities of non-bank security-based swap dealers and non-bank major security-based swap participants.

''(5) TRANSITION.—Not later than 1 year after the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the Commission shall issue rules under this section to provide for the registration of security-based swap dealers and major security-based swap participants.

''(6) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a security-based swap dealer or a major security-based swap participant to permit any person associated with a security-based swap dealer or a major security-based swap participant who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant, if the security-based swap dealer or major security-based swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

''(c) DUAL REGISTRATION.—

''(1) SECURITY-BASED SWAP DEALER.—Any person that is required to be registered as a security-based swap dealer under this section shall register with the Commission, regardless of whether the person also is registered with the Commodity Futures Trading Commission as a swap dealer.

''(2) MAJOR SECURITY-BASED SWAP PARTICIPANT.—Any person that is required to be registered as a major security-based swap participant under this section shall register with the Commission, regardless of whether the person also is registered with the Commodity Futures Trading Commission as a major swap participant.

''(d) RULEMAKING.—

''(1) IN GENERAL.—The Commission shall adopt rules for persons that are registered as security-based swap dealers or major security-based swap participants under this section.

''(2) EXCEPTION FOR PRUDENTIAL REQUIREMENTS.—

''(A) IN GENERAL.—The Commission may not prescribe rules imposing prudential requirements on security-based swap dealers or major security-based swap participants that are depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(B) APPLICABILITY.—Subparagraph (A) does not limit the authority of the Commission to prescribe appropriate business conduct, reporting, and recordkeeping requirements on security-based swap dealers or major security-based swap participants that are depository institutions to protect investors.

''(e) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—Each registered security-based swap dealer and major security-based swap participant that is a depository institution, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall meet such minimum capital requirements and minimum initial and variation margin requirements as the appropriate Federal banking agency shall by rule or regulation prescribe under paragraph (2)(A) to help ensure the safety and soundness of the security-based swap dealer or major security-based swap participant.

''(B) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—Each registered security-based swap dealer and major security-based swap participant that is not a depository institution, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Commission shall by rule or regulation prescribe under paragraph (2)(B) to help ensure the safety and soundness of the security-based swap dealer or major security-based swap participant.

''(2) RULES.—

''(A) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—The appropriate Federal banking agencies, in consultation with the Commission and the Commodity Futures Trading Commission, shall adopt rules imposing capital and margin requirements under this subsection for security-based swap dealers and major security-based swap participants that are depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(B) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—The Commission shall adopt rules imposing capital and margin requirements under this subsection for security-based swap dealers and major security-based swap participants that are not depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(3) CAPITAL.—

''(A) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—The capital requirements prescribed under paragraph (2)(A) for security-based swap dealers and major security-based swap participants that are depository institutions shall contain—

''(i) a capital requirement that is greater than zero for security-based swaps that are cleared by a clearing agency; and

''(ii) to offset the greater risk to the security-based swap dealer or major security-based swap participant and to the financial system arising from the use of security-based swaps that are not cleared, substantially higher capital requirements for security-based swaps that are not cleared by a clearing agency than for security-based swaps that are cleared.

''(B) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—The capital requirements prescribed under paragraph (2)(B) for security-based swap dealers and major security-based swap participants that are not depository institutions shall be as strict as or stricter than the capital requirements prescribed for security-based

swap dealers and major security-based swap participants that are depository institutions under paragraph (2)(A).

''(C) RULE OF CONSTRUCTION.—

''(i) IN GENERAL.—Nothing in this section shall limit, or be construed to limit, the authority—

''(I) of the Commission to set financial responsibility rules for a broker or dealer registered pursuant to section 15(b) (except for section 15(b)(11) thereof) in accordance with section 15(c)(3); or

''(II) of the Commodity Futures Trading Commission to set financial responsibility rules for a futures commission merchant or introducing broker registered pursuant to section 4f(a) of the Commodity Exchange Act (except for section 4f(a)(3) thereof) in accordance with section 4f(b) of the Commodity Exchange Act.

''(ii) FUTURES COMMISSION MERCHANTS AND OTHER DEALERS.—A futures commission merchant, introducing broker, broker, or dealer shall maintain sufficient capital to comply with the stricter of any applicable capital requirements to which such futures commission merchant, introducing broker, broker, or dealer is subject to under this title or the Commodity Exchange Act.

''(4) MARGIN.—

''(A) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—The appropriate Federal banking agency for security-based swap dealers and major security-based swap participants that are depository institutions shall impose both initial and variation margin requirements in accordance with paragraph (2)(A) on all security-based swaps that are not cleared by a clearing agency.

''(B) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—The Commission shall impose both initial and variation margin requirements in accordance with paragraph (2)(B) for security-based swap dealers and major security-based swap participants that are not depository institutions on all security-based swaps that are not cleared by a clearing agency. Any such initial and variation margin requirements shall be as strict as or stricter than the margin requirements prescribed under paragraph (4)(A).

''(5) MARGIN REQUIREMENTS.—In prescribing margin requirements under this subsection, the appropriate Federal banking agency with respect to security-based swap dealers and major security-based swap participants that are depository institutions, and the Commission with respect to security-based swap dealers and major security-based swap participants that are not depository institutions may permit the use of noncash collateral, as the agency or the Commission determines to be consistent with—

''(A) preserving the financial integrity of markets trading security-based swaps; and

''(B) preserving the stability of the United States financial system.

''(6) COMPARABILITY OF CAPITAL AND MARGIN REQUIREMENTS.—

''(A) IN GENERAL.—The appropriate Federal banking agencies, the Commission, and the Securities and Exchange Commission shall periodically (but not less frequently than annually) consult on minimum capital requirements and minimum initial and variation margin requirements.

''(B) COMPARABILITY.—The entities described in subparagraph (A) shall, to the maximum extent practicable, establish and maintain comparable minimum capital requirements and minimum initial and variation margin requirements, including the use of noncash collateral, for—

''(i) security-based swap dealers; and

''(ii) major security-based swap participants.

''(7) REQUESTED MARGIN.—If any party to a security-based swap that is exempt from the margin requirements of paragraph (4)(A) or paragraph (4)(B) requests that such security-based swap be margined, then—

''(A) the exemption shall not apply; and

''(B) the counterparty to such security-based swap shall provide the requested margin.

''(8) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—Paragraphs (4) and (5) shall not apply to initial and variation margin for security-based swaps in which 1 of the counterparties is not—

''(A) a security-based swap dealer;

''(B) a major security-based swap participant; or

''(C) a financial entity as described in section 3C(a)(10)(A)(ii), and such counterparty is eligible for and utilizing the commercial end user clearing exemption under section 3C(a)(10).

''(f) REPORTING AND RECORDKEEPING.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant—

''(A) shall make such reports as are required by the Commission, by rule or regulation, regarding the transactions and positions and financial condition of the registered security-based swap dealer or major security-based swap participant;

''(B)(i) for which there is a prudential regulator, shall keep books and records of all activities related to the business as a security-based swap dealer or major security-based swap participant in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

''(ii) for which there is no prudential regulator, shall keep books and records in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

''(C) shall keep books and records described in subparagraph (B) open to inspection and examination by any representative of the Commission.

''(2) RULES.—The Commission shall adopt rules governing reporting and recordkeeping for security-based swap dealers and major security-based swap participants.

''(g) DAILY TRADING RECORDS.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall maintain daily trading records of the security-based swaps of the registered security-based swap dealer and major security-based swap participant and all related records (including related cash or forward transactions) and recorded communications, including electronic mail, instant messages, and recordings of telephone calls, for such period as may be required by the Commission by rule or regulation.

''(2) INFORMATION REQUIREMENTS.—The daily trading records shall include such information as the Commission shall require by rule or regulation.

''(3) CUSTOMER RECORDS.—Each registered security-based swap dealer and major security-based swap participant shall maintain daily trading records for each customer or counterparty in a manner and form that is identifiable with each security-based swap transaction.

''(4) AUDIT TRAIL.—Each registered security-based swap dealer and major security-based swap participant shall maintain a complete audit trail for conducting comprehensive and accurate trade reconstructions.

''(5) RULES.—The Commission shall adopt rules governing daily trading records for security-based swap dealers and major security-based swap participants.

''(h) BUSINESS CONDUCT STANDARDS.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall conform with such business conduct standards as may be prescribed by the Commission, by rule or regulation, that relate to—

''(A) fraud, manipulation, and other abusive practices involving security-based swaps (including security-based swaps that are offered but not entered into);

''(B) diligent supervision of the business of the registered security-based swap dealer and major security-based swap participant;

''(C) adherence to all applicable position limits; and

''(D) such other matters as the Commission determines to be appropriate.

''(2) SPECIAL RULE; FIDUCIARY DUTIES TO CERTAIN ENTITIES.—

''(A) GOVERNMENTAL ENTITIES.—A security-based swap dealer that provides advice regarding, or offers to enter into, or enters into a security-based swap with a State, State agency, city, county, municipality, or other political subdivision of a State, or a Federal agency shall have a fiduciary duty to the State, State agency, city, county, municipality, or other political subdivision of the State, or the Federal agency, as appropriate.

''(B) PENSION PLANS; ENDOWMENTS; RETIREMENT PLANS.—A security-based swap dealer that provides advice regarding, or offers to enter into, or enters into a security-based swap with a pension plan, endowment, or retirement plan shall have a fiduciary duty to the pension plan, endowment, or retirement plan, as appropriate.

''(3) BUSINESS CONDUCT REQUIREMENTS.—Business conduct requirements adopted by the Commission under this subsection shall—

''(A) establish the standard of care for a security-based swap dealer or major security-based swap participant to verify that any counterparty meets the eligibility standards for an eligible contract participant;

''(B) require disclosure by the security-based swap dealer or major security-based swap participant to any counterparty to the transaction (other than a security-based swap dealer or a major security-based swap participant) of—

''(i) information about the material risks and characteristics of the security-based swap;

''(ii) the source and amount of any fees or other material remuneration that the security-based swap dealer or major security-based swap participant would directly or indirectly expect to receive in connection with the security-based swap;

''(iii) any other material incentives or conflicts of interest that the security-based swap dealer or major security-based swap participant may have in connection with the security-based swap; and

''(iv)(I) for cleared security-based swaps, upon the request of the counterparty, the daily mark from the appropriate clearing agency; and

''(II) for uncleared security-based swaps, the daily mark of the security-based swap dealer or the major security-based swap participant;

''(C) establish a standard of conduct for a security-based swap dealer or major security-based swap participant to communicate in a fair and balanced manner based on principles of fair dealing and good faith;

''(D) establish a standard of conduct for a security-based swap dealer or major security-based swap participant, with respect to a counterparty that is an eligible contract participant within the meaning of subclause (I) or (II) of clause (vii) of section 1a(18) of the Commodity Exchange Act, to have a reasonable basis to believe that the counterparty has an independent representative that—

''(i) has sufficient knowledge to evaluate the transaction and risks;

''(ii) is not subject to a statutory disqualification;

''(iii) is independent of the security-based swap dealer or major security-based swap participant;

''(iv) undertakes a duty to act in the best interests of the counterparty it represents;

''(v) makes appropriate disclosures; and

''(vi) will provide written representations to the eligible contract participant regarding fair pricing and the appropriateness of the transaction; and

''(E) establish such other standards and requirements as the Commission may determine are appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

''(4) RULES.—The Commission shall prescribe rules under this subsection governing business conduct standards for security-based swap dealers and major security-based swap participants.

''(i) DOCUMENTATION AND BACK OFFICE STANDARDS.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall conform with such standards as may be prescribed by the Commission, by rule or regulation, that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all security-based swaps.

''(2) RULES.—The Commission shall adopt rules governing documentation and back office standards for security-based swap dealers and major security-based swap participants.

''(j) DUTIES.—Each registered security-based swap dealer and major security-based swap participant shall, at all times, comply with the following requirements:

''(1) MONITORING OF TRADING.—The security-based swap dealer or major security-based swap participant shall monitor its trading in security-based swaps to prevent violations of applicable position limits.

''(2) RISK MANAGEMENT PROCEDURES.—The security-based swap dealer or major security-based swap participant shall establish robust and professional risk management systems adequate for managing the day-to-day business of the security-based swap dealer or major security-based swap participant.

''(3) DISCLOSURE OF GENERAL INFORMATION.—The security-based swap dealer or major security-based swap participant shall disclose to the Commission and to the prudential regulator for the security-based swap dealer or major security-based swap participant, as applicable, information concerning—

''(A) terms and conditions of its security-based swaps;

''(B) security-based swap trading operations, mechanisms, and practices;

''(C) financial integrity protections relating to security-based swaps; and

''(D) other information relevant to its trading in security-based swaps.

''(4) ABILITY TO OBTAIN INFORMATION.—The security-based swap dealer or major security-based swap participant shall—

''(A) establish and enforce internal systems and procedures to obtain any necessary information to perform any of the functions described in this section; and

''(B) provide the information to the Commission and to the prudential regulator for the security-based swap dealer or major security-based swap participant, as applicable, on request.

''(5) CONFLICTS OF INTEREST.—The security-based swap dealer and major security-based swap participant shall implement conflict-of-interest systems and procedures that—

''(A) establish structural and institutional safeguards to ensure that the activities of any person within the firm relating to research or analysis of the price or market for any security-based swap or acting in a role of providing clearing activities or making determinations as to accepting clearing customers are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of persons whose involvement in pricing, trading, or clearing activities might potentially bias their judgment or supervision and contravene the core principles of open access and the business conduct standards described in this title; and

''(B) address such other issues as the Commission determines to be appropriate.

''(6) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the security-based swap dealer or major security-based swap participant shall not—

''(A) adopt any process or take any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading or clearing.

''(k) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each security-based swap dealer and major security-based swap participant shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the security-based swap dealer or major security-based swap participant;

''(B) review the compliance of the security-based swap dealer or major security-based swap participant with respect to the security-based swap dealer and major security-based swap participant requirements described in this section;

''(C) in consultation with the board of directors, a body performing a function similar to the board, or the senior officer of the organization, resolve any conflicts of interest that may arise;

''(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(E) ensure compliance with this title (including regulations) relating to security-based swaps, including each rule prescribed by the Commission under this section;

''(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the security-based swap dealer or major swap participant with respect to this title (including regulations); and

''(ii) each policy and procedure of the security-based swap dealer or major security-based swap participant of the chief compliance officer (including the code of ethics and conflict of interest policies).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the security-based swap dealer or major security-based swap participant that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.

''(l) ENFORCEMENT AND ADMINISTRATIVE PROCEEDING AUTHORITY.—

''(1) PRIMARY ENFORCEMENT AUTHORITY.—

''(A) SECURITIES AND EXCHANGE COMMISSION.—Except as provided in subparagraph (B), the Commission shall have primary authority to enforce subtitle B, and the amendments made by subtitle B of the Wall Street Transparency and Accountability Act of 2010, with respect to any person.

''(B) APPROPRIATE FEDERAL BANKING AGENCIES.—The appropriate Federal banking agency for security-based swap dealers or major security-based swap participants that are depository institutions, as that term is defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall have exclusive authority to enforce the provisions of subsection (e) and other prudential requirements of this title, with respect to depository institutions that are security-based swap dealers or major security-based swap participants.

''(C) REFERRAL.—

''(i) VIOLATIONS OF NONPRUDENTIAL REQUIREMENTS.—If the appropriate Federal banking agency for security-based swap dealers or major security-based swap participants that are depository institutions has cause to believe that such security-based swap dealer or major security-based swap participant may have engaged in conduct that constitutes a violation of the nonprudential requirements of this section or rules adopted by the Commission thereunder, the agency may recommend in writing to the Commission that the Commission initiate an enforcement proceeding as authorized under this title. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

''(ii) VIOLATIONS OF PRUDENTIAL REQUIREMENTS.—If the Commission has cause to believe that a securities-based swap dealer or major securities-based swap participant that has a prudential regulator may have engaged in conduct that constitute a violation of the prudential requirements of subsection (e) or rules adopted thereunder, the Commission may recommend in writing to the prudential regulator that the prudential regulator initiate an enforcement proceeding as authorized under this title. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

''(2) CENSURE, DENIAL, SUSPENSION; NOTICE AND HEARING.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or revoke the registration of any security-based swap dealer or major security-based swap participant that has registered with the Commission pursuant to subsection (b) if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, or revocation is in the public interest and that such security-based swap dealer or major security-based swap participant, or any person associated with such security-based swap dealer or major security-based swap participant effecting or involved in effecting transactions in security-based swaps on behalf of such security-based swap dealer or major security-based swap participant, whether prior or subsequent to becoming so associated—

''(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b);

''(B) has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection;

''(C) is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

''(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of such paragraph (4); or

''(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in subparagraph (G) of such paragraph (4).

''(3) ASSOCIATED PERSONS.—With respect to any person who is associated, who is seeking to become associated, or, at the time of the alleged misconduct, who was associated or was seeking to become associated with a security-based swap dealer or major security-based swap participant for the purpose of effecting or being involved in effecting security-based swaps on behalf of such security-based swap dealer or major security-based swap participant, the Commission, by order, shall censure, place limitations on the activities or functions of such person, or suspend for a period not exceeding 12 months, or bar such person from being associated with a security-based swap dealer or major security-based swap participant, if the Commission finds, on the record after notice and opportunity for a hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person—

''(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b);

''(B) has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection;

''(C) is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

''(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of such paragraph (4); or

''(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in subparagraph (G) of such paragraph (4).

''(4) UNLAWFUL CONDUCT.—It shall be unlawful—

''(A) for any person as to whom an order under paragraph (3) is in effect, without the consent of the Commission, willfully to become, or to be, associated with a security-based swap dealer or major security-based swap participant in contravention of such order; or

''(B) for any security-based swap dealer or major security-based swap participant to permit such a person, without the consent of the Commission, to become or remain a person associated with the security-based swap dealer or major security-based swap participant in contravention of such order, if such security-based swap dealer or major security-based swap participant knew, or in the exercise of reasonable care should have known, of such order.''.

**SEC. 765. RULEMAKING ON CONFLICT OF INTEREST.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the Securities and Exchange Commission shall determine whether to adopt rules to establish limits on the control of any clearing agency that clears security-based swaps, or on the control of any security-based swap execution facility or national securities exchange that posts or makes available for trading security-based swaps, by a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) with total consolidated assets of $50,000,000,000 or more, a nonbank financial company (as defined in section 102) supervised by the Board of Governors of the Federal Reserve System, affiliate of such a bank holding company or nonbank financial company, a security-based swap dealer, major security-based swap participant, or person associated with a security-based swap dealer or major security-based swap participant.

(b) PURPOSES.—The Commission shall adopt rules if the Commission determines, after the review described in subsection (a), that such rules are necessary or appropriate to improve the governance of, or to mitigate systemic risk, promote competition, or mitigate conflicts of interest in connection with a security-based swap dealer or major security-based swap participant's conduct of business with, a clearing agency, national securities exchange, or security-based swap execution facility that clears, posts, or makes available for trading security-based swaps and in which such security-based swap dealer or major security-based swap participant has a material debt or equity investment.

**SEC. 766. REPORTING AND RECORDKEEPING.**

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 13 the following:

**''SEC. 13A. REPORTING AND RECORDKEEPING FOR CERTAIN SECURITY-BASED SWAPS.**

''(a) REQUIRED REPORTING OF SECURITY-BASED SWAPS NOT ACCEPTED BY ANY CLEARING AGENCY OR DERIVATIVES CLEARING ORGANIZATION.—

''(1) IN GENERAL.—Each security-based swap that is not accepted for clearing by any clearing agency or derivatives clearing organization shall be reported to—

''(A) a security-based swap data repository described in section 10B(n); or

''(B) in the case in which there is no security-based swap data repository that would accept the security-based swap, to the Commission pursuant to this section within such time period as the Commission may by rule or regulation prescribe.

''(2) TRANSITION RULE FOR PREENACTMENT SECURITY-BASED SWAPS.—

''(A) SECURITY-BASED SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.—Each security-based swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment of that Act, shall be reported to a registered security-based swap data repository or the Commission by a date that is not later than—

''(i) 30 days after issuance of the interim final rule; or

''(ii) such other period as the Commission determines to be appropriate.

''(B) COMMISSION RULEMAKING.—The Commission shall promulgate an interim final rule within 90 days of the date of enactment of this section providing for the reporting of each security-based swap entered into before the date of enactment as referenced in subparagraph (A).

''(C) EFFECTIVE DATE.—The reporting provisions described in this section shall be effective upon the date of the enactment of this section.

''(3) REPORTING OBLIGATIONS.—

''(A) SECURITY-BASED SWAPS IN WHICH ONLY 1 COUNTERPARTY IS A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—With respect to a security-based swap in which only 1 counterparty is a security-based swap dealer or major security-based swap participant, the security-based swap dealer or major security-based swap participant shall report the security-based swap as required under paragraphs (1) and (2).

''(B) SECURITY-BASED SWAPS IN WHICH 1 COUNTERPARTY IS A SECURITY-BASED SWAP DEALER AND THE OTHER A MAJOR SECURITY-BASED SWAP PARTICIPANT.—With respect to a security-based swap in which 1 counterparty is a security-based swap dealer and the other a major security-based swap participant, the security-based swap dealer shall report the security-based swap as required under paragraphs (1) and (2).

''(C) OTHER SECURITY-BASED SWAPS.—With respect to any other security-based swap not described in subparagraph (A) or (B), the counterparties to the security-based swap shall select a counterparty to report the security-based swap as required under paragraphs (1) and (2).

''(b) DUTIES OF CERTAIN INDIVIDUALS.—Any individual or entity that enters into a security-based swap shall meet each requirement described in subsection (c) if the individual or entity did not—

''(1) clear the security-based swap in accordance with section 3C(a)(1); or

''(2) have the data regarding the security-based swap accepted by a security-based swap data repository in accordance with rules (including timeframes) adopted by the Commission under this title.

''(c) REQUIREMENTS.—An individual or entity described in subsection (b) shall—

''(1) upon written request from the Commission, provide reports regarding the security-based swaps held by the individual or entity to the Commission in such form and in such manner as the Commission may request; and

''(2) maintain books and records pertaining to the security-based swaps held by the individual or entity in such form, in such manner, and for such period as the Commission may require, which shall be open to inspection by—

''(A) any representative of the Commission;

''(B) an appropriate prudential regulator;

''(C) the Commodity Futures Trading Commission;

''(D) the Financial Stability Oversight Council; and

''(E) the Department of Justice.

''(d) IDENTICAL DATA.—In prescribing rules under this section, the Commission shall require individuals and entities described in subsection (b) to submit to the Commission a report that contains data that is not less comprehensive than the data required to be collected by security-based swap data repositories under this title.''.

(b) BENEFICIAL OWNERSHIP REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(1) in subsection (d)(1), by inserting ''or otherwise becomes or is deemed to become a beneficial owner of any of the foregoing upon the purchase or sale of a security-based swap that the Commission may define by rule, and'' after ''Alaska Native Claims Settlement Act,''; and

(2) in subsection (g)(1), by inserting ''or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap that the Commission may define by rule'' after ''subsection (d)(1) of this section''.

(c) REPORTS BY INSTITUTIONAL INVESTMENT MANAGERS.—Section 13(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f)(1)) is amended by inserting ''or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap that the Commission may define by rule,'' after ''subsection (d)(1) of this section''.

(d) ADMINISTRATIVE PROCEEDING AUTHORITY.—Section 15(b)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(4)) is amended—

(1) in subparagraph (C), by inserting ''security-based swap dealer, major security-based swap participant,'' after ''government securities dealer,''; and

(2) in subparagraph (F), by striking ''broker or dealer'' and inserting ''broker, dealer, security-based swap dealer, or a major security-based swap participant''.

(e) SECURITY-BASED SWAP BENEFICIAL OWNERSHIP.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(o) BENEFICIAL OWNERSHIP.—For purposes of this section and section 16, a person shall be deemed to acquire beneficial ownership of an equity security based on the purchase or sale of a security-based swap, only to the extent that the Commission, by rule, determines after consultation with the prudential regulators and the Secretary of the Treasury, that the purchase or sale of the security-based swap, or class of security-based swap, provides incidents of ownership comparable to direct ownership of the equity security, and that it is necessary to achieve the purposes of this section that the purchase or sale of the security-based swaps, or class of security-based swap, be deemed the acquisition of beneficial ownership of the equity security.''.

**SEC. 767. STATE GAMING AND BUCKET SHOP LAWS.**

Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended to read as follows:

''(a) LIMITATION ON JUDGMENTS.—

''(1) IN GENERAL.—No person permitted to maintain a suit for damages under the provisions of this title shall recover, through satisfaction of judgment in 1 or more actions, a total amount in excess of the actual damages to that person on account of the act complained of. Except as otherwise specifically provided in this title, nothing in this title shall affect the jurisdiction of the securities commission (or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this title or the rules and regulations under this title.

''(2) RULE OF CONSTRUCTION.—Except as provided in subsection (f), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

''(3) STATE BUCKET SHOP LAWS.—No State law which prohibits or regulates the making or promoting of wagering or gaming contracts, or the operation of 'bucket shops' or other similar or related activities, shall invalidate—

''(A) any put, call, straddle, option, privilege, or other security subject to this title (except any security that has a pari-mutuel payout or otherwise is determined by the Commission, acting by rule, regulation, or order, to be appropriately subject to such laws), or apply to any activity which is incidental or related to the offer, purchase, sale, exercise, settlement, or closeout of any such security;

''(B) any security-based swap between eligible contract participants; or

''(C) any security-based swap effected on a national securities exchange registered pursuant to section 6(b).

''(4) OTHER STATE PROVISIONS.—No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security-based swap or a security futures product, except that this paragraph may not be construed as limiting any State antifraud law of general applicability. A security-based swap may not be regulated as an insurance contract under any provision of State law.''.

**SEC. 768. AMENDMENTS TO THE SECURITIES ACT OF 1933; TREATMENT OF SECURITY-BASED SWAPS.**

(a) DEFINITIONS.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(1) in paragraph (1), by inserting ''security-based swap,'' after ''security future,'';

(2) in paragraph (3), by adding at the end the following: ''Any offer or sale of a security-based swap by or on behalf of the issuer of the securities upon which such security-based swap is based or is referenced, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell such securities.''; and

(3) by adding at the end the following:

''(17) The terms 'swap' and 'security-based swap' have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(18) The terms 'purchase' or 'sale' of a security-based swap shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.''.

(b) REGISTRATION OF SECURITY-BASED SWAPS.—Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) is amended by adding at the end the following:

''(d) Notwithstanding the provisions of section 3 or 4, unless a registration statement meeting the requirements of section 10(a) is in effect as to a security-based swap, it shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell, offer to buy or purchase or sell a security-based swap to any person who is not an eligible contract participant as defined in section 1a(18) of the Commodity Exchange Act (7 U.S.C. 1a(18)).''.

**SEC. 769. DEFINITIONS UNDER THE INVESTMENT COMPANY ACT OF 1940.**

Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2) is amended by adding at the end the following:

''(54) The terms 'commodity pool', 'commodity pool operator', 'commodity trading advisor', 'major swap participant', 'swap', 'swap dealer', and 'swap execution facility' have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).''.

**SEC. 770. DEFINITIONS UNDER THE INVESTMENT ADVISORS ACT OF 1940.**

Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2) is amended by adding at the end the following:

''(29) The terms 'commodity pool', 'commodity pool operator', 'commodity trading advisor', 'major swap participant', 'swap', 'swap dealer', and 'swap execution facility' have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).''.

**SEC. 771. OTHER AUTHORITY.**

Unless otherwise provided by its terms, this subtitle does not divest any appropriate Federal banking agency, the Securities and Exchange Commission, the Commodity Futures Trading Commission, or any other Federal or State agency, of any authority derived from any other provision of applicable law.

**SEC. 772. JURISDICTION.**

(a) IN GENERAL.—Section 36 of the Securities Exchange Act of 1934 (15 U.S.C. 78mm) is amended by adding at the end the following:

''(c) DERIVATIVES.—The Commission shall not grant exemptions from the security-based swap provisions of the Wall Street Transparency and Accountability Act of 2010 or the amendments made by that Act, except as expressly authorized under the provisions of that Act.''.

(b) RULE OF CONSTRUCTION.—Section 30 of the Securities Exchange Act of 1934 (15 U.S.C. 78dd) is amended by adding at the end the following:

''(c) RULE OF CONSTRUCTION.—No provision of this title that was added by the Wall Street Transparency and Accountability Act of 2010, or any rule or regulation thereunder, shall apply to any person insofar as such person transacts a business in security-based swaps without the jurisdiction of the United States, unless such person transacts such business in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate to prevent the evasion of any provision of this title that was added by the Wall Street Transparency and Accountability Act of 2010. This subsection shall not be construed to limit the jurisdiction of the Commission under any provision of this title, as in effect prior to the date of enactment of the Wall Street Transparency and Accountability Act of 2010.''.

**SEC. 773. EFFECTIVE DATE.**

Unless otherwise specifically provided in this subtitle, this subtitle, the provisions of this subtitle, and the amendments made by this subtitle shall become effective 180 days after the date of enactment of this Act.

## TITLE VIII—PAYMENT, CLEARING, AND SETTLEMENT SUPERVISION

### SEC. 801. SHORT TITLE.

This title may be cited as the ''Payment, Clearing, and Settlement Supervision Act of 2010''.

### SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The proper functioning of the financial markets is dependent upon safe and efficient arrangements for the clearing and settlement of payment, securities, and other financial transactions.

(2) Financial market utilities that conduct or support multilateral payment, clearing, or settlement activities may reduce risks for their participants and the broader financial system, but such utilities may also concentrate and create new risks and thus must be well designed and operated in a safe and sound manner.

(3) Payment, clearing, and settlement activities conducted by financial institutions also present important risks to the participating financial institutions and to the financial system.

(4) Enhancements to the regulation and supervision of systemically important financial market utilities and the conduct of systemically important payment, clearing, and settlement activities by financial institutions are necessary—

(A) to provide consistency;

(B) to promote robust risk management and safety and soundness;

(C) to reduce systemic risks; and

(D) to support the stability of the broader financial system.

(b) PURPOSE.—The purpose of this title is to mitigate systemic risk in the financial system and promote financial stability by—

(1) authorizing the Board of Governors to prescribe uniform standards for the—

(A) management of risks by systemically important financial market utilities; and

(B) conduct of systemically important payment, clearing, and settlement activities by financial institutions;

(2) providing the Board of Governors an enhanced role in the supervision of risk management standards for systemically important financial market utilities;

(3) strengthening the liquidity of systemically important financial market utilities; and

(4) providing the Board of Governors an enhanced role in the supervision of risk management standards for systemically important payment, clearing, and settlement activities by financial institutions.

### SEC. 803. DEFINITIONS.

In this title, the following definitions shall apply:

(1) APPROPRIATE FINANCIAL REGULATOR.—The term ''appropriate financial regulator'' means—

(A) the primary financial regulatory agency, as defined in section 2 of this Act;

(B) the National Credit Union Administration, with respect to any insured credit union under the Federal Credit Union Act (12 U.S.C. 1751 et seq.); and

(C) the Board of Governors, with respect to organizations operating under section 25A of the Federal Reserve Act (12 U.S.C. 611), and any other financial institution engaged in a designated activity.

(2) DESIGNATED ACTIVITY.—The term ''designated activity'' means a payment, clearing, or settlement activity that the Council has designated as systemically important under section 804.

(3) DESIGNATED FINANCIAL MARKET UTILITY.—The term ''designated financial market utility'' means a financial market utility that the Council has designated as systemically important under section 804.

(4) FINANCIAL INSTITUTION.—The term ''financial institution'' means—

(A) a depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(B) a branch or agency of a foreign bank, as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101);

(C) an organization operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601–604a and 611 through 631);

(D) a credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(E) a broker or dealer, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(F) an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3);

(G) an insurance company, as defined in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2);

(H) an investment adviser, as defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2);

(I) a futures commission merchant, commodity trading advisor, or commodity pool operator, as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a); and

(J) any company engaged in activities that are financial in nature or incidental to a financial activity, as described in section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(5) FINANCIAL MARKET UTILITY.—The term ''financial market utility'' means any person that manages or operates a multilateral system for the purpose of transferring, clearing, or settling payments, securities, or other financial transactions among financial institutions or between financial institutions and the person.

(6) PAYMENT, CLEARING, OR SETTLEMENT ACTIVITY.—

(A) IN GENERAL.—The term ''payment, clearing, or settlement activity'' means an activity carried out by 1 or more financial institutions to facilitate the completion of financial transactions.

(B) FINANCIAL TRANSACTION.—For the purposes of subparagraph (A), the term ''financial transaction'' includes—

(i) funds transfers;

(ii) securities contracts;

(iii) contracts of sale of a commodity for future delivery;

(iv) forward contracts;

(v) repurchase agreements;

(vi) swaps;

(vii) security-based swaps;

(viii) swap agreements;

(ix) security-based swap agreements;

(x) foreign exchange contracts;

(xi) financial derivatives contracts; and

(xii) any similar transaction that the Council determines to be a financial transaction for purposes of this title.

(C) INCLUDED ACTIVITIES.—When conducted with respect to a financial transaction, payment, clearing, and settlement activities may include—

(i) the calculation and communication of unsettled financial transactions between counterparties;

(ii) the netting of transactions;

(iii) provision and maintenance of trade, contract, or instrument information;

(iv) the management of risks and activities associated with continuing financial transactions;

(v) transmittal and storage of payment instructions;

(vi) the movement of funds;

(vii) the final settlement of financial transactions; and

(viii) other similar functions that the Council may determine.

(7) SUPERVISORY AGENCY.—

(A) IN GENERAL.—The term ''Supervisory Agency'' means the Federal agency that has primary jurisdiction over a designated financial market utility under Federal banking, securities, or commodity futures laws, as follows:

(i) The Securities and Exchange Commission, with respect to a designated financial market utility that is a clearing agency registered with the Securities and Exchange Commission.

(ii) The Commodity Futures Trading Commission, with respect to a designated financial market utility that is a derivatives clearing organization registered with the Commodity Futures Trading Commission.

(iii) The appropriate Federal banking agency, with respect to a designated financial market utility that is an institution described in section 3(q) of the Federal Deposit Insurance Act.

(iv) The Board of Governors, with respect to a designated financial market utility that is otherwise not subject to the jurisdiction of any agency listed in clauses (i), (ii), and (iii).

(B) MULTIPLE AGENCY JURISDICTION.—If a designated financial market utility is subject to the jurisdictional supervision of more than 1 agency listed in subparagraph (A), then such agencies should agree on 1 agency to act as the Supervisory Agency, and if such agencies cannot agree on which agency has primary jurisdiction, the Council shall decide which agency is the Supervisory Agency for purposes of this title.

(8) SYSTEMICALLY IMPORTANT AND SYSTEMIC IMPORTANCE.—The terms ''systemically important'' and ''systemic importance'' mean a situation where the failure of or a disruption to the functioning of a financial market utility or the conduct of a payment, clearing, or settlement activity could create, or increase, the risk of significant liquidity or credit problems spreading among financial institutions or markets and thereby threaten the stability of the financial system.

### SEC. 804. DESIGNATION OF SYSTEMIC IMPORTANCE.

(a) DESIGNATION.—

(1) FINANCIAL STABILITY OVERSIGHT COUNCIL.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of members then serving, including an affirmative vote by the Chairperson of the Council, shall designate those financial market utilities or payment, clearing, or settlement activities that the Council determines are, or are likely to become, systemically important.

(2) CONSIDERATIONS.—In determining whether a financial market utility or payment, clearing, or settlement activity is, or is likely to become, systemically important, the Council shall take into consideration the following:

(A) The aggregate monetary value of transactions processed by the financial market utility or carried out through the payment, clearing, or settlement activity.

(B) The aggregate exposure of the financial market utility or a financial institution engaged in payment, clearing, or settlement activities to its counterparties.

(C) The relationship, interdependencies, or other interactions of the financial market

utility or payment, clearing, or settlement activity with other financial market utilities or payment, clearing, or settlement activities.

(D) The effect that the failure of or a disruption to the financial market utility or payment, clearing, or settlement activity would have on critical markets, financial institutions, or the broader financial system.

(E) Any other factors that the Council deems appropriate.

(b) RESCISSION OF DESIGNATION.—

(1) IN GENERAL.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of members then serving, including an affirmative vote by the Chairperson of the Council, shall rescind a designation of systemic importance for a designated financial market utility or designated activity if the Council determines that the utility or activity no longer meets the standards for systemic importance.

(2) EFFECT OF RESCISSION.—Upon rescission, the financial market utility or financial institutions conducting the activity will no longer be subject to the provisions of this title or any rules or orders prescribed by the Council under this title.

(c) CONSULTATION AND NOTICE AND OPPORTUNITY FOR HEARING.—

(1) CONSULTATION.—Before making any determination under subsection (a) or (b), the Council shall consult with the relevant Supervisory Agency and the Board of Governors.

(2) ADVANCE NOTICE AND OPPORTUNITY FOR HEARING.—

(A) IN GENERAL.—Before making any determination under subsection (a) or (b), the Council shall provide the financial market utility or, in the case of a payment, clearing, or settlement activity, financial institutions with advance notice of the proposed determination of the Council.

(B) NOTICE IN FEDERAL REGISTER.—The Council shall provide such advance notice to financial institutions by publishing a notice in the Federal Register.

(C) REQUESTS FOR HEARING.—Within 30 days from the date of any notice of the proposed determination of the Council, the financial market utility or, in the case of a payment, clearing, or settlement activity, a financial institution engaged in the designated activity may request, in writing, an opportunity for a written or oral hearing before the Council to demonstrate that the proposed designation or rescission of designation is not supported by substantial evidence.

(D) WRITTEN SUBMISSIONS.—Upon receipt of a timely request, the Council shall fix a time, not more than 30 days after receipt of the request, unless extended at the request of the financial market utility or financial institution, and place at which the financial market utility or financial institution may appear, personally or through counsel, to submit written materials, or, at the sole discretion of the Council, oral testimony or oral argument.

(3) EMERGENCY EXCEPTION.—

(A) WAIVER OR MODIFICATION BY VOTE OF THE COUNCIL.—The Council may waive or modify the requirements of paragraph (2) if the Council determines, by an affirmative vote of not less than ⅔ of all members then serving, including an affirmative vote by the Chairperson of the Council, that the waiver or modification is necessary to prevent or mitigate an immediate threat to the financial system posed by the financial market utility or the payment, clearing, or settlement activity.

(B) NOTICE OF WAIVER OR MODIFICATION.—The Council shall provide notice of the waiver or modification to the financial market utility concerned or, in the case of a payment, clearing, or settlement activity, to financial institutions, as soon as practicable, which shall be no later than 24 hours after the waiver or modification in the case of a financial market utility and 3 business days in the case of financial institutions. The Council shall provide the notice to financial institutions by posting a notice on the website of the Council and by publishing a notice in the Federal Register.

(d) NOTIFICATION OF FINAL DETERMINATION.—

(1) AFTER HEARING.—Within 60 days of any hearing under subsection (c)(3), the Council shall notify the financial market utility or financial institutions of the final determination of the Council in writing, which shall include findings of fact upon which the determination of the Council is based.

(2) WHEN NO HEARING REQUESTED.—If the Council does not receive a timely request for a hearing under subsection (c)(3), the Council shall notify the financial market utility or financial institutions of the final determination of the Council in writing not later than 30 days after the expiration of the date by which a financial market utility or a financial institution could have requested a hearing. All notices to financial institutions under this subsection shall be published in the Federal Register.

(e) EXTENSION OF TIME PERIODS.—The Council may extend the time periods established in subsections (c) and (d) as the Council determines to be necessary or appropriate.

**SEC. 805. STANDARDS FOR SYSTEMICALLY IMPORTANT FINANCIAL MARKET UTILITIES AND PAYMENT, CLEARING, OR SETTLEMENT ACTIVITIES.**

(a) AUTHORITY TO PRESCRIBE STANDARDS.—The Board, by rule or order, and in consultation with the Council and the Supervisory Agencies, shall prescribe risk management standards, taking into consideration relevant international standards and existing prudential requirements, governing—

(1) the operations related to the payment, clearing, and settlement activities of designated financial market utilities; and

(2) the conduct of designated activities by financial institutions.

(b) OBJECTIVES AND PRINCIPLES.—The objectives and principles for the risk management standards prescribed under subsection (a) shall be to—

(1) promote robust risk management;

(2) promote safety and soundness;

(3) reduce systemic risks; and

(4) support the stability of the broader financial system.

(c) SCOPE.—The standards prescribed under subsection (a) may address areas such as—

(1) risk management policies and procedures;

(2) margin and collateral requirements;

(3) participant or counterparty default policies and procedures;

(4) the ability to complete timely clearing and settlement of financial transactions;

(5) capital and financial resource requirements for designated financial market utilities; and

(6) other areas that the Board determines are necessary to achieve the objectives and principles in subsection (b).

(d) THRESHOLD LEVEL.—The standards prescribed under subsection (a) governing the conduct of designated activities by financial institutions shall, where appropriate, establish a threshold as to the level or significance of engagement in the activity at which a financial institution will become subject to the standards with respect to that activity.

(e) COMPLIANCE REQUIRED.—Designated financial market utilities and financial institutions subject to the standards prescribed by the Board of Governors for a designated activity shall conduct their operations in compliance with the applicable risk management standards prescribed by the Board of Governors.

**SEC. 806. OPERATIONS OF DESIGNATED FINANCIAL MARKET UTILITIES.**

(a) FEDERAL RESERVE ACCOUNT AND SERVICES.—The Board of Governors may authorize a Federal Reserve Bank to establish and maintain an account for a designated financial market utility and provide services to the designated financial market utility that the Federal Reserve Bank is authorized under the Federal Reserve Act to provide to a depository institution, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(b) ADVANCES.—The Board of Governors may authorize a Federal Reserve Bank to provide to a designated financial market utility the same discount and borrowing privileges as the Federal Reserve Bank may provide to a depository institution under the Federal Reserve Act, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(c) EARNINGS ON FEDERAL RESERVE BALANCES.—A Federal Reserve Bank may pay earnings on balances maintained by or on behalf of a designated financial market utility in the same manner and to the same extent as the Federal Reserve Bank may pay earnings to a depository institution under the Federal Reserve Act, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(d) RESERVE REQUIREMENTS.—The Board of Governors may exempt a designated financial market utility from, or modify any, reserve requirements under section 19 of the Federal Reserve Act (12 U.S.C. 461) applicable to a designated financial market utility.

(e) CHANGES TO RULES, PROCEDURES, OR OPERATIONS.—

(1) ADVANCE NOTICE.—

(A) ADVANCE NOTICE OF PROPOSED CHANGES REQUIRED.—A designated financial market utility shall provide notice 60 days in advance advance notice to its Supervisory Agency and the Board of Governors of any proposed change to its rules, procedures, or operations that could, as defined in rules of the Board of Governors, materially affect, the nature or level of risks presented by the designated financial market utility.

(B) TERMS AND STANDARDS PRESCRIBED BY THE BOARD OF GOVERNORS.—The Board of Governors shall prescribe regulations that define and describe the standards for determining when notice is required to be provided under subparagraph (A).

(C) CONTENTS OF NOTICE.—The notice of a proposed change shall describe—

(i) the nature of the change and expected effects on risks to the designated financial market utility, its participants, or the market; and

(ii) how the designated financial market utility plans to manage any identified risks.

(D) ADDITIONAL INFORMATION.—The Supervisory Agency or the Board of Governors may require a designated financial market utility to provide any information necessary to assess the effect the proposed change would have on the nature or level of risks associated with the designated financial market utility's payment, clearing, or settlement activities and the sufficiency of any proposed risk management techniques.

(E) NOTICE OF OBJECTION.—The Supervisory Agency or the Board of Governors shall notify the designated financial market utility of any objection regarding the proposed change within 60 days from the later of—

(i) the date that the notice of the proposed change is received; or

(ii) the date any further information requested for consideration of the notice is received.

(F) CHANGE NOT ALLOWED IF OBJECTION.—A designated financial market utility shall not implement a change to which the Board of Governors or the Supervisory Agency has an objection.

(G) CHANGE ALLOWED IF NO OBJECTION WITHIN 60 DAYS.—A designated financial market utility may implement a change if it has not received an objection to the proposed change within 60 days of the later of—

(i) the date that the Supervisory Agency or the Board of Governors receives the notice of proposed change; or

(ii) the date the Supervisory Agency or the Board of Governors receives any further information it requests for consideration of the notice.

(H) REVIEW EXTENSION FOR NOVEL OR COMPLEX ISSUES.—The Supervisory Agency or the Board of Governors may, during the 60-day review period, extend the review period for an additional 60 days for proposed changes that raise novel or complex issues, subject to the Supervisory Agency or the Board of Governors providing the designated financial market utility with prompt written notice of the extension. Any extension under this subparagraph will extend the time periods under subparagraphs (D) and (F).

(I) CHANGE ALLOWED EARLIER IF NOTIFIED OF NO OBJECTION.—A designated financial market utility may implement a change in less than 60 days from the date of receipt of the notice of proposed change by the Supervisory Agency or the Board of Governors, or the date the Supervisory Agency or the Board of Governors receives any further information it requested, if the Supervisory Agency or the Board of Governors notifies the designated financial market utility in writing that it does not object to the proposed change and authorizes the designated financial market utility to implement the change on an earlier date, subject to any conditions imposed by the Supervisory Agency or the Board of Governors.

(2) EMERGENCY CHANGES.—

(A) IN GENERAL.—A designated financial market utility may implement a change that would otherwise require advance notice under this subsection if it determines that—

(i) an emergency exists; and

(ii) immediate implementation of the change is necessary for the designated financial market utility to continue to provide its services in a safe and sound manner.

(B) NOTICE REQUIRED WITHIN 24 HOURS.—The designated financial market utility shall provide notice of any such emergency change to its Supervisory Agency and the Board of Governors, as soon as practicable, which shall be no later than 24 hours after implementation of the change.

(C) CONTENTS OF EMERGENCY NOTICE.—In addition to the information required for changes requiring advance notice, the notice of an emergency change shall describe—

(i) the nature of the emergency; and

(ii) the reason the change was necessary for the designated financial market utility to continue to provide its services in a safe and sound manner.

(D) MODIFICATION OR RESCISSION OF CHANGE MAY BE REQUIRED.—The Supervisory Agency or the Board of Governors may require modification or rescission of the change if it finds that the change is not consistent with the purposes of this Act or any rules, orders, or standards prescribed by the Board of Governors hereunder.

(3) COPYING THE BOARD OF GOVERNORS.—The Supervisory Agency shall provide the Board of Governors concurrently with a complete copy of any notice, request, or other information it issues, submits, or receives under this subsection.

(4) CONSULTATION WITH BOARD OF GOVERNORS.—Before taking any action on, or completing its review of, a change proposed by a designated financial market utility, the Supervisory Agency shall consult with the Board of Governors.

**SEC. 807. EXAMINATION OF AND ENFORCEMENT ACTIONS AGAINST DESIGNATED FINANCIAL MARKET UTILITIES.**

(a) EXAMINATION.—Notwithstanding any other provision of law and subject to subsection (d), the Supervisory Agency shall conduct examinations of a designated financial market utility at least once annually in order to determine the following:

(1) The nature of the operations of, and the risks borne by, the designated financial market utility.

(2) The financial and operational risks presented by the designated financial market utility to financial institutions, critical markets, or the broader financial system.

(3) The resources and capabilities of the designated financial market utility to monitor and control such risks.

(4) The safety and soundness of the designated financial market utility.

(5) The designated financial market utility's compliance with—

(A) this title; and

(B) the rules and orders prescribed by the Board of Governors under this title.

(b) SERVICE PROVIDERS.—Whenever a service integral to the operation of a designated financial market utility is performed for the designated financial market utility by another entity, whether an affiliate or non-affiliate and whether on or off the premises of the designated financial market utility, the Supervisory Agency may examine whether the provision of that service is in compliance with applicable law, rules, orders, and standards to the same extent as if the designated financial market utility were performing the service on its own premises.

(c) ENFORCEMENT.—For purposes of enforcing the provisions of this section, a designated financial market utility shall be subject to, and the appropriate Supervisory Agency shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the designated financial market utility was an insured depository institution and the Supervisory Agency was the appropriate Federal banking agency for such insured depository institution.

(d) BOARD OF GOVERNORS INVOLVEMENT IN EXAMINATIONS.—

(1) BOARD OF GOVERNORS CONSULTATION ON EXAMINATION PLANNING.—The Supervisory Agency shall consult with the Board of Governors regarding the scope and methodology of any examination conducted under subsections (a) and (b).

(2) BOARD OF GOVERNORS PARTICIPATION IN EXAMINATION.—The Board of Governors may, in its discretion, participate in any examination led by a Supervisory Agency and conducted under subsections (a) and (b).

(e) BOARD OF GOVERNORS ENFORCEMENT RECOMMENDATIONS.—

(1) RECOMMENDATION.—The Board of Governors may at any time recommend to the Supervisory Agency that such agency take enforcement action against a designated financial market utility. Any such recommendation for enforcement action shall provide a detailed analysis supporting the recommendation of the Board of Governors.

(2) CONSIDERATION.—The Supervisory Agency shall consider the recommendation of the Board of Governors and submit a response to the Board of Governors within 60 days.

(3) MEDIATION.—If the Supervisory Agency rejects, in whole or in part, the recommendation of the Board of Governors, the Board of Governors may dispute the matter by referring the recommendation to the Council, which shall attempt to resolve the dispute.

(4) ENFORCEMENT ACTION.—If the Council is unable to resolve the dispute under paragraph (3) within 30 days from the date of referral, the Board of Governors may, upon a vote of its members—

(A) exercise the enforcement authority referenced in subsection (c) as if it were the Supervisory Agency; and

(B) take enforcement action against the designated financial market utility.

(f) EMERGENCY ENFORCEMENT ACTIONS BY THE BOARD OF GOVERNORS.—

(1) IMMINENT RISK OF SUBSTANTIAL HARM.—The Board of Governors may, after consulting with the Council and the Supervisory Agency, take enforcement action against a designated financial market utility if the Board of Governors has reasonable cause to believe that—

(A) either—

(i) an action engaged in, or contemplated by, a designated financial market utility (including any change proposed by the designated financial market utility to its rules, procedures, or operations that would otherwise be subject to section 806(e)) poses an imminent risk of substantial harm to financial institutions, critical markets, or the broader financial system; or

(ii) the condition of a designated financial market utility poses an imminent risk of substantial harm to financial institutions, critical markets, or the broader financial system; and

(B) the imminent risk of substantial harm precludes the Board of Governors' use of the procedures in subsection (e).

(2) ENFORCEMENT AUTHORITY.—For purposes of taking enforcement action under paragraph (1), a designated financial market utility shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the designated financial market utility was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

(3) PROMPT NOTICE TO SUPERVISORY AGENCY OF ENFORCEMENT ACTION.—Within 24 hours of taking an enforcement action under this subsection, the Board of Governors shall provide written notice to the designated financial market utility's Supervisory Agency containing a detailed analysis of the action of the Board of Governors, with supporting documentation included.

**SEC. 808. EXAMINATION OF AND ENFORCEMENT ACTIONS AGAINST FINANCIAL INSTITUTIONS SUBJECT TO STANDARDS FOR DESIGNATED ACTIVITIES.**

(a) EXAMINATION.—The appropriate financial regulator is authorized to examine a financial institution subject to the standards prescribed by the Board of Governors for a

designated activity in order to determine the following:

(1) The nature and scope of the designated activities engaged in by the financial institution.

(2) The financial and operational risks the designated activities engaged in by the financial institution may pose to the safety and soundness of the financial institution.

(3) The financial and operational risks the designated activities engaged in by the financial institution may pose to other financial institutions, critical markets, or the broader financial system.

(4) The resources available to and the capabilities of the financial institution to monitor and control the risks described in paragraphs (2) and (3).

(5) The financial institution's compliance with this title and the rules and orders prescribed by the Board of Governors under this title.

(b) ENFORCEMENT.—For purposes of enforcing the provisions of this section, and the rules and orders prescribed by the Board of Governors under this section, a financial institution subject to the standards prescribed by the Board of Governors for a designated activity shall be subject to, and the appropriate financial regulator shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the appropriate financial regulator was the appropriate Federal banking agency for such insured depository institution.

(c) TECHNICAL ASSISTANCE.—The Board of Governors shall consult with and provide such technical assistance as may be required by the appropriate financial regulators to ensure that the rules and orders prescribed by the Board of Governors under this title are interpreted and applied in as consistent and uniform a manner as practicable.

(d) DELEGATION.—

(1) EXAMINATION.—

(A) REQUEST TO BOARD OF GOVERNORS.—The appropriate financial regulator may request the Board of Governors to conduct or participate in an examination of a financial institution subject to the standards prescribed by the Board of Governors for a designated activity in order to assess the compliance of such financial institution with—

(i) this title; or

(ii) the rules or orders prescribed by the Board of Governors under this title.

(B) EXAMINATION BY BOARD OF GOVERNORS.—Upon receipt of an appropriate written request, the Board of Governors will conduct the examination under such terms and conditions to which the Board of Governors and the appropriate financial regulator mutually agree.

(2) ENFORCEMENT.—

(A) REQUEST TO BOARD OF GOVERNORS.—The appropriate financial regulator may request the Board of Governors to enforce this title or the rules or orders prescribed by the Board of Governors under this title against a financial institution that is subject to the standards prescribed by the Board of Governors for a designated activity.

(B) ENFORCEMENT BY BOARD OF GOVERNORS.—Upon receipt of an appropriate written request, the Board of Governors shall determine whether an enforcement action is warranted, and, if so, it shall enforce compliance with this title or the rules or orders prescribed by the Board of Governors under this title and, if so, the financial institution shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

(e) BACK-UP AUTHORITY OF THE BOARD OF GOVERNORS.—

(1) EXAMINATION AND ENFORCEMENT.—Notwithstanding any other provision of law, the Board of Governors may—

(A) conduct an examination of the type described in subsection (a) of any financial institution that is subject to the standards prescribed by the Board of Governors for a designated activity; and

(B) enforce the provisions of this title or any rules or orders prescribed by the Board of Governors under this title against any financial institution that is subject to the standards prescribed by the Board of Governors for a designated activity.

(2) LIMITATIONS.—

(A) EXAMINATION.—The Board of Governors may exercise the authority described in paragraph (1)(A) only if the Board of Governors has—

(i) reasonable cause to believe that a financial institution is not in compliance with this title or the rules or orders prescribed by the Board of Governors under this title with respect to a designated activity;

(ii) notified, in writing, the appropriate financial regulator and the Council of its belief under clause (i) with supporting documentation included;

(iii) requested the appropriate financial regulator to conduct a prompt examination of the financial institution; and

(iv) either—

(I) not been afforded a reasonable opportunity to participate in an examination of the financial institution by the appropriate financial regulator within 30 days after the date of the Board's notification under clause (ii); or

(II) reasonable cause to believe that the financial institution's noncompliance with this title or the rules or orders prescribed by the Board of Governors under this title poses a substantial risk to other financial institutions, critical markets, or the broader financial system, subject to the Board of Governors affording the appropriate financial regulator a reasonable opportunity to participate in the examination.

(B) ENFORCEMENT.—The Board of Governors may exercise the authority described in paragraph (1)(B) only if the Board of Governors has—

(i) reasonable cause to believe that a financial institution is not in compliance with this title or the rules or orders prescribed by the Board of Governors under this title with respect to a designated activity;

(ii) notified, in writing, the appropriate financial regulator and the Council of its belief under clause (i) with supporting documentation included and with a recommendation that the appropriate financial regulator take 1 or more specific enforcement actions against the financial institution; and

(iii) either—

(I) not been notified, in writing, by the appropriate financial regulator of the commencement of an enforcement action recommended by the Board of Governors against the financial institution within 60 days from the date of the notification under clause (ii); or

(II) reasonable cause to believe that the financial institution's noncompliance with this title or the rules or orders prescribed by the Board of Governors under this title poses a substantial risk to other financial institutions, critical markets, or the broader financial system, subject to the Board of Governors notifying the appropriate financial regulator of the Board's enforcement action.

(3) ENFORCEMENT PROVISIONS.—For purposes of taking enforcement action under paragraph (1), the financial institution shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

**SEC. 809. REQUESTS FOR INFORMATION, REPORTS, OR RECORDS.**

(a) INFORMATION TO ASSESS SYSTEMIC IMPORTANCE.—

(1) FINANCIAL MARKET UTILITIES.—The Council is authorized to require any financial market utility to submit such information as the Council may require for the sole purpose of assessing whether that financial market utility is systemically important, but only if the Council has reasonable cause to believe that the financial market utility meets the standards for systemic importance set forth in section 804.

(2) FINANCIAL INSTITUTIONS ENGAGED IN PAYMENT, CLEARING, OR SETTLEMENT ACTIVITIES.—The Council is authorized to require any financial institution to submit such information as the Council may require for the sole purpose of assessing whether any payment, clearing, or settlement activity engaged in or supported by a financial institution is systemically important, but only if the Council has reasonable cause to believe that the activity meets the standards for systemic importance set forth in section 804.

(b) REPORTING AFTER DESIGNATION.—

(1) DESIGNATED FINANCIAL MARKET UTILITIES.—The Board of Governors and the Council may require a designated financial market utility to submit reports or data to the Board of Governors and the Council in such frequency and form as deemed necessary by the Board of Governors and the Council in order to assess the safety and soundness of the utility and the systemic risk that the utility's operations pose to the financial system.

(2) FINANCIAL INSTITUTIONS SUBJECT TO STANDARDS FOR DESIGNATED ACTIVITIES.—The Board of Governors and the Council may require 1 or more financial institutions subject to the standards prescribed by the Board of Governors for a designated activity to submit, in such frequency and form as deemed necessary by the Board of Governors and the Council, reports and data to the Board of Governors and the Council solely with respect to the conduct of the designated activity and solely to assess whether—

(A) the rules, orders, or standards prescribed by the Board of Governors with respect to the designated activity appropriately address the risks to the financial system presented by such activity; and

(B) the financial institutions are in compliance with this title and the rules and orders prescribed by the Board of Governors under this title with respect to the designated activity.

(c) COORDINATION WITH APPROPRIATE FEDERAL SUPERVISORY AGENCY.—

(1) ADVANCE COORDINATION.—Before directly requesting any material information from, or imposing reporting or recordkeeping requirements on, any financial market utility or any financial institution engaged in a payment, clearing, or settlement activity, the Board of Governors and the Council shall coordinate with the Supervisory Agency for a financial market utility or the appropriate financial regulator for a financial institution to determine if the information is available from or may be obtained by the agency in the form, format, or detail required by the Board of Governors and the Council.

(2) SUPERVISORY REPORTS.—Notwithstanding any other provision of law, the Supervisory Agency, the appropriate financial regulator, and the Board of Governors are authorized to disclose to each other and the Council copies of its examination reports or similar reports regarding any financial market utility or any financial institution engaged in payment, clearing, or settlement activities.

(d) TIMING OF RESPONSE FROM APPROPRIATE FEDERAL SUPERVISORY AGENCY.—If the information, report, records, or data requested by the Board of Governors or the Council under subsection (c)(1) are not provided in full by the Supervisory Agency or the appropriate financial regulator in less than 15 days after the date on which the material is requested, the Board of Governors or the Council may request the information or impose recordkeeping or reporting requirements directly on such persons as provided in subsections (a) and (b) with notice to the agency.

(e) SHARING OF INFORMATION.—

(1) MATERIAL CONCERNS.—Notwithstanding any other provision of law, the Board of Governors, the Council, the appropriate financial regulator, and any Supervisory Agency are authorized to—

(A) promptly notify each other of material concerns about a designated financial market utility or any financial institution engaged in designated activities; and

(B) share appropriate reports, information, or data relating to such concerns.

(2) OTHER INFORMATION.—Notwithstanding any other provision of law, the Board of Governors, the Council, the appropriate financial regulator, or any Supervisory Agency may, under such terms and conditions as it deems appropriate, provide confidential supervisory information and other information obtained under this title to other persons it deems appropriate, including the Secretary, State financial institution supervisory agencies, foreign financial supervisors, foreign central banks, and foreign finance ministries, subject to reasonable assurances of confidentiality.

(f) PRIVILEGE MAINTAINED.—The Board of Governors, the Council, the appropriate financial regulator, and any Supervisory Agency providing reports or data under this section shall not be deemed to have waived any privilege applicable to those reports or data, or any portion thereof, by providing the reports or data to the other party or by permitting the reports or data, or any copies thereof, to be used by the other party.

(g) DISCLOSURE EXEMPTION.—Information obtained by the Board of Governors or the Council under this section and any materials prepared by the Board of Governors or the Council regarding its assessment of the systemic importance of financial market utilities or any payment, clearing, or settlement activities engaged in by financial institutions, and in connection with its supervision of designated financial market utilities and designated activities, shall be confidential supervisory information exempt from disclosure under section 552 of title 5, United States Code. For purposes of such section 552, this subsection shall be considered a statute described in subsection (b)(3) of such section 552.

**SEC. 810. RULEMAKING.**

The Board of Governors and the Council are authorized to prescribe such rules and issue such orders as may be necessary to administer and carry out the authorities and duties granted to the Board of Governors or the Council, respectively, and prevent evasions thereof.

**SEC. 811. OTHER AUTHORITY.**

Unless otherwise provided by its terms, this title does not divest any appropriate financial regulator, any Supervisory Agency, or any other Federal or State agency, of any authority derived from any other applicable law, except that any standards prescribed by the Board of Governors under section 805 shall supersede any less stringent requirements established under other authority to the extent of any conflict.

**SEC. 812. EFFECTIVE DATE.**

This title is effective as of the date of enactment of this Act.

## TITLE IX—INVESTOR PROTECTIONS AND IMPROVEMENTS TO THE REGULATION OF SECURITIES

### Subtitle A—Increasing Investor Protection

**SEC. 911. INVESTOR ADVISORY COMMITTEE ESTABLISHED.**

Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

**"SEC. 39. INVESTOR ADVISORY COMMITTEE.**

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) ESTABLISHMENT.—There is established within the Commission the Investor Advisory Committee (referred to in this section as the 'Committee').

''(2) PURPOSE.—The Committee shall—

''(A) advise and consult with the Commission on—

''(i) regulatory priorities of the Commission;

''(ii) issues relating to the regulation of securities products, trading strategies, and fee structures, and the effectiveness of disclosure;

''(iii) initiatives to protect investor interest; and

''(iv) initiatives to promote investor confidence and the integrity of the securities marketplace; and

''(B) submit to the Commission such findings and recommendations as the Committee determines are appropriate, including recommendations for proposed legislative changes.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The members of the Committee shall be—

''(A) the Investor Advocate;

''(B) a representative of State securities commissions;

''(C) a representative of the interests of senior citizens; and

''(D) not fewer than 10, and not more than 20, members appointed by the Commission, from among individuals who—

''(i) represent the interests of individual equity and debt investors, including investors in mutual funds;

''(ii) represent the interests of institutional investors, including the interests of pension funds and registered investment companies;

''(iii) are knowledgeable about investment issues and decisions; and

''(iv) have reputations of integrity.

''(2) TERM.—Each member of the Committee appointed under paragraph (1)(B) shall serve for a term of 4 years.

''(3) MEMBERS NOT COMMISSION EMPLOYEES.—Members appointed under paragraph (1)(B) shall not be deemed to be employees or agents of the Commission solely because of membership on the Committee.

''(c) CHAIRMAN; VICE CHAIRMAN; SECRETARY; ASSISTANT SECRETARY.—

''(1) IN GENERAL.—The members of the Committee shall elect, from among the members of the Committee—

''(A) a chairman, who may not be employed by an issuer;

''(B) a vice chairman, who may not be employed by an issuer;

''(C) a secretary; and

''(D) an assistant secretary.

''(2) TERM.—Each member elected under paragraph (1) shall serve for a term of 3 years in the capacity for which the member was elected under paragraph (1).

''(d) MEETINGS.—

''(1) FREQUENCY OF MEETINGS.—The Committee shall meet—

''(A) not less frequently than twice annually, at the call of the chairman of the Committee; and

''(B) from time to time, at the call of the Commission.

''(2) NOTICE.—The chairman of the Committee shall give the members of the Committee written notice of each meeting, not later than 2 weeks before the date of the meeting.

''(e) COMPENSATION AND TRAVEL EXPENSES.—Each member of the Committee who is not a full-time employee of the United States shall—

''(1) be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Committee; and

''(2) while away from the home or regular place of business of the member in the performance of services for the Committee, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

''(f) STAFF.—The Commission shall make available to the Committee such staff as the chairman of the Committee determines are necessary to carry out this section.

''(g) REVIEW BY COMMISSION.—The Commission shall—

''(1) review the findings and recommendations of the Committee; and

''(2) each time the Committee submits a finding or recommendation to the Commission, issue a public statement—

''(A) assessing the finding or recommendation of the Committee; and

''(B) disclosing the action, if any, the Commission intends to take with respect to the finding or recommendation.

''(h) COMMITTEE FINDINGS.—Nothing in this section shall require the Commission to agree to or act upon any finding or recommendation of the Committee.

''(i) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee and its activities.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission such sums as are necessary to carry out this section.''.

**SEC. 912. CLARIFICATION OF AUTHORITY OF THE COMMISSION TO ENGAGE IN INVESTOR TESTING.**

Section 19 of the Securities Act of 1933 (15 U.S.C. 77s) is amended by adding at the end the following:

''(e) EVALUATION OF RULES OR PROGRAMS.—For the purpose of evaluating any rule or program of the Commission issued or carried out under any provision of the securities laws, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), and the purposes of considering, proposing, adopting, or engaging in any such rule or program or developing new rules or programs, the Commission may—

''(1) gather information from and communicate with investors or other members of the public;

''(2) engage in such temporary investor testing programs as the Commission determines are in the public interest or would protect investors; and

''(3) consult with academics and consultants, as necessary to carry out this subsection.

''(f) RULE OF CONSTRUCTION.—For purposes of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), any action taken under subsection (e) shall not be construed to be a collection of information.''.

**SEC. 913. STUDY AND RULEMAKING REGARDING OBLIGATIONS OF BROKERS, DEALERS, AND INVESTMENT ADVISERS.**

(a) DEFINITIONS.—In this section—

(1) the term ''FINRA'' means the Financial Industry Regulatory Authority; and

(2) the term ''retail customer'' means an individual customer of a broker, dealer, investment adviser, person associated with a broker or dealer, or a person associated with an investment adviser.

(b) IN GENERAL.—The Commission shall conduct a study to evaluate—

(1) the effectiveness of existing legal or regulatory standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice and recommendations about securities to retail customers imposed by the Commission and FINRA, and other Federal and State legal or regulatory standards; and

(2) whether there are legal or regulatory gaps or overlap in legal or regulatory standards in the protection of retail customers relating to the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to retail customers that should be addressed by rule or statute.

(c) CONSIDERATIONS.—In conducting the study required under subsection (b), the Commission shall consider—

(1) the regulatory, examination, and enforcement resources devoted to, and activities of, the Commission and FINRA to enforce the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers when providing personalized investment advice and recommendations about securities to retail customers, including—

(A) the frequency of examinations of brokers, dealers, and investment advisers; and

(B) the length of time of the examinations;

(2) the substantive differences, compared and contrasted in detail, in the regulation of brokers, dealers, and investment advisers, when providing personalized investment advice and recommendations about securities to retail customers, including the differences in the amount of resources devoted to the regulation and examination of brokers, dealers, and investment advisers, by the Commission and FINRA;

(3) the specific instances in which—

(A) the regulation and oversight of investment advisers provide greater protection to retail customers than the regulation and oversight of brokers and dealers; and

(B) the regulation and oversight of brokers and dealers provide greater protection to retail customers than the regulation and oversight of investment advisers;

(4) the existing legal or regulatory standards of State securities regulators and other regulators intended to protect retail customers;

(5) the potential impact on retail customers, including the potential impact on access of retail customers to the range of products and services offered by brokers and dealers, of imposing upon brokers, dealers, and persons associated with brokers or dealers—

(A) the standard of care applied under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) for providing personalized investment advice about securities to retail customers of investment advisers; and

(B) other requirements of the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.);

(6) the potential impact of—

(A) imposing on investment advisers the standard of care applied by the Commission and FINRA under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) for providing recommendations about securities to retail customers of brokers and dealers and other Commission and FINRA requirements applicable to brokers and dealers; and

(B) authorizing the Commission to designate 1 or more self-regulatory organizations to augment the efforts of the Commission to oversee investment advisers;

(7) the potential impact of eliminating the broker and dealer exclusion from the definition of ''investment adviser'' under section 202(a)(11)(C) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)(C)), in terms of—

(A) the potential benefits or harm to retail customers that could result from such a change, including any potential impact on access to personalized investment advice and recommendations about securities to retail customers or the availability of such advice and recommendations;

(B) the number of additional entities and individuals that would be required to register under, or become subject to, the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), and the additional requirements to which brokers, dealers, and persons associated with brokers and dealers would become subject, including—

(i) any potential additional associated person licensing, registration, and examination requirements; and

(ii) the additional costs, if any, to the additional entities and individuals; and

(C) the impact on Commission resources to—

(i) conduct examinations of registered investment advisers and the representatives of registered investment advisers, including the impact on the examination cycle; and

(ii) enforce the standard of care and other applicable requirements imposed under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.);

(8) the ability of investors to understand the differences in terms of regulatory oversight and examinations between brokers, dealers, and investment advisers;

(9) the varying level of services provided by brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers to retail customers and the varying scope and terms of retail customer relationships of brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers with such retail customers;

(10) any potential benefits or harm to retail customers that could result from any potential changes in the regulatory requirements or legal standards affecting brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers relating to their obligations to retail customers, including any potential impact on—

(A) protection from fraud;

(B) access to personalized investment advice, and recommendations about securities to retail customers; or

(C) the availability of such advice and recommendations;

(11) the additional costs and expenses to retail customers and to brokers, dealers, and investment advisers resulting from potential changes in the regulatory requirements or legal standards affecting brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers relating to their obligations to retail customers; and

(12) any other consideration that the Commission deems necessary and appropriate to effectively execute the study required under subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report on the study required under subsection (b) to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(2) CONTENT REQUIREMENTS.—The report required under paragraph (1) shall describe the findings, conclusions, and recommendations of the Commission from the study required under subsection (b), including—

(A) a description of the considerations, analysis, and public and industry input that the Commission considered, as required under subsection (e), to make such findings, conclusions, and policy recommendations; and

(B) an analysis of—

(i) whether any identified legal or regulatory gaps or overlap in legal or regulatory standards in the protection of retail customers relating to the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to retail customers can be addressed by rule; and

(ii) whether, and the extent to which, the Commission would require additional statutory authority to address such gaps or overlap.

(e) PUBLIC COMMENT.—The Commission shall seek and consider public input, comments, and data in order to prepare the report required under subsection (d).

(f) RULEMAKING.—

(1) IN GENERAL.—If the study required under subsection (b) identifies any gaps or overlap in the legal or regulatory standards in the protection of retail customers relating to the standards of care for brokers, dealers, investment advisers, persons associated with

brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to such retail customers, the Commission, not later than 2 years after the date of enactment of this Act, shall—

(A) commence a rulemaking, as necessary or appropriate in the public interest and for the protection of retail customers, to address such regulatory gaps and overlap that can be addressed by rule, using its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) and the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.); and

(B) consider and take into account the findings, conclusions, and recommendations of the study required under this section.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the rulemaking authority of the Commission under any other provision of Federal law.

**SEC. 914. OFFICE OF THE INVESTOR ADVOCATE.**

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

''(g) OFFICE OF THE INVESTOR ADVOCATE.—

''(1) OFFICE ESTABLISHED.—There is established within the Commission the Office of the Investor Advocate (in this subsection referred to as the 'Office').

''(2) INVESTOR ADVOCATE.—

''(A) IN GENERAL.—The head of the Office shall be the Investor Advocate, who shall—

''(i) report directly to the Chairman; and

''(ii) be appointed by the Chairman, in consultation with the Commission, from among individuals having experience in advocating for the interests of investors in securities and investor protection issues, from the perspective of investors.

''(B) COMPENSATION.—The annual rate of pay for the Investor Advocate shall be equal to the highest rate of annual pay for a Senior Executive Service position within the Commission.

''(C) LIMITATION ON SERVICE.—An individual who serves as the Investor Advocate may not be employed by the Commission—

''(i) during the 2-year period ending on the date of appointment as Investor Advocate; or

''(ii) during the 5-year period beginning on the date on which the person ceases to serve as the Investor Advocate.

''(3) STAFF OF OFFICE.—The Investor Advocate may retain or employ independent counsel, research staff, and service staff, as the Investor Advocate deems necessary to carry out the functions, powers, and duties of the Office.

''(4) FUNCTIONS OF THE INVESTOR ADVOCATE.—The Investor Advocate shall—

''(A) assist retail investors in resolving significant problems such investors may have with the Commission or with self-regulatory organizations;

''(B) identify areas in which investors would benefit from changes in the regulations of the Commission or the rules of self-regulatory organizations;

''(C) identify problems that investors have with financial service providers and investment products;

''(D) analyze the potential impact on investors of—

''(i) proposed regulations of the Commission; and

''(ii) proposed rules of self-regulatory organizations registered under this title; and

''(E) to the extent practicable, propose to the Commission changes in the regulations or orders of the Commission and to Congress any legislative, administrative, or personnel changes that may be appropriate to mitigate problems identified under this paragraph and to promote the interests of investors.

''(5) ACCESS TO DOCUMENTS.—The Commission shall ensure that the Investor Advocate has full access to the documents of the Commission and any self-regulatory organization, as necessary to carry out the functions of the Office.

''(6) ANNUAL REPORTS.—

''(A) REPORT ON OBJECTIVES.—

''(i) IN GENERAL.—Not later than June 30 of each year after 2010, the Investor Advocate shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the objectives of the Investor Advocate for the following fiscal year.

''(ii) CONTENTS.—Each report required under clause (i) shall contain full and substantive analysis and explanation.

''(B) REPORT ON ACTIVITIES.—

''(i) IN GENERAL.—Not later than December 31 of each year after 2010, the Investor Advocate shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the activities of the Investor Advocate during the immediately preceding fiscal year.

''(ii) CONTENTS.—Each report required under clause (i) shall include—

''(I) appropriate statistical information and full and substantive analysis;

''(II) information on steps that the Investor Advocate has taken during the reporting period to improve investor services and the responsiveness of the Commission and self-regulatory organizations to investor concerns;

''(III) a summary of the most serious problems encountered by investors during the reporting period;

''(IV) an inventory of the items described in subclauses (III) that includes—

''(aa) identification of any action taken by the Commission or the self-regulatory organization and the result of such action;

''(bb) the length of time that each item has remained on such inventory; and

''(cc) for items on which no action has been taken, the reasons for inaction, and an identification of any official who is responsible for such action;

''(V) recommendations for such administrative and legislative actions as may be appropriate to resolve problems encountered by investors; and

''(VI) any other information, as determined appropriate by the Investor Advocate.

''(iii) INDEPENDENCE.—Each report required under this paragraph shall be provided directly to the Committees listed in clause (i) without any prior review or comment from the Commission, any commissioner, any other officer or employee of the Commission, or the Office of Management and Budget.

''(iv) CONFIDENTIALITY.—No report required under clause (i) may contain confidential information.

''(7) REGULATIONS.—The Commission shall, by regulation, establish procedures requiring a formal response to all recommendations submitted to the Commission by the Investor Advocate, not later than 3 months after the date of such submission.''.

**SEC. 915. STREAMLINING OF FILING PROCEDURES FOR SELF-REGULATORY ORGANIZATIONS.**

(a) FILING PROCEDURES.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by striking paragraph (2) (including the undesignated matter immediately following subparagraph (B)) and inserting the following:

''(2) APPROVAL PROCESS.—

''(A) APPROVAL PROCESS ESTABLISHED.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 45 days after the date of publication of a proposed rule change under paragraph (1), the Commission shall—

''(I) by order, approve the proposed rule change; or

''(II) institute proceedings under subparagraph (B) to determine whether the proposed rule change should be disapproved.

''(ii) EXTENSION OF TIME PERIOD.—The Commission may extend the period established under clause (i) by not more than an additional 45 days, if—

''(I) the Commission determines that a longer period is appropriate and publishes the reasons for such determination; or

''(II) the self-regulatory organization that filed the proposed rule change consents to the longer period.

''(B) PROCEEDINGS.—

''(i) NOTICE AND HEARING.—If the Commission does not approve a proposed rule change under subparagraph (A), the Commission shall provide to the self-regulatory organization that filed the proposed rule change—

''(I) notice of the grounds for disapproval under consideration; and

''(II) opportunity for hearing, to be concluded not later than 180 days after the date of publication of notice of the filing of the proposed rule change.

''(ii) ORDER OF APPROVAL OR DISAPPROVAL.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 180 days after the date of publication under paragraph (1), the Commission shall issue an order approving or disapproving the proposed rule change.

''(II) EXTENSION OF TIME PERIOD.—The Commission may extend the period for issuance under clause (I) by not more than 60 days, if—

''(aa) the Commission determines that a longer period is appropriate and publishes the reasons for such determination; or

''(bb) the self-regulatory organization that filed the proposed rule change consents to the longer period.

''(C) STANDARDS FOR APPROVAL AND DISAPPROVAL.—

''(i) APPROVAL.—The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of this title and the rules and regulations issued under this title that are applicable to such organization.

''(ii) DISAPPROVAL.—The Commission shall disapprove a proposed rule change of a self-regulatory organization if it does not make a finding described in clause (i).

''(iii) TIME FOR APPROVAL.—The Commission may not approve a proposed rule change earlier than 30 days after the date of publication under paragraph (1), unless the Commission finds good cause for so doing and publishes the reason for the finding.

''(D) RESULT OF FAILURE TO INSTITUTE OR CONCLUDE PROCEEDINGS.—A proposed rule change shall be deemed to have been approved by the Commission, if—

''(i) the Commission does not approve the proposed rule change or begin proceedings under subparagraph (B) within the period described in subparagraph (A); or

''(ii) the Commission does not issue an order approving or disapproving the proposed rule change under subparagraph (B) within the period described in subparagraph (B)(ii).

''(E) PUBLICATION DATE BASED ON FEDERAL REGISTER PUBLISHING.—For purposes of this paragraph, if, after filing a proposed rule

change with the Commission pursuant to paragraph (1), a self-regulatory organization publishes a notice of the filing of such proposed rule change, together with the substantive terms of such proposed rule change, on a publicly accessible website, the Commission shall thereafter send the notice to the Federal Register for publication thereof under paragraph (1) within 15 days of the date on which such website publication is made. If the Commission fails to send the notice for publication thereof within such 15 day period, then the date of publication shall be deemed to be the date on which such website publication was made.''.

(b) CLARIFICATION OF FILING DATE.—

(1) RULE OF CONSTRUCTION.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

''(10) RULE OF CONSTRUCTION RELATING TO FILING DATE OF PROPOSED RULE CHANGES.—

''(A) IN GENERAL.—For purposes of this subsection, the date of filing of a proposed rule change shall be deemed to be the date on which the Commission receives the proposed rule change.

''(B) EXCEPTION.—A proposed rule change has not been received by the Commission for purposes of subparagraph (A) if, not later than 7 days after the date of receipt by the Commission, the Commission notifies the self-regulatory organization that such proposed rule change does not comply with the rules of the Commission relating to the required form of a proposed rule change.''.

(2) PUBLICATION.—Section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)) is amended by striking ''upon'' and inserting ''as soon as practicable after the date of''.

(c) EFFECTIVE DATE OF PROPOSED RULES.—Section 19(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking ''may take effect'' and inserting ''shall take effect''; and

(B) by inserting ''on any person, whether or not the person is a member of the self-regulatory organization'' after ''charge imposed by the self-regulatory organization''; and

(2) in subparagraph (C)—

(A) by amending the second sentence to read as follows: ''At any time within the 60-day period beginning on the date of filing of such a proposed rule change in accordance with the provisions of paragraph (1), the Commission summarily may temporarily suspend the change in the rules of the self-regulatory organization made thereby, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.'';

(B) by inserting after the second sentence the following: ''If the Commission takes such action, the Commission shall institute proceedings under paragraph (2)(B) to determine whether the proposed rule should be approved or disapproved.''; and

(C) in the third sentence, by striking ''the preceding sentence'' and inserting ''this subparagraph''.

(d) CONFORMING CHANGE.—Section 19(b)(4)(D) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(4)(D)) is amended to read as follows:

''(D)(i) The Commission shall order the temporary suspension of any change in the rules of a clearing agency made by a proposed rule change that has taken effect under paragraph (3), if the appropriate regulatory agency for the clearing agency notifies the Commission not later than 30 days after the date on which the proposed rule change was filed of—

''(I) the determination by the appropriate regulatory agency that the rules of such clearing agency, as so changed, may be inconsistent with the safeguarding of securities or funds in the custody or control of such clearing agency or for which it is responsible; and

''(II) the reasons for the determination described in subclause (I).

''(ii) If the Commission takes action under clause (i), the Commission shall institute proceedings under paragraph (2)(B) to determine if the proposed rule change should be approved or disapproved.''.

**SEC. 916. STUDY REGARDING FINANCIAL LITERACY AMONG INVESTORS.**

(a) IN GENERAL.—The Commission shall conduct a study to identify—

(1) the existing level of financial literacy among retail investors, including subgroups of investors identified by the Commission;

(2) methods to improve the timing, content, and format of disclosures to investors with respect to financial intermediaries, investment products, and investment services;

(3) the most useful and understandable relevant information that retail investors need to make informed financial decisions before engaging a financial intermediary or purchasing an investment product or service that is typically sold to retail investors, including shares of open-end companies, as that term is defined in section 5 of the Investment Company Act of 1940 (15 U.S.C. 80a–5) that are registered under section 8 of that Act;

(4) methods to increase the transparency of expenses and conflicts of interests in transactions involving investment services and products, including shares of open-end companies described in paragraph (3);

(5) the most effective existing private and public efforts to educate investors; and

(6) in consultation with the Financial Literacy and Education Commission, a strategy (including, to the extent practicable, measurable goals and objectives) to increase the financial literacy of investors in order to bring about a positive change in investor behavior.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit a report on the study required under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

**SEC. 917. STUDY REGARDING MUTUAL FUND ADVERTISING.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on mutual fund advertising to identify—

(1) existing and proposed regulatory requirements for open-end investment company advertisements;

(2) current marketing practices for the sale of open-end investment company shares, including the use of past performance data, funds that have merged, and incubator funds;

(3) the impact of such advertising on consumers; and

(4) recommendations to improve investor protections in mutual fund advertising and additional information necessary to ensure that investors can make informed financial decisions when purchasing shares.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report on the results of the study conducted under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the United States Senate; and

(2) the Committee on Financial Services of the House of Representatives.

**SEC. 918. CLARIFICATION OF COMMISSION AUTHORITY TO REQUIRE INVESTOR DISCLOSURES BEFORE PURCHASE OF INVESTMENT PRODUCTS AND SERVICES.**

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following:

''(k) DISCLOSURES TO RETAIL INVESTORS.—

''(1) IN GENERAL.—Notwithstanding any other provision of the securities laws, the Commission may issue rules designating documents or information that shall be provided by a broker or dealer to a retail investor before the purchase of an investment product or service by the retail investor.

''(2) CONSIDERATIONS.—In developing any rules under paragraph (1), the Commission shall consider whether the rules will promote investor protection, efficiency, competition, and capital formation.

''(3) FORM AND CONTENTS OF DOCUMENTS AND INFORMATION.—Any documents or information designated under a rule promulgated under paragraph (1) shall—

''(A) be in a summary format; and

''(B) contain clear and concise information about—

''(i) investment objectives, strategies, costs, and risks; and

''(ii) any compensation or other financial incentive received by a broker, dealer, or other intermediary in connection with the purchase of retail investment products.''.

**SEC. 919. STUDY ON CONFLICTS OF INTEREST.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study—

(1) to identify and examine potential conflicts of interest that exist between the staffs of the investment banking and equity and fixed income securities analyst functions within the same firm; and

(2) to make recommendations to Congress designed to protect investors in light of such conflicts.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Comptroller General shall—

(1) consider—

(A) the potential for investor harm resulting from conflicts, including consideration of the forms of misconduct engaged in by the several securities firms and individuals that entered into the Global Analyst Research Settlements in 2003 (also known as the ''Global Settlement'');

(B) the nature and benefits of the undertakings to which those firms agreed in enforcement proceedings, including firewalls between research and investment banking, separate reporting lines, dedicated legal and compliance staffs, allocation of budget, physical separation, compensation, employee performance evaluations, coverage decisions, limitations on soliciting investment banking business, disclosures, transparency, and other measures;

(C) whether any such undertakings should be codified and applied permanently to securities firms, or whether the Commission should adopt rules applying any such undertakings to securities firms; and

(D) whether to recommend regulatory or legislative measures designed to mitigate possible adverse consequences to investors arising from the conflicts of interest or to enhance investor protection or confidence in the integrity of the securities markets; and

(2) consult with State attorneys general, State securities officials, the Commission,

the Financial Industry Regulatory Authority (''FINRA''), NYSE Regulation, investor advocates, brokers, dealers, retail investors, institutional investors, and academics.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study required by this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 18 months after the date of enactment of this Act.

**SEC. 919A. STUDY ON IMPROVED INVESTOR ACCESS TO INFORMATION ON INVESTMENT ADVISERS AND BROKER-DEALERS.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall complete a study, including recommendations, of ways to improve the access of investors to registration information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information) about registered and previously registered investment advisers, associated persons of investment advisers, brokers and dealers and their associated persons on the existing Central Registration Depository and Investment Adviser Registration Depository systems, as well as identify additional information that should be made publicly available.

(2) CONTENTS.—The study required by subsection (a) shall include an analysis of the advantages and disadvantages of further centralizing access to the information contained in the 2 systems, including—

(A) identification of those data pertinent to investors; and

(B) the identification of the method and format for displaying and publishing such data to enhance accessibility by and utility to investors.

(b) IMPLEMENTATION.—Not later than 18 months after the date of completion of the study required by subsection (a), the Commission shall implement any recommendations of the study.

**SEC. 919B. STUDY ON FINANCIAL PLANNERS AND THE USE OF FINANCIAL DESIGNATIONS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to evaluate—

(1) the effectiveness of State and Federal regulations to protect consumers from individuals who hold themselves out as financial planners through the use of misleading designations;

(2) current State and Federal oversight structure and regulations for financial planners; and

(3) legal or regulatory gaps in the regulation of financial planners and other individuals who provide or offer to provide financial planning services to consumers.

(b) CONSIDERATIONS.—In conducting the study required under subsection (a), the Comptroller General shall consider—

(1) the role of financial planners in providing advice regarding the management of financial resources, including investment planning, income tax planning, education planning, retirement planning, estate planning, and risk management;

(2) whether current regulations at the State and Federal level provide adequate ethical and professional standards for financial planners;

(3) the use of the title ''financial planner'' and misleading designations in connection with sale of financial products, including insurance and securities;

(4) the possible risk posed to consumers by individuals who hold themselves out as financial planners through the use of misleading designations, including ''financial advisor'' and ''financial consultant'';

(5) the ability of consumers to understand licensing requirements and standards of care that apply to individuals who provide financial advice;

(6) the possible benefits to consumers of regulation and professional oversight of financial planners; and

(7) any other consideration that the Comptroller General deems necessary or appropriate to effectively execute the study required under subsection (a).

(c) RECOMMENDATIONS.—In providing recommendations for the appropriate regulation of financial planners and other individuals who provide or offer to provide financial planning services, in order to protect consumers of financial planning services, the Comptroller General shall consider—

(1) the appropriate structure for regulation of financial planners and individuals providing financial planning services; and

(2) the appropriate scope of the regulations needed to protect consumers, including but not limited to the need to establish competency standards, practice standards, ethical guidelines, disciplinary authority, and transparency to consumers.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report on the study required under subsection (a) to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Special Committee on Aging of the Senate; and

(C) the Committee on Financial Services of the House of Representatives.

(2) CONTENT REQUIREMENTS.—The report required under paragraph (1) shall describe the findings and determinations made by the Comptroller General in carrying out the study required under subsection (a), including a description of the considerations, analysis, and government, public, industry, nonprofit and consumer input that the Comptroller General considered to make such findings, conclusions, and legislative, regulatory, or other recommendations.

## Subtitle B—Increasing Regulatory Enforcement and Remedies

**SEC. 921. AUTHORITY TO ISSUE RULES RELATED TO MANDATORY PREDISPUTE ARBITRATION.**

(a) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o), as amended by section 918, is amended by adding at the end the following:

''(l) AUTHORITY TO RESTRICT MANDATORY PREDISPUTE ARBITRATION.—The Commission may conduct a rulemaking to reaffirm or prohibit, or impose or not impose conditions or limitations on the use of, agreements that require customers or clients of any broker, dealer, or municipal securities dealer to arbitrate any dispute between them and such broker, dealer, or municipal securities dealer that arises under the securities laws or the rules of a self-regulatory organization, if the Commission finds that such reaffirmation, prohibition, imposition of conditions or limitations, or other action is in the public interest and for the protection of investors.''.

(b) AMENDMENT TO INVESTMENT ADVISERS ACT OF 1940.—Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended by adding at the end the following:

''(f) AUTHORITY TO ISSUE RULES RELATED TO MANDATORY PREDISPUTE ARBITRATION.—The Commission may conduct rulemaking to reaffirm or prohibit, or impose or not impose conditions or limitations on the use of, agreements that require customers or clients of any investment adviser to arbitrate any dispute between them and such investment adviser that arises under the securities laws, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or the rules of a self-regulatory organization, if the Commission finds that such reaffirmation, prohibition, imposition of conditions or limitations, or other action is in the public interest and for the protection of investors.''.

**SEC. 922. WHISTLEBLOWER PROTECTION.**

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 21E the following:

**''SEC. 21F. SECURITIES WHISTLEBLOWER INCENTIVES AND PROTECTION.**

''(a) DEFINITIONS.—In this section the following definitions shall apply:

''(1) COVERED JUDICIAL OR ADMINISTRATIVE ACTION.—The term 'covered judicial or administrative action' means any judicial or administrative action brought by the Commission under the securities laws that results in monetary sanctions exceeding $1,000,000.

''(2) FUND.—The term 'Fund' means the Securities and Exchange Commission Investor Protection Fund.

''(3) ORIGINAL INFORMATION.—The term 'original information' means information that—

''(A) is derived from the independent knowledge or analysis of a whistleblower;

''(B) is not known to the Commission from any other source, unless the whistleblower is the original source of the information; and

''(C) is not exclusively derived from an allegation made in a judicial or administrative hearing, in a governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is a source of the information.

''(4) MONETARY SANCTIONS.—The term 'monetary sanctions', when used with respect to any judicial or administrative action, means—

''(A) any monies, including penalties, disgorgement, and interest, ordered to be paid; and

''(B) any monies deposited into a disgorgement fund or other fund pursuant to section 308(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(b)), as a result of such action or any settlement of such action.

''(5) RELATED ACTION.—The term 'related action', when used with respect to any judicial or administrative action brought by the Commission under the securities laws, means any judicial or administrative action brought by an entity described in subclauses (I) through (IV) of subsection (h)(2)(D)(i) that is based upon the original information provided by a whistleblower pursuant to subsection (a) that led to the successful enforcement of the Commission action.

''(6) WHISTLEBLOWER.—The term 'whistleblower' means any individual, or 2 or more individuals acting jointly, who provides information relating to a violation of the securities laws to the Commission, in a manner established, by rule or regulation, by the Commission.

''(b) AWARDS.—

''(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Commission, under regulations prescribed by the Commission and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily

provided original information to the Commission that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

''(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

''(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

''(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund.

''(c) DETERMINATION OF AMOUNT OF AWARD; DENIAL OF AWARD.—

''(1) DETERMINATION OF AMOUNT OF AWARD.—

''(A) DISCRETION.—The determination of the amount of an award made under subsection (b) shall be in the discretion of the Commission.

''(B) CRITERIA.—In determining the amount of an award made under subsection (b), the Commission shall take into account—

''(i) the significance of the information provided by the whistleblower to the success of the covered judicial or administrative action;

''(ii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in a covered judicial or administrative action;

''(iii) the programmatic interest of the Commission in deterring violations of the securities laws by making awards to whistleblowers who provide information that lead to the successful enforcement of such laws; and

''(iv) such additional relevant factors as the Commission may establish by rule or regulation.

''(2) DENIAL OF AWARD.—No award under subsection (b) shall be made—

''(A) to any whistleblower who is, or was at the time the whistleblower acquired the original information submitted to the Commission, a member, officer, or employee of—

''(i) an appropriate regulatory agency;

''(ii) the Department of Justice;

''(iii) a self-regulatory organization;

''(iv) the Public Company Accounting Oversight Board; or

''(v) a law enforcement organization;

''(B) to any whistleblower who is convicted of a criminal violation related to the judicial or administrative action for which the whistleblower otherwise could receive an award under this section;

''(C) to any whistleblower who gains the information through the performance of an audit of financial statements required under the securities laws and for whom such submission would be contrary to the requirements of section 101A of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1); or

''(D) to any whistleblower who fails to submit information to the Commission in such form as the Commission may, by rule, require.

''(d) REPRESENTATION.—

''(1) PERMITTED REPRESENTATION.—Any whistleblower who makes a claim for an award under subsection (b) may be represented by counsel.

''(2) REQUIRED REPRESENTATION.—

''(A) IN GENERAL.—Any whistleblower who anonymously makes a claim for an award under subsection (b) shall be represented by counsel if the whistleblower anonymously submits the information upon which the claim is based.

''(B) DISCLOSURE OF IDENTITY.—Prior to the payment of an award, a whistleblower shall disclose the identity of the whistleblower and provide such other information as the Commission may require, directly or through counsel for the whistleblower.

''(e) NO CONTRACT NECESSARY.—No contract with the Commission is necessary for any whistleblower to receive an award under subsection (b), unless otherwise required by the Commission by rule or regulation.

''(f) APPEALS.—Any determination made under this section, including whether, to whom, or in what amount to make awards, shall be in the discretion of the Commission. Any such determination may be appealed to the appropriate court of appeals of the United States not more than 30 days after the determination is issued by the Commission. The court shall review the determination made by the Commission in accordance with section 706 of title 5, United States Code.

''(g) INVESTOR PROTECTION FUND.—

''(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the 'Securities and Exchange Commission Investor Protection Fund'.

''(2) USE OF FUND.—The Fund shall be available to the Commission, without further appropriation or fiscal year limitation, for—

''(A) paying awards to whistleblowers as provided in subsection (b); and

''(B) funding the activities of the Inspector General of the Commission under section 4(i).

''(3) DEPOSITS AND CREDITS.—There shall be deposited into or credited to the Fund an amount equal to—

''(A) the amount awarded under subsection (b) from any monetary sanction collected by the Commission in any judicial or administrative action brought by the Commission that is based on information provided by a whistleblower under the securities laws, unless, the balance of the Fund at the time the monetary sanction is collected exceeds $200,000,000;

''(B) any monetary sanction added to a disgorgement fund or other fund pursuant to section 308 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246) that is not distributed to the victims for whom the disgorgement fund was established, unless the balance of the disgorgement fund at the time the determination is made not to distribute the monetary sanction to such victims exceeds $100,000,000; and

''(C) all income from investments made under paragraph (4).

''(4) INVESTMENTS.—

''(A) AMOUNTS IN FUND MAY BE INVESTED.—The Commission may request the Secretary of the Treasury to invest the portion of the Fund that is not, in the discretion of the Commission, required to meet the current needs of the Fund.

''(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Commission on the record.

''(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to the Fund.

''(5) REPORTS TO CONGRESS.—Not later than October 30 of each fiscal year beginning after the date of enactment of this subsection, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report on—

''(A) the whistleblower award program, established under this section, including—

''(i) a description of the number of awards granted; and

''(ii) the types of cases in which awards were granted during the preceding fiscal year;

''(B) the balance of the Fund at the beginning of the preceding fiscal year;

''(C) the amounts deposited into or credited to the Fund during the preceding fiscal year;

''(D) the amount of earnings on investments made under paragraph (4) during the preceding fiscal year;

''(E) the amount paid from the Fund during the preceding fiscal year to whistleblowers pursuant to subsection (b);

''(F) the balance of the Fund at the end of the preceding fiscal year; and

''(G) a complete set of audited financial statements, including—

''(i) a balance sheet;

''(ii) income statement; and

''(iii) cash flow analysis.

''(h) PROTECTION OF WHISTLEBLOWERS.—

''(1) PROHIBITION AGAINST RETALIATION.—

''(A) IN GENERAL.—No employer may discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner discriminate against, a whistleblower in the terms and conditions of employment because of any lawful act done by the whistleblower—

''(i) in providing information to the Commission in accordance with subsection (a); or

''(ii) in assisting in any investigation or judicial or administrative action of the Commission based upon or related to such information.

''(B) ENFORCEMENT.—

''(i) CAUSE OF ACTION.—An individual who alleges discharge or other discrimination in violation of subparagraph (A) may bring an action under this subsection in the appropriate district court of the United States for the relief provided in subparagraph (C).

''(ii) SUBPOENAS.—A subpoena requiring the attendance of a witness at a trial or hearing conducted under this section may be served at any place in the United States.

''(iii) STATUTE OF LIMITATIONS.—

''(I) IN GENERAL.—An action under this subsection may not be brought—

''(aa) more than 6 years after the date on which the violation of subparagraph (A) occurred; or

''(bb) more than 3 years after the date when facts material to the right of action are known or reasonably should have been known by the employee alleging a violation of subparagraph (A).

''(II) REQUIRED ACTION WITHIN 10 YEARS.—Notwithstanding subclause (I), an action under this subsection may not in any circumstance be brought more than 10 years after the date on which the violation occurs.

''(C) RELIEF.—Relief for an individual prevailing in an action brought under subparagraph (B) shall include—

''(i) reinstatement with the same seniority status that the individual would have had, but for the discrimination;

''(ii) 2 times the amount of back pay otherwise owed to the individual, with interest; and

''(iii) compensation for litigation costs, expert witness fees, and reasonable attorneys' fees.

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—Unless and until required to be disclosed to a defendant or respondent in connection with a proceeding instituted by the Commission or any entity described in subparagraph (D), all information provided to the Commission by a whistleblower—

''(i) in any proceeding in any Federal or State court or administrative agency—

''(I) shall be confidential and privileged as an evidentiary matter; and

''(II) shall not be subject to civil discovery or other legal process; and

''(ii) shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) or under any proceeding under that section.

''(B) EXEMPTED STATUTE.—For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(C) RULE OF CONSTRUCTION.—Nothing in this section is intended to limit, or shall be construed to limit, the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

''(D) AVAILABILITY TO GOVERNMENT AGENCIES.—

''(i) IN GENERAL.—Without the loss of its status as confidential and privileged in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when determined by the Commission to be necessary to accomplish the purposes of this Act and to protect investors, be made available to—

''(I) the Attorney General of the United States;

''(II) an appropriate regulatory authority;

''(III) a self-regulatory organization;

''(IV) a State attorney general in connection with any criminal investigation;

''(V) any appropriate State regulatory authority;

''(VI) the Public Company Accounting Oversight Board;

''(VII) a foreign securities authority; and

''(VIII) a foreign law enforcement authority.

''(ii) CONFIDENTIALITY.—

''(I) IN GENERAL.—Each of the entities described in subclauses (I) through (VI) of clause (i) shall maintain such information as confidential and privileged, in accordance with the requirements established under subparagraph (A).

''(II) FOREIGN AUTHORITIES.—Each of the entities described in subclauses (VII) and (VIII) of clause (i) shall maintain such information in accordance with such assurances of confidentiality as the Commission determines appropriate.

''(3) RIGHTS RETAINED.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any whistleblower under any Federal or State law, or under any collective bargaining agreement.

''(i) PROVISION OF FALSE INFORMATION.—A whistleblower shall not be entitled to an award under this section if the whistleblower—

''(1) knowingly and willfully makes any false, fictitious, or fraudulent statement or representation; or

''(2) uses any false writing or document knowing the writing or document contains any false, fictitious, or fraudulent statement or entry.

''(j) RULEMAKING AUTHORITY.—The Commission shall have the authority to issue such rules and regulations as may be necessary or appropriate to implement the provisions of this section consistent with the purposes of this section.''.

**SEC. 923. CONFORMING AMENDMENTS FOR WHISTLEBLOWER PROTECTION.**

(a) IN GENERAL.—

(1) SECURITIES ACT OF 1933.—Section 20(d)(3)(A) of the Securities Act of 1933 (15 U.S.C. 77t(d)(3)(A)) is amended by inserting ''and section 21F of the Securities Exchange Act of 1934'' after ''the Sarbanes-Oxley Act of 2002''.

(2) INVESTMENT COMPANY ACT OF 1940.—Section 42(e)(3)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(3)(A)) is amended by inserting ''and section 21F of the Securities Exchange Act of 1934'' after ''the Sarbanes-Oxley Act of 2002''.

(3) INVESTMENT ADVISERS ACT OF 1940.—Section 209(e)(3)(A) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)(3)(A)) is amended by inserting ''and section 21F of the Securities Exchange Act of 1934'' after ''the Sarbanes-Oxley Act of 2002''.

(b) SECURITIES EXCHANGE ACT.—

(1) SECTION 21.—Section 21(d)(3)(C)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(C)(i)) is amended by inserting ''and section 21F of this title'' after ''the Sarbanes-Oxley Act of 2002''.

(2) SECTION 21A.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1) is amended—

(A) in subsection (d)(1) by—

(i) striking ''(subject to subsection (e))''; and

(ii) inserting ''and section 21F of this title'' after ''the Sarbanes-Oxley Act of 2002'';

(B) by striking subsection (e); and

(C) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

**SEC. 924. IMPLEMENTATION AND TRANSITION PROVISIONS FOR WHISTLEBLOWER PROTECTION.**

(a) IMPLEMENTING RULES.—The Commission shall issue final regulations implementing the provisions of section 21F of the Securities Exchange Act of 1934, as added by this subtitle, not later than 270 days after the date of enactment of this Act.

(b) ORIGINAL INFORMATION.—Information provided to the Commission by a whistleblower in accordance with the regulations referenced in subsection (a) shall not lose the status of original information (as defined in section 21F(i)(1) of the Securities Exchange Act of 1934, as added by this subtitle) solely because the whistleblower provided the information prior to the effective date of the regulations, provided that the information is—

(1) provided by the whistleblower after the date of enactment of this subtitle, or monetary sanctions are collected after the date of enactment of this subtitle; or

(2) related to a violation for which an award under section 21F of the Securities Exchange Act of 1934, as added by this subtitle, could have been paid at the time the information was provided by the whistleblower.

(c) AWARDS.—A whistleblower may receive an award pursuant to section 21F of the Securities Exchange Act of 1934, as added by this subtitle, regardless of whether any violation of a provision of the securities laws, or a rule or regulation thereunder, underlying the judicial or administrative action upon which the award is based, occurred prior to the date of enactment of this subtitle.

**SEC. 925. COLLATERAL BARS.**

(a) SECURITIES EXCHANGE ACT OF 1934.—

(1) SECTION 15.—Section 15(b)(6)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(6)(A)) is amended by striking ''12 months, or bar such person from being associated with a broker or dealer,'' and inserting ''12 months, or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization,''.

(2) SECTION 15B.—Section 15B(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(4)) is amended by striking ''twelve months or bar any such person from being associated with a municipal securities dealer,'' and inserting ''12 months or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization,''.

(3) SECTION 17A.—Section 17A(c)(4)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(c)(4)(C)) is amended by striking ''twelve months or bar any such person from being associated with the transfer agent,'' and inserting ''12 months or bar any such person from being associated with any transfer agent, broker, dealer, investment adviser, municipal securities dealer, municipal advisor, or nationally recognized statistical rating organization,''.

(b) INVESTMENT ADVISERS ACT OF 1940.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)) is amended by striking ''twelve months or bar any such person from being associated with an investment adviser,'' and inserting ''12 months or bar any such person from being associated with an investment adviser, broker, dealer, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization,''.

**SEC. 926. AUTHORITY OF STATE REGULATORS OVER REGULATION D OFFERINGS.**

Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by striking ''A security'' and inserting ''(A) IN GENERAL—A security'';

(2) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly; and

(3) by striking clause (iv), as so redesignated, and inserting the following:

''(iv) Commission rules or regulations issued under section 4(2), except that the Commission may designate, by rule, a class of securities that it deems not to be covered securities because the offering of such securities is not of sufficient size or scope.

''(v) Not later than 360 days after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission shall conduct a rulemaking to determine whether to designate a class of securities because the offering of such securities is not of sufficient size or scope.

''(B) DESIGNATION OF NON-COVERED SECURITIES.—In making a designation under subparagraph (A)(iv), the Commission shall consider—

''(i) the size of the offering;

''(ii) the number of States in which the security is being offered; and

''(iii) the nature of the persons to whom the security is being offered.

''(C) REVIEW OF FILINGS.—

''(i) IN GENERAL.—The Commission shall review any filings made relating to any security issued under Commission rules or regulations under section 4(2), other than one designated as a non-covered security under subparagraph (A)(iv), not later than 120 days of the filing with the Commission.

''(ii) FAILURE TO REVIEW WITHIN 120 DAYS.—If the Commission fails to review a filing required under clause (i), the security shall no longer be a covered security, except that—

''(I) the failure of the Commission to review a filing shall not result in the loss of status as a covered security if the Commission, not later than 120 days of the filing with the Commission, has determined that there has been a good faith and reasonable attempt by the issuer to comply with all applicable terms, conditions, and requirements of the filing; and

''(II) upon review of the filing, if the Commission, not later than 120 days of the filing with the Commission, determines that any failure to comply with the applicable filing terms, conditions, and requirements is insignificant to the offering as a whole.

''(D) EFFECT ON STATE FILING REQUIREMENTS.—

''(i) IN GENERAL.—Nothing in subparagraph (A)(iv), (B), or (C) shall be construed to prohibit a State from imposing notice filing requirements that are substantially similar to filing requirements required by rule or regulation under section 4(4) that were in effect on September 1, 1996.

''(ii) NOTIFICATION.—Not later than 180 days after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission shall implement procedures, after consultation with the States, to promptly notify States upon completion of review of securities offerings described in subparagraph (A)(iv) by the Commission.

''(E) OFFERINGS AFFECTED.—The requirements of this section shall apply to offerings filed on or after the date of enactment of the Restoring Financial Stability Act of 2010.''.

**SEC. 927. EQUAL TREATMENT OF SELF-REGULATORY ORGANIZATION RULES.**

Section 29(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(a)) is amended by striking ''an exchange required thereby'' and inserting ''a self-regulatory organization,''.

**SEC. 928. CLARIFICATION THAT SECTION 205 OF THE INVESTMENT ADVISERS ACT OF 1940 DOES NOT APPLY TO STATE-REGISTERED ADVISERS.**

Section 205(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking '', unless exempt from registration pursuant to section 203(b),'' and inserting ''registered or required to be registered with the Commission'';

(2) by striking ''make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to''; and

(3) by striking ''to'' after ''in any way''.

**SEC. 929. UNLAWFUL MARGIN LENDING.**

Section 7(c)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)(1)(A)) is amended by striking ''; and'' and inserting ''; or''.

**SEC. 929A. PROTECTION FOR EMPLOYEES OF SUBSIDIARIES AND AFFILIATES OF PUBLICLY TRADED COMPANIES.**

Section 1514A of title 18, United States Code, is amended by inserting ''including any subsidiary or affiliate whose financial information is included in the consolidated financial statements of such company'' after ''the Securities Exchange Act of 1934 (15 U.S.C. 78o(d))''.

**SEC. 929B. FAIR FUND AMENDMENTS.**

Section 308 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(a)) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) CIVIL PENALTIES TO BE USED FOR THE RELIEF OF VICTIMS.—If, in any judicial or administrative action brought by the Commission under the securities laws, the Commission obtains a civil penalty against any person for a violation of such laws, or such person agrees, in settlement of any such action, to such civil penalty, the amount of such civil penalty shall, on the motion or at the direction of the Commission, be added to and become part of a disgorgement fund or other fund established for the benefit of the victims of such violation.'';

(2) in subsection (b)—

(A) by striking ''for a disgorgement fund described in subsection (a)'' and inserting ''for a disgorgement fund or other fund described in subsection (a)''; and

(B) by striking ''in the disgorgement fund'' and inserting ''in such fund''; and

(3) by striking subsection (e).

**SEC. 929C. INCREASING THE BORROWING LIMIT ON TREASURY LOANS.**

Section 4(h) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ddd(h)) is amended in the first sentence, by striking ''$1,000,000,000'' and inserting ''$2,500,000,000''.

## Subtitle C—Improvements to the Regulation of Credit Rating Agencies

**SEC. 931. FINDINGS.**

Congress finds the following:

(1) Because of the systemic importance of credit ratings and the reliance placed on credit ratings by individual and institutional investors and financial regulators, the activities and performances of credit rating agencies, including nationally recognized statistical rating organizations, are matters of national public interest, as credit rating agencies are central to capital formation, investor confidence, and the efficient performance of the United States economy.

(2) Credit rating agencies, including nationally recognized statistical rating organizations, play a critical ''gatekeeper'' role in the debt market that is functionally similar to that of securities analysts, who evaluate the quality of securities in the equity market, and auditors, who review the financial statements of firms. Such role justifies a similar level of public oversight and accountability.

(3) Because credit rating agencies perform evaluative and analytical services on behalf of clients, much as other financial ''gatekeepers'' do, the activities of credit rating agencies are fundamentally commercial in character and should be subject to the same standards of liability and oversight as apply to auditors, securities analysts, and investment bankers.

(4) In certain activities, particularly in advising arrangers of structured financial products on potential ratings of such products, credit rating agencies face conflicts of interest that need to be carefully monitored and that therefore should be addressed explicitly in legislation in order to give clearer authority to the Securities and Exchange Commission.

(5) In the recent financial crisis, the ratings on structured financial products have proven to be inaccurate. This inaccuracy contributed significantly to the mismanagement of risks by financial institutions and investors, which in turn adversely impacted the health of the economy in the United States and around the world. Such inaccuracy necessitates increased accountability on the part of credit rating agencies.

**SEC. 932. ENHANCED REGULATION, ACCOUNTABILITY, AND TRANSPARENCY OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.**

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) in the second sentence, by inserting ''any other provision of this section, or'' after ''Notwithstanding''; and

(ii) by inserting after the period at the end the following: ''Nothing in this paragraph may be construed to afford a defense against any action or proceeding brought by the Commission to enforce the antifraud provisions of the securities laws.''; and

(B) by adding at the end the following:

''(3) INTERNAL CONTROLS OVER PROCESSES FOR DETERMINING CREDIT RATINGS.—

''(A) IN GENERAL.—Each nationally recognized statistical rating organization shall establish, maintain, enforce, and document an effective internal control structure governing the implementation of and adherence to policies, procedures, and methodologies for determining credit ratings, taking into consideration such factors as the Commission may prescribe, by rule.

''(B) ATTESTATION REQUIREMENT.—The Commission shall prescribe rules requiring each nationally recognized statistical rating organization to submit to the Commission an annual internal controls report, which shall contain—

''(i) a description of the responsibility of the management of the nationally recognized statistical rating organization in establishing and maintaining an effective internal control structure under subparagraph (A);

''(ii) an assessment of the effectiveness of the internal control structure of the nationally recognized statistical rating organization; and

''(iii) the attestation of the chief executive officer, or equivalent individual, of the nationally recognized statistical rating organization.'';

(2) in subsection (d)—

(A) in the subsection heading, by inserting ''FINE,'' after ''CENSURE,'';

(B) by inserting ''fine,'' after ''censure,'' each place that term appears;

(C) in paragraph (2), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the clause margins accordingly;

(D) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and adjusting the subparagraph margins accordingly;

(E) in the matter preceding subparagraph (A), as so redesignated, by striking ''The Commission'' and inserting the following:

''(1) IN GENERAL.—The Commission'';

(F) in subparagraph (D), as so redesignated, by striking ''or'' at the end;

(G) in subparagraph (E), as so redesignated, by striking the period at the end and inserting a semicolon; and

(H) by adding at the end the following:

''(F) has failed reasonably to supervise, with a view to preventing a violation of the securities laws, an individual who commits such a violation, if the individual is subject to the supervision of that person.

''(2) SUSPENSION OR REVOCATION FOR PARTICULAR CLASS OF SECURITIES.—

''(A) IN GENERAL.—The Commission may temporarily suspend or permanently revoke the registration of a nationally recognized statistical rating organization with respect to a particular class or subclass of securities, if the Commission finds, on the record after notice and opportunity for hearing, that the nationally recognized statistical rating organization does not have adequate financial and managerial resources to consistently produce credit ratings with integrity.

''(B) CONSIDERATIONS.—In making any determination under subparagraph (A), the Commission shall consider—

''(i) whether the nationally recognized statistical rating organization has failed over a sustained period of time, as determined by the Commission, to produce ratings that are accurate for that class or subclass of securities; and

''(ii) such other factors as the Commission may determine.'';

(3) in subsection (h), by adding at the end the following:

''(3) SEPARATION OF RATINGS FROM SALES AND MARKETING.—

''(A) RULES REQUIRED.—The Commission shall issue rules to prevent the sales and marketing considerations of a nationally recognized statistical rating organization from influencing the production of ratings by the nationally recognized statistical rating organization.

''(B) CONTENTS OF RULES.—The rules issued under subparagraph (A) shall provide for—

''(i) exceptions for small nationally recognized statistical rating organizations with respect to which the Commission determines that the separation of the production of ratings and sales and marketing activities is not appropriate; and

''(ii) suspension or revocation of the registration of a nationally recognized statistical rating organization, if the Commission finds, on the record, after notice and opportunity for a hearing, that—

''(I) the nationally recognized statistical rating organization has committed a violation of a rule issued under this subsection; and

''(II) the violation of a rule issued under this subsection affected a rating.'';

(4) in subsection (j)—

(A) by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Each''; and

(B) by adding at the end the following:

''(2) LIMITATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an individual designated under paragraph (1) may not, while serving in the designated capacity—

''(i) perform credit ratings;

''(ii) participate in the development of ratings methodologies or models;

''(iii) perform marketing or sales functions; or

''(iv) participate in establishing compensation levels, other than for employees working for that individual.

''(B) EXCEPTION.—The Commission may exempt a small nationally recognized statistical rating organization from the limitations under this paragraph, if the Commission finds that compliance with such limitations would impose an unreasonable burden on the nationally recognized statistical rating organization.

''(3) OTHER DUTIES.—Each individual designated under paragraph (1) shall establish procedures for the receipt, retention, and treatment of—

''(A) complaints regarding credit ratings, models, methodologies, and compliance with the securities laws and the policies and procedures developed under this section; and

''(B) confidential, anonymous complaints by employees or users of credit ratings.

''(4) ANNUAL REPORTS REQUIRED.—

''(A) ANNUAL REPORTS REQUIRED.—Each individual designated under paragraph (1) shall submit to the nationally recognized statistical rating organization an annual report on the compliance of the nationally recognized statistical rating organization with the securities laws and the policies and procedures of the nationally recognized statistical rating organization that includes—

''(i) a description of any material changes to the code of ethics and conflict of interest policies of the nationally recognized statistical rating organization; and

''(ii) a certification that the report is accurate and complete.

''(B) SUBMISSION OF REPORTS TO THE COMMISSION.—Each nationally recognized statistical rating organization shall file the reports required under subparagraph (A) together with the financial report that is required to be submitted to the Commission under this section.''; and

(5) by striking subsection (p) and inserting the following:

''(p) REGULATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—

''(1) ESTABLISHMENT OF OFFICE OF CREDIT RATINGS.—

''(A) OFFICE ESTABLISHED.—The Commission shall establish within the Commission an Office of Credit Ratings (referred to in this subsection as the 'Office') to administer the rules of the Commission—

''(i) with respect to the practices of nationally recognized statistical rating organizations in determining ratings, for the protection of users of credit ratings and in the public interest;

''(ii) to promote accuracy in credit ratings issued by nationally recognized statistical rating organizations; and

''(iii) to ensure that such ratings are not unduly influenced by conflicts of interest.

''(B) DIRECTOR OF THE OFFICE.—The head of the Office shall be the Director, who shall report to the Chairman.

''(2) STAFFING.—The Office established under this subsection shall be staffed sufficiently to carry out fully the requirements of this section. The staff shall include persons with knowledge of and expertise in corporate, municipal, and structured debt finance.

''(3) COMMISSION EXAMINATIONS.—

''(A) ANNUAL EXAMINATIONS REQUIRED.—The Office shall conduct an examination of each nationally recognized statistical rating organization at least annually.

''(B) CONDUCT OF EXAMINATIONS.—Each examination under subparagraph (A) shall include a review of—

''(i) whether the nationally recognized statistical rating organization conducts business in accordance with the policies, procedures, and rating methodologies of the nationally recognized statistical rating organization;

''(ii) the management of conflicts of interest by the nationally recognized statistical rating organization;

''(iii) implementation of ethics policies by the nationally recognized statistical rating organization;

''(iv) the internal supervisory controls of the nationally recognized statistical rating organization;

''(v) the governance of the nationally recognized statistical rating organization;

''(vi) the activities of the individual designated by the nationally recognized statistical rating organization under subsection (j)(1);

''(vii) the processing of complaints by the nationally recognized statistical rating organization; and

''(viii) the policies of the nationally recognized statistical rating organization governing the post-employment activities of former staff of the nationally recognized statistical rating organization.

''(C) INSPECTION REPORTS.—The Commission shall make available to the public, in an easily understandable format, an annual report summarizing—

''(i) the essential findings of all examinations conducted under subparagraph (A), as deemed appropriate by the Commission;

''(ii) the responses by the nationally recognized statistical rating organizations to any material regulatory deficiencies identified by the Commission under clause (i); and

''(iii) whether the nationally recognized statistical rating organizations have appropriately addressed the recommendations of the Commission contained in previous reports under this subparagraph.

''(4) RULEMAKING AUTHORITY.—The Commission shall—

''(A) establish, by rule, fines, and other penalties applicable to any nationally recognized statistical rating organization that violates the requirements of this subsection and the rules thereunder; and

''(B) issue such rules as may be necessary to carry out this subsection.

''(q) TRANSPARENCY OF RATINGS PERFORMANCE.—

''(1) RULEMAKING REQUIRED.—The Commission shall, by rule, require that each nationally recognized statistical rating organization publicly disclose information on the initial credit ratings determined by the nationally recognized statistical rating organization for each type of obligor, security, and money market instrument, and any subsequent changes to such credit ratings, for the purpose of allowing users of credit ratings to evaluate the accuracy of ratings and compare the performance of ratings by different nationally recognized statistical rating organizations.

''(2) CONTENT.—The rules of the Commission under this subsection shall require, at a minimum, disclosures that—

''(A) are comparable among nationally recognized statistical rating organizations, to allow users of credit ratings to compare the performance of credit ratings across nationally recognized statistical rating organizations;

''(B) are clear and informative for investors who use or might use credit ratings;

''(C) include performance information over a range of years and for a variety of types of credit ratings, including for credit ratings withdrawn by the nationally recognized statistical rating organization;

''(D) are published and made freely available by the nationally recognized statistical rating organization, on an easily accessible portion of its website, and in writing, when requested; and

''(E) are appropriate to the business model of a nationally recognized statistical rating organization.

''(r) CREDIT RATINGS METHODOLOGIES.—The Commission shall prescribe rules, for the protection of investors and in the public interest, with respect to the procedures and methodologies, including qualitative and quantitative data and models, used by nationally recognized statistical rating organizations that require each nationally recognized statistical rating organization—

''(1) to ensure that credit ratings are determined using procedures and methodologies, including qualitative and quantitative data and models, that are—

''(A) approved by the board of the nationally recognized statistical rating organization, a body performing a function similar to that of a board, or the senior credit officer of the nationally recognized statistical rating organization; and

''(B) in accordance with the policies and procedures of the nationally recognized statistical rating organization for the development and modification of credit rating procedures and methodologies;

''(2) to ensure that when material changes to credit rating procedures and methodologies (including changes to qualitative and quantitative data and models) are made, that—

''(A) the changes are applied consistently to all credit ratings to which the changed procedures and methodologies apply;

''(B) to the extent that changes are made to credit rating surveillance procedures and methodologies, the changes are applied to then-current credit ratings by the nationally recognized statistical rating organization within a reasonable time period determined by the Commission, by rule; and

''(C) the nationally recognized statistical rating organization publicly discloses the reason for the change; and

''(3) to notify users of credit ratings—

''(A) of the version of a procedure or methodology, including the qualitative methodology or quantitative inputs, used with respect to a particular credit rating;

''(B) when a material change is made to a procedure or methodology, including to a qualitative model or quantitative inputs;

''(C) when a significant error is identified in a procedure or methodology, including a qualitative or quantitative model, that may result in credit rating actions; and

''(D) of the likelihood of a material change described in subparagraph (B) resulting in a change in current credit ratings.

''(s) TRANSPARENCY OF CREDIT RATING METHODOLOGIES AND INFORMATION REVIEWED.—

''(1) FORM FOR DISCLOSURES.—The Commission shall require, by rule, each nationally recognized statistical rating organization to prescribe a form to accompany the publication of each credit rating that discloses—

''(A) information relating to—

''(i) the assumptions underlying the credit rating procedures and methodologies;

''(ii) the data that was relied on to determine the credit rating; and

''(iii) if applicable, how the nationally recognized statistical rating organization used servicer or remittance reports, and with what frequency, to conduct surveillance of the credit rating; and

''(B) information that can be used by investors and other users of credit ratings to better understand credit ratings in each class of credit rating issued by the nationally recognized statistical rating organization.

''(2) FORMAT.—The form developed under paragraph (1) shall—

''(A) be easy to use and helpful for users of credit ratings to understand the information contained in the report;

''(B) require the nationally recognized statistical rating organization to provide the content described in paragraph (3)(B) in a manner that is directly comparable across types of securities; and

''(C) be made readily available to users of credit ratings, in electronic or paper form, as the Commission may, by rule, determine.

''(3) CONTENT OF FORM.—

''(A) QUALITATIVE CONTENT.—Each nationally recognized statistical rating organization shall disclose on the form developed under paragraph (1)—

''(i) the credit ratings produced by the nationally recognized statistical rating organization;

''(ii) the main assumptions and principles used in constructing procedures and methodologies, including qualitative methodologies and quantitative inputs and assumptions about the correlation of defaults across obligors used in rating structured products;

''(iii) the potential limitations of the credit ratings, and the types of risks excluded from the credit ratings that the nationally recognized statistical rating organization does not comment on, including liquidity, market, and other risks;

''(iv) information on the uncertainty of the credit rating, including—

''(I) information on the reliability, accuracy, and quality of the data relied on in determining the credit rating; and

''(II) a statement relating to the extent to which data essential to the determination of the credit rating were reliable or limited, including—

''(aa) any limits on the scope of historical data; and

''(bb) any limits in accessibility to certain documents or other types of information that would have better informed the credit rating;

''(v) whether and to what extent third party due diligence services have been used by the nationally recognized statistical rating organization, a description of the information that such third party reviewed in conducting due diligence services, and a description of the findings or conclusions of such third party;

''(vi) a description of the data about any obligor, issuer, security, or money market instrument that were relied upon for the purpose of determining the credit rating;

''(vii) a statement containing an overall assessment of the quality of information available and considered in producing a rating for an obligor, security, or money market instrument, in relation to the quality of information available to the nationally recognized statistical rating organization in rating similar issuances;

''(viii) information relating to conflicts of interest of the nationally recognized statistical rating organization; and

''(ix) such additional information as the Commission may require.

''(B) QUANTITATIVE CONTENT.—Each nationally recognized statistical rating organization shall disclose on the form developed under this subsection—

''(i) an explanation or measure of the potential volatility of the credit rating, including—

''(I) any factors that might lead to a change in the credit ratings; and

''(II) the magnitude of the change that a user can expect under different market conditions;

''(ii) information on the content of the rating, including—

''(I) the historical performance of the rating; and

''(II) the expected probability of default and the expected loss in the event of default;

''(iii) information on the sensitivity of the rating to assumptions made by the nationally recognized statistical rating organization; and

''(iv) such additional information as may be required by the Commission.

''(4) DUE DILIGENCE SERVICES FOR ASSET-BACKED SECURITIES.—

''(A) FINDINGS.—The issuer or underwriter of any asset-backed security shall make publicly available the findings and conclusions of any third-party due diligence report obtained by the issuer or underwriter.

''(B) CERTIFICATION REQUIRED.—In any case in which third-party due diligence services are employed by a nationally recognized statistical rating organization, an issuer, or an underwriter, the person providing the due diligence services shall provide to any nationally recognized statistical rating organization that produces a rating to which such services relate, written certification, as provided in subparagraph (C).

''(C) FORMAT AND CONTENT.—The Commission shall establish the appropriate format and content for the written certifications required under subparagraph (B), to ensure that providers of due diligence services have conducted a thorough review of data, documentation, and other relevant information necessary for a nationally recognized statistical rating organization to provide an accurate rating.

''(D) DISCLOSURE OF CERTIFICATION.—The Commission shall adopt rules requiring a nationally recognized statistical rating organization, at the time at which the nationally recognized statistical rating organization produces a rating, to disclose the certification described in subparagraph (B) to the public in a manner that allows the public to determine the adequacy and level of due diligence services provided by a third party.

''(t) CORPORATE GOVERNANCE, ORGANIZATION, AND MANAGEMENT OF CONFLICTS OF INTEREST.—

''(1) BOARD OF DIRECTORS.—Each nationally recognized statistical rating organization shall have a board of directors.

''(2) INDEPENDENT DIRECTORS.—

''(A) IN GENERAL.—At least ½ of the board of directors, but not fewer than 2 of the members thereof, shall be independent of the nationally recognized statistical rating agency. A portion of the independent directors shall include users of ratings from a nationally recognized statistical rating organization.

''(B) INDEPENDENCE DETERMINATION.—In order to be considered independent for purposes of this subsection, a member of the board of directors of a nationally recognized statistical rating organization—

''(i) may not, other than in his or her capacity as a member of the board of directors or any committee thereof—

''(I) accept any consulting, advisory, or other compensatory fee from the nationally recognized statistical rating organization; or

''(II) be a person associated with the nationally recognized statistical rating organization or with any affiliated company thereof; and

''(ii) shall be disqualified from any deliberation involving a specific rating in which the independent board member has a financial interest in the outcome of the rating.

''(C) COMPENSATION AND TERM.—The compensation of the independent members of the board of directors of a nationally recognized statistical rating organization shall not be linked to the business performance of the nationally recognized statistical rating organization, and shall be arranged so as to ensure the independence of their judgment. The term of office of the independent directors shall be for a pre-agreed fixed period, not to exceed 5 years, and shall not be renewable.

''(3) DUTIES OF BOARD OF DIRECTORS.—In addition to the overall responsibilities of the board of directors, the board shall oversee—

''(A) the establishment, maintenance, and enforcement of policies and procedures for determining credit ratings;

''(B) the establishment, maintenance, and enforcement of policies and procedures to address, manage, and disclose any conflicts of interest;

''(C) the effectiveness of the internal control system with respect to policies and procedures for determining credit ratings; and

''(D) the compensation and promotion policies and practices of the nationally recognized statistical rating organization.

''(4) TREATMENT OF NRSRO SUBSIDIARIES.—If a nationally recognized statistical rating organization is a subsidiary of a parent entity, the board of the directors of the parent entity may satisfy the requirements of this subsection by assigning to a committee of such board of directors the duties under paragraph (3), if—

''(A) at least ½ of the members of the committee (including the chairperson of the committee) are independent, as defined in this section; and

''(B) at least 1 member of the committee is a user of ratings from a nationally recognized statistical rating organization.

''(5) EXCEPTION AUTHORITY.—If the Commission finds that compliance with the provisions of this subsection present an unreasonable burden on a small nationally recognized statistical rating organization, the Commission may permit the nationally recognized statistical rating organization to delegate such responsibilities to a committee that includes at least one individual who is a user of ratings of a nationally recognized statistical rating organization.''.

**SEC. 933. STATE OF MIND IN PRIVATE ACTIONS.**

(a) ACCOUNTABILITY.—Section 15E(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7(m)) is amended to read as follows:

''(m) ACCOUNTABILITY.—

''(1) IN GENERAL.—The enforcement and penalty provisions of this title shall apply to statements made by a credit rating agency in the same manner and to the same extent as such provisions apply to statements made by a registered public accounting firm or a securities analyst under the securities laws, and such statements shall not be deemed forward-looking statements for the purposes of section 21E.

''(2) RULEMAKING.—The Commission shall issue such rules as may be necessary to carry out this subsection.''.

(b) STATE OF MIND.—Section 21D(b)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(b)(2)) is amended—

(1) by striking ''In any'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), in any''; and

(2) by adding at the end the following:

''(B) EXCEPTION.—In the case of an action for money damages brought against a credit rating agency or a controlling person under this title, it shall be sufficient, for purposes of pleading any required state of mind in relation to such action, that the complaint state with particularity facts giving rise to a strong inference that the credit rating agency knowingly or recklessly failed—

''(i) to conduct a reasonable investigation of the rated security with respect to the factual elements relied upon by its own methodology for evaluating credit risk; or

''(ii) to obtain reasonable verification of such factual elements (which verification may be based on a sampling technique that does not amount to an audit) from other sources that the credit rating agency considered to be competent and that were independent of the issuer and underwriter.''.

**SEC. 934. REFERRING TIPS TO LAW ENFORCEMENT OR REGULATORY AUTHORITIES.**

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7), as amended by this subtitle, is amended by adding at the end the following:

''(u) DUTY TO REPORT TIPS ALLEGING MATERIAL VIOLATIONS OF LAW.—

''(1) DUTY TO REPORT.—Each nationally recognized statistical rating organization shall refer to the appropriate law enforcement or regulatory authorities any information that the nationally recognized statistical rating organization receives from a third party and finds credible that alleges that an issuer of securities rated by the nationally recognized statistical rating organization has committed or is committing a material violation of law that has not been adjudicated by a Federal or State court.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to require a nationally recognized statistical rating organization to verify the accuracy of the information described in paragraph (1).''.

**SEC. 935. CONSIDERATION OF INFORMATION FROM SOURCES OTHER THAN THE ISSUER IN RATING DECISIONS.**

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7), as amended by this subtitle, is amended by adding at the end the following:

''(v) INFORMATION FROM SOURCES OTHER THAN THE ISSUER.—In producing a credit rating, a nationally recognized statistical rating organization shall consider information about an issuer that the nationally recognized statistical rating organization has, or receives from a source other than the issuer, that the nationally recognized statistical rating organization finds credible and potentially significant to a rating decision.''.

**SEC. 936. QUALIFICATION STANDARDS FOR CREDIT RATING ANALYSTS.**

Not later than 1 year after the date of enactment of this Act, the Commission shall issue rules that are reasonably designed to ensure that any person employed by a nationally recognized statistical rating organization to perform credit ratings—

(1) meets standards of training, experience, and competence necessary to produce accurate ratings for the categories of issuers whose securities the person rates; and

(2) is tested for knowledge of the credit rating process.

**SEC. 937. TIMING OF REGULATIONS.**

Unless otherwise specifically provided in this subtitle, the Commission shall issue final regulations, as required by this subtitle and the amendments made by this subtitle, not later than 1 year after the date of enactment of this Act.

**SEC. 938. UNIVERSAL RATINGS SYMBOLS.**

(a) RULEMAKING.—The Commission shall require, by rule, each nationally recognized statistical rating organization to establish, maintain, and enforce written policies and procedures that—

(1) assess the probability that an issuer of a security or money market instrument will default, fail to make timely payments, or otherwise not make payments to investors in accordance with the terms of the security or money market instrument;

(2) clearly define and disclose the meaning of any symbol used by the nationally recognized statistical rating organization to denote a credit rating; and

(3) apply any symbol described in paragraph (2) in a manner that is consistent for all types of securities and money market instruments for which the symbol is used.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall prohibit a nationally recognized statistical rating organization from using distinct sets of symbols to denote credit ratings for different types of securities or money market instruments.

**SEC. 939. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND FEDERAL AGENCY REVIEW OF REQUIRED USES OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION RATINGS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the scope of provisions of Federal and State laws and regulations with respect to the regulation of securities markets, banking, insurance, and other areas that require the use of ratings issued by nationally recognized statistical rating organizations (in this section referred to as the ''ratings requirements'').

(b) SUBJECTS FOR EVALUATION; PROCESS OF EVALUATION.—

(1) SUBJECTS FOR EVALUATION.—In conducting the study under subsection (a), the Comptroller General of the United States shall evaluate—

(A) the necessity for and purpose of ratings requirements;

(B) which ratings requirements, if any, could be removed with minimal disruption to the financial markets;

(C) the potential impact on the financial markets and on investors if the ratings requirements identified under subparagraph (B) were rescinded; and

(D) whether the financial markets and investors would benefit from the rescission of such ratings requirements.

(2) PROCESS OF EVALUATION.—In conducting the study under subsection (a), the Comptroller General of the United States shall research and take into consideration the views of—

(A) the Federal financial regulatory agencies;

(B) hedge funds;

(C) banks;

(D) brokerage firms;

(E) mutual funds;

(F) pension funds; and

(G) all other interested parties.

(c) REPORT AND RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a), including recommendations, if any, on—

(1) which ratings requirements, if any, could be removed with minimal disruption to the markets; and

(2) whether the financial markets and investors would benefit from the rescission of the ratings requirements identified under paragraph (1).

(d) FEDERAL AGENCY REVIEW OF RATINGS REQUIREMENTS.—

(1) REVIEW.—Each covered Federal agency shall review—

(A) any regulation of the covered Federal agency that requires the use of an assessment of the credit worthiness of a security or money market instrument;

(B) any other reference to credit ratings or requirement relating to credit ratings in a regulation of the covered Federal agency; and

(C) alternative standards of creditworthiness that are based on market-generated indicators, including yield spreads, bond prices, and credit default swap spreads.

(2) MODIFICATIONS REQUIRED.—Except as provided in paragraph (3), each covered Federal agency shall modify any regulation identified under paragraph (1)—

(A) to remove any reference to credit ratings or a credit ratings requirement in the regulation; and

(B) to amend the regulation to require the use of a standard of credit worthiness that—

(i) is not related to credit ratings; and

(ii) the covered Federal agency determines appropriate.

(3) EXCEPTION.—A covered Federal agency may elect not to amend a regulation identified under paragraph (1), if the covered Federal agency determines that—

(A) there is no reasonable alternative standard of credit worthiness that could replace a credit rating for purposes of the regulation; and

(B) an amendment to the regulation would be inconsistent with the purposes of the statute that authorized the regulation and not in the public interest.

(4) REPORT.—Not later than 1 year after the date on which the Comptroller General submits the report required under subsection (c), each covered Federal agency shall submit to Congress a report that contains—

(A) a description of any amendment under paragraph (2); and

(B) an explanation of any determination under paragraph (3).

(5) DEFINITION.—In this subsection, the term ''covered Federal agency'' means—

(A) the Commission;

(B) the Corporation;

(C) the Office of the Comptroller of the Currency;

(D) the Board of Governors;

(E) the National Credit Union Administration; and

(F) the Federal Housing Finance Agency.

**SEC. 939A. SECURITIES AND EXCHANGE COMMISSION STUDY ON STRENGTHENING CREDIT RATING AGENCY INDEPENDENCE.**

(a) STUDY.—The Commission shall conduct a study of—

(1) the independence of nationally recognized statistical rating organizations; and

(2) how the independence of nationally recognized statistical rating organizations affects the ratings issued by the nationally recognized statistical rating organizations.

(b) SUBJECTS FOR EVALUATION.—In conducting the study under subsection (a), the Commission shall evaluate—

(1) the management of conflicts of interest raised by a nationally recognized statistical rating organization providing other services, including risk management advisory services, ancillary assistance, or consulting services;

(2) the potential impact of rules prohibiting a nationally recognized statistical rating organization that provides a rating to an issuer from providing other services to the issuer; and

(3) any other issue relating to nationally recognized statistical rating organizations, as the Chairman of the Commission determines is appropriate.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a), including recommendations, if any, for improving the integrity of ratings issued by nationally recognized statistical rating organizations.

**SEC. 939B. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ALTERNATIVE BUSINESS MODELS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study on alternative means for compensating nationally recognized statistical rating organizations in order to create incentives for nationally recognized statistical rating organizations to provide more accurate credit ratings, including any statutory changes that would be required to facilitate the use of an alternative means of compensation.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a), including recommendations, if any, for providing incentives to credit rating agencies to improve the credit rating process.

**SEC. 939C. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON THE CREATION OF AN INDEPENDENT PROFESSIONAL ANALYST ORGANIZATION.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility and merits of creating an independent professional organization for rating analysts employed by nationally recognized statistical rating organizations that would be responsible for—

(1) establishing independent standards for governing the profession of rating analysts;

(2) establishing a code of ethical conduct; and

(3) overseeing the profession of rating analysts.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a).

**Subtitle D—Improvements to the Asset-Backed Securitization Process**

**SEC. 941. REGULATION OF CREDIT RISK RETENTION.**

(a) DEFINITION OF ASSET-BACKED SECURITY.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

''(77) ASSET-BACKED SECURITY.—The term 'asset-backed security'—

''(A) means a fixed-income or other security collateralized by any type of self-liquidating financial asset (including a loan, a lease, a mortgage, or a secured or unsecured receivable) that allows the holder of the security to receive payments that depend primarily on cash flow from the asset, including—

''(i) a collateralized mortgage obligation;

''(ii) a collateralized debt obligation;

''(iii) a collateralized bond obligation;

''(iv) a collateralized debt obligation of asset-backed securities;

''(v) a collateralized debt obligation of collateralized debt obligations; and

''(vi) a security that the Commission, by rule, determines to be an asset-backed security for purposes of this section; and

''(B) does not include a security issued by a finance subsidiary held by the parent company or a company controlled by the parent company, if none of the securities issued by the finance subsidiary are held by an entity that is not controlled by the parent company.''.

(b) CREDIT RISK RETENTION.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15F, as added by this Act, the following:

**''SEC. 15G. CREDIT RISK RETENTION.**

''(a) DEFINITIONS.—In this section—

''(1) the term 'Federal banking agencies' means the Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation;

''(2) the term 'insured depository institution' has the same meaning as in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

''(3) the term 'securitizer' means—

''(A) an issuer of an asset-backed security; or

''(B) a person who organizes and initiates an asset-backed securities transaction by selling or transferring assets, either directly or indirectly, including through an affiliate, to the issuer; and

''(4) the term 'originator' means a person who—

''(A) through the extension of credit or otherwise, creates a financial asset that collateralizes an asset-backed security; and

''(B) sells an asset to a securitizer.

''(b) IN GENERAL.—Not later than 270 days after the date of enactment of this section, the Federal banking agencies and the Commission shall jointly prescribe regulations to require any securitizer to retain an economic interest in a portion of the credit risk for any asset that the securitizer, through the issuance of an asset-backed security, transfers, sells, or conveys to a third party.

''(c) STANDARDS FOR REGULATIONS.—

''(1) STANDARDS.—The regulations prescribed under subsection (b) shall—

''(A) prohibit a securitizer from directly or indirectly hedging or otherwise transferring the credit risk that the securitizer is required to retain with respect to an asset;

''(B) require a securitizer to retain—

''(i) not less than 5 percent of the credit risk for any asset that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer; or

''(ii) less than 5 percent of the credit risk for an asset that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer, if the originator of the asset meets the underwriting standards prescribed under paragraph (2)(B);

''(C) specify—

''(i) the permissible forms of risk retention for purposes of this section; and

''(ii) the minimum duration of the risk retention required under this section;

''(D) apply, regardless of whether the securitizer is an insured depository institution; and

''(E) provide for—

''(i) a total or partial exemption of any securitization, as may be appropriate in the public interest and for the protection of investors; and

''(ii) the allocation of risk retention obligations between a securitizer and an originator in the case of a securitizer that purchases assets from an originator, as the Federal banking agencies and the Commission jointly determine appropriate.

''(2) ASSET CLASSES.—

''(A) ASSET CLASSES.—The regulations prescribed under subsection (b) shall establish asset classes with separate rules for securitizers of different classes of assets, including residential mortgages, commercial mortgages, commercial loans, auto loans, and any other class of assets that the Federal banking agencies and the Commission deem appropriate.

''(B) CONTENTS.—For each asset class established under subparagraph (A), the regulations prescribed under subsection (b) shall establish underwriting standards that specify the terms, conditions, and characteristics

of a loan within the asset class that indicate a reduced credit risk with respect to the loan.

''(d) ORIGINATORS.—In determining how to allocate risk retention obligations between a securitizer and an originator under subsection (c)(1)(E)(ii), the Federal banking agencies and the Commission shall—

''(1) reduce the percentage of risk retention obligations required of the securitizer by the percentage of risk retention obligations required of the originator; and

''(2) consider—

''(A) whether the assets sold to the securitizer have terms, conditions, and characteristics that reflect reduced credit risk;

''(B) whether the form or volume of transactions in securitization markets creates incentives for imprudent origination of the type of loan or asset to be sold to the securitizer; and

''(C) the potential impact of the risk retention obligations on the access of consumers and businesses to credit on reasonable terms, which may not include the transfer of credit risk to a third party.

''(e) EXEMPTIONS, EXCEPTIONS, AND ADJUSTMENTS.—

''(1) IN GENERAL.—The Federal banking agencies and the Commission may jointly adopt or issue exemptions, exceptions, or adjustments to the rules issued under this section, including exemptions, exceptions, or adjustments for classes of institutions or assets relating to the risk retention requirement and the prohibition on hedging under subsection (c)(1).

''(2) APPLICABLE STANDARDS.—Any exemption, exception, or adjustment adopted or issued by the Federal banking agencies and the Commission under this paragraph shall—

''(A) help ensure high quality underwriting standards for the securitizers and originators of assets that are securitized or available for securitization; and

''(B) encourage appropriate risk management practices by the securitizers and originators of assets, improve the access of consumers and businesses to credit on reasonable terms, or otherwise be in the public interest and for the protection of investors.

''(3) FARM CREDIT SYSTEM INSTITUTIONS.—A Farm Credit System institution, including the Federal Agricultural Mortgage Corporation, that is chartered and subject to the provisions of the Farm Credit Act of 1971, as amended (12 U.S.C. 2001 et seq.), shall be exempt from the risk retention provisions of this subsection.

''(f) ENFORCEMENT.—The regulations issued under this section shall be enforced by—

''(1) the appropriate Federal banking agency, with respect to any securitizer that is an insured depository institution; and

''(2) the Commission, with respect to any securitizer that is not an insured depository institution.

''(g) AUTHORITY OF COMMISSION.—The authority of the Commission under this section shall be in addition to the authority of the Commission to otherwise enforce the securities laws.

''(h) EFFECTIVE DATE OF REGULATIONS.—The regulations issued under this section shall become effective—

''(1) with respect to securitizers and originators of asset-backed securities backed by residential mortgages, 1 year after the date on which final rules under this section are published in the Federal Register; and

''(2) with respect to securitizers and originators of all other classes of asset-backed securities, 2 years after the date on which final rules under this section are published in the Federal Register.''.

**SEC. 942. DISCLOSURES AND REPORTING FOR ASSET-BACKED SECURITIES.**

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended—

(1) by striking ''(d) Each'' and inserting the following:

''(d) SUPPLEMENTARY AND PERIODIC INFORMATION.—

''(1) IN GENERAL.—Each'';

(2) in the third sentence, by inserting after ''securities of each class'' the following: '', other than any class of asset-backed securities,''; and

(3) by adding at the end the following:

''(2) ASSET-BACKED SECURITIES.—

''(A) SUSPENSION OF DUTY TO FILE.—The Commission may, by rule or regulation, provide for the suspension or termination of the duty to file under this subsection for any class of asset-backed security, on such terms and conditions and for such period or periods as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

''(B) CLASSIFICATION OF ISSUERS.—The Commission may, for purposes of this subsection, classify issuers and prescribe requirements appropriate for each class of issuers of asset-backed securities.''.

(b) SECURITIES ACT OF 1933.—Section 7 of the Securities Act of 1933 (15 U.S.C. 77g) is amended by adding at the end the following:

''(c) DISCLOSURE REQUIREMENTS.—

''(1) IN GENERAL.—The Commission shall adopt regulations under this subsection requiring each issuer of an asset-backed security to disclose, for each tranche or class of security, information regarding the assets backing that security.

''(2) CONTENT OF REGULATIONS.—In adopting regulations under this subsection, the Commission shall—

''(A) set standards for the format of the data provided by issuers of an asset-backed security, which shall, to the extent feasible, facilitate comparison of such data across securities in similar types of asset classes; and

''(B) require issuers of asset-backed securities, at a minimum, to disclose asset-level or loan-level data necessary for investors to independently perform due diligence, including—

''(i) data having unique identifiers relating to loan brokers or originators;

''(ii) the nature and extent of the compensation of the broker or originator of the assets backing the security; and

''(iii) the amount of risk retention by the originator and the securitizer of such assets.''.

**SEC. 943. REPRESENTATIONS AND WARRANTIES IN ASSET-BACKED OFFERINGS.**

Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission shall prescribe regulations on the use of representations and warranties in the market for asset-backed securities (as that term is defined in section 3(a)(77) of the Securities Exchange Act of 1934, as added by this subtitle) that—

(1) require each national recognized statistical rating organization to include in any report accompanying a credit rating a description of—

(A) the representations, warranties, and enforcement mechanisms available to investors; and

(B) how they differ from the representations, warranties, and enforcement mechanisms in issuances of similar securities; and

(2) require any securitizer (as that term is defined in section 15G(a) of the Securities Exchange Act of 1934, as added by this subtitle) to disclose fulfilled and unfulfilled repurchase requests across all trusts aggregated by the securitizer, so that investors may identify asset originators with clear underwriting deficiencies.

**SEC. 944. EXEMPTED TRANSACTIONS UNDER THE SECURITIES ACT OF 1933.**

(a) EXEMPTION ELIMINATED.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) by striking paragraph (5); and

(2) by striking ''(6) transactions'' and inserting the following:

''(5) transactions''.

(b) CONFORMING AMENDMENT.—Section 3(a)(4)(B)(vii)(I) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)(B)(vii)(I)) is amended by striking ''4(6)'' and inserting ''4(5)''.

**SEC. 945. DUE DILIGENCE ANALYSIS AND DISCLOSURE IN ASSET-BACKED SECURITIES ISSUES.**

Section 7 of the Securities Act of 1933 (15 U.S.C. 77g), as amended by this subtitle, is amended by adding at the end the following:

''(d) REGISTRATION STATEMENT FOR ASSET-BACKED SECURITIES.—Not later than 180 days after the date of enactment of this subsection, the Commission shall issue rules relating to the registration statement required to be filed by any issuer of an asset-backed security (as that term is defined in section 3(a)(77) of the Securities Exchange Act of 1934) that require any issuer of an asset-backed security—

''(1) to perform a due diligence analysis of the assets underlying the asset-backed security; and

''(2) to disclose the nature of the analysis under paragraph (1).''.

## Subtitle E—Accountability and Executive Compensation

**SEC. 951. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION DISCLOSURES.**

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 14 (15 U.S.C. 78n) the following:

**''SEC. 14A. ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.**

''(a) SEPARATE RESOLUTION REQUIRED.—Any proxy or consent or authorization for an annual or other meeting of the shareholders occurring after the end of the 6-month period beginning on the date of enactment of this section, for which the proxy solicitation rules of the Commission require compensation disclosure, shall include a separate resolution subject to shareholder vote to approve the compensation of executives, as disclosed pursuant to section 229.402 of title 17, Code of Federal Regulations, or any successor thereto.

''(b) RULE OF CONSTRUCTION.—The shareholder vote referred to in subsection (a) shall not be binding on the issuer or the board of directors of an issuer, and may not be construed—

''(1) as overruling a decision by such issuer or board of directors;

''(2) to create or imply any change to the fiduciary duties of such issuer or board of directors;

''(3) to create or imply any additional fiduciary duties for such issuer or board of directors; or

''(4) to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation.''.

**SEC. 952. COMPENSATION COMMITTEE INDEPENDENCE.**

The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended by inserting after section 10B, as added by section 753, the following:

**"SEC. 10C. COMPENSATION COMMITTEES.**

''(a) INDEPENDENCE OF COMPENSATION COMMITTEES.—

''(1) LISTING STANDARDS.—The Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that does not comply with the requirements of this subsection.

''(2) INDEPENDENCE OF COMPENSATION COMMITTEES.—The rules of the Commission under paragraph (1) shall require that each member of the compensation committee of the board of directors of an issuer be—

''(A) a member of the board of directors of the issuer; and

''(B) independent.

''(3) INDEPENDENCE.—The rules of the Commission under paragraph (1) shall require that, in determining the definition of the term 'independence' for purposes of paragraph (2), the national securities exchanges and the national securities associations shall consider relevant factors, including—

''(A) the source of compensation of a member of the board of directors of an issuer, including any consulting, advisory, or other compensatory fee paid by the issuer to such member of the board of directors; and

''(B) whether a member of the board of directors of an issuer is affiliated with the issuer, a subsidiary of the issuer, or an affiliate of a subsidiary of the issuer.

''(4) EXEMPTION AUTHORITY.—The rules of the Commission under paragraph (1) shall permit a national securities exchange or a national securities association to exempt a particular relationship from the requirements of paragraph (2), with respect to the members of a compensation committee, as the national securities exchange or national securities association determines is appropriate, taking into consideration the size of an issuer and any other relevant factors.

''(b) INDEPENDENCE OF COMPENSATION CONSULTANTS AND OTHER COMPENSATION COMMITTEE ADVISERS.—

''(1) IN GENERAL.—The compensation committee of an issuer may only select a compensation consultant, legal counsel, or other adviser to the compensation committee after taking into consideration the factors identified by the Commission under paragraph (2).

''(2) RULES.—The Commission shall identify factors that affect the independence of a compensation consultant, legal counsel, or other adviser to a compensation committee of an issuer, including—

''(A) the provision of other services to the issuer by the person that employs the compensation consultant, legal counsel, or other adviser;

''(B) the amount of fees received from the issuer by the person that employs the compensation consultant, legal counsel, or other adviser, as a percentage of the total revenue of the person that employs the compensation consultant, legal counsel, or other adviser;

''(C) the policies and procedures of the person that employs the compensation consultant, legal counsel, or other adviser that are designed to prevent conflicts of interest;

''(D) any business or personal relationship of the compensation consultant, legal counsel, or other adviser with a member of the compensation committee; and

''(E) any stock of the issuer owned by the compensation consultant, legal counsel, or other adviser.

''(c) COMPENSATION COMMITTEE AUTHORITY RELATING TO COMPENSATION CONSULTANTS.—

''(1) AUTHORITY TO RETAIN COMPENSATION CONSULTANT.—

''(A) IN GENERAL.—The compensation committee of an issuer, in its capacity as a committee of the board of directors, may, in its sole discretion, retain or obtain the advice of a compensation consultant.

''(B) DIRECT RESPONSIBILITY OF COMPENSATION COMMITTEE.—The compensation committee of an issuer shall be directly responsible for the appointment, compensation, and oversight of the work of a compensation consultant.

''(C) RULE OF CONSTRUCTION.—This paragraph may not be construed—

''(i) to require the compensation committee to implement or act consistently with the advice or recommendations of the compensation consultant; or

''(ii) to affect the ability or obligation of a compensation committee to exercise its own judgment in fulfillment of the duties of the compensation committee.

''(2) DISCLOSURE.—In any proxy or consent solicitation material for an annual meeting of the shareholders (or a special meeting in lieu of the annual meeting) occurring on or after the date that is 1 year after the date of enactment of this section, each issuer shall disclose in the proxy or consent material, in accordance with regulations of the Commission, whether—

''(A) the compensation committee of the issuer retained or obtained the advice of a compensation consultant; and

''(B) the work of the compensation consultant has raised any conflict of interest and, if so, the nature of the conflict and how the conflict is being addressed.

''(d) AUTHORITY TO ENGAGE INDEPENDENT LEGAL COUNSEL AND OTHER ADVISERS.—

''(1) IN GENERAL.—The compensation committee of an issuer, in its capacity as a committee of the board of directors, may, in its sole discretion, retain and obtain the advice of independent legal counsel and other advisers.

''(2) DIRECT RESPONSIBILITY OF COMPENSATION COMMITTEE.—The compensation committee of an issuer shall be directly responsible for the appointment, compensation, and oversight of the work of independent legal counsel and other advisers.

''(3) RULE OF CONSTRUCTION.—This subsection may not be construed—

''(A) to require a compensation committee to implement or act consistently with the advice or recommendations of independent legal counsel or other advisers under this subsection; or

''(B) to affect the ability or obligation of a compensation committee to exercise its own judgment in fulfillment of the duties of the compensation committee.

''(e) COMPENSATION OF COMPENSATION CONSULTANTS, INDEPENDENT LEGAL COUNSEL, AND OTHER ADVISERS.—Each issuer shall provide for appropriate funding, as determined by the compensation committee in its capacity as a committee of the board of directors, for payment of reasonable compensation—

''(1) to a compensation consultant; and

''(2) to independent legal counsel or any other adviser to the compensation committee.

''(f) COMMISSION RULES.—

''(1) IN GENERAL.—Not later than 360 days after the date of enactment of this section, the Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that is not in compliance with the requirements of this section.

''(2) OPPORTUNITY TO CURE DEFECTS.—The rules of the Commission under paragraph (1) shall provide for appropriate procedures for an issuer to have a reasonable opportunity to cure any defects that would be the basis for the prohibition under paragraph (1), before the imposition of such prohibition.

''(3) EXEMPTION AUTHORITY.—

''(A) IN GENERAL.—The rules of the Commission under paragraph (1) shall permit a national securities exchange or a national securities association to exempt a category of issuers from the requirements under this section, as the national securities exchange or the national securities association determines is appropriate.

''(B) CONSIDERATIONS.—In determining appropriate exemptions under subparagraph (A), the national securities exchange or the national securities association shall take into account the potential impact of the requirements of this section on smaller reporting issuers.''.

**SEC. 953. EXECUTIVE COMPENSATION DISCLOSURES.**

(a) DISCLOSURE OF PAY VERSUS PERFORMANCE.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n), as amended by this title, is amended by adding at the end the following:

''(i) DISCLOSURE OF PAY VERSUS PERFORMANCE.—The Commission shall, by rule, require each issuer to disclose in any proxy or consent solicitation material for an annual meeting of the shareholders of the issuer a clear description of any compensation required to be disclosed by the issuer under section 229.402 of title 17, Code of Federal Regulations (or any successor thereto), including information that shows the relationship between executive compensation actually paid and the financial performance of the issuer, taking into account any change in the value of the shares of stock and dividends of the issuer and any distributions. The disclosure under this subsection may include a graphic representation of the information required to be disclosed.''.

(b) ADDITIONAL DISCLOSURE REQUIREMENTS.—

(1) IN GENERAL.—The Commission shall amend section 229.402 of title 17, Code of Federal Regulations, to require each issuer to disclose in any filing of the issuer described in section 229.10(a) of title 17, Code of Federal Regulations (or any successor thereto)—

(A) the median of the annual total compensation of all employees of the issuer, except the chief executive officer (or any equivalent position) of the issuer;

(B) the annual total compensation of the chief executive officer (or any equivalent position) of the issuer; and

(C) the ratio of the amount described in subparagraph (A) to the amount described in subparagraph (B).

(2) TOTAL COMPENSATION.—For purposes of this subsection, the total compensation of an employee of an issuer shall be determined in accordance with section 229.402(c)(2)(x) of title 17, Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

**SEC. 954. RECOVERY OF ERRONEOUSLY AWARDED COMPENSATION.**

The Securities Exchange Act of 1934 is amended by inserting after section 10C, as added by section 952, the following:

**"SEC. 10D. RECOVERY OF ERRONEOUSLY AWARDED COMPENSATION POLICY.**

''(a) LISTING STANDARDS.—The Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that does not comply with the requirements of this section.

''(b) RECOVERY OF FUNDS.—The rules of the Commission under subsection (a) shall require each issuer to develop and implement a policy providing—

''(1) for disclosure of the policy of the issuer on incentive-based compensation that is based on financial information required to be reported under the securities laws; and

''(2) that, in the event that the issuer is required to prepare an accounting restatement due to the material noncompliance of the issuer with any financial reporting requirement under the securities laws, the issuer will recover from any current or former executive officer of the issuer who received incentive-based compensation (including stock options awarded as compensation) during the 3-year period preceding the date on which the issuer is required to prepare an accounting restatement, based on the erroneous data, in excess of what would have been paid to the executive officer under the accounting restatement.''.

**SEC. 955. DISCLOSURE REGARDING EMPLOYEE AND DIRECTOR HEDGING.**

Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n), as amended by this title, is amended by adding at the end the following:

''(j) DISCLOSURE OF HEDGING BY EMPLOYEES AND DIRECTORS.—The Commission shall, by rule, require each issuer to disclose in any proxy or consent solicitation material for an annual meeting of the shareholders of the issuer whether any employee or member of the board of directors of the issuer, or any designee of such employee or member, is permitted to purchase financial instruments (including prepaid variable forward contracts, equity swaps, collars, and exchange funds) that are designed to hedge or offset any decrease in the market value of equity securities—

''(1) granted to the employee or member of the board of directors by the issuer as part of the compensation of the employee or member of the board of directors; or

''(2) held, directly or indirectly, by the employee or member of the board of directors.''.

**SEC. 956. EXCESSIVE COMPENSATION BY HOLDING COMPANIES OF DEPOSITORY INSTITUTIONS.**

Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following:

''(i) EXCESSIVE COMPENSATION.—

''(1) IN GENERAL.—Not later than 180 days after the transfer date established under section 311 of the Restoring American Financial Stability Act of 2010, the Board of Governors, in consultation with the Comptroller of the Currency and the Federal Deposit Insurance Corporation, shall, by rule, establish standards prohibiting as an unsafe and unsound practice any compensation plan of a bank holding company that—

''(A) provides an executive officer, employee, director, or principal shareholder of the bank holding company with excessive compensation, fees, or benefits; or

''(B) could lead to material financial loss to the bank holding company.

''(2) CONSIDERATIONS.—In establishing the standards under paragraph (1), the Board of Governors shall take into consideration the compensation standards described in section 39(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831p–1(c)) and the views and recommendations of the Comptroller of the Currency and the Federal Deposit Insurance Corporation.''.

**SEC. 957. VOTING BY BROKERS.**

Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended—

(1) in paragraph (9)—

(A) in subparagraph (A), by redesignating clauses (i) through (v) as subclauses (I) through (V), respectively, and adjusting the margins accordingly;

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(C) by inserting ''(A)'' after ''(9)''; and

(D) in the matter immediately following clause (iv), as so redesignated, by striking ''As used'' and inserting the following:

''(B) As used''.

(2) by adding at the end the following:

''(10)(A) The rules of the exchange prohibit any member that is not the beneficial owner of a security registered under section 12 from granting a proxy to vote the security in connection with a shareholder vote described in subparagraph (B), unless the beneficial owner of the security has instructed the member to vote the proxy in accordance with the voting instructions of the beneficial owner.

''(B) A shareholder vote described in this subparagraph is a shareholder vote with respect to the election of a member of the board of directors of an issuer, executive compensation, or any other significant matter, as determined by the Commission, by rule.

''(C) Nothing in this paragraph shall be construed to prohibit a national securities exchange from prohibiting a member that is not the beneficial owner of a security registered under section 12 from granting a proxy to vote the security in connection with a shareholder vote not described in subparagraph (A).''.

## Subtitle F—Improvements to the Management of the Securities and Exchange Commission

**SEC. 961. REPORT AND CERTIFICATION OF INTERNAL SUPERVISORY CONTROLS.**

(a) ANNUAL REPORTS AND CERTIFICATION.—Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the conduct by the Commission of examinations of registered entities, enforcement investigations, and review of corporate financial securities filings.

(b) CONTENTS OF REPORTS.—Each report under subsection (a) shall contain—

(1) an assessment, as of the end of the most recent fiscal year, of the effectiveness of—

(A) the internal supervisory controls of the Commission; and

(B) the procedures of the Commission applicable to the staff of the Commission who perform examinations of registered entities, enforcement investigations, and reviews of corporate financial securities filings;

(2) a certification that the Commission has adequate internal supervisory controls to carry out the duties of the Commission described in paragraph (1)(B); and

(3) a summary by the Comptroller General of the United States of the review carried out under subsection (d).

(c) CERTIFICATION.—

(1) SIGNATURE.—The certification under subsection (b)(2) shall be signed by the Director of the Division of Enforcement, the Director of the Division of Corporation Finance, and the Director of the Office of Compliance Inspections and Examinations (or the head of any successor division or office).

(2) CONTENT OF CERTIFICATION.—Each individual described in paragraph (1) shall certify that the individual—

(A) is directly responsible for establishing and maintaining the internal supervisory controls of the Division or Office of which the individual is the head;

(B) is knowledgeable about the internal supervisory controls of the Division or Office of which the individual is the head;

(C) has evaluated the effectiveness of the internal supervisory controls during the 90-day period ending on the final day of the fiscal year to which the report relates; and

(D) has disclosed to the Commission any significant deficiencies in the design or operation of internal supervisory controls that could adversely affect the ability of the Division or Office to consistently conduct inspections, or investigations, or reviews of filings with professional competence and integrity.

(d) REVIEW BY THE COMPTROLLER GENERAL.—Not later than the date on which the first report is submitted under subsection (a), the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives an initial report that contains a review of the adequacy and effectiveness of the internal supervisory control structure and procedures described in subsection (b)(1).

**SEC. 962. TRIENNIAL REPORT ON PERSONNEL MANAGEMENT.**

(a) TRIENNIAL REPORT REQUIRED.—Once every 3 years, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the quality of personnel management by the Commission.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include—

(1) an evaluation of—

(A) the effectiveness of supervisors in using the skills, talents, and motivation of the employees of the Commission to achieve the goals of the Commission;

(B) the criteria for promoting employees of the Commission to supervisory positions;

(C) the fairness of the application of the promotion criteria to the decisions of the Commission;

(D) the competence of the professional staff of the Commission;

(E) the efficiency of communication between the units of the Commission regarding the work of the Commission (including communication between divisions and between subunits of a division) and the efforts by the Commission to promote such communication;

(F) the turnover within subunits of the Commission, including the identification of supervisors whose subordinates have an unusually high rate of turnover;

(G) whether there are excessive numbers of low-level, mid-level, or senior-level managers;

(H) any initiatives of the Commission that increase the competence of the staff of the Commission;

(I) the actions taken by the Commission regarding employees of the Commission who have failed to perform their duties; and

(J) such other factors relating to the management of the Commission as the Comptroller General determines are appropriate;

(2) an evaluation of any improvements made with respect to the areas described in paragraph (1) since the date of submission of the previous report; and

(3) recommendations for how the Commission can use the human resources of the Commission more effectively and efficiently to carry out the mission of the Commission.

(c) CONSULTATION.—In preparing the report under subsection (a), the Comptroller General shall consult with current employees of the Commission, retired employees and other former employees of the Commission, the Inspector General of the Commission, persons that have business before the Commission, any union representing the employees of the Commission, private management consultants, academics, and any other source that the Comptroller General deems appropriate.

(d) REPORT BY COMMISSION.—Not later than 90 days after the date on which the Comptroller General submits each report under subsection (a), the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report describing the actions taken by the Commission in response to the recommendations contained in the report under subsection (a).

(e) REIMBURSEMENTS FOR COST OF REPORTS.—

(1) REIMBURSEMENTS REQUIRED.—The Commission shall reimburse the Government Accountability Office for the full cost of making the reports under this section, as billed therefor by the Comptroller General.

(2) CREDITING AND USE OF REIMBURSEMENTS.—Such reimbursements shall—

(A) be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received; and

(B) remain available until expended.

**SEC. 963. ANNUAL FINANCIAL CONTROLS AUDIT.**

(a) REPORTS OF COMMISSION.—

(1) ANNUAL REPORTS REQUIRED.—Not later than 6 months after the end of each fiscal year, the Commission shall publish and submit to Congress a report that—

(A) describes the responsibility of the management of the Commission for establishing and maintaining an adequate internal control structure and procedures for financial reporting; and

(B) contains an assessment of the effectiveness of the internal control structure and procedures for financial reporting of the Commission during that fiscal year.

(2) ATTESTATION.—The reports required under paragraph (1) shall be attested to by the Chairman and chief financial officer of the Commission.

(b) REPORT BY COMPTROLLER GENERAL.—

(1) REPORT REQUIRED.—Not later than 6 months after the end of the first fiscal year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that assesses—

(A) the effectiveness of the internal control structure and procedures of the Commission for financial reporting; and

(B) the assessment of the Commission under subsection (a)(1)(B).

(2) ATTESTATION.—The Comptroller General shall attest to, and report on, the assessment made by the Commission under subsection (a).

(c) REIMBURSEMENTS FOR COST OF REPORTS.—

(1) REIMBURSEMENTS REQUIRED.—The Commission shall reimburse the Government Accountability Office for the full cost of making the reports under subsection (b), as billed therefor by the Comptroller General.

(2) CREDITING AND USE OF REIMBURSEMENTS.—Such reimbursements shall—

(A) be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received; and

(B) remain available until expended.

**SEC. 964. REPORT ON OVERSIGHT OF NATIONAL SECURITIES ASSOCIATIONS.**

(a) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes an evaluation of the oversight by the Commission of national securities associations registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) with respect to—

(1) the governance of such national securities associations, including the identification and management of conflicts of interest by such national securities associations, together with an analysis of the impact of any conflicts of interest on the regulatory enforcement or rulemaking by such national securities associations;

(2) the examinations carried out by the national securities associations, including the expertise of the examiners;

(3) the executive compensation practices of such national securities associations;

(4) the arbitration services provided by the national securities associations;

(5) the review performed by national securities associations of advertising by the members of the national securities associations;

(6) the cooperation with and assistance to State securities administrators by the national securities associations to promote investor protection;

(7) how the funding of national securities associations is used to support the mission of the national securities associations, including—

(A) the methods of funding;

(B) the sufficiency of funds;

(C) how funds are invested by the national securities association pending use; and

(D) the impact of the methods, sufficiency, and investment of funds on regulatory enforcement by the national securities associations;

(8) the policies regarding the employment of former employees of national securities associations by regulated entities;

(9) the ongoing effectiveness of the rules of the national securities associations in achieving the goals of the rules;

(10) the transparency of governance and activities of the national securities associations; and

(11) any other issue that has an impact, as determined by the Comptroller General, on the effectiveness of such national securities associations in performing their mission and in dealing fairly with investors and members;

(b) REIMBURSEMENTS FOR COST OF REPORTS.—

(1) REIMBURSEMENTS REQUIRED.—The Commission shall reimburse the Government Accountability Office for the full cost of making the reports under subsection (a), as billed therefor by the Comptroller General.

(2) CREDITING AND USE OF REIMBURSEMENTS.—Such reimbursements shall—

(A) be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received; and

(B) remain available until expended.

**SEC. 965. COMPLIANCE EXAMINERS.**

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

''(h) EXAMINERS.—

''(1) DIVISION OF TRADING AND MARKETS.—The Division of Trading and Markets of the Commission, or any successor organizational unit, shall have a staff of examiners who shall—

''(A) perform compliance inspections and examinations of entities under the jurisdiction of that Division; and

''(B) report to the Director of that Division.

''(2) DIVISION OF INVESTMENT MANAGEMENT.—The Division of Investment Management of the Commission, or any successor organizational unit, shall have a staff of examiners who shall—

''(A) perform compliance inspections and examinations of entities under the jurisdiction of that Division; and

''(B) report to the Director of that Division.''.

**SEC. 966. SUGGESTION PROGRAM FOR EMPLOYEES OF THE COMMISSION.**

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 4C (15 U.S.C. 78d–3) the following:

**''SEC. 4D. ADDITIONAL DUTIES OF INSPECTOR GENERAL.**

''(a) SUGGESTION SUBMISSIONS BY COMMISSION EMPLOYEES.—

''(1) HOTLINE ESTABLISHED.—The Inspector General of the Commission shall establish and maintain a telephone hotline or other electronic means for the receipt of—

''(A) suggestions by employees of the Commission for improvements in the work efficiency, effectiveness, and productivity, and the use of the resources, of the Commission; and

''(B) allegations by employees of the Commission of waste, abuse, misconduct, or mismanagement within the Commission.

''(2) CONFIDENTIALITY.—The Inspector General shall maintain as confidential—

''(A) the identity of any individual who provides information by the means established under paragraph (1), unless the individual requests otherwise, in writing; and

''(B) at the request of any such individual, any specific information provided by the individual.

''(b) CONSIDERATION OF REPORTS.—The Inspector General shall consider any suggestions or allegations received by the means established under subsection (a)(1), and shall recommend appropriate action in relation to such suggestions or allegations.

''(c) RECOGNITION.—The Inspector General may recognize any employee who makes a suggestion under subsection (a)(1) (or by other means) that would or does—

''(1) increase the work efficiency, effectiveness, or productivity of the Commission; or

''(2) reduce waste, abuse, misconduct, or mismanagement within the Commission.

''(d) REPORT.—The Inspector General of the Commission shall submit to Congress an annual report containing a description of—

''(1) the nature, number, and potential benefits of any suggestions received under subsection (a);

''(2) the nature, number, and seriousness of any allegations received under subsection (a);

''(3) any recommendations made or actions taken by the Inspector General in response to substantiated allegations received under subsection (a); and

''(4) any action the Commission has taken in response to suggestions or allegations received under subsection (a).

''(e) FUNDING.—The activities of the Inspector General under this subsection shall be

funded by the Securities and Exchange Commission Investor Protection Fund established under section 21F.''.

### Subtitle G—Strengthening Corporate Governance

**SEC. 971. ELECTION OF DIRECTORS BY MAJORITY VOTE IN UNCONTESTED ELECTIONS.**

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 14A, as added by this title, the following:

**''SEC. 14B. CORPORATE GOVERNANCE.**

''(a) CORPORATE GOVERNANCE STANDARDS.—

''(1) LISTING STANDARDS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that is not in compliance with any of the requirements of this subsection.

''(B) OPPORTUNITY TO COMPLY AND CURE.—The rules established under this paragraph shall allow an issuer to have an opportunity to come into compliance with the requirements of this subsection, and to cure any defect that would be the basis for a prohibition under subparagraph (A), before the imposition of such prohibition.

''(C) AUTHORITY TO EXEMPT.—The Commission may, by rule or order, exempt an issuer from any or all of the requirements of this subsection and the rules issued under this subsection, based on the size of the issuer, the market capitalization of the issuer, the number of shareholders of record of the issuer, or any other criteria, as the Commission deems necessary and appropriate in the public interest or for the protection of investors.

''(2) COMMISSION RULES ON ELECTIONS.—In an election for membership on the board of directors of an issuer—

''(A) that is uncontested, each director who receives a majority of the votes cast shall be deemed to be elected;

''(B) that is contested, if the number of nominees exceeds the number of directors to be elected, each director shall be elected by the vote of a plurality of the shares represented at a meeting and entitled to vote; and

''(C) if a director of an issuer receives less than a majority of the votes cast in an uncontested election—

''(i) the director shall tender the resignation of the director to the board of directors; and

''(ii) the board of directors—

''(I) shall—

''(aa) accept the resignation of the director;

''(bb) determine a date on which the resignation will take effect, within a reasonable period of time, as established by the Commission; and

''(cc) make the date under item (bb) public within a reasonable period of time, as established by the Commission; or

''(II) shall, upon a unanimous vote of the board, decline to accept the resignation and, not later than 30 days after the date of the vote (or within such shorter period as the Commission may establish), make public, together with a discussion of the analysis used in reaching the conclusion, the specific reasons that—

''(aa) the board chose not to accept the resignation; and

''(bb) the decision was in the best interests of the issuer and the shareholders of the issuer.''.

**SEC. 972. PROXY ACCESS.**

(a) PROXY ACCESS.—Section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) The rules and regulations prescribed by the Commission under paragraph (1) may include—

''(A) a requirement that a solicitation of proxy, consent, or authorization by (or on behalf of) an issuer include a nominee submitted by a shareholder to serve on the board of directors of the issuer; and

''(B) a requirement that an issuer follow a certain procedure in relation to a solicitation described in subparagraph (A).''.

(b) REGULATIONS.—The Commission may issue rules permitting the use by shareholders of proxy solicitation materials supplied by an issuer of securities for the purpose of nominating individuals to membership on the board of directors of the issuer, under such terms and conditions as the Commission determines are in the interests of shareholders and for the protection of investors.

**SEC. 973. DISCLOSURES REGARDING CHAIRMAN AND CEO STRUCTURES.**

Section 14B of the Securities Exchange Act of 1934, as added by section 971, is amended by adding at the end the following:

''(b) DISCLOSURES REGARDING CHAIRMAN AND CEO STRUCTURES.—Not later than 180 days after the date of enactment of this subsection, the Commission shall issue rules that require an issuer to disclose in the annual proxy sent to investors the reasons why the issuer has chosen—

''(1) the same person to serve as chairman of the board of directors and chief executive officer (or in equivalent positions); or

''(2) different individuals to serve as chairman of the board of directors and chief executive officer (or in equivalent positions of the issuer).''.

### Subtitle H—Municipal Securities

**SEC. 975. REGULATION OF MUNICIPAL SECURITIES AND CHANGES TO THE BOARD OF THE MSRB.**

(a) REGISTRATION OF MUNICIPAL SECURITIES DEALERS AND MUNICIPAL ADVISORS.—Section 15B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(a)) is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)''; and

(B) by adding at the end the following:

''(B) It shall be unlawful for a municipal advisor to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, or to undertake a solicitation of a municipal entity or obligated person, unless the municipal advisor is registered in accordance with this subsection.'';

(2) in paragraph (2), by inserting ''or municipal advisor'' after ''municipal securities dealer'' each place that term appears;

(3) in paragraph (3), by inserting ''or municipal advisor'' after ''municipal securities dealer'' each place that term appears;

(4) in paragraph (4), by striking ''dealer, or municipal securities dealer or class of brokers, dealers, or municipal securities dealers'' and inserting ''dealer, municipal securities dealer, or municipal advisor, or class of brokers, dealers, municipal securities dealers, or municipal advisors''; and

(5) by adding at the end the following:

''(5) No municipal advisor shall make use of the mails or any means or instrumentality of interstate commerce to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities, or to undertake a solicitation of a municipal entity or obligated person, in connection with which such municipal advisor engages in any fraudulent, deceptive, or manipulative act or practice.''.

(b) MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(b)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''Not later than'' and all that follows through ''appointed by the Commission'' and inserting ''The Municipal Securities Rulemaking Board shall be composed of 15 members, or such other number of members as specified by rules of the Board pursuant to paragraph (2)(B),'';

(B) by striking the second sentence and inserting the following: ''The members of the Board shall serve as members for a term of 3 years or for such other terms as specified by rules of the Board pursuant to paragraph (2)(B), and shall consist of (A) 8 individuals who are not associated with any broker, dealer, municipal securities dealer, or municipal advisor (other than by reason of being under common control with, or indirectly controlling, any broker or dealer which is not a municipal securities broker or municipal securities dealer), at least 1 of whom shall be representative of institutional or retail investors in municipal securities, at least 1 of whom shall be representative of municipal entities, and at least 1 of whom shall be a member of the public with knowledge of or experience in the municipal industry (which members are hereinafter referred to as 'public representatives'); and (B) 7 individuals who are associated with a broker, dealer, municipal securities dealer, or municipal advisor, including at least 1 individual who is associated with and representative of brokers, dealers, or municipal securities dealers that are not banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as 'broker-dealer representatives'), at least 1 individual who is associated with and representative of municipal securities dealers which are banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as 'bank representatives'), and at least 1 individual who is associated with a municipal advisor (which member is hereinafter referred to as the 'advisor representative').''; and

(C) in the third sentence, by striking ''initial'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting before the period at the end of the first sentence the following: ''and advice provided to or on behalf of municipal entities or obligated persons by brokers, dealers, municipal securities dealers, and municipal advisors with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities, and solicitations of municipal entities or obligated persons undertaken by brokers, dealers, municipal securities dealers, and municipal advisors''; and

(ii) by striking the second sentence;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting '', and no broker, dealer, municipal securities dealer, or municipal advisor shall provide advice to or on behalf of

a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities'' after ''sale of, any municipal security''; and

(II) by inserting ''and municipal entities or obligated persons'' after ''protection of investors'';

(ii) in clause (i), by striking ''municipal securities brokers and municipal securities dealers'' each place that term appears and inserting ''municipal securities brokers, municipal securities dealers, and municipal advisors'';

(iii) in clause (ii), by adding ''and'' at the end;

(iv) in clause (iii), by striking ''; and'' and inserting a period; and

(v) by striking clause (iv);

(C) in subparagraph (B), by striking ''nominations and elections'' and all that follows through ''specify'' and inserting ''nominations and elections of public representatives, broker-dealer representatives, bank representatives, and advisor representatives. Such rules shall provide that the membership of the Board shall at all times be as evenly divided in number as possible between entities or individuals who are subject to regulation by the Board and entities or individuals not subject to regulation by the Board, provided, however, that a majority of the members of the Board shall at all times be public representatives. Such rules shall also specify'';

(D) in subparagraph (C)—

(i) by inserting ''and municipal financial products'' after ''municipal securities'' the first two times that term appears;

(ii) by inserting '', municipal entities, obligated persons,'' before ''and the public interest'';

(iii) by striking ''between'' and inserting ''among'';

(iv) by striking ''issuers, municipal securities brokers, or municipal securities dealers, to fix'' and inserting ''municipal entities, obligated persons, municipal securities brokers, municipal securities dealers, or municipal advisors, to fix''; and

(v) by striking ''brokers or municipal securities dealers, to regulate'' and inserting ''brokers, municipal securities dealers, or municipal advisors, to regulate'';

(E) in subparagraph (D)—

(i) by inserting ''and advice concerning municipal financial products'' after ''transactions in municipal securities'';

(ii) by striking ''That no'' and inserting ''that no'';

(iii) by inserting ''municipal advisor,'' before ''or person associated''; and

(iv) by striking ''a municipal securities broker or municipal securities dealer may be compelled'' and inserting ''a municipal securities broker, municipal securities dealer, or municipal advisor may be compelled'';

(F) in subparagraph (E)—

(i) by striking ''municipal securities brokers and municipal securities dealers'' and inserting ''municipal securities brokers, municipal securities dealers, and municipal advisors''; and

(ii) by striking ''municipal securities broker or municipal securities dealer'' and inserting ''municipal securities broker, municipal securities dealer, or municipal advisor'';

(G) in subparagraph (G), by striking ''municipal securities brokers and municipal securities dealers'' and inserting ''municipal securities brokers, municipal securities dealers, and municipal advisors'';

(H) in subparagraph (J)—

(i) by striking ''municipal securities broker and each municipal securities dealer'' and inserting ''municipal securities broker, municipal securities dealer, and municipal advisor''; and

(ii) by striking the period at the end of the second sentence and inserting '', which may include charges for failure to submit to the Board required information or documents to any information system operated by the Board in a full, accurate, or timely manner, or any other failure to comply with the rules of the Board.'';

(I) in subparagraph (K)—

(i) by inserting ''broker, dealer, or'' before ''municipal securities dealer'' each place that term appears; and

(ii) by striking ''municipal securities investment portfolio'' and inserting ''related account of a broker, dealer, or municipal securities dealer''; and

(J) by adding at the end the following:

''(L) provide continuing education requirements for municipal advisors.

''(M) provide professional standards.

''(N) not impose a regulatory burden on small municipal advisors that is not necessary or appropriate in the public interest and for the protection of investors, municipal entities, and obligated persons.'';

(3) by redesignating paragraph (3) as paragraph (7); and

(4) by inserting after paragraph (2) the following:

''(3) The Board, in conjunction with or on behalf of any Federal financial regulator or self-regulatory organization, may—

''(A) establish information systems; and

''(B) assess such reasonable fees and charges for the submission of information to, or the receipt of information from, such systems from any persons which systems may be developed for the purposes of serving as a repository of information from municipal market participants or otherwise in furtherance of the purposes of the Board, a Federal financial regulator, or a self-regulatory organization.

''(4) The Board shall provide guidance and assistance in the enforcement of, and examination for, compliance with the rules of the Board to the Commission, a registered securities association under section 15A, or any other appropriate regulatory agency, as applicable.''.

(c) DISCIPLINE OF DEALERS AND MUNICIPAL ADVISORS AND OTHER MATTERS.—Section 15B(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)) is amended—

(1) in paragraph (1), by inserting '', and no broker, dealer, municipal securities dealer, or municipal advisor shall make use of the mails or any means or instrumentality of interstate commerce to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities, or to undertake a solicitation of a municipal entity or obligated person,'' after ''any municipal security'';

(2) in paragraph (2), by inserting ''or municipal advisor'' after ''municipal securities dealer'' each place that term appears;

(3) in paragraph (3)—

(A) by inserting ''or municipal entities or obligated person'' after ''protection of investors'' each place that term appears; and

(B) by inserting ''or municipal advisor'' after ''municipal securities dealer'' each place that term appears;

(4) in paragraph (4), by inserting ''or municipal advisor'' after ''municipal securities dealer or obligated person'' each place that term appears;

(5) in paragraph (6)(B), by inserting ''or municipal entities'' after ''protection of investors'';

(6) in paragraph (7)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''; and'' and inserting a semicolon;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) the Commission, or its designee, in the case of municipal advisors.''.

(B) in subparagraph (B), by inserting ''or municipal entities or obligated person'' after ''protection of investors''; and

(7) by adding at the end the following:

''(9)(A) Fines collected by the Commission for violations of the rules of the Board shall be equally divided between the Commission and the Board.

''(B) Fines collected by a registered securities association under section 15A(7) with respect to violations of the rules of the Board shall be accounted for by such registered securities association separately from other fines collected under section 15A(7) and shall be allocated between such registered securities association and the Board at the direction of the Commission.''.

(d) ISSUANCE OF MUNICIPAL SECURITIES.—Section 15B(d)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(d)) is amended—

(1) by striking ''through a municipal securities broker or municipal securities dealer or otherwise'' and inserting ''through a municipal securities broker, municipal securities dealer, municipal advisor, or otherwise''; and

(2) by inserting ''or municipal advisors'' before ''to furnish''.

(e) DEFINITIONS.—Section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4) is amended by adding at the end the following:

''(e) DEFINITIONS.—For purposes of this section—

''(1) the term 'Board' means the Municipal Securities Rulemaking Board established under subsection (b)(1);

''(2) the term 'guaranteed investment contract' includes any investment that has specified withdrawal or reinvestment provisions and a specifically negotiated or bid interest rate, and also includes any agreement to supply investments on 2 or more future dates, such as a forward supply contract;

''(3) the term 'investment strategies' includes plans or programs for the investment of the proceeds of municipal securities that are not municipal derivatives, guaranteed investment contracts, and the recommendation of and brokerage of municipal escrow investments;

''(4) the term 'municipal advisor'—

''(A) means a person (who is not a municipal entity or an employee of a municipal entity) that—

''(i) provides advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues;

''(ii) participates in the issuance of municipal securities; or

''(iii) undertakes a solicitation of a municipal entity;

''(B) includes financial advisors, guaranteed investment contract brokers, third-

party marketers, placement agents, solicitors, finders, and swap advisors, if such persons are described in any of clauses (i) through (iii) of subparagraph (A); and

''(C) does not include a broker, dealer, or municipal securities dealer serving as an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933) (15 U.S.C. 77b(a)(11)), any investment adviser registered under the Investment Advisers Act of 1940, or persons associated with such investment advisers who are providing investment advice, attorneys offering legal advice or providing services that are of a traditional legal nature, or engineers providing engineering advice;

''(5) the term 'municipal derivative' means any financial instrument or contract designed to hedge a risk (including interest rate swaps, basis swaps, credit default swaps, caps, floors, and collars);

''(6) the term 'municipal financial product' means municipal derivatives, guaranteed investment contracts, and investment strategies;

''(7) the term 'rules of the Board' means the rules proposed and adopted by the Board under subsection (b)(2);

''(8) the term 'person associated with a municipal advisor' or 'associated person of an advisor' means—

''(A) any partner, officer, director, or branch manager of such municipal advisor (or any person occupying a similar status or performing similar functions);

''(B) any other employee of such municipal advisor who is engaged in the management, direction, supervision, or performance of any activities relating to the provision of advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities; and

''(C) any person directly or indirectly controlling, controlled by, or under common control with such municipal advisor;

''(9) the term 'municipal entity' means any State, political subdivision of a State, or municipal corporate instrumentality of a State, including—

''(A) any agency, authority, or instrumentality of the State, political subdivision, or municipal corporate instrumentality;

''(B) any plan, program, or pool of assets sponsored or established by the State, political subdivision, or municipal corporate instrumentality or any agency, authority, or instrumentality thereof; and

''(C) any other issuer of municipal securities;

''(10) the term 'solicitation of a municipal entity or obligated person' means a direct or indirect communication with a municipal entity or obligated person made by a person, for direct or indirect compensation, on behalf of a broker, dealer, municipal securities dealer, municipal advisor, or investment adviser (as defined in section 202 of the Investment Advisers Act of 1940) that does not control, is not controlled by, or is not under common control with the person undertaking such solicitation for the purpose of obtaining or retaining an engagement by a municipal entity or obligated person of a broker, dealer, municipal securities dealer, or municipal advisor for or in connection with municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities, or of an investment adviser to provide investment advisory services to or on behalf of a municipal entity; and

''(11) the term 'obligated person' means any person, including an issuer of municipal securities, who is either generally or through an enterprise, fund, or account of such person, committed by contract or other arrangement to support the payment of all or part of the obligations on the municipal securities to be sold in an offering of municipal securities.''.

(f) REGISTERED SECURITIES ASSOCIATION.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following:

''(15) The rules of the association provide that the association shall—

''(A) request guidance from the Municipal Securities Rulemaking Board in interpretation of the rules of the Municipal Securities Rulemaking Board; and

''(B) provide information to the Municipal Securities Rulemaking Board about the enforcement actions and examinations of the association under section 15B(b)(2)(E), so that the Municipal Securities Rulemaking Board may—

''(i) assist in such enforcement actions and examinations; and

''(ii) evaluate the ongoing effectiveness of the rules of the Board.''.

(g) REGISTRATION AND REGULATION OF BROKERS AND DEALERS.—Section 15 of the Securities Exchange Act of 1934 is amended—

(1) in subsection (b)(4), by inserting ''municipal advisor,'' after ''municipal securities dealer'' each place that term appears; and

(2) in subsection (c), by inserting ''broker, dealer, or'' before ''municipal securities dealer'' each place that term appears.

(h) ACCOUNTS AND RECORDS, REPORTS, EXAMINATIONS OF EXCHANGES, MEMBERS, AND OTHERS.—Section 17(a)(1) of the Securities Exchange Act of 1934 is amended by inserting ''municipal advisor,'' after ''municipal securities dealer''.

(i) SAVINGS CLAUSE.—Notwithstanding any provision of the Over-the-Counter Derivatives Markets Act of 2010, or any amendment made pursuant to such Act, the provisions of this section, and the amendments made pursuant to this section, shall apply to any municipal derivative.

(j) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on October 1, 2010.

**SEC. 976. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF INCREASED DISCLOSURE TO INVESTORS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study and review of the disclosure required to be made by issuers of municipal securities.

(b) SUBJECTS FOR EVALUATION.—In conducting the study under subsection (a), the Comptroller General of the United States shall—

(1) broadly describe—

(A) the size of the municipal securities markets and the issuers and investors; and

(B) the disclosures provided by issuers to investors;

(2) compare the amount, frequency, and quality of disclosures that issuers of municipal securities are required by law to provide for the benefit of municipal securities holders, including the amount of and frequency of disclosures actually provided by issuers of municipal securities, with the amount of and frequency of disclosures that issuers of corporate securities provide for the benefit of corporate securities holders, taking into account the differences between issuers of municipal securities and issuers of corporate securities;

(3) evaluate the costs and benefits to various types of issuers of municipal securities of requiring issuers of municipal bonds to provide additional financial disclosures for the benefit of investors;

(4) evaluate the potential benefit to investors from additional financial disclosures by issuers of municipal bonds; and

(5) make recommendations relating to disclosure requirements for municipal issuers, including the advisability of the repeal or retention of section 15B(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(d)) (commonly known as the ''Tower Amendment'').

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the results of the study conducted under subsection (a), including recommendations for how to improve disclosure by issuers of municipal securities.

**SEC. 977. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON THE MUNICIPAL SECURITIES MARKETS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the municipal securities markets.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, with copies to the Special Committee on Aging of the Senate and the Commission, on the results of the study conducted under subsection (a), including—

(1) an analysis of the mechanisms for trading, quality of trade executions, market transparency, trade reporting, price discovery, settlement clearing, and credit enhancements;

(2) the needs of the markets and investors and the impact of recent innovations;

(3) recommendations for how to improve the transparency, efficiency, fairness, and liquidity of trading in the municipal securities markets, including with reference to items listed in paragraph (1); and

(4) potential uses of derivatives in the municipal securities markets.

(c) RESPONSES.—Not later than 180 days after receipt of the report required under subsection (b), the Commission shall submit a response to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, with a copy to the Special Committee on Aging of the Senate, stating the actions the Commission has taken in response to the recommendations contained in such report.

**SEC. 978. STUDY OF FUNDING FOR GOVERNMENT ACCOUNTING STANDARDS BOARD.**

(a) STUDY.—The Commission shall conduct a study that evaluates—

(1) the role and importance of the Government Accounting Standards Board in the municipal securities markets;

(2) the manner in which the Government Accounting Standards Board is funded, and how such manner of funding affects the financial information available to securities investors;

(3) the advisability of changes to the manner in which the Government Accounting Standards Board is funded; and

(4) whether legislative changes to the manner in which the Government Accounting Standards Board is funded are necessary for the benefit of investors and in the public interest.

(b) CONSULTATION.—In conducting the study required under subsection (a), the

Commission shall consult with State and local government financial officers.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the study required under subsection (a).

**SEC. 979. COMMISSION OFFICE OF MUNICIPAL SECURITIES.**

(a) IN GENERAL.—There shall be in the Commission an Office of Municipal Securities, which shall—

(1) administer the rules of the Commission with respect to the practices of municipal securities brokers and dealers, municipal securities advisors, municipal securities investors, and municipal securities issuers; and

(2) coordinate with the Municipal Securities Rulemaking Board for rulemaking and enforcement actions as required by law.

(b) DIRECTOR OF THE OFFICE.—The head of the Office of Municipal Securities shall be the Director, who shall report to the Chairman.

(c) STAFFING.—

(1) IN GENERAL.—The Office of Municipal Securities shall be staffed sufficiently to carry out the requirements of this section.

(2) REQUIREMENT.—The staff of the Office of Municipal Securities shall include individuals with knowledge of and expertise in municipal finance.

## Subtitle I—Public Company Accounting Oversight Board, Portfolio Margining, and Other Matters

**SEC. 981. AUTHORITY TO SHARE CERTAIN INFORMATION WITH FOREIGN AUTHORITIES.**

(a) DEFINITION.—Section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is amended by adding at the end the following:

''(17) FOREIGN AUDITOR OVERSIGHT AUTHORITY.—The term 'foreign auditor oversight authority' means any governmental body or other entity empowered by a foreign government to conduct inspections of public accounting firms or otherwise to administer or enforce laws related to the regulation of public accounting firms.''.

(b) AVAILABILITY TO SHARE INFORMATION.—Section 105(b)(5) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)) is amended by adding at the end the following:

''(C) AVAILABILITY TO FOREIGN OVERSIGHT AUTHORITIES.—Without the loss of its status as confidential and privileged in the hands of the Board, all information referred to in subparagraph (A) that relates to a public accounting firm that a foreign government has empowered a foreign auditor oversight authority to inspect or otherwise enforce laws with respect to, may, at the discretion of the Board, be made available to the foreign auditor oversight authority, if—

''(i) the Board finds that it is necessary to accomplish the purposes of this Act or to protect investors;

''(ii) the foreign auditor oversight authority provides—

''(I) such assurances of confidentiality as the Board may request;

''(II) a description of the applicable information systems and controls of the foreign auditor oversight authority; and

''(III) a description of the laws and regulations of the foreign government of the foreign auditor oversight authority that are relevant to information access; and

''(iii) the Board determines that it is appropriate to share such information.''.

(c) CONFORMING AMENDMENT.—Section 105(b)(5)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(A)) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

**SEC. 982. OVERSIGHT OF BROKERS AND DEALERS.**

(a) DEFINITIONS.—

(1) DEFINITIONS AMENDED.—Title I of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.) is amended by adding at the end the following new section:

**''SEC. 110. DEFINITIONS.**

''For the purposes of this title, the following definitions shall apply:

''(1) AUDIT.—The term 'audit' means an examination of the financial statements, reports, documents, procedures, controls, or notices of any issuer, broker, or dealer by an independent public accounting firm in accordance with the rules of the Board or the Commission, for the purpose of expressing an opinion on the financial statements or providing an audit report.

''(2) AUDIT REPORT.—The term 'audit report' means a document, report, notice, or other record—

''(A) prepared following an audit performed for purposes of compliance by an issuer, broker, or dealer with the requirements of the securities laws; and

''(B) in which a public accounting firm either—

''(i) sets forth the opinion of that firm regarding a financial statement, report, notice, or other document, procedures, or controls; or

''(ii) asserts that no such opinion can be expressed.

''(3) BROKER.—The term 'broker' means a broker (as such term is defined in section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4))) that is required to file a balance sheet, income statement, or other financial statement under section 17(e)(1)(A) of such Act (15 U.S.C. 78q(e)(1)(A)), where such balance sheet, income statement, or financial statement is required to be certified by a registered public accounting firm.

''(4) DEALER.—The term 'dealer' means a dealer (as such term is defined in section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5))) that is required to file a balance sheet, income statement, or other financial statement under section 17(e)(1)(A) of such Act (15 U.S.C. 78q(e)(1)(A)), where such balance sheet, income statement, or financial statement is required to be certified by a registered public accounting firm.

''(5) PROFESSIONAL STANDARDS.—The term 'professional standards' means—

''(A) accounting principles that are—

''(i) established by the standard setting body described in section 19(b) of the Securities Act of 1933, as amended by this Act, or prescribed by the Commission under section 19(a) of that Act (15 U.S.C. 17a(s)) or section 13(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78a(m)); and

''(ii) relevant to audit reports for particular issuers, brokers, or dealers, or dealt with in the quality control system of a particular registered public accounting firm; and

''(B) auditing standards, standards for attestation engagements, quality control policies and procedures, ethical and competency standards, and independence standards (including rules implementing title II) that the Board or the Commission determines—

''(i) relate to the preparation or issuance of audit reports for issuers, brokers, or dealers; and

''(ii) are established or adopted by the Board under section 103(a), or are promulgated as rules of the Commission.

''(6) SELF-REGULATORY ORGANIZATION.—The term 'self-regulatory organization' has the same meaning as in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).''.

(2) CONFORMING AMENDMENT.—Section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is amended in the matter preceding paragraph (1), by striking ''In this'' and inserting ''Except as otherwise specifically provided in this Act, in this''.

(b) ESTABLISHMENT AND ADMINISTRATION OF THE PUBLIC COMPANY ACCOUNTING OVERSIGHT BOARD.—Section 101 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7211) is amended—

(1) by striking ''issuers'' each place that term appears and inserting ''issuers, brokers, and dealers''; and

(2) in subsection (a)—

(A) by striking ''public companies'' and inserting ''companies''; and

(B) by striking ''for companies the securities of which are sold to, and held by and for, public investors''.

(c) REGISTRATION WITH THE BOARD.—Section 102 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7212) is amended—

(1) in subsection (a)—

(A) by striking ''Beginning 180'' and all that follows through ''101(d), it'' and inserting ''It''; and

(B) by striking ''issuer'' and inserting ''issuer, broker, or dealer'';

(2) in subsection (b)—

(A) in paragraph (2)(A), by striking ''issuers'' and inserting ''issuers, brokers, and dealers''; and

(B) by striking ''issuer'' each place that term appears and inserting ''issuer, broker, or dealer''.

(d) AUDITING AND INDEPENDENCE.—Section 103(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7213(a)) is amended—

(1) in paragraph (1), by striking ''and such ethics standards'' and inserting ''such ethics standards, and such independence standards'';

(2) in paragraph (2)(A)(iii), by striking ''describe in each audit report'' and inserting ''in each audit report for an issuer, describe''; and

(3) in paragraph (2)(B)(i), by striking ''issuers'' and inserting ''issuers, brokers, and dealers''.

(e) INSPECTIONS OF REGISTERED PUBLIC ACCOUNTING FIRMS.—Section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214) is amended—

(1) in subsection (a), by striking ''issuers'' and inserting ''issuers, brokers, and dealers''; and

(2) in subsection (b)(1)—

(A) by striking ''audit reports for'' each place that term appears and inserting ''audit reports on annual financial statements for'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(C) with respect to each registered public accounting firm that regularly provides audit reports and that is not described in subparagraph (A) or (B), on a basis determined by the Board, by rule, that is consistent with the public interest and protection of investors.''.

(f) INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS.—Section 105(c)(7)(B) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(c)(7)(B)) is amended—

(1) in the subparagraph heading, by inserting '', BROKER, OR DEALER'' after ''ISSUER'';

(2) by striking ''any issuer'' each place that term appears and inserting ''any issuer, broker, or dealer''; and

(3) by striking ''an issuer under this subsection'' and inserting ''a registered public accounting firm under this subsection''.

(g) FOREIGN PUBLIC ACCOUNTING FIRMS.—Section 106(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7216(a)) is amended—

(1) in paragraph (1), by striking ''issuer'' and inserting ''issuer, broker, or dealer''; and

(2) in paragraph (2), by striking ''issuers'' and inserting ''issuers, brokers, or dealers''.

(h) FUNDING.—Section 109 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7219) is amended—

(1) in subsection (c)(2), by striking ''subsection (i)'' and inserting ''subsection (j)'';

(2) in subsection (d)—

(A) in paragraph (2), by striking ''allowing for differentiation among classes of issuers, as appropriate'' and inserting ''and among brokers and dealers, in accordance with subsection (h), and allowing for differentiation among classes of issuers, brokers and dealers, as appropriate''; and

(B) by adding at the end the following:

''(3) BROKERS AND DEALERS.—The Board shall begin the allocation, assessment, and collection of fees under paragraph (2) with respect to brokers and dealers with the payment of support fees to fund the first full fiscal year beginning after the effective date of this paragraph.'';

(3) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(4) by inserting after subsection (g) the following:

''(h) ALLOCATION OF ACCOUNTING SUPPORT FEES AMONG BROKERS AND DEALERS.—

''(1) OBLIGATION TO PAY.—Each broker or dealer shall pay to the Board the annual accounting support fee allocated to such broker or dealer under this section.

''(2) ALLOCATION.—Any amount due from a broker or dealer (or from a particular class of brokers and dealers) under this section shall be allocated among brokers and dealers and payable by the broker or dealer (or the brokers and dealers in the particular class, as applicable).

''(3) PROPORTIONALITY.—The amount due from a broker or dealer shall be in proportion to the net capital of the broker or dealer, compared to the total net capital of all brokers and dealers, in accordance with rules issued by the Board.''.

(i) REFERRAL OF INVESTIGATIONS TO A SELF-REGULATORY ORGANIZATION.—Section 105(b)(4)(B) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(4)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by inserting after clause (i) the following:

''(ii) to a self-regulatory organization, in the case of an investigation that concerns an audit report for a broker or dealer that is under the jurisdiction of such self-regulatory organization;''.

(j) USE OF DOCUMENTS RELATED TO AN INSPECTION OR INVESTIGATION.—Section 105(b)(5)(B)(ii) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(B)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV), by striking the comma and inserting ''; and''; and

(3) by inserting after subclause (IV) the following:

''(V) a self-regulatory organization, with respect to an audit report for a broker or dealer that is under the jurisdiction of such self-regulatory organization,''.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

**SEC. 983. PORTFOLIO MARGINING.**

(a) ADVANCES.—Section 9(a)(1) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff–3(a)(1)) is amended by inserting ''or options on commodity futures contracts'' after ''claim for securities''.

(b) DEFINITIONS.—Section 16 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78*lll*) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) CUSTOMER.—

''(A) IN GENERAL.—The term 'customer' of a debtor means any person (including any person with whom the debtor deals as principal or agent) who has a claim on account of securities received, acquired, or held by the debtor in the ordinary course of its business as a broker or dealer from or for the securities accounts of such person for safekeeping, with a view to sale, to cover consummated sales, pursuant to purchases, as collateral, security, or for purposes of effecting transfer.

''(B) INCLUDED PERSONS.—The term 'customer' includes—

''(i) any person who has deposited cash with the debtor for the purpose of purchasing securities;

''(ii) any person who has a claim against the debtor for cash, securities, futures contracts, or options on futures contracts received, acquired, or held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission; and

''(iii) any person who has a claim against the debtor arising out of sales or conversions of such securities.

''(C) EXCLUDED PERSONS.—The term 'customer' does not include any person, to the extent that—

''(i) the claim of such person arises out of transactions with a foreign subsidiary of a member of SIPC; or

''(ii) such person has a claim for cash or securities which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor, or is subordinated to the claims of any or all creditors of the debtor, notwithstanding that some ground exists for declaring such contract, agreement, or understanding void or voidable in a suit between the claimant and the debtor.'';

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) in the case of a portfolio margining account of a customer that is carried as a securities account pursuant to a portfolio margining program approved by the Commission, a futures contract or an option on a futures contract received, acquired, or held by or for the account of a debtor from or for such portfolio margining account, and the proceeds thereof; and'';

(3) in paragraph (9), in the matter following subparagraph (L), by inserting after ''Such term'' the following: ''includes revenues earned by a broker or dealer in connection with a transaction in the portfolio margining account of a customer carried as securities accounts pursuant to a portfolio margining program approved by the Commission. Such term''; and

(4) in paragraph (11)—

(A) in subparagraph (A)—

(i) by striking ''filing date, all'' and all that follows through the end of the subparagraph and inserting the following: ''filing date—

''(i) all securities positions of such customer (other than customer name securities reclaimed by such customer); and

''(ii) all positions in futures contracts and options on futures contracts held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission, including all property collateralizing such positions, to the extent that such property is not otherwise included herein; minus''; and

(B) in the matter following subparagraph (C), by striking ''In determining'' and inserting the following: ''A claim for a commodity futures contract received, acquired, or held in a portfolio margining account pursuant to a portfolio margining program approved by the Commission or a claim for a security futures contract, shall be deemed to be a claim with respect to such contract as of the filing date, and such claim shall be treated as a claim for cash. In determining''.

**SEC. 984. LOAN OR BORROWING OF SECURITIES.**

(a) RULEMAKING AUTHORITY.—Section 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78j) is amended by adding at the end the following:

''(c)(1) To effect, accept, or facilitate a transaction involving the loan or borrowing of securities in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

''(2) Nothing in paragraph (1) may be construed to limit the authority of the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), the National Credit Union Administration, or any other Federal department or agency having a responsibility under Federal law to prescribe rules or regulations restricting transactions involving the loan or borrowing of securities in order to protect the safety and soundness of a financial institution or to protect the financial system from systemic risk.''.

(b) RULEMAKING REQUIRED.—Not later than 2 years after the date of enactment of this Act, the Commission shall promulgate rules that are designed to increase the transparency of information available to brokers, dealers, and investors, with respect to the loan or borrowing of securities.

**SEC. 985. TECHNICAL CORRECTIONS TO FEDERAL SECURITIES LAWS.**

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 3(a)(4) (15 U.S.C. 77c(a)(4)), by striking ''individual;'' and inserting ''individual,'';

(2) in section 18 (15 U.S.C. 77r)—

(A) in subsection (b)(1)(C), by striking ''is a security'' and inserting ''a security''; and

(B) in subsection (c)(2)(B)(i), by striking ''State, or'' and inserting ''State or'';

(3) in section 19(d)(6)(A) (15 U.S.C. 77s(d)(6)(A)), by striking ''in paragraph (1) of (3)'' and inserting ''in paragraph (1) or (3)''; and

(4) in section 27A(c)(1)(B)(ii) (15 U.S.C. 77z–2(c)(1)(B)(ii)), by striking ''business entity;'' and inserting ''business entity,''.

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 2 (15 U.S.C. 78b), by striking ''affected'' and inserting ''effected'';

(2) in section 3 (15 U.S.C. 78c)—

(A) in subsection (a)(55)(A), by striking ''section 3(a)(12) of the Securities Exchange Act of 1934'' and inserting ''section 3(a)(12) of this title''; and

(B) in subsection (g), by striking ''company, account person, or entity'' and inserting ''company, account, person, or entity'';

(3) in section 10A(i)(1)(B) (15 U.S.C. 78j–1(i)(1)(B))—

(A) in the subparagraph heading, by striking ''MINIMUS'' and inserting ''MINIMIS''; and

(B) in clause (i), by striking ''nonaudit'' and inserting ''non-audit'';

(4) in section 13(b)(1) (15 U.S.C. 78m(b)(1)), by striking ''earning statement'' and inserting ''earnings statement'';

(5) in section 15 (15 U.S.C. 78o)—

(A) in subsection (b)(1)—

(i) in subparagraph (B), by striking ''The order granting'' and all that follows through ''from such membership.''; and

(ii) in the undesignated matter immediately following subparagraph (B), by inserting after the first sentence the following: ''The order granting registration shall not be effective until such broker or dealer has become a member of a registered securities association, or until such broker or dealer has become a member of a national securities exchange, if such broker or dealer effects transactions solely on that exchange, unless the Commission has exempted such broker or dealer, by rule or order, from such membership.'';

(6) in section 15C(a)(2) (15 U.S.C. 78o–5(a)(2))—

(A) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and adjusting the subparagraph margins accordingly;

(B) in subparagraph (B), as so redesignated, by striking ''The order granting'' and all that follows through ''from such membership.''; and

(C) in the matter following subparagraph (B), as so redesignated, by inserting after the first sentence the following: ''The order granting registration shall not be effective until such government securities broker or government securities dealer has become a member of a national securities exchange registered under section 6 of this title, or a securities association registered under section 15A of this title, unless the Commission has exempted such government securities broker or government securities dealer, by rule or order, from such membership.'';

(7) in section 17(b)(1)(B) (15 U.S.C. 78q(b)(1)(B)), by striking ''15A(k) gives'' and inserting ''15A(k), give''; and

(8) in section 21C(c)(2) (15 U.S.C. 78u–3(c)(2)), by striking ''paragraph (1) subsection'' and inserting ''Paragraph (1)''.

(c) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 304(b) (15 U.S.C. 77ddd(b)), by striking ''section 2 of such Act'' and inserting ''section 2(a) of such Act''; and

(2) in section 317(a)(1) (15 U.S.C. 77qqq(a)(1)), by striking '', in the'' and inserting ''in the''.

(d) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(19) (15 U.S.C. 80a–2(a)(19)), in the matter following subparagraph (B)(vii)—

(A) by striking ''clause (vi)'' each place that term appears and inserting ''clause (vii)''; and

(B) in each of subparagraphs (A)(vi) and (B)(vi), by adding ''and'' at the end of subclause (III);

(2) in section 9(b)(4)(B) (15 U.S.C. 80a–9(b)(4)(B)), by adding ''or'' after the semicolon at the end;

(3) in section 12(d)(1)(J) (15 U.S.C. 80a–12(d)(1)(J)), by striking ''any provision of this subsection'' and inserting ''any provision of this paragraph'';

(4) in section 17(f) (15 U.S.C. 80a–17(f))—

(A) in paragraph (4), by striking ''No such member'' and inserting ''No member of a national securities exchange''; and

(B) in paragraph (6), by striking ''company may serve'' and inserting ''company, may serve''; and

(5) in section 61(a)(3)(B)(iii) (15 U.S.C. 80a–60(a)(3)(B)(iii))—

(A) by striking ''paragraph (1) of section 205'' and inserting ''section 205(a)(1)''; and

(B) by striking ''clause (A) or (B) of that section'' and inserting ''paragraph (1) or (2) of section 205(b)''.

(e) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended—

(1) in section 203 (15 U.S.C. 80b–3)—

(A) in subsection (c)(1)(A), by striking ''principal business office and'' and inserting ''principal office, principal place of business, and''; and

(B) in subsection (k)(4)(B), in the matter following clause (ii), by striking ''principal place of business'' and inserting ''principal office or place of business'';

(2) in section 206(3) (15 U.S.C. 80b–6(3)), by adding ''or'' after the semicolon at the end;

(3) in section 213(a) (15 U.S.C. 80b–13(a)), by striking ''principal place of business'' and inserting ''principal office or place of business''; and

(4) in section 222 (15 U.S.C. 80b–18a), by striking ''principal place of business'' each place that term appears and inserting ''principal office and place of business''.

**SEC. 986. CONFORMING AMENDMENTS RELATING TO REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.**

(a) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 3(a)(47) (15 U.S.C. 78c(a)(47)), by striking ''the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.),'';

(2) in section 12(k) (15 U.S.C. 78l(k)), by amending paragraph (7) to read as follows:

''(7) DEFINITION.—For purposes of this subsection, the term 'emergency' means—

''(A) a major market disturbance characterized by or constituting—

''(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

''(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

''(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

''(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

''(ii) the transmission or processing of securities transactions.''; and

(3) in section 21(h)(2) (15 U.S.C. 78u(h)(2)), by striking ''section 18(c) of the Public Utility Holding Company Act of 1935,''.

(b) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 303 (15 U.S.C. 77ccc), by striking paragraph (17) and inserting the following:

''(17) The terms 'Securities Act of 1933' and 'Securities Exchange Act of 1934' shall be deemed to refer, respectively, to such Acts, as amended, whether amended prior to or after the enactment of this title.'';

(2) in section 308 (15 U.S.C. 77hhh), by striking ''Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935'' each place that term appears and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934'';

(3) in section 310 (15 U.S.C. 77jjj), by striking subsection (c);

(4) in section 311 (15 U.S.C. 77kkk), by striking subsection (c);

(5) in section 323(b) (15 U.S.C. 77www(b)), by striking ''Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935'' and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934''; and

(6) in section 326 (15 U.S.C. 77zzz), by striking ''Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935,'' and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934''.

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(44) (15 U.S.C. 80a–2(a)(44)), by striking '' 'Public Utility Holding Company Act of 1935',''; 

(2) in section 3(c) (15 U.S.C. 80a–3(c)), by striking paragraph (8) and inserting the following:

''(8) [Repealed]'';

(3) in section 38(b) (15 U.S.C. 80a–37(b)), by striking ''the Public Utility Holding Company Act of 1935,''; and

(4) in section 50 (15 U.S.C. 80a–49), by striking ''the Public Utility Holding Company Act of 1935,''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(21) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(21)) is amended by striking '' 'Public Utility Holding Company Act of 1935',''.

**SEC. 987. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE DEPOSIT INSURANCE FUND FOR PURPOSES OF INSPECTOR GENERAL REVIEWS.**

(a) IN GENERAL.—Section 38(k) of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) MATERIAL LOSS DEFINED.—The term 'material loss' means any estimated loss in excess of—

''(i) $100,000,000, if the loss occurs during the period beginning on September 30, 2009, and ending on December 31, 2010;

''(ii) $75,000,000, if the loss occurs during the period beginning on January 1, 2011, and ending on December 31, 2011; and

''(iii) $50,000,000, if the loss occurs on or after January 1, 2012.'';

(2) in paragraph (4)(A) by striking ''the report'' and inserting ''any report on losses required under this subsection,'';

(3) by striking paragraph (6);

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following:

''(5) LOSSES THAT ARE NOT MATERIAL.—

''(A) SEMIANNUAL REPORT.—For the 6-month period ending on March 31, 2010, and each 6-month period thereafter, the Inspector General of each Federal banking agency shall—

''(i) identify losses that the Inspector General estimates have been incurred by the Deposit Insurance Fund during that 6-month period, with respect to the insured depository institutions supervised by the Federal banking agency;

''(ii) for each loss incurred by the Deposit Insurance Fund that is not a material loss, determine—

''(I) the grounds identified by the Federal banking agency or State bank supervisor for appointing the Corporation as receiver under section 11(c)(5); and

''(II) whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

''(iii) prepare and submit a written report to the appropriate Federal banking agency and to Congress on the results of any determination by the Inspector General, including—

''(I) an identification of any loss that warrants an in-depth review, together with the reasons why such review is warranted, or, if the Inspector General determines that no review is warranted, an explanation of such determination; and

''(II) for each loss identified under subclause (I) that warrants an in-depth review, the date by which such review, and a report on such review prepared in a manner consistent with reports under paragraph (1)(A), will be completed and submitted to the Federal banking agency and Congress.

''(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of each Federal banking agency shall—

''(i) submit each report required under paragraph (A) expeditiously, and not later than 90 days after the end of the 6-month period covered by the report; and

''(ii) provide a copy of the report required under paragraph (A) to any Member of Congress, upon request.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The heading for subsection (k) of section 38 of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended to read as follows:

''(k) REVIEWS REQUIRED WHEN DEPOSIT INSURANCE FUND INCURS LOSSES.—''.

**SEC. 988. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE NATIONAL CREDIT UNION SHARE INSURANCE FUND FOR PURPOSES OF INSPECTOR GENERAL REVIEWS.**

(a) IN GENERAL.—Section 216(j) of the Federal Credit Union Act (12 U.S.C. 1790d(j)) is amended to read as follows:

''(j) REVIEWS REQUIRED WHEN SHARE INSURANCE FUND EXPERIENCES LOSSES.—

''(1) IN GENERAL.—If the Fund incurs a material loss with respect to an insured credit union, the Inspector General of the Board shall—

''(A) submit to the Board a written report reviewing the supervision of the credit union by the Administration (including the implementation of this section by the Administration), which shall include—

''(i) a description of the reasons why the problems of the credit union resulted in a material loss to the Fund; and

''(ii) recommendations for preventing any such loss in the future; and

''(B) submit a copy of the report under subparagraph (A) to—

''(i) the Comptroller General of the United States;

''(ii) the Corporation;

''(iii) in the case of a report relating to a State credit union, the appropriate State supervisor; and

''(iv) to any Member of Congress, upon request.

''(2) MATERIAL LOSS DEFINED.—For purposes of determining whether the Fund has incurred a material loss with respect to an insured credit union, a loss is material if it exceeds the sum of—

''(A) $25,000,000; and

''(B) an amount equal to 10 percent of the total assets of the credit union on the date on which the Board initiated assistance under section 208 or was appointed liquidating agent.

''(3) PUBLIC DISCLOSURE REQUIRED.—

''(A) IN GENERAL.—The Board shall disclose a report under this subsection, upon request under section 552 of title 5, United States Code, without excising—

''(i) any portion under section 552(b)(5) of title 5, United States Code; or

''(ii) any information about the insured credit union (other than trade secrets) under section 552(b)(8) of title 5, United States Code.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as requiring the agency to disclose the name of any customer of the insured credit union (other than an institution-affiliated party), or information from which the identity of such customer could reasonably be ascertained.

''(4) LOSSES THAT ARE NOT MATERIAL.—

''(A) SEMIANNUAL REPORT.—For the 6-month period ending on March 31, 2010, and each 6-month period thereafter, the Inspector General of the Board shall—

''(i) identify any losses that the Inspector General estimates were incurred by the Fund during such 6-month period, with respect to insured credit unions;

''(ii) for each loss to the Fund that is not a material loss, determine—

''(I) the grounds identified by the Board or the State official having jurisdiction over a State credit union for appointing the Board as the liquidating agent for any Federal or State credit union; and

''(II) whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

''(iii) prepare and submit a written report to the Board and to Congress on the results of the determinations of the Inspector General that includes—

''(I) an identification of any loss that warrants an in-depth review, and the reasons such review is warranted, or if the Inspector General determines that no review is warranted, an explanation of such determination; and

''(II) for each loss identified in subclause (I) that warrants an in-depth review, the date by which such review, and a report on the review prepared in a manner consistent with reports under paragraph (1)(A), will be completed.

''(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of the Board shall—

''(i) submit each report required under subparagraph (A) expeditiously, and not later than 90 days after the end of the 6-month period covered by the report; and

''(ii) provide a copy of the report required under subparagraph (A) to any Member of Congress, upon request.

''(5) GAO REVIEW.—The Comptroller General of the United States shall, under such conditions as the Comptroller General determines to be appropriate—

''(A) review each report made under paragraph (1), including the extent to which the Inspector General of the Board complied with the requirements under section 8L of the Inspector General Act of 1978 (5 U.S.C. App.) with respect to each such report; and

''(B) recommend improvements to the supervision of insured credit unions (including improvements relating to the implementation of this section).''.

**SEC. 989. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON PROPRIETARY TRADING.**

(a) DEFINITIONS.—In this section—

(1) the term ''covered entity'' means—

(A) an insured depository institution, an affiliate of an insured depository institution, a bank holding company, a financial holding company, or a subsidiary of a bank holding company or a financial holding company, as those terms are defined in the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.); and

(B) any other entity, as the Comptroller General of the United States may determine; and

(2) the term ''proprietary trading'' means the act of a covered entity investing as a principal in securities, commodities, derivatives, hedge funds, private equity firms, or such other financial products or entities as the Comptroller General may determine.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the risks and conflicts associated with proprietary trading by and within covered entities, including an evaluation of—

(A) whether proprietary trading presents a material systemic risk to the stability of the United States financial system, and if so, the costs and benefits of options for mitigating such systemic risk;

(B) whether proprietary trading presents material risks to the safety and soundness of the covered entities that engage in such activities, and if so, the costs and benefits of options for mitigating such risks;

(C) whether proprietary trading presents material conflicts of interest between covered entities that engage in proprietary trading and the clients of the institutions who use the firm to execute trades or who rely on the firm to manage assets, and if so, the costs and benefits of options for mitigating such conflicts of interest;

(D) whether adequate disclosure regarding the risks and conflicts of proprietary trading is provided to the depositors, trading and asset management clients, and investors of covered entities that engage in proprietary trading, and if not, the costs and benefits of options for the improvement of such disclosure; and

(E) whether the banking, securities, and commodities regulators of institutions that engage in proprietary trading have in place adequate systems and controls to monitor and contain any risks and conflicts of interest related to proprietary trading, and if not, the costs and benefits of options for the improvement of such systems and controls.

(2) CONSIDERATIONS.—In carrying out the study required under paragraph (1), the Comptroller General shall consider—

(A) current practice relating to proprietary trading;

(B) the advisability of a complete ban on proprietary trading;

(C) limitations on the scope of activities that covered entities may engage in with respect to proprietary trading;

(D) the advisability of additional capital requirements for covered entities that engage in proprietary trading;

(E) enhanced restrictions on transactions between affiliates related to proprietary trading;

(F) enhanced accounting disclosures relating to proprietary trading;

(G) enhanced public disclosure relating to proprietary trading; and

(H) any other options the Comptroller General deems appropriate.

(c) REPORT TO CONGRESS.—Not later than 15 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study conducted under subsection (b).

(d) ACCESS BY COMPTROLLER GENERAL.—For purposes of conducting the study required under subsection (b), the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by a covered entity that engages in proprietary trading, and to the officers, directors, employees, independent public accountants, financial advisors, staff, and agents and representatives of a covered entity (as related to the activities of the agent or representative on behalf of the covered entity), at such reasonable times as the Comptroller General may request. The Comptroller General may make and retain copies of books, records, accounts, and other records, as the Comptroller General deems appropriate.

(e) CONFIDENTIALITY OF REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Comptroller General may not disclose information regarding—

(A) any proprietary trading activity of a covered entity, unless such information is disclosed at a level of generality that does not reveal the investment or trading position or strategy of the covered entity for any specific security, commodity, derivative, or other investment or financial product; or

(B) any individual interviewed by the Comptroller General for purposes of the study under subsection (b), unless such information is disclosed at a level of generality that does not reveal—

(i) the name of or identifying details relating to such individual; or

(ii) in the case of an individual who is an employee of a third party that provides professional services to a covered entity believed to be engaged in proprietary trading, the name of or any identifying details relating to such third party.

(2) EXCEPTIONS.—The Comptroller General may disclose the information described in paragraph (1)—

(A) to a department, agency, or official of the Federal Government, for official use, upon request;

(B) to a committee of Congress, upon request; and

(C) to a court, upon an order of such court.

**SEC. 989A. SENIOR INVESTOR PROTECTIONS.**

(a) DEFINITIONS.—As used in this section—

(1) the term ''eligible entity'' means—

(A) a securities commission (or any agency or office performing like functions) of a State that the Office determines has adopted rules on the appropriate use of designations in the offer or sale of securities or investment advice that meet or exceed the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto);

(B) the insurance commission (or any agency or office performing like functions) of any State that the Office determines has—

(i) adopted rules on the appropriate use of designations in the sale of insurance products that, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities (or any successor thereto); and

(ii) adopted rules with respect to fiduciary or suitability requirements in the sale of annuities that meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation of the National Association of Insurance Commissioners (or any successor thereto); or

(C) a consumer protection agency of any State, if—

(i) the securities commission (or any agency or office performing like functions) of the State is eligible under subparagraph (A); or

(ii) the insurance commission (or any agency or office performing like functions) of the State is eligible under subparagraph (B);

(2) the term ''financial product'' means a security, an insurance product (including an insurance product that pays a return, whether fixed or variable), a bank product, and a loan product;

(3) the term ''misleading designation''—

(A) means a certification, professional designation, or other purported credential that indicates or implies that a salesperson or adviser has special certification or training in advising or servicing seniors; and

(B) does not include a certification, professional designation, license, or other credential that—

(i) was issued by or obtained from an academic institution having regional accreditation;

(ii) meets the standards for certifications, licenses, and professional designations outlined by the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities, adopted by the National Association of Insurance Commissioners (or any successor thereto); or

(iii) was issued by or obtained from a State;

(4) the term ''misleading or fraudulent marketing'' means the use of a misleading designation by a person that sells to or advises a senior in connection with the sale of a financial product;

(5) the term ''NASAA'' means the North American Securities Administrators Association;

(6) the term ''Office'' means the Office of Financial Literacy of the Bureau; and

(7) the term ''senior'' means any individual who has attained the age of 62 years or older.

(b) GRANTS TO STATES FOR ENHANCED PROTECTION OF SENIORS FROM BEING MISLED BY FALSE DESIGNATIONS.—The Office shall establish a program under which the Office may make grants to States or eligible entities—

(1) to hire staff to identify, investigate, and prosecute (through civil, administrative, or criminal enforcement actions) cases involving misleading or fraudulent marketing;

(2) to fund technology, equipment, and training for regulators, prosecutors, and law enforcement officers, in order to identify salespersons and advisers who target seniors through the use of misleading designations;

(3) to fund technology, equipment, and training for prosecutors to increase the successful prosecution of salespersons and advisers who target seniors with the use of misleading designations;

(4) to provide educational materials and training to regulators on the appropriateness of the use of designations by salespersons and advisers in connection with the sale and marketing of financial products;

(5) to provide educational materials and training to seniors to increase awareness and understanding of misleading or fraudulent marketing;

(6) to develop comprehensive plans to combat misleading or fraudulent marketing of financial products to seniors; and

(7) to enhance provisions of State law to provide protection for seniors against misleading or fraudulent marketing.

(c) APPLICATIONS.—A State or eligible entity desiring a grant under this section shall submit an application to the Office, in such form and in such a manner as the Office may determine, that includes—

(1) a proposal for activities to protect seniors from misleading or fraudulent marketing that are proposed to be funded using a grant under this section, including—

(A) an identification of the scope of the problem of misleading or fraudulent marketing in the State;

(B) a description of how the proposed activities would—

(i) protect seniors from misleading or fraudulent marketing in the sale of financial products, including by proactively identifying victims of misleading and fraudulent marketing who are seniors;

(ii) assist in the investigation and prosecution of those using misleading or fraudulent marketing; and

(iii) discourage and reduce cases of misleading or fraudulent marketing; and

(C) a description of how the proposed activities would be coordinated with other State efforts; and

(2) any other information, as the Office determines is appropriate.

(d) PERFORMANCE OBJECTIVES AND REPORTING REQUIREMENTS.—The Office may establish such performance objectives and reporting requirements for States and eligible entities receiving a grant under this section as the Office determines are necessary to carry out and assess the effectiveness of the program under this section.

(e) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed—

(1) $500,000 for each of 3 consecutive fiscal years, if the recipient is a State, or an eligible entity of a State, that has adopted rules—

(A) on the appropriate use of designations in the offer or sale of securities or investment advice that meet or exceed the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto);

(B) on the appropriate use of designations in the sale of insurance products that, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities (or any successor thereto); and

(C) with respect to fiduciary or suitability requirements in the sale of annuities that meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation of the National Association of Insurance Commissioners (or any successor thereto); and

(2) $100,000 for each of 3 consecutive fiscal years, if the recipient is a State, or an eligible entity of a State, that has adopted—

(A) rules on the appropriate use of designations in the offer or sale of securities or investment advice that meet or exceed the minimum requirements of the NASAA Model

Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto); or

(B) rules—

(i) on the appropriate use of designations in the sale of insurance products that, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities (or any successor thereto); and

(ii) with respect to fiduciary or suitability requirements in the sale of annuities that meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation of the National Association of Insurance Commissioners (or any successor thereto).

(f) SUBGRANTS.—A State or eligible entity that receives a grant under this section may make a subgrant, as the State or eligible entity determines is necessary to carry out the activities funded using a grant under this section.

(g) REAPPLICATION.—A State or eligible entity that receives a grant under this section may reapply for a grant under this section, notwithstanding the limitations on grant amounts under subsection (e).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $8,000,000 for each of fiscal years 2011 through 2015.

**SEC. 989B. CHANGES IN APPOINTMENT OF CERTAIN INSPECTORS GENERAL.**

(a) ELEVATION OF CERTAIN INSPECTORS GENERAL TO APPOINTMENT PURSUANT TO SECTION 3 OF THE INSPECTOR GENERAL ACT OF 1978.—

(1) INCLUSION IN CERTAIN DEFINITIONS.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1), by striking ''or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;'' and inserting ''the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; the Chairman of the Board of Governors of the Federal Reserve System; the Chairman of the Commodity Futures Trading Commission; the Chairman of the National Credit Union Administration; the Chairman of the Board of Directors of the Pension Benefit Guaranty Corporation; the Chairman of the Securities and Exchange Commission; or the Director of the Bureau of Consumer Financial Protection;''; and

(B) in paragraph (2), by striking ''or the Commissions established under section 15301 of title 40, United States Code,'' and inserting ''the Commissions established under section 15301 of title 40, United States Code, the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, or the Director of the Bureau of Consumer Financial Protection,''.

(2) EXCLUSION FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) by striking ''the Board of Governors of the Federal Reserve System,'';

(B) by striking ''the Commodity Futures Trading Commission,'';

(C) by striking ''the National Credit Union Administration,''; and

(D) by striking ''the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission,''.

(b) CONTINUATION OF PROVISIONS RELATING TO PERSONNEL.—

(1) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8L the following:

**''SEC. 8M. SPECIAL PROVISIONS CONCERNING CERTAIN ESTABLISHMENTS.**

''(a) DEFINITION.—For purposes of this section, the term 'covered establishment' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, and the Securities and Exchange Commission.

''(b) PROVISIONS RELATING TO ALL COVERED ESTABLISHMENTS.—

''(1) PROVISIONS RELATING TO INSPECTORS GENERAL.—In the case of the Inspector General of a covered establishment, subsections (b) and (c) of section 4 of the Inspector General Reform Act of 2008 (Public Law 110–409; 122 Stat. 4304) shall apply in the same manner as if such covered establishment were a designated Federal entity under section 8G of this Act. An Inspector General who is subject to the preceding sentence shall not be subject to section 3(e) of this Act.

''(2) PROVISIONS RELATING TO OTHER PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of a covered establishment may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General of the covered establishment and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the covered establishment.

''(c) PROVISION RELATING TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The provisions of subsection (a) of section 8D (other than the provisions of subparagraphs (A), (B), (C), and (E) of paragraph (1) of such subsection (a)) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) CORRECTIVE RESPONSES BY HEADS OF CERTAIN ESTABLISHMENTS TO DEFICIENCIES IDENTIFIED BY INSPECTORS GENERAL.—The Chairman of the Board of Governors, the Chairman of the Commodity Futures Trading Commission, the Chairman of the National Credit Union Administration, the Chairman of the Board of Directors of the Pension Benefit Guaranty Corporation, and the Chairman of the Commission shall each—

(1) take action to address deficiencies identified by a report or investigation of the Inspector General of the establishment concerned; or

(2) certify to the Senate and the House of Representatives that no action is necessary or appropriate in connection with a deficiency described in paragraph (1).

(d) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 30 days after the date of enactment of this Act.

(2) TRANSITION RULE.—An individual serving as Inspector General of the Board of Governors, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Commission on the effective date of this section pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) may continue so serving until the President makes an appointment under section 3(a) of such Act with respect to the Board of Governors, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Commission, as the case may be, consistent with the amendments made by subsection (a); and

(B) shall, while serving under subparagraph (A)—

(i) remain subject to the provisions of section 8G of such Act that applied with respect to the Inspector General of the Board of Governors, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Commission, as the case may be, on the day before the effective date of this section; and

(ii) suffer no reduction in pay.

## Subtitle J—Self-funding of the Securities and Exchange Commission

**SEC. 991. SECURITIES AND EXCHANGE COMMISSION SELF-FUNDING.**

(a) SELF-FUNDING AUTHORITY.—Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended—

(1) in subsection (c), in the second sentence, by striking ''credited to the appropriated funds of the Commission'' and inserting ''deposited in the account described in subsection (i)(4)'';

(2) in subsection (f), in the second sentence, by striking ''considered a reimbursement to the appropriated funds of the Commission'' and inserting ''deposited in the account described in subsection (i)(4)''; and

(3) by adding at the end the following:

''(i) FUNDING OF THE COMMISSION.—

''(1) BUDGET.—For each fiscal year, the Chairman of the Commission shall prepare and submit to Congress a budget to Congress. Such budget shall be submitted at the same time the President submits a budget of the United States to Congress for such fiscal year. The budget submitted by the Chairman of the Commission pursuant to this paragraph shall not be considered a request for appropriations.

''(2) TREASURY PAYMENT.—

''(A) On the first day of each fiscal year, the Treasury shall pay into the account described in paragraph (4) an amount equal to the budget submitted by the Chairman of the Commission pursuant to paragraph (1) for such fiscal year.

''(B) At or prior to the end of each fiscal year, the Commission shall pay to the Treasury from fees and assessments deposited in the account described in paragraph (4) an amount equal to the amount paid by the Treasury pursuant to subparagraph (A) for such fiscal year, unless there are not sufficient fees and assessments deposited in such account at or prior to the end of the fiscal year to make such payment, in which case the Commission shall make such payment in a subsequent fiscal year.

''(3) OBLIGATIONS AND EXPENSES.—

''(A) IN GENERAL.—The Commission shall determine and prescribe the manner in which—

''(i) the obligations of the Commission shall be incurred; and

''(ii) the disbursements and expenses of the Commission allowed and paid.

''(B) INSUFFICIENT FUNDS.—If, in the course of any fiscal year, the Chairman of the Commission determines that, due to unforeseen circumstances, the obligations of the Commission will exceed those provided for in the budget submitted under paragraph (1), the Chairman of the Commission may notify Congress of the amount and expected uses of the additional obligations.

''(C) AUTHORITY TO INCUR EXCESS OBLIGATIONS.—The Commission may incur obligations in excess of the budget submitted under paragraph (1) from amounts available in the account described in paragraph (4).

''(D) RULE OF CONSTRUCTION.—Any notification to Congress under this paragraph shall not be considered a request for appropriations.

''(4) ACCOUNT.—

''(A) ESTABLISHMENT.—Fees and assessments collected under this title, section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), and section 24(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(f)) and payments made by the Treasury pursuant to paragraph (2)(A) for any fiscal year shall be deposited into an account established at any regular Government depositary or any State or national bank.

''(B) RULE OF CONSTRUCTION.—Any amounts deposited into the account established under subparagraph (A) shall not be construed to be Government funds or appropriated monies.

''(C) NO APPORTIONMENT.—Any amounts deposited into the account established under subparagraph (A) shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

''(5) USE OF ACCOUNT FUNDS.—

''(A) PERMISSIBLE USES.—Amounts available in the account described in paragraph (4) may be withdrawn by the Commission and used for the purposes described in paragraphs (2) and (3).

''(B) IMPERMISSIBLE USE.—Except as provided in paragraph (6), no amounts available in the account described in paragraph (4) shall be deposited and credited as general revenue of the Treasury.

''(6) EXCESS FUNDS.—If, at the end of any fiscal year and after all payments have been made to the Treasury pursuant to paragraph (2)(B) for such fiscal year and all prior fiscal years, the balance of the account described in paragraph (4) exceeds 25 percent of the budget of the Commission for the following fiscal year, the amount by which the balance exceeds 25 percent of such budget shall be credited as general revenue of the Treasury.''.

(b) CONFORMING AMENDMENTS TO TRANSACTION FEE PROVISIONS.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) by amending subsection (a) to read as follows:

''(a) RECOVERY OF COSTS AND EXPENSES.—

''(1) IN GENERAL.—The Commission shall, in accordance with this section, collect transaction fees and assessments that are designed—

''(A) to recover the reasonable costs and expenses of the Commission, as set forth in the annual budget of the Commission; and

''(B) to provide funds necessary to maintain a reserve.

''(2) OVERPAYMENTS.—The authority to collect transaction fees and assessments in accordance with this section shall include the authority to offset from such collection any overpayment of transaction fees or assessments, regardless of the fiscal year in which such overpayment is made.'';

(2) in subsection (e)(2), by striking ''September 30'' and inserting ''September 25'';

(3) in subsection (g), by striking ''April 30'' and inserting ''August 31'';

(4) by amending subsection (i) to read as follows:

''(i) FEE COLLECTIONS.—Fees and assessments collected pursuant to this section shall be deposited and credited in accordance with section 4(g) of this title.'';

(5) by amending subsection (j) to read as follows:

''(j) ADJUSTMENTS TO TRANSACTION FEE RATES.—

''(1) ANNUAL ADJUSTMENT.—For each fiscal year, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including assessments collected under subsection (d)) that are equal to the budget of the Commission for such fiscal year, plus amounts necessary to maintain a reserve.

''(2) MID-YEAR ADJUSTMENT.—For each fiscal year, the Commission shall determine, by March 1 of such fiscal year, whether, based on the actual aggregate dollar volume of sales during the first 4 months of such fiscal year, the baseline estimate of the aggregate dollar volume of sales used under paragraph (1) for such fiscal year is reasonably likely to be 10 percent (or more) greater or less than the actual aggregate dollar volume of sales for such fiscal year. If the Commission so determines, the Commission shall by order, not later than March 1, adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the revised estimate of the aggregate dollar amount of sales for the remainder of such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including fees estimated to be collected under subsections (b) and (c) during such fiscal year prior to the effective date of the new uniform adjusted rate and assessments collected under subsection (d)) that are equal to the budget of the Commission for such fiscal year, plus amounts necessary to maintain a reserve. In making such revised estimate, the Commission shall, after consultation with the Congressional Budget Office and the Office of Management and Budget, use the same methodology required by paragraph (4).

''(3) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5 United States Code. An adjusted rate prescribed under paragraph (1) or (2) and published under subsection (g) shall not be subject to judicial review. An adjusted rate prescribed under paragraph (1) shall take effect on the first day of the fiscal year to which such rate applies. An adjusted rate prescribed under paragraph (2) shall take effect on April 1 of the fiscal year to which such rate applies.

''(4) BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—For purposes of this subsection, the baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, security futures products, and options on securities indexes excluding a narrow-based security index) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for making projections pursuant to section 907 of title 2.''; and

(6) by striking subsections (k) and (l).

(c) CONFORMING AMENDMENTS TO REGISTRATION FEE PROVISIONS.—

(1) SECTION 6(B) OF THE SECURITIES ACT OF 1933.—Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended—

(A) by striking ''offsetting'' each place that term appears and inserting ''fee'';

(B) in paragraph (3), in the paragraph heading, by striking ''OFFSETTING'' and inserting ''FEE'';

(C) in paragraph (11)(A), in the subparagraph heading, by striking ''OFFSETTING'' and inserting ''FEE'';

(D) by striking paragraphs (1), (3), (4), (6), (8), and (9);

(E) by redesignating paragraph (2) as paragraph (1);

(F) in paragraph (1), as so redesignated, by striking ''(5) or (6)'' and inserting ''(3)'';

(G) by inserting after paragraph (1), as so redesignated, the following:

''(2) FEE COLLECTIONS.—Fees collected pursuant to this subsection shall be deposited and credited in accordance with section 4(i) of the Securities Exchange Act of 1934.'';

(H) by redesignating paragraph (5) as paragraph (3);

(I) in paragraph (3), as redesignated—

(i) by striking ''of the fiscal years 2003 through 2011'' and inserting ''fiscal year''; and

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (1)'';

(J) by redesignating paragraph (7) as paragraph (4);

(K) by inserting after paragraph (4), as so redesignated, the following:

''(5) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (3) and published under paragraph (6) shall not be subject to judicial review. An adjusted rate prescribed under paragraph (3) shall take effect on the first day of the fiscal year to which such rate applies.'';

(L) by redesignating paragraphs (10) and (11), as paragraphs (6) and (7);

(M) in paragraph (6), as redesignated, by striking ''April 30'' and inserting ''August 31''; and

(N) in paragraph (7), as redesignated—

(i) by striking ''of the fiscal years 2002 through 2011'' and inserting ''fiscal year''; and

(ii) by inserting at the end of the table in subparagraph (A) the following:

| | |
|---|---|
| 2012 and each succeeding fiscal year | An amount that is equal to the target fee collection amount for the prior fiscal year adjusted by the rate of inflation. |

(2) SECTION 13(E) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended—

(A) by striking ''offsetting'' each place that term appears and inserting ''fee'';

(B) in paragraph (3) by striking ''paragraphs (5) and (6)'' and inserting ''paragraph (5)'';

(C) by amending paragraph (4) to read as follows:

''(4) FEE COLLECTIONS.—Fees collected pursuant to this subsection shall be deposited and credited in accordance with section 4(g) of this title.'';

(D) in paragraph (5), by striking ''of the fiscal years 2003 through 2011'' and inserting ''fiscal year'';

(E) by striking paragraphs (6), (7), and (8);

(F) by redesignating paragraph (7) as paragraph (6);

(G) by inserting after paragraph (6), as so redesignated, the following:

''(7) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5. An adjusted rate prescribed under paragraph (5) and published under paragraph (8) shall not be subject to judicial review. An adjusted rate prescribed under paragraph (5) shall take effect on the first day of the fiscal year to which such rate applies.'';

(H) by striking paragraph (9);

(I) by redesignating paragraph (10) as paragraph (8); and

(J) in paragraph (8), as so redesignated, by striking ''6(b)(10)'' and inserting ''6(b)(6)''.

(3) SECTION 14 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 14(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(g)) is amended—

(A) by striking the word ''offsetting'' each time that it appears and inserting in its place the word ''fee'';

(B) in paragraph (1)(A), by striking ''paragraphs (5) and (6)'' each time it appears and inserting ''paragraph (5)'';

(C) in paragraph (3), by striking ''paragraphs (5) and (6)'' and inserting ''paragraph (5)'';

(D) by amending paragraph (4) to read as follows:

''(4) FEE COLLECTIONS.—Fees collected pursuant to this subsection shall be deposited and credited in accordance with section 4(g) of this title.'';

(E) in paragraph (5), by striking ''of the fiscal years 2003 through 2011'' and inserting ''fiscal year'';

(F) by striking paragraphs (6), (8), and (9);

(G) by redesignating paragraph (7) as paragraph (6);

(H) by inserting after paragraph (6), as so redesignated, the following:

''(7) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5. An adjusted rate prescribed under paragraph (5) and published under paragraph (8) shall not be subject to judicial review. An adjusted rate prescribed under paragraph (5) shall take effect on the first day of the fiscal year to which such rate applies.'';

(I) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively; and

(J) in paragraph (9), as so redesignated, by striking ''6(b)(10)'' and inserting ''6(b)(7)''.

(d) REPEAL OF AUTHORIZATION OF APPROPRIATIONS.—Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is repealed.

(e) EFFECTIVE DATE AND TRANSITION PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall be effective on the first day of the fiscal year following the fiscal year in which this Act is enacted.

(2) TRANSITION PERIOD.—For the fiscal year following the fiscal year in which this Act is enacted, the budget of the Commission shall be deemed to be the budget submitted by the Chairman of the Commission to the President for such fiscal year in accordance with the provisions of section 1108 of title 31, United States Code.

(3) OTHER PROVISIONS.—The amendments made by this section to subsections (g) and (j)(1) of section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be effective on the date of enactment of this Act, and shall require the Commission to make and publish an annual adjustment to the fee rates applicable under subsections (b) and (c) of section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for the fiscal year following the fiscal year in which this Act is enacted. The adjusted rate described in the preceding sentence shall supersede any previously published adjusted rate applicable under subsections (b) and (c) of section 31 of the Securities Exchange Act of 1934 for the fiscal year following the fiscal year in which this Act is enacted and shall take effect on the first day of the fiscal year following the fiscal year in which this Act is enacted, except that, if this Act is enacted on or after August 31 and on or prior to September 30, the adjusted rate described in the first sentence shall be published not later than 15 days after the date of enactment of this Act and take effect 30 days thereafter, and the Commission shall continue to collect fees under subsections (b) and (c) of section 31 of the Securities Exchange Act of 1934 at the rate in effect during the preceding fiscal year until the adjusted rate is effective.

## TITLE X—BUREAU OF CONSUMER FINANCIAL PROTECTION

### SEC. 1001. SHORT TITLE.

This title may be cited as the ''Consumer Financial Protection Act of 2010''.

### SEC. 1002. DEFINITIONS.

Except as otherwise provided in this title, for purposes of this title, the following definitions shall apply:

(1) AFFILIATE.—The term ''affiliate'' means any person that controls, is controlled by, or is under common control with another person.

(2) BUREAU.—The term ''Bureau'' means the Bureau of Consumer Financial Protection.

(3) BUSINESS OF INSURANCE.—The term ''business of insurance'' means the writing of insurance or the reinsuring of risks by an insurer, including all acts necessary to such writing or reinsuring and the activities relating to the writing of insurance or the reinsuring of risks conducted by persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons.

(4) CONSUMER.—The term ''consumer'' means an individual or an agent, trustee, or representative acting on behalf of an individual.

(5) CONSUMER FINANCIAL PRODUCT OR SERVICE.—The term ''consumer financial product or service'' means any financial product or service that is described in one or more categories under—

(A) paragraph (13) and is offered or provided for use by consumers primarily for personal, family, or household purposes; or

(B) clause (i), (iii), (ix), or (x) of paragraph (13)(A), and is delivered, offered, or provided in connection with a consumer financial product or service referred to in subparagraph (A).

(6) COVERED PERSON.—The term ''covered person'' means—

(A) any person that engages in offering or providing a consumer financial product or service; and

(B) any affiliate of a person described in subparagraph (A) if such affiliate acts as a service provider to such person.

(7) CREDIT.—The term ''credit'' means the right granted by a person to a consumer to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment for such purchase.

(8) DEPOSIT-TAKING ACTIVITY.—The term ''deposit-taking activity'' means—

(A) the acceptance of deposits, maintenance of deposit accounts, or the provision of services related to the acceptance of deposits or the maintenance of deposit accounts;

(B) the acceptance of funds, the provision of other services related to the acceptance of funds, or the maintenance of member share accounts by a credit union; or

(C) the receipt of funds or the equivalent thereof, as the Bureau may determine by rule or order, received or held by a covered person (or an agent for a covered person) for the purpose of facilitating a payment or transferring funds or value of funds between a consumer and a third party.

(9) DESIGNATED TRANSFER DATE.—The term ''designated transfer date'' means the date established under section 1062.

(10) DIRECTOR.—The term ''Director'' means the Director of the Bureau.

(11) ENUMERATED CONSUMER LAWS.—The term ''enumerated consumer laws'' means—

(A) the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.);

(B) the Consumer Leasing Act of 1976 (15 U.S.C. 1667 et seq.);

(C) the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.);

(D) the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.);

(E) the Fair Credit Billing Act (15 U.S.C. 1666 et seq.);

(F) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), except with respect to sections 615(e) and 628 of that Act (15 U.S.C. 1681m(e), 1681w);

(G) the Home Owners Protection Act of 1998 (12 U.S.C. 4901 et seq.);

(H) the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.);

(I) subsections (c) through (f) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t(c)–(f));

(J) sections 502 through 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802–6809);

(K) the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.);

(L) the Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note);

(M) the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);

(N) the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.);

(O) the Truth in Lending Act (15 U.S.C. 1601 et seq.); and

(P) the Truth in Savings Act (12 U.S.C. 4301 et seq.).

(12) FEDERAL CONSUMER FINANCIAL LAW.—The term ''Federal consumer financial law'' means the provisions of this title, the enumerated consumer laws, the laws for which authorities are transferred under subtitles F and H, and any rule or order prescribed by the Bureau under this title, an enumerated consumer law, or pursuant to the authorities transferred under subtitles F and H.

(13) FINANCIAL PRODUCT OR SERVICE.—The term ''financial product or service''—

(A) means—

(i) extending credit and servicing loans, including acquiring, purchasing, selling, brokering, or other extensions of credit (other than solely extending commercial credit to a person who originates consumer credit transactions);

(ii) extending or brokering leases of personal or real property that are the functional equivalent of purchase finance arrangements, if—

(I) the lease is on a non-operating basis;

(II) the initial term of the lease is at least 90 days; and

(III) in the case of a lease involving real property, at the inception of the initial lease, the transaction is intended to result in ownership of the leased property to be transferred to the lessee, subject to standards prescribed by the Bureau;

(iii) providing real estate settlement services or performing appraisals of real estate or personal property;

(iv) engaging in deposit-taking activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds or any financial instrument for use by or on behalf of a consumer;

(v) selling, providing, or issuing stored value or payment instruments, except that, in the case of a sale of, or transaction to reload, stored value, only if the seller exercises substantial control over the terms or conditions of the stored value provided to the consumer where, for purposes of this clause—

(I) a seller shall not be found to exercise substantial control over the terms or conditions of the stored value if the seller is not a party to the contract with the consumer for the stored value product, and another person is principally responsible for establishing the terms or conditions of the stored value; and

(II) advertising the nonfinancial goods or services of the seller on the stored value card or device is not in itself an exercise of substantial control over the terms or conditions;

(vi) providing check cashing, check collection, or check guaranty services;

(vii) providing payments or other financial data processing products or services to a consumer by any technological means, including processing or storing financial or banking data for any payment instrument, or through any payments systems or network used for processing payments data, including payments made through an online banking system or mobile telecommunications network, except that a person shall not be deemed to be a covered person with respect to financial data processing solely because the person—

(I) unknowingly or incidentally processes, stores, or transmits over the Internet, telephone line, mobile network, or any other mode of transmission, as part of a stream of other types of data, financial data in a manner that such data is undifferentiated from other types of data of the same form that the person processes, stores, or transmits;

(II) is a merchant, retailer, or seller of any nonfinancial good or service who engages in financial data processing by transmitting or storing payments data about a consumer exclusively for purpose of initiating payments instructions by the consumer to pay such person for the purchase of, or to complete a commercial transaction for, such nonfinancial good or service sold directly by such person to the consumer; or

(III) provides access to a host server to a person for purposes of enabling that person to establish and maintain a website;

(viii) providing financial advisory services to consumers on individual financial matters or relating to proprietary financial products or services (other than by publishing any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, including publishing market data, news, or data analytics or investment information or recommendations that are not tailored to the individual needs of a particular consumer), including—

(I) providing credit counseling to any consumer; and

(II) providing services to assist a consumer with debt management or debt settlement, modifying the terms of any extension of credit, or avoiding foreclosure;

(ix) collecting, analyzing, maintaining, or providing consumer report information or other account information, including information relating to the credit history of consumers, used or expected to be used in connection with any decision regarding the offering or provision of a consumer financial product or service, except to the extent that—

(I) a person—

(aa) collects, analyzes, or maintains information that relates solely to the transactions between a consumer and such person; or

(bb) provides the information described in item (aa) to an affiliate of such person; and

(II) the information described in subclause (I)(aa) is not used by such person or affiliate in connection with any decision regarding the offering or provision of a consumer financial product or service to the consumer, other than credit described in section 1027(a)(2)(A);

(x) collecting debt related to any consumer financial product or service; and

(xi) such other financial product or service as may be defined by the Bureau, by regulation, for purposes of this title, if the Bureau finds that such financial product or service is—

(I) entered into or conducted as a subterfuge or with a purpose to evade any Federal consumer financial law; or

(II) permissible for a bank or for a financial holding company to offer or to provide under any provision of a Federal law or regulation applicable to a bank or a financial holding company, and has, or likely will have, a material impact on consumers; and

(B) does not include the business of insurance.

(14) FOREIGN EXCHANGE.—The term ''foreign exchange'' means the exchange, for compensation, of currency of the United States or of a foreign government for currency of another government.

(15) INSURED CREDIT UNION.—The term ''insured credit union'' has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(16) PAYMENT INSTRUMENT.—The term ''payment instrument'' means a check, draft, warrant, money order, traveler's check, electronic instrument, or other instrument, payment of funds, or monetary value (other than currency).

(17) PERSON.—The term ''person'' means an individual, partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity.

(18) PERSON REGULATED BY THE COMMODITY FUTURES TRADING COMMISSION.—The term ''person regulated by the Commodity Futures Trading Commission'' means any person that is registered, or required by statute or regulation to be registered, with the Commodity Futures Trading Commission, but only to the extent that the activities of such person are subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act.

(19) PERSON REGULATED BY THE COMMISSION.—The term ''person regulated by the Commission'' means a person who is—

(A) a broker or dealer that is required to be registered under the Securities Exchange Act of 1934;

(B) an investment adviser that is registered under the Investment Advisers Act of 1940;

(C) an investment company that is required to be registered under the Investment Company Act of 1940, and any company that has elected to be regulated as a business development company under that Act;

(D) a national securities exchange that is required to be registered under the Securities Exchange Act of 1934;

(E) a transfer agent that is required to be registered under the Securities Exchange Act of 1934;

(F) a clearing corporation that is required to be registered under the Securities Exchange Act of 1934;

(G) any self-regulatory organization that is required to be registered with the Commission;

(H) any nationally recognized statistical rating organization that is required to be registered with the Commission;

(I) any securities information processor that is required to be registered with the Commission;

(J) any municipal securities dealer that is required to be registered with the Commission;

(K) any other person that is required to be registered with the Commission under the Securities Exchange Act of 1934; and

(L) any employee, agent, or contractor acting on behalf of, registered with, or providing services to, any person described in any of subparagraphs (A) through (K), but only to the extent that any person described in any of subparagraphs (A) through (K), or the employee, agent, or contractor of such person, acts in a regulated capacity.

(20) PERSON REGULATED BY A STATE INSURANCE REGULATOR.—The term ''person regulated by a State insurance regulator'' means any person that is engaged in the business of insurance and subject to regulation by any State insurance regulator, but only to the extent that such person acts in such capacity.

(21) PERSON THAT PERFORMS INCOME TAX PREPARATION ACTIVITIES FOR CONSUMERS.—

The term ''person that performs income tax preparation activities for consumers'' means—

(A) any tax return preparer (as defined in section 7701(a)(36) of the Internal Revenue Code of 1986), regardless of whether compensated, but only to the extent that the person acts in such capacity;

(B) any person regulated by the Secretary under section 330 of title 31, United States Code, but only to the extent that the person acts in such capacity; and

(C) any authorized IRS e-file Providers (as defined for purposes of section 7216 of the Internal Revenue Code of 1986), but only to the extent that the person acts in such capacity.

(22) PRUDENTIAL REGULATOR.—The term ''prudential regulator'' means—

(A) in the case of an insured depository institution, the appropriate Federal banking agency, as that term is defined in section 3 of the Federal Deposit Insurance Act; and

(B) in the case of an insured credit union, the National Credit Union Administration.

(23) RELATED PERSON.—The term ''related person''—

(A) shall apply only with respect to a covered person that is not a bank holding company (as that term is defined in section 2 of the Bank Holding Company Act of 1956), credit union, or depository institution;

(B) shall be deemed to mean a covered person for all purposes of any provision of Federal consumer financial law; and

(C) means—

(i) any director, officer, or employee charged with managerial responsibility for, or controlling shareholder of, or agent for, such covered person;

(ii) any shareholder, consultant, joint venture partner, or other person, as determined by the Bureau (by rule or on a case-by-case basis) who materially participates in the conduct of the affairs of such covered person; and

(iii) any independent contractor (including any attorney, appraiser, or accountant) who knowingly or recklessly participates in any—

(I) violation of any provision of law or regulation; or

(II) breach of a fiduciary duty.

(24) SERVICE PROVIDER.—

(A) IN GENERAL.—The term ''service provider'' means any person that provides a material service to a covered person in connection with the offering or provision by such covered person of a consumer financial product or service, including a person that—

(i) participates in designing, operating, or maintaining the consumer financial product or service; or

(ii) processes transactions relating to the consumer financial product or service (other than unknowingly or incidentally transmitting or processing financial data in a manner that such data is undifferentiated from other types of data of the same form as the person transmits or processes).

(B) EXCEPTIONS.—The term ''service provider'' does not include a person solely by virtue of such person offering or providing to a covered person—

(i) a support service of a type provided to businesses generally or a similar ministerial service; or

(ii) time or space for an advertisement for a consumer financial product or service through print, newspaper, or electronic media.

(C) RULE OF CONSTRUCTION.—A person that is a service provider shall be deemed to be a covered person to the extent that such person engages in the offering or provision of its own consumer financial product or service.

(25) STATE.—The term ''State'' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands or any federally recognized Indian tribe, as defined by the Secretary of the Interior under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1(a)).

(26) STORED VALUE.—The term ''stored value'' means funds or monetary value represented in any electronic format, whether or not specially encrypted, and stored or capable of storage on electronic media in such a way as to be retrievable and transferred electronically, and includes a prepaid debit card or product, or any other similar product, regardless of whether the amount of the funds or monetary value may be increased or reloaded.

(27) TRANSMITTING OR EXCHANGING FUNDS.—The term ''transmitting or exchanging funds'' means receiving currency, monetary value, or payment instruments from a consumer for the purpose of exchanging or transmitting the same by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or through other businesses that facilitate third-party transfers within the United States or to or from the United States.

## Subtitle A—Bureau of Consumer Financial Protection

### SEC. 1011. ESTABLISHMENT OF THE BUREAU.

(a) BUREAU ESTABLISHED.—There is established in the Federal Reserve System the Bureau of Consumer Financial Protection, which shall regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws.

(b) DIRECTOR AND DEPUTY DIRECTOR.—

(1) IN GENERAL.—There is established the position of the Director, who shall serve as the head of the Bureau.

(2) APPOINTMENT.—Subject to paragraph (3), the Director shall be appointed by the President, by and with the advice and consent of the Senate.

(3) QUALIFICATION.—The President shall nominate the Director from among individuals who are citizens of the United States.

(4) COMPENSATION.—The Director shall be compensated at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(5) DEPUTY DIRECTOR.—There is established the position of Deputy Director, who shall—

(A) be appointed by the Director; and

(B) serve as acting Director in the absence or unavailability of the Director.

(c) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 5 years.

(2) EXPIRATION OF TERM.—An individual may serve as Director after the expiration of the term for which appointed, until a successor has been appointed and qualified.

(3) REMOVAL FOR CAUSE.—The President may remove the Director for inefficiency, neglect of duty, or malfeasance in office.

(d) SERVICE RESTRICTION.—No Director or Deputy Director may hold any office, position, or employment in any Federal reserve bank, Federal home loan bank, covered person, or service provider during the period of service of such person as Director or Deputy Director.

(e) OFFICES.—The principal office of the Bureau shall be in the District of Columbia. The Director may establish regional offices of the Bureau, including in cities in which the Federal reserve banks, or branches of such banks, are located, in order to carry out the responsibilities assigned to the Bureau under the Federal consumer financial laws.

### SEC. 1012. EXECUTIVE AND ADMINISTRATIVE POWERS.

(a) POWERS OF THE BUREAU.—The Bureau is authorized to establish the general policies of the Bureau with respect to all executive and administrative functions, including—

(1) the establishment of rules for conducting the general business of the Bureau, in a manner not inconsistent with this title;

(2) to bind the Bureau and enter into contracts;

(3) directing the establishment and maintenance of divisions or other offices within the Bureau, in order to carry out the responsibilities under the Federal consumer financial laws, and to satisfy the requirements of other applicable law;

(4) to coordinate and oversee the operation of all administrative, enforcement, and research activities of the Bureau;

(5) to adopt and use a seal;

(6) to determine the character of and the necessity for the obligations and expenditures of the Bureau;

(7) the appointment and supervision of personnel employed by the Bureau;

(8) the distribution of business among personnel appointed and supervised by the Director and among administrative units of the Bureau;

(9) the use and expenditure of funds;

(10) implementing the Federal consumer financial laws through rules, orders, guidance, interpretations, statements of policy, examinations, and enforcement actions; and

(11) performing such other functions as may be authorized or required by law.

(b) DELEGATION OF AUTHORITY.—The Director of the Bureau may delegate to any duly authorized employee, representative, or agent any power vested in the Bureau by law.

(c) AUTONOMY OF THE BUREAU.—

(1) COORDINATION WITH THE BOARD OF GOVERNORS.—Notwithstanding section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) and any other provision of law applicable to the supervision or examination of persons with respect to Federal consumer financial laws, the Board of Governors may delegate to the Bureau the authorities to examine persons subject to the jurisdiction of the Board of Governors for compliance with the Federal consumer financial laws.

(2) AUTONOMY.—Notwithstanding the authorities granted to the Board of Governors under the Federal Reserve Act, the Board of Governors may not—

(A) intervene in any matter or proceeding before the Director, including examinations or enforcement actions, unless otherwise specifically provided by law;

(B) appoint, direct, or remove any officer or employee of the Bureau; or

(C) merge or consolidate the Bureau, or any of the functions or responsibilities of the Bureau, with any division or office of the Board of Governors or the Federal reserve banks.

(3) RULES AND ORDERS.—No rule or order of the Bureau shall be subject to approval or review by the Board of Governors. The Board of Governors may not delay or prevent the issuance of any rule or order of the Bureau.

(4) RECOMMENDATIONS AND TESTIMONY.—No officer or agency of the United States shall have any authority to require the Director or any other officer of the Bureau to submit legislative recommendations, or testimony

or comments on legislation, to any officer or agency of the United States for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Congress, if such recommendations, testimony, or comments to the Congress include a statement indicating that the views expressed therein are those of the Director or such officer, and do not necessarily reflect the views of the Board of Governors or the President.

**SEC. 1013. ADMINISTRATION.**

(a) PERSONNEL.—

(1) APPOINTMENT.—

(A) IN GENERAL.—The Director may fix the number of, and appoint and direct, all employees of the Bureau.

(B) EMPLOYEES OF THE BUREAU.—The Director is authorized to employ attorneys, compliance examiners, compliance supervision analysts, economists, statisticians, and other employees as may be deemed necessary to conduct the business of the Bureau. Notwithstanding any other provision of law, all such employees shall be appointed and compensated on terms and conditions that are consistent with the terms and conditions set forth in section 11(l) of the Federal Reserve Act (12 U.S.C. 248(l)).

(2) COMPENSATION.—The Director shall at all times provide compensation and benefits to each class of employees that, at a minimum, are equivalent to the compensation and benefits then being provided by the Board of Governors for the corresponding class of employees.

(b) SPECIFIC FUNCTIONAL UNITS.—

(1) RESEARCH.—The Director shall establish a unit whose functions shall include researching, analyzing, and reporting on—

(A) developments in markets for consumer financial products or services, including market areas of alternative consumer financial products or services with high growth rates and areas of risk to consumers;

(B) access to fair and affordable credit for traditionally underserved communities;

(C) consumer awareness, understanding, and use of disclosures and communications regarding consumer financial products or services;

(D) consumer awareness and understanding of costs, risks, and benefits of consumer financial products or services; and

(E) consumer behavior with respect to consumer financial products or services.

(2) COMMUNITY AFFAIRS.—The Director shall establish a unit whose functions shall include providing information, guidance, and technical assistance regarding the offering and provision of consumer financial products or services to traditionally underserved consumers and communities.

(3) COLLECTING AND TRACKING COMPLAINTS.—

(A) IN GENERAL.—The Director shall establish a unit whose functions shall include establishing a single, toll-free telephone number, a website, and a database to facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding consumer financial products or services. The Director shall coordinate with other Federal agencies to route complaints to other Federal regulators, where appropriate.

(B) ROUTING CALLS TO STATES.—To the extent practicable, State agencies may receive appropriate complaints from the systems established under subparagraph (A), if—

(i) the State agency system has the functional capacity to receive calls or electronic reports routed by the Bureau systems; and

(ii) the State agency has satisfied any conditions of participation in the system that the Bureau may establish, including treatment of personally identifiable information and sharing of information on complaint resolution or related compliance procedures and resources.

(C) REPORTS TO THE CONGRESS.—The Director shall present an annual report to Congress not later than March 31 of each year on the complaints received by the Bureau in the prior year regarding consumer financial products and services. Such report shall include information and analysis about complaint numbers, complaint types, and, where applicable, information about resolution of complaints.

(D) DATA SHARING REQUIRED.—To facilitate preparation of the reports required under subparagraph (C), supervision and enforcement activities, and monitoring of the market for consumer financial products and services, the Bureau shall share consumer complaint information with prudential regulators, other Federal agencies, and State agencies, consistent with Federal law applicable to personally identifiable information. The prudential regulators and other Federal agencies shall share data relating to consumer complaints regarding consumer financial products and services with the Bureau, consistent with Federal law applicable to personally identifiable information.

(c) OFFICE OF FAIR LENDING AND EQUAL OPPORTUNITY.—

(1) ESTABLISHMENT.—The Director shall establish within the Bureau the Office of Fair Lending and Equal Opportunity.

(2) FUNCTIONS.—The Office of Fair Lending and Equal Opportunity shall have such powers and duties as the Director may delegate to the Office, including—

(A) providing oversight and enforcement of Federal laws intended to ensure the fair, equitable, and nondiscriminatory access to credit for both individuals and communities that are enforced by the Bureau, including the Equal Credit Opportunity Act and the Home Mortgage Disclosure Act;

(B) coordinating fair lending and fair housing efforts of the Bureau with other Federal agencies and State regulators, as appropriate, to promote consistent, efficient, and effective enforcement of Federal fair lending laws;

(C) working with private industry, fair lending, civil rights, consumer and community advocates on the promotion of fair lending compliance and education; and

(D) providing annual reports to Congress on the efforts of the Bureau to fulfill its fair lending mandate.

(3) ADMINISTRATION OF OFFICE.—There is established the position of Assistant Director of the Bureau for Fair Lending and Equal Opportunity, who—

(A) shall be appointed by the Director; and

(B) shall carry out such duties as the Director may delegate to such Assistant Director.

(d) OFFICE OF FINANCIAL LITERACY.—

(1) ESTABLISHMENT.—The Director shall establish an Office of Financial Literacy, which shall be responsible for developing and implementing initiatives intended to educate and empower consumers to make better informed financial decisions.

(2) OTHER DUTIES.—The Office of Financial Literacy shall develop and implement a strategy to improve the financial literacy of consumers that includes measurable goals and objectives, in consultation with the Financial Literacy and Education Commission, consistent with the National Strategy for Financial Education, through activities including providing opportunities for consumers to access—

(A) financial counseling;

(B) information to assist with the evaluation of credit products and the understanding of credit histories and scores;

(C) savings, borrowing, and other services found at mainstream financial institutions;

(D) activities intended to—

(i) prepare the consumer for educational expenses and the submission of financial aid applications, and other major purchases;

(ii) reduce debt; and

(iii) improve the financial situation of the consumer;

(E) assistance in developing long-term savings strategies; and

(F) wealth building and financial services during the preparation process to claim earned income tax credits and Federal benefits.

(3) COORDINATION.—The Office of Financial Literacy shall coordinate with other units within the Bureau in carrying out its functions, including—

(A) working with the Community Affairs Office to implement the strategy to improve financial literacy of consumers; and

(B) working with the research unit established by the Director to conduct research related to consumer financial education and counseling.

(4) REPORT.—Not later than 24 months after the designated transfer date, and annually thereafter, the Director shall submit a report on its financial literacy activities and strategy to improve financial literacy of consumers to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(5) MEMBERSHIP IN FINANCIAL LITERACY AND EDUCATION COMMISSION.—Section 513(c)(1) of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702(c)(1)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) the Director of the Bureau of Consumer Financial Protection; and''.

(6) CONFORMING AMENDMENT.—Section 513(d) of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702(d)) is amended by adding at the end the following: ''The Director of the Bureau of Consumer Financial Protection shall serve as the Vice Chairman.''.

**SEC. 1014. CONSUMER ADVISORY BOARD.**

(a) ESTABLISHMENT REQUIRED.—The Director shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.

(b) MEMBERSHIP.—In appointing the members of the Consumer Advisory Board, the Director shall seek to assemble experts in consumer protection, financial services, community development, fair lending, and consumer financial products or services and seek representation of the interests of covered persons and consumers, without regard to party affiliation. Not fewer than 6 members shall be appointed upon the recommendation of the regional Federal Reserve Bank Presidents, on a rotating basis.

(c) MEETINGS.—The Consumer Advisory Board shall meet from time to time at the

call of the Director, but, at a minimum, shall meet at least twice in each year.

(d) COMPENSATION AND TRAVEL EXPENSES.—Members of the Consumer Advisory Board who are not full-time employees of the United States shall—

(1) be entitled to receive compensation at a rate fixed by the Director while attending meetings of the Consumer Advisory Board, including travel time; and

(2) be allowed travel expenses, including transportation and subsistence, while away from their homes or regular places of business.

**SEC. 1015. COORDINATION.**

The Bureau shall coordinate with the Commission, the Commodity Futures Trading Commission, and other Federal agencies and State regulators, as appropriate, to promote consistent regulatory treatment of consumer financial and investment products and services.

**SEC. 1016. APPEARANCES BEFORE AND REPORTS TO CONGRESS.**

(a) APPEARANCES BEFORE CONGRESS.—The Director of the Bureau shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives at semi-annual hearings regarding the reports required under subsection (b).

(b) REPORTS REQUIRED.—The Bureau shall, concurrent with each semi-annual hearing referred to in subsection (a), prepare and submit to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, a report, beginning with the session following the designated transfer date.

(c) CONTENTS.—The reports required by subsection (b) shall include—

(1) a discussion of the significant problems faced by consumers in shopping for or obtaining consumer financial products or services;

(2) a justification of the budget request of the previous year;

(3) a list of the significant rules and orders adopted by the Bureau, as well as other significant initiatives conducted by the Bureau, during the preceding year and the plan of the Bureau for rules, orders, or other initiatives to be undertaken during the upcoming period;

(4) an analysis of complaints about consumer financial products or services that the Bureau has received and collected in its central database on complaints during the preceding year;

(5) a list, with a brief statement of the issues, of the public supervisory and enforcement actions to which the Bureau was a party during the preceding year;

(6) the actions taken regarding rules, orders, and supervisory actions with respect to covered persons which are not credit unions or depository institutions;

(7) an assessment of significant actions by State attorneys general or State regulators relating to Federal consumer financial law; and

(8) an analysis of the efforts of the Bureau to fulfill the fair lending mission of the Bureau.

**SEC. 1017. FUNDING; PENALTIES AND FINES.**

(a) TRANSFER OF FUNDS FROM BOARD OF GOVERNORS.—

(1) IN GENERAL.—Each year (or quarter of such year), beginning on the designated transfer date, and each quarter thereafter, the Board of Governors shall transfer to the Bureau from the combined earnings of the Federal Reserve System, the amount determined by the Director to be reasonably necessary to carry out the authorities of the Bureau under Federal consumer financial law, taking into account such other sums made available to the Bureau from the preceding year (or quarter of such year).

(2) FUNDING CAP.—

(A) IN GENERAL.—Notwithstanding paragraph (1), and in accordance with this paragraph, the amount that shall be transferred to the Bureau in each fiscal year shall not exceed a fixed percentage of the total operating expenses of the Federal Reserve System, as reported in the Annual Report, 2009, of the Board of Governors, equal to—

(i) 10 percent of such expenses in fiscal year 2011;

(ii) 11 percent of such expenses in fiscal year 2012; and

(iii) 12 percent of such expenses in fiscal year 2013, and in each year thereafter.

(B) AMOUNT ADJUSTED FOR INFLATION.—The dollar amount referred to in subparagraph (A)(iii) shall be adjusted annually, using the percent by which the average urban consumer price index for the quarter preceding the date of the payment differs from the average of that index for the same quarter in the prior year.

(3) TRANSITION PERIOD.—Beginning on the date of enactment of this Act and until the designated transfer date, the Board of Governors shall transfer to the Bureau the amount estimated by the Secretary needed to carry out the authorities granted to the Bureau under Federal consumer financial law, from the date of enactment of this Act until the designated transfer date.

(4) BUDGET AND FINANCIAL MANAGEMENT.—

(A) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the financial operating plans and forecasts of the Director, as prepared by the Director in the ordinary course of the operations of the Bureau, and copies of the quarterly reports of the financial condition and results of operations of the Bureau, as prepared by the Director in the ordinary course of the operations of the Bureau.

(B) FINANCIAL STATEMENTS.—The Bureau shall prepare annually a statement of—

(i) assets and liabilities and surplus or deficit;

(ii) income and expenses; and

(iii) sources and application of funds.

(C) FINANCIAL MANAGEMENT SYSTEMS.—The Bureau shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements and applicable Federal accounting standards.

(D) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General of the United States an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Bureau, using the standards established in section 3512(c) of title 31, United States Code.

(E) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any report, plan, forecast, or other information referred to in subparagraph (A) or any jurisdiction or oversight over the affairs or operations of the Bureau.

(5) AUDIT OF THE BUREAU.—

(A) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Bureau in accordance with the United States generally accepted government auditing standards, as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Bureau are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Bureau pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Bureau shall remain in possession and custody of the Bureau. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General, and the right of access of the Comptroller General to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

(B) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Bureau, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Bureau at the time submitted to the Congress.

(C) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Bureau shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.

(b) CONSUMER FINANCIAL PROTECTION FUND.—

(1) SEPARATE FUND IN FEDERAL RESERVE BOARD ESTABLISHED.—There is established in the Federal Reserve Board a separate fund, to be known as the ''Consumer Financial Protection Fund'' (referred to in this section as the ''Bureau Fund'').

(2) FUND RECEIPTS.—All amounts transferred to the Bureau under subsection (a) shall be deposited into the Bureau Fund.

(3) INVESTMENT AUTHORITY.—

(A) AMOUNTS IN BUREAU FUND MAY BE INVESTED.—The Bureau may request the Board

of Governors to invest the portion of the Bureau Fund that is not, in the judgment of the Bureau, required to meet the current needs of the Bureau.

(B) ELIGIBLE INVESTMENTS.—Investments authorized by this paragraph shall be made by the Board of Governors in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Bureau Fund, as determined by the Bureau.

(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Bureau Fund shall be credited to the Bureau Fund.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds obtained by, transferred to, or credited to the Bureau Fund shall be immediately available to the Bureau and under the control of the Director, and shall remain available until expended, to pay the expenses of the Bureau in carrying out its duties and responsibilities. The compensation of the Director and other employees of the Bureau and all other expenses thereof may be paid from, obtained by, transferred to, or credited to the Bureau Fund under this section.

(2) FUNDS THAT ARE NOT GOVERNMENT FUNDS.—Funds obtained by or transferred to the Bureau Fund shall not be construed to be Government funds or appropriated monies.

(3) AMOUNTS NOT SUBJECT TO APPORTIONMENT.—Notwithstanding any other provision of law, amounts in the Bureau Fund and in the Civil Penalty Fund established under subsection (d) shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or under any other authority.

(d) PENALTIES AND FINES.—

(1) ESTABLISHMENT OF VICTIMS RELIEF FUND.—There is established in the Federal Reserve Board a fund to be known as the ''Consumer Financial Protection Civil Penalty Fund'' (referred to in this subsection as the ''Civil Penalty Fund''). If the Bureau obtains a civil penalty against any person in any judicial or administrative action under Federal consumer financial laws, the Bureau shall deposit into the Civil Penalty Fund, the amount of the penalty collected.

(2) PAYMENT TO VICTIMS.—Amounts in the Civil Penalty Fund shall be available to the Bureau, without fiscal year limitation, for payments to the victims of activities for which civil penalties have been imposed under the Federal consumer financial laws. To the extent such victims cannot be located or such payments are otherwise not practicable, the Bureau may use such funds for the purpose of consumer education and financial literacy programs.

**SEC. 1018. EFFECTIVE DATE.**

This subtitle shall become effective on the date of enactment of this Act.

**Subtitle B—General Powers of the Bureau**

**SEC. 1021. PURPOSE, OBJECTIVES, AND FUNCTIONS.**

(a) PURPOSE.—The Bureau shall seek to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that markets for consumer financial products and services are fair, transparent, and competitive.

(b) OBJECTIVES.—The Bureau is authorized to exercise its authorities under Federal consumer financial law for the purposes of ensuring that, with respect to consumer financial products and services—

(1) consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

(2) consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

(3) outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

(4) Federal consumer financial law is enforced consistently, without regard to the status of a person as a depository institution, in order to promote fair competition; and

(5) markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

(c) FUNCTIONS.—The primary functions of the Bureau are—

(1) conducting financial education programs;

(2) collecting, investigating, and responding to consumer complaints;

(3) collecting, researching, monitoring, and publishing information relevant to the functioning of markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets;

(4) subject to sections 1024 through 1026, supervising covered persons for compliance with Federal consumer financial law, and taking appropriate enforcement action to address violations of Federal consumer financial law;

(5) issuing rules, orders, and guidance implementing Federal consumer financial law; and

(6) performing such support activities as may be necessary or useful to facilitate the other functions of the Bureau.

**SEC. 1022. RULEMAKING AUTHORITY.**

(a) IN GENERAL.—The Bureau is authorized to exercise its authorities under Federal consumer financial law to administer, enforce, and otherwise implement the provisions of Federal consumer financial law.

(b) RULEMAKING, ORDERS, AND GUIDANCE.—

(1) GENERAL AUTHORITY.—The Director may prescribe rules and issue orders and guidance, as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.

(2) STANDARDS FOR RULEMAKING.—In prescribing a rule under the Federal consumer financial laws—

(A) the Bureau shall consider the potential benefits and costs to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services resulting from such rule;

(B) the Bureau shall consult with the appropriate prudential regulators or other Federal agencies prior to proposing a rule and during the comment process regarding consistency with prudential, market, or systemic objectives administered by such agencies; and

(C) if, during the consultation process described in subparagraph (B), a prudential regulator provides the Bureau with a written objection to the proposed rule of the Bureau or a portion thereof, the Bureau shall include in the adopting release a description of the objection and the basis for the Bureau decision, if any, regarding such objection, except that nothing in this clause shall be construed as altering or limiting the procedures under section 1023 that may apply to any rule prescribed by the Bureau.

(3) EXEMPTIONS.—

(A) IN GENERAL.—The Bureau, by rule, may conditionally or unconditionally exempt any class of covered persons, service providers, or consumer financial products or services, from any provision of this title, or from any rule issued under this title, as the Bureau determines necessary or appropriate to carry out the purposes and objectives of this title, taking into consideration the factors in subparagraph (B).

(B) FACTORS.—In issuing an exemption, as permitted under subparagraph (A), the Bureau shall, as appropriate, take into consideration—

(i) the total assets of the class of covered persons;

(ii) the volume of transactions involving consumer financial products or services in which the class of covered persons engages; and

(iii) existing provisions of law which are applicable to the consumer financial product or service and the extent to which such provisions provide consumers with adequate protections.

(4) EXCLUSIVE RULEMAKING AUTHORITY.—Notwithstanding any other provisions of Federal law, to the extent that a provision of Federal consumer financial law authorizes the Bureau and another Federal agency to issue regulations under that provision of law for purposes of assuring compliance with Federal consumer financial law and any regulations thereunder, the Bureau shall have the exclusive authority to prescribe rules subject to those provisions of law.

(c) MONITORING.—

(1) IN GENERAL.—In order to support its rulemaking and other functions, the Bureau shall monitor for risks to consumers in the offering or provision of consumer financial products or services, including developments in markets for such products or services.

(2) CONSIDERATIONS.—In allocating its resources to perform the monitoring required by this section, the Bureau may consider, among other factors—

(A) likely risks and costs to consumers associated with buying or using a type of consumer financial product or service;

(B) understanding by consumers of the risks of a type of consumer financial product or service;

(C) the legal protections applicable to the offering or provision of a consumer financial product or service, including the extent to which the law is likely to adequately protect consumers;

(D) rates of growth in the offering or provision of a consumer financial product or service;

(E) the extent, if any, to which the risks of a consumer financial product or service may disproportionately affect traditionally underserved consumers; or

(F) the types, number, and other pertinent characteristics of covered persons that offer or provide the consumer financial product or service.

(3) REPORTS.—The Bureau shall publish not fewer than 1 report of significant findings of its monitoring required by this subsection in each calendar year, beginning with the first calendar year that begins at least 1 year after the designated transfer date.

(4) COLLECTION OF INFORMATION.—In conducting research on the offering and provision of consumer financial products or services, the Bureau shall have the authority to gather information from time to time regarding the organization, business conduct, markets, and activities of persons operating in consumer financial services markets. In order to gather such information, the Bureau may—

(A) gather and compile information from examination reports concerning covered persons or service providers, assessment of consumer complaints, surveys, and interviews of covered persons and consumers, and review of available databases;

(B) require persons to file with the Bureau, under oath or otherwise, in such form and within such reasonable period of time as the Bureau may prescribe, by rule or order, annual or special reports, or answers in writing to specific questions, furnishing such information as the Bureau may require; and

(C) make public such information obtained by the Bureau under this section, as is in the public interest in reports or otherwise in the manner best suited for public information and use.

(5) CONFIDENTIALITY RULES.—The Bureau shall prescribe rules regarding the confidential treatment of information obtained from persons in connection with the exercise of its authorities under Federal consumer financial law.

(A) ACCESS BY THE BUREAU TO REPORTS OF OTHER REGULATORS.—

(i) EXAMINATION AND FINANCIAL CONDITION REPORTS.—Upon providing reasonable assurances of confidentiality, the Bureau shall have access to any report of examination or financial condition made by a prudential regulator or other Federal agency having jurisdiction over a covered person or service provider, and to all revisions made to any such report.

(ii) PROVISION OF OTHER REPORTS TO THE BUREAU.—In addition to the reports described in clause (i), a prudential regulator or other Federal agency having jurisdiction over a covered person or service provider may, in its discretion, furnish to the Bureau any other report or other confidential supervisory information concerning any insured depository institution, credit union, or other entity examined by such agency under authority of any provision of Federal law.

(B) ACCESS BY OTHER REGULATORS TO REPORTS OF THE BUREAU.—

(i) EXAMINATION REPORTS.—Upon providing reasonable assurances of confidentiality, a prudential regulator, a State regulator, or any other Federal agency having jurisdiction over a covered person or service provider shall have access to any report of examination made by the Bureau with respect to such person, and to all revisions made to any such report.

(ii) PROVISION OF OTHER REPORTS TO OTHER REGULATORS.—In addition to the reports described in clause (i), the Bureau may, in its discretion, furnish to a prudential regulator or other agency having jurisdiction over a covered person or service provider any other report or other confidential supervisory information concerning such person examined by the Bureau under the authority of any other provision of Federal law.

(6) PRIVACY CONSIDERATIONS.—In collecting information from any person, publicly releasing information held by the Bureau, or requiring covered persons to publicly report information, the Bureau shall take steps to ensure that proprietary, personal, or confidential consumer information that is protected from public disclosure under section 552(b) or 552a of title 5, United States Code, or any other provision of law, is not made public under this title.

(d) ASSESSMENT OF SIGNIFICANT RULES.—

(1) IN GENERAL.—The Bureau shall conduct an assessment of each significant rule or order adopted by the Bureau under Federal consumer financial law. The assessment shall address, among other relevant factors, the effectiveness of the rule or order in meeting the purposes and objectives of this title and the specific goals stated by the Bureau. The assessment shall reflect available evidence and any data that the Bureau reasonably may collect.

(2) REPORTS.—The Bureau shall publish a report of its assessment under this subsection not later than 5 years after the effective date of the subject rule or order.

(3) PUBLIC COMMENT REQUIRED.—Before publishing a report of its assessment, the Bureau shall invite public comment on recommendations for modifying, expanding, or eliminating the newly adopted significant rule or order.

(e) INFORMATION GATHERING.—In conducting any monitoring or assessment required by this section, the Bureau may gather information through a variety of methods, including by conducting surveys or interviews of consumers.

**SEC. 1023. REVIEW OF BUREAU REGULATIONS.**

(a) REVIEW OF BUREAU REGULATIONS.—On the petition of a member agency of the Council, the Council may set aside a final regulation prescribed by the Bureau, or any provision thereof, if the Council decides, in accordance with subsection (c), that the regulation or provision would put the safety and soundness of the United States banking system or the stability of the financial system of the United States at risk.

(b) PETITION.—

(1) PROCEDURE.—An agency represented by a member of the Council may petition the Council, in writing, and in accordance with rules prescribed pursuant to subsection (f), to stay the effectiveness of, or set aside, a regulation if the member agency filing the petition—

(A) has in good faith attempted to work with the Bureau to resolve concerns regarding the effect of the rule on the safety and soundness of the United States banking system or the stability of the financial system of the United States; and

(B) files the petition with the Council not later than 10 days after the date on which the regulation has be

(C) en published in the Federal Register.

(2) PUBLICATION.—Any petition filed with the Council under this section shall be published in the Federal Register and transmitted contemporaneously with filing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(c) STAYS AND SET ASIDES.—

(1) STAY.—

(A) IN GENERAL.—Upon the request of any member agency, the Chairperson of the Council may stay the effectiveness of a regulation for the purpose of allowing appropriate consideration of the petition by the Council.

(B) EXPIRATION.—A stay issued under this paragraph shall expire on the earlier of—

(i) 90 days after the date of filing of the petition under subsection (b); or

(ii) the date on which the Council makes a decision under paragraph (3).

(2) NO ADVERSE INFERENCE.—After the expiration of any stay imposed under this section, no inference shall be drawn regarding the validity or enforceability of a regulation which was the subject of the petition.

(3) VOTE.—

(A) IN GENERAL.—The decision to issue a stay of, or set aside, any regulation under this section shall be made only with the affirmative vote in accordance with subparagraph (B) of ⅔ of the members of the Council then serving.

(B) AUTHORIZATION TO VOTE.—A member of the Council may vote to stay the effectiveness of, or set aside, a final regulation prescribed by the Bureau only if the agency or department represented by that member has—

(i) considered any relevant information provided by the agency submitting the petition and by the Bureau; and

(ii) made an official determination, at a public meeting where applicable, that the regulation which is the subject of the petition would put the safety and soundness of the United States banking system or the stability of the financial system of the United States at risk.

(4) DECISIONS TO SET ASIDE.—

(A) EFFECT OF DECISION.—A decision by the Council to set aside a regulation prescribed by the Bureau, or provision thereof, shall render such regulation, or provision thereof, unenforceable.

(B) TIMELY ACTION REQUIRED.—The Council may not issue a decision to set aside a regulation, or provision thereof, which is the subject of a petition under this section after the expiration of the later of—

(i) 45 days following the date of filing of the petition, unless a stay is issued under paragraph (1); or

(ii) the expiration of a stay issued by the Council under this section.

(C) SEPARATE AUTHORITY.—The issuance of a stay under this section does not affect the authority of the Council to set aside a regulation.

(5) DISMISSAL DUE TO INACTION.—A petition under this section shall be deemed dismissed if the Council has not issued a decision to set aside a regulation, or provision thereof, within the period for timely action under paragraph (4)(B).

(6) PUBLICATION OF DECISION.—Any decision under this subsection to issue a stay of, or set aside, a regulation or provision thereof shall be published by the Council in the Federal Register as soon as practicable after the decision is made, with an explanation of the reasons for the decision.

(7) RULEMAKING PROCEDURES INAPPLICABLE.—The notice and comment procedures under section 553 of title 5, United States Code, shall not apply to any decision under this section of the Council to issue a stay of, or set aside, a regulation.

(8) JUDICIAL REVIEW OF DECISIONS BY THE COUNCIL.—A decision by the Council to set aside a regulation prescribed by the Bureau, or provision thereof, shall be subject to review under chapter 7 of title 5, United States Code.

(d) APPLICATION OF OTHER LAW.—Nothing in this section shall be construed as altering, limiting, or restricting the application of any other provision of law, except as otherwise specifically provided in this section, including chapter 5 and chapter 7 of title 5, United States Code, to a regulation which is the subject of a petition filed under this section.

(e) SAVINGS CLAUSE.—Nothing in this section shall be construed as limiting or restricting the Bureau from engaging in a rulemaking in accordance with applicable law.

(f) IMPLEMENTING RULES.—The Council shall prescribe procedural rules to implement this section.

**SEC. 1024. SUPERVISION OF NONDEPOSITORY COVERED PERSONS.**

(a) SCOPE OF COVERAGE.—

(1) APPLICABILITY.—Notwithstanding any other provision of this title, and except as provided in paragraph (3), this section shall apply to any covered person who—

(A) offers or provides origination, brokerage, or servicing of loans secured by real estate for use by consumers primarily for personal, family, or household purposes, or loan modification or foreclosure relief services in connection with such loans; or

(B) is a larger participant of a market for other consumer financial products or services, as defined by rule in accordance with paragraph (2).

(2) RULEMAKING TO DEFINE COVERED PERSONS SUBJECT TO THIS SECTION.—The Bureau shall consult with the Federal Trade Commission prior to issuing a rule to define covered persons subject to this section, in accordance with paragraph (1)(B). The Bureau shall issue its initial rule within 1 year of the designated transfer date.

(3) RULES OF CONSTRUCTION.—

(A) CERTAIN PERSONS EXCLUDED.—This section shall not apply to persons described in section 1025(a) or 1026(a).

(B) ACTIVITY LEVELS.—For purposes of computing activity levels under paragraph (1) or rules issued thereunder, activities of affiliated companies (other than insured depository institutions or insured credit unions) shall be aggregated.

(b) SUPERVISION.—

(1) IN GENERAL.—The Bureau shall require reports and conduct examinations on a periodic basis of persons described in subsection (a) for purposes of—

(A) assessing compliance with the requirements of Federal consumer financial law;

(B) obtaining information about the activities and compliance systems or procedures of such person; and

(C) detecting and assessing risks to consumers and to markets for consumer financial products and services.

(2) RISK-BASED SUPERVISION PROGRAM.—The Bureau shall exercise its authority under paragraph (1) in a manner designed to ensure that such exercise, with respect to persons described in subsection (a), is based on the assessment by the Bureau of the risks posed to consumers in the relevant product markets and geographic markets, and taking into consideration, as applicable—

(A) the asset size of the covered person;

(B) the volume of transactions involving consumer financial products or services in which the covered person engages;

(C) the risks to consumers created by the provision of such consumer financial products or services;

(D) the extent to which such institutions are subject to oversight by State authorities for consumer protection; and

(E) any other factors that the Bureau determines to be relevant to a class of covered persons.

(3) COORDINATION.—To minimize regulatory burden, the Bureau shall coordinate its supervisory activities with the supervisory activities conducted by prudential regulators and the State bank regulatory authorities, including establishing their respective schedules for examining persons described in subsection (a) and requirements regarding reports to be submitted by such persons.

(4) USE OF EXISTING REPORTS.—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to persons described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(5) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as limiting the authority of the Director to require reports from persons described in subsection (a), as permitted under paragraph (1), regarding information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(6) REPORTS OF TAX LAW NONCOMPLIANCE.—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(7) REGISTRATION, RECORDKEEPING, AND OTHER REQUIREMENTS FOR CERTAIN PERSONS.—

(A) IN GENERAL.—The Bureau shall prescribe rules to facilitate supervision of persons described in subsection (a) and assessment and detection of risks to consumers.

(B) REGISTRATION.—

(i) IN GENERAL.—The Bureau shall prescribe rules regarding registration requirements for persons described in subsection (a).

(ii) EXCEPTION FOR RELATED PERSONS.—The Bureau may not impose requirements under this section regarding the registration of a related person.

(iii) REGISTRATION INFORMATION.—Subject to rules prescribed by the Bureau, the Bureau shall publicly disclose the registration information about persons described in subsection (a) to facilitate the ability of consumers to identify persons described in subsection (a) registered with the Bureau.

(C) RECORDKEEPING.—The Bureau may require a person described in subsection (a), to generate, provide, or retain records for the purposes of facilitating supervision of such persons and assessing and detecting risks to consumers.

(D) REQUIREMENTS CONCERNING OBLIGATIONS.—The Bureau may prescribe rules regarding a person described in subsection (a), to ensure that such persons are legitimate entities and are able to perform their obligations to consumers. Such requirements may include background checks for principals, officers, directors, or key personnel and bonding or other appropriate financial requirements.

(E) CONSULTATION WITH STATE AGENCIES.—In developing and implementing requirements under this paragraph, the Bureau shall consult with State agencies regarding requirements or systems (including coordinated or combined systems for registration), where appropriate.

(c) EXCLUSIVE ENFORCEMENT AUTHORITY.—

(1) THE BUREAU TO HAVE EXCLUSIVE ENFORCEMENT AUTHORITY.—To the extent that Federal law authorizes the Bureau and another Federal agency to enforce Federal consumer financial law, the Bureau shall have exclusive authority to enforce that Federal consumer financial law with respect to any person described in subsection (a)(1)(B).

(2) REFERRAL.—Any Federal agency authorized to enforce a Federal consumer financial law described in paragraph (1) may recommend in writing to the Bureau that the Bureau initiate an enforcement proceeding, as the Bureau is authorized by that Federal law or by this title.

(3) COORDINATION WITH THE FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—The Bureau and the Federal Trade Commission shall coordinate enforcement actions for violations of Federal law regarding the offering or provision of consumer financial products or services by any covered person that is described in subsection (a)(1)(A), or service providers thereto. In carrying out this subparagraph, the agencies shall negotiate an agreement to establish procedures for such coordination, including procedures for notice to the other agency, where feasible, prior to initiating a civil action to enforce a Federal law regarding the offering or provision of consumer financial products or services.

(B) CIVIL ACTIONS.—Whenever a civil action has been filed by, or on behalf of, the Bureau or the Federal Trade Commission for any violation of any provision of Federal law described in subparagraph (A), or any regulation prescribed under such provision of law—

(i) the other agency may not, during the pendency of that action, institute a civil action under such provision of law against any defendant named in the complaint in such pending action for any violation alleged in the complaint; and

(ii) the Bureau or the Federal Trade Commission may intervene as a party in any such action brought by the other agency, and, upon intervening—

(I) be heard on all matters arising in such enforcement action; and

(II) file petitions for appeal in such actions.

(C) AGREEMENT TERMS.—The terms of any agreement negotiated under subparagraph (A) may modify or supersede the provisions of subparagraph (B).

(D) DEADLINE.—The agencies shall reach the agreement required under subparagraph (A) not later than 6 months after the designated transfer date.

(d) EXCLUSIVE RULEMAKING AND EXAMINATION AUTHORITY.—Notwithstanding any other provision of Federal law, to the extent that Federal law authorizes the Bureau and another Federal agency to issue regulations or guidance, conduct examinations, or require reports from a person described in subsection (a) under such law for purposes of assuring compliance with Federal consumer financial law and any regulations thereunder, the Bureau shall have the exclusive authority to prescribe rules, issue guidance, conduct examinations, require reports, or issue exemptions with regard to a person described in subsection (a), subject to those provisions of law.

(e) SERVICE PROVIDERS.—A service provider to a person described in subsection (a) shall be subject to the authority of the Bureau under this section, to the same extent as if such service provider were engaged in a service relationship with a bank, and the Bureau were an appropriate Federal banking agency under section 7(c) of the Bank Service Company Act (12 U.S.C. 1867(c)). In conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator, as applicable.

(f) PRESERVATION OF FARM CREDIT ADMINISTRATION AUTHORITY.—No provision of this title may be construed as modifying, limiting, or otherwise affecting the authority of the Farm Credit Administration.

**SEC. 1025. SUPERVISION OF VERY LARGE BANKS, SAVINGS ASSOCIATIONS, AND CREDIT UNIONS.**

(a) SCOPE OF COVERAGE.—

(1) APPLICABILITY.—This section shall apply to any covered person that is—

(A) an insured depository institution with total assets of more than $10,000,000,000 and any affiliate thereof; or

(B) an insured credit union with total assets of more than $10,000,000,000 and any affiliate thereof.

(2) RULE OF CONSTRUCTION.—For purposes of determining total assets under this section and section 1026, the Bureau shall rely on the same regulations and interim methodologies specified in section 312(e).

(b) SUPERVISION.—

(1) IN GENERAL.—The Bureau shall require reports and conduct examinations on a periodic basis of persons described in subsection (a) for purposes of—

(A) assessing compliance with the requirements of Federal consumer financial laws;

(B) obtaining information about the activities and compliance systems or procedures of such persons; and

(C) detecting and assessing risks to consumers and to markets for consumer financial products and services.

(2) COORDINATION.—To minimize regulatory burden, the Bureau shall coordinate its supervisory activities with the supervisory activities conducted by prudential regulators and the State bank regulatory authorities, including establishing their respective schedules for examining such persons described in subsection (a) and requirements regarding reports to be submitted by such persons.

(3) USE OF EXISTING REPORTS.—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to a person described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(4) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as limiting the authority of the Director to require reports from a person described in subsection (a), as permitted under paragraph (1), regarding information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(5) REPORTS OF TAX LAW NONCOMPLIANCE.—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(c) PRIMARY ENFORCEMENT AUTHORITY.—

(1) THE BUREAU TO HAVE PRIMARY ENFORCEMENT AUTHORITY.—To the extent that the Bureau and another Federal agency are authorized to enforce a Federal consumer financial law, the Bureau shall have primary authority to enforce that Federal consumer financial law with respect to any person described in subsection (a).

(2) REFERRAL.—Any Federal agency, other than the Federal Trade Commission, that is authorized to enforce a Federal consumer financial law may recommend, in writing, to the Bureau that the Bureau initiate an enforcement proceeding with respect to a person described in subsection (a), as the Bureau is authorized to do by that Federal consumer financial law.

(3) BACKUP ENFORCEMENT AUTHORITY OF OTHER FEDERAL AGENCY.—If the Bureau does not, before the end of the 120-day period beginning on the date on which the Bureau receives a recommendation under paragraph (2), initiate an enforcement proceeding, the other agency referred to in paragraph (2) may initiate an enforcement proceeding, as permitted by the subject provision of Federal law.

(d) SERVICE PROVIDERS.—A service provider to a person described in subsection (a) shall be subject to the authority of the Bureau under this section, to the same extent as if the Bureau were an appropriate Federal banking agency under section 7(c) of the Bank Service Company Act 12 U.S.C. 1867(c). In conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator.

(e) SIMULTANEOUS AND COORDINATED SUPERVISORY ACTION.—

(1) EXAMINATIONS.—A prudential regulator and the Bureau shall, with respect to each insured depository institution, insured credit union, or other covered person described in subsection (a) that is supervised by the prudential regulator and the Bureau, respectively—

(A) coordinate the scheduling of examinations of the insured depository institution, insured credit union, or other covered person described in subsection (a);

(B) conduct simultaneous examinations of each insured depository institution, insured credit union, or other covered person described in subsection (a), unless such institution requests examinations to be conducted separately;

(C) share each draft report of examination with the other agency and permit the receiving agency a reasonable opportunity (which shall not be less than a period of 30 days after the date of receipt) to comment on the draft report before such report is made final; and

(D) prior to issuing a final report of examination or taking supervisory action, take into consideration concerns, if any, raised in the comments made by the other agency.

(2) COORDINATION WITH STATE BANK SUPERVISORS.—The Bureau shall pursue arrangements and agreements with State bank supervisors to coordinate examinations, consistent with paragraph (1).

(3) AVOIDANCE OF CONFLICT IN SUPERVISION.—

(A) REQUEST.—If the proposed supervisory determinations of the Bureau and a prudential regulator (in this section referred to collectively as the ''agencies'') are conflicting, an insured depository institution, insured credit union, or other covered person described in subsection (a) may request the agencies to coordinate and present a joint statement of coordinated supervisory action.

(B) JOINT STATEMENT.—The agencies shall provide a joint statement under subparagraph (A), not later than 30 days after the date of receipt of the request of the insured depository institution, credit union, or covered person described in subsection (a).

(4) APPEALS TO GOVERNING PANEL.—

(A) IN GENERAL.—If the agencies do not resolve the conflict or issue a joint statement required by subparagraph (B), or if either of the agencies takes or attempts to take any supervisory action relating to the request for the joint statement without the consent of the other agency, an insured depository institution, insured credit union, or other covered person described in subsection (a) may institute an appeal to a governing panel, as provided in this subsection, not later than 30 days after the expiration of the period during which a joint statement is required to be filed under paragraph (3)(B).

(B) COMPOSITION OF GOVERNING PANEL.—The governing panel for an appeal under this paragraph shall be composed of—

(i) a representative from the Bureau and a representative of the prudential regulator, both of whom—

(I) have not participated in the material supervisory determinations under appeal; and

(II) do not directly or indirectly report to the person who participated materially in the supervisory determinations under appeal; and

(ii) one individual representative, to be determined on a rotating basis, from among the Board of Governors, the Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency, other than any agency involved in the subject dispute.

(C) CONDUCT OF APPEAL.—In an appeal under this paragraph—

(i) the insured depository institution, insured credit union, or other covered person described in subsection (a)—

(I) shall include in its appeal all the facts and legal arguments pertaining to the matter; and

(II) may, through counsel, employees, or representatives, appear before the governing panel in person or by telephone; and

(ii) the governing panel—

(I) may request the insured depository institution, insured credit union, or other covered person described in subsection (a), the Bureau, or the prudential regulator to produce additional information relevant to the appeal; and

(II) by a majority vote of its members, shall provide a final determination, in writing, not later than 30 days after the date of filing of an informationally complete appeal, or such longer period as the panel and the insured depository institution, insured credit union, or other covered person described in subsection (a) may jointly agree.

(D) PUBLIC AVAILABILITY OF DETERMINATIONS.—A governing panel shall publish all information contained in a determination by the governing panel, with appropriate redactions of information that would be subject to an exemption from disclosure under section 552 of title 5, United States Code.

(E) PROHIBITION AGAINST RETALIATION.—The Bureau and the prudential regulators shall prescribe rules to provide safeguards from retaliation against the insured depository institution, insured credit union, or other covered person described in subsection (a) instituting an appeal under this paragraph, as well as their officers and employees.

(F) LIMITATION.—The process provided in this paragraph shall not apply to a determination by a prudential regulator to appoint a conservator or receiver for an insured depository institution or a liquidating agent for an insured credit union, as the case may be, or a decision to take action pursuant to section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o) or section 212 of the Federal Credit Union Act (112 U.S.C. 1790a), as applicable.

(G) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall modify or limit the authority of the Bureau to interpret, or take enforcement action under, any Federal consumer financial law.

**SEC. 1026. OTHER BANKS, SAVINGS ASSOCIATIONS, AND CREDIT UNIONS.**

(a) SCOPE OF COVERAGE.—This section shall apply to any covered person that is—

(1) an insured depository institution with total assets of $10,000,000,000 or less; or

(2) an insured credit union with total assets of $10,000,000,000 or less.

(b) REPORTS.—The Director may require reports from a person described in subsection (a), as necessary to support the role of the Bureau in implementing Federal consumer financial law, to support its examination activities under subsection (c), and to assess and detect risks to consumers and consumer financial markets.

(1) USE OF EXISTING REPORTS.—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to a person described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(2) PRESERVATION OF AUTHORITY.—Nothing in this subsection may be construed as limiting the authority of the Director from requiring from a person described in subsection

(a), as permitted under paragraph (1), information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(3) REPORTS OF TAX LAW NONCOMPLIANCE.—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(c) EXAMINATIONS.—

(1) IN GENERAL.—The Bureau may, at its discretion, include examiners on a sampling basis of the examinations performed by the prudential regulator of persons described in subsection (a).

(2) AGENCY COORDINATION.—The prudential regulator shall—

(A) provide all reports, records, and documentation related to the examination process for any institution included in the sample referred to in paragraph (1) to the Bureau on a timely and continual basis;

(B) involve such Bureau examiner in the entire examination process for such person; and

(C) consider input of the Bureau concerning the scope of an examination, conduct of the examination, the contents of the examination report, the designation of matters requiring attention, and examination ratings.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Except for requiring reports under subsection (b), the prudential regulator shall have exclusive authority to enforce compliance with respect to a person described in subsection (a).

(2) COORDINATION WITH PRUDENTIAL REGULATOR.—

(A) REFERRAL.—When the Bureau has reason to believe that a person described in subsection (a) has engaged in a material violation of a Federal consumer financial law, the Bureau shall notify the prudential regulator in writing and recommend appropriate action to respond.

(B) RESPONSE.—Upon receiving a recommendation under subparagraph (A), the prudential regulator shall provide a written response to the Bureau not later than 60 days thereafter.

(e) SERVICE PROVIDERS.—A service provider to a substantial number of persons described in subsection (a) shall be subject to the authority of the Bureau under section 1025 to the same extent as if the Bureau were an appropriate Federal bank agency under section 7(c) of the Bank Service Company Act (12 U.S.C. 1867(c)). When conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator.

**SEC. 1027. LIMITATIONS ON AUTHORITIES OF THE BUREAU; PRESERVATION OF AUTHORITIES.**

(a) EXCLUSION FOR MERCHANTS, RETAILERS, AND OTHER SELLERS OF NONFINANCIAL GOODS OR SERVICES.—

(1) SALE OR BROKERAGE OF NONFINANCIAL GOOD OR SERVICE.—The Bureau may not exercise any rulemaking, supervisory, enforcement or other authority under this title with respect to a person who is a merchant, retailer, or seller of any nonfinancial good or service and is engaged in the sale or brokerage of such nonfinancial good or service, except to the extent that such person is engaged in offering or providing any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(2) OFFERING OR PROVISION OF CERTAIN CONSUMER FINANCIAL PRODUCTS OR SERVICES IN CONNECTION WITH THE SALE OR BROKERAGE OF NONFINANCIAL GOOD OR SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and subject to subparagraph (C), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services who—

(i) extends credit directly to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service (other than credit described in this subparagraph), exclusively for the purpose of enabling that consumer to purchase such nonfinancial good or service directly from the merchant, retailer, or seller;

(ii) directly, or through an agreement with another person, collects debt arising from credit extended as described in clause (i); or

(iii) sells or conveys debt described in clause (i) that is delinquent or otherwise in default.

(B) APPLICABILITY.—Subparagraph (A) does not apply to any credit transaction or collection of debt, other than as described in subparagraph (C), arising from a transaction described in subparagraph (A)—

(i) in which the merchant, retailer, or seller of nonfinancial goods or services assigns, sells or otherwise conveys to another person such debt owed by the consumer (except for a sale of debt that is delinquent or otherwise in default, as described in subparagraph (A)(iii));

(ii) in which the credit extended exceeds the market value of the nonfinancial good or service provided, or the Bureau otherwise finds that the sale of the nonfinancial good or service is done as a subterfuge, so as to evade or circumvent the provisions of this title; or

(iii) in which the merchant, retailer, or seller of nonfinancial goods or services regularly extends credit and the credit is—

(I) subject to a finance charge; or

(II) payable by written agreement in more than 4 installments.

(C) LIMITATION.—Notwithstanding subparagraph (B), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services that is not engaged significantly in offering or providing consumer financial products or services.

(D) RULE OF CONSTRUCTION.—No provision of this title may be construed as modifying, limiting, or superseding the supervisory or enforcement authority of the Federal Trade Commission or any other agency (other than the Bureau) with respect to credit extended, or the collection of debt arising from such extension, directly by a merchant or retailer to a consumer exclusively for the purpose of enabling that consumer to purchase nonfinancial goods or services directly from the merchant or retailer.

(b) EXCLUSION FOR REAL ESTATE BROKERAGE ACTIVITIES.—

(1) REAL ESTATE BROKERAGE ACTIVITIES EXCLUDED.—Without limiting subsection (a), and except as permitted in paragraph (2), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a person that is licensed or registered as a real estate broker or real estate agent, in accordance with State law, to the extent that such person—

(A) acts as a real estate agent or broker for a buyer, seller, lessor, or lessee of real property;

(B) brings together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(C) negotiates, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with the provision of financing with respect to any such transaction); or

(D) offers to engage in any activity, or act in any capacity, described in subparagraph (A), (B), or (C).

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) shall not apply to any person to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(c) EXCLUSION FOR MANUFACTURED HOME RETAILERS AND MODULAR HOME RETAILERS.—

(1) IN GENERAL.—The Director may not exercise any rulemaking, supervisory, enforcement, or other authority over a person to the extent that—

(A) such person is not described in paragraph (2); and

(B) such person—

(i) acts as an agent or broker for a buyer or seller of a manufactured home or a modular home;

(ii) facilitates the purchase by a consumer of a manufactured home or modular home, by negotiating the purchase price or terms of the sales contract (other than providing financing with respect to such transaction); or

(iii) offers to engage in any activity described in clause (i) or (ii).

(2) DESCRIPTION OF ACTIVITIES.—A person is described in this paragraph to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) MANUFACTURED HOME.—The term ''manufactured home'' has the same meaning as in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402).

(B) MODULAR HOME.—The term ''modular home'' means a house built in a factory in 2 or more modules that meet the State or local building codes where the house will be located, and where such modules are transported to the building site, installed on foundations, and completed.

(d) EXCLUSION FOR ACCOUNTANTS AND TAX PREPARERS.—

(1) IN GENERAL.—Except as permitted in paragraph (2), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority over—

(A) any person that is a certified public accountant, permitted to practice as a certified public accounting firm, or certified or licensed for such purpose by a State, or any individual who is employed by or holds an ownership interest with respect to a person described in this subparagraph, when such person is performing or offering to perform—

(i) customary and usual accounting activities, including the provision of accounting, tax, advisory, or other services that are subject to the regulatory authority of a State board of accountancy or a Federal authority; or

(ii) other services that are incidental to such customary and usual accounting activities, to the extent that such incidental services are not offered or provided—

(I) by the person separate and apart from such customary and usual accounting activities; or

(II) to consumers who are not receiving such customary and usual accounting activities; or

(B) any person, other than a person described in subparagraph (A) that performs income tax preparation activities for consumers.

(2) DESCRIPTION OF ACTIVITIES.—

(A) IN GENERAL.—Paragraph (1) shall not apply to any person described in paragraph (1)(A) or (1)(B) to the extent that such person is engaged in any activity which is not a customary and usual accounting activity described in paragraph (1)(A) or incidental thereto but which is the offering or provision of any consumer financial product or service, except to the extent that a person described in paragraph (1)(A) is engaged in an activity which is a customary and usual accounting activity described in paragraph (1)(A), or incidental thereto.

(B) NOT A CUSTOMARY AND USUAL ACCOUNTING ACTIVITY.—For purposes of this subsection, extending or brokering credit is not a customary and usual accounting activity, or incidental thereto.

(C) RULE OF CONSTRUCTION.—For purposes of subparagraphs (A) and (B), a person described in paragraph (1)(A) shall not be deemed to be extending credit, if such person is only extending credit directly to a consumer, exclusively for the purpose of enabling such consumer to purchase services described in clause (i) or (ii) of paragraph (1)(A) directly from such person, and such credit is—

(i) not subject to a finance charge; and

(ii) not payable by written agreement in more than 4 installments.

(D) OTHER LIMITATIONS.—Paragraph (1) does not apply to any person described in paragraph (1)(A) or (1)(B) that is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(e) EXCLUSION FOR ATTORNEYS.—

(1) IN GENERAL.—The Bureau may not exercise any authority to conduct examinations of an attorney licensed by a State, to the extent that the attorney is engaged in the practice of law under the laws of such State.

(2) EXCEPTION FOR ENUMERATED CONSUMER LAWS AND TRANSFERRED AUTHORITIES.—Paragraph (1) shall not apply to an attorney who is engaged in the offering or provision of any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(f) EXCLUSION FOR PERSONS REGULATED BY A STATE INSURANCE REGULATOR.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of any State insurance regulator to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by a State insurance regulator. Except as provided in paragraph (2), the Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by a State insurance regulator.

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) does not apply to any person described in such paragraph to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(g) EXCLUSION FOR EMPLOYEE BENEFIT AND COMPENSATION PLANS AND CERTAIN OTHER ARRANGEMENTS UNDER THE INTERNAL REVENUE CODE OF 1986.—

(1) PRESERVATION OF AUTHORITY OF OTHER AGENCIES.—No provision of this title shall be construed as altering, amending, or affecting the authority of the Secretary of the Treasury, the Secretary of Labor, or the Commissioner of Internal Revenue to adopt regulations, initiate enforcement proceedings, or take any actions with respect to any specified plan or arrangement.

(2) ACTIVITIES NOT CONSTITUTING THE OFFERING OR PROVISION OF ANY CONSUMER FINANCIAL PRODUCT OR SERVICE.—For purposes of this title, a person shall not be treated as having engaged in the offering or provision of any consumer financial product or service solely because such person is a specified plan or arrangement, or is engaged in the activity of establishing or maintaining, for the benefit of employees of such person (or for members of an employee organization), any specified plan or arrangement.

(3) LIMITATION ON BUREAU AUTHORITY.—

(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the Bureau may not exercise any rulemaking or enforcement authority with respect to products or services that relate to any specified plan or arrangement.

(B) BUREAU ACTION ONLY PURSUANT TO AGENCY REQUEST.—The Secretary and the Secretary of Labor may jointly issue a written request to the Bureau regarding implementation of appropriate consumer protection standards under this title with respect to the provision of services relating to any specified plan or arrangement. Subject to a request made under this subparagraph, the Bureau may exercise rulemaking authority, and may act to enforce a rule prescribed pursuant to such request, in accordance with the provisions of this title. A request made by the Secretary and the Secretary of Labor under this subparagraph shall describe the basis for, and scope of, appropriate consumer protection standards to be implemented under this title with respect to the provision of services relating to any specified plan or arrangement.

(C) DESCRIPTION OF PRODUCTS OR SERVICES.—To the extent that a person engaged in providing products or services relating to any specified plan or arrangement is subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H, subparagraph (A) shall not apply with respect to that law.

(4) SPECIFIED PLAN OR ARRANGEMENT.—For purposes of this subsection, the term ''specified plan or arrangement'' means any plan, account, or arrangement described in section 220, 223, 401(a), 403(a), 403(b), 408, 408A, 529, or 530 of the Internal Revenue Code of 1986, or any employee benefit or compensation plan or arrangement, including a plan that is subject to title I of the Employee Retirement Income Security Act of 1974.

(h) PERSONS REGULATED BY A STATE SECURITIES COMMISSION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of any securities commission (or any agency or office performing like functions) of any State to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State. Except as permitted in paragraph (2) and subsection (f), the Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State, but only to the extent that the person acts in such regulated capacity.

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) shall not apply to any person to the extent such person is engaged in the offering or provision of any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(i) EXCLUSION FOR PERSONS REGULATED BY THE COMMISSION.—

(1) IN GENERAL.—No provision of this title may be construed as altering, amending, or affecting the authority of the Commission to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Commission. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Commission.

(2) CONSULTATION AND COORDINATION.—Notwithstanding paragraph (1), the Commission shall consult and coordinate, where feasible, with the Bureau with respect to any rule (including any advance notice of proposed rulemaking) regarding an investment product or service that is the same type of product as, or that competes directly with, a consumer financial product or service that is subject to the jurisdiction of the Bureau under this title or under any other law. In carrying out this paragraph, the agencies shall negotiate an agreement to establish procedures for such coordination, including procedures for providing advance notice to the Bureau when the Commission is initiating a rulemaking.

(j) EXCLUSION FOR PERSONS REGULATED BY THE COMMODITY FUTURES TRADING COMMISSION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of the Commodity Futures Trading Commission to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Commodity Futures Trading Commission. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Commodity Futures Trading Commission.

(2) CONSULTATION AND COORDINATION.—Notwithstanding paragraph (1), the Commodity Futures Trading Commission shall consult and coordinate with the Bureau with respect to any rule (including any advance notice of proposed rulemaking) regarding a product or service that is the same type of product as, or that competes directly with, a consumer financial product or service that is subject to the jurisdiction of the Bureau under this title or under any other law.

(k) EXCLUSION FOR PERSONS REGULATED BY THE FARM CREDIT ADMINISTRATION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of the Farm Credit Administration to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Farm Credit Administration. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Farm Credit Administration.

(2) DEFINITION.—For purposes of this subsection, the term ''person regulated by the Farm Credit Administration'' means any Farm Credit System institution that is chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(l) EXCLUSION FOR ACTIVITIES RELATING TO CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—The Director and the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority, including authority to order penalties, over any activities related to the solicitation or making of voluntary contributions to a tax-exempt organization as recognized by the Internal Revenue Service, by any agent, volunteer, or representative of such organizations to the extent the organization, agent, volunteer, or representative thereof is soliciting or providing advice, information, education, or instruction to any donor or potential donor relating to a contribution to the organization.

(2) LIMITATION.—The exclusion in paragraph (1) does not apply to other activities not described in paragraph (1) that are the offering or provision of any consumer financial product or service, or are otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(m) INSURANCE.—The Bureau may not define as a financial product or service, by regulation or otherwise, engaging in the business of insurance.

(n) LIMITED AUTHORITY OF THE BUREAU.—Notwithstanding subsections (a) through (h) and (l), a person subject to or described in one or more of such subsections—

(1) may be a service provider; and

(2) may be subject to requests from, or requirements imposed by, the Bureau regarding information in order to carry out the responsibilities and functions of the Bureau and in accordance with section 1022, 1052, or 1053.

(o) NO AUTHORITY TO IMPOSE USURY LIMIT.—No provision of this title shall be construed as conferring authority on the Bureau to establish a usury limit applicable to an extension of credit offered or made by a covered person to a consumer, unless explicitly authorized by law.

(p) ATTORNEY GENERAL.—No provision of this title, including section 1024(c)(1), shall affect the authorities of the Attorney General under otherwise applicable provisions of law.

(q) SECRETARY OF THE TREASURY.—No provision of this title shall affect the authorities of the Secretary, including with respect to prescribing rules, initiating enforcement proceedings, or taking other actions with respect to a person that performs income tax preparation activities for consumers.

(r) DEPOSIT INSURANCE AND SHARE INSURANCE.—Nothing in this title shall affect the authority of the Corporation under the Federal Deposit Insurance Act or the National Credit Union Administration Board under the Federal Credit Union Act as to matters related to deposit insurance and share insurance, respectively.

**SEC. 1028. AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.**

(a) STUDY AND REPORT.—The Bureau shall conduct a study of, and shall provide a report to Congress concerning, the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of consumer financial products or services.

(b) FURTHER AUTHORITY.—The Bureau, by regulation, may prohibit or impose conditions or limitations on the use of an agreement between a covered person and a consumer for a consumer financial product or service providing for arbitration of any future dispute between the parties, if the Bureau finds that such a prohibition or imposition of conditions or limitations is in the public interest and for the protection of consumers. The findings in such rule shall be consistent with the study conducted under subsection (a).

(c) LIMITATION.—The authority described in subsection (b) may not be construed to prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.

(d) EFFECTIVE DATE.—Notwithstanding any other provision of law, any regulation prescribed by the Bureau under subsection (a) shall apply, consistent with the terms of the regulation, to any agreement between a consumer and a covered person entered into after the end of the 180-day period beginning on the effective date of the regulation, as established by the Bureau.

**SEC. 1029. EFFECTIVE DATE.**

This subtitle shall become effective on the designated transfer date.

**Subtitle C—Specific Bureau Authorities**

**SEC. 1031. PROHIBITING UNFAIR, DECEPTIVE, OR ABUSIVE ACTS OR PRACTICES.**

(a) IN GENERAL.—The Bureau may take any action authorized under subtitle E to prevent a covered person or service provider from committing or engaging in an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service.

(b) RULEMAKING.—The Bureau may prescribe rules applicable to a covered person or service provider identifying as unlawful unfair, deceptive, or abusive acts or practices in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service. Rules under this section may include requirements for the purpose of preventing such acts or practices.

(c) UNFAIRNESS.—

(1) IN GENERAL.—The Bureau shall have no authority under this section to declare an act or practice in connection with a transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service, to be unlawful on the grounds that such act or practice is unfair, unless the Bureau has a reasonable basis to conclude that—

(A) the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers; and

(B) such substantial injury is not outweighed by countervailing benefits to consumers or to competition.

(2) CONSIDERATION OF PUBLIC POLICIES.—In determining whether an act or practice is unfair, the Bureau may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.

(d) ABUSIVE.—The Bureau shall have no authority under this section to declare an act or practice abusive in connection with the provision of a consumer financial product or service, unless the act or practice—

(1) materially interferes with the ability of a consumer to understand a term or condition of a consumer financial product or service; or

(2) takes unreasonable advantage of—

(A) a lack of understanding on the part of the consumer of the material risks, costs, or conditions of the product or service;

(B) the inability of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service; or

(C) the reasonable reliance by the consumer on a covered person to act in the interests of the consumer.

(e) CONSULTATION.—In prescribing rules under this section, the Bureau shall consult with the Federal banking agencies, or other Federal agencies, as appropriate, concerning the consistency of the proposed rule with prudential, market, or systemic objectives administered by such agencies.

**SEC. 1032. DISCLOSURES.**

(a) IN GENERAL.—The Bureau may prescribe rules to ensure that the features of any consumer financial product or service, both initially and over the term of the product or service, are fully, accurately, and effectively disclosed to consumers in a manner that permits consumers to understand the costs, benefits, and risks associated with the product or service, in light of the facts and circumstances.

(b) MODEL DISCLOSURES.—

(1) IN GENERAL.—Any final rule prescribed by the Bureau under this section requiring disclosures may include a model form that may be used at the option of the covered person for provision of the required disclosures.

(2) FORMAT.—A model form issued pursuant to paragraph (1) shall contain a clear and conspicuous disclosure that, at a minimum—

(A) uses plain language comprehensible to consumers;

(B) contains a clear format and design, such as an easily readable type font; and

(C) succinctly explains the information that must be communicated to the consumer.

(3) CONSUMER TESTING.—Any model form issued pursuant to this subsection shall be validated through consumer testing.

(c) BASIS FOR RULEMAKING.—In prescribing rules under this section, the Bureau shall consider available evidence about consumer awareness, understanding of, and responses to disclosures or communications about the risks, costs, and benefits of consumer financial products or services.

(d) SAFE HARBOR.—Any covered person that uses a model form included with a rule issued under this section shall be deemed to be in compliance with the disclosure requirements of this section with respect to such model form.

(e) TRIAL DISCLOSURE PROGRAMS.—

(1) IN GENERAL.—The Bureau may permit a covered person to conduct a trial program that is limited in time and scope, subject to specified standards and procedures, for the purpose of providing trial disclosures to consumers that are designed to improve upon any model form issued pursuant to subsection (b)(1), or any other model form issued to implement an enumerated statute, as applicable.

(2) SAFE HARBOR.—The standards and procedures issued by the Bureau shall be designed to encourage covered persons to conduct trial disclosure programs. For the purposes of administering this subsection, the Bureau may establish a limited period during which a covered person conducting a trial disclosure program shall be deemed to be in compliance with, or may be exempted from, a requirement of a rule or an enumerated consumer law.

(3) PUBLIC DISCLOSURE.—The rules of the Bureau shall provide for public disclosure of

trial disclosure programs, which public disclosure may be limited, to the extent necessary to encourage covered persons to conduct effective trials.

(f) COMBINED MORTGAGE LOAN DISCLOSURE.—Not later than 1 year after the designated transfer date, the Bureau shall propose for public comment rules and model disclosures that combine the disclosures required under the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974, into a single, integrated disclosure for mortgage loan transactions covered by those laws, unless the Bureau determines that any proposal issued by the Board of Governors and the Secretary of Housing and Urban Development carries out the same purpose.

**SEC. 1033. CONSUMER RIGHTS TO ACCESS INFORMATION.**

(a) IN GENERAL.—Subject to rules prescribed by the Bureau, a covered person shall make available to a consumer, upon request, information in the control or possession of the covered person concerning the consumer financial product or service that the consumer obtained from such covered person, including information relating to any transaction, series of transactions, or to the account including costs, charges and usage data. The information shall be made available in an electronic form usable by consumers.

(b) EXCEPTIONS.—A covered person may not be required by this section to make available to the consumer—

(1) any confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors;

(2) any information collected by the covered person for the purpose of preventing fraud or money laundering, or detecting, or making any report regarding other unlawful or potentially unlawful conduct;

(3) any information required to be kept confidential by any other provision of law; or

(4) any information that the covered person cannot retrieve in the ordinary course of its business with respect to that information.

(c) NO DUTY TO MAINTAIN RECORDS.—Nothing in this section shall be construed to impose any duty on a covered person to maintain or keep any information about a consumer.

(d) STANDARDIZED FORMATS FOR DATA.—The Bureau, by rule, shall prescribe standards applicable to covered persons to promote the development and use of standardized formats for information, including through the use of machine readable files, to be made available to consumers under this section.

(e) CONSULTATION.—The Bureau shall, when prescribing any rule under this section, consult with the Federal banking agencies and the Federal Trade Commission to ensure that the rules—

(1) impose substantively similar requirements on covered persons;

(2) take into account conditions under which covered persons do business both in the United States and in other countries; and

(3) do not require or promote the use of any particular technology in order to develop systems for compliance.

**SEC. 1034. RESPONSE TO CONSUMER COMPLAINTS AND INQUIRIES.**

(a) TIMELY REGULATOR RESPONSE TO CONSUMERS.—The Bureau shall establish, in consultation with the appropriate Federal regulatory agencies, reasonable procedures to provide a timely response to consumers, in writing where appropriate, to complaints against, or inquiries concerning, a covered person, including—

(1) all steps that have been taken by the regulator in response to the complaint or inquiry of the consumer;

(2) any responses received by the regulator from the covered person; and

(3) any follow-up actions or planned follow-up actions by the regulator in response to the complaint or inquiry of the consumer.

(b) TIMELY RESPONSE TO REGULATOR BY COVERED PERSON.—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 shall provide a timely response, in writing where appropriate, to the Bureau, the prudential regulators, and any other agency having jurisdiction over such covered person concerning a consumer complaint or inquiry, including—

(1) steps that have been taken by the covered person to respond to the complaint or inquiry of the consumer;

(2) responses received by the covered person from the consumer; and

(3) follow-up actions or planned follow-up actions by the covered person to respond to the complaint or inquiry of the consumer.

(c) PROVISION OF INFORMATION TO CONSUMERS.—

(1) IN GENERAL.—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 shall, in a timely manner, comply with a consumer request for information in the control or possession of such covered person concerning the consumer financial product or service that the consumer obtained from such covered person, including supporting written documentation, concerning the account of the consumer.

(2) EXCEPTIONS.—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025, a prudential regulator, and any other agency having jurisdiction over a covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 may not be required by this section to make available to the consumer—

(A) any confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors;

(B) any information collected by the covered person for the purpose of preventing fraud or money laundering, or detecting or making any report regarding other unlawful or potentially unlawful conduct;

(C) any information required to be kept confidential by any other provision of law; or

(D) any nonpublic or confidential information, including confidential supervisory information.

(d) AGREEMENTS WITH OTHER AGENCIES.—The Bureau shall enter into a memorandum of understanding with any affected Federal regulatory agency to establish procedures by which any covered person, and the prudential regulators, and any other agency having jurisdiction over a covered person, including the Secretary of the Department of Housing and Urban Development and the Secretary of Education, shall comply with this section.

**SEC. 1035. PRIVATE EDUCATION LOAN OMBUDSMAN.**

(a) ESTABLISHMENT.—The Secretary, in consultation with the Director, shall designate a Private Education Loan Ombudsman (in this section referred to as the ''Ombudsman'') within the Bureau, to provide timely assistance to borrowers of private education loans.

(b) PUBLIC INFORMATION.—The Secretary and the Director shall disseminate information about the availability and functions of the Ombudsman to borrowers and potential borrowers, as well as institutions of higher education, lenders, guaranty agencies, loan servicers, and other participants in private education student loan programs.

(c) FUNCTIONS OF OMBUDSMAN.—The Ombudsman designated under this subsection shall—

(1) in accordance with regulations of the Director, receive, review, and attempt to resolve informally complaints from borrowers of loans described in subsection (a), including, as appropriate, attempts to resolve such complaints in collaboration with the Department of Education and with institutions of higher education, lenders, guaranty agencies, loan servicers, and other participants in private education loan programs;

(2) not later than 90 days after the designated transfer date, establish a memorandum of understanding with the student loan ombudsman established under section 141(f) of the Higher Education Act of 1965 (20 U.S.C. 1018(f)), to ensure coordination in providing assistance to and serving borrowers seeking to resolve complaints related to their private education or Federal student loans;

(3) compile and analyze data on borrower complaints regarding private education loans; and

(4) make appropriate recommendations to the Director, the Secretary, the Secretary of Education, the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—The Ombudsman shall prepare an annual report that describes the activities, and evaluates the effectiveness of the Ombudsman during the preceding year.

(2) SUBMISSION.—The report required by paragraph (1) shall be submitted on the same date annually to the Secretary, the Secretary of Education, the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives.

(e) DEFINITIONS.—For purposes of this section, the terms ''private education loan'' and ''institution of higher education'' have the same meanings as in section 140 of the Truth in Lending Act (15 U.S.C. 1650).

**SEC. 1036. PROHIBITED ACTS.**

It shall be unlawful for any person—

(1) to—

(A) advertise, market, offer, or sell a consumer financial product or service not in conformity with this title or applicable rules or orders issued by the Bureau;

(B) enforce, or attempt to enforce, any agreement with a consumer (including any term or change in terms in respect of such agreement), or impose, or attempt to impose, any fee or charge on a consumer in connection with a consumer financial product or service that is not in conformity with this title or applicable rules or orders issued by the Bureau; or

(C) engage in any unfair, deceptive, or abusive act or practice,

except that no person shall be held to have violated this paragraph solely by virtue of providing or selling time or space to a person placing an advertisement;

(2) to fail or refuse, as required by Federal consumer financial law, or any rule or order issued by the Bureau thereunder—

(A) to permit access to or copying of records;

(B) to establish or maintain records; or

(C) to make reports or provide information to the Bureau; or

(3) knowingly or recklessly to provide substantial assistance to another person in violation of the provisions of section 1031, or any rule or order issued thereunder, and notwithstanding any provision of this title, the provider of such substantial assistance shall be deemed to be in violation of that section to the same extent as the person to whom such assistance is provided.

**SEC. 1037. EFFECTIVE DATE.**

This subtitle shall take effect on the designated transfer date.

### Subtitle D—Preservation of State Law

**SEC. 1041. RELATION TO STATE LAW.**

(a) IN GENERAL.—

(1) RULE OF CONSTRUCTION.—This title, other than sections 1044 through 1048, may not be construed as annulling, altering, or affecting, or exempting any person subject to the provisions of this title from complying with, the statutes, regulations, orders, or interpretations in effect in any State, except to the extent that any such provision of law is inconsistent with the provisions of this title, and then only to the extent of the inconsistency.

(2) GREATER PROTECTION UNDER STATE LAW.—For purposes of this subsection, a statute, regulation, order, or interpretation in effect in any State is not inconsistent with the provisions of this title if the protection that such statute, regulation, order, or interpretation affords to consumers is greater than the protection provided under this title. A determination regarding whether a statute, regulation, order, or interpretation in effect in any State is inconsistent with the provisions of this title may be made by the Bureau on its own motion or in response to a nonfrivolous petition initiated by any interested person.

(b) RELATION TO OTHER PROVISIONS OF ENUMERATED CONSUMER LAWS THAT RELATE TO STATE LAW.—No provision of this title, except as provided in section 1083, shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the application of a law in effect in any State with respect to such Federal law.

(c) ADDITIONAL CONSUMER PROTECTION REGULATIONS IN RESPONSE TO STATE ACTION.—

(1) NOTICE OF PROPOSED RULE REQUIRED.—The Bureau shall issue a notice of proposed rulemaking whenever a majority of the States has enacted a resolution in support of the establishment or modification of a consumer protection regulation by the Bureau.

(2) BUREAU CONSIDERATIONS REQUIRED FOR ISSUANCE OF FINAL REGULATION.—Before prescribing a final regulation based upon a notice issued pursuant to paragraph (1), the Bureau shall take into account whether—

(A) the proposed regulation would afford greater protection to consumers than any existing regulation;

(B) the intended benefits of the proposed regulation for consumers would outweigh any increased costs or inconveniences for consumers, and would not discriminate unfairly against any category or class of consumers; and

(C) a Federal banking agency has advised that the proposed regulation is likely to present an unacceptable safety and soundness risk to insured depository institutions.

(3) EXPLANATION OF CONSIDERATIONS.—The Bureau—

(A) shall include a discussion of the considerations required in paragraph (2) in the Federal Register notice of a final regulation prescribed pursuant to this subsection; and

(B) whenever the Bureau determines not to prescribe a final regulation, shall publish an explanation of such determination in the Federal Register, and provide a copy of such explanation to each State that enacted a resolution in support of the proposed regulation, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) RESERVATION OF AUTHORITY.—No provision of this subsection shall be construed as limiting or restricting the authority of the Bureau to enhance consumer protection standards established pursuant to this title in response to its own motion or in response to a request by any other interested person.

(5) RULE OF CONSTRUCTION.—No provision of this subsection shall be construed as exempting the Bureau from complying with subchapter II of chapter 5 of title 5, United States Code.

(6) DEFINITION.—For purposes of this subsection, the term ''consumer protection regulation'' means a regulation that the Bureau is authorized to prescribe under the Federal consumer financial laws.

**SEC. 1042. PRESERVATION OF ENFORCEMENT POWERS OF STATES.**

(a) IN GENERAL.—

(1) ACTION BY STATE.—The attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any district court of the United States in that State or in State court having jurisdiction over the defendant, to enforce provisions of this title or regulations issued thereunder and to secure remedies under provisions of this title or remedies otherwise provided under other law. A State regulator may bring a civil action or other appropriate proceeding to enforce the provisions of this title or regulations issued thereunder with respect to any entity that is State-chartered, incorporated, licensed, or otherwise authorized to do business under State law, and to secure remedies under provisions of this title or remedies otherwise provided under other provisions of law with respect to a State-chartered entity.

(2) RULE OF CONSTRUCTION.—No provision of this title shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the authority of a State attorney general or State regulator to enforce such Federal law.

(b) CONSULTATION REQUIRED.—

(1) NOTICE.—

(A) IN GENERAL.—Before initiating any action in a court or other administrative or regulatory proceeding against any covered person to enforce any provision of this title, including any regulation prescribed by the Director under this title, a State attorney general or State regulator shall timely provide a copy of the complete complaint to be filed and written notice describing such action or proceeding to the Bureau and the prudential regulator, if any, or the designee thereof.

(B) EMERGENCY ACTION.—If prior notice is not practicable, the State attorney general or State regulator shall provide a copy of the complete complaint and the notice to the Bureau and the prudential regulator, if any, immediately upon instituting the action or proceeding.

(C) CONTENTS OF NOTICE.—The notification required under this paragraph shall, at a minimum, describe—

(i) the identity of the parties;

(ii) the alleged facts underlying the proceeding; and

(iii) whether there may be a need to coordinate the prosecution of the proceeding so as not to interfere with any action, including any rulemaking, undertaken by the Director, a prudential regulator, or another Federal agency.

(2) BUREAU RESPONSE.—In any action described in paragraph (1), the Bureau may—

(A) intervene in the action as a party;

(B) upon intervening—

(i) remove the action to the appropriate United States district court, if the action was not originally brought there; and

(ii) be heard on all matters arising in the action; and

(C) appeal any order or judgment, to the same extent as any other party in the proceeding may.

(c) REGULATIONS.—The Director shall prescribe regulations to implement the requirements of this section and, from time to time, provide guidance in order to further coordinate actions with the State attorneys general and other regulators.

(d) PRESERVATION OF STATE AUTHORITY.—

(1) STATE CLAIMS.—No provision of this section shall be construed as altering, limiting, or affecting the authority of a State attorney general or any other regulatory or enforcement agency or authority to bring an action or other regulatory proceeding arising solely under the law in effect in that State.

(2) STATE SECURITIES REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State securities commission (or any agency or office performing like functions) under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or authority.

(3) STATE INSURANCE REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State insurance commission or State insurance regulator under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or regulator.

**SEC. 1043. PRESERVATION OF EXISTING CONTRACTS.**

This title, and regulations, orders, guidance, and interpretations prescribed, issued, or established by the Bureau, shall not be construed to alter or affect the applicability of any regulation, order, guidance, or interpretation prescribed, issued, and established by the Comptroller of the Currency or the Director of the Office of Thrift Supervision regarding the applicability of State law under Federal banking law to any contract entered into on or before the date of the enactment of this title, by national banks, Federal savings associations, or subsidiaries thereof that are regulated and supervised by the Comptroller of the Currency or the Director of the Office of Thrift Supervision, respectively.

**SEC. 1044. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.**

(a) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

**"SEC. 5136C. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.**

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) NATIONAL BANK.—The term 'national bank' includes—

''(A) any bank organized under the laws of the United States; and

''(B) any Federal branch established in accordance with the International Banking Act of 1978.

''(2) STATE CONSUMER FINANCIAL LAWS.—The term 'State consumer financial law' means a State law that does not directly or indirectly discriminate against national banks and that directly and specifically regulates the manner, content, or terms and conditions of any financial transaction (as may be authorized for national banks to engage in), or any account related thereto, with respect to a consumer.

''(3) OTHER DEFINITIONS.—The terms 'affiliate', 'subsidiary', 'includes', and 'including' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(b) PREEMPTION STANDARD.—

''(1) IN GENERAL.—State consumer financial laws are preempted, only if—

''(A) application of a State consumer financial law would have a discriminatory effect on national banks, in comparison with the effect of the law on a bank chartered by that State;

''(B) the preemption of the State consumer financial law is in accordance with the legal standard of the decision of the Supreme Court of the United States in Barnett Bank of Marion County, N.A. v. Nelson, Florida Insurance Commissioner, et al, 517 U.S. 25 (1996), and a preemption determination under this subparagraph may be made by a court or by regulation or order of the Comptroller of the Currency, in accordance with applicable law, on a case-by-case basis, and any such determination by a court shall comply with the standards set forth in subsection (d), with the court making the finding under subsection (d), de novo; or

''(C) the State consumer financial law is preempted by a provision of Federal law other than this title.

''(2) SAVINGS CLAUSE.—This title does not preempt, annul, or affect the applicability of any State law to any subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank).

''(3) CASE-BY-CASE BASIS.—

''(A) DEFINITION.—As used in this section the term 'case-by-case basis' refers to a determination pursuant to this section made by the Comptroller concerning the impact of a particular State consumer financial law on any national bank that is subject to that law, or the law of any other State with substantively equivalent terms.

''(B) CONSULTATION.—When making a determination on a case-by-case basis that a State consumer financial law of another State has substantively equivalent terms as one that the Comptroller is preempting, the Comptroller shall first consult with the Bureau of Consumer Financial Protection and shall take the views of the Bureau into account when making the determination.

''(4) RULE OF CONSTRUCTION.—This title does not occupy the field in any area of State law.

''(5) STANDARDS OF REVIEW.—

''(A) PREEMPTION.—A court reviewing any determinations made by the Comptroller regarding preemption of a State law by this title shall assess the validity of such determinations, depending upon the thoroughness evident in the consideration of the agency, the validity of the reasoning of the agency, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

''(B) SAVINGS CLAUSE.—Except as provided in subparagraph (A), nothing in this section shall affect the deference that a court may afford to the Comptroller in making determinations regarding the meaning or interpretation of title LXII of the Revised Statutes of the United States or other Federal laws.

''(6) COMPTROLLER DETERMINATION NOT DELEGABLE.—Any regulation, order, or determination made by the Comptroller of the Currency under paragraph (1)(B) shall be made by the Comptroller, and shall not be delegable to another officer or employee of the Comptroller of the Currency.

''(c) SUBSTANTIAL EVIDENCE.—No regulation or order of the Comptroller of the Currency prescribed under subsection (b)(1)(B), shall be interpreted or applied so as to invalidate, or otherwise declare inapplicable to a national bank, the provision of the State consumer financial law, unless substantial evidence, made on the record of the proceeding, supports the specific finding regarding the preemption of such provision in accordance with the legal standard of the decision of the Supreme Court of the United States in Barnett Bank of Marion County, N.A. v. Nelson, Florida Insurance Commissioner, et al., 517 U.S. 25 (1996).

''(d) OTHER FEDERAL LAWS.—Notwithstanding any other provision of law, the Comptroller of the Currency may not prescribe a regulation or order pursuant to subsection (b)(1)(B) until the Comptroller of the Currency, after consultation with the Director of the Bureau of Consumer Financial Protection, makes a finding, in writing, that a Federal law provides a substantive standard, applicable to a national bank, which regulates the particular conduct, activity, or authority that is subject to such provision of the State consumer financial law.

''(e) PERIODIC REVIEW OF PREEMPTION DETERMINATIONS.—

''(1) IN GENERAL.—The Comptroller of the Currency shall periodically conduct a review, through notice and public comment, of each determination that a provision of Federal law preempts a State consumer financial law. The agency shall conduct such review within the 5-year period after prescribing or otherwise issuing such determination, and at least once during each 5-year period thereafter. After conducting the review of, and inspecting the comments made on, the determination, the agency shall publish a notice in the Federal Register announcing the decision to continue or rescind the determination or a proposal to amend the determination. Any such notice of a proposal to amend a determination and the subsequent resolution of such proposal shall comply with the procedures set forth in subsections (a) and (b) of section 5244 of the Revised Statutes of the United States (12 U.S.C. 43 (a), (b)).

''(2) REPORTS TO CONGRESS.—At the time of issuing a review conducted under paragraph (1), the Comptroller of the Currency shall submit a report regarding such review to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report submitted to the respective committees shall address whether the agency intends to continue, rescind, or propose to amend any determination that a provision of Federal law preempts a State consumer financial law, and the reasons therefor.

''(f) APPLICATION OF STATE CONSUMER FINANCIAL LAW TO SUBSIDIARIES AND AFFILIATES.—Notwithstanding any provision of this title, a State consumer financial law shall apply to a subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank) to the same extent that the State consumer financial law applies to any person, corporation, or other entity subject to such State law.

''(g) PRESERVATION OF POWERS RELATED TO CHARGING INTEREST.—No provision of this title shall be construed as altering or otherwise affecting the authority conferred by section 5197 of the Revised Statutes of the United States (12 U.S.C. 85) for the charging of interest by a national bank at the rate allowed by the laws of the State, territory, or district where the bank is located, including with respect to the meaning of 'interest' under such provision.

''(h) TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.—The Comptroller of the Currency shall publish and update no less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

''Sec. 5136C. State law preemption standards for national banks and subsidiaries clarified.''.

**SEC. 1045. CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES.**

Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(i) CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES AND AFFILIATES OF NATIONAL BANKS.—

''(1) DEFINITIONS.—For purposes of this subsection, the terms 'depository institution', 'subsidiary', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(2) RULE OF CONSTRUCTION.—No provision of this title shall be construed as preempting, annulling, or affecting the applicability of State law to any subsidiary, affiliate, or agent of a national bank (other than a subsidiary, affiliate, or agent that is chartered as a national bank).''.

**SEC. 1046. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS AND SUBSIDIARIES CLARIFIED.**

(a) IN GENERAL.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by inserting after section 5 the following new section:

**"SEC. 6. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS CLARIFIED.**

''(a) IN GENERAL.—Any determination by a court or by the Director or any successor officer or agency regarding the relation of State law to a provision of this Act or any regulation or order prescribed under this Act shall be made in accordance with the laws and legal standards applicable to national banks regarding the preemption of State law.

''(b) PRINCIPLES OF CONFLICT PREEMPTION APPLICABLE.—Notwithstanding the authorities granted under sections 4 and 5, this Act does not occupy the field in any area of State law.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by striking the item relating to section 6 and inserting the following new item:

''Sec. 6.. State law preemption standards for Federal savings associations and subsidiaries clarified.''.

**SEC. 1047. VISITORIAL STANDARDS FOR NATIONAL BANKS AND SAVINGS ASSOCIATIONS.**

(a) NATIONAL BANKS.—Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(j) VISITORIAL POWERS.—

''(1) IN GENERAL.—No provision of this title which relates to visitorial powers to which any national bank is subject shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring any action in any court of appropriate jurisdiction, as authorized under section 5240(a)—

''(A) to enforce any applicable provision of Federal or State law, as authorized by such law; or

''(B) on behalf of residents of such State, to enforce any applicable provision of any Federal or nonpreempted State law against a national bank, as authorized by such law, or to seek relief for such residents from any violation of any such law by any national bank.

''(2) PRIOR CONSULTATION WITH OCC REQUIRED.—The attorney general (or other chief law enforcement officer) of any State shall consult with the Comptroller of the Currency before acting under paragraph (1).

''(k) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this title or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.''.

(b) SAVINGS ASSOCIATIONS.—Section 6 of the Home Owners' Loan Act (as added by this title) is amended by adding at the end the following:

''(c) VISITORIAL POWERS.—

''(1) IN GENERAL.—No provision of this Act shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring any action in any court of appropriate jurisdiction—

''(A) to enforce any applicable provision of Federal or State law, as authorized by such law; or

''(B) on behalf of residents of such State, to enforce any applicable provision of any Federal or nonpreempted State law against a Federal savings association, as authorized by such law, or to seek relief for such residents from any violation of any such law by any Federal savings association.

''(2) PRIOR CONSULTATION WITH OCC REQUIRED.—The attorney general (or other chief law enforcement officer) of any State shall consult with the Comptroller of the Currency before acting under paragraph (1).

''(d) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this Act or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.''.

**SEC. 1048. EFFECTIVE DATE.**

This subtitle shall become effective on the designated transfer date.

**Subtitle E—Enforcement Powers**

**SEC. 1051. DEFINITIONS.**

For purposes of this subtitle, the following definitions shall apply:

(1) BUREAU INVESTIGATION.—The term ''Bureau investigation'' means any inquiry conducted by a Bureau investigator for the purpose of ascertaining whether any person is or has been engaged in any conduct that is a violation, as defined in this section.

(2) BUREAU INVESTIGATOR.—The term ''Bureau investigator'' means any attorney or investigator employed by the Bureau who is charged with the duty of enforcing or carrying into effect any Federal consumer financial law.

(3) CIVIL INVESTIGATIVE DEMAND AND DEMAND.—The terms ''civil investigative demand'' and ''demand'' mean any demand issued by the Bureau.

(4) CUSTODIAN.—The term ''custodian'' means the custodian or any deputy custodian designated by the Bureau.

(5) DOCUMENTARY MATERIAL.—The term ''documentary material'' includes the original or any copy of any book, document, record, report, memorandum, paper, communication, tabulation, chart, logs, electronic files, or other data or data compilations stored in any medium.

(6) VIOLATION.—The term ''violation'' means any act or omission that, if proved, would constitute a violation of any provision of Federal consumer financial law.

**SEC. 1052. INVESTIGATIONS AND ADMINISTRATIVE DISCOVERY.**

(a) JOINT INVESTIGATIONS.—

(1) IN GENERAL.—The Bureau or, where appropriate, a Bureau investigator, may engage in joint investigations and requests for information, as authorized under this title.

(2) FAIR LENDING.—The authority under paragraph (1) includes matters relating to fair lending, and where appropriate, joint investigations with, and requests for information from, the Secretary of Housing and Urban Development, the Attorney General of the United States, or both.

(b) SUBPOENAS.—

(1) IN GENERAL.—The Bureau or a Bureau investigator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, or other material in connection with hearings under this title.

(2) FAILURE TO OBEY.—In the case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Bureau or a Bureau investigator and after notice to such person, may issue an order requiring such person to appear and give testimony or to appear and produce documents or other material.

(3) CONTEMPT.—Any failure to obey an order of the court under this subsection may be punished by the court as a contempt thereof.

(c) DEMANDS.—

(1) IN GENERAL.—Whenever the Bureau has reason to believe that any person may be in possession, custody, or control of any documentary material or tangible things, or may have any information, relevant to a violation, the Bureau may, before the institution of any proceedings under the Federal consumer financial law, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to—

(A) produce such documentary material for inspection and copying or reproduction in the form or medium requested by the Bureau;

(B) submit such tangible things;

(C) file written reports or answers to questions;

(D) give oral testimony concerning documentary material, tangible things, or other information; or

(E) furnish any combination of such material, answers, or testimony.

(2) REQUIREMENTS.—Each civil investigative demand shall state the nature of the conduct constituting the alleged violation which is under investigation and the provision of law applicable to such violation.

(3) PRODUCTION OF DOCUMENTS.—Each civil investigative demand for the production of documentary material shall—

(A) describe each class of documentary material to be produced under the demand with such definiteness and certainty as to permit such material to be fairly identified;

(B) prescribe a return date or dates which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(C) identify the custodian to whom such material shall be made available.

(4) PRODUCTION OF THINGS.—Each civil investigative demand for the submission of tangible things shall—

(A) describe each class of tangible things to be submitted under the demand with such definiteness and certainty as to permit such things to be fairly identified;

(B) prescribe a return date or dates which will provide a reasonable period of time within which the things so demanded may be assembled and submitted; and

(C) identify the custodian to whom such things shall be submitted.

(5) DEMAND FOR WRITTEN REPORTS OR ANSWERS.—Each civil investigative demand for written reports or answers to questions shall—

(A) propound with definiteness and certainty the reports to be produced or the questions to be answered;

(B) prescribe a date or dates at which time written reports or answers to questions shall be submitted; and

(C) identify the custodian to whom such reports or answers shall be submitted.

(6) ORAL TESTIMONY.—Each civil investigative demand for the giving of oral testimony shall—

(A) prescribe a date, time, and place at which oral testimony shall be commenced; and

(B) identify a Bureau investigator who shall conduct the investigation and the custodian to whom the transcript of such investigation shall be submitted.

(7) SERVICE.—Any civil investigative demand and any enforcement petition filed under this section may be served—

(A) by any Bureau investigator at any place within the territorial jurisdiction of any court of the United States; and

(B) upon any person who is not found within the territorial jurisdiction of any court of the United States—

(i) in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation; and

(ii) to the extent that the courts of the United States have authority to assert jurisdiction over such person, consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting

compliance with this section by such person that such district court would have if such person were personally within the jurisdiction of such district court.

(8) METHOD OF SERVICE.—Service of any civil investigative demand or any enforcement petition filed under this section may be made upon a person, including any legal entity, by—

(A) delivering a duly executed copy of such demand or petition to the individual or to any partner, executive officer, managing agent, or general agent of such person, or to any agent of such person authorized by appointment or by law to receive service of process on behalf of such person;

(B) delivering a duly executed copy of such demand or petition to the principal office or place of business of the person to be served; or

(C) depositing a duly executed copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at the principal office or place of business of such person.

(9) PROOF OF SERVICE.—

(A) IN GENERAL.—A verified return by the individual serving any civil investigative demand or any enforcement petition filed under this section setting forth the manner of such service shall be proof of such service.

(B) RETURN RECEIPTS.—In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand or enforcement petition.

(10) PRODUCTION OF DOCUMENTARY MATERIAL.—The production of documentary material in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

(11) SUBMISSION OF TANGIBLE THINGS.—The submission of tangible things in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the tangible things required by the demand and in the possession, custody, or control of the person to whom the demand is directed have been submitted to the custodian.

(12) SEPARATE ANSWERS.—Each reporting requirement or question in a civil investigative demand shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection shall be stated in lieu of an answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person responsible for answering each reporting requirement or question, to the effect that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted.

(13) TESTIMONY.—

(A) IN GENERAL.—

(i) OATH OR AFFIRMATION.—Any Bureau investigator before whom oral testimony is to be taken shall put the witness under oath or affirmation, and shall personally, or by any individual acting under the direction of and in the presence of the Bureau investigator, record the testimony of the witness.

(ii) TRANSCRIPTION.—The testimony shall be taken stenographically and transcribed.

(iii) TRANSMISSION TO CUSTODIAN.—After the testimony is fully transcribed, the Bureau investigator before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian.

(B) PARTIES PRESENT.—Any Bureau investigator before whom oral testimony is to be taken shall exclude from the place where the testimony is to be taken all other persons, except the person giving the testimony, the attorney of that person, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

(C) LOCATION.—The oral testimony of any person taken pursuant to a civil investigative demand shall be taken in the judicial district of the United States in which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the Bureau investigator before whom the oral testimony of such person is to be taken and such person.

(D) ATTORNEY REPRESENTATION.—

(i) IN GENERAL.—Any person compelled to appear under a civil investigative demand for oral testimony pursuant to this section may be accompanied, represented, and advised by an attorney.

(ii) AUTHORITY.—The attorney may advise a person described in clause (i), in confidence, either upon the request of such person or upon the initiative of the attorney, with respect to any question asked of such person.

(iii) OBJECTIONS.—A person described in clause (i), or the attorney for that person, may object on the record to any question, in whole or in part, and such person shall briefly state for the record the reason for the objection. An objection may properly be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination, but such person shall not otherwise object to or refuse to answer any question, and such person or attorney shall not otherwise interrupt the oral examination.

(iv) REFUSAL TO ANSWER.—If a person described in clause (i) refuses to answer any question—

(I) the Bureau may petition the district court of the United States pursuant to this section for an order compelling such person to answer such question; and

(II) on grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of section 6004 of title 18, United States Code.

(E) TRANSCRIPTS.—For purposes of this subsection—

(i) after the testimony of any witness is fully transcribed, the Bureau investigator shall afford the witness (who may be accompanied by an attorney) a reasonable opportunity to examine the transcript;

(ii) the transcript shall be read to or by the witness, unless such examination and reading are waived by the witness;

(iii) any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the Bureau investigator, with a statement of the reasons given by the witness for making such changes;

(iv) the transcript shall be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign; and

(v) if the transcript is not signed by the witness during the 30-day period following the date on which the witness is first afforded a reasonable opportunity to examine the transcript, the Bureau investigator shall sign the transcript and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with any reasons given for the failure to sign.

(F) CERTIFICATION BY INVESTIGATOR.—The Bureau investigator shall certify on the transcript that the witness was duly sworn by him or her and that the transcript is a true record of the testimony given by the witness, and the Bureau investigator shall promptly deliver the transcript or send it by registered or certified mail to the custodian.

(G) COPY OF TRANSCRIPT.—The Bureau investigator shall furnish a copy of the transcript (upon payment of reasonable charges for the transcript) to the witness only, except that the Bureau may for good cause limit such witness to inspection of the official transcript of his testimony.

(H) WITNESS FEES.—Any witness appearing for the taking of oral testimony pursuant to a civil investigative demand shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

(d) CONFIDENTIAL TREATMENT OF DEMAND MATERIAL.—

(1) IN GENERAL.—Documentary materials and tangible things received as a result of a civil investigative demand shall be subject to requirements and procedures regarding confidentiality, in accordance with rules established by the Bureau.

(2) DISCLOSURE TO CONGRESS.—No rule established by the Bureau regarding the confidentiality of materials submitted to, or otherwise obtained by, the Bureau shall be intended to prevent disclosure to either House of Congress or to an appropriate committee of the Congress, except that the Bureau is permitted to adopt rules allowing prior notice to any party that owns or otherwise provided the material to the Bureau and had designated such material as confidential.

(e) PETITION FOR ENFORCEMENT.—

(1) IN GENERAL.—Whenever any person fails to comply with any civil investigative demand duly served upon him under this section, or whenever satisfactory copying or reproduction of material requested pursuant to the demand cannot be accomplished and such person refuses to surrender such material, the Bureau, through such officers or attorneys as it may designate, may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person, a petition for an order of such court for the enforcement of this section.

(2) SERVICE OF PROCESS.—All process of any court to which application may be made as provided in this subsection may be served in any judicial district.

(f) PETITION FOR ORDER MODIFYING OR SETTING ASIDE DEMAND.—

(1) IN GENERAL.—Not later than 20 days after the service of any civil investigative demand upon any person under subsection (b), or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding 20

days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any Bureau investigator named in the demand, such person may file with the Bureau a petition for an order by the Bureau modifying or setting aside the demand.

(2) COMPLIANCE DURING PENDENCY.—The time permitted for compliance with the demand in whole or in part, as determined proper and ordered by the Bureau, shall not run during the pendency of a petition under paragraph (1) at the Bureau, except that such person shall comply with any portions of the demand not sought to be modified or set aside.

(3) SPECIFIC GROUNDS.—A petition under paragraph (1) shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of such person.

(g) CUSTODIAL CONTROL.—At any time during which any custodian is in custody or control of any documentary material, tangible things, reports, answers to questions, or transcripts of oral testimony given by any person in compliance with any civil investigative demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section or rule promulgated by the Bureau.

(h) JURISDICTION OF COURT.—

(1) IN GENERAL.—Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry out the provisions of this section.

(2) APPEAL.—Any final order entered as described in paragraph (1) shall be subject to appeal pursuant to section 1291 of title 28, United States Code.

**SEC. 1053. HEARINGS AND ADJUDICATION PROCEEDINGS.**

(a) IN GENERAL.—The Bureau is authorized to conduct hearings and adjudication proceedings with respect to any person in the manner prescribed by chapter 5 of title 5, United States Code in order to ensure or enforce compliance with—

(1) the provisions of this title, including any rules prescribed by the Bureau under this title; and

(2) any other Federal law that the Bureau is authorized to enforce, including an enumerated consumer law, and any regulations or order prescribed thereunder, unless such Federal law specifically limits the Bureau from conducting a hearing or adjudication proceeding and only to the extent of such limitation.

(b) SPECIAL RULES FOR CEASE-AND-DESIST PROCEEDINGS.—

(1) ORDERS AUTHORIZED.—

(A) IN GENERAL.—If, in the opinion of the Bureau, any covered person or service provider is engaging or has engaged in an activity that violates a law, rule, or any condition imposed in writing on the person by the Bureau, the Bureau may, subject to sections 1024, 1025, and 1026, issue and serve upon the covered person or service provider a notice of charges in respect thereof.

(B) CONTENT OF NOTICE.—The notice under subparagraph (A) shall contain a statement of the facts constituting the alleged violation or violations, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the covered person or service provider, such hearing to be held not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Bureau, at the request of any party so served.

(C) CONSENT.—Unless the party or parties served under subparagraph (B) appear at the hearing personally or by a duly authorized representative, such person shall be deemed to have consented to the issuance of the cease-and-desist order.

(D) PROCEDURE.—In the event of consent under subparagraph (C), or if, upon the record, made at any such hearing, the Bureau finds that any violation specified in the notice of charges has been established, the Bureau may issue and serve upon the covered person or service provider an order to cease and desist from the violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the covered person or service provider to cease and desist from the subject activity, and to take affirmative action to correct the conditions resulting from any such violation.

(2) EFFECTIVENESS OF ORDER.—A cease-and-desist order shall become effective at the expiration of 30 days after the date of service of an order under paragraph (1) upon the covered person or service provider concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as the order is stayed, modified, terminated, or set aside by action of the Bureau or a reviewing court.

(3) DECISION AND APPEAL.—Any hearing provided for in this subsection shall be held in the Federal judicial district or in the territory in which the residence or principal office or place of business of the person is located unless the person consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. After such hearing, and within 90 days after the Bureau has notified the parties that the case has been submitted to the Bureau for final decision, the Bureau shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4), and thereafter until the record in the proceeding has been filed as provided in paragraph (4), the Bureau may at any time, upon such notice and in such manner as the Bureau shall determine proper, modify, terminate, or set aside any such order. Upon filing of the record as provided, the Bureau may modify, terminate, or set aside any such order with permission of the court.

(4) APPEAL TO COURT OF APPEALS.—Any party to any proceeding under this subsection may obtain a review of any order served pursuant to this subsection (other than an order issued with the consent of the person concerned) by the filing in the court of appeals of the United States for the circuit in which the principal office of the covered person is located, or in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Bureau be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Bureau, and thereupon the Bureau shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall except as provided in the last sentence of paragraph (3) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Bureau. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court of the United States, upon certiorari, as provided in section 1254 of title 28 of the United States Code.

(5) NO STAY.—The commencement of proceedings for judicial review under paragraph (4) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Bureau.

(c) SPECIAL RULES FOR TEMPORARY CEASE-AND-DESIST PROCEEDINGS.—

(1) IN GENERAL.—Whenever the Bureau determines that the violation specified in the notice of charges served upon a person, including a service provider, pursuant to subsection (b), or the continuation thereof, is likely to cause the person to be insolvent or otherwise prejudice the interests of consumers before the completion of the proceedings conducted pursuant to subsection (b), the Bureau may issue a temporary order requiring the person to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency or other condition pending completion of such proceedings. Such order may include any requirement authorized under this subtitle. Such order shall become effective upon service upon the person and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (2), shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Bureau shall dismiss the charges specified in such notice, or if a cease-and-desist order is issued against the person, until the effective date of such order.

(2) APPEAL.—Not later than 10 days after the covered person or service provider concerned has been served with a temporary cease-and-desist order, the person may apply to the United States district court for the judicial district in which the residence or principal office or place of business of the person is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the person under subsection (b), and such court shall have jurisdiction to issue such injunction.

(3) INCOMPLETE OR INACCURATE RECORDS.—

(A) TEMPORARY ORDER.—If a notice of charges served under subsection (b) specifies, on the basis of particular facts and circumstances, that the books and records of a covered person or service provider are so incomplete or inaccurate that the Bureau is unable to determine the financial condition of that person or the details or purpose of any transaction or transactions that may

have a material effect on the financial condition of that person, the Bureau may issue a temporary order requiring—

(i) the cessation of any activity or practice which gave rise, whether in whole or in part, to the incomplete or inaccurate state of the books or records; or

(ii) affirmative action to restore such books or records to a complete and accurate state, until the completion of the proceedings under subsection (b)(1).

(B) EFFECTIVE PERIOD.—Any temporary order issued under subparagraph (A)—

(i) shall become effective upon service; and

(ii) unless set aside, limited, or suspended by a court in proceedings under paragraph (2), shall remain in effect and enforceable until the earlier of—

(I) the completion of the proceeding initiated under subsection (b) in connection with the notice of charges; or

(II) the date the Bureau determines, by examination or otherwise, that the books and records of the covered person or service provider are accurate and reflect the financial condition thereof.

(d) SPECIAL RULES FOR ENFORCEMENT OF ORDERS.—

(1) IN GENERAL.—The Bureau may in its discretion apply to the United States district court within the jurisdiction of which the principal office or place of business of the person is located, for the enforcement of any effective and outstanding notice or order issued under this section, and such court shall have jurisdiction and power to order and require compliance herewith.

(2) EXCEPTION.—Except as otherwise provided in this subsection, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order or to review, modify, suspend, terminate, or set aside any such notice or order.

(e) RULES.—The Bureau shall prescribe rules establishing such procedures as may be necessary to carry out this section.

**SEC. 1054. LITIGATION AUTHORITY.**

(a) IN GENERAL.—If any person violates a Federal consumer financial law, the Bureau may, subject to sections 1024, 1025, and 1026, commence a civil action against such person to impose a civil penalty or to seek all appropriate legal and equitable relief including a permanent or temporary injunction as permitted by law.

(b) REPRESENTATION.—The Bureau may act in its own name and through its own attorneys in enforcing any provision of this title, rules thereunder, or any other law or regulation, or in any action, suit, or proceeding to which the Bureau is a party.

(c) COMPROMISE OF ACTIONS.—The Bureau may compromise or settle any action if such compromise is approved by the court.

(d) NOTICE TO THE ATTORNEY GENERAL.—When commencing a civil action under Federal consumer financial law, or any rule thereunder, the Bureau shall notify the Attorney General and, with respect to a civil action against an insured depository institution or insured credit union, the appropriate prudential regulator.

(e) APPEARANCE BEFORE THE SUPREME COURT.—The Bureau may represent itself in its own name before the Supreme Court of the United States, provided that the Bureau makes a written request to the Attorney General within the 10-day period which begins on the date of entry of the judgment which would permit any party to file a petition for writ of certiorari, and the Attorney General concurs with such request or fails to take action within 60 days of the request of the Bureau.

(f) FORUM.—Any civil action brought under this title may be brought in a United States district court or in any court of competent jurisdiction of a state in a district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to enjoin such person and to require compliance with any Federal consumer financial law.

(g) TIME FOR BRINGING ACTION.—

(1) IN GENERAL.—Except as otherwise permitted by law or equity, no action may be brought under this title more than 3 years after the date of discovery of the violation to which an action relates.

(2) LIMITATIONS UNDER OTHER FEDERAL LAWS.—

(A) IN GENERAL.—For purposes of this subsection, an action arising under this title does not include claims arising solely under enumerated consumer laws.

(B) BUREAU AUTHORITY.—In any action arising solely under an enumerated consumer law, the Bureau may commence, defend, or intervene in the action in accordance with the requirements of that provision of law, as applicable.

(C) TRANSFERRED AUTHORITY.—In any action arising solely under laws for which authorities were transferred under subtitles F and H, the Bureau may commence, defend, or intervene in the action in accordance with the requirements of that provision of law, as applicable.

**SEC. 1055. RELIEF AVAILABLE.**

(a) ADMINISTRATIVE PROCEEDINGS OR COURT ACTIONS.—

(1) JURISDICTION.—The court (or the Bureau, as the case may be) in an action or adjudication proceeding brought under Federal consumer financial law, shall have jurisdiction to grant any appropriate legal or equitable relief with respect to a violation of Federal consumer financial law, including a violation of a rule or order prescribed under a Federal consumer financial law.

(2) RELIEF.—Relief under this section may include, without limitation—

(A) rescission or reformation of contracts;

(B) refund of moneys or return of real property;

(C) restitution;

(D) disgorgement or compensation for unjust enrichment;

(E) payment of damages or other monetary relief;

(F) public notification regarding the violation, including the costs of notification;

(G) limits on the activities or functions of the person; and

(H) civil money penalties, as set forth more fully in subsection (c).

(3) NO EXEMPLARY OR PUNITIVE DAMAGES.—Nothing in this subsection shall be construed as authorizing the imposition of exemplary or punitive damages.

(b) RECOVERY OF COSTS.—In any action brought by the Bureau, a State attorney general, or any State regulator to enforce any Federal consumer financial law, the Bureau, the State attorney general, or the State regulator may recover its costs in connection with prosecuting such action if the Bureau, the State attorney general, or the State regulator is the prevailing party in the action.

(c) CIVIL MONEY PENALTY IN COURT AND ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—Any person that violates, through any act or omission, any provision of Federal consumer financial law shall forfeit and pay a civil penalty pursuant to this subsection.

(2) PENALTY AMOUNTS.—

(A) FIRST TIER.—For any violation of a law, rule, or final order or condition imposed in writing by the Bureau, a civil penalty may not exceed $5,000 for each day during which such violation or failure to pay continues.

(B) SECOND TIER.—Notwithstanding paragraph (A), for any person that recklessly engages in a violation of a Federal consumer financial law, a civil penalty may not exceed $25,000 for each day during which such violation continues.

(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), for any person that knowingly violates a Federal consumer financial law, a civil penalty may not exceed $1,000,000 for each day during which such violation continues.

(3) MITIGATING FACTORS.—In determining the amount of any penalty assessed under paragraph (2), the Bureau or the court shall take into account the appropriateness of the penalty with respect to—

(A) the size of financial resources and good faith of the person charged;

(B) the gravity of the violation or failure to pay;

(C) the severity of the risks to or losses of the consumer, which may take into account the number of products or services sold or provided;

(D) the history of previous violations; and

(E) such other matters as justice may require.

(4) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Bureau may compromise, modify, or remit any penalty which may be assessed or had already been assessed under paragraph (2). The amount of such penalty, when finally determined, shall be exclusive of any sums owed by the person to the United States in connection with the costs of the proceeding, and may be deducted from any sums owing by the United States to the person charged.

(5) NOTICE AND HEARING.—No civil penalty may be assessed under this subsection with respect to a violation of any Federal consumer financial law, unless—

(A) the Bureau gives notice and an opportunity for a hearing to the person accused of the violation; or

(B) the appropriate court has ordered such assessment and entered judgment in favor of the Bureau.

**SEC. 1056. REFERRALS FOR CRIMINAL PROCEEDINGS.**

If the Bureau obtains evidence that any person, domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, the Bureau shall have the power to transmit such evidence to the Attorney General of the United States, who may institute criminal proceedings under appropriate law. Nothing in this section affects any other authority of the Bureau to disclose information.

**SEC. 1057. EMPLOYEE PROTECTION.**

(a) IN GENERAL.—No covered person or service provider shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any covered employee or any authorized representative of covered employees by reason of the fact that such employee or representative, whether at the initiative of the employee or in the ordinary course of the duties of the employee (or any person acting pursuant to a request of the employee), has—

(1) provided, caused to be provided, or is about to provide or cause to be provided, information to the employer, the Bureau, or any other State, local, or Federal, government authority or law enforcement agency relating to any violation of, or any act or omission that the employee reasonably believes to be a violation of, any provision of

this title or any other provision of law that is subject to the jurisdiction of the Bureau, or any rule, order, standard, or prohibition prescribed by the Bureau;

(2) testified or will testify in any proceeding resulting from the administration or enforcement of any provision of this title or any other provision of law that is subject to the jurisdiction of the Bureau, or any rule, order, standard, or prohibition prescribed by the Bureau;

(3) filed, instituted, or caused to be filed or instituted any proceeding under any Federal consumer financial law; or

(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any law, rule, order, standard, or prohibition, subject to the jurisdiction of, or enforceable by, the Bureau.

(b) DEFINITION OF COVERED EMPLOYEE.—For the purposes of this section, the term ''covered employee'' means any individual performing tasks related to the offering or provision of a consumer financial product or service.

(c) PROCEDURES AND TIMETABLES.—

(1) COMPLAINT.—

(A) IN GENERAL.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such alleged violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act.

(B) ACTIONS OF SECRETARY OF LABOR.—Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint who is alleged to have committed the violation, of —

(i) the filing of the complaint;

(ii) the allegations contained in the complaint;

(iii) the substance of evidence supporting the complaint; and

(iv) opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION BY SECRETARY OF LABOR.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1), and after affording the complainant and the person named in the complaint who is alleged to have committed the violation that is the basis for the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall—

(i) initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit; and

(ii) notify the complainant and the person alleged to have committed the violation of subsection (a), in writing, of such determination.

(B) NOTICE OF RELIEF AVAILABLE.—If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary of Labor shall, together with the notice under subparagraph (A)(ii), issue a preliminary order providing the relief prescribed by paragraph (4)(B).

(C) REQUEST FOR HEARING.—Not later than 30 days after the date of receipt of notification of a determination of the Secretary of Labor under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously, and if a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(3) GROUNDS FOR DETERMINATION OF COMPLAINTS.—

(A) IN GENERAL.—The Secretary of Labor shall dismiss a complaint filed under this subsection, and shall not conduct an investigation otherwise required under paragraph (2), unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(B) REBUTTAL EVIDENCE.—Notwithstanding a finding by the Secretary of Labor that the complainant has made the showing required under subparagraph (A), no investigation otherwise required under paragraph (2) shall be conducted, if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(C) EVIDENTIARY STANDARDS.—The Secretary of Labor may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint. Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(4) ISSUANCE OF FINAL ORDERS; REVIEW PROCEDURES.—

(A) TIMING.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) PENALTIES.—

(i) ORDER OF SECRETARY OF LABOR.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation—

(I) to take affirmative action to abate the violation;

(II) to reinstate the complainant to his or her former position, together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

(III) to provide compensatory damages to the complainant.

(ii) PENALTY.—If an order is issued under clause (i), the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued, a sum equal to the aggregate amount of all costs and expenses (including attorney fees and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(C) PENALTY FOR FRIVOLOUS CLAIMS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney fee, not exceeding $1,000, to be paid by the complainant.

(D) DE NOVO REVIEW.—

(i) FAILURE OF THE SECRETARY TO ACT.—If the Secretary of Labor has not issued a final order within 210 days after the date of filing of a complaint under this subsection, or within 90 days after the date of receipt of a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States having jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(ii) PROCEDURES.—A proceeding under clause (i) shall be governed by the same legal burdens of proof specified in paragraph (3). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

(I) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

(II) the amount of back pay, with interest; and

(III) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(E) OTHER APPEALS.—Unless the complainant brings an action under subparagraph (D), any person adversely affected or aggrieved by a final order issued under subparagraph (A) may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation, not later than 60 days after the date of the issuance of the final order of the Secretary of Labor under subparagraph (A). Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order. An order of the Secretary of Labor with respect to which review could have been obtained under this subparagraph shall not be subject to judicial review in any criminal or other civil proceeding.

(5) FAILURE TO COMPLY WITH ORDER.—

(A) ACTIONS BY THE SECRETARY.—If any person has failed to comply with a final order issued under paragraph (4), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to have occurred, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including injunctive relief and compensatory damages.

(B) CIVIL ACTIONS TO COMPEL COMPLIANCE.—A person on whose behalf an order was issued under paragraph (4) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or

the citizenship of the parties, to enforce such order.

(C) AWARD OF COSTS AUTHORIZED.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(D) MANDAMUS PROCEEDINGS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—

(1) NO WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), and notwithstanding any other provision of law, the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) NO PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), and notwithstanding any other provision of law, no predispute arbitration agreement shall be valid or enforceable to the extent that it requires arbitration of a dispute arising under this section.

(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under subsection (a)(4), unless the Bureau determines, by rule, that such provision is inconsistent with the purposes of this title.

**SEC. 1058. EFFECTIVE DATE.**

This subtitle shall become effective on the designated transfer date.

### Subtitle F—Transfer of Functions and Personnel; Transitional Provisions

**SEC. 1061. TRANSFER OF CONSUMER FINANCIAL PROTECTION FUNCTIONS.**

(a) DEFINED TERMS.—For purposes of this subtitle—

(1) the term ''consumer financial protection functions'' means research, rulemaking, issuance of orders or guidance, supervision, examination, and enforcement activities, powers, and duties relating to the offering or provision of consumer financial products or services; and

(2) the terms ''transferor agency'' and ''transferor agencies'' mean, respectively—

(A) the Board of Governors (and any Federal reserve bank, as the context requires), the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Department of Housing and Urban Development, and the heads of those agencies; and

(B) the agencies listed in subparagraph (A), collectively.

(b) IN GENERAL.—Except as provided in subsection (c), consumer financial protection functions are transferred as follows:

(1) BOARD OF GOVERNORS.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Board of Governors are transferred to the Bureau.

(B) BOARD OF GOVERNORS AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Board of Governors, relating to consumer financial protection functions, on the day before the designated transfer date.

(2) COMPTROLLER OF THE CURRENCY.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Comptroller of the Currency are transferred to the Bureau.

(B) COMPTROLLER AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Comptroller of the Currency, relating to consumer financial protection functions, on the day before the designated transfer date.

(3) DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Director of the Office of Thrift Supervision are transferred to the Bureau.

(B) DIRECTOR AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Director of the Office of Thrift Supervision, relating to consumer financial protection functions, on the day before the designated transfer date.

(4) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Federal Deposit Insurance Corporation are transferred to the Bureau.

(B) CORPORATION AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Federal Deposit Insurance Corporation, relating to consumer financial protection functions, on the day before the designated transfer date.

(5) FEDERAL TRADE COMMISSION.—

(A) TRANSFER OF FUNCTIONS.—Except as provided in subparagraph (C), all consumer financial protection functions of the Federal Trade Commission are transferred to the Bureau.

(B) COMMISSION AUTHORITY.—Except as provided in subparagraph (C), the Bureau shall have all powers and duties that were vested in the Federal Trade Commission relating to consumer financial protection functions on the day before the designated transfer date.

(C) CONTINUATION OF CERTAIN COMMISSION AUTHORITIES.—Notwithstanding subparagraphs (A) and (B), the Federal Trade Commission shall continue to have authority to enforce, and issue rules with respect to—

(i) the Credit Repair Organizations Act (15 U.S.C. 1679 et seq.);

(ii) section 5 of the Federal Trade Commission Act (15 U.S.C. 45); and

(iii) the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.).

(6) NATIONAL CREDIT UNION ADMINISTRATION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the National Credit Union Administration are transferred to the Bureau.

(B) NATIONAL CREDIT UNION ADMINISTRATION AUTHORITY.—The Bureau shall have all powers and duties that were vested in the National Credit Union Administration, relating to consumer financial protection functions, on the day before the designated transfer date.

(7) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

(A) TRANSFER OF FUNCTIONS.—All consumer protection functions of the Secretary of the Department of Housing and Urban Development relating to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5102 et seq.) are transferred to the Bureau.

(B) AUTHORITY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Bureau shall have all powers and duties that were vested in the Secretary of the Department of Housing and Urban Development relating to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.), and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.), on the day before the designated transfer date.

(c) TRANSFERS OF FUNCTIONS SUBJECT TO EXAMINATION AND ENFORCEMENT AUTHORITY REMAINING WITH TRANSFEROR AGENCIES.—The transfers of functions in subsection (b) do not affect the authority of the agencies identified in subsection (b) from conducting examinations or initiating and maintaining enforcement proceedings, including performing appropriate supervisory and support functions relating thereto, in accordance with sections 1024, 1025, and 1026.

(d) EFFECTIVE DATE.—Subsections (b) and (c) shall become effective on the designated transfer date.

**SEC. 1062. DESIGNATED TRANSFER DATE.**

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall—

(1) in consultation with the Chairman of the Board of Governors, the Chairperson of the Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, designate a single calendar date for the transfer of functions to the Bureau under section 1061; and

(2) publish notice of that designated date in the Federal Register.

(b) CHANGING DESIGNATION.—The Secretary—

(1) may, in consultation with the Chairman of the Board of Governors, the Chairperson of the Federal Deposit Insurance Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, change the date designated under subsection (a); and

(2) shall publish notice of any changed designated date in the Federal Register.

(c) PERMISSIBLE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any date designated under this section shall be not earlier than 180 days, nor later than 18 months, after the date of enactment of this Act.

(2) EXTENSION OF TIME.—The Secretary may designate a date that is later than 18 months after the date of enactment of this Act if the Secretary transmits to appropriate committees of Congress—

(A) a written determination that orderly implementation of this title is not feasible before the date that is 18 months after the date of enactment of this Act;

(B) an explanation of why an extension is necessary for the orderly implementation of this title; and

(C) a description of the steps that will be taken to effect an orderly and timely implementation of this title within the extended time period.

(3) EXTENSION LIMITED.—In no case may any date designated under this section be later than 24 months after the date of enactment of this Act.

**SEC. 1063. SAVINGS PROVISIONS.**

(a) BOARD OF GOVERNORS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(1) does not affect the validity of any right, duty, or

obligation of the United States, the Board of Governors (or any Federal reserve bank), or any other person that—

(A) arises under any provision of law relating to any consumer financial protection function of the Board of Governors transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Board of Governors (or any Federal reserve bank) before the designated transfer date with respect to any consumer financial protection function of the Board of Governors (or any Federal reserve bank) transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Board of Governors (or Federal reserve bank) as a party to any such proceeding as of the designated transfer date.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(4) does not affect the validity of any right, duty, or obligation of the United States, the Federal Deposit Insurance Corporation, the Board of Directors of that Corporation, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Federal Deposit Insurance Corporation transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Federal Deposit Insurance Corporation (or the Board of Directors of that Corporation) before the designated transfer date with respect to any consumer financial protection function of the Federal Deposit Insurance Corporation transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Federal Deposit Insurance Corporation (or Board of Directors) as a party to any such proceeding as of the designated transfer date.

(c) FEDERAL TRADE COMMISSION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(5) does not affect the validity of any right, duty, or obligation of the United States, the Federal Trade Commission, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Federal Trade Commission transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Federal Trade Commission before the designated transfer date with respect to any consumer financial protection function of the Federal Trade Commission transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Federal Trade Commission as a party to any such proceeding as of the designated transfer date.

(d) NATIONAL CREDIT UNION ADMINISTRATION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(6) does not affect the validity of any right, duty, or obligation of the United States, the National Credit Union Administration, the National Credit Union Administration Board, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the National Credit Union Administration transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the National Credit Union Administration (or the National Credit Union Administration Board) before the designated transfer date with respect to any consumer financial protection function of the National Credit Union Administration transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the National Credit Union Administration (or National Credit Union Administration Board) as a party to any such proceeding as of the designated transfer date.

(e) OFFICE OF THE COMPTROLLER OF THE CURRENCY.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(2) does not affect the validity of any right, duty, or obligation of the United States, the Comptroller of the Currency, the Office of the Comptroller of the Currency, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Comptroller of the Currency transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Comptroller of the Currency (or the Office of the Comptroller of the Currency) with respect to any consumer financial protection function of the Comptroller of the Currency transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Comptroller of the Currency (or the Office of the Comptroller of the Currency) as a party to any such proceeding as of the designated transfer date.

(f) OFFICE OF THRIFT SUPERVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(3) does not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Thrift Supervision, the Office of Thrift Supervision, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Director of the Office of Thrift Supervision transferred to the Bureau by this title; and

(B) that existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Director of the Office of Thrift Supervision (or the Office of Thrift Supervision) with respect to any consumer financial protection function of the Director of the Office of Thrift Supervision transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Director (or the Office of Thrift Supervision) as a party to any such proceeding as of the designated transfer date.

(g) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(7) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development), or any other person, that—

(A) arises under any provision of law relating to any function of the Secretary of the Department of Housing and Urban Development with respect to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) or the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5102 et seq.) transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—This title shall not abate any proceeding commenced by or against the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development) with respect to any consumer financial protection function of the Secretary of the Department of Housing and Urban Development transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development) as a party to any such proceeding as of the designated transfer date.

(h) CONTINUATION OF EXISTING ORDERS, RULES, DETERMINATIONS, AGREEMENTS, AND RESOLUTIONS.—All orders, resolutions, determinations, agreements, and rules that have been issued, made, prescribed, or allowed to become effective by any transferor agency or by a court of competent jurisdiction, in the performance of consumer financial protection functions that are transferred by this title and that are in effect on the day before the designated transfer date, shall continue in effect according to the terms of those orders, resolutions, determinations, agreements, and rules, and shall not be enforceable by or against the Bureau.

(i) IDENTIFICATION OF RULES CONTINUED.—Not later than the designated transfer date, the Bureau—

(1) shall, after consultation with the head of each transferor agency, identify the rules continued under subsection (h) that will be enforced by the Bureau; and

(2) shall publish a list of such rules in the Federal Register.

(j) STATUS OF RULES PROPOSED OR NOT YET EFFECTIVE.—

(1) PROPOSED RULES.—Any proposed rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has proposed before the designated transfer date, but has not been published as a final rule before that date, shall be deemed to be a proposed rule of the Bureau.

(2) RULES NOT YET EFFECTIVE.—Any interim or final rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has published before the designated transfer date, but which has not become effective before that date, shall become effective as a rule of the Bureau according to its terms.

**SEC. 1064. TRANSFER OF CERTAIN PERSONNEL.**

(a) IN GENERAL.—

(1) CERTAIN FEDERAL RESERVE SYSTEM EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Board of Governors shall—

(i) jointly determine the number of employees of the Board of Governors necessary to perform or support the consumer financial protection functions of the Board of Governors that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Board of Governors for transfer to the Bureau, in a manner that the Bureau and the Board of Governors, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Board of Governors identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(C) FEDERAL RESERVE BANK EMPLOYEES.—Employees of any Federal reserve bank who, on the day before the designated transfer date, are performing consumer financial protection functions on behalf of the Board of Governors shall be treated as employees of the Board of Governors for purposes of subparagraphs (A) and (B).

(2) CERTAIN FDIC EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Board of Directors of the Federal Deposit Insurance Corporation shall—

(i) jointly determine the number of employees of that Corporation necessary to perform or support the consumer financial protection functions of the Corporation that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Corporation for transfer to the Bureau, in a manner that the Bureau and the Board of Directors of the Corporation, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Corporation identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(3) CERTAIN NCUA EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the National Credit Union Administration Board shall—

(i) jointly determine the number of employees of the National Credit Union Administration necessary to perform or support the consumer financial protection functions of the National Credit Union Administration that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the National Credit Union Administration for transfer to the Bureau, in a manner that the Bureau and the National Credit Union Administration Board, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the National Credit Union Administration identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(4) CERTAIN OFFICE OF THE COMPTROLLER OF THE CURRENCY EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Comptroller of the Currency shall—

(i) jointly determine the number of employees of the Office of the Comptroller of the Currency necessary to perform or support the consumer financial protection functions of the Office of the Comptroller of the Currency that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Office of the Comptroller of the Currency for transfer to the Bureau, in a manner that the Bureau and the Office of the Comptroller of the Currency, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Office of the Comptroller of the Currency identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(5) CERTAIN OFFICE OF THRIFT SUPERVISION EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Director of the Office of Thrift Supervision shall—

(i) jointly determine the number of employees of the Office of Thrift Supervision necessary to perform or support the consumer financial protection functions of the Office of Thrift Supervision that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Office of Thrift Supervision for transfer to the Bureau, in a manner that the Bureau and the Office of Thrift Supervision, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Office of Thrift Supervision identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(6) CERTAIN EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Secretary of the Department of Housing and Urban Development shall—

(i) jointly determine the number of employees of the Department of Housing and Urban Development necessary to perform or support the consumer protection functions of the Department that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Department of Housing and Urban Development for transfer to the Bureau in a manner that the Bureau and the Secretary of the Department of Housing and Urban Development, in their sole discretion, deem equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Department of Housing and Urban Development identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(7) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE AND SENIOR EXECUTIVE SERVICE TRANSFERRED.—

(A) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to subparagraph (B).

(B) DECLINING TRANSFERS ALLOWED.—An agency or entity may decline to make a transfer of authority under subparagraph (A) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and non-career positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(b) TIMING OF TRANSFERS AND POSITION ASSIGNMENTS.—Each employee to be transferred under this section shall—

(1) be transferred not later than 90 days after the designated transfer date; and

(2) receive notice of a position assignment not later than 120 days after the effective date of his or her transfer.

(c) TRANSFER OF FUNCTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the transfer of employees shall be deemed a transfer of functions for the purpose of section 3503 of title 5, United States Code.

(2) PRIORITY OF THIS TITLE.—If any provisions of this title conflict with any protection provided to transferred employees under section 3503 of title 5, United States Code, the provisions of this title shall control.

(d) EQUAL STATUS AND TENURE POSITIONS.—

(1) EMPLOYEES TRANSFERRED FROM FDIC, FTC, HUD, NCUA, OCC, AND OTS.—Each employee transferred from the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the Department of Housing and Urban Development shall be placed in a position at the Bureau with the same status and tenure as that employee held on the day before the designated transfer date.

(2) EMPLOYEES TRANSFERRED FROM THE FEDERAL RESERVE SYSTEM.—

(A) COMPARABILITY.—Each employee transferred from the Board of Governors or from a Federal reserve bank shall be placed in a position with the same status and tenure as that of an employee transferring to the Bureau from the Office of the Comptroller of the Currency who perform similar functions and have similar periods of service.

(B) SERVICE PERIODS CREDITED.—For purposes of this paragraph, periods of service with the Board of Governors or a Federal reserve bank shall be credited as periods of service with a Federal agency.

(e) ADDITIONAL CERTIFICATION REQUIREMENTS LIMITED.—Examiners transferred to the Bureau are not subject to any additional certification requirements before being placed in a comparable examiner position at the Bureau examining the same types of institutions as they examined before they were transferred.

(f) PERSONNEL ACTIONS LIMITED.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), each transferred employee holding a permanent position on the day before the designated transfer date may not, during the 2-year period beginning on the designated transfer date, be involuntarily separated, or involuntarily reassigned outside his or her locality pay area, as defined by the Office of Personnel Management.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Bureau—

(A) to separate an employee for cause or for unacceptable performance;

(B) to terminate an appointment to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character; or

(C) to reassign a supervisory employee outside his or her locality pay area, as defined by the Office of Personnel Management, when the Bureau determines that the reassignment is necessary for the efficient operation of the Bureau.

(g) PAY.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), each transferred employee shall, during the 2-year period beginning on

the designated transfer date, receive pay at a rate equal to not less than the basic rate of pay (including any geographic differential) that the employee received during the pay period immediately preceding the date of transfer.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Bureau to reduce the rate of basic pay of a transferred employee—

(A) for cause;

(B) for unacceptable performance; or

(C) with the consent of the employee.

(3) PROTECTION ONLY WHILE EMPLOYED.—Paragraph (1) applies to a transferred employee only while that employee remains employed by the Bureau.

(4) PAY INCREASES PERMITTED.—Paragraph (1) does not limit the authority of the Bureau to increase the pay of a transferred employee.

(h) REORGANIZATION.—

(1) BETWEEN 1ST AND 3RD YEAR.—

(A) IN GENERAL.—If the Bureau determines, during the 2-year period beginning 1 year after the designated transfer date, that a reorganization of the staff of the Bureau is required—

(i) that reorganization shall be deemed a ''major reorganization'' for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code;

(ii) before the reorganization occurs, all employees in the same locality pay area as defined by the Office of Personnel Management shall be placed in a uniform position classification system; and

(iii) any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Bureau shall—

(I) establish competitive areas (as that term is defined in regulations issued by the Office of Personnel Management) to include at a minimum all employees in the same locality pay area as defined by the Office of Personnel Management;

(II) establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to whether the particular employees have been appointed to positions in the competitive service or the excepted service; and

(III) afford employees appointed to positions in the excepted service (other than to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character) the same assignment rights to positions within the Bureau as employees appointed to positions in the competitive service.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(2) AFTER 3RD YEAR.—

(A) IN GENERAL.—If the Bureau determines, at any time after the 3-year period beginning on the designated transfer date, that a reorganization of the staff of the Bureau is required, any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Bureau shall establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to types of appointment held by particular employees transferred under this section.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(i) BENEFITS.—

(1) RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) IN GENERAL.—

(i) CONTINUATION OF EXISTING RETIREMENT PLAN.—Except as provided in subparagraph (B), each transferred employee shall remain enrolled in his or her existing retirement plan, through any period of continuous employment with the Bureau.

(ii) EMPLOYER CONTRIBUTION.—The Bureau shall pay any employer contributions to the existing retirement plan of each transferred employee, as required under that plan.

(B) OPTION FOR EMPLOYEES TRANSFERRED FROM FEDERAL RESERVE SYSTEM TO BE SUBJECT TO FEDERAL EMPLOYEE RETIREMENT PROGRAM.—

(i) ELECTION.—Any transferred employee who was enrolled in a Federal Reserve System retirement plan on the day before his or her transfer to the Bureau may, during the 1-year period beginning 6 months after the designated transfer date, elect to be subject to the Federal employee retirement program.

(ii) EFFECTIVE DATE OF COVERAGE.—For any employee making an election under clause (i), coverage by the Federal employee retirement program shall begin 1 year after the designated transfer date.

(C) BUREAU PARTICIPATION IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN.—

(i) SEPARATE ACCOUNT IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN ESTABLISHED.—Notwithstanding any other provision of law, and subject to the terms and conditions of this section, a separate account in the Federal Reserve System retirement plan shall be established for Bureau employees who do not make the election under subparagraph (B).

(ii) FUNDS ATTRIBUTABLE TO TRANSFERRED EMPLOYEES REMAINING IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN TRANSFERRED.—The proportionate share of funds in the Federal Reserve System retirement plan, including the proportionate share of any funding surplus in that plan, attributable to a transferred employee who does not make the election under subparagraph (B), shall be transferred to the account established under clause (i).

(iii) EMPLOYER CONTRIBUTIONS DEPOSITED.—The Bureau shall deposit into the account established under clause (i) the employer contributions that the Bureau makes on behalf of employees who do not make the election under subparagraph (B).

(iv) ACCOUNT ADMINISTRATION.—The Bureau shall administer the account established under clause (i) as a participating employer in the Federal Reserve System retirement plan.

(D) DEFINITIONS.—For purposes of this paragraph—

(i) the term ''existing retirement plan'' means, with respect to any employee transferred under this section, the particular retirement plan (including the Financial Institutions Retirement Fund) and any associated thrift savings plan of the agency or Federal reserve bank from which the employee was transferred, in which the employee was enrolled on the day before the designated transfer date; and

(ii) the term ''Federal employee retirement program'' means the retirement program for Federal employees established by chapter 84 of title 5, United States Code.

(2) BENEFITS OTHER THAN RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) DURING 1ST YEAR.—

(i) EXISTING PLANS CONTINUE.—Each transferred employee may, for 1 year after the designated transfer date, retain membership in any other employee benefit program of the agency or bank from which the employee transferred, including a dental, vision, long term care, or life insurance program, to which the employee belonged on the day before the designated transfer date.

(ii) EMPLOYER CONTRIBUTION.—The Bureau shall reimburse the agency or bank from which an employee was transferred for any cost incurred by that agency or bank in continuing to extend coverage in the benefit program to the employee, as required under that program or negotiated agreements.

(B) DENTAL, VISION, OR LIFE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the designated transfer date, the Bureau decides not to continue participation in any dental, vision, or life insurance program of an agency or bank from which an employee transferred, a transferred employee who is a member of such a program may, before the decision of the Bureau takes effect, elect to enroll, without regard to any regularly scheduled open season, in—

(i) the enhanced dental benefits established by chapter 89A of title 5, United States Code;

(ii) the enhanced vision benefits established by chapter 89B of title 5, United States Code; or

(iii) the Federal Employees Group Life Insurance Program established by chapter 87 of title 5, United States Code, without regard to any requirement of insurability.

(C) LONG TERM CARE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the designated transfer date, the Bureau decides not to continue participation in any long term care insurance program of an agency or bank from which an employee transferred, a transferred employee who is a member of such a program may, before the decision of the Bureau takes effect, elect to apply for coverage under the Federal Long Term Care Insurance Program established by chapter 90 of title 5, United States Code, under the underwriting requirements applicable to a new active workforce member (as defined in part 875, title 5, Code of Federal Regulations).

(D) EMPLOYEE CONTRIBUTION.—An individual enrolled in the Federal Employees Health Benefits program shall pay any employee contribution required by the plan.

(E) ADDITIONAL FUNDING.—The Bureau shall transfer to the Federal Employees Health Benefits Fund established under section 8909 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Bureau and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this paragraph.

(F) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For employees transferred under this title, enrollment in a health benefits plan administered by a transferor agency or a Federal reserve bank, as the case may be, immediately before enrollment in a health benefits plan under chapter 89 of title 5, United States Code, shall be considered as enrollment in a health benefits plan under that chapter for purposes of section 8905(b)(1)(A) of title 5, United States Code.

(G) SPECIAL PROVISIONS TO ENSURE CONTINUATION OF LIFE INSURANCE BENEFITS.—

(i) IN GENERAL.—An annuitant (as defined in section 8901(3) of title 5, United States Code) who is enrolled in a life insurance plan administered by a transferor agency on the day before the designated transfer date shall be eligible for coverage by a life insurance plan under sections 8706(b), 8714a, 8714b, and 8714c of title 5, United States Code, or in a life insurance plan established by the Bureau, without regard to any regularly scheduled open season and requirement of insurability.

(ii) EMPLOYEE CONTRIBUTION.—An individual enrolled in a life insurance plan under this subparagraph shall pay any employee contribution required by the plan.

(iii) ADDITIONAL FUNDING.—The Bureau shall transfer to the Employees' Life Insurance Fund established under section 8714 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Bureau and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this subparagraph not otherwise paid for by the employee under clause (ii).

(iv) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For employees transferred under this title, enrollment in a life insurance plan administered by a transferor agency immediately before enrollment in a life insurance plan under chapter 87 of title 5, United States Code, shall be considered as enrollment in a life insurance plan under that chapter for purposes of section 8706(b)(1)(A) of title 5, United States Code.

(3) OPM RULES.—The Office of Personnel Management shall issue such rules as are necessary to carry out this subsection.

(j) IMPLEMENTATION OF UNIFORM PAY AND CLASSIFICATION SYSTEM.—Not later than 2 years after the designated transfer date, the Bureau shall implement a uniform pay and classification system for all employees transferred under this title.

(k) EQUITABLE TREATMENT.—In administering the provisions of this section, the Bureau—

(1) shall take no action that would unfairly disadvantage transferred employees relative to each other based on their prior employment by the Board of Governors, the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks; and

(2) may take such action as is appropriate in individual cases so that employees transferred under this section receive equitable treatment, with respect to the status, tenure, pay, benefits (other than benefits under programs administered by the Office of Personnel Management), and accrued leave or vacation time of those employees, for prior periods of service with any Federal agency, including the Board of Governors, the Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks.

(l) IMPLEMENTATION.—In implementing the provisions of this section, the Bureau shall coordinate with the Office of Personnel Management and other entities having expertise in matters related to employment to ensure a fair and orderly transition for affected employees.

**SEC. 1065. INCIDENTAL TRANSFERS.**

(a) INCIDENTAL TRANSFERS AUTHORIZED.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall make such additional incidental transfers and dispositions of assets and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this title, as the Director may determine necessary to accomplish the purposes of this title.

(b) SUNSET.—The authority provided in this section shall terminate 5 years after the date of enactment of this Act.

**SEC. 1066. INTERIM AUTHORITY OF THE SECRETARY.**

(a) IN GENERAL.—The Secretary is authorized to perform the functions of the Bureau under this subtitle until the Director of the Bureau is confirmed by the Senate in accordance with section 1011.

(b) INTERIM ADMINISTRATIVE SERVICES BY THE DEPARTMENT OF THE TREASURY.—The Department of the Treasury may provide administrative services necessary to support the Bureau before the designated transfer date.

**SEC. 1067. TRANSITION OVERSIGHT.**

(a) PURPOSE.—The purpose of this section is to ensure that the Bureau—

(1) has an orderly and organized startup;

(2) attracts and retains a qualified workforce; and

(3) establishes comprehensive employee training and benefits programs.

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Bureau shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that includes the plans described in paragraph (2).

(2) PLANS.—The plans described in this paragraph are as follows:

(A) TRAINING AND WORKFORCE DEVELOPMENT PLAN.—The Bureau shall submit a training and workforce development plan that includes, to the extent practicable—

(i) identification of skill and technical expertise needs and actions taken to meet those requirements;

(ii) steps taken to foster innovation and creativity;

(iii) leadership development and succession planning; and

(iv) effective use of technology by employees.

(B) WORKPLACE FLEXIBILITIES PLAN.—The Bureau shall submit a workforce flexibility plan that includes, to the extent practicable—

(i) telework;

(ii) flexible work schedules;

(iii) phased retirement;

(iv) reemployed annuitants;

(v) part-time work;

(vi) job sharing;

(vii) parental leave benefits and childcare assistance;

(viii) domestic partner benefits;

(ix) other workplace flexibilities; or

(x) any combination of the items described in clauses (i) through (ix).

(C) RECRUITMENT AND RETENTION PLAN.—The Bureau shall submit a recruitment and retention plan that includes, to the extent practicable, provisions relating to—

(i) the steps necessary to target highly qualified applicant pools with diverse backgrounds;

(ii) streamlined employment application processes;

(iii) the provision of timely notification of the status of employment applications to applicants; and

(iv) the collection of information to measure indicators of hiring effectiveness.

(c) EXPIRATION.—The reporting requirement under subsection (b) shall terminate 5 years after the date of enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) a collective bargaining agreement, as that term is defined in section 7103(a)(8) of title 5, United States Code, that is in effect on the date of enactment of this Act; or

(2) the rights of employees under chapter 71 of title 5, United States Code.

## Subtitle G—Regulatory Improvements

**SEC. 1071. COLLECTION OF DEPOSIT ACCOUNT DATA.**

(a) PURPOSE.—The purpose of this section is to promote awareness and understanding of the access of individuals and communities to financial services, and to identify business and community development needs and opportunities.

(b) IN GENERAL.—

(1) RECORDS REQUIRED.—For each branch, automated teller machine at which deposits are accepted, and other deposit taking service facility with respect to any financial institution, the financial institution shall maintain a record of the number and dollar amounts of the deposit accounts of customers.

(2) GEO-CODED ADDRESSES OF DEPOSITORS.—Customer addresses shall be geo-coded for the collection of data regarding the census tracts of the residences or business locations of customers.

(3) IDENTIFICATION OF DEPOSITOR TYPE.—In maintaining records on any deposit account under this section, the financial institution shall record whether the deposit account is for a residential or commercial customer.

(4) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—Each financial institution shall make publicly available on an annual basis, from information collected under this section—

(i) the address and census tract of each branch, automated teller machine at which deposits are accepted, and other deposit taking service facility with respect to the financial institution;

(ii) the type of deposit account, including whether the account was a checking or savings account; and

(iii) data on the number and dollar amount of the accounts, presented by census tract location of the residential and commercial customer.

(B) PROTECTION OF IDENTITY.—In making data publicly available, any personally identifiable data element shall be removed so as to protect the identities of the commercial and residential customers.

(c) AVAILABILITY OF INFORMATION.—

(1) SUBMISSION TO AGENCIES.—The data required to be compiled and maintained under this section by any financial institution shall be submitted annually to the Bureau, or to a Federal banking agency, in accordance with rules prescribed by the Bureau.

(2) AVAILABILITY OF INFORMATION.—Information compiled and maintained under this section shall be retained for not less than 3 years after the date of preparation and shall be made available to the public, upon request, in the form required under rules prescribed by the Bureau.

(d) BUREAU USE.—The Bureau—

(1) shall use the data on branches and deposit accounts acquired under this section as part of the examination of a covered person as part of an examination under this title;

(2) shall assess the distribution of residential and commercial accounts at such financial institution across income and minority level of census tracts; and

(3) may use the data for any other purpose as permitted by law.

(e) RULES AND GUIDANCE.—The Bureau shall prescribe such rules and issue guidance as may be necessary to carry out, enforce, and compile data pursuant to this section. The Bureau shall prescribe rules regarding the provision of data compiled under this section to the Federal banking agencies to carry out the purposes of this section, and shall issue guidance to financial institutions regarding measures to facilitate compliance with this section and the requirements of rules prescribed thereunder.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) DEPOSIT ACCOUNT.—The term ''deposit account'' includes any checking account, savings account, credit union share account, and other types of accounts, as defined by the Bureau.

(2) FINANCIAL INSTITUTION.—The term ''financial institution''—

(A) has the meaning given to the term ''insured depository institution'' in section 3(c)(2) of the Federal Deposit Insurance Act; and

(B) includes any credit union.

(g) EFFECTIVE DATE.—This section shall become effective on the designated transfer date.

**SEC. 1072. SMALL BUSINESS DATA COLLECTION.**

(a) IN GENERAL.—The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended by inserting after section 704A the following:

**''SEC. 740B. SMALL BUSINESS LOAN DATA COLLECTION.**

''(a) PURPOSE.—The purpose of this section is to facilitate enforcement of fair lending laws and enable communities, governmental entities, and creditors to identify business and community development needs and opportunities of women-owned and minority-owned small businesses.

''(b) INFORMATION GATHERING.—Subject to the requirements of this section, in the case of any application to a financial institution for credit for a small business, the financial institution shall—

''(1) inquire whether the small business is a women- or minority-owned small business, without regard to whether such application is received in person, by mail, by telephone, by electronic mail or other form of electronic transmission, or by any other means, and whether or not such application is in response to a solicitation by the financial institution; and

''(2) maintain a record of the responses to such inquiry, separate from the application and accompanying information.

''(c) RIGHT TO REFUSE.—Any applicant for credit may refuse to provide any information requested pursuant to subsection (b) in connection with any application for credit.

''(d) NO ACCESS BY UNDERWRITERS.—

''(1) LIMITATION.—Where feasible, no loan underwriter or other officer or employee of a financial institution, or any affiliate of a financial institution, involved in making any determination concerning an application for credit shall have access to any information provided by the applicant pursuant to a request under subsection (b) in connection with such application.

''(2) LIMITED ACCESS.—If a financial institution determines that a loan underwriter or other officer or employee of a financial institution, or any affiliate of a financial institution, involved in making any determination concerning an application for credit should have access to any information provided by the applicant pursuant to a request under subsection (b), the financial institution shall provide notice to the applicant of the access of the underwriter to such information, along with notice that the financial institution may not discriminate on the basis of such information.

''(e) FORM AND MANNER OF INFORMATION.—

''(1) IN GENERAL.—Each financial institution shall compile and maintain, in accordance with regulations of the Bureau, a record of the information provided by any loan applicant pursuant to a request under subsection (b).

''(2) ITEMIZATION.—Information compiled and maintained under paragraph (1) shall be itemized in order to clearly and conspicuously disclose—

''(A) the number of the application and the date on which the application was received;

''(B) the type and purpose of the loan or other credit being applied for;

''(C) the amount of the credit or credit limit applied for, and the amount of the credit transaction or the credit limit approved for such applicant;

''(D) the type of action taken with respect to such application, and the date of such action;

''(E) the census tract in which is located the principal place of business of the small business loan applicant;

''(F) the gross annual revenue of the business in the last fiscal year of the small business loan applicant preceding the date of the application;

''(G) the race and ethnicity of the principal owners of the business; and

''(H) any additional data that the Bureau determines would aid in fulfilling the purposes of this section.

''(3) NO PERSONALLY IDENTIFIABLE INFORMATION.—In compiling and maintaining any record of information under this section, a financial institution may not include in such record the name, specific address (other than the census tract required under paragraph (1)(E)), telephone number, electronic mail address, or any other personally identifiable information concerning any individual who is, or is connected with, the small business loan applicant.

''(4) DISCRETION TO DELETE OR MODIFY PUBLICLY AVAILABLE DATA.—The Bureau may, at its discretion, delete or modify data collected under this section which is or will be available to the public, if the Bureau determines that the deletion or modification of the data would advance a compelling privacy interest.

''(f) AVAILABILITY OF INFORMATION.—

''(1) SUBMISSION TO BUREAU.—The data required to be compiled and maintained under this section by any financial institution shall be submitted annually to the Bureau.

''(2) AVAILABILITY OF INFORMATION.—Information compiled and maintained under this section shall be—

''(A) retained for not less than 3 years after the date of preparation;

''(B) made available to any member of the public, upon request, in the form required under regulations prescribed by the Bureau;

''(C) annually made available to the public generally by the Bureau, in such form and in such manner as is determined appropriate by the Bureau.

''(3) COMPILATION OF AGGREGATE DATA.—The Bureau may, at its discretion—

''(A) compile and aggregate data collected under this section for its own use; and

''(B) make public such compilations of aggregate data.

''(g) BUREAU ACTION.—

''(1) IN GENERAL.—The Bureau shall prescribe such rules and issue such guidance as may be necessary to carry out, enforce, and compile data pursuant to this section.

''(2) EXCEPTIONS.—The Bureau, by rule or order, may adopt exceptions to any requirement of this section and may, conditionally or unconditionally, exempt any financial institution or class of financial institutions from the requirements of this section, as the Bureau deems necessary or appropriate to carry out the purposes of this section.

''(3) GUIDANCE.—The Bureau shall issue guidance designed to facilitate compliance with the requirements of this section, including assisting financial institutions in working with applicants to determine whether the applicants are women- or minority-owned for purposes of this section.

''(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FINANCIAL INSTITUTION.—The term 'financial institution' means any partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity that engages in any financial activity.

''(2) MINORITY.—The term 'minority' has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

''(3) MINORITY-OWNED SMALL BUSINESS.—The term 'minority-owned small business' means a small business—

''(A) more than 50 percent of the ownership or control of which is held by 1 or more minority individuals; and

''(B) more than 50 percent of the net profit or loss of which accrues to 1 or more minority individuals.

''(4) SMALL BUSINESS LOAN.—The term 'small business loan' shall be defined by the Bureau, which may take into account—

''(A) the gross revenues of the borrower;

''(B) the total number of employees of the borrower;

''(C) the industry in which the borrower has its primary operations; and

''(D) the size of the loan.

''(5) WOMEN-OWNED SMALL BUSINESS.—The term 'women-owned small business' means a business—

''(A) more than 50 percent of the ownership or control of which is held by 1 or more women; and

''(B) more than 50 percent of the net profit or loss of which accrues to 1 or more women.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 701(b) of the Equal Credit Opportunity Act (15 U.S.C. 1691(b)) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (4), the following:

''(5) to make an inquiry under section 704B, in accordance with the requirements of that section.''.

(c) CLERICAL AMENDMENT.—The table of sections for title VII of the Consumer Credit Protection Act is amended by inserting after the item relating to section 704A the following new item:

''704B. Small business loan data collection.''.

(d) EFFECTIVE DATE.—This section shall become effective on the designated transfer date.

**SEC. 1073. GAO STUDY ON THE EFFECTIVENESS AND IMPACT OF VARIOUS APPRAISAL METHODS.**

(a) IN GENERAL.—The Government Accountability Office shall conduct a study on the effectiveness and impact of various appraisal methods, including the cost approach, the comparative sales approach, the income approach, and others that may be available.

(b) STUDY.—Not later than—

(1) 1 year after the date of enactment of this Act, the Government Accountability Office shall submit a study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives;

(2) 90 days after the date of enactment of this Act, the Government Accountability Office shall provide a report on the status of the study and any preliminary findings to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(c) CONTENT OF STUDY.—The study required by this section shall include an examination of—

(1) the prevalence, alone or in combination, of these approaches in purchase-money and refinance mortgage transactions;

(2) the accuracy of the various approaches in assessing the property as collateral;

(3) whether and how the approaches contributed to price speculation in the previous cycle;

(4) the costs to consumers of these approaches;

(5) the disclosure of fees to consumers in the appraisal process;

(6) to what extent such approaches may be influenced by a conflict of interest between the mortgage lender and the appraiser and the mechanism by which the lender selects and compensates the appraiser; and

(7) the suitability of appraisal approaches in rural versus urban areas.

**SEC. 1074. PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.**

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129A (15 U.S.C. 1639a) the following new section:

**"SEC. 129B. PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.**

''(a) PROHIBITED ON CERTAIN LOANS.—A residential mortgage loan that is not a qualified mortgage may not contain terms under which a consumer is required to pay a prepayment penalty for paying all or part of the principal after the loan is consummated.

''(b) PHASED-OUT PENALTIES ON QUALIFIED MORTGAGES.—

''(1) IN GENERAL.—A qualified mortgage may not contain terms under which a consumer is required to pay a prepayment penalty for paying all or part of the principal after the loan is consummated in excess of—

''(A) during the 1-year period beginning on the date on which the loan is consummated, an amount equal to 3 percent of the outstanding balance on the loan;

''(B) during the 1-year period beginning immediately after the end of the period described in subparagraph (A), an amount equal to 2 percent of the outstanding balance on the loan; and

''(C) during the 1-year period beginning immediately after the end of the 1-year period described in subparagraph (B), an amount equal to 1 percent of the outstanding balance on the loan.

''(2) PROHIBITION.—After the end of the 3-year period beginning on the date on which the loan is consummated, no prepayment penalty may be imposed on a qualified mortgage.

''(c) OPTION FOR NO PREPAYMENT PENALTY REQUIRED.—A creditor may not offer a consumer a residential mortgage loan product that has a prepayment penalty for paying all or part of the principal after the loan is consummated as a term of the loan, without offering to the consumer a residential mortgage loan product that does not have a prepayment penalty as a term of the loan.

''(d) PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—A creditor may not take any action in connection with a residential mortgage loan—

''(1) to structure a loan transaction as an open end consumer credit plan or another form of loan for the purpose and with the intent of evading the provisions of this section; or

''(2) to divide any loan transaction into separate parts for the purpose and with the intent of evading provisions of this section.

''(e) PUBLICATION OF AVERAGE PRIME OFFER RATE AND APR THRESHOLDS.—The Board—

''(1) shall publish, and update at least weekly, average prime offer rates;

''(2) may publish multiple rates based on varying types of mortgage transactions; and

''(3) shall adjust the thresholds of 1.50 percentage points in subsection (g)(3)(A)(v)(I), 2.50 percentage points in subsection (g)(3)(A)(v)(II), and 3.50 percentage points in subsection (g)(3)(A)(v)(III), as necessary to reflect significant changes in market conditions and to effectuate the purposes of this section.

''(f) REGULATIONS.—

''(1) IN GENERAL.—The Bureau shall prescribe regulations to carry out this section.

''(2) REVISION OF SAFE HARBOR CRITERIA.—The Bureau may prescribe regulations that revise, add to, or subtract from the criteria that define a qualified mortgage, upon a finding that such regulations are necessary or appropriate—

''(A) to ensure that responsible, affordable mortgage credit remains available to consumers in a manner consistent with the purposes of this section;

''(B) to effectuate the purposes of this section;

''(C) to prevent circumvention or evasion thereof; or

''(D) to facilitate compliance with this section.

''(3) INTERAGENCY HARMONIZATION.—

''(A) DETERMINATION OF QUALIFYING MORTGAGE TREATMENT.—The agencies and officials described in subparagraph (B) shall, in consultation with the Bureau, prescribe rules defining the types of loans they insure, guarantee, or administer, as the case may be, that are qualified mortgages for purposes of this section, upon a finding that such rules are consistent with the purposes of this section or are appropriate to prevent circumvention or evasion thereof or to facilitate compliance with this section.

''(B) AGENCIES AND OFFICIALS.—The agencies and officials described in this subparagraph are—

''(i) the Secretary of the Department of Housing and Urban Development, with regard to mortgages insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

''(ii) the Secretary of Veterans Affairs, with regard to a loan made or guaranteed by the Secretary of Veterans Affairs;

''(iii) the Secretary of Agriculture, with regard to loans guaranteed by the Secretary of Agriculture pursuant to section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h));

''(iv) the Federal Housing Finance Agency, with regard to loans meeting the conforming loan standards of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; and

''(v) the Rural Housing Service, with regard to loans insured by the Rural Housing Service.

''(4) IMPLEMENTATION.—Regulations required or authorized to be prescribed under this subsection—

''(A) shall be prescribed in final form before the end of the 12-month period beginning on the date of enactment of this section; and

''(B) shall take effect not later than 18 months after the date of enactment of this section.

''(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) AVERAGE PRIME OFFER RATE.—The term 'average prime offer rate' means an annual percentage rate that is derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage transactions that have low-risk pricing characteristics.

''(2) PREPAYMENT PENALTY.—The term 'prepayment penalty' means any penalty for paying all or part of the principal on an extension of credit before the date on which the principal is due, including a computation of a refund of unearned interest by a method that is less favorable to the consumer than the actuarial method, as defined in section 933(d) of the Housing and Community Development Act of 1992 (15 U.S.C. 1615(d)).

''(3) QUALIFIED MORTGAGE.—The term 'qualified mortgage' means—

''(A) any residential mortgage loan—

''(i) that does not have an adjustable rate;

''(ii) that does not allow a consumer to defer repayment of principal or interest, or is not otherwise deemed a 'non-traditional mortgage' under guidance, advisories, or regulations prescribed by the Bureau;

''(iii) that does not provide for a repayment schedule that results in negative amortization at any time;

''(iv) for which the terms are fully amortizing and which does not result in a balloon payment, where a 'balloon payment' is a scheduled payment that is more than twice as large as the average of earlier scheduled payments;

''(v) which has an annual percentage rate that does not exceed the average prime offer rate for a comparable transaction, as of the date on which the interest rate is set—

''(I) by 1.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that is equal to or less than the amount of the maximum limitation on the original principal obligation of a mortgage in effect for a residence of the applicable size, as of the date on which such interest rate is set, pursuant to the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2));

''(II) by 2.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that is more than the amount of the maximum limitation on the original principal obligation of a mortgage in effect for a residence of the applicable size, as of the date on which such interest rate is set, pursuant to the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)); or

''(III) by 3.5 or more percentage points, in the case of a subordinate lien residential mortgage loan;

''(vi) for which the income and financial resources relied upon to qualify the obligors on the loan are verified and documented;

''(vii) for which the underwriting process is based on a payment schedule that fully amortizes the loan over the loan term and takes into account all applicable taxes, insurance, and assessments;

''(viii) that does not cause the total monthly debts of the consumer, including amounts under the loan, to exceed a percentage established by regulation of the monthly gross income of the consumer, or such other maximum percentage of such income, as may be prescribed by regulation under subsection (g), which rules shall take into consideration the income of the consumer available to pay regular expenses after payment of all installment and revolving debt;

''(ix) for which the total points and fees payable in connection with the loan do not exceed 2 percent of the total loan amount, where the term 'points and fees' means points and fees as defined by Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)); and

''(x) for which the term of the loan does not exceed 30 years, except as such term may be extended under subsection (g); and

''(B) any reverse mortgage that is insured by the Federal Housing Administration or complies with the condition established in subparagraph (A)(v).

''(4) RESIDENTIAL MORTGAGE LOAN.—The term 'residential mortgage loan' means any consumer credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real property that includes a dwelling, other than a consumer credit transaction under an open end credit plan or an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.''.

(b) CONFORMING AMENDMENTS.—Section 129(c) of the Truth in Lending Act (15 U.S.C. 1639(c)) is amended—

(1) by striking paragraph (2);

(2) by striking ''(1) IN GENERAL.—''; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

**SEC. 1075. ASSISTANCE FOR ECONOMICALLY VULNERABLE INDIVIDUALS AND FAMILIES.**

(a) HERA AMENDMENTS.—Section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701x note) is amended—

(1) in subsection (a), by inserting in each of paragraphs (1), (2), (3), and (4) ''or economically vulnerable individuals and families'' after ''homebuyers'' each place that term appears;

(2) in subsection (b)(1), by inserting ''or economically vulnerable individuals and families'' after ''homebuyers'';

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) a nonprofit corporation that—

''(i) is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; and

''(ii) specializes or has expertise in working with economically vulnerable individuals and families, but whose primary purpose is not provision of credit counseling services.''; and

(4) in subsection (d)(1), by striking ''not more than 5''.

(b) APPLICABILITY.—Amendments made by subsection (a) shall not apply to programs authorized by section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701x note) that are funded with appropriations prior to fiscal year 2011.

**SEC. 1076. REMITTANCE TRANSFERS.**

(a) TREATMENT OF REMITTANCE TRANSFERS.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) in section 902(b) (15 U.S.C. 1693(b)), by inserting ''and remittance'' after ''electronic fund'';

(2) by redesignating sections 919, 920, 921, and 922 as sections 920, 921, 922, and 923, respectively; and

(3) by inserting after section 918 the following:

**''SEC. 919. REMITTANCE TRANSFERS.**

''(a) DISCLOSURES REQUIRED FOR REMITTANCE TRANSFERS.—

''(1) IN GENERAL.—Each remittance transfer provider shall make disclosures as required under this section and in accordance with rules prescribed by the Board.

''(2) STOREFRONT DISCLOSURES.—

''(A) IN GENERAL.—At every physical storefront location owned or controlled by a remittance transfer provider (with respect to remittance transfer activities), the remittance transfer provider shall prominently post, and update daily, a notice describing a model transfer for the amounts of $100 and $200 (in United States dollars) showing the amount of currency that will be received by the designated recipient, using the values of the currency into which the funds will be exchanged for the 3 currencies to which that particular storefront sends the greatest number of remittance transfer payments, measured irrespective of the value of such payments. The values shall include all fees charged by the remittance transfer provider, taken out of the $100 and $200 amounts.

''(B) ELECTRONIC DISCLOSURE.—Subject to the rules prescribed by the Board, a remittance transfer provider shall prominently post, and update daily, a notice describing a model transfer, as described in subparagraph (A), on the Internet site owned or controlled by the remittance transfer provider which senders use to electronically conduct remittance transfer transactions.

''(3) SPECIFIC DISCLOSURES.—In addition to any other disclosures applicable under this title, and subject to paragraph (4), a remittance transfer provider shall provide, in writing and in a form that the sender may keep, to each sender requesting a remittance transfer, as applicable to the transaction—

''(A) at the time at which the sender requests a remittance transfer to be initiated, and prior to the sender making any payment in connection with the remittance transfer, a disclosure describing the amount of currency that will be sent to the designated recipient, using the values of the currency into which the funds will be exchanged; and

''(B) at the time at which the sender makes payment in connection with the remittance transfer—

''(i) a receipt showing—

''(I) the information described in subparagraph (A);

''(II) the promised date of delivery to the designated recipient; and

''(III) the name and either the telephone number or the address of the designated recipient; and

''(ii) a statement containing—

''(I) information about the rights of the sender under this section regarding the resolution of errors; and

''(II) appropriate contact information for—

''(aa) the remittance transfer provider; and

''(bb) each State or Federal agency supervising the remittance transfer provider, including its State licensing authority or Federal regulator, as applicable.

''(4) REQUIREMENTS RELATING TO DISCLOSURES.—With respect to each disclosure required to be provided under paragraph (3), and subject to paragraph (5), a remittance transfer provider shall—

''(A) provide an initial notice and receipt, as required by subparagraphs (A) and (B) of paragraph (3), and an error resolution statement, as required by subsection (c), that clearly and conspicuously describe the information required to be disclosed therein; and

''(B) with respect to any transaction that a sender conducts electronically, comply with the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.).

''(5) EXEMPTION AUTHORITY.—The Board may, by rule, permit a remittance transfer provider to satisfy the requirements of—

''(A) paragraph (3)(A) orally, if the transaction is conducted entirely by telephone;

''(B) paragraph (3)(B), by mailing the documents required under such subparagraph to the sender, not later than 1 business day after the date on which the transaction is conducted, if the transaction is conducted entirely by telephone;

''(C) subparagraphs (A) and (B) of paragraph (3) together in one written disclosure, but only to the extent that the information provided in accordance with paragraph (3)(A) is accurate at the time at which payment is made in connection with the subject remittance transfer;

''(D) paragraph (3)(A), if a sender initiates a transaction to one of those countries displayed, in the exact amount of the transfers displayed pursuant to paragraph (2), if the Board finds it to be appropriate; and

''(E) paragraph (3)(A), without compliance with section 101(c) of the Electronic Signatures in Global Commerce Act, if a sender initiates the transaction electronically and the information is displayed electronically in a manner that the sender can keep.

''(b) FOREIGN LANGUAGE DISCLOSURES.—

''(1) IN GENERAL.—The disclosures required under this section shall be made in English and in each of the same foreign languages principally used by the remittance transfer provider, or any of its agents, to advertise, solicit, or market, either orally or in writing, at that office.

''(2) ACCOUNTS.—In the case of a sender who holds a demand deposit, savings deposit, or other asset account with the remittance transfer provider (other than an occasional or incidental credit balance under an open end credit plan, as defined in section 103(i) of the Truth in Lending Act), the disclosures required under this section shall be made in the language or languages principally used by the remittance transfer provider to communicate to the sender with respect to the account.

''(c) REMITTANCE TRANSFER ERRORS.—

''(1) ERROR RESOLUTION.—

''(A) IN GENERAL.—If a remittance transfer provider receives oral or written notice from the sender within 180 days of the promised date of delivery that an error occurred with respect to a remittance transfer, including the amount of currency designated in subsection (a)(3)(A) that was to be sent to the designated recipient of the remittance transfer, using the values of the currency into which the funds should have been exchanged, but was not made available to the designated recipient in the foreign country, the remittance transfer provider shall resolve the

error pursuant to this subsection and investigate the reason for the error.

''(B) REMEDIES.—Not later than 90 days after the date of receipt of a notice from the sender pursuant to subparagraph (A), the remittance transfer provider shall, as applicable to the error and as designated by the sender—

''(i) refund to the sender the total amount of funds tendered by the sender in connection with the remittance transfer which was not properly transmitted;

''(ii) make available to the designated recipient, without additional cost to the designated recipient or to the sender, the amount appropriate to resolve the error;

''(iii) provide such other remedy, as determined appropriate by rule of the Board for the protection of senders; or

''(iv) provide written notice to the sender that there was no error with an explanation responding to the specific complaint of the sender.

''(2) RULES.—The Board shall establish, by rule issued not later than 1 calendar year after the date of enactment of the Restoring American Financial Stability Act of 2010, clear and appropriate standards for remittance transfer providers with respect to error resolution relating to remittance transfers, to protect senders from such errors. Standards prescribed under this paragraph shall include appropriate standards regarding record keeping, as required, including documentation—

''(A) of the complaint of the sender;

''(B) that the sender provides the remittance transfer provider with respect to the alleged error; and

''(C) of the findings of the remittance transfer provider regarding the investigation of the alleged error that the sender brought to their attention.

''(d) APPLICABILITY OF THIS TITLE.—

''(1) IN GENERAL.—A remittance transfer that is not an electronic fund transfer, as defined in section 903, shall not be subject to any of the provisions of sections 905 through 913. A remittance transfer that is an electronic fund transfer, as defined in section 903, shall be subject to all provisions of this title, except for section 908, that are otherwise applicable to electronic fund transfers under this title.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(A) to affect the application to any transaction, to any remittance provider, or to any other person of any of the provisions of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), or chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), or any regulations promulgated thereunder; or

''(B) to cause any fund transfer that would not otherwise be treated as such under paragraph (1) to be treated as an electronic fund transfer, or as otherwise subject to this title, for the purposes of any of the provisions referred to in subparagraph (A) or any regulations promulgated thereunder.

''(e) ACTS OF AGENTS.—A remittance transfer provider shall be liable for any violation of this section by any agent, authorized delegate, or person affiliated with such provider, when such agent, authorized delegate, or affiliate acts for that remittance transfer provider.

''(f) DEFINITIONS.—As used in this section—

''(1) the term 'designated recipient' means any person located in a foreign country and identified by the sender as the authorized recipient of a remittance transfer to be made by a remittance transfer provider, except that a designated recipient shall not be deemed to be a consumer for purposes of this Act;

''(2) the term 'remittance transfer' means the electronic (as defined in section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))) transfer of funds requested by a sender located in any State to a designated recipient that is initiated by a remittance transfer provider, whether or not the sender holds an account with the remittance transfer provider or whether or not the remittance transfer is also an electronic fund transfer, as defined in section 903;

''(3) the term 'remittance transfer provider' means any person or financial institution that provides remittance transfers for a consumer in the normal course of its business, whether or not the consumer holds an account with such person or financial institution; and

''(4) the term 'sender' means a consumer who requests a remittance provider to send a remittance transfer for the consumer to a designated recipient.''.

(b) AUTOMATED CLEARINGHOUSE SYSTEM.—

(1) EXPANSION OF SYSTEM.—The Board of Governors shall work with the Federal reserve banks to expand the use of the automated clearinghouse system for remittance transfers to foreign countries, with a focus on countries that receive significant remittance transfers from the United States, based on—

(A) the number, volume, and size of such transfers;

(B) the significance of the volume of such transfers relative to the external financial flows of the receiving country, including—

(i) the total amount transferred; and

(ii) the total volume of payments made by United States Government agencies to beneficiaries and retirees living abroad;

(C) the feasibility of such an expansion; and

(D) the ability of the Federal Reserve System to establish payment gateways in different geographic regions and currency zones to receive remittance transfers and route them through the payments systems in the destination countries.

(2) REPORT TO CONGRESS.—Not later than one calendar year after the date of enactment of this Act, and on April 30 biennially thereafter during the 10-year period beginning on that date of enactment, the Board of Governors shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the automated clearinghouse system and its progress in complying with the requirements of this subsection. The report shall include an analysis of adoption rates of International ACH Transactions rules and formats, the efficacy of increasing adoption rates, and potential recommendations to increase adoption.

(c) EXPANSION OF FINANCIAL INSTITUTION PROVISION OF REMITTANCE TRANSFERS.—

(1) PROVISION OF GUIDELINES TO INSTITUTIONS.—Each of the Federal banking agencies and the National Credit Union Administration shall provide guidelines to financial institutions under the jurisdiction of the agency regarding the offering of low-cost remittance transfers and no-cost or low-cost basic consumer accounts, as well as agency services to remittance transfer providers.

(2) ASSISTANCE TO FINANCIAL LITERACY COMMISSION.—As part of its duties as members of the Financial Literacy and Education Commission, the Bureau, the Federal banking agencies, and the National Credit Union Administration shall assist the Financial Literacy and Education Commission in executing the Strategy for Assuring Financial Empowerment (or the ''SAFE Strategy''), as it relates to remittances.

(d) FEDERAL CREDIT UNION ACT CONFORMING AMENDMENT.—Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended to read as follows:

''(12) in accordance with regulations prescribed by the Board—

''(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers);

''(B) to provide remittance transfers, as defined in section 919 of the Electronic Fund Transfer Act, to persons in the field of membership; and

''(C) to cash checks and money orders for persons in the field of membership for a fee;''.

### Subtitle H—Conforming Amendments

**SEC. 1081. AMENDMENTS TO THE INSPECTOR GENERAL ACT.**

Effective on the date of enactment of this Act, the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(1) in section 8G(a)(2), by inserting ''and the Bureau of Consumer Financial Protection'' after ''Board of Governors of the Federal Reserve System'';

(2) in section 8G(c), by adding at the end the following: ''For purposes of implementing this section, the Chairman of the Board of Governors of the Federal Reserve System shall appoint the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection. The Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection shall have all of the authorities and responsibilities provided by this Act with respect to the Bureau of Consumer Financial Protection, as if the Bureau were part of the Board of Governors of the Federal Reserve System.''; and

(3) in section 8G(g)(3), by inserting ''and the Bureau of Consumer Financial Protection'' after ''Board of Governors of the Federal Reserve System'' the first place that term appears.

**SEC. 1082. AMENDMENTS TO THE PRIVACY ACT OF 1974.**

Effective on the date of enactment of this Act, section 552a of title 5, United States Code, is amended by adding at the end the following:

''(w) APPLICABILITY TO BUREAU OF CONSUMER FINANCIAL PROTECTION.—Except as provided in the Consumer Financial Protection Act of 2010, this section shall apply with respect to the Bureau of Consumer Financial Protection.''.

**SEC. 1083. AMENDMENTS TO THE ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT OF 1982.**

(a) IN GENERAL.—The Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.) is amended—

(1) in section 803 (12 U.S.C. 3802(1)), by striking ''1974'' and all that follows through ''described and defined'' and inserting the following: ''1974), in which the interest rate or finance charge may be adjusted or renegotiated, described and defined''; and

(2) in section 804 (12 U.S.C. 3803)—

(A) in subsection (a)—

(i) in each of paragraphs (1), (2), and (3), by inserting after ''transactions made'' each

place that term appears ''on or before the designated transfer date, as determined under section 1062 of the Consumer Financial Protection Act of 2010,'';

(ii) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new paragraph:

''(4) with respect to transactions made after the designated transfer date, only in accordance with regulations governing alternative mortgage transactions, as issued by the Bureau of Consumer Financial Protection for federally chartered housing creditors, in accordance with the rulemaking authority granted to the Bureau of Consumer Financial Protection with regard to federally chartered housing creditors under provisions of law other than this section.'';

(B) by striking subsection (c) and inserting the following:

''(c) PREEMPTION OF STATE LAW.—An alternative mortgage transaction may be made by a housing creditor in accordance with this section, notwithstanding any State constitution, law, or regulation that prohibits an alternative mortgage transaction. For purposes of this subsection, a State constitution, law, or regulation that prohibits an alternative mortgage transaction does not include any State constitution, law, or regulation that regulates mortgage transactions generally, including any restriction on prepayment penalties or late charges.''; and

(C) by adding at the end the following:

''(d) BUREAU ACTIONS.—The Bureau of Consumer Financial Protection shall—

''(1) review the regulations identified by the Comptroller of the Currency and the National Credit Union Administration, (as those rules exist on the designated transfer date), as applicable under paragraphs (1) through (3) of subsection (a);

''(2) determine whether such regulations are fair and not deceptive and otherwise meet the objectives of the Consumer Financial Protection Act of 2010; and

''(3) promulgate regulations under subsection (a)(4) after the designated transfer date.

''(e) DESIGNATED TRANSFER DATE.—As used in this section, the term 'designated transfer date' means the date determined under section 1062 of the Consumer Financial Protection Act of 2010.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on the designated transfer date.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not affect any transaction covered by the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.) and entered into on or before the designated transfer date.

**SEC. 1084. AMENDMENTS TO THE ELECTRONIC FUND TRANSFER ACT.**

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by striking ''Board'' each place that term appears and inserting ''Bureau'', except in section 918 (as so designated by the Credit Card Act of 2009) (15 U.S.C. 1693o);

(2) in section 903 (15 U.S.C. 1693a), by striking paragraph (3) and inserting the following:

''(3) the term 'Bureau' means the Bureau of Consumer Financial Protection;'';

(3) in section 916(d) (as so designated by section 401 of the Credit CARD Act of 2009) (15 U.S.C. 1693m)—

(A) by striking ''FEDERAL RESERVE SYSTEM'' and inserting ''BUREAU OF CONSUMER FINANCIAL PROTECTION''; and

(B) by striking ''Federal Reserve System'' and inserting ''Bureau of Consumer Financial Protection''; and

(4) in section 918 (as so designated by the Credit CARD Act of 2009) (15 U.S.C. 1693o)—

(A) in subsection (a)—

(i) by striking ''Compliance'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;''; and

(B) by striking subsection (c) and inserting the following:

''(c) OVERALL ENFORCEMENT AUTHORITY OF THE FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person subject to the jurisdiction of the Federal Trade Commission with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.''.

**SEC. 1085. AMENDMENTS TO THE EQUAL CREDIT OPPORTUNITY ACT.**

The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended—

(1) by striking ''Board'' each place that term appears and inserting ''Bureau'';

(2) in section 702 (15 U.S.C. 1691a), by striking subsection (c) and inserting the following:

''(c) The term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(3) in section 703 (15 U.S.C. 1691b)—

(A) by striking the section heading and inserting the following:

**''SEC. 703. PROMULGATION OF REGULATIONS BY THE BUREAU.'';**

(B) by striking ''(a) REGULATIONS.—'';

(C) by striking subsection (b);

(D) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively; and

(E) in subsection (c), as so redesignated, by striking ''paragraph (2)'' and inserting ''subsection (b)'';

(4) in section 704 (15 U.S.C. 1691c)—

(A) in subsection (a)—

(i) by striking ''Compliance'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Protection Financial Protection Act of 2010''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) Subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau.'';

(B) by striking subsection (c) and inserting the following:

''(c) OVERALL ENFORCEMENT AUTHORITY OF FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), a violation of any requirement imposed under this subchapter shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act, including the power to enforce any rule prescribed by the Bureau under this title in the same manner as if the violation had been a violation of a Federal Trade Commission trade regulation rule.''; and

(C) in subsection (d), by striking ''Board'' and inserting ''Bureau''; and

(5) in section 706(e) (15 U.S.C. 1691e(e))—

(A) in the subsection heading—

(i) by striking ''BOARD'' each place that term appears and inserting ''BUREAU''; and

(ii) by striking ''FEDERAL RESERVE SYSTEM'' and inserting ''BUREAU OF CONSUMER FINANCIAL PROTECTION''; and

(B) by striking ''Federal Reserve System'' and inserting ''Bureau of Consumer Financial Protection''.

**SEC. 1086. AMENDMENTS TO THE EXPEDITED FUNDS AVAILABILITY ACT.**

(a) AMENDMENT TO SECTION 603.—Section 603(d)(1) of the Expedited Funds Availability Act (12 U.S.C. 4002) is amended by inserting after ''Board'' the following '', jointly with the Director of the Bureau of Consumer Financial Protection,''.

(b) AMENDMENTS TO SECTION 604.—Section 604 of the Expedited Funds Availability Act (12 U.S.C. 4003) is amended—

(1) by inserting after ''Board'' each place that term appears, other than in subsection (f), the following: '', jointly with the Director of the Bureau of Consumer Financial Protection,''; and

(2) in subsection (f), by striking ''Board.'' each place that term appears and inserting the following: ''Board, jointly with the Director of the Bureau of Consumer Financial Protection.''.

(c) AMENDMENTS TO SECTION 605.—Section 605 of the Expedited Funds Availability Act (12 U.S.C. 4004) is amended—

(1) by inserting after ''Board'' each place that term appears, other than in the heading for section 605(f)(1), the following: '', jointly with the Director of the Bureau of Consumer Financial Protection,''; and

(2) in subsection (f)(1), in the paragraph heading, by inserting ''AND BUREAU'' after ''BOARD''.

(d) AMENDMENTS TO SECTION 609.—Section 609 of the Expedited Funds Availability Act (12 U.S.C. 4008) is amended:

(1) in subsection (a), by inserting after ''Board'' the following '', jointly with the Director of the Bureau of Consumer Financial Protection,''; and

(2) by striking subsection (e) and inserting the following:

''(e) CONSULTATIONS.—In prescribing regulations under subsections (a) and (b), the Board and the Director of the Bureau of Consumer Financial Protection, in the case of subsection (a), and the Board, in the case of subsection (b), shall consult with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.''.

(e) EXPEDITED FUNDS AVAILABILITY IMPROVEMENTS.—Section 603 of the Expedited Funds Availability Act (12 U.S.C. 4002) is amended—

(1) in subsection (a)(2)(D), by striking ''$100'' and inserting ''$200''; and

(2) in subsection (b)(3)(C), in the subparagraph heading, by striking ''$100'' and inserting ''$200''; and

(3) in subsection (c)(1)(B)(iii), in the clause heading, by striking ''$100'' and inserting ''$200''.

(f) REGULAR ADJUSTMENTS FOR INFLATION.—Section 607 of the Expedited Funds Availability Act (12 U.S.C. 4006) is amended by adding at the end the following:

''(f) ADJUSTMENTS TO DOLLAR AMOUNTS FOR INFLATION.—The dollar amounts under this title shall be adjusted every 5 years after December 31, 2011, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as published by the Bureau of Labor Statistics, rounded to the nearest multiple of $25.''.

**SEC. 1087. AMENDMENTS TO THE FAIR CREDIT BILLING ACT.**

The Fair Credit Billing Act (15 U.S.C. 1666–1666j) is amended by striking ''Board'' each place that term appears and inserting ''Bureau''.

**SEC. 1088. AMENDMENTS TO THE FAIR CREDIT REPORTING ACT AND THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT.**

(a) FAIR CREDIT REPORTING ACT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 603 (15 U.S.C. 1681a)—

(A) by redesignating subsections (w) and (x) as subsections (x) and (y), respectively; and

(B) by inserting after subsection (v) the following:

''(w) The term 'Bureau' means the Bureau of Consumer Financial Protection.''; and

(2) except as otherwise specifically provided in this subsection—

(A) by striking ''Federal Trade Commission'' each place that term appears and inserting ''Bureau'';

(B) by striking ''FTC'' each place that term appears and inserting ''Bureau'';

(C) by striking ''the Commission'' each place that term appears and inserting ''the Bureau''; and

(D) by striking ''The Federal banking agencies, the National Credit Union Administration, and the Commission shall jointly'' each place that term appears and inserting ''The Bureau shall'';

(3) in section 603(k)(2) (15 U.S.C. 1681a(k)(2)), by striking ''Board of Governors of the Federal Reserve System'' and inserting ''Bureau'';

(4) in section 604(g) (15 U.S.C. 1681b(g))—

(A) in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) as otherwise determined to be necessary and appropriate, by regulation or order, by the Bureau (consistent with the enforcement authorities prescribed under section 621(b)), or the applicable State insurance authority (with respect to any person engaged in providing insurance or annuities).'';

(B) by striking paragraph (5) and inserting the following:

''(5) REGULATIONS AND EFFECTIVE DATE FOR PARAGRAPH (2).—

''(A) REGULATIONS REQUIRED.—The Bureau may, after notice and opportunity for comment, prescribe regulations that permit transactions under paragraph (2) that are determined to be necessary and appropriate to protect legitimate operational, transactional, risk, consumer, and other needs (and which shall include permitting actions necessary for administrative verification purposes), consistent with the intent of paragraph (2) to restrict the use of medical information for inappropriate purposes.''; and

(C) by striking paragraph (6);

(5) in section 611(e)(2) (15 U.S.C. 1681i(e)), by striking paragraph (2) and inserting the following:

''(2) EXCLUSION.—Complaints received or obtained by the Bureau pursuant to its investigative authority under the Consumer Financial Protection Act of 2010 shall not be subject to paragraph (1).'';

(6) in section 615(h)(6) (15 U.S.C. 1681m(h)(6)), by striking subparagraph (A) and inserting the following:

''(A) RULES REQUIRED.—The Bureau shall prescribe rules to carry out this subsection.'';

(7) in section 621 (15 U.S.C. 1681s)—

(A) by striking subsection (a) and inserting the following:

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

''(1) IN GENERAL.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Federal Trade Commission, with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (b). For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce, in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)), and shall be subject to enforcement by the Federal Trade Commission under section 5(b) of that Act with respect to any consumer reporting agency or person that is subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers (except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010), including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions of such Act are part of this title.

''(2) PENALTIES.—

''(A) KNOWING VIOLATIONS.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, in the event of a knowing violation, which constitutes a pattern or practice of violations of this title, the Federal Trade Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person that violates this title. In such action, such person shall be liable for a civil penalty of not more than $2,500 per violation.

''(B) DETERMINING PENALTY AMOUNT.—In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of such prior conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

''(C) LIMITATION.—Notwithstanding paragraph (2), a court may not impose any civil penalty on a person for a violation of section 623(a)(1), unless the person has been enjoined from committing the violation, or ordered not to commit the violation, in an action or proceeding brought by or on behalf of the Federal Trade Commission, and has violated the injunction or order, and the court may not impose any civil penalty for any violation occurring before the date of the violation of the injunction or order.'';

(8) by striking subsection (b) and inserting the following:

''(b) ENFORCEMENT BY OTHER AGENCIES.—

''(1) IN GENERAL.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information that are subject to section 615(d) shall be enforced under—

''(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

''(i) any national bank, and any Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

''(ii) any member bank of the Federal Reserve System (other than a national bank), a branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), a commercial lending company owned or controlled by a foreign bank, and any organization operating under section 25 or 25A of the Federal Reserve Act, by the Board of Governors of the Federal Reserve System; and

''(iii) any bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) and any insured State branch of a foreign bank, by the Board of Directors of the Federal Deposit Insurance Corporation;

''(B) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;

''(C) the Federal Credit Union Act (12 U.S.C. 1751 et seq.), by the Administrator of the National Credit Union Administration with respect to any Federal credit union;

''(D) subtitle IV of title 49, United States Code, by the Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board;

''(E) the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.), by the Secretary of Transportation, with respect to any air carrier or foreign air carrier subject to that Act;

''(F) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act), by the Secretary of Agriculture, with respect to any activities subject to that Act;

''(G) the Commodity Exchange Act, with respect to a person subject to the jurisdiction of the Commodity Futures Trading Commission; and

''(H) the Federal securities laws, and any other laws that are subject to the jurisdiction of the Securities and Exchange Commission, with respect to a person that is subject to the jurisdiction of the Securities and Exchange Commission.

''(2) INCORPORATED DEFINITIONS.—The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).'';

(9) by striking subsection (e) and inserting the following:

''(e) REGULATORY AUTHORITY.—The Bureau shall prescribe such regulations as are necessary to carry out the purposes of this Act. The regulations prescribed by the Bureau under this subsection shall apply to any person that is subject to this Act, notwithstanding the enforcement authorities granted to other agencies under this section.''; and

(10) in section 623 (15 U.S.C. 1681s–2)—

(A) in subsection (a)(7), by striking subparagraph (D) and inserting the following:

''(D) MODEL DISCLOSURE.—

''(i) DUTY OF BUREAU.—The Bureau shall prescribe a brief model disclosure that a financial institution may use to comply with subparagraph (A), which shall not exceed 30 words.

''(ii) USE OF MODEL NOT REQUIRED.—No provision of this paragraph may be construed to require a financial institution to use any such model form prescribed by the Bureau.

''(iii) COMPLIANCE USING MODEL.—A financial institution shall be deemed to be in compliance with subparagraph (A) if the financial institution uses any model form prescribed by the Bureau under this subparagraph, or the financial institution uses any such model form and rearranges its format.''; and

(B) by striking subsection (e) and inserting the following:

''(e) ACCURACY GUIDELINES AND REGULATIONS REQUIRED.—

''(1) GUIDELINES.—The Bureau shall, with respect to persons or entities that are subject to the enforcement authority of the Bureau under section 621—

''(A) establish and maintain guidelines for use by each person that furnishes information to a consumer reporting agency regarding the accuracy and integrity of the information relating to consumers that such entities furnish to consumer reporting agencies, and update such guidelines as often as necessary; and

''(B) prescribe regulations requiring each person that furnishes information to a consumer reporting agency to establish reasonable policies and procedures for implementing the guidelines established pursuant to subparagraph (A).

''(2) CRITERIA.—In developing the guidelines required by paragraph (1)(A), the Bureau shall—

''(A) identify patterns, practices, and specific forms of activity that can compromise the accuracy and integrity of information furnished to consumer reporting agencies;

''(B) review the methods (including technological means) used to furnish information relating to consumers to consumer reporting agencies;

''(C) determine whether persons that furnish information to consumer reporting agencies maintain and enforce policies to ensure the accuracy and integrity of information furnished to consumer reporting agencies; and

''(D) examine the policies and processes that persons that furnish information to consumer reporting agencies employ to conduct reinvestigations and correct inaccurate information relating to consumers that has been furnished to consumer reporting agencies.''.

(b) FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003.—Section 214(b)(1) of the Fair and Accurate Credit Transactions Act of 2003 (15 U.S.C. 1681s–3 note) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Regulations to carry out section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681s–3), shall be prescribed, as described in paragraph (2), by—

''(A) the Commodity Futures Trading Commission, with respect to entities subject to its enforcement authorities;

''(B) the Securities and Exchange Commission, with respect to entities subject to its enforcement authorities; and

''(C) the Bureau, with respect to other entities subject to this Act.''.

**SEC. 1089. AMENDMENTS TO THE FAIR DEBT COLLECTION PRACTICES ACT.**

The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by striking ''Commission'' each place that term appears and inserting ''Bureau'';

(2) in section 803 (15 U.S.C. 1692a)—

(A) by striking paragraph (1) and inserting the following:

''(1) The term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(3) in section 814 (15 U.S.C. 1692l)—

(A) by striking subsection (a) and inserting the following:

''(a) FEDERAL TRADE COMMISSION.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with this title shall be enforced by the Federal Trade Commission, except to the extent that enforcement of the requirements imposed under this title is specifically committed to another Government agency under subsection (b). For purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), a violation of this title shall be deemed an unfair or deceptive act or practice in violation of that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act, including the power to enforce the provisions of this title, in the same manner as if the violation had been a violation of a Federal Trade Commission trade regulation rule.''; and

(B) in subsection (b)—

(i) by striking ''Compliance'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;''; and

(4) in subsection (d), by striking ''Neither the Commission'' and all that follows through the end of the subsection and inserting the following: ''The Bureau may prescribe rules with respect to the collection of debts by debt collectors, as defined in this Act.''.

**SEC. 1090. AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.**

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 8(t) (12 U.S.C. 1818(t)), by adding at the end the following:

''(6) REFERRAL TO BUREAU OF CONSUMER FINANCIAL PROTECTION.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, each appropriate Federal banking agency shall make a referral to the Bureau of Consumer Financial Protection when the Federal banking agency has a reasonable belief that a violation of an enumerated consumer law, as defined in the Consumer Financial Protection Act of 2010, has been committed by any insured depository institution or institution-affiliated party within the jurisdiction of that appropriate Federal banking agency.''; and

(2) in section 43 (12 U.S.C. 1831t)—

(A) in subsection (c), by striking ''Federal Trade Commission'' and inserting ''Bureau'';

(B) in subsection (d), by striking ''Federal Trade Commission'' and inserting ''Bureau'';

(C) in subsection (e)—

(i) in paragraph (2), by striking ''Federal Trade Commission'' and inserting ''Bureau''; and

(ii) by adding at the end the following new paragraph:

''(5) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.''; and

(D) in subsection (f)—

(i) by striking paragraph (1) and inserting the following:

''(1) LIMITED ENFORCEMENT AUTHORITY.—Compliance with the requirements of subsections (b), (c), and (e), and any regulation prescribed or order issued under such subsection, shall be enforced under the Consumer Financial Protection Act of 2010, by the Bureau, subject to subtitle B of the Consumer Financial Protection Act of 2010, and under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Federal Trade Commission.''; and

(ii) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Bureau or Federal Trade Commission has instituted an enforcement action for a violation of this section, no appropriate State supervisory agency may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Bureau or Federal Trade Commission for any violation of this section that is alleged in that complaint.''.

**SEC. 1091. AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.**

Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended—

(1) in section 504(a)(1) (15 U.S.C. 6804(a)(1))—

(A) by striking ''The Federal banking agencies, the National Credit Union Administration, the Secretary of the Treasury,'' and inserting ''The Bureau of Consumer Financial Protection and''; and

(B) by striking '', and the Federal Trade Commission'';

(2) in section 505(a) (15 U.S.C. 6805(a))—

(A) by striking ''This subtitle'' and all that follows through ''as follows:'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, this subtitle and the regulations prescribed thereunder shall be enforced by the Bureau of Consumer Financial Protection, the Federal functional regulators, the State insurance authorities, and the Federal Trade

Commission with respect to financial institutions and other persons subject to their jurisdiction under applicable law, as follows:'';

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon;

(ii) in subparagraph (C), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (D); and

(C) by adding at the end the following:

''(8) Under the Consumer Financial Protection Act of 2010, by the Bureau of Consumer Financial Protection, in the case of any financial institution and other covered person or service provider that is subject to the jurisdiction of the Bureau under that Act, but not with respect to the standards under section 501.''; and

(3) in section 505(b)(1) (15 U.S.C. 6805(b)(1)), by inserting '', other than the Bureau of Consumer Financial Protection,'' after ''subsection (a)''.

**SEC. 1092. AMENDMENTS TO THE HOME MORTGAGE DISCLOSURE ACT.**

The Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.) is amended—

(1) except as otherwise specifically provided in this section, by striking ''Board'' each place that term appears and inserting ''Bureau'';

(2) in section 303 (12 U.S.C. 2802)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2) the following:

''(1) the term 'Bureau' means the Bureau of Consumer Financial Protection;'';

(3) in section 304 (12 U.S.C. 2803)—

(A) in subsection (b)—

(i) in paragraph (4), by inserting ''age,'' before ''and gender'';

(ii) in paragraph (3), by striking ''and'' at the end;

(iii) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(5) the number and dollar amount of mortgage loans grouped according to measurements of—

''(A) the total points and fees payable at origination in connection with the mortgage as determined by the Bureau, taking into account 15 U.S.C. 1602(aa)(4);

''(B) the difference between the annual percentage rate associated with the loan and a benchmark rate or rates for all loans;

''(C) the term in months of any prepayment penalty or other fee or charge payable on repayment of some portion of principal or the entire principal in advance of scheduled payments; and

''(D) such other information as the Bureau may require; and

''(6) the number and dollar amount of mortgage loans and completed applications grouped according to measurements of—

''(A) the value of the real property pledged or proposed to be pledged as collateral;

''(B) the actual or proposed term in months of any introductory period after which the rate of interest may change;

''(C) the presence of contractual terms or proposed contractual terms that would allow the mortgagor or applicant to make payments other than fully amortizing payments during any portion of the loan term;

''(D) the actual or proposed term in months of the mortgage loan;

''(E) the channel through which application was made, including retail, broker, and other relevant categories;

''(F) as the Bureau may determine to be appropriate, a unique identifier that identifies the loan originator as set forth in section 1503 of the S.A.F.E. Mortgage Licensing Act of 2008;

''(G) as the Bureau may determine to be appropriate, a universal loan identifier;

''(H) as the Bureau may determine to be appropriate, the parcel number that corresponds to the real property pledged or proposed to be pledged as collateral;

''(I) the credit score of mortgage applicants and mortgagors, in such form as the Bureau may prescribe, except that the Bureau shall modify or require modification of credit score data that is or will be available to the public to protect the compelling privacy interest of the mortgage applicant or mortgagors; and

''(J) such other information as the Bureau may require.'';

(B) in subsection (i), by striking ''subsection (b)(4)'' and inserting ''subsections (b)(4), (b)(5), and (b)(6)'';

(C) in subsection (j)—

(i) in paragraph (1), by striking ''(as'' and inserting ''(containing loan-level and application-level information relating to disclosures required under subsections (a) and (b) and as otherwise'';

(ii) by striking paragraph (3) and inserting the following:

''(3) CHANGE OF FORM NOT REQUIRED.—A depository institution meets the disclosure requirement of paragraph (1) if the institution provides the information required under such paragraph in such formats as the Bureau may require''; and

(iii) in paragraph (2)(A), by striking ''in the format in which such information is maintained by the institution'' and inserting ''in such formats as the Bureau may require'';

(D) in subsection (m), by striking paragraph (2) and inserting the following:

''(2) FORM OF INFORMATION.—In complying with paragraph (1), a depository institution shall provide the person requesting the information with a copy of the information requested in such formats as the Bureau may require'';

(E) by striking subsection (h) and inserting the following:

''(h) SUBMISSION TO AGENCIES.—

''(1) IN GENERAL.—The data required to be disclosed under subsection (b) shall be submitted to the Bureau or to the appropriate agency for the institution reporting under this title, in accordance with rules prescribed by the Bureau. Notwithstanding the requirement of subsection (a)(2)(A) for disclosure by census tract, the Bureau, in cooperation with other appropriate regulators described in paragraph (2), shall develop regulations that—

''(A) prescribe the format for such disclosures, the method for submission of the data to the appropriate regulatory agency, and the procedures for disclosing the information to the public;

''(B) require the collection of data required to be disclosed under subsection (b) with respect to loans sold by each institution reporting under this title;

''(C) require disclosure of the class of the purchaser of such loans; and

''(D) permit any reporting institution to submit in writing to the Bureau or to the appropriate agency such additional data or explanations as it deems relevant to the decision to originate or purchase mortgage loans.

''(2) OTHER APPROPRIATE AGENCIES.—The appropriate regulators described in this paragraph are—

''(A) the Office of the Comptroller of the Currency (hereafter referred to in this Act as 'Comptroller') for national banks and Federal branches, Federal agencies of foreign banks, and savings associations;

''(B) the Federal Deposit Insurance Corporation for banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), mutual savings banks, insured State branches of foreign banks, and any other depository institution described in section 303(2)(A) which is not otherwise referred to in this paragraph;

''(C) the National Credit Union Administration Board for credit unions; and

''(D) the Secretary of Housing and Urban Development for other lending institutions not regulated by the agencies referred to in subparagraphs (A) through (C).''; and

(F) by adding at the end the following:

''(n) TIMING OF CERTAIN DISCLOSURES.—The data required to be disclosed under subsection (b) shall be submitted to the Bureau or to the appropriate agency for any institution reporting under this title, in accordance with regulations prescribed by the Bureau. Institutions shall not be required to report new data under paragraph (5) or (6) of subsection (b) before the first January 1 that occurs after the end of the 9-month period beginning on the date on which regulations are issued by the Bureau in final form with respect to such disclosures.'';

(4) in section 305 (12 U.S.C. 2804)—

(A) by striking subsection (b) and inserting the following:

''(b) POWERS OF CERTAIN OTHER AGENCIES.—

''(1) IN GENERAL.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements of this title shall be enforced—

''(A) under section 8 of the Federal Deposit Insurance Act, in the case of—

''(i) any national bank, and any Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

''(ii) any member bank of the Federal Reserve System (other than a national bank), branch or agency of a foreign bank (other than a Federal branch, Federal agency, and insured State branch of a foreign bank), commercial lending company owned or controlled by a foreign bank, and any organization operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

''(iii) any bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), any mutual savings bank as, defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)), any insured State branch of a foreign bank, and any other depository institution not referred to in this paragraph or subparagraph (B) or (C), by the Federal Deposit Insurance Corporation;

''(B) under subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;

''(C) under the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any insured credit union; and

''(D) with respect to other lending institutions, by the Secretary of Housing and Urban Development.

''(2) INCORPORATED DEFINITIONS.—The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).''; and

(B) by adding at the end the following:

''(d) OVERALL ENFORCEMENT AUTHORITY OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, enforcement of the requirements imposed under this title is committed to each of the agencies under subsection (b). The Bureau may exercise its authorities under the Consumer Financial Protection Act of 2010 to exercise principal authority to examine and enforce compliance by any person with the requirements of this title.'';

(5) in section 306 (12 U.S.C. 2805(b)), by striking subsection (b) and inserting the following:

''(b) EXEMPTION AUTHORITY.—The Bureau may, by regulation, exempt from the requirements of this title any State-chartered depository institution within any State or subdivision thereof, if the agency determines that, under the law of such State or subdivision, that institution is subject to requirements that are substantially similar to those imposed under this title, and that such law contains adequate provisions for enforcement. Notwithstanding any other provision of this subsection, compliance with the requirements imposed under this subsection shall be enforced by the Office of the Comptroller of the Currency under section 8 of the Federal Deposit Insurance Act, in the case of national banks and savings associations, the deposits of which are insured by the Federal Deposit Insurance Corporation.''; and

(6) by striking section 307 (12 U.S.C. 2806) and inserting the following:

**''SEC. 307. COMPLIANCE IMPROVEMENT METHODS.**

''(a) IN GENERAL.—

''(1) CONSULTATION REQUIRED.—The Director of the Bureau of Consumer Financial Protection, with the assistance of the Secretary, the Director of the Bureau of the Census, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and such other persons as the Bureau deems appropriate, shall develop or assist in the improvement of, methods of matching addresses and census tracts to facilitate compliance by depository institutions in as economical a manner as possible with the requirements of this title.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this subsection.

''(3) CONTRACTING AUTHORITY.—The Director of the Bureau of Consumer Financial Protection is authorized to utilize, contract with, act through, or compensate any person or agency in order to carry out this subsection.

''(b) RECOMMENDATIONS TO CONGRESS.—The Director of the Bureau of Consumer Financial Protection shall recommend to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, such additional legislation as the Director of the Bureau of Consumer Financial Protection deems appropriate to carry out the purpose of this title.''.

**SEC. 1093. AMENDMENTS TO THE HOMEOWNERS PROTECTION ACT OF 1998.**

Section 10 of the Homeowners Protection Act of 1998 (12 U.S.C. 4909) is amended—

(1) in subsection (a)—

(A) by striking ''Compliance'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau of Consumer Financial Protection.''; and

(2) in subsection (b)(2), by inserting before the period at the end the following: '', subject to subtitle B of the Consumer Financial Protection Act of 2010''.

**SEC. 1094. AMENDMENTS TO THE HOME OWNERSHIP AND EQUITY PROTECTION ACT OF 1994.**

The Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note) is amended—

(1) in section 158(a), by striking ''Consumer Advisory Council of the Board'' and inserting ''Advisory Board to the Bureau''; and

(2) by striking ''Board'' each place that term appears and inserting ''Bureau''.

**SEC. 1095. AMENDMENTS TO THE OMNIBUS APPROPRIATIONS ACT, 2009.**

Section 626 of the Omnibus Appropriations Act, 2009 (15 U.S.C. 1638 note) is amended—

(1) by striking subsection (a) and inserting the following:

''(a)(1) The Bureau of Consumer Financial Protection shall have authority to prescribe rules with respect to mortgage loans in accordance with section 553 of title 5, United States Code. Such rulemaking shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services. Any violation of a rule prescribed under this paragraph shall be treated as a violation of a rule prohibiting unfair, deceptive, or abusive acts or practices under the Consumer Financial Protection Act of 2010 and a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

''(2) The Bureau of Consumer Financial Protection shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties, as though all applicable terms and provisions of the Consumer Financial Protection Act of 2010 were incorporated into and made part of this subsection.''; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in practices that violate such rule, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States or other court of competent jurisdiction—

''(A) to enjoin that practice;

''(B) to enforce compliance with the rule;

''(C) to obtain damages, restitution, or other compensation on behalf of the residents of the State; or

''(D) to obtain penalties and relief provided under the Consumer Financial Protection Act of 2010, the Federal Trade Commission Act, and such other relief as the court deems appropriate.'';

(B) in paragraphs (2) and (3), by striking ''the primary Federal regulator'' each time the term appears and inserting ''the Bureau of Consumer Financial Protection or the Commission, as appropriate'';

(C) in paragraph (3), by inserting ''and subject to subtitle B of the Consumer Financial Protection Act of 2010,'' after ''paragraph (2),''; and

(D) in paragraph (6), by striking ''the primary Federal regulator'' each place that term appears and inserting ''the Bureau of Consumer Financial Protection or the Commission''.

**SEC. 1096. AMENDMENTS TO THE REAL ESTATE SETTLEMENT PROCEDURES ACT.**

The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) is amended—

(1) in section 3 (12 U.S.C. 2602)—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(9) the term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(2) in section 4 (12 U.S.C. 2603)—

(A) in subsection (a), by striking the first sentence and inserting the following: ''The Bureau shall publish a single, integrated disclosure for mortgage loan transactions (including real estate settlement cost statements) which includes the disclosure requirements of this title, in conjunction with the disclosure requirements of the Truth in Lending Act that, taken together, may apply to a transaction that is subject to both or either provisions of law. The purpose of such model disclosure shall be to facilitate compliance with the disclosure requirements of this title and the Truth in Lending Act, and to aid the borrower or lessee in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.'';

(B) by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(C) by striking ''form'' each place that term appears and inserting ''forms'';

(3) in section 5 (12 U.S.C. 2604)—

(A) by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(B) in subsection (a), by striking the first sentence and inserting the following: ''The Bureau shall prepare and distribute booklets jointly addressing compliance with the requirements of the Truth in Lending Act and the provisions of this title, in order to help persons borrowing money to finance the purchase of residential real estate better to understand the nature and costs of real estate settlement services.'';

(4) in section 6(j)(3) (12 U.S.C. 2605(j)(3))—

(A) by striking ''Secretary'' and inserting ''Bureau''; and

(B) by striking '', by regulations that shall take effect not later than April 20, 1991,'';

(5) in section 7(b) (12 U.S.C. 2606(b)) by striking ''Secretary'' and inserting ''Bureau'';

(6) in section 8(d) (12 U.S.C. 2607(d))—

(A) in the subsection heading, by inserting ''BUREAU AND'' before ''SECRETARY''; and

(B) by striking paragraph (4), and inserting the following:

''(4) The Bureau, the Secretary, or the attorney general or the insurance commissioner of any State may bring an action to enjoin violations of this section. Except, to the extent that a person is subject to the jurisdiction of the Bureau, the Secretary, or the attorney general or the insurance commissioner of any State, the Bureau shall have primary authority to enforce or administer this section, subject to subtitle B of the Consumer Financial Protection Act of 2010.''.

(7) in section 10(c) (12 U.S.C. 2609(c) and (d)), by striking ''Secretary'' and inserting ''Bureau'';

(8) in section 16 (12 U.S.C. 2614), by inserting ''the Bureau,'' before ''the Secretary'';

(9) in section 18 (12 U.S.C. 2616), by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(10) in section 19 (12 U.S.C. 2617)—

(A) in the section heading by striking ''**SECRETARY**'' and inserting ''**BUREAU**'';

(B) by striking ''Secretary'' each place that term appears and inserting ''Bureau'';

(C) in subsection (b), by inserting ''the Bureau'' before ''the Secretary''; and

(D) in subsection (c), by inserting ''or the Bureau'' after ''the Secretary'' each time that term appears.

**SEC. 1097. AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.**

The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended—

(1) in section 1101—

(A) in paragraph (6)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon;

(ii) in subparagraph (B), by striking ''and'' at the end; and

(iii) by striking subparagraph (C); and

(B) in paragraph (7), by striking subparagraph (E), and inserting the following:

''(E) the Bureau of Consumer Financial Protection;'';

(2) in section 1112(e) (12 U.S.C. 3412(e)), by striking ''and the Commodity Futures Trading Commission is permitted'' and inserting ''the Commodity Futures Trading Commission, and the Bureau of Consumer Financial Protection is permitted''; and

(3) in section 1113 (12 U.S.C. 3413), by adding at the end the following new subsection:

''(r) DISCLOSURE TO THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Nothing in this title shall apply to the examination by or disclosure to the Bureau of Consumer Financial Protection of financial records or information in the exercise of its authority with respect to a financial institution.''.

**SEC. 1098. AMENDMENTS TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008.**

The S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) is amended—

(1) by striking ''a Federal banking agency'' each place that term appears, other than in paragraphs (7) and (11) of section 1503 and section 1507(a)(1), and inserting ''the Bureau'';

(2) by striking ''Federal banking agencies'' each place that term appears and inserting ''Bureau''; and

(3) by striking ''Secretary'' each place that term appears and inserting ''Director'';

(4) in section 1503 (12 U.S.C. 5102)—

(A) by redesignating paragraphs (2) through (12) as (3) through (13), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.

''(2) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.''; and

(C) by striking paragraph (10), as so designated by this section, and inserting the following:

''(10) DIRECTOR.—The term 'Director' means the Director of the Bureau of Consumer Financial Protection.''; and

(5) in section 1507 (12 U.S.C. 5106)—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Bureau shall develop and maintain a system for registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of enactment of the Consumer Financial Protection Act of 2010.''; and

(ii) in paragraph (2)—

(I) by striking ''appropriate Federal banking agency and the Farm Credit Administration'' and inserting ''Bureau''; and

(II) by striking ''employees's identity'' and inserting ''identity of the employee''; and

(B) in subsection (b), by striking ''through the Financial Institutions Examination Council, and the Farm Credit Administration'', and inserting ''and the Bureau of Consumer Financial Protection'';

(6) in section 1508 (12 U.S.C. 5107)—

(A) by striking the section heading and inserting the following: ''**SEC. 1508. BUREAU OF CONSUMER FINANCIAL PROTECTION BACKUP AUTHORITY TO ESTABLISH LOAN ORIGINATOR LICENSING SYSTEM.**''; and

(B) by adding at the end the following:

''(f) REGULATION AUTHORITY.—

''(1) IN GENERAL.—The Bureau is authorized to promulgate regulations setting minimum net worth or surety bond requirements for residential mortgage loan originators and minimum requirements for recovery funds paid into by loan originators.

''(2) CONSIDERATIONS.—In issuing regulations under paragraph (1), the Bureau shall take into account the need to provide originators adequate incentives to originate affordable and sustainable mortgage loans, as well as the need to ensure a competitive origination market that maximizes consumer access to affordable and sustainable mortgage loans.'';

(7) by striking section 1510 (12 U.S.C. 5109) and inserting the following:

**''SEC. 1510. FEES.**

''The Bureau, the Farm Credit Administration, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.'';

(8) by striking section 1513 (12 U.S.C. 5112) and inserting the following:

**''SEC. 1513. LIABILITY PROVISIONS.**

''The Bureau, any State official or agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Director under section 1509, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.''; and

(9) in section 1514 (12 U.S.C. 5113) in the section heading, by striking ''**UNDER HUD BACKUP LICENSING SYSTEM**'' and inserting ''**BY THE BUREAU**''.

**SEC. 1099. AMENDMENTS TO THE TRUTH IN LENDING ACT.**

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended—

(1) in section 103 (5 U.S.C. 1602)—

(A) by redesignating subsections (b) through (bb) as subsections (c) through (cc), respectively; and

(B) by inserting after subsection (a) the following:

''(b) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(2) by striking ''Board'' each place that term appears, other than in section 140(d) and section 108(a), as amended by this section, and inserting ''Bureau'';

(3) by striking ''Federal Trade Commission'' each place that term appears, other than in section 108(c) and section 129(m), as amended by this Act, and other than in the context of a reference to the Federal Trade Commission Act, and inserting ''Bureau'';

(4) in section 105(a) (15 U.S.C. 1604(a)), in the second sentence—

(A) by striking ''Except in the case of a mortgage referred to in section 103(aa), these regulations may contain such'' and inserting ''Except with respect to the provisions of section 129 that apply to a mortgage referred to in section 103(aa), such regulations may contain such additional requirements,''; and

(B) by inserting ''all or'' after ''exceptions for'';

(5) in section 105(b) (15 U.S.C. 1604(b)), by striking the first sentence and inserting the following: ''The Bureau shall publish a single, integrated disclosure for mortgage loan transactions (including real estate settlement cost statements) which includes the disclosure requirements of this title in conjunction with the disclosure requirements of the Real Estate Settlement Procedures Act of 1974 that, taken together, may apply to a transaction that is subject to both or either provisions of law. The purpose of such model disclosure shall be to facilitate compliance with the disclosure requirements of this title and the Real Estate Settlement Procedures Act of 1974, and to aid the borrower or lessee in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.'';

(6) in section 105(f)(1) (15 U.S.C. 1604(f)(1)), by inserting ''all or'' after ''from all or part of this title'';

(7) in section 108 (15 U.S.C. 1607)—

(A) by striking subsection (a) and inserting the following:

''(a) ENFORCING AGENCIES.—Except as otherwise provided in subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, in the case of—

''(A) any national bank, and Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

''(B) any member bank of the Federal Reserve System (other than a national bank), any branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), any commercial lending company owned or controlled by a foreign bank, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

''(C) any bank insured by the Federal Deposit Insurance Corporation (other than a

member of the Federal Reserve System) and an insured State branch of a foreign bank, by the Board of Directors of the Federal Deposit Insurance Corporation;

''(2) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;

''(3) the Federal Credit Union Act, by the Director of the National Credit Union Administration, with respect to any Federal credit union;

''(4) the Federal Aviation Act of 1958, by the Secretary of Transportation, with respect to any air carrier or foreign air carrier subject to that Act;

''(5) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture, with respect to any activities subject to that Act; and

''(6) the Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.''; and

(B) by striking subsection (c) and inserting the following:

''(c) OVERALL ENFORCEMENT AUTHORITY OF THE FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.'';

(8) in section 129 (15 U.S.C. 1639), by striking subsection (m) and inserting the following:

''(m) CIVIL PENALTIES IN FEDERAL TRADE COMMISSION ENFORCEMENT ACTIONS.—For purposes of enforcement by the Federal Trade Commission, any violation of a regulation issued by the Bureau pursuant to subsection (l)(2) shall be treated as a violation of a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.''; and

(9) in chapter 5 (15 U.S.C. 1667 et seq.)—

(A) by striking ''the Board'' each place that term appears and inserting ''the Bureau''; and

(B) by striking ''The Board'' each place that term appears and inserting ''The Bureau''.

**SEC. 1100. AMENDMENTS TO THE TRUTH IN SAVINGS ACT.**

The Truth in Savings Act (12 U.S.C. 4301 et seq.) is amended—

(1) by striking ''Board'' each place that term appears and inserting ''Bureau'';

(2) in section 270(a) (12 U.S.C. 4309)—

(A) by striking ''Compliance'' and inserting ''Except as otherwise provided in subtitle B of the Consumer Financial Protection Act of 2010, compliance'';

(B) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end; and

(ii) by striking subparagraph (C);

(C) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(3) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau.'';

(3) in section 272(b) (12 U.S.C. 4311(b)), by striking ''regulation prescribed by the Board'' each place that term appears and inserting ''regulation prescribed by the Bureau''; and

(4) in section 274 (12 U.S.C. 4313), by striking paragraph (4) and inserting the following:

''(4) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.''.

**SEC. 1101. AMENDMENTS TO THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.**

(a) AMENDMENTS TO SECTION 3.—Section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102) is amended by striking subsections (b) and (c) and inserting the following:

''(b) RULEMAKING AUTHORITY.—The Commission shall have authority to prescribe rules under subsection (a), in accordance with section 553 of title 5, United States Code. In prescribing a rule under this section that relates to the provision of a consumer financial product or service that is subject to the Consumer Financial Protection Act of 2010, including any enumerated consumer law thereunder, the Commission shall consult with the Bureau of Consumer Financial Protection regarding the consistency of a proposed rule with standards, purposes, or objectives administered by the Bureau of Consumer Financial Protection.

''(c) VIOLATIONS.—Any violation of any rule prescribed under subsection (a)—

''(1) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act regarding unfair or deceptive acts or practices; and

''(2) that is committed by a person subject to the Consumer Financial Protection Act of 2010 shall be treated as a violation of a rule under section 1031 of that Act regarding unfair, deceptive, or abusive acts or practices.''.

(b) AMENDMENTS TO SECTION 4.—Section 4(d) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6103(d)) is amended by inserting after ''Commission'' each place that term appears the following: ''or the Bureau of Consumer Financial Protection''.

(c) AMENDMENTS TO SECTION 5.—Section 5(c) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6104(c)) is amended by inserting after ''Commission'' each place that term appears the following: ''or the Bureau of Consumer Financial Protection''.

(d) AMENDMENT TO SECTION 6.—Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6105) is amended by adding at the end the following:

''(d) ENFORCEMENT BY BUREAU OF CONSUMER FINANCIAL PROTECTION.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, and subject to subtitle B of the Consumer Financial Protection Act of 2010, this Act shall be enforced by the Bureau of Consumer Financial Protection under subtitle E of the Consumer Financial Protection Act of 2010.''.

**SEC. 1102. AMENDMENTS TO THE PAPERWORK REDUCTION ACT.**

(a) DESIGNATION AS AN INDEPENDENT AGENCY.—Section 2(5) of the Paperwork Reduction Act (44 U.S.C. 3502(5)) is amended by inserting ''the Bureau of Consumer Financial Protection, the Office of Financial Research,'' after ''the Securities and Exchange Commission,''.

(b) COMPARABLE TREATMENT.—Section 3513 of title 44, United States Code, is amended by adding at the end the following:

''(c) COMPARABLE TREATMENT.—Notwithstanding any other provision of law, the Director shall treat or review a rule or order prescribed or proposed by the Director of the Bureau of Consumer Financial Protection on the same terms and conditions as apply to any rule or order prescribed or proposed by the Board of Governors of the Federal Reserve System.''.

**SEC. 1103. ADJUSTMENTS FOR INFLATION IN THE TRUTH IN LENDING ACT.**

(a) CAPS.—

(1) CREDIT TRANSACTIONS.—Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by striking ''$25,000'' and inserting ''$50,000''.

(2) CONSUMER LEASES.—Section 181(1) of the Truth in Lending Act (15 U.S.C. 1667(1)) is amended by striking ''$25,000'' and inserting ''$50,000''.

(b) ADJUSTMENTS FOR INFLATION.—On and after December 31, 2011, the Bureau may adjust annually the dollar amounts described in sections 104(3) and 181(1) of the Truth in Lending Act (as amended by this section), by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as published by the Bureau of Labor Statistics, rounded to the nearest multiple of $100, or $1,000, as applicable.

**SEC. 1104. EFFECTIVE DATE.**

Except as otherwise provided in this subtitle and the amendments made by this subtitle, this subtitle and the amendments made by this subtitle, other than sections 1081 and 1082, shall become effective on the designated transfer date.

## TITLE XI—FEDERAL RESERVE SYSTEM PROVISIONS

**SEC. 1151. FEDERAL RESERVE ACT AMENDMENTS ON EMERGENCY LENDING AUTHORITY.**

The third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343) (relating to emergency lending authority) is amended—

(1) by inserting ''(3)(A)'' before ''In unusual'';

(2) by striking ''individual, partnership, or corporation'' the first place that term appears and inserting the following: ''participant in any program or facility with broad-based eligibility'';

(3) by striking ''exchange for an individual or a partnership or corporation'' and inserting ''exchange,'';

(4) by striking ''such individual, partnership, or corporation'' and inserting the following: ''such participant in any program or facility with broad-based eligibility'';

(5) by striking ''for individuals, partnerships, corporations'' and inserting ''for any participant in any program or facility with broad-based eligibility'';

(6) by striking ''may prescribe.'' and inserting the following: ''may prescribe.

''(B)(i) As soon as is practicable after the date of enactment of this subparagraph, the Board shall establish, by regulation, in consultation with the Secretary of the Treasury, the policies and procedures governing emergency lending under this paragraph. Such policies and procedures shall be designed to ensure that any emergency lending program or facility is for the purpose of providing liquidity to the financial system, and not to aid a failing financial company, and that the collateral for emergency loans is of

sufficient quality to protect taxpayers from losses.

''(ii) The Board may not establish any program or facility under this paragraph without the prior approval of the Secretary of the Treasury.

''(C) The Board shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

''(i) not later than 7 days after providing any loan or other financial assistance under this paragraph, a report that includes—

''(I) the justification for the exercise of authority to provide such assistance;

''(II) the identity of the recipients of such assistance, subject to subparagraph (D);

''(III) the date and amount of the assistance, and form in which the assistance was provided; and

''(IV) the material terms of the assistance, including—

''(aa) duration;

''(bb) collateral pledged and the value thereof;

''(cc) all interest, fees, and other revenue or items of value to be received in exchange for the assistance;

''(dd) any requirements imposed on the recipient with respect to employee compensation, distribution of dividends, or any other corporate decision in exchange for the assistance; and

''(ee) the expected costs to the taxpayers of such assistance; and

''(ii) once every 30 days, with respect to any outstanding loan or other financial assistance under this paragraph, written updates on—

''(I) the value of collateral;

''(II) the amount of interest, fees, and other revenue or items of value received in exchange for the assistance; and

''(III) the expected or final cost to the taxpayers of such assistance.

''(D)(i) The Board shall disclose, not later than 1 year after the date on which assistance was first received under the program or facility, unless the Board determines that such disclosure likely would reduce the effectiveness of the program or facility in addressing or mitigating the financial market disruptions, financial market conditions, or other unusual and exigent circumstances sought to be addressed or mitigated by the program or facility, or would otherwise have a significant effect on economic or financial market conditions—

''(I) the identity of the participants in an emergency lending program or facility commenced under this paragraph;

''(II) the amounts borrowed by each participant in any such program or facility; and

''(III) identifying details concerning the assets or collateral held by, under, or in connection with such a program or facility within 1 year of the date on which assistance was first received under the program or facility.

''(ii) If the Board determines not to make the disclosures required by clause (i) within 1 year of the date on which a participant first received assistance under a program or facility, the Board shall—

''(I) provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a written report explaining the reasons for delaying the disclosures about such program or facility not later than 30 days after making such determination; and

''(II) provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives each year thereafter a written report explaining the reasons for continuing to delay disclosure, until the disclosures are complete.

''(iii) The disclosures required by clause (i) shall be made not later than 12 months after the effective date of the termination of the facility by the Board.

''(iv) If the Board determines not to make the disclosures required by clause (i), the Comptroller General of the United States shall issue a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives evaluating whether that determination is reasonable.''.

**SEC. 1152. REVIEWS OF SPECIAL FEDERAL RESERVE CREDIT FACILITIES.**

(a) REVIEWS.—Section 714 of title 31, United States Code, is amended by adding at the end the following:

''(f) REVIEWS OF CREDIT FACILITIES OF THE FEDERAL RESERVE SYSTEM.—

''(1) DEFINITION.—In this subsection, the term 'credit facility' means a program or facility, including any special purpose vehicle or other entity established by or on behalf of the Board of Governors of the Federal Reserve System or a Federal reserve bank, authorized by the Board of Governors under the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343), that is not subject to audit under subsection (e), including—

''(A) the Asset-Backed Commercial Paper Money Market Mutual Fund Liquidity Facility;

''(B) the Term Asset-Backed Securities Loan Facility;

''(C) the Primary Dealer Credit Facility;

''(D) the Commercial Paper Funding Facility; and

''(E) the Term Securities Lending Facility.

''(2) AUTHORITY FOR REVIEWS AND EXAMINATIONS.—Subject to paragraph (3), and notwithstanding any limitation in subsection (b) on the auditing and oversight of certain functions of the Board of Governors of the Federal Reserve System or any Federal reserve bank, the Comptroller General of the United States may conduct reviews, including onsite examinations, of the Board of Governors, a Federal reserve bank, or a credit facility, if the Comptroller General determines that such reviews are appropriate, solely for the purposes of assessing, with respect to a credit facility—

''(A) the operational integrity, accounting, financial reporting, and internal controls of the credit facility;

''(B) the effectiveness of the collateral policies established for the facility in mitigating risk to the relevant Federal reserve bank and taxpayers;

''(C) whether the credit facility inappropriately favors one or more specific participants over other institutions eligible to utilize the facility; and

''(D) the policies governing the use, selection, or payment of third-party contractors by or for any credit facility.

''(3) REPORTS AND DELAYED DISCLOSURE.—

''(A) REPORTS REQUIRED.—A report on each review conducted under paragraph (2) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such review is completed.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusions of the Comptroller General with respect to the matters described in paragraph (2) that were reviewed and are the subject of the report, together with such recommendations for legislative or administrative action relating to such matters as the Comptroller General may determine to be appropriate.

''(C) DELAYED RELEASE OF CERTAIN INFORMATION.—

''(i) IN GENERAL.—The Comptroller General shall not disclose to any person or entity, including to Congress, the names or identifying details of specific participants in any credit facility, the amounts borrowed by specific participants in any credit facility, or identifying details regarding assets or collateral held by, under, or in connection with any credit facility, and any report provided under subparagraph (A) shall be redacted to ensure that such names and details are not disclosed.

''(ii) DELAYED RELEASE.—The nondisclosure obligation under clause (i) shall expire with respect to any participant on the date on which the Board of Governors, directly or through a Federal reserve bank, publicly discloses the identity of the subject participant or the identifying details of the subject assets or collateral.

''(iii) GENERAL RELEASE.—The Comptroller General shall release a nonredacted version of any report on a credit facility 1 year after the effective date of the termination by the Board of Governors of the authorization for the credit facility. For purposes of this clause, a credit facility shall be deemed to have terminated 24 months after the date on which the credit facility ceases to make extensions of credit and loans, unless the credit facility is otherwise terminated by the Board of Governors.

''(iv) EXCEPTIONS.—The nondisclosure obligation under clause (i) shall not apply to the credit facilities Maiden Lane, Maiden Lane II, and Maiden Lane III.''.

(b) ACCESS TO RECORDS.—Section 714(d) of title 31, United States Code, is amended—

(1) in paragraph (2), by inserting ''or any person or entity described in paragraph (3)(A)'' after ''used by an agency'';

(2) in paragraph (3), by inserting ''or (f)'' after ''subsection (e)'' each place that term appears; and

(3) in paragraph (3)(B), by adding at the end the following: ''The Comptroller General may make and retain copies of books, accounts, and other records provided under subparagraph (A) as the Comptroller General deems appropriate. The Comptroller General shall provide to any person or entity described in subparagraph (A) a current list of officers and employees to whom, with proper identification, records and property may be made available, and who may make notes or copies necessary to carry out a review or examination under this subsection.''.

**SEC. 1153. PUBLIC ACCESS TO INFORMATION.**

Section 2B of the Federal Reserve Act (12 U.S.C. 225b) is amended by adding at the end the following:

''(c) PUBLIC ACCESS TO INFORMATION.—The Board shall place on its home Internet website, a link entitled 'Audit', which shall link to a webpage that shall serve as a repository of information made available to the public for a reasonable period of time, not less than 6 months following the date of release of the relevant information, including—

''(1) the reports prepared by the Comptroller General under section 714 of title 31, United States Code;

''(2) the annual financial statements prepared by an independent auditor for the Board in accordance with section 11B;

''(3) the reports to the Committee on Banking, Housing, and Urban Affairs of the Senate required under the third undesignated paragraph of section 13 (relating to emergency lending authority); and

''(4) such other information as the Board reasonably believes is necessary or helpful to the public in understanding the accounting, financial reporting, and internal controls of the Board and the Federal reserve banks.''.

**SEC. 1154. LIQUIDITY EVENT DETERMINATION.**

(a) DETERMINATION AND WRITTEN RECOMMENDATION.—

(1) DETERMINATION REQUEST.—The Secretary may request the Corporation and the Board of Governors to determine whether a liquidity event exists that warrants use of the guarantee program authorized under section 1155.

(2) REQUIREMENTS OF DETERMINATION.—Any determination pursuant to paragraph (1) shall—

(A) be written; and

(B) contain an evaluation of the evidence that—

(i) a liquidity event exists;

(ii) failure to take action would have serious adverse effects on financial stability or economic conditions in the United States; and

(iii) actions authorized under section 1155 are needed to avoid or mitigate potential adverse effects on the United States financial system or economic conditions.

(b) PROCEDURES.—Notwithstanding any other provision of Federal or State law, upon the determination of both the Corporation (upon a vote of not fewer than ⅔ of the members of the Corporation then serving) and the Board of Governors (upon a vote of not fewer than ⅔ of the members of the Board of Governors then serving) under subsection (a) that a liquidity event exists that warrants use of the guarantee program authorized under section 1155, and with the written consent of the Secretary—

(1) the Corporation shall take action in accordance with section 1155(a); and

(2) the Secretary (in consultation with the President) shall take action in accordance with section 1155(c).

(c) DOCUMENTATION AND REVIEW.—

(1) DOCUMENTATION.—The Secretary shall—

(A) maintain the written documentation of each determination of the Corporation and the Board of Governors under this section; and

(B) provide the documentation for review under paragraph (2).

(2) GAO REVIEW.—The Comptroller General of the United States shall review and report to Congress on any determination of the Corporation and the Board of Governors under subsection (a), including—

(A) the basis for the determination; and

(B) the likely effect of the actions taken.

(d) REPORT TO CONGRESS.—On the earlier of the date of a submission made to Congress under section 1155(c), or within 30 days of the date of a determination under subsection (a), the Secretary shall provide written notice of the determination of the Corporation and the Board of Governors to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, including a description of the basis for the determination.

**SEC. 1155. EMERGENCY FINANCIAL STABILIZATION.**

(a) IN GENERAL.—Upon the written determination of the Corporation and the Board of Governors under section 1154, the Corporation shall create a widely available program to guarantee obligations of solvent insured depository institutions or solvent depository institution holding companies (including any affiliates thereof) during times of severe economic distress, except that a guarantee of obligations under this section may not include the provision of equity in any form.

(b) RULEMAKING AND TERMS AND CONDITIONS.—

(1) POLICIES AND PROCEDURES.—As soon as is practicable after the date of enactment of this Act, the Corporation shall establish, by regulation, and in consultation with the Secretary, policies and procedures governing the issuance of guarantees authorized by this section. Such policies and procedures may include a requirement of collateral as a condition of any such guarantee.

(2) TERMS AND CONDITIONS.—The terms and conditions of any guarantee program shall be established by the Corporation, with the concurrence of the Secretary.

(c) DETERMINATION OF GUARANTEED AMOUNT.—

(1) IN GENERAL.—In connection with any program established pursuant to subsection (a) and subject to paragraph (2) of this subsection, the Secretary (in consultation with the President) shall determine the maximum amount of debt outstanding that the Corporation may guarantee under this section, and the President may transmit to Congress a written report on the plan of the Corporation to exercise the authority under this section to issue guarantees up to that maximum amount. Upon the expiration of the 5-calendar-day period beginning on the date on which Congress receives the report on the plan of the Corporation, the Corporation may exercise the authority under this section to issue guarantees up to that specified maximum amount, unless there is enacted, within that 5-calendar-day period, a joint resolution disapproving such report, as provided in subsection (d).

(2) ADDITIONAL DEBT GUARANTEE AUTHORITY.—If the Secretary (in consultation with the President) determines, after a submission to Congress under paragraph (1), that the maximum guarantee amount should be raised, and the Council concurs with that determination, the President may transmit to Congress a written report on the plan of the Corporation to exercise the authority under this section to issue guarantees up to the increased maximum debt guarantee amount. Upon the expiration of the 5-calendar-day period beginning on the date on which Congress receives the report on the plan of the Corporation, the Corporation may exercise the authority under this section to issue guarantees up to that specified maximum amount, unless there is enacted, within that 5-calendar-day period, a joint resolution disapproving such report, as provided in subsection (d).

(d) JOINT RESOLUTION.—

(1) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) CONTENTS OF JOINT RESOLUTION.—For purposes of this section, the term ''joint resolution'' means only a joint resolution—

(i) that is introduced not later than 3 calendar days after the date on which the report of the Secretary referred to in section 1154(d) is received by Congress;

(ii) that does not have a preamble;

(iii) the title of which is as follows: ''Joint resolution relating to the disapproval of a plan to guarantee obligations under section 1155 of the Restoring American Financial Stability Act of 2010''; and

(iv) the matter after the resolving clause of which is as follows: ''That Congress disapproves the obligation of any amount described in section 1155(c) of the Restoring American Financial Stability Act of 2010.''.

(B) RECONVENING.—Upon receipt of a report under subsection (c), the Speaker, if the House of Representatives would otherwise be adjourned, shall notify the Members of the House of Representatives that, pursuant to this section, the House of Representatives shall convene not later than the second calendar day after the date of receipt of such report.

(C) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House of Representatives not later than 4 calendar days after the date of receipt of the report under subsection (c). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

(D) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House of Representatives or has been discharged from its consideration, it shall be in order, not later than the 5th day after Congress receives the report under subsection (c), to move to proceed to consider the joint resolution in the House of Representatives. All points of order against the motion are waived. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(E) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(2) FAST TRACK CONSIDERATION IN SENATE.—

(A) RECONVENING.—Upon receipt of a report under subsection (c), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than the second calendar day after receipt of such message.

(B) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(C) FLOOR CONSIDERATION.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a report under subsection (c), and ending on the 5th day after the date on which Congress receives a report under subsection (c) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion

to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(ii) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(iii) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(iv) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(3) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(i) The joint resolution of the other House shall not be referred to a committee.

(ii) With respect to a joint resolution of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(II) the vote on passage shall be on the joint resolution of the other House.

(B) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this section, the joint resolution of the other House shall be entitled to expedited floor procedures under this section.

(C) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(D) CONSIDERATION AFTER PASSAGE.—

(i) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President takes action with respect to the joint resolution shall be disregarded in computing the 5-day period described in subsection (c).

(ii) VETOES.—If the President vetoes the joint resolution—

(I) the period beginning on the date the President vetoes the joint resolution and ending on the date the Congress receives the veto message with respect to the joint resolution shall be disregarded in computing the 5-day period described in subsection (c); and

(II) debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

(E) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(e) FUNDING.—

(1) FEES AND OTHER CHARGES.—The Corporation shall charge fees and other assessments to all participants in the program established pursuant to this section, in such amounts as are necessary to offset projected losses and administrative expenses, including amounts borrowed pursuant to paragraph (3), and such amounts shall be available to the Corporation.

(2) EXCESS FUNDS.—If, at the conclusion of the program established under this section, there are any excess funds collected from the fees associated with such program, the funds shall be deposited in the General Fund of the Treasury.

(3) AUTHORITY OF CORPORATION.—The Corporation—

(A) may borrow funds from the Secretary of the Treasury and issue obligations of the Corporation to the Secretary for amounts borrowed, and the amounts borrowed shall be available to the Corporation for purposes of carrying out a program established pursuant to this section, including the payment of reasonable costs of administering the program, and the obligations issued shall be repaid in full with interest through fees and charges paid by participants in accordance with paragraphs (1) and (4), as applicable; and

(B) may not borrow funds from the Deposit Insurance Fund established pursuant to section 11(a)(4) of the Federal Deposit Insurance Act.

(4) BACKUP SPECIAL ASSESSMENTS.—To the extent that the funds collected pursuant to paragraph (1) are insufficient to cover any losses or expenses, including amounts borrowed pursuant to paragraph (3), arising from a program established pursuant to this section, the Corporation shall impose a special assessment solely on participants in the program, in amounts necessary to address such insufficiency, and which shall be available to the Corporation to cover such losses or expenses.

(5) AUTHORITY OF THE SECRETARY.—The Secretary may purchase any obligations issued under paragraph (3)(A). For such purpose, the Secretary may use the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under that chapter 31 are extended to include such purchases, and the amount of any securities issued under that chapter 31 for such purpose shall be treated in the same manner as securities issued under section 208(n)(3)(B).

(f) RULE OF CONSTRUCTION.—For purposes of this section, a guarantee of deposits held by insured depository institutions shall not be treated as a debt guarantee program.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COMPANY.—The term ''company'' means any entity other than a natural person that is incorporated or organized under Federal law or the laws of any State.

(2) DEPOSITORY INSTITUTION HOLDING COMPANY.—The term ''depository institution holding company'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(3) LIQUIDITY EVENT.—The term ''liquidity event'' means—

(A) a reduction in the usual ability of financial market participants—

(i) to sell a type of financial asset, without a significant reduction in price; or

(ii) to borrow using that type of asset as collateral without a significant increase in margin; or

(B) a significant reduction in the usual ability of financial and nonfinancial market participants to obtain unsecured credit.

(4) SOLVENT.—The term ''solvent'' means that the value of the assets of an entity exceed its obligations to creditors.

**SEC. 1156. ADDITIONAL RELATED AMENDMENTS.**

(a) SUSPENSION OF PARALLEL FEDERAL DEPOSIT INSURANCE ACT AUTHORITY.—Effective upon the date of enactment of this section, the Corporation may not exercise its authority under section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(i)) to establish any widely available debt guarantee program for which section 1155 would provide authority.

(b) MITIGATION.—Section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(i)) is amended by striking ''such effects.'' and inserting ''such effects, provided the insured depository institution has been placed in receivership.''.

(c) EFFECT OF DEFAULT ON AN FDIC GUARANTEE.—If an insured depository institution or depository institution holding company (as those terms are defined in section 3 of the Federal Deposit Insurance Act) participating in a program under section 1155, or any participant in a debt guarantee program established pursuant to section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act defaults on any obligation guaranteed by the Corporation after the date of enactment of this Act, the Corporation shall—

(1) appoint itself as receiver for the insured depository institution that defaults; and

(2) with respect to any other participating company that is not an insured depository institution that defaults—

(A) require—

(i) consideration of whether a determination shall be made, as provided in section 202 to resolve the company under section 203; and

(ii) the company to file a petition for bankruptcy under section 301 of title 11, United States Code, if the Corporation is not appointed receiver pursuant to section 203 within 30 days of the date of default; or

(B) file a petition for involuntary bankruptcy on behalf of the company under section 303 of title 11, United States Code.

**SEC. 1157. FEDERAL RESERVE ACT AMENDMENTS ON FEDERAL RESERVE BANK GOVERNANCE.**

The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended in section 4 by adding at the end the following:

''(25) SELECTION OF THE PRESIDENT OF THE FEDERAL RESERVE BANK OF NEW YORK.—Notwithstanding any other provision of this section, after the date of enactment of the Restoring American Financial Stability Act of 2010, the president of the Federal Reserve Bank of New York shall be appointed by the President, by and with the advice and consent of the Senate, for terms of 5 years.

''(26) LIMITATION ON ELIGIBILITY TO VOTE FOR OR SERVE AS A FEDERAL RESERVE BANK DIRECTOR.—Notwithstanding any other provision of this section, after the date of enactment of the Restoring American Financial

Stability Act of 2010, no company, or subsidiary or affiliate of a company that is supervised by the Board, may vote for members of the board of directors of a Federal reserve bank, and no past or current officer, director, or employee of such company, or subsidiary or affiliate of such company, may serve as a member of the board of directors of a Federal reserve bank.''.

**SEC. 1158. AMENDMENTS TO THE FEDERAL RESERVE ACT RELATING TO SUPERVISION AND REGULATION POLICY.**

(a) ESTABLISHMENT OF THE POSITION OF VICE CHAIRMAN FOR SUPERVISION.—

(1) POSITION ESTABLISHED.—The second undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) (relating to the Chairman and Vice Chairman of the Board) is amended by striking the third sentence and inserting the following: ''Of the persons thus appointed, 1 shall be designated by the President, by and with the advice and consent of the Senate, to serve as Chairman of the Board for a term of 4 years, and 2 shall be designated by the President, by and with the advice and consent of the Senate, to serve as Vice Chairmen of the Board, each for a term of 4 years, 1 of whom shall serve in the absence of the Chairman, as provided in the fourth undesignated paragraph of this section, and 1 of whom shall be designated Vice Chairman for Supervision. The Vice Chairman for Supervision shall develop policy recommendations for the Board regarding supervision and regulation of depository institution holding companies and other financial firms supervised by the Board, and shall oversee the supervision and regulation of such firms.''.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this title and applies to individuals who are designated by the President on or after that date to serve as Vice Chairman of Supervision.

(b) FINANCIAL STABILITY AS BOARD FUNCTION.—Section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by adding at the end the following:

''(11) FINANCIAL STABILITY FUNCTION.—The Board of Governors shall identify, measure, monitor, and mitigate risks to the financial stability of the United States.''.

(c) APPEARANCES BEFORE CONGRESS.—Section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by adding at the end the following:

''(12) APPEARANCES BEFORE CONGRESS.—The Vice Chairman for Supervision shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives and at semi-annual hearings regarding the efforts, activities, objectives, and plans of the Board with respect to the conduct of supervision and regulation of depository institution holding companies and other financial firms supervised by the Board.''.

(d) BOARD RESPONSIBILITY TO SET SUPERVISION AND REGULATORY POLICY.—Section 11 of the Federal Reserve Act (12 U.S.C. 248) (relating to enumerated powers of the Board) is amended by adding at the end of subsection (k) (relating to delegation) the following: ''The Board of Governors may not delegate to a Federal reserve bank its functions for the establishment of policies for the supervision and regulation of depository institution holding companies and other financial firms supervised by the Board of Governors.''.

## TITLE XII—IMPROVING ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS

**SECTION 1201. SHORT TITLE.**

This title may be cited as the ''Improving Access to Mainstream Financial Institutions Act of 2010''.

**SEC. 1202. PURPOSE.**

The purpose of this title is to encourage initiatives for financial products and services that are appropriate and accessible for millions of Americans who are not fully incorporated into the financial mainstream.

**SEC. 1203. DEFINITIONS.**

In this title, the following definitions shall apply:

(1) ACCOUNT.—The term ''account'' means an agreement between an individual and an eligible entity under which the individual obtains from or through the entity 1 or more banking products and services, and includes a deposit account, a savings account (including a money market savings account), an account for a closed-end loan, and other products or services, as the Secretary deems appropriate.

(2) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the same meaning as in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)).

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code;

(B) a federally insured depository institution;

(C) a community development financial institution;

(D) a State, local, or tribal government entity; or

(E) a partnership or other joint venture comprised of 1 or more of the entities described in subparagraphs (A) through (D), in accordance with regulations prescribed by the Secretary under this title.

(4) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(5) PAYDAY LOAN.—The term ''payday loan'' means any transaction in which a small cash advance is made to a consumer in exchange for—

(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.

**SEC. 1204. EXPANDED ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS.**

(a) IN GENERAL.—The Secretary is authorized to establish a multiyear program of grants, cooperative agreements, financial agency agreements, and similar contracts or undertakings to promote initiatives designed—

(1) to enable low- and moderate-income individuals to establish one or more accounts in a federally insured depository institution that are appropriate to meet the financial needs of such individuals; and

(2) to improve access to the provision of accounts, on reasonable terms, for low- and moderate-income individuals.

(b) PROGRAM ELIGIBILITY AND ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall restrict participation in any program established under subsection (a) to an eligible entity. Subject to regulations prescribed by the Secretary under this title, 1 or more eligible entities may participate in 1 or several programs established under subsection (a).

(2) ACCOUNT ACTIVITIES.—Subject to regulations prescribed by the Secretary, an eligible entity may, in participating in a program established under subsection (a), offer or provide to low- and moderate-income individuals products and services relating to accounts, including—

(A) small-dollar value loans; and

(B) financial education and counseling relating to conducting transactions in and managing accounts.

**SEC. 1205. LOW-COST ALTERNATIVES TO PAYDAY LOANS.**

(a) GRANTS AUTHORIZED.—The Secretary is authorized to establish multiyear demonstration programs by means of grants, cooperative agreements, financial agency agreements, and similar contracts or undertakings, with eligible entities to provide low-cost, small loans to consumers that will provide alternatives to more costly payday loans.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Loans under this section shall be made on terms and conditions, and pursuant to lending practices, that are reasonable for consumers.

(2) FINANCIAL LITERACY AND EDUCATION OPPORTUNITIES.—

(A) IN GENERAL.—Each eligible entity awarded a grant under this section shall promote and take appropriate steps to ensure the provision of financial literacy and education opportunities, such as relevant counseling services, educational courses, or wealth building programs, to each consumer provided with a loan pursuant to this section.

(B) AUTHORITY TO EXPAND ACCESS.—As part of the grants, agreements, and undertakings established under this section, the Secretary may implement reasonable measures or programs designed to expand access to financial literacy and education opportunities, including relevant counseling services, educational courses, or wealth building programs to be provided to individuals who obtain loans from eligible entities under this section.

**SEC. 1206. GRANTS TO ESTABLISH LOAN-LOSS RESERVE FUNDS.**

The Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 et seq.) is amended by adding at the end the following:

**''SEC. 122. GRANTS TO ESTABLISH LOAN-LOSS RESERVE FUNDS.**

''(a) PURPOSES.—The purposes of this section are—

''(1) to make financial assistance available from the Fund in order to help community development financial institutions defray the costs of operating small dollar loan programs, by providing the amounts necessary for such institutions to establish their own loan loss reserve funds to mitigate some of the losses on such small dollar loan programs; and

''(2) to encourage community development financial institutions to establish and maintain small dollar loan programs that would

help give consumers access to mainstream financial institutions and combat payday lending.

''(b) GRANTS.—

''(1) LOAN-LOSS RESERVE FUND GRANTS.—The Fund shall make grants to community development financial institutions or to any partnership between such community development financial institutions and any other federally insured depository institution with a primary mission to serve targeted investment areas, as such areas are defined under section 103(16), to enable such institutions or any partnership of such institutions to establish a loan-loss reserve fund in order to defray the costs of a small dollar loan program established or maintained by such institution.

''(2) MATCHING REQUIREMENT.—A community development financial institution or any partnership of institutions established pursuant to paragraph (1) shall provide non-Federal matching funds in an amount equal to 50 percent of the amount of any grant received under this section.

''(3) USE OF FUNDS.—Any grant amounts received by a community development financial institution or any partnership between or among such institutions under paragraph (1)—

''(A) may not be used by such institution to provide direct loans to consumers;

''(B) may be used by such institution to help recapture a portion or all of a defaulted loan made under the small dollar loan program of such institution; and

''(C) may be used to designate and utilize a fiscal agent for services normally provided by such an agent.

''(4) TECHNICAL ASSISTANCE GRANTS.—The Fund shall make technical assistance grants to community development financial institutions or any partnership between or among such institutions to support and maintain a small dollar loan program. Any grant amounts received under this paragraph may be used for technology, staff support, and other costs associated with establishing a small dollar loan program.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'consumer reporting agency that compiles and maintains files on consumers on a nationwide basis' has the same meaning given such term in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)); and

''(2) the term 'small dollar loan program' means a loan program wherein a community development financial institution or any partnership between or among such institutions offers loans to consumers that—

''(A) are made in amounts not exceeding $2,500;

''(B) must be repaid in installments;

''(C) have no pre-payment penalty;

''(D) the institution has to report payments regarding the loan to at least 1 of the consumer reporting agencies that compiles and maintains files on consumers on a nationwide basis; and

''(E) meet any other affordability requirements as may be established by the Administrator.''.

**SEC. 1207. PROCEDURAL PROVISIONS.**

An eligible entity desiring to participate in a program or obtain a grant under this title shall submit an application to the Secretary, in such form and containing such information as the Secretary may require.

**SEC. 1208. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION TO THE SECRETARY.—There are authorized to be appropriated to the Secretary, such sums as are necessary to both administer and fund the programs and projects authorized by this title, to remain available until expended.

(b) AUTHORIZATION TO THE FUND.—There is authorized to be appropriated to the Fund for each fiscal year beginning in fiscal year 2010, an amount equal to the amount of the administrative costs of the Fund for the operation of the grant program established under this title.

**SEC. 1209. REGULATIONS.**

(a) IN GENERAL.—The Secretary is authorized to promulgate regulations to implement and administer the grant programs and undertakings authorized by this title.

(b) REGULATORY AUTHORITY.—Regulations prescribed under this section may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of grant programs, undertakings, or eligible entities, as, in the judgment of the Secretary, are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion of this title, or to facilitate compliance with this title.

**SEC. 1210. EVALUATION AND REPORTS TO CONGRESS.**

For each fiscal year in which a program or project is carried out under this Title, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

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**SA 3740.** Mr. SANDERS (for himself, Mr. LEAHY, Mr. HARKIN, Mr. WHITEHOUSE, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1077. NATIONAL CONSUMER CREDIT USURY RATE.**

(a) IN GENERAL.—Section 107 of the Truth in Lending Act (15 U.S.C. 1606) is amended by adding at the end the following new subsection:

''(f) NATIONAL CONSUMER CREDIT USURY RATE.—

''(1) LIMITATION ESTABLISHED.—Except as provided in paragraph (2), and notwithstanding subsection (a) or any other provision of law, the annual percentage rate applicable to an extension of credit obtained by use of a credit card may not exceed 15 percent on unpaid balances, inclusive of all finance charges. Any fees that are not considered finance charges under section 106(a) may not be used to evade the limitations of this paragraph, and the total sum of such fees may not exceed the total amount of finance charges assessed.

''(2) EXCEPTIONS.—

''(A) BUREAU AUTHORITY.—The Bureau may establish, after consultation with the appropriate committees of Congress, the Secretary of the Treasury, and any other interested Federal financial institution regulatory agency, an annual percentage rate of interest ceiling exceeding the 15 percent annual rate under paragraph (1) for periods not to exceed 18 months, upon a determination that—

''(i) money market interest rates have risen over the preceding 6-month period; or

''(ii) prevailing interest rate levels threaten the safety and soundness of individual lenders, as evidenced by adverse trends in liquidity, capital, earnings, and growth.

''(B) TREATMENT OF CREDIT UNIONS.—The limitation in paragraph (1) does not apply with respect to any extension of credit by an insured credit union, as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).''.

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**SA 3741.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, strike line 12 and all that follows through page 208, line 21.

On page 208, line 22, strike ''(D)'' and insert ''(A)''.

On page 226, strike lines 3 through 19.

On page 227, line 8, strike ''(E)'' and insert ''(B)''.

On page 227, line 17, strike ''(F)'' and insert ''(C)''.

On page 227, beginning on line 20, strike ''the provisions of subparagraph (A) of this paragraph and''.

On page 230, lines 4, 8, and 9, strike ''(F)'' each place that term appears and insert ''(C)''.

On page 231, line 3, strike ''(G)'' and insert ''(D)''.

On page 236, beginning on line 21, strike ''appointment of the Corporation as receiver'' and insert ''transfer''

On page 237, line 1, strike ''(i) RECEIVERSHIP.—''.

On page 237, line 6, strike ''under paragraph (8)(A)''.

On page 237, line 12, strike ''receiver)'' and all that follows through page 238, line 3 and insert ''receiver).''.

On page 237, strike line 18 and all that follows through page 238, line 8.

On page 239, line 9, strike ''(12)'' and insert ''(11)''.

On page 239, line 21, strike ''(13)'' and insert ''(12)''.

On page 241, beginning on line 17, strike ''to the rights'' and all that follows through ''seq.),'' on line 24.

On page 242, line 12, strike ''(14)'' and insert ''(13)''.

On page 242, line 22, strike ''(15)'' and insert ''(14)''.

On page 243, line 8, strike ''(16)'' and insert ''(15)''.

On page 296, between lines 15 and 16, insert the following:

(d) REPEAL OF SAFE HARBOR TREATMENT IN THE BANKRUPTCY CODE.—Title 11, United States Code, is amended—

(1) in section 103(a), by striking ''chapter'' and all that follows through ''apply'' and inserting ''chapter, sections 307, 362(n), 557, and 562 apply'';

(2) in section 362—

(A) in subsection (b)—

(i) by striking paragraphs (6), (7), (17), and (27);

(ii) by redesignating paragraphs (8) through (16) as paragraphs (5) through (13), respectively;

(iii) by redesignating paragraphs (18) through (26) as paragraphs (14) through (22), respectively;

(iv) by redesignating paragraph (28) as paragraph (23); and

(v) in the undesignated matter at the end, by striking ''(12) and (13)'' and inserting ''(9) and (10)''; and

(B) by striking subsection (o);

(3) in section 546—

(A) in subsection (e)—

(i) by striking ''101 or'';

(ii) by striking ''101, 741,'' and inserting ''741''; and

(iii) by inserting ''and except in a case under chapter 11 or 15,'' before ''the trustee'';

(B) in subsection (f), by inserting ''and except in a case under chapter 11 or chapter 15,'' before ''the trustee'';

(C) by striking subsections (g) and (j); and

(D) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively;

(4) in section 548(d)(2)—

(A) by striking subparagraphs (C) through (E);

(B) in subparagraph (A), by adding ''and'' at the end; and

(C) in subparagraph (B), by striking the semicolon at the end and inserting a period;

(5) in section 553—

(A) in subsection (a), by striking ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)'' each place that term appears; and

(B) in subsection (b), by striking ''Except with respect to a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561, if a'' and inserting ''If a'';

(6) by striking sections 555, 556, 559, 560, and 561 and inserting ''[Repealed].'';

(7) in the table of sections for subchapter III of chapter 5, by striking the items relating to sections 555, 556, 559, 560, and 561;

(8) in section 901—

(A) by striking ''555, 556,''; and

(B) by striking ''559, 560, 561,'';

(9) in section 1519, by striking subsection (f); and

(10) in section 1521, by striking subsection (f).

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**SA 3742.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle I—GSE Bailout Elimination and Taxpayer Protection**

**SECTION 1111. SHORT TITLE.**

This subtitle may be cited as the ''GSE Bailout Elimination and Taxpayer Protection Act''.

**SEC. 1112. DEFINITIONS.**

For purposes of this subtitle, the following definitions shall apply:

(1) CHARTER.—The term ''charter'' means—

(A) with respect to the Federal National Mortgage Association, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); and

(B) with respect to the Federal Home Loan Mortgage Corporation, the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

(2) DIRECTOR.—The term ''Director'' means the Director of the Federal Housing Finance Agency.

(3) ENTERPRISE.—The term ''enterprise'' means—

(A) the Federal National Mortgage Association; and

(B) the Federal Home Loan Mortgage Corporation.

(4) GUARANTEE.—The term ''guarantee'' means, with respect to an enterprise, the credit support of the enterprise that is provided by the Federal Government through its charter as a government-sponsored enterprise.

**SEC. 1113. TERMINATION OF CURRENT CONSERVATORSHIP.**

(a) IN GENERAL.—Upon the expiration of the period referred to in subsection (b), the Director of the Federal Housing Finance Agency shall determine, with respect to each enterprise, if the enterprise is financially viable at that time and—

(1) if the Director determines that the enterprise is financially viable, immediately take all actions necessary to terminate the conservatorship for the enterprise that is in effect pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617); or

(2) if the Director determines that the enterprise is not financially viable, immediately appoint the Federal Housing Finance Agency as receiver under section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 and carry out such receivership under the authority of such section.

(b) TIMING.—The period referred to in this subsection is, with respect to an enterprise—

(1) except as provided in paragraph (2), the 24-month beginning upon the date of the enactment of this Act; or

(2) if the Director determines before the expiration of the period referred to in paragraph (1) that the financial markets would be adversely affected without the extension of such period under this paragraph with respect to that enterprise, and upon making such determination notifies the Congress in writing of such determination, the 30-month period beginning upon the date of the enactment of this Act.

(c) FINANCIAL VIABILITY.—The Director may not determine that an enterprise is financially viable for purposes of subsection (a) if the Director determines that any of the conditions for receivership set forth in paragraph (3) or (4) of section 1367(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(a)) exists at the time with respect to the enterprise.

**SEC. 1114. LIMITATION OF ENTERPRISE AUTHORITY UPON EMERGENCE FROM CONSERVATORSHIP.**

(a) REVISED AUTHORITY.—Upon the expiration of the period referred to in section 1113(b), if the Director makes the determination under section 1113(a)(1), the following provisions shall take effect:

(1) REPEAL OF HOUSING GOALS.—

(A) REPEAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by striking sections 1331 through 1336 (12 U.S.C. 4561–6).

(B) CONFORMING AMENDMENTS.—Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended—

(i) in section 1303(28) (12 U.S.C. 4502(28)), by striking ''and, for the purposes'' and all that follows through ''designated disaster areas'';

(ii) in section 1324(b)(1)(A) (12 U.S.C. 4544(b)(1)(A))—

(I) by striking clauses (i), (ii), and (iv);

(II) in clause (iii), by inserting ''and'' after the semicolon at the end; and

(III) by redesignating clauses (iii) and (v) as clauses (i) and (ii), respectively;

(iii) in section 1338(c)(10) (12 U.S.C. 4568(c)(10)), by striking subparagraph (E);

(iv) in section 1339(h) (12 U.S.C. 4569), by striking paragraph (7);

(v) in section 1341 (12 U.S.C. 4581)—

(I) in subsection (a)—

(aa) in paragraph (1), by inserting ''or'' after the semicolon at the end;

(bb) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(cc) by striking paragraphs (3) and (4); and

(II) in subsection (b)(2)—

(aa) in subparagraph (A), by inserting ''or'' after the semicolon at the end;

(bb) by striking subparagraphs (B) and (C); and

(cc) by redesignating subparagraph (D) as subparagraph (B);

(vi) in section 1345(a) (12 U.S.C. 4585(a))—

(I) in paragraph (1), by inserting ''or'' after the semicolon at the end;

(II) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(III) by striking paragraphs (3) and (4); and

(vii) in section 1371(a)(2) (12 U.S.C. 4631(a)(2))—

(I) by striking ''with any housing goal established under subpart B of part 2 of subtitle A of this title,''; and

(II) by striking ''section 1336 or''.

(2) PORTFOLIO LIMITATIONS.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended by adding at the end the following new section:

**''SEC. 1369E. RESTRICTION ON MORTGAGE ASSETS OF ENTERPRISES.**

''(a) RESTRICTION.—No enterprise shall own, as of any applicable date in this subsection or thereafter, mortgage assets in excess of—

''(1) upon the expiration of the period referred to in section 1113(b) of the GSE Bailout Elimination and Taxpayer Protection Act or thereafter, $850,000,000,000;

''(2) upon the expiration of the 1-year period that begins on the date described in paragraph (1) or thereafter, $700,000,000,000;

''(3) upon the expiration of the 2-year period that begins on the date described in paragraph (1) or thereafter, $500,000,000,000; and

''(4) upon the expiration of the 3-year period that begins on the date described in paragraph (1), $250,000,000,000.

''(b) DEFINITION OF MORTGAGE ASSETS.—For purposes of this section, the term 'mortgage assets' means, with respect to an enterprise, assets of such enterprise consisting of mortgages, mortgage loans, mortgage-related securities, participation certificates, mortgage-backed commercial paper, obligations of real estate mortgage investment conduits and similar assets, in each case to the extent such assets would appear on the balance sheet of such enterprise in accordance with generally accepted accounting principles in

effect in the United States as of September 7, 2008 (as set forth in the opinions and pronouncements of the Accounting Principles Board and the American Institute of Certified Public Accountants and statements and pronouncements of the Financial Accounting Standards Board from time to time; and without giving any effect to any change that may be made after September 7, 2008, in respect of Statement of Financial Accounting Standards No. 140 or any similar accounting standard).''.

(3) INCREASE IN MINIMUM CAPITAL REQUIREMENT.—Section 1362 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4612), as amended by section 1111 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), is amended—

(A) in subsection (a), by striking ''For purposes of this subtitle, the minimum capital level for each enterprise shall be'' and inserting ''The minimum capital level established under subsection (g) for each enterprise may not be lower than'';

(B) in subsection (c)—

(i) by striking ''subsections (a) and'' and inserting ''subsection'';

(ii) by striking ''regulated entities'' the first place such term appears and inserting ''Federal Home Loan Banks'';

(iii) by striking ''for the enterprises,'';

(iv) by striking '', or for both the enterprises and the banks,'';

(v) by striking ''the level specified in subsection (a) for the enterprises or''; and

(vi) by striking ''the regulated entities operate'' and inserting ''such banks operate'';

(C) in subsection (d)(1)—

(i) by striking ''subsections (a) and'' and inserting ''subsection''; and

(ii) by striking ''regulated entity'' each place such term appears and inserting ''Federal home loan bank'';

(D) in subsection (e), by striking ''regulated entity'' each place such term appears and inserting ''Federal home loan bank'';

(E) in subsection (f)—

(i) by striking ''the amount of core capital maintained by the enterprises,''; and

(ii) by striking ''regulated entities'' and inserting ''banks''; and

(F) by adding at the end the following new subsection:

''(g) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—

''(1) IN GENERAL.—The Director shall cause the enterprises to achieve and maintain adequate capital by establishing minimum levels of capital for such the enterprises and by using such other methods as the Director deems appropriate.

''(2) AUTHORITY.—The Director shall have the authority to establish such minimum level of capital for an enterprise in excess of the level specified under subsection (a) as the Director, in the Director's discretion, deems to be necessary or appropriate in light of the particular circumstances of the enterprise.

''(h) FAILURE TO MAINTAIN REVISED MINIMUM CAPITAL LEVELS.—

''(1) UNSAFE AND UNSOUND PRACTICE OR CONDITION.—Failure of a enterprise to maintain capital at or above its minimum level as established pursuant to subsection (g) of this section may be deemed by the Director, in his discretion, to constitute an unsafe and unsound practice or condition within the meaning of this title.

''(2) DIRECTIVE TO ACHIEVE CAPITAL LEVEL.—

''(A) AUTHORITY.—In addition to, or in lieu of, any other action authorized by law, including paragraph (1), the Director may issue a directive to an enterprise that fails to maintain capital at or above its required level as established pursuant to subsection (g) of this section.

''(B) PLAN.—Such directive may require the enterprise to submit and adhere to a plan acceptable to the Director describing the means and timing by which the enterprise shall achieve its required capital level.

''(C) ENFORCEMENT.—Any such directive issued pursuant to this paragraph, including plans submitted pursuant thereto, shall be enforceable under the provisions of subtitle C of this title to the same extent as an effective and outstanding order issued pursuant to subtitle C of this title which has become final.

''(3) ADHERENCE TO PLAN.—

''(A) CONSIDERATION.—The Director may consider such enterprise's progress in adhering to any plan required under this subsection whenever such enterprise seeks the requisite approval of the Director for any proposal which would divert earnings, diminish capital, or otherwise impede such enterprise's progress in achieving its minimum capital level.

''(B) DENIAL.—The Director may deny such approval where it determines that such proposal would adversely affect the ability of the enterprise to comply with such plan.''.

(4) REPEAL OF INCREASES TO CONFORMING LOAN LIMITS.—

(A) REPEAL OF TEMPORARY INCREASES.—

(i) CONTINUING APPROPRIATIONS RESOLUTION, 2010.—Section 167 of the Continuing Appropriations Resolution, 2010 (as added by section 104 of division B of Public Law 111–88; 123 Stat. 2973) is hereby repealed.

(ii) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Section 1203 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 225) is hereby repealed.

(iii) ECONOMIC STIMULUS ACT OF 2008.—Section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619) is hereby repealed.

(B) REPEAL OF GENERAL LIMIT AND PERMANENT HIGH-COST AREA INCREASE.—Paragraph (2) of section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and paragraph (2) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) are each amended to read as such sections were in effect immediately before the enactment of the Housing and Economic Recovery Act of 2008 (Public Law 110–289).

(C) REPEAL OF NEW HOUSING PRICE INDEX.—Section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as added by section 1124(d) of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), is hereby repealed.

(D) REPEAL.—Section 1124 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is hereby repealed.

(E) ESTABLISHMENT OF CONFORMING LOAN LIMIT.—For the year in which the expiration of the period referred to in section 1113(b) occurs, the limitations governing the maximum original principal obligation of conventional mortgages that may be purchased by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, referred to in section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively, shall be considered to be—

(i) $417,000 for a mortgage secured by a single-family residence,

(ii) $533,850 for a mortgage secured by a 2-family residence,

(iii) $645,300 for a mortgage secured by a 3-family residence, and

(iv) $801,950 for a mortgage secured by a 4-family residence,

and such limits shall be adjusted effective each January 1 thereafter in accordance with such sections 302(b)(2) and 305(a)(2).

(F) PROHIBITION OF PURCHASE OF MORTGAGES EXCEEDING MEDIAN AREA HOME PRICE.—

(i) FANNIE MAE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this title, the corporation may not purchase any mortgage for a property having a principal obligation that exceeds the median home price, for properties of the same size, for the area in which such property subject to the mortgage is located.''.

(ii) FREDDIE MAC.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this title, the Corporation may not purchase any mortgage for a property having a principal obligation that exceeds the median home price, for properties of the same size, for the area in which such property subject to the mortgage is located.''.

(5) REQUIREMENT OF MINIMUM DOWN PAYMENT FOR MORTGAGES PURCHASED.—

(A) FANNIE MAE.—Subsection (b) of section 302 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following new paragraph:

''(7) Notwithstanding any other provision of this Act, the corporation may not newly purchase any mortgage unless the mortgagor has paid, in cash or its equivalent on account of the property securing repayment such mortgage, in accordance with regulations issued by the Director of the Federal Housing Finance Agency, not less than—

''(A) for any mortgage purchased during the 12-month period beginning upon the expiration of the period referred to in section 1113(b) of the GSE Bailout Elimination and Taxpayer Protection Act, 5 percent of the appraised value of the property;

''(B) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (A) of this paragraph, 7.5 percent of the appraised value of the property; and

''(C) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (B) of this paragraph, 10 percent of the appraised value of the property.''.

(B) FREDDIE MAC.—Subsection (a) of section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) is amended by adding at the end the following new paragraph:

''(6) Notwithstanding any other provision of this Act, the Corporation may not newly purchase any mortgage unless the mortgagor has paid, in cash or its equivalent on account of the property securing repayment such mortgage, in accordance with regulations issued by the Director of the Federal Housing Finance Agency, not less than—

''(A) for any mortgage purchased during the 12-month period beginning upon the expiration of the period referred to in section 1113(b) of the GSE Bailout Elimination and

Taxpayer Protection Act, 5 percent of the appraised value of the property;

''(B) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (A) of this paragraph, 7.5 percent of the appraised value of the property; and

''(C) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (B) of this paragraph, 10 percent of the appraised value of the property.''.

(6) REQUIREMENT TO PAY STATE AND LOCAL TAXES.—

(A) FANNIE MAE.—Paragraph (2) of section 309(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(c)(2)) is amended—

(i) by striking ''shall be exempt from'' and inserting ''shall be subject to''; and

(ii) by striking ''except that any'' and inserting ''and any''.

(B) FREDDIE MAC.—Section 303(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(e)) is amended—

(i) by striking ''shall be exempt from'' and inserting ''shall be subject to''; and

(ii) by striking ''except that any'' and inserting ''and any''.

(7) REPEALS RELATING TO REGISTRATION OF SECURITIES.—

(A) FANNIE MAE.—

(i) MORTGAGE-BACKED SECURITIES.—Section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence.

(ii) SUBORDINATE OBLIGATIONS.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence.

(B) FREDDIE MAC.—Section 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455) is amended by striking subsection (g).

(8) RECOUPMENT OF COSTS FOR FEDERAL GUARANTEE.—

(A) ASSESSMENTS.—The Director of the Federal Housing Finance Agency shall establish and collect from each enterprise assessments in the amount determined under subparagraph (B). In determining the method and timing for making such assessments, the Director shall take into consideration the determinations and conclusions of the study under subsection (b) of this section.

(B) DETERMINATION OF COSTS OF GUARANTEE.—Assessments under subparagraph (A) with respect to an enterprise shall be in such amount as the Director determines necessary to recoup to the Federal Government the full value of the benefit the enterprise receives from the guarantee provided by the Federal Government for the obligations and financial viability of the enterprise, based upon the dollar value of such benefit in the market to such enterprise when not operating under conservatorship or receivership. To determine such amount, the Director shall establish a risk-based pricing mechanism as the Director considers appropriate, taking into consideration the determinations and conclusions of the study under subsection (b).

(C) TREATMENT OF RECOUPED AMOUNTS.—The Director shall cover into the general fund of the Treasury any amounts received from assessments made under this paragraph.

(b) GAO STUDY REGARDING RECOUPMENT OF COSTS FOR FEDERAL GOVERNMENT GUARANTEE.—The Comptroller General of the United States shall conduct a study to determine a risk-based pricing mechanism to accurately determine the value of the benefit the enterprises receive from the guarantee provided by the Federal Government for the obligations and financial viability of the enterprises. Such study shall establish a dollar value of such benefit in the market to each enterprise when not operating under conservatorship or receivership, shall analyze various methods of the Federal Government assessing a charge for such value received (including methods involving an annual fee or a fee for each mortgage purchased or securitized), and shall make a recommendation of the best such method for assessing such charge. Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth the determinations and conclusions of such study.

**SEC. 1115. REQUIRED WIND DOWN OF OPERATIONS AND DISSOLUTION OF ENTERPRISE.**

(a) APPLICABILITY.—This section shall apply to an enterprise upon the expiration of the 3-year period referred to in section 1113(b).

(b) REPEAL OF CHARTER.—Upon the applicability of this section to an enterprise, the charter for the enterprise is repealed and the enterprise shall have no authority to conduct new business under such charter, except that the provisions of such charter in effect immediately before such repeal shall continue to apply with respect to the rights and obligations of any holders of outstanding debt obligations and mortgage-backed securities of the enterprise.

(c) WIND DOWN.—Upon the applicability of this section to an enterprise, the Director and the Secretary of the Treasury shall jointly take such action, and may prescribe such regulations and procedures, as may be necessary to wind down the operations of an enterprise as an entity chartered by the United States Government over the duration of the 10-year period beginning upon the applicability of this section to the enterprise (pursuant to subsection (a)) in an orderly manner consistent with this subtitle and the ongoing obligations of the enterprise.

(d) DIVISION OF ASSETS AND LIABILITIES; AUTHORITY TO ESTABLISH HOLDING CORPORATION AND DISSOLUTION TRUST FUND.—The action and procedures required under subsection (c)—

(1) shall include the establishment and execution of plans to provide for an equitable division and distribution of assets and liabilities of the enterprise, including any liability of the enterprise to the United States Government or a Federal reserve bank that may continue after the end of the period described in subsection (a); and

(2) may provide for establishment of—

(A) a holding corporation organized under the laws of any State of the United States or the District of Columbia for the purposes of the reorganization and restructuring of the enterprise; and

(B) one or more trusts to which to transfer—

(i) remaining debt obligations of the enterprise, for the benefit of holders of such remaining obligations; or

(ii) remaining mortgages held for the purpose of backing mortgage-backed securities, for the benefit of holders of such remaining securities.

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**SA 3743.** Mr. CORKER (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. TARP RECIPIENT OWNERSHIP TRUST.**

(a) AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

(b) CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.—

(1) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(2) APPOINTMENT OF TRUSTEES.—

(A) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(B) CRITERIA.—Trustees appointed under this subsection—

(i) may not be elected or appointed Government officials;

(ii) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(iii) shall each be paid at a rate equal to the rate payable for positions at level III of the Executive Schedule under section 5311 of title 5, United States Code.

(3) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(A) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(B) select the representation on the boards of directors of any designated TARP recipient; and

(C) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(4) LIQUIDATION.—

(A) IN GENERAL.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless—

(i) the trustees submit a report to the Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer; and

(ii) within 15 calendar days after the date on which the Congress receives such report, there is enacted into law a joint resolution disapproving the liquidation plan of the Secretary, as described in paragraph (2).

(B) CONTENTS OF JOINT RESOLUTION.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution—

(i) that is introduced not later than 3 calendar days after the date on which the report referred to in paragraph (1)(A) is received by the Congress;

(ii) which does not have a preamble;

(iii) the title of which is as follows: ''Joint resolution relating to the disapproval of the liquidation of the TARP management trust''; and

(iv) the matter after the resolving clause of which is as follows: ''That Congress disapproves the liquidation of the TARP management trust established under the TARP Recipient Ownership Trust Act of 2009.''.

(C) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(i) RECONVENING.—Upon receipt of a report under paragraph (1)(A), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this subsection, the House shall convene not later than the second calendar day after receipt of such report.

(ii) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 5 calendar days after the date of receipt of the report described in paragraph (1)(A). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

(iii) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House or has been discharged from its consideration, it shall be in order, not later than the sixth day after Congress receives the report described in paragraph (1)(A), to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except two hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(D) FAST TRACK CONSIDERATION IN SENATE.—

(i) RECONVENING.—Upon receipt of a report under paragraph (1)(A), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this subsection, the Senate shall convene not later than the second calendar day after receipt of such message.

(ii) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(iii) FLOOR CONSIDERATION.—

(I) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a report of the plan of the Secretary described in paragraph (1)(A) and ending on the 6th day after the date on which Congress receives a report of the plan of the Secretary described in paragraph (1)(A) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(II) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(III) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(IV) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(E) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(i) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(I) The joint resolution of the other House shall not be referred to a committee.

(II) With respect to a joint resolution of the House receiving the resolution—

(aa) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(bb) the vote on passage shall be on the joint resolution of the other House.

(ii) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this subsection, the joint resolution of the other House shall be entitled to expedited floor procedures under this subsection.

(iii) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(iv) CONSIDERATION AFTER PASSAGE.—

(I) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President takes action with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in paragraph (1)(A).

(II) VETOES.—If the President vetoes the joint resolution—

(aa) the period beginning on the date the President vetoes the joint resolution and ending on the date the Congress receives the veto message with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in paragraph (1)(A); and

(bb) debate on a veto message in the Senate under this subsection shall be 1 hour equally divided between the majority and minority leaders or their designees.

(v) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph, and paragraphs (2), (3), and (4) are enacted by Congress—

(I) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(II) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(c) DEFINITIONS.—As used in this section—

(1) the term ''designated TARP recipient'' means any entity that has received, or will receive, financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), such that the Federal Government holds or controls, or will hold or control at a future date, not less than a 10 percent ownership stake in the company as a result of such assistance;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

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**SA 3744.** Mrs. HAGAN (for herself, Mr. DURBIN, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1268. REGULATION OF COVERED LOANS.**

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following:

''(e) TERMS AND CONDITIONS FOR COVERED LOANS.—

''(1) DEFINITIONS.—As used in this subsection—

''(A) the term 'covered' loan—

''(i) means a consumer credit transaction in which the loan amount, or, in the case of a line of credit, the credit limit, is $3,000 or less that—

''(I) in the case of a closed-end credit transaction, has a term of 91 days or less and an annual percentage rate exceeding 36 percent (include all cost elements (other than the minimum deposit amount necessary to open a secured card account) associated with the extension of credit, including fees, service charges, renewal charges, credit insurance premiums, and any other charge or premium with respect to the extension of consumer credit);

''(II) in the case of an open-end credit transaction, has an amortization period of 91 days or less and the annual percentage rate exceeds 36 percent (calculated as though the transaction were a closed-end transaction pursuant to subclause (I)); or

''(III) in the case of an open-end credit transaction, the cost elements associated with the extension of credit and due in the first 91 days, including finance charges, fees, service charges, renewals, credit insurance premiums, and any other charge or premium with respect to consumer credit, exceed 25 percent of the line of credit; and

''(ii) does not include—

''(I) a credit transaction that is secured by an interest in real estate, a vehicle, or other goods both listed and valued individually over $3,000;

''(II) overdraft services that are not covered by this title; or

''(III) an extension of credit in which a consumer sells an item of goods to a pawnbroker creditor and retains the right to redeem the item for a greater sum within a specified time, provided that the consumer has no obligation to repay the credit, and the creditor takes no security other than the goods and makes no effort to collect the credit; and

''(B) the term 'extended payment plan' means an amendment to the covered loan that is signed in person or electronically by both the consumer and the creditor reflecting an agreement that the consumer pay the outstanding balance on a covered loan in not fewer than 4 equal payments, where the period between each payment may not be less than the duration of the original covered loan.

''(2) LIMITS ON BORROWER INDEBTEDNESS.—Notwithstanding any other provision of law, no covered loan may be extended to any individual, if such individual, considering all covered loans by the consumer during such time period, in the aggregate, has had—

''(A) 6 covered loans extended during the preceding 12-month period; or

''(B) covered loan obligations of 90 days or longer during the preceding 12-month period.

''(3) BOARD RULEMAKING REQUIRED.—Not later than 180 days after the date of enactment of this subsection, the Board shall issue final rules with respect to covered loans, which rules shall—

''(A) require each issuer of a covered loan—

''(i) to offer extended repayment plans, if the borrower is unable to pay under the terms of the original loan;

''(ii) to accept equal payments over a series of pay checks or pay periods of the consumer;

''(iii) to obtain a surety bond, in such amounts as the Board determines appropriate; and

''(iv) to comply with appropriate licensing requirements established by the Board;

''(B) create a mechanism for lenders to determine whether a potential borrower is eligible for a covered loan,

''(C) provide for enforcement by State attorneys general;

''(D) prohibit the purchase or sale, at the same location at which covered loans are offered, of other products or services; and

''(E) prohibit the imposition of any fee or penalty for the early repayment of the obligation, including under any extension described in subparagraph (A)(i).

''(4) NONENFORCEABILITY OF CONTRACTS.—No contract made in violation of this Act may be enforced with respect to any consumer.

''(5) OTHER FEES.—The Board may impose such fees on issuers of covered loans under this subsection as may be necessary to pay the administrative costs of the Board in carrying out and enforcing this subsection.

''(6) TREATMENT OF STATE LAW.—Nothing in this subsection may be construed as—

''(A) preempting any provision of State law, to the extent that such State law provides greater protection to consumers than is provided under this subsection;

''(B) preventing any State from enacting any provision of law that provides greater protection to consumers than is provided under this subsection;

''(C) authorizing covered loans to be made in a State where they are otherwise not permitted under State law; or

''(D) authorizing an extension of credit at an annual percentage rate that would be prohibited by applicable State law.''.

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**SA 3745.** Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 372, line 2, insert before the period at the end the following: ''and may establish, acquire, and operate additional branches and agencies at any location within any State in which the savings association operated a branch immediately before the savings association became a bank, if the law of the State in which the branch is located, or is to be located, would permit establishment of the branch if the bank were a State bank chartered by such State''.

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**SA 3746.** Mr. WHITEHOUSE (for himself, Mr. MERKLEY, Mr. DURBIN, Mr. SANDERS, Mr. LEVIN, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1320, strike line 23 and all that follows through the end of the undesignated matter on page 1321 between lines 17 and 18 and insert the following:

''(g) TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.—The Comptroller of the Currency shall publish and update not less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

''Sec. 5136C. State law preemption standards for national banks and subsidiaries clarified.''.

(c) USURIOUS LENDERS.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

**''SEC. 141. LIMITS ON ANNUAL PERCENTAGES RATES.**

''Effective 12 months after the date of enactment of this section, and notwithstanding any other provision of law, the interest applicable to any consumer credit transaction (other than a transaction that is secured by real property), including any fees, points, or time-price differential associated with such a transaction, may not exceed the maximum permitted by any law of the State in which the consumer resides. Nothing in this section may be construed to preempt an otherwise applicable provision of State law governing the interest in connection with a consumer credit transaction that is secured by real property.''.

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**SA 3747.** Mr. BENNET (for himself, Mr. ISAKSON, Ms. KLOBUCHAR, Mr. TESTER, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailout, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**TITLE XIII—PAY IT BACK ACT**

**SEC. 1301. SHORT TITLE.**

This title may be cited as the ''Pay It Back Act''.

**SEC. 1302. AMENDMENT TO REDUCE TARP AUTHORIZATION.**

Section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)) is amended by striking ''outstanding at any one time'' and inserting ''minus any aggregate amounts received by the Secretary before, on, or after the date of enactment of the Pay It Back Act for repayment of the principal of financial assistance by an entity that has received financial assistance under the TARP or any program enacted by the Secretary under the authorities granted to the Secretary under this Act, in the aggregate (or such higher amount, in the aggregate, as has been or may be obligated or expended under this Act)''.

**SEC. 1303. REPORT.**

Section 106 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216) is amended by inserting at the end the following:

''(f) REPORT.—The Secretary of the Treasury shall report to Congress every 6 months on amounts received and transferred to the general fund under subsection (d).''.

**SEC. 1304. AMENDMENTS TO HOUSING AND ECONOMIC RECOVERY ACT OF 2008.**

(a) SALE OF FANNIE MAE OBLIGATIONS AND SECURITIES BY THE TREASURY; DEFICIT REDUCTION.—Section 304(g)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(g)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) DEFICIT REDUCTION.—The Secretary of the Treasury shall—

''(i) deposit in the General Fund of the Treasury any amounts received by the Secretary for the sale of any obligation or security acquired by the Secretary under this subsection; and

''(ii) ensure that such amounts so deposited—

''(I) are dedicated for the sole purpose of deficit reduction; and

''(II) are prohibited from use as an offset for other spending increases or revenue reductions.''.

(b) SALE OF FREDDIE MAC OBLIGATIONS AND SECURITIES BY THE TREASURY; DEFICIT REDUCTION.—Section 306(l)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(l)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) DEFICIT REDUCTION.—The Secretary of the Treasury shall—

''(i) deposit in the General Fund of the Treasury any amounts received by the Secretary for the sale of any obligation or security acquired by the Secretary under this subsection; and

''(ii) ensure that such amounts so deposited—

''(I) are dedicated for the sole purpose of deficit reduction; and

''(II) are prohibited from use as an offset for other spending increases or revenue reductions.''.

(c) SALE OF FEDERAL HOME LOAN BANKS OBLIGATIONS BY THE TREASURY; DEFICIT REDUCTION.—Section 11(l)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1431(l)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) DEFICIT REDUCTION.—The Secretary of the Treasury shall—

''(i) deposit in the General Fund of the Treasury any amounts received by the Secretary for the sale of any obligation acquired by the Secretary under this subsection; and

''(ii) ensure that such amounts so deposited—

''(I) are dedicated for the sole purpose of deficit reduction; and

''(II) are prohibited from use as an offset for other spending increases or revenue reductions.''.

(d) REPAYMENT OF FEES.—Any periodic commitment fee or any other fee or assessment paid by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation to the Secretary of the Treasury as a result of any preferred stock purchase agreement, mortgage-backed security purchase program, or any other program or activity authorized or carried out pursuant to the authorities granted to the Secretary of the Treasury under section 1117 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 122 Stat. 2683), including any fee agreed to by contract between the Secretary and the Association or Corporation, shall be deposited in the General Fund of the Treasury where such amounts shall be—

(1) dedicated for the sole purpose of deficit reduction; and

(2) prohibited from use as an offset for other spending increases or revenue reductions.

**SEC. 1305. FEDERAL HOUSING FINANCE AGENCY REPORT.**

The Director of the Federal Housing Finance Agency shall submit to Congress a report on the plans of the Agency to continue to support and maintain the Nation's vital housing industry, while at the same time guaranteeing that the American taxpayer will not suffer unnecessary losses.

**SEC. 1306. REPAYMENT OF UNOBLIGATED ARRA FUNDS.**

(a) REJECTION OF ARRA FUNDS BY STATE.—Section 1607 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 305) is amended by adding at the end the following:

''(d) STATEWIDE REJECTION OF FUNDS.—If funds provided to any State in any division of this Act are not accepted for use by the Governor of the State pursuant to subsection (a) or by the State legislature pursuant to subsection (b), then all such funds shall be—

''(1) rescinded; and

''(2) deposited in the General Fund of the Treasury where such amounts shall be—

''(A) dedicated for the sole purpose of deficit reduction; and

''(B) prohibited from use as an offset for other spending increases or revenue reductions.''.

(b) WITHDRAWAL OR RECAPTURE OF UNOBLIGATED FUNDS.—Title XVI of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 302) is amended by adding at the end the following:

**''SEC. 1613. WITHDRAWAL OR RECAPTURE OF UNOBLIGATED FUNDS.**

''Notwithstanding any other provision of this Act, if the head of any executive agency withdraws or recaptures for any reason funds appropriated or otherwise made available under this division, and such funds have not been obligated by a State to a local government or for a specific project, such recaptured funds shall be—

''(1) rescinded; and

''(2) deposited in the General Fund of the Treasury where such amounts shall be—

''(A) dedicated for the sole purpose of deficit reduction; and

''(B) prohibited from use as an offset for other spending increases or revenue reductions.''.

(c) RETURN OF UNOBLIGATED FUNDS BY END OF 2012.—Section 1603 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 302) is amended by—

(1) striking ''All funds'' and inserting ''(a) IN GENERAL.—All funds''; and

(2) adding at the end the following:

''(b) REPAYMENT OF UNOBLIGATED FUNDS.—Any discretionary appropriations made available in this division that have not been obligated as of December 31, 2012, are hereby rescinded, and such amounts shall be deposited in the General Fund of the Treasury where such amounts shall be—

''(1) dedicated for the sole purpose of deficit reduction; and

''(2) prohibited from use as an offset for other spending increases or revenue reductions.

''(c) PRESIDENTIAL WAIVER AUTHORITY.—

''(1) IN GENERAL.—The President may waive the requirements under subsection (b), if the President determines that it is not in the best interest of the Nation to rescind a specific unobligated amount after December 31, 2012.

''(2) REQUESTS.—The head of an executive agency may also apply to the President for a waiver from the requirements under subsection (b).''.

**SEC. 1307. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.**

Section 3101 of title 31, United States Code, is amended—

(1) in subsection (b), by inserting ''minus the aggregate amounts described in subsection (d)'' before '', outstanding at one time''; and

(2) by inserting at the end the following:

''(d) Amounts described in this subsection are any amounts received by the Secretary of the Treasury pursuant to—

''(1) section 106(d) of the Emergency Economic Stabilization Act of 2008 before, on, or after the date of enactment of this subsection; and

''(2) section 304(g) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(g)), section 306(l) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(l)), section 11(l) of the Federal Home Loan Bank Act (12 U.S.C. 1431(l)), section 1607(d) of the American Recovery and Reinvestment Act of 2009, section 1613 of the American Recovery and Reinvestment Act of 2009, and sections 1304(d) and 1306(c) of the Pay It Back Act after the date of enactment of this subsection.''.

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**SA 3748.** Mrs. FEINSTEIN (for herself, Mr. GREGG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1455, after line 25, insert the following:

**SEC. 1077. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT CHECKS IN PRISON EMPLOYMENT PROGRAMS.**

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

''(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to checks issued after the date that is

3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (a)) is amended by adding at the end the following:

''(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

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**SA 3749.** Mr. TESTER (for himself, Mr. CONRAD, Mrs. MURRAY, Mr. BURRIS, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 368, strike line 3 and all that follows through page 369, line 14, and insert the following:

(b) ASSESSMENT BASE.—The Corporation shall amend the regulations issued by the Corporation under section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) to define the term ''assessment base'' with respect to an insured depository institution for purposes of that section 7(b)(2), as an amount equal to—

(1) the average consolidated total assets of the insured depository institution during the assessment period; minus

(2) the sum of—

(A) the average tangible equity of the insured depository institution during the assessment period; and

(B) in the case of an insured depository institution that is a custodial bank (as defined by the Corporation, based on factors including the percentage of total revenues generated by custodial businesses and the level of assets under custody) or a banker's bank (as that term is used in section 5136 of the Revised Statutes (12 U.S.C. 24)), an amount that the Corporation determines is necessary to establish assessments consistent with the definition under section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) for a custodial bank or a banker's bank.

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**SA 3750.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, lines 10 and 11, strike ''any person that is authorized to write'' and insert ''any entity that writes''.

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**SA 3751.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1044, between lines 2 and 3, insert the following:

**SEC. 939D. CURRENT AND RELIABLE CREDIT RATINGS.**

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7), as amended by this subtitle, is amended by adding at the end the following:

''(w) MONITORING, REVIEW, AND UPDATING OF CREDIT RATINGS.—

''(1) RULES REQUIRED.—Not later than 180 days after the date of enactment of this subsection, the Commission shall issue rules that require each nationally recognized statistical rating organization to regularly monitor, review, and update the credit ratings issued by the nationally recognized statistical rating organization, to ensure that the credit ratings remain current and reliable.

''(2) ENFORCEMENT.—The Commission shall censure, fine in accordance with section 21B, place limitations on the activities, functions, or operations of, suspend for a period not exceeding 12 months, or revoke the registration of any nationally recognized statistical rating organization that violates the rules issued under paragraph (1), if the Commission finds, on the record after notice and opportunity for hearing, that such censure, fine, placing of limitations, bar, suspension, or revocation is necessary for the protection of investors and in the public interest.''.

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## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 29, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 29, 2010, at 10 a.m., to conduct a hearing entitled ''Short-Termism in Financial Markets.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on April 29, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled ''Meeting the Needs of Special Populations'' on April 29, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 29, 2010, at 2:30 p.m., to hold a hearing entitled ''The Historical and Modern Context for U.S.-Russian Arms Control.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on April 29, 2010, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 29, 2010, at 10 a.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 29, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection,

Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 29, 2010, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS, AND GLOBAL COMPETITIVENESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance be authorized to meet during the session of the Senate on April 29, 2010, at 1 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Doubling U.S. Exports: Are U.S. Sea Ports Ready for the Challenge?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on April 29, 2010, at 2:30 p.m. to conduct a hearing entitled ''Developing Federal Employees and Supervisors: Mentoring, Internships, and Training in the Federal Government.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mrs. LINCOLN. Mr. President, I ask unanimous consent that George Wilder, a detailee in my office, be granted the privilege of the floor for the remainder of the debate on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar: Nos. 820, 821, 822, and 823; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc; any statements relating to the nominations be printed in the Record; the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

David J. Hale, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Kerry B. Harvey, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Alicia Anne Garrido Limtiaco, of Guam, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of the Northern Mariana Islands for the term of four years.

Kenneth J. Gonzales, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## DANIEL PEARL FREEDOM OF THE PRESS ACT OF 2009

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 3714 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 3714) to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights and Practices information about freedom of the press in foreign countries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I congratulate the Senate for enacting the Daniel Pearl Freedom of the Press Act, H.R. 3714, a bill to strengthen and protect press freedoms around the world. I am proud to cosponsor the Senate companion to this bill, S. 1739.

I congratulate and commend my good friend, Senator DODD, for his leadership on this bill and for his longstanding commitment to freedom of the press. I have worked closely with Senator DODD for many years on legislation to establish a Federal shield law for journalists, and I am pleased that the Judiciary Committee recently reported Federal shield legislation. I also commend Representative ADAM SCHIFF for championing this important legislation in the House of Representatives.

The Daniel Pearl Freedom of the Press Act will amend the Foreign Assistance Act of 1961 to require the Secretary of State to include information about freedom of the press practices in other countries in the Annual Country Reports on Human Rights Practices. The bill will also require that this report identify countries in which there are violations of freedom of the press, such as physical attacks on journalists, imprisonment, and censorship by foreign governments.

The Committee to Protect Journalists reported that more journalists have been killed around the world in 2009 than in any other year since that organization first started tracking this data in 1981. This troubling report demonstrates that the press freedoms that we often take for granted at home are in danger of being snuffed out in many other parts of the world. I believe that this bill will help to reverse this trend and to signal to the world community that the United States is committed to ensuring freedom of the press at home and abroad.

Thomas Jefferson once wrote in a letter to fellow Founding Father John Adams that ''[t]he light which has been shed on mankind by the art of printing has eminently changed the condition of the world . . . And while printing is preserved, it can no more recede than the sun return on his course.'' Although these words were written almost two centuries ago, the critical role of a free and vibrant press is no less significant today. Again, I congratulate the lead sponsors of this important legislation for their commitment to freedom of the press. I urge the President to promptly sign this important legislation into law.

Mr. WHITEHOUSE. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3714) was ordered to be read a third time, was read the third time, and passed.

## AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 264, just received from the House and now at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 264) authorizing the use of the Capitol grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 264) was agreed to.

RECOGNIZING AVIATION CONTRIBUTIONS IN HAITI EARTHQUAKE RELIEF

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 61 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 61) expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 61) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 61

Whereas, on January 12, 2010, the country of Haiti suffered a devastating earthquake;

Whereas, after the earthquake, general aviation pilots rallied to provide transportation for medical staff and relief personnel;

Whereas more than 4,500 relief flights were made by general aviators in the first 30 days after the earthquake;

Whereas business aircraft alone conducted more than 700 flights, transporting 3,500 passengers, and over 1,000,000 pounds of cargo and supplies;

Whereas relief flights were fully paid for by individual pilots and aircraft owners;

Whereas smaller general aviation aircraft were able to deliver supplies and medical personnel to areas outside Port-Au-Prince which larger aircraft could not serve; and

Whereas the selfless efforts of the general aviation community have saved countless lives and provided humanitarian assistance in a time of need: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the United States Congress—

(1) recognizes the many contributions of the general aviation pilots and industry to the Haiti earthquake relief efforts; and

(2) encourages the continued generosity of general aviation pilots and operators in the ongoing humanitarian relief efforts in Haiti.

CONGRATULATING THE NATURAL RESOURCES CONSERVATION SERVICE ON ITS 75TH ANNIVERSARY

Mr. WHITEHOUSE. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 62, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 62) congratulating the outstanding professional public servants, both past and present, of the Natural Resources Conservation Service on the occasion of its 75th anniversary.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. LINCOLN. Mr. President, today the Senate is considering a resolution recognizing the 75th Anniversary of the Natural Resources Conservation Service, known as NRCS.

Congress established the Soil Conservation Service, the predecessor to NRCS, in April of 1935. Since that time, the agency has aided landowners in implementing conservation measures to protect and enhance our Nation's natural resources. Meanwhile, American farmers and ranchers have become the most productive of any on Earth—ensuring a safe, diverse, and nutritious food supply for their fellow citizens and many of the world's citizens.

Today, NRCS administers more than 20 conservation programs that provide technical and financial assistance to landowners. These programs improve soil and water quality, increase energy efficiency, enhance agricultural practices, and retire marginal lands to create and protect wildlife habitat. NRCS has directly contributed to the protection or establishment of 160 million acres of wildlife habitat and to the preservation, restoration, or enhancement of 9 million acres of wetlands.

We have seen real progress over the past 75 years, but I would argue private lands conservation is more important in 2010 than ever before, as we confront challenges such as climate change and loss of open space, and explore opportunities for creating wealth in rural communities through renewable energy production and water quality and carbon credit trading.

Properly managed working lands generate environmental benefits we all enjoy, such as clean air, water made clean by filtering through forests and fields, high-quality soils that capture carbon and make life possible, and wildlife habitat that promotes biodiversity and offers recreational opportunities such as fishing and hunting. With 70 percent of U.S. lands in private hands, the continuation of successful farm bill conservation programs—along with other technical assistance efforts—should be of interest to all of us.

NRCS programs provide important public benefits while working with landowners on a voluntary basis. This unique approach is aided by the agency's presence in every county of every State. Agency employees in every office work toward the common goal of conserving natural resources for the benefit of the landowner and all Americans.

I urge my colleagues to support this important resolution recognizing the NRCS's 75 years of service.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 62) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 62

Whereas the well-being of the United States is dependent on productive soils along with abundant and high-quality water and related natural resources;

Whereas the Natural Resources Conservation Service (in this resolution referred to as "NRCS") was established as the Soil Conservation Service in the Department of Agriculture in 1935 to assist farmers, ranchers, and other landowners in protecting soil and water resources on private lands;

Whereas Hugh Hammond Bennett, the first Chief of the Soil Conservation Service and the "father of soil conservation", led the creation of the modern soil conservation movement that established soil and water conservation as a national priority;

Whereas the NRCS, with the assistance of President Franklin D. Roosevelt, State governments, and local partners, developed a new mechanism of American conservation service delivery, which brings together private individuals with Federal, State, and local governments to achieve common conservation objectives;

Whereas the NRCS provides a vital public service by supplying technical expertise and financial assistance to cooperating private landowners for the conservation of soil and water resources;

Whereas the NRCS, as authorized by Congress, has developed and provided land conservation programs that have resulted in the restoration and preservation of millions of acres of wetlands, forests, and grasslands that provide innumerable benefits to the general public in the form of recreational opportunities, wildlife habitat, water quality, and reduced soil erosion;

Whereas the NRCS is the world leader in soil science and soil surveying;

Whereas the NRCS is the national leader in the inventory of natural resources on private lands, providing national leaders and the public with the status and trends related to these resources and helping forecast the availability of critical water supplies;

Whereas the NRCS has helped communities develop and implement thousands of locally led projects that continue to provide flood control, soil conservation, water supply, and recreational benefits to all Americans, while providing business and job creation opportunities as well;

Whereas, since its establishment, the NRCS has developed, tested, and demonstrated conservation practices, helped develop the science and art of conservation, and continues to strive toward innovation;

Whereas the NRCS encourages and works with landowners and land users to adopt conservation practices and technologies in a voluntary manner to address natural resource concerns;

Whereas NRCS employees serve in offices in every State and territory, while other employees assist other countries and governments;

Whereas, while some NRCS employees work directly with landowners, other employees serve in support of NRCS field operations, but all work toward a common goal of improving the condition of all natural resources found on private lands, knowing when they succeed, all Americans benefit; and

Whereas the NRCS has been ''helping people, help the land'' for 75 years: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) congratulates the outstanding conservation professionals of the Natural Resources Conservation Service on the occasion of the 75th anniversary of the Natural Resources Conservation Service;

(2) recognizes the vital role conservation plays in the well-being of the United States;

(3) expresses its continued commitment to the conservation of natural resources on private lands in both the national interest and as a national priority; and

(4) recognizes the services that the Natural Resources Conservation Service provides to the United States by helping farmers, ranchers, and other landowners to protect soil, water, and related natural resources.

## PUBLIC SERVICE RECOGNITION WEEK

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. Res. 481, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 481) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through 9, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 481) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 481

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist our Nation's veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 3 through 9, 2010, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 26th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon all generations to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

## DIA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 507, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 507) designating April 30, 2010, as ''Dia de los Niños: Celebrating Young Americans.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 507) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 507

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''el Dia de los Niños'', or ''Day of the Children'', on April 30, in recognition and celebration of the future of the nations—their children;

Whereas children represent the hopes and dreams of the people of the United States and are the center of families in the United States;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the spirit of the United States;

Whereas according to the latest Census report, there are more than 47,000,000 individuals of Hispanic descent living in the United States, nearly 16,000,000 of whom are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on el Dia de

los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and people in the United States rely on children to pass on these family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the Nation to declare April 30 as ''el Dia de los Niños: Celebrating Young Americans'', a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 30, 2010, as ''el Dia de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

## ORDERS FOR FRIDAY, APRIL 30, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Friday, April 30; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3217, the Wall Street reform legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:27 p.m., adjourned until Friday, April 30, 2010, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### FEDERAL RESERVE SYSTEM

PETER A. DIAMOND, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000, VICE FREDERIC S. MISHKIN.

SARAH BLOOM RASKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2002, VICE DONALD L. KOHN, RESIGNED.

JANET L. YELLEN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2010, VICE MARK W. OLSON, RESIGNED.

JANET L. YELLEN, OF CALIFORNIA, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS, VICE DONALD L. KOHN, RESIGNED.

### ENVIRONMENTAL PROTECTION AGENCY

MALCOLM D. JACKSON, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MOLLY A. O'NEILL, RESIGNED.

### NATIONAL INDIAN GAMING COMMISSION

TRACIE STEVENS, OF WASHINGTON, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS, VICE PHILIP N. HOGEN, RESIGNED.

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

*To be lieutenant (junior grade)*

TIMOTHY C. SINQUEFIELD

*To be ensign*

KELLI-ANN E. BLISS
JENNIFER S. CLARK
LESLIE Z. FLOWERS
SHANNON K. HEFFERAN
ANTHONY R. KLEMM
SARAH E. LEWIS
RICHARD J. PARK
SAM PETERSON
JOSEPH T. PHILLIPS
ANDREA L. PROIE
FELIX A. RIVERA-PEREZ
DAVID J. RODZIEWICZ
KYLE S. SALLING
DANIEL D. SMITH
LARRY V. THOMAS, JR.

### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

JAMES L. CASSARELLA
MARIA E. KELLY
DAVID M. LOWE
BRIAN W. ROTTY
EDWARD E. TANGUY III
STEPHEN P. TODD
RONALD A. WESTFALL

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

ANTHONY ABBOTT
WILLIAM B. BLAYLOCK II
THOMAS L. ENGLISH
JOAN A. TREADOW
JEFFREY F. WILSON

### IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

FREDERICK HARRIS

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

PAUL N. LANGEVIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

LLOYD P. BROWN, JR.
REBECCA E. STONE
VINCENTIUS J. VANJOOLEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

DANNY K. BUSCH
WALTER A. COPPEANS III
BRUCE A. DICKEY
MICHAEL E. ELMSTROM
DAVID C. FADLER
MARK V. GLOVER
DARLENE K. GRASDOCK
DAVID S. HUNT
JOSEPH Y. C. KAN
JOHN J. KEEGAN
DAVID K. KOHNKE
JAMES H. LEE
JOSEPH D. MAUSER
SEAN P. OMALLEY
AMY J. POTTS
JOSEPH P. REASON, JR.
MICHAEL W. TEMME
RAJAN VAIDYANATHAN
MICHAEL ZIV

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

WILLIAM S. DILLON
BEAU V. DUARTE
JEFFREY T. ELDER
JAIME W. ENGDAHL
GEORGE F. FRANZ
BRENT K. GEORGE
MARK A. HUNT
DARRELL D. LACK
ALBERT G. MOUSSEAU, JR.
NIGEL A. NURSE
ROBERT D. PORTER
SCOTT D. PORTER
DONALD B. SIMMONS II
MICHAEL J. VANGHEEM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

NORA A. BURGHARDT
TERRENCE E. HAMMOND
MICHAEL R. HUFF
JOHN G. KEMNA
RICK T. TAYLOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

BRUCE J. BLACK
SUSAN BRYERJOYNER
AMY D. BURIN
RODNEY HEARNS
ANSEL L. HILLS
JAMES H. MILLS
PATRICK R. MUELLER
DANELLE T. SADOSKI
JULIE A. SCHROEDER
VERONIQUE L. STREETER
DAVID G. WIRTH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

CHAD F. ACEY
CHRISTOPHER A. CHRISLIP
DONALD E. ELAM
THOMAS M. ERTEL
ANTHONY P. HANSEN
BRYAN S. LOPEZ
WILLIAM K. MORENO
KARLA J. NEMEC
DOUGLAS A. POWERS
JOSEPH P. PUGH
KENNETH L. WEEKS III
STEVEN G. WELDON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

JAMES S. BIGGS
JAMES L. BOCK, JR.
MICHAEL A. BROOKES
JOHN P. COLES
THOMAS R. CROWELL
SUSAN V. DENI
JOSEPH A. ELLENBECKER
VICTORIA L. GNIBUS
HOWARD D. HART
JUAN J. HOGAN
MARK A. HOOPER
JAMES A. KNORTZ
ERIC H. LAW
DAVID H. MCALLISTER
LANCE A. MONTGOMERY
DOUGLAS A. PEABODY
KENT E. RUSHING
MICHAEL W. STUDEMAN
PAUL J. TORTORA
FRANK D. WHITWORTH
HAROLD E. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

RICHARD W. HAUPT
GREGORY L. HICKS
DORA U. LOCKWOOD
DAVID C. SIMS
JOSEPH A. SURETTE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

EDWARD A. BRADFIELD
CHRISTOPHER D. DRYDEN
ANDREW U. G. FATA
JACQUELINE R. FINCH
SCOTT E. ORGAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

BRIAN D. CONNON
ASHLEY D. EVANS
ARTHUR J. REISS
ERIKA L. SAUER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

CONRADO K. ALEJO
JAMES V. DANIELS
LEONARD M. FRIDDLE
RICHARD D. JONES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

ERIC D. CHENEY
JOANNE T. CUNNINGHAM
DARRELL D. EVERHART
MARY E. LEWELLYN
THERESA A. LEWIS
JOHN D. NELL
KARAN A. SCHRIVER
PAUL G. SIMPSON
CYNTHIA M. WOMBLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

JAMES A. AIKEN
ANTHONY L. ALLOU III
GREGORY L. ANDERSON
DOMINIC A. ANTONELLI
MICHAEL G. BADORF
JOHN S. BANIGAN
CHRISTOPHER K. BARNES
DONALD A. BASDEN
ROBERT A. BAUGHMAN
JOSEPH E. BELL
RAYMOND J. BENEDICT
BRODERICK V. BERKHOUT
WILLIE D. BILLINGSLEA
CRAIG R. BLAKELY
JAMES E. BOSWELL
DENNIS R. BOYER
FRANK M. BRADLEY
DANIEL M. BRINTZINGHOFFER
CHAD D. BROWN
WOODS R. BROWN II
DAN W. BRUNE
CHRISTOPHER W. BRUNETT
SHAN M. BYRNE
TIMOTHY P. CALLAHAM
CLINTON A. CARROLL
ROBERT J. CEPEK
THOMAS CHABY
RICHARD J. CHEESEMAN, JR.
DAVID D. CLEMENT, JR.
JOHN S. COFFEY
MATTHEW J. COLBURN
HEATHER E. COLE
WILLIAM M. COMBES
GREGORY J. COZAD
KEITH B. DAVIDS
YVETTE M. DAVIDS
GARY L. DEAL
STEVEN E. DEAL
CHRISTOPHER J. DENNIS
ANTHONY T. DESMET
LEONARD C. DOLLAGA
MICHAEL P. DONNELLY
MICHAEL P. DORAN
EUGENE J. DOYLE
STEVEN E. DRADZYNSKI
JEFFREY B. DRINKARD
DANIEL P. DUSEK
WILLIAM L. EWALD
ANDREW L. FEINBERG
KORY R. FIERSTINE
HEIDI A. FLEMING
BRIAN P. FORT
RICHARD A. FREY
GEOFFREY S. GAGE
KENDALL GENNICK
JAMES F. GIBSON, JR.
DONALD J. GLATT
CHARLES P. GOOD
DANA R. GORDON
JEFFREY C. GRAF
CORNELIUS M. GUINAN
DAVID W. HAAS
JOSEPH M. HART
BRUCE W. HAY, JR.
EDWIN M. HENDERSON
HENRY J. HENDRIX II
CHARLES J. HERBERT
CRAIG A. HOLTSLANDER
KEITH W. HOSKINS
WILLIAM J. HOUSTON
REGINALD M. HOWARD
JOHN R. HOYT
EDWARD J. IOCCO
MARK H. JACKSON
ANDREW C. JARRETT
JAMES W. JENKS
MICHAEL H. JOHANSSON
FRANK C. JONES
JAMES T. JONES
MARK A. JOYNT
EDWIN D. KAISER
ROBERT D. KATZ
STANLEY O. KEEVE, JR.
MUHAMMAD M. F. KHAN
KEITH A. KIMBERLY
BRIAN R. KIPLE
CHRISTOPHER F. KLINE
CARY J. H. KRAUSE
JAMES M. LANDAS
CHRISTOPHER J. LANDIS
MICHAEL J. LEHMAN
MICHAEL W. LEUPOLD
MICHAEL D. LEWIS
TODD A. LEWIS
WARREN N. LIPSCOMB III
KENNETH S. LONG
FREDRICK R. LUCHTMAN
JOHN D. MACTAVISH
JAMES A. MANN
JEFFREY P. MARSHALL
NATHAN H. MARTIN
MARK M. MARTY
DONALD G. MAY
STEVEN P. MCALEARNEY
MICHAEL A. MCCARTNEY
DAVID M. MCFARLAND
MICHAEL D. MCKENNA
TYLER L. MEADOR
MICHAEL D. MICHEL
CHRISTOPHER C. MISNER
THOMAS J. MONROE
SCOTT D. MORAN
SEAN T. MORIARTY
ROBERT K. MORRISON III
JOSEPH P. NAMAN
MICHAEL K. NORTIER
MARK J. OBERLEY
GREGORY J. PARKER
MICHAEL D. PATTERSON
GREGORY S. PEKARI, JR.
JOHN A. PESTOVIC, JR.
PETER C. PHILLIPS
PHILLIP W. POLIQUIN
IAN R. POLLITT
MALCOLM H. POTTS
JOHN L. RADKA
JAMES R. RAIMONDO
CHRISTOPHER P. RAMSDEN
DEAN T. RAWLS
DOUGLAS E. RECKAMP
LEONARD V. REMIAS
JAY S. RICHARDS
TIMOTHY P. RICHARDT
GREGORY R. ROMERO
JOHN A. SAGER
CHRISTOPHER M. SAINDON
BENNIE SANCHEZ
FRANK J. SCHULLER, JR.
JOE C. SHIPLEY
BRIAN K. SHIPMAN
CALVIN D. SLOCUMB
BRENT E. SMITH
WESLEY A. SMITH
PAUL S. SNODGRASS
MARK F. SPRINGER
MARC A. STERN
MARK R. STOOPS
DAVID A. STRACENER
SHELBY STRATTON
CHRISTOPHER E. SUND
BRIAN T. TEETS
TODD L. TINSLEY
CLARK O. TROYER
MARK A. TRULUCK
ROGER R. ULLMAN II
LAWRENCE S. VINCENT
JOHN F. WADE
JEFFREY A. WARD
JOHN M. WARD
HOWARD C. WARNER III
DENNIS J. WARREN
TODD M. WATKINS
ROBERT D. WEISSENFELS
MATTHEW G. WESTFALL
JEFFREY D. WESTON
CHRISTOPHER K. WHEELER
CRAIG L. WILSON
DAVID M. WRIGHT, JR.
THEODORE A. ZOBEL

## CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, April 29, 2010:

DEPARTMENT OF JUSTICE

DAVID J. HALE, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

KERRY B. HARVEY, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

ALICIA ANNE GARRIDO LIMTIACO, OF GUAM, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES ATTORNEY FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS.

KENNETH J. GONZALES, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS.

# HOUSE OF REPRESENTATIVES—*Thursday, April 29, 2010*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*April 29, 2010.*

I hereby appoint the Honorable RICK LARSEN to act as speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Mighty and wonderful are Your works, Lord God Almighty. Just and true are Your ways, O King of all the nations.

Who would dare not to give You the honor and glory due Your Holy Name, O Lord.

For You alone are holy, all nations shall come and worship in Your presence.

Your mighty deeds are clearly seen both now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. KOSMAS) come forward and lead the House in the Pledge of Allegiance.

Ms. KOSMAS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

## RECOGNIZING DR. PAMELA CARBIENER

(Ms. KOSMAS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KOSMAS. Mr. Speaker, it is my distinct honor and privilege to recognize on the floor of the United States House of Representatives Dr. Pamela Carbiener for her extensive community service and spirit of volunteerism.

Dr. Carbiener has dedicated her life's work to helping those in need, with a particular focus on women and children. She is the cofounder and member of the Community Outreach to Prevent Eating Disorders, medical supervisor for the Children's Advocacy Center for Victims of Assault, medical supervisor for the Volusia County Rape Crisis Center, and board and coalition member for Healthy Start of Volusia and Flagler Counties. She also serves as the chair of Daytona State College's Women's Advocacy Board.

Dr. Carbiener practices at Halifax OB/GYN Associates in Daytona Beach, Florida, and she resides in nearby Ormond Beach with her husband, Frank, and their three children, Sarah, Katie, and Charlie.

Dr. Carbiener's contributions to Halifax Health and their board of directors, which is the governing body of the largest health care provider in the area, are numerous, generous, and valuable.

Today I would like to officially thank Dr. Carbiener for her tireless work and dedication to the health, well-being, safety, and care not only of her patients, but also to the countless citizens who are affected by her volunteerism and her work in the community. She is recognized as an accomplished and outstanding community leader for the greater Halifax region. Congratulations, Dr. Carbiener.

## ANGEL INVESTORS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this week I received a letter from a friend who works for a medical device company that is looking to expand its business by attracting an angel investor. Who are angel investors? They are wealthy individuals who invest their own money in companies with promise. They are not speculators. They are not brokers. They are individuals with vision who seek out entrepreneurs with creative ideas.

New regulations proposed in the Senate financial reform bill would require a 120-day waiting period for startups seeking funds and add more restrictions on the minimum assets or income needed to become an angel investor. Angel investing is not what brought down our economy. In fact, startups funded by such investments provided 10 percent of all new jobs even though they account for less than 1 percent of the new companies. Starbucks, Costco, Facebook, Google, the list of successful angel investment companies is long.

In my friend's case, if his company is not able to attract new investment, they will be unable to hire new workers or invest in new equipment. We should not cut short job growth with excessive new regulations.

## SUPPORT SMALL MODULAR REACTORS

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, yesterday I introduced two bills designed to incentivize small modular reactors, one of the most promising areas in the future of nuclear power. One-third the size of today's plants, small reactors are cheaper and take half the time to build. These reactors offer more siting options and provide additional safety benefits.

The Nuclear Power 2021 Act is modeled for small reactors after the successful Nuclear Power 2010 program, and the Nuclear Energy Research Initiative Improvement Act requires the Department of Energy to develop a strategy to lower the cost of constructing and licensing nuclear reactors, including small reactors.

In seeking a bipartisan solution, I introduced these pieces of legislation working in concert with Energy and Commerce Ranking Member JOE BARTON and a bipartisan group of 19 other Members. I look forward to continue working with my colleagues to expediently bring small reactors to the market.

## A SOVEREIGN DEBT CRISIS?

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Too often, the Congress focuses on problems of the past, not

dangers to come. Last month, the Greek Government lost its AAA credit rating. On May 19, Greece will have to pay $10 billion in loans that it does not have the money to cover. The market will only lend now at a 24 percent interest rate. Estimates are that an IMF Greek bailout will cost $100 billion.

On Monday, Portugal lost its AAA rating, and this news triggered a sudden loss in our own stock market. Yesterday, Spain lost its credit rating, and the Spanish problem is five times the size of the Greek problem. Italy and Ireland may be next. We may soon face a sovereign debt crisis.

CRS reports that the IMF has $268 billion to lend, an amount that could quickly be exceeded by a European debt crisis. The IMF may not have the resources to handle this crisis, and the Fed and the U.S. taxpayer may be called on to bail out these irresponsible governments. Few in Congress even know of this danger to our economy and to our family incomes.

## COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I stand this morning in solidarity with all those who respect fairness and justice in opposition to the Arizona Senate Bill 1070. This is an unconstitutional law that is inspired by racism and will lead to racial profiling of Hispanics and people of color.

We must do all we can to stop this law. That's why I am calling for an economic boycott of Arizona. I also encourage all those to oppose this kind of hate and to wear the red, blue, and yellow bracelet to express opposition to this bill.

We must all remember that immigration is not a Latino issue, it's an American issue. This misguided law is another reason why America needs comprehensive immigration reform to fix our broken system. I call on my Republican colleagues to have courage and to work with us on immigration reform. The American people need this reform, but we cannot do this alone. Again I say to the Republicans, step up to the plate and together let us pass real, comprehensive reform.

## ISRAEL RESOLUTION COMMEMORATING 43RD ANNIVERSARY OF REUNIFICATION OF JERUSALEM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as a trusted ally, Israel and the United States have enjoyed a strategic partnership based on shared mutual values and respect. This relationship has continued to strengthen over the last 62 years, and it's critical that America continues to promote this friendship.

Fostering this important relationship means beginning the process of relocating the U.S. Embassy in Israel to Jerusalem and celebrating reunification. That is why I am introducing legislation today with over 20 cosponsors that commemorates the 43rd anniversary of the reunification of Jerusalem and supports locating the United States Embassy in Israel to Jerusalem.

In my visits to Israel, I have been impressed by its dynamic multicultural citizens, inspired by Prime Minister Benjamin Netanyahu. America must ensure that Jerusalem, led by Mayor Nir Barkat, continues to be a shrine open for all cultures.

Also, congratulations to Patricia Lobb of Aiken as she becomes a U.S. citizen this morning.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

## PUERTO RICO HAS SAID ''NO''

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Today we are going to have Puerto Rico as the 51st State bill. They're going to say it's a Puerto Rico self-determination bill, but really it's designed to get one thing and one thing only, and that is to have the people of Puerto Rico accept statehood for themselves.

It seems to me when I checked the history books, in 1967 there was a plebiscite. They said, ''No.'' In 1993 Puerto Rico had a plebiscite. They said, ''No.'' In 1998 they had a plebiscite. They said, ''No.''

Millions of people are trying to get into this country, trying to get to America. We have 4 million American citizens, and they said, ''No.'' Why don't we respect their wishes? Why do we have to have this artificially crafted bill which has as a predetermined objective statehood for Puerto Rico? It's wrong.

We should not impose statehood or any other alternative on any people, especially when they said, ''No, no, no.'' Just so that we get it clear, it's spelled the same in English as in Spanish, N-o. No, no. So there shouldn't be any problem here in terms of understanding just what the people of Puerto Rico have said.

## NATIONAL MEDIA SHOW DOUBLE STANDARD ON TAX PROMISES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, during the Presidential campaign, then-Senator Obama made a firm pledge that, ''No family making less than $250,000 a year will see any form of tax increase.'' The nonpartisan fact-checkers of Politifact say the administration broke that promise, but the national media have collectively yawned in response.

In comparison, when former President George H.W. Bush broke his 1988 ''Read my lips, no new taxes'' pledge, the national media heavily criticized him. The New York Times described President Bush's pledge as ''the seminal six words of his Presidency,'' and said it helped eliminate ''any plausible leadership path.'' The L.A. Times said it was one of several factors that ''ended the GOP stranglehold on tax policy.'' The national media should hold President Obama to the same standard, not give him a free pass.

## WALL STREET REFORM

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, we must reform Wall Street and end the risky practices that have caused millions of Americans to lose their jobs, their homes, and life savings. The House passed a financial reform bill that will protect consumers and prevent the irresponsible behaviors and practices that caused the financial crisis.

This is the 21st century. It's the government's responsibility to regulate products that are dangerous. To prevent the sale of cars with faulty brakes, the government regulates the auto industry. To prevent the sale of rancid meat, the FDA regulates meatpackers. To prevent the sale of toys containing lead, we have a Consumer Product Safety Commission. Complex financial products are no different, as this week's hearings have shown, which is why we must have commonsense financial regulations to protect consumers.

H.R. 4173, which we already passed from the House, reforms Wall Street while helping Main Street. I urge the Senate to pass this critical bill.

## THE RULE OF LAW

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, America is a Nation founded on the rule of law, not the rule of men. That's why we have a Constitution and not a king. Law must apply to everybody and it must apply equally, regardless of race, color, or creed. People don't get to pick and choose which laws are enforced. They don't get to decide which laws they like and which ones they don't. That would cause chaos.

Federal law requires people to sign the guest book when they enter our

country, otherwise they are here illegally. There is a lot of fear mongering, political hype, and misinformation about the State of Arizona trying to legally protect itself from illegal entry into its State.

Arizona acts because Washington is blissfully silent and sleeps. Rather than join this rant, the White House should grant the request of border governors and send the National Guard to the border to enforce the rule of law. After all, that is the government's job.

And that's just the way it is.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 5146. An act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

H.R. 5147. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

□ 1015

## PROVIDING FOR CONSIDERATION OF H.R. 2499, PUERTO RICO DEMOCRACY ACT OF 2009

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1305 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1305

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 30 minutes, with one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 30 minutes controlled by Representative Velázquez of New York or her designee. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Natural Resources or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. For the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1305.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1305 provides for consideration of H.R. 2499, the Puerto Rico Democracy Act of 2009, under a structured rule. The rule provides 1 hour and 30 minutes of general debate, with 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 30 minutes controlled by Representative VELÁZQUEZ of New York. The rule makes in order those amendments printed in the report of the Committee on Rules. The amendments made in order may be offered only in the order printed in the Rules Committee report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. Finally, the rule provides one motion to recommit with or without instructions.

The rule is a fair rule. There were 35 amendments submitted for this bill, 13 of which were found to be nongermane. Of the remaining amendments, eight are made in order under this rule—three offered by Republicans and five offered by Democrats.

Mr. Speaker, I rise today in support of House Resolution 2499, the Puerto Rico Democracy Act. I'd like to thank Speaker PELOSI, who has been an unrelenting champion of this important issue; and Leader HOYER, whose strong support of this bill helped bring the resolution to the floor. I also want to recognize Resident Commissioner PIERLUISI for sponsoring the bill and Chairman RAHALL for his leadership on this issue.

This bill is based on the most fundamental democratic principle, the rule of self-determination. Puerto Rico has been a U.S. territory for over 100 years; yet during that time, Congress has never bothered to determine whether Puerto Ricans are actually satisfied with the status quo. H.R. 2499 aims to fix that by offering fellow citizens this basic right.

Puerto Ricans have been American citizens since 1917. During that time, they've contributed to our country's culture and economy while also serving proudly in the Armed Forces to defend our Nation. In fact, Puerto Rico has historically ranked alongside the top five States in per capita military service in defense of our Nation.

Yet, in spite of the contributions Puerto Ricans have made to this country, they do not receive all of the benefits that are due to them as American citizens. Their representative in Congress is a resident commissioner, who works tirelessly to advance their interests, yet has limited voting rights, instead of several Congresspeople with full voting rights the Puerto Ricans deserve. While they pay many taxes, Federal programs treat Puerto Rico less than equally when compared to the 50 States. As I mentioned before, while they have courageously served in the military, and in fact at a higher rate than many other States, they do not yet have the right to vote for President of the United States, the Commander in Chief.

It's imperative that Congress act to right these wrongs which Puerto Ricans have had to live through for so long. The Puerto Rico Democracy Act would do that. If enacted, this bill would authorize a plebiscite process which would offer Puerto Ricans the chance to vote on the future of their island. The plebiscite would ask the unambiguous question: Are you satisfied with the status quo? If a majority of Puerto Ricans vote ''yes,'' then the government of Puerto Rico would be authorized to hold regular plebiscites every 8 years to ensure that voters continue to have the opportunity to express themselves democratically over time.

If a majority vote is against the status quo, if they decide that they are tired of their being treated as second-class citizens, the plebiscite will ask them to choose between nonterritorial status options: independence, statehood, and free association. This plebiscite represents the straightforward expression of self-determination and direct democracy that would allow Puerto Ricans to express their wishes to Congress. I, for one, will support the express wishes of the Puerto Rican people as a Member of Congress representing Colorado.

Like any important piece of legislation, this bill has some critics. You will hear from them today. Opponents have claimed that the bill favors statehood, and they take issue with how the plebiscite is being constructed. It's not only fair but imperative that voters, our fellow Americans, be given the opportunity to express whether or not they approve of their current status quo that is disenfranchising Puerto Ricans.

I urge and encourage my colleagues to support the rule, and I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to, first of all, thank my friend, the gentleman from Colorado (Mr. POLIS), for the time; and I yield myself such time as I may consume.

The underlying legislation, H.R. 2499, the Puerto Rico Democracy Act of 2009, is a fair and appropriate way for the people of Puerto Rico to express themselves at the ballot box regarding the critical issue of their permanent status. The legislation would allow a plebiscite whereby the people of Puerto Rico will decide whether to maintain their current political status or have a different status. If a majority favors a different status, the Government of Puerto Rico would be authorized to conduct a second plebiscite among three nonterritorial status options recognized under United States and international law: independence, United States statehood, or sovereignty in association with the United States. They would, obviously, have to be worked out between sovereign Puerto Rico and sovereign United States.

The legislation does not dictate an outcome for the people of Puerto Rico. Congress will not take sides by voting for this legislation. Congress will only be asking the Puerto Rican people to vote on the issue of their permanent status. This process is absolutely respectful of the Puerto Rican people's right to decide their future status.

I wish to commend Resident Commissioner PIERLUISI and my dear friend and former colleague, Governor Luis Fortuno, for extraordinary leadership on this issue. Both of them have earned the admiration of both sides of the aisle in the United States Congress and deserve commendation for their leadership.

Mr. Speaker, I understand that some Members of Congress have concerns that the results of the election would be automatically implemented. I was discussing with my colleague, Ms. ROS-LEHTINEN, some falsehoods that are being said on radio and other media that the vote today is one that would set up a process that would automatically be implemented. That is not the case. The results of the plebiscites are nonbinding on Congress. So in order for the results to be put into effect, whatever the results of the referendum would be, Congress would need to debate again and, again, pass legislation. In other words, new legislation.

My position with regard to the status of Puerto Rico is that the people of Puerto Rico have the right to decide the political and legal status of their wonderful island through a fair, neutral, as well as federally recognized, plebiscite. I have ultimate admiration for the people of Puerto Rico. They are a wonderful people. If the people of Puerto Rico ultimately vote to request admission to the United States of America as a State of the American Union, there will be no stronger defender of their right to be the 51st American State than me. If they vote to remain in their current status, there will be no stronger defender of their decision than me. And if they vote for independence, there will be no stronger defender of their decision than me. This legislation is a self-determination vehicle, and I support self-determination. I support democracy everywhere. The Puerto Rican people should be able to decide their permanent status themselves.

The House last addressed this issue in 1998. I remember, Mr. Speaker, that I had the honor of chairing that debate in the House when H.R. 856, the United States-Puerto Rico Political Status Act, after much leadership and advocacy by Resident Commissioner Romero-Barcelo, was brought to the floor under a Republican majority.

□ 1030

I was a member of the Rules Committee at that time, and I am proud to say that our majority, the Republican majority, allowed that bill to proceed under an open rule, a rule that allows Members from both parties to have their amendments to the legislation debated on the House floor without having to get approval from the Rules Committee. This is an important issue, and if there's ever been legislation that deserves an open debate process, it's this legislation.

I remind the House of the process that we used when we were the majority because today the current majority has decided to restrict debate on this issue, on this very same issue that we allowed an open debate process on in 1998. And not only on this legislation, but on every piece of legislation brought before this Congress. This majority has not allowed any open rules, any open debate process in over 2½ years. Since they regained the majority, they have allowed only one open rule, apart from appropriations bills. And even on appropriations bills, they have restricted debate.

Now I disagree with some of the amendments that were presented before the Rules Committee yesterday, and if, by chance, the majority would have allowed their consideration by the full Congress, I would have voted against those amendments. I may have even debated against those amendments. But just because I disagree with amendments that were brought before the Rules Committee, asking the Rules Committee to allow consideration by the full House does not mean that I believe that those Members of the House do not deserve the right to be heard. I believe the House should be allowed to work its will.

Now, unlike the current majority, I believe in open debate. Let amendments stand or fall on their merits. Just about every week I have the honor to come to the floor of this House to help manage rules debates on behalf of my party, and pretty much every time I come to the floor, I criticize the current majority for systematically blocking open debate with ruthless efficiency on every bill that we consider. Even on appropriations bills, which have long been brought to the floor under a tradition of open rules, they blocked debate. Today they could have easily upheld the tradition set by the Republican majority to allow an open debate on the extremely important issue of Puerto Rico's political status; yet the current majority, they can't bear to do something so abhorrent to them, to permit an open debate process. They cling, Mr. Speaker, they cling to their modus operandi, restricting debate, restricting debate. So they've done so again today.

Now, that doesn't negate the historic nature of what the Congress of the United States is doing today. Today whatever the outcome of this legislation, Congress will send its greeting, its support and admiration for the wonderful people of ''La Isla del Encanto,'' Puerto Rico.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2½ minutes to the gentleman from Puerto Rico (Mr. PIERLUISI), the sponsor of the bill.

Mr. PIERLUISI. I thank the gentleman from Colorado (Mr. POLIS), and thank you for your eloquent explanation as to why H.R. 2499, the Puerto Rico Democracy Act, is a fair bill, a necessary bill, and a bill that is long overdue. I'm also thankful for the kind words given by the gentleman from Florida, Congressman DIAZ-BALART, and for his support for H.R. 2499.

I'm so grateful to you and to the hundreds of my other colleagues on both

sides of the aisle who support H.R. 2499. I cannot cast a vote this afternoon, but please know that your vote will give voice to the aspirations of 4 million men, women, and children from Puerto Rico whom I am honored to represent. I'm also grateful for the support of diverse organizations such as LULAC, the Nation's oldest Hispanic civil rights organization, the Young Democrats of America, and the Puerto Rico Republican Party.

I want to say a special thank you to Majority Leader STENY HOYER. The majority leader has been a champion without peer for the U.S. citizens of Puerto Rico. My constituents and I owe him a debt of gratitude that no words, however sincerely uttered, can ever repay.

Mr. Speaker, this has not been easy, but I am a firm believer that nothing truly worth doing ever is. The fundamental justice of our cause, to enable a fair and meaningful self-determination process for the people of Puerto Rico after more than 110 years of inaction, is beyond question. Patience is a virtue, but my people have been patient enough.

H.R. 2499 is a simple bill designed to address a longstanding problem. Since joining the American family at the close of the 19th century, the Puerto Rican people have enriched the lives of this Nation in many ways. For generations, the island's sons and daughters have fought proudly alongside their fellow citizens of the States to protect freedom and democracy around the world. Many have given their lives in defense these values. Many more have borne the scars of their service to this great country.

The SPEAKER pro tempore. The time of the gentleman from Puerto Rico has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. PIERLUISI. Notwithstanding their contributions, my people have never expressed their views in a fair process authorized by Congress as to whether Puerto Rico should remain a U.S. territory or seek a nonterritorial status. If the majority of the voters express a desire for a nonterritorial status, the bill would authorize the government of Puerto Rico to conduct a second-stage plebiscite among the three alternatives to territorial status: independence, free association, and statehood. The bill before us would, for the first time, provide the people of Puerto Rico with the opportunity to be heard on the fundamental question of their political destiny.

The SPEAKER pro tempore. The time of the gentleman from Puerto Rico has again expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. PIERLUISI. Thank you, Congressman POLIS.

This bill does not favor or exclude any valid status options, and claims to the contrary are without merit.

In the 21st century, shouldn't this Congress at least ask the people of Puerto Rico, the 4 million citizens living in Puerto Rico, whether they want to continue to be treated differently, different than their fellow citizens in the States? That is the question posed by H.R. 2499.

I ask for your support.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 3 minutes to my dear friend and colleague from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank my dear friend and colleague, Congressman LINCOLN DIAZ-BALART, for yielding me the time.

I rise in strong support of the underlying legislation, the Puerto Rico Democracy Act, and I commend the bill's author—we just heard from him—Resident Commissioner PEDRO PIERLUISI, for his work in bringing this important legislation to the floor this morning. And I would be remiss if I did not also recognize the efforts of our former colleague Luis Fortuno, now the Governor of Puerto Rico, for his many years of leadership on this issue.

This day has been long in the making. With a population of nearly 4 million people, the people of Puerto Rico deserve the opportunity to decide their fate. Puerto Rico has been under the U.S. flag for 111 years, and its residents have been U.S. citizens for more than 90 years.

Since the extension of U.S. citizenship to its residents in 1917, Puerto Rico has maintained one of the highest per capita rates of participation in the U.S. Armed Forces. Puerto Ricans have fought and have died in every armed conflict since the First World War. And yet while Puerto Ricans have fought valiantly for self-determination overseas, they have never been given the opportunity to participate in a federally sanctioned vote to determine Puerto Rico's political status. That is until today.

H.R. 2499 authorizes the government of Puerto Rico to conduct an initial plebiscite. In this process, eligible voters would be asked whether they wish to maintain the current political status or to have a different status. The rationale for this plebiscite is simple: In accordance with the American principle of government by consent, Congress should seek the meaningful consent of Puerto Rico to the political status that it has had for more than 110 years. The American citizens of Puerto Rico have a right to determine their political future. This bill does not exclude any viable status option, nor does it provide for a change in status to be automatically implemented.

Under the initial plebiscite, eligible voters will be asked if they wish to maintain the current status or to have a different status. If a majority favors the current status, then the government of Puerto Rico would be authorized to ask voters this question again in 8 years. If a majority of voters cast ballots in favor of a different political status, then the government of Puerto Rico would be authorized to hold a second plebiscite on the three status options: independence, statehood, and free association.

The SPEAKER pro tempore. The time of the gentlewoman from Florida has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentlewoman an additional 30 seconds.

Ms. ROS-LEHTINEN. I thank the gentleman for the time.

After 111 years under the U.S. flag, our founding principles dictate that the people of Puerto Rico be allowed to determine their political future in a fair and orderly vote sponsored by the Federal Government.

And it is for those reasons, Mr. Speaker, that I urge my colleagues to vote ''yes'' on H.R. 2499, the Puerto Rico Democracy Act.

Mr. POLIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. GUTIERREZ), the author of two of the amendments that were made in order under this rule.

Mr. GUTIERREZ. I thank the gentleman from Colorado for allowing me the opportunity.

First of all, I really think that if you're going to talk about democracy, if you're going to talk about freedom, that if you're going to talk about self-determination, then you have to deal with the process, and this process is just patently unfair.

I thank the majority for two amendments. That was nice. But isn't it interesting that as a Democrat—100 percent Democrat, one that has been consistently a senior Democrat—that when I came down here in 1998 when it was Gingrich's bill, when the author was Young, when it was a Republican-sponsored bill and I went before the Rules Committee, I had seven amendments ruled in order. Each amendment was given 30 minutes. That's 210 minutes of debate time. And now when my party, the party that says they are promoting this legislation to foment, to foster, to encourage, and to engage the people of Puerto Rico in a democratic process, the Democratic majority has decided to give me two amendments and then 10 minutes each. Well, you do the math. That's 10 to 1, 10 times more time, and that's just on mine.

I want everybody to remember—I think it's kind of sad—Dorothy Height. There is a wonderful ceremony. I would have liked to have been at that ceremony. Here is a woman who gave everything for freedom, for civil rights, and this Congress couldn't wait until after the funeral arrangements were completed to begin this debate? You don't want people on this House floor to hear this debate. You don't want a

full, compelling, articulate debate on this issue. You want this issue done today. You want it done quickly. You want it done swiftly.

I am telling you, this is going to blow up just like the Goldman Sachs derivatives blowup that don't have any transparency. And then everybody's going to say, What, that happened? We don't know how that happened. We don't know what room that was put together in. We don't know who put it together. But we are going to make a case today, a case today that this bill is just not what it pretends to be.

□ 1045

It is a bill, I mean, listen to yourselves. You say: Well, we have to stop the current system. I agree. I don't like the current colonial system of Puerto Rico either. I think it is a bad system, too. I would like to eliminate it and make sure that it ends in Puerto Rico. But you want to know something, I want to do it with respect to the people of Puerto Rico. I want to make sure that as we engage in this process, it's proper, so I just want to read something to you. Here's what it says. It says that the people of Puerto Rico will be able to vote for statehood. But guess what, we don't define what ''statehood'' means. I think statehood, they should continue to have their Olympic team because the statehooders say they can continue to have their Olympic team. I think statehood, they should continue to speak Spanish and be the predominant language which it is today. Under statehood, I think that's fine. But we don't get to debate it or discuss it.

I think there are many issues we should look at, but we are not going to define statehood because you know what, the proponents don't want a definition.

Now independent, we don't need to define that either. What is the one alternative that we define, the current status. You know, that's like, can you imagine Barack Obama going to JOHN MCCAIN and saying: Hey, JOHN, by the way, would you set my platform for me so when we run against each other, I have to defend and articulate what you have said my platform is, because that's really what is happening here today.

Moreover, this is what is going to happen today: The people of Puerto Rico are going to be engaged in a process in which, you know, one of the alternatives is going to be sovereignty in association with the United States. Let me repeat that. Sovereignty in association with the United States. People of America, call in if you know what that means. Call in right now if you've figured it out. I'm sure there are political scientists all over the country. You know what, it's okay if we don't understand it. The Congressional Research Service, that's what they're paid for. They have smart people there. You know what they said: It is ambiguous at best. And this is going to be congressionally sanctioned? And one of the alternatives our Congressional Research Service says they don't even have an explanation for. Let's have an open rule and let's vote ''no.''

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. GUTIERREZ. Thank you so much.

Look, we had a debate the last time. If statehood wins, I'm going to support it. I'm going to support it, but it has got to win in a fair way. It has got to win in a fair way. And you know what, the people of Puerto Rico, 1967, 1993, 1998, they had a chance. Why is it that we are advancing this? What happened to the people of the District of Columbia who, on numerous occasions, have begged and implored this Congress to take action as America citizens, and we have done nothing. And the people who have said no, we don't think so, we are moving forward.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their comments to the Chair.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, as today's debate begins on this very important issue, where opposition is obviously on both sides of the aisle, there are two basic points I wish to make: first, to express the fundamental unfairness of this rule for debate, as the previous speaker just pointed out; and second, to explain why the underlying bill violates this Nation's established precedents when it comes to admitting States in the Union.

First, this rule is unfair to both Republicans and Democrats. It is astonishing to me to see how the Democrat leaders are denying the amendments proposed and offered by Members of their caucus. Senior Democrat Members are being limited. Their amendments were blocked. Their ability to speak and engage in debate is being restricted. And for what possible reason, Mr. Speaker? By what justification is this necessary and how is it fair?

In 1998, when the House last debated a similar Puerto Rican bill, there was an open rule, as Mr. GUTIERREZ mentioned. That rule was supported by both the Republican chairman and the ranking Democrat at that time, and it resulted in a full, all-day debate on this very important issue. So what is wrong with an open rule and a fair debate in 2010? This bill isn't about naming a post office; it is a bill that Congress is asking Puerto Rico if they want to become the 51st State. This is an important issue.

Amendments of importance, of ensuring Second Amendment rights by Puerto Rico if it becomes a State were blocked. Amendments to address the issue of English as an official language, that too was blocked.

Mr. Speaker, this rule should be defeated. Actually, the previous question should be defeated. And if the House is going to consider this bill, it should do so under an open process.

Second, the reason why such a thorough debate is necessary is that this bill is a dramatic departure from past procedures by which a State has sought and been admitted into the Union. Look at Alaska, look at Hawaii just in the last century. Look at numerous other States. They all held local referendum on the question of their desire to become a State. When a strong majority expressed their desire to become a State, the results of those individual referendum were communicated to Congress, and it was then that Congress responded to those referendum.

In this bill that process is exactly backwards. This bill is asking if Puerto Rico wants to become a State.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. HASTINGS of Washington. This bill has Congress blessing statehood before Puerto Rico even expresses its will. This bill isn't needed for Puerto Rico to hold a self-determination vote on what they desire of their future political plans. Puerto Rico can conduct a vote right now, just like they have done three times previously.

Mr. Speaker, it is wrong to deviate from the precedent of Alaska, Hawaii, and other States where those territories self-initiated a communication to Congress and Congress responded by making them States.

So, Mr. Speaker, I oppose this unfair rule for those reasons. I think that Republicans and Democrats on this important issue ought to have as much time as we had in 1998 to debate this issue. With that, I thank my friend for yielding me this time.

Mr. POLIS. Mr. Speaker, in brief response to the gentleman from Washington, all States, certainly including the residents of Puerto Rico, if they, in fact, become a State, would have the protections of the Second Amendment, as well as all of the other amendments and protections of our Constitution as interpreted by the Supreme Court.

And, of course, it is entirely up to States what they do with regard to recognizing official languages. My own State of Colorado has no official language. I understand there are other States that do. Certainly any State can establish English, Spanish, French, whatever language they want, as an official language or languages.

Mr. Speaker, I would like to yield 5 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman for the time.

My colleagues, I come to you today in a unique situation because, you see, I was born in the territory of Puerto Rico; and by being a resident of New York and having been raised in New York, I am able to be a Member of Congress. Not a Resident Commissioner, with all due respect to my brother, but a full voting Member of Congress.

And so I come fully understanding how it is to be able to look at yourself and to wonder what, if ever, will be resolved when it comes to the status of Puerto Rico.

This is a very significant moment and a very significant bill. For the first time in 112 years, the Congress of the United States will ask the 4 million American citizens in Puerto Rico what they wish their relationship to the United States to be. And it is done, I believe, in a fair way.

Now many will argue today that it is not binding on the Congress. That is a good thing because Congress can then take the results and analyze them and determine how it wants to apply the results, yes or no, whether it wants a higher vote for independence, if that is what they choose, or a higher vote for statehood. Congress can make that determination.

But I believe the process is fair. It says in the initial vote: Do you wish to remain as you are or do you wish to change your relationship to the U.S.? And then in the second vote if they choose for change, it says: Do you wish to become the 51st State, do you wish to become an independent nation, or do you wish to go and become an associated republic? Well, we have that. Some people say they don't know what that means. We have that. Micronesia is an associated republic of the United States. Palau is an associated republic of the United States. The Marshall Islands is an associated republic of the United States. So we know what that means.

I would argue for those who support commonwealth, that the next natural step of the commonwealth is free association unless they have a notice and it is statehood or unless they have been misled and it is independence. I think the next step is free association.

Why are those the three options available? Because all three options will remove Puerto Rico from the territorial clause of the Constitution of the United States, meaning it will no longer be a territory and then we can decide what to do.

It has been said here that Puerto Ricans have served our Armed Forces. That means a lot to us. And it means a lot to be able to say to those veterans who are now in Puerto Rico that they will have a chance to express themselves.

Many have asked me, JOE, if it doesn't do all of the things that some people claim it does, why do you support this bill? Because it begins a process, because it allows people to speak, because we would have heard for the first time that we know that they have something that they want to change.

Now, the opponents claim that this bill pushes Puerto Rico to statehood. Now I grew up in New York, but I can tell you one thing as a fact that I know about the Puerto Rican community and Puerto Rico: they know the status issue through and through. I think from the time you are 10 years old, all you debate in Puerto Rico is the status and baseball. And the status is bigger than baseball. So no one in Puerto Rico will be forced to vote for statehood unless they want it. Nobody will be forced to vote for independence unless they want it. No one will be forced to vote for anything unless they want it. They are very adamant. You think I'm excited now, you should see the way they speak about those issues in Puerto Rico. Nobody will force them into anything.

At the same time, the opponents tell you there is no majority support for statehood in Puerto Rico, but they'll be forced to vote for statehood. I don't understand that; if there is no support, then they won't vote for statehood. That's a fact.

Now, briefly, some of the commonwealth people, with all due respect to them, have proposed a new commonwealth, but they have never presented it in legislative form. They've had years. In the 20 years I've been here, they've never presented the commonwealth in a legislative form. We have presented many bills that speak to self-determination.

What they propose, and are you ready for this, Puerto Rico would remain American citizens. Puerto Rico would get more Federal dollars. Puerto Rico would be able to choose and pick any Federal law it wishes to follow and not follow. And Puerto Rico would be able to exchange ambassadors with other countries. That's the commonwealth that has been proposed.

I want that for the Bronx. That's a great deal. And I am sure that the gentleman wants it for Florida. And the Texans would jump at it immediately. But that is not what it is. Give the people of Puerto Rico the opportunity to express themselves.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, I believe this is a rushed process. This should be considered under an open rule, as it has in the past. Even LOUISE SLAUGHTER, the chairwoman of the Rules Committee, was cited in Congress Daily today saying she didn't know why the House is even taking up the bill.

I offered an amendment that said two-thirds of the people of Puerto Rico should vote affirmatively for statehood in order to move forward, yet that was not ruled in order. Believe me, we want to make sure that more than 51 percent of the people want this before we move forward. You don't want to get married to someone who is only 51 percent sure, for goodness sake.

Nobody necessarily even knows what is in this bill; sovereignty and association with the United States has been pointed out. I don't think the people understand what that necessarily means, certainly in this body.

And there is no need for a federally sanctioned vote. In 1967, 1993 and 1998, the people of Puerto Rico voted. They voted against statehood. There is no reason that the heavy hand of the United States Congress needs to come down and force the people of Puerto Rico to vote on this.

□ 1100

They can do it themselves. And if they do it, they should do it with a very simple question: Are you in favor of statehood, yes or no? That simplicity would go a long ways with people like me and a lot of others. Let's have that kind of straight vote.

We love the people of Puerto Rico. They're fellow citizens; they've served in our military. There is a great kinship. But it doesn't necessarily mean that the people of Puerto Rico want statehood. If they're going to have a vote, they should do so in Puerto Rico. They don't need the heavy hand of Congress; let them vote on that straight vote.

I stand in opposition to this rule and in opposition to this bill, and I urge my colleagues to do the same.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland, the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman from Colorado.

I rise in strong support of the bill. I rise in strong support of the underlying legislation. I am pleased to join my colleague from Puerto Rico (Mr. PIERLUISI) in support of the rule and the bill.

I know that Mr. PIERLUISI, who was elected to represent Puerto Rico in the Congress of the United States as their representative, has worked long and hard on this bill, as have so many of his predecessors. When I came to Congress, Carlos Barcelo was the representative of Puerto Rico, and he was for this. That was 30 years ago, and we're still talking about this. The gentleman from Puerto Rico and Mr. SERRANO make points that I would make.

Now, the gentleman who preceded me said that we are rushing this bill. This bill was reported out of committee last July, 30–8. This bill has 181 cosponsors, broad bipartisan support in this Congress. And so we have brought this bill

to the floor for consideration. It offers amendments to those who are opposed to this bill. It offers amendments, frankly, that I think are extraneous to the basic premise of this bill as well. The fact of the matter is that America prides itself on being the beacon for democracy.

What this bill does is celebrate democracy in Puerto Rico. I am grieved from time to time when I read that some of our fellow American citizens in Puerto Rico talk about the United States treating Puerto Rico as a colony. I don't know about the rest of you, but I'm not interested in having colonies. I don't perceive and have never perceived the United States as an imperial power with colonies. I perceive the United States of America as priding itself on being supportive of self-determination, of being committed to the premise that people freely ought to be able to come together and determine their own status.

That's what this legislation does. I don't think it does more than that or less than that. Unlike previous legislation, it does not say that if in fact the voters of Puerto Rico vote one way or the other, that action will automatically follow by this Congress. This Congress will then have to make a determination as to what relationship we want to have to Puerto Rico in a democratic fashion in this House and in the Senate, as should be the case.

The President of the United States has said he would want to see the status of Puerto Rico resolved. I want to see the status of Puerto Rico resolved. And, yes, if the citizens of Puerto Rico, under this bill, decide that they want to remain a Commonwealth and vote not to change, that will be the conclusion. If on the other hand they decide they want to have change, then they will have the options that the United Nations has set forth for colonies to become free nations.

I myself do not refer to Puerto Rico as a colony; some in Puerto Rico do. The fact of the matter is that it gives three options which are the three options sanctioned by the United Nations, and that is, for a free people to self-determine if they want to be an independent nation, or, alternatively, that they want to be a State, or, alternatively, they want to have a free association with the United States. That latter category, as I suppose similar to the relationship that England has to Australia and Great Britain or that Micronesia has, or some other entity that has its own independent laws, it's a sovereign nation, as is Canada; but the Queen of England is the head of their government. That may be somewhat like a free association. But whatever the people of Puerto Rico decide, it seems to me that I would be, as one Member, prepared to honor.

I am hopeful that today, after 111 years that Mr. SERRANO spoke about and that Mr. PIERLUISI has talked about, that we do in fact give to the Puerto Rican people the option that they deserve to have and that our principles demand they have.

I hope my colleagues will support this rule. I hope they will support the bill, and I hope they will oppose amendments that will undermine this opportunity that can be a historic opportunity, not just for the people of Puerto Rico, but for the people of the United States of America to live out its pledge to peoples that have an association with us and, indeed, the principle that we ask other nations to honor as well of self-determination.

I thank the gentleman from Colorado (Mr. POLIS) for yielding.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 2 minutes to my friend from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, this legislation is the first step in a process that offers the Commonwealth of Puerto Rico an invitation to become a full member as a State in the greatest Nation in the world. It is neither onerous nor unfair to require that English be the only official language as a precondition for its admission. I introduced an amendment that would accomplish this on two separate occasions. Unfortunately, the Democrats in this body rejected my amendment on both occasions, both in the committee as well as in this rule. Without this commonsense amendment, this legislation is fundamentally flawed.

Throughout our Nation's history, the common thread that has united individuals of diverse backgrounds has been the common use of the English language. It is the glue that holds us together as a Nation. This amendment would help unite the island with the rest of the other 50 States if it is admitted as a State. President Ronald Reagan once said, ''By emphasizing the importance of a common language, we safeguard a proud legacy and help to ensure that America's future will be as great as her past.''

No territory with an official language other than English has ever been admitted to the Union. In fact, there are a number of former territories that had to comply with English preconditions before they were admitted to the Union, including Louisiana, Oklahoma, Arizona, and New Mexico. All of these States agreed to the condition that their schools shall always be conducted in English, and Puerto Rico should be no exception.

My amendment does not prevent the Puerto Ricans from speaking Spanish in their home, church, business, or on the streets in San Juan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. BROUN of Georgia. I thank the gentleman.

It simply requires English to be the official language in public schools, local and State courts, State government agencies, and the Puerto Rican legislature. This should not be a huge problem because since 1900 English has been taught from kindergarten to the 12th grade in Puerto Rico. Without this amendment, children in Puerto Rico will never have the opportunity—never have the opportunity—to participate fully and equally with their fellow citizens.

It is my firm belief that insisting on Puerto Rico's adoption of English as its only official language must serve as a minimal requirement for consideration of its inclusion into our sacred Union. Since the Democrat leadership of this body rejected my amendment on two separate occasions, I urge this body to vote ''no'' on the rule and ''no'' on H.R. 2499.

Mr. POLIS. In response to the gentleman from Georgia, we live in a Federalist system. States have the ability to determine what languages are recognized in an official capacity. I think it would be misleading to the people of Puerto Rico in the context of a vote to insinuate that there is a Federal tyranny with regard to language.

We live in an affiliation of States, a Federalist system that reserves power for the States. I know that the gentleman from Georgia has generally been a standard bearer of the rights of States and the prerogatives of States and, in fact, the ongoing battle against the overreach of Federal powers, and this is certainly an example of that.

States have the ability to decide what languages to print things in—language or languages—certainly the ability to set the language that their own State legislature meets in. This would be an example of an overreach of the Federal Government were they to dictate that.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. POLIS. I will yield briefly.

Mr. BROUN of Georgia. I thank the gentleman from Colorado for yielding.

I believe very firmly that the only way that we are going to incorporate people into this country—and we have been a Nation of immigrants, and I believe very fully that we should continue to allow responsible immigration into this Nation—but English has been the common thread that has bound us all together. It should be the official language of America.

We have required Oklahoma, Louisiana, Arizona, and New Mexico to accept English as the official language to be admitted, and I don't think——

Mr. POLIS. Reclaiming my time, I think it's a very appropriate discussion to have. It's a discussion at the State level; and I know that some States have done precisely that. But, again,

this would be an example of an overreach of the Federal Government where they would actually be involved with dictating to States that here you must speak Spanish, here you must speak French, here you must speak English, although certainly the gentleman has argued there are many at the local and State level that have advocated those policies on behalf of particular States.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, as I said before, I would have opposed amendments like Dr. BROUN's on the floor, but I think that everyone should have an opportunity to be heard, even with ideas that I think are premature, because I don't know how the people of Puerto Rico are going to vote. So it's premature to say at this stage, okay, you have to speak this language or the other language because you're going to vote this way or the other way. No. No. All this does is start a process that will allow the people of Puerto Rico to speak. And it's the first time that there has been a federally authorized referendum for the people of Puerto Rico, and I think it's fair.

At this time, I yield 2 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to the rule and to the underlying bill, but it could have been otherwise, I might add.

The major flaw in H.R. 2499 is that it never allows an up-and-down vote, a yes-or-no vote on statehood or on any of the other status options presented to the people of Puerto Rico. It is a skewed process. It is designed to have a poll that will have a predetermined outcome.

I submitted an amendment to the Rules Committee that would have fixed this fundamental flaw. Unfortunately, the rule now before us does not make my amendment in order. So now, if this bill becomes law, it will not find out whether the people of Puerto Rico support statehood. All the plebiscite will tell us is whether the people of Puerto Rico prefer statehood to independence.

I can save us all a lot of trouble to that point. I concede—and most of my friends will concede, pretty much everyone involved in this issue will concede—that the Puerto Rican people would prefer statehood to independence or free association. So if everyone is willing to concede the only point that will be established in this bill, then why bother passing this bill and having two separate plebiscites just so we can find out what we already know?

We also know that when people have had a chance just to vote on statehood, they voted against it. Well, the answer is that the proponents want to get the results of this system that's been set up this way so they can paint the people's opinion of Puerto Rico in a different way. They want to try to convince Congress and the American people the vote will really mean that the Puerto Rican people want statehood, but they're not being given the chance to vote up and down on statehood. It's only statehood in relationship to the other options, the other options that are offered on the ballot, I might add.

□ 1115

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 30 seconds.

Mr. ROHRABACHER. So, if the people of Puerto Rico really wanted statehood, that could be demonstrated by a ''yes'' or ''no'' vote on statehood, for which my amendment would have provided; but the sponsors of this legislation don't want an up-or-down vote on statehood, apparently because they don't think they can get that outcome in a fair vote. So they want to set up the scenario, the only scenario by which they can win—a popularity contest between statehood, independence, and free association.

The people of Puerto Rico have a right to have an up-or-down vote on whether they want statehood right now as compared to their own status. This is a skewed poll, and it is stacking the deck. We should vote against this attempt to misrepresent the people of Puerto Rico.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to my friend, the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, ''Who's on first?'' is the natural question that comes to mind on this issue.

As we sat in the Rules Committee last night, we saw LUIS GUTIERREZ, CHARLIE RANGEL, and NYDIA VELÁZQUEZ join up with VIRGINIA FOXX. We have here on the floor concerns raised by DANA ROHRABACHER and DOC HASTINGS, and we have LINCOLN DIAZ-BALART; Mr. PIERLUISI; our former colleague, Governor Fortuno; and a number of members of the Republican leadership joining in support of this.

The bottom line is that we should do exactly what Mr. GUTIERREZ argued both in the Rules Committee and here on the floor last night. Now, I have stood in this well repeatedly, saying that I could have done a better job when I'd had the privilege of serving as chairman of the House Rules Committee. I could have had more open rules. I could have had more free-flowing debate. In fact, as this new majority was attempting to emerge to that majority status, I was criticized, and it was justified in some ways.

We were promised, though, as I and others were being criticized, Mr. Speaker, that we would have an entirely new direction for America and that there would be an open, free-wheeling debate. Well, there is no issue on which it is more apparent that we should be having a freewheeling debate, an open amendment process, than on this issue before us today.

As we look at where it is we are going, I will say that I was troubled by the arrogance, the arrogance that was exhibited in the Rules Committee last night. There were attempts made by people like Mr. GUTIERREZ, who submitted 16 amendments, and two of those 16 amendments were made in order. Ms. VELÁZQUEZ submitted six amendments, and three of hers were made in order. There were attempts made to make more amendments in order, and they were denied.

In 1998, as has been pointed out, we had a completely open amendment process. Let me say that, last night, in the Rules Committee, Mr. Speaker, when we made an attempt to put together a bipartisan amendment, we saw the arrogance of the Rules Committee demonstrated when there was a complete denial of even the chance to recess for 10 minutes so that the Democrats and Republicans could come together and offer a proposal.

I will make a pledge that, if I am fortunate enough to hold the gavel again and if a request is made by the minority to cobble together a bipartisan amendment to deal with an issue that is before us, I will assure the Members I will recess the committee and will allow Members to come together and work on that package.

We are going to have an opportunity in just a few minutes to defeat the previous question. If we do that, Mr. DIAZ-BALART will offer an open rule. Democrats and Republicans alike have been arguing for an open amendment process on this, Mr. Speaker.

So I ask my colleagues to vote ''no'' on the previous question so that we can have the free-flowing debate that this institution and the American people deserve.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I support the historic underlying legislation being brought to the floor today. Again, I commend Mr. PIERLUISI and Governor Fortuno.

In order to rightly return, however, to the open rule precedent set by the Republicans in 1998, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider the Puerto Rico Democracy Act under an open rule.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to emphasize that this bill is revenue neutral for the Federal Government and that all costs of the plebiscite will be paid by the Puerto Rican government.

The United States is committed to democracy, and this bill gives us the opportunity to respect the democratically arrived-upon decision of the people of Puerto Rico. I join the number of sentiments that have been expressed today, including those from my friend and colleague from Florida, which are that, should Puerto Rico decide to seek independence, as an individual Member of Congress, I will support that. Should they decide to seek status as an associated republic, I will support that, and should they choose to join us as a State, I will support that.

This recent health care debate, I think, helped to show the people of Puerto Rico some of the advantages that might be attained were they a State. Their Resident Commissioner, PEDRO PIERLUISI, did an excellent job in trying to advocate for the interests of Puerto Rico in this health care debate, but he was but one vote. The people of Puerto Rico, counted and apportioned under a census, should have six Members of Congress, probably Members on both sides of the aisle, advocating for their interests alongside Members of Congress, representing other parts of our country. The current territorial status of Puerto Rico would end under any of the three options. No options would be subject to the territorial clause of the U.S. Constitution. As my colleague from New York has mentioned, this is a topic that is discussed constantly around dinner tables in Puerto Rico.

As a Member of Congress from Colorado, I respect the voice of the Puerto Rican people and of the Resident Commissioner, PEDRO PIERLUISI, who has been elected with this as part of his platform.

Given the current hyperpartisan environment under which Congress works, it is very good to see a bill with such strong bipartisan support. It is important to point out that this bill has over 180 cosponsors and that it was voted out of committee with a strong bipartisan majority. In addition, the highest of Puerto Rico's elected officials from both parties, including its Representative to Congress and Governor Luis Fortuño, along with a sizable majority of both chambers of its legislature, also support this bill. The reason is they understand that this bill upholds the most basic democratic tradition on which our country was founded.

Today, we can offer millions of people the right to self-determination. For too long, we have denied our fellow citizens this right, and we are now faced with an opportunity to fix this grievous injustice and to give the people of Puerto Rico the ability to self-determine. Therefore, I urge my colleagues to uphold this country's commitment to democracy and to vote for the underlying rule, which is a fair rule, and the legislation.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1305 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the resolved clause and insert:

That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 30 minutes, with one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 30 minutes controlled by Representative Velazquez of New York or her designee. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. POLIS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 23 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1215

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 12 o'clock and 15 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 1305, by the yeas and nays;

Agreeing to House Resolution 1305, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

## PROVIDING FOR CONSIDERATION OF H.R. 2499, PUERTO RICO DEMOCRACY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1305, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 218, nays 188, not voting 24, as follows:

[Roll No. 231]

YEAS—218

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Woolsey
Wu
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellison
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Gutierrez
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Honda
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Velázquez
Walden
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Barrett (SC)
Buchanan
Conyers
Davis (AL)
DeGette
Fallin
Gordon (TN)
Hoekstra
Johnson (GA)
Kilroy
Langevin
Meeks (NY)
Melancon
Mollohan
Moore (WI)
Pingree (ME)
Platts
Roybal-Allard
Shuler
Sutton
Teague
Wamp
Waters
Wilson (OH)

□ 1247

Messrs. MCCLINTOCK, BONNER, TOWNS, YOUNG of Alaska, HONDA and Ms. GINNY BROWN-WAITE of Florida changed their vote from ''yea'' to ''nay.''

Mr. THOMPSON of Mississippi and Ms. MARKEY of Colorado changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. ROYBAL-ALLARD. Mr. Speaker, I was unavoidably detained and was not present for the vote on Ordering the Previous Question on H. Res. 1305 (rollcall vote 231). Had I been present, I would have voted "yea."

Stated against:

Mr. PLATTS. Mr. Speaker, on rollcall No. 231. I was inadvertently detained and missed said vote. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 190, not voting 18, as follows:

[Roll No. 232]

YEAS—222

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)

Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (IL)
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellison
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Honda
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Velázquez
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Davis (AL)
DeGette
Fallin
Gordon (TN)
Hoekstra
McCaul
Meeks (NY)
Melancon
Mollohan
Moore (WI)
Pingree (ME)
Poe (TX)
Shuler
Stark
Teague
Wamp
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1301

Mr. GUTIERREZ changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. GUTIERREZ. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE

Ms. SLAUGHTER. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GUTIERREZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 186, not voting 45, as follows:

[Roll No. 233]

AYES—199

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Chu
Clarke
Clyburn
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutch
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Schakowsky
Schauer
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Woolsey
Young (AK)

NOES—186

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Clay
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (IL)
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dreier
Duncan
Ehlers
Farr
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Gutierrez
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Honda
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)

Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (FL)

NOT VOTING—45

Barrett (SC)
Bean
Boswell
Brady (TX)
Butterfield
Castor (FL)
Cleaver
Cohen
Davis (AL)
DeGette
Dingell
Ellison
Ellsworth
Emerson
Fallin
Gingrey (GA)
Gordon (TN)
Hastings (FL)
Higgins
Hoekstra
Johnson (GA)
Kagen
Kilpatrick (MI)
Lewis (CA)
Linder
Meek (FL)
Meeks (NY)
Melancon
Mollohan
Moore (WI)
Pascrell
Pingree (ME)
Sánchez, Linda T.
Sarbanes
Schrader
Schwartz
Shuler
Stark
Tanner
Teague
Tsongas
Wamp
Waxman
Wilson (OH)
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1332

Messrs. DAVIS of Illinois, CLAY, and BUYER changed their vote from ''aye'' to ''no.''

Messrs. GARAMENDI, DELAHUNT, ROTHMAN of New Jersey, RANGEL, CUELLAR, ENGEL, COSTELLO, ACKERMAN, NYE, FATTAH, STUPAK and Ms. SPEIER, Mrs. NAPOLITANO, Ms. BALDWIN, and Ms. ROYBAL-ALLARD changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REQUEST TO REDUCE TIME FOR ELECTRONIC VOTING

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that votes for the remainder of the day be limited to 5 minutes.

The SPEAKER pro tempore. The Chair will not entertain that request without proper consultation.

## GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2499.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## PUERTO RICO DEMOCRACY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1305 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2499.

□ 1334

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico, with Mr. SCHIFF in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 30 minutes, with 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 30 minutes controlled by the gentlewoman from New York (Ms. VELÁZQUEZ) or her designee.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes. The gentlewoman from New York (Ms. VELÁZQUEZ) will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have the privilege of representing the great State of West Virginia in this body, a State that was born amidst civil conflict in the middle of a war. It is said that West Virginia is the only State to be formed by seceding from a Confederate State during the Civil War. In fact, the western counties stayed loyal to the Union, while Tidewater seceded from it.

Puerto Rico also joined the American family as a result of war. In 1898, during the Spanish-American War, the island was invaded by the United States and was ceded by Spain to our country under the Treaty of Paris. The island's century-long history within the American family has been significant. Puerto Rico was one of the first areas outside the continental United States where the American flag was raised.

To the United States, it marked a milestone in our own political development. When once our Union of States was comprised of renegade English colonies, we then stepped into a role that we previously had fought against. Given our own experience, would anyone have imagined that our new colony would be disenfranchised and kept unequal in our own political framework? Our commitment to Puerto Rico's advancement under the 1898 Treaty of Paris should be our judge.

If our measure of success is today's Puerto Rico, then I state Puerto Rico has done well by the United States. It is a showcase of democracy in the Caribbean. Having some of the highest voter turnout rates in our Nation, Puerto Rico shames many of our own States with its energy and enthusiasm in electing its leaders. Economically, it is a powerhouse in the Caribbean and considered a home away from home for many mainland Fortune 500 companies.

Equal in importance to Puerto Rico's political and economic prowess is the island's contributions to our own social fabric. Every aspect of American art, music, theater, and sport has been influenced by Puerto Rico's own culture and its people. And beyond such contributions, there remains Puerto Rico's patriotism, beginning in World War I when thousands of Puerto Ricans served in the U.S. military. There is no doubt that many more thousands are currently serving in our Armed Forces, fighting our wars, and dying for our country.

To the families who have lost a husband, a father, a daughter or son in our wars, I take this moment, as we all do, to salute you. We can debate political status, but what is not subject of debate is the patriotism of the people of Puerto Rico.

We are here today on the floor of the U.S. House of Representatives because, in spite of what we have gained from each other, there has been no ultimate achievement in Puerto Rico's political status, which really is the greatest commitment the U.S. has to all of our territories.

Since the establishment of the current Commonwealth status in 1952, four popular votes have been held on the status of Puerto Rico in three plebiscites and one referendum, but none of them were sanctioned by this body, the Congress of the United States.

Going back just to the 1970s, at least 40 separate measures have been introduced in Congress to resolve or clarify Puerto Rico political status. In addition, Congress has held at least 12 hearings, and four measures have received either House or Senate action.

During the last Congress, the Bush administration issued the President's Task Force Report on Puerto Rico's Status which served as the basis for the legislation before us today; a task force, I would point out, that was initiated by the Clinton administration and concluded by the Bush administration.

Indeed, the entire exercise has been bipartisan. The measure before us today is sponsored by the Resident Commissioner from Puerto Rico, PEDRO PIERLUISI, a Democrat. It is strongly supported by a former colleague and current Governor of Puerto Rico, the Honorable Luis Fortuno, a Republican. And it was reported out of our Natural Resources Committee by a vote of 30–8.

With this history before us, I join those who say it is time for Congress to provide the people of Puerto Rico with an unambiguous path toward permanently resolving its political status that is consistent with the U.S. Constitution.

When our Committee on Natural Resources considered similar legislation in the last Congress, we exhaustively examined the question of the constitutionality of the various status options available under the Constitution. And we continued that process during the current Congress. What emerged from that process was a clear consensus that settled on the permanent status options that are reflected in the bill before this body today.

The Resident Commissioner from Puerto Rico is to be congratulated for carefully crafting a bill which seeks to authorize a fair, impartial, and democratic process for self-determination for the people of Puerto Rico. The pending measure is straightforward. It authorizes a plebiscite in which the two voting options are presented: number one, present political status; or number two, a different political status. If option two prevails, then a second plebiscite would be conducted in which three options are presented: independence, free association with the United States, or statehood. Puerto Rico would then certify the results to the President and the Congress.

Let me be very clear on this point. Nothing in this legislation prejudges the result of these plebiscites. Nothing in this legislation prejudges the result of these plebiscites. And voting for this legislation does not constitute a vote for the status quo, statehood, independence, or free association.

The bill is about a process, and depending upon what occurs during that process, it will be up to a future Congress to ultimately decide Puerto Rico's status.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, before I begin my remarks, I am getting requests for time on the floor from a number of Members, and there simply is not enough time allocated by the rule. So, Mr. Chairman, I ask unanimous consent that each person that is allocated time get an additional 15 minutes.

The CHAIR. The Chair cannot entertain that request in the Committee of the Whole.

Mr. HASTINGS of Washington. Thank you, Mr. Chairman.

Mr. Chairman, I rise today in opposition to this bill. It strongly deviates from the procedures followed by other States to seek statehood, and it leaves numerous questions about the implications of statehood unanswered in this particular case.

H.R. 2499 is the wrong way to go about achieving statehood and breaks from the precedents set, as I mentioned, of other States and, most recently, those States that we entered into the Union in the last century, Alaska and Hawaii. Both of these States conducted their own vote on the question of statehood. When a strong majority voted in favor of statehood in each of these cases, it was only then that they went to Congress asking them to respond to that vote.

This bill has the process entirely backwards. This bill is a bill asking Puerto Rico if it wants to be a State, not the other way around. This is a dramatic departure from the long-established precedent of how other States sought admission to the Union.

□ 1345

This bill has Congress, as a result, blessing statehood before Puerto Rico even votes to express their will. Rather than receiving the request of statehood from a strong majority of the people of Puerto Rico, expressed through a locally initiated vote, this bill has Congressmen soliciting Puerto Ricans on the question of statehood.

Now, Mr. Chair, let me be very clear. I'm sympathetic to the people of Puerto Rico having the right and ability to vote on their own political future. But this bill is not—I want to repeat—not the only way that this can happen. In fact, this bill is not necessary for Puerto Rico to hold a self-determination vote. Puerto Rico can hold such a vote right now, today, without any action of Congress. And they have done it three times in the past.

Furthermore, Congress is asking Puerto Rico if it wishes to be a State without a clear understanding of the implications of statehood and the conditions that would be required to join the Union. First, there is the question of what statehood would cost the U.S. taxpayers in increased Federal spending. We really don't know the answer to that, but we do think it is higher. And the reason for that is we asked CBO, the Congressional Budget Office, for information on that. And they have not provided an up-to-date analysis of the cost of statehood. So in an effort to somehow quantify the costs, my committee staff reviewed information by the Congressional Research Service. The spending on just 10 Federal programs, Mr. Chairman, would cost an estimated $4.5 billion to $7.7 billion per year. Now, that's only 10 programs. We put all of the other costs together, you can only imagine that it may be higher than that.

So before voting on this bill, I think that Members ought to know if there is a cost and what that cost would be. This information could be calculated, but it is not being done. Without this information, in my view, H.R. 2499 should not be passed.

Second, Mr. Chairman, there's a question of reapportioning House seats. According to CRS, based on a population of approximately 4 million people, if Puerto Rico were to become a State, it would be entitled, rightfully, to two Senate seats and six seats in the U.S. House of Representatives. Without increasing the size—435 Members of the House—States could lose an existing seat or not receive an additional seat after the 2010 Census. Again, this is according to CRS. Those States, by the way, Mr. Chairman, include Arizona, Missouri, New York, South Carolina, Texas, and my home State of Washington. The public deserves to know whether their State would lose representation to provide six of 435 House seats to Puerto Rico, or whether their proposed solution is that the Nation needs more Members of Congress. In other words, increase the number of Members from 435 to 440 or 441.

Finally, Mr. Chairman, there is the question of whether English should be the official language of Puerto Rico. When a similar bill was debated in the House in 1998, an amendment on the issue of English as the official language was allowed to be offered on the floor of this House and allowed to be debated. Unfortunately, this time the Democrat majority has blocked direct amendments on this issue. Currently, both Spanish and English are the official languages of Puerto Rico. However, as a practical matter, Puerto Rico is predominantly Spanish-speaking. Spanish is used in the state legislature, local courts, businesses, and in schools.

Now, during our history, the matter of the English language was addressed during the admission of other States into the Union. And those States include Arizona, Louisiana, Oklahoma, and New Mexico. So I think it's only fair and appropriate to address and debate English as the official language in regard to statehood for Puerto Rico.

So, Mr. Chairman, we should not move forward with this bill until there are answers to those three issues, at least, that I have brought up. I think it would be more fair and more responsible to the residents and the 50 States and the people if we had answers to those questions before, and the conditions of statehood, rather than doing it before we have even gotten to that point.

So for those reasons, Mr. Chairman, I urge my colleagues to vote ''no'' on this bill.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that the gentleman from West Virginia, my colleague and friend, the chairman of the Natural Resources, is right. This is, Mr. Chairman, about process. It's about the fact that this is a flawed process. Not only was this bill drafted unilaterally, but it was prepared in a biased manner, with a predetermined outcome in mind.

Let us be clear. This legislation is designed to push the statehood agenda, regardless of whether that agenda is the best solution for the island or even among the people. The chairman of the Natural Resources Committee also mentioned that four plebiscites have been held in Puerto Rico. Yes, he is correct. In the past three plebiscites, the men and women of Puerto Rico have consistently voted in favor of Commonwealth status and against statehood.

I tell you that this legislation has no business being on the floor today. It raises a host of questions. It has zero probability of becoming law. However, it does place Members in the awkward position of explaining why they are meddling in Puerto Rico when a request from Puerto Rico has not even been made.

There are economic issues that we must address first. The President has ordered his White House Task Force on Puerto Rico to advise him and Congress on policies and initiatives that promote job creation, education, clean energy, and health care. Instead of dealing first with the very real concerns of how the people of Puerto Rico survive day by day, we are telling them our priority is to debate a status bill that will not become law. This is a disgrace. It is baffling that the statehood question, which lost in 1967, 1993, and again in 1998, is now allowed to scheme its way to victory. It is at the urging of this losing side that House Members have cosponsored a bill that would push for yet another electoral process. Except this time, the proposal that was previously rejected has been put in a privileged position. Those who drafted this legislation will exclude Commonwealth status in the planned plebiscite by developing a shell game—with a first-round process to legitimize it.

The process that enabled the creation of the Commonwealth was adopted by Congress. The Puerto Rico Constitution was ratified by Congress. This form of government has been upheld by our U.S. courts. That is why it's so appalling, deceitful, and shameful that the people of Puerto Rico will be denied this option. No matter how much statehood supporters complain about Commonwealth, it's the law of the land.

Congress should not be in the business of picking winners and losers for this kind of referendum. It is not our job to create artificial conditions that will enable statehood to win a popular vote in Puerto Rico. Becoming a State of the Union is something that people must embrace knowingly, voluntarily, and openly. If the people of Puerto Rico want to become a State, the statehood option should stand on its own. Why are you so afraid? There should be no need to hide behind process or petty politics.

In a matter so fundamentally important to over 4 million Puerto Ricans, you would think that a public hearing could have been convened to listen to their views. But, no. The Committee on Natural Resources and this Congress know better than the people of Puerto Rico. It is, after all, their future that it is at stake. It is an outrage that a congressional hearing on the status issue has not been held in Puerto Rico since the 1990s. As many know, I have advocated for a constitutional convention to begin the process of determining Puerto Rico's status. Certainly, this is not the only option for going forward. But a sham of a process is definitely not a valid democratic option for choosing Puerto Rico's future.

Mr. Chairman, the concept of self-determination is fundamental to democracy. Sadly, H.R. 2499 turns its back on this very principle. We must not allow politics to undermine our democratic values nor be swayed by arguments that make no sense. If you truly want to honor the contributions of Puerto Ricans and the fabric of the Puerto Rican community, vote ''no'' on this bill. Stand up for what is truly right. Choose principles over politics. Let Puerto Ricans decide their own destiny without undue—undue—congressional demands. Vote ''no'' on H.R. 2499.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, a couple of claims have been made by previous speakers about why not have a direct vote on statehood, yes or no, like Hawaii and Alaska did. I think it's worth clarifying here that those States were already incorporated territories—and the Representative from Alaska can speak to this better than I can—meaning that it was constitutionally clear that they would eventually become States. Puerto Rico is unincorporated, meaning it can become a nation as well as a State.

The plebiscites would determine if Puerto Ricans wanted to pursue nationhood or statehood. A number of Puerto Ricans, as we all know, want statehood; some, independence; some, free association with the U.S., such as the U.S. has with Palau and two other areas. It is unclear what the second largest group of Puerto Ricans, those who vote for the Commonwealth Party, want among the real options of continued territory status, free association, independence, and statehood.

Another claim that my ranking member and good friend Mr. HASTINGS made was that the Congress of the United States would be reduced in seats if Puerto Rico were granted statehood. I'm going to quote directly from a CRS report that was done on this issue when it said that, New States usually resulted in additions to the size of the House of Representatives in the 19th and early 20th century. The exceptions to this general rule occurred when States were formed from other States—Maine, Kentucky, and my home State of West Virginia, as I have referenced already. These State Representatives came from the allocation of Representatives of the States from which the new ones had been formed.

So I don't think the assertion that the number of Members of Congress in its totality would be reduced, with the addition, if that were to be the outcome of Puerto Rico being a State were to occur.

□ 1400

Mr. Chairman, I yield 5 minutes to the gentleman from Puerto Rico (Mr. PIERLUISI), the sponsor of this legislation and truly the driving force.

Mr. PIERLUISI. Mr. Chairman, I rise in representation of the people of Puerto Rico. In fact, I am the only elected representative of the people of Puerto Rico in this Congress. In such capacity, I introduced H.R. 2499.

I have heard some complaints about process. Let's address the complaints about process, both the process here in this Congress as well as the process that this bill provides for to happen in Puerto Rico.

The process in this Congress, crystal clear. I introduced the bill along with a record number of original cosponsors. When we compared it with any previous bill relating to the status of Puerto Rico, about a month later the committee of jurisdiction, the Committee on Natural Resources, held a public hearing in which all political leaders of Puerto Rico were able to attend and testify before this Congress. A month later, the bill was marked up, like it should have been, and it was amended, it was improved upon by the committee of jurisdiction. Briefings have been held. It has been discussed widely in this Congress as well as elsewhere. So the process in this Congress has been a fair process, and it's about time we get a vote on it.

Talking about the bill itself, H.R. 2499 is simple, and it is fair. It identifies the valid political status options for Puerto Rico and authorizes a congressionally sanctioned plebiscite process among those options. It shows the highest respect for the people of Puerto Rico by being candid with them about their real status choices.

I have heard the word ''meddling.'' We're not meddling. We're assuming a

responsibility. The relationship between Puerto Rico and the United States is bilateral in nature. For any change in the status of Puerto Rico to happen, two things must happen: the people of Puerto Rico must request it, the 4 million American citizens strong who live in Puerto Rico, and Congress must grant it. Congress is vested.

It's incredible, indeed, that in the 110 years that Puerto Rico has been a territory, Congress has not even asked the 4 million American citizens living in Puerto Rico whether they want to remain under the current relationship, whether they want to continue having Puerto Rico as a territory of the United States. That is a fair question. It is the threshold question.

The bedrock principle of our system is government by consent, and the first plebiscite provided in this bill informs Congress whether a majority consents to an arrangement that denies the 4 million U.S. citizens the right to have a meaningful voice in making the laws that govern their lives. The latest example was health care reform. I worked harder than anybody else in this Congress to get fair treatment for my people in Puerto Rico, and I got the support of my colleagues from New York of Puerto Rican origin, among others. But you know what? It wasn't good enough. We were not treated like our fellow American citizens. The treatment we got fell far short of that.

If a majority of the people of Puerto Rico, though, do wish to continue living under these conditions, we will abide by that, and that's the first consultation that this bill provides for. However, if a majority of the people of Puerto Rico say to this Congress that they do not wish to continue being a territory, then the bill provides the only three nonterritorial options that we can offer or include in this plebiscite in accordance with both U.S. law and international law. Those options are crystal clear. We don't need studies. We don't need to define them further than necessary. Statehood, independence, and free association. And for anybody who is concerned about the concept of free association, we've done it before. Marshall Islands, Micronesia, the Republic of Palau, those are free associated states with a relationship with the U.S. Let's hear from the people of Puerto Rico.

I want to speak plainly now. This bill has been unfairly characterized as a statehood bill. I am a strong proponent of statehood for Puerto Rico; yes, that's so. But this bill is not a statehood bill. That's one of the options. And it is not binding on this Congress. Once we have the results, we will act accordingly. We will have discretion to deal with these results. Residents of Puerto Rico have contributed so much to this country. Our sons and daughters have served alongside their fellow citizens from the States on countless battlefields in Europe, Asia, and the Middle East.

The CHAIR. The time of the gentleman from Puerto Rico has expired.

Mr. PIERLUISI. I yield myself 1 additional minute.

As I was saying, during a late night patrol behind enemy lines, soldiers from Puerto Rico, Utah, Georgia watch each others' backs. Any differences in culture or language mean nothing. I went to Afghanistan recently to visit our troops in Afghanistan. I know what we're talking about. What matters is that the flag on their uniform is the same.

As I have said many times before, I support statehood because I believe the people of Puerto Rico have earned that right, should they choose to exercise it, to become full and equal citizens of the United States. But this is not a statehood bill. And that's why, with all due respect to the gentleman from Washington State, we will cross that bridge when we get to it.

The time and the day that Puerto Rico, the majority of the people request for statehood, you will have ample time to debate it, to deal with it, to impose a transitional period, whatever this Congress or a future Congress might want to do.

I was elected to represent all of the people of Puerto Rico, including those whose vision for the island's future differs from my own.

The CHAIR. The time of the gentleman from Puerto Rico has again expired.

Mr. PIERLUISI. I yield myself 15 additional seconds.

The intention of H.R. 2499 is to sponsor a fair process of self-determination in Puerto Rico, not to predetermine the outcome of that process. I have to say, in the 21st century, it is about time that this Congress, at the very least, ask the 4 million American citizens if they want to continue having the second-class citizenship they're earning and they're having today.

Vote in support of H.R. 4599.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, this is a rehash of 12 years ago. I want to compliment the Delegate from Puerto Rico for representing his people.

The Governor supports this legislation, the Senate supports this legislation, and the House supports this legislation. Strongly, the Puerto Ricans that represent their people support this legislation. I think it's inappropriate for those that do not represent those people to speak out against this legislation. I think it's wrong not to recognize that this is long overdue.

Mr. Chairman, 112 years ago, 112 years ago Puerto Rico became Puerto Rico. They were supposed to be a State. And I am the only Member of this House that has gone through the statehood battles. This is not a statehood bill. As the Delegate has said, this is an opportunity to make that decision. Puerto Rico is not a territory. They're a Commonwealth. We were a territory. There is a great deal of difference. We did make that decision with the help of Congress, and we became a State. And I am proud of that, and I was proud of this body.

I am a little disappointed in some of the arguments that I hear against this bill: This is a statehood bill. This is a sneak attack. It was brought on us unexpectedly.

This bill has been before this Congress for 18 months, and we have discussed this issue for 12 years and longer. My bill, as I call it, the Young bill, was a statehood bill. That is a bill I would have preferred, but this is not. But this is what the Governor wants, the Delegate wants, the Senate wants, the House wants, and the people of Puerto Rico want. I think that's what we have to consider in this House. We are not the body as a whole. We are the body of the individual that represents the people, and I've argued this for many years because I am one, as the Delegate is.

The CHAIR. The time of the gentleman has expired.

Mr. PIERLUISI. I yield the gentleman from Alaska 1 additional minute.

Mr. YOUNG of Alaska. It is time that we act on this legislation. Let it go forward. Let us do what is fair.

And the arguments against this legislation, some of them are very frivolous. The English language. We were not required to have English when we became a State. We had many different languages, and we became a State. We do speak English, and we speak other languages within my State. That doesn't hold us back or make us any less.

But the idea that we have 4 million people that have waited for an opportunity to become a State, an independent nation, or whatever they wish, a free association, it is time we give them that opportunity. To have a body that is supposed to represent all the people but individually represent an area, we should recognize that right, as we did when we became a State.

I am proud that the Congress made us a State. We worked for that, and I think it's time we give an opportunity for the Puerto Ricans to make a decision as to whether they are a State again or whether they're a territory, or whatever they want to be, but to give them the opportunity.

And again, when that bridge comes—and again, I can talk about bridges, ladies and gentlemen—when that bridge happens, we will cross it, as far as cost goes. But it's time we recognize the great people, the warriors of Puerto Rico as they serve this country, but

yet they cannot vote for their Commander in Chief. It's time we pass this legislation.

Mr. Chairman, as an original co-sponsor of H.R. 2499, I am pleased that the House of Representatives is now considering this important legislation. I want to compliment the author of the bill, Resident Commissioner PEDRO PIERLUISI and my good friend the Governor of Puerto Rico, Luis Fortuño for their tireless commitment on behalf of democracy in Puerto Rico.

I have been involved in Puerto Rico democracy for most of my Congressional career. In fact, it was my bill, H.R. 856 that was approved by the House of Representatives on March 4, 1998. Prior to passage, I conducted two public hearings in Puerto Rico and literally heard from hundreds of Puerto Ricans who passionately love this country and thirst for the opportunity to determine their own political future.

The Puerto Rican people are warm, hardworking, passionate and patriotic. In fact, only one state has proportionately sent more of their sons and daughters to fight for this nation than Puerto Rico. Yet, for over a century, we continue to deny these brave warriors, who proudly wear the uniform of this nation, the chance to vote for their Commander in Chief. This is fundamentally wrong and must be changed prior to our next Presidential election.

As someone who arrived in Alaska 50 years ago, I can certainly relate to the pleas of those of my good friend former Governor and Resident Commissioner Carlos Romero Barcelo who reminds us that: "We are now being ruled by the President and Congress without the consent of the people of Puerto Rico."

I still vividly remember the words of our Former Territorial Governor and U.S. Senator, Ernest Gruening, who would shout to anyone who cared to listen that: "Let us end American colonialism." While he was talking about Alaska, similar statements have been made by Puerto Rican elected officials for decades.

H.R. 2499 may not be a perfect bill. It is, however, a fair bill which does not exclude or favor any status option.

It is frankly hard to believe that it has been 12 years since the House last voted on a Puerto Rico status bill and 112 years since Puerto Rico became a U.S. territory. It is far past time to allow the 4 million people of Puerto Rico to vote in a federally sanctioned plebiscite and it would be appropriate if this the 111th Congress were to make that vote a reality.

I urge an "aye" vote on H.R. 2499. We should no longer deny the people of Puerto Rico their right to determine their own political future.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to inquire as to how much time is remaining on each side.

The CHAIR. The gentlewoman from New York has 24 minutes remaining, the gentleman from Puerto Rico has 14¼ minutes remaining, and the gentleman from Washington State has 22 minutes remaining.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Let me thank the chairlady from New York for allowing me this time, and let me share the great respect and admiration that I have for the gentleman from Puerto Rico, a hardworking man. There is no question in my mind that in his heart, he wants what is best for Puerto Rico and what is best for the United States of America. And I can say the same about his predecessor who has now moved on to become the Governor.

The only question that I have—since I have been a friend of Puerto Rico for 39 years, not just legislatively but in my heart, I have felt the unfairness it is to call people citizens and yet to have to acknowledge that when it comes to health care, education, jobs, the only time that you can really know that Puerto Ricans are treated as Americans are treated is when they are drafted or when they volunteer to serve this great country of ours and when it ends up, you will find, that per capita more people from Puerto Rico have died and been wounded defending our flag than from any State or any territory. So it just seems to me that something has to be done. It is so truly unfair to respect our flag and respect our citizens and to tell them that they can fight a war when they can't even vote for the President.

And, quite frankly, as far as the status is concerned, it has hurt me as an American that this has consumed the island. And for the first time in a couple of months, I have heard about free association. I have more Puerto Ricans in my district in New York than probably in San Juan. I have never heard anyone talk about free association. I don't even know whether Members of the Congress know what free association is. As a matter of fact, a couple of people have asked me, since I've been here, who is our Ambassador to Puerto Rico anyway and what is the exchange of currency.

And to see what was happening on the rule, it is clear to me on both sides of the aisle, they want to know, What is this all about? It's about the lives of 4 million people, that's what it's about. We should at least know what we are doing before we superimpose some ideas that we have on other people.

I had an amendment—the Rules Committee rejected it—and all it did was adopt everything except, what do the people have to choose from, statehood? You bet your life. They would be entitled to it. And no matter which way they work out the number of votes—even though Tom Foley once told me when I thought that statehood was really going to pass in Puerto Rico, I said, Mr. Chairman, how are we going to handle this question with the Members? How are we going to handle the question of what parties these people are going to belong to? He said, Forget it, CHARLIE. The only time we're going to have statehood is when there is a mandate. We're not going to have a divided territory become a State. That was a guy who told me that from his background in history that he was an expert in this type of thing.

So it just seems to me that if we all accept anyone who's known, visited, read about Puerto Rico, that their biggest argument has been, majorly, those who want statehood, those who want a Commonwealth, and a smaller number who would like to have independence, which sounds great politically, but somehow internationally it doesn't make a lot of sense.

So what did my amendment do? It said, Go to the polls. Say if you want Commonwealth. Say if you want statehood. Say if you want independence. Or say, Not at this time. Let me breathe and try to figure this out. Because if we don't know what statehood is, how do we expect them to know?

□ 1415

When I asked these questions, someone said: Oh, no, they would have already rejected Commonwealth.

Well, I think some of us on this floor, if asked if we like the status we have in the Congress, we might say, especially some of my friends on the other side, that they don't like the status. Well, if I was in the minority, I wouldn't like the status either. But the truth of the matter is it doesn't mean that you want to get rid of it all. It may mean I don't like the status as it is. I would like to change it. I would like to have it improved. I would like to improve education and I would like to make certain that the expenses that Mr. HASTINGS talks about in terms of programs that are designed to help American citizens, that they would get them.

What price does it take to give your life for your flag and then find out how much it is going to cost to give them the things that Americans would want. So my problem is that Commonwealth doesn't get a chance. They call the existing government, which I don't really think means rejection of status, because there is a lot of romance and emotion that is involved in Puerto Rico. So give them the opportunity to say Commonwealth, but we don't need free association when hardly anyone here knows, especially the people in Puerto Rico, what does it mean.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ), and I understand that he also gets 1 minute from the gentlelady from New York.

Ms. VELÁZQUEZ. Mr. Chairman, that is correct.

The CHAIR. The gentleman from Utah is recognized for 2 minutes.

Mr. CHAFFETZ. Thank you, Mr. Chairman, and thank you for the time.

Isn't it ironic that a bill about self-determination has got to have the heavy hand of the United States Congress dictating to the people of Puerto Rico about this vote. I find that terribly ironic.

There is no need for the United States Congress to pass this bill. No need. Four times, in 1952, in 1967, in 1993 and in 1998, the people of Puerto Rico were able to vote on this. They didn't need the approval of the United States Congress to do it; they don't need it today. But it is a manipulation of the process to try to get a desired outcome.

If you want to vote on statehood, take a straight vote. Do the people of Puerto Rico, yes or no, do the people of Puerto Rico want statehood? Simple, straightforward, to the point, and let's understand if that is truly what they want.

I am a conservative person. I do not believe that I should be trying to manipulate what is happening in Puerto Rico and what they want.

Finally, I will end with this. Please, as you consider this bill, understand that you are empowering people to vote in this election that have no business voting in this election. If you were born in Puerto Rico, you lived there 2 months and then you suddenly moved to the United States and you've lived here for the last 30, 40 years, you get to vote in this election. Why should a resident of Utah or Indiana vote in an election in Puerto Rico? That is fundamentally wrong and it is there because they want to manipulate the end result.

This is about Puerto Rico and the vote should be taken in Puerto Rico by the people of Puerto Rico if the people of Puerto Rico choose to do so, and not because of the heavy hand of the United States Congress. I urge my colleagues to vote ''no.''

Ms. VELÁZQUEZ. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. I thank the gentlelady.

Look, this is the Puerto Rico 51st State bill. It is the only result you can possibly expect. The deck is stacked. We all know. I was talking to my friends on the other side, and you know what they keep saying to me: Why are you against statehood? Everywhere I go: Why are you against statehood? They don't say: Why are you against the people of Puerto Rico having a free vote in determining their future and in exercising their right to self-determination?

Why do we come here and try to like hoodwink one another, fool one another. I mean, you know what I would like to see on the House floor, the same depth of honesty, sincerity and clarity and transparency that exists when people come up to me and ask why I am against statehood for Puerto Rico.

That is not why I am up here. I am against a process that does not allow the people of Puerto Rico to exercise their sovereign right to determine their future in a free manner.

Now, what does that mean? Everybody says well, there are 4 million American citizens in Puerto Rico. Have you ever considered one thing, that the proponents of statehood, the proponents of statehood have never said that the Puerto Rican team must be part of the U.S. Olympic team? Have you ever thought about that contradiction that exists? I am happy to have statehood with a Puerto Rican Olympic team, and would support such a statehood; but does the Congress support such a statehood?

The fact is that the gentleman from Puerto Rico is doing a wonderful job on this bill, knows and understands that the language that is used in Puerto Rico is the Spanish language. It is the language of government. It is the language of commerce. It is the language of industry. It is the language of the courts. It is the common language of the people of Puerto Rico. And you know what, I would love to see the 51st State have Spanish as their primary language.

But do you not think the Congress of the United States should consider such a fact? And the reason I put this to you is because they keep saying, remember those words, ''mandated by the Congress.'' This is plebiscite mandated by the Congress. So what they are going to do is have a plebiscite mandated by the Congress where the statehooders get to define what statehood is during their plebiscite. They are going to have a Congress where independence gets to be defined, and the only one that we define is the relevant current status in Puerto Rico. That is the only one that we define.

I want to take a minute so that we can see how absurd, it says here, and this is the definition, sovereignty in association with the United States, a political relationship between sovereign nations not subject to the territorial clause of the United States Constitution.

You don't think that's going to confuse some people? Just think about it a moment. What does that mean? Okay, so I guess at this point what the Congress of the United States is saying, if this is the winner, this is the winner, Puerto Rico is sovereign. It means Puerto Rico is independent.

Does the FBI got to go? Does the IRS go that day? No, seriously, who controls immigration in and out of Puerto Rico? Who controls the ports? The Federal Government is gone, do we stop sending Social Security checks? Medicare and Medicaid, are they suspended? I mean, think about it one moment. What is it that occurs at that moment?

I would love to see a relationship between the United States and Puerto Rico where Puerto Rico is an independent sovereign nation. That is my belief. But ladies and gentlemen, I will not impose my beliefs on the people of Puerto Rico. The people of Puerto Rico, as the gentleman from Utah referred to earlier, they said, No. They said, No. They said, No. How many times do we have to say ''no''? Do not impose a result that the people of Puerto Rico have rejected freely and which they can constitute.

As a matter of fact, the last time there was a plebiscite in Puerto Rico in 1998, do you know which option won? This option beat statehood: none of the above, received over 50 percent of the vote.

I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

In my opening remarks, I stated the reasons why I had a problem with this procedure, and I did not mention the option that you talked about, association.

I just wonder if the gentleman knows or maybe can help me, where did that come from?

Mr. GUTIERREZ. You know, I am kind of like Mr. RANGEL. I mean, this definition is a new definition. Now I will tell you this, the gentleman from Puerto Rico represents the Statehood Party in Puerto Rico. He came down here and he defined his own status or a lack of definition of his status. But you know what the next thing he did was, he defined the opposition status.

You know, that reminds me of kind of like Barack Obama going to JOHN MCCAIN during the election and saying: Tell you what, why don't you tell me what my platform is, write it for me, and that's what I'm going to run on later on.

You cannot allow this to happen because it is not a democratic process. The result is already. Let me just share with the gentleman that Senator WICKER, and I am going to ask that his statement be included in the RECORD at the appropriate moment, just issued a statement straight over from the other body, saying he's going to oppose this measure. It hasn't even been adopted and they are already going to oppose it, so we all know what the end result and futility is of what we do here today. They are already telling us that they are going to oppose this, and there is no companion bill.

Does the gentleman have another question?

Mr. HASTINGS of Washington. If the gentleman would yield, this is a point because my argument was, and I stated three other issues, we ought to know what we are doing because it has been suggested that this is not a statehood bill. But I have responded to at least that remark by saying it may not be a strict statehood bill, but it certainly gives blessing to an outcome on which we don't know what that outcome is. If it becomes association, then what do we do?

I just want to say that I think the gentleman makes a good point because the bottom line in all of this is there are too many unanswered questions on

a process where we are blessing an outcome to make a determination whether we should have another, add to our Union the 51st State. I think that is serious, and I appreciate the gentleman for yielding.

Mr. GUTIERREZ. Thank you. This is what I think we genuinely need. But let me just add further, there has been much said about the importance of American citizenship and there are many Puerto Ricans who cherish their American citizenship and have fought for their American citizenship. But if you have 4 million American citizens and they don't want to incorporate as a State, shouldn't we respect that? Here's the logic, they were American citizens; therefore, they deserve statehood. The finality of it all, the justice of it all, right, the correct course of it all is to grant them statehood.

I think if they wanted independence tomorrow and they are citizens of the United States, and let me just say, it seems to me that George Washington and Thomas Jefferson were subjects of the king, and one day they got up and said we want to be free. They didn't quite agree with them, but that also is an option for American citizens.

You know what, maybe these 4 million American citizens don't want to become a State because they love their language; because they love their culture; because they love their idiosyncrasies; because they love applauding for their Olympic team when it goes out there on the international stage; because so many Miss Universes come from Puerto Rico. What if that is what they want, should we not respect that decision?

Mr. SMITH of Texas. Would the gentleman yield?

Mr. GUTIERREZ. I yield.

Mr. SMITH of Texas. I thank you for yielding.

It seems to me that this bill is almost the exact opposite of self-determination. Self-determination would be allowing the people in Puerto Rico to determine whether or not to have a referendum, a plebiscite, and what the questions would be. Hopefully it would be a straightforward question, as they have had three or four times in the past, but to have Congress mandate what the people of Puerto Rico have to do, that they have to have a plebiscite, have to have these questions on the ballot, it seems to me that is the opposite of self-determination and it is as you said, a congressional mandate. Is that how you see it as well?

□ 1430

Mr. GUTIERREZ. You know, I do, I see this as a congressional mandate. And you know what? We should not mandate statehood. Citizens organized of the United States of America, in incorporated or unincorporated territory, under or outside the territorial clause of the Constitution of the United States, should, together, in a vast majority, I believe—because, listen, this is like me going to my wife, and I ask her, Will you marry me? And she kind of hesitates and she says, How about if I'm loyal 50 percent of the time? How about 60 percent of the time? How about if we condition this relationship? Come on. That's what we're talking about here. We had a civil war to decide this. Once a State, always a State. Be careful what you wish for.

Mr. PIERLUISI. Mr. Chairman, I yield 1 minute to the gentlelady from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I rise in support of H.R. 2499, the Puerto Rico Democracy Act of 2009, introduced by my colleague, Congressman PEDRO PIERLUISI.

As the chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, I fully support this bill which the full Natural Resources Committee reported out favorably on July 22 last year.

H.R. 2499 is an important bill for Puerto Rico and the other U.S. territories. As the delegate from Guam, I understand the desire of residents in the territories to decide their future and make a determination about their political future. Unlike other speakers here this afternoon, we on Guam are also in this same process of trying to determine our status. H.R. 2499 will provide the people of Puerto Rico a congressionally sanctioned process to express their preference regarding their political status.

Each territory, Mr. Chairman, is on a different path towards self-determination, and what is appropriate for Puerto Rico may not be suitable for other territories. But I firmly believe that the process established by H.R. 2499 is the best way, and I urge my colleagues to vote ''yes.''

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Indiana (Mr. BURTON), and I understand the gentleman from Puerto Rico will yield him 1 minute as well.

Mr. PIERLUISI. That is correct.

The CHAIR. The gentleman from Indiana is recognized for 2 minutes.

Mr. BURTON of Indiana. Mr. Chairman, this is so muddied up I don't know if anybody that's paying attention really understands what's going on.

This is just a process, that's all it is. The people who are going to decide whether or not any territory becomes a State is this body and the Senate. What we are asking for is a recommendation from the people of Puerto Rico. They're dying for this country; more have died percentage-wise in conflicts than any State in the Union. Their Governor wants this plebiscite, their Representative wants this plebiscite, their state senate wants this plebiscite, and the state house of representatives want this plebiscite. They know what this bill is. They've come and they've testified before the Resources Committee. They know, and they represent the people of Puerto Rico.

So these people coming down here from New York and everyplace else, they don't know; they don't know what they're talking about.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The gentleman will suspend.

The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestations of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. BURTON of Indiana. The people who want to have this determination made are the people of Puerto Rico, and their elected representatives altogether say let's have this bill passed. And yet people from New York and from Washington—I mean, I don't know how close the State of Washington is to Puerto Rico, but it's about 4,000 miles, maybe 5,000, and New York is quite a ways away. Why don't we listen to what the elected representatives of Puerto Rico want.

And it's Democrat and Republican. This is not a partisan issue. So my view is, let's let them have the plebiscite. Let's come up with a process that will work. We've tried this before, and it has been split up all over the place. This process will work. It will boil it down to what the people of Puerto Rico really want. I believe they want statehood, and we ought to let them determine that. If their representatives want it, if their Governor wants it, if everybody else wants it, and if they are sacrificing their lives for this country, then by gosh we ought to give them a chance to be a State.

Ms. VELÁZQUEZ. Mr. Chairman, may I inquire as to how much time remains on every side.

The CHAIR. The gentlewoman from New York has 8½ minutes remaining; the gentleman from Puerto Rico has 12¼ minutes remaining; and the gentleman from Washington State has 20 minutes remaining.

Ms. VELÁZQUEZ. I reserve the balance of my time.

Mr. PIERLUISI. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 2499, the Puerto Rico Democracy Act, introduced by our colleague, Mr. PIERLUISI.

Many of us on the Natural Resources Committee, including myself, Mr. RAHALL, and Mr. YOUNG, have been grappling with this issue of political status for Puerto Rico for decades, and we each have the scars to prove it. We

have held numerous hearings over the years in Washington and in Puerto Rico. We have listened to the representatives of not only the political parties, but the citizens of Puerto Rico, and we've heard testimony from across the spectrum, including the representatives of each of the political parties in Puerto Rico. In light of all that experience, I am convinced that Congress must provide the people of Puerto Rico the opportunity to voice their preferences. That is what today's legislation would do, a fair opportunity for a self-determination process.

Puerto Rico has been a territory for 112 years, and it has been an important part of this country in peacetime and in war. Four million residents of Puerto Rico are American citizens and they are bound by Federal law, and yet Congress has never asked Puerto Ricans to officially express their views on the island's political status.

This legislation does not bind future Congresses. H.R. 2499 doesn't require the Federal Government to create a Puerto Rican state, nor does it force us to work toward Puerto Rican independence. This bill simply asks the citizens of Puerto Rico whether they want to remain a U.S. territory in their current status or whether they would prefer another political status. And if it turns out they favor another political status, another vote would then be authorized to determine which status option they prefer.

Considering the context and the history wrapped up in this issue, this legislation is as fair as you can possibly expect. I would hope that this House would respond by passing this legislation and sending the message to the people of Puerto Rico that Congress would welcome their telling us what they prefer their status to be. That is a choice that they will make in a free and open process, and they can proceed to the second question or not. But we will have asked them, instead of what we've seen in the past is people scrambling, depending upon political advantage in Puerto Rico, one particular time trying to rush to get a vote or get a statement or get a plebiscite. This is a process that's set out, it's fair, and we should support it.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Chairman, the proponents have a problem. They want statehood for Puerto Rico, but the people of Puerto Rico keep voting ''no.'' Well, what to do. Well, they replace a straightforward up-or-down vote with a very clever two-step process. If 40 percent support the Commonwealth and only 20 percent favor each of three alternatives, the overwhelming plurality is defeated on the first ballot, and they're left only to choose among three options, none of which they support. And then, just to be sure, proponents stuff the ballot box by letting non-Puerto Ricans vote just as long as they were born there. Well, that means that, as a Californian, I should be entitled to vote in New York's elections because I was born there.

This bill isn't needed for a referendum. Puerto Rico can do that on its own. The purpose of this bill is to imply congressional support of this rigged election process that has no legal effect, that has surrendered any moral validity, and that promises only to set off bitter divisions within the Commonwealth of Puerto Rico.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend from Washington for the time.

I rise in strong support of H.R. 2499, the Puerto Rico Democracy Act. This bill will provide a congressionally sanctioned process by which U.S. citizens of Puerto Rico can determine their preferences regarding the territory's political status.

This is not a bill to admit Puerto Rico as the 51st State. This bill, instead, would enable Puerto Ricans to determine their status preference by presenting all of the options possible under the law. They would be presented through a series of votes.

In the first plebiscite, voters will decide if they want a continuation of the current status or to change status. If voters decide to change status, a second plebiscite will be held on the three viable options for change: independence, statehood, or free association with the U.S.

The Puerto Rico Democracy Act does not include the misguided ''enhanced Commonwealth option.'' An enhanced Commonwealth, as envisioned by the bill's critics, perpetuates the false hope that Puerto Ricans can have the best of both worlds: they can have U.S. citizenship and national sovereignty; they can receive generous Federal funding and have the power to veto those laws with which it disagrees. If included as a viable option, an enhanced Commonwealth proposal would permanently empower Puerto Rico to nullify Federal laws and court jurisdiction. An enhanced Commonwealth option would also set the stage for Puerto Rico to enter into international organizations and trade agreements, all while being under the military and financial protection of the United States.

It is no surprise that this proposal has been soundly rejected as a viable option by the U.S. Department of Justice, the State Department, the Clinton administration, and the Bush administration. It is time that the people of Puerto Rico are given real options for the future political status of their homeland and not false promises.

Therefore, Mr. Chairman, I urge my colleagues to join me in supporting this bill before us today.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. First of all, I thank the ranking member of the committee and the gentleman from Washington State for yielding.

Mr. Chairman, there are at least three reasons to oppose this bill, any one of which should be persuasive.

First, it rigs a proposed new referendum to force Puerto Ricans to choose what they have voted against four times in the past, statehood. It does not provide Puerto Ricans with a fair, straightforward way to choose among statehood, independence, and remaining a Commonwealth. The bill also allows U.S. citizens who are natives of Puerto Rico to vote in the referendum even if they now live in the United States.

Second, the poverty rate in Puerto Rico is almost 45 percent, twice that of our poorest State, Mississippi. The Congressional Budget Office estimated in 1990 that if Puerto Rico were to become a State, Federal entitlement and welfare costs for Puerto Rico would jump by 143 percent. That was 20 years ago. If Puerto Rico does become a State, the additional cost to American taxpayers of government benefits are likely to be in the tens of billions of dollars, but no cost analyses have been released. One can only guess why.

Third, let's acknowledge that to some this bill is a Democratic power play. The Pew Hispanic Center reported in 2008 that 61 percent of Puerto Rican registered voters were Democrats, 11 percent were Republicans, and 24 percent were independents.

Mr. Chairman, I urge my colleagues to oppose this bill for any or all of these reasons.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 3 minutes to the Republican Conference chairman, Mr. PENCE.

Mr. PENCE. I thank the gentleman for yielding.

I rise in support of the Puerto Rico Democracy Act, which simply grants the people of Puerto Rico a say in their future.

First, a little history lesson. The American flag has flown over Puerto Rico for more than a century. It has been a U.S. territory since 1898. The people of Puerto Rico have been citizens of the United States since 1917. Citizens born in Puerto Rico are natural-born U.S. citizens bound by Federal law. They pay Federal payroll taxes, and they are even eligible to be elected President.

American citizens from Puerto Rico have been drafted into military service

during World War II and every war ever since—five Medal of Honor winners from Puerto Rico—65,034 Puerto Ricans served in World War II alone.

□ 1445

It has been an enormous contribution to the life of this Nation by these American citizens.

As a conservative who believes in the power of self-determination and of individual liberty, I believe the 4 million American citizens in the Commonwealth of Puerto Rico should be able to voice their opinions about Puerto Rico's relationship to the United States, although the ultimate determination of that fate rests with this Congress, and I am pleased to stand in a long line of Republicans who have taken that view. Every Republican President for the last 50 years has been committed to self-determination and democracy for the American citizens in Puerto Rico.

In 1982, President Ronald Reagan said, ''Puerto Ricans have borne the responsibilities of U.S. citizenship with honor and courage for more than 64 years. They have fought beside us for decades and have worked beside us for generations.'' He also added Puerto Rico's ''strong tradition of democracy provides leadership and stability'' in the Caribbean. I agree.

If the American citizens of Puerto Rico choose independence, I will support that vote. If the American citizens of Puerto Rico choose statehood, I will support that vote. I am equally confident that this Congress will be able to resolve any difficult issues about taxation, obligations of individuals and, most importantly, about the need for English to be the official language prior to any offering of citizenship to that territory.

The American citizens of Puerto Rico have fought, have bled, and have died in our military, on virtually every continent, in order to spread democracy and the right of self-determination. It seems to me it would be the height of hypocrisy for this Congress to deny the very same rights for which Americans have fought all over this world to the American citizens of Puerto Rico.

I know this is a difficult and a contentious debate, and I hold in the highest regard my colleagues who take a different view; but for me, for President Ronald Reagan, and for all freedom-loving Americans, I believe with all of my heart the time has come to adopt the Puerto Rico Democracy Act and to begin the process of allowing the American citizens of Puerto Rico to determine what will be their destiny, and we will determine it as well.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 additional minutes to the gentleman from Tennessee (Mr. DUNCAN).

The CHAIR. The gentleman from Tennessee is recognized for 4 minutes.

Mr. DUNCAN. Mr. Chairman, I rise in opposition to this bill.

First of all, I would like to thank the gentleman from Washington State and the gentlewoman from New York for yielding me this time.

I have been to Puerto Rico three times. The people there have treated me in a very kind way, as kind as any place I have ever been, and I think Puerto Rico is a wonderful place.

I served with Governor Fortuño, who is the main proponent of this bill, and Governor Anibal Acevedo Vila before him. I have great respect for and, I hope, friendship with both of those men, but I oppose this bill.

The Washington Times said in an editorial yesterday that this is a bad bill, written ''to stack the deck in favor of statehood for Puerto Rico'' and that it ''actually tramples self-determination in favor of an underhanded political power grab.''

Those aren't my words. Those are the words of the Washington Times.

The Times' editorial went on to read, ''The bill is deliberately designed to unfairly make it harder for Puerto Rico to keep its current status as a territory with special benefits rather than as a State.''

The fairest way to have a vote on this issue would have been to have a simple, straightforward ballot with three choices—statehood, Commonwealth, or independence. However, the proponents of this bill seem to know that the statehood option would not receive over half of the vote in a fair, simple, straightforward ballot. Each time Puerto Rico has voted on this issue, less than half the people have voted for statehood.

When Alaska and Hawaii were admitted to the Union, some 80 or 85 percent of the people in those States voted for and wanted statehood. This is not the case in Puerto Rico.

I have serious reservations about making a territory a State with less than half the people who really want that status. In addition, the last time this issue came up, it was estimated that it would have an immediate impact of several billions of dollars on the Federal budget. With the economy the way it is now, statehood for Puerto Rico would be even more expensive today. As one previous speaker pointed out, Puerto Rico could set up a vote on this any time they want, but the statehood proponents want Congress to rig the election in favor of statehood.

That is not the right way to do this, Mr. Chairman, so I oppose this bill. For all of these reasons, I urge my colleagues to vote ''no'' on this bill and to defeat the gimmick process that we are dealing with here today.

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. I thank the gentleman.

So much has been said today about what this bill does. Yet so little is understood, perhaps, about what this bill really does. The bill continues to be a bill I support strongly because, if nothing else, the strength of it is that it begins a process.

When I have told many Members of what the bill doesn't do, they ask me, Then why do you support it?

I support it because it begins a process. I support it because, for the first time in 112 years, the people of Puerto Rico will have an opportunity to express themselves, to say what they wish. Then we don't have to act on it. I suspect that we will, but we won't be imposing anything on anyone.

Another argument is that this bill forces statehood on Puerto Rico, but that argument is made by people who say there is no majority in support of statehood in Puerto Rico. Therefore, people would be voting out of—what?—ignorance. Well, I'll repeat what I have been saying all week.

I grew up in New York. I don't live in Puerto Rico, but I know one thing for a fact, not an opinion, which is that Puerto Ricans, from the age of about 10 or 12, know the status issue, discuss the status issue, and debate the status issue on a daily basis. It is the number one concern on the island. Therefore, no one will vote for statehood who does not believe in statehood. No one will vote for independence who is forced to vote for independence. No one will vote for free association who is forced to vote. They will do it because they believe in it and because they believe it is the right thing to do.

Some in Congress have asked, Why don't they do it on their own? Because, when they have done it on their own, we have ignored it.

Then there is another reason, one that may offend people if you don't present it properly: Puerto Rico did not invade the United States. The United States invaded Puerto Rico in 1898, and it has held it. According to the Constitution, it is up to the United States Congress to dispose of, if you will, the territory or to adjust the territorial status. If we tell them to do whatever they please, we will ignore what they do. If we tell them to do something, then it will be part of a process—again, that word ''process.'' So it is our responsibility to tell them to hold this vote.

Now, if they hold the vote and determine that they wish to become an independent nation, we will then be able to say, Well, you asked for that with 45 percent of the vote. Can you go back and take another vote and come back with 80 percent? Similarly, if they vote for statehood, we could say, No, you didn't come here, asking us for a certain amount. You have to go back.

So my point is that this bill does not end the process. With all due respect to

my colleagues on both sides who oppose the bill, do you honestly believe that Congress would give anybody statehood just based on the first simple vote? I can assure you that, if statehood is ever to come to Puerto Rico, there will be a vote to accept the results of Puerto Rico's vote. There will be a vote to grant statehood to Puerto Rico. Then there will be a vote asking the Puerto Ricans ''yes'' or ''no'' if they accept statehood. It is just not going to happen. The process will take years. We are not doing what people think we are doing.

What we are doing is being honest to the comments we make on a daily basis, which are that we go overseas to fight for freedom and independence, for the ability to be free people and to make free choices. Yet we're going to say today that we won't allow 4 million American citizens to simply advise us on this choice? That is a mistake. That truly is un-American. What do we have to fear—that the territory may ask for a change in its status? It might choose not to do so.

One very important point: People say that the Commonwealth is defeated. No. In the first vote, you can choose to remain a Commonwealth. In the second vote, you stop being a colony.

Vote for this bill.

Mr. RAHALL. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, as an original cosponsor of H.R. 2499, the Puerto Rico Democracy Act, I stand here proudly in support of this bill. I am somewhat surprised by some of the criticism registered here. I understand how we can have differences of opinion, but to suggest that somehow this undermines the authority of the Congress of the United States or that it is somehow contrary to the Constitution is just beyond the pale as far as I can see.

As the gentleman who just spoke before me said, this is an attempt to get an idea of how the people of Puerto Rico feel about this very important issue. They are American citizens. People have raised all sorts of scenarios about what may or may not happen. Go back and look at how other States have been admitted to the Union. Ultimately, the decision is made by this Congress.

I remember reading about Utah. When they were a territory, Utah wasn't accepted in the Union until they changed a certain policy on marriage. It was an extraordinary change that was required, but that was what happened. Congress didn't supinely stand here or lay down there and say, Oh, yes. You've said you want to be a State. Therefore, we take no action.

This is a way of our getting a measure of the sentiment of the people of Puerto Rico. I don't see why we should be upset about that. I know there are some outside observers who have suggested that somehow this undermines the Constitution and that somehow there is the Tennessee's plot. Examine the history of Tennessee. Examine the history of the response of Congress. It is absolutely historically factual that Congress decides under what terms a new State will be formed, when and if we will accept a new State.

So all I am saying is allow this to go forward. Allow us to find out what the sentiment is here. Our good friend Luis Fortuno is not someone who shows little respect for the Constitution.

Pass this bill.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

I just want to ask the gentleman from California a question: So, basically, in listening to your argument, you are clearly stating that this is a pro-statehood bill, aren't you?

Mr. DANIEL E. LUNGREN of California. If the gentlewoman would yield, No.

Ms. VELÁZQUEZ. Reclaiming my time, Mr. Chairman, I would like to inquire how much time remains.

The CHAIR. The gentlewoman from New York has 7½ minutes remaining. The gentleman from Puerto Rico has 6¼ minutes remaining. The gentleman from Washington State has 8½ minutes remaining.

Ms. VELÁZQUEZ. I reserve the balance of my time.

Mr. PIERLUISI. I yield 1 minute to the gentleman from the Northern Mariana Islands.

Mr. SABLAN. Mr. Chairman, I rise in support of H.R. 2499.

As the newest member of the American family just 35 years ago, on a plebiscite called an act of free political self-determination, we went to the ballot and had one choice only—Commonwealth.

For us to say that Congress can give Puerto Rico the options it has in H.R. 2499, because it appears as if it's only statehood, we do this all the time, Mr. Chairman. We're not doing it now. We go to war. We are trying to give people free will and freedom. Yet we tell them it is freedom in association with the United States. It took Puerto Rico 100 years of being part of the United States. Only in the past 12 years has this discussion started.

□ 1500

It's about time. Let's put the question to the people of Puerto Rico. Give them an option. They could choose statehood; they could choose to remain a Commonwealth. Let's pass H.R. 2499. I urge my colleagues to support it.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Washington for yielding and for leading on this issue.

Mr. Chairman, I want to just add to this discussion and deliberation that what really happens here is that if this should pass today, and I rise in opposition to H.R. 2499, Mr. Chairman, but it sets up a momentum, it sets up a level of expectations, and the sequence of events being the question that would go before Puerto Ricans and those who were born in Puerto Rico that would live in any of the other 50 States presumably, do you want to stay the same or do you want to change? And once that decision is made, then there is no going back.

The momentum then washes over the dam. And the next question that comes back is, now you can't be what you were before. Now you have to decide between being an independent country or a free association, whatever that might be, or statehood. And when we get to this question of statehood and I look at the standards that have been there in the past, I disagree with the gentleman from Alaska (Mr. YOUNG). I can go up there and English is the language that is used in government and business and everywhere you go.

Yes, every language you can imagine is spoken of in every State, but the practice in Puerto Rico is Spanish, not English. Eighty-five percent of Puerto Ricans will self-profess that they are not proficient in English. They have very little understanding of English.

In fact, I will introduce into the RECORD the Latin American Herald Tribune, dated April 26, where the Secretary of Education in Puerto Rico, the Governor's Secretary, said, English is taught in Puerto Rico as if it were a foreign language and 85 percent aren't proficient in it.

I will also introduce into the RECORD a letter from U.S. English, Incorporated. Among it is a statement I think that's very important to consider here in this body, which says: ''No State has ever been allowed to come into the Union when its core organs of government operate in a foreign language, and Puerto Rico must not be an exception.'' And, Mr. Chairman, it points out that Arizona, New Mexico, and Oklahoma had those conditions as conditions coming into statehood.

I just would make this point, that I wouldn't rise here today and take this position here today, since 1917 or even the last 50 years. If the practice of education and government in Puerto Rico had been the unifying common language, we would be unified as a people. Let's start that path and have this discussion in a generation.

Congressman DOC HASTINGS,
*Ranking Member, House Natural Resources Committee, Longworth House Office Building, Washington, DC.*

DEAR CONGRESSMAN HASTINGS: On behalf of 1.8 million members of U.S. English, we oppose the current version of H.R. 2499, the

Puerto Rico Democracy Act. H.R. 2499 fails to address the serious language questions pertaining to Puerto Rico's status, and compounds this error by pretending to address these issues. This vote will be featured prominently in the legislative scorecard we distribute to our members.

As you are aware, Puerto Rico's current policies with respect to language have never been allowed for any incoming state.

While English is mandatory in Puerto Rico's public schools, it is taught as a foreign language, and instruction rarely exceeds one hour per day. Unsurprisingly, just 20 percent of Puerto Rico's residents speak English fluently. California has the lowest proficiency rate among the 50 states, and its rate is 80 percent.

Puerto Rico's local courts and legislature operate entirely in Spanish, with English translations available only upon request.

No state has ever been allowed to come into the Union when its core organs of government operate in a foreign language, and Puerto Rico must not be an exception.

Yesterday, the Rules committee defeated amendments offered by Rep. Paul Broun that would have brought Puerto Rico's policies in line with the other 50 states as a condition for statehood. Instead, the committee reported an ''alternative'' English amendment by Rep. Dan Burton.

The Burton amendment, while purportedly offering a Puerto Rican state equal treatment, actually offers special treatment by allowing statehood with these historically unprecedented policies intact. Burton's insistence that Puerto Rico will be subject to federal official language policies is meaningless, since the United States has no official language. Further, Burton's ''sense of Congress that English be promoted'' has no legal force.

The Burton language is contrary to Congress' uniform historical practice when the language of government of a potential state was in genuine doubt. Congress required—not ''promoted''—English to be the language of instruction for public schools in Arizona, New Mexico, and Oklahoma as a condition for statehood.

I urge any member who cares about English's role in our national unity to oppose this version of the legislation.

Sincerely,

MAURO E. MUJICA,
*Chairman of the Board, U.S. English, Inc.*

[From the Latin American Herald Tribune, Apr. 26, 2010]

PUERTO RICAN GOVERNMENT WANTS BILINGUAL NATION

SAN JUAN.—The Puerto Rican government wants to establish programs for teaching English to make the younger generations bilingual on an island where 85 percent of the population admits to having only a very basic idea of the language.

Education Secretary Odette Piñeiro said Tuesday in an interview with Efe that the department supports the initiative of Puerto Rico's resident commissioner in Washington, Pedro Pierluisi, to ask for more federal funding for teaching English in the public schools of this U.S. commonwealth.

''Spanish and English are the official languages of Puerto Rico, that is established,'' Piñeiro said, adding that the point of the proposal is to give public school students on the island the same opportunities as those who go to private schools.

Piñeiro also said that the measure will make sure that when young people on the island finish their studies they will be able to perform correctly both in Spanish and in English, which she said was something Puerto Rican society was asking for.

She was referring to an initiative announced by Pierluisi to ask that Title III funds be quadrupled for Puerto Rico, which would bring to $14 million per year the amount the Caribbean island would get for that purpose.

Piñeiro said that preceding administrations lost their chance to access those funds by not presenting the corresponding application the right way.

The secretary said that the measure ''will improve employment opportunities'' for the Caribbean island's young people, after commenting that ''English is taught in Puerto Rico as if it were a foreign language.''

''The idea is to give the necessary resources to kids in public schools so they have the same opportunities,'' she said.

For her part, the director of the Linguistics Program at the University of Puerto Rico, Yolanda Rivera, told Efe she is in favor of free choice in learning languages.

Rivera said, nonetheless, that ''English is a foreign language in Puerto Rico,'' and there are political criteria for making that language more prevalent here as sought by the administration of Gov. Luis Fortuño, whose party favors U.S. statehood for the island.

''Deciding which language to teach is based on political criteria,'' Rivera said, adding that if commercial interests were the most important thing, Chinese would be the ideal language given the heights the Asian nation has reached internationally in that area.

The professor also said that she is concerned about Pierluisi's announcement of the hypothetical arrival of U.S. English teachers on the island.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished Republican whip, Mr. CANTOR.

Mr. CANTOR. I thank the gentleman from Washington for yielding.

Mr. Chairman, for 93 years individuals born in Puerto Rico have been U.S. citizens, but Puerto Rico itself has been a Commonwealth. And as neither State nor an independent political entity, it has, as Ronald Reagan once said, an unnatural status. It is part of our country, but not entirely. Separate from our country, but not really.

Ronald Reagan was motivated to support possible statehood for Puerto Rico in part because our communist enemies were at the time exploiting Puerto Rico's status to sow unrest in Latin America by calling for an end to ''Yankee imperialism.'' While the Soviet Union may no longer be with us, Hugo Chavez is attempting to sow the same unrest, calling for an end to U.S. imperialism in Puerto Rico.

Reagan said back in 1980 that we must be ready to demonstrate that ''the American idea can work in Puerto Rico.'' Over the past 2 years, my friend, Governor Luis Fortuno, has worked to do just that. The Governor and others are actively working to increase economic opportunity by reducing the burden the government places on the people, introducing competition and choice to education, lowering taxes, restoring law and order, and defending traditional values.

Listening to these achievements, I am reminded that the great experiment begun by our Founding Fathers is not in its last days, but instead is being constantly renewed as we work to expand what it means to live in a land of opportunity.

Our best export has always been our ideas. And first and foremost amongst those ideas is the promise that limited government based on the consent of the governed that respects the inalienable rights granted by God is the best hope for mankind on Earth. These ideas have also served as a magnet drawing all those who wish for a better life to our shores.

The citizens of Puerto Rico share in this American inheritance. They share in our values and in their belief in the American Dream. The citizens of Puerto Rico deserve the opportunity to speak to their aspirations for the future in a sanctioned plebiscite.

If I were drafting this bill, Mr. Chairman, I would draft it differently. And while this legislation is far from perfect, I am motivated at the end of the day to support it by the belief that America's promise is not finite in terms of space or time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. I thank the gentlewoman for yielding.

Look, let's take another look at it. Mr. LUNGREN came before us, and on numerous occasions, what did he say? Allow Puerto Rico to become a State. Just check his words. Before that it was Mr. BURTON from Indiana. In other words, they equate American citizenship with a fundamental, inalienable right to statehood.

There's no one right, inalienable right, that the people of Puerto Rico have. It's to their independence. And the Founding Fathers that we like to talk so much about would agree with us here today. If Thomas Jefferson were here today, he would say one thing: There is one and only one inalienable right of the people of Puerto Rico, something that could never be taken away from them, and that's to their independence.

And why do I bring this issue up today? I bring the issue up today so that we can understand that Puerto Rico is not just 4 million American citizens on an island; it is a culturally, it is a psychologically, constituted geographically, linguistically constituted nation of people, Puerto Ricans. Go to that nation of people today, and while they may love and cherish America, which is actually a good thing if you think about it today, a nation of people who love and cherish America, they still are fundamentally Puerto Rican. Ask them.

Has anybody been to a Puerto Rican parade in New York? Go out there with American flags on the day of a Puerto

Rican parade. See how much money you make at the Puerto Rican day parade in New York or Chicago. No, it's an affirmation of who we are. Very different than the Italian day parade, than the Irish parade, than the Polish parade, in which you see many American flags.

Why is it that we continue to affirm this? Why is it that even those proponents of statehood for Puerto Rico have not been able to banish the Olympic team? They dare not. Why is it they have not been able to banish the language of Spanish? They dare not. Because those are things that are intrinsic to the people of Puerto Rico.

Look, let's stop kidding ourselves. Let's stop kidding ourselves. This is an attempt to do one thing and one thing only. Everybody talks about the American citizens and their right to statehood. What about the American citizens, and I say the only inalienable right that they have, to their independence? What about the 1.8 million pages that were sent to Congressman SERRANO on the backs of the FBI and intelligence agency for those of us that fought for Puerto Rican independence? What about those that have been jailed? What about those poets? What about those great Puerto Rican patriots who believe and will continue to believe in independence for Puerto Rico? That is a reality that we need to deal with.

So when Mr. CANTOR was speaking about the inalienable right, he was speaking about the inalienable right that the Founding Fathers bestowed upon those to be free from colonialism.

The current situation in Puerto Rico is deplorable. The current status of Puerto Rico is a colonial status. And we should move forward to eliminate that stain in our relationship with the people of Puerto Rico. But they have just as much right to independence, they have just as much right to independence as they do to statehood. And as a matter of fact, they have asserted that right.

Let me end with this: We keep saying let them, congressionally sanction. Ladies and gentlemen, they have come together on numerous occasions, and on each and every occasion, they have said, We don't want to be a State. They would like something different. Why are we imposing?

And really, look, everybody talks about the Founding Fathers. You know how the Founding Fathers did it? They had a Constitutional Convention. They got together and they had delegates from different States come together so they could have a Declaration of Independence, so they could build a Constitution. You know what? Let not the Congress of the United States say that this is democracy. Do you know what true democracy is? This Congress saying to the people of Puerto Rico get together in a constitutional convention, assemble yourselves, decide among yourselves, and we the Congress of the United States will respect that decision. We will not impose a process. We will not impose definitions upon you.

Mr. HASTINGS of Washington. Mr. Chairman, I reserve the balance of my time.

Mr. PIERLUISI. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. GRAYSON).

Mr. GRAYSON. Mr. Chairman, I appreciate the opportunity to speak on this important matter. This legislation is about what is right and what is fair.

Since 1898 residents of Puerto Rico have been deprived of full and equal political representation. Though its residents are American citizens, the island is not a State and its residents have no equal voting representation in Congress. Given a choice, Puerto Ricans might opt to change this situation. Some in Puerto Rico might opt for a statehood for the island, some might opt for independence, and some might opt for sovereign association. But Puerto Ricans have never been invited by Congress to make that choice. They are American citizens, but they are deprived of equal voting rights.

If Puerto Rico were a State, it would have six or seven representatives in Congress instead of one who cannot vote on the floor of the House. If Puerto Rico were a State, it would have two Senators instead of none. If Puerto Rico were a State, the people there would help to choose our President. Puerto Rico is, in fact, one of the largest populations in the entire world that has no say in choosing the leadership of its country, a democratic country. Now they cannot do anything like that. A host of policy decisions are made in Puerto Rico's name by us, by Congress and by the President, on behalf of Puerto Rico's people without their full or equal input or consent, and that is deeply, deeply unfair.

Whether Puerto Ricans decide in favor of statehood or not, there is an existing inequality that needs to be addressed. The people of Puerto Rico could have more representatives in Congress than they have today with or without statehood.

While I do not represent Puerto Rico, there is a very large Puerto Rican population in central Florida. But I am also here because people on the island of Puerto Rico have the right to full and equal representation. Under this legislation, voters will be asked by Congress whether they wish to maintain Puerto Rico's present form. If the majority of voters cast their ballots in favor of a different political status, the Government of Puerto Rico will be authorized to conduct a second vote among three options: independence, statehood, or sovereignty in association with the United States.

Residents of Puerto Rico have laid down their lives in defense of American democratic values for more than nine decades. In that time, they have never been given a chance to express their views about their political relationship with the United States by means of a fair, neutral, and democratic process. This must change. Therefore, I support this act.

□ 1515

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, having been elected in 2004 to come to Congress, I got here and met someone else who was elected to come to Congress at the same time named Luis Fortuno. The Fortunos were a couple of the most wonderful, lovely people I have ever met, and it's a real privilege to have gotten to know them. So my initial feeling is that I would want to support whatever they supported, especially to have a Republican governor in Puerto Rico. The things that he is doing are wonderful. Cutting government, working to reduce spending in Puerto Rico, those are the things that we need leaders to help with in Washington.

But we are a people who came into being through a belief in self-determination. And so on initially hearing that Puerto Rico would have a vote that would allow them to decide whether they wanted to be part of the United States as a State, my initial impression was this would be a good thing. But on seeing that it has been divided into two votes and finding that there are three choices in the second vote, I am very concerned.

If Puerto Rico wants to be a State, then they should decide to do so unequivocally and tell this body to do so unequivocally. It ought to be one question, "Do you want to be a State?" "Yes" or "no." And if the answer is loud and clear we do, then that's what we should take up. So regretfully, I will be voting "no" on this because I am concerned this is not the way to decide a statehood's future. I will be voting "no."

Ms. VELÁZQUEZ. I yield myself the balance of my time.

The CHAIR. The gentlewoman from New York is recognized for 3 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, there is a reason why two of the three main political parties in Puerto Rico are opposed to this bill. They have been shut out of the legislative process. That is the reason. Here we are facing one of the largest deficits in the history of this country because we have been paying for two wars where we are committed to promote democracy, and yet in our own backyard we are denying 8 million Puerto Rican Americans the right to self-determination.

As I stated before and I state it again, this is shameful and it is a disgrace. So let me just say that this bill

is not ready for prime time. Let's treat Puerto Ricans with the same respect as we did to Alaskans, Hawaii, and other States. They decided by themselves what was better for them. This bill doesn't do that. For all these reasons, I ask my colleagues to vote ''no.''

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, as we conclude general debate, I want to make one point very, very clear. And that point is that we in Congress on a bipartisan basis welcomed the citizens of Puerto Rico to communicate to us their wishes. But, Mr. Chairman, this is not the right process for that.

I recognize this is not a vote on statehood. I never alluded to that. But, Mr. Chairman, we are setting, I think, a precedent where we are asking a territory of the United States if they want statehood. Looking back in the history, I found it pretty murky whether that even happened. What happened generally, and certainly in a vast majority of the 50 States that make up this great Union, is that they had a plebiscite and they decided they wanted to join this country, and then they asked the Congress to respond. We are doing this backwards.

There have been three votes in the history of this last century of Puerto Ricans, and in every case, in every case they did not choose statehood. So I don't know why we should be part of a process that from my point of view tilts the playing field in favor of statehood when in the past that hasn't been the case. The citizens of Puerto Rico right now, as I made in my opening remarks, can have a plebiscite. They can decide. They can decide by a statewide vote, they can have a constitutional convention, as my good friend from Illinois pointed out. There are a variety of ways for them to do that. We should allow them to do that.

Now, it's difficult. It's a difficult process. We all know that. Self-government is hard. But for goodness sakes, we shouldn't be party to what I believe is a process that is cinched in one way.

So for that reason, Mr. Chairman, I am going to vote ''no'' on this legislation, and I would urge my colleagues to do the same.

I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I am honored to yield the balance of my time to the people's representative from Puerto Rico, Mr. PEDRO PIERLUISI.

Mr. PIERLUISI. It is time. It is time for this Congress to hear from the people of Puerto Rico. A lot has been said about this process of self-determination. And what is self-determination? It is to allow the people of Puerto Rico to express their wishes on their political destiny. H.R. 2499 does exactly that. The only possible options that the people of Puerto Rico have concerning the subject matter are the following: remaining as a territory, which is called a Commonwealth, but the label does not change the status. The Commonwealth of Pennsylvania is a Commonwealth, yet it is a State. Puerto Rico is a territory. And there is a clause in the United States Constitution that provides and has so been interpreted by the Supreme Court, the United States Supreme Court, that this Congress has plenary powers over the territories, including Puerto Rico. And we do not fail to exercise them on a daily basis, for better or worse, to the people of Puerto Rico, who do not have voting representation in this Congress, who do not vote for the President, and who do not participate in Federal programs on an equal basis with their fellow citizens in the States. That is one of the choices. And this bill, this plebiscite, the plebiscite in H.R. 2499, provides for that. If the people want to remain under the current status, they can, like they should be.

Now if the people of Puerto Rico say we no longer want to be a territory of the United States, we should know that, all Members of Congress. This bill then asks them their choice among the only three options that are accepted under U.S. and international law: statehood, independence, and there has been some talk about free association.

Let me tell you something. I agree with Congressman SERRANO. Libre asociación is that term in Spanish. In Puerto Rico everybody knows what libre asociación is. In fact, there is a faction within one of our main parties that advocates for that. And what is that? Simple; what Micronesia, the Marshall Islands, Palau already have—an association between Puerto Rico and the U.S. as sovereign nations that is not a territory of the United States. That option is included. So all the options are there. It is only fair to ask the people of Puerto Rico to express themselves in a way that is not binding on this Congress.

We will always have, the Congress will always have the last word on this topic, as it should be. So that's why I have put forth this bill before this Congress on behalf of the people of Puerto Rico as the only elected Representative of the people of Puerto Rico, and I ask for your support. Vote for H.R. 2499.

Mr. ENGEL. Mr. Chair, I rise in strong support of H.R. 2499, the Puerto Rico Democracy Act.

Puerto Rico is home to nearly 4 million Americans.

It has been a U.S. territory for 112 years and its residents have been U.S. citizens since 1917.

Puerto Ricans have contributed much to the basic fabric of this country in times of peace and war.

Its residents have served as high government officials and leaders from all walks of life.

More than one million Puerto Ricans live in my home state of New York, and according to the latest numbers, more than 60,000 live in my congressional district.

I am, therefore, proud to call myself a cosponsor of the bipartisan Puerto Rico Democracy Act.

I know that the question of the status of Puerto Rico has been difficult for many years, but that is precisely why we must address it today.

Under the current status, residents of Puerto Rico are bound by federal law, but cannot vote for president and do not have voting representation in Congress.

Since joining the American family over a century ago, the Island's residents have never been given the opportunity to express their views—in the context of a fair and orderly vote sponsored by Congress—as to whether Puerto Rico should remain a U.S. territory or should seek a non-territorial status.

H.R. 2499 allows the government of Puerto Rico to conduct plebiscites to ask voters if they wish to maintain the current status or have a different status.

I support this bill because it finally creates a fair process to allow the people of Puerto Rico to decide their own future for themselves.

Self-determination is a basic principle of the United States, and Puerto Ricans deserve no less.

Finally, I would like to congratulate the sponsor of this bill, Mr. PIERLUISI, for his excellent work, and I appreciate the efforts of members on both sides of the aisle who helped bring the Puerto Rico Democracy Act to the floor today.

I urge my colleagues to support H.R. 2499.

Mr. GENE GREEN of Texas, Mr. Chair, I rise today as a cosponsor and to speak in strong support of H.R. 2499, The Puerto Rico Democracy Act of 2009, which establishes a just and fair way for Puerto Ricans to decide their relationship with the United States.

Puerto Rico has been a U.S. territory for 111 years and its residents have been U.S. citizens since 1917. Puerto Ricans have contributed immeasurably to the life of this nation in times of peace and war and have served as U.S. government officials, ambassadors, federal judges and military officers.

The island is home to nearly 4 million Americans who are subject to federal taxes as determined by law, pay income taxes on income from outside the island, as well as other taxes such as Social Security and Medicare.

Yet Puerto Ricans today still cannot vote for President of the United States and do not have full voting representation in Congress. I believe it is time for the people of Puerto Rico to decide their fate after over 100 years of political uncertainty.

H.R. 2499 would identify Puerto Rico's political status options and authorize a plebiscite process in which voters could express their preferences among those options. This bill will finally give them the opportunity to determine their relationship with the U.S. in the context of a fair, neutral and democratic process sponsored by Congress.

We must ensure that the views of all Puerto Ricans are heard on this fundamental question without excluding or favoring any status option. As a cosponsor of this bipartisan legislation, I support a fair and impartial process of self-determination for the people of Puerto Rico.

Mr. CULBERSON. Mr. Chair, I share Thomas Jefferson's belief that majority rule is "the vita principle of republics," therefore I am opposed to passage of H.R. 2499: and respectfully request that my name be withdrawn as a co-sponsor. I was mistaken in co-sponsoring this bill because it is not apparent from the language of the bill that it allows Puerto Rico to decide its future by less than a majority vote. I have also learned that current law enables Puerto Rico to hold an election to determine their future at any time, so this law is redundant—and we already have far too many redundant unnecessary laws on the books. For these reasons I would ask that my name be withdrawn as a cosponsor of this bill.

Ms. BORDALLO. Mr. Chair, I rise in support of H.R. 2499, the Puerto Rico Democracy Act of 2009, introduced by our colleague Congressman PEDRO PIERLUISI. As the chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, I fully support this bill, which the full Natural Resources committee reported out favorably on July 22nd of last year.

H.R. 2499 is an important bill for both Puerto Rico and the other U.S. Territories. As the delegate from Guam, I understand the desire of residents in the territories to decide their future and make a determination about their political future. Guam and Puerto Rico were both ceded to the United States after the Spanish American War in 1898. The communities in Guam and Puerto Rico have long traditions of patriotism and loyalty to the United States. In fact, both Guam and Puerto Rico boast some of the highest per-capita rates of military service in the United States. But while we are proud and fortunate to be Americans, we must be given an opportunity to decide our future political status. H.R. 2499 will provide the people of Puerto Rico a congressionally-sanctioned process to express their preferences regarding their political status. The bill's broad, bipartisan base of cosponsors as well as the unified support it enjoys among Puerto Rico's elected and governing leaders should not be overlooked, and in fact, should prompt us today to decisively pass this bill. Appropriate deference on questions about ballot format and process should be given to Governor Fortuño, the legislature leaders of Puerto Rico, and our colleague, Congressman PIERLUISI of Puerto Rico. They are the democratically elected leaders of the people desiring Congress to sanction a process for them to exercise their fundamental right to self-determination.

Mr. Chair, Article 4, Section 3 of the Constitution makes it clear that Congress has the power to make needful rules and regulations governing the territories. Passing the Puerto Rico Democracy Act will fulfill the responsibility this body has to over 4 million American citizens.

Each territory is on a different path toward self-determination, and what is appropriate for Puerto Rico may not be suitable for the other territories. But I firmly believe that the process established by H.R. 2499 is the best way for the people of Puerto Rico to exercise their right to self-determination and express their desires to Congress to ultimately resolve their political status. I urge my colleagues to vote yes on this important and needed legislation.

Mr. TIAHRT. Mr. Chair, I stand in opposition to H.R. 2499, the Puerto Rico Democracy Act. I believe that H.R. 2499 will lead to a situation where the government of Puerto Rico could demand recognition as the 51st state in the Union despite the will of the Puerto Rican people. This bill represents the fourth time since 1991 that Puerto Ricans have been asked to vote on their status, and all four times they have rejected statehood as their desired political status. The two-step voting process contained in this bill will skew the results in favor of a minority of the people who support statehood, and drown out the voices of the majority who do not.

I am also deeply troubled by the provision in the bill that would allow anyone born in Puerto Rico, but not currently residing there, to vote in this plebiscite. With hundreds of thousands of people born in Puerto Rico, but not residing there, I believe this aspect of the bill dilutes the voices of Puerto Rican residents and again sets the stage for a skewed result supporting statehood.

Finally, I believe that as a condition of possible statehood, Puerto Rico must officially adopt English as its primary language. It is currently officially a bilingual territory, where only 1 in 5 people speak English fluently. The last states admitted to the Union, Alaska and Hawaii, both adopted English as their official language and, although they respect the culture and language of their native population, the vast majority of their populations are fluent in English.

For these reasons, I cannot vote to support H.R. 2499 or the Burton/Young Amendment, which does not adequately ensure that English would be the official language of Puerto Rico.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2499

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Puerto Rico Democracy Act of 2009''.*

***SEC. 2. FEDERALLY SANCTIONED PROCESS FOR PUERTO RICO'S SELF-DETERMINATION.***

*(a) FIRST PLEBISCITE.—The Government of Puerto Rico is authorized to conduct a plebiscite in Puerto Rico. The 2 options set forth on the ballot shall be preceded by the following statement: ''Instructions: Mark one of the following 2 options:*

*''(1) Puerto Rico should continue to have its present form of political status. If you agree, mark here ____.*

*''(2) Puerto Rico should have a different political status. If you agree, mark here ____.''.*

*(b) PROCEDURE IF MAJORITY IN FIRST PLEBISCITE FAVORS OPTION 1.—If a majority of the ballots in the plebiscite are cast in favor of Option 1, the Government of Puerto Rico is authorized to conduct additional plebiscites under subsection (a) at intervals of every 8 years from the date that the results of the prior plebiscite are certified under section 3(d).*

*(c) PROCEDURE IF MAJORITY IN FIRST PLEBISCITE FAVORS OPTION 2.—If a majority of the ballots in a plebiscite conducted pursuant to subsection (a) or (b) are cast in favor of Option 2, the Government of Puerto Rico is authorized to conduct a plebiscite on the following 3 options:*

*(1) Independence: Puerto Rico should become fully independent from the United States. If you agree, mark here ____.*

*(2) Sovereignty in Association with the United States: Puerto Rico and the United States should form a political association between sovereign nations that will not be subject to the Territorial Clause of the United States Constitution. If you agree, mark here ____.*

*(3) Statehood: Puerto Rico should be admitted as a State of the Union. If you agree, mark here ____.*

***SEC. 3. APPLICABLE LAWS AND OTHER REQUIREMENTS.***

*(a) APPLICABLE LAWS.—All Federal laws applicable to the election of the Resident Commissioner shall, as appropriate and consistent with this Act, also apply to any plebiscites held pursuant to this Act. Any reference in such Federal laws to elections shall be considered, as appropriate, to be a reference to the plebiscites, unless it would frustrate the purposes of this Act.*

*(b) RULES AND REGULATIONS.—The Puerto Rico State Elections Commission shall issue all rules and regulations necessary to carry out the plebiscites under this Act.*

*(c) ELIGIBILITY TO VOTE.—Each of the following shall be eligible to vote in any plebiscite held under this Act:*

*(1) All eligible voters under the electoral laws in effect in Puerto Rico at the time the plebiscite is held.*

*(2) All United States citizens born in Puerto Rico who comply, to the satisfaction of the Puerto Rico State Elections Commission, with all Commission requirements (other than the residency requirement) applicable to eligibility to vote in a general election in Puerto Rico. Persons eligible to vote under this subsection shall, upon timely request submitted to the Commission in compliance with any terms imposed by the Electoral Law of Puerto Rico, be entitled to receive an absentee ballot for the plebiscite.*

*(d) CERTIFICATION OF PLEBISCITE RESULTS.—The Puerto Rico State Elections Commission shall certify the results of any plebiscite held under this Act to the President of the United States and to the Members of the Senate and House of Representatives of the United States.*

*(e) ENGLISH BALLOTS.—The Puerto Rico State Elections Commission shall ensure that all ballots used for any plebiscite held under this Act include the full content of the ballot printed in English.*

*(f) PLEBISCITE COSTS.—All costs associated with any plebiscite held under this Act (including the printing, distribution, transportation, collection, and counting of all ballots) shall be paid for by the Commonwealth of Puerto Rico.*

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–468. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. FOXX

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–468.

Ms. FOXX. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. FOXX:

Page 4, line 5, strike ''3'' and insert ''4''.

Page 4, after line 16, insert the following:

(4) Commonwealth: Puerto Rico should continue to have its present form of political status. If you agree, mark here ______.

The CHAIR. Pursuant to House Resolution 1305, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Chairman, I yield to the gentlelady from the Virgin Islands for the purposes of a unanimous consent request.

Mrs. CHRISTENSEN. I thank my colleague from North Carolina for yielding.

Mr. Chair, I rise in support of this amendment because it corrects the chief concern I have had about this bill—that Commonwealth is not given fair treatment in the base bill, H.R. 2499.

A cleaner process would have allowed all of the possible options to be on the ballot in one vote, with Commonwealth included.

In the first vote where one is asked to choose the status quo or change, first of all the deck is stacked against commonwealth, by those who support statehood, independence or free association.

I have reason to believe that most Puerto Ricans want Commonwealth with new enhancements, which is not the status quo. Therefore someone even voting for change in the first ballot might still have Commonwealth as their preference. But they would have no opportunity to vote for it. This is grossly unfair to what I think is the majority of the population.

H.R. 2499 is slanted toward statehood. For every option to have a level playing field Commonwealth must be added in the second vote.

I urge my colleagues to support the Foxx amendment.

Ms. FOXX. Mr. Chairman, I would like to yield 15 seconds to the gentlelady from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of this amendment.

Ms. FOXX. Mr. Chairman, I yield myself such time as I may consume.

After being engaged in the spirited debate surrounding this bill, I am pleased to report that both supporters and opponents of the underlying bill, regardless of partisanship, can support the amendment I am offering. It's my belief that Congress has no business considering this bill at this time.

Puerto Ricans have voted on statehood three times without congressional action. Although congressional action is not needed, statehood advocates have defined this bill as necessary to providing a ''congressionally sanctioned'' vote process for Puerto Rico to determine its political status. However, if we are going to do this, we need to pass a bill that ensures fair consideration of all points of view.

Although the bill is being touted as one to allow Puerto Ricans the opportunity to exercise political self-determination, as it's currently written it denies commonwealth status quo supporters freedom to vote for their preferred option in the second stage of the plebiscite.

In the first stage of the plebiscite, Puerto Ricans are given two choices: the status quo or change. It's easy to see how anyone, even Commonwealth status quo supporters, would support some sort of change in their political processes. However, consensus on this question would move to a second stage, where Puerto Ricans choose only from three options: statehood, independence, or sovereignty in association with the United States. These three options deny supporters of continuing the Commonwealth status quo the freedom to vote for their preferred political status. Whether they support statehood, independence, or the Commonwealth status quo, Puerto Ricans' views should be given equal and fair consideration.

My amendment very simply adds a fourth option: ''Commonwealth: Puerto Rico should continue to have its present form of political status to the available voting options for the second stage of the plebiscite.''

□ 1530

This amendment takes nothing from the bill, but adds an option to reflect the views held by a significant portion of Puerto Ricans who should not be disenfranchised by this bill. This is an amendment Members of all persuasions can support. Opponents of the bill can remain opposed, but take comfort in knowing the bill was made a little better. Supporters, or even cosponsors, can take comfort in knowing their bill was made even better.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, this bill was carefully crafted to give the people of Puerto Rico the opportunity to inform Congress for the first time ever whether they want to continue with their current temporary status, Commonwealth, or move to a permanent status: statehood, independence, or free association. This amendment would subvert this effort by including a choice to continue the island's present status among the options provided for in the bill's second plebiscite. Adoption of this amendment will contradict the bill's intent and make it less likely that the people of Puerto Rico would seek a permanent nonterritorial status.

Debate over Puerto Rico's status continues to be the central issue in politics on the island. The fairest and simplest way, we believe, to address this concern is to let Puerto Ricans choose to either retain their present status, as the underlying bill does; or, if they don't want to, allow them to elect to become a state, an independent country, or a free nation with association with the U.S. Allowing the choice of retaining their current status after it was rejected in the first plebiscite, as this amendment would do, only serves to confuse the process and would likely cause an inconclusive outcome.

I, therefore, urge defeat of the amendment and reserve the balance of my time.

Ms. FOXX. Mr. Chairman, my colleague says this bill has been carefully crafted. Yes, it's been carefully crafted to keep the people who want the present status from being a choice. That is wrong. That should not be the way this bill is done. If they want to keep the present status, they should be able to vote for it.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I believe I have the right to close, and I reserve the balance of my time.

Ms. FOXX. Could I inquire, Mr. Chairman, as to how much time I have left.

The CHAIR. The gentlewoman from North Carolina has 2½ minutes remaining.

Ms. FOXX. Mr. Chairman, I think this bill as it is crafted is not the right way to go for the people of Puerto Rico. I don't have a dog in this fight. I have not taken a position on whether they should have statehood or not have statehood, but I don't like the Congress of the United States being used to create a situation that disenfranchises people. And that's what's happening.

We are wasting our time doing this. We don't need to do it. The people of Puerto Rico can vote on this without our doing this. We should be dealing with what is important to the American people—jobs and other issues. This is not necessary for us to do.

Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Chairman, I'd just encourage my colleagues to listen to the argument on the other side. They don't want the status quo to be one of the options. This is supposed to be a bill about self-determination, yet it's this Congress that's going to force its will to determine what is even going to be on the ballot. This is fundamentally wrong. I urge my colleagues to vote in favor of this amendment.

Mr. RAHALL. I continue to reserve the balance of my time.

Ms. FOXX. Mr. Chairman, can I inquire again as to how much time is left on my side.

The CHAIR. The gentlewoman has 1½ minutes remaining.

Ms. FOXX. Mr. Chairman, I yield 1¼ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, this amendment is a commendable effort to try and improve a deeply flawed piece of legislation, and I really thank the gentlewoman for being so committed to providing for a process of self-determination for the people of Puerto Rico. Elections are only democratic if the people are not blocked from choosing between all the options potentially available to them. One of the many shortcomings of this bill is that under the scheme it establishes, the second ballot will not include commonwealth as an option for voters. Again, because what they want is for the people of Puerto Rico to vote for statehood instead of providing a fair, democratic process. That is undemocratic. It is un-American. That defies imagination. That is essentially telling the people of Puerto Rico that the system of government under which they currently live is not even an option for them to consider.

This approach ignores the fact that the Commonwealth is what the majority of the people of Puerto Rico have selected in the last three previous popular votes. The amendment offered by the gentlelady will take a good first step forward, and I am wholeheartedly in support of that amendment.

Ms. FOXX. Mr. Chairman, again, I want to say that I think the Congress of the United States is being used unfairly in this process. We do not need to be doing this. What the proponents of statehood are doing is rigging the process in favor of a vote for statehood and they're using the Congress of the United States to establish the process for them. We don't need to be passing this bill. The people of Puerto Rico can vote without this bill.

Mr. RAHALL. Before I yield to the gentleman from Puerto Rico to close on our side, let me just address one issue the gentlelady from North Carolina raised about us having other issues that she alluded to which are more important than this issue to address in Congress, like jobs, the economy, et cetera; therefore, why are we considering this legislation. That may be true.

Certainly, jobs and the economy are very important to every one of our districts. But I think it should be worth pointing out here that it's most unfortunate that we can't get the type of bipartisan support—as much bipartisan support from the other side on those issues of jobs and the economy as we do on this particular piece of legislation.

I would yield the balance of my time to the gentleman from Puerto Rico (Mr. PIERLUISI).

Mr. PIERLUISI. I rise in opposition to this amendment. The reason is rather straightforward. In a democracy, the majority rules. The threshold question, the first question that H.R. 2499 poses, is precisely to determine whether the majority of the people residing in Puerto Rico, the American citizens residing in Puerto Rico, want to remain as a territory. Once the majority speaks, we will abide by that. If the majority says they want change, they do not want to continue being a territory, called a commonwealth as it is, then it is only fair to ask a second question. Choose among the only available alternatives. The results will speak for themselves.

Some here seem to be convinced that the result will be that the people of Puerto Rico will choose statehood. It remains to be seen. We don't know the percentage. We don't know what other percentages we will have on the first vote, on the second vote. Let's allow the people of Puerto Rico to express themselves. It is only fair. And the Congress will have the last word.

The CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. GUTIERREZ

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–468.

Mr. GUTIERREZ. Mr. Chairman, I rise to offer my amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GUTIERREZ:

On page 4, line 5, strike ''on the following 3 options:'' and insert ''on the following 4 options:''.

On page 4, after line 16, insert the following:

''(4) None of the Above. If you agree, mark here ______.''.

The CHAIR. Pursuant to House Resolution 1305, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Well, here we go again. They say this is a bill. The chairman of Natural Resources says this is a bill to make sure that the people of Puerto Rico are able to define their future and do it in a free, objective manner. Really? Well, the last time they had a plebiscite in Puerto Rico, guess which option won? None of the above. Guess which option they exclude? The winning option in the last plebiscite. So who's kidding who in this place?

They have this thing rigged from the beginning to the end. If not, if they were so faithful to the wishes, to the will, to the passion of the self-determination of the people of Puerto Rico, why aren't they including the very option that won? They say they respect the decision of American citizens on the island of Puerto Rico and we should give them an opportunity to express themselves freely in a referendum. Guess what? They did. And yet we reject the very option that they chose for themselves.

What kind of democracy is that? I don't know what kind of democracy that is in other States, but I know how I feel about it. None-of-the-above, for me, offers this wonderful opportunity to the people of Puerto Rico.

Just so that we understand, because everybody says things, I want to read this. This is what the Democrats say about my amendment—my own party: you mislead voters into thinking there is a legally better alternative to Puerto Rico's political status other than an independent state or a sovereignty. Me? Me? I'm misleading people? What is the last option that won, adopted by the government of Puerto Rico, and voted on in Puerto Rico?

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair notes a disturbance in the gallery in contravention of the law and rules of the House.

The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. GUTIERREZ. I know it's hard, but the truth is the truth.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. GUTIERREZ. The truth is that the last time one of the alternatives was exactly what I offer. If you really believe and you really trust and you really respect the judgment of the people of Puerto Rico, then include it as they included it when they were able to do it. If you say you're not imposing your will on them, then give them the option when they had the ability to choose the different options. I'm not asking for anything else other than that because I think that it is important and fundamental that we check into the history books.

Notice, no one, no one will contradict the fact that ''none of the above'' was the one that won, that that was one of

the offers. And then they say that I mislead. I don't mislead anybody. The fact is, people say I'm doing this and that. That's okay. People like me, who defend the sovereign rights of the people of Puerto Rico, you know what happens to them in Puerto Rico? They get files on them by the Government of Puerto Rico. They get jailed. They are made sure they lose their jobs. They get sanctioned.

Everybody always says, Oh, why aren't there more people that believe in Puerto Rican independence? There's a lot of people that believe in Puerto Rican independence. More of them don't show themselves because when they do, you know what happens? Those that support other alternatives lock them up. Let me tell you something. Careful.

I reserve the balance of my time.

□ 1545

Mr. RAHALL. I rise in opposition to the amendment, Mr. Chairman.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, as was the case with the Foxx amendment, this amendment would also add a fourth option to the second ballot in the two-stage plebiscite process. I urge defeat of this amendment as well, largely along the same lines as the earlier amendment.

''None of the above'' is the ultimate and unnecessary escape clause. The proposal for its inclusion on the ballot suggests that there exists some other option for permanently resolving Puerto Rico's status in a manner compatible with the U.S. Constitution beyond the three options of independence, sovereignty in association with the United States, or statehood. Such a belief defies the conclusions of the international community, the courts, and the executive branch.

There is no other viable option than the three to be presented on the second ballot as provided for in the underlying bill. Thus, this ''none of the above'' amendment is not about progress, but rather inconclusiveness. Self-determination for the people of Puerto Rico should no longer be thwarted by inconclusiveness nor held captive to any pursuit for a status change not deemed viable under the U.S. Constitution or international law.

I urge defeat of the amendment.

I reserve the balance of my time.

Mr. GUTIERREZ. How much time do I have, Mr. Chairman?

The CHAIR. The gentleman from Illinois has 2 minutes remaining.

Mr. GUTIERREZ. I thank the Chair. I yield 30 seconds to the gentleman from Utah.

Mr. CHAFFETZ. I thank the gentleman.

Mr. Chair and my colleagues, this amendment should pass unanimously. I don't care where you are on this issue. If you fundamentally believe that the people of Puerto Rico should be given a voice, then the voice that they should be able to allow, one of the boxes they should be allowed to check is ''none of the above.'' Last time, 50.3 percent of the residents there voted in favor of this. It is not right for us to deny them the opportunity to check the box that says, ''none of the above.'' This should pass unanimously.

I urge all of my colleagues on both sides of the aisle to vote for this.

Mr. RAHALL. I reserve the balance of my time.

Mr. GUTIERREZ. I yield myself 1 additional minute, Mr. Chair.

I just want to make this abundantly clear to everyone, and I know that Mr. PIERLUISI, the Resident Commissioner of Puerto Rico who used to be the attorney general in Puerto Rico, understands this to be true. And if not, I would like him to step up and just say, LUIS, you've got it wrong. Please tell me that.

This is what happened in 1998: ''None of the above'' was the option included in the 1998 plebiscite by the very sponsor, by the very party that the proponent of the legislation that comes before us today, Mr. PIERLUISI's party. They controlled the Governorship. They controlled the House. They controlled the Senate. They set up the parameters, and they included it. Yesterday they come and say to me that I am being misleading about what is going on. And more than that, it's the option that won.

I also say fundamentally that one of the reasons I thought it was a good option was because I thought that it wasn't fair the way it was designed and the way it was construed. So I said, You know, I don't like the construction, so you should always give the people—especially people seeking self-determination—the option to say to us, the Congress, We didn't like the way you designed it, so we reject your proposal.

So let me use the last 30 seconds with this: I want you to look at this bill, and you are going to find a section that says that over 1 million Puerto Ricans born on the island of Puerto Rico that live in the United States—not in Puerto Rico—that live in the United States are guaranteed a ballot. What does that say to you?

There is a reason they speak Spanish, ladies and gentlemen. There's a reason they love the Puerto Rican flag. There's a reason they go to the Puerto Rican Day—there's a reason. It's okay. They have a passion for their culture, for their language, for who they are and their identity. And it is affirmed by the very proponent of this legislation, who understands that they are nationals—not of Puerto Rico, which you do not represent. But you are allowing them to participate in this process because you recognize they have an inherent right to participate in the future of Puerto Rico.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the people's representative from Puerto Rico (Mr. PIERLUISI).

The CHAIR. The gentleman from Puerto Rico is recognized for 4 minutes.

Mr. PIERLUISI. I rise in opposition to this amendment, and I rise in opposition because some of my colleagues here have been talking about one term, ''free association,'' being an ambiguous term. Well, there cannot be anything more ambiguous than ''none of the above'' when you know that all the options that are available are the four options that we have been talking about.

The first option is for Puerto Rico to continue being a territory, and we all know what a territory is. Our Constitution provides for such. Puerto Rico is an unincorporated territory. That is an option. And there are only three other possible options as a matter of settled U.S. law and international law: independence, statehood, and free association. It serves no purpose, no real purpose to include a ''none of the above'' option when those are the options that we all know exist for the people of Puerto Rico.

If we want to effectuate self-determination, if we want to facilitate self-determination, if we want to give a voice to Puerto Rico, to the people of Puerto Rico, with a meaningful purpose, we cannot include a ''none of the above'' option. That was, indeed, the result of the last plebiscite that was done in Puerto Rico, which did not follow the bill that this House approved or the Senate failed to act upon. It added this ''none of the above'' option, and what happened is, to this day, nobody can understand what that means. It served no purpose. That's why I rise in opposition to this amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. GUTIERREZ. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. GUTIERREZ

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–468.

Mr. GUTIERREZ. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GUTIERREZ:

In the header of section 3(e), strike ''ENGLISH BALLOTS'' and insert ''LANGUAGE OF BALLOTS''.

In section 3(e), strike ''printed in English'' and insert ''printed in Spanish. Upon request by an eligible voter, the Puerto Rico State Elections Commission shall provide said eligible voter with a ballot printed in English''.

The CHAIR. Pursuant to House Resolution 1305, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chair, I yield 1½ minutes to the gentlelady from New York, Congresswoman VELÁZQUEZ.

Ms. VELÁZQUEZ. Mr. Chairman, this is a straightforward amendment, and it is very important that Congress needs to be certain that the people of Puerto Rico understand what is at stake and the options before them. This amendment will make sure that the ballots for these processes are available in both Spanish and English. Through this amendment, Puerto Rico's overwhelmingly Spanish-speaking population will be able to understand the ballot and exercise their vote. Those who reside on the island but are not fluent in Spanish will still have the opportunity to cast their ballot. They simply need to request one in English.

Mr. Chairman, this is a simple amendment, and it will provide for everyone to understand such an important process that is going to have such an incredible impact on the many people who live in Puerto Rico and those who do not live in Puerto Rico. So I urge its adoption.

Mr. GUTIERREZ. I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, the pending amendment would strike the requirement from the bill that a ballot include the full content of the ballot printed in English. Instead, the amendment requires ballots to be printed in Spanish. An English ballot could be obtained only by the request of a voter.

The underlying bill strikes the right balance. We did address this issue during our full committee consideration of this legislation, and the underlying bill gives rise to the printing of a unified ballot. The amendment before us undoes that balance that we struck in the full committee in consideration of this issue, and it puts the onus on an English-proficient or otherwise English ballot-preferring voter to request such a ballot.

In my opinion, this would add tremendously to the administrative processing of the ballots; it would complicate the process, and it would add cost. It would be a tremendous cost addition to the process as well, and I would, therefore, urge the defeat of the amendment.

I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chair, I yield 1 minute to the gentleman from Utah.

Mr. CHAFFETZ. Mr. Chair, I rise in support of this amendment. I believe that English should be the official language of the United States of America, but that's a different issue. Let's be realistic. The people in Puerto Rico predominantly speak Spanish. Let's provide a ballot to them in Spanish so that they can know what they're voting for. And the amendment provides that if anybody wants an English ballot, they can get an English ballot. I think that's fair. I think that's reasonable. It just allows the people of Puerto Rico to know what they're voting on. I think that's a simple request.

And there is no additional cost to the people of the United States of America, because I was able to pass an amendment in the committee that said that there will be no cost to the United States taxpayers here in the continental United States.

So again, I think it's reasonable. I rise in support of this and urge its support.

Mr. RAHALL. Mr. Chairman, I reserve the balance of my time.

Mr. GUTIERREZ. I yield myself 1½ minutes of my time.

I thank Mr. CHAFFETZ and I thank the gentlelady from New York for their comments.

Why do I propose this? Because we're getting hoodwinked again. That's all that's happening here. You know what they're going to do? I'm telling you, this is just like those derivatives that they've got at Goldman Sachs. You don't know what's in it. Look into it, because it's going to blow up on you later on.

Let me tell you why. Here's what it says on page 5. It says, ''English ballots—the Puerto Rico State Elections Commission shall ensure that all ballots used for any plebiscite held under this act include the full content of the ballot printed in English.'' That's all it says.

Now, you know why they do that; to give you the misunderstanding, right, the false sense of confidence that people are actually going to go, and there's going to be a campaign, and it's going to be conducted in English, and the people can go and take an English ballot. The fact is that the ballots in Puerto Rico are printed in Spanish. The fact is—okay, let me give you another one.

There are, like, four big newspapers—well, there were four, but the one in English went bankrupt. The ones that thrive are the ones in Spanish. Did you ever turn the TV on in Puerto Rico? Go down there. There are, like, three or four really Puerto Rican stations. As a matter of fact, public TV in Puerto Rico is in Spanish. The news is in Spanish, and we help provide some of the funding through our contributions—not the Congress of the United States necessarily.

The fact is that I am here to affirm, to affirm, and I hope that this Congress recognizes that the people of Puerto Rico are a nation. They have a language. We should respect that language, and that language is Spanish. And as we move forward, the ballots, in order for them to understand this process, should be in Spanish.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I reserve the balance of my time.

Mr. GUTIERREZ. How many more speakers does the gentleman have remaining?

Mr. RAHALL. I just have one concluding speaker.

Mr. GUTIERREZ. Well, it's very clear that every time we have an amendment, they want to, like, finish it up. But that's okay. It's been unfair from the very beginning, so what's a little more unfairness.

The fact is, I was a schoolteacher there. I was an elementary schoolteacher for 2 years in Puerto Rico. Do you know how much time the children in the public school system—which we support, taxpayers of the United States support. Do you know how much time during the day they speak in English? One class out of six. You know how I know? I spent 50 minutes a day teaching them English for almost 2 years. And you know what, the students used to walk in, and they used to say, ''Oh, Mr. Ingles.'' It was like the math class. It was like the biology class. It was like the class they didn't want to take.

But you know something, that doesn't mean that they necessarily don't love this country. It's just that they affirm who they are, and we should respect that. They're Puerto Ricans, a colony of Spain, and have Spanish as their predominant language. Let's respect that cultural linguistic integrity in Puerto Rico.

I yield back the balance of my time.

□ 1600

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the people's representative from Puerto Rico (Mr. PIERLUISI).

Mr. PIERLUISI. Mr. Chairman, I have heard here, and it is unfortunate, some colleagues talk about this being rigged, using terms of that nature. And I can take it because I know that this is a fair bill.

Now I just heard that somehow we are opposing this amendment because of the way that this bill is drafted. Let me say for the record of this House that the language that provides for having the ballots in both Spanish and English was offered in committee, in the Committee of Natural Resources at the markup by Mr. HENRY BROWN from South Carolina who belongs to the Republican Party. And we voted on it.

The reason I am opposing this amendment is it is totally unnecessary. As a matter of local law in Puerto Rico, we need to provide the ballots in both English and Spanish, and that is what we are doing. We are just being fair. This amendment requires as an alternative that now we need to print separate ballots in English and force those who feel more comfortable with the English language to request them. It is not necessary. We oppose it. I oppose it. And that's all I'll say. I needn't say anymore.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. BURTON OF INDIANA

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–468.

Mr. BURTON of Indiana. Mr. Chairman, Mr. YOUNG and I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BURTON of Indiana:

Amend section 3(e) to read as follows:

(e) ENGLISH LANGUAGE REQUIREMENTS.—The Puerto Rico State Elections Commission shall—

(1) ensure that all ballots used for any plebiscite held under this Act include the full content of the ballot printed in English;

(2) inform persons voting in any plebiscite held under this Act that, if Puerto Rico retains its current political status or is admitted as a State of the United States, the official language requirements of the Federal Government shall apply to Puerto Rico in the same manner and to the same extent as throughout the United States; and

(3) inform persons voting in any plebiscite held under this Act that, if Puerto Rico retains its current political status or is admitted as a State of the United States, it is the Sense of Congress that it is in the best interest of the United States for the teaching of English to be promoted in Puerto Rico as the language of opportunity and empowerment in the United States in order to enable students in public schools to achieve English language proficiency.

The CHAIR. Pursuant to House Resolution 1305, the gentleman from Indiana (Mr. BURTON) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

This is an amendment I think that everybody will embrace, at least I hope so, because it clarifies what was just discussed. I will read it to you real quickly. It says this amendment would retain the requirement that all ballots used for authorized plebiscites include the full content of the ballot printed in English as well as Spanish. It would also require the Puerto Rico State Elections Commission to inform voters in all authorized plebiscites that if Puerto Rico retains its current status or is admitted as a State that: (1) any official language requirements of the Federal Government shall apply to Puerto Rico to the same extent as throughout the United States; and (2) it is the sense of Congress that the teaching of English be promoted, not demanded or anything, but be promoted in Puerto Rico in order for English-language proficiency to be achieved.

So we are talking about making sure that everybody who votes, everybody who is involved in any kind of an official thing like a plebiscite, that they will see it in both English and Spanish. We are also pushing to promote English more than it has been in the past. I think this is an amendment that everybody should agree with.

I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I strongly support this amendment. This is the same amendment we had 12 years ago. It does promote Spanish and it does promote English. This is nothing new. Right now in my State we are printing our ballots in my State in different languages within the State. This is an amendment everybody should accept, except if you are just adamantly opposed to the legislation, as some people are.

I have spent some time in Puerto Rico, not as much time as some others, but I find an awful lot of Puerto Ricans who do use English. I think that is a blessing. I am one who thinks everybody should speak two or three languages if they can. This amendment is the right way to go, and all of the plebiscites will be in both languages, not one language, so those who speak English and Spanish and those who speak Spanish and English, both of them have a right to read and understand what they are voting on. It is the right bill. It is the right amendment. Let's vote on both things.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I want to say that this amendment is unnecessary, and really it masquerades a whole debate on English, and let me explain why. This amendment has essentially three components, and I will paraphrase what those components are. They talk about all ballots used in the plebiscite must be in English, number one. Number two, prospective voters are informed that the official language requirements of the Federal Government shall apply to Puerto Rico. And number three, it has a sense of Congress that it is in the best interest to promote English.

Now let me address each of those issues but let me suggest that I believe this amendment is offered to only deny a straight up-or-down vote on the issue of English as the official language.

First of all, the language that my good friend from Indiana read in support of this amendment is already in the bill. It is on page 5. It says that the plebiscite will be carried out in English. So we don't need that because it is already in the bill.

The second provision is really meaningless. That is the one that talks about Federal language requirements. We know there is no Federal requirement in this country as to English, even though 30 States have adopted that. There is no official one from the United States. There should be, but there isn't.

Finally, I will concede at least a little point. The sense of Congress language really has no statutory effect, but I will concede this: It is at least timely. Why do I say that, because just 3 days ago the Secretary of Education in Puerto Rico said: ''English is taught in Puerto Rico as if it were a foreign language.''

In the 2005 Census, 85 percent of Puerto Ricans said they had very little knowledge of English. As a practical matter, in the Commonwealth legislature, and in its courts and classes in public schools, Spanish is the primary language. So there is nothing in this amendment that will change that. What should have happened and didn't happen is the Rules Committee denied a straight up-or-down vote on English as official language. That was embodied in Mr. BROUN of Georgia's amendment. But unfortunately we were denied the opportunity because this is a structured rule to at least have a debate on that. If the intent of the Rules Committee is to say this is the one we should have, I totally disagree with that. So for that reason, I urge my colleagues to vote ''no'' on the amendment.

I reserve the balance of my time.

Mr. BURTON of Indiana. I think the amendment speaks for itself. I think the amendment, Mr. Chairman, says very clearly that we want to make sure that everyone who casts a ballot in an election or on a plebiscite has before them the ability to understand what the ballot is about and be able to cast it intelligently. This is done in all kinds of States. As a matter of fact, many States have as many as 11 different languages, which is really out of control, on one ballot. To say you can't have two on this ballot in Puerto Rico

so they can cast their ballot intelligently really doesn't make much sense.

I am a very strong advocate for making sure that everyone in this country speaks English, and I understand what my colleague just said, but in this particular case we are talking about a plebiscite that is going to be advisory for the Congress of the United States. This is just to help this process along and to make sure that it is understood by everybody.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. I am happy the gentleman from Indiana (Mr. BURTON) brought this amendment up. I think it should be soundly defeated, but I am happy he brought it because it just demonstrates the imperialist nature. Here we are in the empire, the Congress of the United States, plenary powers over Puerto Rico, dictating what language they have to use.

You know what, it's amazing, but I'm not surprised, Mr. BURTON, because I understand the people of Indiana are still a little angry at the people of Puerto Rico when they arrested Bobby Knight. Bobby Knight got arrested in Puerto Rico. I think this is an important story to tell you. He got arrested in Puerto Rico. There were Pan American games, and the basketball team from the United States was competing against the basketball team from Cuba, and Bobby Knight went into a rage because all of the fans in the stadium in Puerto Rico, all American citizens, were clapping and cheering for the Cuban team and not the American team. So he said to himself: What's wrong with these people? And he threw a chair, as he likes to do, and he got arrested. There is an arrest warrant, and I don't know, maybe Mr. PIERLUISI can tell us if the arrest warrant is still valid and out there since he was the attorney general. It just tells you they're a nation, they're a people, and they affirm who they are in every instance.

Mr. BURTON of Indiana. I don't know what that has to do with anything, but I yield to Mr. PIERLUISI for 1 minute.

Mr. PIERLUISI. I rise in support of this amendment. It is a sensible amendment. It basically provides that whatever legal requirements apply in the States will apply in Puerto Rico on this issue.

At the same time, it expresses a sense of Congress that we should improve the teaching of English in Puerto Rico. I am all for that. Ninety percent of the parents in Puerto Rico want to improve the teaching of English in Puerto Rico to their children. I have two bills pending before this Congress seeking additional funding, one, and the other creating a teacher exchange program so that we have more English teachers in Puerto Rico.

This is not an issue. We have two official languages in Puerto Rico, English and Spanish, the same way Hawaii has two official languages. We want all of our children to be fluent in English and to facilitate the government processes in Puerto Rico to the extent necessary so any English speakers will be well served.

So I support the amendment that has been offered by the gentleman from Indiana as well as the gentleman from Alaska.

Mr. HASTINGS of Washington. Mr. Chairman, I have 1 minute left and I have the right to close; is that correct?

The CHAIR. The gentleman is correct.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 45 seconds to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Chairman, I rise in strong opposition to this amendment because it is a hollow amendment. No territory with an official language other than English has ever been admitted to the Union. Why this time?

Instead of reporting the English amendment I offered as a condition of statehood, the Rules Committee reported out a much watered down alternative English amendment which is opposed by every major pro-English group in the country. Unlike my amendment which required English as a condition of statehood, the Burton-Young amendment only encourages English to be taught without any enforcement.

Further, this amendment states that if Puerto Rico is admitted to the United States, the official language requirements of the Federal Government shall apply to Puerto Rico to the extent as throughout the United States. We don't have anything. That's totally useless.

This would be a great provision if the United States had an official language. Unfortunately, we do not. I urge my colleagues to vote ''no'' on this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I will take my last 30 seconds to say that the gentleman from Georgia has a very strong accent, but I understand him.

I would just like to say that this is a clarifying amendment to make sure that everybody who votes down there in a plebiscite or in an election has before them the ability to understand and cast the vote intelligently. I can't understand why anybody would be opposed to this. It makes common sense, and I hope everybody will support it.

I yield back the balance of my time.

□ 1615

Mr. HASTINGS of Washington. I yield myself the balance of my time, which is 15 seconds.

Mr. Chairman, as I mentioned in my opening remarks, the pertinent part of this amendment is already in the bill, and that speaks to the ballot; the other two are really meaningless. Frankly, this amendment does not even need to be considered today; but if it's a cover, then it's a cover, and let's call it what it is.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. VELÁZQUEZ

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–468.

Ms. VELÁZQUEZ. I have an amendment at the desk, Mr. Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. VELÁZQUEZ:

Page 5, strike line 8 and all that follows through ''Persons eligible'' on line 13 and insert the following:

(2) An individual residing outside of Puerto Rico, if the individual—

(A)(i) is a resident of the United States, including a resident of any territory, possession, or military or civilian installation of the United States, at the time the plebiscite is held; and

(ii) would be eligible to vote in the plebiscite but for the individual's residency outside of Puerto Rico;

(B) was born in Puerto Rico; or

(C) has at least one parent who was born in Puerto Rico.

This paragraph shall apply notwithstanding any rule or regulation issued under subsection (b). Persons eligible

Page 6, after line 7, add the following:

(g) RECOGNITION OF RIGHT TO VOTE.—Congress recognizes the right of Puerto Ricans residing outside of Puerto Rico to vote in any plebiscite held under this Act and requests the Commonwealth Elections Commission of Puerto Rico to devise methods and procedures for such Puerto Ricans, including those born in, or having at least one parent born in, Puerto Rico, to register for and vote in absentia.

The CHAIR. Pursuant to House Resolution 1305, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, today the nation of Puerto Rico is 8 million people strong; 4 million reside on islands of Puerto Rico and 4 million live in the United States.

From Florida to New York City to Chicago to California, and everywhere in between, there are Puerto Rican

communities across our Nation. Those Puerto Ricans who have been born in the United States are no less Puerto Rican than the ones that reside on the island. All of us, regardless of where we were born or raised, have a deep and abiding connection with our cultural home.

Puerto Ricans raised on the mainland often speak Spanish. They are taught about their culture, history, and where they come from. There are Puerto Rico Day parades in New York City, Chicago, Orlando, Hartford, and cities across this land. Regardless of where they were born, all Puerto Ricans are deeply vested in the political future of the island. I was born and raised in Puerto Rico, but that does not make me more Puerto Rican than Mr. GUTIERREZ.

Clearly, there is an air bridge between the United States and Puerto Rico. Puerto Ricans have relatives and family members living in Puerto Rico. And those Puerto Ricans living in the States possess their own sense of identity, which is shaped by and tied to Puerto Rico.

This amendment would allow Puerto Ricans living on the mainland to participate in the plebiscite that is called for under the bill. Importantly, the amendment requires that those wishing to vote be able to prove, by birth certificate, that they have at least one parent born in Puerto Rico. This will provide a safeguard against voter fraud while ensuring that we do not disenfranchise Puerto Ricans living in the States from this process.

Mr. Chairman, Puerto Ricans living on the mainland are no less Puerto Rican than those born and raised on the islands. We should not deny them a voice or a vote as this process, which is so important to the Puerto Rican nation, moves forward. These Puerto Ricans cannot be denied their right of self-determination.

I urge my colleagues to vote ''yes'' on this amendment, and I reserve the balance of my time.

Mr. PIERLUISI. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman from Puerto Rico is recognized for 5 minutes.

Mr. PIERLUISI. The bill before us is a product of careful deliberation. We worked hard in reaching the right and correct balance in terms of determining who should be eligible to vote in the plebiscites provided for in the bill.

Before reporting it, the committee considered, as we had in previous Puerto Rico status bills, which voters should be participating, and we had to strike a balance. The bill makes both residents of Puerto Rico who are otherwise eligible to vote under Puerto Rico electoral law and U.S. citizens who were born in Puerto Rico but who may not reside in the territory at the time of the plebiscite eligible to vote.

The committee recognized that a substantial number of individuals born in Puerto Rico but not currently residing there hope to return to live in Puerto Rico one day. Accordingly, they can be said to have a practical stake in helping to determine Puerto Rico's future political status. Such argument does not hold, though, for those who are of Puerto Rican descent but who were born outside of the territory, which the pending amendment would allow. The bill chooses place of birth rather than ethnic identity as the eligibility criteria. I urge this criterion to be maintained and that this amendment be rejected.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, may I inquire as to how much time I have remaining.

The CHAIR. The gentlewoman has 2½ minutes remaining, and the gentleman from Puerto Rico has 3½ minutes remaining.

Ms. VELÁZQUEZ. I yield to the gentleman from Illinois (Mr. GUTIERREZ) such time as he may consume.

Mr. GUTIERREZ. I thank the gentlelady.

Well, let's have a little talk here. There's a difference: here's citizenship, here's nationality, here's citizenship, here's nationality. They should not be confused. Ask the people in Ireland; they were subjects of the Queen; therefore, they were citizens. But they were always Irish. Ask the people of Ukraine. They may have been subjects of the Soviet Union and citizens of the Soviet Union and have a passport, but they never stopped being Ukrainian, they never stopped being Lithuanian. Look what happened in Yugoslavia once you got rid of Tito. We all saw everybody engage in their national pride. That's what we do, too: we assert it.

As a matter of fact, the very proponents of this legislation affirm that I'm right, they recognize it; otherwise, why would you allow people outside of the jurisdiction of Puerto Rico to vote and to determine its future unless you invested in them, unless they inherently had in themselves the nationality of Puerto Rican?

The gentleman from Puerto Rico says separation from ethnicity. I'm not an ethnic Puerto Rican. I might be a lot more Puerto Rican than some Puerto Ricans are. I suggest the gentleman come to my city of Chicago. In the Puerto Rican community there are many American flags, but there are two huge Puerto Rican flags. Don't divide the Puerto Rican nation; it is a nation of people. It may decide that it wants to incorporate itself into the United States of America, but it always is a nation of people with the inalienable right to independence. Don't divide our community.

If you look at my birth certificate, it says Puerto Rico twice on it—mom born in Puerto Rico, dad born in Puerto Rico. Then it says Chicago, Illinois. Nine months earlier, I would have been in Puerto Rico, so I'm separated by 9 months. And yet every fabric of who I am has a relationship to that wonderful, beautiful island: its music, its artistry, its poetry, its patriots. As a matter of fact, one of the most beautiful songs ever written about Puerto Rico was written in the United States of America and the longing for returning to that island.

Just think a moment, just think, think of the exodus of Puerto Ricans that left Puerto Rico in the 1950s during Operation Bootstrap. What did they do? Did they come to the United States and say, oh, great, we're in the United States; we're going to stay here forever and die here? No. The longing was to return one day to that island. Allow them the vote on the future of that island.

Mr. PIERLUISI. May I inquire as to how much time I have remaining.

The CHAIR. The gentleman has 3½ minutes remaining.

Mr. PIERLUISI. In listening to the gentleman from Illinois, I keep hearing that he wants Puerto Rico to become independent, that he sees Puerto Rico as a nation. So be it. That's a dignified status, and that is one of the options that this bill provides for.

In crafting the bill, we tried to be as inclusive as we could, recognizing that Puerto Ricans, people born in Puerto Rico, might be interested in participating in this plebiscite, might want to return to Puerto Rico; and for the purpose of being as fair and as democratic as we could, we drew the line on requiring birth in Puerto Rico. More than that, we think it would be too encompassing and not necessary.

So I oppose this amendment. I believe that the current bill is fair; it might not be perfect, like any piece of legislation. You draw lines when you're legislating, but this is a reasonable line.

I oppose this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. VELÁZQUEZ

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–468.

Ms. VELÁZQUEZ. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. VELÁZQUEZ:

Page 3, strike line 8 and all that follows through line 5 on page 4 and insert the following:

(a) AUTHORITY TO CONDUCT PLEBISCITE.—The Government of Puerto Rico is authorized to conduct a plebiscite on the following 4 options:

Page 4, after line 16, insert the following:

(4) Commonwealth: Puerto Rico should continue to have its present form of political status. If you agree, mark here ____.

(b) RUNOFF PROCESS.—

(1) IN GENERAL.—If no option receives votes on more than 50 percent of the ballots cast, the Government of Puerto Rico shall conduct a runoff process to permit voters to select among the 2 options that received the most votes.

(2) OPTION TO SELECT NONE OF THE ABOVE.—In a runoff process conducted under this subsection, voters shall be permitted to vote for—

(A) the option that received the most votes;

(B) the option that received the second most votes; or

(C) neither of those options.

The CHAIR. Pursuant to House Resolution 1305, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I am a strong believer that the people are smart enough to make tough decisions if they are presented with all the facts clearly and objectively. This legislation does not provide a transparent process of the choices available to Puerto Rico. That is not democracy by any definition.

A true system of democracy does not preclude certain options from a ballot, nor does it structure votes in a way to manipulate an electorate. Unfortunately, as we all know, this legislation structures the votes in a way that will prevent a commonwealth option from receiving fair consideration.

The process that allowed for the creation of the Commonwealth of Puerto Rico was adopted by Congress. It is a legitimate form of government that is accepted by millions. I, therefore, find it appalling that this Congress will consider precluding a commonwealth as an option for the people of Puerto Rico.

Mr. Chairman, joining our Union as a new State is not a step that should result from electoral tricks or engineering. Joining the United States of America must be a decision that a people undertake deliberately, knowingly, and voluntarily. If the people of Puerto Rico wish to become a State, that option should be able to prevail against all other choices. The people should affirm, in a single vote, that they wish to move in that direction. They should not be presented with a series of false choices that are rigged to force the electorate into choosing statehood.

Under this amendment, there would be an opportunity for a real vote, with all the options on the table. This amendment eliminates the first round vote and adds commonwealth as a choice for voters. It also provides for a runoff process if no option receives a majority of votes.

If the supporters of statehood and the authors of this bill truly believe that they have the will of the people on their side, then this amendment should cause them no concern. All this amendment will do is provide a chance for the people to vote on the future of the island with all the options before them, including commonwealth. To effectively preclude commonwealth from this process is to deny the Puerto Rican people a true right to self-determination.

I urge you to vote ''yes'' on this amendment, and I reserve the balance of my time.

□ 1630

Mr. PIERLUISI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Puerto Rico is recognized for 5 minutes.

Mr. PIERLUISI. I yield 3 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise today in opposition to the amendment because I believe it will muddy the waters of an otherwise clear choice that would be presented to the voters of Puerto Rico.

I also rise with tremendous respect for my colleagues and friends, Congresswoman NYDIA VELÁZQUEZ and Congressman LUIS GUTIERREZ, while at the same time rising in strong support of H.R. 2499, the Puerto Rico Democracy Act.

Puerto Rico has been a U.S. territory for 111 years, and its residents have been U.S. citizens since 1917. Puerto Ricans have a rich history of service to our Nation. They have served honorably in our military as Federal officials and as ambassadors. Our newest member of the Supreme Court, Justice Sonia Sotomayor, is of Puerto Rican descent. Yet, in all of this time, the people of Puerto Rico have never been given the chance to express their views about the island's political relationship with the United States in a meaningful vote sponsored by Congress.

Because H.R. 2499 embodies the commitment to democracy that defines our Nation, I urge my colleagues to join me in voting ''yes.''

I am proud that 20 of the bill's cosponsors hail from my State of Florida. The bill has received overwhelming bipartisan support from my State's delegation because of the close relationship between Florida and Puerto Rico. My district alone is home to more than 30,000 individuals of Puerto Rican descent, many of whom travel frequently to the island to visit family members. Companies in my district and across Florida regularly conduct business with those located in Puerto Rico.

Despite the close family and business ties that bind many in my district with Puerto Rico, our two peoples are different in one critical respect: The residents of Puerto Rico, despite being citizens of the United States, cannot vote for President and do not have voting representation in Congress. They also cannot access all Federal programs to the same extent as can the residents of the States.

H.R. 2499 would at long last give the people of Puerto Rico this opportunity. The bill authorizes the government of Puerto Rico to conduct an initial plebiscite. Voters would be asked whether they wished to maintain the current status or to choose a different status. The rationale for this plebiscite is simple.

Ms. VELÁZQUEZ. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. The issue here is not if the people of Puerto Rico can vote or not in Presidential elections. The issue here is a true, transparent, democratic process for the Puerto Rican people to participate in a referendum without imposing statehood.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, in reclaiming my time, I believe that this legislation would at long last give the people of Puerto Rico the opportunity that they have not been given before. It authorizes the government of Puerto Rico to conduct an initial plebiscite. It gives the people of Puerto Rico a chance to weigh in on whether they wish to keep their status the same or to change their status.

Congress needs to give the people of Puerto Rico access to participatory democracy, and this legislation does exactly that. It will create a process for the citizens of Puerto Rico to decide their own political status. If the majority of voters cast their ballots in favor of a different political status, the government of Puerto Rico would be authorized to conduct a second plebiscite which would include independence or statehood.

I urge my colleagues to join me in voting ''yes'' on H.R. 2499.

Ms. VELÁZQUEZ. Mr. Chairman, may I inquire as to how much time remains?

The CHAIR. The gentlewoman from New York has 2¼ minutes remaining.

Ms. VELÁZQUEZ. I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you for yielding.

Mr. Chairman, I rise in support of this amendment.

I agree that the people of Puerto Rico deserve the opportunity to have a process whereby they can indicate

their status preference, but I also agree that the way the vote is set up in the base bill is slanted towards a statehood outcome. This is the third Puerto Rico status bill that has been introduced since I've been in Congress, and while I consider H.R. 2499 to come closest to providing a plebiscite in which all options would be equally treated, it is not quite there yet.

Whether one supports commonwealth or improvements of the current commonwealth or not, I think everyone would agree that the process should be fair and that it should enable the people of Puerto Rico to express their preference for clear, equally treated options. This amendment does that, and I think the runoff with the two receiving the most votes and none of the above provides an additional level that ensures that no one is forced to choose between options, neither of which they support.

I look forward to supporting the status option that the people of Puerto Rico select, but I would have reservations in doing so if it were arrived at through a flawed process. This amendment is an attempt to fix that flaw, and I urge my colleagues to support it.

Mr. PIERLUISI. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, in closing, I will simply say that the authors of this bill are not afraid of having the people of Puerto Rico freely express themselves in a process that is democratic and that is transparent. They should support this amendment. Yet, if they are afraid that the only way they can get a simple majority that supports statehood is by denying the people of Puerto Rico the choice to vote for commonwealth, they know that history is on the side of the people of Puerto Rico. Repeatedly, every time plebiscites have been conducted in Puerto Rico, the commonwealth status has won, and statehood has been defeated. That is why they are so afraid, and that is why they are denying the right of the people of Puerto Rico to true self-determination.

I urge my colleagues to support and to vote for this amendment, and I yield back the balance of my time.

Mr. PIERLUISI. Mr. Chairman, I am in opposition to the amendment offered by the gentlewoman from New York.

This amendment would replace the plebiscite process authorized by the bill with an entirely new process, including a runoff with a problematic none-of-the-above option, which is unsound, confusing, and unlikely to produce a clear expression of the voters' views on the status question.

I urge my colleagues to reject this amendment. The amendment would delete the two-step process authorized by the bill, and it would replace it with a one-step process that uses the term ''commonwealth'' to denote Puerto Rico's current status.

As I said before, the term ''commonwealth'' is the legal name. It is the title given to the territory of Puerto Rico. Including the term when giving the people of Puerto Rico an option is confusing in and of itself, particularly because it could imply that it is more than what it is. This has been debated long enough. A territory is a territory is a territory. Call it whatever you may.

By limiting the plebiscites I authorize to one, the amendment fails to accomplish one of the primary purposes of the bill: to determine whether the people of Puerto Rico consent to an arrangement that, whatever its other merits, does not provide them with self-government at the national level. The amendment includes a runoff process that provides for a none-of-the-above option. By including this option, the amendment undermines the purpose of the legislation, which is to enable a fair and informed process of self-determination for the people of Puerto Rico. ''None of the above'' is not a valid status. The last plebiscite provided that, and to this day, we cannot even interpret it. Including it on any ballot misleads voters into thinking that there is a possible alternative to the three available options.

I urge Members to vote ''no'' on this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. VELÁZQUEZ

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–468.

Ms. VELÁZQUEZ. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. VELÁZQUEZ:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Puerto Rico Democracy Act of 2010''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Congress respects the self-determination right of the people of Puerto Rico to choose their future relationship to the United States.

(2) Congress pledges not to dissuade, influence, or dictate a status option to the people of Puerto Rico.

(3) Congress will respectfully postpone consideration of the Puerto Rico status question until it receives an official proposal from the people of Puerto Rico to revise the current relationship between Puerto Rico and the United States that was made through a democratically held process by direct ballot.

**SEC. 3. SENSE OF CONGRESS.**

It is the sense of Congress that the Government of Puerto Rico can proceed to conduct a plebiscite in Puerto Rico. The 2 options set forth on the ballot may be preceded by the following statement: ''Instructions: Mark one of the following 2 options:

''(1) Puerto Rico should conduct a plebiscite to determine a future proposal for the political status of Puerto Rico. If you agree, mark here ____.

''(2) Puerto Rico should NOT conduct a plebiscite to determine a future proposal for the political status of Puerto Rico. If you agree, mark here ____.''.

Amend the title so as to read: ''A bill to express the sense of Congress that the Government of Puerto Rico can proceed to conduct a plebiscite in Puerto Rico, and for other purposes.''.

The CHAIR. Pursuant to House Resolution 1305, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, self-determination is a basic concept in a democracy. The ability of a people to choose their own national grouping without undue influence from another country is rightly recognized as a core element of freedom and liberty. Today, sadly, we are debating legislation that turns its back on this principle.

Perhaps what is most unfortunate is that what we are debating today involves imposing ideas from the outside onto the island. It seems to me, if we wish to keep faith with the democratic tradition of self-determination, then we will look for the guide to Puerto Rico's future, not in the House of Congress and not in Washington, D.C., but in Puerto Rico.

The amendment that I am offering will honor the concept of self-determination. This amendment empowers the people of Puerto Rico to submit their own proposal for moving forward. The amendment expresses the sense of Congress that we should not proceed until we have heard from those most affected by this debate, the Puerto Rican people. The residents of Puerto Rico should exercise freely and without congressional interference. The right to self-determination and this amendment recognize their rights. Rather than having Congress approve a bill that says to the Puerto Rican people that their relationship with the United States must change, this amendment sends a different message. It says to the Puerto Rican nation: We trust you to decide your future.

If they envision a better alternative than the status quo, then let them come to Congress and tell us. That is true self-determination. That is a process that will be viewed as legitimate by

all parties in Puerto Rico, and it is a far cry from a bill that forces the Puerto Rican people to take a series of sham votes which are aimed at achieving a predetermined outcome.

Mr. Chairman, I ask my colleagues to honor the democratic tradition of self-determination. I urge Members to vote ''yes'' on this amendment.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, this amendment does nothing to further the goal of H.R. 2499, which is to provide the people of Puerto Rico with a federally recognized process to allow them to freely express their wishes regarding their future political status in a congressionally recognized referendum.

The amendment recognizes that Puerto Rico can conduct a plebiscite on whether to conduct a plebiscite on a status option or options, and it calls on Congress to ''respectfully postpone consideration'' of the issue until it receives a proposal for revision of the current U.S.-Puerto Rican relationship voted for by Puerto Ricans.

We are all aware of the fact that Puerto Rico can conduct its own plebiscites. There is no disputing this fact. In fact, they have done so multiple times in the past, most recently in 1998, but because some of those were local referenda, which included definitions of the various status choices that were inaccurate and likely not to be supported by Congress, the results were inclusive, which brings us to the need of the bill pending before us.

We have an obligation to provide the people of Puerto Rico with a process that, more likely than not, will lead to a final resolution of the question of their political status, a question with which we have been grappling for more than a century. The amendment of the gentlewoman fails this test, and, for this reason, it should be defeated.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. GUTIERREZ).

The CHAIR. The gentleman is recognized for 2½ minutes.

Mr. GUTIERREZ. I thank the gentlewoman. We have been working very closely together.

Mr. Chairman, this is a wonderfully crafted amendment, but I think that it is very important that the Congress respects the self-determination of the people of Puerto Rico to choose their future relationship with the United States or without the United States but to decide their future relationship.

This is the key pledge: Congress pledges not to dissuade, to influence, or to dictate a status option to the people of Puerto Rico.

Look, in my first election in Puerto Rico, I represented the Puerto Rican Independence Party. I was 19 years old in San Sebastian del Pepino. I was a delegate for that party until the first election. There was one vote for the Puerto Rican Independence Party in my polling place, what they call ''Integro''—right?—just for independence. That was mine at that point.

I went to the university. I used to sell Claridad when I was at the university, and I would sell it to others. I've been a proponent of Puerto Rican independence. I got a nice, little carpeta, too—right?—and I haven't called the FBI yet to see what long list of things they've written down about me and who I've associated with, but let me tell you something:

The gentleman from Puerto Rico knows that everything is not all fair and square in Puerto Rico. There is an adage in Puerto Rico—right?—which is don't get together with those people or you will be fingered. Do you know what? 1.8 million pages. You know, my dad was right. They had figured us out. They had said who we were. Do you know what would happen? You couldn't get a job. You couldn't be a teacher. You couldn't be anybody prominent in the society of Puerto Rico.

So I am here to say, for all of those who fought for the independence of Puerto Rico and for its right to join as a sovereign nation in the world of nations, don't do this. Don't dictate.

□ 1645

Please note that although I have always been an advocate, I have never come before this Congress to dictate my opinion, to dictate an outcome which benefits me. Let me tell you something. You think you've got a definition for the commonwealth that you can destroy? I have got a definition for independence that I can sell also. But I think it would be wrong to do it. I think it would be unfair to do it.

What the gentlewoman from New York is simply doing here is saying return this process to the people of Puerto Rico.

As I come up here every time, ''Founding Fathers,'' ''Founding Fathers,'' ''Founding Fathers.'' Then they ask you who is your favorite Founding Father? And no one can name one.

Let me tell you something about the Founding Fathers. They had a Constitutional Convention. Let's allow the spirit of the Founding Fathers to act in Puerto Rico.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the gentleman from Puerto Rico (Mr. PIERLUISI).

The CHAIR. The gentleman is recognized for 3½ minutes.

Mr. PIERLUISI. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from New York.

This amendment is in the nature of a substitute and seeks to postpone an informed self-determination process along the viable status options in Puerto Rico. Postpone. Delay.

We've waited long enough. We have been waiting for 112 years.

In addition, it basically opts out. This is an opt-out. Congress is basically saying I'm not going to deal with this. Easy for Congress to do, but it is not the right thing.

Congress should be engaged in this process like it has never done before. Why? There are 4 million American citizens living in that territory, and they are being discriminated against every day in legislation that is pending before the Congress. If they want to live under those conditions, so be it. They should tell this Congress. But if they want a different status, nonterritorial, they should be given the chance also to express themselves along those lines. And the options are clear.

The gentleman from Illinois, it looks like he favors one of those options, independence for Puerto Rico. He keeps talking about Puerto Rico's being a nation and so on. I respect that. If that's the will of the majority of the people of Puerto Rico, I am sure this Congress will respect it as well. But there are two other options. Yes, free association, it has been done before, and in Puerto Rico, people know very well what free association is all about. And the other one is statehood. There has been lots of talk about statehood here. And what I tell to all those who have raised concerns about the potential admission of Puerto Rico as a State is that we're not there yet. When we get there, then we will address it. But at least this bill allows the people of Puerto Rico to express their will. What is more democratic than that? What is fairer than that? Nothing. To simply say we're not going to get involved in this, solve it among yourselves, easy way out, but that's not fair. We've waited long enough.

I rise in opposition to this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. HASTINGS OF WASHINGTON

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–468.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment in the nature of a substitute made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. HASTINGS of Washington:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Puerto Rico Plebiscite Act of 2010''.

**SEC. 2. PLEBISCITE.**

Puerto Rico has and has had the authority to conduct a plebiscite of its residents on its future political status and to transmit the result to Congress.

Amend the long title so as to read: ''A bill to clarify Puerto Rico plebiscite authority.''.

The CHAIR. Pursuant to House Resolution 1305, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the debate here has centered largely on the procedure by which citizens of Puerto Rico should, if they desire, become a State. I am of the opinion and what this amendment does is to state very specifically that the citizens of Puerto Rico have within their power to make that determination. I think that is the proper way to go.

But I also believe that the amendment that just passed by a voice vote, the Velázquez amendment, accomplishes the same thing. So I don't want to be redundant, and in a moment, Mr. Chairman, I am going to ask if I can have this amendment withdrawn.

But before I do that, I yield 1 minute to my colleague from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. I thank the gentleman for yielding to me.

I just want to make a couple of comments before we end this debate, as we will very, very soon.

I know that everybody thinks this is about self-determination. If it were truly about self-determination, why are the other two parties in Puerto Rico opposed to the bill? Why is it that all those who believe in independence are opposed to the bill? Why are those that believe in commonwealth opposed to the bill? If there is such consensus, if the gentleman truly represents the will of the people of Puerto Rico, why are the other two parties opposed to the bill? And that's a very important question that we ask ourselves.

Secondly, Mr. PIERLUISI acknowledged, just so that we have it all, in the Puerto Rican media, that he didn't seek the opinions of the opposition party with regards to this bill because it would have been, according to him, una perdida de tiempo. That means ''a waste of time.''

Now, all I want to say is it isn't a waste of time. It is valuable. And that's why I am so happy that you are doing what you're doing because I think we can all gather around the gentlewoman VELÁZQUEZ and support her amendment.

Buscar consenso no es una perdida de tiempo. To seek consensus is not a waste of time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. First, Mr. Chairman, just a correction. The gentleman from Washington stated that the previous amendment passed by voice vote. We have a rollcall order on that; so I just wanted to correct that.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I understand that. The chairman said that the amendment passed.

Mr. RAHALL. We do have a rollcall vote scheduled on that.

Mr. HASTINGS of Washington. But there will be a rollcall vote.

Mr. RAHALL. Reclaiming my time, this particular amendment does nothing to fulfill our obligation to provide a process for self-determination for the people of Puerto Rico, and it is very similar to previous amendments that have been offered today. It was my hope that when the gentleman supported reporting the bill from committee, when he voted for it back on July 22, 2009, when the bill passed out of our Natural Resources Committee on a 30–8, I see the ranking member, my good friend, the gentleman from Washington is listed as ''aye'' vote. It's an ''aye'' vote for the pending legislation before us today.

In addition, in looking through the report here, I see no dissenting views. There are additional views, but there are no dissenting views to this bill as it came out of our Committee on Natural Resources back on July 22 of last year.

So we are where we are. Regrettably, the gentleman's substitute does nothing to advance the goal of self-determination for the people of Puerto Rico. It states the obvious. Puerto Rico does have the authority to conduct a plebiscite on its own. It has done so on several occasions, often with confusing definitions of the alternatives. But there has never been, never been, a congressionally authorized plebiscite, one backed by the full power of the United States Congress. And that is what the underlying bill is all about. That is what our efforts are here about, showing some congressionally sanctioned approval of the Puerto Ricans' efforts at self-determination.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

In response to my good friend from West Virginia, the distinguished chairman of the committee, yes, it's true, I voted for the bill, but there is always more to the rest of the story.

In my opening remarks, I expressed doubt that this is the proper way to go. I expressed those doubts, but I know that this issue is something that needs to be resolved. I was hoping when it got to the floor of the House it might have an open rule so it could be perfected, but I wanted to find out more about this issue, and I found out more about these issues and why now I believe I should be in opposition to it. I called Governor Fortuno last Friday and told him of my decision on that, and he was very gracious when we had that conversation.

Now, as to this amendment, as I had mentioned, I think the Velázquez amendment accomplishes what I would want to accomplish in my amendment. So, Mr. Chairman, I rise in support of the Velázquez amendment when we have the rollcall.

Mr. Chairman, I ask unanimous consent to have my amendment withdrawn.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–468 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. FOXX of North Carolina.

Amendment No. 2 by Mr. GUTIERREZ of Illinois.

Amendment No. 3 by Mr. GUTIERREZ of Illinois.

Amendment No. 4 by Mr. BURTON of Indiana.

Amendment No. 5 by Ms. VELÁZQUEZ of New York.

Amendment No. 6 by Ms. VELÁZQUEZ of New York.

Amendment No. 7 by Ms. VELÁZQUEZ of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. FOXX

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 179, not voting 34, as follows:

[Roll No. 234]

AYES—223

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Becerra
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Buyer
Calvert
Camp
Capito
Capuano
Carney
Carter
Cassidy
Chaffetz
Christensen
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Courtney
Cuellar
Culberson
Cummings
Davis (IL)
Davis (KY)
DeLauro
Dent
Dreier
Duncan
Ellison
Ellsworth
Emerson
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Green, Al
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Himes
Holden
Honda
Hunter
Inglis
Issa
Jackson (IL)
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kilpatrick (MI)
King (IA)
Kingston
Kirk
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Oberstar
Obey
Olson
Paulsen
Payne
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Quigley
Radanovich
Rangel
Rehberg
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Sarbanes
Scalise
Schakowsky
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tonko
Towns
Turner
Upton
Velázquez
Walden
Watt
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (FL)

NOES—179

Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Campbell
Cantor
Cao
Capps
Cardoza
Carnahan
Carson (IN)
Castle
Chandler
Childers
Chu
Clarke
Clyburn
Connolly (VA)
Conyers
Costa
Crenshaw
Crowley
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Engel
Eshoo
Etheridge
Farr
Filner
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Grijalva
Hare
Hastings (FL)
Heinrich
Higgins
Hill
Hirono
Holt
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McDermott
McGovern
McNerney
Meek (FL)
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Napolitano
Neal (MA)
Norton
Nye
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peterson
Pierluisi
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Reichert
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Titus
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Watson
Welch
Yarmuth
Young (AK)

NOT VOTING—34

Barrett (SC)
Boucher
Brown (SC)
Butterfield
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Shuler
Speier
Teague
Tierney
Wamp
Waters
Waxman
Wilson (OH)

□ 1729

Ms. SUTTON and Messrs. HARE, HILL, SNYDER, KLEIN of Florida, SKELTON, CONYERS, GEORGE MILLER of California, and COSTA changed their vote from ''aye'' to ''no.''

Ms. KILPATRICK of Michigan, Ms. SCHAKOWSKY, Ms. HARMAN, Mrs. HALVORSON, and Messrs. GRIFFITH, BOOZMAN, SULLIVAN, WATT, JACKSON of Illinois, BURGESS, OLSON, AL GREEN of Texas, ELLISON, COURTNEY, and CAPUANO changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. GUTIERREZ

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 236, not voting 36, as follows:

[Roll No. 235]

AYES—164

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Becerra
Bilbray
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Buchanan
Calvert
Camp
Capito
Carney
Carter
Cassidy
Chaffetz
Christensen
Coble
Coffman (CO)
Conaway
Costello
Culberson
Davis (IL)
Davis (KY)
Dreier
Duncan
Edwards (MD)
Ellison
Ellsworth
Flake
Fleming
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Graves
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Holden
Honda
Hunter
Inglis
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kanjorski
Kaptur
Kilpatrick (MI)
King (IA)
Kingston
Kirk
Kucinich
Lamborn
Lance
Latham
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lynch
Manzullo
Marchant
Marshall
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McIntyre
McKeon
McMahon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy (NY)
Neal (MA)
Neugebauer
Paulsen
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Quigley
Radanovich
Rangel
Rehberg
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Roybal-Allard
Royce
Ryan (WI)
Scalise
Schakowsky
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tonko
Towns
Upton
Velázquez
Watt
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woolsey
Young (FL)

NOES—236

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boehner
Bordallo
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Chandler
Childers
Chu
Clarke
Clyburn
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
DeLauro
Dent
Deutch

Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (TX)
Ehlers
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Forbes
Foster
Fudge
Garamendi
Gerlach
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hirono
Holt
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (CA)
McDermott
McGovern
McHenry
McNerney
Meek (FL)
Mica
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pence
Perlmutter
Peters
Peterson
Pierluisi
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Reichert
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Titus
Tsongas
Turner
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Welch
Wittman
Wu
Yarmuth
Young (AK)

NOT VOTING—36

Barrett (SC)
Boucher
Brown (SC)
Butterfield
Cantor
Castor (FL)
Clay
Cleaver
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Members have 2 minutes remaining to vote.

☐ 1738

Ms. DELAURO changed her vote from ''aye'' to ''no.''

Mr. DAVIS of Illinois and Mrs. BLACKBURN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 235, I was away from the Capitol due to commitments in my Congressional District. Had I been present, I would have voted "no."

AMENDMENT NO. 3 OFFERED BY MR. GUTIERREZ

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 13, noes 386, not voting 37, as follows:

[Roll No. 236]

AYES—13

Chaffetz
Edwards (MD)
Grijalva
Gutierrez
Honda
Jackson Lee (TX)
Kucinich
Lee (CA)
Moore (WI)
Napolitano
Quigley
Towns
Velázquez

NOES—386

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chandler
Childers
Christensen
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hirono
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—37

Barrett (SC)
Boucher
Brown (SC)
Butterfield
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Gohmert
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Lewis (GA)
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Rooney
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Members have 2 minutes remaining to vote.

☐ 1744

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 236, I was away from the Capitol due to commitments in my Congressional District. Had I been present, I would have voted "no."

AMENDMENT NO. 4 OFFERED BY MR. BURTON OF INDIANA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BURTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 301, noes 100, not voting 35, as follows:

[Roll No. 237]

AYES—301

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Cleaver
Clyburn
Coble
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Flake
Foster
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Holden
Holt
Hoyer
Inslee
Israel
Issa
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Mica
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Neal (MA)
Neugebauer
Norton
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Welch
Whitfield
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)

NOES—100

Akin
Andrews
Bachmann
Bachus
Bilbray
Blunt
Boehner
Bonner
Boozman
Broun (GA)
Brown, Corrine
Cantor
Capuano
Carson (IN)
Christensen
Chu
Clarke
Coffman (CO)
Conyers
Courtney
Cummings
Davis (IL)
DeLauro
Edwards (MD)
Ellison
Fattah
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gingrey (GA)
Gordon (TN)
Graves
Grayson
Green, Al
Grijalva
Gutierrez
Harper
Hastings (WA)
Heller
Hirono
Honda
Hunter
Inglis
Jackson (IL)
Jackson Lee (TX)
Jenkins
Jordan (OH)
King (IA)
Kingston
Kirk
Kucinich
Lamborn
Larson (CT)
Latta
Lee (CA)
Lee (NY)
Lucas
Luetkemeyer
Lummis
Marchant
Markey (MA)
McDermott
McHenry
McKeon
McMorris Rodgers
Michaud
Miller (FL)
Miller, Gary
Moore (WI)
Moran (KS)
Myrick
Napolitano
Oberstar
Pitts
Price (GA)
Quigley
Rangel
Rogers (AL)
Royce
Rush
Salazar
Schakowsky
Schmidt
Scott (VA)
Skelton
Slaughter
Souder
Sullivan
Terry
Tiahrt
Towns
Velázquez
Watt
Weiner
Westmoreland
Wittman
Woolsey

NOT VOTING—35

Barrett (SC)
Boucher
Brown (SC)
Butterfield
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Gohmert
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Shuler

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Members have 2 minutes remaining to vote.

□ 1751

Mr. SMITH of Texas changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall No. 237, I was away from the Capitol due to commitments in my Congressional District. Had I been present, I would have voted "yes."

AMENDMENT NO. 5 OFFERED BY MS. VELÁZQUEZ

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 11, noes 387, not voting 38, as follows:

[Roll No. 238]

AYES—11

Gutierrez
Honda
Jackson Lee (TX)
Kaptur
Kilpatrick (MI)
Kucinich
Lee (CA)
Moore (WI)
Towns
Velázquez
Weiner

NOES—387

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson

Engel
Eshoo
Etheridge
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hirono
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—38

Akin
Barrett (SC)
Boucher
Brown (SC)
Butterfield
Carnahan
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Granger
Green, Al
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Schock
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Members have 2 minutes remaining to vote.

□ 1758

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 238, I was away from the Capitol due to commitments in my congressional district. Had I been present, I would have voted "no."

AMENDMENT NO. 6 OFFERED BY MS. VELÁZQUEZ

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 285, not voting 39, as follows:

[Roll No. 239]

AYES—112

Altmire
Bartlett
Bilbray
Bishop (GA)
Bonner
Boozman
Boren
Brady (TX)
Bright
Broun (GA)
Burgess
Capito
Carter
Christensen
Clarke
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Courtney
Culberson
DeLauro
Dreier
Duncan
Ellison
Ellsworth
Flake
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gerlach
Giffords
Gingrey (GA)
Grijalva
Gutierrez
Hall (TX)
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Himes
Honda
Inglis
Johnson (IL)
Jordan (OH)
Kaptur
Kilpatrick (MI)
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Lance
Larson (CT)
Latham
Lee (CA)
Lee (NY)
Lowey
Marchant
Marshall
Matheson
McMahon
McMorris Rodgers
Michaud
Miller, Gary
Minnick
Mitchell
Moore (WI)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Neal (MA)
Neugebauer
Nye
Olson
Pence
Pitts
Platts
Poe (TX)
Price (GA)
Richardson
Rogers (KY)
Rohrabacher
Roskam
Roybal-Allard
Royce
Scalise
Schakowsky
Schrader
Sessions
Shadegg
Sherman
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Thornberry
Tonko
Towns
Velázquez
Watt
Weiner
Westmoreland
Wilson (SC)

NOES—285

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Bordallo
Boswell
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Cleaver
Clyburn
Connolly (VA)
Conyers
Costa
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Fleming
Forbes
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Griffith
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Higgins
Hill
Hirono
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McNerney
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Norton
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)

Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Welch
Whitfield
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—39

Barrett (SC)
Boucher
Brown (SC)
Butterfield
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Gohmert
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
McCaul
Meeks (NY)
Melancon
Mollohan
Nunes
Obey
Paul
Pingree (ME)
Reyes
Shuler
Slaughter
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)
Yarmuth

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Members have 2 minutes remaining to vote.

□ 1805

Mr. SPRATT changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 239, I was away from the Capitol due to commitments in my congressional district. Had I been present, I would have voted "no."

AMENDMENT NO. 7 OFFERED BY MS. VELÁZQUEZ

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 223, not voting 42, as follows:

[Roll No. 240]

AYES—171

Aderholt
Adler (NJ)
Akin
Altmire
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Becerra
Bilbray
Bilirakis
Bishop (GA)
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Buyer
Calvert
Capito
Carney
Carter
Cassidy
Chaffetz
Chandler
Coble
Coffman (CO)
Conaway
Cooper
Costello
Courtney
Davis (IL)
Davis (KY)
DeLauro
Dreier
Duncan
Ellison
Ellsworth
Emerson
Fattah
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Graves
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Holden
Honda
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kilpatrick (MI)
King (IA)
Kucinich
Lamborn
Lance
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lynch
Manzullo
Marchant
Marshall
Matheson
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Michaud
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nye
Olson
Paulsen
Perriello
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Roybal-Allard
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Souder
Space
Stearns
Sullivan
Tanner
Thompson (PA)
Thornberry
Tiberi
Tonko
Towns
Turner
Upton
Velázquez
Watt
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—223

Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Biggert
Bishop (NY)
Bishop (UT)
Boccieri
Bono Mack
Bordallo
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Childers
Chu
Clarke
Cleaver
Clyburn
Cole
Connolly (VA)
Conyers
Costa
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Engel
Eshoo
Etheridge
Farr
Fleming
Foster
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hirono
Holt
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Lummis
Lungren, Daniel E.
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (CA)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Mica
Miller (FL)
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Napolitano
Norton
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pence
Perlmutter
Peters
Peterson
Pierluisi
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Titus
Tsongas
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Welch
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—42

Barrett (SC)
Blackburn
Blumenauer
Boucher
Boyd
Brown (SC)
Butterfield
Castor (FL)
Christensen
Clay
Cohen
Culberson
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Gohmert
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
Mack
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)
Yarmuth

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Members have 2 minutes remaining to vote.

□ 1811

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 240, I was away from the Capitol due to commitments in my Congressional District. Had I been present, I would have voted "no."

The CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. SCHIFF, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico, pursuant to House Resolution 1305, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. HASTINGS of Washington. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HASTINGS of Washington. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hastings of Washington moves to recommit the bill H.R. 2499 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Amend Section 2(c)(3) to read as follows:

(3) Statehood: Puerto Rico should be admitted as a State of the Union, the official language of this State shall be English, and all its official business shall be conducted in English; and laws shall be in place that ensure that its residents have the Second Amendment right to own, possess, carry, use for lawful self defense, store. assembled at home, and transport for lawful purposes, firearms and in any amount ammunition, provided that such keeping and bearing of firearms and ammunition does not otherwise violate Federal law. If you agree, mark here _____.

Mr. HASTINGS of Washington (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, as the House considers the bill on Puerto Rico's future, this motion to recommit provides Members of the House an opportunity to register their views on questions of English as an official language and on the importance of protecting Americans' Second Amendment rights.

□ 1815

Mr. Speaker, two amendments were filed with the Rules Committee to directly address the issues of the English language and Second Amendment gun rights. Both were blocked by the Democrat-controlled Rules Committee.

What that means, of course, is that Members have no opportunity to debate this issue. Making an amendment in order does not guarantee, obviously, the outcome. Yet we are even denied the opportunity of English as the official language and Second Amendment rights. So this motion to recommit simply combines these two issues in the motion to recommit. Let me explain specifically what the motion will do.

It will amend the description of ''statehood,'' which will appear on the plebiscite ballot authorized under this bill, to state: one, English will be the official language of the State, and all official business will be conducted in English; two, laws will be in place that will ''ensure residents have the Second Amendment right to own, possess, carry, use for self-defense, store assembled at home, and transport for lawful purposes, firearms and in any amount ammunition, providing that such keeping and bearing of firearms and ammunition does not otherwise violate Federal law.''

This MTR simply expresses the views on these two important issues. It has been asserted during the debate that providing for English as the official language is something unprecedented or that it is something which hasn't been talked about or whatever. That is simply not true, because four States were admitted to the Union, and part of that admittance was a requirement that English would be the official language.

So, Mr. Speaker, this is a pretty straightforward motion to recommit, and I urge my colleagues to vote for the motion to recommit.

I yield back the balance of my time.

Mr. PIERLUISI. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Puerto Rico is recognized for 5 minutes.

Mr. PIERLUISI. The matters that are being raised in this motion are premature. They are irrelevant, actually, because all that H.R. 2499 does is to consult the people of Puerto Rico on the four available options that they have regarding our status—the current status of the territory, statehood, independence, and free association.

The people of Puerto Rico have not yet expressed by a majority that they want to join the Union as a State. I hope that it comes about, and when it comes about, Puerto Rico will comply with the Second Amendment in the same way that all the other States must comply with the Second Amendment.

The same goes for the English language. That shouldn't be an issue. It shouldn't be an issue now in Puerto Rico, and it will not be an issue, if the time comes, when we become a State. Puerto Rico now has two official languages—English and Spanish. Ninety percent of our parents want their children to be fluent in English. We are proud of having English as a language, and we want to improve it. In fact, I have two bills pending before this Congress for that very purpose.

So both issues are being unfairly placed—at least that is what the motion seeks—in the ballot that the people of Puerto Rico will be having in front of them. What the motion seeks is to somehow tell the people of Puerto Rico, You can have statehood, but just English only and only if you comply with the Second Amendment.

I oppose this motion because it is untimely, and it is premature. The day will come when we will debate these issues, but that day is not now.

I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

The SPEAKER pro tempore. The gentleman may not yield blocks of time and must remain on his feet.

Mr. HOYER. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Puerto Rico has 2 minutes and 40 seconds remaining.

Mr. HOYER. I thank the gentleman for yielding, and I rise in opposition to this motion.

I traveled throughout the Soviet Union to captive nations with many of you, and I rose in those nations and said to the leaders, You need to give your people self-determination.

Many of you have said the same thing on this floor. You've said it about tyrant governments that have kept their peoples from practicing their own religions, from speaking their own languages, from adopting their own laws. You have spoken out against it. They were foreign nations, and it was easy to do. But now we talk about Puerto Rico, a territory of the United States of America. What Mr. PIERLUISI seeks to do, what his Governor wants to do, what two-thirds of his legislature want to do—the senate and the house—is to give them the opportunity to exercise that self-determination.

Now, on this floor, we have adopted an amendment, for which many have spoken, that we ought to give four alternatives rather than three. We've done that. There will now be four alternatives for the people of Puerto Rico on the second ballot. Let us now defeat this amendment designed only to defeat this bill.

Hawaii was not made to do this. As the gentleman from Alaska, DON YOUNG, will tell you and as he said on the floor, Alaska was not made to do this, and we did not ask that to occur in any one of the captive nations to which we spoke. Ronald Reagan did not ask for that. Let us not ask for it. Let us give an honest up-or-down vote to the people of Puerto Rico, who for 112 years have perceived themselves as a colony.

Now, there are some who want statehood. There are some who want independence and sovereign status. There are some who want commonwealth. There are, perhaps, some who want a relationship with the United States somewhat like Australia has with Great Britain. As the gentleman from Puerto Rico said, do not diminish this principle, however, with the politics of the future. This will be debated when and if Puerto Rico asks for statehood.

Your Republican Governor asks for a vote for this bill and against this motion to recommit. I ask my party to do the same. Give Puerto Rico its chance today.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage, if ordered; and the motion to suspend the rules on H. Res. 375.

The vote was taken by electronic device, and there were—ayes 194, noes 198, not voting 38, as follows:

[Roll No. 241]

AYES—194

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Dent
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Owens
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—198

Ackerman
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Chu
Clarke
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Weiner
Welch
Woolsey
Wu
Young (AK)

NOT VOTING—38

Barrett (SC)
Boucher
Boyd
Brown (SC)
Butterfield
Castor (FL)
Chandler
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Fallin
Filner
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Kilpatrick (MI)
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Ross
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1839

Mr. CANTOR changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 241, I was away from the Capitol due to commitments in my Congressional District. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 169, answered ''present'' 1, not voting 37, as follows:

[Roll No. 242]

YEAS—223

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Chu
Clarke
Cleaver
Clyburn
Coffman (CO)
Cole
Connolly (VA)
Conyers
Costa
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Flake
Foster
Frelinghuysen
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hirono
Holt
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Mica
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pence
Perlmutter
Peters
Peterson
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader

Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sires
Skelton
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Welch
Woolsey
Wu
Young (AK)

NAYS—169

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barton (TX)
Bean
Berry
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Calvert
Camp
Capito
Carney
Carter
Cassidy
Chaffetz
Chandler
Childers
Coble
Conaway
Cooper
Costello
Courtney
Culberson
Davis (IL)
Davis (KY)
DeLauro
Donnelly (IN)
Dreier
Duncan
Ellison
Emerson
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Gutierrez
Hall (TX)
Harper
Hastings (WA)
Heller
Herger
Holden
Honda
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
Kingston
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy (CT)
Myrick
Neugebauer
Nye
Olson
Paulsen
Perriello
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Quigley
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Velázquez
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED "PRESENT"—1

Slaughter

NOT VOTING—37

Barrett (SC)
Boucher
Boyd
Brown (SC)
Butterfield
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Fallin
Filner
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Kilpatrick (MI)
Klein (FL)
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)
Yarmuth

□ 1855

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 242, final passage of H.R. 2499, had I been present, I would have voted "yes."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 242, I was away from the Capitol due to commitments in my Congressional District. Had I been present, I would have voted "no."

## PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, I was unable to attend votes this evening. Had I been present, my votes would have been as follows:

"Nay" on Velázquez (NY) Amendment in the Nature of a Substitute; "yea" on the Motion to Recommit H.R. 2499; "yea" on H.R. 2499.

## PERSONAL EXPLANATION

Mrs. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend to several votes today. Had I been present, I would have voted "nay" on the Motion to Recommit; "nay" on passage of H.R. 2499.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. KOSMAS). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

## VACATING ORDERING OF YEAS AND NAYS ON HOUSE RESOLUTION 375, SUPPORTING THE GOALS AND IDEALS OF WORKERS' MEMORIAL DAY

Mr. HOYER. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays on the motion to suspend the rules and agree to House Resolution 375 be vacated, to the end that the resolution be considered as adopted in the form considered by the House on Tuesday April 27, 2010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Accordingly (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. I yield to the gentleman from Maryland, the majority leader, for the purposes of announcing next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

I observe that our former colleague is on the floor, the Governor of Puerto Rico. Congratulations to him.

On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow. In addition, we will consider H.R. 5019, the Home Star Energy Retrofit Act of 2010.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I noticed that my friend the majority leader did not mention the budget or the supplemental for Afghanistan and Iraq for next week's schedule. Obviously, both are extremely critical. I would like to ask, Madam Speaker, when does he expect those items to come to the floor?

I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for his question, and I appreciate him yielding.

As I have said before on the floor with respect to scheduling, I agree with him on both items. I think the budget is very important, and clearly the supplemental is very important, and I hope to be able to move those as soon as possible.

□ 1900

We are working on both. I know the Appropriations Committee is working on the supplemental. I know Mr. SPRATT is working on budget. So I tell my friend that I share his view of their importance, and that we hope to be able to move those to the floor within the near future. I cannot give him a date, but within the near future.

Mr. CANTOR. I would just like to reiterate our concern that as he just expressed the need for us to focus on matters of fiscal importance—and a budget would reflect that—as well as, Madam Speaker, to ensure that the House goes in regular order, hopefully, with a supplemental bill. I know there were some reports that that supplemental would come directly to the floor. I can yield to the gentleman if he has anything to respond to that.

Mr. HOYER. I really don't have anything specific. I have talked to Mr. OBEY. I don't have the specifics of how he is going to consider that. Obviously, that is an appropriations matter, as the gentleman well observes. I would be glad to talk to Mr. OBEY specifically about how he is going to proceed and let the gentleman know.

Mr. CANTOR. I thank the gentleman, and I think in order to wrap up probably the shortest colloquy yet, I yield back the balance of my time.

## ADJOURNMENT TO MONDAY, MAY 3, 2010

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 4, 2010, for morning-hour debate.

The SPEAKER pro tempore (Ms. KOSMAS). Is there objection to the request of the gentleman from Maryland?

There was no objection.

## COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, April 29, 2010.*

Hon. NANCY PELOSI,
*Speaker of the House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Today, on April 29, 2010, the Committee on Transportation and Infrastructure met in open session to consider four resolutions for the U.S. Army Corps of Engineers, in accordance with 33 U.S.C. §542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee.

Sincerely,

JAMES L. OBERSTAR.

Enclosures.

RESOLUTION—DOCKET 2822—COASTAL CONNECTICUT STORM DAMAGE REDUCTION, MILFORD, CONNECTICUT

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Land and Water Resources of the New England-New York Region, published as Senate Document No. 14, 85th Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, coastal storm damage reduction, coastal erosion, and other related purposes in the vicinity of the estuaries and shoreline from the Housatonic River to the Oyster River of Milford, Connecticut.

RESOLUTION—DOCKET 2823—HOUSATONIC RIVER WATERSHED, MASSACHUSETTS AND CONNECTICUT

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Land and Water Resources of the New England-New York Region, published as Senate Document No. 14, 85th Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, and other related purposes in the vicinity of the Housatonic River, Connecticut.

RESOLUTION—DOCKET 2824—FAIRFIELD AND NEW HAVEN COUNTIES, CONNECTICUT

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Land and Water Resources of the New England-New York Region, published as Senate Document No. 14, 85th Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, coastal storm damage reduction, coastal erosion, and other related purposes in the vicinity of the estuaries and shoreline of Fairfield and New Haven Counties, Connecticut.

RESOLUTION—DOCKET 2825—FIVE MILE RIVER, CONNECTICUT

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Land and Water Resources of the New England-New York Region, published as Senate Document No. 14, 85th Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, and other related purposes in the vicinity of Five Mile River, Connecticut.

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## BRAZILIAN CRITTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. I want to bring to the attention of the House a serious problem that we have encountered. It seems as though we have such a problem on our borders that now, in southeast Texas, in a small port city called Port Arthur, three illegal Brazilians have shown up in the last couple of days. They have come into the port of Port Arthur and they were stowaways on this massive ship that was bringing in Brazilian paper pulp. Thirteen thousand tons of this pulp was brought in on this ship, and through inspection by Federal authorities, they found three stowaways—three illegals from the nation of Brazil.

Now, you probably assume that I'm talking about people, but I am not. Here is one of those stowaways, one that they actually captured and gave an identification number. You see, the three stowaways turned out to be three grasshoppers. Little bitty critters. Yet our United States Agriculture Department was able to investigate and find these three little illegal stowaways in this massive amount of paper pulp from Brazil.

So they took the pulp, and it's sitting on the dock. It's going to be sprayed down for any disease. They even gave one of these grasshoppers an official government ID number. Here it is down here: 234735719. Of course, the grasshopper was found in Jefferson County, Texas. The other two, apparently, didn't look quite as bad as this one. They thought this one might be carrying some type of disease and it has, lo and behold, been brought to Washington, D.C., to be examined further by Federal authorities to see if it was carrying any type of disease or contamination from the nation of Brazil.

Madam Speaker, I bring this to the House's attention for this reason: our United States Department of Agriculture is so good and so intense and so competent that they are able to keep out of the United States illegal grasshoppers about three inches long. They're able to find them on this massive ship in the port of Port Arthur, Texas, carrying 13,000 tons of paper pulp. They're able to capture these grasshoppers, send one to Washington, D.C., to be examined to see if it's carrying disease. I commend the Department of Agriculture for their work and tenacious activity in making sure illegal Brazilians—that are grasshoppers—don't enter the United States without being caught.

Now it seems to me that if we are so advanced with technology and manpower and competence that we can capture illegal grasshoppers from Brazil in the holds of ships that are in a little small place in Port Arthur, Texas, on the Sabine River—the Sabine River, Madam Speaker, is the river that separates Texas from Louisiana—if we're able to do that as a country, how come we cannot capture the thousands of people that cross the border every day on the border of the United States? They're a little bigger than grasshoppers, and they should be able to be captured easier.

Well, maybe it's because the country doesn't have the moral will, the government doesn't have the moral will, to protect the borders from people coming in. But we sure have the moral will as a Nation to keep these grasshopper critters from coming into the United States from Brazil. Maybe we

need to make the guy down there in southeast Texas that captured this grasshopper from Brazil, he ought to be in charge of homeland security. If he's able to do this with grasshoppers, just think what he can do on the southern border of the United States.

So, Madam Speaker, we have the technology; we have the capability. We need the moral will as a Nation to secure the border of the United States. That is the responsibility of the Federal Government. The Federal Government should take some lessons from the guy that captured this grasshopper and make sure that the southern border of the United States is protected from people who come here without permission. We can do it. Let's have the moral will. Let's send the National Guard, if necessary, to the border to protect the dignity of the Nation. Because that's the job of the Federal Government.

And that's just the way it is.

## HELP FOR THE BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Let me just say that Mr. POE of Texas, my good friend who just spoke, he added a little bit of levity, but it was very important. The point that he was making, in that we have the ability in this country to really deal with things like agriculture and insects that might come in and contaminate our crops, but we have a serious, serious problems on the 1,980-mile border between us and Mexico.

The administration has cut some of the money from the whole project of putting fences and more broad Border Patrol agents on that border. And it's a war zone, as Mr. POE has said. Mr. POE is the leader in pointing out the problems with what's going on on the border between Texas and Mexico, as well as the border all the way between the United States and the whole country of Mexico.

So I'd just like to say if I were talking to the President or anybody in his administration, listen to Mr. POE and the guys who've been down there on the border. They know. The sheriffs and the police in Arizona and all of them know that this is a war zone. American lives are at risk. And we're not doing anything from the Federal level to deal with the problem.

As Mr. POE said in a letter that he wrote that I cosigned the other day, they need to send, if necessary, the National Guard down there to augment the Border Patrol agents, some of whom are at risk every single day, every single night. And so if I were talking to the administration on behalf of my good friend, Mr. POE, and all of us that are concerned about the border and the illegals that are coming in by the thousands and now into the millions over the years, we really need to do something to protect that border. No more talking about it. Let's do it. Let's send the National Guard down there with the ability to do whatever is necessary when they're dealing with armed drug dealers or people coming across the border who may mean to do harm to American citizens.

If we give them that right and we put the National Guard down there with the ability to defend themselves against these people that are coming across the border, we can sew that thing up and we can stop the illegal immigration. Then, once we secure the border, we can start talking about a real, viable immigration reform bill. But until we secure the border, we shouldn't be talking about that. That's the number one objective.

## CHRYSLER DEALERSHIPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. I'd like to read a letter from a former Chrysler dealer in my district: ''Dear Congressman, I'd like to thank you for cosponsoring H.R. 2743, the Automobile Dealers Economic Rights Restoration Act of 2009, and H.R. 3179, the Financial Services and Government Appropriations Act for Fiscal Year 2010.

''The letter I received from you, dated August 7, 2009, was appreciated. The H.R. 3288 bill has no doubt done a great deal of good for a lot of GM and Chrysler dealers. However, the bill did not address the dealerships that lost everything and has no possible way of going back into business.

''When Chrysler informed me on May 14, 2009, that my franchise was going to be terminated effective at the close of business on June 9, 2009, I had 263 new Chrysler vehicles in inventory and $412,000 of Chrysler parts. In their letter they stated: 'We intend to maintain business as usual and after rejection, we want to work with you to assist in the redistribution of new vehicles and parts to ease the burden on you.'

''They did nothing except lie to Congress. Chrysler went out of their way to make sure I could not stay in business. The week of May 18, they sent letters to all my customers informing them that I could not be a Chrysler dealer as of June 10, 2009, and if they need service work to take their vehicles to another dealership. At the time I was terminated, my dealership was in the top 5 percent of sales; my customer satisfaction was one of the highest Chrysler had. In 2006, my parts and service managers both were awarded Chrysler Managers of the Year and I was runner-up for Dealer of the Year.

''I could not believe I was being terminated. When I tried to call and inquire as to why I was terminated, no one would answer my call. To this day, no one has explained why I lost my franchise. By the close of business on June 9, the dealership had sold all but 186 vehicles at retail and reduced the parts inventory to $352,000. When I called Chrysler about what I should do with the leftover new vehicles, I was told that they had other issues to deal with and would get back to me in a few months. They also stated that I could not retain the vehicles as new, and the vehicles would not qualify for any of the factory rebates or factory warranties.

□ 1915

''I was forced to sell all of the 186 vehicles to other Chrysler dealers at $3,000 to $4,000 loss per vehicle, which amounted to a loss of $700,000 of cash. When I tried to sell my Chrysler parts to other dealers, they received phone calls and were told if they need parts to call Chrysler, not Dave Croft Motors.''

Madam Speaker, this is just the first page of three that I am submitting for the RECORD which talks about, really, the theft of personal-property in the government bailouts of automobile companies. This is an individual family business that has existed for decades that was destroyed, abused, and left with nothing.

He ends with, ''I will keep telling my story to anyone who will listen. I hope that some kind of law will be put in place so this cannot happen to another business in the future. I still have to tell myself that I live in America and not in China.''

What he experienced was the government intervention and taking over of personal, private wealth in this country. And it's an indication of a sad direction this country has taken when it thwarts the capitalist model of raising capital, taking a risk, and either benefiting from that risk or losing everything.

When we get involved in bailing out Wall Street banks, and then we don't bail out small Main Street businesses, what we have here is a discrepancy. If we would allow the market to work, it's not compassionate. It's very, very tough, but it is the best way to turn around the economy. Otherwise, small businesses around this country will continue to get rolled over by Big Business and Big Government.

And with that, I would like to submit the entire letter for the RECORD.

DAVE CROFT,
*Edwardsville, IL, April 5, 2010.*

Congressman JOHN M. SHIMKUS,
*Regency Centre,*
*Collinsville, IL.*

DEAR CONGRESSMAN: I would like to thank you for cosponsoring H.R. 2743 ''The Automobile Dealers Economic Rights Restoration Act of 2009'' and H.R. 3179, ''The Financial Services and General Government Appropriations Act for FY 2010.'' The letter I received

from you dated August 7, 2009, was appreciated. The H.R. 3288 bill has no doubt done a great deal of good for a lot of the GM and Chrysler dealers. However, the bill did not address the dealerships that lost everything and has no possible way of going back in business.

When Chrysler informed me on May 14th, 2009 that my franchise was going to be terminated effective at the close of business on June 9th, 2009, I had 263 new Chrysler vehicles in inventory and $412,000 of Chrysler parts. In their letter they stated ''We intend to maintain ''business as usual'' and ''After rejection, we want to work with you to assist in the redistribution of new vehicles and parts to ease the burden on you''. They did nothing except lie to Congress. Chrysler went out of their way to make sure I could not stay in business. The week of May 18th they sent letters to all my customers informing them that I would not be a Chrysler dealer as of 6/10/2009 and if they need service work to take their vehicles to Cassens & Sons in Edwardsville.

At the time I was terminated my dealership was in the top 5% of sales, my customer satisfaction was one of the highest Chrysler had. In 2006 my Parts & Service managers both were awarded Chrysler's managers of the year and I was runner-up for dealer of the year. I could not believe I was being terminated. When I tried to call to inquire as to why I was terminated, no one would answer my call. To this day no one has explained why I lost my franchise!!!

By the close of business on June 9th, the dealership had sold all but 186 vehicles at retail and reduced the parts inventory to $352,000. When I called Chrysler about what I should do with the left over new vehicles, I was told they had other issues to deal with and would get back to me in a few months. They also stated that I could not retail the vehicles as new and the vehicles would not qualify for any of the factory rebates or factory warranty. I was forced to sell all of the 186 vehicles to other Chrysler dealers at $3,000 to $4,000 lost per vehicle which amounted to a loss of $700,000 dollars of cash. When I tried to sell my Chrysler parts to other dealers, they received phone calls and were told if they need parts to call Chrysler, not Dave Croft Motors.

In 2006 the dealership did $47,251,683 in sales and employed 55 families. In 2007 we had $55,894,301 in sales and employed 53 families. Just think of the tax dollars the State of Illinois, County of Madison and the City of Collinsville was collecting from my dealership!

After wholesaling my new car inventory to other Chrysler dealers and selling most of the parts for 15% on the dollar, it was the end of July and the dealership was out of cash. I did everything I could to keep the dealership open but without a franchise it was impossible to pay the overhead. I had to let most of my employees go. On January 19th, 2010 I had to file Chapter 7 bankruptcy. I was forced, to sell the building, which I built in 1979, to pay my creditors. My family and I lost everything we worked for the last 34 years.

It is still hard for me to believe that this could happen in America. I was always under the belief that my Congress would make sure that nothing like this could ever happen to anyone who worked as hard as my family did. I could understand if Chrysler file bankruptcy and did not receive my tax dollars to keep them in business, and then my government gave 15% to Fiat who put no money into the deal—we the people are going to lose billions of dollars on Chrysler! I just look at Chrysler's sales! Anyone can see that the government will have to give them more money. Crazy!!

After Congress passed the Automobile Dealers Economic Rights Restoration Act, 400 of the 798 dealers filed for arbitration, I being one. Chrysler reviewed the 400 who had requested arbitration and decided that 50 of the terminated dealers should NOT have been terminated and gave them a letter of intent (gave them back their franchise) without going through the arbitration process, I am one of the 50 dealers. After losing my building, all of my parts, all of my equipment, have no cash and they tell me sorry you should not have been terminated—give me a break, and, oh yes, Chrysler gave all my customers to other dealers. What do I do now? I was making a profit when my dealership was terminated and believe I would still be a strong dealer today if Chrysler had not terminated my franchise. This has been a nightmare for my customers.

I know that when you cosponsored the above bill that you had great intentions. You have to know that Chrysler will not deal in good faith. They will make the requirements to get reinstate so unreal that very few dealers will be able to meet their requirements. What about dealers like myself who cannot go back into business? It does nothing for me. At one time NADA was trying to get compensation paid to the dealers that lost their franchise: $3000 dollars for each unit retailed in one of the following years, 2006, 2007 or 2008, and purchase back all the Chrysler parts and special tools. This would only be a fraction of what my family has lost, but we have nothing now. Starting over at the age of 65 will be very hard and I will have a hard time putting any trust in the laws of our country.

I will keep telling my story to anyone who will listen. I hope that some kind of law will be put in place so this cannot happen to another business in the future. I still have to tell myself that I live in America and not in China.

DAVE CROFT.

## WE NEED TO PASS COMPREHENSIVE IMMIGRATION REFORM NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. POLIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. POLIS. Madam Speaker, I will be joined throughout the course of this evening by some of my colleagues, including the gentleman from Minnesota (Mr. ELLISON) and others who might join us. We want to speak tonight about a topic that's been in the news lately and is incredibly important to the American people, and that's the topic of immigration, securing our borders, immigration reform. A lot of us were, frankly, shocked at some of the steps that Arizona took a couple of weeks ago which has sent a powerful message to us here in Washington that we need to act.

It's not up to States to patrol their borders, to protect who is here, and to enforce workplace laws; it is the responsibility of the Federal Government. The Federal Government has failed to enforce our immigration laws. It's time to act now to pass comprehensive immigration reform. I have heard the message from Arizona loud and clear, and I hope that that passage of that bill provides an impetus for us to take the politically challenging but critical steps necessary to pass comprehensive immigration reform.

Today was an exciting day for immigration reform. In the Senate, they introduced their conceptual proposal for immigration reform. This was introduced today by a number of Senators. Now, it's not a bill. We have a bill in the House that I proudly joined as a cosponsor of with about 100 Members to fix our broken immigration system. But this is the first step towards a bill in the Senate, which I hope will be introduced soon and will be bipartisan. It starts out 1(a), ''securing the border first before any action can be taken to change the status of people in the United States illegally.'' As long as we have a porous border and we are failing to secure our border, there won't be any meaningful reform in our own country. There will continue to be people who enter our country extralegally.

It's absolutely ridiculous that in this day and age, a sovereign Nation, the greatest Nation on Earth, cannot secure our own border. It's also critical that we know who's here. The Senate plan and the House plan that I am a cosponsor of require our undocumented population to register and undergo a background check. That's an important step, because right now we don't even know who is here in our own country. That's a security threat that every American should take seriously, and I think it's critical that we know who's here.

Arizona has triggered a national crisis and underlined the critical need for action at the Federal level. This ridiculous measure that Arizona passed—and I should point out that we should expect, if Congress continues to fail to take action, other States to pass some misguided and extreme State laws. But this Arizona law has triggered a moral crisis by forcing American citizens, families who are American citizens, to live in fear.

What does this law mean? It means that as American citizens are going about their business, going to school, going to the 7–Eleven, whatever they're doing, and if an officer thinks, thinks, suspects that they might be an illegal immigrant—could it be the clothes they wear? Could it be their race? Could it be an accent they speak with?—that officer can then demand proof, proof of their legal status in the U.S.

Now, I ask you, who carries the proof of their American citizenship with them? I know I don't when I go out shopping. I know I don't when I go for

a walk. So these Americans will be detained. They could spend days, weeks, even months away from their families as they have to prove their American citizenship and request the documentation to do so. That can frequently take a long time, and I have been to these immigrant detention facilities. We have one in Aurora, Colorado. That is the type of facility that an American citizen will be taken to simply because they are not walking around or going about with the documentation of their American citizenship.

This threatens to turn Arizona into a police state. It threatens to strike fear in the hearts of hundreds of thousands of Arizonans, particularly Arizonans of particular ethnic heritages. That's why I feel very strongly this bill is a racist bill, one born of xenophobia, but one that will affect the rights of American citizens. Will it lead to the apprehension of more undocumented immigrants? It might. It will, on the margins. But it will lead to the detention of American citizens accidentally because American citizens, as we go about our own business in our own country, should not have to carry with us proof of our citizenship in this great Nation.

Where does this overreach of government end? This new law has triggered a political crisis in Arizona, effectively causing the law enforcement community, which has strongly opposed this bill in Arizona, to face the choice of going after people based on their race or protecting people from crime.

The fastest growing segment of our electorate will continue to pay attention to this issue. Latinos want to know that we have an interest in fixing the broken immigration system and making sure that no other States overreach and go after American citizens like Arizona does.

And yet we can all understand—me from Colorado, others across the Nation—why Arizona felt it had to fall to them to take action on this issue. It's because the Federal Government has failed to act on comprehensive immigration reform. Immigration is a national issue that requires a national solution. It can't be solved on a State-by-State basis. We need the Federal Government to take bold and decisive action, and we need to pass comprehensive immigration reform now.

We stand with the Arizona Association of Police Chiefs, the Yuma County sheriff, Mesa police chief and other law enforcement officials who are opposed to Senate bill 1070 in Arizona because it makes Arizonan communities less safe and threatens American citizens with detention. If people are afraid that their families and neighbors and friends will be rounded up by police, they live in constant fear of a government and a police that are there to serve and protect.

The Arizona immigration enforcement law is an example of the chaos that's been created by the Federal Government's failure to protect our borders and act on comprehensive immigration reform. The new Arizona law is an attack on our American values. President Obama's acknowledged that Arizona's law undermines the basic notions of fairness that we cherish as Americans. This is a challenge of who we are as a Nation, who we are as human beings, and whether we're going to stand up for American ideals or reject those to appeal to our worst instincts and the worst among us.

Let's do the right thing and fix our broken immigration system. That is a challenge to us here in Congress, and it shouldn't take courage from Members of Congress to talk about, support, and pass immigration reform. Quite to the contrary, it should take courage to avoid passing immigration reform, because the American people overwhelmingly want immigration reform, and those Members of Congress who stand in the way of securing our borders and ensuring that only people can work legally risk not returning next year and having a different voice that demands the action of the United States Congress.

This is one of the few issues that has broad agreement among my constituents in Colorado. I have said this to a number of audiences. When we talked about health care, there were many of my constituents who supported health care reforms and many who opposed it. With regard to immigration, I have not found one constituent on the left or the right that believes that we are doing everything right with regard to immigration. It is broken. Conservatives agree it's broken. Liberals agree it's broken. Nobody believes our immigration system works perfectly.

We have an undocumented population of over 10 million people. We have thousands, hundreds of thousands of businesses across this country that violate the law every day. The rule of law across our great Nation has been challenged and undermined. But we in Congress—I hope that we in Congress have heard the cry from Arizona, the cry from the 49 other States, the cry from the American people demanding that we in Congress take action to fix our broken immigration system and may restore the rule of law to this great Nation.

I see I am joined by my friend from Minnesota, who I will yield to.

Mr. ELLISON. I thank the gentleman for yielding.

Congressman KEITH ELLISON here from the State of Minnesota, and it is very timely that we are here to talk about immigration. The fact of the matter is that it is a symptom of the Congress' failure to pass comprehensive immigration reform that we get these draconian pieces of legislation such as were signed into law in Arizona on April 23, 2010, just a few days ago. If the United States Government would take hold of this immigration debate and pass comprehensive immigration reform, States would not have to resort to these extreme measures—unconstitutional in my view—that Arizona has taken.

Let me just point out a few things. The law says that police officers can stop and detain people who are suspected of being illegal aliens and demand that they provide proof that they are U.S. citizens. The fact of the matter is that this—some people have said, Well, you know, KEITH, this could make people who may have a brown complexion and dark hair, who sort of have a typical Mexican appearance, that might subject them to unfair and illegal stops. My response is, That's true. It may stop Latinos, but it will stop anybody, because there's no certain way that a Latino person looks. There is a wide diversity all throughout the community, a wide diversity, no color, no language, no culture. People look all kinds of ways. The most Anglo-looking person in Arizona could be stopped and demanded to show their proof of citizenship, and if they don't have it, they could be carted off.

The fact is that I am making this argument because I don't want Americans of any background to think that they are going to be somehow safe from a law as sweeping and unfair as this one. No one is safe when the Constitution is offended in such a dramatic way as it has been by this Arizona law. But at the same time I have no sympathy for this Arizona law, I will say that it is a symptom of the Congress' failure to deal with comprehensive immigration reform.

I want to say that the argument has been made that somehow this is about addressing issues of crime and law enforcement. You know, if that were true, why would the Arizona Association of Chiefs of Police oppose a law for fiscal and public safety reasons, noting that the fear of government officials would diminish the public's willingness to cooperate with the police in criminal investigations, and it will negatively affect the ability of law enforcement agencies across the State to fulfill their many responsibilities in a timely manner?

The fact is that law enforcement officials who know something about law enforcement don't like this law. They are right. And the fact is this law is offensive to our Constitution. But again, it calls into question what we are doing here in Congress on comprehensive immigration reform, which is nothing much. The fact is we need to get busy on immigration reform. The American people want it. It is popular. It is something that the American people have asked for, and the Congress should step forward and do something about it right away.

So let me yield back to the gentleman from the great State of Colorado and just point out that comprehensive immigration reform is something that I believe we need.

There are just a few principles that I want to mention before I yield back, and that is that the progressive immigration reform agenda passed by the Progressive Caucus believes in keeping families together, creating a path towards citizenship and employment verification. Because as much as we talk about securing the border—and we should secure the border—you can't always secure the border at the border. We need the cooperation of all employers to make sure that they are doing employment verification so that we can make sure that the border is being secured. So yes, at the border, but also at the point of employment which people are drawn to.

There is more to be said about this, but I yield back to the gentleman.

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Mr. POLIS. I appreciate Mr. ELLISON bringing up employer verification. One of the key components of the Senate outline requires biometric employment verification. So this is not a Social Security number that could be used by somebody who is 6 foot 1 and 52 one day and someone who is 5 foot 3 and 42 the next day. This is a real biometric ID. No later than 18 months after the date of enactment of this proposal, the Social Security Administration will issue biometric Social Security cards that will be fraud resistant, tamper resistant, wear resistant, be machine readable, contain a photograph and an electronically coded microchip processor which possesses a unique biometric identifier for the authorized card bearer. It could be a fingerprint, eye scan.

We are going to be serious about knowing who can work and who is not legally employable. We need to be serious about making sure that it is the right person that we are talking about.

Again, there are hundreds of thousands, if not millions of violations of this area of employment law every day in this country, and we are not even remotely serious about cracking down on those. That is why we urgently need, why Arizona and the rest of the country has called on Congress to address this issue and why we only ignore them at our own peril.

We are joined by the gentlewoman from California (Ms. CHU) who, in her time here, has already become a champion of comprehensive immigration reform and making sure that we can fix our broken immigration system. I am glad to welcome Congresswoman CHU from California.

Ms. CHU. Today I stand here to say our immigration system is broken and fixing it is critically important to the long term security and prosperity of our Nation. Of course, I have a much different opinion on how to fix it than some on the other side of the aisle. Where they see an attack on American culture and way of life, I see a chance to strengthen our Nation with a new generation of productive and active citizens. Where they see fear and paranoia, I see an opportunity to do the right thing, the humane thing, and bring 12 million immigrants out of the shadows and into society.

What they don't see is the ongoing family separations, the exploitation of workers by unscrupulous workers, and the true human cost of our broken immigration system.

I get calls every day in my district from families who have sacrificed and worked hard to put food on the table and send their children to school. Take the case of Maria, an American citizen, who came into our district office last month with her two children, ages 2 and 4, crying torrents of tears. They were trying to do the right thing. Her husband was undocumented. She had gone to Ciudad Juarez, Mexico, with her husband for an appointment with an immigration official where she was petitioning for her husband to receive legal status. The immigration officer denied it saying there was insufficient hardship.

It is now more than a year since her husband was left stranded in Ciudad Juarez. Even married to an American citizen, he is barred from reentering the country for up to 10 years because of a law passed by Congress in the 1990s making it tougher for undocumented immigrants to acquire legal status through marriage. In the meantime, Maria has lost her house, was forced to do a short sale because she could not keep up with the mortgage payments without her husband's income. Her children wake up in the middle of the night crying for their daddy. To me that sounds like sufficient hardship.

These family separations are cruel and counterproductive to both legal immigrants and citizens. It is families that have historically helped immigrants assimilate into American life and helped prevent health and social problems. Family networks give individuals the support and resources they need to become successful, productive members of our society.

And if Congress doesn't act to fix our immigration system, States will do their own thing and we will be stuck with an unfair and impractical patchwork system. Just last week, the State of Arizona passed the broadest and strictest immigration measure in generations in any State. The law makes a failure to carry immigration documents a crime, and gives the police broad power to detain anyone suspected of being in the country illegally.

Now I don't walk around with my birth certificate or passport, which is expensive and out of financial reach of many. And neither does Abdon, a commercial truck driver living in Arizona. Last week on the heels of the Governor signing this new law, he was shackled by the police and detained by the Phoenix Immigration and Customs Enforcement Office. Abdon was born a citizen of the United States. He has a job. He pays taxes. He speaks English. His wife Jackie is a natural-born citizen of the United States. She too has a job and she also speaks English. She pays taxes. But he was pulled over and arrested. Why? Not because he was speeding, that's for sure.

When the officer demanded his papers, Abdon could only produce his driver's license and Social Security number. Not good enough. At a routine commercial weigh station on a regular workday, Abdon made the mistake of not carrying his birth certificate with him. That's right, his birth certificate.

Now why did the police really pull him over? It is apparently now the law of the State of Arizona you can arrest people, citizen or not, simply for appearing Hispanic.

This is a sadly familiar story, but one that was thought to be safely in the past. In the years following the Civil War, States began to implement a series of discriminatory laws designed to control former slaves and free blacks. Under the vagrancy laws, police could stop anyone anywhere and require you to show proof of employment on demand. If you didn't, you could be arrested and your labor sold to the highest bidder.

But what if you forgot to carry your employment records with you when you left the house that morning, what if you, like so many regular citizens, were unaware of the anti-vagrancy laws? What if you were simply unemployed? Well, it might be your last mistake as a free citizen of the United States.

Sound familiar? Well, it does to Abdon, and it is for Abdon and the thousands of other Arizonians that we need immigration reform this year. We cannot solve our immigration woes by simply creating new problems. Instead, we must pass a comprehensive bill that actually fixes our immigration system that penalizes employers who would hire undocumented workers and exploit their status for their own gain. We need a bill that protects the family and repairs a bureaucratic system that forces citizens and immigrants to live apart from their loved ones. We need a bill that secures our borders and provides a clear path to citizenship and employment for otherwise law-abiding immigrants, undocumented or not.

America would not be the great Nation it is without the passion, ingenuity and perseverance of the millions of immigrants who have come to our shores looking for a better life for themselves and their families.

Mr. POLIS. Thank you, Congresswoman CHU, for your leadership on this

issue. Those are very powerful words that you shared. The stories that you shared, those individuals are not alone. There are hundreds of thousands of people across our country every day who have powerful stories about what has happened to them through our immigration system.

Let me briefly mention something that the Congresswoman alluded to about detention. It could be an American citizen or somebody who is undocumented and taken to detention, that means that taxpayers are paying their way. Taxpayers are paying $120 a day on average in these detention facilities. So if this Arizona law leads to more undocumented people being apprehended, then we are putting them up for free at a government hotel. So rather than working and not being a burden on American society, Arizona's new law forces taxpayers to put up illegal immigrants, feed and clothe and house them at taxpayer expense.

I bet if the people of Arizona knew that, they would have second thoughts about this law. But that is exactly what will happen. Not only that, there will be American citizens who are swept up in this. You go out for coffee, run your errands, don't bring your proof of citizenship with you, boom, you're in a detention facility. American taxpayers are paying $120 a night for you, and it might take a week, a month, however long it takes until you can get your documentation. God forbid you are visiting from Alaska, visiting from Florida, were born to a midwife and don't have a hospital birth certificate, you could be in that detention facility even though you are an American citizen for months, all at taxpayer expense.

I think the solution that the American people want is a lot better than that. I don't think that the American people want to put up illegal immigrants in hotels for months or years at a time. I think the American people want to make sure that we don't have an undocumented population in this country. That is exactly what the House conference of immigration reform bill would do, as well as the Senate proposal that was outlined. The Senate bill would require that anybody who is here has to register and have a background check and they would get a prospective immigrant status, a transitory, temporary status to be here.

And eventually if they learned English, went through all of these steps, they could become a permanent resident. But that is quite a long way down the road. And to ever achieve lawful permanent residence, they would have to speak English, have basic citizenship skills, updated terrorism, criminal history and background checks, pay all Federal income taxes, fees and civil penalties and register for selective service after 8 years on the temporary status.

No, the American people don't want to put illegal immigrants up in hotels like the Arizona legislature are proposing. The American people don't want to have a large undocumented population.

I would also like to point out the problems that this law has interposed on one of our Nation's most important strategic relationships, and that is our relationship with our neighbors to the south, Mexico. I am the founder here in the Congress of the U.S.-Mexico Friendship Caucus to facilitate one of our most important trading partners. The flow of ideas and goods between the U.S. and Mexico is an important part of the prosperity we have here, and the growing economy in helping Mexico meet the demands of its growing middle class. And yet this law is hurting our bilateral relationship with Mexico.

You know, before I got to Congress, I occasionally used to travel internationally. I had been to places like Tunisia and Egypt and Australia. And on our Department of State, there is a site where they list any country with a warning. Don't go to this country because it has a civil war or it has terrorists. My mother wouldn't have liked it very much if our own Department of State said you might die if you go there.

Well, you know what, Mexico is now advising their citizens, their tourists, not to go to Arizona. Yes, one of our very own States is being warned against visiting by a country that sends many tourists to our Nation.

I represent some of the ski resorts, Vail, Beaver Creek and Copper Mountain in Colorado. We have tens of thousands from Mexico every year. It is one of our larger countries that sends tourists that keep Americans employed and spend money in Colorado. But by criminalizing a whole status of people, any Mexican tourist would have second thoughts about going to Arizona. And it saddens me as an American, having looked at these warnings that our Department of State has and always seeing Third World developing countries, saying glad I don't live where that civil war or dictator is, well, now one of our closest and most important friends and neighbors, the great country of Mexico, has listed one of our States on their warnings.

That's a blow to the American pride. I am proud to be an American, and to think that our country has some of these problems that only developing countries or dictatorships or police states have had in the past is not only disgraceful, but it will undermine the economy of Arizona. Tourism will dry up.

And it won't be just Mexico and Arizona. I have a feeling that many other countries will follow suit from East Asia and Latin America because who wants their citizens to be apprehended and placed in detention for months at a time. And that would be a very reasonable response. I hope that this law in Arizona is tossed out as soon as possible.

Again, it is important for us to understand why Arizona passed it. It was a message, a message to us in Congress that Congress has failed the American people. Congress has failed to enforce our borders and implement real employment enforcement, real security. Indeed, Congress' lack of action is leading to the undermining of American sovereignty not only in Arizona, but in many States, including my home State of Colorado, that has hundreds of thousands of people who live extra-legally—we don't know who they are, we don't know where they are—work, in most cases, extra-legally because Federal enforcement has been a joke.

□ 1945

This is a solution that we can solve. It's not a solution that should involve posturing from the left or the right. It's one that the American people and the people of Arizona, very rightfully so, have demanded action on with a shot across our bow.

I hope the people of Arizona don't suffer too much under this law because I understand and sympathize with their goals. I hope it's overturned soon. Certainly, if it's allowed to continue, it will hurt their economy, they will lose jobs, Arizonans will lose work, and Americans will be forced into detention at taxpayer expense. I hope that that doesn't happen. I hope this law is overturned before that happens. But the shot across the bow has been received, and I hope that it provides the urgent impetus for those of us here in Congress to move forward now on comprehensive immigration reform.

I yield to my friend from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the gentleman from Colorado for really raising these issues.

The fact is, I do just want to say that the Progressive Caucus has some essential principles that we believe are essential to have in any immigration bill. We know that a version was dropped in the Senate; there was another dropped in the House earlier.

What we say is we think that we've got to keep families together. We have to create a path to earn citizenship. This isn't handing out citizenship to anybody. People have to take care of the business that the gentleman from Colorado already mentioned—paying all taxes, going through courses in English and citizenship, making sure that they do everything that they have to do, but at least they're allowed to be on a path that will lead them to citizenship and that there would be employment verification.

But there are other important values that I think we should talk about as

well. The fact is that one of those values is respect, another value is identifying the fact that young people studying hard every single day, graduating from an American high school, brought to this country by their parents, in my view, should be able to go to a college in their State and pay in-state tuition. So that's another value I think is very important. It enhances education, values and achievement, and it indicates that young people who have lived their lives here and grown up here and who came here through no fault or through no choice of their own can have a future.

The fact is that there are some basic principles that I think we should pursue. The thing that does concern me, though, is that sometimes we hear people, Madam Speaker, say things like, well, you know, this bill is dead on arrival, or that bill is not going to go anywhere; they just declare bills to be not in motion sometimes.

But I believe, Madam Speaker, that whether comprehensive immigration reform moves or not is up to the people of America if they demand that it move. The same way that health care reform moved because people wouldn't let it die, immigration reform can move because the people are demanding it. The same way financial reform is moving, immigration can move because if people say we've got to have this, we need it, no more of our fellow neighbors living in the shadows, we need to have a legitimate path towards citizenship—it's not amnesty—that does involve real accountability, but at the same time allows people to come out of the shadows and have some status that they can have so that they can do what they need to do for themselves and their families. The fact is that this is the decent thing to do, it's the right thing to do.

By the way, I will point out, Madam Speaker, that there is a growing and strengthening coalition for immigration reform. In my own State of Minnesota, we used to have immigrant groups, people who are directly affected by immigration policy from new American groups, whether they're Latino or east African or Southeast Asian, or whatever community, a lot of times they would be at the forefront of this question of immigration reform.

But then we began to see labor come into the conversation. Labor does not want an exploitable, abusable group of people who are in the shadows that can undercut their wage rate. They want everybody aboveboard and walking through the front door to have a status so that they can organize them so that they can have some stability. Even the chamber of commerce in my city has said, look, we're for comprehensive immigration reform as well. I'm not speaking for the U.S. Chamber of Commerce, but I can tell you that there are many local chambers of commerce around this country who know that immigration reform is the right policy.

So the fact is we have a growing coalition; we have a coalition that's coming together, that's deepening and coming together to demand this. So I guess my message, Madam Speaker, is to say, never say that we can't get comprehensive immigration in 2010; it can happen with a strong will and with a committed champion, and with people who demand it of their leaders who are charged with the responsibility of representing them in Congress.

I yield back to the gentleman.

Mr. POLIS. The people of this country are tired of this problem being used for political purposes from the left and the right. The American people just want to see this issue solved. The American people are smart; they recognize that the longer we delay taking action the bigger the problem gets.

Our immigration laws should reflect our interests as Americans and our values as Americans; but we need to treat this as something to solve, not an opportunity for politicians to score points on the left or points on the right by preying on our legitimate or illegitimate concerns or prejudices. Yes, we truly are a Nation of laws, but we are also a Nation of immigrants. We need to make sure that immigrants obey our laws, learn English, and pay their taxes; and then we welcome them as our American brothers and sisters.

It's amazing to see some of the nonconventional alliances, some of the groups that have been pushing for immigration reform. Among the strongest has been the faith-based community. Now, while I have many people who have supported me in the past who are of the Catholic faith, the archbishop, Archbishop Chaput in Denver, is somebody who I don't agree with on a lot of social issues; he and I disagree on many issues, such as a woman's right to choose, but on this issue, he and I joined together in an event in Denver in support of immigration reform that 1,500 people, on a Sunday after mass, packed into a church in strong, universal support for comprehensive immigration reform across the faith-based community. From the evangelicals to the Catholics to the Jews to the Muslims to the humanists and the atheists, there is strong support for comprehensive immigration reform.

There is also support—and this is very unusual in the context of politics—from both the organized labor community and unions and businesses in the chamber of commerce. Among the strongest advocates for immigration reform have been high-tech businesses, chambers of commerce, arm and arm with their workers, their unions. It's very rare to see that happen here in Congress. And yet, why hasn't Congress achieved anything? It seems like politicians on both sides of the aisle have preferred to keep this issue out there. Is it to rally their base? Is it to talk about the undocumented, about why they need more time to do something? And yet both sides have refused to take action. And it will take both sides working together to solve this issue with an American solution.

Obey our laws, learn English, pay taxes, and welcome to America—that has always been our message. And it needs to continue to be the underlying values with which we construct an immigration system that works, restores the rule of law to our Nation, and is an opportunity for us in Congress to rise to the challenge that the people of Arizona have put before us, that frustrated voters in cities and States across the country have put to us. And if Congress doesn't act to pass comprehensive immigration reform and solve this issue, I believe that the American people will elect a Congress that will.

I will yield to my friend from Minnesota (Mr. ELLISON).

Mr. ELLISON. I just want to go back to an important point that the gentleman from Colorado made just a moment ago. Congressman POLIS, Madam Speaker, made the point that people are in detention for months and months as they await their immigration proceedings and the decision. These are not people who have robbed or hurt anyone or sold dope or anything like that. These are folks who are awaiting a decision in their immigration case. They are not criminals; they're awaiting immigration proceedings, decisions. These folks, these people in immigrant detention are just languishing, rotting.

There have been, since 2003, 107 people who have died in custody because they were in detention. If they were out, could they have gotten the medical attention that they needed? I'm sure in many cases they could have. The fact is that these are folks who are not serving criminal sentences. They haven't been convicted of hurting anyone or stealing people's property or doing anything wrong. They're just awaiting proceedings.

In fact, Madam Speaker, I was at an eighth grade graduation only a few days ago; and my daughter, who I was so proud of, was there with her friends and they were all abuzz—you know how kids that age can be. And I talked to another adult who I had known for a number of years because my older children went to school with her children and one of her children was in my daughter's class. And she said to me, you know, I want you to know it's good to see you. I was in detention. I recently got out of immigration detention. This is what this lady said to me. And it shocked me because my son, who is now 22 years old, was buddies with her son, who is now 22 years old, but they were running around my

house when they were both seven and eight and nine years old and now here she is—I haven't seen her in a while—and she just told me that she had been there herself. I didn't even ask her how she got out—I was glad she was out—but the fact is that she had been in ICE detention herself. This is a woman who is a bright lady, smart, capable, raising children on her own, doing the best she can, happens to find her roots in Mexico. I didn't ask her about the details of her life, but I was concerned that she found herself in that awful situation.

I connected her with my office to do everything we could for her; but the fact is there is a human toll being taken on people every single day, people around us, people we know, people we don't even know what they're going through, but they have their own immigration nightmare that they're struggling through every single day.

Her children, I know the younger ones were born in the United States and I know the older ones came here at a very early age, they're my kids' close friends. But the fact is that it kind of struck me right across the face like a cold bucket of water that here is this lady who I know. I couldn't exactly call her a friend, but I can say that this is a person who I know, who I respect, and who was living her own private nightmare with regard to immigration.

It seems to me that the rules ought to be clearer, they ought to be fairer, they ought to be predictable. It seems to me that the children who come here at an early age ought to be able to pursue their education in an institution in their State and not have to pay exorbitant out-of-state tuition just to do that. It seems to me that we ought to try to unite families. As Americans, we value families, and we ought to do something about that.

The fact is that people in immigrant detention, these folks are often some of the most abused folks in our community, Madam Speaker. I will just refer again to what the Congressman from Colorado mentioned a moment ago, detention, people are there for months, but these folks, some of them have been through tremendous ordeals; some are torture victims, some are victims of trafficking, some are from other vulnerable groups and are detained for months and even years, further aggravating their isolation, depression, and sometimes mental health problems.

The fact is that this situation is not right. These people are not criminals. They should not be held this way. And they're held at our expense—we're the ones who fork it over—but it's no picnic for them either. The fact is that we have to do something about it.

Over 30,000 people are held in immigrant detention on any given day at an average cost of more than $100, $120 per day. This has resulted in over 380,000 people held in detention in fiscal year 2009. Think about it: that's an incredible expense that we are paying because our immigration system has not been corrected, has not been addressed, and the fact is that we have to do something about it.

Since 2005, ICE has increased the number of detention beds by 78 percent. Taxpayers are paying the price of DHS's skyrocketing use of immigration detention, and DHS spends about $1.7 billion on ICE custody operations.

□ 2000

So the fact is that a human toll is being taken. The broken immigration system offends our sense of fairness, and it offends our sense of being a humanitarian country. We've got to do something about it right away.

I yield back to the gentleman.

Mr. POLIS. Madam Speaker, how much time remains?

The SPEAKER pro tempore. There are 17 minutes remaining.

Mr. POLIS. Thank you.

I am glad that my friend from Minnesota brought up the important issue of detention. The Department of Homeland Security and ICE had 380,000 people in 2009 who were detained at taxpayer expense. One of the things we fear with the Arizona law is that these could actually be American citizens out working one day.

Oh, you don't have your papers. You're in detention. It could take a week. It could take a month.

There are many Americans who might have difficulty furnishing those records. Again, I point in particular to those who were born of a midwife or who are very elderly or whose birth hospitals have been subject to fires or to disasters, where records are unable to be located or where they've been lost or where it simply has been human error. Each of these 380,000 people who were detained last year were detained at taxpayer expense. Now, I would argue that that is not good for them and that it's not good for us, the taxpayers.

First of all, as my colleague from Minnesota mentioned, 107 died, in many cases, due to medical treatment being withheld, due to abuses. In the incarceration system, in many cases, they are put in with actual criminals who have been convicted of crimes. Again, these are people who are not serving criminal sentences. They are being detained while awaiting decisions on their immigration proceedings. They might either then be released into our country or expelled through a different country, but despite that, they are held in prisons and jails, and they're often mixed with the general prison population, putting them at risk for their lives and limbs, all at taxpayer expense.

To the extent that it allows for the apprehension of more people, the Arizona law will simply result in the greater taxpayer expense of putting people up at the tune of $120 a day. You know, that's what it costs. When I looked at it, I said, Gosh. We can put them up at Motel 6 for a quarter of that cost. Yet we continue, the taxpayers across our country, because of our complete failure to protect our borders and to have real immigration policy that works for our Nation. Over 300,000 people were incarcerated at taxpayer expense last year.

Comprehensive immigration reform is an American solution. It's common sense. It's fair. It's balanced. It has overwhelming support from the American people. Eighty-one percent agree that comprehensive reform is a balanced approach and that it's fair to taxpayers.

Voters across the board, from liberal to conservative, believe it is unrealistic to simply try to deport our way out of this problem. Seven in 10 voters agree that, in addition to increased enforcement and securing the border, illegal immigrants should be required to register and to meet conditions for permanent status. A comprehensive approach to immigration reform secures our borders, cracks down on employers who hire illegally, makes sure that we have real verification of who is able to work, and requires that illegal immigrants pay taxes and learn English to be eligible for permanent status. Voters should know that comprehensive immigration reform is an orderly process and that it will turn what has been completely uncontrolled and chaotic into a controlled flow of immigrants that continue to build our Nation and to reestablish the rule of law across our great Nation.

Americans are tired of the posturing on the left and the right. They are tired of the lack of solutions coming from Washington. They don't want to hear us complain about this, complain about that, hyperbole on this, hyperbole on that. What the people of Arizona have very clearly said they want and what the people of our country have very clearly said they want is for us here in Congress, the only place that this problem can be fixed, to fix this problem.

Border security is a joke. Enforcement of our laws at the workplace is a joke. We have over 10 million people violating the law in our country every day. The rule of law—our sovereignty—has been undermined. Taxpayers are putting up hundreds of thousands of foreign nationals a year at the cost of over $100 a day. Why not put them up at cheap hotels and save three-quarters of that? I don't know, but this is what we're doing.

Does this make sense to anybody, Madam Speaker? The answer is no.

I have brought this up at almost all of my town hall meetings in Colorado, and I have yet to find a single constituent—and I have a lot of diversity among my constituents. They range

from the Tea Party patriots on the right to the socialists on the left and everything in between. Not one of them is happy with the immigration system in this country. Not one of them is happy that we are putting up 300,000 people a year at the cost of $120 a day. Not one of them is happy that we have an undocumented population of 10 million working illegally in this country. Not one of them is happy. Yet, to this point, Congress has failed to hear and to act upon that.

I believe that we will continue to fail at our own peril and that it is incumbent upon this Congress, with the fiercest urgency that the American people have placed on this issue before us, to solve this issue. We are a Nation of laws, and we are also a Nation of immigrants. That's why we need to make sure that our laws, our immigration laws, reflect our interests as Americans in order to create jobs for Americans, to provide safety and security for Americans and to help American businesses grow and succeed, which is why immigration reform is supported by chambers of commerce, by business interests as well as by unions, by faith-based communities, and by law enforcement.

We here in Congress should not be afraid of talking about solving the immigration issue. We should be afraid of not talking about solving the immigration issue. Every day that goes by without bills being moved forward or with bills being dropped or without solutions being discussed is a day that the American people will hold their Members of Congress accountable for not doing anything to solve this pressing national issue.

I yield to my friend from Minnesota.

Mr. ELLISON. Madam Speaker, I was just in my district about a week ago at a little church called Sagrado Corazon de Jesus. It's right there in south Minneapolis where a lot of folks gathered from the faith community. They were Catholic; they were Protestant; they were Jewish; they were Christian; they were Muslim; they were Hindu; they were of the Hmong spiritual tradition; and they were of no faith at all. Yet they came together to make an appeal to the American people for comprehensive immigration reform.

I think it's important to understand that the faith community has done a tremendous job in making sure this issue is at the forefront. The faith community has done such a great job because the faith community understands one essential thing, which is that all human beings are endowed with an inherent dignity which we, as fellow human beings, must respect if we are going to be in accordance with that faith tradition.

I want to thank them for their advocacy, and I want to let them know that I respect and appreciate their work.

Because I would like to see our anchor tonight be able to take the last 5 minutes to wrap it all up, let me also just mention in our waning minutes of our presentation that, as I've been sitting here, I've been checking my Twitter account, and I know that some people are happy that we're talking about comprehensive immigration and that some people are not.

Madam Speaker, I just want to say, to those folks who are happy about it, keep on working hard. We can do this thing. To the folks who aren't happy about this discussion topic tonight, I just want to say, Madam Speaker, that I know people are not happy with the current system. The status quo isn't working. Madam Speaker, people can say that they don't like this part of a bill or that part of a bill, but can we get together as Americans and discuss what we are going to do? Because the fact is that simply saying ''no'' is not an option.

I'll also submit to you that we are not going to get 12 to 20 million people on a bus and send them back home. That's not realistic. Many people who emigrate here without proper documentation don't even cross a border. They come in on airplanes. These are folks whose visas have run out and things like that. So just thinking that this is an ''other side of the border'' issue is missing much of the complexity that is going on here.

You're also not going to incarcerate 12 to 20 million people. You know, Madam Speaker, I had somebody say the crimes that the undocumented immigrants are committing are, one, being here and, the other, taking jobs from Americans. Let me just say, if you think what they're doing is a crime, Madam Speaker, what you're saying is that we're going to have to have 12 million to 20 million more jail cells to put people in. That's not practical.

We need a solution that makes sense, that is a pathway toward citizenship. We need a solution which does involve border security but which also involves employer verification so that people will not think that they can emigrate to the United States without proper documentation and just find jobs. That's one of the things that attracts folks.

I will say one more thing, which is not in the progressive principles but which, I think, we do need to talk about. We need to talk about how poverty in other parts of the world, particularly in our own hemisphere, attracts people to the United States. Therefore, we should take a real look at our policies—at our trade policies, at our ag policies—and see if we are actually incentivizing people to come to the United States.

If we dump cheap corn into Latin America, what happens to the corn farmer in Latin America? I think we need to ask that question.

It needs to be part of the conversation, because I can't imagine most people who are undocumented really want to leave their homes, their languages, their families, or their friends in order to come to a country they don't know, where they don't necessarily speak the language and where they don't necessarily know anyone just to try to make lives. They probably would rather stay home, but there is something that is drawing them here, and it probably has something to do with the great economy of the United States. It probably also has something to do with trade and agriculture policies, which have put a lot of pressure on economies in this hemisphere.

So, with that, Madam Speaker, I am going to yield back to Congressman POLIS for the closing. He has really been a champion on this issue, and he has really kept the fire burning on it. I think, Madam Speaker, that we all owe him a debt of gratitude, along with other champions like LUIS GUTIERREZ and many, many others.

So I yield back to the gentleman, and I thank him for his work.

Mr. POLIS. I thank the gentleman from Minnesota.

With due respect, it is really the American people who have kept the fire under this issue. The American people do not want Congress to continue to ignore our broken immigration system.

What would ignoring immigration do? What if we just said we're not going to deal with it, you know, that there's too much to work on? We've got, you know, health care. We've got energy. Why bother doing immigration?

You know what? Failure to act on immigration reform will mean that we will likely have twice as many illegal immigrants in 10 years than we have now—twice as many. Instead of 10 or 12 million, we could be talking about 20 or 25 million. The longer we wait, the bigger the problem gets.

The goal of immigration reform needs to be to eliminate—to bring to zero—illegal immigration. If immigrants who have been living in our country illegally want to become taxpaying American citizens, they need to pass a background check, pay extra taxes, work towards citizenship, learn English, register.

We need immigration reform that is both principled and pragmatic. We in this country have the right to decide who lives in our country and who doesn't, but we haven't been exercising that right. We've been allowing millions of people to live here without knowing who they are or what they are doing. Yet we continue to refuse to take action, and we do so at our own peril.

Yes, we should hear very clearly from Arizona and from other States that they are demanding action of the Federal Government. There is no good solution for a county or a State. I sympathize with our cities, our counties,

and our States which are dealing with the failure of a Federal policy to protect our borders—Federal policies that undermine the rule of law and our national sovereignty, but it falls to the United States Congress to act to fix our broken immigration laws. People should not be able to cross the borders or to overstay their visas without permission, and businesses should not be able to exploit cheap labor off the books, undermining jobs for American citizens.

We in Congress have a unique opportunity now to take action. The American people are tired of excuses. They are tired of demagoguery. They want a solution that works and that ensures that we will have zero illegal immigrants in a year and in 10 years and in 20 years rather than seeing an increase from 10 or 12 million to 20 million or to 25 million or to 30 million.

What does ''national sovereignty'' mean if you don't even know who is within your borders or what they're doing or whether they're criminals? Why are we putting over 300,000 of them up at expensive hotels at over $100 a day at taxpayer expense? Is that part of the solution?

□ 2015

It doesn't sound like part of the solution that the people of Arizona want. It doesn't sound like part of the solution that the American people want. Obey our laws, learn English, pay taxes, and welcome to America. We need to replace a broken system with one that works.

I call upon my colleagues in this Chamber and in the United States Senate on both sides of the aisle to stop playing political games with an issue that the American people are crying out for a solution on and to act and bring forward a real solution along the lines of the proposal that was introduced in the Senate today, along the lines of the House comprehensive immigration reform bill to demand that Congress move towards fixing this problem, restoring security to our borders, sovereignty to our Nation, preventing the undermining of the rule of law that this Nation was built upon, and strengthening our economy and providing jobs for American families.

Madam Speaker, I hope that my colleagues join me in moving forward immediately on comprehensive immigration reform to fix our broken laws and replace it with a system that works and is enforced.

## ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, it's my privilege and honor to be recognized by you to address the floor tonight.

I am standing here trying to decide whether I want to support or rebut the statements from the gentleman from Colorado. I support a good number of the statements that he has made, and I may well try to rebut some of the other statements that he has made.

But the statement ''replace a broken system with one that works,'' it's an interesting comment. I think it's clear that our immigration system is not working. Well, let me say that the system doesn't work, but I am not certain that the laws are incorrect. And that's the point that I would make is that I roll back to 1986 when Ronald Reagan was straight-up honest and failed me when he signed the amnesty bill of 1986. And the intent was that about a million people would be granted a path to citizenship and that would be it, it would be the end, and there would never be another immigration bill ever as long as any of us lived, and we would preserve the rule of law, and we'd learn to respect the rule of law, but we would allow for the million or so that were here illegally to have their path to citizenship in order to put this away, package it up, and be able to move on.

Well, it wasn't 1 million. It was closer to 3 million people, and there was fraud and there was corruption and there were counterfeit documents that were used that was part of that tripling. We might not have counted it right. It might have been more than a million. It might have been 1½ million. It was unlikely to be 2 million. But it turned out to be 3 million because people were gaming the system.

In my particular office, I took applications in and I made sure they filled out their I–9 forms, and I took copies of their documents and made sure my files were complete and considered their applications because I was sure that INS would be into my office to go through my books and make sure that I followed the law because it was going to be enforced by this newly robust Federal Government. That was the commitment. Amnesty now, enforcement forever, never amnesty again.

That was 1986. And here we are all these years later, 24 years later, and we have had by each succeeding administration—I'm not particularly happy with the enforcement we saw in the Reagan administration, and I was less happy with the enforcement that I saw in Bush 41 and less happy with what I saw under Bill Clinton and less happy with what I saw under George W. Bush, and I'm less happy with what I've seen under President Obama. Less and less effective enforcement.

And they do find a way to put together the data so that they can point to their enforcement and allege that in this particular administration, the enforcement against employers appears to be marginally stronger than it was under George Bush, but the enforcement against illegal workers is significantly less than it was under George Bush, and I wasn't happy with what George Bush did.

So is the system broken? I think the enforcement of the system is broken, Madam Speaker. I think that we have had a succession of Presidents who didn't demonstrate the will to enforce our immigration law, and because of that, there has been a growing disrespect for our immigration law. And even people that respect the law have seen that their competition who would hire illegals have a comparative advantage against them if they are going to adhere to the intent of the law. So the competition pushes other employers to violate the intent and the rule of law sometimes and hire the illegals to give them that comparative advantage against their competition. And slowly the respect for the rule of law and their adherence and compliance with the law has been diminished in this country to the point where I have people in my neighborhood that will say, Well, if you don't think I should hire an illegal, then who is going to fix my leaky roof? Who's going to paint my house? Who's going to do these other things?

That's not my job, Madam Speaker. My job is to stand up for the rule of law. And, yes, if I think there are laws that are unjust, then I should join with my colleagues and we should find a way to change them.

I don't happen to believe that our immigration laws today are unjust. I believe they are unenforced. And I think they are founded on good and just rule of law foundation.

Not having the documents in front of me, but I will reach into it a little bit. I've seen some documents that illustrated the laws that Mexico has with regard to their immigration laws, which are if ours are considered Draconian, theirs, in fact, are Draconian. And President Calderon has been arguing against Arizona law while he is enforcing more Draconian laws in the nation of Mexico against people who would come into their southern border. Crossing the border illegally is a felony, punishable up to 2 years in the penitentiary. That's one of the examples that we have.

So I would, Madam Speaker, just remind the American people that we have grounded these laws in just and rational cause. And now Arizona has seen that the Federal Government has been unwilling to enforce the laws, and they are watching a crime rate that, if you look at the data over the last 10 years, has increased in almost every category over the last 10 years. In order to be objective, not probably to the extent that has been articulated by many of the pundits, but it has been a gradual and significant increase in the crime rates in Arizona in the areas of murder and rape, violent crime, and

certainly about the only thing, except illegal border crossings, which have diminished marginally over the last couple of years.

And a year ago last August, there was a report that there were as many as 1½ million that have been in the United States illegally that reversed their travels and voluntarily deported themselves back to Mexico and points south. Most of that is attributable to the decline in the economy rather than the increase in enforcement.

But it doesn't mean that there has been a diminishment of illegal drugs coming across the border or a diminishment in illegal activity along the border. In fact, those numbers are up. The violence numbers are up. The illegal drugs are up. The contraband crossing the borders are up. And the numbers of just individual illegal people by interdiction data that's delivered to us by Janet Napolitano, the Secretary of Homeland Security, are marginally down.

Now, it may or may not be that there are more illegal border crossings. It might well be that they are just simply interdicting fewer coming across the border and there is less enforcement. Although I do believe that there are marginally fewer illegal border crossings but more illegal drugs, more violence, more kidnappings. The State of Arizona has the highest kidnap rate in the Nation. In fact, some of the cities there have the highest or second highest kidnap rate in the world. That's because of the drugs and it's because of the cartels that are doing business in that area.

So Arizona passed a law, and this law does a number of things. It sets up a situation where law enforcement—it requires all of the political subdivisions in Arizona, the counties, the cities, the other political subdivisions, and the State, to enforce Federal immigration law. It sets it up so that an individual has standing to sue the political subdivision, local government, if they fail to enforce immigration law. And it provides for reasonable suspicion for a law enforcement officer to pick up an individual that's out in public if they reasonably suspect that that individual is unlawfully present in the United States. Those are good things, and they are all that I have described within the parameters of existing Federal law today.

The argument that has been made and the demonstrations that are queued up for May 1, and that will be this coming Saturday, they are trying to establish demonstrations all over America of people rising up to demonstrate against Arizona's immigration law. Well, look at what has happened. The Federal Government hasn't enforced immigration law.

I would say that our immigration laws are true and just and right altogether. And our problem is not because our laws are wrong. Our problem is not because we need to replace broken laws. It's that we need to take this system that—''broken'' is not the right word for it, I would say to the gentleman from Colorado (Mr. POLIS). I think instead it's a system that is not being utilized because we lack the will to enforce immigration law in the United States. And that will has been diminishing over the years. The greater the number of illegals, the more people get to know their neighbors that may be in the United States illegally. They don't see that when you contribute to or allow or tolerate people who are unlawfully present in the United States in your neighborhood, when you hire them, you're contributing to the problem. People don't see that.

They just understand that we're all God's children. They like the people that came in. They see that they work hard, and so, therefore, they become their advocates. It's a natural thing to happen. But at the same time, while our laws are being broken and our laws are being disrespected, there's an undermining of the American system.

There's a reason that the people want to come to the United States. There isn't a country in the world where there aren't significant numbers of people that don't want to become Americans. And the reasons for that fall into a lot of categories, but one of them is we have respect for the rule of law. Our traditions honor the rule of law. Lady Justice is blind. When you think of the image of Lady Justice standing there blindfolded with the scales of justice balanced, without consideration for race, creed, color, ethnicity, national origin, age, or disability. That's the American creed.

We have equal justice for all, and justice is blind with regard to those characteristics. So people want to come here. They want to come to the United States from countries, countries that do not have that tradition of honoring the rule of law. They want to come to the United States from countries that have a corrupt tradition where you have to pay to play and it's who you know and how you pay them off or you curl up and you try to avoid the scrutiny of government and interactivity with the government agencies.

Here in this country, we're straight up, open, and honest, and, for the most part, moral and ethical, and we respect the law. But if we grant amnesty to 12 or 20 or more million people because it's described as an insurmountable problem, that the argument that's often made that we can't deport 12 or 20 million people, in fact, we could. We could do that. It's not logistically impossible to do so.

I went over to London a little over a year ago to deal with the immigration issue over there. And I listened to them talk about the numbers of illegals that they have, and I have forgotten the exact number, but let's just say that we are in that 12 to 20 million category, and population ratio-wise, they are down in that 1½ million category, perhaps, of illegals in England. And what is their argument? You can't deport 1½ million people. It's too many. It's an impossible thing logistically.

Well, interestingly we're here with 12 to 20 million. We're making the same argument. Well, then, how many could we deport? If it's not 20 million and it's not 12 million and the British say they can't deport 1½ million, could we depart 1½ million if we chose to do that, or is it 1 million or ½ million or 100,000 or 10,000 or one? What is our capability logistically to deport people that are in the United States illegally?

And I will suggest that it's in direct proportion to our resources and our will to enforce the law. Our problem is not that we can't do so logistically. Our problem is we lack the will to do so from a moral standard because we're listening to both sides of this argument. The argument that people are here, that they just want to work. They want to earn for their families. And for the most part, that's true. And we disregard the argument that is this point that I need to make, Madam Speaker, and that is that 90 percent of the illegal drugs consumed in the United States of America come from or through Mexico, 90 percent. It's a consistent number that comes from the Drug Enforcement Agency, and it's been consistent throughout several years.

□ 2030

And the illegal drug distribution chains in America, magically, and this is a Drug Enforcement Agency response, magically if every one of the people that are in the United States illegally, magically tomorrow morning woke up in their home country where they were legal to live and reside, if that happened by magic wand overnight, there is at least one link in every illegal drug distribution chain in America that would be severed because at least one link has an illegal alien that's part of that drug distribution chain.

And so if it was in our endeavor to shut off the illegal drug distribution in America, we would simply make sure we enforced our immigration laws. And that would be a very temporary fix, and it might only last for hours or days, not much longer than weeks and perhaps not months, but it would sever the distribution of all illegal drugs in America, however temporarily that might be.

So when we look at what happens when we have 12 to 20 or more million illegals in America, what are the effects on our society? First, they are delivering 90 percent of the drugs from or through Mexico. And some of them at

least touch the delivery of every illegal drug that's delivered in the United States of America while that's going on.

What is accompanied by the illegal drug trade? Violence, murder, theft, rape, all of those things that go along with crime are wrapped up and associated with the illegal drug distribution. And the people that are illegally distributing drugs that are in the United States illegally are also, however inadvertently, the channel of their work is enabled by, and not always willfully, and sometimes even unknowingly, it's enabled by the illegal community in the United States. It becomes an underground railroad for illegal people and illegal drugs that are pouring through, from and through Mexico into the United States. And it is something that brings about a high amount of death and destruction and diminishment of human capital, human resources, and human potential. That's why we outlaw those illegal drugs in the first place.

It doesn't mean that all the people that are involved in that are willfully evil or willfully trying to undermine our society. It might be inadvertent. But they are part of the problem. And if we are to have the rule of law, we have to enforce the rule of law. And to imagine that when law enforcement comes in contact with people who are here illegally that we would be unwilling to put them back into the condition that they were in at the time they broke the law is unconscionable for a rule-of-law Nation to think such a thing.

Think in terms of this: if someone walks into the bank and robs the bank and would walk out of that bank with all of the loot, and we would interdict them with our law enforcement and decide, well, you really only want to provide for your family, so we are going to let you go on here because we don't have the will to stop you at this point. Or our immigration laws, simply deporting people is the equivalent of putting them back in the condition they were in before they broke the law. It's the equivalent of taking a bank robber and saying you don't get to keep the money, but we are going to take you out of the bank and set you outside the door and let you go. That's the equivalent of deportation.

It is we put people back in the condition they were in before they broke the law. It's like taking a bank robber out of the bank, not letting them keep the loot, and you set them outside the door and say, okay, go. You are free to go. It's as if you never broke our law. That's what deportation is. It is not Draconian. It is not harsh. It is not cruel and unusual punishment. It is de minimis that we can do if we are going to enforce the law. And if we are not willing to put people back in the condition they were in before they broke our immigration law, then we cannot have enforcement of our immigration law whatsoever.

It doesn't work to set a standard of amnesty that's been advocated by President Bush, President Obama, by many of the leaders over here on the left side of the aisle that we should give people a path to citizenship, make them pay a fine, force them to learn English. That seems a little odd to me, how you force somebody to learn a language and require them to pay their back taxes. Those are the minimum standards for somebody who would come into the United States legally in the first place.

If you want to become an American citizen, get in line. Get in line in a foreign country. Don't jump the line. Don't jump the border. And when you do that, and you go take your citizenship test—first, you have to pass the test that asks the question what's the economic system of the United States of America? And the answer is free enterprise capitalism. That's a little heads up there, Madam Speaker, on that one.

But when people come into the United States legally, they are required to learn English. If they want to become a citizen, if they want to go through the naturalization process, they are required to learn English. They are required to demonstrate proficiency in English in both the written and the spoken word. They have to understand our history and understand those principles that made America great. And we are not going to naturalize somebody that didn't pay their back taxes.

And the idea of a fine for being in the United States illegally, and that's the only other condition that we would add, whether that would be pay a fee of $1,500—I remember when it started out to be $500. And then $500 seemed like a pittance, so they raised it to $1,000 and then $1,500. And under the Bush administration we had the discussion and the argument that their position was, well, it's not amnesty if they have to pay a fine. Oh, really? If the fine is cheaper than what you have to pay a coyote to sneak into the United States is it really a fine? And does the fine replace the penalty that exists for violating Federal law? And I say no.

If you grant people the objective of their crime, it's amnesty. To grant amnesty is to pardon people for the violation of the law and grant them the objective of their crime. That's what amnesty is. And so if we are going to have amnesty, let's be honest about it, Madam Speaker. Let's ask the people in this Congress, the President of the United States, the executive branch of government, and the people in the United States Senate that are now crafting up legislation are you for or against amnesty. If they want to support amnesty, it's fine with me if they will just admit that. And then we can have a debate as to what degree of amnesty they are going to advocate.

But it's offensive to the American people to hear United States Senators or Members of the House of Representatives, Congressmen and -women, or the President of the United States, or his spokesmen or -women, argue that amnesty isn't amnesty when we know very well what amnesty is. Pardon immigration lawbreakers and reward them with the objective of their crimes. That's amnesty.

President Reagan understood it. He admitted amnesty was amnesty. He signed the amnesty bill in 1986. Yes, he let me down, but he was honest about it. And we haven't been honest during the second half of the Bush administration, and we certainly aren't honest during the Obama administration, this first third or so of the Obama administration about amnesty or immigration.

And so here are my concerns, that 90 percent of the illegal drugs that are consumed in the United States come from or through Mexico. Of all the violence that pours forth from that, it costs American lives dozens and dozens, in fact by the hundreds, every year Americans that die at the hands of illegals that are here in the United States of America illegally. That's the definition. And if we would be effective in enforcing immigration law, those people who died at the hands who are here illegally would still be alive.

When the school bus wrecked in southwest Minnesota and we lost four or five young girls there because it was caused by an accident by an individual who had two or three times been interdicted by law enforcement in the United States but was turned loose again, those girls would be young women today. They would be alive today. And their parents know that. It happens over and over hundreds of times. In fact, it's happened thousands of times since we failed to enforce our immigration laws.

So what do we do? We put together the will to enforce our immigration laws. The American people rise up and make the argument that we are going to have the rule of law, that we are going to shut off all illegal traffic at the border. We are going to force all that traffic through the ports of entry.

It's been a little while since we have talked about the necessity of building a wall and a fence on the southern border. Someone said to me we can't build 2,000 miles of fence. Yes, we could. We could build 2,000 miles of triple fencing. We could put sensors on it. We could put lights on it. We could build roads in between. We could patrol it. We could enforce it. We can fix it so nobody gets through all that. Yes, we can. And for the people that will argue if you build a 20-foot fence I will show you a 21-foot ladder, that's got to be the silliest and the weakest and the

most specious argument I have heard here on the floor of the United States Congress. I have heard the Secretary of Homeland Security say build a 50-foot fence and I will show you a 51-foot ladder.

Madam Speaker, what in the world could that mean? All right, if you build a rocket that will fly to the Moon, I will show you a rocket that will fly a mile past the Moon. So what? What does that mean? They are not going to be building a 51-foot ladder. And if they do, we are going to be sitting there with our sensory devices, our roads, our monitoring, and we are going to make sure if they can get over that fence they don't get to the next one. And if they get over that one, we are going to make sure they don't get to the next one.

I have designed a concrete wall. And it is not the only barrier; it is not the only tool. And when those of us that talk about the necessity for extending the fence and the wall on the southern border and building double and tertiary fences and walls, the argument against it becomes this silly argument of, well, that's not going to solve the problem.

None of us believe it's the total solution. None of us believe that building an effective wall and fence is the only thing we would do. It's among the effective things that we could do.

So, Madam Speaker, here are some things that the American people don't know. The President doesn't know. His actuaries don't know. The Speaker of the House doesn't know. HARRY REID, the majority leader in the Senate doesn't know. And the committee Chairs don't know. And I may well be the only one in the United States Congress that knows this. And, Madam Speaker, now the whole world is going to know. Here are the numbers. About 2006 we were spending $8 billion on our southern border. Now we are spending about $12 billion on our southern border. All together. These aren't numbers that come out of the administration except one piece at a time. And you have to add them up and calculate it out and calculate it back to the numbers of miles of border that we have. $12 billion when you add up all of the expenses necessary for ICE that are operating down there near the border in that 20- to 40-mile, maybe 50-mile range of the border.

You have to pay the personnel, their health care package, their benefits package, their retirement funds, their equipment, their vehicles that they drive, guns, uniforms, all those things that they do. And you add to that Custom Border Protection, our CBP people, our Customs personnel, our Border Patrol personnel. And all of the forces that are there lined up that are part of that coordinated effort to defend the border are right in the area of $12 billion. $12 billion for 2,000 miles of border. That is $6 million a mile, Madam Speaker.

Now, think of this. Most of us can think what a mile is. For me, I live on the corner on a gravel road in Iowa. And a lot of those corners you can stand out there in the middle of that intersection and you can see a mile in each of four directions. It is not the case in mine, but I know how far a mile is. Most of us do.

Now, when I stand on my corner and I look to the west that full mile, a mile west, which is the clearest vision that I have, and I think would the Federal Government pay me—if that were the border, would the Federal Government pay me $6 million to guard that border for that mile? Could I do that for $6 million? Would I be willing to take on that contract and control that border for $6 million for that mile? And that's the average for 2,000 miles. Some of it's barren and desolate. Would I be willing to do that, Madam Speaker, for $6 million? You betcha. You betcha, to pick up on a phrase. I would do that for $6 million a mile.

And, furthermore, I would be willing to guarantee nobody would get across that mile. I would guard it, I would protect it, I would hire the personnel necessary. And, in fact, rather than paying a lot of people that were boots on the ground, I would have some, and they would be in mobile vehicles, and we would have sensors, and we would have some lights, and we would have radios, and we would have warning devices and ground-based radar. We would do all that stuff.

□ 2045

But we would also build a fence and a wall as a barrier to slow that traffic down and make it hard enough that they wouldn't come through my mile at all. In fact, I would shut down all the traffic in that mile for $6 million. And if you award me that contract, I would be willing to let you dock me from that contract. I would guarantee it. I would bond it. I would let you dock me. If they got across my mile, then subtract from my contract every illegal crosser that is there. Then you would put the incentives in place to actually succeed in what we're doing as opposed to just simply doing—it's not catch and release back into America anymore. It's catch and release at the port of entry and turn them back in to Mexico, and then they come back around with a smirk on their face. And I have watched them do that, Madam Speaker.

Another tool that we need to have is the New IDEA Act. New IDEA is legislation that I have introduced in the last three Congresses. The New IDEA stands for the New Illegal Deduction Elimination Act. That's the acronym, New Illegal Deduction Elimination Act. It comes from this part. If you look around, across the agencies of the Federal Government and think about those agencies and how aggressively and how effectively they do their jobs, we have the Department of Homeland Security, which has really pledged that they're not going to deport illegal workers in America.

In fact, they picked up some illegal workers by accident in Boston some months ago back in December or January. They found out that they were illegal. They processed them. These workers were on their way up to Gillette Stadium in Boston. So ICE, after they processed them, hauled them up to work. They gave them chauffeured transportation up to their job to be groundskeepers at Gillette Stadium in Boston, a complete lack of focus on their job.

I mean, you talk about open borders. Jump across the border, come in here and sneak in and get yourself a job and have your documents being invalid, falsification, whatever it might be, misrepresents your status. And if we run across you by accident because our ICE people are out there doing what they do, we will take your fingerprints and your names, and then we'll give you a chauffeured ride on up to work at Gillette Stadium. That is bizarre. It is so far away from an understanding of what it takes to enforce the law.

I take us back to a time in the fifties when my father was a manager of the State police radio stations, and he also was the mayor of a small community. The local town cop came across an illegal who happened to be traveling through the community, and I don't know how they interdicted him, whether it was his license plate light that was out or whatever it was, but he was arrested. He was incarcerated. He was held up in the city jail, and they had to process him. And my father, as mayor, was the justice of the peace as well. There never was any consideration about turning him loose because it was too hard to enforce the law. The only thing that could come from that was the person that was illegally in the United States was going to go back to their home country. And by my recollection, that's what happened.

But the New Illegal Deduction Elimination Act recognizes that the Department of Homeland Security hasn't shown a complete will to enforce immigration law. They have got good officers out in the field. They want to do so. They want to deliver on a mission and accomplish a mission statement. They want to accomplish their mission statement, but the lack of will from the White House down through the Secretary of Homeland Security prevents them from being as effective as they can be.

So there's your agency. Department of Homeland Security is not as effective as they can be, enforcing against employers because politically that's more palatable but refusing to enforce against illegal workers because they have decided that those illegal workers

can be Democrats. I stand on that statement, Madam Speaker. They've decided those illegal workers can become Democrats, so they want to pander to them.

We've got the Social Security Administration that has a database that should be feeding information to the Department of Homeland Security. Whenever you have duplications of those Social Security numbers, you can bet that as soon as the second one shows up, if it's outside the neighborhood in the driving range of the first one, that you have one illegal there at least that's working off of that Social Security number—and maybe both of them are illegal.

The Social Security Administration is willing to take the checks that come from the payroll taxes of those millions who are working illegally in America, paying their payroll taxes because it's withheld from their paycheck, but declaring the maximum number of dependents so that they pay Social Security, Medicare and Medicaid, but not State and Federal income tax. The Social Security Administration's willing to take those checks from those illegal workers and not explore the duplications on those Social Security numbers because the money's going into the account which is being spent by this Congress but is kept in an accounting process in Parkersburg, West Virginia, in a filing cabinet. And bonds that are worth no more than this piece of paper was, a print on top of it. I happen to have one in my filing cabinet as well. $3.54 billion in bonds in the Social Security account. It's an IOU from the government to the government. They put them in a filing cabinet in Parkersburg, West Virginia. But illegals pay into that out of proportion because they're not going to file a tax return. And so the dollars that are contributed on that Social Security number go into that filing cabinet along with those bonds.

And we have the Department of Homeland Security who is not willing to enforce the law to the extent that it must be against illegal workers. They may be willing to enforce the law in even an increasing degree over the Bush administration against employers who are hiring illegal workers. The Social Security Administration is cashing the checks of people who have fraudulently misrepresented their identity, and so neither agency has demonstrated the will to enforce the law.

So I brought this legislation called the New IDEA Act which clarifies that wages and benefits paid to illegals are not tax deductible for Federal income tax purposes, and it establishes that there will be a cooperative working effort between Social Security, Homeland Security, and the IRS. The IRS, who has demonstrated they do have a desire to enforce the law, they have been vigorous in enforcing the law, and they would be very useful in stepping into the enforcement of illegal immigration law, and they happen to be in just exactly the right position to do so.

And so under my bill, should it become law—and in fact, my bill has been advocated by the Democrats in the Senate who are proposing immigration legislation, Senator SCHUMER and others. They didn't define the title of the bill, but they defined the bill within their talking points, so I can commend them for recognizing the need.

New IDEA, the New Illegal Deduction Elimination Act, clarifies that wages and benefits paid to illegals are not tax deductible for income tax purposes, and it directs the IRS to go in under the normal course of their audits, run the Social Security numbers of those employees through, which will show up on the tax forms, run them through the E-Verify program. E-Verify is the Internet-based program that can verify the identity of the employees. It identifies a person who can lawfully work in the United States, and it has a very, very high degree of success and accuracy.

So the IRS would come in in an audit, and they would audit corporation A, and say corporation A has 25 employees. Their Social Security numbers will be listed in their tax forms. They will punch those Social Security numbers in to E-Verify. If it comes back that they can lawfully work in the United States, fine. No problem. If it comes back that they can't verify, then the IRS can give the employer an opportunity to cure those records, to straighten them out and to correct them. But failure to correct those records then can be concluded by the IRS, under the New IDEA Act, the New Illegal Deduction Elimination Act, the IRS can then deny the tax deductibility of the wages and benefits paid to the illegals.

When the IRS denies that, then those wages—let's just say that it's $1 million worth of wages that are paid, are deducted as a business expense like you would deduct, oh, let's say, fuel or any of your overhead that you might have, input from produced products or whatever it might be. That business expense would be denied. And when it's denied, presumably, it goes over into the income column. So $1 million worth of wages are denied as an expense because it was paid to illegals and denied by the IRS. It would go over here to the other column on the profit side.

And I did this calculation at 34 percent corporate income tax, and it might well be 35 percent today, and I think it's more accurate to say so. But at 34 percent, your $10 an hour illegal, by the time you add interest and penalty and the 34 percent tax, becomes a $16 an hour illegal. The IRS steps in then to enforce immigration law by denying the deductibility of wages and benefits paid to illegals, adding the interest and the penalty, and the $10 an hour illegal becomes a $16 an hour illegal. Employers will understand that instantly, and they will set about cleaning up their workforce, using E-Verify.

And, by the way, we give that employer safe harbor if he uses E-Verify, using E-Verify to clean up his workforce. And an employer that can't function with the illegal staff that he has may make the decision to incrementally transition over into legal employees over a period of time. Whatever it takes. It's not draconian. It isn't stark. It isn't something that shuts businesses down, but it is something that sets up an incentive for businesses to comply with our immigration law. Should they choose not to do that, then they can pay the Federal Treasury the difference of $10 an hour up to $16 an hour.

We need to fix E-Verify, and we do in my bill. We set up E-Verify so that an employer can use E-Verify to verify the employability status of the applicant upon a bona fide job offer rather than having to hire the individual. Under current E-Verify law, you can't use E-Verify to determine if a job applicant can lawfully work in the United States. You can only do that after you actually hire them. So if you hire an individual, and you run their data through E-Verify and it comes back that they can't confirm that they can lawfully work in the United States, then you have to turn around and fire them.

And I'll take the position that American employers should not be compelled to hire illegals in order to find out that they're illegal. They should be able to say to the individual, Sam, John, Larry, Sally, whoever you are, I'm offering you this job, and the job that I'm offering you is contingent upon your data being approved through E-Verify. I will do that now if you're willing to accept this job. If they say yes, you run the data through. You've got, at a maximum, a 6-second delay to get this verification done. If they don't meet the test, you don't put them on the payroll. I think that it's immoral to hire people that are illegal, and I don't want to be compelled to do that because we've got a flaw in our E-Verify law.

So I appreciate the statement that Mr. POLIS from Colorado made that he's for zero illegal immigration. I don't know how you get to that unless you're willing to enforce the law. I think we need to force all traffic—legal and illegal—and all products—human and other products—through the ports of entry on our southern border. I think we need to go ahead and build a fence and a wall. And at the expense of $6 million a mile, that's the maintenance of our border. What will it cost us to build a fence and how much will it cut in the cost to maintain the enforcement of that? If we can, for a couple million dollars a mile, build some very effective barriers, that means that

we can cut down on the cost to the boots on the ground to enforce those sections and focus our boots on the ground that we have in the areas where we have trouble with enforcement. That's a logical thing to do.

Look around the world. Look at the barrier that they have in Israel, for example, where they had suicide bombers coming through over and over and over again. They built a barrier there, and it's set up to protect the Israelis from the people that would come and do them harm. Is it immoral for them to protect themselves from that kind of damage to their lives and to their limbs and to their treasure? I suggest it is not. And those that would argue that a wall on our border is comparable to the Berlin Wall just completely and intentionally and willfully miss the most important point, and that is that a wall to keep people out is morally and fundamentally different than a wall to keep people in. The Berlin Wall was about keeping people in. You don't hear the same people argue against the Great Wall of China because they know the Great Wall of China was designed to keep people out, not in. We know that the barrier in Israel has worked. We know that our barriers on our southern border where we have them have worked.

We have tertiary fencing down there in San Luis, Arizona, that is, as near as I can determine, that section of fence—however short it is—it's three layers of fencing. As near as I can determine, it has not been defeated by anyone. It's easier to go around the end than it is to go over, around, under, or through. I don't suggest we build 2,000 miles of wall and fencing with sensors and monitoring and patrol roads. Madam Speaker, I suggest that we simply build a fence and build a wall until they quit going around the end. If we do that, it may take 2,000 miles. It may not. We may just be building the 784 miles that are required by the Secure Fence Act. We would need to have a smart immigration policy.

And here we are, down into the depths of this downward spiral of our economy, this economy that's been referred to a good number of times as the ''great recession.'' And we're talking about, what, granting amnesty to people, perhaps moving pieces of legislation through this Congress that would legalize 12 million to 20 million people in an economic environment where we have 15.4 million unemployed Americans that fit the category, that fit the definition, another 5 million to 6 million Americans who no longer fit the definition for unemployment because they quit trying. So we have over 20 million Americans that are looking for work or should be looking for work or have given up, and we have at least 8 million illegals that are working in the United States, taking up jobs that Americans could and should be doing.

□ 2100

The argument that there is work that Americans won't do, we haven't heard much of that argument in the last year or so, since the economy went into the downward spiral. They haven't said that as often. I have always argued that there isn't work that Americans won't do. We do everything. There is no job in America that is not being done by Americans. No matter how many legal or illegal immigrants might be doing that work, there will always be Americans standing there doing that work as well.

When we travel around the world and look at the work that is being done, work that is characterized as work that Americans won't do, I see that work being done by every nationality in every country. There is no work that Americans won't do. When JOHN MCCAIN talked about he would pay $50 an hour for people to come and pick lettuce, I am not sure that he ever wrote that check; but I was quite concerned that I would lose my construction crew, who might all migrate down to Arizona to pick lettuce for $50 an hour.

It isn't a matter that there is work that Americans won't do, it is a matter of there has been a flood of underskilled labor that are mobile. They are more reactive. They can beat Americans to that job because they are not as tied to real estate. They don't have those kinds of possessions. They have a cell phone network, and if they need 25 people to pick the lettuce in Arizona, that network brings a lot of illegals in there to do that. It doesn't mean Americans won't do it. There is no work Americans won't do.

I mentioned JOHN MCCAIN, and it isn't for the purpose of being critical of the positions he has taken in the past, I say my hats off to the people who have served this country. He is an authentic American hero. He has gone through a tremendous amount of torture and pain and suffering, and he has not lost his resolve to defend this country in a fashion that be believes as a United States Senator.

I would just suggest, here are some real facts. I have asked this question, and I come down to a bottom line consensus: What is the toughest, dirtiest, most dangerous job that we ever ask Americans to do? I will suggest that it is not in the United States. It has been and perhaps will not be again in that particular location, but it is rooting terrorists out of places like Fallujah, or places in Afghanistan, where we ask our soldiers and our marines to put their lives on the line to do that, sometimes in 130 degree heat with 70, 80 pounds that they are carrying. They go in and root those terrorists out of Fallujah. They root them out of Afghanistan. They do that, and if you calculate them at 40 hours a week, for about $8.09 an hour.

If Americans will do that, if they will take on the toughest, the hottest or the coldest, the dirtiest, and the most dangerous jobs in the world for that kind of money, there is no argument to be made that there are jobs that Americans will not do. We work hard and are willing to take a risk. We stand up for freedom and liberty and the rule of law. The people who put on the uniform to put their lives on the line are very much about defending the pillars of American exceptionalism, the principles that made American great, and they are not about defending someone having a path to citizenship being granted through amnesty.

We owe the honor to the people who have defended our liberty and freedom to stand up for the rule of law. The rule of law has been reestablished by the statute in Arizona, the immigration legislation that they have passed and has been signed into law by the governor.

These immigration laws in Arizona are laws that reflect the Federal immigration law. They fit within the umbrella of the Federal immigration law. Yes, there is a standard called Federal preemption, and that means if the Federal Government passes a law, provided it is constitutional that supersedes that of the States, that is Federal preemption. But we don't have any statutes that preempt immigration law in Arizona because they have drafted their immigration legislation to fit within the umbrella of the Federal immigration law.

And they have set up some clear standards, clear standards that there shall not be racial profiling used as the only criterion when it comes to interdicting or stopping an individual.

Now that happens to fit consistently with Federal case law. We have a responsibility and a duty and an obligation and a legal standard that allows our law enforcement officers to use a profile provided their race isn't the only criterion. And reasonable suspicion includes a whole lot of other criteria in addition to race. We don't want to be foolish or stupid about this.

I recall an incident that took place in Urbandale, Iowa, 15 or more years ago. It is a community that at the time was not populated by minorities in any significant percentage. There was a Cadillac being driven down the street in a higher income residential area by an African American. The law enforcement officer saw that and wondered, and maybe it was actually Windsor Heights, come to think of it, but it was one of the suburbs of Des Moines, and the officer saw that and thought, That doesn't quite fit what goes on in this community. It could have been the same police officer in an African American community that would have made the call if it were perhaps a white person in that community.

But it turned out to be the other way around. He ran the plates on the car

and the car was registered to a Caucasian female who lived in the neighborhood. So the officer suspected something was out of order, pulled the car over, and found out that the African American driving the car was the husband of the Caucasian lady whom the car was registered to who lived in the neighborhood.

Okay, it wasn't what you would normally see as typical. One could argue it was racial profiling, but I would argue it was police work picking up the things that were inconsistent and trying to pick the populous. In any event, the settlement was $60,000 paid to the driver of the car, the husband of the lady who owned the car and was a very legitimate resident of the community and as far as I know, was a very well-respected Iowan.

But sometimes you get caught in the anomaly, and you have to give the police officers their due. They are picking out those things that are out of order and don't fit the normal practice in the neighborhood. And I know the difference. I live in a rural neighborhood. When somebody drives down my road, we generally know who they are and where they are going. If I drive down the road, they know me. It is part of our own built-in security system.

Where I reside out here in D.C., I know who stands on the street and what the flow of traffic is, and you see those things that are outside the normal flow. That's what police officers do. It isn't and should not be targeting people because of their race. But race can be a factor in a legitimate police activity as long as it is not the only factor. That is what the Arizona law says.

I want to presume that those police officers are operating to enforce the rule of law and protect society and to use the tools that they have to protect the people. That's what they are. They provide security all across this country. Having grown in an law enforcement family, I respect the job that they do and the risk that they take and the judgment and the education that is necessary for them if they are going to enforce the law.

In Arizona, the executive order by the governor ensures that they are going to continue to teach and train their officers so that they stay within compliance of Federal law, Arizona law, Arizona Constitution and the United States Constitution. And if there are deviations from that, I am very confident that the people who are driving wedges between us as Americans will find a way to litigate.

I regret and it saddens me, and in fact it infuriates me, Madam Speaker, that we would see the people who are race baiters who are seeking to drive wedges between the American people, trying to capitalize on this and scare the American people and make it out to be something that it is not. What it is is, it is a law that sets up and honors the Federal immigration law that uses the Arizona law enforcement people to enforce an immigration law that is now a State law that is the mirror of the Federal law. We need to understand that in the case of U.S. v. Santana Garcia, and several others, that there are Federal precedents that local law enforcement implicitly has the authority to enforce immigration law.

Regardless of whether there is a 287(g) agreement, local law enforcement has the authority to enforce immigration law, and there is a Federal law that prohibits sanctuary cities. It has been exploited by many cities in the country, including San Francisco and Houston, a number of cities that want to boycott Arizona, the violation of the Federal law from prohibiting cities from becoming sanctuary cities has been a circumvention, and it says the series of requirements that are in there that prohibit local cities from, let me say, protecting illegals in their communities, and have they found a way to pass memorandums of understanding or city ordinances that direct their police officers to not gather information, because the statute that was written wasn't tight enough and requires that once they have the information, they have to transfer it on to Federal law enforcement officials, so they just prohibit their local law enforcement officers from gathering information on illegals.

And so they become sanctuary cities and the streets of the city fill up with people who are here illegally. They are taking jobs from Americans. They are among the 8 millions taking jobs from Americans; and as the streets fill up, they are also turning a blind eye to the illegal drugs and the violence and the abuse that comes out of that community in its entirety.

Madam Speaker, I go back to 12 to 20 million illegals living in America, at least 8 million working in America, 15.4 million unemployed, another 5 to 6 million that quit looking for work that fit that category except they are not trying any longer, over 20 million Americans who need a job, 8 million illegals that are occupying jobs that would all go to people who are either Americans or lawfully present in the United States, in an economy that has been declining and shrinking.

And by the way, we have 1.5 million green cards that are issued on an annual basis. If you look at the workforce in America, 10 years ago the workforce in American was 142 million, now it is 153 million.

□ 2115

It has increased about a little over 1 million a year over the last 10 years. And if you would go back and look, the numbers of green cards has accelerated from about three quarters of a million in that period of time—and that actually is a guess, Madam Speaker—on up to about 1.5 million a year now. Almost the sum total of the expansion of our workforce has been attributable to the legal immigration green cards that are a component of this. And so our economy has to grow and create 1.5 million new jobs a year just to accommodate the legal immigration, let alone the illegal immigration. Those are the facts of what we're faced with today.

So, Madam Speaker, I'm going to make this statement, that we have to put a stop to the illegal immigration in America. We've got to direct all traffic through our ports of entry where we can stop the traffic of illegal drugs, contraband, and people coming into the United States. We need to enforce our immigration law. We need to adopt the new ID Act so the IRS can help us enforce immigration law. And then, while all this is going on, we've got to take a look at the legal immigration in America and make a determination as to how many jobs we want this economy to create to accommodate those who are coming in here legally, and we have to have an economy that's going to be robust.

Furthermore, according to Robert Rector of the Heritage Foundation, a household that's headed by a high school dropout costs taxpayers in America an average of $22,449; $22,449 over 50 years of heading the household, a $1.5 million cost to the taxpayers to help sustain this household because we have become a welfare state. When my grandmother came here before the turn of the previous century, she didn't come here to a welfare state. She came here to a meritocracy, and they wanted to ensure that the people that came through Ellis Island were physically and mentally fit and could sustain themselves. And even though they were screened in Europe before they got on the ship, 2 percent of them were sent back from Ellis Island because they didn't meet the standard.

And so here we are today, 1.5 million legal immigrants who are granted work permits in the United States consuming all the new jobs in America and expanding the workforce when we have many more Americans that we could tap into to do this work that we haven't tried. That's 15.4 million unemployed, plus 5 to 6 million who no longer meet that category, 20 million altogether. And if I would put them into this category, those Americans of working age are in the area of 80 million Americans of working age who are simply not in the workforce. So if we would just simply hire one out of 10 of those, we could replace all the illegal workers by hiring 10 percent of those who are not in the workforce, but are of working age; and about 20 million of those are looking for work.

So, Madam Speaker, we have an economy we need to heal up. We've got a rule of law we've got to reestablish.

We have demonstrations that are likely to come across America that are designed to just pit Americans against Americans, race-based, race baiting for political purposes, when what we're really looking for here is the enforcement of the rule of law and a robust economy that's going to employ American workers.

We are the most generous country in the world when it comes to allowing legal immigration, roughly 1.5 million a year. No other country comes close to matching that. We need to take a look at our economy, the rule of law, the culture in America, enforce the rule of law, stand with Arizona—who has not done anything except define their Arizona immigration law to reflect that of the Federal law. And the President of the United States, who has directed the Justice Department to examine Arizona law, I think is finding out that it's constitutional, it's statutorily consistent, it cannot be and should not be preempted by Federal law, and it should be honored and respected and supported, not investigated, nor litigated. And I encourage and I thank the people in Arizona for having the courage to step up and pass their legislation.

Madam Speaker, I yield back the balance of my time.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POLIS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. CALVERT, for 5 minutes, May 4 and 5.

Mr. FORBES, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, May 6.

Mr. POE of Texas, for 5 minutes, May 6.

Mr. JONES, for 5 minutes, May 6.

Mr. SHIMKUS, for 5 minutes, today.

## ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5147. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

## ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, May 3, 2010, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7255. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2008 Tariff-Rate Quota Year received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7256. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, ''2009 Packers and Stockyards Program Annual Report'', pursuant to the Packers and Stockyards Act of 1921, as amended; to the Committee on Agriculture.

7257. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Charles C. Campbell, United States Army, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

7258. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on National Guard Counterdrug Schools Activities, pursuant to Public Law 109-469, section 901(f); to the Committee on Armed Services.

7259. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on activities under the Secretary's personnel management demonstration project authorities for the Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

7260. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket IN: FEMA-2010-0003] received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7261. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Regulations; Temporary Increase In Standard Coverage Amount; Mortgage Servicing Accounts; Revocable Trust Accounts; International Banking; Foreign Banks (RIN: 3064-AD36) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7262. A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — School Food Safety Program Based on Hazard Analysis and Critical Control Point Principles [FNS-2008-0033] (RIN: 0584-AD65) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7263. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Race to the Top Fund [Docket ID: ED-2010-OESE-0005] (RIN: 1810-AB10) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Tire Fuel Efficiency Consumer Information Program [Docket No.: NHTSA-2010-0036] (RIN: 2127-AK45) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7265. A letter from the Senior Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Amateur Service Rules to Facilitate Use of Spread Spectrum Communications Technologies [WT Docket No.: 10-62] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7266. A letter from the Acting Associate Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — High-Cost Universal Service Support Jurisdictional Separations Coalition for Equity in Switching Support Petition for Reconsideration [WC Docket No.: 05-337] [CC Docket No.: 80-286] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7267. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on U.S. support for Taiwan's participation as an observer at the 63nd World Health Assembly and in the work of the World Health Organization, as mandated in the Participation of the 2004 Taiwan in the World Health Organization Act, Pub. L. 108-235, Sec. 1(c); to the Committee on Foreign Affairs.

7268. A letter from the Deputy Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the Agency's annual report for Fiscal Year 2009, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

7269. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7270. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7271. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrations's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 10 [Docket No.: 0907021105-0024-03] (RIN: 0648-AY00) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7272. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU89) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7273. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No.: 060525140-6221-02] (RIN: 0648-XU16) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7274. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone of Alaska; Gulf of Alaska; Final 2010 and 2011 Harvest Specifications for Groundfish [Docket No.: 0910131362-0087-02] (RIN: 0648-XS43) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7275. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2010 and 2011 Harvest Specifications for Groundfish [Docket No.: 0910131363-0087-02] (RIN: 0648-XS44) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7276. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Gulf of Mexico Non-Sandbar Large Coastal Shark Fishery (RIN: 0648-XU90) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7277. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations [Docket No.: 080721862-91321-03] (RIN: 0648-AW51) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7278. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Federal Civil Penalties Inflation Adjustment Act — 2009 Implementation [Docket No.: USCG-2009-0891] (RIN: 1625-AB40) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7279. A letter from the Director, Department of Justice, transmitting the Department's report entitled, ''National Drug Threat Assessment (NPDTA) 2010''; to the Committee on the Judiciary.

7280. A letter from the Deputy Assistant Administrator/Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Information on Foreign Chain of Distribution for Ephedrine, Pseudoephedrine, and Phenylpropanolamine [Docket No.: DEA-295F] (RIN: 1117-AB07) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7281. A letter from the Deputy Assistant Administrator/Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Changes to and Consolidation of DEA Mailing Addresses [Docket No.: DEA-312F] (RIN: 1117-AB19) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7282. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — 2010 Rates for Pilotage on the Grast Lakes [Docket No.: USCG-2009-0883] (RIN: 1625-AB39) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. VAN HOLLEN (for himself, Mr. CASTLE, Mr. BRADY of Pennsylvania, and Mr. JONES):

H.R. 5175. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 5176. A bill to amend the National Labor Relations Act to prohibit States and Territories from classifying self-employed individuals as employees under state collective bargaining laws; to the Committee on Education and Labor.

By Mr. REHBERG:

H.R. 5177. A bill to delay the implementation of certain final rules of the Environmental Protection Agency in States until accreditation classes are held in the States for a period of at least 1 year; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. LEVIN, Mr. WAXMAN, Mr. WEINER, Mr. GEORGE MILLER of California, Mr. VAN HOLLEN, Mr. PASCRELL, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Mr. KIND, Mr. BLUMENAUER, Ms. LINDA T. SÁNCHEZ of California, Mr. STARK, Ms. SCHWARTZ, Mr. THOMPSON of California, Ms. GINNY BROWN-WAITE of Florida, Ms. DELAURO, Ms. ESHOO, Mr. ISRAEL, Ms. JACKSON LEE of Texas, Ms. KILPATRICK of Michigan, Mr. LIPINSKI, Mrs. MCCARTHY of New York, Mr. SNYDER, Ms. SUTTON, Mr. WALZ, Mr. WELCH, Ms. WOOLSEY, Mr. NADLER of New York, Mr. BERMAN, Mr. LANGEVIN, Ms. DEGETTE, Mrs. MALONEY, Mr. GENE GREEN of Texas, Mr. HINCHEY, Ms. LEE of California, Mr. DEFAZIO, Mr. DELAHUNT, Mr. RUSH, Mr. MARKEY of Massachusetts, Mr. CUMMINGS, Mr. FILNER, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MEEKS of New York, Mr. PLATTS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PIERLUISI, Mr. PALLONE, Mrs. CAPPS, Mr. HOLT, Mr. SMITH of New Jersey, Mr. WU, Mr. SHERMAN, Mr. BRALEY of Iowa, Mr. ELLISON, Mr. HARE, Mr. HINOJOSA, Mr. HONDA, Ms. CLARKE, Mr. KUCINICH, Mr. MATHESON, Ms. SLAUGHTER, Mr. TIERNEY, Mr. GRAYSON, Mr. SERRANO, Ms. WATERS, Mr. BISHOP of New York, Ms. KAPTUR, Ms. WATSON, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. CARNAHAN, Mr. COHEN, Mrs. NAPOLITANO, Mr. CONNOLLY of Virginia, Mr. GUTIERREZ, Mr. SIRES, Ms. BALDWIN, Mr. OLVER, Mr. PAYNE, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mrs. LOWEY, Mr. MCGOVERN, Ms. EDWARDS of Maryland, Mr. LOEBSACK, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Mr. RYAN of Ohio, Ms. TSONGAS, Mr. ACKERMAN, Ms. HIRONO, Mr. OBERSTAR, Mr. CAPUANO, Mr. LYNCH, Mr. SARBANES, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Mr. ARCURI, Mr. JACKSON of Illinois, Ms. KILROY, Mr. SESTAK, Mr. KENNEDY, Mr. HALL of New York, Mr. HIMES, Mr. TONKO, Mr. MORAN of Virginia, Mrs. DAHLKEMPER, Ms. HARMAN, Mr. MOORE of Kansas, Mr. BAIRD, Mr. SCHRADER, and Mr. GARAMENDI):

H.R. 5178. A bill to amend the Internal Revenue Code to reduce tobacco smuggling, and for other purposes; to the Committee on Ways and Means.

By Mrs. DAHLKEMPER:

H.R. 5179. A bill to amend title 5, United States Code, to make clear that family coverage under the Federal Employees Health Benefits Program remains available with respect to an otherwise eligible child of a Federal employee or annuitant until that child attains 26 years of age, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. SHEA-PORTER (for herself, Ms. PINGREE of Maine, Mr. FRANK of Massachusetts, Mr. TIERNEY, Ms. BORDALLO, and Mr. PALLONE):

H.R. 5180. A bill to establish an Ombudsman Office within the National Marine Fisheries Service, and for other purposes; to the Committee on Natural Resources.

By Mr. ARCURI (for himself, Mr. OWENS, Mr. HUNTER, and Mr. JONES):

H.R. 5181. A bill to amend title 10, United States Code, to improve the preservation of the small arms production industrial base; to the Committee on Armed Services.

By Mr. BERRY:

H.R. 5182. A bill to help certain communities adversely affected by FEMA's flood mapping modernization program; to the Committee on Financial Services.

By Mr. BRIGHT:

H.R. 5183. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit through December 31, 2010, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. CUELLAR, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Ms. BORDALLO, and Mr. OLVER):

H.R. 5184. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and Labor.

By Mr. DEFAZIO (for himself, Mr. DONNELLY of Indiana, and Mr. MARSHALL):

H.R. 5185. A bill to amend titles 10 and 38, United States Code, to increase the maximum age for children eligible for medical care under the TRICARE program and the CHAMPVA program; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker,

in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT:

H.R. 5186. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. MCGOVERN, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, Mr. CLEAVER, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. FILNER, Ms. LEE of California, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. NORTON, Ms. RICHARDSON, Mr. RUSH, and Mr. THOMPSON of Mississippi):

H.R. 5187. A bill to require the Secretary of Health and Human Services to establish a commission that is designed to construct a comprehensive national strategy on how to increase the affordability, accessibility, and effectiveness of long-term care and community services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 5188. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit through December 31, 2010, and for other purposes; to the Committee on Ways and Means.

By Mr. HINCHEY:

H.R. 5189. A bill to amend the Internal Revenue Code of 1986 to require that the issuer of a tax-exempt State or local obligation obtain a certification that the interest rate with respect to such obligation is reasonable without materially increasing the risks associated with the obligation; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. EHLERS, Mr. KENNEDY, and Mr. KING of New York):

H.R. 5190. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. ROS-LEHTINEN, Mr. ELLISON, and Mr. KIRK):

H.R. 5191. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Affairs.

By Mrs. LUMMIS:

H.R. 5192. A bill to require the Secretary of Agriculture to designate national forests or portions of national forests in western States as locations for demonstration projects to prevent or mitigate the effect of pine beetle infestations and conduct forest restoration activities, to authorize the emergency removal of dead and dying trees to address public safety risks in western States, to make permanent the stewardship contracting authorities available to the Forest Service, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself and Ms. WATSON):

H.R. 5193. A bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States; to the Committee on the Judiciary.

By Mr. MCKEON:

H.R. 5194. A bill to designate Mt. Andrea Lawrence, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 5195. A bill to establish a director of anti-trafficking policies in the Department of Defense; to the Committee on Armed Services.

By Mr. WELCH:

H.R. 5196. A bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple sugaring activities, and for other purposes; to the Committee on Agriculture.

By Mr. WILSON of South Carolina (for himself, Ms. ROS-LEHTINEN, Mr. CONAWAY, Mr. LAMBORN, Mr. HENSARLING, Mr. HERGER, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. SHADEGG, Mr. GINGREY of Georgia, Mr. PITTS, Mrs. SCHMIDT, Mr. FLEMING, Mr. SMITH of Texas, Mr. TIAHRT, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mrs. MCMORRIS RODGERS, Mr. MCCLINTOCK, Mr. MILLER of Florida, Mr. FORBES, Mr. REICHERT, Mr. AKIN, Mr. BLUNT, Mr. MARIO DIAZ-BALART of Florida, Mr. COBLE, Mr. CAMPBELL, and Mr. BARRETT of South Carolina):

H. Con. Res. 271. Concurrent resolution commemorating the 43rd anniversary of the reunification of Jerusalem; to the Committee on Foreign Affairs.

By Mr. EHLERS (for himself, Mr. BOYD, Ms. RICHARDSON, Mr. MCCAUL, Mr. RAHALL, Mr. GRAVES, Mr. BURGESS, Mr. COSTELLO, Mr. POSEY, Mr. PETRI, Mr. FILNER, Mr. BOOZMAN, Mr. DENT, Mr. BOSWELL, Mr. REHBERG, Mr. SALAZAR, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H. Con. Res. 272. Concurrent resolution recognizing the many contributions made by general aviation pilots and operators to the Haiti earthquake relief efforts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GORDON of Tennessee (for himself and Mr. HALL of Texas):

H. Res. 1307. A resolution honoring the National Science Foundation for 60 years of service to the Nation; to the Committee on Science and Technology.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. GRIJALVA, Ms. SHEA-PORTER, Mr. SABLAN, Mr. PIERLUISI, and Mr. TANNER):

H. Res. 1308. A resolution supporting the goals and ideals of the International Year of Biodiversity, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. SENSENBRENNER, and Mr. WELCH):

H. Res. 1309. A resolution expressing the sense of the House of Representatives that there is need for further study of the Functional Gastrointestinal Disorder (FGID) Irritable Bowel Syndrome (IBS); to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. INGLIS, Mr. WU, Mr. HALL of Texas, and Ms. GIFFORDS):

H. Res. 1310. A resolution recognizing the 50th anniversary of the laser; to the Committee on Science and Technology.

By Mr. COHEN (for himself and Mr. FARR):

H. Res. 1311. A resolution expressing support for the charitable collection and good samaritan distribution to uninsured, low-income Americans of Food and Drug Administration-approved, medically-appropriate, non-expired, non-narcotic prescription medications by non-profit organizations licensed to dispense such medications; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES (for himself, Mr. GUTHRIE, Mr. CLAY, Mr. LUETKEMEYER, Mr. ARCURI, Mr. CONNOLLY of Virginia, Mr. SIMPSON, Mr. AL GREEN of Texas, Mr. NEAL of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of California, Mr. THOMPSON of Pennsylvania, Mr. WILSON of South Carolina, Mr. MORAN of Virginia, Mr. HARPER, Mr. MORAN of Kansas, Mr. TERRY, Mr. BURGESS, Mrs. MCMORRIS RODGERS, Mr. BLUNT, Mr. SKELTON, Mr. CASTLE, Mr. CLEAVER, Mr. GERLACH, Mr. WHITFIELD, Mr. LEE of New York, Mr. PETRI, Mr. MICA, Mr. KIRK, Mr. ROSKAM, Mr. DENT, Mr. EHLERS, Mr. FORTENBERRY, and Mr. POE of Texas):

H. Res. 1312. A resolution recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being; to the Committee on Education and Labor.

By Mr. GRIFFITH:

H. Res. 1313. A resolution expressing support for designation of May as ''Child Advocacy Center Month'' and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Mr. FALEOMAVAEGA, Ms. BERKLEY, Ms. WOOLSEY, Ms. LEE of California, Ms. SPEIER, Ms. HIRONO, Mr. BERMAN, Mr. FARR, Mr. GRIJALVA, Mr. ANDREWS, Mr. POLIS, Mr. STARK, and Mr. HARE):

H. Res. 1314. A resolution urging the Government of Canada to end the commercial seal hunt; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida:

H. Res. 1315. A resolution urging the Secretary of State to designate the Caucasus Emirate as a foreign terrorist organization; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Mr. SABLAN, Ms. CHU, Ms. SPEIER, Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Ms. BORDALLO, Mr. RANGEL, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. BLUMENAUER, Ms. MATSUI, Ms. WATSON, Mr. SIRES, Mr. SERRANO, Mr. FALEOMAVAEGA, Ms. HIRONO, Ms. MCCOLLUM, Mr. ORTIZ, Ms. LEE of California, Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Mr. WU, Mr. FARR, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Ms. BALDWIN, Mr. AL GREEN of Texas, Mr. RUSH, Mr. ROTHMAN of New Jersey, Mrs. CAPPS, Mr. ELLISON, Mrs. MALONEY, Mr. BACA, Mr. CAO, Mr. KAGEN, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, Mr. HINOJOSA, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. LARSON of Connecticut, Mr. CROWLEY, Mr. GRIJALVA, Ms. CLARKE, Mr. TOWNS, Mr. CLAY, Mr. JACKSON of Illinois, Mr. NADLER of New York, Ms. VELÁZQUEZ, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mrs. DAVIS of California, Mr. MCDERMOTT, and Mr. CONNOLLY of Virginia):

H. Res. 1316. A resolution celebrating Asian/Pacific American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. LANCE (for himself, Mr. BURGESS, Mrs. MCMORRIS RODGERS, Mr. CHAFFETZ, Ms. JENKINS, Mr. GARRETT of New Jersey, Mr. LEE of New York, Mr. BOOZMAN, Mr. COLE, Mr. HASTINGS of Washington, Mr. HOEKSTRA, Mr. KINGSTON, Mr. BURTON of Indiana, Mr. MORAN of Kansas, and Mr. PAUL):

H. Res. 1317. A resolution expressing the sense of the House of Representatives that the value-added tax in addition to existing Federal taxes is a massive tax increase that will result in hardships for United States families and job-creating small business and will stunt economic recovery; to the Committee on Ways and Means.

By Mr. MAFFEI:

H. Res. 1318. A resolution congratulating Jim Boeheim, head coach of the Syracuse University Orange men's basketball team and a native of Lyons, New York, for receiving many coaching awards for the impressive achievements of the Syracuse University Orange 2009–2010 men's basketball team; to the Committee on Education and Labor.

By Mr. SIRES (for himself, Mr. PASCRELL, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mr. ADLER of New Jersey, Mr. LANCE, Mr. HOLT, Mr. ROTHMAN of New Jersey, Mr. PALLONE, Mr. GARRETT of New Jersey, Mr. PAYNE, Mr. ANDREWS, and Mr. FRELINGHUYSEN):

H. Res. 1319. A resolution congratulating Coach Bob Hurley, Sr. of St. Anthony High School in Jersey City, New Jersey, on his induction into the Naismith Memorial Basketball Hall of Fame and celebrating his achievements; to the Committee on Education and Labor.

## MEMORIALS

Under clause 4 of rule XXII,

269. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 681 urging the Congress and the President of the United States to pass and sign legislation that would provide a temporary extension of the ARRA's Enhanced FMAP; to the Committee on Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. CHU.
H.R. 24: Mr. HASTINGS of Washington, Mr. HEINRICH, Mrs. CHRISTENSEN, and Mr. SIRES.
H.R. 39: Mrs. NAPOLITANO and Ms. CHU.
H.R. 40: Mr. BRADY of Pennsylvania.
H.R. 108: Mr. TERRY.
H.R. 197: Mrs. DAHLKEMPER.
H.R. 208: Mr. FORBES, Mr. CUELLAR, Mr. PERRIELLO, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. SMITH of Texas, and Mr. LUETKEMEYER.
H.R. 211: Mrs. KIRKPATRICK of Arizona.
H.R. 476: Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Ms. VELÁZQUEZ, and Mr. RUSH.
H.R. 510: Mr. CARTER.
H.R. 764: Mr. PLATTS and Mr. DUNCAN.
H.R. 848: Ms. SCHAKOWSKY and Ms. WOOLSEY.
H.R. 868: Mr. CARNAHAN.
H.R. 873: Mr. TONKO.
H.R. 995: Mr. ENGEL.
H.R. 997: Mr. WALDEN and Mr. LAMBORN.
H.R. 1021: Ms. SHEA-PORTER, Mr. SCHAUER, Mr. KAGEN, and Ms. BERKLEY.
H.R. 1036: Mrs. BLACKBURN, Ms. BERKLEY, Mr. RAHALL, Mr. GOODLATTE, and Mr. OBERSTAR.
H.R. 1067: Mr. MICA and Mr. MCGOVERN.
H.R. 1074: Mr. CAMP and Mrs. DAHLKEMPER.
H.R. 1126: Mr. WALZ.
H.R. 1210: Mr. YOUNG of Florida.
H.R. 1322: Mrs. MCCARTHY of New York.
H.R. 1346: Ms. RICHARDSON.
H.R. 1505: Mr. LAMBORN.
H.R. 1547: Mr. PRICE of Georgia, Ms. NORTON, and Mr. FILNER.
H.R. 1625: Mr. HOLT.
H.R. 1655: Mr. POE of Texas.
H.R. 1691: Mr. JOHNSON of Georgia, Mr. KIRK, and Mr. ROSS.
H.R. 1751: Mr. SIRES.
H.R. 1792: Ms. PINGREE of Maine.
H.R. 1826: Ms. WATERS.
H.R. 1829: Mr. PETERSON and Mr. HOLT.
H.R. 1961: Mr. LEWIS of Georgia and Mr. WU.
H.R. 2054: Ms. EDWARDS of Maryland, Mr. BRALEY of Iowa, Mrs. MCCARTHY of New York, Ms. TITUS, Mr. KILDEE, and Mr. KUCINICH.
H.R. 2149: Mr. ENGEL.
H.R. 2277: Mr. LEWIS of Georgia.
H.R. 2296: Mrs. DAHLKEMPER.
H.R. 2328: Mr. CROWLEY.
H.R. 2336: Mr. MOORE of Kansas.
H.R. 2378: Mr. MCINTYRE and Mr. MAFFEI.
H.R. 2406: Mr. MORAN of Kansas.
H.R. 2480: Mr. KRATOVIL.
H.R. 2542: Mr. KRATOVIL.
H.R. 2579: Ms. PINGREE of Maine.
H.R. 2625: Mr. ROTHMAN of New Jersey, Mrs. DAVIS of California, and Mrs. MALONEY.
H.R. 2737: Mr. ORTIZ, Mr. CUMMINGS, and Mr. MURPHY of New York.
H.R. 2766: Mr. MCMAHON and Ms. VELÁZQUEZ.
H.R. 2849: Ms. HERSETH SANDLIN.
H.R. 3035: Mr. ROGERS of Kentucky.
H.R. 3101: Mr. PALLONE.
H.R. 3185: Mr. KAGEN and Mr. FILNER.
H.R. 3202: Mr. HARE.
H.R. 3212: Mr. MARKEY of Massachusetts.
H.R. 3240: Mr. MINNICK.
H.R. 3286: Mr. YOUNG of Alaska and Mr. COLE.
H.R. 3333: Mr. SCHIFF.
H.R. 3408: Mr. GARAMENDI, Mr. LYNCH, Mr. FARR, Mr. WU, Mr. BISHOP of New York, and Mrs. CAPPS.
H.R. 3427: Mr. POLIS.
H.R. 3448: Mr. FORBES.
H.R. 3486: Mr. KRATOVIL.
H.R. 3487: Mr. ACKERMAN.
H.R. 3502: Ms. WOOLSEY.
H.R. 3519: Mr. WELCH, Ms. GIFFORDS, and Mr. FRANK of Massachusetts.
H.R. 3666: Mr. LATOURETTE and Mr. KING of New York.
H.R. 3668: Mr. RUPPERSBERGER and Mr. BURGESS.
H.R. 3699: Mr. OLVER.
H.R. 3734: Mr. THOMPSON of Mississippi.
H.R. 3781: Mr. NYE and Mr. YOUNG of Alaska.
H.R. 3790: Ms. DELAURO, Mr. LARSON of Connecticut, Ms. JENKINS, Mr. WU, and Mr. PLATTS.
H.R. 3839: Ms. KILPATRICK of Michigan.
H.R. 3905: Mr. BURGESS.
H.R. 3924: Mr. HALL of Texas.
H.R. 3936: Mrs. EMERSON, Mr. ELLISON, Mr. DAVIS of Tennessee, and Mr. ALTMIRE.
H.R. 4014: Mr. MCNERNEY and Mr. STARK.
H.R. 4070: Mr. GRAVES.
H.R. 4072: Mr. BOYD.
H.R. 4114: Mr. POE of Texas.
H.R. 4116: Ms. KILROY, Mr. COURTNEY, and Mrs. DAVIS of California.
H.R. 4128: Mr. GRIJALVA.
H.R. 4279: Mrs. LOWEY, Mr. PETERSON, Mr. WEINER, and Ms. BALDWIN.
H.R. 4296: Mr. SPACE.
H.R. 4325: Ms. LEE of California.
H.R. 4402: Mr. CLAY, Mr. CONYERS, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ.
H.R. 4427: Mr. FORBES, Mr. CUELLAR, Mr. PLATTS, Mr. PERRIELLO, Mr. CARNEY, Mr. LUETKEMEYER, and Mr. BOREN.
H.R. 4469: Mr. HUNTER, Mr. BISHOP of Utah, Mr. COBLE, and Mr. KIRK.
H.R. 4473: Mr. DOGGETT and Ms. PINGREE of Maine.
H.R. 4477: Mr. WEINER and Mr. PASTOR of Arizona.
H.R. 4509: Mr. DEFAZIO, Mr. WU, Ms. CORRINE BROWN of Florida, and Mr. WALDEN.
H.R. 4525: Mr. SHUSTER.
H.R. 4544: Mr. CARNAHAN.
H.R. 4554: Mr. CHANDLER, Mr. SALAZAR, and Mr. RYAN of Ohio.
H.R. 4594: Ms. CORRINE BROWN of Florida, Ms. CLARKE, Ms. MATSUI, Mr. MOLLOHAN, Mr. KENNEDY, Mr. PERRIELLO, Mr. THOMPSON of California, and Mr. DAVIS of Illinois.
H.R. 4601: Mr. MCDERMOTT and Mr. GRIJALVA.
H.R. 4603: Mr. COFFMAN of Colorado.
H.R. 4638: Mr. WELCH.
H.R. 4645: Ms. PINGREE of Maine and Mr. ALEXANDER.
H.R. 4647: Mr. MILLER of North Carolina.
H.R. 4662: Mr. BISHOP of Georgia.
H.R. 4671: Mr. LOEBSACK and Mr. BRALEY of Iowa.
H.R. 4676: Ms. RICHARDSON, Mrs. CAPPS, Mrs. DAVIS of California, and Mr. COSTA.
H.R. 4678: Ms. RICHARDSON.
H.R. 4684: Mr. TANNER.

H.R. 4687: Mr. BACA, Mr. ELLISON, Mrs. CAPPS, and Mr. LARSON of Connecticut.

H.R. 4689: Mr. YOUNG of Alaska, Mr. COLE, and Mr. GRAVES.

H.R. 4690: Ms. MCCOLLUM.

H.R. 4746: Mr. GARY G. MILLER of California, Mr. SHIMKUS, Mr. TIAHRT, and Mr. CALVERT.

H.R. 4751: Mr. WELCH and Mr. HIGGINS.

H.R. 4755: Ms. FUDGE.

H.R. 4780: Mr. HUNTER, Mr. LAMBORN, and Mr. PLATTS.

H.R. 4785: Mr. HILL.

H.R. 4788: Ms. HIRONO, Mr. WU, and Ms. SPEIER.

H.R. 4835: Mrs. BLACKBURN and Mr. SHULER.

H.R. 4850: Mr. ELLSWORTH, Mr. KISSELL, Mr. CONNOLLY of Virginia, and Ms. CLARKE.

H.R. 4859: Mr. CALVERT.

H.R. 4866: Mr. ELLSWORTH.

H.R. 4876: Mr. STUPAK and Ms. BEAN.

H.R. 4896: Mr. ROHRABACHER.

H.R. 4923: Mr. FILNER, Mr. SCHIFF, Mr. DOGGETT, and Ms. MCCOLLUM.

H.R. 4925: Mr. WELCH.

H.R. 4940: Mr. WHITFIELD and Ms. BALDWIN.

H.R. 4941: Mr. TEAGUE and Mr. BILBRAY.

H.R. 4945: Mr. RUPPERSBERGER.

H.R. 4947: Mr. LOBIONDO.

H.R. 4951: Mr. EDWARDS of Texas.

H.R. 4952: Mr. BURTON of Indiana and Mrs. MILLER of Michigan.

H.R. 4958: Ms. SCHAKOWSKY.

H.R. 4959: Mr. COHEN.

H.R. 4961: Mr. LEWIS of Georgia, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. DAVIS of Illinois, Mr. WATT, Mr. SCOTT of Virginia, Mr. ELLISON, and Mr. JOHNSON of Georgia.

H.R. 4972: Mr. FRANKS of Arizona.

H.R. 4993: Mr. MCDERMOTT, Mr. MICHAUD, and Ms. HIRONO.

H.R. 5012: Ms. MARKEY of Colorado and Ms. FUDGE.

H.R. 5015: Mrs. MALONEY, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. JACKSON of Illinois, Ms. MATSUI, Mr. MCDERMOTT, Ms. RICHARDSON, Mr. THOMPSON of California, Ms. WATSON, Mr. YARMUTH, Ms. CLARKE, Mr. ELLISON, Ms. JACKSON LEE of Texas, Mr. KAGEN, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Ms. NORTON, Mr. PAYNE, Mr. STARK, Mr. WALZ, Mr. BERRY, Mr. MAFFEI, Mr. HASTINGS of Florida, and Mr. KENNEDY.

H.R. 5032: Mr. BISHOP of New York.

H.R. 5034: Mrs. LUMMIS, Mr. LOBIONDO, Mr. DONNELLY of Indiana, Mr. BRIGHT, Mr. ORTIZ, Mr. CARNEY, Mr. HASTINGS of Florida, and Mr. BISHOP of New York.

H.R. 5035: Mr. SCOTT of Virginia and Mr. CALVERT.

H.R. 5044: Mr. BOCCIERI, Mr. BOYD, Mr. MCMAHON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. YARMUTH, and Mr. SIRES.

H.R. 5049: Mr. BERMAN.

H.R. 5054: Mr. WITTMAN, Mr. BURTON of Indiana, Mr. MCCAUL, and Mr. MORAN of Kansas.

H.R. 5065: Mr. HOEKSTRA and Mr. MCCLINTOCK.

H.R. 5078: Mr. NEAL of Massachusetts.

H.R. 5084: Mr. HALL of New York, Mr. LARSEN of Washington, and Mr. TONKO.

H.R. 5092: Mr. CONNOLLY of Virginia, Mr. KENNEDY, Ms. MATSUI, Mr. WELCH, Mr. RUPPERSBERGER, Mr. BILIRAKIS, Mr. STARK, Mr. BURGESS, Mr. PETERS, Mr. ROGERS of Kentucky, Mr. SENSENBRENNER, Mr. DAVIS of Illinois, Mr. GENE GREEN of Texas, Mr. EHLERS, Ms. SPEIER, Mr. MCGOVERN, and Mr. TONKO.

H.R. 5095: Mr. ROONEY.

H.R. 5118: Ms. JENKINS.

H.R. 5126: Mr. BURTON of Indiana, Mr. TIAHRT, Mr. LATTA, Mr. DANIEL E. LUNGREN of California, Mr. LAMBORN, and Mr. MORAN of Kansas.

H.R. 5128: Mr. BRALEY of Iowa, Ms. MCCOLLUM, Mr. FILNER, Mr. CHANDLER, Ms. LEE of California, and Mr. BLUMENAUER.

H.R. 5131: Ms. DELAURO, Mr. COURTNEY, and Mr. HIMES.

H.R. 5141: Mr. ROYCE, Mr. CAMPBELL, Mr. OLSON, Mr. AKIN, Mr. MARCHANT, Mr. WILSON of South Carolina, Mr. CHAFFETZ, Mr. POSEY, Mr. HENSARLING, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. ISSA, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. LATTA, Mr. TIAHRT, Mrs. BACHMANN, Mr. BILBRAY, Mr. BURGESS, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. WHITFIELD, Mr. SMITH of New Jersey, Mr. MCCARTHY of California, Mr. LOBIONDO, Mr. FRELINGHUYSEN, Mr. MCCAUL, Mr. GARY G. MILLER of California, Ms. GRANGER, Mr. PITTS, Mrs. SCHMIDT, and Mr. NEUGEBAUER.

H.R. 5144: Ms. JACKSON LEE of Texas and Mr. POE of Texas.

H.R. 5159: Mr. GRAYSON.

H.R. 5162: Mr. SPACE and Mr. BOREN.

H.R. 5173: Mr. BURTON of Indiana, Mr. ROYCE, Mr. GALLEGLY, Mr. WILSON of South Carolina, Mr. BUCHANAN, Mr. MARCHANT, and Mr. JONES.

H.J. Res. 61: Ms. WASSERMAN SCHULTZ.

H.J. Res. 67: Mr. COLE.

H.J. Res. 77: Mrs. SCHMIDT, Mr. GUTHRIE, Mr. HENSARLING, and Mrs. LUMMIS.

H.J. Res. 79: Mr. FORBES.

H. Con. Res. 4: Mr. WELCH.

H. Con. Res. 110: Ms. MCCOLLUM.

H. Con. Res. 137: Mr. ISRAEL.

H. Con. Res. 245: Mr. BILBRAY.

H. Con. Res. 260: Mr. DAVIS of Illinois, Mr. NYE, Mr. GORDON of Tennessee, Mr. WALDEN, Mr. ENGEL, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, and Mr. COSTA.

H. Con. Res. 262: Ms. JACKSON LEE of Texas, Mr. ELLISON, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. RICHARDSON, Mr. SCOTT of Virginia, Mr. AL GREEN of Texas, Ms. WATSON, Mr. MOORE of Kansas; Mr. CONNOLLY of Virginia, Mr. HINOJOSA, Mr. COURTNEY, Mrs. HALVORSON, Mr. KILDEE, Mr. MCDERMOTT, Ms. KAPTUR, Mr. RUSH, and Mrs. NAPOLITANO.

H. Con. Res. 266: Mr. MARCHANT, Mr. ROE of Tennessee, and Mr. ROTHMAN of New Jersey.

H. Con. Res. 268: Mr. COHEN, Mr. WEINER, Mr. KAGEN, Ms. KILPATRICK of Michigan, Mr. HALL of New York, and Ms. BORDALLO.

H. Res. 173: Mr. CHANDLER, Mr. SCHAUER, Ms. WASSERMAN SCHULTZ, Mr. TERRY, Mr. MCMAHON, Mr. TONKO, Mr. LANGEVIN, Mr. BOCCIERI, Mr. WELCH, Mr. KILDEE, Mr. NEAL of Massachusetts, and Mr. SPACE.

H. Res. 764: Mr. CLEAVER.

H. Res. 873: Mr. ROTHMAN of New Jersey, Mr. QUIGLEY, Mr. PETERS, and Mr. HINCHEY.

H. Res. 913: Mr. GERLACH and Mr. DAVIS of Illinois.

H. Res. 936: Ms. NORTON.

H. Res. 1056: Mr. WOLF.

H. Res. 1077: Mr. DEUTCH.

H. Res. 1149: Mr. HOEKSTRA, Mr. POLIS, Mr. EHLERS, Mr. CASSIDY, and Mr. PETRI.

H. Res. 1162: Mr. SIRES, Mr. INSLEE, Mr. PETERSON, Mr. LUJÁN, Mr. BISHOP of New York, Mr. HIMES, Mr. LARSON of Connecticut, Ms. DELAURO, Ms. BORDALLO, Ms. RICHARDSON, Mr. CONYERS, and Ms. MCCOLLUM.

H. Res. 1207: Mr. MILLER of Florida, Mr. LATTA, and Ms. SHEA-PORTER.

H. Res. 1224: Ms. MCCOLLUM.

H. Res. 1226: Mr. SIRES, Ms. DELAURO, and Mr. DAVIS of Kentucky.

H. Res. 1231: Mr. MORAN of Virginia, Mr. CROWLEY, Mr. CARNAHAN, Mr. LOBIONDO, Mr. WU, Ms. SLAUGHTER, Mrs. CAPPS, Mr. CAPUANO, Mr. BAIRD, and Mr. SCHIFF.

H. Res. 1234: Mr. ARCURI.

H. Res. 1245: Mr. AKIN, Mr. JORDAN of Ohio, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. PENCE, Mr. MARCHANT, Mr. POSEY, Mr. HENSARLING, Mr. KING of Iowa, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. SHADEGG, Ms. GRANGER, Mr. GINGREY of Georgia, Mr. PITTS, Mrs. SCHMIDT, Mr. FLEMING, Mr. LATTA, Mr. SMITH of Texas, Mrs. BACHMANN, Mr. ROGERS of Kentucky, and Ms. JENKINS.

H. Res. 1247: Mr. DRIEHAUS, Mr. CAO, Mr. FARR, and Mr. TONKO.

H. Res. 1258: Mr. REYES, Mr. SABLAN, Ms. VELÁZQUEZ, Mr. COSTA, Ms. LINDA T. SÁNCHEZ of California, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. MCMAHON, Mr. GUTIERREZ, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. OBERSTAR, Mr. SERRANO, Mr. ORTIZ, and Mr. SCHIFF.

H. Res. 1277: Mr. ALTMIRE, Mr. JACKSON of Illinois, Ms. NORTON, and Mr. COHEN.

H. Res. 1279: Mr. DANIEL E. LUNGREN of California, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. CHAFFETZ, Mr. HENSARLING, Mrs. BACHMANN, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. GOHMERT, Mr. LUETKEMEYER, Mr. SHADEGG, Ms. GRANGER, Mr. PITTS, Mrs. SCHMIDT, Mr. FLEMING, Mr. SMITH of Texas, Mr. ISSA, and Mr. BARRETT of South Carolina.

H. Res. 1285: Mr. WEINER and Mr. MCMAHON.

H. Res. 1291: Mr. RODRIGUEZ, Ms. TITUS, and Mr. WALZ.

H. Res. 1294: Mr. WALZ.

H. Res. 1295: Mr. POMEROY, Mr. GERLACH, Mr. REHBERG, Mr. BILIRAKIS, Mr. ROE of Tennessee, Mr. GRIFFITH, Mr. ALEXANDER, Mr. MCCAUL, Mr. BRADY of Pennsylvania, Mr. BAIRD, Mr. JORDAN of Ohio, Mr. EHLERS, Mr. KINGSTON, Mr. CASTLE, Mr. INGLIS, Mr. SCALISE, Ms. WASSERMAN SCHULTZ, Mrs. SCHMIDT, Mr. PETRI, Mr. SCHIFF, Mr. AUSTRIA, Mr. BRALEY of Iowa, Mr. LARSEN of Washington, Mr. MCKEON, Mr. LIPINSKI, Mr. HELLER, Mr. UPTON, Mr. TURNER, Mr. KIRK, Mrs. DAHLKEMPER, Mr. DOGGETT, Mr. HOLT, Ms. KAPTUR, Mr. LYNCH, Mr. LAMBORN, Mr. BONNER, Mr. SMITH of New Jersey, Mr. LOBIONDO, Mr. SHADEGG, Mr. TAYLOR, Mr. POSEY, Mr. MCHENRY, Mrs. BIGGERT, Mrs. CAPITO, Mr. COSTA, Mr. HERGER, Mr. CARTER, Mr. HALL of Texas, Mr. SAM JOHNSON of Texas, Mr. PENCE, Mr. CHAFFETZ, Mr. GUTIERREZ, Mr. KENNEDY, Mr. WHITFIELD, Mr. PRICE of North Carolina, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ROYCE, and Mr. DUNCAN.

H. Res. 1297: Mr. PETERS, Mr. FORTENBERRY, Mr. CAMP, Mr. MURPHY of New York, Mr. MILLER of North Carolina, Mr. PETERSON, Mrs. DAHLKEMPER, Mr. CROWLEY, Mr. HIMES, Mr. CONNOLLY of Virginia, Mr. TONKO, Mr. STUPAK, and Mr. QUIGLEY.

H. Res. 1299: Ms. MATSUI, Mr. COSTA, Mr. SABLAN, Mr. HELLER, and Mr. MCCAUL.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 2499 the Puerto Rico Democracy Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## PETITIONS, ETC.

Under clause 3 of rule XII,

122. The SPEAKER presented a petition of City of Lauderhill, Florida, relative to Resolution No. 10R-02-46 congratulating the President on receiving the 2009 Nobel Peace Prize; which was referred to the Committee on Foreign Affairs.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 10 by Mr. JONES on H.R. 775: Virginia Foxx, Todd Russell Platts, Jerry Moran, Cathy McMorris Rodgers.

# EXTENSIONS OF REMARKS

## LETTERS TO PRESIDENT OBAMA ON STRENGTHENING OUR NATIONAL SECURITY

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. WOLF. Madam Speaker, I want to share the following letters that I have sent to President Obama urging him to implement four bipartisan proposals to strengthen our national security. It is disappointing that the administration has not adopted these proposals that would make our country safer.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*January 12, 2010.*

Hon. BARACK H. OBAMA,
*President,*
*Washington, DC.*

DEAR MR. PRESIDENT: "National Security is too important to become a partisan issue." This sentence was the opening line in a January 11 USA Today op-ed jointly authored by Lee Hamilton and Thomas Kean, co-chairs of the 9/11 Commission. Last week, you, too, said, "Now is not a time for partisanship, it's a time for citizenship—a time to come together and work together with the seriousness of purpose that our national security demands." I could not agree more with this sentiment.

No nation, including America, can hope to win this long battle against al Qaeda and like foes if the war effort is marked by partisanship. Sadly, not only has partisanship infused the rhetoric surrounding national security discussions, it has actually obstructed the critical role of congressional oversight. Too often in recent months partisanship has resulted in withholding of information, unanswered letters and briefings denied by this administration.

The stakes are too high and the cost of failure is too great for petty politics to rule the day. The White House has a moral obligation to actively and consistently reach out to the minority party in Congress, to be forthcoming with information and to provide access to all levels of government.

Hamilton and Kean go on to write, "We intend to monitor the implementation of the 9/11 Commission's recommendations and report on new national security threats." I urge you to encourage this effort by bringing back these two co-chairs for a six-month period to conduct a formal review and 9/11 Commission follow-up. They would be charged with evaluating which of the Commission's original recommendation have been implemented and to what end, and which have failed to be implemented and at what cost.

This past weekend, The Washington Post featured an op-ed by Bruce Hoffman, respected professor of security studies at Georgetown University and a senior fellow at the U.S. Military Academy's Combating Terrorism Center. Hoffman wrote, "(W)hile al-Qaeda is finding new ways to exploit our weaknesses, we are stuck in a pattern of belated responses, rather than anticipating its moves and developing preemptive strategies. The 'systemic failure' of intelligence analysis and airport security that Obama recently described was not just the product of a compartmentalized bureaucracy or analytical inattention, but a failure to recognize al Qaeda's new strategy. The national security architecture built in the aftermath of Sept. 11 addresses yesterday's threats—but not today's and certainly not tomorrow's. It is superb at reacting and responding, but not at outsmarting . . . a new approach to counterterrorism is essential."

Distinct from temporarily bringing back the two 9/11 Commission co-chairs, I also urge the creation of a "Team B." As you may know, historically the phrase "Team B" refers to a group of outside experts, commissioned by the Central Intelligence Agency in the 1970's and headed by Richard Pipes, to analyze the threats posed by the Soviet Union to the United States and counter the positions of intelligence officials within the CIA, known as "Team A." In your remarks last week following the review of the attempted Christmas Day terrorist attack, you rightly referred to our enemy as "nimble." Too often our response to the evolving threat posed by al Qaeda, and others sympathetic to their murderous aims, is anything but.

The Team B concept has been successful in previous administrations when fresh eyes were needed to provide the commander-in-chief with objective information to make informed policy decisions. I believe it can work now, too, and suggest that among the individuals, but not exclusively, whose expertise and forward-thinking would be well-suited to a Team B are: Bruce Hoffman; Andrew McCarthy and Patrick Fitzgerald, both of whom were involved in the prosecution of Sheik Omar Abdel Rahman in the first World Trade Center bombings; Fouad Ajami, professor at the School of Advanced International Studies (SAIS), Johns Hopkins University; Jean Bethke Elshtain, professor of social and political ethics at the University of Chicago; economist Judy Shelton, National Endowment for Democracy board member; foreign policy columnist and author Anne Applebaum; Andrew F. Krepinevich Jr., author of Seven Deadly Scenarios: A Military Futurist Explores War in the 21st Century; Elliot Cohen, professor of Strategic Studies at SAIS; Philip D. Zelikow, diplomat and author who worked as executive director of the 9/11 Commission, and Joshua Muravchik, formerly a scholar at the American Enterprise Institute and presently a Foreign Policy Institute fellow at SAIS.

The 9/11 Commission report was issued nearly six years ago. Even if every recommendation had been implemented, which it has not, our enemy has evolved since that time. Our current intelligence infrastructure is at times overwhelmed by data, information and the urgency of daily events, and as such is unable to dedicate the time and resources necessary to think outside the box and better comprehend this multidimensional threat. "Team B" would possess the necessary expertise but would be free from these daily pressures. The team would represent a "new approach to counterterrorism" which focuses not just on connecting the dots of intelligence, but which seeks to stay a step ahead in understanding how to break the radicalization and recruitment cycle that sustains our enemy, how to disrupt their network globally and how to strategically isolate them.

I also believe there is an urgent need to make the Transportation Security Agency (TSA) administrator a long-term position. Since TSA's inception following the 9/11 attacks, there have been six Transportation Security Agency administrators and acting administrators. For a position of this import to turn over with such frequency and to automatically change hands with each new administration simply does not make sense. I am introducing legislation that mirrors the language used to establish a 10-year term and Senate confirmation for FBI directors. I am hopeful that members of both parties will see the merits of this proposal and I urge your support for this change.

America is a great nation facing an enemy unlike any other we have ever known. We must steel ourselves for the struggle ahead, frankly assessing the nature and scope of the threat we face and guarding against partisanship at all costs. The people of this country deserve nothing less.

Sincerely,

FRANK R. WOLF,
*Member of Congress.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*February 17, 2010.*

Hon. BARACK H. OBAMA,
*President,*
*Washington, DC.*

DEAR MR. PRESIDENT: Over the last year, I have written you and members of your administration numerous letters concerning terrorism. In these letters, I have proposed a series of actions that should immediately be taken and that would make the country safer and receive strong bipartisan support. I have compiled these proposals into a single letter for your convenience and urge you to take swift action. The American people are looking for strong bipartisan leadership on matters of national security and I believe these proposals could be an important start.

I believe that these amendments would garner bipartisan support from the American people. The proposals and requests are as follows:

I. BRING BACK 9/11 CO-CHAIRS FOR A REVIEW OF PROGRESS AND UPDATE REPORT

In 1998, I authored language that created the bipartisan National Commission on Terrorism, also known as the Bremer Commission—which released its final report in 2000, tellingly featuring the World Trade Center "Twin Towers" on its cover. The report was ignored by administration and congressional leaders—both Republican and Democrat—until after the terrorist attacks of September 11, 2001. Again, in 2005, I authored language creating the Iraq Study Group whose report included the recommendation for the counterinsurgency troop "surge" in its final report. Both of these experiences

have been illustrative in how an independent review of complex national security matters can help identify critical gaps and innovative ideas on policy that could strengthen our security.

I have urged the administration to bring back 9/11 Commission co-chairs Lee Hamilton and Thomas Keane for a six-month period to conduct a formal review and 9/11 Commission follow-up. They would be charged with evaluating which of the commission's original recommendations have been implemented and to what end, and which have failed to be implemented and at what cost.

The 9/11 Commission report was issued nearly six years ago. Even if every recommendation had been implemented, which has not happened, our enemy has evolved since that time. Our current intelligence infrastructure is at times overwhelmed by data, information and the urgency of daily events, and as such is unable to dedicate the time and resources necessary to think outside the box and better comprehend this multidimensional threat.

II. CREATE A ''TEAM B'' TO BRING ''FRESH EYES'' TO U.S. COUNTERTERRORISM STRATEGY

Distinct from temporarily bringing back the two 9/11 Commission co-chairs, I also urge the creation of a ''Team B.'' The Team B concept has been successful in previous administrations when fresh eyes were needed to provide the commander-in-chief with objective information to make informed policy decisions.

''Team B'' would possess the necessary expertise but would be free from the daily pressures that federal agencies face. The team would represent a ''new approach to counterterrorism'' which focuses not just on connecting the dots of intelligence, but which seeks to stay a step ahead in understanding how to break the radicalization and recruitment cycle that sustains our enemy, how to disrupt their network globally and how to strategically isolate them.

I believe it can work now, too, and suggest that among the individuals, but not exclusively, whose expertise and forward-thinking would be well-suited to a Team B are: Bruce Hoffman, professor of security studies at Georgetown University and a senior fellow at the U.S. Military Academy's Combating Terrorism Center; Andrew McCarthy and Patrick Fitzgerald, both of whom were involved in the prosecution of Sheik Omar Abdel Rahman in the first World Trade Center bombings; Fouad Ajami, professor at the School of Advanced International Studies (SAIS), Johns Hopkins University; Jean Bethke Elshtain, professor of social and political ethics at the University of Chicago; economist Judy Shelton, National Endowment for Democracy board member; foreign policy columnist and author Anne Applebaum; Andrew F. Krepinevich Jr., author of ''Seven Deadly Scenarios: A Military Futurist Explores War in the 21st Century;'' Elliot Cohen, professor of Strategic Studies at SAIS; Philip D. Zelikow, diplomat and author who worked as executive director of the 9/11 Commission, and Joshua Muravchik, formerly a scholar at the American Enterprise Institute and presently a Foreign Policy Institute fellow at SAIS.

III. MAKE STATUTORY IMPROVEMENTS TO TSA ADMINISTRATOR POSITION

I have introduced legislation, H.R. 4459, to establish a 10-year term of office for any individual appointed to serve as the administrator of the Transportation Security Administration (TSA), akin to the appointment process for the director of the Federal Bureau of Investigation (FBI).

I believe a 10-year term for the administrator of TSA will help provide the agency with the qualified, long-term and independent leadership it needs at this time, Since its creation following 9/11, TSA has had six administrators, averaging terms of just 1.5 years. This bill further strengthens our nation's homeland by ensuring stable leadership at the Department of Homeland Security and improving the TSA administrator position to assure agency professionalism over political fidelity.

IV. TRY KHALID SHEIK MOHAMMED AND OTHER DETAINEES BEFORE MILITARY TRIBUNALS

I have introduced bipartisan legislation, H.R. 4556, with Sen. Lindsey Graham to prohibit the use of Department of Justice funds for the trial of 9/11 mastermind Khalid Sheik Mohammed and his co-conspirators in any community in the U.S. However, it would still allow for a military commission at Guantanamo Bay or on a secure military base inside the U.S. This is a reasonable approach that allows the administration to try these terrorists in an appropriate military commission.

Prior to announcing plans for a New York City trial last November, the Justice Department did not consult with any local leaders, including New York City Police Commissioner Raymond Kelly or Mayor Michael Bloomberg. If it had, there would have been a better understanding of the dangers and cost of this approach, The trial, as planned, is estimated to cost taxpayers at least $250 million per year—for a total expected cost of more than $1 billion.

V. MAKE THE HIG OPERATIONAL WITHIN 30 DAYS AND BRIEF CONGRESS ON ITS AUTHORITIES

Following the handling of the interrogation of alleged Christmas Day bomber, Umar Farouk Abdulmutallab, there has been considerable confusion among agencies as to what their role was, what their role should have been, whether the High-Value Detainee Interrogation Group (HIG) should have been involved, whether the HIG is intended to operate inside the United States, and even whether the HIG exists. There is clearly an urgent need for action and clarification to ensure that future interrogations are conducted properly and effectively.

Toward that end, I urged the administration to formalize a new interrogation plan with relevant agencies, ensure that congressional committees are fully briefed, prepare an addendum to the president's review of the Christmas Day case that deals specifically with the facts concerning Mr. Abdulmutallab's interrogation, and move expeditiously to establish the HIG staff at the National Counterterrorism Center within 30 days.

Last month, the Senate Foreign Relations Committee issued a report, ''Al Qaeda in Yemen and Somalia: A Ticking Time Bomb,'' that is particularly concerning in light of the failed attack on Christmas Day and growing al Qaeda activities in Yemen. The committee reported that, ''As many as three dozen U.S. citizens who converted to Islam while in prison have traveled to Yemen, possibly for Al Qaeda training. As many as a dozen U.S. citizens who married Muslim women and converted to Islam also have made their way to Yemen . . . Described by one American official as 'blond-haired, blue eyed-types,' these individuals fit a profile of Americans who Al Qaeda has sought to recruit over the past several years.'' Additionally, the State Department told me that approximately 50,000 American citizens are currently visiting, studying, or living in Yemen currently.

As al Qaeda has changed and adjusted its tactics, so too must the U.S. An outside review of our counterterrorism strategy, combined with an independent review by the 9/11 Commission co-chairs, will ensure that we our revisiting our assumptions, strategy, and programs to fight the al Qaeda of 2010, not the al Qaeda of 2001.

Thank you for your consideration. I believe each of these proposals would receive broad bipartisan support in Congress. I stand ready to assist you in championing these proposals in Congress.

Best wishes.

Sincerely,

FRANK R. WOLF,
*Member of Congress.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*April 27, 2010.*

Hon. BARACK H. OBAMA,
*President,*
*Washington, DC.*

DEAR MR. PRESIDENT: Since January, I have repeatedly urged you and senior members of your administration to implement several bipartisan efforts to strengthen our nation's security. To date, these proposals have been dismissed without explanation. It's almost as if any idea that comes from Congress is a bad idea; and if it comes from a Republican it's viewed as a really bad idea. This is unfortunate, given the gravity of our current national security challenges.

I have always sought to work in a bipartisan manner. In 1998, I authored language that created the bipartisan National Commission on Terrorism, also known as the Bremer Commission—which released its final report in 2000, tellingly featuring the World Trade Center ''Twin Towers'' on its cover. I again authored language in 2005 creating the Iraq Study Group to develop bipartisan solutions to help secure Iraq.

My previous letters urged the administration to create a ''Team B'' to bring ''fresh eyes'' to U.S. counterterrorism strategy. The team would represent a ''new approach to counterterrorism'' which focuses not just on connecting the dots of intelligence, but which seeks to stay a step ahead in understanding how to break the radicalization and recruitment cycle that sustains our enemy, how to disrupt their network globally and how to strategically isolate them.

I want to share the enclosed piece from respected Georgetown University professor Bruce Hoffman, who endorses this approach, saying, ''One important yet currently languishing congressional initiative that would help counter this strategy is Representative Frank Wolf's proposal to institutionalize a ''red team'' or ''Team B'' counterterrorist capability as an essential element of our efforts to combat terrorism and in the war against al-Qaeda.''

Can someone from your administration explain to me the continued reluctance to implement such an effort? I believe the ''Team B'' effort would receive strong bipartisan support.

I was disappointed that the administration failed to adopt the other proposals in my previous letters, including bringing back the co-chairs of the 9/11 Commission—Lee Hamilton and Thomas Kean—for a six-month period to evaluate what progress has been made since the commission released its report. I spoke with former Congressman Lee Hamilton and he agreed that this was a good

idea. To date, I have seen no effort by the administration on this front.

I also urged the administration to support legislation to establish a more professional and independent administrator of the Transportation Security Administration (TSA), by setting a 10-year term, akin to the appointment process for the director of the Federal Bureau of Investigation (FBI). After two withdrawn nominations, I have seen no effort by the administration to consider this—and the position remains vacant.

Additionally, I have urged the administration to collocate the High-Value Detainee Interrogation Group (HIG) at the National Counterterrorism Center to facilitate information sharing and cooperation among intelligence agencies. Again, I have seen no effort by the administration to do so.

I urge you to move quickly to establish a ''Team B'' and appoint America's best and brightest counterterrorism strategists to serve on it. I stand ready to assist you in this important effort.

Best wishes.

Sincerely,

FRANK R. WOLF,
*Member of Congress.*

## HONORING YOUTH ENRICHMENT SERVICES, INC. FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Youth Enrichment Services, Inc.

YES has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. The continuous selfless acts of those involved with YES are admirable.

I am proud to honor Youth Enrichment Services, Inc. for their extraordinary work in the community.

## RECOGNIZING MR. DAVID JAMES

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. KIRK. Madam Speaker, I rise to recognize a pioneer and American hero—Mr. David James, a constituent of mine from Winnetka. Born in the 1920s, Mr. James' family moved from St. Louis to Chicago's South Side. Soon after the start of World War II, Mr. James enlisted in the Army Air Corps in October 1942 and joined the ''Tuskegee Airmen,'' our nation's first African-American military aircrews. He joined nearly 1,000 other airmen who broke barriers and fought for their nation. Mr. James served his country with distinction as a pilot.

After his military discharge, Mr. James graduated from law school and became the first African-American attorney to work for the American Bar Association. He moved to Winnetka in part because of Dr. Martin Luther King, Jr.'s speech at the Winnetka Village Green in 1965, and lived there for nearly 40 years.

His service, both in the military and his efforts to promote civil rights, serves as an inspiration to future generations. I am honored to represent him in the Congress and I wish him and his family all the best.

## HONORING COMMUNITY DEVELOPMENT CORPORATION OF LONG ISLAND FOR THEIR EXTRAORDINARY WORK IN THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a nonprofit organization that serves my district, Community Development Corporation of Long Island.

CDC has demonstrated an overwhelming amount of commitment to serving the Long Island community. My constituents rely on our nonprofits for the vital services they offer. CDC's continuous acts of selfless efforts are admirable.

I am proud to honor Community Development Corporation of Long Island for their extraordinary work in the community.

## HONORING ZANE ERIC CLARK

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zane Eric Clark, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 87, and in earning the most prestigious award of Eagle Scout.

Zane has been very active with his troop participating in many Scout activities. Over the many years Zane has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zane Eric Clark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## RECOGNIZING DR. ADRIANA SELVAGGIO

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Adriana Selvaggio. A devoted mother and renowned physician, Dr. Selvaggio has committed the majority of her adult life to serving others.

Born to Italian immigrants, Dr. Selvaggio came from a modest upbringing. Her father was a baker and worked hard to support her and her five brothers and sisters.

After graduating from Hampton High School, at the behest of her parents, Dr. Selvaggio postponed college to help support her family. However, she never lost sight of her desire to further her education. She eventually left home to pursue her degree at Penn State University. She completed her bachelor's degree in science in just two years.

Completing her bachelor's degree in just two years was only the beginning of Dr. Selvaggio's long list of accolades and accomplishments. She applied that same work ethic and determination to her studies at Temple Medical School and Boston University Hospital. Highly regarded by her colleagues as one of the country's top doctors in the field of Nephrology, she has opened several dialysis centers in Pittsburgh, Pennsylvania. Recently, Dr. Selvaggio completed her eight-year term as the president of UPMC Shadyside's medical staff. She was the first female to serve as president in the hospital's 135-year history. Dr. Selvaggio is married to Dr. Steven Heilbrunn. They are the proud parents of two remarkable children, Max and Evi.

Dr. Adriana Selvaggio is truly a woman of great courage and perseverance. She has built a legacy that will be talked about in medical classes and passed down through generations. Her son, Max, said this of his mother's character, ''To this day, my mother is more proud of the strong willed character that her adversity has built than the accolades she has earned having overcome them. The profound content of my mother's character is something that I will praise and cherish for the rest of my life.''

The medical world is lucky to have her as their colleague, her children are blessed to call her Mom and I am grateful to know her as a great friend.

Madam Speaker, I ask you to join me today in honoring the character and achievements of Dr. Adriana Selvaggio.

## INTRODUCTION OF THE DEFENSE STRONG ACT

### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Ms. TSONGAS. Madam Speaker, I rise today to introduce the Defense Sexual Trauma Response, Oversight and Good Governance Act (The Defense STRONG Act).

Sexual assault in the military has reached epidemic levels. While 1 in 6 women will experience sexual assault in her lifetime, the numbers are much higher in the military, where as many as 1 in 3 women leaving the services report that they were sexually assaulted. By the Pentagon's own estimate, as few as 10 percent of sexual assaults are reported. Additionally, while 40 percent of sexual assault allegations in the civilian world are prosecuted,

this number is a staggeringly low 8 percent in the military.

As a strong advocate for women in the military and a strong advocate for equal opportunity in the workplace, I believe that the military should be a place where women are supported and can succeed.

We ask women who serve in the military to put their lives on the line for our country, and they shouldn't fear or experience harm from their fellow service members. A recent New York Times article chronicled the experience of a female Captain deployed in Camp Taji, Iraq.

This young Captain stated that she stopped drinking water after 7 p.m. so she would not have to go to the latrine at night alone, out of fear of attack from a fellow male soldier. "It got to the point that I felt safer outside the wire," she said, referring to operations that take soldiers off of their heavily fortified bases, "than I did taking a shower."

While the military has made strides to address this problem, victims of sexual assault in the military still report a lack of confidentiality, protection and support, and lack access to advice and counsel from a military lawyer once an incident is reported. The military has not established the proper infrastructure to deal with sexual assaults. Sexual Assault Response Coordinators and Victim Advocates in the military receive very little training and have little experience dealing with sexual assault. The DOD allows contractors to serve in these positions part-time, making them ill-equipped to deal with incidents that arise. As the 2009 Defense Task Force Report on Sexual Assault in the Military Services reported, one military victim advocate explained, "I would truly be unprepared if a sexual assault were to occur and my services were needed." . . . She said, "It is my opinion that active duty Unit Victim Advocates are not prepared to deal with sexual assaults and could potentially deter individuals from coming forward."

Women report receiving inadequate support and experiencing backlash when they tried to seek care while they were in the services. A GAO report from 2008 stated that "many individuals do not come forward in the military out of fear of punishment because they have done something (i.e., drinking) that they could also get in trouble for." The same report concluded that victims were reluctant to report attacks due to the belief that nothing would be done, they would not be believed, or that reporting an incident would negatively impact their careers.

The systems in place to prevent and respond to sexual assault lack sophistication, and the culture around sexual assault in the military needs to be fundamentally changed.

This is why I am introducing the Defense STRONG Act. My bill strengthens the legal protections for victims of sexual assault in the military:

(1) It requires that they have access to a military lawyer, and can maintain their right to confidential reporting even if they receive legal counsel;

(2) It ensures that conversations between victims and Victim Advocates are confidential and immune from discovery by military lawyers if the case goes to court.

My bill also strengthens the systems in place to prevent sexual assaults and provide support and guidance for victims that do report an incident:

(1) It standardizes the training of service members, Commanders, Victim Advocates, and Sexual Assault Response Coordinators;

(2) It requires that service members are trained around sexual assault prevention and response as they move up in the military structure; and

(3) It requires Victim Advocates and Sexual Assault Response Coordinators to be full-time positions, and prohibits DOD contractors from fulfilling roles.

Sexual assault weakens the readiness and morale of the military, and erodes trust between service members. The Defense STRONG Act strengthens the sexual assault prevention and response program in the military services, strengthening the military as a whole.

## HONORING ANDREW PAUL DANIELSEN

### HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Paul Danielsen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 900, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop participating in many Scout activities. Over the many years Andrew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andrew Paul Danielsen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## RECOGNIZING THE 2010 RECIPIENTS OF THE McGOWAN COURAGE AWARD

### HON. JIM JORDAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. JORDAN of Ohio. Madam Speaker, I appreciate the opportunity to share positive stories about young people from my congressional district who overcome adversity. Today, I am pleased to share the stories of seven such individuals.

Nella Blackford, St. Peter's High School. Coping with many physical difficulties stemming from the effects of spina bifida and numerous surgeries, Nella is an inspiration to everyone at her school, where she participates in the volleyball and softball programs. She is undertaking an advanced placement courseload and was active in her school's spring musical.

Steven Broeske, Clear Fork High School. Steven has earned the respect of his peers and teachers for the selfless way he deals with cystic fibrosis. He prides himself on his independence and goal-oriented work ethic, carrying a demanding workload in the classroom and dedicating countless hours to his school's Future Farmers of America chapter.

Jackie Bucksbaum, Ontario High School. Jackie's positive attitude in dealing with a lymphatic disorder is a model to her fellow students, who admire her leadership skills. Although challenged recently by medical emergencies and some family-related setbacks, she maintains an aggressive academic schedule and plans to continue her studies at the University of Findlay.

Christian Lauber, Madison Comprehensive High School. Despite the physical challenges presented by cerebral palsy, which he has dealt with since birth, Christian is active in numerous sports. He also enjoys participating in his school's media and technology programs and plans to study business and computer technology in college.

Michael Lupo, Mansfield Senior High School. Michael has worked through many autism-related difficulties in recent years with the assistance of family members and his teachers. He excels as a mainstreamed student—especially in his mathematics and science classes—and routinely ranks in the top ten percent of his class.

Timothy Ritchey, Lexington High School. Tim was diagnosed with Hodgkin's Lymphoma earlier this year and has been undergoing monthly chemotherapy treatments. Although he has missed many school days as a result, he has kept up-to-date on his studies and continues to work in his school's athletic department. Tim plans to study nursing.

Travis Stone, Crestview High School. In addition to his many academic achievements, Travis has amassed 73 career wins as a four-year varsity starter on the wrestling team—all this despite a birth defect that affected the development of his arms and hands. He received the 2010 Team Attitude Award and was ranked third in his conference.

Madam Speaker, the Rotary Club of Mansfield, Ohio, will present these seven students with the McGowan Courage Award on May 11. I am proud to join the Rotary in acknowledging their significant achievements and wishing them continued success in everything they do.

## INTRODUCTION OF THE STARTUP VISA ACT OF 2010

### HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mrs. MALONEY. Madam Speaker, today I am introducing the StartUp Visa Act of 2010, the companion bill to Senator JOHN KERRY's bipartisan legislation of the same name, which he introduced with Senator RICHARD LUGAR this past February.

What do American household names such as Google, eBay and Proctor & Gamble have in common? They are all former start-ups founded by immigrants.

In 2009, the percentage of U.S. residents creating new domestic companies fell to 8 percent from 12.4 percent in 2005. Over the

same period, the percentage of residents in foreign countries creating new companies rose to 11 percent from 8.7 percent. Despite this trend, our current visa laws have made it unnecessarily difficult for immigrants to launch new companies in the United States. I am introducing the StartUp Visa Act of 2010 because the economic dynamism of foreign-born talent has always been a crucial factor in our country's growth, and we must take steps to enable it to continue. By allowing immigrant entrepreneurs greater access to American visas, we truly can drive American job creation and channel the power of innovation.

Currently, the EB–5 category visa permits foreign nationals to obtain a green card if their efforts invest at least $1 million into the U.S. economy and create at least 10 jobs. This bill creates a new EB–6 visa for immigrant entrepreneurs. After proving that he or she has secured initial investment capital (totaling at least $250,000) and if, after two years, an immigrant entrepreneur can show that he or she has generated at least five full-time jobs in the United States, attracted $1 million in additional investment capitol or achieved $1 million in revenue, then he or she would receive permanent legal resident status.

The entrepreneurial spirit is ingrained in our country's history and success. I believe that this legislation is a vital component of promoting our global competitiveness. We must ensure a strong foundation for foreign-born, highly-skilled talent to create American jobs and promote economic prosperity and this bill works toward that end.

## HONORING NATHAN T. WILSON

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nathan T. Wilson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop participating in many Scout activities. Over the many years Nathan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Nathan T. Wilson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## SARAH STARNES NAMED SOCIAL WORK LEADER OF THE YEAR

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. MOORE of Kansas. Madam Speaker, I am pleased to bring to the House's attention today the recent award of "Social Work Leader of the Year" by the Missouri-Kansas Chapter of the Society for Leadership in Health Care to Sarah Starnes, of the Department of Veterans Affairs.

Sarah Starnes received a M.S.W. from the University of Kansas in 1977 and went on to receive a M.P.A. in 1984 from the same institution. After working with the Missouri Division of Family Services, the University of Kansas Upward Bound Program, Project New Pride/Kansas Youth Trust Upward Bound, and Transitional Living Consortium, she has spent the last nineteen years serving the interests of our veterans at the Kansas City VA Medical Center, where she works with them on a daily basis, doing casework, group work program administration, and community organization.

Active in politics during her free time, Sarah represents the best of comprehensive social work practice. As the NASW Code of Ethics states: "Social Workers should facilitate informed participation by the public in shaping social policies and institutions. Social workers should engage in social and political action that seeks to ensure that all people have equal access to the resources, employment, services, and opportunities they require to meet their basic human needs and to develop fully. Social workers should be aware of the impact of the political arena on practice and should advocate for changes in policy and legislation to improve social conditions in order to meet basic human needs and promote social justice."

Sarah Starnes' career has exemplified these principles. I am pleased to have this opportunity to publicly recognize her award and am happy to have the opportunity to place in the RECORD her remarks upon accepting this award on March 23rd:

Good afternoon. Thank you so much for this most incredible honor of my lifetime.

This award really goes to all the people who have worked so hard to achieve this victory on the most significant piece of domestic legislation since the Medicare law was passed in 1965.

"This is why we elected Barack Obama . . . it used to be that we'd elect a president and then the lobbyists would determine what happened. This time it is going to be US who determine what happens."

But, I must admit, I had been concerned in recent weeks that I'd be standing before you today saying, "We gave it a good fight, and the fight goes on. . . ."

Then, remarkably, two days ago we had a historic moment in the life of our democracy, when the majority of our lawmakers determined that life is more important than profits; that health care is a right and not a privilege to be enjoyed only by the healthy and the wealthy. They did this because we helped them appreciate that this was the morally right and fiscally responsible thing to do.

I want to dedicate this award to Dean Goering, the brother of my KU undergrad roommate, Susan Goering. Dean was a social worker-to-be, who lived in Midtown Kansas City. Dean received a B.A. in Social Work from Univ. of Central Missouri in 2009, and was starting the MSW program at UMKC. Dean volunteered at the Kansas City Free Health Clinic. He hoped to work with Veterans who have PTSD. But Dean will NOT touch countless lives as a social worker, due to one of the unconscionable practices of the health insurance industry. Dean had a blood clot in his leg about 10 years ago, so, when he recently started having symptoms like shortness of breath, he reviewed his health insurance policy, and concluded that it would not cover another hospitalization for what he assumed was the same condition, and he tried to tough it out. Dean died at age 50 of a Pulmonary Embolism, on February 21, 2010. For Dean and 45,000 other Americans each year, "health care for all Americans" was not just a slogan. It was an unfulfilled life wish. For Dean, the health care delivery system in this country was a death sentence. Thank God, many of these health insurance abuses will end, with the Patient Protection and Affordable Care Act passed Sunday in the House of Representatives.

My journey for this health care cause has been going on for awhile, as has the journey of our entire Nation.

I was blessed to find "my calling" early in my life. I have worked in social services continuously and full-time since 1973. I received my MSW from the University of Kansas in 1977, and an MPA from KU in 1984.

I have been passionate about my work with the people in all the groups with which I have practiced.

Let me explain, before I go on, that I am here on my own time, representing myself, not my employer. The VA does provide The Best Care Anywhere and is an extremely effective government-run health care system, but I'm not here representing the VA, only myself, and my advocacy for health care reform was done outside my job.

Another note of explanation—my remarks will be about my work with one specific American political party, but, if you find that you can honor the Social Work Code of Ethics and your personal values via your work with another party, please, go for it!

Okay, so I have voted in every election for which I have been eligible to vote, and have written an occasional letter to an elected official or the editor.

Then, in 2007, my life took on a new and invigorating avocation.

In 2006, I'd read an autobiography written by a man whose maternal grandparents were from El Dorado, KS, and Augusta, KS, where my dad had leased a rock quarry when I was a girl. The author had been a community organizer in Chicago, and he later went to law school and then got into politics, to influence change on a broader scale. His values seemed to be totally consistent with social work values.

In February 2007, this community organizer announced that he was going to run for President of the United States.

Now, regarding Social Work values and politics, please refer back to the NASW Social Work Code of Ethics.

The code says that "social workers should promote social justice and social change . . . and should engage in social and political action that seeks to ensure that all people have equal access to the resources, services, and opportunities they require to meet their basic human needs and to develop fully."

Until recently, I had viewed politics as a necessarily dirty, self-serving business. But, in the last few years I've started paying closer attention to the fact that everything I try to accomplish in my work, with my family, and in my own life, is affected by the laws and ordinances made at all levels of government, and the resulting regulations and policies. I started more actively wondering how these laws could be affected, to benefit those who the Social Work Code of Ethics calls "vulnerable."

I gained a heightened awareness that, in our representative democracy, public policy is accomplished through the people we elect to hold public office. And I decided that it is my obligation to do what I could to elect people who will represent the interests of the powerless, and everyday people, at all levels of governance.

One person cannot do it alone. We must each duplicate ourselves. For example, perhaps I can make 50 calls in 2 or 3 hours, but, if I find 5 other callers, we can make 250 calls in the same time period. Or maybe I can register 50 voters in an afternoon or a day, but, if I can enlist 10 other volunteers to register voters, we multiply the results by 10. I can only vote once in each election, but, ideally, I can play a role in THOUSANDS of other people voting.

This monumental health care legislation was not accomplished in the last year. Americans and our leaders have been yearning and working for universal health care for over a hundred years—7 Presidents and 7 Congresses have aspired to achieve this moral imperative.

It took our faith in Barack Obama and his leadership for us to realize that it was up to US to change the way things, including the provision of health care, are done in this country. And the objective reality is that it also took a Democratic majority in the Congress to achieve these reforms.

I have learned through the process of achieving this major legislation that we cannot wait on our elected officials to determine our destinies, essentially throwing them out at the next election if we decide we don't like them, after their damage has been done.

Nothing happens unless we take individual responsibility for change. We know that we simply cannot wait for someone else to fix things.

Sometimes, when we feel the most defeated and alone, if we just keep putting one foot in front of the other, even when we are tired and discouraged and don't think we can go on, we can achieve amazing results.

If for some reason you are unable to engage in partisan political activities, there are nonpartisan organizations with which you can be involved, to accomplish similar ends . . . these organizations don't ''lobby,'' they ''advocate. . . .''

I am issuing a call to all social workers present—consider how you will make a difference—consider running for political office, or helping someone who is running or thinking about it. Hold our elected officials accountable. Let them know what you think, and encourage others to do so. Educate people about the truth regarding the needs of the American people and how those needs might be effectively addressed.

In addition to the people who have worked so passionately for HC reform, I want to thank God for my health, and for my husband, Kelvin Walls, and my son, Kel, for their work and support. Kelvin motivated his doctor friends to speak out on behalf of their patients and potential patients. Kel put up with ''all those people I don't know being in our house all the time'' for phone banks and health care reform events. They have both sacrificed a lot. During the 2008 election, they canvassed with me in five states.

I became a social worker and political activist out of my core believe that the arc of the moral universe bends in the direction of justice, hope and compassion. And that I need to help it along.

In conclusion, let me say, ''We gave it a good fight. We won! And the fight goes on.''

## HONORING BERNICE BOOKER DEAN

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. KILDEE. Madam Speaker, I rise to pay tribute to the life of Bernice Booker Dean. Sadly, Mrs. Dean passed away on April 23, 2010 in my hometown of Flint, Michigan, at the age of 86. Her funeral will be held at Mt. Olive Baptist Church on May 1.

A teacher with the Flint Community Schools for 35 years, Mrs. Dean taught at several elementary schools in the Flint system and was a reading specialist with the State of Michigan Chapter III and Title I reading programs. A passionate advocate for education, reading, social justice, the advancement of women, and physical health; Mrs. Dean mentored numerous youngsters over the years and helped them pursue advanced educational goals.

During her younger days she was a member of the first integrated all female band, the International Sweethearts of Rhythm. During World War II the band was the first all female group to travel on a USO tour, made several records and appeared in movies. Mrs. Dean was also a member of Phi Delta Kappa Sorority—Gamma Delta Chapter and she volunteered in the dialysis department at Hurley Medical Center. She was a member of Mt. Olive Baptist Church for 53 years. Mrs. Dean leaves behind her son, Robert Booker, and her daughter, Patsy O'Neal, several grandchildren, and numerous friends.

Madam Speaker, I ask the House of Representatives to join me in honoring the life of Bernice Booker Dean. I pray that the children inspired by her life and example will work to carry on her legacy of enthusiasm, strength and positive action.

## HONORING PVAMC DIRECTOR RICHARD CITRON

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. SESTAK. Madam Speaker, I rise before you to honor Director Richard S. Citron on his retirement from the post of Director of the Philadelphia Veterans Affairs Medical Center.

Mr. Richard S. Citron was appointed Director of the Philadelphia Veterans Affairs Medical Center in August 2007. The Philadelphia VAMC is a tertiary care facility for the eastern half of VA Healthcare—VISN 4, providing care to 60,000 Veterans in America's sixth largest metropolitan area including the city of Philadelphia and surrounding six counties in Pennsylvania and New Jersey. He has led more than 2,000 dedicated staff working at the main campus in West Philadelphia and community-based outpatient clinics in Fort Dix, NJ, Gloucester County, NJ, Camden, NJ, Center City Philadelphia, and Horsham, PA (the Victor J. Saracini Community Based Outpatient Clinic). Philadelphia VAMC operates 140 inpatient beds and a 135-bed nursing home known as the Philadelphia Veterans Community Living Center.

Mr. Citron has 38 years of VA healthcare experience, beginning in 1971 at Long Beach, CA. He has since served at medical centers in Newington, Loma Linda, Richmond, Brockton/West Roxbury, and VA Central Office. Mr. Citron served as Assistant Director of the VA Medical Center (University Drive) in Pittsburgh, as Acting Director of medical centers in Murfreesboro and Cleveland, and Director of the Jesse Brown VA Medical Center in Chicago. Prior to arriving in Philadelphia, Mr. Citron was Director of the Wilmington, DE, VA Medical Center.

Mr. Citron served in the US Army from 1968 to 1971, including one year at a MASH hospital in Chu Lai, Vietnam. He holds a bachelor's degree in Economics from the College of William and Mary and a master's degree in Public Administration from the University of Southern California. He is also a Fellow in the American College of Healthcare Executives (FACHE).

Madam Speaker, I ask you to join me in honoring Director Citron for his commitment to ensuring the well-being of our nation's Veterans.

## IN RECOGNITION OF THE DALY CITY YOUTH HEALTH CENTER'S 20TH ANNIVERSARY

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor the 20th anniversary of the Daly City Youth Health Center, a health and youth development program linked to the Jefferson Union High School District. Since its inception this facility has served over 37,000 youth and currently provides services to more than 600 teens each month. Clearly, we are a better community because of the dedication, caring and expertise of the center's staff.

The center, a satellite office of the San Mateo Medical Center, offers primary medical care, reproductive health care, mental health counseling, sexuality education, case management of pregnant teens, vocational guidance and life skills training. This center has been highly effective in helping girls and boys from low-income backgrounds where individual needs require a multi-service response.

I would like to point out that over 5,000 teens seek medical services from the clinic during the year and that most of the care revolves around reproductive health. These services are free although staff will work with these young people in terms of helping them apply for health insurance.

The center has been hailed for its development of programs covering mental health counseling, teen pregnancy prevention, peer leadership and the always challenging transition from school to a career. We would all do well to adhere to the center's mission to increase resiliency, encourage responsibility and promote self-determination among youth and young adults.

Madam Speaker, while this body has engaged in long and spirited debate on the issue of health care, it is important that we recognize and honor a 20-year-old program that has

enriched thousands of young people in my district.

## A PROCLAMATION HONORING THE 60TH ANNIVERSARY OF WJER 1450 AM

### HON. ZACHARY T. SPACE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. SPACE. Madam Speaker,

Whereas, WJER 1450 AM was founded and began broadcasting in 1950 and is celebrating its 60th anniversary; and

Whereas, WJER AM has served as "the Voice of the Valley" by connecting the citizens of Dover, New Philadelphia, and Tuscarawas County for sixty years; and

Whereas, WJER is committed to continuing their work of bringing news and entertainment to the communities of Tuscarawas County in years to come; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend WJER for six decades of service to the Tuscarawas Valley through the broadcast of national and local news, sports, and entertainment.

## JESUS GUEVARA

### HON. ED PERLMUTTER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jesus Guevara who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jesus Guevara is a 12th grader at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jesus Guevara is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jesus Guevara for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## HONORING FORMER NORTH CAROLINA SENATOR JOSEPH BRYANT RAYNOR, JR.

### HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. ETHERIDGE. Madam Speaker, I rise today to honor Senator Joseph Bryant Raynor, Jr. for his continued service to his community, county and State.

Born and raised in Fayetteville, NC, Senator Raynor learned early the value of hard work. Joe, like myself, grew up working on a farm and in his father's store stocking farm supplies and groceries. While attending 71st School in Fayetteville, Joe was active in Future Farmers of America (FFA) and also worked an after school job as a baggage boy at Efird's Department Store. After graduation he pursued a career in business, eventually leading him to start Raynor Business Supply Company, which has thrived for over 60 years.

In addition to being a successful businessman, Joe Raynor served in the North Carolina General Assembly for 22 years. First in the House, and then in the Senate, Joe strongly supported the criminal justice system and advocated for law enforcement and first responders. Serving as Chairman of the Senate Committee on Law Enforcement and Crime Control, he introduced bills to benefit law enforcement, including subsidizing losses for families of police officers slain in the line of duty. He also found innovative, fiscally responsible ways to help the community, supporting halfway houses with his "nickel a bottle tax" on liquor sales, and expanding community efforts treat those suffering from alcohol addiction. After more than two decades of focusing his energies on serving police officers, the mentally ill, and the elderly, Joe Raynor retired from the General Assembly in 1992.

Throughout his life Senator Raynor has served on a number of boards, commissions and committees in North Carolina, notably his position as Cumberland County Special Deputy Sherriff and Chairman of the Cumberland County Board of Elections. He has served the people of Cumberland County, the Sheriff's Department and the first responder community for over 50 years and has made a lasting impression on his county and the face of the North Carolina criminal justice system.

Madam Speaker, I urge my colleagues to join me today in recognizing the service and achievements of a good friend and former colleague of mine, Senator Joseph Bryant Raynor, Jr. He is a hard-working man and a beacon of justice and service. Like many of my fellow North Carolinians, I am proud to call Joe Raynor my friend.

## CONGRATULATING TRENT STEELE

### HON. ADRIAN SMITH
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. SMITH of Nebraska. Madam Speaker, I rise today to congratulate Kearney High School's Trent Steele, who has recently been named assistant principal of the year by the Nebraska State Association of Secondary School Principals.

Trent supervises and advises the senior class, curriculum, and is in charge of teacher evaluation and supervision. In addition, he cochairs the Kearney High School Behavior/Safety Committee, which is responsible for development and implementation of school wide behavior policy.

Prior to his service at Kearney High, Trent served as assistant principal at Beatrice Middle School, and as K–12 principal at Anselmo-Merna Public School.

With a background in education myself, I know the dedication and responsibility required by Trent and other educators. He is a credit to Kearney High and the people of Nebraska.

## JESSICA BOWLER

### HON. ED PERLMUTTER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jessica Bowler who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jessica Bowler is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jessica Bowler is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jessica Bowler for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## 50TH ANNIVERSARY OF SILVER DOLLAR CITY IN SOUTHERN MISSOURI

### HON. JO ANN EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mrs. EMERSON. Madam Speaker, I rise today to commend the 50th Anniversary of Silver Dollar City in Southern Missouri. On May 1, 1960, this attraction was established in Branson, Missouri, and a whole community has grown up around the many visitors who are drawn to Taney County every year. Not only is Silver Dollar City a mainstay of the local economy, the park is also an annual destination for families throughout the region.

Silver Dollar City owes its success and its continuation as a family business to the leadership of its co-owners and co-founders, Mr. Jack Herschend and Mr. Peter Herschend. Since the founding of their company 50 years ago, they have always stayed true to the principal values of our State and our Nation. By being diligent in their business, kind to their employees and loyal to the customers who return to them year after year in increasing numbers, Herschend Family Entertainment is a great example to aspiring entrepreneurs in every sector of our economy.

As this House of Representatives labors in the best interests of Americans like the Herschends and ideas like Silver Dollar City, we must keep in mind the policies that will enable others to achieve similar success through

their good ideas and hard work. I'm honored to congratulate all of the employees and guests at Silver Dollar City, past and present, on their 50th Anniversary. Each of them is a participant in a special enterprise with a long tradition. We have good reason to note and to celebrate all of their great efforts and achievements today.

## TRUE BLUE

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. REICHERT. Madam Speaker, I rise today to acknowledge the men and women of law enforcement, who put their lives on the line every day for us. In this past year, seven of our heroes from the State of Washington have been lost in the line of duty. Officer Deputy Sheriff Stephen M. Gallagher Jr., Officer Timothy Q. Brenton, Officer Tina G. Griswold, Officer Ronald W. Owens II, Sgt. Mark J. Renninger, Officer Gregory J. Richards, Deputy Sheriff Walter K. Mundell Jr.

Madam Speaker, most of us get up everyday and expect to come home to our families. Unfortunately, these men and women of law enforcement do not have such blessings. I ask that this poem in honor of these splendid men and women, and their magnificent families who in quiet courage, penned by Capitol Guide Albert Caswell be placed in the RECORD. And in memory of all the fallen this year.

TRUE BLUE

True!
True Blue
All in their most Heroic Hues!
All out there, On That Thin Blue Line . . . so True . . .
All out there, on their own! All, so all alone . . . on death's edge, so very all alone!
Living and dying, with only micro seconds to react . . . to find . . . to somehow so decide!
All in that moment of truth, when who lives or dies . . . as so brilliantly in time, so lies the proof!
With, but only their most courageous of all hearts to use! As so selflessly, they so do what they must do!
Leaving home, as this might be that one last kiss. . . . All in their hearts of love, as so as this . . .
With families, who live from day to day . . . knowing that death, but before them lays!
As they pray, as she or he walks out that door!
As it may be but that one last time, together, as so for sure!
All because they so stood, so stood!
So stood for something! For something so much more . . .
For What is True . . . for What Is TRUE BLUE!
To SERVE and PROTECT, for all of us. . . . This, and nothing less!
As all of their fine lives, have ours so blessed!
Ready to die for you and me! All in their most Heroic of Hues, we see!
Is that but not what Heaven is for? One and all, The Kind of Quiet Heroes the Angels adore!
As up in Heaven, their new beat for sure! All out there, On That Thin Blue Line . . .
Could such courage, we all so find? Approaching death, as it's out there they so feel its cold dark breath!
To save precious life, all in time! Oh so very fine, are but all of these Heroes . . . who now so come to mind!
It's for them, we now so pray! As they start each new night or day . . . all out there, On That Thin Blue Line!
Families hugging and crying, still intact . . . all because heroes lay dying . . .
As this day, death came so very close!
As it's for us they all so died
As their precious gifts, their lives so mean the most!
All For What Is True!
True Blue!

## JENNIFER OLMSTED

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jennifer Olmsted who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jennifer Olmsted is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jennifer Olmsted is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jennifer Olmsted for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## TRIBUTE TO WALTER J. BISHOP, GENERAL MANAGER OF THE CONTRA COSTA WATER DISTRICT IN CALIFORNIA

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to pay tribute to Walter J. Bishop on the occasion of his retirement after 18 years as the general manager of the Contra Costa Water District in California.

Wally Bishop has served as the general manager for the Contra Costa Water District, which supplies water to 550,000 people, during some very important and critical periods. Over this time, he has been a tireless—some might even say relentless—leader for the Contra Costa Water District, making significant contributions not only at the local and regional level but to statewide and national water policy as well.

He has worked throughout his tenure to improve our region's drinking water quality, to secure a sustainable water supply, and to restore and protect the Bay-Delta ecosystem. I am pleased to be able to say that I have worked with him on many of his successes, and as some of my colleagues know, he can be a formidable adversary as well.

Although nothing comes easily in California water, Mr. Bishop has succeeded in putting Contra Costa Water District at the forefront of responsible and sustainable water management in the State. Under his direction, the Los Vaqueros Reservoir Project was the first major reservoir to be permitted and constructed in California in more than a decade, and the water district's ongoing reservoir expansion project, intake relocation, and screening efforts will not only improve Contra Costa's water supply but provide important statewide economic and environmental benefits as well.

A registered civil engineer, Wally Bishop has been honored many times by his profession and by the larger water and engineering communities. In addition to the awards presented to Contra Costa Water District under his leadership, he has personally been honored with the American Society of Civil Engineer's Award for Achievement in Environmental Engineering/Government Service and the American Public Works Association's Charles Nichols Award for Leadership and Innovative Management.

He has also served with distinction in national leadership roles, including as the chair of the Water Research Foundation and on the board of directors of the American Water Works Association, and he has been appointed to two terms on the Environmental Protection Agency's National Drinking Water Advisory Council.

Thanks in large part to Wally Bishop's leadership, the Contra Costa Water District is today in an excellent position to face the challenges of the 21st century. This is no accident: He is one of the true innovators and strategic thinkers in California water matters, and he and his staff have worked tirelessly throughout his tenure.

I ask my colleagues to join me in congratulating Wally Bishop on his retirement, and to thank him for his many years of public service. He is leaving big shoes to fill, and I hope that in addition to spending more time with his wife Patty, he will continue to contribute his energy and his ideas to the world of California water.

## JASER ALSHARHAN

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jaser Alsharhan who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jaser Alsharhan is a 10th grader at Standley Lake High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jaser Alsharhan is exemplary of the type of achievement that can be attained with hard work and

perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jaser Alsharhan for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## CONGRATULATING MOST REV. JOSEPH BAMBERA UPON HIS ORDINATION AS BISHOP OF THE ROMAN CATHOLIC DIOCESE OF SCRANTON, PENNSYLVANIA

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Most Rev. Joseph Bambera, the newly ordained Bishop of the Roman Catholic Diocese of Scranton, Pennsylvania.

On Monday, April 26, 2010, Bishop Bambera became the 10th Bishop of the Scranton Diocese. A native son of the 11-county Catholic diocese, Bishop Bambera spent nearly 20 of his 27 years as a priest ministering in the diocese's parishes.

He brings to his new post enthusiasm, humility and a unique understanding of his Catholic flock.

"With deep humility, I offer thanks to Almighty God, through whose providence and grace I've been called to serve as the 10th Bishop of the Diocese of Scranton," Bishop Bambera stated during his installation at St. Peter's Cathedral in Scranton before a large audience of priests, bishops, Cardinal Justin Rigali, head of the Archdiocese of Philadelphia and Apostolic Nuncio Pietro Sambi, Pope Benedict XVI's top diplomatic and spiritual representative in the United States as well as hundreds of the faithful.

Bishop Bambera has received the endorsement of many of his fellow priests in the Diocese who know him as a consensus builder and a man who appreciates the power of humor. "In God's wisdom and providence, he has given you one of your own as bishop," he said referring to the fact that he is only the second bishop to be a native of the diocese. "For you, perhaps God's wisdom may be confounding," he added to laughter from his church audience.

Then, he offered, "For me, your example, your dedication to prayer and service and your support have been a great source of inspiration and great consolation."

Again, Bishop Bambera called upon his gift of humor to express his deep emotion about his family roots. He recalled that his father died in 2004 and that his mother, when told that her son had been appointed as bishop, she was not "ecstatic." He recalled that she said, "Well, you've got quite a job to do." Then, when told that the public announcement of his appointment would occur on a Tuesday at 10 a.m., she responded, "That works out just fine. I have a hair appointment at noon." Choking back tears, Bishop Bambera thanked his parents for raising him well.

"My mother and father taught us by their example powerful lessons of faith and hope, peppered with healthy doses of commonsense. As parents go, I could not ask for more," he observed.

Bishop Bambera called attention to the chalice he uses during Mass, noting that it was a gift from his Great Aunt Marie, who died in her 80s, after outliving three children. "One day my mother asked her, 'How do you remain so upbeat given all the loss you've experienced in your life?' Here's what she said, 'No one knows the tears that I shed for those I've lost. But I am convinced that there is nothing that we cannot bear in life if we have faith.'"

Bishop Bambera called upon the faithful of the diocese to work together with him to ". . . meet the challenges."

In his remarks, Cardinal Rigali, speaking about Bishop Bambera, noted that, ". . . the faithful bishop is a good shepherd who knows that despite his own human limitations and his many faults and shortcomings which he recognizes and strives with God's help to overcome, he must still challenge the flock."

Madam Speaker, please join me in congratulating Bishop Bambera on this most joyous and inspiring occasion. His faithful service to the spiritual well-being of his parishioners; the respect that he enjoys among his peers and superiors; his leadership and his unyielding devotion to God and the Catholic congregation of northeastern Pennsylvania will serve him well as he moves forward in this new and demanding position. In that regard, we all wish him well.

## HONORING ELECTRICIANS MATE 1ST CLASS ROBERT LAWRENCE MUDD

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. DAVIS of Kentucky. Madam Speaker, I rise to honor the life of Electricians Mate 1st Class Robert Lawrence Mudd, a sailor from Fort Mitchell, Kentucky. Petty Officer Mudd tragically lost his life while stationed in Hawaii, assigned to submarine USS *Olympia* at Pearl Harbor.

Robert Mudd was a model citizen and patriot. Shortly after graduating from high school in 1998, he joined the U.S. Navy. Robert served at the Trident Training Facility in Kings Bay, Georgia, and aboard USS *Nebraska* before joining the crew of USS *Olympia* in May 2007.

Today, as we honor the service of this exceptional Kentuckian, my heartfelt prayers are with Robert's loving parents, Lawrence and Barbara, and the rest of his family and friends. We are all indebted to Robert for his bravery and willingness to answer the Nation's call to defend freedom.

## JARED ROSAS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jared Rosas who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jared Rosas is a 7th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jared Rosas is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jared Rosas for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## RECOGNIZING NATIONAL WORK ZONE AWARENESS WEEK

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. HARE. Madam Speaker, I rise today to recognize the 11th annual National Work Zone Awareness Week, which brings national attention to motorists, worker safety and mobility issues in work zones. This year's Awareness Week takes place April 19–23, and is coordinated by the Federal Highway Administration, the American Association of State Highway and Transportation Officials, and the American Traffic Safety Services Association. Although work zone fatalities have declined nationally by over 30 percent since 1996, 720 people lost their lives in 2008 alone. We can do better.

National Work Zone Awareness Week encourages drivers to pay close attention to their surroundings such as putting down their mobile phones and other devices while proceeding through work zones. With increased awareness, we can continue aiming to make our roads safer for both workers and drivers, but also work toward further decreasing the number of work zone fatalities. According to research from the Illinois Institute of Technology, highway work zone fatalities have actually increased from 2007 to 2008 for both highway workers and vehicle travelers. Its research also shows that Illinois highway worker fatalities have actually stayed consistent over the last 15 years. We need to urge the American people to continue striving to reduce this fatality rate. This is an ambitious goal, but with 7,000 work zone crashes per year in my home State, 29 leading to death, National Work Zone Awareness Week is something we should all support.

In addition, as a Member serving on both the Transportation and Infrastructure Committee and the Education and Labor Committee, I would also like to recognize my two committee chairmen, Representatives JIM OBERSTAR and GEORGE MILLER, for their constant vigilance on making workplace safety a top priority of each respective Committee. Madam Speaker, we should all be reminded that driving safely doesn't stop just because you slow down through a highway construction zone, but rather it encompasses all factors that allow motorists to pay close attention to the road while also allowing road workers to improve our infrastructure. These workers should not have to worry about whether or not they're going to make it through the day unscathed.

Again, I would like to offer my recognition for National Work Zone Awareness Week. I thank the Speaker and urge all of my colleagues to join in recognizing this important campaign.

## IN RECOGNITION OF THE 20TH ANNIVERSARY OF THE VIRGINIA SCHOLARSHIP AND YOUTH DEVELOPMENT FOUNDATION

### HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. SCOTT of Virginia. Madam Speaker, I rise today to honor the 20th anniversary of the Virginia Scholarship and Youth Development Foundation.

The foundation was formed in 1990 when actors Tim and Daphne Reid formed the Tim Reid Scholarship Foundation. It has since helped many at-risk high school students in Hampton Roads, Virginia go to college.

Education has always been society's great equalizer, and a college education is necessary today to ensure that youth reach their highest potential. The Foundation's mission and motto of "Universal Understanding Through Education" clearly reflects this.

Financing a college education becomes more and more difficult each year. Tim and Daphne Reid have committed themselves to making this less of an obstacle for many families in Hampton Roads, Virginia. They are devoted to the belief that talented individuals should not be denied the opportunity to cultivate their minds and have the opportunity to create a better future for themselves, their families, their community and the world.

For 20 years, Tim and Daphne have worked tirelessly to raise funds for this scholarship. One of their most successful fundraisers is the annual Tim Reid Celebrity Weekend. Tim and Daphne invite many of their friends to come to Hampton Roads to participate in a weekend of events. The Celebrity Weekend attracts over 5,000 people annually. Actors, musicians, comedians, and dignitaries are invited to donate their time to participate in 3 days of activities to raise funds for the Foundation. Past celebrity guests have included Will Smith, Kyla Pratt, Kelly Williams, Lark Voorhies, Percy Daggs, Marcus Paulk, Angela Bassett, Victoria Rowell, Alfonso Ribeiro, the O'Jays, Clifton Davis, Richard Roundtree, Tia and Tamera Mowry, Tatyana Ali, Blair Underwood, and many others. Next week, the Virginia Scholarship and Youth Development Foundation will host its 20th Annual Tim Reid Celebrity Weekend in Hampton Roads, which I am sure will be another huge success.

Because of the efforts of Tim and Daphne Reid, there are currently twenty-four students attending eleven different colleges and universities with the support of the Virginia Scholarship and Youth Development Foundation. Many of these young people are the first in their families to obtain a college education.

I congratulate the Virginia Scholarship and Youth Development Foundation on twenty successful years and, I commend Tim and Daphne Reid for their tireless efforts on behalf of the Foundation and students in the Commonwealth of Virginia. Their willingness to invest in our state and our students is a model of personal and corporate responsibility that I hope many will replicate across our great nation. Under the leadership of Tim and Daphne Reid, I am sure the Foundation will have many more years of success.

## JANAE TRUJILLO

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Janae Trujillo who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Janae Trujillo is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Janae Trujillo is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Janae Trujillo for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## BLACK APRIL COMMEMORATION

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to commemorate the 35th Anniversary of the Fall of Saigon. And I am here today to honor and remember our fallen soldiers, American veterans, and our South Vietnamese allies, who fought and died in the name of freedom and democracy. For the past 14 years, I have had the privilege of representing one of the largest Vietnamese communities in the United States. I have listened to their amazing stories and worked with them to advocate for freedom and human rights in Vietnam.

During my 14 years in Congress, I have seen first-hand the passion of the Vietnamese-American community and their unwavering determination not only to succeed as a Vietnamese-American but also bring freedom to the people of Vietnam. My colleagues and I honor all those who fought for democracy and freedom in Vietnam and urge the Vietnamese-American communities to continue their fight against the continued persecution and injustice in Vietnam.

## TRIBUTE TO PENNSYLVANIA STATE REPRESENTATIVE KATIE TRUE

### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. PITTS. Madam Speaker, today I honor Pennsylvania State Representative Katie True for her long service to the people of Lancaster County and the State of Pennsylvania. After serving 8 years representing the 37th State House District and another 8 years representing the 41st State House District, Rep. True will retire after the present legislative session.

I had the distinct honor of serving four years in the Pennsylvania General Assembly with Rep. True. Throughout her career she worked across the aisle to defend life in our State. After I was elected to the House of Representatives, Rep. True took over the leadership of the Pennsylvania State House Pro-Life Caucus.

She has been a tireless advocate for children in the State of Pennsylvania. She counts her greatest accomplishment as working to improve the child welfare system so that no child slips through the cracks.

Rep. True has always made protecting women a priority during her time in public service. In between her two terms in the General Assembly, she served 2 years as the executive director of the Pennsylvania Commission for Women. During her time in the General Assembly, she made sure that Pennsylvania established tough anti-trafficking laws to protect women and children in our State. Also, she introduced legislation for a check-off box on state income tax forms for breast cancer research.

Rep. True is one of the most trusted legislators in our state and her colleagues in Harrisburg will miss her cooperative spirit. Her constituents will miss her servant's heart and care for her community.

Our State motto is "Virtue, Liberty, and Independence." Rep. True embodies virtue and has always defended our liberty and independence. The State of Pennsylvania is grateful for her honorable service and we wish her the best in her future endeavors.

## JAIDY WIDDIFIELD

### HON. ED PERLMUTTER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jaidy Widdifield who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jaidy Widdifield is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jaidy Widdifield is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jaidy Widdifield for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## IN RECOGNITION OF O&S TRUCKING ON BEING RECOGNIZED AS 2010 INNOVATOR OF THE YEAR

### HON. ROY BLUNT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. BLUNT. Madam Speaker, I rise today to pay tribute to O&S Trucking of Springfield, Missouri, on being recognized as 2010 Innovator of the Year by Commercial Carrier Journal.

In 1981, Jim O'Neal and partner Keith Stever teamed to form Ozarks Truck Brokerage with two customers and no equipment. Two years later the pioneering pair launched the company that would become O&S Trucking. Throughout the 1990s O&S Trucking grew quickly and by 2000 had executed an employee stock ownership program to completely overhaul the company as employee owned. This approach led to more ownership from drivers and workers to give O&S Trucking a steady platform for growth and success.

Nearly twenty years later, O&S Trucking provides transportation services to customers throughout the United States and Canada, offering opportunities for owner operators, drivers, small fleet owners and outside carriers. O&S Trucking continually encourages their leaders to generate innovative and engaging opportunities for their company. For example, they created an interactive Trucker's Challenge board game to help over 350 truck owners learn the responsibility and business skills to become a better owner-operator. In 2007, O&S Trucking launched the MegaTruck program to take full advantage of capacity and create an environmentally sensitive truck to haul more freight while reducing their carbon footprint.

The MegaTruck program was created to address fuel efficiency, driver availability and sustainability concerns for both refrigerated and dry van transportation. The MegaTruck is able to maximize product weight per truck without losing revenue and, in fact, the equipment operated under the MegaTruck program averages more miles per week than regular over-the-road trucks. This approach to business is the reason O&S Trucking is one of the few trucking companies to have grown since 2000 and this success should be seen as a bright vision as Missouri looks for new ways to improve our ever changing economy.

Taken together, the Trucker's Challenge and the MegaTruck Program have made O&S Trucking the first company Commercial Carrier Journal has recognized as Innovator of the Year. In addition, Jim O'Neal, President of O&S Trucking, serves as Mayor of Missouri's third largest city, Springfield, Missouri.

To Mayor and President Jim O'Neal, Chief Executive Officer David Corsaut, Chief Operating Officer Rick Johnson and the rest of the team at O&S Trucking, I offer my congratulations on being recognized as the 2010 Innovator of Year.

## DESIGNATE CAUCASUS EMIRATE AS A FOREIGN TERRORIST ORGANIZATION

### HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution urging the Secretary of State to formally designate the Caucasus Emirate as a foreign terrorist organization. The Caucasus Emirate seeks to establish a Taliban style Islamic state on the sovereign territory of the Russian Federation, Georgia, Armenia, and Azerbaijan and has declared jihad against the United States, Russia, Great Britain, and any other state fighting international terrorism. Let us stand together with Russia and take serious measures to disrupt and destroy this dangerous organization. I urge my colleagues to support this measure.

## JACKIE EVANS

### HON. ED PERLMUTTER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jackie Evans who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jackie Evans is an 8th grader at Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jackie Evans is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jackie Evans for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## HONORING BRUCE IACOBUCCI

### HON. PATRICK J. MURPHY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize Bruce Iacobucci, for his leadership and dedication to the Citizens of Bucks County and for his hard work for the United Way of Bucks County.

Mr. Iacobucci is the recent recipient of the Dr. Stanton Kelton Award given to those who show their dedication to the betterment of their community through their compassion and generosity.

Undaunted by the current economic uncertainties, Bruce Iacobucci has worked hard and has continued to be a major contributor to the goals of the United Way of Bucks County to the betterment of our community.

Madam Speaker, I am proud today to recognize Bruce Iacobucci for his leadership in our community and for his dedication to the citizens of the 8th District. Please join me in honoring him today.

## OCCASION OF MAJOR SPEROS KOUMPARAKIS' TRANSFER FROM THE UNITED STATES MARINE CORPS LIAISON OFFICE

### HON. W. TODD AKIN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
*Thursday, April 29, 2010*

Mr. AKIN. Madam Speaker, today I recognize and pay tribute to Major Speros Koumparakis, United States Marine Corps, on the occasion of his transfer from the liaison office. I, and many other members of this Chamber, have had the pleasure of working with him over the past 3 years that he has served as part of U.S. Marine Corps Office of Legislative Affairs and as the Deputy Director of the USMC Liaison Office in the U.S. House of Representatives.

From his arrival in the October of 2006 to his departure in May 2010, Major Speros Koumparakis has represented the Marine Corps on all matters pertaining to the U.S. House of Representatives. During his time in the House Liaison Office, Major Koumparakis planned, led and executed many of the Marine Corps' most difficult and challenging legislative initiatives and distinguished himself as a leader and as a visible example of Marine Corps professionalism and values. Through his direct and skillful engagement with numerous Members of Congress and Professional Staff Members, he ensured that the Marine Corps' concepts, programs, and requirements were widely understood; resulting in the greatest possible support to the Marine Corps. His initiative, leadership, and tireless efforts as a fellow, legislative liaison officer and as the Deputy Director of the House Liaison Office have

had a direct and lasting impact on improving the war fighting capabilities and the quality of life for Marines throughout the Marine Corps. Among his many achievements are:

Major Koumparakis consistently demonstrated his expertise and knowledge by providing timely and accurate information to the Members of Congress and their respective staffs. He was a vital asset for all matters relating to the Marine Corps and their relationship with the House of Representatives. Major Koumparakis' straightforward and professional work garnered the respect of Members and staffers alike. His candor and knowledge were key attributes in maintaining the Marine Corps' superb relationships with the many Members of the House of Representatives.

Throughout his tour, Major Koumparakis personally responded to hundreds of congressional inquiries, many of which gained national level attention. Through his exceptional interpersonal skills and broad knowledge in a wide range of military affairs, he assisted the Director, Marine Corps House of Representatives Liaison Office, in gaining the Members' support for issues critical to the Marine Corps. This exemplary customer service provided the Marine Corps latitude and time to reach appropriate solutions in each case. Major Koumparakis directly contributed to the Marine Corps' high degree of success in these matters that may not have been otherwise achieved.

Major Koumparakis successfully planned, coordinated, and escorted more than 50 international domestic trips for high-level Congressional and Staff Delegations.

These delegations often included senior leadership Representatives, such as the Minority Leader of the House, Chairs and Ranking Members of the House Armed Services Committee and other Committees of jurisdiction. These delegations traveled world-wide and visited heads of state, military commands, and deployed U.S. military personnel. His meticulous planning, attention to detail and anticipation of requirements allowed the Representatives and staff personnel to focus on fact-finding and learning new information to guide critical decisions made by the Members of Congress. These trips enabled our elected leaders to understand both the successes and challenges facing our Marines that could only be gleaned from first-hand observation and face-to-face interaction. These trips led to increased Congressional support for funding the needs of our deployed Marines and led to a greater appreciation and admiration for the sacrifices made by our Marines and their families. The close relationships developed on these trips paid dividends for the Marine Corps in all areas of legislative affairs.

Another example of this Marine's impact on Capitol Hill was Major Koumparakis' having led or assisted in the planning, coordination, and execution of countless events, receptions, and meetings on Capitol Hill. These events included New Member Orientation for the Freshman Congressional Class of the 110th and 111th Congresses which took place both on Capitol Hill and in Williamsburg, Virginia; Four Marine Corps Birthday Cake Cutting Ceremonies with the U.S. House of Representatives; countless House Armed Services and House Foreign Affairs Committee hearings and events, promotion ceremonies, awards ceremonies, retirement ceremonies, and guided tours of the Capitol. He also scheduled and facilitated several hundred office calls for the leadership of the Marine Corps to include the Commandant of the Marine Corps, Assistant Commandant of the Marine Corps, the Sergeant Major of the Marine Corps, and numerous other General Officers conducting business on Capitol Hill.

Utilizing his particular expertise in Communications, Major Koumparakis was instrumental in designing and implementing an engagement tracking system for use within the liaison office shared drive. His efforts digitized a complex and cumbersome system and enabled all liaisons to have easy access to shared information, allowing them to focus on their work and create unity of effort in the office.

In addition to the administrative requirements of the Marine Liaison Office, Major Koumparakis was instrumental in leading the planning and execution of the Capitol Hill Running Club for the past two years. This club met several times weekly, preparing hundreds of Capitol Hill staffers and military personnel to run the Marine Corps Marathon. Due to his hard work, the Club offered the Marine Corps an opportunity to engage with Congressional Staffers through physical training and raised the level of Marine Corps Marathon awareness on Capitol Hill.

On a personal note, Major Koumparakis served as a military fellow on my staff in 2007. Speros was a fantastic addition to our office and was an invaluable resource to me in my duties on the House Armed Services Committee. His smiling face will never be forgotten by me or my staff.

Major Koumparakis, through his dedication to professional, exemplary engagement with Congress has contributed immeasurably to the Marine Corps' solid reputation throughout Capitol Hill. The rapport he developed with Members of the House of Representatives and the Professional Staff Members have made a lasting impression with these Members and Staff and have set the tone for a lasting partnership between the Marine Corps and Congress for years to come. The time he has spent supporting Members of the House has been truly noteworthy. He has made lasting contributions to the House of Representatives.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,876,734,073,745.72.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,238,308,327,451.90 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

## HANNAH LYNCH

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Hannah Lynch who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Hannah Lynch is a 7th grader at Mandalay Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Hannah Lynch is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Hannah Lynch for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## CONCERNS ABOUT THE PHILIPPINE AUTOMATED ELECTIONS

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. HONDA. Madam Speaker, on May 10, 2010, the Republic of the Philippines will undergo historic elections in its budding democracy. These elections mark the first fully automated national elections to determine the fates of over 85,000 candidates for some 17,000 national and local seats, including that of the President and Vice President. With such a large ballot of candidates and the challenge of polling across a nation of over 7,000 islands, the benefits of an automated system are apparent.

These automated elections, however, are not flawless. Automated voting is not guaranteed to eliminate fraud and error, but seeks to minimize them. Additional independent systems should be in place to ensure transparency and validity across the entire election process and, in particular, over the electronic voting systems themselves. Especially troubling are the reports that the new voting system has never been fully tested in the Philippines, which reinforces the need for a contingency plan in case of voting machine failures. In fact, the National Democratic Institute and other international observers have already expressed similar concerns about these upcoming automated elections.

The Philippine Commission on Elections (COMELEC) has the daunting task of administering these elections, and would do well to heed the bitter lessons that the United States learned from the controversies surrounding our electronic voting machines during recent elections. While still working to improve our election process, we also recognize the importance of mending the public confidence. Public

confidence in any form of government is paramount to its success, and this is especially true for any democracy—Philippine and American. Again, I urge COMELEC to establish necessary transparency and validation mechanisms that will earn the confidence of the Filipino people to ensure that their constitutional right was fairly exercised. I look forward to these historic democratic elections and hope that they will result in a confident and peaceful transition of government.

## COMMEMORATING THE LIFE OF LIEUTENANT COLONEL ROBERT H. ANDERSON

### HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. BILBRAY. Madam Speaker, I rise today to pay tribute to a constituent of mine, Robert H. Anderson, Lt. Col., USMC (ret.) who sadly passed away in November 2009. Lt. Col. Anderson was laid to rest Friday April 2, 2010 in Arlington National Cemetery.

Lt. Col. Anderson was awarded the Distinguished Flying Cross for heroism during World War II. He became a Corsair pilot and was in nearly every major battle in the Pacific including Iwo Jima, Guadalcanal, Okinawa, Tarawa, Guam, Peleliu, Tinian and others. Between these battles, he fought kamikazes that were attacking our ships, flew reconnaissance missions, and escorted bombers, protecting them from Japanese fighter planes. During one of his escort missions he was hit with anti-aircraft fire and told to bail out. He jettisoned the canopy but at the last moment he decided that he would take his chances and try to get back to his base in Okinawa. He successfully landed on the runway at Okinawa with no canopy, no landing gear and much of his plane and controls damaged.

Throughout his life, Lt. Col. Anderson demonstrated his commitment to serving his country. After World War II, Lt. Col. Anderson served in the Marine Corps Reserve testing new jets, training pilots and keeping his skills sharp in case he was needed in combat again. He served one weekend a month and two weeks twice a year until Vietnam. He also volunteered as a recruiter for the Marine Corps Reserve and helped overhaul their public relations strategy. He volunteered for active duty during the Korean Campaign, but was not called.

Lt. Col. Anderson's service and dedication to this country warrants the highest recognition. I urge my colleagues to join me in celebrating this great American.

## INTRODUCING THE COMMISSION ON IMPROVING LONG-TERM CARE AND COMMUNITY SERVICES ACT OF 2010

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce the Commission on Improving Long-term Care and Community Services Act of 2010.

Long-term care is a broad range of health and social services that is used by people who cannot care for themselves independently because they live with a physical, cognitive, or mental disability. Well over 9.4 million adults receive long-term care in the United States and this number is expected to rise. Longer life spans among the chronically ill and disabled, and higher incidences of acquired disabilities from unmanaged conditions such as HIV/AIDS, diabetes, obesity and heart disease project an increase in our reliance on long-term care. States with significant elder populations like Florida know the importance of ensuring that our health care system is well equipped to provide adequate long-term care services.

Last year, I introduced H. Res. 271, a resolution that expressed the need for a national strategy on long-term care, and the necessity of including long-term care in comprehensive health care reform. Many agreed that addressing the state of long-term care and community services is critically important to improving our health care system. However, concerns about the potentially high cost of implementing corrective measures stymied efforts to aggressively tackle the problem in the health reform bill.

The inclusion of long-term care insurance in the health reform bill is helpful, but it cannot serve as a substitution for comprehensively addressing long-term care and community services issues. Too many patients and families are enduring the physical, emotional and financial consequences of accessing long-term care in a system that is in dire need of improvement. The lack of streamlined standards and dominant payment methods for long-term care have left the system handicapped: depriving countless people of much needed services and placing a tremendous financial and emotional burden on families and caregivers. And yet, there has never been a national plan for long-term care, and nearly 20 years have passed since Congress comprehensively reviewed long-term care policy.

The Commission on Improving Long-Term Care and Community Services Act of 2010 is a cost-effective way to ensure that we comprehensively address long-term care and community services policy in the U.S. and U.S. territories. My bill directs the Secretary of Health and Human Services to establish a National Commission on Improving Long-Term Care and Services. The Commission will be composed of a variety of Federal and national stakeholders that will construct a comprehensive strategy on how to increase the affordability, accessibility and effectiveness of long-term care and community services in the U.S. and U.S. territories. The Commission's policy recommendations must consider cost, geography, culture, transportation, workforce and other factors that influence access to care.

And, the Commission's strategy must also provide guidelines on how to combat waste, fraud and abuse by long-term care providers, address flaws in Medicare reimbursement policies, increase access to home and community-based services through Medicaid, and promote fiscally responsible ways to finance long-term care. The Commission on Improving Long-term Care and Community Services has two years to submit a report to the President, Congress and the general public about their recommendations and findings.

Madam Speaker, I urge my colleagues to join me in supporting the National Commission on Improving Long-term Care and Community Services Act of 2010 and truly invest in the welfare of our Nation's health and health care system.

## HONORING BARTOW HIGH SCHOOL

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. PUTNAM. Madam Speaker, today I rise to honor my high school alma mater, Bartow High School, for winning the 5A state title in boys' basketball. The final game had the Bartow Yellow Jackets beating the Tampa Sickles in a 51–37 match hosted in the Lakeland Center. This will be Bartow High's fourth boys' basketball title, but its first since 1988. The boys were led by head coach Terrence McGriff and seniors Jeremiah Samarippas, Weedlens Beauvil, Adrian Brackins, Richard Murvin, Vincent Reed, and Reginald Polite.

The school's athletics program is also recognized for its girls' softball team, who appeared in the state championship game for 10 consecutive years from 1997–2006 and won 7 out of the 10 matches. Bartow High also has many football alumni who went on to compete at the NCAA Division I and professional National Football League levels.

Not only does Bartow High have a state champion in its basketball program, but they compete on a national level with their academic programs. The school houses the International Baccalaureate School at Bartow High, which annually finishes in the top 5 composite SAT scores in the United States. Bartow High earned approval to offer the International Baccalaureate Diploma in 1996. Until this year, this was the only such program in Polk County. In 2007, the U.S. News and World Report, the premier school rating entity, ranked the International Baccalaureate program as the third best school in the nation.

Bartow High was originally named the Summerlin Institute, which was founded in 1887 but moved to its current location in 1970. The school currently houses the prestigious military school of the same name, Summerlin Academy. On behalf of Florida's 12th Congressional District, especially Polk County, I wish to congratulate Bartow High's boys' basketball team for the state championship title and Bartow High for its continued well-rounded successes.

## IVAN BURCIAGA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Ivan Burciaga

who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Ivan Burciaga is a 12th grader at Arvada School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ivan Burciaga is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Ivan Burciaga for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## IN REMEMBRANCE AND RECOGNITION OF THE 35TH ANNIVERSARY OF THE FALL OF SAIGON

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and recognition of the 35th Anniversary of the Fall of Saigon. This historical date commemorates the end of the Vietnam War, and represents the beginning of a new life for tens of thousands of Vietnamese people, as they began their hopeful journey to America.

On April 30, 1975, the ancient city of Saigon fell to the conquest of communist troops. This action solidified the communist takeover of South Vietnam. Thirty-five years later, I rise to honor the memory and sacrifice of the hundreds of thousands of South Vietnamese soldiers, American soldiers and civilians who made the ultimate sacrifice in the name of liberty.

Despite the violent takeover and the rule of repression that followed, the culture, spirit and hope reflected by the Vietnamese people remained steadfast. After the fall of Saigon, thousands of Vietnamese, determined to rebuild their lives, began a treacherous exodus out of Vietnam. Their daring escape was on foot, through thick jungles and over jagged mountains. They escaped by boat, through snake-infested rivers and across turbulent seas. They became refugees in many nations, including America, with nothing more than the clothes on their backs and the hope for freedom in their hearts.

Madam Speaker and colleagues, please join me in honor and remembrance of the hundreds of thousands of women, men and children who struggled for peace and freedom. We also honor the City of Cleveland and the Vietnamese Community of Greater Cleveland, which offers support, services and hope to immigrants from all over the world. The Vietnamese culture, through the care and commitment of its people, has flourished in Cleveland and across America. Yet it remains forever connected to its ancient cultural and historical traditions that spiral back throughout the centuries, connecting the old world to the new, spanning oceans and borders in the ageless quest for peace—from Vietnam to America.

## IN COMMEMORATION AND HONOR OF DR. DOROTHY IRENE HEIGHT

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Ms. MATSUI. Madam Speaker, I rise today to recognize and honor the life of Dr. Dorothy Irene Height, who passed away on April 20, 2010. Dr. Height was a noble woman who devoted her life to the service of others and for the advancement of civil liberty and freedom for all.

After earning her bachelors and masters degrees from New York University, Dr. Height started her career as a caseworker for the New York City Welfare Department. Possessing an audacious and strong spirit, Dr. Height helped fuel the civil rights movement as an activist with the National Council of Negro Women. She made it her life's work to fight for civil equality for African-Americans and women of all colors.

Dr. Height worked vigorously for the NCNW for more than 60 years. During her tenure, she served as the chair and president emerita of the NCNW, and worked alongside the Rev. Martin Luther King Jr., Congressman JOHN LEWIS and A. Philip Randolph. Dr. Height was among the few fortunate people to have stood on the platform when Dr. King delivered his ''I Have a Dream'' speech in 1963.

While helping to lead the NCNW in the 1960s, Dr. Height organized the famous ''Wednesdays in Mississippi'' group, which brought women of all faiths and colors together in Mississippi to break racial, class, and regional barriers. Because of her leadership and ability to bring people together, she was often sought by First Lady Eleanor Roosevelt for counsel. Additionally, she encouraged President Dwight Eisenhower to desegregate schools, and urged President Lyndon Johnson to appoint African-American women to positions in government.

Dr. Height has received numerous awards and commendations for her work, including the Congressional Gold Medal, Presidential Medal of Freedom, Spingarn Medal from the NAACP, and in 1993, was inducted into the National Women's Hall of Fame.

Madam Speaker, I am honored to recognize and honor the life of one of our Nation's greatest civil rights leaders. I ask all my colleagues to join me in honoring Dr. Dorothy Irene Height for her life-long service to the principles of freedom, justice, and equality for all.

## RECOGNITION OF SILBERLINE MANUFACTURING COMPANY INC. FOR 65 YEARS OF SERVICE

### HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. HOLDEN. Madam Speaker, I rise today to recognize Silberline Manufacturing Company, Inc. of Tamaqua, Pennsylvania which will celebrate its 65th anniversary on May 1, 2010. Silberline manufactures and sells metallic and special effect pigments, which are used in paints, coatings, and plastics around the world.

Many of the items used in everyday life get their sparkle from Silberline, as key markets for the products include automotive coatings, consumer electronics such as cell phones, plastics, and inks and industrial arts.

Silberline has always been a family owned and operated business. When founded in 1945 by Mr. Ernest Scheller Sr., Silberline consisted of a single, small factory located in Stamford, Connecticut. Today, Silberline is a global business, headquartered in Tamaqua, Pennsylvania and includes four manufacturing facilities in the United States, as well as manufacturing in Europe and Asia. It has sales, technical support, and research and development in the United States and around the world. Silberline is known as a world leader in the industry, using science and technology to create, manufacture, and supply high quality pigments that have unique aesthetics, functionality, ease of use, and environmental friendliness.

Lisa Jane Scheller, Silberline's current President and CEO, is the granddaughter of founder Ernest Scheller. Ms. Scheller grew up in Tamaqua and in 1987 she joined Silberline as Data Processing Manager. She has been leading the company since 1997. It is her vision to see Silberline continue to grow and thrive while remaining committed to its seven core values—commitments to safety, employees, customers, environment, community, and continual improvement, all while conducting business with integrity around the world.

I congratulate Silberline on their 65 years of success and wish them the best of luck for the next 65.

## PAYING TRIBUTE TO THE CHI STATE CHAPTER OF DELTA KAPPA GAMMA SOCIETY INTERNATIONAL

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the Chi State Chapter of Delta Kappa Gamma Society International on the occasion of holding their State Conference in Fresno, California, in 2010.

Delta Kappa Gamma Society International was founded in 1929 by Dr. Annie Webb Glanton with the overriding goal of providing guidance and inspiration to women educators in pursuing excellence in their professional lives. This service oriented group offers opportunities to enhance leadership development for women at local, regional, and international levels.

As an international honorary society of over 107,000 key women educators in 16 countries, Delta Kappa Gamma Society mentors women educators, provides mutual support and interaction in all educational fields at all levels. Delta Kappa Gamma helps women pursuing

professional careers in education by offering financial aid to help them attain their graduate education.

It is truly an honor that Delta Kappa Gamma has selected Fresno, California, for their 2010 State Conference. I ask my colleagues to join me in recognizing the Chi State Chapter of Delta Kappa Gamma Society International as they continue to promote excellence in education and professional growth in women educators.

## TRIBUTE TO RICHARD KELLY, CIVIL RIGHTS ACTIVIST AND JUSTICE ADVOCATE

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. DAVIS of Illinois. Madam Speaker, for as long as I can remember, Richard (Dick) Kelly was always at meetings, marches, demonstrations, political rallies and in Chicago, doing what we call door knocking or walking precincts during political campaigns. Dick was what we called a community organizer, one who spent most of their time working on issues, raising awareness, solving problems and being engaged, for the most part without pay. Richard was an idealist who never gave up on hope.

He started work in Mississippi in 1964, spent time there, returned to Chicago and Oak Park and settled into a lifetime of social activism. Richard grew up in the Beverly Community of Chicago, graduated from the St. Ignatius College Prep and got a degree in Political Science from Notre Dame University. In Mississippi he taught at Freedom Schools for black children, and being white, was arrested several times for minor infractions, e.g., jaywalking.

Richard taught in the Chicago Public Schools for twenty years, drove a taxi for another fifteen. He was active with the Chicago Teachers Union, had few material needs and spent most of his money on newspapers, magazines and books. He worked for a brief period with Governor Dan Walker's Administration as a labor liaison, was active with fair-housing activities in Oak Park and became an active member of the St. Giles Catholic Church. I extend condolences and best wishes to his wife, children, siblings, and other family members.

## JAMES LEWIS BAKER

### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. AUSTRIA. Madam Speaker, I rise today to honor the memory of James Lewis Baker.

Jim Baker of Springfield, Ohio, was born June 18, 1945, and his life was dedicated to his family and neighbors. His acts of charity and goodwill made him well-known and loved in his local community and his energetic presence will be missed.

A 1963 graduate of Northeastern High School, Jim served in the United States Air Force as an Air Policeman, conducting a tour in Vietnam and achieving the rank of sergeant. He received the Bronze Star for bravery as he was the first to respond in an emergency, saving the life of a fellow officer.

After his service, Jim established his family in Springfield, Ohio, with his wife, Jean (Woolweaver) Baker, and two sons. He was a local area businessman and served as the traffic control officer for the Springfield Police Department until his retirement. Jim was an active and respected member of the community, known best for his hard work and willingness to help others. He received the Springfield Citizenship Award for heroically assisting police officers in capturing a suspect.

Jim Baker, 64, had an enthusiasm for life that left an impression on each person he was encountered. He was a corner stone of the community and his life is an outstanding example of good citizenship. It is a privilege to honor his life today.

## JOHN E.D. BALL

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. WOLF. Madam Speaker, I call to the attention of the House the passing on March 25 of John E.D. Ball, 77, a resident of Vienna, Virginia, who was the founding president of the National Captioning Institute and two-time national Emmy Award winner for his television engineering work.

Mr. Ball was a native of Glasgow, Scotland. An avid electronics buff as a teenager, he was a graduate of Glasgow's Royal College of Science and Technology. He served two years in the Royal Air Force as a radio signaller and 13 years with the BBC. Recruited by Computer Sciences Corporation, he and his family arrived in the United States in 1966. He joined the Public Broadcasting Service in 1971 and helped implement the first domestic satellite distribution system. Completed in 1978, the project won Mr. Ball his first Emmy award for engineering.

His interest in developing closed captioning for television programs was spawned in 1972 when he attended a briefing at Gallaudet College (now Gallaudet University) and was struck by the enthusiasm from the largely deaf audience following a demonstration by ABC–TV and the National Bureau of Standards of a subtitling system for the deaf. He worked over the next 7 years at PBS to make closed caption television a reality and in 1980 accepted on behalf of PBS a second national engineering Emmy Award.

Mr. Ball's effort led to the establishment later that year of the National Captioning Institute, a nonprofit that worked to expand the availability of closed captioning, for which Mr. Ball served as the founding president and chief executive officer for 15 years. At the urging of NCI and others, Congress passed the Television Decoder Circuitry Act in 1990 that required new televisions with screens larger than 13 inches to be equipped with closed-captioning technology. Today the "talking TV" logo has become one of the most recognizable symbols in the country.

For his exceptional dedication and work, Mr. Ball was awarded an honorary degree from Gallaudet University and also received a distinguished service award from the American-Speech-Language-Hearing Association.

Madam Speaker, we extend our sympathies to Mr. Ball's family, including his wife, the former Elizabeth Rodger of Vienna, Virginia; three sons, Norman Ball of Leesburg, Adrian Ball of Arlington County and Evan Ball of Vienna; and a grandson.

## INTRODUCTION OF A RESOLUTION SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL YEAR OF BIODIVERSITY

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Ms. BORDALLO. Madam Speaker, today I have introduced a resolution to support the goals and ideas of the International Year of Biodiversity and to recognize the importance of biodiversity to ecosystems and human well-being. As our understanding of the interactions between humans and the environment grows, it has never been more evident and is highly dependent on our natural resources for the ecological goods, services and raw materials that underpin our economies, provide for our well-being, and are functional to many cultures. And accordingly, many of the goods and services on which we depend, both directly and indirectly, are supported by Earth's rich biodiversity.

Biodiversity describes the variety of plant and animal life on earth, the places they inhabit, and the interactions between them. Today scientists have identified over 1.7 million species and have estimated that at least 13 million are in existence. Biodiversity allows ecosystems to be resilient in the face of change, which is critical to consider as we move toward a world where increasing population, economic growth, and unpredictable climate will place additional pressures on our natural resources.

This resolution to support the goals and ideals of the International Year of biodiversity which I have introduced today, recognizes the environmental and societal value of diversity and the urgent need to protect this precious global heritage.

Globally, 35 percent of mangrove swamps have been removed, 40 percent of been cut down, 50 percent of freshwater wetlands have been lost, and 20 percent of coral reefs have been destroyed. While some of these losses might be restored in the future, regrettably many species and habitats, once lost, are gone forever. Moreover, the current pace of habitat loss is rapid, as more natural areas are altered or removed to provide for agriculture and aquaculture production, housing and urban industry and recreation. In my home territory of Guam, we are particularly vulnerable to climate change impacts, including increasing sea temperature, ocean acidification, and

sea level rise, which threaten biodiversity within marine habitats. International and domestic conservation strategies are necessary to prevent the unfettered loss of critical areas of biodiversity, in Guam and globally, to ensure that ecosystem goods and services—such as shore protection and sustainable fisheries—are provided future generations.

I look forward to working with my colleagues on both sides of the aisle to advance this important resolution to reaffirm the United States' global leadership and longstanding commitment to the preservation and conservation of Earth's biodiversity, and to raise awareness about biodiversity's important role in supporting ecological and human well-being across the world.

## COMMEMORATING THE 250TH ANNIVERSARY OF BETHESDA PRESBYTERIAN CHURCH, YORK COUNTY, SOUTH CAROLINA

### HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. SPRATT. Madam Speaker, I want to call the attention of the House to a landmark event in the Fifth Congressional District of South Carolina. On Sunday, May 2, 2010, the Bethesda Presbyterian Church of York County will celebrate its 250th anniversary. For 2½ centuries, Bethesda Presbyterian Church has kept the faith, preaching the gospel and bearing witness to its faith through Christian service and community leadership.

Worship at Bethesda began in the 1760s among some one hundred forty families, most of whom had immigrated from northern Ireland by way of Pennsylvania, Virginia, and the low country of South Carolina. Bethesda Presbyterian Church was formally organized in 1769, and became instrumental in forming other Presbyterian churches in our area. According to church records, its outreach included two churches in western Mississippi.

During the Revolution, after the fall of Charleston in 1781, Bethesda became a stronghold of resistance to the British. Its members figured prominently in the Battle of Huck's Defeat at the nearby Williamson Plantation. In the early 1800s, Bethesda was the site of evangelical meetings, now called the Great Awakening, which inspired the creation of churches throughout the upcountry of South Carolina.

The Bethesda church buildings have undergone various changes over the years, but the church's exterior still reflects the simple, old meeting house design, and the cemetery on the grounds is as hallowed as it is historic. In 1977 the Bethesda Presbyterian Church was placed on the National Register of Historic Places.

Despite the social changes of 250 years, war, economic crisis, and the ravages of time, Bethesda has remained an old rock of the faith, with a future as promising as its past. In view of its long and glorious history, I ask that this commemoration of the Bethesda Presbyterian Church's 250th anniversary be noted by the Nation through entry in the CONGRESSIONAL RECORD.

## CONGRATULATING THE ENTERPRISE ASSOCIATION OF STEAMFITTERS, UNITED ASSOCIATION LOCAL UNION 638

### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. DEUTCH. Madam Speaker, I am both honored and privileged to congratulate the over five hundred Enterprise Association of Steamfitters, United Association Local Union 638 retirees and their families who live in the state of Florida as they celebrate the 125th anniversary of the founding of their great union.

Steamfitters Local 638 was chartered in 1884 as Local Assembly 3189 under the Knights of Labor. In 1914 the Local Assembly became one of the first Enterprise Association of Steamfitters locals to join the United Association, eventually being incorporated as United Association Local 638 in August of 1947. Since their incorporation, the Enterprise Association has trained close to 3,000 apprentices, ensuring a dignified wage, benefits, and a skilled trade to all who have passed through the program.

Although many things have changed throughout its distinguished history, the Enterprise Association has preserved its reputation as an organization of highly skilled craftsmen dedicated to the preservation and protection of its members and their trade. The presence of so many Local 638 members in our community has helped Florida's working families overcome many barriers in their daily struggle to earn a living wage. South Florida is truly a better place because of their active engagement in the betterment of our community.

I salute the Enterprise Association for 125 years of service to the trade union movement and for facilitating a dignified living wage. I wish the members and retirees of United Association Local 638 congratulations during this momentous occasion.

## IN HONOR OF MICHAEL D. PATTERSON, RECREATION DIRECTOR FOR THE CITY OF ROCKY RIVER

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor of Michael D. Patterson, Recreation Director for the City of Rocky River, in celebration of his retirement after 34 years of service.

Thanks to his hard work and expertise, the Rocky River Parks and Recreation Department has been able to expand, offering programs to better the quality of life for all residents. Mr. Patterson began his career with the Parks and Recreation Department after earning a Master's degree from the University of Tennessee in 1976. When he first started, the Department only had five full-time employees. Today, the department employs sixteen.

Under Mr. Patterson's leadership, the Rocky River Outdoor Pool was renovated; the ice rink was renovated twice; a new civic center was constructed; and Rocky River's parklands were restored and maintained. Mr. Patterson has been a longtime member of the Ohio Parks and Recreation Association, including his service as President of the board from 2000 to 2001. During his time as Recreation Director, the City of Rocky River was honored with several awards from the State of Ohio, including the Superior Award for Teen Programs and the Outstanding Facility Award for the Don Umerley Civic Center.

Madam Speaker and colleagues, please join me in honoring Michael D. Patterson, whose unwavering dedication to the Parks and Recreation Department in Rocky River, Ohio has helped to preserve and promote the green spaces in our community. I wish Mr. Patterson and his family an abundance of health, happiness and peace in all of their future endeavors.

## HONORING THE RAINIER CLUB'S ARTIST LAUREATE

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. MCDERMOTT. Madam Speaker, I rise today, on the occasion of the honoring of Stephen Wadsworth's lifetime achievement by one of Seattle's historic organizations and keeper of the arts, the Rainier Club. The people of the State of Washington hold up as a national inspiration the work of Stephen Wadsworth, stage director and writer.

Associated with Seattle Opera for more than 25 years, Stephen Wadsworth is a renowned director whose work has included acclaimed productions at the Metropolitan Opera, Teatro alla Scala, Royal Opera Covent Garden, Vienna Staatsoper, Nederlandse Opera, and Edinburgh Festival, and in San Francisco, Los Angeles, Toronto, and Santa Fe. He made his Seattle Opera debut with Jancek's Jenufa and has returned for Gluck's Iphigenia in Tauris (a co-production with the Metropolitan Opera) and Orphée et Eurydice; Handel's Xerxes; and Wagner's Lohengrin, Fliegende Holländer, and Ring.

Highlights of his operatic work include the Seattle Orphée (1988), on which he collaborated with Mark Morris. Of that production, The New Yorker magazine wrote "Inspired productions touch the heart of a listener's being, reveal music's power to sound every string of a psyche; make the theater what it should be, a place of, at once, ecstasy, entertainment, and moral and political enlightenment. The Seattle Orphée was such a production. It made the absurd extravagances of opera, all that it costs in public and private money and personal, hardworking devotion, seem worthwhile."

Wadsworth has staged much-traveled productions of plays by Shakespeare, Molière, Marivaux, Goldoni, Shaw, Wilde, and Coward. Wadsworth wrote the opera A Quiet Place with Leonard Bernstein, and directed the world premieres of Daron Aric Hagen's Shining Brow and Peter Lieberson's Ashoka's Dream, as well as new plays by Beth Henley and Anna

Deavere Smith. He has translated a number of works for the stage, including works by Monteverdi, Handel, and Mozart.

The French government named Stephen Wadsworth a Chevalier de l'Ordre des Arts et des Lettres for his work on Molière and Marivaux. He is the Head of Dramatic Studies at the Metropolitan Opera's Lindemann Young Artist Development Program, and the James S. Marcus Faculty Fellow and Director of Opera Studies at the Juilliard School, where he has launched the first intensive acting program for opera singers.

Stephen Wadsworth's influence is international and broad in scope, but it is our honor that his presence is local to Washington State's 7th Congressional District. His work has brought a rich luminosity to the Seattle arts community for many years, and I am privileged now to note his profound contribution to our cultural life.

## CONGRATULATING COMMANDER KAREN MILLER ON HER RETIREMENT

### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. ROSKAM. Madam Speaker, I rise today to honor a dedicated public servant from my Congressional District, Commander Karen Miller. After spending 25 years in the Addison Police Department, she is retiring at the end of April.

Commander Miller started her career in the Dispatch Department and was then assigned to the Patrol Division for 8 years. In 1993 she was named the full time D.A.R.E. /Crime Prevention Officer for the Department. For those 8 years Karen taught more than one thousand 5th grade students the importance of living a drug-free life.

Additionally, Commander Miller developed many programs within the Addison Police Department designed to better educate the public about crime prevention. The programs created under her leadership include the Citizens Police Academy, Senior Citizen Police Academy, Citizens on Patrol, Volunteers In Policing Service, Seniors And Law-Enforcement Together, and Community Emergency Response Team.

Madam Speaker and Distinguished Colleagues, Karen Miller is a remarkable public servant who has dedicated her life to serving the people of Addison. Please join me in recognizing her extraordinary service and wishing her happiness in the well deserved respite of her retirement.

## CELEBRATING THE CENTENNIAL ANNIVERSARY OF THE ANNUNCIATION GREEK ORTHODOX CHURCH OF PENSACOLA

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to celebrate the 100th anniversary of the founding of Pensacola's Annunciation Greek Orthodox Church. This remarkable milestone is a testament to the years of great work by the church.

The year 2010 is a relatively small occurrence on the timeline of Orthodox Christianity, a faith that traces its beginnings all the way back to the apostles and dates many of its earliest traditions back to the days of St. John Chrysostom. 2010 also marks the 100th anniversary of Pensacola, Florida's oldest Orthodox congregation. The first Greeks to come to Pensacola were seamen who migrated during the 1860s. As the Greek community continued to grow, it was decided to build a church where Greek ideals and customs could be preserved as well as a place where spiritual needs could be met. Today, the Annunciation Greek Orthodox Church of Pensacola is a place of worship for more than 150 families of various ethnic backgrounds.

In thinking about the tremendous occasion before us and the countless good deeds that have been carried out in the name of the Father by this body, I am reminded of the words of the Apostle Paul. Paul wrote to the church of Galatia, "And let us not be weary in well doing: for in due season we shall reap, if we faint not." On this 100th year anniversary of the Annunciation Greek Orthodox Church of Pensacola, I ask that they too heed the words of the Apostle Paul. After all these years, I encourage the church not to lose heart in doing what is good, but rather continue to serve the Lord and accomplish His work. I ask that they don't give up, but continue to show the fruit of the Spirit which is love, joy, peace, longsuffering, kindness, goodness, faithfulness, gentleness and self-control.

Madam Speaker, it is my great privilege to honor Pensacola's Annunciation Greek Orthodox Church on their centennial anniversary. These 100 years have been a testament to the compassion and good will that exists among mankind.

## INTRODUCING A RESOLUTION URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution urging the Government of Canada to end the commercial seal hunt.

While the vast majority of countries have banned the commercial seal hunt long ago, Canada is by far the largest remaining seal killer in the world. Each year, about 300,000 harp seal pups are killed for their meat, oil and pelts and almost exclusively traded internationally.

The United States and the European Union have banned both the hunting of seals and the importation of any seal products. Polling has shown that the majority of people in Canada oppose the commercial seal hunt and support foreign nations' ending their trade in seal products. A recent poll even reveals that half of Newfoundland sealers support a federal buyout of the commercial sealing industry.

Indeed, the few thousand fishermen who participate in the commercial seal hunt in Canada earn, on average, only a tiny fraction of their annual income from killing seals, with the remainder coming from traditional seafood. In recent years, the Minister of Fisheries and Oceans of Canada has authorized historically high quotas for harp seals despite high pup mortality, low seal fur prices and reduced industry participation.

Madam Speaker, the commercial seal hunt is not only unnecessary but cruel. Ninety-seven percent of the seals killed are pups between just twelve days and twelve weeks of age, without any ability to defend themselves. Most of them have not even learned how to swim. They are either shot or struck on the head by a hakapik or club. Many are injured in the course of the hunt and escape beneath the ice where they die slowly and are never recovered. Seal pups can also be skinned while still alive.

Several reports concluded that avoidable suffering occurs during hunting, sealers fail to comply with regulations and authorities do not effectively monitor the hunt and enforce regulations. This slaughter has to come to an end.

My resolution will urge the Government of Canada to prohibit the commercial hunting of seals, while allowing subsistence hunting for aboriginal communities. It will also encourage other countries to ban trade in seal products.

Madam Speaker, wild animals are a very important part of our commonly held natural resources and contribute to the diversity and stability of our environment. We cannot let economic interests take over our moral values. Animal cruelty is an inexcusable abomination. The United States must continue to protect those animals that cannot protect themselves and ensure fair and humane treatment. It is essential to maintain a balanced and healthy ecosystem that allows for the coexistence of both human beings and the world's most incredible species.

I urge my colleagues to join me in protecting wildlife and environmental conservation across the globe by supporting this important resolution.

## HONORING JAMES J. DOWLING

### HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize James J. Dowling, for his lifetime of service and dedication to the United Way of Bucks County.

Since the 1970s Mr. Dowling has been an integral part of the United Way of Bucks County and since then has been a leader in the community and within the United Way.

During Mr. Dowling's time as Chair of the Community Investment Cabinet for the United Way of Bucks County, programs for children's education have flourished. He has been one of the driving forces here in the 8th District when it comes to strengthening early education.

Mr. Dowling has led the United Way of Bucks County through tough economic times and has never wavered in his commitment to the organization and to the community. He never lost sight of the hard work that needs to be done to support those who need help the most.

Madam Speaker, I am proud today to recognize James J. Dowling for his commitment to our community and for his vision as a leader. He's a true asset to Bucks County and I'm proud to be his Congressman.

## COMMEMORATING THE RETIREMENT OF RICHARD CAROL (RC) SMITH

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. HARE. Madam Speaker, I rise today to recognize the long and distinguished career of public service of Richard Carol Smith, known to family, friends and colleagues as RC.

A life-long resident of the Midwest, RC has been a fixture in Macon County and in particular Long Creek Township through his work in government service as well as his political activism. What is even more impressive is that while working diligently for the public good, he was employed by Wabash, Norfolk & Western and Norfolk-Southern Railways, for some 39 years. Yet he found the time to be an incredibly active and respected member of his community and our region.

His service and commitment to Long Creek is unparalleled. He currently serves as Long Creek Township Clerk, a post he has held since 1997, as well as being a former assessor for the town. He has also served Long Creek as the township supervisor and assistant supervisor.

His service to Macon County is just as impressive. RC served on the Macon County board for almost 30 years. He was first elected to the board in 1970 and served as chairman from 1985 to 1986 and as vice-chairman for 6 years. He also served as the Mt. Zion Township Supervisor and was the first Democrat elected to the post in 20 years.

In addition to a long career in area Democratic Party politics, Mr. Smith has been an ardent supporter of the labor movement, culminating with him serving as the executive director of Decatur Area Labor-Management from 1989–1997.

A man of faith, RC is active in his local church, where he is an ordained Deacon at the Tabernacle Baptist Church. He also served his country honorably in the U.S. Air Force from 1952 to 1956.

RC can't quite shake the pull of politics and will remain the president emeritus of the Long Creek Township Democrats as well as continue as the secretary of the Macon County Democrats. However, with all of the accomplishments and commitments, RC has earned a well deserved retirement from his service as the chairman of the Long Creek Township Democrats. RC has been married over 45 years to his wife Wanda and is the proud father of three children and a grandfather to boot. I know that he is looking forward to spending more time with his family, but I am confident he will still remain as an active and steadfast force for his community. I hope he enjoys his retirement—it is well earned after many years of service and commitment to the people of our area.

## HONORING UNIVERSITY OF FINDLAY PRESIDENT DR. DEBOW FREED

### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House the outstanding contributions of Dr. DeBow Freed. Dr. Freed is departing the presidency of the University of Findlay after serving in that office for nearly seven years.

DeBow Freed's distinguished service is a shining example to everyone in the field of higher education. He is a 1946 graduate of the United States Military Academy at West Point, to which he returned as a physics instructor at the conclusion of more than two decades of Army service. He also earned nuclear science and nuclear engineering degrees from the University of Kansas and the University of New Mexico.

He served as dean of Ohio's Mount Union College from 1969 until 1974, when Illinois's Monmouth College selected him as its president. At Monmouth, as would be true in his future assignments, Dr. Freed helped solidify the school's fiscal standing, increase enrollment, and strengthen ties between the campus and the local community.

In 1979, Dr. Freed was chosen to serve as Ohio Northern University's ninth president, a position he held for two decades. At ONU, he oversaw continual balanced budgets, bolstered the school's endowment funds, and supervised numerous renovation and construction projects—including the completion of a performing arts center that bears his name and that of his wife of 61 years, Catherine Moore Freed. Dr. Freed was elected president emeritus in 1999.

In 2003, Findlay's Board of Trustees invited Dr. Freed to accept the presidency on a temporary basis and assist in the search for a longer-term president. He quickly endeared himself to Findlay's students, faculty, and staff through his vision, integrity, and high personal standards. Because of his strong leadership and commitment to the school and the local community, the trustees asked him to remain in office.

The university has benefited tremendously from Dr. Freed's outstanding skills as a manager and educator. During his tenure, he has helped expand the school's academic offerings to include doctoral programs in pharmacy and physical therapy. He has overseen an increase in the number of full-time faculty members from 155 to 195. He is held in the highest regard by students, who appreciate his direct engagement with them and his dedication to their success.

Dr. Freed models the service to community that he encourages in others. He is a trustee of the Toledo Symphony and the Blanchard Valley Health Association, as well as a former chair of the Center of Science and Industry Foundation Board of Trustees.

Dr. Freed is insistent that he is not "retiring," noting that retirement implies a departure. The students, faculty, and staff of the University of Findlay will never be far from his thoughts—just as he will never be far from theirs.

Madam Speaker, on behalf of the people of Ohio's Fourth Congressional District, I offer my congratulations to Dr. DeBow Freed on a long and distinguished academic career. I wish him and his family every success as they move to a new chapter in their lives.

## RECOGNIZING MR. GREGORY J. HARBAUGH

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. KIRK. Madam Speaker, I rise to honor a 10th District resident who has experienced what only a handful of Americans have gone through. Mr. Gregory J. Harbaugh of Wilmette logged over 800 hours in space as an astronaut for the National Aeronautics and Space Administration. A graduate of Purdue University, Mr. Harbaugh began his career supporting flight operations from Mission Control at the Johnson Space Center in Houston.

In August 1988, Mr. Harbaugh became an astronaut and went on to participate in four space flights. During those flights, he spent more than 18 hours in extravehicular activity outside of the spaceship. For his service, Mr. Harbaugh received the NASA Distinguished Service Medal, four NASA Space Flight Medals, the NASA Exceptional Service Medal, and the NASA Exceptional Achievement Medal.

Mr. Harbaugh's explorations are invaluable to the advancement of science. I wish him all the best in his future endeavors.

## IN RECOGNITION OF THE JEWISH HERITAGE FESTIVAL IN SACRAMENTO

### HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and pay tribute to the Jewish Heritage Festival and the Jewish Federation of the Sacramento Region.

May is National Jewish American Heritage Month, and an opportunity to celebrate all that Jewish life has brought to this Nation.

In conjunction with National Jewish American Heritage Month, the Jewish Federation of the Sacramento Region will bring to the capitol of California the annual Jewish Heritage Festival on May 2, 2010.

The Jewish Federation of the Sacramento Region was founded more than 150 years ago, and has grown to more than 25,000 residents in their eight county area.

The Heritage Festival is a celebration of Jewish culture in the United States, and an opportunity to increase communication, coordination, and cooperation between the local communities and their Jewish and non-Jewish residents.

With so many differences and divergent upbringings, there is much we share as a global community. The Festival will celebrate all that unites people with traditional food, live music and entertainment, dancing troupes, cultural exhibits and displays, family and children activities, and a special teen zone. Global values such as Tikkun Olam (repairing the world) will be highlighted with a variety of booths and activities that participants can learn from.

In collaboration with community organizations, the Tikkun Olam area will highlight the importance of social action in the Sacramento region. The area seeks to improve human welfare, deepen civic culture, and develop group life and commitment to others.

I am pleased to recognize the Jewish Federation of the Sacramento Region for their contribution to our district and their leadership in the Jewish Heritage Festival.

## IN MEMORY OF CHRISTIE STANLEY

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. GALLEGLY. Madam Speaker, I rise in memory of Christie Stanley, the first female District Attorney for the County of Santa Barbara, California, who died this week at 61 years young after a courageous fight against cancer.

Christie was elected District Attorney in June 2006 with 70 percent of the vote. In many ways, she epitomizes the American Dream and how hard work and perseverance can bring a person to the pinnacle of her career.

Christie graduated from Ventura College of Law Magna Cum Laude, first in her class, while married, caring for two young daughters and commuting from Lompoc for 4 years—a round-trip of about 160 miles.

She was drawn to a career in law enforcement while in Kansas for her uncle's funeral. While she was there, her uncle's murderer was caught and brought through the small town square. Armed townspeople waited, intent on vengeance. The officers who had him in custody—friends and colleagues of Christie's uncle—brought the killer in safely so he could be prosecuted.

''I was and am consistently impressed by law enforcement professionals who do the right thing, even when it is the hard thing to do,'' Christie said of the experience.

Christie practiced civil law for 2 years before she joined the Santa Barbara County District Attorney's office in 1980. Soon after she was assigned to supervise the Lompoc District Attorney's office. She prosecuted hundreds of cases, including murders, rapes and arson, and had a nearly perfect conviction record.

In 1984, she was recognized as ''Deputy District Attorney of the Year.'' She had been an associate member of the Santa Barbara County Law Enforcement Chiefs since 1991, was an original Core Committee Member for the creation and operation of the Substance Abuse Treatment Court and trained volunteers for the Lompoc Rape Crisis Center.

Christie is survived by her husband Gary; daughters Renee Edman and Dawn Wright; stepchildren Mark Stanley, Ryan Stanley and Tami Millican; mother Jeanette Claycamp; and her grandchildren.

Madam Speaker, I know my colleagues will join me in offering our condolences to Christie's family and friends and in remembering a life dedicated to incarcerating criminals and caring for their victims.

## HONORING WILLIAM T. (BILL) ROBINSON III ON HIS ELECTION AS ABA PRESIDENT-ELECT NOMINEE

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2010*

Mr. DAVIS of Kentucky. Madam Speaker, last week in Washington D.C., members of the American Bar Association (ABA)—including State, local and specialty bar leaders from throughout the USA—gathered to meet with Members of Congress and Administration officials about issues of importance to the legal profession and to the administration of justice.

Among the participants was one of my constituents, William T. (Bill) Robinson III from Kenton County, Kentucky, who recently became the ABA President-Elect Nominee.

Bill Robinson is the Member-in-Charge of the Northern Kentucky offices of Frost Brown Todd OD LLC, a regional law firm with almost 500 lawyers in nine offices located in Kentucky, Ohio, Tennessee, West Virginia and Indiana. Throughout his career, Bill has served as a leader in his profession and his community. Bill successfully completed his three year term as ABA Treasurer in August 2008 and currently serves as Chairman of the ABA Governmental Affairs Committee.

As an active member of the American Bar Association for over 25 years, Bill has served in various leadership roles, including 7 years on the ABA Board of Governors. Bill is a Past Board Chairman of the Greater Cincinnati/Northern Kentucky International Airport, a Past President of the Kentucky Bar Association and a Past Chairman of the Kentucky and the Northern Kentucky Chambers of Commerce.

Bill is a graduate of Thomas More College and the College of Law at the University of Kentucky, where in 2004, he was inducted into the Alumni Hall of Fame.

I ask the House to join me in congratulating Bill on his election as ABA President-Elect Nominee and his distinguished career and service to the Commonwealth of Kentucky.

# SENATE—*Friday, April 30, 2010*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, hope of the souls that seek You, strength of the souls that find You, accept our praise today. Lord, we thank You for the things that cannot be shaken and for the guiding lights of spiritual truths that no wind of change can ever blow out. Refresh the faith of our Senators that life's tensions may not break their spirits. Make them ever faithful to each challenging duty, loyal to every high claim, and responsive to the human needs of our suffering world. May they face the toils of this day with honest dealing and clear thinking, knowing that all faithful service will be rewarded by You.

We pray in Your holy Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 30, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of S. 3217, the Wall Street reform legislation. There will be no rollcall votes today.

I am anxious to see how the debate goes forward on this bill. It is a most important bill. The bill before the Senate places strict new regulations to stop Wall Street's reckless gambling. There will be no more taxpayer bailouts; that is, no bailouts ever. It ends too big to fail. It puts a new cop on the beat. It puts consumers in control with information that is in plain English.

Let me repeat. The legislation before this body holds Wall Street accountable, ends taxpayer bailouts, guarantees taxpayers will never again be forced to bail out reckless Wall Street firms by creating a safe way to liquidate failed firms without taxpayer money, ends too big to fail with strict new caps on leverage requirements to prevent firms from growing too big to fail, brings sunlight and transparency to shadowy markets where Wall Street executives make gambles that threaten our entire economy. That will no longer exist. It reins in CEO pay, it protects community banks, streamlines bank supervision to create clarity and accountability, and protects the dual banking system that supports community banks; it protects consumers in many different ways.

In effect, it puts a new cop on the beat, creates an independent agency with broad authority to monitor firms for abusive practices and intervene to protect consumers. It guarantees clear information in plain English. It ensures that consumers get the information they need to shop for mortgages, credit cards, and other financial products that they can read and understand.

There will be no more abusive practices. It protects consumers from hidden fees, abusive terms and deceptive practices. In effect, it protects against the Bernie Madoff-type scams. It reforms and strengthens the SEC's ability to enforce securities laws. This is a good piece of legislation.

I know Republicans and Democrats want to improve it in ways they feel are appropriate. I hope the debate will be civil. I hope we can have limited time on these amendments, as the Republican leader said yesterday. I look forward to that debate. It is one of the most important issues to come before this body in a long time. I hope we can complete it in a time that is appropriate. We have so much more to do, and we have been prevented, basically, this week from getting to this bill by the minority.

In the future, I hope they will recognize there are other things to do in this body that are of extreme importance to our country. We are going to have a name from the President in the next few weeks—I assume that is the case—so we can begin work on someone to replace Justice Stevens.

We have to do something with energy. There is much we have to do, including our normal housekeeping appropriations bills. We have to make sure the tax extenders, the expiring provisions, are taken care of. That expires at the end of May.

So we have a lot of work to do. We have made some commitment to do something with small business jobs. I explained to one Republican Senator who said they wanted to move to that, that the longer you hold up on us moving legislation, the more difficult it will be to get to some of the things you want to do.

This has been difficult. We moved to this financial reform bill last Thursday and here it is Friday and we just got on it yesterday. It has been a tremendous waste of our time.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3217, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Pending:

Reid (for Dodd-Lincoln) amendment No. 3739, in the nature of a substitute.

Reid (for Boxer) amendment No. 3737 (to amendment No. 3739), to prohibit taxpayers from ever having to bail out the financial sector.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I know there will be a number of people talking about regulatory reform. The Senator from Virginia and I worked on a number of issues together in order to create a bill we think is solid and will stand the test of time. I hope that spirit continues.

One of the things many Members have been talking about is the size of institutions. There has been some movement to arbitrarily decide what size an institution ought to be. Everybody is frustrated by what occurred a couple years ago. There are a lot of ideas coming forth to try to prevent the same types of things that occurred a couple years ago, or a year ago, from happening again. What I hope people will keep in mind is that the reason our large financial institutions are the size they are is because we have companies that need to be large in order to be competitive.

Obviously, if it is a large company doing business throughout the country, what they want to ensure is that they have a financial institution that covers the entire geographic map of the country. They want to be able to do business in every State in a way that is easy and allows them to do what they do competitively.

Then we have to remember, especially as we continue to talk about other countries and the tremendous growth taking place in countries such as China and others, that we live in a global environment. In that global environment, some of the great companies that have been founded in this country need the ability to operate and do so in a way that creates American jobs. We need to have a banking system where we have institutions with the ability to operate throughout the country. Then we need the ability for these institutions to compete on a global basis.

What that means is, we have large, highly complex institutions that are able to do all the things necessary for companies to compete.

I hope as people look at arbitrary downsizing, as people look at lines of business in which banks can or cannot be involved, that they take into account that of the 10 largest financial institutions in the world—let me start with the top five financial institutions in the world—a place where companies have to compete. We have not one bank in that category. We have the largest gross domestic product in the world, the most competitive business environment in the world. Yet we do not have one institution that ranks in the top five in the world.

As a matter of fact, if we take it down to the top ten, we only have two financial institutions, two banks that are in the top ten, and they are toward the bottom of that ranking.

I know it sounds great to say we are going to take on Wall Street, but I think we need to remember that we may be taking on the heartland. For instance, if you are in Indiana or Ohio or someplace like that, and you are making some product out of metals, you probably want to know, if you have long-term contracts, that you have the ability to hedge the risk of metals going up or, if you are dealing with another country where you have a lot of shipments going, you want the ability to know that if you are selling it for what you think is a U.S. dollar, that U.S. dollar stays constant by having currency swaps and those types of things.

One of the great things about America—we talk about the American dream—is that people in this country have the ability—such as the Senator from Virginia. There is no better example. The Senator from Virginia had a dream he realized early on. I think he started with maybe $5,000 and might have lost that quickly. Then he had to reload again and figure out a way with small amounts of money to create a great company. He did that. He did it over and over again.

The reason he was able to do that was in this country, we have the ability to bring capital together around entrepreneurs. You don't have to be born in this country with a silver spoon in your mouth. I know I started exactly the same way with $8,000 when I was 25 years old. We have the ability in this country to have a dream and to accumulate ways to build around that dream with capital formation that creates jobs.

This debate is interesting. I know people can score political points; it is great to take on Wall Street. But what we have to be careful of is cutting our nose off to spite our face. The fact is, what makes this country great is all the companies across the country where people got up this morning and went to work. Some entrepreneur had an idea, built a company, and now it is employing people which I know all of us realize is probably the most important thing for all of us to care about. Heads of households then have the ability to raise their children, to pay for their education, to do the kinds of things that improve our standard of living.

So I am a little concerned, as I hear night after night after night, people coming down to this floor and they are bashing Wall Street. By the way, there are some things that certainly need to be corrected, and I know the Senator from Connecticut is trying to do that with portions of his bill. I know the Senator from Virginia and I worked on portions of the bill we hope will do that, but just arbitrarily saying we are going to create a system in this country of small banks—banks that do not have the ability to aid companies that deal around this world so we as a country can be globally competitive—that concerns me.

I hope that, again, in the name of political points, we will stop much of this discussion and we will all come to our senses.

Well, I should not have said that; everybody has strong opinions and that was a misstatement by me. I hope we will look at the end results of our actions and what that may mean to the good people of this country who get up every day and work hard and depend upon—depend upon—those people who are willing to take risks for their families to be able to put food on their table, to educate their kids, and to live a life in America we can all be proud of.

I see the Senator from Connecticut. I know there is no one else on the floor. I will actually pause for a second. This may be the second longest speech I have ever given on the floor. So I will stop and take my breath.

I yield the floor, if that is all right, to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I am delighted to see that my good friend and colleague from Tennessee is here.

Let me say, there is not a word the Senator from Tennessee has just said—I listened to his remarks—that I disagree with. In fact, I agree with everything he just said. I hope that mentality and attitude will prevail in the coming week or two we are going to be engaged in this discussion. I was thinking—when the Senator was talking—about an article I read the other day. It was making the same point the Senator from Tennessee is making; that is, that of the 50 largest banks in the world, 4 of them are located in the United States, 5 are located in our neighbor to the north, in Canada. Canada has a much smaller economy. Obviously, it is a smaller country than ours. They did not suffer any of the difficulties we have gone through during the last couple years during this economic crisis. They had a downturn. I do not mean to say it was all working beautifully for them, but, nonetheless, they did not have the problems within their financial structures we have had, despite the fact they have actually 1 more than we do of those 50 largest banks.

Paul Krugman, of the New York Times, whom I do not always agree with, has written about this point as well. I do not know if my colleague has seen his articles. Size, I understand, is important to people, and that may be one way of looking at all this. But it is excessive risk, it is a question of whether there is proper regulation of activities. It is leverage. It is capital requirements. It is liquidity. It is all these other factors—the ones we are trying to keep an eye on—because size then can become a problem.

But size may not be the only issue. You could be a small institution engaging in the marketing of products that

put the system at risk. So we need to get focused on exactly what are the issues we are trying to address in all this. That is what we have tried to do. Again, my compliments to both the Acting President pro tempore and the Senator from Tennessee for their tireless work. The Senator from Tennessee knows he and I worked and spent a lot of time talking about all this as well. A lot of what is in this bill is a reflection of the Senator's labors. I realize it is not exactly everything he wants, but I think it is 90, 95 percent of what we are talking about. My hope is in the coming days we can try to close whatever concerns and gaps people have that do not do any underlying damage to the overall thrust of what we are trying to improve.

I wish to pick up on a second point as well because I think it is very important. I have said the three goals I have for this bill. I hope all of us have for this bill. One is to try to close the gaps where we have this unregulated part of our economy that went kind of wild out there and caused so much of the difficulties our country has been going through. So to the extent we can do that—recognizing it is not our job to regulate. I always say there are two things we do not do very well in this institution: One is to set accounting standards or necessarily write regulations. It is not within our pay grade to try to do all that. We try to focus on institutions that have that responsibility and then demand the accountability. But I, clearly, want to see us plug in those gaps so we do not have shadow economies operating that can put us at risk.

Secondly, to try to see if we cannot create—there is always some danger in trying to do this and I commend both my colleagues because they have been the principal advocates of this—some sort of an early radar warning system. I do not know how perfectly it can work or how well it can work but at least having the idea that we have people with eyes who will bring a different perspective to all this, to kind of keep an eye out to the Greeces, the Shanghais, as well as to what happens here because we live in that global economy, as my colleague from Tennessee has just articulated.

So if this next crisis comes—and it will come as certain as I am standing here, maybe long after we are gone from here—there will be another economic crisis, some bubble, I suppose, someplace—the question is, Can we identify it early enough before it metastasizes—I use that word—into the rest of the economy or globally, as is Greece, for instance, today. It is the downgrading of their debt that all of a sudden caused the Euro to decline, and Europe finds itself, once again, on the precipice of an economic disaster, spilling potentially over to the rest of the world. So that is the second point of the bill.

But the third point is equally important; that is, to make sure, in our determination to satisfy point 1 and point 2, we do not end up strangling a financial system. We need to make sure the creativity, the innovation, the flow of credit and capital that are critical for job creation, wealth creation, and economic growth are going to be there.

That is a very difficult sense of balance to maintain. No one has ever gotten it absolutely right. It is always one side or the other that seems to be dominating the other. But those are my three goals, in a sense: to make sure we satisfy those first two, while simultaneously making sure we do not end up making it more difficult for that kind of innovation and creativity to spring forward.

So it is exactly as the Senator from Virginia and the Senator from Tennessee and many others have done—because they had an idea, they had imagination, they had determination to go out and to create an idea, to see an idea that would put people to work, to solve problems for people, whether it is a medical device or a prescription drug or creating a new widget that improves the efficiencies of how we function as a country. There are all sorts of ideas that have been the wellspring of what has made America such a unique place in the world, particularly in the 20th century.

So before we begin this whole amendment process—I will repeat this as many times as I can—those are the goals. I think they are the shared goals. I believe they are the shared goals we all have. Obviously, there are debates about whether certain points advance those goals or cause some retreat in them, and I believe honest people can disagree about how to do that.

In our job, which is the hardest thing in the world—I am speaking about a former Governor and a former mayor. They have come out of the executive side of the government, where it must be awfully frustrating to be sitting in a body with 98 other people who are also, in a sense, executives—we are all coequals—to bring forth our ideas to try to forge, out of a body such as this of 100 people, some clear, focused vision of how to achieve those goals.

But that is the challenge we have in the coming weeks. Again, I am very grateful to both my colleagues for the contribution they have made. I say that with complete sincerity and appreciation for their efforts. This can be, I hope, a good, honest discussion and debate. Hopefully, we can agree on some things. Others may have to have that debate and those votes to see where it lies and not try to bind up the place in filibusters and other things. It is not an unlimited debate. We do not have unlimited time, obviously, to do it. But we can spend the next couple weeks to try to get this focused in a way where we can come out and, again, not solve every problem. This bill does not take on every imaginable financial institution and issue out in the country, but we think it focuses on some of these critical ones that are important.

I appreciate my colleague from Tennessee coming over and sharing his thoughts. Again, I agree with him on our goals. That is my point.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I appreciate so much the comments from the Senator from Connecticut. I would like to sort of summarize the way I see things today.

I, first of all, would say, I think last week—or over the last short period of time anyway—probably has been the lowest point in my Senate career of 3 years and 4 months in just hearing all the rhetoric on both sides of the aisle, candidly, about this bill. I continue to hear it, unfortunately, in the evenings from this floor. The fact is, this is a serious issue, it is complex, and there are a lot of substantive issues that need to be addressed.

I guess the thing that frustrates me most about this body—it has nothing to do with having been a mayor or a businessperson—is the outlandish things people can say on both sides of the aisle just to try to cut herds out of Americans. So Americans who are busy raising their families or doing what they do on a daily basis—and, candidly, what we are doing is just a long way away and they hear pieces of it—it is just to sort of divide up our country. I do hope on this bill we can focus more on the facts, and we will see if that occurs. It certainly would be the first time in a long time if that were to occur, but I hope that happens.

As I look at this bill, first of all, on the too-big-to-fail piece, my sense is, the Senator from Connecticut is going to work with the Senator from Alabama and pretty well fix that over the course of this weekend. I have a feeling a manager's amendment is coming forth. There will be people on both sides of the aisle who think a resolution mechanism is not appropriate, I realize that, and there will be a push toward bankruptcy, which I know the Senator from Virginia and I wanted to strengthen in big ways. There are some committee issues that sort of keep that from happening as elegantly as it might happen. But I sure hope we will do everything we can to strengthen the bankruptcy laws so the default position for a major company is to go into bankruptcy. OK. That is the way our country works when a company fails.

But in some cases, I do believe there is a need for a resolution mechanism. My sense is, the Senator from Connecticut and the Senator from Alabama will come to terms over the next several days with ways of ensuring there are not those gaps. The administration gets a little involved in a bill,

and they want to create some flexibility. I understand that. If I were on their side, I would want to do the same: Hey, I will take the power and we will solve everything. We need to sort of close that up so the things we intend to happen actually happen in this bill, and my sense is, I say to the Senator, you all are going to fix that over the weekend.

So then we have the issue of the derivatives, and I think all of us want to see derivatives cleared. There have been some issues, I know, that came forth out of the Ag Committee. This 106 issue is something that I think my friends on the other side of the aisle are going to figure out a way to solve and get back in the box, and I look forward to the debate you all will have amongst each other doing that. That will actually be humorous to watch. But I think the Senator from Virginia and the Senator from Connecticut and the Senator from Arkansas will figure out a way to get that one back in the tube, if you will.

So the derivatives issue, my sense is, will get to a place where it probably works. I know JUDD GREGG and JACK REED—smart guys on both sides of the aisle—have worked on this. Their work at some point will bear some fruit. I know SAXBY CHAMBLISS and BLANCHE LINCOLN have worked heavily on it. I think we are going to get that right.

So at the end of the day, I think we know the issue that probably is going to divide this group, if we do not work it out—I am talking about this Senate body—is the consumer protection piece. Look, I want to see consumer protection take place. I do. I know the Senator from Connecticut knows I was serious about trying to resolve that issue in March. It is my hope we can come to terms on that.

It is my hope we can create a balance, an appropriate balance, so the consumer protection piece is in balance with prudential regulation. For people who do not do this on a daily basis, I am talking about those people who make sure our banking system is safe and sound, that our financial institutions are not at risk because of the rules and those kinds of things. Hopefully, we can get that in balance.

I do not know if the Senator from Connecticut wishes to speak to this, but that is the one issue I know has a lot of people concerned. I think many of us are concerned about an agency that, as it is written today, I do not think has appropriate checks and balances, and with the wrong kind of leadership, over time, could end up being something very different than even possibly what the Senator from Connecticut intends for it to be today.

Again, over the course of the debate, I hope we have the ability to deal with consumer protection in a way that achieves that balance, where people across this country, who awaken on a daily basis and are not necessarily directly involved in the financial industry, have no fears of this sort of reaching out and becoming unnecessarily involved in what they are doing. So that is the one issue, and I know the Senator from Connecticut realizes that.

I will digress slightly. I know the Senator from Connecticut referred to Canada and the large institutions Canada has and a much smaller GDP. One of the reasons they did not get into the same difficulties we had as a country is they have underwriting mechanisms there that determine what is appropriate for people to do as it relates to borrowing for their homes. Their underwriting standards are very different than exist in this country. I know the Senator from Connecticut has an approach to it—the 5-percent risk retention with securitizations. I have a little different approach to it and feel as though we shouldn't be securitizing loans in the first place that are written to people who can't pay them back.

I wish to get at the very base of this issue, and I hope that over the course of this debate we will figure out a way to merge what the Senator from Connecticut has proposed and maybe some real underwriting so that when the loans are written in the first place and end up getting spread across our country, we have made sure these loans are written in such a way that we know the people who have taken out these mortgages can pay them back.

Again, that is why Canada had no issues whatsoever as it related to this because in their country they have different underwriting standards. People there actually put down 50 percent, generally speaking, when they purchase their homes. I know we don't want to be overly proscriptive in this body. I hope the Senator from Virginia and the Senator from Connecticut and all of us can sit down and figure out a way to address that in a slightly different way. But candidly, as it relates to this issue, it is hard for me to believe that we have a financial regulation bill and are not addressing that, the underwriting piece.

But, again, as the Senator from Connecticut mentioned, we are not going to deal with everything. We cannot deal with everything. We know we have to come back around very soon and deal with Fannie and Freddie. I hate it that we are not dealing with that now. I think all of us would like to be dealing with that now. The fact is that at some point we ought to come back around and deal with that, have another bite at the apple to deal with many of these issues, when that issue is taken up.

Back to consumer protection. I think as a body we have a chance to pass a serious piece of legislation—a serious piece of legislation—that a lot of thought has gone into. A lot of hearings have taken place. We have a chance to pass a serious piece of legislation in this body with potentially an overwhelming vote if we can figure out a way to come together on the consumer protection piece. I think the Senator from Connecticut knows where most Republicans wish to be on that issue. If you look at a 10 scale, if you will, I think where Republicans wish to be, or at least many on this side of the aisle, is an 8 on a 10 scale for people who care about and who think consumer protection is the issue. It seems to me that as a body, instead of trying to score political points and say if you vote against this bill, you are voting for Wall Street, which is ludicrous, all of us care.

I have something every Tuesday called Tennessee Tuesday. The Senator from Tennessee, Senator ALEXANDER and I, greet people from Tennessee. I have to tell my colleagues, there are not any Wall Street bankers there. They are community bankers and credit unions who come to see us. Those are the folks who I think most of us care about as it relates to constituents in our State. I know these provisions that are in consumer protection are what scare them most about what that might become down the road.

So, again, instead of making this an ''if you are with us, you are against Wall Street; if you are against us, you are for Wall Street,'' I hope what we will do is at some point—I know these bills all sort of have a life and they ebb and flow and there is a time maybe when these kinds of negotiations can take place in a serious way, but I hope what we will do, instead of dividing this body over an issue we all care about, is unite this body by maybe figuring out a way to merge that issue a little bit more fully.

I realize there is a way that a bill can pass out of this body on a 62-vote margin. I realize that is possible, that there will be a couple folks who might have different sensibilities about particular issues and things. I realize that.

As a tribute, actually, to the Senator from Connecticut, who has been here many years, who is leaving this body at the end of this term, I hope what we do is figure out a way to have an 85-vote bill and come together on this one issue that I think ultimately has the potential to divide us—a piece of legislation that leaves this body on a party-line vote almost, or maybe it doesn't even leave because it is so divisive, but leaves on a party-line vote that I don't think this country respects much. I think they are over that, and I think they wish to see us work together in a way that solves things.

I am getting ready to yield the floor because I am beginning to talk way too long. I thank the Senator from Virginia. I thank the Senator from Connecticut. I hope within this body we are able to do something that seeks the appropriate balance and seeks to do

something that truly is a bipartisan compromise that will stand the test of time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, again I wish to thank my colleague from Tennessee for his comments and thoughts. I won't address each and every point, but I wish to make a couple of suggestions.

Most people I have worked with over the years, many of whom have long since left this Chamber since the day I arrived here in January of 1981, I think people believe this about me, which is that I never chaired a committee before 36 months ago, 37 months ago, despite being here for 30 years. I had the wonderful privilege of sitting next to some people who have had longevity, both politically and healthwise, so I ended up having the wonderful experience of being a junior Member for virtually my entire service. Only about 37 or 38 months ago did I become a chairman of a major committee the first time, the Banking Committee. It was through the departure of my great friend Paul Sarbanes who has now retired, the elevation of JOE BIDEN to the vice presidency, and the passing of my best friend in this Chamber, Ted Kennedy, that created an opportunity for me for the first time in a quarter of a century to actually chair a committee.

But I have managed bills on the floor in the past, either as a subcommittee chairman or for other matters. In every single instance, with the exception of one or two, I have always had a Republican partner in what I have done. KIT BOND and I did family and medical leave together, along with Dan Coats of Indiana. ORRIN HATCH and I wrote child care legislation 27 years ago. I worked on private securities litigation reform with Phil Gramm of Texas. MITCH MCCONNELL and I did the Help America Vote Act together. LAMAR ALEXANDER and I did premature birth infant screening. There is a long list without exception. I don't have a public partner yet on this one here and, again, I think it is a reflection on the times we are in, in terms of people's willingness to come together and say this isn't exactly what I would write, anymore than this bill is today, but to sit down and help manage something through so we get to that point of getting the best result we can under the circumstances in which we live, the times in which we live.

So over these coming weeks, while I don't have a partner yet in all of this, I will certainly be reaching out the best I can to people to say, Come along. Again, if you are looking for perfection, if one side wants to totally dominate the other, obviously, you don't get that. But my experience, with some success over the years, includes in our own committee where during the last 37 months we have had 42 measures come out of the Banking Committee. Now 37 of those 42 measures are the law of the land today because RICHARD SHELBY and I have been able to work together with others on a wide range of issues, by the way. We worked on transit security, terrorist risk insurance, port security, a lot of major balls, Iran sanction legislation, and the like. So I am hopeful that will happen here in the next couple of weeks, and I am reaching out to people so that will be the process.

Let me mention specifically a couple of things. I agree with my colleague, I hope we can resolve the derivatives issue. I commend BLANCHE LINCOLN for her efforts, and CHUCK GRASSLEY. By the way, the only bipartisan proposal that is on the table right now is the one Senator LINCOLN forged and managed to get some bipartisan support for. So I commend my colleague from Arkansas for her work on that committee.

It is going to involve all of us here to come up with some answers on derivatives. Despite the fact that my friend from Tennessee would love to sit in that chair of his over there and have a good laugh, as we end up having a battle here—no, sir, the Senator from Tennessee is going to be involved in that whether he likes it or not if we are going to end up resolving it.

On the issue again of too big to fail, the Presiding Officer and the Senator from Tennessee have done about 98 percent of the work. There are a couple of issues we are going to try to work ourselves through over the next couple of days and present to our colleagues what we believe is a fair resolution of that matter that will deal with those issues and that will guarantee I hope once and for all the end of the debate about whether anything in this bill is designed to perpetuate the too-big-to-fail concept.

Let me mention the issue of underwriting, because we have written—and of course the Federal Reserve has now written underwriting standards, at long last, by the way. I was around in 1994 when we passed the legislation mandating the Federal Reserve to promulgate regulations against deceptive and fraudulent practices in the residential mortgage market. They never promulgated one in all of those years, so we ended up in this unregulated part of the economy, again, where a lot of these brokers and others were out there luring people into complicated matters. I get a kick out of this: Having owned several homes in Connecticut—two, actually—over the last 30 years, and one home here, we have all been to those closings, when we sit down across that table and there is usually a stack of papers with tabs on them and someone who is representing the buyer and seller is asking us to sign. I have yet to meet anybody, whether it is a banker, a lawyer, a Senator, or a Congressman, who reads all of the details in those things. We sort of assume whoever is representing our interests has protected us. Well, we can imagine an awful lot of people in the country who lack the understanding or even the financial literacy who appreciate what they are reading.

Clearly underwriting standards are important. How do we achieve that? For the first time, what these community banks like about our bill is we are not going to have that unregulated part of the economy, so they are going to play by the same rules. That has been unfair to those who have been regulated. I can't speak for community bankers in Tennessee or Virginia, but I can tell my colleagues in my State of Connecticut, I forget the numbers, but it is so infinitesimal, the number of foreclosures that occurred or subprime lending that went on within my community banks, and I presume that is pretty true nationwide based on the evidence I have heard over the last number of months. So we need to get that unregulated shadow economy regulated.

We also know what has happened. In securitization, the difference between Canada and the United States and Europe and ourselves is we have had a deep appreciation for the ability of the average American to buy a home because we have understood how much that meant to people. The idea that they can have their own home has been the greatest source of wealth creation for most Americans, an acquisition of equity in a piece of property that would ultimately provide a source of revenue to help educate your children, provide a cushion in your retirement. It stabilizes families, stabilizes neighborhoods and communities. Look at neighborhoods where you have renting and where you have people who have a financial interest in that property in which they live, and the differences are huge. So we are different. I know in Europe and elsewhere you get 5-year loans and so forth. We are the only country in the world, the only one, that provides a 30-year, fixed-rate mortgage for people. It has been a remarkable tool to provide stability and wealth creation for people. Other countries don't do that.

I certainly believe you have to have underwriting standards. You have to have them. The question is how do you get them and what is the standard, because as my friend points out—and he is absolutely right about this—having that 15 percent or 20 percent may be absolutely critical under one set of circumstances, but for someone else it may not be necessary. You may actually have a zero down, again, based on the FICO scores and other factors that are there to apply one standard over another. What we want is underwriting standards that will take into consideration the ability of that borrower to

meet those obligations so they understand what they are getting into.

The securitization of the real estate market has provided a source of capital and liquidity that has allowed for a further expansion of home ownership. So I am not opposed to securitization at all; it is a question of whether it can be done responsibly, the rating agencies that brand these bundled products as being AAA or AA and whether the institutions are actually marketing products that they are going to be concerned about what happens to them. We all know what has occurred for a lot of the unregulated brokers. We recall we had those hearings in which they showed their Web site where the first rule of the broker was: Convince the borrower you are their financial adviser. Of course, we have learned they were anything but in many cases their financial adviser. They are being paid rather quickly. The banks that are writing the mortgages hold on to them on average 8 to 10 weeks. That is the average time. So basically in that 8 or 10 weeks they bundle these together and sell them off, so they are out of the game; they have been paid. The broker is paid, the bank is paid, and some unsuspecting investor has just acquired something that has a brand on it of AAA or AA and they feel pretty good. Home mortgages have been a pretty reliable investment over the years. People pay their mortgages. And of course no one was sitting there insisting that we look at exactly whether that borrower could afford to do this under these circumstances or looking at whether it was a fully indexed price or looking at all of these other teaser rates and things that went on in there.

We will have someone there who will now be accountable, because we are going to keep an eye on you. There is a cop on the beat who says to the broker that you have to do this right. We are saying to institutions out there you are going to, one, either put up skin in the game, because I know if you have skin in the game you will pay more attention to what you are doing; you will not expose yourself to losses if you have skin in the game or—and this is where we need to come together—meet some underwriting standard. Make the choice. If you don't want to do that, put some money on the table, because I want you to bear some loss if that thing goes out the door and you have allowed it to happen because you decided you didn't care. I prefer to have the underwriting standards. That is one option I looked at, and I invite my colleague to look at this, to get good underwriting standards, in the absence of which we might have an inability to move forward. I raise that as one thought.

On the consumer side of the equation, a lot more gets made of these issues for the very reason my friend from Tennessee worries about. I find people sort of pumping up politically trying to fire up people because they have other motives in all of this. I am aware that people can demagog on the issue of what we are trying to do. For the first time in our country, seven agencies have had a consumer protection responsibility, and virtually all of them have failed. It is not a priority. There is always something else that comes in that takes a priority position, including those who have the prudential responsibilities of safety and soundness. I acknowledge that safety and soundness is critical. I am also painfully aware that for quite a bit of time, between 2005 and 2007, people were saying: Our institutions are safe and sound. What are you talking about? How do you know that? Look at how much money they are making—when, in fact, it was rotting from within, because of the very things my colleague talked about: lack of underwriting standards, people were pushing this stuff out the door, and there were unregulated sections of our economy running wild. It was hardly safe and sound; nobody was watching what was happening at the most fundamental level—that person who picks out a home for their family and decides this is what we would love to have; they pick out colors for the rooms and get excited, and then they are across the table and they close on the deal. It is hardly a level playing field.

For the overwhelming majority of Americans, it is hardly a level playing field. When you are excited about it and you are convinced this is the right thing for your family, you can get lured into those deals. I am not excusing the consumer. We all have to be more responsible. Senator DANIEL AKAKA has spent time talking about financial literacy. We tried to include provisions to raise the level of financial literacy. My colleagues know I have two young children—an 8-year-old and a 5-year-old. My 8-year-old is in second grade here in a public school in the District. They are trying to get them to talk more in math classes early on about how to balance a checkbook, so that we start raising a generation that will understand financial responsibilities at an early age.

I don't discount the moral responsibility and the financial responsibility people have. That is where a lot of this began. All we are trying to do here is say that average citizen has an advocate in this process.

We saw what happened to the credit card industry, which was gouging people right and left. That bill passed 90 to 5 here, trying to do something about that issue. I worry that sometimes people glom onto these ideas and say the sky is falling, and what a dreadful thing we may do, when that is hardly the intention at all.

I am prepared to listen to ideas on how we can make this work better. I don't want someone to exaggerate what this means and then suggest somehow that the bill should fall because maybe we are trying to do a little more in this area of protecting people, who have very little protections out there in the world today.

I am not talking about what happens at some community bank level. In fact, the community bankers—again, providing regulatory coverage to those nonregulated areas is important, as we are talking about here; it is not the Federal regulators. If your financial institution's business assets are less than $10 billion—and I only have one in Connecticut that has assets in excess of $10 billion—then your cop is that local involvement, not the Federal Government or some national consumer protection agency jumping all over you. It is going to be done at a local level. Again, we will have to watch it and see how it works. I think we would be remiss in the bill if we didn't end up with something that says to the American consumer: What do I get out of this?

Lastly, I don't like the bashing that goes on. I realize that happens. To make a point, sometimes people engage in that. My colleague said this at the outset of his remarks, and I commend him. The idea that we want to provide that capital, that credit for that person, with an idea that if someone wants to expand a plant, we need to have a Wall Street that helps that happen. This is too circular. It was all happening within the sort of closed circulatory system, where little of that capital was moving out. Basically, people were thinking how to scam it. By making bets for and against certain things, their wealth increased, but very little of it got out through that mechanism to that person you are talking about there—maybe that person you went to as a young man of 25, who took a chance on you and said that guy has a good idea and I am going to get behind him. That is the idea we ought to have more of, where a person with a good idea can come through the door, and someone may be interested in your idea.

That happens in venture capital and equity markets. My colleague from Virginia can bear witness to what angel investors can do. I spoke last evening with our colleague from Missouri, KIT BOND, who cares about it, as Senator WARNER does. We will have amendments on that. We possibly went too far in the bill in that area. We need to fix that so that the venture capitalist who thinks you have a good idea can get behind it. Too much of Wall Street gave up on that. No customers were coming in the door as we know them here, and it got so self-absorbed in its own capacity to generate wealth for itself that it lost sight of what this is supposed to all be about. That is what makes people so furious.

I thank my colleague from Tennessee—this is probably not something

he wants to be thanked for, but having been charged, he has been very involved in this. I will never forget as long as I live that morning meeting about six of us had. He was included. It was on the first floor. We met to figure out how to do this thing in the fall of 2008, to put us into a position where we don't find a financial meltdown and collapse. We will never know the answer as to whether that would have happened. But when you have pretty important people telling you we are on the brink of that, we had to respond. We stepped up and managed to write something that I think made a difference. But the ability to come together and get that job done, to move us away from that, and then to watch, after we stabilized these institutions and kept them on their feet, provided the kind of security and predictability, turn around and sort of almost disregard all of that and get into these silly arguments about how much of a bonus I can take, in the midst of everybody else suffering, is where this arrogance comes in, which people in the country got so irate about.

There was a notion that having written that check for $700 billion to stabilize and provide certainty that we weren't going to collapse—you would have thought at that moment, for a couple of years, leaders of these institutions would say: Thank you, America, thank you, average Joe taxpayer, you kept this country alive. You stood up and made that choice. We thank you for doing that. By the way, for the next few years, we are going to take some hits for ourselves, self-imposed. We will not take huge bonuses of millions of dollars. We are going to roll up our sleeves and figure out how we can do a better job of doing like BOB CORKER and MARK WARNER did. Someone stood behind them and with them, and they grew a business, employed people, and created jobs in our country. I don't recall hearing one voice say that during all of this—not one stood up and said: Thank you, America; thank you for writing that check to help us stabilize our economy. It was the arrogance of it that drove people to distraction. I don't disagree. We need to move on in the debate. But it is also important to understand what happened here and why people are so angry and upset. Jobs have been lost, lives have been ruined—absolutely ruined—because of what happened over the last 18 months, and a little before that. They are never going to get it back again. That retirement income is gone, the home has been lost, and that job has disappeared. So they are never going to get back on their feet again.

When they hear somebody saying that is the way life is, and I hope one day life gets better for you—why not have a consumer protection agency to keep an eye on these things. Obviously, some people aren't going to watch out that closely for you. Maybe that is part of our job to do that. I don't want to create a situation to take small businesses and others—I know there has been a lot of talk about that, but that is not the intention. We can make it clear that that is not what we are trying to do at all. Too often sometimes we get insulated from what is happening out there. I understand that level. The tea party people—many were at every event with ''dump Dodd'' signs and flags and bumper stickers. Certainly, it hurt personally that people would say that about me after 30 years of service. But I kind of understand it, too. I understand the average person. It wasn't about me personally, necessarily. They were deeply upset and frustrated. They are not bad people. Maybe there is some leadership out there and others who are frankly dangerous elements. I worry about that. I have a feeling that an awful lot of people who are not at a rally but are watching it on TV and reading about it feel that way too. They may say: I am not going to join in a crazy demonstration saying outrageous things, but I feel that way too. I think we need to acknowledge that in all of this. They are out there, and they are not Democrats, Republicans, Independents; they don't think about political affiliation every day. They wonder if anybody is watching out for them. Who cares about me? When these debates happen and people talk about systemic risk, derivatives, credit default swaps, and currency swaps, they say, what are you talking about? I don't understand what you are talking about. I presume it is important, but how does that affect me? I want to know is anybody in that place going to write anything here so when the credit card company or that bank, that is not necessarily the best guy in town—is someone standing up for me and giving me a shot that I don't end up in the ruinous position so many people did when we were going through a safe and sound period, when we were anything but safe and sound?

That is at the heart of all this. I will listen to ideas on how we can do a better job. If anybody claims they have all the wisdom, I get nervous about those people. We are not going to write something that will necessarily satisfy everybody. Hopefully, we can do something that makes sense.

I didn't intend to talk this long, but that point of not losing sight of our job here—it is about big companies that sell all over the world. I know that. Being able to have big financial institutions that they can stay with and compete in the global economy. But in our interest in satisfying that, let's not forget that person who is not a big company, a big corporation, who is going to work every day trying to raise their families and make sure if somebody gets sick, they will be OK, and they can retire with dignity and security, and maybe buy that home or take that vacation. They are not looking for much out there. They want to know in this debate, in this bill here, which has my name on it—the only name on it is mine at this point. There is only one name up here, and I will be the last to say there is anything Biblical about this. It is our best efforts to try to address some issues here. There are flaws in here, I will guarantee you. Sometimes things don't work as well as the author intended. But is there something in here that speaks to that individual out there, who is not a banker, not a Wall Street guy, not a big corporation, just a consumer in the country, and they would like to know we have them in mind.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. I enjoyed listening to the comments of the Senator from Connecticut. I can certainly share with him some of the ideas he suggested. My other colleagues and I, to be candid, could change this bill and it would have numerous names on it. I hope we have the ability to talk about some of those over the course of the next several days. Apparently, it is not quite time for that.

I want to mention the issue of Wall Street and talk about public relations. There is no question that after what occurred, many of the folks on Wall Street could have used a public relations firm to help them. No question, the bonuses and things we saw, after getting taxpayer money to make sure they survived, no doubt that created a backlash.

As a matter of fact, the Senator from Virginia and I are working on an amendment that would say, if this ever happens again and we have to take one of these firms through resolution, which is part of the Dodd bill right now, the bonuses and other types of things in recent years would all be clawed back. You cannot make huge sums of money, take your company down the tubes, and do things to America in that way without paying a price. We are working on something I think is balanced and appropriate, hopefully not populace but something that is thoughtful. If somebody takes their company down and wreaks havoc on our country, that will make us use this resolution mechanism. I think that is appropriate to look at.

Also, back in the fall of 2008, had the resolution mechanism we have talked about that still has some imperfections been in place—and I realize Senator DODD and Senator SHELBY are going to fix it this weekend—had that been in place, that meeting might not have occurred—right?—because we would have had a way to deal with some of the contagion that exists when a company goes down.

I want to go back. The Senator from Connecticut talked about the groups,

when he was in Connecticut, who were upset with him. I say to the Senator, it is not those issues that he alluded to that made them so angry and made me angry. It is the huge expansion of government they are seeing take place. It is this huge role that Washington is beginning to play in their lives.

As we look at this consumer protection title Senator DODD addressed a minute ago, the big guys on Wall Street do not care about that. This is not something that is going to affect the big guys on Wall Street. They have staffs and they have reams of people who have the ability to deal with these consumer laws. Those are not the people who are coming into our office. It is the small, the medium-sized folks who do not have the ability to deal with these in the same way.

If the Senator from Connecticut would be willing to sit down and talk about ways of ensuring that Americans should not fear this organization because this organization over time will become way involved in their lives—which I think is stoking most of the anger we are seeing across the country today, and I think rightfully so—if there is a way of achieving a balance where, in essence, consumers are protected—I know the Senator from Connecticut knows well I am all for working on streamlining, pulling these agencies together, making sure we have a voice that is out there dealing with that issue—if there is a way of doing that, I think the Senator from Connecticut would find that this body would come together, and very quickly.

There are a few issues—106. Maybe the Volcker language ought to be modified a little bit. Sometimes we do best around here when we study things before we take action. I know Americans might be shocked if we actually did that.

If we can moderate just a couple of things—I am talking about just a few sentences—and then look at consumer protection in a way that is balanced and does not stoke that anger, that rightful anger that exists across our country with the government taking a bigger and bigger role in people's lives unnecessarily, if we could fix that—and I think we can. That is what frustrates me. I think we can do that—then we will have appropriately dealt with the resolution. We will have appropriately dealt with derivatives. There are a few changes that need to take place, and both sides know what they are. If we can do that, then we will have a bill that I think will stand the test of time, and we will have a bill I think Americans will embrace and will do the things we set out to do.

I know we have had a long colloquy. I thank the Senator from Connecticut for indulging me and the Senator from Virginia, with whom I talked prior to coming to the floor. I hope in some form or fashion, we are able to deal with some of these concerns to ensure consumers are protected, to ensure that derivatives are clear and we do not end up with an AIG situation with huge amounts of money and having to settle up on a daily basis and we deal with the issue that when a company in this country fails, they fail.

I have to tell my colleagues, that is what Tennesseans care about. They do not understand because when a business in Bradley County or a business in Shelby County—maybe a mom or pop—fails, they are out of business. In this country, they see these large institutions on Wall Street fail and they do not go out of business. They consider that to be morally wrong.

I know we will get that right in this bill before it passes. I hope we can deal with these other issues appropriately.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, while we are on the subject matter, I appreciate the thoughts of my friend and colleague from Tennessee. Let me note one quick observation the Senator said. It goes back to the issue that Wall Street could have used a public relations firm. In a sense, that is the problem. When you have to hire a public relations firm, if you do not understand this yourself, then there is something fundamentally wrong. You do not need to hire a public relations firm if you are taking multimillion-dollar bonuses and 8.5 million people have lost their jobs and 7 million homes are in foreclosure, in no small measure, because of the problems you created. I don't think you need a public relations firm. Where is the sense of decency and ethics and morality that says: The average citizen made it possible for this institution I am running to stay alive? If I have to insist we hire a public relations firm, we are in deeper trouble than I could imagine.

That is usually the answer when things go wrong: hire a public relations firm. Just stand up and tell the truth. That might not be a bad idea. They always say it is the best defense on these matters.

I presume my colleague shares my view on this subject, that they should not have needed a public relations operation to do it. I could not resist responding. One would have thought a good look in the mirror would have done it, and saying to themselves: Why are people angry? What can we do to help get back on our feet?

That is what is going on out there. I thank my colleague. I did not mean to dwell on that point.

Mr. CORKER. Obviously, Mr. President, I was being humorous in talking about that. The Senator is right. The Senator from Virginia and I both know that in our businesses, we were the last ones to be paid. Everyone else was dealt with and our obligations were dealt with first.

I agree with the Senator from Connecticut. Something certainly went awry after the country had basically made these companies whole. It appeared to me the conduct was very unseemly. I agree with the Senator from Connecticut.

I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I understand there is an amendment pending that is not appropriate to set aside to call up another amendment; is that correct?

The ACTING PRESIDENT pro tempore. An amendment is pending and will require unanimous consent to set aside.

Mr. WEBB. Having discussed this with the chairman, it is his preference not to set the pending amendment aside; is that correct?

Mr. DODD. That is correct, yes.

Mr. WEBB. All right. Well, I assume there will be no objection if I speak about the amendment I have introduced, amendment No. 3736?

Mr. DODD. None whatsoever.

AMENDMENT NO. 3736

Mr. WEBB. I thank the chairman for that.

Mr. President, I introduced this amendment earlier, on another piece of legislation, and it was not considered germane. I understand there may be some procedural issues with raising it on this particular piece of legislation, but I believe it is an amendment that Congress needs to pass and that the American people need to have. It is a one-shot windfall profit tax on a very appropriately designed group of executives who benefitted enormously from the contributions the American taxpayers made in order to bail out the economy as opposed to bailing out banks specifically. I will address this amendment in detail in a moment.

ANNIVERSARY OF OFFICIAL END OF VIETNAM WAR

Before I address the subject of my amendment, I would like to point out, as I have every April 30 since I have been in the Senate, that today is the day—now 35 years ago—South Vietnam fell to a Communist offensive and the Vietnam war officially ended.

April 30, 1975, has a very unique meaning among Vietnamese and the 2 million Americans of Vietnamese descent in this country. It is almost as strong as the way many people feel in this country about B.C. and A.D. It is a very clear demarcation line in terms of

an effort that was made for many years to assist an incipient democracy in South Vietnam from coming under a different form of government, just as clearly as we attempted to assist South Korea from coming under the form of government that today we see in North Korea and just as clearly as we spent many years and much national treasure preserving the democratic principles in West Germany after the Cold War began, with the hope and the eventual result of the unification of that country.

This is not a time, all these years later, to debate the merits of the American involvement in Vietnam. I am one who is very proud to have served in that war as a U.S. marine. I still believe strongly in what we attempted to do. And we have heard from some of the really great thinkers of our generation—the Asian thinkers, such as Minister Lee Kuan Yew of Singapore—that the attempt of the United States to staunch the flow of communism in Vietnam allowed the other countries in Southeast Asia—Singapore strongly among them but a number of the other countries in Southeast Asia—to build governmental systems and free market economies that eventually have had a dramatic impact in that part of the world.

Today we see organizations such as ASEAN, the 10 nations of Southeast Asia, having begun to come together and think with commonality about free market principles and different sorts of governments. A great deal of that did come out of the position the United States took during the Vietnam war.

This war is not taught in American schools. It goes by so fast in school systems that sometimes it is dealt with in a matter of an hour or two. The contributions of our men and women in Vietnam in the military are generally dismissed or downplayed. We put 2.7 million American military people into that country against a very capable enemy. We fought for years. We lost 58,000 Americans on the battlefield. We lost another 300,000 wounded.

The U.S. Marine Corps lost more total casualties in Vietnam than even in World War II. They lost three times as many as in Korea. They lost five times as many combat dead as in World War I. The experience, because of the division in this country, went right past the American populace. It is still not plugged into the comprehension, the quality of the service and the quality—against a very highly capable enemy—the results we brought onto the battlefield as measured by the standards that our leaders placed upon us. Mr. President, 1.4 million Communist soldiers died in this war—by the admission of the Hanoi government in 1995, not these arguments about whether body counts coming from the battlefield were inflated or not, 1.4 million soldiers. This was a brutal war.

The aftermath of the war is almost never discussed in this country. It is as if everything ended in 1975. One million South Vietnamese, the cream of South Vietnam's young leadership, were put into reeducation camps; 240,000 of them remained in those camps for longer than 4 years; an estimated 56,000 died. Another 1 million Vietnamese jumped into the sea, followed by others, including my wife's family. This day, 35 years ago, her family was on a boat having escaped from North Vietnam in 1954 and South Vietnam in 1975, facing unknown futures. The Soviet Union gained a strong foothold which did not expire until the Soviet Union expired, putting into place a command economy and basically a Stalinist system. When I first started going back to Vietnam in 1991, the system was extremely rigid and could only be called a Stalinist system.

But the other piece of this, which a number of people in this country—and I count myself among them—have worked assiduously for decades to bring about is the healing of that war here, in Vietnam, between the 2 million people of Vietnamese descent in this country and the existing forces in Vietnam. This has been a very arduous and successful, for the most part, process.

When I look at the Vietnam of today—and I have spent a great deal of time there not only during the war but after the war—I am very optimistic. I have always believed, even in my younger days as a marine, that Vietnam was one of the four or five most important countries to the United States when we look at our relations in Asia. This is evolving. The countries, as our trade relations have evolved, as our contacts have evolved, and as the trust level has evolved, our countries are working very well together to assure the stability of this region.

I feel compelled to make these points on a day that has such an impact on Vietnamese around the world, and to say I am hopeful that with the progress we have made over the past several years that we can achieve the objectives that we once were trying to achieve at the time on the battlefield—a strong relationship with a country whose government will become more open and more mature, with a people who have a tremendous level of entrepreneurship and energy, and in the end, a relationship that can assure greater stability in east Asia and Southeast Asia.

AMENDMENT NO. 3736

I would now like to turn to my amendment. I would like to emphasize, this is a very carefully drafted amendment. It is one shot, not a continuing windfall profits tax—which I don't generally agree with. It is a one-shot amendment designed to give the American taxpayers a place on the upside of the recovery of the financial system that they, frankly, enabled. You can understand the anger in this country when we look at the results of this hearing the other day that Senator LEVIN chaired. We hear in many cases the irresponsible behavior of some executives in the financial sector who brought about the difficulty that threatened our entire economic system.

This amendment is very simple. It would provide a one-time, 50-percent tax on bonuses that are above $400,000 of any initial bonus paid to executives at Fannie Mae, Freddie Mac, or financial institutions that received a minimum of $5 billion in the TARP. It is only for income that was generated for work in 2009 and compensated in 2010.

Again, this is a one-shot matter of fairness to balance out the rewards that these financial institutions received which were enabled by the contributions of the American taxpayers, particularly in the TARP. We have had estimates this amendment would recover for our economic system somewhere in the neighborhood of a minimum of $3.5 billion and potentially as high as $10 billion—13 companies, on bonuses in excess of $400,000 after all the other compensation has been paid. That is the amount of money paid to these executives.

Again, I need to emphasize the American taxpayer did not create the economic crisis. They were required to bail out the people who did create it, and they deserve a share in the upside because these are the rewards that they themselves enabled.

Paul Krugman, who is a Nobel Prize-winning economist, wrote in July of 2008 about his concern at the very inception of this economic crisis that we were moving toward a tendency in this country to socialize risk and individualize reward. In other words, whenever we create a situation where there is an economic challenge, the American taxpayer at large is expected to absorb the risk. But when the reward comes in, only the executives, the people who were managing the financial system, are able to actually get the reward.

This particular reward in this one-shot tax proposal has come about largely as a result of government intervention, as a result of working people having to put their money forward, having to bail out a financial system that went wrong. As a result, as a matter of equity, the reward should be shared with the taxpayers who made it possible.

When I first started thinking about doing this, I actually was drawn to an article that was written in the Financial Times. This actually was last November in the Financial Times. It was written by Martin Wolf, who is a conservative economist. Here you see the logic and the equity of moving forward with this type of windfall profits tax. When we have Paul Krugman, who is

known as a liberal economist, a Nobel Prize winner, and Martin Wolf, who is a conservative economist who writes for the Financial Times, agree on principle, we have to stop and think about it.

Martin Wolf, in this article, said—and I am going to just read a few excerpts from the article:

Windfall taxes are a ghastly idea. . . . So why do I now find the idea of a windfall tax so appealing? Well, this time it looks different.

First, all the institutions making exceptional profits do so because they are beneficiaries of unlimited State insurance for themselves and their counterparts. . . .

Second, the profits being made today are in large part the fruit of the free money provided by the central bank, an arm of the state. . . .

Third, the case for generous subventions is to restore the financial system—and so the economy to—health. It is not to enrich bankers. . . .

Fourth, ordinary people—

And we need to think about this when we look at the impact, the incredible anger that is in this country after incidents such as the hearings this week—

ordinary people can accept that risk takers receive huge rewards. But such rewards for those who have been rescued by the state and bear substantial responsibility for the crisis are surely intolerable. . . .

Our taxpayers, our working people, rescued a financial system that was on the verge of collapse because of massive acts of bad judgment and greed by the very companies that are now reaping huge bonuses from the government's intervention. It is not too much to ask those who have been so fully compensated and who have received in excess of a $400,000 bonus on top of their compensation, that they pay a one-time tax and share that excess, on top of their $400,000 bonus, with the people who rescued them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, it is timely that we have started to consider the financial services modernization legislation during April, a month that we have designated as Financial Literacy Month. There are three vital components to financial literacy: education, consumer protection, and economic empowerment. H.R. 3217, the Wall Street Reform bill, includes essential provisions in all three of these areas for consumers and investors. I have worked extensively with the chairman of the Banking Committee and other members of the Committee to ensure that bill includes essential education, consumer protection, and economic empowerment provisions. I appreciate all of the leadership and work done by Chairman DODD and his efficient, effective, and hardworking staff to develop this legislation so important to working families.

With regard to education, the legislation creates an Office of Financial Literacy within the Consumer Financial Protection Bureau. The Financial Literacy Office is tasked with developing and implementing initiatives to educate and empower consumers. A strategy to improve the financial literacy among consumers, that includes measurable goals and benchmarks, must be developed. The Administrator of the Bureau will also become Vice-Chairman of the Financial Literacy and Education Commission. This will ensure meaningful participation in the Commission.

The legislation also requires a Securities and Exchange Commission, SEC, financial literacy study to be conducted. The SEC will be required to develop an investor financial literacy strategy intended to bring about positive behavioral change among investors.

The second key component of financial literacy is consumer protection. This legislation creates a regulatory structure to ensure greater emphasis by regulators on investor and consumer protection. The failure of regulators to protect consumers contributed significantly to the financial crisis. Prospective homebuyers were directed into mortgage products that had risks and costs that they could not understand or afford.

The Consumer Financial Protection Bureau will have the ability to restrict predatory financial products and unfair business practices in order to prevent unscrupulous financial services providers from taking advantage of consumers.

We also strengthen the ability of the SEC to better represent the interests of retail investors. My proposal to create an Investor Advocate within the SEC is in the bill. The Investor Advocate is tasked with assisting retail investors to resolve significant problems with the SEC or the self-regulatory organizations, SROs. The Investor Advocate's mission includes identifying areas where investors would benefit from changes in Commission or SRO policies and problems that investors have with financial service providers and investment products. The Investor Advocate will recommend policy changes to the Commission and Congress in the interests of investors. The creation of the Office of the Investor Advocate has widespread support from consumer, labor, and industry organizations.

We worked to include in the legislation clarified authority for the SEC to effectively require disclosures prior to the sale of financial products and services. Working families depend on their mutual fund investments and other financial products to pay for their children's education, prepare for retirement, and attain other financial goals. This provision will ensure that working families have the relevant and useful information they need when they are making decisions that determine their future financial condition.

This legislation also addresses remittance consumer protections. Working families often send substantial portions of their earnings to family members living abroad.

In my home State of Hawaii, many of my constituents remit money to their family members living in the Philippines. Consumers can have serious problems with their remittance transactions, such as being overcharged or not having their money reach the intended recipient. Remittances are not currently regulated under Federal law and State laws provide inadequate consumer protections.

The bill will modify the Electronic Fund Transfer Act to establish remittance consumer protections. It will require simple disclosures about the costs of sending remittances to be provided to the consumer prior to and after the transaction. A complaint and error resolution process for remittance transactions would be established.

The third component of financial literacy is economic empowerment. Senator KOHL and I developed title XII of the legislation which is intended to increase access to mainstream financial institutions for the unbanked and the underbanked. Mainstream financial institutions are a vital component to economic empowerment.

Banks and credit unions provide alternatives to high-cost and often predatory fringe financial service providers such as check cashers and payday lenders. Unfortunately, approximately one in four families are unbanked or underbanked.

Many of these families are low- and moderate-income families that cannot afford to have their earnings diminished by reliance on these high-cost and often predatory financial services. Unbanked families are unable to save securely for education expenses, a down payment on a first home, or other future financial needs. Underbanked consumers rely on nontraditional forms of credit that often have extraordinarily high interest rates. Regular checking accounts may be too expensive for some consumers unable to maintain minimum balances or afford monthly fees. Poor credit histories may also limit their ability to open accounts. More must be done to promote product development, outreach, and financial education opportunities intended to empower consumers.

Title XII authorizes programs intended to assist low- and moderate-income individuals establish bank or credit union accounts and encourage greater use of mainstream financial services. Title XII will also encourage the development of small, affordable loans as an alternative to more costly payday loans.

Payday loans often have outrageously high interest rates. Payday

loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This creates a cycle of debt that is hard to break.

There is a great need for working families to have access to affordable small loans. This legislation would encourage banks and credit unions to develop consumer-friendly payday loan alternatives. Consumers who apply for these loans would be provided with financial literacy and educational opportunities. I am proud of the credit unions in Hawaii that have worked to develop payday loan alternatives to meet the needs of their members, particularly for our military families that have traditionally been exploited by payday lending.

The National Credit Union Administration has provided assistance to develop these small consumer-friendly loans. More working families need access to affordable small loans. This program will encourage mainstream financial service providers to develop affordable small loan products.

I also appreciate the work done by Senator MENENDEZ and his staff to authorize financial education economic empowerment grants intended to provide opportunities for economically vulnerable families.

This bill is not about the last financial crisis. This legislation is about creating a more fair financial system that better educates, protects, and empowers consumers and investors.

The emergency actions that had to be done in the fall of 2008 brought with it an obligation to create a financial regulatory system that is more helpful to working families. This legislation fulfills that obligation and will help improve the lives of so many people in our country by educating, protecting, and empowering consumers and investors.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, before he leaves the floor, I wish to commend our friend and colleague from Hawaii. I have had the privilege and pleasure of knowing Senator AKAKA for a long time. He is consistent in his issue cluster, if you will. He obviously has issues to deal with in his State, but I have never known another individual who has been as dogged as the Senator from Hawaii has been about seeing to it that people get that clear, understandable information, the ability to learn more about their own financial activities, that literacy he has consistently talked about for such a long time.

There are other accomplishments he has achieved. He is a wonderful member of our committee. He has made a significant contribution to this bill. This bill can bear his name on it as having contributed a major portion of the effort we are trying to achieve. I thank him for that.

We have a ways to go now on the floor in the debates that come here, but I am grateful to him for his consistent support, his ideas he has brought to the product we have now before us. I thank him not only on behalf of his colleagues but on behalf of the American people. He may represent one State, but his language here affects every State and every person in it. That is a significant contribution. I thank the Senator for it.

Mr. AKAKA. Thank you very much, Mr. Chairman, for your great leadership.

Mr. DODD. Mr. President, I did not get a chance to respond to our colleague from Virginia, Senator WEBB, and, first of all, to commend him. His wonderful service to our country in uniform is known by many, but every year he comes to the floor and takes a moment to talk about the conflict in Vietnam, where he played such a significant role in the fall of Saigon. We are grateful to him for his service to our country.

We are a better Chamber because of JIM WEBB's presence here and the knowledge and understanding he brings. I know the Presiding Officer, as his colleague from Virginia, appreciates the relationship he has with him and the difference he has made in the Senate by being here. So I thank JIM WEBB for that.

He has offered an idea, as well, to this financial reform package, one to which I am very sympathetic. There are some constitutional issues we have with tax measures that have to originate on the House side rather than on the Senate side under the Constitution. I know my colleague from Virginia is probably aware of that, but nonetheless his ideas have some merit. Obviously, when he brings it up, we will have a chance to talk about it, but I would be remiss if I did not mention that particular issue.

I see my colleague from North Dakota, who is here with some thoughts.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wanted to, in a few minutes, talk about the START treaty. But before I do that, I would like to engage in some discussion with the Senator from Connecticut about financial reform.

Even as I do that, and I will do that briefly, I wanted to say that not many Members of the Senate understand how much time and effort the Senator from Connecticut has put into this product of financial reform—Wall Street reform, as it is called. I, for one, very much appreciate the work that has been done. There is a lot in the bill that has been brought to the floor by Senator DODD that is commendable and that is right on point. There are some areas where I, perhaps, will want to offer suggestions. Maybe the Senator will agree with them, maybe not.

I wish to say as a starting point that I am very pleased that we have the bill on the floor now, open for debate, open for amendment next week. I hope we keep it on the floor and improve it in areas where it can be improved, make modifications where necessary, but in the end be able to vote for a piece of legislation that will allow us to tell the American people: We understand what happened, and we have tried to take steps now to make sure it cannot and will not happen again.

One of the areas where I will offer an amendment—and I understand it will be a controversial amendment—is on the issue of too big to fail.

My colleague from Connecticut and others on the Banking Committee have constructed one approach on too big to fail, and I will be supportive of that approach. But I do think the too-big-to-fail issue at its root is, if you are too big to fail, from my standpoint, you are too big. And I come down on the side of one-fourth of the Governors of the Federal Reserve Board who have said this, and many others. I come down on the side of those who have said: If you are too big to fail, you are too big.

I think the council that is established under this legislation ought to at that point—once designating a company that has become too big to fail, that is too big to fail, that causes a moral hazard and an unacceptable threat and risk to our economy, then I think divestiture is in order of that portion of the company that puts this country at risk as a result of them being too big to fail. That is a different approach than is used by the committee but an approach that I think is still credible; an approach, in fact, that has been described by the former Chairman of the Federal Reserve, Greenspan, by, as I said, three members of the Federal Reserve Board saying: There ought to be divesture. That would be one of the amendments I will offer next week and discuss.

Again, what has happened leading up to and since the near collapse of our economy, as a result of unbelievable activities at the top of our financial food chain, the largest financial enterprises have actually become much larger because of actions of the Federal Government, among other things, to encourage them to become larger. I think an appropriate amendment would be for us to have a real discussion about, should we not just decide if you are too big to fail, you are just too big.

Mr. DODD. Will my colleague yield?

Mr. DORGAN. I am happy to yield.

Mr. DODD. One of the powers of the systemic risk council is, in fact, the power to break up large financial institutions. It is not one of the things they would do, but it is a power which resides in our bill for them to do that. I

couldn't agree more about the excessive risks that institutions have taken, but there is a distinction. I always think it is more about what risks these institutions pose. Do they have capital standards, leverage standards, liquidity standards that are in place? As we were discussing earlier, of the 10 largest financial institutions in the world, the United States has 1. Of the top 50, 5 are in Canada, a country with which my colleague is more familiar than most. We have four. They have had very few financial problems during this crisis, not because of the size of their institutions so much as they are far better regulated in terms of what they can do, what risks they can assume. There are other things they engage in as well.

The point my colleague is making is a very sound one, to make sure we are not seeing our system exposed to the kind of actions that can bring it down. But I wanted to at least mention to him that we do have the power to divest, and we are trying to work on that issue of excessive risk. I appreciate his comments.

Mr. DORGAN. First, the point the Senator from Connecticut made, which is so important, is effective regulatory authority. If we don't have regulations that work or regulators who care, what happens is what happened to us in the last couple years. We have a buildup of substantial risk, effectively allowing some to gamble rather than invest. We desperately need effective regulatory capability and regulators who care. I understand the risk council in the underlying bill is allowed to go toward divestiture but not require it.

Mr. DODD. That is true.

Mr. DORGAN. My point is, I will offer an amendment that would actually require it at the front end, simply saying, if we have a category that is described as too big to fail, meaning this is too large an organization to be allowed to fail, which in my lexicon is no-fault capitalism, if they are now at such a size that they are too big to fail, they pose a moral hazard, a grave threat and risk to the economy, if they were to fail, then I say do as we have done on some other occasions. We broke up Standard Oil into 26 parts, and it turns out the value of the parts was substantially greater than the value of the whole. It turned out to be a pretty wonderful thing. We broke up AT&T for other reasons. I am not rushing to try to break up anybody, but if we are serious about describing that which we think creates substantial, additional risk in the future, then we should take action to eliminate those kinds of risks, if the risk is, in this case, too big to fail.

I would like to get rid of the category of too big to fail. The Federal Reserve Board has had such a category for a long time. We have always known that if one is too big to fail, they are at a significant advantage to virtually every other financial institution. They can do business. They can take risks, but they can't fail. They are too big to fail and, competing with them, they have a safety net. My amendment will be simply, if you get to that point where this council judges you to be too big to fail without substantial grave risk to the country's economy, then I think divestiture that is sufficient to get the institution back to an area where it is not too big to fail would be in the public interest. My amendment would require divestiture.

The other amendment I will be offering is one that is also perhaps controversial. That is on the issue of naked credit default swaps or what some people call synthetic default swaps. They have been described, accurately so, as betting or wagering rather than investing. I have heard the descriptions of the investment bankers about why they are useful in dealing with risk and so on. But it is not useful, from my perspective, to have the largest financial institutions collecting fees for the purpose of arranging wagers. There are places to make wagers, if we call the wager simply gambling. Las Vegas and Atlantic City come to mind. But with respect to credit default swaps, which is a new term in the discussion these days, credit default swaps themselves represent insuring against a bond default, for example. But a naked credit default swap means you have no insurable interest in anything. You are simply betting someone else about something that might happen with a bond issue, despite the fact neither of you own the bond. I began thinking about a column Mr. Pearlstein wrote in the Washington Post. He always writes interesting columns. He said: Why should there be allowed more insurance against bonds than there are bonds? Then I read a piece that in England they actually tried to categorize it, what percent of the credit default swaps were synthetic or naked, having no insurable interest? The answer was about 80 percent. Think of that. About 80 percent of these naked credit default swaps have no insurable interest on anything. It is just a way to wager.

I believe that is a category that ought not be allowed. I will offer an amendment on that. I recognize that that may also be a controversial issue but one, nonetheless, I think is important.

Nobody knows this better than the chairman of the committee. I think it is important we have a productive sector to produce things, to produce things that might have a label that says ''Made in America.'' It is important we have a financial sector because we can't produce without finance. Production is necessary for finance as well. If you look at a couple hundred years of economic history, you will find that, in some cases for decades, production has the upper hand and finance is out here sort of moving at the beck and call of production. Then, in other areas, the financing industry has the upper hand. You see it move back and forth. We have been through a couple decades in which finance has the upper hand and has been calling the shots.

It is critically important to have a system of finance, and that system includes investment banks, FDIC-insured banks, venture capital funds, a wide array of financial institutions. We desperately need that. We can't have an economy that grows without it. But it is very important that financial system be one that has proper, effective regulation so we don't see it spin out of control as we have seen in the last 10 or 15 years.

In 1994—15½ half years ago—I wrote the cover story for the Washington Monthly magazine. The title of my cover story was ''Very Risky Business.'' I took a part of a title of a movie back then. At that point, I think there was something like $18 or $28 billion notional value of derivatives out in the economy. I talked about the risk those derivatives posed to our banking institutions that were trading on their own proprietary accounts on derivatives. It is not as if I have just discovered this issue. With Senator FEINSTEIN from California and others, I have been on the floor many times talking about the need to regulate derivatives and regulate hedge funds. We have been spectacularly unsuccessful in that over the years, but now at long last, with the legislation that is coming to the floor and the opportunity to have a wide-open debate with a lot of amendments, I think all of us can believe that if we are successful—and I believe we can be—we will do something that has merit for the future stability of this country's economy.

Again, I know there is a lot of language about banking and investment banking out there. I use some of it, perhaps, that is pretty hot language. Some of it is well deserved by a lot of people who made a lot of money, as they steered this country's economy into the ditch. But let it be known we need a financial system that works in order to finance production. All of us want the same thing. We want to put this country back on track and expand the economy and create jobs once again. That is the purpose of all this.

I used to teach a bit of economics in college. I always described to students that the economy is not like some engine room on the ship of state where, if you get down in the engine room and find the right dials and switches and push them all just right, that the ship of state will move forward. It is not that at all. It is about confidence. If the American people are confident in the future, they do things that manifest that confidence and expand the

economy. They buy a new suit of clothes, a car, a house, take a trip. They do the things that manifest their confidence in the future. That is expansive to the economy. If they are not confident, they do exactly the opposite. That contracts the economy.

That is why this legislation is going to go a long way toward saying to the American people: You can have confidence this sort of thing is not going to happen again. That is the precursor to allowing us to see an economy that expands because people have some confidence in the future.

I started by saying thank you to the Senator from Connecticut. I say, again, there is a lot of work that has gone into this. It is not perfect bill. There will be much that is controversial. I will offer a couple controversial amendments. At the end, I hope we will all have worked together to accomplish the same thing for the country—the opportunity for more economic growth and expansion and more hope and opportunity for American families.

I ask unanimous consent to speak in morning business for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

START TREATY

Mr. DORGAN. Mr. President, yesterday there was a hearing in the Senate on the Strategic Arms Reduction Treaty we have negotiated with Russia. I was not on the committee, but there was testimony by Dr. James Schlesinger and Dr. William Perry, two of the most veteran arms control experts, who came to the Foreign Relations Committee and said they support the Strategic Arms Reduction Treaty with Russia.

I was in Russia a couple weeks ago and had an opportunity to tour a number of sites that we are actually funding from the United States through the Cooperative Threat Reduction program, the partnership we have with Russia in a number of areas, stemming from, among other things, what is called the Nunn-Lugar law, the Nunn-Lugar program. I have long supported the Cooperative Threat Reduction Program called Nunn-Lugar, named after two of my colleagues, Senators Sam Nunn and RICHARD LUGAR.

In the early 1990s, they wrote legislation that allows us to work with the Russians and other former Soviet states to deactivate nuclear weapons and to destroy delivery systems.

I wish to show a couple of the photographs and if I might show something I have had in my desk for a while. I ask unanimous consent to do that. This is a photograph of a blackjack Russian bomber being dismantled. This is the wing strut from that bomber. I have a piece that was sawed off from the bomber's wing strut in my desk simply because it was given to me, and I thought it was so significant that the wing of a Soviet bomber that used to carry nuclear weapons, part of that wing is now in my Senate desk, not because we shot the Russian bomber down; it is because we actually provided the funding to saw the wings off and destroy the bomber. That is success.

This is a photograph of a missile silo in the Ukraine. I have in my desk, as well, a hinge. This hinge came from that missile silo. That missile silo held an SS–18 missile with a nuclear warhead aimed at the United States of America.

Now, where that missile silo once existed, with a missile and a warhead aimed at America, is now a field of sunflowers. You can see from this picture the missile silo was blown up, dismantled. I actually have a piece of the hinge. What a great success. The missile silo did not have a missile delivered to destroy a city in America. We actually spent the money to pay for the destruction of the missile silo under the Nunn-Lugar program. What a spectacular success that is.

This next picture is of a submarine being dismantled. It is a Russian submarine. It is a Typhoon class ballistic missile submarine, and it would have carried missile tubes, and those missile tubes in that submarine under the water would have contained nuclear warheads that would have been used to destroy our country.

Here, in this picture, is an example of the missile tubes on that submarine. These too were destroyed. I have a little vile of copper wire that was ground up that came from that submarine. Now, we did not sink that submarine in an act of warfare. We actually paid to have that submarine dismantled and the copper wiring ground up. I have some of the copper wiring here in my desk, just to remind us how important this program has been.

Now, we have on this Earth about 25,000 nuclear weapons, roughly. This comes from the Union of Concerned Scientists in 2010. It is estimated Russia has about 15,000 nuclear weapons; the U.S. probably about 9,000-plus; China, a couple hundred; France, several hundred; Britain, a couple hundred. So here is the quantity of nuclear weapons on our planet. The question is, What would happen if someday in some way someone detonates a nuclear weapon in the middle of a major city on this planet? I know what will happen. It will change life on Earth as we know it.

So let me describe a story. And keep in mind, we have 25,000 nuclear weapons on the planet. Let me describe a story. One month after 9/11, a CIA agent nicknamed Dragonfire reported to the CIA that he had evidence that a 10-kiloton Russian nuclear weapon had been stolen and had been smuggled into New York City and was to be detonated. That was 1 month after 9/11. It was October 11, 2001, to be exact. Dragonfire reported that al-Qaida terrorists had stolen a 10-kiloton nuclear bomb from the Russian arsenal and may have smuggled it into New York City.

It was not reported at that point, but there was an apoplectic seizure here. The President and others who had this information were not sure whether it was accurate or not. It was a report from a CIA agent, and they—just in the shadow, 1 month later, of 9/11 of course—were very much on their guard. Our country was pretty much shocked by everything that happened.

So this report by Dragonfire meant that Vice President Cheney moved to a secret mountain facility, along with several hundred government employees, we are told. So they were the core of an alternative government that would operate if Washington, DC, were destroyed by a nuclear weapon.

We are told that President Bush dispatched a nuclear emergency support team to New York to search for a weapon. To not cause panic, no one in New York City was informed of the threat, not even the mayor of New York. After a few weeks, the intelligence community determined that Dragonfire's report of someone having stolen a Russian nuclear weapon and smuggling it into this country was probably a false alarm.

But when they did the post-mortem on it, they all understood it was perfectly possible that a nuclear weapon could have been stolen from the Russian arsenal, perfectly possible that a nuclear weapon could have been smuggled in to New York City or Washington, DC, and possible for terrorists to disarm the safeguards and explode the bomb.

No one said it was impossible that a terrorist group would want to kill several hundred thousand Americans with one bomb in the middle of an American city. On the contrary, all of the experts knew this was possible. Now, all of that—by the way—all of that angst was about one 10-kiloton, rather small Russian nuclear weapon reported by a CIA agent to have been stolen.

But there is more than one nuclear weapon; there are 25,000 nuclear weapons on this planet. Think of the concern about the potential stealing of one, and then ask the question, What do we have to do to make sure that nuclear weapons that now exist are safeguarded, that there is adequate security, and, even more important, that we stop the spread of nuclear weapons to others, other countries, and certainly terrorist groups who want to acquire nuclear weapons?

The description of Dragonfire's report comes from a former Clinton administration official, Graham Allison, an expert on nuclear proliferation. He wrote about the incident in a book

called ''Nuclear Terrorism: The Ultimate Preventable Catastrophe.'' The description I have just read is a part of the book by Mr. Allison.

Now, even though the Cold War ended two decades ago, we still have, as I have indicated, about 25,000 nuclear weapons in the world. Mr. President, 95 percent of them are owned by the United States or by Russia. We are now operating under the Strategic Offensive Reduction Treaty, also known as the Moscow Treaty. It requires the United States and Russia, by our agreement, to have no more than 2,200 ''operationally deployed'' strategic nuclear weapons by 2012. But it does not do anything to restrict nuclear delivery vehicles—bombers, missiles, submarines. And it does not have any verification measures. It expires in 2012.

A few weeks ago President Obama and Russian President Medvedev met in Prague, the Czech Republic, and signed a new strategic arms control treaty. It is called START. It limits each side to 1,550 deployed strategic nuclear warheads—30 percent lower than the existing treaty. It limits each side to 800 deployed and nondeployed ICBM launchers, SLBM launchers, and heavy bombers equipped for nuclear armaments—one-half of what the START treaty allowed. It sets a separate limit of 700 deployed ICBMs, deployed SLBMs, and deployed heavy bombers that are equipped. It has verification regimes for on-site inspections, telemetry exchanges, data exchanges, and so on.

Now, I know this treaty will be controversial in some quarters, but I want to describe what ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, has said just in the last month, because some are worried about whether our nuclear weapons work, whether our stockpile is reliable. What if we use it? Can we expect it to work? Well, the other side of the nuclear debate is, if you use it, you probably will never be around to wonder whether it works. I think the face of this Earth will change if there is ever an exchange of nuclear weapons of any kind between adversaries that have multiple nuclear weapons.

ADM Michael Mullen, the Chairman of the Joint Chiefs of Staff, says:

> I, the Vice Chairman, and the Joint Chiefs, as well as our combatant commanders around the world, stand solidly behind this new treaty, having had the opportunity to provide our counsel, to make our recommendations, and to help shape the final agreements.

So the Chairman of the Joint Chiefs says they are satisfied with this treaty, believe it is a good treaty.

Linton Brooks says something very important. He is the former NNSA, National Nuclear Security Administration, Administrator from 2003 to 2007. He says:

> START . . . is a good idea on its own merits, but . . . for those who think it's only a good idea if you only have a strong weapons program, I think this budget ought to take care of that.

He is talking about the budget the President has sent to the Congress for life extension programs and the other things we do to make sure the nuclear stockpile is up to date.

He said:

> Coupled with the out-year projections, it takes care of the concerns about the complex and it does very good things about the stockpile and it should keep the labs healthy. . . .

He said:

> . . . I would've killed for this kind of budget.

The reason I mention this is that we have people coming to the floor of the Senate now, and in public discussion—and Douglas Feith is an example of them. He says:

> Since the administration is so eager for [the treaty], the main interests of conservatives will relate to modernization. Republicans are interested in the U.S. nuclear posture, the political leverage they have will be the treaty. . . .One of the hot issues is going to be the replacement warhead. . . .

What does that mean? That means we have had people in this Chamber and others—including the neocons, and Mr. Feith and others—they have always wanted to begin building new nuclear weapons. It started with: What we need to do is, we need to build new designer nuclear weapons. We need to build earth-penetrating bunker-buster weapons so we can use them. In Afghanistan there were some folks who were hold up down, well underground, and so: What we need to do is develop designer nuclear weapons, earth-penetrating bunker-buster nuclear weapons.

Well, Senator FEINSTEIN and I and some others got that abolished. It makes no sense to me for us to be off building new nuclear weapons. It just does not make any sense. The fact that the bunker-buster earth-penetrator was not built—that does not matter—then they came with the RRW, reliable replacement weapons. Substantial costs of additional funding to build new nuclear weapons called the replacement weapons.

Here are some statements by some skeptical U.S. Senators about this START treaty:

> Well, I can tell you this, that I think the Senate will find it very hard to support this treaty if there is not a robust modernization plan. . . .

Another Senator:

> The success of your administration in ensuring the modernization plan is fully funded in the authorization and appropriations process could have a significant impact on the Senate. . . .

It means you have to be building additional nuclear weapons, you have to spend X amount of money here and there in order for us to support the START treaty.

Another Senator says:

> My vote on the START treaty will thus depend in large measure on whether I am convinced the administration has put forward an appropriate and adequately funded plan to sustain and modernize the smaller nuclear stockpile it envisions.

Let my say what the JASON says about all this. It is an organization that really knows what it is talking about and issues a lot of reports with respect to the science of nuclear weapons, because some have said: We have to build a lot of new nuclear weapons here because the nuclear weapons we have—dealing with the degradation of the pits and other things—we are not going to be able to have confidence they even work. So here is what the JASON says:

> JASON finds no evidence that accumulation of changes incurred from aging and LEPs—

Life extension programs—

> have increased risk to certification of today's deployed nuclear warheads.

They are saying, quite clearly, there is no evidence there is an increased risk to be able to certify that our nuclear stockpile is reliable.

> Lifetimes of today's nuclear warheads could be extended for decades, with no anticipated loss in confidence, by using approaches similar to those employed in [the life extension programs] to date.

So to those who want to go off and spend a lot of money building new nuclear weapons, at a time when we are deep in debt, and leverage that in exchange for voting on the START treaty, I say you are wrong. You are just dead wrong. We have to get about the business of reducing nuclear weapons. We have to get about the business of agreeing to treaties like this because it is our responsibility. It falls on our shoulders here in the United States to be the world leader to steer us away from nuclear catastrophe.

Now, I understand nobody is talking about disarmament here. But we are talking about a circumstance where there is able to be certification that our nuclear stockpile is reliable. That certainly ought to satisfy the appetite of those who want to build more nuclear weapons. We should not be building more nuclear weapons. What kind of a message does that send to the rest of the world? We have 25,000 nuclear weapons on the planet already—the loss of one which caused an apoplectic seizure around this place, for those who knew it, because they wondered what would happen.

Mr. President, 9/11 was several thousand people. What would happen if several hundred thousand people were murdered with a nuclear weapon being exploded in a major city—and not just a U.S. city, any major city on this planet? It will dramatically alter life on this planet.

So I just wanted to say, this START treaty—I commend the President: a job well done. This is a very good and important treaty for our country and for the world. I am going to be strongly

supporting it. We will have sufficient resources—the President has seen to it—sufficient resources for the life extension program to make sure our nuclear stockpile is reliable.

This President has said, to his credit, that our job, our responsibility as a world leader is to provide leadership to stop the spread of nuclear weapons, to do everything that is necessary to keep nuclear weapons out of the hands of terrorists and rogue nations. Our job is to find ways to reduce the number of nuclear weapons on this planet.

The President of the United States hosted at the convention center here in Washington, DC, I think the largest gathering, perhaps, of its kind in history, of world leaders who came here to talk about securing loose nuclear materials and nuclear weapons. Some make light of that: Well, a little gathering; good for all them. No one should make light of that gathering. It was historic and unbelievably important. A very small amount of highly enriched uranium—the size of a 2-liter of soda in the store—is enough to build a nuclear weapon. The loose nuclear materials, highly enriched uranium and plutonium that is available around the world, must be gathered together and must be safeguarded and kept out of the hands of terrorist organizations. That is what this President was doing: cementing together the will and the agreement with other leaders from around the world to do that. That is unbelievably important. No one should make light of that and everyone should understand the historic importance of what this President has done.

Finally, this START treaty, as I indicated, I think has much to be commended to this country, and this Senate ought not find itself in the kind of dispute it almost always has on everything these days. If there is anything this Senate ought to be able to agree upon, it is that it is our responsibility and in our interests—in our long-term survival interests—to find ways to reduce the number of nuclear weapons on this planet, reduce delivery vehicles, and reach agreements with adversaries and potential adversaries so all of us understand that we cannot allow a nuclear weapon to fall into the hands of terrorist organizations.

I commend the administration. I hope on a bipartisan basis we can give a very strong vote to the START treaty when the hearings are completed and when we have a debate on it on the floor of the Senate.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, we have been having a conversation this morning. Senator CORKER of Tennessee was on the floor, a member of our Banking Committee, and he and I engaged in a conversation about our legislation. Senator AKAKA from Hawaii, a member of the committee as well, was here to talk about the bill. Senator DORGAN was here talking about arms control, but also about our legislation. Senator JIM WEBB was also here this morning to talk about provisions in the bill. While there are no votes today, it was an opportunity for people to come and talk about either what they are in support of or what they object to and what additions they may wish to make.

Let me emphasize again my hope that today and over the weekend and Monday, Members who have amendments to this bill, Democrats and Republicans, if they would let us know what those amendments are so we can begin to process them and possibly accept, hopefully, as many as we possibly can as additions to the bill, and modify some, making them acceptable, without having necessarily to go into votes. Of course there will be some that will require a debate and discussion and votes on the floor. We wish to accommodate as many Members as we can over the next couple of weeks on these matters. I know the leader has indicated to me that his intention is to come in very early every day and to stay late next week and the week after if necessary so we can accommodate as many Members as possible in this debate. I know the floor staff of the Senate is delighted to hear those comments about being in early and staying late, but obviously we want to get this bill done if we can. It is an important piece of legislation. I know there are others who want to be heard on it. Obviously it is an emotional issue, given what our country has gone through over the last 2 years. So I lay that out as a backdrop for my colleagues and ask them to let us know how we can be helpful to them.

I will also respectfully ask that when Members bring up their amendments, if we can limit the time of debate so we don't have extended debate. A good, strong debate can occur over a half an hour or 45 minutes and might be more than adequate, and to then give our colleagues an opportunity to vote.

Briefly, this afternoon, before closing out this discussion, I wish to talk about a very important part of this bill. We have been hearing a lot of discussion about too big to fail and about the derivatives sections of the bill and the early warning system. One of the major attributes of this legislation is the establishment of a Consumer Financial Protection Bureau or division. We have never had one before. In fact, we have had many of them, but not one. We have around seven of them at the Federal level, various prudential regulators. I have great respect for the people who work in these divisions.

Candidly, as I think many of them would attest, the predominant function of the regulator has been the safety and soundness function, and the consumer side of that equation has always been sort of relegated to a second-class status in too many cases. As a result, over the years we have seen that consumer protection has not had, when it comes to financial services, the elevated status it deserves. So I wish to talk about briefly what is in our bill. I wish to take great exception to some of the falsehoods that are being bandied about to describe what is in this bill, address them each directly by quoting from the bill. Members themselves can then read the legislation to determine whether they think the language is adequate. Obviously we don't want to overly burden anyone, nor do we want to leave a situation where people are burdened, tremendously so, when their homes, their incomes, their retirement have been lost because consumer protection was not being considered at all during the time the economic crisis was emerging and during the time it exploded.

I would be very surprised if any Member of this body comes to the floor and says, Well, I don't think we need to put a focus on consumer protection. Virtually everyone I have spoken to has said this is very important. We need to have consumer protection in the financial modernization and financial reform bill. After all, I think it is widely understood that it was a failure of consumer protection that was at the very heart of the financial crisis. It was, of course, these bad mortgages that were being sold and that people were being lured into that caused the fires that began and that consumed our economy, or nearly consumed our economy. Over the last year and a half, in fact, as the Banking Committee has held a long series of hearings on the root cause of the crisis, the pattern has been clear. Americans, as we now know painfully, were sold mortgages they never understood and could never have afforded.

The very first witness we had before the Banking Committee when I became chairman in January and February of 2007—I had never been chairman of a committee before, until the retirement of my great pal and friend and wonderful chairman, Paul Sarbanes, who had served as chairman, and as RICHARD SHELBY, my now ranking member had been chairman. In February the very first hearings we held were on the mortgage crisis.

The very first witness we had was a woman named Delores King, who is an elderly woman from Chicago. She is retired. She worked all her life. She had lost her husband, as I recall, but they had been able to buy a home years before. They had lived in that home and raised their family. She tragically lost

her husband and she was on in years. She had a very small amount of debt. I don't know whether it was a credit card debt or utility debt, but I am talking small—$2,000 or $3,000, as I recall now. Three years ago she appeared as my first witness as chairman of the committee to talk about the mortgage crisis in January and February of 2007.

What happened to her happened, unfortunately, over and over again. A mortgage broker came and said: I know how to take care of that debt you have, Mrs. King. What we will do is rewrite your mortgage for you on your home. Here she was on a fixed income as a retiree in our country, trying to make ends meet. She had not a lot of retirement income. I think she may have worked in the postal department. She worked in the library. I thank my staff member here recalling from 3 years ago who was with me that day. She worked in a library in Chicago, obviously not making a lot of money as a librarian, or working in the library. So she was on a very fixed, narrow income as a retiree. That mortgage this guy sold to her ended up exploding on her in a matter of months to the point where it consumed 70 percent of her fixed income and she lost the home. Here is a woman who had done everything right, and that went on over and over again.

If you want to know why we are in the mess we are in, although things are getting better, it was Delores King's story being repeated over and over and over and over and over again that caused the situation we are living in today.

So when I say the root cause of what happened to us financially began in the living rooms of Delores King and those like her, that is exactly what happened. There are other factors as well, but that is the root cause. So to talk about drafting a bill on financial reform and excluding the kind of protections that would have avoided Delores King losing her home and going through the financial turmoil as a retiree must be a critical part of this legislation and why I feel so passionately and strongly about this in our bill.

The regulators today we have in place simply can't get this job done. I won't dwell on it. I have great respect for people who work in our respective public sectors at the local, State, and national level. I am sure there are many good and talented people. But when you are subjected to a division or a bureau that kind of separates you out in sort of the basement or wherever else you are, if not physically at least how you are treated in the context of everything else, you get some flavor of what has happened here. Their jobs in these seven other regulatory bodies have been divided up among different regulators where consumer protection is an afterthought to their primary safety and soundness missions and responsibilities. So the legislation we have before us replaces that failed setup with a single regulator, with the independence and authority to do the job right. That is what we are trying to do.

This regulator will be a watchdog with a bark and bite, one with the ability to take meaningful action to stop the ripoffs and the mission to empower consumers to make good financial decisions.

The bureau will force large banks and credit card companies to explain their offerings in plain English so that you do not need a master's in business administration to be an informed consumer. It will shut down the scam artists and the sleazy lenders—and they are out there in droves—before they can take advantage of the Delores Kings again. There would not, of course, be scam artists and sleazy lenders if these abusive practices were not profitable—and they are profitable—when we have large Wall Street firms that have earned—''earned'' is not the right word—gained, they gained billions of dollars by engaging in these practices. Don't think they were not. They were not the broker who walked into Delores King's house. They were not the small banks that decided to write that mortgage. But these large firms were involved in the securitization, the marketing of these products all bundled together.

We have now learned even in the hearings last week that they knew what crummy bundles they were. There was a lot of junk and trash in there. Delores King was given a mortgage knowing she could not pay, she was on a fixed income, they knew it would balloon to the point that it would consume 70 percent of her income—don't tell me they did not know what that was. And expecting that 80-year-old woman to read and understand all she was going to be subjected to in the fine print of the mortgage contract is ridiculous. Yet that is how this daisy chain worked and why we ended up in the mess we did. This consumer bureau must be a part of our bill.

The Chamber of Commerce is circulating some talking points about what this bureau is and how it will impact American businesses. Tom Donahue and I are good friends. I have known Tom a long time. We have worked on issues together. He runs the chamber. It saddens me that an organization such as that would put out a piece of paper with that much false information. I know they do not like consumer protection at the Chamber of Commerce. That has been a standard, unfortunately, for too many years. I don't mind them taking on and arguing with me about the bill if they want to, and you are entitled to all the opinions you wish to have, but you are not entitled to your own facts, as the old saying goes. What they put out is factually wrong.

I want to spend a couple of minutes addressing each one of their false accusations in the document they are spreading around and address them directly.

The chamber claims that the bureau would regulate ''virtually every business that extends credit.'' Suddenly, they will have you believe that anyone who bills you at the end of the month will be caught up in sweeping new regulations. That sentence is totally false.

You may not accept what I said, that it is totally false, so let me read from the bill. The bill is here, this tome, these 1,400 pages. Let me read from the section of the bill that covers this particular point. I will read it carefully:

> The Bureau—

Speaking about the Consumer Financial Protection Bureau—

> may not exercise any rulemaking, supervisory enforcement, or other authority under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services that is not engaged significantly in offering or providing consumer financial products or services.

I don't know what part of that sentence they do not understand, but that is about as clear as it could possibly be. You must be significantly involved in the selling of financial services and products. A dentist, a butcher, a retailer who sells you products and allows you to pay later or on some delayed paying process is not in the business of financial services and products. Allowing their clients, their patients, their customers to have some delayed payment process does not bring them under the purview of this law.

The line that ''virtually every business that extends credit'' is a completely false sentence, and yet it is in the talking points of the Chamber of Commerce.

I will read the sentence again in the bill:

> The Bureau may not exercise any rulemaking, supervisory enforcement, or other authority—

Other authority, Mr. President—

> under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services that is not engaged significantly in offering or providing consumer financial products or services.

What does that mean? If you run a tab at your butcher or grocer, you are not covered. Again, merchants, retailers, sellers of nonfinancial services are not covered. If a doctor charges you a late fee, that is not covered. If a retailer refers a customer who has not paid his bill to a debt collector, that is not covered under this bill. If a store accepts credit cards, that is not covered. If your dentist or retailer or merchant allows you to pay your bill over time, they are not covered under this bill.

The consumer bureau is not going to regulate accountants and orthodontists. It is not going to regulate

anyone who—and I will quote again—''is not engaged significantly in offering or providing consumer financial products or services.''

Any time we hear a Member of this body—and some already have—come to this Chamber to object to this bureau by invoking a small business in their State, keep your ears perked. The strong likelihood is that the false talking point is surfacing yet again.

The second falsehood in the chamber's epistle: I heard people say that this is a wild new bureaucracy with powers that ''extend far beyond traditional financial services products to the entire economy. In short''—this chamber letter goes on—''In short, it creates a new regulatory overlay over the entire business community.'' Not true. Completely false.

The powers under this bill already exist. I am not writing new powers under this bill. They exist under the Fair Credit Reporting Act, the Truth-in-Lending Act, the Equal Credit Opportunity Act, the Home Mortgage Disclosure Act, the Home Ownership Equity Protection Act, and RESPA. There is a long list of legislation that passed years ago that is out there. This bill says those laws must be enforced. We are not writing new laws. These are the laws that are on the books.

We add one new word. ''Deceptive and unfair practices'' is covered, and we had the word ''abusive.'' I acknowledge that. There is one new word called ''abusive'' that we add to the litany of the kinds of practices that have caused consumers the difficulties they have been through. There is no other new authority. The rest of the authority exists in current Federal law under the statutes I enumerated and there are many others, by the way, that are presently covered.

All we are saying is, what is the point in having these laws? They are on the books designed to protect people. The issue is whether anyone is able or willing to exercise the authority.

Financial firms, I believe, will benefit from this in many ways when we streamline and minimize regulatory burdens. There are seven other agencies responsible to one degree or another for this list of existing Federal law. It seems to me the financial services sector will benefit by having a single regulator with the ability to enforce this collection of laws I described. It seems to me that would be a welcome opportunity rather than having so many different regulators to deal with. The single new agency will easily be held accountable for its performance as well.

The third false claim. I quote again:

> The bill gives the consumer financial product agency authority to write rules, enforce rules, conduct examinations, require new review and approve disclosures regarding consumer financial products, impose fees or assessments on all covered persons, and require reports from any covered entities.

Again, false. Not true at all. This bill does not give this new bureau any authority to charge anyone a fee or assessment. There are no fees or assessments in our bill—this bill—on any of these entities. Yet the report that is out there indicates it does. Completely false. It does not create a new government power.

What it does do is allow the Bureau to write rules that create a level playing field for small community banks and credit unions which today face unfair competition from largely the unregulated shadow banking industry. We heard from our community banks over and over about this point. Where is the level playing field? We get drawn in, we do our job, we are regulated, we operate carefully, and then you have these operators out there totally unregulated, and the reputation of everybody in the financial services sector suffers because of some of these unscrupulous payday lenders, these check-cashing operations that do not have any regulator at all. They are functioning, they are abusing or deceiving people. And that regulated bank on the corner is saying: Why isn't that guy being regulated? I am regulated.

Our bill changes that situation. We apply those same rules, and that is a great advantage to the community banks in the country to have a level playing field. Because this new bureau will be able to write rules that prohibit unfair and deceptive practices in the shadow banking sector and conduct examinations and gather information from nonbank lenders and brokers. Those shadowy firms will not have an unfair leg up on our community banks, allowing those smaller institutions to compete more effectively and to provide capital more freely.

The fourth false claim is the following, and again I am quoting from this document:

> The consumer financial protection agency would set the floor, not the ceiling, regarding State consumer protection laws. This will create a new regulatory regime companies will be subject to and consumers will be lost in the maze of Federal regulations and disclosures, 51 State laws and State attorneys general interpreting and enforcing Federal law at State level. This is directly contrary to the goals of streamlining, modernizing, and simplifying the regulatory system (and disclosure to consumers.)

That is the claim. A Federal consumer law has historically established a minimum standard, and that is what this bill does as well. Ever since the Truth in Lending Act passed in 1968, Congress has allowed the States to adopt consumer protection laws as long as they do not conflict with Federal law. State attorneys general have always been on the front lines of consumer protection, and they will continue to play that role.

Meanwhile, this single bureau will help to streamline, as I said a moment ago, and simplify disclosures. For instance, two agencies regulate mortgage laws, meaning consumers and community banks are forced to contend with two different Federal mortgage disclosures. Under our Consumer Financial Protection Bureau, we will eliminate that unnecessary duplication and create one single form.

Fifth: The Chamber claims:

> The consumer financial protection agency will have the authority to mandate that any company offering a consumer financial product has to offer a product with terms and conditions set by the government. Alternative products cannot be offered unless the ''plain vanilla'' is extended. This gives the largest banks a significant competitive advantage over smaller banks, limits consumer choice, and will significantly increase the cost of any alternative products that are tailored for specific needs.

This one is entirely made up of whole cloth. There is no such thing in our bill. None. I don't even know from where it comes. It is one thing to disagree over the wording of something, but when you make up one out of whole cloth entirely, I don't know how to address that. I don't know what they are talking about. This one comes out of the blue.

Finally, I wish to address the claim that ''the bill gives the consumer financial protection agency the authority to request and hold reports from any covered entity—including reports from banks about their types of accounts and the balances in each account.

In fact, just as regulators today collect and share information about the companies they oversee, the Consumer Financial Protection Bureau will be able to collect information and share it with other regulators. There is nothing new about that at all. But, unlike some of the claims that have been made that this information will be made public or sent to Wall Street—the idea is that this new government entity will be collecting private information about your finances and making it pubilc, that is not true either. That is false.

Strong privacy protections are included in our bill to make sure that proprietary, personal, or confidential consumer information is kept just that—private.

Think about this for a moment. Opponents of this new bureau are actually suggesting it will benefit consumers for regulators to have less information about what the companies they regulate are doing.

I have said before people are welcome to their opinions but not their facts. Again, I am more than happy to consider ideas people have and how they think we can make this consumer bureau work better. I have not shut the door on any ideas people may want to bring up. But what I can't tolerate is people making totally false accusations to inflame the passions, to incorrectly and falsely cause great concern among retailers and merchants and

others across the country. That is the intent of all this. I know what it is. They do not want to take on the bill itself and what it does, so they are out there propagandizing with false information about this to undermine what we are trying to achieve. Again, some of those very businesses are the ones that pay an awful price.

I had a wonderful couple last year in my State who had started a business 40 years ago. They are a family-run small business. They were late by 3 days for the first time in 40 years on a credit card payment—the first time in 40 years, 3 days late. They watched their interest rate go from 5 percent to 22 percent, and it put them out of business—after 40 years. That is a small business that extends credit, works with customers and others. They were taken to the cleaners because there wasn't anyone around to say: No, you can't jump from 5 percent to 22 percent. That is unfair and that is wrong.

I tried for 20 years to pass a credit card bill in this Chamber and was never able to get it up even for a vote, except on amendments to bills. Last spring, we were able to bring it up, and it passed 90 to 5 in this Chamber, although it was a highly partisan vote coming out of the Banking Committee. As a result, today we have protections in place for that family in Connecticut, similar to so many others who have watched fees and interest rates skyrocket for almost no reason at all. In fact, the language of the contract says they can do just that, for no reason at all.

Every time consumers get taken to the cleaners, it shouldn't take 20 years to pass a law to address it. The power of the credit card companies was such they were able to stop me, year in and year out, from getting that bill passed. Why can't we have protection for consumers who purchase and use—as we all do today for toasters, cars, and other products—financial products?

I have used the example lately of the Consumer Product Safety Commission. We have one in place. We all read the tragic stories recently of a car company that had problems with an accelerator. What happened? There was a recall of those automobiles to protect people against the harm that could befall them if that happened to them while they were driving that automobile.

When someone marketed a crummy mortgage in an unregulated sector of our economy and took Dolores King to the cleaners and ruined her life—she lost her home, lost the earnings she had—where does she go? Nowhere. There is nowhere to go. Maybe some sympathetic banker might take pity on her. But why should Dolores King be subjected to financial ruin, when the producer of an automobile that is faulty is protected or a toaster or a television? For all these products, if they are faulty or deficient in some way, there are places we can go to get our situation addressed. Yet in the world in which we live today, of mortgages and credit cards and financial products, there is nothing that exists to give people a chance to get the protections they deserve.

Our bill isn't perfect. I will be the first to admit there may be better ideas on how to do this. But I am not going to sit around and listen to people issue false statements about what is in this bill and inflaming innocent people who want good legislation that this bill will do them harm. It does the opposite.

So next week we will begin the debate. I am sure there will be a ton of amendments that will try to undermine the consumer protection bureau we have established. But I would hope my colleagues—Democrats and Republicans—will join in an effort to write a good, strong consumer protection bill, along with the other pieces of this legislation, so we can provide at least a better sense of security.

I will end on this note. I wish to pick up on a point Senator DORGAN talked about in his remarks earlier this morning—something I have addressed occasionally over the last number of days, but I don't think I have emphasized it as much as I should. I have been reciting statistics—8½ million jobs lost, 7 million foreclosures, 20 percent decline in retirement, 30 percent decline in home values, $11 trillion lost in household wealth. I hear the numbers and I have said them so many times I can recite them. But I don't have a number for—and this actually worries me far more than those statistics, as devastating as those numbers are—I don't have a number for what the cost is to our country because the American people have lost faith and confidence in our financial system. I don't know how to put a dollar sign on that one for you. I don't know if anyone could. I don't believe anyone can.

But I know this much. People don't trust and don't have faith that the system is going to work for them when they see, as we all have, these stories of these credit card fees and charges and every gimmick you can think of to reach into the pockets of hard-working families. You begin to understand why people have lost faith, when they see and hear stories about Dolores King and others who have done everything right in their life and someone comes in and decides to take advantage of them or they read these e-mails, as we had last week, of these arrogant characters up there laughing about the widows and orphans they have taken advantage of at a major investment bank. What do you do about that? What is the number to put on that one?

I will tell you this much. We can write all the bills we want, we can pass all the regulations, but if we don't get back that confidence and faith, which has historically been very much a part of our system—I remember once I talked to a man who was not a citizen of our country, but he invested here. He took his money and invested it in the U.S. financial system. I said: Why do that? He said: One, you people are a strong economy and you do well. But more importantly is the second reason. He said: I have never lost a wink of sleep because I was investing in an economy or a structure that was unsafe. I may make a bad bet and lose because of that, but I have never worried about ever losing a nickel because someone in this country in your financial system would take advantage of me.

A wonderful reputation to have had, and that reputation has been shattered, not just for some foreign investor but I think for people here at home. I am not suggesting that by the passage of this bill we will miraculously change all that, but I think it moves us in the right direction.

I know my colleagues have a lot of good ideas. Some like what I have done, some don't think I have gone far enough, and some think I have gone too far with the bill. But what I have tried to do over the past few months is to put together the best ideas I could and to attract broad support from the 100 of us in the Senate. Ultimately, if I can't produce 60 votes or whatever we have to get these days, no matter how good the ideas are, they will not go anywhere. So I hope my colleagues will read this, and if they have constructive changes to make to the bill, I welcome those.

I apologize for taking so long on this, and now, if I can, I wish to conclude the business of the Senate.

## MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO DR. MIKE REED

Mr. REID. Mr. President, I rise today to pay a special tribute to Dr. Mike Reed, who has been a champion for the University of Nevada, Reno, and for the Nevada System of Higher Education throughout his prestigious career. After numerous years of enhancing the education of his students, leading UNR's College of Business, and serving the State's education system, Dr. Reed is soon to embark on a well-earned retirement.

Dr. Reed began his journey as a faculty member of the College of Business Administration at UNR in 1972. In 1993, he became dean, a position which he

served faithfully for 13 years. More recently in 2006, Dr. Reed was named vice chancellor of finance and administration for the Nevada System of Higher Education.

In addition to his outstanding career, Dr. Reed has received a plethora of awards and accolades in recognition of his hard work and dedication to his community. He was recognized as the 1997 Raymond I. Smith Civic Leader of the Year Award by the Reno-Sparks Chamber of Commerce. In 2005, he was inducted into the Junior Achievement Business Leaders Hall of Fame. He has given back to northern Nevada in other ways, as well. He served as former host of KUNR's bluegrass music program and remains an active volunteer with the Boys and Girls Club of Truckee Meadows. Dr. Reed's significant contribution to that wonderful organization for youngsters was very evident when he received their ''Bigs in Schools'' award in 2006.

It is an honor for me today to recognize Dr. Mike Reed and all of his accomplishments as an educator in the Silver State. He is a fine Nevadan, and we are tremendously proud to call him our own. He has left a lasting legacy on the University of Nevada, Reno Wolf Pack, and the Nevada System of Higher Education. I sincerely thank Dr. Reed and wish him all the best for a happy retirement.

## IDAHO'S 2010 WINTER OLYMPICS ATHLETES

Mr. CRAPO. Mr. President, today I wish to honor Idaho's Winter Olympics athletes. Just a few days ago, our country's Olympic champions were at the White House to meet with President Obama, who marked the great success of the American 2010 Winter Olympic team. The American team made an outstanding showing by winning a record 37 medals, more than any single country ever in the Winter Olympics. With six athletes, Idaho's team made an impressive contribution to this performance, even adding to the medal count. The Idaho team includes freestyle/aerial skier Jeret Peterson, of Boise; Alpine skier Hailey Duke, of Boise; Biathlon skier Sara Studebaker, of Boise; cross country skier Morgan Arritola, of Ketchum; Alpine skier Eric Fisher, of Middleton; and snowboarder Graham Watanabe, of Sun Valley. Jeret Peterson won the silver medal for freestyle skiing/aerials with the successful completion of his signature move, the ''Hurricane,'' which includes an amazing three flips and five twists all in a single jump.

The U.S. Olympic team also includes several other athletes with ties to Idaho: freestyle skier Emily Cook, from Massachusetts, who trained at Bogus Basin in her youth and is friends with Jeret Peterson; Freestyle skier Patrick Deneen, from Washington, who skied at Silver Mountain near Kellogg in his youth; snowboarder Elena Hight, from California, who lived in Boise when young and learned to snowboard at Bogus Basin; bobsledder Nick Cunningham, from California, who was a track star at Boise State University; and snowboarder Nate Holland, from California, who grew up in Sandpoint, Idaho, where he learned to ski at Schweitzer Mountain.

I offer my sincere and well-deserved congratulations to Idaho's 2010 Winter Olympics athletes. Simply making the U.S. Olympic team is an amazing achievement in itself. It takes a lifetime of hard work, dedication and practice. It is truly a great accomplishment and they have made Idaho proud. I look forward to seeing each of them again at the 2014 Winter Olympics in Sochi, Russia, and hope to see even more Idahoans join them to represent our great State.

## ADDITIONAL STATEMENTS

## TRIBUTE TO SARA O'MEARA AND YVONNE FEDDERSON

● Mr. DODD. Mr. President, today, during Child Abuse Prevention Month, I wish I wish to recognize Sara O'Meara and Yvonne Fedderson, founders of the nonprofit child abuse prevention group Childhelp, for all of their work on behalf of abused and neglected children. For half a century, these two heroes have spoken up for at-risk children and I am grateful for their ceaseless work to create better lives for children.

Sara and Yvonne first started this work 50 years ago as American actresses when they had a chance encounter with 11 homeless orphans in Japan, while entertaining U.S. troops. Sara and Yvonne tried to place those children in a Japanese orphanage only to discover they were unwelcome because of their mixed race heritage. Returning to California, these women founded International Orphans Incorporated, now Childhelp, and raised funds that eventually built four orphanages caring for abandoned Japanese-American children as well as Vietnamese children. Over the years they have worked to create the Childhelp Hotline, children's advocacy centers, high-quality foster care homes, and training around child abuse prevention.

In 2008, nearly 800,000 American children were victims of child abuse or neglect. Nearly 1,800 of them died as a result. It is our youngest children who suffer the brunt of the abuse. Four in ten of those fatalities were children younger than one year of age and three in four fatalities were younger than four. These statistics are overwhelming. But for each individual case, each child who suffers, there is a lasting story of pain and loss. Child maltreatment affects the emotional and behavioral development of its victims, often for a lifetime.

Without Childhelp these statistics would be even worse. Childhelp's professionals and many volunteers focus their efforts on advocacy, prevention, treatment, and community outreach. I know my colleagues join with me in congratulating these two amazing women and their life's work in protecting our most valuable resource, our children.

Even one case of abuse or neglect is too many. But every child we save from maltreatment is a child who can go on to achieve great things. For half a century, Childhelp has done so much good for so many kids. With Sara and Yvonne's tireless devotion to children in need throughout the world, Childhelp is well prepared for another 50 years of protecting our children from abuse and neglect.●

## MESSAGES FROM THE HOUSE

At 10:26 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2499. An act to provide for a federally sanctioned self-determination process for the people of Puerto Rico.

### ENROLLED BILL SIGNED

At 11:48 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5146. An act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2499. An act to provide for a federally sanctioned self-determination process for the people of Puerto Rico; to the Committee on Energy and Natural Resources.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5661. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerances'' (FRL No. 8818–5) received in the Office of the President of the Senate on April 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5662. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Difenoconazole Pesticide Tolerances'' (FRL No. 8817–3) received in the Office of the President of the Senate on April 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5663. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyromazine; Pesticide Tolerances'' (FRL No. 8801–6) received in the Office of the President of the Senate on April 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5664. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Viruses, Serums, Toxins, and Analogous Products and Patent Term Restoration; Nonsubstantive Amendments'' (Docket No. APHIS–2009–0069) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5665. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2009–10 Crop Natural (Sun-Dried) Seedless Raisins'' (Docket Nos. AMS–FV–09–0075; FV10–989–1 IFR) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5666. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Changes to Reporting Dates'' (Docket Nos. AMS–FV–09–0073; FV10–929–1 FR) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5667. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General H. Steven Blum, Army National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5668. A communication from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–5669. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the Foreign Language Skill Proficiency Bonus program; to the Committee on Armed Services.

EC–5670. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program; to the Committee on Armed Services.

EC–5671. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–5672. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Report to Congress on Federal Government Energy Management and Conservation Programs, Fiscal Year 2007''; to the Committee on Energy and Natural Resources.

EC–5673. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Revisions to New Mexico Transportation Conformity Regulations'' (FRL No. 9141–1) received in the Office of the President of the Senate on April 22, 2010; to the Committee on Environment and Public Works.

EC–5674. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley, South Coast Air Basin, Coachella Valley, and Sacramento Metro 8-hour Ozone Nonattainment Areas; Reclassification'' (FRL No. 9141–8) received in the Office of the President of the Senate on April 22, 2010; to the Committee on Environment and Public Works.

EC–5675. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan for the manufacture of F–15 aircraft fuel cells in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–5676. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to France for the manufacture of E–2C and E–2D aircraft empennage assemblies and spare parts in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–5677. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Flunisolide, etc.)'' (Docket No. FDA–2006–N–0304) received in the Office of the President of the Senate on April 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5678. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''No FEAR Act: Fiscal Year 2009 Annual Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–5679. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–5680. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–5681. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–5682. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–5683. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–5684. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Removal of Gear Restriction for the U.S./Canada Management Area'' (RIN0648–XU84) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5685. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28377)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5686. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes; and Model ERJ 190–100 STD, –100 LR, –100 IGW, –200 STD, –200 LR, and –200 IGW Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1231)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5687. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model

3201 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0056)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs:

Report to accompany S. 3217, An original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes (Rept . No. 111–176).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself and Mr. RISCH):

S. 3294. A bill to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. FEINGOLD, Mr. WYDEN, Mr. BAYH, Mr. FRANKEN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. BENNET, Mr. BROWN of Ohio, Mr. REED, Mr. WHITEHOUSE, Mr. SPECTER, Mr. MERKLEY, Ms. KLOBUCHAR, Mr. KAUFMAN, Mr. UDALL of Colorado, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. CASEY, Mr. BEGICH, Ms. MIKULSKI, Mr. SANDERS, Mr. HARKIN, Mr. ROCKEFELLER, Mrs. MCCASKILL, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. TESTER, Mr. BAUCUS, Mr. CONRAD, Mrs. BOXER, Mr. AKAKA, Mr. NELSON of Florida, Mr. LEVIN, and Mr. BURRIS):

S. 3295. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes; to the Committee on Rules and Administration.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself, Mr. BAYH, Mr. BURRIS, Mr. CASEY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SCHUMER, Mr. ROCKEFELLER, Mrs. GILLIBRAND, and Ms. SNOWE):

S. Res. 510. A resolution designating April 2010 as ''Distracted Driving Awareness Month''; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 211

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 493

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 1580

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1580, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 3116

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3116, a bill to amend the Whale Conservation and Protection Study Act to promote international whale conservation, protection, and research, and for other purposes.

S. 3134

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3134, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 3136

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3136, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteers, firefighters and emergency medical responders.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

AMENDMENT NO. 3746

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 3746 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 510—DESIGNATING APRIL 2010 AS ''DISTRACTED DRIVING AWARENESS MONTH''

Ms. KLOBUCHAR (for herself, Mr. BAYH, Mr. BURRIS, Mr. CASEY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SCHUMER, Mr. ROCKEFELLER, Mrs. GILLIBRAND, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 510

Whereas, in 2008, nearly 6,000 people died as a result of accidents involving a distracted driver;

Whereas 21 percent of vehicle crash injuries in 2008 involved distracted driving;

Whereas a 2009 study by the AAA Foundation for Traffic Safety found that 87 percent of the public considers texting while driving to be a ''very serious threat'' to their safety;

Whereas 6 States, the District of Columbia, and the United States Virgin Islands have enacted laws banning the use of hand-held cell phones while driving;

Whereas 23 States, the District of Columbia, and Guam have enacted laws banning texting while driving;

Whereas a 2008 study by the National Highway Traffic Safety Administration revealed that at any given moment during daylight hours more than 800,000 vehicles are being operated by someone who is using a handheld cell phone;

Whereas the Department of Transportation has launched distraction.gov, a website devoted to raising awareness and educating the people of the United States about the dangers of distracted driving;

Whereas the Secretary of Transportation, Ray LaHood, convened a 2-day Distracted Driving Summit in September 2009;

Whereas the Department of Transportation and the National Highway Traffic Safety Administration have jointly declared April 30, 2010, to be ''No Phone Zone Day''; and

Whereas April 2010 would be an appropriate month to designate as National Distracted Driving Awareness Month: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates April 2010 as ''Distracted Driving Awareness Month'';

(2) encourages all people in the United States to consider the danger to others on the road and avoid distracted driving; and

(3) encourages teens, parents, teachers, and community leaders to discuss the dangers of distracted driving.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3752. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to

protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3753. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3754. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3755. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3756. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3757. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3758. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. DORGAN, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3759. Mrs. HUTCHISON (for herself, Ms. KLOBUCHAR, Mr. JOHANNS, Mr. CORKER, Mr. VITTER, Mr. BOND, Mr. SHELBY, Mr. CRAPO, Mr. BROWN, of Massachusetts, and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3760. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3761. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3752.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 329, strike line 15 and all that follows through page 333, line 24, and insert the following:

(a) FUNDING OF OFFICE OF THE COMPTROLLER OF THE CURRENCY.—Chapter 4 of title LXII of the Revised Statutes is amended by inserting after section 5240 (12 U.S.C. 481, 482) the following:

''SEC. 5240A. The Comptroller of the Currency may collect an assessment, fee, or other charge from any entity described in section 3(q)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(1)), as the Comptroller determines is necessary or appropriate to carry out the responsibilities of the Office of the Comptroller of the Currency. The Comptroller of the Currency also may collect an assessment, fee, or other charge from any entity, the activities of which are supervised by the Comptroller of the Currency under section 6 of the Bank Holding Company Act of 1956, as the Comptroller determines is necessary or appropriate to carry out the responsibilities of the Office of the Comptroller of the Currency in connection with such activities. In establishing the amount of an assessment, fee, or charge collected from an entity under this section, the Comptroller of the Currency may take into account the nature and scope of the activities of the entity, the amount and type of assets that the entity holds, the financial and managerial condition of the entity, and any other factor, as the Comptroller of the Currency determines is appropriate. Funds derived from any assessment, fee, or charge collected or payment made pursuant to this section may be deposited by the Comptroller of the Currency in accordance with the provisions of section 5234. Such funds shall not be construed to be Government funds or appropriated monies, and shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or any other provision of law. The authority of the Comptroller of the Currency under this section shall be in addition to the authority under section 5240.

''The Comptroller of the Currency shall have sole authority to determine the manner in which the obligations of the Office of the Comptroller of the Currency shall be incurred and its disbursements and expenses allowed and paid, in accordance with this section.''.

**SA 3753.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 372, between lines 2 and 3, insert the following:

**SEC. 343. NATIONWIDE DEPOSIT CAP FOR MERGER TRANSACTIONS AND ACQUISITIONS.**

(a) AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956.—

(1) CONCENTRATION LIMIT FOR BANK HOLDING COMPANIES.—Section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended—

(A) in paragraph (2), by striking ''paragraph (1)(A)'' each place that term appears and inserting ''subsection (a)''; and

(B) by adding at the end the following:

''(3) BANK DEFINED.—For purposes of this subsection, the term 'bank' means an insured depository institution.''.

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following:

''(12) NATIONWIDE DEPOSIT CAP.—The responsible agency may not approve an application for a merger transaction if the resulting insured depository institution (including all insured depository institutions which are affiliates of the resulting insured depository institution), upon consummation of the transaction, would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''.

(2) PARALLEL REQUIREMENT.—Section 44(b)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)(2)(A)) is amended to read as follows:

''(A) NATIONWIDE CONCENTRATION LIMITS.—The responsible agency may not approve an application for an interstate merger transaction involving 2 or more insured depository institutions if the resulting insured depository institution (including all insured depository institutions which are affiliates of such institution), upon consummation of the transaction would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''.

(c) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—Section 10(e)(2) of the Home Owners' Loan Act (12 U.S.C. 467a(e)(2)) is amended—

(1) in subparagraph (C), by striking ''or'' at the end; and

(2) in subparagraph (D), by striking the period at the end and inserting '', or''; and

(3) by adding at the end the following:

''(E) in the case of an application involving an acquisition of an insured depository institution, if the company (including all insured depository institutions which are affiliates of the applicant) controls, or upon consummation of the acquisition for which such application is filed would control, more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''.

**SA 3754.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, strike lines 6 through 12 and insert the following:

(2) NONVOTING MEMBERS.—Nonvoting members, who shall serve in an advisory capacity, and shall not be excluded from any of the proceedings, meetings, discussions, and deliberations of the Council, shall consist of—

(A) the Director of the Office of Financial Research;

(B) a State insurance commissioner, to be designated by a selection process determined by the State insurance commissioners, and who shall serve for not longer than a single term of 2 years, beginning on the date on which that State insurance commissioner is selected;

(C) a State banking supervisor, to be designated by a selection process determined by the State bank supervisors, and who shall serve for not longer than a single term of 2 years, beginning on the date on which that State banking supervisor is selected; and

(D) a State securities commissioner (or an officer performing like functions), to be designated by a selection process determined by such State securities commissioners, and who shall serve for not longer than a single term of 2 years, beginning on the date on which that State securities commissioner is selected.

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**SA 3755.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1071.

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**SA 3756.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1273, beginning on line 24, strike ''that is not engaged significantly in offering or providing consumer financial products or services.'' and insert the following: ''that does not derive more than 50 percent of its revenues from the sale of nonfinancial goods and services on credit, as determined by reference to the gross receipts in the prior calendar year of that merchant, retailer, or seller. For the first year in which a business is in operation, the Bureau shall determine which business types are likely to derive 50 percent or less of their revenue from the sale of goods and services on credit, and presumptively exempt them from regulation.''.

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**SA 3757.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1031, add the following:

(f) CONSIDERATION OF SEASONAL INCOME.—The rules of the Bureau under this section shall provide, with respect to an extension of credit secured by residential real estate or a dwelling, if documented income of the borrower, including income from a small business, is a repayment source for an extension of credit secured by residential real estate or a dwelling, the creditor may consider the seasonality and irregularity of such income in the underwriting of and scheduling of payments for such credit.

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**SA 3758.** Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. DORGAN, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1237, line 6, strike ''law,'' and insert ''law (other than section 1024(g) of this title),''.

On page 1254, line 15, strike ''To'' and insert ''Except as provided in paragraph (3), to''.

On page 1255, line 10, strike ''(a)(1)(A),'' and insert ''(a)(1),''.

On page 1256, line 25, strike ''law,'' and insert ''law (other than subsection (g)),''.

On page 1257, after line 25, insert the following:

(g) PRESERVATION OF FEDERAL TRADE COMMISSION AUTHORITY.—

(1) IN GENERAL.—No provision of this title shall be construed as modifying, limiting, or otherwise affecting the authority of the Federal Trade Commission under the Federal Trade Commission Act or any other law, other than an enumerated consumer law.

(2) CERTAIN ENFORCEMENT ACTIONS.—The Federal Trade Commission may enforce, under the Federal Trade Commission Act, a rule with respect to an unfair, deceptive, or abusive act or practice issued by the Bureau as to a person subject to the Federal Trade Commission's jurisdiction under that Act, and a violation of such a rule shall be treated as a violation of a rule issued under section 18 of that Act (15 U.S.C. 57a) with respect to unfair or deceptive acts or practices. The Bureau may enforce, under subtitle E, a rule with respect to an unfair or deceptive act or practice issued by the Federal Trade Commission as to a covered person.

On page 1375, beginning with line 7, strike through line 5 on page 1376 and insert the following:

(5) FEDERAL TRADE COMMISSION.—

(A) TRANSFER OF FUNCTIONS.—The Federal Trade Commission's authority under an enumerated consumer law to conduct a rulemaking, issue official guidelines, or conduct a study or issue a report mandated by such law, shall be transferred to the Bureau on the designated transfer date. Nothing in this title shall be construed to require a mandatory transfer of any employee of the Federal Trade Commission to the Bureau.

(B) FEDERAL TRADE COMMISSION AUTHORITY.—The Bureau shall have all powers and duties respecting rulemaking, issuing guidelines, conducting mandated studies, and issuing mandated reports contained within the enumerated consumer laws that were vested in the Federal Trade Commission relating to consumer financial protection functions on the day before the designated transfer date.

On page 1462, line 5, after ''agency'' insert ''(other than the Bureau of Consumer Financial Protection)''.

On page 1464, line 10, after ''agency'' insert ''(other than the Bureau of Consumer Financial Protection)''.

On page 1472, line 4, after ''agency'' insert ''(other than the Bureau of Consumer Financial Protection)''.

On page 1477, strike lines 15 through 21 and insert the following:

''(e) REGULATORY AUTHORITY.—

''(1) BUREAU OF CONSUMER FINANCIAL PROTECTION.—The Bureau shall prescribe such regulations as are necessary to carry out the purposes of this Act. Except as provided in paragraph (2), the regulations prescribed by the Bureau under this subsection shall apply to any person that is subject to this Act, notwithstanding the enforcement authorities granted to other agencies under this section.

''(2) FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall issue regulations to implement sections 615(e) and 628 of this Act with respect to entities within its authority under section 621 of this Act. The regulations issued by the Bureau under paragraph (1) shall not apply to those entities.''; and

On page 1482, line 1, after ''agency'' insert ''(other than the Bureau of Consumer Financial Protection)''.

On page 1485, line 24, strike ''and'' after the semicolon.

On page 1486, line 2, insert ''and'' after the semicolon.

On page 1486, between lines 2 and 3, insert the following:

(C) by adding at the end the following: ''Notwithstanding the preceding sentence, only the Federal Trade Commission shall prescribe regulations to implement section 501(b) with respect to entities subject to Federal Trade Commission enforcement under section 505(a).''.

On page 1500, line 23, strike the closing quotation marks, the semicolon, and ''and''.

On page 1500, between lines 23 and 24, insert the following:

''(3) Subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made part of this section.''; and

On page 1516, line 1, after ''agency'' insert ''(other than the Bureau of Consumer Financial Protection)''.

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**SA 3759.** Mrs. HUTCHISON (for herself, Ms. KLOBUCHAR, Mr. JOHANNS, Mr. CORKER, Mr. VITTER, Mr. BOND, Mr. SHELBY, Mr. CRAPO, Mr. BROWN of Massachusetts, and Mr. BENNETT) submitted an amendment intended to be

proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 299, strike line 3 and all that follows through page 367, line 19, and insert the following:

**SEC. 312. POWERS AND DUTIES TRANSFERRED.**

(a) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

(b) FUNCTIONS OF THE OFFICE OF THRIFT SUPERVISION.—

(1) SAVINGS AND LOAN HOLDING COMPANY FUNCTIONS TRANSFERRED.—There are transferred to the Board of Governors all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision (including the authority to issue orders) relating to—

(A) the supervision of—

(i) any savings and loan holding company; and

(ii) any subsidiary (other than a depository institution) of a savings and loan holding company; and

(B) all rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to savings and loan holding companies.

(2) ALL OTHER FUNCTIONS TRANSFERRED.—

(A) BOARD OF GOVERNORS.—All rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision under section 11 of the Home Owners' Loan Act (12 U.S.C. 1468) relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders and under section 5(q) of such Act relating to tying arrangements is transferred to the Board of Governors.

(B) COMPTROLLER OF THE CURRENCY.—Except as provided in paragraph (1) and subparagraph (A), there are transferred to the Comptroller of the Currency all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to Federal savings associations.

(C) CORPORATION.—Except as provided in paragraph (1) and subparagraph (A), all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to State savings associations are transferred to the Corporation.

(D) COMPTROLLER OF THE CURRENCY AND THE CORPORATION.—Except as provided in paragraph (1) and subparagraph (A), all rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to savings associations is transferred to the Office of the Comptroller of the Currency.

(c) CONFORMING AMENDMENTS.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—Section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) the Office of the Comptroller of the Currency, in the case of—

''(A) any national banking association;

''(B) any Federal branch or agency of a foreign bank; and

''(C) any Federal savings association;

''(2) the Federal Deposit Insurance Corporation, in the case of—

''(A) any insured State nonmember bank;

''(B) any foreign bank having an insured branch; and

''(C) any State savings association;

''(3) the Board of Governors of the Federal Reserve System, in the case of—

''(A) any State member bank;

''(B) any branch or agency of a foreign bank with respect to any provision of the Federal Reserve Act which is made applicable under the International Banking Act of 1978;

''(C) any foreign bank which does not operate an insured branch;

''(D) any agency or commercial lending company other than a Federal agency;

''(E) supervisory or regulatory proceedings arising from the authority given to the Board of Governors under section 7(c)(1) of the International Banking Act of 1978, including such proceedings under the Financial Institutions Supervisory Act of 1966;

''(F) any bank holding company and any subsidiary (other than a depository institution) of a bank holding company; and

''(G) any savings and loan holding company and any subsidiary (other than a depository institution) of a savings and loan holding company.''.

(2) FEDERAL DEPOSIT INSURANCE ACT.—

(A) APPLICATION.—Section 8(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(3)) is amended to read as follows:

''(3) APPLICATION TO BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND EDGE AND AGREEMENT CORPORATIONS.—

''(A) APPLICATION.—This subsection, subsections (c) through (s) and subsection (u) of this section, and section 50 shall apply to—

''(i) any bank holding company, and any subsidiary (other than a bank) of a bank holding company, as those terms are defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), as if such company or subsidiary was an insured depository institution for which the appropriate Federal banking agency for the bank holding company was the appropriate Federal banking agency;

''(ii) any savings and loan holding company, and any subsidiary (other than a depository institution) of a savings and loan holding company, as those terms are defined in section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a), as if such company or subsidiary was an insured depository institution for which the appropriate Federal banking agency for the savings and loan holding company was the appropriate Federal banking agency; and

''(iii) any organization organized and operated under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.) or operating under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.) and any noninsured State member bank, as if such organization or bank was a bank holding company.

''(B) RULES OF CONSTRUCTION.—

''(i) EFFECT ON OTHER AUTHORITY.—Nothing in this paragraph may be construed to alter or affect the authority of an appropriate Federal banking agency to initiate enforcement proceedings, issue directives, or take other remedial action under any other provision of law.

''(ii) HOLDING COMPANIES.—Nothing in this paragraph or subsection (c) may be construed as authorizing any Federal banking agency other than the appropriate Federal banking agency for a bank holding company or a savings and loan holding company to initiate enforcement proceedings, issue directives, or take other remedial action against a bank holding company, a savings and loan holding company, or any subsidiary thereof (other than a depository institution).''.

(B) CONFORMING AMENDMENT.—Section 8(b)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(9)) is amended to read as follows:

''(9) [Reserved].''.

(d) CONSUMER PROTECTION.—Nothing in this section may be construed to limit or otherwise affect the transfer of powers under title X.

**SEC. 313. ABOLISHMENT.**

Effective 90 days after the transfer date, the Office of Thrift Supervision and the position of Director of the Office of Thrift Supervision are abolished.

**SEC. 314. AMENDMENTS TO THE REVISED STATUTES.**

(a) AMENDMENT TO SECTION 324.—Section 324 of the Revised Statutes of the United States (12 U.S.C. 1) is amended to read as follows:

**''SEC. 324. COMPTROLLER OF THE CURRENCY.**

''(a) OFFICE OF THE COMPTROLLER OF THE CURRENCY ESTABLISHED.—There is established in the Department of the Treasury a bureau to be known as the 'Office of the Comptroller of the Currency' which is charged with assuring the safety and soundness of, and compliance with laws and regulations, fair access to financial services, and fair treatment of customers by, the institutions and other persons subject to its jurisdiction.

''(b) COMPTROLLER OF THE CURRENCY.—

''(1) IN GENERAL.—The chief officer of the Office of the Comptroller of the Currency shall be known as the Comptroller of the Currency. The Comptroller of the Currency shall perform the duties of the Comptroller of the Currency under the general direction of the Secretary of the Treasury. The Secretary of the Treasury may not delay or prevent the issuance of any rule or the promulgation of any regulation by the Comptroller of the Currency, and may not intervene in any matter or proceeding before the Comptroller of the Currency (including agency enforcement actions), unless otherwise specifically provided by law.

''(2) ADDITIONAL AUTHORITY.—The Comptroller of the Currency shall have the same authority with respect to functions transferred to the Comptroller of the Currency under the Enhancing Financial Institution Safety and Soundness Act of 2010 (including matters that were within the jurisdiction of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision on the day before the transfer date under that Act) as was vested in the Director of the Office of Thrift Supervision on the transfer date under that Act.''.

(b) AMENDMENT TO SECTION 329.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by inserting before the period at the end the following: ''or any Federal savings association''.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

**SEC. 315. FEDERAL INFORMATION POLICY.**

Section 3502(5) of title 44, United States Code, is amended by inserting ''Office of the Comptroller of the Currency,'' after ''the Securities and Exchange Commission,''.

**SEC. 316. SAVINGS PROVISIONS.**

(a) OFFICE OF THRIFT SUPERVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Sections 312(b) and 313

shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Thrift Supervision, the Office of Thrift Supervision, or any other person, that existed on the day before the transfer date.

(2) CONTINUATION OF SUITS.—This title shall not abate any action or proceeding commenced by or against the Director of the Office of Thrift Supervision or the Office of Thrift Supervision before the transfer date, except that, for any action or proceeding arising out of a function of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision that is transferred to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors by this subtitle, the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors shall be substituted for the Director of the Office of Thrift Supervision or the Office of Thrift Supervision, as appropriate, as a party to the action or proceeding as of the transfer date.

(b) CONTINUATION OF EXISTING ORDERS, RESOLUTIONS, DETERMINATIONS, AGREEMENTS, REGULATIONS, AND OTHER MATERIALS.—All orders, resolutions, determinations, agreements, regulations, interpretative rules, other interpretations, guidelines, procedures, and other advisory materials that have been issued, made, prescribed, or allowed to become effective by the Office of Thrift Supervision, or by a court of competent jurisdiction, in the performance of functions of the Office of Thrift Supervision that are transferred by this subtitle and that are in effect on the day before the transfer date, shall continue in effect according to the terms of those materials, and shall be enforceable by or against the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as appropriate, until modified, terminated, set aside, or superseded in accordance with applicable law by the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as appropriate, by any court of competent jurisdiction, or by operation of law.

(c) IDENTIFICATION OF REGULATIONS CONTINUED.—

(1) BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY.—Not later than the transfer date, the Office of the Comptroller of the Currency shall—

(A) in consultation with the Corporation, identify the regulations continued under subsection (b) that will be enforced by the Office of the Comptroller of the Currency; and

(B) publish a list of such regulations in the Federal Register.

(2) BY THE CORPORATION.—Not later than the transfer date, the Corporation shall—

(A) in consultation with the Office of the Comptroller of the Currency, identify the regulations continued under subsection (b) that will be enforced by the Corporation; and

(B) publish a list of such regulations in the Federal Register.

(3) BY THE BOARD OF GOVERNORS.—Not later than the transfer date, the Board of Governors shall—

(A) in consultation with the Office of the Comptroller of the Currency and the Corporation, identify the regulations continued under subsection (b) that will be enforced by the Board of Governors; and

(B) publish a list of such regulations in the Federal Register.

(d) STATUS OF REGULATIONS PROPOSED OR NOT YET EFFECTIVE.—

(1) PROPOSED REGULATIONS.—Any proposed regulation of the Office of Thrift Supervision that the Office of Thrift Supervision, in performing functions transferred by this subtitle, has proposed before the transfer date, but has not published as a final regulation before that date, shall be deemed to be a proposed regulation of the Office of the Comptroller of the Currency or the Board of Governors, as appropriate, according to its terms.

(2) REGULATIONS NOT YET EFFECTIVE.—Any interim or final regulation of the Office of Thrift Supervision that the Office of Thrift Supervision, in performing functions transferred by this subtitle, has published before the transfer date, but which has not become effective before that date, shall become effective as a regulation of the Office of the Comptroller of the Currency or the Board of Governors, as appropriate, according to its terms.

**SEC. 317. REFERENCES IN FEDERAL LAW TO FEDERAL BANKING AGENCIES.**

Except as provided in section 312(d)(2), on and after the transfer date, any reference in Federal law to the Director of the Office of Thrift Supervision or the Office of Thrift Supervision, in connection with any function of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision transferred under section 312(b) or any other provision of this subtitle, shall be deemed to be a reference to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors, as appropriate.

**SEC. 318. FUNDING.**

(a) FUNDING OF OFFICE OF THE COMPTROLLER OF THE CURRENCY.—Chapter 4 of title LXII of the Revised Statutes is amended by inserting after section 5240 (12 U.S.C. 481, 482) the following:

''SEC. 5240A. The Comptroller of the Currency may collect an assessment, fee, or other charge from any entity described in section 3(q)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(1)), as the Comptroller determines is necessary or appropriate to carry out the responsibilities of the Office of the Comptroller of the Currency. In establishing the amount of an assessment, fee, or charge collected from an entity under this section, the Comptroller of the Currency may take into account the funds transferred to the Office of the Comptroller of the Currency under this section, the nature and scope of the activities of the entity, the amount and type of assets that the entity holds, the financial and managerial condition of the entity, and any other factor, as the Comptroller of the Currency determines is appropriate. Funds derived from any assessment, fee, or charge collected or payment made pursuant to this section may be deposited by the Comptroller of the Currency in accordance with the provisions of section 5234. Such funds shall not be construed to be Government funds or appropriated monies, and shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or any other provision of law. The authority of the Comptroller of the Currency under this section shall be in addition to the authority under section 5240.

''The Comptroller of the Currency shall have sole authority to determine the manner in which the obligations of the Office of the Comptroller of the Currency shall be incurred and its disbursements and expenses allowed and paid, in accordance with this section.''.

(b) FUNDING OF BOARD OF GOVERNORS.—Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following:

''(s) ASSESSMENTS, FEES, AND OTHER CHARGES FOR CERTAIN COMPANIES.—

''(1) IN GENERAL.—The Board shall collect a total amount of assessments, fees, or other charges from the companies described in paragraph (2) that is equal to the total expenses the Board estimates are necessary or appropriate to carry out the responsibilities of the Board with respect to such companies.

''(2) COMPANIES.—The companies described in this paragraph are—

''(A) all bank holding companies having total consolidated assets of $50,000,000,000 or more;

''(B) all savings and loan holding companies having total consolidated assets of $50,000,000,000 or more; and

''(C) all nonbank financial companies supervised by the Board under section 113 of the Restoring American Financial Stability Act of 2010.''.

(c) CORPORATION EXAMINATION FEES.—Section 10(e) of the Federal Deposit Insurance Act (12 U.S.C. 1820(e)) is amended by striking paragraph (1) and inserting the following:

''(1) REGULAR AND SPECIAL EXAMINATIONS OF DEPOSITORY INSTITUTIONS.—The cost of conducting any regular examination or special examination of any depository institution under subsection (b)(2), (b)(3), or (d) or of any entity described in section 3(q)(2) may be assessed by the Corporation against the institution or entity to meet the expenses of the Corporation in carrying out such examinations, or as the Corporation determines is necessary or appropriate to carry out the responsibilities of the Corporation.''.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

**SEC. 319. CONTRACTING AND LEASING AUTHORITY.**

Notwithstanding the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or any other provision of law, the Office of the Comptroller of the Currency may—

(1) enter into and perform contracts, execute instruments, and acquire, in any lawful manner, such goods and services, or personal or real property (or property interest) as the Comptroller deems necessary to carry out the duties and responsibilities of the Office of the Comptroller of the Currency; and

(2) hold, maintain, sell, lease, or otherwise dispose of the property (or property interest) acquired under paragraph (1).

## Subtitle B—Transitional Provisions

**SEC. 321. INTERIM USE OF FUNDS, PERSONNEL, AND PROPERTY OF THE OFFICE OF THRIFT SUPERVISION.**

(a) IN GENERAL.—Before the transfer date, the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors shall—

(1) consult and cooperate with the Office of Thrift Supervision to facilitate the orderly transfer of functions to the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors in accordance with this title;

(2) determine jointly, from time to time—

(A) the amount of funds necessary to pay any expenses associated with the transfer of functions (including expenses for personnel,

property, and administrative services) during the period beginning on the date of enactment of this Act and ending on the transfer date;

(B) which personnel are appropriate to facilitate the orderly transfer of functions by this title; and

(C) what property and administrative services are necessary to support the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors during the period beginning on the date of enactment of this Act and ending on the transfer date; and

(3) take such actions as may be necessary to provide for the orderly implementation of this title.

(b) AGENCY CONSULTATION.—When requested jointly by the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors to do so before the transfer date, the Office of Thrift Supervision shall—

(1) pay to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, from funds obtained by the Office of Thrift Supervision through assessments, fees, or other charges that the Office of Thrift Supervision is authorized by law to impose, such amounts as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be necessary under subsection (a);

(2) detail to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such personnel as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be appropriate under subsection (a); and

(3) make available to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such property and provide to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such administrative services as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be necessary under subsection (a).

(c) NOTICE REQUIRED.—The Office of the Comptroller of the Currency, the Corporation, and the Board of Governors shall jointly give the Office of Thrift Supervision reasonable prior notice of any request that the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly intend to make under subsection (b).

**SEC. 322. TRANSFER OF EMPLOYEES.**

(a) IN GENERAL.—

(1) OFFICE OF THRIFT SUPERVISION EMPLOYEES.—

(A) IN GENERAL.—All employees of the Office of Thrift Supervision shall be transferred to the Office of the Comptroller of the Currency or the Corporation for employment in accordance with this section.

(B) ALLOCATING EMPLOYEES FOR TRANSFER TO RECEIVING AGENCIES.—The Director of the Office of Thrift Supervision, the Comptroller of the Currency, and the Chairperson of the Corporation shall—

(i) jointly determine the number of employees of the Office of Thrift Supervision necessary to perform or support the functions that are transferred to the Office of the Comptroller of the Currency or the Corporation by this title; and

(ii) consistent with the determination under clause (i), jointly identify employees of the Office of Thrift Supervision for transfer to the Office of the Comptroller of the Currency or the Corporation.

(2) EMPLOYEES TRANSFERRED; SERVICE PERIODS CREDITED.—For purposes of this section, periods of service with a Federal home loan bank, a joint office of Federal home loan banks, or a Federal reserve bank shall be credited as periods of service with a Federal agency.

(3) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE TRANSFERRED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any appointment authority of the Office of Thrift Supervision under Federal law that relates to the functions transferred under section 312, including the regulations of the Office of Personnel Management, for filling the positions of employees in the excepted service shall be transferred to the Comptroller of the Currency or the Chairperson of the Corporation, as appropriate.

(B) DECLINING TRANSFERS ALLOWED.—The Office of the Comptroller of the Currency or the Chairperson of the Corporation may decline to accept a transfer of authority under subparagraph (A) (and the employees appointed under that authority) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(4) ADDITIONAL APPOINTMENT AUTHORITY.—Notwithstanding any other provision of law, the Office of the Comptroller of the Currency and the Corporation may appoint transferred employees to positions in the Office of the Comptroller of the Currency or the Corporation, respectively.

(b) TIMING OF TRANSFERS AND POSITION ASSIGNMENTS.—Each employee to be transferred under subsection (a)(1) shall—

(1) be transferred not later than 90 days after the transfer date; and

(2) receive notice of the position assignment of the employee not later than 120 days after the effective date of the transfer of the employee.

(c) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the transfer of employees under this subtitle shall be deemed a transfer of functions for the purpose of section 3503 of title 5, United States Code.

(2) PRIORITY.—If any provision of this subtitle conflicts with any protection provided to a transferred employee under section 3503 of title 5, United States Code, the provisions of this subtitle shall control.

(d) EMPLOYEE STATUS AND ELIGIBILITY.—The transfer of functions and employees under this subtitle, and the abolishment of the Office of Thrift Supervision under section 313, shall not affect the status of the transferred employees as employees of an agency of the United States under any provision of law.

(e) EQUAL STATUS AND TENURE POSITIONS.—

(1) STATUS AND TENURE.—Each transferred employee from the Office of Thrift Supervision shall be placed in a position at the Office of the Comptroller of the Currency or the Corporation with the same status and tenure as the transferred employee held on the day before the date on which the employee was transferred.

(2) FUNCTIONS.—To the extent practicable, each transferred employee shall be placed in a position at the Office of the Comptroller of the Currency or the Corporation, as applicable, responsible for the same functions and duties as the transferred employee had on the day before the date on which the employee was transferred, in accordance with the expertise and preferences of the transferred employee.

(f) NO ADDITIONAL CERTIFICATION REQUIREMENTS.—An examiner who is a transferred employee shall not be subject to any additional certification requirements before being placed in a comparable position at the Office of the Comptroller of the Currency or the Corporation, if the examiner carries out examinations of the same type of institutions as an employee of the Office of the Comptroller of the Currency or the Corporation as the employee was responsible for carrying out before the date on which the employee was transferred.

(g) PERSONNEL ACTIONS LIMITED.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), during the 2-year period beginning on the transfer date, an employee holding a permanent position on the day before the date on which the employee was transferred shall not be involuntarily separated or involuntarily reassigned outside the locality pay area (as defined by the Office of Personnel Management) of the employee.

(2) EXCEPTIONS.—The Comptroller of the Currency and the Chairperson of the Corporation, as applicable, may—

(A) separate a transferred employee for cause, including for unacceptable performance; or

(B) terminate an appointment to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character.

(h) PAY.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), during the 2-year period beginning on the date on which the employee was transferred under this subtitle, a transferred employee shall be paid at a rate that is not less than the basic rate of pay, including any geographic differential, that the transferred employee received during the pay period immediately preceding the date on which the employee was transferred.

(2) EXCEPTIONS.—The Comptroller of the Currency or the Chairman of the Board of Governors may reduce the rate of basic pay of a transferred employee—

(A) for cause, including for unacceptable performance; or

(B) with the consent of the transferred employee.

(3) PROTECTION ONLY WHILE EMPLOYED.—This subsection shall apply to a transferred employee only during the period that the transferred employee remains employed by Office of the Comptroller of the Currency or the Corporation.

(4) PAY INCREASES PERMITTED.—Nothing in this subsection shall limit the authority of the Comptroller of the Currency or the Chairperson of the Corporation to increase the pay of a transferred employee.

(i) BENEFITS.—

(1) RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) IN GENERAL.—

(i) CONTINUATION OF EXISTING RETIREMENT PLAN.—Each transferred employee shall remain enrolled in the retirement plan of the transferred employee, for as long as the transferred employee is employed by the Office of the Comptroller of the Currency or the Corporation.

(ii) EMPLOYER'S CONTRIBUTION.—The Comptroller of the Currency or the Chairperson of the Corporation, as appropriate, shall pay any employer contributions to the existing retirement plan of each transferred employee, as required under each such existing retirement plan.

(B) DEFINITION.—In this paragraph, the term ''existing retirement plan'' means, with

respect to a transferred employee, the retirement plan (including the Financial Institutions Retirement Fund), and any associated thrift savings plan, of the agency from which the employee was transferred in which the employee was enrolled on the day before the date on which the employee was transferred.

(2) BENEFITS OTHER THAN RETIREMENT BENEFITS.—

(A) DURING FIRST YEAR.—

(i) EXISTING PLANS CONTINUE.—During the 1-year period following the transfer date, each transferred employee may retain membership in any employee benefit program (other than a retirement benefit program) of the agency from which the employee was transferred under this title, including any dental, vision, long term care, or life insurance program to which the employee belonged on the day before the transfer date.

(ii) EMPLOYER'S CONTRIBUTION.—The Office of the Comptroller of the Currency or the Corporation, as appropriate, shall pay any employer cost required to extend coverage in the benefit program to the transferred employee as required under that program or negotiated agreements.

(B) DENTAL, VISION, OR LIFE INSURANCE AFTER FIRST YEAR.—If, after the 1-year period beginning on the transfer date, the Office of the Comptroller of the Currency or the Corporation determines that the Office of the Comptroller of the Currency or the Corporation, as the case may be, will not continue to participate in any dental, vision, or life insurance program of an agency from which an employee was transferred, a transferred employee who is a member of the program may, before the decision takes effect and without regard to any regularly scheduled open season, elect to enroll in—

(i) the enhanced dental benefits program established under chapter 89A of title 5, United States Code;

(ii) the enhanced vision benefits established under chapter 89B of title 5, United States Code; and

(iii) the Federal Employees' Group Life Insurance Program established under chapter 87 of title 5, United States Code, without regard to any requirement of insurability.

(C) LONG TERM CARE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the transfer date, the Office of the Comptroller of the Currency or the Corporation determines that the Office of the Comptroller of the Currency or the Corporation, as appropriate, will not continue to participate in any long term care insurance program of an agency from which an employee transferred, a transferred employee who is a member of such a program may, before the decision takes effect, elect to apply for coverage under the Federal Long Term Care Insurance Program established under chapter 90 of title 5, United States Code, under the underwriting requirements applicable to a new active workforce member, as described in part 875 of title 5, Code of Federal Regulations (or any successor thereto).

(D) CONTRIBUTION OF TRANSFERRED EMPLOYEE.—

(i) IN GENERAL.—Subject to clause (ii), a transferred employee who is enrolled in a plan under the Federal Employees Health Benefits Program shall pay any employee contribution required under the plan.

(ii) COST DIFFERENTIAL.—The Office of the Comptroller of the Currency or the Corporation, as applicable, shall pay any difference in cost between the employee contribution required under the plan provided to transferred employees by the agency from which the employee transferred on the date of enactment of this Act and the plan provided by the Office of the Comptroller of the Currency or the Corporation, as the case may be, under this section.

(iii) FUNDS TRANSFER.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Comptroller of the Currency or the Chairperson of the Corporation, as the case may be, and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing any benefits under this subparagraph that are not otherwise paid for by a transferred employee under clause (i).

(E) SPECIAL PROVISIONS TO ENSURE CONTINUATION OF LIFE INSURANCE BENEFITS.—

(i) IN GENERAL.—An annuitant, as defined in section 8901 of title 5, United States Code, who is enrolled in a life insurance plan administered by an agency from which employees are transferred under this title on the day before the transfer date shall be eligible for coverage by a life insurance plan under sections 8706(b), 8714a, 8714b, or 8714c of title 5, United States Code, or by a life insurance plan established by the Office of the Comptroller of the Currency or the Corporation, as applicable, without regard to any regularly scheduled open season or any requirement of insurability.

(ii) CONTRIBUTION OF TRANSFERRED EMPLOYEE.—

(I) IN GENERAL.—Subject to subclause (II), a transferred employee enrolled in a life insurance plan under this subparagraph shall pay any employee contribution required by the plan.

(II) COST DIFFERENTIAL.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall pay any difference in cost between the benefits provided by the agency from which the employee transferred on the date of enactment of this Act and the benefits provided under this section.

(III) FUNDS TRANSFER.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall transfer to the Federal Employees' Group Life Insurance Fund established under section 8714 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Comptroller of the Currency or the Chairperson of the Corporation, as the case may be, and the Office of Management and Budget, to be necessary to reimburse the Federal Employees' Group Life Insurance Fund for the cost to the Federal Employees' Group Life Insurance Fund of providing benefits under this subparagraph not otherwise paid for by a transferred employee under subclause (I).

(IV) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For any transferred employee, enrollment in a life insurance plan administered by the agency from which the employee transferred, immediately before enrollment in a life insurance plan under chapter 87 of title 5, United States Code, shall be considered as enrollment in a life insurance plan under that chapter for purposes of section 8706(b)(1)(A) of title 5, United States Code.

(j) INCORPORATION INTO AGENCY PAY SYSTEM.—Not later than 2 years after the transfer date, the Comptroller of the Currency and the Chairperson of the Corporation shall place each transferred employee into the established pay system and structure of the appropriate employing agency.

(k) EQUITABLE TREATMENT.—In administering the provisions of this section, the Comptroller of the Currency and the Chairperson of the Corporation—

(1) may not take any action that would unfairly disadvantage a transferred employee relative to any other employee of the Office of the Comptroller of the Currency or the Corporation on the basis of prior employment by the Office of Thrift Supervision; and

(2) may take such action as is appropriate in an individual case to ensure that a transferred employee receives equitable treatment, with respect to the status, tenure, pay, benefits (other than benefits under programs administered by the Office of Personnel Management), and accrued leave or vacation time for prior periods of service with any Federal agency of the transferred employee.

(l) REORGANIZATION.—

(1) IN GENERAL.—If the Comptroller of the Currency or the Chairperson of the Corporation determines, during the 2-year period beginning 1 year after the transfer date, that a reorganization of the staff of the Office of the Comptroller of the Currency or the Corporation, respectively, is required, the reorganization shall be deemed a ''major reorganization'' for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(2) SERVICE CREDIT.—For purposes of this subsection, periods of service with a Federal home loan bank or a joint office of Federal home loan banks shall be credited as periods of service with a Federal agency.

**SEC. 323. PROPERTY TRANSFERRED.**

(a) PROPERTY DEFINED.—For purposes of this section, the term ''property'' includes all real property (including leaseholds) and all personal property, including computers, furniture, fixtures, equipment, books, accounts, records, reports, files, memoranda, paper, reports of examination, work papers, and correspondence related to such reports, and any other information or materials.

(b) PROPERTY OF THE OFFICE OF THRIFT SUPERVISION.—Not later than 90 days after the transfer date, all property of the Office of Thrift Supervision that the Comptroller of the Currency and the Chairperson of the Corporation jointly determine is used, on the day before the transfer date, to perform or support the functions of the Office of Thrift Supervision transferred to the Office of the Comptroller of the Currency or the Corporation under this title, shall be transferred to the Office of the Comptroller of the Currency or the Corporation in a manner consistent with the transfer of employees under this subtitle.

(c) CONTRACTS RELATED TO PROPERTY TRANSFERRED.—Each contract, agreement, lease, license, permit, and similar arrangement relating to property transferred to the Office of the Comptroller of the Currency or the Corporation by this section shall be transferred to the Office of the Comptroller of the Currency or the Corporation, as appropriate, together with the property to which it relates.

(d) PRESERVATION OF PROPERTY.—Property identified for transfer under this section shall not be altered, destroyed, or deleted before transfer under this section.

**SEC. 324. FUNDS TRANSFERRED.**

The funds that, on the day before the transfer date, the Director of the Office of Thrift Supervision (in consultation with the

Comptroller of the Currency, the Chairperson of the Corporation, and the Chairman of the Board of Governors) determines are not necessary to dispose of the affairs of the Office of Thrift Supervision under section 325 and are available to the Office of Thrift Supervision to pay the expenses of the Office of Thrift Supervision—

(1) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(B), shall be transferred to the Office of the Comptroller of the Currency on the transfer date;

(2) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(C), shall be transferred to the Corporation on the transfer date; and

(3) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(A), shall be transferred to the Board of Governors on the transfer date.

**SEC. 325. DISPOSITION OF AFFAIRS.**

(a) AUTHORITY OF DIRECTOR.—During the 90-day period beginning on the transfer date, the Director of the Office of Thrift Supervision—

(1) shall, solely for the purpose of winding up the affairs of the Office of Thrift Supervision relating to any function transferred to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors under this title—

(A) manage the employees of the Office of Thrift Supervision who have not yet been transferred and provide for the payment of the compensation and benefits of the employees that accrue before the date on which the employees are transferred under this title; and

(B) manage any property of the Office of Thrift Supervision, until the date on which the property is transferred under section 323; and

(2) may take any other action necessary to wind up the affairs of the Office of Thrift Supervision.

(b) STATUS OF DIRECTOR.—

(1) IN GENERAL.—Notwithstanding the transfer of functions under this subtitle, during the 90-day period beginning on the transfer date, the Director of the Office of Thrift Supervision shall retain and may exercise any authority vested in the Director of the Office of Thrift Supervision on the day before the transfer date, only to the extent necessary—

(A) to wind up the Office of Thrift Supervision; and

(B) to carry out the transfer under this subtitle during such 90-day period.

(2) OTHER PROVISIONS.—For purposes of paragraph (1), the Director of the Office of Thrift Supervision shall, during the 90-day period beginning on the transfer date, continue to be—

(A) treated as an officer of the United States; and

(B) entitled to receive compensation at the same annual rate of basic pay that the Director of the Office of Thrift Supervision received on the day before the transfer date.

**SEC. 326. CONTINUATION OF SERVICES.**

Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, that was, before the transfer date, providing support services to the Office of Thrift Supervision in connection with functions transferred to the Office of the Comptroller of the Currency, the Corporation or the Board of Governors under this title, shall—

(1) continue to provide such services, subject to reimbursement by the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, until the transfer of functions under this title is complete; and

(2) consult with the Comptroller of the Currency, the Chairperson of the Corporation, or the Chairman of the Board of Governors, as appropriate, to coordinate and facilitate a prompt and orderly transition.

Strike section 605.

On page 459, line 17, strike ''bank'' and insert ''nonmember bank, and the Board may, by order, exempt a transaction of a State member bank,''.

On page 1045, line 19, insert after ''Currency'' the following: '', the Board of Governors of the Federal Reserve System,''.

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**SA 3760.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1159. AUDITS AND OVERSIGHT OF THE FEDERAL RESERVE.**

Section 714 of title 31, United States Code, is amended—

(1) in subsection (a), by striking ''the Office of the Comptroller of the Currency, and the Office of Thrift Supervision.'' and inserting ''and the Office of the Comptroller of the Currency.'';

(2) in subsection (b), by striking all after ''has consented in writing.'' and inserting the following: ''Audits of the Federal Reserve Board and Federal reserve banks shall not include unreleased transcripts or minutes of meetings of the Board of Governors or of the Federal Open Market Committee. To the extent that an audit deals with individual market actions, records related to such actions shall only be released by the Comptroller General after 180 days have elapsed following the effective date of such actions.'';

(3) in subsection (c)(1), in the first sentence, by striking ''subsection,'' and inserting ''subsection or in the audits or audit reports referring or relating to the Federal Reserve Board or Reserve Banks,''; and

(4) by adding at the end the following:

''(f) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

''(1) IN GENERAL.—An audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed not later than 12 months after the date of enactment of the Restoring American Financial Stability Act of 2010.

''(2) REPORT.—

''(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to—

''(i) the Speaker of the House of Representatives;

''(ii) the majority and minority leaders of the House of Representatives;

''(iii) the majority and minority leaders of the Senate;

''(iv) the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate; and

''(v) any other Member of Congress who requests it.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed—

''(A) as interference in or dictation of monetary policy to the Federal Reserve System by the Congress or the Government Accountability Office; or

''(B) to limit the ability of the Government Accountability Office to perform additional audits of the Board of Governors of the Federal Reserve System or of the Federal reserve banks.''.

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**SA 3761.** Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XII.

## ORDER FOR RECORD TO REMAIN OPEN

Mr. DODD. Mr. President, I ask unanimous consent that the RECORD remain open today until 1:30 p.m. for the introduction of legislation, submissions of statements, and cosponsorships.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DISTRACTED DRIVING AWARENESS MONTH

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 510, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 510) designating April 20, 2010, as ''Distracted Driving Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 510) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 510

Whereas, in 2008, nearly 6,000 people died as a result of accidents involving a distracted driver;

Whereas 21 percent of vehicle crash injuries in 2008 involved distracted driving;

Whereas a 2009 study by the AAA Foundation for Traffic Safety found that 87 percent of the public considers texting while driving to be a ''very serious threat'' to their safety;

Whereas 6 States, the District of Columbia, and the United States Virgin Islands have enacted laws banning the use of hand-held cell phones while driving;

Whereas 23 States, the District of Columbia, and Guam have enacted laws banning texting while driving;

Whereas a 2008 study by the National Highway Traffic Safety Administration revealed that at any given moment during daylight hours more than 800,000 vehicles are being operated by someone who is using a hand-held cell phone;

Whereas the Department of Transportation has launched distraction.gov, a website devoted to raising awareness and educating the people of the United States about the dangers of distracted driving;

Whereas the Secretary of Transportation, Ray LaHood, convened a 2-day Distracted Driving Summit in September 2009;

Whereas the Department of Transportation and the National Highway Traffic Safety Administration have jointly declared April 30, 2010, to be ''No Phone Zone Day''; and

Whereas April 2010 would be an appropriate month to designate as National Distracted Driving Awareness Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2010 as ''Distracted Driving Awareness Month'';

(2) encourages all people in the United States to consider the danger to others on the road and avoid distracted driving; and

(3) encourages teens, parents, teachers, and community leaders to discuss the dangers of distracted driving.

## ORDERS FOR MONDAY, MAY 3, 2010

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 3; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3217, Wall Street reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DODD. Mr. President, there will be no rollcall votes during Monday's session of the Senate.

## ADJOURNMENT UNTIL MONDAY, MAY 3, 2010, AT 2 P.M.

Mr. DODD. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:54 p.m., adjourned until Monday, May 3, 2010, at 2 p.m.

# HOUSE OF REPRESENTATIVES—*Monday, May 3, 2010*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*May 3, 2010.*

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

Pastor Dan Claire, The Church of the Resurrection, Washington, D.C., offered the following prayer:

Blessed is the Nation whose God is the Lord.

Almighty God, we praise You for our creation, preservation, and all the blessings of life but, above all, for Your immeasurable love in redemption by Your light that has come into the world.

We await that promised day when there will be no more death or misery, injustice or oppression. Until then, guide our Nation in paths of righteousness for Your name's sake, and forgive our trespasses as we forgive those who trespass against us.

Direct and prosper the work of this body that they may ordain for our governance only those things as will please You and further the welfare of all people.

Bestow upon every person here, in both their public and private lives, Your amazing grace that they might abound in every good work.

To You be all praise and honor, glory and power now and forever.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, April 30, 2010.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 30, 2010 at 11:20 a.m.:

That the Senate agreed to S. Con. Res. 61.

That the Senate agreed to S. Con. Res. 62.

That the Senate passed without amendment H.R. 3714.

That the Senate agreed to without amendment H. Con. Res. 264.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 61. Concurrent resolution expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts; to the Committee on Transportation and Infrastructure.

S. Con. Res. 62. Concurrent resolution congratulating the outstanding professional public servants, both past and present, of the Natural Resources Conservation Service on the occasion of its 75th anniversary; to the Committee on Agriculture.

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 6 minutes a.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 4, 2010, at 12:30 p.m., for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7283. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements [Doc. No.: AMS-FV-09-0085; FV10-925-1 IFR] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7284. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Relaxation of the Handling Regulation for Area No. 3 [Doc. No. AMS-FV-08-0115; FV09-948-2 IFR] received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7285. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Changes in Hourly Fee Rates for Science and Technology Laboratory Services-Fiscal Years 2010-2012 [Document Number: AMS-ST-09-0016] (RIN: 0581-AC98) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7286. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches [Doc. No.: AMS-FV-09-0090; FV10-916/917-1 IFR] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7287. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Citrus Seed Imports; Citrus Greening and Citrus Variegated Chlorosis [Docket No.: APHIS-2008-0052] (RIN: 0579-AD07) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7288. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations; Defining Mutual Funds as Financial Institutions (RIN: 1506-AA93) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7289. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No.: NHTSA 2009-0175] (RIN: 2127-AK62) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7290. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Theft Protection and Rollaway Prevention [Docket No.: NHTSA 2010-0043] (RIN: 2127-AD38) received

April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7291. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the State of Louisiana [EPA-R06-OAR-2006-0851; FRL-9137-2] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7292. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to the Wyoming Air Quality Standards and Regulations; Direct Final Rule [EPA-R08-OAR-2009-0052; FRL-9136-6] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7293. A letter from the Chair, State Energy Advisory Board, transmitting the Board's FY 2009 annual report entitled, ''A New Direction: Providing Insight into Programs and Opportunities Created By the Recovery Act''; to the Committee on Energy and Commerce.

7294. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7295. A letter from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting the Administration's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7296. A letter from the Acting Secretary of the Commission, Federal Trade Commission, transmitting the Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7297. A letter from the Actign General Counsel, Government Accountability Office, transmitting the Office's annual 2009 report of the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

7298. A letter from the Director, Office of Civil Rights, International Broadcasting Bureau, transmitting the Bureau's annual report for fiscal year 2009 on the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

7299. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7300. A letter from the Director, Office of Personnel Management, transmitting the Chief Human Capital Officers (CHCO) Council's Report to Congress covering FY 2009, pursuant to 5 U.S.C. 1401 note Public Law 107-296 section 1303(d); to the Committee on Oversight and Government Reform.

7301. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7302. A letter from the Administrator, Small Business Administration, transmitting the Administration's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7303. A letter from the Administrator, Social Security Administration, transmitting the Administration's report for fiscal year 2009 on competitive sourcing efforts as required by Section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

7304. A letter from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Attestation Applications by Facilities Temporarily Employing H-1C Nonimmigrant Foreign Workers as Registered Nurses; Final Rule (RIN: 1205-AB52) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7305. A letter from the Deputy Assistant General Counsel, Aviation Enforcement & Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections: Extension of Compliance Date for Posting Flight Delay Data on Websites [Docket No.: DOT-OST-2010-0039] (RIN No.: 2105-AE00) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following action was taken by the Speaker:

*[Omitted from the Record of April 29, 2010]*

H.R. 5019. The Committee on Ways and Means discharged from further consideration.

*[Submitted May 3, 2010]*

H.R. 5019. The Committee on Oversight and Government Reform discharged from further consideration. Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

## REPORTED BILL SEQUENTIALLY REFERRED

*[Omitted from the Record of April 29, 2010]*

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5019. A bill to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes, with an amendment, Rept. 111–469, Pt. 1; referred to the Committee on Oversight and Government Reform for a period ending not later than May 3, 2010, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X.

## TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[The following action occurred on April 30, 2010]*

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than May 28, 2010.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Ms. TSONGAS (for herself, Mr. TURNER, Ms. SHEA-PORTER, Mrs. MCMORRIS RODGERS, Ms. GIFFORDS, Ms. DELAURO, Ms. HARMAN, Mr. WALZ, Mr. MCGOVERN, Mrs. CAPPS, and Mr. CLEAVER) introduced a bill (H.R. 5197) to implement recommendations of the Defense Task Force on Sexual Assault in the Military Services; which was referred to the Committee on Armed Services.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2506: Mr. COLE.

H.R. 2850: Mr. COURTNEY.

H.R. 4128: Mrs. MALONEY, Mr. HODES, Ms. ROS-LEHTINEN, and Mr. ENGEL.

H.R. 4844: Mr. WU and Mr. CALVERT.

H. Con. Res. 262: Ms. CLARKE and Mr. CUMMINGS.

H. Res. 1153: Mr. HEINRICH, Mr. TURNER, Mr. MILLER of Florida, Ms. GIFFORDS, Mr. NYE, Mr. ALTMIRE, and Mr. MURPHY of New York.

H. Res. 1290: Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Ms. HARMAN, Ms. VELÁZQUEZ, Mr. GRIJALVA, and Mr. FILNER.

# SENATE—*Monday, May 3, 2010*

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the source of our being, You have given the Members of this body the opportunity to do justice and mercy, to give aid to the oppressed, to lift the burdens of the weak, and to comfort those who live in sorrow. Today may their words and deeds reflect an earnest desire to build on a tradition of equity and truth. In the voicing of their convictions, save our lawmakers from harboring resentment, as You infuse them with the spirit of Your peace.

We pray in Your merciful Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, May 3, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, ordinarily the Democratic leader would go first. He will be here momentarily. I will go ahead with my opening statement.

## GULF COAST, NEW YORK CITY, FINANCIAL REGULATION

Mr. MCCONNELL. Mr. President, we are deeply concerned about what is going on in gulf coast right now as this massive oil slick spreads even further and makes its way toward the coast. The entire Nation is bracing itself for the full impact of this disaster, which, as we all know, could get far worse.

Our focus at the moment is on stopping the leak and mitigating the damage as quickly as possible, so we will be paying close attention to the administration and to local officials on the ground to assist them in those efforts as the oil comes ashore. We are all hoping that the coordinated efforts of local, State, and Federal officials, along with BP workers, will prevent a worst-case scenario.

No one is ignorant of the impact this spill has already had and could potentially have on the environment, the economy of the gulf, or on the thousands and thousands of individuals and families whose lives and livelihoods are rooted, in some cases for generations, in the fish and wildlife that live in these coastal waters. It is heartbreaking to think of those who live in this region enduring yet another tragedy, but we are inspired by their resilience and by the tireless efforts of those engaged in the repair and recovery efforts.

Tragedies like this are a reminder of the dangers so many Americans endure every day in the work of keeping America moving, and of the fragility of the environment. Our prayers remain with the families of those who were lost in the initial explosion. We will also be keeping the repair and recovery workers in our thoughts as we continue to monitor the situation. Once the flow has been stopped and help is on the way, there will be a full investigation into what went wrong and what can be done to prevent anything like this from ever happening again.

Meanwhile, a potential tragedy appears to have been averted over the weekend thanks to the vigilance of ordinary citizens and the quick response of law enforcement officials in New York City. We were all alarmed to learn of the attempted car bombing in Times Square but relieved that it failed to go off.

All of this was a vivid reminder of the continual threats to our security and of the need to remain vigilant and to never drop our guard. New Yorkers responded to this attempted attack just as we would expect them to. Within hours, Times Square was again full of tourists, and on Broadway every show went ahead as scheduled on Sunday. So we applaud the people of New York and the local and Federal law enforcement officials who snapped into gear to disarm the car bomb and who continue to investigate this situation.

Here in the Senate, debate continues on the financial regulatory bill. I will just note as we continue this debate that a consensus seems to be emerging among the experts and the public about two thing. First, it would be deeply irresponsible to rush a piece of legislation this far-reaching without fully understanding its potential impact on ordinary Americans who had nothing to do with the financial crisis.

Second, any bill that comes out of the Senate must actually address the core problems that led to the crisis. This should be obvious, but the fact is, a lot of people are increasingly concerned that this bill could actually miss the mark completely, not just as a result of what it does, but as a result of what it fails to do.

On example is Federal housing policy, as embodied by the government-sponsored enterprises Fannie Mae and Freddie Mac. In my view, it is simply not acceptable for some on the other side to suggest that we have to rush this particular bill through Congress, but that it is OK to wait another year to address the GSEs, which we all know played a central role in the financial crisis.

So Republicans will work to make sure this bill actually addresses the problems at hand, and that in an effort to rein in Wall Street, this bill doesn't actually end up hurting those who had nothing to do with this crisis.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SCHEDULE

Mr. DODD. Mr. President, as I understand it, the Senate is now going to resume consideration of S. 3217, the Wall Street reform bill, and I am told there will be no rollcall votes during today's session of the Senate.

The ACTING PRESIDENT pro tempore. That is correct.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3217, which the clerk will report.

The bill clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Pending:

Reid (for Dodd/Lincoln) amendment No. 3739, in the nature of a substitute.

Reid (for Boxer) amendment No. 3737 (to amendment No. 3739), to prohibit taxpayers from ever having to bail out the financial sector.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

### GULF COAST DISASTER

Mr. SANDERS. Mr. President, before I talk about financial reform, I did want to say a word about the disaster on the gulf coast now and the oil spillage there. Obviously, all of our hearts go out to the families of the 11 workers who lost their lives and to the thousands and thousands of employees in the region who are going to lose their jobs as this terrible contamination spreads all over the gulf coast.

But I hope very much we comprehend, in the midst of the disaster, that when we are dealing with technologies such as offshore drilling or, in fact, nuclear energy, we cannot be 99.99 percent successful. Unfortunately, as human beings, 100 percent success is a goal we often do not reach. That is why, in my view, as someone who has long opposed offshore drilling, I think it is absolutely imperative we understand as a nation if we move aggressively to energy efficiency, if we move aggressively to such clean, sustainable energies as wind, solar, biomass, and geothermal, we can, in fact, break our dependence on foreign oil and on fossil fuel in general, and we can create millions of jobs as we become energy independent without having to deal with the calamities we are experiencing today.

Mr. President, either tomorrow or shortly after—I hope tomorrow—I will be offering an amendment which deals with transparency at the Fed. I did want to say a few words about that.

At a time when many Americans are dispirited by the intensity of the partisanship which they see in Congress, this amendment, demanding transparency at the Federal Reserve, does something which is quite unusual. It brings together some of the most progressive Members of the U.S. Congress—and I consider myself in that fold—with some of the most conservative. It also brings together some of the strongest grassroots progressive organizations in the country with some of the most conservative. So what we are seeing in this amendment is a coming together of millions of Americans who have very different political ideologies but who agree it is absolutely imperative we bring transparency to the Fed.

This amendment is virtually identical to legislation I have offered on the subject that now has 33 cosponsors. In order to give an indication of the diversity of ideological position, let me read who they are. They are Senators BARRASSO, BENNETT, BOXER, BROWNBACK, BURR, CARDIN, CHAMBLISS, COBURN, COCHRAN, CORNYN, CRAPO, DEMINT, DORGAN, FEINGOLD, GRAHAM, GRASSLEY, HARKIN, HATCH, HUTCHISON, INHOFE, ISAKSON, LANDRIEU, LEAHY, LINCOLN, MCCAIN, MURKOWSKI, RISCH, SANDERS, THUNE, VITTER, WEBB, WICKER, and WYDEN. That is a very broad cross section of ideological opinion in the Senate.

In the House of Representatives, a similar process has taken place, and this concept has been cosponsored by 320 Members of Congress. That is a lot. That very rarely happens. That legislation was authored by Republican Congressman RON PAUL and Democratic Congressman ALAN GRAYSON.

The amendment I will be bringing to the floor of the Senate has 15 cosponsors—Republicans and Democrats alike—and I very much appreciate their support. This amendment is simple and it is straightforward. At a time when the Federal Reserve has provided over $2 trillion in zero or near zero interest loans to some of the largest financial institutions in this country, this amendment requires the Fed to tell the American people who got the money. I do not think that is a very radical concept.

This amendment would simply do two things: No. 1, require the nonpartisan GAO, the Government Accountability Office, to conduct an independent and comprehensive audit of the Fed within 1 year; and, secondly, require the Federal Reserve to disclose the names of the financial institutions that received over $2 trillion in virtually zero interest loans since the start of this recession.

In terms of progressive grassroots organizations, this amendment enjoys the strong support of Americans for Financial Reform, a coalition of over 250—250—consumer, employee, investor, community, and civil rights groups, including the AFL–CIO, which represents millions of American workers, and the AARP, which is the largest senior group in this country representing tens of millions of seniors. So what we are looking at are grassroots organizations representing a huge part of our population that say it is time for transparency at the Fed.

There are also many conservative grassroots organizations that are supporting this amendment, including the Campaign for Liberty, the Rutherford Institute, the Eagle Forum, and many other groups.

This amendment is not a radical idea. As part of the budget resolution debate in April of 2009, the Senate voted overwhelmingly in support of this concept by a vote of 59 to 39. That is a strong sign that this Senate wants transparency.

In the House of Representatives, this concept passed the House Financial Services Committee by a vote of 43 to 28 and was incorporated into the House version of the Wall Street reform bill that was approved by the House last December. So a provision very similar to what I am offering is already in the House bill. So we are not talking about some kind of fringy idea. It has widespread support in the Senate. It is already, to a significant degree, incorporated into the House bill.

This concept has the support of the Speaker of the House, NANCY PELOSI, who has said Congress should ask the Fed to put this information ''on the Internet like they've done with the recovery package and the budget.'' In other words, what she is saying is, if we look at the TARP bailout, we have all the information we want—from who received that money, how it was paid back, et cetera, et cetera—it is out there on the Internet of the Treasury Department. That is where it should be. We want to bring that same type of transparency to the Fed.

This concept, interestingly enough, has already been supported by two Federal courts—two Federal courts—that have ordered the Fed to release all of the names and details of the recipients of more than $2 trillion in Federal Reserve loans since the financial crisis started as a result of the Freedom of Information Act lawsuit filed by Bloomberg News.

The Fed has argued in court that it should not have to release this information, citing, according to Reuters, ''an exemption that it said lets federal agencies keep secret various trade secrets and commercial or financial information.''

However—this is important; this is not BERNIE SANDERS speaking, but this is a Federal court—the U.S. Appeals Court in New York disagreed with the Fed's assertion. Here is what a unanimous—underline ''unanimous''—three-judge appeals court panel wrote in their opinion. I quote them:

[T]o give the [Fed] power to deny disclosure because it thinks it best to do so would undermine the basic policy that disclosure, not secrecy, is the dominant objective. If the Board—

The Fed—

believes such an exemption would better serve the national interest it should ask Congress to amend the statute.

That is what a three-judge U.S. appeals court panel unanimously said. This appeals court decision upheld an earlier ruling by the Southern Federal District Court of New York that also ordered the Fed to release this information.

In other words, we now have 59 Senators, 320 Members of the House of Representatives, and 2 U.S. courts who have all told the Fed, in no uncertain terms: Give us transparency. Tell us what happened when you put at risk trillions of dollars of taxpayer money.

Based on the kind of grassroots support that exists in support of my amendment, I think the overwhelming majority of the American people want that transparency, and it is our job to give it to them.

I do understand this amendment will not be supported by every Member of the Senate. Some of them may come up and say: Well, it is not accurate, so I want to deal with this right now. They may state that this amendment would take away the independence of the Fed and put monetary policy into the hands of Congress. Every other day, there could be a great debate here about whether we raise interest rates and that we get involved in every detail of monetary policy. That is absolutely not what this amendment does, and the language in the amendment is very, very clear.

This amendment does not take away the court-appointed independence of the Fed, and it does not put monetary policy into the hands of Congress. This amendment does not tell the Fed when to cut short-term interest rates or when to raise them. It does not tell the Fed what banks to lend money to and what banks not to lend money to. It does not tell the Fed which foreign central banks they can do business with and which ones they cannot do business with. It does not impose any new regulations on the Fed, nor does it take any regulatory authority away from the Fed. In fact, the amendment prohibits Congress and the GAO from interfering with or dictating the monetary policy decisionmaking at the Fed. We are very clear about this in the amendment. This amendment simply requires the GAO to conduct an independent audit of the Fed and requires the Fed to release the names of the recipients of more than $2 trillion in taxpayer-backed assistance.

There is a lot more to say, and I look forward to saying it when the amendment gets to the floor. Let me conclude by saying this: I don't remember the exact date—perhaps a year or so ago—when, as a member of the Budget Committee, we were addressed by Ben Bernanke, the Chairman of the Fed. When he came before the committee, I asked Mr. Bernanke if he would release the names of the financial institutions that received trillions of dollars on near zero interest loans. He said he would not do that. On that day, I introduced the legislation which now has 33 cosponsors.

So I look forward to hopefully tomorrow bringing this amendment to the floor. I am proud of the kind of tripartisan support we have gotten. I am proud of the fact that we have people from every conceivable ideology who are fighting for transparency, and I hope we can win this amendment and let the American people get an understanding of who received trillions of dollars of their money during the bailout period.

Mr. President, with that, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, let me address the amendment which we are going to be taking up first, I gather, on the so-called financial regulatory reform bill, the Boxer amendment.

The Boxer amendment, as I understand it, is a declarative statement that taxpayers will not be responsible for any Wall Street bailouts. My understanding is that it is not a provision that would enforce itself or would in any way be enforceable in the legislation, but it certainly expresses a sentiment I assume every Senator would share. The problem, however, is not just the fact that we are concerned that taxpayers will be responsible for bailouts but the fact that bailouts will exist in any event and how that might affect people who have invested in or lent to an institution, what authority it would give the U.S. Government, and whether such a provision would apply as well to perhaps the biggest miscreants here: Fannie and Freddie, the two government-sponsored enterprises that hold the vast majority of the mortgages that are unsound or on less than strong financial footing—I will put it that way. So the question is not so much whether taxpayers' dollars will be used—though this amendment, while expressing a good sentiment, doesn't operatively prevent that—but just as much whether Wall Street will still be bailed out but in a different way. Will the appropriate policies and institutions that should be in place to prevent this be amended into the legislation?

If all we want to do is ensure failing institutions are liquidated, then of course we can have a bankruptcy regime, and many people believe that is the appropriate regime because it is a tradition of law. Everyone knows exactly how it works, where you stand, and it ordinarily has been successful in liquidating firms that cannot pay their obligations.

After the Lehman bankruptcy and the contagion effects which surrounded that, some believe bankruptcy wasn't really well suited to these kinds of large financial institutions, and it may well be that traditional bankruptcy would have to be modified in some respects in order to easily apply to the liquidation of a financial institution that large.

One of the things, though, we need to do in figuring out exactly what the right process should be is to make sure creditors aren't receiving special treatment—for example, the way they did when the auto companies were bailed out and when other firms were bailed out. Otherwise, we will actually be increasing moral hazard rather than decreasing it, which is, of course, part of the exercise here.

A government-compelled fund that takes money from successful firms and transfers it to a failed firm, for example, regardless of how you seek to justify it—as an assessment or a recruitment or a tax or whatever you might call it—is still a bailout. Ultimately, the question is not only who will pay for it but also, how does it scramble the obligations and the prioritization of obligations compared to what bankruptcy would do?

The people who bear the cost of propping up a failed firm, for example, have nothing to do with the fact that firm failed or with the poor decisions of that firm. So if, instead of the American people, you are going to make other entities in its area—for example, a bank begins to fail, so you are going to make the other banks prop that bank back up. How is that fair to the shareholders or investors in the bank that has to do the propping up, or the groups of banks? They didn't have anything to do with the poor decisions made by the management of the failed firm, whereas you can argue that the lenders to the failed firm, the people who invested in the failed firm, and certainly the managers of the failed firm all had something to do with the direction the failed firm took. Because of that fact, the bankruptcy laws have set out priorities as to who ends up bearing the risk of the failure of that firm. The lenders and the investors in failing companies lose control of the money they invested, and whatever resources remain are channeled by the bankruptcy court into productive endeavors or to pay the people who have lent the money to the firm. That is exactly the opposite of what a government-sponsored fund does in transferring resources from a productive to unproductive purpose. Here, if it is not the taxpayers who fund it, then it is

fellow banks, let's say, or fellow financial institutions—again, people who had nothing to do with the failure of the entity that is being acted upon.

Fortunately, there is a process that can address the problem of failing firms, that does move resources into more productive areas and at the same time holds those directly responsible for the mistakes accountable. There are different names for this and it can take different forms. One of them is called speed bankruptcy—in other words, a form of bankruptcy that recognizes that in certain institutions you are going to need to quickly take hold of them and, in order to prevent contagion in the market, shore up their financial situation so they cannot infect others and therefore cause a larger failure than just relates to that particular company.

We should describe bankruptcy, first of all, to appreciate what this does. A firm becomes insolvent when its liabilities—which could be payments to bondholders, it could be payments to suppliers, it could be repaying loans—are worth more than the assets the company has, assets such as land, capital, accounts, the value of intangibles, and even things like reputation.

Over the last couple of years, we have seen the collapse or near collapse of several well-known firms—for example, the GM and Chrysler auto companies, as I mentioned, Bear Stearns, AIG, the big insurance companies. We have also seen Fannie Mae and Freddie Mac, which are projected to be dependent on government assistance for the foreseeable future—and by government assistance, of course, ultimately we mean the taxpayers of this country. In the examples I cited above, the government response was in effect to prop up the failed firm with taxpayer funds.

This so-called speed bankruptcy and iterations of the idea would instead convert a portion of the existing longer term debt of the company into equity. There are a lot of benefits, as you can see, to such a proposal. For example, with a large, complex firm that is in financial trouble, a lengthy process could create the kind of uncertainty that would otherwise undermine the ability of the company to continue once it exits the resolution process and, as I said, could also infect others in these areas. A speed bankruptcy, on the other hand, would permit the firm to remain in operation, to keep running.

There is a paper that has been written on this that I think is very interesting. Garret Jones at the George Mason University Mercatus Center writes that this kind of proposal actually leaves bondholders with something of value so they are not entirely wiped out and retain the potential to make up for some of their losses if the equity shares they receive in lieu of their bonds once again gain value. Here is what he writes in this recent paper:

> Friday's bondholders become Monday's new shareholders, and the banking conglomerate can continue borrowing and lending much as before, with little possibility of a short-run crisis.

It is a little bit like debt or possession financing in a bankruptcy, but it matters where you get the financing, and in this case creditors of one kind become creditors of a different kind, trading, in this case, bond for equity in the firm.

Second, unlike government-sponsored bailouts, investors directly tied to the troubled firm bear the financial costs of the restructuring of the firm.

Third, since many of the bonds are publicly traded and are therefore liquid, the process would be entirely transparent, and the reason the process could occur so quickly is because of that conversion.

Fourth, a debt-to-equity conversion leaves deposits untouched, avoiding a potential run on the bank in the case of banks and financial institutions.

What steps and operations would be necessary to make this work?

First, an insolvent firm would be able to convert an amount of its long-term debt specified in advance into stock in order to recapitalize and strengthen the institution. Under such a proposal, regulators would first need to declare that the institution is the risk.

Second, the firm would need to breach a certain specified capital level to actually trigger the conversion. Once this process occurred, the restructured firm would emerge healthier, with less debt, with more equity, without any taxpayer money being used and without any money being used from other banks or other financial institutions.

For example, Pershing Square Capital Management released a proposal to convert $75 billion of Fannie Mae's $750 billion senior unsecured debt into equity. For every dollar of senior unsecured debt, the bondholder would receive 90 cents in new senior unsecured debt and 10 cents in value of new, common equity. As a result, the new Fannie could take advantage of its new capital. It has a dollar to expand its underwriting. It can utilize increased cash flow to absorb expected losses and, in the future, once conditions improve, to reduce its balance sheet by gradually selling some of the mortgage assets on its books.

John B. Taylor writes today in the Wall Street Journal how to avoid a bailout bill:

> You do not prevent bailouts by giving the government more power to intervene in a discretionary manner. You prevent bailouts by . . . making it possible for failing firms to go through bankruptcy without causing disruption to the financial system and the economy.

Here is the summary of what I am saying. Most of us here do not want to see taxpayer bailouts of these firms that have made poor management decisions, have invested poorly, and have made mistakes for which taxpayers should not be responsible.

That is the genesis of the Boxer amendment. But for the Boxer amendment to be effective, two things will have to be done, and perhaps we will have suggestions on how to change it. It would have to be operational and enforceable. As I said, the amendment is oratory language—taxpayer funds should not be used for bailouts. We know that a sense-of-the-Senate resolution is nothing more than that, a sense of the Senate. It needs to have operational and enforcement language to have meaning. It is my understanding that this language doesn't.

Second, the real question is whether instead of a bailout, where government—I don't want to use the word bureaucrats—officials representing the U.S. Government in one, two, or three different entities could, on their own, with little direction in congressional legislation, determine that a firm now needs to be taken over or bailed out, and without very much legislative criteria to direct them as to how to do it, or the circumstances under which it should be done, could begin to unwind that firm, using taxpayer money that is later recouped or perhaps funding from a tax or an assessment on other banks, for example, to infuse capital to keep it from going out of business. This is a way in which bankruptcy would ordinarily work, except that bankruptcy works according to a set of rules and traditions that have been developed over a couple hundred years that everybody is familiar with, and which people took into account before they made investments in or lent money to a company in the first place. If they became a bondholder, they knew where the bondholders would be in the order of priority in the case of a bankruptcy. If it is secured, they would have one level of security, and if it is unsecured, they are going to be at the bottom of the totem pole when it comes to distributing the assets of the bankruptcy. Lending is predicated upon their understanding of these well-known rules and principles.

Moreover, they understand that a judge will be in charge, and he will put people under oath and cause them to testify so that you know exactly what the assets are, and you can understand what it would take to keep the company running or, in the event it does have to be liquidated, how the funds would be disbursed. A trustee is appointed, who has a fiduciary responsibility, under the court rules, to manage how the company comes out of bankruptcy, or to ensure that the rules of bankruptcy and the judgment are carried out. That is the way a bankruptcy works. It is a proper way to unwind or liquidate most businesses in this country.

I think those who say these financial institutions are different, we need a

different set of rules, first, have an obligation to tell us why. What is different about these entities that the bankruptcy laws simply don't work? What would cause them to have a different set of treatments? If there are some things—and I can think of a couple things that distinguish them—then how can we modify the bankruptcy rules in effect to take into account those differences? One deficit, one could posit, is the fact that a large financial firm could easily have an effect on others invested in or who they invest in and, therefore, in effect cause a domino effect in markets. That could happen very quickly. Therefore, when you see signs of a problem, you need to deal with that very quickly. That is where this idea of bankruptcy comes from. It doesn't take a government bureaucrat or a government entity set up for this purpose to figure out that is what needs to be done and how to do it. It can be done within the context of bankruptcy today or with relatively modest modifications in the Bankruptcy Code, we could make those changes.

The fear a lot of us have is that the people who are not elected or constrained by any particular power, except the limitations Congress imposes upon them—and in this bill those limitations are very general—those people could make decisions and put somebody into this process to decide who gets paid how much, without any reference necessarily, for example, to the Bankruptcy Code, who gets privileged and who isn't, and with whose money.

If you look at the example of the two auto companies, you find that labor unions were substantially privileged to the exclusion of other investors. A lot of people thought this was wrong. It was contrary to the way it would have evolved had they been in bankruptcy court. So what most folks would like to see is a process you can count on, that you have rules of law established over time in the bankruptcy law that enable you to rely upon them, and not some unspecified, unclear process that is run by some agency of the U.S. Government. While it is certainly a step forward to say that taxpayers should not be on the hook for this, it is not enough to say that, A, because that is not operational or enforced, but, B, because there are other ways to do it that represent a closer adherence to the rule of law that would be better at promoting investment or lending in the first instance, because of the clarity and predictability of the way the situation would be treated in the event of a bankruptcy; and finally, that people who are not responsible for the bad management decisions would not have any liability when that company is liquidated or comes out of bankruptcy operating again. Rather, the people who had been involved in the company in the first instance would bear that obligation.

This is just one idea—one of many—as an alternative to the specific provisions in the legislation. It is my hope that as we continue debate about this portion of the bill, we can come together on a set of principles that would adhere more closely to the rule of law established in the Bankruptcy Code to the concept that those responsible should be the ones who end up bearing the burden and that, in any event, as it appears most of us would agree, taxpayers should not be responsible for the decisions made by the management of a failing firm.

I wonder whether my colleagues want to speak. If not, I will suggest the absence of a quorum. The Senator from Illinois wishes to speak.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, let me basically set the stage on what we are doing in the Senate today and why it is so important.

This bill, which Senator DODD of Connecticut has worked on for months with his staff—1,407 pages—is basically a bill that has been designed to create financial stability in the United States. Even with this great economy we have and all of the financial institutions and businesses notwithstanding, this recession has brought us economic pain that many of us have never seen in our lifetimes and only remember vaguely from our parents and grandparents describing the Great Depression.

What Senator DODD and the Banking Committee set out to do was to basically change the law to establish more oversight of financial institutions to make sure we never get into this mess again. It took quite a few pages to do it. This week, we start considering amendments to the bill, efforts to improve it, change it, and delete sections. It is the Senate in its historic role as a deliberative body.

Today, there are no votes and that is why there are few Members on the floor. Amendments will be offered and the votes will start maybe as soon as tomorrow if Senator DODD and Senator SHELBY can reach an agreement. It is worth a moment's reflection to understand why we are here with a bill of this importance and magnitude, which may take a week or more—probably more—before it is completed. The Pew Financial Reform Project recently summarized what we have been through in this recession. It is a painful reminder, but it is worth noting as we start this debate. This is what they estimate to be the devastation caused by the recession we are in: $100,000, the cost to the typical American family in combined losses from declining stock and home values; $360 billion, the estimated loss in wages due to slow economic growth, in October 2008 through 2009, and that is a loss in wages of over $3,250 for the average U.S. family because of the recession; $3.4 trillion, the total loss in real estate wealth from July 2008 until March 2009, so roughly, on average, every household in America who owns a home lost $30,300 in value; 5.5 million, the number of additional jobs lost due to slow economic growth, and some 8 million Americans are unemployed, and another 6 million are discouraged and not looking for work; 500,000, additional number of homes foreclosed upon during the most acute phase of the crisis; $7.4 trillion, total loss in stock wealth from July 2008 through March 2009. That is more than $66,000 per household, and it was usually felt in retirement accounts and savings accounts of families all across America.

These are indications of what we have been through and, to some extent, are still going through. We are emerging from this recession, but it was a devastating loss to families and businesses across America, and a loss many are still trying to recover from. Senator DODD took on the unenviable task of looking at the laws we have on the books and asking: How can we strengthen them to avoid this from happening again?

Of course, there are several things that stand out. Why did the United States get in the business of stepping up and saying we are going to take taxpayer dollars to save private businesses? That is what we did. AIG, the largest insurance company in the world—initially, the Federal Reserve came in with some $85 billion when they were about to fail. If I am not mistaken, over the course of time, they added another $100 billion given to this one entity to keep it afloat. Why? Because they had basically guaranteed with insurance policies business contracts at every level in the American economy, and they were about to fail. They didn't keep an adequate reserve. So as these contracts started to fail, this insurance company couldn't pay off its promise. The feeling was that the whole economy would collapse on itself if we didn't prop up AIG to keep it in business.

The same was true for major financial institutions—institutions that dreamed up securities which had never existed before. They decided to start packaging mortgages. So the mortgage I entered into in Springfield, IL, with my local bank could have been sold off to another bank, and then to some other financial institution, and then chopped and diced into pieces, those pieces each going to a separate security; and people were investing in them, guessing whether my wife and I were going to make our mortgage payments.

As they went along, these rating agencies that are supposed to look at these securities and decide whether they are good or bad were giving them

sky-high AAA ratings, as good as a government security. Why? Because there weren't many defaults in real estate mortgages and, historically, real estate values went up. So they said this is a safe investment. Meanwhile, there were people looking at derivatives, saying we think this may be too optimistic, and we think maybe people are being loaned money for mortgages who might not be able to pay.

As we got into it deeper, that is exactly what happened. Banks and financial institutions were offering mortgages to people under no-doc loans, no document loans, which basically meant if you said, I am making $100,000 and my wife is making $100,000 and we have maybe $50,000 in debt, they would say: That is all we need to know; let's go to closing.

But where were the income tax returns and the documents to prove it? They weren't worried about that because they would get the mortgage and quickly sell it off to somebody else. That created this house of cards that eventually tumbled.

What Senator DODD and the Banking Committee are trying to do is make sure we never get in the position where American taxpayers never have to be called on to prop up banks, financial institutions, and insurance companies which, if they failed, would bring down the economy.

The first amendment we have is from Senator BOXER of California. It has been referred to by the minority whip, Senator KYL, in his opening remarks. He referred to it and described it as kind of a sense-of-the-Senate offering. For those not familiar with how the Senate works, at the end of the day, we have a long list of resolutions that we offer for winning basketball teams and for national dairy ice cream dairy month, and fair play for Paraguay, and all sorts of things. These are sense-of-the-Senate resolutions, where we express our warm feelings for the good things happening in this country.

This offering by Senator BOXER is not a sense-of-the-Senate resolution. It is an amendment to the bill. It is so short and direct that I want to read it. It consists of three sentences. Listen to them in clear, plain English, and you will understand why Senator BOXER's amendment is the right one for us to start with:

First:

All financial companies put into receivership under this title shall be liquidated. No taxpayer funds shall be used to prevent the liquidation of any financial company under this title.

Second paragraph:

All funds expended in the liquidation of a financial company under this title shall be recovered from the disposition of assets of such financial company, or shall be the responsibility of the financial sector, through assessments.

Third:

Taxpayers shall bear no losses from the exercise of any authority under this title.

This is not a greeting card. This would be a law with teeth prohibiting the taxpayers of America from ever being left holding the bag again when a bank makes stupid decisions and faces liquidation. That is not a sense-of-the-Senate resolution. It would be a law and should be the first thing we pass.

Senator BOXER listened to the debate back and forth about taxpayer bailout. She said to me and others: I am going to make this clear. I am going to put it in as clear language as I can think of to make sure that at the end of the day, we never go through this again. Her leadership on this amendment—it is right to be the first subject to be brought up. Those on the other side who dismiss this as not being powerful enough need to take the 2 or 3 minutes it would take to read it. If they read it, they will understand it is powerful, direct, and understandable language that says we are never going to let the taxpayers face this kind of obligation.

It is not the only provision in this bill. There are many others that have been worked on for a long time. Senator DODD negotiated with the other side literally for months trying to reach a bipartisan agreement. I know he tried. He tried hard with Senator SHELBY, the ranking Republican, with Senator CORKER, a member of the committee, also a Republican. At a committee hearing he held, the Republicans offered 400 amendments, something of that nature. When the time came to call the amendments so there would be an open debate and the bill could be changed one way or the other, they made a decision not to call any amendments, not to offer any changes to the bill.

I say on behalf of Senator DODD, he has shown a good-faith effort to try to make this a strong bipartisan effort. It is not too late. As we start the debate this week, we have a chance to reach, I hope, some agreement and make this a strong bipartisan bill at the end.

But when I listen to Senator KYL of Arizona talking about the goals of this bill and what we want to achieve, I am worried. You see, the Republicans issued their summary of their substitute bill, the bill they want to offer to replace this bill. Within that summary, there is one thing that stands out: There is not a single provision in the Dodd bill which the Republican substitute would strengthen. There is no language we could find in their summary where they say: We are going to make sure we protect families and businesses and consumers more. Each and every section of their substitute weakens this bill, strengthens the banks, and removes the oversight and transparency requirements in so many different areas.

When we take a look at the powers that the Dodd bill provides to the Federal Reserve, unfortunately this Republican substitute does not even give those same powers so that the Federal Reserve which could require, for example, more leverage requirements so that a bank would have more money in the bank to back up investments they would make, liquidity requirements, those are all weakened by the Republican substitute. Time and again their approach to this bill to avoid an economic disaster is to water it down.

Last week, they had a different strategy. The strategy was a filibuster strategy to stop us from even coming to this bill. When they could not sink the bill, they decided they would let us move forward and try to water it down. I don't think that is a move in the right direction for the American economy. I hope we will stand against amendments which weaken this bill.

It is estimated that the financial industry is spending over $100,000 a day in Washington on lobbyists who are trying to get us to weaken or defeat this bill. One may not see them as one walks around Capitol Hill. Believe me, they are busy at work—on the telephones and visiting the offices—asking Members to weaken this bill.

I hope we have the fortitude to say no because this is something that needs to be done. This bill needs to be passed. If anything, we need to strengthen provisions of it.

There is one section that means a lot to me on consumer financial protection. I offered a separate bill on the subject before it came up. Historically, we gave consumer financial protection to a lot of different agencies. Sadly, none of them took it too seriously.

I can recall when the Chairman of the Federal Reserve, Ben Bernanke, was up for reconfirmation just a few months ago. I talked with him in my office. He said: Over the years, the Federal Reserve was given powers to protect consumers. He said: What happened was we never used them. Recently we have started to, but historically we did not use this authority.

We had a situation that when it came to the safety and soundness of banks, they were doing their job, trying to make sure the banks had enough in reserve, that their practices were meeting the law. But when it came to protecting the people, the customers of the banks, they did not really apply themselves to that situation. That was repeated in several other agencies.

What Senator DODD has done is to create the strongest consumer financial protection law in the history of the United States of America. He is not creating a massive bureaucracy as his critics say. Rather, he is saying we will have one agency with its own funding and its own authority which will be able to look at legal documents that Americans, families, and businesses deal with every day to protect us from the tricks and traps into which we can run.

There will be more complete disclosure when it comes to signing an important document—such as a mortgage, credit card agreement, a student loan, an automobile loan, a retirement plan—so that individuals will be empowered across America to look at the facts and make the choice that is best for them.

We are not going to create any kind of guardian angel society. People may still make a bad decision, but they will do it with their eyes wide open instead of being lured into a document which has a secret clause that ends up exploding and hurting them financially.

It happened not that long ago. My colleagues may remember if any of them have been to real estate closings, sitting down in that bank office at a table with your spouse, with two ballpoint pens in hand as they turned the corners of the documents and you signed away for about 20 or 25 minutes. About halfway through you say: What is this again? Oh, don't worry, it is standard boilerplate, just required by the government; been through it all; done it a thousand times. Off you go.

At the end, you put the ballpoint pen down, stand up, shake hands, hand a check, get the keys, go to the new house. But you never know until a later time whether there is a clause or provision in one of those agreements that can come back to haunt you. Let me give an illustration.

In the days of subprime mortgages, people used to be lured in to take a mortgage on a house because the payments were so low: In the first couple of years you mean my monthly payment is going to be half of what I was paying, and I can have this big house? It's a deal. In the third year, there is going to be a change, but the home is going to go up in value. And off you go and sign up.

Some people did not seriously take into consideration that things might go bad for them personally, such as losing a job or the value of the home may not go up as promised or the interest rate may go sky high and they cannot handle it.

In the early mortgages, they had a prepayment penalty. That one clause, that one sentence meant those people at that moment in time would face the worst economic situation of their lives because instead of being able to renegotiate a different mortgage with a different bank with affordable terms, there was a penalty built into their original mortgage that cost them tens of thousands of dollars they could not pay, and they ended up in foreclosure and ended up losing their homes and lost their downpayments. Many of them lost their life savings because of one sentence in that stack of closing documents.

The purpose of this consumer financial protection agency is to make sure we shine a light on those provisions so that people know when they make a decision what that decision means.

Now come the Republicans, and they have come up with a substitute, at least their leadership has. I don't know if it speaks to all the Republicans. They may not agree with it.

In their summary, it appears they start carving out different groups that will not be covered by consumer financial protection. We have them in my hometown of Springfield, IL, and you may have them in yours too. These pay-day loans, title loans, where you come in and hand the title of your car over and they give you a basic loan and say: We are not going to take your car away.

The next thing you know, interest rates are going up, you refinance the loan, and pretty soon you may lose your car. It appears in the Republican substitute those folks in their business ventures should not be covered by the Financial Consumer Protection Act. Go figure. Some of the shabbiest credit operations in America are going to be exempt under the Republican approach to this bill. I don't think it makes much sense.

They also, when it comes to check cashers, currency exchanges, debt collectors, some of the used car dealers, start cutting out exemptions, these lobbyist loopholes that are carving out different financial institutions which will not be subject to this kind of consumer protection.

That is a step in the wrong direction. We ought to make sure everybody is onboard. Groups have come to me from Illinois and said: Could you just acknowledge the fact that our operation has been clean, everybody loves us, we are good neighbors? No, everybody should play by the same basic rules of disclosure and honesty. Good businesses can live with that standard. Those that are not so good, maybe they should not be in business.

When it comes to the attorneys general in the States across America, the Republican substitute says they cannot enforce the provisions we are putting in here. That is a step in the wrong direction. That weakens this good bill. I hope we do not succumb to that proposal.

There are a number of other things in here. I will not go through it in detail. One of the staff refers to it as a ''term paper.'' It goes on page after page summarizing what the Republican substitute will do.

It basically weakens the credit rating agencies I mentioned earlier. Remember the ones that gave AAA ratings to bad securities? Senator DODD starts addressing these with review of their practices, and the Republican substitute weakens that. How can that be any good, to weaken that after the experience we have been through?

That is the debate we are going to face. I hope my colleagues, during the course of this week, will have the opportunity to take this good bill, this strong bill, and make it stronger. I will offer a few amendments along those lines. If those on the other side of the aisle want to join in that effort, I welcome them to see what they have to offer. But if those who come to the floor to offer amendments to weaken this bill, to weaken the oversight, to have less transparency and less security, they are virtually eliminating a cop on the beat that we need on Wall Street to make sure we never, ever experience the kind of economic crisis we are currently experiencing across America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I thank our colleague from Illinois for his predictable eloquence. He is not a member of the Banking Committee, but I began to think he was listening to him talk. He has a wonderful awareness and knowledge of the legislation, and I appreciate that very much. It is a complicated area of law. The fact that he has spent as much time analyzing what is in the bill and the important work that has been done over the many months we have been involved in this debate is something I appreciate very much. I thank him.

I know my friend from Kentucky is here as well. I will not take long, I say to Senator BUNNING.

I am one who is supportive of the Boxer amendment. It is straightforward. The Senator from Illinois read the amendment. What I think is important is in the very first line it says, ''At the end of title II, add the following.'' That is the resolution title.

As the Senator from Illinois said, this is not a sense-of-the-Senate resolution. Title II of the resolution title is a title the Presiding Officer, Senator WARNER of Virginia, and Senator CORKER of Tennessee were the principal authors of on a bipartisan basis in November or December. I asked a number of my colleagues if they were interested in working on various sections of the bill. Senator WARNER and Senator CORKER had a strong interest in the resolution sections of title I and title II of the proposed legislation, the too-big-to-fail concept, something which I believe every Member of this Chamber endorses.

None of us wants to ever again be put in the situation that unfolded in the fall of 2008 when we saw a check for $700 billion being written out to stabilize a number of large financial institutions in the country.

The good news is that at the end of all of that, we are getting money back. But, obviously, it was traumatic to go through all of that, to watch institutions that should have been far more cognizant of the difficulty they were getting into, and when they got into

deep trouble, in order to stabilize the economy or have what the Chairman of the Federal Reserve and the Secretary of the Treasury warned that had we not stepped in could have caused the entire financial system of this country of ours to melt down, to use their words exactly, in the fall of the 2008. All of us here collectively started with how do we write a piece of legislation that would minimize the events that unfolded over the last several years.

Once again, the statistics get repeated frequently on this floor, but they are deserving of being repeated. Mr. President, 8.5 million jobs have been lost, 7 million homes went into foreclosure, a 20-percent decline in retirement incomes, a 30-percent decline in home values, the $11 trillion to $13 trillion—that is with a ''T,'' trillion dollars—in loss of household wealth. Senator DURBIN enumerated a number of those statistics more on an individual basis or a family basis.

So we are determined, as we begin this process, that we begin with titles I and II. The titles of the bill don't always reflect priorities, but in this case they do. There is nothing more important we do in this bill than to end the too-big-to-fail concept—the notion there is an implicit guarantee that if you get in trouble as a financial institution, whatever it may be, that the Federal Government will bail you out when that happens. So we have worked very hard, over many months, to craft the language that will actually bring us to that conclusion; in the rare case, resolution; in most cases, bankruptcy or receivership, where management gets fired under our legislation or where creditors lose, shareholders lose their market value or the value of their shares, there is a tremendous decline there. This is a very painful process to go through but a necessary one.

What Senator BOXER has crafted is merely, in a sense, restating what we have in the legislation, in title I and title II, but to make it more clear and more emphatic, using all the tools we have written—and that is a significant section of this bill—with a tremendous amount of input from people whose knowledge and background in this area was critically important.

I wish to thank my colleague from Vermont, Senator LEAHY, chairman of the Judiciary Committee, because our colleague from Arizona is correct, there were issues involving bankruptcy that we had to work on in this legislation. With the cooperation of the Judiciary Committee as well, we were able to fashion what we have in this bill to end too big to fail. Senator BOXER's amendment emphasizes that point.

When she says in her amendment, very clearly, that all financial companies put into receivership—which is what the language of titles I and II does—under this title shall be liquidated. Shall be liquidated. Not maybe or we hope you are or wouldn't it be a nice thing if you were but you shall be liquidated. What words do my friends not understand in that sentence?

No taxpayer funds. The second sentence. No taxpayer funds shall—again, for those who know the English language, that is not may—be used to prevent the liquidation of any financial company under this title. I don't know how much more clear you can be. Again, I commend her for the language because I think it is the kind of language that anyone ought to be able to understand.

All funds expended in the liquidation of a financial company under this title shall be recovered from the disposition of assets of such financial company or shall be the responsibility of the financial sector through assessments. In other words, they shall pay, not the taxpayers. Again, I don't know how much more clearly you could write the language.

What we did through page after page and chapter after chapter and title after title, if you will, was to legally tell you how we do this. But Senator BOXER has then put an exclamation point on it by telling you this is what all this means, in case anyone fails to understand it.

Then, in the third sentence, taxpayers shall—again—bear no losses from the exercise of any authority under this title of the bill.

So I applaud and thank my colleague from California for the language. Again, we think we have done it. But, look, anyone who tells you they have written the perfect bill, be careful of them. I have been around here long enough to know there is no such thing as the perfect bill. Senator SHELBY, my partner, the ranking Republican and the former chairman of the committee, and I are working on additional language that some have raised as a way to tighten this down even further, should there be any doubts. My hope is, shortly, maybe even as early as tomorrow, we will be able to present a united front on how we do that to further allay the fears some have that titles I and II don't quite complete what they were designed toward achieving in this legislation. So I look forward to that.

I am a supporter of the Boxer amendment when it comes up. The other parts of this bill, again, we have talked a lot about. Senator KYL talked about various other ways of dealing with bankruptcy. He is correct; it is complicated. It is not a straight, normal bankruptcy because there are counterparties; that is, other people, other institutions that may be in very good shape, not in danger at all of coming undone, that could be adversely affected by the financial collapse of another firm. So we want to be careful, as we begin that process of liquidation, that we don't put the country at greater risk than would be the case with the single company or the single institution going into receivership.

So there are aspects that have required a very thoughtful process and, again, the Presiding Officer—and I commend him for it—along with Senator CORKER and others, has been very involved and has been able to work on it over these many months. This is not a bill that was drafted over the weekend or in a few days. There has been a tremendous amount of work that has gone into it. Again, my hope is, as we gather in the coming days on this bill, that we will be talking about what is in this bill and how it works, rather than people listening to some talking points out of a political document about what they hope might be or might not be in the bill in order to arrive at some political judgment. This issue is far too serious. If we fail in this effort over the coming days, then we will leave this country of ours so exposed to the exact situation we saw in the fall of 2008.

We know in the world in which we live today, it isn't just a matter of what happens in our own country—all the headlines we have read about now over the last several weeks of a small country in the Mediterranean—Greece—going through great economic difficult has all of a sudden put Europe at risk financially. The Euro has declined in value, the debt instruments have lost their value. Now the IMF has jumped in, and the Europeans apparently may have jumped in, but let it be a warning to people that we are not living in a world any longer where an American institution, an American bank or some financial institution gets in trouble; we are now talking about a world where what happens in Shanghai, what happens in Europe, what happens in small countries can affect all of us.

We need to recognize that in this 21st century, the rules we are operating on basically were written 100 years ago or more and we need to update those rules and regulations to make it possible for us to manage the next crisis when it comes, and it will come, certainly. When it does occur, will we be able to deal with it effectively, early on, so as not to watch it explode across this country and cause as much devastation as the present events over the last 2 years have?

That is what this effort is all about. It is not more complicated than that, although the answers can be complicated as we try to fashion them in a way that makes sense. I pray this will not become an ideological or political debate. We bear far too great a responsibility to our fellow citizens not to give our best judgment on how to resolve these matters. It ought not to be a question of who wins and who loses 6 months from tomorrow when it will be election day—6 months tomorrow, on November 4. I know there is a great

preoccupation with that. I don't deny that. But our efforts on this bill ought not to be wrapped around that conclusion. We ought to be trying to do our very best to fashion the steps, the rules that will allow us to minimize the effects of another economic crisis.

I can't imagine walking away from this session of Congress, after all the effort that has been made to bring us to this point, not to sit down and resolve these matters in a way that allows us to move forward. So I intend to be supportive of the Boxer amendment. I hope and believe Senator SHELBY and I can agree on a second set of ideas to present to our fellow colleagues tomorrow. I have listened over the weekend. We have worked very hard with all our colleagues, both Democrats and Republicans, who have come up With additional ideas they would like to incorporate as a part of this bill, and we are working with them. My hope is we can lay those out in the next 2 or 3 days to reach agreement on some of those matters.

There will be some matters which we probably can't resolve, despite our good efforts. If that is the case, then we should have a good, healthy debate for an hour or two, then vote in this Chamber and decide whether to accept or reject various ideas. That is the way this institution was designed to work. So in the coming days, I intend to be standing at this very spot, acting as the manager of this bill, along with Senator SHELBY, and again the members of the committee who spent so much time and effort over the last number of months will be a part of this discussion. They offered their intelligence, their background, and their information that I think will enlighten and inform not only the membership but the country as well to what we are trying to achieve.

I look forward to that debate, when we begin in the next 24 hours, and hope that over the next week or so we can conclude that debate; that we will have that good kind of civil conversation, partisan at various points, as I am sure it is apt to be, but remind each other that we bear a joint responsibility to get this right before we adjourn this Congress and to see to it that the American people have a good answer, at least the best answer we can give them under the circumstances, as to how to minimize the effects that have caused so much harm to our country over the last 2 years.

With that, I thank my colleague from Kentucky, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I come to the floor to speak about financial reform and the bill the Senate is considering right now. I have made no secret of my desire to pass a strong financial reform bill and rein in excesses of our largest financial companies. No Senator in the Banking Committee or in this Chamber has been a stronger voice against the financial industry enablers at the Fed than I have been. I have fought every bailout that has come through this Congress as well as the bailouts that the Federal Reserve and both the Bush and Obama administrations put in place without the approval of the Congress. I wish to pass a bill that ends bailouts and puts strong restrictions on reckless activities in our financial sector. Unfortunately, the bill before the Senate not only fails to end bailouts, it does the opposite and makes them permanent. This bill will also lead to future financial disasters because it ignores the root causes of the crisis and thus fails to put the necessary handcuffs on key parts of the financial system.

The primary goal of this bill should be to end bailouts and the idea of too big to fail. Instead, the bill makes too big to fail a permanent feature of our financial system. It concentrates regulations of the largest financial institutions at the Federal Reserve and removes only small banks from Fed supervision. The Feds failed as a regulator leading up to the crisis and should not be the regulator of any banks, but now Federal regulation will be a sign that a firm is too big to fail. On top of the new Fed seal of approval for our largest financial companies, this bill creates a new stability council that will designate other firms for the Fed to regulate and, thus, too big to fail.

Federal regulation of the largest financial firms is not the only way this bill makes too big to fail and bailouts permanent. The largest bank holding companies and other financial firms will now be subject to a new resolution process. Any resolution process is, by definition, a bailout because the whole point is to allow some creditors to get paid more than they would in bankruptcy. Even if the financial company is closed down at the end of the process, the fact that the creditors are protected against the losses they would normally take will undermine market discipline and encourage more risky behavior. That will lead to more Bear Stearns, Lehman Brothers, and AIGs, not less.

The bailouts in this bill come with a cost beyond the moral hazard created by protecting creditors. Despite claims that the financial industry will pay for the bailouts, payments into the bailout fund are tax deductible, which means taxpayers are directly subsidizing the bailouts.

The bailout fund is not the only way this bill keeps taxpayers on the hook for future bailouts. First, the bill does not shut off the Federal Reserve's bailout powers. While some limits are placed on the Fed, the bill still lets it create bailout programs to buy up assets and pump money into struggling firms through ''broad-based'' programs. Second, the bill creates an unlimited new debt guarantee program at the FDIC that can be used to prop up firms instead of closing them down. Both of these bailout powers put taxpayers directly at risk and make bailouts a permanent part of the financial system.

Instead of putting all these bailout powers into law, we should be putting failing companies into bankruptcy. Bankruptcy provides certainty and fairness, and protects taxpayers. Under bankruptcy, similar creditors are treated the same, which.prevents the government from picking winners and losers in bailouts. Shareholders and creditors also know up front what losses they are facing and will exercise caution when dealing with financial companies. Later this week I will join several other Senators in offering an amendment that will update our bankruptcy laws to deal with modern financial firms and permanently end bailouts.

If this bill is not going to take away government protection for financial companies and send those that fail through bankruptcy, then it should make them small enough to fail. Decades of combination have allowed a handful of banks to dominate the financial landscape. The four largest financial companies have assets totaling over 50 percent of our annual gross domestic product, and the six largest have assets of more than 60 percent. The four largest banks control approximately one-third of all deposits in the country. This concentration has come about because creditors would rather deal with firms seen as too big to fail, knowing that the government will protect them from losses. I would rather take away the taxpayer protection for creditors of large firms and let the market determine their size. But if that is not going to happen we should place hard limits on the size of financial companies and limit the activities of banks with insured deposits. Any financial companies that are over those size limits must be forced to shrink. This will lead to a more competitive banking sector, reduce the influence of the largest firms, and prevent a handful of them from holding our economy and government hostage ever again.

Along with not solving too big to fail, this bill does not address the housing finance problems that were at the center of the crisis. First, there is nothing in this bill that will stop unsafe mortgage underwriting practices such as zero downpayment and interest-only mortgages. There is a lot of talk of making financial companies have skin in the game, but when it comes to mortgages, the skin in the game that matters is the borrower's. Second, the bill ignores the role of government housing policy and Fannie Mae and Freddie Mac, which have received more bailout money than anyone else. The bill does not put an end

to the GSE's taxpayer guarantees and subsidies or stop the taxpayers from having to foot the bill for their irresponsible actions over the past decade. On Friday the Wall Street Journal reported that over 96 percent of all mortgages written in the first quarter were backed by some type of government guarantee. Until we resolve the future of the GSEs, the private mortgage market will not return and the risk to the taxpayers will continue to increase.

This bill also does nothing to address the biggest single factor in the current financial crisis and most other crises in the past—flawed Federal Reserve monetary policy. Nothing in this bill will stop the next bubble or collapse if the Fed continues with its easy money policies. Cheap money will always distort prices and lead to dangerous behavior; no amount of regulation can contain it.

As I mentioned earlier, the bill concentrates regulation of the largest financial firms at the Federal Reserve, despite the Fed's long history of failed regulation. Leading up to the crisis the Fed already favored the interests of the large banks, and by only removing its supervision of small banks the Fed will become even more of a cheerleader for Wall Street. In an earlier version of this bill, bank and consumer protection regulation were removed from the Fed and placed in a new bank regulator. Unfortunately, that was undone in the current version and the Fed gets more power for both jobs.

No one has criticized the Fed more than I have, for its failure to use its consumer protection powers to regulate mortgages. But I just cannot understand keeping consumer protection inside the same Fed that ignored that job for decades. This bill takes a dangerous approach to consumer protection by separating it from the safety and soundness of financial companies. It also goes even further by letting the Fed reach into businesses that had nothing to do with the financial crisis.

Finally, I want to mention the credit rating agency portion of the bill. Our goal should be to reduce investors' reliance on the agencies. Instead, the bill will give investors a false sense of security by setting new standards to get certified by the government. Also, allowing the rating agencies to be sued will discourage new agencies from entering the market and further concentrate power in the hands of the largest agencies that have performed the worst.

I have many other concerns about the bill that I will not mention on the floor today, but they are explained in detail in the minority views section of the committee report. As the bill stands today, it will not solve the problems in our financial system. It is regulation without reform. But I hope we can work together to get a bipartisan bill that will put an end to too big to fail forever.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I rise to discuss Wall Street reform, because we must get this bill right if we are to prevent another financial crisis like the last one, which almost destroyed our country. The newspapers are filled with reasons why this is so important: In Europe, because a sovereign debt crisis is threatening to become a full-blown bank crisis, the governments of the EU are using taxpayer funds to bail out Greece.

The hearings before Chairman LEVIN's Permanent Subcommittee on Investigations have riveted the Nation on fraud at the heart of the financial crisis; the widespread use of fraudulent stated-income loans by Washington Mutual; the abject failures of the bank regulatory agencies; the willful neglect of the credit rating agencies; and, finally, the hopelessly conflicted practices of Goldman Sachs, which put its own trading activities above any sense of duty to its customers.

In particular, over the past few weeks, much has been spoken and written about solving the problem of banks that are ''too big to fail.'' As many of my colleagues know, Senator BROWN and I, along with Senators CASEY, MERKLEY, WHITEHOUSE, and HARKIN, introduced a bill to place strict limits on the size and leverage used by systemically significant banks and non-banks alike. We are now offering this legislation as an amendment to the financial reform bill, because we believe that Congress must reduce these megabanks to a manageable size and cap the leverage they may use in order to limit the risk they pose to our economy. We should never again have banks that are too big to fail.

As the recent investigations by Chairman LEVIN, the Financial Crisis Inquiry Commission and others have shown: Even the best-intentioned regulators are no match for gigantic financial institutions, which are structurally complex, functionally opaque, and global in scope. Just as importantly, these financial institutions purposely operate to evade regulatory oversight by means of regulatory arbitrage, accounting and reporting practices that frustrate transparency, and so-called financial innovation that regulators have no chance of fully grasping in real time.

To surrender our Nation's economic security to unelected and mostly unconfirmed regulators is both unwise and undemocratic. It is also a gamble. For those of my colleague who do trust the current set of regulators and have faith in them,—I am sure of those. I trust our regulators.—I would ask: Who will be the next president? Which regulators will he or she name to oversee the largest banks? What will be their regulatory philosophy? And how much determination and enthusiasm will they bring to the task of forecasting bank risk and risk to the U.S. economy? I submit, no can answer those questions.

And while resolution authority is necessary, why would we believe that it will work for a $2 trillion megabank with operations in more than 100 countries? And as we saw just months ago, such banks do not simply fail on their own. The very problems that affect one megabank, such as a fall in the value of widely held assets like mortgage-backed securities, will affect every other big bank at the same time. That is what is happening in Europe today. The EU has decided to bail out Greece, before the panic spreads to Portugal, Ireland and Spain.

That is why to me the choice is clear. We must do more to act preventively.

Making the largest banks smaller is a necessary, but not sufficient, proposal. It is a complementary idea to the regulatory solutions contained in the current bill, which is a good bill.

In the 1930s, this body had the courage and foresight to pass laws that maintained U.S. financial stability for generations. But a decade ago, too many forgot the wisdom of those laws. That is our challenge today in the Senate. We can either do nothing, which would be dangerous and irresponsible. Or we can direct the regulators to do a better job, which may work for a time. Or we can build a strong, clear safeguard to secure the American economy and to protect the American people from ever having to bail out megabanks again.

The current bill has many provisions that I support, but, as Moody's reports, ''the proposed regulatory framework doesn't appear to be significantly different from what exists today.'' We must go farther.

The Brown/Kaufman amendment is not as dramatic as it seems nor is it, I believe, fraught with unintended consequences. Very large banks will still exist under this bill. But they will not be so big that they are ''too big to manage and too big to regulate,'' as former FDIC Chairman Bill Isaac has said. And the leverage they use, the ratio of capital to assets, which is the very basis for how risky they become, will be statutorily capped.

In fact, the extra layer of protection provided by this legislation is the least we should do. Under Brown-Kaufman, big financial conglomerates like Bank of America and Citigroup will still have balance sheets that exceed $1 trillion, about half of their current size. In other words, Citigroup would be about the size that it was in 2002, when it was still very competitive in the U.S. and overseas. The balance sheet of an investment bank like Goldman Sachs would be scaled down from $850 billion to a more reasonable level of just above $300 billion, or around $450 billion if Goldman exits the bank holding

company structure. Lest anyone think that this is punitive: Goldman Sachs's assets didn't exceed $100 billion until 2003. That means under the worst case of this bill, their assets will be three times as big as they were in 2003. The firm is currently well over 10 times the size it was when it went public just over 10 years ago.

A recent report by Andrew Haldane, the executive director of Financial Stability at the Bank of England, has two charts depicting the incredible growth and concentration that occurred within our financial system over the last 10 to 15 years.

The first chart shows how the averse size of a commercial bank relative to GDP has tripled over the 15 years. By the way, this looks very much like the chart we had on housing process right before the big crash. Look at that exponential growth. If you want to see what happened, 1999 was when we repealed Glass-Stegall. Of course, this increase was driven by the growth of the megabanks, not by the growth of community or regional banks.

The second chart shows how concentrated the U.S. banking system has become in just 10 years. The top three banks represented approximately 20 percent of overall bank assets in 1999, the time of the repeal of the Glass-Steagall Act. In fewer than 10 years, this percentage has doubled, with these top three banks now representing more than 41 percent of total bank assets.

And the government's response to the financial meltdown has only made the financial industry bigger? None of this includes what happened in the meltdown: JP Morgan swallowed Bear Stearns and Washington Mutual; Bank of America absorbed Merrill Lynch; and Wells Fargo bought Wachovia.

Why would we want financial institutions this gigantic? And people are telling me how do you unravel this? First thing we are going to do is now that the finance is set, undo these things we did during the financial crisis. That is not for me to decide. What we should do is put the limits up there and let people decide how they are going to reach the limits. The last 2 years proved beyond dispute that management and risk committees at America's most prestigious firms were unable to effectively track, measure, and mitigate their exposures.

As Andrew Haldane recently noted: ''risk and counterparty relationships outstripped banks' ability to manage them. . . . Large banks grew to comprise several thousand distinct legal entities. When Lehman Brothers failed, it had 1 million open derivatives contracts.''

Former Treasury Secretary Robert Rubin recently admitted: ''There isn't a way for an institution with hundreds of thousands of transactions a day involving something over a trillion dollar that you are going to know what's in those position books.'' That is Robert Rubin one of the smallest men I have ever met on finance and also on the Government's approach to finance. If leaders of these massive financial institutions have no idea regarding their systemic risk, what hope do regulators have?

The truth is that these financial institutions have become so large and complex that regulators rely upon the banks and the markets to self-regulate. Under the Basel II Capital Accord, determinations on capital adequacy became dependent on the judgments of rating agencies and, increasingly, the banks' own internal models. Modeling is fine, so lone aa the banks stay between bright lines which should be drawn by Congress. Otherwise, if regulators issue rules governing capital requirements that depend on the banks to use their own models to determine adequacy of their capital and liquidity, then as a practical matter such regulation becomes meaningless, and is no longer regulation.

Indeed, regulators have long had all the tools they need to increase capital and restrict banks from engaging in activities that pose a serious risk to the safety, soundness or stability of a bank holding company. But they failed to do it.

The regulators failed for many reasons, but they failed in part because so much of the risk is hidden and difficult to understand. Institutions like Lehman and Citigroup brazenly engaged in accounting gimmicks to evade regulations that were imposed on them. Lehman implemented ''Repo 105'' to hide the true extent of its liabilities at the end of each reporting quarter. At the end of each reporting quarter, they came up with something so that they could take liabilities off the balance sheets so regulators and even shareholders did not know what their true economic position was. In the second quarter of 2008 alone, it moved $50 billion temporarily off of its balance sheets without telling regulators, ratings agencies, or even its own board or shareholders. SEC and Federal Reserve regulators stationed at Lehman Brothers never caught on. And the Lehman CEO claimed he never knew about it. Is it not amazing, a CEO of a corporation, all of the money he is making, $50 billion each quarter off the balance sheet being hidden, and he never knew anything about it. At the same time, Citigroup and others held more than a trillion dollars in off-balance-sheet vehicles to avoid capital requirements for lending. When market conditions soured, tens of billions of dollars in liabilities suddenly appeared back on their balance sheets to the surprise of regulators and shareholders alike.

Some argue that it is the quality of those regulatory standards that must be improved, and that they must be finely tuned and calibrated if they are to affect the behavior of the large banks.

Assistant Treasury Secretary Michael Barr recently noted, markets will ''undoubtedly evolve'' beyond what any law says. But, he said, regulators are now pushing for new global capital standards that will be ''more robust, higher and better quality, less pro-cyclical, and include global agreement on a leverage ratio.''

That will be very helpful, but it is not a solution. The history of financial regulation has proven that strong and sweeping statutory standards are far tougher to evade than technical regulations that prescriptively set requirements. The Financial Times reported recently that banks are already developing new ways to arbitrage the global capital standards to which Secretary Barr refers. In other words, they are finding ways around the rules before they are even finalized.

That is why we need statutory standards on the leverage and size of these megabanks, as provided in the Brown-Kaufman SAFE Banking Act. While some technocrats may say that they are blunt tools, I say that that is precisely the point: the amendment provides a clear line that banks can not evade and regulators can not ignore, thereby making both accountable.

The Federal Government cannot continue to subsidize these mega-banks and permit them to grow by taking on ever greater risk and speculation. Dean Baker and Travis McArthur of the Center for Economic and Policy Research compared the borrowing costs of the 18 largest banks, all of which have over $100 billion in assets, to smaller ones. They estimated that the effective government subsidy because of the implicit guarantee that they are too big to fail results in a 70–80 basis point borrowing advantage over smaller banks, resulting in lower borrowing costs equal to approximately $34 billion. We are not saying they are too big to fail, what the market is saying, if you are a bank that is big enough so it looks like it is too big to fail, you can borrow for 70–80 basis points less than smaller banks. Fed Chairman Bernanke has noted that this is unfair competition to smaller banks. I agree. I wish I would hear more from smaller banks. As a result, less money flows to local communities, and small businesses have trouble getting affordable loans.

Nonetheless, there are still those who argue that we need megabanks, that there are economies of scale that allow $2 trillion banks to better service large U.S. global corporations and help us compete globally. They offer no evidence to support this claim, however, because there is none. At least I have not been able to find any.

There are no academic studies proving that in banking, bigger is better and more efficient beyond $100 billion in assets. While big corporations on

some occasions need to access particularly large amounts of capital, Wall Street banks typically form syndicates to spread the risk. And while megabanks have large balance sheets that might allow them to take on a large amount of underwriting risk, it is not clear whether this is good for the customer or the financial system as a whole. By having lots of smaller institutions participate in an underwriting, the corporate customer is apt to get better pricing because it will be accessing a wider variety of retail and institutional distribution channels. The financial system is also safer by not having large concentrations of proprietary positions in loans and securities, or even worse, by having these institutions ''hedge'' those large exposures with esoteric products that no one understands and that are often hidden off balance sheet.

Nor is there research that demonstrates that the U.S. needs large banks in order to ''compete'' with massive foreign banks.

It is true that only 6 of the 50 largest banks in the world are based in the U.S. Many banks on that list have a history of government involvement, some were even owned by their governments. Virtually all of these batiks benefit from implicit or explicit government guarantees. Many, including the largest bank on the list, the Royal Bank of Scotland, have been recipients of massive bailouts.

Ireland is in the midst of a painful process of bailing out its largest banks. Switzerland put together an approximately $60 billion bailout package for one of its largest banks, UBS. The U.K.'s bailout support for its banks exceeds $1 trillion. The case of Iceland provides a cautionary tale for all nations on how a government can be completely overwhelmed by the collapse of its largest financial institutions.

And while French and German banks have enjoyed only modest, direct bailouts, through the EU and IMF debt relief provided to Greece, these banks have received a massive, indirect government bailout. The Wall Street Journal reports that German and French banks carry a combined $119 billion in exposure to Greek borrowers and more than $900 billion to Greece and other vulnerable Euro countries, including Ireland, Portugal and Spain. French banks have almost $80 billion in exposures to Greece, while German banks have $45 billion in exposures to the country.

Given these circumstances, other countries face just as urgent a need to break apart their megabanks.

What about Canada, many ask? Its large banks did well during the last crisis. But there are significant differences in our two countries. First, there was no wave of financial deregulation in Canada. Canadian banks are subjected to tight mortgage origination standards and tough leverage limits, something U.S. financial institutions and their regulators completely ignored for the last decade. Second, in Canada the government insures the most risky mortgages, and I don't think we want to go back to doing that. Finally, not one of Canada's largest banks is near the size of any of the five largest U.S. banks. In fact, the largest Canadian bank is not even a third of the size of the largest U.S. bank. What's more, under the limits of the Brown-Kaufman Act, our megabanks would continue to be much larger than the largest Canadian banks.

Some officials have argued that ''most observers'' think that breaking up the big banks would lead to more risk, not less; that bigger banks are more diversified and therefore less risky than smaller banks. That makes no sense to me. As the governor of the Bank of England, Mervyn King, recently observed, ''Banks who think they can do everything for everyone all over the world are a recipe for concentrating risk.'' That is one of the reasons why he, too, favors breaking up the megabanks as the solution to ''too big to fail.''

I believe the view of most observers is best summarized in the review of the literature in ''13 Bankers,'' the book by Simon Johnson and James Kwak. Breaking up the banks is not a populist idea in the pejorative sense of that word. It is supported by smart, informed people outside the Washington-Wall Street corridor who understand what is happening, including three presidents of the Federal Reserve Board and a host of economists and academics.

Even Alan Greenspan, in his recent speech at the Brookings Institute looking back on ''The Crisis,'' stated clearly: ''For years the Federal Reserve had been concerned about the ever larger size of our financial institutions. Federal Reserve research had been unable to find economies of scale in banking beyond a modest-sized institution. A decade ago, citing such evidence, I noted that 'megabanks being formed by growth and consolidation are increasingly complex entities that create the potential for unusually large systemic risks in the national and international economy should they fail.' Regrettably, we did little to address the problem.''

Anyone can come up with reasons for maintaining the status quo, for allowing oversized megabanks to continue to be too big to fail. But given the recent economic disaster, the burden of proof should fall on those who want to retain our currently dangerous concentration of financial power. Repeating the mantra of U.S. competitiveness and the idea that ''this is not about size but about risk and interconnectedness'' are only excuses for an unjustified failure to act.

The question is what must we do to ensure that a financial crisis like the great recession, which continues to cause millions of people to be out of work and lose their homes, never happens again? The Brown-Kaufman amendment would add another layer of protection to our financial sector, and would make it much less likely that U.S. taxpayers will ever be asked to bail out Wall Street again.

Brown-Kaufman is a modest, even conservative, proposal to restore the size of banks to where they were a decade ago. It will also impose a statutory leverage limit to prevent megabanks from taking on too much risk—a fact about our amendment that is often overlooked.

Sometimes, the buck must stop with Congress. We can take strong steps to undo the harm of the last decade, or we can punt responsibility to the very regulators who failed us in the first place. Either way, the American people will hold us responsible. So let us act responsibly and protect them from further harm.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I wasn't planning on speaking today, but I have had the opportunity to preside for the last couple of hours. I heard my friend from Arizona earlier today make some comments about the financial reform bill. I rise to address them.

Before doing so, I commend the Presiding Officer for his comments this afternoon, comments with which I may not fully agree, but he makes a very persuasive and interesting case about how we get this right. Clearly, we have to make sure our goal is setting rules and regulations that will stand the test of time. We have to make sure we end the notion of too big to fail.

I know the approach of the Presiding Officer is to look at size. I think the committee's approach, which I share, is to look at interconnectedness, to give regulators the ability to unwind organizations if they can't prove they have a rational way to be unwound through a bankruptcy process.

Reasonable people can disagree, but we absolutely agree on the goal: making sure the American taxpayer never has to hear ''too big to fail,'' particularly too big to fail where the American taxpayer has to pay the bill.

I thank the Presiding Officer for his comments. I know the debate will continue.

Earlier today, my friend, the Senator from Arizona, spoke on the bill. As

somebody who has been involved in portions of this bill for a number of months, the Senator from Arizona and I share common goals. We want to make sure that taxpayers are not exposed, that we end bailouts, and that we put rules of the road in place for the 21st century for the financial system. My hope is that in some of the workings between Chairman DODD and Senator SHELBY, they will find common agreement on titles Senator CORKER and I worked on, where they might improve the initial draft.

What I hear time and again from all of our colleagues is a commonality of goals. My hope is that at the end of the day we will have legislation that has broad bipartisan support.

Let me go back to my colleague from Arizona. He had a strong preference for bankruptcy. His concern was that bankruptcy in every case can take care of every financial institution's unwinding, that bankruptcy provided predictability. He mentioned in passing a new concept called speedy bankruptcy and cited certain scholarly articles on it, speedy bankruptcy that had some portion of a certain aspect of the capital structure that would convert certain debt into equity in the event of this process. He made the comment that even having resolution in the process would always lead to bailouts. I respectfully disagree and want to take a moment to further explicate what Chairman DODD's bill does in terms of how he approached these same issues in a bipartisan way.

First, we believe the default option should always be bankruptcy. Bankruptcy is a clear and established set of rules. It gives creditors, equity holders a predictability about what happens in the event of a firm getting into trouble, getting into potential insolvency, and gives a path toward going out of business. But what we have seen at least to date is that bankruptcy sometimes is neither speedy nor, at least in its current form, always able to take care of enormously large, complex financial institutions.

I believe it was at the end of last week that there was a story in either the New York Times or the Wall Street Journal that pointed out that the Lehmann bankruptcy process is still ongoing, with fees in excess of $400 or $500 million being charged to try to unwind this firm.

One of the things I have heard is, if a firm goes into bankruptcy, there are these dollars that will still be needed to unwind the firm in an orderly process. Those of us who drafted the bill said that this unwinding process, if we are going to use resolution instead of bankruptcy, should be prefunded by the financial industry itself, which would benefit. My colleagues believe that perhaps it would be better if the Treasury or some other institution borrows money that then is repaid from the financial industry itself. Again, reasonable people can disagree whether we prefund or postfund, but the facts remain. The unwinding of any firm takes time and resources. At the end of the day, we have to make sure the taxpayer is protected. That is Point No. 1.

Point No. 2. I agree with my colleague from Arizona when he says that a new tool we could use for these large, systemically important firms to make sure there was a price for them getting too large and there was an ability to make sure they could be unwound in a regular process would be the creation of a new form of debt in the capital structure, debt that, in the event of a crisis, would convert into equity, dilute existing shareholders—be, in effect, a check on management because they would also be diluted in this event.

I urge my colleague from Arizona to recognize that we have put that into the bill already. We have created a convertible debt component that all of the systemically important firms would have to build into their capital structure and, in effect, would allow this to be triggered even prior to a crisis point. So rather than being used only at the moment of crisis, it could actually be used as a speed bump in advance as one of the early signs of a crisis coming.

Again, it is one of the reasons why we have created a Systemic Risk Council that allows for higher capital requirements, focused on leverage, focused on better risk management plans, putting this new contingent debt structure within the overall capital structure of the institution. And there are the funeral plans, or the plans where we are asking, again, for these large institutions to outline how they will unwind themselves through a bankruptcy process.

That process has to be approved by the regulators. It is a process whereby if the regulators do not approve it, they could actually come to the conclusion that there is no way to unwind this firm during bankruptcy and, consequently, they could actually do what the Presiding Officer requires and say: This firm then, consequently, has to be downsized—or certainly their international operations have to be split off or spun off because there is no appropriate way to unwind this firm in the event of a bankruptcy process. So again, I think the goal of my colleague from Arizona of making sure there is an orderly, planned approach through bankruptcy to unwind these large firms is in place. So we agree there.

The fact that there is the creation of this new debt structure within these large firms—that would be debt that would convert to equity—that is in the bill, and actually it is even better than what my friend, the Senator from Arizona, has proposed because it could be triggered even before a crisis.

Where I guess I differ from my colleague, the Senator from Arizona, is that while he and I strongly believe in the bankruptcy process and the preference toward bankruptcy, we believe that in certain extraordinary cases—and if we have done our job, hopefully, extraordinary cases that rarely, if ever, may happen—you still have to have an ability to have a resolution authority.

Why is this the case? Well, as we saw in the crisis in 2008, there were times when perhaps the balance of the industry realized that the firm was rapidly falling into insolvency, but as the firm went down this path toward insolvency, the management of the firm refused to recognize that, consequently potentially putting not only the firm in jeopardy but because of the fact that if that firm, in effect, fell fully insolvent, it could actually threaten the whole safety of the system.

So after conversations with folks from across the political spectrum, we thought in these extraordinary times there needs to be this kind of trigger of last resort in terms of using a resolution process. It is a resolution process to put appropriate guardians in place, requiring the Treasury, the head of the FDIC, the head of the Fed, to all act in concert, to put a judicial check in place so, again, no future administration might overuse this power.

As Senator BOXER's amendment will further reaffirm, resolution will mean the firm will go out of business, that equity will be toast, management will be toast, the unsecured creditors will be toast. This will be an effective death panel for a financial institution.

As my colleague, the Senator from Arizona, has pointed out, at least if a firm chooses bankruptcy, they may emerge on the other side, out of the bankruptcy process, at least semiwhole. If you go into resolution, you are not coming out the other end. This will be like: Once you check in, you never check out. Your firm is going out of business. There may be parts of that firm, because they are systemically important—a clearing process, or some other systemically important part of this institution—that may have to be redeposited elsewhere. And it has to be done in an orderly process. But the firm, as it was priorly construed, will no longer exist. Never again will we do what we did in 2008, where the American taxpayer came in and shored up these firms in their current status. Resolution will never be chosen by any rational management team or any rational group of shareholders.

I hope my friends, who want to make sure we end bailouts, who want to make sure we have an orderly process, will, again, recognize—and there may be ways to improve upon it—we have put together a bill that has a strong preference toward bankruptcy, that puts in place the requirement that the

regulators have to bless this bankruptcy plan, no matter how complex you are, and if you cannot get that blessing then maybe parts of your institution need to be spun off in advance. We have already adopted the component of contingent debt that would convert into equity. Again, that threat of converting even in advance of a crisis will be a check on a management team that wants to take undue risk.

There will be no existing shareholders who will want to be faced with what could be significant dilution even in advance of a crisis if the Systemic Risk Council said: Hold on here, you have now gone over that tripwire. You are going to get converted. You are going to get diluted. Again, it is another check on the management team.

I do believe we have created a strong framework. But to ignore the fact that, as we saw in 2008, there may be times when either a management team fails to read the handwriting on the wall and declare bankruptcy or the crisis comes perhaps because of not even management malfeasance but because of a coordinated cyberattack or some other kind of catastrophic event that puts in jeopardy the system—to say never, ever could there be a time when we need an orderly resolution process to maintain the safety and soundness of the overall financial system, I believe, would be shortsighted.

I look forward to continuing to work with colleagues on both sides of the aisle to try to get this right in the coming weeks. I commend the chairman and the ranking member, Senator SHELBY. I hope they are having those conversations even as we speak. I look forward to continuing the conversation with the Presiding Officer on how we, again, can prevent these kinds of actions from even taking place in the first place. How do we deal with his approach of actually downsizing these institutions with bright-line rules or our approach that tries to look, perhaps, more at the interconnectedness but still grants that ability to the Systemic Risk Council if there is no way for an institution to demonstrate how it will unwind itself through bankruptcy?

Again, reasonable folks can disagree. But none of us should disagree with the ultimate goal: ending too big to fail, making sure we no longer have even the potential of taxpayer exposure, trying to bring more transparency and fairness to this financial system, and, again, as the Presiding Officer and I have talked about before, making sure whatever comes out of this Chamber can stand the test of time so we can give the market the predictability it craves but also the security to the American people that we built ‘‘financial rules of the road’’ for the 21st century that will truly work.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THOUSAND-YEAR RAIN EVENT

Mr. ALEXANDER. Mr. President, Nashville and middle Tennessee have been hit with what the Corps of Engineers officials tell us is a thousand-year rain event—in a thousand years, we wouldn't expect to have this much rain—and it is providing enormous hardship to the people not just of Nashville and Davidson County but counties in and around Nashville. I wish to give a brief report on what we know about that, what Senator CORKER and I and Congressman COOPER and the other Members of Congress from that region are doing, working together, so the people of our area can know what to expect.

There is a telephone number to call, and I would like to give it. It is 615–862–8574. It is a telephone number for people in the Nashville-middle Tennessee area who are concerned about what to do, who have an emergency, and who want information about what help may be available to them—615–862–8574.

The Cumberland River and the Harpeth River are the two rivers that are causing most of the problem, and we have been waiting all day for the Cumberland River, which runs through Nashville on up to Clarksville, to crest. That crest hasn't happened yet, and the latest predictions are, it might happen around 7 o'clock. It may be later.

In the meantime, the Corps of Engineers, with whom we are working, is trying hard to minimize the damage from the lakes they are responsible for. There are three major lakes in the middle Tennessee region: Old Hickory, Percy Priest, and Center Hill. These lakes hold the water, of course. If the Corps of Engineers releases water from the overflow of these lakes, that puts more water into the Cumberland River and that floods Nashville more.

This is the latest report on those three lakes. The Corps is currently not releasing water from Percy Priest Lake, and they have told us they will not release water from Percy Priest Lake until the river crests. This is important information for people in downtown Nashville. First Avenue, Second Avenue both have a lot of water. Some of the big buildings, the Pinnacle Building, has a lot of water. The fact that the Corps is not releasing water from Percy Priest Lake until the river crests is an important piece of information.

The water level, on the other hand, at Old Hickory Lake is at historic levels, and the Corps is releasing water from Old Hickory Lake but only when absolutely necessary to maintain the stability of the Old Hickory Dam. Fortunately, the Corps is not having to release water from the third lake, the Center Hill Lake. It has some room to spare.

This is an example of Congress and the Federal Government doing something right because, over the last several years, we have added funds to the appropriations bills—I have and others as well—in order to improve the safety of Center Hill Dam. Because up until the last couple years, the water level had to be lowered because the dam was weak. If the dam was as weak as it was 2 or 3 years ago, the Corps of Engineers would have had to be releasing a lot more water from Center Hill Lake into the Cumberland River, causing more flooding in Nashville.

Over the weekend, we have been in touch with Governor Bredesen's office and Mayor Dean's office and they are doing a first-rate job. Part of my responsibility is to work with Governor Bredesen, and over the last several years, on disasters as they occur, such as the tornado in Macon County, near Nashville, the tornadoes in Jackson and Madison County. The Governor and the Tennessee Emergency Management Agency—I used to be in charge of that agency when I was Governor—have a first-rate operation there, and they have been working hard ever since the rains hit.

The Federal Emergency Management Agency has a liaison stationed at the TEMA—the Tennessee Emergency Management Agency—office, and they are working well together. What those people are doing is using every available resource in support of State and local efforts to try to rescue people, to make life easier, to get the water plant running again, and to begin to assess what the damage is, which is where the Federal Government generally can help.

As I mentioned, this is not just Nashville that is involved. Macon County, Williamson County, Montgomery County, Cheatham County—all the counties right around Nashville up to Clarksville are involved. My chief of staff from Washington has been onsite in Nashville since last night, my State field director has been onsite since last night as well, and they are busy dealing with the local officials. I am prepared to go whenever it would be helpful, but there is no need for me to go and get in the way if there is nothing for me to do. Right now, the best thing for me to do, along with Senator CORKER and Congressman COOPER, is to stay in touch with the Governor's office and the Mayor's office and be

ready to help with a disaster request when it is made.

When the Governor makes a disaster request, the procedure is, we then go to work to help persuade the President—and I am sure he will act as promptly as he can—to approve that disaster. There are two or three kinds of help that may be forthcoming. One would be public assistance for debris removal, to repair public buildings that are damaged, water or sewer facilities or infrastructure. For example, one of the major water treatment plants is down, and the mayor has asked Nashvillians to conserve water. That may be an area where Federal support will be available to help.

Then there is the matter of private assistance. Temporary housing may be available. There may be loans available to businesses that are hurt and other forms of assistance to individuals and households.

This is a major event in our city. The Opryland Hotel—one of the biggest hotels anywhere in America—has had to empty itself, and it has 1,500 residents who are staying in a high school. We are told it may be several months before the Opryland Hotel is able to function again. We hope not because its tax revenues provide 25 percent of all the hotel-motel tax revenues for the city, and that would come at a difficult time.

So my purpose on the floor today is simply to express my concern to the residents of the city where we live—in Nashville, TN—and to all others who might be affected in the middle Tennessee area and to let them know I believe Governor Bredesen and the mayor are doing a first-rate job in responding to the immediate requests, that the Federal and State management agencies are hard at work, that there is a telephone number that individual Tennesseans who have questions can call—it is 615–862–8574—and that after getting themselves and their families in order, the best thing to do is to document your losses so when the Governor makes his request for emergency disaster assistance and the President approves it, those losses can be proven and that help can come more quickly.

The Governor will move as swiftly as he can on this. Our experience is, it is better to be complete than quick because we want to make sure, when the request comes in, that it involves everybody, that it involves all the claims, that they are properly documented. That has been our experience before. So that is my report to the people of middle Tennessee. I want them to know I care about it, that I am on the phone about it, we have staff members on site, and I believe the Governor and the mayor and the Federal and State emergency agencies are doing all they can and we can hope for the best as the Cumberland River crests, we hope sooner rather than later.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

## TRIBUTE TO GENERAL SCOTT THOELE

Mr. DURBIN. Madam President, I rise to congratulate Scott Thoele (''Taylee'') of the Illinois Army National Guard on his promotion to brigadier general.

General Thoele, as a colonel, led the Illinois Army National Guard during its deployment last year to Afghanistan.

He commanded the 33rd Infantry Brigade Combat Team, whose soldiers served in that country from August 2008 to September 2009. The mobilization of his soldiers was the Illinois Guard's largest since World War Two.

Most of these men and women are civilian-soldiers from cities and towns across Illinois. They have their own lives separate from service in our Armed Forces.

Most do not serve full time in the Guard. In the midst of living their lives—working at their jobs, spending time with their families, and participating in their communities—they have made a patriotic commitment to their country.

They have said, if my Nation needs me to serve and to fight abroad, I will answer the call.

And last year, 3,000 soldiers from Illinois left their jobs, their families, and their communities to serve at the call of their Nation.

General Thoele is one of those soldiers. He lives in Quincy, IL, with his wife and four children. In his civilian life, he works at First Bankers Trust Company in the bank's audit department.

This was a difficult deployment for the Illinois Army National Guard. They spent the year in Afghanistan in austere conditions. Their main task was to train and mentor the Afghan National Security Forces, in an effort to help the Afghans take responsibility for their own safety and security. They also provided security to the provincial reconstruction teams across Afghanistan. Eighteen Illinois soldiers lost their lives in service to their country. Dozens more were badly injured.

A long time ago, before he became President, there was a young captain from Illinois who answered the call when his State needed men to fight in the Black-Hawk war of 1832. He gathered 400 volunteers from the Sangamon County State militia and traveled north to Prophetstown, IL, marching through miles of what author Carl Sandburg described as ''swamp muck and wilderness brush . . . pushing and pulling when horses and wagons bogged.''

It was also a difficult war—as all wars are. Sandburg wrote that to the men under the young captain, ''it didn't seem the kind of war they had expected and they wrote home about it.'' But ultimately they did come home, while young Abraham Lincoln went on to reenlist—and to serve his Nation in many ways.

I offer my thanks to General Thoele, who also continues to serve his Nation, now as the Deputy Commanding General for the Army National Guard at the Army's Combined Arms Center in Kansas. Thank you for your work in Afghanistan and for bringing our soldiers home safely. And congratulations again on your promotion to brigadier general.

## DISCLOSE ACT

Mr. SCHUMER. Madam President, last Friday, I introduced S. 3295, the DISCLOSE Act, because Democracy Is Strengthened by Casting Light on Spending in Elections. I am joined by 40 of my Senate colleagues as cosponsors.

Decades ago, Justice Louis Brandeis boldly said, ''Sunlight is said to be the best of disinfectants.'' That is exactly what this bill will do—shine a light on the flood of spending unleashed by the Citizens United decision.

The DISCLOSE Act will drill down and give the public the information they have a right to know. No longer will groups be able to live and spend in the shadows.

The Court spoke in the Citizens United decision. And while there is disagreement with its ruling, there is room to maneuver. This legislation does not circumvent the Court by reimposing a backdoor ban on corporate spending. Instead, the DISCLOSE Act closes certain loopholes and relies on enhanced disclosure, an idea endorsed by the Court. This legislation meets the test of constitutionality.

The aim of the DISCLOSE Act is simply to level the political playing field so that special interests do not drown out the voice of the average voter. It applies to corporations and advocacy organizations the same rules that candidates already have to abide by. And it applies these rules equally across the board. It covers corporations and labor unions alike, as well as 527s, social welfare organizations, and trade associations.

The DISCLOSE Act will do the following:

First, new disclaimers on all television advertisements funded by special interests will be required in order

to uncover who is really behind the ad. If a corporation is running the ad, the CEO will have to appear to at the end to say that he or she approved the message, just like a candidate must do today. If an advocacy organization is running the ad, both the head of the organization running the ad, and the top outside funder of the ad, will have to appear on camera. Additionally, a list of the top five funders to that organization will be displayed on the screen. This will stop the funneling of big money through shadow groups in order to fund ads that are virtually anonymous. For the first time, the money can be followed back to its origin and the source of the money will be public.

Second, an unprecedented level of disclosure is mandated, not only of an organization's spending, but also of its donors. In disclosing their donors, organizations will have a choice—they can either disclose all of their donors that have given in excess $1,000, or they can disclose only those donors who contribute to the group's campaign-related activity account, if they solely use that account for their spending. All spending intended to influence an election—be it on television, radio, print, mailers, robocalls, and billboards—would flow through this account. And every donor who contributes more than $1,000 would have to be disclosed. Organizations must not only disclose these donors to the FEC, but also to the public on their Web sites and to their shareholders and members through their annual and quarterly reports.

Third, loopholes created by the Court's decision are closed. The first loophole is closed by preventing foreign-controlled entities from spending unlimited sums in our elections through their U.S.-based subsidiaries. This was a loophole specifically mentioned by Justice Stevens in his dissent. Foreign leaders who don't have American interests in mind shouldn't have the ability to influence our elections. The second loophole is closed by banning companies with government contracts in excess of $50,000 from making unlimited expenditures. The third loophole is closed by banning expenditures by companies that receive government assistance such as TARP. Taxpayer money should not be used to help corporations influence elections.

Finally, in an attempt to allow all candidates and parties to respond to ads funded by special interests, the current law granting lowest unit rate to candidates is expanded by giving those same rights to the parties on a limited geographic basis.

I ask my colleagues to join me in sponsoring and passing the DISCLOSE Act.

I ask unanimous consent that a section by section analysis of the DISCLOSE Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING

SEC. 101. BAN PAY-TO-PLAY

Prevent Government Contractors from Spending Money on Elections. Government contractors would be barred from making campaign-related expenditures, defined to include independent expenditures and electioneering communications. This is an extension of an existing ban on contributions made by government contractors. Before Citizens United, corporations could not make such campaign-related expenditures. A $50,000 contract threshold will be included to exempt small government contractors.

Prevent Corporate Beneficiaries of TARP from Spending Money on Elections. Corporations that received bailout funding from the federal government should not be permitted to use taxpayer money to influence elections. This section would prohibit bailout beneficiaries from making campaign-related expenditures. Once that money is repaid, however, the restrictions would be lifted.

SEC. 102. PREVENT FOREIGN INFLUENCE IN U.S. ELECTIONS

While foreign nationals, including foreign corporations (those incorporated overseas), are banned from making contributions or expenditures to influence U.S. elections, the opinion in Citizens United created a loophole for spending by domestic corporations controlled by foreign nationals. To close the loophole, the legislation extends the existing prohibition on contributions and expenditures by foreign nationals to include domestic corporations under the following circumstances:

1. If a foreign national owns 20% or more of voting shares in the corporation, which is modeled after the control test in many states, including Delaware;

2. If a majority of the board of directors are foreign nationals;

3. If one or more foreign nationals have the power to direct, dictate, or control the decision-making of the U.S. subsidiary; or

4. If one or more foreign nationals have the power to direct, dictate, or control the activities with respect to federal, state or local elections.

SEC. 103. PREVENT ORGANIZATIONS FROM COORDINATING THEIR ACTIVITIES WITH CANDIDATES AND PARTIES

The legislation ensures that corporations and unions are not allowed to coordinate campaign-related expenditures with candidates and parties in violation of rules that require these expenditures to be independent.

Current FEC rules bar corporations and unions from coordinating with congressional candidates and parties about ads that refer to the candidate and are distributed within 90 days of a primary election or within 90 days of the general election. For Presidential contests, current FEC rules prohibit coordination on ads that reference a presidential candidate in the period beginning 120 days before a state's Presidential primary election and continuing in that state through the general election.

This legislation would do the following:

For House and Senate races, the legislation would ban coordination between a corporation or union and the candidate on ads referencing a Congressional candidate in the time period starting 90 days before the primary and continuing through the general election. For presidential campaigns, the legislation would ban coordination between a corporation or union and the candidate on ads referencing a Presidential or Vice Presidential candidate in the time period starting 120 days before the first presidential primary and continuing through the general election.

SEC. 104. POLITICAL PARTY COMMUNICATIONS

The legislation provides that any payment by a political party committee for the direct costs of an ad or other communication made on behalf of a candidate affiliated with the party is treated as a contribution to the candidate only if the communication is directed or controlled by the candidate.

Party-paid communications that are not directed or controlled by the candidate are not subject to limits on the party's contributions or expenditures.

TITLE II—PROMOTING EFFECTIVE DISCLOSURE OF CAMPAIGN-RELATED ACTIVITY

The legislation ensures that the public will have full and timely disclosure of campaign-related expenditures (both electioneering communications and public independent expenditures) made by covered organizations (corporations, unions, section 501(c)(4), (5), and (6) organizations and section 527 organizations).

The legislation imposes disclosure requirements that will mitigate the ability of spenders to mask their campaign-related activities through the use of intermediaries.

It also requires disclosure of both disbursements made by the covered organization and also the source of funds used for those disbursements.

SUBTITLE A—REPORTING IMPROVEMENTS TO THE FEC

SEC. 201. INDEPENDENT EXPENDITURES

The definition of an ''independent expenditure'' is expanded to include both express advocacy and the functional equivalent of express advocacy, consistent with Supreme Court precedent. Additionally, the section imposes a 24-hour reporting requirement for expenditures of $10,000 or more made more than 20 days before an election, and expenditures of $1,000 or more made within 20 days before an election.

SEC. 202. ELECTIONEERING COMMUNICATIONS

This section expands the definition of ''electioneering communications'' to include all broadcast ads that refer to a candidate within the period beginning 90 days before a primary election, until the date of the general election. Any such ''electioneering communication'' is subject to the disclosure requirements in the bill. The section also expands the reporting requirements for electioneering communications to include a statement as to whether the communication is intended to support or oppose a candidate, and if so, which candidate.

SUBTITLE B—EXPANDED REQUIREMENTS FOR DISCLOSURE

SEC. 211. IMPROVED DISBURSEMENT REPORTING REQUIREMENTS

The legislation would require corporations, labor unions, and section 501(c)(4), (5), or (6) organizations—as well as section 527 organizations—to report all donors who have given $1,000 or more to the organization during a 12-month period if the organization makes independent expenditures or electioneering communications in excess of $10,000.

If an organization makes a transfer of funds to another person for the purpose of making an independent expenditure or electioneering communication, the organization shall be treated as making an independent expenditure or electioneering communication. A person shall be deemed to have transferred funds for the purpose of making campaign-related expenditures if there have been

substantial discussions about such expenditures between the person making the transfer and the person receiving the funds, if the person making the transfer or the person receiving the transfer knows (or should have known) of the intent to make campaign-related expenditures by the person making the transfer or if making the transfer or the person receiving the funds made a campaign-related expenditure in the last election cycle or the current cycle.

SEC. 212. DISCLOSURE OF GENERAL TREASURY FUNDS

If a donor to a covered organization specifies that his donation may not be used for campaign-related activity, the organization is restricted from using the donation for that purpose, and may not then disclose the identity of the donor. The organization's CEO must certify to the donor within 7 days that such funds will not be used for campaign-related activity.

If a covered organization makes a disbursement for campaign-related activity, the CEO must file a statement with the FEC certifying that the expenditure was not made in coordination with a candidate, that funds designated by the donor not to be used for campaign-related activity have not been used for any campaign-related activity, and that the spending has been fully disclosed and made in compliance with law.

SEC. 213. CREATION OF SEPARATE CAMPAIGN-RELATED ACTIVITY ACCOUNT

An organization can establish a separate ''Campaign-Related Activity'' account to receive and disburse political expenditures. If an organization makes campaign-related expenditures exclusively from its separate account, then it is only required to disclose only donors who have contributed $10,000 or more for unrestricted use or donors who have contributed $1,000 or more specifically for campaign-related activity.

SEC. 214. ENHANCE DISCLAIMERS TO IDENTIFY SPONSORS OF ADS

Require Leaders of Corporations, Unions, and Organizations to Identify that they are Behind Political Ads. If any covered organization (corporation, union, section 501(c)(4), (5), or (6) organization, or section 527 organization) spends on a political ad, the CEO or highest ranking official of that organization will be required to appear on camera to say that he or she ''approves this message,'' just like candidates have to do now.

In order to prevent ''Shadow Groups'', Require Top Donors To Appear in Political Ads They Funded. In order to prevent individuals and entities from funneling money through shell groups in order to mask their activities, the legislation will include the following requirements:

The top funder of the advertisement must also record a stand-by-your-ad disclaimer.

The top five donors of non-restricted funds to an organization that purchases campaign-related TV advertising will be listed on the screen at the end of the advertisement. This has been used very successfully in Washington State and is the model for this section in the legislation.

SUBTITLE C—REPORTING REQUIREMENTS FOR REGISTERED LOBBYISTS

SEC. 221. REQUIRING REGISTRANTS TO REPORT INFORMATION ON INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS

In an effort to add to the transparency of lobbying activities, all registrants under the Lobbying Disclosure Act must disclose the following information on their semiannual reports: the date and amount of each independent expenditure or electioneering communication of $1,000 or more, and the name of each candidate referred to or supported or opposed.

SUBTITLE D—FILING BY SENATE CANDIDATES WITH THE FEDERAL ELECTION COMMISSION

SEC. 231. FILING BY SENATE CANDIDATES WITH THE COMMISSION

In addition to the increased disclosure and transparency placed on outside organizations, the legislation will incorporate language from the bipartisan S. 1858, which requires Senators to electronically file their campaign finance reports directly to the FEC.

TITLE III—DISCLOSURE OF CAMPAIGN-RELATED ACTIVITY TO MEMBERS & SHAREHOLDERS

SEC. 301. ENHANCE REQUIREMENTS FOR DISCLOSURE OF POLITICAL EXPENDITURES TO SHAREHOLDERS AND MEMBERS OF COVERED ORGANIZATIONS

All campaign-related expenditures made by a corporation, union, section 501(c)(4), (5), or (6) organization, or section 527 organization must be disclosed on the organization's website with a clear link on the homepage within 24 hours of reporting such expenditures to the FEC. Additionally, all campaign-related expenditures made by a corporation, union, section 501(c)(4), (5), or (6) organization, or section 527 organization must be disclosed to shareholders and members of the organization in any financial reports provided on a periodic and/or annual basis to its shareholders or members.

TITLE IV—TELEVISION MEDIA RATES

SEC. 401. PROVIDE LOWEST UNIT RATE FOR CANDIDATES AND PARTIES

Current law allows for candidates to receive the lowest unit rate for airtime in order to get their message out over the airwaves.

If a covered organization (which includes corporations, unions, section 501(c)(4), (5), and (6) organizations, and section 527 organizations) spends $50,000 on airtime to run ads on broadcast, cable, or satellite television that support or oppose a candidate, then that candidate or political party committee is allowed to receive the lowest unit rate for that media market.

The broadcaster must also ensure that the candidate or political entity has ''reasonable access'' during nonpreemptible airtime.

TITLE V—OTHER PROVISIONS

This Title contains the judicial review, severability, and effective date sections.

Mrs. FEINSTEIN. Madam President, I rise to express my strong support for the Democracy Is Strengthened by Casting Light on Spending in Elections Act, also called the DISCLOSE Act.

I want to thank Senator SCHUMER for his work on this important bill and say that I plan to support it every step of the way.

Before I discuss the merits of this legislation, I think it is important to provide some context.

This bill is a legislative response to a Supreme Court decision. In 2002 we passed the Bipartisan Campaign Reform Act. The law was bipartisan, widely supported, and we firmly believed it to be constitutional based on prior decisions of the Court.

In 2003, the Supreme Court upheld portions of the law in the case of McConnell v. Federal Election Commission.

But on January 21 of this year, the Roberts Court handed down a 5–4 decision striking down parts of the Bipartisan Campaign Reform Act.

That decision—Citizens United v. Federal Election Commission—flew in the face of nearly a century of congressional law. It also overturned two prior rulings of the U.S. Supreme Court. The overturned cases were McConnell v. Federal Election Commission, 2003, and Austin v. Michigan Chamber of Commerce, 1990.

The case is not alone. It is part of a trend of decision after decision from the Roberts Court overturning prior precedents. I have real concern that this Court is going out of its way to rewrite and reinterpret prior law. Its decisions seem to favor corporate interests over the interests of the American people. We have heard talk of ''activist'' courts before and I fear that is exactly what we have today.

The Citizens United decision may be the most troubling one yet. This decision does not only impact one group of people or one area of the law—it affects the very way our elections and our democratic system are run.

The Court's decision in this case opened the door to unlimited corporate spending in federal elections. It held that the first amendment of the Constitution protects the rights of corporations, and protects their right to spend freely—in the millions or even the billions of dollars—on election ads to support or defeat their favored candidates.

This means that an oil company like ExxonMobil could spend any portion of its billions in profits to elect a candidate who will let them drill more, or to defeat a candidate who opposes their drilling plans.

It means that Xe Services, formerly known as Blackwater, and other defense contractors could spend unlimited sums toward the election of candidates who view their defense positions favorably.

And large banks like JPMorgan Chase would be free to use their corporate treasury funds to attack candidates who favor financial regulation.

This last example, of course, is a very real and present situation. The questions on the floor right now are of great importance—should the credit default swaps and derivative contracts that have wreaked havoc on our economy be regulated, and how? These are questions we need to answer with the interest of the American public and our economy in mind, not the possibility that JP Morgan could launch a multimillion dollar attack against us if we don't bow to their demands.

As Fred Wertheimer of Democracy 21 testified at a Rules Committee hearing, ''It would not take many examples of elections where multimillion corporate expenditures defeat a member of

Congress before all members quickly learn the lesson, vote against the corporate interest at stake in a piece of legislation and you run the risk of being hit with a multimillion-dollar corporate ad campaign to defeat you.''

The Supreme Court's decision is based on constitutional law. They get the final word on the Constitution, and they have spoken. So our response unfortunately has to be made with one hand tied behind our back. The DISCLOSE Act is a powerful attempt to show the public the effect of this decision and to ensure that our election process will remain transparent.

Here is what the bill would do:

First, it would require new disclaimers so that the American public knows who is behind an ad they see on TV.

If a corporation runs an ad, the CEO must stand up and say that they approved the message. If an advocacy organization runs the ad, the head of the organization and the top outside funder must appear. The point is simple—if you are behind an ad, say so, and let the public know.

Second, the bill would impose new disclosure requirements.

Organizations will have to disclose all of their donors who have given over $1000 or who have contributed to their election spending accounts.

Let me give you an example from the National Law Journal of why these disclosure and disclaimer rules are important.

Last summer, an organization called America's Health Insurance Plans, or AHIP, collected between $10 and $20 million from major health insurance companies such as Aetna, Cigna, Kaiser Foundation, UnitedHealth Group, and Wellpoint. AHIP funneled these funds to the U.S. Chamber of Commerce, which set up two separate entities called the ''Campaign for Responsible Health Reform'' and ''Employers for a Healthy Economy.'' These two shell organizations then engaged in widespread advertising to oppose health reform. Although the health insurance companies were the primary funders of the ads, the American public had no way of knowing that by the time the ads appeared on TV.

The DISCLOSE Act will require disclaimers that name an ad's top funders and disclose where the money came from. I think this is important, and I believe it will be an important step forward in true voter education and transparency.

Third, the bill will prevent foreign-controlled entities from spending unlimited sums in American elections through their subsidiaries.

Under current law, foreign companies cannot directly contribute to candidates or air election ads, but their U.S.-based subsidiaries can and often do. According to the Washington Post, since 2007, U.S.-based subsidiaries of foreign corporations have contributed more than $20 million to Federal campaigns through political action committees.

The rules will prevent a corporation from making contributions or spending on election ads if a foreign national owns 20 percent or more of its voting shares; a majority of the board of directors are foreign nationals; foreign nationals have the power to control the decision making of the subsidiary; or foreign nationals control election-related expenditures.

Fourth, the bill will prohibit any company with government contracts in excess of $50,000 and any company that receives TARP or similar government assistance funds, from making unlimited election expenditures.

The point here is simple—if your business relies on government contracts or government assistance for its revenues, you should not be in the business of trying to buy seats for your friends or take them away from your enemies.

Finally, the bill will expand current law to allow political parties the same ability as candidates to get television ad time at the ''lowest unit rate'' in certain situations and in certain geographical areas.

The Roberts Court's decision in Citizens United was, I believe, the wrong one. It protected corporations at the expense of drowning out individuals' free speech. It threatened to put democratic elections in the United States up for sale. And it will, I believe, lead to voters having less reliable information about candidates—not more.

The DISCLOSE Act cannot solve all of the problems created by the decision, but it is a critical step forward. The bill will ensure that the American public knows who is funding an ad when they see it on television, and it will close loopholes that could have otherwise allowed unlimited spending in our elections by foreign nationals and corporations receiving government assistance.

I believe it is essential that we pass this bill quickly, and I look forward to working with Senator SCHUMER and others to do so.

## ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Madam President, each May, since 1978, we have honored the rich heritage and countless accomplishments of the many Asian Pacific Americans in our country. I am delighted to recognize Asian Pacific American Heritage Month and to pay tribute to the struggles and enormous contributions of Asian Pacific Americans to our Nation's history and culture.

May was chosen for Asian Pacific American Heritage Month to commemorate both the arrival of the first Japanese immigrants in 1843, and also the completion of the Transcontinental Railroad in 1869, which was constructed in large part by Chinese laborers.

''Lighting the Past, Present, and Future'' is the theme for this year's celebration of Asian Pacific American Heritage Month. This phrase recognizes both the plight and extraordinary achievements of the Asian Pacific American community as they have forged ahead to become a successful and vital segment of American society.

Currently, Asian Pacific Americans constitute one of the fastest growing minority communities in the United States, and California is home to the greatest number of Asian Pacific Americans. There are over 15 million Asian Pacific Americans in the Nation, with more than 5 million living in California. In addition, there are thousands of Asian Pacific Americans currently serving in our Armed Forces, defending our country and securing freedom abroad.

With this wealth of diversity, our State is enriched by many famous ethnic enclaves such as San Francisco's Chinatown and Japantown, Westminster's Little Saigon, Los Angeles's Historic Filipinotown and Long Beach's Little Cambodia. As the Asian Pacific American community has grown, these historic neighborhoods have become vibrant centers of cultural exchange and learning.

The Asian Pacific American community has enthusiastically answered the call to public service, and as a result, we see more Asian Pacific Americans in government leadership. Throughout my career, I have worked with many extraordinary Asian Pacific American leaders, in particular Senators DANIEL INOUYE and DANIEL AKAKA of Hawaii, two longtime stalwarts of the Senate. Joining my colleagues this year in Congress was Representative JUDY CHU, the first Chinese American woman elected to the House of Representatives, becoming the 12th Asian Pacific American elected official currently serving in Congress. In addition, Dr. Steven Chu was appointed as Secretary of the U.S. Department of Energy, the first Asian Pacific American to hold the position. A new generation of leaders has emerged, who will no doubt continue to lead not only their community, but the Nation to new heights.

This past year has also meant many firsts for the Federal bench: two Asian Pacific American nominees, Ed Chen and Lucy Koh, for the U.S. District Court for the Northern District of California, where there has never been an Asian Pacific American district judge; the confirmation of the first Chinese American woman to be a district court judge, Dolly Gee; and the confirmation of the first Vietnamese American district court judge, Jacqueline Nguyen. I recommended Magistrate Judge Chen

and Judge Nguyen to President Barack Obama, as well as Professor Goodwin Liu for appointment to the Ninth Circuit Court of Appeals, confident that their strong legal backgrounds and unique perspective will be valuable additions to the Federal courts.

As we celebrate the rich and diverse Asian and Pacific Islander cultures during this month, we are not only recognizing many notable achievements, but we are also reminded of the struggles and sacrifices endured to live and experience the American dream.

The Senate has worked on a number of major pieces of legislation this session, including the Patient Protection and Affordable Care Act, which I proudly voted for and the President signed into law in March. In addition to providing health care to 2.3 million uninsured Asian Pacific Americans nationwide, the bill will provide subsidies to Asian Pacific American small businesses, close the Medicare "doughnut hole" for all Asian Pacific American seniors, and provide more resources and strong data collection provisions that will help address racial and ethnic health disparities. In a community where 52 percent of Asian Pacific Americans delay or forgo routine and preventative treatment due to the high cost of medical care and where cancer is the leading cause of death, access to quality medical care is vital.

This is a great beginning to health care reform and I look forward to continuing the work with my Federal medical insurance rate authority bill. My legislation would create a rate authority that would oversee premiums charged by the health insurance industry and provide a safeguard for Americans against soaring premium increases. Access to affordable medical care is a necessity of life that I will work hard to protect for all Americans.

In the Asian Pacific American community where about 60 percent of the population is foreign-born, immigration reform is a central and important issue. For example, although Asians and Pacific Islanders make up about 39 percent of all family sponsored immigrants, they represent nearly half the backlogs in family reunification visas. I recently cosigned a letter with Senator BARBARA BOXER to President Obama, urging his continued support for fixing our broken immigration system. As we address immigration reform, it is imperative that we support effective solutions and a commonsense approach that would keep families together, while improving the state of our economy.

At such an unprecedented moment in the Nation's history, there is no doubt that these are only two of the many challenges that the Asian Pacific American community will be faced with in the upcoming year. However, Asian Pacific Americans are a resilient people and their accomplishments this year alone are a testament of their remarkable spirit and important role in the history and culture of the United States.

I am proud to honor the tremendous strength, character, and courage of Asian Pacific Americans during Asian Pacific American Heritage Month and am confident that they will only continue to surpass these challenges and further add to the vibrancy of the American landscape.

## REMEMBERING DR. RUSSELL ROSS

Mr. GRASSLEY. Madam President, I would like to recognize the passing of a mentor to me and many other political science students over the years.

Russell Marion Ross was a professor of political science for more than 40 years at the University of Iowa. He died on Tuesday, April 27, at age 88.

Dr. Ross was an Iowan through and through. Born in Washington, IA, he received his bachelor and master degrees, and Ph.D. in political science from the University of Iowa. He served as chairman of the department for many years. In 1987, he wrote a book on the department's history for the Iowa State Historical Society. Following his retirement, he continued to teach long-distance education classes until the time of his death. Dr. Ross began his association with long-distance education while serving in the Navy on the aircraft carrier USS Manilla Bay.

He was an expert on local government and politics. He wrote several books in his field, served as executive assistant to Governor Norman Erbe in the 1960s, and was the mayor of University Heights for more than 10 years.

Dr. Ross influenced numerous students over the years. Online condolences included postings by two city managers who said Dr. Ross guided their vocations. Other postings came from those with fond memories of Dr. Ross' friendliness, approachability, and honesty.

As Joel and Sandy Barkan of Washington, DC, wrote: "He was devoted to the University, a good steward, and a straight shooter in the Iowa tradition. He will be missed."

That is exactly the sentiment I have about Dr. Ross.

In 1957 and 1958, Dr. Ross was my professor at the University of Iowa when I was pursuing course work toward a doctorate in political science. As an authority on state and local government, he would have been my adviser on my dissertation topic, which was the reorganization of state government to save money.

Professor Ross was an expert and very well-regarded in his field, sought after for decades by the news media for his sharp insight into Iowa politics. He combined his significant knowledge with a plain-spoken common sense that cut to the chase. For example, in assessing the Democratic Presidential caucus fight in 2000, Dr. Ross was quoted as saying of candidate Bill Bradley, who was slow to respond to attacks from Al Gore, "He muffed it pretty badly." That was the bottom line in just five words.

So Professor Ross was generous with his insight. He also was generous with his time. To a 23-year-old graduate student, as I was, an accomplished scholar can be intimidating and hard to approach. Dr. Ross was the opposite. He always had time for his students, and all of these years later, that's the first impression that comes to mind when I think of him.

I didn't finish my doctoral program, but that had nothing to do with Dr. Ross. I ran for the State legislature instead. With his generosity of spirit and knowledge, Dr. Ross helped me to find my calling, as he excelled at his. Iowans are fortunate to have had such an outstanding person in our lives.

## ADDITIONAL STATEMENTS

## TRIBUTE TO COLONEL KEITH ZUEGEL

• Mr. CONRAD. Madam President, I want to take a moment to honor COL Keith W. Zuegel of the U.S. Air Force on the occasion of his retirement after 28 years of dedicated service to our country.

After graduating from the Air Force Academy in 1982, Colonel Zuegel logged nearly 2,000 flying hours across four aircraft and six airframes, including the F–111 "Aardvark," achieving a master navigator rating. He skillfully served in numerous operational tours, including assignments and experience ranging from the United States to Europe and the Pacific. Of distinct importance, his skills were put to the test during the opening night of Operation Desert Storm. On January 17, 1991, young Captain Zuegel distinguished himself in an attack on a heavily fortified target near Ali Al Salem Airfield, Kuwait. In the face of heavy antiaircraft fire and surface-to-air-missiles launched against them, Captain Zuegel, the F–111 weapons system officer, and his aircraft commander elected to continue their attack. Their destruction of a hardened aircraft shelter greatly diminished the Iraqi Air Force, clearing the way for the eventual ground campaign to liberate Kuwait. His heroic combat efforts that evening earned him a Silver Star.

Following his operational assignments, Colonel Zuegel served in a variety of staff assignments, working for the Secretary of the Air Force, the Commander of U.S. European Command, the Commander of Joint Forces Command, and the Chairman of the Joint Chiefs of Staff. His experiences in those posts served him well, preparing

him for the ''big leagues''—Director of the Air Force's Congressional Budget and Appropriation Liaison Office. In this role, he directed all Air Force congressional appropriations work on the hill for the last 3 years, as well as routine engagements and testimony by the Air Force's senior leadership with Congress. Through those interactions, my fellow Members of Congress have come to view him as a trusted ambassador in blue. The Secretary of the Air Force said that ''Zeugs is a key guy in the Air Force,'' while the chairman of both defense appropriations subcommittees lauded his efforts. Speaking personally, I have benefitted from Colonel Zuegel's work arranging congressional travel more than once and have always found him to be not only a consummate professional and an astute representative of the Air Force but also a gracious host and a wonderful travelling companion.

I ask that my colleagues join me in expressing our deep appreciation to Colonel Zuegel for his outstanding service. His character and dedication demonstrate the best of our Armed Forces. Colonel Zuegel has been a friend to my office, my constituents in North Dakota, and me. On the occasion of his retirement, I wish Keith and his family all the very best in the years to come.●

## TRIBUTE TO JANE KEATING

● Mr. WYDEN. Madam President, I wish to pay tribute to Taxpayer Advocate Jane Keating. Ms. Keating will be retiring in April 2010 after 38 years of service to this country.

Former Oregon Governor Tom McCall once said, ''Heroes are not giant statues framed against a red sky. They are people who say, ''This is my community, and it is my responsibility to make it better.'' Jane Keating truly is a hero, for she has devoted much of her life to making the United States and her community better.

Jane Keating began her career with the Internal Revenue Service, IRS, in 1972 as a tax auditor in Los Angeles. Jane held successively responsible managerial positions with the IRS before coming to my home State of Oregon in 1985 as chief of the Taxpayer Service Division.

Because of Jane's outstanding service to the taxpayers, she was selected as the Taxpayer Advocate in August 1996. Jane has led this office with professionalism, integrity, and a sense of dedication to the taxpayers she serves. Her colleagues, her employees, and the public respect Jane for the excellent service she provided for so many years.

It is an honor for me to recognize Ms. Jane Keating for her service to this country and to her community. She is indeed a true Oregon hero.●

## REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004, WITH RESPECT TO THE BLOCKING OF PROPERTY OF CERTAIN PERSONS AND PROHIBITION OF EXPORTATION AND RE-EXPORTATION OF CERTAIN GOODS TO SYRIA—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004, and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, is to continue in effect beyond May 11, 2010.

While the Syrian government has made some progress in suppressing foreign fighter networks infiltrating suicide bombers into Iraq, its actions and polices, including continuing support for terrorist organizations and pursuit of weapons of mass destruction and missile programs, pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency. As we have communicated to the Syrian government directly, Syrian actions will determine whether this national emergency is renewed or terminated in the future.

BARACK OBAMA.
THE WHITE HOUSE, *May 3, 2010.*

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5688. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–243, –341, –342, and –343 Airplanes Equipped with Rolls-Royce Trent 700 Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0391)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5689. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1068)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5690. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A330–300, and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1108)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5691. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model 340–500 and –600 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0282)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5692. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211–Trent 700 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2005–19559)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5693. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Hollywood, FL'' ((RIN2120–AA66)(Docket No. FAA–2010–0300)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5694. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace, Oxnard, CA'' ((RIN2120–AA66)(Docket No. FAA–2009–1009)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5695. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Dallas–Fort Worth, TX'' ((RIN2120–AA66)(Docket No. FAA–2009–0926)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5696. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Altus, OK'' ((RIN2120–AA66)(Docket No. FAA–2009–0405)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5697. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace, Rifle, CO'' ((RIN2120–AA66)(Docket No. FAA–2009–1014)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5698. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; North Bend, OR'' ((RIN2120–AA66)(Docket No. FAA–2009–0831)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5699. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Low Altitude Area Navigation Route T–254; Houston, TX'' ((RIN2120–AA66)(Docket No. FAA–2010–0015)) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5700. A communication from the Senior Legal Advisor and Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Amateur Service Rules to Facilitate Use of Spread Spectrum Communications Technologies'' (FCC 10–38) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5701. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Roof Crush Resistance'' (RIN2127–AG51) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5702. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Short-Term Lending Program'' (RIN2105–AD50) received in the Office of the President of the Senate on April 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5703. A communication from the Attorney-Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision'' (RIN2125–AF22) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5704. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Beaumont, TX'' (MB Docket No. 10–49) received in the Office of the President of the Senate on April 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5705. A communication from the Acting Associate Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''High-Cost Universal Service Support, Jurisdictional Separations, and Coalition for Equity in Switching Support Petition for Reconsideration'' (FCC10–44) received in the Office of the President of the Senate on April 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5706. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tax Treatment of Health Care Benefits Provided with Respect to Children Under Age 27'' (Notice No. 2010–38) received in the Office of the President of the Senate on April 29, 2010; to the Committee on Finance.

EC–5707. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebuconazole; Pesticide Tolerances'' (FRL No. 8821–4) received in the Office of the President of the Senate on April 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5708. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyprodinil; Pesticide Tolerances'' (FRL No. 8818–8) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5709. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Phosphate Ester, Tallowmine, Ethoxylated; Exemption from the Requirement of a Tolerance'' (FRL No. 8816–4) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5710. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spirodiclofen; Pesticide Tolerances'' (FRL No. 8820–4) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5711. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Northeast and Other Marketing Areas; Order Amending the Orders'' (Docket No. AMS–DA–09–0007; AO–14–A78, et al.; DA–09–02) received in the Office of the President of the Senate on April 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5712. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Swine Contract Library'' (RIN0580–AB06) received in the Office of the President of the Senate on May 3, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5713. A communication from the Acting Assistant Secretary of Defense (Health Affairs), Department of Defense, transmitting, pursuant to law, the Department of Defense Evaluation of the TRICARE Program Fiscal Year 2010 Report; to the Committee on Armed Services.

EC–5714. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Board of Directors of Federal Home Loan Bank System Office of Finance'' (RIN2590–AA30) received in the Office of the President of the Senate on April 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5715. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9137–8) received in the Office of the President of the Senate on April 30, 2010; to the Committee on Environment and Public Works.

EC–5716. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compound Automobile Refinishing Rules for Indiana'' (FRL No. 9136–7) received in the Office of the President of the Senate on April 30, 2010; to the Committee on Environment and Public Works.

EC–5717. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Placer County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Joaquin Valley Unified Air Pollution Control District, and South Coast Air Quality Management District'' (FRL No. 9135–3) received in the Office of the President of the Senate on April 30, 2010; to the Committee on Environment and Public Works.

EC–5718. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: The 2010 Critical Use Exemption from the Phaseout of Methyl Bromide'' (FRL No. 9144–5) received in the Office of the President of the Senate on April 30, 2010; to the Committee on Environment and Public Works.

EC–5719. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution'' (FRL No. 9144–4) received in the Office of the President of the Senate on April 30, 2010; to the Committee on Environment and Public Works.

EC–5720. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Colorado;

Revisions to Regulation Number 1'' (FRL No. 9114–3) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Environment and Public Works.

EC–5721. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program'' (FRL No. 8823–7) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Environment and Public Works.

EC–5722. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases: Minor Harmonizing Changes to the General Provisions'' (FRL No. 9143–5) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Environment and Public Works.

EC–5723. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites offshore of the Siuslaw River, Oregon'' (FRL No. 9143–2) received in the Office of the President of the Senate on April 28, 2010; to the Committee on Environment and Public Works.

EC–5724. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to West Onslow Beach and New River Inlet (Topsail Beach), North Carolina; to the Committee on Environment and Public Works.

EC–5725. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Center for Devices and Radiological Health; New Address Information'' (Docket No. FDA–2010–N–0010) received in the Office of the President of the Senate on May 3, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5726. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Changes in the Federal Employees Dental and Vision Insurance Program'' (RIN3206–AL78) received in the Office of the President of the Senate on April 29, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5727. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Audit of the Fleet Management Administration of the Department of Public Works''; to the Committee on Homeland Security and Governmental Affairs.

EC–5728. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's 48th Annual Report of the activities of the Federal Maritime Commission for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–5729. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to Indian Health Service funding for contract support costs of self-determination awards; to the Committee on Indian Affairs.

EC–5730. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on applications made by the Government for authority to conduct electronic surveillance and physical searches during calendar year 2009; to the Committee on the Judiciary.

EC–5731. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the Department's activities during Calendar Year 2009 relative to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

EC–5732. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to wiretaps; to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–98. A concurrent resolution adopted by the Senate of the Legislature of the State of Missouri relative to urging the Untied States Congress to strongly support the continuation of horse processing in the United States and to offer incentives that help create horse processing plants throughout the United States; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 8

Whereas, horse processing is the most tightly regulated of any animal harvest, and the horse is the only animal that has its transportation to processing regulated. If horse processing plants are forced to close and export options are eliminated, the Horse Welfare Coalition estimates that 90,000 to 100,000 unwanted horses annually would be exposed to potential abandonment and neglect; and

Whereas, the 90,000 to 100,000 additional unwanted horses each year would compete for adoption with the 32,000 wild horses that United States taxpayers are already paying $40 million to shelter and feed; and

Whereas, the nation's inadequate, overburdened, and unregulated horse rescue and adoption facilities cannot handle the influx of the approximately 60,000 or more additional horses each year that would result from a harvesting ban, according to the Congressional Research Service; and

Whereas, many zoo animal diets rely on equine protein because it mimics what the animal would receive in the wild. Veterinarians and animal nutritionists say it is the healthiest diet for big cats and rare birds. If legislation shuts down horse processing facilities, the only source for this meat that is inspected by the U.S. Department of Agriculture (USDA) will be eliminated: Now therefore be it

*Resolved*, That the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to strongly support the continuation of horse processing in the United States and to offer incentives that help create horse processing plants throughout the United States, such as state-inspected horse harvest for export; and be it further

*Resolved*, That the members of the Missouri General Assembly strongly encourage Congress to support new horse processing facilities and the continuation of existing facilities on both the state and national level; and be it further

*Resolved*, That the members of the Missouri General Assembly urge Congress to oppose any legislation introduced in the 111th Congress that would restrict the transportation and processing of horses in the United States and internationally; and be it further

*Resolved*, That the members of the Missouri General Assembly support the location of USDA-approved horse processing facilities on state, tribal, or private lands under mutually-acceptable and market-driven land leases and, if necessary, a mutually-acceptable assignment of revenues that meet the needs of all parties involved with the facility; and be it further

*Resolved*, That the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 707. A bill to enhance the Federal Telework Program (Rept. No. 111—177).

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEAHY:

S. Res. 511. A resolution commemorating and acknowledging the dedication and sacrifices made by the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty; to the Committee on the Judiciary.

By Mr. JOHNSON:

S. Res. 512. A resolution designating June 2010 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 632, a bill to amend the

Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 973

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 973, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1668

At the request of Mr. BENNET, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1724

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1724, a bill to establish a competitive grant program in the Department of Justice to be administered by the Bureau of Justice Assistance which shall assist local criminal prosecutor's offices in investigating and prosecuting crimes of real estate fraud.

S. 2801

At the request of Mr. FRANKEN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2801, a bill to provide children in foster care with school stability and equal access to educational opportunities.

S. 2947

At the request of Mr. CARDIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 3102

At the request of Mr. MERKLEY, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3202

At the request of Mr. LUGAR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3202, a bill to promote the strengthening of the Haitian private sector.

S. 3206

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3206, a bill to establish an Education Jobs Fund.

S. 3219

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3219, a bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3266

At the request of Mr. BENNET, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Montana (Mr. TESTER), the Senator from Illinois (Mr. BURRIS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3266, a bill to ensure the availability of loan guarantees for rural homeowners.

S. 3272

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3272, a bill to provide greater controls and restrictions on revolving door lobbying.

S. 3287

At the request of Mr. BROWNBACK, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3287, a bill to award a Congressional Gold Medal in honor of the recipients of assistance under the Servicemen's Readjustment Act of 1944 (commonly referred to as the ''GI Bill of Rights'') in recognition of the great contributions such recipients made to the Nation in both their military and civilian service and the contributions of Harry W. Colmery in initiating actions which led to the enactment of that Act, and for other purposes.

S. 3295

At the request of Mr. SCHUMER, the names of the Senator from Virginia (Mr. WEBB), the Senator from New Mexico (Mr. UDALL) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3295, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. RES. 411

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 411, a resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program to

promote construction of environmentally preferable commercial, public, or private buildings.

AMENDMENT NO. 3737

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 3737 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3738

At the request of Mr. SANDERS, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 3738 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3746

At the request of Mr. WHITEHOUSE, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 3746 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3759

At the request of Mrs. HUTCHISON, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 3759 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 511—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICES MADE BY THE FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS WHO HAVE BEEN KILLED OR INJURED IN THE LINE OF DUTY

Mr. LEAHY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 511

Whereas the well-being of the people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, serve the people of the United States as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas, in 2009, 116 peace officers across the United States were killed in the line of duty;

Whereas Congress should strongly support initiatives to reduce violent crime and increase the factors that contribute to the safety of law enforcement officers, including—

(1) equipment of the highest quality and modernity;

(2) increased availability and use of bullet-resistant vests;

(3) improved training; and

(4) advanced emergency medical care;

Whereas the names of 18,983 Federal, State, and local law enforcement officers who lost their lives in the line of duty protecting the people of the United State are engraved on the National Law Enforcement Officers Memorial in Washington, District of Columbia;

Whereas, in 1962, President John F. Kennedy designated May 15 as National Peace Officers Memorial Day;

Whereas, on May 15, 2010, more than 20,000 peace officers are expected to gather in Washington, District of Columbia, to join with the families of recently fallen comrades to honor those comrades and all others who went before the peace officers: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates and acknowledges the dedication and sacrifices made by the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty;

(2) recognizes May 15, 2010, as ''National Peace Officers Memorial Day''; and

(3) calls on the people of the United States to observe that day with appropriate ceremony, solemnity, appreciation, and respect.

Mr. LEAHY. Mr. President, I am honored once again to submit this resolution to the Senate commemorating our Nation's law enforcement officers and National Peace Officers Memorial Day. The Senate's official recognition of National Peace Officers Memorial Day and Police Week is a tradition I am proud to carry out each year, and I look forward to the Senate taking up and passing this resolution.

In 2009, 116 law enforcement officers died while serving in the line of duty. We honor their memory. Though this is a decrease from 2008, it is no less tragic a loss to our Federal and State law enforcement community and to their families and friends. Each year we commemorate the bravery of so many in law enforcement, and our Nation's peace officers deserve our commitment to provide them with the tools they need to stay safe and to do their jobs as effectively as they can.

Currently, more than 900,000 men and women work tirelessly to protect our communities, our schools, and our children. They investigate and apprehend the most violent criminals and strive to keep our communities safe and secure. Since the first recorded police death in 1792, the names of 18,983 law enforcement officers who have made the ultimate sacrifice have been added to the National Law Enforcement Officers Memorial.

I also take this opportunity to recognize that the names of 324 fallen officers will be added to the National Law Enforcement Officers Memorial on May 13 during a candlelight vigil held in their honor. These are officers from the past and present whose memory will be preserved for all time at the memorial, ensuring that their bravery and sacrifice will not be forgotten. I especially want to recognize two brave Vermonters who gave their lives in the line of duty, and whose names will be added to the Memorial this year: John Henry Collette of the Addison County Sheriff's Office, died July 17, 1932, and Robert Daniel Rossier of the Vermont Highway Patrol, died September 9, 1935.

National Peace Officers Memorial Day provides the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, with the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by those members of our police forces. More than 20,000 peace officers are expected to gather in Washington in the days leading up to May 15, to join with the families of their fallen comrades. It is right that the Senate show its respect on this occasion, and I am proud to honor their service and their memory. I urge all Senators to join me in approving this resolution.

### SENATE RESOLUTION 512—DESIGNATING JUNE 2010 AS ''NATIONAL APHASIA AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 512

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas aphasia can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of or reduction in the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas, according to the National Institute of Neurological Disorders and Stroke (referred to in this preamble as the ''NINDS''), stroke is the third-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are about 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer about 750,000 strokes per year, with approximately ⅓ of the strokes resulting in aphasia;

Whereas, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire the disorder each year;

Whereas the National Aphasia Association is a unique organization that provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas, as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes the ''silent'' disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 2010 as ''National Aphasia Awareness Month'';

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the third-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study in order to find new solutions for individuals experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3762. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3763. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3764. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3765. Mr. FRANKEN (for himself, Mr. DURBIN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3766. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3767. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3768. Mr. DURBIN (for himself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3769. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3770. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3771. Mr. DURBIN (for himself, Mr. LEAHY, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3772. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3773. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3774. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3775. Mr. WYDEN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3776. Mr. SPECTER (for himself, Mr. REED, Mr. KAUFMAN, Mr. DURBIN, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. FEINGOLD, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3777. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3778. Mr. UDALL, of Colorado (for himself, Mr. LUGAR, Mr. BOND, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MCCASKILL, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3779. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3780. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3781. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3782. Mr. CORKER (for himself, Mr. ENZI, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3783. Mr. CORKER (for himself, Mr. ENZI, Mr. ISAKSON, Mr. CHAMBLISS, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3784. Mr. CORKER (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3762.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

### TITLE XIII—COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS

#### SEC. 1301. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) SHORT TITLE.—This section may be cited as the ''Faster FOIA Act of 2010''.

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information

Act Processing Delays (in this section referred to as the ''Commission'' for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 16 members of whom—

(A) 3 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 3 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 3 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 3 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least 2 shall have experience in academic research in the fields of library science, information management, or public access to Government information.

(3) TIMELINESS OF APPOINTMENTS.—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful; and

(D) make recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(j) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

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**SA 3763.** Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1013, line 18, strike ''and'' and all that follows through line 20 and insert the following:

''(ii) a description of any internal review of rating procedures and methodologies conducted by the nationally recognized statistical rating organization;

''(iii) an evaluation of how well the nationally recognized statistical rating organization adheres to the rating procedures and methodologies of the nationally recognized statistical rating organization;

''(iv) a narrative response agreeing or disagreeing with the results of the most recent annual examination of the nationally recognized statistical rating organization carried out by the Commission under subsection (p)(3); and

''(v) a certification that the report is accurate and complete.

On page 1016, line 18, strike ''and'' and all that follows through line 23 and insert the following:

''(viii) the policies of the nationally recognized statistical rating organization governing the post-employment activities of former staff of the nationally recognized statistical rating organization;

''(ix) whether the nationally recognized statistical rating organization sufficiently discloses the rating procedures and methodologies of the nationally recognized statistical rating organization; and

''(x) whether the rating procedures and methodologies of the nationally recognized statistical rating organization are sound.

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**SA 3764.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1090, between lines 18 and 19, insert the following:

**SEC. 974. EXEMPTION FOR NON-ACCELERATED FILERS.**

(a) IN GENERAL.—Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

''(c) EXEMPTION FOR SMALLER ISSUERS.—Subsection (b) shall not apply with respect to any audit report prepared for an issuer that is not an accelerated filer, with the meaning of Rule 12b–2 of the Commission, as in effect on the date of enactment of this subsection, or any successor thereto.''.

(b) STUDY.—The Commission and the Comptroller General of the United States shall jointly conduct a study to determine—

(1) how the Commission could reduce the burden of complying with section 404(b) of the Sarbanes-Oxley Act of 2002 for companies whose market capitalization is between $75,000,000 and $250,000,000 for the relevant reporting period, while maintaining investor protections for such companies; and

(2) whether any such methods of reducing the compliance burden or a complete exemption for such companies from compliance with such section 404(b) would encourage companies to list on exchanges in the United States in the initial public offerings of the companies.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commission and the Comptroller General shall submit to Congress a report of the findings under the study required by subsection (b).

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**SA 3765.** Mr. FRANKEN (for himself, Mr. DURBIN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 212. EXCEPTIONS TO DISCHARGE IN BANKRUPTCY.**

Section 523(a)(8) of title 11, United States Code, is amended by striking ''dependents, for'' and all that follows through the end of subparagraph (B) and inserting ''dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit or made under any program funded in whole or in part by a governmental unit or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend;''.

**SA 3766.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1258, line 8, strike ''or''.

On page 1258, line 11, strike the period and insert ''; or''.

On page 1258, between lines 11 and 12, insert the following:

(C) an insured depository institution or an insured credit union with total assets of more than $1,000,000,000 and less than $10,000,000,000, and any affiliate thereof—

(i) which depository institution, credit union, or affiliate, considered singly or collectively, extends, services, or acquires a substantial amount of credit that is extended to a consumer expressly, in whole or in part, for postsecondary educational expenses, regardless of whether such credit is provided by the educational institution that the student attends; and

(ii) only with respect to such activities relating to the credit described in clause (i).

**SA 3767.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1289, strike lines 9 through 13.

On page 1289, line 14, strike ''(p)'' and insert ''(o)''.

On page 1289, line 18, strike ''(q)'' and insert ''(p)''.

On page 1289, line 24, strike ''(r)'' and insert ''(q)''.

**SA 3768.** Mr. DURBIN (for himself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1206, strike lines 14 through 21 and insert the following:

**Subtitle A—Consumer Financial Protection Agency**

**SEC. 1011. ESTABLISHMENT OF THE CONSUMER FINANCIAL PROTECTION AGENCY.**

(a) ESTABLISHMENT.—There is established the Consumer Financial Protection Agency, which shall be an independent establishment, as defined under section 104 of title 5, United States Code, and shall regulate the provision of consumer financial products or services under this title, the enumerated consumer laws, and the authorities transferred under subtitles F and H.

On page 1210, strike line 1 and all that follows through page 1211, line 19.

On page 1235, line 24, strike '', except that nothing'' and all that follows through page 1236, line 3, and insert a period.

On page 1243, strike line 15 and all that follows through page 1248, line 18.

On page 1456, strike line 6 and all that follows through page 1457, line 4, and insert the following:

Inspector General Act of 1978 (5 U.S.C. App.) is amended in section 8G(a)(2), by inserting ''the Consumer Financial Protection Agency,'' before ''and the United States Postal Service''.

Strike ''Bureau of Consumer Financial Protection'' each place that term appears and insert ''Consumer Financial Protection Agency''.

Strike ''Bureau'' each place that term appears and insert ''Agency''.

**SA 3769.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1077. REASONABLE FEES FOR ELECTRONIC DEBIT TRANSACTIONS.**

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 920 and 921 as sections 921 and 922, respectively; and

(2) by inserting after section 919 the following:

**''SEC. 920. REASONABLE INTERCHANGE TRANSACTION FEES FOR ELECTRONIC DEBIT TRANSACTIONS.**

''(a) REGULATORY AUTHORITY.—The Board shall have authority to establish rules, pursuant to section 553 of title 5, United States Code, regarding any interchange transaction fee that is charged with respect to an electronic debit transaction.

''(b) REASONABLE FEES.—The amount of any interchange transaction fee that an issuer or payment card network may charge with respect to an electronic debit transaction shall be reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

''(c) RULEMAKING REQUIRED.—The Board shall issue final rules, not later than 9 months after the date of enactment of the Consumer Financial Protection Act of 2010, to establish standards for assessing whether the amount of any interchange transaction fee described in subsection (b) is reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

''(d) CONSIDERATIONS.—In issuing rules required by this section, the Board shall—

''(1) consider the functional similarity between—

''(A) electronic debit transactions; and

''(B) checking transactions that are required within the Federal Reserve bank system to clear at par;

''(2) distinguish between—

''(A) the actual incremental cost incurred by an issuer or payment card network for the role of the issuer or the payment card network in the authorization, clearance, or settlement of a particular electronic debit transaction, which cost shall be considered under subsection (b); and

''(B) other costs incurred by an issuer or payment card network which are not specific to a particular electronic debit transaction, which costs shall not be considered under subsection (b); and

''(3) consult with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, the National Credit Union Administration Board, the Administrator of the Small Business Administration, and the Director of the Bureau of Consumer Financial Protection.

''(e) EXEMPTION FOR SMALL ISSUERS.—This subsection shall not apply to issuers that, together with affiliates, have assets of less than $1,000,000,000, and the Board shall exempt such issuers from rules issued under subsection (c).

''(f) EFFECTIVE DATE.—Subsection (b) shall become effective 12 months after the date of enactment of the Consumer Financial Protection Act of 2010.

''(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) DEBIT CARD.—The term 'debit card' means any card or device issued or approved for use through a payment card network to debit an asset account for the purpose of transferring money between accounts or obtaining goods or services, whether authorization is based on signature, PIN, or other means.

''(2) ELECTRONIC DEBIT TRANSACTION.—The term 'electronic debit transaction' means a transaction in which a person uses a debit card or other similar device that has been approved for use in a payment card network to debit an asset account for the purpose of transferring money between accounts or obtaining goods or services.

''(3) INTERCHANGE TRANSACTION FEE.—The term 'interchange transaction fee' means any fee established by a payment card network that has been established for the purpose of compensating an issuer or payment card network for its involvement in an electronic debit transaction.

''(4) ISSUER.—The term 'issuer' means a financial institution that issues debit cards,

stored-value cards, credit cards, or other similar devices that have been approved for use in a payment card network.

''(5) PAYMENT CARD NETWORK.—The term 'payment card network' means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure, and software that route information and data to conduct transaction authorization, clearance, and settlement, and that a person is required to access in order to accept as a form of payment a specific brand of accepted card, or other means of access, including a debit card, stored-value card, credit card, or other device that may be used to carry out debit, prepaid, or credit transactions.

''(6) STORED-VALUE CARD.—The term 'stored-value card' means any card or device issued or approved for use through a payment card network that stores funds or monetary value in any electronic format, whether or not specially encrypted, that is capable of being retrieved and transferred electronically. A stored-value card includes a prepaid debit card or any other similar device, regardless of whether the amount of the funds or monetary value may be increased or reloaded.''.

**SA 3770.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle I—Fair Credit Card Fees**

**SEC. 1121. SHORT TITLE.**

This subtitle may be cited as the ''Fair Credit Card Fees for Taxpayer Dollars Act of 2010''.

**SEC. 1122. DEFINITIONS.**

(a) PAYMENT CARD NETWORK.—For purposes of this subtitle, the term ''payment card network'' means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure, and software that route information and data to conduct transaction authorization, clearance, and settlement, and that a person is required to access in order to accept as a form of payment a specific brand of accepted card, or other means of access, including a debit card, credit card, or other device that may be used to carry out debit or credit transactions.

(b) FEDERAL ENTITY.—For purposes of this subtitle, the term ''Federal entity'' means any Federal agency, department, bureau, government corporation, or designated Federal entity, as that term is defined in section 8G of the Inspector General Act (5 U.S.C. App.).

**SEC. 1123. FAIR FEES FOR FEDERAL GOVERNMENT ACCEPTANCE OF PAYMENT CARDS.**

In any transaction in which a Federal entity accepts, as payment for the sale of goods or services or for revenue collection, a particular credit card, debit card, or similar payment device bearing the logo of a payment card network, the payment card network shall not establish rates for interchange fees or other fees involved in the transaction that are higher than the lowest fee rates established by that payment card network for any other transaction involving that same credit card, debit card, or similar payment device.

**SEC. 1124. REPORTING REQUIREMENT.**

If a credit card, debit card, or similar payment device bearing the logo of a payment card network is accepted by any Federal entity as payment for the sale of goods or services or for revenue collection, the payment card network shall provide information on at least an annual basis to the Secretary demonstrating that the rates for the interchange fees and other fees established by the payment card network for transactions involving Federal entities are no higher than the lowest rates established by that payment card network for any other transaction involving that same credit card, debit card, or similar payment device.

**SEC. 1125. ENFORCEMENT.**

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—Any failure to comply with the provisions of this subtitle shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of this subtitle in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this subtitle.

**SA 3771.** Mr. DURBIN (for himself, Mr. LEAHY, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1077. LIMITATION ON ANTI-COMPETITIVE PAYMENT CARD NETWORK RESTRICTIONS.**

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 920 and 921 as sections 921 and 922, respectively; and

(2) by inserting after section 919 the following:

**''SEC. 120. LIMITATION ON ANTI-COMPETITIVE PAYMENT CARD NETWORK RESTRICTIONS.**

''(a) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A COMPETING PAYMENT CARD NETWORK.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment through the use of a card or device of another payment card network.

''(b) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A FORM OF PAYMENT.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment by the use of cash, check, debit card, stored-value card or credit card.

''(c) NO RESTRICTIONS ON SETTING TRANSACTION MINIMUMS OR MAXIMUMS.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to set a minimum or maximum dollar value for the acceptance by that person of any form of payment.

''(d) DEFINITIONS.—As used in this subsection, the following definitions shall apply:

''(1) DEBIT CARD.—The term 'debit card'—

''(A) means any card or device issued or approved for use through a payment card network to debit an asset account for the purpose of transferring money between accounts or obtaining goods or services, whether authorization is based on signature, PIN, or other means; and

''(B) includes a stored-value card linked to any asset account.

''(2) DISCOUNT.—The term 'discount'—

''(A) means a reduction made from the price that customers are informed is the regular price; and

''(B) does not include any means of increasing the price that customers are informed is the regular price.

''(3) PAYMENT CARD NETWORK.—The term 'payment card network' means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure, and software that route information and data to conduct transaction authorization, clearance, and settlement, and that a person is required to access in order to accept as a form of payment a specific brand of accepted card, or other means of access, including a debit card, stored-value card, credit card, or other device that may be used to carry out debit, stored-value, or credit transactions.

''(4) STORED-VALUE CARD.—The term 'stored-value card' means any card or device issued or approved for use through a payment card network that stores funds or monetary value in any electronic format, whether or not specially encrypted, that is capable of being retrieved and transferred electronically. A stored-value card includes a prepaid debit card or any other similar device, regardless of whether the amount of the funds or monetary value may be increased or reloaded.''.

**SA 3772.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes, which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle I—Financial Consumers Association**

**SEC. 1121. SHORT TITLE.**

This subtitle may be cited as the ''Financial Consumers Association Act of 2010''.

**SEC. 1122. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) financial services consumers and depositors are an integral part of the financial system and are affected by the safety and soundness of the financial industry;

(2) deceptive, illegal, and speculative financial practices have harmed public confidence in the integrity and fairness of many United States financial institutions, and threaten the basic strengths of the United States economic system;

(3) contributing to the loss of public confidence are perceptions of inadequate oversight and insufficient independence between financial institutions and their regulators;

(4) major factors contributing to the recent financial crisis include regulatory failures to adequately police the financial services markets for crime, unfair or deceptive practices, fraud, lack of transparency, and mismanagement;

(5) the financial industry has enjoyed virtually unlimited access to represent its interest before Congress, the courts, and State and Federal regulators, while financial services consumers have had limited representation before Congress and financial regulatory entities;

(6) the resources available for organized representation of consumers in the financial industry need to be expanded so citizens can better monitor the performance of State and Federal agencies that regulate their financial institutions and participate in public policy debates regarding the oversight of these financial institutions;

(7) the creation of a public purpose, democratically controlled, self-funded, nationwide membership association of financial services consumers is an effective way to enhance the representation of consumers in the financial services industry and to meet the expanding information needs of consumers in the financial services market;

(8) the requirement that informational and statutory inserts be included in the paper mailings and email correspondence, digital or other electronic means, of covered persons is essential to the creation, maintenance, and funding of such an association;

(9) the Federal Government has a substantial interest in the creation of a public purpose, democratically controlled, self-funded, nationwide membership association of financial services consumers to enhance their representation and to effectively combat unsound financial practices;

(10) the creation of such an Association is not meant to substitute for, but augment, the activities of existing or future regulatory bodies whose sole or partial focus is the protection of financial services consumers; and

(11) consumers have more complex financial choices today than ever before, but not enough information with which to make those choices.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish a public purpose, nonprofit, democratically controlled, membership association of financial services consumers;

(2) to give the Association a mandate to inform and represent financial services consumers, and to further the effective and vigorous oversight of covered persons;

(3) to establish democratic rules of governance for the Association; and

(4) to require any covered person to periodically include inserts concerning the Association within their statements and billing statements to financial services consumers.

**SEC. 1123. DEFINITIONS.**

For purposes of this subtitle, the following definitions shall apply:

(1) ASSOCIATION.—The term ''Association'' means the Financial Consumers Association established in accordance with this subtitle.

(2) ASSOCIATION DIRECTOR.—The terms ''Association director'' and ''director'' mean any person duly elected or appointed to the Association board of directors pursuant to this subtitle, except as the context otherwise requires.

(3) INSERT CARRIER.—The term ''insert carrier'' includes any email, digital, or other electronic notice or paper deposit account statement which—

(A) indicates the balance on a deposit account; or

(B) involves an outstanding deposit account contract or agreement between an insured depository institution and a customer of such institution.

(4) MEMBER.—The term ''member'' means any person who meets the requirements for membership in the Association, as set forth in this subtitle.

(5) REGULATORY AGENCY.—The term ''regulatory agency'' means any governmental office, agency, department, or commission of the Federal Government, that regulates, monitors, directs, or governs publicly traded corporations, financial services, or consumer transactions.

(6) REGULATORY PROCEEDING.—The term ''regulatory proceeding'' means any rulemaking, adjudication, or ancillary proceeding conducted by any governmental office, agency, department, or commission at the Federal, State, or local level, that affects any covered person.

(7) STATUTORY INSERT.—The term ''statutory insert'' means any digital or printed statement, card, or envelope and statement combination, or a statement, application, and pre-addressed business reply envelope used by the Association to solicit information and contributions or membership fees from consumers, financial services customers, and to explain the purpose, history, nature, activities, achievements, and membership criteria of the Association.

(8) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Banking, Housing, and Urban Affairs and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the Senate, and the Committee on Financial Services and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the House of Representatives, and any successor committees, as may be constituted.

(9) CAMPAIGN CONTRIBUTION.—The term ''campaign contribution'' means any money, good, service, credit, or other benefit provided or promised for the purpose of electing an Association Director.

(10) CAMPAIGN EXPENDITURE.—The term ''campaign expenditure'' means any payment, use, distribution, or gift of money or anything of value made or promised for the purpose of electing an Association Director.

(11) IMMEDIATE FAMILY.—The term ''immediate family'' means a person's spouse and legal dependents.

**SEC. 1124. ESTABLISHMENT OF THE ASSOCIATION.**

(a) CHARTER.—There is authorized to be established a nonprofit corporation by the interim board of directors to be known as the ''Financial Consumers Association''. The Association shall be subject to the provisions of this Act, and, to the extent consistent with this Act, to the District of Columbia Nonprofit Corporations Act. The main office of the Association shall be located in Washington, DC.

(b) NONGOVERNMENTAL STATUS.—The Association shall be a private corporation and shall not, for any purpose, be considered to be a department, agency, or instrumentality of the United States Government. An officer or employee of the corporation shall not, for any purpose, be considered to be an officer or employee of the Federal Government.

(c) REGIONAL AND LOCAL OFFICES.—The Association may establish regional offices as needed, in any of the several States.

(d) BYLAWS.—Except as provided in this Act and in the District of Columbia Nonprofit Corporations Act, the affairs of the Association shall be regulated as determined in the bylaws of the Association.

(e) NONPROFIT, NONSTOCK STATUS.—The Association chartered under this section—

(1) shall be a nonprofit corporation; and

(2) may not issue any shares of stock or other securities or pay any dividends.

(f) MEMBERSHIP.—The membership of the Association shall consist solely of individuals who—

(1) are 16 years of age or older; and

(2) have contributed the required annual membership fee to the Association.

(g) MEMBERSHIP FEE.—

(1) INITIAL FEE.—Until the end of the 180-day period beginning on the date of the first election of directors, the annual membership fee of the Association shall be $10.

(2) PERMANENT MEMBERSHIP FEES DETERMINED BY BOARD OF DIRECTORS.—After the end of the 180-day period referred to in this subsection, the Association may, by vote of the board of directors, alter the annual membership fee. The board of directors shall adopt a reduced fee structure, offering reduced-cost membership fees for low-income populations and senior citizens.

(h) POLITICAL CONTRIBUTIONS PROHIBITED.—The Association shall not make any contributions to any political candidate or party, or to any national or State political committee, as defined in the Federal Election Campaign Act of 1971, or participate in or intervene in any political campaign on behalf of, or in opposition to, any candidate for public office.

**SEC. 1125. AUTHORIZATION OF APPROPRIATIONS AND ALLOTMENTS OF GRANTS.**

There is authorized to be appropriated to the Bureau, for the purpose of establishing the Association, $5,000,000 for the fiscal year ending 1 year after the date of enactment of this Act.

**SEC. 1126. MISSION, DUTIES, AND POWERS OF THE ASSOCIATION.**

(a) MISSION.—The Association shall advance the rights and remedies available to consumers with respect to financial services, by developing initiatives to reduce the use of dangerous features in financial products and services, and to improve the flow of accurate information from covered persons to consumers.

(b) DUTIES.—The duties of the Association shall be—

(1) to inform, educate, and advise consumers about the actions of covered persons;

(2) to represent and promote the interests of consumers in financial services, collectively, and, when necessary, to negotiate on behalf of financial services consumers, individually, with respect to covered persons;

(3) to take affirmative measures to encourage membership by low- and moderate-income and minority consumers, and to disseminate information and advice to consumers;

(4) to inform, insofar as possible, consumers about the mission of the Association, including the procedures for obtaining membership in the Association;

(5) to provide consumers with information about how initiatives of covered person will affect consumers;

(6) to monitor the availability and quality of financial services to low- and moderate-income constituencies and the elderly; and

(7) to develop data to assist financial services consumers in making informed decisions in the marketplace.

(c) POWERS.—In addition to the rights and powers provided by other provisions of this Act, the Association shall—

(1) represent the interests of consumers in general before Federal regulatory agencies, legislative bodies, the courts, and in other public forums;

(2) initiate, intervene as a party, or otherwise participate on behalf of consumers in any regulatory proceeding that the Association reasonably determines may affect the interests of consumers;

(3) conduct, support, and assist research, surveys, and investigations in financial services consumer matters;

(4) maintain up-to-date membership rolls, and to keep them in confidence to the extent required by the provisions of this Act;

(5) contract for services which cannot reasonably be performed by its employees; and

(6) solicit and accept gifts, loans, grants, or other aid in order to support activities concerning the interests of financial services consumers, except that the Association may not accept gifts, loans, or other aid from any financial services providers or from any director, employee, agent, or member of the immediate family of a director, employee, or agent of any covered person.

**SEC. 1127. INSERT AND NOTICE PROVISIONS.**

(a) INCLUSION IN STATEMENTS OF COVERED PERSONS.—

(1) IN GENERAL.—Each covered person shall include, or cause its agent to prominently include, a statutory insert or an Association insert in quarterly mailings to its customers each year.

(2) STATUTORY INSERT.—The Association shall have the right to have statutory inserts prominently included in the paper mailings to the customers of each covered person once each calendar quarter. The Association shall also have the right to have covered persons send the information contained in the statutory insert to financial services consumers once each calendar quarter via email, digital or other electronic means. The Association shall only pay the reasonable incremental costs of the email, digital, or electronic distribution of such information.

(3) ASSOCIATION INSERTS.—

(A) IN GENERAL.—In addition, the Association shall have the right to include in the mailings and via email, digital or other electronic means, referred to in paragraph (2) once each calendar quarter, an insert that it prepares and furnishes to any institution required to carry a statutory insert.

(B) LIMITATION.—An insert furnished by the Association shall be limited to—

(i) soliciting information and contributions or membership fees from financial services consumers; and

(ii) explaining—

(I) the purpose, history, nature, activities, and achievements of the Association;

(II) that the Association membership is open to any resident of the United States who is 16 years of age or older;

(III) that the Association is not connected to any covered person;

(IV) that the Association is a nonprofit association directed by its financial services consumer members;

(V) the procedure for contributing to or becoming a member of the Association; and

(VI) the yearly membership fee.

(b) FEDERAL TRADE COMMISSION OVERSIGHT.—Any covered person may, if it believes that the contents of an insert are false or misleading, submit the insert to the Federal Trade Commission for review. The Federal Trade Commission shall review the insert and make a determination promptly, but in no event later than 21 calendar days after receipt of the insert. The Federal Trade Commission may disapprove the insert for mailing if it finds that the insert is false or misleading, or contains information not permitted by this section.

(c) CONTENT OF STATUTORY INSERTS.—Each statutory insert required by this Act shall contain—

(1) a written statement of the following information:

''(A) The Financial Consumers Association is a financial services consumer membership organization established under Federal law to inform and represent financial services consumers.

''(B) The Association will work on behalf of financial services consumers to prevent corporate fraud, deceptive and criminal business practices, and to ensure the protection of retirement funds and investments.

''(C) The Association provides financial services consumers with information and advice on a range of consumer issues.

''(D) The Association also represents financial services consumers before regulatory agencies and legislative bodies.

''(E) The Association is a democratically controlled consumer membership organization.

''(F) Although the Association has been established under Federal law, as a consumer membership organization, the Association is primarily supported by membership fees, not public funds. Thus the Financial Consumers Association depends on its membership base for funding to undertake its information and representation activities.

''(G) Anyone who is 16 years of age or older may become a member of the Association by paying the annual membership fee. The amount of the annual membership fee shall be determined annually by the Association.

''(H) You may become a member simply by filling out the attached application and mailing it and the membership fee to the Financial Consumers Association in the attached pre-addressed envelope;'';

(2) an application for Association membership, which requests the name and address of the applicant, and indicates the annual membership fee; and

(3) a pre-addressed business reply envelope for mailing the application and membership fee to the Association.

(d) OTHER REQUIREMENTS APPLICABLE TO STATUTORY INSERTS.—With respect to a statutory insert required by this Act—

(1) the statement, application, and pre-addressed business reply envelope specified in this Act shall be presented to the customer as a single document (except that the document may be separable into different parts by tearing along perforated lines);

(2) the statement and application shall be printed in at least 10-point type; and

(3) the Association shall pay the cost of printing and placement of the statutory insert in all appropriate mailings, but shall not pay any postage costs if the insert weighs less than 0.35 ounces.

**SEC. 1128. INTERIM BOARD.**

(a) ESTABLISHMENT OF INTERIM BOARD.—Members of the interim board of directors of the Association shall be appointed not later than 6 months after the date of enactment of this Act, as follows:

(1) 3 members shall be appointed by the President of the United States.

(2) 3 members shall be appointed by the Speaker of the House of Representatives.

(3) 3 members shall be appointed by the President Pro Tempore of the Senate.

(4) 1 member shall be appointed by the Minority Leader of the House of Representatives.

(5) 1 member shall be appointed by the Minority Leader of the Senate.

(b) MEMBER CRITERIA.—Individuals considered for appointment to the interim board shall, to the extent possible, represent different regions of the United States, and represent categories of citizens' organizations including—

(1) consumer groups;

(2) organizations representing low-income persons;

(3) labor unions;

(4) civil rights groups;

(5) neighborhood groups; and

(6) elderly groups.

(c) ELIGIBILITY.—To qualify for nomination or appointment as an interim director of the Association representing a designated category of citizens' organizations, an individual shall be an active officer, employee, or member of a citizens' organization within such category or previously have been an officer or employee of 1 or more such citizens' organizations within such category for a cumulative period of at least 2 years.

(d) DUTIES OF INTERIM BOARD.—The interim board of directors of the Association shall—

(1) not later than 60 days after the date of appointment of all members, incorporate the Association under the laws of the District of Columbia, subject to the provisions and limitations of this Act;

(2) manage the affairs of the Association until the first elected board of directors takes office;

(3) inform the public of the existence, nature, and purpose of the Association, and encourage such persons to join the Association, participate in its activities, and contribute to the Association;

(4) adopt procedures and standards, consistent with the requirements of this Act, for the nomination and election of the first elected board of directors of the Association;

(5) make all necessary preparations for the first election of the board of directors of the Association, oversee the election campaign, and tally the votes;

(6) conduct meetings of the interim board of directors at least once every 3 months;

(7) keep minutes, financial books, and records which shall reflect the acts and transactions of the interim board of directors; and

(8) employ such interim staff as the interim board of directors deem necessary to carry out their responsibilities under this Act.

(e) APPLICABILITY OF CERTAIN OTHER PROVISIONS OF THIS ACT.—Members of the interim board of directors shall be subject to the requirements of the applicable provisions of this Act.

(f) LIMITATION ON AUTHORITY TO APPEAR BEFORE OTHER BODIES.—The interim board of directors shall not engage in representation or intervention on behalf of financial services consumers, except to the extent necessary to maintain or exercise the powers

granted and the duties imposed upon interim directors by this Act.

(g) CONDUCT FIRST GENERAL ELECTION.—

(1) IN GENERAL.—Once the membership of the Association reaches 50,000, or within 18 months of the date of the appointment of the last interim director, whichever occurs first, the interim board of directors shall set a date for the first general election of the board of directors, and shall promptly notify each member of the Association.

(2) TIMELY ELECTION REQUIREMENT.—The date set for the election shall be not more than 90 days after notification as provided in this Act.

(3) EXCEPTION.—Notwithstanding the provisions of this Act, no election shall be held in an election district unless there are at least 500 residents of any such district who are Association members.

**SEC. 1129. DELEGATES.**

(a) IN GENERAL.—Members of the Association shall have duly elected representatives who shall be elected in accordance with the provisions of this Act.

(b) ONE DELEGATE TO BE ELECTED FROM EACH DISTRICT.—1 delegate shall be elected by the Association members from each Association election district, except that an election shall not take place in an election district if there is no candidate who has satisfied the qualification requirements of this Act.

(c) ELECTION DISTRICTS.—

(1) IN GENERAL.—Each State of the United States shall be considered an Association election district. The District of Columbia shall also be considered an Association election district.

**SEC. 1130. ELECTIONS OF DELEGATES.**

(a) VOTING STANDARD.—Each member of the Association shall be entitled to cast 1 vote for a candidate for a delegate to represent such member's district. Voting shall be by secret mail ballot.

(b) ELIGIBILITY STANDARDS FOR NOMINATION AS A DELEGATE.—To qualify for nomination as a candidate for election as a delegate of the Association, an individual shall—

(1) be a member of the Association and a resident of the election district that such individual seeks to represent;

(2) submit to the Association, not less than 60 days and not more than 120 days before the election, a nomination petition signed by at least 25 Association members from the election district that such individual seeks to represent;

(3) submit to the Association the statements required by this Act; and

(4) satisfy all other requirements of this Act and any applicable bylaws of the Association.

(c) DISTRIBUTION OF ELECTION MATERIAL.—

(1) IN GENERAL.—The Association shall mail to each member the following documents concerning duly nominated candidates for election as a delegate:

(A) An official ballot listing all such candidates from the member's election district.

(B) The candidate's statement required by this Act for each such candidate from the member's election district.

(2) SUMMARY AND COSTS.—The delegate summaries shall have a uniform format and shall provide information on the same characteristics for each candidate. The costs for all mailings described in this Act shall be borne by the Association.

(d) LIMITATION ON CAMPAIGN EXPENDITURES.—No candidate for election as a delegate or director shall incur campaign expenditures for any such election in an amount greater than the amount determined by multiplying the number of members in the candidate's election district by 150 percent of the cost of postage for a 1-ounce 1st class mailing.

(e) LIMITATION ON USE OF CAMPAIGN CONTRIBUTIONS.—No candidate for election as a delegate or to the board of directors may use any campaign contribution for any purpose other than campaign expenditures. Any unused contributions shall be donated to the Association not later than 60 days after the election.

(f) LIMITATION ON AMOUNT OF CAMPAIGN CONTRIBUTIONS.—No candidate for election as a delegate shall accept more than $250 in campaign contributions from any one contributor in any election.

(g) PROHIBITION ON ACCEPTANCE OF CERTAIN CONTRIBUTIONS.—A candidate for election as a delegate may not accept political action committee contributions or other campaign contributions the board of directors determines to be unacceptable.

(h) DUTIES AND POWERS OF DELEGATES.—Each delegate shall have the following duties and powers:

(1) ANNUAL SURVEY.—To survey Association members in the delegate's election district at least 1 time each year to ascertain members' concerns using written surveys provided by the Association up to 50 percent of the survey questions in which may be provided by the delegate.

(2) LIAISON.—To act as a liaison between the board of directors and the members in the delegate's election district, including transmitting any comments, writings, and suggestions concerning the Association from members in the delegate's election district to the board of directors and informing such members of the board's response to their statements.

(3) OFFICE PLANNING.—To develop plans for the organization of regional and local offices.

(4) VOTING ON CHANGES IN ARTICLES OF INCORPORATION, BYLAWS, AND MAJOR POLICIES.—To vote at the annual meeting of delegates and at special meetings of delegates called by the board of directors on amendments to the bylaws or the articles of incorporation or on matters involving changes in major policies or operations of the Association.

(5) APPROVAL OF RULES.—To approve rules proposed by the board of directors for the nomination and election of the directors.

(6) VOTING AT ANNUAL AND SPECIAL MEETINGS.—To vote on other items submitted to delegates by the board of directors at annual and special meetings.

(7) OTHER DUTIES AND POWERS.—To carry out all other duties and exercise all other powers accorded to delegates under this Act.

(i) ANNUAL MEETINGS.—

(1) TIME AND PLACE.—An annual meeting of delegates shall be held in the month of July on a date and in a manner determined by the board of directors at least 6 months in advance of the meeting.

(2) PROCEDURES.—

(A) VOTING.—All delegates shall be eligible to attend, participate in, and vote in the annual meeting of delegates.

(B) QUORUM.—A majority of the delegates shall constitute a quorum.

(C) ONE PERSON; ONE VOTE.—Each delegate shall have 1 vote at such meetings.

(D) MAJORITY VOTE.—A majority vote of the delegates shall indicate approval by the delegates of any items submitted for the consideration of the delegates.

(E) ABSENTEE VOTING.—The first elected board of directors shall establish procedures for absentee voting.

(3) AGENDA.—Items may be placed on the meeting's agenda by any of the following methods:

(A) By request of any director or delegate not less than 5 days and not more than 4 months in advance of the date of such meeting.

(B) By petition which—

(i) contains the valid signatures of at least 5 percent of the members in any delegate's election district or at least 1 percent of the total membership; and

(ii) was filed with the board of directors not less than 5 days and not more than 4 months in advance of the date of such meeting.

(4) FORM OF MEETING.—The form of the annual meeting of delegates shall be as provided in the laws of the District of Columbia regarding nonprofit corporations.

(5) OPEN MEETINGS.—

(A) MEETINGS OPEN TO PUBLIC.—The annual meeting of delegates shall be open to the public.

(B) MEMBERS OPPORTUNITY TO BE HEARD.—Members shall be given a reasonable opportunity at any annual meeting to present any comment, criticism, or suggestion concerning the Association, but members may not vote at such meetings.

(6) MINUTES.—Complete minutes of each annual meeting shall be kept and shall be distributed to 1 Federal depository library in each election district.

(j) TERMS AND CONDITIONS OF OFFICE.—

(1) IN GENERAL.—The term of office for any delegate shall be 3 years.

(2) MAXIMUM NUMBER OF TERMS.—No delegate shall serve more than 2 terms.

(3) SERVICE WITHOUT PAY OTHER THAN REIMBURSEMENT FOR EXPENSES.—Delegates of the Association shall serve without compensation, except that delegates may be reimbursed for actual expenses incurred by them in the performance of their duties.

(k) VACANCY.—

(1) IN GENERAL.—If a vacancy occurs in any position of delegate, the board of directors shall appoint, as the successor for the balance of the term, the person who—

(A) meets the requirements specified in this Act; and

(B) had the highest vote total in the most recent delegate election from the district in which such vacancy occurred of all candidates (who meet the requirements specified in this Act) other than the candidate whose failure to continue to serve as delegate created the vacancy.

(2) ALTERNATIVE METHOD OF APPOINTMENT.—If any vacancy referred to in paragraph (1) cannot be filled in the manner described in such paragraph, the board of directors, by vote of not less than ⅔ of all directors, shall appoint within 60 days of the occurrence of the vacancy a successor from the same election district for the remainder of the current term. The person appointed by the board of directors shall meet the qualifications for delegate.

(l) RECALL.—Any delegate shall be removed from office by the board of directors if not less than 40 percent of the members from the delegate's election district who voted in the last election have signed a petition for recall.

**SEC. 1131. BOARD OF DIRECTORS.**

(a) MANAGEMENT OF ASSOCIATION.—The affairs of the Association shall be managed by a board of directors, which shall be elected by the delegates of the Association in accordance with the provisions of this Act. The board of directors shall consist of 17 members. Twelve directors shall constitute a quorum.

(b) ONE PERSON; ONE VOTE.—Each director shall have one vote on the board of directors.

(c) TERMS OF OFFICE.—The term of office for a director shall be 3 years, except as provided otherwise in this Act, and no director shall serve more than 2 consecutive terms.

(d) POWERS AND DUTIES OF BOARD.—The board of directors, shall, in addition to its other responsibilities under this Act—

(1) conduct meetings of the board of directors at least once every 6 months, which shall be open to the public, unless the board of directors by a majority votes to adjourn into executive session;

(2) conduct an annual delegate meeting;

(3) limit matters discussed in executive session only to personnel actions, potential or pending civil or criminal proceedings involving the Association, and material which would result in an unwarranted invasion of personal privacy if discussed in open sessions;

(4) keep minutes, financial records, and other records which shall reflect the acts and transactions of the board of directors;

(5) cause the financial books of the Association to be audited by a qualified certified public accountant at least once each fiscal year;

(6) prepare quarterly statements and an annual report indicating the substantive activities and financial operations of the Association;

(7) approve the bylaws of the Association, consistent with the requirements of this Act;

(8) make available to the public and include on the Association's web page, documents prepared by or filed with the Association within the preceding 5 years, including—

(A) minutes of the board of directors meeting;

(B) director's or executive director's financial statements;

(C) candidates' financial statements; and

(D) candidates' personal statements; and

(9) conduct 4 mailings each year to the membership of the Association, to inform the membership about the work of the Association and to conduct the business of the Association.

(e) ELECTION OF OFFICERS.—At the first regular meeting of the board of directors at which a majority of its members are present, subsequent to the installation of new directors following each annual election, the board shall elect by majority vote of directors present and voting, and from among the directors, a president, a vice president, a secretary, and a treasurer. The board may also elect a comptroller and such other officers as it deems necessary.

(f) EXECUTIVE DIRECTOR OF ASSOCIATION.—

(1) IN GENERAL.—The board of directors shall hire and supervise an executive director for the Association.

(2) DUTIES OF EXECUTIVE DIRECTOR.—The executive director shall implement the policies established by the board of directors, employ and discharge Association employees, and manage the offices, facilities, and employees of the Association.

(3) ELIGIBILITY STANDARDS.—Any applicant for the position of executive director, and each executive director, shall satisfy the requirements for director eligibility established by this Act.

(4) TERM LIMIT.—The executive director shall only be eligible to serve as an employee of the Association for 6 consecutive years. After such 6-year term, the executive director shall be prohibited from serving as an agent, consultant, attorney, accountant, or subcontractor for the Association, and shall be ineligible to receive any monetary compensation from the Association.

(g) NO COMPENSATION FOR ASSOCIATION DIRECTORS.—A member of the board of directors of the Association may not receive any compensation for his or her services as a director, but shall be reimbursed for wages actually lost in an amount not to exceed $160 per day, and for necessary expenses including travel expenses incurred in the discharge of Association duties.

(h) BONDING REQUIREMENT FOR STAFF.—Any director or staff of the Association eligible to receive, handle, or disburse funds on behalf of the Association shall be bonded. The cost of such bonds shall be paid for by the Association.

(i) ANNUAL FINANCIAL STATEMENTS OF DIRECTORS.—Each director and the executive director of the Association shall file annually with the board of directors a director's financial statement, which shall include the same information required by this Act for members seeking election as delegates or directors of the Association.

(j) ANNUAL MEETINGS.—

(1) IN GENERAL.—An annual meeting of members of the Association shall be held in the month of July, on a date and at a place within the United States to be determined by the board of directors at least 6 months in advance of the meeting.

(2) AGENDA.—Items may be placed on the annual meeting agenda—

(A) by request of any director, not less than 10 days and not more than 4 months in advance of the date of such meeting; and

(B) by petition containing the valid signatures of at least 500 members of the Association, which petition shall be filed with the board of directors not less than 10 days and not more than 4 months in advance of the date of such meeting.

(3) NOTICE OF AGENDA.—The executive director shall present proposed agenda items to the membership through its regular mailings.

(4) PUBLIC MEETINGS.—The annual meeting of Association members shall be open to the public, except that seating preference shall be given to Association members. Association members shall be given a reasonable opportunity at such meetings to present comments, criticisms, and suggestions concerning the Association.

(5) MINUTES.—Complete minutes of the annual meetings shall be kept and distributed to all depository libraries in the United States and placed on the Association's webpage.

(k) VACANCY.—In the event that a board member position becomes vacant, the board of directors shall install the person having the highest vote total in the last election who was not elected to the board. If this is impossible, the board of directors, by vote of not less than ⅔ of all directors, shall appoint a successor within 60 days for the remainder of the current term. The person appointed by the board of directors shall meet all qualifications for board members.

(l) RECALL.—

(1) IN GENERAL.—Any director shall be removed from the board of directors by the board of directors if not fewer than 40 percent of the delegates or members of a director's election district who voted in the last election have signed a petition for recall.

(2) LIMITATIONS.—No petition to recall a director under paragraph (1) may be filed within 6 months of his or her election. An election pursuant to the filing of a recall petition shall be conducted in accordance with the provisions of this Act. A director recalled may become a candidate in the election triggered by the filing of the recall petition. The director recalled shall continue to serve until the installment in office of his or her successor, or until his or her reelection. The election triggered by the filing of a recall petition shall be conducted via one of the Association's quarterly mailings.

**SEC. 1132. ELECTION OF DIRECTORS.**

(a) ELECTION OF THE BOARD OF DIRECTORS.—

(1) REGULAR ELECTION PROCEDURES.—

(A) ONE DELEGATE; ONE VOTE.—Each delegate shall cast 1 vote for 1 candidate for the board of directors.

(B) TOP 17 CANDIDATES BECOME DIRECTORS.—The 17 candidates receiving the largest number of votes shall become the directors.

(2) RUNOFF ELECTION.—

(A) IN GENERAL.—In the event of a tie involving the 17th position on the board of directors, a runoff election shall be conducted.

(B) VOTING AND CANDIDATE ELIGIBILITY.—Any delegate may vote for 1 candidate in the runoff election, and only those nominees involved in the tie that included the 17th position shall be eligible for the runoff election.

(3) APPLICABILITY TO ALL BOARD ELECTIONS.—The requirements of this section shall apply to the first election of directors conducted by the interim board of directors pursuant to this Act, as well as to all subsequent elections.

**SEC. 1133. QUALIFICATIONS.**

(a) CANDIDATE'S STATEMENT.—Any person seeking nomination as a candidate for election to the board of directors of the Association shall file a candidate statement with the Association, not less than 60 days and not more than 120 days prior to the election. The contents of a candidate statement may not contain false statements, and the Association may, by bylaw or interim board of directors' procedure, impose a uniform limitation on the length of all candidate statements.

(b) FINANCIAL STATEMENT.—Any person seeking nomination as a candidate for election to the board of directors shall file with the Association, not less than 60 days and not more than 120 days prior to the election. Each candidate's financial statement shall include the following information for the candidate and the immediate family of the candidate:

(1) PRECEDING 5 YEARS' BUSINESS AND FINANCIAL RELATIONSHIPS.—A detailed list of any business or financial relationships during the preceding 5 years with any covered person or organization of covered persons, including any attorney, legislative agent, officer, or director relationship.

(2) CURRENT AND PRECEDING 5 YEARS' CORPORATE POSITIONS.—A list of all corporate and organizational directorships or other offices and all fiduciary relationships currently held or held at any time during the preceding 5 years.

(3) INVESTMENTS OF $1,000 OR MORE IN ANY FINANCIAL SERVICES CORPORATION.—A list of all financial services corporations in which the candidate holds securities worth $1,000 or more at current market value and the dollar value of each such holding.

(4) OTHER INFORMATION.—Such other information as the board of directors may require by bylaw.

(c) AFFIRMATION OF TRUTH OF STATEMENTS.—Each candidate for election as a delegate or director shall affirm in writing, that the information in such candidate's financial statement is true and complete and that the candidate has complied with all the campaign contribution and campaign expenditure requirements of this Act and any such

bylaws of the Association. Each candidate shall furnish the board of directors with such information regarding campaign contributions and expenditures as the board may request.

(d) INELIGIBILITY OF INTERIM DIRECTORS AND STAFF DURING FIRST ELECTION.—No interim director shall be eligible for election as a delegate or director during the first election. The executive director and other Association staff persons, including interim staff persons, shall not be eligible for election as a delegate or director while serving as executive director or staff person, or for 1 year after such service is terminated.

(e) INELIGIBILITY OF DELEGATES AND DIRECTORS TO HOLD OTHER PUBLIC OFFICE.—No delegate or director shall hold any elective Federal, State, or local office or be a candidate for such office, or be appointed to hold such office, unless such appointee receives no compensation other than reimbursement of expenses.

(f) INELIGIBILITY OF OFFICERS, DIRECTORS, EMPLOYEES, AND SHAREHOLDERS OF COVERED PERSONS.—Any director, officer, or employee of a covered person, any person who owns common stock or other securities of covered persons in an aggregate amount in excess of $10,000, any agent, consultant, attorney, or accountant for a covered person, and any member of the immediate family of any such person shall be ineligible to be a delegate or a director.

(g) INELIGIBILITY OF OFFICERS AND EMPLOYEES OF FEDERAL OR STATE DEPOSITORY INSTITUTION REGULATORY AGENCIES.—No officer or employee of any State or Federal agency that regulates depository institutions or any member of the immediate family of any such officer or employee shall be eligible to be a delegate or a director.

(h) INELIGIBILITY OF OFFICERS AND EMPLOYEES OF AGENCIES.—No officer or employee of any Federal, State, or local agency that regulates any covered person shall be eligible to be a director of the Association.

**SEC. 1134. BALLOT ISSUES.**

(a) PROCEDURE FOR OBTAINING MEMBERSHIP VOTE ON ISSUES.—Issues may be placed on a ballot for vote by the general membership if—

(1) a majority of the board of directors votes to place an issue before the membership for vote;

(2) a petition is received by the board of directors which—

(A) contains the valid signatures of at least 1,000 members in any district or at least 1 percent of the total membership; and

(B) requests that an issue be placed on a ballot is received by the board of directors; or

(3) a majority of the delegates vote to place an issue before the membership for a vote.

(b) PROCEDURES FOR CONDUCTING VOTE ON ISSUES.—

(1) TIME FOR ELECTION.—Upon certification of a vote of the directors or delegates which meets the requirements of paragraph (1) or (3) of subsection (a) or the receipt of a petition which meets the requirement of subsection (a)(2), the board of directors shall place the issue on a special ballot and schedule a date for a vote on the issue to be held within 2 months after receipt of the certification or petition.

(2) MAIL BALLOT.—The board of directors shall send or have sent by mail to each member, not later than 30 days after receipt of a petition or certification pursuant to this section, an official ballot containing the issue for membership vote.

(3) VOTE CAST BY RETURN MAIL.—Each member may cast a vote regarding the ballot issue by returning the ballot, properly marked, to the head office of the Association by the date and time fixed for the balloting pursuant to this subsection.

(4) SECRET BALLOT.—Voting shall be by secret ballot.

(5) VOTE TALLY.—The board of directors shall tally votes with all reasonable speed and inform the membership and delegates promptly of the outcome of the vote.

**SEC. 1135. ACCESS TO MEMBER MAILINGS.**

No person may use any list of members of the Association, or any part of such list, for purposes other than the conduct of the business of the Association, as prescribed in this Act. The board of directors shall, however, develop criteria for providing Association member access through Association mailings to the Association's membership for Association purposes only. No person shall disclose any such list or part thereof to another person, unless there is substantial reason to believe that such list or part thereof is intended to be used for the lawful purposes described in this Act.

**SEC. 1136. PROHIBITED ACTS.**

(a) COVERED PERSONS.—No covered person or officer, employee, or agent of any covered person may interfere or threaten to interfere with or cause any interference with the provision of financial services of, or penalize or threaten to penalize or cause to be penalized, any person who contributes to the Association or participates in any of its activities, in retribution for such contribution or participation.

(b) GENERAL PROHIBITION.—No person may act with intent to prevent, interfere with, or hinder the activities permitted under this subtitle.

**SEC. 1137. PENALTIES.**

A violation of any provision of this subtitle by a covered person or officer, employee, or agent thereof or of the Association shall be subject to a civil penalty of not more than $10,000 for each violation, to be levied by the Federal Trade Commission.

**SEC. 1138. ADMINISTRATIVE ENFORCEMENT.**

Compliance with the provisions of this subtitle shall be enforced by the Federal Trade Commission in the same manner and with the same power and authority as the Federal Trade Commission has under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

**SEC. 1139. DISSOLUTION OF THE ASSOCIATION.**

If, after the end of the 3-year period beginning on the date on which the Association is incorporated, the Association's membership remains below 25,000 members during any 1-year period, the board of directors of the Association shall dissolve the Association. Upon the termination, dissolution, or winding up of the Association in any manner or for any reason, voluntary or involuntary, its assets, if any, remaining after the payment or provision for payment of all liabilities of the Association shall be distributed to, and only to, 1 or more charitable organizations. No part of the income or assets of the Association shall inure to any of its members, directors, or officers, or be distributed to any such person during the life of the Association or upon its dissolution, except in payment of a legal obligation owed to such person. At the time of dissolution, any unexpended funds appropriated by Congress for the establishment of the Association shall be returned to the United States Treasury.

**SEC. 1140. REPORTS.**

(a) REPORT TO THE PRESIDENT AND CONGRESS.—

(1) IN GENERAL.—The Association shall prepare and submit to the President and the appropriate committees of Congress, at the beginning of each regular session of Congress, a report on the Association's activities for the preceding fiscal year.

(2) REPORT CONTENT.—The reports required by this subsection shall include—

(A) an appraisal of the performance of Federal financial regulatory agencies, including reports on the compliance of Federal financial regulatory agencies with their legal missions and mandates;

(B) the extent to which regulatory agencies should disseminate specified information to the research and consumer communities and consumer information to the public;

(C) an appraisal of significant actions of State and local governments relating to the protection of financial consumers;

(D) recommendations for financial consumer protection legislation; and

(E) an overview of covered persons' compliance with the law.

**SEC. 1141. RELATIONSHIP TO EXISTING LAW.**

Nothing in this Act shall be construed to limit the right of any individual or group of individuals to initiate, intervene in, or otherwise participate in any proceeding before a regulatory agency or court, nor to relieve any regulatory agency, court, or other public body of any obligation, or affect its discretion to permit intervention or participation by a consumer or group or class of consumers or citizens in any proceeding or activity.

**SEC. 1142. CONSTRUCTION.**

The provisions of this Act shall be construed in such a manner as best to enable the Association to effectively represent and protect the interests of financial services consumers.

**SEC. 1143. SEVERABILITY.**

If any provision of this Act shall be declared invalid, the other provisions of this Act shall remain in effect.

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**SA 3773.** Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1059, strike line 22 and all that follows through page 1061, line 7, and insert the following:

"(b) INDEPENDENCE STANDARDS FOR COMPENSATION CONSULTANTS AND OTHER COMPENSATION COMMITTEE ADVISERS.—

"(1) IN GENERAL.—Any compensation consultant, legal counsel, or other adviser to the compensation committee of an issuer shall be independent.

"(2) RULES.—The Commission shall, by rule, define the term 'independent' for purposes of this subsection.

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**SA 3774.** Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and

Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1036, strike line 14 and all that follows through page 1041, line 3, and insert the following:

**SEC. 939. REMOVAL OF STATUTORY REFERENCES TO CREDIT RATINGS.**

(a) FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 7(b)(1)(E)(i), by striking ''credit rating entities, and other private economic'' and insert ''private economic, credit,'';

(2) in section 28(d)—

(A) in the subsection heading, by striking ''NOT OF INVESTMENT GRADE'';

(B) in paragraph (1), by striking ''not of investment grade'' and inserting ''that does not meet standards of credit-worthiness as established by the Corporation'';

(C) in paragraph (2), by striking ''not of investment grade'';

(D) by striking paragraph (3);

(E) by redesignating paragraph (4) as paragraph (3); and

(F) in paragraph (3), as so redesignated—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(iii) in subparagraph (B), as so redesignated, by striking ''not of investment grade'' and inserting ''that does not meet standards of credit-worthiness as established by the Corporation''; and

(3) in section 28(e)—

(A) in the subsection heading, by striking ''NOT OF INVESTMENT GRADE'';

(B) in paragraph (1), by striking ''not of investment grade'' and inserting ''that does not meet standards of credit-worthiness as established by the Corporation''; and

(C) in paragraphs (2) and (3), by striking ''not of investment grade'' each place that it appears and inserting ''that does not meet standards of credit-worthiness established by the Corporation''.

(b) FEDERAL HOUSING ENTERPRISES FINANCIAL SAFETY AND SOUNDNESS ACT OF 1992.—Section 1319 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4519) is amended by striking ''that is a nationally registered statistical rating organization, as such term is defined in section 3(a) of the Securities Exchange Act of 1934,''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 6(a)(5)(A)(iv)(I) Investment Company Act of 1940 (15 U.S.C. 80a-6(a)(5)(A)(iv)(I)) is amended by striking ''is rated investment grade by not less than 1 nationally registered statistical rating organization'' and inserting ''meets such standards of credit-worthiness as the Commission shall adopt''.

(d) REVISED STATUTES.—Section 5136A of title LXII of the Revised Statutes of the United States (12 U.S.C. 24a) is amended—

(1) in subsection (a)(2)(E), by striking ''any applicable rating'' and inserting ''standards of credit-worthiness established by the Comptroller of the Currency'';

(2) in the heading for subsection (a)(3) by striking ''RATING OR COMPARABLE REQUIREMENT'' and inserting ''REQUIREMENT'';

(3) subsection (a)(3), by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—A national bank meets the requirements of this paragraph if the bank is one of the 100 largest insured banks and has not fewer than 1 issue of outstanding debt that meets standards of credit-worthiness or other criteria as the Secretary of the Treasury and the Board of Governors of the Federal Reserve System may jointly establish.''.

(4) in the heading for subsection (f), by striking ''MAINTAIN PUBLIC RATING OR'' and inserting ''MEET STANDARDS OF CREDIT-WORTHINESS''; and

(5) in subsection (f)(1), by striking ''any applicable rating'' and inserting ''standards of credit-worthiness established by the Comptroller of the Currency''.

(e) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) Securities Exchange Act of 1934 (15 U.S.C. 78a(3)(a)) is amended—

(1) in paragraph (41), by striking ''is rated in one of the two highest rating categories by at least one nationally registered statistical rating organization'' and inserting ''meets standards of credit-worthiness as established by the Commission''; and

(2) in paragraph (53)(A), by striking ''is rated in 1 of the 4 highest rating categories by at least 1 nationally registered statistical rating organization'' and inserting ''meets standards of credit-worthiness as established by the Commission''.

(f) WORLD BANK DISCUSSIONS.—Section 3(a)(6) of the amendment in the nature of a substitute to the text of H.R. 4645, as ordered reported from the Committee on Banking, Finance and Urban Affairs on September 22, 1988, as enacted into law by section 555 of Public Law 100-461, (22 U.S.C. 286hh(a)(6)), is amended by striking ''credit rating'' and inserting ''credit-worthiness''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(1) IN GENERAL.—Commission shall undertake a study on the feasability and desirability of—

(A) standardizing credit ratings terminology, so that all credit rating agencies issue credit ratings using identical terms;

(B) standardizing the market stress conditions under which ratings are evaluated;

(C) requiring a quantitative correspondence between credit ratings and a range of default probabilities and loss expectations under standardized conditions of economic stress; and

(D) standardizing credit rating terminology across asset classes, so that named ratings correspond to a standard range of default probabilities and expected losses independent of asset class and issuing entity.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report containing the findings of the study under paragraph (1) and the recommendations, if any, of the Commission with respect to the study.

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**SA 3775.** Mr. WYDEN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**TITLE _____—ELIMINATING SECRET SENATE HOLDS**

**SEC. ____. ELIMINATING SECRET SENATE HOLDS.**

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

''7. (a) The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

''(1) submits the notice of intent in writing to the appropriate leader or their designee and grants in the notice permission for the leader or designee to object in the Senator's name; and

''(2) not later than 2 session days after the submission under clause (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subparagraph (b) the following notice:

'' 'I, Senator _____, intend to object to proceeding to _____, dated _____.'

''(b) The Secretary of the Senate shall maintain for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled 'Notices of Intent to Object to Proceeding'. Each section shall include the name of each Senator filing a notice under subparagraph (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

''(c) A Senator may have an item relating to that Senator removed from a calendar to which it was added under subparagraph (b) by submitting for inclusion in the Congressional Record the following notice:

'' 'I, Senator _____, do not object to proceeding to _______, dated _______.'.''.

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**SA 3776.** Mr. SPECTER (for himself, Mr. REED, Mr. KAUFMAN, Mr. DURBIN, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. FEINGOLD, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1004, between lines 11 and 12, insert the following:

**SEC. 929D. PRIVATE CIVIL ACTION FOR AIDING AND ABETTING.**

Section 20(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(e)) is amended—

(1) in the subsection heading, by striking ''PROSECUTION OF'' and inserting ''ACTIONS AGAINST'';

(2) by striking ''For purposes'' and inserting the following:

''(1) ACTIONS BROUGHT BY COMMISSION.—For purposes''; and

(3) by adding at the end the following:

''(2) PRIVATE CIVIL ACTIONS.—For purposes of any private civil action implied under this title, any person that knowingly provides substantial assistance to another person in violation of this title, or of any rule or regulation issued under this title, shall be deemed to be in violation of this title to the same extent as the person to whom such assistance is provided. For purposes of this paragraph, a person acts knowingly only if the person has actual knowledge of the conduct underlying the violation described in the preceding sentence.''.

**SA 3777.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1187, between lines 9 and 10, insert the following:

**Subtitle K—Multifamily Mortgage Resolution**

**SEC. 992. MULTIFAMILY MORTGAGE RESOLUTION PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish a program to protect tenants and at-risk multifamily properties, which may include—

(1) creating sustainable financing of such properties, taking into consideration—

(A) the rental income generated by such properties; and

(B) the preservation of adequate operating reserves;

(2) maintaining the level of Federal, State, and local government subsidies for such properties that exists on the day before the date of enactment of this Act;

(3) providing funds for rehabilitation of such properties;

(4) facilitating the transfer of such properties to responsible persons, when appropriate and with the agreement of the owners of the property; and

(5) ensuring affordability of such properties.

(b) COORDINATION.—In carrying out the program established under this section, the Secretary of Housing and Urban Development may coordinate with the Secretary, the Corporation, the Board of Governors, the Federal Housing Finance Agency, and any other agency of the Federal Government that the Secretary of Housing and Urban Development considers appropriate.

(c) DEFINITION.—For purposes of this section, the term ''multifamily property'' means a residential structure that consists of 5 or more dwelling units.

**SA 3778.** Mr. UDALL of Colorado (for himself, Mr. LUGAR, Mr. BOND, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MCCASKILL, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1078. REPEAL OF CREDIT SCORE DISCLOSURE FEES.**

(a) REPEAL OF CREDIT SCORE DISCLOSURE FEES.—Section 609(f)(8) of the Fair Credit Reporting Act (15 U.S.C. 1681g(f)(8)) is amended to read as follows:

''(8) FREE ANNUAL CREDIT SCORE.—

''(A) IN GENERAL.—Section 612(a) shall apply to each consumer reporting agency described in subsection (p) of section 603 in making disclosures pursuant to this subsection.

''(B) REASONABLE FEES.—Other than with respect to a free annual disclosure, as provided in subparagraph (A) and section 612(a), a consumer reporting agency may charge a fair and reasonable fee, as determined by the Commission, for providing the information required under this subsection.''.

(b) APPLICABILITY OF FCRA.—Section 612(a) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)) shall apply to each consumer reporting agency described in subsection (p) of section 603 in making disclosures pursuant to this section.

**SA 3779.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1290, strike line 5 and all that follows through page 1291, line 9, and insert the following:

**SEC. 1028. AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.**

(a) STUDY AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Bureau shall conduct a study and submit a report to Congress concerning the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of consumer financial products or services.

(b) FURTHER AUTHORITY.—The Bureau, by regulation, may prohibit or impose conditions or limitations on the use of an agreement between a covered person and a consumer for a consumer financial product or service providing for arbitration of any future dispute between the parties, if the Bureau determines that such a prohibition or imposition of conditions or limitations is in the public interest and for the protection of consumers. The determination of the Bureau under this subsection shall be consistent with the study conducted under subsection (a).

(c) LIMITATION.—The authority described in subsection (b) may not be construed to prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.

**SA 3780.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1455, after line 25, insert the following:

**SEC. 1077. MANDATORY PREDISPUTE ARBITRATION RULEMAKING.**

(a) SECTION 921.—Section 921 of this Act is amended to read as follows:

**''SEC. 921. AUTHORITY TO ISSUE RULES RELATED TO MANDATORY PREDISPUTE ARBITRATION.**

''(a) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o), as amended by section 918, is amended by adding at the end the following:

'''(i) AUTHORITY TO RESTRICT MANDATORY PREDISPUTE ARBITRATION.—The Commission shall—

'''(1) conduct a rulemaking on the use of agreements that require customers or clients of any broker, dealer, or municipal securities dealer to arbitrate any dispute between such customers or clients and such broker, dealer, or municipal securities dealer that arises under the securities laws or the rules of a self-regulatory organization; and

'''(2) if the Commission finds that prohibition of, or imposition of conditions or limitations on, the use of agreements described in paragraph (1) is in the public interest and for the protection of investors, promulgate rules or regulations to establish such prohibitions, conditions, or limitations.'.

''(b) AMENDMENT TO THE INVESTMENT ADVISERS ACT OF 1940.—Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended by adding at the end the following:

'''(f) AUTHORITY TO ISSUE RULES RELATED TO MANDATORY PREDISPUTE ARBITRATION.—The Commission shall—

'''(1) conduct a rulemaking on the use of agreements that require customers or clients of any investment adviser to arbitrate any dispute between such customers or clients and such investment adviser that arises under the securities laws, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or the rules of a self-regulatory organization; and

'''(2) if the Commission finds that prohibition of, or imposition of conditions or limitations on, the use of agreements described in paragraph (1) is in the public interest and for the protection of investors, promulgate rules or regulations to establish such prohibitions, conditions, or limitations.'.''

(b) SECTION 1028.—Section 1028 of this Act is amended to read as follows:

**''SEC. 1028. AUTHORITY TO RESTRICT MANDATORY PREDISPUTE ARBITRATION.**

''(a) AUTHORITY.—The Bureau, by regulation, shall prohibit or impose conditions or

limitations on the use of an agreement between a covered person and a consumer for a consumer financial product or service providing for arbitration of any future dispute between the parties, if the Bureau finds that such prohibition or imposition of conditions or limitations is in the public interest and for the protection of consumers.

''(b) LIMITATION.—The authority described in subsection (a) may not be construed to prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.''.

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**SA 3781.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**TITLE XII—PROHIBITION ON TAXPAYER FUNDED BAILOUTS**

**SEC. 1301. PROHIBITION ON TAXPAYER FUNDED BAILOUTS.**

No taxpayer funds shall be provided under this or any other Act to provide pecuniary or monetary assistance to any company for the purpose of minimizing losses or otherwise mitigating the financial distress of such company.

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**SA 3782.** Mr. CORKER (for himself, Mr. ENZI, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1045, strike line 12 and all that follows through page 1052, line 2 and insert the following:

''(b) STUDY ON RISK RETENTION.—

''(1) STUDY.—

''(A) IN GENERAL.—The Federal Reserve Board, in coordination and consultation with the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, and the Securities and Exchange Commission, shall conduct a study of the asset-backed securitization process.

''(B) ISSUES TO BE STUDIED.—In conducting the study under subparagraph (A), the Board shall evaluate—

''(i) the separate and combined impact of—

''(I) requiring loan originators or securitizers to retain an economic interest in a portion of the credit risk for any asset that the securitizer, through the issuance of an asset-backed security, transfers, sells, or conveys to a third party; including—

''(aa) whether existing risk retention requirements such as contractual representations and warranties, and statutory and regulatory underwriting and consumer protection requirements are sufficient to ensure the long-term accountability of originators for loans they originate; and

''(bb) methodologies for establishing additional statutory credit risk retention requirements;

''(II) the Financial Accounting Statements 166 and 167 issued by the Financial Accounting Standards Board, as well as any other statements issued before or after the date of enactment of this section the Federal banking agencies determine to be relevant;

''(ii) the impact of the factors described under subsection (i) of this section on—

''(I) different classes of assets, such as residential mortgages, commercial mortgages, commercial loans, auto loans, and other classes of assets;

''(II) loan originators;

''(III) securitizers;

''(IV) access of consumers and businesses to credit on reasonable terms.

''(2) REPORT.—Not later than 18 months after the date of enactment of this section, the Board shall submit to Congress a report on the study conducted under paragraph (1). Such report shall include statutory and regulatory recommendations for eliminating any negative impacts on the continued viability of the asset-backed securitization markets and on the availability of credit for new lending identified by the study conducted under paragraph (1).''.

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**SA 3783.** Mr. CORKER (for himself, Mr. ENZI, Mr. ISAKSON, Mr. CHAMBLISS, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, after line 24, insert the following:

**SEC. 122. ASSET BUBBLE STUDY.**

(a) FEASABILITY STUDY.—

(1) IN GENERAL.—The Board of Governors, the Office of the Comptroller Currency, the Corporation, and the Department of Housing and Urban Development, in consultation with the Council, shall conduct a study on the feasibility and advisability of establishing quantitative criteria for identifying housing bubbles.

(2) REQUIRED INCLUSIONS.—The study required under paragraph (1) shall examine whether or not the quantitative criteria that may be established should include following information:

(A) Consumer confidence.

(B) Inventory data.

(C) Housing appreciation.

(D) Housing supply.

(E) Foreclosure statistics.

(F) Any other factor or information deemed relevant by the Board of Governors, the Office of the Comptroller Currency, the Corporation, and the Department of Housing and Urban Development, in consultation with the Council.

(3) ADDITIONAL EXAMINATIONS.—In conducting the study required under this subsection, the Board of Governors, the Office of the Comptroller Currency, the Corporation, and the Department of Housing and Urban Development, in consultation with the Council, shall also examine the advisability of using such quantitative criteria as a trigger for increased down payment requirements on home mortgage loans for lending institutions.

(4) CONSIDERATIONS.—In conducting the study required under this subsection, the Board of Governors, the Office of the Comptroller Currency, the Corporation, and the Department of Housing and Urban Development, in consultation with the Council, shall consider the mortgage finance systems in other countries, including the legal and regulatory regimes present and in effect in such countries, the experience of such countries with housing bubbles and housing crises, and the relevance, if any, of the down payment requirements in effect in such countries to the occurrence or onset of such bubbles or crises.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Board of Governors, the Office of the Comptroller Currency, the Corporation, and the Department of Housing and Urban Development, in consultation with the Council, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a joint report summarizing the results of the study required under subsection (a).

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**SA 3784.** Mr. CORKER (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 11 and 12, insert the following:

(N) review and submit comments to the Commission and any standards setting body with respect to an accounting principle, standard, or procedure in effect on the date of enactment of this Act or that is proposed; and

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, May 19, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the proposed Constitution of the U.S. Virgin Islands; S. 2941, the Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2010; H.R. 3940, an act to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples

of the non-self-governing territories of the United States; and H.R. 2499, the Puerto Rico Democracy Act of 2010.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie_Calabro @energy.senate.gov.

For further information, please contact Allen Stayman or Rosemarie Calabro.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, May 5, 2010, at 10 a.m., to hear testimony on ''Voting By Mail: An Examination of State and Local Experiences.''

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee.

## ORDERS FOR TUESDAY, MAY 4, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, May 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 3217, Wall Street reform; and that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Tuesday, May 4, 2010, at 10 a.m.

# EXTENSIONS OF REMARKS

## RECOGNIZING THE EL CAMINO REAL HIGH SCHOOL ACADEMIC DECATHLON TEAM

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. WAXMAN. Madam Speaker, I rise to congratulate the El Camino Real High School Academic Decathlon team on its extraordinary record-setting sixth victory as the United States Academic Decathlon champions.

I am extremely proud to represent this remarkable team of nine students of Woodland Hills, California. The students committed months of hard work together in preparation for this competition. The nationwide competition is very challenging and includes written and oral tests in seven subjects. The team set a record with its sixth United States Academic Championship and defeated 34 teams from around the country. They received an astounding 49,951.7 points out of a possible 60,000 and won and impressive 21 individual awards.

The nine winning team members are Vivian Cheng, Daniel de Haas, Evan Edmisten, Andrew Fann, Audrey Goldbaum, Jessica Lin, Daniel Moreh, Adriana Ureche and Michael Walker. The coaches are John Dalsass and Stephanie Franklin.

The students personify academic excellence and the power of teamwork. Their dedicated coaches, school, staff, families and entire community are tremendously proud of their achievement.

I ask my colleagues to join me in recognizing these remarkable students.

## JORDYN BORREGO

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jordyn Borrego who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jordyn Borrego is an 8th grader at Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jordyn Borrego is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jordyn Borrego for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## PERSONAL EXPLANATION

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, I would like to make a correction of my vote on passage of H.R. 2499. On April 29, for rollcall vote 242, the Puerto Rico Democracy Act of 2009, I was unintentionally recorded as voting "yea." I oppose the legislation and it was my intention to vote "nay."

## KATERYNA KONDRATYSHYNA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kateryna Kondratyshyna who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kateryna Kondratyshyna is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kateryna Kondratyshyna is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kateryna Kondratyshyna for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## REQUESTING THAT MY NAME BE WITHDRAWN AS A COSPONSOR OF H.R. 2499, THE PUERTO RICO DEMOCRACY ACT

### HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. CULBERSON. Madam Speaker, I share Thomas Jefferson's belief that majority rule is "the vital principle of republics," therefore I am opposed to passage of H.R. 2499, and respectfully request that my name be withdrawn as a co-sponsor. I was mistaken in co-sponsoring this bill because it is not apparent from the language of the bill that it allows Puerto Rico to decide its future by less than a majority vote. I have also learned that current law enables Puerto Rico to hold an election to determine their future at any time, so this law is redundant—and we already have far too many redundant unnecessary laws on the books. For these reasons I would ask that my name be withdrawn as a co-sponsor of this bill.

## KATHERINE DUNLAP

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Katherine Dunlap, who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Katherine Dunlap is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Katherine Dunlap is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Katherine Dunlap for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## HONORING BRIAN K. BETTS

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. VAN HOLLEN. Madam Speaker, I rise today to commemorate the life and legacy of Brian K. Betts. A resident of Silver Spring, Maryland, Mr. Betts served his community as a teacher and principal in the Montgomery County and District of Columbia public school systems. Tragically, on April 15, 2010, Mr. Betts lost his life in an act of senseless violence.

Mr. Betts was born in Manassas, Virginia to Delbert and Doris Betts. He attended public schools there and graduated from Stonewall Jackson High School. He continued his education at the University of North Carolina at Greensboro and Hood College, receiving his Bachelor's and Master's degrees, respectively.

From the beginning of his teaching career as a middle school physical education teacher, Mr. Betts aspired to improve the quality of education in our community. With a boundless enthusiasm that motivated his students and gained the admiration of his peers, he made an impact in the lives of everyone who knew him. An unparalleled work ethic and passion for helping children succeed enabled Mr. Betts to quickly be recognized for his extraordinary talents and dedication. He was recognized early in his career for his outstanding leadership at Neelsville Middle School, located in Germantown, Maryland, and received the prestigious Washington Post Agnes Meyer Award in 1999.

Part of what made Mr. Betts such an exceptional educator was his unique style of teaching that stressed self-improvement and personal goal-setting over more traditional teaching methods. Mr. Betts put his innovative teaching methods into wider use at the Loiederman Middle School in Silver Spring, Maryland, where he developed a magnet program that drew in students from diverse socioeconomic backgrounds regardless of their academic achievement. As with most of Mr. Betts' efforts, the program became a rapid success. Under his guidance, the percentage of students with passing reading and math scores jumped by double digits within a two-year period.

Eager to take on new challenges, Mr. Betts accepted a position as principal of Shaw Middle School at Garnet-Patterson in Washington, DC, and worked tirelessly each and every day to bring positive change to a school that had been plagued with difficulties.

With the death of Mr. Betts, our nation has lost a rising star in the field of education. Yet, even in the face of this tragedy, we can take solace in knowing that his legacy and memory will be carried on in the lives of the countless students he touched and inspired.

Mr. Betts is survived by his parents, sister, and nieces, whom we hope find comfort in knowing how much Brian was loved by so many people.

Madam Speaker, I ask my colleagues to join me in recognizing the remarkable life of Brian K. Betts.

## KATHRYN MURRAY

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kathryn Murray who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kathryn Murray is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kathryn Murray is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kathryn Murray for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## HONORING DR. RICK GROSBERG OF UC DAVIS

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Dr. Rich Grosberg of University of California, Davis. Dr. Rich Grosberg is the 2010 recipient of the UC Davis Prize for Undergraduate Teaching and Scholarly Achievement. This $40,000 prize, first awarded in 1987, is believed to be the largest undergraduate teaching award in the nation. The prize is awarded to recognize scholars who are successful not only in their research, but convey their excitement and love of scholarship to students they teach.

Over time, many UC Davis donors—including members of the Davis Chancellor's Club, alumni and trustees and trustees emeriti of the UC Davis Foundation—have made philanthropic contributions to support the prize. The winner is selected based on the recommendations of other professors, research peers, representatives from the UC Davis Foundation Board of Trustees and students.

As a Professor of Evolution and Ecology, questions matter to Rick Grosberg—and he carries out his research on evolution and family conflict in a manner that seeks to show his students that science is not just about mastering a body of knowledge, but also about asking the right questions and challenging authority.

Upon learning he was this year's recipient, Grosberg said he was "deeply honored" to be receiving the award, adding, "I owe a huge debt to my teachers and mentors, who challenged and inspired me throughout my education, my family and my students—all of them—who continue to challenge, inspire and teach me every day."

Having to explain scientific concepts to a hall full of students also helps him ask better questions in his research, Grosberg said. "I'm a much more incisive researcher as a result of teaching."

As an undergraduate at UC Santa Cruz, Grosberg did not initially consider biology as a profession. He considered majoring in English. "I just assumed that being a scientist reflected the way I'd been taught science: It was received knowledge, a fact-finding mission."

Then he took Cowell Biology, an eclectic course on the history of biology and the personalities who created the field.

"It showed me that biology is about people who step outside their culture and society and ask novel questions, and the best example is Charles Darwin," Grosberg said. "That turned me on to biology."

His research deals with conflict and cooperation between living things, usually marine invertebrates. "Sometimes we help each other and sometimes we kill each other, and there are good evolutionary reasons for both," he said. The evolution of altruism is an old problem in evolutionary biology. Why should one animal expend effort and energy to help another, instead of conserving resources so they can leave the most descendants? The answer, in most cases, is that animals share many of their genes with close relatives. By helping a sibling who shares half your genes, you can still have a genetic impact on the next generation.

On the other hand, relatives can also come into conflict. Those conflicts might be between individuals, between the sexes, between siblings, between generations and sometimes all those at once.

Grosberg earned his Ph.D. from Yale University in 1982 and spent a year at the University of Padua, Italy, as a NATO postdoctoral fellow. He joined UC Davis as an assistant professor in what was then the Department of Zoology in 1983.

"Professor Grosberg understands the value to our undergraduates of the hands-on research experience and, as a mentor, he is deeply committed to ensuring our students' success," said Chancellor Linda Katehi. "That mindset is one that we place a very high value on at UC Davis and it is at the very heart of the UC Davis Prize for Undergraduate Teaching and Scholarly Achievement."

Ken Burtis, Dean of the College of Biological Sciences, said, "Professor Grosberg has a truly extraordinary passion and talent for teaching, whether mentoring small groups of students exploring the interface between math and biology or delivering the fundamentals of biology to hundreds of students through his highly-praised lectures. He exemplifies the best that UC Davis has to offer."

"Enthusiastic" is the term that comes up again and again in student evaluations of Grosberg's classes, along with "energetic" and "entertaining." His teaching ranges from the team-taught "Introduction to Biology: Principles of Ecology and Evolution," which teaches about 2,000 students a year, to the CLIMB, Collaborative Learning at the Interface of Mathematics and Biology, training program, which includes just seven or eight students.

"He made me want to learn more," one student wrote of Grosberg's introductory evolution class last year. "The best instructor I have had so far at UCD," wrote another.

Among professional honors, Grosberg was awarded the Division of Biological Sciences Teaching Award in 2000 and the UC Davis Academic Senate's Distinguished Teaching Award in 2002. In 2004, he was president of the American Society of Naturalists. He has served as an adviser to The Nature Conservancy, the American Farmland Trust and the U.S. Fish and Wildlife Service. He is an elected fellow of the California Academy of Sciences and former director of the UC Davis Center for Population Biology.

At this time, it is appropriate to recognize and acknowledge Dr. Grosberg for his years of exemplary work as a scholar and educator, and congratulate him on receiving this well deserved award. His commitment to inspiring and educating students has been unwavering, and he deserves our collective recognition and thanks.

KAYLA RHOADES

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kayla Rhoades who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kayla Rhoades is a 12th grader at Warren Tech North and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kayla Rhoades is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kayla Rhoades for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

A TRIBUTE TO NICHOLAS H. BURLAK

## HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. FRANK of Massachusetts. Madam Speaker, I recently was informed by a group of citizens who live in my district of a remarkable story about one of their neighbors. I admire their spirit in making sure that the inspiring story of their friend and neighbor, Nicholas H. Burlak, is more widely known. And I ask that my remarks here be printed to call attention to Mr. Burlak's remarkable achievements, so that they may serve as an example to others.

Nicholas Burlak was born in Bethlehem, Pennsylvania, in 1924, and when the Depression came, his father moved the family to Ukraine in search of work. When World War II broke out in 1941, when the Hitler-Stalin pact fell apart and Germany then attacked its erstwhile ally, the Soviet Union, Nicholas Burlak tried to return to the United States, the home of his birth, to enlist in the Marine Corps. But this was physically impossible. He then did the next-best thing—determined to fight the Nazis, and to defend his country of birth as best he could, Mr. Burlak became an American volunteer in the Soviet Army. Subsequently he was wounded four times in battle, twice suffered shell shock and received several medals for bravery as he participated in the terrible battles between the Soviet and Nazi armies, ultimately fighting his way with other Russians to Berlin. Among the signatures left by Russian soldiers on the walls of the Reichstag in 1945 was one in English—"Bethlehem, PA, USA–Donbass, Ukraine, Aktyubinsk, Kazakhstan, Berlin, Germany May 1945—Nicholas." That was the heroic and patriotic American, Nicholas Burlak, who did not allow his separation from our country to prevent his allegiance to it.

With the sixty-fifth anniversary of the end of World War II, the Russian government awarded Mr. Burlak a medal. I believe it is appropriate for his fellow countrymen in the United States, now that he has returned to live among us as he always wanted to do, to join in commemorating the extraordinary dedication of this brave young man who has become a very valued member of our country today.

Madam Speaker, Nicholas Burlak's commitment to his fellow and sister citizens did not end with his joining in the war against the Nazis. In 2007, for example, he received the Eloise K. Houghton Award in recognition of community spirit and outstanding volunteer service from the Newton Community Development Foundation, a very important organization in my hometown, which provides help to others.

Madam Speaker, Nicholas Burlak understood how important his story was and how many people could learn from and be inspired by it, so he wrote a book—under the pseudonym of the time of M.J. Nicholas, entitled "Love and War: An American Volunteer in the Soviet Red Army." It is not just an inspiring book, but a gripping one, and I welcome the chance, Madam Speaker, to mention it here, as part of the tribute that our country should be paying to Mr. Burlak. It is a tribute to him and to his neighbors that they are so inspired by his story that they took the initiative in writing to me and calling this to my attention, and I am very pleased to have the chance to express my admiration of Mr. Burlak and my appreciation to his neighbors for giving me the chance to do this.

KENDRA RODRIGUEZ

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kendra Rodriguez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kendra Rodriguez is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kendra Rodriguez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kendra Rodriguez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

COMMEMORATING THE FOUNDING OF TURKEY'S FIRST JAZZ DEPARTMENT

## HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Ms. EDWARDS of Maryland. Madam Speaker, I rise today to commemorate the establishment of Turkey's first Jazz Department within Hacettepe University's prestigious Ankara State Conservatory. In the words of H. Res. 57 introduced by the Hon. JOHN CONYERS of Michigan during the 100th Congress, Jazz is "a unifying force, bridging cultural, religious, ethnic and age differences in our diverse society." This introduction of jazz education in Turkey further demonstrates the sweeping influence of this national treasure and its power to build bridges extending beyond our shores.

I am honored to have been in attendance, along with my colleagues the Hon. ED WHITFIELD of Kentucky and the Hon. JAMES P. MORAN of Virginia, at a gala reception on April 2, 2010 celebrating this department's inception. There could not have been a more fitting time to recognize the launch of the Ankara State Conservatory's Jazz Department than at the beginning of Jazz Appreciation Month. Without the insight and collaborative efforts of Hacettepe University's American Studies Department, the U.S. Embassy in Ankara, and the Turkish Coalition of America this momentous occasion would not have become a reality.

As a member of the Congressional Black Caucus, I am proud to have had the opportunity to witness first-hand another culture's deep appreciation for this over a century old African-American tradition. With its origins in the American south, Jazz is a musical genre that marks a confluence of African and European music traditions. Its melodic union of styles, sounds, and improvisation has inspired musicians around the world. At the gala reception held in Ankara on April 2, my colleagues Mr. WHITFIELD, Mr. MORAN, and I were treated to a musical set by the Melis Sökmen Quartet. In addition to being a renowned Turkish jazz singer, Ms. Sökmen is the personification of her country's famed bridging of cultures. Born to a Guinean mother and Turkish father, Ms. Sökmen's pride in her roots beamed in particular during her jazz rendition of traditional West African lullaby "Malaika."

One cannot mention jazz without referring to the invaluable contributions of Atlantic Records founder Ahmet Ertegün. The son of a Turkish Ambassador father and a mother who filled their house with music, Ahmet and his brother Nesruhi became fans of blues and jazz at an early age while residing in Washington DC. The first ever integrated concert in Washington DC featuring jazz greats Duke Ellington and Lena Home came about due to the efforts of the Ertegün brothers. Atlantic Records was established in 1947 and over the next several decades produced albums by jazz legends including John Coltrane, Charles Mingus, Dizzy Gillespie, and Wilbur de Paris. The Turkish fascination with jazz is attributable not only to the genius of the music itself but

Ahmet Ertegün's success in helping it evolve into an internationally renowned art form.

Madam Speaker and colleagues, please join me in congratulating all parties involved in the development of the inaugural Jazz Department at Hacettepe University. Hacettepe University and the U.S. Embassy's Public Affairs section have commenced a faculty exchange program in which jazz specialists from both countries will work and learn from one another. The joint effort of American and Turkish individuals and organizations in its establishment is a testament to over sixty years of enduring friendship between the United States and Turkey. Through shared appreciation of the arts these two great nations have formed yet another vital and resilient bond.

## KSENIA BACHKINA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Ksenia Bachkina, who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Ksenia Bachkina is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Ksenia Bachkina is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Ksenia Bachkina for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## KYLE MILLER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kyle Miller who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kyle Miller is an 8th grader at Wheat Ridge Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Kyle Miller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kyle Miller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

## KYLE RUCKER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kyle Rucker, who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kyle Rucker is an 11th grader at Ralston Valley High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Kyle Rucker is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kyle Rucker for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

## LAILONI SELL

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 3, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Lailoni Sell who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Lailoni Sell is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Lailoni Sell is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Lailoni Sell for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 4, 2010 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

MAY 5

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Institutes of Health.

SD–124

Veterans' Affairs

To hold an oversight hearing to examine traumatic brain injury (TBI), focusing on progress in treating the signature wound of the current conflicts.

SR–418

10 a.m.

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold an oversight hearing to examine the Nuclear Regulatory Commission.

SD–406

Homeland Security and Governmental Affairs

To hold hearings to examine terrorists and guns, focusing on the nature of the threat and proposed reforms.

SD–342

Judiciary

To hold hearings to examine the increased importance of the Violence Against Women Act in a time of economic crisis.

SD–226

Rules and Administration

To hold hearings to examine voting by mail, focusing on state and local experiences.

SR–301

United States Senate Caucus on International Narcotics Control

To hold hearings to examine violence in Mexico and Ciudad Juarez and its implications for the United States.

SD–562

1 p.m.

Joint Economic Committee

To hold hearings to examine how to promote job creation.

210, Cannon Building

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine the National Park Service's implementations of the American Recovery and Reinvestment Act.

SD–366

MAY 6

9:30 a.m.

Energy and Natural Resources

Business meeting to consider the nominations of Philip D. Moeller, of Washington, and Cheryl A. LaFleur, of Massachusetts, both to be a Member of the Federal Energy Regulatory Commission, and any pending calendar business.

SD–106

Environment and Public Works

To hold hearings to examine the Water Resources Development Act of 2010, focusing on jobs and economic opportunities.

SD–406

Foreign Relations

To hold hearings to examine the meaning of Marjah.

SD–419

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Interagency Partnership for Sustainable Communities.

SD–138

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Justice.

SD–192

Commerce, Science, and Transportation

To hold hearings to examine competition in America, focusing on building a high-tech workforce.

SR–253

Health, Education, Labor, and Pensions

To hold hearings to examine ensuring fairness for older workers.

SD–430

Judiciary

Business meeting to consider S. 1346, to penalize crimes against humanity and for other purposes, H.R. 3237, to enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs'', an original resolution commemorating and acknowledging the dedication and sacrifices made by the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty, and the nominations of Kimberly J. Mueller, to be United States District Judge for the Eastern District of California, Richard Mark Gergel, and J. Michelle Childs, both to be United States District Judge for the District of South Carolina, Catherine C. Eagles, to be United States District Judge for the Middle District of North Carolina, Leonard Philip Stark, to be United States District Judge for the District of Delaware, Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, and Raymond Joseph Lohier, Jr., of New York, to be United States Circuit Judge for the Second Circuit, and Parker Loren Carl, to be United States Marshal for the Eastern District of Kentucky, Gerald Sidney Holt, to be United States Marshal for the Western District of Virginia, Robert R. Almonte, to be United States Marshal for the Western District of Texas, and Jerry E. Martin, of Tennessee, to be United States Attorney for the Middle District of Tennessee, all of the Department of Justice.

SD–226

2:30 p.m.

Armed Services

SeaPower Subcommittee

To hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR–222

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH–219

MAY 7

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for April 2010.

SD–106

MAY 11

10 a.m.

Energy and Natural Resources

To hold hearings to examine current issues related to offshore oil and gas development including the Department of the Interior's recent five year planning announcements and the accident in the Gulf of Mexico involving the offshore oil rig Deepwater Horizon.

SD–366

MAY 12

10 a.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine Reserve component programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR–222

MAY 19

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the proposed Constitution of the U.S. Virgin Islands, S. 2941, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States, and H.R. 2499, to provide for a federally sanctioned self-determination process for the people of Puerto Rico.

SD–366

Veterans' Affairs

To hold hearings to examine pending legislation.

SR–418

MAY 25

9 a.m.

Armed Services

Airland Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

10:30 a.m.

Armed Services

Readiness and Management Support Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

2 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

3:30 p.m.

Armed Services

Strategic Forces Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

5 p.m.

Armed Services

Personnel Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

MAY 26

9:30 a.m.

Armed Services

SeaPower Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

2:30 p.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

MAY 27

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

MAY 28

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

# SENATE—*Tuesday, May 4, 2010*

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our only hope, our help in times of trouble, lead our Senators to use their power and influence with faithfulness. May Your word rule in their hearts, as they are led by Your wisdom. Lord, help them to seek Your will and see it clearly. May they work out the issues that divide them, as they strive to serve the welfare of our Nation and world. Empower our lawmakers to not become so familiar with Your customary daily blessings that they lose the sense of expectancy for Your special interventions in the complex challenges they face.

We pray in Your great Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, May 4, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Madam President, following leader remarks, we will be in a period of morning business for 60 minutes. The majority will control the first half hour and the Republicans will control the final 30 minutes. Following morning business, we will resume consideration of the Wall Street reform legislation. The Senate will recess from 12:30 until 2:15 today to allow for the weekly caucus meetings.

## FINANCIAL REGULATORY REFORM

Mr. REID. Madam President, I applaud and commend my friend, the distinguished chairman of the Banking Committee, Senator CHRIS DODD, for the bill we have on the floor. I also express my appreciation for the work done by the chair of the Agriculture Committee, Senator BLANCHE LINCOLN. The work of these committees is the bill on which we are working, offering amendments to this most important piece of legislation. The bill that is now before the Senate is a strong bill. I again express my appreciation to the two chairs for the good work they have done.

This bill will hold Wall Street accountable and put consumers in control. It ends taxpayer bailouts and guarantees taxpayers will never again be forced to bail out reckless Wall Street firms by creating a way to liquidate failed firms without taxpayer money. That is going to be underlined and underscored with an amendment that is first up, the Boxer amendment, which indicates that is, in fact, the case. It ends too big to fail with strict new capital and leverage requirements to prevent firms from growing too big to fail. It brings sunlight and transparency to shadowy markets.

It was really a revelation to me to read a book entitled ''The Big Short'' by Michael Lewis, who wrote the book that was made into a movie and received an Academy Award, ''The Blind Side.'' This book is good. It indicates to anyone who reads it the shadowy markets which are now in existence and which we are trying to stop. This legislation will stop them by bringing in sunlight and transparency, where Wall Street executives make gambles that threaten the entire economy.

The legislation reins in CEO pay by giving shareholders a nonbinding vote on excessive compensation. It, again, brings this into the light. It protects community banks and streamlines bank supervision to create clarity and accountability. It protects a dual banking system that supports community banks and protects consumers in many different ways. It puts a new cop on the beat, creates an independent agency with broad authority to monitor firms for abusive practices, and we allow intervention to protect consumers.

An important provision the American public will easily identify with: it guarantees clear information in plain English and ensures consumers get the information they need to shop for mortgages, credit cards, and other financial products, that it will be in English they can understand. There are no more abusive practices. It protects consumers from hidden fees, abusive terms, and deceptive practices. It also protects against Bernie Madoff-type scams. It is a strong piece of legislation.

There will be efforts made to make it even stronger with amendments on our side. We hope Republicans will join with us in passing this legislation. There are some who have said that by the time this bill gets off the floor, a significant majority of Senators will vote for it. I hope that is the case.

I also hope we don't get locked into something that appears to be the order of the Congress around here; that is, everything has to have 60 votes. I can't speak for everyone, but I will certainly do everything within my power to tell my Senators, let's just have 50-vote margins. Why do we need to have 60 votes on everything we do around here? It makes it so much more difficult. I believe it is unnecessary.

I hope we can move forward and get this legislation done. We have to finish it by next week. We will finish it one way or the other by next week. We have to do that. We have so much more to do. We have the expiring provisions of the tax extenders. Unemployment benefits will expire at the end of this month. We have the doctors, and we have to take care of them. That is a commitment we made, all of us, Democrats and Republicans—that we would take care of the doctors with the SGR. We were able to pass, with pay-go, a 5-year fix. They have a 10-year fix on the House side. But we have to take care of these doctors. They deserve that. We have to do that before the end of this month. There are other important issues we would like to deal with. We have small business we would like to deal with. There are many good things we can do there that have partisan agreement, and we can move forward.

I hope we can move quickly on this legislation. I hope there can be some work with the two managers to move this legislation along, the two initial managers, Senators DODD and SHELBY, who will manage most of this bill. When we get into the derivative section, Senators LINCOLN and CHAMBLISS will be managing that part.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NYC TERROR SUSPECT

Mr. McCONNELL. Madam President, Americans were happy to learn this morning that late last night Federal and local officials in New York City apprehended the man they believe to have attempted a terrorist attack in Times Square on Saturday.

I join all Americans in thanking the law enforcement officials who worked around the clock these past two days. It looks like they got their man, and we are grateful for their efforts on our behalf.

It is my understanding that the suspect, a naturalized American citizen, is a native of Pakistan and that he traveled there at some point in the past year. Hopefully the appropriate officials are using this opportunity to exploit as much intelligence as he may have about his overseas connections and any other plots against Americans either here or abroad.

But this is very good news, and again, we want to thank those who work so hard to keep us safe and to protect us from ongoing threats. As I said yesterday, this plot is a reminder to all of us of the need for constant vigilance and to never drop our guard.

KENTUCKY FLOODING

I would also like to say a word about the flooding in Kentucky.

Last night Governor Beshear said he would seek a major disaster declaration from the President to help recover from the devastation wrought by a round of weekend storms and collateral flooding, and I will be sending a letter to the President today in support of Kentucky's request for a major disaster declaration which would provide direct Federal logistical support and cost sharing assistance to mitigate the effects of the flooding.

Emergency declarations have been made in 48 counties throughout the Commonwealth, and that number is likely to increase as recovery efforts continue. Tragically, four people have been confirmed dead as a result of flooding in Madison, Barren, Allen, and Lincoln Counties.

My office has been in contact with the Governor's office, and we will do all we can to assist him. It is my understanding that Governor Beshear has spoken with the President about the situation and that FEMA is already working with State authorities in Kentucky to render assistance.

Our prayers are with the victims of the flooding in both the Commonwealth and in her sister State of Tennessee and our gratitude goes out to the first responders and emergency personnel rendering aid to the impacted communities.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half of the time and Republicans the second.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that Senator KAUFMAN, the cosponsor of our Wall Street reform amendment, and I be permitted to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. BROWN of Ohio. Madam President, we all agree our financial system should never again be on the brink of total collapse. We all agree we must never again allow Americans to fall victim to the unconscionable recklessness and unbridled greed we have seen over the last decade. No longer should a no-show regulatory attitude rob Americans of their jobs, of their homes, of their retirement savings, of their credit ratings, and the list goes on and on. We all agree American taxpayers should never again have to foot the bill for bailouts to the very firms whose cowboy attitudes got us into this mess in the first place.

So how do we put a stop to the madness that left our economy in a shambles? We stop it in its tracks. That means hard decisions. It means decisive action. It means doing more than taking action when we recognize the symptoms of collapse. It doesn't mean waiting until it is too late and too many people suffer. It means eliminating the ingredients of collapse.

Chairman DODD's bill is strong. It sets the stage for recognizing trouble, and it helps use regulatory tools to reverse it.

Senator KAUFMAN and I think we owe it to the American people to take one more significant step. We need to take action now so trouble never has the chance to brew. That means taking on the financial institutions that are too big to fail and doing that now and doing that in this bill.

Former FDIC Chair William Isaac said these institutions are ''too big to manage and too big to regulate.'' Senator KAUFMAN and I want to do more than monitor banks that must be bailed out if they gamble themselves into a corner. We want to put a hard limit on the size of these behemoth banks so they don't control so much of our economy that, come crisis time, we have to save them; we have to bail them out to save the economy. We want to limit their size so they can't back taxpayers into a corner, where it is either help them or hurt ourselves. We don't want that obsequent choice. We think that should be a concern whether it comes through acquisition or organic growth. Certainly, risk is the biggest problem, but size is almost as big a problem, and together they can spell disaster. Our measure only affects the six largest megabanks.

As this chart shows—and I have cited it often in recent weeks—the assets of these six banks, the assets of the largest six banks in the United States 15 years ago was 17 percent of gross domestic product. The total assets of the six largest banks today are 63 percent of gross domestic product. Seventeen percent of gross domestic product 15 years ago, six largest banks, 63 percent of gross domestic product today. These banks have $9 trillion—that is $9,000 billion—in assets.

Research shows that a bank's size stops providing benefits to its customers once it reaches approximately $100 billion. So we can get all the economies of scale in a bank with $100 billion—$100,000 million. Those are large banks, $100 billion banks. You can get the economies of scale with $100 billion banks. You don't need a $1½ trillion bank.

I have heard some argue that smaller banks are actually less stable than larger banks. Evidence shows, though, that larger banks actually exhibit greater risk due to the higher volatility of their assets and their activities. Look what happened in the last 2 years. The simplest, most effective way to manage this risk is to spread it out, to have several modestly sized institutions instead of a few giant ones. But the risk in the financial system is clearly collecting in a few gigantic banks.

This chart shows the industry concentration in top bank holding companies. When Gramm-Leach-Bliley passed in 1999, the five biggest banks had 38 percent of the assets of the financial industry. Today they hold 52 percent. So we can add up all the community

banks in my State—and there are dozens and dozens of them and they serve the communities well—you can add up all the regional banks in my State; you can add up KeyBank and Fifth Third and Huntington and 1st Mariner—all the regional banks—and when we do that all over the country, these five banks still have most of the assets. Five banks have 52 percent of the assets.

I know some people think it is too late—the horses are out of the barn—and we can't go back to a time when we had a group of 15 modestly sized banks, as opposed to 6 gargantuan banks. We allowed big financial firms to merge into giant ones, and that led to a $4 trillion bailout. In the last few decades, the banking industry has become so concentrated it no longer functions as a competitive market. Since 1990, the 20 largest financial firms have increased their control of banking assets. They once controlled 35 percent. They now control 70 percent. Some firms are now 30 percent, 40 percent, in some cases, larger than they had been before the crisis.

So what does it mean? We are twiddling our thumbs as Wall Street, once again, places our Nation at risk.

Former Fed Chairman Alan Greenspan said:

In 1911, we broke up Standard Oil. So what happened? The individual parts became more valuable than the whole. Maybe that's what we need to do.

This is Alan Greenspan, who clearly has never come down on this side on issues such as this.

President Franklin Roosevelt investigated and imposed structural regulations on utilities through the Public Utility Holding Company of 1935. That worked for the prosperity of business, and it worked for the prosperity of the country as a whole.

In 1984, the court split AT&T into a group of regional Bells. That worked for business. That worked for the country as a whole.

In all these cases, size was detrimental to the marketplace. Now these megabanks have grown so large they control the fate of our economy.

The large banks have effectively become huge securities and derivatives trading operations grafted on top of commercial banks. Right now they are using their trading businesses, and they are neglecting their lending businesses. Ask people in Hanover. Ask people in Mansfield. Ask people in Toledo or Shelby, OH. Ask small businesses, and they will tell you they simply can't get the credit they need for manufacturing and other kinds of small businesses.

These large banks have too often put a virtual freeze on lending to small businesses, despite receiving a taxpayer bailout. Three of the largest banks slashed their SBA lending by 86 percent from 2008 to 2009. In Ohio, SBA-backed loans went from 4,200 in 2007 to 2,100—cut in half—in 2009.

I have heard from manufacturers and entrepreneurs, from energy startups and mom-and-pop operations, from small business owners to the local corner store operator, all part of the middle class who are struggling to get the credit they need to hire their workers.

Our amendment simply says too big to fail is too big.

We are going to call up the amendment sometime this week. Senator KAUFMAN is one of many cosponsors who played a major role in crafting this legislation.

I yield to Senator KAUFMAN.

Mr. KAUFMAN. I thank the Senator. I think Senator BROWN has given a presentation that is perfect and that explains this. I am just going to make a few points. I gave a speech on the floor yesterday, if anybody is interested in more detail.

Let's look at some charts that kind of take what Senator BROWN says and slices and dices it in a slightly different way.

This is the average assets relative to gross domestic product of U.S. commercial banks. Would anybody like to guess when Glass-Steagall was repealed? How about right about here. I don't know if my colleagues have seen the charts. One of the reasons I thought there was a housing bubble is, if you look at the charts on the housing industry in America, the price of housing in this country from 1990 until about 2003 was just like that and then it went right through the roof. This is a very bad sign in anything. The fact that our banks are operating this thing is truly scary.

Let me show my colleagues another chart. This is average assets relative to GDP. This is the concentration of the U.S. banking system. Does that chart look familiar? Let me tell my colleagues the worst thing about this. This does not include what we did during the meltdown, when we took Washington Mutual and pushed it into JPMorgan Chase, when we took Merrill Lynch and pushed it into Bank of America, and when we took Wachovia and pushed it into Wells Fargo. That doesn't even include this. We can only imagine where this line would be now. I have to get the chart updated. This is incredible. Of course, the red line is when we passed Glass-Steagall.

So the clear indicator is Glass Steagall. In 1929, we had a credit meltdown in this country. Our forbears on this very floor said we have to do something about it. We have to pass laws, not go back to the regulators who didn't serve us well over the last 8 years—no, no. We have to pass laws. So we passed Glass-Steagall that not only said you can't be a commercial bank and an investment bank under the same roof—which, when I was in school, we learned was one of the basics for our success and why we went 60 years without a bank panic, which we had all through the 19th century and right up to 1929.

We should not have investment banks and commercial banks under the same roof. Commercial banks should be there to protect the small investor, the small depositor, make sure it is safe, and that is why we gave it guaranteed FDIC insurance. We never thought we would have FDIC insurance for an organization that had investment banking in it.

Commercial banking should be a low-risk, basically low-return business. That is what we wanted. That is what the vast majority of Americans have at their local bank. It should not be included under the same roof as an investment banking operation that is high risk, high return. We could have had this argument 5 years ago, and I would have said: Oh, that is a good argument. Let's talk about it. Let's see what happened and how we got to where we are.

The other sentiment we hear, just to expound on some of the points made by my colleague from Ohio: We can't break up the banks. You don't understand, TED. We need these banks to compete internationally.

Let me get one thing straight. Do my colleagues know what we are going to do under our bill if Brown-Kaufman passes? We are going to ask Citigroup to go back to what they were in 2003. Was Citigroup competing internationally in 2003? I think they were. So we are not saying we are going to take them apart. All we are trying to do is get them back to what they were.

Goldman Sachs. The balance sheet of an investment bank such as Goldman Sachs will be scaled down from $850 billion to a more reasonable level of above $300 billion or around $450 billion. That sounds pretty draconian, right? We are asking them to go from $850 billion down to $450 billion. Would anybody like to guess what Goldman Sachs' assets were in 2003? Would you believe $100 billion? We are allowing them to grow to 3½ to 4 times the size they were in 2003.

One of the people who didn't do real well during this last crisis was Alan Greenspan. He is the one who said self-regulation works. He said a whole lot of other things, but he said two very important things regarding where we are right now. One of them is the quote Senator BROWN used: Too big to fail is too big. This is Alan Greenspan. This is not some populist in bib overalls, with a pitchfork in the middle of the streets raising his hands. This is Alan Greenspan.

I have to read this. You have to believe this. The next time somebody tells you we need these banks to compete and they need economies of scale, listen to what Alan Greenspan says:

For years the Federal Reserve had been concerned about the ever larger size of our financial institutions.

Alan Greenspan:

Federal Reserve research has been unable to find economies of scale in banking beyond a modest-sized institution.

There is a fellow named Andrew Haldane, who is the executive director of the Bank of England. Do my colleagues know what he says the size is? He says $100 billion. That is what Haldane says. I commend everybody to read his report. It is very good. Just realize right now we have banks in this country that are $2 trillion and Haldane says $100 billion. Greenspan says we can't find economies of scale beyond a modest-sized institution.

Alan Greenspan:

A decade ago, citing such evidence, I noted that megabanks being formed by growth and consolidation are increasingly complex entities that create the potential for unusually large systemic risks in the national and international economy should they fail.

That is exactly what Senator BROWN and I have been saying and what a number of us have been saying about where we are. But this is Alan Greenspan:

Regrettably, we did little to address the problem.

I just hope 2 years from now—I will not be here—somebody on the floor will not be saying: Regrettably, in 2010, we did little to address this problem.

This seems, to me, to be so incredibly complex but at the same time so incredibly simple. I just ask my colleagues, every time someone says something about the Brown-Kaufman bill, MARIA CANTWELL and JOHN MCCAIN's bill or the bill being offered by Senator LEVIN and Senator MERKLEY, ask this question when they start laying out the problems: Are our banks too big, No. 1; and No. 2, are they too big to fail?

I thank the Chair.

Mr. BROWN of Ohio. Madam President, I thank the Senator from Delaware.

It is so clear, first of all, that the Dodd bill is a huge step, a good step, a solid bill in reforming Wall Street.

It is what we ought to do. There will be three or four major chances. One of them is the amendment Senator KAUFMAN and I are working on. There will be three or four major votes coming up to strengthen the bill. There will be efforts—particularly from my colleagues on the other side of the aisle—to weaken the bill. There are clearly many people in this institution who want to do the work of Wall Street, and Wall Street has always been their benefactor. The big banks are their allies. They may do their bidding on the Senate floor. There will be efforts to strengthen the bill, such as Merkley-Levin, and some of the work we do with derivatives.

Let me close and put a bit of a human face on this. This is technical stuff. When you look at these charts that we put up and what happened with the size of these banks—again, I cite this number that astounds me every time I think about it: Only 15 years ago, the largest 6 banks in the country had assets of 17 percent of GDP. Today, it is 63 percent of GDP—some $9 trillion. Those are astounding numbers.

Let me shift and put a bit of a human face on what this means. I want to share two quick letters, one from someone in Columbus, and one in Lorain. Joann, from Franklin County, says this:

As a small family-owned business owner, I'm trying to find help to keep our business open. Our 20 employees and their families count on us to continue operating. They will end up unemployed and looking for work if we can't keep money flowing.

They cannot get the kind of credit they need from these banks.

My neighbor had to close her business; she cut prices, selling everything she could. Now she works two part-time jobs. The building her store was in sits empty. Banks didn't help her either.

The banking industry is responsible for the economic crash. They should be assisting businessowners. Keeping us in business means jobs. Shutting us down is not helping the economy recover.

Senator KAUFMAN and I don't want retribution from the banks. We want the banks to pull their load and start treating small businesses and consumers more fairly. They should be assisting businesses.

Barbara, from Lorain County, west of Cleveland, says this:

Please stand up for the working folk of the middle class. As a law-abiding taxpayer, I believe that it is time for fiscal integrity of the U.S. bankers.

We are holding on to our jobs and homes by a thread. There are also many people in Lorain County out of work and businesses continue to close their doors.

I'm sure that there is no one single, simple solution, but holding the bankers responsible for what happened in our financial [industry and our country], but it is necessary to help remedy the financial crisis that most of us are in.

Please support law-abiding people by demanding integrity of the banking industry. We are depending on you.

There are many people in my State of Ohio, and also in Dover and Wilmington, DE, in the banking industry. When institutions get this large—when six institutions have this kind of economic power in our system, we know that even someone as conservative as Alan Greenspan says that is a problem for our economy, risk is a big problem, size is a problem. This amendment will affect only the six largest banks in the country. They will operate better and more efficiently, and probably more profitably, if they are a little bit smaller. This addresses that issue.

Mr. KAUFMAN. Madam President, I have a comment. I see common cause here with the other side of the aisle. When I talk to colleagues on the other side of the aisle, it is not just the small businesses, it is the small banks that get hurt by these massive banks. I am a market guy. I am a free market guy. It is one of the things that made this country great. There are two things, democracy and our capital markets. We almost lost our capital markets in 2008. We cannot afford to risk that again. I look to the markets to tell me. Do people think these six banks are too big to fail? What does the market say? Not me or some industry. See what the market says about too big to fail.

Dean Baker and Travis McArthur, of the Center for Economic and Policy Research, compared the borrowing costs of the 18 largest banks, all of which have over $100 billion in assets, to smaller banks, which make up the vast majority of banks in America. They estimated that the effect of government subsidy, because of the implicit guarantee that they are too big to fail—and this is what the market says, not me or Senator BROWN—guess what. It results in a 70-to 80-basis point borrowing advantage for smaller banks, resulting in lower borrowing costs, equaling approximately $34 billion over smaller banks. Right now these big banks, because the market says they are too big to fail, don't worry, ABC down on the corner, they give them a rate. But when it comes to the 6 big banks, they give them 70 to 80 basis points less because they know they can fail.

The ACTING PRESIDENT pro tempore. The 20 minutes of the two Senators has expired.

Mr. KAUFMAN. I thank the Chair.

Mr. BROWN of Ohio. We yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I thank my colleagues for raising this important issue pending on the floor of the Senate, this major piece of legislation, the Financial Stability Act. Of all the many amendments that will be offered, this is clearly a game changer. I am supportive of this amendment even though I know some of my friends in the banking industry won't be happy with it. They are talking about dealing with the concentration of wealth and of economic power to a level that can literally bring the economy down. That is what we went through, leading into this recession. That is what led to massive taxpayer bailout and that is what the Brown-Kaufman amendment addresses foursquare. I commend them for their leadership on the amendment.

IMMIGRATION

I want to speak to an issue that is timely in light of recent news events. Ninety-nine years ago, a boat pulled into the harbor in Baltimore, MD, which came over as a passenger ship from Germany. Down the gangplank walked three individuals—my grandmother, my uncle, my aunt, and my mother, who was 2 years old, in the

arms of my grandmother. They had come from Lithuania to the United States. When they arrived, none of them spoke English. My grandmother carried a slip of paper with her, which had the words ''East St. Louis, Illinois'' written on them, because she knew that is where her husband was and that was her destination. I cannot imagine how they navigated themselves onto a train to East St. Louis to meet my grandfather, but they did it. I am sure there were people standing by that gangplank in Baltimore watching these foreigners coming in, saying: Oh, my God, not more of those people.

It has been a natural reaction in this Nation of immigrants that we look at newcomers as perhaps new problems. Those who are here and lucky enough to be in America have historically been critical of new immigration. That is nothing new in American history.

But what has happened in Arizona in the last several weeks has taken this to a different level. The passage of the law in Arizona, in my mind, is not only unjust but unconstitutional. The Arizona law requires police officers to check the immigration status of any individual if they have ''reasonable suspicion'' that he or she is an undocumented immigrant. How will police determine whether there is reasonable suspicion that someone is undocumented? The law doesn't tell them. Law enforcement experts say it is likely that they are going to look for those who appear to be Hispanic.

Under this law, any undocumented immigrant can be arrested and charged with a State crime solely on the basis of their immigration status, and it is a crime for a legal immigrant to fail to carry their documents at all times. One out of three people legally living in Arizona are Hispanic. We understand the anxiety they have over a law that would at least lead to the suspicion that they may be illegal and be challenged as they go about their daily business in a perfectly legal way.

Here is what the Arizona Daily Star newspaper said about the new law:

> The measure would turn legal residents into police targets, as well as those who are here illegally. It would foment racial profiling of Hispanics.

Phil Gordon, mayor of Phoenix, the largest city in the State, said this of the new Arizona law, signed by Governor Brewer:

> It unconstitutionally co-opts our police force to enforce immigration laws that are the rightful jurisdiction of the Federal Government.

Here is the reality: There are 450,000 undocumented immigrants in Arizona. Law enforcement clearly doesn't have the time to stop, prosecute, or remove anything near that number. Making undocumented immigrants into criminals will simply drive many of them farther into the shadows. When we look at this law, I also like to look at it from the viewpoint of those in law enforcement in Arizona. I have read their quotes. They feel this is an unnecessary, at least an indefensible, burden being placed on them. I have read that one chief of police in a small town in Arizona said: I am not going to be going out and stopping people on the streets and seeing if they are gathering on the street corner. My job is to fight crime. I thought that is why they hired me. If I want to keep this community safe, I cannot spend a lot of time checking the papers of people walking down the street.

In 2005, there was a law passed in the House of Representatives known as the Sensenbrenner amendment, which was a step in the wrong direction as well. It made it a felony for anybody to provide services or assistance to undocumented immigrants. I have some friends in Chicago who run a home for battered women. It is in the Pilsen neighborhood, which is a Hispanic neighborhood. They literally ran the risk of being charged with a Federal felony by allowing somebody to come through their door, a woman who had been beaten by her husband, perhaps carrying a child, offering them any help or protection made them unfortunately subject to being arrested under the Sensenbrenner amendment. I offered an amendment on the floor of the Senate to remove this and even in a Republican-controlled Senate, I was successful. My colleagues believed, as I did, that this went too far.

I believe the Arizona law goes too far. This is not the first time that we have gone too far and have moved back to a more moderate position. In 1982, there was a Texas law passed that said elementary schools could refuse entry to undocumented children.

In the landmark Supreme Court decision of Plyler v. Doe, the Supreme Court struck down that Texas law. At the time, Chief Justice John Roberts was a lawyer in the Justice Department, and he criticized the Justice Department for not supporting the Texas law.

It has been 23 years since Plyler v. Doe was decided. As a result, millions of children have received an education and become citizens. They are doctors, soldiers, policemen, and others who contribute to our society every day. Imagine what would have happened if that Texas law had been allowed to stand and was the law of the land. I asked John Roberts, during his confirmation hearing to the Supreme Court, if that law that was struck down was settled law in America. He would not answer. It leaves some question on what would happen if this law comes before his Court.

Arizona faces serious law enforcement challenges. There is intolerable violence on Arizona's border with Mexico because of drug cartels. The reality is, it is the American appetite for narcotics that is fueling the drug war in Mexico. It is American money and guns flowing south of the border that has created the situation, and we need to be more honest about it as well. But it is a fact, and it is dangerous. I can understand why the people of Arizona would feel some trepidation and real concern about that.

Last month, Robert Krentz, an Arizona rancher, was murdered near the border with Mexico. To say violence is not part of the scene in Arizona is unrealistic and unfair.

In March of 2009, I held a hearing in the Senate Judiciary Committee on Mexican drug cartels. I invited Terry Goddard, Arizona's attorney general, to testify about the situation in Arizona. He told me this:

> Sophisticated, violent, highly organized criminals . . . are smuggling drugs, human beings, guns, and money across the border and are using unimaginable violence to protect and grow the criminal enterprise. Law enforcement officers in the State of Arizona have been on the front lines of the efforts to combat one of the most serious organized crime threats of the 21st century.

If the Arizona law is wrong, what is the right answer? I think, in the framework of the bill that we brought before Members of the Senate, considered last week, there are three elements to it. First, we have to do everything in our power to police our border, make sure we have the right technology and people, and that we are doing everything to stop the flow of illegal immigration into the United States. Those who say ''seal the border first'' are setting an impossible standard. Imagine, if we set a standard that said seal Interstate 95 so that no vehicle passing over that interstate will be carrying illegal narcotics or guns. Well, there are tens of thousands of vehicles and people passing legally between the U.S. and Mexico every day, and amidst this legal flow is an illegal flow. We need to find a way to reduce that.

The second part of that bill, the framework, would say that the lure of America is the lure of jobs. Let us establish a Social Security card with biometric identification so that it clearly shows whether a person is legal. I think that is a step in the right direction.

Third is to deal not with amnesty but setting up a process where they would have to work their way and prove their way into legal status. It will never be automatic. It would not be unconditional.

The trouble we have is that many of those who say the Federal laws have broken down and we do not have a good immigration law are unwilling to stand up and join us in writing a new law.

I invite all of my friends on the other side of the aisle to join with the Democrats in writing a good immigration law. Doing nothing is not an option. It invites more laws such as those in Arizona which, unfortunately, are going to

have results which I do not think are consistent with our values in this country.

I urge my colleagues to join me in supporting the framework. I hope they will also consider cosponsoring the DREAM Act, a bill which I introduced many years ago—and Senator DICK LUGAR is my cosponsor—which says those brought to America—undocumented, who finish school, no criminal record, who are willing to finish 2 years of college and serve in our military—will have a chance to become legal in the United States of America. It is a step in the right direction. It was not a step 99 years ago when my 2-year-old mother came to this country. Thank goodness she did. Thank goodness I am here today to tell the story.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, are we in morning business?

The ACTING PRESIDENT pro tempore. Yes.

## FINANCIAL REGULATORY REFORM

Mr. ALEXANDER. Madam President, the business before the Senate this week is financial regulation reform. It is hard to pick what the business should be this week. There is so much going on that is of great concern to so many of us.

We have a briefing this afternoon on the dimensions of the oilspill in the Gulf of Mexico.

Those of us in Tennessee are deeply concerned about the 1,000-year rain—an event that only happens every 1,000 years or so, according to some of the engineers in the Army Corps—that has wreaked havoc on middle Tennessee and which is beginning now to hurt west Tennessee.

Also, we have the Arizona immigration debate, which the distinguished Senator from Illinois was discussing a little earlier.

We have a new START treaty the President has asked us to consider.

Just around the corner, we have a nomination coming for a vacancy on the Supreme Court of the United States which will dominate, as it should, the attention of this body for 2 or 3 months or so until it is thoroughly considered.

Of course, the American people would like for us to focus on jobs.

I have great respect for the Democratic Governor of Tennessee who was quoted in the Wall Street Journal yesterday saying the following:

> ''If I have 100 conversations with people, 95 of them will be about jobs and none of them will be about cap-and-trade and none of them will be about bank reform,'' said Tennessee Gov. Phil Bredesen, a conservative Democrat, in an interview.

That is according to the Wall Street Journal. Financial regulation reform is the current topic and financial regulation is important. The importance of it is that this is a country that produces, year in and year out, about 25 percent of all the money in the world. We sometimes forget how privileged we are in our standard of living. We are just about 5 percent of the people of the world, but 25 percent of the wealth of the world is created here. It is because entrepreneurs have an advantage. They can create new jobs one right after the other.

Our well-being is not measured by the number of jobs we lose. It is measured by the difference of jobs we create and the number of jobs we lose. The problem we have right now is we are not creating enough new jobs in the United States of America. We need to focus on doing that.

One aspect of that is the kind of system of financial regulation we have. All of us were appalled by some of the hi-jinks on Wall Street that helped lead us to the great recession in which we find ourselves and for which we had to take extraordinary action. The purpose of the financial regulation bill should be to minimize the possibility of those [Wall Street] hi-jinks occurring again, but at the same time, to leave an environment in the United States where we can create the largest number of good, new jobs. When I say ''we,'' I do not mean the government. We have had too much attention on creating government jobs.

The one place the stimulus has worked is Washington, DC. Salaries are up here. There are more jobs here. The place where the stimulus is not working is out across the country where, if we continued with the economy over the next year at the rate of growth it had in the first quarter, which was 3.2 percent, we are told the unemployment rate at the end of the year will still be about 9 or 10 percent. Why? Because we are not creating enough new jobs in the private sector.

As we deal with financial regulation, we must be careful to leave an environment in which we can continue to create jobs, which is why there are five major issues that have come toward us. I heard someone on television this morning say: There go the Republicans. They want to slow down the financial regulation bill. They cannot agree on it in the Senate.

What we want to do—especially after the health care debate—is provide some checks and balances to make sure we have a good bill.

These are the issues that are before the American people on this bill: Is there a Washington takeover of Main Street lending? Community banks, credit unions, plumbers, and dentists say there may be. We need to make sure there is not.

The last thing we need to do is make it harder to get a loan in Nashville or Manchester or Knoxville or San Antonio. Because if you cannot get a loan, you can't hire a person, you can't invest in something, and you can't create a new job, and the economy does not move. That is the first issue: Is there a Washington takeover of Main Street lending.

The second issue: What about this czarina or czar? What about this person the President would appoint to be in charge of millions of transactions in the consumer bureau? Unlike our other independent agencies, this person would barely be accountable to the President and would not be accountable to the Congress. Doesn't that lead to the possibility that this person could write some rules and regulations unaccountably and might make the same sort of mistake we made when we encouraged people to buy houses who could not afford to pay for them—which most agree is the principal event that led us into the great recession that we now have? And that nearly led us into another depression, which brings us to the third issue: Why are we not dealing with the big housing agencies? Fannie Mae and Freddie Mac have about as much debt outstanding as the United States does, and we taxpayers implicitly guarantee their debt.

In the health care debate, it was said: We do not add to the national debt with this bill. But we did not include doctors—we did not include paying doctors in the health care bill. That would be about like my going to the Congressional Budget Office and saying: Tell me how much it is going to cost to run the University of Tennessee for the next 10 years, and the Congressional Budget Office might say to me: With or without the professors? If I wanted a low-ball number, I would say: Oh, give me a number without paying the professors.

That is what we got in the health care bill. We left out $200 billion or $300 billion. The President's budget says it is $371 billion over the next 10 years because we assumed that we would not increase pay for doctors to serve Medicare patients, which would create for them a 21-percent cut in pay. And for those Medicare patients, it begins to create a health care bridge to nowhere because no doctors are going to see them if they are not properly reimbursed.

We are doing the same thing in financial regulation reform when we leave out Fannie Mae and Freddie Mac. Why are we leaving them out? It is not because they didn't make a contribution to the big recession we are in. Everyone agrees they did. The Democrats are leaving them out because if Democrats put them in, we would have to deal with the $200 billion, $300 billion or $400 billion cost in the current year. According to the Wall Street Journal today, the Congressional Budget Office says the deficit would be about $291 billion bigger in 2009. So, Congress is

going to put them in the drawer or put them under the table or act like they aren't there, and say to the American people: Hooray, we fixed financial regulation, but we're not dealing with housing? When we fix financial regulation without addressing Fannie Mae and Freddie Mac it's like not paying doctors when we pass a comprehensive health care bill. That is a third issue.

There are a couple more issues. One is the so-called derivatives issue. The so-called derivatives issue is a complicated issue for many people, but the head of the Federal Deposit Insurance Corporation says the bill before us may actually create less regulation for these complicated transactions rather than more. This is an area in which we want to make sure we do not make a mistake.

Then there is the so-called big bank bailout provision. Most Americans don't want a provision in the law that allows or encourages big banks to take risks that cause them to fail and take the rest of us down with them. So, the point of our debate ought to be to make sure in our financial regulation reform that we don't provide incentives for big banks to take imprudent risks that will cause them to fail and hurt us because they are so big.

How are we making progress on this issue? As the Republican leader has said, we have Goldman Sachs and Citibank that have said they like the bill. I would say there are a number of people worried about the bill. I am hearing from community banks, credit unions, auto dealers, dentists, furniture retailers, plumbers, and candy companies with concerns.

A New York Times article says: ''Senate Financial Bill Misguided, Some Academics Say.'' That was yesterday. A Professor at MIT says, '' . . . we need to proceed about this in a much more deliberate and rational and thoughtful way.'' That is what we would like to do.

A professor at New York University says leaving out Fannie Mae and Freddie Mac from the discussion is ''outrageous.''

FDIC Chairman Sheila Bair warns against new curbs on bank trading that I just mentioned.

My point is that this is an opportunity for us on the Republican side and those on the Democratic side to take an important piece of legislation—not such a visible piece of legislation today because we have issues from immigration to the oilspill to the flooding in Tennessee—vastly important for our country and work together to make it better.

Some progress, I understand, is being made on one of the five provisions. That is the too-big-to-fail provision. We will see what Senator SHELBY has to say on that. But that still leaves the question of whether we ought to have an independent czarina or czar. That still leaves the question of whether we are dealing properly with derivatives. That still leaves the question of whether we ought to leave out of a financial reform bill the two great housing agencies that are just sticking there in front of us like a sore thumb, reminding us we have not done our job if we don't include them. And of great importance, why can't we simply have a provision in the bill that eliminates any possibility that we have a Washington takeover of Main Street? It is not the business of this bill to make it harder to extend and get credit up and down Main Street America.

Madam President, I ask unanimous consent to have printed in the RECORD a series of articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 3, 2010]

SENATE FINANCIAL BILL MISGUIDED, SOME ACADEMICS SAY

(By Andrew Ross Sorkin)

As Democrats close in on their goal of overhauling the nation's financial regulations, several prominent experts say that the legislation does not even address the right problems, leaving the financial system vulnerable to another major crisis, Binyamin Appelbaum and Sewell Chan report in The New York Times.

Some point to specific issues left largely untouched, like the instability of capital markets that provide money for lenders, or the government's role in the housing market, including the future of the housing finance companies Fannie Mae and Freddie Mac.

Others simply argue that it is premature to pass sweeping legislation while so much about the crisis remains unclear and so many inquiries are in progress.

''Until we understand what the causes were, we may be implementing ineffective and even counterproductive reforms,'' said Andrew W. Lo, a finance professor at the Massachusetts Institute of Technology. ''I understand the need for action. I understand the need for something to be done. But what I expect from political leaders is for them to demonstrate leadership in telling the public that we need to proceed about this in a much more deliberate and rational and thoughtful way.''

Senate Republicans echoed some of these concerns as they delayed debate on the legislation last week. Democrats agree that significant issues remain to be addressed. But they say that the government must press forward in responding to the problems that already are clear.

The bill, which was introduced by Christopher J. Dodd, chairman of the Senate Banking Committee, would extend oversight to a wider range of financial institutions and activities. It would create a new agency to protect borrowers from abuse by lenders, including mortgage and credit card companies. And it seeks to ensure that troubled companies, however large, can be liquidated at no cost to taxpayers.

A diverse group of critics, however, say the legislation focuses on the precipitators of the recent crisis, like abusive mortgage lending, rather than the mechanisms by which the crisis spread.

Gary B. Gorton, a finance professor at Yale, said the financial system would remain vulnerable to panics because the legislation would not improve the reliability of the markets where lenders get money, by issuing short-term debt called commercial paper or loans called repurchase agreements or ''repos.''

The recent crisis began as investors nervous about mounting subprime mortgage losses started demanding higher returns, then withholding money altogether. The government is now moving to prevent abusive mortgage lending, but Mr. Gorton said investors could just as easily be spooked by something else.

The flight of investors is the modern version of a bank run, in which depositors line up to withdraw their money. The banking industry was plagued by runs until the government introduced deposit insurance during the Great Depression. Professor Gorton said the industry had now entered a new era of instability.

''It is unfortunate if we end up repeating history,'' Professor Gorton said. ''It's basically tragic that we can't understand the importance of this issue.''

Treasury Secretary Timothy F. Geithner agreed in April testimony before the House Financial Services Committee that ''more work remains to be done in this area,'' but he said that regulators could address the issue without legislation. The government plans to require lenders to hold larger reserves against unexpected losses and to require that they keep money on hand to meet short-term needs.

David A. Skeel Jr., a corporate law professor at the University of Pennsylvania, said it would be a mistake for Congress to leave the drafting of these standards to the discretion of regulators.

''Regulators working right now will be tough,'' Professor Skeel said. ''But we know from history that as soon as this legislative moment passes, the ball is going to shift back into Wall Street's court. As soon as the crisis passes, what inevitably happens is that the people that are paying the most attention are the banks.''

A second group of critics say the government helped to seed the crisis through its efforts to increase home ownership, including the role of Fannie Mae and Freddie Mac in buying mortgage loans to make more money available for lending. The companies are now owned by the government after incurring enormous losses on loans that borrowers could not afford to repay.

Lawrence J. White, a finance professor at New York University, said it made no sense to overhaul financial regulation without addressing the future of federal housing policy. He said he was trying to find the strongest possible words to describe the omission of Fannie Mae and Freddie Mac from the legislation.

''It's outrageous,'' he finally said.

Republicans have repeatedly criticized the administration for advancing legislation that does not address the companies' future. The Obama administration says drafting a new housing policy is on its agenda for next year.

Other critics warn that the proposed legislation would insert the government deeply into the financial markets, creating new distortions and seeding future crises. They say the focus of financial reform should instead be on increased transparency.

Andrew Redleaf and Richard Vigilante, hedge fund managers who started warning investors in 2006 that a housing crisis was inevitable, proposed a minimalist version of reform in their recent book ''Panic.'' They

want to require all financial institutions, including investment banks and hedge funds like their own, to disclose, at least once a week, every position in tradable securities.

''The Dodd bill is almost entirely irrelevant,'' Mr. Vigilante said in a telephone interview. ''All it does is strengthen what we've had for years,'' a system that depends on judgments made by regulators behind closed doors.

Proponents of the legislation say that it significantly expands transparency, for example by requiring many derivatives contracts to trade in public view. But they say that the government also needs to expand the scope of its oversight because the worst excesses that led to the crisis began and flourished at nonbank financial institutions that were not subject to federal regulation.

The most basic critique comes from Professor Lo and others who say that Congress is moving too quickly. The origins of the crisis remain a subject of intense controversy. Investigations continue to unearth surprising information. The Financial Crisis Inquiry Commission, a bipartisan panel created by Congress, is not scheduled to report until December. Why not wait, they ask, until the targets are clearer?

Phil Angelides, the chairman of the inquiry commission and a Democrat, says that the problems raised by the crisis will not be solved in one stroke and that he supports the Democratic push to begin the process soon.

But the critics point to the words of Nicholas F. Brady, a former Treasury secretary who led the bipartisan investigation into the 1987 stock market crash: ''You can't fix what you can't explain.''

[From the Washington Post, May 4, 2010]

DERIVATIVES-SPINOFF PROPOSAL OPPOSED AS PART OF OVERHAUL BILL

(By Brady Dennis)

A dramatic proposal that could force banks to spin off their derivatives businesses, potentially costing them billions of dollars in revenue, has run into opposition on multiple fronts as the Senate prepares to take up legislation to remake financial regulations.

Obama administration officials, industry groups, banking regulators and lawmakers from both sides of the aisle have taken aim at the measure proposed by Sen. BLANCHE LINCOLN (D–AR), chairman of the Senate agriculture committee.

Their main objection: If a central goal of regulatory overhaul is to make financial markets more transparent and accountable, Lincoln's provision would have the opposite effect. Barring banks from trading in derivatives would force those lucrative business into corners of the market where there's even less oversight, critics warn.

''If all derivatives market-making activities were moved outside of bank holding companies, most of the activity would no doubt continue, but in less regulated and more highly leveraged venues,'' Federal Deposit Insurance Corp. Chairman Sheila C. Bair wrote in a recent letter to lawmakers.

She said that Lincoln's measure could push $294 trillion worth of derivatives deals beyond the reach of regulators. If some FDIC-insured banks simply transferred this type of business to affiliated firms, it could still pose a danger because the affiliates would not be required to set aside as much capital as banks to cover losses from derivatives trading, Bair said.

She added that a possible unintended consequence of the legislation ''would be weakened, not strengthened, protection of the insured bank and the Deposit Insurance Fund, which I know is not the result any of us want.'' She said this danger exists because financial troubles at an affiliate could in times of crisis threaten the bank. Some administration officials share Bair's worry that the provision could undermine the goal of making derivatives trading less opaque.

''You'd rather make sure that it's regulated,'' said one administration official, who spoke on the condition of anonymity because the matter has not been resolved. ''The whole principle of [regulatory] reform is not to push things into dark corners.''

Federal Reserve officials expressed their reservations to Lincoln's staff members when they were working with their counterparts from the Senate banking committee to combine legislation passed by each panel. The agriculture and banking committees both have had a traditional interest in derivatives, which originated decades ago with trading in farm products.

In a memo, Fed officials said that forcing banks to separate derivatives trading from banking operations would ''impair financial stability and strong prudential regulation of derivatives,'' ''have serious consequences for the competitiveness of U.S. financial institutions'' and ''be highly disruptive and costly, both for banks and their customers.''

Lincoln has stood by her proposal, which has garnered support from consumer advocates, saying she wants to protect bank depositors from risky trading activities. ''It ensures banks get back to the business of banking,'' said Courtney Rowe, Lincoln's spokeswoman.

But other lawmakers have raised concerns. ''As we try to put in place new rules around derivatives, we don't want to push the whole derivatives market offshore,'' Sen. Mark Warner (D–VA) said recently on the Senate floor.

Sen. Judd Gregg (R–NH) said Monday that Lincoln's measure would not only push derivatives transactions offshore but would constrict credit to Main Street businesses that benefit from the ability to hedge against changes in asset prices.

''This is a real job killer. It would cause contraction in the economy,'' Gregg said. ''It's really a poor idea, and it has no purpose, in my opinion, that's constructive. It's just a punitive exercise aimed at Wall Street.''

Amendments aimed at killing the Lincoln provision are likely to emerge as lawmakers begin this week to consider dozens of changes to the financial overhaul bill, according to congressional sources.

[From the Wall Street Journal, May 4, 2010]

WHAT ABOUT FAN AND FRED REFORM?

(By Robert G. Wilmers)

Congress may be making progress crafting new regulations for the financial-services industry, but it has yet to begin reforming two institutions that played a key role in the 2008 credit crisis—Fannie Mae and Freddie Mac.

We cannot reform these government-sponsored enterprises unless we fully confront the extent to which their outrageous behavior and reckless business practices have affected the entire commercial banking sector and the U.S. economy as a whole.

At the end of 2009, their total debt outstanding—either held directly on their balance sheets or as guarantees on mortgage securities they'd sold to investors—was $8.1 trillion. That compares to $7.8 trillion in total marketable debt outstanding for the entire U.S. government. The debt has the implicit guarantee of the federal government but is not reflected on the national balance sheet.

The public has focused more on taxpayer bailouts of banks, auto makers and insurance companies. But the scale of the rescue required in September 2008 when Fannie and Freddie were forced into conservatorship—their version of bankruptcy—was staggering. To date, the federal government has been forced to pump $126 billion into Fannie and Freddie. That's far more than AIG, which absorbed $70 billion of government largess, and General Motors and Chrysler, which shared $77 billion. Banks received $205 billion, of which $136 billion has been repaid.

Fannie and Freddie continue to operate deeply in the red, with no end in sight. The Congressional Budget Office estimated that if their operating costs and subsidies were included in our accounting of the overall federal deficit—as properly they should be—the 2009 deficit would be greater by $291 billion.

Worst of all are the tracts of foreclosed homes left behind by households lured into inappropriate mortgages by the lax credit standards made possible by Fannie Mae and Freddie Mac and their promise to purchase and securitize millions of subprime mortgages.

All this happened in the name of the ''American Dream'' of home ownership. But there's no evidence Fannie and Freddie helped much, if at all, to make this dream come true. Despite all their initiatives since the early 1970s, shortly after they were incorporated as private corporations protected by government charters, the percentage of American households owning homes has increased by merely four percentage points to 67%.

In contrast, between 1991 and 2008, home ownership in Italy and the Netherlands increased by 12 percentage points. It increased by nine points in Portugal and Greece. At least 14 other developed countries have home ownership rates higher than in the U.S. They include Hungary, Iceland, Ireland, Poland and Spain.

Canada doesn't have the equivalent of Fannie and Freddie. Nor does it permit the deduction of mortgage interest from an individual's taxes. Nevertheless, its home ownership rate is 68%. Canadian banks have weathered the financial crisis particularly well and required no government bailouts.

This mediocre U.S. home ownership record developed despite the fact that Fannie and Freddie were allowed to operate as a tax-advantaged duopoly, supposedly to allow them to lower the cost of mortgage finance. But a great deal of their taxpayer subsidy did not actually help make housing less expensive for home buyers.

According to a 2004 Congressional Budget Office study, the two GSEs enjoyed $23 billion in subsidies in 2003—primarily in the form of lower borrowing costs and exemption from state and local taxation. But they passed on only $13 billion to home buyers. Nevertheless, one former Fannie Mae CEO, Franklin Raines, received $91 million in compensation from 1998 through 2003. In 2006, the top five Fannie Mae executives shared $34 million in compensation, while their counterparts at Freddie Mac shared $35 million. In 2009, even after the financial crash and as these two GSEs fell deeper into the red, the top five executives at Fannie Mae received $19 million in compensation and the CEO earned $6 million.

This is not private enterprise—it's crony capitalism, in which public subsidies are turned into private riches. From 2001 through 2006, Fannie and Freddie spent $123

million to lobby Congress—the second-highest lobbying total (after the U.S. Chamber of Commerce) in the country. That lobbying was complemented by sizable direct political contributions to members of Congress.

Changing this terrible situation will not be easy. The mortgage market has come to be structured around Fannie and Freddie and powerful interests are allied with the status quo. I recall a personal conversation with a member of Congress who, despite saying he understood my concerns about the two GSEs, admitted he would never push for significant change because ''they've done so much for me, my colleagues and my staff.''

Nonetheless, Congress must get to work on the reform of Fannie Mae and Freddie Mac. A healthy housing market, a healthy financial system and even the bond rating of the federal government depend on it.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

## GULF COAST OILSPILL

Mr. LEMIEUX. Madam President, I come to the floor of the Senate to talk about not only the environmental but economic disaster that has happened in the Gulf of Mexico.

Yesterday, I had the opportunity to fly over the scene of the spill from the Deepwater Horizon rig along with my colleagues Senator SESSIONS, Senator SHELBY, and Congressman JEFF MILLER who represents Florida's First Congressional District.

What we saw was pretty startling. As we flew out over the ocean, we saw the beginning of a spill. At first, it looked like a sheen, something one might see with gasoline laying on a concrete floor at a gas station. But as we got closer to where the Deepwater Horizon oil platform was located before, where it fell into the water, we began to see these great bands of orange, rust-colored oil that streaked across the Gulf of Mexico. We began to see small clumps of what looked like tar.

As we got closer to the scene of the incident, those small clumps turned into what I would describe as large pads of tar that floated to the surface.

We saw the new rigs that are being set up to start the drilling to do escape drilling to allow for the pressure to be taken off the spill where it is located now. We saw some of the cleanup vessels. There were about 10 vessels out there. We understand there are close to 100 involved in the total containment of this spill.

What is concerning to me—and I know is concerning to many Members of Congress—is what could happen, what might happen next. There are a lot of folks working very hard in the Coast Guard and the government. We met with Captain Pullen at the Mobile training facility for the Coast Guard, who briefed us on what is going on so far.

If we do not get this wellhead to stop leaking oil into the ocean, estimated at 5,000 barrels a day—we don't know how much is leaking. It could be less than that; it could be a lot more. If we do not stop the wellhead from leaking, we are going to have a lot bigger problem. This area has grown every day since April 21 when we had this disaster. It is measured by the size of States. First, it was Rhode Island, then it was Delaware. It is growing bigger and bigger.

When the storms subside, as they are doing now, that sheen is going to spread out even further. It certainly is going to likely impact my State of Florida and our beaches and our commercial fishermen and our recreational fishermen. There is cause for great concern.

The reason I come to the floor today is to make this point. There are those who are casting blame on British Petroleum. There are those who are casting blame on the government. There will be time for that. Whether the government has done a proper job of getting on this problem from day one, as we are hearing; whether British Petroleum properly worked along with the folks who ran this rig, the Transocean folks; whether they made mistakes—certainly, mistakes were made—there will be time for us to evaluate that. What we must do now is spend all of our energy and efforts stopping the leak from this well because if we don't, we may see an oilspill that is the entire expansion of the Gulf of Mexico. We may see oil that not only hurts the gulf coast of Florida, Mississippi, Alabama, Louisiana, and Texas, but we potentially could see this oil go around the southern part of Florida, into the Everglades, into Florida Bay, into the Thousand Islands area—not to mention the coast on the western side of Florida, come up on the Atlantic side and get in the Gulf of Mexico and come all the way up the coast.

I am here to urge that all my colleagues support the administration and BP and everyone else who is working on this to stop the leak we have now. To me, it is the most important thing.

There were obviously issues of negligence that caused this disaster to happen in the first place. The questions of whether the Federal Government did everything it should have done in the beginning days when this happened will have to be answered, and folks are going to have to come before our committees to answer those questions. But right now, we have to stop this leak and we have to have an increased sense of urgency of stopping that leak and containing the oil.

We are putting this dispersant in now at the site of the wellhead. That is apparently having some good effect. BP has also been able—as we learned yesterday from Captain Pullen at the Mobile station—to close one of the hydraulic fail-safe valves. We know it wasn't fail-safe, but at least some of that has been closed, which is stopping, we hope, in some way the amount of oil going into the Gulf of Mexico. There is a crisis now, but the crisis to come could be far worse if we do not stop the leak from the wellhead.

### DANGEROUS TIES BETWEEN VENEZUELA AND IRAN

Mr. President, over the last 6 months, we have seen two more attempts that we know of against the United States from terrorist attacks—most recently at Times Square. Thanks to the vigilance of some New Yorkers and the fine work of the New York Police Department, a bombing was stopped. We also remember that on Christmas day, when Abdulmutallab tried to blow up a plane over the skies of America, thankfully, that bomb did not explode. These are very dangerous times.

I continue to come to the floor to say that we not only need to pay attention to the east, where this danger is stemming from, but we also have to pay attention to the south. We have to continue to pay attention to Venezuela and the dangerous ties between Venezuela and Iran. I have come to the floor to speak about the fact that Hezbollah and Hamas are now in Iran. We know a Spanish judge has accused Venezuelan authorities of conspiring with the ETA, a radical group in Spain, to assassinate the President of Colombia. We know Venezuela is collaborating with the FARC, the narcoterrorist group, which is bringing in drugs and destabilizing all of Central America all the way up into Mexico. We know of this dangerous situation. We know there are flights now between Venezuela and Iran through Syria that don't go through the normal customs procedures, where folks get off the plane in Venezuela and who knows where they go. We also know now that Iran has sent shock troops to Venezuela. We have also heard of a foiled attempt from a company called VenIran—presumably Venezuela-Iran—to ship alleged tractor parts to Venezuela that turned out to be explosive materials.

I come to the floor today to update this continuing story and to begin to bring, hopefully, the focus of this Congress and this administration on the gathering storm that is Venezuela and its contacts with Iran. It is not only that there are now shock troops from Iran in Venezuela, but we see the Chinese Government giving $20 billion to Venezuela for derivative—future—potential to purchase oil, apparently. So lots of questions need to be asked, and we need answers from this administration about a focus on Venezuela. Hugo Chavez is a dangerous man, and the continued attempts by the Venezuelan regime to work with Cuba to spread disharmony throughout the region, to try to bring other Latin American countries along with his strong-man tactics, are cause for concern.

I will conclude with this, Mr. President. Two weekends ago, I had the opportunity to go to the Joint Interagency Task Force in Key West, FL, where tremendous work is done by the Coast Guard, the Navy, the FBI, DEA, and all sorts of other agencies to interdict drug trafficking from South America, Central America, into the United States. We know Venezuela is allowing flights to go over its country from Colombia to bring those drugs into Central America. We know how violence comes from those drugs, and we are seeing the destabilization of Mexico because of it. We also know there are semisubmersible craft—minisubmarines, if you will—that ride just below the water that are being used by drug traffickers out of Colombia, with the support of Venezuela, to bring large amounts of cocaine into the United States. Those same craft could be used to deliver a weapon of terror.

This administration and the world have to focus not just on Iran but on the dangerous ties between Iran and Venezuela.

Mr. President, with that, I yield the floor. I see my friend and colleague from Tennessee is here to speak.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee is recognized.

## FINANCIAL REGULATORY REFORM

Mr. CORKER. Mr. President, before my time to speak today, there were some comments made by the junior Senator from Delaware, but before getting to that, I did want to mention that I hope very soon the administration will work closely—and I am sure they will because I know they are very understanding of what has happened in Tennessee—with those who are dealing with the obvious disaster underway in our State. We have people who have lost their lives, people who have lost their homes, and people who have lost their life's work. I appreciate so much the work our Governor has underway, and the many mayors, especially the mayor of Nashville but also mayors across our State. I appreciate the response all of them have given in coming to the aid of our citizens there. Again, I know this administration will begin to work very closely with them in that same regard, and I thank them in advance.

But I came to speak specifically today about the comments of my friend from Delaware regarding the fact that because large institutions in this country have a funding advantage over some of the smaller institutions, we ought to break them up.

I certainly have concerns about some of the situations we get ourselves into when a large institution gets into trouble. I don't think that having 100 Senators here on the floor arbitrarily deciding what size a financial institution ought to be or when it should be broken up is necessarily the right approach. What I do think is a better approach—and I think this bill attempts to do this but doesn't quite get it right—is to ensure that if an institution fails, it actually fails; the shareholders of the company know they are going to be out of their entire investment; the creditors know what is going to happen. The bill attempts to do that, and my sense is that Senator SHELBY and Senator DODD are working together—and I think may actually have come to an agreement—on a way to close some of the loopholes that exist in this bill.

What I would suggest to my friend from Delaware is just to support those efforts because I think if that occurs—and my sense is it will, based on the conversations I have had—what will happen very quickly is the credit rating agencies in this country—and they have already indicated this to be the case, not that they have been stellar, certainly in these last couple of years or the last 4 years—many of them are beginning to look at these large institutions in a different way because they believe we may pass legislation here on the floor that says that if they fail, they actually go out of business. That creates a situation where that moral hazard doesn't exist; where people, in essence, loan money or give credit or invest in these larger institutions at rates that are less than what might be the case for smaller institutions.

The best way we can sort of level the playing field is to ensure that if a big company fails, it fails. Again, I think we are on the verge of getting that solved. There will be many people on my side of the aisle—and by the way, I respect this position very much—who think the only way to do that is through bankruptcy, and they are talking about either an 11(f) section of the code or a section 14 of the Bankruptcy Code, where highly complex financial holding companies would go into bankruptcy if they fail. By the way, I think we should do everything we can to strengthen that.

At the same time, I think—certainly in the interim, anyway—we need a resolution mechanism so that we know that if a large company fails, we have a mechanism to liquidate it. It may be that you need both tools. Maybe you let the resolution provision sunset after the bankruptcy laws are completed and fixed in such a way that it works for a large, highly complex bank holding company.

But, again, what I would say to my friend, the Senator from Delaware, is—and I certainly love his passion on this issue—the best way we can get that level playing field is to ensure these large institutions fail when they fail, and that will change that funding level he is talking about. As a matter of fact, we are given regulators in this bill, if it passes in its form right now. I sure hope we make lots of changes because I cannot support the bill as it is today. But the bill actually addresses capital levels. As institutions become larger and more risky, additional capital requirements are required, which automatically drives up the cost of funding. There is a section Senator WARNER and I worked on called contingent capital, where the regulators can actually cause these institutions to have contingent capital, where if a creditor has loaned money to an institution and this institution gets in trouble, that turns to equity, so it is a buffer. Again, I think the cost of that is going to be more expensive than most credit that would be given to an institution such as this.

So, again, I think the best way to deal with organizations that are large in this country is to deal with the many tools that exist in this bill that need to be improved, no doubt, and hopefully, over the course of the next 2 weeks, will be improved. But that is a much better solution than just arbitrarily having 100 Senators saying: Well, if you are X part of our GDP, you have to be taken down to size.

I wish to reiterate, as I did last week on the floor, that our country has by far the largest gross domestic product in the world. We dwarf everybody. Yet we have no banks in the top 5 in the world; we have 2 banks in the top 15. So I am not sure that as we work on globalization and as we hope to ship goods and deal with people around the world, that our best solution is to handicap the ability of our companies that work in that way and create great jobs in this country shipping goods across the world. I am not sure it is in our best interest to look at arbitrarily deciding what size a financial holding company should be.

Mr. President, I appreciate being able to speak to this issue. I do hope over the course of the next couple of weeks that we can make significant changes in the consumer title. I am hearing from people all across the State of Tennessee—ordinary citizens who wake up daily and who do things that are outside the financial sphere, at least they believe they are—who are very concerned about the reach of our consumer protection agency as it is outlined in this bill; the fact that it is unfettered, that there is no board in any way to control it, the fact that there is no Federal preemption, the fact that there will be 50 State attorneys general now dealing with our national banks, the fact that this consumer entity has the ability to be involved in underwriting loans. You can imagine some of the problems that have occurred through CRA recently. Think about this: It would be CRA on steroids.

So those are some issues I do think we need to address in this bill and I hope we will address in this bill. And I hope we will realize that this country

has an overexpansive government that reaches out unnecessarily into their lives.

In closing, again, I applaud the efforts the Senator from Connecticut and the Senator from Alabama have underway to fix this resolution title in such a way that we all know that if a firm fails, it is going to go out of business. I think that will adequately address the concerns the junior Senator from Delaware brought up earlier about these big firms, in some cases, having funding advantages. I think once the public understands these firms can go out of business, just like any other entity, that will change. I think we are already seeing that through early indications with credit rating agencies and others that are looking at these entities.

Mr. President, I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3217, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail," to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Pending:

Reid (for Dodd-Lincoln) amendment No. 3739, in the nature of a substitute.

Reid (for Boxer) amendment No. 3737 (to amendment No. 3739), to prohibit taxpayers from ever having to bail out the financial sector.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will be brief at this point.

First, let me thank the leadership and my colleagues, Democrats and Republicans, for allowing us to get to this point. Now we are on the bill after all this time.

I didn't hear all the comments of my friend from Tennessee, but clearly we are making an effort to reach agreement where we can on some of the critical issues. Senator SHELBY and I and our staffs have worked very hard over the weekend to try to come to closure on the resolution title of the bill, title I and title II, that Senator CORKER spent so much time working on. We thought we had done a pretty good job, but there is always room for improvement to satisfy the interests people have to make sure taxpayers will never be exposed. My hope is we will be able to present that, Senator SHELBY and I, to our colleagues to be able to close that issue and move on to the other areas of the bill that people have interests in.

We have a number of amendments that I believe should be relatively noncontroversial—either bipartisan amendments that Senators want to offer dealing with the Federal Trade Commission or dealing with the consumer title. There are a number of amendments on which we have already reached some agreement. My hope is we could have some understanding—obviously, I want to wait until Senator SHELBY comes over—that we could enter a time agreement, a brief one, on the Boxer amendment. We have all talked about the Boxer amendment, so maybe, hopefully, we could have that vote when we come back from our respective caucus luncheons.

I hope at some point shortly thereafter, Senator SHELBY and I will offer a proposal dealing with the resolution titles of the bill to close that. I am told Senator TESTER and Senator HUTCHISON have an amendment, which sounds pretty good to us, dealing with some issues involving assessments on small banks that we agree with.

I know Senator SNOWE and some others have amendments which we have worked on as well which we think are helpful to agree to.

Senators HUTCHISON and ROCKEFELLER on the Federal Trade Commission, we have reached agreement on that as well. There are a number of issues which I would like to at least deal with here where we have consensus.

Then, obviously, there are going to be some areas and amendments that will come up that are controversial, that will require a good debate on the floor—hopefully, not an endless one but debate on those matters. I wish to get to those soon. I know my colleagues who have those ideas wish to be heard, and I certainly wish to give them the opportunity to do so. My hope is we will reach time agreements and have up-or-down votes on them. That is the way this institution is supposed to operate. We can avoid filibusters and those who want to extend the debate, even though they are not happy with the amendment and don't like the outcome. I think we serve our interests well if, with the exception of those that deserve some sort of attention like that, the overwhelming majority of these issues ought to be debated and voted up or down and move on to the next set of issues.

In the meantime, we try to work on ones that we know are coming along to see if we can't reach consensus as we have on a number of these items.

That is sort of the game plan as I see it, but I obviously am not going to make any unanimous consent requests regarding time agreements until my colleague from Alabama is here in order to agree with that, but my hope is to offer such unanimous consent proposal that on the Boxer amendment we reach a time certain fairly quickly. Again, it is a three-line amendment that I think everyone has had a chance to hear us discuss over the last couple days. That goes to the heart of what Senator CORKER was talking about; that is, to emphatically state taxpayers not be exposed to the costs of any institution that fails and is wound down, either through resolution or more likely through bankruptcy—there is not taxpayer exposure. Since we all agree on that and the language is rather clear, my hope is we could spend a few minutes talking about it, making that point and vote and then move on to these other matters, seeking time agreements where appropriate.

That is how we will proceed. I have talked to the leader. Obviously, we do not have an endless amount of time for this debate and this subject matter, but my hope is, over the next week or two, to conclude, starting early, staying a little later in the evening than we normally do, even, if necessary, spending some time on the weekend. I know that is not normally done here, but, again, to get to the finish line on this bill is going to take some time, given the numbers of amendments people have on which they would like to be heard, in order to meet the goals of the leadership to complete our work on this bill and move to the other items that must be debated in this Chamber, aside from the financial services reform.

We have a lot of work to do in the coming 2 weeks on this matter. My hope is, people will bring their amendments early to us, to Senator SHELBY and to myself or our committee members, let us look at them and work on them. Where we can accept or modify them, we will try to do so; where we cannot, provide the time so we can have a debate and vote on your ideas. That is where we stand.

I have a number of requests for time. I am not going to make any unanimous consent requests for these, but a number of Members have asked for some time to speak today either on amendments they are going to be proposing or on the bill itself. I have that list. I will try to accommodate those Members, when I can, this afternoon. Again, the first order of business would be on the Boxer amendment.

Let me just say about that amendment, that again, the language of the Boxer amendment is rather straightforward. I read it the other day. It is a very brief amendment and very clear. It says:

At the end of title II add the following.

At the end of the resolution title, which is an elaborate title we spent

months working on so as to make sure we would get it right; that is, the presumption is bankruptcy and, in the most painful alternative, a resolution but one that you would not like to take at all. It is bankruptcy, putting these companies out of their misery and the country out of its misery without exposing the taxpayers to the cost. The managers all get fired under our bill. They are gone. Not only do they not get bonuses, they don't have a job having done what they did. The shareholders lose, so shareholders have to pay more attention to what is happening to their companies of which they are owners. Creditors also take tremendous hits in this proposal as well.

Senator BOXER has offered some very straightforward language, almost an exclamation point at the end of title II. I will read the amendment because it only takes about a minute to do so. She says:

LIQUIDATION REQUIRED.—All financial companies put into receivership under this title shall be liquidated.

If there was any doubt about the provisions—sentence No. 2.

No taxpayer funds shall be used to prevent the liquidation of any financial company under this title.

A very clear, declarative sentence.

(b) RECOVERY OF FUNDS.—All funds expended in the liquidation of a financial company under this title shall be recovered from the disposition of assets of such financial company, or shall be the responsibility of the financial sector, through assessments.

Then:

(c) NO LOSSES TO TAXPAYERS.—Taxpayers shall [again, shall] bear no losses from the exercise of any authority under this title.

Again, it is very straightforward, a very clear amendment, one that basically incorporates the views shared by all 100 Members of this body.

Maybe there is someone who disagrees. If they do, I don't know who they are. Every Senator I heard address this issue agrees with what Senator BOXER is suggesting with this very important language. It is not a sense-of-the-Senate resolution. This is statutory language in the bill. My hope is, unless people want to have an elaborate discussion about it, it seems pretty straightforward. I would like the first vote to be an amendment on which we can all come together as we begin our debate in this Chamber. Not all amendments are going to end up that way, but on this one I think there is clarity and we ought to get behind it and demonstrate our willingness to say, without any equivocation whatsoever: The taxpayers will not be exposed to the kind of charges and costs that they were in the fall of 2008.

I will sit and wait for Senator SHELBY to come over and, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3778

Mr. UDALL of Colorado. Mr. President. I rise to speak about a bipartisan amendment, No. 3778, which Senator LUGAR and I have filed based on our bill, the Fair Access to Credit Scores Act of 2010. This amendment has wide and growing support, both with consumer groups and legislators of all political persuasions. I thank Senators BOND, BROWN of Massachusetts, BROWN of Ohio, HAGAN, LEVIN, LIEBERMAN, MCCASKILL, and SHAHEEN who are also sponsors of this amendment.

Our amendment takes a commonsense yet significant step toward putting consumers back in control of their finances by offering Americans annual access to their credit score when they access their free annual credit report.

I wish to clarify, because this is important. A credit report tells consumers what outstanding credit accounts they have open, such as student loans, credit cards, even, perhaps, a car or a home loan. Unfortunately, it tells Americans little else. One's credit score, on the other hand, which our legislation makes available, has the critical information consumers need to know. A credit score affects consumer interest rates, monthly payments on home loans, and could be the difference between whether a child is able to afford college. Credit scores even affect the consumer's ability to buy a car, rent an apartment, and get a phone or even Internet service.

In 2003, Congress enacted legislation requiring the three major consumer credit reporting agencies to provide a free annual credit report to consumers. This law, known as the FACT Act, was an important step in ensuring financial records of American consumers are accurate. However, since that time, many of my constituents have been misled to believe they have free access to their credit score, when what they have is free access to a credit report. So we have the score versus the report. Even thoughtful lawmakers in Congress do not realize American consumers ultimately have to buy access to their credit score.

To be clear, banks and lenders can easily obtain these scores while consumers cannot. That simply is not fair. We have all seen the frequent television commercials or Internet advertisements which claim to offer consumers free access to their credit score. Unfortunately, consumers are often disappointed to learn they only have access to their credit report, not the critical information they need to judge their own creditworthiness, their score. In the most troubling cases, consumers often believe they are signing up to get a free credit score, only to find out later that they unwittingly signed up for a costly monitoring service that could cost nearly $200 a year.

In considering reforms to hold Wall Street accountable and rein in their shady dealings, we believe Congress should also work to protect consumers from other unscrupulous financial practices. When there is a deal that often seems too good to be true, many Americans ask themselves: What is the catch. There certainly is a catch in this instance. The problem is that Federal law tacitly supports it by directing consumers to credit rating agencies under false pretenses. We all know consumers want their score, but it is the last thing they receive. We are literally sending Americans every day into a fine print trap.

I am not surprised the credit reporting agencies and their lobbyists have been hard at work over the last several days perpetuating fine print arguments in opposing our amendment. They even claim credit scores belong to them, not the consumers whose livelihoods depend on them. Would a doctor say that someone's blood pressure reading is their information, not the patient's? These agencies have also been circulating a document opposing our effort because, according to them, it would not provide consumers any greater benefit than already available. Something is up. They oppose our bill because it does not offer consumers enough benefits.

This is precisely the kind of misleading information included in their advertisements, as we see here in this photograph. This snapshot does not fully reflect the deception in this particular ad. It does picture a squirrel directing consumers to one of the Web sites claiming to offer a free credit score. But there is more to the story. While it patently seems to offer a free score, this credit reporting agency requires consumers to enter their credit card information and registers them for a costly credit monitoring service. We have to look closely at the top of the ad to read the fine print that actually tells consumers the real story. They have to subscribe to the company's service to receive the actual credit score.

Members have probably seen this commercial which tells a sad story about an individual whose poor credit score landed him in a dead-end job. If only he had access to his credit score, the ad explains with a catchy jingle, he would have been able to take action and improve his credit and his quality of life. Again, we have to look closely to read the fine print. If the consumer goes to this site, they once again have to enter their credit card information and register for a service costly of nearly $200 a year.

It says:

Free credit score and report with enrollment in Triple Advantage.

Ironically, these credit reporting agencies are walking the halls of Congress telling Members that our bill is somehow ''unfair and unfounded.'' They want to protect a Federal law that has given them a monopoly on this information and continues to direct unwitting consumers their way. We agree, those of us who have sponsored this legislation, with these credit reporting agencies that a credit score is important information. Perhaps their misleading ads have convinced consumers they need to know this information. However, luring hard-working Americans into a costly credit monitoring service is simply not fair, especially when Federal law nudges consumers in their direction.

We have all come to the floor this week from both sides of the aisle explaining what we want to do to protect consumers and do what is right for Main Street. We have a chance to right this wrong here and now, this week. Put simply, this amendment accomplishes what the television commercials and their fine print caveats have deceptively claimed for years—the offer of a free credit score. That is why the Consumer Federation of America, the Consumers Union, and a wide range of consumer advocates support this legislation. While free access to a consumer's credit score is only a small part of the larger reforms needed, it addresses one of the fundamental inequities that pervades the current financial system. Put simply, our one-sided marketplace today is often rigged to benefit large financial institutions at the expense of hard-working Americans struggling to support their families and save for retirement.

If we want to empower Americans to reclaim their financial health, we have to start with a dose of transparency. When so much is at stake, this amendment is a small step that will help restore balance and give Americans the tools they need to take back control of their personal finances.

My strong hope is that we will be able to vote on this important amendment in order to restore an even greater dose of fairness to consumers in my state of Colorado and all around the Nation.

I urge and request that each one of my colleagues support its passage.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, briefly, let me say to my colleague, I appreciate his efforts in this regard. He and Senator LUGAR and others have worked on it. They are absolutely right. People ought to have a right to know what their credit scores are. They are critical when it comes to that home mortgage. The interest rate that one pays, the downpayment they are required to meet, are all linked to what the credit score is. We have seen in the past how credit scores can actually be very different than what they should be. When people have had to fight for years to get a credit score restored because of identity theft, all sorts of things can happen. We had a hearing not too many years ago on this issue where the theft of identity requested in a person running wild with some credit cards. The individual who had his credit cards stolen then spent years trying to rehabilitate his own name and reputation because of what had happened and could never get access to his credit scores except that every financial transaction he went to engage in, he paid an awful price because the credit scores were obviously low, in light of the fact that people had stolen his cards and had run up huge debt. So in, everything else he was involved in where an interest rate was involved, his family paid a price for it.

Aside from having the knowledge of what it is, the ability to correct it as well is something we have spent a lot of time on. There is hardly an American citizen at one point or another who hasn't run into this difficulty. Today, in an era when so much of our well-being depends upon our credit scores, how we are rated, this becomes a critical point. People ought to know, what is my credit score, so they can either strengthen it or understand why they are being charged the various rates they are.

I commend my friend from Colorado and Senator LUGAR. He mentioned others who are on the bill with him as well. I thank him for raising it. In the coming days, my hope is we will be able to provide some time to further debate it, if he so desires, and maybe get agreement to adopt the amendment.

Mr. UDALL of Colorado. I thank the Banking Committee chairman for his interest in this bipartisan amendment. I take to heart his comments on the importance of having access to one's credit score. We all have access to our credit reports. Those are important. But frankly, one ought to understand what is in their credit report. It is the loans, the financial obligations and liabilities one has. It is much harder to get one's credit score. We hear a lot about financial literacy, about taking control of one's own destiny when it comes to their financial future. This would be an important tool to have in the hands of consumers.

The agencies and the institutions that develop these scores are saying, as I said, that this is unfair and unfounded. But they have found, frankly, when they made the credit reports available on a one-time basis annually for free, it actually created more traffic and more business. I predict that when you get your score that one time each year for free, you will want to check over time on that score, and that will create additional business for these companies. Much like when I to go my ATM, I am always curious about the flow in and out of my checking account. Sometimes I check the last ten transactions. That results in a little bit of income stream to the bank. I don't resent that because I have the information at hand. When I was given the opportunity to have that information initially, that triggered a greater interest in being more financially engaged.

This is common sense. Its bipartisan support shows there is widespread support for this idea. I thank the chairman again for his interest and support.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 3737

Mrs. BOXER. Mr. President, I am delighted to be here this morning. I am anxious to get started on voting on amendments so we can tackle the issue of Wall Street reform. We have to keep an eye on what happened to our economy, because Wall Street had no reasonable regulation. Markets were operating in the dark. There was very little fiduciary responsibility involved. There was all of this gambling with credit default swaps and CDOs. I am reading a book called ''The Big Short.'' If anyone wants to try to understand what happened, read that. It is unbelievable what happened with derivatives, all operating in the dark.

I wish to say to Senator DODD how much I appreciate the work he has put into this bill. To put it simply, what the bill does is it ends taxpayer bailouts, flat out. That is why I was shocked when Members of the Senate on the other side of the aisle came down to the Senate floor and started criticizing the bill, saying it didn't end taxpayer bailouts, when that is what it does. That led me to think I would like to work with Senator DODD on an amendment that clarifies this main point in the bill.

Senator DODD and his staff—and I worked with the Obama administration on it as well—said let's sit down and work it out. So we have a very strong amendment here that is not a sense of the Senate; it is real law. It is strong law. I hope it passes. I say to my friend Senator DODD I hope this passes by a huge number of votes. What we do here is summed up in part C:

Taxpayers shall bear no losses from the exercise of any authority under this title.

This isn't saying they shouldn't bear a loss; it says taxpayers shall bear no loss. They shall bear no loss. The rest of it basically says: No company is going to be kept alive in this bill with any taxpayer money. If a company is in trouble and they need to be liquidated, then the funds that are used will be recovered from the disposition of assets of such financial company or shall be the responsibility of the financial sector, through assessments.

It is very similar to FDIC. As we know, when we put our hard-earned dollars into the bank, we are covered now up to $250,000 because there is an insurance program which is paid for via an assessment on the banks. It is called the FDIC, and we all know because we worry about that. If there was anything that was learned from the Great Depression, it is that there was a run on the banks, and guess what. The banks were out of money. People literally lost their world. So after those years a long time ago, FDIC insured. It is very important.

We are doing the same thing here. We are saying that if there is a liquidation required of some of these hot-shot firms that continue to gamble, that continue to take risks and something goes wrong, they are not going to be kept alive, they are going to be put to sleep and the money that is expended to do that will come from the financial sector itself, and taxpayers, again, shall bear no losses from the exercise of any authority under this title.

What else does the Dodd bill do? It ends taxpayer bailouts and, with my amendment, that is going to be even clearer. It puts a cop on the beat for consumers. Why is this important? Because the people who were trampled upon during the whole Wall Street crisis were middle-class families who depended on these big firms to protect their pension funds, to protect their assets that they might have had in mutual funds. Instead, all of that went out the window.

We need to also have a cop on the beat to look at credit card companies and the kinds of things they do that harm our people.

The third thing is it brings disclosure to dark markets. The bill eliminates loopholes that allow reckless speculative practices to go unnoticed, and it brings real regulation to the derivatives markets and the shadow banking system that grew up around it. These kinds of instruments, as they are called—derivatives—they are based on—let's take an example of a bunch of mortgages that are packaged together and sold. Somebody came up with the great idea: Well, maybe we should take insurance against them going broke, and they played both sides of it. They had derivatives on derivatives on derivatives. The house of cards came down. We want disclosure for these dark markets; otherwise, the regulators simply don't know what is going on.

Risky behavior on Wall Street will be curbed. There are strict new capital and borrowing requirements as financial companies grow in size and complexity. There are restrictions on proprietary trading, which means a bank trading for their own interests. We had circumstances where a bank was telling its customers to buy a stock or a bond and they were shorting. They were making a bet that it would go down while they were selling it to people and saying, Oh, it has a great future. There is something so unfair about this and, frankly, corrupt about this. Where is the fiduciary responsibility? How do you go out and tell your best customers: Hey, this is good. We are going to go forward. Buy this. Then they go back to their office and short it so they can make money on it collapsing. There is something very wrong with that. We have lost our way. They have lost their way.

We have protection against securities market scams, improvements at the FTC, where we will have the Office of Credit Rating Agency that will strengthen the regulation of credit rating agencies, many of which failed to correctly rate risky financial products. My colleagues know that Moody's is one example, Standard & Poor's is the other. They said, Oh, this is a AAA. These assets that are based on all of these mortgages, this is a AAA, feel comfortable with it, when they knew, frankly, it wasn't. It was a conflict of interest. They were getting paid by the people who wanted them to come out and say they were rated AAA. There is something awful about this. If we cannot trust a rating agency, how are we going to know what we want to buy for our portfolio? I don't care if you are a very small investor or an institutional investor, an investor who is investing say for a pension company that you work for. I think we have to have even greater oversight over these rating agencies than is in the bill. I applaud what is in the bill. I am going to be offering something that holds these people accountable. Again, if my colleagues read the book I am reading, they realize how the people who work at these rating agencies were doing the bidding of those who wanted to get a AAA rate.

So we end taxpayer bailouts in this bill. The Boxer amendment is going to ensure that is so clearly stated. We put a cop on the beat for consumers. We bring disclosure to these formerly dark markets. We curb risky behavior on Wall Street because we require them to have more capital, less gambling. We create an early warning system with a financial stability oversight council to make sure we see trouble coming before it hits. We protect against securities market scams by going after these rating companies and saying, Hey, you have a responsibility to be honest when you rate an instrument; it shouldn't be rated a certain way because the person who is paying you wants it rated a certain way. That should be criminal.

I think it is going to be very clear as we get into this bill.

I am a little surprised it is taking so long. I say to Chairman DODD, I am a little surprised it is taking so long to get a vote on the simplest amendment of them all.

Let's put this chart back up. What is the problem here? If people want to talk about making this stronger, let's talk, but don't hold us up. I would ask my friend, do we have any agreement yet on voting on the Boxer amendment, which is so clear? Here it is on one board. This is the whole amendment. Do we have an agreement yet?

Mr. DODD. Mr. President, if my colleague will yield.

Mrs. BOXER. I will yield.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I have read the amendment so many times I could almost recite it verbatim. It is only four sentences. As I understand it, I don't hear any objection to it whatsoever. Someone recently said can't we just accept it. I said I think my friend from California would like to have a vote on it and she has a right to a vote. So, again, my hope is, frankly, we could have an agreement to cast a vote on this at 2:15 when we return from the respective caucus lunches. I am waiting to hear from my Republican friends and colleagues because obviously I can't make a unanimous consent without them being in the room.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank my colleague. I would say the reason I think it is important to have a vote is because for days and days and days, my friend, the Senator from Connecticut, and my friend, the Senator from Virginia, were down on this floor defending this bill and making it clear that this would finally put an end to too big to fail; that, in fact, taxpayers are not going to be on the hook. We are going to wind these companies down and they are going to have to be gone. They are going to go to sleep. They are going to be gone. They are going to be liquidated, and then taxpayers are going to be made whole. This is clear.

Our colleagues on the other side were all over national television. I don't know how many times they said this bill is ensuring that there will be more taxpayer bailouts. That is why I wrote this. It seems to me a little odd that we are waiting and waiting. Since our friends say they want an amendment such as this, why don't we get started.

There are lots of amendments on both sides of the aisle, some of which will make this bill stronger, in my opinion, and some of which will make this bill weaker, in my opinion. We will do what the Senate does. We will debate these issues. I know my friend is waiting. It seems to me that if we are going to this crisis—and I ask to show the charts—we cannot sit around here day after day and waste time.

These are some of the headlines we had: ''Economy In Crisis.'' ''What Now?'' ''Tax Problems.'' ''This Is A Nightmare.''

This is what we saw.

We have another chart that shows the headlines.

''U.S. Consumer Sentiment Decreases to 28-year Low.'' ''Jobs, Wages Nowhere Near Rock Bottom yet.''

What a mess.

''Wall Street Crash Leaves New Yorkers In The 'Eye Of The Hurricane.' ''

This is just a smattering of these headlines.

We have some more to share:

''Where Do We Go From Here?'' ''Nightmare On Wall Street.''

This is what the country went through. I know we want to forget it. We never want to have it happen again, but we can't wish it away. ''Nightmare On Wall Street.'' ''Where Do We Go From Here?''

Today we are ready to answer the question. No more nightmares and no more taxpayer bailouts, and no more gambling.

Will this bill solve every single problem? No. There will be people who think something else up. But here is the good news about this bill: It puts a cop on the beat, so any of these new ideas that come to the forefront—these new instruments, these new derivatives—will finally be under the watchful eye of a consumer regulatory agency that has only one thing on its plate: protecting consumers from the rip-offs and the gambling and the callous disregard for morality that we saw on Wall Street.

So I say to my friends on the other side: Let's go. Let's do this. Let's get started. Let's have the Senate work its will, and let's be able to tell the people of this country that in a bipartisan fashion, we took a stand against the nightmare on Wall Street and we basically said those days are gone and we will get back to sensible rules of the road.

I will close with this. A lot of us I think were interested in watching the Kentucky Derby, a few minutes of the most exciting sport. I thought to myself as I watched that there are rules of the road in this sport. It is all about gambling. People out and out gamble. There is no hiding it.

They just go out and gamble. They put the dollars on the horse they choose. But there are rules of the road. You can't have a horse running that has been drugged. You cannot do that. You cannot have a jockey in the race who uses foul play to knock over another jockey or run in a fashion that would disqualify him. So even in a sport like horseracing, which is out-and-out gambling, there are rules of the track, rules of the road.

It seems to me that on Wall Street, where you are dealing with the life savings and the hopes and dreams of our people, our businesses, and our children, that there need to be reasonable rules of the road and no more taxpayer bailouts. Let's get started and vote aye on the Boxer amendment and make this bill even better. It is a terrific bill, but we can make it even better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend my colleague from California who has been patient and has done a good job. I describe her statutory language as sort of the exclamation point in this. As the amendment reads, the very first line—and, again, I don't have to read it—at the end of this title includes the following. So it is at the end of the title. It is complicated to get this right, so we have a winding down and a disposition in receivership and bankruptcy in these institutions.

In case anybody had doubts about what the language does, the amendment says the word ''shall'' in every sentence. There are no ''mays.'' The taxpayer ''shall'' not be exposed. There ''shall'' be liquidation. It is very clear what we are trying to achieve. I know nobody objects.

We are on the bill. We ought to be able to start on a positive note. We are going to have times of significant division and debate on this bill coming up. I thought it might be worthwhile for the American public to witness a Senate that can actually, as it begins debate, do so with some unanimity. That doesn't happen with great frequency, but to start on that basis makes sense to me.

I hope our colleagues will agree with that conclusion and allow this amendment to be voted on as soon as we come back from our caucuses and then move to other amendments, hopefully, where there is agreement, demonstrating again that we are not fighting every single issue with each other. There is a lot of agreement about what ought to be in the bill.

Mrs. BOXER. I thank my colleague. The reason I did this, frankly, was because the other side seemed to be misunderstanding what this bill did. So I was hopeful that they would just say: Terrific; now it is clear. No losses to taxpayers—''taxpayers shall bear no losses from the exercise of any authority under this title.''

I understand Senator KYL said yesterday this was a sense of the Senate. It is clear. It is not a sense of the Senate: liquidation required, recovery of funds, taxpayers shall. There is no ''should.'' It is real. So that is why I am hopeful that if we can get started with a bipartisan vote, it will make the life of our chairman a lot easier because at least we would come forward with something on which we can stand together.

I thank the Senator so much for working with me to make sure this is clear as a bell. As the Senator says, bills are complex. And people say: Why is this bill 800 pages? Well, it is complicated because we have to amend language in so many parts of the Federal law. But this is clear. We sum it up. We sum up the title in this way.

I am excited about voting on this. I will be back after the luncheon hour to—if I need to—make the case again—not that my colleague hasn't done it for me, but I want to lift a little bit of the burden off his shoulders.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the Senator from California for her amendment. As one of the people who was charged by the chairman to work on this section of how we make sure we put appropriate barriers to firms getting too large and barriers to firms being too big to fail, and should they fail, making sure taxpayers are never on the hook again, I think the amendment of the Senator from California adds that emphasis. We took the chairman's charge at his word.

This is an area where there was complete bipartisan agreement. I had the good fortune of working with my friend and colleague, the Senator from Tennessee, on this issue. We put a strong preference in the bill toward bankruptcy as the normal process, and even put into place a new series of requirements for large firms—particularly internationally significant firms—to come forward to the regulators and describe how they can unwind themselves through an orderly bankruptcy process, that being the normal process. But in the event, as we saw in 2008, there may be times, even with the best laid plans, when you may reach a level of crisis that would require resolution, if there is resolution, it should not be propping up firms the way we did it in the fall of 2008. The resolution should be a death knell for any firm that is put into that process. It should be something any logical management team or series of shareholders would want to avoid at all costs.

We put forward a process where it is postfunded. I think reasonable folks can agree on which is the best option. At the end of the day, if there are any funds used to make sure we can unwind this firm in an orderly process so that it doesn't cause any further systemic damage to the overall financial system, and indirectly to the American taxpayer, and if the financial system is shored up by that action, that any costs not recouped—if this firm goes out of business and it is being put out of business, if there are funds expended and they have to be recouped from some source, that source should not be the American taxpayer.

Again, I commend the Senator from California for her efforts with this amendment. It adds that exclamation point. Again, I cannot imagine that my colleagues on the other side, who I know share the same view, do not want to make sure taxpayers will never be exposed again by the mistakes made by

Wall Street. I think this amendment is a good place to start this debate, where we have that common cause.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. GREGG. Mr. President, will the Senator yield for a second?

I ask unanimous consent that after Senator BROWN speaks, Senator MIKULSKI be recognized and then I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

### HONORING OUR ARMED FORCES

### SERGEANT ROBERT J. BARRETT

Mr. BROWN of Massachusetts. Mr. President, I rise today to say a few words about a hero: Massachusetts Army National Guard SGT Robert J. Barrett who was killed in Afghanistan on April 19. I had the sad honor of attending his funeral this past weekend.

So everyone knows, Robert was on foot patrol south of Kabul when an IED exploded, killing him and injuring eight of his fellow soldiers of 1st Battalion, 101st Field Artillery Regiment. He was 21 years old.

Robert was from Fall River, a city of 90,000 in the southeastern part of Massachusetts. He was a long-time member of the 54th Massachusetts Volunteer Regiment. He geared his life toward helping others, especially veterans.

He was selected for the regiment's honor guard in early 2008 and took part in more than 350 events honoring our fallen soldiers, including marching in the President's inaugural parade a little more than a year ago.

His primary mission in Afghanistan was of the utmost importance. He was training Afghan soldiers so they would be able to stand up and provide security for their own country. Rather than spend his free time relaxing, he gave of his time and knowledge by volunteering at local orphanages and schools. Robert was a shining example of ''selfless service,'' one of the seven Army values.

Before his deployment, Robert wrote several lines that summarized his thoughts about his service and our mission overseas. I wish to take one final moment to read one of his thoughts:

> I volunteered to put my life on the line for freedom and country. For my fellow soldiers, for my little girl, for my weeping mother and father. I am going to a land where American freedom is just a dream, a hope, a slow reality. I am an American Soldier.

That was by Robert J. Barrett before he mobilized.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on the issue of financial services. Before I do, I wish to say to the Senator from Massachusetts, Mr. BROWN, that we in Maryland express our condolences to him and his loss. We have suffered many of our own. We are comrades in arms in this moment of grief. We salute him and respect the family.

Mr. BROWN of Massachusetts. I thank the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I come to the floor today to talk about an issue about which I care very deeply and have fought for all of my life. That is financial services reform.

I am not a Janie-come-lately to this issue. In 1999, I opposed the repeal of the Glass-Steagall Act which led to the crisis we have today. I was one of eight Senators to vote against the repeal of the Glass-Steagall Act which tore down the walls between conventional banking and investment banking. Had that bill been defeated in 1999, we would have not had the crisis that faced us in the last 2 years.

My family, too, has fought over generations to protect consumers and expand access to credit. At the beginning of the old century when the downtown banks would not lend to people such as my family, whom they regarded as on the other side of the tracks, my grandfather, along with other small business people in the area, got together and started a savings and loan to serve that community. They lent to people who did not have access to credit. They lent to small business owners, such as my father, who opened a grocery store. They lent to women, such as my grandmother, who opened a bakery. When tough times came during the Great Depression, this savings and loan wanted to make sure that people would not lose their homes. If you paid a nickel a week on your mortgage, you were current.

I was raised in that sense that financial institutions should be on the side of the people and they should have access to the American dream to buy a home, to start a business.

As a young social worker working in Baltimore's African-American community, I saw, once again, there was no access to credit. The African-American community was sidelined and redlined. What we saw were these local payday vendors who had names such as Happy Harry. Why was Harry so happy? It was because he was charging 18 to 20 percent interest for a loan.

I got together with the people in the community at the parish council and we were able to start a credit union so there would be access to credit and end the scamming and scheming and gouging of those hard-working people.

I continued that fight in the Senate. I helped create a task force in Baltimore to end that scheme and scam. I also worked as the Chair of the Commerce-Justice-Science Appropriations Subcommittee. I made sure in 2009, working with Senator SHELBY and listening to the comments of Senator DODD, that we put extra money in the Federal checkbook so the FBI could come after the financial fraud crowds, the mortgage fraud, the securities fraud.

It sure was not the Securities and Exchange Commission. They were too busy sitting on their wingtips while money was flying out the door with these terrible lending practices.

As we deal with this bill pending before the Senate, the Restoring American Financial Stability Act, I want you to know I support this bill. I have been a reformer and a watchdog all of my life. I have a deep suspicion of how big banks treat the little people and what they do with the little people's money. Time and time again, we see the consequences of loose regulations and wimpy and tepid enforcement. Yes, I said it, wimpy and tepid enforcement.

Time and time again, I voted for more teeth and better regulation and more enforcement. I always wanted to be sure it was Main Street that got access to credit, and I was against the unfair and abusive practices of Wall Street.

Here we are again in this financial situation where we bailed out the big banks. We bailed out the whales, we bailed out the sharks, and we have left the people in the community, the little minnows, to swim upstream and be on their own.

Now is the time to right this reform. Now is the opportunity to pass real financial reform that puts the strongest consumer protections in financial reform and to ensure that the greed of Wall Street does not trump the needs of Main Street.

We need to put government back on the side of the middle class. If we can bail out the banks, how about we make sure we protect the middle class against fraud, duplicity, and gouging? People with limited access to credit are being victimized, abused, and defrauded. It is both a crime and a shame.

Since the people who do it have no shame, maybe we have to make it a

crime. In fact, I think we ought to make it a crime. When they get out of their pinstripes and start wearing orange jumpsuits and stand out in the crowd on visiting day, rather than cruising parents' weekends, maybe they will have some remorse, and maybe they will be ready to change the nature of their practices.

When I travel around my State, whether it is in diners or grocery stores, there is anger and frustration in people's voices. They are mad, and they are scared. They have watched Wall Street executives pay themselves lavish salaries while they are worried about their job and being laid off. They have watched Wall Street mortgage brokers profit off irresponsible lending while their husbands work an extra shift to make sure they can make the monthly mortgage payment. And they have watched big firms take very risky gambles with their money without any regulation. It essentially was casino economics. This is why people are mad, and they are losing trust in government. People they counted on to protect them did not.

What infuriates the people of Maryland and of this country and me is there is no remorse by Wall Street about what they did. Nothing about their behavior suggests they have learned or even care what is wrong. Look at what happened with AIG after receiving $170 billion in taxpayer money. They paid themselves $165 million in bonuses. I stood on the floor and said ''AIG'' stands for ''ain't I greedy.''

I do not want to have catchy phrases. I want to have concrete, enforceable, tough regulations. Again, what bothers me is the lack of remorse and a commitment to reform.

Right or wrong, if you are in a 12-step program, people usually say that one of the ways to right those wrongs is to say ''I am sorry'' and mean it. I did wrong and I will never do it again. I want to make amends by making it right.

Not these guys. They need us to have a tough approach to this situation. They say: We will never do anything like that again. Actually they do not even say that.

What we need to do is to make sure we have the strongest regulations. We have an opportunity now to choose between real reform or business as usual. Consumers need protection in regulation to guarantee the safety of their deposits and the availability of basic banking services. Small business needs credit to grow so that they can create a job for themselves and for those in their community. And we need to hold Wall Street accountable. We need to make sure there are no taxpayer bailouts ever again and to ensure when banks take risks, they do it with their own money, not with money out of the deposits of hard-working people.

The bill before us is an excellent bill. It provides a 21st century regulatory framework for the financial system. No more scheming, no more scamming, no more preying.

It is time to pass this bill. There are amendments pending that I think will also help to improve the bill, but I think it is time that we pull the sharks out of the tank, make sure the whales do not crush the little guy, and to make sure that the minnows get a chance and that we have an economy that is swimming.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to speak briefly on the bill that is before us and how I think it can be improved.

First, I congratulate the chairman of the committee, working with the ranking member. I understand they have reached an agreement on how to do the issue of resolution, which addresses the issue of too big to fail, which is a very critical part of this bill. I congratulate them for making that type of initiative. I hope the rumors are true and that such an amendment will address strong too-big-to-fail language so the American taxpayers will not be on the hook for institutions that overextend themselves and take on too much risk but are institutions that are so large it is felt they are too big to fail, that concept will no longer be part of our lexicon, and we will essentially put an end to that. I congratulate the chairman and ranking member.

There are, however, other major issues in this bill that need to be addressed. They are substantial and rather complex. A few that are not even in the bill—for example, how we address Fannie Mae and Freddie Mac. We know that the American taxpayers today are on the hook for somewhere between $400 billion and $500 billion—$400 billion to $500 billion—that we are going to have to underwrite in order to stabilize those two entities on the credits which they have run up which have gone bad and they have purchased. That is serious.

There will be a proposal that comes from our side of the aisle. It will not totally be structured to Fannie and Freddie. It should. I would like to see that. It is too complex to do in this bill. It will at least address some of the core issues that ought to be addressed. For example, we ought to tell the American people upfront and forthrightly how much they owe. It should be put on budget. We ought to put on budget what the obligations are, because they are scoreable, relative to the costs the American taxpayers are going to have to bear to bail out and maintain Fannie and Freddie. It is going to be somewhere around $400 billion to $500 billion additional debt. It is coming. We do not want to talk about it because it affects other debt obligations of this country in a lot of different ways, primarily in crowding out.

Second, the bill has language on underwriting but it is not strong enough. If you want to look at what caused this event at the end of 2008, what caused this traumatic event which almost brought the entire financial system of America down, which almost put us into a depression and put us into a very severe recession, cost a lot of people their jobs—and there are still a lot of people experiencing trauma because of it—there are three or four main causes. I have talked about them before:

One, of course, is that I believe the money was made too easy to get, at too low a price, for too long by the Fed.

Another was the fact that the Congress specifically encouraged and, in fact, forced lenders, for all intents and purposes, to lend to people who couldn't afford the homes they were buying because it became congressional policy to do that.

Another was that people were shopping for the weakest regulators. This is what happened in the derivatives market, and the derivatives were not structured in a way that actually put capital or liquidity or margin behind derivatives.

The fourth and I think probably the most significant was that there was a total breakdown in underwriting standards. In other words, the people who were making the loans on subprime mortgages and on other types of exotic instruments so that people could buy houses who couldn't afford them were making those loans and not looking at the underlying value of the asset, and they weren't looking at the ability of the person to pay back that loan. What they were doing, quite simply, was making the loan because they were going to get a fee for it and then they were going to sell the loan, securitize it. It was going to be chopped up, sent out, and syndicated, and they didn't really care what the loan did because they were basically making a loan for the purpose of making a fee. Those were the one-off lenders.

In the banking industry, you had a complete breakdown. Banks were lending to people they knew couldn't repay when these loans reset, and they knew the value of the asset could only support that loan if there was an appreciation in the market, which was a gamble.

This happens every time we go through one of these events, by the way, one of these real estate-driven recessionary events. It happened in the late 1970s; it happened in the late 1980s when I was Governor of New Hampshire and New England went through a horrific contraction as a result of an expansive effort of lending money in the real estate markets—underwriting standards break down.

There needs to be a clear national definition of what proper underwriting standards are. Senator ISAKSON and I and a number of other people—Senator

CORKER—are going to put forward an amendment in that area.

One of the core areas here that needs to be addressed and hopefully will be included in this bill and improve the bill in this area—one area of this bill that simply has to be changed if it is to be effective in doing what it is supposed to do is the language of derivatives.

Most Americans don't understand derivatives. It is understandable. They are complex products. But basically think of it this way: You are on Main Street, and you have a business—usually a fairly large business—and you are making a product. You want to be able to sell that product to somebody at the price you quote that person and make the profit you expected at that quoted price.

But there are a lot of things that affect that product that you can't control. If you are selling it to another country, you can't control what the dollar is going to do in relationship to the currency of that country—for example, if you are selling it to Brazil, whether their currency goes up or down vis-a-vis the dollar. If you enter into a contract today and can't sell your product for 6 months, your whole profit could be wiped out by the market devaluing as relates to that currency. The materials you buy to make that product may change in value or viability. The person you are getting a loan from to allow you to expand your business to build that product may have financial troubles and you may have an issue there or, vice versa, you may have an issue with that person. All of these are things which are usually beyond the ability of the individual who is making the product—and in this case, I am talking about making products—to control.

So there is something called a derivative, which is an insurance item. Basically, someone insures for you over those risks. There is a lot of complexity to this because these insurance items mutate into all sorts of different instruments. They can affect financial instruments, they can affect commodities, they can affect goods, they can affect just plain currencies, but they are critical instruments—derivatives—for making the economic engine work. They are sort of the grease you put in the economic engine to make sure it doesn't seize up, to allow the economic engine to move down the road. They are so critical, in fact, that they are approximately $600 trillion—trillion—of notional value. Notional value is not really what the risk is because there are underlying assets here, but that is a big number—a big number.

So we have to make sure that when we amend the derivatives section of this bill to try to have a stronger derivatives industry, we don't make big mistakes and basically undermine the ability of people to use this type of instrument to get credit and to make the markets work and to create jobs on Main Street because these all tie back to jobs on Main Street. Even if you are not working for the company that uses the derivatives, you are probably working for somebody who does business with a company that does derivatives. In Nashua, NH, there are a bunch of big companies that do derivatives. There are a lot more smaller companies that sell products to those companies on Main Street. So it will affect Main Street if we do this wrong because credit will contract.

The unique advantage America has is that we are the place in the world where, if you have a good idea and you are willing to take a risk yourself and you are an entrepreneur, you can usually get capital and credit to allow you to do that idea, to take that risk and thus create jobs, which is the bottom line for all of us; we want to create jobs. So derivatives play a large role in making that system work. This bill, unfortunately, adopted language which was put forward in the Agriculture Committee which literally undermines the safety and soundness of the derivatives market and, secondly, the ability of America to be a leader in the derivatives market.

Our goal here should be very simple. Our goal should be two steps: One, make our banking and financial system safer, sounder, and a system which will, to the extent we can anticipate it, avoid systemic risk. While doing that, our second goal must be to have a vibrant credit market and capital market and be the primary place in the world where people come to create credit and capital because that gives us a competitive advantage over the rest of the world. That creates jobs here in the United States. Unfortunately, this bill, as structured, doesn't accomplish that. In fact, it undermines that.

A good derivatives reform bill would essentially create an atmosphere where derivatives are more transparent, where the pricing is more transparent, and where there is standing behind the two parties to an agreement on a derivatives contract—assets, liquidity, margin—something that can be turned to should one of the parties fail to perform on the contract. This can be done by creating a reasonable exception for end-use derivatives—those are the ones where you basically have a purely commercial purpose—and if people don't fall into that reasonable exception, then requiring essentially all the other derivatives to go through what is called a clearinghouse.

The clearinghouse becomes basically the situation where the two parties to the contract—there are multiple parties to the contract—essentially put up collateral, margin, liquidity, so that the contracts are supported—the counterparties are supported. The clearinghouse itself also has to be collateralized adequately, capitalized adequately, so that it doesn't become a risk because it is going to be the insurer, basically, of these contracts—all very doable through new regulatory restructure or a modified regulatory restructure.

Then, as these contracts become more standardized or are standardized, they move over to an exchange. A lot of them could do that right now, but some simply can't because their contracts are too customized to move directly to an exchange. But over time, most of them probably will. And that is the way it should be structured.

Unfortunately, in this bill, it is directed that we set up a new process for doing these derivatives by taking basically the market makers in these derivatives—which are the swap desks—and moving them out of the financial institutions into separate institutions. Where this idea came from is hard to fathom because on its face it makes absolutely no sense. I mean, it is so counterproductive to the purpose of making the derivatives market safer, sounder, and more efficient and, as a result, a better market which creates credit in a transparent, fair, effective, and sound way. It is so counterproductive to that on its face, you would think anybody who suggested it would have it immediately pointed out that this doesn't work. But for some reason, it has found its way into this bill.

The practical effect of doing this is that you will create these separate entities. These separate entities are going to have to be capitalized because you have to have capital behind these derivatives desks. That is the whole point. You have to have something standing behind these desks to make them viable so that you don't end up with an AIG. What was the AIG problem? There was nothing behind the derivative contracts except for the name AIG. You don't want to do that again. You want capital.

It is estimated that it would cost $250 billion to set up these separate desks. What does that mean? That means that capital is not going to be available for the creation of credit. You will see an immediate contraction. It is estimated by the industry—and again, this is an industry number, not mine, so you can take it with a grain of salt—that will cause a $3/4 trillion contraction in credit. That is Main Street not being able to get credit. Let's even say they have exaggerated. Say it is only going to contract 80 percent. That is still $600 billion to $700 billion of credit that is not available on Main Street to do business, to create jobs, to take risk. It is foolish to do that type of contraction and to set up this structure.

Plus, you have nobody who is going to oversight this as effectively as the people who oversight the present derivative market makers. The FDIC won't be able to get on top of this. The Fed

probably will have trouble getting on top of this. You will create a less stable platform from which to view these markets, when the whole purpose of the bill was to make it more stable. It makes absolutely no sense.

This is section 106 in the Agriculture bill. I think it is section 714 in this bill. And you don't have to believe me on this. I mean, two of the major, premier regulatory agencies—which are the fair arbiters here, really; I mean, they are the umpires—have come out in a very unusual way, because they do not usually comment in the middle of a legislative process such as this, and said that this—this is my paraphrasing—is a stupid idea, a counterproductive idea, the type of idea which, if it were to be put in place, would be cutting off your nose to spite your face and we would end up with a less sound system.

Let me read to you from the commentary of the Federal Reserve staff on section 106, which is now, I believe, section 714. Here is what the Federal Reserve staff said about this approach:

Section 106 would impair financial stability and strong prudential regulation of derivatives; would have serious consequences for the competitiveness of United States financial institutions; and would be highly disruptive and costly, both for banks and their customers.

That is pretty specific. That is pretty damning testimony as to the effect of this language. It is going to reduce our competitiveness because a lot of these derivatives will go overseas. It is going to make it much more difficult to have sound regulatory policy toward derivatives, and it will be highly disruptive and costly not only for the banks but for their customers. That is called Main Street—the people who create the jobs. This is a very inappropriate idea that has been put in this bill.

But don't just rely on the Fed if you are a Fed hater—and there appear to be a number in this body, for reasons I still have trouble fathoming. They must have something against having a sound money policy. But if you don't like the Fed, listen to the FDIC. I don't think anybody around here doesn't give great credibility to the way Sheila Bair, the Chairman of the FDIC, handled the bank crisis. Very honestly, they stepped in, they settled out a lot of major banks, and they did it in a way that was extraordinarily professional. As a result, the markets remained calm, people got their money back, and deposits were not at risk.

This is an agency which has high credibility, and this is what Chairman Sheila Bair has specifically said about this:

If all derivatives market-making activities were moved outside the bank holding companies, most of the activities would no doubt continue, but in less regulated and more highly leveraged venues.

In other words, be much more risky.

Such affiliates would have to rely on less stable sources of liquidity which—as we saw during the past crisis—would be destabilizing to the banking organizations in times of financial distress, which in turn would put additional pressure on the insured banks to provide stability.

In other words, bad idea. It undermines the banking industry to do it this way.

Finally: ''Thus, one unintended''—actually, this is not finally. The whole letter is three pages long and has a lot of strong points. But the final part I am going to read:

Thus, one unintended outcome of this provision would be weakened, not strengthened, protection of the insured bank and the Deposit Insurance Fund, which I know is not the result any of us want.

That is pretty specific. So you have the Fed on one side, one of the major regulators, saying this idea doesn't work, it will undermine the structure of the banking industry. You have the FDIC on the other side saying this proposal doesn't work, it is going to undermine the insurance deposit system. So you do not have to listen to myself or others who pointed out the failure of this section. Listen to these regulators. This section has to be removed from this bill.

There are other things that need to be done in the derivatives areas which would improve the language. For example, once you are on a clearinghouse, you should not be mandated to go directly to an exchange because it simply will not work. There needs to be an intermediary step as standardization and then the best thing to do would be to require regulators to look at these different instruments and then, if they feel they can be standardized, tell the people producing them they can be standardized and then move them over. To unilaterally say everything has to go to an exchange is, I think, going to be counterproductive and again push a lot of business offshore.

But clearly this one section is damaging to our efforts to produce a safer, sounder, more transparent derivatives regime which has adequate liquidity and capital behind it and which keeps America as the primary place to do credit in the world so our entrepreneurs can get credit at a reasonable price, so they can go out and take the risks to create the jobs in America.

I ask unanimous consent to have both these statements printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTS ON SENATE AGRICULTURE COMMITTEE'S OTC DERIVATIVES BILL

APRIL 24, 2010

1. Section 106 should be deleted.

a. Lending to financial market utilities. Section 106 would prohibit any federal assistance to swap dealers, major swap participants, swap exchanges, clearinghouses and central counterparties. This would appear to override the provision of Title VIII that would allow the Federal Reserve to provide emergency collateralized loans to systemically important financial market utilities, such as clearinghouses and central counterparties, to maintain financial stability and prevent serious adverse effects on the U.S. economy.

i. As systemically important post-trade ''choke points'' in the financial system, it is imperative that these utilities be able to settle each day as expected to avoid systemic problems and allow for a wide range of financial markets and institutions to operate. The failure of a systemically important utility to settle for its markets would not only call into question the soundness of the utility as a critical market infrastructure but could also create systemic liquidity disruptions for one or more markets and potentially other financial market utilities. The increased importance that Title VIII places on central counterparties and central clearinghouses to reduce risk in the financial system necessitates ensuring that short-term secured credit is available to these utilities in times of stress.

b. ''Push-out'' of bank swap activities. Section 106 would in effect prohibit banks from engaging in derivative transactions as an intermediary for customers or to hedge the bank's own exposures.

i. Title VI, which includes the so-called Volcker rule provisions, better addresses the problem of risks from derivatives activities by prohibiting any bank, as well as any company that owns a bank, from taking speculative, proprietary derivative positions that are unrelated to customer needs.

ii. Section 106 would impair financial stability and strong prudential regulation of derivatives; would have serious consequences for the competitiveness of U.S. financial institutions; and would be highly disruptive and costly, both for banks and their customers.

iii. Banks are subject to strong prudential regulation, including capital regulations that take account of a bank's exposures to derivative transactions. The Basel Committee on Banking Supervision has recently proposed tough new capital and liquidity requirements for derivatives that will further strengthen the prudential standards that apply to bank derivative activities. Titles I, III, VI, VII and VIII all add provisions further strengthening the authority of the Federal supervisory agencies to address these risks.

2. The foreign exchange swap exclusion should not be limited to non-exchange-traded non-cleared transactions.

a. The bill permits the Treasury to exclude foreign exchange swaps and forwards from coverage as ''swaps,'' but the exclusion applies only if the transaction is not listed or traded on an exchange or a swap execution facility and not cleared through a derivatives clearing organization. A substantial share of foreign exchange swaps and forwards are entered into using electronic trading platforms. The broad definition of swap execution facility appears to capture these platforms, thereby rendering the Treasury's exemptive authority largely meaningless.

b. Foreign exchange forward and swap transactions should be treated in a way comparable to other physically settled forwards for securities and nonfinancial commodities that are exempted under the bill. Foreign exchange forwards and foreign exchange swaps are delayed purchases and sales in broad and deep cash markets. Prices for foreign exchange are already readily available and transparent and that existing transparency,

coupled with the breadth and depth of the foreign exchange markets, makes the foreign exchange markets not easy to manipulate.

3. Core principles for financial market utilities should not be hard-wired in the statute.

a. The bill sets out specific core principles for derivatives clearing organizations, swap execution facilities, and swap data repositories, and would not give the CFTC or SEC leeway to adjust the core principles to reflect evolving U.S. and international standards (as does the Dodd bill).

b. The current international standards for central counterparties are under review for needed changes in light of market developments, particularly in the OTC derivatives market, and are expected to change, thus potentially creating an immediate conflict with the bill.

c. Providing regulatory flexibility would permit changes to the international standards and other future refinements in risk management standards to be addressed. In addition, such flexibility would facilitate the ability of the U.S. regulatory agencies to work together to adopt consistent standards across financial market utilities that perform similar functions.

4. The definition of ''swap data repository'' is overly broad.

a. The definition (''any person that collects, calculates, prepares, or maintains information or records with respect to transaction or positions in or the terms and conditions of, swaps entered into by third parties'') appears to include entities whose purpose is not related to acting as a central record-keeping facility. For example, the definition may sweep in trade comparison services and news organizations that collect trading information.

b. Given its breadth, it will be difficult to apply core principles to such disparate activities and organizations.

5. Data-sharing among regulators is unnecessarily restricted.

a. The bill would require a swap data repository to notify the relevant Commission of any information requests from other regulators and require that those other regulators indemnify the repository and the Commission from any claims stemming from those requests. These provisions restrict access by relevant U.S. regulators to needed data.

b. These restrictions may lead foreign regulators to demand a local repository so that they can have adequate access to the data. Splitting the market data into repositories in different countries will make it significantly more difficult for regulators to get a holistic view of the market.

c. The bill allows swap data to be shared with foreign central banks, but not the U.S. central bank (the Federal Reserve).

6. Prudential regulators should retain their safety-and-soundness enforcement authority over bank swap dealers and major swap participants.

a. Section 131 provides the prudential regulators with authority to enforce the prudential requirements of the Act over bank swap dealers and major swap participants and provides the CFTC with the authority to enforce non-prudential requirements.

b. Although section 133 preserves the prudential regulators' authority under other law, the conforming amendments in section 131 limit the prudential regulators' authority under section 8 of the Federal Deposit Insurance Act over swap dealers and major swap participants.

c. In order to carry out their obligations as safety-and-soundness supervisors over banks, the prudential regulators need to retain their full Federal Deposit Insurance Act enforcement authority over bank swap dealers and major swap participants.

7. The Act should clarify that risk management is part of prudential rules.

a. Section 121 provides that the prudential regulators are to prescribe prudential requirements, including capital and margin requirements, for bank swap dealers and major swap participants. Section 121 also requires swap dealers and major swap participants to establish robust and professional risk management systems.

b. The bill is unclear about which agency should set risk management rules. These rules should be set by the prudential regulator . . .

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FEDERAL DEPOSIT INSURANCE CORPORATION,
*Washington, DC, April 30, 2010.*

Hon. CHRISTOPHER J. DODD,
*Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.*

Hon. BLANCHE L. LINCOLN,
*Chairman, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN DODD AND CHAIRMAN LINCOLN: Thank you for reaching out to the Federal Deposit Insurance Corporation for our views on Title VII of the ''Wall Street Transparency and Accountability Act'' contained in S. 3217, the ''Restoring American Financial Stability Act of 2010.'' At the outset, I would like to express my strong support for enhanced regulation of ''over-the-counter'' (OTC) derivatives and the provisions of the bill which would require centralized clearing and exchange trading of standardized products. If this requirement is applied rigorously it will mean that most OTC contracts will be centrally cleared, a desirable improvement from the bilateral clearing processes used now. I would also like to express my wholehearted endorsement of the ultimate intent of the bill, to protect the deposit insurance fund from high risk behavior.

I would like to share some concerns with respect to section 716 of S. 3217, which would require most derivatives activities to be conducted outside of banks and bank holding companies. If enacted, this provision would require that some $294 trillion in notional amount of derivatives be moved outside of banks or from bank holding companies that own insured depository institutions, presumably to nonbank financial firms such as hedge funds and futures commission merchants, or to foreign banking organizations beyond the reach of federal regulation. I would note that credit derivatives—the riskiest—held by banks and bank holding companies (when measured by notional amount) total $25.5 trillion, or slightly less than nine percent of the total derivatives held by these entities.

At the same time, it needs to be pointed out that the vast majority of banks that use OTC derivatives confine their activity to hedging interest rate risk with straightforward interest rate derivatives. Given the continuing uncertainty surrounding future movements in interest rates and the detrimental effects that these could have on unhedged banks, I encourage you to adopt an approach that would allow banks to easily hedge with OTC derivatives. Moreover, I believe that directing standardized OTC products toward exchanges or other central clearing facilities would accomplish the stabilization of the OTC market that we seek to enhance, and would still allow banks to continue the important market-making functions that they currently perform.

In addition, I urge you to carefully consider the underlying premise of this provision—that the best way to protect the deposit insurance fund is to push higher risk activities into the so-called shadow sector. To be sure, there are certain activities, such as speculative derivatives trading, that should have no place in banks or bank holding companies. We believe the Volcker rule addresses that issue and indeed would be happy to work with you on a total ban on speculative trading, at least in the CDS market. At the same time, other types of derivatives such as customized interest rate swaps and even some CDS do have legitimate and important functions as risk management tools, and insured banks play an essential role in providing market-making functions for these products.

Banks are not perfect but we do believe that insured banks as a whole performed better during this crisis because they are subject to higher capital requirements in both the amount and quality of capital. Insured banks also are subject to ongoing prudential supervision by their primary banking regulators, as well as a second pair of eyes through the FDIC's back up supervisory role, which we are strengthening as a lesson of the crisis. If all derivatives market-making activities were moved outside of bank holding companies, most of the activity would no doubt continue, but in less regulated and more highly leveraged venues. Even pushing the activity into a bank holding company affiliate would reduce the amount and quality of capital required to be held against this activity. It would also be beyond the scrutiny of the FDIC because we do not have the same comprehensive backup authority over the affiliates of banks as we do with the banks themselves. Such affiliates would have to rely on less stable sources of liquidity, which—as we saw during the past crisis—would be destabilizing to the banking organization in times of financial distress, which in turn would put additional pressure on the insured bank to provide stability. By concentrating the activity in an affiliate of the insured bank, we could end up with less and lower quality capital, less information and oversight for the FDIC, and potentially less support for the insured bank in a time of crisis. Thus, one unintended outcome of this provision would be weakened, not strengthened, protection of the insured bank and the Deposit Insurance Fund, which I know is not the result any of us want.

A central lesson of this crisis is that it is difficult to insulate insured banks from risk taking conducted by their nonbanking affiliated entities. When the crisis hit, the shadow sector collapsed, leaving insured banks as the only source of stability. Far from serving as a source of strength, bank holding companies and their affiliates had to draw stability from their insured deposit franchises. We must be careful not to reduce even further the availability of support to insured banks from their holding companies. As a result, we believe policies going forward should recognize the damage regulatory arbitrage caused our economy and craft policies that focus on the quality and strength of regulation as opposed to the business model used to support it.

The FDIC is pleased to continue working with you on this important issue to assure that the final outcome serves all of our goals for a safer and more stable financial sector.

We hope that a compromise can be achieved by perhaps moving some derivatives activity into affiliates, so long as capital standards remain as strict as they are for insured depositories and banks continue to be able to fully utilize derivatives for appropriate hedging activities.

Please do not hesitate to contact me or have your staff contact Paul Nash, Deputy Director for External Affairs.

Sincerely,

SHEILA C. BAIR.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3749

Mr. TESTER. Mr. President, I rise today to talk about amendment No. 3749, the Tester-Hutchison amendment.

Before I talk about this amendment, I want to thank Chairman DODD for his work on a very strong Wall Street reform bill. I think his work has been very much appreciated by me and other members of the Banking Committee. I look forward to getting to this bill and making it even stronger and passing it out of this body to the President and into law.

This amendment would lift a burden inappropriately placed on our community banks in this country.

These are the banks that make rural America run. They do not deserve to be left holding the bag for the risky behavior of big banks.

What the Tester-Hutchison amendment does is hold big banks accountable for their actions by basing FDIC deposit insurance premiums on risk.

Our amendment would force big banks to pay their fair share of insurance. And it would fix the lopsided assessment system that we currently have—which unfairly burdens community banks.

The recent turmoil in the financial sector has placed significant strains on the FDIC's Deposit Insurance Fund—the first line of defense and resource tapped to provide assistance to troubled federally insured banks.

Since the beginning of 2008, the FDIC has closed 229 banks, including 7 banks last week. That has left a wake of devastation that has impacted the entire banking system.

Some of the larger failures—including those of IndyMac and Bank United—caused significant destruction. They have left the FDIC's Deposit Insurance Fund depleted and destabilized. In fact, the fund began the year with a negative balance of over $20 billion.

Why is that? We now know that some of these institutions were engaged in risky activities—some far beyond the traditional depository functions.

But, because the FDIC's Deposit Insurance Fund was still based solely on the institution's deposits—rather than assets, the fund wasn't able to take into account the impact that this risky behavior would have on the fund.

In fact, under the current system, community banks pay 30 percent of total FDIC premiums while only holding 20 percent of the Nation's banking assets.

Let me repeat that Mr. President. Under the current system, community banks pay 30 percent of total FDIC premiums while only holding 20 percent of the Nation's banking assets.

Our bipartisan amendment brings some common sense back into the equation.

The FDIC—and the fund—have never faced such troubling times. In light of these failures, the FDIC was forced to make emergency, upfront assessments on all banks to protect the integrity of the Fund.

Montana banks didn't get involved in this risky behavior—they didn't offer subprime mortgages or sell sophisticated financial instruments meant to manipulate markets.

But Montana banks, like community banks around the country, have had to pay the price for the risky behavior of the larger banks that destabilized the fund.

Mike Richter, President and CEO of the State Bank of Townsend in Townsend, MT, tells me that because of the emergency assessments in December, his bank had to prepay 3 year's worth of premiums—3 years.

For the Bank of Townsend, that was a bill of $190,000 on top of the $70,000 that he already paid in 2009 assessments. I am no banker, but I know that is no way to run a business.

When I think about the impact that the community banks have in my State and the role that they play—originating mortgages and providing small businesses and farms with credit—it pains me to see them suffer as a result of the risky activities of larger banks.

That is why I have teamed up with my friend from Texas, Senator HUTCHISON, as well as Senators CONRAD, MURRAY, BURRIS, BROWN of Massachusetts, HARKIN and SHAHEEN in offering this important, bipartisan amendment.

We want to ensure that the FDIC implements a genuine risk-based assessment system to protect the health of the Deposit Insurance Fund and to ensure equity among FDIC-insured institutions.

This amendment builds on the underlying language included in the bill, directing the FDIC to base assessments on assets rather than deposits.

Specifically, the amendment would require the FDIC to implement this change, rather than permitting them to make the change as in the current language.

It also further shifts the assessment base formula to benefit community banks by eliminating ''long term unsecured debt'' as a factor in calculating assessments. And it includes language directing the FDIC to implement risk based assessments for banker's banks and custodial banks which have different structures than traditional banks.

The FDIC has already taken a step forward in recognizing the risks that larger banks pose to the Deposit Insurance Fund, voting to base their emergency assessments on a bank's assets rather than deposits.

The Independent Community Bankers of America also support this amendment. They believe that it will codify these important changes and bring greater equity to the assessment base.

In closing, let me say how much I appreciate all of the work of my colleague from Texas, Senator HUTCHISON, and how much I appreciate the committee's willingness to work with us on this important amendment.

I yield the floor.

Mr. DODD. Will my colleague yield before yielding the floor?

Mr. TESTER. I will.

Mr. DODD. Mr. President, I commend my colleague and friend and our colleague from Texas, Senator HUTCHISON. This is exactly the kind of effort we are trying to achieve in this bill. It is a complicated area of law. I appreciate the work of Senator TESTER and others. I didn't hear all. I gather it is Senator TESTER, Senator HUTCHISON, Senator SCOTT BROWN, Senator HARKIN—you have a list of Democrats and Republicans here who have worked on this amendment to bring it to this point. I support the amendment. I think this is a strong amendment that will require the FDIC, as I understand it—my colleague will correct me—to change how it charges for deposit insurance, which I think makes a lot of sense—from charging each bank's domestic deposits as it does now, to charging its total liabilities, which makes far more sense. This is a great help to community banks across the country, of which Senator TESTER has been a champion since his arrival in the Senate and as a member of our Banking Committee. The change will help ease the burden of FDIC assessments on our community banks by requiring the largest banks in the country to shoulder a little more of the responsibility to rebuild and maintain a sound deposit insurance fund.

The amendment is fundamentally about fairness, which I think is one of its most important features. Community banks, as we all know, have been victims of a severe economic recession brought on by the behavior of major Wall Street firms. This has led to a high rate of community bank failures and a sharp increase in premiums necessary to rebuild the FDIC's insurance fund. Meanwhile, the largest banks have been saved by TARP moneys and other government programs that were necessary, obviously, as we all know, to avoid the economic meltdown and catastrophe we were facing in the fall of 2008.

The change required by this amendment will lead to a far more equitable distribution of the responsibility to maintain a strong deposit insurance fund. It also will free up new resources for smaller banks to lend to households.

So on every front, this amendment is a very positive contribution to this overall bill and one of the real features Members ought to keep in mind as we try to get this bill done. Without this amendment, which I support and want to see included, this will make even additional pressures on our community banks.

I thank both our colleagues, from Montana and Texas, as well as our new Senate colleague from Massachusetts, and Senator HARKIN as well, for their contribution. As soon as we find a window here to bring this up, we wish to see this amendment get adopted and be part of the bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I very much thank Senator DODD. I think he is right. It is about equity. It is about assessing the premiums for the FDIC insurance fund to the banks that pose the most risk. Community banks are not among them. They played by the rules, they have done things right, and they have not tried to manipulate the market. I very much appreciate my colleague's comments and appreciate his support.

Mr. DODD. Mr. President, we have some potential action here. I hope in a few minutes to move along. The amendment of Senator TESTER and Senator HUTCHISON is an amendment I hope we can deal with at some point fairly quickly. Again, it is one of those amendments where we have reached an agreement on both sides. My experience is when you have an agreement such as that, you better move on it.

I know there are others as well. The Boxer amendment I hope we can get up. Senator SHELBY and I have worked on a larger amendment to deal with the too-big-to-fail provisions. Again, all of us want to see language, but let me say in the absence of language, we have reached agreement. Obviously we both need to look at the language of it before we can say that categorically. But I am satisfied, as is, I believe, my colleague from Alabama, that we have reached that agreement on the too-big-to-fail provisions which, with the Boxer amendment, takes that issue completely off the table as far as any further debate goes about title I and title II of the bill.

We have other issues. Senator GREGG mentioned a couple that obviously are going to need some work and some amendments are going to be offered on those. But in my view the sooner we move along on the ones where we have agreement, such as the Tester-Hutchison amendment, and some ideas I believe our colleague from Maine, Senator SNOWE, wants to offer, we will demonstrate, I think once again, that we have the capacity to work with each other to actually advance what we are all trying to achieve, and that is reform of the financial system. My hope is rather shortly we will get to some agreements on time and bring up these efforts and not have another day go by when we are not actually dealing with specific amendments in this bill.

With that, I don't see another Member seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND.) Without objection, it is so ordered.

Mr. DODD. I ask unanimous consent that the pending Boxer amendment No. 3737 be temporarily set aside and that Senator SNOWE of Maine be recognized to call up two amendments, Nos. 3755 and 3757; that no amendments be in order to either amendment; that upon the conclusion of debate with respect to the Snowe amendments, they be set aside and the Boxer amendment reoccur.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

AMENDMENT NO. 3755 TO AMENDMENT NO. 3739

Ms. SNOWE. Madam President, the pending amendment was set aside. I call up the Snowe amendment No. 3755.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE] proposes an amendment numbered 3755 to amendment No. 3739.

Ms. SNOWE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike section 1071)

Strike section 1071.

Ms. SNOWE. Madam President, I ask unanimous consent that Senator SHAHEEN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. I would like to thank the distinguished chairman of the Banking Committee, Senator DODD, for working with me so constructively, as well as his staff, on these two amendments I am calling up this afternoon. And I thank Senator SHELBY, as well, for agreeing to the substance of these amendments.

I think it is important to address these issues that are so fundamental to so many small businesses across the country. The first amendment I have made pending would reduce cumbersome and unnecessary restrictions on the banking industry that may potentially infringe on Americans' privacy rights and curtail the ability of financial institutions to serve their customers.

Specifically, the underlying legislation contains language that would compel banks to make the following disclosures to the Consumer Financial Protection Bureau: Banks would have to report from each deposit-taking facility, including each individual automated teller machine, a record of the number and dollar amount of the deposit accounts of customers; a geo-coding, by census tract, of the residence or business location of each customer; and a record of whether each customer is transacting commercial or residential business.

This type of detailed reporting imposes a regulatory cost on banks and provides an extraordinarily large amount of data to the Federal Government.

While many have advanced the image of banks as monolithically large entities with tens of thousands of employees spread across the globe, the vast majority of banks are small community-centered institutions. For small community banks, every dollar spent on complying with government regulations is another dollar that cannot be used for customer service or extending credit. While these existing processes may be in place at large banks—and even if not, their procurement would be relatively inexpensive—for a small bank this could have a sizeable impact on their bottom line and prove to be an extremely large regulatory burden.

In addition, the Federal Government's track record when it comes to securing its citizens' privacy data is less than stellar. As we all recall, in May of 2006 the Department of Veterans Affairs lost Social Security numbers and dates of birth of more than 26 million veterans. I cannot imagine what would occur if the sensitive deposit data that banks are required to track under this legislation was inadvertently lost.

The legislation does contain a provision requiring that the personal identities of all customers be removed, but one slip could result in the intimate financial details of bank customers being revealed to unscrupulous computer hackers.

I would note both the Independent Community Bankers Association and the Credit Union National Association are supporting this amendment due to its regulatory burden. I am pleased that we have reached agreement to have it accepted in this legislation.

AMENDMENT NO. 3757 TO AMENDMENT NO. 3739

I ask unanimous consent the pending amendment be set aside, and I call up Snowe amendment No. 3757.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE] proposes amendment No. 3755 to amendment No. 3739.

Ms. SNOWE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for consideration of seasonal income in mortgage loans)

At the end of section 1031, add the following:

(f) CONSIDERATION OF SEASONAL INCOME.—The rules of the Bureau under this section shall provide, with respect to an extension of credit secured by residential real estate or a dwelling, if documented income of the borrower, including income from a small business, is a repayment source for an extension of credit secured by residential real estate or a dwelling, the creditor may consider the seasonality and irregularity of such income in the underwriting of and scheduling of payments for such credit.

Ms. SNOWE. This second amendment would fix an unintended consequence of the Consumer Financial Protection Bureau in the underlying legislation, which would have the effect of choking off access to credit by small business.

According to the February 2010 survey of the National Federation of Independent Business on the state of credit:

. . . 16 percent of all small employers have a mortgage on their residence that helps to finance the(ir) business. . . .

The Small Business Administration's Office of Advocacy has calculated that there are nearly 30 million small businesses in America. Taken together, this means approximately 4.8 million small firms, hardly an unsubstantial number, rely on a home mortgage for their financing.

Many of those small business owners also make loan payments intended to reflect the cashflow of their business models. For example, innkeepers often make larger loan payments during their busier seasons, and farmers and fishermen borrow funds based on their crop or catch cycles.

As brought before the Senate, the underlying bill would prohibit lending products if the Consumer Financial Protection Bureau has a ''reasonable basis to conclude that . . . substantial injury is not outweighed by countervailing benefits to consumers.''

This means if the Consumer Financial Protection Bureau finds that the injury of a loan product is outweighed by the benefit it might create, the Bureau can prevent a financial institution from offering it.

The problem with the manner in which the bill is drafted is that it does not take into account that many entrepreneurs use home mortgage loans with customized repayment terms for business purposes. Accordingly, overzealous regulators could determine that such loans, which are consumer products, are abusive and thereby either prevent or make it extremely difficult for financial institutions to continue offering these types of critical products.

For example, a loan to a borrower with balloon payments in June, July and August and interest-only payments for the rest of the year might look suspicious to the Bureau and be declared abusive. Yet this is exactly how many seasonal firms in Maine and throughout the Nation finance their businesses.

My amendment simply preserves the ability of small business owners to use their homes as collateral and to make payments based on an alternate lending cycle by clarifying that the CFPB must allow banks to offer home loan products with customized payment terms for small businesses.

I originally raised my concern that the underlying bill could inadvertently harm small business lending during meetings with Treasury Secretary Tim Geithner and National Economic Council Chairman Larry Summers. They were both immediately receptive and agreed that the bill, if not altered, could have unintended consequences that would restrain access to capital for small businesses.

The necessity of this amendment is especially critical given the small business credit crisis that continues to plague the Nation. This fact has been underscored by numerous studies including the Federal Deposit Insurance Corporation's survey that found outstanding loan balances have dropped by the largest margin since 1942. Furthermore, the Federal Reserve's April 2010 Senior Loan Officer Opinion Survey shows that only 1.9 percent of banks surveyed had loosened credit terms for small businesses in the past quarter.

While harming small businesses, lack of access to affordable capital also has a ripple effect across the greater economy. In his April 14 testimony before the Finance Committee, Dr. Mark Zandi, the chief economist for Moody's Analytics, stated that ''small business credit (is) key to job creation.''

By preserving financing flexibility for small business owners, this amendment ensures that home equity will remain as a possible means for entrepreneurs to secure funds to start or grow their businesses. With small businesses adding two-thirds of all net new jobs, this provision will help small business owners create jobs, finance their businesses, and help us reduce our current 9.7 percent unemployment rate.

We understand how instrumental small businesses are to job creation. We have to remain deeply concerned that in the last 3 months, we have had static employment growth with a 9.7-percent unemployment rate. Small businesses are the engine that will drive this recovery and will lead us out of a jobless recovery. A jobless recovery is not a true recovery. Anything we do here, particularly on this legislation, that could affect small business's access to capital will certainly infringe upon our ability to promote job creation. I reiterated that this morning in the Finance Committee hearing, where Treasury Secretary Geithner indicated he shared my deep concerns about stagnation when it comes to lending. It is important to improve upon these regulations that are vetted in the underlying legislation.

I appreciate the chairman's effort to be flexible and to address and modify some of these issues and these constraints, and for allowing me to offer these amendments and agreeing to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I thank my fellow New Englander and colleague for her two amendments. They are very strong and positive contributions to the bill. She raises very worthwhile points. We have a tendency to think of small businesses all operating the same way, and they obviously don't. Particularly, the seasonal businesses have moments of peak activity and then periods when not much happens, whether we are talking about farming or fishing or tourism, other such industries. It was never our intent that they be adversely affected, but the amendment she has offered makes a huge difference in that regard. I thank her. The Consumer Financial Protection Agency to allow mortgages to be made on the basis of seasonal income is of great value.

The second amendment, 3755, on the collection of deposit account data, is a very good suggestion. The last thing we want to do is overburden the regulatory environment. The intentions were sound enough. We have an awful lot of people who go into the sort of nonbank, nontraditional sources of support financially. That was sort of the motivation behind it. Her concern, that this could be burdensome—and the last thing we need is more burdens—is worthwhile. I thank her for her contributions. I support these efforts.

I believe, at the appropriate moment, we can adopt these amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent to speak as in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING KALAMAZOO CENTRAL HIGH SCHOOL

Mr. LEVIN. Madam President, I come to the floor to congratulate the students, faculty, staff, and parents at Kalamazoo Central High School in Kalamazoo, MI, who learned today that President Obama will deliver the commencement address for their high school next month. It is a tremendous honor to host a President, particularly this President. I am proud not only that Kalamazoo Central High has been accorded this honor but how the school earned it. More than 1,000 schools submitted applications for a competition called Race to the Top Commencement Challenge. This competition encouraged academic excellence and innovation. Evaluators narrowed the contestants down to six who were finalists. Public voting selected the final three, and the White House then announced today that the President had chosen Kalamazoo Central from those three finalists.

I am not going to make any claim that I am unbiased here, but I believe it is meaningful that this Michigan school represents what is possible for a large, urban public school, open to all students. Kalamazoo, similar to many communities in my State, is not without its challenges. The tough economic times have given public educators an extremely difficult task. Kalamazoo has had to cope with the effects of plant closings, corporate mergers, and downsizings that meant administrators have had to do more with less.

But the people of Kalamazoo have not allowed those challenges to stand in the way of excellence. Kalamazoo is the home of the Kalamazoo Promise. Every graduate of the Kalamazoo public schools is entitled to a scholarship covering a portion of their higher education costs at a Michigan public university, up to 100 percent for those who attended Kalamazoo schools from kindergarten through 12th grade. Since the Promise was established, thanks to the generosity of a small group of anonymous donors, more than 90 percent of Kalamazoo High graduates have gone on to college.

This commitment to quality education for all is nothing new to Kalamazoo. In 1873, a small group of property owners, convinced that they did not need to pay taxes to support a public high school, sued the Kalamazoo School Board. In the ''Kalamazoo Case,'' as it became known, the Michigan Supreme Court upheld the establishment of a public high school supported by tax dollars and open to all. The case settled, once and for all, the status of public education in Michigan and has been cited by courts throughout the country where public education has come under attack.

Today's announcement adds to the rich history of public education in Kalamazoo. It is a fitting honor for the students, educators, parents, and citizens of a community that has once again demonstrated its commitment to academic excellence.

I spoke after today's announcement with the principal of Kalamazoo Central High, Von Washington, and offered my congratulations. He told me the news brought cheers and excitement to the high school students and even a few tears as the word spread quickly throughout the entire Kalamazoo community—the justifiably proud community.

So we all look forward to President Obama's visit to Kalamazoo, and I know that a proud city and a proud school will offer both the best in hospitality and an example for other schools to follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to speak on my amendment with Senator TESTER because we are trying to ensure that safe community banks and large financial institutions are treated equally. I heard Senator TESTER's speech on the floor just a little while ago on our amendment, and I am very pleased we are able to put this amendment forward. I am also pleased the chairman has said he supports my amendment. I think that is a great first step for us, for the chairman to support an amendment, because we all know this bill came to the floor on good faith, the good faith that we would have amendments and we would try to address the legitimate concerns of many in our country, from small businesspeople such as dentists to food manufacturers, as well as community bankers. We don't want—and I know the chairman doesn't want and no one wants—to hurt our economy with financial reform.

I also think I can say we all have a goal of good reform that eliminates some of the things that happened a couple years ago that American taxpayers are paying dearly for right now. We don't want bailouts. We don't want taxpayer-funded bailouts of financial institutions that have taken great risk, and we certainly don't want to hurt our economy, which is not all that great right now, we all must admit. I think that going forward we must address the issues that caused the financial meltdown and stop the misuse of derivatives and get our financial house in order while also protecting our financial house.

So that is what the Hutchison-Tester amendment tries to do. We want to ensure that large banks pay their fair share in deposit insurance premiums and community banks are not over-assessed and, therefore, can continue to provide lending and depository services to creditworthy American families and small businesses. I am very pleased we have a group of cosponsors. Senator TESTER and I are joined by Senator BURRIS, Senator CONRAD, and Senator HARKIN in this amendment.

While much debate has centered on systemic risk and the $50 billion fund to unwind large financial firms, the Hutchison-Tester amendment focuses on bringing parity to the existing FDIC deposit insurance fund. Our amendment will reform the FDIC's assessment base to ensure that banks pay assessments into the deposit insurance fund based on the risk they pose to the banking system.

Currently, the FDIC levies deposit insurance premiums on a bank's total domestic deposits. Unfortunately, domestic deposits are not the best measure to analyze the safety of banks. Financial assets, other than deposits, also create risk in the system but are not considered in determining FDIC assessments. Yet because the system does not charge assessments based on assets, it doesn't fairly assess all the risks in the system.

Community banks with less than $10 billion in assets rely heavily on customer deposits for funding, which penalizes these safe institutions by forcing them to pay deposit insurance premiums above and beyond the risk they pose to the banking system. How? Despite making up just 20 percent of the Nation's assets, these community banks contribute 30 percent of the premiums to the deposit insurance fund. At the same time, large banks hold 80 percent of the banking industry's assets but pay 70 percent of the premiums.

We must fix this inequity. This is a clear imbalance. We must ensure that banks of all sizes pay deposit insurance premiums based on the risk they pose to the system. The Hutchison-Tester amendment will do this by requiring the FDIC to change the assessment base to one which is a more accurate measure—a bank's total assets less tangible capital. This change will broaden the assessment base from $8.5 trillion to $11.5 trillion, and it will better measure the risk a bank poses.

Throughout Senator DODD's legislation, a bright line asset test is used to measure risk to the system. A bank's assets include its loans outstanding and securities held. One need only look back over the last 2 years to realize that assets show a bank's exposure to risk. It wasn't a bank's deposits that contributed to the financial meltdown. Instead, the meltdown was caused by bad mortgages that were packaged up into risky mortgage-backed securities and used to create derivatives. These risky financial instruments, and the large banks which created and held them, were what led to the financial crisis.

Our amendment is especially timely because of the great strains placed on the deposit insurance fund because of

the crisis. Numerous banks have failed over the past 2 years, forcing the FDIC to dip more and more into the fund to cover insured deposits of customers.

In February 2009, with the fund already in a precarious state and more failures expected, the FDIC made an unprecedented move and levied a $5 billion special assessment on all insured institutions. Originally, the FDIC intended this assessment to be eight basis points of an institution's domestic deposits.

This assessment stood to penalize community banks by forcing them to pay for the faults of others, despite having nothing to do with the risky practices that caused the crisis and ensuing bank failures. To add insult to injury, community banks would have paid a disproportionate amount based on domestic deposits in the assessment base.

The FDIC had the regulatory authority to broaden its base to total assets. I raised this point with the FDIC following the announcement of their assessment. I was pleased the FDIC listened. They altered their special assessment to a base of total assets less tangible capital.

As a result, the assessment was lowered to 5 percent of assets—a move which ensured that large banks with heavy assets paid an assessment which fairly accounted for the added risk they posed to the banking system. So I applaud Chairman Sheila Bair for making that decision.

However, the broader base was only used one time and the FDIC has now reverted to the traditional annual premium based on domestic deposits assessments. The Dodd bill continues to give the FDIC the authority to continue using this narrow base of domestic deposits.

The Hutchison-Tester amendment will put in place a statute which ensures that we will have the fair assessment. That will be the mandate. There will not be options to create this unlevel playing field between the big banks and the community banks. It just makes sure the community banks will never have to pay a higher portion of the deposit insurance when they have a lower amount of the assets. Our amendment levels the playing field.

Since the beginning of 2008, 229 banks from across the United States have failed, and because of these failures, it has left the deposit insurance fund below the statutory minimum requirement, despite last spring's special assessment. The discouraging state of the fund has led the FDIC to make yet another unprecedented move. The FDIC is requiring its banks to prepay deposit insurance premiums, all due over the next 3 years, by the end of this fiscal year. We must act now to ensure that these prepaid deposit premiums and all premiums in the future are assessed proportionately so banks pay premiums based on the risk they pose.

I ask my colleagues to support the Hutchison-Tester amendment, to bring additional parity between banks on Wall Street and those on Main Street.

I thank my colleagues who have cosponsored the amendment. I thank the chairman for supporting the amendment. This is one step we can take. I would love for the first amendment taken up to be one that would have bipartisan support, and I hope it is overwhelming support, because our community banks did not participate in the financial meltdown and are not at fault. Yet they are paying a much heavier price. But if we ask the small businesspeople in Texas and probably in most parts of the country where are they getting the loans they need for their businesses to continue to operate, it is mostly from community banks. It is the community banks that have stepped forward in this crisis and have done the best they could to make sure that in every way possible we keep our economy growing with small businesses that are the economic engine of America. So I hope we can have a time agreement very shortly and be able to vote on the Hutchison-Tester amendment, and I look forward to working on this bill for the next few weeks.

There are many amendments that I think are quite legitimate that will help this bill to be one that will fix what was bad in our economic system that caused the financial meltdown but at the same time will protect the legitimate uses of the derivatives, the legitimate banking concerns of our community banks, our Main Street banks, our small businesses needs, and certainly not create another new level of government bureaucracy piled on top of banks that are already regulated. I just hope we don't do overkill, as I would say the Sarbanes-Oxley bill did, which was passed in the aftermath of the Enron scandal. Back then I think there was overkill that hopefully we will be able to go back and address so we keep the bad things from happening, while assuring that our economy can go forward and compete not only in the communities across our Nation but globally.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, very briefly, let me thank my colleague from Texas. I already commented when Senator TESTER of Montana spoke, but I will again thank her and the Senator from Montana and others cosponsoring this amendment. It is a very solid contribution to the bill.

Again, I think the idea of considering the total liabilities obviously makes a lot more sense. It alleviates the burden financially on smaller institutions. It adds that larger institutions have a greater capacity to share more equitably in these costs. Whether it is in our State or not, we read accounts of—as we have seen over the last year and a half—small banks having to close their doors. The pressures on the FDIC are mounting. Again, you don't want to keep adding assessments on institutions that are already trying to lend to businesses in their communities, to provide mortgages and the like.

This is a very constructive amendment and a very solid idea to add to the bill. I thank the Senator from Texas and the Senator from Montana and the others involved. As soon as we work out time agreements, hopefully we can conclude and give the Senator from Texas a couple of minutes before we vote. It is exactly the way I want to manage this bill, if I can. There is a lot of commonality and many common interests, and too often the public only sees the fights we have and they don't realize how many issues we agree on. We are making the effort to try to reach agreements with each other. Obviously, it is not as interesting a story when we agree. It is not as exciting as when there is a brawl on the floor over some issue. I appreciate the media's appreciation of the brawls, but my intention is to limit that and get us to the point where we have common interests in putting a good bill together. Senator HUTCHISON's contribution to this amendment does exactly that, just as our colleague from Maine, who talked about her amendment a moment ago. Senator WARNER has also been very helpful in this bill. I see Senator WHITEHOUSE here. He is also interested in the subject matter. I thank my colleague from Texas.

Mrs. HUTCHISON. Madam President, there is certainly one thing we can all agree on, and that is our assessment of the media and what they really like to write about. I hope we can make progress on this bill and do something good for our country and the economy. I think we have the same goals, and if we really work for the next 3 weeks or so trying to get amendments through, that would be great.

Mr. DODD. Madam President, one of the important things about this amendment is this: There will be amendments offered in which we will take things out of the bill or put things in, but this is an idea which has great value as a freestanding idea in many ways. That is why it has great value. This is something we clearly need to do. You can talk about other parts of the bill, but this is an idea that brings value to the bill—significant value, in my view, in light of the economic circumstances we are in. I appreciate this amendment more than kind of a strike something in the bill or modify something. This adds real value to the legislation. I am appreciative of that.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I had planned to offer an amendment this afternoon. I have been informed by the managers that the

amendment slots are full at the moment. I wish to speak about my amendment and then return to the floor at the earliest opportunity to offer it for a vote.

First, I say to the chairman of the Banking Committee that the bill we are currently debating would do great things to regulate an out-of-control Wall Street, to end the pernicious practice of too big to fail, and to provide for regular consumers an independent financial protection agency to look out for their interests against all the big sharks and lobbyists and lawyers who are ganged up against them on consumer debt. I appreciate the work Chairman DODD and Chairman LINCOLN have done, and I look forward to continuing to work with them on this important piece of legislation.

My amendment is cosponsored by Senators MERKLEY, DURBIN, SANDERS, LEVIN, BURRIS, FRANKEN, BROWN of Ohio, and MENENDEZ, and we are continuing to solicit cosponsorships. We are also receiving endorsements from outside of this body.

The amendment would address an area that is not yet covered by the Wall Street reform bill; that is, runaway credit card interest rates. It would do so not by imposing new restrictions on lending but, rather, by restoring historic State powers—powers that were eliminated in the relatively recent past.

Madam President, when you and I were growing up, a credit card offer with a 20-percent or 30-percent interest rate might have been a matter to bring to the attention of the authorities. Such interest rates were illegal under the laws of most, if not all, of the 50 States. Laws against charging excessive interest rates go much further back than our youth, however. The Code of Hammurabi in the third millennium B.C. limited interest rates. Hindu laws of the second century B.C. limited interest rates. Roman law limited interest rates. So when America was established, there was already a long tradition of protecting citizens against excessive interest rates, and that tradition carried to the founding of the United States of America.

For the first 202 years of our Republic, each State had the sovereign power to enforce usury laws against any lender doing business with its citizens. During those two centuries, our economy grew and flourished, and lenders profited while complying with those laws.

Then, in 1978 came an apparently uneventful Supreme Court case. It was little noticed at the time it was decided. The case was called Marquette National Bank of Minneapolis v. First of Omaha Service Corporation. The Supreme Court there had to determine what the word ''located'' meant in an old statute, the National Bank Act of 1863—whether it meant that the transaction between a bank in one State and a consumer in another State was governed by the law of the bank State or of the consumer State. The resolution was that the term ''located'' referred to the location of the bank and not the location of the consumer. This meant that in a transaction between a bank in one State and a consumer in another, the transaction would be governed by the State in which the bank was domiciled.

Well, it did not take long for the big banks to see the loophole this very narrow decision created. This loophole was never sanctioned by Congress, apparently never intended by the Supreme Court, but it was a significant loophole. It allowed banks to, for the first time in the Nation's history, avoid interest rate restrictions by the States of their consumers. It allowed them to get through that loophole by reorganizing as national banks and moving to States with comparatively weak consumer protection.

Once the banks figured out that loophole, what is called ''a race to the bottom'' ensued. Bank credit card centers moved to States with the worst consumer protections, and in some cases States made their consumer protections even worse in order to attract that business to their State. The result of that is that today the credit card divisions of major banks are based in just a few States. That deal with the bank State causes consumers in all other States to be denied their traditional, historic, lawful protection against outrageous interest rates and fees.

With millennia of interest rate protections behind us and hundreds of years of protection by the sovereign States of our Nation, the current system that has developed since that 1978 decision is the oddity in our history.

My amendment would do nothing more than reinstate the historic, longstanding powers of our sovereign States to protect their citizens against excessive usurious interest rates. Let me be clear about what this amendment would not do. It would not mandate anything. It would not even recommend interest rate caps. It would not impose any other lending limitations. It would just restore to our sovereign States the power they enjoyed for over 200 years from the founding of the Republic—the power to say: Enough. Thirty percent or 50 percent or 100 percent is too much interest to be charged to its citizens.

The current system is unfair to consumers, but it is also unfair to local banks—banks that continue to be bound by the laws of the State in which they are located. A small local bank has to play by the rules of fair interest rates. The gigantic national credit card companies can avoid having any rules at all. That is not fair. We need to level the playing field to eliminate this unfair and lucrative advantage for Wall Street banks against our local Main Street community banks.

To make sure lenders cannot find another statute to use to once again avoid State law, my amendment would apply to all types of consumer lending institutions and not just national banks. So no more changing your charter or your means of business to avoid limitations on gouging your customers.

My amendment gives State legislatures ample time to revise their usury statutes if they wish and gives lenders ample time to adjust. The amendment would not go into effect until 1 year after the President signs the bill into law.

In the meantime, it is worth noting that most States' usury laws are around or above 18 percent. Presently, federally regulated credit unions do quite well under a Federal 18 percent interest rate cap. So there should not be a large shock when this amendment goes into effect as law. It is the 30-percent-and-over interest rates that are the recent anomaly, the historic peculiarity, the oddity, and cruelty to consumers that States have traditionally been able to defend against.

We should go back to the historic norm, the way the Founding Fathers saw things under the doctrine of federalism, and close this modern bureaucratic loophole that allows big Wall Street banks to gouge local citizens and compete unfairly with local banks.

I ask my colleagues for their consideration of this amendment and urge them to support it. I think it is a good amendment.

I see the distinguished majority whip on the floor. I yield back my time so that he may speak.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the Senator. I hope to join him as a cosponsor. It wasn't that long ago—the Senator will remember—when we had a debate on the floor about credit card reform. People across America said: There are some things going on with credit cards that aren't fair and right, and we need you to police these credit cards and make sure they don't do outrageous things and charge people unreasonably.

I think we made some progress in the law we passed, but we made one critical error: we gave the credit card companies a long grace period to adjust to the changes. If you will notice, over the last year or so you received notices—I got them at my home in Springfield, IL—from credit card companies saying they were going to raise interest rates on the credit cards before the new law went into effect. My wife saved them and said: Mr. Smart Senator, how did you let this happen? It turned out that we had no control on those interest rates during that period of time and very little after the reform bill.

What the Senator from Rhode Island is challenging us to look at is this:

What is a reasonable amount to charge for an interest rate? His decision—and I concur with it—is, let's let each State make that decision.

Thirty-two years ago, the Supreme Court incorrectly removed the authority of States to make that decision. They said: If your credit card company is located in State X, you are bound by the laws of State X when it comes to interest rates for all of your customers across the United States. You don't have to change for a customer living in Arkansas, which has a cap on interest rates, or for a customer living in Illinois. You just take the law of State X and that is the law you apply to your customers.

The Senator from Rhode Island says: Why would we allow that? Why don't we let standards be established by each State? He doesn't dictate the standard—whether it is 5, 10, or 100 percent. That will still be up to the State. He doesn't say it will happen overnight. He gives a year for them to phase it in.

It will also level the playing field for a lot of community banks and local financial institutions in each State bound by State law.

When the community banks in Illinois are doing business with me as a resident of Illinois, there are laws that can apply, and in other States as well. But when it comes to credit cards, they can charge me whatever they want because the States they say they do business in have no rules whatsoever.

The net result of this most people understand. If the interest rates are not regulated, if they literally go to the high heavens, people end up paying enormous sums of money. The penalties involved go through the roof as well.

This is a legitimate issue and a legitimate subject for us to raise. I believe, as the Senator from Rhode Island does, that there is a reasonable level of interest rates where a reputable institution can make a good profit. Beyond that, it turns out to be a trap that a lot of people fall into because they do not realize there is no ceiling whatsoever on the interest rates they are being charged.

There will be other amendments on this financial stability bill. This is one that I think most people will understand completely. The law of your State will determine the interest rate you are going to pay on your credit card, not the law of some other State. I do not think it is an unreasonable amendment. It is a very reasonable one. It reduces the cost for families and businesses and the life they lead, and it gives to each State the authority to decide what that limit will be within each State. For those who argue against Federal control, the Senator from Rhode Island is taking this right back to the local level where the decisions will be made.

I am happy to support his amendment, and I encourage my colleagues to join us in cosponsoring it.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank the Senate majority whip for cosponsoring our legislation. I appreciate his support immensely. He has a wonderful way of making things clear and helping people understand how basic and simple and historic this amendment is. It takes us back to the way the country was through the vast majority of its history.

The ''greatest generation'' served in World War II, came home, and went to college and built the society we now live in under these rules. George Washington and his men at Valley Forge served under these rules. The Civil War took place and the Korean war took place under these rules. There are 202 years of solid history behind this issue.

I will close with an appeal to my colleagues to continue to show interest in this legislation, in particular my colleagues on the other side of the aisle. If you believe in States rights, this is a good piece of legislation.

If you believe in States as laboratories of democracy, as centers of innovation, as places where you multiply times 50 the chance of getting the right answer when you allow a little bit of innovation to take place, you should support this legislation.

If you take comfort in more than 200 years of solid American history proving that this is the right way to go, you should support this amendment.

If you want to protect consumers in your State from out-of-State banks that are out of control and have no restrictions on interest rates they can charge your consumers, you should support this amendment.

If you think the Federal Government has too much power and you want the States to have more say about what can take place with its own citizens, you should support this amendment.

I look forward to continuing to push for a vote on this amendment. I think it is an important one.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, more than 18 months after the collapse of Lehman Brothers put our financial system into a deep freeze, we are at a crossroads in history. We can continue to turn a blind eye to the very real threat that excessive risk taking and reckless deregulation pose to our economy or we can choose to learn from the financial disaster that nearly brought our economy to a screeching halt. I urge my colleagues to choose reform.

We can't wait any longer to take on the challenge of overhauling the rules of the road for our financial system. We have a regulatory system based on the 1930s and 1970s and a financial world in the year 2010. We have an economic imperative to pass a strong set of financial reforms. The shock waves in the real economy that resulted from the financial crisis are still being felt today by the millions of Americans who can't find a job or are facing foreclosure, who can't pay their children's college tuition or have to put off retirement because their savings have been decimated.

We have 9.7 percent unemployment in this country, not because of any reform proposal that has yet to become law but because of an irresponsibility in the financial system and a broken-down financial regulatory system that was last updated in the 1930s and allowed too many firms, and even whole markets, to slip through the cracks. If we do nothing, we will surely find ourselves facing a similar crisis in the not too distant future.

Senator DODD and my colleagues on the Banking Committee have put together a bill with strong forward-looking reforms that make our financial system stronger and more stable so it can return to its fundamental role—helping our economy grow and innovate and create jobs. The bill lays out new rules of the road, fills gaps in our regulations, and protects consumers and investors. Most importantly, by creating a new resolution authority—which I know my colleague from Virginia, who is sitting on the floor here now, has worked very hard on—this bill ensures that taxpayers will never again have to bail out large financial institutions. Firms that fail, will fail, period. There will be no rescue or bailout, only an orderly unwinding that forces stockholders and bondholders to suffer, not taxpayers.

As a New Yorker, I see the connection between Wall Street and Main Street every day. The financial industry is responsible for 500,000 jobs in New York City, and most of them are not the kind of fancy, high-paying jobs you read about or see in the movies. The average salary for these jobs is about $70,000. But I realize the financial system plays a special role far beyond Manhattan. There are many analogies. It is the heart of the economy, the lifeblood, the circulatory system, the engine of the economy or the oil that greases the gears. Whatever image you choose, it is absolutely critical to helping businesses grow and innovate and create new jobs. So our reform must be forward thinking and strong but not punitive or vindictive or vengeful, because that will hurt the whole economy.

With the special status of the financial system come special responsibilities. The industry has reacted to many of the new proposals by arguing that they will kill innovation. But because we can make cars that go 200 miles per hour doesn't mean we shouldn't have speed limits. In general, I think this bill strikes the necessary balance between maintaining an innovative and competitive financial system while ensuring that the recklessness that occurred by some on Wall Street will never again threaten the financial health of Americans on Main Street. Make no mistake about it, these reforms will be good for both Wall Street and Main Street.

The bill will create a financial system where consumers and investors on Main Street can have confidence in the products and services they receive and where they put their money; a financial system focused on getting capital into the real economy, so people can start new businesses and grow their existing ones. At the same time, the certainty and stability that reform will provide will make our financial system even more attractive to investors around the world and will help keep America at the forefront of the world's economy.

I believe this bill will strengthen jobs and income creation in my State of New York, not leak it, because it will make the system stronger. It will make people have more confidence in that system, and money from around the world will flow into New York, which is the capital of the financial system for our Nation and our world.

The bill Senator DODD put together is stronger in many ways than most people expected it to be a couple of months ago. It contains several core reforms that will go a long way toward fixing the problems that crept up in our financial system over decades. The bill would make sure taxpayers never again have to foot the bill when large institutions fail; make sure every large financial institution has a regulator looking over its shoulder to prevent excesses, and a council of regulators looking at risks across the whole system; make sure derivatives—which, when abused, can put the whole system at risk—are traded transparently, at the very least, and on an exchange whenever possible.

I should note this is a huge change from the way the derivatives market works now. We would go from a totally unregulated market to one that is regulated, where regulators know every trade that happens and risks can't build up in the system without anyone knowing better.

The bill will also make sure there are stronger consumer protections to ensure institutions can't take advantage of average Americans in their mortgages, credit cards, or other financial instruments. It would give investors additional power to hold their boards accountable so they are not asleep at the wheel the next time their management is loading up the company with risk.

Like many of my colleagues, however, I believe there are areas of the bill I wish to see improved, and I will continue to work with my colleagues on the floor to do that. First, I wish to see even stronger consumer protection in the financial services area, and I am working with Senators REID and DURBIN and others to strengthen this part of the bill. This is an area where I have worked hard for decades now in Congress, both in the House and Senate. It is clear to me we can't force Congress to pass a new law every time a credit card company figures out a way to skirt the old laws. We need an independent agency whose only mission is to protect consumers, and that agency needs to write and enforce rulings across the board for all financial institutions.

I am sponsoring an amendment to expand the enforcement authority of the Consumer Protection Bureau over all nonbanks, such as payday lenders and rent-to-own companies, to make sure consumers are protected no matter who they rely on for financial services.

In the area of consumers, small companies can rip off consumers just the way large companies can. And while large companies can pose a greater risk to the system as a whole, small companies can pose every bit as great a risk to the individual consumer, and the distinction between the two is faceted and unfair.

I also think the bill could go farther in dealing with credit rating agencies, and I am working with Senator FRANKEN on a proposal that would reduce the conflicts of interest inherent in their current business model. There are other changes I will proposal as well.

In conclusion, we have many tasks in front of us if we are to rebuild the American economy, but a stronger financial system focused on the needs of the real economy is crucial in that effort. There should be no doubt that part of putting us back on the path to prosperity requires instituting smart, thoughtful financial reforms.

Mr. President, I yield the floor.

ENEMY COMBATANTS

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to share a few remarks about the recent arrest of the Faisal Shahzad, the individual who allegedly attempted to detonate a car bomb in Times Square in a plot to kill a lot of Americans.

I have been asked about that incident several times over the last several days, and I think I was incorrect in making comments to reporters and even to friends about the precise legal situation in which we are involved. Let me briefly summarize what I think the current state of the law is, and all of us will then be better able to respond to the questions we may be asked.

The Christmas Day bombing suspect, Umar Farouk Abdulmutallab, as was established pretty quickly, is an unprivileged enemy belligerent and is thus eligible to be tried for his offenses and detained as a person at war against the United States. Mr. Abdulmutallab is an individual who could be held as a prisoner of war, if the military so chooses, for so long as the hostilities continue, just as we did in World War II and every war the United States has been part of. Also, the military would be entitled to try Mr. Abdulmutallab, the Christmas Day bomber, by military commission. That is what we would normally do, and that is what was done in World War II when we caught Nazi saboteurs plotting to blow up targets in the U.S.

I believed the administration made a mistake when they treated Mr. Abdulmutallab as a civilian criminal and provided him Miranda rights and appointed him a lawyer, which we have to do if we are going to treat somebody as a criminal rather than an unprivileged enemy belligerent. I believe firmly that was an error, and the normal procedure should be for these types of individuals to be tried or detained by the military because they are not criminals, they are warriors.

Yesterday's arrest of the Times Square bombing suspect, Faisal Shahzad, raises similar questions. My initial thought was that the Supreme Court has clearly held that a U.S. citizen who has joined the enemy to fight against this country can be designated as an unlawful enemy belligerent and could be detained for the duration of hostilities. That is a fact Abraham Lincoln never had any doubt about when he took people prisoners. I guess George Washington, when there was the Whiskey Rebellion, he never had any doubt he had the ability to attack, destroy, or arrest people when they were at war with the United States. Fortunately, he did not have to go so far, but that is the kind of thing the Supreme Court reaffirmed in Hamdi v. Rumsfeld.

In the Hamdi case, Justice Sandra Day O'Connor, who wrote the opinion, made clear that a citizen who has taken up arms in hostilities against the United States can be designated as an unlawful enemy combatant—''unlawful enemy belligerent'' is the phrase she used—and she wrote the opinion which said:

> There is no bar to this Nation's holding one of its own citizens as an enemy combatant. . . . A citizen, no less than an alien, can be ''part of or supporting forces hostile to the United States or coalition partners'' and ''engaged in an armed conflict against the United States''; such a citizen, if released, would pose the same threat to returning to the front during the ongoing conflict.

That is perfectly sound and perfectly reasonable. She concluded that Mr.

Hamdi, who was captured alongside the Taliban in Afghanistan but who was an American citizen, could be detained for the duration of the hostilities authorized by the Authorization for the Use of Military Force that Congress passed, authorizing military force against him in order to keep him from rejoining the enemy.

We have had quite a number of people who have been released from Guantanamo, who have been captured in the process, who have returned to the combat and attacked us. So it is clear that under Hamdi, the administration has the authority to detain the Times Square terror suspect as an unprivileged enemy combatant if he can be linked to our terrorist enemies within the definitions of the Military Commission's Act.

But I want to be clear. There is a distinction: this suspect, unlike the Christmas Day bomber and the 9/11 plotters, cannot be tried via military commission under current law. He can be detained by the military, but not tried by military commission. In previous conflicts, military commissions were used to try civilians who took up arms against the United States in ways that violated the rules of war. For example, Herbert Haupt was one of the Nazi saboteurs who was prosecuted via military commission after plotting to blow up targets within the United States in the early months of World War II. He was a naturalized U.S. citizen, and the U.S. Supreme Court, in the landmark case of ex parte Quirin, allowed the commission to go forward with his trial, and I think he was executed. A number of the people involved in that case—most of those who sneaked into the country by submarine, as I recall, off our coast, to blow up our cities and infrastructure and kill civilians—were tried for being in violation of the rules of law, very much unlike a German soldier who was captured on the battlefield during the Battle of the Bulge. They were detained as prisoners of war throughout the war. Because these people had violated the rules of war they could be tried by a military commission.

But what happened in the Haupt case ex parte Quirin is no longer law. Since 2006, the Military Commissions Act that Congress passed required and made it clear that the military commission trials are only available for alien unprivileged enemy belligerents. Accordingly, the Times Square bombing suspect who appears to be a citizen must be prosecuted, if he is prosecuted and tried at all, in Federal court—if the reports are accurate that he is a citizen.

I want to be sure. I think we have this matter straight. I believe an alien unlawful belligerent who is captured should not be treated like a criminal. They should not be appointed a lawyer that day to tell them don't say anything. They should not be advised of their rights because they are prisoners of war. If their actions amount to a violation of the rules of war, an alien unlawful enemy belligerent can be tried in civilian court, if we choose, or tried by a military commission. But if they are a citizen and they are caught under these circumstances, they can be detained in military custody, but they can't be tried by a military commission. They can only be tried by the civilian courts in civilian trials.

With regard to the matter of Miranda warnings, Miranda is not a constitutional requirement. It was never part of American law until recently—40 years ago, 50 years ago. No nation in the world I think—except perhaps one, I forget which one—provides that you have to warn people they have a right to remain silent. We can ask them questions. They can remain silent. We can't force them to talk, but we don't have to read them the Constitution before we ask them questions. But we do.

So, to me, it makes no sense that we would provide this extra constitutional right to unlawful enemy alien combatants like a Christmas Day bomber. They should be detained by military custody. If they need to be tried, the choice should be made between whether to be tried in civilian courts or military courts. The ability to obtain good intelligence about the operation is more enhanced, in my view, without any doubt—even though sometimes people who are given the Miranda rights talk—but there is no doubt we will have less people talking if they are appointed lawyers and read Miranda rights than if we don't.

Since war is won or lost so often on the question of who has the best intelligence, we should not provide lawyers to individuals who are at war with us and seek to destroy our country and kill innocent men, women, and children.

I think that is the basic state of the law today. I have been a bit confused myself, and I am glad my staff has helped me get correct.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, this week, as the Senate moves forward with consideration of Wall Street reform legislation, I am optimistic that legislation will be passed that reforms our financial system and prevents those who nearly brought down the economy from ever being able to do that again.

As we have heard many times over the last several weeks, the bill creates a mechanism to monitor the economy for nationwide trends and risky patterns that could lead to problems. It establishes a consumer watchdog dedicated to identifying and preventing lending trends that are harmful to consumers. In addition to preventing future bailouts, the bill also requires that most financial speculation be done in the open, while addressing the underlying problem that allowed the banks to go casino-crazy in the first place. It also brings derivatives into a transparent marketplace. I believe all these changes will make the American financial system more transparent, accountable and responsive to future risks.

It has been discouraging to see some Members and special interests opposed to these changes. In fact, I believe it is hard to argue against these reforms with a straight face. Yet those against reforming Wall Street have been doing just that, asserting that making markets fair and transparent will somehow hurt the economy. These reforms will help, not hurt, American consumers, small banks and small businesses.

As I have said before, our community banks in South Dakota, and across the Nation, have acted responsibly. It was the actions of large, interconnected financial institutions that endangered our economy and received Federal bailouts.

This bill eliminates the likelihood that the government would once again be forced to throw billions of dollars at Wall Street or run the risk of bringing down our entire economy.

The community banks in South Dakota, and across the country, are a vital part of our economy, as they reinvest money back into the communities they serve. This legislation will help community banks since it levels the playing field between banks and nonbank financials, such as mortgage lenders.

In addition, the bill fills many regulatory gaps, helping solve the problem of charter shopping, meaning financial institutions will no longer be able to choose the regulator they think will be the friendliest.

I would also like to see the legislation go further in some areas, such as the registration of private equity and venture capital with the SEC, in addition to hedge fund registration.

I also believe the legislation fills important regulatory gaps relating to insurance regulation. This legislation establishes the Office of National Insurance, and gives this office the ability to negotiate international agreements, a task that is currently a struggle for our country in a global marketplace.

These provisions will give us a better picture of what is happening in this national and international industry, something we do not have now. We should resist efforts to take authority away from the Office of National Insurance.

This bill has had substantial input from Republicans and Democrats. As the legislation process moves forward, I hope that bipartisan language on investor protection can be retained, that

we can find common ground on national preemption and State AG enforcement, and that additional good ideas from both sides of the aisle can be incorporated into this legislation through the amendment process.

I believe all Members of this body want to support bipartisan legislation to reform Wall Street. But, as we seek bipartisan consensus, we should assess all amendments from a Main Street, commonsense perspective.

South Dakota's small farms, ranches and business operate with transparency and accountability. It is time for that same transparency and accountability to be extended to Wall Street.

Taxpayers, consumers, and businesses across our Nation have been affected by the gambling of Wall Street. The fallout of Wall Street's recklessness has affected all of us, whether it is job loss, foreclosure, loss of retirement funds, or decreased access to a loan or other type of credit.

Nearly 2 years have passed since the financial crisis. It is time to move forward and fix our failed system of financial services regulation.

A young South Dakotan was in my office last week, and said that he thought this bill represents South Dakota values, because he was raised with the value that you should be careful with your money, and even more careful with someone else's money. That is something that Wall Street forgot.

Any legislation that passes this body must make our markets safer, better protect consumers, create a level playing field for industry, and remind Wall Street that our Nation's economy is not something they are free to gamble away.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I just wish to say to my friend how much I appreciate his involvement and support and effort over the past many months that we have worked in this area, since the collapse of our economy back in the fall of—well, it began earlier than that, actually, as we witnessed early in 2007 the mortgage crisis occurring across the country.

Senator JOHNSON has been tremendously helpful and valuable. He is my seatmate on the Banking Committee. We have been sitting next to each other on that committee for the past 3 years and working on these issues together. He brought great value to this debate and discussion, contributed significantly to the product before us, and I wished to thank him for that.

We have some work to do, obviously, in the next number of days on this bill. But it is a good bill. I appreciate his comments about how it has been a bill crafted not by one member, not by a chairman of a committee but by a group of us on that committee, Democrats as well as Republicans who contributed to this bill.

So I thank him for his work.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I know the Senator from Connecticut has been on the floor all of this day managing a piece of legislation, and it appears to be kind of a lonely process here. He is managing what is a very important piece of legislation dealing with financial reform or Wall Street reform. I know he is perhaps as frustrated as everybody else that we are not making more progress and voting on amendments. I know work is going on behind the scenes as well.

I hope we will be able to move ahead and get a good piece of legislation through the Senate. I don't know what time it will take, but what is far more important is that we get it right. The consequences of not making the changes necessary would be that we would experience again at some point in the future the kind of financial crisis we have seen in the last couple years. It is a significant crisis for a lot of Americans—about $15 trillion of lost value, but that is an aggregate number that doesn't mean much.

What means something is that millions of people are losing their jobs, their homes, and many are losing hope. That is the consequence of this kind of very deep recession—the deepest recession since the Great Depression.

Following the Great Depression, if you read the economic history of the country, you will find that a number of very aggressive pieces of legislation were put into place to protect our country and make certain that could not happen again. Those pieces of legislation enacted into law lasted for a long time—70 or 80 years—to protect this country's economic interests. But what happened was that a number of people decided they were old-fashioned provisions and needed to be modernized, so we had modernization legislation that I did not support. We had to modernize the system. That modernization a decade ago caused massive problems. So now we are back having experienced the last couple of years and a very deep recession that is not a natural economic disaster; it is manmade. I think it is caused by the most unprecedented greed this country has ever seen among some of its largest financial institutions.

It is important to say that banking is critical to this country's economic existence. You need production and you need finance. I don't think we ought to suggest—and nobody has—that finance is not worthwhile. It is very important. You can't produce or have businesses without the ability to provide finance for those businesses. But over a couple of centuries of economic history in this country, sometimes producers have had the upper hand; sometimes those in the finance production have had the upper hand. For the last 15, 20 years, those in finance production in this country have had an unbelievable amount of clout and sway and the upper hand. That has caused us serious problems.

Today, I am not talking about the origins of this latest economic wreck—I have done that many times before—but starting with the subprime loan scandal that permeated much of the country, there was unbelievable greed and excess, securitization of bad mortgages that were rated AAA and passed from one to another, from mortgage bankers, to hedge funds, to investment banks, and back and forth.

Then even that wasn't enough. They were passing a bunch of bad paper around where everybody was making big fees, not knowing what they were buying, and buying things they would not get from people who never had it.

That wasn't enough. Then we created synthetic securities and naked swaps. I guess that was a natural extension by those who were greedy enough to believe you have to have something to trade no matter what the circumstances. So they created instruments—debt instruments, securities, and others—that had no value. They were debt instruments related to values of things that were extraneous, so there was no insurable interest.

A naked credit default swap is something that has no insurable interest on either end. It is simply two people who have decided to bet on whether a bondholder over there may or may not default, despite the fact that neither of these people has an economic interest in the bond. They are just making a wager. They could have just as well put it on black or red at the roulette wheel or played the craps table or played blackjack. It is not an investment; it is just betting.

That all went on, and there was a dramatic amount of new leverage and borrowing. I cannot begin to describe the excess that occurred. I guess the final circumstance for me to see what was wrong with all of this was that in 2008 the ''Wall Street'' firms earned a net negative of about $36 billion, that is, they had $36 billion of losses, and still paid, I believe, $17 billion in bonuses. That represents sort of the most egregious excesses you can imagine.

The question now and the circumstance that exists that I know the Senator from Connecticut cares a lot about is how do we restore confidence? How do we restore some confidence for the American people going forward? If we do not have confidence, this economy is not going to expand and rebound.

The answer is, we put together a piece of legislation called Wall Street or financial reform and construct it the right way to try to make certain the things that were done cannot be done again, to make certain the kind of economic wreck that occurred cannot happen again.

My colleague from the Banking Committee, the chairman of the Banking Committee, Senator DODD, and others have done quite a good job of putting together a piece of legislation that moves in that direction. It can be improved, in my judgment, and perhaps will be. I know he will agree with that as well. There are other ideas that can be brought to the floor of the Senate on this legislation.

I am going to talk about two of them ever so briefly—actually three, but one of them will be very quick.

Senator GRASSLEY and I intend to offer an amendment that says to the Federal Reserve Board: You must disclose to whom you were providing emergency assistance during the financial debacle on Wall Street, including loans out of the discount window to investment banks for the first time in history. You must disclose whom you provided loans to, what the terms were, and how much those loans amounted to. Two Federal courts—the district court and now the appeals court—have ordered the Fed to do so. The American people, they said, deserve to know. The Fed announced they intend to appeal that once again.

Tomorrow, Senator GRASSLEY and I will offer an amendment that says the law will require them to make that disclosure. The American people deserve to know.

On the other two issues, one is on too big to fail. This is central to the bill. There are a lot of ideas about too big to fail. Mine is, I think, the most direct, the most decisive, and the most effective.

If the Financial Stability Oversight Council decides that an institution is too big to fail—that is, by definition, the construct and size of that organization would create a moral hazard to this country, would create unacceptable risks and grave risks to the entire future of the American economy—if that is the case, if that is the judgment, then it seems to me you have to pare back portions of that enterprise until it is not any longer too big to fail and causing grave risk to the future of this economy.

In my judgment, the most direct and reasonable thing to do is to simply require that you restructure and require divestiture, where necessary, of those portions of an institution that have become too big to fail and cause a grave risk to the future of this country's economy, should they fail.

I will be offering that amendment. I know it is different than some others. My colleagues, Senator BROWN and Senator KAUFMAN, have an amendment which I will vote for and support as well on this issue. I think this is probably the most direct and probably the most effective amendment on the issue of too big to fail.

Finally, I am going to offer an amendment that would ban what are called naked credit default swaps. If people want to gamble, just bet one another. There are plenty of places to do that in America. Las Vegas comes to mind. Atlantic City comes to mind. It seems to me, we should not mistake betting for investing. We ought to get back to basics in our financial institutions.

I think we have something close to $25 trillion of credit default swaps that exist now. I don't know what percent of them have no insurable interest, that represent just wagers, just flatout bets rather than investments. In England, a study suggested that about 80 percent of credit default swaps are what are called naked credit default swaps with no insurable interest. If that is the case on this side, we are talking about a notional value of perhaps $16 trillion, $17 trillion of instruments out there that simply allow for the making of wagers that have nothing at all to do with the insurable interest and bonds.

I mentioned earlier that Mr. Pearlstein, who writes for the Washington Post, once observed a pretty simple question: Why should there be more insurance policies to insure bonds than there are bonds to insure? The answer is obvious. They created these excess insurance policies that have no insurable interest so people could just gamble. It is fine if you are gambling with your own money, but once you start gambling with the taxpayers' money, if you are a federally insured bank and the taxpayers are going to bear the risk, that is a different matter.

I am going to offer these amendments. I say, again, as I said when I started, all of us who come to this debate about financial reform or Wall Street reform understand that an effective, functioning system of finance in this country is essential to the well-being of America. I do not think anybody wants to take apart a system of finance that has the different levels of FDIC insured banking, commercial banking, investment banking, venture capitals, hedge funds—all those are important to this country's long-term future. I personally would like to see hedge funds and derivatives regulated. I have talked about that with Senator FEINSTEIN and others for a long time. It is very important that we have a system of finance that has the confidence of the American people and that we need in order to finance the production in this country.

Ultimately, all of us would like the productive sector to be repaired, to grow and hire people once again, employ people, and have ''Made in America'' put on products once again. All of us would like to see that happen. That will not happen unless we have a working system of finance as well.

We had a hearing where representatives from three businesses came to that hearing. All three were small- to medium-sized businesses. All three had sailed through this deep recession, with some difficulty, but were still profitable. All three were ready to expand, ready to hire more people, and none of them could find any financing to do it. None of them have been delinquent. All of them had existing banking enterprises with which they had a relationship and always paid back everything they owed. They had never been delinquent. Yet they could not find the funding to expand their business and hire more people. That is what is wrong.

Even today, by the way, some of these record profits that are coming from some of the biggest financial institutions are coming not as a result of their lending money to people but as a result of their trading, in many cases in some of the same securities that caused some of the same problems a couple years ago and over the last decade.

This reform legislation is essential. This is one of the most important pieces of legislation we will have considered in this Congress—probably the most important. In many ways, the consequences of what we do will be with us for a decade or more. That is why it is important to get this right.

I say to my colleague from Connecticut, I wish to be helpful to him. He has written a piece of legislation that has much to commend it. This Senate owes him a debt of thanks and the Banking Committee a debt of thanks. That does not mean we cannot offer amendments that might improve pieces here and there. But this is an awfully good start.

My hope is, Senator DODD will have sufficient cooperation in the Senate to begin getting votes on amendments so we can get through this, have the debate, and get the best ideas that everybody has to offer and get a piece of legislation that will give the American people some confidence once again.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I wish to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF THE BIODIESEL TAX CREDIT

Mr. GRASSLEY. Madam President, last Tuesday, President Obama traveled to Iowa. He visited counties and towns that have been hit particularly hard by the economic downturn. While Iowa's average unemployment rate stands at 6.8 percent, Lee County's unemployment rate stands near 11 percent. Wapello County's unemployment rate is at 9.5 percent. These were the counties that President Obama visited. Over 1,000 jobs have been lost in each of the 3 counties he visited since the recession began.

The visit to Iowa was billed as an effort to highlight the steps taken to achieve long-term growth and prosperity by creating a new, clean energy economy.

During his trip, the President visited a Siemens wind blade manufacturing facility in Fort Madison. I had the opportunity to visit there about a year and a half ago. The President touted Iowa's leadership in the production of wind energy. This Siemens facility is a great facility. I recall just a few years ago speaking to Siemens manufacturing when they were looking for a site for their first wind production facility in the United States. I told the executives at Siemens they would not be disappointed if they chose Fort Madison for their facility because Iowans are some of the hardest working and honest people in the country.

I am particularly proud of the second-in-the-Nation status of Iowa's wind production. I first authored and won enactment of the wind production tax credit in 1992. This incentive has led to the exponential growth in the production of wind across our entire United States.

It has also helped my State of Iowa to become a leader in the production of wind energy component manufacturing.

The emerging wind industry has created thousands of jobs in recent years in the cities of Newton, West Branch, Cedar Rapids, and Fort Madison.

When President Obama says energy security should be a top priority, I agree with our President. When he says we need to rely more on homegrown fuels and clean energy, I agree with our President. When he says our security and our economy depend on making America more energy independent, I agree with our President.

During a subsequent visit to an ethanol facility in Missouri, President Obama stated unequivocally that his administration would ensure the domestic biofuel industry would be successful. The President and I are in strong agreement that renewable biofuels are a key part of our future.

Unfortunately, I believe President Obama missed an important opportunity to make a push for the message of the biodiesel tax credit. While the President was in Iowa touting green jobs, this Democratic Congress has, in effect, sent pink slips to about 18,000 people who depend on the production of biodiesel for their livelihood.

On December 31, 2009, the biodiesel tax credit, which is essential to keep a young bioindustry competitive, expired. In anticipation of the expiration of the tax credit, Senator CANTWELL and I introduced a long-term extension in August of 2009. That bill was never considered last year.

In December, as the expiration loomed, I came to the Senate floor to implore my colleagues to put partisan politics aside and pass a clean extension of the biodiesel tax credit because, without an extension, I knew the industry would come to a grinding halt, and it has.

For whatever reason, the Democratic leadership in the House and the Senate have never considered this extension a priority. Now the industry is experiencing the dire situation I predicted.

On January 1 of this year, about 23,000 people were employed in the biodiesel industry. Because of the lapse in the credit, nearly every biodiesel facility in the country is idle or operating at a fraction of capacity. Nearly all of Iowa's 15 biodiesel refineries have completely halted production. This has led to the loss of about 2,000 jobs in Iowa alone.

The thousands of jobs created by the wind industry in Iowa have essentially been offset by the thousands of jobs lost in the biodiesel industry.

You do not have to take my word for the dire state of the industry. A $50 million biodiesel facility in Farley, IA—that is in northeast Iowa—announced that they just laid off 23 workers and cut the pay of the rest of the staff. Renewable Energy Group laid off 9 employees in a facility in Ralston, IA, and 13 in Newton, IA. Ironically, the Newton biodiesel facility is 1 mile down the road from a wind manufacturing facility that President Obama visited on Earth Day just last year. During President Obama's trip to Iowa, he was within a few miles of three biodiesel facilities that are idle: one in Keokuk, IA, one in Washington, IA, and another in Crawfordsville, IA.

According to a press release from the Iowa Renewable Fuels Association, an Iowan affiliated with biodiesel industry was able to speak to President Obama very briefly following a townhall session in Ottumwa, IA. Mr. Albin, vice president at Renewable Energy Group, told President Obama that plants are idle and 90 percent of the biodiesel employees have been laid off simply as a result of the tax credit lapse. According to Mr. Albin, President Obama assured him that he would not let the biodiesel industry die.

He recalls the President saying something like this—and I want to quote what I suppose was a paraphrase by Mr. Albin:

> I'm the President and I promise I will do whatever I can. Look, I'm on your side, but I've got a Congress to deal with.

Well, I can understand what the President would say. I happen to believe that in my 4 years of serving with then-Senator Obama, that Senator Obama, now President Obama, is very sincere about the promotion of ethanol and biodiesel or biofuels—whatever you want to call it. In fact, I had the good occasion of working with then-Senator Obama on a Senate bill when I was still chairman of the Finance Committee to promote the tax credit that is now in place so that filling stations can get a tax credit for putting in for E85 ethanol, as an example. So I don't question President Obama's response to Mr. Albin. Of course, we do have checks and balances in government and the President has Congress to deal with. But I hope President Obama will take strong action to insert himself into this debate in the Congress.

It seems that even President Obama, from this quote, is frustrated by the lack of action by the Democratic congressional leadership on this issue.

Mr. President, I ask unanimous consent to have printed in the RECORD this press release from Iowa RFA at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. The board president of Western Iowa Energy in Wall Lake, IA, recently stated:

> Due to the continued lapse of the biodiesel tax credit, Western Iowa Energy continues to suffer from significantly limited sales and reduced sales forecasts. Due to these market conditions, we have made the difficult decision to idle our facility. Today we are laying off 15 full-time employees. This represents more than 50 percent of our staff.

On February 10, Senator BAUCUS, chairman of the Finance Committee, and I worked in a bipartisan fashion to develop an $84 billion jobs package that included a 1-year extension of several energy tax credits, including the biodiesel tax incentive. Before the ink was even dry on the paper, Majority Leader REID scuttled our bipartisan package in favor of a partisan approach. That delayed passage of an extension in the Senate for well over a month, until the month of March.

Now it has been languishing for 6 weeks. Where is the urgency? This Congress jammed through a stimulus bill that spent $800 billion to keep the unemployment rate below 8 percent, and of course it didn't stay below 8 percent. Yet we can't find the time to pass a simple tax extension that will likely reinstate 20,000 jobs overnight. We are 4 months delinquent in our obligation to these biofuel producers with no end game in sight. The lack of action on this issue defies logic or common sense.

So while the Democratic leadership talks about creating green jobs, their

action has led to job cuts. Americans are unemployed today because of the action—or more aptly the inaction—of the Democratic congressional leadership, particularly on this biodiesel issue.

The United States is more dependent upon foreign oil because of the inaction of the Congress. Automobiles are producing more pollution because we have essentially eliminated this renewable, cleaner-burning biofuel. Rural economies are being stripped of the economic gain of this value-added agricultural product.

So I urge the Senate to take immediate action to extend this tax incentive and reduce our dependence upon foreign oil and save green jobs.

Mr. President, I yield the floor.

EXHIBIT 1

PRESIDENT OBAMA GETS BIODIESEL MESSAGE IN OTTUMWA

IRFA SECRETARY ALBIN USES 90 SECONDS WITH THE PRESIDENT TO SHARE URGENCY OF TAX CREDIT

OTTUMWA, IA.—During his Iowa visit on April 27, 2010, President Barack Obama heard firsthand of the urgency to reinstate the biodiesel tax credit from Brad Albin, Vice President at Renewable Energy Group and Secretary of the Iowa Renewable Fuels Association (IRFA).

Following President Obama's speech and town hall session at Indian Hills Community College, Albin grabbed the President's attention. During a 90 second exchange, Albin shared the message of the biodiesel industry's state of disruption and uncertainty resulting from the lapse of the federal biodiesel blenders tax credit since January 1, 2010.

"I shook his hand and told him that we're losing jobs as we stand here, which seemed to get his attention," explained Albin, who had been sitting in the second row. "I told him about plants idling and that more than 90 percent of manufacturing staff at U.S. biodiesel plants have been laid off as a result of the tax credit lapse."

President Obama acknowledged that his biodiesel tax credit updates are coming through USDA Secretary Vilsack. The President continued to listen as Albin explained that for 20 years Americans have worked to meet the challenge of increasing energy independence, that farmers and families have invested billions, and that now companies are bleeding to death or bankrupt. Albin further explained that the five month lapse of the tax credit could not have come at a worse time as the Renewable Fuels Standard goes into effect July 1, 2010.

"We're going to die without this tax credit," Albin added even after the President's assurances. "The President then responded, 'We won't let you die.' "

"Those that know me know I want to make sure my message is clearly understood; so as the President was walking away to shake another hand, I asked him if he could commit to the tax credit being in place by May 31," Albin said. May 31, 2010, the start of the Memorial Day recess, is the date Chairman Sander Levin of the House Ways and Means Committee promised as a reinstatement deadline for the biodiesel tax credit during an energy hearing earlier this month.

"The President heard me ask him again about the May 31 date. He turned back to me and said, 'I'm the President and I promise I'll do whatever I can,' " Albin recalled of the exchange. "President Obama then assured me of his commitment to clean energy by saying, 'Look, I'm on your side, but I've got a Congress to deal with.' "

"I believe he now has our urgent message straight from the state where the tax credit lapse is having the most impact—the nation's top biodiesel state," Albin said. "It really was a miracle to be in that right spot at the right moment to be able to get the biodiesel message straight to the President of the United States of America."

The Iowa Renewable Fuels Association was formed in 2002 to represent the state's ethanol and biodiesel producers. The trade group fosters the development and growth of the renewable fuels industry in Iowa through education, promotion, legislation and infrastructure development.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, I rise today to discuss an amendment that I have just filed. But before I begin, I would like to thank Chairman DODD for his exemplary work on this Wall Street reform bill. It is the result of months of tireless work and many hours of negotiation by Chairman DODD and his staff.

This Wall Street reform bill will vastly improve the regulatory structure currently on the books. It creates a strong consumer watchdog within the Fed—a bureau that will put consumers first, ahead of Wall Street profits. This bill also brings derivatives out of the shadows and onto exchanges so that Wall Street's bets upon bets never again threaten to bring down our entire economy. This bill accomplishes many things and brings us a long way toward robust reform.

But there is one area we need to make stronger. We need to go further in addressing the rampant problems plaguing the credit rating industry. That is why I intend to introduce an amendment to change the way the initial credit ratings are assigned and encourage competition within the credit rating industry.

Currently, Wall Street firms that issue complex securities request and purchase ratings from nationally recognized statistical rating organizations—or NRSROs. I am sure all of you are familiar with them—Moody's, Standard & Poor's, and Fitch. What you may not know is that there are actually a handful of other credit rating agencies doing the same work. But the big three agencies have effectively shut all others out of the market. It is easy to see how.

In the current system, the issuer of the bond pays the credit rating agency. So there is an incentive to rate every product that comes across your desk as AAA. If you give a risky product a low rating, the issuer can just go to one of the other agencies and shop around for a better rating. Guess which agency that issuer is going to go back to the next time? Of course, the agency that gave them the higher rating. Does anyone see a problem? I do.

Well, the problem is that the entire credit rating structure is basically one enormous conflict of interest. Issuers want high ratings, and raters want business. The market offers incentives for inflated ratings not accurate ratings. These perverse incentives have driven the behavior of all participants. Any rating agency looking to enter the market with better methods or any rating agency that refuses to inflate its ratings will never be able to compete.

My friend and colleague, Senator LEVIN, held a hearing not long ago in the Permanent Subcommittee on Investigations. His PSI investigative team unearthed some very unsavory e-mail exchanges between issuers and raters—e-mails which implied that an issuer could obtain a higher rating if he paid more money. And money—money—is what drove this industry not performance. As an example, the New York Times reported Sunday that 93 percent of AAA-rated subprime mortgage-backed securities issued in 2006 have since been downgraded to junk status.

This might be easy to dismiss if these junk bonds simply cost some Wall Street speculators a few bucks here and there. But, in fact, these junk securities permeated the entire market. These junk securities were in older workers' pension funds and working peoples' retirement funds. These junk bonds contributed to the loss of $3.4 trillion in retirement savings during this crisis.

To me, it is obvious we need an entirely different model. My amendment, which I am introducing with Senators SCHUMER and NELSON, would finally encourage competition and—get this—accuracy, in an industry that has little of either. Specifically, my amendment creates a credit rating agency board—a self-regulatory organization—tasked with developing a system in which the board assigns a rating agency to provide a product's initial rating. Requiring an initial rating by an agency not of the issuer's choosing will put a check on the accuracy of ratings. Simple.

My amendment leaves flexibility to the board to determine assignment process. But the board will be inclined to make the process one that incentivizes accuracy because the representatives of the investor community will make up a majority of the board—for example, pension fund managers and endowment directors; folks who have a vested interest in the AAA bonds they have selected actually performing as AAA bonds. The board gets to design the assignment process it sees fit. It can be random, it can be based on a formula, just as long as the issuer doesn't get to choose the rating agency.

The board will select a subset of qualified credit rating agencies to be eligible for the assignment pool. The

board will be required to monitor the performance of the agencies in the pool. If the board so chooses, it can reward good performance with more rating assignments. It can recognize poor performance with fewer rating assignments. If the rater is bad enough, that might even be zero assignments.

My amendment gives the SEC a year and a half to carefully implement this new system with input from the board members. The result will be increased competition among the credit raters, generally, and incentives to produce accurate ratings, not inflated ratings. The amendment does not prohibit an issuer from then seeking a second or a third or a fourth rating from an agency of its choice.

But rating agencies will be disinclined to give inflated ratings to a product if the initial rating reflects its true value. Some smaller credit rating agencies, which haven't taken part in the inflated ratings game, would finally have a chance to compete. An assignment mechanism for initial ratings will break up today's credit rating oligopoly, promote real competition, and produce more accurate ratings. More accurate ratings will decrease risk and create more stability in our financial system. And that is what this is all about.

Now, Wall Street lobbyists may claim this issue is too complex for Congress to address, but imagine that your child came home from school one day saying their chemistry teacher was offering an A to anyone who wanted to skip the final exam and instead pay $100.

You don't need to know anything about chemistry to understand that this system of rewards is harmful. Not only is the teacher making easy money, but nobody is holding the student accountable for doing good work.

Now I don't know any teachers that corrupt. But the credit rating agencies have demonstrated that they have blindly followed the perverse incentives of the current market. Congress should not sit idly by and let the credit rating industry continue to expose our economy to great risk just because Wall Street insists the problem doesn't have an easy solution. Now, my amendment may not fix the entire system, but it will provide checks, encourage accuracy, and increase competition.

And there is no need to take my word for it—the idea in my amendment was actually first proposed by several well-respected academics. Matthew Richardson, a leading expert and professor of applied financial economics at NYU's Stern School of Business, supports this proposal, and has been integral in the development of my amendment, and I would like to thank him for his assistance.

Economist Paul Krugman has suggested this model as a step toward improvement. And so has economist Dean Baker. Americans for Financial Reform, which includes the Nation's most prominent consumer groups, supports it.

I would like to thank my colleagues, Senator SCHUMER and Senator NELSON, for their leadership on this issue and for their expertise in helping me craft this amendment. I also thank my colleagues, Senators BROWN, WHITEHOUSE, and MURRAY for joining us in cosponsoring it.

Going forward, I hope that more of my colleagues will join with us in taking action to restore integrity to the credit rating industry.

I yield the floor.

Ms. MIKULSKI. Mr. President, if there is one thing that we should all be able to agree on, it is that the American taxpayer should never again have to bail out a Wall Street firm. We need to be fighting for Main Street, not Wall Street, and the Boxer amendment is a step in the right direction on that path.

This amendment sends a clear message to Wall Street firms that they can no longer take risks with our financial security and then expect the taxpayers to be there to prop them up. Wall Street must be held accountable. It is time to end to taxpayer bailouts once and for all.

When I talk to people in Maryland, I hear their frustration and I feel their anger. They want to know, why should AIG receive a bailout, when nobody is bailing out them from this economic crisis? They wonder, who is on their side? Who is going to bail out their stagnant wages? Who is going to bail them out when they are trying to pay their utilities and put gas in the car? And, seniors wonder who will bail them out as they try to make sure they do not lose their income.

This amendment shows that we heard their concerns and we are on their side. It sends a message to Wall Street that their time of running around acting like masters of the universe—with irresponsible lending practices and risky investments—has come to an end. And, it sends a message to American families and small businesses that their government is looking out for them. We are here fighting for them—fighting so that consumers can be sure that their deposits are safe; fighting so that small businesses have access to the credit they need to create and retain jobs; and fighting to make sure that taxpayers' money is protected.

We teach our kids at a young age that they will be held responsible for their own actions. When they make a mess, they must take responsibility and clean it up. We must pass this amendment so that corporate America can see that the same lesson applies to them, and to show the taxpayers that we are serious about being stewards of their money. This amendment makes sure that if a Wall Street firm gets in trouble, they will be required by law to clean up their own mess. If a company gets in trouble from this point forward, the responsibility will be placed where it belongs—on the financial sector. No longer will taxpayers be standing by.

I support the Boxer amendment because I believe it is time to put an end to all taxpayer bailouts.

Mrs. FEINSTEIN. I have filed an amendment to the Wall Street reform bill before us that would remove one barrier between the unemployed and a job.

Forty-seven percent of employers use credit reports to screen at least some potential hires, according to the Society for Human Resource Management. Thirteen percent of employers checked the credit history of all hires.

Unfortunately, many of our country's 15 million unemployed are facing more challenges than ever. For instance, some have seen their credit drop precipitously as a result of the economic downturn. In some cases, their credit history is affecting their ability to find employment.

My amendment would prohibit employers from using a consumer credit report as a condition of employment. It would impact potential hires and current workers.

Put simply, an employer would not be able to hire or fire someone based upon their credit history.

I certainly understand that some jobs require workers to display a pattern of financial responsibility. To that end, my amendment would exempt those applying for the following:

Positions at financial institutions, including banks and credit unions, that require substantive work with customer accounts and funds; jobs that require a national security or Federal Deposit Insurance Corporation clearance; State or local government jobs that otherwise require a credit report; and, positions otherwise requiring credit checks by law.

This amendment is similar to a bill introduced in the House of Representatives by Representative STEVE COHEN known as the Equal Employment for All Act, H.R. 3149.

Why is this legislation needed? As of March 2010, 15 million Americans continue to struggle with unemployment, and over 2.3 million of them live in my State alone.

It is critical that obstacles to employment be removed for these victims of the economic downturn.

During these difficult times, many unemployed Americans have seen their credit scores reduced precipitously for events largely outside of their control. These events include bankruptcy, foreclosure, and credit card debt.

Millions of American homeowners have also experienced foreclosure over the past 3 years. Through the first 3 months of this year alone, 216,000 have been filed in California. Last year,

more than 1 million foreclosures were filed in my State.

Foreclosures can have a devastating impact on one's credit history. Moreover, responsible alternatives to foreclosure, such as a short sale or loan modification can also affect a homeowner's credit.

A short sale can reduce a homeowner's credit score between 200 to 300 points, according to the Third Way.

And in a report prepared by First American CoreLogic, in February 2010, 35 percent of California homeowners were underwater, or owed more on their mortgage than the value of their home. This means that short sales, in which a homeowner sells a home for less than they owe, will likely continue as an alternative to foreclosure.

According to the National Bankruptcy Research Center, more than 1.4 million individuals and businesses filed for bankruptcy in 2009. This is a 32-percent increase over the prior year 2008.

Federal Reserve statistics show that average credit card debt in the U.S. per household is over $16,000.

These are disturbing trends, and display a pattern of difficult financial situations facing many Americans.

Unfortunately, if you have lost your job in this economy, these circumstances are often out of your control. But, they should not impede your ability to find another job.

I have received many heartbreaking letters from Californians facing these situations. They can't pay off debt because their debt is limiting their ability to find work.

For example, a chemist from San Diego wrote to me about her student loans, which have ballooned from $60,000 to $110,000. At the time she wrote, she had been unemployed for 15 months.

But, she feels she cannot find a job in the field she trained for due to her poor credit score.

A former job recruiter from Corona wrote to share her firsthand experience with this practice, which prevented her from hiring well-qualified, experienced candidates. This constituent, herself now unemployed and late on her mortgage payment, is worried that her credit will now prevent her from finding a new job in the recruiting field.

These are just two examples of how credit history is posing an unnecessary obstacle for the long-term unemployed.

An April 9, 2010, article in the New York Times highlighted the issue that my amendment seeks to address.

It cited testimony provided by an executive of the credit bureau TransUnion before the Oregon legislature. He stated that he was not aware of research linking job performance to the contents of a worker's credit report.

Research by Professor Jerry K. Palmer of Eastern Kentucky University has also found no correlation between worker performance and the strength of their credit report.

While credit bureaus argue that credit background checks are a helpful tool in preventing employee theft and workplace violence, little evidence supports that conclusion.

To be clear, I recognize that in some cases, a credit history is important. Mortgage brokers or bank employees working with deposits should be able to demonstrate a responsible credit history.

That is why my bill would exempt these industries from the prohibition in my amendment.

The unemployment situation in California is untenable. It is my goal to develop fiscally responsible solutions to help those in need.

My amendment does just that.

Workers should not be prevented from a job they are well-qualified for, on account of reasons beyond their control.

If my colleagues have concerns about this legislation, I am happy to work with them to improve it.

I hope this amendment will be adopted and provide assurance to workers that their credit will not keep them out of work.

Mr. President, I have also filed an amendment to the Wall Street Reform legislation that would require the Consumer Financial Protection Bureau to undertake a study on the availability of credit to the unemployed.

An article in the Los Angeles Times in March 2010 highlighted a disturbing new trend in the payday lending industry targeting the unemployed. Specifically, payday lenders are providing cash advances to individuals using unemployment checks as collateral.

This is a troubling practice, especially for those surviving solely on their unemployment benefits.

In California, payday loans can carry interest rates of up to 459 percent.

In light of this, I believe more must be done to ensure reasonable and fair credit terms are available to the unemployed.

This Wall Street Reform bill creates a research unit within the Bureau of Consumer Financial Protection housed at the Federal Reserve.

My amendment would require this unit to conduct a study on the following:

The effects of payday lending on the unemployed; the potential impacts, both positive and negative, of providing payday loans to individuals using their unemployment checks as collateral; alternative credit options for the unemployed, including the accessibility and costs associated with them; and policy recommendations that the Bureau of Consumer Financial Protection could implement to prevent unscrupulous lending practices.

This report would be completed within 1-year of the bill's enactment and be made available to the public.

To be clear, my amendment would not provide the Bureau of Consumer Financial Protection with any new authorities, nor require it to carry out the study's recommendations. It is intended as a guide for the Bureau as it works on rules to protect consumers, notably the unemployed, from deceptive and predatory lending practices.

In California, those individuals who turn to cash advances from payday lenders can expect to pay roughly $15 in fees for every $100 they borrow.

This interest rate, when expressed in terms of an annual percentage rate, amounts to 459 percent. While this is the maximum rate that may be charged for a payday loan in California, some States, such as Delaware and Wisconsin, have no interest rate limit at all.

The maximum payday loan that can be extended to a borrower at any one time in California is $300.

So in practical terms, a borrower wishing to take out the maximum $300 payday loan will pay $45 in fees just to borrow $255.

Often, borrowers must take out additional payday loans in order to pay off their current debts. In 2006, approximately 450,000 borrowers in California made more than six back-to-back payday loans.

Such reliance on this form of credit can lead some working families to fall into a harmful spiral of debt.

Over 2.3 million people in California are out work and roughly 100,000 of them have reached the 99-week maximum for receiving unemployment benefits.

The average unemployed Californian receives roughly $300 a week in benefits, which is also the State's limit for a payday loan.

Typically, payday loans are offered as advances on paychecks and should be used in cases of emergency. Such cases include falling short on bills or rent during a difficult month.

However, unemployment, especially in this economy, can be long-term. Payday loans may not offer a sustainable solution.

Unemployment is one of the underlying factors contributing to the rise in foreclosures throughout our country. In California alone, over 215,000 foreclosures were filed in just the first 3 months of this year. In tough months, those facing the dual threat of unemployment and foreclosure need to access credit more than ever.

And now, payday lenders have made it easier for the unemployed to fall into a cycle of debt.

By offering cash advances on their primary source of income, Federal or State unemployment benefit checks, payday lenders are specifically targeting this vulnerable group of borrowers.

Now is not the time to be doing this.

Such high loan fees are a burden for those surviving solely on their unemployment benefits.

So why is this study important?

Studies and reports on the effects of payday lending are already available, some of which consider its benefits and others its burden to borrowers. But the study required by my amendment should offer much more than just the pros and cons of payday lending.

I hope this study will determine if payday lending practices, including cash advances on unemployment checks, are useful credit options for the unemployed.

If they provide a benefit, I hope the study's recommendations will make these loans more fair and reasonable to borrowers.

If not, the study should review and recommend alternative credit options for the unemployed.

As I mentioned, we all agree this is not the time to be exploiting the unemployed. Many of the unemployed are experiencing some desperate financial straits right now.

I believe policymakers should be provided with clear options to help improve the financial situation for them.

Mr. WYDEN. Mr. President, along with Senator GRASSLEY, I am introducing as an amendment to the financial reform bill, S. 3217, our bipartisan resolution to amend Senate rules to eliminate secret holds.

The legislation now before the Senate is intended to bring greater openness and accountability to Wall Street and other financial institutions. At the same time the Senate is reforming how financial markets do business, there is no better time for the Senate to reform the process for how the Senate conducts its own business.

Under current Senate rules, it is still possible for Senators to use secret holds to block legislation or nominations from coming to the floor without having to give any reason. There is no openness or accountability to anyone when a Senator places a secret hold.

The Senate should not have a double standard that requires greater openness and accountability on Wall Street while tolerating a practice that keeps both the public and colleagues in the dark with no accountability to anyone.

That is why Senator GRASSLEY and I are offering our bipartisan proposal to end the practice of secret Senate holds as an amendment to the financial reform bill. Because our amendment would eliminate secret holds by amending Senate rules, I hereby give notice of our intent to amend the Senate rules by filing the Wyden-Grassley amendment to S. 3217.

I urge colleagues to support this bipartisan reform of Senate rules.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

IN PRAISE OF KENNETH CONCEPCION

Mr. KAUFMAN. Mr. President, I rise once again to recognize the service of one of America's Great Federal Employees.

So many of our outstanding Federal employees spend their careers in our uniformed services, standing at the ready to guard our liberties and protect lives. One of these services has a unique mission that combines coastal defense, maritime search and rescue, and environmental protection.

I am speaking about the U.S. Coast Guard.

The 42,000 men and women who serve in the Coast Guard embody the highest principles of our nation. Their dual responsibilities in both civil and military matters require Guardians to demonstrate flexibility, patience, and resolve.

This year is 95th anniversary of the Coast Guard's creation from the old Revenue Cutter Service. That earlier service evolved from our nation's first maritime force in the infant years of our republic.

The Federal employee I have selected to honor this week served as Chief of U.S. Flag Deepdraft Vessels and Plan Review for the Coast Guard at the time of the September 11 attacks.

Kenneth Concepcion was based on Staten Island, within view of the twin towers of the World Trade Center. On that fateful morning, Kenneth was the first Coast Guard employee on the scene, arriving at New York's Pier Eleven just 20 minutes after the collapse of the second tower.

What he found there was disorder and masses of frightened people with no way to get home. Kenneth took charge and recruited NYPD officers and Transportation Department officials to help him organize the crowds into lines based on intended destination. He assumed control of all the vessels at the pier and prioritized the safe evacuation of first-responders who had been injured in the attacks.

Thanks to Kenneth's leadership and steady hand, the Coast Guard was able to evacuate 70,000 people from Lower Manhattan that morning to points across the Hudson River. In addition, he made sure that commercial ships continued to have safe passage in and out of New York Harbor, keeping some of America's vital ports open for business.

But Kenneth's heroism doesn't end there. Two months after the attacks, American Airlines flight 587 crashed tragically near JFK airport in Queens. Kenneth served as the on-scene coordinator for the maritime recovery of debris. Under his leadership, and as a result of his ability to get different agencies to work well together, all significant debris from the crash was recovered in less than 2 days.

Our Coast Guard members, like Kenneth Concepcion, stand ever at the ready to keep our maritime interests safe and to serve as our Nation's first line of search and rescue when disaster strikes. We rely on them to protect us, and I hope my colleagues will join me in thanking Kenneth and all members of the Coast Guard for their service to our Nation.

They are all truly great Federal employees.

REMEMBERING KENNETH EDWARD CARFINE

Before I yield the floor, I want to note with sadness the passing of one of my previous honorees.

On October 19 of last year, I stood at this desk and spoke about an outstanding employee from the Department of the Treasury, Kenneth Edward Carfine.

He served in the Treasury Department since 1973 and worked over the last 37 years in banking, cash management, payments, check claims, and government-wide accounting.

Recently, he had served under the Fiscal Assistant Secretary as an adviser to senior department officials. Ken's intellect and diligence had been critical to the Treasury's economic recovery efforts. He helped shape how the Treasury deals with debt financing, cash management, trust fund administration, and a range of services.

One of his lasting legacies will be the ability to use a national debit card to receive Social Security benefits—a program he helped implement.

Kenneth Edward Carfine lost his battle to cancer last week. He is survived by his wife of over 40 years, Deborah, as well as by his two sons, Ken Jr. and Greg, their families, and his two granddaughters.

Ken worked at the Treasury Department for 37 years, and I know there literally must be hundreds of Treasury employees, past and present, who are grieving deeply today for this incredibly fine person and dedicated public servant. His passing is a great loss for all of them, the Department and for the nation he served so ably.

My thoughts are with his family, friends and colleagues at the Treasury Department, and I hope my Senate colleagues will join me in offering our condolences.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, with all of the trauma that is going on right now with the oilspill and all of the other problems that are out there and, of course, the bill under consideration, I ask unanimous consent that I be recognized as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EPA LEAD PAINT RULES

Mr. INHOFE. On April 22, a new EPA lead-based paint rule went into effect that has caused all kinds of serious

problems, not just in my State of Oklahoma but throughout the country. My office has received an incredible number of calls and e-mails from constituents, from homeowners, from contractors, to landlords, to plumbers, all trying to get information about a rule that, in most cases, they had never heard of until last week. I think everyone in this Chamber stands strongly behind the intent of the rule, which is to protect women who might be pregnant, children, and others from harmful effects of lead. With over 20 kids and grandkids, I understand that. I appreciate the importance of the rule and the potential it has to future decrease lead exposure. But, as even the Obama administration admits, implementation of the rule has been painfully slow and seriously flawed.

Specifically, the rule requires that renovations to homes built before 1978 that disturb more than 6 square feet of surface area have to be supervised by a certified renovator and conducted by a certified renovation firm. In order to be certified, contractors have to submit an application with a fee to the EPA and complete a training course for instruction on lead-safe workplaces. Now, that sounds simple enough. There is one serious problem; that is, there aren't any instructors around to certify these people.

What is worse than that, those who violate the rule; that is, they go and they try to do something to their own home, if it was a home that was built prior to 1978, if they violate this, they can be fined up to $37,500 a day. Just imagine how hysterical people are, not just in Oklahoma but throughout the country.

There are not nearly enough contractors who have been certified, and that is because there are far too few people certified to teach the classes.

That is why today, with 23 cosponsors, I am introducing legislation, S. 3296, to remedy this implementation travesty. This bill provides additional time for contractors and others to get certified so they can become qualified to go ahead and do these things and not be subjected to fines. It actually extends the time for a period of 1 year or until the EPA can have enough people to certify people around the country so that this can be done.

The need for the bill is on display in Oklahoma, where, until yesterday, no one was teaching classes publicly. Keep in mind, no one is teaching these classes. Yet, if they try to do any renovation, they can be fined up to $37,500 a day.

I am pleased to hear that Metro Tech of Oklahoma City has finally received its certification from the EPA and will begin teaching classes on May 13. I should note that because the demand is so high, they anticipate having full classes until July.

Because access to courses is so limited, renovators and contractors cannot be trained and they cannot pass along the benefits of their lead-safe work practices to homeowners and help protect pregnant women and children from further lead exposure. Without enough certified renovators, we will simply not get the benefits this rule can provide.

Let me give you a couple of statistics to help illustrate the problem. As of April 22—that was implementation day—the EPA had only accredited 204 training providers. Those providers have conducted more than 6,900 courses. They trained an estimated 160,000 people in the construction and remodeling industries to use lead-safe work practices. This is far too few people to ensure everyone who works on a pre-1978 home, including roofers, plumbers, painters, general contractors, or just individual homeowners, can have access to training to get certification they have to have.

Let me share with you a few examples from Oklahoma.

Paul Kane, executive vice president and CEO of the Home Builders Association of Greater Tulsa, was in my office with a number of Oklahoma homebuilders the day before the rule was implemented. That would have been April 21. During our meeting, I was pleased that Cass Sunstein, head of the Obama administration's Office of Information and Regulatory Affairs, was available to hear from my constituents about their concerns with the rule.

As the Tulsa World reported:

> Kane explained the difficulty local contractors are having in getting certified, adding that only one trainer in the entire State of Oklahoma has been certified, and that that person has been certified only a few weeks. Moreover, he told Sunstein, that person is not offering training to the public but is limiting his classes to his own organization.

So we have one guy who can teach these classes in the State of Oklahoma. Yet there are literally thousands out there who are out of work until such time as they can go back and start working again.

I really appreciate the fact that Mr. Sunstein was listening to the concerns of my Oklahoma constituents. He told us he recognized that the implementation of the rule was causing economic hardship. He raised the possibility of providing a 60-day delay to help sort out of some of the implementation problems. In the end, however, this option was not workable, and we simply ran out of options to stop the rule from going into effect. Now, that was the day before the rule became finalized. But we certainly appreciate his attention, looking into it, and we are going to try to work with his staff.

My staff also spoke with a property owner who rents homes to low-income residents in Tulsa. He has been unable to get contractors out to his properties to replace carpet or even paint because they do not have EPA certification, which means they can get fined by the agency if they work without it. So it is no surprise that my constituent is concerned that his housing units could fall into disrepair and that people would lose their access to affordable housing—not not only losing access to affordable housing but exposing people to lead paint.

Additionally, we heard from a painter in Oklahoma City who has experienced delays in getting trained for the simple reason that his trainer has not yet been certified by the EPA. This issue reaches far beyond Oklahoma. There are a number of Senators, Republicans and Democrats, who have expressed concerns about the implementation of the rule. Several Members weighed in before the rule went into effect. Senators BYRON DORGAN and KENT CONRAD of North Dakota and a bipartisan group of Members of the House of Representatives sent a letter outlining these concerns to the EPA.

During a recent EPW subcommittee hearing, Senator AMY KLOBUCHAR urged the EPA to come up with a solution that will ensure contractors have the opportunity to come into compliance with this rule. We are talking about everybody, Members of the House, the Senate, Democrats, Republicans. They are all affected the same.

The issue has also been raised before the Senate Energy and Natural Resources Committee. In testimony before the committee on March 11, Bob Hanbury, speaking on behalf of the National Association of Home Builders, raised concerns about potential conflicts between Homestar and the lead rule. Members may recall that Homestar is one of President Obama's signature issues. It is a program that helps homeowners increase the energy efficiency of their homes. But Mr. Hanbury believes the lead rule won't allow the Star program to move forward.

As we can see, there were plenty of concerns raised about the lead rule implementation before it went into effect. Nevertheless, EPA repeatedly said, in the 2-year period leading up to the rule, that it could meet these implementation challenges. As the ranking member of the committee with jurisdiction over the EPA, I wrote to the EPA two times that I believed EPA appeared to be far from prepared. In both cases, EPA said they were ready. In a June 3, 2009 letter responding to my concerns, the EPA wrote:

> I agree that both EPA and the regulated community have a great deal of preparation in front of us as we approach next April's deadline. I am confident, however, that the ten months between now and April of 2010 will allow us to meet these deadlines.

That was a year ago. Of course, it didn't happen.

In a letter dated December 1, 2009, EPA wrote me explaining:

> We are confident there will be enough training providers to meet the demand. EPA

does not plan to revise the April 2010 effective date [for the] rule.

The EPA also stated in the letter:

Currently, the capacity for training is in excess of the demand as several training courses have been canceled for lack of attendance.

What they are saying is they have been providing all these people, but it is just flat not true. In light of this situation, what can lawmakers do to help provide guidance for constituents back home?

First and foremost, we have to get out the word. I have raised the issue both in my travel around Oklahoma and on Oklahoma radio. Last week I sent out a ''Dear Colleague'' letter to all Senators with information to help them navigate the confusion associated with the rule's implementation. Included are Web links to EPA's Web site which take constituents to important information about the lead rule as well as the rule itself. It also provides a link to the EPA and the Ad Council's new Web site, www. Leadfreekids.org, which is a consumer friendly Web page with information on protecting yourself from lead. I wish also to commend the coverage of the rule by the Tulsa World. The paper's reporting has informed the public and even resulted in more classes being taught throughout Oklahoma.

Further, along with Senator COBURN and some 23 of my fellow Senators, I have introduced S. 3296 to delay the implementation of the rule by several months, giving contractors, trainers, and the EPA breathing room to get more people through classes. The EPA has said the people have had a year to get ready for this rule. However, the first training class wasn't even held until June 16, 2009. Renovation firms could not apply for certification until October of last year. Our bill would delay the implementation and give people time to comply with this.

This is in a way bureaucracy at its worst. We say we are going to demand that no one is going to be able to do something to their very own home if it disturbs as much as 6 square feet. And if they do, they could be fined $37,500 a day. Imagine how frightening that is. Yet they don't have enough instructors to teach people to be certificated. This is one we have to address.

I think the only thing we can do right now is to get an extension. That is what I am doing with this Senate bill. I certainly call on my colleagues, Democrats and Republicans. The problem I am pointing out in Oklahoma is not just in Oklahoma; it is in all States. We will have to address this thing, get something done, or we have a lot of risk out there. We have children and pregnant women who could be at risk of exposure to lead and lead paint. Of course, one of the things that is almost as bad is the fact that we have literally, only in Oklahoma, thousands of people out of work because they cannot do renovation. Most of the homes they deal with are pre-1978. It is something that will have to be dealt with. I certainly encourage others to join the cause to relieve us of this problem. The rule will affect more than 70 million homes. The implementation of this rule to date has been a disaster. Congress will have to ensure that enough people are trained and certified. That way, the rule can do what it is supposed to do—protect the health of young people and pregnant women.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am forever amazed at my friends on the other side of the aisle. They have clearly established themselves as the party of no. America knows that. But what they have done on this bill dealing with Wall Street reform is hard to comprehend. We started on this bill a week before last. We filed cloture on it. On Monday, we had a cloture vote last week; Tuesday, a cloture vote last week; Wednesday, a cloture vote last week. Finally, they said: OK, we don't need any more cloture votes. Let's start legislating on the bill.

Tomorrow is Wednesday. It has been a week. Nothing has happened. Why? Because the party of no says no to everything we try. Listen to this one. This is something. They will not let us vote on amendments the Republicans have offered and amendments we have agreed to they would not let us vote on.

I came to the floor of the Senate today to let everyone know the frustration the American people must feel and the frustration many people feel in the Senate as a result of the party of no continually doing what they are doing. I want to make sure everyone understands the facts in more detail than what I have given.

On Thursday, April 15, Wall Street reform legislation was introduced and placed on the Legislative Calendar. Thursday, April 22, I sought consent to proceed to that bill. The Republicans objected, and I was forced to file cloture. I don't want to get into a lot of the procedural problems we have, but remember, the Republicans have caused us to file cloture almost 100 times this Congress. So everyone understands, it is more than just a word—''filibustering.'' That is what they have done almost 100 times.

I moved to the bill. They would not let me—I had taken it off the calendar and tried to bring it to the floor. They said no. I had to file a motion signed by 17 or 18 Senators. It took 2 days for that to ripen before we could vote on it. Once we voted on it and we got cloture, they got another 30 hours. So in this instance, they had a new game.

They said: Go ahead and move to the bill. We are not going to use the 30 hours. We are going to use a week. We have done nothing for a week waiting for this phantom amendment they think is floating around here someplace, this so-called Shelby amendment.

Monday, April 26, when my cloture motion had ripened, we failed to get cloture 57 to 41. We did some other things—moved to reconsider, some parliamentary maneuvers so we could get this bill moving along. Tuesday, April 27, cloture failed, 57 to 41, the same vote as the day before. Wednesday, April 28, cloture vote failed, 56 to 42. One of their Members, I guess, was gone or maybe somebody switched a vote. I really don't know. Remember, each time I voted on the prevailing side. I had to change my vote so I could move to reconsider.

So on April 28, after the cloture vote failed, they said: OK, we give up. You can start legislating for the American people. But that wasn't being fair and square with the American people. They had no intention of doing that. They are stalling on everything we do. We know they have said publicly they want health care to be Obama's Waterloo.

So just to be very clear, we were ready to start debate on this last Monday—actually, frankly, the Thursday before that. Even though we were able to overcome the objections to begin this debate, we now find many of the same parties are preventing us from making any progress on this important legislation.

One Senator I saw quoted in the newspaper last week said I had stopped—I had told that person I was going to move to a certain bill—a Republican Senator—and that Senator said: He hasn't done that. I wrote that person a letter today going over the long list of filibusters to prevent us from moving to that and many other pieces of legislation.

We haven't had a single vote on this legislation, not a single vote. People are waiting around on both sides, I am told, to offer amendments. We can't get votes on even the amendments we have agreed to and one Senator SNOWE has offered.

We have to finish this legislation. We have provisions that are expiring at the end of this month that are extremely important. A jobs bill—the expiring provisions and all the stuff we have put in that bill that we passed once before are extremely important to our country and will create lots and lots of jobs. But we can't get to that because of what is going on here. Food

safety—we can't get to that. Why? Because the Republicans are stopping us from moving to anything.

I had a conference call just from the sparsely populated State of Nevada with a few of the people who have suffered terrible injuries as a result of eating contaminated food.

One little girl has missed a year of school. Her growth is stunted. People have spent—one woman I talked to—or I talked to her husband because they were getting first aid. They went home. She had been in the hospital for months and months from eating contaminated food. We are trying to do something about that. We can't do that. It is a bipartisan bill. It is nothing the Democrats are trying to jam down the throats of the Republicans. They won't let us move to anything.

Scores of nominations. The House has passed more than 300 measures that are stuck over here because the Republicans won't let us move to them, measures in years passed that would pass by unanimous consent.

I hope everyone understands. I know my caucus understands what is going on, but I hope the Republicans will accept reality and understand why we are not going to have all of the amendments they want to offer be able to be offered. We are not going to be on the bill that long. We can't be. We are trying to do something with this legislation that will change America forever for the better. What has happened as a result of Wall Street doing business not in the shadows but in the dark of night, the blackest dark you could ever see is where they have been doing their work, causing people in Colorado, in Nevada, and all over this country to suffer irreparable damage. People have lost their homes, their jobs as a result of what went on in Wall Street, the shady deals that are worse than any illegal gambling game that was ever conducted in America. That is what they were doing up there: betting our money—our money. If they win, they keep our money. If they lose, they want more of our money. We are trying to stop that. That is what this legislation is all about. This is a good bill.

Obviously, from the shenanigans the Republicans have performed on this legislation, they don't want us to do anything about Wall Street reform; otherwise, they wouldn't have done all of these efforts to stop us from moving to the bill. We want to hold Wall Street accountable. We want to end taxpayer bailouts. We want to guarantee the taxpayers will never again be forced to bail out reckless Wall Street. We want to end too big to fail, restrict new capital and leverage requirements to prevent firms from becoming too big to fail.

As I said before, and I say again: We want to bring sunlight and transparency to these shadowy markets where Wall Street executives make gambles that threaten our entire economy, the same laws that are in effect basically today that were in effect when Wall Street crashed and caused us all this harm. We are trying to change that so it can't happen again. We want to rein in these big shots who have unlimited control of money and get these huge bonuses—not bonuses of $50,000, which is huge in most people's lives, but they get bonuses in the hundreds of millions of dollars.

We want to protect consumers. We want to put a new cop on the beat, a consumer protection entity that will look at all of these different financial shenanigans that are going on. We want to make sure people who get something in the mail from—however they get it. They take them out and they look at it, they can't understand it. We want it in plain, simple English so the American people can understand what they are being asked to sign. We want to protect consumers from these hidden fees, abusive terms, and deceptive practices that are running rampant in America.

So despite the party of no saying no again and again, we are going to be patient and do our best to work through this. Chairman DODD is working with, it seems, this never-ending amendment the ranking member wants. It has been weeks and weeks. Remember, there have been negotiations going on in this matter for months—not weeks, not days—months. I guess the Republicans are saying, until that amendment comes, there is not going to be anything else happening on this bill. That is the decision they have made. They won't even let us set amendments aside and move to amendments that are agreed upon.

There is only so much I can do—we can do—in the face of determined obstructionism that is so clearly the brand the Republicans have now.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The majority leader.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNIZING DePAUL UNIVERSITY

Mr. DURBIN. Mr. President, I rise today to honor the memories of St. Vincent DePaul and St. Louise de Marillac and to note their legacy on DePaul University in Chicago. This year DePaul is marking the 350th anniversary of the deaths of St. Vincent and St. Louise.

Providing access to social services such as health care and education, St. Vincent and St. Louise attended to the needs of those afflicted by poverty, illness, and injustice in the 17th century. St. Vincent DePaul and St. Louise de Marillac dedicated their lives to serving the underprivileged. It was by their example that the Vincentians founded DePaul University in Chicago, Illinois in 1898.

DePaul University was established with a fundamental mission centered on service and civic engagement, ensuring academic excellence, providing access to affordable education, and promoting respect for the dignity of all persons. The spirit of St. Vincent and St. Louise lives admirably in the University's traditions. Since its founding, DePaul has been a home for students struggling to attain their dreams for higher education. Historically, DePaul has educated many students who would have otherwise seen the door to college closed for them. DePaul was one of the first universities to admit female students in a coed setting. The university also has a long and distinguished history of providing an education to first-generation college students and children of immigrants.

Today, DePaul is one of the largest and most diverse private institutions in the Nation. The student body of over 25,000 represents a wide variety of religious, geographical, ethnic, and economic backgrounds that honor the memory of St. Vincent and St. Louise. And DePaul passes the noble tradition of serving others on to its students. Students at DePaul live the legacy of St. Vincent and St. Louise when they participate in community service through a variety of university-wide programs, including the annual Vincentian Service Day.

The year 2010 marks the 350th anniversary of the deaths of St. Vincent and St. Louise. Today, a commitment to service and a celebration of diversity is more important than ever before in our Nation. DePaul embodies these goals. The University continues to promote socially responsible leadership in its students and upholds its Vincentian mission to make education accessible for all students regardless of family background or financial means.

Mr. President, I commend DePaul's celebration of the 350th anniversary of St. Vincent and St. Louise and praise their continuing pursuit of excellence in higher education.

## MEDICARE DIABETES SELF-MANAGEMENT TRAINING ACT

Mrs. SHAHEEN. Mr. President, I rise today to talk about the Medicare Diabetes Self-Management Training Act, a bill I have recently introduced along with Senators STABENOW, HAGAN, FRANKEN and LANDRIEU. This bill will improve the lives of Medicare beneficiaries with diabetes by improving

their access to high quality information and care from certified diabetes educators.

Diabetes affects many individuals and families in New Hampshire and across the country. My own family was touched by the disease in 2007 when my eldest granddaughter Elle was diagnosed with type 1 diabetes. We have experienced firsthand the challenges that diabetics and their families confront in having to continuously monitor and manage blood sugar levels, administer daily injections, and face a lifetime of worrying about the possibility of serious complications arising from the disease. Diabetes can be managed effectively but it requires a sustained coordinated team effort among patients and their health care providers. Certified diabetes educators, as defined by the American Association of Diabetes Educators, ''are licensed healthcare professionals who specialize in educating people with diabetes about their condition. The training, counseling and support that diabetes educators provide to patients is known as diabetes education or diabetes self-management training.'' This education teaches patients how to stay healthy, and the diabetes educator is an important part of the health care team.

Take for example a case from Raymond, NH. The patient, Rachel, is 45 years old and has type 2 diabetes. For years she struggled, trying to understand how her eating habits and lack of physical activity negatively impacted her diabetes and general health. Her medical provider followed all the appropriate American Diabetes Association guidelines, tried several oral medications and insulin, but in spite of this, Rachel's diabetes remained poorly controlled. In fact, not only were her blood sugar levels elevated, but she was already starting to suffer from complications related to diabetes.

However, once Rachel began working with a certified diabetes educator, CDE, things started turning around. The CDE was able to assess and accommodate Rachel's individual learning style and barriers to change. Through ongoing support and positive reinforcement, Rachel began to recognize her ability to control her diabetes with a few lifestyle changes. Successful, long-term behavior change is difficult to achieve in the best of circumstances. One only has to look at the current obesity epidemic in the U.S. to appreciate the difficulty in learning how to eat healthily. Rachel's success in eating less and healthier and walking daily was due in large part to the relationship that developed between her and her diabetes educator. Rachel now understood the lifestyle changes necessary to achieve success and was able to bring her blood sugar into a safe range. She reported having more energy and was able to cut her insulin dose in half.

Over the years Congress has made strong efforts to improve the care of individuals with diabetes. This includes authorizing the diabetes self-management training, DSMT, as a Medicare benefit in 1997, with the goal of providing a more comprehensive level of support to educate beneficiaries about diabetes and self-management techniques, reduce the known risks and complications of diabetes, and improve overall health outcomes.

However, there is a significant gap in the 1997 DSMT benefit that holds it back from achieving its full potential. Under the DSMT, Medicare covers the critical types of health care services necessary for diabetes control, but does not recognize the health care professionals who deliver those services. Certified diabetes educators are the primary group of health care professionals who work most closely with the patient to provide essential training and education in diabetes self-management. My legislation is designed to address this gap by ensuring that certified diabetes educators are designated providers under Medicare for these vitally important services.

Under the Medicare Diabetes Self-Management Training Act, a certified diabetes educator would be a covered provider of Medicare DSMT services. This health care professional, who is State licensed or registered, is most typically a nurse, dietician, or pharmacist, who specializes in teaching people with diabetes how to stay healthy and who maintains rigorous certification and continuing education credentials. This bill also increases education and outreach to primary care physicians about the importance of DSMT for their patients with diabetes. I am proud to have introduced this bill along with my colleagues Senators STABENOW, FRANKEN, HAGAN and LANDRIEU.

Diabetes is an incredibly costly disease. It is among the chief contributing causes of adult blindness, lower extremity amputations, heart disease, periodontal disease, kidney disease, vascular disease and infections. There is no cure yet but with the proper tools it can be well managed and complications can be prevented. I believe this bill is an important step along that path. I urge my colleagues to support this important cause.

## HONORING OUR ARMED FORCES

### SERGEANT MICHAEL K. INGRAM

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of Sergeant Michael K. Ingram, Jr. Sergeant Ingram, a member of the 1st Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Carson, CO, died on April 17, 2010. Sergeant Ingram was serving in support of Operation Enduring Freedom in Kandahar, Afghanistan. He was killed by injuries sustained when an improvised explosive device detonated while he was on patrol. He was 23 years old.

A native of Monroe, MI, Sergeant Ingram moved to Fort Carson when he was assigned to the 4th Infantry Division. Sergeant Ingram joined the Army in February 2006, and he was deployed to Afghanistan in May 2009.

During over 4 years of service, Sergeant Ingram distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent, bestowing on Sergeant Ingram numerous awards and medals, including the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Overseas Service Ribbon.

Sergeant Ingram worked on the front lines of battle, patrolling the most dangerous areas of Kandahar. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. Family and friends remember him for his smile and his commitment to service. After sustaining a mild injury, Sergeant Ingram was recently offered a chance to come home for surgery. He chose to stay with his unit and finish out his service. He planned on pursuing a career in law enforcement after his time in the Army.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Sergeant Ingram's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Ingram will forever be remembered as one of our country's bravest.

To Sergeant Ingram's mother Patricia, his father Michael, and all his friends and family I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Michael's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

## NATIONAL TEACHERS DAY

Mr. BURRIS. Mr. President, as I am sure many of my colleagues are aware, today is National Teachers Day, and

this week is Teacher Appreciation week—an opportunity to recognize and celebrate the enormous contributions made by America's educators at every level.

The work they do—and the impact they have—can hardly be overstated.

Teachers are charged with helping to shape young minds, and providing our students with the tools and inspiration that will lead them to success at every level of our global society.

This work could not be more important. Our educators truly impact eternity.

But, as I address this Chamber today, they face a climate that is increasingly inhospitable to their work, and their goals.

Studies show that today's teachers are more experienced and more educated than ever.

Almost half of all public school teachers hold at least a master's degree, and more than 75 percent regularly participate in professional development programs.

Yet every single year we ask these dedicated professionals to work longer hours for less pay.

And in some cases we even expect them to spend their own hard-earned money to provide school supplies for their students.

This is unacceptable. We can—and we must—do better.

At every stage in my career, I have raised my voice on behalf of America's students and educators.

Today, on National Teachers Day, I urge my colleagues to join me in this call to action.

We need to step up our investment in America's future, and provide our educators with the support they need.

We need to meet competence and dedication with gratitude, fair pay, and adequate classroom resources.

And we need to do so without delay.

Because, if we fail to keep these commitments, if we fail to provide the support our educators need, we will lose quality educators and the invaluable services they provide.

In my home State of Illinois, roughly 9,000 public school teachers have received layoff notices this year.

And as many as 300,000 will lose their jobs nationwide.

This will result in more crowded classrooms, less individual attention for students who need it, reduced access to extracurricular programs, and a school faculty and staff that is increasingly stretched thin.

I invite my colleagues to consider the impact these massive layoffs will have on our students.

I invite them to think of the consequences for America's future.

We cannot let this stand.

That is why I am proud to be an original cosponsor of S. 3206—the Keep Our Educators Working Act, which I have introduced with my good friend Senator HARKIN.

This legislation would create a $23 billion Education Jobs Fund, which would help provide resources to states and local districts that are finding it hard to make ends meet.

This money would be used to retain current educators, hire new ones, and provide important on-the-job training activities to those in education-related careers.

It would keep good teachers where they belong: in the classroom—and would help to close the budget gap that currently threatens to leave many school districts high and dry.

So I urge my colleagues in this Chamber to support this bill, and make education a priority again.

Let us give teachers and students the support they need—so we can recruit the best teachers, fund afterschool programs, and keep more schools open.

I applaud President Obama for his unwavering commitment to our education system. And today, I call upon him to follow through on that commitment.

To work with my colleagues and I, on both sides of the aisle, to pass the Education Jobs Fund Act, reinvest in our schools, and make sure that America's future is secure.

And I would ask that they join with me in celebrating the dedication and hard work of our teachers—without whom none of us would be where we are today.

## ADDITIONAL STATEMENTS

### REMEMBERING RABBI GEDALIAH ANEMER

• Mr. CARDIN. Mr. President, I would like to take this opportunity to honor Rabbi Gedaliah Anemer, a beloved Orthodox Jewish leader and scholar who passed away at age 78 on April 15, 2010.

For more than 50 years, Rabbi Anemer served as a religious guide, compassionate counselor, and an authority on Jewish practices and laws to his Silver Spring congregation. His leadership and spiritualism helped to nurture a strong, vibrant Orthodox Jewish community in the Greater Washington area and strengthened his congregants' love of Judaism and connection to Israel. He also founded the Yeshiva of Greater Washington in Silver Spring, helping to educate a future generation of Jewish spiritual leaders.

Rabbi Anemer was born in Akron, OH, in 1932 and studied as a boy at the Tiferes Yerushalayim in New York. In 1952, he was ordained from the Telshe Yeshiva. For the 5 years following his ordination, Rabbi Anemer was the head of the Yeshiva of the Boston Rabbinical Seminary. In 1957, he became spiritual leader of a small congregation in Washington, DC, Shomrei Emunah. In 1961, the synagogue was renamed Young Israel Shomrei Emunah of Greater Washington, YISE, and later moved to Silver Spring, becoming the first Orthodox synagogue in Montgomery County.

In Silver Spring, Rabbi Anemer and YISE became a ''cornerstone'' of the Kemp Mill Orthodox community. Rabbi Anemer's energy and enthusiasm for his congregants, for his neighbors, and for the Jewish people could be observed in his daily endeavors: Holding minyon in his basement, leading services for his congregation, presiding as the head of the Rabbinical Council of Greater Washington's beit din, or religious court, and acting as a mentor and confidant to his community.

Under his leadership, YISE flourished. The shul originally started by holding services in private homes. As it grew, YISE moved to a number of different locations—a clubhouse, the basement of an apartment building, a condemned house awaiting demolition, and a Masonic building—before settling into its own, newly constructed building. Services were held in Hebrew and English because the majority of the congregation's participants were scientists and engineers who did not have a Yeshiva education. Rabbi Anemer also sponsored a number of Jewish learning activities including children's services, Talmud night, and regular adult education classes. He became the spiritual leader of a congregation that grew from 30 families in 1963 to more than 500 families today.

Rabbi Anemer wore many hats in his career and in his personal life. He was a loving husband, a devoted father to four children, a caring brother, and a fiercely compassionate friend. I ask my colleagues to join me in remembering the many accomplishments of Rabbi Gedaliah Anemer and in recognizing him as a pioneer and friend to the Jewish Orthodox community of the Greater Washington area.•

### TRIBUTE TO KEVIN MANNING

• Mr. CARDIN. Mr. President, today I pay special tribute to the outstanding accomplishments of Kevin J. Manning, Ph.D., president of Stevenson University. May 21, 2010, is Commencement Day at Stevenson University, a day when student accomplishments are rewarded and recognized. This year's Commencement Day also marks the end of Kevin J. Manning's 10th year as president of Stevenson University.

During Dr. Manning's 10 years as president, the university has transitioned itself from a liberal arts college to a university that emphasizes a core liberal arts curriculum and has a unique focus on career preparation. Stevenson University students are well prepared and have a strong record of excelling in academics, community service, and postgraduate work.

With Dr. Manning's guidance, Stevenson University has seen tremendous

success and growth. In recent years, the university has had seen record levels of enrollment, the opening of a second campus in Owings Mills, and the opening of a new School of Business and Leadership in 2008.

Dr. Manning has provided critical guidance to the development of the university's Career Architecture Program, for which he received the Maryland Innovator of the Year Award from the Daily Record in September 2003. The Career Architecture Program provides career guidance and counseling to undergraduate students at Stevenson University.

Dr. Manning also has been committed to the community surrounding Stevenson University. He sits on the board of directors of numerous community and professional organizations, including the United Way of Central Maryland, the Independent College Fund of Maryland, the Greater Baltimore Committee, the Maryland Chamber of Commerce, and the Maryland Business Roundtable for Education.

I ask my colleagues to join me in applauding Kevin J. Manning for his outstanding accomplishments at Stevenson University and for his dedication to his students and colleagues, to higher education, and to the larger community.●

## TRIBUTE TO JOHN TAYLOR

● Mr. KAUFMAN. Mr. President, last week, at an event of the Delaware Chapter of Common Cause, I had the pleasure of introducing the recipient of their prestigious Open Government Award, John Taylor.

It is hard to believe that it has been 40 years since I saw John Taylor on TV and signed up as an original member of Common Cause. It has been a great ride for Common Cause and especially for its Delaware chapter.

My home State's chapter of Common Cause is known for its efforts to hold the government accountable and make sure that it is as ethical and transparent as possible. Admittedly, I am biased, but I know that the group is doing a great job. From tackling campaign finance reform to election reform, the members are working on the tough but important issues.

From the beginning they have had excellent people on board who know how to get the job done. I am not the only one who thinks this. In a February 2010 article in the News Journal, their group was termed the ''Who's Who of academia, business and government.'' John Taylor truly belongs on the ''Who's Who'' list for Delaware, and Common Cause's selection of him for its Open Government Award could not have been more appropriate.

Most Delawareans know John from his 22-year stint as editorial page editor at the News Journal. It was obligatory in Delaware to see what John Taylor had to say each week—and he did it in 700 words or fewer.

John is a traditional journalist in many ways, starting his career as a freshman reporter in 1966. He fought to get to the bottom of the story, paid close attention to the details, and possessed that sixth sense to know where the real stories lie. But he also took time away from the newsroom to pursue his other passion of education.

From the late 1960s to the early 1970s, he served as assistant to the superintendent of the Wilmington Public Schools. Before joining the newspaper business, he taught English and history at St. Mary's Secondary School in Tilbury, England.

His awards and honors are too many to name here, but he has received the Helen Wise Friend of Education Award from the Delaware State Education Association and four Mark Twain Awards for column writing from the Associated Press. He was also the 1999 recipient of the Chairman's Award from the United Way of Delaware.

After a triumphant and successful career in the news business, John found another calling in the realm of public policy and government. Today, he is a senior vice president of the Delaware State Chamber of Commerce and executive director of the Delaware Public Policy Institute. He is the driving force behind Vision 2015, and the children of Delaware will have increased opportunities because of his efforts.

It only makes sense that, after decades of writing and following politics, he would pick up a thing or two. I am pleased to see that his skills are being well used at a center that promotes the discussion of policies, programs, and issues affecting the State of Delaware.

The entire Delaware community has profited from John's efforts. From his serving on the Delaware Community Foundation Board of Directors and the Christiana Care Board of Trustees, to the boards of environmental, health, community, and educational groups, John has been an advocate for some of the most important issues of our day. He did not just write about what was or wasn't happening, although that is important: he has also pitched in to create positive headlines on his own terms.

John Taylor undoubtedly deserves his most recent honor of the Open Government Award. In his long and distinguished career, he has written about those in government, held their feet to the fire, and followed up to make sure that they were held accountable. He has taught tomorrow's leaders, interviewed the movers and shakers of yesterday, and now informs the policy makers in our day.

I extend my congratulations to the national Common Cause organization on the occasion of its 40th anniversary and to John Taylor for his achievement.●

## MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3714. An act to amend the Foreign Assistance Act of 1961 to include the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. COBURN, Mr. VITTER, Mr. BARRASSO, Mr. CRAPO, Mr. ALEXANDER, Mr. BOND, Mr. HATCH, Mr. DEMINT, Mr. BUNNING, Mr. BROWN of Massachusetts, Mr. CORNYN, Ms. COLLINS, Mr. ENZI, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. RISCH, Mr. BROWNBACK, Mr. COCHRAN, Mr. MCCONNELL, Mr. ISAKSON, Mr. WICKER, Mr. CHAMBLISS, Mr. ROBERTS, and Mr. BURR):

S. 3296. A bill to delay the implementation of certain final rules of the Environmental Protection Agency in States until accreditation classes are held in the States for a period of at least 1 year; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. ISAKSON, and Mr. KERRY):

S. 3297. A bill to update United States policy and authorities to help advance a genuine transition to democracy and to promote recovery in Zimbabwe; to the Committee on Foreign Relations.

By Mr. UDALL of Colorado (for himself and Mr. FRANKEN):

S. 3298. A bill to establish a pilot program to reduce the increasing prevalence of overweight/obesity among 0–5 year-olds in child care settings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Mr. KERRY, Mr. CARPER, Ms. CANTWELL, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3299. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; to the Committee on Rules and Administration.

By Mr. WYDEN (for himself, Mr. KERRY, Mr. CARPER, Ms. CANTWELL, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3300. A bill to establish a Vote by Mail grant program; to the Committee on Rules and Administration.

By Mr. WYDEN (for himself and Mr. KERRY):

S. 3301. A bill to establish an Online Voter Registration grant program; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. PRYOR, Mrs. BOXER, Ms. CANTWELL, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 3302. A bill to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 3303. A bill to establish the Chimney Rock National Monument in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. PRYOR (for himself, Mr. KERRY, Mr. CONRAD, and Mr. DORGAN):

S. 3304. A bill to increase the access of persons with disabilities to modern communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. CARDIN, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. SANDERS):

S. 3305. A bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. CARDIN, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. SANDERS):

S. 3306. A bill to amend the Internal Revenue Code of 1986 to require polluters to pay the full cost of oil spills, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER (for himself and Mr. BURR):

S. Res. 513. A resolution designating July 9, 2010, as ''Collector Car Appreciation Day'' and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 632

At the request of Mr. BAUCUS, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 1215

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1228

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1228, a bill to amend chapter 63 of title 5, United States Code, to modify the rate of accrual of annual leave for administrative law judges, contract appeals board members, and immigration judges.

S. 1345

At the request of Mr. REED, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1353

At the request of Mr. LEAHY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1353, a bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3116

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3116, a bill to amend the Whale Conservation and Protection Study Act to promote international whale conservation, protection, and research, and for other purposes.

S. 3117

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3117, a bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology.

S. 3151

At the request of Mr. KERRY, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3151, a bill to establish the Office for Global Women's Issues and the Women's Development Advisor to facilitate interagency coordination and the integration of gender considerations into the strategies, programming, and associated outcomes of the Department of State and the United States Agency for International Development, and for other purposes.

S. 3247

At the request of Mr. UDALL of Colorado, the names of the Senator from Missouri (Mr. BOND), the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3247, a bill to amend the Fair Credit Reporting Act with respect to fair and reasonable fees for credit scores.

S. 3275

At the request of Mr. BAUCUS, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of S. 3275, a bill to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

S. 3283

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3283, a bill to designate Mt. Andrea Lawrence.

S. 3295

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3295, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. RES. 507

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 507, a resolution designating April 30, 2010, as ''Dia de los Ninos: Celebrating Young Americans''.

S. RES. 511

At the request of Mr. LEAHY, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. KOHL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from California (Mrs. FEINSTEIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. Res. 511, a resolution commemorating and acknowledging the dedication and sacrifices made by the Federal, State, and local law enforcement officers who

have been killed or injured in the line of duty.

AMENDMENT NO. 3737

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3737 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3738

At the request of Mr. SANDERS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3738 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3747

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 3747 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3749

At the request of Mr. TESTER, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Iowa (Mr. HARKIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 3749 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 3749 intended to be proposed to S. 3217, supra.

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 3749 intended to be proposed to S. 3217, supra.

AMENDMENT NO. 3755

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3755 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3759

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 3759 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3765

At the request of Mr. FRANKEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3765 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3769

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 3769 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3770

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3770 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3772

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3772 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3775

At the request of Mr. WYDEN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 3775 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3778

At the request of Mr. UDALL of Colorado, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), the Senator from New York (Mr. SCHUMER) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 3778 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3780

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3780 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3781

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 3781 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to

protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3784

At the request of Mr. CORKER, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 3784 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. ISAKSON, and Mr. KERRY):

S. 3297. A bill to update United States policy and authorities to help advance a genuine transition to democracy and to promote recovery in Zimbabwe; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Zimbabwe Transition to Democracy and Economic Recovery Act with Senator ISAKSON and Senator KERRY. This legislation aims to update U.S. policy and to provide the necessary direction and flexibility for the United States to proactively push for democracy and economic recovery in Zimbabwe. In September 2008, the parties in Zimbabwe signed the Global Political Agreement, the GPA, and committed to work together to chart a new political direction for the country. Unfortunately, that commitment has not yet been fulfilled and political and human rights abuses continue at a disturbing rate. Nonetheless, the GPA and the formation of the transitional government have created new political realities and realignment in Zimbabwe, and subsequently, new opportunities to push for a genuine transition to democracy and for economic recovery. The United States and other international stakeholders can seize those opportunities by supporting reformers, while renewing and ramping up pressure on those who obstruct implementation of the GPA. Our bill aims to promote such a dynamic approach.

We are all familiar with the tragic story of Zimbabwe's descent. Zimbabwe was one of Africa's most prosperous countries, a major food producer and home to the continent's best education system. Its leader Robert Mugabe was considered one of the great liberation leaders of southern Africa. Yet over time, Mugabe and his regime moved to tighten their grip on power, using increasingly violent tactics to stop the political opposition, stifle independent media, and take over private property. The results, particularly in the last decade, have been disastrous. Mugabe has presided over the collapse of Zimbabwe's economy and a dramatic decline in the living conditions of his people. At the end of 2008, Zimbabwe's economy reached a low point with world-record inflation, millions of people at risk of starvation, and unemployment over 90 percent. Meanwhile, Mugabe and his party have had to resort to increasing violence to repress the will of the people. Most recently, following the March 2008 election, the Mugabe regime and its cronies launched a brutal campaign of violence against members and supporters of the opposition MDC after Morgan Tsvangirai won the first round of voting.

I have closely followed the situation in Zimbabwe since 1999 when I traveled to Harare and witnessed then the early stages of this political crisis. During that trip, I also met some incredibly dynamic, committed and inspiring civil society leaders. Upon returning, I said on the Senate floor that we must not abandon these leaders; that the international community should move to arrest Zimbabwe's descent before it became more complex. I teamed up then with Senator Bill Frist to author legislation on U.S. policy toward Zimbabwe. And in 2001, President Bush signed that legislation, the Zimbabwe Democracy and Economic Recovery Act, into law. ZDERA, as that bill is known, placed restrictions on U.S. support for any new international loan, credit or debt reduction for Zimbabwe until the President certifies that a number of political conditions have been met, namely an end to abuses and the restoration of rule of law. The bill also called for targeted sanctions against individuals responsible for politically motivated violence.

At the same time, ZDERA also spelled out the United States' commitment to the Zimbabwean people in their struggle to effect peaceful and democratic change. And it stated our commitment to be a strong partner in helping the Zimbabwean people to rebuild their country when that change was achieved. I have not given up on that commitment, despite the Mugabe regime's relentless and violent efforts to hold onto power. In 2002, I tried to return to the country, but my visa was revoked and the government blocked my entry into the country. In 2003, I traveled to South Africa and Botswana, in part to discuss the crisis in Zimbabwe and the regional consequences. Most recently, in 2008 and 2009, in my capacity as the Chairman of the Africa Subcommittee, I have held hearings specifically on Zimbabwe and U.S. policy options.

With the signing of the GPA, I was skeptical that Robert Mugabe and his allies had any real intention to share power and respect the agreement. I remain skeptical as at almost every turn, hardliners in the transitional government have resisted any moves that would undermine their historic patronage system and power structures. Mugabe has refused to implement several parts of the agreement, continuing to use Western sanctions as a scapegoat. Meanwhile, state security forces remain largely under the control of ZANU-PF and continue to harass civil society activists and participate in illegal, often violent, seizures of private land and property. In this sense, little has changed in Zimbabwe.

Yet at the same time, for many Zimbabweans, the establishment of a transitional government that includes former opposition leaders who were imprisoned and tortured as part of Zimbabwe's democratic struggle has brought forth a sense of possibility that has not existed for years. It has brought their struggle for democracy into the halls of government. And over the last year, some progress has been made toward enacting reforms. Most notably, the Finance Ministry has managed to halt Zimbabwe's economic decline and put an end to some of the disastrous fiscal activities of the previous regime. That said, progress has been slow and limited mostly to the economic sector. We cannot deceive ourselves into thinking that the return of food and other goods to stores is an indication that true democracy has taken root. Reformist elements in the government continue to lack the leverage as well as the qualified personnel and resources to overcome the resistance of hardliners and to break their hold on the security sector. They need greater support if they are going to win this struggle and achieve a genuine transition to democracy and economic recovery.

I respect those who are cautious about changing the international posture toward Zimbabwe until there is greater progress and a clear transition underway. I too am cautious, as there is good reason to be so. But at the same time, I also believe we must support the Zimbabwean people in their ongoing struggle for peaceful, democratic change and we can best do that by reconsidering some of the strict polices of years prior. We must realize that the dynamics of that struggle have changed—not as much as we would like them to go, not even close but there has been change. Adhering to a strict wait-and-see approach allows Mugabe and his allies to continue to marginalize reformers in the transitional government and manipulate the political environment, while relying on their usual anti-Western propaganda to win local and regional support. Alternatively, through proactive and targeted engagement, there may be ways that we can better support reformers in government, create incentives for others in the government to embrace such reform, and isolate the hardliners. If

we are to see institutional change in Zimbabwe, it is in our interest to pursue those possibilities.

The United States has a key role to play in this regard. We continue to be very active in Zimbabwe, providing humanitarian assistance and support for civil society. In Fiscal Year 2009, the United States provided nearly $300 million to Zimbabwe, over half of which was food assistance. Over the last year, some within the administration have begun to explore ways we can better target our assistance to help reformers in order to consolidate democratic reforms and lay the groundwork for economic recovery. We have already provided some technical assistance to help certain ministries in the government. This is the right approach and we should continue to look for ways to proceed, both symbolically and substantively. At the same time, we should continue to update and increase targeted pressure on those individuals and institutions that are actively obstructing reform. We should also look for innovative ways to address illegal activities that are in violation of the GPA.

The Zimbabwe Transition to Democracy and Economic Recovery Act of 2010 seeks to encourage and provide the authority and flexibility for the Obama administration to pursue such a dynamic approach toward Zimbabwe. Our bill authorizes continued and expanded technical assistance to reformist ministries of the transitional government as well as to the Parliament as it seeks to repeal or amend repressive laws. It also amends the funding restrictions on Zimbabwe in the fiscal year 2010 State and Foreign Operations appropriations bill to allow for greater engagement in the areas of health and education. Furthermore, it encourages the United States to promote agricultural development as much as possible within our food assistance efforts, while we actively press the government to reestablish security of tenure for all landowners.

In addition, our bill would amend ZDERA to allow the United States greater flexibility and leverage when engaging with the International Financial Institutions on Zimbabwe. The law from 2001 restricts U.S. support for any international loan, credit or debt reduction to Zimbabwe until the President certifies that certain political conditions have been achieved in the country. This restriction currently has no discernible impact as Zimbabwe can only be eligible for such international support when it deals with its arrears, which now total billions of dollars. Nonetheless, this restriction has become a powerful symbol and it functionally ties the hands of the State and Treasury Departments to actively engage with the IMF, African Development Bank and other institutions to develop plans for supporting Zimbabwe's longer-term recovery when there is a genuine transition. Our bill would amend ZDERA to allow for such engagement, making U.S. support conditional on the proposed assistance itself, specifically whether there are sufficient controls for transparency and oversight, and whether funds will be administered by ministries that have demonstrated a commitment to reform.

Amending ZDERA will help to provide flexibility and leverage for the U.S. government, but also to undercut Mugabe's propaganda. Over the years, Mugabe and his allies have conveniently portrayed ZDERA as a symbol of Western hostility and blanket sanctions on Zimbabwe. While those allegations are clearly false, the changes made by our bill will go a long way towards ensuring they have a much harder time spinning this lie and deflecting responsibility from their own disastrous policies.

ZDERA, of course, is not to be conflated with our targeted sanctions against specific individuals and financial institutions that are directly involved in the breakdown of the rule of law and abuses of power. Our bill calls for the continuation of that program as I see no reason to terminate this sanctions program until we see an end to widespread abuses. Instead, our bill calls for the continued review and updating of those sanctions. It also encourages new action to address illegal activities involving diamonds in Zimbabwe that are reportedly fueling abuses and undermining democratic progress. Specifically, it urges the Obama administration to consider new sanctions on individuals overseeing these activities and to press for Zimbabwe's suspension from the Kimberley Process. Zimbabwe's continued participation in the Kimberley Process undermines the integrity and important work of that process.

Finally, whenever it happens, Zimbabwe's next election will be a critical step toward any genuine transition to democratic rule and a sustainable economic recovery. The past elections have been flashpoints for increased violence and the breakdown of the rule of law. This cannot be the case this next time around if Zimbabwe is to move forward. The international community needs to prepare a coordinated strategy to help reduce the risk of violence and other abuses around such elections. Our bill directs the Obama administration to begin engaging with international partners now toward developing such a strategy.

International actions alone will not determine whether real and lasting democratic change is achieved in Zimbabwe; that will ultimately be determined by the Zimbabwean people themselves. But I do believe that we can help Zimbabweans pursue a genuine transition toward democracy and economic recovery. To do this, we need an approach that is flexible and responsive to evolving conditions and challenges on the ground. I believe this bill helps move us toward such an approach.

Nearly a decade ago, in passing ZDERA, the U.S. Congress committed to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve economic growth and restore the rule of law. Today, we can reaffirm that commitment by passing the Zimbabwe Transition to Democracy and Economic Recovery Act. I hope my colleagues will join us in doing so.

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By Mr. WYDEN (for himself, Mr. KERRY, Mr. CARPER, Ms. CANTWELL, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3299. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, today I am introducing a package of three bills to improve the administration of U.S. elections. These bills would empower voters—giving them a greater ability to control how and when they participate in the electoral process. Just as technological developments have changed the way people manage everything from their bank accounts to their communication with friends and family, they can also give voters more power to control their involvement in the electoral process. By empowering individual voters, my bills would increase turnout and lower administrative costs, while improving the security and integrity of elections.

As my colleagues know, I am an ardent believer in bipartisanship. One thing both parties agree on is that the states are great laboratories for policy innovation. The bills I am introducing today are prime examples of progress that was pioneered at the state level. It's now time to take that proven success to the national level.

An increasing number of voters across the country now Vote by Mail. In fact, in the 2008 presidential election, one-fifth of ballots nationwide were cast by mail. I am proud to say that the State that blazed the trail for Vote by Mail is my home State of Oregon. There were many steps along this path, but the turning point came in 1996. That year, Oregon conducted its first State-wide primary and general election for a Federal race exclusively by mail. That election, of course, sent me to the U.S. Senate. But that election was not just a success for my campaign, it was a win for the voters of Oregon.

Through the success of Vote by Mail for that special election, folks in Oregon saw that elections could be conducted without long lines, malfunctioning equipment, and the risks of

fraud inherent at polling places. The resounding success of that first Vote by Mail, State-wide, Federal election led directly to the passage of a referendum in Oregon on Vote by Mail two years later. In 1998, an overwhelming majority—70 percent—of Oregonians voted to adopt Vote by Mail for all elections. The Vote by Mail system was fully in place for the next election cycle, meaning that since 2000, all Oregon voters have voted exclusively by mail.

The three bills I am introducing today draw upon the success that Oregon has experienced with Vote by Mail and more recently with online voter registration. The first is the Universal Right to Vote by Mail Act. This bill would put into law the fact that every citizen has the right to vote by mail. Under this bill, any voter who requests an absentee ballot would receive one. No longer would arbitrary requirements block voters from choosing to Vote by Mail.

The second bill is the Vote by Mail Act. It would provide grants to states, or smaller jurisdictions, that wish to make the transition to Vote by Mail.

Finally, the Online Voter Registration Act would provide grants to states that wish to implement an online system that would allow voters to register to vote, update voter information, and request an absentee ballot using the internet. In Oregon, Washington, and Arizona, online systems are already working to reduce administrative costs and make it easier for voters to participate in elections.

Ten years of proven results with Oregon's Vote by Mail system has shown that this policy experiment has been a resounding success. Voters in Oregon strongly support Vote by Mail. An academic study conducted in 2005 found that over 80 percent of Oregonians prefer Vote by Mail to conventional polling place elections. Vote by Mail is also a more cost-effective way to run elections. In Oregon, the Elections Division estimated that costs were reduced by 30 percent when Vote by Mail replaced polling place elections.

One of the greatest results that Vote by Mail has had on Oregon's election is that it has increased voter turnout and that's an outcome that every state should want. In the three Presidential elections in Oregon since Vote by Mail was adopted, turnout has been 84 percent—an increase of 6 percent over the three prior Presidential elections. Vote by Mail has an even stronger beneficial impact on turnout for lower-profile elections, such as off-year, municipal, or referenda elections.

Vote by Mail also reduces election fraud. This may sound counter-intuitive to skeptics who believe voting by mail is less secure than voting at a polling place. However, a Vote by Mail system offers many safeguards that are not available in conventional elections. There is a paper trail for each and every vote, and the processing is conducted at a central, secure location that can be viewed by the public. By expanding the voting period—rather than compressing it into one day—Vote by Mail affords election officials the time to identify problems, fix errors, and investigate any questionable ballots. If the goal of our country's elections is to make sure the voice of every voter is heard clearly and securely, there is no greater tool than Vote by Mail.

Oregon's experience has shown that in a Vote by Mail system fraud is almost non-existent. Every ballot envelope is scrutinized before it is opened, and the voter's signature on it is reviewed to make sure it matches the one on file for the voter. With the longer time period involved—typically about two and a half weeks—in a Vote by Mail election, there is ample opportunity to determine whether a ballot is valid before it is counted and to investigate any allegations of fraud. If a ballot is fraudulent, it never gets counted. That could never happen in a polling place election where, by the time fraud is found, the vote has already been counted and can't be retrieved. Since Oregon converted to exclusive Vote by Mail elections, over 15 million ballots have been cast. During this time, thousands of ballots have been challenged and investigated for allegations of fraud. Thorough investigation of every allegation, however, has revealed only nine instances of vote fraud. There has been absolutely no evidence of any large-scale, systemic vote fraud that some predicted when Vote by Mail was first adopted in Oregon.

Vote by Mail offers additional advantages that may not be readily apparent. For example, on Election Day in 2006, Tillamook County, Oregon, experienced a deluge of 13 inches of rain. Roads were closed, parts of the county became unreachable, and a State of emergency was declared. Even so, 70 percent of the voters in Tillamook County cast their ballots. Vote by Mail ensured that lack of access to polling places because of a natural disaster on Election Day was no impediment to voting.

It is not only bad weather that can be overcome with Vote by Mail—an illness, caring for a loved one, pregnancy, work, travel, or religious obligations can all keep citizens from exercising their right to vote at a polling place on a one-day election. Vote by Mail trumps all of these obstacles. Such barriers are not an issue in Oregon, but they may prevent voters in 28 states and territories from voting. In those states and territories, voters must meet arbitrary requirements to get an absentee ballot. I believe the decision to obtain an absentee ballot should be made by the voter. I can see no justification for allowing arbitrary, bureaucratic rules to disenfranchise any voter anywhere in America.

I would also note that excuse requirements for obtaining an absentee ballot constitute an unwarranted invasion of voter privacy. All information submitted on an absentee ballot request form becomes part of the public record. There is no reason why voters should be forced to reveal sensitive personal information simply to have the opportunity to vote. I believe all voters should enjoy equal access to mail ballots while having their privacy ensured.

That is why I am introducing the Universal Right to Vote by Mail Act. This bill is, fundamentally, about access and fairness. No citizen should have to miss an election because they have to work, are ill, are caring for a loved one, traveling, or have a religious obligation. When voting for President, Oregonians shouldn't have an advantage over New Yorkers or Virginians. The Universal Right to Vote by Mail Act doesn't force anyone to Vote by Mail, nor does it require states to implement any new voting systems. All States are already required to have an absentee ballot system. This bill merely says all voters should have equal protection in choosing how to participate in elections.

I am also introducing today the Vote by Mail Act of 2010, which would create a three-year, $18 million grant program to help states, or smaller jurisdictions, transition to Vote by Mail systems like the one in Oregon. This bill would not mandate that any state adopt Vote by Mail. However, the bill would provide funding for state or local jurisdictions that choose to take advantage of the benefits that Vote by Mail offers. The bill would provide grants of $2 million dollars to states, or grants of $1 million to smaller jurisdictions, to help pay for the costs of implementing a Vote by Mail system. I believe Vote by Mail can improve elections in any state that adopts it. But rather than simply assume that Vote by Mail delivers benefits, I offer a solution that would provide proof that it does. My bill would instruct the Government Accountability Office to evaluate Vote by Mail and produce a study comparing traditional voting methods with Vote by Mail.

Finally, I am introducing the Online Voter Registration Act to help give voters the ability to register, update voter information, and request absentee ballots using the internet. This bill would empower voters and would reduce administrative costs. In 2008, three quarters of folks in our country reported using the internet, and 87 percent of young adults did so. These are the very people who will be registering to vote for the first time, and they expect the government to accommodate the way they live their lives. But this bill isn't just about making things

easier for young adults. The internet is well-suited to this work and can save time, protect voters' privacy, reduce paper, and lower costs. Many States already allow citizens to renew their driver's licenses or register their cars online. Expanding the list of those government services offered online to Voter Registration simply makes sense.

Oregon, Washington, and Arizona have already established online voter registration systems. In the initial election cycle of implementation for Washington's system, the State reported saving over $87,000 in less than a year. Expanding access to online voter registration makes sense, but designing and implementing such systems requires considerable start-up expenses. That's why the Online Voter Registration Act would provide grants of $150,000 to States to help cover the implementation costs.

I would like to thank those who have supported Vote by Mail, including the original cosponsors of the two bills: Senators KERRY, CARPER, CANTWELL, MERKLEY, and GILLIBRAND. I would also like to thank the many organizations that support Vote by Mail, including the National Association of Letter Carriers, National Association of Postmasters, National Association of Postal Supervisors, American Postal Workers Union, National Postal Mail Handlers Union, National Rural Letter Carriers' Association, and other labor organizations including the AFL–CIO and SEIU. Vote by Mail also has the support of many civil rights and elections organizations, including Common Cause, the NAACP, the ACLU, and The League of Rural Voters.

I urge my colleagues to give voters more choice and greater opportunity to participate in elections by supporting these important bills. It's time to move the nation's elections systems into the 21st century and answer the needs of today's voters. These bills are an important step in that direction.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3299

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Universal Right to Vote by Mail Act of 2010''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) An inequity of voting rights exists in the United States because voters in some States have the universal right to vote by mail while voters in other States do not.

(2) Many voters often have work, family, or other commitments that make getting to polls on the date of an election difficult or impossible. Under current State laws, many of these voters are not permitted to vote by mail.

(3) 28 States currently allow universal absentee voting (also known as ''no-excuse'' absentee voting), which permits any voter to request a mail-in ballot without providing a reason for the request, and no State which has implemented no-excuse absentee voting has repealed it.

(4) Voting by mail gives voters more time to consider their choices, which is especially important as many ballots contain greater numbers of questions about complex issues than in the past due to the expanded use of the initiative and referendum process in many States.

(5) Voting by mail is cost effective. After the State of Oregon adopted vote by mail for all voters, the cost to administer an election in the State dropped by nearly 30 percent over the next few elections, from $3.07 per voter to $2.21 per voter.

(6) Allowing all voters the option to vote by mail can reduce waiting times for those voters who choose to vote at the polls.

(7) Voting by mail is preferable to many voters as an alternative to going to the polls. Voting by mail has become increasingly popular with voters who want to be certain that they are able to vote no matter what comes up on Election Day.

(8) No evidence exists suggesting the potential for fraud in absentee balloting is greater than the potential for fraud by any other method of voting.

(9) Many of the reasons which voters in many States are required to provide in order to vote by mail require the revelation of personal information about health, travel plans, or religious activities, which violate voters' privacy while doing nothing to prevent voter fraud.

(10) State laws which require voters to obtain a notary signature to vote by mail only add cost and inconvenience to voters without increasing security.

**SEC. 3. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL IN FEDERAL ELECTIONS.**

(a) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by inserting after section 303 the following new section:

**''SEC. 303A. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL.**

''(a) IN GENERAL.—If an individual in a State is eligible to cast a vote in an election for Federal office, the State may not impose any additional conditions or requirements on the eligibility of the individual to cast the vote in such election by mail, except to the extent that the State imposes a deadline for requesting the ballot and related voting materials from the appropriate State or local election official and for returning the ballot to the appropriate State or local election official.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to affect the authority of States to conduct elections for Federal office through the use of polling places at which individuals cast ballots on the date of the election.

''(c) EFFECTIVE DATE.—A State shall be required to comply with the requirements of subsection (a) with respect to elections for Federal office held in years beginning with 2012.''.

(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 401 of such Act (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 303A''.

(c) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 303 the following new item:

''Sec. 303A. Promoting ability of voters to vote by mail.''.

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By Mr. WYDEN (for himself, Mr. KERRY, Mr. CARPER, Ms. CANTWELL, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3300. A bill to establish a Vote by Mail grant program; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3300

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Vote by Mail Act of 2010''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The Supreme Court declared in Reynolds v. Sims that ''[i]t has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote . . . and to have their votes counted.''

(2) In recent presidential elections, voting technology failures, procedural irregularities, and long lines for polling places deprived some Americans of their fundamental right to vote.

(3) Under the Oregon Vote by Mail system, election officials mail ballots to all registered voters at least 2 weeks before election day. Voters mark their ballots, seal the ballots in both unmarked secrecy envelopes and signed return envelopes, and return the ballots by mail or to secure drop boxes. Once a ballot is received, election officials scan the bar code on the ballot envelope, which brings up the voter's signature on a computer screen. The election official compares the signature on the screen and the signature on the ballot envelope. Only if the signature on the ballot envelope is determined to be authentic is the ballot forwarded on to be counted.

(4) Oregon's Vote by Mail system has deterred voter fraud because the system includes numerous security measures such as the signature authentication system. Potential misconduct is also discouraged by the power of the State to punish those who engage in voter fraud with up to 5 years in prison, $100,000 in fines, and the loss of their vote.

(5) Oregon's Vote by Mail system promotes uniformity and strict compliance with Federal and State voting laws because ballot processing is centralized in county clerks' offices, rather than at numerous polling places.

(6) Vote by Mail is 1 factor making voter turnout in Oregon consistently higher than the average national voter turnout. In the 2004 presidential election, for example, Oregon had a turnout rate of 86.48 percent of registered voters, compared to 69.96 percent turnout of registered voters nationally.

(7) Women, younger voters, and homemakers also report that they vote more often using Vote by Mail.

(8) Vote by Mail reduces election costs by eliminating the need to transport equipment to polling stations and to hire and train poll workers. Oregon reduced its costs to administer elections by nearly 30 percent after implementing Vote by Mail. In Oregon's last

polling place election in 1998, the cost per voter was $3.07. By 2004, the cost per voter in Oregon had dropped to $2.21.

(9) Vote by Mail allows voters to educate themselves because they receive ballots well before election day, which provides them with ample time to research issues, study ballots, and deliberate in a way that is not possible at a polling place.

(10) Vote by Mail is accurate—at least 2 studies comparing voting technologies show that absentee voting methods, including Vote by Mail systems, result in a more accurate vote count.

(11) Vote by Mail results in more up-to-date voter rolls, since election officials use forwarding information from the post office to update voter registration.

(12) Vote by Mail allows voters to visually verify that their votes were cast correctly and produces a paper trail for election recounts.

(13) In a survey taken 5 years after Oregon implemented the Vote by Mail system, more than 8 in 10 Oregon voters said they preferred voting by mail to traditional voting.

(14) Voters in other States are moving toward Vote by Mail as well. In 2008, 89 percent of voters in Washington State who cast ballots voted by mail, 64 percent of voters in Colorado voted by mail, and 44 percent of voters in California voted by mail.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ELECTION.—The term ''election'' means any general, special, primary, or runoff election.

(2) PARTICIPATING STATE.—The term ''participating State'' means a State receiving a grant under the Vote by Mail grant program under section 4.

(3) RESIDUAL VOTE RATE.—The term ''residual vote rate'' means the sum of all votes that cannot be counted in an election (overvotes, undervotes, and otherwise spoiled ballots) divided by the total number of votes cast.

(4) STATE.—The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(5) VOTING SYSTEM.—The term ''voting system'' has the meaning given such term under section 301(b) of the Help America Vote Act of 2002 (42 U.S.C. 15481(b)).

**SEC. 4. VOTE BY MAIL GRANT PROGRAM.**

(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act, the Election Assistance Commission shall establish a Vote by Mail grant program (in this section referred to as the ''program'').

(b) PURPOSE.—The purpose of the program is to make implementation grants to participating States solely for the implementation of procedures for the conduct of all elections by mail at the State or local government level.

(c) LIMITATION ON USE OF FUNDS.—In no case may grants made under this section be used to reimburse a State for costs incurred in implementing mail-in voting for elections at the State or local government level if such costs were incurred prior to the date of enactment of this Act.

(d) APPLICATION.—A State seeking to participate in the program under this section shall submit an application to the Election Assistance Commission containing such information, and at such time, as the Election Assistance Commission may specify.

(e) AMOUNT AND AWARDING OF IMPLEMENTATION GRANTS; DURATION OF PROGRAM.—

(1) AMOUNT OF IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of an implementation grant made to a participating State shall be, in the case of a State that certifies that it will implement all elections by mail in accordance with the requirements of subsection (f), with respect to—

(i) the entire State, $2,000,000; or

(ii) any single unit or multiple units of local government within the State, $1,000,000.

(B) EXCESS FUNDS.—

(i) IN GENERAL.—To the extent that there are excess funds in either of the first 2 years of the program, such funds may be used to award implementation grants to participating States in subsequent years.

(ii) EXCESS FUNDS DEFINED.—For purposes of clause (i), the term ''excess funds'' means any amounts appropriated pursuant to the authorization under subsection (h)(1) with respect to a fiscal year that are not awarded to a participating State under an implementation grant during such fiscal year.

(C) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—An implementation grant made to a participating State under this section shall be available to the State without fiscal year limitation.

(2) AWARDING OF IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—The Election Assistance Commission shall award implementation grants during each year in which the program is conducted.

(B) ONE GRANT PER STATE.—The Election Assistance Commission shall not award more than 1 implementation grant to any participating State under this section over the duration of the program.

(3) DURATION.—The program shall be conducted for a period of 3 years.

(f) REQUIREMENTS.—

(1) REQUIRED PROCEDURES.—A participating State shall establish and implement procedures for conducting all elections by mail in the area with respect to which it receives an implementation grant to conduct such elections, including the following:

(A) A process for recording electronically each voter's registration information and signature.

(B) A process for mailing ballots to all eligible voters.

(C) The designation of places for the deposit of ballots cast in an election.

(D) A process for ensuring the secrecy and integrity of ballots cast in the election.

(E) Procedures and penalties for preventing election fraud and ballot tampering, including procedures for the verification of the signature of the voter accompanying the ballot through comparison of such signature with the signature of the voter maintained by the State in accordance with subparagraph (A).

(F) Procedures for verifying that a ballot has been received by the appropriate authority.

(G) Procedures for obtaining a replacement ballot in the case of a ballot which is destroyed, spoiled, lost, or not received by the voter.

(H) A plan for training election workers in signature verification techniques.

(I) Plans and procedures to ensure that voters who are blind, visually-impaired, or otherwise disabled have the opportunity to participate in elections conducted by mail and to ensure compliance with the Help America Vote Act of 2002. Such plans and procedures shall be developed in consultation with disabled and other civil rights organizations, voting rights groups, State election officials, voter protection groups, and other interested community organizations.

(J) Plans and procedures to ensure the translation of ballots and voting materials in accordance with section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a)).

(g) BEST PRACTICES, TECHNICAL ASSISTANCE, AND REPORTS.—

(1) IN GENERAL.—The Election Assistance Commission shall—

(A) develop, periodically issue, and, as appropriate, update best practices for conducting elections by mail;

(B) provide technical assistance to participating States for the purpose of implementing procedures for conducting elections by mail; and

(C) submit to the appropriate committees of Congress—

(i) annual reports on the implementation of such procedures by participating States during each year in which the program is conducted; and

(ii) upon completion of the program conducted under this section, a final report on the program, together with recommendations for such legislation or administrative action as the Election Assistance Commission determines to be appropriate.

(2) CONSULTATION.—In developing, issuing, and updating best practices, developing materials to provide technical assistance to participating States, and developing the annual and final reports under paragraph (1), the Election Assistance Commission shall consult with interested parties, including—

(A) State and local election officials;

(B) the United States Postal Service;

(C) the Postal Regulatory Commission established under section 501 of title 39, United States Code; and

(D) voting rights groups, voter protection groups, groups representing the disabled, and other civil rights or community organizations.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There are authorized to be appropriated to award grants under this section, for each of fiscal years 2012 through 2014, $6,000,000, to remain available without fiscal year limitation until expended.

(2) ADMINISTRATION.—There are authorized to be appropriated to administer the program under this section, $200,000 for the period of fiscal years 2012 through 2014, to remain available without fiscal year limitation until expended.

(i) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(6) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(7) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

**SEC. 5. STUDY ON IMPLEMENTATION OF MAIL-IN VOTING FOR ELECTIONS.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study evaluating the benefits of broader implementation of mail-in voting in

elections, taking into consideration the annual reports submitted by the Election Assistance Commission under section 4(g)(1)(C)(i) before November 1, 2013.

(2) SPECIFIC ISSUES STUDIED.—The study conducted under paragraph (1) shall include a comparison of traditional voting methods and mail-in voting with respect to—

(A) the likelihood of voter fraud and misconduct;

(B) the accuracy of voter rolls;

(C) the accuracy of election results;

(D) voter participation in urban and rural communities and by minorities, language minorities (as defined in section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a)), and individuals with disabilities and by individuals who are homeless or who frequently change their official residences;

(E) public confidence in the election system;

(F) the residual vote rate, including such rate based on voter age, education, income, race, or ethnicity or whether a voter lives in an urban or rural community, is disabled, or is a language minority (as so defined); and

(G) cost savings.

(3) CONSULTATION.—In conducting the study under paragraph (1), the Comptroller General shall consult with interested parties, including—

(A) State and local election officials;

(B) the United States Postal Service;

(C) the Postal Regulatory Commission established under section 501 of title 39, United States Code; and

(D) voting rights groups, voter protection groups, groups representing the disabled, and other civil rights or community organizations.

(b) REPORT.—Not later than November 1, 2013, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report on the study conducted under subsection (a), together with such recommendations for legislation or administrative action as the Comptroller General determines to be appropriate.

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By Mr. WYDEN (for himself and Mr. KERRY):

S. 3301. A bill to establish an Online Voter Registration grant program; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objeciton, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3301

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Online Voter Registration Act of 2010''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Americans have become increasingly comfortable with using the Internet for a wide range of purposes, including gathering information, purchasing items, performing financial transactions, and obtaining information and services from the Government.

(2) In 2008, 74 percent of adults in the United States reported using the Internet, according to the Pew Internet and American Life Project. Of those adults, 89 percent reported using the Internet to find information, 71 percent made purchases over the Internet, 70 percent read news online, 56 percent looked up campaign or political information, 55 percent utilized online banking, and 59 percent visited Government Internet websites.

(3) The Internet is well-suited to allow individuals to provide and update personal information. Completing such tasks online saves time, reduces paper, increases efficiency, and lowers costs.

(4) Many States already allow citizens to access Government services online, including renewing driver's licenses and registering cars.

(5) Two States, Arizona and Washington, have already implemented online voter registration systems, and a number of other States are in the process of adopting online voter registration systems.

(6) Although 2008 was the first election cycle that the online voter registration system was in place in Washington State, in the month prior to the general election, voter use of the online voter registration system exceeded that of mail-in registration cards by more than 20 percent.

(7) Younger adults who are registering to vote for the first time are the most adept Internet users and expect to be able to accomplish most tasks online. In 2008, 87 percent of adults age 18 to 29 used the Internet. In Washington State, voters age 18 to 24 had the highest rate of use of its online voter registration system.

(8) During the 2008 election cycle, Washington State processed about 130,000 online voter registration transactions.

(9) Implementing an online voter registration requires an initial investment to purchase the needed technology and to input existing voter information into the registration database. Washington State, for example, spent $278,000 to establish its online voter registration system.

(10) Once in place, online voter registration systems allow the processing of new voter registrations, changes of address or party, and requests for absentee ballots.

(11) Washington State reports that it costs approximately 25 cents to process paper voter registration cards and 43 cents to process those submitted via the department of motor vehicles in compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.). Voters must also pay postage costs for registration cards sent through the mail. Once in place, the online voter registration system requires no processing by staff in order to complete a transaction, and therefore has no per transaction cost. For the 2008 general election, the online voter registration system saved Washington State $32,500, and saved consumers $54,600 in postage costs, which resulted in total savings to the State and consumers of over $87,000.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ELECTION.—The term ''election'' means any general, special, primary, or runoff election.

(2) PARTICIPATING STATE.—The term ''participating State'' means a State receiving a grant under the Online Voter Registration grant program under section 4.

(3) STATE.—The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

**SEC. 4. ONLINE VOTER REGISTRATION GRANT PROGRAM.**

(a) ESTABLISHMENT.—The Election Assistance Commission shall establish an Online Voter Registration grant program (in this section referred to as the ''program'').

(b) PURPOSE.—The purpose of the program is to make grants to participating States solely for the implementation of online voter registration systems.

(c) LIMITATION ON USE OF FUNDS.—In no case may grants made under this section be used to reimburse a State for costs incurred in implementing online voter registration systems at the State or local government level if such costs were incurred prior to October 1, 2009.

(d) APPLICATION.—A State seeking to participate in the program under this section shall submit an application to the Election Assistance Commission containing such information, and at such time, as the Election Assistance Commission may specify.

(e) AMOUNT AND AWARDING OF IMPLEMENTATION GRANTS; DURATION OF PROGRAM.—

(1) AMOUNT OF IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—The amount of an implementation grant made to a participating State shall be $150,000.

(B) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—An implementation grant made to a participating State under this section shall be available to the State without fiscal year limitation.

(2) AWARDING OF IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—The Election Assistance Commission shall award implementation grants during each year in which the program is conducted.

(B) ONE GRANT PER STATE.—The Election Assistance Commission shall not award more than 1 implementation grant to any participating State under this section over the duration of the program.

(3) DURATION.—The program shall be conducted for a period of 5 years.

(f) REQUIREMENTS.—A participating State shall establish and implement an online voter registration system which individuals may use to register to vote, update voter registration information, and request an absentee ballot in the State.

(g) BEST PRACTICES, TECHNICAL ASSISTANCE, AND REPORTS.—

(1) IN GENERAL.—The Election Assistance Commission shall—

(A) develop, periodically issue, and, as appropriate, update best practices for implementing online voter registration systems;

(B) provide technical assistance to participating States for the purpose of implementing online voter registration systems; and

(C) submit to the appropriate committees of Congress—

(i) annual reports on the implementation of such online voter registration systems by participating States during each year in which the program is conducted; and

(ii) upon completion of the program conducted under this section, a final report on the program, together with recommendations for such legislation or administrative action as the Election Assistance Commission determines to be appropriate.

(2) CONSULTATION.—In developing, issuing, and updating best practices, developing materials to provide technical assistance to participating States, and developing the annual and final reports under paragraph (1), the Election Assistance Commission shall consult with interested parties, including—

(A) State and local election officials; and

(B) voting rights groups, voter protection groups, groups representing the disabled, and other civil rights or community organizations.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There are authorized to be appropriated to award grants under this section, for each of fiscal years 2010 through 2016, $1,800,000, to remain available without fiscal year limitation until expended.

(2) ADMINISTRATION.—There are authorized to be appropriated to administer the program under this section, $200,000 for the period of fiscal years 2010 through 2016, to remain available without fiscal year limitation until expended.

(i) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(6) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(7) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 513—DESIGNATING JULY 9, 2010, AS "COLLECTOR CAR APPRECIATION DAY" AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

Mr. TESTER (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 513

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the Nation and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of this Nation by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now therefore, be it

*Resolved*, That the Senate—

(1) designates July 9, 2010, as "Collector Car Appreciation Day";

(2) recognizes that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States;

(3) encourages the Department of Education, the Department of Transportation, and other Federal agencies to support events and commemorations of "Collector Car Appreciation Day", including exhibitions and educational and cultural activities for young people; and

(4) encourages the people of the United States to engage in events and commemorations of "Collector Car Appreciation Day" that create opportunities for collector car owners to educate young people on the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3785. Mrs. HUTCHISON (for herself, Ms. LANDRIEU, Mr. DEMINT, Mr. CRAPO, Mr. BENNETT, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3786. Ms. CANTWELL (for herself, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3787. Mr. BROWN of Ohio (for himself and Mr. KAUFMAN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3788. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3789. Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3790. Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3791. Mr. BROWNBACK (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. SPECTER, Mr. BROWN of Ohio, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3792. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3793. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3794. Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. SPECTER, and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3795. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3796. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3797. Mr. SCHUMER (for himself, Mr. REED, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3798. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3799. Mrs. HAGAN (for herself, Mrs. HUTCHISON, Mr. CARPER, Mr. CORNYN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3800. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3801. Mr. HATCH (for himself, Mr. ENZI, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3802. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3803. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3804. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3805. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3806. Mr. SPECTER (for himself and Mr. KAUFMAN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3807. Mrs. HAGAN (for herself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3808. Mr. FRANKEN (for himself, Mr. SCHUMER, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3809. Mr. INOUYE (for himself, Mr. COCHRAN, Mr. DURBIN, Ms. COLLINS, Mr. BYRD, Mr. HARKIN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3810. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3811. Mr. DORGAN (for himself, Mr. FEINGOLD, and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3812. Mr. HARKIN (for himself, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3813. Ms. KLOBUCHAR (for herself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3814. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3785.** Mrs. HUTCHISON (for herself, Ms. LANDRIEU, Mr. DEMINT, Mr. CRAPO, Mr. BENNETT, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1090, between lines 18 and 19, add the following:

**SEC. 974. EXEMPTION FOR SMALLER ISSUERS UNDER THE SARBANES-OXLEY ACT OF 2002.**

(a) EXEMPTION.—Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended—

(1) in subsection (b), by striking ''With respect'' and inserting ''Except as provided in subsection (c), with respect''; and

(2) by adding at the end the following:

''(c) EXEMPTION FOR SMALLER ISSUERS.—Subsection (b) shall not apply with respect to any audit report prepared for an issuer for which the aggregate worldwide market value of the voting and nonvoting common equity held by persons that are not affiliates of the issuer is less than $150,000,000.''.

(b) STUDY AND REPORT.—

(1) STUDY.—The Chief Economist of the Commission shall conduct a study to determine how the Commission could reduce the burden of complying with section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) for companies for which the aggregate worldwide market value of the voting and nonvoting common equity held by persons that are not affiliates of the issuer is $150,000,000 or more, and not more than $700,000,000, while maintaining investor protections for such companies.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Chief Economist of the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under paragraph (1) that includes—

(A) an analysis of the costs and benefits of complying with section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262);

(B) an analysis of whether reducing the compliance burden for companies described in paragraph (1) or providing a complete exemption from compliance with such section 404(b) for such companies would encourage the companies to list on exchanges in the United States in the initial public offerings of such companies or otherwise facilitate capital formation; and

(C) recommendations about whether the exemption under section 404(c) Sarbanes-Oxley Act of 2002, a added by subsection (a), should be extended to larger issuers.

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**SA 3786.** Ms. CANTWELL (for herself, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 762, between lines 5 and 6, insert the following:

**SEC. _____. ANTIMARKET MANIPULATION AUTHORITY.**

(a) PROHIBITION REGARDING MANIPULATION AND FALSE INFORMATION.—Subsection (c) of section 6 of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended to read as follows:

''(c) PROHIBITION REGARDING MANIPULATION AND FALSE INFORMATION.—

''(1) PROHIBITION AGAINST MANIPULATION.—It shall be unlawful for any person, directly or indirectly, to use or employ, or attempt to use or employ, in connection with any swap, or a contract of sale of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010.

''(A) SPECIAL PROVISION FOR MANIPULATION BY FALSE REPORTING.—Unlawful manipulation for purposes of this paragraph shall include, but not be limited to, delivering, or causing to be delivered for transmission through the mails or interstate commerce, by any means of communication whatsoever, a false or misleading or inaccurate report concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce, knowing, or acting in reckless disregard of the fact, that such report is false, misleading or inaccurate.

''(B) EFFECT ON OTHER LAW.—Nothing in this paragraph shall affect, or be construed to affect, the applicability of section 9(a)(2).

''(2) PROHIBITION REGARDING FALSE INFORMATION.—It shall be unlawful for any person to make any false or misleading statement of a material fact to the Commission, including in any registration application or any report filed with the Commission under this Act, or any other information relating to a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit to state in any such statement any material fact that is necessary to make any statement of a material fact made not misleading in any material respect, if the person knew, or reasonably should have known, the statement to be false or misleading.

''(3) ENFORCEMENT.—

''(A) AUTHORITY OF COMMISSION.—If the Commission has reason to believe that any person (other than a registered entity) is violating or has violated this subsection, or any other provision of this Act (including any rule, regulation, or order of the Commission promulgated in accordance with this subsection or any other provision of this Act), the Commission may serve upon the person a complaint.

''(B) CONTENTS OF COMPLAINT.—A complaint under subparagraph (A) shall—

''(i) contain a description of the charges against the person that is the subject of the complaint; and

''(ii) have attached or contain a notice of hearing that specifies the date and location of the hearing regarding the complaint.

''(C) HEARING.—A hearing described in subparagraph (B)(ii)—

''(i) shall be held not later than 3 days after service of the complaint described in subparagraph (A);

''(ii) shall require the person to show cause regarding why—

''(I) an order should not be made—

''(aa) to prohibit the person from trading on, or subject to the rules of, any registered entity; and

''(bb) to direct all registered entities to refuse all privileges to the person until further notice of the Commission; and

''(II) the registration of the person, if registered with the Commission in any capacity, should not be suspended or revoked; and

''(iii) may be held before—

''(I) the Commission; or

''(II) an administrative law judge designated by the Commission, under which the administrative law judge shall ensure that all evidence is recorded in written form and submitted to the Commission.

''(4) SUBPOENA.—For the purpose of securing effective enforcement of the provisions of this Act, for the purpose of any investigation or proceeding under this Act, and for the purpose of any action taken under section 12(f) of this Act, any member of the Commission or any Administrative Law Judge or other officer designated by the Commission (except as provided in paragraph (6)) may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry.

''(5) WITNESSES.—The attendance of witnesses and the production of any such records may be required from any place in the United States, any State, or any foreign country or jurisdiction at any designated place of hearing.

''(6) SERVICE.—A subpoena issued under this section may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States in such manner as the Federal Rules of Civil Procedure prescribe for service of process in a foreign country, except that a subpoena to be served on a person who is not to be found within the territorial jurisdiction of any court of the United States may be issued only on the prior approval of the Commission.

''(7) REFUSAL TO OBEY.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction in which the investigation or proceeding is conducted, or where such person resides or transacts business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. Such court may issue an order requiring such person to appear before the Commission or member or Administrative Law Judge or other officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question.

''(8) FAILURE TO OBEY.—Any failure to obey such order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district wherein such person is an inhabitant or transacts business or wherever such person may be found.

''(9) EVIDENCE.—On the receipt of evidence under paragraph (3)(C)(iii), the Commission may—

''(A) prohibit the person that is the subject of the hearing from trading on, or subject to the rules of, any registered entity and require all registered entities to refuse the person all privileges on the registered entities for such period as the Commission may require in the order;

''(B) if the person is registered with the Commission in any capacity, suspend, for a period not to exceed 180 days, or revoke, the registration of the person;

''(C) assess such person—

''(i) a civil penalty of not more than an amount equal to the greater of—

''(I) $140,000; or

''(II) triple the monetary gain to such person for each such violation; or

''(ii) in any case of manipulation or attempted manipulation in violation of this subsection or section 9(a)(2), a civil penalty of not more than an amount equal to the greater of—

''(I) $1,000,000; or

''(II) triple the monetary gain to the person for each such violation; and

''(D) require restitution to customers of damages proximately caused by violations of the person.

''(10) ORDERS.—

''(A) NOTICE.—The Commission shall provide to a person described in paragraph (9) and the appropriate governing board of the registered entity notice of the order described in paragraph (9) by—

''(i) registered mail;

''(ii) certified mail; or

''(iii) personal delivery.

''(B) REVIEW.—

''(i) IN GENERAL.—A person described in paragraph (9) may obtain a review of the order or such other equitable relief as determined to be appropriate by a court described in clause (ii).

''(ii) PETITION.—To obtain a review or other relief under clause (i), a person may, not later than 15 days after notice is given to the person under clause (i), file a written petition to set aside the order with the United States Court of Appeals—

''(I) for the circuit in which the petitioner carries out the business of the petitioner; or

''(II) in the case of an order denying registration, the circuit in which the principal place of business of the petitioner is located, as listed on the application for registration of the petitioner.

''(C) PROCEDURE.—

''(i) DUTY OF CLERK OF APPROPRIATE COURT.—The clerk of the appropriate court under subparagraph (B)(ii) shall transmit to the Commission a copy of a petition filed under subparagraph (B)(ii).

''(ii) DUTY OF COMMISSION.—In accordance with section 2112 of title 28, United States Code, the Commission shall file in the appropriate court described in subparagraph (B)(ii) the record theretofore made.

''(iii) JURISDICTION OF APPROPRIATE COURT.—Upon the filing of a petition under subparagraph (B)(ii), the appropriate court described in subparagraph (B)(ii) shall have jurisdiction to affirm, set aside, or modify the order of the Commission, and the findings of the Commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive.''.

(b) CEASE AND DESIST ORDERS, FINES.—Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended to read as follows:

''(d) If any person (other than a registered entity), directly or indirectly, is using or employing, or attempting to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010, is violating or has violated any of the provisions of this Act or of the rules, regulations, or orders of the Commission thereunder, the Commission may, upon notice and hearing, and subject to appeal as in other cases provided for in subsection (c), make and enter an order directing that such person shall cease and desist therefrom and, if such person thereafter and after the lapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the higher of $140,000 or triple the monetary gain to such person, or imprisoned for not less than six months nor more than one year, or both, except that if such failure or refusal to obey or comply with such order involves any offense within subsection (a) or (b) of section 9 of this Act, such person shall be guilty of a felony and, upon conviction thereof, shall be subject to the penalties of said subsection (a) or (b): Provided, That any such cease and desist order under this subsection against any respondent in any case of manipulation shall be issued only in conjunction with an order issued against such respondent under subsection (c). Each day during which such failure or refusal to obey or comply with such order continues shall be deemed a separate offense.''.

(c) MANIPULATIONS; PRIVATE RIGHTS OF ACTION.—Section 22(a)(1) of the Commodity Exchange Act (7 U.S.C. 25(a)(1)) is amended by striking subparagraph (D) and inserting the following:

''(D) who purchased or sold a contract referred to in subparagraph (B) hereof if the violation constitutes the use or employment of, or an attempt to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative device or contrivance in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which the final rule promulgated by the Commodity Futures Trading Commission pursuant to this Act takes effect.

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**SA 3787.** Mr. BROWN of Ohio (for himself and Mr. KAUFMAN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 497, strike line 9 and all that follows through page 500, line 15, and insert the following:

**SEC. 620. CONCENTRATION LIMITS FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.**

(a) DEPOSIT CONCENTRATION LIMIT.—

(1) AMENDMENT.—Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by striking subsection (f) and inserting the following:

''(f) NATIONWIDE CONCENTRATION LIMITS.—

''(1) CONCENTRATION LIMIT ESTABLISHED.—No single bank holding company may control more than 10 percent of the total amount of deposits of all insured depository institutions in the United States.

''(2) SALE OR TRANSFER REQUIRED.—The Board shall require any bank holding company that the Board determines is in violation of paragraph (1) to sell or otherwise transfer assets to an unaffiliated company, to the extent that the Board determines is necessary to bring the company into compliance with paragraph (1).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) SIZE REQUIREMENTS FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.—

(1) AMENDMENT.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

**''SEC. 13. LIMITS ON NONDEPOSIT LIABILITIES FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.**

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) FDIC-ASSESSED DEPOSITS.—The term 'FDIC-assessed deposits' means the assessment base of a bank holding company, as calculated under part 327 of title 12 Code of Federal Regulations, or any successor thereto.

''(2) FINANCIAL COMPANY.—The term 'financial company' means any nonbank financial company supervised by the Board.

''(3) NONBANK FINANCIAL COMPANY DEFINITIONS.—The terms 'foreign nonbank financial company', 'nonbank financial company', and 'U.S. nonbank financial company' have the same meanings as in section 102 of the Restoring American Financial Stability Act of 2010.

''(4) NON-DEPOSIT LIABILITIES.—The term 'non-deposit liabilities' means—

''(A) with respect to a bank holding company—

''(i) the total assets of the banking holding company; minus

''(ii) the sum of—

''(I) the tier 1 capital of the bank holding company, taking into account any off-balance-sheet liabilities; and

''(II) the FDIC-assessed deposits of the bank holding company; and

''(B) with respect to a financial company—

''(i) the total assets of the financial company; minus

''(ii) the tier 1 capital of the financial company, taking into account any off-balance-sheet liabilities.

''(5) INCORPORATED TERMS.—The terms 'average total consolidated assets' and 'tier 1 capital' have the meanings given those terms in part 225 of title 12, Code of Federal Regulations, or any successor thereto.

''(b) LIMIT ON NONDEPOSIT LIABILITIES FOR BANK HOLDING COMPANIES.—

''(1) LIMITS FOR BANK HOLDING COMPANIES.—No bank holding company may control nondeposit liabilities that exceed 2 percent of the annual gross domestic product of the United States.

''(2) LIMITS FOR FINANCIAL COMPANIES.—No financial company may control nondeposit liabilities that exceed 3 percent of the annual gross domestic product of the United States.

''(3) DETERMINATION OF GROSS DOMESTIC PRODUCT.—For purposes of this subsection, the annual gross domestic product of the United States shall be determined using the average of the annual gross domestic product of the United States, as calculated by the Bureau of Economic Analysis of the Department of Commerce, during the 16 calendar quarters most recently completed at the time of the determination under paragraph (1).

''(4) TREATMENT OF INSURANCE COMPANIES.—

''(A) IN GENERAL.—Notwithstanding the limits under paragraphs (1) and (2), the Board may establish a separate liability limit for a bank holding company or financial company that the Board determines is primarily engaged in the business of insurance, if the Board determines that such a limit is necessary in order to provide for consistent and equitable treatment of the bank holding company or financial company.

''(B) CONSULTATION.—In establishing a liability limit under subparagraph (A), the Board shall consult with the State insurance regulator for any bank holding company or financial company described in subparagraph (A) having a subsidiary that is regulated by a State insurance regulator.

''(5) TREATMENT OF FOREIGN DEPOSITS.—The Board may exclude from the calculation of nondeposit liabilities under this subsection any foreign or other deposits that are not FDIC-assessed deposits, if the Board determines that such action is necessary to ensure the consistent and equitable treatment of institutions with international operations.

''(c) PROMPT CORRECTIVE ACTION.—

''(1) AUTHORITIES.—The Board shall require a bank holding company or financial company that violates subsection (a) to comply with the limit under subsection (a) by—

''(A) selling or otherwise transferring assets or off-balance-sheet items to unaffiliated firms;

''(B) terminating 1 or more activities of the bank holding company or financial company; or

''(C) imposing conditions on the manner in which the bank holding company or financial company conducts an activity of the bank holding company or financial company.

''(2) CORRECTIVE ACTION PLAN.—Not later than 60 days after the Board determines that a bank holding company or financial holding company has violated subsection (a), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a plan detailing the manner by which the bank holding company or financial company will be brought into compliance with subsection (a).

''(3) REPORTS TO CONGRESS.—

''(A) WRITTEN REPORTS.—At the end of each 60-day period following the date on which the Board submits a plan under paragraph (1) during which a bank holding company or financial company remains in violation of subsection (a), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the compliance of the bank holding company or financial holding company with the plan.

''(B) TESTIMONY.—At the end of each 120-day period following the date on which the Board submits a plan under paragraph (1) during which a bank holding company or financial company remains in violation of subsection (a), the Board shall testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives with respect to the compliance of the bank holding company or financial holding company with the plan.

**''SEC. 14. CAPITAL ASSESSMENT PROGRAM.**

''(a) ANNUAL CAPITAL ASSESSMENT REQUIRED.—Not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010, and annually thereafter, the Board shall conduct a capital assessment of each bank holding company and financial company, to estimate the losses, revenues, and reserve needs for the bank holding company or financial company.

''(b) REPORT.—The Board shall submit an annual report on the results of the capital assessments under subsection (a) to the Secretary of the Treasury, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 3 years after the date of enactment of this Act.

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**SA 3788.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**TITLE _____—DISCOUNT PRICING CONSUMER PROTECTION ACT**

**SEC. _____. DISCOUNT PRICING CONSUMER PROTECTION ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Discount Pricing Consumer Protection Act''.

(b) PROHIBITION ON VERTICAL PRICE FIXING.—

(1) AMENDMENT TO THE SHERMAN ACT.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by adding after the first sentence the following: ''Any contract, combination, conspiracy or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor shall violate this Act.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 90 days after the date of enactment of this Act.

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**SA 3789.** Mr. BROWNBACK (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

**SEC. 1030. EXCLUSION FOR AUTO DEALERS.**

(a) IN GENERAL.—The Director and the Bureau may not exercise any rulemaking, supervisory, enforcement, or any other authority, including authority to order assessments over a motor vehicle dealer that is primarily engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.

(b) CERTAIN FUNCTIONS EXCEPTED.—The provisions of subsection (a) shall not apply to any person, to the extent that such person—

(1) provides consumers with any services related to residential mortgages; or

(2) operates a line of business that involves the extension of retail credit or retail leases involving motor vehicles, and in which—

(A) the extension of retail credit or retail leases is routinely provided directly to consumers; and

(B) the contract governing such extension of retail credit or retail leases is not routinely assigned to a third-party finance or leasing source.

(c) NO IMPACT ON PRIOR AUTHORITY.—Nothing in this section shall be construed to modify, limit, or supersede the rulemaking or enforcement authority over motor vehicle dealers that could be exercised by any Federal department or agency on the day before the date of enactment of this Act.

(d) NO TRANSFER OF CERTAIN AUTHORITY.—Notwithstanding any other provision of law, the consumer financial protection functions of the Board of Governors and the Federal Trade Commission shall not be transferred to the Director or the Bureau to the extent such functions are with respect to a person described under subsection (a).

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) MOTOR VEHICLE.—The term ''motor vehicle'' means—

(A) any self-propelled vehicle designed for transporting persons or property on a street, highway, or other road;

(B) recreational boats and marine equipment;

(C) motorcycles;

(D) motor homes, recreational vehicle trailers, and slide-in campers, as those terms are defined in sections 571.3 and 575.103 (d) of title 49, Code of Federal Regulations, or any successor thereto; and

(E) other vehicles that are titled and sold through dealers.

(2) MOTOR VEHICLE DEALER.—The term ''motor vehicle dealer'' means any person or resident in the United States, or any territory of the United States, who is licensed by a State, a territory of the United States, or the District of Columbia to engage in the sale of motor vehicles.

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**SA 3790.** Mr. BROWNBACK (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

**SEC. 1030. EXCLUSION FOR AUTO DEALERS.**

(a) IN GENERAL.—The Director and the Bureau may not exercise any rulemaking, supervisory, enforcement, or any other authority, including authority to order assessments over a motor vehicle dealer that is primarily engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.

(b) CERTAIN FUNCTIONS EXCEPTED.—The provisions of subsection (a) shall not apply to any person, to the extent that such person—

(1) provides consumers with any services related to residential mortgages; or

(2) operates a line of business that involves the extension of retail credit or retail leases involving motor vehicles, and in which—

(A) the extension of retail credit or retail leases is routinely provided directly to consumers; and

(B) the contract governing such extension of retail credit or retail leases is not routinely assigned to a third-party finance or leasing source.

(c) NO IMPACT ON PRIOR AUTHORITY.—Nothing in this section shall be construed to modify, limit, or supersede the rulemaking or enforcement authority over motor vehicle dealers that could be exercised by any Federal department or agency on the day before the date of enactment of this Act.

(d) NO TRANSFER OF CERTAIN AUTHORITY.—Notwithstanding any other provision of law, the consumer financial protection functions of the Board of Governors and the Federal Trade Commission shall not be transferred to the Director or the Bureau to the extent such functions are with respect to a person described under subsection (a).

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) MOTOR VEHICLE.—The term ''motor vehicle'' means any self-propelled vehicle designed for transporting persons or property on a street, highway, or other road.

(2) MOTOR VEHICLE DEALER.—The term ''motor vehicle dealer'' means any person resident in the United States or any territory of the United States, licensed by a State, a territory of the United States, or the District of Columbia, to engage in the sale of motor vehicles.

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**SA 3791.** Mr. BROWNBACK (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. SPECTER, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1565, after line 23, add the following:

**TITLE XIII—CONGO CONFLICT MINERALS**

**SEC. 1301. DISCLOSURE TO SECURITIES AND EXCHANGE COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.**

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by section 763 of this Act, is further amended by adding at the end the following new subsection:

''(o) DISCLOSURES TO COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall promulgate rules requiring any person described in paragraph (2)—

''(A) to disclose annually to the Commission in a report—

''(i) whether the columbite-tantalite, cassiterite, gold, or wolframite that was necessary as described in paragraph (2)(A)(ii) in the year for which such report is submitted originated or may have originated in the Democratic Republic of Congo or an adjoining country; and

''(ii) a description of the measures taken by the person, which may include an independent audit, to exercise due diligence on the source and chain of custody of such columbite-tantalite, cassiterite, gold, or wolframite, or derivatives of such minerals, in order to ensure that the activities of such person that involve such minerals or derivatives did not directly or indirectly finance or benefit armed groups in the Democratic Republic of Congo or an adjoining country; and

''(B) make the information disclosed under subparagraph (A) available to the public on the Internet website of the person.

''(2) PERSON DESCRIBED.—

''(A) IN GENERAL.—A person is described in this paragraph if—

''(i) the person is required to file reports to the Commission under subsection (a)(2); and

''(ii) columbite-tantalite, cassiterite, gold, or wolframite is necessary to the functionality or production of a product of such person.

''(B) DERIVATIVES.—For purposes of this paragraph, if a derivative of a mineral is necessary to the functionality or production of a product of a person, such mineral shall also be considered material to the functionality or production of a product of the person.

''(3) REVISIONS AND WAIVERS.—The Commission shall revise or temporarily waive the requirements described in paragraph (1) if the President determines that such revision or waiver is in the public interest.

''(4) TERMINATION OF DISCLOSURE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall terminate on the date that is 5 years after the date of the enactment of this subsection.

''(B) EXTENSION BY SECRETARY OF STATE.—The date described in subparagraph (A) shall be extended by 1 year for each year in which the Secretary of State certifies that armed parties to the ongoing armed conflict in the Democratic Republic of Congo or adjoining countries continue to be directly involved and benefitting from commercial activity involving columbite-tantalite, cassiterite, gold, or wolframite.

''(5) ADJOINING COUNTRY DEFINED.—In this subsection, the term 'adjoining country', with respect to the Democratic Republic of Congo, means a country that shares an internationally recognized border with the Democratic Republic of Congo.''.

**SEC. 1302. REPORT.**

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the effectiveness of section 13(o) of the Securities Exchange Act of 1934, as added by section 1301, in promoting peace and security in the eastern Democratic Republic of Congo.

(2) A description of the problems, if any, encountered by the Securities and Exchange Commission in carrying out the provisions of such section 13(o).

(3) A description of the adverse impacts of carrying out the provisions of such section 13(o), if any, on communities in the eastern Democratic Republic of Congo.

(4) Recommendations for legislative or regulatory actions that can be taken—

(A) to improve the effectiveness of the provisions of such section 13(o) to promote peace and security in the eastern Democratic Republic of Congo;

(B) to resolve the problems described pursuant to paragraph (2), if any; and

(C) to mitigate the adverse impacts described pursuant paragraph (3), if any.

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**SA 3792.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**Subtitle C—Fiduciary Duty**

**SEC. 781. SECURITIES EXCHANGE ACT.**

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), as amended by this Act, is further amended by inserting after section 10D, the following:

**''SEC. 10E. FIDUCIARY DUTY.**

''(a) IN GENERAL.—Each financial services provider shall be subject to a fiduciary duty, the obligations of which shall depend upon the particular facts and circumstances, to any covered client with respect to any individualized advice or individualized recommendation provided, directly or indirectly, to such client in connection with any transaction involving the purchase or sale of—

''(1) a security, as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1));

''(2) any CEA-regulated financial instrument; or

''(3) any financial instrument, the value of which is derived from a security, CEA-regulated financial instrument, or other financial instrument.

''(b) ENFORCEMENT.—This section shall be enforced—

''(1) as to persons who are subject to the jurisdiction of a Federal functional regulator—

''(A) by that regulator in Federal courts;

''(B) by the office of the Attorney General of the United States in Federal courts; or

''(C) by State attorneys general or State administrative agencies in State courts; and

''(2) as to persons who are not described in paragraph (1)—

''(A) by the Securities and Exchange Commission or the Commodity Futures Trading Commission in Federal courts;

''(B) by the office of the Attorney General of the United States in Federal courts; or

''(C) by State attorneys general or State administrative agencies in State courts.

''(c) AUTHORITY TO DEFINE DUTY.—As to persons who are subject to the jurisdiction of a Federal functional regulator, that regulator may, by rule, define and clarify the fiduciary duty referred to in subsection (a) with respect to such persons.

''(d) LIMITATION.—The fiduciary duty referred to in subsection (a) shall not apply to advice that is subject to the fiduciary duty under section 404(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)) in connection with a relationship that is subject to that section.

''(e) DEFINITIONS.—For purposes of this section—

''(1) the term 'financial services provider' means any person who, for compensation, is in the business of providing advice regarding, creating, underwriting, buying, selling, effecting transactions in or dealing in the financial instruments described in subparagraphs (1), (2), or (3) of subsection (a);

''(2) the term 'individualized' means any advice or recommendation that reflects the particular needs or circumstances of the covered client to which it is provided;

''(3) the term 'covered client' means—

''(A) any pension plan as defined in section 3(2)(A) of the Employee Retirement and Income Security Act of 1974 (29 U.S.C. 1002(2)(A));

''(B) any employee benefit plan described under paragraph (1) or (3) of section 4(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003(b)(1), (3)); and

''(C) any State and any county, municipality, political subdivision, agency or instrumentality of a State and any Federal agency or instrumentality thereof;

''(4) the term 'CEA-regulated financial instrument' means any financial instrument regulated by the Commodity Futures Trading Commission or under the Commodity Exchange Act (7 U.S.C. 1 et seq.); and

''(5) the term 'Federal functional regulator' means—

''(A) the Board of Governors of the Federal Reserve System;

''(B) the Office of the Comptroller of the Currency;

''(C) the Board of Directors of the Federal Deposit Insurance Corporation;

''(D) the National Credit Union Administration;

''(E) the Securities and Exchange Commission;

''(F) the Commodity Futures Trading Commission;

''(G) the Director of the Federal Housing Finance Agency; and

''(H) the Bureau of Consumer Financial Protection.''.

**SEC. 782. COMMODITY EXCHANGE ACT.**

Section 6b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by adding at the end the following:

''(e) FIDUCIARY DUTY.—

''(1) IN GENERAL.—A financial services provider shall be subject to a fiduciary duty, the obligations of which shall depend upon the particular facts and circumstances, to any covered client with respect to any individualized advice or individualized recommendation provided, directly or indirectly, to such client in connection with any transaction involving the purchase or sale of—

''(A) a security, as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1));

''(B) any CEA-regulated financial instrument; or

''(C) any financial instrument the value of which is derived from a security, CEA-regulated financial instrument, or other financial instrument.

''(2) ENFORCEMENT.—This section shall be enforced—

''(A) as to persons who are subject to the jurisdiction of a Federal functional regulator—

''(i) by that regulator in Federal courts;

''(ii) by the office the Attorney General of the United States in Federal courts; or

''(iii) by State attorneys general or State administrative agencies in State courts; and

''(B) as to other persons—

''(i) by the Securities and Exchange Commission or the Commodity Futures Trading Commission in Federal courts;

''(ii) by the office the Attorney General of the United State in Federal courts; or

''(iii) by State attorneys general or State administrative agencies in State courts.

''(3) AUTHORITY TO DEFINE DUTY.—As to persons who are subject to the jurisdiction of a Federal functional regulator, that regulator may, by rule, define and clarify the fiduciary duty referred to in paragraph (1) with respect to such persons.

''(4) LIMITATION.—The fiduciary duty referred to in paragraph (1) shall not apply to advice that is subject to the fiduciary duty under section 404(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)) in connection with a relationship that is subject to that section.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'financial services provider' means any person who, for compensation, engages in the business of providing advice regarding, creating, underwriting, buying, selling, effecting transactions in or dealing in the financial instruments described in subparagraphs (A), (B), or (C) of paragraph (1);

''(B) the term 'individualized' means any advice or recommendation that reflects the particular needs or circumstances of the covered client to which it is provided;

''(C) the term 'covered client' means—

''(i) any pension plan as defined in section 3(2)(A) of the Employee Retirement and Income Security Act of 1974 (29 U.S.C. 1002(2)(A);

''(ii) any employee benefit plan described under paragraph (1) or (3) of section 4(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003(b)(1), (3)); and

''(iii) any State and any county, municipality, political subdivision, agency or instrumentality of a State and any Federal agency or instrumentality thereof;

''(D) the term 'CEA-regulated financial instrument' means any financial instrument regulated by the Commission or under this Act; and

''(E) the term 'Federal functional regulator' means—

''(i) the Board of Governors of the Federal Reserve System;

''(ii) the Office of the Comptroller of the Currency;

''(iii) the Board of Directors of the Federal Deposit Insurance Corporation;

''(iv) the National Credit Union Administration;

''(v) the Securities and Exchange Commission;

''(vi) the Commodity Futures Trading Commission;

''(vii) the Director of the Federal Housing Finance Agency; and

''(viii) the Bureau of Consumer Financial Protection.''.

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**SA 3793.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

**SEC. 122. ADDITIONAL OVERSIGHT OF FINANCIAL REGULATORY SYSTEM.**

(a) COUNCIL OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established a Council of Inspectors General on Financial Oversight (in this section referred to as the ''Council of Inspectors General'') chaired by the Inspector General of the Department of the Treasury and composed of the inspectors general of the following:

(A) The Board of Governors of the Federal Reserve System.

(B) The Commodity Futures Trading Commission.

(C) The Department of Housing and Urban Development.

(D) The Department of the Treasury.

(E) The Federal Deposit Insurance Corporation.

(F) The Federal Housing Finance Agency.

(G) The National Credit Union Administration.

(H) The Securities and Exchange Commission.

(I) The Troubled Asset Relief Program (until the termination of the authority of the Special Inspector General for such program under section 121(h) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(h))).

(2) DUTIES.—

(A) MEETINGS.—The Council of Inspectors General shall meet not less than once each quarter, or more frequently if the chair considers it appropriate, to facilitate the sharing of information among inspectors general and to discuss the ongoing work of each inspector general who is a member of the Council of Inspectors General, with a focus on concerns that may apply to the broader financial sector and ways to improve financial oversight.

(B) ANNUAL REPORT.—Each year the Council of Inspectors General shall submit to the Council and to Congress a report including—

(i) for each inspector general who is a member of the Council of Inspectors General, a section within the exclusive editorial control of such inspector general that highlights the concerns and recommendations of such inspector general in such inspector general's ongoing and completed work, with a focus on issues that may apply to the broader financial sector; and

(ii) a summary of the general observations of the Council of Inspectors General based on the views expressed by each inspector general as required by clause (i), with a focus on measures that should be taken to improve financial oversight.

(3) COUNCIL OF INSPECTORS GENERAL WORKING GROUPS.—

(A) WORKING GROUPS TO EVALUATE COUNCIL.—

(i) CONVENING A WORKING GROUP.—The Council of Inspectors General may, by majority vote, convene a Council of Inspectors General Working Group to evaluate the effectiveness and internal operations of the Council.

(ii) PERSONNEL AND RESOURCES.—The inspectors general who are members of the Council of Inspectors General may detail staff and resources to a Council of Inspectors General Working Group established under this subparagraph to enable it to carry out its duties.

(iii) REPORTS.—A Council of Inspectors General Working Group established under this subparagraph shall submit regular reports to the Council and to Congress on its evaluations pursuant to this subparagraph.

(B) WORKING GROUPS FOR FINANCIAL COMPANIES UNDERGOING RESOLUTION.—

(i) CONVENING A WORKING GROUP.—The Council of Inspectors General shall convene a Council of Inspectors General Working Group for each financial company for which the Federal Deposit Insurance Corporation is appointed as receiver under section 202.

(ii) PERSONNEL AND RESOURCES.—The inspectors general who are members of the Council of Inspectors General may detail staff and resources to a Council of Inspectors General Working Group established under this subparagraph to enable it to carry out its duties.

(iii) REPORTS.—Not later than 270 days after the appointment of the Federal Deposit Insurance Corporation as receiver for the financial company for which a Council of Inspectors General Working Group is convened under clause (i), such Working Group shall submit to the primary financial regulatory agency and to Congress a report that includes—

(I) the reasons for such financial company's failure;

(II) the reasons for the appointment of the Federal Deposit Insurance Corporation as receiver for such financial company; and

(III) recommendations for preventing future failures of financial companies.

(b) RESPONSE TO REPORT BY COUNCIL.—The Council shall respond to the concerns raised in the report of the Council of Inspectors General under subsection (a)(2)(B) for such year.

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**SA 3794.** Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. SPECTER, and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. FINANCIAL FRAUD PROVISIONS.**

(a) SENTENCING GUIDELINES.—

(1) SECURITIES FRAUD.—

(A) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this paragraph, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses relating to securities fraud or any other similar provision of law, in order to reflect the intent of Congress that penalties for the offenses be increased in comparison to those provided on the date of enactment of this Act under the guidelines and policy statements, and appropriately account for the potential and actual harm to the public and the financial markets from the offenses.

(B) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under subparagraph (A), the United States Sentencing Commission shall—

(i) ensure that the guidelines and policy statements, particularly section 2B1.1(b)(14) and section 2B1.1(b)(17) (and any successors thereto), reflect—

(I) the serious nature of the offenses described in subparagraph (A);

(II) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(III) the effectiveness of incarceration in furthering the objectives described in subclauses (I) and (II);

(ii) consider the extent to which the guidelines appropriately account for the potential and actual harm to the public and the financial markets resulting from the offenses;

(iii) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(iv) make any necessary conforming changes to guidelines; and

(v) ensure that the guidelines adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(2) FINANCIAL INSTITUTION FRAUD.—

(A) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this paragraph, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of fraud offenses relating to financial institutions or federally related mortgage loans and any other similar provisions of law, to reflect the intent of Congress that the penalties for the offenses be increased in comparison to those provided on the date of enactment of this Act under the guidelines and policy statements and to ensure a term of imprisonment for offenders involved in substantial bank frauds or other frauds relating to financial institutions.

(B) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under subparagraph (A), the United States Sentencing Commission shall—

(i) ensure that the guidelines and policy statements reflect—

(I) the serious nature of the offenses described in subparagraph (A);

(II) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(III) the effectiveness of incarceration in furthering the objectives described in subclauses (I) and (II);

(ii) consider the extent to which the guidelines appropriately account for the potential and actual harm to the public and the financial markets resulting from the offenses;

(iii) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(iv) make any necessary conforming changes to guidelines; and

(v) ensure that the guidelines adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(b) EXTENSION OF STATUTE OF LIMITATIONS FOR SECURITIES FRAUD VIOLATIONS.—

(1) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

**''§ 3301. Securities fraud offenses**

''(a) DEFINITION.—In this section, the term 'securities fraud offense' means a violation of, or a conspiracy or an attempt to violate—

''(1) section 1348;

''(2) section 32(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(a));

''(3) section 24 of the Securities Act of 1933 (15 U.S.C. 77x);

''(4) section 217 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–17);

''(5) section 49 of the Investment Company Act of 1940 (15 U.S.C. 80a–48); or

''(6) section 325 of the Trust Indenture Act of 1939 (15 U.S.C. 77yyy).

''(b) LIMITATION.—No person shall be prosecuted, tried, or punished for a securities

fraud offense, unless the indictment is found or the information is instituted within 6 years after the commission of the offense.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3301. Securities fraud offenses.''.

(c) FALSE CLAIMS AND INTERNATIONAL MONEY LAUNDERING.—

(1) AMENDMENTS TO THE FALSE CLAIMS ACT RELATING TO LIMITATIONS ON ACTIONS.—Section 3730(h) of title 31, United States Code, is amended—

(A) in paragraph (1), by striking ''or agent on behalf of the employee, contractor, or agent or associated others in furtherance of other efforts to stop 1 or more violations of this subchapter'' and inserting ''agent or associated others in furtherance of an action under this section or other efforts to stop 1 or more violations of this subchapter''; and

(B) by adding at the end the following:

''(3) LIMITATION ON BRINGING CIVIL ACTION.—A civil action under this subsection may not be brought more than 3 years after the date when the retaliation occurred.''.

(2) AMENDMENTS TO THE FALSE CLAIMS ACT RELATING TO AWARDS TO QUI TAM PLAINTIFFS.—Section 3730(d)(1) of title 31, United States Code, is amended, in the second sentence, by striking ''in a criminal, civil, or administrative hearing, in a congressional, administrative, or Government Accounting Office report, hearing, audit, or investigation, or from the news media,'' and inserting ''in a Federal criminal, civil or administrative hearing in which the Government or its agent is a party, in a congressional, Government Accountability Office, or other Federal audit, report, hearing or investigation, or in the news media,''.

(3) APPLICATION OF THE INTERNATIONAL MONEY LAUNDERING STATUTE TO TAX EVASION.—Section 1956(a)(2)(A) of title 18, United States Code, is amended by—

(A) inserting ''(i)'' before ''with the intent to promote''; and

(B) adding at the end the following:

''(ii) with the intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or''.

(d) PROMOTING CRIMINAL ACCOUNTABILITY.—

(1) DEFINITIONS.—In this subsection—

(A) the terms ''Bureau'' and ''Federal consumer financial law'' have the meanings given those terms in section 1002; and

(B) the term ''civil investigative demand'' has the meaning given that term in section 1051.

(2) REVIEW OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, the Bureau may not issue a civil investigative demand unless—

(i) the Bureau consults with the Attorney General of the United States regarding the civil investigative demand; and

(ii) the Attorney General determines that issuing the civil investigative demand would be consistent with the guidelines issued under subparagraph (C).

(B) PERIOD FOR REVIEW.—If the Attorney General has not made a determination described in subparagraph (A)(ii) as of the date that is 45 days after the date on which the Attorney General receives a request to issue a civil investigative demand, the Attorney General shall be deemed to have determined that issuing the civil investigative demand would be consistent with the guidelines issued under subparagraph (C).

(C) GUIDELINES.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Bureau, shall promulgate guidelines for parallel proceedings involving the Federal consumer financial laws.

(ii) CONSIDERATIONS.—In promulgating guidelines under this subparagraph, the Attorney General and the Bureau shall consider—

(I) the significant deterrent and punitive effects of criminal sanctions;

(II) the ability to use a criminal conviction as collateral estoppel in a subsequent civil case;

(III) the possibility that the imposition of civil penalties might undermine a prosecution or the severity of a subsequent criminal sentence;

(IV) preservation of the secrecy of a criminal investigation, including the use of covert investigative techniques;

(V) prevention of the premature discovery of evidence by a defendant in a criminal case through the exploitation by the defendant of the civil discovery process;

(VI) avoidance of unnecessary litigation issues, such as unfounded defense claims of misuse of process in a civil or criminal action; and

(VII) avoidance of duplicative interviews of witnesses and subjects.

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**SA 3795.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1077. USE OF CREDIT CHECKS PROHIBITED FOR EMPLOYMENT PURPOSES.**

(a) PROHIBITION FOR EMPLOYMENT AND ADVERSE ACTION.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) in subsection (a)(3)(B), by inserting ''within the restrictions set forth in subsection (b)'' after ''purposes'';

(2) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(3) by inserting after subsection (a) the following new subsection:

''(b) USE OF CERTAIN CONSUMER REPORT PROHIBITED FOR EMPLOYMENT PURPOSES OR ADVERSE ACTIONS.—

''(1) GENERAL PROHIBITION.—Except as provided in paragraph (3), a person, including a prospective employer or current employer, may not use a consumer report or investigative consumer report, or cause a consumer report or investigative consumer report to be procured, with respect to any consumer where any information contained in the report bears on the consumer's creditworthiness, credit standing, or credit capacity—

''(A) for employment purposes; or

''(B) for making an adverse action, as described in section 603(k)(1)(B)(ii).

''(2) SOURCE OF CONSUMER REPORT IRRELEVANT.—The prohibition described in paragraph (1) shall apply even if the consumer consents or otherwise authorizes the procurement or use of a consumer report for employment purposes or in connection with an adverse action with respect to such consumer.

''(3) EXCEPTIONS.—Notwithstanding the prohibitions set forth in this subsection, and consistent with the other provisions of this title, an employer may use a consumer report with respect to a consumer in any case in which —

''(A) the consumer applies for, or currently holds, employment that requires national security or Federal Deposit Insurance Corporation clearance;

''(B) the consumer applies for, or currently holds, employment with a State or local government agency which otherwise requires use of a consumer report;

''(C) the consumer applies for, or currently holds, any management position or other position involving the handling or supervision of, or access to, customer funds or accounts at a financial institution (including any credit union); and

''(D) use of the consumer report with respect to the consumer is otherwise required by law.

''(4) EFFECT ON DISCLOSURE AND NOTIFICATION REQUIREMENTS.—The exceptions described in paragraph (3) shall have no effect on the other requirements of this title, including requirements in regards to disclosure and notification to a consumer when permissibly using a consumer report for employment purposes or for taking an adverse action with respect to such consumer.''.

(b) CONFORMING AMENDMENTS AND CROSS REFERENCES.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 603 (15 U.S.C. 1681a)—

(A) in subsection (d)(3), by striking ''604(g)(3)'' and inserting ''604(h)(3)''; and

(B) in subsection (o), by striking ''A'' and inserting ''Subject to the restrictions set forth in section 604(b), a'';

(2) in section 604 (15 U.S.C. 1681b)—

(A) in subsection (a), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(B) in subsection (c), as redesignated by subsection (a)(2) of this section—

(i) in paragraph (2)(A), by inserting ''and subject to the restrictions set forth in subsection (b)'' after ''subparagraph (B)''; and

(ii) in paragraph (3)(A), by inserting ''and subject to the restrictions set forth in subsection (b)'' after ''subparagraph (B)'';

(C) in subsection (d)(1), as redesignated by subsection (a)(2) of this section, by striking ''subsection (e)'' in both places it appears and inserting ''subsection (f)'';

(D) in subsection (f), as redesignated by subsection (a)(2) of this section—

(i) in paragraph (1), by striking ''subsection (c)(1)(B)'' and inserting ''subsection (d)(1)(B)''; and

(ii) in paragraph (5), by striking ''subsection (c)(1)(B)'' and inserting ''subsection (d)(1)(B)'';

(3) in section 607(e)(3)(A) (15 U.S.C. 1681e(e)(3)(A)), by striking ''604(b)(4)(E)(i)'' and inserting ''604(c)(4)(E)(i)'';

(4) in section 609 (15 U.S.C. 1681g)—

(A) in subsection (a)(3)(C)(i), by striking ''604(b)(4)(E)(i)'' and inserting ''604(c)(4)(E)(i)''; and

(B) in subsection (a)(3)(C)(ii), by striking ''604(b)(4)(A)'' and inserting ''604(c)(4)(A)'';

(5) in section 613(a) (15 U.S.C. 1681k(a)), by striking ''section 604(b)(4)(A)'' and inserting ''section 604(c)(4)(A)''; and

(6) in section 615 (15 U.S.C. 1681m)—

(A) in subsection (d)(1), by striking ''section 604(c)(1)(B)'' and inserting ''section 604(d)(1)(B)'';

(B) in subsection (d)(1)(E), by striking ''section 604(e)'' and inserting ''section 604(f)''; and

(C) in subsection (d)(2)(A), by striking ''section 604(e)'' and inserting ''section 604(f)''.

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**SA 3796.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1077. STUDY AND REPORT ON PAYDAY LENDING.**

(a) STUDY REQUIRED.—The research unit established by the director under section 1013 shall conduct a study on the ability of the unemployed to access credit under reasonable terms, including an analysis of—

(1) the effects of the practice of ''payday lending'' on the unemployed;

(2) the potential impacts, both positive and negative, of using Federal or State unemployment benefit checks as collateral for obtaining a payday loan;

(3) alternative credit options for the unemployed, including the accessibility and costs associated with such options; and

(4) such other considerations as are determined to be relevant.

(b) REPORT TO THE BUREAU.—Not later than 1 year after the date of enactment of this Act, the research unit established under section 1013 shall—

(1) provide to the Bureau a report on the results of the study conducted under subsection (a), together with recommendations to help the unemployed to access credit on reasonable terms; and

(2) shall make such report available to the public.

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**SA 3797.** Mr. SCHUMER (for himself, Mr. REED, and Mr. AKAKA,) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts; to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1248, strike line 22 and all that follows through page 1249, line 10 and insert the following:

(1) COVERED PERSONS.—This section shall apply to any covered person who is not a person described in section 1025(a) or 1026(a).

On page 1255, line 5, strike ''(A) IN GENERAL.—The Bureau'' and insert the following:

''(A) NOTICE.—If the Federal Trade Commission is authorized to enforce any Federal consumer financial law described in paragraph (1), either the Bureau or the Federal Trade Commission shall serve written notice to the other of the intent to take any enforcement action, prior to initiating such an enforcement action, except that if the Bureau or the Federal Trade Commission, in filing the action, determines that prior notice is not feasible, the Bureau or the Federal Trade Commission may provide notice immediately upon initiating such enforcement action.

''(B) COORDINATION.—The Bureau''.

On page 1255, line 10, strike ''(1)(A)''.

On page 1255, line 19, strike ''(B)'' and insert ''(C)''.

On page 1256, line 15, strike ''(C)'' and insert ''(D)''.

On page 1256, line 19, strike ''(D)'' and insert ''(E)''.

On page 1255, line 10, strike ''(1)(A)''.

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**SA 3798.** Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts; to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1235, line 12, strike ''or other'' and insert '', appropriate representatives of State banking regulators, as such representatives are to be designated by a selection process determined by the State banking regulators, and other''.

On page 1249, line 13, after ''Commission'' insert ''and appropriate representatives of State banking regulators, as such representatives are to be designated by a selection process determined by the State banking regulators,''.

On page 1251, line 17, after ''authorities,'' insert ''including any formal committee established by State regulators to coordinate multi-state examinations or enforcement efforts for a class of covered persons,''.

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**SA 3799.** Mrs. HAGAN (for herself, Mrs. HUTCHISON, Mr. CARPER, Mr. CORNYN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts; to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 485, line 14, strike ''and'' and all that follows through line 25 and insert the following:

(B) subject to such restrictions as the Federal banking agencies may determine, does not include purchasing or selling, or otherwise acquiring or disposing of, stocks, bonds, options, commodities, derivatives, or other financial instruments on behalf of a customer, as part of market making activities, or otherwise in connection with or in facilitation of customer relationships, including risk-mitigating hedging activities related to such a purchase, sale, acquisition, or disposal; and

(C) does not include the investments of a regulated insurance company, or a regulated insurance affiliate or regulated insurance subsidiary thereof, if—

(i) such investments are in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

(ii) the Federal banking agencies, after consultation with the Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a law, a regulation, or written guidance described in clause (i) is insufficient to accomplish the purposes of this section; and

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**SA 3800.** Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts; to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 4 and 5, insert the following:

(4) CONSULTATION.—Before imposing prudential standards or any other requirements pursuant to this section, including notices of deficiencies in resolution plans and more stringent requirements or divestiture orders resulting from such notices, that are likely to have a significant impact on a functionally regulated subsidiary or depository institution subsidiary of a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), the Board of Governors shall consult with each Council member that primarily supervises any such subsidiary with respect to any such standard or requirement.

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**SA 3801.** Mr. HATCH (for himself, Mr. ENZI, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts; to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, insert the following:

TITLE XIII—TREATMENT OF FANNIE MAE AND FREDDIE MAC

SEC. 1301. PLAN ON REFORMING FANNIE MAE AND FREDDIE MAC.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury, the Director of the Federal Housing Finance Agency, and the Secretary of Housing and Urban Development shall propose and submit to Congress a plan to end the conservatorship of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and to reform such entities.

(b) REQUIREMENTS.—The plan required under subsection (a) shall be drafted so as to have the least amount of impact as possible on—

(1) the provision of affordable housing to underserved areas; and

(2) the cost to the taxpayer.

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**SA 3802.** Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 9, insert after the semicolon, ''and''

''(ii) whether amendments should be made to the Bankruptcy Code, the Federal Deposit Insurance Act, and other insolvency laws to enhance their effectiveness in liquidating and reorganizing financial companies, including whether provisions relating to qualified financial contracts should be modified.''

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**SA 3803.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 278 line 23, strike ''$50,000,000,000'' and insert ''$150,000,000,000''.

On page 284, between lines 10 and 11, insert the following:

''(15) LIMITATION ON USE OF FUND.—Notwithstanding any other provision of law, amounts in the Orderly Liquidation Fund may not be used under any circumstances to 'bail out' or maintain the solvency of any covered institution.''.

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**SA 3804.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 122. ENHANCED DISCLOSURES.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(n) ENHANCED DISCLOSURES REQUIRED.—

''(1) IN GENERAL.—The Commission shall, by rule, with respect to each issuer that is subject to enhanced standards under title I of the Restoring American Financial Stability Act of 2010, and that is required to file periodic reports with the Commission, and any other issuers that the Commission determines appropriate—

''(A) require each such issuer to provide, together with its annual reports to the Commission, a detailed written description of all off balance sheet activities of the issuer and a detailed justification for not putting each of those activities on the balance sheet; and

''(B) pursuant to its authority under section 13 and 15(d), require each such issuer to disclose in each quarterly and annual filings required by the rules of the Commission—

''(i) the total liabilities of the issuer as of period end and total assets as of period end;

''(ii) the average daily liabilities during the measured period and average daily assets during the measured period;

''(iii) any short term borrowings, including separately presenting securities sold under agreements to repurchase, shown as of the end of the period and as a daily average during the period;

''(iv) a period end leverage ratio, measured as total equity capital as of period end, divided by total assets as of period end;

''(v) an average daily leverage ratio, measured as average daily equity capital during the measured period, divided by average daily assets during the measured period; and

''(vi) any other leverage or liquidity ratios that the Commission determines, by rule, to be appropriate.

''(2) TRANSACTIONS AFFECTING FUTURE LIQUIDITY.—The Commission shall issue rules requiring the disclosure of information on transactions that were accounted for as sales by the issuer, but have implications for future liquidity.

''(3) GRAPHIC REPRESENTATIONS AUTHORIZED.—The disclosures under this subsection may include a graphic representation of the information required to be disclosed.''.

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**SA 3805.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1435, line 19, strike ''(g)''and insert the following:

''(g) PROHIBITION ON STEERING INCENTIVES.—

''(1) IN GENERAL.—For any loan secured by real property or a dwelling, the total amount of direct and indirect compensation from any source permitted to a mortgage originator may not vary based on the terms or conditions of the loan.

''(2) LIMITATIONS ON FINANCING OF ORIGINATION FEES AND COSTS.—

''(A) IN GENERAL.—For any loan secured by real property or a dwelling, a mortgage originator may not arrange for a consumer to finance through the rate any origination fee or cost except bona fide third party settlement charges not retained by the creditor or mortgage originator.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), a mortgage originator may arrange for a consumer to finance an origination fee or cost through the rate, if—

''(i) the mortgage originator receives no other compensation, however denominated, directly or indirectly, from the consumer or any other person;

''(ii) the loan does not include discount points, origination points, or rate reduction points, however denominated, or any payment reduction fee, however denominated;

''(iii) the loan does not contain a prepayment penalty;

''(iv) the total points and fees payable in connection with the loan do not exceed 2 percent of the total loan amount, where the term 'points and fees' has the same meaning as in section 103(aa)(4);

''(v) the loan does not allow a consumer to defer repayment of principal or interest, or is not otherwise deemed a 'non-traditional mortgage' under guidance, advisories, or regulations prescribed by the Federal banking agencies; and

''(vi) there is no other conflict of interest between the mortgage originator and the consumer.

''(3) MORTGAGE ORIGINATOR.—As used in this subsection, the term 'mortgage originator'—

''(A) means any person who, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain—

''(i) takes a residential mortgage loan application;

''(ii) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

''(iii) offers or negotiates terms of a residential mortgage loan;

''(B) includes any person who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such person can or will provide any of the services or perform any of the activities described in subparagraph (A);

''(C) does not include any person who is—

''(i) not otherwise described in subparagraph (A) or (B), and who performs purely administrative or clerical tasks on behalf of a person who is described in any such subparagraph; or

''(ii) an employee of a retailer of manufactured homes who is not described in clause (i) or (iii) of subparagraph (A), and who does not advise a consumer on loan terms (including rates, fees, and other costs);

''(D) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless

such person or entity is compensated for performing such brokerage activities by a lender, a mortgage broker, or other mortgage originator or by any agent of such lender, mortgage broker, or other mortgage originator;

''(E) does not include, with respect to a residential mortgage loan, a person, estate, or trust that provides mortgage financing for the sale of 1 property in any 36-month period, provided that such loan—

''(i) is fully amortizing;

''(ii) is with respect to a sale for which the seller determines in good faith and documents that the buyer has a reasonable ability to repay the loan;

''(iii) has a fixed rate or an adjustable rate that is adjustable after 5 or more years, subject to reasonable annual and lifetime limitations on interest rate increases; and

''(iv) meets any other criteria that the Federal banking agencies may prescribe; and

''(F) does not include a servicer or servicer employees, agents and contractors, including but not limited to those who offer or negotiate terms of a residential mortgage loan for purposes of renegotiating, modifying, replacing and subordinating principal of existing mortgages where borrowers are behind in their payments, in default or have a reasonable likelihood of being in default or falling behind.

''(h)''.

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**SA 3806.** Mr. SPECTER (for himself and Mr. KAUFMAN), submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

**SEC. _____. FIDUCIARY STANDARD OF CARE FOR BROKER-DEALERS.**

Section 15(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(a)) is amended by inserting at the end the following:

''(3)(A)(i) A registered broker or dealer, or any agent, employee or other person acting on behalf of such a broker or dealer, that provides investment advice regarding the purchase or sale of a security or a security based swap, or solicits or offers to enter into, or enters into a purchase or sale of a security or a security-based swap, shall have a fiduciary duty to act in the best interests of the investor and to disclose the specific facts relating to any actual or reasonably anticipated conflict of interest relating to that security or transaction or contemplated transaction.

''(ii) The Commission may adopt rules and regulations to define the full scope and application of the duty referred to in clause (i), to grant exceptions, and to adopt safe harbors, if and to the extent the Commission finds that such additional rules, regulations, exceptions, and safe harbors are necessary or appropriate as in the public interest or for the protection of investors.

''(B)(i) It shall be unlawful for any person subject to a fiduciary duty under subparagraph (A) to effect, directly or indirectly, by the use of any instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, any transaction in, or to induce or attempt to induce, the purchase or sale of any security or security-based swap, if in connection with such purchase or sale, or attempted purchase or sale, such person willfully violates that duty or disclosure obligation.

''(ii) Any person who violates clause (i) shall be fined under title 18, United States Code, or imprisoned not more than 25 years, or both.''.

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**SA 3807.** Mrs. HAGAN (for herself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, strike lines 1 through 12, and insert the following:

(3) the term ''sponsoring or investing'', when used with respect to a hedge fund or private equity fund—

(A) means—

(i) serving as a general partner, managing member, or trustee of the fund;

(ii) in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund; or

(iii) sharing with the fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

(B) includes any activity that would cause the aggregate investment of an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any subsidiary of such institution or company, in hedge funds and private equity funds to exceed 10 percent of the total Tier 1 capital (as that term is defined in section 2(o) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(o)) of the institution, company, or subsidiary; and

(C) except as provided in subparagraph (B), does not include any activity described under this paragraph—

(i) that is conducted in connection with, or in facilitation of, customer relationships or on behalf of unaffiliated customers;

(ii) that is related to investing a de minimis amount, as determined by the Council, in any hedge fund or private equity fund, not to exceed 10 percent of the total equity of any such fund; and

(iii) for which the obligations of any hedge or private equity funds are not guaranteed, directly or indirectly, by any affiliate.

On page 490, strike line 9 and all that follows through page 491, line 10.

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**SA 3808.** Mr. FRANKEN (for himself, Mr. SCHUMER, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mr. MURRAY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1006, line 7, strike ''Such inaccuracy'' and all that follows through line 9, and insert the following: ''Such inaccuracy necessitates changes in the way initial credit ratings are assigned.''.

On page 1042, strike lines 17 through 24, and insert the following:

(a) STUDY.—Not later than 1 year after the Credit Rating Agency Board, as established under section 15E(w) of the Securities Exchange Act of 1934, begins to assign nationally recognized statistical rating organizations to provide initial credit ratings, the Comptroller General of the United States shall conduct a study on the effectiveness of the implementation of the changes made to that section by section 939D of this Act, including the selection method by which the Credit Rating Agency Board assigns nationally recognized statistical rating organizations to provide initial credit ratings.

On page 1044, between lines 2 and 3, insert the following:

**SEC. 939D. INITIAL CREDIT RATING ASSIGNMENTS.**

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7), as amended by this Act, is amended by adding at the end the following:

''(w) INITIAL CREDIT RATING ASSIGNMENTS.—

''(1) DEFINITIONS.—In this subsection the following definitions shall apply:

''(A) BOARD.—The term 'Board' means the Credit Rating Agency Board established under paragraph (2).

''(B) QUALIFIED NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.—The term 'qualified nationally recognized statistical rating organization', with respect to a category of structured finance products, means a nationally recognized statistical rating organization that the Commission determines, under paragraph (3)(B), to be qualified to issue credit ratings with respect to such category.

''(C) REGULATIONS.—

''(i) CATEGORY OF STRUCTURED FINANCE PRODUCTS.—

''(I) IN GENERAL.—The term 'category of structured finance products'—

''(aa) shall include any asset backed security and any structured product based on an asset-backed security; and

''(bb) shall be further defined and expanded by the Commission, by rule, as necessary.

''(II) CONSIDERATIONS.—In issuing the regulations required subclause (I), the Commission shall consider—

''(aa) the types of issuers that issue structured finance products;

''(bb) the types of investors who purchase structured finance products;

''(cc) the different categories of structured finance products according to—

''(AA) the types of capital flow and legal structure used;

''(BB) the types of underlying products used; and

''(CC) the types of terms used in debt securities;

''(dd) the different values of debt securities; and

''(ee) the different numbers of units of debt securities that are issued together.

''(ii) REASONABLE FEE.—The Board shall issue regulations to define the term 'reasonable fee'.

''(2) CREDIT RATING AGENCY BOARD.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission shall—

''(i) establish the Credit Rating Agency Board, which shall be a self-regulatory organization;

''(ii) subject to subparagraph (C), select the initial members of the Board; and

''(iii) establish a schedule to ensure that the Board begins assigning qualified nationally recognized statistical rating organizations to provide initial ratings not later than 1 year after the selection of the members of the Board.

''(B) SCHEDULE.—The schedule established under subparagraph (A)(iii) shall prescribe when—

''(i) the Board will conduct a study of the securitization and ratings process and provide recommendations to the Commission;

''(ii) the Commission will issue rules and regulations under this section;

''(iii) the Board may issue rules under this subsection; and

''(iv) the Board will—

''(I) begin accepting applications to select qualified national recognized statistical rating organizations; and

''(II) begin assigning qualified national recognized statistical rating organizations to provide initial ratings.

''(C) MEMBERSHIP.—

''(i) IN GENERAL.—The Board shall initially be composed of an odd number of members selected from the industry, with the total numerical membership of the Board to be determined by the Commission.

''(ii) SPECIFICATIONS.—Of the members initially selected to serve on the Board—

''(I) not less than a majority of the members shall be representatives of the investor industry, including both institutional and retail investors who do not represent issuers;

''(II) not less than 1 member should be a representative of the issuer industry;

''(III) not less than 1 member should be a representative of the credit rating agency industry; and

''(IV) not less than 1 member should be an independent member.

''(iii) TERMS.—Initial members shall be appointed by the Commission for a term of 4 years.

''(iv) NOMINATION AND ELECTION OF MEMBERS.—

''(I) IN GENERAL.—Prior to the expiration of the terms of office of the initial members, the Commission shall establish fair procedures for the nomination and election of future members of the Board.

''(II) MODIFICATIONS OF THE BOARD.—Prior to the expiration of the terms of office of the initial members, the Commission—

''(aa) may increase the size of the board to a larger odd number and adjust the length of future terms; and

''(bb) shall retain the composition of members described in clause (ii).

''(v) RESPONSIBILITIES OF MEMBERS.—Members shall perform, at a minimum, the duties described in this subsection.

''(vi) RULEMAKING AUTHORITY.—The Commission shall, if it determines necessary and appropriate, issue further rules and regulations on the composition of the membership of the Board and the responsibilities of the members.

''(D) OTHER AUTHORITIES OF THE BOARD.—The Board shall have the authority to levy fees from qualified nationally recognized statistical rating organization applicants, and periodically from qualified nationally recognized statistical rating organizations as necessary to fund expenses of the Board.

''(E) REGULATION.—The Commission has the authority to regulate the activities of the Board, and issue any further regulations of the Board it deems necessary, not in contravention with the intent of this section.

''(3) BOARD SELECTION OF QUALIFIED NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.—

''(A) APPLICATION.—

''(i) IN GENERAL.—A nationally recognized statistical rating organization may submit an application to the Board, in such form and manner as the Board may require, to become a qualified nationally recognized statistical rating organization with respect to a category of structured financial products.

''(ii) CONTENTS.—An application submitted under clause (i) shall contain—

''(I) information regarding the institutional and technical capacity of the nationally recognized statistical rating organization to issue credit ratings;

''(II) information on whether the nationally recognized statistical rating organization has been exempted by the Commission from any requirements under any other provision of this section; and

''(III) any additional information the Board may require.

''(iii) REJECTION OF APPLICATIONS.—The Board may reject an application submitted under this paragraph if the nationally recognized statistical rating organization has been exempted by the Commission from any requirements under any other provision of this section.

''(B) SELECTION.—The Board shall select qualified national recognized statistical rating organizations with respect to each category of structured finance products from among nationally recognized statistical rating organizations that submit applications under subparagraph (A).

''(C) RETENTION OF STATUS AND OBLIGATIONS AFTER SELECTION.—An entity selected as a qualified nationally recognized statistical rating organization shall retain its status and obligations under the law as a nationally recognized statistical rating organization, and nothing in this subsection grants authority to the Commission or the Board to exempt qualified nationally recognized statistical rating organizations from obligations or requirements otherwise imposed by Federal law on nationally recognized statistical rating organizations

''(4) REQUESTING AN INITIAL CREDIT RATING.—An issuer that seeks an initial credit rating for a structured finance product—

''(A) may not request an initial credit rating from a nationally recognized statistical rating organization; and

''(B) shall submit a request for an initial credit rating to the Board, in such form and manner as the Board may prescribe.

''(5) ASSIGNMENT OF RATING DUTIES.—

''(A) IN GENERAL.—For each request received by the Board under paragraph (4)(B), the Board shall select a qualified nationally recognized statistical rating organization to provide the initial credit rating to the issuer.

''(B) METHOD OF SELECTION.—

''(i) IN GENERAL.—The Board shall—

''(I) evaluate a number of selection methods, including a lottery or rotating assignment system, incorporating the factors described in clause (ii), to reduce the conflicts of interest that exist under the issuer-pays model; and

''(II) prescribe and publish the selection method to be used under subparagraph (A).

''(ii) CONSIDERATION.—In evaluating a selection method described in clause (i)(I), the Board shall consider—

''(I) the information submitted by the qualified nationally recognized statistical rating organization under paragraph (3)(A)(ii) regarding the institutional and technical capacity of the qualified nationally recognized statistical rating organization to issue credit ratings;

''(II) evaluations conducted under paragraph (6);

''(III) formal feedback from institutional and retail investors; and

''(IV) information from subclauses (I) and (II) to implement a mechanism which increases or decreases assignments based on past performance.

''(iii) PROHIBITION.—The Board, in choosing a selection method, may not use a method that would allow for the solicitation or consideration of the preferred national recognized statistical rating organizations of the issuer.

''(iv) ADJUSTMENT OF PROCESS.—The Board shall issue rules describing the process by which it can modify the assignment process described in clause (i).

''(C) RIGHT OF REFUSAL.—

''(i) REFUSAL.—A qualified nationally recognized statistical rating organization selected under subparagraph (A) may refuse to accept a selection for a particular request by—

''(I) notifying the Board of such refusal; and

''(II) submitting to the Board a written explanation of the refusal.

''(ii) SELECTION.—Upon receipt of a notification under clause (i), the Board shall make an additional selection under subparagraph (A).

''(iii) INSPECTION REPORTS.—The Board shall annually submit any explanations of refusals received under clause (i)(II) to the Commission, and such explanatory submissions shall be published in the annual inspection reports required under subsection (p)(3)(C).

''(6) EVALUATION OF PERFORMANCE.—

''(A) IN GENERAL.—The Board shall prescribe rules by which the Board will evaluate the performance of each qualified nationally recognized statistical rating organization, including rules that require, at a minimum, an annual evaluation of each qualified nationally recognized statistical rating organization.

''(B) CONSIDERATIONS.—The Board, in conducting an evaluation under subparagraph (A), shall consider—

''(i) the results of the annual examination conducted under subsection (p)(3);

''(ii) surveillance of credit ratings conducted by the qualified nationally recognized statistical rating organization after the credit ratings are issued, including—

''(I) how the rated instruments perform;

''(II) the accuracy of the ratings provided by the qualified nationally recognized statistical rating organization as compared to the other nationally recognized statistical rating organizations; and

''(III) the effectiveness of the methodologies used by the qualified nationally recognized statistical rating organization; and

''(iii) any additional factors the Board determines to be relevant.

''(C) REQUEST FOR REEVALUATION.—Subject to rules prescribed by the Board, and not less frequently than once a year, a qualified nationally recognized statistical rating organization may request that the Board conduct an evaluation under this paragraph.

''(D) DISCLOSURE.—The Board shall make the evaluations conducted under this paragraph available to Congress.

''(7) RATING FEES CHARGED TO ISSUERS.—

''(A) LIMITED TO REASONABLE FEES.—A qualified nationally recognized statistical rating organization shall charge an issuer a reasonable fee, as determined by the Commission, for an initial credit rating provided under this section.

''(B) FEES.—Fees may be determined by the qualified national recognized statistical rating organizations unless the Board determines it is necessary to issue rules on fees.

''(8) NO PROHIBITION ON ADDITIONAL RATINGS.—Nothing in this section shall prohibit an issuer from requesting or receiving additional credit ratings with respect to a debt security, if the initial credit rating is provided in accordance with this section.

''(9) NO PROHIBITION ON INDEPENDENT RATINGS OFFERED BY NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—

''(A) IN GENERAL.—Nothing in this section shall prohibit a nationally recognized statistical rating organization from independently providing a credit rating with respect to a debt security, if—

''(i) the nationally recognized statistical rating organization does not enter into a contract with the issuer of the debt security to provide the initial credit rating; and

''(ii) the nationally recognized statistical rating organization is not paid by the issuer of the debt security to provide the initial credit rating.

''(B) RULE OF CONSTRUCTION.—For purposes of this section, a credit rating described in subparagraph (A) may not be construed to be an initial credit rating.

''(10) PUBLIC COMMUNICATIONS.—Any communications made with the public by an issuer with respect to the credit rating of a debt security shall clearly specify whether the credit rating was made by—

''(A) a qualified nationally recognized statistical rating organization selected under paragraph (5)(A) to provide the initial credit rating for such debt security; or

''(B) a nationally recognized statistical rating organization not selected under paragraph (5)(A).

''(11) PROHIBITION ON MISREPRESENTATION.—With respect to a debt security, it shall be unlawful for any person to misrepresent any subsequent credit rating provided for such debt security as an initial credit rating provided for such debt security by a qualified nationally recognized statistical rating organization selected under paragraph (5)(A).

''(12) INITIAL CREDIT RATING REVISION AFTER MATERIAL CHANGE IN CIRCUMSTANCE.—If the Board determines that it is necessary or appropriate in the public interest or for the protection of investors, the Board may issue regulations requiring that an issuer that has received an initial credit rating under this subsection request a revised initial credit rating, using the same method as provided under paragraph (4), each time the issuer experiences a material change in circumstances, as defined by the Board.

''(13) CONFLICTS.—

''(A) MEMBERS OR EMPLOYEES OF THE BOARD.—

''(i) LOAN OF MONEY OR SECURITIES PROHIBITED.—

''(I) IN GENERAL.—A member or employee of the Board shall not accept any loan of money or securities, or anything above nominal value, from any nationally recognized statistical rating organization, issuer, or investor.

''(II) EXCEPTION.—The prohibition in subclause (I) does not apply to a loan made in the context of disclosed, routine banking and brokerage agreements, or a loan that is clearly motivated by a personal or family relationship.

''(ii) EMPLOYMENT NEGOTIATIONS PROHIBITION.—A member or employee of the Board shall not engage in employment negotiations with any nationally recognized statistical rating organization, issuer, or investor, unless the member or employee—

''(I) discloses the negotiations immediately upon initiation of the negotiations; and

''(II) recuses himself from all proceedings concerning the entity involved in the negotiations until termination of negotiations or until termination of his employment by the Board, if an offer of employment is accepted.

''(B) CREDIT ANALYSTS.—

''(i) IN GENERAL.—A credit analyst of a qualified nationally recognized statistical rating organization shall not accept any loan of money or securities, or anything above nominal value, from any issuer or investor.

''(ii) EXCEPTION.—The prohibition described in clause (i) does not apply to a loan made in the context of disclosed, routine banking and brokerage agreements, or a loan that is clearly motivated by a personal or family relationship.

''(14) EVALUATION OF CREDIT RATING AGENCY BOARD.—Not later than 5 years after the date that the Board begins assigning qualified nationally recognized statistical rating organizations to provide initial ratings, the Commission shall submit to Congress a report that provides recommendations of—

''(A) the continuation of the Board;

''(B) any modification to the procedures of the Board; and

''(C) modifications to the provisions in this subsection.''.

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**SA 3809.** Mr. INOUYE (for himself, Mr. COCHRAN, Mr. DURBIN, Ms. COLLINS, Mr. BYRD, Mr. HARKIN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1171, strike line 6 and all that follows through page 1187, line 9.

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**SA 3810.** Mr. DORGAN (for himself and Mr. GRASSLEY), submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1533, line 5, strike ''Section'' and insert the following:

''(a) IN GENERAL.—The Board of Governors shall disclose to Congress and to the public, with respect to any emergency financial assistance provided during the 5-year period preceding the date of enactment of this Act under the authority of the Board of Governors in the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343)—

''(1) the name of each financial company that received such assistance;

''(2) the value or amount and description of the emergency assistance provided, including loans to investment banks from the Federal Reserve discount lending program or special purpose entities;

''(3) the date on which the financial assistance was provided;

''(4) the terms and conditions for the emergency assistance; and

''(5) a full description of any collateral required by the Board of Governors and secured from the recipients of such emergency assistance.

''(b) PUBLIC DISCLOSURE.—Section''.

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**SA 3811.** Mr. DORGAN (for himself, Mr. FEINGOLD, and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 14, strike ''and'' and all that follows through ''annually report'' on line 15 and insert the following:

''(M) identify all financial institutions that have domestic or international (or both) operations or activities of a significant size, scope, nature, scale, concentration, volume, frequency of transactions, or in any other manner or method, resulting or arising from stand alone operations or activities individually, or as a mix or combination of such international operations or activities that may pose a grave threat to the financial stability of the United States; and

''(N) annually report''.

On page 33, strike line 3 and all that follows through page 61, line 12 and insert the following:

**SEC. 113. AUTHORITY TO REQUIRE SUPERVISION AND REGULATION OF CERTAIN NONBANK FINANCIAL COMPANIES.**

(a) U.S. NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of 50 percent or more of the members then serving, shall determine that a U.S. nonbank financial company shall be supervised by the Board of Governors and shall be subject to this Act, if the Council determines that material financial distress at the U.S. nonbank financial company would pose a threat to the financial stability of the United States or such company has significant international operations or activities.

(2) CONSIDERATIONS.—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the financial assets of the company;

(C) the amount and types of the liabilities of the company, including the degree of reliance on short-term funding;

(D) the extent and types of the off-balance-sheet exposures of the company;

(E) the extent and types of the transactions and relationships of the company with other significant nonbank financial companies and significant bank holding companies;

(F) the importance of the company as a source of credit for households, businesses, and State and local governments and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the operation of, or ownership interest in, any clearing, settlement, or payment business of the company;

(I) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(J) any other factors that the Council deems appropriate.

(b) FOREIGN NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of 50 percent of the members then serving, shall determine that a foreign nonbank financial company that has substantial assets or operations in the United States shall be supervised by the Board of Governors and shall be subject to this Act, if the Council determines that material financial distress at the foreign nonbank financial company would pose a threat to the financial stability of the United States, or such company has significant international operations or activities.

(2) CONSIDERATIONS.—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the United States financial assets of the company;

(C) the amount and types of the liabilities of the company used to fund activities and operations in the United States, including the degree of reliance on short-term funding;

(D) the extent of the United States-related off-balance-sheet exposure of the company;

(E) the extent and type of the transactions and relationships of the company with other significant nonbank financial companies and bank holding companies;

(F) the importance of the company as a source of credit for United States households, businesses, and State and local governments, and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(I) any other factors that the Council deems appropriate.

(c) REEVALUATION AND RESCISSION.—The Council shall—

(1) not less frequently than annually, reevaluate each determination made under subsections (a) and (b) with respect to each nonbank financial company supervised by the Board of Governors; and

(2) rescind any such determination, if the Council, by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, determines that the nonbank financial company no longer meets the standards under subsection (a) or (b), as applicable.

(d) NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION.—

(1) IN GENERAL.—The Council shall provide to a nonbank financial company written notice of a proposed determination of the Council, including an explanation of the basis of the proposed determination of the Council, that such nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title.

(2) HEARING.—Not later than 30 days after the date of receipt of any notice of a proposed determination under paragraph (1), the nonbank financial company may request, in writing, an opportunity for a written or oral hearing before the Council to contest the proposed determination. Upon receipt of a timely request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(3) FINAL DETERMINATION.—Not later than 60 days after the date of a hearing under paragraph (2), the Council shall notify the nonbank financial company of the final determination of the Council, which shall contain a statement of the basis for the decision of the Council.

(4) NO HEARING REQUESTED.—If a nonbank financial company does not make a timely request for a hearing, the Council shall notify the nonbank financial company, in writing, of the final determination of the Council under subsection (a) or (b), as applicable, not later than 10 days after the date by which the company may request a hearing under paragraph (2).

(e) EMERGENCY EXCEPTION.—

(1) IN GENERAL.—The Council may waive or modify the requirements of subsection (d) with respect to a nonbank financial company, if the Council determines, by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, that such waiver or modification is necessary or appropriate to prevent or mitigate threats posed by the nonbank financial company to the financial stability of the United States.

(2) NOTICE.—The Council shall provide notice of a waiver or modification under this paragraph to the nonbank financial company concerned as soon as practicable, but not later than 24 hours after the waiver or modification is granted.

(3) OPPORTUNITY FOR HEARING.—The Council shall allow a nonbank financial company to request, in writing, an opportunity for a written or oral hearing before the Council to contest a waiver or modification under this paragraph, not later than 10 days after the date of receipt of notice of the waiver or modification by the company. Upon receipt of a timely request, the Council shall fix a time (not later than 15 days after the date of receipt of the request) and place at which the nonbank financial company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(4) NOTICE OF FINAL DETERMINATION.—Not later than 30 days after the date of any hearing under paragraph (3), the Council shall notify the subject nonbank financial company of the final determination of the Council under this paragraph, which shall contain a statement of the basis for the decision of the Council.

(f) CONSULTATION.—The Council shall consult with the primary financial regulatory agency, if any, for each nonbank financial company or subsidiary of a nonbank financial company that is being considered for supervision by the Board of Governors under this section before the Council makes any final determination with respect to such nonbank financial company under subsection (a), (b), or (c).

(g) JUDICIAL REVIEW.—If the Council makes a final determination under this section with respect to a nonbank financial company, such nonbank financial company may, not later than 30 days after the date of receipt of the notice of final determination under subsection (d)(3) or (e)(4), bring an action in the United States district court for the judicial district in which the home office of such nonbank financial company is located, or in the United States District Court for the District of Columbia, for an order requiring that the final determination be rescinded, and the court shall, upon review, dismiss such action or direct the final determination to be rescinded. Review of such an action shall be limited to whether the final determination made under this section was arbitrary and capricious.

**SEC. 114. REGISTRATION OF NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.**

Not later than 180 days after the date of a final Council determination under section 113 that a nonbank financial company is to be supervised by the Board of Governors, such company shall register with the Board of Governors, on forms prescribed by the Board of Governors, which shall include such information as the Board of Governors, in consultation with the Council, may deem necessary or appropriate to carry out this title.

**SEC. 115. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.**

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions, the Council may make recommendations to the Board of Governors concerning the establishment and refinement of prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies, that—

(A) are more stringent than those applicable to other nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) LIMITATION ON BANK HOLDING COMPANIES.—Any standards recommended under subsections (b) through (f) shall not apply to any bank holding company with total consolidated assets of less than $50,000,000,000. The Council may recommend an asset threshold greater than $50,000,000,000 for the applicability of any particular standard under those subsections.

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—The recommendations of the Council under subsection (a) may include—

(A) risk-based capital requirements;

(B) leverage limits;

(C) liquidity requirements;

(D) resolution plan and credit exposure report requirements;

(E) concentration limits;

(F) a contingent capital requirement;

(G) enhanced public disclosures; and

(H) overall risk management requirements.

(2) PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In making recommendations concerning the standards set forth in paragraph (1) that would apply to foreign nonbank financial companies supervised by the Board of Governors or foreign-based bank holding companies, the Council shall give due regard to the principle of national treatment and competitive equity.

(3) CONSIDERATIONS.—In making recommendations concerning prudential standards under paragraph (1), the Council shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

(i) the factors described in subsections (a) and (b) of section 113;

(ii) whether the company owns an insured depository institution;

(iii) nonfinancial activities and affiliations of the company; and

(iv) any other factors that the Council determines appropriate; and

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1).

(c) CONTINGENT CAPITAL.—

(1) STUDY REQUIRED.—The Council shall conduct a study of the feasibility, benefits, costs, and structure of a contingent capital requirement for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), which study shall include—

(A) an evaluation of the degree to which such requirement would enhance the safety and soundness of companies subject to the requirement, promote the financial stability of the United States, and reduce risks to United States taxpayers;

(B) an evaluation of the characteristics and amounts of convertible debt that should be required;

(C) an analysis of potential prudential standards that should be used to determine whether the contingent capital of a company would be converted to equity in times of financial stress;

(D) an evaluation of the costs to companies, the effects on the structure and operation of credit and other financial markets, and other economic effects of requiring contingent capital;

(E) an evaluation of the effects of such requirement on the international competitiveness of companies subject to the requirement and the prospects for international coordination in establishing such requirement; and

(F) recommendations for implementing regulations.

(2) REPORT.—The Council shall submit a report to Congress regarding the study required by paragraph (1) not later than 2 years after the date of enactment of this Act.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—Subsequent to submitting a report to Congress under paragraph (2), the Council may make recommendations to the Board of Governors to require any nonbank financial company supervised by the Board of Governors and any bank holding company described in subsection (a) to maintain a minimum amount of long-term hybrid debt that is convertible to equity in times of financial stress.

(B) FACTORS TO CONSIDER.—In making recommendations under this subsection, the Council shall consider—

(i) an appropriate transition period for implementation of a conversion under this subsection;

(ii) the factors described in subsection (b)(3);

(iii) capital requirements applicable to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof;

(iv) results of the study required by paragraph (1); and

(v) any other factor that the Council deems appropriate.

(d) RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.—

(1) RESOLUTION PLAN.—The Council may make recommendations to the Board of Governors concerning the requirement that each nonbank financial company supervised by the Board of Governors and each bank holding company described in subsection (a) report periodically to the Council, the Board of Governors, and the Corporation, the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) CREDIT EXPOSURE REPORT.—The Council may make recommendations to the Board of Governors concerning the advisability of requiring each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) to report periodically to the Council, the Board of Governors, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other such significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(e) CONCENTRATION LIMITS.—In order to limit the risks that the failure of any individual company could pose to nonbank financial companies supervised by the Board of Governors or bank holding companies described in subsection (a), the Council may make recommendations to the Board of Governors to prescribe standards to limit such risks, as set forth in section 165.

(f) ENHANCED PUBLIC DISCLOSURES.—The Council may make recommendations to the Board of Governors to require periodic public disclosures by bank holding companies described in subsection (a) and by nonbank financial companies supervised by the Board of Governors, in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

**SEC. 116. REPORTS.**

(a) IN GENERAL.—Subject to subsection (b), the Council, acting through the Office of Financial Research, may require a bank holding company with total consolidated assets of $50,000,000,000 or greater or a nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit certified reports to keep the Council informed as to—

(1) the financial condition of the company;

(2) systems for monitoring and controlling financial, operating, and other risks;

(3) transactions with any subsidiary that is a depository institution; and

(4) the extent to which the activities and operations of the company and any subsidiary thereof, could, under adverse circumstances, have the potential to disrupt financial markets or affect the overall financial stability of the United States.

(b) USE OF EXISTING REPORTS.—

(1) IN GENERAL.—For purposes of compliance with subsection (a), the Council, acting through the Office of Financial Research, shall, to the fullest extent possible, use—

(A) reports that a bank holding company, nonbank financial company supervised by the Board of Governors, or any functionally regulated subsidiary of such company has been required to provide to other Federal or State regulatory agencies;

(B) information that is otherwise required to be reported publicly; and

(C) externally audited financial statements.

(2) AVAILABILITY.—Each bank holding company described in subsection (a) and nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, shall provide to the Council, at the request of the Council, copies of all reports referred to in paragraph (1).

(3) CONFIDENTIALITY.—The Council shall maintain the confidentiality of the reports obtained under subsection (a) and paragraph (1)(A) of this subsection.

**SEC. 117. TREATMENT OF CERTAIN COMPANIES THAT CEASE TO BE BANK HOLDING COMPANIES.**

(a) APPLICABILITY.—This section shall apply to any entity or a successor entity that—

(1) was a bank holding company having total consolidated assets equal to or greater than $50,000,000,000 as of January 1, 2010; and

(2) received financial assistance under or participated in the Capital Purchase Program established under the Troubled Asset Relief Program authorized by the Emergency Economic Stabilization Act of 2008.

(b) TREATMENT.—If an entity described in subsection (a) ceases to be a bank holding company at any time after January 1, 2010, then such entity shall be treated as a nonbank financial company supervised by the Board of Governors, as if the Council had made a determination under section 113 with respect to that entity.

(c) APPEAL.—

(1) REQUEST FOR HEARING.—An entity may request, in writing, an opportunity for a written or oral hearing before the Council to appeal its treatment as a nonbank financial company supervised by the Board of Governors in accordance with this section. Upon receipt of the request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such entity may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(2) DECISION.—

(A) PROPOSED DECISION.—Not later than 60 days after the date of a hearing under paragraph (1), the Council shall submit a report to, and may testify before, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on

the proposed decision of the Council regarding an appeal under paragraph (1), which report shall include a statement of the basis for the proposed decision of the Council.

(B) NOTICE OF FINAL DECISION.—The Council shall notify the subject entity of the final decision of the Council regarding an appeal under paragraph (1), which notice shall contain a statement of the basis for the final decision of the Council, not later than 60 days after the later of—

(i) the date of the submission of the report under subparagraph (A); or

(ii) if the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives holds one or more hearings regarding such report, the date of the last such hearing.

(C) CONSIDERATIONS.—In making a decision regarding an appeal under paragraph (1), the Council shall consider whether the company meets the standards under section 113(a) or 113(b), as applicable, and the definition of the term ''nonbank financial company'' under section 102. The decision of the Council shall be final, subject to the review under paragraph (3).

(3) REVIEW.—If the Council denies an appeal under this subsection, the Council shall, not less frequently than annually, review and reevaluate the decision.

**SEC. 118. COUNCIL FUNDING.**

Any expenses of the Council shall be treated as expenses of, and paid by, the Office of Financial Research.

**SEC. 119. RESOLUTION OF SUPERVISORY JURISDICTIONAL DISPUTES AMONG MEMBER AGENCIES.**

(a) REQUEST FOR DISPUTE RESOLUTION.—The Council shall resolve a dispute among 2 or more member agencies, if—

(1) a member agency has a dispute with another member agency about the respective jurisdiction over a particular bank holding company, nonbank financial company, or financial activity or product (excluding matters for which another dispute mechanism specifically has been provided under Federal law);

(2) the Council determines that the disputing agencies cannot, after a demonstrated good faith effort, resolve the dispute without the intervention of the Council; and

(3) any of the member agencies involved in the dispute—

(A) provides all other disputants prior notice of the intent to request dispute resolution by the Council; and

(B) requests in writing, not earlier than 14 days after providing the notice described in subparagraph (A), that the Council resolve the dispute.

(b) COUNCIL DECISION.—The Council shall resolve each dispute described in subsection (a)—

(1) within a reasonable time after receiving the dispute resolution request;

(2) after consideration of relevant information provided by each agency party to the dispute; and

(3) by agreeing with 1 of the disputants regarding the entirety of the matter, or by determining a compromise position.

(c) FORM AND BINDING EFFECT.—A Council decision under this section shall—

(1) be in writing;

(2) include an explanation of the reasons therefor; and

(3) be binding on all Federal agencies that are parties to the dispute.

**SEC. 120. ADDITIONAL STANDARDS APPLICABLE TO ACTIVITIES OR PRACTICES FOR FINANCIAL STABILITY PURPOSES.**

(a) IN GENERAL.—The Council may issue recommendations to the primary financial regulatory agencies to apply new or heightened standards and safeguards, including standards enumerated in section 115, for a financial activity or practice conducted by bank holding companies or nonbank financial companies under their respective jurisdictions, if the Council determines that the conduct of such activity or practice could create or increase the risk of significant liquidity, credit, or other problems spreading among bank holding companies and nonbank financial companies or the financial markets of the United States.

(b) PROCEDURE FOR RECOMMENDATIONS TO REGULATORS.—

(1) NOTICE AND OPPORTUNITY FOR COMMENT.—The Council shall consult with the primary financial regulatory agencies and provide notice to the public and opportunity for comment for any proposed recommendation that the primary financial regulatory agencies apply new or heightened standards and safeguards for a financial activity or practice.

(2) CRITERIA.—The new or heightened standards and safeguards for a financial activity or practice recommended under paragraph (1)—

(A) shall take costs to long-term economic growth into account; and

(B) may include prescribing the conduct of the activity or practice in specific ways (such as by limiting its scope, or applying particular capital or risk management requirements to the conduct of the activity) or prohibiting the activity or practice.

(c) IMPLEMENTATION OF RECOMMENDED STANDARDS.—

(1) ROLE OF PRIMARY FINANCIAL REGULATORY AGENCY.—

(A) IN GENERAL.—Each primary financial regulatory agency may impose, require reports regarding, examine for compliance with, and enforce standards in accordance with this section with respect to those entities for which it is the primary financial regulatory agency.

(B) RULE OF CONSTRUCTION.—The authority under this paragraph is in addition to, and does not limit, any other authority of a primary financial regulatory agency. Compliance by an entity with actions taken by a primary financial regulatory agency under this section shall be enforceable in accordance with the statutes governing the respective jurisdiction of the primary financial regulatory agency over the entity, as if the agency action were taken under those statutes.

(2) IMPOSITION OF STANDARDS.—The primary financial regulatory agency shall impose the standards recommended by the Council in accordance with subsection (a), or similar standards that the Council deems acceptable, or shall explain in writing to the Council, not later than 90 days after the date on which the Council issues the recommendation, why the agency has determined not to follow the recommendation of the Council.

(d) REPORT TO CONGRESS.—The Council shall report to Congress on—

(1) any recommendations issued by the Council under this section;

(2) the implementation of, or failure to implement such recommendation on the part of a primary financial regulatory agency; and

(3) in any case in which no primary financial regulatory agency exists for the nonbank financial company conducting financial activities or practices referred to in subsection (a), recommendations for legislation that would prevent such activities or practices from threatening the stability of the financial system of the United States.

(e) EFFECT OF RESCISSION OF IDENTIFICATION.—

(1) NOTICE.—The Council may recommend to the relevant primary financial regulatory agency that a financial activity or practice no longer requires any standards or safeguards implemented under this section.

(2) DETERMINATION OF PRIMARY FINANCIAL REGULATORY AGENCY TO CONTINUE.—

(A) IN GENERAL.—Upon receipt of a recommendation under paragraph (1), a primary financial regulatory agency that has imposed standards under this section shall determine whether standards that it has imposed under this section should remain in effect.

(B) APPEAL PROCESS.—Each primary financial regulatory agency that has imposed standards under this section shall promulgate regulations to establish a procedure under which entities under its jurisdiction may appeal a determination by such agency under this paragraph that standards imposed under this section should remain in effect.

**SEC. 121. MITIGATION OF RISKS TO FINANCIAL STABILITY.**

(a) MITIGATORY ACTIONS FOR COMPANIES WITHOUT SIGNIFICANT INTERNATIONAL OPERATIONS.—

(1) IN GENERAL.—If the Council determines that a bank holding company with total consolidated assets of $50,000,000,000 or more, or a nonbank financial company supervised by the Board of Governors, that does not have significant international operations or activities, may pose a grave threat to the financial stability of the United States, the Council, upon an affirmative vote of 50 percent or more of the Council members then serving, shall require the subject company to take one or more of the actions described in paragraph (2), until such company does not pose a grave threat to the financial stability of the United States.

(2) ACTIONS.—The Council may require an entity described in paragraph (1)—

(A) to terminate one or more activities;

(B) to impose conditions on the manner in which the company conducts one or more activities;

(C) to divest, sell or otherwise transfer assets, operations or off balance sheet items or activities to unaffiliated entities; or

(D) take any combination of the actions described in subparagraphs (A) through (C).

(b) MITIGATORY ACTIONS FOR COMPANIES WITH SIGNIFICANT INTERNATIONAL OPERATIONS.—

(1) IN GENERAL.—If the Council determines that a bank holding company with total consolidated assets of $50,000,000,000 or more, or a nonbank financial company supervised by the Board of Governors, has significant international operations or activities of a size, scope, nature, scale, concentration, volume, frequency of transactions, or in any other manner or method, and would pose a grave threat to the financial stability of the United States, and would, therefore, require international or cross-border resolution in the event of failure, the Council, upon an affirmative vote of 50 percent or more of the Council members then serving, shall require the subject company to take one or more of the actions described in subparagraph (B), until such company's international operations or activities no longer pose such a threat.

(2) ACTIONS.—The Council may require an entity described in paragraph (1)—

(A) to terminate one or more activities;

(B) to impose conditions on the manner in which the company conducts one or more activities;

(C) to divest, sell or otherwise transfer assets, operations or off balance sheet items or activities to unaffiliated entities; or

(D) to take any combination of the actions described in subparagraphs (A) through (C).

(3) INTERNATIONAL RESOLUTION MECHANISM.—Because only a binding comprehensive international resolution mechanism will mitigate the grave threat such a subject company poses to the United States, this requirement shall remain in effect until the Council, upon an affirmative vote of not fewer than ⅔ of the Council members then serving, votes that there is a binding, effective, and comprehensive international resolution mechanism. At such time, all such companies shall be transitioned to regulation under paragraph (1).

(4) INTERNATIONAL COOPERATION.—The Council shall work promptly and urgently with all appropriate countries and international authorities to establish a binding, effective, and comprehensive international resolution mechanism, and shall report to Congress not less than once every 6 months on all activities taken in connection with such effort, including actions taken or not taken by other countries and international organizations. The Council shall designate a Vice Chairperson with the sole responsibility for working with international authorities to establish such a resolution mechanism.

(c) The Council shall determine the appropriate time periods for any actions pursuant to this subsection, but any such time periods shall be as soon as prudently possible, and in no event later than 2 years after such action is ordered.

(d) NOTICE AND HEARING.—

(1) IN GENERAL.—The Council, in consultation with the Board of Governors, shall provide to a company described in subsection (a) or (b) written notice that such company is being considered for mitigatory action pursuant to this section, including an explanation of the basis for, and description of, the proposed mitigatory action.

(2) HEARING.—Not later than 30 days after the date of receipt of notice under paragraph (1), the company may request, in writing, an opportunity for a written or oral hearing before the Council to contest the proposed mitigatory action. Upon receipt of a timely request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the discretion of the Council, in consultation with the Board of Governors, oral testimony and oral argument).

(3) DECISION.—Not later than 60 days after the date of a hearing under paragraph (2), or not later than 60 days after the provision of a notice under paragraph (1) if no hearing was held, the Council shall notify the company of the final decision of the Council, including the results of the vote of the Council, as described in subsection (a) or (b).

(e) FACTORS FOR CONSIDERATION.—The Council and the Board of Governors shall take into consideration the factors set forth in subsection (a) or (b) of section 113, as applicable, in a determination described in subsection (a) and (b), and in a decision described in subsection (d).

(f) APPLICATION TO FOREIGN FINANCIAL COMPANIES.—The Council may prescribe regulations regarding the application of this section to foreign nonbank financial companies supervised by the Board of Governors and foreign-based bank holding companies, giving due regard to the principle of national treatment and competitive equity.

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**SA 3812.** Mr. HARKIN (for himself, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1077. FAIR ATM FEES.**

(a) AMENDMENT TO THE ELECTRONIC FUND TRANSFER ACT.—Section 904(d)(3) of the Electronic Fund Transfer Act (15 U.S.C. 1693b(d)(3)) is amended—

(1) in subparagraph (A), by striking the subparagraph heading and inserting the following:

''(A) FEE DISCLOSURE.—'' ;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) REGULATION OF FEES.—The regulations prescribed under paragraph (1) shall require any fee charged by an automated teller machine operator for a transaction conducted at that automated teller machine to bear a reasonable relation to the cost of processing the transaction, and in no case shall any such fee exceed $0.50.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective not later than 6 months after the date of enactment of this Act.

(c) RULEMAKING.—The Bureau shall issue such rules as may be necessary to carry out this section, not later than 6 months after the date of enactment of this Act.

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**SA 3813.** Ms. KLOBUCHAR (for herself and Mr. BENNET), submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1440, after line 21, insert the following:

(c) REQUIREMENTS ON MORTGAGE ORIGINATORS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended—

(1) by striking subsection (j) and inserting the following:

''(j) CONSEQUENCE OF FAILURE TO COMPLY.—Any mortgage made in violation of a provision of this section shall be deemed a failure to deliver the material disclosures required under this title, for the purpose of section 125.''; and

(2) by adding at the end the following:

''(n) REQUIREMENTS FOR MORTGAGE ORIGINATORS.—

''(1) ABILITY TO PAY.—

''(A) IN GENERAL.—No creditor or mortgage broker may make, provide, or arrange for any consumer credit transaction secured by the principal dwelling of a consumer without first verifying the reasonable ability of the consumer to pay the scheduled payments of, as applicable—

''(i) principal;

''(ii) interest;

''(iii) real estate taxes; and

''(iv) homeowner insurance, assessments, and mortgage insurance premiums.

''(B) VARIABLE INTEREST RATE.—In the case of any consumer credit transaction secured by the principal dwelling of a consumer for which the applicable annual percentage rate may vary over the life of the credit, the reasonable ability to pay shall be determined, for purposes of this paragraph, on the basis of a fully indexed rate plus 200 basis points and a repayment schedule which achieves full amortization over the life of the extension of credit.

''(C) VERIFICATION OF CONSUMER INCOME AND FINANCIAL RESOURCES.—

''(i) IN GENERAL.—In the case of any consumer credit transaction secured by the principal dwelling of a consumer, the income and financial resources of the consumer shall be verified for purposes of this paragraph by tax returns, payroll receipts, bank records, or other similarly reliable documents.

''(ii) CONSUMER STATEMENT INSUFFICIENT.—A statement by a consumer of income or financial resources shall not be sufficient to establish the existence of any income or financial resources when verifying the reasonable ability of the consumer to repay any consumer credit transaction secured by the principal dwelling of the consumer for purposes of this paragraph.

''(D) OTHER CRITERIA.—A creditor or mortgage broker may rely on additional criteria other than income and financial resources to establish the reasonable ability of a consumer to repay any consumer credit transaction secured by the principal dwelling of the consumer, to the extent such other criteria are also verified through reasonably reliable methods and documentation.

''(E) EQUITY IN DWELLING NOT TO BE TAKEN INTO ACCOUNT.—The consumer's equity in the principal dwelling that secures or would secure the consumer credit transaction may not be used to establish the ability to make the payments described in subparagraph (A) with respect to such transaction.

''(2) PROHIBITION ON STEERING.—

''(A) IN GENERAL.—In connection with a credit transaction secured by the principal dwelling, a mortgage broker or creditor may not—

''(i) steer, counsel, or direct a consumer to rates, charges, principal amount, or prepayment terms that are more expensive for that which the consumer qualifies; or

''(ii) make, provide, or arrange for any consumer credit transaction secured by the principal dwelling of a consumer that is more expensive than that for which the consumer qualifies.

''(B) DUTIES TO CONSUMERS.—If unable to suggest, offer, or recommend to a consumer a home loan that is not more expensive than that for which the consumer qualifies, a mortgage originator shall—

''(i) based on the information reasonably available and using the skill, care, and diligence reasonably expected for a mortgage

originator, originate or otherwise facilitate a suitable home mortgage loan by another creditor to a consumer, if permitted by and in accordance with all otherwise applicable law; or

''(ii) disclose to the consumer—

''(I) that the creditor does not offer a home mortgage loan that is not more expensive than a loan for which the consumer qualifies, but that other creditors may offer such a loan; and

''(II) the reasons that the products and services offered by the mortgage originator are not available to or reasonably advantageous for the consumer.

''(C) PROHIBITED CONDUCT.—In connection with a credit transaction secured by the principal dwelling, a mortgage originator may not—

''(i) mischaracterize the credit history of a consumer or the home loans available to a consumer;

''(ii) mischaracterize or suborn the mischaracterization of the appraised value of the property securing the extension of credit; and

''(iii) if unable to suggest, offer, or recommend to a consumer a loan that is not more expensive than a loan for which the consumer qualifies, discourage a consumer from seeking a home mortgage loan from another creditor or with another mortgage originator.''.

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**SA 3814.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike 989B, insert the following:

**SEC. 989B. DESIGNATED FEDERAL ENTITY INSPECTORS GENERAL INDEPENDENCE.**

Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(4)—

(A) in the matter preceding subparagraph (A), by inserting ''the board or commission of the designated Federal entity, or in the event the designated Federal entity does not have a board or commission,'' after ''means'';

(B) in subparagraph (A), by striking ''and'' after the semicolon; and

(C) by adding after subparagraph (B) the following:

''(C) with respect to the Federal Labor Relations Authority, such term means the members of the Authority (described under section 7104 of title 5, United States Code);

''(D) with respect to the National Archives and Records Administration, such term means the Archivist of the United States;

''(E) with respect to the National Credit Union Administration, such term means the National Credit Union Administration Board (described under section 102 of the Federal Credit Union Act (12 U.S.C. 1752a);

''(F) with respect to the National Endowment of the Arts, such term means the National Council on the Arts;

''(G) with respect to the National Endowment for the Humanities, such term means the National Council on the Humanities; and

''(H) with respect to the Peace Corps, such term means the Director of the Peace Corps;''; and

(2) in subsection (h), by inserting ''if the designated Federal entity is not a board or commission, include'' after ''designated Federal entities and''.

**SEC. 989C. STRENGTHENING INSPECTOR GENERAL ACCOUNTABILITY.**

Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (12), by striking ''and'' after the semicolon;

(2) in paragraph (13), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(14)(A) an appendix containing the results of any peer review conducted by another Office of Inspector General during the reporting period; or

''(B) if no peer review was conducted within that reporting period, a statement identifying the date of the last peer review conducted by another Office of Inspector General;

''(15) a list of any outstanding recommendations from any peer review conducted by another Office of Inspector General that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete; and

''(16) a list of any peer reviews conducted by the Inspector General of another Office of the Inspector General during the reporting period, including a list of any outstanding recommendations made from any previous peer review (including any peer review conducted before the reporting period) that remain outstanding or have not been fully implemented.''.

**SEC. 989D. REMOVAL OF INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.**

Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating the sentences following ''(e)'' as paragraph (2); and

(2) by striking ''(e)'' and inserting the following:

''(e)(1) Each Inspector General of a designated Federal entity may at any time be removed, but only for cause. In the case of a designated Federal entity for which a board or commission is the head of the designated Federal entity, a removal under this subsection may only be made upon the written concurrence of a ⅔ majority of the board or commission.''.

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## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Senate Committee on Energy and Natural Resources previously announced for May 6, 2010, at 9:30 a.m., has been rescheduled and will now be held on Tuesday, May 11, 2010, at 10 a.m., in room SR–325 of the Russell Senate Office Building.

The purpose of the hearing is to review issues related to deepwater offshore exploration for petroleum and the accident in the Gulf of Mexico involving the offshore oil rig Deepwater Horizon.

For further information, please contact Linda Lance at (202) 224–7556 or Allyson Anderson at (202) 224–7143 or Abigail Campbell at (202) 224–1219.

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## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on May 4, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The President's Proposed Fee on Financial Institutions Regarding TARP: Part 2''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''ESEA Reauthorization: Improving America's Secondary Schools'' on Tuesday, May 4, 2010. The hearing will commence at 2 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on May 4, 2010, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Wall Street Fraud and Fiduciary Duties: Can Jail Time Serve as an Adequate Deterrent for Willful Violations?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on May 4, 2010, at 2:30 p.m. to conduct a hearing titled, ''Recruiting and Retaining a Robust Federal Workforce.''

The PRESIDING OFFICER. Without objection, it is so ordered.

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## COLLECTOR CAR APPRECIATION DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 513.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 513) designating July 9, 2010 as ''Collector Car Appreciation Day'' and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 513) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 513

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the Nation and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of this Nation by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now therefore, be it

*Resolved*, That the Senate—

(1) designates July 9, 2010, as ''Collector Car Appreciation Day'';

(2) recognizes that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States;

(3) encourages the Department of Education, the Department of Transportation, and other Federal agencies to support events and commemorations of ''Collector Car Appreciation Day'', including exhibitions and educational and cultural activities for young people; and

(4) encourages the people of the United States to engage in events and commemorations of ''Collector Car Appreciation Day'' that create opportunities for collector car owners to educate young people on the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

Mr. REID. Mr. President, we have had a big day in the Senate. Because of my Republican friends, we have been able to accomplish almost nothing—not quite but almost nothing. I love old cars, and I am glad we are able to pass this important legislation: Collector Car Appreciation Day. Collector Car Appreciation Day.

While people out there are looking for jobs, trying to save their homes, we are doing what the Republicans let us do: Collector Car Appreciation Day. That is the extent of our work because the Republicans have objected to everything we have tried to do on trying to reform Wall Street—for obvious reasons.

We all read the press saying the lobbyists are here lined up with their Gucci shoes and their new suits and a lot of new ties because we are told they are spending millions of dollars a week on these people to stop us from reforming Wall Street.

We are going to reform Wall Street. We are going to work through all of these objections. We are going to work through the party of no and the obstructionism.

## ORDERS FOR WEDNESDAY, MAY 5, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, May 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3217, Wall Street reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:10 p.m., adjourned until Wednesday, May 5, 2010, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Tuesday, May 4, 2010*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. YARMUTH).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*May 4, 2010.*

I hereby appoint the Honorable JOHN A. YARMUTH to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

## THE NEED FOR FINANCIAL REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, as the economy faced imminent collapse in 2008, the choice between allowing a complete meltdown of the financial sector and initiating taxpayer funded bailouts was at best a choice between the lesser of two evils. It was reflective of the fact that a complete and thorough lack of financial regulation by the previous administration and previous Congresses had allowed years of abuse and risky behavior by many financial institutions to subject the entire economy to unparalleled peril.

We know the system was broken. Consumers weren't protected. They lost trillions of dollars in their retirement funds, housing values declined to record lows, and bank lending dried up. Taxpayers weren't protected. They were forced to bail out the very companies that created the economic disaster. Even Wall Street wasn't protected, as the irresponsible and reckless actions of some institutions left the entire financial industry and the American economy in near collapse. When no one is protected, everybody is endangered.

We know the results: the worst recession since World War II; the highest unemployment since 1983, peaking in January 2009 with 740,000 jobs lost; a stock market that plummeted to less than half its peak value; housing foreclosures that increasingly cast families out of their homes; millions of Americans out of work, and a dramatically shrinking gross domestic product.

Fannie Mae and Freddie Mac, holders of more than two-thirds of all of the mortgages in this country, nearly collapsed and are now in government receivership. General Motors and Chrysler emerged from bankruptcy only with Federal taxpayers owning significant amounts of those companies as well. The financial sector was the epicenter of the recession. Between 2000 and 2007, 27 banks failed. Since then, 215 have failed.

The largest savings and loan failure in American history happened in July 2008 when IndyMac was seized. The largest bank failure in history happened just 2 months later when Washington Mutual, in existence for more than 100 years, collapsed, threatening its customers' $307 billion in assets. The largest insurance company failure in American history, AIG, also occurred in late 2008. Only the Troubled Asset Relief Program, initiated under President Bush, and its more than $170 billion taxpayer funded bailout kept AIG from actual collapse.

It is important to ensure that taxpayer funds are never again used to bail out private companies. We must have a procedure in place that not only ends the concept of too big to fail, but also prevents the financial abuses from endangering the economy in the first place.

The value of the derivatives market as of October 2008 stood at $668 trillion. I did not misspeak. The value of the derivatives bought and sold, completely unregulated, totaled more than 15 times the entire world's gross domestic product. Although this does not represent $668 trillion of real wealth, it does indicate hundreds of trillions of dollars worth of speculative investments, which remain void of any transparency today.

How can we allow the massive derivatives market to remain completely unregulated after what we have gone through? How can we allow the risky and abusive actions of certain financial institutions to endanger an entire economy? How can we allow American taxpayers to be faced with the untenable choice of risking further economic collapse or funding financial institutions' misdeeds? Big banks and other financial institutions cannot with one hand wave a finger in America's face decrying any perceived threat to their autonomy while simultaneously holding out the other hand to the American taxpayer asking for a bailout.

It is unconscionable to allow private risk to become public responsibility. That is why the House took action last December passing the Wall Street Reform and Consumer Protection Act. It is long past time for the Senate to join us and assure American taxpayers that never again will they be asked to bail out misbehaving financial institutions. We must not allow the near-criminal lack of oversight again. We must not continue to turn a blind eye to the abuses of the past. On behalf of the American taxpayers and consumers, we must enact financial reform now.

## JOBS AND THE AMERICAN ECONOMY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to discuss the need to create more jobs in the American economy. We have had some good news on jobs lately. The Nation's unemployment rate has finally dipped below 10 percent, and the economy added 162,000 jobs in March alone. It is a start.

The economic stimulus measures in last year's Recovery Act are starting to pay off, but it is still not enough. Over 44 percent of unemployed Americans have been jobless for 6 months or longer, the highest rate since World War II. For the long-term unemployed, that light at the end of the tunnel may feel more like a freight train bearing down on them.

Long-term unemployment cuts across nearly every industry and occupation, and happens to workers of all ages. Long-term unemployment is bad for families, and it is bad for the country.

Long-term unemployment can permanently depress a person's future wages. A study published by the Federal Reserve Bank of Chicago followed up on workers who lost their jobs during the recession of 2001 to 2003. It found that those working again by 2004

earned 17 percent less per week than they would have if they had kept their old job.

Long-term unemployment also drains the Federal purse, not only increasing costs for unemployment, Medicaid, and food assistance, but also severely reducing income tax revenue.

I strongly support safety net programs to help families survive bouts of unemployment; but, in the end, Americans would rather work. We must help get them back to work in jobs that will allow them to care for their families and send their children to college.

That is why I have introduced the Public Lands Rehabilitation and Job Creation Act, which will create well-paying jobs fixing roads and buildings in our Nation's parks and forests.

It is why I introduced the Sustainable Property Grants Act, to create jobs manufacturing and installing energy efficient equipment for commercial properties throughout the Nation. It is why I am working to support the President's export initiative, to create well-paying manufacturing jobs by expanding overseas markets for U.S.-made products. It is why I work hard to ensure that our trade laws and agreements are enforced, so U.S. firms don't get undercut by countries that don't play by the rules.

And it is why I spend each day in Congress working with my colleagues to fix our economy. I am working to renew the American dream.

Unfortunately, there are many obstacles in the way. Some Members of the other body have played games with efforts to extend unemployment benefits. Others are more concerned about retaining corporate tax giveaways than they are in working to find solutions that would help us pay for job creation efforts, job creation efforts that would help families while helping to restore Federal revenues.

Regardless of the obstacles we face, no matter how bitter our fights, nothing we experience in Congress will ever compare to the challenge of supporting a family without a job. That is why to my neighbors back home in southern California, I pledge to redouble my efforts, to keep fighting the good fight, to work tirelessly to bring back jobs and get America back on track. And to make sure the light at the end of the tunnel really is a ray of hope for a brighter tomorrow.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Out of silence Your Word is heard. From small evidence, an investigation arises and justice is pursued. With attentive listening, a child enjoys good judgment and learns trouble can be avoided. From the bottom of the sea comes oil and custodial wisdom.

Within one conversation one Member is affirmed; another ignored; another offended.

For a moment, a hospital bed holds good news. While some fields are flooded, the sun scorches life out of some others.

Lord, in this complex world give us discernment in all circumstances that we may find You present both now and forever.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. JACKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JACKSON of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## PASS THE WAXMAN-MARKEY CLIMATE CHANGE BILL

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, I rise today to discuss the extreme weather events that have occurred over the last several months. From the massive rains and flooding this week in Tennessee, to the historic tornado in Mississippi, to this spring's flooding in New England and Connecticut and Rhode Island, to the February mudslides in Madeira, to the freak March Hurricane Xynthia that killed 40 people on the coast of France, it is clear that storms are getting more intense and weather patterns are changing, consistent with computer models of climate change.

In Orange County, New York, my farmers have had to cope with so-called 50-year floods that now seem to occur every year. Rivers may truly be the canary in the coal mine of global climate change. What more evidence do we need?

It's time to stop denying that this change is happening and work together to stop the pollution that causes it. In the House we have acted, and now it's time for the Senate to take up and pass an energy and climate bill, which also by the way is a big jobs bill.

## TEACHER AWARENESS WEEK AND NATIONAL TEACHER DAY

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to honor our Nation's teachers. This week we celebrate National Teacher Appreciation Week. And today, May 4, is National Teacher Day. As a former PTA president and as a former school board president, I want to pay tribute to our Nation's teachers for the hard work, dedication, and selfless sacrifice they make every day to educate our young people.

One teacher I think can make all the difference in a child's life. For me, that one person was Mrs. Oker, my fourth grade teacher. She taught me how to think beyond the box. I remember trying to calculate how many Christmas trees it would take end to end to go from the Earth to the Moon. I did calculate that. I can't remember how many there were, but she taught me that I could do most anything I set my mind to. That was really to think beyond the box.

Today is an opportunity not only to thank Mrs. Oker, but to thank all of the teachers in the 13th District of Illinois and the Nation for following their calling and enlightening the next generation of American leaders.

## CELEBRATING THE CONTRIBUTIONS OF MS. ELISE JONES MARTIN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, longtime South Carolina resident Ms. Elise Jones Martin is a leader throughout the communities in our State, particularly in the capital of Columbia. It was on Washington Street that she opened a thriving beauty salon. It was at South Carolina State University that she furthered her education by taking teacher training courses. This eventually led to her teaching position at Booker T. Washington High School, where she enriched the lives of many young students.

Ms. Elise Jones Martin has many passions: teaching, politics, and philanthropy. Her contributions in each of these areas are extensive. But it was Ms. Martin's lifetime dedication of fighting for viable neighborhoods that recently culminated in the launch of the Elise Jones Martin Place. This housing community carries Ms. Elise Jones Martin's name because of her work to improve neighborhoods by establishing solid foundations for America's young citizens.

It is my honor to celebrate the contributions of Elise Jones Martin today and thank her for making Columbia a stronger city and inspiring people of all ages to give back to their communities.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

God bless Duane Jackson for stopping the terrorist attack on New York City.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Friday, April 30, 2010:

H.R. 5146, to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

## AMERICANS WANT SECURE BORDERS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Arizona's immigration enforcement law mirrors what is already in Federal law. So why are some special interest groups in an uproar? It shouldn't be surprising. The very same people who want to throw out Arizona's new immigration law also want Congress to throw out America's immigration laws. Open borders advocates want amnesty for millions of illegal immigrants, so they find fault with any law that tries to reduce illegal immigration.

Arizona has every right to protect its residents and secure the border. The message from Arizona is not to pass an amnesty bill in Washington, but to enforce immigration laws and strengthen border security.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## HONORING THE NATIONAL SCIENCE FOUNDATION

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1307) honoring the National Science Foundation for 60 years of service to the Nation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1307

Whereas Congress created the National Science Foundation in 1950 to promote the progress of science, to advance the national health, prosperity, and welfare, and to secure the national defense;

Whereas the National Science Foundation, under the capable leadership of its directors, advised by the distinguished members of the National Science Board, has worked continuously and successfully for 60 years to ensure that the United States maintains its leadership in discovery, innovation, and learning in science, engineering, and mathematics;

Whereas the National Science Foundation strengthens the economy and improves the quality of life in the United States as the Federal Government's only agency dedicated to the support of fundamental research and education in all scientific and engineering disciplines;

Whereas the National Science Foundation supports a network of 200,000 individuals each year, including scientists, engineers, students, and educators at over 2,000 colleges and universities, schools, nonprofit organizations, science centers and museums, and small businesses throughout our Nation, and funds multi-user facilities and tools for conducting world-class research and research training;

Whereas during the past decade, the National Science Foundation has met increasingly challenging national needs with strategic planning, hard work, and unrelenting dedication;

Whereas the National Science Foundation supports science, technology, engineering, and mathematics (STEM) education at all levels, including support for undergraduate and graduate students, early-career researchers, and K–12 STEM teachers, and emphasizes broadening participation in the Nation's science and engineering research and education enterprises;

Whereas the National Science Foundation, through its National Hazards Reduction Program, the George E. Brown, Jr., Network for Earthquake Engineering Simulation, the Approaches to Combat Terrorism program, and similar research activities, has contributed to predicting and reducing the risk of devastation from natural and manmade disasters, and during the past decade has funded quick-response research at the sites of unprecedented national and international tragedies, including the September 11 attacks on the United States, the South Asian earthquake and tsunami, Hurricane Katrina, and the Haitian earthquake, which in turn will contribute to further preventing and mitigating the impact of future disasters;

Whereas the contributions of the National Science Foundation to understanding the fundamental nature of the universe included the completion, during the past decade, of the Robert C. Byrd Green Bank Telescope, the Gemini South Telescope, the Long-Range Interferometer Gravitational-wave Observatory, the South Pole Telescope, and the United States contribution to the Large Hadron Collider; and

Whereas the research and observations supported by the National Science Foundation and conducted in the United States in the polar regions and across the planet increasingly contribute to our understanding of the climate: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the significance of the anniversary of the founding of the National Science Foundation;

(2) acknowledges that 60 years of National Science Foundation achievements and service to the United States have advanced our Nation's leadership in discovery, innovation, and learning in science, engineering, and mathematics; and

(3) reaffirms its commitment to support investments in basic research, education, and technological advancement through the National Science Foundation, one of the premier scientific organizations in the World.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1307, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to recognize the National Science Foundation for 60 years of service in promoting the discoveries and innovations that have made this country great. As the Federal agency charged with ensuring U.S. excellence in science, engineering, and mathematics through basic research and education, the Foundation's efforts have been critical to maintaining our leadership in a competitive world.

In addition to its primary mission to support fundamental research in all science and engineering disciplines, the Foundation supports many cross-cutting and transformative research and education programs that should serve as models for other agencies and other nations. I will cite just a few examples here.

First, the Foundation supports Engineering Research Centers, which serve as models for public-private partnerships in areas of national needs. Today, the Foundation is funding ERCs in such areas as smart lighting, nanotechnology, and robotics.

Second, the Foundation supports much of the basic climate science and model development that will enable scientists and policymakers to understand and predict changes to the climate on a regional scale.

Finally, the Foundation supports the Noyce Teacher Scholarship program, a central piece of the K–12 STEM education initiatives included in the 2007 America COMPETES Act. The Noyce program provides scholarships to undergraduates who major in a STEM field while preparing to become certified or licensed to teach in a K–12 classroom. But this program is about more than providing scholarships. It is about reforming how K–12 STEM teachers are prepared. And no agency is better positioned to do this than the National Science Foundation.

Keeping America competitive provides good jobs and a strong, growing economy. That process begins with a high-quality educational system and continues with investments in new ideas and skilled people. The National Science Foundation's capable leadership and its staff meet these national needs with expertise and enthusiasm, and I commend them for the continued high caliber of their performance.

I want to thank the chair and ranking member of the Committee on Science and Technology, Mr. GORDON and Mr. HALL, for introducing this resolution, and I urge my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support and as an original cosponsor of H. Res. 1307, honoring the 60th anniversary of the National Science Foundation. We are proud of the work of this independent agency that focuses on basic research in the frontiers of knowledge and is a very vital asset to our Nation. It's the only Federal agency that supports all fields of fundamental science and engineering, and makes sure that research is integrated with education so that our next generation of scientists and engineers are also world class. According to NSF, basic research is, quote, ''where discoveries begin,'' and I could not agree more.

NSF funds more than 10,000 new awardees a year. From those awards have come discoveries that have revolutionized the way every American lives in one way or another. It was NSF-funded research that led us to the Internet and to the Web browsers that we use today. Fundamental research supported by NSF is responsible for what we now know as magnetic resonance imaging (MRI) technology.

Bar codes appear on nearly everything we purchase today, from toys to shoes to boxes of cereal, helping industries with a range of activities from inventory to marketing to pricing. This is yet another technology where the National Science Foundation plays a crucial role. The American Sign Language Dictionary, speech recognition technology, fiber optics, Doppler radar—all end results of NSF-sponsored research.

NSF-funded researchers have won more than 180 Nobel Prizes in numerous disciplines, and the agency leads a robust international research program in the polar regions, including managing U.S. interests in Antarctica.

I would be remiss if I didn't mention the role of the current director of the Foundation and its recent accomplishments. Dr. Arden L. Bement, Jr., has led the agency with distinction for the past 6 years. He will be returning to Purdue University in June. This Congress and Nation owe him a debt of gratitude for his service.

Likewise to those National Science Board members whose term is up next week, including President Steven G. Beering. We also appreciate his hard work and dedication in ensuring our scientific enterprise remains unsurpassed.

I encourage our colleagues to join Chairman GORDON and me in supporting this resolution.

I reserve the balance of my time.

□ 1415

Ms. FUDGE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I appreciate the indulgence of my colleague from Ohio.

Mr. Speaker, I rise a little off topic to honor two extraordinary young women who are here with us today in the gallery, Lauren Henschel and Taylor Davis, for receiving the Prudential Spirit of Community Award.

At age 12, Taylor found out that due to budget constraints her school was considering canceling art education. So she sent handwritten letters to 45 art supply CEOs in United States and Europe, securing $30,000 worth of donated art supplies.

Now 13, Taylor has started a nonprofit called The Traveling Canvas to provide arts education to students around the world.

At age 14, when Lauren saw her father struggling with psoriasis, she took action, spearheading the country's first psoriasis fund-raising walk. In the last 4 years, Lauren's vision has spread nationally, raising more than $750,000 for the National Psoriasis Foundation. And in the spirit of this legislation and promoting research, I know we are all proud of her accomplishments.

When Lauren herself was diagnosed with psoriasis—and remember that she is 14 years old—she said the following: I now understand that if anyone on earth should have been diagnosed, it was me, so I could use all of my abilities to make a difference for the millions of sufferers around the world.

Lauren, Taylor, through your actions, you remind us that our capacity to help others is truly limitless. Congratulations, you are both truly the pride of the Sunshine State.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members that it is not in order to refer to occupants of the gallery.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1307 to honor the National Science Foundation for 60 years of service to the nation.

The National Science Foundation is a remarkably important federal agency that is tasked with promoting the progress of science and advancing our national health, prosperity, welfare, and defense. Americans and people across the world have led more fulfilling and dynamic lives due in large part to the technological revolution that has shaped our world in the last half-century. It is important that we give credit to the National Science Foundation for their role in engineering this transformation and making our world safer, easier, and more efficient.

One of the main roles of the National Science Foundation is to fund and support unique research proposals, and throughout the years, more than 180 Nobel prizes have been awarded to foundation-funded researchers. Additionally, the National Science Foundation works diligently to ensure that young people are studying science, technology, engineering, and mathematics (STEM) fields. We know that the jobs of tomorrow are going to rely heavily on a sound understanding of the hard sciences, and this part of the National Science Foundation's mission is central to our country's longterm economic and technological viability.

Mr. Speaker, I am delighted to celebrate the 60th anniversary of the National Science Foundation, and I look forward to the next sixty years of technological and scientific breakthroughs. The National Science Foundation truly is one of our country's greatest treasures, and I ask my fellow colleagues to join me today in honoring this foundation for the discoveries that they have achieved and their long-lasting support of the sciences.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1307, "Honoring the National Science Foundation for 60 years of service to the Nation." As a former member of the House Science Committee, I would like to thank my colleague Representative BART GORDON for introducing this legislation as it is important that we recognize the important role that the National Science Foundation has played in support of education, research and innovation in our country.

Mr. Speaker, the National Science Foundation was originally created by this very body—the United States Congress—in 1950. The intent of Congress at the time was to promote the progress of science, to advance the national health, prosperity, and welfare, and to secure our nation through defense technology and innovation.

Since that time, the National Science Foundation has worked diligently to ensure that the

United States maintains its expertise and precision in discovery and innovation in addition to education in science, engineering, and mathematics.

Additionally, the National Science Foundation was created with the intent of helping to educate the children of our nation and give them the tools necessary to become doctors, researchers, astronauts and chemists. As the Chairwoman of the Congressional Children's Caucus, I fully support the National Science Foundation in its efforts towards childhood education and I understand the great importance of educating our children in these areas.

Moreover, the National Science Foundation supports science, technology, engineering, and mathematics (STEM) education at all levels from elementary schools to national research universities. We all know the great importance this type of education has on children and I applaud the National Science Foundation for its dedication to high-quality education for the children of our nation.

In addition, Mr. Speaker, the National Science Foundation had made many significant contributions to our collective standard of living and economy. By creating opportunities for research and innovation in new areas, our nation has benefited from cutting-edge medical tools, safer cars and transportation systems as well as defense innovations that have helped to protect the American people from those that would seek to do us harm.

Through its research capacities, the National Science Foundation supports a network of 200,000 individuals each year, including scientists, engineers, students, and educators at over 2,000 colleges and universities, schools, nonprofit organizations, science centers and museums, and small businesses throughout our Nation. The National Science Foundation also works with and funds multi-user facilities and tools for conducting world-class research and training initiatives.

In addition to these efforts, the National Science Foundation has taken a protective stance for our country against the threat of earthquakes and other natural and man-made disasters. Through its National Hazards Reduction Program, Network for Earthquake Engineering Simulation, the Approaches to Combat Terrorism program, and similar research activities the National Science Foundation has contributed to predicting and reducing the risk of devastation from natural and man-made disasters during the past decade.

The National Science Foundation has also funded quick-response research at the sites of unprecedented national and international tragedies, including the September 11 attacks on the United States, the South Asian earthquake and tsunami, Hurricane Katrina, and the Haitian earthquake. These response and research efforts have helped to contribute to further preventing and mitigating the impact of future disasters.

I stand today with Representative BART GORDON and other members of Congress in reaffirming our national commitment and appreciation for the National Science Foundation as it celebrates its 60th anniversary.

I would also like to thank and praise the thousands of scientists, engineers, researchers and administrators who have worked in conjunction with the National Science Foundation towards the creation of new technologies and the improvement of our collective standards of living.

I ask my colleagues for their support of H. Res. 1307, as well as for their continued support for the National Science Foundation and its initiatives. By maintaining and increasing the capacity of our nation to research and develop new technologies and innovations, I am confident that the United States will continue to be a leader in the market for technology products for years to come.

I would like to again thank my colleague Representative BART GORDON for his leadership in introducing this bill as well as for his support of the National Science Foundation.

Mr. Speaker, I ask my colleagues to join me in supporting H. Res. 1307.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1307, which honors the National Science Foundation for 60 years of service to the United States. This important measure recognizes the National Science Foundation for its continued leadership in promoting groundbreaking research and educational opportunities in the fields of science, engineering, and mathematics—fields that are critical to the United States ability to compete in an increasingly technical global economy.

I would like to thank Chairman GORDON for sponsoring this resolution and for his leadership in bringing it to the floor.

Since its inception by Congress in 1950, the National Science Foundation has used grants to support the fields of science, engineering, and mathematics. In doing so, it has strengthened our economy and improved quality of life for Americans. Each year the National Science Foundation supports a network of over 200,000 individual scientists, engineers, students, and educators at over 2,000 colleges and universities, schools, nonprofits, science centers and museums, and small businesses.

As a former member of the Science and Technology Committee, I understand the importance of science in advancing and protecting our nation. More importantly, as the chairwoman of the Homeland Security Committee's Subcommittee on Emergency Communication, Preparedness, and Response, I commend the National Science Foundation for its National Hazards Reduction Program, Approaches to Combat Terrorism Program, and other research activities that have predicted and reduced the risk of both natural and manmade disasters.

In or near my congressional district are multiple major critical infrastructure sites, including the Port of Long Beach, the Alameda Corridor, and the Gerald Desmond Bridge. This critical infrastructure is a vital part of the good movement throughout the nation. However, due to the high volume of cargo that travels through them daily, these infrastructure sites also represent real national security risks. Thus, I am particularly attuned to the importance of the National Science Foundation's efforts to engineer secure infrastructure and design programs that help identity and reduce national security threats.

Mr. Speaker, it is clear that the National Science Foundation is a driving force and a pioneer in the field science, engineering, and mathematics. I applaud the National Science Foundation for continuing to lead the nation by example in building a new generation of leaders in these fields, strengthening our economy, and protecting our citizens.

I urge my colleagues to join me in supporting H. Res. 1307.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. FUDGE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1307.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FUDGE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SUPPORTING THE IDEALS OF NATIONAL LAB DAY

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1213) recognizing the need to improve the participation and performance of America's students in Science, Technology, Engineering, and Mathematics (STEM) fields, supporting the ideals of National Lab Day, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1213

Whereas in 2005 the National Academy of Sciences published a report entitled "Rising Above the Gathering Storm", which estimated that in the United States innovations generated by the Science, Technology, Engineering, and Mathematics (STEM) fields account for nearly half of the growth in gross domestic product;

Whereas in 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore;

Whereas increasing the number of students pursuing careers in STEM fields is vital to the global competitiveness of the United States;

Whereas many STEM occupations do not have representation of women and underrepresented minorities proportional to these groups in the population or their enrollment in higher education;

Whereas strengthening partnerships between the Federal and State governments, the private sector, nonprofit organizations, professional societies, and the education community will improve STEM education in our Nation's schools;

Whereas the Bureau of Labor Statistics reports that science and engineering occupations are projected to grow by 21.4 percent from 2004 to 2014, compared to a projected

growth of 13 percent in all occupations during the same time period;

Whereas an understanding of science and mathematics is necessary not only for those who will enter STEM fields as majors but for all citizens to understand scientific and technical issues that affect their lives;

Whereas scientific and technical skills are a requirement for an increasingly wide range of occupations and hands-on inquiry-based learning in the STEM fields is an essential element of a well-rounded education;

Whereas the President has launched an ''Educate to Innovate campaign'' which aims to increase STEM literacy so that all students can learn deeply and think critically in STEM, to move American students from the middle of the pack to the top in the next decade, and to expand STEM education and career opportunities for underrepresented groups, including women and girls;

Whereas National Lab Day is a nationwide initiative to foster community-based collaborations between educators and STEM professionals and other volunteers across the country to support high-quality, hands-on, discovery-based laboratory experiences for students;

Whereas more than 200 business, science and technology, and education organizations have declared their support for National Lab Day; and

Whereas schools and educators across the country will celebrate the first National Lab Day during the first week of May at a time of their own choosing: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the ideals of National Lab Day;

(2) calls upon the Office of Science and Technology Policy and the National Science Foundation to continue fostering partnerships such as those involved in National Lab Day; and

(3) encourages scientists, volunteers, and educators to participate in National Lab Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 1213.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1213 recognizes the need to improve the performance of American students in the science, technology, engineering, and mathematics fields. This resolution supports the ideals of National Lab Day, a nationwide effort to connect students, STEM educators, and volunteers in order to build the STEM community.

All children have an innate curiosity about the world around them. Research shows students begin to lose this inquisitiveness as early as middle school. During National Lab Day, students in all grades participate in hands-on scientific educational projects to demonstrate real-life applications of the STEM fields. For example, a teacher in my district posted a project requesting a scientist to illustrate how chemistry is used in real-world applications and careers. The National Lab Day Web site will connect this teacher with a professional scientist to perform experiments and talk to students about careers in chemistry. These activities keep students interested and engaged in math and science throughout primary and secondary school. We hope that by keeping children interested early in life more American students will enter STEM fields.

America has a rich history as a leader in technology and information. However, we are at serious risk of losing our world status if we don't train and encourage and engage our youth. Research shows that the United States is graduating significantly lower percentages of students in STEM fields than other nations. In 2006, for example, a little over 4 percent of American students received undergraduate degrees in engineering compared to 33 percent in China. We can change this trend.

Last week, I was visited by a constituent named Sheari Rice. Sheari is a full-time engineer working toward a Ph.D. at Cleveland State University in my district. She is a strong, powerful role model for female minority students and said she would be thrilled to volunteer for National Lab Day. People like Sheari will make this initiative successful and teach our children that careers such as hers are within their reach.

There are Shearis in every district, and I hope my colleagues will join me in reaching out to these role models. Tell them they can visit www.nationallabday.org to sign up for projects in their communities. I look forward to seeing successful lab days all around the Nation and eventually a more technologically competitive America.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume. I thank Ms. FUDGE for her good presentation, and I rise in support of H. Res. 1213, supporting the ideals of National Lab Day.

H. Res. 1213 recognizes the need to improve the participation and performance of America's students in science, technology, engineering, and math fields, or STEM fields. In order for America to continue its competitive edge in technology and innovation, a solid foundation in STEM education for our students is very vital. Without early exposure to science in the classroom, students will either lack the interest to pursue a career in STEM fields, or will lack the preparation and skills required to be successful.

H. Res. 1213 puts one step forward to ensuring that our children and grandchildren, the innovators of tomorrow, have the well-rounded education they need if they are to become the leading minds of America's future.

National Lab Day's purpose is to raise awareness of the importance of STEM education by creating a ''nationwide initiative to build local communities of support that will foster ongoing collaboration among volunteers, students and educators. Volunteers, university students, scientists, engineers, other STEM professionals and, more broadly, members of the community are working together with educators and students to bring discovery-based science experiences to students in grades K–12.''

I applaud those efforts that do not rely on the Federal Government but engage our communities to become more involved in improving lab experiences for students in kindergarten through high school, and hope my colleagues will join me today in recognizing the importance of what National Lab Day presents.

Mr. Speaker, I reserve the balance of my time.

Ms. FUDGE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for yielding and commend her leadership. As a former member of the Science Committee myself, I think this is a very important resolution which highlights an issue that directly impacts not just national security but employment in my district and many others.

Science, technology, engineering, and mathematics are the backbone of California's 36th District economy. We are the home to the Los Angeles Air Force Base Space and Missile Systems Center and to large facilities of all of the major aerospace firms, as well as critically important innovative second and third tier suppliers. As I am fond of saying, my district is the aerospace center of the universe.

L.A. County's unemployment rate is over 13 percent, but the 36th Congressional District's unemployment is half that, almost entirely because of science and technology jobs, especially in the aerospace industry. But the industry faces a coming ''gray wave.'' Some 60 percent of aerospace workers are over age 50, and almost 26 percent are already eligible for retirement. Not enough young scientists and engineers are coming out of college to fill their ranks.

Mr. Speaker, we can't build rockets without rocket scientists, and other countries know that. The United States graduates about 70,000 engineers annually, a meager 15 percent. China graduates over half a million engineers

every year. We not only need the next generation of spacecraft to reach Mars and beyond; we need the next generation of space engineers to get us there. And if we are to maintain space dominance when others, especially China, challenge us, we need more engineers.

While we are struggling to educate enough engineers to assume the torch from those retiring, we are also losing many of them to the sexy new world of Internet technology. Building rockets is losing luster to Facebook, eBay, Google and other IT firms. If we want to continue to be the world's leader in space, we have to get our young people dreaming bigger, literally dreaming out of this world. We need to inspire our young people the same way President Kennedy did 50 years ago when he committed the United States to winning the space race.

STEM education is the key, Mr. Speaker. I urge our colleagues to support this worthy resolution.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of H. Res. 1213, a resolution supporting the ideals of National Lab Day.

I would also like to commend the two principal sponsors of this legislation, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Michigan (Mr. EHLERS), for their continued leadership on the promotion of STEM education.

And I want to join my colleague, the gentlewoman from California (Ms. HARMAN), and I too am a former member of the Science Committee, and I agree completely with her remarks on this issue.

Science, technology, engineering, and mathematics, better known as STEM, education is instrumental to our ability to stay on the cutting edge of the global economy. Yet the United States is indeed falling behind the rest of the world in the number of students that are graduating from STEM fields.

Mr. Speaker, according to a 2006 Association of American Universities study that is noted in the findings of H. Res. 1213, 33.3 percent of students in China receive their undergraduate degrees in engineering; in Singapore, that number is 39.1 percent; and 25.4 percent of South Korea's graduates fall into these fields. Unfortunately, the United States is lagging so far behind with a staggering 4.5 percent of graduates in engineering. In order for us to remain competitive in a global marketplace, it is imperative that we find ways to increase the number of students coming out of college with a degree in a STEM-related field. That means that we need to build the interest level within STEM education for students at all levels.

Mr. Speaker, as a graduate of Georgia Tech with a degree in chemistry, STEM education is an issue that is near and dear to me, and I am very happy to see that this body consider in a bipartisan way a resolution that supports National Lab Day. This is a nationwide initiative that provides a forum for scientists to work directly with students in a hands-on learning experience. By allowing students the opportunity to collaborate with scientists in this way, National Lab Day can provide them with the tools to keep them engaged in STEM fields, with the hope that those students will pursue higher education opportunities and careers in these cutting-edge fields.

During the 110th Congress, I believe our Nation took a very crucial step, due in large part to the leadership of Chairman BART GORDON and Ranking Member RALPH HALL of the Science Committee, to address this issue in the America COMPETES Act, and that was passed in a bipartisan way in 2007 and signed into law by former President Bush.

□ 1430

As the former ranking member of the Science Committee's Technology and Innovation Subcommittee, I was so proud to support that important legislation, which will make STEM education a priority both now and in the future.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HALL of Texas. I yield the gentleman 1 additional minute.

Mr. GINGREY of Georgia. As we likely consider the reauthorization of the America COMPETES Reauthorization Act next week, I hope this body will approach this legislation in the same manner.

I urge all of my colleagues to support this great resolution, H. Res. 1213.

Ms. FUDGE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I want to compliment our chairman, BART GORDON, and I would like to compliment Congresswoman FUDGE and our ranking member, Mr. HALL, for this resolution because it is greatly important.

I support H. Res. 1213, a resolution in support of improving participation in the STEM fields, STEM—Science, Technology, Engineering, and Mathematics.

As a member of the House Education and Labor Committee and of the House Science and Technology Committee, it is absolutely clear to me that our country's ability to develop, to prosper, and to compete will depend upon investing in our children's educations and in the scientific community.

A central piece of this effort must be to encourage girls and underrepresented minorities to be involved in STEM at the K–12 undergrad and graduate levels so they can, if they choose, turn their educations into careers. They don't have to take the careers of STEM, but they have to be prepared to make those choices by the time they get to college.

That is why I sponsored the Patsy T. Mink Fellowships, which President Bush signed into law in 2008 as part of the Higher Education Reauthorization Act. The Patsy T. Mink Fellowships provide encouragement for women and minorities to go into the graduate programs where they are represented, such as into the STEM programs, and then to move into teaching in these fields.

I am also preparing to reintroduce a bill, Go Girl, as it has been previously entitled for the many, many years that I've been here, which will provide grants to schools to promote STEM education for girls, and we have included underrepresented minorities for K–12 students.

Mr. Speaker, helping young women and minorities go into these STEM fields is an investment in our future as a country, so I urge my colleagues to join me in voting for H. Res. 1213.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1213 to support the goals and ideals of National Lab Day.

I want to commend National Lab Day and its partners for their efforts to ensure America's workforce is proficient in Science, Technology, Engineering, and Mathematics (STEM). In order to keep the United States at the leading edge of discovery, it will take committed partnerships with volunteers, university students, scientists, engineers, other STEM professionals, and communities to inspire and cultivate our youth.

I strongly believe that in order for a child to believe, they must first see. Today, our children are in desperate need of positive role models. When STEM professionals enter the classroom and work with children, they are providing an example of what one day they too can become. We need to increase professional involvement with our youth throughout our educational pipeline. Efforts such as National Lab Day will help bring about positive change for our country.

It is no mystery that STEM professionals will cure the next epidemic and invent the next technological breakthrough. Ultimately, a nation that graduates a high amount of STEM professionals will be a nation that will thrive in the 21st century. These fields are among the highest paying and the most stable. Their rate of growth is increasing exponentially as our society grows increasingly technological and our world becomes more interconnected.

Mr. Speaker, the time to act is now. I ask my fellow colleagues today to join me in honoring National Lab Day and efforts that will raise standards, improve teaching, and motivate more students to pursue careers in science and math.

Ms. JACKSON LEE of Texas. Mr. Speaker, as a former member of the Science Committee and a strong supporter of education, I rise in strong support of this resolution Recognizing the need to improve the participation and performance of America's students in

Science, Technology, Engineering and Math (STEM) fields.

This legislation recognizes the importance of equipping young minds with the technological and scientific knowledge necessary to compete in a globalized economy. Further, within the context of globalization, I strongly believe that this country's ability to achieve and maintain a high standard of living is dependent on the extent to which it can harness science and technology. Thus, in order to enhance the international competitiveness of the country, it is critical for us to promote and support students pursuing careers in meteorology, climatology and atmospheric research.

From Ben Franklin to NASA to Silicon Valley, America has a great history of scientific innovation. In recent years, however, we have diverged from this path and have endangered our reputation as a nation at the forefront of science and technology. In 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore. Today, American students rank 21st out of 30 in scientific literacy among students from developed countries, and 25th out of 30 in math literacy.

If this trend continues, there are dire consequences for our children and our economy. As this bill notes, "In 2005 the National Academy of Sciences published a report entitled 'Rising Above the Gathering Storm', which estimated that in the United States innovations generated by the Science, Technology, Engineering, and Mathematics (STEM) fields account for nearly half of the growth in gross domestic product."

Mr. Speaker, it is essential that we invest in a workforce ready for global competition by creating a new generation of innovators and make a sustained commitment to federal research and development. We need to spur and expand affordable access to broadband, achieve energy independence, and provide small business with tools to encourage entrepreneurial innovation.

The establishment and maintenance of a capable science and technological workforce remains an important facet of U.S. efforts to maintain economic competitiveness. Pre-college instruction in mathematics and scientific fields is crucial to the development of U.S. science and technological personnel, as well as our overall scientific literacy as a nation. The value of education in science and mathematics is not limited to those students pursuing a degree in one of these fields, and even students pursuing nonscientific and nonmathematical fields are likely to require basic knowledge in these subjects.

In particular, there is a need to extend access to mathematics and scientific education to a number of specific groups. Even as certain minorities, including African Americans, Hispanics, and Native Americans, comprise an increasingly large proportion of the U.S. population, they continue to be underrepresented in science and engineering disciplines. Together, these three groups comprise over 25 percent of the population, but earn only 16.2 percent of the bachelor degrees, 10.7 percent of the masters degrees, and 5.4 percent of the doctorate degrees in these fields.

Mr. Speaker, as we develop the reauthorization of the Elementary and Secondary Education Act (ESEA), we must fully integrate and fund STEM education programs. Such programs are vital to the future of our nation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H. Res. 1213, which recognizes the need to improve the performance of American students in the science, technology, engineering, and mathematics (STEM) fields.

In 2006, 4.5 percent of students in the United States graduated from college with a STEM-related diploma. By comparison, 33 percent of students in China graduated in the STEM field. The United States has been a global leader in technology and innovation for decades—but we will quickly fall behind unless our country encourages more young people to pursue STEM careers.

We must take an all hands on deck approach to improve our national STEM outlook. National Lab Day helps drive young students' curiosity for science and technology by encouraging hands-on projects in the classroom that prove the sciences are fun. We must work to ensure that high schoolers, particularly young women and at-risk students, take college prep courses in science and math that prepare them for future careers as scientists. And we must stand by young scientists while they are in college to see that they graduate with a STEM diploma in hand.

Improving STEM opportunities both professionally and in the classroom has long been a priority for me, and I continue to be amazed by the type of work that is happening in my own district. For example, Polyera, a nanotech company in Skokie, Illinois, is working to develop polymer inks for organic photovoltaics, or printed solar cells. Imagine a company that's able to print off solar-powered cells just as easily as printing off a newspaper.

Nanotechnology is an absolutely incredible step forward, but what I get excited about, especially when I'm talking to the next generation of potential scientists, is that they are already thinking about the next big thing. A cure for cancer, putting an astronaut on Mars, or finding new sources of renewable energy—these are challenges that will be solved by today's STEM student.

There is a place for initiatives that motivate students to pursue STEM throughout their educational careers. With targeted action, like that encouraged by National Lab Day, we can remain global leaders in this vital field.

Again, I urge my colleagues to support H. Res. 1213.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1213, which recognizes the need to increase student participation in the fields of Science, Technology, Engineering and Mathematics (STEM). H. Res. 1213 also supports the ideals of National Lab Day, a national initiative designed to bring together educators, scientists and community members in the interest of providing students from kindergarten through 12th grade with hands-on scientific learning experiences. On National Lab Day, which is celebrated every year during the first week of May, scientists and other STEM professionals can give back to the community by volunteering their time to work with educators and students on lab projects.

Women and minorities have long been underrepresented in STEM careers. We need to reverse this trend so that STEM professionals better reflect the diverse character of our nation. Several initiatives in my district and the surrounding region have taken steps to make this happen. Great Minds in STEM is a nonprofit organization that operates an afterschool program in the Compton Unified School District in Compton, California that educates students from underrepresented demographic groups in STEM subject areas. STEM UP is another initiative that is working to establish a STEM education program in Southern California that focuses on increasing diversity.

The skills taught through STEM education are essential to an increasing number of jobs in the United States. The Bureau of Labor Statistics projects that science and engineering occupations will grow by 21.4 percent from 2004 to 2014, while non-STEM occupations will only grow by 13 percent. Additionally, equipping more Americans with advanced skills in STEM is essential to ensuring America's competitiveness in the global marketplace. In 2006, only 4.5 percent of college graduates in the United States majored in a STEM field compared with 25.4 percent of graduates in South Korea, 33.3 percent of graduates in China, and 39.1 percent of graduates in Singapore. We must graduate more students with the technical knowledge needed to succeed in an increasingly globalized and hi-tech economy.

I consider increasing educational and employment opportunities in the STEM fields to be so important that I recently introduced the America RISING Act of 2010. This bill will pay the salaries for two years of recent college graduates who are hired by small businesses or larger companies with operations in areas of low employment. It also establishes a higher education opportunity program which will provide funding to recent college graduates to help them obtain two years of additional education and training in the STEM fields.

I salute the hard work and dedication of the volunteers, teachers, and students involved in National Lab Day and the organizations committed to increasing participation in STEM disciplines and careers.

I urge my colleagues to join me in supporting H. Res. 1213.

Mr. HOLT. Mr. Speaker, I rise today to support House Resolution 1213, a resolution expressing support for National Lab Day and the need to improve science and math education.

National Lab Day, to be held on May 12th, will give middle and high school students access to hands-on, discovery-based laboratory opportunities. Additionally, National Lab Day will provide schools with an opportunity to assess and upgrade their current lab facilities. I am pleased that nearly 200 organizations representing science and math professionals and educators are supporting National Lab Day.

National Lab Day is a terrific initiative that comes at a time when we need an "all-hands-on-deck" mentality to provide our children with a first-rate math and science education. We still don't know how to cure cancer or AIDS, or completely ease the suffering of those with mental illnesses. We still have tremendous challenges regarding energy consumption. And we still don't know all we should about

our planet and the people who live on it. The answers to these important questions are beginning to be formed in our classrooms with young students who one day may go on to investigate these issues and make advances that will benefit all of us.

Scientists and teachers long have been concerned about the quality of science and math education. Yet, scientists and educators should not be the only ones troubled by our students' mediocre performance in these subjects. Every citizen concerned about the long-term health of our Nation's economy should be worried by our current educational performance. Parents who want their children to succeed in a new global economy should be interested. Patients in need of new medical advances and citizens who want to see technological progress should care about our Nation's performance in this area.

It is clear that our Nation must improve mathematics and science education in our elementary and secondary schools. American students do not perform as satisfactorily in these subjects as compared with their peers in other nations, which threatens the long-term health of our Nation's economy and our competitiveness. China, India, and Germany, to name three, are putting more emphasis on science and math education. These nations recognize that the jobs of the future will require a basic understanding of these subjects. In fact, the Department of Labor recently found that three-quarters of the 20 fastest-growing future occupations will need workers with significant mathematics or science preparation.

A decade ago, I had the honor to serve on the National Commission on Mathematics and Science Teaching for the 21st Century, which became known as the John Glenn Commission. In a report entitled "Before It's Too Late", we made clear that our Nation must increase the number of teachers in those fields significantly and provide more opportunities for teachers to enhance their math and science teaching skills. Ten years later, I still believe policymakers must do more to support the teachers that play a critical role in science and math education. The Commission recommended that teachers receive the greatest attention, even ahead of curriculum or other areas.

As a member of the House Committee on Education and Labor, I have been focused on ways to do just that. I have worked to boost resources for the underfunded Mathematics and Science Partnerships, which provides professional development opportunities to a wide range of teachers and helps them continue improving their skills. I have worked on a bipartisan basis with my colleague Rep. VERN EHLERS to ensure that reauthorization of the Elementary and Secondary Education Act places the same importance on science as it does for other subjects, such as English.

In today's tight budget environment, I applaud the Obama Administration for proposing historic increases in the federal government's commitment to science education in their Fiscal Year 2011 Budget. I was pleased to see $300 million in the Department of Education budget for improving teaching and learning in science and math. When considering any replacement to the Mathematics and Science Partnerships program, we must recognize that great teachers are made, not born. I feel strongly that any new program must continue to support professional development activities for science and math teachers as they seek to improve their craft. In addition, any new program must ensure that professional development programs are widely available across the country, not just to a few schools that compete successfully because they are already top notch.

Improving our children's abilities in science and math is critical for our economy, our national security, and our democracy. Everyone, from scientist to teacher to parent to businessperson, should be concerned with how well we educate our children in this area. I look forward to working with my colleagues to fulfill the goals of the Glenn Commission and regain our Nation's leadership in science and math education.

I urge my colleagues to support this resolution that recognizes the importance of science and math education and highlights the good work done at National Lab Day.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. FUDGE. Mr. Speaker, at this time, I would ask that my colleagues support H. Res. 1213.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1213.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FUDGE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECOGNIZING THE 50TH ANNIVERSARY OF THE LASER

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1310) recognizing the 50th anniversary of the laser.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1310

Whereas the invention of the laser was one of the groundbreaking scientific achievements of the 20th century;

Whereas in 1953, Charles H. Townes, along with graduate students James Gordon and Herbert Zeiger produced the first master device, which was a precursor to the laser that relied on microwave radiation instead of visible or infrared radiation;

Whereas concurrent to Charles H. Townes' activities, Nikolay Basov and Aleksandr Prokhorov of the Soviet Union independently produced a maser with significant technical advances which allowed continuous output;

Whereas Charles H. Townes, Nikolay Basov, and Aleksandr Prokhorov shared the 1964 Nobel Prize in Physics for their "fundamental work in the field of quantum electronics", which led to the construction of masers, and subsequently lasers;

Whereas in 1960, Theodore H. Maiman constructed the first functioning laser at Hughes Research Laboratories in Malibu, California, and the laser was first operated on May 16, 1960;

Whereas Theodore H. Maiman was the recipient of the 1983/1984 Wolf Prize in Physics for his realization of the first operating laser;

Whereas since being created in 1960, lasers have become an integral and essential part of our daily lives. Lasers can be found in a wide range of applications including in compact disc players, laser printers, barcode scanners, digital video devices (DVDs), industrial welders, and surgical apparatus, amongst others;

Whereas total global sales of lasers in 2010 is expected to top 5.9 billion dollars;

Whereas innovations flowing from basic research such as the laser have made America into the world leader in technology development;

Whereas continued support of scientific research programs is indispensible to maintaining America's position as the global leader in technology and innovation; and

Whereas LaserFest is a year-long celebration of the 50th anniversary intended to bring public awareness to the story of the laser and scientific achievement generally, and was founded by the following partners: the Optical Society of America, the American Physical Society, the International Society for Optical Engineering, and IEEE: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the 50th anniversary of the laser; and

(2) recognizes the need for continued support of scientific research to maintain America's future competitiveness.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1310, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1310, which celebrates the 50th anniversary of the creation of the first laser.

The world's first laser was operated on May 16, 1960. It was constructed by Theodore Maiman at Hughes Research Laboratories in Malibu, California.

This was a significant engineering and scientific feat.

Theodore Maiman's work was preceded by theoretical work by Charles Townes, James Gordon, Herbert Zeiger, Nikolay Basov, and Aleksandr Prokhorov. Townes, Basov, and Prokhorov won the 1964 Nobel Prize in Physics for their work.

One of the peculiarities of the achievement of the invention of the laser is that, for many years after its creation, the laser was an invention without many practical applications. However, as time went on, scientists and engineers recognized the incredible potential of the laser. Today, the laser is almost ubiquitous. It can be found in almost every home, office, and automobile in America. Lasers are also big business, with annual laser sales approaching $6 billion per year, and growing.

The story of the laser is illustrative of how investments in basic R&D can have huge economic and scientific implications down the road. It is a story to remember well as this Congress prepares to take up the America COMPETES Reauthorization Act in the coming weeks.

I would like to take a moment to recognize the sponsor of this resolution, Dr. VERN EHLERS. It is my understanding that, in a prior life, Dr. EHLERS knew one of the persons cited in this resolution, Dr. Townes, so it is especially fitting that he is the sponsor.

Mr. Speaker, I urge my colleagues to support the resolution, and I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1310 celebrates the 50th anniversary of the construction of the laser, marking a major milestone in scientific discovery.

In 1953, Charles Townes produced what would become a precursor to the laser—the first microwave amplifier. Townes and his colleagues teamed up with Bell Laboratories in 1957 to begin extensive research on the amplification devices. Their focus shifted only to those amplifiers which produced visible light. In 1958, Bell Laboratories submitted a patent for an optical laser. However, such a device had yet to be successfully created. It was not until Charles Townes and Gordon Gould met in 1958 that the fundamentals of the laser and of the open resonator design were first discussed. In 1960, Theodore Maiman constructed the first operational laser. He used theories and plans published by Bell Labs, Gould, and Townes to construct this remarkable device.

Charles Townes was later awarded the Nobel Prize for Physics, along with scientists Nikolay Basov and Aleksandr Prokhorov, for their work in quantum electronics, which laid the groundwork for the construction of lasers.

We rely on lasers in our daily lives, and they are found in everyday products, such as laser printers, barcode scanners, and numerous medical devices. The world sales of lasers are estimated at well over $5 billion to date.

Today, in large part, we realize that great success stories, such as the construction of lasers, are due to American ingenuity, which stems directly from the investment in basic research and in our outstanding institutions of higher learning. The laser is a prime example of basic research that ended up having multiple applications well beyond what its creators could have ever conceived.

The construction of the laser is but one example that leaves me confident in America's place at the top of the scientific world. I applaud these great scientists for their contributions to our community, and I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Ms. FUDGE. Mr. Speaker, I would just ask that my colleagues support this resolution, H. Res. 1310, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1310.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## CELEBRATING 50TH ANNIVERSARY OF THE U.S. TELEVISION INFRARED OBSERVATION SATELLITE

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1231) celebrating the 50th anniversary of the United States Television Infrared Observation Satellite, the world's first meteorological satellite, launched by the National Aeronautics and Space Administration on April 1, 1960, and fulfilling the promise of President Eisenhower to all nations of the world to promote the peaceful use of space for the benefit of all mankind.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1231

Whereas, April 1, 2010, is the 50th anniversary of the launch by the United States of the Television Infrared Observation Satellite (TIROS I), the first weather observation satellite, that was capable of taking television images on command and remotely at locations around the world, and either recording the pictures as television signals for subsequent playback or transmitting the images to ground stations in real time;

Whereas TIROS resulted from the actions by President Eisenhower and Congress to create the National Aeronautics and Space Administration (NASA), a civilian space agency, which applied technology from several military programs that had been directed by the U.S. Army Signal Corps Development and Research Labs (USASCDRL) at Fort Monmouth, New Jersey, and the United States Army Ballistic Missile Agency in Huntsville, Alabama;

Whereas TIROS I images offered meteorologists the ability to examine large-scale weather patterns to improve weather forecasting and enable early warning of approaching storms, thus saving lives and property around the world;

Whereas the TIROS I images led to a better understanding of global patterns and supported transmission of detailed local weather information to national weather agencies around the world;

Whereas the realization of TIROS I was made possible by years of development of computers, missile systems, television imaging, magnetic recording, semiconductor devices, and solar cell applications, all of which resulted from both Government and private sector investments;

Whereas Government investments in research and development made possible the deployment of satellite tracking networks, worldwide WWV receiver time base systems, tracking data reduction for orbit element determination, and other facilities essential to the satellite applications;

Whereas Government and contractor personnel collaborated to observe and analyze the motion of TIROS I in the Earth's magnetic field, and developed satellite magnetic attitude controls for later TIROS and other spacecraft to utilize the Earth's magnetic field to orient satellites in Earth orbit;

Whereas the success of TIROS I was a significant Cold War event that restored the national pride and confidence in the space program;

Whereas, since the launch of TIROS I, the United States has launched over 82 experimental and operational meteorological satellites;

Whereas NASA's Nimbus Satellites and Advanced Communications Technology Satellite continued to enhance understanding and performance by further testing and development of space power systems, sensor development, and other technologies;

Whereas the National Oceanic and Atmospheric Administration (NOAA) manages and operates fleets of satellites for the purposes of environmental and weather monitoring;

Whereas similar TIROS missions employed launch vehicles, spacecraft, and imaging equipment that was developed by NASA, the United States Air Force and their contractors and has performed in an outstanding manner;

Whereas the next 50 years of United States accomplishments in space, like other important fields, will rely on individuals possessing strong mathematics, science, and engineering skills and the educators who will train such individuals; and

Whereas the United States space program enables the development of advanced technologies, skills, and capabilities that support the competitiveness and economic growth of the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) celebrates the achievement of the National Aeronautics and Space Administration and the Television Infrared Observation Satellite (TIROS I) team who worked together to enable the successful launch and operation of TIROS I by the United States to

establish applications of space systems and technology for the benefit of people worldwide;

(2) supports science, technology, engineering, and mathematics education programs which are critical for preparing the next generation of engineers and scientists to lead future United States space endeavors;

(3) recognizes the role of the United States space program in strengthening the scientific and engineering foundation that contributes to United States innovation and economic growth; and

(4) looks forward to the next 50 years of United States achievements in the peaceful use of space to benefit all mankind.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1231, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1231, celebrating the 50th anniversary of the United States Television Infrared Observation Satellite.

Launched by the National Aeronautics and Space Administration on April 1, 1960, the United States Television Infrared Observation Satellite, better known as TIROS I, demonstrated the beginning of a new American capability—the ability to examine weather patterns from space and to enable the early warnings of storms.

The TIROS I spacecraft gave the United States crucial experience related to satellite technology and applications. Over the past 50 years, NASA has continued to develop increasingly capable weather satellites for operation by the National Oceanic and Atmospheric Administration. Because of the technology pioneered by TIROS I, meteorologists have access to information that helps to save lives and property around the world. Today, American Earth observation satellites track everything from the movements of volcanic ash over Europe to the spread of petroleum over the Gulf of Mexico.

TIROS I is a shining example of the peaceful use of outer space and of the benefits that our civil space program provides for the United States and for the world.

I want to thank my colleague from New Jersey (Mr. HOLT) for introducing this resolution, and I urge my colleagues to join me in supporting H. Res. 1231, marking the 50th anniversary of TIROS I.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1231, celebrating the 50th anniversary of the United States Television Infrared Observation Satellite, which is the world's first meteorological satellite, launched by the National Aeronautics and Space Administration on April 1, 1960.

The launching of Sputnik in 1957 signaled the Soviet Union's advances in the space race with the United States. This event caused the creation of NASA, and it precipitated the push by the U.S. to gain a technological advantage in space. It was during this time that NASA launched the Television Infrared Observation Satellite, or TIROS, to determine if satellites could be useful in the study of the Earth.

It was unknown whether or not satellite observations would be an effective means to determine the meteorological condition on the Earth's surface. Scientists postulated that space-based observations would be highly useful for weather forecasting.

TIROS was equipped with two television cameras, with a magnetic tape recorder and with antennas. This simple configuration relayed thousands of pictures of the Earth's cloud cover, giving scientists the first real insight into the complexity of the Earth's atmosphere. When the first accurate weather forecasts based on data collected from TIROS were completed, it became obvious that this technology would revolutionize meteorology and that it would have long-lasting impacts on society.

To demonstrate its usefulness to the world and to fulfill President Dwight D. Eisenhower's pledge to promote the peaceful use of space for the benefit of all mankind, NASA and the U.S. Weather Bureau invited scientists from 21 different nations to participate in the analysis of weather data from successive satellites.

It was due to this information that the Weather Bureau issued its first advisories on air pollution potential over the eastern United States. Today, weather forecasting is used in every part of our society. It is used to help protect human welfare and to guard against property damage; it is used to enhance commerce, and it is used to inform officials of dangerous environmental conditions like hurricanes and blizzards.

The technological advances that we have made since then in satellite technology have been astronomical, and the commercialization of this technology has brought us even more clarity about the world we live in than has ever been known or appreciated before.

□ 1445

TIROS was only operational for 78 days, but those short weeks demonstrated the power and usefulness of space-based observations. It has been 50 years since the U.S. launched the first meteorological satellite into space, but as with other groundbreaking advances, it's appropriate to look back and appreciate the momentum that brought this Earth into the space age.

I urge my colleagues to support House Resolution 1231.

Mr. Speaker, I reserve the balance of my time.

Ms. FUDGE. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentlewoman for yielding.

Mr. Speaker, I rise to urge my colleagues to support H. Res. 1231.

Let's review the technological, scientific, and political accomplishment that the TIROS I satellite represents.

In October of 1957, the launch by the Soviet Union of the Sputnik satellite struck fear in the hearts of Americans. Sputnik II went into space weighing over 1,000 pounds and carrying a dog. Meanwhile, the United States was developing far smaller satellites and experiencing troubles and public setbacks. On December 6, 1957, a Vanguard rocket failed to launch a U.S. satellite into space when it exploded on national television. In January 1958, the U.S. successfully launched a 31-pound Explorer I satellite, but even this victory was quickly followed by the loss of another Vanguard satellite in February. As the early space race continued through 1958 and 1959, the Soviet Union always seemed to be a step ahead of the United States.

The shock of Sputnik and the fear that the United States was losing its competitive edge inspired a national effort to prove and improve American leadership in the fields of science, math, and engineering. The U.S. poured energy and resources into basic research and development as well as science, technology, engineering, and mathematics education. Less than 3 years after the launch of Sputnik, these investments were beginning to pay off. The usefulness of satellites to observe the Earth remained unproven, and by 1960, U.S. scientists and engineers had designed and built a new series of satellites to test the proposition and to demonstrate American dominance.

The first launch of TIROS in April of 1960 was a clear U.S. victory in the space race, and it was the world's first meteorological satellite and the first to relay video images of the Earth from above. TIROS represented a scientific milestone and a clear message to our rivals and to ourselves that we had an ''eye in the sky'' and we could watch the planet.

During the 78 days that it was in operation, TIROS I sent home almost 23,000 images, including those of a tropical storm, the cloud system of a large

extratropical cyclone in the Gulf of Alaska, and the pack ice in the Gulf of St. Lawrence. Meteorologists used the transmissions to make the first accurate weather forecasts based on data gathered from space. The TIROS I program initiated a revolution in meteorological science and was the first step in the establishment of satellite storm tracking and warning systems that subsequently have saved countless lives. It proved that satellites could be useful tools for studying the planet and acquiring information to be used immediately for predictions and decision-making.

The design, the construction, the launch, and the operation of the TIROS I was carried out by a team from NASA, the U.S. Army Signal Corps, Fort Monmouth, the U.S. Weather Bureau, the U.S. Naval Photographic Interpretation Center, the Defense Advanced Research Projects Agency, Lockheed, Douglas, Martin Marietta. I am proud that central New Jersey can rightly claim a large share of the credit for TIROS I, which was engineered and manufactured in central New Jersey by RCA Astro-Electronics. One of the two command and data acquisition centers was located at Camp Evans. Many of the scientists and technicians and engineers who worked on this have recently gathered to celebrate this accomplishment.

But five decades later, it's too easy to take for granted the U.S. victory in the space race and the technological developments that were pioneered by TIROS and its successors. Most of us give little thought to the satellites that bring us our daily weather images. There's the story, perhaps apocryphal, of the politician who said, We don't need weather satellites when we have the Weather Channel. Well, we do. From solar cells and tape recorders to cell phone cameras and GPS systems, the contributions that derive from the TIROS program are not confined to outer space.

TIROS is a reminder of what we can achieve when we apply sufficient energy and resources to research and development in pursuit of a national goal. The story of TIROS should be a guide to rebuilding our economy. It's a blueprint for how we can create not just jobs but whole new industries. It's the story of how America remains competitive.

Let us honor this legacy by maintaining the urgent spirit of discovery and innovation embodied by the TIROS I team.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. FUDGE. Mr. Speaker, I would just ask that my colleagues would support House Resolution 1231, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1231.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## COMMEMORATING 400TH ANNIVERSARY OF FIRST USE OF THE TELESCOPE

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1269) commemorating the 400th anniversary of the first use of the telescope for astronomical observation by the Italian scientist Galileo Galilei.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1269

Whereas 2009 is the 400th anniversary of the first use of the improved telescope capable of astronomical observations by its developer, the Italian Renaissance scientist Galileo Galilei;

Whereas Galileo, born in Pisa, Italy, in 1564, was educated at the University of Pisa where he became Professor of Mathematics;

Whereas he attained life tenure as Chair of Mathematics at University of Padua;

Whereas Galileo was appointed Chief Philosopher and Mathematician to the Grand Duke of Tuscany, Cosimo de' Medici II, his patron;

Whereas Galileo had an integral role in the Scientific Revolution of the 17th Century due to his major contributions as a physicist, mathematician, astronomer, and philosopher;

Whereas Galileo is universally regarded as the ''Father of Modern Astronomy'', ''Father of Modern Physics'', and ''Father of Modern Science'';

Whereas his experiments on the laws of motion, falling bodies, and the parabolic paths of projectiles and his observations of astronomical bodies were scientific advances;

Whereas his inventions, the enhanced telescope; hydrostatic balance; geometric and military compass; thermoscope (thermometer); perfected compound microscope; pulsilogium (pulsiometer), enabled practical applications in the fields of military and civil engineering, navigation, medicine, and astronomy;

Whereas his newly designed instruments of measurement, coupled with his theory that the natural world was written in the language of mathematics, laid the groundwork for modern scientific method and research;

Whereas Galileo's use of his telescope, the central instrument of the Scientific Revolution, enabled his discovery of certain features of the surface of the moon, the moons of Jupiter, the phases and motion of Venus, and sunspots;

Whereas these findings confirmed that the Copernican Sun Centered Solar System was plausible;

Whereas this changed human understanding of the cosmos;

Whereas Galileo published his theories and findings in several treatises, letters, and books, most importantly, Siderius Nuncius and the Dialogue Concerning the Two Chief World Systems;

Whereas Galileo's body of work enabled subsequent generations, in particular in the United States, to build on the tradition of scientific research, to be in the forefront of new scientific endeavors, specifically in medicine, technology, and space exploration, resulting in the betterment of mankind;

Whereas the United States of America has previously honored the scientist through naming a research aircraft, ''Galileo'', commissioned for the Eclipse Expedition in 1965, and naming one of its major interplanetary missions, the Galileo Expedition to Jupiter, launched in 1989 and ending its 14-year odyssey in 2003;

Whereas America also has built on the legacy of Galileo with NASA's most successful long-term science mission, the launch in 1990 of the Hubble Space Telescope, which contributes to our understanding of the universe;

Whereas as part of NASA's tribute to Galileo, a replica of Galileo's telescope, provided by the Istituto e Museo di Storia della Scienza, Florence, Italy, was carried into space by Italian American astronaut, Michael Massimino, on the May 2009 Atlantis mission to repair and update the orbiting Hubble telescope;

Whereas 2009 also marks the 40th anniversary of the moon landing by the Apollo 11 astronauts, which gave mankind first hand knowledge of the moon's surface, first observed in detail when Galileo turned his telescope to the sky in 1609;

Whereas the United Nations ''The International Year of Astronomy 2009'' is a global effort with over 140 countries participating, initiated by the International Astronomical Union (IAU) and UNESCO, at the request of Italy, Galileo's native country; and

Whereas organizations, educational institutions, government entities, most notably in Italy, Istituto e Museo di Storia della Scienza and in the United States, NASA, Smithsonian Institution, Franklin Institute in Philiadelphia, Italian Embassy and Italian Consulates, National Italian American Foundation and Italian Heritage and Culture Committee of New York, Inc., are celebrating the genius of Galileo Galilei and ''The International Year of Astronomy 2009'' with numerous public programs, publications, symposia, proclamation ceremonies, and tributes to Galileo and his legacy: Now, therefore, be it

*Resolved*, That the Congress of the United States of America commemorates the 400th anniversary of the first use of the telescope by Galileo Galilei for astronomical observation and marks this discovery as one of the major events impacting mankind, and expresses its gratitude for Galileo's expansion of the universe and mankind's understanding of his place in the cosmos, and that the Congress of the United States of America joins the world in celebration of ''The International Year of Astronomy''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res.

1269, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1269, a resolution commemorating the 400th anniversary of the first use of the telescope for astronomical observation by the Italian scientist Galileo Galilei. I want to congratulate the gentleman from Ohio (Mr. TIBERI) for introducing this important resolution recognizing the work of a true Renaissance man, Galileo.

Galileo is known as the ''father of science.'' His numerous contributions in the areas of astronomy, mathematics, and physics laid the foundation for modern science. In fact, Galileo was the first scientist to apply the use of mathematics to the study of motion. In 1609, within months of learning about the telescope, Galileo constructed his own more powerful version and began observing the night sky.

With his telescope Galileo discovered sunspots, examined the surface of the moon, observed a supernova, and disproved the prevailing theory that the Earth was the center of the universe, instead observing that the Earth revolved around the Sun.

Galileo's life and his many contributions to science have made his name synonymous with discovery. I want to once again commend Mr. TIBERI and his cosponsors for introducing this resolution and urge my colleagues to join me in recognizing the important astronomical observations made by Galileo by voting in support of House Resolution 1269.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 1269, commemorating the 400th anniversary of the first use of the telescope by Galileo Galilei to peer into heavens.

Galileo's brilliant refinements of existing telescope designs allowed humans for the first time to discern the Earth's closest neighbors to a level of detail that was breathtaking, such as valleys of the Moon, fellow planets in our solar system, and the moons of Jupiter.

Most importantly, unlike his peers who trained their telescopes to look across the Earth's terrain, Galileo instead aimed his telescopes to look out into the heavens.

Four hundred years later, who could have imagined the transformations unleashed by Galileo and his search of the night skies, both in terms of designs and capabilities of follow-on telescopes, as well as informing Earth's inhabitants of their genesis and their place in the universe.

Today, ground-based telescopes sitting high atop mountain peaks are collecting immense amounts of data, enabling astronomers to discover new details about our solar system, our galaxy, and our universe. Just as important, their findings raise new questions, leading to follow-on research campaigns all across the globe.

Space-based telescopes, which have only been launched in the last several decades, have been equally spectacular. Virtually every citizen on Earth has seen pictures produced by the Hubble, Chandra, Compton, and Spitzer space telescopes. And the future of space-based and ground-based astronomy promises to be just as exciting. To cite one example, NASA is hard at work completing construction of the James Webb space telescope, scheduled to be launched in 2014. It is designed to look at the infrared spectrum and will have a mirror that's 21 feet across, far larger than the mirror on Hubble. The potential discoveries that await are unknown.

For men and women all across the globe, probably no field of science is more captivating and more exciting than astronomy. Galileo and his early telescopes provided the foundation, and this resolution rightly acknowledges his genius.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PASCRELL. Mr. Speaker, I rise in favor of H. Res. 1269, commemorating the 400th anniversary of the first use of the telescope for astronomical observation by the Italian scientist Galileo Galilei.

Galileo, born in Pisa, Italy, in 1564, was educated at the University of Pisa where he became Professor of Mathematics; he later attained life tenure as Chair of Mathematics at University of Padua. Galileo was appointed Chief Philosopher and Mathematician to the Grand Duke of Tuscany, Cosimo de' Medici II, his patron and had an integral role in the Scientific Revolution of the 17th Century due to his major contributions as a physicist, mathematician, astronomer, and philosopher.

Galileo Galilei is universally regarded as the 'Father of Modern Astronomy', 'Father of Modern Physics', and 'Father of Modern Science' due to all the advances he made in those fields. His experiments on the laws of motion, falling bodies, and the parabolic paths of projectiles and his observations of astronomical bodies were massive scientific advances. His inventions, the enhanced telescope; hydrostatic balance; geometric and military compass; thermoscope (thermometer); perfected compound microscope; pulsilogium (pulsiometer), enabled practical applications in the fields of military and civil engineering, navigation, medicine, and astronomy.

His newly designed instruments of measurement, coupled with his theory that the natural world was written in the language of mathematics, laid the groundwork for modern scientific method and research; Galileo's use of his telescope, the central instrument of the Scientific Revolution, enabled his discovery of certain features of the surface of the moon, the moons of Jupiter, the phases and motion of Venus, and sunspots. These findings confirmed that the Copernican Sun Centered Solar System was plausible and changed human understanding of the cosmos.

Galileo published his theories and findings in several treatises, letters, and books, most importantly, Siderius Nuncius and the Dialogue Concerning the Two Chief World Systems. Galileo's body of work enabled subsequent generations, in particular in the United States, to build on the tradition of scientific research, to be in the forefront of new scientific endeavors, specifically in medicine, technology, and space exploration, resulting in the betterment of mankind. The United States of America has previously honored the scientist through naming a research aircraft, 'Galileo', commissioned for the Eclipse Expedition in 1965, and naming one of its major interplanetary missions, the Galileo Expedition to Jupiter, launched in 1989 and ending its 14-year odyssey in 2003.

America also has built on the legacy of Galileo with NASA's most successful long-term science mission, the launch in 1990 of the Hubble Space Telescope, which contributes to our understanding of the universe; as part of NASA's tribute to Galileo, a replica of Galileo's telescope, provided by the Istituto e Museo di Storia della Scienza, Florence, Italy, was carried into space by Italian American astronaut, Michael Massimino, on the May 2009 *Atlantis* mission to repair and update the orbiting Hubble telescope.

As the Co-Chair of the Italian American Congressional Caucus I am able to reinforce the deep and binding ties between the United States and Italy. I work to promote the strong relationship between our two nations and honor our shared heritage. I am proud to commemorate this anniversary and express my gratitude for Galileo's expansion of the universe through his use of the telescope and mankind's understanding of his place in the cosmos. The contributions of scientist like Galileo make the United States the great nation that it is today. His legacy is our shared American history.

Ms. FUDGE. Mr. Speaker, I urge support of H. Res. 1269, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1269.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## REDESIGNATING THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

Mr. HEINRICH. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 24) to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 24

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.**

(a) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(1) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

**SEC. 2. CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.**

(a) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(b) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(c) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(d) CHAPTER HEADINGS.—

(1) The heading of chapter 503 of such title is amended to read as follows:

**''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.**

(2) The heading of chapter 507 of such title is amended to read as follows:

**''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.**

(e) OTHER AMENDMENTS.—

(1) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in subsections (a), (b), (c), and (d) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(2)(A) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(B) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

**SEC. 3. OTHER PROVISIONS OF LAW AND OTHER REFERENCES.**

(a) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(b) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in section 2(b) shall be considered to be a reference to that officer as redesignated by that section.

**SEC. 4. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. HEINRICH) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. HEINRICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. HEINRICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 24, to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. I want to thank my colleagues for bringing this important measure before the House.

This bill has the cosponsorship of an overwhelming majority of this House. It has been part of the House-passed National Defense Authorization Acts for the last 8 years. It is time this change was made, and I want to thank Representative JONES for his tireless efforts in this regard.

The National Security Act of 1947 defines the Marine Corps, Army, Navy, and Air Force as the separate services, each with distinct statutory missions. By designating each service's commanding officer as an equal member of the Joint Chiefs of Staff, the Goldwater-Nichols Act of 1986 reinforced the idea that we have four separate services. This bill supports that notion.

Mr. Speaker, the purpose of this bill is to provide the Marine Corps the equal recognition among the services that it deserves, even while it preserves the historical relationship that the Navy and the Marine Corps have enjoyed for over 200 years.

□ 1500

I urge my colleagues to support this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank Mr. HEINRICH for his kind words about this legislation. I also want to take time to thank Chairman IKE SKELTON and Ranking Member BUCK MCKEON, who have been very supportive of this legislation for the last 8 years. It is because of the leadership of both, and especially the chairman, that this bill is on the floor today, for which I am very grateful.

Mr. Speaker, as Mr. HEINRICH said, it is kind of interesting that the Marine Corps, which has such a history, that is so revered by so many Americans, just like those who serve in the Army, the Navy and the Air Force, yet it is a fact that the Marine Corps is somewhat like a child at the family reunion, meaning that they are part of the family, but they just aren't seen as the family.

I make that mention for this reason. A few years ago, this cap was given to me by the Secretary of the Navy, and the cap says, ''Navy-Marine Corps, One Fighting Team,'' and yet this one fighting team doesn't carry the name of both services.

Again, I want to thank the 426 cosponsors. We turned in 11 names today so that for this debate they could be part of the effort that Mr. HEINRICH made reference to, so it is 426.

Many people would say, well, why do you and others want so badly to build that type of support? It is because, as Mr. HEINRICH said, the Senate has always been the downfall of this effort, and I can honestly say, Mr. Speaker, that in the past 8 years there have been so many comments by people who support this legislation and groups, that I would just like to name a few in the time that I have.

First of all, this year alone, H.R. 24 has these associations that support it: The Fleet Reserve Association; the Marine Corps League; the National Defense Political Action Committee; National Association of Uniformed Services; Veterans of Foreign Wars; and Marine Parents.

Mr. Speaker, in addition to this, years ago in this effort that Mr. HEINRICH made reference to, 8 years, I want to read just one statement from the Honorable Wade Sanders, Deputy Assistant Secretary of the Navy for Reserve Affairs. This is what he said, and I read verbatim:

''As a combat veteran and former Naval officer, I understand the importance of the team dynamic, and the importance of recognizing the contributions of team components. The Navy and Marine Corps team is just that, a dynamic partnership, and it is important to symbolically recognize the balance of that partnership.''

Mr. Speaker, in addition to that, I would like to share with the debate today, it caught me by surprise back in 2005 from your home State, I was notified that the Chicago Tribune had editorially supported this bill in 2006. I just want to read a paragraph.

''Step up for the Marines. The Marines have not asked for complete autonomy. Nothing structurally needs to change in their relationship with the Navy, which has served both branches well. The Corps only asks for recognition. Having served their Nation proudly and courageously since colonial days, the leathernecks have earned a promotion.''

I want to thank this House again. All we are saying is, the Marine Corps deserves recognition.

Mr. Speaker, if I could make a couple other points, and then I would reserve my time.

One of the opponents to this legislation is in the Senate. I looked up the history. He was a member of the class of 1958. In 1958, the football field at Annapolis was known as the Navy Memorial Football Stadium. After that distinguished gentleman graduated in 1959, they changed the name of the football stadium at Annapolis to the Navy-Marine Corps Memorial Football Stadium.

This year, when we were here on a weekend, I was watching the Notre Dame-Navy football game, and I noticed a jersey that Annapolis was wearing. I know you probably can't see this, but I can make my point.

Mr. Speaker, on the front it says ''Navy.'' On the left sleeve is the Marine Corps anchor and globe. On the right sleeve is the Navy anchor. They understand teamwork, they understand one fighting team, and the House understands one fighting team. That is why it is so important today that we are having this debate.

Again, I thank each and every one that has been part of this.

I reserve the balance of my time.

Mr. HEINRICH. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 24. The proud history of the United States Marine Corps began with the founding of the Continental Marines in 1775 to conduct ship-to-ship fighting, provide ship security and discipline, and assist in landing forces. Today, the Marine Corps is an elite, light, rapid deployment fighting force which includes over 203,000 active duty personnel and almost 40,000 reservists.

For almost 235 years, the men and women of the Marine Corps have served a vital role in protecting the United States and Americans around the world. These warriors deserve equality with the other branches of our armed services.

After World War II, the War Department was designated as the Department of Defense as a means to update tradition. In 1947, the Army Air Corps separated from the Army and was established as the United States Air Force.

The Marines are not seeking separation from the Navy. The long and proud tradition of our Navy and Marine Corps working side by side would simply be codified by the passing of H.R. 24 and officially recognize the Marines Corps as equal partners in protecting our Nation.

In his speech at a recent news conference supporting this name change, retired Gunnery Sergeant and a familiar face to all of us who enjoy The History Channel, R. Lee Ermey, said: ''We're not asking for a promotion. We're not asking for more money. We don't want a uniform change. The only thing we want is for future Marines who shed blood for their country to at least get respect and receive honorable mention in the department they fall under.''

This name change does not increase military spending, increase the size of the military, create another department, or change the internal budget process for the Navy or the Marine Corps. Nor does the change diminish their proud traditions. This change strengthens their relationship and shows the world that they stand together through a formal recognition of this partnership.

I urge all Members to support H.R. 24.

Mr. JONES. Mr. Speaker, I want to thank Mr. SCHIFF for those excellent remarks about this bill and the need for this proper recognition. Again, it is no more, no less than just recognizing the Marine Corps as part of one fighting team, the Navy and Marine Corps.

Mr. Speaker, I want to thank Mr. SCHIFF for also mentioning Gunnery Sergeant Lee Ermey, who has become the national spokesman. In fact, there is a Web site called MarineCause.Com that anybody that would like to see more about this issue and maybe join in on a petition, they could do that.

We did a news conference about 5 weeks ago with the Marine Corps League, and I want to thank Mike Blum and the League for hosting this news conference. It was in the Cannon Building. Lee Ermey came. He is quite an interesting American. He is quite a patriot as well.

At the news conference, the speakers that day, I made the opening remarks, and then Senator PAT ROBERTS, who has put a companion bill in on the Senate side, S. 504, and he himself is a retired Marine officer, he spoke.

Then we had this young man named Eddie Wright. I never will forget him. Eddie Wright lost both hands in Iraq for this country. He came, and at the news conference he told the story of how much he loved the Navy. He said, ''Here I am a Marine. I would have died without the corpsmen saving my life.'' He said, ''We are one family. That is why I think this legislation is so important.'' Again, Eddie Wright has lost both hands.

In addition, there was a father, Dick Lynn, from Richmond, Virginia. He was telling the story about when he received the condolence letter when his son died in Iraq for this country. This is the condolence letter. We have taken the names out of it. It is not the one that Mr. Lynn received. But it is just so ironic that the Marine family, whose son died for this country, that they receive a letter that says ''The Secretary of the Navy, Washington, D.C.,'' with a Navy flag, and it says, ''On behalf of the Department of Navy, please accept our very sincere condolences.''

A condolence letter certainly is important. But if this should become the law, Mr. Speaker, Mr. Lynn and every other family would receive a condolence letter that would say, ''The Secretary of the Navy and Marine Corps,'' with the Navy flag and the Marine flag. ''On behalf of the Department of the Navy and Marine Corps, please accept my sincere condolences on the loss of your loved one.''

Mr. Lynn gave one example about the importance of ''team.'' He said, My father was a World War II Navy veteran. He is buried in Culpeper, Virginia. Next to my father is buried my son, who was in the United States Marine Corps. And on both headstones, the father, ''United States Navy,'' the son, ''United States Marine Corps.''

As I begin to close, I want to thank Mr. HEINRICH for being on the floor today and Mr. SCHIFF for being on the floor today. I want to thank the chairman of the committee, IKE SKELTON, for being a supporter of this for over 8 years. I want to thank BUCK MCKEON for being a supporter of this for over 8 years.

It is time that the Senate, I hope, will look at the fairness of this issue that will be sent to the United States Senate. That is all it is, is recognition and fairness to the United States Marine Corps, who are loved and endeared by the American people.

Mr. QUIGLEY. Mr. Speaker, I rise today in strong support of H.R. 24, a bill which will redesignate the Department of the Navy as the Department of the Navy and Marine Corps, and to recognize George Mulvaney and the Veterans of America's Heartland role in bringing this legislation to the floor.

The Marine Corps is one of world's most capable and premier fighting forces. Since 1775

they have fought in every major armed conflict that our country has been a part of.

Previously Congress has declared that there are four branches of the military, however today there are only three departments.

The perception that the Marine Corps is under the Navy rather than being equal is real and evident, and should be corrected.

The Navy and the Marine Corps are a team, and it is important that the American public be fully aware that these branches operate as partners and equals.

H.R. 24 will recognize the Corps and their overall importance to our country and our national security. The long and proud history of the Marine Corps more than justifies the recognition of equal status with our other service branches and making all Americans aware of this is long overdue.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of H.R. 24, the "Marine Corps Identity" bill. This bipartisan legislation would change the name of the Department of the Navy to the Department of the Navy and Marine Corps.

For over 200 years, the Marine Corps has fought side by side with the Navy. Yet, despite having served in every armed conflict in America's history, the Marines are not recognized at the department level. When the parents of fallen Marines receive a letter of condolence from their country, the Marine Corps name does not even appear on the official letterhead. For too long, recognition of the United States Marine Corps has failed to match the remarkable sacrifice of its men and women.

By adding just three symbolic words, H.R. 24 will finally honor the Marine Corps as a co-equal branch of America's Armed Forces. For veterans in Minnesota and across the United States, and for our Marines currently serving overseas, I am proud to co-sponsor and vote to pass this important and overdue legislation.

Mr. JONES. Mr. Speaker, I yield back the balance of my time.

Mr. HEINRICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. HEINRICH) that the House suspend the rules and pass the bill, H.R. 24.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## HONORING THE USS "NEW MEXICO"

Mr. HEINRICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1132) honoring the USS *New Mexico* as the sixth *Virginia*-class submarine commissioned by the U.S. Navy to protect and defend the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1132

Whereas the mission statement of the United States Navy is to "maintain, train and equip combat-ready Naval forces capable of winning wars, deterring aggression and maintaining freedom of the seas";

Whereas the Virginia-class submarine is the first U.S. Navy attack submarine to be designed for post-Cold War missions and is capable of operating in the open ocean as well as close to shore;

Whereas the Virginia-class submarine is capable of submerged speeds of more than 25 knots and can stay submerged for extended periods at sea;

Whereas the Secretary of the Navy has named the U.S. Navy's sixth Virginia-class fast-attack nuclear powered submarine the USS New Mexico (SSN 779);

Whereas this submarine honors the legacy of the battleship USS New Mexico (BB–40), which served in both the Pacific and Atlantic theaters during World War II;

Whereas the USS New Mexico was constructed 4 months ahead of schedule, achieving the shortest construction period of any Virginia-class submarine;

Whereas the USS New Mexico is a state-of-the-art, nuclear powered submarine that will help fulfill the U.S. Navy's mission to deter aggression and maintain freedom of the seas;

Whereas the State of New Mexico and its two national security laboratories, Sandia National Laboratories and Los Alamos National Laboratory, have made significant contributions to the Nation's nuclear development, including the advancement of nuclear powered submarines;

Whereas the Commanding Officer of the USS New Mexico embraced the sense of New Mexican culture within the submarine including naming the ship's galley "La Posta" after a restaurant in Mesilla, New Mexico;

Whereas Ms. Emilee Sena of Albuquerque, New Mexico, submitted the winning design for the USS New Mexico's crest, which symbolizes the beauty of New Mexico as well as the inscription "We Defend Our Land" in the Spanish language;

Whereas the USS New Mexico Commissioning Committee of the Navy League's New Mexico Council led a dedicated 5-year statewide grassroots initiative to have the sixth Virginia-class submarine named New Mexico and has played a tremendous role in planning construction milestone ceremonies and supporting crew activities throughout the vessel's development;

Whereas the USS New Mexico was commissioned by the U.S. Navy on March 27, 2010, at the Norfolk Naval Base in Norfolk, Virginia; and

Whereas New Mexico, "The Land of Enchantment", is proud to be honored with the most modern and sophisticated attack submarine in the world, providing undersea supremacy well into the 21st century: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors the USS New Mexico (SSN 779) as one of the most advanced submarines in the history of the U.S. Navy;

(2) commends the diligence of the New Mexico Council, Navy league of the United States, and the USS New Mexico Commissioning Committee who contributed to the support of the USS New Mexico;

(3) commends the dedicated craftsman, designers, engineers, and support staff of the Navy-industry team who contributed so vitally to the construction, testing, and trials of USS New Mexico; and

(4) honors Commander Mark Prokopius, United States Navy, the ships first Commanding Officer, Senior Chief Petty Officer Eric Murphy, United States Navy, the ships first Chief of the Boat, the commissioning crew, and the sailors who will man this ship for the next three decades maintaining an ever present silent presence throughout the oceans of the world ensuring the peace and safety of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. HEINRICH) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. HEINRICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. HEINRICH. Mr. Speaker, I yield myself such time as I may consume.

I rise today to support House Resolution 1132, honoring the USS *New Mexico* as the sixth *Virginia*-class submarine commissioned by the U.S. Navy to protect and defend the United States of America. I want to thank my colleagues from New Mexico, Mr. TEAGUE and Mr. LUJÁN, for their work in bringing this resolution to the floor.

The USS *New Mexico* was commissioned on March 27 of this year as the newest *Virginia*-class fast attack submarine in the United States Navy. I was incredibly proud to be at Norfolk Naval Base that day to commission the submarine and to salute the officers and crew as they set out to protect our Nation at sea.

□ 1515

Constructed nearly 4 months ahead of schedule, this world-class platform contains some of the most advanced technologies in the entire force. Among its many capabilities, this nuclear submarine will be able to attack targets ashore with highly accurate Tomahawk missiles while conducting covert surveillance missions in both deep and littoral waters. This fast-attack sub will move at speeds of more than 25 knots while submerged and remain underwater for extended periods of time. Advances in technology have allowed the submarine to no longer require periscopes and instead use high-resolution cameras incorporated with light and infrared sensors to guide the ship. The *New Mexico* will provide important battle group and joint task force support, ensuring stealth, endurance, and agility under the sea.

As a proud New Mexican, I would like to personally thank the USS *New Mexico* Commissioning Committee of the Navy League's statewide council for leading a 5-year initiative to name the sixth *Virginia*-class submarine after the "Land of Enchantment." They have also played a tremendous role in preparing construction milestone ceremonies and supporting crew activities

throughout the entire construction of this ship.

I would also wish to congratulate Ms. Emilee Sena of Albuquerque for submitting the winning design for the crest of the USS *New Mexico*. Finally, I would like to recognize Commander Mark Prokopius, commanding officer of the USS *New Mexico*, and his crew for working to incorporate a sense of New Mexican culture within the ship, including naming the ship's galley ''La Posta'' after a famous restaurant we all know in Mesilla, New Mexico.

Mr. Speaker, I hope my colleagues will join me in congratulating the U.S. Navy and the crew of the USS *New Mexico* on its commissioning and thanking the hardworking shipbuilders who constructed one of the most advanced ships to ever patrol the seas.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES. Mr. Speaker, I yield myself such time as I may consume.

Today, I rise in support of the resolution introduced by my colleague on the Armed Services Committee, Representative MARTIN HEINRICH, honoring the USS *New Mexico* as the sixth submarine of the *Virginia* class. The *Virginia*-class submarine program is the first class of U.S. Navy attack submarines to be designed for the variety of post-Cold War missions faced by our sea service. These vessels are capable of operating in the open ocean as well as the littorals, can travel at speeds in excess of 25 knots, and stay submerged for extended periods at sea.

The Secretary of the Navy named the U.S. Navy's sixth *Virginia*-class fast-attack, nuclear-powered submarine, designated SSN 779, the USS *New Mexico* in honor of the State of New Mexico. In addition, this name honors the legacy of the battleship USS *New Mexico*. The battleship *New Mexico* was the first turboelectric-driven battleship, serving both the Pacific and Atlantic theatres during World War II, and earning six battle stars.

Although the submarine USS *New Mexico* has only just been commissioned in March of this year, it is well on its way to living up to its namesake's legacy. She was built by Northrop Grumman Newport News in partnership with General Dynamics Electric Boat and constructed 4 months ahead of schedule, achieving the shortest construction period of any Virginia-class submarine to date.

The naming of this latest submarine is also appropriate because the State of New Mexico and its two national security laboratories, Sandia National Laboratories and Los Alamos National Laboratory, have made significant contributions to the Nation's nuclear development, including the advancement of nuclear-powered submarines. For its own part, the State of New Mexico and its residents have embraced this vessel. In fact, in response to a contest, Ms. Emilee Sena, of Albuquerque, designed a crest for the USS *New Mexico*, as a senior at St. Pius X High School in 2007.

Mr. Speaker, I am pleased to join my colleague in honoring the USS *New Mexico* as one of the most advanced submarines in the history of the United States Navy and in commending all of the individuals and organizations who worked tirelessly to ensure that the latest *Virginia*-class submarine would bear the proud name of the State of New Mexico.

Mr. Speaker, I yield back the balance of my time.

Mr. HEINRICH. Mr. Speaker, at this time I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. HEINRICH) that the House suspend the rules and agree to the resolution, H. Res. 1132, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HEINRICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 21 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1307 by the yeas and nays;

H. Res. 1213, by the yeas and nays;

H. Res. 1132, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## HONORING THE NATIONAL SCIENCE FOUNDATION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1307, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1307.

The vote was taken by electronic device, and there were—yeas 370, nays 2, not voting 58, as follows:

[Roll No. 243]

YEAS—370

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cole
Connolly (VA)
Cooper
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.

Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perriello
Peters
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Broun (GA)
Paul

NOT VOTING—58

Austria
Bean
Blackburn
Blunt
Brady (TX)
Burton (IN)
Butterfield
Buyer
Campbell
Cardoza
Carson (IN)
Coble
Cohen
Conaway
Conyers
Costa
Costello
Davis (AL)
DeGette
Dicks
Edwards (TX)
Fallin
Flake
Fortenberry
Griffith
Grijalva
Guthrie
Hinojosa
Hodes
Hoekstra
Kirk
Lamborn
Larson (CT)
Lee (CA)
Lucas
Lummis
Markey (CO)
McCaul
McHenry
Melancon
Oberstar
Payne
Perlmutter
Peterson
Platts
Radanovich
Rohrabacher
Roybal-Allard
Rush
Scott (VA)
Smith (NE)
Taylor
Thompson (MS)
Tonko
Towns
Watson
Welch
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to record their vote.

□ 1859

Mr. PAUL changed his vote from ''yea'' to ''nay.''

Mr. ELLISON changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PERLMUTTER. Madam Speaker, on rollcall No. 243 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. GRIFFITH. Madam Speaker, on rollcall No. 243 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. TONKO. Madam Speaker, on rollcall No. 243 I was detained on business. Had I been present, I would have voted "yea."

## ANNOUNCING THE PASSING OF FORMER REPRESENTATIVE ANGELO RONCALLO OF NEW YORK

(Mr. KING of New York asked and was given permission to address the House for 1 minute.)

Mr. KING of New York. Madam Speaker, it is my sad duty to inform the Congress that former Congressman Angelo Roncallo of New York passed away this week.

Angelo Roncallo was a predecessor of mine in the Third Congressional District. He served from 1973 to 1975. He was Nassau County Comptroller from 1967 to 1972 and a member of the Oyster Bay Town Board from 1965 to 1967.

Madam Speaker, Angelo Roncallo was an outstanding New Yorker. Angelo Roncallo went through some very difficult times. He was a victim of a terrible miscarriage of justice, having been indicted and then acquitted—the jury was out for only a matter of minutes, but by then his political career as a Congressman was ruined. However, he made a strong comeback, being elected a Justice of the New York State Supreme Court, where he served for many years with great distinction.

Angelo Roncallo was very active in the Italian-American community, very active in the neighborhoods in the communities, and certainly is a legend in New York State politics and government. Angelo Roncallo, again, was a true friend, a mentor of mine, a person for whom I have the greatest regard and affection.

I yield to the gentleman from New York.

Mr. RANGEL. Thank you so much for yielding.

The entire delegation of New York would ask this body to join with us to pray for the family in hoping that his loss would be made up by the generosity of God in blessing his family for the good work done by the Congressman over the years.

The SPEAKER pro tempore (Mrs. DAHLKEMPER). All Members will rise and observe a moment of silence.

## SUPPORTING THE IDEALS OF NATIONAL LAB DAY

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1213, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1213.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 2, not voting 50, as follows:

[Roll No. 244]

YEAS—378

Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cole
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)

Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Broun (GA)
Paul

NOT VOTING—50

Aderholt
Austria
Bean
Blackburn
Blunt
Burton (IN)
Butterfield
Buyer
Campbell
Cardoza
Carson (IN)
Coble
Cohen
Conaway
Conyers
Costello
Davis (AL)
DeGette
Dicks
Fallin
Flake
Fortenberry
Grijalva
Guthrie
Hinojosa
Hodes
Hoekstra
Kirk
Lamborn
Larson (CT)
Lee (CA)
Lucas
Lummis
Markey (CO)
McHenry
McKeon
Melancon
Payne
Pence
Peterson
Radanovich
Rohrabacher
Roybal-Allard
Rush
Scott (VA)
Smith (NE)
Taylor
Thompson (MS)
Towns
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 1 minute to record their vote.

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HONORING THE USS ''NEW MEXICO''

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1132, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. HEINRICH) that the House suspend the rules and agree to the resolution, H. Res. 1132, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 1, not voting 51, as follows:

[Roll No. 245]

YEAS—378

Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cole
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Markey (MA)

NOT VOTING—51

Aderholt
Austria
Bachus
Bean
Blackburn
Blunt
Burton (IN)
Butterfield
Buyer
Campbell
Cardoza
Carson (IN)
Coble
Cohen
Conaway
Conyers
Costello
Davis (AL)
DeGette
Dicks
Fallin
Flake
Fortenberry
Grijalva
Guthrie
Hinojosa
Hodes
Hoekstra
Kirk
Lamborn
Larson (CT)
Lee (CA)
Lucas
Lummis
Markey (CO)
McHenry
Melancon
Payne
Pence
Peterson
Radanovich
Rohrabacher
Roskam
Roybal-Allard
Rush

| | | |
|---|---|---|
| Scott (VA) | Taylor | Towns |
| Smith (NE) | Thompson (MS) | Wilson (OH) |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1916

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

MAY 3, 2010.

Hon. NANCY PELOSI,
*Speaker, The Capitol,*
*House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, May 3, 2010 at 3:23 p.m., and said to contain a message from the President whereby he submits to the Congress a copy of a notice continuing the national emergency with respect to the Syrian Government.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–105)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004, and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, is to continue in effect beyond May 11, 2010.

While the Syrian government has made some progress in suppressing foreign fighter networks infiltrating suicide bombers into Iraq, its actions and policies, including continuing support for terrorist organizations and pursuit of weapons of mass destruction and missile programs, pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency. As we have communicated to the Syrian government directly, Syrian actions will determine whether this national emergency is renewed or terminated in the future.

BARACK OBAMA.
THE WHITE HOUSE, *May 3, 2010.*

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2927

Mr. BARRETT of South Carolina. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2927.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2927

Mr. WESTMORELAND. Madam Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 2927.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2927

Mr. WILSON of South Carolina. Madam Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 2927.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

## KEY WEST WOMEN'S CLUB CELEBRATES 95TH ANNIVERSARY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise tonight to recognize one of the oldest women's organizations in Florida, the Key West Women's Club, which celebrated its 95th anniversary on Monday. I have the great pleasure of representing this club, which has had a long and storied role improving the historic city of Key West.

On May 13, 1915, Ms. Marie Cappick, with the help of a few friends, organized the Women's Club of Key West. The club operated the only public library in the city as its foremost project for the next 44 years, when it was transformed into a major county facility in 1959.

Among its many civic projects were everything from recognition of the area's fabled history to providing personal care for the area's AIDS victims. In recent years, with the leadership of President Eileen Kawaler, the club has set even higher records in fundraising for the less fortunate as well as many arts projects.

So it is my honor and privilege to recognize today the many dedicated grassroots volunteers who have helped to make this a wonderful organization of rich history and award-winning women's club of Florida.

## NAVY SEAL MATTHEW McCABE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the court-martial of Navy SEAL Matthew McCabe for assault started yesterday in Norfolk, Virginia. This relentless American caught one of the worst terrorists in the world, Ahmed Abed, a terrorist who massacred and mutilated four Americans in Fallujah. However, Abed accused Petty Officer McCabe of poking him in the tummy once he was captured. Two other Navy SEALs were acquitted in trials last month of these false charges.

It's not like we don't know the terrorists are going to lie about being roughed up when they are caught. You see, the al-Qaeda training manual instructs terrorists to allege brutality when captured because it is the U.S. policy to take warriors off the battlefield until such accusations are resolved.

So we have three Navy SEALs sitting on the sidelines for over 6 months waiting. Meanwhile, news reports say Abed is set to be executed by the Iraqi Government for crimes committed against his own people.

Madam Speaker, our priorities are backwards. Abed needs to be tried and executed for his crimes rather than our government paying attention to his whining about his capture.

And that's just the way it is.

## TEACHER APPRECIATION DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, revered scientist Albert Einstein once said, ''It is the supreme art of the teacher to awaken joy in creative expression and knowledge.''

I believe when we look back on our lives, certain people come to mind who have inspired us and given us the joy of which Einstein speaks. There are teachers who have touched our lives in remarkable ways and led us to a career path or opened us to the thrill of discovery and research.

The Chinese proverb reads, ''Tell me and I'll forget; show me and I may remember; involve me and I'll understand.'' It is the rare teacher who is never bored or boring and takes his or her students on a creative adventure each day.

We ask much of our teachers today. They must be babysitters and counselors, surrogate parents, dieticians, and police. We ask them to teach our children what they need to know to do well on SATs and other tests; and, in between, we ask that they inspire our children to learn, to create, and to invent.

Teachers have one of the hardest jobs around. So today, on Teacher Appreciation Day during Teacher Appreciation Week, I salute and appreciate our teachers.

## 65TH ANNIVERSARY OF V-E DAY

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, Saturday marks the 65th anniversary of V-E Day, Victory in Europe Day, one of the most truly seminal days in history.

On May 8, 1945, the World War II allies formally accepted the unconditional surrender of Nazi Germany, marking the end of Hitler's Third Reich and the years of tyranny and war it brought to the continent. The members of the Greatest Generation who made this victory possible are 65 years removed from this V-E Day, yet their commitment to remembering the sacrifices that made it possible are as strong as ever.

In fact, one of my constituents, Freemont Gruss, will be in the Czech Republic this Saturday to mark the anniversary with members of his former division, which was credited with firing the last shot against the Germans before V-E Day.

Today I honor each and every one of the soldiers who made V-E Day possible. I know that in another 65 years their accomplishment will still be one of the most important that our world has ever seen.

## THANKING THOSE INVOLVED IN STOPPING THE TIMES SQUARE BOMBER

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, as a member of the House Homeland Security Committee, I rise today to thank all of the brave individuals who were able to quickly capture the Times Square alleged bomber who was attempting to kill many in the United States—from the vendor who noticed and said that his motto is, for the American people, ''If you see, tell someone''; to the law enforcement officers, the mounties on horses; to the SWAT team and the fire department that was part of making sure it did not go off; and certainly to the people of New York.

I also want to thank the Obama administration, the Attorney General, and Homeland Security, and, in particular, before we start asking questions about the no-fly list and the TSA, let's get the facts. But we do know that we are going to have more homegrown terrorists. America now has to look very seriously, as we have done, at securing America. All of us are now involved.

## STIMULATE JOB GROWTH

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Madam Speaker, Florida has a record 12.3 percent unemployment rate, with counties in my district hovering closer to 15 percent. This is unacceptable. My neighbors have waited as the failed stimulus bill sent us further into debt and didn't produce the promised jobs. They waited while the House passed job-killing bills like cap-and-trade and the new health care mandated by the government. And they have waited long enough.

Congress must act now to stimulate job growth in the private sector. I recently cosponsored the Economic Freedom Act, a bill that would help businesses grow and create jobs. It would permanently eliminate the capital gains tax and eliminate the death tax. It would cut the payroll tax in half for 2010 for employers and employees and reduce the corporate income tax rate to 12.5 percent. It would repeal spending in the stimulus bill and terminate the TARP program.

The time to act is now. We can do better for the people of Florida and for all Americans. They have waited long enough.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1930

## RECOGNIZING MAJOR SPEROS KOUMPARAKIS' SERVICE AS DEPUTY DIRECTOR OF THE UNITED STATES MARINE CORPS LIAISON OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Speaker, I rise today to honor a man who has served his country and this institution with distinction as an officer of the United States Marine Corps. I will be joined in this tribute by my friend and colleague from the House Democracy Partnership, the gentleman from California (Mr. DREIER).

Major Speros Koumparakis joined the Marine Corps Office of Legislative Affairs in October 2006. He was hired immediately for a yearlong fellowship by the gentleman from Missouri (Mr. AKIN). After completing his fellowship, Major Koumparakis joined the House Liaison Office as a legislative liaison officer, and was promoted subsequently to deputy director of this office.

Like many of my colleagues, I have had the distinct honor and pleasure of getting to know Major Koumparakis over the past 2½ years as he served as the interface between the Marine Corps and the U.S. House of Representatives on matters large and small. Throughout this time, I have been deeply and consistently impressed by his dedication, his professionalism, his ethnic of service, and above all his integrity—qualities which exemplify the ideals promoted by the United States Marine Corps.

Major Koumparakis has displayed a unique ability to develop relationships of trust and confidence with many Members and staff of the House, combined with an uncanny ability to deliver results. Anybody who has ever interacted with him on a policy matter of importance to the Marine Corps, an issue affecting a constituent servicemember, or a logistical challenge arising in the course of an overseas delegation can't help but be struck by his equanimity in the face of crisis and his infectious confidence that everything will be resolved as expeditiously as possible. If anybody can pull it off, one is led to conclude, certainly it must be Major Speros Koumparakis.

I have witnessed these traits personally in my capacity as chairman of the House Democracy Partnership, a bipartisan commission that works to strengthen legislative institutions in 15 developing democracies around the world. Along with my distinguished colleague and friend, DAVID DREIER, the commission's founding chairman and now its ranking member, I have led or traveled on numerous congressional delegations which Major Koumparakis has planned, coordinated and escorted.

By our count, House-wide he has escorted no less than a dozen HDP congressional and staff delegations over the last 2 years, and he has contributed in various ways to our programming right up until the very end of his tour. House-wide, Major Koumparakis has organized more than 50 congressional and staff delegations during his tour in the House Liaison Office, including trips for high-ranking Members such as the House minority leader and the leadership of the House Armed Services Committee. But we like to think that he reserves a special place in his heart for the House Democracy Partnership, often forgoing travel to more glamorous destinations in order to escort our commission to countries such as Liberia, Afghanistan and Timor Leste, where the need for the kind of institutional support we can provide is the greatest.

On these trips, Major Koumparakis has not only excelled as an expert travel coordinator, diplomat and logistician, he has also established himself as an adviser to HDP's work, and an integral part of our programming with partner legislatures. And, of course, he has demonstrated his legendary ability to solve problems and deliver results in the most difficult circumstances.

Let me give one striking example. On one occasion last year, we had a particularly ambitious around-the-world itinerary that included a stop in Hungary to commemorate the fall of the Iron Curtain followed by working visits with the legislatures of Mongolia, Indonesia and Timor Leste. But, unfortunately, our arrival in Budapest was delayed twice by a vote on a major bill here and then weather. By the time we were finally bound for Mongolia, we had nearly exhausted our window to pass through Chinese air space. We faced the prospect of having to divert our mission and forgo the opportunity to make progress with the Mongolian parliament. Well, Major Koumparakis came to the rescue. Working literally through the night, he somehow managed to persuade an official of the U.S. Embassy in Beijing to rouse a Chinese official at his personal residence, on a weekend, no less, and call in a favor to get us the clearance we needed. That is an anecdote that says a lot about the major. It is a small example of his dedication and creativity and good humor. He has just been an indispensable member of the House Liaison Office, and he leaves some very large shoes to fill.

Now in recognition of his service and leadership potential, he has been assigned to what can only be assigned as a hardship billet in Buenos Aires, Argentina, where he will attend a command and staff program at the Argentine Naval War College. As he departs Capitol Hill for this next step in his career, we bid him farewell with heartfelt respect and admiration.

## RECOGNIZING MAJOR SPEROS KOUMPARAKIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, I would like to yield for him to conclude his remarks to the very distinguished chairman of the House Democracy Partnership and the Appropriations Subcommittee on Homeland Security.

Mr. PRICE of North Carolina. I thank the gentleman. I will be very brief, but I do want to add a word.

Mr. DREIER. Absolutely. I would say that the gentleman has used all of my talking points, so the challenge for me will be following the completion of his remarks.

Mr. PRICE of North Carolina. The gentleman is never at a loss for talking points. I am assured of that. We do need to say something, and I want to do it, acknowledging Major Koumparakis's wife Bree, who also deserves our gratitude and our respect for supporting her husband through 3 long years of early hours and frequent travels and an uncertain schedule. She shows a lot of the same dedication and selflessness that the major himself does. And we are just hopeful that this new assignment in Buenos Aires is going to offer her some light at the end of the tunnel, just as it will the major.

Mr. DREIER. Madam Speaker, I thank the gentleman, and let me just say at the outset that it is very important to note that Major Koumparakis is going to be going to Buenos Aires by way of California. He is going to be going for language training to Monterey, California.

Let me say that my very good friend, Mr. PRICE, has talked about the importance of Speros' work in dealing with the missions that have been put forth by this House, and specifically the House Democracy Partnership. And I would just like to say that when we look at the work of our partnership, Madam Speaker, one of the very important things to note is the fact that we have gone to, as Mr. PRICE indicated, some of the most troubled spots in the world. When I think about trips to Ulan Bator, Mongolia; Monrovia, Liberia; Nairobi, Kenya; and clearly Kabul, Afghanistan, the notion of congressional travel is one where I think the perception is that most travel takes place in other spots, when in fact this House Democracy Partnership has been focused on a very important mission.

Four years ago this spring when I had the privilege of beginning with Mr. PRICE this partnership and took on the task of putting together the countries with which we were going to partner in working to build the parliaments, I at the very outset looked to the United States Marine Corps. Now for full disclosure, I have to say I am very partial. My father, sometimes I regretted this, Madam Speaker, but my father was a drill instructor in the United States Marine Corps. I regretted it the first 18 years of my life especially, but I survived it. One of the things that happened when I first had the opportunity to chair the House Democracy Partnership, I made the decision that we wanted to have the United States Marine Corps play the important role of orchestrating and leading with the assistance that only they could provide these efforts.

Frankly, as we looked, Madam Speaker, at the task that was before us, it was very appropriate for the United States Marine Corps, and up until now with the departure of Deputy Director Koumparakis, among other great people who have served in the past, to take this task on because the United States Marine Corps are in fact on duty in embassies throughout the world. They are on the frontline in those embassies and play a very important role. And I happen to believe—well, I will say this. Many of the other branches, with all due respect to every single one of them, approached me and said that they wanted to play a role in doing this. And I said the answer was yes, they could, as long as they enlisted in the United States Marine Corps.

So I can't say enough about Speros Koumparakis and the work he has done and the effort that the United States Marine Corps has put into especially the House Democracy Partnership.

What we have done, Madam Speaker, as Mr. PRICE said, 15 countries, 15 countries around the world, new and reemerging democracies, where we have had the task of trying to help them take these fragile democracies and build their parliaments. When we think about it, it is very important to recognize that our relationship is so often simply with the head of state. But if we are going to build up democratic institutions, there is none more important than parliaments that have independence and a very, very good grasp and an opportunity for oversight at the executive branch. And Speros regularly understood that and played a key role in making sure that the House Democracy Partnership could complete its mission.

And so, Madam Speaker, I simply want to join with my colleague, Mr. PRICE, in extending congratulations to Speros and to Bree. I know they are going to continue that very fine service to the United States of America in their work both in California and in Buenos Aires, and we look forward to getting great reports on him.

## SOBERING REPORT ON AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, last week the Pentagon released its 6-month status update on the war in Afghanistan. It is a sobering report indeed, one that should make all of us question the very legitimacy of this mission.

There has been a huge uptick in violence, including a 240 percent increase in roadside bomb attacks. The Karzai government's support has sunk to embarrassing lows as more than 80 percent of Afghan citizens say government corruption has an impact on their lives and barely one in four Afghans rate U.S. and NATO forces as ''good'' or ''very good.''

This isn't LYNN WOOLSEY or the Congressional Progressive Caucus talking at this moment, this is a report from the very people responsible for the strategy. And yet at the same time contrary to all apparent evidence, we continue to get the same spin and happy talk from the Pentagon.

After the report was delivered to Congress last week, one senior defense official said: ''We have the beginning of the potential for real change.''

Madam Speaker, it is long past the moment when we should be talking about the ''beginning of the potential for real change.'' I think 8½ years is plenty of time for real change and not just the beginning of its potential.

We have been patient. We have seen more than a thousand of our fellow Americans killed. We have seen about $270 billion in taxpayer money fly out of the Treasury. And after all that, Afghanistan is still a terrifyingly dangerous place that can't stand on its own two feet, unable to handle its own security, with an incompetent government that enjoys little confidence or credibility.

The whole point of our counterinsurgency strategy was to get the people on the side of the government and our military forces. But, Madam Speaker, continued instability is instead driving the civilian population straight into the arms of the Taliban. Again, don't take it from me. The Pentagon report notes a ''ready supply of recruits is drawn from the frustrated population, where insurgents exploit poverty, tribal friction and lack of governance to grow their ranks.''

Mr. Speaker, with the Kandahar offensive about to begin, the situation figures to get even worse, especially given that more than 80 percent of the Kandahar population embraces the Taliban as ''Afghan brothers'' while 94 percent oppose U.S. troop presence. That is according to the Army's own research, as cited by defense scholar Michael Cohen. The security situation in Kandahar is already bad enough that the U.N. has pulled its people out.

Madam Speaker, we need a complete reorientation of U.S. policy towards Afghanistan. We need a smart security approach that rebuilds the country instead of tearing it apart. We need to send legal scholars who can help establish rule of law and a functional judicial system. We need to send agricultural experts who can give Afghan farmers an alternative to the poppy trade which is controlled by the Taliban. Most of all, Madam Speaker, we need an immediate military redeployment. It is time to bring our troops home.

## WHAT IS THE PLAN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, our homeland security today is paralyzed by denial, ignorance and political correctness. Systematic dependence on luck is not a national security plan; it is a disaster waiting to happen.

From the borders to the big cities, America's national security is always in critical, or seems to be in critical disarray. In 1998, Osama bin Laden declared war on America, but we didn't pay attention to it. What is it going to take for our leaders to understand that radical Islamic terrorists want to murder our people?

□ 1945

Law enforcement in New York—Federal, State, and city—has done an incredible job in a short amount of time to apprehend the Times Square terrorist despite dangerous political games being played by some officials. In spite of politics, our lawmen acted swiftly, efficiently, and effectively in the capture of this terrorist.

But New York City Mayor Michael Bloomberg told the media, ''If I had to guess 25 cents, this would be . . . homegrown, maybe a mentally deranged person or someone with a political agenda that doesn't like the health care bill or something.''

Now, isn't that helpful?

The Times Square terrorist, Faisal Shahzad, was not a Tea Party-going taxpayer opposed to ObamaCare. There is no excuse for this reckless smear of the majority of Americans who opposes the government takeover of health care. It is irresponsible to play political games with national security; and even though Homeland Security Secretary Napolitano won't use the word ''terrorist,'' all of the indications are that this was an act of terror.

The terrorist, Faisal Shahzad, was captured last night on an airplane bound for Dubai. Reports say the airline contacted the authorities to say that he made a last-minute reservation for the flight and that he got on the plane after paying cash. He is from Pakistan. Somehow, this radical terrorist was granted American citizenship in 2009. Shahzad told the FBI he went through a terror training camp in Pakistan in the region of Waziristan.

He sounds like a terrorist to me.

This is where the Taliban operates—the same Pakistani Taliban that immediately claimed responsibility for the Times Square foiled attack. Reports say Shahzad had been in Pakistan for the past several months. Eight people have now been arrested in Pakistan. Two of them are related to Shahzad.

Over the past year, we have had a surge of attacks from radical Islamic jihadists who murder in the name of hate. For example, the Fort Hood shooter killed 14 Americans and injured 30 more. That was an act of terror. The attack on the Arkansas military recruiting station by a radical jihadist who killed an American soldier was an act of terror. Then there was the Christmas Day underwear bomber. That was an act of terror.

In that case, Homeland Security Secretary Janet Napolitano said ''the system worked'' when we caught the underwear bomber. That means the government plan in that case is for passengers on the plane to tackle terrorists who are trying to explode bombs that are hidden in their underwear. That's a plan? That's our national system?

Combating terrorism takes vision. It takes moral clarity. There is no room for playing politics or politically correct games.

Ronald Reagan once explained it this way:

''Above all, we must realize that no arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women.

''It is a weapon our adversaries in today's world do not have. It is a weapon that we as Americans do have.

''Let that be understood by those who practice terrorism and prey upon their neighbors.''

And that's just the way it is.

## HONORING THE WOMEN'S FUND OF MIAMI-DADE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, in 1993, a group of south Florida women established the Women's Fund of Miami-Dade, a nonprofit dedicated to funding innovative community programs geared toward girls and young women.

At the time of the fund's creation, gender-specific, community-based initiatives were nearly nonexistent. According to a survey undertaken by the Women's Fund in 1996, only five out of 142 local agencies had implemented programs exclusively for women. Absent from our community were programs to assist young women who were seeking to advance their educations, to

secure their economic futures, or to engage in professional leadership training.

The Women's Fund of Miami-Dade took this cause to our south Florida community, and it has since generated enough support to provide more than 350 gender-specific programs with the funding they so desperately require.

Last Friday, on April 30, more than 800 women gathered together at the Women's Fund annual Power of the Purse Luncheon to highlight the tremendous success of past and current programs supported by the fund. These programs support women of all backgrounds and circumstances.

The Women's Fund provides financial assistance to Lotus House, for example, which is a shelter for homeless women and infants in Overtown, an area of Miami which is suffering from extreme poverty. Thanks to the generous assistance by the Women's Fund, the Lotus House is now providing career training for women who are seeking entry-level positions in the restaurant and hospitality industry. Programs such as these have changed the lives of thousands of young girls and women in our community.

One such woman is Tamara Brizard, a former Lotus House resident. Tamara was a single mother of three when she was referred to the Lotus House. During her time at the Lotus House, Tamara completed a course in food preparation. The training soon led to a job in the food service industry. With new skills and with a new job, Tamara has a place of her own, and she is now better able to provide for her three children. Of course, Tamara's story is just one of many successes achieved by the Women's Fund.

The Women's Fund of Miami-Dade is also a powerful voice for social change. Together with Miami-Dade County, the Women's Fund has launched a campaign to increase public awareness of local services that are available to victims of domestic violence. Termed "Voices Against Violence," this initiative implores abused victims to speak up, to get help, and to be safe. Domestic violence is a plague on our society that demands our constant attention at the Federal, State, and local levels.

As an outspoken advocate of Federal initiatives to protect the victims of domestic violence and abuse, I am so proud of the efforts undertaken by the Women's Fund on this important issue.

The involvement of the Women's Fund in their relief work of Haiti is another inspiring story. In helping to rebuild this island nation, the Women's Fund and its supporters have shown their unwavering commitment to service and have shown their generosity of spirit.

According to Amnesty International, nearly half of all Haitian households are headed by women. Experience has shown that these women and girls will be the key in helping to rebuild Haiti and in helping to create a safe, stable, and prosperous nation. The Women's Fund is in a unique position to highlight this reality and to make sure that Haiti's future growth and transformation will touch all sectors of its society.

Since I have come to Congress, Madam Speaker, it has been one of my foremost objectives to ensure that women have equal opportunity to a higher education, that they are protected from harassment and intimidation in the workplace, and that they have access to life-saving health screening for heart disease and for breast cancer.

I am so grateful for the tremendous leadership of local organizations such as the Women's Fund in working toward these important and obtainable goals, and I look forward to collaborating with the Women's Fund of Miami-Dade in the years to come.

## THE IMPACT OF THE GREAT 2008 FINANCIAL COLLAPSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Madam Speaker, tonight, it is really important that America comes to understand how the great collapse of 2008 occurred and what its impact has been. I think they have a pretty good idea as to what the impact is. We see it back home. We see it from our constituents and from our own families as they face layoffs and as they face losing their homes and their mortgages that they are no longer able to afford.

How did all of this happen?

We want to discuss this tonight, and we want to discuss the effect that it is having on our constituents. At the same time, we want to talk about what we are going to do about it. How are we going to set straight the financial institutions of America?

We know that the collapse was largely caused by some extraordinary shenanigans on Wall Street. Shenanigans never should have been allowed to be played, but they were due to a lack of regulation on the part of the SEC and of others and due to an attitude that occurred during the 2000–2008 period of "anything goes." The free market would somehow regulate itself. Well, it didn't. It actually put this Nation and the entire world on the edge of total collapse.

Joining me tonight are my colleagues from California and from Ohio. I would like to start with Congresswoman SPEIER. I was going to introduce Congresswoman SPEIER as the senate chairman of the California legislature's committee on banking and financial matters where she has gained extraordinary knowledge about the banking industry. She is going to share with us tonight her new position on the House Financial Services Committee.

Congresswoman SPEIER.

Ms. SPEIER. Thank you to my very good friend and colleague from California (Mr. GARAMENDI).

You know, as you were talking about the shenanigans, what we heard last week from the Senate Permanent Subcommittee on Investigations was deeply troubling to all of us, and the chairman, Senator LEVIN, did an outstanding job in focusing in on what was really going on at Goldman Sachs. So we started last week here on our House floor looking at Goldman Sachs' principles that they have espoused and that are on their Web site. We started ticking off what some of their principles were and then what some of their emails from some of their employees suggested they were really up to.

Tonight, I thought that we would just focus on one principle, at least for my part. One of their principles is: We stress creativity and imagination in everything we do. This is the top one up here.

While recognizing that the old ways may still be the best way, we constantly strive to find a better solution to a client's problems. We pride ourselves on having pioneered many of the practices and techniques that have become standard in the industry.

Now, an email from the vice president of Goldman Sachs, Fabrice Tourre, said: Standing in the middle of all of these complex, highly leveraged exotic trades he created without necessarily understanding all of the implications of those monstrosities, it's like a little Frankenstein turning against his own inventor.

Mr. Tourre called his Frankenstein creation a product of pure intellectual masturbation—the type of thing which you invent telling yourself, Well, what if we created a thing which had no purpose, which is absolutely conceptual and highly theoretical and which nobody knows how to price?

Mr. GARAMENDI. Is that the creativity that Goldman Sachs so prided itself on, creating something that was unpriceable, that nobody could figure out what it was and, therefore, it could not price it? But what did they do with this Frankenstein that was created?

Ms. SPEIER. Well, this is what is kind of interesting about it. These are some of the Frankensteins that they were creating.

Here is a tower, as they refer to it—the Soundview Home Loan Trust. If you look at the bottom there, at that little yellow tranche as they refer to it, there was, you know, some pretty bad stuff. These were mortgages that were poorly rated.

Mr. GARAMENDI. So, this was the packaging of the mortgages that were

being sold to people who couldn't afford to pay their mortgages?

Ms. SPEIER. These were the mortgages that were then packaged and then sold to investors because, of course, they were grade A, and they would make them a lot of money. What happened here is they took this one tranche, and then they brought it over here. Now they are B grade.

So how do you take something that is a B grade and make it investment quality?

Mr. GARAMENDI. By lying? By defrauding somebody?

Ms. SPEIER. By being creative.

This is what Goldman Sachs did, and it was really well-described in a book by Michael Lewis, called ''The Big Short,'' in which he writes: In the process, Goldman Sachs created a security so opaque and complex that it would remain forever misunderstood by investors and rating agencies—the synthetic subprime mortgage bond-backed CDOs, or collateralized debt obligations.

He goes on to write: Triple B-rated bonds were harder to sell than triple A—no surprise—but there were huge sums of money to be made if you could somehow get them rerated as triple A, thereby lowering their perceived risk, however dishonestly or artificially.

So what did they do?

Goldman Sachs then went to the rating agency and said, Now, how is it that you rate these particular tranches? They found out. It was really a rating that went on by just looking at FICO scores. So the mortgages were not looked at based on whether they were no-doc loans or whether there was adequate income. They were rated based on a homeowner's mortgage FICO score.

□ 2000

So if you could somehow bump up the FICO score on these mortgages, you could turn a BBB into a AAA. And that's what they did. So then they went out and they sold the Abacus one that we heard about last week where John Paulson said he wanted to short all of them; so he put together the worst of the worst, and then Goldman made $15 million for actually servicing that particular instrument. Then Goldman went out and sold garbage to an unsuspecting American public. Oh, but they were sophisticated buyers, so therefore they knew what they were getting into. And that's the creativity of Goldman Sachs.

Mr. GARAMENDI. So what Goldman Sachs was doing was essentially a very dishonest, disreputable, and quite possibly fraudulent scheme to rip off some investors somewhere. They may have been sophisticated, they may not have. But they were told that this was not a B-rated product but rather an A-rated product because Standard and Poor's, perhaps playing a game, and part of the game with Goldman, had reevaluated that particular tranche, that package of mortgages, and said now they are an A because we've taken a look at the FICO score of some of the underlying mortgage people who had taken out the loan.

So from the whole thing, where is the honesty in the business? Where is the element of good faith to the customer? Was Paulson the customer on one side of the deal, or was it the investor on the other side of the deal? And where is the good faith obligation that Goldman surely must have had?

Ms. SPEIER. And you know who bought a lot of Abacus, who was on the other side of the trade with Paulson who shorted them, so who was buying Abacus? You won't be surprised to hear AIG, will you?

Mr. GARAMENDI. AIG. Now, they received almost $200 billion of taxpayer money?

Ms. SPEIER. One hundred and eighty billion dollars, yes.

Mr. GARAMENDI. Now, when AIG got that money from the taxpayers in the TARP bailout, the Wall Street bailout, what did they do with that money? Did they give it to the homeowner that was going to lose their home, or did they give it to Goldman?

Ms. SPEIER. Well, interestingly enough, Goldman had purchased credit default swaps from AIG, and, of course, they were repaid in full by the taxpayers of this country, $12 billion worth, the highest recipient of money from those CDS's.

Mr. GARAMENDI. I think that book is misnamed, ''The Great Short.'' I think probably ''The Great Fraud'' would be a better name for the whole thing.

Ms. SPEIER. I just want to show you one last chart.

So this is the creativity of Goldman Sachs, creating these products, knowing they were bad, selling them off. And many of them were what are called synthetic CDOs. So they didn't actually have the mortgages on them. They were like a side bet on that tower we had seen in that earlier chart. But look at what happened to all of them. They were all, at one point or another, a percent of the tower that was, in fact, AAA—71 percent, 77 percent, 72 percent, 70 percent, 80 percent. But look what happened to them in the end. They all turned to junk. So they were rated improperly, so you can ding the rating agencies. They were manipulated by Goldman Sachs. And this is the kind of creativity on Wall Street that makes us proud.

Mr. GARAMENDI. Well, there certainly ought to be a law. And we're going to spend a few moments talking about the law. But first I would like to turn to our colleague from the great State of Ohio.

Please.

Ms. KILROY. Thank you very much for yielding.

I am pleased to join my colleagues on the floor this evening. And, of course, I work with Congresswoman SPEIER on the Financial Services Committee. And she very aptly talked about what was going on at Goldman and the effect that it has had on our economy. But this is not a case of just one bad company. We, unfortunately, had a culture all across Wall Street that allowed things like this to happen. And recently I asked Chairman FRANK if we could take a look at some of the practices of Lehman Brothers. And we did. We had a hearing on Lehman Brothers. We both participated in that hearing. Because Lehman Brothers gambled with the hard-earned money, the pension funds of countless Americans. Certainly people from Ohio, people from California's pensions, people from Colorado's pensions had been invested in Lehman products, and Lehman Brothers did not tell those investors or other investors that they were so over-leveraged that their financial picture was pretty bleak. Instead, they tried to disguise what was really going on at Lehman by this tricky accounting practice where they moved some of the problems off the balance sheet at the time when their quarterly report was due.

If you look at the quarterly report, you would not get the real story from Lehman because of this practice called Repo 105. They did this very deliberately. And they had become, like Goldman, very leveraged into the subprime mortgage market, the Alt-A mortgage market, and even came up with this product called an Alt-B. And Lehman Brothers, which is an investment house, did not have the same level of regulation that, say, a community bank in one of our localities would have if they were engaging in mortgage practices. Nobody was watching them. The SEC wasn't watching enough, and investors and advisors who maybe would be sophisticated investors who could look at a balance sheet, they weren't getting the right picture either because of this on- and off-balance sheet practice of disguising the true financial picture. When Lehman did this, when they gambled in the subprime market, when they increased, bought more, bought more, bought more to try to make up for the losses and tried to hide what was really going on, they hurt not just the sophisticated investor; they hurt hardworking Americans.

I asked for some public records. One of our pension funds told us that they took an actual loss of over $100 million as a result of this between December of 2007 and September of 2008. Over $100 million. That's just one. I'm getting information from the other public pension funds in Ohio. And this isn't right that they are allowed to gamble and not listen to the alarms that were sounded in their own company by the risk managers or the fixed asset manager. Instead, those people who were

trying to tell the truth were forced out. And it's that same story: Everything's just fine, don't look over here at what's on the off-balance sheet accounting tricks and give a different picture to the world.

We need to hold the Lehman Brothers and the Goldmans to account, and it is time to really talk about real financial reform, real Wall Street reform so that they are not allowed to hurt hardworking Americans and put their life savings in jeopardy again.

Mr. GARAMENDI. I know that the two of you both on the Financial Services Committee spent most of last year, 2009, working on a major reform that actually passed the House in December. Now, I had the good fortune of being elected in November, arriving here just in time to vote for the health care bill and to take some credit by voting for the reform that the two of you and the other members of the committee brought to the House floor. It was a very, very significant reform and dealt with many of the underlying issues that both of you have discussed.

Let's spend just a few moments talking about some of the critical elements of that reform bill. As I recall, there was a Consumer Protection Agency in the reform bill, and there were also some definitions about the kinds of things that the banks could engage in. And in most recent days, we've seen the Senate wrestling with this issue. We saw the Republicans trying to stop the Senate from enacting a reform bill by Senator DODD. Well, they tried for a few days, for a couple of weeks, and ultimately the American public following the Goldman Sachs hearing in the Senate said enough, and the Republican effort to stop the bill collapsed, and now that's moving along. So we're in the final stages, I believe, of passing a very significant reform of Wall Street so that we can focus on Main Street rather than on the excesses of Wall Street, bringing the money back to Main Street, to local banks making loans, and Wall Street getting its comeuppance.

So would you share with us some of your thoughts about the reforms.

Ms. SPEIER. The interesting thing is the Consumer Financial Protection Agency, which now on the Senate side is being billed as a bureau within the Fed, was really the brainchild of Professor Elizabeth Warren from Harvard Law School. And she likened it to the Consumer Product Safety Commission, which we have. I mean you buy a toaster. It's warranted to operate, not to electrocute you. And yet we have nothing of the same nature to protect us as consumers from fraudulent techniques that are being used by credit card companies, by mortgage brokers.

This one chart that showed this CDO, this was $38 million. It was actually sold and resold 30 times, 30 times, and created losses of over $280 million.

Now, derivatives haven't been regulated in this country because Congress passed a law in 2000 prohibiting Congress from regulating derivatives. It was part of the financial services industry wish list, and none of us were there at the time.

Mr. GARAMENDI. The three of us will not take credit for that bill.

Ms. SPEIER. No, we won't.

Mr. GARAMENDI. We were not in Congress when they passed that terrible piece of legislation.

Ms. SPEIER. But imagine to allow these kinds of complex instrumentalities to be in the marketplace and not be regulated. That's what will be regulated as we move forward with financial reform. There will be a protection agency for consumers that will help us understand, hopefully—as I understand it, a credit card statement form contract was 1 page and 700 words in 1985. Today it's something like 30 pages. The Consumer Financial Protection Bureau will provide greater assistance to Main Street.

Mr. GARAMENDI. Well——

Ms. KILROY. I think it's really important when you take a look at what went on in Wall Street after Bear Stearns collapsed. The SEC and the New York Fed went into these major Wall Street investment houses and were there trying to look things over but either didn't have the statutory authority or the expertise to really take a look at these mortgage instruments or really take the kind of action that would have protected consumers, and even not waited until you got to a situation with Bear Stearns but had gone in there much earlier and looked at it from the eyes of the consumer. Not how it's doing for Wall Street traders but what is its impact on consumers, the subprime mortgage solicitations and all the things that went on around this. It's so important, I think, that we do have a Consumer Protection Agency as part of Wall Street reform.

Mr. GARAMENDI. And part of that Consumer Protection Agency focuses directly on the mortgage market out there and deals with those mortgage companies that were selling subprime mortgage opportunities to people that had really no ability to pay it back. So those people may have invested whatever money they had in a home, and when it came time for the resetting of the interest rates, they couldn't afford it. They lost their investment. They lost their home. They may have also lost their job because of the collapse of the mortgage industry and the housing industry, and so 8 million Americans were out of work. And as both of you have very, very well described, the situation in which those Americans that may still have their job may very well have lost a good portion of their pension either directly through Lehman Brothers' collapse or through the crash of the stock market.

□ 2015

The combination wiped out 401(k)s. The word around was they no longer were 401(k)s, they had become 201(k)s.

So we really need to have that consumer protection agency in place to monitor Wall Street, to monitor the mortgage lending markets out there, to make sure those products are appropriate for individuals. Without it, we are going to go right back into the same kind of problem that nearly took down this country's economy and the world economy.

Ms. SPEIER, it looks as though you want to add another element to this discussion about what the law should be.

Ms. SPEIER. The interesting element of the subprime market was that those who were selling the product, the originators of the loans, weren't holding on to any of the instrument. They had no skin in the game. It was sold off to Wall Street, where they put them in these tranches and then sold them off again and again.

One of the things that is required in this new bill is that you will have to have some skin in the game, that you will have to have reserves, that you cannot leverage, like we have seen happen over the last couple of years.

But the interesting thing about the subprime market that just came to light, the industry also realized these people weren't equipped. If you were a $14,000 a year gardener in East L.A., you couldn't afford a $700,000 home. But since there was no documentation, since it was going to be sold, and after the teaser rate was no longer available to you, you were going to come back and refinance that loan again, so the fees to the originator, to the bank, would be generated again. So there was this huge churning that was going on in the industry as well.

Mr. GARAMENDI. So ultimately we wound up with a situation in which the financial industry had set up a scheme to sell mortgages to people who couldn't possibly pay those mortgages over time. They were often sold with teaser rates, low interest rates for a year or two, and then it reset to a much higher rate so the payments would be impossible to make at that point.

Then they took those products, those individual mortgages, put them all together and repackaged them into this magnificent tower of——

Ms. SPEIER. Tower of shame.

Mr. GARAMENDI. We have to find a good adjective, but the tower of shame. Then they took individual pieces of those products, took them out and repackaged them——

Ms. SPEIER. As a side bet. As a side bet. So they stayed in this tower, but they took them out in a manner that allowed you to just bet for and against them, and as long as there was someone on the sell side and someone on the buy side, it was fine with Wall Street.

Mr. GARAMENDI. So on the buy side, they would be giving information that was inaccurate, that Standard & Poor's, the rating industries of the world would go out and use some, I don't know, gimmick to re-rate this tranche, this piece of that tower, rerate it as though it was more valuable and more secure than it really was. So we really had a cabal here, and that is why the regulation of Wall Street is so critically important to us as individuals, in our homes, in our ordinary life, in our ability to keep a job.

It is also important for the financial system of America. Banking is crucial to the economy, and when you get a banking industry that is playing financial games rather than simply making loans, we are going to find ourselves in trouble. The creativity of Goldman Sachs, we now know from the hearings. We also know that other major banks and mortgage lending companies were playing similar games.

So that is what we are trying to do as Democrats, is to rein in Wall Street, to set new rules in place that will force the banks to be banks; not to play risky financial games, but rather to do the everyday lending, taking deposits, making a loan that is sound, and making those loans on Wall Street.

What is happening in Ohio? What do you see from your constituents in Ohio about Main Street? Is Main Street a place where the banks are making loans?

Ms. KILROY. I hear from so many of my constituents, people in business, people who are developers, that the ability to obtain capital and then to expand their business, to hire more people, just isn't there. They are not being able to get the loans. It is really important to get that moving again so we can get our Main Street economy, our real economy, going again.

Too much of the money is somewhere else in the pipeline. We need to get it out there to Main Street. I know several of us are working on a number of bills and issues to help expand Small Business Administration loans and others, but we need to get the banks in a position where they are doing the kind of lending that helps small business and mortgages that make sense, because there is the right kind of documentation, down payment, and other finances are in order.

Mr. GARAMENDI. The statistics are really frightening in what has happened with Wall Street. If you take a look, what is really happening is Wall Street is not making loans, and many of the small banks, the community banks, don't have the capital to make the loans, so the capital is being tied up in these huge banks. So what we are really looking to do as part of this reform is to push the capital down to the local banks, down to the Main Street banks, so that they can make loans to people.

However, if you take a look at the large banks, the leading United States banks in 2009, they reduced the number of loans that they made by 7.4 percent. It was the steepest drop in lending by the large banks since 1942, and that was the beginning of World War II.

The 22 firms that received the most bailout money, this is the Wall Street bailout money, cut small business loans by $12 billion in 2009. Meanwhile, and this was the point you were making a moment ago, the top 38 largest financial firms gave out $145 billion in record pay to their employees in 2009. That was an 18 percent increase from 2008, which was also a very high year.

So what is happening here is that Wall Street's philosophy seems to be all about greed for them and poverty for the rest of the Nation. That has got to end. What we need is this reform of Wall Street. We need to put in place very clear rules: No more games with derivatives. If you are a banker, you are a banker. You are not a loan shark on the street selling a bad loan. You are a banker. You are to take deposits. You are to make loans that are sound and secure, and make those loans on Main Street, not to another Wall Street shark.

So what we want to do is take the derivatives out of the banking business. If somebody wants to play the games of a gambler, they are not going to gamble with taxpayers money. They are not going to gamble with depositors money. They are going to have to do that separate and apart from banking.

Fortunately, the Senate bill seems to be moving in that direction. So when it passes the Senate and comes back to the House in a conference committee, I really want to see derivatives out of the banking business. Let them be handled by Wall Street firms that are not banks. If they want to play the game, let them play the game there. I think that will make a difference back in Main Street, back in Concord and Walnut Creek in my district.

Ms. KILROY. If the gentleman will yield, I agree that we really need to have strong regulation of derivatives and, of course, make them much more transparent. But the point you have made just now about the Wall Street pay is interesting. One of the things that I think infuriates people is when they see they are being hurt, jobs have been lost, shops have closed up, and yet they see the people that are responsible for taking our economy to the brink of disaster are getting that kind of a reward.

Also we need to see the corporate boards and the corporate shareholders take some more responsibility for what their corporations are doing. I think some of them want to do that. One of the things I would like to see happen is that shareholders get some kind of a say, some kind of an up-or-down vote on this kind of compensation. And not only do they get to vote, but I think when you have shareholders that may be hedge funds or pension funds or mutual funds, that they need to disclose also how their proxies are being exercised in these decisions about pay.

Mr. GARAMENDI. You mentioned the issue of Wall Street pay. The numbers are really astounding. In 2007, before the collapse, Wall Street paid out $137 billion to its employees. In 2008, in the midst of the great collapse, they actually reduced it. They went down to $123 billion. But in 2009, while unemployment in America was hovering well over 10 percent, and in California 12 percent, in 2009, the Wall Street fat cats paid themselves $145 billion.

I believe a lot of that money was our taxpayer money that we put in Wall Street to shore up the banks, and instead of making loans to Main Street, to the contractor, to the fellow that wanted to manufacture more ladders, that wanted to improve his business and hire people, instead of making loans to them, it appears to me that they took the money that was used to bail out Wall Street, to stabilize the economy and stabilize the banks, they took that money and they put it in their own pockets. That is reprehensible.

There was a bill here circulating, it hasn't passed, but I think it ought to pass, where these Wall Street bonuses, of which this $145 billion is part of, I think it ought to be taxed. I think about an 80 or 90 percent tax on those bonuses in which they used our taxpayer money, that we ought to get that money back, and we ought to take that money back and put it into the local banks so that their financial situation is shored up so that they can make loans to the businesses in our communities, and tell Wall Street, folks, the big ripoff is over. The big short is over. The big fraud is over. There is going to be a law. There is going to be a tough law regulating Wall Street, reining in the excesses of those fat cats on Wall Street who came to the U.S. Senate with such arrogance that somehow they were the kings of the world, that they were the financial managers of the world and they could create out of nothing.

Wasn't there an Aesop's fable about spinning gold from wool? Maybe that is what those characters were doing. They were creating something that had the appearance of value, but actually had no value, and it nearly cost us the American and the world economy. It also cost some 10 percent, almost 11 percent of every working man and woman in this country, their job.

That is reprehensible. And it is time for Congress, it is time for the Senate—excuse me, Congress did its thing back in December—it is time for the Senate to pass a strong bill, send it back, let's get this thing done, and let's rein in Wall Street.

Ms. KILROY. I absolutely agree with you. I voted for the House bill. I supported the House bill. I would welcome an even stronger bill in the Senate if they would pass something along those lines to make sure that the excesses of Wall Street are reined in, that there is appropriate regulation, that these exotic products don't bring our economy down again, that there is accountability, and if somebody, some big house gets in economic difficulty, that it is not in the position where the government and the taxpayers have to rush in and bail them out.

We need to make very clear that there is not going to be a taxpayer-funded bailout, and that there needs to be the kind of resolution authority or some kind of orderly method to protect the rest of the economy from a company that has gotten into trouble.

Mr. GARAMENDI. There is something I learned long ago at the University of California when I was taking an economics class, and that was the American private system of the economy was dependent upon competition, and that laws were put in place more than a century ago to eliminate concentration so that there are many, many players in the marketplace.

It seems as though we have forgotten, or at least the Republican administration in 2000 to 2008, forgot that one of the key ingredients in a free market system is many, many competitors.

□ 2030

But what happened during the decade of the nineties and 2000–2008 was a concentration in the banking industry so that now just a handful of companies, huge megabanks, control an enormous proportion of the American economy. And there's a proposal that has now been made by the Senator from, I believe, Delaware to limit all financial institutions to no more than 10 percent of the financial market, so that when they get to 10 percent, they can no longer grow. They would have to shed the business and, in that way, keep many, many players in the business. So there would be good competition and, simultaneously, create a situation in which no one bank would be too big to fail, thereby eliminating the need for a taxpayer bailout.

I kind of like that idea. It goes back to something I learned many, many years ago in an economics class about the role of competition and the need for many, many players in the marketplace. We'll see what happens with that, but financial regulation law in its final form has to deal with this issue of too big to fail. I don't want, you don't want, I don't believe the American public want to see another financial bailout with our taxpayer money going to Wall Street so they can fatten their wallets on our hard-earned money. So we'll see what happens here. We know things are coming back.

But let's not end this discussion in a down mood. If we take a look at where the American economy is going, these lines here in the red are the Bush years, and this is the unemployment rate actually growing during the final years of the Bush period so that we were losing about 800,000 jobs a quarter in the final quarter of the Bush period. Now, when Obama came in, we see the beginning of the turnaround with the unemployment—monthly unemployment statistics changing so that, yes, the first month of the Obama administration, in January, February, it was the same as the last month of the Bush administration. But now we see a steady decrease in the number of people losing their jobs.

This is a result of three things happening. The first is the Wall Street turnaround, the Obama administration getting control of Wall Street in the early months of 2009, followed by a very courageous action taken by Congress, which was called the American Recovery Act. The stimulus bill. That began to put people back to work or keep people employed. I know that in California it was an extremely important piece of the puzzle of keeping our schools open, keeping teachers in place, and then preventing further erosion of the economy. So as that began to take hold, we began to see the number of people losing their jobs on a month-to-month basis declining so that now, in the last month, we are actually seeing the number of people employed rising—getting jobs, rising.

We still have an extraordinarily high unemployment rate. We are not even close to being home yet. So we've got a lot of work to do. Part of that work is to make sure that Wall Street doesn't ever again put at risk the job of a family, put at risk home mortgages, put at risk the American economy and, indeed, the international economy. So that's where we are headed. We've got some more work to do.

Ms. KILROY. We do have more work to do.

Mr. GARAMENDI. If you would like to wrap this up from the perspective of Ohio, one of the States hardest hit for many, many years now, but a State that's coming back with leadership such as yours.

Ms. KILROY. You're correct that things are improving and also correct that we're not out of the woods yet. The Recovery Act in Ohio, as in your State, helped keep teachers; police cadets were able to get another class going in the city of Columbus, Ohio; keep firefighters on the job, keep teachers teaching in schools.

We also put money in the pockets of hardworking Americans with the biggest tax cut in our history to make sure that middle-class families benefited from that Recovery Act. People who were unemployed or on food stamps also got a raise—not the kind of raise that Wall Street gets, but they got a raise. We know that that money goes directly back into the local economies. That helps build that path to economic recovery.

We'll continue to focus on jobs, on our economy, and on holding Wall Street accountable, and passing a strong Wall Street regulation bill. I look forward to working with you on that.

Mr. GARAMENDI. Well, there's been some very good work done, but the job is not finished. We're seeing a stabilization of the American economy. We've got a long, long way to go. One major piece of that is the work that is now going on in the U.S. Senate. I beg them to send us back here to Congress a very strong regulatory bill on Wall Street. Rein in the excesses. Provide the transparency so that everyone can see exactly what the product is and how the game is being played. Push the derivatives out of the bank business so that that's all separate; the collateralized debt obligations, transparent. Regulate it. Regulate the derivatives, and make sure that we never get back into this again.

Maybe in the next month or so we will finish this critical piece of work. It's, hopefully, going to be done with the support of the Republicans. We know that for a long time they tried to stall it here in Congress, but, fortunately, the Democrats were able to put our bill out, send it over to the Senate. Now, with the Republicans in the Senate backing away from their support of Wall Street, hopefully, we'll get that bill over here; we'll finish this job and do what is absolutely necessary for the American economy and, indeed, for the world's economy.

So, with that, let's let this night pass and we'll get back to work tomorrow morning.

## HEALTH CARE BILL REVISITED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. I come to the floor tonight for the leadership hour on our side to talk more about this health care bill that we passed 6 weeks ago, because it was a pretty sweeping piece of legislation. We passed it kind of quickly. A lot of people may not have understood everything that was contained therein or the implications of the things contained therein. So from time to time it is worthwhile to study a little bit about what we did and how we got there and maybe why it was done, and, if anything, a look at what is ahead over the horizon for the people of this country as they begin to adjust to life with this bill.

Let me just say at the outset that I did not vote for this bill. I do not approve of this bill. The process was flawed. In fact, the process was absolutely toxic to this House, to the United States Congress—in fact, to the country at large. Never before has a piece of legislation this sweeping and with this sweeping in scope and its impact on the daily lives of the American people, never before has a bill this large passed with only the support of one side of the aisle. In fact, never has a bill like this passed that did not at least have some measure of popular support. But the bill passed with a great deal of difficulty because it did lack popular support from the American people.

Now, 6 weeks after the passage of this bill and the bill signing ceremony down in the East Wing of the White House, now 6 weeks later, if anything, opposition to this bill has hardened. For that reason, I believe this bill ultimately will have to be repealed, ripped out root and branch, and then get on about doing the things that people told us they wanted us to do. Had we bothered to listen during the summer town halls of August of 2009, perhaps we could have delivered something meaningful for the American people. Instead, we decided to push again with a very partisan agenda.

And let's be honest, Madam Speaker, the only thing that was bipartisan about this bill was the opposition, because, indeed, at the end of the evening, when we passed this bill, you had some 35 or 36 Democrats join 178 Republicans in voting against this bill. There was no bipartisan support for this bill either in the House or over in the other body. In fact, the bipartisan nature of this bill was the opposition. The American people are now subscribed to that notion as well.

What is ahead for us? Well, there are some court challenges that attorneys general in various States—I think the last count, it was 20 or 21 States—have said that they are going to register challenges to this bill. That is a significant number. I suspect there will be more over time. The concept of negating the bill through a Supreme Court challenge is one that is far from certain, but it is certainly worth the effort that the attorneys general across the country are putting forward because, again, the bill, at its very heart, is so flawed and so toxic.

If you go back and look at the things that led up to the passage of this bill 6 weeks ago, you really have to go into last year and deep into last year to find where the roots of the problem lay. It almost goes back to a year ago last February, with the passage of the stimulus bill.

The stimulus bill famously passed without any Republican support. All of the pundits and commentators around the town were absolutely astounded that not a single Republican would vote for the stimulus package. But it was in those negotiations, such as they were, the meetings that occurred down in the Cabinet Room at the White House, where the Minority Whip, ERIC CANTOR, tried to bring some ideas to the table about what this stimulus ought to look like and what the Republican position was on the stimulus bill. And it was, Wait, not so fast. We won. We won the election. What you all say here doesn't matter. It was really that comment that set the tone for balance of 2009.

Now, there were opportunities where both sides could have come together on some aspects of what ultimately was included in the health care reform bill. I will admit those opportunities were few and far between, but they did exist. Indeed, even individuals such as myself, so-called backbenchers, reached out to the other side, both to the transition team and to the Democratic leadership of my committee, and said, Look, health care is important to me. I didn't give up a 25-year medical career to sit on the sidelines while you guys did this. Let's talk about the areas where there perhaps can be some common ground. But those offers were never seriously entertained by the other side. They knew what they wanted in their health care bill and they wrote them exactly as they wanted them.

Now, we finally got a chance to see the health care bill about the middle of July last year. It came over the transom late one night with a note attached to it that said, Read fast. We're going to mark it up in committee in a day or two. Indeed, that's just exactly what happened.

Now, Madam Speaker, I ask you to think back to a piece of legislation not that many years ago, the Clean Air Act, which passed in the early 1990s; sweeping legislation that changed things for a lot of people in this country. Arguably, there were good things in the bill. Arguably, there were things that were contentious in the bill. But there was, I'm told, in our committee, the Committee on Energy and Commerce, an 8-month markup on this bill. Legitimately, members of the committee hated each other at the end of that markup, but it was important. It was important for people to see the process. It was important for people to understand that both sides did play a role in crafting this very, very complex piece of legislation, and the proof has been that, over time, the bill has delivered on what it was intended to do. Indeed, arguably, the Clean Air Act has improved the quality of air in many locations around the country, and the effects were significant as far as businesses were concerned, but not crippling, and people were able to make adjustments to the legislation after it was passed. And, arguably, it has been a difficult but good process for the American people.

Now, that is an example of how things can work. It wasn't easy. It took months and months and months to do it, but ultimately it did have support from both sides of the aisle. Contrast that to the health care bill. The three committees that worked on this bill—my committee, the Committee on Energy and Commerce, also the Committee on Ways and Means and the Committee on Education and Labor, those three House committees worked on this bill. We actually had, by comparison, a lengthy markup in Energy and Commerce. We had 8 days of markup. Now, 4 of those days we were in recess subject to the call of the chair because the chairman of the committee was trying to get his Blue Dogs in line after he lost an amendment vote early in the process. But, nevertheless, we did have 8 days in committee to work on the bill.

□ 2045

The other two committees had 24 hours, 24 hours to work on this bill. At the time it seemed like a big bill—it was 1,000 pages along. That's a big bill. It got bigger when it came back to the House in the fall and then got bigger still after it left the Senate. But, nevertheless, last July, the bill was 1,000 pages long. And to work through and mark up a 1,000-page bill probably was going to take longer than 4 working days—which is what we got in our committee—but it darn sure was going to take longer than 24 hours, which was the length of time that it was allotted in Ways and Means and the Committee on Education and Labor.

The bill was amended in the committee work this summer by all three committees. Interestingly enough, some of those amendments were Republican amendments. Interestingly enough, after the bill was wrapped up, after the work was wrapped up in the committee process, the bill left the committee and went over to the Speaker's office. There it grew from 1,000 pages to 2,000 pages.

But significantly, while the bill was doubling in size, it was shedding pages that were the past amendments that were bipartisan at the committee level. Most of the amendments that were passed in the committee never saw the light of day when the bill came to the full House floor last fall, even though the bill was substantially larger, largely because of input from folks down at the White House who worked hard with the Speaker's office for several months to get a compromise package that they could bring to the floor to get passed. But most of those Republican amendments were, in fact, deemed to be excessive and expendable and, indeed, they somehow lost out along the way.

Now, one of the things that was really striking during the course of the

year and several months that we worked on this bill was just about 1 year ago. There were six groups that met down at the White House along with members of the administration to talk about things that they might do to get a health care bill passed. So in an effort to show good will toward the new administration, America's Health Insurance Plans, the Pharmaceutical Management Association, PhRMA, my AMA, the American Medical Association, the American Hospital Association, Medical Device Manufacturers, and the Service Employees International Union all met down at the White House and decided that there were things that they could bring to the table and give up as far as financing of this complex health care bill.

I will never forget: They went into the Rose Garden and had a huge press conference where they described $2 trillion in savings that had been agreed to by these different six groups, $2 trillion in savings over 10 years in things that were going to be given up, and this was going to allow the House to pass or the Congress to pass a health care bill because now everyone's on the same page and everyone's working together. There's just one problem: No one from the administration ever communicated to at least those of us in the rank-and-file on the legislative end what was contained within those bargains, what was contained within those deals. In fact, beginning in September, when I began to question and ask, can we see what those deals were? Can we see the copies of the emails that were exchanged? Can we see the notes or the minutes that were transcribed during those meetings when all of these agreements were made to produce those $2 trillion in savings? And we didn't write anything down. Now, Madam Speaker, I ask you, $2 trillion in savings, which was on the table—at least according to the President and the White House in May and June of last year—and no one wrote down a single word as to what those deals were?

And the problem is, it kept surfacing. As we would deal with the bill in our committee and while they would deal with the bill over in the Senate, from time to time something would come up and they would say, oh, no, wait, you can't tax the hospitals for this because that wasn't part of the deal. Well, what was part of the deal? And why can't we know what was agreed to down at the White House so we can at least, if nothing else, even if we don't agree with what happened, but so we can at least work around the deals that were crafted down at the White House?

One night it was particularly stunning. Senator MCCAIN, over in the Senate, wanted to introduce an amendment that would have allowed for reimportation of prescription drugs. Now, that is not a concept that I support. I think there are real safety issues surrounding reimportation, but the Senator should have the right to offer his amendment and argue the merits of his amendment. People on the other side should have the ability to argue the merits of their case and then have the vote and make the decision. But to stop Senator MCCAIN in the middle of his discussion and say, wait a minute, you can't do that because we had a deal, well, people recognize that's just not right, that's not the way things should be done.

It was particularly galling because the President, when he was running, when he was campaigning for the highest office in the land, repeatedly said that this was going to be a different process, his would be a different presidency, he would bring people together. It was going to be the age of postpartisanship and people with good ideas would be welcomed and everyone would be around a table. And it would be transparent. It would be covered on C–SPAN so everyone would be aware of who was on the side of the American people and who was on the side of the special interests. This was the promise that was made to the American people during the course of a presidential campaign. And I recognize that sometimes things are said on the campaign trail, and I recognize that sometimes a promise is made that becomes very, very problematic or difficult to deliver, but this was such a central part of the argument.

Let me quote to you from what the President said when he was a candidate for office. He said, quoting now, ''That's what I'll do, bringing all parties together, not negotiating behind closed doors, but bringing all parties together and broadcasting those negotiations on C–SPAN so that the American people can see what the choices are, because part of what we have to do is enlist the American people in this process.'' Well, that's exactly right.

Remember a few minutes ago I said that part of the difficulty in passing this bill was it never enjoyed popular support. It's a big bill, there's some tough concepts contained within this bill. It's not something that people are just going to embrace unless you bring them along and educate them as part of the process. But although it was promised that that would happen, that, unfortunately, never came into being. In fact, after getting frustrated with being stonewalled by the White House in September and through the fall, in December I introduced in our committee what's called a Resolution of Inquiry. A Resolution of Inquiry means that after it's filed, the committee, after a certain number of days, is required to bring it up and have a legislative hearing on the resolution. If it passes, obviously the requests go down to the White House.

Now, Chairman WAXMAN felt that, in fairness, some of the things for which I was asking would be protected by executive privilege, and not wanting to be in a protracted fight that might well have resulted in an affirmation of executive privilege, he still recognized that as a member of the committee, as a member of the legislative branch of government I should have access, that other committee members should have access to some of the things we were requesting. So about 6 of the 11 things I requested, the chairman said that's reasonable, you should have those things. And he and Ranking Member JOE BARTON sent a letter down to the White House counsel and said we would like for you to produce this information for the committee and for the Congressman who's filed the Resolution of Inquiry because we feel this is information that should be available.

Now, unfortunately, while the White House may argue that they complied with that request, all we have ever gotten have been press releases and reprints of Web pages, never the depth of the documents that was asked for in the Resolution of Inquiry. We are continuing to push that, but here we are now in the early part of May—again, the meetings were held 1 year ago in May and June of 2009, the initial request went out in September, the Resolution of Inquiry was filed in December, it was brought up in committee at the end of January, and clearly this thing has moved with glacial speed. But tonight, Madam Speaker, I want to reassure you and Members of the House of Representatives—and, in fact, the White House—that I am going to be tenacious on this, I'm going to be relentless. We do need to see that information; it should be made available to the legislative body.

And please understand, my beef here is not with the American Hospital Association, the American Medical Association, PhRMA, the insurance companies, or anyone else. Certainly, they have the right and the obligation to go down and negotiate and make arguments in favor of their position and the clients that they represent. I have no problem with that. Where I have the problem is this all being done in secret, all being done behind closed doors, no paper trail to trace and hold anyone accountable. And yet, when we get to the work of writing the legislation, not so fast, we have a deal, you can't do that, we have a deal. Members of the legislative body should have access to the same information that members of the administration had access.

Now, this bill passed in March, but it was the bill that passed the Senate on Christmas Eve, not the bill we passed out of committee in July, not the bill that doubled in size and came back to the House in late October and then was passed in early November. Those aren't the bills that we now talk about. There were some interesting things in those bills—a lot of bad, a little bit of good—

but those aren't the bills that are actually the point of discussion because when the Senate took up its health care bill, it decided to do something different from what the House had done. And that's okay, the Senate is a legislative body in its own right, and they certainly have the obligation and it is correct for them to do their work the way they see fit. And under normal circumstances, the House bill and the Senate bill—if in fact they're different—would be joined together in some type of conference process, and I'm sure that's what everyone over on the Senate side thought would happen, but in reality what occurred was the Senate picked up a bill that had already been passed by the House, H.R. 3590. If you'll remember, famously, that was the health care bill number.

Now, that was a bill that the House passed 1 year ago in the late summer or early fall of 2009. It was a housing bill when we passed it on this side. We passed it and sent it over to the Senate to await further work on a housing bill. But it was picked up on the Senate side, the housing language was all stripped out of the bill, and the empty shell then became the vehicle for inserting the health care language. And that's exactly what occurred between Thanksgiving and Christmas of 2009.

But the important part of this is, it was a bill that had already passed the House. And when it passed the Senate, all that was necessary to do, it didn't have to come back to a conference committee, you didn't have to iron out any differences, you simply could bring it back to the floor of the House of Representatives, ask the question as was asked here late in the night of March 20th, ask the question, Will the House now concur with the Senate amendment to H.R. 3590? And that amendment of course switched it from a housing bill to a major sweeping piece of health care legislation over 2,700 pages long. But the House did agree to the Senate amendment, and as a consequence, that bill left the House of Representatives late that Sunday night, zipped the quick trip down Pennsylvania Avenue and was signed into law on Tuesday, and could move just that quickly because of the nature of how the bill was constructed and how the bill came to be in the Senate and how it was passed in the Senate.

This became important because, deep down inside, I don't think Members of the other body, as they put this health care bill together on Christmas Eve, I don't know that they had in the uppermost part of their mind, how do we get the very best health care policy written and included in this bill? They were more thinking about an arithmetic problem that faced them: How do we get a bill that will get a ''yes'' vote from 60 Senators so that we can cut off debate and pass this bill and get out of town before Christmas? And oh, by the way, a big snowstorm was bearing down on Washington on Christmas Eve and there was a lot of anxiety in the other body, a lot of reason to want to get things done and get things wrapped up for the end of the year and then come back and smooth out any rough edges and put things together because, after all, we always go to conference on these things. And even if we decided not to go to conference, we would what's called ''preconference,'' where things would just be decided and the two bills put together and a finished product could then be passed by both bodies.

But when Massachusetts held a special election and the Senate seat that had been held for years and years and years by a Democrat was now suddenly won by a Republican, the whole 60-vote majority thing was kind of called into question and it was not certain that the Senate would have the 60 votes necessary to cut off debate because the person who won that race on the Republican side in the special Senate election had campaigned on the notion that he would not be the 60th vote to push this health care bill across the finish line, this health care bill that many Americans had looked at and rejected. So a Senate race was held and won by someone who said don't count on me to be your 60th vote to get this thing passed.

So now we've got an entirely different equation and an entirely different arithmetic problem here on Capitol Hill. You've got a Senate-passed bill, you've got a House-passed bill.

□ 2100

They are vastly different. But the leaders on both sides said, you know, I just don't know that we can get this done in a conference committee.

Now, it was also a big uphill climb to get Democrats on the House side to agree to vote in favor of the Senate health care bill. And with good reason. The House had worked long and hard on its health care product. And although I didn't agree with the policy and I didn't agree with the legislation as written, it was still a far better product. It had nowhere near the number of drafting errors, outright mistakes, and earmarks in it that the Senate bill did.

So the Senate bill was thrown together quickly. And on top of that, it was just riddled with errors. Who wants to put their name next to a ''yes'' vote for a product like that when we got a health care bill on the House side that while it might not be perfect, and certainly I didn't support it, still the product itself you could argue was a much more evolved product than what had come out of the other body.

But the arithmetic problem was what it was. And it was felt that the only way to get a health care bill passed in this first session of the first term of President Obama was to pick up and pass the Senate bill. I will always remember being on a radio show the Wednesday morning after that special election in Massachusetts, where the question was posed, ''Do you think that the Democrats have enough votes on their side to simply pass the Senate bill?'' And I said, ''No, I do not.'' And someone broke into the radio show and said the Speaker of the House has just asserted that she does not have the votes to pass this bill on the House side. And I concurred. I said I think that's exactly right. This bill contains so many errors that no one is going to be willing to put their name to it.

But over the 6 weeks that ensued since that time, there were multiple discussions that resulted in a number of people on the Democratic side of the aisle who had originally been a firm ''no'' on the Senate bill beginning to waver and then saying, ''well, maybe,'' and then ultimately they ended up being a ''yes'' vote for the bill. And just by the barest of margins they did get an affirmative answer to the question, ''Will the House now concur with the Senate amendment to H.R. 3590?''

Now, drafting errors. The bill H.R. 3590 is replete with drafting errors. We are likely going to be encountering problems in the drafting of this now law for years and years and years to come. Members of Congress were surprised to find in some of the published reports in the little newspapers that circulate up here in the Hill that in the days following the passage of the bill we had actually canceled our own health insurance and the health insurance for our staff because the way the bill was drawn, the way the bill was drafted was that Members of Congress and their staff will be required to buy their insurance in one of the State exchanges.

The problem is that the State exchanges are not actually set up until 2014. So as it stands right now, although a health insurance premium is still deducted every month, right now it's not clear, if indeed with the bill having been signed into law and that being one of the things that was going to take effect immediately, just what the practical effect of that is. And oh, by the way, and just a little ironic twist to that, members of the committee staff are exempt from that, members of leadership staff are exempt from that requirement that they buy insurance on the State exchanges, members and staff of the administration down at the White House are exempt from that requirement, as are the political appointees at the Federal agencies.

So, again, it does seem somewhat ironic that the principal people involved in drafting this legislation, that would be committee staff, leadership staff, staff from the White House, and staff from the political appointee side

of the Federal agencies, all of those groups, which were essentially the ones that wrote this legislation, exempted themselves from this requirement that they buy insurance in the State exchanges. Members of Congress and their personal staff are going to be required to do that.

Again, this is something that is certainly fixable at some point. It is simply going to require the will to do so. You do hope that no one gets into trouble before that fix can occur. And of course it's very difficult to generate much sympathy with the American people, who feel that Congress probably shouldn't be covered by insurance when so many people are uninsured in the country anyway. And as a consequence, that now is a talking point that Members of Congress do have because we did say, ''If it's good enough for the American people, it's good enough for us as well.''

Another part of the bill that's not widely known, but it is significant, there has been a phenomenon in recent years of what are known as physician-owned hospitals. And there are some Members of Congress who do not like the concept of a physician-owned hospital because they feel it is an inherent conflict of interest. On the other hand, I will tell you that no one knows better how a hospital ought to run and what a well-run hospital looks like than the physician who uses the hospital every day of his or her working life. And I will also tell you there is nothing quite like the pride of ownership in wanting to deliver a first class product for your patients.

Physicians who are in an ownership position of facilities, as long as there are some parameters that are followed, physicians who are owners of those facilities want their facilities to be the best in the area because that's the way doctors generally are. We are intensely competitive, and we always want to be first, and we always want to do things for our patients that are first class.

But written into the bill is language that although it will allow the continued existence of physician-owned hospitals that were in existence on the day the bill was signed into law, it does not allow for the expansion of these facilities. So no new beds after March 20.

But you have some situations, and I have one back in the district that I represent in north Texas, in fact I just went to the ribbon cutting on Friday for this beautiful new medical facility for the people in Flower Mound, Texas, and they are justifiably proud of this new facility that was inaugurated at the end of last week, but here is the problem. Although the hospital, because it was far enough along in the development process at the beginning of the year when all the bills were being written and passed, because it was far enough along, it is allowed to be licensed. But because of the very explicit language in the bill, it can be licensed for no more beds than those that were in operation on March 20, the day the bill was signed into law.

Well, as the hospital was still just shy of completion on that date and had no operating beds, they are now stuck with a situation where they have a hospital which has a license and a Medicare number, but is licensed for zero beds because no beds were in operation on the day the bill was signed into law. Again, that is one of those problems that can be fixed. It is a technical correction. But it does require recognition by the Federal agency, Health and Human Services, the Center for Medicare and Medicaid Services, as well as tying up a good deal of staff time and a good deal of time on the staff of the medical company that operates the hospital to try to get everyone on the same page with this and get this problem ironed out. Because at least for right now they feel like they have been left with a fairly difficult position in that they are open and generating bills to pay, but they have no way of generating the income to pay those bills.

□ 2110

The actuary for the Centers for Medicare & Medicaid Services produced a report just after the health care bill was signed into law. We are all familiar with the arguments that were going on as the bill was being debated. The Congressional Budget Office said that the bill was going to cost just under $1 trillion over 10 years' time. In fact, there was the very often repeated line that the bill was going to save over $100 billion in the first 10 years of its existence because of savings that were going to occur from Medicare.

Now, the Congressional Budget Office does work for the Congress of the United States. The actuary for the Centers for Medicare & Medicaid Services actually works for the Federal agency. The actuary over at the Centers for Medicare & Medicaid Services actually had a different read on the cost of this bill and on the likely savings generated from this bill.

According to some news accounts, the health care report generated by the actuary at Health and Human Services was given to Secretary Sebelius more than a week before the health care vote. If that is true, then officials within the Obama administration, perhaps even the President, himself, continued to sell their plan as a cost reducer when they knew that costs would actually rise under the plan.

According to the report: The reason we were given was that they did not want to influence the vote, said an HHS source, which is actually the point of having a review like this, wouldn't you think?

Well, that is exactly right. If you've got information that significantly impacts the cost or the savings of a piece of legislation like this, yes, it does seem reasonable to make that information available prior to the vote because it might influence whether or not the vote actually was in favor or opposed. Many people were concerned about the cost of this bill, but they were reassured by statements by the Speaker of the House of Representatives, by the President, and by the majority leader that the bill's costs were under control and, in fact, that the bill was delivering a cost savings.

Imagine the surprise when the actuary produced a report that said, in actuality, the bill will cost significantly more than what the Congressional Budget Office outlined and that, in fact, the purported savings in the bill will not materialize.

Now, we have had a lot of discussion on the effect of this bill on both large and small businesses. Small businesses are, obviously, concerned about the effects of the fines that they might be required to pay if they either do not provide health insurance or if too many of their employees seek subsidies in the State exchanges, because then the Federal Government will come in with a fine for those businesses.

I think of entry-level-type positions that may be affected by the additional cost burden put in place by putting these fines on these relatively small employers. I have heard from a number of small employers in my district. Primarily, these are people who employ individuals at small restaurants and at fast-food franchises. Again, we are talking about entry-level-type jobs that may now be reduced in number because of the overall increased cost that is going to come about as a result of the fines that might be levied if too many of their employees seek subsidies under the State exchanges.

Additionally, you have the effect on large businesses. Large businesses may, in fact, look at this through an entirely different lens: Okay. We are providing health benefits to our employees now. It costs a lot. The costs are going up every year. The Senate and House of Representatives just passed this large health care bill, but it did nothing to contain costs. Rather, it added additional requirements to what type of insurance I am to provide my employees. So, in looking on the balance sheet at the cost of insurance, it is many, many millions or, perhaps, billions of dollars for a large employer, and the cost of the fines is significantly, significantly less than that cost of insurance.

You hope that employers will do the right thing and will say, Well, it's still important for my employees to have this employer-sponsored insurance; but in order to maintain whatever sort of competitive edge or margin a business is required to maintain, not every employer may feel that way.

One company may say, Look, I can offload a lot of cost by just simply paying the fine for not having insurance

for my employees, which is a significant shift in dollars and, in fairness, a significant savings to the employer's bottom line. An employer can offload the cost of relatively expensive employer-sponsored insurance and can now just pay the fine and let the company's employees compete for insurance policies in the State exchanges as those are set up.

This is not going to happen overnight. A lot of these things won't be occurring until 2013 or 2014, but it is important for people to be aware of the types of changes that are pending out there. Perhaps there will be some room for modifying some of these things. Perhaps there will be a way to remove some of the more onerous things that are facing us in this bill. Perhaps there will even be a way to remove the bill, itself, and to get back to fixing those things that need to be fixed in the first place.

You also had members of the business community—the large employers—telling Members of Congress and leadership on my committee, Look, be careful because we are going to incur some significant costs from what you're doing in this bill. It may be necessary, and it may affect our bottom line.

You did have companies restate projected earnings shortly after the bill was passed. The chairman of my committee was upset by this and said these companies are just doing this to embarrass the President at the time of the bill signing, so he sent out the word that all of these CEOs from these companies who had restated their earnings would get the opportunity to come to our committee and to tell us all about why they thought it was necessary to restate earnings on what should have been a national day of exultation when the President signed the health care bill. Instead, they were putting out press releases about the fact that they were going to have to restate earnings.

It turns out that the restatement of earnings was because of requirements from the Securities and Exchange Commission, requirements which primarily said, if a company is going to have a significant change from what it had previously published as its earnings projections, it is obligated to be public with those and to tell people what the restated earnings are and why they are restated. So, in fact, the heads of these companies were just simply doing what they were required to do under Federal law with the Securities and Exchange Commission.

As a consequence, when that was explained to the committee, this hearing that was to occur on April 21 was postponed, and it was postponed indefinitely but not before the word sort of went out: Don't you dare cross this administration because, if you do, you may get to come to our Subcommittee on Oversight and Investigations on the Committee of Energy and Commerce and explain your actions to members of the committee and to the American people at large because, of course, these proceedings are transparent and are covered by C–SPAN.

The health care costs are likely to go up significantly for large employers. Remember, there is a separate new tax on medical devices. Medtronic warned that new taxes on its products could result in layoffs of 1,000 workers. Their accounting also estimated there would be thousands of other layoffs and consumer cost increases in the ancillary businesses—perhaps in the hospitals, perhaps in the centers that provide those types of devices.

Those taxes are going to be levied, but it's not likely that those taxes are going to come out of the CEOs' salaries. It is not likely they are going to come out of the lobbyists' salaries. It is more likely that they are going to come out of the costs to the consumers of those medical devices, and many of those costs will just simply have to be borne by the hospital or doctor's office. The way things work in the medical world is, if you have a contract with an insurance company to provide a type of service, you will not be able to go back and append, Oh, by the way, I've been asked to pay this 2.8 percent tax on every syringe I use and on every class 2 or class 3 medical device that I use in my office, surgery center, or hospital. That tax will likely, just simply, come out of the bottom line of that physician's office, of that hospital, or of that surgery center.

There are a couple of things which I think are just worth talking about. There have been some statements, some affirmations, that have been made about the health care law that was signed in March of this year. Over and over again, we heard the assertion, If you like your plan, you can keep it.

Well, I think, every day, as more and more is found out about what this bill actually means as it is implemented, that statement becomes less and less true. I rather suspect, by 2014, when the full implementation of this bill is occurring, that statement will be nothing more than a distant memory. Over and over again, we hear, To avoid additional costs and regulations, employers may consider exiting the employer health market and consider sending employees to the exchange, which is just as I was discussing a few minutes ago.

□ 2120

Larger companies are looking at this and saying there are going to be significant costs with continuing to provide this insurance. When Congress passed the law, they did nothing to hold down the cost of health care, nothing to hold down the cost of insurance, and what they have done instead is complicate things, and we can now get out of it by paying a fine, which in the long run may be a great deal cheaper to pay that fine or tax or whatever you want to call it and let our employees find their insurance in the State exchanges.

The other affirmation that's been made that again is being found to be less and less accurate is that this health care law will lower costs. And I think we have already talked about this and I think we see it over and over again that employers are already likely to pass new costs on to their employees. Health care coverage may go up in cost due to shifting of increased taxes and fees from the provider and insurance industries to the employers' employees. So that is, again, another one of the cost shifts that are likely to occur under this law and gives lie to the statement that this law will lower health care costs. In fact, the only place where this law lowers costs is by rationing care in Medicare, and as a consequence, people are going to be less satisfied with the cost containment measures that have been put forth.

There is an unelected, unaccountable body, the Independent Payment Advisory Board, which was created in this law, that is going to be convened to give recommendations to Congress as to how to hold down the costs of Medicare. And again these are likely to come in the form of pure cuts to Medicare. Congress will then have the responsibility to vote those packages of cuts up or down. We will not be able to modify, amend, or append those discussions. It will simply be an up-or-down vote. Historically, Congress, when given those opportunities, has declined to cut costs in those areas. Witness the physician fee schedule that comes up every—it used to be every year or two; now it comes up every few months. And Congress invariably stays those cuts that were to be enacted, and as a consequence, there is no holding down of health care costs. Nothing was intrinsically built into the bill itself or the law itself that would intrinsically work to lower costs other than cuts that will be forthcoming through this Independent Payment Advisory Board. And it's extremely problematic, number one, if any of those cuts will ever be, in fact, ratified by Congress, and if they are, I think people will find that that is something that they really didn't count on and really didn't plan on. And then the third area where the information that was put forward as the bill was being discussed, that this health care law would improve coverage, in fact, the increased taxes and regulation will lead to dropped coverage and benefits, and, again, we've already discussed that in some detail.

But those are some of the things that were marketed as truths. And I don't remember how many times I heard, ''If

you like what you have, you can keep it.'' But, again, I think that phrase will be found to be inoperative as the effects of this bill become more and more apparent.

What's ahead? What's down the road? This was a very long bill, a very complicated bill. Is the work finished now that Congress has taken its final vote and sent it down to the White House for the signing ceremony? Is the work finished on this bill or are there still parts that have to be worked out? And the answer is the work is just beginning on the second chapter of this bill. And I would encourage people who have an interest in this, a Web site that I maintain that just simply deals with health care policy, healthcaucus.org. We had a forum today talking about what's ahead with some of the rulemaking and the proposed rules that are going to be coming forward out of the Centers for Medicare and Medicaid Services, and although today we were talking about those rules as it affects the health information technology sector, the same concepts are important as we begin to get further and further down the road at the agency level with this health care bill. Over a year ago when we passed the stimulus bill, the information technology language was included in the stimulus bill. They spent the last year writing the policy and the rules and regulations that will cover the rollout of the health information technology funding as it becomes available, and what we found in January was the rule that was proposed by the Centers for Medicare and Medicaid Services in many ways was so inflexible. All 23 benchmarks had to be met simultaneously, and it's just not the way the world works, and very few people were going to be able to do that. So for the bill to function as intended, that is, provide additional funding for hospitals and doctors' offices to get this newer technology up and running sooner, to sort of jump-start it, if you will, the net effect of the rulemaking that was released by the Centers for Medicare and Medicaid Services in January was that, in fact, it was so draconian that very few hospitals and providers were actually going to be able to take advantage of it. So the intent of the bill that was passed as part of the stimulus bill to get this information technology up and running and reward early adopters and encourage people to come along and get these things set up in their offices, it's going to be so difficult to comply with the rule that many people will look at that and say it's just not worth the effort. You can keep the additional funding that you were offering, but I simply cannot go there with my practice or my business.

Well, we are getting some—at least the Centers for Medicare and Medicaid Services is willing to listen to what we have to say. Two hundred and forty-eight Members of this House, both Republicans and Democrats, signed a letter to the Secretary of Health and Human Services that said, please, let's try to work on this and get a more flexible and workable product out there into the hands of people. And the reason this is important is because this is one simple little rule and perhaps the first one to come out of—really not the health care bill, because it came out of the stimulus bill, but it's kind of a harbinger of things to come. There is a flood of regulations, I mean a flood of regulations and rulemaking that is going to happen over at the levels of the Federal agencies. Health and Human Services to be sure. Its subset, the Centers for Medicare and Medicaid Services, which only just recently announced their designated head of that agency, has been without a political appointee at its head since Inauguration Day. So now we have a name that has been offered up by the administration, but that individual still has to go through the Senate confirmation process, and it's anyone's guess as to how soon Dr. Berwick will be seated as the new head, the new administrator, over at the Centers for Medicare and Medicaid Services. In the meantime deadlines are coming literally at the speed of light over at the Federal agency. Let me just give you an example of that.

Part of the bill, part of the law, that was signed by the President was that the Secretary of Health and Human Services was required to publish on its Web site by last Friday a list of all of the authorities provided to the Secretary under the overhaul of the law, and that is section 1552. And what the agency did, rather than go through the bill and compile that list, as they were required to do by law, what it appears that they have done is just simply reprinted the table of contents from the bill, H.R. 3590. They just simply reprinted the table of contents from the bill. Now, you can go to the Web site of Health and Human Services and look at this document for yourself. It's 18 pages of relatively small type of all of the requirements of the Secretary that are to be performed under this law.

□ 2130

Although at this point it does appear to be simply a reprint of the table of contents, it does give you a sense of how daunting this task is ahead for the Secretary of Health and Human Services.

Section 1003, ensuring that consumers get values for their dollars; section 1002, health insurance consumer information; section 1004, the effective dates; section 1102, reinsurance for early retirees; section 1103, immediate information that allows consumers to identify affordable coverage options; section 1105, the effective date of same.

This thing goes on and on for 17 or 18 pages, and if anyone is interested, I do encourage you to go to the Web site for the Department of Health and Human Services and have a look at this for yourself. Don't just take my word for it.

Now, an even larger and more daunting document is that prepared by the minority staff on the Committee on Energy and Commerce, and this is available at the Committee on Energy and Commerce, up on the Web site. You do have to click on the minority side to see this, but it is the health law implementation timeline.

This document, again, relatively small font, but it is 53 pages in length and goes through in painstaking detail what is going to happen sequentially as a consequence of passing this bill and signing it into law 6 weeks ago.

They start out in 2009, the events that were to occur prior to the date of enactment, things that affect Medicaid, Medicare, Indian Health Service, and then concludes way down the road in 2020, January 1, 2020, the Medicaid start date for States to pay 10 percent of the cost for providing health care coverage through Medicaid to people made newly eligible under the bill. The Federal taxpayer pays the remainder of the cost.

A lot of information is contained therein, and for people who have an interest in what the implementation of this bill is going to look like, people who have an interest of what the timeline looks like, people who have special concerns about, hey, I think there is something in that bill to help me, but I'm not sure when it kicks in or when it starts, I encourage you to go to the Web site and look at the bill. If you decide to print it out, do bear in mind there are over 50 pages that are going to churn out of your printer after you click the print selection on the file. But I think it is important that people become familiar with this.

Again, we passed that bill 6 weeks ago. That does not end our participation, the agency's participation, the White House's participation, and certainly doesn't end the impact on literally every American alive today and those who will be born in the generation to come. They will all be affected by things that are going to be happening, particularly things that are going to be happening at the agency level, Health and Human Services, Center for Medicare and Medicaid Services.

The Office of Personnel Management, a very small Federal agency that most people have never heard about, but the Office of Personnel Management is essentially going to set up the public insurance, which is going to become the de facto public option, which many people thought was not even included in the Senate bill, except it turns out that it probably was. And it won't be called a public option, it will be called a nonprofit under the exchange set up at the Federal level. But, nevertheless, the intent and the effect is identical to

what was being talked about last summer as the public option. Well, that is going to be administered through a small Federal agency, most people have never heard of it, the Office of Personnel Management.

And the Internal Revenue Service, for crying out loud, is going to have a role to play in the implementation of this legislation. How are people going to be made to buy insurance? How is a mandate going to be enforced? Well, it will be up to the tender mercies of the Internal Revenue Service to figure that out.

Now, it may not be as draconian as putting someone in jail for nonpayment of taxes, but it certainly could be garnishment of a refund check that someone thought that they were getting because they had overpaid their Federal income taxes during the year. But if they don't have proof of insurance, that may be something that the IRS will not be returning to them, but will be using to offset the cost of providing them insurance in the exchange, because we will have the individual mandate, unless the Supreme Court agrees with the 20 or 21 Attorneys General across the country and says that provision is unconstitutional.

I think one of the big travesties in the passage of this bill, we do have a problem already in Medicare. We have a problem with funding Medicare. We do have unfunded liabilities.

One of the big problems we have in Medicare is that patients arriving into Medicare, patients who are on Medicare and change location and try to find a physician who takes Medicare, are finding it increasingly difficult to get a physician to take on their care or their case.

The problem has been historically over the years we have decided that one of the ways that we can save money in the Medicare system is to ratchet down reimbursement rates for providers. That has happened, and there is an automatic formula that requires that to happen every year.

Right now, doctors are facing what is called a funding cliff of a little over 20 percent reduction in their reimbursement rates. That will kick in the end of May. We have done some stopgap things. We go right up to the edge and a little bit beyond, and then we do something at the last minute to keep them from going over the falls into the abyss. But right now the abyss does exist, and it is very real, and it is the end of May.

There is another bill that would fix things for a little bit longer, to the end of October. But that is right before election day, and who wants their doctor to take a 20 percent reduction right before election day?

These are things that we have historically punted, and we did when our side was in control as well. There was a real opportunity to fix this in this bill, and for whatever reason, for whatever reason, the Democratic leadership and indeed the American Medical Association decided to take a pass on that.

There is a lot more that is contained in this bill. I will be back to the floor from time to time to talk about it over the coming year or two or three or four or five, however long it takes.

Again, remember, the principle behind this is to kill this bill, root it out, rip it out, repeal the bill, and then get on to fixing the things we should have fixed in the first place.

## IMPORTANT ISSUES FACING ALL AMERICANS

The SPEAKER pro tempore (Mrs. HALVORSON). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the privilege to be recognized to address you here on the floor, and I appreciate the gentleman from Texas' previous hour and his discussion on health care.

By the way, the gentleman from Texas, Congressman/Dr. BURGESS' contribution on this health care debate that has gone on now for months and months and months, his intensity doesn't let up. He understands the issue. He is here on a cause, and this cause is to do what we can to salvage the system that America has had and improve that system and not capitulate to this system of ObamaCare.

Madam Speaker, I will take us to that, and I will cross a number of lines into different subjects here this evening. But with regard to the ObamaCare that we have heard about for the last hour and for the last 9 or so months, we have seen a Congress that has passed legislation that on the day it passed the House, it couldn't have passed the Senate. On the day it passed the House, we don't know what kind of bargains came in that brought about just barely the votes to get it passed, but we knew the President would sign it. He wanted anything that he could put his name on.

By the way, the President of the United States is the one who gave the moniker to this legislation, ''ObamaCare.'' He called it ObamaCare February 25 at the Blair House at that conference on health care that seemed to have given the ObamaCare its legs.

I am for 100 percent repeal of ObamaCare. There isn't any part of that that I want to keep, that I want to hold, that I want to sustain or expand or continue into the next year or generation.

Most of it is not enacted until the year 2014. There are some small pieces that are enacted right away, and then slowly over time. The tax increases, by the way, are enacted pretty soon so they can collect this money for the first 4 or more years and then charge only 6 years of expenses against 10 years of revenue and argue that it saves $132 billion.

Now we find out that high-ranking people within the administration and possibly the President himself understood that the numbers that came in were not accurate, that ObamaCare is going to cost a lot more than they represented it to cost on the day that the legislation was passed.

Now, I don't think that is the reason to repeal ObamaCare. I have always thought it was going to cost a lot more than they said it would. The reasons to repeal ObamaCare are great in number and more varied than that.

□ 2140

But we're not going to get down to a financial calculation. In the end, there are enough people in America that think somehow they're going to get a free lunch, that they're not going to support the repeal of ObamaCare for that. But they understand this. They understand when the government runs things, there are lines. There are lines at TSA to get into the airport. There are lines to get your driver's license. There are lines outside of Federal buildings. There are lines outside the Cannon, the Longworth, and the Rayburn Building of just citizens that want to come in and watch their government function.

Free people don't stand in line. Free people, Madam Speaker, will go to the next place of business. If the line is too long at McDonald's, they will go to Burger King. But when they're dealing with government, it's a monopoly. That's why the line is there. The government doesn't have any incentive to expedite the passage of people through that service, except to turn down the noise of the squeaky wheel, because government doesn't have to compete for its customers. The government has a monopoly. So free people, they don't stand in line. They go someplace else. But our freedom is diminished every time the government takes up a task that the private sector can do, and health care is certainly one of those.

So, Madam Speaker, here's what I'm watching happen. This has taken place over the last year and a half. A little bit of it began under the Bush administration. But I'd start with this: $700 billion in TARP spending, half of that approved under the Bush administration, essentially down the lame duck era of his term. The other half of it—that was right before the election, if I remember right. The other half of it was approved by a Congress that was elected in November of 2008 and signed in by a President who was elected in November of 2008. That was President Obama. At the direction of Speaker PELOSI and the majority leader in the Senate, HARRY REID, $700 billion in TARP spending, most of it, in my view, wasted.

And while this is going on, we had three large investment banks that were nationalized, taken over by the Federal Government. That means Federal ownership or control, management influence and control, three large investments banks. AIG, to the tune of about $180 billion. Then we watched Fannie Mae and Freddie Mac swallow up billions of taxpayer dollars to recapitalize them for their losses. Then we saw, right before Christmas, the President issue an Executive order that takes on all the contingent liabilities of Fannie and Freddie and completely nationalizes Fannie Mae and Freddie Mac, all of the markets that are the secondary loan market of Fannie Mae and Freddie Mac taken over by the Federal Government.

Then we saw General Motors and Chrysler taken over by the Federal Government. At General Motors, the Federal Government stepping in with 61 percent of the shares, bought up the share value of 61 percent; the Canadian Government, 12.5 percent; and the unions got handed 17.5 percent, even though the secured bondholders got iced out. They had the secured collateral and they still were iced out in the leveraged negotiations that took place.

And so we've seen one-third of the private sector activity taken over by the Federal Government, and along came a $787 billion economic stimulus plan, and then a along came the resurrection of the dead ObamaCare. The dead ObamaCare was brought to life, barely squeezed out of it, on life support, limped out of this Congress, put on the President's desk in a fashion that it could not have passed this Congress on the day because the Senate would not have approved it, Madam Speaker.

And so we saw one-third of the private sector profits swallowed up in the banks, the AIG, Fannie, Freddie, General Motors, and Chrysler, and another sixth of the economy swallowed up in ObamaCare, where the most sovereign and private thing that we have, which is our own bodies, our skin and everything inside it, taken over by the Federal Government, called ObamaCare. Our skin and everything inside it, the most sovereign thing that we have. We manage our lives, we manage our bodies, and now the Federal Government tells us what we can and can't have for tests, what we can and can't have for insurance policies, what insurance policies will be approved and what insurance policies are not approved.

Every single insurance policy in America under ObamaCare will be cancelled by 2014. Yes, many will be reissued. Some will be similar to the ones they have. But there isn't a single policy that the President of the United States can point to and say, This one will be a live, viable policy in 2015, and it won't have to change. Every one gets cancelled.

They've nationalized our bodies. And they've done so, the very people that stood here and—before 1973, but at least 1973—said that, because of Roe v. Wade, they said that government has no business telling a woman what she can or can't do with her body. Remember when you said that? Remember that debate? Remember those arguments? You'll make them again. You'll make them again to the end of the Earth because that's the bumper sticker discussion. But it's not rational thought. It doesn't substitute for thinking people. A woman should have an unlimited right to elective abortion because government has no business telling her what she can or can't do with her body, while at the same time, now the very same people, men and women who have argued since 1973 that the government has no business telling a woman what she can or can't do with her body, now are arguing that the Federal Government has every business and every right to tell everyone in America what we can and can't do with our bodies and have taken over and nationalized the most sovereign thing that we have—our own personhood.

Our skin and everything inside it managed now by the Federal Government, by the people who said that government had no business telling a woman what she can or can't do with her body. The men and women, most of you sitting on this side of the aisle, have made the argument, and you don't have a rebuttal for this argument. Not one of you has risen to rebut this argument that I've made. I've put up the contradictions here. I pointed out the hypocrisy. I made it clear on the dichotomy. If you've got an argument to rebut the one that I've made, please stand up. I'll recognize you. I'll yield time to you. But you don't. You will sit there and you won't respond because you know you're wrong.

It reminds me of the statement made by Art Laffer on economics when he said, They are rebutting arguments that they know to be wrong in order to curry favor with their political benefactors. Well, Madam Speaker, that's what's going on. You have people here that realize where their power base is in order to curry favor with their political benefactors. They're making arguments that are completely irrational. And when they're caught in those irrational arguments, they slink away out of the Chamber with their hands in their pockets, afraid to face the rationality of it, afraid to face the debate, knowing all the while I'm happy to yield to, but no, you're gone. You won't stick around this Chamber. You won't come to a microphone because you're rebutting arguments that you know to be wrong, because that's what gravitates towards your political power base, and it's disingenuous to make those illegitimate arguments in that fashion.

So here we are now. We have come all through this continuum jump of the nationalization of one-third of the private sector activities and you add about 17 or 18 percent of health care on top of that. Now we've gone over 50 percent of our private sector economy taken over by the Federal Government, including 100 percent of the student loans. And where are we next? Well, the financial services industry. Why didn't I see that coming?

If someone had given me the job to, in an Orwellian way, write the screenplay to a movie of how America could be taken over by a socialist agenda, I could not have imagined some of the things that have happened so far. I might have gotten half of these things. I don't think I could have gotten the scenario down. I might have been able to envision that the banks could be taken over. That was kind of an obvious one. I'd have been able to envision the takeover of the car companies because that's actually on the socialist Web site. It's actually supported by the Progressives, 77 of whom serve in the United States Congress. They are the arm and the voice of the socialists in America.

If you just Google Socialists in America, you will go to the Web site called DSAUSA.org, the Democratic Socialists of America, Madam Speaker. They're proud to be Socialists. They start out and they say, We're not Communists. There's a difference. Well, to start out with your advertisement that you're not a Communist, and there's a difference—Socialists aren't as bad as Communists is what they're saying. So they'll argue they don't want to nationalize all the real estate, all the real property in America. They don't really even have to nationalize real estate in America. They just want to take over the Fortune 500 companies. That's on the Web site. It's not a manufactured thing. It's there. It's on the Web site. Then they say, We don't have to do this all at once. We can do it incrementally. We can take over the Fortune 500 companies and these other companies that are profitable. We can take them over incrementally. We don't have to do it all at once.

Well, look what's happened. Bank of America, Citigroup. All together, three large investments banks—AIG, Fannie Mae, Freddie Mac, General Motors, Chrysler. All of them at one time were all private sector entities, all now swallowed up and managed by the Federal Government. Fannie and Freddie, $5.5 trillion in contingent liability. Swallow all that up.

□ 2150

Well, they can control them, a large sector of the economy. And I wondered, why would you want to take over Fortune 500 companies and manage them for the benefit of the people affected by them? What would be the motive to do

that? What would this be? Well, it's power for one thing, and it creates a dependency class for another, and it expands the dependency class. The Democrats in this Congress believe that if they expand the dependency class, they will also at the same time be expanding the constituent base that will get them reelected over and over and over again. Never mind that it's a direct assault on our Constitution, a direct assault on our liberty, but it diminishes the vitality of Americans, it saps us as a people and makes us more dependent, European socialism, something worse than that.

The argument that comes from the progressives in this Congress that want to nationalize the oil refinery industry in America—MAURICE HINCHEY—who wants to nationalize the petroleum industry in America—MAXINE WATERS—75 other progressives, the socialists and their website say, we don't run people on the socialist ticket; we don't have socialist candidates on the ballot, we have Democrats on the ballot who are progressives. They are our legislative arm, Madam Speaker.

So I continue to read through the socialist Web site, the Progressive Web site. And we will see the gentleman from Minnesota (Mr. ELLISON) come to this floor pretty regularly—maybe not every week, at least every other week—and he puts up a blue poster that says ''Progressives''—grijalva.com, or whatever that particular Web site might be—and he's proud of the progressive agenda. But the progressive agenda, if you go read it, you find it on the socialist Web site; they're proud of it, too. And they're proud of the progressives claiming the agenda that the socialists drive. Those are facts. They're not refutable. And I can flip the pages out here and put them on posters on the floor of the House without too much difficulty.

Now, BERNIE SANDERS, who served in this House, a self-evolved socialist, argued many times at these microphones—and I debated with him occasionally, although it was nothing particularly memorable that I can think of—was elected to the United States Senate a few years ago and became the first socialist in the United States Senate. BERNIE SANDERS, progressive. He's the only progressive in the United States Senate—that's listed at least on the Progressive's Web site. He's proud of that. He's proud of being a socialist.

And the argument about where the President stands is not an argument about whether the President is a socialist because the President voted to the left of BERNIE SANDERS, the self-avowed socialist. The argument, if it was going to be made, should have been made by the President. He should have made the argument that BERNIE SANDERS isn't a socialist; he's just masquerading as a socialist.

Maybe a true socialist does something different. Maybe a true socialist nationalizes even fewer businesses. When I see the President do his glad-handed, double-armed handshake with Hugo Chavez, and I see that that same week Hugo Chavez had nationalized a rice processing plant that belonged to Cargill, a proud Minnesota company that was taken over by Hugo Chavez, while that was going on, General Motors and Chrysler were being taken over by President Obama. And I thought, when I saw those two together with the big grins on their face, that Hugo Chavez is a piker when it comes to the nationalization of business. And the question isn't, is the President a socialist? The question is, he votes to the left of BERNIE SANDERS, so what's a better description than the one that some are using? What's a better description than the one that BERNIE SANDERS, the one he uses on himself, the socialist?

The President votes to the left of a self-evolved socialist in the United States Senate; I think that's a matter worth note. It's a matter of fact; it's not a matter for debate. It is a matter for consideration, Madam Speaker. And I think it tells us something about America and about where America is being dragged and about where America will go if we don't turn back around and take this country up to the heights that are destined for us, that are based upon individual liberties, rights that come from God—free enterprise capitalism, the religious foundation and our religious faith—not just the freedom to worship freely, but the core of our faith that gives us the moral values that diminish the need for law enforcement to be looking over our shoulder and sapping our energy.

I have seen a lot of energy sapped out of this country in the last year and a half of this Obama Presidency, Madam Speaker, and I don't know how much more this country can sustain. But I do believe that we have a chance, and we're going to step forward on that chance to turn this around and take this country back to the heights where she was intended to be. That's going to mean an election result in November that's entirely different than the one we had the last couple of Novembers. And it's going to mean that this Republican party in this Congress, by golly, better get the planks down on where we want to go. We had better be unified behind them. And we better step this Nation forward so that when the election comes people will know what they're voting for, and they will be able to get behind those things that we say we're going to do.

I will submit, Madam Speaker, the number one plank in the Republican agenda has got to be 100 percent repeal of ObamaCare, not 99.9 percent or 99.8 or 98 percent; 100 percent repeal of ObamaCare. And if there are Republicans that equivocate on that, if they're afraid that they don't want to take on the debate, that they don't want to put a Federal mandate in to provide for and require all insurance to be extended to age 26 for college kids, for example—I want my kids to grow up; I don't want to keep them dependent. I don't want to make their bed when they're 26. I want them on their own well before they're 26.

The law has dealt with it this way: That you are responsible for a child until they're 18 years old unless you've been divorced, in which case you might be responsible for that child until they graduate from college. I think that's a bit of an inequity. But to go to age 26 and put a Federal mandate in, I'd turn this question back the other way: Where in the Constitution does it grant the authority for the Federal Government to establish a mandate that would require that insurance companies offer health insurance to age 26 as part of every policy, which certainly raises the premium and means that health insurance is less affordable rather than more affordable?

Many of these things will take place and unfold in the upcoming next 2 to 3 years, but here's the timing in the sequence in the repeal of ObamaCare. First, a maximum number of co-signatures on my legislation, on that of MICHELE BACHMANN's, and others. We are somewhere around 63 or 64 cosponsors, Madam Speaker. And there isn't a good reason why anybody that voted ''no'' on ObamaCare can't step up and cosponsor legislation for repeal of ObamaCare. When we net enough signatures on that, we'll put a discharge petition down here at the well. A discharge petition with 218 signatures on it requires a bill to come to the floor for debate and vote without amendments. If we could do that, we could pass out of the House, and if the Senate could do that we could pass out of the Senate a repeal of ObamaCare that could then go to the President's desk. And President Obama would certainly—well, almost certainly—veto the bill.

Some will argue it's an exercise in futility, but I put on my Web site—the kingforcongress.com Web site—a polling question that asks this question: Do you believe that 100 percent of ObamaCare is more likely to be repealed, or do you think that the Cubs are more likely to win the World Series? And do you know, we were 2–1, 2–1 of people answering the poll for predicting that it was more likely that ObamaCare would be repealed than the Cubs would win the World Series.

Now, I'd be happy to see the Cubs win the World Series. I'm not coming here, Madam Speaker, to stir up any Cubs fans. I'm just pointing out that the Cubs went to spring training this year. They're playing ball. They're throwing, catching, hitting, running; they're practicing, they're in shape, they're getting their pitching up. They're focused. And why? Because they believe

that they're positioned to win the World Series this year. They didn't go out with their dobber down. They didn't think it didn't pay to practice. They didn't skip spring training; they went to the field. Even though now they know that most Americans think it's more likely we will repeal ObamaCare than the Cubs will win the World Series, they're still playing ball. And they're not out of this at all. It's early. They're not even out of it when it's late. Until it's mathematically impossible, the Cubs are always in it. But it tells you the degree of difficulty here. If the Cubs are only one out of three likely to win the World Series, we can do this, it's not that hard. It's not as hard as winning the World Series. We can accomplish this. We can repeal ObamaCare.

By the way, if the President vetoes a discharge petition or we come back after the elections and Republicans have the majority, we can perhaps then pass a repeal of ObamaCare, and maybe the Senate will get that done too—and Senator DEMINT is working on this mission over on the Senate side. And so we set it on the President's desk, and he vetoes it, and we wouldn't likely have the votes to override a presidential veto. Fair enough, that's reality. But here's how the function of this goes: All spending bills start in the House. A Republican majority in the House with a deep conviction to repeal ObamaCare in its entirety can shut off all funding to ObamaCare so that it cannot be implemented.

□ 2200

No part of it could be implemented or enforced if we say so in appropriations bills here in the House. And if we do that in 2011 and 2012, we will elect a President in 2012 whose number one plank in the platform needs to be that the first bill he will sign as President is full repeal of ObamaCare.

So I just envision this: the inauguration of the President of the United States out here on the west portico of the Capitol building, standing there taking the oath of office. And once he is sworn in as President of the United States by the Chief Justice John Roberts, he can take his hand down. And the first act as President of the United States, he can get out his pen, because we will gavel in January 3 of 2013, we can pass the repeal in the House and the Senate. We can set it up not on the President's desk, let's put it on the podium on the west portico so when he swears in he can have the pen in his hand for all of me, put it down, sign the repeal of ObamaCare, and it's gone from history. Pulled out root and branch, lock, stock and barrel, with no vestige, not one particle of DNA of ObamaCare left behind. Because that toxic stew has now become a malignant tumor, and we need to pull it out by the roots before it metastasizes.

That's our duty to the American people and one of the things that I came here to do and one of the things that I will work on. And I will challenge anybody that can make a cogent argument that we have got to repeal ObamaCare before we can move forward because it is an agenda that you can find at dsausa.org. That is Democratic Socialists of America. You can also find that agenda at the progressive Web site that is advertised so many times by those 77 that are the ones that are run on the ticket that the Socialists say they support.

That's what's up, Madam Speaker. I wanted to get that out and lay it out and get it off my chest before I asked my friend, the judge from Texas, if he had anything on his mind. And if he does, and he has never been without anything on his mind, he was born with things on his mind, but I am very happy to yield as much time as he may consume to the gentleman from Texas, Judge LOUIE GOHMERT.

Mr. GOHMERT. I thank my friend for yielding. Steve Forbes was up here on the Hill a couple of weeks ago. One of his comments was that we could do a complete repeal, and at the same time we could put some fixes in there that Republicans had been proposing, that we have had out there as alternatives at the same time, just one fell swoop, so that people would realize that we have not been the Party of No, we have some fantastic ideas that would have revolutionized health care and gotten it back to where it had transparency, where it was affordable, and gotten insurance companies out of the health care management business and into the health care insurance business, where you insure against an unforeseeable illness or catastrophe down the road and put patients back in charge of their health care.

I certainly had a proposal along that line that we never could get CBO to score nearly a year later, I guess about 9 months to be fair, that they have sat on that to try to help kill—help work for the Democrats to help make sure that any of the good alternative plans could not get scored so that we couldn't come in and say here is the plan that saves money, gives more freedom, and does all these things. Anyway, it's been a bit of a tough year.

But the problems didn't just start with this President. My friend from Iowa knows as well. We have been heading in the wrong path for some time. Of course Republicans lost the majority, rightfully, in November 2006 because Republicans had gotten giddy after 2001 and had started spending too much money. And voters held them accountable. And we hope they will continue that trend this November.

But I recall my favorite President, from Texas that is, George W. Bush, I think the world of him, he is smarter than most people give him credit for, but he got sold a bill of goods by a bad Secretary of the Treasury, and he was told a good way to stimulate the economy in January 2008 was to have a stimulus bill and have $160 billion, $40 billion of which would just be given to people as a rebate who didn't pay income tax. They would get an income tax rebate even though they didn't pay income tax.

And my friend from Iowa may remember as President Bush came down the aisle here he shook hands with everybody, and made his speech, and then on the way back up I didn't realize there was a mic open that picked me up asking him, ''Mr. President, I wanted to ask you how do you give a rebate to people that didn't put any bate in?'' And that's still a problem.

And then you come up, and bless his heart, Hank Paulson saved his firm Goldman Sachs, saved the people that he had worked with and chaired over and had great personal interest in. He was able to save them at great cost to the American way of life, to the free market system. Just created a real disaster. You can't set aside free market principles to save the free market.

But it all led up to desensitizing people to just how much $700 or $787 billion is. It is an enormous amount of money. And so here we came into January of 2009, and right off the bat have a $787 billion stimulus, most of which has not been spent. Even though we were told that people didn't have time to read it, you got to just pass it, $787 billion dollars will be thrown out there and we will get the economy going. Had to be passed so fast, before people could read it.

And then yet the President took several days, kind of like he has getting fired up to do anything about the gulf coast. So he takes his time, waits for a photo op to sign the stimulus bill into effect. But the problem is you can't raise taxes the way this health care bill did and think you are going to help the economy in the long run. It's not going to happen.

And then we find out we have moved from the overly high 39 percent of Americans not paying Federal income tax to now the projection that 53 percent of American adults will be paying all of the income tax. I think historians all pretty well acknowledge that in a democracy, including this republican form of government where people can vote for candidates based upon what they promise to give them in the way of benefits, once you get past one more than 50 percent of those who are voting receive benefits and not pay income tax, or not pay the Federal taxes, you've lost it. You head to the dustbin of history. You're done. There is no recovery from that, absent a miracle from God.

And of course some of the people that are creating the problem don't believe

in God, so they are really in trouble because they can't even expect a miracle from God like some of us could.

But 53 percent of Americans to pay all of the income tax. And then I have heard great disparagement, as my friend from Iowa has, as we have been to the tea parties and been asked to speak at various tea parties, including the one down Pennsylvania Avenue a few weeks ago, the one at the Washington Monument, and you see all these wonderful, peaceful, law-abiding people, and you talk to them and you find out these are people paying income tax.

And we also have seen the latest survey that indicated that 28 percent of Americans, up from 20 percent, 28 percent of Americans identify with the tea party. Well, what that means is since those 28 percent pay income tax, it means that over half of the 53 percent projected to pay all the income tax this year, those that are really carrying the load for the country, pulling the wagon for everybody else, over half of them are tea party members, identify with the tea party.

□ 2210

Quite interesting. It's not the marginal group that some would have Americans believe. We are talking about rank-and-file Americans who are pulling the weight with income tax.

Now, one of the things that would help a lot is if all of the President's promises about jobs were to come true. Then we would have more people able to pay income taxes. I know an awful lot of folks who would welcome the chance to get back to paying income taxes, but they can't find jobs. This health care bill is a real jobs killer.

I have had, as I'm sure my friend from Iowa has had as well, people who've come up and who've said, I lost my job. My sister lost her job. These folks lost their jobs. After the health care bill passed, they had to be let go. Others are saying, We've had our salaries cut. We've been told it's coming.

These are economy killers, and these things in the health care bill are robbing America of people who would be able to help with that income tax burden. So it has been tragic, and it just breaks my heart to hear from these people who have lost their jobs because they had to ram through this health care deform bill instead of doing what was really right for America. We didn't have to have people lose their jobs just to pass a health care bill, but they didn't care about what America thought.

I want to mention one other thing about the Tea Party folks before I yield back to my friend from Iowa.

We've heard that people were rowdy at the Tea Party on that weekend that health care got rammed down America's throat. Some of us went out and walked and saw the folks. We walked down the street. People were lining the sidewalks pretty thick. They were yelling and cheering when some of us came out because they were so vocally opposed to health care.

On that weekend, as I was going back to my office from a vote over here and as people had crowded onto the sidewalks and as most of my friends in Congress were walking through the streets, I decided to get up on the sidewalk and walk through the middle of the crowd and thank them. This was not a group for which the SEIU, ACORN, or the Federal Government paid their way. These were people who had come on their own money—nobody else's. They'd had to come up with their own money. Some of them had taken time off from work and from family. They'd made sacrifices to get here in order to let their voices be heard. So I wanted to personally make sure I went through the crowd. I shook as many hands as I could, and I thanked as many people as I could.

As I was going down the sidewalk, people were patting me on the back and were speaking encouragement to me. I was just saying, Thank you for coming. Thank you for letting your voice be heard.

About 10 people into the sidewalk, I started to reach for this lady's hand. She probably was 40 to 50 years old. She was pleasant-looking enough.

She said, I'm for health care.

I thought I misunderstood, so I said, Well, I am, too—just not for this disaster.

But she said, No. I support this bill.

She wouldn't shake my hand, and I thought, well, that's kind of strange. That's kind of a party killer person right here in the middle of the crowd; but, oh, well. That's fine. That's America. So I moved on.

I was shaking hands and was thanking people. They were so wonderful and encouraging. They were saying ''thank you'' for my thanking them. It was really very moving at times. Those were some of the expressions we got.

About 15 feet down the sidewalk, I met a guy who said, I'm not shaking your hand.

I realized this was another one like the lady. Every 10 to 15 people, as I shook hands with people on both sides, I ran into people who wouldn't shake my hand because they were for the health care bill.

When I got to Independence, I had a guy yell, Are you LOUIE GOHMERT?

I said, Yes.

He wanted to know why I hated homosexuals, and I explained I don't. You know, as a Christian, I am supposed to love everyone, and I try very much to do that, but it doesn't mean I have to embrace lifestyles that the Bible says are inappropriate.

Anyway, he used the ''S'' word and some things that I won't use. I mean I know it's appropriate for Senators like Senator LEVIN, but I'm not going to use those words down here. I don't think they're appropriate here, but I had them used on me out there on the sidewalk. He was, obviously, also not a supporter of the Tea Party, of me, or of those who were walking through.

After I got back to my office, I realized, you know, those people were placed about every 10 or 15 feet in the middle of the crowd. I don't know what they did after they refused to shake my hand, but there were certainly people placed regularly throughout the crowd who were just that—they were placements. They were people who were put in there. They were observers. Hopefully, they weren't the people who yelled epithets or things to try to make their conservative folks around them look bad; but I can verify and I can testify that those people were out there and that they were amidst the Tea Party folks. Most assuredly, they were not Tea Party people.

Mr. KING of Iowa. If I could temporarily reclaim my time, I would just appreciate an opportunity to comment on what you said, Mr. GOHMERT. This phrase comes to mind: Birds of a feather flock together.

That's why it's unusual to see some of those birds that are not of a feather there in the flock of the Tea Party faithful. Why would that be?

I think we've seen it here, occasionally, on the floor of the House of Representatives when we generally sit in a segregated fashion—Democrats on one side and Republicans on the other side. Yes, we walk through and we talk to each other and we do business; but generally speaking, it's Democrats there and Republicans here. Yet on occasion—and especially on the occasions of the State of the Union addresses and of addresses of the joint sessions of Congress by President Obama—we have Democrats who will come over to this side of the aisle and who will sit in a scattered fashion throughout over here so that, when the standing ovations begin or when they don't happen, they're blended and integrated in a different way.

That's by order of the Speaker of the House. It isn't infiltration—it's public—but it is clearly by order of the Speaker of the House. They didn't just spontaneously decide to come over and sit here and try to start standing ovations and, more or less, change the image of the State of the Union address.

Also, we know that the left has infiltrated or has at least announced that they were seeking to infiltrate the Tea Party groups. Some of those subversive tactics come to mind especially in the times that we've had these rallies—they're really press conferences—over on the West Lawn of the Capitol. We went out and took pictures of the lawn. I know on one occasion I asked people to be careful and to pick up their litter, but I don't know of anybody else

who has ever made that request. I'm thinking of three occasions when the lawn was spotless. We took pictures. We were trying to find some litter. We were trying to find a cigarette butt—anything out there on the grass. It was all picked up and carried away.

The cleanest group of people is the Tea Party group that comes here. They have the Constitution in their shirt pockets or on their hearts. They love this country, and they wouldn't desecrate any of the symbols of our liberty or any of the symbols of our freedom.

Though, if you looked at the other folks, at the people on the other side of the aisle, at the people who make common cause with the folks who generally sit over here, on the same day of that major gathering of opponents to ObamaCare, there was a pro-amnesty rally. The differences were they were wearing the same T-shirts; they were carrying signs that came off the printing press one after another, and they left litter all over this city.

While the Tea Party groups and the anti-ObamaCare groups were here, they had homegrown signs. They didn't have any commonality of dress. They wore what they had of their own. There was some red, white, and blue out there and plenty of yellow hats and flags, but they were not at all an army that was uniformed, coached, or bussed in. They came in by their own transportation. They made their own signs. They wore a whole variety of different clothes. They made up chants on the way, and they were making signs on the fly. When it was all over, it was as clean as a whistle. It was as if it were a park that they owned because they believed—and they do—that they owned that park.

I am proud of the peaceful people who came here. I don't have respect for the folks who tried to infiltrate that and who caused trouble. When I saw the rallies against the Arizona immigration law, when I saw the bottle bouncing off the head of a police officer, when I heard the stories about refried beans being smeared on the State buildings in Arizona, and when I heard about a swastika that was, perhaps, painted there, those are the kinds of activities you would never see happen on the other side with the Tea Party groups. There is no violence there. The violence is perpetrated by people on the other side.

The allegation that the ''N'' word, that the ''F'' word, or that spitting took place could not be substantiated, and I am coming close to the conclusion that it was fabricated, not substantiated.

As I feel a little better having vented myself on that subject, I would yield back now to the gentleman from Texas.

Mr. GOHMERT. Well, thank you.

One of the other things that comes to mind is we talk about our freedoms—about the ability to assemble and about the freedom of speech, which is the ability to say what is in your heart.

□ 2220

We come to what happened last week in England, where a man who was not intentionally out being a nuisance, but he was asked by an officer, according to the article I read, who looks for violations of this type of law, ethics type of law—and this person apparently was homosexual in practice, and he asked the individual about the Bible, about sin. He mentioned drunkenness and a number of things that would be sins as addressed in the Bible and was asked about homosexuality, and he said, yes, under the Bible it's a sin. It's hard to look at Romans 1 and think otherwise. But anyway, this man was arrested. He was put in jail and now is out awaiting trial on his charges. And it was one of the things that concerned us greatly about the Hate Crimes Act because we knew that bill was based on two lies. And there were publications like Texas Monthly that didn't bother to look into the facts, many publications around the country that just ran off and jumped on the train of those who refused to read it, laws to read the facts, to look at facts that were being cited as basis and find that they were lies. But the two things on which that bill were based were both lies. Number one, that there was an epidemic of hate crimes in America. Number two, that it would somehow have changed for the better the outcome in the James Byrd case in Texas, the Matthew Shepard case. And the fact is that those are lies.

The James Byrd case had two of the three—the two most culpable defendants got the death penalty. The only effect the hate crimes bill would have had if it had been in place back then would be that those guys that got the death penalty would have gotten life in prison instead of death. I felt like from the evidence that I read and heard about that they deserved the death penalty. And in the Matthew Shepard case, they got multiple life sentences; so it wouldn't have affected those cases.

The FBI statistics show there has been no surge, uptick in hate crimes, alleged hate crimes, and those include yelling of things inappropriate.

I don't think my friend from Iowa or any of our friends, and those that I met at TEA parties would condone nasty name calling. None of the people I met. But we get into a very dangerous area. There were Founders that fought and died for this country and for that thing that would later become the First Amendment. It didn't exist during the Revolution, but they believed the concept of freedom of speech. And they often cited Voltaire as the source. Some disagree, but Voltaire is usually given as the source for the saying ''I disagree with what you say, but I will defend to the death your right to say it.'' That helped form a basis for this country. Yet now we have evolved in this country to where the thought police have a slogan that is more apt to be, I disagree with what you say, and I'm going to destroy your life because of it. I'm going to see you're fired. I'm going to see that you lose as much of your assets, hopefully all of them, as I can. I am going to destroy your life.

So we have come a long way from those days when the Founders were willing to fight and die so people could say things they thought reprehensible but at least they had the liberty to say them.

One of the things that gets very dangerous is when you start putting a lid on people's freedom of speech, as the PC police around here, as the thought police have begun to do. When you prevent people from being able to say what's in their heart and vent a bit, then you build up steam. If you don't allow people to vent, they build up steam, and then you have an explosion. So I know there are those that say, well, talk radio is hateful and whatnot. And actually talk radio, most of it, is not hateful at all.

But you go back to the President's own statement that we're not a Christian Nation. Well, I am not going to debate that. I know that we were founded by people who professed to be, although history is often rewritten nowadays, including in the early 1800s an early biography of Washington that was a complete fraud.

But if my gentleman friend from Iowa would allow me, this has just been on my heart because I go up from time to time to the Lincoln Memorial, and I stand there and read those profound words from that selfless man. And on the north inside wall is his second inaugural speech. And it brings me to tears every time I read it because this is a man who is wrestling with how a just God could allow the pain and suffering to go on that he did. And it is a beautiful theological discussion. If it would be all right with the gentleman from Iowa, these are Abraham Lincoln's words in his second inaugural. It's there carved into the marble, and he was talking about the North and the South, trying to make sense of how you could have friends and family fighting on two sides of an issue. He said:

''Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has his own purposes.''

Then he quotes Scripture, and he says: ''Woe unto the world because of

offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh.

''If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him?

''Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bondsman's 250 years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said 3,000 years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.'

''With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.''

Powerful, powerful words. And having lost my brother a couple of weeks ago, sometimes it is a struggle when you believe in God to know the kind of hurt and suffering that goes on.

□ 2230

But as Lincoln said, and so it must still be said, ''The judgments of the Lord are true and righteous altogether.'' And I do believe, and I don't try to push my religious beliefs on anyone else, that God normally allows us to suffer the consequences of terrible decisions. If you follow the rules, you do what we are told allows your nation to be blessed, and your nation gets blessed. If you follow the things that cause your nation to be cursed, it just seems throughout history, that is usually what happens.

This is such an important time in our history. We have got people who would gladly destroy everything we believe in, all the liberties we have, and yet we have people who are at the same time striking at our freedoms of speech, striking at our liberties to assemble as we wish. Those things need to stop. We need to stop those who by terror and by warfare would try to take away those things that the Founders and all those who have fought and died since have put at our feet and given to us as a gift, and we need to fight those from within who attempt to take them away through misrepresentations of what are truly the facts in order to pass bills that actually are based on lies and hurt the country.

I appreciate my friend so much yielding to me.

Mr. KING of Iowa. I thank the gentleman from Texas. I was deeply engaged in that presentation, and much of it I reflect upon, having stood there many times at the Lincoln Memorial and read the second inaugural address. It has been too long since I have been back down there. I need to go back.

As the gentleman from Texas talked about Voltaire, another statement of his, even though he was a bit of a Utopianist and not necessarily one whose teachings would fit the beliefs that I follow, there is one of his quotes that stands in mind for me, and I think it is appropriate here in the United States.

I've watched us turn from a nation of rugged, can-do, highly spirited people to a nation that is slowly, and I shouldn't say slowly, dramatically turning into a nanny state.

I grew up in a society where we understood we had freedom, and we exercised that freedom, and the prohibitions were was there a law that prohibited us. The gentleman from Texas and I have exercised that American freedom, that American freedom, pretty interestingly, in the country of Tibet, when it was the idea of Judge GOHMERT that we should climb a mountain in the Himalayas.

So we set about from Lhasa, Tibet, to go do that. But we had Chinese minders. The Chinese minders' job was to mind us, to make sure we minded them; that we didn't get out of line; we didn't go do things they didn't want us to do; that we didn't see things that they didn't want us to see; and we didn't hear Tibetans or Chinese tell us things that they didn't want us to hear. So they presented themselves often as the interpreters, the protectors.

So when we said, we are going to go climb a mountain in the Himalayas here, they said, well, no, you can't. You are not authorized to go up there, and so you can't.

Well, China and Tibet is a society where it has to be permissive for you to act. America has been a society where you have got permission to do everything that is not prohibited. We don't ask the question, do we have permission? We ask the question, is there a law against it?

So we told the Chinese minders, well, you may say we are not going, but we are Americans. We are going to go climb this mountain in the Himalayas. And that is what we did, because we didn't realize, I don't think, we were in a country where you had to have permission, because we have got the American spirit.

We went to the top of that mountain. And it is something that I will never forget, that experience going up, being there, looking at that vista of snow-capped peaks all the way around the horizon, the huge glacial lake down below, that spot on the globe. I am so glad we stepped forward and did that.

I don't know if there are any other people on the planet that would have just gone up to the top of the mountain, because that is what we do. We don't wait for permission. If there is not a law against it and we think it fits within our moral standards, we go.

Well, this can-do America that we are has been an America that came in, and by the sweat of our brows we built a nation for hundreds of years, that can-do entrepreneurial spirit with free enterprise and freedom and the liberties that are laid out that come from God, that are in the Declaration, most of them, not all of them.

Voltaire said back during that period of time, History is the sound of hobnailed boots storming up the stairs, and silver slippers coming down.

That describes a lot of what goes on. The ascendency of history are the people that work hard, that are industrious, that produce, that are competitive, and sometimes, Madam Speaker, combative. And when people get a little too soft and they are sitting on the silken pillows and they have the waiters bringing the grapes to them and popping the grape in their mouth while they fan them a little bit, like Ahab the Arab, the sheik of the burning sand, that is kind of the image of what happens when a person lays back on the silk.

What has happened with the Voltaire statement was hobnailed boots storming up the stairs, silver slippers coming down. And a lot of the French elite, the aristocracy, were the silver slippers, and they came down the stairs, because they got too lazy and they got too laid back without being competitive. They lost their sense of where they were going or why.

I don't want to do that as a nation. I don't want to watch the hobnailed boots come up the stairs. I don't want us to be the silver slippers coming down. I want us to step forward and compete. I want free enterprise. I want freedom, I want liberty, I want a strong national defense. I want to have a tax policy that stops punishing productivity, and it can tax consumption, because that is an incentive for more consumption. I want that strong national defense, as I said. I want school choice, so kids can be raised at the will and the wishes of their parents with real American history and real American values.

If we can do all of those things, we can take this Nation to the next level of our destiny. And should we fail, we will trail in the dust the golden hopes of men.

Thank you, Madam Speaker. I yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of travel delays.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of the Indiana primary.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PRICE of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. PRICE of North Carolina, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indian, for 5 minutes, May 5 and 6.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, May 5.

Ms. ROS-LEHTINEN, for 5 minutes, today and May 5.

Mr. FRANKS of Arizona, for 5 minutes, today, May 5 and 6.

Mr. KING of New York, for 5 minutes, May 5.

Mr. DREIER, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, May 11.

Mr. PAUL, for 5 minutes, today and May 5.

Mr. POSEY, for 5 minutes, May 5.

Mr. POE of Texas, for 5 minutes, May 11.

Mr. JONES, for 5 minutes, May 11.

Mr. THOMPSON of Pennsylvania, for 5 minutes, May 5.

## ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3714. An act to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.

H.R. 5146. An act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

## BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on April 29, 2010 she presented to the President of the United States, for his approval, the following bill:

H.R. 5147. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Lorraine C. Miller, Clerk of the House, reports that on May 3, 2010 she presented to the President of the United States, for his approval, the following bill:

H.R. 5146. An act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

## ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 5, 2010, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7306. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's annual report for 2009 on the STARBASE Program, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

7307. A letter from the Secretary, Department of the Army, transmitting report on future research and development of man-portable and vehicle mounted guided missile systems; to the Committee on Armed Services.

7308. A letter from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — Coal Mine Dust Sampling Devices (RIN: 1219-AB61) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7309. A letter from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — High-Voltage Continuous Mining Machine Standard for Underground Coal Mines (RIN: 1219-AB34) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7310. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-04, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7311. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-14, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7312. A letter from the Assistant Secretary, legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-016 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7313. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-023, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7314. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-026 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7315. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-015, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7316. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-019, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7317. A letter from the Deputy Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State on a weekly basis for the December 15 — February 15, 2010 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

7318. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Salt Creek Tiger Beetle [Docket No.: FWS-R6-ES-2007-0014] (RIN: 1018-AT79) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7319. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XV34) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7320. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV51) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7321. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Invista Inc Facility Docks, Victoria Barge Canal, Victoria, TX [Docket No.: USCG-2009-0797] (RIN: 1625-AA00) received

April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7322. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Congress Street Bridge, Pequonnock River, Bridgeport, Connecticut [Docket No.: USCG-2009-1072] (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7323. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Todd Pacific Shipyards Vessel Launch, West Duwamish Waterway, Seattle, WA [Docket No.: USCG-2009-1073] (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7324. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted U.S. Navy Submarines in Sector Seattle Captain of the Port Zone [Docket No.: USCG-2009-1057] (RIN: 1625-AA87) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7325. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Great Egg Harbor Bay, between Beesleys Point and Somers Point, NJ [Docket No.: USCG-2009-0453] (RIN: 1625-AA09) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7326. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Havasu Landing Annual Regatta; Colorado River, Lake Havasu Landing, CA [Docket No.: USCG-2009-1060] (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7327. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; AICW Closure Safety Zone for Ben Sawyer Bridge Replacement Project, Sullivan's Island, SC [Docket No.: USCG-2009-0878) (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7328. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Baltimore Captain of Port Zone [Docket No.: USCG-2009-1130] (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7329. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; U.S. Navy Submarines, Hood Canal, WA [Docket No.: USCG-2009-1058] (RIN: 1625-AA11) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7330. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bullards Ferry Bridge, Coquille River, Bandon, OR [Docket No.: USCG-2009-0839] (RIN: 1625-AA09) received April 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7331. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''25th Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year (FY) 2008'', pursuant to 49 U.S.C. 47131; to the Committee on Transportation and Infrastructure.

7332. A letter from the Director, National Intelligence, transmitting annual report on acquisition by foreign countries ''dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, biological weapons) and advanced conventional munitions'' covering January 1, to December 31, 2009; to the Committee on Intelligence (Permanent Select).

7333. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority, pursuant to Public Law 111-8, section 7040(d); jointly to the Committees on Foreign Affairs and Appropriations.

7334. A letter from the Director, Congressional Budget Office, transmitting an estimate of the direct spending and revenue effects of an amendment in the nature of a substitute to H.R. 4872, the Reconciliation Act of 2010; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

7335. A letter from the Chairman, U.S.-China Economic & Security Review Commission, transmitting the Commission's record of the public hearing on ''U.S. Debt to China: Implications and Repercussions''; jointly to the Committees on Ways and Means, Foreign Affairs, and Armed Services.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 263. Resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Rept. 111–470). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 247. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 111–471). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1301. Resolution supporting the goals and ideals of National Train Day (Rept. 111–472). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1278. Resolution in support and recognition of National Safe Digging Month, April, 2010; with amendments (Rept. 111–473 Pt. 1). Referred to the House Calendar.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1722. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; with amendments (Rept. 111–474). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. House Resolution 1278 referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PAULSEN (for himself, Ms. TITUS, Mr. GUTHRIE, Mr. LANCE, Mr. LEE of New York, and Mr. ROGERS of Michigan):

H.R. 5198. A bill to express the sense of Congress that the Federal Pell Grant program should be a high funding priority; to the Committee on Education and Labor.

By Mr. WELCH:

H.R. 5199. A bill to authorize the Board of Governors of the Federal Reserve System to promulgate regulations regarding interchange transaction fees and to amend the Truth in Lending Act to prohibit certain restrictions put in place by credit card networks; to the Committee on Financial Services.

By Mr. VAN HOLLEN (for himself, Mr. CONNOLLY of Virginia, Ms. NORTON, and Mrs. DAHLKEMPER):

H.R. 5200. A bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act; to the Committee on Oversight and Government Reform.

By Ms. HARMAN (for herself and Mr. UPTON):

H.R. 5201. A bill to improve the energy efficiency of outdoor lighting, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CHU (for herself, Mr. TONKO, and Mr. POLIS):

H.R. 5202. A bill to direct the Secretary of Agriculture to issue guidance to school food authorities on indirect costs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLE (for himself and Mr. TEAGUE):

H.R. 5203. A bill to direct the Secretary of Defense to establish a center of excellence for the study of tinnitus, and for other purposes; to the Committee on Armed Services.

By Mr. CONYERS:

H.R. 5204. A bill to establish the National Full Employment Trust Fund to create employment opportunities for the unemployed; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 5205. A bill to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National

Forest System land and Bureau of Land Management land in central Idaho; to the Committee on Natural Resources.

By Mr. TEAGUE (for himself and Mr. HEINRICH):

H.R. 5206. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program; to the Committee on Veterans' Affairs.

By Mr. POE of Texas (for himself and Ms. GIFFORDS):

H. Con. Res. 273. Concurrent resolution expressing the sense of Congress that the escalating level of violence on the United States-Mexico border is a serious threat to the national security of the United States; to the Committee on Armed Services.

By Mr. MCMAHON (for himself, Mr. HIMES, Mr. HALL of New York, Mr. CROWLEY, Mr. NADLER of New York, Mr. THOMPSON of Mississippi, Ms. CLARKE, Mr. WEINER, Mr. ISRAEL, Mrs. LOWEY, Mr. MURPHY of New York, Mrs. MALONEY, Mr. ENGEL, Mr. MEEKS of New York, Mr. RANGEL, Mr. KING of New York, Mr. ACKERMAN, Mr. OWENS, Mr. MAFFEI, Mr. BISHOP of New York, Mr. TONKO, Mr. ARCURI, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. HIGGINS, Mr. SERRANO, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. LEE of New York, Mr. SIRES, Mr. KISSELL, and Mr. ADLER of New Jersey):

H. Res. 1320. A resolution expressing support for the vigilance and prompt response of the citizens of New York City, the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, other first responders, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut to the attempted terrorist attack in Times Square on May 1, 2010, their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism; to the Committee on Homeland Security.

By Mr. FALEOMAVAEGA:

H. Res. 1321. A resolution expressing the sense of the House of Representatives that the political situation in Thailand be solved peacefully and through democratic means; to the Committee on Foreign Affairs.

By Mr. HONDA (for himself, Mr. MCDERMOTT, Ms. BORDALLO, Mr. GRIJALVA, Mr. CAO, Mr. COURTNEY, Mr. HINOJOSA, Mr. YOUNG of Alaska, Ms. RICHARDSON, Ms. MOORE of Wisconsin, Mr. HOLT, Ms. LEE of California, Mr. CONYERS, Mr. GEORGE MILLER of California, and Mr. JOHNSON of Georgia):

H. Res. 1322. A resolution celebrating the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program and recognizing the significant contributions of Albert Einstein Fellows; to the Committee on Education and Labor.

By Mr. MCCOTTER (for himself, Mr. LIPINSKI, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. PASCRELL, Mrs. BACHMANN, Mr. TONKO, Mr. FRANKS of Arizona, Mr. DINGELL, Ms. KAPTUR, and Mr. WOLF):

H. Res. 1323. A resolution commemorating the 70th anniversary of the Katyn massacre; to the Committee on Foreign Affairs.

By Mr. MCMAHON (for himself, Mr. MANZULLO, Ms. RICHARDSON, Ms. SPEIER, Ms. LEE of California, Ms. BORDALLO, Mr. HONDA, Mr. SCHIFF, and Mr. WILSON of South Carolina):

H. Res. 1324. A resolution expressing condolences and sympathies for the people of China following the tragic earthquake in the Qinghai province of the Peoples Republic of China on April 14, 2010; to the Committee on Foreign Affairs.

By Mr. ROONEY:

H. Res. 1325. A resolution recognizing National Missing Children's Day; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. MCMORRIS RODGERS, Mr. WELCH, Mr. HINCHEY, Mr. TONKO, Mr. SPACE, Mr. OLSON, Mr. LUJÁN, Mr. PETERS, Mr. SCALISE, and Mr. SENSENBRENNER.

H.R. 40: Mr. CUMMINGS.

H.R. 43: Mr. TEAGUE, Mr. COLE, Mr. CUMMINGS, Ms. TITUS, and Mr. BERRY.

H.R. 197: Mr. YOUNG of Florida.

H.R. 275: Mr. RUPPERSBERGER, Mr. ISRAEL, Mr. REHBERG, and Mr. TIAHRT.

H.R. 422: Mr. MURPHY of Connecticut.

H.R. 442: Mrs. DAHLKEMPER and Mr. CAMP.

H.R. 476: Ms. ROYBAL-ALLARD and Mr. MAFFEI.

H.R. 564: Mr. DEFAZIO.

H.R. 658: Mr. FILNER.

H.R. 997: Mr. GRIFFITH.

H.R. 1020: Ms. HIRONO.

H.R. 1021: Mr. MURPHY of Connecticut, Mr. MOORE of Kansas, and Ms. TITUS.

H.R. 1036: Mr. BOYD, Mr. MOORE of Kansas, Mr. MELANCON, and Mr. PALLONE.

H.R. 1067: Mr. MURPHY of Connecticut.

H.R. 1175: Ms. BEAN.

H.R. 1177: Mr. ADLER of New Jersey, Mr. BAIRD, Mr. BECERRA, Mr. BOUCHER, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. HALL of New York, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mrs. KIRKPATRICK of Arizona, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. MITCHELL, Mr. MURPHY of Connecticut, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. WELCH, Ms. WASSERMAN SCHULTZ, Mr. FORBES, Mr. PENCE, and Mr. MCKEON.

H.R. 1179: Mr. MORAN of Virginia.

H.R. 1191: Mr. TERRY.

H.R. 1193: Mr. JOHNSON of Georgia.

H.R. 1210: Mrs. NAPOLITANO and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1215: Mr. TOWNS.

H.R. 1220: Mr. TIM MURPHY of Pennsylvania.

H.R. 1240: Ms. DELAURO.

H.R. 1255: Mr. COBLE and Mr. ROHRABACHER.

H.R. 1326: Mr. CARSON of Indiana.

H.R. 1340: Mr. HINCHEY.

H.R. 1392: Mr. MOORE of Kansas.

H.R. 1410: Mr. GONZALEZ.

H.R. 1529: Mr. LEWIS of Georgia.

H.R. 1547: Mr. WALZ and Mr. AUSTRIA.

H.R. 1615: Mr. MOORE of Kansas.

H.R. 1693: Mr. GARAMENDI.

H.R. 1806: Mr. ALTMIRE.

H.R. 1829: Mr. KING of Iowa.

H.R. 1873: Ms. CHU.

H.R. 1884: Mr. TIAHRT, Mr. SALAZAR, Mr. GARAMENDI, and Mr. SHIMKUS.

H.R. 1894: Mr. CHANDLER and Mr. WHITFIELD.

H.R. 1972: Mr. HOLDEN, Ms. BERKLEY, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2002: Mr. UPTON, Mr. GENE GREEN of Texas, Mr. SCHAUER, and Mr. MELANCON.

H.R. 2109: Mr. CONNOLLY of Virginia, Mr. UPTON, Mr. BRALEY of Iowa, Ms. BALDWIN, Mr. MURPHY of Connecticut, and Mr. MCCAUL.

H.R. 2112: Ms. ZOE LOFGREN of California.

H.R. 2142: Mr. GORDON of Tennessee and Mr. BARROW.

H.R. 2149: Mr. LUETKEMEYER and Mr. LIPINSKI.

H.R. 2417: Mr. MCDERMOTT.

H.R. 2441: Mr. FORBES.

H.R. 2478: Mr. COLE, Ms. RICHARDSON, Mr. SALAZAR, Mr. RUPPERSBERGER, Mr. CARNEY, Mr. CROWLEY, and Mr. VAN HOLLEN.

H.R. 2672: Mr. WILSON of South Carolina.

H.R. 2732: Mrs. BACHMANN.

H.R. 2835: Mr. JOHNSON of Georgia.

H.R. 3012: Mr. MELANCON.

H.R. 3162: Mr. PLATTS.

H.R. 3185: Mr. MOORE of Kansas.

H.R. 3225: Mr. CAPUANO.

H.R. 3333: Mr. GENE GREEN of Texas.

H.R. 3383: Mr. HOEKSTRA.

H.R. 3441: Mr. WALZ.

H.R. 3463: Mr. MCHENRY.

H.R. 3464: Mr. GOODLATTE and Mr. KIND.

H.R. 3486: Mr. LIPINSKI.

H.R. 3487: Mr. MORAN of Virginia.

H.R. 3531: Mr. FARR.

H.R. 3564: Mr. MCNERNEY.

H.R. 3615: Mr. ELLSWORTH.

H.R. 3781: Ms. GIFFORDS and Mr. DAVIS of Tennessee.

H.R. 3790: Mrs. BIGGERT.

H.R. 3851: Ms. KOSMAS.

H.R. 3856: Mr. CHANDLER.

H.R. 3974: Mr. KENNEDY and Ms. HIRONO.

H.R. 4090: Mr. GUTIERREZ.

H.R. 4116: Mr. BRALEY of Iowa.

H.R. 4128: Ms. NORTON and Mr. LEWIS of Georgia.

H.R. 4195: Mr. TOWNS, Mr. HIMES, and Ms. SCHAKOWSKY.

H.R. 4202: Mr. MOORE of Kansas, Ms. LEE of California, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. SIRES, Mr. YARMUTH, Mr. PRICE of North Carolina, Mr. HIGGINS, and Mr. PASTOR of Arizona.

H.R. 4241: Mr. BLUMENAUER.

H.R. 4278: Mr. CAMP, Mr. BLUNT, and Mrs. NAPOLITANO.

H.R. 4306: Mr. KLINE of Minnesota.

H.R. 4309: Mr. CARNEY.

H.R. 4318: Ms. WOOLSEY and Mr. VISCLOSKY.

H.R. 4321: Mr. CUMMINGS.

H.R. 4322: Mr. KIND.

H.R. 4376: Mr. STARK.

H.R. 4400: Mr. GORDON of Tennessee and Mrs. BLACKBURN.

H.R. 4402: Ms. ROYBAL-ALLARD.

H.R. 4491: Mrs. CAPPS.

H.R. 4494: Mr. COSTELLO.

H.R. 4502: Mr. QUIGLEY and Mr. CARNAHAN.

H.R. 4509: Mr. THOMPSON of California.

H.R. 4517: Mrs. LOWEY.

H.R. 4530: Mr. LANGEVIN, Mr. DEFAZIO, Mr. SCOTT of Virginia, and Mrs. MCCARTHY of New York.

H.R. 4542: Mr. CALVERT.

H.R. 4544: Mr. SPACE, Mr. LUJÁN, Mrs. CAPPS, and Mr. GRIJALVA.

H.R. 4552: Mr. DAVIS of Illinois and Ms. RICHARDSON.

H.R. 4638: Mr. BOSWELL.

H.R. 4662: Mr. MOORE of Kansas.

H.R. 4678: Mr. WEINER.

H.R. 4684: Mr. WALZ, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. SIRES, Mrs.

CHRISTENSEN, Mr. WU, Mr. OLVER, Mr. MURPHY of Connecticut, Mr. QUIGLEY, and Mr. SESTAK.

H.R. 4693: Ms. LEE of California.

H.R. 4710: Mr. MCGOVERN and Ms. CLARKE.

H.R. 4734: Mr. CLAY and Mr. HINCHEY.

H.R. 4745: Mr. LINCOLN DIAZ-BALART of Florida, Mr. HINCHEY, Mr. RAHALL, Mr. KLEIN of Florida, Mr. LEWIS of Georgia, Mr. HEINRICH, Mr. MURPHY of New York, and Mr. WITTMAN.

H.R. 4755: Mr. HALL of New York.

H.R. 4756: Mr. BISHOP of Georgia and Mr. BUTTERFIELD.

H.R. 4780: Mr. DUNCAN, Mr. INGLIS, and Mr. FRANKS of Arizona.

H.R. 4785: Mr. SALAZAR, Mr. KISSELL, Mr. BOOZMAN, Mr. MOORE of Kansas, Mr. WILSON of Ohio, Mr. BOUCHER, and Mr. RODRIGUEZ.

H.R. 4812: Mr. RAHALL.

H.R. 4819: Mr. BACA and Mr. JOHNSON of Georgia.

H.R. 4830: Ms. BALDWIN.

H.R. 4844: Mr. COURTNEY and Mr. OLSON.

H.R. 4850: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4859: Mr. HASTINGS of Washington.

H.R. 4860: Mrs. CAPPS, Mr. KAGEN, and Ms. CASTOR of Florida.

H.R. 4868: Ms. MOORE of Wisconsin, Mr. SERRANO, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, and Mr. HOLT.

H.R. 4870: Mr. FRANK of Massachusetts.

H.R. 4886: Mr. THORNBERRY and Mr. FALEOMAVAEGA.

H.R. 4914: Mr. HODES, Mr. MEEK of Florida, and Mr. MOORE of Kansas.

H.R. 4943: Mr. NEUGEBAUER, Mr. YOUNG of Florida, and Mr. GARY G. MILLER of California.

H.R. 4959: Ms. SHEA-PORTER.

H.R. 4961: Ms. WATSON, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Ms. RICHARDSON, Mr. BISHOP of Georgia, and Ms. LEE of California.

H.R. 4971: Mr. BRADY of Pennsylvania, Mr. BISHOP of Georgia, Mr. CLEAVER, Mr. RANGEL, and Mr. FATTAH.

H.R. 4999: Mr. MCCLINTOCK, Mr. GARY G. MILLER of California, and Mrs. BLACKBURN.

H.R. 5008: Mr. ELLSWORTH and Mr. TAYLOR.

H.R. 5015: Mr. PAUL.

H.R. 5027: Ms. CHU.

H.R. 5029: Mr. PITTS, Mr. SHADEGG, Mr. GINGREY of Georgia, Mrs. BACHMANN, Mr. PRICE of Georgia, Mr. AKIN, Mr. BILBRAY, Mr. MARCHANT, Mr. LAMBORN, Mr. MCCLINTOCK, Mr. WILSON of South Carolina, Mr. POSEY, Mr. HENSARLING, Mr. HERGER, Mr. KINGSTON, Mr. FRANKS of Arizona, Mr. ISSA, Mr. FLEMING, Mr. SMITH of Texas, and Mr. TIAHRT.

H.R. 5034: Mr. DINGELL, Mr. SHUSTER, Mr. REYES, Mr. KRATOVIL, Mr.DRIEHAUS, Mr. MCHENRY, and Mr. NYE.

H.R. 5040: Mr. PASTOR of Arizona and Mr. MOORE of Kansas.

H.R. 5044: Mr. HODES and Mrs. HALVORSON.

H.R. 5054: Mrs. BLACKBURN.

H.R. 5078: Ms. KILPATRICK of Michigan.

H.R. 5092: Mr. CAPUANO, Mr. COURTNEY, Mr. DICKS, Mr. DOGGETT, Mr. LANGEVIN, Mr. LEVIN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. RANGEL, Mr. DEUTCH, Ms. JACKSON LEE of Texas, Mr. LATOURETTE, Mr. DEFAZIO, Mr. NADLER of New York, Mr. JONES, Mr. LIPINSKI, Mr. TIERNEY, Mr. GORDON of Tennessee, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PITTS, Mr. DUNCAN, and Mr. OBERSTAR.

H.R. 5095: Mr. KLINE of Minnesota.

H.R. 5121: Ms. NORTON and Mr. MCMAHON.

H.R. 5125: Mr. BACA.

H.R. 5126: Mr. PAUL.

H.R. 5128: Mr. HINCHEY, Mr. INSLEE, Mr. ISRAEL, Mr. OBEY, Ms. LINDA T. SÁNCHEZ of California, Mr. RODRIGUEZ, Mr. OLVER, Ms. RICHARDSON, Ms. SHEA-PORTER, Mr. ORTIZ, Mr. WAXMAN, Mrs. CHRISTENSEN, and Mr. BACA.

H.R. 5131: Mr. MURPHY of Connecticut.

H.R. 5138: Mr. INGLIS.

H.R. 5141: Mr. GERLACH, Mr. SIMPSON, Mr. WALDEN, Mr. TERRY, Mr. YOUNG of Florida, Mr. GRAVES, Mr. RADANOVICH, Mr. DENT, and Mr. MCCLINTOCK.

H.R. 5142: Mr. HIGGINS, Mr. CROWLEY, Mr. CONNOLLY of Virginia, Ms. SUTTON, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. WU, and Mr. CARNEY.

H.R. 5144: Mr. AL GREEN of Texas.

H.R. 5160: Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, Mr. MICHAUD, Mr. ENGEL, Mr. SPRATT, Mr. HONDA, Mr. MEEKS of New York, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. TOWNS, Ms. MOORE of Wisconsin, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Ms. WATSON, Mr. HASTINGS of Florida, Ms. LEE of California, Mr. AL GREEN of Texas, Ms. FUDGE, Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, Ms. WASSERMAN SCHULTZ, Mr. CLAY, Mrs. NAPOLITANO, Mr. SIRES, Mr. LUJÁN, Mr. BRADY of Texas, Mr. DAVIS of Kentucky, and Mr. REICHERT.

H.R. 5163: Mr. RYAN of Ohio.

H.R. 5164: Mr. RYAN of Ohio.

H.R. 5173: Mrs. MYRICK.

H.R. 5174: Mr. MURPHY of New York and Mr. HINCHEY.

H.R. 5177: Ms. FALLIN, Mr. DAVIS of Tennessee, Mr. BLUNT, and Mr. SENSENBRENNER.

H. Con. Res. 137: Mrs. MALONEY.

H. Con. Res. 240: Ms. BALDWIN.

H. Con. Res. 261: Mr. BOREN, Mr. LIPINSKI, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. WHITFIELD, Mr. ROGERS of Alabama, and Mr. BARTLETT.

H. Con. Res. 266: Mr. BOYD, Mr. TOWNS, Mr. CRENSHAW, Ms. BORDALLO, Mr. ENGEL, Mr. HINCHEY, and Mr. SCOTT of Georgia.

H. Con. Res. 267: Ms. BERKLEY.

H. Con. Res. 271: Mr. KINGSTON, Mr. MORAN of Kansas, and Mr. LOBIONDO.

H. Res. 173: Mr. WU, Mr. ROSS, Mr. COSTELLO, Mr. PETERS, Mr. TIERNEY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. LARSON of Connecticut, Mr. PALLONE, and Mr. HONDA.

H. Res. 278: Mr. FORTENBERRY.

H. Res. 287: Mr. LAMBORN.

H. Res. 407: Ms. RICHARDSON, Mr. YARMUTH, Mr. JOHNSON of Georgia, Ms. KOSMAS, Mr. MCNERNEY, Mr. DINGELL, Mr. ELLISON, Mr. AL GREEN of Texas, Mrs. BONO MACK, Mr. WU, and Mr. KLEIN of Florida.

H. Res. 904: Mr. ANDREWS, and Mrs. MALONEY.

H. Res. 1006: Mr. CONAWAY.

H. Res. 1149: Mr. KLINE of Minnesota.

H. Res. 1152: Ms. SLAUGHTER.

H. Res. 1213: Mr. AKIN, Mr. ALEXANDER, Mr. BAIRD, Mr. CARNAHAN, Mr.COSTELLO, Mr. GARAMENDI, Mr. HOLT, Ms. KOSMAS, Ms. ZOE LOFGREN of California, Ms. MARKEY of Colorado, Mr. MARKEY of Massachusetts, Ms. MATSUI, Ms. NORTON, Ms. RICHARDSON, Mrs. NAPOLITANO, Mr. PAULSEN, Mr. REYES, Mr. ROTHMAN of New Jersey, Mr. ROHRABACHER, Ms. SCHWARTZ, Mr. TONKO, Mr. WILSON of Ohio, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNERNEY, Ms. CHU, Ms. WATSON, Mr. FORBES, and Mr. CONYERS.

H. Res. 1226: Mr. CARSON of Indiana, Ms. NORTON, Mr. MAFFEI, Mr. LOEBSACK, Mr. PAUL, Ms. GIFFORDS, and Mr. PITTS.

H. Res. 1231: Ms. GIFFORDS, Mr. FRELINGHUYSEN, and Mr. GARAMENDI.

H. Res. 1232: Mr. GUTHRIE, Ms. KILROY, Mr. KUCINICH, Ms. KAPTUR, and Mr. TURNER.

H. Res. 1241: Mr. PENCE, Mr. CULBERSON, Mrs. BLACKBURN, and Mr. SAM JOHNSON of Texas.

H. Res. 1245: Mr. RADANOVICH.

H. Res. 1247: Mr. WITTMAN, Mr. PETRI, and Ms. SLAUGHTER.

H. Res. 1251: Mr. GOODLATTE, Mr. KIRK, Mr. HALL of Texas, Mr. GARY G. MILLER of California, Ms. GIFFORDS, Mr. YOUNG of Florida, Mr. DINGELL, Mr. MCCLINTOCK, Mr. LINDER, and Mr. CALVERT.

H. Res. 1264: Mr. TONKO.

H. Res. 1273: Mr. ROSS.

H. Res. 1277: Ms. BALDWIN, Mr. MORAN of Kansas, and Mr. FORTENBERRY.

H. Res. 1285: Mr. INGLIS and Mr. FRANKS of Arizona.

H. Res. 1290: Ms. RICHARDSON and Ms. NORTON.

H. Res. 1291: Mr. KLEIN of Florida, Mr. BOCCIERI, and Mr. KENNEDY.

H. Res. 1294: Mr. THORNBERRY, Mr. FARR, Mrs. BLACKBURN, Mr. CRENSHAW, Mr. HARPER, Mrs. MILLER of Michigan, Mr. GRIFFITH, Mr. LOBIONDO, Ms. CASTOR of Florida, Mr. HONDA, Mr. NUNES, Mr. DAVIS of Kentucky, Mr. BLUMENAUER, and Mr. PIERLUISI.

H. Res. 1295: Ms. MATSUI and Ms. NORTON.

H. Res. 1297: Mr. LEWIS of Georgia and Mr. CONYERS.

H. Res. 1299: Mr. GRAVES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Mr. HOLDEN, Mr. MCGOVERN, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mr. BOSWELL, Ms. SUTTON, Ms. BORDALLO, Mr. JONES, Mrs. MILLER of Michigan, Mr. DONNELLY of Indiana, Mr. DREIER, Mr. BURTON of Indiana, Mr. BACHUS, and Mr. BOOZMAN.

H. Res. 1302: Ms. BORDALLO, Mr. BOUSTANY, Mrs. CHRISTENSEN, Ms. CHU, Mr. DAVIS of Illinois, Ms. LEE of California, Ms. NORTON, Mr. WU, Ms. RICHARDSON, Mr. GRIJALVA, and Mr. KENNEDY.

H. Res. 1307: Mr. MORAN of Virginia, Mr. GARAMENDI, Mr. LIPINSKI, and Mr. EHLERS.

H. Res. 1308: Mr. DICKS.

H. Res. 1310: Ms. KOSMAS and Mr. GARAMENDI.

H. Res. 1312: Mr. HARE, Mr. CUMMINGS, Mr. DAVIS of Kentucky, Ms. MCCOLLUM, Mr. ORTIZ, Mr. YARMUTH, Mr. LOEBSACK, Mr. ROE of Tennessee, Mr. REYES, Mr. HOLDEN, Mr. FOSTER, Mr. COURTNEY, Mrs. MALONEY, Mr. RAHALL, Mr. PUTNAM, Mr. PASCRELL, Mr. MCNERNEY, Mr. REICHERT, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. GRIFFITH, Mr. HALL of New York, Mr. WALZ, and Mr. BRIGHT.

H. Res. 1317: Mr. PENCE and Mr. GARY G. MILLER of California.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative WAXMAN, or a designee, to H.R. 5019, the Home Star Energy Retrofit Act of 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2927: Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. WESTMORELAND.

# EXTENSIONS OF REMARKS

HONORING MR. SAMUEL OGNIBENE

## HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Samuel Ognibene. Mr. Ognibene served his constituency faithfully and justly during his tenure as the Ellicott Town Justice.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Ognibene served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Ognibene is one of those people and that is why, Madam Speaker, I rise in tribute to him today.

HONORING K–12 EDUCATORS

## HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. GRIJALVA. Madam Speaker, I rise today on behalf of the 10,000 school teachers in Southern Arizona, and for K–12 teachers across the Nation. I am honored to stand up here today, during National Teacher Appreciation Week, to recognize how tirelessly these men and women work to educate all of our children.

We have an organization in Southern Arizona that works every day to remind everyone of just how much K–12 teachers contribute to the economic and societal well-being of all of our communities. Tucson Values Teachers is not quite 2 years old, but it has made great strides in getting the word out about the value of teachers. And more than that, the organization has been working very hard to ease the economic burden so many of our teachers face in trying to raise families on salaries that are too small.

During this week, we all need to stop and think about how much more we need to do to support our K–12 teachers. More than 50% of all beginning teachers leave the profession within the first five years. Salary is one part of the problem, but the lack of support, mentoring and adequate classroom supplies and assistance are also critical factors.

It is time for our Nation to elevate the teaching profession to new levels of respect and remuneration. Teachers literally hold our future in their hands—they are the ones who, every day, stand in front of our children, working hard to instill in each one of them the knowledge, curiosity and commitment to community that they will need to become our future leaders.

Let's get behind our teachers—let's follow the lead of Tucson Values Teachers. Let's all work together toward an America that Values Teachers. When teachers are paid and revered as much as our top athletes, we will live in a nation that leads all others in innovation, creativity and achievement.

ARNOLD JOHN JACOBS

## HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I am pleased to have this opportunity to express my gratitude to Mr. Arnold John Jacobs, of Forked River, NJ, for his dedicated and tireless service to the United States of America. For his heroism during WWII, Mr. Jacobs is rightfully being honored with the Philippine Republic Presidential Unit Citation Badge and the Philippine Liberation Medal on May 8, 2010.

Mr. Jacobs was born in Philadelphia in 1918 and enlisted in the United States Navy at the age of 17. For the next few years, he honorably served aboard the USS *Nitro* and the USS *Davis* (DD-395). In November 1942, he put the USS *Phillip* (DD-498) into commission and served throughout WWII until receiving an honorable discharge in November 1945. As an active member of Squadron #22, he participated in 23 offensive operations in 26 months during the war and helped in the Philippine liberation campaign.

We, as a nation, are indebted to Mr. Arnold John Jacobs for his honorable service and for the sacrifices he made in protecting our country. I am proud to honor him today and hope my colleagues in the House of Representatives will join me in congratulating this honorable man for his outstanding contributions to the United States of America.

HONORING THE LIFE OF PAUL REUTER

## HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. CUMMINGS. Madam Speaker, I rise today to honor the life of a recently departed constituent, Mr. Paul Reuter, a proud WWII veteran, family man and kind soul well thought of by all who knew him.

Born in 1920 in Shamokin, Pennsylvania, Paul enlisted in the Army Air Corps right out of high school, serving as a radio operator on B–18 and B–17 aircraft. He was soon transferred to the 14th Bomb Squadron located in the Philippine Islands. When the Japanese bombed the Philippines after Pearl Harbor, Mr. Reuter and his fellow soldiers at Clark Air Field were captured and forced to take part in the infamous Bataan Death March across the island as prisoners of war. They spent five weeks in the notorious Tabayas Road detail during which an estimated 18,000 men died while being forced to cut a road through the mosquito and snake infested jungle with little food, rest or water.

After Bataan, Mr. Reuter spent over three years in Japanese prison camps, forced to perform slave labor in Japan's Seitetsu Steel Plant. Upon his liberation on September 9, 1945, shortly after the bombing of Hiroshima, and Nagasaki, Mr. Reuter weighed a mere 90 pounds. He credited his ability to avoid starvation due to growing up during the Depression. Nothing his captors fed him, which included bug infested rice, was too rich for his pallet. Through this dark time, his deep religious convictions, love of country and desire to be reunited with his family kept him mentally strong, if not physically.

Even after such sacrifice, Mr. Reuter's passion to serve and protect his country remained undiminished. He would go on to serve in the military for 15 more years, rising to the rank of Master Sergeant. In 1960, he hung up his fatigues for good, but shortly thereafter joined NASA. A strong believer in the value of an education, Paul went to school at night to earn his associates degree in Applied Science, a path he likely would have taken earlier but for the war. At NASA, Mr. Reuter got a front row seat for history and one of America's proudest moments, serving as part of the team that helped put the first man on the moon.

Following his retirement from NASA, after 40 years of government service, Paul turned his focus to helping his fellow veterans, the "Battling Bastards of Bataan." He served as an officer with the American Defenders of Bataan and Corregidor, an organization which fought for Bataan veterans' rights and sought to serve as a reminder that "the precepts of courage, devotion to duty and sacrifice displayed by the men and women of Bataan, both Filipino and American, have not and will not become outmoded." In the 1980's, Paul received his long overdue Bronze Star for combat, along with a Purple Heart.

Over the years, Mr. Reuter has been quoted extensively in books, interviewed on television and participated in any number of history specials recalling his wartime experiences.

A dedicated husband and father, he and his wife Nickolena were married 62 years until her passing in 2008. They were proud parents to five children, grandparents to 12 grandchildren, and Paul was about to be blessed with his fourth great grandchild.

Mr. Reuter left us on April 16, 2010 at the age of 89. He was a man who lived enough for five men, never forgetting to show appreciation for those around him, dedicated to the common good for all.

## RECOGNIZING RON YEAKLE ON HIS 87TH BIRTHDAY

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. MILLER of Florida. Madam Speaker, it is with great pleasure that I rise to honor the life and service of Mr. Ron Yeakle on his 87th birthday. Mr. Yeakle is a true patriot. His story of extraordinary heroism and commitment to country has been an inspiration to many.

Ron Yeakle was born and raised in Baltimore, Maryland. In World War II, Mr. Yeakle served as a bomber pilot. During a bombing mission near Vienna, Austria, his B–24 Liberator was shelled at over 22,000 feet. In a harrowing feat of courage and bravery, Mr. Yeakle survived the jump and was later captured by enemy soldiers and forced to spend 14 months in German concentration camps. In what must have seemed like a hopeless situation at times, Mr. Yeakle and the other captors managed to encourage each other to endure this horrific experience until they were liberated by General George Patton and his men.

After the war, Mr. Yeakle and his wife Dorothy moved to Pensacola, Florida. In 1969, Mr. Yeakle was a co-founder of Piping and Equipment, Inc., where he still serves as a consultant. Additionally, Mr. Yeakle has served on the West Florida Hospital Board and the Ellyson Industrial Park Board. Ron and his wife have two daughters, Priscilla Carroll and Suzanne O'Meara.

It is with great honor, Madam Speaker, that I recognize the life and deeds of Mr. Ron Yeakle on his 87th birthday. He has been a leader both at times of war and times of peace. My wife Vicki and I wish him a happy birthday and his entire family all the best for the future.

## TRIBUTE TO KIM WITCRAFT

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. LATHAM. Madam Speaker, I rise today to recognize Kim Witcraft of Charles City, Iowa for his achievement as a 2010 Stars of Life award recipient.

The Stars of Life award publicly recognizes and celebrates the achievements of all people working in the selfless and heroic ambulance industry. The Stars of Life Program seeks to honor outstanding individuals as a thank you for their service, their sacrifice and the inspiration they bring to all Americans.

Kim has been recognized as a hero who has assumed several roles to ensure that the American Ambulance Association's Charles City small operation succeeds and continues to provide much needed help to area citizens. He is a state-certified EMS instructor and handles all clinical and education services and schedules most of the trainings for his operation. Kim also handles safety training for fifth and sixth graders in the area and presents many safety talks each year to Iowa elementary school students.

I know that my colleagues in Congress join me in congratulating and thanking Kim Witcraft, one of Iowa and America's everyday heroes for his service and his constant consideration for the well-being of others in his community.

## HONORING THE MICHAEL JAZZ TRIO FOR THEIR MUSICAL GIFT TO THE COMMUNITY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a unique group of young musicians from my district, the Michael Jazz Trio.

The Michael Jazz Trio is comprised of three brothers from Central Islip, New York: Matthew, David and Jordan Godfrey. These young men have shared with the Long Island community not only their extraordinary talent, but also their passion for philanthropy. On Saturday, May 1st, 2010, they performed at Central Islip High School to raise money for the American Cancer Society.

I am proud to honor the Michael Jazz Trio for sharing their musical gift with the community.

## THANKING STATE LEGISLATOR POLLY BUKTA FOR HER SERVICE

### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. BRALEY of Iowa. Madam Speaker, I rise to thank Iowa State Legislator Polly Bukta for her service to Iowa and our country. Representative Bukta is retiring from the Iowa State Legislature at the end of the 2010 state legislative session.

Representative Bukta has represented the Clinton region in the Iowa legislature since 1997. She has been a principled, pragmatic leader. In addition to serving on several committees in the Iowa House—including the Education, Local Government, and Transportation, and Veterans Affairs Committees—Representative Bukta is Speaker Pro Tem of the Iowa House. She was elected to this position because she has earned the trust and respect of her colleagues.

On the first day of the 2010 Iowa Legislative Session, Representative Bukta delivered the following remarks to the Iowa House:

Honor the institution. Thomas Jefferson did it, and so did James Madison, George Washington, Alexander Hamilton and other builders of our governmental institutions. They worked tirelessly to make representative government work. Now the well-being of our state legislature is in our hands. Preserve and protect it so it remains a strong, co-equal branch of government. Legislative service is one of democracy's worthiest pursuits. It is an important duty that deserves our time, attention and dedication. To work well, government requires a bond of trust between citizens and their representatives. Try to appeal to the best instincts of the electorate, talk about what you stand for, what you intend to do during your time in office and then work as hard as you can to fulfill those promises. Remember why you ran for office—to make a difference, a difference for the better.

Representative Bukta has made "a difference for the better" for her constituents and the state of Iowa. Madam Speaker, please join me in thanking Representative Bukta and her family for their service.

## IN HONOR OF POLISH CONSTITUTION DAY, 2010

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Polish American Congress, Ohio Division and of Polish Constitution Day, which is celebrated this year on May 2, 2010. Polish Constitution Day is a time for Poles to honor the struggles, sacrifices and victories of their ancestors. It is a day when people of all cultures join with the Polish community to celebrate the rich culture, traditions and history of Poland.

After almost five centuries of struggle and perseverance, the Governmental Statute of Poland became the first written constitution in Europe on May 3, 1791. An important document in the history of democracy, the Polish Constitution established the separation of government powers, freedom of religion, and abolished key elements of serfdom.

Formed in 1949, the Polish American Congress is a national umbrella organization representing over ten million Polish-Americans. It serves as a unifying force for both Polish-Americans and Polish citizens living in America. Additionally, the Polish American Congress has helped integrate Poles into the United States with programs like the Displaced Persons Program, which allowed almost 150,000 Polish immigrants to enter the U.S. after World War II.

The Polish-American community in Cleveland is deeply rooted in its commitment to the values of family, faith, democracy and hard work. As in years past, the Greater Cleveland community will join in celebration of Poland's rich history and culture by attending events such as the Polonia Ball, the Grand Parade and the Photographic Exhibition.

Madam Speaker and colleagues, please join me in honor of the Polish American Congress as they celebrate Polish Constitution Day. Their dedication to preserving and promoting their heritage, history and culture with Greater Cleveland serves to enrich and illuminate the brilliant and diverse fabric of our entire community.

CELEBRATING THE 125TH ANNIVERSARY OF FIFTEENTH AVENUE BAPTIST CHURCH

## HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. COOPER. Madam Speaker, today I rise to recognize the members of Fifteenth Avenue Baptist Church, located in Nashville, Tennessee as they celebrate their 125th Anniversary.

The church was organized in 1885, just 20 years after the end of the Civil War, by a loyal band that included Irene Smart, Bill Smith, Ed Marshall and others. Ten years later they called their first pastor, Reverend A.W. Porter. The first revival service was held at a livery stable. Since those humble beginnings, five pastors have shepherded this faithful congregation: A.W. Porter (1895–1931), Walter R. Murray (1929–1953), Leroy Crinel (1953–1960), Enoch Jones (1961–1994) and William F. Buchanan (1994–present).

Under the leadership of Pastor Buchanan, a new model of ministry was initiated. The image he had for this faith community was "Servant Model"—a church that exists to serve others. The ministries include a "Love Kitchen" that serves weekly hot meals to the homeless; a seniors ministry that provides a place for seniors in the community to come and fellowship, play games and have a hot meal weekly; a community development corporation that delivers services to assist people in meeting their physical, emotional and spiritual needs; "Christ Fund," an endowment that provides scholarships for high school graduates; "Life Spring," a grief and pastoral counseling ministry; "Psalm 46," a disaster preparedness ministry; "Ninevah," an outreach program that provides holistic ministry from the church to the community; a prison ministry; bus ministry; radio worship program, and many other initiatives that expand the church beyond the walls of the physical building.

For 125 years, the Fifteenth Avenue Baptist Church has been an invaluable presence in the North Nashville community. When many growing congregations were faced with the dilemma of remaining in the inner-city or moving to the suburbs, Fifteenth Avenue Baptist Church voted unanimously not only to remain an urban congregation, but also to be an agent for transformational change in North Nashville.

Several years ago, a local newspaper wrote, "what's exciting about Fifteenth Avenue Baptist Church is they have taken ownership in their neighborhood to address conditions in their community to make it better for all the people there." Additionally, a nationwide survey funded by the Lilly Endowment cited Fifteenth Avenue Baptist Church as one of 300 outstanding Protestant churches in America and Canada.

Madam Speaker, today I ask my colleagues to join me in congratulating Pastor William F. Buchanan, and the entire congregation of Fifteenth Avenue Baptist Church on the occasion of their 125th anniversary and wish them many more years of service to our great nation.

IN MEMORY OF CORNELIUS E. MAREK, JR., BELOVED FATHER AND GRANDFATHER

## HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor the life and memory of Cornelius E. Marek, Jr., of Morris Plains, New Jersey, who passed away on March 14, 2010. Mr. Marek's contributions should not go unrecognized.

Mr. Marek, the son of Cornelius Marek, Sr., and Grace Bowden-Marek, was born January 28, 1942, in Morris Plains, New Jersey. He served in the United States Army from 1964 until 1966 as a private first class prior to attaining his associates degree from the County College of Morris in 1968.

Mr. Marek dedicated his career to improving healthcare in New Jersey. He worked for Healthcare Materials Purchasing at Morristown Memorial Hospital from 1970 to 1980 before becoming Vice President of Purchasing at the New Jersey Hospital Association. Mr. Marek then joined FJD Ventures in 1994 before retiring in 2005. He came out of retirement to work for Liberty Health in Secaucus, NJ, from 2008 until 2010. In addition, Mr. Marek was a member and president of the Hospital Materials Management Society of New Jersey. Mr. Marek inspired all those around him and has passed along his love of politics, reading, and classic movies to his children and grandchildren.

He was diagnosed with cancer in 2008 and bravely fought the disease for 2 years, continuing to work full time at Liberty Health until January of 2010 and serving on the Board of Hospital Materials Management Society of New Jersey until March 3rd of 2010. He passed quietly in his sleep on the morning of March 14 surrounded by family and friends and was laid to rest next to his mother and father at Greenwood Cemetery in Boonton, New Jersey.

Madam Speaker, Cornelius Marek, Jr.'s commitment to his family and to healthcare in his country should not go unrecognized. I express my deepest condolences to his family for their loss and pay tribute to the memory of this outstanding individual.

IN HONOR OF POLISH CONSTITUTION DAY, 2010

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor of Poles, Polish-Americans and the Honorable Ambassador from Poland, Robert Kupiecki, and his wife, Malgorzata Kupiecki, on the occasion of Polish Constitution Day, celebrated on May 2, 2010.

Polish Constitution Day is a day when people of all cultures, in America and around the world, join with the people of Poland to celebrate the rich culture, traditions and history of Poland. After almost five centuries of struggle and perseverance, the Governmental Statute of Poland became the first written constitution in Europe on May 3, 1791. An important document in the history of democracy, the Polish Constitution established the separation of government powers, freedom of religion, and abolished key elements of serfdom.

The first Polish immigrants arrived on American shores in 1608 at Jamestown, Virginia. Today, more than 10 million Americans trace their ancestry to Poland and nearly 700,000 report that they speak Polish at home. Many Polish-Americans find strength from their family, faith, and hard work. They also find strength and inspiration in their unbreakable bonds to their heritage and their homeland. From Poland's courageous freedom fighters to the Solidarity leaders who rose from the union lines, Poles have been an inspiration.

Madam Speaker and colleagues, please join me today, Polish Constitution Day, in honoring the struggles, courage and triumphs of the people of Poland and honoring all people of Polish descent. Through their successive struggles for freedom, the people of Poland have given the world hope.

IN RECOGNITION OF DR. STAN ROCKMAN OF THE SAN MATEO MEDICAL CENTER

## HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Dr. Stan Rockman who after 35 years has this to say about his choice to practice public healthcare: "I love providing high quality care to patients with few options." He asserts that the patient mix at the San Mateo Medical Center enables him to practice international medicine.

Dr. Rockman is the Chief of Gastroenterology and was appointed to the San Mateo Medical Center in 1971. I have personally known him for 30 years and have witnessed his passion for healing.

A favorite story of Dr. Rockman's involves the day his 16-year-old son paid him a visit at lunchtime. His son waited in the lobby where he observed a man in a hospital gown dragging himself down the hallway, posterior exposed, an IV still attached to his arm and two security guards in close pursuit—another futile attempt to escape from drug rehab.

Dr. Rockman says his son was in awe that his father worked in a place like this on a daily basis.

Madam Speaker, Dr. Stan Rockman is a true hero of healthcare in our county and state. The San Mateo Medical Foundation was right to honor his contributions at a special ceremony on April 30th.

COMMENDING THE HONORABLE IWAO MATSUDA FOR HIS PUBLIC SERVICE AND LEADERSHIP IN UNITED STATES-JAPAN BILATERIAL AND UNITED STATES-JAPAN-SOUTH KOREA TRILATERAL RELATIONS

## HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to commend the Honorable Iwao Matsuda, a Member of the Diet of Japan and visionary leader of the United States-Japan Bilateral Legislative Exchange Program, LEP, and of the United States-Japan-South Korea Trilateral Legislative Exchange Program, TLEP. Matsuda-san will soon be retiring after decades of exemplary public service to his own country and to a more peaceful and prosperous Northeast Asia.

The United States-Japan relationship is as important as ever, and Matsuda's contributions to that relationship and to the LEP have been vital and unswerving. His leadership and the sorts of exchanges exemplified by the LEP and TLEP form the foundation for our strong ties.

This is an especially important year in United States-Japan relations as it marks the 50th anniversary of the signing of the Treaty of Mutual Cooperation and Security between Japan and the United States. The treaty forms the bedrock of our bilateral relationship, which in turn plays an indispensable role in ensuring security and prosperity for the United States and Japan, as well as for the broader Asia-Pacific.

Both of our countries are guided by a shared respect for democracy and freedom, by the enduring ties we have forged over the last 65 years and by the personal relationships formed through the tireless work of leaders such as Matsuda-san.

Matsuda-san's distinguished career began at Japan's Ministry of International Trade and Industry, MITI, where he served for more than 20 years. This period included a posting in the United States where he did critical work on the expanding bilateral trade relationship.

After leaving the civil service, he ran successfully for public office, serving for 10 years in the Lower House of the Diet. During his tenure, when United States-Japan trade frictions were becoming ever more heated, Matsuda-san had the foresight to develop the United States-Japan Legislative Exchange Program, LEP, which brought Members of the Diet and U.S. Congress together semiannually to address key issues in United States-Japan relations.

As a long-time participant in the LEP, I can personally attest to its valuable contribution toward improving ties and finding common ground. And today it is as valuable as ever given the new problems confronting the United States-Japan bilateral relationship, including basing issues and other matters. Matsuda-san's exemplary leadership through the LEP has demonstrated that even the most vexing issues can be resolved when viewed in the context of our shared interests, values and goals.

In 1998, Matsuda-san was elected to serve in the Upper House of the Diet and held increasingly important government posts, including Senior Vice Minister of the Ministry of Economy, Trade and Industry, Chairman of the House of Councilors' Research Committee on International Affairs and, ultimately, Minister of State for Science and Technology Policy, Food Safety and Information Technology in the cabinet of Junichiro Koizumi. During this period, he created the United States-Japan-South Korea Trilateral Legislative Exchange Program, TLEP, a complement to the LEP and an organization that has demonstrably improved ties among the three nations.

This year marks the LEP's 22d year and 43d consecutive session and the TLEP's 7th year and 12th consecutive session. All of us in this body are grateful for Matsuda-san's leadership and vision. Even with his retirement, Matsuda-san's legacy will endure. The LEP and TLEP will continue and the bilateral and trilateral relationships will advance so long as we hold to the principles of open discussion, friendship and trust that Matsuda-san has exemplified.

We will miss Iwao Matsuda. But I know he will continue to play a critical role in advancing relations among the United States, Japan and South Korea and that we will always be able to count on his friendship and support.

DOLORES HUERTA

## HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. BERMAN. Madam Speaker, I am joined by my colleagues Congressmen XAVIER BECERRA, LINDA T. SÁNCHEZ, LORETTA SANCHEZ, LUCILLE ROYBAL-ALLARD, ADAM SCHIFF, and HENRY WAXMAN in paying tribute to our dear friend Dolores Huerta, who is being honored by the Feminist Majority Foundation with the Eleanor Roosevelt Award. This coveted award is given annually to a select few individuals who have contributed significantly—often against great odds and at great personal risk—to advance the rights of women and girls and to increase awareness of the challenges women face on account of their gender.

Dolores is a world renowned activist and is regarded as one of the most prominent Chicana labor leaders in the United States. At the age of 80, she is currently the President of the Dolores Huerta Foundation. The mission of her foundation is to build active communities in disadvantaged areas and to work towards fair and equal access to healthcare, housing, education, jobs, civic participation and economic resources with an emphasis on women and youth.

Several of us have known Dolores since the early 1970's when we were members of the California State Legislature and Dolores was the Vice President and Co-Founder of the United Farm Workers of America. During the last 50 years, she has worked tirelessly on many social justice and public policy issues. We know firsthand of her outstanding contributions to our community.

In 1955, when she was only 25 years old, Dolores found her calling as an organizer while serving in the leadership of the Stockton Community Service Organization (CSO), a grassroots organization that battled segregation and police brutality, led voter registration drives, pushed for improved public services, and fought to enact new legislation. Through her diligent lobbying efforts, she succeeded in removing the citizenship requirements from pension and public assistance programs. She was the leading force in the passage of legislation allowing voters the right to vote in Spanish and securing the rights of individuals to take the driver's license examination in their native language.

Dolores has been arrested 22 times for participating in non-violent civil disobedience activities and strikes to protect farmers and women, which has resulted in great benefits to both groups. Largely due to her solid support for the grape boycott, the farm workers were provided with their first health and benefit plans and those who had lived, worked, and paid taxes in the United States for many years were granted amnesty. She fought tirelessly to provide a better working environment and stop the abuse of female immigrants across the U.S.-Mexican border by convincing law enforcement agencies to address the brutal rape and the murder of these immigrants.

Dolores was given the Outstanding Labor Leader Award in 1984 by the California State Senate. In 1993, she was inducted into the National Women's Hall of Fame. That same year she received the American Civil Liberties Union (ACLU) Roger Baldwin Medal of Liberty Award; the Eugene V. Debs Foundation Outstanding American Award, and the Ellis Island Medal of Freedom Award. She is also the recipient of the Consumers' Union Trumpeter's Award. In 1998, she was one of three Ms. Magazine's, "Women of the Year," and the Ladies Home Journal's, "100 Most Important Women of the 20th Century." In addition, she has received three honorary doctorate degrees for her extraordinary career.

Madam Speaker and distinguished colleagues, we ask you to join us in saluting Dolores Huerta for her impressive efforts and unyielding commitment to empowering women and improving the lives of farm workers.

NATIONAL CHILD ABUSE PREVENTION MONTH

## HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in recognition of this past April as National Child Abuse Prevention Month where Americans across the country worked to raise awareness of child abuse prevention and services available to victims.

Child abuse is a tragic, destructive, and a largely silent epidemic that affects millions of Americans—both children and adults.

And it is never more tragic than when it is sexual in nature. Unfortunately one in six children in our country experience this in their lifetime.

In fact, in my district, there was a young woman who was abused by a teacher she

knew and respected over a decade ago. I am proud to say that she has not only recovered and is leading a happy life, but is also one of the officers in a group headquartered in Santa Ana called The Innocence Mission, which is working to help prevent abuse.

The Innocence Mission is putting forward a message of empowerment, one that tells parents they CAN prevent child sexual abuse. A message that speaks directly to children and adult survivors and says to them—they are not alone. Victims have the support of their communities, and have nothing to be ashamed of.

Far too often we read stories of child abuse in the headlines. It is heartbreaking and preventable, and that is why we must work to raise awareness not only just in April but year round.

## IN RECOGNITION OF DR. HARVEY KAPLAN OF THE SAN MATEO MEDICAL CENTER

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Dr. Harvey Kaplan who proudly states that he has spent his entire career as a pediatrician. I have been friends with Dr. Kaplan for three decades and have witnessed his passion for those entering the world.

Dr. Kaplan was appointed to the San Mateo Medical Center in 1969. He also is a Clinical Professor of Pediatrics at Stanford University School of Medicine and a member of the Community Clinical Faculty of Lucile Packard Children's Hospital.

In the 1970s he took a special interest in treating children who might be victims of abuse. He says he thought of himself as a pioneer in those days as he helped the center develop an interdisciplinary approach to treatment. He eventually assisted in the establishment of the Children's SAFE Center which was on the cutting edge of detecting and treating child sex abuse. He is now a member of the San Mateo County Pediatric Death Review Team.

Although Dr. Kaplan admits to having a few bouts with the lure of private practice, he says those moments passed, replaced by the satisfaction of providing pediatric care to families that normally wouldn't have access to an array of services. Clearly, this Brooklyn native has been California's gain.

Madam Speaker, the San Mateo Medical Foundation is right to honor the contributions of Dr. Kaplan at a special ceremony on April 30. He has truly been a hero of healthcare for our county and State.

## HONORING POLISH NATIONAL DAY

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. STEARNS. Madam Speaker, on May 3, the people of Poland celebrated the 219-year anniversary of the passage of the Constitution of May 3, 1791. This Constitution is regarded around the world as Europe's first and the world's second modern codified national constitution, following only the ratification of the United States Constitution in 1788. This is a great day not only for the Polish people but also for freedom loving people around the world.

The United States and Poland share similar values and the two Constitutions reflect that shared commitment to liberty for all people. In fact, according to one Polish historian, the May 3 Constitution was "founded principally on those of England and the United States of America . . . and adapted as much as possible to the local and particular circumstances of the country." In addition, historians have pointed out a number of similarities between the two Constitutions, including an advocacy of a separation and balance of powers and a bicameral legislature. Article V of the May 3 Constitution states that, "the integrity of the states, civil liberty, and social order remain always in equilibrium." The United States and Poland share an unbreakable commitment to freedom and liberty. I congratulate the people of Poland on this momentous day.

In honor of this special day, I would like to put into the RECORD a speech given by the President of the European Parliament, Jerzy Buzek, in honor of Polish National Day.

Dear Ambassador, Distinguished Guests, Ladies and Gentlemen,

I am delighted to be here in this wonderful old building, the Renwick Gallery, in the heart of this nation's capital.

Over the past few days, in my capacity as President of the European Parliament, I have been holding discussions here in Washington on issues relating to the European Union. I should therefore like to thank you, Mr. Ambassador, for holding this reception so that we might meet and celebrate together one of the key events in Polish history.

A few short steps away lies a park containing monuments to great heroes of freedom and democracy. For the last century and more, it has housed a monument to Tadeusz Kościuszko, a hero of two nations—Poland and the United States—and a staunch defender of the Polish Constitution of 3 May 1791—Europe's first, and the world's second, such document.

This year's Polish Constitution Day celebrations are overshadowed by the tragic events of 10 April, which have shown how important a modern constitution is to Poland, as indeed to any democratic country. During this difficult period, the 1997 Constitution has ensured continuity of government and a stable Presidency in our country.

Ladies and Gentlemen,

Having joined the European Union, Poland now enjoys a two-fold partnership with the United States: both as a sovereign state and as an important member of a unique community of 27 countries and close to half a billion people.

The European Parliament, with its more than 700 directly elected Members, is the most democratic of the EU institutions. I believe that the time has now come for closer relations to be forged between our Parliament and the U.S. Congress. Day-to-day responsibility for doing so will lie with our newly opened office in Washington, which Piotr Nowina-Konopka was recently appointed to head up.

In today's world, the partnership between Europe and the United States is an alliance whose importance cannot be overstated. And it is because we are democracies that that alliance should have a parliamentary dimension. The commemoration of 3 May is an appropriate occasion to draw attention to this fact, because constitutions are the supreme expression of parliamentary law-making in the majority of the world's democracies.

May this anniversary inspire us, as politicians, to be ever more effective in our efforts to ensure the good of our free nations.

## IN RECOGNITION OF DR. JAMES MEIER OF THE SAN MATEO MEDICAL CENTER

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Dr. James Meier, a dedicated physician in my district who has devoted his career to providing quality care to a generation of the poor and less fortunate in San Mateo County. I have had the pleasure of knowing Dr. Meier for 30 years and have witnessed his passion and dedication to his work.

Dr. Meier took a three-month temporary assignment at the San Mateo Medical Center and stretched it to more than 40 years and counting.

He has worked through the lean years when the county board of supervisors nearly voted to close the hospital. Those votes spurred an effort to raise community awareness of the Center's services. Dr. Meier played a lead role in forming the San Mateo Medical Center Foundation which has helped garner the needed public support to keep the hospital functioning as a provider of high quality medical care.

Dr. Meier's reason for coming to work each day is captured in his positive attitude. He heaps praise on the other doctors, nurses and support staff who combine to make the center a wonderful place to practice medicine.

Madam Speaker, the San Mateo Medical Foundation is right to honor Dr. Meier's contributions in a special ceremony on April 30th. He is without question a hero of healthcare in the county and State.

## PERSONAL EXPLANATION

### HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. HALL of New York. Madam Speaker, on March 16th, I missed rollcall vote 118 on passage of H. Res. 605. If I were present, I would have voted "aye" in support of recognizing the continued campaign to persecute, intimidate, imprison, and torture Falun Gong practitioners in China. I strongly supported this legislation.

The Chinese Government has conducted an official program of persecution and suppression of practitioners of Falun Gong for ten years. I join my colleagues in Congress in expressing sympathy to practitioners of Falun

Gong in China, the United States and around the world, and in calling on the Chinese Government to end their campaign of discrimination, intimidation and imprisonment of Falun Gong practitioners.

## FOND DU LAC HIGH SCHOOL SESQUICENTENNIAL

### HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. PETRI. Madam Speaker, few events resonate more within a community than marking a major anniversary of its only public high school. This year, in my home town of Fond du Lac, Wisconsin, we are celebrating 150 years of continuing commitment to academic excellence that has been achieved by Fond du Lac High School.

As described by G.K. Chesterton, one of the most influential English writers of the 20th century, "Education is simply the soul of a society as it passes from one generation to another." I believe the generations of those who have lived in Fond du Lac since the high school first opened its doors in January of 1859 have been very well served.

Fond du Lac is similar to many cities of its size throughout this great nation. Its citizens are hardworking and civic-minded; they are family-oriented and committed to their children; and they understand the value of a high-quality education. It is for these reasons the high school is such a source of community pride and so tightly woven into the fabric of the community.

It was this commitment to education that initially drove concerned parents to petition for the creation of a high school in October of 1858 in order to develop their children's base of knowledge beyond the fundamentals. In what has become recognized as a typical American trait of every generation, they wanted their children to achieve more than they had and they knew education was the key. They also knew there needed to be a facility where the work of education could be completed.

The first permanent high school in Fond du Lac was built in 1865 at a cost of $17,000. That building burned to the ground in 1868 but, undaunted, the community responded by building a four-story, brick and stone facility, which was completed in 1871 at a cost of $45,000. As the city grew, its citizens responded by building larger schools, expanding them, and when necessary replacing them, in a cycle that has been repeated many times over. How far we have come from the first high school classes held in the Sewell Store on Main Street to the expansive, multimillion-dollar, high-tech school we have today.

But a high school is more than just bricks and mortar; more important are the people who have worked there and have been a part of its development. As Fond du Lac celebrates this important milestone, it is appropriate to remember individuals like George B. Eastman, the first Superintendent of the Fond du Lac Union High School District; Edwin Johnson and M.S. Merrill, Fond du Lac High School's first teachers; and Julia Gibbons and John P. McGalloway, who were among those who served on the first elected school board in the 1920s. Those who belong to more recent generations will tell you not to forget Lowell P. Goodrich, who served as Superintendent from 1923 through 1940 and after whom the high school would be named for many years.

Through the generations, Fond du Lac High School has graduated students who have gone on to contribute to their communities and professions in a wide array of occupations and pursuits, demonstrating that education is indeed "the soul of a society."

As we reflect on the profound impact of education, please join me in congratulating the people of Fond du Lac, Wisconsin as they celebrate the sesquicentennial of their high school this year.

## HONORING CITYLINK ON 40 YEARS OF SERVICE

### HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. SCHOCK. Madam Speaker, I rise today to honor the 40th anniversary of the Greater Peoria Mass Transit District, also known as Citylink.

The Greater Peoria Mass Transit District was first formed on May 4, 1970 to provide public transportation to the Village of Peoria Heights, West Peoria Township and the City of Peoria.

In its first year of operation over 667,000 passengers rode the Citylink system. Since that time the Greater Peoria Mass Transit District has expanded its area of operations to include East Peoria, Pekin and Bartonville. With this expanded area of service the transit district was able to provide over 3,000,000 bus rides to passengers this past year.

During its 40 years of service to the Greater Peoria area, innovation has been key to the success of the transit district. Citylink was the first transit system in the country to take advantage of local commodities by implementing ethanol-fueled buses into its fleet. A relationship with the Peoria Historical Society was also established in order to bring trolley-buses into the district's fleet. These trolleys were obtained in order to provide for historical tours of the area with the guide of local Peoria Historical Society Members.

Catering to the needs of its passengers has been another key to the success of the transit district. Citylink has extended early morning and late night routes in order to help those passengers with work shifts starting early or ending late in the night. Along with these hours of extended service, special fares were established to help seniors, students and passengers who may be physically or mentally challenged. In fact, over 118,000 trips were given to paratransit riders during this past year alone.

I wish to congratulate and thank the Greater Peoria Mass Transit District and all the staff members who have provided stellar service to the entire Peoria area over the past 40 years. It is my honor this day to congratulate them, 40 years after their inception.

## IN RECOGNITION OF DR. MARK HIGHMAN OF THE SAN MATEO MEDICAL CENTER

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Dr. Mark Highman, a cardiologist who willingly chose the career path of public service medicine over the more lucrative road of private practice. I feel very fortunate to have known Dr. Highman for 30 years. Clearly, decades of patients at the center who lacked insurance or the money to pay for it appreciate his decision to practice at the San Mateo Medical Center.

He was appointed Medical Director of the Special Care Unit, Vice Chief of Medicine and Chief of Cardiology to the center in 1977. Dr. Highman also is an Associate Clinical Professor of Medicine at Stanford University.

The diversity of patients and their medical challenges prompted Dr. Highman to become certified in critical care. He considers treating the less fortunate to be, in his own words, "richly rewarding" and that speaks volumes to what this healer is all about. As a career-long medical musketeer he is the embodiment of the esprit de corps at the center.

Madam Speaker, Dr. Mark Highman is a hero of healthcare to a generation of the less fortunate in our county and State. The San Mateo Medical Foundation is right to honor his contributions at a special ceremony on April 30th.

## COMMENDING MR. IWAO MATSUDA

### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. ROHRABACHER. Madam Speaker, I rise to commend Mr. Iwao Matsuda for his diligence and many years of hard work in bringing about closer United States-Japanese-Korean relations. We can all thank him for the development of very close ties between the legislatures of Japan and the United States.

The legislative exchange program he created evolved into semiannual meetings between Members of the Diet and the U.S. Congress. The personal and professional relationships that have developed are key to the long and solid alliance between our two democratic nations.

He also played a key role in expanding these exchanges to include South Korea once it became a strong and vibrant democracy.

I note Mr. Matsuda was selected by Prime Minister Koizumi to serve in the very prestigious position as Minister of State for Science and Technology Policy, Food Safety and Information Technology.

Madam Speaker, it is therefore appropriate for us to commend and thank Mr. Matsuda for helping to foster peace and democracy in Asia and I wish him well in his future endeavors.

HONORING MR. IWAO MATSUDA

## HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. SENSENBRENNER. Madam Speaker, I rise today in honor of my good friend from Japan, Mr. Iwao Matsuda. He is a patriot who has dedicated his life to his country and to the people of Japan. I have worked with Mr. Matsuda for many years and am saddened by his retirement from the United States-Japan Legislative Exchange Program (LEP).

Mr. Iwao Matsuda served Japan for many years in a variety of roles. One such role was as a civil servant in the Ministry of International Trade and Industry. Having served in the Ministry for more than twenty years, he learned the importance of the United States-Japan friendship. Later in his career, as Member of the Japanese Diet, Mr. Matsuda constantly forged new pathways to improve United States-Japan relations and he recognized that at the core of improved relations was a deeper cultural understanding of our two countries. As a Member of the Diet, he was in a unique position to forge a pathway to closer ties. Thus, Mr. Matsuda helped launch the LEP which is now one of the most successful exchange programs in Congress.

As a founding father of the LEP, Mr. Matsuda has been a leader in building a long-lasting friendship between the United States and Japan. His in-depth knowledge of the United States has been a key to building the LEP into the successful program that it is today. Members of Congress, including myself, welcomed the knowledge and wisdom that Matsuda shared at LEP meetings. Under his leadership, Members of Congress and the Diet have been able to break down barriers and build lasting friendships that we all cherish.

My wife Cheryl and I wish our good friend Mr. Iwao Matsuda all the best. As he makes a change to the private sector, we both know that Matsuda will continue make Japan proud. I look forward to finding new ways to work with my friend and I wish him well with future endeavors.

HONORING MR. IWAO MATSUDA

## HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mrs. SCHMIDT. Madam Speaker, I rise today to honor Mr. Iwao Matsuda and his many contributions toward strengthening the relationship between the U.S., Japan, and South Korea. His efforts in establishing the bilateral Legislative Exchange Program between the United States and Japan and his efforts to expand the program to include South Korea have cultivated the strong bond between our countries and served to reinforce and uphold our common democratic values.

Mr. Matsuda has worked tirelessly toward improving relations between Japan and the United States. In 1989, after becoming a member of the Japanese Diet he helped launch the first Legislative Exchange Program. Troubled by bitter trade disputes between the United States and Japan, his idea was to bring together Members of Congress and members of the Japanese Diet in an informal setting to have a candid exchange of ideas to address these key issues in United States-Japanese relations.

This bi-lateral exchange has continued successfully for the last twenty years and was expanded in 2003 to include South Korea. The semi-annual meeting between Members of Congress, the Japanese Diet, and the South Korean National Assembly continues to foster candid discussions and is an important component in the close alliance between our three countries.

Madam Speaker, after twenty years of working to cultivate the relationship between the United States, Japan, and South Korea, Mr. Iwao Matsuda is retiring from public office. It is only appropriate that we take a moment to honor his service and applaud his commitment to the promotion of open dialogue and democratic ideals.

RECOGNIZING THE CONTRIBUTIONS OF PATTI MACLEISH GORDON

## HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. GRAYSON. Madam Speaker, I rise in honor of National Teacher Day. Today, I would like to recognize an extraordinary teacher from Central Florida who is making a significant impact in the field of education in my district and in the State of Florida, Patti MacLeish Gordon. Mrs. Gordon was one of five finalists for the Orange County Public Schools 2011 Teacher of the Year and was selected earlier this year by Lifestyle Magazine as one of Central Florida's "Top Teachers."

Mrs. Gordon was born in Orlando, Florida where she attended Lake Silver Elementary, Lee Middle School, and graduated from Lake Highland Preparatory School. Being born into a family of teachers (her aunt, mother, and older sister are also teachers), it is no surprise that Patti graduated from Clemson University with honors where she majored in Elementary Education and Graphic Design. Mrs. Gordon received her Master's degree in elementary school counseling from the University of Central Florida. She is a National Board-Certified teacher, who has taught pre-school, 1st grade, 3rd grade, 5th grade, and was the elementary school guidance counselor at Lake Highland Preparatory School for 3 years. For the past seven years, Mrs. Gordon has worked at Princeton Elementary school as a gifted education teacher.

Patti has gone above and beyond a traditional role of a teacher. She believes in teaching through hands-on activities, service learning projects, and uses modern technology whenever she can in her instruction. She not only founded a Science Club in her school, she also coordinates and teaches in the program. Through her leadership and enthusiasm, over 125 students volunteer to participate in the Science Club after school. The environment is a passion for Patti and can be seen through her "Green Team" initiative, which has led to a complete ecological change for her school.

Madam Speaker, Mrs. Gordon is a remarkable example to educators all over our country. It is an honor to pay tribute to her accomplishments. I know the crucial impact teachers can and do have on their students. Mrs. Gordon's passion and dedication for teaching is not only seen through her many awards, but through the success of her students. Central Florida is lucky, and grateful, to have an educator like Patti MacLeish Gordon.

IN RECOGNITION OF THE TOWN OF HILLSBOROUGH, CALIFORNIA

## HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor the 100th Anniversary of the Town of Hillsborough in my district. In fact, I am a proud resident of this town. My children were raised here and they have benefited from an excellent public education system, particularly in the middle grades where, aside from mastering the basics, they confronted the challenges of malnutrition in Africa, homelessness in our own country and the importance of protecting the environment. The spirit of altruism that was instilled in them is one that permeates the entire community.

We often talk about good citizenship, a sense of neighborhood and civic responsibility as if they were things in our past. I can attest that those values are alive and well in Hillsborough under the able leadership of Mayor Christine Krolik who states that 7,000 of the 11,000 total residents are registered to vote. And that 11,000 number includes children as well as adults, so a truly extraordinary number of voting-age adults are actively participating in our democracy.

The people of Hillsborough have a real connection to their town. The public schools are a source of shining pride to the entire community, and indeed diplomas my children earned at Hillsborough public schools have a place of distinction in our home. The dedicated public servants of the Police, Fire, Public Works and Administration Departments are among the very best in our great state of California. The town cares deeply about their natural resources, and Hillsborough has set a very high standard for preservation of public space and preservation of natural beauty. Indeed, on the occasion of the 100th anniversary, the town will dedicate a new Centennial Park, which will be donated by the Hillsborough Beautification Foundation, which privately raised all of the funds for this wonderful community treasure.

The town of Hillsborough has a rich tapestry of history. Hillsborough has hosted Theodore Roosevelt for a Presidential visit, as well as Jimmy Carter, Bill Clinton and George W. Bush. Residents of Hillsborough have included such notable citizens as Bing Crosby, William

Randolph Hearst, William Crocker and Rickey Henderson.

There will be a Memorial Day Parade of the Century planned for May 31. There is much to celebrate in the past 100 years in Hillsborough, and I join my many friends and neighbors there in recognizing the 100th Anniversary of Hillsborough.

Madam Speaker, please join me in celebrating this great occasion for this great town.

## HONORING STATE SENATOR ROGER STEWART'S SERVICE

### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. BRALEY of Iowa. Madam Speaker, I rise to thank Iowa State Senator Roger Stewart for his service to Iowa and our country. Senator Stewart is retiring from the Iowa State Senate at the end of the 2010 state legislative session.

Senator Stewart has represented Dubuque, Jackson, and Clinton County in the Iowa legislature for the past eight years. He has been a principled, pragmatic leader. Communities throughout Iowa have benefited from his commitment to responsible economic development and common sense business practices. Senator Stewart is chair of the Economic Growth Committee and a member of the Ways and Means Committee. He serves on the Rebuild Iowa Committee which is creating conditions for sustainable development in communities damaged during the 2008 Midwest floods and tornados.

Senator Stewart has also been an effective advocate for Iowa farmers and agribusinesses. He has received several awards for his work on agriculture issues including the Chamber Friends of Agriculture Award and the National Banking Award for work during the 1980's farm crisis.

Madam Speaker, the Hawkeye State is fortunate to have great leaders like Roger Stewart. Please join me in thanking the Senator, his wife Jennie, and the entire Stewart family.

## HONORING RONALD L. LYNN, PRESIDENT OF THE INTERNATIONAL CODE COUNCIL BOARD OF DIRECTORS

### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. BERKLEY. Madam Speaker, I rise today to recognize the importance of building safety, and to recognize the leadership of the International Code Council (ICC). The ICC develops and publishes the building safety, energy efficiency and fire safety model codes used in most cities and States of the United States, as well as in many other nations.

We don't have to look far to see how important the issue of building safety is to people in America and around the world. This year, we had sobering reminders of the importance of properly enforced building codes in the aftermath of devastating earthquakes in Haiti and Chile. The loss of life and catastrophic property damage of those disasters might have largely been avoided had modern building codes been in place and enforced, as they are throughout the U.S.

With those tragedies in mind, I want to congratulate the leaders of the ICC who sponsor Building Safety Month, celebrated in May. The leaders of the ICC, including my constituent and the Director of Development Services for Clark County, the President of the Board of Directors, Ronald L. Lynn, of Las Vegas, Nevada; Vice President, James Brothers, from Decatur, Alabama; Secretary/Treasurer, William Dupler, from Chesterfield, Virginia; Immediate Past President, Adolf Zubia, from Las Cruces, New Mexico; and Director Guy Tomberlin, from Fairfax County, Virginia, have joined ICC's Chief Executive Officer Rick Weiland in Washington this week to discuss the critical need to support the adoption and administration of the latest building codes, to make sure Americans are safe at home, at work, at school and at play.

In particular, I am pleased to take this opportunity to celebrate the many accomplishments and contributions of Ron Lynn. During a career that has spanned almost 30 years, Ron has been an incredible asset to the Las Vegas community and has played a central role in helping our city grow. We have all benefitted from his involvement in groups such as the McCarran Airport Hazards Area Board of Adjustment, Nevada Earthquake Safety Council, Nevada Organization of Building Officials, the Western States Seismic Policy Council's Architecture, Engineering and Construction Committee, the Nevada State Hazard Mitigation Planning Steering Committee, and the Nevada Bureau of Mines and Geology Advisory Committee.

Ron is among the very best of the thousands of men and women who work every day to make sure our buildings comply with building and fire codes. Their work, largely unseen and often unnoticed, is critical to keeping Americans safe.

Congratulations, Ron, on a distinguished career spent ensuring the safety of your fellow citizens, and congratulations to the hard working members and leadership of the ICC.

## PERSONAL EXPLANATION

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. ROSS. Madam Speaker, on Thursday, April 29, 2010, I was not present for rollcall vote 241.

Had I been present for rollcall vote 241, a motion to recommit H.R. 2499, the Puerto Rico Democracy Act, I would have voted "aye."

## CELEBRATING THE 100TH ANNIVERSARY OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the Association of California Water Agencies on the occasion of their 100th anniversary, aptly recognized as "A Century of Leadership, Vision for the Future."

The Association of California Water Agencies, ACWA, was established in 1910 after five irrigation districts united as one voice to lay the groundwork for developing California's water supply and delivery system. The Association represents the interests of its members at the State and Federal levels, and assists them in promoting the development, management, and use of quality water in an environmentally balanced and cost-effective manner. Since its inception, the work of the ACWA has been reflected in scores of local, regional and statewide water projects.

As the largest coalition of public water agencies in the Nation, the ACWA has become a leader on California water issues and a respected voice in both the legislative and regulatory arenas in Sacramento and Washington, DC. In 1991, the ACWA expanded its offices to the District of Columbia to advocate for California water communities on Federal issues. Since that time, the ACWA has participated in efforts that led to enactment of the Safe Drinking Water Act Amendments of 1996; efforts to keep MTBE out of drinking water; efforts leading to the issuance of the CALFED Record of Decision; efforts to derail a Federal chlorate cleanup exemption and produced "No Time to Waste: A Blueprint for California's Water Future" for the California congressional delegation, among other achievements.

The Association of California Water Agencies has been a guiding force in California's water policy for the past century, and they continue to help shape the laws, policies and regulations that affect the State's urban and agricultural water users. I ask my colleagues to join me in recognizing the Association of California Water Agencies for their advocacy and leadership on California water issues, and commending them for the role they have played in developing the State's water policies and regulations. Again, congratulations to the Association of California Water Agencies on their centennial.

## TRIBUTE TO JOHN WARE

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with a heavy heart that I honor the life and memory of John Ware. John was a remarkable person, and his vision and ability truly embody the spirit of Dallas. As

city manager from December 1993 to August 1998, he was credited with leading the city's negotiations for the construction of American Airlines Center and was the driving force in creating the city we know today. After courageously battling cancer, John passed away at the age of 62.

John was born on March 16, 1948, in Arkadelphia, Arkansas, to J.A. and Allie Ware. He was married to Shirley Porter in 1974 and to this union two sons were born. John was an active member of Friendship West Baptist Church in Dallas, Texas. He also actively served in the United States Army, and during his tour of duty in Vietnam he earned a Bronze Star and Purple Heart.

John earned his B.A. degree from Ouachita Baptist University, where he graduated Cum Laude and was a member of the Inaugural Honors Program. He received his M.P.A. degree in 1974 from the Maxwell School at Syracuse University where, in addition to earning an academic scholarship, he was named an Andrew Mellon Fellow. He holds certificates from the University of Chicago Graduate School of Business, the Jesse H. Jones Graduate School of Management at Rice University, the Kellogg Graduate School of Management at Northwestern University, the Wharton School at the University of Pennsylvania, Columbia University Business School, the Cox School of Business at Southern Methodist University, and the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin.

John's innovative ideas and education were truly profound, but it was really John's personality and personal investment in his work that people remember. Truly, no one knew this better than those who will miss him most—his family. He is survived by his beloved wife, Shirley Ware of Dallas; two sons, Jawn Ware and Brandon Ware; four sisters, Cathie Murphy, Rose Gale Jones, Gloria Hart, and Angela Helms; five brothers, Joshua Ware, Ollie Charles Ware, Melvin Ware, Ronald Ware, and Sabian Ware; and one grandchild.

Madam Speaker, it is my privilege to be able to bring the life and contributions of John Ware to the attention of Congress and this nation. His passion and dedication to his work serve as an example to us all. John will be deeply missed by those whose lives he touched, but his memory will live on through his contributions to Dallas and the work from which we have all benefitted immensely. During this difficult time I would like to extend my deepest sympathies to his family, and I ask my fellow colleagues to join me in recognizing and honoring this great man.

## RECOGNIZING IWAO MATSUDA

### HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. PETRI. Madam Speaker, later this week, the 43rd Session of the United States-Japan Legislative Exchange Program and the 11th Session of the United States-Japan-South Korea Trilateral Exchange Program will commence here in the U.S. Capitol. These meetings are the result of the vision and initiative of Iwao Matsuda, a Member of the House of Councilors of the Japanese Diet. Sadly, it also will be the last that we will have the privilege of meeting with Mr. Matsuda as a Member of the Diet, as he will be retiring. For this reason, I want to honor Mr. Matsuda and officially recognize his many contributions to United States-Japan relations and for fostering greater friendship and cooperation between the U.S. Congress and the Japanese Diet.

Born in Gifu-City, Japan, in 1937, Mr. Matsuda graduated from the University of Tokyo in 1967. He started his career in public service at the Ministry of International Trade and Industry (MITI) with posting in various locations around the world—including the United States. He served in the House of Representatives of the Japanese Diet from 1986 to 1996 and was elected to the House of Councilors in 1998. Throughout his public service career, he has served in a variety of distinguished positions, such as the Minister of State for Science and Technology Policy, Food Safety and Information Technology.

Early in his career in the Diet, Mr. Matsuda saw the need for more open communications between the U.S. and Japan. During that time, when Japan-U.S. relations could be tense regarding trade and other issues, Mr. Matsuda knew that personal interaction between Members of Congress and Members of the Diet could lead to greater understanding and cooperation between our two countries. In 1989, along with Rep. Norm Shumway and with assistance from professors at George Washington University and others, the first meeting of the United States-Japan Legislative Exchange Program was held. Semi-annual meetings have been held since and, in 2003, the exchange was expanded to include Members of the South Korean National Assembly.

I have had the privilege of participating in many meetings over the years, and consider Mr. Matsuda to be a colleague and a friend. He is an example to all of us in his leadership, commitment to democratic values, and understanding of the importance of maintaining alliances with friends in good times and bad. Through his resolve in establishing the exchange, we are able to discuss issues of common concern in an open, informal way that leads to better understanding and stronger partnerships.

So it is altogether fitting that we recognize the many contributions of Iwao Matsuda as his final exchange program begins. He has had a lasting impact on United States-Japan-South Korean relations, and we are thankful for—and honor—his leadership, service and friendship today.

## THANKING GEORGE BARTON AND COMMUNITY HEALTH CARE INC.

### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. BRALEY of Iowa. Madam Speaker, I rise to recognize and thank Mr. George Barton and the entire Community Health Care Inc. (CHC) team for working to meet the health care and wellness needs of the Iowa and Illinois Quad Cities. This spring George starts as CEO of the federally qualified health center (FQHC) in Madison, Wisconsin, but Community Health Care will continue to thrive because of the foundation this team has built over the past years.

In the Quad Cities—like so many communities in America—we have an urgent need for health care services for low and moderate income families, individuals who are underinsured or have no insurance, Medicaid eligible patients, and children who rely on state children's health insurance programs. Fortunately there are three FQHC's in my district—including Community Health Care—where thousands of my constituents can get access to high quality care with payment options that meet their specific needs. CHC alone serves 31,000 patients throughout the Quad Cities and manages 119,000 unique visits per year. By 2012 the CHC team will be serving 40,000 patients annually. Under George's leadership, CHC has dramatically expanded their services by opening new outpatient clinics, enhancing relationships with regional hospitals physician groups, and adding multiple dental suites to meet the incredible need for childhood and adult dental care.

Madam Speaker, I advocate for our federal community health centers because people like George Barton and the CHC team get results. They dramatically improve health and wellness in our communities and are invaluable to solving one of the most critical issues facing our country today—access to health care. Please join me in thanking George and this team for their service.

## RWANDAN GENOCIDE

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. POE of Texas. Madam Speaker, I've spent my entire career advocating for victims, for those that have suffered at the hands of perpetrators both as a former judge in Texas and as founder and co-chair of the Victims' Rights Caucus. It grieves me that people resort to violence and commit such atrocities to their fellow neighbor. On April 6, 1994 and for the next three months our world learned an important lesson—violence is not the answer, nor is watching and doing nothing.

Sixteen years ago, beginning on April 6, 1994 more than 800,000 persons were killed in the Rwandan genocide, many being Tutsis.

A shot-down plane of Rwandan President Juvenal Habyarimana, a Hutu, and his death sparked the beginnings of the genocide because the very next day, April 7, 1994, the Rwandan Armed Forces (FAR) and the interahamwe went out and slaughtered thousands of people by setting up roadblocks and then going house to house killing Tutsis and moderate Hutus. The slaying went on for the next 100 days.

On June 22, 1994 the U.S. used the word "genocide" only after the Security Council deployed French forces in South West Rwanda. On February 19, 1995 Western countries committed to sending $600 million in aid, with $60

million coming from the United States. Rwanda bears a deep and grave loss from this tragedy, and the international community has come around them to support, encourage and comfort.

Much was said during this conflict, but little was done. We can do better. We must do better.

We send our sympathies out to the loved ones who died in the Rwandan genocide. We know that they are still greatly missed even sixteen years later. May we remember this time when so many lost their lives, and may we do better in interceding during future conflicts. Let us always take a stand against violence.

## IN HONOR AND RECOGNITION OF MS. CHRISTINE MILES

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Ms. Christine Miles of Berea, Ohio, a remarkable woman who has dedicated her life to her dual passions of music and helping children. Ms. Miles has worked on my staff for 14 years, but she has been my friend for almost 40 years. She brings joy into the lives of thousands of young men and women through her work as a music therapist and her role in creating and managing the 10th Congressional District Art Contest, which she has organized for 14 consecutive years.

Ms. Miles is simply one of the most interesting people you could ever hope to meet. She has a deep passion for cooking and gardening. Her home is a calming oasis of history, warmth and love. She has dedicated her life to the arts and to service to her community. An alumna of Baldwin-Wallace Conservatory of Music, Ms. Miles has been honored for her to devotion to music as a performer, a teacher and as a music therapist for children.

Ms. Miles was elected to the Berea City Council in 1972 and in 1976, she became a special aid to U.S. Congressman Ron Mottl. She was the first woman to Chair the Ohio Democratic Delegation to a presidential convention where she was a delegate for Jimmy Carter. She served as President Carter's deputy co-coordinator for his Ohio Campaign. She later served on the National Advisory Board on Ambassadorial Appointments. She has also served as a Member of the Advisory Committee on the Arts at the John F. Kennedy Center for the Performing Arts.

Madam Speaker and Colleagues, please join me in honor and recognition of Ms. Christine Miles, a strong supporter of the arts who has made Northeast Ohio a more beautiful place to live through her work, her consistent dedication to the well being of children, and her very presence. Thank you, Chris.

## IN RECOGNITION OF GEORGE THOMLINSON

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. SKELTON. Madam Speaker, allow me to recognize and pay tribute to Mr. George Thomlinson who recently received the Spirit of Service award from the Warrensburg Stake of the Church of Jesus Christ of Latter-day Saints. This annual award recognizes a member of the community who shows an outstanding commitment to service and volunteerism.

Although Mr. Thomlinson has worked for 31 years as an insurance agent with Farmers Insurance Group in Sedalia, Missouri, volunteering remains his true calling. Since 1995, Mr. Thomlinson has been involved with the Sedalia-Pettis County United Way. As president and campaign chair, Mr. Thomlinson helped raise hundreds of thousands of dollars for charitable organizations in Pettis County, and he currently serves on the board as first vice president.

Over the years, he has also served as president of the Liberty Center Association for the Arts, a member of the Salvation Army Advisory Board, and a board member of the Sedalia Rotary Club. For 2 years, he was president of the Sedalia Area Chamber of Commerce, and he was awarded the "Volunteer of the Year" award in 2002 for his service with the Chamber.

Though his commitments are wide and diverse, few have meant more to Mr. Thomlinson than his work with Ducks Unlimited, an organization that has conserved, restored, and protected over 12 million acres of habitat in North America. After serving as the Missouri State chairman for 3 years, this year he will be nominated to become a regional vice president.

Madam Speaker, let me take this means to recognize Mr. Thomlinson for his tireless service to our community and for the impeccable example he and his wife Holly have set for their daughter Vanessa and us all.

## IN HONOR OF JAMES E. BENNETT

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. HOYER. Madam Speaker, I rise on behalf of myself, Representative FRANK WOLF, Congresswoman ELEANOR HOLMES NORTON, Representative JIM MORAN, Representative CHRIS VAN HOLLEN, and Representative GERALD CONNOLLY to recognize James E. Bennett, the President and Chief Executive Officer of the Metropolitan Washington Airports Authority, Airports Authority, who has announced his retirement after 14 years of exceptional public service to the agency, the region, and the Nation. During his tenure at the Airports Authority, Mr. Bennett expertly guided the significant expansion and modernization of Washington Dulles International Airport and Ronald Reagan Washington National Airport, while simultaneously undertaking the challenge of managing the Dulles Toll Road and constructing the long planned Metrorail line to Dulles Airport and Loudoun County.

Whether one is a visitor to either of these world-class airports or watching the construction of the Metrorail line, it is not difficult to appreciate the bold vision and many accomplishments of Jim Bennett. Reagan National and Dulles International Airports combined served a total of more than 40 million passengers in 2009. In difficult economic times, both airports retained service to all top 50 domestic markets, bringing valuable, new air service to the metropolitan Washington region. Mr. Bennett's leadership also brought to completion $3 billion of capital development projects, providing improved passenger service and enhanced ability to accommodate increased air service and passenger volume.

At Dulles International, a new security mezzanine and the state-of-the-art AeroTrain, were recently put into service. These monumental improvements return Dulles International to the form and function that Architect Eero Saarinen, envisioned for this beautiful landmark when it opened in 1962. At Reagan National, Mr. Bennett guided the addition of expanded parking and completion of a new Public Safety Communications Center to expand the Airports Authority's emergency operations capabilities.

In everything Jim Bennett has done, the interests of the public have been paramount. He has guided reinvestments in Washington Dulles and Reagan National Airports ensuring that these valuable facilities are equipped to serve travelers throughout the next decades, continuing to be important economic catalysts, providing jobs and business development opportunities for the region. He took on the Dulles Metrorail Project, proposing an innovative financing plan to bring transit service to Dulles Airport and the entire Dulles Corridor. The project is on budget and on schedule, indicative of Mr. Bennett's stellar management skills.

This region has had the unique benefit of having had one the country's finest airport managers, as well as a consummate public servant, in Jim Bennett. We all owe him a debt of gratitude for his leadership, integrity, humility and inspiration. I ask that my colleagues join me and the National Capital region in expressing our heartfelt gratitude to Jim Bennett for his vision and legacy of transportation improvements that he has left for the region and the Nation.

## HONORING IWAO MATSUDA

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. MCDERMOTT. Madam Speaker, I rise today to honor my longtime friend and respected colleague, Iwao Matsuda. Matsuda-san is arriving in Washington today for a meeting of the United States-Japan Legislative Exchange Program, a project he founded to encourage meaningful dialogue between our

two countries. He has a long and honorable history of service to Japan as an elected official, first in the House of Representatives and later in the House of Councilors in the Diet. Matsuda-san has always been interested in resolving tensions and improving the relationship between the United States and Japan, and it was this drive that led to the creation and continuing success of the Legislative Exchange Program.

Members of the Diet and the Congress have grown to understand the importance of the United States-Japan Legislative Exchange Program. The two delegations have had the privilege of getting to know each other, and if there is ever a problem, we know who to call to find out more about it. These personal connections are vital to creating understanding between our legislatures and our nations. But I would like to point out another facet of Matsuda-san's contribution. Not only has he helped us to know each other and to create personal relationships, but his work has transcended his own personal relationships and left us all with an enduring legacy.

I honor my friend Matsuda-san's life and work, and I wish him a peaceful retirement. My colleagues and I will never forget his kind hospitality, both in official and personal settings, and I look forward to continuing our friendship in the years to come.

## CONGRESSIONAL CERTIFICATE OF MERIT WINNERS

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mrs. BACHMANN. Madam Speaker, I rise today to honor the accomplished students who earned the Certificate of Congressional Merit for their exemplary citizenship and academic excellence. Eleven students from Minnesota's Sixth District were nominated by their schools for this prestigious award and it is a great privilege to be able to share their accomplishments with this Congress.

These students have shown that they can set and achieve goals, work as a team member or a leader, and contribute to a larger cause all while making time for study and friendships as well. They have made significant contributions to their schools and communities and stand out to faculty and staff as students that would never ask for recognitions for their efforts.

I rise today, Madam Speaker, to honor these 11 students for their successful high school careers and to wish them all the best in their bright futures: Kaia Larson, Meadow Creek Christian School; Kara Peterson, Becker High School; Danielle Liebl, Rocori High School; Taylor Haag, Paynesville Area High School; Matthew Vogel, Saint Francis High School; Zachary Johnson, Monticello High School; Duy Nguyen, Spring Lake Park High School; Travis Taylor, New Life Academy; Sandra Arnold, Delano High School; Emily Bloch, Immaculate Conception Academy; and Kelsey Vigoren, Kimball Area High School.

Madam Speaker, please join me in congratulating these students for their hard work and wishing them the best of luck. As the Irish poet and Noble Peace Prize winner William Butler Yeats said, "Education is not the filling of a pail, but the lighting of a fire." In these students, a fire has been lit. They are the bright future we have to look forward to in Minnesota, and in our Nation.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,876,734,073,745.72.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,288,594,800,033.30 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

## NATIONAL TEACHER APPRECIATION WEEK

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. BISHOP of Georgia. Madam Speaker, I am pleased to support this resolution to commemorate National Teacher Appreciation Week and to recognize the importance of teachers in ensuring that Americans receive a quality education.

Teachers are heroes in our communities. None of us in Congress would be where we are today without the influence of those teachers who shaped our lives. They corrected us when we were wrong and they praised us when we were right. They taught us how to read and write, think critically, add and subtract, and they opened our minds to past events, scientific discoveries, and different cultures and civilizations. They encouraged us to follow our dreams and inspired us to reach our full potential.

My parents were educators in this vein. My father served as the first President of Bishop College in Mobile, Alabama, and my mother worked as a librarian. I saw through them how our teachers work miracles in the classroom day in and day out. They truly deserve the strongest praise we have to offer.

Benjamin Franklin once said that "an investment in education pays the best dividends." It is our teachers who are responsible for the value of that investment, and I urge all of my colleagues to join me in commemorating them for their outstanding work.

## RECOGNIZING THE CONTRIBUTIONS OF IWAO MATSUDA TO THE US-JAPAN LEGISLATIVE EXCHANGE PROGRAM

### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. HIRONO. Madam Speaker, I rise today to recognize the contributions of Iwao Matsuda, Co-chairman of the U.S.-Japan Legislative Exchange Program (LEP).

LEP is the longest standing and among the most successful legislative exchange programs in the U.S. Congress. This week marks LEP's 22nd year and 43rd consecutive session. Mr. Matsuda has played a tremendous role in making LEP a rewarding program.

I have had the privilege of participating in several LEP meetings with Mr. Matsuda. He has been a remarkable leader of LEP and representative of the people of Japan.

As a member of the Japan Diet, Mr. Matsuda was troubled by the sometimes bitter trade disputes between the United States and Japan and wanted to find a way to improve communications and understanding among the legislatures of Japan and the United States. In 1988, Mr. Matsuda took the far-sighted initiative of contacting friends in the U.S. Congress and at the George Washington University to create a program that would encourage personal and informal discussions among U.S. and Japanese parliamentarians. This was the beginnings of LEP.

As time passed, Mr. Matsuda sought to expand the U.S.-Japan Legislative Exchange Program to include members of the South Korean National Assembly and initiated in 2003 the U.S.-Japan-South Korea Trilateral Legislative Exchange Program (TLEP), which meets regularly with LEP to foster closer ties and understanding among the democratic legislatures of the three countries.

After twenty-plus years of public service, Mr. Matsuda, a true visionary of the promotion of democratic ideals, will be retiring, and this will be his last LEP session.

Mahalo nui loa (thank you very much), Mr. Matsuda, for all that you have done to strengthen U.S.-Japan-South Korean friendships and expand understanding among the free peoples of the Asian-Pacific region and the world at large.

## PERSONAL EXPLANATION

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to explain how I would have voted on rollcall votes cast on April 29, 2010. Due to prior commitments in Houston, I was returning home and was not able to make the last series of votes. Had I been present, I would have voted on the following:

"No," on rollcall vote #234, the Foxx of North Carolina Amendment;

"No," on rollcall vote #235, the Gutierrez of Illinois Amendment No. Two;

"No," on rollcall vote #236, the Gutierrez of Illinois Amendment No. Three;

"Yes," on rollcall vote #237, the Burton of Indiana Amendment;

"No," on rollcall vote #238, the Velázquez of New York Amendment No. Five;

"No," on rollcall vote #239, the Velázquez of New York Amendment No. Six;

"No," on rollcall vote #240, the Velázquez of New York Amendment No. Seven;

"No," on rollcall vote #241, the Motion to Recommit on H.R. 2499 the Puerto Rico Democracy Act;

"Yes," on rollcall vote #242, on passage of H.R. 2499 the Puerto Rico Democracy Act.

Madam Speaker, I am a cosponsor of H.R. 2499, and strongly supported its passage in a statement made last week. I am pleased this legislation has passed the House and hope to see it move forward in the Senate to give the people of Puerto Rico and opportunity to determine their future.

## IN RECOGNITION OF COLONEL DAVID FURNESS, USMC

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. SKELTON. Madam Speaker, today I recognize and pay tribute to Colonel David Furness, United States Marine Corps, on the occasion of his transfer from the liaison office. I, and many other members of this chamber, have had the pleasure of working with him over the past two years that he has served as part of U.S. Marine Corps Office of Legislative Affairs and as the Director of the USMC Liaison Office in the U.S. House of Representatives.

Colonel Furness expertly represented the Marine Corps on all matters in the U.S. House of Representatives and spearheaded the Marine Corps' most difficult and challenging legislative initiatives from June 2008 to May 2010. Through his direct and skillful interaction with Members of Congress, he ensured that Marine Corps requirements were widely understood by key Members and staff to guarantee the best possible support to the Marine Corps. He also successfully oversaw, planned, coordinated, and escorted more than 150 international and domestic trips for high-level Congressional and Staff Delegations.

Furthermore, Colonel Furness managed, trained and mentored a team of Legislative Liaison Officers and House Legislative Fellows and created an environment that fostered teamwork and professionalism. He led Company and Field Grade Officers and ensured they better understood both the message of the Commandant and the role of the Congress in National Security matters. Colonel Furness contributed immeasurably to making capable Liaison Officers who will return to the Marine Corps Fleet with a better understanding of how Congress and the Corps work closely together to win our Nation's battles.

Through it all, Colonel Furness has been able to ensure that Members of Congress and their staffs never forget the purpose and focus of the Marine Corps: the Marines themselves.

Madam Speaker, through all of these actions, and many more, Colonel Furness has maintained and improved the U.S. House of Representatives' view of the Marine Corps. His performance has made a lasting impact on the readiness of the Marine Corps, laying the groundwork for continued Marine successes on Capitol Hill.

## INTRODUCTION OF OUTDOOR LIGHTING EFFICIENCY BILL, H.R. 5201

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Ms. HARMAN. Madam Speaker, three years ago, Congressman UPTON and I introduced legislation—which became law in 2007 as part of the Energy Independence and Security Act—that will revolutionize the way Americans light their homes.

Our legislation banned the famously inefficient 100-watt incandescent light bulb by 2012, will phase out remaining inefficient light bulbs by 2014, and requires that light bulbs be at least three times as efficient as today's 100-watt incandescent bulb by 2020.

That bill was the product of bipartisan and bicameral efforts to forge a consensus between industry and environmental groups. The result was not only broadly accepted, it was groundbreaking. The Alliance to Save Energy estimates that the provisions will eventually save $18 billion in energy costs every year, and prevent the emission of 100 million tons of carbon dioxide annually by 2030. That's the equivalent of taking 20 million cars off the road.

If we are serious about getting our arms around both climate change and reducing our dependence on oil, we now have to address outdoor lighting. It is the other side of the coin. Lighting consumes 22 percent of all electricity generated in the U.S. Outdoor lighting for streets, parking lots and area lighting consumes about 20 percent of that total. Up to 25 percent of household electricity goes to light outdoor spaces, according to the California Energy Commission.

H.R. 5201, the bipartisan bill we are introducing today, is identical to legislation introduced by Senators BINGAMAN and MURKOWSKI. It reflects a compromise with industry and the environmental community. And it builds on the provision we added to the American Clean Energy and Security Act reported by the House Energy and Commerce Committee last May.

The legislation imposes standards for outdoor lights in three tiers. The first tier takes effect three years after the bill becomes law, the second in 2016 and the third in 2021.

By 2030 the new efficient outdoor lights are expected to save the equivalent power output of three to six nuclear plants or 6 to 10 large coal fired plants every year.

It will also save us money. As the Grandma of the Blue Dogs, that's important to me. And given skyrocketing deficits and the ongoing recession, it ought to be important to this Congress. Annual savings will be in the range of $2.8 billion to $5.1 billion by 2030.

By 2030 carbon emissions will also be reduced in a major way—from 4.48 to 7.95 metric tons annually, the equivalent of taking approximately 3 to 5.4 million cars off the road

The bill also protects the efforts of early innovators like California, which has already passed an aggressive outdoor lighting standard.

And this bill is consensus legislation at its best. It shows what we can do when Democrats and Republicans and manufacturers and environmentalists work toward the same goal.

I urge its prompt enactment.

## PERSONAL EXPLANATION

### HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. KLEIN of Florida. Madam Speaker, I rise today to state how I would have voted on Thursday, April 29, 2010 when I was unavoidably detained.

Had I voted, I would have voted "yes" on rollcall No. 242.

## IN HONOR AND RECOGNITION OF JOHN LONSAK

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of John Lonsak on the occasion of his retirement after 41 years of service to the library system of Greater Cleveland.

For eight years, Mr. Lonsak served as executive director of the Cuyahoga County Public Library system. He also served as regional library manager for the Parma and Fairview Park library systems. Mr. Lonsak has worked to promote and develop innovative projects and programs hosted at the Rocky River Library and throughout the Rocky River community. He served as past president of the Cleveland Metropolitan Library system and is a lifelong member of the Ohio Library Council and the American Library Association. In 2001, Mr. Lonsak was honored with the Director Award by the Ohio Library Council and was named the Librarian of the Year for his development of a universal library card.

Mr. Lonsak's enthusiasm for libraries began in childhood when his mother regularly brought him to story hours at the Eastman branch of the Cleveland Public Library. He earned a bachelor's degree from Cleveland State University and a Master of Library Science from Case Western University. When he became director of the Rocky River library six years ago, Mr. Lonsak worked to oversee an expansive renovation project, which included the restoration of the interior built in 1928, an expansion of the children's department and the renovation of the public computer center. A new lobby and children's room were also included in the renovation.

Madam Speaker and colleagues, please join me in honor and recognition of John Lonsak, whose service to the Greater Cleveland Community is deeply appreciated.

## CONGRATULATING ARLISS STURGULEWSKI AND CONGREGATION BETH SHOLOM

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 4, 2010*

Mr. YOUNG of Alaska. Madam Speaker, each year Congregation Beth Sholom of Anchorage selects a distinguished Alaskan to receive its annual "Shining Lights" award. The Shining Lights award has a dual purpose, in that it expresses appreciation for the honoree's contributions to the 49th State and its people, and also inspires others to emulate the honoree's good works, in the spirit of "Tikkun Olam"—the repair of the world. This year, 2010, Congregation Beth Sholom has chosen former State Senator Arliss Sturgulewski to receive the Shining Lights Award.

I proudly commend the selection of Arliss Sturgulewski as the recipient of the 2010 Shining Lights Award. I remember when Arliss was a state senator between 1978 and 1992, was the Republican candidate for Governor of Alaska in 1986 and 1990, and served as an elected member of the Anchorage Charter Commission and the Anchorage Assembly. In addition to her elective offices, Arliss has served on numerous boards and commissions, such as the Municipality of Anchorage's Planning and Zoning Commission and the Board of Examiners and Appeals.

A parent herself, Arliss's interest in Alaska's youth has been made manifest by her leadership as a trustee for the Anchorage YMCA, and at the University of Alaska through her service as a member of the Advisory Council for the School of Fisheries and Ocean Services, the University of Alaska Foundation, and the Anchorage Chancellor's Council. A graduate of the University of Washington, Arliss was awarded an honorary Doctor of Laws degree from the University of Alaska Anchorage.

The immeasurable contributions of Arliss Sturgulewski are an inspiration to Alaskans in all regions and walks of life. In particular, it is certain that Arliss has inspired many Alaska women to either seek public office or to become otherwise involved as political, business and community leaders, to the great benefit of Alaskans everywhere.

I would like to congratulate Arliss and Congregation Beth Sholom on the occasion of this well-deserved award.

# HOUSE OF REPRESENTATIVES—*Wednesday, May 5, 2010*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SERRANO).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*May 5, 2010.*

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

Rabbi Dov Hillel Klein, Tannenbaum Chabad House, Evanston, Illinois, offered the following prayer:

In the Jewish tradition, one begins an invocation with words of inspiration. I have received inspiration from many individuals, but the person I am thinking of today is America's number one dad, Bill Cosby.

Several years ago, Bill Cosby spoke at Northwestern University's commencement. He said he was the first person in his family to attend the university. But he came to realize that just going to college does not necessarily make you all that smart, and just by going to college surely does not mean you have all the answers.

He came home after his first day of college and his grandmother asked, ''Billy, what did you study?'' Cosby replied that in his philosophy class they debated whether or not a half a cup of water was half empty or half full. His grandmother, who did not have a college education or even a high school diploma, responded immediately, ''That's so simple. If you are drinking, the glass is half empty, but if you are pouring, the glass is half full.''

I thought to myself, if you are drinking means that everything is for me; my entire focus is just on myself, and because of my arrogance, my selfishness and my self-centeredness, I am half empty. I wind up keeping everyone else out. But if I am pouring, pouring for others, sharing and giving to others, then I am half full, because I am letting others into my life.

God, please continue to bless us so we are able to pour and let others into our lives.

We thank God today for enabling us to serve this great country and being able to make a difference not only in our lives, not only in the lives of our family and friends, but for allowing us to make a difference in the lives of countless numbers of Americans and people throughout the world.

We ask God to continue to give us the insight, the courage, and the humility to serve the people of the United States. God, please bless all the Members of Congress and their families, and most of all, God bless America.

God, who makes peace in the heavens and on Earth, let us indeed have a year of peace, and let us all say Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING RABBI DOV HILLEL KLEIN

The SPEAKER pro tempore. Without objection, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 1 minute.

There was no objection.

Ms. SCHAKOWSKY. Mr. Speaker, Rabbi, I think this is probably the first time that Bill Cosby has been part of the morning prayer. Certainly it is the first time his grandmother has been part of the prayer.

It is with great pride that I rise to welcome Rabbi Dov Hillel Klein to our Nation's Capital as guest chaplain.

Rabbi Klein works in my hometown of Evanston, Illinois, where he is a widely respected member of the community as the district director of Lubavitch Chabad.

Rabbi Klein has had a profound impact on Chabad, not only in Evanston, but throughout the United States. He was one of the pioneers in creating Chabad on university campuses in the United States when he brought his ministry to the students at Northwestern University. Because of his continued efforts, today Chabad is on 140 campuses throughout the United States.

Rabbi Klein also serves an invaluable role in our community as one of the founders and now senior chaplain for the Evanston Police Department, where he accompanies officers in squad cars on patrol and is called upon for crisis intervention. In fact, his work with law enforcement officers around town has earned him the nickname, ''Rabbi Cop.''

For all that he has done for our community, I am honored to welcome Rabbi Klein and his sons, Avramy and Levi, who are in the gallery to Congress and to thank him for his wonderful work.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

## URGING MEMBERS TO COSPONSOR THE GREEN JOBS ACT

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. I rise today to announce new legislation that will incentivize development and production of the next generation of biofuels.

As Congress seeks ways to grow jobs, reduce our alliance on foreign oil, and develop cost-effective renewable energy sources, the cellulosic biofuel industry has enormous potential to help meet this demand, create green jobs, and bring economic benefits to rural and urban communities across our Nation.

American companies can be at the forefront of producing the next generation of renewable biofuels developed from biomass as alternatives to fossil fuels. Enactment of my proposal, the Green Jobs Act, will accelerate construction of bio-refineries and encourage the domestic production of biofuels, bio-based chemicals and other bio-based products. It will reduce our reliance on foreign oil, reduce carbon emissions, and create thousands of good jobs here at home.

There is no better time than today to make smart investments in America's renewable green economy. I urge my colleagues to cosponsor the Green Jobs Act.

EXTEND THE R&D TAX CREDIT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Congress should be considering job creation policies to get America's economy rolling once again. A proven method has been the research and development tax credit to stay competitive in the global marketplace and to keep high value research and development jobs.

This tax credit is only available for certain qualified research performed in the United States, and 70 percent or more of the benefits will go straight to the salaries of workers performing U.S.-based research. In South Carolina alone, more than 600 firms participate in research and development activity, spending more than $1.3 billion a year.

If Congress will increase the rate from 14 percent to 20 percent, we can promote more R&D jobs in the United States and ensure that South Carolina and America remain competitive for research-intensive companies. The United States now ranks 17th in the world when compared to incentives for private sector research, and I urge Congress to offer more support.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

TIME FOR COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, in my district, a 45-year-old mentally disabled legal immigrant, Guillermo Gomez-Sanchez, was unjustly detained by ICE for 4 years. This tragedy is further evidence that we need comprehensive immigration reform now.

Over the weekend, I marched with 2,000 individuals in San Bernardino, California, to oppose Arizona's law, SB 1070, and support the passage of comprehensive immigration reform. This unconstitutional law is inspired by racism and will lead to racial profiling of Hispanics and people of color.

The Arizona Association of Chiefs of Police opposes this law because they know it will hurt community relations and waste valuable resources. This hateful law also has a negative impact in schools and will lead to increased bullying of Hispanic children.

I urge Americans to boycott the State of Arizona and show their opposition to the misguided Arizona law by wearing these red, yellow, and blue bracelets.

Republicans and Democrats must work together to enact comprehensive immigration reform for human rights, respect, and having our families work together and work toward securing our borders.

NEW YORK TIMES OBLIVIOUS TO IMMIGRATION PROBLEM

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, when it comes to the subject of immigration, The New York Times is fast losing its credibility.

A New York Times editorial says the new Arizona immigration law turns all the State's citizens into criminal suspects. Of course, that is an unbelievable exaggeration.

The New York Times says the law requires police officers to question anyone who looks like an illegal immigrant. Actually, it doesn't require anyone to do anything except obey the law.

The New York Times says that Arizona should welcome and assimilate all newcomers, making no distinction between illegal and legal immigrants.

Maybe from a New York City skyscraper it is hard to see the border violence, the human smuggling, the drug trafficking, the lost jobs and the crowded schools, much of it caused by those who break our immigration laws.

COMMENDING MOUNT CARMEL SCHOOL, NORTHERN MARIANA ISLANDS

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, the National High School Mock Trial Competition is the premier national law-related academic tournament for high school students. Mock trial programs are designed to give students an inside perspective on our legal system, providing them with an understanding of the mechanism through which society chooses to resolve many of its disputes.

Participation in a performance-based, hands-on program of this nature provides students with a practical knowledge about how our legal system operates and who the major players are in that system. Mock trial programs help develop young citizens who can sustain and build our Nation by making a reasoned and informed commitment to democracy.

Students of Mount Carmel High School have earned the right to represent the Northern Mariana Islands in this year's national competition in Philadelphia. They will compete with teams from around the country.

Mount Carmel students have a tradition of excellence in oratory. The school represented the Northern Mariana Islands in the National We the People program 2 years in a row. Mr. Ryan Ortizo, one of the members of this year's competition in Philadelphia, just won first place in the CNMI Attorney General's Cup competition.

One has to admire and be proud of the dedication of the students and the commitment of the teaching staff at Mount Carmel School for instilling the passion for debate and public speaking year after year.

SHOOTOUT IN ARIZONA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Deputy Louie Puroll was in his patrol vehicle last Friday afternoon in Pinal County, Arizona, patrolling the border, but he was 75 miles north of the border. There is not much Border Patrol activity there because it is so far north, but there is plenty of drug smuggling going on.

Deputy Puroll spotted backpacks full of drugs and suspicious activity. He radioed for backup and began to track the group. A drug cartel paramilitary squad opened fire on him with automatic weapons. He was shot in the side by an AK–47. This is the first time one of these squads has shot a lawman that far north, just 50 miles from Phoenix. The shootout lasted 10 minutes. The wounded deputy called for help on his cell phone, and it took an hour to find him.

The drug cartels, Mr. Speaker, are now shooting their way across our border. Until we put armed National Guard troops at the border to stop these violent narco-terrorists, we risk the lives of our lawmen that are outmanned, outgunned and outfinanced.

And that's just the way it is.

□ 1015

CLEAN ENERGY JOBS/HOME STAR

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Mr. Speaker, I rise today in support of the Home Star program. The Home Star program will give us the tools we need to move towards energy independence while strengthening our economy and the middle class. This program encourages energy efficiency improvements during a period when people are strapped for cash. These new improvements will save money in the long run, while creating clean energy jobs and reducing our dependence on foreign oil in the short term.

The key to this program is it incentivizes purchases that otherwise wouldn't be made. This is exactly the way we want to go about stimulating growth in our economy. In my home State of New York, approximately 76 percent of the homes were built before 1970. As a result, we pay a lot more for our energy needs to heat and cool our homes.

I am proud to support the Home Star program to help homeowners make improvements that will save them money and create new green energy jobs.

## CMS NOMINEE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I'm very concerned about the President's new nominee for the CMS, Dr. Donald Berwick. In my opinion, Dr. Berwick's positions on health care represent a step toward more government control of the doctor-patient relationship. Dr. Berwick opposes efforts to make patients more cost sensitive, stating that such measures have "no rationale in science, ethics, or evidence." But there is plenty of evidence that consumers behave differently when the costs of a product are made clear.

Dr. Berwick praised the British commission responsible for rationing care as "extremely effective and a conscientious, valuable, and knowledge-building system." This is the same system that routinely denies care in the name of cost savings and has led to dramatically lower cancer survival rates than the U.S.

Americans don't want a system of poor service and long waiting periods, but that's what we might expect under a CMS administrator who has been knighted for his service to the British National Health Service.

## FLOODING IN TENNESSEE

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, last weekend the people of Nashville and middle Tennessee suffered the worst losses from flooding in many, many decades along the Cumberland, Harpeth, and other rivers and streams. Even homes far from any body of water suffered as much as 4 and 5 feet of water in their basements. Thousands and thousands of Tennessee families and businesses are facing staggering losses, both personal and financial.

Tourist landmarks like the Opryland Hotel and the Grand Ole Opry itself have suffered terrible losses, but the show is still going on in other locations. Fortunately, just last night the President declared our area an official disaster area, so Federal help is on its way. But the really good news is the good local people of middle Tennessee are banding together and volunteering in unprecedented numbers. Charities are coming forth.

I have never been so proud to live in the Volunteer State.

## GULF OIL SPILL

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, the oil spill in the Gulf of Mexico they claim is going to be the largest ecological disaster in the history of the country. Over 3 million barrels of oil have already leaked into the Gulf, 200,000 gallons a day. They say they might not have a fix for another 30 days.

Numerous experts have talked to me because I am concerned, I am from counties that have beautiful beaches, Sarasota, Manatee Counties, that this couldn't happen, they had the technology, it's not possible, but yet here we are today.

I can tell you that we need to focus all our resources, there is plenty of blame to go around, in stopping this now, not another 30 days. This will impact all of Florida, a lot of region.

I stand here to do everything I can with everybody else to make sure we plug the hole today. Also we need to continue to fight in Florida against drilling off our beaches.

## HONORING THE LIFE, SERVICE, AND SACRIFICE OF MAPLEWOOD, MINNESOTA, POLICE OFFICER JOSEPH BERGERON

(Ms. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM. Mr. Speaker, I rise to honor the life and service of Maplewood Police Sergeant Joseph Bergeron, who will be laid to rest tomorrow at St. John's Cemetery in Little Canada, Minnesota.

Last Saturday morning Sergeant Bergeron was killed in the line of duty while responding to a carjacking. On behalf of all Minnesotans, I extend our prayers and our deepest sympathies to Sergeant Bergeron's wife Gail, and his twin daughters, Alexandra and Samantha, all extended family, and friends. Sergeant Bergeron gave his life while working to keep us safe, and his heroic sacrifice shall always be honored and remembered.

To the officials and residents of Maplewood, especially the members of the police department, I extend my condolences at this time of great pain and loss. The City of Maplewood is an outstanding and resilient community. The loss of a devoted police officer is a tragedy felt by every resident.

Mr. Speaker, I also want to recognize St. Paul Police Officer David Longbehn, who was seriously injured while apprehending the suspect in the death of Sergeant Bergeron. I commend Sergeant Longbehn for his courageous service, and wish him a full and speedy recovery; and for all our men and women who wear a police uniform, a safe watch today.

## GOVERNMENT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. As a constitutional conservative I'm outraged by the unbridled, unchecked, unaccountable, and out-of-control government championed by the Democrats. The Wall Street rescue, the bailouts of Fannie and Freddie, the auto industry, cap-and-tax energy bill, the government takeover of health care, and court-martialing Navy SEALs while giving terrorists rights. Enough already.

The complete lack of respect for the liberties espoused by our Founding Fathers has got to stop. That's why I am proud to announce my participation in a new group, the Tenth Amendment Task Force. The sole purpose of the caucus is to rekindle the truth and foundation of freedom, like promoting personal liberties and responsibilities, championing freedom and free enterprise, restoring States' rights, and reining in government spending.

It's time to roll back big government and rejuvenate respect for the Constitution. Americans are just fed up and want to tell the government, "Get off my back."

## REGULATORY REFORM

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise today because Wall Street reform needs to happen today. Lehman Brothers and AIG collapsed over a year-and-a-half ago, but our regulators still lack the basic power to enforce consumer financial protections and prevent future taxpayer bailouts of large financial firms.

Wall Street reform will safeguard against the deceptive financial products that destabilized the entire economy and caused the crisis. Wall Street reform will establish an orderly process to shut down large failing financial firms like AIG or Lehman Brothers at no cost to taxpayers. Wall Street reform will protect investors from fraudulent investments like Madoff's $65 billion Ponzi scheme. Wall Street reform will ensure that consumers aren't steered to bad, unaffordable mortgages when they qualify for good ones.

We need Wall Street reform now to ensure we never repeat the events of the financial crisis.

## STOP BAILOUTS

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, the American people are frustrated. They

don't think that bailouts, government spending, and debt will ever stop. My colleagues across the aisle just don't seem to get it. They say they want to stop bailouts and make sure that the breakdown in our financial system doesn't ever happen again. But financial reform that perpetuates bailouts and limits the choices of individuals is not going to do that.

They're hoping the taxpayers won't take time to understand what the financial regulatory bills actually do. Small businesses will be hurt. Community banks will have to restrict credit. We'll only punish Main Street and slow down job growth. The proposal that passed the House and is pending in the Senate is just more big government takeover of all aspects of our financial systems and less empowerment where we need it the most.

More than 2.7 million jobs have been lost since the President signed his so-called stimulus plan. Month after month the American people still want to know, ''Mr. President, where are those jobs?'' Rather than creating a permanent bailout, picking winners and losers, we need real financial reform that supports Main Street.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

## BORDER SECURITY

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, Arizonans are dealing with the consequences of Washington's failed border policies, and the dangers are growing worse as cartel violence increasingly threatens our communities.

Friday's attack on a Pinal County sheriff's deputy is just the latest example. Our law enforcement is doing the best they can, but border security is a national problem. It is time for the Federal Government to start fulfilling its responsibilities. Washington needs a comprehensive strategy to tighten security and they need to provide the resources to execute the plan.

I introduced legislation to put more boots on the ground along the border, and I firmly believe that any long-term solution must include greatly expanding the Border Patrol. The Federal Government should move forward and enlist thousands of additional agents.

Since that process will take time, I call on Washington to immediately deploy the National Guard to the border. This is a necessary step for the short-term. The risks to Arizonans are too great to allow the inaction to continue.

## COSPONSOR H.R. 5177

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. For thousands of Montana small businesses, Earth Day was just one more example of how out of touch Washington bureaucrats can be. The EPA chose Earth Day as the deadline for its new rule, the lead rule. Every contractor in Montana needed to take a training course from an EPA-certified instructor in order to work on any older building that contained lead. The trouble is Montana only has one teacher for all of our 147,000 square miles, and the EPA gave us less than 1 year to do it.

Everyone wants to make sure that lead is handled safely. But at a time when contractors are hurting from an economic downturn, we don't need to add Federal bungling to the list of challenges.

I introduced H.R. 5177 to extend the EPA deadline and give these small businesses room to breathe. Please join me in cosponsoring this bill. Our contractors are already suffering without the EPA coming after them.

## IN SUPPORT OF SISTER-CITY RELATIONSHIPS

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, we all know that the earthquake which struck Haiti in January was the worst cataclysm to hit the island nation in over two centuries. What you may not know, and what I would like to recognize today, is the role that sister-city relationships have played and continue to play in the efforts to provide relief to the people of Haiti.

Sister-city relationships, which today involve nearly 700 American towns and cities, are critical to the often unheralded role of international cooperation and collaboration with our people.

A resolution I introduced today calls upon the continuation and expansion of sister-city relationships as exemplified by the partnership between the City of Bridgeport, led by the city council, and the City of Petion-Ville.

For the people of Haiti and all those who seek understanding and peace between nations, I urge my colleagues to join me in thanking sister cities and helping support them in any way we can.

## CONGRATULATING PROFESSOR DAVID KRUEGER FOR 50 YEARS AT ARKANSAS TECH UNIVERSITY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize Professor David Krueger, who after 50 years of teaching at Arkansas Tech University gave his final lecture earlier this week.

Professor Krueger's love of teaching turned into a lifetime of work. What is so great about his commitment to education and his students is that through all of those years he maintained the passion for teaching, earning the Professor of the Year award four times, in addition to being the first recipient of the Arkansas Tech University Faculty Award of Excellence in teaching in 1996.

I commend Professor Krueger for his enthusiasm and dedication for educating our youth, and wish him success as he ends his amazing career, which earned him countless honors and touched even more lives.

I ask my colleagues to join me in honoring an educator whose accomplishments and devotion to Arkansas Tech University will be missed, but never forgotten.

Congratulations and best of luck to Professor Krueger.

## PASS A CLEAN ENERGY BILL

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, 40 years ago the Cuyahoga River in Ohio caught fire, and Congress got the message and passed a suite of clean waters bills that cleaned up our waters. Now, with this 5,000-barrel, maybe-plus, oil spill in the Gulf, Congress and the U.S. Senate particularly needs to get the message and pass a clean energy bill that will reduce our addiction, reduce our dependence on oil from any source. We are fully capable of doing this.

This fall, because of a bill we have already passed, the Johnson Controls company will open up a lithium ion battery production facility in Holland, Michigan, to power electric cars. I drove the Chevy Volt and look forward to driving the Ford Focus, an all-electric car.

We can reduce our dependence on oil if the U.S. Senate will get the message, get off the dime, and pass a clean energy bill like we have in the House to reduce our dependence on oil and reduce the threat of these horrendous oil spills.

□ 1030

## INTRODUCING H.R. 5126, ''HELPING SAVE AMERICANS' HEALTH CARE CHOICES ACT''

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, last week, I introduced H.R. 5126, the Helping Save Americans' Health Care Choices Act.

This important legislation restores the popular Health Savings Accounts and Flexible Spending Accounts, which are diminished through taxation and restrictions under ObamaCare.

Millions of Americans rely on HSAs to cover deductibles, insurance copayments, over-the-counter medications, and a plethora of other medical expenses. Furthermore, it is an excellent tool to cut health care costs while ObamaCare, itself, provides no such tools. I find it extremely ironic that the name of the current law, the Patient Protection and Affordable Care Act, betrays the fact that it drives up costs for patients and for their employers.

If you truly support health care affordability, I ask all of you to support H.R. 5126, which restores this valuable tool that saves costs.

## DEMOCRATS' JOB CREATION

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, can you believe it? The United States House of Representatives under Democrat majorities have delivered the largest tax reductions in America's history to middle class families. That's right. Ninety-five percent of American workers got a tax cut in the stimulus bill. The stimulus bill acted as a backstop against further job loss, and it helped create some jobs along the way, like what is happening in my district.

Ameridial, in Canton, is adding hundreds of jobs. LuK USA, which makes drive trains for the automotive industry, invested $18 million with a $2 million tax abatement that was handed out through some of our recovery efforts, and now they're adding another $60 million investment in expansion. Tekfor just added another $31 million in expansion. These are real signs of economic life and prosperity right in the heartland of Ohio.

Let me remind my conservative friends on the other side, amidst the constant drumbeat that we hear from conservative talk radio, that this is the record, that this is the record of job losses and that this is the record of job recovery that we have seen under this administration and under this leadership.

## EXTEND SECTION 45G, THE SHORT LINE RAILROAD TAX CREDIT

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, I rise today to express the need for an extension to the section 45G short line railroad tax credit which expired at the end of 2009. The expiration of this tax credit means that railroads, such as Rochester & Southern in my district, have had to curtail much needed maintenance to their infrastructure. The expiration of this tax credit affects nearly 500 lines across the country.

Originally enacted in 2004, section 45G ensures that the lighter density freight lines can invest enough in their infrastructure to stay connected to the national rail networks. With the discontinuation of this tax credit, railroads such as Rochester & Southern will be unable to do effective long-term capital planning.

Having run a business myself, I know how difficult it can be for a company to plan and to invest when continued uncertainty exists in how their expenses will be offset. That's why we need to pass an extension of the section 45G tax credit now, so we can put people back to work and so we can provide stability for both the workers and the companies which manage the nearly 500 short line rails across this country.

## DISASTER IN THE GULF

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Florida. Mr. Speaker, the very first thing I want to do is to express my condolences to the 11 persons who were killed on the oil rig in the gulf.

We are faced in this Nation, certainly in the gulf and along the Atlantic coast region, with the potential for a disaster of epic proportions, but the time now is not for us to get involved in blaming someone but, rather, in doing the things that are necessary to cap this gusher and to accelerate attention to clean energy.

Yesterday, Commandant Thad Allen, Interior Secretary Ken Salazar, Commerce Secretary Gary Locke, EPA Secretary Lisa Jackson, and persons from NOAA gave me the assurance, which I hope to convey to my constituents and to those of us who are concerned, that they are doing everything humanly possible to stop this disaster and that they will, assuredly, continue to do the same.

## RESILIENCE AND DETERMINATION

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, for the past several weeks, the eyes of the world have been directed to the oil spill in the gulf coast. People have been watching, hoping, and wondering:

How many lives will it claim? How many thousands of barrels of oil will it leak? How many years will it set back our efforts to rebuild our delicate coastal wetlands? How many livelihoods of fishermen and longshoremen will it destroy?

The Federal Government's response this time, fortunately, has been swift. As I told Secretaries Napolitano and Salazar as we flew over the affected area this weekend, we are grateful for the care, concern, and compassion they are showing the gulf coast.

Yet we in Congress must also perform our role by being vigilant and by focusing on providing immediate assistance with the containment—with cleanup initiatives that will ensure the accountability of those at fault and with the acceleration of Louisiana's oil and gas revenue-sharing, which, without legislative changes, will not allow Louisiana to receive money to rebuild our coastal wetlands until 2017.

Louisiana has taken up the call to address the country's energy needs. It is time this country heeds the call of Louisiana for the money to restore our coast.

## NATIONAL TEACHER WEEK

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, today, I join with people across the country to celebrate National Teacher Week, which recognizes the exemplary and important work that teachers do in classrooms every day.

Research has shown that a good teacher is one of the most important factors in a student's academic success, so it is only appropriate that we take time during National Teacher Week to say "thank you" to these heroes who positively affect so many lives.

We must also support teachers during these tough economic times by investing in education. I was proud to support the American Recovery and Reinvestment Act, which saved more than 1,000 jobs for teachers in southern Nevada, and the Jobs for Main Street Act, which passed the House and included a $23 billion jobs for education fund.

With hundreds of thousands of teachers across the country facing potential pink slips because of budget crises at the local and State levels, I urge my colleagues in both Houses to work quickly to support education by saving vital teaching jobs throughout the country.

## ANSWERS AND ACTION TO THE TRAGEDY IN THE GULF OF MEXICO

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the oil spill in the Gulf of Mexico is an ongoing tragedy, and the American people deserve action to protect our gulf, and they deserve answers.

The American people deserve to know what happened on April 20, and Congress should investigate it thoroughly. The American people deserve to know why the administration was slow to respond, why the necessary equipment was not immediately on hand in the area, and why the President did not fully deploy Cabinet-level Federal officials until he spoke at the White House on April 28.

Lastly, the American people deserve answers for a pathway toward energy independence. There would be those in this country who would exploit this ongoing disaster to deny the American people more access to American oil, but the American people know better. The pathway toward energy independence is an environmentally responsible expansion of domestic drilling for oil and natural gas. It is more wind and solar and nuclear and more conservation.

Republicans are determined to give the American people the answers about what happened on April 20 and about the slow Federal response, and Republicans are determined to give the American people answers and a pathway toward energy independence that uses all of the above.

## THE NEED FOR COMPREHENSIVE IMMIGRATION REFORM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today to encourage my colleagues to live up to a challenge that has been put before us by the people of our country, by the people of Arizona, and by the people of my State. That is the challenge to replace our broken immigration system with one that works.

As I've traveled across my district, I haven't found a single constituent on the left or on the right who is happy with the state of immigration today in this country. There are over 10 million immigrants in this country who are working illegally, who are frequently undermining wages for working families, and who are taking away jobs from Americans.

We need to pass comprehensive immigration reform to ensure that this number doesn't grow to 15 or 20 million and so, in fact, we have no one who resides in this country illegally. We will require registration and will make sure that people follow the law. We will restore the rule of law to this Nation.

I am a proud cosponsor of the House comprehensive immigration reform bill, which will accomplish that. I call upon my colleagues in the Senate to introduce a bill based on the 25-page outline that they released last week, which would ensure, once and for all, that we will hear the voice of the American people come together to solve our immigration problem.

## SUPPORTING A LOCAL JOBS BILL

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, right now, our unemployment rate in the United States hovers around 10 percent. It's a little bit lower than that, but when you think about all of the people who are unemployed in some sectors, it is twice that. In some parts of our country, it is much more than that.

The fact is that we need a jobs bill, a real jobs bill that will put Americans to work. I propose that we support a local jobs bill that will help provide not only jobs for working Americans but will also provide vitally needed services to our cities. All over America, we have districts that are looking at laying off teachers and that are looking at laying off firefighters, police officers, and public works officials. We need these vital services to keep our cities moving properly.

Local officials around this country know that the Federal Government should be responding to these difficult shortfalls and cuts that are resulting in service cuts all over this Nation. We have work that needs to be done, and we have people who are ready to do it. It is time for Congress to step forward with a real local jobs bill.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DRIEHAUS). Pursuant to Executive Order 12131, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the President's Export Council:

Ms. LINDA T. SÁNCHEZ, California;

Mr. WU, Oregon;

Mr. SCHAUER, Michigan.

## RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Judiciary:

HOUSE OF REPRESENTATIVES,
*Washington, DC, May 5, 2010.*

Hon. NANCY PELOSI,
*Speaker of the House, The Capitol,*
*Washington, DC.*

DEAR MADAM SPEAKER, I am writing to notify you of my resignation from the House Judiciary Committee, effective May 5, 2010. It was an honor to serve you and Chairman Conyers on this prestigious committee.

I look forward to continuing to serve on the Appropriations Committee and the Select Intelligence Oversight Panel in the 111th Congress.

Sincerely,

DEBBIE WASSERMAN SCHULTZ,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## HAITI ECONOMIC LIFT PROGRAM ACT OF 2010

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5160) to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5160

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Haiti Economic Lift Program Act of 2010''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) On January 12, 2010, Haiti was hit by a 7.0 magnitude earthquake, the worst earthquake to affect Haiti in recorded history. Aftershocks from the earthquake, measuring up to 6.0 on the Richter scale, continued for days afterwards.

(2) The earthquake has devastated Haiti's infrastructure, including homes, offices, factories, roads, ports, communications, and other facilities. The loss of life attributable to the earthquake was massive.

(3) Even before the earthquake, Haiti was the poorest country in the Western Hemisphere, ranking 149 out of 182 countries according to the United Nation's Human Development Index.

(4) In recent years, however, the Government and people of Haiti had taken important steps forward to promote economic growth and development, including making strides towards establishing a competitive apparel sector.

(5) United States trade preference programs, including the Caribbean Basin Economic Recovery Act (as amended by the United States-Caribbean Basin Trade Partnership Act, the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, and the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008), which extend duty-free tariff treatment to certain apparel produced in Haiti, have made an important contribution to Haiti's economic development efforts.

(6) However, the Haitian apparel sector has been hard hit by the January 12, 2010, earthquake. A number of apparel factories based in and around Port-au-Prince have been heavily damaged, including the collapse of one major apparel factory that had employed nearly 4,000 workers.

(7) The Port-au-Prince seaport that had served the apparel trade has been badly damaged. And extensive damage to roads has

made it difficult to transport apparel to the Dominican Republic for shipment from ports in that country.

(8) According to estimates by the Department of Commerce, imports of apparel articles from Haiti to the United States in 2010 have decreased by 43 percent as compared to the same period in 2009.

(9) The earthquake has increased significantly the costs and uncertainty of doing business in Haiti. A strong and unequivocal commitment from the United States is needed to help Haiti offset these costs and preserve the gains made under United States trade preference programs, and to encourage buyers and investors to stand with Haiti through this crisis.

**SEC. 3. EXTENSION OF CARIBBEAN BASIN ECONOMIC RECOVERY ACT.**

The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended—

(1) in section 213(b)—

(A) in paragraph (2)(A)—

(i) in clause (iii)—

(I) in subclause (II)(cc), by striking ''September 30, 2010'' and inserting ''September 30, 2020''; and

(II) in subclause (IV)(dd), by striking ''September 30, 2010'' and inserting ''September 30, 2020''; and

(ii) in clause (iv)(II), by striking ''8'' and inserting ''18''; and

(B) in paragraph (5)(D)(i), by striking ''September 30, 2010'' and inserting ''September 30, 2020''; and

(2) in section 213A(h), by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

**SEC. 4. APPAREL AND OTHER ARTICLES SUBJECT TO CERTAIN ASSEMBLY RULES.**

(a) CERTAIN OTHER APPAREL ARTICLES.—Section 213A(b)(3) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(3)) is amended by adding at the end the following:

''(F) CERTAIN OTHER APPAREL ARTICLES.—

''(i) IN GENERAL.—Any of the apparel articles described in clause (ii) that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(ii) ARTICLES DESCRIBED.—Apparel articles described in this clause are apparel articles in the following category numbers that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this subparagraph):

| ''Category Number | HTS Statistical Reporting Number |
|---|---|
| 334 | 6101.90.9010 |
| | 6112.11.0010 |
| | 6103.22.0010 |
| | 6113.00.9015 |
| 335 | 6104.22.0010 |
| | 6104.29.2010 |
| | 6112.11.0020 |
| 336 | 6104.49.9010 |
| 338 | 6103.22.0050 |
| | 6105.90.8010 |
| | 6112.11.0030 |
| 339 | 6104.22.0060 |
| | 6104.29.2049 |
| | 6106.90.2510 |
| | 6106.90.3010 |
| | 6110.20.1031 |
| | 6110.20.1033 |
| | 6112.11.0040 |
| 342 | 6104.22.0030 |
| | 6104.29.2022 |
| | 6104.52.0010 |
| | 6104.52.0020 |
| | 6104.59.8010 |
| 350 | 6107.91.0040 |
| | 6107.91.0090 |
| 351 | 6107.21.0010 |
| | 6107.21.0020 |
| | 6107.91.0030 |
| | 6108.31.0010 |
| | 6108.31.0020 |
| 433 | 6103.23.0007 |
| | 6103.29.0520 |
| | 6103.31.0000 |
| | 6103.33.1000 |
| | 6103.39.8020 |
| 434 | 6101.30.1500 |
| | 6101.90.0500 |
| | 6101.90.9020 |
| | 6103.23.0005 |
| | 6103.29.0510 |
| 435 | 6102.30.1000 |
| | 6102.90.9010 |
| | 6104.23.0010 |
| | 6104.29.0510 |
| | 6104.29.2012 |
| | 6104.33.1000 |
| | 6104.39.2020 |
| 438 | 6103.23.0025 |
| | 6103.29.0550 |
| | 6104.23.0020 |
| | 6104.29.0560 |
| | 6104.29.2051 |
| | 6105.90.1000 |
| | 6105.90.8020 |
| | 6106.20.1020 |
| | 6106.90.1010 |
| | 6106.90.1020 |
| | 6106.90.2520 |
| | 6106.90.3020 |
| | 6110.11.0070 |
| | 6110.12.2070 |
| | 6110.12.2080 |
| | 6110.19.0070 |
| | 6110.19.0080 |
| | 6110.30.1550 |
| | 6110.30.1560 |
| 633 | 6103.23.0037 |
| | 6103.29.1015 |
| | 6103.33.2000 |
| | 6103.39.1000 |
| | 6103.39.8030 |
| 634 | 6101.30.1000 |
| | 6101.90.9030 |
| | 6103.23.0036 |
| | 6103.29.1010 |
| | 6112.12.0010 |
| | 6112.19.1010 |
| | 6112.20.1010 |
| | 6112.20.1030 |
| | 6113.00.9025 |
| 635 | 6102.30.0500 |
| | 6102.90.9015 |
| | 6104.23.0026 |
| | 6104.29.1010 |
| | 6104.29.2014 |
| | 6104.39.2030 |
| | 6112.12.0020 |
| | 6112.19.1020 |
| | 6112.20.1020 |
| | 6112.20.1040 |
| | 6113.00.9030 |
| 636 | 6104.49.9030 |
| | 6104.44.2020 |
| 638 | 6103.23.0075 |
| | 6103.29.1050 |
| | 6105.90.8030 |
| | 6110.30.1050 |
| | 6110.30.2051 |
| | 6110.30.2053 |
| | 6112.12.0030 |
| | 6112.19.1030 |
| 639 | 6104.23.0036 |
| | 6104.29.1050 |
| | 6104.29.2055 |
| | 6106.90.2530 |
| | 6106.90.3030 |
| | 6110.30.1060 |
| | 6110.30.2061 |
| | 6110.30.2063 |
| | 6112.12.0040 |
| | 6112.19.1040 |
| 651 | 6107.22.0010 |
| | 6107.22.0015 |
| | 6107.22.0025 |
| | 6107.99.1030 |
| | 6108.32.0015 |

''(iii) CATEGORY DEFINED.—In this subparagraph, the term 'category' has the meaning given that term in paragraph (2A)(E) of this subsection.''.

(b) MADE-UP TEXTILE ARTICLES.—Section 213A(b)(3) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(3)), as amended by subsection (a), is further amended by adding at the end the following:

''(G) MADE-UP TEXTILE ARTICLES.—

''(i) IN GENERAL.—Any of the made-up textile articles described in clauses (ii) and (iii) that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(ii) ARTICLES DESCRIBED.—Made-up textile articles described in this clause are articles in the following category numbers that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this subparagraph):

| “Category Number | HTS Statistical Reporting Number |
|---|---|
| 363 | 6302.60.0020 |
| | 6302.91.0015 |
| | 6302.91.0035 |
| | 6307.90.8940 |
| 369 | 6304.91.0020 |
| | 6304.92.0000 |
| | 6302.60.0010 |
| | 6302.60.0030 |
| | 6302.91.0005 |
| | 6302.91.0050 |
| | 6307.90.8910 |
| | 6307.90.8945 |
| | 5701.90.2020 |
| | 5702.39.2010 |
| | 5702.50.5600 |
| | 5702.99.0500 |
| | 5702.99.1500 |
| | 5705.00.2020 |
| | 5807.10.0510 |
| | 5807.90.0510 |
| | 6307.90.3010 |
| | 6301.30.0010 |
| | 6305.20.0000 |
| | 6307.10.1020 |
| | 6307.10.1090 |
| | 6406.10.7700 |
| | 9404.90.1000 |
| | 9404.90.9505 |
| | 6301.30.0020 |
| | 6302.91.0045 |
| 465 | 5701.10.9000 |
| | 5702.50.2000 |
| | 5702.50.4000 |
| | 5702.91.3000 |
| | 5702.91.4000 |
| | 5703.10.2000 |
| | 5703.10.8000 |
| | 5704.10.0010 |
| | 5705.00.2005 |
| | 5705.00.2015 |
| | 5702.31.1000 |
| | 5702.31.2000 |
| 469 | 6304.19.3040 |
| | 6304.91.0050 |
| | 6304.99.1500 |
| | 6304.99.6010 |
| | 5601.29.0020 |
| | 6302.39.0010 |
| | 6406.10.9020 |
| 665 | 5701.90.1030 |
| | 5701.90.2030 |
| | 5702.32.1000 |
| | 5702.32.2000 |
| | 5702.42.2090 |
| | 5702.50.5200 |
| | 5702.92.1000 |
| | 5702.92.9000 |
| | 5703.20.1000 |
| | 5703.30.2000 |
| | 5703.30.8030 |
| | 5703.30.8080 |
| | 5704.10.0090 |
| | 5705.00.2030 |
| | 5703.20.2010 |
| | 5703.20.2090 |
| 666 | 6304.11.2000 |
| | 6304.91.0040 |
| | 6304.93.0000 |
| | 6304.99.6020 |
| | 6301.40.0010 |
| | 6301.40.0020 |
| | 6301.90.0010 |
| 669 | 5601.10.2000 |
| | 5601.22.0090 |
| | 5807.10.0520 |
| | 5807.90.0520 |
| | 6307.90.3020 |
| | 6305.32.0010 |
| | 6305.32.0020 |
| | 6305.32.0050 |
| | 6305.32.0060 |
| | 6305.39.0000 |
| | 6406.10.9040 |
| | 6308.00.0020 |
| 899 | 6304.11.3000 |
| | 6304.19.3060 |
| | 6304.91.0070 |
| | 6304.99.3500 |
| | 6304.99.6040 |
| | 5601.29.0090 |
| | 6301.90.0030 |
| | 6305.90.0000 |
| | 6406.10.9060 |
| 900 | 5601.29.0010 |
| | 5701.90.2010 |
| | 6301.90.0020 |

‘‘(iii) OTHER ARTICLES DESCRIBED.—Made-up textile articles described in this clause are articles that fall within statistical reporting number 6406.10.9090 of the HTS (as in effect on the day before the date of the enactment of this subparagraph).

‘‘(iv) CATEGORY DEFINED.—In this subparagraph, the term ‘category’ has the meaning given that term in paragraph (2A)(E) of this subsection.’’.

**SEC. 5. MODIFICATION OF TARIFF PREFERENCE LEVELS; VERIFICATION WITH RESPECT TO TRANSSHIPMENT FOR CERTAIN APPAREL ARTICLES.**

Section 213A(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii)—

(i) by striking ‘‘The preferential treatment’’ and inserting ‘‘Except as provided in paragraph (2A), the preferential treatment’’; and

(ii) by striking ‘‘9’’ and inserting ‘‘11’’; and

(B) in subparagraph (B)(iii)—

(i) by striking ‘‘The preferential treatment’’ and inserting ‘‘Except as provided in paragraph (2A), the preferential treatment’’; and

(ii) by striking ‘‘9’’ and inserting ‘‘11’’; and

(2) by inserting after paragraph (2) the following:

‘‘(2A) SPECIAL RULE FOR CERTAIN WOVEN ARTICLES AND CERTAIN KNIT ARTICLES ENTERED DURING FISCAL YEAR 2010 AND SUCCEEDING 1-YEAR PERIODS.—

‘‘(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C) and subject to subparagraph (D), if 52,000,000 square meter equivalents of apparel articles described in paragraph (2)(A)(i) or (2)(B)(i) enter the United States during the 1-year period beginning October 1, 2009, or any of the succeeding 1-year periods, the President shall extend the preferential treatment described in paragraph (2)(A)(i) or (2)(B)(i) (as the case may be) to not more than 200,000,000 square meter equivalents of apparel articles described in paragraph (2)(A)(i) or (2)(B)(i) (as the case may be) during that 1-year period, and shall publish notice of the extension in the Federal Register.

‘‘(B) EXCEPTION FOR CERTAIN WOVEN ARTICLES.—

‘‘(i) IN GENERAL.—In the case of apparel articles described in clause (ii), subparagraph (A) shall be applied by substituting ‘70,000,000’ for ‘200,000,000’.

‘‘(ii) APPAREL ARTICLES DESCRIBED.—Apparel articles described in this clause are apparel articles described in paragraph (2)(A)(i) that are the following:

‘‘(I) CATEGORY 347.—Apparel articles in category 347 that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this paragraph):

| | | |
|---|---|---|
| ‘‘6203.19.1020 .. | 6203.42.4011 … | 6203.42.4061 |
| 6203.19.9020 .. | 6203.42.4016 … | 6203.49.8020 |
| 6203.22.3020 .. | 6203.42.4026 … | 6210.40.9033 |
| 6203.22.3030 .. | 6203.42.4036 … | 6211.20.1520 |
| 6203.42.4003 .. | 6203.42.4046 … | 6211.20.3810 |
| 6203.42.4006 .. | 6203.42.4051 … | 6211.32.0040 |

‘‘(II) CATEGORY 348.—Apparel articles in category 348 that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this paragraph):

| | | |
|---|---|---|
| ‘‘6204.12.0030 .. | 6204.62.4011 … | 6204.69.9010 |
| 6204.19.8030 .. | 6204.62.4021 … | 6210.50.9060 |
| 6204.22.3040 .. | 6204.62.4031 … | 6211.20.1550 |
| 6204.22.3050 .. | 6204.62.4041 … | 6211.20.6810 |
| 6204.29.4034 .. | 6204.62.4051 … | 6211.42.0030 |
| 6204.62.3000 .. | 6204.62.4056 … | 6217.90.9050 |
| 6204.62.4003 .. | 6204.62.4066 … | |
| 6204.62.4006 | 6204.69.6010 … | |

‘‘(III) CATEGORY 647.—Apparel articles in category 647 that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this paragraph):

| | | |
|---|---|---|
| ‘‘6203.23.0060 .. | 6203.43.4020 … | 6203.49.8030 |
| 6203.23.0070 | 6203.43.4030 … | 6210.40.5031 |
| 6203.29.2030 | 6203.43.4040 … | 6210.40.5039 |
| 6203.29.2035 | 6203.49.1500 … | 6211.20.1525 |
| 6203.43.2500 | 6203.49.2015 … | 6211.20.3820 |
| 6203.43.3510 | 6203.49.2030 … | 6211.33.0030 |
| 6203.43.3590 | 6203.49.2045 … | |
| 6203.43.4010 .. | 6203.49.2060 … | |

‘‘(IV) CATEGORY 648.—Apparel articles in category 648 that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this paragraph):

| | | |
|---|---|---|
| ‘‘6204.23.0040 .. | 6204.63.3510 … | 6204.69.6030 |
| 6204.23.0045 .. | 6204.63.3530 … | 6204.69.9030 |
| 6204.29.2020 .. | 6204.63.3532 … | 6210.50.5031 |
| 6204.29.2025 .. | 6204.63.3540 … | 6210.50.5039 |
| 6204.29.4038 .. | 6204.69.2510 … | 6211.20.1555 |
| 6204.63.2000 .. | 6204.69.2530 … | 6211.20.6820 |
| 6204.63.3010 .. | 6204.69.2540 … | 6211.43.0040 |
| 6204.63.3090 .. | 6204.69.2560 … | 6217.90.9060 |

‘‘(C) EXCEPTION FOR CERTAIN KNIT ARTICLES.—

‘‘(i) IN GENERAL.—In the case of apparel articles described in clause (ii), subparagraph (A) shall be applied by substituting ‘85,000,000’ for ‘200,000,000’.

‘‘(ii) APPAREL ARTICLES DESCRIBED.—Apparel articles described in this clause are apparel articles described in paragraph (2)(B)(i) that fall within the following statistical reporting numbers of the HTS (as in effect on the day before the date of the enactment of this paragraph), other than shirts with plackets and pointed collars:

| | | |
|---|---|---|
| ‘‘6105.10.0010 .. | 6109.10.0040 … | 6110.30.3053 |
| 6109.10.0018 .. | 6109.10.0045 … | 6110.30.3059 |
| 6109.10.0027 .. | 6110.20.2079 … | |

‘‘(D) VERIFICATION WITH RESPECT TO TRANSSHIPMENT FOR CERTAIN APPAREL ARTICLES.—

‘‘(i) IN GENERAL.—Not later than April 1, July 1, October 1, and January 1 of each year, the Commissioner responsible for U.S. Customs and Border Protection shall verify that apparel articles imported into the United States under this paragraph are not being unlawfully transshipped (within the

meaning of subsection (f)) into the United States.

''(ii) REPORT TO PRESIDENT.—If the Commissioner determines pursuant to clause (i) that apparel articles imported into the United States under this paragraph are being unlawfully transshipped into the United States, the Commissioner shall report that determination to the President.

''(iii) AUTHORITY TO REDUCE QUANTITATIVE LIMITATION.—If, in any 1-year period with respect to which the President extends preferential treatment as described in this paragraph, the Commissioner reports to the President pursuant to clause (ii) regarding unlawful transshipments, the President—

''(I) may modify the quantitative limitation under this paragraph as the President considers appropriate to account for such transshipments; and

''(II) if the President modifies the limitation under subclause (I), shall publish notice of the modification in the Federal Register.

''(E) CATEGORY DEFINED.—In this paragraph, the term 'category' means the number assigned under the U.S. Textile and Apparel Category System of the Office of Textiles and Apparel of the Department of Commerce, as listed in the HTS under the applicable heading or subheading (as in effect on the day before the date of the enactment of this paragraph).''.

**SEC. 6. EARNED IMPORT ALLOWANCE RULE.**

Section 213A(b)(4)(B)(ii)(I) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)(B)(ii)(I)) is amended by striking ''three'' and inserting ''two''.

**SEC. 7. EXTENSION OF VALUE-ADDED RULE.**

Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a), as amended by this Act, is further amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) INITIAL APPLICABLE 1-YEAR PERIOD.—The term 'initial applicable 1-year period' means the 1-year period beginning on December 20, 2006.''; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''an applicable 1-year period'' and inserting ''the initial applicable 1-year period and any 1-year period thereafter'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) by striking ''any applicable 1-year period'' and inserting ''the initial applicable 1-year period and any 1-year period thereafter''; and

(II) by striking ''the applicable 1-year period'' and inserting ''that 1-year period'';

(ii) in clause (iv)(II)—

(I) in the subclause heading, by striking ''APPLICABLE'';

(II) by striking ''In each of the second, third, fourth, and fifth applicable 1-year periods'' and inserting ''In any 1-year period after the initial applicable 1-year period''; and

(III) by striking ''applicable 1-year period'' each place it appears and inserting ''1-year period'';

(iii) in clause (v)(I)—

(I) in item (aa), by striking '', the second applicable 1-year period, and the third applicable 1-year period'' and inserting ''and the succeeding 8 1-year periods'';

(II) in item (bb), by striking ''the fourth applicable 1-year period'' and inserting ''the 1-year period beginning on December 20, 2015, and the 1-year period beginning on December 20, 2016''; and

(III) in item (cc), by striking ''the fifth applicable 1-year period'' and inserting ''the 1-year period beginning on December 20, 2017''; and

(iv) in clause (vi)—

(I) in subclause (II)—

(aa) by striking ''any applicable 1-year period'' and inserting ''the initial applicable 1-year period or any 1-year period thereafter''; and

(bb) by striking ''applicable 1-year period'' each place it appears and inserting ''1-year period''; and

(II) in subclause (III)—

(aa) in item (aa), by striking ''an applicable 1-year period'' and inserting ''the initial applicable 1-year period or any 1-year period thereafter''; and

(bb) by striking ''applicable 1-year period'' each place it appears and inserting ''1-year period''; and

(C) in subparagraph (C)—

(i) by striking ''applicable 1-year periods'' and inserting ''1-year periods'';

(ii) by striking the table and inserting the following:

| "During: | the corresponding percentage is: |
|---|---|
| the initial applicable 1-year period | 1 percent. |
| each of the succeeding 11 1-year periods | 1.25 percent.''; |

and

(iii) in the flush text, by striking ''the last day of the fifth applicable 1-year period'' and inserting ''December 19, 2018''.

**SEC. 8. WIRE HARNESSES.**

Section 213A(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703A(c)) is amended by striking ''5-year period'' and inserting ''10-year period''.

**SEC. 9. CUSTOMS SUPPORT SERVICES.**

(a) IN GENERAL.—

(1) RAPID RESPONSE TEAM.—The Commissioner responsible for U.S. Customs and Border Protection (in this section referred to as the ''Commissioner'') shall, in consultation with the United States Coast Guard, the Drug Enforcement Agency, and other Federal agencies, as appropriate, seek to send a rapid response team to Haiti—

(A) to assess the short-term and long-term technical, capacity-building, and training needs of the authorities of the Government of Haiti responsible for customs services; and

(B) to provide immediate assistance, as warranted, particularly with respect to—

(i) reestablishing full capacity for commercial port operations at the seaport at Port-au-Prince;

(ii) facilitating trade between the United States and Haiti under the Caribbean Basin Economic Recovery Act, as amended by this Act;

(iii) preventing unlawful transshipment of goods through Haiti to the United States; and

(iv) otherwise strengthening cooperation between the customs authorities of the United States, Haiti, and the Dominican Republic with respect to trade facilitation and economic development, customs compliance and law enforcement, and efforts to combat unlawful trafficking in narcotic drugs and psychotropic substances.

(2) REPORT.—Not later than 75 days after the date of the enactment of this Act, the Commissioner shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a nonconfidential report summarizing the results of the assessment required by paragraph (1)(A), including—

(A) a description of the short-term and long-term technical, capacity-building, and training needs of the authorities of the Government of Haiti responsible for customs services, including a prioritization of immediate infrastructure needs;

(B) a multi-year plan for supplying technical, capacity-building, and training assistance to those authorities, including specific responsibilities to be undertaken by the support team authorized by subsection (b); and

(C) a statement of the amount and purpose for which any funds were expended by the rapid response team in Haiti to administer the provisions of this section, including any expenditure of funds authorized to be appropriated pursuant to subsection (c)(1).

(b) SUPPORT TEAM.—

(1) IN GENERAL.—The Commissioner shall, in consultation with other Federal agencies, as appropriate, seek to establish a support team in Haiti for the purpose of helping to meet the short-term and long-term technical, capacity-building, and training needs of the authorities of the Government of Haiti responsible for customs services, as described in this section.

(2) TERMINATION.—The support team authorized by paragraph (1) shall terminate on September 30, 2020.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the U.S. Customs and Border Protection Agency, to remain available until expended—

(A) $100,000 to help meet the immediate infrastructure needs of the authorities of the Government of Haiti responsible for customs services for the purpose of facilitating trade between the United States and Haiti under the Caribbean Basin Economic Recovery Act, as amended by this Act; and

(B) $750,000 for each of the fiscal years 2011 through 2020 for the purpose of maintaining the support team authorized by subsection (b).

(2) SUPPLEMENT AND NOT SUPPLANT.—The amounts authorized to be appropriated by paragraph (1) shall supplement and not supplant any other funds authorized to be appropriated to the Department of Homeland Security.

**SEC. 10. SENSE OF CONGRESS.**

(a) REGIONAL COOPERATION.—It is the sense of Congress that the United States Trade Representative should seek to enter into consultations with representatives of countries with which the United States has a trading relationship for the purpose of encouraging those countries to establish bilateral trade preference programs with respect to textile and apparel articles produced in Haiti.

(b) TRANSSHIPMENT.—It is the sense of Congress that the Commissioner responsible for U.S. Customs and Border Protection should, in consultation with the United States Trade Representative and the Secretary of Commerce, seek to enter into consultations with representatives of countries with which the United States has a trading relationship for

the purpose of preventing the unlawful transshipment of textile and apparel articles from those countries through Haiti.

**SEC. 11. CUSTOMS USER FEES.**

Section 13031(j)(3) of the Consolidated Omnibus Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''May 14, 2018'' and inserting ''November 10, 2018''; and

(2) in subparagraph (B)(i), by striking ''June 7, 2018'' and inserting ''August 17, 2018''.

**SEC. 12. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

(a) SHIFT FROM 2015 TO 2014.—The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 0.75 percentage points.

(b) SHIFT FROM 2016 TO 2015.—The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 0.75 percentage points.

**SEC. 13. BUDGET COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, first, I want to yield myself 30 seconds and then yield more time if I might.

I first want to yield to the lead sponsor of this bill, Mr. RANGEL. Our colleague, CHARLES RANGEL, has devoted his life to fighting for underdogs wherever they are in this country and beyond, and he has devoted so much time to the people of Haiti.

He is the lead sponsor, and it is my privilege—and I think all of us join in this—to yield such time as he shall consume to the gentleman from New York, CHARLES RANGEL.

Mr. RANGEL. Thank you, Chairman LEVIN, and it is good to be here with my friend DAVE CAMP.

Mr. Speaker, this is a good day for Americans, especially for those of us in the United States Congress.

As we listen to the partisanship as it relates to the capture of terrorists, as we listen to the partisanship as it relates to oil spills, and as we listen to the partisanship as it relates to trying to repair our economic work on Wall Street, it just seems to me, if we all took a deep breath, we would recognize that, as a people, we are more than Republicans and Democrats—we are Americans. We do recognize that. When there is a crisis, the whole world looks to us, not just for goods and services, but for leadership and compassion.

There is an unlimited number of people whom we could thank for coming to the floor today. One has to be DAVE CAMP. You don't have to say what the problem is. When you ask, ''What can we do to help?'' it is just a question of Members and staff coming together, seeing what they can do to be of some assistance to the people who have tried so hard to rebuild their country, their families, and, indeed, their government.

□ 1045

When we had initially the HOPE legislation, there was some opposition because what did it mean? It meant that a country that had a very bad infrastructure, poor education, lack of opportunities in employment was able to get their act together, to hope, to dream, to bring their families together, and to produce textiles. And America said, Hey, we will work with you on tariffs. We will open up our doors to your goods and services. And further than that, we think it's such a good deal that our President, our Secretary of State, our Secretary of Commerce, our Ambassador of Trade will encourage other people to invest in Haiti so that one day she can share a prominent spot in terms of democratic countries that believe in hard work.

And then what happened? Just when production was doubling, she was struck by an earthquake. Haitians still went to the factories hoping and dreaming. Many were killed. And, of course, people made economic decisions that Haiti wasn't the place to invest a lot of money.

But again the world responded, former President Clinton, investors, in saying what little can we do? What small thing can we do? And we got to work, and staff I want to publicly thank found out ways. All we said is we've got to do more. We have to do more. And more was done by this bill in our committee. Under the leadership of SANDY LEVIN, Republicans, Democrats got together to do what? To do more to give hope to these people who had more than their share of economic despair.

This is the poorest country that we have in the hemisphere, but with our help, our leadership, our encouragement to investors, have Haitians know that, sure, this has been a tremendous setback with the earthquake, but America will once again provide the leadership to make certain that people don't give up, don't give in, and certainly don't give out.

So I thank once again SANDY LEVIN, who is always there when people, no matter what country is in trouble, you can depend on his leadership, and I personally and politically appreciate it.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I thank the distinguished gentleman from New York for his comments and also for his effort and leadership on this legislation, as well as my colleague from Michigan.

I want to echo these comments and also place in the RECORD a letter that we each received from both President Clinton and President Bush supporting this effort today.

I rise in support of this legislation. The images of the devastation caused by the January earthquake that ravaged Haiti and its people were difficult for all of us to watch. And while those stories may no longer be splashed across the evening news, we know the Haitians continue to need help in rebuilding.

The legislation before us today is the example of how the process should work. Bipartisan, bicameral cooperation, and working closely with all stakeholders has allowed us to craft a bill that provides meaningful assistance to Haiti. These benefits will encourage the long-term investment in Haiti that Haiti desperately needs for its economic recovery and future stability. I am convinced that the bill will promote trade and investment in the region and create a strong hemispheric partnership with U.S. interests.

This legislation builds on the short-term assistance that Congress provided earlier this year to accelerate the tax benefits for charitable donations to the Haiti relief effort. And I am pleased to have participated in both of these bipartisan efforts.

This legislation also supports U.S. textile manufacturers and their workers by providing a long-term extension of the Caribbean Basin Trade Partnership Act. The CBTPA program provides strong incentives to our trading partners throughout the region to use fabric and inputs produced in the United States, supporting American exports and American jobs. That is why this legislation is supported by the American textile industry. And I have a letter from the American Manufacturing Trade Action Coalition that I will insert into the RECORD supporting this legislation.

The success of this bill also demonstrates the benefits of tailoring our preference programs to the needs of a specific country or region. Congress is able to provide these expanded benefits to Haiti because they are customized to its specific needs and limit any negative impact on the U.S. textile industry. The careful balance of interests this legislation represents is unique to

Haiti and wouldn't be possible if we tried to expand it to all of our preference programs in a one-size-fits-all approach.

I hope we can build on this bipartisan success and continue this policy of economic integration by working together to find a path that will enable Congress to bring pending trade agreements with Colombia and Panama to the floor for a successful vote. Like the legislation before us today, these agreements will promote economic development both here at home and for our trading partners as well.

AMERICAN MANUFACTURING TRADE ACTION COALITION, NATIONAL COUNCIL OF TEXTILE ORGANIZATIONS,
*April 26, 2010.*

Hon. SANDER M. LEVIN,
*Acting Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.*
Hon. DAVE CAMP,
*Ranking Member, Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR ACTING CHAIRMAN LEVIN AND RANKING MEMBER CAMP: As representatives of the United States textile industry, we are writing in regard to the Haiti Economic Lift Program Act of 2010, a bill to provide enhanced market access for apparel products manufactured in Haiti.

After lengthy negotiations with your staffs, we are pleased that we were able to reach an acceptable compromise on this important legislation. While the bill provides Haiti with a path forward for long-term economic recovery in the wake of its devastating earthquake, it also takes into account various sensitivities from the perspective of the U.S. textile industry.

For example, the bill grants significant increases in duty free treatment through a system of Tariff Preference Levels (TPLs) but also institutes sub-limits on highly sensitive products that can be exported under the TPLs. The sub-limits were a key priority for the domestic industry and will prevent over concentration of exports in one or two key areas that could be particularly damaging to U.S. producers. In addition, the bill extends the current Caribbean Basin Trade Partnership Act (CBTPA) through 2020. This extension will help to provide long-term certainty for a program that is of significant value for U.S. and Western Hemispheric trading partners.

Obviously, we take very seriously the impact that additional duty free imports may have on U.S. producers and workers as well as our Western Hemispheric customers. Noting those concerns, we also recognize that the devastating circumstances in Haiti produced an exceptional case that motivated Congress to develop a quick response and have worked with the Committee to develop a package that strikes an acceptable balance. We must stress, however, that this package does not set a precedent for any future trade preference legislation.

For all these reasons, we are encouraging our Congressional members that represent the nearly 500,000 U.S. textile and apparel workers to approve this legislation in an expeditious manner under suspension of the rules in the House and by unanimous consent in the Senate.

Sincerely,

AUGUSTINE D. TANTILLO,
*Executive Director, American Manufacturing Trade Coalition (AMTAC).*
CASS M. JOHNSON,
*President, National Council of Textile Organizations (NCTO).*

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CLINTON BUSH HAITI FUND,
*April 13, 2010.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives, Washington, DC.*
Hon. STENY HOYER,
*Majority Leader, House of Representatives, Washington, DC.*
Hon. SANDER LEVIN,
*Acting Chairman, House Committee on Ways and Means, Washington, DC.*
Hon. JOHN BOEHNER,
*Republican Leader, House of Representatives, Washington, DC.*
Hon. DAVE CAMP,
*Ranking Member, House Committee on Ways and Means, Washington, DC.*

DEAR MADAM SPEAKER, LEADER HOYER, LEADER BOEHNER, MR. LEVIN, and MR. CAMP: We write to you today about Haiti: As we build upon our shared commitment to provide more Haitians with the tools they seek to lift themselves from poverty and reduce their dependence on international aid, we believe the Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act can be amended in two specific ways to encourage greater growth in Haiti, with positive impacts for the United States.

On March 22, we visited Haiti and met with citizens from all sectors of society. While there remains an urgent need for food, water, shelter, and sanitation, Haitian leaders and communities are looking to the future in hopes of developing the modem nation they have long imagined and deserved. We know that Haitian households are eager to return to work, and we are confident that the textile industry can offer significant opportunities for future job creation.

As you know, the existing HOPE program has had a significant impact on this industry. From 2006–2009, HOPE enabled the expansion of apparel manufacturing and the growth of the sector's employment from 12,000 to more than 25,000 workers. HOPE II subsequently assisted the apparel industry in attracting business and in reopening dormant manufacturing operations. These results have been encouraging, but there is much more we can do. The nation's apparel sector once employed more than 100,000 workers, and we should work toward stabilizing and further empowering this industry.

We suggest two immediate modifications to HOPE that have the potential to help create tens of thousands more jobs in Haiti. First, we recommend increasing the HOPE trade preference level (TPL) quotas for knit and woven fabrics to 250 million square meter equivalents each. Second, we suggest extending the duration of the legislation from 8 to 15 years.

These amendments can generate tangible results. During our recent visit, we learned that three major Korean apparel manufacturers are exploring investments in Haiti, each capable of employing 10,000–30,000 Haitian workers. This investment could double the employment levels in the Haitian apparel sector. Furthermore, because the project would also require new industrial space and infrastructure, it would create thousands of construction jobs in Haiti. Ultimately, countless more jobs would be produced by the small- and medium-sized enterprises necessary for supporting the needs of these new workforces.

Unfortunately, the Korean manufacturers are reluctant to invest in Haiti. A single Korean firm could consume the current TPL of 70 million. In effect, none of the firms will commit if they believe their investment could be jeopardized by potential competition for TPL allocations in the future. Furthermore, the firms will not consider working in Haiti if their investments could be jeopardized by the expiration of the HOPE program before they are able to recover their investment.

These amendments would not increase the total amount of clothing imported by the United States. Instead, the modifications would shift the composition of the imports and increase the proportion coming from Haiti. In fact, over time, greater production capacity in Haiti would likely provide a new and nearby market for American cotton farmers, thereby uplifting incomes in the United States.

We firmly believe that amendments to the HOPE program would offer a win-win situation for both the Haitians and the U.S. community. We encourage you to build on the hemispheric leadership of the United States since the earthquake. With your support, we can expand economic opportunity both in Haiti and here in America.

We would be pleased to provide any additional information.

Sincerely,

BILL CLINTON.
GEORGE W. BUSH.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is now my privilege to yield 2 minutes to my colleague on Ways and Means, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I want to thank the chairman for yielding this time.

Mr. Speaker, we have had an opportunity over the course of the last many months to witness the unprecedented goodness and kindness of the American people. Time and again in rising above the petty differences that frequently keep us in dispute within this institution, we have asked no question of political party or affiliation. We have watched former Presidents of the United States who sharply might disagree on a host of issues to lead an effort to help the people of Haiti to get through this difficult time caused by the consequences of this devastating earthquake.

But throughout all of these measures, you're struck by de Tocqueville's notion of what set America apart from the rest of the world. And de Tocqueville, as you know, in finding it challenging to describe what it was that differentiated America from the rest of the world, he simply described it as a ''habit of the heart.'' And today I think this institution with this proposal that's in front of us embraces again that American notion of the decency of habits of our heart.

This Haiti-HELP Act provides crucial additional trade preferences to help out our Haitian friends to rebuild their economy and lives in the wake of this devastating earthquake.

I want to particularly commend the trade staff and industry for quickly collaborating on this legislation, which also provides important protections for sensitive domestic products while improving existing preference provisions. It also provides a long-term extension for the Caribbean Basin and HOPE programs that are key boosters to the Caribbean-U.S. relationship.

Mr. Speaker, this legislation deserves our full support, and I look forward to improving the economic and cultural ties with Haiti in the years ahead.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I want to thank the ranking member, Mr. CAMP, for his leadership on the Ways and Means Committee and for yielding time this morning.

Well, as we well know, we've seen the devastation of the earthquake in Haiti, the loss of life, the suffering. It's tragic, and certainly the American people rally to the Haitian people.

But what we have before us today is not just about Haiti; it's about jobs in the United States. And, unfortunately, there's a provision here within the bill that will hurt jobs here in the United States. This legislation will allow for duty-free access to yarns and fabrics produced in other Third World countries, and Haiti will simply be more of a location for transshipment than other nations.

Bad trade deals like this one have devastated my district in western North Carolina and devastated manufacturing in the United States. Counties in my district have unemployment rates of up to 16 percent, some that my colleagues here can relate to in their regions of the country, but certainly devastating in western North Carolina. And it's a time when our people need jobs. Our families are hurting. And this bill is simply giving away some of those jobs. In a time when we should help small businesses, this is hurting them, specifically in my district.

In the past, Haiti has had tremendous success producing apparel using U.S. yarns and fabrics. We should be strengthening that partnership, not turning Haiti into a stopping-off point for more transshipment of goods from Asia and around the globe. Our government should represent its people and the best interests of its people. Unfortunately, this Congress is not, this leadership is not, and unfortunately, this bill with this provision is not. Charity is one thing, but giving away our jobs is a completely different matter.

With that, I would oppose this bill.

Mr. LEVIN. Mr. Speaker, I now yield 2 minutes to the very distinguished gentlewoman from California (Ms. LEE), who has been so actively involved in this legislation and related efforts.

Ms. LEE of California. Let me first thank Chairman LEVIN for your support for Haiti and for your leadership on this issue and so many issues.

The Haiti Economic Lift Program, or HELP, Act of 2010 is critical in Haiti's recovery and reconstruction. And let me thank Chairman RANGEL, as chair of the Congressional Black Caucus, for your vision in crafting this legislation. As one of the founders of the Congressional Black Caucus, you have been a longtime leader on issues related to Haiti. Chairman RANGEL has been a strong ally of the Haitian people throughout his career, and we want to once again thank you for your consistent work on behalf of the CBC and on behalf of the entire Congress.

The CBC does have a very long history of working with Haiti, the Haitian people, and the Haitian American communities. And many of us have traveled to the country several times. I was there just over a month ago and saw firsthand the extent of the devastation and the challenges of moving forward. And many people asked about this bill.

During the current crisis, the CBC has and will continue to work closely with the Obama administration, our Speaker, Chairman LEVIN, and our NGOs to provide whatever assistance we can to provide for support, relief, reconstruction, and recovery efforts.

I would also like to thank Chairman LEVIN and also Ranking Member CAMP for their bipartisan work in bringing this bill to the floor today and for their commitment to supporting the people of Haiti as they rebuild their lives and their nation. This is not a partisan issue, and I am glad to see the commitment to the Haitian people within this Congress.

That commitment, as many of us know, cannot and it should not be limited to foreign aid. Emergency assistance is vital to any humanitarian operation. However, it cannot form the sole backbone of a long-term recovery strategy for promoting reconstruction and development. It is about many, many initiatives, including debt relief, which another member of the Congressional Black Caucus, Congresswoman MAXINE WATERS so valiantly——

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LEVIN. I yield the gentlewoman 1 additional minute.

Ms. LEE of California. Thank you.

Such strategies must take a whole-of-government approach to foster homegrown economic growth. That is exactly what the HELP Act aims to do. It expands upon the successes of existing trade preferences to spur investment and empower the private sector to take the mantle of rebuilding along with the government. The trade preferences provided in this legislation are certainly not a cure-all, but they offer powerful incentives to spur significant job creation, one of the surest ways to promote development and to reduce poverty.

So I call on all of my colleagues to join Chairman LEVIN, Chairman RANGEL, and Ranking Member CAMP to support this measure and to express our steadfast solidarity once again and our continued partnership with the resilient people of Haiti.

Thank you again. Thanks for the time.

Mr. CAMP. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

I want to say a few words about the nature of this legislation.

I want to start off by saluting the bipartisanship in this House. I want to salute the work of our staffs, working with USTR.

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I would like also—and I think others would join me—in saluting Presidents Clinton and Bush, who have devoted their energy and their time to the needs of the people of Haiti, expressing on behalf of all of us that there is a mutuality in terms of the response to the horrible, horrible events in the earthquake. I also want to salute industry and the labor movement.

We have tried in these last months with our leadership to begin to craft a new trade policy—a trade policy that takes into account the needs of this country to try to make sure that trade is two-way; to try to make sure that it is mutually beneficial; and to be very sensitive to the impact of trade agreements on American industry and American workers. We very much took that into account as we designed this legislation—and it succeeded. It has that mutuality. That's why the two main textile organizations in this country who have a deep stake in the continued health of this industry in this country sent, as Mr. CAMP indicated, a letter to him and to me in support of this legislation. I just want to read a few lines so it's clear, and I quote from this letter from AMTAC and NCTO: ''After lengthy negotiations with your staffs, we are pleased that we were able to reach an acceptable compromise on this legislation. While the bill provides Haiti with a path forward for long-term economic recovery in the wake of its devastating earthquake, it also takes into account various sensitivities from the perspective of the U.S. textile industry. For these reasons, we are encouraging our congressional members that represent the nearly 500,000 U.S. textile and apparel workers to approve this legislation in an expeditious manner under suspension of the rules in the House and by unanimous consent in the Senate.''

I would also like to salute the workers and also the American labor movement. In the original legislation—and

it's very much continued in this legislation—we have been very sensitive to the needs for Haiti to abide by the international rights of workers. In 2009, the ILO established a monitoring program required under the HOPE II legislation. It was certified by USTR. Under the program, the ILO has a country director and staff in Haiti committed to conducting unannounced factory level inspections as to whether factories are meeting core labor standards—these are international basic standards—issuing biannual public reports naming factories that are not in compliance, and helping the factories remedy any problems. The ILO has conducted its first round of factory inspections. It had already done so at the time of the January 12 earthquake and was set to issue its first report on April 21. However, the collapse of the U.N. headquarters in which the ILO was located and the subsequent evacuation of ILO personnel in Haiti disrupted the process. All ILO personnel are now back in Haiti and expect to produce the first public report regarding factory conditions shortly. So we have taken into account the needs here and tried to find ways to respond to the needs in Haiti—and I think we have succeeded.

And so I close with this. I think all of us want to salute the people of Haiti. The earthquake was unprecedented. The damage was hard to imagine. The sacrifices being made by the people of Haiti under these circumstances are really hard to describe. This is an effort in a mutual way for us to respond. We did this carefully. We did it also with a sense of purpose. I urge all of us to unite to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I just want to say that there is and has been strong, bipartisan support for this legislation. This legislation certainly deserves that support. I do want to note that I think it's important as we move forward that we not seek to establish a trade framework or a trade policy framework that requires standards for other countries that could exceed our own U.S. law and that this legislation in that respect not be a precedent for other preferences as we move forward.

This legislation, I think, is important. It will help a devastated country through investment and begin to create more economic activity. I urge my colleagues to build on this success from this legislation; to work together in a bipartisan fashion; to take the steps necessary to further the economic benefits that come from increasing U.S. exports to our partners not only in this hemisphere but other hemispheres as well by bringing the pending trade agreements with Colombia and Panama to the floor for a successful vote.

With that, I urge a ''yes'' on this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I will close very, very briefly.

There needs to be a general framework for trade policy, and we have been working to spell that out. A trade policy, as we expand trade, as we must, does so in ways that are mutually beneficial; that expand the benefits of trade. Within that framework, each trade agreement must stand on its own feet—and this trade bill does exactly that. It responds to needs. It does so in a way that takes into account the very crucial needs within Haiti and also the needs of American industry and workers. It achieves not a compromise, really, but a balance—the kind of balance that should be a hallmark of our approach to trade. I very much urge that we support this bill. It's excellent both in its letter and in its spirit.

Mr. CONYERS. Mr. Speaker, on January 12, 2010, Haiti experienced one of the worst earthquakes in their history. I believe that our trade policy can play a key role in rehabilitating the Haitian economy. As such, I rise in support of my friend Congressman CHARLES RANGEL's timely legislation, The Haiti Economic Lift Program, HELP, Act of 2010, which will extend trade preference programs, expand market access for Haitian goods, and ensure fundamental worker labor rights for Haitian workers.

Expanding trade with Haiti is an important step in creating economic stability and sustainability. The HELP Act will enhance and strengthen our trading relationship, where 78.2 percent of Haitian exports are directed to the United States, by extending trade preference programs such as the Caribbean Basin Trade Partnership Act and the Haitian Hemispheric Opportunity through Partnership Encouragement Act through September 30, 2020. Both laws are credited with increasing Haitian apparel exports to the United States from $420 million to over $512 million and creating impressive economic growth from 2007 to 2009.

It is imperative we help foster burgeoning industries within Haiti that will ultimately attract investment and provide jobs during and after their reconstruction efforts. The HELP Act expands the list of products that can be shipped duty-free. It has been noted that new jobs in Haiti creates multiplier effects which supports families and others who are in need.

Mr. Speaker, as a long supporter of worker rights, I am pleased that today's legislation will continue the International Labor Organization's labor monitoring program to ensure that fundamental core labor rights of their workers are followed by factories benefiting from the HELP Act.

The United States and its citizens, which have had a long tradition of helping allies in their time of need, have given unprecedented amounts of foreign aid and donations to the people of Haiti in the weeks after the earthquake. Today's legislation extends the reach of this aid by increasing trade between the countries, which will ultimately provide jobs and a better future for Haitians. I urge my colleagues to support the bill.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 5160 introduced in the House of Representatives by my friend and colleague, Representative RANGEL. H.R. 5160 is an important piece of legislation to extend the Caribbean Basin Economic Recovery Act to provide custom support for the Haitian apparel sector.

On January 12, 2010, Haiti, one of the poorest country's in the world and the poorest in the western hemisphere, was hit by a 7.0 magnitude earthquake. The earthquake killed thousands of people leaving Haiti's capital partially destroyed. Homes, offices, factories, roads, ports, communications, and other facilities were reduced to ruins. As a result, millions of people have lost their livelihood.

Prior to the earthquake, the Haitian government was implementing a number of measures to promote economic growth and the growing apparel sector was a promising success story. According to the U.S. Department of Commerce, however, this sector was devastated by the earthquake.

Through its preference trade programs, including those under the Caribbean Basin Economic Recovery Act and the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, "HOPE II Act", the United States has been an important contributor to Haiti's economic development initiatives by providing duty-free tariff treatment to certain apparel produced in Haiti.

In this time of great need for Haiti, I am proud to support H.R. 5160 which would extend duty free treatment to any apparel entering the United States directly imported from Haiti and the Dominican Republic. This measure would dramatically assist Haiti in rebuilding their economy.

I urge my colleagues to support this important piece of legislation to show Haitians' the United States' strong commitment to their recovery, development and prosperity.

Mr. BRADY of Texas. Mr. Speaker, I rise in support of H.R. 5160, the Haitian Economic Lift Program Act. This bill will provide real economic benefits to Haiti to help it recover from the devastating earthquake on January 12 that claimed so many lives and shattered the already struggling Haitian economy.

The bill also provides trade benefits to Haiti and other Caribbean nations though a long-term extension of the Caribbean Basin Trade Partnership Act, a program that also supports the American textile industry.

I am firm believer that expanded trade can produce sustainable economic development and create jobs.

By providing increased duty-free access to the U.S. market, the bill creates the investment incentives desperately needed in Haiti to keep existing apparel production in the country and encourage even more development in the future. These investments will create badly needed jobs and encourage stability in local communities.

The long-term extension of the Caribbean Basin Trade Partnership Act will continue important incentives that have attracted apparel producers to Haiti and throughout the region to use fabric and other inputs produced in the United States. The U.S. exports generated by these incentives will support American jobs. This is why the long-term extension of the Caribbean Basin Act has been such a priority for the U.S. textile industry.

In addition to these important economic benefits, this legislation demonstrates America's commitment to the region. It has long been America's policy to strengthen economic ties through trade and investment with other countries in the Western Hemisphere.

President Reagan followed that policy by starting the Caribbean Basin Initiative, which forms the foundation of the programs we are extending today.

Presidents and Congressional leaders on both sides of the aisle continued this policy by enacting NAFTA, the Andean Trade Partnership Act, the Caribbean Basin Trade Partnership Act, CAFTA, HOPE, the Peru Trade Agreement, and now the legislation before us today. I hope we can add to this progress and create the means to bring the pending agreements with Colombia and Panama to a successful vote.

In addition, this legislation shows again that Congress can and will adjust and expand U.S. trade preference programs as necessary to ensure that they are working properly and providing the maximum benefits possible.

Mr. Speaker, this bill really does get it right: it provides real economic development assistance to Haiti; it supports U.S. jobs; and it demonstrates that carefully balanced, regionally focused U.S. trade preference programs can bring our trading partners, development experts, and U.S. manufacturers together to support pro-trade legislation. For these reasons, I urge all my colleagues to support this bill.

Mr. VAN HOLLEN. Mr. Speaker, as an original cosponsor of H.R. 5160, I rise in support of this bipartisan legislation and urge its immediate enactment to support the ongoing recovery efforts in Haiti.

In January, a massive earthquake struck the country of Haiti, killing hundreds of thousands of people and displacing millions more. The quake devastated the country's infrastructure which continues to make the delivery of humanitarian assistance difficult. It is well known that Haiti is the poorest, least developed country in the Western Hemisphere and that the vast majority of Haitians earn less than $2 a day. Helping Haiti permanently recover from this crisis while also strengthening an already struggling Haitian economy will require more than humanitarian assistance—the Haitian people will need jobs. The bill we consider today is an effort to aid job promotion in the country's important textile industry.

This measure extends the trade benefits Haiti enjoys under the Caribbean Basin Trade Promotion Act and increases Haitian admission quotas on apparel destined for U.S. markets. This effort, when combined with the Haiti Debt Relief Act which passed in March, should help relieve some of the economic burden on the Haitian people and give them the freedom and the tools they need to begin rebuilding their nation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise tonight to express my strong support for H.R. 5160, the Haiti Economic Lift Program Act of 2010. I would like to thank my colleagues Congressmen RANGEL, LEVIN, and CAMP for introducing this important bipartisan legislation, which will expand trade preferences to Haiti in the wake of January's devastating earthquake.

In the immediate aftermath of the January 12 earthquake, we saw images of unimaginable devastation from Haiti, followed by an unprecedented outpouring of international goodwill. Nearly five months after the earthquake, the situation in Haiti remains extremely critical. Thousands of people remain displaced from their homes and livelihoods.

I traveled to Port au Prince in early March, and I was inspired by the hope and courage of the Haitian people, even in the face of unimaginable loss. Even as we continue to work to ensure that medical care, shelter, and sanitation supplies reach Haitians affected by the earthquake, we must also turn our attention to Haiti's future, and help Haitians rebuild a stronger country.

January's earthquake not only damaged individual livelihoods, it demolished Haiti's already precarious economy. This legislation is an important first step toward putting Haiti back on the road toward economic development. By providing incentives for trade and investment in Haiti's textile sector, this legislation will help to create jobs for Haitians struggling to recover from the earthquake.

I am very grateful to the Committee on Ways and Means for consulting with the domestic industry, listening to the concerns of American manufacturers, and crafting this bill so that it will benefit workers both in Haiti and in the United States. In addition, this bill continues the International Labor Organization's monitoring program, ensuring that the factories benefitting from U.S. trade preferences respect the fundamental rights of their workers.

Mr. Speaker, Haiti faces a long road ahead. On January 11, 2010, Haiti was already the poorest country in the Western Hemisphere; a day later, the nation was left to cope with horrific devastation, loss of life, and trauma.

This bill is one way we can help Haitians rebuild their country and grow their economy. I strongly urge my colleagues to join me in supporting this important legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H.R. 5160—the Haiti Economic Lift Program Act of 2010. As a co-sponsor of this bill, I strongly believe that it is another important and necessary step to ensure successful recovery and future sustainability in Haiti.

Haiti's long term development is the ultimate concern and goal of all participating donors and supporting organizations. January's earthquake struck Haiti during a time of economic vulnerability. Before the earthquake, Haiti was, by far, the poorest country in the Western Hemisphere. However, the United States has led the way in securing a stable and prosperous future for the people and government of Haiti.

We have displayed our commitment through trade preference programs including the Caribbean Basin Economic Recovery Act, as amended by the United States-Caribbean Basin Trade Partnership Act, the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, "HOPE Act", and the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, "HOPE II Act". These amendments extended duty-free tariff treatment to certain apparel produced in Haiti and have made an important contribution to Haiti's economic development efforts.

Before the earthquake, Haiti also has among the world's lowest levels of gross domestic product per capita. An estimated 80 percent of the population lived under the poverty line and 54 percent living in abject poverty, according to the CIA World Factbook. According to the United Nations Human Development Report, more than two-thirds of the labor force is believed to not have formal jobs, and just 62.1 percent of adults over age 15 are literate. Additionally, 18 percent of Haitians did not live to the age of 40.

Yet, despite the destruction wreaked by multiple tropical storms in 2008, Haiti's economy and infrastructure-building seemed to be turning a corner in recent years, aided by international support and debt relief programs.

In fact, according to the New York Times, "Haiti was one of only two Caribbean countries expected to grow in 2009. There were hopes of a tourism revival, reinforced by the announcement that a new Comfort Inn would open there this May. In a sign of its growing structural sophistication, Haiti even recently announced that it would begin collecting better national statistics, with the help of the International Monetary Fund, so that it could better assess and calibrate its economic policies." The earthquake on January derailed this progress.

Today we approved a bill which will help Haiti recover from that devastating earthquake by opening the U.S. market to more clothing from the Caribbean country, sparking growth in Port-au-Prince and the surrounding region. Subsequently, when the bill reaches the Senate, I urge my colleagues to move quickly in support of the bill.

The clothing sector accounted for 75 percent of Haiti's export earnings and employed more than 25,000 people before the January 12 earthquake that killed more than 300,000, and this bill makes it more attractive for clothing manufacturers to invest in new facilities in Haiti by extending and expanding the duty-free access to the U.S. clothing market under two separate programs.

As important as this legislation is, it is only one part of a much larger American assistance response to the earthquake. America will continue to respond with humanitarian assistance to help the people of this struggling island nation rebuild their livelihoods. I send my condolences to the people and government of Haiti as they grieve once again in the aftermath of a natural disaster. As Haiti's neighbor, I believe it is the United States' responsibility to help Haiti recover, and build the capacity to mitigate against future disasters.

Once again I stand in solidarity with the people of Haiti and will do everything in my power to assist them with rebuilding their country and livelihoods. I am proud of our first responders, and pledge that America's long term commitment to Haiti will live up to the standard that the first responders set.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 5160, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## EXPRESSING SUPPORT FOR PROMPT RESPONSE TO ATTEMPTED TERRORIST ATTACK IN TIMES SQUARE

Mr. PASCRELL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1320) expressing support for the vigilance and prompt response of the citizens of New York City, the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, other first responders, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut to the attempted terrorist attack in Times Square on May 1, 2010, their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1320

Whereas on Saturday, May 1, 2010, an individual drove a vehicle loaded with explosive materials to Times Square in New York City and attempted to detonate a car bomb;

Whereas on the same day, two alert citizens, Mr. Lance Orton and Mr. Duane Jackson, notified the New York Police Department about a suspicious vehicle that was parked on 45th Street in Times Square;

Whereas on the same day, New York City Police Officer Wayne Rhatigan, while patrolling on horse, responded to the reports of a suspicious vehicle and acted swiftly with his colleagues in the New York Police Department and the Fire Department of New York to thwart the detonation of the car bomb;

Whereas New York City first responders safely evacuated hundreds of people from Times Square and responded in a prompt and effective manner, as the result of extensive terrorism preparedness efforts that are supported, in part, by the Department of Homeland Security; and

Whereas in response to the Times Square incident, the Transportation Security Administration has enhanced ongoing efforts to increase security on various transportation modes: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) commends the actions of Mr. Lance Orton and Mr. Duane Jackson for promptly alerting appropriate authorities about the suspicious vehicle in Times Square on May 1, 2010;

(2) urges all Americans to remain vigilant about potential terrorist or suspicious activity within their own communities and report such activity to the appropriate authorities;

(3) recognizes the New York City Police Department, in particular Police Officer Wayne Rhatigan of Mounted Unit Troop B, the Fire Department of New York, the New York Police Department Bomb Squad, led by Lieutenant Mark Torre and other first responders, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut for their consistent commitment to preparedness for and collective response to terrorism;

(4) recognizes the exceptional professionalism and investigative work by the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut in apprehending a suspect only 53 hours following the attempted bombing; and

(5) urges all Federal agencies to continue to work with State, local, and tribal partners to bolster preparedness for and prevention of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PASCRELL) and the gentleman from Pennsylvania (Mr. DENT) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PASCRELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PASCRELL. I rise in support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution with my very good friend from Pennsylvania (Mr. DENT) honoring and expressing support for the vigilance and prompt response of the citizens and the law enforcement agencies in New York and Connecticut as well as all the Federal authorities and agencies to the attempted terrorist attack in Times Square on May 1, 2010, their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism.

Mr. Speaker, I have long said that real homeland security starts on our streets, not in the halls of Washington, D.C. That's never been a truer statement than today. This shows yet again why we need to support our local first responders—police, fire, EMTs. Another example. They were first to respond before any Federal agencies got involved. That's how it usually always is, be it a manmade catastrophe or a natural catastrophe. These are the individuals who are the first on the scene long before those Federal authorities show up. These are the people who are the eyes and ears of our national security.

Fifty-three hours and seventeen minutes. This is what it took, Mr. Speaker, for the Federal law enforcement agencies, including the Department of Homeland Security, to identify and find and apprehend Faisal Shahzad, the prime suspect for this attempted act of terror on American citizens. In these 53 hours and 17 minutes, the New York Police Department, working with Federal and State law enforcement agencies, including the Federal Bureau of Investigation, and others, unraveled the tangled web that eventually led to Shahzad's arrest. I thank them. We all thank them.

We acknowledge, however, a few people and groups. First, the alertness and awareness of Mr. Lance Orton and Mr. Duane Jackson for ''seeing something'' on the streets of New York which were out of order; for ''saying something'' to law enforcement; and not hesitating to do so. If it were not for these men, many others could have been hurt and Shahzad might not have been apprehended. Think about it. This is the kind of vigilance which is vital to homeland security efforts. We were seconds away from an ignition, a fireball. Who really knows the measure of death and destruction if that incendiary would have been ignited. Who really knows to this day.

I want to thank the citizens of New York for helping and cooperating with law enforcement during the precautionary evacuations in the vicinity of Times Square. I want to acknowledge New Yorkers and their resilient nature and ability to return to life as normal. Perhaps I cannot do justice to it as my brother Mr. KING would do, but you will have to accept me for now because he's not here.

I want to express my deep appreciation for the professionalism and collective response of the following law enforcement agencies: the New York City Police Department. Always there. Always on duty. Always knowing that their city is a target. Always looking to find out information to prevent anything from happening to their citizens.

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How about Police Officer Wayne Rhatigan of the Mounted Unit Troop B, the Fire Department of New York, the New York Police Department Bomb Squad. Look, they put their lives on the line. They could have gone much slower, that's not their job. That—no

one knew—could have been a deep bomb explosion. They put themselves on the line. We respect them. Rather than simply pat them on the back, we must commit ourselves—both sides of the aisle—to make sure that we are always there for our first responders and not simply be there to say thank you, but beforehand, give them the resources that they need to defend America and its neighborhoods.

The New York Police Department Bomb Squad, beyond the regular day of duty, led by Lieutenant Mark Torre, and other first responders; the Federal Bureau of Investigation; United States Customs and Border Protection—we know how this character was finally corralled, at the airport on a plane; the Transportation Security Administration, TSA; the United States Attorney's Office for the Southern District of New York; the Department of Homeland Security; the Department of Justice; the New York Joint Terrorism Task Force, which has been a model for the rest of this country; the Bridgeport Police Department, who did so much work in cooperation with Federal authorities to go to the former home of the perpetrator, the alleged perpetrator, whichever you desire; the Detective Bureau; the Patrol Division up in Bridgeport; and other law enforcement agencies in Connecticut.

Finally, I want to thank our private sector partners, too. If Emirates Airlines did not comply with Federal procedures, we might not have apprehended Mr. Shahzad as he was fleeing the country.

Mr. Speaker, while I know others may say that we just got lucky, I say that they're missing the point. Our post-9/11 efforts to foster greater vigilance among our citizens and a culture of preparedness and collaboration among our first responders and law enforcement paid off. We stayed true to our cherished constitutional principles as we initiated this wide-scale collective response to terrorism.

Simply put, Mr. Speaker, while the time line for identifying and apprehending the suspect—53 hours and 17 minutes—is impressive, it is the continued vigilance and demonstrated commitment to working together to keep our country secure which is really impressive, and in awe it leaves us.

Mr. Speaker, I reserve the balance of my time.

Mr. DENT. Mr. Speaker, I yield myself such time as I might consume, and I would like to certainly associate myself with the comments of my good friend from New Jersey (Mr. PASCRELL) on this occasion.

I rise today, as do many others in this Chamber, in support of House Resolution 1320, which commends the vigilance of the many individuals and organizations that helped prevent what could have been a catastrophic terrorist attack in Times Square this past weekend.

We should all be extraordinarily thankful that alert street vendors saw something out of place and promptly alerted authorities, who took immediate action to secure the scene and ensure the safety of the many people who are in and around Times Square, which has been called the ''Crossroads of the World.''

This incident is only the most recent in a string of attempted attacks on New York City. This attack and recent plots to blow up the New York City subway trains and pipelines at JFK Airport—which have also been disrupted—show that Islamic terrorists have their sights set squarely on New York City.

This whole notion of homegrown radicalization is something that we are all deeply concerned about. There is the radical cleric in Yemen, Anwar al-Awlaki, for example, who has been involved with many of the attacks or attempted attacks, including Major Hasan at Fort Hood, Texas, or Abdulmutallab, the so-called ''underwear bomber,'' and his attempted Christmas Day attack. And we have others out there, too, who are homegrown radicals, and it is an increasing concern. Now the most recent radicalization that we've seen here is, of course, Mr. Shahzad. But these plots should have served to reinforce our efforts to secure New York City and every other city in America from devastating terrorist attacks.

The administration, unfortunately, had proposed cutting funding for or eliminating critical Homeland Security initiatives in New York and elsewhere. There are many initiatives that need to be addressed immediately, such as the Securing the Cities program, which is a successful State and local partnership to help prevent nuclear and radiological terrorism in and around New York. The House has passed legislation to authorize funding for this important initiative, for which the administration has proposed eliminating.

The administration has also proposed dismantling the U.S. Coast Guard's New York City-based Maritime Safety and Security Team, which strengthens the maritime security in and around the city. These reductions are being proposed at the same time that the administration has pursued trying alleged 9/11 mastermind Khalid Sheikh Mohammed in civilian court just blocks away from where the World Trade Center once stood.

We should be more concerned about properly funding counterterrorism initiatives and finding every way possible to make sure that New York and our entire country is as secure as possible instead of bringing terrorists to America and granting them rights to which they are not entitled.

We all owe a huge debt of gratitude, of course, to the New York Police Department, to the Fire Department of New York, the FBI, Customs and Border Protection, and alert citizens who saw something and said something to help us dodge a potentially very deadly bullet.

I hope that Congress and the administration get serious about properly funding important initiatives that will strengthen the security of New York City and our entire country because we may not be so lucky the next time New York or any other city comes under attack.

Again, I want to commend everybody involved with helping to derail this attempted attack, especially the Police Department of New York and the FBI, and everybody else who was involved. I commend Mr. MCMAHON for bringing this legislation to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. PASCRELL. May I inquire as to how much time we have remaining on both sides?

The SPEAKER pro tempore. The gentleman from New Jersey has 12 minutes. The gentleman from Pennsylvania has 16 minutes.

Mr. PASCRELL. Mr. Speaker, I yield 1 minute to Mr. HALL from New York.

Mr. HALL of New York. I thank the gentleman for yielding.

I rise today in support of H. Res. 1320, honoring the brave Americans who acted quickly and professionally to keep the attempted bombing in Times Square last Saturday from becoming a tragedy.

The people of New York City, the New York Police and Fire Departments, the New York Bomb Squad, and others worked together to identify the attack, evacuate civilians, and then defuse the device.

In particular, I would like to call attention to the actions of Duane Jackson and Lance Orton, both disabled Vietnam veterans who work as street vendors in Times Square. I have the honor of representing Mr. Jackson, who lives in the town of Buchanan in Westchester County. His and Mr. Orton's quick thinking turned what could have been a tragedy into an example of American heroism. All New Yorkers and Americans owe them a debt of gratitude that there were no grieving families on Saturday night. They served their country once again and showed the remarkable character of the men and women who wear the uniform of this country and continue to serve long after they take that uniform off.

Events like this are calculated to strike fear into our hearts, even when they fail. However, they also serve as a reminder that in this great Nation we are surrounded by everyday heroes like Lance Orton and Duane Jackson.

Mr. DENT. Mr. Speaker, I reserve the balance of my time.

Mr. PASCRELL. At this time, Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. PELOSI), the

Speaker of the House of Representatives.

Ms. PELOSI. I thank the gentleman for yielding and thank him for bringing this resolution to the floor so that we can all rise and sing the praises for the vigilance and sense of community of New Yorkers, the courage of our first responders, and the professionalism, commitment, and determination of our local, State, and Federal law enforcement officers. We salute them. They were prepared. They were ready to act. They calmly did what was necessary. And because of their swift action, the people of New York and the entire Nation remain safe.

I thank Congressmen MCMAHON, HIMES, HALL, and all of our colleagues who have sponsored this resolution, recognizing the bravery and, again, the vigilance of individuals and officers of New York and Connecticut as well as the leadership of the FBI, the Department of Homeland Security, the Department of Justice, and the Obama administration.

In the wake of this foiled terrorist plot, we are inspired by the true character of the American people. We recall that our country's spirit can always be found in the hearts and deeds of its citizens, people like Lance Orton and Duane Jackson, ''two alert citizens''—and aren't we fortunate for that—as this resolution calls them, who notified the NYPD of a suspicious vehicle in Times Square. The whole country learned of their vigilance and their sense of community.

Our country's resolve rests with police officers such as Wayne Rhatigan of the NYPD, who responded immediately to the scene and, with his fellow officers and with the men and women of the New York Fire Department, thwarted the detonation of the car bomb.

Our country's strength remains with first responders who run into danger when others run out, who safely and promptly evacuated Times Square, protecting those in harm's way. Our country's determination lies with law enforcement at the local, State, and Federal levels who worked together, pursued leads, and detained the bomber within 2 days of the attempted attack, never resting until the job was done.

At moments like this, Congress reaffirms our responsibility, as we do each day, Mr. Speaker, as we pledge to protect and defend the Constitution of the United States from all enemies, foreign and domestic. That responsibility is to protect the American people as well. That is our first responsibility.

As this resolution states, we ''urge all Americans to remain vigilant about potential terrorists or suspicious activity within their own communities.'' We must follow the example of the people of New York who, as President Obama has said, ''have reminded us once again of how to live with their heads held high.''

Mr. HALL, in his closing remarks, said that the attempt by this terrorist to instill fear was thwarted. The goal of terrorists is to instill fear. The damage is one thing to them, but the fear is really their goal. In that way, in both parts of the attempt, it was thwarted. The violent attack was thwarted, but also, as the President said, we will not be intimidated.

This past weekend, everyday Americans joined our police officers, firefighters, first responders, Homeland Security officials, FBI agents, and other law enforcement personnel as heroes. They are all heroes, and we salute them as such on the floor of the House. Their efforts represent the best in America. Their response serves as an inspiration to us all to stay prepared and do everything we can to keep our great country safe.

Again, I thank Mr. PASCRELL for bringing this resolution to the floor and join in a bipartisan way in saluting the heroes of New York.

Mr. DENT. Mr. Speaker, I reserve the balance of my time.

Mr. PASCRELL. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from New Jersey has 10 minutes remaining.

Mr. PASCRELL. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. HIMES), a member of the Homeland Security Committee.

□ 1130

Mr. HIMES. Mr. Speaker, I rise today to commend the vigilant citizens and law enforcement officials of New York City and Connecticut whose efforts resulted in bringing Faisal Shahzad into custody a mere 53 hours after his failed bomb attempt in Times Square this past weekend.

From the alertness of Lance Orton and Duane Jackson, noticing a suspicious vehicle in midtown Manhattan on Saturday, to the response of the NYPD to the report, to the arrest of Mr. Shahzad late Monday evening, to the ongoing investigation into how the bombing happened, local, State, and Federal law enforcement officials have led a coordinated effort that will bring the facts forward, allow us to learn and improve, and bring the terrorist to justice.

Without this interagency communication, this incident could have escalated into a far more serious and dangerous incident. We must continue to work with State and local partners to bolster preparedness and terrorism prevention efforts.

To my constituents in Connecticut, I know that the discovery that the suspect in the Times Square bombing attempt has been living in Fairfield County is a jarring reminder that, due to our proximity to New York City, we face special and uncertain security concerns. Fairfield County was uniquely impacted by 9/11, and this incident is a timely reminder that we must remain sensitive and alert to our unique vulnerability.

I want to specifically recognize the Bridgeport Police Department, including Captain James Viadero and members of the detective bureau, as well as the Bridgeport Police Department's patrol division and members of the FBI Safe Streets Task Force, supervised by Sergeant Juan Gonzalez, Jr., for their role in the events of the last few days. I thank all who helped avert a catastrophe.

Mr. DENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PASCRELL. Mr. Speaker, I wonder what would have happened if Officer Rhatigan was not on the scene to be alerted by the two citizens I mentioned before. This is exactly why we need to fund our first responders based on security needs. We need no other barometer. America's intelligence agencies, law enforcement agencies, are critical to the task of protecting our citizens and our neighborhoods. But also on duty every day are our first responders—that local responder is the first. On 9/11 they were the first to respond. And a few days ago they were the first to respond after being alerted by two citizens of New York. Keep this in mind every day when we see the EMTs and the firefighters of our local towns and our police officers on duty. They need more than a pat on the back. They need more than our encouragement. They need our votes to make sure that we sustain the resources necessary for them to protect all of America.

I know when these things happen, we rise up and then a few days later we might just forget, but we cannot forget.

Mr. Speaker, I am honored to have presented this resolution today along with the gentleman from Pennsylvania (Mr. DENT).

Mr. NADLER of New York. Mr. Speaker, I rise in strong support of H. Res. 1320.

H. Res. 1320 describes what happened on Saturday, May 1, 2010, concerning the car bomb discovered in Times Square. As the Member of Congress who represents Times Square, I am particularly concerned about these events. We came perilously close to a terrible tragedy, with widespread injuries and loss of life.

As described by this resolution, it was thanks to the alertness of two fellow New Yorkers, Mr. Lance Orton and Mr. Duane Jackson, that we first became aware of the car bomb. They brought it to the attention of the New York Police Department, NYPD. The heroes of the NYPD and FDNY then secured the area, took care of the bomb, and safely evacuated those nearby.

Subsequently, agents and officials with the NYPD, Department of Justice, Federal Bureau

of Investigation, Department of Homeland Security, DHS, and other law enforcement agencies worked quickly and diligently to apprehend the alleged perpetrator, Faisal Shahzad. Due to their speed, they apprehended him before he could flee the country. I want to salute all of those involved in addressing this situation and acting to protect the public. I sincerely thank them for their service.

The events of this past weekend should be a loud wake-up call to all Americans. It is a stark reminder that there are sick people in this world who think it is right to murder innocent men, women, and children to make political points. It is a stark reminder that these sick people will stop at nothing to bring this war of terror to America. And, it is a stark reminder that New York City is a prime target.

To protect New York City, and the millions of people who live, work, and visit each day, we need more antiterrorism funding directed there. The formulas used to distribute such funds, while improved, still ignore the reality that New York City is the number one target. Increased funds could be used, for example, to support more and better surveillance cameras for public places, as well as for a larger police presence.

More money also could be used to fund the Securing the Cities Initiative. This effort is designed to prevent a radiological or nuclear device from coming into a major city like New York. The horror of what could have happened if the car bomb in Times Square had contained radiological or nuclear material is unimaginable. I have supported efforts to properly fund this program, and I will continue to do so.

Further, it is important to remember that our ports, including New York City, remain vulnerable. I fought for, and we enacted into law, a requirement that 100 percent of shipping containers coming into the United States be scanned electronically before they arrive in this country. If we wait until a container with a radiological or nuclear device gets to our shores, it is already too late. We need to stop such shipments before they are here. The 100 percent scanning requirement takes effect in 2012, but DHS has indicated they likely will miss the deadline. I call on fellow Members of Congress concerned about terrorism to help me see that it is implemented fully, and as soon as possible.

These are just a few ways we could make our country safer. The attempted attack on Times Square tells us we have no time to waste. To protect ourselves and our country, we must act now.

I want to thank Representative MICHAEL MCMAHON for introducing H. Res. 1320. I also want to again thank the heroes who acted so quickly to take care of what otherwise could have been a deadly situation. I urge all Members to support this resolution.

Mr. MCMAHON. Mr. Speaker, I rise today, to urge my colleagues to pass H. Res. 1320, a resolution honoring the citizens of New York City, the brave men and women of the NYPD, the FDNY, and all our federal and state partners in law enforcement and homeland security for their vigilance and prompt response to the attempted terrorist attack in Times Square this past Saturday, May 1, 2010.

I heard the news of the Times Square incident while traveling in Afghanistan and Pakistan, examining the connections between extremism across the world and terrorist attacks on our own soil.

And given the events of this past week, and the arrest of Faisal Shahzad the link is far too clear.

This resolution, which I introduced with my colleagues Congressman JIM HIMES, and Congressman JOHN HALL, along with the entire New York delegation, is in honor of New York City's local law enforcement teams, federal agencies and vigilant citizens for keeping our city, people and country safe. We commend their excellent, professional police and investigative work that led to the quick arrest of this terrorist.

Unfortunately, the fear of terrorism is never far from the mind of any New Yorker.

On Saturday, we were all reminded of the heart-felt loss that we endured nine years ago on September 11, 2001 and how much our world has changed since that tragic day.

New York City remains our nation's number one terrorist target—our greatest symbol of freedom, diversity, and entrepreneurial spirit. It is our nation's financial and cultural capital and as New York Police Commissioner Ray Kelly said yesterday, the terrorists are going to keep trying to attack us in New York City again and again.

That is why the federal government must increase homeland security funding and protection for New York City. Anti-terror funding must be distributed in a way that prioritizes those areas that are most at risk for future attacks.

I urge this body to increase funding and security programs in high priority areas like New York because protecting the homeland is just too important for politics as usual. Found immediately after the botched attack was a map on the Metro North Railroad to Connecticut identifying my own beloved Staten Island Ferry as a target and the subway stops that serve the Manhattan terminal as potential targets.

Walt Whitman once said that "The genius of the United States is not best or most in its executives or legislatures, nor in its ambassadors or authors or colleges, or churches, or parlors, nor even in its newspapers or inventors, but always most in the common people."

On Saturday, two Times Square vendors—Mr. Lance Orton and Mr. Duane Jackson—saw smoke billowing out of a SUV parked on West 45th Street in Times Square and took action.

They immediately contacted New York City Police Officer Wayne Rhatigan who started evacuating the area and called for additional NYPD and FDNY support, including the bomb squad.

These people saw something wrong and said something—and their actions saved lives and led to the arrest of a man who was seeking to kill countless numbers of innocent people.

Although, the actions of everyone involved in preventing Saturday's potential tragedy are remarkable, all Americans need to remain alert—and we in the Congress need to support the brave men and women of the NYPD, and law enforcement officers across the Nation with the resources necessary to keep our Nation safe.

As Americans we learn not only from our mistakes but from our successes. The capture of Faisal Shahzad is commendable, but we have to examine why he was allowed to board an aircraft after being added to a no-fly list and why it took until literally the last minute before departure for him to be apprehended. We have got to get to a system for our security and our protection where we track every single person both entering and exiting our country.

In addition we must also continue to support our military and intelligence operations abroad to dismantle these terrorist networks. I just came back from Afghanistan and Pakistan and I can tell you the front line of our security right here at home is in those two countries. Our troops are the front line of defense in protecting the homeland from terrorism and they deserve our support and appreciation.

I urge all my colleagues to support H. Res. 1320.

Mr. KING of New York. Mr. Speaker, I rise in support of H. Res. 1320, a resolution which commends the vigilance of the many individuals, first responders, law enforcement, and homeland security personnel for helping prevent what could have been a very deadly terrorist attack in Times Square last weekend and bring into custody the person who has admitted responsibility for this failed attack. I am pleased to be an original cosponsor of this resolution.

When Faisal Shahzad drove his bomb-laden SUV into Times Square on the evening of Saturday, May 1, 2010, New York City and all America were once again reminded of the thin line between security and tragedy.

This attack was just the most recent of 11 attempts since September 11, 2001, to visit terror on New York City. I cannot say enough about the efforts of the New York Police Department, its local partners, and the Federal agencies, particularly the FBI, that have worked to prevent these incidents and keep the City safe.

The resolution highlights how two vigilant citizens, Mr. Lance Orton and Mr. Duane Jackson, saw something and said something to an alert NYPD officer, Wayne Rhatigan, who secured the scene and the safety of those who were at what has been called the "Crossroads of the World."

We are also indebted to the New York Police Department and its Bomb Squad, the Fire Department of New York, the Federal Bureau of Investigation, U.S. Customs and Border Protection and other homeland security and law enforcement personnel for helping to foil this attack and capture the guilty terrorist.

Unfortunately, even after these 11 wake-up calls, not everyone recognizes that New York City is the nation's top terror target and that we must do everything possible to ensure the safety and security of New Yorkers and those visiting this great City. New York simply cannot be expected to prevent terrorist attacks alone. Protecting New York City is not a local issue. It is a national issue; a national security issue.

What if the bomb that Faisal Shahzad parked in Times Square had detonated, and included radiological or nuclear material? How many lives would have been lost? How long would it have taken for New York's economy—and the nation's economy—to recover?

One of the best ways to stop that nightmare scenario would be to properly fund the Securing the Cities Program, which is the only Federal program of its kind to establish a ring of radiological detectors on bridges, tunnels, and mobile platforms in the region to prevent a radiological or nuclear attack. Unfortunately, the Administration has eliminated funding for this key program, even though in January 2010 the House of Representatives passed my legislation to authorize and fund the program.

New York City Mayor Bloomberg testified in the Senate this morning and stated: ''Since 1990, there have been more than 20 terrorist plots—or actual attacks—against our City. That's why it's so critical for Congress to fully fund homeland security programs like the Securing the Cities—and to take other steps that will help us fight terrorists and make it harder for them to attack us.''

NYPD Commissioner Ray Kelly stated on Sunday that the Lower Manhattan Security Initiative has yet to be extended to Midtown Manhattan because of the lack of Federal funding. With just $50 million, this ''Ring of Steel'' would give the NYPD a force multiplier throughout Midtown and allow it to expand its reach across the entire city.

The Administration has also proposed eliminating the Coast Guard's Maritime Safety and Security Team in New York City, weakening the City's defenses against a waterborne attack. The Administration has also proposed cutting funding for New York City-area mass transit and port security.

The stark reality is that New York City is the number one target for terrorists. New Yorkers live under constant threat of attack. But the Federal government can minimize those threats by properly funding counterterrorism initiatives based on risk and fund programs in the places they are most needed, like New York City.

Mr. Speaker, I urge our colleagues to support this resolution to show our gratitude to the brave and selfless efforts of the first responders and everyone involved who helped turn into a triumph what could have been a tragedy.

Mrs. MALONEY. Mr. Speaker, as someone who was actually attending an event in Times Square on Saturday night, I and the thousands of people who were also in the area that evening are profoundly grateful to the two New Yorkers who saw something—and said something.

The swift, coordinated response of New York City and national law enforcement agencies—led by Commissioner Ray Kelly and the NYPD—yielded equally swift results.

I don't hesitate to call them heroes—they were ''merely'' doing their jobs, thoroughly and well, but that is itself a form of heroism. The NYPD, the FBI, and the Joint Terrorist Task Force all did an incredible job in apprehending this suspect quickly and preventing him from fleeing the country.

These first responders deserve the bipartisan tribute we make here today. But all first responders around the globe should take a share of this honor—without them, many more would die, and too many perpetrators would go free.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1320, ''Expressing support for the vigilance and prompt response of the citizens and law enforcement agencies in New York and Connecticut to the attempted terrorist attack in Times Square on May 1, 2010. Their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism.''

Mr. Speaker, democrats are focused on keeping Americans safe. This was an excellent example of Federal, State, and local law enforcement and counter-terrorism authorities working together in a coordinated way, and also a good reminder that citizen awareness and responsible action by every day Americans is also a key component in defeating those who seek to harm us. This timely awareness and cooperation resulted in a quick and appropriate response Saturday night, and combined with a sophisticated and aggressive investigation, led to a swift arrest shortly thereafter.

It is prevalent that we live in a dangerous world with ever-evolving threats. The Obama Administration and our State and local law enforcement authorities understand the nature of the threats and are working tirelessly to defeat them. In Congress, we provided state-of-the-art resources, tools, and authority to wage this fight against terrorism and we will continue to do so in the future. Some may want to politicize this very serious attempted attack and dispute whether the suspect should be read his Miranda rights, taken to federal court or given other rights afforded to U.S. citizens.

Because the suspect is an American citizen, even Glenn Beck agrees that the Constitution must be upheld with respect to a citizen's rights in this case.

DEMOCRATIC RECORD [AND CONTRAST WITH REPUBLICAN APPROACH]

We have tripled the number of our troops fighting on the central front in the war against al Qaeda and their extremist allies in Afghanistan—after years of taking our eye off the ball and under-resourcing this fight. We have successfully stepped up our partnership with Pakistan, which has gone on the offensive for many months in the rugged border region with Afghanistan—after years in which al Qaeda was able to establish a safe-haven.

We have worked with our partners to target al Qaeda's leadership, and to take out key terrorist leaders—increasing the pressure to a new level. We are responsibly removing our troops from Iraq and ending that war—after seven years of a war that carried enormous costs in lives and resources. We have restored America's leadership and standing in the world, strengthening our alliances and building new partnerships—after years of frayed alliances and growing opposition to our leadership. We have rallied the world around the ambitious goal of securing all vulnerable nuclear material around the world in 4 years, including specific steps and a clear plan for achieving that goal—after years of insufficient action against the gravest threat we face.

We have reset our relations with Russia, including the most comprehensive nuclear arms treaty in 20 years—after relations with Russia fell to a post-Cold War low. We have increased Iran's isolation through our diplomatic efforts, tightening enforcement on U.S. sanctions, seeking broader sanctions through the U.N., and building a broader coalition of countries to stand up to Iran's pursuit of nuclear weapons—after years in which Iran went from zero centrifuges to 7000, and strengthened its position in the region.

We are pursuing a comprehensive peace in the Middle East, which would enhance Israel's security—after years in which America was too often absent from the peace process.

We have led an unprecedented international response to the global economic crisis through the G–20, averting catastrophe and putting our economy on the pathway to recovery—after the gravest economic crisis that we've faced since the Great Depression.

Mr. Speaker, I strongly urge my colleagues to support H.R. 1320.

Ms. RICHARDSON. Mr. Speaker, as a member of the Homeland Security Committee, I rise today in strong support of House Resolution 1320, expressing support for the vigilance and prompt response of the citizens and law enforcement agencies in New York and Connecticut to the attempted terrorist attack in Times Square on May 1, 2010, their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism.

I would like to acknowledge Speaker PELOSI and Chairman THOMPSON for their leadership in bringing this important resolution to the floor. I would also like to thank my colleagues Congressman MCMAHON, Congressman HIMES, and Congressman HALL, who authored this legislation.

As Chair of the Homeland Security Subcommittee on Emergency Communication, Preparedness, and Response, I am an original cosponsor of this resolution. I am pleased to join my colleagues in recognizing the New York City first responders who safely evacuated hundreds of people from Times Square and responded in a prompt and effective manner, as the result of extensive terrorism preparedness efforts that are supported, in part, by the Department of Homeland Security. H. Res. 1320 recognizes the efforts of these men and women as well as the action of two alert citizens, Mr. Lance Orton and Mr. Duane Jackson, who notified the New York Police Department about a suspicious vehicle that was parked on 45th Street in Times Square. It is due to the exceptional professionalism and investigative work by the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, and other law enforcement agencies in Connecticut that a suspect was apprehended only 48 hours following the attempted bombing.

In conclusion, Mr. Speaker, I support this bill because it is important to recognize and honor the men and women who put themselves in harm's way all day, every day, doing the important work to keep our homeland safe. I am proud to stand with my colleagues today in support of this resolution.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1320.

Mr. PASCRELL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PASCRELL) that the House suspend the rules and agree to the resolution, H. Res. 1320, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PASCRELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## COMMEMORATING 40TH ANNIVERSARY OF KENT STATE UNIVERSITY SHOOTINGS

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1272) commemorating the 40th anniversary of the May 4, 1970, Kent State University shootings.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1272

Whereas the year 2010 marks the 40th anniversary of the Kent State University shootings that occurred on May 4, 1970;

Whereas, on such date, Ohio National Guardsmen opened fire on Kent State students who were protesting the United States invasion of Cambodia and the ongoing Vietnam War;

Whereas four unarmed students (Allison Krause, Jeffrey Miller, Sandra Scheuer, and William Schroeder) were killed and nine others (Alan Canfora, John Cleary, Thomas Grace, Dean Kahler, Joseph Lewis, Donald MacKenzie, James Russell, Robert Stamps, and Douglas Wrentmore) were injured;

Whereas the site of the May 4 shootings was entered in the National Register of Historic Places, the official list of the Nation's historic places worthy of preservation, in February 2010;

Whereas, to preserve the memory of the May 4 shootings and encourage inquiry, learning, and reflection, Kent State has established a number of resources, including the May 4 Memorial, individual student memorial markers and scholarships in memory of the four students mentioned above who were killed, an experimental college course entitled ''May 4, 1970 and its Aftermath'', and an annual commemoration sponsored by the May 4 Task Force; and

Whereas Kent State has engaged the internationally renowned design services firm, Gallagher & Associates, to assist in the development of the May 4 visitors center as a central place where individuals can explore and better understand the May 4 shootings: Now therefore be it

*Resolved*, That the House of Representatives, in commemoration of the 40th year anniversary of the Kent State University shootings that occurred on May 4, 1970—

(1) recognizes the tragedy of the May 4 shootings and the implications that the shootings have had not only on Kent State and the local community, but also on the Nation and the world; and

(2) applauds the development of the May 4 visitors center as an additional primary resource to preserve and communicate the history of the May 4 shootings, its larger ethical and societal context and impact, and its enduring meaning for our democratic Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

I rise today to commemorate the 40th anniversary of the Kent State University shootings. On May 4, 1970, members of the Ohio National Guard fired into a crowd of unarmed student demonstrators, killing four and wounding nine students.

Antiwar protests broke out on college campuses nationwide on Friday, May 1, following the announcement of the U.S. invasion of Cambodia as part of the Vietnam War. At Kent State University, students assembled in protest throughout the weekend. On May 4, the number of protesters grew in size until approximately 3,000 demonstrators and spectators were gathered on the commons area of the university. Ohio National Guardsmen, who were brought in as the protest grew, began firing in their direction.

Those who were lost that day were Allison Krause, a 19-year-old freshman honors student; Jeffrey Miller, a 20-year-old student who had recently transferred to the school; Sandra Scheuer, also 20, was simply walking to class with a friend when she came in the line of a bullet fired; and William Schroeder, who was not part of the protest and also on his way to class, died with schoolwork in his hands. In addition to those who perished, nine students were injured: Alan Canfora, John Cleary, Thomas Grace, Dean Kahler, Joseph Lewis, Donald MacKenzie, James Russell, Robert Stamps, and Douglas Wrentmore. All survived, but their lives were forever changed.

The site of the tragic campus shootings that occurred 40 years ago was just recently entered into the National Register of Historic Places, the official list of the Nation's historic places worthy of preservation. In order to preserve the memory of the May 4 shootings and encourage inquiry, learning and reflection, Kent State has established a May 4 memorial, as well as individual student memorial markers and scholarships in memory of the four students who lost their lives that day.

The university has also begun steps in the development of a May 4 visitors center which will serve as a central place where individuals can explore and better understand the shootings that took place on that terrible day.

Mr. Speaker, once again I express my support for House Resolution 1272 and the development of the May 4 visitors center as an additional primary resource to preserve and communicate the history of the May 4 shootings, its larger ethical and societal context and impact, and its enduring meaning for our democratic Nation.

I thank the gentleman from Ohio (Mr. RYAN) for bringing this bill forward, and I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 1272 commemorates the 40th anniversary of the May 4, 1970, Kent State University shootings. On May 4, 1970, people gathered at Kent State University in Kent, Ohio, protesting American involvement in Vietnam. Hostilities escalated and four students, Allison Krause, Jeffrey Miller, Sandra Scheuer, and William Schroeder, were shot, and nine others were injured. This year, 2010, marks the 40th anniversary of this tragic event.

The event will always be remembered and has been commemorated in several ways. The site of the shooting, as has been mentioned, has been entered in the National Register of Historic Places. Kent State University has established memorial markers, scholarships in memory of the students, a collegiate course on the events and effects of the shootings, and an annual commemoration. Kent State has also begun to design a visitors center to help people explore and understand the event.

The death and injuries that resulted from the May 4 shootings at Kent State are no doubt tragic. Kent State University, the National Guard, and this Nation have learned from the events, and have worked to ensure it does not happen again. The shootings evoked a national response and had far-reaching effects.

It is important that we commemorate the students who were at Kent State University that day, and I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I am pleased to recognize the gentleman from Ohio (Mr. RYAN) for 2 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentlelady.

Forty years ago yesterday, May 4, 1970, Ohio National Guardsmen opened

fire on students at Kent State University who were protesting the U.S. invasion of Cambodia and the ongoing war in Vietnam. Four unarmed students, Allison Krause, Jeffrey Miller, Sandra Scheuer, and William Schroeder, were killed. Nine others, Alan John, Thomas, Dean, Joseph, Donald, James, Robert and Douglas, were injured at the noon-time rally. These students were exercising their right guaranteed by the United States Constitution to freely assemble and dissent from their government. The Kent State shootings were followed 10 days later by the shootings of two students protesting at Jackson State College in Mississippi.

The tragedy at Kent State has had a broad resonance in American history. Richard Nixon's former chief of staff, H.R. Haldeman, wrote in his book ''The Ends of Power'' that the Kent State shootings began the slide into the Watergate crisis, eventually dooming the Nixon Presidency. The shootings led to an uptick in student protests across the country, which prompted Richard Nixon to push for a series of unconstitutional moves to target his political enemies. These culminated in the Watergate break-in 2 years after the Kent State shootings.

Kent State University has established a number of resources to honor the 13 students shot on May 4, 1970. The university has established the May 4 Memorial; Kent B'nai B'rith Hillel Marker; individual student markers and scholarships in memory of Allison Krause, Jeffrey Miller, Sandra Scheuer, and William Schroeder; May 4 collections maintained by the university libraries, the department of art, and the Kent State Museum; the Center for Peaceful Change, now rededicated as the Center for Applied Conflict Management; and an experimental college course entitled ''May 4, 1970 and Its Aftermath''; an annual Symposium on Democracy; annual commemorations sponsored by the May 4 Task Force; and recognition of the site on the National Register of Historic Places.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. CHU. I yield the gentleman an additional 30 seconds.

Mr. RYAN of Ohio. We were honored, Mr. Speaker, several nights ago to have our colleague, JOHN LEWIS, attend and serve as the keynote speaker of the 40th anniversary of the May 4 shootings. He delivered a passionate, insightful speech, keynote address, which the people of Kent State University and the city of Kent enjoyed. But as we were milling around after, there has always been this tension between what happened at Kent State that day and the community and the students, and one person said this brought healing to Kent and Kent State, and that is what JOHN LEWIS has done for us, and I hope this resolution in some way helps to continue the healing process.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I urge passage of House Resolution 1272, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1272.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1145

## CONGRATULATING THE NATIONAL URBAN LEAGUE

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1157) congratulating the National Urban League on its 100th year of service to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1157

Whereas the National Urban League, formerly known as the National League of Black Men and Women, is a historic civil rights organization dedicated to elevating the standard of living in historically underserved urban communities;

Whereas, on its Centennial Anniversary, the National Urban League can look back with great pride on its extraordinary accomplishments;

Whereas, since its inception in 1910, the National Urban League has made tremendous gains in equality and empowerment in the African-American community throughout the United States;

Whereas the National Urban League began as a multiracial, diverse grassroots campaign by Mrs. Ruth Standish Baldwin and Dr. George Edmund Haynes;

Whereas the League has since expanded to 25 national programs, with more than 100 local affiliates in 36 States as well as the District of Columbia;

Whereas, during the Civil Rights movement, the League worked closely with A. Phillip Randolph, Dr. Martin Luther King, Jr., as well as many other exceptional leaders;

Whereas, throughout the 1970s, the League saw tremendous growth in its partnership with the Federal Government addressing race relations, delivering aid to urban areas, as well as making improvements in housing, education, health, and minority-owned small businesses;

Whereas the National Urban League employs a 5-point approach to increase the quality of life for Americans, particularly African-Americans;

Whereas the League's 5-point approach is accomplished through programs such as: ''Education and Youth Empowerment'', ''Economic Empowerment'', ''Health and Quality of Life Empowerment'', ''Civic Engagement and Leadership Empowerment'', and ''Civil Rights and Racial Justice Empowerment'';

Whereas through the League's Housing and Community Development division, programs such as ''Foreclosure Prevention'', ''Homeownership Preparation'', and ''Financial Literacy'', the League was able to aid over 50,000 people in 2009;

Whereas with assistance provided by the League's ''Foreclosure Prevention'' program, 3,000 people were able to avoid filing foreclosure in 2009;

Whereas through the League's Education and Youth Development division, programs such as ''Project Ready'' ensure that students will be prepared for the transition from high school to college, or in joining the workforce;

Whereas the National Urban League publishes the ''State of Black America'', an annual report analyzing social and economic conditions affecting African-Americans that includes their Equality Index, a statistical measure of the disparities between Blacks and Whites across 5 categories: economics, education, health, civic engagement, and social justice;

Whereas the League's programs not only emphasize the importance of leadership and community in local areas but also enhance the quality of life by studying and addressing specific problems within the communities;

Whereas throughout the League's 100 years of service the organization has assisted millions of Americans and especially African-Americans in combating poverty, inequality, and social injustice;

Whereas the League has outlined 4 aspirational goals to increase access to education, jobs, housing, and health care to mark its centennial anniversary as part of its I AM EMPOWERED campaign;

Whereas the work of the League has been pivotal in improving the lives of millions of African-Americans through community-oriented programs, civil rights, and leadership opportunities; and

Whereas the National Urban League remains an essential organization today: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the National Urban League on its 100th year of service to the United States;

(2) expresses its deep gratitude for the hardworking and dedicated men and women of the League who, in the last 100 years, have struggled to improve American society and the lives of all Americans; and

(3) commends the League's ongoing and tireless efforts to continue addressing areas of inequality and fighting for the rights of all Americans to live with freedom, dignity, and prosperity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks

and insert extraneous material on House Resolution 1157 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, it is with great honor and privilege that I rise in support of House Resolution 1157 in commemoration and recognition of the National Urban League's 110th anniversary and their pursuit of civil rights and economic empowerment for all people.

Founded in 1910 and headquartered in New York City, the National Urban League is a preeminent voice for the civil rights of African Americans and for improving the quality of life in our urban communities. Through their programs, the League provides direct services to more than 2 million people nationwide through more than 100 local affiliates in 36 States and the District of Columbia.

With its 100th anniversary, the League commemorates a rich history of service and advocacy. In what started as a grassroots movement for equality, Mrs. Ruth Standish Baldwin and Dr. George Edmund Haynes provided crucial support to African Americans moving to urban centers in the early 1900s. The League worked tirelessly to reduce the discrimination and pervasive inequality in our Nation's cities.

The League grew in size and influence with our Nation's civil rights movement in the 1960s. They expanded their advocacy operations and established social service initiatives in housing, health, education, and minority business development.

This national organization exemplifies the ideals of service and outreach and has been a tremendous force in enhancing opportunities for education, economic empowerment, health, and quality of life, civic engagement, and civil rights and social justice.

I would like to extend my congratulations and appreciation to the National Urban League for their 100 years of exceptional dedication and service, and I wish this organization continued success in the great work that they do for years to come.

I would also like to thank and congratulate the countless volunteers and staff of the National Urban League for their commitment to furthering the organization's mission of equality, and I join with them in celebrating the League's historic milestone.

I thank Representative HASTINGS for introducing this resolution, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today also in support of House Resolution 1157, congratulating the National Urban League on its 100th year of service to the United States, and I appreciate the gentleman from Florida for having introduced this piece of legislation.

The National Urban League is a nonpartisan civil rights organization based in New York City that advocates on behalf of African Americans and against racial discrimination in the United States. It is the oldest and largest community-based organization of its kind in this Nation.

Founded in New York City on September 29, 1910, by Ruth Standish Baldwin and Dr. George Edmund Haynes, among others, it merged with the Committee for the Improvement of Industrial Conditions among Negroes in New York, which was founded in 1906, and the National League for the Protection of Colored Women, which was founded a year earlier, and was renamed the National League on Urban Conditions.

The National Urban League helped train black social workers and worked in various other ways to bring educational and employment opportunities to blacks. Its research into the problems facing employment opportunities, recreation, housing, health and sanitation and education spurred the League's quick growth. By the end of World War I, the organization had 81 staff members working in 30 cities. In 1920, it took its present name.

Today, this organization remains committed to improving the lives of Americans. There are more than 100 local affiliates in 36 States and the District of Columbia providing direct services that impact the lives of more than 2 million people nationwide. We congratulate the National Urban League for 100 years of service to our Nation, and I ask my colleagues to support this resolution.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I am pleased to recognize the gentleman from Florida (Mr. HASTINGS) for 5 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the distinguished gentlewoman from California.

My good friend AL GREEN, whom I am pleased to serve with in the House of Representatives, and I introduced this legislation to congratulate the National Urban League on celebrating its 100th anniversary. I believe he and I also speak not only for substantial numbers of House Members but certainly for all of the members of the Congressional Black Caucus in this congratulatory set of remarks.

As was said, since its founding in 1910 by George Haynes and Ruth Baldwin, this organization has grown from one small housing department into a comprehensive national organization.

I am immensely proud of my own affiliation with the Urban League going back over 35 years now. In 1974, I was one of the founding members of the National Urban League of Broward County, the 104th affiliate chapter in the United States. Our goal then was to help alleviate some of the racial tensions felt throughout the community during desegregation.

I went on to serve on the original board of directors under a tremendous executive director named Leonard Gainey for the local chapter, and we worked to empower the community, increase educational opportunities for our children, and change lives through strong advocacy for essential public services.

The League has made great advances in the realm of civil rights. I knew Whitney Young, who has no peer in this area, who worked closely with leaders such as A. Philip Randolph and Martin Luther King. The League assisted in planning the 1963 March on Washington and carried on the hard work of advocating for equality and opportunity in that tumultuous era. The magnitude of these accomplishments, and countless others, cannot be understated.

The right to an equal education for black Americans has developed into a program aimed at helping these students use their education to propel themselves into leadership roles in their respective communities. Through workshops, summer programs, hands-on learning opportunities, and other endeavors, the League enriches the quality of life for black Americans of all ages and, by that, enriches our country.

With over 100 field offices around the country, League leaders are pillars of their communities, helping to organize campaigns to, in the League's own words, "enable African Americans to secure economic self-reliance, parity, power and civil rights."

Under the outstanding guidance of extraordinary leaders and everyday men and women, the National Urban League has been at the forefront of the great social efforts of the last century.

I would be terribly remiss if I did not mention the leadership of Vernon Jordan, who was a classmate of mine in law school; Percy Lee, who was a classmate of mine in high school; T. Willard Fair, who I was not a classmate with, but learned to know, learned from and loved through the years; as well as John Jacobs, who I do share fraternity membership with and good friendship; and the new leader now, Marc Morial, as well.

Although we can take great pride in the many exceptional accomplishments of the National Urban League, its work is far from over. With 100 years of experience behind them, the hard-working and dedicated men and women of the National Urban League are well-poised to carry forth its important mission through the next century of progress.

Mr. Speaker, I urge my colleagues to support this important legislation congratulating the National Urban League for its 100 outstanding years of service

to our great Nation, and I again thank the gentlelady from California for the time.

Mr. BISHOP of Utah. Mr. Speaker, I reserve my time.

Ms. CHU. Mr. Speaker, I am pleased to recognize the gentleman from Texas (Mr. AL GREEN) for 3 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentlelady for the time, and I want to thank the Honorable ALCEE HASTINGS, a most respected Member of this House. I am honored that he would present this resolution honoring a most respected organization in this country, the National Urban League.

The Honorable ALCEE HASTINGS has been a part of the avant-garde when it comes to human rights and civil rights and protecting those who are among the least, the last and the lost in society, which is what the Urban League seeks to do. One hundred years of service to the United States of America, and indirectly to the planet Earth because indirectly what you do for one, you do for all.

I am honored to mention that the honorable Marc Morial has continued the great tradition of leadership established in the Urban League. He is the current president and CEO. In Houston, we have the honorable Judson Robinson, who is the president and CEO of the Houston Area Urban League, and he has done a stellar job as well.

The Urban League is now and has always been an integrated organization, founded by two persons of different hues, and continues that legacy, that heritage, if you will, of representing all persons, but making sure that those who have been left behind have the opportunity to catch up.

I am honored to tell you that the Urban League has this goal of self-reliance, and it perfects the goal of self-reliance by way of political parity, by way of making real the great and noble American ideal expressed in Baker v. Carr: one person, one vote. The Urban League seeks to cause those who were locked out of the process to have the opportunity to not only participate, but to have their votes mean something.

The Urban League seeks to have self-reliance through economic empowerment, the notion that equality of opportunity ought to exist for all within this great country. Equality of opportunity. Not give me something for nothing but give the opportunity to succeed on merits or fail on demerits, the opportunity to participate in the process.

One hundred years of service. One hundred years of combating poverty, inequality, and social injustice.

I close with this reminder, a cliche, a phrase, if you will, that is worn out, and it is worn because of a good reason, because it means something. That phrase is this: if we did not have the National Urban League, we would surely have to create it.

Mr. BISHOP of Utah. Mr. Speaker, I reserve my time.

Ms. CHU. Mr. Speaker, I am pleased to recognize the gentlewoman from Ohio (Ms. SUTTON) for 2 minutes.

Ms. SUTTON. Mr. Speaker, I thank the gentlelady for her time and the leadership that she is displaying here and on so many issues. I also want to thank my friend, Representative ALCEE HASTINGS, for his leadership in bringing this very appropriate resolution to the floor.

I rise today in support of House Resolution 1157, to honor and congratulate the National Urban League on their 100th year of giving back to our communities.

I want to thank the leaders in our communities of the Urban League: Bernett Williams, who has the leadership of the Akron Urban League; and Fred Wright, who is the leader of the Lorain County Urban League. Each of these affiliates in Akron and Lorain has stood tall and served as a pillar in our community through the difficult times that many have faced over the past years.

This year, the Akron Urban League will celebrate its 85th anniversary of serving the Akron community, fighting to eliminate the disparities that African Americans face, and helping others who face disadvantages in our community. The Akron Urban League has set out on an aggressive list of programs for adults, one which focuses on career training and pairs each student with a mentor from the local corporate community.

The Lorain County Urban League has served Lorain County for 30 years, empowering African Americans and the disadvantaged. In Lorain County, they offer opportunities such as a youth empowerment program, a program designed to give our young people the preparation and the skills that they need for the 21st century careers through education and community service.

Both the Akron and Lorain County Urban League affiliates mean a great deal to northeast Ohio and to our country.

Putting people back to work remains my top priority in Congress, and the National Urban League and its affiliates in Lorain County and Akron are steadfastly dedicated to this mission.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to commend the National Urban League on the 100th anniversary of its organization.

Mr. Speaker, I am honored to be able to give my congratulations and support in this Chamber today to the National Urban League, one of the oldest civil rights organizations in the United States. Established in 1910 as the Committee on Urban Conditions Among Negroes, the National Urban League continues to this day to be a vital community-based organization dedicated to empowering African Americans and improving the standard of living in underprivileged urban neighborhoods.

With over a hundred local branches across our nation, the National Urban League is a living testament to the good that can be accomplished when citizens come together to work for the betterment of their communities. This landmark organization has provided immense support to urban communities throughout the years by offering educational opportunities for youth, expanding civic engagement and community wellness in urban neighborhoods, defending racial justice, and working to improve the economic conditions of African Americans. For example, the Atlanta Entrepreneurship Center, established by the Atlanta Urban League in 2003, works to aid small and medium-sized minority-owned businesses in the urban community by offering much-needed resources and financial advice to minority business owners.

The famous American civil rights leader and former President of the National Urban League, Whitney Moore Young, Jr., was once quoted as saying, "every man is our brother, and every man's burden is our own. Where poverty exists, all are poorer. Where hate flourishes, all are corrupted. Where injustice reins, all are unequal." The National Urban League's unwavering commitment to equality exemplifies the philosophy of the late Whitney Young and has brought an inestimable amount of good to urban communities since its inception in 1910.

I would like to commend my colleague from Florida, the Honorable ALCEE HASTINGS, for bringing forth the resolution to congratulate the National Urban League on its 100th year of service.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1157, to congratulate the National Urban League on its 100 year of service to the United States.

The National Urban League can look back with great pride on its extraordinary accomplishments, as we mark the organization's centennial anniversary. Since its inception in 1910, the National Urban League has made tremendous gains in equality and economic empowerment in the African-American community throughout the United States. Today, the League has become an essential tool in economic advancement, as it has expanded to 25 national programs, with more than 100 local affiliates in 36 states as well as the District of Columbia.

The beginnings of this organization can be traced to two remarkable individuals, Mrs. Ruth Standish Baldwin and Dr. George Edmund Haynes, who founded the League as a multiracial and diverse grassroots campaign. Their efforts in forming the National League of Black Men and Women, later to be known as the National Urban League, began as a civil rights organization dedicated to elevating the standard of living in historically underserved urban communities. The fledgling organization counseled black migrants from the South, helped train black social workers, and worked in various other ways to bring educational and employment opportunities to African Americans.

Under the leadership of Whitney M. Young, Jr., the League substantially expanded its

fundraising ability, and, most critically, made the League a full-time partner in the Civil Rights Movement. Lending its resources to the pursuit of equality, it hosted at its New York headquarters the meetings of A. Philip Randolph, Dr. Martin Luther King, Jr., and other civil rights leaders to plan the 1963 March on Washington. Furthermore, Young was a forceful advocate for greater government and private sector efforts to eradicate poverty. His call for a domestic Marshall Program, a tenpoint program designed to close the huge social and economic gap between black and white Americans, significantly influenced the discussion of the Johnson Administration's War on Poverty legislation.

My district of Dallas, Texas, has benefited greatly by the community oriented services provided by the Urban League of Greater Dallas. Under the leadership of chapter president, Dr. Beverly Mitchell-Brooks, the Urban League's facility provides an environment where education and training are chosen as paths to self-reliance. Dallas residents are prepared for the world of work, home ownership, and health education through classes and training seminars. In addition to job training, scholarship programs are in place to help students realize their dream of earning a college degree that may otherwise be blocked by a families' limited income.

As we stand in the aftermath of this economic downturn, the role of the National Urban League has become vital as entire communities seek guidance and relief from current economic conditions. Through the League's Housing and Community Development Division, programs such as "Foreclosure Prevention", "Homeownership Preparation," and through "Financial Literacy" were able to aid over 50,000 people in 2009. Furthermore, with assistance provided by the League's "Foreclosure Prevention" program, 3,000 people were able to avoid filing foreclosure in 2009.

Mr. Speaker, if past is prologue, then the National Urban League's exemplarily 100-year history of empowering the lives of millions of African Americans gives me great confidence in the organization's ability to address the challenges of the 21st century.

Mr. VAN HOLLEN. Mr. Speker, I stand today to recognize the National Urban League for its century of civil rights leadership and for its dedication to ensuring that all Americans enjoy the benefits of equal justice and economic empowerment.

Since 1910, the National Urban League has worked to elevate the living standards of American families in historically underserved urban areas. The Urban League was founded to advocate on behalf of the tens of thousands of African Americans who began migrating to northern American cities in the early 20th century. Committed to social justice and equality, the Urban League worked to empower these men and women, many of whom had fled the Jim Crow south for the north to escape economic, social and political oppression only to find few employment opportunities, limited access to education and substandard housing. For a century, the Urban League has fought tirelessly to see that all Americans, regardless of race, have equal access to a good education, a good living wage, and safe and affordable housing.

With appreciation for a century of service to the American people, I wish the National Urban League continued success for the years to come.

Mr. CONYERS. Mr. Speaker, I rise today with my colleague to congratulate the National Urban League for 100 years of service to the people of America.

The Committee on Urban Conditions Among Negroes was established on September 29, 1910, in New York City. This group later became the Urban League. The group was formed to address the needs of African-Americans escaping the oppressive Jim Crow South. Opportunities in the North were few and far between and de facto segregation had forced many blacks into marginal roles in society. These conditions were still preferable to the state-imposed second-class citizenship of the South. In its first 10 years, after mergers with other groups fighting for gender equality and worker safety, the Committee on Urban Conditions Among Negroes changed its name to the National Urban League.

Even at its founding, the Urban League was an open and progressive organization. Mrs. Ruth Standish Baldwin, Dr. George Edmund Haynes and Professor Edwin R. A. Seligman of Columbia University all played critical leadership roles in the organization during its infancy.

The organization counseled black migrants from the South, helped train black social workers, and worked in various other ways to bring educational and employment opportunities to blacks. Its research into the problems blacks faced in employment opportunities, recreation, housing, health and sanitation, and education spurred the League's quick growth. By the end of World War I the organization had 81 staff members working in 30 cities.

The Urban League was a crucial supporter of A. Philip Randolph's 1941 March on Washington Movement to fight discrimination in defense work and in the armed services. Additionally, the Urban League hosted, at its New York headquarters, the planning meetings of A. Philip Randolph, Martin Luther King, Jr., and other civil rights leaders for the 1963 March on Washington.

Mr. Speaker, throughout its history, the Urban League has been on the right side of America's most pressing issues. Whether it has been gender equality, workers' rights, or civil rights, America can count on the Urban League to hold it accountable to its promise of equality and opportunity for all citizens. Our country has been forever changed for the better by the efforts of the Urban League. All of our lives have been touched by and benefited from the work they have done and continue to do.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1157, "Congratulating the National Urban League on its 100th year of service to the United States."

As a member of the House Subcommittee on the Constitution, Civil Rights, and Civil Liberties, I take great pleasure in thanking my colleague, Representative ALCEE L. HASTINGS, for introducing this important piece of legislation that honors this historic civil rights organization.

Mr. Speaker, today I join my colleagues in recognizing and congratulating the National Urban League for its 100 years of service to historically underserved urban communities across the United States. The National Urban League was originally known as the National League of Black Men and Women. Created in 1910 as a civil rights organization, the National Urban League has since made tremendous gains in equality and empowerment for the African-American community. Throughout the League's 100 years of service the organization has assisted millions of Americans and especially African-Americans in combating poverty, inequality and social injustice.

The National Urban League saw tremendous growth in its partnership with the Federal Government throughout the 1970s. During this time the League began delivering aid to urban areas and making improvements in housing, education, health and minority-owned small businesses. This partnership between the League and the Federal Government revolutionized how the country viewed race relations, challenged the deep discrimination within America's social structure and established the League's reputation as a premier social justice organization.

Since that time, the League has expanded to include 25 national programs, with more than 100 local affiliates in 36 states as well as the District of Columbia.

In my home district in Houston, Texas, the National Urban League has played a strong role in helping the community through outreach programs. The League has sponsored hundreds of such programs over the years from job fairs to Computer Technology courses. These types of educational and community empowerment programs help to improve the quality of life for communities across the United States.

The National Urban League in Houston has also played a strong role in the clean-up and reconstruction efforts in the aftermath of Hurricane Ike. In September 2008, a massive Category 4 Hurricane named Hurricane Ike came ashore and slammed the Texas coastline near my home district of Houston. The National Urban League of Houston has since provided assistance to children, families and senior citizens in the community. I thank the League for its continued support of our community.

Over the past several years, National Urban League has also helped thousands of people weather through one of the worst economic disasters in recent memory. Through the League's Housing and Community Development division the League was able to assist over 50,000 people with mortgage, foreclosure and other similar economic problems in 2009. Furthermore, from this assistance provided by the League's "Foreclosure Prevention" program, 3,000 people were able to avoid filing foreclosure in 2009.

The National Urban League also helps out youth across our nation and promotes childhood education through programs like the League's Education and Youth Development division. Also, programs like the League's "Project Ready" ensure that students will be prepared for the transition from high school to college, or joining the workforce.

The League has also created and outlined 4 new aspirational goals to mark its centennial anniversary as part of its I AM EMPOWERED campaign. The League has pledged to help

achieve the following goals by 2025: Ensure that every American child is ready for college, work and life; ensure that every American has access to jobs with a living wage and good benefits; ensure that every American lives in safe, decent, affordable and energy-efficient housing on fair terms; and ensure that every American has access to quality and affordable health care solutions.

Altogether the work of the National Urban League has been pivotal in improving the lives of millions of Americans through community-oriented programs, civil rights, and leadership opportunities. I stand with my colleagues today in appreciation for the service the League has provided our citizens over the last l00 years and look forward to working alongside the League for the next 100 years.

Since its inception, the National Urban League has been known as an historic civil rights organization dedicated to elevating the standard of living in historically underserved urban communities. The League continues in that legacy today and continuously seeks to empower the citizens of urban and inner-city communities.

I would like to thank and praise the thousands of volunteers, workers and community advocates with the National Urban League who have worked towards the empowerment of their respective communities and the creation of new opportunities.

I ask my colleagues for their support of H. Res. 1157, as well as for their continued support for the National Urban League. Through the continuation of the League's programs over the next 100 years, I am confident that the United States will continue to be a more fair, just and equitable society for all Americans.

I would like to again thank my colleague Representative ALCEE L. HASTINGS for his leadership in introducing this bill as well as for his support of the National Urban League.

Mr. Speaker, I ask my colleagues to join me in supporting H. Res. 1157.

□ 1200

Mr. BISHOP of Utah. Mr. Speaker, I urge once again support of this resolution, and I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I have no further requests for time. I urge passage of House Resolution 1157, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1157, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## RECOGNIZING NATIONAL TEACHER APPRECIATION WEEK

Ms. CHU. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1312) recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1312

Whereas education and knowledge are the foundation of America's current and future strength;

Whereas teachers and other education staff have earned and deserve the respect of their students and communities for their selfless dedication to community service and the future of our Nation's children;

Whereas the purpose of ''National Teacher Appreciation Week'', held during May 3, 2010, through May 7, 2010, is to raise public awareness of the unquantifiable contributions of teachers and to promote greater respect and understanding for the teaching profession; and

Whereas students, schools, communities, and a number of organizations representing educators are hosting teacher appreciation events in recognition of ''National Teacher Appreciation Week'': Now, therefore, be it

*Resolved*, That the House of Representatives thanks teachers and promotes the profession of teaching by encouraging students, parents, school administrators, and public officials to participate in teacher appreciation events during ''National Teacher Appreciation Week''.

The SPEAKER pro tempore (Ms. MCCOLLUM). Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1312 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Madam Speaker, I yield myself as much time as I might consume.

Madam Speaker, I rise today to recognize the important role teachers play in the education of our Nation. This week, May 3 through 7, we celebrate National Teacher Appreciation Week. The National PTA created this week in 1984 to show gratitude to the approximately 3.2 million teachers in the United States, and to thank them for contributing to the civic, cultural, and economic well-being of our Nation. This National Teacher Appreciation Week is a chance for us to recognize the selflessness and dedication that teachers show to our children every day.

We know that having teachers is integral to the educational outcomes of our Nation's youth. Research tells us that teacher quality accounts for the majority of variance in student achievement. Highly qualified teachers serve as excellent role models and instill a love for knowledge and lifelong learning in our students. They also shape tomorrow's leaders and prepare America's diverse student population with the skills it needs to compete in the 21st century workforce.

Teaching is a skilled practice. Teachers reflect on their lessons and modify instruction to reach the broad range of needs of their students in their classrooms. Quality teachers hone their skills and are experts not only in their subject matter, but also at connecting with young people and making learning come alive. Teaching is a dynamic profession, and educators must continuously engage in quality professional development in order to sharpen their techniques and increase their own knowledge.

Unfortunately, research has shown us the negative effects of teacher shortages. With the economic downturn, we have seen too many States turn to teacher layoffs to address budget deficits. Additionally, over the next 4 years more than a third of the Nation's 3.2 million teachers may retire. It is imperative that schools and communities continue to support our teachers if we are to educate our children to not only compete, but to lead and innovate in the 21st century economy.

I would like to extend my congratulations to the 2010 National Teacher of the Year, Ms. Sarah Brown Wessling, an English teacher at Johnston High School in Johnston, Iowa. Ms. Wessling teaches 10th through 12th graders at Johnston High, and is recognized for her innovative, learner-centered teaching methods, and her passion for quality instruction. We recognize Ms. Wessling's hard work and the example she sets for our Nation's teachers.

Madam Speaker, once again I express my support for National Teacher Appreciation Week. I encourage everyone to take a moment and to reflect on a motivational teacher that helped you realize your potential and reach your dreams. I want to thank Representative GRAVES for bringing this resolution to the floor, and I urge my colleagues to pass this resolution.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1312, and also mention a conflict of interest since I did spend 28 years as a public school teacher before I joined this august body here. This resolution recognizes the roles and contributions of America's teachers in building and enhancing our Nation's civic, cultural, and economic well-being, and supporting National Teacher Appreciation Week.

Teachers provide one of the greatest services to our youth, which is education. Educators bear the responsibility of teaching the next generation,

and, apart from parents, are one of the primary sources of knowledge and values of our kids. In today's challenging learning environment, teachers provide more than economic leadership. Teachers plan and organize classroom activities, they assess student performance, they understand the basic needs of students, they encourage them to improve, working closely with parents as they relate to students' performance and discipline, they motivate students, encourage them to participate in extracurricular activities, they make the highways safe, and entertain the community on Friday nights.

Showing teachers appreciation and recognition during the upcoming National Teacher Appreciation Week is a terrific act of gratitude that reminds us of how important teachers are, and reminds us of what an integral role they play in our lives.

Teachers today devote time to professional development, their own education, and on class preparation outside the classroom. Most teachers spend much longer than the official school day working on teaching duties, and often spend their own money to meet the needs of their students. Teachers make these time, energy, and monetary commitments, and they deserve recognition for such.

Today we also recognize the importance of having well-trained, dedicated, and skilled teachers in schools. We honor all teachers who have made a difference by preparing tomorrow's leaders.

I also want to thank my colleague from Missouri (Mr. GRAVES) for introducing this resolution, unfortunately 7 years after I retired, but introducing it nonetheless. I ask for your support.

I reserve the balance of my time.

Ms. CHU. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. I would like to thank my colleague.

Madam Speaker, I rise in recognition of National Teacher Appreciation Week. This is a time to honor teachers for the positive impact they make in our lives. I thank the gentleman from Missouri for introducing this legislation.

Teachers fill many roles. They inspire students to set and reach goals. They are role models, motivators, and mentors. Most importantly, they help students develop the knowledge and skills they need to understand the world and to become a productive part of it. They work with limited resources to ensure that our students receive a quality education.

There are so many teachers in my district who work hard to open students' minds to ideas, knowledge, and dreams, but today I want to mention just three:

Julie Wright, who teaches first grade at Gardenhill Elementary School in La Mirada. Recently, Ms. Wright was nominated Teacher of the Year. Outside of the classroom, she invests her time in the local community by participating in the PTA and the Girl Scouts.

Pattie Blasnick is a special day class teacher at Ada S. Nelson Elementary School. Because of her patience and dedication to her special needs students, she was selected as the Los Nietos Teacher of the Year for 2009–2010.

Juvenal Martinez is a sixth grade teacher at Aeolian School who was recently honored for outstanding service in education and agriculture because of his commitment to increasing student and community knowledge about agriculture, horticulture, and nutrition.

I encourage everyone to take a moment to let a special teacher know how much they touched your life.

Ms. CHU. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself as much time as I may consume.

Obviously, this is an issue that is very dear to my heart at the same time, as I know full well how dedicated teachers are in putting in of their own time and their own effort to make their classrooms a success. And it is one of those particular areas in which they need to be recognized.

It would be nice if we could recognize them in other ways that are more substantial and maybe monetarily more satisfying, but at least to recognize the fact that teachers do put of themselves and give of themselves in an effort to try and deal and work with the future generations. That is one of those things that cannot be ever underestimated or underidentified.

So I appreciate the fact that this time, which is called National Teacher Appreciation Week, an entity that was started by the PTA, is indeed one of those elements that we should take the time to recognize the significant factor, the significant effort that all the teachers make in not only our public schools but our private schools as well, and indeed you can probably expand this in some particular way to extend to those who are teaching at home, which means our parents are teachers in and of themselves. They too need to be recognized for the commitment they make to our students. It is an important effort. It is an important entity.

Madam Speaker, I reserve the balance of my time.

Ms. CHU. As a teacher who was in the classroom for 20 years myself, I deeply appreciate this resolution. And it is a very timely one, especially as we go into reauthorization of the Elementary and Secondary Education Act.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I would like to yield such time as he may consume to the sponsor of this particular resolution, the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Madam Speaker, I rise today in strong support of H. Res. 1312, a resolution recognizing the significant contributions of our Nation's teachers. I want to thank Chairman MILLER and Ranking Member KLINE for allowing this measure to come to the House floor today. I also want to thank Representative GUTHRIE and my many colleagues who have joined me as original cosponsors in moving forward this important tribute.

The goal of H. Res. 1312 is to promote the profession of teaching and honor those who enter into it. There are other jobs with better pay, shorter hours, and oftentimes less hassle than teaching. However, each year thousands of college graduates choose teaching as a profession. And it in no small part is a result of the impact their own teachers had on them.

In addition, I urge my colleagues to take part in National Teacher Appreciation Week, held from May 3 to May 7. It is designed to provide a means for students, parents, and the entire community to come together and participate in events and activities that show our appreciation for teachers and their selfless dedication to community service and the future of our Nation's children.

In closing, I once again thank my colleagues for taking the time today to recognize the profession of teaching, and encourage the strong support of this resolution.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1312, a resolution celebrating the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being. On National Teacher Day, thousands of communities and schools take time to honor their local educators and acknowledge the crucial role that teachers play in making sure that quality education is a right for every student, not a privilege for some.

I strongly support this resolution because I believe that we in Congress must do our part to thank those teachers who have dedicated their lives to providing a quality education for all students, regardless of socioeconomic status, race, ethnicity, gender, or religion. We trust our teachers with our Nation's most precious asset—our children—and we must pause to thank them for the seriousness with which they take that charge.

In my district alone, there are thousands of teachers working hard every single day to make sure that the students in Long Beach, Carson, Compton, Signal Hill, and Watts develop a love of life-long learning and that they have the tools and the knowledge they need to succeed in school and in life. Teachers do more than just teach; they also help build communities. They foster a sense of school community and they bring learning to the neighborhoods and communities that surround our schools. The NEA has asked that on National Teacher Day this year we do more than

just pay lip service to our teachers. Better than an apple or a thank you card, a community's active support of the work that educators do to teach and care for the community's students would be ample reward.

But our recognition and support should not stop there. Many States have announced this year that they will solve their budget crises by laying off thousands of teachers and staff from our public schools. For example, in my home city of Long Beach, more than 1,000 teachers, counselors and social workers were formally notified in March that they may lose their jobs at the end of this school year. I was particularly upset by this news because Long Beach Unified School District is one of the best urban school districts in the country. It was awarded the prestigious Broad Prize for excellence in Urban Education in 2003, and it has been nominated for the prize four times since the prize's inception in 2002. The last thing we should do is lay off our Nation's teachers, particularly in places such as Long Beach Unified School District where the teachers and staff are out-performing other schools throughout the country. We should celebrate and recognize those teachers and schools that are excelling, and use them as the model for how to improve teachers and schools that are struggling to meet their standards.

We are facing one of the worst economic downturns in our country's history and I know that we must make tough choices about where to invest our scarce resources. However, our children are our future and without a proper, high-quality education they will not have the tools they need to succeed. I believe we must honor the commitment our teachers have made to our children by finding ways to balance states' budgets that do not result in widespread layoffs for public school educators and staff. Education is a civil right and we in Congress must do our part to protect that right for all children in all communities around the country.

I applaud our Nation's teachers for their dedication to educating our most valued population in this country—our children. Without high-quality teachers in all schools, many of our children would be at a great disadvantage academically. Our teachers, particularly those who dedicate their lives to teaching in underserved communities, do their part to ensure that all children have the tools they need to succeed every day in school and to contribute to society's future. I ask my fellow colleagues to join me in supporting H. Res. 1312.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Res. 1312 to recognize the roles and contributions of America's teachers in building and enhancing our Nation's civic, cultural, and economic well-being.

Education is the backbone of our society, and perhaps Thomas Jefferson summed it up best when he said, "Whenever the people are well-informed, they can be trusted with their own government." Simply put, the ability for our society to function and our democracy to work properly is dependent on a well-educated and informed electorate. Because of this, teachers play such a pivotal and vital role in our society, and it is important that we recognize their contributions to the future of our country.

This year, May 3–7 is teacher appreciation week, and I am proud to honor our teachers during this time. In Dallas, we have some of the best students and educators in the country, and I am incredibly proud of the work our teachers do to enhance the lives of our young people. The sacrifices they make are truly extraordinary, and I commend them on their efforts.

Madam Speaker, I ask my fellow colleagues to join me today in recognizing our teachers and supporting this resolution. Truly our teachers work tirelessly for our children, and by so doing, they are giving America a brighter future.

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Mr. BISHOP of Utah. Madam Speaker, I yield back the balance of my time.

Ms. CHU. Madam Speaker, I urge passage of House Resolution 1312, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1312, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## NATIONAL CHARTER SCHOOL WEEK

Ms. CHU. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1149) supporting the goals and ideals of National Charter School Week, to be held May 2 through May 8, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1149

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools promote innovation and excellence in public education;

Whereas charter schools provide hundreds of thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students, and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 39 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas 4,956 charter schools, an increase of 292 schools from last school year, are now serving almost 1,500,000 children;

Whereas over the last 16 years, Congress has provided substantial support to the charter school movement through startup grants for planning, implementation, and dissemination of charter schools;

Whereas over 365,000 children are on charter school waiting lists nationally;

Whereas charter schools improve their students' achievement and often stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools must continually demonstrate their ongoing success to parents, policymakers, and their communities, some charter schools routinely measure parental satisfaction levels, and all give parents new freedom to choose their public school;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the 11th annual National Charter Schools Week, to be held May 2 through May 8, 2010, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of the 11th annual National Charter Schools Week;

(2) acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system; and

(3) calls on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1149 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1149, a resolution in support of the goals and ideals of National Charter School Week from May 2 through May 8, 2010, and to recognize the growing charter school movement in our Nation.

Since their inception in 1991, charter schools have offered a competitive education to many of our Nation's public school students and have helped drive school reforms across the country. Charter schools across the United States support diverse and innovative instruction and learning models. With autonomy and flexibility, charter schools can make timely decisions about how to structure the school day, which curricula best suits the needs of their students, and which types of staff will enrich the school communities. Additionally, quality charter schools form important partnerships with parents and with their surrounding communities.

This week, charter schools across the country will celebrate the 11th annual National Charter School Week. It is a great time to highlight the role these schools serve in driving education innovation and reform.

Today, there are almost 5,000 public charter schools, which are operating in 39 States and in the District of Columbia. They serve more than 1.5 million students, with many more students on waiting lists. To address this demand, many States and districts are welcoming charters to their neighborhoods. With the start of the school year, over 400 new public charter schools opened their doors to nearly 170,000 new students.

The growing charter school movement is also providing opportunities for many historically underserved communities. Nationally, charter schools serve a high percentage of minority and low-income students. In fact, 58 percent of charter school students are minorities, and 35 percent qualify for free and reduced priced lunches. Quality charter schools are often able to achieve impressive academic results.

Madam Speaker, once again, I express my support for National Charter School Week, and I recognize the charter school movement and its 18-year history of promoting a high-quality public educational option—an option that is innovative, flexible, and responsive to community needs.

I thank Representative BISHOP for introducing this resolution, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

Madam Speaker, as you know, it is very difficult for me to speak without chalk in my hand at any given time.

Today, I rise to support House Resolution 1149, supporting the goals and ideals of National Charter School Week, which is being held now. Actually, it runs from May 2 through May 8 of this year. This week has been designated as the 11th annual Charter School Week.

Charter schools are innovative public schools that have unique freedoms and responsibilities. They explore new educational approaches, and they are free from some rules and regulations governing traditional public schools. In exchange for this freedom, charter schools are held to a higher level of accountability than traditional public schools might be.

Charter schools must demonstrate the success of their students' academic achievements to parents, to policymakers, to authorizers, and to their communities or face closure. Many charter schools have met and have exceeded in this challenge. Most charter schools meet necessary student achievement and accountability requirements, and they often set higher individual goals to ensure that they are of high quality and are truly accountable to the public. However, despite these innovative approaches and promising reports of parental satisfaction, charter schools often face unique and unusual obstacles in creating and replicating successful schools.

One such obstacle is State caps, which limit their growth. Twenty-six States and the District of Columbia have some type of limit, or cap, on charter school growth. Most caps restrict the number of charter schools allowed. Others limit the number of students that a single school may serve. These caps prohibit effective charter schools from being created and replicated and, thereby, from serving students in need, oftentimes in niche needs.

It is essential that Congress continues to support public charter school programs and that it continues to recognize the unique attributes and benefits of charter schools. These programs provide support for the development of charter schools. These programs have helped to create a public charter school system all across this country—schools that work to improve academic achievement, oftentimes for low-income students.

It is important that the charter community is able to continue to provide a high-quality option based on innovation, on freedom from red tape, and on partnerships between parents and educators and that it is able to continue to give hope, oftentimes to disadvantaged and at-risk students across this Nation.

It is, indeed, one of those good things that we are doing in our school system, and I urge my colleagues to support this resolution.

Mr. FRELINGHUYSEN. Madam Speaker, I rise today in support of H. Res. 1149 which recognizes the important impact charter schools have on students across the nation who attend them.

Charter schools have been one of the fastest-growing innovative forces in education policy. In the past 4 years, 1,600 new charter schools opened and 500,000 additional public school students chose to enroll in charter schools nationwide.

In my home state of New Jersey, 68 approved charter schools serve more than 22,000 students in pre-kindergarten through grade 12. These schools, through creative solutions and selfless dedication, provide an invaluable service to children caught in failing public school systems.

I have been a longtime advocate of school choice. Giving parents options for their child's education not only helps to better educate students, but can also help to build stronger, more prosperous communities. As incubators of innovation in education, charter schools challenge other schools to do better.

Not every child in America is fortunate enough to attend a high performing public school or has the means to afford a first-rate private or parochial education. And, we all know the story of many failing public schools across the nation: Low graduation rates. High dropout rates. Low mathematics and reading scores. Charter schools, school vouchers and other programs that give families a choice in their child's education have and will continue to make a significant and positive impact on those statistics.

We can no longer be distracted by the ideological battles surrounding educational choice and competition while children graduate without the skills to succeed here at home, or even less so in our global economy.

Madam Speaker, I close today in appreciation for the teachers and students of charter schools, and the communities and private donors that support them, for their contributions and achievements and I encourage my colleagues to do the same.

Ms. JACKSON LEE of Texas. Madam Speaker, I stand before you today in support of H. Res. 1149, "Supporting the goals and ideals of National Charter Schools Week, to be held May 2 through May 8, 2010". I would like to begin by thanking my colleague Rep. BISHOP for introducing this resolution in the House, as quality education should be at the top of our priorities list. I urge my colleagues to support and acknowledge charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system.

Charter school programs such as Yes Prep, Harmony, WALIPP, and KIPP deliver high-quality education, challenge our students to reach their potential throughout the United States, and provide thousands of families with diverse and innovative educational options for their children. Charter schools improve their students' achievement and can stimulate improvement in traditional public schools as well. These unique, public schools are authorized by a designated public entity that is responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation.

Charter schools take a revolutionary approach in educating our nation's students. Today, roughly 4,700 charter schools are now serving approximately 1,400,000 children in 40 states plus the District of Columbia and Puerto Rico this year. Charter schools continually demonstrate their ongoing success to parents, policymakers, and their communities. Some charter schools even routinely measure parental satisfaction levels while all give parents new freedom to choose their public school.

Charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system and deliver a high quality education. Chartering is a radical educational innovation that is moving states beyond reforming existing schools to creating something entirely new. Chartering is at the center of a growing movement to challenge traditional notions of what public education means.

Charter schools have demonstrated their commitment to high academic standards, small class sizes, innovative approaches and educational philosophies. Many parents choose charter schools for their small size and associated safety as charter schools serve an average of 250 students.

I am pleased that over the last 15 years, Congress has provided substantial support to the charter school movement through startup financing assistance and grants for planning, implementation, and dissemination. In addition, these schools have enjoyed broad bipartisan support from the administration, Congress, State Governors and legislatures, educators, and parents across the United States.

The intention of most charter school legislation is to: increase opportunities for learning and access to quality education for all students, create choice for parents and students within the public school system, provide a system of accountability for results in public education, encourage innovative teaching practices, create new professional opportunities for teachers, encourage community and parent involvement in public education, and leverage improved public education broadly.

Competition from charter schools has been shown to increase composite test scores in traditional district schools. Furthermore, twice as many registered voters favor charter schools as oppose them. The more people learn about charter schools, the more they like them. Congress must lend its support to these schools and their goals, especially since on average, the funding gap between charter schools and traditional schools is 22 percent, or $1,800 per pupil. The average charter school ends up with a total funding shortfall of nearly half a million dollars. Yet, 12 studies find that overall gains in charter schools are larger than other public schools; four find charter schools' gains higher in certain significant categories of schools and six find comparable gains to traditional schools. I ask my colleagues for their continued support of charter schools and urge them to support this resolution.

Mr. BISHOP of Utah. Madam Speaker, I yield back the balance of my time.

Ms. CHU. Madam Speaker, I urge passage of House Resolution 1149, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1149.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## MOTHER'S DAY CENTENNIAL COMMEMORATIVE COIN ACT

Mr. MEEKS of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2421) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2421

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Mother's Day Centennial Commemorative Coin Act''.

**SEC. 2. FINDINGS.**

The Congress hereby finds as follows:

(1) Anna Jarvis, who is considered to be the founder of the modern Mother's Day, was born in Webster, West Virginia on May 1, 1864.

(2) A resident of Grafton, West Virginia, Anna Jarvis dedicated much of her adult life to honoring her mother, Anna Reeves Jarvis, who passed on May 9, 1905.

(3) In 1908, the Andrews Methodist Episcopal Church of Grafton, West Virginia, officially proclaimed the third anniversary of Anna Reeves Jarvis' death to be Mother's Day.

(4) In 1910, West Virginia Governor, William Glasscock, issued the first Mother's Day Proclamation encouraging all West Virginians to attend church and wear white carnations.

(5) On May 8, 1914, the Sixty-Third Congress approved H.J. Res. 263 designating the second Sunday in May to be observed as Mother's Day and encouraging all Americans to display the American flag at their homes as a public expression of the love and reverence for the mothers of our Nation.

(6) On May 9, 1914, President Woodrow Wilson issued a Presidential Proclamation directing government officials to display the American flag on all government buildings and inviting the American people to display the flag at their homes on the second Sunday of May as a public expression of the love and reverence for the mothers of our nation.

**SEC. 3. COIN SPECIFICATIONS.**

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 400,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

**SEC. 4. DESIGN OF COINS.**

(a) DESIGN REQUIREMENTS.—The design of the coins minted under this Act shall be emblematic of the 100th anniversary of President Wilson's proclamation designating the second Sunday in May as Mother's Day.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year ''2014''; and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

**SEC. 5. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2014, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2014.

**SEC. 6. SALE OF COINS.**

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) ½ to the Susan G. Komen for the Cure for the purpose of furthering research funded by the organization.

(2) ½ to the National Osteoporosis Foundation for the purpose of furthering research funded by the Foundation.

(c) AUDITS.—The Susan G. Komen for the Cure and the National Osteoporosis Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the respective organizations under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

**SEC. 8. BUDGET COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS of New York. I yield myself such time as I may consume.

Madam Speaker, on Sunday, we will be celebrating Mother's Day. On May 9, 2014, we will be celebrating the 100th anniversary of the declaration by President Wilson of having Mother's Day celebrated on the second Sunday in May.

I speak in strong support of the bill on which Mrs. CAPITO also worked and drafted and for which she fought so hard to have a commemorative coin made for that day in honor of Mother's Day.

As you know, Anna Jarvis, who is considered to be the founder of the modern Mother's Day, was born in Webster, West Virginia, on May 1, 1864. She loved her mother so much that, when her mother passed, the Governor of West Virginia and others came around and said, What a great idea it is to celebrate mothers.

I don't know of a person in this House or in this Nation who does not appreciate the value of their mothers and the greatness that Mother's Day represents as it brings us together to celebrate mothers.

What a brilliant idea 100 years ago by the President, in following the lead of West Virginia, to determine that we are going to have this day of celebration for mothers. What better thing for us to do than to have a commemorative coin established, which would also raise money for two very important organizations.

One half of the profits, which would be received from the surcharge of $10 per coin, would benefit women's causes, including the Susan G. Komen for the Cure. This would further research funded by the organization. The other half of the profits would go to the National Osteoporosis Foundation for the purpose of further research funded by that foundation.

So, Madam Speaker, I stand here today in strong support of the passage of the commemorative coin to celebrate the 100th anniversary, the centennial, of Mother's Day as declared by President Wilson.

I reserve the balance of my time.

Mrs. CAPITO. I yield myself such time as I may consume.

I want to thank the gentleman from New York, not only for his support of this bill but also for his eloquent statement in support, not just of the coin but of mothers in general. I want to thank him for yielding time to me.

Madam Speaker, as he said, this Sunday, families across the Nation will gather to honor their mothers and grandmothers. By the way, I am a new grandmother. I had to put that in. They will show their gratitude for the contributions these women have made not only to their immediate families but also to their communities at large. The tradition of honoring our mothers on the second Sunday in May goes back almost a century. It is a very interesting and quite simple history.

The tradition of Mother's Day began in the mountains of Appalachia, when a woman named Anna Jarvis sought a more formal way to honor her mother. Her mother's name was Anna Reeves Jarvis, who had passed away in 1905. Ms. Jarvis, a native of Webster County in the wilds of West Virginia, began working with the Andrews Methodist Episcopal Church of Grafton, West Virginia, to honor her mother and her mother's contributions to the community.

In 1908, the church officially proclaimed the third anniversary of Anna Reeves Jarvis' passing to be Mother's Day, but Anna Jarvis was not to be deterred. She continued her efforts to honor mothers across the State of West Virginia. In 1910, she was successful in lobbying and in encouraging the Governor of West Virginia to issue the first Mother's Day proclamation, encouraging all West Virginians to attend church and to wear white carnations in honor of their mothers.

□ 1230

Ms. Jarvis built upon her success at home and began a nationwide effort to have Federal recognition of Mother's Day. After 4 years of hard work and dedication, President Woodrow Wilson issued a presidential proclamation in 1914 encouraging all Americans to fly the American flag at their homes on the second Sunday of May as a public expression of the love and reverence for mothers of our Nation.

West Virginians, we are very proud of our heritage and of the role that our State played in the creation and founding of Mother's Day.

Last year I introduced this underlying legislation, which calls for the minting of a commemorative coin in 2014 to honor the centennial of proclaiming and designating the second Sunday in May as Mother's Day. This coin will be minted in 2014, and as the gentleman from New York expressed, the proceeds of the sales of the coin will go to the Susan G. Komen Foundation and also to the National Osteoporosis Foundation. I wanted to pick foundations that I knew were dedicated to women's health so that the money will be used for research and development to help the mothers of the future cope with the tragic consequences of osteoporosis or cancer.

As an aside, I would like to wish my mother, Shelley Riley Moore, a very happy and wonderful Mother's Day this Sunday. She has been a very special person in my life and in the life of my entire family. And while that's a personal aside, I know we all feel the same way about our mothers, and taking the time to tell them. I would encourage everyone to do that.

I would like to thank the 291 Members of the House who have joined me in this effort allowing the bill to be considered today. I would encourage the passage of this bill, and again I would encourage the recognition of the place that the mothers of America and really across the world play in the lives of all of us here today.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today to show my strong support for H.R. 2421, "Mother's Day Centennial Coin Act". First and foremost I would like to thank my distinguished colleague from West Virginia, Representative SHELLEY MOORE CAPITO for introducing this bill. The coins minted as a result of this legislation will be in recognition and celebration of mothers and everything they do for us and signify the 100th anniversary of President Woodrow Wilson's proclamation in designating the second Sunday in May as National Mother's Day.

The Mother's Day Centennial Commemorative Coin Act, if enacted, would donate half of all surcharges which are received by the Secretary from the sale of coins to the Susan G. Komen for the Cure for the purpose of furthering research funded by the organization and the other half to National Osteoporosis Foundation for the purpose of furthering research funded by the Foundation.

It is of imminent importance that we recognize our mothers have made immeasurable contributions toward building strong families, thriving communities, and ultimately a strong nation. The services rendered to the children of the United States by their mothers have strengthened and inspired the nation throughout its history.

We honor ourselves and mothers in the United States when we revere and emphasize the importance of the role of the home and family as the true foundation of the Nation.

Today, thousands of mothers in this country have become active and effective participants in public life and public service, promoting change and improving the quality of life for men, women, and children throughout the Nation.

Mothers continue to rise to the challenge of raising their families with love, understanding,

and compassion, while overcoming the challenges of modern society; mothers throughout our country juggle between work, family and the household, all with a smile on their faces.

I want to congratulate and praise all of the mothers in America for all of their hard work. Mothers have a huge influence on our everyday lives; we owe all of our success to them. As the famous American author Washington Irving put it best, "A mother is the truest friend we have, when trials heavy and sudden, fall upon us; when adversity takes the place of prosperity; when friends who rejoice with us in our sunshine desert us; when trouble thickens around us, still will she cling to us, and endeavor by her kind precepts and counsels to dissipate the clouds of darkness, and cause peace to return to our hearts." We can never thank our mothers enough for all the sacrifices they have made for us. I wish all families a very happy Mother's Day this Sunday.

Mr. MEEKS of New York. Let me again thank the gentlewoman from West Virginia for her hard work on bringing this bill.

I think there's no more appropriate thing to do than to celebrate mothers, as we will this Sunday, and celebrate the 100th anniversary of Mother's Day, as we will in 2014, as well as raising money for those causes that will help women.

Let me likewise just say that I would not be standing here today in the well of the House of Representatives if it wasn't for many lessons that were taught to me by my mother. And though she is no longer with us, there is not a day that goes by that she is not in my thoughts and in my heart and I don't hear her.

In closing, I must say on a personal note that I must give a special thanks to my wife and what she does on a daily basis mothering our children.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
*Washington, DC, April 29, 2010.*

Hon. BARNEY FRANK,
*Chairman, Financial Services Committee, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN FRANK: I am writing regarding H.R. 2421, the Mother's Day Centennial Commemorative Coin Act.

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 2421 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2421, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

SANDER M. LEVIN,
*Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
*Washington, DC, May 3, 2010.*

Hon. SANDER M. LEVIN,
*Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing in response to your letter regarding H.R. 2421, the "Mother's Day Centennial Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on May 14, 2009. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 2421 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
*Chairman.*

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 2421, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## CELEBRATING MOTHERS AND MOTHER'S DAY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1295) celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1295

Whereas Mother's Day is celebrated on the second Sunday of each May;

Whereas the first official Mother's Day was observed on May 10, 1908, in Grafton, West Virginia, and Philadelphia, Pennsylvania;

Whereas 2010 is the 102nd anniversary of the first official Mother's Day observation;

Whereas in 1908, Elmer Burkett, a U.S. senator from Nebraska, proposed making Mother's Day a national holiday;

Whereas in 1914, Congress passed a resolution designating the second Sunday of May as Mother's Day;

Whereas it is estimated that there are more than 82,000,000 mothers in the United States;

Whereas mothers have made immeasurable contributions toward building strong families, thriving communities, and ultimately a strong Nation;

Whereas the services rendered to the children of the United States by their mothers have strengthened and inspired the Nation throughout its history;

Whereas George Washington said, "My mother was the most beautiful woman I ever saw. All I am I owe to my mother. I attribute all my success in life to the moral, intellectual, and physical education I received from her.";

Whereas Abraham Lincoln said, "All that I am or ever hope to be, I owe to my angel mother.";

Whereas we honor ourselves and mothers in the United States when we revere and emphasize the importance of the role of the home and family as the true foundation of the Nation;

Whereas mothers continue to rise to the challenge of raising their families with love, understanding, and compassion, while overcoming the challenges of modern society; and

Whereas May 9, 2010, is recognized as Mother's Day: Now, therefore, be it

*Resolved*, That the House of Representatives celebrates the role of mothers in the United States and supports the goals and ideals of Mother's Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 1295 for consideration. This legislation celebrates the role of mothers in the United States and supports the goals and ideals of Mother's Day.

Introduced by my colleague and friend Representative JEFF FORTENBERRY of Nebraska on April 22, 2010, House Resolution 1295 enjoys the support of over 60 Members of Congress, and I am proud to say that I have gone out on a limb and become one of those cosponsors.

First, I would like to thank the gentleman from Nebraska for introducing the resolution. I would also like to thank Chairman TOWNS and Mr. CHAFFETZ, my colleague on the House Committee on Oversight and Government Reform, for bringing the resolution to the floor today.

On Sunday, May 9, 2010, we will celebrate the 102nd anniversary of the first official Mother's Day, which was celebrated on May 10, 1908, in Grafton, West Virginia, and Philadelphia, Pennsylvania. It may come as a surprise to some, particularly our own mothers, that it took nearly 103 years for our country to officially designate a day praising motherhood. Thankfully, in 1908 Senator Elmer Burkett of Nebraska had the good sense to propose making Mother's Day into a national holiday. And since 1914, Congress has recognized the second Sunday of May as a time to celebrate the immeasurable contributions mothers have made toward building strong families, thriving communities, and our great Nation generally.

I would not presume to speak on behalf of America's 82 million mothers. Instead, I would simply recognize their importance in shaping our society and our future. Many of our greatest national heroes attribute their own successes to the guidance of their moms. While examples abound, I will quote President Abraham Lincoln, who once said of his own mother, ''I remember my mother's prayers, and they have always followed me. They have clung to me all my life.'' I am sure that similar thanks and praise are appropriate for mothers of every American.

Madam Speaker, although I think you would agree that it is completely inadequate to spend just 1 day a year celebrating the contributions of America's mothers, my wife regularly reminds me that in our house every day is Mother's Day. As a small token of our appreciation, I urge this body to join its 63 cosponsors and agree to House Resolution 1295.

Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1295. Now, this is something I can actually get really excited about and proud of the body for taking up because the celebration of the role of mothers in the United States and supporting the goals and ideals of Mother's Day is something that I am sure we can be unified on.

This Sunday, May 9, many Americans will take a moment to pay tribute to the estimated 82 million mothers for their immeasurable contributions toward building strong families and successful communities throughout our country.

The first Mother's Day was celebrated in Grafton, West Virginia, 102 years ago on May 10, 1908. From there the custom caught on, quickly spreading to 45 other States. In 1914 President Woodrow Wilson declared the first national Mother's Day as a day for Americans to celebrate a woman's role in the family and as a day for citizens to show the flag in honor of those mothers whose sons had died in war. Celebrated on the second Sunday in May, this holiday has grown to include all mothers in times of war and peace and is now celebrated in many countries across the globe.

Throughout history mothers have traditionally represented the strength of families. Their nurturing spirit transcends any differences in every culture as mothers protect, guide, and teach their children.

As Washington Irving said, ''A mother is the truest friend we have, when trials heavy and sudden fall upon us; when adversity takes the place of prosperity; when friends who rejoice with us in our sunshine desert us; when trouble thickens around us, still will she cling to us and endeavor by her kind precepts and counsels to dissipate the clouds of darkness and cause peace to return to our hearts.''

It is with joy in our hearts that once again we honor the women who most of us hold dear, to recognize the steadfast love and support of our mothers who helped shape us throughout our lives.

On a personal note, I miss my mother. She passed away some years ago. I love her and I miss her.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield 2 minutes to my distinguished colleague from the State of Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the gentleman from Utah for yielding.

Madam Speaker, I wish to speak on this bill and also on the coin bill.

There is a bond between mothers and their children that words cannot describe. For the lucky ones among us, the more fortunate ones, a mother, our mother or someone else's mother, or a mother figure such as a grandmother, has made all the difference in the world in our lives. The tender care, the unending support, and the unconditional love of a mother truly are life's greatest blessings for a child.

Every year on the second Sunday in May, this Nation honors its mothers. It will do so again this Sunday. We seek to acknowledge their tireless support and their enduring love.

Few of us realize how the tradition began. As Mrs. CAPITO said, it began through the efforts of one lady in 1868 at the end of the Civil War. Her name was Anna Jarvis, and she dreamed of an annual Mother's Day.

However, she didn't live to see that, but her daughter did. On May 9, 1907, the second anniversary of Mrs. Jarvis's death, her daughter organized a group of friends, and within a year they began having church services on the second Sunday of May throughout West Virginia. It spread to Philadelphia. And then in 1910, the Governor of West Virginia, Governor William Glassock, issued a Mother's Day proclamation. The next year Mother's Day services were held in all the States. And later that year, President Woodrow Wilson, responding to a joint resolution of Congress, issued a proclamation setting aside the second Sunday of each May for displaying the American flag as a public expression of our love and reverence for our mothers. The mothers of our country.

Today that celebration has spread throughout the world. It began in West Virginia and here in the United States, another thing we as Americans can be proud of as we honor our mothers this Sunday.

Mr. LYNCH. Madam Speaker, I continue to reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield 3 minutes to my distinguished colleague from the State of Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank my friend from Utah for yielding.

Madam Speaker, I rise today as a proud supporter of House Resolution 1295, celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day.

Mothers are the foundation of the family, and their care and love of children have and continue to nurture the future leaders of this great Nation. Each day I am overwhelmed by the wonderful mothers in my own life, in my family, all the way from my mom to my wife to my daughters, which represents three generations of commitment to strong families and successful youth. These women, and so many like them, are the backbone of America.

Madam Speaker, today I thank my mother for instilling in my brothers and me the hard work, good education, personal responsibility, respect for the diversity of others, love of family and country, but, most importantly, love of God.

I must also take a moment to honor my wife for her undying love and devotion to our four children and now, as of Monday, 10 grandchildren.

□ 1245

My wife, Billie, has and forever will be an example for all mothers on how to raise a strong and beautiful family. I'm proud of all mothers in the 11th District of Georgia who are dedicated to family values and compassion for their children. While passing on the ideals and strength that they have instilled into each child they rear, America's mothers are responsible for raising the next generation of mature adults.

Therefore, Madam Speaker, I urge my colleagues to support this resolution, as I know they will, honoring all blessed mothers for their commitment to protecting our Nation's greatest treasure—the American family.

Mr. LYNCH. Madam Speaker, I continue to reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I would like to yield 5 minutes to my distinguished colleague, the gentleman from Nebraska (Mr. FORTENBERRY), the chief sponsor of this resolution.

Mr. FORTENBERRY. I thank the gentleman for the time.

Madam Speaker, as we all know, this Sunday, millions of Americans will celebrate the 102nd Mother's Day. The dedication, the grace, and the love of our mothers are written on all of our hearts and the history of our Nation, and I think it can be rightly said that the great character of America is due to the collective visionary might of the American mother. President Abraham Lincoln elucidated this very well: ''All I am or hope to be, I owe to my angel mother. I remember my mother's prayers and they have always followed me. They have clung to me all my life.''

Across time, traditions, and cultures, mothers have long been recognized and uplifted for their irreplaceable contributions to the family and to society. But it wasn't until a woman, as we heard earlier, from Grafton, West Virginia, named Ana M. Jarvis, held an observance in her mother's honor at St. Andrews Methodist Church, that the modern American Mother's Day first began. The quest for the official recognition of Mother's Day, however, began in my own home State of Nebraska. Ms. Jarvis and the Young Men's Christian Association urged the junior Senator from Nebraska, Elmer Burkett, to bring the celebration before Congress for a vote in 1908. It didn't pass then—it took until 1914—but they got it done. Congress eventually declared that ''the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration.''

Since that time, our society has undergone vast transformations, but it is a testament to the enduring role of the family as the true foundation of America that Mother's Day still stands strong, even amid the nuances of modernity. Mothers have sustained and strengthened our Nation through every generation, and their compassionate leadership in the family and in their communities has remained a constant even through turbulent times. Each day, mothers are called to carry on the essential challenge of nurturing and fortifying our world, of building a better future for their—for our—children. The strength of the Nation ultimately is determined by the strength of our families and communities—and mothers shape that strength through their unique and integral role.

Madam Speaker, in times when we have become mired in bitter policy disputes, I believe it is refreshing to come together as a body now to honor the women who have literally given us the breath to stand on this floor, to defend our convictions, and maybe, to try to effect some good in this world. We join with millions of Americans echoing the father of our country, George Washington, who said, ''All I am, I owe to my mother. I attribute all my success in life to the moral, intellectual, and physical education I received from her.''

Madam Speaker, I appreciate the time, and I urge my colleagues to support this timeless resolution.

Mr. LYNCH. Madam Speaker, I continue to reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I simply want to say that the foundation, the future of our country, is rooted in our families—and that starts with mothers. The mother of our children, my wife, I can't thank her enough for what she does and for what the literally millions and millions of mothers do and sacrifice every day for the sake of their children.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1295, which celebrates the role of mothers in the United States and supports the goals and ideals of Mother's Day. Mother's Day is one of the most important holidays in our country. It is critical that we honor and recognize the central role that mothers play in raising the youth of our nation and shaping the future of our country.

I was fortunate enough to be raised by a wonderful mother who lovingly cared for me and taught me the skills that I would need to excel in my adult life and career. There are more than 82 million mothers in the United States and each one of them deserves to be recognized on Mother's Day. Mothers work tirelessly every day to raise their children in loving households while juggling careers and countless other responsibilities.

We owe special recognition to the single mothers across the country, who work longer and harder to ensure that their children have the resources and care they need to experience a fulfilling childhood and grow into well-rounded adults.

We also must not forget the grandmothers and aunts, in California's 37th district and across the country, who raise their grandchildren, nieces, and nephews. No one requires them to assume this responsibility; many of them have already raised or are currently raising children of their own. But they do so selflessly and without complaint, loving these children as if they were their own. Mother's day is a celebration of these individuals too—it is a salute to all of the women across the country who shape the lives of America's youth.

We can never repay the mothers of this country for their hard and often thankless work. Especially in these tough economic times, many of them struggle financially, taking on extra jobs to make sure that they can put food on the table and send their children to school in new clothes. These individuals deserve our support. This Congress has responded to that need with the Lilly Ledbetter Fair Pay Act, which will ensure for women across the country that equal work gets equal pay. We also passed the Patient Protection and Affordable Care Act, which will help mothers provide themselves and their children with quality health care and end health insurance discrimination against women. Ensuring this basic fairness is the least we can do for the mothers who mean so much to our country.

Our nation's most influential leaders shared this reverence for our nation's mothers. George Washington once said, "All I am I owe to my mother, I attribute all my success in life to the moral, intellectual, and physical education I received from her." Abraham Lincoln echoed this sentiment, concisely stating, "All that I am or ever hope to be, I owe to my angel mother."

I urge my colleagues to join me in supporting H. Res. 1295.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the role of mothers. I strongly support H. Res. 1295, which recognizes the significant contributions of mothers in building strong families and communities across the nation.

Madam Speaker, as we quickly approach Mother's Day this Sunday, let us recognize the tireless efforts and contributions to society, the personal sacrifices made, and the wise guidance that mothers provide everyday. The creation of Anna Jarvis, first observed on May 10, 1908, Mother's Day serves as a day of remembrance and reflection on the unyielding love and affection that mothers provide, reminding us that no matter the distance between mother and child, the maternal bond can never be broken.

Madam Speaker, Harry Truman once said "no one in the world can take the place of your mother. Right or wrong, from her viewpoint you are always right. She may scold you for little things, but never for the big ones." Mothers play a central role in the development of our children, raising them with values and morals, inspiring and encouraging them to reach for their dreams. No one among us would be where we are without the influence and encouragement of our mothers. Although there is no salary or compensation for the efforts of mothers, their words, actions, wisdom, and love are priceless.

One of my favorite quotes about mothers states "Most of all the other beautiful things in life come by twos and threes, by dozens and hundreds. Plenty of roses, stars, sunsets, rainbows, brothers and sisters, aunts and cousins, comrades and friends—but only one mother in the whole world."

I would also like to take a chance to recognize two of the mothers in my life, my mother, Mrs. Christine Callier, the woman who shaped every facet of my being as a child, and my wife Mereda, who is the light of my life. I am blessed to have two beautiful, strong and intelligent women to walk through life with.

I encourage my colleagues to support this resolution which celebrates the most important profession in the world: motherhood.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1295, "Celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day." First and foremost I would like to thank my distinguished

colleague from Nebraska, Representative JEFF FORTENBERRY, for introducing this bill. It is vital we recognize that mothers have made immeasurable contributions toward building strong families, thriving communities, and ultimately a strong nation. The services rendered to the children of the United States by their mothers have strengthened and inspired the Nation throughout its history.

Today I stand before my colleagues honoring the 102d anniversary since the first official Mother's Day. As a mother of two children myself, I understand the hardships and difficulties that so many mothers face every day in our country. We honor ourselves and mothers in the United States when we revere and emphasize the importance of the role of the home and family as the true foundation of the Nation. I want to pay tribute to my mother Ivalita Jackson who has stood the test of time in rearing and raising her children. I would also like to take this time to honor my aunt Valerie Bennett for her constant love and support. To the mothers of Houston, too many to name here, I salute you for your dedication to raising and saving your children.

Today, thousands of mothers in this country have become active and effective participants in public life and public service, promoting change and improving the quality of life for men, women, and children throughout the Nation.

Mothers continue to rise to the challenge of raising their families with love, understanding, and compassion, while overcoming the challenges of modern society; Mothers throughout our country juggle between work, family and the household, all with a smile on their faces.

On May 9, 2010, we will honor mothers, grandmothers, mothers-in-law, stepmothers, foster mothers and godmothers who take in children, mothers who adopt, those who act as mothers, for those women who have no relations by blood but who give the gift of mothering to children.

I want to congratulate and praise all of the mothers in America for all of their hard work. Mothers have a huge influence on our everyday lives; we owe all of our success to them. As former President George Washington put it best, "My mother was the most beautiful woman I ever saw. All I am I owe to my mother. I attribute all my success in life to the moral, intellectual, and physical education I received from her." We can never thank our mothers enough for all the sacrifices they have made for us. I wish all families a very happy Mother's Day this Sunday.

Mr. CHAFFETZ. I urge the passage of this resolution, and I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, in closing, I just want to thank the gentleman from Nebraska (Mr. FORTENBERRY) for his foresight and for proposing this resolution. In closing, I want to wish all the moms in Massachusetts and across America a happy Mother's Day, including my own mom and my mother-in-law and my wife.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1295.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## PUBLIC SERVICE RECOGNITION WEEK

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1247) expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through 9, 2010, and throughout the year.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1247

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and to honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling, involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance the interests of the United States around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist our Nation's veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals, and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 3 through 9, 2010, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 26th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit of public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I now yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the Federal workforce, postal service, and the District of Columbia, I am pleased to present House Resolution 1247 for consideration. This legislation expresses the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week and throughout the year.

As the original sponsor of the resolution, along with my friend and colleague, Mr. CHAFFETZ of Utah, I'm proud to say that House Resolution 1247 has the support of 60 Members of Congress. I'd like to take this opportunity to thank Mr. CHAFFETZ for jointly introducing the resolution with me and for his work on bringing this to the floor today. I'd also like to thank the Partnership for Public Service for their role in organizing this annual celebration week, as well as for their superior work promoting careers in the public sector.

Madam Speaker, this week marks the 27th anniversary of Public Service Recognition Week. From May 3 through May 9, 2010, Public Service Recognition Week is designed to commemorate the hard work, dedication, and sacrifice made by our Nation's Federal, State, and local government employees. It's highly appropriate that we take a moment each year to fully appreciate the extraordinary deeds that are performed by our public employees throughout our country and abroad. Among other things, public servants fight fires and they enforce our laws; teach in our schools and libraries; defend our Nation; and protect the environment and our national parks. These individuals deserve our highest praise, although too often they are criticized and undervalued.

There are millions of individuals who work in government services in every city, county, and State across America and in hundreds of cities abroad. We all benefit enormously from the hard work of these dedicated individuals, and I'd like to take this opportunity to highlight a terrific example from my own district of a good Federal employee who performs on a daily basis tasks that are vital to a lot of people that we worry about—and that is within the Veterans Administration Boston health care system. The VA system is a consolidation of facilities which delivers high-quality patient care to our Nation's veterans in areas such as mental health services, occupational therapy, and the women's veterans' homeless programs. The employees of all of these centers help to ensure that our Nation's heroes receive the health care they deserve. In particular, Cecilia McVey, who is the Associate Director of Nursing and Patient Care Services at VA Boston, who began her Federal career in 1972, and continues to be recognized as a leader of the Boston VA health care system.

Madam Speaker, our public servants are being recognized this week. I just want to talk about a few of them very, very briefly.

For example, Pius Bannis works for the field office of the U.S. Citizenship and Immigration Service. He has worked tirelessly and selflessly providing assistance to Haitian orphans in the aftermath of the devastation of the January, 2010, earthquake.

Sergeant Kimberly D. Munley and Sergeant Mark A. Todd, Sr., both civilian employees, members of AFGE, the American Federation of Government Employees, who responded to the shooting at Fort Hood. These are civilian employees but they confronted an armed gunman and also mass chaos. The two civilian Defense Department police officers brought an end to the tragic carnage and rampage at Fort Hood that killed 14 people and wounded 43 others.

Also, Sara Bloom, an attorney at the U.S. Attorney's Office in my own district of Massachusetts. Sara Bloom led the legal case against one of the major drug manufacturers and recovered $2.3 billion on behalf of the American people in fines and penalties—the largest health care fraud settlement in the history of the United States.

Jamie Konstas, an Intelligence Analyst at the FBI. He provided vital resources in the fight against commercial and sexual exploitation of children, which has resulted in the conviction of more than 500 individuals and predators and the rescue of more than a thousand child victims.

Also, Carl W. Pike and the Project Coronado Team. They led the largest strike against the La Familia Mexican drug cartel, resulting in more than a thousand arrests, plus the seizure of 1½ tons of methamphetamine and $32 million in cash.

Also, Terry Glass and the Army Medical Support Systems Team, which developed a state-of-the-art medical evacuation kit to provide lifesaving treatment and emergency transportation to soldiers severely wounded by roadside bombs.

Lastly, Robert James (RJ) Simonds, who dedicated his 20-year career to fighting the global HIV/AIDS epidemic, advising policymakers on the creation of lifesaving programs and working in developing nations to assure those families receive those services.

Those are just a handful of the public servants that we recognize this week. They are a wonderful reflection of what a lot of people do every day. Madam Speaker, our public servants' hard work and dedication contribute significantly to the greatness and prosperity of our Nation. It is for this reason that, with the help the gentleman from Utah (Mr. CHAFFETZ) I introduce this resolution, and I urge its adoption. Public servants improve our lives on a daily basis. I hope this Congress will take the time to honor all of those who have dedicated their life to our country by voting in favor of House Resolution 1247.

I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of House Resolution 1247, commending public servants for their service and dedication to our Nation during Public Service Recognition Week. Every day, millions of hardworking and highly talented Americans serve their country and help make the United States even stronger. As a Nation, we owe public servants everywhere our gratitude for the work that they do.

Americans rely on public employees to keep us safe. Every day, men and women in uniform worldwide protect our freedom and allow us to live our lives in peace and security. When we have an emergency, we depend on firefighters and police officers to help us out in a dangerous and difficult situation. Only a few days ago, we witnessed the heroic actions of the Coast Guard in coming to the rescue of over 100 oil workers trapped on the burning Deepwater Horizon oil rig in the Gulf of Mexico. During many natural disasters, the dedicated members of the National Guard leave their own families and help people and their communities recover and rebuild in times of peril.

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On normal days, all American lives are enriched by public employees. Whether it's the postal employee who delivers our mail regardless of the weather or the public schoolteacher whose constant enthusiasm inspires our children to succeed in school, we enjoy the benefits of the work our public servants give us constantly.

Much of the work of public employees we take for granted and do not even realize. There are people on every corner in this country who step up and do the right thing. Now, from time to time we hear about a public employee who does the wrong thing, and that usually will make the news, as it should, because it is not the norm. It is not regular for that to happen. We will highlight those. We will be vigilant in making sure that our public servants are doing what they're supposed to be doing in serving the public.

Whether it's at the local, State, or Federal level, pubic servants are a significant part of the fabric of this country, and we could not be the great Nation that we are today without their tireless efforts on our behalf.

Madam Speaker, it is my honor to support this resolution today which

commends the service of the millions of Americans who serve our country daily. I urge my colleagues to support this resolution, and I also encourage all Americans to take some time to thank the public employees that they see for all they do to improve our lives and strengthen our country.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1247, which commends public servants across the United States for their continued service to the nation during Public Service Recognition Week and throughout the year. This legislation honors the men and women who recognize that service is a solution to serious challenges and selflessly dedicate themselves to the betterment of communities across the country.

I thank Chairman TOWNS for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman LYNCH, for acknowledging the importance of a strong culture of service in the United States.

It is important that we continue to honor and commend the public servants who tirelessly dedicate their lives to serving our nation. I have personally witnessed the transformative power of public service in my own state. Last year, in California, the Corporation for National and Community Service helped 230,000 individuals of all ages and backgrounds meet local needs, strengthen communities, and increase civic engagement through 366 projects state-wide.

We also must honor and commend employees at all levels of government, many of whom dedicate the majority of their lives working to ensure that government is responsive, innovative, and—most importantly—attuned to the needs of the American people. Public servants in government are critical to promoting and protecting the core American values of democracy and representation.

Finally, we cannot forget those in the medical profession who care for the sick, young and old; the teachers who educate our children to become future leaders in our classrooms, colleges, and universities; the police and firefighters who protect our streets and keep us safe; or the construction workers who build our roads and bridges so we can get to work. Public service comes in many forms, all of which are equally vital in promoting the economic and moral strength of our nation.

Madam Speaker, it is entirely fitting that applaud those who serve the public good—whether through their careers, community organizations, or on their own in their spare time—and commend them for their efforts improve the lives of millions of Americans.

I urge my colleagues to join me in supporting H. Res. 1247.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1247, "Expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through 9, 2010, and throughout the year."

I would like to thank my colleague, Representative STEPHEN F. LYNCH, for introducing this legislation as it is important that we recognize the service and dedication to duty of those in public service here in the United States.

Those involved in Public Service at all levels of government have formed the foundations of our great nation for hundreds of years. From those involved in community education and outreach programs to policy makers at the State Department our country would not be able to properly function without these praiseworthy individuals. I salute leaders in our government for giving selflessly of their time and energy towards the sustained growth and improvement of our nation.

I would especially like to recognize the men and women who serve in the armed forces. These real-life, modern-day heroes selflessly give of their time—and sometimes even their lives to protect our country against foreign threats. For that we are forever thankful and indebted to them for their service.

I would also like to recognize members of local, state and federal police and fire departments all across the country. Because of the protection and stability they provide our communities we are all able to live safe and healthy lives.

Madam Speaker, officially establishing the week of May 3 through 9, 2010 as Public Service Recognition Week would seek to show our continued support for those in the public sector across our nation. It is important that we recognize these individuals for their service to our country as well as for the role they play in the continued success of our nation.

I stand today with Representative STEPHEN F. LYNCH and other Members of Congress in reaffirming our support and appreciation for those in Public Service.

I ask my colleagues for their support of H. Res. 1247, as well as for their continued support of government employees and public servants. By increasing our support for those in government jobs and promoting the importance of these jobs for our nation, we will ensure that our government remains efficient and productive for years to come.

Madam Speaker, I ask my colleagues to join me in supporting H. Res. 1247.

Mr. CHAFFETZ. Madam Speaker, I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I thank my colleagues on both sides of the aisle, and I want to thank the gentleman from Utah (Mr. CHAFFETZ) for his support on this resolution and cosponsorship. I ask my colleagues to join us in supporting House Resolution 1247.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1247.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## TELEWORK IMPROVEMENTS ACT OF 2010

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1722) to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1722

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Telework Improvements Act of 2010''.

**SEC. 2. TELEWORK.**

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

**"CHAPTER 65—TELEWORK**

''Sec.
''6501. Definitions.
''6502. Governmentwide telework requirement.
''6503. Implementation.
''6504. Telework Managing Officer.
''6505. Evaluating telework in agencies.

**"§ 6501. Definitions**

''For purposes of this chapter—

''(1) the term 'agency' means an Executive agency (as defined by section 105), except as otherwise provided in this chapter;

''(2) the term 'telework' or 'teleworking' refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work;

''(3) the term 'continuity of operations', as used with respect to an agency, refers to measures designed to ensure that functions essential to the mission of the agency can continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, public health emergencies, and technological or attack-related emergencies; and

''(4) the term 'Telework Managing Officer' means, with respect to an agency, the Telework Managing Officer of the agency designated under section 6504.

**"§ 6502. Governmentwide telework requirement**

''(a) TELEWORK REQUIREMENT.—

''(1) IN GENERAL.—Not later than one year after the date of the enactment of this chapter, the head of each agency shall establish a policy under which employees shall be authorized to telework, subject to paragraph (2) and subsection (b).

''(2) AGENCY POLICIES.—The head of each agency shall ensure—

''(A) that the telework policy established under this section—

''(i) conforms to the regulations promulgated by the Director of the Office of Personnel Management under section 6503, and

''(ii) authorizes employees to telework to the maximum extent possible without diminishing agency operations and performance; and

''(B) that information on whether a position is eligible for telework is included in descriptions of available positions and recruiting materials.

''(b) PROVISIONS RELATING TO CERTAIN CIRCUMSTANCES.—Nothing in subsection (a) shall be considered—

''(1) to require the head of an agency to authorize teleworking in the case of an employee whose duties and responsibilities—

''(A) require daily direct handling of classified information; or

''(B) are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee's regular place of employment; or

''(2) to prevent the temporary denial of permission for an employee to telework if, in the judgment of the agency head, the employee is needed to respond to an emergency.

''(c) RULE OF CONSTRUCTION.—Nothing in this chapter shall—

''(1) be considered to require any employee to telework; or

''(2) prevent an agency from permitting an employee to telework as part of a continuity of operations plan.

**''§ 6503. Implementation**

''(a) RESPONSIBILITIES OF AGENCIES.—The head of each agency shall ensure that—

''(1) appropriate training is provided to supervisors and managers, and to all employees who are authorized to telework, as directed by the Telework Managing Officer of such agency;

''(2) the training covers the information security guidelines issued by the Director of the Office of Management and Budget under this section;

''(3) no distinction is made between teleworkers and nonteleworkers for purposes of—

''(A) periodic appraisals of job performance of employees,

''(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, or removing employees,

''(C) work requirements, or

''(D) other acts involving managerial discretion;

''(4) in determining what constitutes diminished performance in the case of an employee who teleworks, the agency shall consult the performance management guidelines of the Office of Personnel Management; and

''(5) in the case of an agency which is named in paragraph (1) or (2) of section 901(b) of title 31, the agency incorporates telework in its continuity of operations plans and uses telework in response to emergencies.

''(b) RESPONSIBILITIES OF OPM.—The Director of the Office of Personnel Management shall—

''(1) not later than 180 days after the date of the enactment of this chapter, in consultation with the Administrator of General Services, promulgate regulations necessary to carry out this chapter, except that such regulations shall not apply with respect to the Government Accountability Office;

''(2) provide advice, assistance, and any necessary training to agencies with respect to—

''(A) questions of eligibility to telework, such as the effect of employee performance on eligibility, and

''(B) making telework part of the agency's goals, including those of individual supervisors and managers; and

''(3) in consultation with the Administrator of General Services, maintain a central, publicly available telework website that includes—

''(A) any regulations relating to telework and any other information the Director considers appropriate,

''(B) an e-mail address which may be used to submit comments to the Director on agency telework programs or agreements, and

''(C) a copy of all reports issued under section 6505(a).

''(c) SECURITY GUIDELINES.—The Director of the Office of Management and Budget, in coordination with the National Institute of Standards and Technology, shall issue guidelines not later than 180 days after the date of the enactment of this chapter to ensure the adequacy of information and security protections for information and information systems used in, or otherwise affected by, teleworking. Such guidelines shall, at a minimum, include requirements necessary—

''(1) to control access to agency information and information systems;

''(2) to protect agency information (including personally identifiable information) and information systems;

''(3) to limit the introduction of vulnerabilities;

''(4) to protect information systems not under the control of the agency that are used for teleworking; and

''(5) to safeguard wireless and other telecommunications capabilities that are used for teleworking.

**''§ 6504. Telework Managing Officer**

''(a) DESIGNATION AND COMPENSATION.—Each agency shall designate an officer, to be known as the 'Telework Managing Officer'. The Telework Managing Officer of an agency shall be designated—

''(1) by the Chief Human Capital Officer of such agency; or

''(2) if the agency does not have a Chief Human Capital Officer, by the head of such agency.

''(b) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

''(c) LIMITATIONS.—An individual may not hold the position of Telework Managing Officer as a noncareer appointee (as defined in section 3132(a)(7)), and such position may not be considered or determined to be of a confidential, policy-determining, policy-making, or policy advocating character.

''(d) DUTIES AND RESPONSIBILITIES.—Each Telework Managing Officer of an agency shall—

''(1) provide advice on teleworking to the head of such agency and to the Chief Human Capital Officer of such agency (if any);

''(2) serve as a resource on teleworking for supervisors, managers, and employees of such agency;

''(3) serve as the primary point of contact on telework matters for agency employees and (with respect to such agency) for Congress and other agencies;

''(4) work with senior management of the agency to develop and implement a plan to incorporate telework into the agency's regular business strategies and its continuity of operations strategies, taking into consideration factors such as—

''(A) cost-effectiveness,

''(B) equipment,

''(C) training, and

''(D) data collection;

''(5) ensure that the agency's telework policy is communicated effectively to employees;

''(6) ensure that electronic or written notification is provided to each employee of specific telework programs and the agency's telework policy, including authorization criteria and application procedures;

''(7) develop and administer a tracking system for compliance with Governmentwide telework reporting requirements;

''(8) provide to the Director of the Office of Personnel Management and the Comptroller General such information as such individuals may require to prepare the reports required under section 6505, including the techniques used to verify and validate data on telework, except that this paragraph shall not apply with respect to the Government Accountability Office;

''(9) establish a system for receiving feedback from agency employees on the telework policy of the agency;

''(10) develop and implement a program to identify and remove barriers to telework and to maximize telework opportunities in the agency;

''(11) track and retain information on all denials of permission to telework for employees who are authorized to telework, and report such information on an annual basis to—

''(A) the Chief Human Capital Officer of such agency (or, if the agency does not have a Chief Human Capital Officer, the head of such agency), and

''(B) the Director of the Office of Personnel Management, for purposes of preparing the reports required under section 6505(a), except that this subparagraph shall not apply with respect to the Government Accountability Office;

''(12) ensure that employees are notified of grievance procedures available to them (if any) with respect to any disputes that relate to telework; and

''(13) perform such other duties and responsibilities relating to telework as the head of the agency may require.

''(e) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this chapter.

**''§ 6505. Evaluating telework in agencies**

''(a) ANNUAL REPORT BY OPM.—

''(1) IN GENERAL.—The Director of the Office of Personnel Management shall submit to the Comptroller General and the appropriate committees of Congress a report evaluating the extent to which each agency is in compliance with this chapter with respect to the period covered by the report, and shall include in the report an evaluation of each of the following:

''(A) The degree of participation by employees of the agency in teleworking during the period. In the case of an agency which is an Executive department, the evaluation will include the degree of participation by employees of each component within the department, including—

''(i) the total number of employees in the agency;

''(ii) the number and percentage of such employees who are eligible to telework; and

''(iii) the number and percentage of such employees who do telework, broken down by the number and percentage who telework 3 or more days per week, one or two days per week, and less frequently than one day per week.

''(B) The method the agency uses to gather data on telework and the techniques used to verify and validate such data.

''(C) Whether the total number of employees who telework is at least 10% higher or lower than the number who teleworked during the previous reporting period and the reasons identified for any such change.

''(D) The agency's goal for increasing the number of employees who telework in the next reporting period.

''(E) The extent to which the agency met the goal described in subparagraph (D) for its previous report, and, if the agency failed to meet the goal, the actions the agency plans to take to meet the goal for the next reporting period.

''(F) The best practices in agency telework programs.

''(G) In the case of an agency which is named in paragraph (1) or (2) of section 901(b) of title 31, the extent to which the agency incorporated telework in its continuity of operations plans and used telework in response to emergencies.

''(2) MINIMUM REQUIREMENT FOR COMPLIANCE.—For purposes of the reports required under this subsection, the Director shall determine that an agency is in compliance with the requirements of this chapter if the Director finds that the agency—

''(A) reported the requested data accurately and in a timely manner; and

''(B) either met or exceeded the agency's established telework goals, or provided explanations as to why the goals were not met as well as the steps the agency is taking to meet the goals.

''(3) REPORTING PERIOD; TIMING.—The Director shall submit a report under this subsection with respect to the first 1-year period for which the regulations promulgated by the Director under section 6503(b) are in effect and each of the 4 succeeding 1-year periods, and shall submit the report with respect to a period not later than 6 months after the last day of the period to which the report relates.

''(4) EXCLUSION OF GOVERNMENT ACCOUNTABILITY OFFICE.—The Director shall not submit a report under this subsection with respect to the Government Accountability Office.

''(b) REPORTS BY COMPTROLLER GENERAL.—

''(1) EVALUATIONS OF REPORTS BY DIRECTOR OF OPM.—Not later than 6 months after the Director submits a report under subsection (a), the Comptroller General shall review the report and submit a report to the appropriate committees of Congress. The report shall evaluate the compliance of the Office of Personnel Management and agencies with this chapter and address the overall progress of agencies in carrying out this chapter, and shall include such other information and recommendations as the Comptroller General considers appropriate.

''(2) REPORTS ON GOVERNMENT ACCOUNTABILITY OFFICE.—The Comptroller General shall submit a report with respect to the Government Accountability Office in the same manner and in accordance with the same requirements applicable to a report submitted by the Director with respect to any other agency under subsection (a).

''(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Oversight and Government Reform of the House of Representatives; and

''(2) the Committee on Homeland Security and Governmental Affairs of the Senate.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

**''65. Telework .................................... 6501''.**

(2) Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005, as contained in the Consolidated Appropriations Act, 2005 (5 U.S.C. 6120 note) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer or designate the Chief Human Capital Officer or other career employee to be''.

**SEC. 3. POLICY GUIDANCE.**

Not later than the expiration of the 120-day period which begins on the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue policy guidance requiring each Executive agency (as such term is defined in section 105 of title 5, United States Code), when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

**SEC. 4. TRAVEL EXPENSE TEST PROGRAMS.**

Section 5710 of title 5, United States Code, is amended to read as follows:

**''§ 5710. Authority for travel expense test programs**

''(a)(1) Notwithstanding any other provision of this subchapter, if the Administrator of General Services determines it to be in the interest of Government, the Administrator may approve the request of an agency to operate a test program under which the agency may pay through the proper disbursing official any necessary travel expenses of the employee in lieu of any payment otherwise authorized or required under this subchapter. Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the test program.

''(2) Any test program operated under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(b) The Administrator shall transmit a description of any test program approved or extended by the Administrator under this section to the appropriate committees of the Congress not later than 30 days before the program or extension takes effect.

''(c)(1) An agency operating a test program approved under this section shall annually submit a report on the results of the program to date to the Administrator.

''(2) Not later than 3 months after the conclusion of a test program approved under this section, the agency operating the program shall submit a final report on the results of the program to the Administrator and the appropriate committees of Congress.

''(d) The Administrator may approve such number of test programs under this section as the Administrator considers appropriate, including test programs which are carried out on a government-wide basis, except that the number of test programs in operation at any time may not exceed 12 and test programs shall be conducted consistent with chapter 71 of this title.

''(e)(1) The Administrator may not approve any test program under this section for an initial period of more than 2 years.

''(2) Upon a showing of enhanced cost savings, the Administrator may extend an approved test program for an additional period not to exceed 2 years.

''(f) In this section, the term 'appropriate committees of Congress' means the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

''(g) The authority to conduct test programs under this section shall expire upon the expiration of the 6-year period which begins on the date of the enactment of the Telework Improvements Act of 2010.''.

**SEC. 5. TELEWORK RESEARCH.**

(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—

(1) conduct studies on the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal government;

(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, the environment, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

(3) make any studies or reviews performed under this subsection available to the public.

(b) USE OF CONTRACT TO CARRY OUT RESEARCH.—The Director of the Office of Personnel Management may carry out subsection (a) pursuant to a contract entered into by the Director using competitive procedures.

**SEC. 6. PAYGO COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the Federal workforce, postal service, and the District of Columbia, I am pleased to present H.R. 1722 for consideration. This legislation seeks to improve and expand access to telework among Federal employees government-wide.

The bipartisan measure before us today was introduced by my friend and colleague, Representative JOHN SARBANES of Maryland, along with myself and Congressmen FRANK WOLF, GERRY CONNOLLY, JIM MORAN, DUTCH RUPPERSBERGER, and DANNY DAVIS on March 25, 2009. The bill was amended and favorably ordered reported by the Oversight and Government Reform Committee on April 14, 2010.

Madam Speaker, despite the evolving nature of the way the Federal Government conducts its affairs, telework continues to be underutilized by Federal agencies. H.R. 1722 provides for improvements to increase the number of

Federal employees that participate in telework programs. Some of the most notable aspects of this legislation include: requiring agencies to develop telework policies within 1 year that allow authorized employees to telework; directing the Office of Personnel Management to develop regulations on overall telework policies and to annually evaluate agency telework programs; requiring the Office of Management and Budget to issue guidelines on information security protections for telework; and instructing agencies to designate a telework managing officer to ensure effective development and implementation of telework plans.

H.R. 1722 also seeks to elevate the importance of incorporating telework into the continuity of operations planning of agencies. Notably, the Office of Personnel Management and its Director, John Berry, estimated that telework reduced the estimated cost of lost productivity during the snowstorms this past winter by $30 million.

H.R. 1722 is critical if the Federal Government is going to evolve into a more efficient, prepared, and environmentally responsible entity.

This legislation is being considered with an amendment making technical corrections. Notably, H.R. 4106, a bill similar to H.R. 1722, was passed by this body during the 110th Congress.

I urge my colleagues to again take action to move telework forward by passing H.R. 1722, the Telework Improvements Act of 2010.

Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1722 would require each executive agency to establish a policy under which employees may be authorized to telework to the maximum extent possible without diminishing employee performance or agency operations.

Telework has been shown to save money on infrastructure, transportation, and other costs. At the Patent and Trade Office, for instance, millions of dollars have been saved through the reduction of office space due to increased use of telework.

In addition, telework has proven to be an effective way to attract and retain highly qualified, skilled, and motivated employees. As the baby boomer generation begins to retire, these types of tools will be essential to ensuring that the Federal Government can attract the next generation of employees.

This bill would require the Office of Personnel Management to maintain a central, publicly available telework Web site, including regulations regarding telework, and a confidential hotline and email address to report abuse. It will also help ensure telework is included in continuity of operations planning. We saw earlier this year the amazing amount of snow that fell upon Washington, D.C. If we had more extensive telework plans in place, I think the cost to the government would have been certainly diminished.

We must ensure that privacy and security is maintained. That is paramount. It was one of my deep concerns, as we reviewed this bill within the committee, that privacy and security is maintained at all costs and that there be specific rules and regulations in place that are highly enforceable to make sure that the information is secure and private. This bill appears to take these factors into consideration as it is fully implemented.

Historically, the Federal Government has not been at the forefront of deploying technology to permit alternative work environments, lagging behind the private sector in this important recruitment and retention tool. This bill will help close that gap.

I want to thank Members on both sides of the aisle for their great work on this, including Mr. WOLF of Virginia and Mrs. CAPITO of West Virginia, as they seek to make sure that these types of policies are put into place and that we, as the Federal Government, with the millions of Federal employees, are doing the right thing in expanding this type of work and making sure that we have the proper rules, regulations, and the safety and security that we need for the confidential information that our Federal employees deal with.

Madam Speaker, I ask my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, at this time, it gives me great pleasure to yield 5 minutes to Representative JOHN SARBANES, the gentleman from Maryland, who is the lead sponsor on our side in support of this legislation.

Mr. SARBANES. Madam Speaker, I want to thank Chairman LYNCH for yielding his time. I want to thank him for his support of this very important bill. Also, Congressman GERRY CONNOLLY is going to speak, I believe, and he has been very supportive. We have bipartisan support on this bill. I think it is a commonsense approach, and I am delighted that we have it on the floor today.

We have been working for some time to try to strengthen the telecommuting/telework policy across our Federal agencies, and this legislation will make sure that we have a good, strong policy in place. For starters, it's going to instruct the Office of Personnel Management to develop a uniform, governmentwide telework policy for Federal employees. We haven't had this in place before. We've had agencies that have pursued telework, some with great success, but we haven't had a uniform approach and emphasis on telework in all of our Federal agencies, and OPM will make sure that that happens.

I want to say, as an aside, that John Berry, who is the new head of the Office of Personnel Management, is totally on board with this. He's really on the leading edge, and he's as excited as we are that this legislation is on the floor today.

This is really about good government. There is information—in fact, the nonpartisan Partnership for Public Service has released a study that indicates that within the next 5 years, approximately 550,000 Federal employees—which is almost 30 percent of the Federal workforce—is going to retire or leave government and we need the best and the brightest folks to come in and take their place. That's a responsibility that we have. We need to be competing in the workplace and in the market for the most talented people. One way that you do that is to show that you have flexible policies and that telework is part and parcel of the Federal workplace.

Now, the U.S. Patent and Trademark Office, the Defense Information Systems Agency, and some other agencies have really led the way. They have made this state of the art within their workplace, telework, and they're showing what can be done at the highest levels. We believe other agencies can come to the table and demonstrate the same thing.

It is going to improve productivity. In those agencies where this has been implemented well and across the board, you are seeing productivity go up, not just among the people that are teleworking, but across the entire workforce, because it is a cultural shift in terms of how performance is measured.

All of my colleagues have already mentioned the continuity of operations dimension of this, which was illustrated in ways that could hardly have been more compelling by the snowstorms that we experienced in February. Because there was telework within some of the Federal agencies, they were able to save a tremendous amount of money in terms of lost productivity. So we're very excited about this opportunity.

Just some other details of the legislation I would like to mention before I yield back:

The appointment of a telework managing officer within each agency to be the point person, to be the resource to make sure that the policy is in front of the employees at that agency so they understand what kind of opportunities are available to them;

Training and education for both supervisors and employees;

Governmentwide evaluation on a periodic basis. The Government Accountability Office will be part of that to make sure that we are moving towards these telework compliance goals that are being set forth.

So we're excited about this opportunity, we look forward to our Federal

agencies embracing this new policy and taking telework to the next level.

Mr. CHAFFETZ. Madam Speaker, I yield 5 minutes to my distinguished colleague from the State of West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I would like to thank the gentleman from Utah for yielding me time, and I would like to thank the sponsor of the bill.

As a cosponsor of this legislation, I rise today in support of H.R. 1722.

I represent the eastern panhandle of West Virginia that continues to welcome new residents seeking the lower cost of living and family-oriented environment that West Virginia offers. Many of these new West Virginians work in the Washington, D.C., area for the Federal Government.

Telework would further improve the quality of life for these commuters. Teleworking would allow these workers to perform their duties and responsibilities from home or at another worksite—we actually have a remote telework facility in Jefferson County—where they would be removed from their regular workplace.

Telework would be good for families because it provides employees the flexibility they need to meet daily demands. It's an environmental bill because I believe it will reduce traffic congestion and air pollution as well as gasoline consumption.

Additionally, employers benefit from the increased productivity. I think the private sector has studies out there showing that telework can be much more productive for the overall organization: improved morale, fewer sick leave days used, better worker retention, and reduced costs for office space.

As telework is more widely adopted by the private sector, it is critical that the Federal Government continue to keep pace and serve as a model for telework. Several agencies within the Federal Government have already established efficient and effective telework policies, but H.R. 1722 requires each executive agency to establish a policy under which employees would be authorized to telework to the maximum extent possible without diminishing employee performance or agency operations.

As both speakers have stated, many law enforcement, home security, and emergency preparedness agencies on all levels of government advocate formal agency telework policies because they can aid continuity of operations planning for crises—such as the February snowstorms that crippled the Washington, D.C., area—through organized dispersal of employees and computer/telecom technology.

I know that telework may not work for every job, but there are jobs today that lend themselves to telework. Nearly 20 million Americans telework today, and at least 40 percent of American jobs are compatible with telework. I believe that instead of sitting in traffic for hours during the daily commute, time is better spent sitting down to dinner as a family, helping kids with their homework, or other important events that happen during the day which teleworking would allow many of our Federal employees to do on a regular basis.

I urge passage of this legislation.

□ 1315

Mr. LYNCH. Madam Speaker, I want to thank the gentlelady from West Virginia for her thoughtful remarks, and I yield 5 minutes to the gentleman from Virginia (Mr. CONNOLLY) who is also an original cosponsor and a tireless champion of this legislation.

Mr. CONNOLLY of Virginia. Madam Speaker, I want to thank my good friend from Massachusetts who has so ably shepherded this legislation to this point.

The Telework Improvements Act is an important piece of legislation because it will help us meet five critical policy goals: reduction of dependence on foreign oil; reduction in traffic congestion; improvement in air quality; improvement in Federal recruitment and retention; and improvement in the continuity of operations plan for the Federal Government.

I want to particularly thank Congressman JOHN SARBANES for his leadership in introducing this legislation; my friend and colleague from Virginia, FRANK WOLF, who has long championed this cause; the Office of Personnel Management Director John Berry; and of course the ranking member on the subcommittee, the gentleman from Utah (Mr. CHAFFETZ).

Telework is an essential part of Federal personnel policy because it can help recruit and retain Federal employees. It can maintain continuity of operations in the event of an emergency, and reduce congestion and associated air pollution. That is very important in this National Capital Region, which is a nonattainment region as measured by the EPA.

With 47 percent of the Federal workforce eligible for retirement sometime over the next 10 years or so, we must provide benefits that attract highly qualified employees. Many private companies already provide better telework benefits than does the Federal Government. We must not fall further behind. The ability to work from remote workstations relies on its regular use. Telework is an important and cost-effective component of efforts to reduce congestion, greenhouse gas pollution, and smog. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually and reduce Persian Gulf imports by 40 percent. These greenhouse gas emissions correspond to a reduction in ground level ozone in our region, which is critically important to protect the health of our region's residents.

Only 6 percent of eligible Federal employees currently telework on a regular basis, even though the largely white collar workforce in our region is perfectly suited for telework. By contrast, in my county, Fairfax County, the largest suburb in the National Capital Region, 20 percent of our eligible workforce telecommutes at least one day a week. The Telework Improvements Act provides a vehicle to increase telework participation, establishing telework managing officers for each agency and integrating continuity of operations planning performance metrics. If I had my way, frankly, we would set a 20 percent goal for every Federal agency. Hopefully that is an issue we will revisit at some point.

As an expression of support for this legislation, the Office of Personnel Management announced administrative changes to improve telework policy. This announcement followed an oversight hearing at which Director John Berry received several questions from committee members about telework and the introduction of this act. Since then, we have had multiple severe snowstorms, as has been mentioned, and the nuclear summit hosted by President Obama in the District of Columbia, all of which demonstrated the importance of telework.

During the snowstorms, Federal workers saved taxpayers $30 million each day in lost productivity or productivity that would have otherwise been lost because of a telework program already in place. That represented the equivalent of a 30 percent telework rate which is achievable on a regular basis if we commit ourselves to a more robust effort. Aggressive telework targets like these have already been undertaken by leaders in the private sector. AT&T, for example, has achieved a telework participation rate of 33 percent, contrasted with 6 percent in the Federal Government. It is estimated that many companies save as much as $2,000 per employee per year as a result of reduced absenteeism as a result of telework. Although OPM's telework initiatives are already making a positive difference, it is clear we need to create a statutory framework so it is not undone potentially by future administrations.

In subcommittee markup, I introduced an amendment to direct GSA to work with other Federal agencies to ensure that telework is always a part of the continuity of operations planning. Should this legislation pass, we will be better prepared for future snowstorms or emergencies by enhancing the ability of Federal employees to work remotely. This amendment seems even more important in light of the attempted bombing in Times Square last week, and the ongoing terrorist threat

faced here in the National Capital Region.

I appreciate Chairman LYNCH's willingness to work on this and a separate university-based telework center amendment that was adopted in full committee, and I urge my colleagues to support this legislation without further delay.

Mr. CHAFFETZ. Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Virginia (Mr. WOLF) who has been a long-time advocate and has worked tirelessly on this issue.

Mr. WOLF. Madam Speaker, I want to thank Mr. SARBANES for his leadership on this issue. Most of the issues have been covered, but I would just say that there is nothing magic about strapping yourself into a metal box and driving 25 or 30 miles when you can telework. I think the important part of this legislation is the fact that Mr. SARBANES will have someone in each agency, a senior person responsible. Some agencies do a great job, and others do not do very well. But also, it is important for the American people to know the productivity, the studies have shown that the productivity of people who are teleworking is very, very high. So you are really getting a lot for the government and for whoever is the employer.

Secondly, with regard to the environment and the traffic and the congestion in this region and other regions, it is very important.

Lastly, with the American family under such attack, the opportunity for moms and dads to spend more time with their families, singing in a church choir, or coaching Little League is very beneficial.

I rise in strong support of H.R. 1722, the Telework Improvements Act, and thank the gentleman for yielding me time.

I also want to thank Congressman JOHN SARBANES for introducing this important and necessary legislation, and the committee for moving this legislation to the floor.

I am an original cosponsor and strong proponent of this bill.

I have been a long-time and staunch supporter of telework, also referred to as telecommuting.

Last Congress, Congressman SARBANES and I teamed to introduce legislation to establish a National Telework Week.

Last year, this House in a unanimous voice vote approved Representative DANNY DAVIS's Telework Improvements Act of 2008, of which I was an original cosponsor.

I was disappointed that the Senate did not act on that legislation, and am hopeful that the bill we will pass today will be given priority by the other body.

My legislation, enacted in 2001, mandated a phased-in program to expand the number of federal employees who telework with the goal of giving every eligible federal worker this workplace option by the end of 2005.

While annual surveys by the Office of Personnel Management on telework by federal employees have shown some progress in meeting the law's mandate, there is much more that agencies can do to expand telework.

This legislation is an important next step in making the federal government a model telework employer. The federal government should be leading the way in developing an "e-workforce" and enhancing the use of the technologies of the 21st century to seamlessly link employees and employers.

To emphasize the importance of telework in the federal workplace, when I chaired the Commerce-Justice-Science Appropriations subcommittee, I included provisions in the FY 2005, FY 2006 and FY 2007 spending bills for the departments of Commerce, Justice, and State and related agencies to withhold $5 million from the agencies which failed to meet the 2001 law.

Telework offers a 21st century workplace option that can reduce traffic congestion and air pollution, as well as cut gasoline consumption and dependency on foreign oil. Study after study has shown that telework is a win-win for both employees and employers.

It gives employees the flexibility they need to meet daily demands.

Employers—both government and private businesses—get the benefit of increased productivity, improved morale, fewer sick leave days used, better worker retention, and reduced costs for office space.

As we face the realities of the post 9/11 world, ensuring continuity of operations of the federal government is one more reason to support federal telework policies.

The need for this legislation also was crystallized during the historic February blizzard, which paralyzed the Nation's capital and shut down the federal government for four days.

The estimated cost in lost productivity was some $70 million a day, but that cost was cut dramatically from earlier estimates of $100 million when the some 30 percent of the federal workforce who teleworked during the shutdown was factored in.

That's a huge savings with telework, which is why it is so important to ensure that more employees are eligible to work from home or at alternate worksites.

Our legislation builds on past actions to require each government agency to establish a telework policy and its provisions will:

Instruct the Office of Personnel Management (OPM) to develop a uniform, government-wide telework policy for federal employees.

Create a Telework Managing Officer within every agency and department to oversee telework within that agency or department.

The designation of a senior employee at each agency as a telework managing officer responsible for implementing the bill's requirements is a key provision to allow eligible employees to telework to the maximum extent possible.

Again, I thank my colleague from Maryland, Mr. SARBANES, for his leadership on this important legislation.

I urge my colleagues to support this bill.

Mr. LYNCH. Madam Speaker, I don't believe we have any further speakers, but I will continue to reserve.

Mr. CHAFFETZ. Madam Speaker, briefly, I am very supportive of this piece of legislation. I think it is important for the continuity of government and interoperations. I think it can be a cost-saving measure for a lot of our agencies, but it is not necessarily right for every single employee. I don't want this to be perceived, and I think the legislation does this, in any way, shape, or form for this to be an excuse to spend more money within our own human resources departments. I am a little worried about the scoring of this. Certainly large agencies will need to have somebody who helps shepherd this and move this forward. But for the smaller agencies, some of the other agencies, it doesn't necessarily warrant that.

I do appreciate during the process being able to offer an amendment that would allow for some flexibility within the different agencies so that they have the internal control and don't necessarily have the excuse to go out and hire another person to try to manage this.

But with that said, I believe in and support this piece of legislation because, as I said before, the continuity of our government, this is a critical component to that. But it is also incumbent upon the executive branch to make sure that we have the safety, security, and the privacy components firmly in place. I believe that OPM, the Office of Personnel Management, will do that. This legislation strengthens their ability to do that, and that is why I am supportive of it. I appreciate the good work on both sides of the aisle. I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I want to thank the gentleman for his thoughtful comments and his leadership on this issue. I do want to just try to address the scoring aspect of it, for those who are, as rightly they should be, sensitive to the budget. Our understanding from the estimate provided by the Congressional Budget Office is that this provision would cost approximately $30 million over 5 years. However, I think it is important to point out that during the recent unexpected snowstorms in the Washington, DC, and Northern Virginia area this past winter, in February we saved $30 million per day. So the program costs $30 million over 5 years, and in one severe snowstorm, we saved $30 million per day by utilizing the telework function.

In closing, I also want to thank Mr. SARBANES and Mr. CONNOLLY for their leadership on our side and also the bipartisanship showed by the gentlewoman from West Virginia (Mrs. CAPITO) and Mr. WOLF as well. I think they did a fine job. I ask my colleagues on both sides of the aisle to support H.R. 1722.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1722, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## NATIONAL TRAIN DAY

Ms. CORRINE BROWN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1301) supporting the goals and ideals of National Train Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1301

Whereas in 1830, the Nation's first passenger and freight railroad, the Baltimore & Ohio, revolutionized transportation in the United States;

Whereas on May 10, 1869, in Promontory Summit, Utah, the golden spike was driven into the final tie that joined 1,776 miles of the Central Pacific and Union Pacific railways, transforming America by creating the Nation's first transcontinental railroad;

Whereas by 1910, trains carried 95 percent of all intercity transportation;

Whereas after 1920, rail passenger revenues declined due to the rise of the automobile;

Whereas in the 1930s, railroads reignited popular imagination with service improvements and new, diesel-powered streamliners;

Whereas on May 26, 1934, the Pioneer Zephyr set a speed record for travel between Denver and Chicago when it made a 1,015-mile, non-stop ''Dawn-to-Dusk'' run in 13 hours and 5 minutes at an average speed of 77 miles per hour and, during one section of the run, reached a speed of 112.5 miles per hour, just short of the then United States land speed record of 115 miles per hour;

Whereas on January 22, 1935, the 400, later named the Twin Cities 400, traveled 400 miles between Chicago and St. Paul in 400 minutes;

Whereas at its inception in 1935, Time magazine dubbed the 400, ''the fastest train scheduled on the American continent, fastest in all the world on a stretch over 200 miles'';

Whereas the resurgence in passenger railroading was short-lived, as the continuing rise of the automobile, the devastating economic impact of two World Wars, the creation of the Interstate Highway System, the increasing availability, comfort, and convenience of air travel, increasing train fares and decreasing service, and a number of railroad bankruptcies, mergers, and acquisitions took their toll on passenger rail service in the United States;

Whereas by 1965, only 10,000 rail passenger cars were in operation, 85 percent fewer than in 1929, and passenger rail service was provided on only 75,000 miles of track;

Whereas in 1970, Congress saved passenger rail service in the United States by creating the National Railroad Passenger Corporation, known as Amtrak;

Whereas since 1970, the Federal Government has invested nearly $1,300,000,000,000 in our Nation's highways, more than $484,000,000,000 in aviation, and $67,000,000,000 in passenger rail;

Whereas with the enactment of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432) in the 110th Congress and the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) in this Congress, Congress charted a new course for Amtrak and for the development of high-speed and intercity passenger rail in the United States;

Whereas the Recovery Act provided $8,000,000,000 in grants to States for the development of high-speed and intercity passenger rail and $1,300,000,000 for Amtrak for capital, safety, and security improvements;

Whereas the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010, provided an additional $2,500,000,000 to States for investment in high-speed and intercity passenger rail and more than $1,500,000,000 to Amtrak for capital and operating expenses;

Whereas the Federal Railroad Administration received 259 applications totaling $57,000,000,000 for the $8,000,000,000 in funds available under the Recovery Act;

Whereas in January, the President announced the recipients of the $8,000,000,000 in Recovery Act funds for development of high-speed and intercity passenger rail service in 13 corridors spanning 31 States;

Whereas Amtrak has selected projects in 44 States to invest its $1,300,000,000 in Recovery Act funds;

Whereas these and continued investments in developing a national high-speed and intercity passenger rail system will revitalize passenger rail service in the United States, help develop a domestic manufacturing base for high-speed and intercity passenger rail, and create good jobs in the United States;

Whereas Amtrak ridership grew every year from 1998 to 2008 and the railroad carried 27,200,000 passengers in 2009, making it the second-best year in the company's history; and

Whereas Amtrak has designated May 8, 2010, as National Train Day to celebrate America's love for trains: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the important contributions that trains and Amtrak make to the national transportation system;

(2) supports the goals and ideals of National Train Day as designated by Amtrak; and

(3) urges the people of the United States to recognize such a day as an opportunity to celebrate passenger rail and learn more about trains.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Madam Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 1301.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise in support of this resolution, and I yield myself such time as I may consume.

Rail in America is experiencing a renaissance we haven't seen in 50 years. All forms of passenger rail, including Amtrak, are seeing increased ridership numbers. In fact, in 2009 Amtrak welcomed aboard over 27.1 million passengers, the second-largest annual total in Amtrak's history, an average of more than 74,000 passenger rides and more than 300 Amtrak trains per day.

For me, as chair of the Rail Subcommittee, the eventual goal is to have high-speed intercity passenger, and commuter rail lines connecting nationwide to serve as an enhancement to our current systems of transportation.

Moreover, if a nationwide high-speed and intercity passenger rail system is realized, it will not only serve as a tremendous benefit to our Nation's transportation needs but will also be a superb asset toward getting people back to work by creating quality jobs in our economy's manufacturing sector. In some areas, like where the Sunset Limited used to operate, it is a homeland security issue. If the United States was hit by a natural or manmade disaster, we need a functional system that will move citizens out of harm's way.

There is no doubt that increasing the use of passenger and freight rail is the best way for our Nation to address the environmental and energy-related challenges we face today. Freight railroads, for example, have made major gains in fuel efficiency through training and improved locomotive technology. Indeed, a single intermodal train can take up to 280 trucks off of our highways. And one gallon of diesel fuel can move a ton of freight an average of 414 miles, a 76-percent improvement since 1980, while General Electric has recently unveiled the world's first hybrid locomotive.

□ 1330

In addition, passenger rail's ability to reduce congestion is well-known, and their ridership numbers are increasing steadily each year. One full passenger train in fact can take 250 to 300 cars off the road. Passenger rail also consumes much less energy than automobiles and commercial airlines. As we have seen with the horrible oil spills on our Gulf Coast, with estimates of 5,000 barrels floating into the sea every day, it is clear we need a new way of doing things in the transportation arena.

Our committee has hit the rails, having a national dialogue with America about the future of the U.S. transportation system. Just two weeks ago, I led a Whistle Stop Rail Tour to promote high-speed and intercity passenger rail in the United States. We

started in Washington, traveled to upstate New York, and ended up in Chicago where we conducted a major hearing on rail issues. We are planning additional events in Texas, California, Oregon, and throughout the United States.

All along the way, we saw stimulus dollars going toward improving our transportation infrastructure and creating jobs for the local workforce. In that particular region in upstate New York, rail manufacturing could very well replace the good jobs in those towns that were sent overseas.

Just Saturday, I rode with Amtrak as they tested the current Florida East Coast Railroad line from Jacksonville to Miami for passenger service. And on Monday, we held the latest in a series of high-speed rail hearings in Miami, Florida. Everywhere we have gone, we have gotten very strong support for Amtrak service and high-speed rail. The only complaint I have heard is that there wasn't enough money and it wasn't coming fast enough.

Over the past 50 years, the Federal Government has invested nearly $1.3 trillion in our Nation's highways and more than $484 billion in aviation. Unfortunately, since 1970 when Congress created Amtrak, we have just invested $67 billion in intercity passenger rail, including Amtrak.

Now, I have always assured everyone that the $8 billion in the Recovery Act was just a down payment and there would be more planning and construction dollars coming in the near future. But we need to get serious about funding high-speed rail. With just $1 billion budgeted for fiscal year 2011, we need to find a dedicated revenue source so that States, operators, stakeholders, and manufacturers aren't afraid to make investments in infrastructure and manpower.

In fact, I feel so passionate about it that I spearheaded a letter that over 100 Members signed to President Obama requesting that he include a dedicated source of revenue for high-speed rail in the transportation reauthorization policy objective that the administration is developing.

We still have a lot of work to do before the first passengers board high-speed trains in the United States, but we are off to a great start with the investment made in the Recovery Act.

I encourage all of my colleagues to show their support for this resolution and the new age of rail in America. This is a giant step in the right direction.

Let's roll, baby, roll. Toot toot. That's it.

I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I appreciate the enthusiasm of the chairwoman of the subcommittee, and I yield myself such time as I may consume.

The ceremonial golden spike hammered at Promontory Summit, Utah, on May 10, 1869, marked the completion of the transcontinental railroad, one of the greatest engineering masterpieces and, I might add, was spearheaded by the Republican President, Abraham Lincoln. It also marked the birth of what would become the greatest rail network in the world. One hundred forty-one years later, we are still reaping the benefits of our ancestors' visions.

The United States now has over 140,000 miles of railroads making up the transportation backbone of the Nation. Our railroads are environmentally friendly, producing significantly less pollution than other modes of transportation. A train can haul one ton of freight 436 miles on one gallon of diesel fuel, and it is three times cleaner than a truck. Trains also help to alleviate the congestion of our crowded highways across America. One train can actually take 280 trucks off the road.

Railroads have also enjoyed a remarkable resurgence since the bankruptcies, disinvestment, and decay of the 1970s. The rail deregulation law of 1980, the Staggers Act, has been an unparalleled success. We must take great care to protect the regulatory environment that has allowed railroads to thrive and resist any effort that would undo all the progress this industry has made.

Two years ago, President Bush signed into a law an Amtrak reauthorization that will take this country into the next generation of passenger rail service. The law makes important reforms to Amtrak and also creates a role for the private sector in the passenger rail industry.

The Amtrak reauthorization law, the first in more than a decade, created the framework for public-private partnerships for the construction and operation of high-speed rail corridors all over this Nation. High-speed rail promises safe, fast, convenient service, all while helping to alleviate aviation and highway congestion.

The railroad industry is vitally important to this country and this economy, and I urge the passage of H. Res. 1301 to celebrate National Train Day on May 8, 2010.

I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the chair of the committee and our transportation guru.

Mr. OBERSTAR. I thank the gentlewoman for yielding. I tip my hat also to the Member of Congress whom I call ''Ms. Amtrak,'' ''Ms. Passenger Rail,'' whose passion is evident; who works tirelessly day and night, week after week, to advance the cause of passenger rail in this country, and has been very successful at it, mobilizing public opinion, igniting public imagination. And I appreciate the comments of the gentleman from Pennsylvania (Mr. SHUSTER), who has been a very constructive and enthusiastic partner in shaping passenger rail.

I would say to the gentleman, while the Bush administration twice submitted bankruptcy budgets for Amtrak and twice proposed putting Amtrak up for sale in the private marketplace, there were Members on both sides of the aisle who joined together, including the gentleman, to restore funding for Amtrak to keep it going. The gentleman's fingerprints are all over the Amtrak authorization bill that President Bush signed. That same President Bush, who once said we should terminate Amtrak, signed the bill with a whole new future for Amtrak. And Mr. MICA as well, who is, unfortunately, not here on the floor but who nonetheless played a very significant role in shaping a new future for Amtrak and, as the gentleman from Pennsylvania said, opening the door for private investment in each of the corridors that we crafted in the Amtrak authorization.

The Pacific Railway Act over 148 years ago really is the beginning point for our discussion today and for all discussion on passenger rail. That was the day that President Lincoln signed the legislation that gave the Central Pacific Railroad the right to build rail lines from Sacramento east and chartered the Union Pacific to build rail lines from the Missouri River west.

I would recommend to anyone who is interested in passenger rail to make a trip to Sacramento, to the rail museum in that city. It is a splendid panorama, a stunning sweep of history, of development of both freight and passenger rail, how the railroads were built, the people who built them, the ethnic diversity of those who worked on the laying of the track, and the competition going from west to east and east to west. It is a striking march through history. It gives the viewer a deeper appreciation of our rich history of freight and passenger rail.

The joining of the two just 7 years later, in 1869, was in those times a remarkable timeframe. I think today with modern equipment we might have built those two lines a lot faster. But 1,776 miles of the Central Pacific and Union Pacific joined at Promontory Summit in Utah.

Not long after, the first transcontinental trip took 83 hours and 39 minutes from New York City to San Francisco. By 1910, which was really the peak time for passenger rail, 95 percent of all intercity travel was by rail. By 1920, the railroads carried 1.2 million passengers. The automobile was making its way into our consciousness and taking over and giving Americans a difference of travel and experience and freedom of access.

It is interesting that in 1920 cars accounted for 50 miles of travel a year for

the average citizen and 450 miles per year for trains, but 10 years later, that had just turned around. Americans were driving over 1,600, nearly 1,700 miles a year in their cars and only 219 miles on average by train.

That continued to progress until after World War II, the railroads saw more advantage in freight, passenger traffic was dropping off, and the railroads joined with the U.S. Post Office to take the overnight mail off the passenger service. The RPOs began to disappear. That reduced revenue to the railroads. The railroads could then petition the ICC for discontinuance.

By the end of the decade of the 1960s, passenger rail was on life support, and Congress created the National Railroad Passenger Corporation, which we know today as Amtrak.

□ 1345

There is now a rail revival happening all across the land. And that is what this resolution is intended to do, support the goals and ideals of National Train Day.

Everywhere I travel, in almost every city that ever had a rail service there is either a caboose or an old locomotive at the entrance to the community. People celebrate their rail history. But they also want to bring back active service. Just as in transit, Americans are voting with their feet. A million new transit riders a day. And so with passenger rail.

We all remember the tragedy of September 11, 2001, when the only way you could travel intercity, apart from your automobile, was on Amtrak. And the revival of interest in both transit and in intercity passenger rail has just gone apace since then.

President Obama made a commitment to intercity passenger rail, putting $8 billion on the table in the stimulus package. That was more in 1 year than Amtrak had received in several years. It's a down payment, as he said, and as Chairwoman BROWN had said and others have observed. Now we are seeing the implementation of those funds by the various corridors to which those stimulus dollars were allocated.

It is up to us, and our committee will continue to hold oversight hearings observing the implementation of those funds to ensure they are wisely invested, that the commitments made are followed through. We will move America along. We are starting slowly.

Goodness, there is passenger rail track that is part of this that's only 35 miles an hour today because that's passenger rail going on freight rail track that has been allowed to deteriorate. There are other corridors where freight rail has been built up, and the investment in the corridor has been robust, and where there is room for passenger rail, but we have to separate the two. And we recognize that we have to have passenger rail partnering with freight rail.

The gentleman from Pennsylvania has been quite a strong advocate for that. And we all recognize we need to move more goods by rail for the economy's sake, for the environment's sake. By the way, I would say to the gentleman that 436 miles a ton on a gallon of fuel was updated yesterday for me by the Association of American Rail. They say it is now 483 miles on a gallon of fuel for a ton of freight. Locomotives are improving in their efficiency. The track beds are improving. And we are going to do even more in the future.

But we are pikers with that $8 billion. The European economic community, European Union, the transport ministry has a $1.4 trillion, 20-year investment plan, they are halfway through doing it now, to build 7,000 additional miles of high-speed intercity passenger rail, real high-speed, 200 miles an hour. We will get there eventually. We are almost back where we were in 1890 in making the investment in passenger rail, except that those corridors that remain for freight, in which passenger is a lively, active participant, or a possibility, have been upgraded, and now we need to make the next step upgrades to class six, seven, and eight rail where we can have speeds in excess of 150 miles an hour.

It's going to take a huge amount of capital investment. But Spain has committed $140 billion into their high speed rail system, the Talgo. One hundred forty billion dollars for a country with 42 million people. That is an enormous commitment on their part, and shows visionary steps toward their future. But they will have 186- to 200-mile an hour, 220-mile an hour intercity passenger rail service. We can do no less in America. We must do no less in America.

China is completing an 800-plus mile link from Beijing to Shanghai. That is the distance from Boston to Richmond on the East Coast. In that Boston-Richmond corridor are 36 million people. In Beijing-Shanghai there are nearly 100 million people. You will be able to travel that distance, though, in 4 hours on 220-mile an hour steel on steel rail.

We can't let China, Japan with the Shinkansen, South Korea with their high speed rail system, and all the European systems get so far ahead of us. They are now, but we will catch up. And when we do, people will look back and say the goals and ideals of National Train Day moved us in that direction.

And this Congress, both sides of the aisle, and the partnership that we have formed, keeping vigil over the future investments in passenger rail can rightly take credit for moving America along that path toward a great recapturing of our past and making it a greater future.

Ms. RICHARDSON. Madam Speaker, I rise in strong support of H. Res 1301, Supporting the Goals and Ideals of National Train Day. I want to thank my colleague and friend Chairwoman BROWN for her tireless efforts and leadership on behalf of the rail.

Looking back, this past year has been one of the most exciting years for rail in quite some time and we have a lot to celebrate on National Train Day. With the Obama Administration's focus on bringing high-speed rail to this country and the funding they have dedicated towards high-speed rail, the future of rail seems brighter now than it has in a long time.

Just this past month I helped form the California High-Speed Rail Caucus. The Caucus is working to bring a world class high-speed rail system to California. My home State of California received $2.3 billion dollars of American Recovery and Reinvestment Funds to build a high-speed rail system, and this is on top of the voter approved bond measure which will provide nearly $10 billion for the system.

The California High-speed rail line is projected to create 160,000 construction jobs in California to plan, design, and build the system. It is also estimated that an additional 450,000 jobs will be created once the system is up and running. The rail line is expected to reduce congestion, increase mobility, improve air quality, and reduce fatal auto accidents, and it could serve as a model that can be replicated across the country to create a national world-class rail system.

I am glad to be recognizing National Train Day with such excitement across the country with the reemergence of rail as a viable transportation alternative. The United States is finally taking steps to catch up with the rest of the world and create a truly world class rail system.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Res. 1301 to recognize the goals and ideals of National Train Day.

America's rail network is one of its greatest treasures, and I am pleased to support Congresswoman BROWN's resolution in support of National Train Day. This year marks the third annual celebration with family-oriented events that provide opportunities to explore interactive and educational exhibits on the ways trains have transformed our country. This year we also celebrate 141 years of connecting travelers from coast to coast as the first transcontinental railroad was completed on May 10, 1869. On that day in Promontory Summit, Utah, the "golden spike" was driven into the final tie that joined 1,776 miles of the Central Pacific and Union Pacific railways, linking the east and west coasts by rail for the first time.

In Texas we have several events lined up to celebrate National Train Day, and Dallas' Union Station will be one of 13 Texas train stations participating in National Train Day. The event will feature train equipment displays, entertainment, balloon makers, and face painters, and additionally, the Dallas Museum of the American Railroad will display its 1931 M–180 Doodlebug and a heritage Pullman Sleeping Car.

Madam Speaker, trains have truly transformed America over the last two centuries, adding to our national character and making us a more efficient and mobile country. I ask my fellow colleagues to join me today in supporting the goals and ideals of National Train Day and recognizing the contributions that

trains have made to our national transportation system.

Mr. HARE. Madam Speaker, I rise today to join with the Chairwoman of the Railroad, Pipelines, and Hazardous Materials Subcommittee, Representative CORRINE BROWN, in supporting H. Res. 1301, a resolution supporting and recognizing National Train Day.

The story of trains in our country is one that mirrors the remarkable story of our nation. Over 150 years ago, the first trains started to move people and goods across the nation. Trains helped lay the groundwork for the industrial revolution and helped spur westward expansion.

Today, trains continue to play an important role in American life. In my district, freight is safely moved by train throughout Galesburg, Decatur, and many other areas. Passenger rail plays a tremendous role in modern America. In places like Quincy, Illinois, Amtrak has helped connect smaller communities with larger ones and the resources they have to offer. In the near future, high-speed rail will cross my district in two separate areas helping bridge urban and rural America and making each accessible in a more environmentally friendly way,

I am proud to say that the future of trains in America is bright. I join Chairwoman BROWN in aggressively pursuing a network of high-speed rail corridors that will make the viability of passenger trains more attractive while continuing our work to ensure that the nation's freight rail network remains secure, active, and vibrant.

National Train Day calls attention to the many positive contributions rail makes to our national economy. Rail makes for a safe, clean, effective transport of goods and services. Trains have been, are, and will continue to be a critical part of our nation's great story.

Madam Speaker, I strongly urge my colleagues to pass H. Res. 1301, a bipartisan resolution which recognizes and supports National Train Day. I thank Representative BROWN for authoring this bill and look forward to continue working with her.

Mr. SHUSTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1301, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1320, House Resolution 1272, and House Resolution 1301, in each case by the yeas and nays.

Remaining postponed votes will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## EXPRESSING SUPPORT FOR PROMPT RESPONSE TO ATTEMPTED TERRORIST ATTACK IN TIMES SQUARE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1320, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PASCRELL) that the House suspend the rules and agree to the resolution, H. Res. 1320, as amended.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 12, as follows:

[Roll No. 246]

YEAS—418

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson

Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Baird
Barrett (SC)
Blackburn
Campbell
Coble
Davis (AL)
DeGette
Hinojosa
Hoekstra
Jackson Lee (TX)
Meek (FL)
Melancon

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1420

Mr. BURGESS changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

## COMMEMORATING 40TH ANNIVERSARY OF KENT STATE UNIVERSITY SHOOTINGS

The SPEAKER pro tempore (Ms. McCOLLUM). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1272, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1272.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, answered ''present'' 2, not voting 13, as follows:

[Roll No. 247]

YEAS—415

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Burgess
Foxx

NOT VOTING—13

Barrett (SC)
Blackburn
Boehner
Campbell
Cantor
Coble
Davis (AL)
DeGette
Hinojosa
Hoekstra
Jackson Lee (TX)
Meek (FL)
Melancon

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1433

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONGRESSIONAL SPORTSMEN'S CAUCUS SHOOTOUT

(Mr. BOREN asked and was given permission to address the House for 1 minute.)

Mr. BOREN. Madam Speaker, yesterday, we had a big event at the Prince George's County Trap & Skeet Club. We had the annual Congressional Sportsmen's Foundation and Congressional Sportsmen's Caucus Shootout. I have some awards to announce. First of all, team captains were myself, and PAUL RYAN on the Republican side. The winner of the sporting clays competition was Congressman PAUL RYAN; the

top trap gun, DAN BOREN; top skeet, CHRIS CARNEY. The top Democratic shooter was Congressman MIKE THOMPSON. The top Republican was Congressman JOHN KLINE. The top gun was DUNCAN HUNTER.

Let me say this, Madam Speaker. DUNCAN HUNTER's father tried to be the top gun for many years and never was able to accomplish it. So it was very nice that his son was able to win that award. But the most important award—for the second year in a row, the Democrats won 225–209.

I would invite all Republican Members to my office, 216 Cannon, to visit the trophy at any time.

## NATIONAL TRAIN DAY

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1301, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1301, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 296, nays 119, not voting 15, as follows:

[Roll No. 248]

YEAS—296

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Butterfield
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—119

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Culberson
Davis (KY)
Dreier
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Luetkemeyer
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Platts
Poe (TX)
Price (GA)
Putnam
Reichert
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Blackburn
Campbell
Coble
Davis (AL)
DeGette
Gohmert
Hinojosa
Hoekstra
Jackson Lee (TX)
Meek (FL)
Melancon
Miller (FL)
Napolitano
Schock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1445

Mr. BILBRAY and Mr. CANTOR changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on rollcall No. 248, had I been present, I would have voted "yes."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETERS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Ms. CORRINE BROWN of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 263) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 263

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR DC SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.**

On June 4, 2010, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate,

the 25th Annual District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

**SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.**

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

**SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.**

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

**SEC. 4. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include additional material on House Concurrent Resolution 263.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to support House Concurrent Resolution 263, which authorizes the use of the Capitol Grounds for the 25th Annual District of Columbia Special Olympics Law Enforcement Torch Run. The Capitol Police, along with the D.C. Special Olympics, will participate in the Torch Run to be held on June 4, 2010. Law enforcement officers, who are part of the extended volunteer network that supports the Special Olympics, carry the Olympic torch across the Capitol Grounds throughout the District of Columbia.

The D.C. Special Olympics expect over 1,500 law enforcement officers to participate in the Torch Run, which will be a 2.3 mile course from the Capitol Grounds to Fort McNair. These events, along with others throughout the year, are designed to raise funds to support year-round activities for the D.C. Special Olympics. The D.C. Special Olympics allows area residents with intellectual disabilities to participate in competitive sport activities in order to test their abilities against their peers, develop confidence, and improve their health.

The D.C. Special Olympics will work closely with the Capitol Police and the Architect of the Capitol to make sure that the event is in full compliance with the rules and regulations governing the use of the Capitol Grounds. The event will be free and open to the public.

I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution authorizes the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run to be held on June 4. The torch will be carried throughout the Capitol Grounds as part of the journey to the D.C. Special Olympics summer games.

The Special Olympics is an international organization dedicated to enriching the lives of children and adults with special disabilities through athletics and competition.

The Law Enforcement Torch Run began in 1981 when the chief of police of Wichita, Kansas, saw an urgent need to raise funds and increase awareness of the Special Olympics. The Torch Run was then quickly adopted by the International Association of Chiefs of Police. Today, the Torch Run is the largest grassroots effort that raises awareness for the Special Olympics program. The event in D.C. is one of many law enforcement torch runs throughout the country and across 35 nations leading up to the summer Special Olympics.

I urge my colleagues to support the passage of this resolution, and I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield as much time as he may consume to my colleague from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I want to thank my colleague from Florida (Ms. CORRINE BROWN) and also Mr. SHUSTER from Pennsylvania for coauthoring this important resolution and speaking in favor of it.

The Special Olympics has been an important part of destigmatizing developmental disabilities and those suffering from intellectual challenges. No one would have imagined years ago that folks who otherwise would have been living in the shadow of our society, those with cognitive and intellectual disabilities, would now be so integrated into our society, in large measure due to the opportunity that Special Olympics gave them to participate fully in our society through sports.

Special Olympics represents so much more than competition on the field, but it does represent something so important to our society, and that's opening up opportunities for folks who need to be treated with human dignity because they're like you and me; they just have other challenges intellectually.

All of us have different challenges. These are folks who have been so stigmatized and shamed because of their intellectual challenges that they have been shut out of society, but not for the Special Olympics. They have been embraced; they have been loved by all those huggers at the end of the competition, and they have been part of so many of our most moving moments in our country's efforts to have sports be a competitive endeavor.

I want to thank my cousin, Timothy Shriver, who is the international president of Special Olympics, for the dynamic leadership that he offers this organization and for all the sacrifice he makes to carry on his mother's legacy as the first president of the Special Olympics. And now he is doing it with his own style of leadership that is equally charismatic and energetic.

I want to thank the police for embracing Special Olympics. Both of them are our heroes: the law enforcement community and our Special Olympians. What a great match. The Torch Run should be a terrific event.

I thank my colleagues for allowing me to speak.

Ms. CORRINE BROWN of Florida. Will the gentleman yield for a question?

Mr. KENNEDY. I yield to the gentlewoman.

Ms. CORRINE BROWN of Florida. I just want to thank the gentleman from Rhode Island, Mr. PATRICK KENNEDY, for your leadership throughout the years in support of the Special Olympics. And how many years have you supported it?

Mr. KENNEDY. Before I can even remember, my Aunt Eunice made sure that I attended the nearest Special Olympics event that was happening. Wherever I traveled, even around the world, she made sure that I asked the local Presidents or Prime Ministers, if we met with government officials, if they had a program for people with developmental disabilities, intellectual challenges. Often they would say, Oh, we don't have those problems. And it shows that now China recently was the host of the International Special Olympics, and yet just years ago the abortion rate in China of babies that had intellectual disabilities was enormous. Now they're embracing people with intellectual disabilities. What a turnaround in attitude and respect for human life and dignity of the human person. That's what has been possible through Special Olympics.

Ms. CORRINE BROWN of Florida. Well, I want to once again thank you for your leadership, not just for America, but for the world in this area.

Mr. KENNEDY. Well, thank you for your leadership.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I just want to thank and congratulate my

colleague, Mr. KENNEDY from Rhode Island, for his leadership in Special Olympics throughout the years and his service in Congress. I know he will continue that work after he leaves Congress. I also want to thank the Shriver/Kennedy family for the great support and the effort they've put forth over the years in supporting such a worthwhile program as Special Olympics. So, thank you, Mr. KENNEDY.

Mr. VAN HOLLEN. Mr. Speaker, as an original cosponsor, I rise in support of H. Con. Res. 263, which would authorize the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run. I commend my colleague from the District of Columbia for introducing this resolution for this worthy cause.

This annual event is in its 25th year of bringing together nearly 50 Federal and local law enforcement agencies to show support for Special Olympics DC. Each year, law enforcement officers across the country and around the world participate in local Torch Run events to raise money and awareness for the Special Olympics. In 2008, the Torch Runs raised over $34 million for Special Olympic programs.

Funds raised from the Torch Run help support year-round training and programs for Special Olympics DC. It makes an impact in the lives of our community's most vulnerable citizens and enables thousands of children and adults with disabilities to participate in Special Olympics programs.

Mr. Speaker, the Special Olympics Law Enforcement Torch Run is a fitting way to continue the legacy of Eunice Kennedy Shriver so that everyone has the opportunity to compete and reach their full potential.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Con. Res. 263, introduced by the gentlewoman from the District of Columbia (Ms. NORTON), which authorizes the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

This is a premier event in the region that highlights the athletic accomplishments of disabled children and young adults. Thanks to the tenacity of Eunice Kennedy Shriver and the Kennedy family, thousands of Special Olympians see their self-confidence, self-esteem, and health nurtured by participating in the Special Olympics.

Each year, nearly 50 Federal and local law enforcement agencies in the Washington, DC area, participate in the torch run to show their support for the DC Special Olympics. This torch relay event on the Capitol Grounds is a traditional part of the opening ceremonies for the Special Olympics. This year's torch run will be a 2.3-mile trek from the U.S. Capitol building to Ft. McNair.

Since its inception, more than 15,000 District of Columbia citizens with disabilities have participated in the Special Olympics and more than $1 million has been raised. Funds raised from the Law Enforcement Torch Run for the Special Olympics help support year-round training and programs for the DC Special Olympics, which include basketball, bowling, tennis, and motor activities training.

I urge my colleagues to join me in supporting H. Con. Res. 263.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 263.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING USE OF CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Ms. CORRINE BROWN of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 247) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 247

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF CAPITOL GROUNDS FOR SOAP BOX DERBY RACES.**

(a) IN GENERAL.—The Greater Washington Soap Box Derby Association (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, soap box derby races (in this resolution referred to as the ''event''), on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on June 19, 2010, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

**SEC. 2. TERMS AND CONDITIONS.**

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

**SEC. 3. EVENT PREPARATIONS.**

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

**SEC. 4. ADDITIONAL ARRANGEMENTS.**

The Architect of the Capitol and the Capitol Police Board are authorized to make such additional arrangements as may be required to carry out the event.

**SEC. 5. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include additional material on House Concurrent Resolution 247.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to support House Concurrent Resolution 247, which authorizes the use of the Capitol Grounds for the Greater Washington Soap Box Derby. I would like to acknowledge the efforts of Mr. HOYER, who has been such a great and consistent champion for his constituents for this event.

Consistent with all events using the Capitol Grounds, this event is open to the public and free of charge. The organizers will work with the Capitol Police and the Architect of the Capitol.

I support Concurrent Resolution 247 and urge passage of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentlelady stated, this resolution authorizes the use of the Capitol Grounds for the 69th Annual Washington Soap Box Derby in June. This event occurs annually on the Capitol Grounds, and I know that the majority leader, Mr. HOYER, has been a tremendous supporter of this event every year.

The Soap Box Derby allows children to really showcase their efforts, their dedication, their work, and their creativity as they compete for these trophies. The winners of each division are qualified to compete in the National Soap Box Derby, which occurs in Akron, Ohio.

I support passage of this resolution and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to point out that the Soap Box Derby, of which Mr. HOYER has been the sponsor for a number of years, is an event that has been put on for a number of years, and the purpose is to prepare young people from age 8 to 17.

Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore. The gentlewoman has 18 minutes remaining.

Ms. CORRINE BROWN of Florida. I yield as much time as the leader may consume.

□ 1500

Mr. HOYER. Mr. Speaker, I thank the gentlelady for yielding me this time, and I thank Mr. SHUSTER for helping bring this bill to the floor and thank Ms. CORRINE BROWN from Florida, who does such an extraordinary job.

Mr. Speaker, I rise as a proud sponsor of this resolution which I have worked on for a long period of time. It is a facet of Capitol Hill that we have to pass a resolution to approve and allow the Greater Washington Soap Box Derby to hold the 69th Annual Greater Washington Soap Box Derby on the Capitol grounds on June 19.

Since 1938, when Norman Rocca beat out 223 other racers to win the inaugural Washington race, soapbox derby racing has had a long history in our Nation's Capital. Over nearly seven decades, thousands of the region's young people have come to Washington to take their place in a great race and a great tradition. Whether they were racing down New Hampshire Avenue, or at the current site coasting down Capitol Hill, the event's essential ingredients have remained the same: homemade, gravity-powered cars and the spirit of competition. America's soapbox derbies have rightly been called ''the greatest amateur racing event in the world.''

The boys and girls who participate, many of them sponsored by community groups, police departments or fire departments, don't just gain value experience in building and engineering; they learn about the value of hard work and fair competition.

As the Representative from Maryland's Fifth Congressional District, I am also proud to point out that my district has been the home to a string of soapbox derby champions.

In 2007, Kacie Rader, a neighbor of mine from Mechanicsville, Maryland, won the Greater Washington race and went on to become the first Marylander to win the national soapbox derby title, beating out 550 other local champions.

In 2008, Courtney Rayle, also from Mechanicsville, won the Greater Washington race and also went on to win at the national race in Akron, Ohio.

And finally, last year, her brother Justin Rayle, made it three Greater Washington wins in a row for Maryland's Fifth Congressional District. This is not fixed, I want to tell you. These are just great kids, and we are excited about the soapbox derby.

June's race will be the continuation of a proud tradition for our country and its Capital, and I thank Chairwoman BROWN and Ranking Member SHUSTER for their support and help in bringing this resolution to the floor.

Mr. SHUSTER. Mr. Speaker, I want to thank the majority leader for his leadership on this, and set the record straight. I said you have supported this every year; I meant every year you have been in Congress. You haven't been around for 69 years.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Con. Res. 247, introduced by the gentleman from Maryland (Mr. HOYER), which authorizes the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

This annual event encourages all boys and girls, ages 8 through 17, to construct and operate their own soap box vehicles. The goals of this event are to teach children and young adults the basic skills of craftsmanship, the spirit of competition, and the perseverance to continue a project once it has begun. The event is supported by hundreds of volunteers and parents. In the past, the Greater Washington Soap Box Derby has produced winners who went on to the national finals. Many volunteers donate considerable time supporting the event, and providing families with a fun-filled day, which has become a tradition in the Washington, DC metropolitan area.

The derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure the appropriate rules and regulations are in place.

I urge my colleagues to join me in supporting H. Con. Res. 247.

Mr. SHUSTER. I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 247.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## NATIONAL SAFE DIGGING MONTH

Ms. CORRINE BROWN of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1278) in support and recognition of National Safe Digging Month, April, 2010, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1278

Whereas each year there are over 200,000 incidences of unintentional damage to underground utility infrastructure (including pipelines, electrical, telecommunications, water, and sewer lines), many as a result of an individual who fails to have underground utilities lines located before digging;

Whereas there are 2,534,000 miles of pipelines, of which 2,036,800 are for distribution of natural gas, 323,600 for transmission of natural gas, and 173,500 for hazardous materials including oil;

Whereas some utility lines are buried only a few inches underground, making them easy to strike even during shallow digging projects;

Whereas failure to locate underground utility lines before digging may have unintended consequences such as service interruption, environmental damage, property damage, personal injury, and even death;

Whereas State one-call notification programs allow homeowners and excavators to have underground utilities located and marked before conducting digging or excavation activities;

Whereas Congress first established minimum standards for State one-call notification programs and authorized appropriations for Federal grants to improve State one-call notification programs in the Transportation Equity Act for the 21st Century in 1998;

Whereas Congress required a 3-digit, nationwide toll-free number be established to be used by State one-call systems in the Pipeline Safety Improvement Act of 2002;

Whereas in 2005, ''811'' was designated as the nationwide one-call number for homeowners and excavators to call before conducting digging or excavation activities;

Whereas in the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 Congress authorized the Secretary of Transportation to issue civil penalties to any owner or operator of a pipeline facility who fails to respond to a request to mark an underground pipeline facility, any individual who fails to use a State's one-call system prior to digging or excavation activities, or any individual who disregards location information or markings while digging or excavating;

Whereas the one-call system has helped reduce the number of digging damages caused by failure to locate underground utilities prior to digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services by promoting effective damage prevention practices, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of calling 811 to identify the exact location of underground utility lines;

Whereas the Common Ground Alliance has designated April as National Safe Digging month in order to increase awareness of safe digging practices across the country and to celebrate the anniversary of the designation of 811 as the national ''Call Before You Dig'' number; and

Whereas April is the beginning of the peak of excavation projects around the Nation: Now, therefore, be it

*Resolved*, That the House of Representatives supports the goals and ideals of National Safe Digging Month, and encourages all homeowners and excavators throughout the country to call 811 before conducting any digging or excavation activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 1278.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 1278, a resolution to designate the month of April as National Safe Digging Month. The Pipeline and Hazardous Materials Safety Administration, PHMSA, along with many States and stakeholders across the Nation, have come together to support this designation. If approved, it will also mark the 3-year anniversary of 811 as the national ''Call Before You Dig'' telephone number.

This year, throughout the entire month of April, PHMSA is encouraging all homeowners and contractors to call 811 before they dig to prevent fatalities, injuries, environmental dangers, and other possible loss of critical infrastructure and services. According to PHMSA, excavation damage continues to be a leading cause of serious pipeline incidents. In fact, each year there are hundreds of thousands of underground utility lines damaged through excavation in the United States, 35 percent of which occur as a direct result of people not calling before digging.

According to PHMSA, the one-call notification system has helped reduce the percentage of excavation damages caused by failure to locate underground utilities prior to digging, from 57 percent in 2004 to 35 percent in 2009. Clearly, these numbers speak for themselves. Indeed, it is extremely important to call 811, the Call Before You Dig line, and it is such an easy way for individuals and companies to save lives, the environment, our Nation's infrastructure, and even save money and investments. I encourage my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1278, a resolution expressing support of the goals and ideals of National Safe Digging Month.

I introduced this resolution to encourage people to call 811, the nationwide Call Before You Dig number, before conducting any digging or excavating activities and to help draw attention to the problem of excavators and homeowners unintentionally damaging underground utilities.

Throughout the month of April, U.S. Department of Transportation, State utility regulators, and damage prevention stakeholders such as the Common Ground Alliance took part in public awareness campaigns to alert people of the dangers of not having underground utilities located before digging.

Each year more than 256,000 utility lines are unintentionally damaged during excavation activities resulting in fatalities, injuries, loss of utility service, and environmental damage. Many of these unintentional strikes could have been easily avoided if somebody had dialed 811 and had all of the underground utility lines in the area marked.

When a homeowner or contractor calls 811, he is connected to a call center that works with all of the local utility companies to have any underground utilities in the vicinity of the project located and marked. Many utilities, such as cable and telephone lines, are buried only a few inches underground, so even a project that involves only a shallow digging can result in damage to a utility line.

Every weekend, hundreds of homeowners lose cable or telephone service because they unintentionally cut a line while putting in a new mailbox or planting a new tree. While loss of cable or telephone service can be inconvenient, unintentionally striking an underground pipeline or electrical line can be deadly. There are more than 2 million miles of pipelines and more than 1 million of underground electric lines in the United States. These utilities are usually buried deeper than telecommunication lines, but they can be easily struck during road construction and home improvement projects.

Spring marks the beginning of the construction season and the time of year when most homeowners are taking on home improvement and landscaping projects. As contractors and homeowners move forward with their projects, it is important that they remember to call 811 and have underground utilities located before they begin any activity that involves digging or excavating.

Since I will be home this weekend planting trees in my yard, I have called my family, and I hope they have made the call to 811. So if my son, Garrett, is listening to me, make sure you dial 811 before I get home so when we plant the trees this weekend, we are doing all of the right things. Mr. Speaker, I urge all of my colleagues to support this resolution.

I have no further speakers, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 1278, introduced by the gentleman from Pennsylvania (Mr. SHUSTER), which expresses support and recognizes April as National Safe Digging Month. H. Res. 1278 also celebrates the third anniversary of 8–1–1, the nationwide telephone number that all homeowners and contractors must use before conducting digging or excavation activities.

According to the Pipeline and Hazardous Materials Safety Administration (PHMSA), excavation damage continues to be a leading cause of serious pipeline incidents. More than 256,000 underground utility lines are damaged during excavation each year in the United States; 35 percent of those incidents are due to homeowners and contractors not calling 8–1–1 before they dig.

We created this one-call notification system in 2002 in the Pipeline Safety Improvement Act (P.L. 107–355), which directed the Secretary of Transportation and the Federal Communications Commission to establish a three-digit, nationwide toll-free telephone number for excavators to call to dispatch companies that operate underground utilities in the area to mark the exact location of their utilities. This helps excavators avoid hitting the utilities when digging and any fatalities, injuries, environmental damage, or loss to critical infrastructure and services that could occur.

According to PHMSA, 8–1–1 has helped reduce the number of excavation damages caused by failure to locate underground utilities prior to digging from 57 percent in 2004 to 35 percent in 2009.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of House Resolution 1278, to recognize April as National Safe Digging Month. The Common Ground Alliance, an association dedicated to ensuring public safety, environmental protection, and the integrity of services by promoting effective damage prevention practices, has designated April as National Safe Digging Month in order to increase awareness of safe digging practices across the country. This resolution also celebrates the anniversary of the designation of 811 as the national 'Call Before You Dig' number.

I would like to recognize Congressman SHUSTER for his hard work authoring this resolution and bringing it to the Floor. The United States has over 2,500,000 miles of pipelines, of which 2,200,000 are for distribution of natural gas, 320,500 for transmission of natural gas, and 168,900 for hazardous materials including oil. Unfortunately, each year there are over 200,000 incidences of unintentional damage to underground utility infrastructure (including pipelines, electrical, telecommunications, water, and sewer lines). Many of these incidents are a result of an individual who fails to have underground utilities lines located before digging, as some utility lines are buried only a few inches underground.

To prevent these accidents, Congress required a 3-digit, nationwide toll-free number be established to be used by State one-call systems in the Pipeline Safety Improvement Act of 2002. These one-call notification programs allow homeowners and excavators to have underground utilities located and marked before conducting digging or excavation activities. I am pleased to say that the one-call system has helped reduce the number of digging damage caused by failure to locate underground utilities prior to digging from 57 percent in 2004 to 37.5 percent in 2009. And as April is the beginning of the peak of excavation projects around the Nation, I am pleased to join Congressman SHUSTER and the Common Ground Alliance in raising awareness about this topic.

In conclusion, Mr. Speaker, I ask that you and my distinguished colleagues join me in supporting H. Res. 1278.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms.

CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1278, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## AGREEMENT WITH AUSTRALIA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs.

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Agreement between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately. The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Australia based on a mutual commitment to nuclear nonproliferation. The Agreement has an initial term of 30 years from the date of its entry into force, and will continue in force thereafter for additional periods of 5 years each, unless terminated by either party on 6 months' advance written notice at the end of the initial 30-year term or at the conclusion of any of the additional 5-year periods. The proposed Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the proposed Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the proposed Agreement.

Australia is a non-nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Australia has concluded a Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency. Australia is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Australia's domestic civil nuclear activities and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and the NPAS classified annex submitted to the Congress separately.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution. I urge the Congress to give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs as provided in section 123 b. Upon completion of the 30 days of continuous session review provided for in section 123 b., the 60 days of continuous session review provided for in section 123 d. shall commence.

BARACK OBAMA.

THE WHITE HOUSE, *May 5, 2010.*

## SUPPORT DYSTONIA RESEARCH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today I rise in solidarity with a wonderful and determined south Florida woman, Millie Munoz. Millie Munoz has dystonia, a little-known movement disorder that causes a person's muscles to contract and spasm involuntarily. The trademark of this disorder is repetitive, patterned, and uncontrollable movements.

Since childhood, Millie went from doctor to doctor and was told there was no real problem. Finally in the summer of 2006, she was diagnosed with generalized dystonia. Shortly thereafter, Millie went from climbing the Great Pyramid to being in a wheelchair and bed bound. Luckily, in 2008, she had deep brain stimulation surgery which provided some relief. Today, Millie has a feeding tube and braces on her legs, and she is as resilient and as determined as ever.

Together, we must raise awareness of this disorder and support the research that can find a cure to this silent internal storm.

☐ 1515

## URGING TESTIMONY OF CHIEF ACTUARY AT THE CENTERS FOR MEDICAID & MEDICARE SERVICES

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, last week, the Republican members of the Education and Labor Committee sent a letter to Chairman MILLER asking that the chief actuary at the Medicare agency testify before the committee.

The report from Richard S. Foster estimating the financial effects of the Patient Protection and Affordable Care Act includes a number of adverse implications for employer-sponsored health care plans which make it worthy of consideration by the committee.

The report shows that the act will cause health expenditures to grow by $311 billion over the baseline projections. The report raises the possibility of a substantial cost shift to private payers, such as employer-sponsored plans, as health care providers will seek to recoup underpayments to the Medicaid program.

I am concerned that small businesses would be inclined to terminate their existing coverage and companies with low average salaries might find it to their advantage to end their plans, allowing workers to qualify for heavily subsidized coverage at taxpayer expense.

As a member of the committee, I urge the chairman to allow this request for the chief actuary to testify on this new law and its implications for business.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

## UNDER SIEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, a friend of mine in Texas, John, sent me a recent article from the Tucson Weekly written by Leo Banks. The article shines a bright light on life in Arizona north of the border and the shock after the murder of Arizona rancher Robert Krentz. The murderer shot Rob, then his dog, and then fled down the Black Draw on the Geronimo Trail, headed back to Mexico. Rob's sister, Susan Pope, says things have gotten so bad, she can't honestly remember the last time she felt secure.

The Popes' home is in the mountains and it has been broken into three times. Susan works as a bus driver and a teacher at the one-room Apache Elementary School. That elementary school has been burglarized so many times that nothing of value remains there. How can you teach children in an atmosphere like that? They say everybody there knew something like Rob Krentz' murder was about to happen.

Susie Morales lives near Nogales. She said, when she cooks dinner in her kitchen, she can look out and see people, drug mules, with backpacks full of drugs. They are on a trail 75 yards from her front door. Another trail 50 yards from her back door exists. These trails are so close that, when Susie spots the paramilitary squads, she runs into her bathroom with her cell phone, hides and shuts the door. She has to keep her voice down so the drug cartels don't hear her calling for help, and she carries a .357 magnum with her at all times.

Homeland Security Secretary Napolitano, however, says arrests are down on the border's 262-mile-wide Tucson sector. Those arrests are not numbers of actual crossers, however, and these misleading statistics are used to say border security is working.

However, the truth is just the opposite. The people who got away from officially numbered arrests outnumber them three to one. Frontline lawmen will tell you that it is more like four or five to one to get away.

The Feds boast of 628 miles of fencing now in place, but only 310 miles of that is actually fence. The rest of it, 318 miles, is vehicle barriers that don't stop anybody on foot. Foot traffic still pours over the mountains south of Sierra Vista to the tune of 1,500 a week according to local citizens who count them by placing hidden cameras on the trails. Rancher John Ladd counted some 350 illegals on his San Jose ranch over a period of 18 days before this newspaper interview. He says he is on the phone with the Border Patrol on an average of three times a day, seven days a week, to report groups crossing his ranch.

As one resident said, ''We are under the gun all the time. There are people watching us all the time. The smugglers have scouts on the hills watching us, watching Customs, watching Border Patrol. They're terrorists, very militaristic, and they get a high out of it. As long as they can get away with it, it's okay. That's their mentality.''

They say the most dangerous thing you can do as a citizen is reach for your cell phone if seen by one of the drug smugglers. Forget you even own one. Keep your hands visible. And no sudden moves if you are spotted. If you encounter the wrong guy and he thinks you are calling Border Patrol, he might just start shooting at you.

Now, when men go out to work at their corrals on the border on their ranches, sometimes miles from the house, their wives go along, too. They are afraid to be alone in their own home. That is no way to live, Mr. Speaker.

People on the border are under siege by the crime cartels. The people-smuggling operations have been taken over by the drug cartels, and the coyotes and the drug cartels work together to smuggle people and drugs across the border, all in the name of money. To cross around Douglas, the rate has gone up to $2,500 per person. When they don't have the money to pay the drug smugglers and the coyotes, they carry drugs as payment to cross.

Cochise County Sheriff Larry Dever said in recent Senate testimony, ''I guarantee that every group coming across that border today has a gun.'' Just Friday, a deputy sheriff was shot by narco-terrorists carrying AK–47s in Pinal County, 70 miles north of the border.

Those ill-informed elites that don't live in a border State, but reside in high rises in New York or San Francisco, live in ''never-never land'' when they criticize Arizona for trying to protect its people.

The border is not safe. Ask people who live on the border, both Mexicans in Mexico and Americans in the United States. Those residents call the border a war zone.

The United States protects the borders of other nations. It's about time we protect our own border.

And that's just the way it is.

## TRIBUTE TO DONALD SPENCER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. DRIEHAUS) is recognized for 5 minutes.

Mr. DRIEHAUS. Mr. Speaker, I rise today to pay tribute to one of Cincinnati's great citizens, Donald Spencer.

Donald Spencer's philosophy in life was, ''When you leave this world, it should be better because you have lived.'' He certainly made this world a better place. Donald Spencer lived life to the fullest and touched many as a community leader, a teacher, and a real estate broker. He was born March 5, 1915, and he died yesterday, May 4, 2010.

Donald Spencer was the first African American real estate broker with the Cincinnati Area Board of Realtors, but teaching never left his blood. A lifelong resident of Cincinnati, he helped pave the way for African Americans in education, as well as real estate, during his career.

Having graduated from Walnut Hills High School before earning his bachelor's degree and master's degree from the University of Cincinnati by 1940, Mr. Spencer embarked on an 18-year teaching career at Douglass, Stowe and Bloom junior high schools.

He opened his real estate office concurrently with the last 6 years of teaching. Five years later, he was well-established as Donald A. Spencer and Associates. The firm eventually grew to 23 on its staff and prospered for 30 years, first with an office in Walnut Hills and later in Avondale.

He was named president of the Cincinnati Association of Real Estate Brokers and was active with PAC, the national policy-making commission of the National Association of Real Estate Brokers.

A staunch supporter of Cincinnati public schools, Mr. Spencer chaired the 2001 campaign, successfully passing the November tax levy. In 2003, he served with CASE, Cincinnatians Active in Support of Education, which led to the passing of the $435 million levy to build 35 new schools and renovate the remaining 31 buildings.

A lifetime member of the NAACP, Mr. Spencer was active his entire adult life in civic, religious, and civic rights organizations. A member of Kappa Alpha Psi Fraternity, he established the undergraduate chapter on the University of Cincinnati campus in 1939. He served on the Boards of Ohio University for 2 years as its president, the Ohio Valley Goodwill, the Fenwick Club, and Family Housing Developers. He was a founding board member of the Friends of Cincinnati Parks and an executive board member of the Walnut Hills High School Foundation.

He also has been active in the Boys Club, the Cincinnatus Association, the City of Cincinnati Board of Housing Appeals, the Task Force on Racial Isolation in Cincinnati Public Schools, and Cincinnati's Historic Conservation Board. He was a 30-year trustee at Mt. Zion United Methodist Church, now the New Vision United Methodist Church. Among his many honors, Donald Spencer in 1997 received the Charles P. Taft Civic Gumption Award from the Cincinnati Charter Committee.

In 2001, the Cincinnati Park Board developed the Donald A. Spencer Overlook in Eden Park, one of our jewels, to recognize his many years of service to the park system.

Mr. Spencer received the Founders' Citation from the Ohio University Board of Trustees, one of only 14 people to receive the honor in the university's 200-year history.

He leaves behind his wife, Marian, his wife of nearly 70 years, and the legacy that lived up to his own philosophy.

When you look at the folks in Cincinnati and you look at the people that make a difference, the Spencers are the First Couple of Cincinnati.

Mr. Spencer will be dearly missed. He was a treasure to all of us in Cincinnati.

## ESTABLISHING THE DEPARTMENT OF NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, yesterday I was humbled, but also pleased, that the House of Representatives passed legislation that would rename the Department of the Navy to be the Department of Navy and Marine Corps, and I want to thank 426 cosponsors of this legislation for joining us yesterday.

Mr. Speaker, the history on this issue is that this is the tenth year that the House of Representatives, not with a vote on the floor of the House, but in the Armed Services Committee, has put language in the House Armed Services authorization bill that would do the same thing, and that is to say, that the Department of the Navy would become the Department of Navy and Marine Corps.

□ 1530

The reason yesterday was very important that we would have this vote on the floor of the House was to say to the Senate, who for 10 years has stopped this effort to recognize two great services, the Navy and Marine Corps, which are known as one fighting team and would carry the name Department of Navy and Marine Corps, it was to say to the Senate, ''Please take a look at this and please look at this seriously because this is important to a large number of people in both the Navy and Marine Corps.''

There is no cost to this. This does not affect the budget. It doesn't affect even the stationery. It would just make it so that in the future, as changes come about, it would be known as the Department of Navy and Marine Corps.

Mr. Speaker, I want to tell a story about a news conference. About 6 weeks ago, the Marine Corps League held a news conference in the Cannon Office Building to announce their support of this legislation. At the news conference we had Senator PAT ROBERTS, a retired Marine officer who serves in the United States Senate, who has put in a companion bill, S. 504. In addition, we had a former Commandant, Al Gray, to speak on behalf of this legislation. We had a four star Marine General, Anthony Zinni, to speak on behalf of this legislation.

In addition, we had a young man named Eddie Wright. Eddie Wright lost both hands in Iraq for this country. And he told a very compelling story. He is a Marine, and he said, ''I love the Navy.'' He said, ''I love the corpsmen who came on the battlefield and saved my life.''

Then we also had a father named Dick Lynn from Richmond, Virginia. Dick Lynn's son was killed in Iraq. He was a Marine. And Mr. Lynn told the story of his father, who had served as a World War II Navy veteran, and the fact that in Culpeper, Virginia, his son, a Marine, is buried next to his grandfather. And Dick Lynn told the story of having the headstone that says ''United States Navy'' that identified his father who was deceased, and then beside his father was his son's headstone that had ''United States Marine Corps''.

I bring that up, Mr. Speaker, because we can see beside me is a poster of an actual condolence letter from the United States Navy to the family of a Marine captain who was killed in Iraq. And it says, ''The Secretary of the Navy, Washington, D.C.,'' with the Navy flag. I certainly took the names out of the condolence letter for this poster. Mr. and Mrs. Joe American Marine. ''Dear Marine Corps Family: On behalf of the Department of the Navy, please accept my very sincere condolences.''

Mr. Speaker, the Navy and Marine Corps are one fighting team. They deserve to be respected as one fighting team by carrying the name Navy and Marine Corps.

Mr. Speaker, if this bill is accepted by the Senate, what we would see in a condolence letter would be ''The Secretary of the Navy and Marine Corps,'' with the Navy flag and the Marine Corps flag. And it would say, ''Dear Marine Corps Family: On behalf of the Department of Navy and Marine Corps, we extend our condolences.'' That's the story that Mr. Lynn tried to say at the news conference.

Why cannot the Senate understand the importance of paying the respects with the recognition to the Marine Corps which the Navy has, the Army has, the Air Force has? This is a very simple change of three words, with no cost to the American taxpayer.

Mr. Speaker, in closing I would like to say there is a national Web site. It's called MarineCause.com. Gunnery Sergeant Lee Ermey, a movie star who himself served in the Marine Corps, in the movie Full Metal Jacket, which is about Vietnam, he is the DI in that movie. He is also on the Military Channel with Lock 'N Load and Mail Call. He is our national spokesman on this Web site. So I hope that the American people would join in this effort.

## TEACHER APPRECIATION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, this week is Teacher Appreciation Week, and I rise today to say a heartfelt ''thank you'' to the teachers across the country. This apple is but a symbol of my gratitude for all that teachers have given to me. I have been fortunate enough to live the American dream.

My teachers were ones who made it all possible, whether it was Ms. Barber, who taught me in my early years at Cleveland School; or Coach Bruce Coats, who taught me that it was not enough just to work hard, but that you had to work smart; or Coach Fred McCall, who helped me focus my hard work in college both on and off the basketball court; or any of those who came in-between. My teachers helped shape who I am.

I recently received a letter from a teacher in Johnston County who was worried about our children. And she said, ''In these tough budget times, cutting funding in education now means shortchanging an entire generation of learners for the future.''

I urge my colleagues today to join me in thanking teachers and working to support funding for the teachers who will shape our Nation's future. As Americans, let us work to make every day a day we say ''thank you'' to the teachers who mold the future.

## FLYING PIG MARATHON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, today I rise to recognize not only all of those who participated in Sunday's Flying Pig Marathon, but most importantly, our male winner from my area, Milford, Ohio.

Let me tell you the conditions 18,000 participants faced on Sunday. Six-thirty in the morning, torrential downpour, with a forecast of a 90 percent chance it wouldn't let up. And unfortunately, they were right. But as 18,000 of us decided to go at least part of the distance, 6,000 of us decided to go the full 26.2-mile distance.

The Flying Pig Marathon was the brainchild of Bob Coughlin 12 years ago. Twenty-five thousand people participated in the weekend event. And it took an enormous amount of folks, including 3,000 volunteers, to help make

that event happen. For all of us that participated, we want to say ''thank you''.

But I think this year's winner, Brian List, really wants to say thanks to those that helped because his dream came true. This young man, Milford High School graduate, cross country participant in high school, cross country participant in college, came back to his hometown to raise a family and to continue to pursue his dream of running. This was his fourth try at the marathon in Cincinnati. He never really thought he had what it took to actually be a winner. But on Sunday, he was. He posted a great time, 2 hours, 32 minutes, and 20 seconds. He followed his dream, his heart, and achieved his goal. And I am so proud of him.

I don't want to not recognize Lauren Arnold from Colorado, the female winner, but I do want to brag about Brian List, because as a runner I know what it takes to go the distance, and he certainly did that for us.

In conclusion, I would like to say that for most of us I think we adopted Barry Manilow's song, ''I Made It Through the Rain.'' But I know that for Brian and Lauren they were more like Gene Kelly, because at the end they were singing in the rain.

I want to thank all of those that participated, especially the volunteers. And I really want to thank Bob Coughlin for putting this brainchild together and allowing all of us to have fun. Because you know, Mr. Speaker, in Cincinnati pigs do fly at least 1 day out of the year. And next May, the first Sunday in May, it will be our 13th running. Let's hope that the weather will compete as well as it has for 11 of the 12.

I again want to say ''thank you'' to Brian List for following his dream, keeping his pedal to the metal, and getting that crown.

## JEWISH AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, this month marks Jewish American Heritage Month. So now seems a fitting time to look back on the history of the State of Israel and remember it accurately. In recent weeks there has been much attention paid to the announcement of new construction in East Jerusalem. Lost in the debate were some basic facts about settlements and the historical context that must be remembered.

Today I want to set the record straight and outline six key facts about settlements. No. 1, the construction under debate is not in Arab East Jerusalem, but in a Jewish neighborhood in northern Jerusalem. Not only has this area never been governed under Palestinian authority, but there has never been a question of to whom the land belongs. Under every possible two-state plan, including the plan produced by President Clinton at Camp David in 2000 and the scenario and the letter from President Bush to Prime Minister Sharon in 2004, this area would be part of Israel.

No. 2, Jerusalem is not a settlement. Jerusalem has been a Jewish majority since 1870. And every Israeli Government since 1967 has recognized Jerusalem as the sovereign capital of Israel, not part of the West Bank. To reduce Jerusalem to anything less undermines the very foundation of Israel.

No. 3, settlements are not an obstacle to peace. This is where remembering history is especially important. Twice Israel has given up land and removed settlers in an effort to make peace, and each time peace was rejected. In 1980, after its peace accord with Egypt, Israel removed settlements from the Sinai Peninsula, but peace was rejected. Again in 2005, settlers were forcibly removed from Gaza, but peace was rejected. Settlements can be dealt with in any future negotiations through land swaps and border adjustments. But the issue of settlements should never prevent the two sides from sitting down to negotiate.

No. 4. The 10-month moratorium on new construction in the West Bank issued by Prime Minister Netanyahu is unprecedented. Despite staunch domestic criticism and incredible political risk, Prime Minister Netanyahu announced a 10-month moratorium on new construction in the West Bank. The move was praised by the Obama administration. U.S. Middle East envoy George Mitchell called the move significant, stating that ''for the first time ever an Israeli Government will stop all new construction in West Bank settlements.'' Yet the Palestinian Authority continues to refuse to resume peace negotiations.

In the past, settlement construction did not prevent negotiations. In fact, both Yasser Arafat and Mahmoud Abbas negotiated with Israel even while building in settlements continued.

No. 5, only Israelis and Palestinians together can create a lasting peace agreement. The U.S. must continue to play a central role in peace negotiations, but ultimately the conflict must be resolved through direct talks between the two parties. Requiring preconditions for negotiations simply allows the parties to avoid direct dialogue and ultimately a resolution. Any rhetoric that prevents the parties from resuming negotiations must be tempered.

No. 6, this constant focus on settlements distracts us from the greater threat, a nuclear Iran. The most significant threat to Middle East security is Iran obtaining a nuclear weapon. Iran's acquisition of nuclear weapons would surely spur nuclear proliferation throughout the Middle East, and even result in terrorist groups obtaining nuclear weapons. Our focus now must be on preventing Iran from becoming a nuclear power, not on debates about Jerusalem's construction policies.

Yes, settlements must be addressed, and they will be addressed in any peace process negotiations. We know this because over the years numerous proposals to solve the settlement issue have been floated, and Israel has twice shown it's willing to take action, pulling its citizens out of Sinai and Gaza. But settlements cannot be an excuse not to negotiate. Settlements cannot be considered an impediment to peace. And settlements cannot distract us from the looming threat of a nuclear Iran.

## HONORING DR. RODRIGO NOGUERA CALDERON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to honor an admirable educator and scholar from Bogota, Colombia, Dr. Rodrigo Noguera Calderon. During his long and highly acclaimed professional career after receiving a doctorate in law with a specialization in socioeconomic sciences from the Pontificia Universidad Javeriana, he has been an exceptional jurist and academician.

His humanistic formation led him to defend from the outset the values and principles of western civilization, the defense of which is today manifested in the formation of professionals educated with the same principles.

□ 1545

As a corollary of his humanistic formation, Dr. Noguera has been an ardent defender of democracy and of its liberties, and he has been a fighter against totalitarian and so-called ''populist'' regimes which seek to destabilize democratic governments.

Dr. Noguera has also stood out for his unwavering and constant defense of the principles on which human rights are based and for the correct application of international norms that regulate them against those who, in the name of human rights, violate the very principles they say they seek to protect. To further this cause, Dr. Noguera established the Human Rights Institute in collaboration with academic institutions on three continents.

Regarding the United States of America, his positions and those of the Universidad Sergio Arboleda, which is the university founded in 1984 by his father, Rodrigo Noguera Laborde, and at which he has presided since 2003, have

always been of friendship and in defense of the postulates and values of this great Nation.

The Universidad Sergio Arboleda was the main academic institution in Colombia that supported and assisted with the entire negotiation process of the Free Trade Agreement between the United States and Colombia.

The Universidad Sergio Arboleda also maintains very close relationships, by means of specific shared programs and projects, with many American universities, such as Florida International University, Florida Atlantic University, Georgetown University, American University, and the New York University School of Law. The Universidad Sergio Arboleda was a leader in the creation of joint degree programs with American universities. It was also a leader in other innovative and groundbreaking agreements, which have benefited both the United States and Colombia.

The Congressional Hispanic Leadership Institute, of which I am honored to chair, will also enter into an agreement of collaboration with the Universidad Sergio Arboleda.

Dr. Noguera has held very prestigious public-sector positions by presidential appointment, including supervisor of corporations, national electoral council judge, and associate judge of the National Constitutional Court of Colombia. He was presently named by Colombian President Alvaro Uribe as a member of the Committee on Political Reform. He has received many important distinctions, including the Order of Democracy Simon Bolivar in the degree of Cruz Gran Caballero, which is one of the highest civilian honors of Colombia, granted by the Colombian House of Representatives.

For my late father, for my brothers, and for me and my wife, our friendship with Rodrigo Noguera and his wife, Zayda Barrero de Noguera, is an extraordinary honor.

## H.R. 2927—THE BORDER TAX EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, I rise this afternoon to speak on an issue that for too long we have known about but have done little to nothing to address on either side of the aisle. That issue is our growing trade inequity, which continually puts American manufacturers at a disadvantage and which has cost too many Americans their jobs.

I introduced bipartisan legislation, H.R. 2927, with my colleague, Representative WALTER JONES. So we've got Republicans on this bill, and we've got Democrats on this bill. It offers one path toward equalizing our growing trade inequity; but instead of having a thoughtful debate, we are again confronted by misinformation and, in this case, by an entirely unfounded and false fear of new taxes being imposed.

So, Mr. Speaker, I want to state for the record that H.R. 2927, the Border Tax Equity Act, has a singular mission—to stop the offshoring of American jobs. It does not impose a value-added tax. In fact, this legislation is geared to fight a value-added tax, which would be imposed by foreign nations on American-made products. The Border Tax Equity Act stands up against foreign export subsidies and trade barriers that offshore U.S. jobs.

Who is talking about this? When are we going to begin to protect American jobs?

We can have all of the job creation and all of the stimulus. If we don't get to the heart of the issue, we are going to lose any manufacturing edge that we have. We are not a service job country. We need to have agrarian; we need to have service, and we need to have manufacturing jobs. Otherwise, God forbid, if we ever went to war, we'd have to buy our tanks from China right now. We have dismantled our manufacturing base. We have destroyed the infrastructure of manufacturing in this country. Let me make it clear.

When I say ''export subsidies,'' what I am talking about are our trade partners—our allies, many of them, and some not our allies. They give rebates and monetary givebacks—I call them ''kickbacks''—to their own manufacturing companies. With a deal like that, it is impossible for our manufacturers to be on an even playing field, to compete or to stay in business.

This is the heart of our trade inequity. Free trade, fair trade—humbug. It doesn't go to the center of the issue. It seems that, lately, many have been confusing this bill with legislation that promotes a value-added tax when, in fact, the Border Tax Equity Act seems to level the playing field for U.S. producers of goods and services.

When are we going to give a break to the manufacturers, both large and small, in the United States of America? When are we going to stop saying that free trade is the panacea for creating jobs in the United States? Take a look at what NAFTA did to this country. Take a look at how many jobs we've lost, not only in the United States, but in Mexico. It is a disaster.

The Border Tax Equity neither imposes a value-added tax nor advocates for the imposition of one. I will repeat: It does not impose a value-added tax.

WALTER JONES and I introduced this legislation to encourage U.S. job creation and economic growth. That is at the center of the recovery. Countering foreign border adjusted tax export subsidies and trade barriers are a must if America is going to kick-start manufacturing job creation and double our exports in the next 5 years.

I also hope that this bill will shed light on our need to counter foreign border adjusted tax schemes that encourage the offshoring of production of U.S. goods and services. Here is a perfect example:

The rising export subsidies and trade barriers of foreign border adjusted taxes were a key contributor to the loss of 5.7 million manufacturing jobs over the last decade. It is the prime reason why U.S. industrial output is less today than it was 10 years ago, and this is despite a 50 percent increase in the global gross domestic product. Foreign border adjusted tax schemes are designed to make U.S.-produced goods and services less competitive by making exports to the United States cheaper, cheaper, cheaper so they can build more Wal-Marts, more Wal-Marts, more Wal-Marts and so they can put more people out of jail than are in the United States of America. That is fact, not fiction.

So, Mr. Speaker, I ask that we get the facts straight on what we are talking about.

## PROTECTING CONSUMERS THROUGH REFORMING THE SECURITIES INVESTOR PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, during the past few years, the financial service industry has endangered the American Dream of capitalism. Each day, we learn more about those who are responsible.

It wasn't small business, the owners of these businesses or the entrepreneurs who harmed us but, rather, the Wall Street firms that manipulated the system and the Securities and Exchange Commission, SEC, that allowed greed to destroy the economy.

SEC Inspector General David Kotz, in his recent report, said that the SEC bears total responsibility for nearly $70 billion of investor losses due to the Stanford and Madoff Ponzi schemes. Thousands of additional innocent victims were allowed to lose their life savings while they mistakenly believed that the SEC was actually regulating the securities market.

What is worse is that, even today, Wall Street is attempting to manipulate the laws to avoid their responsibilities under the 1970 Securities Investor Protection Act, SIPA, and the corporation created to carry it out, the SIPC, the Securities Investor Protection Corporation.

SIPA provides $500,000 of insurance to investors against the fraud or the dishonesty of an SEC-regulated broker. Wall Street supported SIPA because it wanted to encourage investors to allow brokers to hold their securities in their street name.

For example, if you bought securities through Merrill Lynch, instead of your name appearing on the stock certificate, it was held in Merrill Lynch's name. This allowed the brokerage firms to enjoy an enormous amount of additional revenue because they could treat those securities as their own.

The quid pro quo for giving up the protection of having securities in your own name was SIPC insurance. SIPC insurance was created to protect against the dishonest broker who either steals the customer's security or who steals the customer's money and never actually purchases the securities.

Today, 40 years later, Wall Street controls SIPC because the broker-dealers are members of SIPC. As a result, SIPC has spent more money fighting investor claims than it has paid out to investors—therefore, persecuting rather than protecting investors.

SIPC has the power to assess each member firm one-quarter of 1 percent of operating revenues, but instead, it has charged its members—many of whom were large firms—only $150 per year for the privilege of promising millions of customers that they were insured. Thus, Wall Street figured out a way to have its cake and eat it, too. It advertised insurance, but in reality, never funded it; therefore, it could not provide enough funds to cover the victims' claims when Madoff collapsed.

Today, SIPC is paying the trustee and his law firm $1.5 million each week to persecute investors by depriving them of insurance and by threatening to sue those who took mandatory withdrawals from their IRA accounts. I am referring to the clawbacks that Irving Picard, the SIPC trustee, has threatened against thousands of innocent investors, whose only mistakes were to rely upon their SEC broker-dealer confirmations and monthly statements.

SIPC refuses to honor the law's mandate to honor the legitimate expectations of customers who relied upon their confirmations and statements. If investors can't rely upon those documents, the entire stock market could collapse because no customer would ever have proof that he owned any securities.

I am asking that we hold Wall Street responsible for SIPC insurance. Every dollar that SIPC doesn't pay and every dollar that the SIPC trustee claws back increases the IRS theft loss to which an investor is entitled. Thus, after not only paying SIPC premiums for 19 years, Wall Street is cleverly attempting to pass their financial obligation back to the government.

We cannot let this happen.

I am aware that the bankruptcy court has ruled in SIPC's favor on this issue, but as we all know, the court sometimes gets things wrong. Madoff investors are entitled to an immediate amendment to SIPA to clarify that it was never congressional intent that a customer of an SEC-regulated broker-dealer would be subject to a clawback suit.

Under no circumstances, except complicity with a crooked broker, should these investors be subject to clawback litigation. If necessary, I am prepared to propose such legislation. Instead of representing the best interest of the victims, the Madoff trustee is representing SIPC against the victims.

Let's do the right thing for the average American—who works hard, who saves money, and who invests in the stock market with the hope of ultimately retiring on his savings.

Mr. Speaker, I will have further remarks on this important topic, which is of great importance to my constituents, later on next week.

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## HONORING THE MEMORY OF THOSE MASSACRED 40 YEARS AGO AT KENT STATE UNIVERSITY

The SPEAKER pro tempore (Mr. QUIGLEY). Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, earlier today, we voted on memorializing the tragic events that took place 40 years and 1 day ago at Kent State University.

Most Americans today are too young to remember what happened then, but I think that those of us who lived through that time and the many others who thought about it or who saw afterwards what happened have this picture in their minds.

This is Mary Vecchio, kneeling over the body of Jeffrey Miller, at Kent State, on that terrible day when four students were shot by American soldiers. I think we would honor them by remembering how and why they died, and that is what I propose to do now.

In 1968, Richard Nixon ran for President. He said he had a secret plan to end the war. That plan was so secret that, apparently, even Nixon, himself, didn't know what it was because, when he was elected, he simply expanded the war.

In November of 1969, the My Lai Massacre exposed to the whole world—not just to Americans but to the whole world—the sheer brutality of the war in Vietnam.

The following month, in December of 1969, the draft was instituted. American college students and others—everyone of a certain age—knew that they would have to serve in Vietnam unless the war was ended.

□ 1600

Then on April 30 of 1970, the first war ever announced on TV, President Nixon announced the invasion of Cambodia by U.S. forces. Almost immediately there were protests at universities all around the country, including at Kent State, and those protests grew and grew day by day. And the right wing immediately mobilized against these protests. In Ohio the Governor, Governor Rhodes, said, "They're the worst type of people that we harbor in America," these students protesting against the war. "I think that we're up against the strongest, well-trained, militant, revolutionary group that's ever been assembled in America." And President Nixon chimed in by saying that the antiwar protestors were pawns of foreign communists.

So it was that 4 days after the announcement of the invasion of Cambodia, there was a protest that took place at Kent State University in Ohio, 20,000 students collected, assembled peaceably to protest, and the National Guard was called in to drive them away.

First, the National Guard attacked them with tear gas. The students took the tear gas canisters and threw them back at the National Guard. The National Guard drew its bayonets and charged the students and forced them to a different location, but they still didn't disperse. So at that point they shot them. Four Americans died that day, including Jeffrey Miller.

The protests continued. In fact, they grew. Almost a thousand universities were shut down all across the country. For the only time in American history, we had a national student strike everywhere in the country. At Jackson State 10 days later, two more students were shot by the National Guard, shot dead.

And the thing that I remember most at that time is this sign, written on a bed sheet and dropped from a dormitory window outside of New York University in New York, this noble sign: "They can't kill us all."

Let's take a closer look. "They can't kill us all."

Then, as now, together, both times, there are people all around the world and especially people in America who want to live in peace, who think that no war is better than two wars, who think that we voted to end war, not to continue it. And for all those people, we know in our hearts they can't kill us all.

There are people who think that we should be concentrating on education and not war, and we know they can't kill us all. There are people who think that we should be concentrating on our health, our own bodies, improving our living standards, rebuilding America, instead of war. And they can't kill us all. There are people who believe, not only in America but all over the world, that we should be striving every day toward peace, toward peace, not toward war. And they can't kill us all.

HONORING ROBERT POOLE AND GLENN E. SMITH OF THE BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this year celebrates the 100th year of the Boy Scouts of America. And that means there has been a century of youth living the Scout law and the Scout promise.

Scouts have made a difference in their communities with their dedication to five of scouting's core principles: leadership, character, community service, achievement, and love of the outdoors.

Today, Mr. Speaker, I rise to celebrate two men from Centre County who will be honored at the Boy Scouts' annual Good Scout Dinner in State College on Friday, May 7.

Local homebuilder Robert Poole will be presented with the Good Scout Award by the Nittany District of the Boy Scouts of America. And longtime scouter Glenn E. Smith will be awarded the John M. Kriner Community Service Award.

Poole will be honored for his charitable work because he says, ''The three things I really care about are: one, kids; two, health care; and, three, education.'' He has been chair of the Centre County United Way's 2004 campaign, co-chair of the State College YMCA's capital campaign, and supported the development of the S&A Stadium and baseball fields at the Shaner Sports Complex. He served for 12 years as chairman of the board of The Second Mile, a statewide nonprofit organization for children who need additional support and who would benefit from positive human contact. Bob Poole is a distinguished alumni of Penn State and currently sits on the Smeal College of Business Board of Visitors and Schreyer Honors College Advisory Board.

The Good Scout Award has been presented to local residents who have made a commitment to giving back to the community through charitable works since 1974. Past recipients include Joe and Sue Paterno.

Glenn E. Smith from Pleasant Gap, Pennsylvania, affectionately is called ''Scouter Glenn.'' He has been in scouting for more than three decades as a youth and an adult. The John M. Kriner Community Service Award is scouting's way of saying thank you for his service to youth and the community through scouting. Smith has served on boards of review and has been the troop committee chairman for Troop 66 in Pleasant Gap. He has served on the Nittany Mountain District Committee and as a unit commissioner. His love of cooking is well known, and he has served as head cook for such events as the Order of the Arrow and at National Jamborees. And for many years running, he has organized a Nittany Mountain District Memorial Day weekend trip to a Canadian Scout camporee.

Smith is the recipient of another of scouting's coveted awards and recognitions. For outstanding service to the community and youth, the Juniata Valley Council of Boy Scouts of America presented Glenn Smith with the Silver Beaver award.

His service to youth extends beyond the Boy Scouts to include being an assistant leader in Girl Scouts and working with youth in his church.

It is my great pleasure to recognize these two outstanding individuals for their service to the community, and I will be present as the Boy Scouts award them their service award on Friday.

THE PORT OF PORTLAND'S NEW HEADQUARTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I am proud of Portland, Oregon's—my hometown—leadership as America's Sustainability Capital. And thanks to the Port of Portland, we just acquired another symbol of that sustainability.

The Port of Portland is one of five major consolidated port authorities in the United States and one of the greatest economic engines of our region. It operates an international airport, a major seaport, general aviation airports, and several thousand acres of industrial property. And for the first time, its entire administrative workforce will be housed in one location, a beautiful new structure that's not only iconic but is also cost-effective, environmentally friendly, and expecting to be certified LEED Gold.

Virtually every employee has access to natural light, sits in open visible cubicles, including the executive director, and is surrounded by the kind of sustainable development features that Oregon is known for. All of the building's wastewater is treated using a ''Living Machine,'' a sort of indoor wetlands, and the water is reused in restrooms and the cooling tower. There are 200 pipes sunk 340 feet into the ground to use the Earth's temperature to dramatically lower the energy costs required to heat and cool the building. By locating 450 administrative employees in one place, it eliminates 15,000 hours of interoffice commuting every year, which saves the port millions of dollars in operating expenses and improves efficiency at the same time and, I would dare say, the satisfaction of its many employees.

Good news that no taxpayer dollars were used in construction of this marvelous new facility. The port's customers, airlines, shipping companies, and others, will not experience any increase in their costs. Indeed, they will share in cost reductions.

My commendations to the Port of Portland Commission and its employees for a job very well done.

COMMERCIAL REAL ESTATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CALVERT) is recognized for 5 minutes.

Mr. CALVERT. Mr. Speaker, tonight I want to discuss an important issue that is significantly impacting our economy but has not received nearly enough attention and action by the administration and this Congress. If the issue is not addressed, it will continue to drag down and harm our already shaky national economy.

I am referring to the deterioration of the commercial real estate sector. Now, when I speak of commercial real estate, I am talking about properties that can be found in every community in America: retail properties, office space, industrial facilities, hotels, and apartments. Similar to the residential real estate crisis we experienced, the commercial real estate market faces significant strains as a result of declining property values, refinancing difficulties, and economic uncertainty.

Commercial real estate values throughout the United States are collapsing, going down as much as 40 to 50 percent in some regions. We have seen this happen in parts of southern California, in my own congressional district. I know we have seen it in many other parts of the country from New York to Idaho and Nevada to Florida. Most experts predict that the declining trend in commercial real estate values will continue through 2011 and 2012.

Many economists are concerned by this trend because the health of our commercial real estate market has a direct and lasting impact on the stability of thousands of small businesses, and small and midsize banks, which could result in significant job losses across the country. The commercial real estate sector provides more than 9 million jobs and generates billions of dollars in Federal, State, and local tax revenue.

Additionally, many property owners are underwater. An analysis by Deutsch Bank indicates that of the almost $1.4 trillion in commercial real estate loans that will mature over the next 4 years, as many as 65 percent will struggle with refinancing, even if they are performing loans with payments being made on time.

The Congressional Oversight Panel, created by Congress in 2008 to review the current state of our Nation's financial markets and regulatory system, dedicated an entire report to the commercial real estate liquidity crisis, entitled ''Commercial Real Estate Losses

and the Risk to Financial Stability,'' which was released on February 11 of this year. The report estimates that bank losses alone could range as high as $200 billion to $300 billion. The panel wrote, ''A significant wave of commercial mortgage defaults would trigger economic damage that could touch the lives of nearly every American.''

This week and next, many of my fellow colleagues in Congress will be visited by members of the National Association of Realtors as part of their annual meeting in Washington, D.C. They will talk about how the commercial real estate market is in the midst of a serious financial crisis and share stories of how small businesses across the country continue to suffer. Many of my colleagues and economic experts agree that the continuing crisis in the commercial real estate market could lead to a double-dip recession.

Due to the growing economic threat of the faltering commercial real estate market, I spearheaded a bipartisan effort with my friend from Pennsylvania, Congressman PAUL KANJORSKI, to raise these concerns to Secretary Tim Geithner and Federal Reserve Chairman Ben Bernanke on January 29 of this year. The letter, signed by 77 of our colleagues, called for the establishment of a clear method for measuring the effectiveness of recently announced commercial real estate loan modification guidance. Furthermore, the letter called on Secretary Geithner and Chairman Bernanke to institute metrics that will allow banks to more clearly differentiate performing versus nonperforming loans in order to treat them appropriately.

On February 17 of this year, I once again joined Mr. KANJORSKI to author a letter addressed to the heads of the FDIC, OTC, OCC, and NCUA to bring to their attention our concerns and highlight the findings of the February 11 Congressional Oversight Panel report on ''Commercial Real Estate Losses and the Risk to Financial Stability.'' The letter ''urged the regulators to work together and work with the Treasury and the Fed to minimize the impact this problem will have to our economy.''

On March 16 Secretary Geithner testified before the House Appropriations Committee regarding the fiscal year 2011 budget and economic outlook. At the hearing I asked the Secretary directly what steps he intended to take to address the liquidity problems in the commercial real estate sector. Secretary Geithner's response was, ''We have a ways to go to get through the broader adjustment in the commercial real estate that is still ahead of us.''

□ 1615

The administration must take deliberate action to enhance liquidity in the commercial real estate market to avoid the derailment of our economic recovery. Congress can play a role in advancing solutions by closely examining the current status of commercial mortgage market liquidity through oversight hearings with Federal Reserve Chairman Bernanke and other regulators. I call on the Financial Services Committee to hold such a hearing by the summer to reveal the true state of this sector of our economy and discuss regulatory and legislative fixes. The upcoming field hearing on May 17 in Chicago is a good start, but more attention needs to be made. The spotlight of oversight is all Congress needs to do at this time—the power to do something about this problem is in the administration's hands already.

In closing, I truly hope the administration will take the necessary steps to prevent further economic damage and provide a fix for commercial real estate.

CONGRESS OF THE UNITED STATES,
*Washington, DC, January 29, 2010.*

Hon. TIMOTHY F. GEITHNER,
*Secretary, U.S. Department of the Treasury, Washington, DC.*

Hon. BEN S. BERNANKE,
*Chairman, Board of Governors of the Federal Reserve System, Washington, DC.*

DEAR SECRETARY GEITHNER AND CHAIRMAN BERNANKE: As you know, the financial crisis continues to have a dampening effect throughout the credit markets. The commercial real estate (CRE) market, in particular, continues to experience difficult credit accessibility conditions. Moreover, the scarcity of credit in the $63 trillion CRE sector poses a dangerous threat to our financial system just as our economy has begun to show signs of recovery.

Earlier this month real estate data provider Trepp announced that the delinquency rate for loans underlying commercial mortgage-backed securities (CMBS) ballooned 500 percent in 2009, surpassing 6 percent in December for the first time. Additionally, the CMBS market has all but shut down over the past year making it more difficult for CRE owners to sell or refinance.

We appreciate the acknowledgement by federal regulators of this situation in October, when the Board of Governors of the Federal Reserve System, along with the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the National Credit Union Administration, and the Office of Thrift Supervision, issued a policy statement advising financial institutions to extend and/or restructure loans backed by income-producing and/or development properties whenever possible in order to minimize losses as well as to stabilize overall asset values in the communities they serve.

While the regulatory guidance is a relatively recent occurrence, we remain concerned by early indications that it may not yet be having the desired impact in stabilizing the CRE market. While some properties are in desperate need of modification due to the economic downturn, we are not convinced these loans are being serviced properly or in an efficient manner. Of even more concern, anecdotal evidence suggests that regulators continue to encourage lenders to write down the value of performing loans, whose payments may well be current and, in some instance, even call the loan. This further exacerbates the crisis by creating defaults in properties that were able to meet their debt servicing.

To ensure the recent CRE loan modification guidance will have a positive and stabilizing effect, and to protect the broader economy from further disruptions, we urge you to establish a clear method for measuring and evaluating its effectiveness. Furthermore, we encourage you to institute metrics to more clearly differentiate performing versus non-performing loans as well as any other steps that provide lending institutions with more confidence in assessing CRE loans. We also call upon you to make clear public statements encouraging lenders to continue to make credit available for performing assets as a means of restoring confidence and long-term value in the CRE market.

In sum, we strongly believe that regulators must take continued steps to mitigate ongoing turmoil in the CRE sector before it becomes a full-fledged crisis, forestalls our economic recovery, and possibly requires additional taxpayer-funded capital injections. Consistent with all applicable law and regulation, thank you for the consideration of our views and your attention to these matters.

Sincerely,

Paul E. Kanjorski, Judy Biggert, Bill Foster, Dennis Moore, Gary L. Ackerman, Ken Calvert, Chris P. Carney, Joseph Crowley, Luis V. Gutierrez, Sander M. Levin, Steve Israel, Mike McIntyre, Suzanne M. Kosmas, Laura Richardson, Charles A. Wilson, Russ Carnahan, Ron Klein, Jo Bonner, Henry E. Brown, Jr., André Carson, Bobby Bright, Steve Driehaus, John Campbell, Ben Chandler, John Lewis, Kathy Castor, David Scott, Shelley Berkley, Donald A. Manzullo, Michael E. McMahon, Dan Burton, Lynn A. Westmoreland, Baron P. Hill, John Culberson, Timothy H. Bishop, James P. Moran, Melissa L. Bean, Carolyn B. Maloney, Glenn C. Nye, Dina Titus, Pete Olson, Bill Pascrell, Jr., Howard Coble, Kay Granger, C.W. Bill Young, Doug Lamborn, Gary Miller, Shelley Moore Capito, Debbie L. Halvorson, Gary C. Peters, Bob Inglis, Jeff Miller, Tim Matheson, Vernon J. Ehlers, Geoff Davis, Alcee L. Hastings, Jim Marshall, Peter Welch, Connie Mack, John A. Yarmuth, Jerry Costello, Ginny Brown-Waite, Cliff Stearns, Patrick J. Murphy, Gerald E. Connolly, Brett Guthrie, Bruce Braley, Rubén Hinojosa, Joe Wilson, Thomas J. Rooney, Rick Larsen, Alan Grayson, Gregory W. Meeks, Robert B. Aderholt, Jim Gerlach, Mike Turner, Edolphus Towns, Chris Lee, Charles Boustany, Jr.

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CONGRESS OF THE UNITED STATES,
*Washington, DC, February 17, 2010.*

Hon. SHEILA C. BAIR,
*Chairman, Federal Deposit Insurance Corporation, Washington, DC.*

Hon. JOHN C. DUGAN,
*Comptroller of the Currency, Office of the Comptroller of the Currency, Washington, DC.*

Mr. JOHN E. BOWMAN,
*Acting Director, Office of Thrift Supervision, Washington, DC.*

Hon. DEBORAH MATZ,
*Chairman of the Board, National Credit Union Association, Alexandria, VA.*

DEAR CHAIRMAN BAIR, COMPTROLLER DUGAN, ACTING DIRECTOR BOWMAN, AND CHAIRMAN MATZ: As you are aware, the commercial real estate market continues to face

significant strains as a result of declining property values, refinancing difficulties, and economic uncertainty. Some have predicted that these problems have the potential to cause hundreds of billions of dollars in losses as loans come due in the next few years.

We now write to bring your attention to a recent report by the Congressional Oversight Panel, entitled ''Commercial Real Estate Losses and the Risk to Financial Stability,'' released on February 11, 2010. The report indicates that about $1.4 trillion in commercial real estate loans will reach the end of their terms between now and 2014 and that nearly half of these mortgages are currently underwater as property values have declined and continue to do so. The report estimates that losses at banks alone could range as high as $200 billion to $300 billion.

Moreover, the Congressional Oversight Panel found that the impact of massive commercial mortgage defaults could be far reaching:

''A significant wave of commercial mortgage defaults would trigger economic damage that could touch the lives of nearly every American. Empty office complexes, hotels, and retail stores could lead directly to lost jobs. Foreclosures on apartment complexes could push families out of their residences, even if they had never missed a rent payment. Banks that suffer, or are afraid of suffering, commercial mortgage losses could grow even more reluctant to lend, which could in turn further reduce access to credit for more businesses and families and accelerate a negative economic cycle.''

The full report can be found online at *http://cop.senate.gov/reports/library/report-021110-cop.cfm.*

The findings of the Congressional Oversight Panel have only heightened our concerns about the need for the government and regulators to act to mitigate a serious problem before it becomes a major drag on our financial system. Joined by 77 of our House colleagues, we recently sent to Treasury Secretary Timothy Geithner and Federal Reserve Chairman Ben Bernanke the enclosed letter about the impending troubles in the commercial real estate sector. We called upon them to take action to address this problem, and we urge each of you to work together and with them to minimize the impact this problem will have on our economy.

In sum, thank you for your consideration of our concerns. Please also continue keep us regularly advised of your progress in addressing this serious problem.

Sincerely,

PAUL KANJORSKI,
*Member of Congress.*
KEN CALVERT,
*Member of Congress.*

APPROPRIATIONS FULL COMMITTEE HEARING ON FY2011 BUDGET & ECONOMIC OUTLOOK WITH PETER ORSZAG, TIM GEITHNER, AND CHRISTINA ROMER

10:00AM–MARCH 16, 2010, 2325 RHOB

HEARING TRANSCRIPT FROM REP. KEN CALVERT EXCHANGE WITH TREASURY SECRETARY TIM GEITHNER ON COMMERCIAL REAL ESTATE MARKETS

Chairman OBEY. Mr. Calvert.

Mr. CALVERT. Thank you, Mr. Chairman. I apologize, I was away for a while. I was on the floor. And this may have been brought up, which is the problem with the commercial real estate sector at the present time.

As you know, commercial real estate values throughout the United States are literally collapsing, going down as much as 40 percent, 50 percent in some areas. And most experts assume that this continuing collapse in commercial real estate values will continue through 2011, 2012.

Deutsche Bank just did, in a recent study, of about $1.4 trillion in outstanding. commercial paper, a significant part of that will come due by 2013. Almost half of it is underwater.

As you know, a lot of these small and midsized banks are primarily exposed to these commercial loans. And the regulators in day-to-day activities aren't helping much, especially on the performing assets. We have performing assets where people are making their payments, making their tax payments, making their insurance payments, are current, and yet the bank is bringing them in because of appraised values and telling them to come in with a significant capital call, which they can't do in this credit market.

And what the banks are doing is taking back the property, having to put it in the loan loss side of their ledger, which is taking credit away from these banks, because they don't have the money.

So what can we do—this wouldn't, from my perspective, cost the government anything. If banks have discretion on performing assets, why aren't the banks given discretion to footnote that these assets—and they are assets—are current and can be treated as an asset rather than a liability on the balance sheet?

Secretary GEITHNER. You are right about the problem, and you are right that we have a ways to go to get through the broader adjustment in commercial real estate that is still ahead of us. And we discussed it a little bit when you were away, but I think, again, the two most important things we can do in this area is to make sure that small community banks, which have a lot of commercial real estate exposure, have the ability to come take capital from the government to help make sure they don't have to cut lending further to their business clients.

But, also, we can—and we have been continuing to work with the bank supervisors, so they are providing guidance to their examiners and that message gets out across the country that they don't, frankly, overreact, overreact to decline in the value of collateral and they look at the broader cash flows, earnings potential of the company as a whole, as they are looking at loan classification decisions.

Mr. CALVERT. I have a limited time. If the gentleman would let me reclaim my time.

I will tell you, in the real world right now, I know of people who have shopping centers, 100 percent full shopping centers, paying their bills, and yet they are still getting capital calls on those loans, which makes zero sense.

Secretary GEITHNER. No, I think you are right. I hear these stories across the country. I think you are right to emphasize them. And I just need to underscore that the bank supervisors, which are independent of the Treasury—I don't have the capacity to direct what they do, in this case—are working to provide a little bit more balanced guidance to lean against just the practices you are shining a light on. And I think they can probably do a better job of getting the message out to——

Mr. CALVERT. But this also goes back to the mark-to-market provisions. And I understand that there may be, from my perspective, a step back in this economy where you have an overcorrection in value, where we ought to take a look at relaxing those mark-to-market provisions on performing assets. Because, under the accounting rules, they are going to continue to deflate—this is going to continue to deflate these values. And that is not going to be helpful in trying to get this economy moving again.

I am fearful—I don't know if you are—that this commercial real estate problem is so huge that it could put us back into a double-dip recession.

Secretary GEITHNER. I do not believe it poses that risk at the moment. I think, again, it is going to be a challenge——

Mr. CALVERT. We thought the same thing about the housing market.

Secretary GEITHNER. We did. But I think this is different, and our financial system is in a much stronger place today to weather those remaining challenges.

As you know, the FTC and the FASB are looking at a whole range of broad reforms to accounting practices in the United States. And I think they would be happy to talk to you, to respond to any questions you have about how to think about the role fair value accounting can play in mitigating these kinds of pressures in the future.

Mr. CALVERT. Thank you, Mr. Chairman.

[From the Press-Enterprise PE.com, Mar. 18, 2010]

PREVENT A DOUBLE-DIP RECESSION

(By Ken Calvert)

A recent P-E article cited local economic forecasts that suggested the Inland Empire will continue to lose jobs well into 2010 (''Small businesses still pessimistic,'' March 12). As residents know all too well, the drastic downturn in residential construction and international trade has significantly impacted our region's economy.

Businesses hire when they see an economic opportunity to increase the sale of the goods or services, not when the government provides a one-time tax credit to hire. When businesses are ready to grow, they often need financing in order to make big purchases. However, small businesses around the country are struggling to get the credit necessary to grow as banks tighten lending standards in the aftermath of the financial crisis on Wall Street.

Businesses may find it even harder to obtain credit as they begin confronting liquidity challenges in the commercial real estate market. Recent analysis conducted by Deutsche Bank analysts indicates that of the almost $1.4 trillion in commercial real estate mortgages due by 2013, as many as 65 percent may struggle with refinancing, even if they are performing loans that are completely current.

If the conditions in the commercial real estate market deteriorate further, the negative effects will be significant and widespread. If community banks are forced to close or further tighten lending standards, small businesses will find it even harder to obtain financing sources and our economy will lose its tenuous grasp on a recovery and dip back further into recession.

Due to this growing economic threat, I spearheaded a bipartisan effort to raise these concerns to Treasury Secretary Chairman Timothy Geithner and Federal Reserve Chairman Ben Bernanke. In a letter to the regulators, 78 of my colleagues and I proposed that a clear method for measuring the effectiveness of recently announced commercial real estate loan modification guidance should be established. Also, the letter called on the officials to institute metrics that will allow banks to more clearly differentiate performing versus nonperforming loans in order to treat them appropriately.

The regulators also should give banks the flexibility to account for performing loans as an asset, not a liability, something that could be achieved with a simple change in accounting practices. This would actually increase transparency as well as free up capital that could be loaned out into the market. Most important, the fix would not cost a dime to American taxpayers or require any form of a bailout.

Our current economic situation could aptly be called the speculators' recession and, if the administration does not take action, this second dip would be known as the regulators' recession.

No legislation is needed for the fix. The administration can address the liquidity issues facing small businesses and the commercial real estate market by providing correct guidance to the bank regulators. A proactive and engaged response can prevent a doubledip recession and ensure small businesses can grow and start hiring again.

## RETIRE SHUTTLE TO HOUSTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Mr. Speaker, I rise today to express my support for housing one of the remaining space shuttle orbiters in Houston upon the end of the space shuttle program. The shuttle program can be counted among our Nation's greatest achievements. Scientists and engineers envisioned and created reusable vehicles to ferry astronauts, experiments, and supplies back and forth from space to Earth. They have done so now over 100 times, with three more flights to go.

The flights and missions of Columbia, Challenger, Atlantis, Discovery, and Endeavour are some of our Nation's proudest achievements, and much like the programs before it, this program has captured our Nation's imagination and taught us more about our universe and ourselves than we ever thought possible. As the program concludes, the decision on where the orbiters will be displayed has been given to NASA Administrator Charles Bolden. Houston and the Johnson Space Center are intrinsic to human space flight, and we are asking Administrator Bolden to give one of the orbiters a final home in Houston.

I grew up in the Clear Lake area of Houston, where the Johnson Space Center is located. I spent my childhood living with astronauts and wanting to be one when I grew up. I attended college at Rice University in Houston, where John F. Kennedy made his famous declaration that this country would be the first on the Moon. While many things have changed since I was young, children in Clear Lake still have similar dreams. They learn about the history and the importance of NASA and they are inspired by NASA's achievements every day. Their parents, coaches, and Sunday school teachers are the engineers and scientists who are the backbone of our space program. Some of them are even astronauts who have to miss a game or a parent-teacher conference because they're taking a trip to the International Space Station.

A few weeks ago, I enlisted the help of students in the Clear Creek Independent School District from kindergarten through high school to explain to Administrator Bolden why one of the retiring orbiters should be placed in Houston on permanent display. Thousands of children from the Clear Lake area responded to the challenge and wrote letters to Administrator Bolden. The letters were funny and heartwarming. They expressed a maturity beyond their years and a firsthand knowledge of the Houston area's unique and lasting contributions to the achievement of NASA. I was amazed by the passion and dedication and their longing to have one of the orbiters make its home in their neighborhood. Each of these children wrote of their personal connection they feel towards our space program and the joy and pride they'd feel when they called their friends and family from all over the country and invited them to come to Houston to see one of the space shuttles.

Mari Archambault wrote, ''With so many in the community involved, it only makes sense to have a shuttle retired in a place where so much of the training related to it takes place. Houston deserves that.'' Savannah Finger thinks it would be ''a good feeling to be standing feet away from a retired shuttle, which really went into space.'' Allyson Stromer drew this picture to show Administrator Bolden how beautiful the shuttle would look in Rocket Park. Bill Kontonassios asked how, ''Space City can be complete without a space shuttle.'' Chloe Molina, from League City, reminded Administrator Bolden what the tragic loss of the shuttles Columbia and Challenger meant to the Houston community. ''Viewing a shuttle orbiter will remind them of the brave crews of Columbia and Challenger. It would be a fitting memorial, for although our Nation lost 14 heroes, the people of Houston lost coworkers, neighbors, friends, and family members in those tragedies.'' Faith Matthews knows that having a shuttle ''will inspire the youth of Houston to become the astronauts of the future so dreams and wishes could take us to Mars.'' Marisol Hernandez, the daughter of an astronaut, knows that ''if Texas is the home of one of the retired space shuttles, I could remember my father's launch.''

The contributions and achievements of the Houston area make our home a logical and appropriate steward for one of the space shuttle orbiters. Houston is ''Space City USA,'' and there's no better place for a shuttle to be.

Mr. Speaker, I respectfully ask Administrator Bolden to hear the requests of these students, not just in housing an orbiter in Houston, but in providing them with a future in space worthy of our great past.

## FINDING A VOICE ON SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. ''If President Obama is ever going to find his voice on Sudan, it better be soon.'' These were the closing words 2 weeks ago of columnist Nicholas Kristof.

Having first traveled to Sudan in 1989, my interest in this country has spanned the better part of 20 years. I've been most recently there in July of 2004, with Senator BROWNBACK. We were the first congressional delegation to visit Darfur, where genocide has taken place. We saw the same scorched earth tactics from Khartoum in the brutal 20-year civil war with the South where 2.1 million people perished. I remain grateful for President Bush's leadership in bringing about an end to the bloodshed with the historic signing of the CPA. But that peace is now in jeopardy.

Fast forward to 2009. I was part of a bipartisan group in Congress who called for the appointment of a special envoy shortly after President Obama was elected. What was once a successful model for Sudan is not having the desired effect today. And I'm not alone in that belief. Last week, six respected NGOs ran ads in the Washington Post calling for Secretary Clinton and Ambassador Rice to exercise ''personal and sustained leadership on Sudan'' in the face of a ''stalemated policy.''

Today, I join the chorus of voices in calling on the President to empower Secretary Clinton and Ambassador Rice to take control of this languishing policy in Sudan. They should oversee quarterly deputies' meetings to ensure options for consequences are on the table. In fact, I call on the President himself to exercise leadership in this regard, consistent with the explicit campaign promises he made about Sudan—promises which, to date, ring hollow. There is a pressing need for renewed and principled leadership at the highest levels—leadership which is clear-eyed about the history and the record of the internationally indicted war criminal at the helm in Khartoum.

In addition to the massive human rights abuses perpetrated by the country's leader, Bashir, Sudan remains on the State Department's list of state sponsors of terrorism. The same people currently in control in Khartoum gave safe haven to bin Laden. Bin Laden lived in Sudan from 1991 to 1996. I believe that this administration's engagement with Sudan, under the leadership of General Gration, and with the apparent blessing of the President, has

failed to recognize the true nature of Bashir and the NCP. While the hour is late, the administration can still chart a new course.

Today, I sent a letter to the President, which I submit for the RECORD, outlining seven policy recommendations and calling for urgent action.

When the administration released its Sudan policy, Secretary Clinton indicated that benchmarks would be applied to Sudan, that progress would be assessed, and that ''backsliding by any party will be met with credible pressure in the form of disincentives leveraged by our government.'' But in the face of national elections that were neither free nor fair, and in the face of continued violations of the U.N. arms embargo, in the face of Bashir's failure to cooperate in any way with the International Criminal Court, there are no disincentives. This is a worst case scenario and guaranteed, if history is a guide, to fail. More than 6 months have passed since the release of the administration's Sudan strategy, and implementation has been insufficient at best and altogether absent at worst.

During the campaign, then-candidate Obama said regarding Sudan, ''Washington must respond to the ongoing genocide and the ongoing failure to implement the CPA with consistency and strong consequences.'' These words ring truer today than ever before. But the burden for action, the weight of leadership, now rests with this President and this administration alone—and there are lives at risk. The stakes could not be higher.

I close, Mr. Speaker, with a slight variation on the words of Nicholas Kristof: If President Obama is ever going to find his voice on Sudan, it had better be now.

HOUSE OF REPRESENTATIVES,
*Washington, DC, May 5, 2010.*

Hon. BARACK H. OBAMA,
*The President, The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: ''If President Obama is ever going to find his voice on Sudan, it had better be soon.'' These were the closing words of New York Times columnist Nicholas Kristof two weeks ago. I could not agree more with his assessment of Sudan today. Time is running short. Lives hang in the balance. Real leadership is needed.

Having first travelled to Sudan in 1989, my interest and involvement in this country has spanned the better part of 20 years. I've been there five times, most recently in July 2004 when Senator Sam Brownback and I were the first congressional delegation to go to Darfur.

Tragically, Darfur is hardly an anomaly. We saw the same scorched earth tactics from Khartoum in the brutal 20-year civil war with the South where more than 2 million perished, most of whom were civilians. In September 2001, President Bush appointed former Senator John Danforth as special envoy and his leadership was in fact instrumental in securing, after two and a half years of negotiations, the Comprehensive Peace Agreement (CPA), thereby bringing about an end to the war. I was at the 2005 signing of this historic accord in Kenya, as was then Secretary of State Colin Powell and Congressman Donald Payne, among others. Hopes were high for a new Sudan. Sadly, what remains of that peace is in jeopardy today. What remains of that hope is quickly fading.

I was part of a bipartisan group in Congress who urged you to appoint a special envoy shortly after you came into office, in the hope of elevating the issue of Sudan. But what was once a successful model for Sudan policy is not having the desired effect today. I am not alone in this belief.

Just last week, six respected NGOs ran compelling ads in the Washington Post and Politico calling for Secretary Clinton and Ambassador Rice to exercise ''personal and sustained leadership on Sudan'' in the face of a ''stalemated policy'' and waning U.S. credibility as a mediator.

In that same vein, today I join that growing chorus of voices in urging you to empower Secretary Clinton and Ambassador Rice to take control of the languishing Sudan policy. They should oversee quarterly deputies' meetings to ensure options for consequences are on the table.

There is a pressing and immediate need for renewed, principled leadership at the highest levels—leadership which, while recognizing the reality of the challenges facing Sudan, is clear-eyed about the history and the record of the internationally indicted war criminal at the helm in Khartoum. We must not forget who we are dealing with in Bashir and his National Congress Party (NCP). In addition to the massive human rights abuses perpetrated by the Sudanese government against its own people, Sudan remains on the State Department's list of state sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990s.

I believe that this administration's engagement with Sudan to date, under the leadership of General Gration, and with your apparent blessing, has failed to recognize the true nature of Bashir and the NCP. Any long-time Sudan follower will tell you that Bashir never keeps his promises.

The Washington Post editorial page echoed this sentiment this past weekend saying of Bashir: ''He has frequently told Western governments what they wanted to hear, only to reverse himself when their attention drifted or it was time to deliver. . . . the United States should refrain from prematurely recognizing Mr. Bashir's new claim to legitimacy. And it should be ready to respond when he breaks his word.'' Note that the word was ''when'' not ''if'' he breaks his word. While the hour is late, the administration can still chart a new course.

In addition to recommending that Secretary Clinton and Ambassador Rice take the helm in implementing your administration's Sudan policy, I propose the following policy recommendations:

Move forward with the administration's stated aim of strengthening the capacity of the security sector in the South. A good starting point would be to provide the air defense system that the Government of Southern Sudan (GOSS) requested and President Bush approved in 2008. This defensive capability would help neutralize Khartoum's major tactical advantage and make peace and stability more likely following the referendum vote.

Do not recognize the outcome of the recent presidential elections. While the elections were a necessary part of the implementation of the CPA and an important step before the referendum, they were inherently flawed and Bashir is attempting to use them to lend an air of legitimacy to his genocidal rule.

Clearly and unequivocally state at the highest levels that the United States will honor the outcome of the referendum and will ensure its implementation.

Begin assisting the South in building support for the outcome of the referendum.

Appoint an ambassador or senior political appointee with the necessary experience in conflict and post-conflict settings to the U.S. consulate in Juba.

Prioritize the need for a cessation of attacks in Darfur, complete restoration of humanitarian aid including ''non-essential services,'' unfettered access for aid organizations to all vulnerable populations and increased diplomatic attention to a comprehensive peace process including a viable plan for the safe return of millions of internally displaced persons (IDPs).

When the administration released its Sudan policy last fall, Secretary Clinton indicated that benchmarks would be applied to Sudan and that progress would be assessed ''based on verifiable changes in conditions on the ground. Backsliding by any party will be met with credible pressure in the form of disincentives leveraged by our government and our international partners.'' But in the face of national elections that were neither free nor fair, in the face of continued violations of the U.N. arms embargo, in the face of Bashir's failure to cooperate in any way with the International Criminal Court, we've seen no ''disincentives'' or ''sticks'' applied. This is a worst case scenario and guaranteed, if history is to be our guide, to fail.

Many in the NGO community and in Congress cautiously expressed support for the new policy when it was released, at the same time stressing that a policy on paper is only as effective as its implementation on the ground. More than six months have passed since the release of the strategy and implementation has been insufficient at best and altogether absent at worst.

During the campaign for the presidency, you said, regarding Sudan, ''Washington must respond to the ongoing genocide and the ongoing failure to implement the CPA with consistency and strong consequences.'' These words ring true still today. Accountability is imperative. But the burden for action, the weight of leadership, now rests with you and with this administration alone. With the referendum in the South quickly approaching, the stakes could not be higher.

The marginalized people of Sudan yearn for your administration to find its voice on Sudan—and to find it now.

Sincerely,

FRANK R. WOLF,
*Member of Congress.*

## FEMA FUNDING SHORTFALLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BRIGHT) is recognized for 5 minutes.

Mr. BRIGHT. Mr. Speaker, I rise today to refocus our attention on funding shortfalls in the Federal Emergency Management Agency. On March 24, the House—we in this location—passed nearly $5.1 billion in emergency funding to help FEMA meet its obligations. This money is not allocated for future disasters or for bureaucratic

costs. This is money that FEMA has already promised to local communities to put lives in order after federally declared disasters. Yet the Senate has thus far refused to act on this important piece of legislation. Our constituents can't wait any longer, nor should they have to wait.

The recent flooding in Tennessee, tornadoes in Alabama and Mississippi, and the oil spill in the Gulf of Mexico underscore the need to pass emergency funding for our disaster management agency. These events are startling in scope and certainly require assistance from the Federal Government. How can we expect FEMA to effectively respond to future disasters if they have yet to meet their obligations from over a year ago?

Mr. Speaker, nearly every day my office hears from local emergency managers, mayors, and county commissioners who express frustration over the fact they're still waiting for the money FEMA promised them. These are not people who expect a handout from the government. They're simply asking about the emergency assistance they were already granted months, and in some cases, over a year ago.

Henry County, which is in my congressional district in southeast Alabama, is a good example of how FEMA's budgetary issues have affected towns across our great Nation. Henry County started a $153,000 project to replace a large drainage structure under County Road 2 that was damaged during last spring's floods. FEMA approved the project but has not been able to distribute money to the county. In addition to County Road 2, Henry County is still waiting for reimbursement for three other road projects that resulted from flooding in December of 2009.

As you can see, a small county is waiting on two different payments from FEMA—one from a disaster that occurred over a year ago. I am sure that the story is similar in other areas of our great country. What is more troubling is that we are still debating this issue while spring floods are out in full force and hurricane season is less than a month away. We cannot forget about the promises we have already made as we brace for the next disaster to strike American soil.

Last year saw record disasters around the country. Floods soaked the Southeast, wildfires burned the West, and record snows blanketed the Midwest and Northeast.

□ 1630

It is understandable that FEMA used up all of its budgeted resources. Congress must now act to provide our communities with the funds they were promised.

Mr. Speaker, I am a committed fiscal conservative, and I believe we should closely watch every dollar we spend. I welcome a debate on how to reduce Federal spending and reform the way FEMA operates in order to make it more efficient; however, the time for that debate is not while our communities wait for necessary and guaranteed Federal funds.

In closing, let me once again urge the Senate to act on this very pressing issue. As the summer nears, we simply cannot afford to ignore this problem any longer. The Senate needs to do what the House has already done and pass, very quickly, emergency funding for FEMA, and pass it quickly so that they don't have to wait any longer.

## WHAT GOT US INTO THIS ECONOMIC MESS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it's a pleasure to be able to join you and my colleagues and others who are gathered here to talk about something that has been on our minds for some considerable time now—many months, even 1½ to 2 years—and that is the subject of the economy and jobs and what's really going on in America.

I'm a person who is of that baby boomer-type cycle—I'm 62—and there are many other people such as myself in America that have done a lot of work and tried to save our money and all of a sudden something seemed to go wrong in the economy. We lost a lot of money in 2008, and there is a real concern out there about jobs, the economy, and what's going on in the policies. And so I thought, in that we have 1 hour—we don't have to do everything in 1 minute or 5 minutes, but we have 1 full hour today—that I would open the subject. I will invite my other Republican colleagues to join me. You may see some coming in before long. And I want to talk about this whole situation, and because we have more time, I can go back just a little bit.

I would like to go back to how is it that we were kind of cruising along, things seemed to be going pretty well by about 2006 or so with the economy, 2007, and then all of a sudden, in 2008, we really seem to have come to ''grief on a reef,'' so to speak. So what went on?

Well, let's go back to an interesting article in the New York Times, not exactly a conservative oracle. It was September 11—not in 2001, but September 11 in 2003—the New York Times reported this, that there is a new agency proposed to oversee Freddie Mac and Fannie Mae. Well, why would there be a new agency to oversee Freddie and Fannie? Well, Freddie and Fannie were these quasi-governmental agencies, and their job was to help provide Americans with affordable loans so Americans could buy houses.

So here we have in this article, it says: The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.

Oh, my goodness. So President Bush is saying we need to overhaul Freddie and Fannie. They were quasi-private, quasi-public. Why would he want to overhaul? Well, they just had misplaced a few hundreds of millions of dollars and gave people a lot of concern that maybe Freddie and Fannie were not in good shape economically. Well, then the question becomes, if they're not in good shape, what would that mean? Well, that would mean, guess what? The American taxpayer may be asked to bail out Freddie and Fannie. So the President is saying, Hey, I need some more authority to make sure that Freddie and Fannie don't do some dumb things that cost us a whole lot of money. So that's what the President is saying in this article. Again, this is 2003.

Following that, we read further in the article, and we have another interesting situation here where we have the gentleman now who is in charge of trying to fix these Wall Street institutions, that is, our current Congressman BARNEY FRANK. And this was his statement in the same article in 2003: These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis. The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

So this is something we have a clear party line difference. The President is saying Freddie and Fannie are not managing things properly, they were a risk to our economy, and you have a Democrat, who is now the ranking guy on this committee, that's saying, no, they're fine, Freddie and Fannie are just fine.

Well, of course, hindsight is always 20/20. It was obvious that what was said here by Congressman FRANK was completely wrong. Freddie and Fannie were in trouble. They did mismanage things, and they have now been taken over by the Federal Government, more or less. And guess who has to pick up the tab? You guessed it. The American taxpayer.

Now, how did this whole situation develop and what happened? Well, part of what happened was people came to the conclusion some number of years ago that it would be nice if people could get loans to buy houses. And what happens for the people who don't have very good credit ratings? How about the people who are a bad security risk? What are we going to do with them? Well, we're going to say, You can get a loan, too. That's what he's saying in terms of affordable housing.

So somehow, in the name of compassion, we came up with this idea that the government was going to allow people to get loans and not check whether the person had a capacity to repay the loans. And at the height of the big bubble that was going up on home prices, just about anybody, regardless of their credit rating or anything else, what job they had, could go in and get a loan to buy a great big house. And it worked pretty well for a couple of years. You could go in, buy a house, and then wait a couple of years. The price of the house would double, and you would sell it and buy some other big house.

And you could pyramid your money up even though you were borrowing money and you didn't have any way to pay it back, because these loans were so good you wouldn't have to pay anything for a number of years at all. You could get a loan that would say you don't have to pay anything for a couple of years at least. So you could buy something. It would appreciate. You could sell it, and then move on and do that. And so people were starting to do that with houses. The trouble was, of course, that the bubble burst, and all of the house of cards came tumbling down.

Now, we understand what caused the problem originally was the concept that the government requires the banks to make loans to people who can't afford to pay. That's a bad policy, because when people can't pay, somebody's going to have to pick up the tab. And guess what happened? You guessed it once again. It was Uncle Sam passes it on to the taxpayer to pick up the tab for this failed policy.

So you want to ask, How did we end up with this 10 percent unemployment? How did we end up with a very weak economy? How did we get into this trouble? The trouble was caused, about 90 percent, by the U.S. Government. It was caused by people who meet in this Chamber and various administrations.

At the end of the Clinton administration, the Clintons decided that what they were going to do was to increase the percentage of those bad loans that banks had to approve. What did the banks do with them? They passed them on to Freddie and Fannie. What happened to Freddie and Fannie? Well, Wall Street sliced and diced the loans up and sold them all over the world, and Freddie and Fannie then get into a big problem.

Now, what was the political organization that forced all of these loans to be made to people who couldn't afford to pay it? You guessed it. It was ACORN. ACORN was involved in a lot of voter fraud, but it also was involved in forcing banks locally to take loans that they shouldn't have taken. So this is a piece of what happened.

The other piece was the policy of the Federal Reserve. Because of the recession that we came into in 2001 when I was first elected, the Federal Reserve decided to increase liquidity. But particularly what was happening, Greenspan decided to reduce the interest rate. Now, this idea of increasing liquidity is the equivalent of the crack cocaine of economics. What it is is it's a government—in the old-fashioned world, you would say the government is running the printing presses.

Well, that's what we did. We ran the printing presses, but we also reduced the cost of money to very low, to about zero percent, and held it there for some period of time. By dumping lots and lots of dollars into the economic system, people that had the dollars go, Hey, I'm getting these dollars for a very, very low interest rate. What can I invest in? Hey, why not invest in the housing business, because housing prices are going up like a rocket. I can borrow money at a couple percent, or even less, and I can double my money, almost, in the housing business in a couple, 3, 4 years. So why not do it?

Well, everybody did for a while until this very low interest rate, the high level of liquidity, and boom, you get another bubble. It's like the high-tech bubble, because we're using liquidity to try and pull ourselves out of problems. We'll come back to that in a little while.

So what was it that really caused the economic crisis? Well, first of all, it was lousy policy set right here in Congress about making loans to people who couldn't afford to pay them and then not holding Freddie and Fannie accountable for what they're doing. And by doing that, we ended up with the beginning of the recession.

Now, following that, we start to go into recession. The idea then was, just in Bush's last year or so and when I was here, we had Paulson come to us and say, Hey, look, everything's in trouble. You guys have got two choices: Either the entire world economic system is going to melt down—I mean, the Earth is going to crack. Hailstones are going to come from heaven. I mean, it's going to be terrible, and there's going to be riots in the streets because the dollar bill won't work anymore and the banking system will collapse—or your other alternative is, give me $700 billion in unmarked bills in a brown paper bag. Those are your two choices, Congress, and we're going to the public and letting everybody know. And if you do the right thing, hopefully there will not be this terrible calamity.

And so Congress was supposed to give $700 billion to Hank Paulson. Well, did he really need that? No, he didn't need it. In fact, it was part of the same mistake that we make frequently here, and that is that every time there's a problem economically, the government has to jump in and fix it, bailout fever. And this was, of course, the beginning of the big Wall Street bailout.

Unfortunately, some Republicans supported that idea, along with most of the Democrats, and we took $700 billion away from the American taxpayer to buy these supposedly troubled assets that had been created by Wall Street. Well, it's pretty hard to buy something when there isn't a market in it, so we took $700 billion out of the market—about $350 supposedly spent during Bush's last year, another $350 in Obama's first year—and that was the beginning of our big spending. And again, it's based on this concept that the government should jump in and fix everything and that the government is going to be able to fix the U.S. economy. That turns out to be a troubling assumption, and it continued to get us in trouble over the last year or two, which has then made the economic situation even worse.

The next thing that happened was, after we did this Wall Street bailout, we decided that what we had to do next was a stimulus package. The proposal was that we're going to do this stimulus. Now, the whole concept of stimulus is pretty much like the idea of, if you had a pair of boots on, what you're going to do is to reach down, grab your bootstraps and lift hard, and if you lift hard enough, you can float around the room. And this is the concept in economics that was known as Keynesianism. It was the idea that if the Federal Government just spends a whole lot of money, it will make the economy better when you have a tough economy.

If you think about that from a commonsense point of view, picture you're trying to run your family and you realize, hey, there's really some economic problems our family is having, so the solution is go out and just spend money like mad. Now, would you think that would be a very smart idea? Well, most commonsense people—certainly people from my State, the State of Missouri, would say that's not very smart just to go out and spend a whole lot of money. Has that idea been tried before? Well, yes, it has. It was tried by Henry Morgenthau back when Little Lord Keynes was first proposing this theory. It's a lovely theory if you're in government, because the theory says you can just spend lots and lots of money that's not your money.

People in politics think that's nice because people like it when I spend lots of government money. The problem is that Henry Morgenthau, who was Secretary of the Treasury under FDR, managed to use this policy to take a recession and turn it into the Great Depression. And so he came, at the end of 8 years, before the House Ways and Means Committee here, and Henry Morgenthau says that we have tried this theory of spending money. We've spent and spent and spent, and we have not seen any change in unemployment. We have terrible unemployment and a

huge debt and deficit to boot. So this is the guy right alongside with Little Lord Keynes that said this didn't work. We tried it for 8 years, and it just created the Great Depression in America.

We should learn something from history, but, no, we decide what we're going to do is we're going to come up with the ''stimulus bill,'' another 700-and-something billion dollars, $787 billion. And here we have our new President here. He says, like any cash-strapped family, we will work within a budget to invest what we need and sacrifice what we don't. The things on this side of the chart sound pretty good. If I heard somebody say that that was my President, I would say, Hah, this is a pretty good idea.

This is what the President said at the beginning of the year.

□ 1645

The only trouble is there is this huge gap between what is said and what is done. So what we do, we start with: Is it any real serious budget reform? No, it is not really budget reform at all.

In fact, what has happened in terms of the Federal spending? Have we learned anything after the stimulus bill? What should we have learned from the stimulus bill? Well, we were told that if you do not pass the stimulus bill, if you don't pass it, here is what is going to happen, so you better look out. If you don't pass the stimulus bill, that is what is going to happen to unemployment, this line here. But if you pass a stimulus bill, here is what is going to happen, it will keep this unemployment down. So we were told that if you don't pass the stimulus bill, unemployment could go as high as 8 percent. And if you pass it, it will bring it on down.

Well, that was all based on this silly idea that if you spent lots and lots of money, everything would be okay. This really wasn't even a good FDR stimulus bill because if he had been doing it, it would have had a lot of concrete in it. It would have been hydroelectric plants and roads. This had much more food stamps and aid to States that overspent their budgets and things like that. So we spent $787 billion on the stimulus bill, and here is what happened. This red line. So you think a whole lot of government spending is going to fix unemployment? Absolutely not. We have already tried it. One more time, if we didn't learn our lesson from Henry Morgenthau, we have another chance. Here we go. Same dumb idea, still doesn't work. You can try it as many times as you want. It is not going to work. So the unemployment now jumps up. In many places it is more than 10 percent. These numbers are pretty conservative. If you have been looking for a job for more than a year, you are not counted anymore in these statistics. So people without a job for a year—maybe some have given up in despair of ever getting a job—they are not even counted in these numbers. So this idea of a whole lot of government spending didn't work, and so we have unemployment.

I am joined by a good friend of mine, Dr. PRICE, who is really on top of some of these things. I would ask if he would like to join in the conversation a little bit here this afternoon.

Mr. PRICE of Georgia. I thank the gentleman for his leadership on this and all issues, and especially for highlighting the challenges Americans face all across this land.

But pointing out, as this chart so aptly does, that the ''solution'' which has been put in place by this administration has, I would argue and I know you would, has in fact made things worse. So here we are with the Nation being promised a little over a year ago that if we spent hundreds of billions of dollars in an effort to try to get the Nation back moving from an economic standpoint, that we wouldn't see an unemployment rate of 8 percent.

Mr. AKIN. Right. If we didn't pass it, 8 percent.

Mr. PRICE of Georgia. That was going to be the high point. And here we are at 9.7 percent, and it has been higher than that. And the take-home message on that is what they are doing doesn't work.

I told a fellow the other day, I said, They are thinking about doing a new stimulus bill, a new jobs bill. You know, they tried millions and then they tried billions, and I guess we are going to move to gazillions next.

Mr. AKIN. Don't forget the trillions. We are working on trillions right now.

Mr. PRICE of Georgia. And as you well know, it is money we don't have. It is money that we don't have, and that is the troubling thing for the American people all across this land because they know the policies that have been put in place not only haven't worked, they have been destructive to job creation, which is what is frustrating to those of us on our side of the aisle who know that fundamental American principles, if you follow them, actually can allow you to create jobs.

So what does that mean? It means spending less. You've got a great chart right there, and people rail on the amount of spending that was done at the end of the last administration, and we did as well. But if you might share with folks the numbers that have happened since Speaker PELOSI and her crowd have taken over.

Mr. AKIN. Right. You know, I appreciate your bringing that up because one of the things that Americans intuitively understand, they are not really buying this idea that by spending tons of money the Federal Government is going to make everything better. Maybe some ivory-tower people, but most people on the street know that doesn't make any sense.

They also know we as Republicans did the wrong thing; we spent too much money. And the worst year in terms of spending too much money was Bush's last year in office and our deficit was $459 billion. That is this box here. The reason it is red is because this is when the Pelosi Congress took over, so it was George Bush with the Pelosi Congress. And of all of the years that President Bush had spent too much money, this was his worst year right here. We follow that up with 2009 and this $459 billion jumps to $1.4 trillion. Now when you really think about it, that is really a tripling of the amount of deficit.

Mr. PRICE of Georgia. It really is astounding. And the picture—they say a picture is worth a thousand words. That picture is worth over a trillion words, and that is because that is money we don't have. It is money that puts greater deficits and debt on the backs of our kids and our grandkids. It is mortgaging the future.

Right now we are seeing the consequences of reckless and irresponsible spending at a national level in another nation—Greece. And if you look at the trajectory, the spending path we are on, and the debt and the deficit path we are on, we are not far behind the incredible irresponsibility that is now being addressed in the nation of Greece.

Well, the American people know that is wrong. They know they can't go to the garage and print money, and that is what the Federal Government does. That is what the Obama administration has done. Those red columns there, those red lines there, demonstrate clearly that the deficits and the debt that are being run up by the Obama administration and Speaker PELOSI and the majority party right now are unparalleled in our history.

Mr. AKIN. It seems like people think politics is complicated, and all this economic stuff is complicated. It doesn't have to be nearly as complicated as people think it is. For instance, take a look between the parties. The Democrats, their basic idea of a solution to a problem is that the government has to get bigger and spend more money. That's the way they always look at it. They think that the solution is the government, and we think that the problem is the government. This thing here is an indication that with a completely Democrat House and Senate and President, this is what happens. We triple this amount of deficit to the point now when the Federal Government spends $1 today, 41 cents of that $1 is borrowed.

Aside from this just insane level of spending money that we don't have, which is basically taxing our grandchildren—I have some grandchildren, I've gotten old enough, and I don't like the idea of taxing them any more than paying taxes myself.

My background is engineering and the manufacturing business. You know, this idea about unemployment is not that complicated. It is really very basic. Anybody who has tried to run a little lemonade stand knows more or less how businesses work. What I have done, I have created a list that if you want to kill jobs, if you want to declare war on business in America, these are the things that you want to do to create unemployment. And the tragedy is we are doing all of the things that are well calculated to create unemployment.

Now, I guess the good news is that the jobs that would have been created here by American businesses and American ingenuity are simply going to be done in plants that are overseas, and so those jobs go to other countries. We will still use our intelligence. In my own city of St. Louis, we have a guy who is the president of Emerson Electric, it is a big company, and it has all kinds of divisions and it has all kinds of technology. They create tons of jobs. The president of Emerson says, Look, when you do all of these things to us, you are forcing us. We will still grow. Our stock will do well. We will create jobs, it just won't be jobs in the U.S., they will be somewhere else. So what do you do? If you think about this, it is not very complicated.

The first thing is, if you have a tremendous amount of uncertainty, you don't know what nutty thing the government is going to do next; if you're a businessman, you're going to say, I think I'm going to hunker down. I'm not going to make any big decisions because I'm not sure whether the last couple of dollars I have in reserve I am going to need for some other harebrained idea that these guys in Washington come up with.

So if there is economic uncertainty of any kind, that is going to tend to undermine job creation. And then if there is a slowdown, that is what we have been seeing, that doesn't help because you don't have the orders coming in. And here is the big one, excessive taxation, because what President Obama has promised is that he is going to tax those people in the $250,000 bracket. Well, I'm glad he is going to do that because I don't make that much money, so I don't need to worry, right. Oh, no, I do need to worry. I need to worry because the people who are making $250,000, a lot of those are the guys owning these small businesses that make all of the jobs. And the guy who is making $250,000, you say, I don't feel sorry for him. But you better, and here is why: because that guy is going to put that money back into his business to put a new wing on a building, put a new machine tool there, or develop a new process. Which is going to hire more people. So if you kill him, if you take all of his money away through excessive taxation, he won't invest in his business.

Mr. PRICE of Georgia. You mentioned how our good friends on the other side of the aisle look to government as the solution to everything, and they do. They believe that Washington and government has a better answer. We sometimes get criticized for saying government can't do anything. There are some things that government ought to be doing, but they ought not be owning banks, they ought not be owning automobile companies, they ought not be running our health care system, they ought not be deciding whether or not there is any risk at all in the market.

Our friends on the other side of the aisle believe that the government ought to control all of those things. And when they control all of those things, what happens is that you decrease all of the ingenuity and entrepreneurship and genius of the American people.

So what I like to say is, when you have big government, you have small citizens. When you have small government, you have big citizens. And we believe in big citizens as opposed to big government.

Checks and balances are what is necessary. You wouldn't have these kinds of crazy things going on up here in Washington if there were checks and balances here in the Federal Government. And the people across this land know that. They know that runaway government on either side, frankly, is not what they desire. So they look to Washington and say, My goodness, what the heck are they doing? We have to put some checks and balances in place.

Mr. AKIN. The President says here that families across the country are tightening their belts and making tough decisions, the Federal Government should do the same. Yes, we should do the same, but what are we doing? Let's take a look at the policies: Wall Street bailout, $700 billion; stimulus package, another $700 billion; then in this House we passed that goofy cap-and-tax bill which is going to put the government in charge of trying to reduce $CO_2$ in the country by making the Federal Government in charge of all of the building codes for houses. You can't even add an addition to your house without making sure that it is safe from a global warming point of view. And there goes another number of billions of dollars in taxes. And then, of course, socialized medicine that we just got done with, which is absolutely the biggest government takeover. It is one-sixth of the U.S. economy. The government can't run Medicare and Medicaid and keep them in the black, so what are we going to do, take over all of health care?

The families are tightening their belts, so what is the Federal Government going to do? They are just absolutely going to go on another spending spree. So what does that do? Excessive taxation. What's that do? It kills jobs. What does that do? It takes away freedom because it makes you little and Big Government big.

Here is a question for you. Thinking back about what phenomenon in all of human history should human beings be most concerned about, should it be the problem of war or should it be the problem of Big Government? It is an interesting question. Why do we have this faith, why do the Democrats have this faith in Big Government? Is there anything historical to suggest that they are a solution or is it more to suggest that they are a problem.

Mr. PRICE of Georgia. In the area of health care, which I know a little about, having practiced medicine for over 20 years, what we have seen is the intrusion of the Federal Government into the practice of medicine, into health care, is only destructive to all of the principles that we hold dear for health care.

So whether it is affordability, or accessibility, or quality, or the responsiveness of a system, or innovation, or choices, all of those kinds of things that we as Americans hold dear in health care, they all get destroyed with the Federal Government. You know that. That is what results in that kind of economic uncertainty for the businesses of health care.

I can't tell you how many letters I have received that have told me, from my colleagues, my former medical colleagues who, since the bill has been passed and signed into law—these are people in the prime of their career, those who are taking care of literally thousands of patients across this land—who have said, Look, with the oppression of the Federal Government at this point, I'm going to do one of three things. Either I am going to close my practice, I'm leaving, and that challenges the accessibility problem. Or I am going to limit the number of patients I see that have some type of government health care because of the intrusion. In fact, virtually all of us will have government health care when this crowd gets done with their plan. Or third, and something that you've touched on, which is the alternative for business-minded individuals in an economy like this where the politicians are picking the winners and losers: They are heading elsewhere. They are going offshore.

Mr. AKIN. A little island in the Caribbean, come on down. A big hospital and a landing strip.

□ 1700

Mr. PRICE of Georgia. There are actually hospitals being built in the Caribbean right now.

Mr. AKIN. In expectation of this thing. So what you are saying is really not very outlandish, from a commonsense point of view. It is not like you

are speculating and saying this thing is not going to work.

We have seen European socialized medicine. We have next door the Canadian socialized medicine model. And I think it was about 10 years ago the head of Canada, their prime minister said, We have got the best health care system in the world, as long as you are healthy. It was that little ''as long as you are healthy'' piece that is the problem. If you are not healthy, you go down to America to get it taken care of. So we have seen it not work in Europe.

I am a cancer survivor. I see what the cancer rate statistics are in England. I don't want to be a cancer guy in England. I wouldn't want to be a cancer guy here. So you see it hasn't worked in England, it hasn't worked in Canada, as well as our system currently works.

Then, of course, we saw Massachusetts and Tennessee take bold forays into this socialized medicine field, and they got hammered by it. So what do we do? We do the same dumb thing.

I was going to jump to something even more basic, though, if you think about it, and this was a statistic that kind of surprised me—some of them are in the CONGRESSIONAL RECORD—and that was the number of people that were killed by their own governments.

If you take a look, you know, at the good old communists. You look at Stalin, he basically had murdered about 40 million people. Now, he was pretty good at murdering people, but not nearly as good as Chairman Mao in China, who has credit for killing about 60 million Chinese.

Now, this is government-on-citizen crime. This was not a war. In fact, if you add just the people killed in various communist countries that killed their own population, the governments killing their own population, you have more people killed by just communism alone than all the wars in history since the time of Christ.

So the question is, is it really rational for human beings to put so much trust in government? That is not talking about Nazis or the other types of dictators that killed lots of their own citizens.

So why do we have this great faith in government, when we see it doesn't work for health care, yet we have the government in charge of that? We are putting government in charge of student loans and in charge of insurance for flooding, and we have got the Federal Government in charge of housing and in charge of education. We have got the Federal Government in charge of car companies, insurance companies and all.

Let's see, the Soviet Union, what was their model? The government was in charge of, well, let's see, education, health care, your house, your food and your job. It didn't work for them. Why do we want to do the same thing here?

Mr. PRICE of Georgia. It is very concerning. And I think that is exactly the picture that is being painted for folks all across this land and why they have the kind of frustration and anger and angst and anxiety about the future of their country. It is why they are saying, look, to Washington, are you not listening to us? Can you not hear us?

They know. They know that the government ought not to be owning banks. They know that the government ought not to be owning automobile companies. They know that the government ought not to be running health care. And they know that not because it is just not right; they know it because it doesn't result in the highest quality of opportunities and choices and dreams realized for individuals.

Remember, big government, small citizen. Big government, small patient. Big government, small consumer. You've got small government, you've got big patients, you've got big citizens, you've got big consumers, and more dreams realized.

Mr. AKIN. And that is really what you are saying, is basically you are losing your freedom; a little bit here, a little bit here. You are losing your freedom, and pretty soon you feel frustrated, you feel angry, because you have some common sense, and you know what it takes to make jobs, and we are doing all the wrong things.

But there are so many people on the street, and they are looking to you, they are looking to me, to try to help turn this thing around and get jobs going. And, of course, we don't have enough votes to turn these policies around.

Another one of these things that is really tough on jobs is insufficient liquidity. What that means is that a business needs to be able to borrow money. But the banking regulators are so tight now that a lot of businessmen can't get the loans they need to make their business go.

Of course, excessive government spending, we have been talking about that, and excessive government mandates and red tapes. Boy, talk about that. And this health care bill, of course, is leading the charge and damaged all these areas. And the end result is what? Well, unemployment. Not a big surprise, particularly, because we are doing everything wrong.

And yet here is an interesting question. Apparently what is happening is Wall Street seems to be doing a lot better. Is it because we have turned these bad policies around and are doing the right thing in D.C.? No. We are still doing everything wrong, and yet Wall Street seems to be doing better. Well, what is the logic of that?

Well, you know, to some degree it goes back to that same problem that got us into this housing bubble, and that is the crack cocaine of the government Federal system. That is, they can create unlimited liquidity.

Mr. PRICE of Georgia. And unlimited amounts of money is what that means.

Mr. AKIN. Unlimited amounts of money and very low interest rates. So you have got lots of money with very low interest rates, and it comes down and starts to create these bubbles. So we really haven't fixed the job problem.

Mr. PRICE of Georgia. You are absolutely right. I think that is so important because when people look to the items that need to be fixed from a financial standpoint, they look and they see that Washington has had its hand in some things that have been very destructive.

Fannie Mae and Freddie Mac, for example, are really at the epicenter of the challenges that we have had in the economy. And the bill that is being proposed and the bill that came through the House earlier to assist in ''fixing'' things, their solution doesn't address Fannie and Freddie at all, which is so frustrating because the American people know that there are positive solutions. And you with the Republican Study Committee, we have been working diligently on putting forward those positive solutions to all of the challenges that we face that embrace those fundamental American principles.

So whether it is health care, whether it is energy, whether it is the economy, whether it is jobs, all of those things have fundamental principal solutions that don't require putting the government in charge.

Mr. AKIN. You are absolutely right, and it doesn't involve the government taking everything over.

We're going to take a break and yield because I believe there is some business that needs to be taken care of.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5019, HOME STAR ENERGY RETROFIT ACT OF 2010

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–475) on the resolution (H. Res. 1329) providing for consideration of the bill (H.R. 5019) to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## WHAT GOT US INTO THIS ECONOMIC MESS

The SPEAKER pro tempore. The gentleman from Missouri may proceed.

Mr. AKIN. Mr. Speaker, we are just taking apart a little bit some of what has been happening the last couple of years, why the economy has been struggling some, and why we are having a lot of unemployment and problems. Some people have a hard time

understanding why it is that we are having a hard time. This little cartoon kind of comes along the same lines.

''Now, give me one reason why you are not hiring.'' And you have coming into the China shop a couple of bulls. You have the health care reform and the cap-and-tax and the war on business tax. That is basically businesses getting just hammered with taxes.

Of course, the picture here is we are not doing the right things that we need to be doing to keep the economy going and to create jobs. In fact, we are creating a perfect storm. People have said we have a war going on business, and we really do. We are doing everything wrong to try to create jobs and try to get the economy going.

So, on the one hand, we are making the statement here that families across the country are tightening their belts and making tough decisions. The Federal Government has got to do the same. What is the Federal Government doing? Oh, we are doing the Wall Street bailout, we are doing the stimulus bill, we are doing the cap-and-tax bill, we are doing the socialized medicine bill. And now we are proposing institutionalizing bailouts, so that anytime anything goes wrong, the Federal Government takes your tax dollars and goes in and picks the winners and losers and bails companies out. That is exactly the wrong message.

I am joined by a good friend of mine from the wonderful State of Pennsylvania, and I would yield to him just a moment to share along the same line.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend from Missouri for leading this very important Special Order where we are talking about jobs.

You know, I don't want to misquote, I believe it was President Reagan—I will give him credit at this point anyway—that made the statement that the best welfare program there is is a job.

Mr. AKIN. Get him a job, yes.

Mr. THOMPSON of Pennsylvania. Give him a job. And that is what we have not been doing.

Mr. AKIN. Do you think people want to be bailed out? Do you think people want their unemployment to be extended? Would they rather be sitting being unemployed, or would they rather have a good job with really good prospects and a bright future? I think people would rather have a strong economy.

Mr. THOMPSON of Pennsylvania. I think so, too. I talked with a constituent of mine from Lock Haven, Pennsylvania, today, and he was calling to talk about the unemployment because he has been without a job. And as we got talking, it was very clear that what he wanted was not so much the unemployment check, but he really wants a job. We got talking about the things that go into that and why we are not seeing the job growth. We are still bleeding to death in terms of our jobs in this country.

As I go around the district and I talk with job creators, the job creators are, I think as you know, our small business owners. The large majority of work is provided through small businesses.

Mr. AKIN. The gentleman is right. I think, if I recall, if you take 500 employees or less, that is 80 percent of the jobs in America. So 500 employees or less, which 500 is kind of more of a medium size, but 500 down, that is 80 percent of U.S. employment. So policies that affect those small businesses are a big deal in terms of jobs.

Mr. THOMPSON of Pennsylvania. They are. And I heard you use the word ''uncertainty.'' I guess I kind of fall back on my health care background, and when it comes to jobs in this country, my diagnosis is we have a psychological problem. We have a total lack of confidence and a lack of trust in the Federal Government. And it is earned. It is the things you have there on your chart as job killers.

It is the individual small business people who normally every year take a portion, usually a part of their profits, and reinvest it into their companies. When they do that, they expand product lines, they expand locations, they expand service lines, and they create jobs, good jobs. Well, these people are sitting on the sideline right now because they are concerned with all the things they have seen for some time, especially these past 16 months, many of the things that you have identified there, and I heard that message again today.

I sit on the Small Business Committee, and we had a hearing with five or six witnesses that came in that represent small businesses. And we were there to talk about specifically the role of taxes in small business and what that does to really hurt small businesses.

Mr. AKIN. I would like to stop you for a minute. If I had to pick one on here, because we just had a jobs summit actually on Main Street, back in St. Charles in my district. We had to do one on Main Street because everybody talks about Main Street.

I asked a whole bunch of small business leaders—we had probably 30 or 40 of them, and we created a list of job killers, and this chart was made before that time. I asked them to give me their list and then rate them in terms of priority which is the most deadly in terms of killing jobs.

They came to exactly what you said, which is excessive taxation because when you take that tax out of the hide of the owner of the business, you really make it so that he cannot then invest in those jobs. So excessive taxation was the deal.

Of course, what we have done is we have got, what is it, the people in the upper tenth of the income bracket are paying something like, what is it, 50 percent of all of the taxes in the country or something. So we are just hammering these small business owners with taxes. Then we wonder why we don't have jobs. And you have the same experience, I gather.

Mr. THOMPSON of Pennsylvania. Yes. This panel that we heard in the Small Business Committee just reaffirmed that chart that you have. Each of those bullets came up in the discussion today.

When you look at the taxes, tax increases have been levied in the past 16 months. Our colleagues across the aisle said, well, we are going after the wealthy. We are going to increase taxes on the wealthy. Well, at least 40 percent of the individuals who are experiencing and will be experiencing, especially next year come January 1, 2011, significant tax increases, are small business owners. They are people who are organized as limited liability corporations, S corporations. They pay their taxes as individuals, but frankly, they make a payroll out of their income, and they create just tremendously important jobs.

Mr. AKIN. Of course, you know, that is really kind of a thing. Maybe people feel safe to say, hey, we are just going to tax all those rich guys; don't you worry about all the policies we have got.

Well, you know, when you do that Wall Street bailout where the government is going to pick winners and losers, then you do the big stimulus thing, where you are taking taxpayer money and giving it to States that don't manage their State properly, and you are increasing the number of food stamps and all these other kinds of things that if you want to believe in big government they think they need to do, and then you are going to do this cap-and-tax thing, so everybody's energy cost is going to go up.

Now, the President said, I guarantee you, I am not going to raise taxes on people making less than $250,000, and yet in this Chamber we pass a tax that as soon as you flip a light switch you are going to start paying more taxes.

□ 1715

Now, that's not people making $250,000, that's an average guy that wants to turn his lights on. So you say, well, shoot, we're going to tax the rich guys. The trouble is those rich guys are the ones that are hiring you and your kids.

Mr. THOMPSON of Pennsylvania. If the gentleman will yield, in terms of the cap-and-trade, cap-and-tax, or the light switch tax, I guess, in Pennsylvania the Public Utility Commission sent a letter to the Pennsylvania delegation adamantly opposing cap-and-trade because they did their analysis of that bill, and electricity costs in Pennsylvania would rise by 30 percent.

Now, that 30 percent tax, that increase will not discriminate. It will hit the most wealthy of Pennsylvania citizens, but just as much, and I think more severely even, it's going to address those who are just living paycheck to paycheck today. And even people that aren't getting by financially, to see a 30 percent increase in the cost of electricity, that's immoral to me.

Mr. AKIN. The thing that's amazing about that to me, I am an engineer by training, and let's assume that all of this global warming supposedly science were all true, which we now know, particularly since East Anglia and the scandal there that all of these guys were doctoring the numbers and everything, but let's just assume for sake of argument that $CO_2$ is really a bad gas and aside from the fact that all of us have to stop breathing because we breathe out carbon dioxide.

Aside from that, let's just assume that that's true. If you really wanted to get rid of $CO_2$ in America, regardless of what other nations in the world are doing, you think this is our moral obligation to get rid of $CO_2$, we could get rid of all the $CO_2$ produced by all the passenger cars in America, the equivalent of that amount of $CO_2$, by simply taking the electric generation that's done in our country that's done with coal-fired plants, we currently have 20 percent of electricity in America is made by nuclear, if we were to go from 20 to 40 percent nuclear, we would get rid of all the $CO_2$ produced by every passenger car in America.

So if you are a Democrat and you really think $CO_2$ is so bad, why not come out here with a couple of page bill saying we're just going to gradually phase in nuclear plants in place of these coal-fired plants, and we would get rid of all the $CO_2$ produced by every passenger car in America. No, that's not what comes out. We come out with this thousand-page bill, 300 pages, passed at 3 o'clock in the morning. People don't know what's in it. There isn't even a copy of the bill on the floor. And we vote for this piece of trash, which fortunately the Senate wasn't dumb enough to have passed. And anybody who flips a light switch would have been taxed. Your State would have gotten a 30 percent increase in electric.

Now, what does that do to jobs?

Mr. THOMPSON of Pennsylvania. That kills jobs.

Mr. AKIN. It just kills jobs. So this excessive taxation, combined with things like amount of government mandates and red tape, this starts to gang up. And one thing on top of the next on top of the next, and you get unemployment.

Go ahead. I didn't mean to interrupt. We're talking about a light switch tax. You were in the business that's getting the wheelchair tax. It's interesting to see what people want to tax. Now we are going to want to tax wheelchairs. That's with that socialized medicine bill.

Mr. THOMPSON of Pennsylvania. The medical device tax that is being levied on medical devices has such a wide range. And people don't understand what medical devices are. We are a country that has just benefited tremendously from innovation in terms of medical devices and medical advancements. Our health care system as we currently have it, now see what happens to it under ObamaCare, but as it currently has it, this is a country that develops innovations, life-saving techniques, diagnostic procedures, pharmaceuticals.

With medical devices, it is not just wheelchairs. It's everything from bed pans to prosthetic arms. It's insulin pumps. Medical devices is a term that really has many, many different applications. And those devices really go towards maintaining quality of life, maintaining maximal independence for people. Most taxes I would put as immoral, but you start putting a tax on electricity for everybody, and you put a tax on medical devices, it's hard to imagine anything that's going to be more immoral than that.

At the panel today with the small businesses, I asked a specific question about where are we in terms, what's the impact, given that even before these taxes we have got a tax out there in terms of corporate income tax, second highest in the world. And what does that do to our small businesses, that alone? How are they supposed to compete? Especially, you know, those businesses that are formed as corporations. And there are many of them that have to pay that.

I see my good friend has a great chart there that addresses the economic freedom index. The response was that where we have the potential for trade, it really puts us at a tremendous disadvantage where we have got this tax burden. That's just one more thing that keeps businesses from growing, jobs from being created, and for economic prosperity.

Mr. AKIN. I think maybe we could get too negative here, because there are solutions to these problems. This stuff is not new. Other Presidents and other people in different decades have dealt with these problems. There is a solution to getting the economy up and going. And the funny thing is it's sad, but the Democrats haven't learned from JFK. JFK had the formula right. He reduced taxes. As he reduced taxes, what that meant was the private sector started to grow. It created jobs. And guess what happened? The government actually got more revenue by reducing taxes, which seems a little bit odd.

But by getting the taxes off the backs of the American public, the businesses prospered when they did. The taxes that were there brought in more revenue to the government than if they hadn't done that. So by cutting taxes, JFK understood that you could get the economy going. Ronald Reagan did the same thing. George Bush II did the same thing. By cutting taxes, you allow private citizens to invest their money. When they do that, it gets the economy going.

The government doesn't get the economy going. All the government can do is to create an environment that helps. So it's not like these problems, it's not like there's no answer and doom and gloom. There are clear-cut answers. That's what's so terribly frustrating when you see our government at war with business and the President saying, oh, we've got to be sensitive to jobs and this and that, and every single policy proposed is destructive to job creation and the economy.

Now, here is the funny thing. Here are the regulations. This is overall economic freedom index. You see America in 2001, here it's sixth. It's already down to eighth. If you take a look at corporate taxes, we are the second highest corporate taxes of any country in the world, behind only Japan. And so our policies are not set to help us with these problems. We are doing all the wrong things.

And yet the economy could rebound. Why would it rebound? Well, it would be a little bit like this. I want you to picture, you've got a weak heart. You've had a four-way heart bypass. You also have diabetes. You also have several other medical maladies. So you're not feeling too super strong. And all of a sudden somebody gives you some crack cocaine, and you feel like you're Superman and you're doing great. Well, that's what's just happened to the U.S. economy.

We're doing everything wrong from a point of view of policy. We're doing everything to kill jobs. But we are doing one thing that's going to make people think everything is okay. And that is the Federal Reserve has increased a tremendous amount of liquidity with a very low interest rate. And that trumps all of the bad policy decisions we have been making. And so you see Wall Street starting to pick up and stock prices starting to go up and all. Why is that happening? It's happening because we have allowed the Fed to create all this liquidity and basically put our economy on steroids. And that's not going to work for very long, and it's not going to fix that unemployment problem. And before long, we are going to jump from unemployment to an incredible level of inflation.

Again, this stuff isn't so rocket sciencey. We know what's the right thing to do, but we are unwilling to do it. We are unwilling to get off the big spending kick. That's what really has to change.

I yield to my friend.

Mr. THOMPSON of Pennsylvania. I share your concern. In fact, I guess the artificially induced high from the crack cocaine description that you used, I think that's going to describe 2010. I think that because we have infused a tremendous amount of taxpayer money, and I think in a very careless and reckless way into the economy, that's going to help mask the symptoms of the problems that we have in terms of jobs for 2010. And we may all feel better in 2010.

Here is my concern. I think with the amount of deficit spending that we have done that come January 1, 2011, this country falls off a cliff financially. The tax increases that will be implemented, the ramping up of an Environmental Protection Agency that has been tripled in size. We have already seen abusive behavior on their part in terms of them trying to legislate through their authority as an agency, redefining what a hazardous gas is, superseding all of their normal procedures they use in terms of scientific process to decide that carbon dioxide is a hazardous gas. All those things, I am very concerned with where that takes us in 2011.

I think deficit spending, things never work out well when you do that type of borrowing, that type of debt, especially when we are indebted principally to other countries with much of that debt.

Mr. AKIN. You are absolutely right. 2010 should be a little better year because of a weird thing. And that is the Bush cuts in capital gains expire next year. So if you have any capital gains in something, there is a huge incentive this year to sell whatever it is and get your capital gains tax paid this year at 20 percent because in 2011 it's going to jump to 35 percent. Because you know the Democrats are not going to allow that tax cut to stay. And so you are creating an artificial opportunity for 2010 to look better, when we are going to get hammered in 2011 because everybody's going to sell everything that they have capital gains on that they're going to take that tax hit on.

But here is what's really going on. If you take a look, these are the receipts. This is the money coming into the Federal Government. That's this blue dot. And this pink and red dot is how much we are spending. You take a look at the size of the two, and you are going uh-oh, something's wrong here. And that's why I said that when we spend a dollar, the dollar we spend of Federal money, 41 cents is borrowed.

You take a look over here at our outlays, what's going on? Social Security, Medicare, and Medicaid. Those are the three big entitlements. They are now bigger than all the rest of the spending. I am on the Armed Services Committee. Guess what I am seeing. We are gutting defense. Why? Because we don't have enough money here and we have too much over here.

Now obviously the Democrats are not that worried about balancing the budget. They are spending a ton on all kinds of entitlements and bailouts and all that kind of stuff. But sooner or later with this amount of entitlement, this amount of defense, we are going to pick up the other problem, which is we are not going to be able to defend ourselves. And you are seeing severe cuts in defense spending now, particularly missile defense and our offensive weapons, which have always been the thing that have kept Americans safe.

All of these problems don't stay tightly inside a box. One thing spills over into the other. But these huge outlays of big government have got to be brought under control for our Nation to survive. And just another infusion of running the printing presses and dropping the interest rate, that crack cocaine works for a little while, but it comes back with a whale of a hangover.

Mr. THOMPSON of Pennsylvania. It's deadly in the end.

Mr. AKIN. The trouble is that it's people in your and my district that are going to get hung with the cost of this deal. They are the ones that are struggling to make ends meet. They are the ones whose families are having a hard time. They are the ones that are getting taxed out of house and home. And they are the ones that are saying, I don't trust what Washington, D.C. is doing. I don't trust what Wall Street is doing. I don't know what to do with the last of my savings that just shrunk out from underneath me because of all of these policies.

We have to get back to some sanity and do the basic things that work. We have got to stop taxing the people who run the businesses. We have to get liquidity to business owners so that they have money to invest. What we have to do is to stop all the red tape. We have to basically change the banking rules so that there is some liquidity that way. And particularly, we have got to get off of the big spending. We just can't keep running this kind of deficit. This is just something that will not work mechanically. And so we are going to have to make some tough decisions. What we are going to have to do is let free enterprise work again, because that's the thing that pulls us out of this mess is good old American freedom, just allowing the U.S. citizens to be unfettered, have a chance to keep some of what they make, invest in their businesses, invest in Americans, and stop this whole sort of covetousness idea that any time somebody makes any money, the government's got to take it away from them.

□ 1730

If we want jobs, if we want a strong economy, and if we want money for the government to be able to spend to pay the government's bills, we are going to have to allow freedom to flourish in America instead of trying to stomp it out, which is what we are doing. We are following the failed model of the Soviet Union, and we are stomping out freedom.

Thank you, gentleman. I really appreciate Pennsylvania for sending GT down. It is a treat to serve with you.

Thank you all.

## RESIGNATION AS MEMBER OF COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Homeland Security:

HOUSE OF REPRESENTATIVES,
*Washington, DC, May 5, 2010.*

Hon. NANCY PELOSI,
*Office of the Speaker, House of Representatives, Washington, DC.*

DEAR SPEAKER PELOSI: I respectfully wish to resign from the Committee on Homeland Security. I have been honored to serve on the Committee and have found my experience to be extremely rewarding.

Sincerely,

BEN RAY LUJÁN,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## THE REFORM OF WALL STREET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Mr. Speaker, thank you so very much.

What we intended to talk about was the Wall Street meltdown and the necessity of the reform of Wall Street. However, having listened to our colleagues on the Republican side carry on for the last hour, there are some things that need to be said about their discussion.

### HEALTH CARE

First of all, they started off with this issue of health care, with the government takeover of health care. That is absolutely not true. We have passed major health care reform, and it is not a government takeover. In fact, it builds on the present American system. There is some government—some very, very good government programs.

You tell me what senior in America wants to have Medicare done away with. None of whom I know. There is always room for improvement. In every program, there will be problems from time to time, but no senior of whom I am aware anywhere in America wants to do away with that government program.

What this bill really does is to help organize the American health care system so that it will be more effective

and efficient and so that it will build on the private insurance system, which is much a part of America.

I know this business because I was the insurance commissioner in California for 8 years, and I regulated the insurance company. In this legislation, there is heavy-duty regulation of the insurance industry because there was a lot of talk—a lot of talk from our Republican colleagues—about a death panel. I'll tell you what the ''death panel'' is. It is the private insurance company that has heretofore denied coverage for people who have been seriously ill. When people would have illnesses, they would just dump them from the rolls. They would not insure people who had preexisting conditions.

I will tell my Republican colleagues and the American people that those days of insurance excesses and that those days of insurance discrimination are over. They are over. For men and women who are working their 8-, 10- and 12-hour shifts every day, they will be able to have their own doctors. That is what this reform does. It is not a government takeover. In fact, it builds upon the American system, which is unique here, and that is a fact.

TAXATION

They also talked about taxation. Well, let's understand that more than 80 percent of the Bush tax cuts went to the top 10 percent of wealthy people in America. They got the tax break, and the other Americans got the shaft. That is not the way we see tax cuts on our side. In fact, my colleague from Minnesota, who will join me in just a moment, was there to vote for the American Recovery and Reinvestment Act. That is the largest middle class tax cut in America's history.

The issue here is that Democrats will cut taxes for the working men and women—for middle class America. As for the wealthy, that's where the Republicans are. They will cut the taxes of the wealthy every single time.

If you listened carefully to the previous discussion from our Republican colleagues, they said it very clearly. They were talking about taxes for those who have limited liability companies. You tell me. Do small businesses out there in my community—the painting contractors, the plumbing contractors—have limited liability companies? No. No. They are sole proprietors. Their taxes were cut by Democrats, and Republicans cut the taxes for Wall Street.

My good colleague from Minnesota (Mr. ELLISON), you had some thoughts about this as you were sitting there, listening to them talk about the things that are going on. Please share with us your thoughts.

THE REFORM OF WALL STREET

Mr. ELLISON. I thank the gentleman for yielding. I also thank the gentleman for holding down this Special Order tonight. It is very important to talk about the American economy, so let me dive right in, as there are a few facts the American people may want to consider.

Barack Obama took office on January 20. George Bush was the President that whole month. There were 741,000 jobs lost to the American economy. There were 741,000 jobs lost under the Republicans when they had the Presidency, even back when they had majorities in both the Senate and the House of Representatives.

I think this board is very revealing. On the vertical axis, it demonstrates Time, which is months during the year—'07 all the way to March 2010. On this vertical axis are Job Changes.

Here we see, in January 2008, Bush begins to lose jobs, and they very clearly go down to hit the very bottom when we see December 2008–January 2009.

What we see during the Obama administration is a steady climb back up from the abyss. Very recently, we have even seen positive job growth for a few months.

This is an important fact to point out in the very beginning because, as we talk about who ran the economy into the ditch, it is very clear that our Republican colleagues managed that on their own and that it is the Democrats who steered the American economy back to a point of safety.

Let me also say this: When it comes to financial deregulation—and of course, tonight, we're going to be talking about the Wall Street Reform Act and about accountability. The fact is it was during the Bush administration that the climb on foreclosures began and that we saw 2.8 million people face foreclosure. In the last year, we saw foreclosures begin, and we have yet to see an antipredatory lending bill passed under any Republican regime. While the Republicans were in the majority, they did not do anything about foreclosures. They did not do anything about predatory lending. They did not do anything about yield spread premiums. They did not do anything about 2/28 mortgages and 3/27s. This is when people were being encouraged and persuaded to sign these fine-print, no-doc, low-doc mortgages. At the end of their teaser rate periods, they would see these mortgages explode, and they would find themselves in foreclosure.

The fact is the Democrats have taken the bull by the horns, and we have begun to right our ship of state to bring the American economy back to health. We have seen increases in the gross domestic product. Under the Democrats, we have seen increases in the number of jobs and decreases in the rate of unemployment. Thank goodness, we are here on the verge, hopefully, to pass Wall Street reform in order to really put the American economy back in the shape it deserves to be in.

I yield back to the gentleman.

Mr. GARAMENDI. Mr. ELLISON, thank you so very, very much for pointing out what was the history of the great 2008 collapse.

You saw those enormous job losses that were occurring during the Bush period and then the slow but steady improvement in the number of jobs that were lost so that now we are in a situation where we are actually seeing jobs added. We don't see the unemployment rate coming down as we would like to, but we are on the correct road, and we are making great progress on that.

I would like to ask my colleague to join us in carrying on this discussion, if you would.

Mr. DRIEHAUS. Thank you, Congressman GARAMENDI. I appreciate very much your taking the leadership tonight on this issue, which is so critically important.

There is a tremendous amount of misinformation out there about what has gone on in terms of the financial markets. I happen to sit on the Financial Services Committee, so I've seen firsthand what we have been able to do in terms of structuring a fix for what is going on on Wall Street and for what happened on Wall Street.

Yet it would be a mistake just to talk about the fix without talking about the history. Far too often, the Republicans would have us believe that all of this history began in January of 2009, which is when Barack Obama took the oath of office and when we took the oath of office. The facts are far different, and I think it is important to help voters and folks out there to better understand exactly how we got to where we are.

I remember as a State legislator, when I served in the Ohio House from 2001–2008, that these issues of predatory lending and of foreclosure came up over and over again. I pushed Governor Strickland to create a foreclosure task force in the State of Ohio, and I was proud to serve on that task force. Yet what we realized way before the task force was formed was that so many of these problems were Federal in nature. They were Federal in scope; though, the Federal Government was doing very little to regulate Wall Street, to regulate the mortgage industry.

My colleague Mr. ELLISON mentioned predatory lending and the failure to enact predatory lending legislation. I will remind the viewers and I will remind this body, Mr. Speaker, that it was in 2000 that Congresswoman Stephanie Tubbs Jones from Ohio—God rest her soul—introduced predatory lending legislation here in the House. They could have enacted that in 2000. They could have enacted it in 2001, in 2002, in 2003, in 2004, in 2005, and in 2006. Every year, she brought forward legislation concerning predatory lending because she understood the impact this was having in neighborhoods across Ohio

and across the country, but they failed to act. We knew that these things were being created on Wall Street, things like mortgage-backed securities and credit default swaps, which backed up the mortgage-backed securities, and collateralized debt obligations, which backed those up. The vast majority of the people had no idea that these things even existed much less what they were doing.

What we soon found out was that these mechanisms on Wall Street were allowing for the bubble to occur, which then led to the collapse when we found out what was actually contained in them.

For just a minute, Congressman, I'll talk about how the risk was shifted, because this is fundamental to what happened. You know, years ago, you would go to a savings and loan or you would go to a bank, and you would try to get a mortgage on your house. The risk would be shared between the financial institution and the homeowner, and they would hold onto the paper. The financial institution would hold onto that mortgage paper, and it would be part of their investment portfolio; but that is not what happened in the 2000s.

What happened in the early 2000s was that investment vehicles were created on Wall Street that no longer required that bank or that savings and loan to hold onto that paper. They sold it immediately. They sold it immediately onto a secondary market that was created. These things were then brought together in thousands of mortgages, called ''mortgage-backed securities.'' They were then sold to international investors, to pension funds—to all kinds of entities.

In the meantime, the rating agencies were rating these things at AAA despite the fact that many of the mortgages contained in these packages were bad mortgages. Oftentimes, they were 2- or 3-year adjustable rate mortgages to subprime borrowers. ''Subprime borrowers'' are simply borrowers who have poor histories of paying back in the first place.

So what behavior did this incentivize? Well, at the front end, I will tell you what it incentivized.

You had mortgage brokers and financial entities going out there trying to qualify anybody they possibly could for a mortgage at the highest prices they could possibly get because they were no longer holding onto the paper. It was no longer a long-term investment of the property value of that home; it was at the close of the deal. If it's at the close of the deal, you're going to close as many deals as you possibly can. That's why they were qualifying people who should never have qualified for mortgages. That is how this bubble was created.

Now, I have heard a lot of my colleagues come down here and blame the Community Reinvestment Act over and over again. If you listen to conservative talk radio, they say the banks were forced to lend into these neighborhoods and the banks were forced to make bad loans. Now, I've never come across a bank that didn't have the power to say ''no'' to a loan, but they would have you believe that it was the banks that were forced to do this because of the Community Reinvestment Act. So I just want to bring a few things to the attention of the public.

□ 1745

First of all, the Community Reinvestment Act was established in 1977. So if the Community Reinvestment Act was the problem, you would think that maybe we would have seen this in the 1980s and the 1990s. But we didn't because the Community Reinvestment Act wasn't the problem.

What the Community Reinvestment Act did was it provided incentives for financial institutions to go into neighborhoods where there were depositors in those financial institutions but folks weren't qualifying for loans because they had red-listed entire areas. They weren't required to make bad loans. They were just required to go into the neighborhoods and make good loans.

And if I can just refer to Ben Bernanke in a letter November 25, 2008, who said this, and he's responding to one of our Senate colleagues:

''Thank you for your letter of October 24, 2008, requesting the Board's view on claims that the Community Reinvestment Act is to blame for the subprime meltdown and current mortgage foreclosure situation. We are aware of such claims but have not seen any empirical evidence presented to support them. Our own experience with CRA over more than 30 years and recent analysis of available data, including data on subprime loan performance, runs counter to the charge that CRA was at the root of, or otherwise contributed in any substantive way to, the current mortgage difficulties.''

The fact of the matter is over 80 percent of the bad loans that went into default, that caused the foreclosure crisis, over 80 percent, were from financial entities and nonfinancial entities that didn't even participate in the Community Reinvestment Act.

Mr. GARAMENDI. You have raised a very, very important point, and it's the history of how all of this came to pass, about a mortgage industry that had run amok, that had engaged in predatory pricing and predatory mortgages and selling products, mortgages and loans, that they knew the homeowner could not possibly afford, maybe during the teaser rate period, but when that teaser rate was over in a year or two and the rate readjusted and reset, it was all over. That's the history of what was going on. It was Wall Street and its minions out there throughout the United States, the mortgage companies, that were all playing a part of this game.

It comes down to basic American values that were not honored. The basic American value. You know, you work hard, you get a wage, you can get a home. But in this case, they were selling people products and mortgages that no way could they possibly afford, and they had no skin in the game. They had no ongoing obligations. You explained it so well, Mr. DRIEHAUS, how that was going on.

It comes back to certain values. Wall Street's value was greed is good. That's not an American value. That's a unique Wall Street value. Greed is not good. Greed leads to some real serious problems. You go back through all of the writings in the Bible and other religious writings down through the millennium, and it comes down to the same thing. Greed's not good, folks. Yet Wall Street was engaged in that very un-American practice of extraordinary greed, unbridled greed that led to the creation of these bogus and unsubstantiated mortgage instruments that were—by their own admission 2 weeks ago or a week ago when Goldman Sachs testified here, the guy that created them used some extraordinary language, that these were monsters, these were things that were unintelligible, that couldn't be understood and couldn't be priced, and yet that was Wall Street. Why did they do it? They did it because they wanted the money and they played the games.

This was a chart that was used last night by Congresswoman JACKIE SPEIER as she explained one of the things you talked about, Mr. DRIEHAUS, how Goldman Sachs would create a mortgage-backed security. In fact, this one didn't even have mortgages backing it. It was totally ephemeral. It was a figment of the imagination of Wall Street bankers. They created this thing.

Then down here at the bottom, these were the less risky portions of it. Each one of these are what they called tranches. They would sell it off, saying this was an A-rated. That's relatively good strength. Then down here at the very bottom, which was pure junk, they managed to get the rating houses, Standard and Poor's and other rating houses, to say, well, maybe this piece of junk is actually of some value if we go back and look not at the ability of the homeowner to pay but rather at the FICO score. Well, they did, and they rated it as an A, and then they sold it to unsuspecting investors, and the result was, at the end of the day, junk is junk and the thing collapsed. So we had the great collapse of 2008. So what do we do about it now?

And, by the way, you mentioned the Community Reinvestment Act. I was the insurance commissioner in California for 8 years, and I watched the

banks use the Community Reinvestment Act to bring bank offices and branches into the underserved communities. It ended the redlining. It's a very, very good law. If only the insurance industry had a similar law so that they would provide insurance products in those communities, but it doesn't. The Community Reinvestment Act isn't to blame here. Greed, unbridled greed is the problem.

And to our Republican friends that ranted for the previous hour about government regulation, we need it, serious government regulation of Wall Street.

Let's talk about where we go from here. Mr. DRIEHAUS.

Mr. DRIEHAUS. I think it's a good point, Congressman. There was no regulation. There was no regulation of mortgage-backed securities. There was no regulation of credit default swaps. So when folks get up and say we have enough regulation on Wall Street, well, there may be regulation, but the regulation was in the wrong place.

So if you look at the bill that came through the House when it comes to regulatory reform, we focused on some sound principles. First, the creation of a Consumer Financial Protection Agency, an independent agency that provides consumers with information, good information, about the products that they are being offered. Now, this isn't a crazy idea. You know, we often said in the State of Ohio that you were safer purchasing a toaster than you were a home loan because you had more consumer protections purchasing a toaster. And that's true. You have consumer protections when it comes to purchasing a vehicle. You have consumer protections if you purchase toys for your kids. But you don't have those same consumer protections when it comes to a home loan.

Mr. GARAMENDI. That's in the bill that you and the other members of the Financial Services Committee put together. It was voted on here on this floor in December, as I recall. I had the pleasure of being elected in November, and I was here for that vote. Very, very important.

I am going to just put this up here, and maybe the three of us together can refer to this as we go on. Right there, number one, consumer protection, watchdog with teeth.

I know, Mr. ELLISON, you were talking to me earlier about some of these things.

Mr. ELLISON. Yes. If the gentleman would yield, I want to just say that this is an excellent list and really helps listeners to sort of zero in on some of the key features that we will elaborate on right now.

Let me just give my own take on consumer protection. There are about seven different agencies that had some responsibility for consumer protection. The Federal Reserve Bank, for one, has some responsibility. Actually, it was in 1995 that Congress passed a law that said that the Fed could regulate in the area of mortgage lending, and they didn't do so.

What this Consumer Protection Agency would do is to say, you know what? We're not going to spread the responsibility so that everybody says, well, I thought somebody else was going to do it. What we do is we concentrate it and say we hold this agency responsible for consumer protection. The Fed, as you know, is responsible for monetary policy and responsible for unemployment, keeping the economy going for employment. It also has responsibility historically for consumer protection. What we're saying is that it makes sense for an agency which will have the responsibility for rulemaking with regard to consumer protection, enforcement of consumer protection rules, and examination of companies that have a responsibility to comply, to make sure that if you are going to sell a product, a financial product, a loan, that the terms are clear, that people understand the terms, that people know what they are getting into, that there's transparency, that there is real information that a person could make a good decision on. And then also there might be some products that are just completely and patently unfair that consumers ought to be able to not have to be part of.

Let me just say there's something going on here when we do financial transactions known as information asymmetry. Let's just face it, folks. Look, I'm a 46-year-old man. I bought only one house in my life. I have been at a closing once and only once. I went to college. I even went to law school. I was a State legislator. I am no match, no match at all, for somebody who wants to sell me a mortgage that maybe I don't want. The terms and conditions are just too opaque. It's too much information. If you've ever been to housing selling, you're just signing documents, one right after another. People don't get it. We need a Consumer Protection Agency that will say, look, this has got to be a fair transaction, this has got to be disclosed, it needs to be clear, and that way we may be able to have some good decisionmaking and better decisionmaking on behalf of consumers.

Mr. GARAMENDI. Mr. DRIEHAUS.

Mr. DRIEHAUS. I appreciate that. And picking up on that point, the CFPA is critical to provide consumers information. But if you go back down to No. 5 on that list, strengthening community banks, this strengthens community banks because so much of the problem occurred outside of the financial institutions in the first place. Many of these subprime mortgages, many of these bad loans didn't originate with community banks. The community banks were doing the right thing. But there was no regulation of the behavior of these nonfinancial entities. So for the first time, the CFPA will step in and provide regulation over the product itself. So it doesn't matter how you structure your entity to avoid regulation. The regulation will come in the form of the product. So if you're offering a consumer product which is determined to be a bad product for consumers, you will be prohibited from offering that, regardless of the type of entity that you are.

This is important because banks are very wary of regulators and for good reason, especially community banks, who have regulators coming in all the time to make sure that safety and soundness is being complied with and to make sure that consumers are being treated fairly. But what the CFPA gets at isn't additional burdens on community banks, but it's going after those previously nonregulated entities to make sure that they are following the law and that the products they are offering are fair and that the disclosures they are providing are clear, that they're transparent, and consumers know what they are getting themselves into.

Mr. ELLISON. Could I ask the gentleman a question?

Mr. GARAMENDI. Please.

Mr. ELLISON. And I will ask both gentlemen a question.

Now, if the Consumer Protection Agency is going to actually provide regulation to nonbank lenders, most of whom generated these subprime and predatory loans, will that help community banks by taking away the competitive advantage some of those unregulated lenders had?

Mr. DRIEHAUS. Yes, I believe it will absolutely strengthen the community banks.

And as you know, many of the community banks were provided additional protections, Mr. Speaker, by making sure that the CFPA was only part of the regulatory structure when we went into community banks so that we didn't place yet an additional burden in terms of an examination on that community financial institution.

So I believe this is an additional protection because for far too long, these entities were existing outside of a regulated marketplace, which put community banks, the guys that were doing the right thing, the guys that so many of us rely upon, and lend to small businesses, lend to people trying to purchase their homes—they were at a competitive disadvantage, and this really does strengthen those community banks because it forces everybody to have an even playing field.

Mr. GARAMENDI. It's really very, very important that we do focus on the community banks. This is Main Street. This is where the small businessman—the men and women that own the local grocery store, the shop, the person who is the carpenter, the painter, this is

where they will get the money that they need, the loan that they need to carry on their business. It's the community banks. But what has happened in America over the last decade is a concentration of economic strength in the hands of just a few.

□ 1800

A very, very few of the large banks, Wall Street banks now, control 80 percent or more of the American financial strength. We need to take that into account, not only because it will give the community banks an opportunity to compete and to have capital available to them so that they can make those loans, but also because of this problem of too big to fail. Too big to fail. That's what happened over the course from 2000—maybe beginning in the nineties—until 2008, when the great collapse occurred. The banks grew bigger and bigger and fewer and fewer so that at one point just a handful controlled most of the financial assets of America. And they grossly mismanaged those assets. AIG, a famous name. Lehman Brothers, another bankrupt company. All of the games that they played, those roosters came home to roost and the droppings were on American homeowners and the hardworking men and women of America that lost their jobs as a result of Wall Street excesses.

So now what are we going to do about too big to fail? The Senate, which is now moving a piece of legislation that would accompany the House bill, which we passed 4 months ago, that piece of legislation may be amended to say that no financial institution in America can control more than 10 percent of the financial strength of this Nation. That is something I really like. Back in college, I learned about the need for competition. I took an economics class. You have to have competition. You've got to have a lot of players. You've got to have a robust free market. Well, we don't really have that in the financial institutions anymore because they've grown too big. Well, if we just make them a little smaller: You get to 10 percent, I'm sorry, you're going to have to shed some business. We'll have to have others pick up the rest of it. But this too big to fail is part of the reform bill. Exactly how it's going to come out of the Senate, we don't know for sure. But it is certainly going to deal with this issue.

Mr. ELLISON, I know that you worked on this.

Mr. ELLISON. Well, the gentleman, I'm glad, talks about this issue of too big to fail. If either the gentleman from Ohio or California want to elaborate, I'd just like to pose to both of you gentlemen a question, and that is: If some banks are too big to fail, are there then other banks that are too small to save?

Mr. GARAMENDI. Well, now that's an interesting question. Clearly, we have institutions that are too big to fail. That's where the TARP legislation that was the last act—one of the last acts of the Bush administration—came into being. The Treasury Secretary, Mr. Paulson, who actually was the CEO of Goldman Sachs, as I recall, came to this House, came to the Senate, and said, Oh, my. Oh my. The world is going to collapse unless you immediately cough up a trillion dollars to the banks to stabilize the banks. Fortunately, this House said, Wait a minute. Let's see what we're doing here. Instead of a 1-page bill giving the Treasury Department a trillion dollars, the TARP program was put in place. And it did stabilize the financial institutions but it was a clear sign that Wall Street banks had become too big. AIG. How much have they taken? Twenty-three billion dollars of our money. Are we going to get it back? We don't know.

Mr. DRIEHAUS, if you will carry on here. I know that you were involved in that TARP legislation. Share with us.

Mr. DRIEHAUS. Getting back to the issue of too big to fail, because I think this is really a critical issue for people to get their arms around. I think it's important that we have strong capital markets; that the private sector works well in providing capital to allow our businesses to grow, to allow people to invest in the economy. That's critically important. But the issue of too big to fail really comes back to our responsibility, because when an entity is too big to fail, then it suggests that they go well beyond losses that might just impact the shareholders or losses that might just impact the owners or the employees of a business, but in fact it impacts all of us.

We then have a responsibility so that when the harm that's caused by these institutions is so great that it impacts the public good, then the United States Congress has a responsibility. In this case, the foreclosure crisis. Not only have we seen the greatest recession in our lifetimes but we have seen neighborhoods just devastated by foreclosures all across this country. Certainly, in the State of Ohio, where I come from.

The cost is enormous. That's not being repaid by Goldman Sachs. Lehman Brothers isn't around to do it. The big investment firms on Wall Street aren't there when we're having crime in our neighborhoods due to the foreclosures. It's the residents and the local governments that are left to pick up the pieces. That's what we mean by too big to fail.

So never again will we allow an entity to get so big that its failure will cause such a calamity not just to the economy but to our neighborhoods, to our communities, and obviously to jobs across the country. So we've put mechanisms in place to prohibit entities from growing that large. And if they are so large that their collapse would have this tremendous impact, we provide for a provision to allow the Fed to wind them down and allow Treasury to wind them down—not at taxpayer expense but at their own expense and at the expense of financial entities who are contributing to a pool. We don't believe in the government bailouts. We are trying to put an end to government bailouts. What we are trying to do is allow these to be dissolved in a way that's fiscally responsible. That's what we mean by too big to fail.

Mr. GARAMENDI. That's a very, very important point about how things will move forward. It's also extraordinarily difficult for me to understand the Republican Party in this matter. On the Senate side, at the moment it looks as though they want to maintain the status quo. They want to maintain business as usual. That business as usual took this economy and nearly the entire world's economy into the tank. We need change. We need to put in place the reforms so that these kinds of financial meltdowns don't occur again. And for too big to fail, the use of wise processes within the government to unwind those companies that are too big, bring them back to size; when they're in financial trouble, unwind it and to bring us back to some sane situation.

There are a couple of other things that are in this thing that are really important. This number three of the kinds of reforms that the Democrats want to put forward: Stop Wall Street firms from betting against their customers. Also, Wall Street is not a gambling house. Wall Street isn't the shore of New Jersey or Las Vegas. Wall Street is where the financial strength of this Nation and indeed the world should be, based on fundamental American values of fair play, of honesty, of no games, straightforwardness, of visibility, of what is going on.

We have seen far too much of Wall Street hiding the ball, of gambling as though they were some casino in Las Vegas, and creating products and selling products that they know are detrimental to their customers' well-being—their financial well-being. So this is part of the reform that's going to go into place when the Republicans in the Senate finally allow the Senate to move forward with its reform.

I know you were involved here in the House as you took up this issue, Mr. DRIEHAUS. Share with us, if you would, some of the things that took place that are in the House reform.

Mr. DRIEHAUS. I think it's critically important as you move through this list to help people better understand exactly what it is that we're doing. One of the big issues that comes up time and time again is the issue of transparency. Because transparency

was a big problem. It wasn't that the regulations didn't necessarily exist on some of these products, but people didn't know what was in the products. And so the Wall Street banks were intentionally hiding the risk associated with some of these derivative products.

Derivatives by their very nature are derived from other capital. But they're critically important. They're critically important to our system, our economic system, because they provide capital investment that creates jobs in our economy. So we don't want to stop derivatives. We want to create investment vehicles. Derivatives are okay, but these investment vehicles need to be transparent. That's all we're asking through the legislation, is that the risk associated with the product be clear so that the people investing in these products know the risk associated with their investment. This is basic. This is basic finance, that people asking to invest in products should know the risk associated with those investments. That's what we're trying to achieve through the regulatory reform bill.

Mr. GARAMENDI. It's one of those basic American values that Wall Street seems to have forgotten and the Republican Party seems to want to be absent from Wall Street, and that is honesty, transparency. That is, explain what this product is all about, and also, the requirement that when you're selling something in a financial institution, you have the obligation of good faith to your customer; that you're being honest—a fundamental American value that was largely forgotten by Wall Street. As this reform goes into place, I think we will see it returned, because it will be the law. Sometimes you simply have to say you have to change because the law now requires you to be honest, to be straightforward, to be transparent; that is, to explain your product.

I notice that we have now been joined by your colleague from Ohio, the gentlewoman, Ms. KAPTUR. She has a chart up there that I think goes right to the heart of this. If you would, please, share with us.

Ms. KAPTUR. Thank you very much. I appreciate the gentleman yielding this evening and I thank you both for sponsoring this Special Order. Part of our responsibility is to restore trust in the most important financial institutions in our country—restore trust to the American people in those—and to change the laws in order to make sure that that trust in our capital markets and in our banking system is restored. We're a long way from doing that, and financial reform is a part of it. I hope that the bill improves as it moves through the Senate.

The chart that I brought to the floor tonight—and this is just one chart. I would like to put in the RECORD, CBS News Investigates Goldman Sachs' Revolving Door, with a full list of individuals just from that company. There are many other companies, but the kind of incredible power that they wield in this city.

If you just look at Goldman Sachs and then at people from Goldman Sachs who came to work for the government of the United States in the highest positions, you begin to question whether they were representing the public interest or their personal interest in many of the dealings that occurred on Wall Street.

For example, you have an individual during the last administration that worked for President Bush by the name of Joshua Bolten. He was the President's Chief of Staff during the time when the TARP was voted through this Congress in the bailout in the fall of 2008. He had been the director of OMB through most of the Bush administration. But what a lot of people don't know is that before that he had been the Executive Director of Legal Affairs for Goldman Sachs based in London. That is the bank's chief lobbyist to the European Union. So when you look at the collapse of institutions in Europe, whether it was Dresdner Bank in Germany or Societe Generale, which was a counterparty in the AIG insurance situation, those deals were brokered through London. And there he sat for the whole decade of the nineties, putting together the architecture that then collapsed in this decade.

But he's not alone. It's important that people understand this just didn't start in 2007 or 2008 or 2005. The pieces were put together starting in the 1980s, and then the foundation stones and all the regulatory changes were made that allowed this type of hyperinflation of the housing market and the pyramiding of equity to a point that it simply couldn't hold. These men were a part of that.

If you look at the former Secretary of Treasury in the past administration, before President Obama and during President Clinton, he had come from Goldman Sachs, Robert Rubin, and he was Secretary of the Treasury from 1995–1999, when so much of the deregulation was done. But they all go back to Goldman Sachs. That's the beehive. The bees come out, they go somewhere else, and then they come back. We have to begin to unpeel this and unwind and understand who these individuals are. We heard the name of Hank Paulson, who was Secretary of the Treasury during the period time that the bailout was voted. He was the CEO of Goldman Sachs. So they come in, collect a little bit of honey, and then they go back. What the American people have to understand is what exactly did they do; who made these decisions.

Now, we have over at the Secretary of Treasury the chief of staff to the Secretary of Treasury, Mark Patterson. Guess where he came from? Goldman Sachs. And the recent general counsel from the White House, Mr. Craig, he left the White House. Where did he go? Goldman Sachs.

□ 1815

So it rises above party. We have to stand up for what's right for America, and we have to unwind these private interests that have caused such harm to our country.

[From CBS News Investigates, Apr. 7, 2010]

GOLDMAN SACHS' REVOLVING DOOR

(By Paula Reid)

A CBS News analysis of the revolving door between Goldman and government reveals at least four dozen former employees, lobbyists or advisers at the highest reaches of power both in Washington and around the world.

THE INFLUENCE AND POWER OF GOLDMAN SACHS

For example, former Treasury Secretary Henry Paulson is a former Goldman CEO; Arthur Levitt, the head of the Securities and Exchange Commission is a now a Goldman adviser; and former House Majority Leader Dick Gephardt is now a paid lobbyist for the firm.

Our alphabetical list:

JOSHUA BOLTEN

Government: President George W. Bush's Chief of Staff from 2006–2009; Director of Office of Management and Budget from 2003–2006; White House Deputy Chief of Staff from January 20, 2001–June 2003.

Goldman: Executive Director of Legal Affairs for Goldman based in London, aka, the bank's chief lobbyist to the EU from 1994–1999.

KENNETH D. BRODY

Government: President and Chairman of the Export-Import Bank of the United States (1993–1996).

Goldman: Former general partner and member of the Management Committee at Goldman Sachs where he worked from 1971–1991.

KATHLEEN BROWN

Government: Former California State Treasurer.

Goldman: Senior Advisor responsible for Public Finance, Western Region.

MARK CARNEY

Government: Governor of the Bank of Canada since 2008.

Goldman: Mr. Carney had a thirteen-year career with Goldman Sachs in its London, Tokyo, New York, and Toronto offices. His progressively senior positions included Co-Head of Sovereign Risk; Executive Director Emerging Debt Capital Markets; and Managing Director, Investment Banking. He started at Goldman in 1995.

ROBERT COGORNO

Government: Former Gephardt aide and one-time floor director for Steny Hoyer (D–MD.), the No. 2 House Democrat.

Goldman: Works for [Steve] Elmendorf Strategies, which lobbies for Goldman.

KENNETH CONNOLLY

Government: Staff Director of the Senate Environment & Public Works Committee 2001–2006.

Goldman: Vice President at Goldman from June 2008–present.

E. GERALD CORRIGAN

Government: President of the New York Fed from 1985 to 1993.

Goldman: Joined Goldman Sachs in 1994 and currently is a partner and managing director; he was also appointed chairman of GS

Bank USA, the firm's holding company, in September 2008.

JON CORZINE

Government: Governor of New Jersey from 2006–2010; U.S. Senator from 2001–2006 where he served on the Banking and Budget Committees.

Goldman: Former Goldman CEO. Worked at Goldman from 1975–1998.

GAVYN DAVIES

Government: Former chairman of the BBC from 2001–2004.

Goldman: Chief Economist at Goldman where he worked from 1986–2001.

PAUL DIGHTON

Government: Chief Executive of the London Operating Committee of the Olympic Games (LOCOG).

Goldman: Former COO of Goldman where he worked for 22 years beginning in 1983.

MARIO DRAGHI

Government: Head [Governor] of the Bank of Italy since January 2006.

Goldman: Vice chair and managing director of Goldman Sachs International and a member of the firm-wide management committee from 2002–2005.

WILLIAM DUDLEY

Government: President Federal Reserve Bank of New York City (2009–present).

Goldman: Partner and Managing Director. Worked at Goldman from 1986–2007.

STEVEN ELMENDORF

Government: Senior Advisor to then-House minority Leader Richard Gephardt.

Goldman: Now runs his own lobbying firm, where Goldman is one of his clients.

DINA FARRELL

Government: Deputy Director, National Economic Council, Obama Administration since January 2009.

Goldman: Financial Analyst at Goldman Sachs from 1987–1989.

EDWARD C. FORST

Government: Advisor to Treasury Secretary Henry Paulson in 2008.

Goldman: Former Global Head of the Investment Management Division at Goldman where he worked from 1994–2008.

RANDALL M. FORT

Government: Assistant Secretary of State for Intelligence and Research from November 2006–Jan 2009.

Goldman: Director of Global Security 1996–2006.

HENRY H. FOWLER

Government: Secretary of the Treasury from 1965–1968.

Goldman: After leaving the Treasury Department, Fowler joined Goldman Sachs in New York City as a partner.

STEPHEN FRIEDMAN

Government: Chairman of the President's Foreign Intelligence Advisory Board and of the Intelligence Oversight Board; Chairman Federal Reserve Bank of New York from 2008–2009; former director of Bush's National Economic Council. Economic Advisor to President Bush from 2002–2004.

Goldman: Former Co-Chairman at Goldman Sachs and still a member of their board. Joined Goldman in 1966.

GARY GENSLER

Government: Chairman of the U.S. Commodity Futures Trading Commission since 2009; Undersecretary to the Treasury from 1999 to 2001; Assistant Secretary to the Treasury from 1997–1999.

Goldman: Former Co-head of Finance for Goldman Sachs worldwide. Worked at Goldman from 1979–1997.

LORD BRIAN GRIFFITHS

Government: Head of the Prime Minister's Policy Unit from 1985 to 1990.

Goldman: International Advisor since 1991.

JIM HIMES

Government: Congressman from Connecticut (on Committee on Financial Services) since 2009.

Goldman: Began working at Goldman in 1990 and was eventually promoted to Vice President.

ROBERT D. HORMATS

Government: Under Secretary of State for Economic, Energy and Agricultural Affairs-designate since July 2009; Assistant Secretary of State for Economic and Business affairs from 1981 to 1982.

Goldman: Vice Chairman of Goldman Sachs International and Managing Director of Goldman Sachs & Co. He worked at Goldman Sachs from 1982–2009.

CHRIS JAVENS

Government: Ex-tax policy adviser to Iowa Senator Chuck Grassley.

Goldman: Now lobbies for Goldman.

REUBEN JEFFERY III

Government: Under Secretary of State for Economic, Business, and Agricultural Affairs from 2007–2009; Chairman of the Commodity Futures Trading Commission from 2005–2007.

Goldman: Former Managing Partner of Goldman Sachs Paris Office. Worked at Goldman Sachs from 1983–2001.

DAN JESTER

Government: Former Treasury Advisor.

Goldman: Former Goldman Executive.

JAMES JOHNSON

Government: Selected to serve on Obama's Vice Presidential section committee but stepped down.

Goldman: Board of Director of Goldman Sachs since May 1999.

RICHARD GEPHARDT

Government: U.S. Representative (1977 to 2005).

Goldman: President and CEO, Gephardt Government Affairs (since 2007). Hired by Goldman to represent its interests on issues related to TARP.

NEEL KASHKARI

Government: Interim head, Treasury's Office of Financial Stability from October 2008–May 2009; Assistant Secretary for International Economics (confirmed in summer 2008) Special assistant to Treasury Secretary Henry Paulson from 2006–2008.

Goldman: Vice President at Goldman Sachs from 2002–2006.

LORI E LAUDIEN

Government: Former counsel for the Senate Finance Committee in 1996–1997.

Goldman: Lobbyist for Goldman since 2005.

ARTHUR LEVITT

Government: Chairman, SEC 1993–200;

Goldman: Advisor to Goldman Sachs (June 2009–present).

PHILIP MURPHY

Government: U.S. Ambassador to Germany since 2009.

Goldman: Former Senior Director of Goldman Sachs where he worked from 1983–2006.

MICHAEL PAESE

Government: Top Staffer to House Financial Services Committee Chairman Barney Frank.

Goldman: Director of Government Affairs/Lobbyist (2009).

MARK PATTERSON

Government: Treasury Department Chief of Staff since February 2009.

Goldman: Lobbyist for Goldman Sachs from 2003–2008.

HENRY ''HANK'' PAULSON

Government: Secretary of the Treasury from March 2006 to January 2009; White House Domestic Council, serving as Staff Assistant to the President from 1972 to 1973; Staff Assistant to the Assistant Secretary of Defense at the Pentagon from 1970 to 1972.

Goldman: Former Goldman Sachs CEO. Worked at Goldman from 1974–2006.

ROMANO PRODI

Government: Two time prime minister of Italy.

Goldman: From March 1990 to May 1993 and when not in public office, Mr. Prodi acted as a consultant to Goldman Sachs.

STEVE SHAFRAN

Government: Advise to Treasury Secretary Henry Paulson.

Goldman: Worked at Goldman from 1993–2000.

SONAL SHAH

Government: Director, Office of Social Innovation and Civic Participation (April 2009); advisory board member Obama-Biden transition Project; former previously held a variety of positions in the Treasury Department from 1995 to early 2002.

Goldman: Vice President 2004–2007.

FARYAR SHIRZAD

Government: Served on the staff of the National Security Council at the White House from March 2003–August 2006; Assistant Secretary for Import Administration at the U.S. Department of Commerce in the Bus Administration.

Goldman: Global head of government affairs (Lobbyist) since 2006.

ROBERT K. STEEL

Government: Under Secretary for Domestic Finance of the United States Treasury from 2006–08.

Goldman: Former Vice Chairman of Goldman Sachs where he worked from 1976–2004.

ADAM SCORCH

Government: COO the SEC's Enforcement Division (October 2009–present). He was 29 years old at the time of his appointment.

Goldman: Former Vice President at Goldman Sachs where he worked from 2004–2009.

RICHARD Y. ROBERTS

Government: Former SEC commissioner from 1990 to 1995.

Goldman: Now working as a principal at RR&G LLC, which was hired by Goldman to lobby on TARP.

ROBERT RUBIN

Government: Treasury Secretary from 1995–1999; Chairman of the National Economic Council from 1993–1995.

Goldman: Former Co-Chairman at Goldman Sachs where he worked from 1966–1992.

JOHN THAIN

Government: CEO resident of NYSE (2004–07).

Goldman: President and Co-Chief Operating Officer from 1999–2004.

MARTI THOMAS

Government: Assistant Secretary in Legal Affairs and Public Policy in 2000. Treasury Department as Deputy Assistant Secretary for Tax and Budget from 1998–1999; Executive

Floor Assistant to Dick Gephardt from 1989–1998.

Goldman: Joined Goldman as the Federal Legislative Affairs Leader from 2007–2009.

MASSIMO TONONI

Government: Italian deputy treasury chief from 2006–2008.

Goldman: Former Partner at Goldman Sachs from 2004–2006.

MALCOLM TURNBULL

Government: Member of the Australian House of Representatives since 2004.

Goldman: Chairman and Managing Director, Goldman Sachs Australia from 1997–2001 and Partner with Goldman Sachs and Co. from 1998–2001.

SIDNEY WEINBERG

Government: Served as Vice-Chair for FDR's War Production Board during World War II.

Goldman: Worked at Goldman from 1907–1969, eventually becoming CEO after starting as a $3-a-week janitor's assistant.

KENDRICK WILSON

Government: Advisor to Treasury Secretary Henry Paulson.

Goldman: Senior investment banker at Goldman where he worked from 1998–2008.

ROBERT ZOELLICK

Government: President of the World Bank since 2007.

Goldman: Vice Chairman, International of the Goldman Sachs Group, and a Managing Director and Chairman of Goldman Sachs' Board of International Advisors (2006–07).

Mr. GARAMENDI. Thank you very much. That history is not a good chapter in America, and these men that were involved in all of this, to whom did they owe their allegiance?

I've said many times, it's about the fundamental American values. I know that in my community, a small community in California of farmers and hardworking men and women, that they go to work every day and they expect to be paid a fair wage, but they don't expect to make that wage by cheating somebody, by playing a financial game. They expect to make it by working hard and carrying on for their family.

Mr. DRIEHAUS, if you would share with us some of the additional experiences that you had on the Financial Services Committee.

Mr. DRIEHAUS. Well, I would just share with you and share with everyone here that the reality is that, from a legislative standpoint, nothing has changed. Despite the fact that we're in the worst recession that we've ever experienced—we all know what caused this. We know how we got here. We know the lack of regulation on these very sophisticated financial instruments caused the mortgage meltdown which led to the recession. But the fact of the matter is, legislatively, nothing has changed in statute.

We passed a good bill out of the House——

Mr. GARAMENDI. Back in December.

Mr. DRIEHAUS. We passed a good bill that had a lot of measures. Subsequent to that, after it went over to the Senate, there has been stalling by the Republican Senators. We've had closed-door meetings by leadership of the Republicans in the House and in the Senate, both here in Washington and on Wall Street, because the financial firms on Wall Street like the status quo. We've seen their profits. They're back to the days of big bonuses. But our neighborhoods are still struggling. Our neighborhoods are still trying to get out of the foreclosure crisis that has impacted them, And it's going to be years before they come out of that crisis. It's the most important thing that we can do here is make sure that this never happens again, but our Republican colleagues in the Senate are standing in the way. At least here, the Republicans just voted ''no,'' but they couldn't stop the process from moving forward.

We, as a Congress, have an obligation to the people. We, as a Congress, have an obligation to the people to ensure that the crisis that we found ourselves in never happens again. We do that through strong regulatory reform. We've passed a strong measure in the House. We're waiting upon the Senate to tell the American people that we won't let this happen again. That is our responsibility, and that's what we need to impress upon people as we move forward.

Enough of the closed-door meetings with Wall Street; it's time to act on behalf our constituents.

Mr. GARAMENDI. Let's be very clear that those closed-door meetings were the leadership of the Republican Party sitting down with Wall Street and talking about how to preserve the present system that led to this great collapse.

You said something that just ticked me off—not at you, but at the situation—and it's the Wall Street bonuses. At a time when hardworking men and women, more than 8 million Americans were losing their jobs as a result of the financial games of Wall Street, 8 million—in my district, tens of thousands of men and women that worked hard every single day to put bread on their table for their family, to keep their roof over their head lost their jobs because Wall Street was playing financial games, thinking of the financial market as some sort of gambling casino while my constituents were losing their houses, losing their jobs, forced to go on unemployment, losing their health insurance.

What was going on, on Wall Street? Well, here it is: Wall Street was paying some of the highest salaries and bonuses ever in America's history. In 2007, before the collapse, look at that, $137 billion, $137 billion in pay and bonuses. During the great collapse in 2008, when 750,000 people were losing their job every month, Wall Street was paying its fat cats $123 billion. And then in 2009, using the recovery money, using our taxpayer money, what did Wall Street do? They paid themselves $145 billion.

There ought to be a law—in fact, there ought to be a tax law that says when you get a fat-cat bonus and you've taken your company into virtual bankruptcy, we're going to tax that bonus and we're going to bring it back. We're going to bring it back to the local bank so that they can make a real loan to real businesses and put aside the financial gains. There ought to be a tax on those kinds of unconscionable bonuses and pays that are going to these Wall Street fat cats that nearly brought down the world's financial economy. There ought to be a law, and that law is being held up now by the Republican Party. We need Wall Street reform right now.

Ms. KAPTUR. Would the gentleman be kind enough to yield?

Mr. GARAMENDI. I would be delighted to yield.

Ms. KAPTUR. Congressman GARAMENDI, I want to compliment you and Congressman STEVE DRIEHAUS of Ohio for putting this information on the RECORD.

I think it's important to state that at the beginning of the financial crisis, these large institutions, the six of them that are the most culpable—JPMorgan Chase, Morgan Stanley, HSBC, Wells Fargo, Citigroup, Goldman Sachs—had one-third of the capital in this country, one-third of the assets in those institutions. And while they were taking all those bonuses and while this Nation has gone through this terrible washout, they now command 66 percent. They doubled the size and their importance inside this economy.

So while they're taking those horrendous bonuses, they've also been gobbling up institutions. States like my own are losing their money center banks. The fees that banks that didn't do anything wrong are having to pay have gone up extraordinarily. We don't know if some of them will make it. But they are just huge leviathans that are taking over this economy, and look at what they've done.

Mr. GARAMENDI. More like tyrannosaurus rexes.

Ms. KAPTUR. I love that.

Mr. GARAMENDI. Did you say at the beginning of this crisis in 2007 they had something like one-third of the financial assets——

Ms. KAPTUR. That's right.

Mr. GARAMENDI. And today the largest five have over 60 percent?

Ms. KAPTUR. Sixty-six percent.

Mr. GARAMENDI. Sixty-six percent. Now we really have a serious problem called ''too big to fail.'' Now we're in a very, very serious problem.

I want to refer back to this chart that we were using before. The legislation does deal with this issue of too big to fail.

Now, we passed a good bill out of here in December that dealt with this,

but on the Senate side there are some Senators who are progressive and thinking about this and they're saying, Wait a minute. Maybe we should limit to 10 percent, no company can have more than 10 percent of the total assets. When you get that big, that's it. You're going to have to shed assets. Someone else is going to have to pick it up.

But now we have seen even more concentration in Wall Street. We can't wait any longer for the reforms. We can't wait any longer. America can't wait any longer. How many more hardworking men and women are going to lose their job as Wall Street continually declines to provide loans to Main Street?

Ms. KAPTUR. Yes.

Mr. GARAMENDI. Let's take a look at some of the facts about that.

I heard you, in one of our discussions, talk about this and the effect in your community in Ohio, the men and women, the small businesses, their inability to get loans. Why don't you pick that up and share some of the stories.

Ms. KAPTUR. I just did that again this weekend. I went into a bakery in our district, and the owner said, Marcy, I could hire three more people and I want to add some machines and so forth because I've got orders I can't fill, but I can't get operating loans from the bank.

Credit is frozen across this country because they are these big, giant, inefficient institutions, and credit needs to be more decentralized. We need more financial institutions not fewer financial institutions. And the financial reforms that this Congress should pass should go to that level to restore a robust, competitive financial system in this country. And, by the way, we not only have to make the future better; we have to go back and catch the crooks that put us on this path.

I have a bill, H.R. 3995, that would add 1,000 agents to the FBI, to the SEC, and to the FDIC in order to fully investigate and go after these big institutions, because what happened after 9/11 was that the White Collar Crime division of the FBI was reduced to 75 investigators, 75. The SEC has 25 going after the largest financial institutions in this country? We need to, both on the civil side and the criminal side, investigate and prosecute.

When you have this level of implosion in an economy and a few people are getting very rich and everybody else is suffering, doesn't that tell you that something was fundamentally wrong? Some people say it was rigged, that control fraud may be, in fact, what has riddled through the system from the very top down through every community that we represent. So H.R. 3995 would add 1,000 more agents and help beef up prosecution in this country.

Mr. GARAMENDI. Well, just before we took the floor here for this discussion, I was listening to our Republican colleagues say that government regulation is wrong. Well, no, not in the case of Wall Street. The statistics you just gave us, did you say the FBI had 75 agents for all of the United States to deal with Wall Street?

Ms. KAPTUR. Yes.

Mr. GARAMENDI. At a time when the Wall Street behemoths were going from 33 percent of their total financial wealth in the Nation to 66 percent? And 30-something people for the Securities and Exchange Commission?

I hope your bill passes. We need watchdogs. We need watchdogs with teeth that are willing to bite into the arrogance and the greed of Wall Street. We need those people there to watch and to make sure that the kind of financial rip-offs that occurred that nearly took down this Nation's economy—and the world's economy with it—and put hardworking men and women that were out there on the production lines in your community, that were building the homes in my community, the farmers, they're out of work. They are unemployed. Why? Because of the extraordinary greed, arrogance, and mismanagement of Wall Street thinking that the financial institutions of America are nothing more than a Las Vegas casino, where a bet is placed on a product that they could not even describe. Enough already. Enough already.

The Republican Party has got to come to its senses and give us the opportunity to pass a strong financial reform of Wall Street. The people in my district, my homeowners, my small businesses are trying to get a loan at a time when we're seeing more and more concentration of power on Wall Street.

Ms. KAPTUR. Would the gentleman yield?

Mr. GARAMENDI. I would be delighted to share with you.

Ms. KAPTUR. What is unbelievable is the public relations on this, because companies like Goldman Sachs now have whole new lobbying offices here in Washington to hire people to try to convince us that the real is unreal. And what they're saying is that, well, you know, it isn't our fault that this happened. It's the fault of those Americans down there who lost their jobs and they maybe won't be able to pay their mortgages, right? Well, wait a minute. Wait a minute. Why did they lose their jobs, and why can't unemployment benefits at least be used in the interim to help people stay in their homes for the next year until we can try to get this economy to recover?

And so the very institutions that are not working out loans at the local level and making billions and billions and billions of dollars more in profits and in bonuses are saying to us, Oh, it's not our fault. It's the fault of the American people who wanted to own a house. You know, it's really their problem that they got put out of work, when, in fact, these institutions aren't loaning money to our small businesses that want to employ people. They're not doing mortgage workouts at the local level. They are not taking any principle write-downs, which they could do, and in a formal FDIC bank regulatory process that would happen. They're not serious. They're not serious at the bargaining table. They are not even returning calls to our Realtors at the local level. We're trying to reach accommodation on short sales. We've been trying to reach accommodation on short sales for 2 years. They're standing up the Realtors across this country as we get more and more foreclosures around this Nation. We have to focus on the big six.

Mr. GARAMENDI. Well, the big fix is available. The big fix is to reform Wall Street, to stop the kind of greed that has nearly destroyed this Nation's economy and the world economy along with it.

The bill that was passed by the House of Representatives in December is a good, strong bill. We beg our Republican colleagues over in the Senate to stand aside. If you don't want to work towards a decent reform, then get out of the way and let the Democratic Party put in place a strong reform that will bring Wall Street to its senses, that will once again make Wall Street a legitimate, honest, transparent place where the financial inner workings of this Nation can take place. That's our plea, and we need to have it done, not next month. We need to have it done this week.

Thank you so very much.

I yield back my time, Mr. Speaker.

□ 1830

HONORING BOBBY COX

The SPEAKER pro tempore (Mr. BRIGHT). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, I would like to honor one of the greatest managers in the history of major league baseball, Bobby Cox, the manager of my hometown team, the Atlanta Braves. He is an icon in the managing profession, and after giving selflessly to the Braves for over 25 years, I want to congratulate him on his retirement at the end of this season. Mr. Speaker, I am proud that he is my constituent in the 11th Congressional District of northwest Georgia.

A lifetime man of the game, Bobby played in both the minor and major leagues for 12 years. At the age of 30, he retired as a player and launched a coaching career which will go down in history as one of the best in the game.

Bobby's first coaching job allowed him to manage the Braves, but he left Atlanta in 1982 to work with the Toronto Blue Jays.

Bobby realized success quickly in Toronto as he led the Blue Jays to the American League East Crown in 1985. For these efforts, he was named Major League Manager of the Year by the Baseball Writers Association of America, the Associated Press and the Sporting News.

After his winning seasons in Toronto, Bobby returned to Georgia to work with the Braves again in 1985, this time as general manager. It was then that he began creating a baseball empire, by restructuring the team from the farm system up through the major leagues. In the 1990s, he was back in the dugout as manager of the Braves, and he led them to five National League pennants, one World Series Championship, and 14 consecutive division titles. He was named Manager of the Year once again, and to this day he is still the only coach to win Manager of the Year in both the American and the National Leagues.

Bobby has won over 2,000 games and is the all-time winningest coach in Braves history. Bobby has made a name for himself amongst his players by being a true ''players'' coach and always going to bat for his team and his players. That passion and love for the game have earned him another distinction, Mr. Speaker: The all-time record for the most ejections from the game.

Mr. Speaker, Bobby's skills, dedication, and attitude will be missed in both the Braves dugout and also in the stadiums wherever the Braves have played. He will continue to assist the organization by advising the minor league teams in the Atlanta area. Bobby's imprint on the Atlanta Braves organization will undoubtedly be remembered and revered for years to come.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DRIEHAUS) to revise and extend their remarks and include extraneous material:)

Mr. PRICE of North Carolina, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. DRIEHAUS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, May 6.

Mr. POE of Texas, for 5 minutes, May 12.

Mr. JONES, for 5 minutes, May 12.

Mr. MORAN of Kansas, for 5 minutes, May 12.

Mr. WOLF, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mrs. SCHMIDT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Mr. OLSON, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

## ADJOURNMENT

Mr. GINGREY of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, May 6, 2010, at 10 a.m.

## BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 1722, the Telework Improvements Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 1722, THE TELEWORK IMPROVEMENTS ACT OF 2010, AS AMENDED

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| | Net Increase or Decrease (−) in the Deficit | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 2421, the Mother's Day Centennial Commemorative Coin Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 2421, THE MOTHER'S DAY CENTENNIAL COMMEMORATIVE COIN ACT, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON MAY 3, 2010

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| | Net Increase or Decrease (−) in the Deficit | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact [a] | 0 | 0 | 0 | 0 | −3 | 0 | 3 | 0 | 0 | 0 | 0 | −3 | 0 |

[a] H.R. 2421 would authorize the U.S. Mint to produce a $1 silver coin in calendar year 2014 in commemoration of the centennial anniversary of Mother's Day. The legislation would specify a $10 surcharge on the sale of those coins (a credit against direct spending), which would later be paid to certain nonprofit organizations that fund health care research (an increase in direct spending).

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5160, the Haiti Economic Lift Program Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5160, HAITI ECONOMIC LIFT PROGRAM ACT OF 2010, AS AMENDED AND PROVIDED BY THE COMMITTEE ON WAYS AND MEANS

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| | Net increase or decrease (−) in the deficit | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 60 | 70 | 78 | −272 | −16 | 562 | 108 | −645 | −111 | 165 | −80 | −1 |

Note: Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7336. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7337. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7338. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7339. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8125] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7340. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7341. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; State Flexibility for Medicaid Benefit Packages [CMS-2232-F4] (RIN: 0938-AP72) received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7342. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committees; Technical Amendment [Docket No.: FDA-2010-N-0001] recieved April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7343. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Bismuth Citrate [Docket No.: FDA-2008-C-0098] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's ''Major'' final rule — Federal Motor Vehicle Safety Standards; Roof Crush Resistance [Docket No.: NHTSA-2009-0093] (RIN: 2127-AG51) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7345. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Beaumont, Texas) [MB Docket No.: 10-49] received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7346. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices for Interstate Natural Gas Pipelines [Docket Nos.: RM96-1-030 and RM96-1036; Order No.: 587-U] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7347. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Categorical Exclusions from Environmental Review [NRC-2009-0269] (RIN: 3150-AI27) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7348. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Freedom of Information Act [Docket ID: OCC-2010-0008](RIN: 1557-AD22) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7349. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's ''Major'' final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment 16 [Docket No.: 0808071078-0019-02] (RIN: 0648-AW72) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7350. A letter from the Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Trade Adjustment Assistance; Merit Staffing of State Administration and Allocation of Training Funds to States (RIN: 1205-AB56) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 1329. A Resolution providing for consideration of the bill (H.R. 5019) to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes (Rept. 111–475). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOUSTANY (for himself and Mr. POMEROY):

H.R. 5207. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. CARNEY, Mr. BILBRAY, and Mrs. MYRICK):

H.R. 5208. A bill to require the Secretary of Homeland Security to strengthen student visa background checks and improve the monitoring of foreign students in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mrs. BONO MACK, Mr. BLUMENAUER, and Ms. FUDGE):

H.R. 5209. A bill to provide a comprehensive approach to preventing and treating obesity; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Agriculture, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself and Mr. MORAN of Virginia):

H.R. 5210. A bill to amend the Safe Drinking Water Act regarding an endocrine disruptor screening program; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. PLATTS):

H.R. 5211. A bill to strengthen families' engagement in the education of their children; to the Committee on Education and Labor.

By Mrs. KIRKPATRICK of Arizona:

H.R. 5212. A bill to amend Public Law 105-344 to authorize the Secretary of Agriculture to convey to the Blue Ridge Unified School District that portion of the Woodland Lake Park tract in the Apache-Sitgreaves National Forest in the State of Arizona containing the Big Springs Environmental

Study Area; to the Committee on Natural Resources.

By Mr. GARAMENDI (for himself, Mr. FARR, Ms. WOOLSEY, Mr. SCHRADER, Ms. ZOE LOFGREN of California, Ms. LEE of California, Mr. WU, Mr. THOMPSON of California, Ms. CHU, Mr. FILNER, Mr. DEFAZIO, Mr. BAIRD, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Ms. HARMAN, Mr. DICKS, Mr. GEORGE MILLER of California, Mr. BERMAN, Mr. STARK, and Mr. SCHIFF):

H.R. 5213. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington; to the Committee on Natural Resources.

By Mr. HOLT (for himself, Mr. PALLONE, Ms. KOSMAS, Mr. BOYD, Mr. MEEK of Florida, Mr. HODES, Mr. DAVIS of Alabama, Mr. INSLEE, Mrs. CAPPS, and Mr. BRALEY of Iowa):

H.R. 5214. A bill to require oil polluters to pay the full cost of oil spills, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. AKIN:

H.R. 5215. A bill to amend the Internal Revenue Code of 1986 to repeal the $2,500 limitation on health flexible spending arrangements; to the Committee on Ways and Means.

By Mr. AKIN:

H.R. 5216. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 5217. A bill to provide for distribution to States of revenues under the Geothermal Steam Act of 1970 as provided in that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. POLIS (for himself, Mr. BERMAN, Mr. CARNAHAN, Mr. CONYERS, Mr. COURTNEY, Mr. ELLISON, Mr. GRIJALVA, Mrs. KIRKPATRICK of Arizona, Ms. NORTON, and Ms. RICHARDSON):

H.R. 5218. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for school improvement and professional development for teachers, principals, instructional staff, and other school leaders, and for other purposes; to the Committee on Education and Labor.

By Mr. HELLER (for himself, Ms. TITUS, and Ms. BERKLEY):

H.R. 5219. A bill to withdraw certain land located in Clark County, Nevada, from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes; to the Committee on Natural Resources.

By Mr. HOYER (for himself, Mr. BLUNT, Mr. KENNEDY, Mr. EHLERS, Ms. DELAURO, Mr. KING of New York, Mr. MORAN of Virginia, and Mr. VAN HOLLEN):

H.R. 5220. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 5221. A bill to amend title 49, United States Code, to require air carriers and foreign air carriers to transmit a passenger and crew manifest for a flight in foreign air transportation to or from the United States to the Commissioner of U.S. Customs and Border Protection at least 24 hours before the departure of the flight, and for other purposes; to the Committee on Homeland Security.

By Mr. MEEK of Florida (for himself and Mr. HASTINGS of Florida):

H.R. 5222. A bill to suspend certain activities in the outer Continental Shelf until the date on which the joint investigation into the Deepwater Horizon incident in the Gulf of Mexico has been completed, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR:

H.R. 5223. A bill to establish the Chimney Rock National Monument in the State of Colorado; to the Committee on Natural Resources.

By Ms. TSONGAS (for herself, Ms. SHEA-PORTER, Ms. GIFFORDS, and Mr. BISHOP of Georgia):

H.R. 5224. A bill to direct the Secretary of Defense to conduct a comprehensive review of the health care services available for female members of the Armed Forces; to the Committee on Armed Services.

By Ms. TSONGAS:

H.R. 5225. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop and implement an electronic personnel file system, and to jointly conduct a study on improving the access of veterans to files related to military service and veterans benefits, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of Ohio:

H.R. 5226. A bill to require the Secretary of Veterans Affairs and the Appalachian Regional Commission to carry out a program of outreach for veterans who reside in Appalachia, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 5227. A bill to amend title 46, United States Code, to require delivery by United States mail of any transportation security card issued to an individual who resides in a remote location; to the Committee on Homeland Security.

By Mr. FORBES (for himself, Mr. SMITH of Texas, Mr. AKIN, Mr. JORDAN of Ohio, Mr. CONAWAY, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. KING of Iowa, Mr. PENCE, Mr. BACHUS, Mr. JONES, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mr. ROE of Tennessee, Mr. MORAN of Kansas, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. GINGREY of Georgia, Mr. ADERHOLT, Mr. MILLER of Florida, Mr. MCCOTTER, Mr. THOMPSON of Pennsylvania, Mr. NEUGEBAUER, Mr. LAMBORN, Mr. SAM JOHNSON of Texas, Mr. TIAHRT, Mr. GOHMERT, Mr. FRANKS of Arizona, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mr. LATTA, Mr. HARPER, Mr. EHLERS, Mr. WOLF, Ms. FOXX, Mr. PUTNAM, Mr. CRENSHAW, Mr. MCHENRY, Mr. MCINTYRE, Mr. CHAFFETZ, Mr. COLE, Mr. HERGER, Mr. WAMP, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. HENSARLING, Mr. BISHOP of Utah, Mr. BROUN of Georgia, Mr. KINGSTON, Mr. SHADEGG, Mr. THORNBERRY, Ms. GRANGER, Ms. FALLIN, Mr. CAMP, Mr. GOODLATTE, Mr. PRICE of Georgia, Mr. CULBERSON, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mrs. CAPITO, and Mr. COFFMAN of Colorado):

H. Con. Res. 274. Concurrent resolution reaffirming ''In God We Trust'' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself, Mr. SMITH of New Jersey, Mr. HINCHEY, Mr. GARY G. MILLER of California, Mrs. BLACKBURN, and Mr. BECERRA):

H. Res. 1326. A resolution calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction; to the Committee on Foreign Affairs.

By Mr. SMITH of Nebraska (for himself and Mrs. NAPOLITANO):

H. Res. 1327. A resolution honoring the life, achievements, and contributions of Floyd Dominy; to the Committee on Natural Resources.

By Mr. MCCOTTER (for himself, Mr. ROGERS of Michigan, Mr. CAMP, Mr. HOEKSTRA, Mr. STUPAK, Mr. UPTON, Mr. EHLERS, Mr. CONYERS, Mr. KILDEE, Mr. PETERS, Mr. LEVIN, Mr. SCHAUER, Mrs. MILLER of Michigan, Ms. KILPATRICK of Michigan, Mr. DINGELL, Mr. HELLER, Mr. GARRETT of New Jersey, Mr. MILLER of Florida, Mr. CRENSHAW, Mr. FLEMING, Mr. MANZULLO, Mr. BUYER, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. TERRY, Mr. PITTS, Ms. GINNY BROWN-WAITE of Florida, Mr. AUSTRIA, Mr. LATTA, Mr. SENSENBRENNER, Mr. FLAKE, Mr. KING of New York, Mr. SESSIONS, Mr. BILBRAY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIBERI, Mr. FRELINGHUYSEN, Mr. YOUNG of Florida, Mr. SIMPSON, Mr. LATHAM, Mr. LATOURETTE, Mr. MARIO DIAZ-BALART of Florida, Mrs. SCHMIDT, Mr. NUNES, Mr. BILIRAKIS, Mr. GUTHRIE, Mr. HUNTER, Mr. WITTMAN, Mr. GERLACH, Mr. BUCHANAN, Mr. ROE of Tennessee, Mr. PUTNAM, Mr. BRADY of Texas, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. DENT, Mr. MARCHANT, Mr. MCCAUL, Mrs. BIGGERT, Mrs. CAPITO, Mr. POSEY, Mr. SULLIVAN, Mr. LEE of New

York, Ms. ROS-LEHTINEN, Mr. SHUSTER, Mr. TIM MURPHY of Pennsylvania, Mr. DAVIS of Kentucky, Mr. KUCINICH, Mr. DANIEL E. LUNGREN of California, and Mr. BISHOP of Utah):

H. Res. 1328. A resolution honoring the life and legacy of William Earnest ''Ernie'' Harwell; to the Committee on Oversight and Government Reform.

By Mr. FARR (for himself, Mrs. CAPPS, Mr. EHLERS, Mr. INSLEE, Mr. PALLONE, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Mr. PERLMUTTER, Mr. KAGEN, Ms. LINDA T. SÁNCHEZ of California, Mr. BROWN of South Carolina, Mr. GALLEGLY, Mr. NADLER of New York, Mr. PRICE of North Carolina, Ms. LORETTA SANCHEZ of California, and Mr. REYES):

H. Res. 1330. A resolution recognizing June 8, 2010, as World Ocean Day; to the Committee on Oversight and Government Reform.

By Mr. CAO:

H. Res. 1331. A resolution recognizing and appreciating the historical significance and the heroic struggle and sacrifice of the Vietnamese people for the cause of freedom and commending the Vietnamese-American community and nongovernmental organizations; to the Committee on the Judiciary.

By Mr. HIMES:

H. Res. 1332. A resolution encouraging the continuation and further expansion of sister-city relationships between United States and Haitian municipalities as an essential instrument in the ongoing efforts to rebuild Haiti and restore hope and prosperity to its people; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

270. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1855 supporting the NewGen Tanker that is to be built by Boeing; to the Committee on Armed Services.

271. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 606 supporting the petition of the Pennsylvania Public Utility Commission that is before the Federal Communications Commission; to the Committee on Energy and Commerce.

272. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution No. 1324 urging the Congress of the United States to enact legislation to strengthen enforcement of domestic sourcing laws; to the Committee on Oversight and Government Reform.

273. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Concurrent Resolution No. 5012 urging the Congress of the United States to authorize and appropriate funds for a study of the Missouri River Basin; to the Committee on Transportation and Infrastructure.

274. Also, a memorial of the House of Representatives of the State of Maine, relative to House Resolution No. 1320 urging the Congress of the United States to suport and pass H.R. 4241; to the Committee on Veterans' Affairs.

275. Also, a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Memorial 1001 urging the Congress of the United States to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; jointly to the Committees on Energy and Commerce, Education and Labor, Ways and Means, Appropriations, the Judiciary, Natural Resources, House Administration, and Rules.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 333: Mr. WOLF and Mrs. DAHLKEMPER.
H.R. 406: Mr. MEEKS of New York.
H.R. 450: Mr. SIMPSON.
H.R. 510: Mr. RODRIGUEZ.
H.R. 953: Mr. POE of Texas.
H.R. 1024: Mr. SARBANES.
H.R. 1077: Mr. MELANCON.
H.R. 1205: Mr. HOEKSTRA, Ms. ESHOO, and Mr. POE of Texas.
H.R. 1314: Ms. LEE of California.
H.R. 1339: Mr. SIRES, Mr. TIM MURPHY of Pennsylvania, and Mrs. CAPPS.
H.R. 1362: Mr. MATHESON.
H.R. 1433: Mr. TIM MURPHY of Pennsylvania.
H.R. 1554: Mr. COLE.
H.R. 1712: Mr. TERRY.
H.R. 1792: Mr. GERLACH.
H.R. 1874: Mr. CARNAHAN.
H.R. 1887: Mr. FARR.
H.R. 1939: Mr. SHULER.
H.R. 2000: Mr. LINCOLN DIAZ-BALART of Florida and Mr. GARAMENDI.
H.R. 2149: Ms. KILROY.
H.R. 2235: Mr. CAPUANO.
H.R. 2262: Mr. CROWLEY, Mrs. LUMMIS, Ms. ROYBAL-ALLARD, and Mr. BLUMENAUER.
H.R. 2296: Mr. BUYER.
H.R. 2406: Mr. GALLEGLY.
H.R. 2478: Ms. KILROY.
H.R. 2546: Mr. MCNERNEY.
H.R. 2697: Mr. BRALEY of Iowa and Mr. PERLMUTTER.
H.R. 2730: Mr. ROTHMAN of New Jersey.
H.R. 2850: Mr. NADLER of New York.
H.R. 3012: Mr. ACKERMAN.
H.R. 3024: Ms. MARKEY of Colorado, Mr. QUIGLEY, Mr. YOUNG of Florida, Mr. HIMES, and Mr. MCDERMOTT.
H.R. 3043: Mr. SMITH of Washington and Ms. SHEA-PORTER.
H.R. 3108: Mr. COURTNEY, Mr. HOLT, and Mr. BERRY.
H.R. 3181: Mr. HINOJOSA.
H.R. 3396: Mr. BISHOP of Utah.
H.R. 3441: Ms. KILROY.
H.R. 3567: Ms. MOORE of Wisconsin.
H.R. 3595: Mr. AKIN, Mr. MANZULLO, and Mr. FRANKS of Arizona.
H.R. 3734: Mr. CUMMINGS.
H.R. 3749: Mr. MCNERNEY.
H.R. 3758: Mr. ROTHMAN of New Jersey.
H.R. 3781: Mr. FRANKS of Arizona.
H.R. 3926: Mr. BERMAN.
H.R. 3995: Mr. STARK.
H.R. 4000: Mr. BRADY of Pennsylvania.
H.R. 4115: Mr. MEEKS of New York and Ms. RICHARDSON.
H.R. 4116: Mrs. CAPPS.
H.R. 4150: Mr. ORTIZ.
H.R. 4223: Ms. ROYBAL-ALLARD.
H.R. 4226: Mr. BOUCHER.
H.R. 4256: Mr. STARK.
H.R. 4263: Ms. FUDGE.
H.R. 4320: Mr. ALEXANDER.
H.R. 4399: Mr. BLUMENAUER.
H.R. 4459: Mr. CALVERT.
H.R. 4472: Mr. CONYERS.
H.R. 4509: Mr. ROONEY and Mrs. HALVORSON.
H.R. 4530: Mr. LEVIN.
H.R. 4533: Mr. PETERS, Ms. BALDWIN, Mr. TONKO, and Mr. LEWIS of Georgia.
H.R. 4544: Ms. KILROY.
H.R. 4557: Ms. RICHARDSON.
H.R. 4636: Mr. CAMPBELL, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. KINGSTON, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. MANZULLO, Mr. KING of Iowa, Mrs. BACHMANN, Mr. HERGER, Mr. TIAHRT, Mr. PITTS, and Mr. GINGREY of Georgia.
H.R. 4638: Mr. JACKSON of Illinois.
H.R. 4645: Mr. CARSON of Indiana.
H.R. 4676: Ms. WOOLSEY.
H.R. 4684: Mr. POE of Texas, Ms. MCCOLLUM, and Mr. JACKSON of Illinois.
H.R. 4692: Ms. BEAN.
H.R. 4722: Mr. HONDA and Mr. JOHNSON of Georgia.
H.R. 4733: Mr. BLUMENAUER.
H.R. 4755: Mr. JACKSON of Illinois.
H.R. 4757: Mr. ELLISON, Mr. DOGGETT, and Mr. GARAMENDI.
H.R. 4761: Mr. ALTMIRE.
H.R. 4770: Ms. BEAN.
H.R. 4785: Ms. HIRONO, Mr. LUJÁN, Mr. SPACE, and Mr. HARE.
H.R. 4790: Ms. DELAURO, Mr. HALL of New York, Ms. WATSON, and Mr. WELCH.
H.R. 4800: Ms. LEE of California.
H.R. 4803: Mr. GINGREY of Georgia, Mr. LATTA, and Mr. HALL of Texas.
H.R. 4844: Ms. WOOLSEY, Mr. ORTIZ, and Mr. MILLER of Florida.
H.R. 4868: Mr. WU.
H.R. 4870: Mr. NADLER of New York and Mr. JACKSON of Illinois.
H.R. 4914: Mr. ADLER of New Jersey.
H.R. 4918: Mr. SCHRADER.
H.R. 4933: Ms. NORTON.
H.R. 4943: Mr. BURTON of Indiana.
H.R. 4985: Mr. COBLE.
H.R. 4995: Mr. SIMPSON.
H.R. 5008: Mr. QUIGLEY.
H.R. 5012: Mr. MOORE of Kansas.
H.R. 5016: Mr. MCCOTTER, Mr. SOUDER, Mr. BOOZMAN, Mr. ROYCE, Mr. TIAHRT, Mr. GARY G. MILLER of California, and Mr. BROUN of Georgia.
H.R. 5034: Mr. DAVIS of Illinois, Mr. MOLLOHAN, Mr. RODRIGUEZ, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 5040: Mr. TONKO.
H.R. 5041: Mr. ISRAEL and Mr. BACA.
H.R. 5044: Mr. HASTINGS of Florida.
H.R. 5049: Mr. BACA and Mr. MURPHY of New York.
H.R. 5054: Mrs. MCMORRIS RODGERS and Mr. ADERHOLT.
H.R. 5081: Mr. GERLACH.
H.R. 5092: Mr. CULBERSON, Mr. PETRI, Mr. DANIEL E. LUNGREN of California, Mr. HOEKSTRA, Mr. KANJORSKI, Mr. CLEAVER, Mr. MARSHALL, Mr. HUNTER, Mr. HARPER, Ms. BALDWIN, Mr. CROWLEY, Ms. KILROY, Ms. SCHWARTZ, Mr. GUTIERREZ, Ms. CHU, Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Ms. RICHARDSON, Ms. WATERS, Mr. MCCAUL, Mr. ORTIZ, Mr. SHULER, Mr. RYAN of Ohio, and Mr. SESTAK.
H.R. 5129: Mr. SIRES.
H.R. 5137: Ms. ESHOO, Mr. CONNOLLY of Virginia, Mr. INSLEE, Ms. HERSETH SANDLIN, Mr. SMITH of Washington, Mr. BAIRD, Mr. COOPER, Mr. MURPHY of Connecticut, Mr. ALTMIRE, Mr. CARNEY, Ms. BEAN, Ms. KILROY, Mr. HEINRICH, Mr. BOCCIERI, Mr. FRELINGHUYSEN, Mr. MCCOTTER, Mr. TIBERI, Mr. KING of New York, Mr. ROGERS of Michigan, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, Mr. COURTNEY, Mr. HARE, Ms. DELAURO, Ms. SLAUGHTER, Mr. HONDA, Mrs. MALONEY, Mr. CARDOZA, Mr. COSTA, Mr. MARSHALL, Mr. ANDREWS, Ms. SHEA-PORTER, Mr. DONNELLY of Indiana, Mr. LANGEVIN, Mr. SCHIFF, Mr.

KAGEN, Mr. PERRIELLO, Mr. MARKEY of Massachusetts, Mr. NADLER of New York, Mr. MORAN of Virginia, Mr. ISRAEL, Mrs. EMERSON, Ms. MCCOLLUM, Mr. MCNERNEY, Ms. CLARKE, Ms. KILPATRICK of Michigan, Ms. WASSERMAN SCHULTZ, Mr. ACKERMAN, Mr. RANGEL, Mr. CAPUANO, Mr. TIERNEY, Mr. GEORGE MILLER of California, Mr. HIGGINS, Mr. KIND, Mr. QUIGLEY, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. DEFAZIO, Mr. BURTON of Indiana, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. MCMAHON, Mr. ETHERIDGE, Mr. MCGOVERN, Mr. MAFFEI, Mr. HALL of New York, Ms. BALDWIN, Mr. HOLT, Ms. SCHAKOWSKY, Mr. MATHESON, Mr. HASTINGS of Florida, Mr. CARNAHAN, Mr. FRANK of Massachusetts, Mr. WATT, Mr. CLEAVER, Mr. WEINER, Mr. BLUMENAUER, Ms. FUDGE, Mr. JACKSON of Illinois, Mr. MURPHY of New York, Mr. MOORE of Kansas, Ms. RICHARDSON, Mr. SHULER, Ms. WOOLSEY, and Mr. WELCH.

H.R. 5141: Mr. MORAN of Kansas, Ms. FALLIN, Mrs. LUMMIS, Mr. GRIFFITH, Mr. PRICE of Georgia, Mr. BARTLETT, Mr. PAULSEN, Mr. SHADEGG, Mr. GOODLATTE, and Mr. SCHOCK.

H.R. 5142: Mr. STARK, Mr. SIRES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RYAN of Ohio, Mr. QUIGLEY, Ms. SPEIER, Mr. ANDREWS, Mr. BRADY of Pennsylvania, and Ms. BERKLEY.

H.R. 5152: Mr. MARSHALL.

H.R. 5158: Ms. KAPTUR and Mr. BOCCIERI.

H.R. 5200: Mr. COURTNEY.

H. Con. Res. 266: Mr. CULBERSON.

H. Res. 173: Ms. HERSETH SANDLIN and Mr. SCHOCK.

H. Res. 764: Mrs. MCMORRIS RODGERS.

H. Res. 928: Ms. NORTON.

H. Res. 989: Ms. CHU and Mr. PALLONE.

H. Res. 1073: Mr. WALZ, Mr. ELLSWORTH, Mr. CARSON of Indiana, Mr. MARSHALL, and Mr. HILL.

H. Res. 1078: Mr. SHUSTER, Mr. MCKEON, Mr. ROGERS of Alabama, Mr. PAULSEN, Mr. MCCARTHY of California, Mr. BOSWELL, Mr. THORNBERRY, Mrs. NAPOLITANO, Mr. ROONEY, and Mr. DAVIS of Tennessee.

H. Res. 1093: Mr. LOEBSACK.

H. Res. 1106: Mr. SHULER.

H. Res. 1152: Ms. MATSUI and Ms. KILROY.

H. Res. 1157: Mr. YARMUTH, Mr. SIRES, Mr. SERRANO, Mr. MEEK of Florida, Mr. CAO, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. WATSON, and Ms. BERKLEY.

H. Res. 1207: Mr. CONAWAY, Mr. NEUGEBAUER, and Mr. SALAZAR.

H. Res. 1245: Mr. TERRY.

H. Res. 1247: Mr. CASTLE.

H. Res. 1250: Mr. ELLISON, Ms. BALDWIN, and Ms. NORTON.

H. Res. 1258: Mr. MEEK of Florida, Mr. CUELLAR, Mr. SESTAK, and Mr. COURTNEY.

H. Res. 1261: Mr. EHLERS.

H. Res. 1266: Ms. LORETTA SANCHEZ of California.

H. Res. 1273: Mr. POSEY and Mr. SCHOCK.

H. Res. 1279: Mr. JONES.

H. Res. 1294: Mr. LANCE, Mr. PITTS, Mr. BUCHANAN, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIBERI, Mr. PUTNAM, Mr. MILLER of Florida, Mr. BILIRAKIS, Ms. ROS-LEHTINEN, Mr. ROONEY, Mr. ENGEL, Mr. DUNCAN, Mr. BILBRAY, Mr. INGLIS, Mr. BUTTERFIELD, Mr. REICHERT, Mr. STEARNS, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. SMITH of Nebraska, Mr. ROE of Tennessee, Mr. POSEY, Mr. SCHOCK, Mr. THOMPSON of Pennsylvania, Mr. WILSON of South Carolina, Mr. HERGER, Mr. HOLDEN, Mr. MCCOTTER, Mr. MICA, Mr. CAMP, Mr. ALEXANDER, Mr. FRANKS of Arizona, Mr. BROWN of South Carolina, Mr. LEE of New York, Mrs. BIGGERT, Ms. FALLIN, and Mr. ROGERS of Alabama.

H. Res. 1297: Mr. SCHRADER and Ms. WOOLSEY.

H. Res. 1299: Mr. ROGERS of Michigan, Mr. MCNERNEY, Mr. COURTNEY, Mrs. BLACKBURN, Mr. REICHERT, and Mr. LAMBORN.

H. Res. 1317: Mr. UPTON, Mr. PITTS, Mr. GUTHRIE, and Mr. LOBIONDO.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

123. The SPEAKER presented a petition of Kenai Penninsula Borough, Alaska, relative to supporting House Joint Resolution 53 of the Twenty-Sixth Alaska legislature; to the Committee on the Judiciary.

124. Also, a petition of City of Binghamton, New York, relative to Permanent Resolution 10-32 supporting the passage of the Uniting American Families Act; to the Committee on the Judiciary.

125. Also, a petition of Board of Aldermen, St. Louis, Missouri, relative to Resolution Number 381 supporting the passage of the Uniting American Families Act; to the Committee on the Judiciary.

126. Also, a petition of California Federation of Teachers, California, relative to Resolution 21 urging the Congress of the United States to oppose the free trade agreement between the United States and Colombia; to the Committee on Ways and Means.

127. Also, a petition of City of Berkeley, California, relative to Resolution No. 64,820-N.S. supporting H.R. 4687, the Low-Income Housing Tax Credit Exchange Expansion and Job Creation Act of 2010; jointly to the Committees on Financial Services and Ways and Means.

128. Also, a petition of California Federation of Teachers, California, relative to Resolution 33 calling for a redirection of the military budget for Afghanistan to reparations for infrastructure and social programs for the Afghani people; jointly to the Committees on Foreign Affairs and Armed Services.

129. Also, a petition of California Federation of Teachers, California, relative to Resolution 25 urging the immediate release of the ''Cuban Five''; jointly to the Committees on the Judiciary and Foreign Affairs.

130. Also, a petition of California Federation of Teachers, California, relative to Resolution 24 declaring solidarity with the people of Honduras; jointly to the Committees on Foreign Affairs, the Judiciary, Financial Services, Armed Services, and Ways and Means.

# SENATE—*Wednesday, May 5, 2010*

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of all the world, great and wonderful are Your works, and Your ways are just and true.

Be near to our lawmakers today. Help them to see that their attitudes, words, and actions have consequences that leave this Chamber to influence our Nation and world. Remind them, therefore, to be masters of themselves, that they may be servants to others. Keep them calm in temper, clear in mind, and pure in heart. In these challenging days, strengthen them to perform what You require, even to do justly, to love mercy, and to walk humbly with You.

We pray in Your sacred Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, May 5, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Wall Street reform bill.

## THE PARTY OF NO

Mr. REID. Mr. President, the manager of the Wall Street reform bill—at least most of it—is the chairman of the Banking Committee, Senator DODD. As I reflect on what we have been through with him in this Congress, it is really incredible. We withstood seven filibusters on housing legislation he was responsible for managing. At the height of the housing crisis, we were trying to deal with seven filibusters. We have worked our way through many different issues he has been front and center on, including health care. He has done this with such remarkable strength. We have had situations he has been thrown into as a result of the death of Senator Kennedy that will be written about in the history books for some time. And then, with no breathing room in store for him, immediately he had to go to this very important piece of legislation dealing with the Wall Street crisis.

We started on this 2 weeks ago tomorrow. We have been stalled ever since. Maybe today there will be a breakthrough and we will be able to legislate. We don't have a lot of time to spend on this bill. We have so much important work to do that has been held up as a result of scores of filibusters conducted by Republicans. An indication of how they treat themselves: we had amendments their Senators offered yesterday that we were willing to accept, and they refused to let us do so. But that is nothing unusual. We have had nominations they have held up for months that get virtually unanimous support after we go through all the time wasted in the cloture process to move forward.

Yesterday, I announced we had a really big day legislatively. I love classic cars. I love to watch them. That is what we accomplished. We voted on a unanimous basis to establish Classic Car Day. That was our accomplishment in this body.

We are waiting around on issues relating to the financial crisis. New Mexico, Nevada, Connecticut—all over the country, States are desperate for us to do something with this legislation so people on Wall Street can't continue to take advantage of the people. We would like to move forward and start legislating. It would seem that after 2 weeks it would be a pretty good thing to do. Basically during that 2-week time, we have accomplished virtually nothing.

I am a little frustrated, but I understand the Republicans have made a decision that they are going to be the party of no. You would think after they established that, that would be good enough for them. I guess they want to underscore and underline it and have a big exclamation mark so no one will ever miss the fact that the Republican Party in this Congress has been the party of no.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

## FINANCIAL REGULATORY REFORM

Mr. DODD. Mr. President, I thank the distinguished majority leader. He has shown remarkable endurance as well as patience over the last 2 years. The health care debate went on for more than a year, considering its beginning, and we finally ended up passing the legislation.

We have a lot of other matters to deal with—obviously, the economic crisis. We are now on the financial reform bill. My hope is—I am not making any procedural requests—based on conversations we had late last evening and again early this morning—and I think Senator SHELBY shares this hope with me, and we are working as we speak here—that we might be able to have a vote on the Boxer amendment sometime around 11, 11:30, and a vote on Senator SHELBY's proposal, on which I will join him, maybe around 12:30. Then we will be able to take up—not to have to vote on them but agree to them unanimously—the Snowe amendments. There is a Hutchison-Tester proposal that I have endorsed as well and that I think all of us believe is a good addition to the bill. My hope is that in the next couple of hours we will move forward and start the process. There are more controversial amendments Members want to raise. They should have the right to do that and have adequate time to debate their ideas.

I know this has been trying for people. People are exhausted. It has been a long Congress. We have taken on some major issues. People are understandably tired, and that situation can lead to the frustration people feel.

I noticed in this morning's headlines that the market declined by 2 percent yesterday, not because of something that happened here but something that happened thousands of miles away in a small country in the Mediterranean—again, an indication of how global our economic situation is, how precarious it is, where events in one part of the world can affect all of us. It is all the more important we try to establish

some sound rules for the 21st century. The last time we established in a broad sense any rules for the structure of our financial institutions was almost 100 years ago, coming off the 19th century and the early part of the 20th century. Here we are at the end of the first decade of the 21st century, and, as we painfully learned, we are in desperate need to reform the financial structure of our country, having seen what occurred over the last 2 years—the job losses, the home foreclosure numbers, the decline in home values as well as retirement incomes, the loss of household wealth. We don't need to hear the numbers. We have lived it.

The majority of Americans are still struggling today as we speak. They are anxious for us to respond to the situation with as much thought and care as we possibly can, to see to it that we don't leave our Nation vulnerable once again to the kinds of economic decisions and failures that caused our Nation to come to the brink of a meltdown financially. These are challenging times. I know it is difficult, and there are strong feelings about how to proceed. But that should not serve as a barrier to us doing our job, to making the decisions each of us was elected to perform.

Again, I appreciate immensely the patience of the majority leader and his staff and others and of my colleagues, many of whom have amendments they want to offer to this bill. I want to give them the chance to do that so they can be heard, both Democrats and Republicans. I am particularly grateful to Members who have sought ways to offer amendments we can agree to and accept as part of the legislation. That is a very constructive way to engage in the debate. There are other amendments people believe strongly in that will not be resolvable in the sense of accommodating them, in which case we will have to vote for or against to decide whether to include them in this financial reform package. But that process ought to go forward with civility, with the passion people have for the issue but with the civility to respect each other and the needs of this institution.

This is not the only matter this Congress needs to deal with. I know the majority leader has talked about unemployment benefits. They will still be needed in the coming weeks. We have the tax extenders which are critically important. We may have a Supreme Court nomination coming along. The President has sent up the names of three people to serve on the Federal Reserve Board, which will be very important as well considering the economic implications. We have appropriations bills. This is an important bill, but it isn't the only work the Senate needs to accomplish before we adjourn in the fall. My hope is that people will come, engage in the debate, allow for adequate time to be heard, and then decide to move yes or no on these matters.

Again, I am hopeful that within the next hour or so we will be able to get this process moving where we can actually start casting votes on ideas, particularly the one Senator SHELBY and I will be offering.

I hope that in the minds of most, if not all, the too-big-to-fail proposition is no longer a question on this bill. I don't believe it is, anyway, but there are those who do. To the extent we can satisfy them with additions to the bill that will make that more clear, that is a great step forward. I am confident that can be done in the next hour and a half or so and then move on with the various other amendments people have on the bill.

In the meantime, I urge Members who do have amendments to come over, maybe start talking about their amendments, start educating the offices about what they want to do with their proposals. I have members of our staff here as well to look at the amendments and, where possible, if we can accept the amendment or modify the amendment and make it acceptable to us, certainly I reach out to my Republican colleagues to see how they feel about it, that might even move the process further along. Between now and the votes, this time ought not to be dead time but time people use as well to help us advance the cause of this piece of legislation.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## TIMES SQUARE BOMBER

Mr. MCCONNELL. Mr. President, all Americans are relieved that Federal and local law enforcement officials were able to track down and apprehend Faisal Shahzad, the man they believe to have been behind the attempted Times Square bombing. We were especially relieved the bomb never went off. Those who worked around the clock to find and capture Shahzad and extract a confession from him deserve our respect and our gratitude.

Senate Republicans are waiting to hear from the administration to what extent Shahzad had ties to terrorist groups in Pakistan, whether his efforts were part of a wider plot to strike the homeland, whether or not he was on the no-fly list, why he was permitted to board an international flight, and whether intelligence community interrogators have had access to Shahzad.

It has been my consistent view that when a terrorist is captured, members of our intelligence community must be able to interrogate the prisoner in order to extract intelligence. This is true whether the suspect is an American citizen, like Shahzad, or not an American, like the Christmas Day bomber. In this case, it is my hope the administration did all it could to gather all the relevant information it could.

### NYC TERROR TRIALS

Attorney General Holder indicated yesterday that the attempted Times Square bombing does not change the administration's thinking on the trial of 9/11 mastermind Khalid Shaikh Mohammed, and that the administration is still considering New York City as a venue for a civilian trial of KSM. The administration only shows that on this issue it does not get it.

That much was clear to anyone who watched yesterday's press conference. Here was the New York Police Commissioner reminding reporters that no fewer than 11 terrorist plots have been directed at New York City since 9/11 and that, as he put it, nothing has changed with respect to terrorists coming to New York to hurt and kill Americans.

To me, it was jarring, in the face of that kind of cold reality and the repeated pleas of elected officials in New York from both parties, to see the Attorney General still stuck—still stuck—on the notion that holding these trials in downtown Manhattan is anything but a bad idea. Trying KSM in New York City was a bad idea last year. It is a bad idea today. The only thing that has changed is that the American people have just been reminded of how determined terrorists are to carry out their deadly plans.

As I have said repeatedly, Guantanamo is the right place to detain, interrogate, and try terrorists such as KSM. Guantanamo is a safe and secure, state-of-the-art facility where we can detain enemy combatants far from our communities and without fear of onsite retaliation. Some we hold indefinitely. Others we hold until we deem them safe for transfer to another country. Still others we can hold until we try them in military commissions, and we can do that right there at Guantanamo.

Guantanamo was a wise investment. It was built for good reason. Let's use it for the purpose for which it was built, rather than further endangering communities such as New York or burdening them with the disorder and the

massive expense that would accompany a terror trial.

It is precisely because of potential dangers and difficulties such as these that we established military commissions in the first place. If we cannot expect the very people who masterminded the 9/11 attacks to fall within the jurisdiction of these military commissions, then who can we?

Americans do not want Guantanamo terrorists brought to the United States, and they do not want the men who planned the 9/11 attacks on America to be tried in civilian courts—risking national security and civic disruption in the process.

(The remarks of Mr. MCCONNELL pertaining to the introduction of S.J. Res. 29 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3217, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Pending:

Reid (for Dodd/Lincoln) amendment No. 3739, in the nature of a substitute.

Reid (for Boxer) amendment No. 3737 (to amendment No. 3739), to prohibit taxpayers from ever having to bail out the financial sector.

Snowe/Shaheen amendment No. 3755 (to amendment No. 3739), to strike section 1071.

Snowe amendment No. 3757 (to amendment No. 3739), to provide for consideration of seasonal income in mortgage loans.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, what is the current status of the Senate?

The ACTING PRESIDENT pro tempore. The pending business is S. 3217.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I come to the Senate floor this morning to talk about the current pending business before this body. This is an issue which obviously raised its ugly head a couple of years ago with the financial meltdown that occurred in this country, and I think all of us in this body agree it is imperative the Senate take action to try to make sure what happened to the financial industry in America never has the opportunity to happen again. I commend Senator DODD and Senator SHELBY for their work on this bill. We have had our disagreements. Yet we have had significant agreement on some areas.

We are now trying to take the base bill and make it a bill that all of us in this body, hopefully, will wind up being able to support because we improve the bill to the point where it addresses the real cause of the problem that arose during 2007, 2008, and on into 2009 and 2010.

There are some provisions in the bill that I have particular objection to, and there are some things that are not in the bill that I think should be in the bill. For example, one of the major causes of the problem—and I think it goes without saying—is the fact that the GSEs, Fannie Mae and Freddie Mac, have been authorized over the years to purchase mortgages from individuals who simply could not make their payments, and those mortgages have been bundled together and sold on the market, which has been one of the root causes of the problem. I am not by myself in thinking that. There are other individuals but, more important, people who know a lot more about the root cause of the problem who think that. Everybody in this body agrees that is a major issue that has to be addressed in any overall financial reform. To leave any reference to the GSEs, Freddie Mac and Fannie Mae, out of any additional regulation I think is a mistake. There are going to be amendments with respect to that, and I look forward to that debate.

Another issue is, there are no mortgage standards that are specifically set forth in the underlying bill. I can remember very well going in and buying my first house, making an application for a mortgage. I was as nervous as I could be. Even though my payment was going to be fairly minimal to the amount of money I was making, I had to pay 20 percent down, and it took me a couple of weeks to be approved by individuals in my hometown whom I knew very well. At the end of the day, they just wanted to make sure I was going to be able to pay that loan back. It is not that we need to go all the way in that direction but certainly we need standards in place that will ensure that people who are buying houses can afford to make the mortgage payments for which they are making application.

With respect to the Consumer Financial Protection Act, it appears that in the underlying bill, there is an umbrella that is cast out that is going to require the inclusion of more nonproblem areas of the consumer finance industry than are, in any way, potentially a part of any future financial meltdown.

I hope as we debate these amendments—and I know we will have a spirited debate on them—we can come to some agreement as to what is reasonable. Let's do what we need to do to provide our regulatory agency also with the additional oversight they need to make sure we give them the tools not to allow the situation that occurred in 2007, 2008, and 2009 to recur but that we don't go too far to where we overreach and exercise more control on the part of the regulators than what is absolutely necessary.

I wish to speak for just a minute about the derivatives section and some amendments we are going to have on that particular title. The Agriculture Committee has jurisdiction over swaps and derivatives by virtue of the fact that we have jurisdiction over the Commodity Futures Trading Commission, which in turn has jurisdiction over swaps and derivatives. There are some swaps and derivatives that are secured by securities themselves, and those securities—being regulated by the SEC—give the SEC some jurisdiction here. That has been part of the discussion and will continue to be as we go through the debate.

There are a couple of things I particularly wish to address which I think are faulty in the base bill and need to be corrected as we go through it. We are going to have a substitute amendment for the derivatives title that will do several things that are of primary importance to the industry that, today, is very unregulated, which will bring all the derivatives trades out of the shadows and into a totally transparent matter and make those trades available to the regulators so they can look not only at the trades themselves, to make sure entities that are entering into those trades are the right kind of entities that ought to be trading and that they are not creating systemically risky industries that will have the potential to create situations similar to what we saw in 2007 and 2008 but also that the agencies—the regulators—will have the ability to call into play additional margin requirements or other tools that they will have to ensure that those entities that are engaging in these practices don't ever reach that point of being systemically risky.

There are some specific provisions we need to look at. One of those is an expansion of what we call the end user

provision. An end user is an individual—an entity, whether it is a manufacturing company or it could be an individual but, for the most part, it is a financial entity, usually a manufacturer of some sort that doesn't engage in the finance end of the economy of our country but does seek to hedge its own particular financial issues in the more productive, more conventional financial industry itself. For example, manufacturers such as John Deere or Caterpillar or Ford Motor Company or, for that matter, any manufacturer across the country that seeks to have stability in the marketplace with respect to interest rates because they don't look out 90 days or 120 days, they look at years into the marketplace to ensure that there is stability from an interest rate standpoint so they know how to purchase items, know how to purchase what they need to make their widgets or whatever it may be. Those manufacturers engage in the purchase of derivatives by hedging the interest rate that they are going to pay. They also hedge the purchase of metals. Ford Motor Company, for example, may hedge the purchase of steel in the steel market, so they can ensure themselves of stability in that market.

These are the types of derivatives we are going to be talking about and that we need to make sure—because they were not part of the problem that caused the financial meltdown. But if we are not careful, they are going to be overregulated to the point where the cost of an automobile will be increased, and that is an unintended consequence of this bill, I know. The cost of a John Deere tractor to one of my farmers will be increased. Again, that is an unintended consequence.

I wish to take a minute to read a portion of an unsolicited letter I got from a fairly new bank in Atlanta, which is a community bank that began in 2007. According to the chairman of the board, this bank:

> . . . has built an exceptionally strong balance sheet with superior asset quality, solid and stable deposit funding, and robust capital levels. At quarter end, our equity to assets ratio was 14.39 percent.

He also wrote:

> The Bank received regulatory approval to offer and has been offering interest rate derivatives to our middle market and commercial real estate clients who are concerned about the effects of rising interest rates on their businesses. This affords our clients an opportunity to fix interest rates in what would otherwise be a floating rate environment which could work against them. The Bank will not take interest rate risk on these derivative contracts but instead will hedge all trades with one of our correspondent bank counterparties. In other words, the Bank will operate a matched loan-level hedging program. The Bank does not otherwise engage in any derivatives activities.
>
> There are three key problems from our perspective with the regulation as drafted by the Senate Agriculture Committee [which is part of the base bill that we are debating now]:
>
> 1. The Bank would likely be considered a swap dealer (under section 50(A)(iii) of the proposed regulation) and would have to spin off or terminate its swap activity.
>
> 2. There are no practical end user exemptions for our clients, who would be subject to posting margin against their trades with a clearinghouse.
>
> 3. All swap parties have to be an eligible swap participant, so a real estate single project partnership would not qualify.
>
> It makes no sense that community and regional banks that run matched loan-level hedging programs should be subject to the swap dealer provisions, as such programs are fully hedged and are not taking undue risk.

The letter goes on to say they hope that as we go through this debate, we can fix these unintended practical issues or consequences that provide practical issues in the day-to-day operation of commercial and community banks that are not on Wall Street but are in Atlanta and in Moultrie or other communities around my State and in every other community in America.

Just because a bank is big does not mean that bank is risky. We need to remember, as we think about this, that our regulators need to have the right kinds of tools to look at every single trade that comes up. That is why it is important and why we agree on both sides of the aisle that there needs to be 100 percent transparency in these markets. We are going to provide for that in our substitute.

There needs to be a fixing of the definition in the underlying bill of what is a major swap participant. There again, that goes to the issue of whether you are a big bank, you are automatically systemically risky, which is not the case, but you are automatically covered by this provision. Should Wall Street be covered? Yes. Will they be covered in the base bill? Yes. Will they be covered in our amendment? Yes.

Every swap dealer on Wall Street needs to have not just 100 percent transparency but all their transactions with other financial institutions go through a clearinghouse. That is done in the base bill. That is also provided for in our amendment. We wish to make sure these end users who don't deal in these swaps on a daily basis in the kind of volume the banks do are not thrown into a category of all of a sudden having to pay huge fees and costs added to the cost of doing business. At the end of the day, we know who will pay for that: we consumers who buy the automobiles and the widgets or whatever it may be.

Lastly, I wish to talk about the provision in the bill that requires—it is section 106, the 716 provision. What this provision does is require all swaps dealers and financial institutions to be physically moved out of the financial institution and kind of operate on its own. Here is the practical effect of what that will do. Any Wall Street bank that is a dealer in swaps and derivatives today—and every one of them are—will simply take the swaps desk and move it across the street. Under the base bill, they are going to be required to raise huge amounts of capital for that swaps dealer desk. There is no reason for that to happen. If they are going to raise capital, it ought to be in the bank, where they can utilize it and loan that money out to customers.

The other truly unintended consequence of moving the swaps desk out is the fact that the financial institution itself—again, major banks will be included in this—those individual banks are not going to be able to access the discount window at the Fed because they are all of a sudden not going to be able to borrow money from any Federal entity under the language that is in the underlying bill. That doesn't make sense. The reason it doesn't make sense is that all these swaps and derivatives transactions—whether they are interest rates, metals or whatever the transaction may be—have to be cleared every day. The bank needs a huge amount of cash or the swap dealer needs a huge amount of cash in order to clear those trades.

If they do not have access to the Fed discount window, then they are simply not going to be able to access the amount of cash they need to clear these transactions. The reason they need that cash is to ensure the parties to that transaction are going to, in fact, be able to have the assurance that the other party to the transaction is going to be able to live up to its rights and obligations. If they do not have access to the Fed discount window, then they are not going to be able to access that cash they are going to need to make sure these transactions are, in fact, cashed out at the end of every single day.

We are going to have one amendment that will be a substitute, and then we will have a series of additional amendments that will be more in the way of rifle shots to address the specific issues I have talked about.

I talked with the chairman of the Banking Committee about these over a period of time. Obviously, I have talked with my friend Senator LINCOLN about this. As we go through this debate, I want to make sure that at the end of the day, we do exactly what all of us want to do and certainly what the chairman and Senator SHELBY set out to do from the start, which is to protect consumers, to protect people who lost a lot of money in the market because of transactions of greed that took place on Wall Street. We can do that in a bipartisan way because we all agree that has to be done.

The thing we want to make sure of is that umbrella or that reaching out to accomplish that particular part of the problem that exists does not look for other problems that do not exist on Main Street and that we have the ability of our community banks, our Main

Street banks, as well as our manufacturing sector, to have access to the swaps and derivatives markets that they have done in a commercially responsible way for decades. They are not part of the problem, but yet it is going to be of significant consequence to every manufacturer. Not every community bank engages in swaps and derivative transactions, but a lot of them do. We need to make sure we take into consideration the continued ability of those banks to operate in a normal commercial banking way. Under the base bill, they are simply not going to be able to do that.

Again, I commend the chairman for his hard work. I know he and Senator SHELBY are still trying to work out some agreements on the too-big-to-fail issue. It is my understanding that some of the provisions in the hopeful agreement they are talking about are going to have a direct impact on some of the things I have talked about today. It will make our job a little bit easier trying to fix the derivatives title to this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before my friend leaves the floor, I wish to thank him for his hard work as the ranking member of the Agriculture Committee, with Senator LINCOLN of Arkansas. I will quickly address a few points my friend has raised.

One I think all of us acknowledge—I certainly acknowledge—is that the GSE issue needs to be addressed. We reached the conclusion that it is such a huge issue, and there are only so many issues we can take on in a bill of this magnitude. Clearly, some language that would allow for some studies to be done or other matters that would help address the issue—I am open to some ideas such as those. To me, for us to try to take on the whole issue of how we reform government-sponsored enterprises—we need to do it. It is clearly an issue that must be addressed. I was concerned about how much we can actually take on in one bill dealing with the entire financial reform structure. I assure my colleague that I am prepared to at least support some ideas to get us moving in the right direction on GSE reform.

On the home mortgage area, underwriting standards, again, we are open to ideas. As the Senator may recall, a year or so ago we fought hard to include underwriting standards. The Federal Reserve has now actually written some. We are trying to get responsibility on both sides of that equation. We had lenders out there pushing a lot of stuff out the door, a sector of our economy—the shadow economy, as it is called—luring people in to take no-document loans, securitizing them and moving them along. And we saw the effects of that. I know there are people working on how we can manage to come up with good language that does not so restrain the ability of a lender to have some flexibility in those standards. Clearly, we want standards in place that everybody has to meet—the lender and the borrower—as we move forward to avoid the kinds of pitfalls that have occurred.

On consumer protection, the last thing we want is asking the dentist, the butcher, so forth—I know people have talked about being subjected to what we are talking about in financial products and financial services. Again, not imposing any new laws at all, but how do we make sure the seven agencies today responsible for those laws can be consolidated in a thoughtful manner?

Lastly, on derivatives, this is an area which is predominantly, although not exclusively, in the purview of the Agriculture Committee. As the Senator points out, when we are talking about futures contracts involving securities, there is clearly SEC involvement, and thus our committee has had some strong interest in the subject matter. Senator JUDD GREGG, as well as Senator JACK REED, has worked on that issue. There is work that needs to be done. We all understand that.

My hope is, on the subject matter which the Senator has explained and talked about—and I appreciate his comments this morning that this is a big and important area—that there be an effort to try to develop a bipartisan approach to all of this as we look at it. It is a complicated area of law. It would be to everyone's advantage if there was communication back and forth to come up with some ideas on which we might be able to achieve some strong bipartisan support. I know he is trying to do that. I encourage him to keep that up as we look ahead so we can end up with good answers. I am very grateful for his interest in the subject matter. I am hopeful this morning that we can move along in the amendment process and do our job. I thank the Senator from Georgia very much.

Mr. CHAMBLISS. I thank my colleague.

Mr. DODD. Mr. President, I see our colleague from Wyoming. If he is ready to go, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

HEALTH CARE

Mr. BARRASSO. Mr. President, I first thank the chairman for the acknowledgement and thank him for the opportunity to take the floor.

I come here because of new information that has come to light about the health care bill that has been signed into law. As a physician who has practiced medicine in Wyoming for 25 years, as an orthopedic surgeon, I come to offer a second opinion on this bill and now this law. I went into this focused on the sorts of things the President had talked about—lowering the cost of care, improving the quality of care, increasing the access to care. But I come to the Senate floor today with my second opinion because I think these things have not been accomplished by the bill that has been signed into law.

For many years, I have been the medical director of the Wyoming health fairs—giving low-cost blood screening to people around the Cowboy State, giving them opportunities to learn about themselves, their health, and to focus on getting down the cost of care.

Today, when I come with my second opinion, it is that this bill—this bill now signed into law—is going to be bad for patients, bad for providers—the nurses and doctors who take care of these patients—and bad for payers, the people who are going to be paying the bill for this new law, the taxpayers of the country. I believe fundamentally that in passing this law, this is going to result in higher costs for patients, not lower costs. It will result in less access for patients, not more access. This is going to result in unsustainable spending at a time when we are looking at record unemployment and record debt.

I come today to talk about what I have seen in the new information that has been coming forth since the bill was signed into law. I have an editorial written in the Columbus Dispatch:

> Almost daily the ill effects of the health care overhaul passed by Congress are becoming apparent.

The editorial in the Columbus Dispatch goes on:

> As employees and government bureaucrats analyze the law's effects on the bottom line for the private sector and for government, the alarm bells are ringing. The tragedy is that these ill effects could have been and should have been calculated before the law was passed, not after.

It goes on:

> In fact, many of them were prophesied before passage of the bill, but the prophets were ignored by President Barack Obama and the Democratic majority in Congress. That is because their uppermost goal was not to pass the best health care bill possible but merely to pass anything that could be called health care reform and could be claimed as a political victory by a President desperate for one.

I come today with my second opinion on the high-risk pool which has been in the headlines the last couple of days. When the President and Democratic Members of Congress were pushing the health care bill, they promised that people with preexisting conditions would receive immediate relief. The bill has been signed into law, and Americans with preexisting conditions remain as confused as ever as to how this new law will impact them, will impact their lives and will impact their pocketbooks.

Unfortunately, hundreds of thousands—that is right, hundreds of thousands—of Americans with preexisting conditions are going to end up getting the short end of the stick. In fact, even USA Today recently reported that the new law is going to trap 200,000 Americans in pricey, State-operated, high-risk plans. Here is the front page of USA Today from last Thursday: ''Health law traps some in pricey state plans; 200,000 hard to insure can't get federal option.'' Mr. President, 200,000 Americans trapped. These are the folks who have been paying for coverage through the State high-risk insurance programs that exist today.

One might say: How can that be? What is the catch? These 200,000 people are not eligible for the brandnew, low-cost, high-risk program that is created by the law. Are these not the people we were trying to help? The law requires that for people to get into this new plan, they have to have been without insurance for the last 6 months. We have 200,000 Americans with preexisting conditions who have been playing by the rules, who have been doing what is right. What happens? They are not going to have any access to the benefit the President and the Democrats in this Congress promised would be available to them.

Don't just take my word for it. Here is what the Kansas insurance commissioner had to say. She said that we have people who have struggled to stay in our existing pool and take care of their existing health needs. And then this new pool comes along, and it is more generous and they are not going to be eligible for it.

What is the difference? With the new pool, the maximum amount someone is going to have to pay for an individual is $5,950; for a family, $11,900. That is 100 percent of the standard market rate. But many of these high-risk pools across the country are at a point where they are charging twice the standard market rate because these people are an increased risk because of their preexisting conditions.

The people who have been playing by the rules, doing it right, and, as the insurance commissioner said, people who have struggled to stay in the existing pool, they are going to be left out, ignored, and rejected by this new law the President has signed into law.

This week, all 50 States were given the opportunity to tell the administration whether they wanted to run their brandnew, high-risk pool for individuals with preexisting conditions. The answer has not been positive.

Just yesterday, Tuesday, May 4, the Washington Post said: ''18 states decline to run 'high-risk' insurance pools.'' Eighteen States said to Washington: No, thank you. Eighteen States have refused to participate. Why? Mainly, they do not know, if and when the Federal money runs out, how it is going to be paid for.

One may say: What do you mean, the Fed money runs out? They just passed this health care bill that is going to cost almost $1 trillion. For this high-risk pool, the amount of money that was put in, $5 billion—in the Chief Actuary report of Medicare and Medicaid, they said the money is likely to run out before 2012, even though it is supposed to last until 2014.

What is going to happen to these States? No one knows, and the administration is not saying.

The Governor of Wyoming, Dave Freudenthal, looked at this as a Governor and asked: What do I want to do? Do I want to participate or not? He is one of the Governors who looked at it very carefully, and he is one of the Governors representing the 18 States that said, ''No, thank you,'' to Washington.

This is what he said in his letter to the Secretary of Health and Human Services, Kathleen Sebelius. He said:

> The State of Wyoming has operated a very successful high risk health insurance pool for nearly 20 years, which has served Wyoming citizens well.

And we have. I was involved with this when I was in the State senate, where I served for 5 years. As he said, a very successful, high-risk health insurance pool for nearly 20 years, which has served the citizens of Wyoming very well. Then he goes on to say:

> . . . necessary requirements have not been set out and key terms have not been defined. Without such guidance, I find it unwise to further consume my staff and Department of Insurance with the guesswork currently necessary to implement this program.

Mr. President, these Governors are just guessing—guessing if it will work, guessing if it would not work—and nobody knows. That is why, in an interview with the Associated Press yesterday, the Governor of Wyoming said:

> . . . the $8 million the federal government offered the state to run the high-risk insurance program until 2014 wouldn't be enough.
>
> He also said he's concerned the state wouldn't have been allowed to administer the federal pool together with its existing state program.

Sorry, States—this is what the Secretary is saying—we in Washington know better than you. You might have a program that has worked for 20 years very successfully in your home State of Wyoming, but we don't want to know about it. We want you to either set up a new program and do it our way or forget about it. And that is what the people of Wyoming have decided because the Governor said: When I looked at it, it just didn't seem to make financial sense.

So, once again, the administration is saying: Trust us. They want to act now and ask questions later. Well, Americans and Governors across our country have serious questions about this new high-risk insurance program—how much it will cost the States, how much it will cost the taxpayers, and why all American patients with preexisting conditions would not have access to the immediate benefits they were promised.

Unfortunately, Washington's lack of answers clearly demonstrates that this administration doesn't have its act together. The administration has not delivered on the President's promise to help all Americans who have preexisting conditions have access to the same affordable health insurance coverage. That is why all across this country people are saying: This bill, rammed through the Congress, with all the sweetheart deals, and signed into law, wasn't passed for somebody like me. It was passed for somebody else.

So I come to the floor of the Senate today to say it is time to repeal this legislation and replace it with legislation that delivers personal responsibility and opportunities for individual patients, that will get down the cost of care, that will improve the quality, and will improve the access to care. We need patient-centered health care—something that will provide individual incentives, such as premium breaks for people by encouraging healthy behavior; that allows people to take their health insurance with them when they move from State to State or when they change jobs; that gives the uninsured and the self-insured the same relief when they buy insurance that the big companies get; that allows people to buy insurance across State lines; that deals with lawsuit abuse; that allows small businesses to join together to get down the cost of their care. These are the things that will work to get down the cost of care, to deliver high-quality care, and improve access to care. Those things are not in the health care bill that was signed into law. They are not in the health care bill that passed this body and passed the House.

So that is why I come to the Senate floor to once again offer my second opinion that it is time to repeal this bill and replace it—replace it with something that will work well for the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise this morning to speak about the issue that is before not only the Senate—and, thankfully, we are in the debating process, finally, after many days of discussion about debate—I think this is also an issue that is on the front burner, so to speak, around kitchen tables or wherever families are gathered or small business owners and others. It is about reforming our financial system and making it more accountable.

I want to back up a second and put this in the perspective of where our economy is. We have an economy which has resulted in a job loss that is a record of one kind or another. We have heard it over and over again: The

recession we are living through right now—even though we are recovering—is the worst economic climate we have had since the 1930s. There are lots of ways to measure that, but, of course, the most important data point or number is the unemployment rate and the number of Americans who are out of work—some 15 million.

In Pennsylvania, over 582,000 people are out of work. Our rate is 9 percent. A lot of States would rather a 9-percent rate than 11 or 12 or 13 or 14. But in our State, 9 percent means 582,000 people out of work through no fault of their own. That is the reality with which we are living.

One of the ways to dig out of that hole, so to speak, or get the car out of the ditch—pick your image or analogy—is not only to put in place the job creation strategies which we have put in place over the last year—and even more recently in the last couple of months—but also to reform our financial system to prevent the abuses that took place that led to the problems that so many Americans are experiencing right now.

One of the problems we have had is the fact that we have not just big banks—that was always the case in America; we always had large institutions and small institutions—but we have gone beyond big to what you might call a megacategory—megabanks—that have too much power concentrated in them and too much impact on our system. So what developed was this too-big-to-fail problem. It is a big problem we have to make sure we prevent from happening again, where a bank is such a big institution that it has tentacles reaching far into the economy, and the failure of that one institution or the failure of two or three wrecks the economy for so many others. So one thing we are going to do in this legislation is to make sure that doesn't happen.

So how do we hold Wall Street accountable and how do we put consumers in control at long last? Well, first of all, we have to have strict regulations to stop Wall Street from engaging in reckless activities. We have to stop the reckless gambling that Wall Street was engaged in for far too long. We have to end the taxpayer bailouts forever. That is one thing we have to achieve.

I mentioned the too-big-to-fail problem. We have to end too big to fail as a problem for our system. We have to have a new cop on the beat. This isn't just a question of having a couple of tweaks in regulations, we need tough regulations and tough enforcement. Of course, the analogy we use is one of law enforcement and having a new cop, or a number of cops, on the street—on Wall Street in particular. We have to put consumers in control with information about transactions that are in plain English.

One of the problems we are experiencing now is that we got away from the system we had in place. I am not just speaking of strong regulation and mechanisms to control powerful institutions so they can't wreck our economy because of their reckless behavior and the scheming artistry and the fraud that took place over far too many years, but the basic concept that people in a community knew the bankers and the bankers knew the customers, so to speak. So if you went to get a mortgage for your home, you actually knew who you were dealing with. One side was invested in the other. That worked very well for a long period of time. We have gotten away from that.

I am not saying we can replicate the system we had 30 or 40 or 50 years ago, but we have to borrow some of those concepts where there was more accountability and more sense of investment. We know that 15 years ago—not that long ago—the six largest banks in the United States had assets totaling 17 percent of the gross domestic product. Where are those six megabanks today? They control not the equivalent of 17 percent of GDP, they control 63 percent. It changed from 17 percent to 63 percent in 15 years, virtually unchecked.

So instead of supporting a small business in a community or a Little League team or a family trying to borrow money or a small business, these megabanks gathered deposits from Wall Street. They sliced and diced them, they leveraged them to the hilt, and then used the hard-earned wages and savings of Americans to make a handful—a very small, tiny number—of Americans incredibly wealthy. It is the kind of wealth that is staggering, almost incomprehensible and almost incalculable.

Make no mistake about it, these megabanks profited tremendously from this new model. That is an understatement. Over the last 30 years, profits and compensation in the banking industry have skyrocketed. I don't think wages have skyrocketed. At best, they have been flat for a long time. When they have increased, it has been in very small numbers. So we have megabanks and a flawed system leading to megaprofits for a tiny percentage of the American people, even a small percentage of the business community, so to speak.

American families have been living with this problem. The big guys got us in the ditch, and as we are trying to push the economy out of the ditch, the American taxpayers have had to pay the freight. Well, it is time we made some basic changes, and this legislation gives us this chance. Now is not the time to slow down and delay and wait and scratch our heads. We know it is wrong, we know what the problem is, and we know how to fix it.

This morning, we have the continuation of debate on the bill. We had an example last week where Goldman Sachs came before the Senate, not in a situation where the Senate was a prosecutor or a law enforcement agency, but the Senate played an important role as it relates to Goldman Sachs. Chairman Carl Levin, chairman of the relevant investigative committee—said we were focused on policy and ethics, and I think that is an appropriate role for the Senate.

Now, what happened in that Goldman situation? Well, there are a lot of ways to describe it, but one way to look at it is this way: Goldman sold investors a product—in this case a derivative product—and its value was tied to the performance of a big portfolio of subprime mortgages. That is where it started. But it appears that Goldman worked both sides of the deal. They would sell these products to investors on the one hand, while also plotting with a hedge fund manager who was betting against the performance of the very same mortgages. It gives ''conflict of interest'' new meaning, and it is a disturbing, alarming image for a lot of Americans—selling on one side and then going over to the other side and plotting and scheming to make money, not worrying about what is downwind, what is downstream, the horrific consequences, such as a wrecking ball to a building, and just kind of laughing all the way to the bank.

I know I am in overtime, so I will wrap up. I will be back to talk about an amendment I will be offering, but I do want to say how much I appreciate the work that has been done to date. We are at the beginning of the debate on the Restoring American Financial Stability Act of 2010, which will establish an early warning system; enhance those protections for consumers and investors; strengthen the supervision of large, complex financial organizations; and finally regulate, at long last, in a much more aggressive way, the so-called over-the-counter derivatives market.

I see our chairman of the Banking Committee, Chairman DODD, is here. He has done great work in this area not only more recently but for many years, and we are grateful for his leadership. I know the debate is in the early stages, but I think we are going to have a good product by the end of it.

Mr. President, I yield the floor.

Mr. DODD. If the Senator will yield for 30 seconds—I see my friend from Louisiana. I wish to give him time. But I wish to say to Senator CASEY how much I appreciate his work. We worked together on this committee before I moved on to, I wouldn't say greener pastures, but I was a member of the Banking Committee. I am very grateful to him for his involvement. We dealt with the housing issues and credit card issues and the like as well. I appreciate his comments very much, and

I look forward to working with him, along with my colleague, the Senator from Louisiana, Mr. VITTER, who is a member of the Banking Committee. I thank Senator CASEY.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

LOUISIANA OILSPILL

Mr. VITTER. Mr. President, representing Louisiana in the Senate, along with my colleague, Senator LANDRIEU, you can image I have been focused exclusively on the ongoing oilspill, the leak, the ongoing flow that we and the country are battling. Because it has been almost a week since I have been in Washington and on the Senate floor, I wish to use the opportunity to briefly give an update from my perspective.

Along with many other officials, industry folks, interested citizens, I have been all through and up and down the coast as well as offshore. I had the pleasure of traveling with several Cabinet Secretaries and other Members of our congressional delegation last Friday, going offshore to look at the site of the former rig, the site of the ongoing spill or leak, very closely. I also took another helicopter tour later that day. I have been in all the effected coastal communities, St. Bernard Parish, Plaquemines Parish, which encompasses the mouth of the Mississippi River and beyond, lower Jefferson. I reached out to folks daily—local elected officials and leaders, the industry, Federal agencies, the Coast Guard and others working on this ongoing crisis and the Governor in the State—who were extremely proactively engaged.

Having done that, again, I wish to give a brief report to my colleagues and my fellow citizens. Obviously, I think we need to start in remembering that this is a great human tragedy and that started with the apparent loss of 11 lives. I think it is very important to start all our discussions and recollections about this incident with that human tragedy and with those families. As the media and others cover the environmental danger which is great, the economic impact which is enormous, I think sometimes those families, that enormous human loss is a little glossed over. So I certainly want to stop and reflect on that again and continue to offer my heartfelt thoughts and prayers to those 11 families who were the most impacted, who have suffered the most. I say a prayer for them every day, as do so many folks in Louisiana. We will continue to lift those families.

Second, this is an ongoing challenge and crisis because, as I said a minute ago, this leak, this flow continues. It has not stopped yet. Of course, priority No. 1 of everyone involved is to stop the leak, to stop the flow. It is a little difficult to estimate exactly what that flow is, but the best guesstimate—and it is an art, not a science—is about 5,000 barrels a day.

To put that in perspective, already, as of 4 or 5 days ago, that meant the product leaked surpassed all the spill, all the events combined from Hurricanes Katrina and Rita. That was a big event, so this has already surpassed it 4 or 5 days ago. If that leak rate is constant and continues, 5,000 barrels a day, then in about another 35 days we will equal the volume leaked from the Exxon Valdez. That is a very real threat to equal or surpass that amount of oil. It is a huge event.

There is lots of activity going on at the wellhead in that area to try to control and stop the leak. There are multiple plans. I guess plan A, if you will, is to close off the valves that should have been shut down automatically through the blowout preventer. Needless to say, there was a massive failure in terms of that automatic closedown, which is supposed to happen at multiple levels. But there is ongoing effort to send underwater robots down to the floor of the gulf and shut down those valves. Unfortunately, that has not worked yet.

Plan B is to put out a large, constructed box or dome to cover the part of the gulf floor where the leak is coming from and then to pipe up the material, to vacuum the material in a controlled way from there to the surface and store it. That box or dome has been constructed. It will be sent out to the site in the next 48 hours. So that attempt will start. This technology has been used before in other spills but never in anything similar to this depth of water, 5,000 feet. It has been used in 400 feet, 500 feet, not 5,000. That is a big difference, which brings up all sorts of engineering challenges because of the enormous pressures at that depth of water.

Plan C, if you will, is to drill a relief well—in fact, two relief wells. That work has already begun, to relieve the pressure on this well and to bottle it, to put mud and cement down there to stop the flow from the existing well. That can work and that will work. The problem is that will take 60-plus days, 60 to even 90 days. That work has begun.

In addition to that work to stop the leak in the immediate area of the leak, the Coast Guard and BP and others in the industry are using dispersants and other methods of trying to mitigate the ongoing flow.

That is one category of very important work. There is a second category of extremely important work; that is, all the work that is underway to protect the Louisiana coastline and marshes, as well as similar work in neighboring States: Mississippi, Alabama, and Florida.

I have to say, last Friday, when I took that plane ride with the Cabinet Secretaries, I was extremely concerned that all that coastal protection planning and execution had to go through BP. It was very evident to me that challenge and that end of the endeavor was bigger than BP, and bigger than any single company. I was concerned that was a bottleneck. I was not arguing in any way that BP is the responsible party under Federal law, that BP had enormous monetary responsibility that flowed from that—nobody is arguing with that. But operationally, I didn't want all that crucial coastal protection, marsh protection activity to be stalled or delayed because it had to fit through that bottleneck.

I think the good news from over the weekend is that old system was blown up and that bottleneck was relieved. I particularly wish to compliment and commend ADM Thad Allen, whom the President appointed on Saturday to be the Federal coordinator of this entire effort. I think he recognized, at my urging and that of many others, that having all that coastal planning and execution flow through BP was a problem and a mistake. So that has been corrected.

As of Friday, detailed planning, in terms of coastal and marsh protection efforts, was not getting done by BP. Frankly, it was not getting done by the Federal authorities—the Coast Guard or anyone else. But local and State leaders stepped in, the folks who know that coastline and that marsh area the best stepped in and they have provided those detailed plans over the last several days. So over that time period, in particular from Friday on, individual parishes, in coordination with the State, in coordination with many experts, have developed parish-by-parish plans to protect the coastline and the marsh. That has been a very strong effort; again, pulling together many resources, many levels of leadership, folks who know the coast, the terrain and the marsh like the back of their hands. So that void has been filled, thanks to that leadership and vision by local leaders in strong coordination with Governor Jindal and the State.

Now those individual parish-by-parish plans are ready. They are being tweaked, they are being improved, but they are ready. The next step is for the Coast Guard to formally approve those plans. That has been done on a preliminary basis, the first version of those plans, but most of those plans now have supplements. The Coast Guard needs to quickly and timely approve those supplemental plans. I talked to the Coast Guard leadership yesterday afternoon and urged them to do that in a very time-sensitive way, and they assured me that was happening. Once that happens, BP automatically is on the hook to pay for implementation of those plans. That takes no additional approval or signature from BP. That is automatic under Federal law. Then the plans need to be executed, either through BP or independently by using fishermen in the area, by using other

contractors or otherwise. That is a decision of the locals and the State. I think that process is moving in a very good direction and is well underway.

Let me close by focusing on another big category of concern that I share with so many others; that is, the concern about economic impact starting with the folks who have been hit and affected the most, the fishermen of Louisiana, oystermen, shrimpers, and the fishery industry. Already, as of at least Sunday and Monday, this is having devastating economic impact on those folks. Our hearts go out to them. Our prayers go out to them as well. I have been working with many others to try to get them the help and relief they need, in particular focusing on four categories of activity. First of all, when I talk to local fishermen in Saint Bernard and lower Jefferson and Plaquemines, all through Louisiana, they all say the same thing. They don't want handouts. They don't want a big Federal program. They want a job. They want a paycheck for hard work. That is their lives, that is their tradition, that is their spirit. They just want that to continue. So, first of all, all efforts are being made to hire them, in what is called the Vessels of Opportunity Program, to be the backbone of this coastal and marsh protection response. I have talked to both local and State leaders and BP, and we are all in agreement that a hyperaggressive effort needs to happen to hire as many of those fishermen as possible to man that coastal marsh protection effort.

Second, that is not going to take care of all the immediate need. I am pushing strongly to make sure BP holds to its promises of setting up a hotline and a program of getting quick compensation into the hands of affected families who are suffering economic loss. I talked directly with the CEO of BP yesterday about this. He assured me that was being done. That would mean quick checks to people and families who needed it without any requirement that those folks sign their lives away or cap their claims or sign away future claims. I am going to work very hard to enforce that personal promise. In fact, today, I am setting up a hotline in my office. It will be advertised on my Web site, www.vitter.senate.gov, to ensure that program is developing as promised. If anybody out there, fishermen or others who are applying into that program, is treated differently, I urge them to call this hotline and we will get all over that immediately and try to correct that situation with BP.

Third, in terms of helping that local industry, of course we are looking medium and long term in terms of full economic damages. BP is the responsible party. They are responsible for those economic damages. In addition, we have an OPA trust fund under Federal law which, at present, has a $1.6 billion balance, funded since the Exxon Valdez incident specifically to cover these sorts of direct economic impacts and balances. So I am very focused on that.

Fourth, additionally, there is an outpouring of citizen private support to help these families.

I am not directly involved, but I know several organizations under the umbrella of the United Way are leading fundraising efforts to directly help these families.

But as this ongoing challenge and crisis continues, that will continue to be a prime focus of mine: the families directly impacted, the fishermen, the oystermen, the shrimpers, their families who, after suffering through so much with the Katrina and Rita, were sort of hit below the belt yet again.

I will continue obviously, with Senator LANDRIEU and others, to stay very focused on this ongoing crisis to do all the sort of work I have described. I would ask my colleagues to be sensitive to that and to be aware of that. In particular, there is going to be, and there has to be, enormous discussion about policy, Federal and other policy, coming out of this disaster.

We need to look at mandated technology. We need to look at procedures. We need to look at the current liability cap and the OPA trust fund. All of that is important. But as we begin to do that, my first request would be that we all realize that down in Louisiana off our coast in the gulf, in the real world, there is an ongoing crisis that still continues. The leak is unabated. The flow is unabated.

I would ask all of us to be sensitive to that so we are not diverting attention or resources away from that ongoing crisis. The work needs to be there right now to shut down the flow of oil and to protect our coastline. Many Members, Democrats and Republicans, have offered their support to me and Senator LANDRIEU. We both deeply appreciate that and we look forward to working with everyone in this body on this ongoing situation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SERVICE RECOGNITION WEEK 2010

Mr. KAUFMAN. This week, once again, we celebrate Public Service Recognition Week.

Public Service Recognition Week provides us all a chance to reflect upon the contribution made by those who serve in government.

All throughout the week, the Partnership for Public Service, a leading nonprofit, nonpartisan organization dedicated to honoring those who work in government, will be hosting informative programs across Washington.

One of the most exciting moments during the week is the announcement of this year's finalists for the distinguished Service to America Medals, or ''Sammies.'' This year, once again, the crop of finalists is outstanding, and the winners will be announced at the Partnership's annual Service to America Gala in September.

During last year's Public Service Recognition Week, I delivered the first in a series of weekly speeches from this desk honoring great Federal employees. Now, 1 year later, I am proud to continue this effort today by recognizing my sixtieth great Federal employee, along with a few others who have won Service to America Medals in the past.

Anh Duong has worked for the Naval Surface Warfare Center, in Indian Head, MD, for 27 years. But her relationship with the U.S. Navy goes back farther. She came to this country after escaping Vietnam as a teenager, having fled by helicopter to a Navy vessel offshore. After coming to the United States, Anh obtained a degree in chemical engineering and computer science from the University of Maryland.

After graduation, Anh began working at the Naval Surface Warfare Center as a chemical engineer, and from 1991–1999, she oversaw the Center's advanced development programs in high explosives. From 1999–2002, she worked as the head of its programs to develop undersea weapons.

After the September 11 attacks, when our Armed Forces were given the mission to defeat the Taliban, it was Anh who was asked to develop a thermobaric bomb that could be used to reach deep into Afghanistan's mountain caves, where Taliban fighters were hiding. She and her team were only given 100 days to prepare such a weapon for use. They did it in 67 days.

Since 2006, she has been working with the Naval Criminal Investigative Service to create mobile battlefield forensics labs to help quickly identify those behind terrorist attacks. Anh Duong was awarded the Service to America Medal for National Security in 2007.

Another dedicated Federal employee, who won the Service to America National Security medal in 2005, is Alan Estevez. Alan is the Principle Deputy Assistant Secretary of Defense for Logistics and Military Readiness.

The old adage says that ''an army runs on its stomach.'' In fact, a modern military runs on much more than that. There are thousands of pieces of equipment and supplies that need to be transported in and out of an area of operations. Alan has been working since 1981 to make our military logistics system more efficient.

Over the past several years, Alan has overseen efforts to implement radio frequency identification, or ''RFID'' technology into our military supply

chain. He saw that companies like Wal-Mart were using RFID to track products with a high degree of accuracy and to reduce waste.

Alan's work over the past three decades has saved the military, and the taxpayers, countless dollars and has helped ensure that our troops have the supplies they need to fulfill their missions.

Another Service to America medalist I want to highlight today is Riaz Awan. He served as the Energy Department's attaché in the Ukraine when he won a Sammie for his work to secure the site of the 1986 Chernobyl meltdown.

Riaz won the 2003 Service to America Medal for International Affairs, which recognized the several years he spent living near the site of the Chernobyl disaster and working with the local communities to mitigate its social and economic impact. As part of his work, Riaz oversaw the construction of a new concrete shelter over the former Chernobyl reactor, one of the largest and most complex engineering projects in the world at the time.

Additionally, his work on nonproliferation in the Ukraine has helped prevent terrorists from getting their hands on nuclear materials leftover from the fall of the Soviet Union.

In the same year that Riaz won his award, the Service to America Medal for Call to Service, which recognizes new Federal employees, was won by Alyson McFarland of the State Department.

Alyson had only worked at the State Department for 3 years when she found herself in the middle of a tense diplomatic situation. She was working as a program development officer at our consulate in the northern Chinese city of Shenyang, near the North Korean border. One summer day, in 2002, three North Korean refugees jumped over the consulate wall, seeking asylum.

Alyson was one of the only Korean-speakers working in the consulate, and she quickly became instrumental in communicating with the refugees and authorities from the Chinese and South Korean governments. By playing a key role in supporting the negotiations with the refugees and government officials, she helped enable the asylum-seekers to reach freedom in South Korea. At the time of the incident, she was only 28 years old.

The fifth and final story I want to share today is about the winner of the 2002 Service to America Medal for Justice and Law Enforcement. Special Agent Robert Rutherford won it for his work at the U.S. Customs Service, which has since been renamed as U.S. Customs and Border Protection.

Robert served as the Group Supervisor for the Customs Service's Air-Marine Investigations Group in Miami, and his primary job was to keep illegal drugs from reaching American shores.

Starting in 1999, Robert began noticing a sharp rise in the amount of cocaine and other narcotics being smuggled into the country from Haiti, which was contributing to a rise in local crime.

On his own initiative, Robert worked with his colleagues to form Operation River Sweep to block the Miami River as a trafficking route for drugs. As part of the operation, he led a first-of-its-kind intra-agency task force under the direction of the Customs Service. Between 1999 and 2001, Operation River Sweep made over 120 arrests and prevented over 13,000 pounds of cocaine from reaching Florida communities.

As Robert's efforts met with success, the local crime rate dropped. In order to stay afloat, the drug traffickers adapted their methods, hoping to outsmart the Customs Service.

However, in 2001, Robert launched a second task force, Operation River Walk, involving over 300 law enforcement personnel from local, State, and Federal agencies. This second task force arrested over 230 trafficking suspects and seized over 15,000 pounds of cocaine and cannabis.

Though the details are different in each case, all five of these stories about Service to America winners send the same message. It is a message of service above self, of motivation to carry out the people's work.

When I first spoke about Federal employees a year ago, I noted the importance of the oath taken by all those who serve in Federal Government. The spirit of that oath, to ''support and defend the Constitution'' and ''faithfully discharge the duties of the office,'' undergirds the service of every man and woman who has worked as a Federal employee since 1789.

Our work in Congress today is the drafting of a blueprint for recovery, security, and prosperity. The task of building and maintaining these edifices we design will belong to the dedicated and industrious civil servants upon whom all Americans daily rely.

They are the regulators who will restore stability to our financial system.

They are the lawyers who will prosecute terrorists detained overseas.

They are the doctors and nurses who will care for our returning veterans.

They are the aid workers who spread hope and healing around the world.

They are the instruments by which we, the people, secure the ''blessings of liberty.''

As we mark Public Service Recognition Week, let us all make an effort to thank those who have chosen the path of public service. They are all truly great Federal employees.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, the American people are tired. They are tired of the government spending money that it does not have while they are forced to make tough decisions about their own family's budgets.

But more importantly, the American people are tired of the government stepping in, blank check in hand, to bail out giant Wall Street firms that were irresponsible with their money. The American people are sick and tired of seeing their hard-earned taxpayer dollars squandered in the name of too big to fail.

One of the most important lessons that we learned from this financial crisis, hopefully we learned, is that the bailouts were unfair. They allowed the government to manipulate the market by picking winners and losers, and they used taxpayer dollars to do so.

Republicans have made this point repeatedly during this debate. Those on the other side of the aisle have accused us of trying to hold up reform. But what we have been trying to do is to listen to the American people when they demand no more bailouts.

This bill does not address the concerns of the American people. Despite the enormous size of this bill, and its complexity—and believe me, it is truly complex—I do not believe anybody in this Chamber—as a matter of fact, I do not believe anybody on Capitol Hill fully understands this bill.

This bill makes more explicit the ability of the government to continue to pick winners and losers when bailing out irresponsible Wall Street firms. I come from a State where gambling is a big part of our economy. Yet a Las Vegas casino could not get away with half of the gambling that Wall Street does. When people walk into a casino to gamble, they do so knowing that the odds are against them.

But Wall Street takes gambling to a whole new level. They do it because they actually manipulate the odds while someone is playing the game. What is more, Wall Street then asks the government to cover their bets when they can no longer afford to do so on their own.

Can you imagine a casino booking a bad bet and losing money, and then asking the government to bail them out? That is basically what Wall Street did. And this bill continues that ability.

The proof of this is self-evident because we are now debating an amendment that tries to fix that, the Boxer amendment. If this bill did what it claimed to do, we wouldn't be here debating this amendment which, although this amendment sounds very nice, it actually does very little to address the problem of preventing future bailouts. This bill still creates a new government bureaucracy for the purpose of managing bailed-out banks and their creditors. The language of this amendment does nothing to prevent taxpayer money from being used to pay off debts of failed financial institutions. For example, billions of dollars in taxpayer money were used to pay AIG's obligations to Goldman Sachs

after the insurance giant collapsed. This amendment does nothing to stop the Federal Reserve from risking even more taxpayer money on these firms in the future. The language of this amendment does not even prevent the government from imposing fees on companies that can be spent to bail out firms.

I regret this flawed bill is on the floor now instead of a bipartisan piece of legislation the American people have been asking for and, quite frankly, deserve. I hope in the process of debate, we can offer amendments that will fix this legislation, that will finally end this too-big-to-fail concept. Instead, the American people are left dealing with the reality that another partisan bill has come to the floor and will probably become law. Another government bureaucracy will be created as a result of this legislation with little regard to the will of the people.

Here we go again. Unfortunately, too much partisanship has gone on in this body. There are several of us working on bipartisan amendments. I hope we can dramatically improve this bill. Both sides have the same objectives. We want to clean up Wall Street. We don't want to do that while hurting Main Street. We want to hold Wall Street accountable, but we don't want to do it in a way that harms people who had nothing to do with the financial crisis.

I hope we actually can end up with a system that ends too big to fail. We already have several financial institutions that are already too big to fail. What to do about those firms is very difficult, very complex, and we have to do it in a way that doesn't mess up our entire financial system and system of credit. I believe we need to take our time, because the expertise to get this right is difficult to get. I don't believe necessarily the Senate or the House has that kind of expertise. We need to take our time on this bill to get it right, to make sure we are doing what we are intending to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I don't know if there has ever been a perfect law. Maybe the law that was written on stone tablets and brought down the mountain by Senator Moses was a perfect law. Ever since then, human beings have tried to write laws that are good and acknowledge that they are human. Maybe the laws will have to be revisited and changed and revised. That humility comes with this job, because you understand this is an imperfect process. We debate, try to reach compromises and make concessions. Virtually every time at the end, you say: That isn't what I would have written, but that is what the Senate decided to move forward with.

Now we are in the midst of debating this law, 1,407 pages long, called the Financial Stability Act. Why are we doing a bill that looks like a telephone directory? We are doing it because of the recession, a recession which, frankly, hit America harder than anything since the Great Depression. Seventeen trillion dollars was taken out of the American economy. That is more than the value of all the goods and services produced in the United States in 1 year; $17 trillion yanked out of the economy, and most of us felt it. You felt it in your savings account, your 401(k). You saw it when the shop down the street laid somebody off or closed.

We know this is a real recession that hit America hard, 8 million people unemployed, 6 million people sitting out there frustrated, not even looking for jobs. That is a real recession. How did we reach that? We reached that because of some very bad decisions in Washington and on Wall Street. The decisions in Washington related to the future of housing. Are we going to expand the opportunity to own homes to people who traditionally did not own them? We thought it was a good idea.

I can remember when my wife and I bought our first home. Our lives changed. We were no longer renters. We were interested in that house and in our block and our neighborhood, our parish, and our community. It is a different look at life. Home ownership is a real American value. We also thought it was a pretty good investment. Stretch to make a house payment. Can we make it? Do you think we can make that monthly payment? If you can, you watch the value of that housing go up and say: Pretty good decision. Nice little house for the family and a good investment.

So we thought in Washington, let's expand that model. There is nothing wrong with where we started. There was nothing selfish about it or outlandish that we would move in that direction. Then came Wall Street. Wall Street said: If this is a good thing, we can make money on it. They took the mortgages people used to enter into with the bank down the street or downtown and sold the mortgages downtown to some other bank. Pretty soon that mortgage went into the business atmosphere and was chopped up in pieces, sliced and diced into securities and derivatives, traded and sold at the highest levels of Wall Street. Unfortunately, it got out of hand. It got so far out of hand that at the end of the day, it collapsed. Home values started coming down; defaults and foreclosures started increasing. People making all the money on Wall Street were sitting in financial institutions that were crumbling around them.

So where did they turn for help? They turned to taxpayers. They asked taxpayers: Bail us out. Come to our rescue. Keep our company in business even though we made some fundamental mistakes.

And we did. There is a good argument as to whether we should have. But I can tell you, having sat in the room where the Secretary of the Treasury and the Chairman of the Federal Reserve said, Senators and Congressmen, if you don't move fast, the American economy is going to collapse, what do you do? I have an education and some experience, but I am not sure I am ready to save the American economy singlehandedly. I took their advice, as did others in bipartisan votes that led to the bailout that saved these institutions.

They showed their gratitude to American taxpayers for saving them from their own malfeasance by declaring bonuses for one another, million dollar checks they gave to one another in congratulations for their economic failure. Naturally, Members of Congress and the American public said: It is disgusting that these people would make these mistakes. Ask the average mom-and-pop family to bail them out with their tax dollars and then give one another bonus checks to reward their misconduct.

That is what brought us here today. That is what this bill is about. This bill is about changing financial institutions to guarantee there will never be another taxpayer bailout, period. Senator BARBARA BOXER of California has the first amendment. It is a critically important amendment. It ought to have every vote in this Chamber. It says: No more taxpayer bailouts, period. That is a good starting point.

But then let's proceed from there. What are we going to do about these institutions to make sure they are held accountable, that they don't get so big their failure jeopardizes the American economy? That is part of this as well, the amount of money they have to keep on hand, the leverage, the liquidity, how they can loan this money, rules of the road to make sure we never get into this recession mess again.

There is another provision in here too, one that I think is equally important. It says we are finally going to create one agency of government that is going to look out for families and businesses across America who can be duped into legal agreements that can explode on them at the expense of their life's savings or their home. It is a consumer financial protection law, the strongest one ever passed in the history of the country.

I heard the Senator from Nevada call it a massive bureaucracy. It is not that. In fact, it is a self-enforcing agency that has the power to make decisions independently of existing agencies of government with one goal in mind: Empower consumers across America to make the right choices. We can't make the final decision about whether you sign that mortgage paper. We shouldn't. But you ought to know when you sign it what you are getting

into. What is the interest rate? What is the term of this mortgage? Can I prepay this mortgage without penalty? Those are basic questions people need to be asked and answered. That is what this bill is going to guarantee through the Consumer Financial Protection Agency.

It took a long time to get to the point today where we will have our first vote on this bill. It took much longer than it should have. Senator CHRIS DODD of Connecticut, who is chairman of the Banking Committee, sat down with Republicans, Senator SHELBY of Alabama, over 3 months ago and said: Let's work together. Let's make this a bipartisan bill. After 2 months of effort, they concluded they couldn't reach agreement. At that point Senator DODD said: I will reach out to Senator CORKER of Tennessee, a Republican, and see if I can reach agreement with him for a bipartisan bill. He is on my committee.

They worked for a month. They could not reach agreement. So Senator DODD said: There comes a point where we have to move this legislation. He called this bill before his Senate Banking Committee and invited Republicans and Democrats on the committee to give their best ideas. How would they change this, improve it? What would you do to this bill?

Republicans filed over 400 amendments to this bill. That is a lot of work. Then came the day of the actual hearing on the bill. The decision was made on the other side of the aisle not to offer one single amendment, not one. Twenty minutes after it convened, it voted to pass the bill out and adjourned.

So when Senators from the Republican side of the aisle come in and say: There is not enough bipartisanship in this bill, I have to tell you, it isn't because of a lack of effort by Senator DODD and members of the Banking Committee. We have tried to engage our friends on the other side of the aisle to help us make this a better bill. We still offer that invitation. There will be bipartisan amendments. There should be bipartisan amendments. But at the end of the day, if we don't make a fundamental change in the economy and the way we manage financial institutions, we will invite another breakdown, and we can't let that happen. There have been too many victims of this recession to let that happen.

President Obama has challenged us to get this done. We do so little around here. It is frustrating. We spent a whole week a few weeks ago, 1 whole week, debating whether we would extend unemployment benefits for 4 weeks. One week of debate, four weeks of extension. The following week we spent an entire week on the Senate floor debating five nominees the President had sent to us out of the 100 sitting on the calendar. All of these nominees were noncontroversial, passed with strong votes. We ate up an entire week on these nominees.

Then we wasted last week when the Republicans mounted a filibuster to try to stop debate on this bill. Three straight votes, Monday, Tuesday, and Wednesday of last week in favor of a filibuster. And finally, thank goodness, several Republican Senators went to their leadership and said: This is a bad idea. We ought to be on the right side of history for Wall Street reform, and we are not going along anymore with the filibuster. At which point it ended, and we started moving to the bill.

Today we may take up the first amendment. I hope we do. There are a lot of things that need to be included in this. Let me tell you one thing I will offer an amendment on which most Americans are not aware of. If you have a credit card and you go to a local business, whether it is a restaurant or a flower shop or to get your oil changed, and you present your credit card to pay for the service or the goods you are buying, you are not only going to pay the shopkeeper, the shopkeeper is going to owe the bank that issued the credit card a percent of what you paid. It is called an interchange fee. It turns out to be a substantial amount of money for retailers. They end up paying these credit card companies a percentage of the bill for the use of the credit card. There is nothing wrong with that. There should be a fee associated with the use of credit cards by businesses. But it has reached a point of unreasonableness. It has reached a point of unfairness. Let me give an example.

If I go to a restaurant in Chicago and pay for my dinner with a check, the restaurant turns the check in to the bank. The bank contacts my bank, the money transfers. There is no fee, no cost. However, if I go to the same restaurant and use a debit card, which takes the money directly out of my bank account just like a check, the company that issued the debit card and credit card will charge a percentage of that restaurant check to the owner of the restaurant. That money is coming directly out of my checking account just as a check is.

Why is the credit card company taking as much in a fee from a restaurant as they do with a credit card, where there is at least some question as to whether ultimate payment will be made?

So we are going to have an amendment which addresses the interchange fee and tries to bring some fairness to it. I think it is long overdue. I hope all of the Members of the Senate who believe in small businesses will call them and ask them about the Durbin amendment on interchange fees. You will find, as I have, this is one of the major concerns of retailers and businesses across the United States.

I talked to a CEO of a major drugstore chain yesterday, and he told me his top four expenses for his nationwide chain of drug stores: No. 1, salaries; No. 2, what he called mortgages and rent; No. 3, health care, No. 4, interchange fees—the amount of money his chain pays to credit card companies. It is a huge expense of small business.

We are not saying there should not be an interchange fee. We are saying it should be reasonable, and if it does not involve effort, service, or liability on the part of the credit card company—such as the debit card—it ought to be reflected in the fee that is charged.

The last amendment I submitted is one I think taxpayers across the country ought to pay attention to. More and more each year, the Federal Government is accepting payment by credit card. You can pay for your income tax with a credit card. What does that men? It means Uncle Sam—the taxpayers—pays an interchange fee to the credit card companies, even though, ultimately, those credit card companies are all being paid.

So in my estimation, it calls for an amendment which says the lowest interchange fee rate should be charged to the Federal Government, so the taxpayers are not subsidizing credit card companies, which they are currently doing with interchange fees that do not reflect the liability involved in the transaction.

This is just one of the aspects of the bill. Some will say: Well, what does that have to do with the recession? I can tell you, consumer debt and personal debt had a lot to do with the recession. A lot of people, in desperation, turned to their credit cards. A lot of people found the interest rates on their credit cards going through the roof, and a lot of people did not understand why they were so expensive.

We are going to bring this out for debate. Once again, I hope my colleagues who support small businesses, as I do, and believe they are a lifeline to bring us out of this recession will join me in supporting small businesses to make sure we bring some sense to the interchange fees charged on credit cards and debit cards across America.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I just spoke with Senator SHELBY on the phone. We have been working to reach agreement on the so-called too-big-to-fail sections of the bill. I spoke with him, and while he will be coming over shortly and we will have a vote on this

early this afternoon, the leaders have to set the time, I presume, that after the respective lunches we will be able to vote on this and the Boxer amendment. I will leave it to the leaders before I make a unanimous consent request.

I want to describe briefly to my colleagues what we have agreed on to, hopefully, resolve this matter of too big to fail.

For over a year, Senator SHELBY and I have been working on ways to end bailouts. We agree that ought to be done. We have had differences in other areas, but we have shared a commitment to ensure that taxpayers would never again be forced to bail out giant Wall Street firms that fail.

Last November, I asked our colleagues from Virginia and Tennessee, Senator WARNER and Senator CORKER, to produce an agreement on how best to resolve failed companies.

They did a tremendous job. I commend both of our colleagues. They worked hard, as did their staffs, to draft language as part of the underlying bill. The package they produced would create effective oversight for large firms and make these firms pay for the risks they pose to our economy and country. Their agreement put a mechanism in place to guarantee that when large firms fail, they fail. The management is fired, creditors and shareholders take losses, the company is liquidated, and taxpayers aren't on the hook.

This is a complicated area, and a number of my colleagues on the other side had raised some reservations. So I spent the last few months working with Senator SHELBY to clear up any misconceptions people may have had and otherwise address the concerns.

After weeks of negotiations—and, really, months if you consider all of the work that has gone on over the last year—I am proud to say the two of us have an agreement in this area. We intend to offer it as an amendment to the bill early this afternoon.

Let me go over the amendment, if I can. First, most of the provisions stay intact because we agree on the fundamentals of this bill. There will be an orderly liquidation mechanism for FDIC to unwind failing systemically significant financial companies.

Second, shareholders and unsecured creditors will still bear losses, and management will be removed.

Third, regulators will still have the authority to break up a company if it poses a grave threat to the financial stability of the United States. That is important.

Large bank holding companies that have received TARP funds will still not be able to avoid Federal Reserve supervision by simply dropping their banks.

Most large financial companies are still expected to be resolved through the bankruptcy process. The bill will continue to eliminate the ability of the Federal Reserve to prop up failed institutions such as AIG.

These measures represent a fundamental change in our country's ability to protect taxpayers from the economic fallout of having a large, interconnected firm collapse.

These measures will end the idea that any one company is too big to fail.

These measures will prevent large failing firms from holding our country hostage, extorting giant taxpayer-funded bailouts under the threat of economic disaster. So, today, we announce a few changes to the larger package.

First, as I have said, one of the ideas proposed by some of our colleagues, including our friends on the other side, was to create a fund, paid for in advance by the largest financial firms, to cover the cost of liquidating failed companies. This was not in my initial draft offered in November and was opposed by the Obama administration. Other Republicans have now expressed concerns about that prepaid fund because whether they pay in advance or after the fact, these costs will be paid by Wall Street, not the taxpayers. So I have no objection to dropping that provision. In fact, I was rather agnostic on it, as many of my colleagues were. We have the common goal to make sure taxpayers would not bear any costs. That is what we tried to achieve. There are a variety of ways of doing it. There were those who raised concerns about the prepayment program and raised the possibility, or the specter, or the optics that somehow they could be getting a preferred status. That was never the intent, but because people are concerned about the optics of it, we agreed to have a postpayment responsibility, or fund, that would be borne by creditors or the industry itself, based on whether there were enough assets in the failed institution to pick up the costs of winding down that firm that was failing. So that is where this comes from.

Creditors will be required to pay back the government any amounts they received above what they would have gotten in liquidation. Those who directly benefited from the orderly liquidation will be the first to pay back the government at a premium rate.

Congress must approve the use of debt guarantees. The Federal Reserve can only use its 13(3) emergency lending authority to help solvent companies. Regulators can ban culpable management and directors of failed firms from working in the financial sector. That is an add-on. It makes sense that if someone has been involved in the mismanagement of a company and caused this kind of disruption in the economy, then it requires that they would be banned from engaging in further economic activities.

With this agreement, there can be no doubt that the Senate is unified in its commitment to end taxpayer-funded bailouts.

There are some other provisions that I will run down very briefly: clawbacks of excess payments to creditors. This will allow, from creditors or the failed company, any payments that exceed what creditors otherwise would have received in liquidation. There is 100 percent taxpayer protection through assessments. It maintains the protections in the bill so if the assets in the failed company and clawbacks from creditors are not enough to pay back all the Treasury borrowing with interest, FDIC will charge assessments to large firms, a penalty interest rate. There is a time limit on receivership. Management gets paid last any salaries or other compensation owed executives. Failed companies are paid last after creditors. There is a ban on management from going to work in the financial sector. There is a judicial check in this amendment, IG review, which requires the inspector general and various agencies and Federal regulators to review actions taken under the orderly liquidation authority. Financial company definitions are included, reports and testimony on top of the requirements in the underlying bill, the FDIC will have additional reporting requirements and will have to testify before Congress.

As I mentioned, the 13(3) lending restrictions are only applied to solvent companies, as well. A congressional approval of FDIC emergency debt guarantees is included in this package as well.

So there are a number of provisions, all of which we think basically make sense. We never argued with these ideas at all and the idea of whether it is prepayment or postpayment was an argument that went back and forth without any strong objections. Many of us were trying to figure out the best way to do this so taxpayers would not be left on the hook. Obviously, I want to leave time for Senator SHELBY who will come over to talk about it. I wanted to give my colleagues an idea of the agreement that I am prepared to support when Senator SHELBY offers this as an amendment.

I see my friend from New Hampshire on the Senate floor. I will be glad to share this information and the other parts of the bill with my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise to speak about another part of the bill. I congratulate the chairman for the work he and Senator SHELBY did on reaching this resolution on too big to fail. It is an important step forward on a critical part of the legislation. I think it shows that there are a lot of places where we can reach a bipartisan consensus in this bill.

It is my sense that the great and very positive work done on resolution authority will—I would hope it will carry over to things such as the derivatives issue, which needs to be worked on, and issues such as underwriting standards and how the regulatory structure is created and how the chairs are moved around in that area. I think all of these issues are fertile ground for reaching consensus. I know the Senator from Connecticut has been constructive in his efforts to reach across the aisle.

This bill can be a very strong and positive piece of legislation. I hope it ends that way. I think this is a strong and good step in that direction, with the announcement by the chairman on the agreement of resolution authority.

I want to speak about a part of the bill that has been ignored because there have been so many big issues. That is what happens when you bring a bill this large to the floor. It is 1,400 pages, and it has a lot of language in it. It had to be a large bill because it deals with a complex issue. Included in the bill is language that was sort of baggage thrown on the train—that is the way I describe it—in the area of corporate governance. To a large degree, by its own definition, it has virtually nothing to do with financial regulatory reform. This language does a series of things: It primarily federalizes corporate law relative to the manner in which stockholders and directors and executives of corporations are treated.

It is not limited to financial institutions but to any publicly traded company. It guarantees what is known as proxy assets under Federal law. That is a right traditionally set up by States. It sets up standards for how directors are elected under Federal law for all companies. That is a right that has usually been reserved to the States. It even puts in place a requirement that corporations disclose certain information that has absolutely no relevance at all to financial reform because it deals with every company in America that is publicly held, such as the ratio of compensation between different workers within a company and the manner in which boards of directors are elected, whether it is all at once or under staggered terms.

It is a major push by the Federal Government into an arena that has always, historically, been primarily the role of States. It steps all over States rights, in my opinion—the right of shareholders to have companies they are comfortable with and are being well managed for the purpose of returning a reasonable return to the shareholders. It will undermine shareholders' rights, in my opinion, not increase them.

If we look at the proposal specifically, let's take proxy assets. This is a term of art that essentially says that any group of shareholders will be able to put on a proxy statement a proposal for how the company should be run. If someone wants to balkanize a company, there is probably no quicker way to do it than to have unilateral proxy assets for any issue that is of concern or interest to some group that buys shares. This type of language is essentially put in to promote special interest activity. We all hear about how terrible special interests are. This language is special interest language for the purpose of promoting special interest groups—starting with the trial lawyers, of course, but followed up by various people who have a social justice purpose relative to some corporation.

Let's take a group or a company such as McDonald's. Say a group believes they are selling too much food that creates the opportunity for people to eat too much and causes obesity.

You could have a special interest group that was concerned about that buy stock and force a proxy statement on what type of food McDonald's should sell. It does not stop there. Of course, there are all sorts of issues about which special interest groups want to promote and change corporate governance.

How you manage a corporation is supposed to be primarily in the hands of the boards of directors who are answerable to the stockholders. The purpose, of course, is to increase the value of the stockholders as a whole and their return on their investment. In most instances, that is the primary purpose of a corporation. But this Federal access, this proxy access is all about the opposite. It is about pushing agendas onto the management of corporations, through the boards of directors, through the proxy process that is very special-interest oriented and very narrow in its purpose and is not necessarily directed at return on the investment for the stockholders. It has just the opposite effect.

Short-term objectives become the standard of the day under this type of approach rather than a long-term view, which is what most of our boards of directors are supposed to take relative to these decisions. The cause of the day, the cause du jour, could be any number of things. If it happens to be the activist view of the day, it becomes the issue under corporate governance versus the purpose of managing the corporation well over the long term in order to get adequate return to the shareholders.

It is an inappropriate idea, especially inappropriate for the Federal Government to bury it in this bill. This language applies to every publicly traded corporation in America, not just the financial institutions. Why is it buried in this bill? It should not be in there.

The same can be said of the way this bill, this language approaches directors and what the shareholders' rights are relative to directors. These have historically been State decisions. In fact, the State of Delaware, which is obviously the leading State on the issue of corporate governance and has developed a uniform corporate governance structure which a lot of States have adopted, including my State of New Hampshire, which basically tracks Delaware to a large degree—that has been the law of the land for all intents and purposes, settled law, predictable law, the purpose of which is to have fair and adequate corporate governance, where the directors are responsible to the shareholders under a structure that everybody knows the rules and which is controlled by the States.

Yet this bill comes in and does fundamental harm to that. For what purpose? Because there is an agenda in this Congress to usurp States rights to be able to manage corporate law and to put in place of it opinions and ideas which are only supported by a very narrow group of special interests that basically have gotten the ear of people in this Congress. That is the ultimate special interest legislation.

The implications for these companies is, it is going to be darn expensive, if you are a small- or middle-sized company, to deal with this type of Federal interference with the management of the company and the proxy process. It is a very inappropriate initiative.

Furthermore, this creates an atmosphere where nobody is going to know who is governing what because you are going to now have State law and you are going to have Federal law and you are going to have the SEC whose responsibility will increase dramatically. We already know the SEC is strained to do what we have asked them to do. They have some big responsibilities. They have big responsibilities in the financial reform area. They have big responsibilities in corporate governance, generally. To push this further burden on them is going to be very difficult for them to meet. I happen to be a very strong supporter of having a robust SEC, but we should not burden them unnecessarily with a whole new set of corporate governance rules, which are already adequately and appropriately addressed by State law, primarily Delaware State law but other States which have their own corporate rules.

More important, we should not undermine the rights of stockholders across this country to be able to get a reasonable return on their investments by being reasonably assured that their management—specifically, the directors of the company—are working for the purposes of the company's financial return and strength versus for the purpose of some special interest group that comes in and wants to put special interest legislation in the middle of the corporate governance effort, which is exactly for which this language is proposed. That is why it is here.

The reason this language is put forward is because there are a lot of self-

proclaimed social justice groups in this country that decided they want better access to corporate boards and have this Federal proxy access which will basically balkanize, as I said earlier, the process of governing and leading these businesses in which most Americans are invested.

The vast majority of Americans in this country either have a pension fund, IRAs, 401(k)s or are personally invested in the stock market. Why do they invest? They invest to get a reasonable return on that investment, either in the way of appreciation or in the way of dividends or maybe a combination. That is what they do. Most of the savings—a lot of the savings in this country are tied up in that.

Why would this language appear which will basically undermine those stockholders' rights and ability to presume and expect that their directors are going to be managing for the purposes of the stockholders-at-large versus for a single interest group within the stockholder group that happens to want to put a social justice agenda into the management of that corporation? It makes no sense at all, unless you happen to be a special interest group.

We rail around here all the time. I hear, ironically, from a lot of groups that are sponsoring this language, such as Public Citizen, that they are against special interests. Yet here we have the most significant piece of special interest legislation in this whole bill, an attempt to bootstrap special interest groups' social agenda and force them on corporations and stockholders who would otherwise not pursue their agendas because they are interested in getting a return on their investment. It is going to, as I mentioned earlier, make it much more difficult for us to have a vibrant stock market and a corporate structure in this country which is rational, and it certainly will undermine significantly States rights in the area of corporate governance, which historically had primary responsibility for setting up the rules by which our corporations operate.

I hope that as this bill moves down the road, this type of language, which is extraneous—totally extraneous—to the financial reform effort because it affects all public corporations and, ironically, the three financial corporations which are at the core of the problem we had in 2008 relative to visibility—AIG, Lehman, and I believe one other, maybe Citibank—had a couple of these rules in place anyway. Obviously, they had nothing to do with reducing the implications of the event. Rather, this language is simply put in because some group got somebody's ear. I hope it will be taken out before we get to the end of the day.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Illinois.

Mr. BURRIS. Madam President, roughly 2 years ago, the American economy stood on the verge of collapse. After years of growth and seemingly endless prosperity, the honeymoon was suddenly over. The bubble burst. The world was plunged into recession. Banks began to fail, foreclosures skyrocketed, businesses struggled, and many Americans lost their jobs. Working families saw their hard-earned economic security evaporate almost overnight. Some of our largest and most respected financial institutions were forced to close their doors and others were in imminent danger.

In Washington, policymakers found themselves face to face with the worst economic crisis since the Great Depression. They took action. They were forced to make some difficult decisions, but they stopped the bleeding and set America back on the road to recovery.

It is well known that reckless actions by large Wall Street firms helped get us into this economic mess. These companies skirted rules and regulations. They gambled with the securities of the entire financial system, and they lost.

But my colleagues knew that if these large institutions collapsed, they would bring down the rest of our economy with them. They had become, as we say on this floor, too big to fail.

In the face of the potential catastrophe, many of my colleagues summoned the kind of political courage that is rare in this town. They bit the bullet and voted to bail out these large firms, not because the firms deserved government help but because it was the only way to stop this recession from turning into a depression.

It must have been a painful decision, but it provided stability at a volatile moment. It propped up ailing markets all over the world and helped pull this country out of an economic tailspin.

Today, our recovery remains fragile, but we are moving in the right direction. Too many Americans remain unemployed, but the economy is starting to grow again. Key indicators are finally turning around.

As this Chamber considers Wall Street reform, I believe it is time to make sure this can never happen again. Let's protect our financial system from the kind of recklessness and abuse that has cost us so much. Let's make sure we never again will be forced to prop up big banks or risk total collapse. Let us end too big to fail.

As a former banker, I have a deep understanding of the role our financial institutions play. Banks help direct investment to local communities. They provide credit to small businesses and security to working families. When they make bad decisions, they deserve to suffer the consequences of those decisions. That is how our free market system works.

When big banks try to get around these responsibilities, when they package these risk investments and sell off the risk to someone else, that is not banking, that is gambling. Without commonsense regulations and vigorous oversight, Wall Street becomes a casino. I heard my distinguished colleague from Nevada mention that Nevada is the gambling capital of the world. But Nevada would not even buy some of these odds in which some of these banks are involved.

Sometimes these companies get lucky and their bets may pay off. But other times they are not so lucky. That is when they look to working families to either bail them out or suffer a second Great Depression.

We need to make sure Americans never have to face this choice again. We have to prevent firms from growing so large and reckless that they threaten our entire economy. That is why I support the bill introduced by Chairman DODD and say that it is a good bill, it is a strong bill which will end taxpayer bailouts, restore oversight, and set basic rules of the road so we can make sure too big to fail is a thing of the past.

This bill will institute the Volcker rule, which will both restore and modernize some of the key protections of the Glass-Steagall Act of 1933. I am also cosponsor of an amendment that is coming forward in this regard. I really support us going back to Glass-Steagall, having been a banker during those days when you couldn't invest in insurance companies, you couldn't invest in mortgage banking activity, and you had to be a commercial bank that took in the lending and the security of people's assets and made loans in that regard. So this would help prevent fraud, discourage conflict of interest, and keep banks from growing so large they threaten our economic security.

The bill would also give us the tools to monitor big banks for risky behavior so that we could crack down on the irresponsible practices that caused this mess in the first place.

I urge my colleagues to pass this bill as it will be amended, and I call upon them to join my good friend Senator BOXER in passing her amendment, which will help us bring down large unstable institutions without taxpayer bailouts. Taxpayers aren't going to take it anymore. We aren't going to be bailing out these big institutions only to have them turn around and pay huge bonuses to their top officials.

Over the past 2 years, we have made great strides in helping to turn our economy around. In the last Congress, Members of both parties did what was necessary to stop the recession from deepening. Then, a little more than a year ago, I was proud to join many Members of this body in passing the American Recovery and Reinvestment Act—a landmark bill that continues to

bring prosperity back to communities all across this country. As a result of these bold actions, our economy is finally on the right track.

So let us in this body, at this time, finish this job. Let's pass this Wall Street reform bill, as amended, so that we can establish the basic rules of the road and allow our free markets to thrive again. Let's end too big to fail so no large bank will be able to gamble away our economic security. Let's do it now because the time is now.

I yield the floor.

PASSING OF ERNIE HARWELL

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I wish to start with a poem in honor of Ernie Harwell, who passed away yesterday. This is the way, for decade after decade, the great broadcaster of the Detroit Tigers started when the first game of the season came along.

For, lo, the winter is past,
The rain is over and gone;
The flowers appear on the Earth;
The time of the singing of birds is come,
And the voice of the turtle is heard in our land.

Well, for four decades a man named Ernie Harwell would recite those words. He would recite them at the beginning of the first baseball broadcast of spring training, and those are the words that would tell our people the long, cold winter was over.

Ernie was the radio voice of the Detroit Tigers for 42 years. During that time, there may have been no Michiganian more universally beloved. Our State mourns today at his passing yesterday evening, after a long battle with cancer. He fought that battle with the grace and good humor and the wisdom Michigan had come to expect and even depend on from a man we came to know and love.

This gentlemanly Georgian adopted our team and he adopted our State as his own, as did his family. His career would have been worthy had he done nothing more than bring us the sound of summer over the radio, recounting the Tigers' ups and downs with professionalism and wit, as he did for all those years.

Without making a show of it, Ernie Harwell taught us in his work and his life the value of kindness and respect. He taught us that in a city and a world too often divided, we could be united in joy at a great Al Kaline catch or a Lou Whitaker home run or a Mark Fidrych strikeout. He taught us not to let life pass us by, in his words, ''like the house by the side of the road.''

In 1981, when he was inducted into the Hall of Fame, Ernie told the assembled fans what baseball meant to him, and these were his words:

In baseball, democracy shines its clearest. The only race that matters is the race to the bag. The creed is the rulebook. Color merely something to distinguish one team's uniform from another.

The was a lesson he taught us so well in everything he did in his life.

I will miss Ernie Harwell personally and deeply and fondly. All of us in Michigan will miss the sound of his voice telling us that the winter is past, that the Tigers had won a big game or that they would get another chance to win one tomorrow. We will miss his Georgia drawl, his humor, his humility, his quiet faith in God, and the goodness in the people he encountered. But we will carry in our hearts always our love for Ernie Harwell, our appreciation for his work, and the lessons that he gave us and left us and that we will pass on to our children and to our grandchildren.

Madam President, I yield the floor, and I suggest the absence of a quorum.

Ms. STABENOW. Madam President, today I pay tribute to an extraordinary man who passed away yesterday at the age of 92 years old: Ernie Harwell.

For 42 years, families throughout Michigan tuned into their radios and welcomed Ernie's signature voice into their homes as they listened to him call Detroit Tigers games. When he retired in 2002, Senator LEVIN and I submitted a resolution, which the Senate passed, celebrating his achievements and congratulating him on his many years of service. Today, I join with millions of people in Michigan and around the Nation in wishing Ernie a final farewell.

His accomplishments were many, and he will always hold a special place in our hearts and in our memories. He was the first active broadcaster inducted into the Baseball Hall of Fame, and for good reason. In 1948, when he was calling games for a Minor League team in Atlanta, they actually traded Ernie—their announcer!—for a backup catcher from the Brooklyn Dodgers. He joined the Detroit Tigers in 1960 and during his tenure, he missed only two games—one for the funeral of his brother and another when he was inducted to the National Sportscasters and Sportswriters Association Hall of Fame.

His most memorable broadcasts include the broadcasting debut of Willie Mays in 1951, Bobby Thomson's ''shot heard 'round the world'' that same year, and Hoyt Wilhelm's no-hitter against the New York Yankees in 1958. Ernie brought to life, through the medium of radio, the performances of some of baseball's greats, such as Sparky Anderson, Kirk Gibson, Al Kaline, Denny McLain, Alan Trammell, and so many others.

He loved the people of Michigan, and we surely loved him back. In 2009, he said, ''I deeply appreciate the people of Michigan. I love their grit, I love the way they face life, I love the family values. And you Tiger fans are the greatest fans of all. No question about that.''

Today, Tigers fans everywhere mourn the loss of the great man who gave us so many wonderful memories over the years. I offer my deepest condolences to his beloved wife of 68 years, Lulu, his two sons and two daughters, and his many grandchildren and great-grandchildren. Although Ernie has left us in this world, I know that he will live on in the memories of every Tigers fan.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask consent I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OILSPILL THREAT

Mr. NELSON of Florida. Madam President, we have a huge potential economic and environmental disaster in the Gulf of Mexico that is occurring as we speak. It was on an exploratory rig. It is almost unbelievable how far they can now drill beneath the surface of the water. In this case it was 5,000 feet, and then, at the ocean bottom, they were able to drill another 13,000 feet down to find a pocket of oil, all of which caused this explosion because of the pressure of the oil and the gas, the natural gas, creating such an overpressure that it exploded at the wellhead at the sea bottom. A device, a so-called blowout preventer, that had three safety mechanisms in order to stop the flow of oil in the case of a blowout—none of those three safety mechanisms have worked.

The first was a mechanism that would be activated by a switch 5,000 feet up from the sea bed on the surface of the Gulf of Mexico on the floating exploratory rig. There were actually two switches. One was flipped closer to the surface by workers on the rig, who unfortunately lost their lives and they have not been found. The second switch was at a higher level. I think they refer to it as the bridge. Those workers were rescued. They confirm that switch was flipped, which was to automatically cause the first safety device to go into activation, which was to drive metal plates like pistons together over the wellhead to cut off the flow of oil as it was gushing upwards from the pressure beneath. That activation mechanism did not work.

The second safety mechanism was one called a dead-man switch; that is, whenever power was interrupted, automatically the second safety mechanism was to activate, driving those metal plates together to shut off the flow of oil. That did not work, as well.

The third safety mechanism was to use robotic submersibles that are quite sophisticated, that have manipulator capability even at that depth, the

depth of a mile, to go in and physically get hold of a handle, an actuating device that would literally pump a hydraulic pump to drive the plates together to shut off the well. That third safety device did not work either.

This safety device, referred to as a blowout preventer, was designed and built by a company that was contracted to BP, British Petroleum, called Transocean. We now know from the Times of London, in a published article over the weekend, that as far back as 10 years ago, in the year 2000, British Petroleum had been concerned with the safety devices working and had asked Transocean, which built the devices, about this. I asked the CEO yesterday, the CEO of British Petroleum, what occurred 10 years ago. You were put on notice there was a safety mechanism that maybe was not working. He said that was raised and they worked it out.

Apparently, 10 years later, these safety devices did not function—so that they worked it out.

As you know, what is happening, the initial results provided by BP are that it was 1,000 barrels of oil a day. The Coast Guard has estimated that it is now five times that much and we are waiting for updates. So what is gushing from the ocean floor below is 5,000 barrels of oil a day. That is in excess of 220,000 gallons of oil a day that are coming into the waters of the Gulf of Mexico. It has created this slick that is now, because of the southeasterly winds, to start encountering the Barrier Islands off the southeast coast of Louisiana.

Lord knows where this is going to go. So what do they do now? Right now, they are constructing a fancy dome. This is a multistory structure, probably 10 times my height, that has worked in other blowouts but only at depths of 300 and 400 feet.

They have to try to place this dome 5,000 feet deep, over the wellhead, to see if they can then collect that escaping oil into this dome and then run it up a pipe to a transport and collect the oil there.

But, by the way, we do not know that it is going to work at 5,000 feet because of the pressure. We do not know if they can actually locate it 5,000 feet over the wellhead. What comes up if they do—and collect it—is not just oil, but there would be a rush of oil, then there would be a rush of natural gas, there would be a rush of seawater, and all along having sand corroding the inside of that pipe like sandpaper as it rushes up the pipe 5,000 feet to the surface tanker.

Let's hope it works. Because if it does not, then we have to wait 3 months for the rescue well that is presently being dug from the side, to go down 13,000 feet to the pocket of oil, to start sucking the oil out through the rescue well, thereby relieving the pressure up through the defective well that exploded. They will have to, in fact, drill not one but two rescue wells from the side.

But the estimates are that will take 90 days. If this dome does not work, which they are to insert in the ocean in the next few days, then we are looking at the possibility of that oil continuing to gush for 3 months. You can see after 2 weeks how much of an oil slick there is out there.

You can imagine, if you go on for another 13 weeks, how that could start to cover the Gulf of Mexico and much worse as the prevailing winds from the south would carry it onto some of the world's most beautiful beaches, those along the northwest coast and the gulf coast of Florida.

But, oh, by the way, there is another threat now. That is something Mother Nature has designed, known as the Loop Current. The Loop Current is a current of water that comes up the western side of Cuba, in between Cuba and the Yucatan Peninsula of Mexico, up into the northern Gulf of Mexico, loops and comes to the south, off the southwest coast of Florida, loops down around the Florida Keys and turns northeast and northward, hugs the Florida Keys, becomes the Gulf Stream, which hugs the Keys. Those delicate coral reefs, 85 percent of North America's coral reefs are in the Keys. And then it hugs the shore of Florida along the southeast coast all the way up to central Florida, to Fort Pierce, where it then leaves the coast of Florida, goes across the Atlantic Ocean and ends up over close to Scotland. That is the Gulf Stream. That was the stream that 500 years ago used to carry the Spanish Galleons, along with the wind, back from their discoveries of the New World as they went back to Europe.

You can imagine, if the spill gets so big in the Gulf of Mexico that then it encounters the Loop Current and that spill then starts carrying that oil down the southwest coast of Florida, around the Florida Keys, hugging the Florida Keys and the coral reefs and up the east coast of Florida, we are looking at potential major economic and environmental loss.

So the question is: What do we do? Well, first of all, I have not only requested but, in my kind of mild way, have strongly suggested that we stop all exploratory drilling, at least until the investigation that many of us in this Chamber have asked for, until that investigation is over, as to what went wrong and what we can do to prevent it in the future.

Oh, by the way, that is not going to be a few weeks' investigation. By the time you get through with all this, it is going to be months. So we should not be doing any more exploration with the possibility of more explosions such as this. I did not say production wells; they need to keep producing.

This risk, this blowout, was in an exploratory rig. That ought to be stopped. I asked the CEO of BP yesterday: Have you stopped exploratory drilling?

He says: Yes.

I said: Where?

He said: In the Gulf of Mexico.

I said: How about worldwide?

He said: No; only in the Gulf of Mexico.

Well, what should the President do, other than what he is doing; that is—and I give credit where certainly credit is due—the operation being taken over by the top four-star Admiral of the Coast Guard, since they have the lead. I have talked to the Chairman of the Joint Chiefs; the U.S. Navy is fully supporting the lead, which is the Coast Guard; all the agencies of Government; NOAA, Dr. Lubchenco; the Department of Interior, our former colleague from the Senate, Secretary Ken Salazar. I mean, you can go on down the list. They are all pouring in to try to help because we have a disaster of monumental proportions that is in the making and ruining peoples' lives, their livelihoods, their incomes, their way of life, their culture. We are talking about all of the above.

So I strongly suggest to the President that he ought to abandon his 5-year plan that was for offshore drilling in the Outer Continental Shelf, but which he proposed, at least in the Continental United States, he proposed it only in the Gulf of Mexico and off the mid-Atlantic coast. I suggest he withdraw that. If he does not, I believe it is dead on arrival.

Where do we go from here in the future? Potentially, we are looking at extraordinary financial loss. So I asked the chairman and CEO of British Petroleum yesterday afternoon, I said: You realize the existing law on liability says you handle the cleanup costs but that the existing law has a cap on your liability after $75 million. Do you agree that the economic loss is going to exceed $75 million?

He said: Yes.

I said to him: You have been saying on TV that you think British Petroleum will be the responsible party and take care of this. When it exceeds $75 million, are you going to accept all that liability?

He said: We will work that out.

I said: Well, if I understand that, as far back as 2000, your company had a problem with Transocean and their safety devices and the blowout preventer. Are you not going to have some considered lawsuit against Transocean for a defective piece of equipment?

He said: We are going to work that out.

So I suspect what we are going to see is some of the most enormous and complicated lawsuits you have ever seen, with a lot of finger-pointing that is going to be going around many different circles, and the question of liability for all those people who are

going to be losing their jobs and their livelihood and their cultures if this gusher, this underwater volcano, is not cut off. I suspect what we are going to see is an attempt to avoid that economic liability. Therefore, that is why Senator MENENDEZ and Senator LAUTENBERG and I filed, Monday night, a bill that will lift that liability cap from a meager $75 million to $10 billion, because you can see that $10 billion economic loss is not an unrealistic figure and is what could happen if this oil continues to gush for another 3 months.

Well, let me complicate things a little bit. Because if the gusher continues for 3 months, you know what starts on June 1? Hurricane season. Do you know it has been historically a fact that several hurricanes brew in the month of June in the Gulf of Mexico? So can you imagine a big part of the Gulf of Mexico being polluted with oil and suddenly having that all stirred up with the complications of a hurricane.

This is not a pretty picture. It is a major environmental and economic disaster of the most gargantuan proportions that we can ever imagine.

For my final comments, let me say, I have, this Senator, often been derided, derided for standing for the economic and environmental interests of my State, my State of Florida, which has more coastline than any other State, save for Alaska, and certainly has more beaches than any other State, for trying to protect those interests as well as the interests of the U.S. military, since most of the Gulf of Mexico off Florida is the largest testing and training area for the U.S. military in the world.

From two successive Department of Defense Secretaries, Rumsfeld and then Gates, I have in writing that the policy of the Defense Department is in place that oil activities and oil structures are incompatible with the testing and training necessities of the Department of Defense in preparation for our national security interests. This Senator will continue to protect all of those interests.

It is my hope people will understand that the tradeoffs of drilling close to Florida are simply not worth the risk. Why is that? Because of the statistics of the Department of the Interior concerning undiscovered oil in the Gulf of Mexico. Ninety percent of that oil is not off of Florida; it is in the central and western gulf. From the statistics of the Department of the Interior, only 10 percent of that undiscovered oil is off Florida. Is it worth the risk for that de minimis oil to have future potential economic and environmental disasters? Clearly, the answer from this Senator is as it has been for over 30 years that I have been waging this battle, first as a young congressman and now in the position of representing all of Florida: The tradeoff risk is not worth it.

I wanted to bring this to the attention of the Senate. Unfortunately, this story is a continuing one because although this story began over three decades ago, it is still a drama that continues to unfold with tragic consequences.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, as soon as I possibly can, I intend to bring up an amendment which calls for transparency at the Fed. I must tell my colleagues that this amendment is one of the more unusual amendments that has been brought up in the Senate, I suspect for many years, because of the rather strange coalition that has come together around it. How often do we have the AFL–CIO, a progressive organization, and Freedom Works, a very conservative organization, supporting the same effort? How often are the SEIU, the largest union in America; moveon.org, 5 million members as a progressive organization; and Public Citizen, another progressive organization, striving for the same goal as the National Taxpayers Union or the Eagle Forum or Americans for Tax Reform, very conservative organizations? How often do we have some of the most progressive Members in Congress—and I include myself within that fold—working with some of the more conservative Members? It doesn't happen every day, but that is what is happening on this amendment.

I rise to talk about the amendment, what it does, and why so many diverse groups, representing tens of millions of Americans, are coming together in support of it. I also wish to suggest what it does not do and some of the ways it has been distorted by the Fed and other groups that are opposed. I have seen some of the statements made by the Fed which are absolutely untrue in terms of what this amendment does and does not do.

For me, the origin of this amendment came on March 3, 2009, when, as a member of the Budget Committee, I asked the Chairman of the Fed, Ben Bernanke, a very simple question. I asked him if he would tell me, the committee, and the American people which financial institutions received over $2 trillion in zero interest or near zero interest loans during the start of the economic crisis. During the bailout period, some $2 trillion of taxpayer money was lent. My question was: Mr. Chairman, who received that money? I don't think that is an unfair question. We have heard great debates here on the Senate floor about $5 million or $10 million. To ask who received over $2 trillion in zero or near zero interest loans is something I believe should be answered by the Fed, and they should make that information public. But Bernanke said no. He gave his reasons.

On that very day, I introduced legislation that would require the Fed to put this information on its Web site, make it public, just as Congress required the Treasury Department to do with respect to the $700 billion TARP money. Some may like TARP; some may not. Some may have voted for it; some may not have. But the information about who received the money, when it was paid back, et cetera, is right there on the Web site of the Treasury Department.

This $2 trillion in zero or near zero interest loans does not belong to the Fed. It belongs to the American people, and the American people have a right to know where trillions of their taxpayer dollars are going. It is not complicated. One doesn't need an MBA from Wharton to know that. That is why millions of Americans, whether conservative or progressive or in between, have come together to say we need transparency at the Fed.

This amendment not only requires that the Fed tell us who has received the $2 trillion it lent out, but, similar to the language incorporated in the House bill, it calls for an audit of the Fed by the GAO. As we all know, the GAO is the nonpartisan Government Accountability Office that does a great job in trying to figure out where there is waste and fraud within the government. That is it. This is a very simple, short amendment. It is five pages. It calls for transparency at the Fed and a straightforward audit. Who got what? When did they get it? On what basis and on what terms? Who was at the meetings? Who made the decisions and were there conflicts of interest? Simple, factual questions the American people deserve answers to. That is what it is; it is not complicated.

I understand this amendment will not be supported by everyone. Some may suggest, inaccurately—and I have heard these statements—that this amendment ''takes away the independence of the Federal Reserve and puts monetary policy into the hands of Congress.'' Let me address those concerns by simply reading exactly what is in the amendment. It is not complicated. I quote from page 4 of the amendment. This is what it says. I don't think I can be more straightforward than this:

> Nothing in this amendment shall be construed as interference in or dictation of monetary policy by the Federal Reserve system, by the Congress, or the Government Accountability Office.

It can't be more simple. It can't be more straightforward than the language in this amendment. So when people tell us this amendment is going to interfere and have Congress dictate monetary policy, it is simply not true. In other words, this amendment does not take away the ''independence of the Fed'' and it does not put monetary policy into the hands of Congress. This amendment does not tell the Fed when to cut short-term interest rates or when to raise them. It does not tell the

Fed what banks to lend money to and what banks not to lend money to. It does not tell the Fed which foreign central banks it can do business with and which ones it cannot. It does not impose any new regulations on the Fed, nor does it take any regulatory authority away from the Fed. It does none of those things, no matter what anybody coming to the floor may say.

What the opponents of this amendment are doing is equating independence, which we support, with secrecy, which I do not support. At a time when our entire financial system almost collapsed, we cannot let the Fed continue to operate in the kind of secrecy they have operated in for years. The American people have a right to know.

Very often, we see Senators coming down here to the floor to make the point that working people have to play by the rules. How often have we heard that rhetoric? What are the rules governing the Fed? Who makes those rules or do they just make them up as they go along?

Let me list a few of the questions millions of Americans and Members of Congress are asking that a GAO audit might help to answer. I am sure there are many more.

Question: Why was Lloyd Blankfein, the CEO of Goldman Sachs, invited to the New York Federal Reserve to meet with Federal officials in September of 2008 to determine whether AIG would be bailed out or allowed to go bankrupt? I wasn't invited to that meeting. Other Senators were not invited to that meeting. Lloyd Blankfein was invited to that meeting.

When the Fed and Treasury decided to bail out AIG to the tune of $182 billion, why did the Fed refuse to tell the American people where that money was going? Why did the Fed argue that this information needed to be kept secret ''as a matter of national security''?

When AIG finally released the names of the counterparties receiving this assistance, how did it happen that Goldman Sachs received $13 billion of this money, 100 cents on the dollar on what AIG owed them? How did that happen? I don't know. We don't know. The American people don't know. But I think we have a right to know.

Did Goldman Sachs use this money to provide $16 billion in bonuses to its top executives the next year? All over this country, Americans have lost their jobs. They have lost their homes. They have lost their savings. They have lost their ability to send their kids to college because of this recession caused by Wall Street. Yet Goldman Sachs gets $13 billion—100 cents on the dollar—after AIG is bailed out at a meeting in which Lloyd Blankfein is in attendance.

I think it is an interesting question. I don't know the answer, but I think the American people have a right to know. A GAO audit of the Fed might help explain to the American people if there were any conflicts of interest surrounding that deal. Who got what? On what basis? On what terms? Who was at the meetings? Who made the decisions? And were there conflicts of interests?

In 2008, it seems to me—I did not go to Harvard Business School, but it does seem to me—there was an apparent conflict of interest at the Federal Reserve Bank of New York when Stephen Friedman, the head of the New York Fed—who also served on the board of directors of Goldman Sachs—let me repeat that: He was the head of the New York Fed; he also served on the board of directors of Goldman Sachs—and the New York Fed approved Goldman's application to become a bank holding company, giving it access to cheap loans from the Federal Reserve.

Let me quote from an article published in the Wall Street Journal on May 9, 2009, and let the American people determine whether this deserves a GAO audit. Quoting the Wall Street Journal:

> Goldman Sachs received speedy approval to become a bank holding company in September of 2008. . . . During that time, the New York Fed's chairman, Stephen Friedman, sat on Goldman's board and had a large holding in Goldman stock, which because of Goldman's new status as a bank holding company was a violation of Federal Reserve policy. The New York Fed asked for a waiver, which after about 2½ months, the Fed granted. While it was weighing the request, Mr. Friedman bought 37,300 more Goldman shares in December. They have since risen $1.7 million in value. Mr. Friedman, who once ran Goldman, says none of these events involved any conflicts.

That was from the Wall Street Journal of May 9, 2009.

Well, maybe Mr. Friedman is right. Maybe there is not a conflict of interest. It seems to me there is a very apparent conflict of interest, but that is an issue that maybe a GAO audit might want to look at.

As a result of the bailout of Bear Stearns and AIG, the Fed now owns—this is pretty amazing—now owns credit default swaps betting that California, Nevada, and Florida will default on their debt. Let me repeat that. Senators from California and Nevada and Florida might be interested in this. As a result of the bailout of Bear Stearns and AIG, the Fed now owns credit default swaps betting that California, Nevada, and Florida will default on their debt.

So the Federal Reserve stands to make money if California, Nevada, and Florida go bankrupt. What can I tell you? This is the reality. I know it will seem strange to the American people that the Fed makes money and is betting that three of our great States go bankrupt. This may make sense to the Fed. It may make sense to some of my colleagues in the Senate. It does not make sense to me. Frankly, I do not believe it makes sense to the American people. But this is what an audit of the Fed will allow us to better understand: whether we want the Fed to be betting against some of our great States, that they will go bankrupt.

It has been reported that the Federal Reserve pressured Bank of America into acquiring Merrill Lynch—making this financial institution even bigger and riskier—allegedly threatening to fire its CEO if Bank of America backed out of this merger. When the merger went through, Merrill Lynch's employees received $3.7 billion in bonuses. Was this a good deal or a bad deal for the American taxpayer? Perhaps a GAO audit can help us find out.

When the Fed provided a $29 billion loan to JPMorgan Chase to acquire Bear Stearns, the CEO of JPMorgan Chase, Mr. Diamond, served on the board of directors at the New York Federal Reserve. Let me repeat that. When the Fed provided a $29 billion loan to JPMorgan Chase to acquire Bear Stearns, the CEO of JPMorgan Chase, Mr. Diamond, served on the board of directors at the New York Federal Reserve.

Did this represent a conflict of interest? To my mind, it does. Maybe I am wrong. But that is what a GAO audit can help explain to the American people.

Again, I know we are going to have Senators running down here saying: Oh, we are trying to break the independence of the Fed.

We are not trying to do that. What we are trying to do is allow the American people to get a glimpse and an understanding of some of the actions of the Fed involving huge sums of money.

Currently, some 35 members of the Federal Reserve's board of directors are executives at private financial institutions which have received nearly $120 billion in TARP funds, but we do not know how much these big banks received from the Fed. A GAO audit could answer that question.

Here is a very interesting point I know a lot of Senators have raised in different context: If the goal of the huge amounts of money in Fed loans—trillions of dollars in Fed loans—to large financial institutions was to achieve the goal of getting credit flowing to small- and medium-sized businesses that were cash starved—they were crying out for credit—why is small business lending in freefall? What happened? We gave the large financial institutions trillions of dollars, presumably to get it out to the small- and medium-sized businesses. They have not gotten it. Question—I think it is a reasonable question, and I am not the only one who is asking it—how much of those zero interest or near zero interest loans that these huge financial institutions received from the Fed were simply invested in Federal

Government bonds, earning an interest rate of 3 or 4 percent?

In other words, are we looking at a huge scam? I cannot think of a better word. You give these large financial institutions trillions of dollars in zero interest loans in order to enable them to provide desperately needed loans to small- and medium-sized businesses, so those businesses can expand and create jobs. Yet that appears not to be happening.

Question: How much of those—those several trillion dollars in loans—simply went from the Fed to the financial institutions in order to purchase government-backed obligations at 3 or 4 percent? If that is the case, that is just giving away money. You have zero interest coming in; you get 3 or 4 percent guaranteed by the faith and credit of the United States of America.

Well, do you know what. I do not know. I do not know how much. I suspect, other people suspect, that was done. How much, I do not know. Maybe the GAO can tell us.

This amendment is virtually identical to legislation I have introduced on this subject that has 33 cosponsors. Just as we have a very broad spectrum of political ideology from grassroots organizations on the left and the right—conservative, progressive; Democrat, Republican—supporting this amendment, so we have had widespread—across ideology—support for this legislation.

Let me mention who the 33 cosponsors are. You will see how people with very different political ideologies have come together. The names of those people are: Senators BARRASSO, BENNETT, BOXER, BROWNBACK, BURR, CARDIN, CHAMBLISS, COBURN, COCHRAN, CORNYN, CRAPO, DEMINT, DORGAN, FEINGOLD, GRAHAM, GRASSLEY, HARKIN, HATCH, HUTCHISON, INHOFE, ISAKSON, LANDRIEU, LEAHY, LINCOLN, MCCAIN, MURKOWSKI, RISCH, SANDERS, THUNE, VITTER, WEBB, WICKER, and WYDEN. Those are the people who have supported the legislation.

This amendment coming to the floor has 20 cosponsors—Republicans and Democrats alike—and I want to thank all of those Senators for their support.

In terms of progressive grassroots organizations, this amendment enjoys the strong support of the AFL–CIO; the SEIU, the largest union in America; the United Steelworkers of America; Public Citizen; the New America Foundation; the Center for Economic Policy and Research; the Roosevelt Institute; the U.S. Public Interest Research Group; and Americans for Financial Reform, which in itself is a coalition of over 250 consumer, employee, investor, community, and civil rights groups.

Let me read you a letter of support I received for this amendment from Bill Samuel, the legislative director of the AFL–CIO. This what the AFL–CIO said:

On behalf of the AFL–CIO, I am writing to urge you to support—

This is a letter going out to other Senators—

the Sanders, Feingold, DeMint, Leahy, McCain, Grassley, Vitter, Brownback amendment to increase transparency at the Federal Reserve. . . . Working people want to know who benefitted from the liquidity provided by taxpayers during the crisis and this amendment will ensure that we receive this information.

Let me also quote from a letter I received from Andy Stern, the president of the SEIU, the largest union in the country; and also from Leo Gerard, the president of the United Steelworkers of America; and a number of other academics and economists. This is what they write:

Since the start of the financial crisis, the Federal Reserve has dramatically changed its operating procedures. Instead of simply setting interest rates to influence macroeconomic conditions, it rapidly acquired a wide variety of private assets and extended massive secret bailouts to major financial institutions. There are still many questions about the Fed's behavior in these new activities. The Federal Reserve balance sheet expanded to more than $2 trillion, along with implied and explicit backstops to Wall Street firms that could cost even more. Who received the money? Against what collateral? On what terms and conditions? The only way to find out is through a complete audit of the Federal Reserve. That's why we support the Sanders, Feingold, DeMint, Leahy, McCain, Grassley, Vitter, Brownback amendment to increase transparency at the Fed.

That is what leading progressive economic and social justice organizations are saying about this amendment.

Let me briefly, if I might, quote from some of the conservative organizations. One of the larger ones is the National Taxpayers Union. I do not usually quote from the National Taxpayers Union. I think I am not rated very highly on their chart. But this is what they say in support of this amendment:

The National Taxpayers Union urges all Senators to vote ''YES'' on S. AMDT 3738 to the financial regulatory reform legislation. This amendment, introduced by Senators Sanders and DeMint, would require the Government Accountability Office to conduct an audit of the Federal Reserve. . . . Transparency is not a Democrat or Republican issue, but rather an issue of right or wrong. If the Senate insists on further expanding the Fed's reach, Americans deserve to know more about the workings of a government-sanctioned entity whose decisions directly affect their economic livelihood. A ''YES'' vote on S. AMDT 3738 will be significantly weighted as a pro-taxpayer vote in our annual Rating of Congress.

We also have support from other conservative organizations, including Americans for Tax Reform, the Campaign for Liberty, the Rutherford Institute, the Eagle Forum, FreedomWorks, and the Center for Fiscal Accountability. In a letter of support I received from them they write:

We urge you to vote for Senators Sanders, Feingold, DeMint, and Vitter's Federal Reserve Transparency Amendment . . . This amendment does not take away the ''independence'' of the Fed. It simply requires the GAO to conduct an independent audit of the Fed and requires the Fed to release the names of the recipients of more than $2 trillion in taxpayer-backed assistance during this latest economic crisis. Any true financial reform effort will start with requiring accountability from our nation's central bank.

Let me conclude by saying this amendment is not a radical idea. I have just indicated to you that we have progressive groups, representing millions of people, and we have conservative groups, representing millions of people. We have the AARP, the largest senior group, representing, I think, tens of million of Americans.

I should also mention to you that as part of the budget resolution debate in April of 2009, the Senate voted overwhelmingly in support of this basic concept, by a vote of 59 to 39.

In the House of Representatives, this concept passed the House Financial Services Committee by a vote of 43 to 26 and was incorporated into the House version of Wall Street reform that was approved by the House last December.

In other words, a lot of what I am talking about is in the House bill—not a radical concept. This idea has the support of the Speaker of the House, NANCY PELOSI, who said Congress should ask the Fed to put this information ''on the Internet like they've done with the recovery package and the budget.'' That is what this amendment does.

This concept has also been supported—and this is important. I know my friend from Texas wants to speak. I am winding down and I apologize for going on this long. But it is important to point out that this concept has also been supported by two Federal courts that have ordered the Fed to release all of the names and details of the recipients of more than $2 trillion in Federal Reserve loans since the financial crisis started as a result of a Freedom of Information Act lawsuit filed by Bloomberg News.

The Fed has argued in court that it should not have to release this information citing, according to Reuters: ''an exemption that it said lets federal agencies keep secret various trade secrets and commercial or financial information.'' That is what the U.S. Appeals Court in New York said in disagreeing with the Fed. It was a unanimous three-judge appeals court. This is what they wrote in their opinion:

to give the [Fed] power to deny disclosure because it thinks it best to do so would undermine the basic policy that disclosure, not secrecy, is the dominant objective. If the board believes such an exemption would better serve the national interests, it should ask Congress to amend the statute.

Let me conclude by saying this: We now have 59 Senators having voted for this transparency, 320 Members of the House, and 2 U.S. courts. All we want to know is who got trillions of dollars.

That is what we want to know. We also want to know on what basis, on what terms, and who was at the meetings where key decisions were made.

This is an important amendment, and it is an amendment that millions of people want to see pass. I hope we will have an opportunity to offer it as soon as possible, and I hope it is passed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate hearing the Senator from Vermont describe his amendment. I haven't seen the text of the amendment, but I am a cosponsor of the bill that would do exactly what he says. I think transparency at the Fed is something we can agree on. So I look forward to seeing the rest of the amendment, and if it is just that, I will be very pleased to work with him for passage.

I rise to speak today on the Hutchison-Klobuchar amendment. My colleague, Senator KLOBUCHAR from Minnesota, is also on the floor. We wish to take a moment to talk about our amendment, which will assure that community banks have a more level playing field than could be the case if the bill that is before us, the Dodd bill, passes without our amendment.

Our debate to reform our financial regulatory structure should focus first and foremost on filling the gaps in regulation that led to our financial crisis. I am encouraged by the good-faith efforts of Senators DODD and SHELBY to end too big to fail, and I certainly hope we will see language on that so it is put aside, because I think that is the most important area of this bill. We must end too big to fail. When Senator DODD and Senator SHELBY produce the language they have agreed on, I think that will open the rest of this bill for amendments such as the Hutchison-Klobuchar amendment we are discussing now that I think should be part of overall reform.

We have to look at other areas of concern besides too big to fail such as the lax underwriting standards and the lack of transparency over our derivatives markets. Those are amendments that will also be coming to the floor to assure we address those key issues in financial reform. One area on which we can find agreement is that our Nation's community banks were not a cause of the financial collapse we have seen in the last 18 months. They didn't have risky loans and financing schemes that sent our economy into a downward spiral. Financial reform should not punish the financial institutions such as community banks for faults they did not commit. If anything, financial reform should reflect what we learned from the safe and sound practices that are used by community banks.

We should learn from the example of Texas First Bank, Galveston County's largest locally owned family of community banks. On September 13, 2008, Hurricane Ike made landfall over Galveston, TX, packing strong winds and a high storm surge that ravaged much of Texas's gulf coast. Two days later, on Monday, September 15, 2008, Texas First Bank was open for business and many of its locations provided ''Hurricane Ike Relief Loans'' and other services to area families and small businesses reeling from Ike's damage.

Senator MARY LANDRIEU and I visited Galveston several weeks later. I was there a day or so after the surge that came over Galveston in a helicopter, but I couldn't get on the ground at that point. So we came several weeks later, Senator LANDRIEU and I, because we wanted to look at the recovery, because Senator LANDRIEU of course has had so much experience with Hurricane Katrina. We wanted to do everything we could to get help to people. We had a press event at a small neighborhood restaurant. The community banker from Hometown Bank was there and was applauded by the owner of the little Italian restaurant. He said: The banker was in there helping us clean up the restaurant and made sure that we had the liquidity to open our doors, because there was no food to be had on Galveston Island at that time. They wanted to serve their customers, and their community banker was right there with them.

President Obama himself has said that community banks are intimately woven into the fabric of the community. Banks such as Texas First Bank and Hometown Bank in Galveston County are examples of this.

In uncertain financial times, community banks worked hard to steady the financial hands at the wheel. Community banks provide depository and lending services critical to America's families and small businesses. Despite holding just 23 percent of the banking assets in our Nation, they make two-thirds of the loans to small businesses. Small businesses must have support from community banks to invest, to expand, and to create jobs.

Despite the widespread recognition of the importance of community banks, the current bill imposes on them a regulatory structure that punishes them. I am particularly concerned about a provision in the current bill under which the Federal Reserve will only retain supervisory authority over bank holding companies that have over $50 billion in assets. Republicans and Democrats agree that we don't want too big to fail anymore because too big to fail means taxpayer bailouts. So what does a bill say that says large banks over $50 billion will have the implicit backing of the government? It means they will be too big to fail. Creditors expecting to be made whole through this backing will offer cheaper credit to the large banks, putting community banks at a competitive disadvantage through no fault of their own. That is the first reason we need to pass the Hutchison-Klobuchar amendment.

The second reason is that this provision arbitrarily shifts many community banks out of their current prudential regulator: the Federal Reserve. The Federal Reserve supervises more than 6,500 banks of all sizes in all parts of the country. These banks include large bank holding companies such as Bank of America, Chase, and J.P. Morgan. The Fed also supervises smaller community banks: Citizens National Bank of Nacogdoches my bank—in addition to Texas First Bank in Galveston County, First State Bank of Mineral Wells, and 32 other State-chartered banks that are members of the Federal Reserve in Dallas.

I have heard from the president of the Federal Reserve Bank in Dallas, Richard Fisher, as well as the presidents of Federal Reserve Banks of Kansas City, Minneapolis, Philadelphia, and Richmond, all of whom are in town today and all agree stripping the Fed of its supervisory authority will drastically reduce the Fed's ability to achieve its objective of maintaining sound monetary policy for our country. Under the Federal Reserve Act, the Fed is mandated to effectively promote goals of maximum employment, stable prices, and moderate long-term interest rates. Implicit to this mandate is a goal of fostering stable, long-term economic growth, which requires stability in the banking and financial system.

For the Fed to have proper insight into the banking system, it must maintain supervision over a wide breadth of banks located across the country. In curtailing the scope of the Federal Reserve's supervisory authority, Senator DODD's bill does the opposite. The Fed will lose its 845 State member banks which are so vital in providing a good sense of underlying economic forces in their respective localities. This will leave the Fed to cull information about the state of our economy from—where? From the banks with $50 billion and above in assets, meaning monetary policy going forward will be a reflection of our largest financial institutions.

Well, monetary policy cannot and should not be geared toward the New York banks and the Washington policymakers. The Federal Reserve needs insight into the health of our banking system and economy as a whole. That is why we have regional Fed banks. It is important that they have the supervisory authority of banks of all sizes and in all parts of our Nation.

I wish to ask my colleague Senator KLOBUCHAR—who has stepped up to the plate to be a cosponsor of this amendment so we have bipartisan sponsors—to say a word. I wish to yield to the Senator from Minnesota for a few minutes to have the Minnesota perspective and to make sure the people know that

the community banks of this country should not speak in a whisper to the ''on high'' in Washington and New York. No. They should be speaking in a loud voice to all of us through their Federal Reserve banks, which means the Hutchison-Klobuchar amendment should pass.

I yield the remainder of my time to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. I say thank you so much to my friend from Texas. I wish to thank her for her leadership on this issue.

As she mentioned, our amendment seeks simply to preserve the Federal Reserve's authority to supervise community banks and bank holding companies as well as to preserve a system that ensures the institution charged with our Nation's monetary policy has a connection to not just Wall Street but to Main Street.

As the Presiding Officer knows, for the most part, our mid-sized banks, small banks in the States throughout this country—Texas and the Midwest—stayed out of these risky deals. They stayed away from these high-flying, way too risky deals of the past decade. They made meat-and-potatoes loans to consumers and businesses in their communities. They did well for their customers.

These Main Street banks did not dance down the yellow brick road to Wall Street dealmaking or Washington hobnobbing. When the pavement on Wall Street began to buckle and collapse, these community banks did not panic and run to Washington with tin cups in outstretched hands. They continued to conduct their business, behaving the way—well, the way banks are supposed to behave.

The Federal Reserve Bank of Minneapolis, along with 11 other regional banks, provides a presence across this country that gives the Fed grassroots connections, insights into the local economies, as well as legitimacy when they have to make tough decisions that affect not just Wall Street but the small local banks that serve so many of our communities. Through their working relationships with community banks, the regional Federal Reserve banks also collect and analyze important information about the movements and trends in local economies. This relationship is a two-way street as it also provides a voice for community banks that would be lost if the Federal Reserve were to only supervise the largest banks.

As the president of the Federal Reserve Bank of Minneapolis noted, it would be shortsighted to conclude that the Federal Reserve: ''can safely be stripped of its role as a supervisor of all banks.''

As he noted, disruptions in the financial system can come from all sectors, and the connection the regional Federal Reserve banks provide to local economies can be vital in ensuring the stability of the entire financial system.

I say to my friend from Texas, just this morning Noah Wilcox, president of the Grand Rapids State Bank in Grand Rapids, MN—a part of the country most hurt by this economic downturn caused by Wall Street—wrote to me and said this:

> All Senators should be reminded that the Federal Reserve System was created to serve all of America, not just Wall Street.

I thank the Senator from Texas for her leadership, and I look forward to working with her on this amendment. I was glad that Senator MURRAY joined us on our amendment, and we have a number of other cosponsors. Again, I thank the Senator.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Minnesota. I appreciate the bipartisan nature of the amendment. I think when people look at this amendment on both sides of the aisle, it will be clear that the community banks need this amendment to keep a level playing field and to assure that there is no concept left in this country of too big to fail. I thank my colleague from Minnesota, Senator KLOBUCHAR, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, as drafted, the bill we are considering this week allows for bailouts. As a result, what my friends on the other side like to call Wall Street reform is actually a Wall Street dream and a Main Street nightmare for all of us.

Over the last several weeks, I have clearly articulated what needs to be changed in the underlying bill because we must do everything we can to create a credible resolution regime that protects not only our financial system but, more importantly, the American taxpayer.

Fortunately, the chairman of the Banking Committee, Senator CHRIS DODD, and I have worked through a number of issues and resolved to my satisfaction the concerns that some of us have expressed about government bailouts.

I believe it is simply unacceptable to expose innocent taxpaying American families to the excessively risky practices of Wall Street gamblers who are happy to enjoy the upside but want to socialize the downside.

Mr. President, taxpayers should not incur losses from the bad outcome of private risks they did not undertake. In order to achieve this, the Dodd-Shelby amendment that we will offer eliminates the $50 billion bailout fund—some people have called it the ''honey pot.'' It would significantly tighten up language in the bill dealing with the Federal Reserve's ability to provide liquidity to the financial system in times of severe market distress. It requires the approval of the Treasury Secretary before the Federal Reserve can undertake any emergency lending. It also establishes strict solvency and collateral requirements for any emergency Fed lending. It establishes strict accountability standards for any emergency Federal lending.

All of this is something we didn't have 18 months ago when the financial crisis came upon us. Together, we have tightened the resolution language to ensure that the creditors of failing firms will receive bankruptcy-like treatment.

A resolution regime for large failing financial institutions is simply not credible unless we make clear in language that backdoor bailouts are impossible. In this amendment we will be offering, we have significantly tightened up language in the bill dealing with the provision of debt guarantees by the FDIC and the Treasury. Any such guarantee will now require prior congressional approval.

We have also clarified and tightened the language in the bill regarding resolution and the powers of the Fed, Federal Deposit Insurance Corporation, the Treasury, and others to prevent bailouts. We have included provisions requiring postresolution reviews to determine whether regulators did all they were supposed to do to prevent the failure of a systemically significant institution. Such a review, I believe, is essential to hold regulators accountable for their actions, or inaction, as the case may be.

I believe we must put an end to the ad hoc responses of the Federal Government, which only lead to fear and panic. I believe these changes will help us do that.

I thank the committee chairman, Senator CHRIS DODD, for working with me to tighten the language in this part of the bill. I also thank our respective staffs who have worked day and night and weekend after weekend to get us where we are this afternoon.

All of these changes are important and necessary to make bailouts a thing of the past. With these changes, I believe we have done what Congress can do to prevent any future bailouts. It will now be up to the regulators to follow the law and do what we expect them to do.

I strongly support these changes, and I urge my colleagues to support them as well. However, I don't want to leave the impression that I support the entire bill at this time because we are making these necessary changes. We are not there yet.

Beyond resolution and government powers in a crisis, this over 1,500-page bill contains a broad reach into the global financial system and the American economy. Now that we are over this particular hurdle, we will be addressing many additional concerns we

have in the coming days. For now, this afternoon, I am pleased to join with Chairman DODD in supporting this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, my colleague from Arkansas will speak soon. I want to say to the former chairman of the Banking Committee, my friend, I appreciate his comments. There are four major parts of this very large bill. They are too big to fail, the early warning system, consumer protection, and dealing with exotic instruments. There is a lot in the bill besides those major points, but those are the four major thrusts of the legislation.

I hope our colleagues will support this amendment as we vote shortly on it, and that it will help us reach agreement on what I argue is a major part, which is that we never want to see taxpayers again confronted with having to underwrite a failed institution. There has been a lot of hard work and negotiation to get here, and not just over the last couple of days, but weeks.

I particularly thank Senator MARK WARNER of Virginia and Senator BOB CORKER of Tennessee. They spent a lot of time on this issue, literally going back months on it. We would not be in this position today were it not for their labor and effort.

My colleague from Virginia is on the Senate floor, and he will want to say a few words. I thank Senator SHELBY and our staffs for their efforts. I thank Senator BOXER too. She will have an amendment that strengthens this issue on too big to fail and taxpayers. We have more work to do, but this is a good beginning. I thank Senator SHELBY.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, first, I rise to speak in support of the Boxer amendment, which sends a strong statement that no taxpayer funds will ever again be used to bail out the risky gambles that too many on Wall Street have conducted. It should pass with 100 votes.

Also, I want to speak about the derivatives title, which is a bipartisan product that was reported out of the Agriculture Committee 2 weeks ago. Specifically, there have been statements in the press and in the Senate Chamber that I believe need to be corrected regarding section 716.

As chairman of the Agriculture Committee, I am proud to have included this provision in the Wall Street reform legislation approved on a bipartisan vote by our committee 2 weeks ago. I am also proud that it is included in the Dodd-Lincoln legislation that we are now considering today.

This provision seeks to ensure that banks get back to the business of banking. Under our current system, there are a handful of big banks that are simply no longer acting like banks. By this time, surely every Member of this body is aware that the operation of risky swaps activities was the spark that lit the flame that very nearly destroyed our economy in this great country.

In my view, banks were never intended to perform these activities, which have been the single largest factor to these institutions growing so large that taxpayers had no choice but to bail them out in order to prevent total economic ruin.

My provision seeks to accomplish two goals: first, getting banks back to performing the duties they were meant to perform—taking deposits and making loans for mortgages, small businesses, and commercial enterprise; second, separating the activities that put these institutions in peril.

This provision makes clear that engaging in risky derivatives dealing is not central to the business of banking. Under section 716, the Federal Reserve and FDIC will be prohibited from providing any Federal assistance and funds to bail out swap dealers and major swap participants.

Currently, five of the largest commercial banks account for 97 percent of the commercial bank national swap activity. That is a huge concentration of economic power, which is why I am in no way surprised that several individuals are seeking to remove it from the bill.

This provision will ensure that our community banks on Main Street would not pay the price for reckless behavior on Wall Street. Community banks are the backbone of economic activity for cities and towns throughout this great land. They don't deal in risky swaps that put the whole financial institution in jeopardy. Instead, they perform the day-to-day business of banking, making the smart, conservative decisions that banking institutions should be making.

Unfortunately, we saw the five largest banks begin to fail in part because of that risky swap activity—activity that should never have been part of their operation in the first place. Sadly, it was community bankers and their depositors who were left footing the bill.

Community banks were forced to pay for a problem they didn't create. Small banks are still paying that price. In 2009, we saw 140 bank failures, and now the cost of the FDIC insurance premiums are skyrocketing for our community banks all across the country. Higher insurance rates means less lending.

Less lending means that now individuals and small businesses are also paying the price. The FDIC reported that in 2009 the banking industry reduced lending by 7.4 percent, the biggest decrease since 1942.

I am a strong believer that you build an economic recovery from the ground up. If small and medium-sized businesses aren't getting the capital they need to grow their businesses, something is wrong. The economy simply will not recover unless we free up lending.

Unfortunately, Wall Street lobbyists are doing everything they can to distort this provision—spreading misinformation and untruths. The suggestion that this provision will force derivatives into the dark without oversight is absolutely false. The Dodd-Lincoln bill makes it abundantly clear all swaps activity will be vigorously regulated by the Fed, the Commodity Futures Trading Commission, and the Securities and Exchange Commission.

My good friend from New Hampshire, Senator GREGG, my friend from Tennessee, Mr. CORKER, Wall Street lobbyists, and others in recent days have somehow argued that by pushing out risky swaps from the Nation's largest banks, such as J.P. Morgan, Bank of America, Wells Fargo, Goldman Sachs, and Citigroup, somehow swaps will no longer be regulated. This is just plain wrong.

Just because these swaps desks will no longer be overseen by the FDIC does not mean that they will not be subject to this bill's strong regulation by the market regulators—the SEC and the CFTC. In short, they ignore the strong provisions included in the rest of the underlying bill. That is convenient for their argument but not so convenient when seeking the truth.

Let me reiterate: Every swaps dealer and major swaps participant will be subject to strong regulation.

Wall Street lobbyists have also argued that this will prevent banks from using swaps to hedge their risks. Again, that is completely false. Banks that have been acting as banks will be able to continue doing business as they always have. Community banks using swaps to hedge their interest rate risk on their loan portfolio will continue to be able to do so. Most important, we want them to do so. Community banks offering a swap in connection with a loan to a commercial customer are also still in the business of banking and will not be impacted.

Using these products to manage risk or designing exotic swaps which have led to the financial demise of places such as Jefferson County, Alabama; Orange County, California; and the country of Greece are two very different things. Hopefully, this is something my colleagues will understand.

Wall Street lobbyists have also said this provision will move $300 trillion worth of swap activities outside of the banks. My question is, Why is this activity there in the first place? I agree that regulated, transparent swap activity is a necessary part of our economy in managing risk. It just has no place

inside a bank where too many innocent bystanders are put at risk.

Despite what those on Wall Street may be saying, this provision is an important part of real Wall Street reform. It has broad support from the Independent Community Bankers of America, the Consumer Federation of America, the AARP, labor unions, and leading economists, such as Nobel Prize-winning Joseph Stiglitz, among others.

Let me read what a few of these groups and individuals are saying about this provision.

Americans for Financial Reform, which includes groups such as the AFL–CIO, NAACP, and Consumers Union, writes:

The over 250 consumer, employee, investor, community and civil rights groups who are members of the Americans for Financial Reform write to express strong support for section 716 (″Prohibition Against Federal Government Bailouts of Swaps Entities'') as part of the Dodd-Lincoln substitute to the Restoring Financial Stability Act of 2010.

It is now almost universally recognized that the fuse that lit the worldwide economic meltdown in the fall of 2008 was the $600 trillion severely undercapitalized and unregulated and opaque swaps market dominated by the world's largest banks. Section 716 is designed to ensure that the American taxpayer is not the banker of last resort, as was true in the bank bailouts in 2008 and 2009, for casino-like investments marketed by large Wall Street swap dealer-banks. Section 716 is a flat ban on Federal Government assistance to ''any swap entity,'' especially in instances where that entity cannot fulfill obligations emanating from highly risky swaps transactions.

By quarantining highly risky swaps trading from banking altogether, federally insured deposits will not be put at risk by toxic swaps transactions. Moreover, banks will be forced to behave like banks, focusing on extending credit in a manner that builds economic strength as opposed to fostering worldwide economic instability.

The Nobel Prize-winning economist and former Chairman of the Council of Economic Advisers during the Clinton administration, Joseph Stiglitz, writes:

One provision holds particular promise—and has the banks especially riled up. This is the idea that the government should not be responsible for the ''counterparty risk''—the risk that a derivatives contract not be fulfilled. It was AIG's inability to fulfill its obligations that led the U.S. Government to step into the breach, to the tune of $182 billion.

The modest proposal of the Agriculture Committee is that the U.S. Government (the Federal Deposit Insurance Corporation) stops underwriting these risks. If banks wish to write those derivatives, they would have to do so through a separate affiliate within the holding company. And if the bank made bad gambles, the taxpayer wouldn't have to pick up the tab.

Here is another from the Independent Community Bankers of America:

ICBA strongly supports section 106—

Which is a section in our bill—

of the derivatives bill. This section prohibits federal assistance, including federal deposit insurance and access to the Fed's discount window, to swaps entities in connection with their trading in swaps or securities-based swaps.

Main Street and community banks have suffered the brunt of the financial crisis, a crisis caused by Wall Street players and not community banks. Assessments to replenish the Deposit Insurance Fund have increased dramatically for community banks. Large financial players have received hundreds of billions in financial assistance while community banks have been allowed to fail.

Section 106 of Senator Lincoln's derivatives legislation would be an important provision to help ensure that taxpayers and community banks are not on the chopping block should another financial crisis occur. We strongly urge retention of this provision during markup this week. Thank you for keeping the views of the community bankers in mind.

I ask unanimous consent to have printed in the RECORD these three letters from the Americans for Financial Reform, Professor Stiglitz, and the Independent Community Bankers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICANS FOR FINANCIAL REFORM,
*Washington, DC, May 3, 2010.*

U.S. SENATE,
*Washington, DC.*

Re Letter of support for the Prohibition against Federal Government Bailouts of Swaps Entities.

DEAR SENATOR: The over 250 consumer, employee, investor, community and civil rights groups who are members of Americans for Financial Reform (AFR) write to express strong support for Section 716 (''Prohibition Against Federal Government Bailouts of Swaps Entities'') as part of the Dodd-Lincoln substitute to the Restoring Financial Stability Act of 2010. It, along with other structural reforms under consideration such as a statutory Volcker Rule and limits on bank size and leverage (the Merkley-Levin and Brown-Kaufman amendments), will sharply reduce the possibility of taxpayer bailouts for speculative activity that does not serve the real economy.

It is now almost universally recognized that the fuse that lit the worldwide economic meltdown in the fall of 2008 was the $600 trillion, severely under-capitalized and unregulated and opaque swaps market, dominated by the world's largest banks. Section 716 is designed to ensure that the American taxpayer is not the banker of last resort, as was true in the bank bailouts in 2008–2009, for casino-like investments marketed by large Wall Street swap dealer-banks. Section 716 is a flat ban on federal government assistance to ''any swap entity,'' especially in instances where that entity cannot fulfill obligations emanating from highly risky swaps transactions. Specifically, Section 716 bars ''advances from any Federal Reserve credit facility, discount window . . . or [loan or debt guarantees by the] Federal Deposit Insurance Corporation.''

Section 716 will require, inter alia, the five largest swaps dealer banks to sever their swaps desks from the bank holding corporate structure. Those five banks are: Goldman Sachs, Morgan Stanley, J.P. Morgan Chase, Citigroup, and Bank of America, the institutions involved in well over 90 per cent of swaps transactions. Under Section 716 a ''swap entity'' and a banking entity could not be contained within the same bank holding company, if the bank holding company has access to federal assistance.

By quarantining highly risky swaps trading from banking altogether, federally insured deposits will not be put at risk by toxic swaps transactions. Moreover, banks will be forced to behave like banks, focusing on extending credit in a manner that builds economic strength as opposed to fostering worldwide economic instability. Finally, the spun off swaps entity will be sufficiently isolated to permit the kind of careful prudential oversight mandated by Title VII of the Act as a whole. Title VII ensures that the spun-off entities will both be regulated as institutions under the most rigorous prudential standards, and that almost all of the swaps instruments will be subject to standards for capital adequacy, full transparency, anti-fraud and anti-manipulation.

We understand that the largest banks which are the major dealers and their allies are arguing that taking swaps trading out of the banks will raise the price of hedging for customers and reduce market liquidity. They are wrong. Purely speculative financial derivatives now represent $78 for every $1 in true hedging by businesses and farmers. Regulation that reduces de-stabilizing speculative hedging will actually benefit legitimate commercial hedgers. The ''cost argument'' promulgated by the ''Too Big to Fail'' banks begs the question: why does attaching derivatives desks to our large banks result in cheaper derivatives products? The co-mingling of derivatives desks and other banking activities produces the formerly implicit, and now all-too-explicit, guarantee of the federal taxpayer. In the current high-risk environment, availability and pricing for hundreds of trillions of dollars in swaps can be maintained only if counterparties are assured that the Fed's backup liquidity will continue. On their own, these banks cannot create the liquidity that a market with such high levels of risk would require to sustain a disruption. That is why the banks must not be allowed to continue to deal in risky transactions that threaten deposits, the taxpayer backstop, and banks' core lending function.

Opponents of Sec. 716 also argue that it will force swaps activity into non-regulated entities or into the overseas market. The Europeans' experience with credit default swaps on Greece's government debt suggests that no central bank going forward will want to face this level of risk to its banking systems. There is every indication that the G–20 countries and many other sovereigns are prepared to constrain reckless and abusive swaps activity. The idea that systemically risky swaps-trading will migrate abroad is belied by the hostility to such trading by, for example, the European Commission and other G–20 countries. In the wake of the havoc on the Euro wrought by currency and credit default swaps, the European Commission is not eager to leave these instruments unregulated.

Section 716 is critical to ending our ''too interconnected to fail'' economy. We ask that you support the bill, and oppose any attempts to weaken Section 716 or to widen any loopholes in the derivatives title of the bill. Please contact Lisa Lindsley, Director, Capital Strategies, AFSCME, for more information.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

INDEPENDENT COMMUNITY BANKERS OF AMERICA,
*Washington, DC, April 19, 2010.*

Hon. CHRISTOPHER DODD,
*Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.*

Hon. RICHARD C. SHELBY,
*Ranking Member, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN DODD AND SENATOR SHELBY: I am writing to you on behalf of the Independent Community Bankers of America, an association of 5,000 community banks across the nation. We believe that the recent financial crisis has demonstrated the urgent need for a new system to resolve large, interconnected financial firms before they create widespread damage to the financial system. A robust resolution mechanism must include an adequate resolution fund that would allow for the rapid, orderly takeover and wind down of the largest financial firms. Properly constructed, the fund would help shield both the U.S. taxpayer and community banks from the consequences of a large firm failure.

Further, prefunding the fund is vitally important to the speed with which resolution must be effected in order to prevent contagion and to ensure that the cost of resolution is borne by the Too-Big-To-Fail firms, including hedge funds and insurers, that create risk for our financial system, not by taxpayers or community banks.

The resolutions facilitated by this fund should not be characterized as ''bailouts''; rather, they would be orderly liquidations in which management would be removed and shareholders and unsecured creditors would be wiped out. The fund would function in much the same way the FDIC's Deposit Insurance Fund (DIF) has functioned since 1930s, allowing the FDIC to regularly close banks and protect insured depositors while terminating senior management without compensation and imposing losses on stockholders and uninsured creditors.

The DIF is funded by banks through deposit insurance premiums, and has allowed the FDIC to weather financial crises without resorting to a taxpayer bailout. Because the DIF is prefunded, the failed banks as well as the survivors share the costs. Without a fund, the survivors, the prudent investors, pay for the profligate. This is not a model we subscribe to.

The Dodd bill would create a $50 billion prefunded ''orderly liquidation fund'' and would prohibit any assistance to stockholders or unsecured creditors of large financial firms. Both of these elements are critical to ending Too-Big-to-Fail. Without an obvious source of funds to effect the orderly unwinding of these large firms, rational investors and creditors will conclude that in a crisis the government will blink and again guarantee large failing firms. This will confer a competitive advantage on the large firms in the form of cheaper debt and equity funding, which they will use to steadily acquire more and more business customers, to the detriment of small banks. Further, the lack of effective resolution authority will undoubtedly encourage these large firms to take on excessive risk once again, without the pain that should accompany such risks.

To level the financial and regulatory playing field we need to have the ability impose losses on the stock and bond holders of the giants of finance in ways similar to those applied to ninety-nine percent of smaller banks.

Every Friday, Community banks face the market discipline imposed by an orderly wind down by the FDIC and its industry funded deposit insurance fund. Let's level the playing field and subject our biggest and riskiest institutions—the ones that caused this economic catastrophe we are just now digging out from—to the same discipline.

As a further means of protecting taxpayers and community banks from the risky activities of unregulated players, we strongly support a provision of Chairman Lincoln's derivatives bill that would protect the DIF. Section 106, the ''Prohibition against Federal Government Bailouts of Swaps Entities,'' prohibits federal assistance (including federal deposit insurance, and access to the Federal Reserve discount window) to swaps entities in connection with their trading in swaps or securities-based swaps. This provision is targeted at the AIGs of the world—both large and small—whose swaps activities played a key role in triggering the credit crisis and subsequent economic downturn and resulted in over $180 billion in taxpayer assistance. Our support for the Dodd prefund and for Section 106 of the Lincoln bill are borne out of the same concern.

The cost of the financial crisis has been huge for Main Street and community banks and our nation. Both the Dodd and the Lincoln provisions will go a long way toward ensuring that the costs of any future crisis—should we be so unfortunate—are borne by the reckless parties who brought it about.

Sincerely,

CAMDEN R. FINE,
*President & CEO.*

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PROTECT TAXPAYERS FROM WALL STREET RISK

(By Joseph E. Stiglitz)

CNN.—As legislators continue to trade loud barbs over the details of the bill that seeks to overhaul our financial system, we risk losing a crucial aspect of reform in the din.

We now have an important opportunity to fix the regulation of derivatives—those controversial mechanisms that played a central role in the downfall of insurance giant AIG, and helped spark the Great Recession.

The current finance bill contains reasonable proposals, developed by the Senate agriculture committee, under the leadership of Blanche Lincoln, that would rein in the most egregious abuses of these instruments.

The AIG experience should have made clear that derivatives can create enormous risks—risks that ended up being borne by taxpayers. In addition, derivatives have played an important role in all kinds of nefarious activities—from trying to obfuscate Greece's real financial position, to vast tax evasion.

Derivatives are not inherently bad. They can play a positive role in risk management, but they are only likely to do that if there is the right regulatory framework.

Without the appropriate legal and regulatory framework, they will almost surely contribute, on balance, to the creation of risk—as they did in this crisis, and as they did a decade ago in the infamous Long-Term Capital Management bailout.

The provisions reported out of the agriculture committee are an important step in the right direction. But derivatives have been an enormous profit center for a few big banks (about $20 billion last year), so we should not be surprised that there is resistance to anything that is a real change to the status quo.

Derivatives have been advertised as an ''insurance product,'' insuring bondholders, for instance, against the risk of a loss. But if they were really insurance products, they should have been regulated as insurance, with insurance regulators making sure that there was adequate capital to meet their obligations.

In reality, in many cases derivatives are more accurately described as gambling instruments. But gambling should be subject to gaming laws, and derivatives aren't.

Remarkably, in fact, derivatives have been left totally unregulated—a mistake that President Clinton, who failed to introduce regulations when he had the chance, now acknowledges. Congress's current proposal is the opportunity to rectify that mistake.

One provision holds particular promise—and has the banks especially riled up. This is the idea that the government should not be responsible for the ''counterparty risk''—the risk that a derivatives contract not be fulfilled. It was AIG's inability to fulfill its obligations that led the U.S. government to step into the breach, to the tune of some $182 billion.

The modest proposal of the agriculture committee is that the U.S. government (the Federal Deposit Insurance Corporation) stop underwriting these risks. If banks wish to write derivatives, they would have to do so through a separate affiliate within the holding company. And if the bank made bad gambles, the taxpayer wouldn't have to pick up the tab.

This change would help fix the current system, where those who buy this so-called ''insurance'' enjoy the subsidy of the essential, free government guarantee; and where competition among the few issuers of these risky products is sufficiently weak that they enjoy high profits.

This arrangement is economically inefficient—firms should pay for the costs of their insurance. If the government guarantee is removed, the banks might have to put more money into their derivatives subsidiaries. This will reduce the banks' profitability, and it might force up prices of this ''insurance.'' But that is as it should be. The government shouldn't be subsidizing ''insurance''—and it certainly shouldn't be in the business of subsidizing gambling.

The Fed and the Treasury seem to object to the agriculture committee's proposals. These objections show once again the extent to which the Fed and the Treasury have been captured by the institutions that they are supposed to regulate, and reemphasize the need for deeper governance reforms of the Fed than those on the table.

To be sure, banks' high profits from derivatives would help with recapitalization, offsetting the losses they incurred from the risky gambles of the past. But that doesn't mean that the policy of allowing banks to issue derivatives—and laying the risk of failure onto the taxpayer—is right.

Bank recapitalization should be done in an open and transparent way, consistent with sound economic principles. Abusive credit card practices could also help recapitalize the banks, but fortunately we have curtailed some of these. We should now do the same for derivatives.

We should recognize that the agriculture committee provision is already a compromise. Many worry that if the affiliate within the holding company that writes the derivatives gets into trouble, Uncle Sam will still come to the rescue.

The bill, for instance, includes a ''strong presumption'' of losses for creditors and shareholders. What should be required is that creditors (other than depositors) and

shareholders bear all the losses before the government is asked to pony up any money. But ultimately, in a crisis, worries about the consequences of such strong medicine will almost surely mean a bailout for the bank holding companies as well as the banks—as happened in this crisis.

In a crisis, the government will not only bail out the banks, but also the bankers, their shareholders, and their bondholders—if not totally, at least partially.

So if we are to protect American taxpayers, we must also bar any too-big-to-fail institutions from writing derivatives.

But right now, the institutions who write the vast majority of these derivatives are too big to fail. Ideally, responsibility for writing derivatives should be spun out to a totally independent entity. The agriculture committee bill does not go this far; rather, it strikes a reasoned compromise between political expediency and economic good sense.

It would be a major mistake to walk away from this compromise by allowing FDIC-insured institutions to continue to write these risky products. To allow them to do so would simply generate more political cynicism: It would show that the big banks have succeeded in their ambition of returning to the world nearly as it was before the crash.

Mrs. LINCOLN. Mr. President, I look forward to working with my colleagues to ensure this legislation remains strong and new loopholes are not created on behalf of Wall Street.

This is a legislative body. It is designed for debate, and I welcome that debate and welcome the debate of my colleagues in terms of what we are trying to do here.

We have seen a historic economic crisis. Banks no longer look like banks, and for people in my hometowns across Arkansas, that is a frightening thing. The status quo is certainly not acceptable.

We all have to look at what it is we can do to come together with some type of assurance and confidence for the people of our States that we are not going to let the status quo remain. I believe we need to take the necessary steps to create that confidence for investors and consumers that what we experienced will not be able to happen again; that these financial entities cannot become so big that they cannot fail or that we would not allow them to fail or, worst of all, that taxpayers will have to bail them out again.

I say to my colleagues, I am a very pragmatic person, pretty simplistic in what it is I want to achieve and what we have worked to achieve. I hope all of my colleagues will continue to work together to find out what it is we can responsibly hand to the people of this great country and say to them: We not only have seen what has happened, but we are going to dare to produce something that will ensure it does not happen again. As I said, working in a pragmatic way, I think we can come up with a good, strong piece of legislation, that all of us—Democrats and Republicans, no matter what regions of the country we come from—will actually say to the American people: We saw what happened, and we are going to make sure it does not happen again.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank our colleague, the chairperson of the Agriculture Committee, for her work and the work of her staff and others and for her statement today inviting all of us to be involved in this process. I commend her. I thank her for the fine work.

I am going to propose a unanimous consent request that has been cleared by our respective leaders.

Mr. President, I ask unanimous consent that at 2:45 p.m. today, the Senate proceed to executive session to consider the following calendar numbers: 728, 701, and 702; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that upon confirmation of the nominations, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that the Senate then resume legislative session; that upon resuming legislative session, there be 4 minutes of debate prior to a vote in relation to the Boxer amendment No. 3737; that upon disposition of the Boxer amendment, the Senate then proceed to a vote in relation to the Shelby-Dodd amendment, which is at the desk, with 4 minutes of debate prior to a vote in relation to the amendment, with all time divided in the usual form, with no amendments in order to the amendments covered in this agreement, prior to a vote in relation thereto; further, that the Senate then consider en bloc the Snowe amendments Nos. 3755 and 3757, with no further debate in order with respect to the Snowe amendments and with no amendments in order to the Snowe amendments; that the next amendments in order be one from the Republican leader or his designee regarding consumer protection, and the Tester-Hutchison amendment No. 3749.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I see two of my colleagues who have been deeply involved. I mentioned them earlier in their absence. I thank Senator CORKER and Senator WARNER for their hard work. As I said, this goes back months, title I and title II of the bill. I have thanked them a lot already. They put in a tremendous amount of time with an awful lot of people on how best to draft this legislation. Everybody always has ideas and thoughts about all of it. I am grateful to both of them for their tireless efforts, and their staffs.

I yield the floor so each can comment.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I thank the Senator from Connecticut. I will be brief.

My friend from Virginia, MARK WARNER, is here. Senator DODD and Senator SHELBY allowed us to work on this portion of the bill. I thank Senator WARNER for being such a great partner.

One of the things you learn around this body very quickly is you certainly do not end up getting everything the way you would like. I thank both Senator SHELBY and Senator DODD for the way they have worked together over the last week or so to improve this bill.

Look, I think Senator WARNER and I—I will speak for myself. Obviously, there are pieces I wish were a little different. I wish the length of receivership was not 5 years but that it was a much shorter period to wind these companies down more quickly. I wish we had judicial review so if a company is placed into this type of resolution, they actually have the opportunity to have that reviewed in a much better way. We have a bankruptcy court title. I know Senator SHELBY, Senator WARNER, and others would like to see that happen. I am hoping over the course of the amendment process that will happen. Judicial review of claims—I wish that were occurring. I know that is not part of this title. I also wish there was judicial review of the valuation process. There are a number of provisions I wish were better, but I will say that I think the work Senator DODD and Senator SHELBY have done to date is good. I plan to support this.

I say to my colleagues on this side of the aisle who want the bankruptcy process to be the process, I think they should still support what Senator DODD and Senator SHELBY have done because they have tightened this resolution title to make it much better.

I defer to my friend from Virginia because I know he is going to talk about aspects of this bill that are not talked about much. They are preventive measures—at least of this title—to keep us from being in a situation where resolution is even necessary because of precautionary issues that are put in place.

I thank Senator DODD and Senator SHELBY. I thank them for their involvement. I thank them for the way they have worked together to make this bill better with the process that has taken place over the last week.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, let me follow on my colleague's comments. He is my colleague and my friend and my partner for the last year. I think we've both, as former business guys, said this is not an issue that should be partisan. We need to check our ''D'' and ''R'' hats at the door and find a way to sort through a new set of financial rules so we never have to face what we faced in 2008.

I think some of the original approaches that we had might have been tighter. I know we talked a little bit off the floor about the notion that actually some of the borrowing authority that now exists might be larger than what we had initially proposed. But at the end of the day, what is important is that, one, the taxpayers are protected—and that is what the Shelby-Dodd approach has; it has no recoupment from the financial industry—and two, to make sure there is money to wind these firms down in an orderly fashion.

We have seen with Lehman, a year and a half after the fact, literally hundreds of millions, close to billions of dollars, that are being used to unwind. That process takes time and money. I again share the concern of the Senator from Tennessee that we ought to do this in as limited time as possible.

Let me take 2 more quick minutes and say that, if we have done our job right, we are never going to have to get to resolution because bankruptcy should always be the preferred process.

We have put the appropriate speed bumps on these firms that become large and systemically important: higher capital requirements, better review of their leverage, making sure they have good risk management plans. And we have created two new tools that have not gotten any discussion but I know, in our hundreds of meetings we had, kept coming back time and again. One was the creation of a whole new set of capital that would convert from debt into equity if a firm ever gets into a problem. And second, a funeral plan that has to be blessed by the regulator that would show how these large firms, particularly firms with international operations all around the world, can wind themselves down through bankruptcy. If the plan is not approved, the regulators can take more dramatic action.

I think the heart and soul of our challenge, which has been to end too big to fail and make sure taxpayers were not exposed, has been accomplished. I thank the chairman and Ranking Member SHELBY for their work on this. I look forward to support this—and I look forward to support this amendment as well.

I want to conclude with my thanks to my colleague and friend from Tennessee. I think we did check our hats and put a business approach on trying to get these titles right, and I agree with his comments that we appreciate any improvements made by both the chairman and the ranking member. I look forward to supporting this part of the legislation and I hope we can continue to work through on the balance of the titles in this same way.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent to use my leader time right now.

First, I want to express my appreciation to Senators WARNER and CORKER for working to improve this bill. They are very fine Senators. My friend, the Senator from Virginia, Senator WARNER, has been such a great addition to the caucus, the Senate, and the country. His experience as Governor of the State has served him well. He does a wonderful job for the people of Virginia and, of course, our country.

## EXECUTIVE SESSION

## NOMINATIONS OF GLORIA M. NAVARRO TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA; NANCY D. FREUDENTHAL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING; DENZIL PRICE MARSHALL, JR. TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider nominations which the clerk will report.

The legislative clerk read the nomination of Gloria M. Navarro, of Nevada, to be United States District Judge for the District of Nevada; Nancy D. Freudenthal, of Wyoming, to be United States District Judge for the District of Wyoming; and Denzil Price Marshall, Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Mr. REID. Mr. President, it is my understanding there is a consent agreement now in effect that has three votes for three judges, and then two other matters related to the banking bill; is that true?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that agreement be modified to have the first vote be 15 minutes and the next four 10-minute votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### NOMINATION OF GLORIA M. NAVARRO

Mr. REID. Mr. President, I will say a few words about the first vote we are going to have today.

I am very happy I had the opportunity and the privilege to nominate Gloria Navarro to be a Federal judge for the District of Nevada. What a wonderful addition she will be to the Federal Judiciary. She has a number of outstanding qualities.

First, she is such a fine human being. She has a wonderful family—a husband who supports her entirely in this terrifically important job she is going to take. He is an accomplished lawyer himself. She has wonderful children and a mom who supports her. She is a Nevadan who has been educated in the Nevada school system. She has attended some of the finest universities in the country—the University of Southern California and Arizona State.

In my interviews with her, I was very impressed. She has proven throughout her personal and professional life that she embodies the values of our country—hard work, discipline, and respect for the rule of law. I have been impressed time and time again by this Nevadan's record and her commitment to public service in all areas of her life. She has worked for two decades in both the private and public sectors and has experience in every aspect of the law—complex litigation at both the Federal and State levels; murder cases.

She is currently the chief deputy district attorney in the Office of County Counsel, providing legal counsel and litigation defense to the Clark County Board of Commissioners. She has worked as a public defender, and in 2002 she received the Nevada State Bar Access to Justice Pro Bono Public Lawyer of the Year award. She has also worked in private practice, representing clients in Federal and State litigation relating to criminal, civil, and family law. In 2001, she was awarded the very prestigious Louis Wiener Pro Bono Service Award.

She is committed to the State of Nevada. She is committed to her community. Among other things, as president of the Latino Bar Association, she created a mentoring program pairing high school, college, and law school students with community lawyers.

It is my pleasure to have recommended her to be a judge, and everyone can rest assured that she will do an outstanding job for the people of Nevada in dispensing fair, equal justice under the law.

Mr. LEAHY. Mr. President, Senate Republicans have not allowed the Senate to act on a judicial nominee for almost 2 weeks. They have continued to stall the almost two dozen judicial nominees reported favorably by the Senate Judiciary Committee, dating back to last November. These 23 judicial nominees awaiting final Senate action include 17 who were reported without any negative votes. That is right—Senate Republicans continue to block Senate consideration and confirmation of nominees, including judicial nominees, who are not only going to be confirmed, but will likely be confirmed unanimously.

The majority leader has had to file cloture petitions to cut off the Republican stalling by filibuster votes on President Obama's nominees 22 times. Twice he has had to file cloture to proceed with judicial nominees, only to

eventually see those nominees confirmed unanimously. This stalling and obstruction is wrong.

Senator WHITEHOUSE, Senator McCASKILL, and a number of other Senators have taken up the cause against these delays and secret holds. I thank them. They made live requests for action on the Senate floor to bring these matters into the light. Regrettably, those Republican Senators who had objected did not come forward to identify themselves or the reasons for their objections in accordance with Senate rules.

By this date in George W. Bush's Presidency, the Senate had confirmed 52 Federal circuit and district court judges. As of today, only 20 Federal circuit and district court confirmations have been allowed by Senate Republicans. As I have noted there remain another two dozen additional judicial nominations stalled before final Senate action by Republican obstruction. It should not take 2 weeks to work out time agreements on three noncontroversial nominees. Nominees reported without a single negative vote in committee should not be stalled for months for no good reason.

Despite the fact that President Obama began sending judicial nominations to the Senate 2 months earlier than President Bush, the Senate is far behind the pace we set during the Bush administration. In the second half of 2001 and through 2002 the Senate confirmed 100 of President Bush's judicial nominees. Given Republican delay and obstruction this Senate may not achieve even half of that. Last year the Senate was allowed to confirm only 12 Federal circuit and district court judges all year. That was the lowest total in more than 50 years. Meanwhile, judicial vacancies have skyrocketed to more than 100, more than 40 of which have been declared to be ''judicial emergencies'' by the Administrative Office of the U.S. Courts.

There is no explanation or excuse for what continues to be a practice by Senate Republicans of secret holds, and a Senate Republican leadership strategy of delay and obstruction of this President's nominations. That is wrong.

Throughout the past month, a number of Senators have come before the Senate to discuss this untenable situation and to ask for consent to proceed to scores of noncontroversial nominations. Republicans objected anonymously and without specifying any basis whatsoever.

These long delays unfortunately continue to be part of a pattern of Republican obstructionism that we have seen since President Obama took office. In a dramatic departure from the Senate's traditional practice of prompt and routine consideration of noncontroversial nominations, Senate Republicans have refused month after month to join agreements to consider, debate and vote on nominations. This unprecedented practice has led to a backlog of nominations and a historically low number of judicial confirmations.

We should restore the Senate's tradition of moving promptly to consider noncontroversial nominees pending on the calendar, with up-or-down votes in a matter of days, not weeks, and certainly not months. For those nominees Republicans wish to debate, we should come to agreements for when to have those debates and votes. It should not take cloture in order for the Senate to get its work done and fulfill its constitutional advice and consent responsibilities.

I, again, urge the Senate Republican leadership to abandon its destructive delaying tactics and allow the Senate to act on the backlog of nearly two dozen judicial nominees reported by the Senate Judiciary Committee over the last 6 months that they have stalled for no good purpose.

The three nominations we consider today should have been confirmed months ago, and I predict will each be confirmed overwhelmingly. Nancy Freudenthal has been nominated to fill a vacancy on the District of Wyoming. She has decades of experience as a public servant and a lawyer in private practice, and she currently serves as Wyoming's First Lady. Ms. Freudenthal has been rated ''well qualified'' by the American Bar Association's, ABA, Standing Committee on the Federal Judiciary and, when confirmed, she will be that state's first female Federal judge. The Judiciary Committee favorably reported Ms. Freudenthal's nomination by voice vote without dissent on February 11—nearly 3 months ago—and her nomination has the support of both of Wyoming's Republican Senators, Senator ENZI and Senator BARRASSO.

Judge D. Price Marshall has been nominated to fill a vacancy on the Eastern District of Arkansas. The Judiciary Committee also favorably reported his nomination by voice vote without dissent nearly 3 months ago, on February 11. Judge Marshall is currently a well-respected judge on the Arkansas Court of Appeals, and he spent 15 years in private practice in Jonesboro, Arkansas. He also served as a law clerk to Seventh Circuit Judge Richard S. Arnold. Judge Marshall has earned the highest possible rating, unanimously ''well qualified'' from the ABA Standing Committee, and he has the strong support of both of his home State Senators, Senator PRYOR and Senator LINCOLN.

Gloria Navarro has been nominated to serve as a Federal district court judge in Nevada. The Judiciary Committee reported her nomination by voice vote without dissent 2 months ago, on March 4. When the Senate finally confirms her, Ms. Navarro will become the only woman, and the only Hispanic, on the Nevada district court. Ms. Navarro, who has been rated ''qualified'' by the ABA's standing committee has gained valuable experience as a chief deputy district attorney in Clark County, NV, as a public defender and as a lawyer in private practice. Her nomination has the support of both of her home State Senators, Senator REID and Senator ENSIGN.

The three judicial nominees the Senate considers today have each been stalled by Republican objection for months. Each has the support of his or her home State Senators. In one case, that is two Republican Senators, in another that is two Democratic Senators, and in the third case that is one Democratic Senator and a Republican Senator. Each of these confirmations is long overdue. I congratulate the nominees and their families on their confirmations today.

I urge the Republican leadership to agree to prompt consideration of the additional 20 judicial nominees they continue to stall.

The ACTING PRESIDENT pro tempore. Is there any debate in opposition to the nomination?

If not, the question is, Will the Senate advise and consent to the nomination of Gloria M. Navarro, of Nevada, to be United States District Judge for the District of Nevada?

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 128 Ex.]

YEAS—98

| | | |
|---|---|---|
| Akaka | Conrad | Johanns |
| Alexander | Corker | Johnson |
| Barrasso | Cornyn | Kaufman |
| Baucus | Crapo | Kerry |
| Bayh | DeMint | Klobuchar |
| Begich | Dodd | Kohl |
| Bennet | Dorgan | Kyl |
| Bingaman | Durbin | Landrieu |
| Bond | Ensign | Lautenberg |
| Boxer | Enzi | Leahy |
| Brown (MA) | Feingold | LeMieux |
| Brown (OH) | Feinstein | Levin |
| Brownback | Franken | Lieberman |
| Bunning | Gillibrand | Lincoln |
| Burr | Graham | Lugar |
| Burris | Grassley | McCain |
| Cantwell | Gregg | McCaskill |
| Cardin | Hagan | McConnell |
| Carper | Harkin | Menendez |
| Casey | Hatch | Merkley |
| Chambliss | Hutchison | Mikulski |
| Coburn | Inhofe | Murkowski |
| Cochran | Inouye | Murray |
| Collins | Isakson | Nelson (NE) |

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| Nelson (FL) | Sessions | Udall (NM) |
| Pryor | Shaheen | Vitter |
| Reed | Shelby | Voinovich |
| Reid | Snowe | Warner |
| Risch | Specter | Webb |
| Roberts | Stabenow | Whitehouse |
| Rockefeller | Tester | Wicker |
| Sanders | Thune | Wyden |
| Schumer | Udall (CO) | |

NOT VOTING—2

| | |
|---|---|
| Bennett | Byrd |

The nomination was confirmed.

NOMINATION OF NANCY D. FREUDENTHAL

The PRESIDING OFFICER. There will now be 2 minutes of debate, evenly divided, on the nomination of Nancy D. Freudenthal, of Wyoming, to be U.S. circuit judge.

Mr. ENZI. Mr. President, I am pleased to rise in support of the nomination of Nancy Freudenthal to serve as a judge for the U.S. District Court for the District of Wyoming. I want to thank Chairman LEAHY and Senator SESSIONS and the Judiciary Committee staff for their assistance moving this nomination through the process.

Nancy is a Wyoming native, born in Cody, and received both her B.A. and her J.D. from the University of Wyoming.

After being admitted to the Wyoming State Bar in 1980, Nancy took a position with Governor Ed Herschler as his attorney for intergovernmental affairs for 8 years. She then served in the same position for Governor Mike Sullivan for 2 years. In this capacity, Nancy served as the Governor's representative on numerous boards, worked extensively with the State legislature, taught at the University of Wyoming College of Law, and served as acting administrator of the Department of Environmental Quality in the Land Quality Division.

In 1989, Nancy was appointed by Governor Sullivan to the Wyoming Tax Commission and State Board of Equalization, where she served as Chairman for a 6-year term. While the State board of equalization is tasked with the annual process of equalizing valuation of property in Wyoming counties, the board has a main function of listening to disputes between taxpayers and the Department of Revenue and reviewing appeals. Nancy's experience as chairman of this board will greatly enhance her abilities as a judge.

Since joining Davis & Cannon, LLP in 1995, Nancy has handled a wide variety of matters, including complex mineral tax litigation, environmental and natural resource disputes, public utility law, oil and gas litigation, employment litigation, and commercial transactions. She has experience at both the trial and appellate levels. Nancy is well respected among her peers and judges in Wyoming.

I also want to mention how important this judgeship is for Wyoming. While Senators disagree at times about specific nominees, we can all agree that without judges in place our legal system slows down and does a disserve to the people we represent.

Nancy Freudenthal's experiences as a private attorney and in State government will serve her well as a district court judge. I am pleased that her nomination has received the strong support of my Senate colleagues.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will support this nominee, but I should mention again that Senate Republicans have not allowed us to vote on a judicial nominee for almost 2 weeks.

By this date in George W. Bush's Presidency, the Senate had confirmed 52 Federal circuit and district court judges. As of today, we had only been allowed only 20 by the Senate Republicans. Counting the recent vote on Gloria M. Navarro this brings us just up to 21 confirmations.

There are nearly two dozen additional nominations stalled. It should not take 2 weeks to try to get through these secret holds. When we have people who are confirmed unanimously in the committee, then confirmed unanimously on the floor, it is unconscionable to hold them up week after week after week.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I am rising in support of the nominee. Any delays that there have been have not been for this particular nominee, nor by the Wyoming delegation at all.

This is a position that has been open now for over 2 years. The first nominee for this position got a hearing but could not get a vote in committee. The nomination ran out and we now have a new nominee, who is Mrs. Freudenthal, Nancy Freudenthal, who is also the first lady of Wyoming.

But she, in her own right, has been an attorney, has served with three different Governors in the State of Wyoming, and does a phenomenal job. She has her law degree from the University of Wyoming and would make an outstanding person to fill in this roll. Both Senator BARRASSO and I are strongly in support of her and have been pushing for her nomination since we first started.

Mr. LEAHY. Would the Senator yield? The Senator is absolutely right. The Wyoming Senators did not hold up this nominee, but the Republican side did.

Mr. ENZI. Mr. President, the Republican side may have been doing things to be sure we had votes on judges, which is the same thing the Democrats did when we were in the majority. We had to have votes on all these. I am glad we finally got to the position of having a vote.

The PRESIDING OFFICER. Time has expired.

Mr. ENZI. I ask everyone to vote aye. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is, Will the Senate advise and consent to the nomination of Nancy D. Freudenthal, of Wyoming, to be U.S. district judge for the District of Wyoming?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 129 Ex.]

YEAS—96

| | | |
|---|---|---|
| Akaka | Enzi | Menendez |
| Alexander | Feingold | Merkley |
| Barrasso | Feinstein | Mikulski |
| Baucus | Franken | Murkowski |
| Bayh | Gillibrand | Murray |
| Begich | Graham | Nelson (NE) |
| Bennet | Grassley | Nelson (FL) |
| Bingaman | Gregg | Pryor |
| Bond | Hagan | Reed |
| Boxer | Harkin | Reid |
| Brown (MA) | Hatch | Risch |
| Brown (OH) | Hutchison | Roberts |
| Brownback | Inhofe | Rockefeller |
| Bunning | Inouye | Sanders |
| Burr | Isakson | Schumer |
| Burris | Johanns | Sessions |
| Cantwell | Johnson | Shaheen |
| Cardin | Kaufman | Shelby |
| Carper | Klobuchar | Snowe |
| Casey | Kohl | Specter |
| Chambliss | Kyl | Stabenow |
| Cochran | Landrieu | Tester |
| Collins | Lautenberg | Thune |
| Conrad | Leahy | Udall (CO) |
| Corker | LeMieux | Udall (NM) |
| Cornyn | Levin | Vitter |
| Crapo | Lieberman | Voinovich |
| DeMint | Lincoln | Warner |
| Dodd | Lugar | Webb |
| Dorgan | McCain | Whitehouse |
| Durbin | McCaskill | Wicker |
| Ensign | McConnell | Wyden |

NAYS—1

Coburn

NOT VOTING—3

| | | |
|---|---|---|
| Bennett | Byrd | Kerry |

The nomination was confirmed.

NOMINATION OF DENZIL PRICE MARSHALL, JR.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the nomination of Denzil Price Marshall Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I am so pleased to rise in support of Judge Price Marshall who has been nominated to fill the Federal judicial vacancy in the Eastern District of Arkansas.

Judge Marshall has enjoyed an impressive and lengthy legal career in Arkansas, where he has served as a judge on the Arkansas Court of Appeals since 2006.

Previously, Judge Marshall practiced law in his hometown of Jonesboro, for 15 years, as a principal at the firm Barrett & Deacon. He also clerked for U.S. Circuit Judge Richard Arnold from 1989 to 1991.

He graduated from Arkansas State University in Jonesboro in 1985, where he currently serves as an adjunct professor of political science.

Judge Marshall also received a degree from the London School of Economics, and graduated with honors from Harvard Law School in 1989.

He has done a tremendous job. He is very well known in Arkansas as a gifted appellate advocate, brilliant legal mind, and well-respected man of integrity. I am so pleased the Senate is taking the role of moving him forward in this capacity. I thank Chairman LEAHY and the Judiciary Committee for moving the nomination forward. I have full faith and confidence in Judge Marshall's ability and encourage Members to support him.

I yield to my colleague from Arkansas.

Mr. PRYOR. Mr. President, I don't think it is an exaggeration to say that when our Founding Fathers laid out article III of the Constitution, they had people such as Price Marshall in mind. He is smart. He is hard-working. He is a family man. He is involved in his community. He is involved in his church and in his legal profession. He is an elected member of the Arkansas Court of Appeals. When he was in private practice, he had a reputation as a lawyer's lawyer. I join Senator LINCOLN in giving him my highest recommendation.

I appreciate all my colleagues voting yes on Price Marshall.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Denzil Price Marshall, Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas?

The nomination was confirmed.

The motion to reconsider is considered as made and tabled.

The President shall be notified of the Senate's action.

• Mr. KERRY. Mr. President, I was necessarily absent for the votes on the nomination of Nancy D. Freudenthal to be U.S. District Judge for the District of Wyoming and Denzil Price Marshall Jr. to be U.S. District Judge for the Eastern District of Arkansas. If I were able to attend today's session, I would have supported both nominees.•

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—Continued

AMENDMENT NO. 3737

The PRESIDING OFFICER. There is now 4 minutes of debate equally divided prior to a vote on the Boxer amendment.

The Senator from California.

Mrs. BOXER. Mr. President, I would like everyone to take a look at these headlines from September 2008: "Nightmare on Wall Street, Where Do We Go From Here?" All of us who went through this, whether we were in the Senate or we were looking at what was happening to our investments on Wall Street, we saw over 3 short days in September of 2008, Lehman Brothers, Merrill Lynch, and AIG collapsed and the stock market plunged. Seniors lost their retirement savings, and families lost their jobs and homes. Small businesses stopped hiring. It was a nightmare. That is what it was. If there is one thing we should all be able to agree on, it is this: The American taxpayer should never again have to bail out Wall Street firms that gambled away our savings and wreaked havoc on our economy.

My amendment is very clear. It is not a sense of the Senate. It has the force of law. It is straightforward. It is an ironclad assurance that a failing, insolvent Wall Street firm must be liquidated, and the cost of that liquidation must come either from selling off the firm's assets or from industry assessments of the big Wall Street firms.

I will retain the remainder of my time in case there is a debate. I hope this is close to a unanimous vote. It is clear, and I hope we will agree.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I yield back the time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—96

| | | |
|---|---|---|
| Akaka | Ensign | Menendez |
| Alexander | Enzi | Merkley |
| Barrasso | Feingold | Mikulski |
| Baucus | Feinstein | Murkowski |
| Bayh | Franken | Murray |
| Begich | Gillibrand | Nelson (NE) |
| Bennet | Graham | Nelson (FL) |
| Bingaman | Grassley | Pryor |
| Bond | Gregg | Reed |
| Boxer | Hagan | Reid |
| Brown (MA) | Harkin | Risch |
| Brown (OH) | Hatch | Roberts |
| Brownback | Hutchison | Rockefeller |
| Bunning | Inhofe | Sanders |
| Burr | Inouye | Schumer |
| Burris | Isakson | Sessions |
| Cantwell | Johanns | Shaheen |
| Cardin | Johnson | Shelby |
| Carper | Kaufman | Snowe |
| Casey | Klobuchar | Specter |
| Chambliss | Kohl | Stabenow |
| Coburn | Landrieu | Tester |
| Cochran | Lautenberg | Thune |
| Collins | Leahy | Udall (CO) |
| Conrad | LeMieux | Udall (NM) |
| Corker | Levin | Vitter |
| Cornyn | Lieberman | Voinovich |
| Crapo | Lincoln | Warner |
| DeMint | Lugar | Webb |
| Dodd | McCain | Whitehouse |
| Dorgan | McCaskill | Wicker |
| Durbin | McConnell | Wyden |

NAYS—1

Kyl

NOT VOTING—3

Bennett Byrd Kerry

The amendment (No. 3737) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3827 TO AMENDMENT NO. 3739

Mr. SHELBY. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Mr. DODD, proposes an amendment numbered 3827 to amendment No. 3739.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. There will be 4 minutes of debate, evenly divided, on the amendment.

The Senator from Alabama.

Mr. SHELBY. Mr. President, I yield back my time. I think we have debated this quite a while this afternoon. Most people know about it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, again, I thank my colleagues. I thank Senator CORKER, Senator WARNER, and Senator SHELBY. A lot of work went into this amendment. I urge my colleagues to support it.

I yield back our time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—93

| | | |
|---|---|---|
| Akaka | Feinstein | Merkley |
| Alexander | Franken | Mikulski |
| Barrasso | Gillibrand | Murkowski |
| Baucus | Graham | Murray |
| Bayh | Grassley | Nelson (NE) |
| Begich | Gregg | Nelson (FL) |
| Bennet | Hagan | Pryor |
| Bingaman | Harkin | Reed |
| Bond | Hutchison | Reid |
| Boxer | Inhofe | Risch |
| Brown (MA) | Inouye | Roberts |
| Brown (OH) | Isakson | Rockefeller |
| Brownback | Johanns | Sanders |
| Bunning | Johnson | Schumer |
| Burr | Kaufman | Sessions |
| Burris | Kerry | Shaheen |
| Cantwell | Klobuchar | Shelby |
| Cardin | Kohl | Snowe |
| Carper | Kyl | Specter |
| Casey | Landrieu | Stabenow |
| Chambliss | Lautenberg | Tester |
| Cochran | Leahy | Thune |
| Collins | LeMieux | Udall (CO) |
| Conrad | Levin | Udall (NM) |
| Corker | Lieberman | Vitter |
| Crapo | Lincoln | Voinovich |
| Dodd | Lugar | Warner |
| Durbin | McCain | Webb |
| Ensign | McCaskill | Whitehouse |
| Enzi | McConnell | Wicker |
| Feingold | Menendez | Wyden |

NAYS—5

| | | |
|---|---|---|
| Coburn | DeMint | Hatch |
| Cornyn | Dorgan | |

NOT VOTING—2

| | |
|---|---|
| Bennett | Byrd |

The amendment (No. 3827) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3755 AND 3757, EN BLOC

The PRESIDING OFFICER. The Senate will now vote on the two Snowe amendments en bloc.

If there is no further debate on the amendments, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 3755 and 3757) were agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 3826 TO AMENDMENT NO. 3739

Mr. SHELBY. Mr. President, I rise to bring up amendment No. 3826, the Republican consumer protection alternative. This amendment has been cosponsored by 14 of my colleagues. It is amendment No. 3826.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, Mr. MCCONNELL, Mr. BENNETT, Mr. CRAPO, Mr. CORKER, Mr. JOHANNS, Mrs. HUTCHISON, Mr. VITTER, Mr. BUNNING, Mr. CHAMBLISS, Mr. CORNYN, Mr. BOND, and Mr. ENZI, proposes an amendment numbered 3826 to amendment No. 3739.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before they begin debate on the next amendment, I thank my colleagues. This has been a difficult time even getting to this point. I thank Senator SHELBY and his staff and my staff and others. We have had a vote on the Boxer amendment, 96 to 1. We had a vote, 93 to 5, on the Shelby-Dodd amendment. We adopted two Snowe amendments in the last hour. That is a pretty good beginning on this bill.

I want to tell my colleagues I have received about 95 amendments to the bill that people will propose. I believe Members ought to be able to be heard on their amendments. This is something that will have to be self-imposed discipline, to some degree, but if Members will restrain themselves on time, more colleagues will get a chance to be a part of the bill and to be heard. If you ask for too much time, it will make it difficult. I just ask people to be considerate of each other. Most times, an amendment can be made—a big amendment—with an hour or two of debate and others less than that, maybe 20 minutes or 30 minutes equally divided. Again, I am not suggesting some amendments are more important than others. If you bring the amendments to us for review, perhaps we can adopt some or make them part of a managers' amendment. We will both have to check them out. If we can do that, we can reduce the number significantly. I think we have some smart proposals. I cannot do that alone. My colleague will have to agree with that.

It would help us a great deal if we can move this along, and I say that respectfully. I don't know whether we have an agreement on when we might vote on this amendment. I will ask my colleague to give us some idea. I would like you to think about how much time you would like, and keep in mind your fellow colleagues who would like to be heard on their amendments.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DODD. Yes, I am glad to yield.

Mr. DORGAN. I think it is commendable that there has been a burst of activity on the Senate floor in the last couple of hours. We have had a number of votes. It took some while to wait for this to happen. I agree with the Senator from Connecticut and the Senator from Alabama that to the extent we can accommodate votes on a wide range of subjects—this is an issue that is very consequential to the future of the country, and we want to get it right.

From my standpoint, I have a couple of amendments I think are very important. Time agreements are not a problem for me. I am interested in having the opportunity to explain an amendment and have a short debate and then have the Senate register its judgment. I appreciate what the Senator just said. He would like to see us move along and be able to offer amendments. There are a lot of them on too big to fail and credit default swaps. I will talk to the managers. I hope I will have an opportunity to get them on the floor and get them offered.

Mr. DODD. I hope we can stay away from filibusters and get everybody to have an up-or-down vote. This is a very important bill, and it is also about how this institution functions and whether we trust each other to be able to offer an amendment, have an adequate amount of time to debate, and then vote up or down. That is how we ought to function.

I hope this bill will not only produce a good product in the end but will also have the healing quality this institution needs. We have been through a lot in this Congress. We need to get back to acting like colleagues, respecting each other's opinions, having a good partisan debate but doing it in a civil fashion, having the consideration each person deserves to be heard, and having a vote up or down. I offer that as a suggestion on how we might proceed.

Mr. SANDERS. If the Senator will yield, do we have any sense of what is happening this afternoon?

Mr. DODD. I will find out from my colleague.

Mr. SHELBY. Mr. President, I join my colleague from Connecticut. We have had a burst of activity this afternoon. I think we are off to a good start. We have to remember that this bill is about 1,500 pages. This doesn't only affect a little bit of our economy, it affects all of our economy in one way or the other.

I have just laid down an amendment—the Republican alternative to the consumer products—and a lot of people are going to want to debate it on both sides. We are not here to delay this bill in any way. I think it is so important and it is so comprehensive that we are going to have a healthy debate.

I appreciate the remarks of the Senator from Connecticut. I believe he understands that very well.

Mr. DODD. My colleague from Montana wishes to speak.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I inquire of Senator DODD, at this point in time, does he want me call up my amendment No. 3749 or just talk about it?

Mr. SHELBY. The Senator can call it up.

Mr. DODD. My friend can call up his amendment.

AMENDMENT NO. 3749 TO AMENDMENT NO. 3739

Mr. TESTER. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 3749.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself, Mr. CONRAD, Mrs. MURRAY, and Mr. BURRIS, proposes an amendment numbered 3749 to amendment No. 3739.

Mr. TESTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Corporation to amend the definition of the term ''assessment base'')

On page 368, strike line 3 and all that follows through page 369, line 14, and insert the following:

(b) ASSESSMENT BASE.—The Corporation shall amend the regulations issued by the Corporation under section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) to define the term ''assessment base'' with respect to an insured depository institution for purposes of that section 7(b)(2), as an amount equal to—

(1) the average consolidated total assets of the insured depository institution during the assessment period; minus

(2) the sum of—

(A) the average tangible equity of the insured depository institution during the assessment period; and

(B) in the case of an insured depository institution that is a custodial bank (as defined by the Corporation, based on factors including the percentage of total revenues generated by custodial businesses and the level of assets under custody) or a banker's bank (as that term is used in section 5136 of the Revised Statutes (12 U.S.C. 24)), an amount that the Corporation determines is necessary to establish assessments consistent with the definition under section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) for a custodial bank or a banker's bank.

Mr. TESTER. Mr. President, I rise to urge my colleagues to support the Tester-Hutchison amendment. My colleague from Texas and I came to the floor yesterday to talk about this bipartisan, commonsense amendment to hold banks accountable for their behavior and to preserve the integrity of the FDIC deposit insurance fund.

Our amendment would force big banks to pay their fair share of insurance by basing assessments on assets rather than deposits. It would fix the lopsided assessment system that we have now, which unfairly burdens our community banks. It would ensure that the FDIC has the necessary resources to maintain the health of the deposit insurance fund.

Senator HUTCHISON and I think this amendment makes a good deal of common sense. I am pleased this is one of the first amendments up for consideration because it highlights the fact that Democrats and Republicans do agree on ways we can strengthen what is already a very good bill. Senator HUTCHISON and I are joined by Senators CONRAD, MURRAY, BURRIS, BROWN of Massachusetts, HARKIN, SHAHEEN, CORNYN, JOHANNS, NELSON of Florida, and NELSON of Nebraska in offering this important bipartisan amendment.

After working on this bill for months with the good Senator DODD and the Banking Committee, I am pleased we are finally getting an opportunity to debate this bill and move it forward.

I know there are a number of other bipartisan amendments like this one where Members can join together to work to improve this bill. I look forward to considering them also.

With that, when the time is right, when leadership has agreed, I hope we can get a vote on amendment No. 3749.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. DORGAN. Mr. President, before the Senator from Rhode Island speaks, let me just ask if he will yield so that I may ask a question.

Mr. WHITEHOUSE. Yes.

Mr. DORGAN. Mr. President, the Senator from Montana has offered an amendment. I am trying to determine if there is a list and how I might get on the list. I might propound the question to the Senator from Connecticut. There has been a Republican amendment offered, and that was set aside and the Senator from Montana offered one. I would like to talk to whoever is making a list.

Mr. DODD. There isn't one. This amendment will be agreed to. It is not going to require a vote. Other matters will require debate and discussion. That was the only reason to do this—to get it in the queue—and at some point today there will be an agreement to accept that amendment. They just didn't do it yet. I don't have a particular queue lined up.

It is my intention to ask Senator SANDERS to offer his, once we complete this—to be the next in line. I ask my colleagues to, instead of jumping up one after another trying to get in the queue, come and talk to us and let us orchestrate it in a way that will allow for consideration of various parts of the bill.

Mr. DORGAN. Mr. President, I thank my colleague from Rhode Island for his courtesy, and I thank Senator DODD. I was here earlier. I will come and talk about that queue as it exists. I hope my amendment on too big to fail will be part of the early amendments.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I was delighted to give the distinguished Senator from North Dakota a chance to clarify that.

I will speak just for a minute about amendment No. 3746, which I will not be calling up right now but which I intend to work with Chairman DODD on to call up later.

I wanted to mention that this afternoon this amendment received the endorsement of Americans for Financial Reform, a coalition of dozens of national and State consumer groups that are working to help pass the critical legislation we are debating today.

In addition to the coalition as a whole, the amendment has been endorsed by individual members as well, including the AARP, the Consumer Federation of America, Consumers Action, Consumers Union, and on behalf of its low-income clients, the National Consumer Law Center.

These groups have sent a letter to each of my colleagues which reads in part:

On behalf of consumers, AFR strongly urges you to support Whitehouse's Interstate Lending Amendment. By reinstating protections that existed prior to the U.S Supreme Court's decision in Marquette National Bank of Minneapolis v. First of Omaha Service Corp (1978), Congress will take a step in the right direction toward protecting consumers and leveling the playing field between national credit card companies and their local and community oriented counterparts.

The Whitehouse Interstate Lending Amendment takes a strong step towards restoring to each state the ability to protect its citizens from lenders based in other states. We strongly urge you to vote in favor of this Amendment and in favor of the consumer protections this Amendment promotes. By leveling the playing field between national banks and local lenders, you will send a strong signal to Main Street that their interests count. We urge adoption of this modest, yet tremendously helpful amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter dated today from Americans for Financial Reform.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICANS FOR FINANCIAL REFORM,
*Washington, DC, May 5, 2010.*

Re Support for Whitehouse Interstate Lending amendment to S. 3217.

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: The consumer, employee, investor, community and civil rights groups who are members of Americans for Financial Reform (AFR) write to express strong support for the Whitehouse Interstate Lending

Amendment that will be offered during floor debate on S. 3217, the ''Restoring American Financial Stability Act.''

This amendment will restore to the states the ability to enforce interest rate caps against out-of-state lenders. By so doing, the amendment will help level the playing field so that intrastate lenders such as community banks, local retailers, and credit unions no longer are bound by stricter lending limits than national credit card companies.

Under current law, national banks are bound only by the lending laws of the state in which the bank is based. As a result, the current system gives lenders an incentive to locate in states with weak or non-existent interest restrictions. A handful of states, eager to attract lucrative credit card business and related tax revenues, have all but eliminated their consumer protections.

On behalf of consumers, AFR strongly urges you to support Whitehouse's Interstate Lending Amendment. By reinstating protections that existed prior to the U.S. Supreme Court's decision in *Marquette National Bank of Minneapolis* v. *First of Omaha Service Corp* (1978), Congress will take a step in the right direction toward protecting consumers and leveling the playing field between national credit card companies and their local and community oriented counterparts.

The Whitehouse Interstate Lending Amendment takes a strong step towards restoring to each state the ability to protect its citizens from lenders based in other states. We strongly urge you to vote in favor of this Amendment and in favor of the consumer protections this Amendment promotes. By leveling the playing field between national banks and local lenders, you will send a strong signal to Main Street that their interests count. We urge adoption of this modest, yet tremendously helpful amendment.

Please direct questions to Maureen Thompson.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

Mr. WHITEHOUSE. Mr. President, I know the membership of this organization that supports the amendment includes AARP, as I mentioned, that also supported it individually, the Center for Responsible Lending, Common Cause, Consumers Union, the NAACP, the National Association of Investment Professionals, the National Council of La Raza, and the Veterans Chamber of Commerce, in addition to a great number of other organizations.

This is an important amendment. It closes a loophole that was opened by the Supreme Court decision of 30 years ago, the decision to define the term ''located'' in the National Banking Act from way back in the Civil War era, 1863, as meaning the location where the bank is located, not the location where the consumer is located, so that when there is a bank in one State doing business with a consumer in another State, the laws of the bank's State govern.

There is nothing particularly wrong with that decision. The problem is that the banks figured out that they could go to States that had the worst consumer protections or go to States that would be willing to chuck their consumer protections in return for the influx of business. From those States which have the worst consumer protection laws, they could then market their products around to other States and undercut and dodge around the laws of Rhode Island, the laws of Minnesota, the laws of Connecticut, the laws of Iowa, the laws of Virginia—the laws of all the States that for more than 200 years, in the history of our Republic, had this authority to regulate interest and to protect our consumers.

This is an unintentional loophole. It has created grievous abuse of consumers who for the first time in the history of America are paying 30-plus interest rates under the law. When you and I were growing up, Mr. President, if a flier came in the mail that offered a credit card with a 30-percent interest rate, that would probably be a matter to bring to the attention of the authorities because it would be illegal. Now they market this stuff at will, and too many Americans, too many of our State residents, too many consumers are paying exorbitant and what would in that State be illegal interest rates because of that loophole. It is long past time to change it. This amendment would close it.

I urge the support of my colleagues, and I look forward to the chance to call up this amendment.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3812

Mr. HARKIN. Mr. President, I come to the floor to speak about an amendment I have filed along with Senators SCHUMER and SANDERS, amendment No. 3812. The purpose of the amendment is very simple: to protect consumers from being charged unfair and unreasonable fees by ATM machines.

How often have you gone to an ATM machine to access your own cash from your own credit union or your own bank and they charge you a couple bucks, $2.50, $2.25, $3, $4? We have seen as high as $5 in parts of the country. I wish to talk about that issue, how unfair it is.

In recent years, Congress has acted to protect consumers by setting appropriate limits on the types of fees that financial institutions can charge consumers in areas such as credit cards, and spurred by a good proposal by Chairman DODD, the Federal Reserve is now considering rules regarding overdraft fees. One area that remains unregulated is the fees consumers pay to use ATMs.

Right now there is no limit that the operator of an ATM can charge a consumer for using that machine. Currently, the only regulation in this area—clearly insufficient, I might add—is that the operator must disclose how much they will charge. So when you access an ATM it has to tell you how much they are charging you and you can then refuse to do that, if you want. But this nominal disclosure requirement does nothing to ensure the charges are not arbitrary ways for banks and third-party owners of these machines to make an unreasonable sum on the backs of consumers.

Some of my colleagues may remember that until 1996, most processing networks actually prohibited the operators of ATMs from adding an additional surcharge for the use of the ATMs. Instead, to cover the cost of the transactions, banks paid fees that passed between the consumers' banks, the ATM operating bank, and the card network. That fee of about 50 cents still changes hands today to cover the cost of processing. Simply put: By charging consumers these fees while collecting fees from other banks, these big banks are double-dipping on the backs of consumers. My amendment would end that double-dipping.

Enticed by the prospect of easy money, in 1996 the rules that prevented banks from charging consumers were overturned by the big card networks—Visa, Mastercard, and the big banks. For this reason, in, 1997, I was a cosponsor, along with Chairman DODD and others, of a measure introduced by then-Banking Committee Chairman D'Amato that would have required the card networks to restore these rules and charge nothing for ATMs. Unfortunately, we were unsuccessful in that effort. But it was bipartisan. Chairman D'Amato was a Republican.

As a result, because we were unsuccessful in 1997, the amount of fees that consumers pay has skyrocketed. According to estimates by the Federal Reserve, the average surcharge fee paid by consumers for accessing their own money is $2.66. As I said, in some cases—in airports and other places—it is as much as $5 for gaining access to your own money.

That doesn't seem right to me, and it doesn't seem right to a lot of consumers. It is unfair for people to pay that much to access their own cash. If ATM operators want to charge a fee to cover the cost of providing a service, I can understand that. But that fee needs to relate to what it actually costs to process the transaction, not just the maximum they think they can get away with.

To ensure these fees are reasonable and related to the costs of processing the transaction, my amendment would require the new Consumer Financial Protection Bureau to ensure that fees charged consumers at ATMs bear a reasonable relation to the cost of processing the transaction.

The best data available suggests that the cost of processing a transaction

today—ready for this—is 36 cents. Think about that the next time you go to the ATM and you have to get some cash and it comes up and says they are charging $2.50. The real cost of that is about 36 cents. Where does the rest of the money go? The rest of the money goes to the big banks and the big card networks, and they are making a fortune.

We got that data from a survey conducted by the Office of Thrift Supervision, which suggested in 1997—the time we had our amendment—that the cost of processing a transaction was only 27 cents. So we factored in inflation, and that would bring the cost to about 36 cents today, and that assumes any improvements in technology have not brought down costs, which, obviously, they have. We have new technologies, faster speed networks, which probably has brought the cost down. So when I say the cost of going to an ATM machine to access money is 36 cents, that is on the high side.

So what our amendment basically says is that they can set up a reasonable charge based upon what the costs are, but we put an upper limit. We say no more than 50 cents per transaction. So our amendment would basically say anytime you go to your ATM machine they have to charge you a reasonable fee based upon what would be set, but in no case more than 50 cents, in no case more than 50 cents.

Again, I would just point out that until 2002, in my State of Iowa, the law required any bank establishing an ATM had to make that available at no cost—no fee to all users. So Iowa did not charge any fees at all, and Iowa banks did just fine under this agreement. Iowa consumers were protected from unfair fees.

But in 2002, this reasonable Iowa law was preempted by Federal banking regulators. Federal banking regulators preempted this. Again, in the absence of these laws, the Federal banking regulators have taken no action to limit the amount of fees consumers can be charged. According to the New Rules Project, national banks—these big banks—collected almost $5 million in ATM fees from Iowa consumers in the first 6 months after the Iowa law was overturned. Iowa credit unions data said it was about $10 million just in the first year. Well, add that up, and that can come to a lot of money.

Anyway, I bring this example of how things were in Iowa before 2002 because it is the kind of balance that the bill pending before us should restore. Quite frankly, things have tipped so far in favor of big banks in this country, and so far away from consumers, that we often don't even know what a reasonable balance looks like anymore. But the example of Iowa from several years ago in which consumers were protected from unfair ATM fees while banks still profited, is an example—I think an excellent example—of the balance we need to return to.

So this broader bill that Senator DODD and Senator SHELBY have brought forward isn't antibusiness or antibank, but it does seek to return us to a situation in which the needs of consumers and the rights of businesses are considered alongside one another. It restores some balance for consumers in our society.

When I looked at this bill, I thought: Well, there is one area that kind of seems to be getting overlooked. I suppose a lot of people might say: Well, $2 is not much. Well, here is the other unfair thing about it. The average person going to an ATM machine probably takes out $20, $50 to get them through a day or 3 or 4 days in the week, and they are charged $2.50 for accessing that $20 or $50. Someone else goes in and wants to get $500, and they are charged the same $2.50. So the burden falls more heavily on low-income people, moderate-income people who need to use the ATM machines to get some cash to get them through. That is grossly unfair.

It is unfair that the banks and the ATM operators can charge whatever they want to charge. As I pointed out earlier, according to the Office of Thrift Supervision and the data they collected, the average cost of processing this ATM transaction is only 36 cents. Why are you being charged $2.50 or $3 or as much as $5? Well, that is what this amendment seeks to stop; again, to get this balance back where it should be.

My amendment is also supported by the U.S. Public Interest Research Group, the Consumer Federation of America, Consumer Action, Consumers Union, and the National Consumer Law Center on behalf of its low-income clients.

I close by thanking my colleague, Senator DODD, for his tireless work to move this critical bill forward and to again help establish that balance in our country between our consumers, our depositors, our community banks, and the big banks. As I said, we have gotten so far off track we hardly recognize what a balance is any longer. I think this bill does a great thing in trying to restore that balance. I just want to make sure that consumers are no longer taken advantage of by these unfair ATM fees that are out there, and that is why I will be offering this amendment at the appropriate time.

Mr. President, I see the chairman is here.

Mr. DODD. If my colleague will yield.

Mr. HARKIN. Sure.

Mr. DODD. I just want to thank him for all his work. We have spent a lot of time in the last year or so on the health care debate, where we sat next to each other day after day going through all of that. We, obviously, go back a lot longer than that.

The Senator from Iowa and I arrived here on the very same day. The pages have oftentimes asked me when did I get here, and I have said: Thomas Jefferson was President when I arrived.

It wasn't quite that long ago, but we arrived together on the same day, 35 years ago, in the House of Representatives, and we have been great friends and colleagues.

No one cares more about not only his State but people all across this country who struggle. He is the author of the Americans with Disabilities Act, affecting millions of Americans, and I have a family member who benefitted from Senator HARKIN'S work. I wish there had been someone around in the 1930s when she was born who might have stood up and recognized her talents and ability. Fortunately, she grew up in a family where they did some things and she ended up helping restore the American Montessori system of teaching as an early childhood development specialist. But had she been born under different circumstances, I suspect she would have been doing piecemeal work somewhere.

So there is a lot for which our country has to thank the Senator from Iowa. I appreciate his efforts on this amendment and thank him for his general concerns on the bill as well.

Mr. HARKIN. I thank my friend from Connecticut. Every time I see my good friend here, I think of all the work that he did in getting our health care bill through, and now this. Talk about going out on a high note. I am sorry, as he knows, that he is not going to be here after this year.

Again, I think the fact that Senator DODD did the health care bill and got it through was a great achievement for the people of this country and now this financial reform, to make sure we don't go through what we did a few years ago again and to help our consumers have a little better balance in their dealings with the big banks and the big investment houses. This is a great bill, and I compliment him for it.

I know it has been a long tough slog, as they say, but future generations will look back and thank Senator DODD both for the health care bill, and I think for this financial reform bill. A lot of people may not understand all the intricacies of it—the high finance and all that stuff. Sometimes you can get a little dizzy thinking about all this stuff. But he understands it. He gets it. And Senator DODD has done a magnificent job in putting this bill together. It is going to help protect our consumers in this country.

So that is why I am proud to support it. I hope he doesn't mind if I offer an amendment to it, as I am going to do on the ATM piece. But I thank the Senator, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I come to the floor this afternoon to talk about the bill before us. I commend my colleague, the chairman of the Senate Banking Committee, Senator DODD, for his leadership on this crucial reform.

I want to start off by reiterating what I know many of my colleagues have said, that this is a strong bill and it is a necessary bill. There is no doubt that we need Wall Street reform and we need it now. When tens of millions of Americans have lost their jobs, homes, and savings, Americans cannot wait any longer to end the reckless Wall Street practices that caused those problems.

I certainly never want to see us again be in a position where we had the Chairman of the Federal Reserve come to us, about a year and a half ago, and say to members of the Senate Banking Committee, you need to act because financial institutions are on the verge of collapse and their collapse would create a consequence to the national economy of enormous proportions.

I will never forget the dialog that took place there, in essence when Chairman Bernanke was asked, the Chairman of the Federal Reserve, what happened? Don't you have enough time, some tools at the Federal Reserve to get us through this period of time? He basically said, if you don't act you will have a global meltdown which basically means a new depression in the 21st century. Certainly a depression in the 21st century is much different than the depression this country lived through under President Roosevelt.

Since he is someone whose expertise is in Depression era economics, how we got into the Depression, what made it worse, how we got out of it, it was a pretty compelling set of arguments.

So here we are. What we want to do is make sure we are never put at that risk again; that there is not anything that is too big to fail because, in doing so, you can make all the wrong decisions knowing that even when you make the wrong decisions, and they are risky, the taxpayers will have to bail you out because we cannot have the country's whole economy go under. At the same time, we want to try to strengthen our regulatory process so we not only not face that reality but we create clear rules of the road.

I am for a free market. I believe in a free market. But there is a difference between a free market and a free-for-all market. There is a difference between when someone takes their own capital, whether as a company or as an individual, and makes an investment and when the investment does good, good for them; but when the investment goes bad we all have to pay for it. We cannot have a system where profits are privatized but losses become the general public's responsibility. That is, in essence, the core of what we are trying to do here—to make sure that such a system, which is what we have had, not a free market but a free-for-all market, gets changed so we never face that again.

As I said, I think this is an incredibly strong bill. But even a strong bill can have suggestions to make a good bill even stronger. I commend Chairman DODD for being open to ideas to make this bill even stronger, regardless of which side of the aisle they come from. Now that we have broken the Republican logjam that has been holding this bill up for over a week, I hope we can get to the business of fully legislating in a full and open debate. I know that is what the American people want and expect, that the Senators they sent to Washington actually get to work on the business of fixing these problems; not that they sit on their hands while one party holds up debate because the bill didn't do everything they wanted it to or because we had conversations—some of our colleagues on the other side of the aisle had conversations with Wall Street and basically they don't like a lot of what we are doing here. But, in fact, it is critical to the Nation's economic security.

I am glad to see that we have colleagues now on the train. I hope people do not try to pull the emergency brake switch to try to stop us from going to where we need to go.

I think this is a great bill but there are some amendments I plan to offer to the bill. I think they make the bill even stronger. I have filed an open books amendment, to require companies to be more transparent in their financial reporting. Many experts believe one of the reasons we got into this mess in the first place was because no one—not investors, not regulators, not counterparties, not even the people running the companies—could actually figure out the true value of these big Wall Street banks. That is because banks hid a significant percentage of their liabilities, their risks, off their balance sheets. For example, Lehman Brothers treated $50 billion in repurchase agreement transactions as sales instead of financing transactions on their balance sheets, misleading everyone about the state of Lehman's finances.

The bottom line, you know, may sound very technical but if I can take my liabilities off of my personal balance sheet and put them somewhere else and look as though I am better off than I am, that is fundamentally wrong. Clearly, had there been more transparency we might have dealt with the Lehman situation sooner, thus reducing the repercussions of a catastrophic bankruptcy.

The amendment I am proposing is simple. It requires companies that are designated as systemically risky to disclose all their off-balance sheet activities in their annual 10–K report to the Securities and Exchange Commission, and provide detailed justifications for why they are keeping those liabilities off their balance sheets.

It also requires disclosure of daily average leverage ratios in quarterly reports. This will prevent companies from moving liabilities off their balance sheets only days before when they are reporting earnings, as Lehman and others allegedly did.

It is a step toward transparency. We know capital markets work best when they are transparent. That is the thrust of what this bill is trying to do. Put simply, the largest banks should not be able to deceive regulators, investors, counterparties, and the public, by hiding their liabilities in off-balance vehicles. We need transparency and clarity, not trickery and deception.

I also am happy to join with Senator AKAKA, who is leading on this particular amendment but I am his prime cosponsor, to require stockbrokers to act in the best interests of their clients. What a revolutionary concept, that stockbrokers act in the best interests of their clients. Brokers are not required to act in the best interests of their clients and can sell clients worse investments because they make more money on them, without the client ever knowing it. Brokers are only required to have reasonable grounds to believe that a property they are recommending is suitable for the customer, even if it is not the best product for the customer. Typically, brokers do not have to make disclosures about conflicts of interest or past infractions. In contrast, investment advisers are legally and ethically bound to put a client's interest ahead of their own—in essence to have a fiduciary duty; and to fully disclose those conflicts they may have.

All brokers currently have exactly the same conflict of interest that Goldman Sachs had in its civil fraud case by the Securities and Exchange Commission: financial incentives to steer clients toward bad investment products that brokers made more money on.

But retail investors are confused. They commonly think the services that investment advisers and brokers provide are nearly identical. An SEC Commission study in 2008 by the RAND Corporation found that investors were confused about the differences. So I don't think we need further studies. Senator AKAKA's amendment and mine would end the confusion. It would require brokers to act in the best interests of their clients, just as investment advisers already do. It requires brokers to disclose conflicts of interest, so brokers would have to tell retail clients if

they get more fees for selling a particular mutual fund or annuity product.

It gives the FTC discretion to apply a fiduciary duty standard for all types of investors which would include institutional investors who are victimized by the allegations in the Goldman Sachs case. Investment advice should be transparent. If there are conflicts of interest or higher fees for a particular product, investors should know about it. Investors need to know that brokers have a duty to act in their best interest.

I also have an amendment to expand the opportunities for women and minorities in banking. Currently, the staff of financial regulatory agencies lags in diversity. According to the Office of Personnel Management, minorities comprise only 18.7 percent of financial institution examiners; women comprise 34 percent.

A recent GAO report found that among minority banks, only about one-third thought their regulators were doing a good or very good job of making an effort to protect or promote their interests and less than a third of minority-owned institutions have utilized services offered by the regulators in the last 3 years.

Only 5.7 percent of African-American firms and 5.6 percent of Hispanic firms obtained bank loans to start their businesses, compared to 12 percent of non-minority firms.

The amendment I am proposing would rectify this by creating the Offices of Minority and Women Advancement at all the major financial regulatory agencies. Those offices would be responsible for all matters of diversity, including diversity in agency employment and contracts. Office directors would provide annual reports to Congress on diversity issues, with recommendations for improvements.

The amendment would also require publicly traded companies to provide in annual SEC filings ''diversity report cards'' which would break down by gender and race the percentages of officers and employees who are minorities and women and the percentage of total compensation they receive.

Finally, it extends the minority banking requirements under section 308 of the Financial Institutions Reform, Recovery and Enforcement Act to the Federal Reserve and the OCC. A similar amendment has already passed the House of Representatives unanimously. I would certainly hope we could do the same here.

Diversity within the Federal banking agencies will help ensure different perspectives are being brought to bear on issues and enhances the likelihood these solutions will be comprehensive and inclusive of a broad range of views. It will make our banking system fairer, more stable, and more just.

I also have an amendment with Senator MERKLEY, to prohibit corporate executives and highly paid employees from hedging against any decrease in the market value of their employer's stock. This amendment is one that I think is very important because I am concerned there are a lot of bad incentives undermining the goals of executive compensation.

A recent study found that at least 2,000 cases at 911 firms over an 11-year period in which executives tried to profit by betting against their own company—by betting against their own company. Hedging undermines, in my mind, the whole point of incentive compensation to make sure that executives only benefit when the company does well.

If they can hedge their stock, then it does not matter how well the company does, because either way the executive makes money. Tails they win, heads they win. That simply is fundamentally wrong. Worse, it may, in some cases, give executives an incentive to sort of ''throw the game,'' to use their privileged position to take a position that may very well not be in the company and its employees' best interests and then make a killing by selling the company stock short. Not good for the company, not good for the employee, not good for investors. My amendment would place a ban on stock hedging by executives and highly paid company employees, namely those making more than $1 million per year, preventing them from betting against their own company.

Put simply: Executives and highly compensated employees should never have financial incentives to act against the best interests of their very own company.

I am hoping some of these may very well be able to see their way into a managers' package. I hope we do not have to come to the floor to offer all of them.

The recession has hit everyone. Community Development Financial Institutions have been hit hard, especially hard. They are in a tough position because they have got to rely on the big banks for capital, which is neither affordable nor easily accessible.

My amendment would authorize the Treasury Department to guarantee bonds issued by qualified Community Development Financial Institutions for the purpose of community and economic development loans. There is also no cost to the taxpayers to do this. CDFIs have a track record of job creation and community development. They are the most effective way to infuse capital in low-income communities because the capital goes directly into those communities and economic development efforts.

In focusing on the finances of Wall Street, I think this is an opportunity not to forget about the finances of Main Street, where most of the jobs are and the devastating impact that Wall Street's actions have had on Main Street.

Lastly, I wish to talk about whistleblower protections. They are the first and most effective line of defense against corporate fraud and other misconduct, yet because of inadequate protections against retaliation, would-be corporate whistleblowers often keep quiet when they could be protecting the public from illegal activity.

As we have seen in the emerging Lehman Brothers scandal, a whistleblower who tried to alert management to illegal accounting tricks was fired. Though the Sarbanes-Oxley Act of 2002 did much to expand protection of corporate whistleblowers from retaliation, it lacks several modern whistleblower protections that have been standard in every piece of legislation since 2006.

My amendment updates Sarbanes-Oxley protections against retaliation by giving whistleblowers 180 days to file a claim instead of the 90 that exists right now; giving whistleblowers their day in court with a clearer right to a jury trial; clarifying that whistleblowers are entitled to compensatory damages; strengthening due process rights for whistleblowers by eliminating inconsistencies in current law; preventing employers from gagging whistleblowers by holding them to contractual obligations; ensuring that whistleblowers will be protected for all disclosures of material misconduct.

We think those opportunities strengthen a citizen to be able to engage and to come forth in a way that protects the company, that protects the investors, that protects all of us in the economy at large. So, again, I want to commend Chairman DODD for his leadership in this effort. It has been a pleasure, as a member of the Banking Committee, working with him on some of the underlying provisions that he has already included in the bill that makes it so strong.

I stand ready to work together to address these remaining issues, some of which I hope we can work through and get accepted, others which, if necessary, I am ready to come to the floor and seek to offer.

At the end of the day, I want a bill that puts New Jerseyans in a position, and all Americans, in which they will never be asked to reach into their pockets to take care of the excessive decisions of companies that privatized the profit but then said, when it went bad and the gamble did not go well, that all of us should pay. We cannot have that. That is what the core of this bill does. That is why I have been proud to work with the chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before our colleague from New Jersey leaves, let me thank him. He is a member of our

Banking Committee, and a very valuable member. He has been tremendously helpful as we have worked together, through my 37 or 38 months as chairman of the committee, very closely on the housing issues, on the credit card legislation.

There have been some 42 measures that have come through the Banking Committee in the last 38 months, 37 of which have become the law of the land. That is a pretty good record out of our committee. It reflects the tremendous effort of members of that committee to help pull together sound pieces of legislation.

Senator MENENDEZ has been critical in so many of those efforts. I want to thank him for that and I want to thank him for his ideas on this bill. We are hoping we get many of these amendments up and have a chance to debate them. But I thank him for his contribution already.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3749

Mrs. HUTCHISON. Mr. President, I rise to speak on the Hutchison-Tester amendment. This is an amendment that truly will help community banks. It will level the playing field for them. It is something I have been working on for several months, during all the consideration this bill has gone through in committee. This was one of the first things I wanted to attack.

I am pleased we are going to get a vote very soon on this amendment, either a voice vote or a record vote. I know that with the bipartisan support we have, we will pass this amendment.

I thank the cosponsors of the amendment: Senators CONRAD, MURRAY, BURRIS, BROWN of Massachusetts, HARKIN, SHAHEEN, CORNYN, JOHANNS, NELSON of Florida, and NELSON of Nebraska, as well as, of course, Senator TESTER and myself.

We are trying to level the playing field for community banks. The underlying bill sets a way of assessing the banks by the FDIC. There has been flexibility in the past, but we are going to set in statute with this amendment that banks will be assessed based on assets minus capital. That should be the way to assess.

Community banks, with less than $10 billion in assets, rely heavily on customer deposits for funding. But that penalizes these very safe institutions with these customer deposits by forcing them to pay deposit insurance premiums far beyond the risk they would pose to the bank system. Despite making up just 20 percent of the Nation's assets, these community banks contribute 30 percent of the premiums to the FDIC. At the same time, large banks hold 80 percent of the banking industry's assets but pay only 70 percent of the premiums. There is no reason for community banks to have to make up this gap.

What we need is a level playing field. It is the community banks that are loaning to our businesses. It is community banks that are keeping our communities supported in so many ways, from the football programs, to the scoreboards in stadiums, to making sure small businesses have inventory loans. Community banks didn't cause the problems. To have them pay more proportionately in FDIC insurance than the big banks do is unfair.

Senator TESTER and I want to correct this inequity. That is exactly what the Hutchison-Tester amendment does.

I appreciate very much Senator DODD saying he agrees with us, that he will work with us to pass this amendment. I am pleased we have such bipartisan support. It will immensely improve the bill and give community banks one of the pieces they need to stay in business and hopefully free them to provide more liquidity to the businesses in communities all across America.

I yield the floor.

Mr. DODD. Mr. President, I thank my friend from Texas, a member of our committee, Senator HUTCHISON. There are a lot of amendments people will offer that subtract or add provisions to the bill. Her amendment with Senator TESTER and others is a very important piece. This could be a separate bill. It could be a freestanding idea. This would qualify as such an idea. Maybe it doesn't sound like much to people, but to consider the liabilities, that really gives a far more accurate picture of the financial condition of a smaller bank. Therefore, the assessments make so much more sense if you have a fuller view of how that institution is doing.

It is so painful, on Friday afternoons after 4 or 5 o'clock, every week, 5 banks, 6 banks, 10 banks—I feel so bad when I hear the names—a lot of them in small towns in our country, maybe small amounts, some of them a little larger—you think about a small town where there might be one lending institution, maybe two but not much more than that—when one closes its doors, what it means to a community to lose that lending institution where everybody knows everybody and you don't have to have a computer printout to know whether Mrs. HUTCHISON or Mr. DODD is going to be able to meet that obligation; they have known the family. They know how it works, to be able to help them by reducing the burden financially on them.

At the same time, we need to keep up that insurance because you want to protect depositors. However badly you feel—and I do every week when I read the names of the smalltown banks that have to close their doors—you want to make sure those customers can show up Monday morning and handle their finances. Shifting the burden a bit more to larger institutions that can afford to do so is a great idea.

As my colleague knows, I was prepared to accept it this afternoon. I don't have the right to do that on my own. If I did, if I were king for a moment, I would say: Let's accept the Hutchison-Tester amendment. I am confident we will.

I thank my colleague and Senator TESTER for offering a very sound, very worthwhile proposal that will be a help to community banks.

Mrs. HUTCHISON. I thank the distinguished chairman of the committee. Of course, we could take over the world right now, since he and I are the only ones on the floor.

Seriously, Mr. President, this is significant because I do believe this bill is going to pass. We are working very productively to try to make some changes in the bill that will make it much better for community banks.

As the chairman knows, the FDIC has decided to prefund its deposit insurance fund for the next 3 years by the end of this year. If we change this formula and ensure community banks will not carry the heavier burden, that is going to have an impact this year in the liquidity of those banks and their capability to lend.

I appreciate very much the chairman's support. I look forward to having our amendment either voice voted or a record vote. I think we will win overwhelmingly with the support of the chairman and ranking member.

Mr. LEAHY. Mr. President, last week we began debate on Senator DODD's Wall Street reform legislation. This is the culmination of a lengthy dialogue on how best to rein in Wall Street's excesses, and bring about a new era of corporate responsibility. I have pushed, and will continue to push, for reform that preserves the role of the antitrust laws as a tool to keep Wall Street honest and promote competition in the financial industry.

The recent economic crisis showed all of us that corporations do not act responsibly without adequate oversight. As we work to pass this landmark legislation, it is important to remember that, today, there is another industry that is not required to even play by the same rules of competition as everyone else. Benefiting from a six-decade-old special interest exemption, the health insurance industry is not subject to the Nation's antitrust laws. We can surely agree that health insurers should not be allowed to collude to fix prices and allocate markets.

Large corporate interests impact the daily lives of hardworking Americans and must be regulated. When any large corporation acts irresponsibly, whether it is a financial institution or a health insurance company, Americans pay the price. Today I filed the Health Insurance Industry Antitrust Enforcement Act as an amendment to the Wall Street reform bill. This amendment, which is cosponsored by 21 other Senators, will repeal the health insurers' antitrust exemption and ensure that

they follow basic rules of fair competition. Competition ensures that consumers will pay lower prices and receive more choices.

Congress and the President have recently enacted comprehensive health insurance reform. It was clear from that debate, and from the Judiciary Committee's hearing on this issue in October, that the time to repeal the health insurers' antitrust exemption is now. The language I am offering today passed overwhelmingly in the House, and it is supported by the President. It has received a cross-section of support from groups such as the Consumer Federation of America, the Consumers Union, and the American Antitrust Institute. This repeal will ensure that basic rules of fair competition apply to those reforms included in the new health insurance reform laws.

Last fall, I introduced similar legislation to repeal the health insurers' antitrust exemption. The Judiciary Committee hearing I chaired examined the merits of this repeal. The lack of affordable health insurance plagues families throughout our country, and this amendment is an important step towards ensuring that health insurers are subject to the laws of fair competition.

Today, I renew my call for the Senate to take up and pass this amendment to repeal the antitrust exemption for health insurance companies. I hope all Senators will join me in support.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I would like to talk a little further about the problems with credit rating agencies. Yesterday, I filed an amendment to the Wall Street reform bill that would create a Credit Rating Agency Board and help encourage competition and, most importantly, accuracy in the credit rating system.

The major role the credit rating agencies played in the recent financial crisis has been largely overlooked. Most of the blame has been directed at Wall Street's oversized banks and the investment firms that were securitizing any kind of debt they could get their hands on. Ultimately, these firms got their hands on quite a lot, and one of their favorite products became mortgage-backed securities.

Investment banks and hedge funds realized there was a lot of money to be made—there is about $9 trillion worth of mortgage-backed securities in the market right now. So they securitized every mortgage they could find, and once this happened, this source of easy profits dried up. So Wall Street demanded more, and mortgage lenders all too happily lowered their lending standards and delivered a new fleet of subprime mortgages for Wall Street to securitize.

As we all know, subprime mortgages are riskier than regular mortgages. That is why they are called subprime. Borrowers are more likely to default. Yet when these risky mortgages were packaged, firms were able to sell them easily.

One of their biggest selling points? Well, they came with a nice big ''AAA'' stamped on them—three letters that say: This product is safe. This product belongs as part of a pension fund, a retirement account or an educational endowment.

So that is where many of these risky subprime mortgage-backed securities ended up. When they failed, they ended up costing working Americans billions and billions of dollars in losses to their savings. But much of this could have been prevented, if only the ratings for these exotic securities had reflected their true risk.

We need to reform the way credit rating agencies do business. Right now, there is nothing to compel them to produce ratings that reflect a product's real risk. Quite the contrary, they are incentivized to provide highly inflated ratings so they can keep getting repeat business.

That is why I have filed an amendment to change the incentives in the industry. My amendment, No. 3808, which I have crafted with Senators SCHUMER and NELSON, would finally encourage competition and accuracy in an industry that has little of either.

To stop the jockeying by raters to get repeat business, my amendment would create a clearinghouse—a clearinghouse—to assign a rating agency to a product issuer for the purpose of an initial rating. The clearinghouse—which will be a self-regulatory organization called the Credit Rating Agency Board—will set up its own rules on how this assignment will work. It could be random, it could be formula based, just as long as the issuer does not choose which agency rates its product. This will eliminate the incentive for the rater to give an inflated rating in the hopes of getting that repeat business.

The Credit Rating Agency Board would be comprised of industry experts: investors, issuers, raters, and, of course, independents. A majority of its members would be investors, including institutional investors who have experience managing pension funds and university endowments. They would have a vested interest in accurate credit ratings because they depend on them when making investments.

Another key element of my amendment is that the Board will regularly evaluate the performance of the credit rating agencies, and they would have to take that performance into account in coming up with an assignment mechanism. In my mind, there is no better way to get accurate ratings than giving more initial rating jobs to the most accurate raters—and fewer jobs to those that repeatedly do a sloppy job.

Finally, the Board will be able to prevent raters from charging unreasonable fees. This will strike at the heart of sweetheart deals, in which a rater asks for more money for a better rating. Make no mistake, that is what has been happening. Just last week, Chairman LEVIN held a hearing in the Permanent Subcommittee on Investigations. His team revealed many e-mail exchanges between issuers and credit rating agencies that exposed how they did business.

Here is one e-mail from Moody's to Merrill Lynch, and I quote:

> We have spent significant amount of resources on this deal and it will be difficult for us to continue with this process if we do not have an agreement on the fee issue. . . . We are agreeing to this under the assumption that this will not be a precedent for any future deals and that you work with us further on this transaction to try to get to some middle ground with respect to the ratings.

Does this sound like Moody's was objectively evaluating the value and risk of Merrill's product? It doesn't sound like that to me.

I am confident the assignment process under my amendment will result in increased competition in the credit rating industry and provide incentives to produce accurate ratings. The amendment allows issuers to go to whichever rating agency they choose for second or third ratings, but these followup ratings will more likely be accurate because raters know they will be compared to the initial rating. More accurate ratings will mean safer products that end up in pension funds and in retirement accounts. Safer products mean more retirement security for working Americans.

So, once again, this all boils down to security and stability in our financial system. The greed and recklessness driving Wall Street over the past decade has wreaked havoc on our economy, and we need to take bold action to rein it in.

Ignoring the magnitude of this problem will only come back to haunt us. We simply can't let that happen. We must take action to fundamentally change the way the system works by putting accuracy first in these ratings.

I call on my colleagues to join me and Senators SCHUMER, NELSON, BROWN, WHITEHOUSE, and MURRAY in supporting this essential reform to restore integrity to the credit rating agency system.

Thank you, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I had not intended to speak tonight, but having heard my friend, the Senator from Minnesota, speak about the problems with the rating agencies, I thought I would rise to say that in very many respects the Senator from Minnesota is correct. It is my understanding that the underlying bill as yet has no provision whatsoever dealing with the rating agencies. I think certainly if that remains, it will be a major flaw in the legislation.

I don't know the details of the amendment the Senator from Minnesota was referring to, but I certainly welcome debate about the rating agencies to make sure they are accurate and to acknowledge so many mistakes that have been made by those agencies in the past. So I wish to commend the Senator for his debate about this issue.

Mr. DODD. Mr. President, will the Senator yield?

Mr. WICKER. Mr. President, I have a couple more points I wish to make, and I don't have much more time. But I am happy to yield to the chairman.

Mr. DODD. Mr. President, title IX of the bill—and I am not suggesting you are going to love every dotted i and crossed t, but in title IX of our bill we do cover rating agencies. Again, this is a complex area, and there are different ideas about how to do this. But the legitimate point made by the Senator from Minnesota about rating agencies is something we share, and in title IX we try to address ways in which we can get far more accountability out of these agencies.

Mr. WICKER. Mr. President, reclaiming my time, I appreciate that. I think the Senator would also concede that there are many in this body and in this building who would make a case that the bill is far from adequate as regards to the rating agencies, and we will have debate about that.

Mr. DODD. I accept that argument, but I would not accept the argument there is nothing in the bill about rating agencies.

Mr. WICKER. I appreciate the Senator's statement. I hope we can strengthen the bill in regards to rating agencies. I also hope we can do this: We have an opportunity in some amendments later on in this debate—perhaps next week or perhaps the week after—to address this question of the GSEs, Fannie and Freddie. I think almost everyone would acknowledge that much of the problem that was caused in 2007 and 2008 stemmed from the GSEs. There has been an effort on the part of Senator SHELBY and others over time to rein in and have some important regulations for Fannie Mae and Freddie Mac. I would hope we could have an honest to goodness debate and include this very important aspect of financial reform in this legislation; otherwise, I think we haven't gotten to part of the problem.

Then, I would say also, we are going to have debate over the next few days and perhaps weeks about this all-powerful consumer agency that would be created. Certainly, we need to protect the consumers. But as I understand this legislation which we will be asked to consider and to vote on and have an opportunity to debate, it creates one of the most important—one of the most powerful, all-powerful individuals in the entire Federal Government; someone who would not even have to answer to a board, as head of this all-powerful consumer protection agency. I think the fact that we are hearing more from Main Street rising up in dismay saying the Main Street agencies didn't cause these problems—the car dealers, the orthodontists who might finance payments over time, the medium-sized banks and credit unions—they say: Mr. Senator, we are not part of the problem. Why are we being penalized and brought into the purview of this all-powerful Washington, DC, regulator?

I think the concerns of Main Street can be addressed by the Senate, and we can still pass a bill that will cover the abuses of Wall Street which, after all, is what we are after.

So I wanted to use the remarks of the Senator from Minnesota as a springboard to begin to discuss a number of issues, including Freddie and Fannie, including dealing with too much power in the form of this regulator, as well as dealing with the issue which the Senator brought up of the rating agencies.

I thank the President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, just on my own time, again, I don't necessarily expect agreement on everything, but I wanted to make the point that 40 pages of our bill deals with rating agencies. This isn't a page or two or a thought or two. There are sections that go in this bill from section 931 to 939, with subtitle C: Improvements on the regulation of credit rating agencies. Forty pages of this book deals specifically with ways in which we try to get greater accountability and reform in the credit rating agencies—a very important issue, one that obviously people have additional ideas about, and I accept that. There might be ideas that even strengthen this; I don't claim perfection. But I want to make sure people have looked at the bill before they get up and suggest there is nothing in this bill about it. Quite the contrary, there is a very strong section on rating agencies.

So, again, people are entitled to their own opinions but not their own facts. With all due respect to my friend from Mississippi who has unfortunately left the floor, I wish to make the point to him that he might not like what I have written—we have written—but there is very strong language in here on getting that greater accountability out of our rating agencies.

With that, Mr. President, I notice at least one additional Member who perhaps is going to come over to be heard, so I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that on Thursday, May 6, after the opening of the Senate, the time until 10 a.m. be for debate with respect to the Tester-Hutchison amendment No. 3749, with the time equally divided and controlled in the usual form; that at 10 a.m., the Senate proceed to vote in relation to the amendment, with no amendment in order to the amendment prior to the vote; further, that the Sanders amendment No. 3738 be the next Democratic amendment in order, and to clarify for the RECORD, the amendment would be called up upon disposition of the pending Shelby amendment No. 3826.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, let me say this, if I can, while we are waiting to do the wrap-up here. We finished up on the series of votes sometime around 4 o'clock or 3:30 this afternoon. It is now 6:30. Other than some statements made by Members regarding various amendments, the pending amendment is the one offered by my colleague from Alabama dealing with the consumer protection part of the bill. I am anxious for us to debate that. I regret we didn't have any debate this afternoon.

I made the point that Members have amendments—and we have all been around—most people—long enough to know that with some 90 amendments, it is not going to mean every amendment people have will be offered. But to the extent that time is used effectively, we can maximize the number of amendments that can be offered. Whether you agree with our colleagues or not, they ought to be given the opportunity to offer an amendment and to debate it and get a vote. Again, that doesn't mean every amendment will be treated equally here, but I have been determined to try to make this work

for as many Members as possible. But when 2 or 3 hours go by and not a word is spoken about a pending amendment, the hour will come—and I can predict the debate: You have not given us enough time to debate our amendments. I am keeping score privately about the times that have gone vacant when no one has talked on a pending amendment.

Tomorrow, after the disposition of the Tester-Hutchison, Hutchison-Tester amendment, I will be asking at that time prior to that vote for a time agreement on the pending amendment. My hope is it will be reasonable, take an hour or so to do that. I understand that. But I am not going to tolerate a whole morning wasted on that with all these other amendments. We need to have that debate and then move along. I say that respectfully.

We are not going to spend an endless number of days on this bill. There are a lot of other matters to be considered by this body. This is a very important bill, and it is important that we listen to the various ideas people want to offer to it.

I say this to my colleagues: Try to keep the time requests short. This was a good beginning today, but I would have preferred we could have used the last 2 or 3 hours to debate the pending amendment and then schedule a vote in the morning. I believe 2 or 3 hours to debate an amendment ought to be adequate. I recognize that not every amendment is considered as important as others. Prioritizing the amendments is important.

Senator BERNIE SANDERS has an amendment that will come up afterward. I cannot speak for him, but I asked him. He said he might take an hour. That is a reasonable request. He has an important amendment and wants to be heard on it. I hope Members will follow the Sanders example and be respectful of others so we can get many amendments in.

My hope is that tomorrow evening we will be here later. We are going to be here Friday, I gather. I do not make those decisions, but I have been led by the leadership to believe we will be here Friday. If I had my way, we would be here Saturday and Sunday to get the bill done. I will be urging the leader to keep us here as long as necessary to have a full debate on this bill. I am not sure I will succeed in those requests, but I want to make them.

Given the complexity of this bill and the interest Members have, if we utilize the time rather than sitting in quorum calls hour after hour—we will hear that bellowing that occurs: I never had a chance to be heard on my amendment. Why didn't I have time to be heard? The answer is going to be—I am keeping the record here—how much time I have been sitting around waiting for someone to come debate an amendment.

If I sound a little frustrated—it is a little too early in the debate to get frustrated, but I wanted to express it in advance of the real frustration that will come later on.

There will be no more votes this evening.

I see my colleague from Colorado is here. I am going to do the wrap-up and then allow my colleague to be heard.

## MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO CONGRESSMAN DAVID OBEY

Mr. COCHRAN. Mr. President, I was saddened by the announcement of my friend, Congressman DAVID OBEY of Wisconsin, that he will retire from the U.S. House of Representatives. He has served with great distinction for the people of his district in Wisconsin since April 1, 1969.

He was elected to succeed Melvin Laird, who had resigned from the House to serve as Secretary of Defense. DAVID OBEY was reelected to 17 succeeding Congresses. In the House, he has chaired the Joint Economic Committee and the Committee on Appropriations. DAVID OBEY has had a career of distinction in the Congress. He has been conscientious in the discharge of his duties and responsibilities as a Congressman and he has been a good friend of mine.

I will truly miss working with DAVID OBEY on the Appropriations Committee. We dealt with some of the most contentious issues of our time. I always respected him even though we sometimes had to disagree on issues that were being considered by our committee.

He was a spirited and effective Member of Congress. I extend to him my very good wishes for the future.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to join my great friend from Mississippi, Senator COCHRAN, in his sentiments about DAVID OBEY.

I have known DAVE OBEY for 36 years. He had already been in Congress about 4 or 5 years when I got to meet DAVE, when I arrived in 1975. He is a wonderful individual, with deep passions. He was the best ally you ever had if he was on your side, and he was a frightening opponent if he was on the other side. Having been on both sides of an argument with DAVE OBEY, believe me, I much prefer having him an ally on issues.

He is a notorious workhorse who showed up every day with his sleeves rolled up to fight for not only the little guy in his own district in Wisconsin but for people all across the country. Working men and women never had a better ally in the Congress of the United States than they did in DAVE OBEY.

He did not spare any of his emotion or rhetoric when it came to the defense of that working man and woman in our country during his more than 40 years of service. He has great passion. Nothing he disliked more than a bully, and nothing ignited his temper more than any injustice.

He loved his State, his family, and enjoyed a great joke when we would spend time with him in various committees and the marking up of bills. He and I worked together. We were involved, when in my earliest days in the House I was a strong backer of Richard Bolling from Missouri to be majority leader back in 1976 I think it was.

Gillis Long of Louisiana and I were the comanagers of Richard Bolling's campaign to become majority leader when Tip O'Neill was going to become Speaker and there was a contest over the majority leader's race.

The other great ally in that effort was DAVE OBEY of Wisconsin. That is when I first got to know DAVE, in that battle for the majority leader. We lost that battle. Dick Bolling did not make it. Jim Wright became the majority leader in a very close contest, in fact, with Phil Burton of California. It was a 1-vote margin that determined the majority leader's race.

Richard Bolling dropped out after the second ballot, did not get enough votes. But DAVE OBEY and I and Gillis Long and a group of others organized to support Richard Bolling. That is when I got to know DAVE. I was with him about a couple of weeks ago. ROSA DELAURO, the Congresswoman from the New Haven district in Connecticut, my former campaign manager, chief of staff for 7 years, was only the second woman to be the Chief of Staff of a Senator of the United States. She served with me for 7 years and went on to become a Member of Congress for the last 20 years herself.

ROSA sits on the Appropriations Committee and chairs the Agriculture Subcommittee. DAVE OBEY was at that event for Congresswoman DELAURO and gave some wonderful remarks on behalf of her that evening.

I join THAD COCHRAN in wishing DAVE the very best. He served his State, his district, and his country with distinction and great patriotism. We wish him the very best.

## JUSTICE FOR NEVADA'S COLD WAR VETERANS

Mr. REID. Mr. President, I rise today to acknowledge an important achievement for Nevada's Cold War veterans and their families. These individuals

served their country at the Nevada Test Site, where over one thousand nuclear weapons detonations took place over four decades of nuclear testing. The work at the Nevada Test Site, NTS, helped America win the Cold War, but it also left thousands of workers with debilitating cancers. Beginning today, many of these workers will now be eligible for automatic compensation, putting an end to years of bureaucratic nightmares and redtape.

On February 19, 1952, the Nevada Test Site was created to serve as the Nation's nuclear test site. 174 atmospheric and underground tests were performed there before the Limited Test Ban Treaty of 1963 banned all atmospheric, space, and sub-sea nuclear weapons testing. Another 754 tests were completed before the United States established a moratorium on nuclear weapons testing in 1992. The vast majority of testing in this period took place underground, in a network of tunnels and shafts, although some non-weapons nuclear testing continued to take place above ground. Even though these tunnels were designed to contain the radiation produced by the tests, most of the underground detonations did release radiation that reached NTS workers.

In 2000, after a number of my colleagues and I had begun to hear disturbing stories from our constituents about illnesses they had gotten from their nuclear weapons work and their inability to get any financial compensation from the government, we introduced and passed the Energy Employees Occupational Illness Compensation Act. This legislation was designed to allow thousands of America's Cold War veterans who had worked for the Department of Energy to receive compensation that would not only help pay their medical bills but would also honor the sacrifices they and their families had made for their country.

Unfortunately, it soon became clear that even with this new law, it would not be easy for many workers to get the compensation they deserved. In 2005, I began to hear from workers and survivors complaining that they were being put through a seemingly endless stream of bureaucratic redtape only to be denied in the end. I heard stories about workers who were encouraged to remove their radiation detection devices so that they could continue to work even after reaching the maximum allowable radiation levels, yet their records showed zero radiation exposures year after year. I was enraged that these workers were denied compensation simply because their employer failed to keep an accurate account of how much radiation each worker was exposed to, so I embarked upon a three-pronged strategy to add NTS workers to the Special Exposure Cohort, SEC, making them eligible for automatic compensation. I immediately wrote a letter to President Bush asking for his administration to rectify this horrible wrong, and for some NTS workers, the situation was set right the next year.

In 2006, employees who had worked at NTS for at least 250 days from 1951 to 1962, or the atmospheric testing years, saw a tremendous victory. They were designated as part of a new Special Exposure Cohort, SEC. However, the sacrifices of NTS workers from the years of underground testing and their families went largely unacknowledged, until now. Thanks to the new SEC which goes into effect today, some measure of justice will be brought to these employees of NTS and their families.

Unfortunately, this new SEC will not put an end to the years of waiting for all NTS workers. Some won't be eligible for automatic compensation because their cancer isn't on the official list or because they worked less than 250 days, even if they were present for a large release of radiation. I will continue to fight to make sure each and every one of Nevada's Cold War veterans and their families get the compensation and justice they deserve for the enormous personal sacrifices they have made for their country. Still, I am very happy that today an estimated 1,365 claimants may be eligible for automatic compensation under the new SEC.

After submitting legislation to add the underground testing years to the SEC in 2006, my office began the long and complicated process of working with workers, survivors, and experts to submit an SEC petition. After much hard work, on February 5, 2007, I joined with three Nevadans in submitting an SEC petition arguing the scientific problems with the radiation dose reconstruction process that was denying so many NTS workers and their families the compensation and recognition they deserve. When the National Institute for Occupational Safety and Health, NIOSH, initially recommended that the petition be denied, it was the tireless work of more than a dozen individuals standing up for what is right that prevented the petition from being rejected completely. It was as a team that we persevered to gain approval for the petition and, with this approval, justice for the underground testing workers and their families.

Today's victory would not have happened without the dedicated team of NTS workers, their families, and others who fought for years to make this day possible. I would like to take a moment to thank some of these people.

First, I personally extend a heartfelt thank you to the three petitioners who devoted their time, energy, and testimony to bring this issue to the forefront. Thank you Lori Hunton, Paul Stednick, and Peter White. Lori's father, Oral Triplett worked at the Nevada Test Site and passed away when she was only 16. Paul worked at the site from 1966 to 1994 as a laborer and labor foreman. Peter worked as a laborer, pipefitter, and welder from 1985 to 1989. Each of these individuals provided invaluable insight and support necessary to complete the petition process.

I also thank Navor Valdez, Gene Campbell, Mary Bess Holloway Peterson, William Cleghorn, Robert Lemons, Cooper Michael Boyd, Patricia Niemeier, and John Funk, for sharing their stories about what really happened on the ground in Nevada.

No thank you would be complete without acknowledging Richard Miller, formerly of the Government Accountability Project, without whom this petition would never have been filed.

Finally, I send my heartfelt gratitude to all those who have worked at the Nevada Test Site and their families. I especially would like to acknowledge workers who passed away while fighting for benefits and their widows, widowers, and children surviving them who took up the fight for their loved one. Nevada's Cold War heroes have made immeasurable contributions to our nation's security, and the sacrifices they have made their health and their lives make it impossible for us to ever adequately thank them.

## BBG NOMINATIONS

Mr. COBURN. Mr. President, I ask unanimous consent to have my letter to Mr. MCCONNELL, dated April 28, 2010, concerning BBG nominations printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, April 28, 2009.*

Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements regarding Presidential nominees to the Broadcasting Board of Governors (BBG). On April 13, 2010 the Committee on Foreign Relations reported the following nominations to the Senate: Walter Isaacson, of Louisiana, as Chairman; Victor Ashe of Tennessee; Michael Lynton of California; Susan McCue of Virginia; Dennis Mulhaupt of California; and S. Enders Wimbush of Virginia.

Additionally, the Committee on Foreign Relations is still considering the nominations of Dana Perino of the District of Columbia, and Michael Meehan of Virginia to the Broadcasting Board of Governors. I request that I be consulted before the Senate enters into any unanimous consent agreements for these two nominations as well.

I have had longstanding concerns regarding transparency and effectiveness of our taxpayer funded international broadcasting agencies under the purview of the Broadcasting Board of Governors. In particular, I am troubled by the operations and management of Voice of America (VOA) given issues

raised by the media, Inspector General, and former employees of VOA. Therefore, I have requested to meet with all the prospective nominees to discuss these issues. The Broadcasting Board of Governors performs a vital role regarding oversight and management of our international broadcasting. As the nation faces threats from the Middle East and in fact throughout the world, transparent and effective international broadcasting agencies are critical to ensuring our international broadcasts are in fact fulfilling the America's interests in securing peace for ourselves and our allies.

Again, thank you for protecting my rights on these nominations.

Sincerely,

TOM A. COBURN, M.D.,
*U.S. Senator.*

## IRAN AT THE UNITED NATIONS

Mr. LEAHY. Mr. President, I read with interest, and disgust, the press reports about the comments of Iranian President Ahmadinejad at the United Nations on Monday, when he attempted to defend Iran's secret nuclear program and his government's continuing defiance of the Security Council.

I could not help but contrast his words with the efforts so many other countries have been making to prevent a nuclear weapon from ending up in the hands of a terrorist, or a nuclear arms race from taking off in the Middle East or South Asia.

In the past couple of weeks, the United States and Russia—two former enemies that once came to the brink of a nuclear war and since the 1980s have slashed their nuclear arsenals—agreed to make further reductions, and President Obama has said he wants to negotiate deeper cuts in furtherance of his long-term vision of a world without nuclear weapons.

On Monday, the Pentagon disclosed publicly the number of weapons that remain in our arsenal, which would have been unthinkable a few years ago.

There are serious efforts being made to establish nuclear weapons-free zones in South America, Africa, and the Middle East.

And at the United Nations, even countries such as Russia and China, which have traditionally sided with Iran, have all but lost patience with what Secretary Clinton rightly called Iran's ''history of making confusing, contradictory and inaccurate statements.''

Nobody questions Iran's right to develop nuclear energy for peaceful purposes. But the Nuclear Nonproliferation Treaty is, as United Nations Secretary General Ban Ki-moon has said, more important today than ever. Terrorists like the Times Square bomber could cause death and destruction on a scale we have not seen since World War II. Nuclear weapons in the hands of terrorists would have consequences for life as we know it that are almost unfathomable. And Iran has long been a state sponsor of terrorism.

President Ahmadinejad insists there is no proof that Iran is building a nuclear weapon, at the same time that he refuses to permit the kind of international inspections that could establish whether Iran's nuclear program is only for peaceful purposes. After Iran was offered the option of sending its enriched uranium to Russia and France for refinement into fuel rods for its research reactor, he responded by stalling with one contradictory counteroffer after another, all the while continuing to enrich increasing amounts of uranium to the point when Iran now is believed to have enough to build two nuclear bombs.

Mr. President, I want to commend Secretary of State Clinton for her measured, strong statements at the United Nations about Iran's duplicitous, dangerous flaunting of the international nuclear control regime. It does not appear that anything short of sweeping, multilateral sanctions has a chance of convincing Iran's leaders to change their reckless course.

It is tragic that Iran, a country of such talented, sophisticated people—many of whom risked their lives to protest a blatantly fraudulent election and who want peaceful relations with the United States—currently has a President who is squandering Iran's resources and reputation in pursuit of a narcissistic, foolhardy quest for a nuclear bomb that will only increase his country's isolation and intensify Iran's confrontational relationship with its neighbors and the international community. The potential consequences could not be more frightening for ordinary people everywhere, including the people of Iran, and the Security Council should delay no further in imposing the strongest possible sanctions.

## MILITARY FAMILIES APPRECIATION DAY

Mr. WYDEN. Mr. President, in Oregon, we just honored the return of 2,700 members of the Oregon National Guard's 41st Brigade Combat Team. Although the 41st's service in Iraq was Oregon's biggest single contribution to a war effort since World War II, it is not the only one.

The soldiers of the Oregon National Guard's 162nd Engineer Company are currently clearing roads in Afghanistan. The 1249 Engineer Battalion in Salem, OR, is preparing to deploy to Afghanistan this winter, and about 600 soldiers from Eastern Oregon will be part of the 116th Cavalry when it deploys to Iraq this fall.

I know I will return to the floor of the Senate to talk about the bravery and service of these men and women. But today I want to talk about the often unrecognized other half of these deployments—the military families that support the service members and keep things together at home. The spouses, sons, daughters, parents, grandparents and community supporters who work together and toil alone to pay the bills, get the kids to school, and help find employment while their loved ones are away.

May 8 is Military Families Appreciation Day in Oregon. On this special day, our State honors the dedication and service of military families and veterans who have helped make America's military the strongest the world has ever seen.

Being left behind when a loved one goes to war is not an easy mission. Yet our military families continue to make the difficult sacrifices, and call upon their inner reserves, to nurture family life so that their service member can focus on the business at hand.

Our military spouses are the glue that holds our military families together. They unselfishly give up their husband or wife, their partner and friend to help serve our Nation. They celebrate important events like birthdays, anniversaries, and sometimes a child's first step or first word alone. They assume the difficult role of being both mother and father—shouldering the responsibility of creating and nurturing a loving family environment when their loved one is away. Their strength and determination are examples to the rest of the country.

And to all of the grandparents and friends who step up when our single-parent service members are called to duty, I thank you. You unselfishly answer the Nation's call by caring for our future generation. You help relieve the pressures of military service by making sure our service members' children are safe, happy, and loved. Stand tall, stand proud. You, too, are our unsung heroes.

Finally, I would like to recognize the sons and daughters who grow up in a military family. As the children of America's defenders, they cope with unbelievable circumstances. The smells of shoe polish, starch, and Brasso may remind them of home more than the smells of cookies and apple pie. Their mothers and fathers are called to duty at a moment's notice, and they have no choice but to be strong, even when it hurts to say goodbye. Their contribution to the Nation and personal strength does not go unnoticed. They are our future and represent the best America has to offer.

Today's military family—spouses, sons, daughters, parents, grandparents and community—inspire us through spirit and strength. They proudly wave flags and keep the candles burning as a reminder of those who are gone.

Their dedication reminds us all that the U.S. flag is brilliant indeed; patriotic songs are not just reserved for the fourth of July; that a parting kiss can hold for months; and that shared tears can somehow bring us closer together. They put their own priorities aside.

They take care of one another. They take care of America.

So to all military families, I thank you. Thank you for your service to your family, our community, and to our Nation.

## ADDITIONAL STATEMENTS

### TRIBUTE TO CYNTHIA L. MUNSCH

• Mr. CONRAD. Mr. President, I want to take a moment to honor a North Dakota woman retiring from a long and honorable career dedicated to assisting U.S. military veterans throughout Burleigh County in the State of North Dakota.

Cindy Munsch, of rural New Salem, ND, started her professional career as a teacher, educating young people on the Standing Rock Reservation, in the Bismarck Public Schools, and at United Tribes Technical College.

In 1985, after 14 years in education, Cindy commenced employment with the Burleigh County Veterans Service Office. Initially the office secretary, Cindy's outstanding work ethic and duty performance was recognized by the Burleigh County Commission with promotion to the position of Deputy County Service Officer. She is now retiring after 25 years of service to our veterans.

Cindy has assisted thousands of veterans with obtaining needed benefits and services. She is recognized by her peers across the State as an expert in veterans benefits, and she frequently provides advice and counsel at the request of other veterans service providers. She also assists in the administration of the veterans transportation program, which provides van transport to veterans from western and central North Dakota to the VA Regional Medical Center in Fargo.

Seeing a need for women veterans in the area to have the opportunity to address issues and experiences unique to their gender, in conjunction with staff from the Bismarck Vet Center, Cindy started a Women Veterans Group that meets monthly for the purpose of discussion and support, education and community service projects. In addition, Cindy cochaired the inaugural Women Veterans Summit, held recently in Bismarck, to bring women veterans issues into focus and to provide a networking opportunity for women veterans from throughout the State.

There is no more admirable vocation than one of service to others. Cindy Munsch dedicated her professional career to ensuring that our service members, who stepped forward to serve the Nation by preserving our freedom and way of life, receive the benefits and assistance they deserve. I am honored to salute Cindy Munsch for her dedicated and selfless service to our veterans for the past 25 years and to congratulate her on her retirement from the Burleigh County Veterans Service Office.•

### TRIBUTE TO DR. JOSEPH W. BASCUAS

• Mr. KERRY. Mr. President, I would like to thank Dr. Joseph W. Bascuas for his invaluable contributions as interim president to Becker College and for his dedication to quality education and high academic standards.

Becker College, which traces its history to 1784, is comprised of two separate campuses only 6 miles apart, one in Leicester and the other in Worcester, MA. The college serves more than 1,700 students from 18 States and 12 countries, and offers more than 25 diverse, top-quality bachelor degree programs in unique, high-demand career niches and serves as an invaluable community partner. In September of 2008 the Becker College Board of Trustees named Dr. Bascuas as interim president and since that time he has served admirably.

Dr. Bascuas brought more than 25 years of experience in higher education to Becker College. In addition to his teaching and leading experiences, he has written and coauthored numerous papers on psychological topics and has presented at symposia and conferences. Dr. Bascuas served as president of Medaille College, Buffalo, NY; founding president of Argosy University Atlanta, GA, campus; and held administrative and teaching positions at the Georgia School of Professional Psychology, Antioch University, Nova/Southeastern University and Salve Regina University. Moreover, he served recently as a site visit team chair for the Middle States Commission on Higher Education, and served on the National Collegiate Athletic Association Division III Presidents Council. He received a B.A. from LaSalle University and an M.A. and a Ph.D. from Temple University.

Dr. Bascuas took on the role of interim president during a challenging time and was not content with simply being a placeholder. Dr. Bascuas was willing to tackle serious issues including technology, financial aid, and improving retention and graduation rates. He successfully positioned the College for significant growth rates and progress in the future, and for that, the citizens of Massachusetts greatly appreciate and commend him for his efforts.

Mr. President, I would like to wish Dr. Joseph W. Bascuas continued success in the future. I ask my colleagues to join me in thanking Dr. Joseph W. Bascuas for his services at Becker College.•

### 125TH ANNIVERSARY OF ''OLD FOLKS SINGING''

• Mrs. LINCOLN. Mr. President, today I commemorate the 125th anniversary of ''Old Folks Singing,'' a time-honored tradition in Tull, AR.

Each year, Tull residents and other Arkansans gather at Ebenezer United Methodist Church on the third Sunday of May to sing gospel hymns from the church's original Christian Harmony and Cokesbury hymnals. Since 1885, this event has brought together Arkansans for praise, worship, and fellowship.

Old Folks Singing is steeped in tradition. As event organizers proudly say, ''not much will change this year.'' The day begins with a prayer and welcome address before attendees join in song. After a potluck lunch and memorial service, the afternoon's music gets underway, ending with prayer and the final hymn, ''God Be with You 'Till We Meet Again.''

Mr. President, I also recognize the organizers of ''Old Folks Singing,'' including President Richard Tull, Vice President Wilson DuVall, Secretary Karen Westbrook, Treasurer Lena Ramsey, and Chaplain John Victor Burton. Numerous other volunteers help the day run smoothly by coordinating lunch, serving as ushers, creating the church bulletin, leading songs, and various other tasks.

''Old Folks Singing'' represents the best of our Arkansas communities. In good times and bad, Arkansans come together to share faith, family, and community. I ask my colleagues to join me in honoring this great Arkansas tradition.•

### TRIBUTE TO JUDY TENENBAUM

• Mrs. LINCOLN. Mr. President, today I wish to honor Little Rock philanthropist Judy Tenenbaum and her lifetime of service for the people of our great State of Arkansas.

Judy will be recognized during this year's ''Red Jacket Ball,'' an annual benefit gala for City Year Little Rock/North Little Rock, a leading nonprofit organization that unites young people of all backgrounds for a year of full-time service. Throughout communities across the U.S., City Year members are easily recognizable by their red jackets, which symbolize the power of citizen service and provide the namesake for their annual fundraiser.

This year marks the fifth anniversary of the Red Jacket Ball, and Judy joins a distinguished list of Arkansas philanthropists to have received this honor. Judy donates her time and resources to countless organizations throughout Central Arkansas, with causes ranging from the arts to cancer research to community development. Judy has touched thousands of Arkansans who may never know her name but who feel her generosity and support.

Mr. President, I am proud to call Judy a friend. We have worked together on a number of charitable projects throughout the years, and she is always willing and able to lend support where it is needed the most. I join all Arkansans in recognizing Judy with the Red Jacket Ball Lifetime of Service Award from City Year Little Rock/North Little Rock.●

## TRIBUTE TO RICHARD T. ROCA, PH.D.

● Ms. MIKULSKI. Mr. President, I wish to pay tribute to a distinguished scholar, accomplished leader, and a treasured member of the Maryland family, Dr. Richard Roca, director of the Johns Hopkins University Applied Physics Lab, who will soon step down after a decade of distinguished leadership and service in that position.

The Johns Hopkins University Applied Physics Lab is a national treasure. Since it was created in the early days of the Second World War, APL has helped maintain our Nation's military, our intelligence agencies, our space community, and our medical profession on the cutting edge of technological achievements. Now the largest university affiliated research lab in the Nation, the dedicated scientists, engineers, technicians, and researchers at APL have time and again solved the problems no one thought possible, and in the process kept us safe and secure. Since 2000, Dr. Roca has led this uniquely talented and diverse team of world renowned scientists as they rose to the challenges of the post-September 11 world.

Dr. Roca was the right leader at the right time to guide APL through these fast-paced and challenging times. Like many visionary leaders in his field, Dr. Roca understands that for a forward-leaning, high-tech institution like the Johns Hopkins Applied Physics Lab can never be static. He knows that in order for APL to play its role solving the problems of the 21st century and helping our Nation's national security apparatus adjust to an ever-changing world, that APL itself must continually be updating and reinventing itself.

Dr. Roca's leadership over the last 10 years has embodied that mindset on continual improvement and self-reinvention. During his tenure, APL adapted to a changing world by expanding its roles and capabilities into homeland security, cyber defense, space exploration, and information-centric operations. After September 11, under Dr. Roca's leadership APL established the Electronic Surveillance System for Early Notification of Community-Based Epidemics—ESSENCE—at APL to monitor the threats from new diseases in the United States. That system is now on watch across the country to provide early warnings against new epidemics created by nature or by terrorist activity. Dr. Roca was also one of the first to recognize the threat from cyber attacks and call for comprehensive cyber defenses. It was under his leadership that APL established major partnerships with the National Security Agency to develop and test new cybersecurity tools. These are just a few examples of how Dr. Roca saw the world changing and mobilized APL to meet the new challenges. We are safer for his leadership in keeping APL on the cutting edge of helping counter new and emerging threats to our national security.

Dr. Roca also kept APL on the cusp of new explorations in space and science. During his tenure, APL helped design, build, and send satellites into space that have explored the Eros asteroid; that are enroute to explore Mercury and Pluto, and which play valuable roles in understanding the Sun's impact on Earth's atmosphere. These contributions to understanding and exploring our universe cannot be overstated. They are major achievements that will lead to decades of scientific study and achievement.

So as Dr. Roca comes to the end of his tenure, I want to thank him for his tireless service, his devotion to excellence, his dedication to the mission of the Applied Physics Lab, and for his inspired leadership in keeping APL at the cutting edge of keeping our Nation safe and advancing valuable science in hundreds of different areas. We wish you the very best, Dr. Roca, in whatever the next chapter in your professional life holds for you. Wherever that takes you, know that you will always and forever be a member of the Maryland family.●

## TRIBUTE TO DOROTHY CLARA SCHIEFFER-KRALICEK AND DELLA MARIE GOEDEN

● Mr. THUNE. Mr. President, today I wish to recognize Dorothy Clara Schieffer-Kralicek and Della Marie Goeden.

Dorothy and Della were born on April 8, 1920, at the family farm near Menominee, NE, where they learned about the true riches of family life. Today, they both live in Yankton, SD, continuing to pass along family values and faith as matriarchs of their vast families. Between them, they have 18 children and over 100 grandchildren.

Dorothy and Della are both excellent homemakers and have recently enjoyed traveling together to several sites in Europe. On Mother's Day, May 9, 2010, both ladies will be honored by a gathering of family and friends in Menominee, NE.

This honorable recognition is clearly well deserved. Dorothy and Della's dedication to their families is a shining example of the steadfast commitment, devotion, and inspiration they have freely given to everyone throughout their lives.

It gives me great pleasure to commemorate the 90th birthdays of Dorothy and Della and to wish them continued health and happiness in the years to come.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

## PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF AUSTRALIA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to sections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately. The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act

and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Australia based on a mutual commitment to nuclear nonproliferation. The Agreement has an initial term of 30 years from the date of its entry into force, and will continue in force thereafter for additional periods of 5 years each, unless terminated by either party on 6 months' advance written notice at the end of the initial 30-year term or at the conclusion of any of the additional 5-year periods. The proposed Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the proposed Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the proposed Agreement.

Australia is a non-nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Australia has concluded a Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency. Australia is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Australia's domestic civil nuclear activities and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and the NPAS classified annex submitted to the Congress separately.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution. I urge the Congress to give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123b. and 123d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs as provided in section 123b. Upon completion of the 30 days of continuous session review provided for in section 123b., the 60 days of continuous session review provided for in section 123d. shall commence.

BARACK OBAMA.

THE WHITE HOUSE, *May 5, 2010*.

## MESSAGES FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 24. An act to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

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At 1:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to Executive Order No. 12131, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the President's Export Council: Ms. LINDA T. SÁNCHEZ of California, Mr. WU of Oregon, and Mr. SCHAUER of Michigan.

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At 2:01 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5160. An act to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

### ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 3714. An act to amend the Foreign Assistance Act of 1961 to include the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 24. An act to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5733. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Army and was assigned case number 06–04; to the Committee on Appropriations.

EC–5734. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Noxious Weeds; Old World Climbing Fern and Maidenhair Creeper'' (Docket No. APHIS–2008–0097) received in the Office of the President of the Senate on May 4, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5735. A joint communication from the Secretary of the Department of Agriculture and the Secretary of the Department of Transportation, transmitting, pursuant to law, a report entitled ''Study of Rural Transportation Issues''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5736. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the C–130 AMP program exceeding the Acquisition Program Baseline values by more than 15 percent; to the Committee on Armed Services.

EC–5737. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary store at Camp Eagle, Korea; to the Committee on Armed Services.

EC–5738. A communication from the General Counsel of the Department of Defense, transmitting a legislative proposal relative to expansion of eligibility for concurrent receipt of military retirement pay and veterans' disability compensation to medically retired service members, received in the Office of the President of the Senate on April 29, 2010; to the Committee on Armed Services.

EC–5739. A communication from the General Counsel of the Department of Commerce, transmitting proposed legislation relative to Public Works and Economic Development improvement; to the Committee on Environment and Public Works.

EC–5740. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment—Update for Rate Year Beginning July 1, 2010 (RY2011)'' (RIN0938–AP83) received in the Office of the President of the Senate on May 3, 2010; to the Committee on Finance.

EC–5741. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Changes in Provider and Supplier Enrollment, Ordering and Referring, and Documentation Requirements; and Changes in Provider Agreements'' (RIN0938–AQ01) received in the Office of the President of the Senate on May 3, 2010; to the Committee on Finance.

EC–5742. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Programs; State Flexibility for Medicaid Benefit Packages'' (RIN0938–AP72) received in the Office of the President of the Senate on May 3, 2010; to the Committee on Finance.

EC–5743. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States'' for the September 2009 session and the June 2009 special session; to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–99. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to utilize the power of technology to boost American productivity and performance by consulting with state legislatures, education, and computer organizations to ensure that every student has access to a low-cost laptop; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 19

Whereas, the personal computer is an indispensable twenty-first century learning tool; and

Whereas, the decreasing cost of technology makes it possible to equip every student with a portable, personal computer; and

Whereas, low-cost laptops are ''twenty-first century textbooks'' due to their capacity to store thousands of books and research materials; and

Whereas, computer technology has been shown to improve academic performance, attendance, and enthusiasm in classrooms; and

Whereas, according to a survey by the November 2007 Pew Internet & American Life Project, one-fourth of Americans do not have computers at home; and

Whereas, the ''digital divide'' most sharply impacts the poor, racial and ethnic minorities, people with disabilities, and residents of rural areas; and

Whereas, attaining universal access to communication technology is a goal spelled out in the 1996 Telecommunications Act; and

Whereas, a nationwide push among state leaders to equip students with laptops promises to fuel a new generation of math, science, and technology innovators; and

Whereas, computer proficiency is increasingly required by employers and institutions of higher learning; and

Whereas, previous technology-focused efforts, such as the Technology Opportunities Program and E-Rate, resulted in newfound information and communication access for millions of students and thousands of schools; and

Whereas, the provision of low-cost laptops for all students would increase learning in core subjects, improve literacy in technology essential for twenty-first century skills, and stimulate creativity, all necessary in reaching the goal of academic excellence in schools as well as developing a technical proficiency at an early age. Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to utilize the power of technology to boost American productivity and performance by consulting with state legislatures, education, and computer organizations to ensure that every student has access to a low-cost laptop. Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. LINCOLN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 3307. An original bill to reauthorize child nutrition programs, and for other purposes (Rept. No. 111–178).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 920. A bill to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes (Rept. No. 111–179).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 373. A bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal (Rept. No. 111–180).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1421. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp (Rept. No. 111–181).

S. 1519. A bill to provide for the eradication and control of nutria in Maryland, Louisiana, and other coastal States (Rept. No. 111–182).

S. 1965. A bill to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine (Rept. No. 111–183).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Solomon B. Watson IV, of New York, to be General Counsel of the Department of the Army.

*Donald L. Cook, of Washington, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

*Sharon E. Burke, of Maryland, to be Director of Operational Energy Plans and Programs.

*Katherine Hammack, of Arizona, to be an Assistant Secretary of the Army.

*Michael J. McCord, of Virginia, to be Principal Deputy Under Secretary of Defense (Comptroller).

*Elizabeth A. McGrath, of Virginia, to be Deputy Chief Management Officer of the Department of Defense.

Air Force nomination of Colonel Kenneth J. Moran, to be Brigadier General.

Air Force nomination of Lt. Gen. Edward A. Rice, Jr., to be General.

Air Force nominations beginning with Colonel David W. Allvin and ending with Colonel Burke E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2010.

Air Force nominations beginning with Brigadier General Mark A. Barrett and ending with Brigadier General Margaret H. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on April 19, 2010.

Air Force nomination of Maj. Gen. Eric E. Fiel, to be Lieutenant General.

Army nomination of Lt. Gen. Keith B. Alexander, to be General.

Army nomination of Lt. Gen. Charles H. Jacoby, Jr., to be Lieutenant General.

Army nomination of Maj. Gen. Daniel P. Bolger, to be Lieutenant General.

Army nomination of Lt. Gen. David P. Fridovich, to be Lieutenant General.

Army nomination of Brig. Gen. Donald C. Leins, to be Major General.

Army nomination of Col. Nadja Y. West, to be Brigadier General.

Army nomination of Col. Ming T. Wong, to be Major General.

Navy nomination of Vice Adm. James A. Winnefeld, Jr., to be Admiral.

Navy nomination of Rear Adm. Carol M. Pottenger, to be Vice Admiral.

Navy nomination of Rear Adm. Scott R. Van Buskirk, to be Vice Admiral.

Navy nomination of Rear Adm. Mark I. Fox, to be Vice Admiral.

Navy nomination of Vice Adm. David J. Venlet, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Elizabeth S. Niemyer, to be Rear Admiral.

Navy nomination of Capt. Margaret G. Kibben, to be Rear Admiral (lower half).

Navy nomination of Capt. David M. Boone, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Robert J. A. Gilbeau and ending with Capt. Glenn C. Robillard, which nominations were received by the Senate and appeared in the Congressional Record on April 12, 2010.

Navy nominations beginning with Captain John C. Aquilino and ending with Captain Michael S. White, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2010.

Navy nominations beginning with Capt. Brett C. Heimbigner and ending with Capt. Matthew J. Kohler, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2010.

Navy nominations beginning with Capt. James D. Syring and ending with Capt. Gregory R. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2010.

Navy nomination of Capt. Mathias W. Winter, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) Mark L. Tidd, to be Rear Admiral.

Navy nomination of Rear Adm. Allen G. Myers, to be Vice Admiral.

Marine Corps nomination of Lt. Gen. Duane D. Thiessen, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Dennis J. Hejlik, to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Ronald L. Bailey and ending with Brigadier General Robert S. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on April 12, 2010. (minus 1 nominee: Brigadier General Kenneth F. McKenzie, Jr.)

Marine Corps nominations beginning with Colonel Brian D. Beaudreault and ending with Colonel Gary L. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on April 19, 2010.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Randall M. Ashmore and ending with James A. Sperl, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nomination of Carolyn Ann Moore Benyshek, to be Colonel.

Air Force nominations beginning with Elizabeth R. Andersondoze and ending with Karen M. Wharton, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2010.

Air Force nominations beginning with Sandra S. Aguillon and ending with Shawna A. Zierke, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2010.

Air Force nomination of Gerard G. Couvillion, to be Colonel.

Air Force nomination of Eric W. Adcock, to be Major.

Air Force nominations beginning with Drew C. Johnson and ending with Justin P. Olsen, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2010.

Army nominations beginning with Ronald J. Dykstra and ending with Anthony T. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2010. (minus 4 nominees: Cardell J. Hervey; Patrick L. Mallett; Christopher R. Reid; Scott H. Sinkular)

Army nomination of Stephen T. Sauter, to be Colonel.

Army nomination of Miles T. Gengler, to be Major.

Army nominations beginning with Dino J. Besinga and ending with Sang J. Won, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2010.

Army nominations beginning with James J. Aiello and ending with Walter C. Perez, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2010.

Army nomination of Ramsey B. Salem, to be Colonel.

Army nomination of Douglas B. Guard, to be Major.

Army nomination of Cheryl Maguire, to be Major.

Army nomination of Shirley M. Ochoa-Dobies, to be Major.

Army nominations beginning with David W. Terhune and ending with Paul E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2010.

Army nominations beginning with Juan G. Lopez and ending with Robert G. Swarts, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2010.

Army nominations beginning with Christopher T. Blais and ending with Jill D. Simonson, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2010.

Army nominations beginning with Darrell W. Carpenter and ending with Mist L. Wray, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2010.

Army nominations beginning with Jenifer L. Breaux and ending with Leon M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2010.

Army nominations beginning with Tyler M. Abercrombie and ending with D010186, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2010.

Army nominations beginning with Gregory J. Ady and ending with G010044, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2010.

Army nominations beginning with Edward V. Abrahamson and ending with D006165, which nominations were received by the Senate and appeared in the Congressional Record on April 26, 2010.

Army nominations beginning with Carl E. Steinbeck and ending with Jennifer M. Mckenna, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2010.

Army nominations beginning with James L. Cassarella and ending with Ronald A. Westfall, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2010.

Army nominations beginning with Anthony Abbott and ending with Jeffrey F. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2010.

Marine Corps nominations beginning with David F. Allen and ending with Marvin A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 21, 2009.

Marine Corps nominations beginning with Jose M. Acevedo and ending with Chad W. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on December 21, 2009.

Marine Corps nominations beginning with Walter T. Anderson and ending with Kenneth M. Woodard, which nominations were received by the Senate and appeared in the Congressional Record on February 4, 2010.

Marine Corps nominations beginning with Stephen J. Acosta and ending with Luis R. Zamarripa, which nominations were received by the Senate and appeared in the Congressional Record on February 4, 2010.

Marine Corps nomination of Peter W. McDaniel, to be Lieutenant Colonel.

Marine Corps nomination of Dean R. Keck, to be Lieutenant Colonel.

Navy nomination of James H. Jones, to be Captain.

Navy nomination of Enrique G. Molina, to be Commander.

Navy nomination of Scott A. Carpenter, to be Commander.

Navy nomination of Christopher C. Richard, to be Commander.

Navy nomination of Jacob C. Hinz, to be Commander.

Navy nomination of Stanley E. Hovell, to be Lieutenant Commander.

Navy nomination of Rivka L. Weiss, to be Lieutenant Commander.

Navy nomination of Shawn M. Stebbins, to be Lieutenant Commander.

Navy nomination of Henry D. Lange, to be Lieutenant Commander.

Navy nomination of Christie M. Quietmeyer, to be Lieutenant Commander.

Navy nomination of Beth A. Hoffman, to be Lieutenant Commander.

Navy nominations beginning with John W. Cheatham and ending with Noburo Yamaki, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2010.

Navy nominations beginning with Gregory M. Saracco and ending with Luke A. Zabrocki, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2010.

Navy nominations beginning with John T. Fojut and ending with Anne D. Restrepo, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2010.

Navy nomination of Gregory J. Murrey, to be Captain.

Navy nomination of Patrick V. Bailey, to be Captain.

Navy nomination of Andrew K. Bailey, to be Lieutenant Commander.

Navy nomination of Todd J. Oswald, to be Lieutenant Commander.

Navy nomination of Maria D. Julia-Montanez, to be Lieutenant Commander.

Navy nominations beginning with William T. Carney and ending with Andrea S. Stiller, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2010.

Navy nomination of Frederick Harris, to be Commander.

Navy nomination of Paul N. Langevin, to be Lieutenant Commander.

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

Joshua Gotbaum, of the District of Columbia, to be Director of the Pension Benefit Guaranty Corporation.

Jonathan Andrew Hatfield, of Virginia, to be Inspector General, Corporation for National and Community Service.

Eduardo M. Ochoa, of California, to be Assistant Secretary for Postsecondary Education, Department of Education.

James L. Taylor, of Virginia, to be Chief Financial Officer, Department of Labor.

Robert Wedgeworth, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013.

Carla D. Hayden, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

John Coppola, of Florida, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013.

Winston Tabb, of Maryland, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013.

Lawrence J. Pijeaux, Jr., of Alabama, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mrs. LINCOLN:

S. 3307. An original bill to reauthorize child nutrition programs, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. NELSON of Florida (for himself, Mr. SANDERS, Mr. REED, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 3308. A bill to suspend certain activities in the outer Continental Shelf until the date on which the joint investigation into the Deepwater Horizon incident in the Gulf of Mexico has been completed, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 3309. A bill to amend the Internal Revenue Code of 1986 to modify the rate of tax for the Oil Spill Liability Trust Fund; to the Committee on Finance.

By Mr. JOHNSON:

S. 3310. A bill to designate certain wilderness areas in the National Forest System in the State of South Dakota; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 3311. A bill to improve and enhance the capabilities of the Department of Defense to prevent and respond to sexual assault in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

S. 3312. A bill to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID:

S. 3313. A bill to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio:

S. 3314. A bill to require the Secretary of Veterans Affairs and the Appalachian Regional Commission to carry out a program of outreach for veterans who reside in Appalachia, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 3315. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3316. A bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CORKER, Mr. CARDIN, and Mr. DURBIN):

S. 3317. A bill to authorize appropriations for fiscal years 2010 through 2014 to promote long-term, sustainable rebuilding and development in Haiti, and for other purposes; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND:

S. 3318. A bill to amend title XVIII of the Social Security Act to eliminate contributing factors to disparities in breast cancer treatment through the development of a uniform set of consensus-based breast cancer treatment performance measures for a 6-year quality reporting system and value-based purchasing system under the Medicare Program; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. DODD):

S. 3319. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. GREGG, Mr. LIEBERMAN, and Mr. DODD):

S.J. Res. 29. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. BAYH, Mr. BURR, Mr. CARPER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GREGG, Mr. LIEBERMAN, and Mr. VITTER):

S. Res. 514. A resolution congratulating the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education and supporting the ideals and goals of the 11th annual National Charter Schools Week, to be held May 2 through May 8, 2010; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 1158

At the request of Ms. STABENOW, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 3035

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3035, a bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes.

S. 3062

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3062, a bill to extend credits related to the production of electricity from offshore wind, and for other purposes.

S. 3073

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3073, a bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes.

S. 3078

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3078, a bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes.

S. 3146

At the request of Mr. CRAPO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3146, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 3199

At the request of Ms. SNOWE, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3199, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3206

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3206, a bill to establish an Education Jobs Fund.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3265

At the request of Mr. McCain, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 3265, a bill to restore Second Amendment rights in the District of Columbia.

S. 3275

At the request of Mr. Baucus, the names of the Senator from Indiana (Mr. Lugar) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 3275, a bill to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

S. 3295

At the request of Mr. Schumer, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 3295, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3296

At the request of Mr. Inhofe, the names of the Senator from Utah (Mr. Bennett) and the Senator from New Hampshire (Mr. Gregg) were added as cosponsors of S. 3296, a bill to delay the implementation of certain final rules of the Environmental Protection Agency in States until accreditation classes are held in the States for a period of at least 1 year.

S. 3305

At the request of Mr. Menendez, the names of the Senator from Ohio (Mr. Brown) and the Senator from New York (Mrs. Gillibrand) were added as cosponsors of S. 3305, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 3306

At the request of Mr. Menendez, the names of the Senator from Ohio (Mr. Brown) and the Senator from New York (Mrs. Gillibrand) were added as cosponsors of S. 3306, a bill to amend the Internal Revenue Code of 1986 to require polluters to pay the full cost of oil spills, and for other purposes.

S. RES. 278

At the request of Mrs. Gillibrand, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. Res. 278, a resolution honoring the Hudson River School painters for their contributions to the United States Senate.

S. RES. 411

At the request of Mrs. Lincoln, the names of the Senator from Oregon (Mr. Wyden) and the Senator from New Hampshire (Mrs. Shaheen) were added as cosponsors of S. Res. 411, a resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

AMENDMENT NO. 3730

At the request of Mr. Feingold, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of amendment No. 3730 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3733

At the request of Mr. Brown of Ohio, the name of the Senator from Minnesota (Mr. Franken) was added as a cosponsor of amendment No. 3733 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3738

At the request of Mr. Sanders, the names of the Senator from Washington (Ms. Cantwell), the Senator from Alaska (Mr. Begich) and the Senator from Alaska (Ms. Murkowski) were added as cosponsors of amendment No. 3738 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3743

At the request of Mr. Corker, the name of the Senator from Idaho (Mr. Risch) was added as a cosponsor of amendment No. 3743 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3749

At the request of Mr. Tester, the names of the Senator from Florida (Mr. Nelson), the Senator from Nebraska (Mr. Nelson) and the Senator from Missouri (Mrs. McCaskill) were added as cosponsors of amendment No. 3749 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

At the request of Ms. Murkowski, her name was added as a cosponsor of amendment No. 3749 proposed to S. 3217, supra.

AMENDMENT NO. 3752

At the request of Mrs. Murray, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of amendment No. 3752 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3754

At the request of Mrs. Murray, the names of the Senator from Massachusetts (Mr. Kerry) and the Senator from Wyoming (Mr. Barrasso) were added as cosponsors of amendment No. 3754 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3759

At the request of Mrs. Hutchison, the names of the Senator from Washington (Mrs. Murray), the Senator from Tennessee (Mr. Alexander) and the Senator from Missouri (Mrs. McCaskill) were added as cosponsors of amendment No. 3759 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3778

At the request of Mr. Udall of Colorado, the names of the Senator from Alaska (Mr. Begich), the Senator from Illinois (Mr. Burris) and the Senator from New York (Mrs. Gillibrand) were added as cosponsors of amendment No. 3778 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end

''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3791

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3791 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3797

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 3797 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON:

S. 3310. A bill to designate certain wilderness areas in the National Forest System in the State of South Dakota; to the Committee on Energy and Natural Resources.

Mr. JOHNSON. Mr. President, today, I am introducing legislation to protect the Cheyenne River Valley in the Buffalo Gap National Grassland. My bill will establish the first National Grassland wilderness area in the United States and provide the public with a unique experience to enjoy these public lands.

The Cheyenne River Valley in the Buffalo Gap National Grassland includes some of the finest prairie wilderness in the United States. Located among isolated buttes and the wide Cheyenne River Valley, these lands remain largely isolated and in the form that the Native people who first inhabited these lands would recognize.

The lands of the Cheyenne River Valley—Indian Creek, Red Shirt and Chalk Hills—exhibit the characteristics of undisturbed, wild lands. Consistent with their natural character, the U.S. Forest Service identified these lands for inclusion in the Wilderness Preservation System. In fact, since 2002, the Indian Creek and Red Shirt areas have been managed by the Forest Service to preserve their wilderness qualities, including a prohibition on motorized traffic that created one of the largest roadless areas in the Great Plains. My legislation builds off the Forest Service recommendation in a manner consistent with the history and purposes of the Buffalo Gap National Grassland.

These lands also support livestock grazing, a productive use and integral part of managing the health and sustainability of native grassland. My bill safeguards existing grazing, consistent with the Wilderness Act, by directing the Forest Service to allow for the continuation of grazing.

By designating a portion of the Cheyenne River Valley as wilderness, it is possible to protect its undeveloped character from encroaching motorized recreation while providing hunters, rock collectors, campers and hikers a new way to enjoy prairie grasslands.

The public benefits from enjoying a variety of experiences on our public lands. These lands provide food and fiber and are a natural asset to be responsibly and sustainably managed. America's grasslands, with millions of acres of rangeland, can also sustain other purposes, including the solitude and primitive character of wilderness. Establishing a first-of-its-kind grasslands wilderness fills a long overlooked gap and completes the unique history and varied landscapes of our National Grasslands.

I have named this bill in honor of my friend and a great advocate for South Dakotan's open spaces, the late Tony Dean. It is his words in describing the purposes of creating a grasslands wilderness bill that I turn to for the best explanation for why this bill is necessary. Tony said:

> Let's relate wilderness from the perspective of a hunter. It does not take a rocket scientist among hunters to recognize that once the opening salvo takes place on opening morning of the big game seasons, no matter where you live, the best hunting is almost always found far from the nearest road.

That sentiment is what, in part, this legislation is aimed at creating: a place held from competition of multiple uses and development, a place where the public and future generations can enjoy a unique wilderness experience found in few places outside my great State.

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By Mr. KERRY:

S. 3311. A bill to improve and enhance the capabilities of the Department of Defense to prevent and respond to sexual assault in the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. KERRY. Mr. President, I am deeply troubled by the increasing number of sexual assaults in the U.S. military. Not only is sexual assault a crime that is incompatible with military service, but it also undermines core values, degrades military readiness, subverts good will and forever changes the lives of victims and their families.

We know from the Defense Department's 2009 Report on Sexual Assault in the Military that the number of reported sexual assaults in the military increased substantially last year—a trend that has continued for the last couple of years.

Unfortunately, according to the Pentagon, we also know that while improvements have been made, the number of sexual assaults in the military actually reported is far below the estimated number of assaults that have actually occurred in the military. It is estimated that only 10 to 20 percent of sexual assaults in the military are actually reported.

Obviously, more needs to be done. That is why I have introduced the Defense, Sexual Trauma Response and Good Governance, STRONG Act of 2010. This legislation builds on many of the commonsense solutions that were included in the December 2009 Report on Sexual Assault in the Military, a report from the Defense Task Force on Sexual Assault in the Military Services.

The Defense STRONG Act of 2010 would guarantee legal counsel from a Judge Advocate General to all sexual assault victims, whether or not they file restricted or unrestricted reports. Currently, anyone who files a restricted report cannot seek legal counsel. Seeking legal counsel triggers an investigation, which, in turn, makes that report unrestricted—that is, it is no longer confidential and the chain of command is notified.

A directive issued by the Department of Defense in 2005 omitted Judge Advocate Generals and civilian lawyers trained in military law from the list of individuals that a victim can seek guidance and assistance from. The only individuals on the list are Sexual Assault Response Coordinators, SARCs, Victim Advocates, VAs, health care personnel, and chaplains—none of whom are likely to have legal training. But it is my belief that the victim of a sexual assault should have the right to legal counsel no matter what.

In its report, the Defense Task Force on Sexual Assault in the Military Services also found that victims are not offered appropriate privileged communications. The report noted that there are 35 states that currently have a privilege for communications between Victim Advocates and victims of sexual assault. However, because no privilege exists in military proceedings, defense counsel are able to identify Victim Advocates as a potential defense witness in a court-martial. There have been multiple occasions in which information was obtained from Victim Advocates in court-martial proceedings and used to try to undermine the credibility of a victim with cross examinations highlighting inconsistencies in prior statements.

There are certain roles that I believe are inherently governmental and certainly one is the role of Sexual Assault Response Coordinator, which should be filled by either a uniformed servicemember or a DoD civilian employee, not a contractor. The Defense Task Force on Sexual Assault in the Military Services agreed. So this legislation would require one Sexual Assault Response Coordinator per brigade, filled by either a full-time military servicemember or a DoD civilian employee.

Moreover, this legislation also would require that Victim Advocates be either a uniformed servicemember or a DoD civilian employee. At the battalion level, there are usually two part time Victim Advocates. The Defense STRONG Act would require that there be at least one-full time Victim Advocate at each battalion, or battalion equivalent.

Another issue that has long plagued the DoD's ability to adequately respond to and prevent sexual assaults in the military is the lack of standardization amongst the services. The Defense STRONG Act would require the DoD to standardize much of their certification programs in a manner modeled after the Defense Equal Opportunity Management Institute, training Sexual Assault Response Coordinators as well as Victim Advocates. Standardization and professionalization would drastically impact readiness.

This legislation would also require the Department of Defense to develop modules specific to each level of Professional Military Education. By doing so, we could ensure that military leadership is aware of all available resources. This provision would also encourage the Department of Defense to craft each level of Professional Military Education to the level of responsibility as military leadership get promoted.

Elevating the Director of the Sexual Assault Prevention and Response Office to the Senior Executive Service level was another recommendation put forth by the Defense Task Force Report. A senior leader in this office is necessary in order to obtain resources and provide the attention this issue requires, much like the Defense Military Equal Opportunity Office and the Office of Military and Community Family Policy. Leadership at the senior level has already proven instrumental in helping advance the DoD's efforts in overcoming domestic violence and discrimination and could be just as helpful in combating sexual assaults.

While there is no magic formula for solving a problem that has long plagued the Department of Defense, I believe these provisions will strengthen the DoD's ability to respond to cases of sexual assault and prevent future cases from occurring.

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By Mr. REID:

S. 3313. A bill to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Sloan Hills Withdrawal Act of 2010.

Over the past year, I have been contacted by thousands of people in southern Nevada who have voiced serious concerns about a proposed aggregate mining operation that would be located on federal land very near Henderson, Nevada. I have a simple goal with the legislation that I am introducing today. My bill will stop the development of the proposed 640-acre gravel pit by withdrawing the area from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral materials. In short, this legislation makes sure that the proposed gravel operations at Sloan Hills will not go forward.

The Bureau of Land Management, BLM, is currently evaluating a proposal for a major gravel operation at the site in question. If approved, the resulting mine would blast rock, crush gravel, kick up dust, and consume precious water resources up to 24 hours a day, every day, for 30 years. This would all be done just a few miles from numerous Henderson neighborhoods.

Citizens from all over Clark County have rallied against this project because of its potential effect on the health of residents and the toll that the blasting other operations would have on an otherwise peaceful community. Because this project would be on Federal land local governments are limited in their ability to influence the outcome of the Sloan Hills proposal. It is clear to all of us, though, that the proposed location for this gravel quarry is not in the best interest of our community.

One of the major points of concern raised by Henderson residents is the large clouds of fine particulate matter that would be generated by mining activities at the Sloan Hills site. The dust kicked up by the proposed gravel operation would undoubtedly complicate the current air quality challenges in the Las Vegas Valley and would be particularly troublesome for members of nearby, age-restricted communities that have seniors already suffering from respiratory problems. Blasting and rock-crushing operations are also expected to generate noise and vibrations that will interfere with residents' daily lives.

This bill is important to me and to the people of southern Nevada. Keeping our communities safe and healthy is critical. I appreciate your help and I look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members of the Senate Energy Committee to move this legislation forward in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 3313

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Sloan Hills Withdrawal Act''.

**SEC. 2. WITHDRAWAL OF SLOAN HILLS AREA OF CLARK COUNTY, NEVADA.**

(a) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means the land identified as the ''Withdrawal Zone'' on the map entitled ''Sloan Hills Area'' and dated May 5, 2010.

(b) WITHDRAWAL.—Subject to valid rights in existence on the date of introduction of this Act, the Federal land is withdrawn from all forms of—

(1) location, entry, and patent under the mining laws; and

(2) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

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By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 3315. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to join with my colleague from Wisconsin in introducing legislation, the Home Health Care Access Protection Act of 2010, to prevent future unfair administrative cuts in Medicare home health payment rates.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled and often technically complex services that our Nation's home health agencies provide have helped to keep families together and enabled millions of our most frail and vulnerable older and disabled persons to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. Moreover, by helping these individuals to avoid more costly institutional care, they are saving Medicare millions of dollars each year.

That is why I find it so ironic—and troubling—that the Medicare home health benefit continually comes under attack.

The health care reform bill that was recently signed into law by the President includes $40 billion in cuts to home care over the next ten years. Moreover, these cuts are a ''double-whammy'' because they come on top of $25 billion in additional cuts to home health over the next ten years imposed

by the Centers for Medicare and Medicaid Services through regulation.

These cuts are particularly disproportionate for a program that costs Medicare less than $18 billion a year. This simply is not right, and it certainly is not in the best interest of our Nation's seniors who rely on home care to keep them out of hospitals, nursing homes, and other institutions.

The payment rate cuts implemented and proposed by CMS are based on the assertion that home health agencies have intentionally ''gamed the system'' by claiming that their patients have conditions of higher clinical severity than they actually have in order to receive higher Medicare payments. This unfounded allegation of ''case mix creep'' is based on what CMS contends to be an increase in the average clinical assessment ''score'' of home health patients over the last few years.

In fact, there are very real clinical and policy explanations for why the average clinical severity of home care patients' health conditions may have increased over the years. For example, the incentives built into the hospital diagnosis-related group—or DRG—reimbursement system have led to the faster discharge of sicker patients. Advances in technology and changes in medical practice have also enabled home health agencies to treat more complicated medical conditions that previously could only be treated in hospitals, nursing homes, or inpatient rehabilitation facilities.

Moreover, this unfair payment rate cut is being assessed across the board, even for home health agencies that showed a decrease in their clinical assessment scores. If an individual home health agency is truly gaming the system, CMS should target that one agency, not penalize everyone.

The research method, data and findings that CMS has used to justify the administrative cuts also raise serious concerns about the validity of the payment rate cuts. For example, while changes in the need for therapy services significantly affect the case mix ''score,'' the CMS research methodology disregards those changes in evaluating whether the patient population has changed. Moreover, the method by which CMS evaluates changes in case mix coding is not transparent, does not allow for true public participation, and is not performed in a manner that ensures accountability to Medicare patients and providers in terms of its validity and accuracy of outcomes.

The legislation we are introducing today will establish a reliable and transparent process for determining whether payment rate cuts are needed to account for improper changes in ''case mix scoring'' that are not related to changes in the nature of the patients served in home health care or the nature of the care they received. This process will still enable the Secretary of Health and Human Services to enact rate adjustments provided there is reliable evidence that higher case mix scores are resulting from factors other than changes in patient conditions. The legislation will also prevent the implementation of future Medicare payment rate cuts in home health until the Secretary is able to justify the payment cuts through the improved process set forth in the bill.

Home health care has consistently proven to be a compassionate and cost-effective alternative to institutional care. Additional deep cuts will be completely counterproductive to our efforts to control overall health care costs. The Home Health Care Access Protection Act of 2010 will help to ensure that our seniors and disabled Americans continue to have access to the quality home health services they deserve, and I encourage all of my colleagues to sign on as cosponsors.

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By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3316. A bill provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce the No Child Left Behind Flexibility and Improvements Act. I am pleased to be joined in this effort by my colleague from Maine, Senator SNOWE. Our legislation would give greater local control and flexibility to Maine and other states in their efforts to implement the No Child Left Behind Act, NCLB, and provides commonsense reforms in the statute.

Since NCLB was enacted in 2002, I have had the opportunity to meet with numerous Maine educators to discuss their concerns with the law. In response to their concerns, in March 2004, Senator SNOWE and I commissioned the Maine NCLB Task Force to examine the implementation issues facing Maine under both NCLB and the Maine Learning Results. Our task force included members from every county in the State and had superintendents, teachers, principals, school board members, parents, business leaders, former state legislators, special education experts, assessment specialists, officials from the Maine Department of Education, a former Maine Commissioner of Education, and the Dean from the University of Maine's College of Education and Human Development.

After a year of study, the Task Force presented us with its final report outlining recommendations for possible statutory and regulatory changes to the act. These recommendations form the basis of the legislation that we are introducing today.

First, our legislation would provide greater flexibility to states in the ways that they demonstrate student progress in meeting state education standards. Specifically, it would permit states to use a cohort growth model, which tracks the progress of the same group of students over time. It would also permit the use of an ''indexing'' model, where progress is measured based on the number of students whose scores improve form, for example, a ''below-basic'' to a ''basic'' level, and not simply on the number of students who cross the ''proficient'' line.

Second, our legislation would provide schools with better notice regarding possible performance issues, allowing schools a chance to identify and work with a particular group of students before being identified. It would expand the existing ''safe-harbor'' provisions to allow more schools to qualify for this important protection. The changes made in our bill are in keeping with what assessment experts and teachers know—that significant gains in academic achievement tend to occur gradually and over time.

Third, our legislation would allow the members of a special education student's IEP team to determine the best assessment for that individual student, and would permit the student's performance on that assessment to count for all NCLB purposes.

One reason this change is so important for Maine is that we have small student populations and Maine has chosen a very small subgroup size—only 20 students. I was concerned to hear reports that in some schools, special education students fear that they are being blamed for their school not making adequate yearly progress. While the statute explicitly prohibits the disaggregation of student data if it would jeopardize student privacy, I am concerned to hear that this is not working out in practice.

This legislative change is also based on principles of fairness and common sense. Many times, it simply does not make sense to require a special needs student to take a grade-level assessment that everyone knows he or she is not ready to take. Many special education students are referred for special education services precisely because they cannot meet grade-level expectations. Allowing the IEP team to determine the best test for each special student will bring an important improvement to the Act while still ensuring accountability.

Fourth, the legislation addresses my concern about the statute's current requirement that all schools reach 100 percent proficiency by 2013–2014. Our bill would require the Secretary of Education to review progress by the states toward meeting this goal every three years, and would allow him to modify the time-line as necessary.

Fifth, our legislation would provide new flexibility for teachers of multiple subjects at the secondary school level to help them meet the ''highly qualified teacher'' requirements. Unfortunately, the current regulations place

undue burdens on teachers at small and rural schools who often teach multiple subjects due to staffing needs, and on special education teachers who work with students on a variety of subjects throughout the day. Under the bill, provided these teachers are highly qualified for one subject they teach, they will be provided additional time and less burdensome avenues to satisfy the remaining requirements.

Our legislation is a comprehensive effort to provide greater flexibility and commonsense modifications to address the key NCLB challenges facing Maine. Our goals remain the same as those in NCLB: a good education for each and every child; well-qualified, committed teachers in every classroom; and increased transparency and accountability for every school. I look forward to working with my colleagues on these issues during the upcoming NCLB reauthorization process.

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By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. GREGG, Mr. LIEBERMAN, and Mr. DODD):

S.J. Res. 29. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Foreign Relations.

Mr. MCCONNELL. Mr. President, today I rise to introduce a joint resolution that would renew sanctions against the Burmese junta. As in years past, I am joined in this effort by my good friend Senator FEINSTEIN. Senators MCCAIN, DURBIN, GREGG, and LIEBERMAN are original cosponsors of this bipartisan legislation and continue to be leaders on the issue.

Renewing sanctions against the military regime in Burma is as timely and as important as ever. Over the past year, the regime has not only made clear that it has no intention of reforming, it is also trying to stand up a new sham constitution and to legitimize itself in the eyes of the world through a sham election. In my view, the United States must deny the regime that legitimacy.

By way of background, a little history is in order. For nearly half a century, Burma has been under some kind of military rule, and every popular effort to reverse that situation has failed. In 1988, military authorities violently put down a popular uprising. Two years later, the Burmese people went to the polls and handed an overwhelming victory to the prodemocracy opposition, and the junta ignored the results. It never seated these popularly elected candidates. It jailed prodemocracy leaders, such as Aung San Suu Kyi, and it has maintained its brutal rule ever since.

In response to these events, the United States established on a bipartisan basis various sanctions against the Burmese regime. These include a 1997 Executive order; the annual import ban, which has been renewed annually since 2003; and restrictions on Burmese jade, which were enacted in 2008.

On a number of occasions since 1990, the United States and the U.N. have attempted to engage Burma diplomatically. These include, during the Clinton administration, a delegation led by Deputy Assistant Secretary of State Thomas Hubbard; various efforts by former U.S. Ambassador to the U.N. Madeleine Albright; and two trips to Burma by then-Congressman Bill Richardson in the mid-1990s.

Other diplomatic efforts included Assistant Secretary of State Christopher Hill's ''roadmap'' in 2006, and overtures made by the United States through China in 2007. In 2008, ADM Timothy Keating met with Burmese officials as part of United States efforts to provide humanitarian assistance in the wake of Cyclone Nargis.

The U.N., for its part, has dispatched a human rights envoy to Burma 15 times and special envoys 26 times over the past two decades. U.N. Secretary General Ban Ki-Moon has visited Burma on two occasions.

None of these efforts has yielded anything in the way of reform. Indeed, when Burmese citizens, led by Buddhist monks, took to the streets in peaceful protest against the government and its policies in the fall of 2007, these prodemocracy protesters, much like their predecessors, were brutally suppressed.

Nonetheless, the regime has sought at various times to save face internationally. In response to this last major challenge to its authority in the fall of 2007, for example, the regime unveiled a proposed constitution. But a quick look at the document shows that it could scarcely have been less democratic. It precluded Suu Kyi from participating in the electoral process and ensured that the charter may not be amended without the military's blessing. The noted constitutional law professor, David Williams, of Indiana University, told the Senate Foreign Relations Committee last year it was ''one of the worst constitutions [he had] ever seen.''

What is more, the vote to adopt this constitution took place 2 years ago in the immediate aftermath of Cyclone Nargis, the worst natural disaster in modern Burmese history, and international election observers were not permitted access to the country during the vote. If the regime was interested in legitimacy, holding a vote such as this in the middle of a natural disaster without election observers is not exactly the way to do it.

The results of this vote were roundly condemned, and for good reason. Still, despite widespread condemnation of this constitution and the circumstances surrounding its adoption, some held out hope that a subsequent election law might lead to democratic reform. But those hopes were dashed earlier this year when the regime actually issued the long-awaited election law. Among other things, the law would force the democratic opposition, the National League for Democracy, to expel Suu Kyi if the party chose to enter any of its candidates in the upcoming national election and it forbids political prisoners and Buddhist monks from political participation.

The deadline for registering candidates and political parties under the new law is later this week, and parties that fail to register before then will be deemed illegal. In other words, the law's practical effect would be to sideline Burma's most prominent democratic reformer and force its leading opposition party out of business.

We also get periodic press reports of ties between Burma and North Korea, including a particularly alarming report in recent days about an alleged weapons transfer from Pyongyang.

Last year, the Obama administration initiated a review of United States policy with respect to Burma. As a result of that review, the administration decided it is time for the United States to take another run at engaging the regime. That is why last summer Secretary Clinton reportedly proposed to her Burmese counterpart at an international conference in Southeast Asia that the United States remove its investment ban on Burma in exchange for the unconditional release of Suu Kyi. Whatever the merits of this overture, this was a serious offer from a high ranking U.S. official aimed at improving bilateral relations.

Yet not only was Secretary Clinton's offer ignored and Suu Kyi not freed, the regime actually extended Suu Kyi's detention for another year and a half, and several months later, the junta denied her appeal. It was shortly after that that the regime released the antidemocratic election law I just referred to. So however well intentioned, the administration's policy of engagement has, unfortunately, met with the same fate as earlier engagement efforts, notwithstanding the fig leaves the regime occasionally holds out as supposed proof of its willingness to reform.

Clearly, the regime craves legitimization of its rule. Why else would it suddenly move to finalize the constitution it had been working on intermittently for 14 years after its rule was challenged by the nonviolent Saffron Revolution in the fall of 2007? They did it for the same reason they trotted out a transparently flawed election law earlier this year: They wanted to provide the appearance of reform where there was none. But they cannot have it both ways. If the regime wants legitimization, it must show real progress.

Secretary Clinton's policy review toward Burma concluded that engagement along

with sanctions might produce results where sanctions alone had failed. Although we have yet to see any positive results from engagement, the administration itself concedes that sanctions should remain in place. But the administration, to its credit, has been quite candid about the lack of tangible progress by the regime.

Assistant Secretary of State Kurt Campbell acknowledged as much after the release of the Burmese election law. He said:

[T]he U.S. approach was to try to encourage domestic dialogue between the key stakeholders . . . and the recent promulgation of the election criteria doesn't leave much room for such a dialog.

It should be noted parenthetically the absence of any tangible result from engagement has nothing to do with the work of American diplomats. It has everything to do with the type of regime we are dealing with in Burma. But, again, the fact remains that no progress—none—has been made.

Legitimacy is the one thing the regime cannot impose by force. But if legitimacy is what it wants, a first step would be credible elections. At this point there is no reason to believe that is even possible under the current constitution, under the current election law, and in the current political climate in Burma.

Renewing sanctions is important because it denies the junta the legitimacy it so craves. A sanctions regime says to the junta and the world, in no uncertain terms, the United States does not view this government as having the support of its citizens. It says the United States will not be a party to recognizing the junta's attempts to overturn the democratic elections of 1990, the last true expression of the Burmese voters.

Sanctions should remain in place against the junta for the same reason the term ''Burma'' is used by friends of democracy instead of the junta's chosen name of ''Myanmar''—because Myanmar is the name of a government that has not been chosen by its people.

In short, sanctions should remain in place because lifting sanctions would give the regime precisely what it wants; namely, legitimacy.

I strongly urge my colleagues to support sanctions renewal against the Burmese regime.

Mr. DODD. Mr. President, let me commend the minority leader for his comments on Burma. It was a good education for me here to listen to it. I ask unanimous consent that I be added as a cosponsor to the legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. I thank my friend from Connecticut.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 29

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

Mrs. FEINSTEIN. Mr. President, I rise today once again with Senator MCCONNELL to introduce a joint resolution renewing the ban on all imports from Burma for another year.

We are proud to be joined by Senators MCCAIN, DURBIN, GREGG, and LIEBERMAN and we look forward to swift action by the Senate, House, and the President on this important matter.

Now, more than ever, the people of Burma need to know that we stand by them and support their vision of a free and democratic Burma.

On May 6th, the National League for Democracy, NLD, led by Nobel Peace Prize Laureate and political prisoner Aung San Suu Kyi, will cease to exist.

Let me be clear: the NLD is not shutting down out of its own free will.

It is being forced to disband by an unjust and undemocratic constitution and election law, both drafted in secret and behind closed doors by the ruling military junta, the State Peace and Development Council, SPDC, to solidify its grip on power.

Let me explain.

Under the terms of the new constitution, 25 percent of the seats must be set aside for the military.

Think about that: before any vote has been cast, the military is guaranteed a quarter of the seats in the new 440 member House of Representatives.

How will this new institution be any different from the current military regime?

If that is not enough to raise doubts about the military's commitment to a truly representative government, it should also be pointed out that last week the regime's Prime Minister, Thein Sein, and 22 cabinet ministers resigned from the army to form a new ''civilian'' political party, the Union Solidarity and Development Party.

Any seats won by this new ''party'' in the upcoming elections will be in addition to the 25 percent set aside for active military members.

Does anyone really believe the regime has embraced democracy and the concept of civilian rule? Unfortunately, it will be business as usual for the people of Burma and the democratic opposition.

What about Suu Kyi and her National League of Democracy, winners of the last free parliamentary elections in 1990?

First, last month, the regime, which never allowed the NLD to assume power, officially annulled its 1990 victory.

Second, under the new constitution, as a convicted ''criminal'' Suu Kyi is barred from running in the elections.

Finally, under the terms of the election law, in order to participate in the upcoming parliamentary elections and remain legally active, a political party has to cut ties with any members who are convicted criminals.

Thus, the NLD had to either kick Suu Kyi out of the party and participate in the elections or face extinction.

It should come as no surprise that the NLD refused to turn its back on Suu Kyi and give its stamp of approval to the regime's sham constitution and electoral law.

I applaud their courage and their devotion to democracy, human rights, and the rule of law.

While I am saddened to see the regime close its doors, the spirit and the principles of the NLD will live on in the hearts and minds of the people.

I know they will one day be able to elect a truly representative government.

As Tin Oo, the NLD's deputy leader and former political prisoner said: ''We do not feel sad. We have honor. One day we will come back; we will be reincarnated by the will of the people.''

This is a clear message to the regime that an illegitimate constitution and election law cannot suppress the unyielding democratic aspirations of the people of Burma.

Now, we must send our own signal to the regime that its quest for legitimacy has failed.

We must send our own signal to the democratic opposition that we stand in solidarity with them and we will not abandon them.

Now is the time to renew the import ban on all products from Burma for another year.

Let me be clear—I am disappointed that the ban has not moved Burma any closer to national reconciliation and a democratic government.

Indeed, as I have noted, the regime has taken several steps in the wrong direction.

But we have the opportunity to review these sanctions every year.

Last year we passed legislation allowing the sanctions to be renewed, once a year, for up to three more years until 2012.

Simply put, if we fail to renew the import ban, we will reward the military regime for its decades' long record of oppression.

We will reward them for keeping the true leader of Burma, Suu Kyi, behind bars and under house arrest for the better part of 20 years.

We will reward them for forcing the National League for Democracy to close its doors.

We will reward them for 2,100 political prisoners, the use of child soldiers, the persecution of ethnic minorities, the use of rape as an instrument of war, the use of torture, the use of forced labor, and the displacement of civilians.

Indeed, the standards for lifting the sanctions are clear. The regime must make ''substantial and measureable progress'' towards ending violations of internationally recognized human rights; releasing all political prisoners; allowing freedom of speech and press; allowing freedom of association; permitting the peaceful exercise of religion; and bringing to a conclusion an agreement between the SPDC and the National League for Democracy and Burma's ethnic nationalities on the restoration of a democratic government.

By every measure, the regime has failed to even come close to meeting these conditions. So we must act to renew the import ban.

But we cannot act alone.

I urge the United Nations and the international community to follow our lead and put pressure on the regime to abandon this process, release political prisoners, and draft a truly democratic and representative constitution.

I urge my colleagues to support this joint resolution.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 514—CONGRATULATING THE STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS OF CHARTER SCHOOLS ACROSS THE UNITED STATES FOR ONGOING CONTRIBUTIONS TO EDUCATION AND SUPPORTING THE IDEALS AND GOALS OF THE 11TH ANNUAL NATIONAL CHARTER SCHOOLS WEEK, TO BE HELD MAY 2 THROUGH MAY 8, 2010

Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. BAYH, Mr. BURR, Mr. CARPER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GREGG, Mr. LIEBERMAN, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 514

Whereas charter schools deliver high-quality public education and challenge all students to reach their potential;

Whereas charter schools promote innovation and excellence in public education;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that respond to the needs of communities, families, and students in the United States, and promote the principles of quality, accountability, choice, and innovation;

Whereas, in exchange for flexibility and autonomy, charter schools are held accountable by their sponsors for improving student achievement and for the financial and other operations of the charter schools;

Whereas 40 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas 4,956 charter schools are operating nationwide, serving more than 1,600,000 students;

Whereas, in fiscal year 2010 and the 16 previous fiscal years, Congress has provided a total of more than $2,734,370,000 in financial assistance to the charter school movement through grants for planning, startup, implementation, dissemination, and facilities;

Whereas numerous charter schools improve the achievements of students and stimulate improvement in traditional public schools;

Whereas charter schools are required to meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools;

Whereas charter schools often set higher and additional individual goals than the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools give parents the freedom to choose public schools, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and the communities served by the charter schools;

Whereas more than 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill more than 1,100 average-sized charter schools;

Whereas the President has called for doubling the Federal support for charter schools, including replicating and expanding the highest performing charter models to meet the dramatic demand created by the more than 365,000 children on charter school waiting lists; and

Whereas the 11th annual National Charter Schools Week is to be held May 2, through May 8, 2010: Now, therefore, be it

*Resolved,* That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, the impressive strides made in closing the persistent academic achievement gap in the United States, and improving and strengthening the public school system in the United States;

(2) supports the ideals and goals of the 11th annual National Charter Schools Week, a week-long celebration to be held May 2 through May 8, 2010, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3815. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3816. Mr. CHAMBLISS (for himself, Mr. SHELBY, Mr. MCCONNELL, Mr. GREGG, Mr. CRAPO, Mr. JOHANNS, Mr. COCHRAN, Mrs. HUTCHISON, Mr. CORNYN, Mr. ROBERTS, Mr. BENNETT, Mr. VITTER, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3817. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3818. Mr. MENENDEZ (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3819. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3820. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3821. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3822. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3823. Mr. LEAHY (for himself, Mr. DURBIN, Mr. ROCKEFELLER, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. SPECTER, Mr. WHITEHOUSE, Ms. CANTWELL, Mr. KAUFMAN, Mrs. GILLIBRAND, Mr. WYDEN, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. BURRIS, Mrs. MCCASKILL, Mr. FRANKEN, Mr. BENNET, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. WEBB, Mrs. BOXER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3824. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3825. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3826. Mr. SHELBY (for himself, Mr. MCCONNELL, Mr. BENNETT, Mr. CRAPO, Mr. CORKER, Mr. JOHANNS, Mrs. HUTCHISON, Mr. VITTER, Mr. BUNNING, Mr. CHAMBLISS, Mr. CORNYN, Mr. BOND, Mr. ENZI, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra.

SA 3827. Mr. SHELBY (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra.

SA 3828. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN))

to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3829. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3830. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. REID (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3831. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3832. Mr. SESSIONS (for himself, Mr. BUNNING, Mr. DEMINT, Mr. ENSIGN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3833. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3834. Mr. CORKER (for himself, Mr. GREGG, Mr. ISAKSON, and Mr. LEMIEUX) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3835. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3836. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3837. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3838. Mr. BROWN of Massachusetts (for himself, Mrs. SHAHEEN, and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3839. Mr. MCCAIN (for himself, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAPO, Mr. CORKER, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3840. Mr. CARDIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3841. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3842. Mr. NELSON, of Florida (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3843. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3844. Mr. BROWNBACK (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. SPECTER, Mr. BROWN of Ohio, Mr. JOHNSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3845. Mr. KAUFMAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3846. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3847. Mr. DODD (for Mr. LEAHY (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 3111, to establish the Commission on Freedom of Information Act Processing Delays.

SA 3848. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3849. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3850. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3851. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3852. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3853. Mr. BROWN of Ohio (for himself and Mr. KAUFMAN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3854. Mr. REED (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3855. Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3856. Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3857. Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3858. Mr. REED (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3859. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3815.** Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1533, line 5, strike ''Section'' and insert the following:

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Board of Governors shall disclose to Congress and to the public, with respect to any emergency financial assistance provided during the 5-year period preceding the date of enactment of this Act under the authority of the Board of Governors in the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343)—

''(1) the name of each financial company that received such assistance;

''(2) the value or amount and description of the emergency assistance provided, including loans to investment banks from the Federal Reserve discount lending program or special purpose entities;

''(3) the date on which the financial assistance was provided;

''(4) the terms and conditions for the emergency assistance; and

''(5) a full description of any collateral required by the Board of Governors and secured from the recipients of such emergency assistance.

''(b) PUBLIC DISCLOSURE.—Section''.

**SA 3816.** Mr. CHAMBLISS (for himself, Mr. SHELBY, Mr. MCCONNELL, Mr. GREGG, Mr. CRAPO, Mr. JOHANNS, Mr. COCHRAN, Mrs. HUTCHISON, Mr. CORNYN, Mr. ROBERTS, Mr. BENNETT, Mr. VITTER, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and

Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike title VII and insert the following:

**TITLE VII—OVER-THE-COUNTER DERIVATIVES MARKET**

**SEC. 701. SHORT TITLE; PURPOSES.**

(a) SHORT TITLE.—This title may be cited as the ''Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010''.

(b) PURPOSES.—The purposes of this title are—

(1) to improve regulators' access to information by establishing well-regulated repositories for the reporting of all swaps;

(2) to repeal the statutory provisions that prohibit regulators from overseeing the over-the-counter swaps markets;

(3) to increase the number of derivatives transactions that are centrally cleared;

(4) to ensure that corporate end users can continue to hedge their unique business risks through customized derivatives;

(5) to prevent concentration of inadequately hedged risks in individual firms or central clearinghouses; and

(6) to provide investors and other swap market participants with information about transactions and positions in order to help them mark existing swap positions to market, make informed decisions before executing future transactions, and assess the quality of transactions they have executed.

**Subtitle A—Regulatory Authority**

**SEC. 711. DEFINITIONS.**

In this subtitle, the terms ''prudential regulator'', ''swap'', ''swap participant'', ''swap data repository'', ''associated person of a swap participant'', ''eligible contract participant'', ''non-security-based swap execution facility'', ''broad-based security index'', ''non-security-based swap'', ''non-security-based swap data repository'', ''security-based swap'', and ''security-based swap data repository'' have the meanings given the terms in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

**SEC. 712. REVIEW OF REGULATORY AUTHORITY.**

(a) CONSULTATION.—

(1) RULES; ORDERS.—In developing and promulgating rules or orders pursuant to this subsection—

(A) the Commodity Futures Trading Commission shall consider the views of—

(i) the Securities and Exchange Commission; and

(ii) the prudential regulators; and

(B) the Securities and Exchange Commission shall consider the views of—

(i) the Commodity Futures Trading Commission; and

(ii) the prudential regulators.

(2) TREATMENT OF SIMILAR PRODUCTS AND ENTITIES.—

(A) IN GENERAL.—In adopting rules and orders under this subsection, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall treat functionally or economically similar products or entities described in paragraphs (1) and (2) in a similar manner.

(B) EFFECT.—Nothing in this subtitle requires the Commodity Futures Trading Commission or the Securities and Exchange Commission to adopt joint rules or orders that treat functionally or economically similar products or entities described in paragraphs (1) and (2) in an identical manner.

(b) GLOBAL RULEMAKING TIMEFRAME.—Unless otherwise provided in a particular provision of this title, or an amendment made by this title, the Commodity Futures Trading Commission or the Securities and Exchange Commission, or both, shall promulgate rules and regulations required of each Commission under this title or an amendment made by this title not later than 1 year after the date of enactment of this Act.

(c) REGULATORY AUTHORITY.—The Commodity Futures Trading Commission and the Securities and Exchange Commission shall prescribe such regulations as may be necessary to carry out the provisions of this title.

**SEC. 713. DETERMINATION OF STATUS OF NEW PRODUCTS.**

(a) IN GENERAL.—If the Securities and Exchange Commission and the Commodity Futures Trading Commission are unable to determine whether any new product is a security, future, option on a future, security-based swap, or non-security-based swap, either agency may petition the Financial Stability Oversight Council (referred to in this Act as the ''Council'') for a binding determination of the status of the new product as a security, future, option on a future, security-based swap, or non-security-based swap.

(b) DEADLINE FOR DETERMINATION.—The Council shall issue its determination within 60 days after the date of receipt of a petition described in subsection (a).

**SEC. 714. STUDY ON ENFORCEMENT CONSISTENCY.**

(a) STUDY.—The Council shall conduct a study to compare the nature and amount of penalties and other sanctions imposed for violations of this title and any regulations adopted thereunder.

(b) REPORT.—Not later than 4 years after the enactment of this Act, the Council shall submit a report to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Agriculture and the Committee on Financial Services of the House of Representatives that sets forth—

(1) the findings of the study required under subsection (a); and

(2) recommendations for statutory changes to enhance the consistency with which this Act and the regulations adopted thereunder are enforced.

**SEC. 715. JURISDICTION.**

(a) The provisions of this title shall not apply to activities outside the United States, unless those activities—

(1) have a direct and significant connection with activities in, or an effect on, United States commerce; or

(2) contravene such rules or regulations as the Securities and Exchange Commission and Commodity Futures Trading Commission may jointly, by rule or regulation, prescribe as necessary or appropriate to prevent the evasion of any provision of this Act.

(b) The Commodity Futures Trading Commission and the Securities and Exchange Commission may exempt a person from some or all requirements of this title, if they jointly determine by rule or order that the person is subject to comparable requirements as part of comprehensive supervision and regulation on a consolidated basis by an appropriate regulatory authority in a foreign jurisdiction and such regulatory authority has entered into an information sharing agreement with the Commodity Futures Trading Commission and the Securities and Exchange Commission.

**SEC. 716. INTERNATIONAL HARMONIZATION.**

(a) INTERNATIONAL STANDARDS.—The Department of the Treasury shall consult and coordinate with foreign regulatory authorities on the establishment of consistent international standards with respect to the regulation of swaps, swap market participants, swap data repositories, and central clearing entities.

(b) INTERNATIONAL INFORMATION-SHARING AGREEMENTS.—Nothing in subsection (a) shall be construed to prohibit the Commodity Futures Trading Commission and the Securities and Exchange Commission, from entering into information-sharing arrangements with foreign regulators as may be deemed to be necessary in furtherance of the purposes of this title.

**SEC. 717. CONFIDENTIALITY OF INFORMATION.**

(a) CONFIDENTIALITY OF INFORMATION PROVIDED TO MEMBERS OF CONGRESS.—The Committee on Agriculture, Nutrition, and Forestry and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Agriculture and the Committee on Financial Services of the House of Representatives shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all confidential information (including information covered by sections 1905 and 1906 of title 18, United States Code,) that is furnished to the committees and Members of Congress under this title. Such procedures shall be established in consultation with the appropriate regulatory agencies.

(b) CONFIDENTIALITY OF INFORMATION PROVIDED TO REGULATORS.—No non-public information provided to or obtained by the Commodity Futures Trading Commission, the Securities and Exchange Commission, any prudential regulator, the Financial Stability Oversight Council, or the Department of Justice under this title may be disclosed to any other person. Nothing in this section shall authorize the Commodity Futures Trading Commission, the Securities and Exchange Commission, any prudential regulator, the Financial Stability Oversight Council, or the Department of Justice to withhold information from Congress, or prevent the Commodity Futures Trading Commission, the Securities and Exchange Commission, any prudential regulator, the Financial Stability Oversight Council, or the Department of Justice from complying with a request for information from any other Federal department or agency.

**SEC. 718. COMMON FRAMEWORK FOR CLEARINGHOUSE RISK MANAGEMENT.**

(a) COMMON FRAMEWORK FOR RISK MANAGEMENT.—The Commodity Futures Trading Commission and the Securities and Exchange Commission shall consult with the Federal Reserve Board of Governors to jointly develop risk management supervision programs for derivatives clearing organizations and clearing agencies (''clearinghouses''). Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the Federal Reserve Board of Governors shall submit a joint report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Financial Services and the Committee on Agriculture of the House of Representatives recommendations for—

(1) improving consistency in the clearinghouse oversight programs of the Securities and Exchange Commission and the Commodity Futures Trading Commission;

(2) promoting robust risk management by clearinghouses;

(3) promoting robust risk management oversight by regulators of clearinghouses; and

(4) improving regulators' ability to monitor the potential effects of clearinghouse risk management on the stability of the financial system of the United States.

(b) DUALLY REGISTERED PERSONS.—

(1) IN GENERAL.—The Commodity Futures Trading Commission and the Securities and Exchange Commission shall develop and, subject to approval by the Council, implement an oversight plan with respect to each person that is subject to registration as—

(A) both a derivatives clearing organization and a clearing agency; or

(B) both a non-security-based swap data repository and security-based swap data repository.

(2) CONTENTS OF PLANS.—Each plan shall identify recordkeeping, reporting and other requirements imposed on the person by the Commodity Futures Trading Commission and the Securities and Exchange Commission that are inconsistent, an approach for eliminating inconsistencies where appropriate, and ways in which the two commissions can coordinate their inspection and examination of the person. Such plan, if appropriate, may designate one regulator as the person's primary regulator.

(3) SUBMISSION OF PLANS.—The Commissions shall submit each plan, including any recommended legislative changes to facilitate the plan, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Agriculture and the Committee on Financial Services of the House of Representatives on or before 1 year after the date on which the person becomes dually registered.

**SEC. 719. RECOMMENDATIONS FOR CHANGES TO PORTFOLIO MARGINING LAWS.**

Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the prudential regulators shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Agriculture and the Committee on Financial Services of the House of Representatives recommendations for legislative changes to the Federal laws to facilitate—

(1) the portfolio margining of securities and commodity futures and options, commodity options, swaps, and other financial instrument positions;

(2) the portability of customer swap positions and associated margin upon the insolvency of a clearing participant; and

(3) harmonization of the insolvency laws to provide for uniform treatment across similar entities, regardless of whether they are registered with or regulated by the Securities and Exchange Commission or the Commodity Futures Trading Commission.

**SEC. 720. ABUSIVE SWAPS.**

The Council may, by rule or order—

(1) collect information as may be necessary concerning the markets for any types of swaps; and

(2) issue a report with respect to any types of swaps that the Council determines to be detrimental to the financial system stability of the United States.

**Subtitle B—Regulation Non-Security-Based of Swap Markets**

**SEC. 721. DEFINITIONS.**

(a) IN GENERAL.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (2), (3) through (17), (18) through (23), (24) through (28), (29), (30), (31) through (33), and (34) as paragraphs (5), (8) through (22), (26) through (31), (34) through (38), (40), (41), (43) through (45), and (49), respectively;

(2) by inserting after paragraph (1) the following:

''(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(3) ASSOCIATED PERSON OF A SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'associated person of a swap participant' means—

''(i) any partner, officer, director, or branch manager of a swap participant (including any individual who holds a similar status or performs a similar function with respect to any partner, officer, director, or branch manager of a swap participant);

''(ii) any person that directly or indirectly controls, is controlled by, or is under common control with, a swap participant; and

''(iii) any employee of a swap participant.

''(B) EXCLUSION.—Other than for purposes of section 4s(b)(6), the term 'associated person of a swap participant' does not include any person associated with a swap participant the functions of which are solely clerical or ministerial.

''(4) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.'';

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

''(6) BROAD-BASED SECURITY INDEX.—The term 'broad-based security index' means an index that—

''(A) is not a narrow-based security index, as defined in this section; or

''(B) the Commission and the Securities and Exchange Commission have jointly determined should not be treated as a narrow-based security index.

''(7) CLEARED SWAP.—The term 'cleared swap' means any swap that is, directly or indirectly, submitted to and cleared by a derivatives clearing organization registered with the Commission or a clearing agency regulated with the Securities and Exchange Commission.'';

(4) in paragraph (10) (as redesignated by paragraph (1)), by inserting ''security futures product, or non-security-based swap'' after ''facility,'';

(5) in paragraph (11)(A)(i)(I) (as redesignated by paragraph (1)), by striking ''made or to be made on or subject to the rules of a contract market or derivatives transaction execution facility'' and inserting '', security futures product, or non-security-based swap'';

(6) in paragraph (16) (as redesignated by paragraph (1)) in subparagraph (A), in the matter preceding clause (i), by striking ''paragraph (12)(A)'' and inserting ''paragraph (17)(A)'';

(7) in paragraph (17) (as redesignated by paragraph (1))—

(A) in subparagraph (A)—

(i) in the matter following clause (vii)(III)—

(I) by striking ''section 1a (11)(A)'' and inserting ''paragraph (16)(A)''; and

(II) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(ii) in clause (xi), in the matter preceding subclause (I), by striking ''total assets in an amount'' and inserting ''amounts invested on a discretionary basis, the aggregate of which is'';

(8) in paragraph (21) (as redesignated by paragraph (1)), by inserting ''security futures product, or non-security-based swap'' after ''of any contract market or derivatives transaction execution facility'';

(9) in paragraph (22) (as redesignated by paragraph (1)), by inserting '', security futures product, or non-security-based swap'' after ''of any contract market or derivatives transaction execution facility'';

(10) by inserting after paragraph (22) (as redesignated by paragraph (1)) the following:

''(23) FOREIGN EXCHANGE FORWARD.—The term 'foreign exchange forward' means a transaction that—

''(A) occurs at a later time on the trade date or on a specific future date; and

''(B) solely involves—

''(i) the exchange of 2 different currencies at a fixed rate agreed to at the inception of the contract; or

''(ii) 1 or more payments determined by reference to the rate of exchange of 2 different currencies, or the movement thereof in accordance with a method agreed to at the inception of a contract.

''(24) FOREIGN EXCHANGE SWAP.—The term 'foreign exchange swap' means a transaction that does not involve any payment or delivery based on the level of interest rates, the price of any commodity other than a currency, or the price of, or default under, any debt or equity security or loan and solely involves—

''(A) the exchange of 2 different currencies at a fixed rate agreed to at the inception of the contract that occurs at a later time on the trade date or on a specific future date and a reverse exchange of the same currencies at a date further in the future; or

''(B) 1 or more payments determined by reference to the rate of exchange of 2 different currencies, or the movement thereof in accordance with a method agreed to at the inception of the contract, at a later time on the trade date or on a specific future date and a payment at a date further in the future that is determined by reference to the rate of exchange of the same currencies or the movement thereof in accordance with a method agreed to at the inception of the contract.

''(25) FOREIGN EXCHANGE OPTION.—The term 'foreign exchange option' means a transaction, including a put or a call, that solely entitles the buyer, upon exercise, on a specified date or upon a specified event—

''(A) to purchase from the seller a specified quantity or 1 or more currencies and to sell to the seller a specified quantity of 1 or more currencies; or

''(B) to require the seller to make a payment determined by reference to the exchange rate of such currencies or the movement thereof in accordance with a method agreed to at the inception of the contract.'';

(11) in paragraph (28) (as redesignated by paragraph (1))—

(A) in subparagraph (A)—

(i) by inserting '', security futures product, or non-security-based swap'' after ''facility''; and

(ii) by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) EXCLUSION.—The term 'futures commission merchant' does not include a person who acts only as a counterparty for non-security-based swaps with eligible contract participants and who does not otherwise engage in the activities of a futures commission merchant.'';

(12) in paragraph (30) (as redesignated by paragraph (1)), in subparagraph (B), by striking ''state'' and inserting ''State'';

(13) in paragraph (31) (as redesignated by paragraph (1)), by inserting ''security futures product, or non-security-based swap,'' after ''facility'';

(14) by inserting after paragraph (31) (as redesignated by paragraph (1)) the following:

''(32) SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'swap participant' means any person who—

''(i) is engaged in the business of purchasing or selling swaps for such person's own account or for others;

''(ii) is making a market in swaps; or

''(iii) engages in transactions in swaps and is not a swap end user.

''(B) EXCEPTIONS.—A person shall not be deemed to be a swap participant pursuant to subparagraph (A)—

''(i) solely because that person buys or sells swaps for such person's own account or the account of any person under common control with such person, either individually or in a fiduciary capacity, but not as a part of a regular business; or

''(ii) if that person engages in a de minimis quantity of activities described in subparagraph (A) in connection with transactions with or on behalf of customers.

''(33) SWAP END USER.—

''(A) IN GENERAL.—The term 'swap end user' means any person the gross aggregate notional value of whose outstanding swaps that do not qualify as bona fide hedging swap transactions—

''(i) is 5 percent or less of the gross aggregate notional value of the person's outstanding swaps; or

''(ii) is 7 percent or less of the gross aggregate notional value of the person's outstanding swaps and security-based swaps, provided that the aggregate notional value of the person's outstanding swaps and security-based swaps that do not qualify as bona fide hedging transactions and were executed in connection with the person's commercial transactions is 2 percent or more of the gross aggregate notional value of the person's outstanding swaps.

''(B) ENUMERATED SWAP END USERS.—The term 'swap end user' shall include—

''(i) an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.); and

''(ii) an employee benefit plan as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)) that is subject to title I of that Act (29 U.S.C. 1001 et seq.).

''(C) ENUMERATED EXCEPTIONS.—The term 'swap end user' shall not include—

''(i) entities defined in section 1303(20) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502(20)); or

''(ii) an investment fund that would be an investment company (as defined in section 3 of the Investment Company Act o f 1940 (15 U.S.C. 80a–3)) but for paragraph (1) or (7) of section 3(c) of that Act (15 U.S.C. 80a–3(c)), and is not a partnership or other entity or any subsidiary that is primarily invested in physical assets (which shall include but not be limited to commercial real estate) directly or through interests in partnerships or limited liability companies that own such assets.

''(D) AVAILABILITY OF INFORMATION.—Upon written request from the Commission, the Securities and Exchange Commission, or the Financial Stability Oversight Council, a swap end user must provide information regarding the swaps that it holds. This information may not be disclosed to any other person. Nothing in this subsection shall authorize the Commission, the Securities and Exchange Commission, or the Financial Stability Oversight Council to withhold information from Congress, or prevent the Commission, the Securities and Exchange Commission, or the Financial Stability Oversight Council from complying with a request for information from any other Federal department or agency or foreign government with which the Commission, the Securities and Exchange Commission, or the Financial Stability Oversight Council has an information sharing arrangement that requests the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission.

''(33A) BONA FIDE HEDGING SWAP TRANSACTION.—

''(A) IN GENERAL.—The term 'bona fide hedging swap transaction' means a purchase or sale by any person of a bona fide swap that is economically appropriate to the reduction or offsetting of risks arising from—

''(i) the potential change in the value of assets which such person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(ii) the potential change in the cost or value of liabilities which such person owns or anticipates incurring; or

''(iii) the potential change in the cost or value of goods or services which such person provides, purchases, or anticipates providing or purchasing.

''(B) PREVENTION OF EVASION.—A swap transaction that is undertaken solely for the purpose of avoiding registration as a swap participant shall not constitute a bona fide hedging swap transaction.'';

(15) by inserting after paragraph (38) (as redesignated by paragraph (1)) the following:

''(39) PRUDENTIAL REGULATOR.—The term 'prudential regulator' means—

''(A) the Office of the Comptroller of the Currency, in the case of—

''(i) any national banking association;

''(ii) any Federal branch or agency of a foreign bank; or

''(iii) any Federal savings association;

''(B) the Federal Deposit Insurance Corporation, in the case of—

''(i) any insured State bank;

''(ii) any foreign bank having an insured branch; or

''(iii) any State savings association;

''(C) the Board of Governors of the Federal Reserve System, in the case of—

''(i) any noninsured State member bank;

''(ii) any branch or agency of a foreign bank with respect to any provision of the Federal Reserve Act (12 U.S.C. 221 et seq.) which is made applicable under the International Banking Act of 1978 (12 U.S.C. 3101 et seq.);

''(iii) any foreign bank which does not operate an insured branch;

''(iv) any agency or commercial lending company other than a Federal agency; or

''(v) supervisory or regulatory proceedings arising from the authority given to the Board of Governors under section 7(c)(1) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(1)), including such proceedings under the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1464 et seq.);

''(D) the Federal Housing Finance Agency, in the case of a swap participant that is a regulated entity (as defined in section 1303(20) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502(20))); and

''(E) the Farm Credit Administration, in the case of a swap participant that is an institution chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).'';

(16) in paragraph (40) (as redesignated by paragraph (1))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (F), respectively;

(C) in subparagraph (C) (as so redesignated), by striking ''and'';

(D) by inserting after subparagraph (C) (as so redesignated) the following:

''(D) a non-security-based swap execution facility registered under section 5h;

''(E) a non-security-based swap data repository; and'';

(17) by inserting after paragraph (41) (as redesignated by paragraph (1)) the following:

''(42) SECURITY-BASED SWAP.—The term 'security-based swap' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(42A) NON-SECURITY-BASED SWAP.—The term 'non-security-based swap' means any swap that is not a security-based swap.'';

(18) in paragraph (45) (as redesignated by paragraph (1)), by striking ''subject to section 2(h)(7)'' and inserting ''subject to section 2(h)(5)'';

(19) by inserting after paragraph (45) (as redesignated by paragraph (1)) the following:

''(46) SWAP.—

''(A) IN GENERAL.—The term 'swap' means any agreement, contract, or transaction that—

''(i) is a put, call, cap, floor, collar, or similar option of any kind that is for the purchase or sale, or based on the value, of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind;

''(ii) provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

''(iii) provides on an executory basis for the exchange, on a fixed or contingent basis, of 1 or more payments based on the value or level of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any agreement, contract, or transaction commonly known as—

''(I) an interest rate swap;

''(II) a rate floor;

''(III) a rate cap;

''(IV) a rate collar;

''(V) a cross-currency rate swap;

''(VI) a basis swap;

''(VII) a currency swap;

''(VIII) a foreign exchange swap;

''(IX) a total return swap;

''(X) a broad-based security index swap;

''(XI) an equity index swap;

''(XII) an equity swap;

''(XIII) a debt index swap;

''(XIV) a debt swap;

''(XV) a credit spread;

''(XVI) a credit default swap;

''(XVII) a credit swap;

''(XVIII) a weather swap;

''(XIX) an energy swap;

''(XX) a metal swap;

''(XXI) an agricultural swap;

''(XXII) an emissions swap; and

''(XXIII) a commodity swap;

''(iv) provides for the purchase or sale, on a fixed, contingent, or variable basis, of any commodity, currency, instrument, interest, right, service, good, article, or property of any kind;

''(v) is an agreement, contract, or transaction that is, or in the future becomes, commonly known to the trade as a swap; or

''(vi) is any combination or permutation of, or option on, any agreement, contract, or transaction described in clauses (i) through (v).

''(B) EXCLUSIONS.—The term 'swap' does not include—

''(i) any contract of sale of a commodity for future delivery traded on or subject to the rules of any board of trade designated as a contract market under section 5 or 5f;

''(ii) any purchase or sale of a nonfinancial commodity for deferred or delayed shipment or delivery, so long as the transaction provides for physical delivery and is undertaken as part of, or in contemplation of, commercial or merchandising activities;

''(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based, in whole or in part, on the value thereof, whether physically or cash settled, unless such agreement, contract, or transaction predicates such purchase or sale (or a net cash payment in lieu thereof) on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of 1 or more reference entities;

''(iv) any agreement, contract, or transaction that is executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a));

''(v) any purchase or sale of 1 or more securities on a non-contingent basis for deferred or delayed delivery;

''(vi) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities (or a net cash payment in lieu thereof) on a contingent basis, unless such agreement, contract, or transaction predicates such purchase or sale (or a net cash payment in lieu thereof) on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of 1 or more reference entities;

''(vii) any agreement, contract, or transaction for the purchase or sale, on an immediate settlement basis within the relevant regular way settlement cycle, of any currency, commodity, security, instrument of indebtedness, financial instrument, or property of any kind, or any interest therein;

''(viii) any note, bond, or evidence of indebtedness that is a security as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) or paragraph (10) of this subsection, or that would be a 'swap' pursuant to section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) solely as a result of bearing a variable rate of return;

''(ix) any agreement, contract, or transaction that is—

''(I) based on, or references, a security; and

''(II) entered into directly or through an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933) (15 U.S.C. 77b(a)(11)) by the issuer of such security;

''(x) any security futures product;

''(xi) any agreement, contract, or transaction that is—

''(I) predominantly a banking product as provided in section 405 of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–455);

''(II) not marketed or sold as an alternative to a swap; and

''(III) issued or sold by a bank as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a));

''(xii) any hybrid instrument that is predominantly a security as provided in section 2(f) as in effect on the day before the date of enactment of this paragraph;

''(xiii)(I) any identified banking product specified in paragraphs (1) through (5) of section 206(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 78c(a)), that is—

''(aa) not marketed or sold as an alternative to a swap, and

''(bb) issued or sold by a bank, as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or

''(II) any agreement, contract, or transaction executed in conjunction with an identified banking product described in subclause (I), between a bank and a borrower that is not an eligible contract participant to convert the variable rate interest cost of debt to a fixed rate interest cost or vice versa, or to limit the maximum interest cost of such debt;

''(xiv) any mortgage or mortgage purchase commitment, or any sale of installment loan contracts or receivables, if such product or instrument is not marketed or sold as an alternative to a swap;

''(xv) any contract, agreement or transaction that provides a crediting interest rate and guaranty or financial assurance of liquidity at contract or book value prior to maturity offered by a bank or insurance company for the benefit of any individual or commingled fund available as an investment in a defined contribution plan (as defined in section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)) or a qualified tuition program (as defined in section 529 of the Internal Revenue Code of 1986 (26 U.S.C. 529));

''(xvi) any agreement, contract, or transaction a counterparty of which is a Federal Reserve bank, the United States government, a foreign central bank, or a foreign government;

''(xvii) any agreement, contract, or transaction for the performance of services;

''(xviii) any agreement, contract, or transaction that is commercial in nature or employment-related, that is not marketed as a swap, and that would otherwise be a 'swap' pursuant to subparagraph (A) solely as a result of an incidental price, compensation, or rate escalation clause;

''(xix) any agreement, contract, or transaction—

''(I) under which a payment or performance is dependent on the occurrence, non-occurrence, or the extent of the occurrence of a contingency beyond the direct control of the parties to the agreement, contract, or transaction and which conditions such payment or performance obligation on the incurrence of a loss arising from such contingency; and

''(II) that is an insurance or endowment policy or annuity contract or optional annuity contract issued by a corporation that is subject to the supervision of the insurance commissioner, bank commissioner, or any agency or officer performing like functions, of any State or territory of the United States or the District of Columbia, unless such agreement, contract, or transaction predicates such purchase or sale (or a net cash payment in lieu thereof) on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of one or more reference entities;

''(xx) any agreement, contract, or transaction that the Commission, jointly with the Securities and Exchange Commission, determines, by rule or order and consistent with the purposes of the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010, should be excluded from the definition of swap.

''(47) NON-SECURITY-BASED SWAP DATA REPOSITORY.—The term 'non-security-based swap data repository' means any person that collects, calculates, prepares, or maintains information or records with respect to transactions or positions in, or the terms and conditions of, non-security-based swaps entered into by third parties.

''(48) NON-SECURITY-BASED SWAP EXECUTION FACILITY.—The term 'non-security-based swap execution facility' means a facility in which multiple participants have the ability to execute or trade non-security-based swaps by accepting bids and offers made by other participants that are open to multiple participants in the facility or system, or confirmation facility, that—

''(A) facilitates the execution of non-security-based swaps between persons; and

''(B) is not a designated contract market.''; and

(20) in paragraph (49) (as redesignated by paragraph (1)), in subparagraph (A)(i), by striking ''partipants'' and inserting ''participants''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)) is amended—

(A) an item (cc)—

(i) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(ii) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in item (dd), by striking ''section 1a(12)(A)(ii)'' and inserting ''section 1a(17)(A)(ii)''.

(2) Section 4m(3) of the Commodity Exchange Act (7 U.S.C. 6m(3)) is amended by striking ''section 1a(6)'' and inserting ''section 1a''.

(3) Section 4q(a)(1) of the Commodity Exchange Act (7 U.S.C. 6o–1(a)(1)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(4) Section 5(e)(1) of the Commodity Exchange Act (7 U.S.C. 7(e)(1)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(5) Section 5a(b)(2)(F) of the Commodity Exchange Act (7 U.S.C. 7a(b)(2)(F)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(6) Section 5b(a) of the Commodity Exchange Act (7 U.S.C. 7a–1(a)) is amended, in

the matter preceding paragraph (1), by striking ''section 1a(9)'' and inserting ''section 1a''.

(7) Section 5c(c)(2)(B) of the Commodity Exchange Act (7 U.S.C. 7a–2(c)(2)(B)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(8) Section 6(g)(5)(B)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(g)(5)(B)(i)) is amended—

(A) in subclause (I), by striking ''section 1a(12)(B)(ii)'' and inserting ''section 1a(17)(B)(ii)''; and

(B) in subclause (II), by striking ''section 1a(12)'' and inserting ''section 1a(17)''.

(9) The Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27 et seq.) is amended—

(A) in section 402—

(i) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a'';

(ii) in subsection (b)(2), by striking ''section 1a(12)'' and inserting ''section 1a'';

(iii) in subsection (c), by striking ''section 1a(4)'' and inserting ''section 1a''; and

(iv) in subsection (d)—

(I) in the matter preceding paragraph (1), by striking ''section 1a(4)'' and inserting ''section 1a(9)'';

(II) in paragraph (1)—

(aa) in subparagraph (A), by striking ''section 1a(12)'' and inserting ''section 1a''; and

(bb) in subparagraph (B), by striking ''section 1a(33)'' and inserting ''section 1a'';

(III) in paragraph (2)—

(aa) in subparagraph (A), by striking ''section 1a(10)'' and inserting ''section 1a'';

(bb) in subparagraph (B), by striking ''section 1a(12)(B)(ii)'' and inserting ''section 1a(18)(B)(ii)'';

(cc) in subparagraph (C), by striking ''section 1a(12)'' and inserting ''section 1a(17)''; and

(dd) in subparagraph (D), by striking ''section 1a(13)'' and inserting ''section 1a''; and

(B) in section 404(1) by striking ''section 1a(4)'' and inserting ''section 1a''.

(c) LEGAL CERTAINTY FOR CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—

(1) PETITION.—Not later than 60 days after the date of enactment of this Act, a person may submit to the Commodity Futures Trading Commission a petition to remain subject to section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) (as in effect on the day before the date of enactment of this Act).

(2) TEMPORARY ALLOWANCE TO OPERATE UNDER SECTION 2(h).—The Commodity Futures Trading Commission—

(A) shall consider any petition submitted under subsection (a) in a prompt manner; and

(B) may allow a person to continue operating subject to section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) (as in effect on the day before the date of enactment of this Act) for not longer than a 1-year period.

(d) AGRICULTURAL SWAPS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no person shall offer to enter into, or confirm the execution of, any swap in an agricultural commodity (as defined by the Commodity Futures Trading Commission).

(2) EXCEPTION.—Notwithstanding paragraph (1), a person may offer to enter into, enter into, or confirm the execution of, any swap in an agricultural commodity pursuant to section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)) or any rule, regulation, or order issued thereunder (including any rule, regulation, or order in effect as of the date of enactment of this Act) by the Commodity Futures Trading Commission to allow swaps under such terms and conditions as the Commission shall prescribe.

**SEC. 722. JURISDICTION.**

(a) EXCLUSIVE JURISDICTION.—Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)) is amended in the first sentence—

(1) by inserting ''the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010 (including an amendment made by that Act) and'' after ''otherwise provided in'';

(2) by striking ''(c) through (i) of this section'' and inserting ''(c) and (f)'';

(3) by striking ''contracts of sale'' and inserting ''non-security-based swaps or contracts of sale''; and

(4) by striking ''or derivatives transaction execution facility registered pursuant to section 5 or 5a'' and inserting ''pursuant to section 5''.

(b) REGULATION OF SWAPS UNDER FEDERAL AND STATE LAW.—Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by adding at the end the following:

''(h) REGULATION OF SWAPS AS INSURANCE UNDER STATE LAW.—A swap—

''(1) shall not be considered to be insurance; and

''(2) may not be regulated as an insurance contract under the law of any State.''.

(c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—Section 2(c)(2)(A) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(A)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) a non-security-based swap; or''.

(d) APPLICABILITY.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by section 723(a)(3)) is amended by adding at the end the following:

''(i) APPLICABILITY.—The swap-related provisions of this Act that were enacted by the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010 (including any rule prescribed or regulation promulgated under that Act), shall not apply to activities outside the United States unless those activities—

''(1) have a direct and significant connection with activities in, or effect on, commerce of the United States; or

''(2) contravene such rules or regulations as the Commission may prescribe or promulgate as are necessary or appropriate to prevent the evasion of any provision of this Act that was enacted by the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010.''.

**SEC. 723. CLEARING.**

(a) CLEARING REQUIREMENT.—

(1) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(A) by striking subsections (d), (e), (g), and (h); and

(B) by redesignating subsection (i) as subsection (g).

(2) SWAPS; LIMITATION ON PARTICIPATION.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by paragraph (1)) is amended by inserting after subsection (c) the following:

''(d) SWAPS.—Nothing in this Act (other than subparagraphs (A) and (B) of subsection (a)(1), subsections (f) and (g), sections 1a, 2(e), 2(h), 4(c), 4a, 4b, and 4b-1, subsections (a), (b), and (g) of section 4c, sections 4d, 4e, 4f, 4g, 4h, 4i, 4j, 4k, 4l, 4m, 4n, 4o, 4p, 4r, 4s, 4t, 5, 5b, 5c, 5e, and 5h, subsections (c) and (d) of section 6, sections 6c, 6d, 8, 8a, and 9, subsections (e)(2) and (f) of section 12, subsections (a) and (b) of section 13, sections 17, 20, 21, and 22(a)(4), and any other provision of this Act that is applicable to registered entities and Commission registrants) governs or applies to a swap.

''(e) LIMITATION ON PARTICIPATION.—It shall be unlawful for any person, other than an eligible contract participant, to enter into a non-security-based swap unless the non-security-based swap is entered into on, or subject to the rules of, a board of trade designated as a contract market under section 5.''.

(3) MANDATORY CLEARING OF NON-SECURITY-BASED SWAPS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by inserting after subsection (g) (as redesignated by paragraph (1)(B)) the following:

''(h) CLEARING REQUIREMENT.—

''(1) SWAPS SUBJECT TO MANDATORY CLEARING REQUIREMENT.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall, jointly with the Securities and Exchange Commission and the Federal Reserve Board of Governors, adopt rules to establish criteria for determining that a swap or any group, category, type, or class of swap is required to be cleared.

''(B) FACTORS.—In carrying out subparagraph (A), the following factors shall be considered:

''(i) Whether 1 or more derivatives clearing organizations or clearing agencies accepts the swap or group, category, type, or class of swap for clearing.

''(ii) Whether the swap or group, category, type, or class of swap is traded pursuant to standard documentation and terms.

''(iii) The liquidity of the swap or group, category, type, or class of swap and its underlying commodity, security, security of a reference entity, or group or index thereof.

''(iv) The ability to value the swap group, category, type, or class of swap and its underlying commodity, security, security of a reference entity, or group or index thereof consistent with an accepted pricing methodology, including the availability of intraday prices.

''(v) The size of the market for the swap or group, category, type, or class of swap and the available capacity, operational expertise, and resources of the derivatives clearing organization or clearing agency that accepts it for clearing.

''(vi) Whether a clearing mandate would mitigate risk to the financial system or whether it would unduly concentrate risk in a clearing participant, derivatives clearing organization, or clearing agency in a manner that could threaten the solvency of that clearing participant, the derivatives clearing organization, or the clearing agency.

''(vii) Such other factors as the Commission, the Securities and Exchange Commission, and the Federal Reserve Board of Governors jointly may determine are relevant.

''(C) NON-SECURITY-BASED SWAPS SUBJECT TO CLEARING REQUIREMENT.—The Commission—

''(i) shall review each non-security-based swap, or any group, category, type, or class of non-security-based swap that is currently listed for clearing and those which a derivatives clearing organization notifies the Commission that the derivatives clearing organization plans to list for clearing after the date of enactment of this subsection;

''(ii) may require, pursuant to the rules adopted under clause (i) and through notice-

and-comment rulemaking, that a particular non-security-based swap, group, category, type, or class of non-security-based swap must be cleared if—

''(I) both counterparties are swap participants;

''(II) the transaction was entered into after the later of the date of publication of the rules adopted under subparagraph (A) in the Federal Register or the effective date of the requirement; and

''(III) one counterparty directly or indirectly controls, is controlled by, or is under common control with the other counterparty, provided, however, that the Commission, jointly with the Financial Stability Oversight Council, may determine, by rule or order, that transactions between certain parties under common control are subject to any requirement to clear under clause (ii); and

''(iii) shall rely on economic analysis provided by economists of the Commission in making any determination under clause (ii), which economic analysis may refer to any peer-reviewed or other relevant literature conducted by independent researchers.

''(D) EFFECT.—

''(i) IN GENERAL.—Nothing in this paragraph affects the ability of a derivatives clearing organization to list for permissive clearing any swap, or group, category, type, or class of swap.

''(ii) PROHIBITION.—The Commission shall not compel a derivatives clearing organization to list a swap, group, category, type, or class of swap for clearing if the derivatives clearing organization determines that the swap, group, category, type, or class of swap would adversely impact its business operations, impair the financial integrity of the derivatives clearing organization, or pose a threat to the financial stability of the United States.

''(E) PREVENTION OF EVASION.—The Commission may prescribe rules, or issue interpretations of such rules, as necessary to prevent evasions of any requirement to clear under subparagraph (C). In issuing such rules or interpretations, the Commission shall consider—

''(i) the extent to which the terms of the non-security-based swap, group, category, type, or class of non-security-based swap are similar to the terms of other non-security-based swaps, groups, categories, types, or classes of non-security-based swap that are required to be cleared by swap participants under subparagraph (C); and

''(ii) whether there is an economic purpose for any differences in the terms of the non-security-based swap or group, category, type, or class of non-security-based swap that are required to be cleared by swap participants under subparagraph (C).

''(F) ELIMINATION OF REQUIREMENT TO CLEAR.—The Commission may, pursuant to the rules adopted under subparagraph (A) and through notice-and-comment rulemaking, rescind a requirement imposed under subparagraph (C) with respect to a non-security-based swap, group, category, type, or class of non-security-based swap.

''(G) PETITION FOR RULEMAKING.—Any person may file a petition, pursuant to the rules of practice of the Commission, requesting that the Commission use its authority under subparagraph (C) to require swap participants to clear a particular non-security-based swap, group, category, type, or class of non-security-based swap or to use its authority under subparagraph (F) to rescind a requirement for non-security-based swap participants to clear a particular non-security-based swap, group, category, type, or class of non-security-based swap.

''(H) OPTION TO CLEAR FOR COUNTERPARTIES THAT ARE NOT SWAP PARTICIPANTS.—Before entering into a non-security-based swap transaction, any counterparty that is not a swap participant may elect to clear a non-security-based swap that is subject to a clearing requirement under subparagraph (C). If such counterparty elects to clear, it shall have the sole right to select the derivatives clearing organization or clearing agency at which the non-security-based swap will be cleared.

''(I) FOREIGN EXCHANGE FORWARDS, SWAPS, AND OPTIONS.—Foreign exchange forwards, swaps, and options shall not be subject to a clearing requirement under subparagraph (C) unless the Department of the Treasury and the Board of Governors determine that such a requirement is appropriate after taking into consideration whether there exists an effective settlement system for such foreign exchange forwards, swaps, and options and any other factors that the Department of the Treasury and the Board of Governors deem to be relevant.''.

**SEC. 724. SWAPS; SEGREGATION AND BANKRUPTCY TREATMENT.**

(a) SEGREGATION REQUIREMENTS FOR CLEARED SWAPS.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended by adding at the end the following:

''(f) SWAPS.—

''(1) CLEARED SWAPS.—

''(A) SEGREGATION REQUIRED.—A futures commission merchant or a swap participant shall treat and deal with all money, securities, and property of any swap customer received to margin, guarantee, or secure a swap cleared by or through a derivatives clearing organization (including money, securities, or property accruing to the swap customer as the result of such a swap) as belonging to the swap customer.

''(B) COMMINGLING PROHIBITED.—Money, securities, and property of a swap customer described in subparagraph (A) shall be separately accounted for and shall not be commingled with the funds of the futures commission merchant or the swap participant or be used to margin, secure, or guarantee any trades or contracts of any swap customer or person other than the person for whom the same are held.

''(2) EXCEPTIONS.—

''(A) USE OF FUNDS.—

''(i) IN GENERAL.—Notwithstanding paragraph (1), money, securities, and property of a swap customer of a futures commission merchant or a swap participant described in paragraph (1) may, for convenience, be commingled and deposited in the same 1 or more accounts with any bank or trust company or with a derivatives clearing organization.

''(ii) WITHDRAWAL.—Notwithstanding paragraph (1), such share of the money, securities, and property described in clause (i) as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle a cleared swap with a derivatives clearing organization, or with any member of the derivatives clearing organization, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other charges, lawfully accruing in connection with the cleared swap.

''(B) COMMISSION ACTION.—Notwithstanding paragraph (1), in accordance with such terms and conditions as the Commission may prescribe by rule, regulation, or order, any money, securities, or property of the swap customer of a futures commission merchant or a swap participant described in paragraph (1) may be commingled and deposited as provided in this section with any other money, securities, or property received by the futures commission merchant or swap participant and required by the Commission to be separately accounted for and treated and dealt with as belonging to the swap customer of the futures commission merchant.

''(3) PERMITTED INVESTMENTS.—Money described in paragraph (1) may be invested in obligations of the United States or in any other investment that has minimal credit, market, and liquidity risks that the Commission may by rule or regulation prescribe, and such investments shall be made in accordance with such rules and regulations and subject to such conditions as the Commission may prescribe.

''(4) COMMODITY CONTRACT.—A non-security-based swap cleared by or through a derivatives clearing organization shall be considered to be a commodity contract as such term is defined in section 761 of title 11, United States Code, with regard to all money, securities, and property of any swap customer received by a futures commission merchant, a swap participant, or a derivatives clearing organization to margin, guarantee, or secure the non-security-based swap (including money, securities, or property accruing to the customer as the result of the swap).

''(5) PROHIBITION.—It shall be unlawful for any person, including any derivatives clearing organization and any depository, that has received any money, securities, or property for deposit in a separate account or accounts as provided in paragraph (1) to hold, dispose of, or use any such money, securities, or property as belonging to the depositing futures commission merchant, a swap participant or any person other than the swap customer of the futures commission merchant or swap participant.''.

(b) BANKRUPTCY TREATMENT OF CLEARED NON-SECURITY-BASED SWAPS.—Section 761 of title 11, United States Code, is amended—

(1) in paragraph (4), by striking subparagraph (F) and inserting the following:

''(F)(i) any other contract, option, agreement, or transaction that is similar to a contract, option, agreement, or transaction referred to in this paragraph; and

''(ii) with respect to a futures commission merchant, a swap participant, or a clearing organization, any other contract, option, agreement, or transaction, in each case, that is cleared by a clearing organization''; and

(2) in paragraph (9)(A)(i), by striking ''the commodity futures account'' and inserting ''a commodity contract account''.

(c) SEGREGATION REQUIREMENTS FOR UNCLEARED NON-SECURITY-BASED SWAPS.—Section 4s of the Commodity Exchange Act (as added by section 729) is amended by adding at the end the following:

''(l) SEGREGATION REQUIREMENTS FOR INITIAL MARGIN.—

''(1) SEGREGATION OF INITIAL MARGIN.—

''(A) NOTIFICATION OF RIGHT TO SEGREGATE.—A swap participant shall notify its counterparty before entering into a non-security-based swap transaction of the counterparty's right to require segregation of the funds or other property supplied as initial margin for the purpose of margining, guaranteeing, or securing the obligations of the counterparty.

''(B) SEGREGATION AND MAINTENANCE OF FUNDS.—At the request, made before entering into a non-security-based swap transaction, of a counterparty that provides funds or other property as initial margin to a swap

participant for the purpose of margining, guaranteeing, or securing the obligations of the counterparty, the swap participant shall—

''(i) segregate the funds or other property for the benefit of the counterparty; and

''(ii) in accordance with such rules and regulations as the Commission may promulgate jointly with the Securities and Exchange Commission, maintain the funds or other property in a segregated account separate from the assets and other interests of the swap participant.

''(C) NOTIFICATION OF EXCESS VARIATION MARGIN.—Pursuant to rules or regulations adopted by the Commission, a swap participant who received funds or other property shall notify any counterparty who provided such funds or other property if the swap participant is holding excess net variation margin from that counterparty.

''(2) APPLICABILITY.—The requirements described in paragraph (1) shall—

''(A) apply only to a non-security-based swap between a counterparty and a swap participant that is not submitted for clearing to a derivatives clearing organization; and

''(B)(i) not apply to variation margin payments; and

''(ii) not preclude any commercial arrangement regarding—

''(I) the investment of segregated funds or other property that may only be invested in such investments as the Commission may permit by rule or regulation; and

''(II) the related allocation of gains and losses resulting from any investment of the segregated funds or other property.

''(3) USE OF INDEPENDENT THIRD-PARTY CUSTODIANS.—The segregated account described in paragraph (1), if requested by the counterparty, may be—

''(A) carried by an independent third-party custodian; and

''(B) designated as a segregated account for and on behalf of the counterparty.

''(4) REPORTING REQUIREMENT.—If the counterparty does not choose to require segregation of the funds or other property supplied as initial margin for the purpose of margining, guaranteeing, or securing the obligations of the counterparty, the swap participant shall report to the counterparty of the swap participant on a quarterly basis that the back office procedures of the swap participant relating to initial margin and collateral requirements are in compliance with the agreement of the counterparties.''.

**SEC. 725. DERIVATIVES CLEARING ORGANIZATIONS.**

(a) REGISTRATION REQUIREMENT.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended by striking subsections (a) and (b) and inserting the following:

''(a) REGISTRATION REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for a derivatives clearing organization, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization with respect to—

''(A) a contract of sale of a commodity for future delivery (or an option on the contract of sale) or option on a commodity, in each case, unless the contract or option is—

''(i) excluded from this Act by subsection (a)(1)(C)(i), (c), or (f) of section 2; or

''(ii) a security futures product cleared by a clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); or

''(B) a non-security-based swap.

''(2) EXCEPTION.—Paragraph (1) shall not apply to a derivatives clearing organization that is registered with the Commission.

''(b) VOLUNTARY REGISTRATION.—A person that clears 1 or more agreements, contracts, or transactions that are not required to be cleared under this Act may register with the Commission as a derivatives clearing organization.''.

(b) REGISTRATION FOR BANKS AND CLEARING AGENCIES; EXEMPTIONS; ANNUAL REPORTS.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended by adding at the end the following:

''(g) REQUIRED REGISTRATION FOR BANKS AND CLEARING AGENCIES.—A person that is required to be registered as a derivatives clearing organization under this section shall register with the Commission regardless of whether the person is also licensed as a bank or a clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

''(h) EXISTING BANKS AND CLEARING AGENCIES.—

''(1) IN GENERAL.—A bank or clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) that is required to be registered as a derivatives clearing organization under this section is deemed to be registered under this section to the extent that, before date of enactment of this subsection—

''(A) the bank cleared swaps as a multilateral clearing organization; or

''(B) the clearing agency cleared swaps.

''(2) CONVERSION OF BANK.—A bank to which this paragraph applies may, by the vote of the shareholders owning not less than 51 percent of the voting interests of the bank, be converted into a State corporation, partnership, limited liability company, or similar legal form pursuant to a plan of conversion, if the conversion is not in contravention of applicable State law.''.

(c) CORE PRINCIPLES FOR DERIVATIVES CLEARING ORGANIZATIONS.—Section 5b(c) of the Commodity Exchange Act (7 U.S.C. 7a–1(c)) is amended by striking paragraph (2) and inserting the following:

''(2) CORE PRINCIPLES FOR DERIVATIVES CLEARING ORGANIZATIONS.—

''(A) COMPLIANCE.—

''(i) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, a derivatives clearing organization shall comply with each core principle described in this paragraph and any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(ii) DISCRETION OF DERIVATIVES CLEARING ORGANIZATION.—Subject to any rule or regulation prescribed by the Commission, a derivatives clearing organization shall have reasonable discretion in establishing the manner by which the derivatives clearing organization complies with each core principle described in this paragraph.

''(B) FINANCIAL RESOURCES.—

''(i) IN GENERAL.—Each derivatives clearing organization shall have adequate financial, operational, and managerial resources, as determined by the Commission, to discharge each responsibility of the derivatives clearing organization.

''(ii) MINIMUM AMOUNT OF FINANCIAL RESOURCES.—Each derivatives clearing organization shall possess financial resources that, at a minimum, exceed the total amount that would—

''(I) enable the derivatives clearing organization to meet each financial obligation of the derivatives clearing organization to each member and participant of the derivatives clearing organization; and

''(II) enable the derivatives clearing organization to cover the operating costs of the derivatives clearing organization for a period of 1 year (as calculated on a rolling basis).

''(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—

''(i) IN GENERAL.—Each derivatives clearing organization shall establish—

''(I) appropriate admission and continuing eligibility standards (including sufficient financial resources and operational capacity to meet obligations arising from participation in the derivatives clearing organization) for members of, and participants in, the derivatives clearing organization; and

''(II) appropriate standards for determining the eligibility of agreements, contracts, and transactions submitted to the derivatives clearing organization for clearing.

''(ii) REQUIRED PROCEDURES.—Each derivatives clearing organization shall establish and implement procedures to verify, on an ongoing basis, the compliance of each participation and membership requirement of the derivatives clearing organization.

''(iii) REQUIREMENTS.—The participation and membership requirements of each derivatives clearing organization shall—

''(I) be objective;

''(II) be publicly disclosed; and

''(III) permit fair and open access.

''(iv) OFFSETTING ECONOMICALLY EQUIVALENT POSITIONS.—The rules of a registered derivatives clearing organization shall prescribe that all swaps with the same terms and conditions are economically equivalent and may be offset with each other within the derivatives clearing organization.

''(D) RISK MANAGEMENT.—

''(i) IN GENERAL.—Each derivatives clearing organization shall ensure that the derivatives clearing organization possesses the ability to manage the risks associated with discharging the responsibilities of the derivatives clearing organization through the use of appropriate tools and procedures.

''(ii) MEASUREMENT OF CREDIT EXPOSURE.—Each derivatives clearing organization shall—

''(I) not less than once during each business day of the derivatives clearing organization, measure the credit exposures of the derivatives clearing organization to each member and participant of the derivatives clearing organization; and

''(II) monitor each exposure described in subclause (I) periodically during the business day of the derivatives clearing organization.

''(iii) LIMITATION OF EXPOSURE TO POTENTIAL LOSSES FROM DEFAULTS.—Each derivatives clearing organization, through margin requirements and other risk control mechanisms, shall limit the exposure of the derivatives clearing organization to potential losses from defaults by members and participants of the derivatives clearing organization to ensure that—

''(I) the operations of the derivatives clearing organization would not be disrupted; and

''(II) nondefaulting members or participants would not be exposed to losses that nondefaulting members or participants cannot anticipate or control.

''(iv) MARGIN REQUIREMENTS.—The margin required from each member and participant of a derivatives clearing organization shall be sufficient to cover potential exposures in normal market conditions.

''(v) REQUIREMENTS REGARDING MODELS AND PARAMETERS.—Each model and parameter used in setting margin requirements under clause (iv) shall be—

''(I) risk-based; and

''(II) reviewed on a regular basis.

''(E) SETTLEMENT PROCEDURES.—Each derivatives clearing organization shall—

''(i) complete money settlements on a timely basis (but not less frequently than once each business day);

''(ii) employ money settlement arrangements to eliminate or strictly limit the exposure of the derivatives clearing organization to settlement bank risks (including credit and liquidity risks from the use of banks to effect money settlements);

''(iii) ensure that money settlements are final when effected;

''(iv) maintain an accurate record of the flow of funds associated with each money settlement;

''(v) possess the ability to comply with each term and condition of any permitted netting or offset arrangement with any other clearing organization;

''(vi) regarding physical settlements, establish rules that clearly state each obligation of the derivatives clearing organization with respect to physical deliveries; and

''(vii) ensure that each risk arising from an obligation described in clause (vi) is identified and managed.

''(F) TREATMENT OF FUNDS.—

''(i) REQUIRED STANDARDS AND PROCEDURES.—Each derivatives clearing organization shall establish standards and procedures that are designed to protect and ensure the safety of member and participant funds and assets.

''(ii) HOLDING OF FUNDS AND ASSETS.—Each derivatives clearing organization shall hold member and participant funds and assets in a manner by which to minimize the risk of loss or of delay in the access by the derivatives clearing organization to the assets and funds.

''(iii) PERMISSIBLE INVESTMENTS.—Funds and assets invested by a derivatives clearing organization shall be held in instruments with minimal credit, market, and liquidity risks.

''(G) DEFAULT RULES AND PROCEDURES.—

''(i) IN GENERAL.—Each derivatives clearing organization shall have rules and procedures designed to allow for the efficient, fair, and safe management of events during which members or participants—

''(I) become insolvent; or

''(II) otherwise default on the obligations of the members or participants to the derivatives clearing organization.

''(ii) DEFAULT PROCEDURES.—Each derivatives clearing organization shall—

''(I) clearly state the default procedures of the derivatives clearing organization;

''(II) make publicly available the default rules of the derivatives clearing organization; and

''(III) ensure that the derivatives clearing organization may take timely action—

''(aa) to contain losses and liquidity pressures; and

''(bb) to continue meeting each obligation of the derivatives clearing organization.

''(H) RULE ENFORCEMENT.—Each derivatives clearing organization shall—

''(i) maintain adequate arrangements and resources for—

''(I) the effective monitoring and enforcement of compliance with the rules of the derivatives clearing organization; and

''(II) the resolution of disputes;

''(ii) have the authority and ability to discipline, limit, suspend, or terminate the activities of a member or participant due to a violation by the member or participant of any rule of the derivatives clearing organization; and

''(iii) report to the Commission regarding rule enforcement activities and sanctions imposed against members and participants as provided in clause (ii).

''(I) SYSTEM SAFEGUARDS.—Each derivatives clearing organization shall—

''(i) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk through the development of appropriate controls and procedures, and automated systems, that are reliable, secure, and have adequate scalable capacity;

''(ii) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allows for—

''(I) the timely recovery and resumption of operations of the derivatives clearing organization; and

''(II) the fulfillment of each obligation and responsibility of the derivatives clearing organization; and

''(iii) periodically conduct tests to verify that the backup resources of the derivatives clearing organization are sufficient to ensure daily processing, clearing, and settlement.

''(J) REPORTING.—Each derivatives clearing organization shall provide to the Commission all information that the Commission determines to be necessary to conduct oversight of the derivatives clearing organization.

''(K) RECORDKEEPING.—Each derivatives clearing organization shall maintain records of all activities related to the business of the derivatives clearing organization as a derivatives clearing organization—

''(i) in a form and manner that is acceptable to the Commission; and

''(ii) for a period of not less than 5 years.

''(L) PUBLIC INFORMATION.—

''(i) IN GENERAL.—Each derivatives clearing organization shall provide to market participants sufficient information to enable the market participants to identify and evaluate accurately the risks and costs associated with using the services of the derivatives clearing organization.

''(ii) AVAILABILITY OF INFORMATION.—Each derivatives clearing organization shall make information concerning the rules and operating procedures governing the clearing and settlement systems of the derivatives clearing organization available to market participants.

''(iii) PUBLIC DISCLOSURE.—Each derivatives clearing organization shall disclose publicly and to the Commission information concerning—

''(I) the terms and conditions of each contract, agreement, and other transaction cleared and settled by the derivatives clearing organization;

''(II) each clearing and other fee that the derivatives clearing organization charges the members and participants of the derivatives clearing organization;

''(III) the margin-setting methodology, and the size and composition, of the financial resource package of the derivatives clearing organization;

''(IV) daily settlement prices, volume, and open interest for each contract settled or cleared by the derivatives clearing organization; and

''(V) any other matter relevant to participation in the settlement and clearing activities of the derivatives clearing organization.

''(M) INFORMATION-SHARING.—Each derivatives clearing organization shall—

''(i) enter into, and abide by the terms of, each appropriate and applicable domestic and international information-sharing agreement; and

''(ii) use relevant information obtained from each agreement described in clause (i) in carrying out the risk management program of the derivatives clearing organization.

''(N) ANTITRUST CONSIDERATIONS.—Unless appropriate to achieve the purposes of this Act, a derivatives clearing organization may not—

''(i) adopt any rule or take any action that results in any unreasonable restraint of trade; or

''(ii) impose any material anticompetitive burden.

''(O) GOVERNANCE FITNESS STANDARDS.—

''(i) GOVERNANCE ARRANGEMENTS.—Each derivatives clearing organization shall establish governance arrangements that are transparent—

''(I) to fulfill public interest requirements; and

''(II) to support the objectives of owners and participants.

''(ii) FITNESS STANDARDS.—Each derivatives clearing organization shall establish and enforce appropriate fitness standards for—

''(I) directors;

''(II) members of any disciplinary committee;

''(III) members of the derivatives clearing organization;

''(IV) any other individual or entity with direct access to the settlement or clearing activities of the derivatives clearing organization; and

''(V) any party affiliated with any individual or entity described in this clause.

''(P) CONFLICTS OF INTEREST.—Each derivatives clearing organization shall—

''(i) establish and enforce rules to minimize conflicts of interest in the decision-making process of the derivatives clearing organization; and

''(ii) establish a process for resolving conflicts of interest described in clause (i).

''(Q) COMPOSITION OF GOVERNING BOARDS.—Each derivatives clearing organization shall ensure that the composition of the governing board or committee of the derivatives clearing organization includes market participants.

''(R) LEGAL RISK.—Each derivatives clearing organization shall have a well-founded, transparent, and enforceable legal framework for each aspect of the activities of the derivatives clearing organization.''.

(d) REPORTING REQUIREMENTS.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) (as amended by subsection (b)) is amended by adding at the end the following:

''(j) REPORTING REQUIREMENTS.—

''(1) DUTY OF DERIVATIVES CLEARING ORGANIZATIONS.—Each derivatives clearing organization that clears non-security-based swaps shall provide to the Commission all information that is determined by the Commission to be necessary to perform each responsibility of the Commission under this Act.

''(2) DATA COLLECTION AND MAINTENANCE REQUIREMENTS.—The Commission shall adopt data collection and maintenance requirements for non-security-based swaps cleared by derivatives clearing organizations that are comparable to the corresponding requirements for non-security-based swaps data reported to non-security-based swap data repositories.

''(3) INFORMATION SHARING.—The Commission shall require derivatives clearing organizations to provide information collected under paragraph (2) to any of the following regulatory authorities that requires it—

''(A) the Board;

''(B) the Securities and Exchange Commission;

''(C) each appropriate prudential regulator;

''(D) the Financial Stability Oversight Council;

''(E) the Department of Justice; and

''(F) any other person that the Commission determines to be appropriate, including—

''(i) foreign financial supervisors (including foreign futures authorities);

''(ii) foreign central banks; and

''(iii) foreign ministries.

''(4) PUBLIC INFORMATION.—Each derivatives clearing organization that clears non-security-based swaps shall provide to the Commission (including any designee of the Commission) information under paragraph (2) in such form and at such frequency as is required by the Commission to comply with the public reporting requirements contained in section 2(a)(13).''.

(e) PUBLIC DISCLOSURE.—Section 8(e) of the Commodity Exchange Act (7 U.S.C. 12(e)) is amended in the last sentence—

(1) by inserting '', central bank and ministries,'' after ''department'' each place it appears; and

(2) by striking ''. is a party.'' and inserting '', is a party.''.

(f) LEGAL CERTAINTY FOR IDENTIFIED BANKING PRODUCTS.—

(1) REPEALS.—The Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27 et seq.) is amended—

(A) by striking sections 404 and 407 (7 U.S.C. 27b, 27e);

(B) in section 402 (7 U.S.C. 27), by striking subsection (d); and

(C) in section 408 (7 U.S.C. 27f)—

(i) in subsection (c)—

(I) by striking ''in the case'' and all that follows through ''a hybrid'' and inserting ''in the case of a hybrid'';

(II) by striking ''; or'' and inserting a period; and

(III) by striking paragraph (2);

(ii) by striking subsection (b); and

(iii) by redesignating subsection (c) as subsection (b).

(2) LEGAL CERTAINTY FOR BANK PRODUCTS ACT OF 2000.—Section 403 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27a) is amended to read as follows:

**SEC. 726. TRANSPARENCY OF SWAP TRANSACTION DATA.**

(a) PURPOSES.—The Commodity Futures Trading Commission is directed, consistent with the purposes of this title, to use its authority under this title to facilitate the prompt and accurate collection, calculation, processing or preparation, and public dissemination of information on transactions and positions in non-security-based swaps.

(b) TRANSPARENCY OF NON-SECURITY-BASED SWAP TRANSACTION DATA.—The Commodity Exchange Act is amended by inserting after section 4q (7 U.S.C. 6o–1) the following:

**''SEC. 4r. REPORTING AND RECORDKEEPING FOR NON-SECURITY-BASED SWAPS.**

''(a) MANDATORY REPORTING OF NON-SECURITY-BASED SWAP TRANSACTIONS.—

''(1) IN GENERAL.—Any person that enters into or effects a transaction in a non-security-based swap shall report such transaction through a derivatives clearing organization or a non-security-based swap data repository registered with the Commission pursuant to section 21 within the period specified by any rule or regulation adopted by the Commission under this paragraph. If no registered non-security-based swap data repository accepts the non-security-based swap, the person shall report the transaction to the Commission pursuant to the requirements that the Commission may by rule or regulation prescribe. Each transaction report shall disclose whether the transaction is a bona fide hedging swap transaction as defined in section 1a(33B) and any other information that the Commission has, by rule or regulation, prescribed as necessary or appropriate in furtherance of the purposes of this section.

''(2) PERMISSIBLE REPORTING FOR A COUNTERPARTY THAT IS NOT A SWAP PARTICIPANT.—A swap participant may report a transaction on behalf of its counterparty to that transaction provided that counterparty is not a swap participant.

''(3) RULEMAKING REQUIRED.—Not later than 180 days after the date of enactment of this section, the Commission shall by rule or regulation establish a schedule for the reporting through a derivatives clearing organization or registered non-security-based swap data repository or to the Commission of each non-security-based swap, group, category, type, or class of non-security-based swap entered into—

''(A) before the effective date of the Commission's rule or regulation and still outstanding as of such effective date; and

''(B) on or after the effective date of the Commission's rule or regulation.

''(b) CONFIDENTIALITY OF INFORMATION PROVIDED.—No non-public information provided to or obtained by the Commission under this section may be disclosed to any other person. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or foreign government with which the Commission has an information sharing arrangement that requests the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission.

''(c) PUBLIC DISSEMINATION OF CERTAIN INFORMATION PROVIDED.—

''(1) IN GENERAL.—Notwithstanding subsection (b), the Commission is directed to use its authority under this Act to facilitate the public dissemination of prices and volumes of completed non-security-based swap transactions to provide investors and other market participants with information about recently executed transactions for the purposes of helping them to mark existing swap positions to market, make informed decisions before executing future transactions, and assess the quality of transactions they have executed. For each non-security-based swap, group, category, type, or class of non-security-based swap, the Commission shall determine by rule the extent to which individual or aggregated transaction data must be disseminated and the timeliness of such disseminations.

''(2) RELIANCE ON ECONOMIC ANALYSIS.—In making determinations under this subsection, the Commission shall rely on economic analyses provided by the Chief Economist of the Commission and independent researchers that empirically evaluate the effects of increasing price transparency on measures of efficiency, competition, and market quality, including transaction costs and liquidity. To facilitate such empirical analyses, the Commission may design pilot programs that increase price transparency on selected non-security-based swaps.

''(3) CHIEF ECONOMIST REPORT.—Whenever the Commission publishes a release giving notice of a proposed rulemaking under this subsection, and affords interested persons an opportunity to comment on such proposed rulemaking or publishes a release adopting a final rule, such release shall include as a part thereof a report by the Chief Economist of the Commission. Each report shall describe the economic analysis of the expected consequences of the proposed or final Commission action, refer to any peer-reviewed or other literature, including any empirical study undertaken by the staff of the Commission, that is relevant to the analysis contained in the report, and describe the extent to which the conclusions of the report remain subject to uncertainty.

''(4) PROTECTION OF PROPRIETARY INFORMATION.—In making determinations under this subsection, the Commission shall consider whether public dissemination of individual or aggregate transaction data could result in the dissemination of proprietary information about the swap transactions, positions, trading strategies, or the ability of particular market participants to conduct effective hedging or risk management. The rules that the Commission adopts under this subsection shall include protections to ensure that the public dissemination of swap transaction data does not result in the disclosure of such proprietary information.''.

''(5) REGISTERED ENTITIES AND PUBLIC REPORTING.—The Commission may require derivatives clearing organizations and registered non-security-based swap data repositories to publicly disseminate the non-security-based swap transaction and pricing data required to be reported under this paragraph.

''(6) QUARTERLY PUBLIC REPORTING OF AGGREGATE NON-SECURITY-BASED SWAP DATA.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall issue a written report on a quarterly basis to make available to the public information relating to—

''(i) the trading and clearing in the major non-security-based swap categories; and

''(ii) the market participants and developments in new products.

''(B) USE; CONSULTATION.—In preparing a report under subparagraph (A), the Commission shall—

''(i) use any information reported directly to the Commission and information from registered non-security-based swap data repositories and derivatives clearing organizations; and

''(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.''.

**SEC. 727. SWAP DATA REPOSITORIES.**

The Commodity Exchange Act is amended by inserting after section 20 (7 U.S.C. 24) the following:

**''SEC. 21. NON-SECURITY-BASED SWAP DATA REPOSITORIES.**

''(a) REGISTRATION.—

''(1) IN GENERAL.—A non-security-based swap data repository may register by filing with the Commission an application in such form as the Commission, by rule or regulation, shall prescribe containing such information as the Commission, by rule or regulation, may prescribe as necessary or appropriate in furtherance of the purposes of this section.

''(2) INSPECTION AND EXAMINATION.—Each registered non-security-based swap data repository shall be subject to inspection and examination by any representative of the Commission.

''(3) INFORMATION SHARING.—The Commission shall require each registered non-security-based swap data repository to provide information with respect to its functions as

a non-security-based swap data repository to any of the following regulatory authorities that requests it—

''(A) the Board;

''(B) the Securities and Exchange Commission;

''(C) each appropriate prudential regulator;

''(D) the Financial Stability Oversight Council;

''(E) the Department of Justice; and

''(F) any other person that the Commission determines to be appropriate, including—

''(i) foreign financial supervisors (including foreign futures authorities);

''(ii) foreign central banks; and

''(iii) foreign ministries.

''(b) STANDARD SETTING.—

''(1) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each non-security-based swap, including whether the transaction is a bona fide hedging swap transaction as defined in section 1a, that shall be collected and maintained by each registered non-security-based swap data repository.

''(2) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for non-security-based swap data repositories.

''(3) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on derivatives clearing organizations in connection with their clearing of non-security-based swaps.

''(c) DUTIES.—A registered non-security-based swap data repository shall—

''(1) accept data prescribed by the Commission for one or more non-security-based swaps;

''(2) confirm with both counterparties to the non-security-based swap the accuracy of the data that was submitted;

''(3) maintain the data described in paragraph (1) in such form, in such manner, and for such period as may be required by the Commission;

''(4)(A) provide direct electronic access to the Commission (or any designee of the Commission, including another registered entity); and

''(B) provide the information described in paragraph (1) in such form and at such frequency as the Commission may require to comply with the public reporting requirements contained in section 726 of the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010;

''(5) at the direction of the Commission, establish automated systems for monitoring, screening, and analyzing non-security-based swap data;

''(6) maintain the confidentiality non-security-based swap transaction information that the registered non-security-based swap data repository receives from a counterparty, swap participant, or any other registered entity in accordance with the requirements that the Commission shall jointly with the Securities and Exchange Commission prescribe through notice-and-comment rulemaking.

''(d) CORE PRINCIPLES APPLICABLE TO REGISTERED NON-SECURITY-BASED SWAP DATA REPOSITORIES.—

''(1) ANTITRUST CONSIDERATIONS.—Unless specifically reviewed and approved by the Commission for antitrust purposes, a registered non-security-based swap data repository may not—

''(A) adopt any rule or take any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on the trading, clearing, or reporting of transactions.

''(2) GOVERNANCE ARRANGEMENTS.—Each registered non-security-based swap data repository shall establish governance arrangements that are transparent and assure fair representation of its participants in reasonable proportion to their use of the non-security-based data repository in the selection of its directors and administration of its affairs.

''(3) CONFLICTS OF INTEREST.—Each registered non-security-based swap data repository shall—

''(A) establish and enforce rules to minimize conflicts of interest in the decision-making process of the non-security-based swap data repository; and

''(B) establish a process for resolving conflicts of interest described in subparagraph (A).

''(4) NONDISCRIMINATORY ACCESS.—A registered non-security-based swap data repository—

''(A) may not mandate directly or indirectly the substantive terms and conditions of transactions reported to the non-security-based data repository;

''(B) must provide for the equitable allocation of reasonable dues, fees, and other charges among its participants and must not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants;

''(C) provide for participation in the non-security-based swap data repository by any swap participant and any other person or class of persons as the Commission, by rule or regulation, may determine to be necessary or appropriate in furtherance of the purposes of this section; and

''(D) may not unfairly discriminate in the admission of participants or among participants in the use of the non-security-based swap data repository.

''(e) RULES.—The Commission shall adopt rules, jointly with the Securities and Exchange Commission, governing persons that are registered under this section.''.

**SEC. 728. LARGE NON-SECURITY-BASED SWAP TRADER REPORTING.**

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding after section 4s (as added by section 729) the following:

**''SEC. 4t. LARGE NON-SECURITY-BASED SWAP TRADER REPORTING.**

''(a) PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to enter into any non-security-based swap that the Commission determines to perform a significant price discovery function with respect to registered entities if—

''(A) the person directly or indirectly enters into the non-security-based swap during any 1 day in an amount equal to or in excess of such amount as shall be established periodically by the Commission; and

''(B) the person directly or indirectly has or obtains a position in the non-security-based swap equal to or in excess of such amount as shall be established periodically by the Commission.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the person files or causes to be filed with the properly designated officer of the Commission such reports regarding any transactions or positions described in subparagraphs (A) and (B) of paragraph (1) as the Commission may require by rule or regulation; and

''(B) in accordance with the rules and regulations of the Commission, the person keeps books and records of all such non-security-based swaps and any transactions and positions in any related commodity traded on or subject to the rules of any board of trade, and of cash or spot transactions in, inventories of, and purchase and sale commitments of, such a commodity.

''(b) REQUIREMENTS.—Books and records described in subsection (a)(2)(B) shall—

''(1) show such complete details concerning all transactions and positions as the Commission may prescribe by rule or regulation; and

''(2) be open at all times to inspection and examination by any representative of the Commission.

''(c) APPLICABILITY.—For purposes of this section, the non-security-based swaps, futures, and cash or spot transactions and positions of any person shall include the non-security-based swaps, futures, and cash or spot transactions and positions of any persons directly or indirectly controlled by the person.

''(d) SIGNIFICANT PRICE DISCOVERY FUNCTION.—In making a determination as to whether a non-security-based swap performs or affects a significant price discovery function with respect to registered entities, the Commission shall consider the factors described in section 4a(a)(3).''.

**SEC. 729. REGISTRATION AND REGULATION OF SWAP PARTICIPANTS.**

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4r (as added by section 726) the following:

**''SEC. 4s. REGISTRATION AND REGULATION OF SWAP PARTICIPANTS.**

''(a) REGISTRATION.—Swap participants must register with the Commission.

''(b) NOTICE REGISTRATION.—A swap participants shall be exempt from registration with the Commission, if it files a notice registration with the Commission in the form and manner that the Commission shall prescribe, jointly with the Securities and Exchange Commission, by notice-and-comment rulemaking and—

''(1) it is exempt pursuant to a rule or order, issued by the Commission, jointly with the Securities and Exchange Commission, to exempt swap participants that engage primarily in security-based swap transactions and are registered as swap participants with the Securities and Exchange Commission; or

''(2) all of its outstanding swap transactions are cleared swaps.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—A person shall register as a swap participant by filing a registration application with the Commission.

''(2) CONTENTS.—

''(A) IN GENERAL.—The application shall be made in such form and manner and containing such information as the Commission, jointly with the Securities and Exchange Commission through notice-and-comment rulemaking, shall prescribe concerning the swap participant's swap activities.

''(B) CONTINUAL REPORTING.—A person that is registered as a swap participant shall continue to submit to the Commission reports that contain such information pertaining to the swap participant's swap activities as the Commission may require.

''(3) TRANSITION.—Rules under this section shall provide for the registration of swap participants 1 year after the date of enactment of the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010.

''(4) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order, it shall be unlawful for a swap participant to permit any

person associated with a swap participant who is subject to a statutory disqualification to effect or be involved in effecting swaps on behalf of the swap participant, if the swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

''(d) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) CAPITAL REQUIREMENTS FOR PRUDENTIALLY REGULATED SWAP PARTICIPANTS.—Each swap participant for which there is a prudential regulator shall meet such minimum capital requirements as such prudential regulator shall prescribe pursuant to the authority of the prudential regulator.

''(2) MARGIN REQUIREMENTS FOR SWAP PARTICIPANTS FOR UNCLEARED NON-SECURITY-BASED SWAPS.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), the Commission shall prescribe by rule or regulation the minimum margin requirements that apply to transactions between swap participants in a particular uncleared non-security-based swap or any group, category, type, or class of uncleared non-security-based swap, as the Commission deems appropriate for the risk of that particular uncleared non-security-based swap or class, group, category, type of uncleared non-security-based swap, for the purposes of—

''(i) reducing the risk of losses to counterparties; and

''(ii) preserving the financial integrity of markets trading non-security-based swaps.

''(B) CONSIDERATIONS.—The Commission shall not issue rules under this subsection unless the Commission determines that such rules—

''(i) would not inappropriately encourage or discourage the clearing of certain non-security-based swaps, resulting in an undue increase in risk to the financial system;

''(ii) are supported by economic analysis provided by the Chief Economist of the Commission; and

''(iii) would not impose any unnecessary burden on competition.

''(C) EXCEPTIONS.—The Commission shall not impose minimum margin requirements on—

''(i) positions in foreign exchange forwards, swaps, or options; and

''(ii) non-security-based swap transactions in which one counterparty directly or indirectly controls, is controlled by, or is under common control with the other counterparty, provided, however, that the Commission, jointly with the Financial Stability Oversight Council, may determine, by notice-and-comment rulemaking, that transactions between certain parties under common control are subject to the minimum margin requirements imposed by the Commission under this subsection.

''(D) OUTSTANDING SWAP POSITIONS.—The Commission and the Securities and Exchange Commission may by joint notice-and-comment rulemaking or order exempt any swap, group, category, type, or class of swap entered into on or before the date of enactment of this Act. In determining whether an exemption is appropriate, the Commission and the Securities and Exchange Commission shall take into account the notional value, the tenor, and the risk to the financial stability of the United States posed by the underlying swap, group, category, type, or class of swap.

''(3) SPECIAL MARGIN REQUIREMENTS FOR UNCLEARED SWAP TRANSACTIONS INVOLVING A SWAP PARTICIPANT WITH A SUBSTANTIAL NET UNCOLLATERALIZED SWAP POSITION.—

''(A) IN GENERAL.—If a swap participant has a substantial net uncollateralized swap position, any subsequent swap transaction, regardless of whether the swap participant's counterparty is a swap participant, shall be subject to—

''(i) any applicable clearing requirement under section (h); and

''(ii) any applicable margin requirements that the Commission has prescribed under paragraph (2).

''(B) SUBSTANTIAL NET UNCOLLATERALIZED POSITION.—

''(i) IN GENERAL.—From time to time, the Financial Stability Oversight Council shall define, by rule or regulation, 'substantial net uncollateralized swap position' by identifying the level of a net uncollateralized position in swaps that a swap participant can hold without posing a threat to the financial system stability of the United States.

''(ii) RELIANCE ON ECONOMIC ANALYSIS.—In making determinations under this subsection, the Commission and the Board of Governors shall rely on economic analysis provided by economists of the Commission and economists of the Board of Governors.

''(e) REPORTING AND RECORDKEEPING.—With respect to its swap business, each swap participant registered with the Commission—

''(1) shall make such reports as are required by the Commission, jointly with the Securities and Exchange Commission through notice-and-comment rulemaking;

''(2)(A) for which there is a prudential regulator, shall keep books and records in such form and manner and for such period as may be prescribed by the prudential regulator; and

''(B) for which there is no prudential regulator, shall keep books and records in such form and manner and for such period as is prescribed by the Commission, jointly with the Securities and Exchange Commission through notice-and-comment rulemaking, by rule or regulation; and

''(3) shall keep books and records described in subparagraph (B) open to inspection and examination by any representative of the Commission.

''(f) BUSINESS CONDUCT STANDARDS AND REQUIREMENTS.—With respect to its swap business, each swap participant—

''(1) for which there is a prudential regulator, shall comply with such business conduct standards and requirements as the prudential regulator may impose; and

''(2) for which there is no prudential regulator, shall comply with such business conduct standards and requirements as the Commission, jointly with the Securities and Exchange Commission through notice-and-comment rulemaking, shall prescribe. Such business conduct requirements shall—

''(A) establish the standard of care required for a swap participant to verify that any counterparty meets the eligibility standards for an eligible contract participant; and

''(B) require disclosure by the swap participant to any counterparty to the swap (other than a counterparty that is a swap participant) of—

''(i) information about the material risks and characteristics of the swap; and

''(ii) any material conflicts of interest that the swap participant may have in connection with the swap.

''(g) DOCUMENTATION AND BACK OFFICE STANDARDS.—Each swap participant registered with the Commission—

''(1) for which there is a prudential regulator, shall comply with such documentation and back office standards as the prudential regulator may impose; and

''(2) for which there is no prudential regulator, shall conform with such standards as the Commission, jointly with the Securities and Exchange Commission through notice-and-comment rulemaking, may prescribe that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all swaps.

''(h) CONFIDENTIALITY.—Notwithstanding any other provision of law, the Commission may not be compelled to disclose any information required by Commission rule or regulation to be reported to the Commission under this subsection, except that nothing in this paragraph authorizes the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.''.

**SEC. 730. NON-SECURITY-BASED SWAP EXECUTION FACILITIES.**

The Commodity Exchange Act is amended by inserting after section 5g (7 U.S.C. 7b–2) the following:

**"SEC. 5h. NON-SECURITY-BASED SWAP EXECUTION FACILITIES.**

''(a) REGISTRATION.—

''(1) IN GENERAL.—No person may operate a facility for the trading or processing of non-security-based swaps unless the facility is registered as a non-security-based swap execution facility or as a designated contract market under this section.

''(2) DUAL REGISTRATION.—Any person that is required to register as a non-security-based swap execution facility under this section shall register with the Commission regardless of whether the person also is registered with the Securities and Exchange Commission.

''(b) TRADING AND TRADE PROCESSING.—A non-security-based swap execution facility that is registered under subsection (a) may—

''(1) make available for trading any non-security-based swap; and

''(2) facilitate trade processing of any non-security-based swap.

''(c) TRADING BY CONTRACT MARKETS.—A board of trade that operates a contract market shall, to the extent that the board of trade also operates a non-security-based swap execution facility and uses the same electronic trade execution system for trading on the contract market and the non-security-based swap execution facility, identify whether the electronic trading is taking place on the contract market or the non-security-based swap execution facility.

''(d) CORE PRINCIPLES FOR NON-SECURITY-BASED SWAP EXECUTION FACILITIES.—

''(1) COMPLIANCE WITH CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered, and maintain registration, as a non-security-based swap execution facility, the non-security-based swap execution facility shall comply with—

''(i) the core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) REASONABLE DISCRETION OF NON-SECURITY-BASED SWAP EXECUTION FACILITY.—Unless otherwise determined by the Commission by rule or regulation, a non-security-based swap execution facility described in subparagraph (A) shall have reasonable discretion in establishing the manner in which

the non-security-based swap execution facility complies with the core principles described in this subsection.

''(2) COMPLIANCE WITH RULES.—A non-security-based swap execution facility shall—

''(A) monitor and enforce compliance with any rule of the non-security-based swap execution facility, including—

''(i) the terms and conditions of the non-security-based swaps traded or processed on or through the non-security-based swap execution facility; and

''(ii) any limitation on access to the non-security-based swap execution facility; and

''(B) establish and enforce trading, trade processing, and participation rules that will deter abuses and have the capacity to detect, investigate, and enforce those rules, including means—

''(i) to provide market participants with impartial access to the market; and

''(ii) to capture information that may be used in establishing whether rule violations have occurred.

''(3) SWAPS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The non-security-based swap execution facility shall permit trading only in non-security-based swaps that are not readily susceptible to manipulation.

''(4) MONITORING OF TRADING AND TRADE PROCESSING.—The non-security-based swap execution facility shall—

''(A) establish and enforce rules or terms and conditions defining, or specifications detailing—

''(i) trading procedures to be used in entering and executing orders traded on or through the facilities of the non-security-based swap execution facility; and

''(ii) procedures for trade processing of non-security-based swaps on or through the facilities of the non-security-based swap execution facility; and

''(B) monitor trading in non-security-based swaps to prevent manipulation, price distortion, and disruptions of the delivery or cash settlement process through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(5) INFORMATION SHARING.—The non-security-based swap execution facility shall—

''(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this section;

''(B) provide the information to the following on request—

''(i) the Commission;

''(ii) the Securities and Exchange Commission;

''(iii) the Board;

''(iv) each appropriate prudential regulator;

''(v) the Council;

''(vi) the Department of Justice; and

''(vii) any other foreign regulatory authority that the Commission determines to be appropriate and with whom the Commission has entered into an information sharing agreement; and

''(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(6) POSITION LIMITS OR ACCOUNTABILITY.—

''(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the non-security-based swap execution facility shall adopt for each of the contracts of the facility, as is necessary and appropriate, position limitations or position accountability for speculators.

''(B) POSITION LIMITS.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the non-security-based swap execution facility shall set its position limitation at a level no higher than the Commission limitation.

''(C) POSITION ENFORCEMENT.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), a non-security-based swap execution facility shall reject any proposed non-security-based swap transaction if, based on information readily available to a non-security-based swap execution facility, any proposed non-security-based swap transaction would cause a non-security-based swap execution facility customer that would be a party to such swap transaction to exceed such position limitation.

''(7) FINANCIAL INTEGRITY OF TRANSACTIONS.—The non-security-based swap execution facility shall establish and enforce rules and procedures for ensuring the financial integrity of non-security-based swaps entered on or through the facilities of the non-security-based swap execution facility, including the clearance and settlement of the non-security-based swaps pursuant to section 2(h)(1).

''(8) EMERGENCY AUTHORITY.—The non-security-based swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as is necessary and appropriate, including the authority to liquidate or transfer open positions in any non-security-based swap or to suspend or curtail trading in a non-security-based swap.

''(9) TIMELY PUBLICATION OF TRADING INFORMATION.—

''(A) IN GENERAL.—The non-security-based swap execution facility shall make public timely information on price, trading volume, and other trading data on non-security-based swaps to the extent prescribed by the Commission.

''(B) CAPACITY OF NON-SECURITY-BASED SWAP EXECUTION FACILITY.—The non-security-based swap execution facility shall be required to have the capacity to electronically capture trade information with respect to transactions executed on the facility.

''(10) RECORDKEEPING AND REPORTING.—

''(A) IN GENERAL.—A non-security-based swap execution facility shall—

''(i) maintain records of all activities relating to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of 5 years; and

''(ii) report to the Commission, in a form and manner acceptable to the Commission, such information as the Commission determines to be necessary or appropriate for the Commission to perform the duties of the Commission under this Act.

''(B) REQUIREMENTS.—The Commission shall adopt data collection and reporting requirements for non-security-based swap execution facilities that are comparable to corresponding requirements for derivatives clearing organizations and non-security-based swap data repositories.

''(11) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the non-security-based swap execution facility shall avoid—

''(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade; or

''(B) imposing any material anticompetitive burden on trading or clearing.

''(12) CONFLICTS OF INTEREST.—The non-security-based swap execution facility shall—

''(A) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

''(B) establish a process for resolving the conflicts of interest.

''(13) FINANCIAL RESOURCES.—

''(A) IN GENERAL.—The non-security-based swap execution facility shall have adequate financial, operational, and managerial resources to discharge each responsibility of the non-security-based swap execution facility.

''(B) DETERMINATION OF RESOURCE ADEQUACY.—The financial resources of a non-security-based swap execution facility shall be considered to be adequate if the value of the financial resources exceeds the total amount that would enable the non-security-based swap execution facility to cover the operating costs of the non-security-based swap execution facility for a 1-year period, as calculated on a rolling basis.

''(14) SYSTEM SAFEGUARDS.—The non-security-based swap execution facility shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and automated systems, that—

''(i) are reliable and secure; and

''(ii) have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that are designed to allow for—

''(i) the timely recovery and resumption of operations; and

''(ii) the fulfillment of the responsibilities and obligation of the non-security-based swap execution facility; and

''(C) periodically conduct tests to verify that the backup resources of the non-security-based swap execution facility are sufficient to ensure continued—

''(i) order processing and trade matching;

''(ii) price reporting;

''(iii) market surveillance and

''(iv) maintenance of a comprehensive and accurate audit trail.

''(e) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a non-security-based swap execution facility from registration under this section if the Commission finds that the facility is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Securities and Exchange Commission, a prudential regulator, or the appropriate governmental authorities in the home country of the facility.

''(f) RULES.—The Commission shall prescribe rules governing the regulation of alternative non-security-based swap execution facilities under this section.''.

**SEC. 731. DERIVATIVES TRANSACTION EXECUTION FACILITIES AND EXEMPT BOARDS OF TRADE.**

(a) IN GENERAL.—Sections 5a and 5d of the Commodity Exchange Act (7 U.S.C. 7a, 7a–3) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(A) in subsection (a)(1)(A), in the first sentence, by striking ''or 5a''; and

(B) in paragraph (2) of subsection (g) (as redesignated by section 723(a)(1)(B)), by striking ''section 5a of this Act'' and all that follows through ''5d of this Act'' and inserting ''section 5b of this Act''.

(2) Section 6(g)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(g)(1)(A)) is amended—

(A) by striking ''that—'' and all that follows through ''(i) has been designated'' and inserting ''that has been designated'';

(B) by striking ''; or'' and inserting ''; and'' and

(C) by striking clause (ii).

**SEC. 732. DESIGNATED CONTRACT MARKETS.**

(a) CRITERIA FOR DESIGNATION.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by striking subsection (b).

(b) CORE PRINCIPLES FOR CONTRACT MARKETS.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by striking subsection (d) and inserting the following:

''(d) CORE PRINCIPLES FOR CONTRACT MARKETS.—

''(1) DESIGNATION AS BOARD OF TRADE.—

''(A) IN GENERAL.—To be designated, and maintain a designation, as a contract market, a board of trade shall comply with—

''(i) any core principle described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) REASONABLE DISCRETION OF BOARD OF TRADE.—Unless otherwise determined by the Commission by rule or regulation, a board of trade described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles described in this subsection.

''(2) COMPLIANCE WITH RULES.—

''(A) IN GENERAL.—The board of trade shall establish, monitor, and enforce compliance with the rules of the contract market, including—

''(i) access requirements;

''(ii) the terms and conditions of any contracts to be traded on the contract market; and

''(iii) rules prohibiting abusive trade practices on the contract market.

''(B) CAPACITY OF BOARD OF TRADE.—The board of trade shall have the capacity to detect, investigate, and apply appropriate sanctions to any person that violates any rule of the contract market.

''(C) REQUIREMENT OF RULES.—The rules of the contract market shall provide the board of trade with the ability and authority to obtain any necessary information to perform any function described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.

''(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.

''(4) PREVENTION OF MARKET DISRUPTION.—The board of trade shall have the capacity and responsibility to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and enforcement practices and procedures, including—

''(A) methods for conducting real-time monitoring of trading; and

''(B) comprehensive and accurate trade reconstructions.

''(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—

''(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion (especially during trading in the delivery month), the board of trade shall adopt for each contract of the board of trade, as is necessary and appropriate, position limitations or position accountability for speculators.

''(B) MAXIMUM ALLOWABLE POSITION LIMITATION.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the board of trade shall set the position limitation of the board of trade at a level not higher than the position limitation established by the Commission.

''(6) EMERGENCY AUTHORITY.—The board of trade, in consultation or cooperation with the Commission, shall adopt rules to provide for the exercise of emergency authority, as is necessary and appropriate, including the authority—

''(A) to liquidate or transfer open positions in any contract;

''(B) to suspend or curtail trading in any contract; and

''(C) to require market participants in any contract to meet special margin requirements.

''(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public accurate information concerning—

''(A) the terms and conditions of the contracts of the contract market; and

''(B)(i) the rules, regulations, and mechanisms for executing transactions on or through the facilities of the contract market; and

''(ii) the rules and specifications describing the operation of the contract market's—

''(I) electronic matching platform; or

''(II) trade execution facility.

''(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.

''(9) EXECUTION OF TRANSACTIONS.—

''(A) IN GENERAL.—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions that protects the price discovery process of trading in the centralized market of the board of trade.

''(B) RULES.—The rules of the board of trade may authorize, for bona fide business purposes—

''(i) transfer trades or office trades;

''(ii) an exchange of—

''(I) futures in connection with a cash commodity transaction;

''(II) futures for cash commodities; or

''(III) futures for non-security-based swaps; or

''(iii) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.

''(10) TRADE INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information—

''(A) to assist in the prevention of customer and market abuses; and

''(B) to provide evidence of any violations of the rules of the contract market.

''(11) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce—

''(A) rules and procedures for ensuring the financial integrity of transactions entered into on or through the facilities of the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization); and

''(B) rules to ensure—

''(i) the financial integrity of any—

''(I) futures commission merchant; and

''(II) introducing broker; and

''(ii) the protection of customer funds.

''(12) PROTECTION OF MARKETS AND MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules—

''(A) to protect markets and market participants from abusive practices committed by any party, including abusive practices committed by a party acting as an agent for a participant; and

''(B) to promote fair and equitable trading on the contract market.

''(13) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.

''(14) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules regarding, and provide facilities for alternative dispute resolution as appropriate for, market participants and any market intermediaries.

''(15) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other person with direct access to the facility (including any party affiliated with any person described in this paragraph).

''(16) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules—

''(A) to minimize conflicts of interest in the decision-making process of the contract market; and

''(B) to establish a process for resolving conflicts of interest described in subparagraph (A).

''(17) COMPOSITION OF GOVERNING BOARDS OF CONTRACT MARKETS.—The governance arrangements of the board of trade shall be designed to promote the objectives of market participants.

''(18) RECORDKEEPING.—The board of trade shall maintain records of all activities relating to the business of the contract market—

''(A) in a form and manner that is acceptable to the Commission; and

''(B) for a period of at least 5 years.

''(19) ANTITRUST CONSIDERATIONS.—Unless appropriate to achieve the purposes of this Act, the board of trade shall, to the maximum extent practicable, avoid—

''(A) adopting any rule or taking any action that results in any unreasonable restraint of trade; or

''(B) imposing any material anticompetitive burden on trading on the contract market.

''(20) SYSTEM SAFEGUARDS.—The board of trade shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and the development of automated systems, that are reliable, secure, and have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allow for the timely recovery and resumption of operations and the fulfillment of the responsibilities and obligations of the board of trade; and

''(C) periodically conduct tests to verify that backup resources are sufficient to ensure continued order processing and trade matching, price reporting, market surveillance, and maintenance of a comprehensive and accurate audit trail.

''(21) FINANCIAL RESOURCES.—

''(A) IN GENERAL.—The board of trade shall have adequate financial, operational, and managerial resources to discharge each responsibility of the board of trade.

''(B) DETERMINATION OF ADEQUACY.—The financial resources of the board of trade shall be considered to be adequate if the value of the financial resources exceeds the total amount that would enable the contract market to cover the operating costs of the contract market for a 1-year period, as calculated on a rolling basis.''.

**SEC. 733. MARGIN.**

Section 8a(7) of the Commodity Exchange Act (7 U.S.C. 12a(7)) is amended—

(1) in subparagraph (C), by striking '', excepting the setting of levels of margin'';

(2) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(3) by inserting after subparagraph (C) the following:

''(D) margin requirements, provided that the rules, regulations, or orders shall—

''(i) be limited to protecting the financial integrity of the derivatives clearing organization;

''(ii) be designed for risk management purposes to protect the financial integrity of transactions; and

''(iii) not set specific margin amounts;''.

**SEC. 734. POSITION LIMITS ON NON-SECURITY-BASED SWAPS.**

(a) AGGREGATE POSITION LIMITS.—Section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) is amended—

(1) by inserting after ''(a)'' the following: ''(1) IN GENERAL.—'';

(2) in the first sentence, by striking ''on electronic trading facilities with respect to a significant price discovery contract'' and inserting ''non-security-based swaps that perform or affect a significant price discovery function with respect to registered entities'';

(3) in the second sentence—

(A) by inserting '', including any group or class of traders,'' after ''held by any person''; and

(B) by striking ''on an electronic trading facility with respect to a significant price discovery contract,'' and inserting ''non-security-based swaps traded on or subject to the rules of a non-security-based swaps execution facility, or non-security-based swaps not traded on or subject to the rules of a non-security-based swaps execution facility that perform a significant price discovery function with respect to a registered entity,''; and

(4) by adding at the end the following:

''(2) AGGREGATE POSITION LIMITS.—The Commission may, by rule or regulation, establish limits (including related hedge exemption provisions) on the aggregate number or amount of positions in contracts based on the same underlying commodity (as defined by the Commission) that may be held by any person, including any group or class of traders, for each month across—

''(A) contracts listed by designated contract markets;

''(B) with respect to an agreement, contract, or transaction that settles against, or in relation to, any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, contracts traded on a foreign board of trade that provides members or other participants located in the United States with direct access to the electronic trading and order matching system of the foreign board of trade;

''(C) non-security-based swaps traded on or subject to the rules of a non-security-based swap execution facility; and

''(D) non-security-based swaps not traded on or subject to the rules of a non-security-based swap execution facility that perform or affect a significant price discovery function with respect to a registered entity.

''(3) SIGNIFICANT PRICE DISCOVERY FUNCTION.—In making a determination as to whether a non-security-based swap performs or affects a significant price discovery function with respect to registered entities, the Commission shall consider, as appropriate, the following factors:

''(A) PRICE LINKAGE.—The extent to which the non-security-based swap uses or otherwise relies on a daily or final settlement price, or other major price parameter, of another contract traded on a registered entity based on the same underlying commodity, to value a position, transfer or convert a position, financially settle a position, or close out a position.

''(B) ARBITRAGE.—The extent to which the price for the non-security-based swap is sufficiently related to the price of another contract traded on a registered entity based on the same underlying commodity so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the non-security-based swaps on a frequent and recurring basis.

''(C) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a contract traded on a registered entity are directly based on, or are determined by referencing, the price generated by the swap.

''(D) MATERIAL LIQUIDITY.—The extent to which the volume of non-security-based swaps being traded in the commodity is sufficient to have a material effect on another contract traded on a registered entity.

''(E) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule or regulation as relevant to determine whether a non-security-based swap serves a significant price discovery function with respect to a regulated market.

''(4) EXEMPTIONS.—The Commission, by rule, regulation, or order, may exempt, conditionally or unconditionally, any person or class of persons, any non-security-based swap or class of non-security-based swaps, or any transaction or class of transactions from any requirement that the Commission establishes under this section with respect to position limits.''.

(b) CONFORMING AMENDMENTS.—Section 4a(b) of the Commodity Exchange Act (7 U.S.C. 6a(b)) is amended—

(1) in paragraph (1), by striking ''or derivatives transaction execution facility or facilities or electronic trading facility'' and inserting ''or non-security-based swap execution facility or facilities''; and

(2) in paragraph (2), by striking ''or derivatives transaction execution facility or facilities or electronic trading facility'' and inserting ''or non-security-based swap execution facility''.

**SEC. 735. FOREIGN BOARDS OF TRADE.**

(a) IN GENERAL.—Section 4(b) of the Commodity Exchange Act (7 U.S.C. 6(b)) is amended—

(1) in the first sentence, by striking ''The Commission'' and inserting the following:

''(2) PERSONS LOCATED IN THE UNITED STATES.—

''(3) IN GENERAL.—The Commission'';

(2) in the second sentence, by striking ''Such rules and regulations'' and inserting the following:

''(B) DIFFERENT REQUIREMENTS.—Rules and regulations described in subparagraph (A)'';

(3) in the third sentence—

(A) by striking ''No rule or regulation'' and inserting the following:

''(C) PROHIBITION.—Except as provided in paragraphs (1) and (2), no rule or regulation'';

(B) by striking ''that (1) requires'' and inserting the following: ''that—

''(i) requires''; and

(C) by striking ''market, or (2) governs'' and inserting the following: ''market; or

''(ii) governs''; and

(4) by inserting before paragraph (2) (as designated by paragraph (1)) the following:

''(1) FOREIGN BOARDS OF TRADE.—

''(A) IN GENERAL.—It shall be unlawful for a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order-matching system of the foreign board of trade with respect to an agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless the Commission determines that—

''(i) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(ii) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(I) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

''(II) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

''(III) agrees to promptly notify the Commission, with regard to the agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, of any change regarding—

''(aa) the information that the foreign board of trade will make publicly available;

''(bb) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

''(cc) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

''(dd) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

''(IV) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(V) provides the Commission such information as is necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports on aggregate trader positions for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

''(B) EXISTING FOREIGN BOARDS OF TRADE.—Subparagraph (A) shall not be effective with respect to any foreign board of trade to which, prior to the date of enactment of this paragraph, the Commission granted direct access permission until the date that is 180 days after that date of enactment.''.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''or by subsection (e)'' after ''Unless exempted by the Commission pursuant to subsection (c)''; and

(2) by adding at the end the following:

''(e) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person has reason to believe that the transaction and the contract is made on or subject to the rules of a foreign board of trade that has complied with paragraphs (1) and (2) of subsection (b).''.

(c) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) (as amended by section 736) is amended by adding at the end the following:

''(6) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.''.

**SEC. 736. LEGAL CERTAINTY FOR NON-SECURITY-BASED SWAPS.**

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by striking paragraph (4) and inserting the following:

''(4) CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.—

''(A) IN GENERAL.—No hybrid instrument sold to any investor shall be void, voidable, or unenforceable, and no party to a hybrid instrument shall be entitled to rescind, or recover any payment made with respect to, the hybrid instrument under this section or any other provision of Federal or State law, based solely on the failure of the hybrid instrument to comply with the terms or conditions of section 2(f) or regulations of the Commission.

''(B) NON-SECURITY-BASED SWAPS.—No agreement, contract, or transaction between eligible contract participants or persons reasonably believed to be eligible contract participants shall be void, voidable, or unenforceable, and no party to an agreement, contract, or transaction shall be entitled to rescind, or recover any payment made with respect to, the agreement, contract, or transaction under this section or any other provision of Federal or State law, based solely on the failure of the agreement, contract, or transaction—

''(i) to meet the definition of a non-security-based swap under section 1a; or

''(ii) to be cleared in accordance with section 2(h)(1).

''(5) LEGAL CERTAINTY.—

''(A) EFFECT ON NON-SECURITY-BASED SWAPS.—Unless specifically reserved in the applicable bilateral trading agreement, neither the enactment of the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010, nor any requirement under that Act or an amendment made by that Act, shall constitute a termination event, force majeure, illegality, increased costs, regulatory change, or similar event under a bilateral trading agreement (including any related credit support arrangement) that would permit a party to terminate, renegotiate, modify, amend, or supplement 1 or more transactions under the bilateral trading agreement.

''(B) POSITION LIMITS.—Any position limit established under the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010 shall not apply to a position acquired in good faith prior to the effective date of any rule, regulation, or order under the Act that establishes the position limit; *provided*, however, that such positions shall be attributed to the trader if the trader's position is increased after the effective date of such position limit rule, regulation, or order.''.

**SEC. 737. MULTILATERAL CLEARING ORGANIZATIONS.**

Sections 408 and 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421, 4422) are repealed.

**SEC. 738. ENFORCEMENT.**

(a) CONFORMING AMENDMENTS.—

(1) Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(A) in subsection (a)(2), by striking ''or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g),'' and inserting ''or non-security-based swap,'';

(B) in subsection (b), by striking ''or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g),'' and inserting ''or non-security-based swap,''; and

(C) by adding at the end the following:

''(e) It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any registered entity, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery (or option on such a contract), or any non-security-based swap, on a group or index of securities (or any interest therein or based on the value thereof) that is a broad-based security index—

''(1) to employ any device, scheme, or artifice to defraud;

''(2) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

''(3) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.''.

(2) Section 4c(a)(1) of the Commodity Exchange Act (7 U.S.C. 6c(a)(1)) is amended by inserting ''or non-security-based swap'' before ''if the transaction is used or may be used''.

(3) Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9) is amended in the first sentence by inserting ''or of any non-security-based swap,'' before ''or has willfully made''.

(4) Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence, in the matter preceding the proviso, by inserting ''or of any non-security-based swap,'' before ''or otherwise is violating''.

(5) Section 6c(a) of the Commodity Exchange Act (7 U.S.C. 13a–1(a)) is amended in the matter preceding the proviso by inserting ''or any non-security-based swap'' after ''commodity for future delivery''.

(6) Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by inserting ''or of any non-security-based swap,'' before ''or to corner''; and

(ii) in paragraph (4), by inserting ''registered non-security-based swap data repository,'' before ''or futures association'' and

(B) in subsection (e)(1)—

(i) by inserting ''registered non-security-based swap data repository,'' before ''or registered futures association''; and

(ii) by inserting '', or non-security-based swaps,'' before ''on the basis''.

(7) Section 9(a) of the Commodity Exchange Act (7 U.S.C. 13(a)) is amended by adding at the end the following:

''(6) Any person to abuse the end user clearing exemption under section 2(h)(4), as determined by the Commission.''.

(8) Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by adding at the end the following:

''(11) SWAPS.—

''(A) IN GENERAL.—Subject to subparagraph (B), this section shall apply to any swap participant, derivatives clearing organization, registered non-security-based swap data repository, security-based swap data repository, or non-security-based swap execution facility regardless of whether the participant, organization, repository, or facility is an insured depository institution, for which the Board, the Corporation, or the Office of the Comptroller of the Currency is the appropriate Federal banking agency or prudential regulator for purposes of the amendments made by the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010.

''(B) LIMITATION.—The authority described in subparagraph (A) shall be limited by, and exercised in accordance with, section 4b–1 of the Commodity Exchange Act.''.

**SEC. 739. RETAIL COMMODITY TRANSACTIONS.**

(a) IN GENERAL.—Section 2(c) of the Commodity Exchange Act (7 U.S.C. 2(c)) is amended—

(1) in paragraph (1), by striking ''(to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B))'' and inserting '', 5b, or 12(e)(2)(B))''; and

(2) in paragraph (2), by adding at the end the following:

''(D) RETAIL COMMODITY TRANSACTIONS.—

''(i) APPLICABILITY.—Except as provided in clause (ii), this subparagraph shall apply to any agreement, contract, or transaction in any commodity that is—

''(I) entered into with, or offered to (even if not entered into with), a person that is not an eligible contract participant or eligible commercial entity; and

''(II) entered into, or offered (even if not entered into), on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

''(ii) EXCEPTIONS.—This subparagraph shall not apply to—

''(I) an agreement, contract, or transaction described in paragraph (1) or subparagraphs (A), (B), or (C), including any agreement, contract, or transaction specifically excluded from subparagraph (A), (B), or (C);

''(II) any security;

''(III) a contract of sale that—

''(aa) results in actual delivery within 28 days or such other longer period as the Commission may determine by rule or regulation based upon the typical commercial practice in cash or spot markets for the commodity involved; or

''(bb) creates an enforceable obligation to deliver between a seller and a buyer that have the ability to deliver and accept delivery, respectively, in connection with the line of business of the seller and buyer; or

''(IV) an agreement, contract, or transaction that is listed on a national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)).

''(iii) ENFORCEMENT.—Sections 4(a), 4(b), and 4b apply to any agreement, contract, or transaction described in clause (i), as if the agreement, contract, or transaction was a contract of sale of a commodity for future delivery.

''(iv) ELIGIBLE COMMERCIAL ENTITY.—For purposes of this subparagraph, an agricultural producer, packer, or handler shall be considered to be an eligible commercial entity for any agreement, contract, or transaction for a commodity in connection with the line of business of the agricultural producer, packer, or handler.

''(v) ACTUAL DELIVERY.—For purposes of clause (ii)(III), the term 'actual delivery' does not include delivery to a third party in a financed transaction in which the commodity is held as collateral.''.

(b) GRAMM-LEACH-BLILEY ACT.—Section 206 of the Gramm-Leach-Bliley Act (Public Law 106–102; 15 U.S.C. 78c note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''For purposes of'' and inserting ''Except as provided in subsection (e), for purposes of''; and

(2) by adding at the end the following:

''(e) LIMITATION OF DEFINITION OF IDENTIFIED BANKING PRODUCT.—Except as provided in section 403 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27a), for purposes of section 131 of the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010, the term 'identified banking product' does not include a retail commodity transaction.''.

**SEC. 740. OTHER AUTHORITY.**

Unless otherwise provided by the amendments made by this subtitle, the amendments made by this subtitle do not divest any appropriate Federal banking agency, the Commodity Futures Trading Commission, the Securities and Exchange Commission, or other Federal or State agency of any authority derived from any other applicable law.

**SEC. 741. ENHANCED COMPLIANCE BY REGISTERED ENTITIES.**

(a) CORE PRINCIPLES FOR CONTRACT MARKETS.—Section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) (as amended by section 732(b)) is amended by striking paragraph (1) and inserting the following:

''(1) DESIGNATION.—

''(A) IN GENERAL.—To be designated as, and to maintain the designation of, a board of trade as a contract market, the board of trade shall comply with—

''(i) the core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) DISCRETION OF BOARD OF TRADE.—Unless the Commission determines otherwise by rule or regulation, the board of trade shall have reasonable discretion in establishing the manner by which the board of trade complies with each core principle.''.

(b) CORE PRINCIPLES.—Section 5b(c)(2) of the Commodity Exchange Act (7 U.S.C. 7a–1(c)(2)) (as amended by section 725(c)) is amended by striking subparagraph (A) and inserting the following:

''(A) REGISTRATION.—

''(i) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, a derivatives clearing organization shall comply with—

''(I) the core principles described in this paragraph; and

''(II) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(ii) DISCRETION OF COMMISSION.—Unless the Commission determines otherwise by rule or regulation, a derivatives clearing organization shall have reasonable discretion in establishing the manner by which the derivatives clearing organization complies with each core principle.''.

(c) EFFECT OF INTERPRETATION.—Section 5c(a) of the Commodity Exchange Act (7 U.S.C. 7a–2(a)) is amended by striking paragraph (2) and inserting the following:

''(2) EFFECT OF INTERPRETATION.—An interpretation issued under paragraph (1) may provide the exclusive means for complying with each section described in paragraph (1).''.

**SEC. 742. INSIDER TRADING.**

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended by adding at the end the following:

''(3) CONTRACT OF SALE.—It shall be unlawful for any employee or agent of any department or agency of the Federal Government who, by virtue of the employment or position of the employee or agent, acquires information that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any non-security-based swap, and which information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, to use the information in his personal capacity and for personal gain to enter into, or offer to enter into—

''(A) a contract of sale of a commodity for future delivery (or option on such a contract);

''(B) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(C) a non-security-based swap.

''(4) IMPARTING OF NONPUBLIC INFORMATION.—

''(A) IMPARTING OF NONPUBLIC INFORMATION.—It shall be unlawful for any employee or agent of any department or agency of the Federal Government who, by virtue of the employment or position of the employee or agent, acquires information that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, and which information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, to impart the information in his personal capacity and for personal gain with intent to assist another person, directly or indirectly, to use the information to enter into, or offer to enter into—

''(i) a contract of sale of a commodity for future delivery (or option on such a contract);

''(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(iii) a non-security-based swap; and

''(B) KNOWING USE.—It shall be unlawful for any person who receives information imparted by any employee or agent of any department or agency of the Federal Government as described in subparagraph (A) to knowingly use such information to enter into, or offer to enter into—

''(i) a contract of sale of a commodity for future delivery (or option on such a contract);

''(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(iii) a non-security-based swap; and

''(C) THEFT OF NONPUBLIC INFORMATION.—It shall be unlawful for any person knowingly to steal, convert, or misappropriate acquire, by any means whatsoever, governmental information held or created by any department or agency of the Federal Government that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any non-security-based swap, where such person knows, or in the exercise of reasonable care should know acts in reckless disregard of the fact, that such information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, and to use such information, or to impart such information with the intent to assist another person, directly or indirectly, to use such information to enter into, or offer to enter into—

''(i) a contract of sale of a commodity for future delivery (or option on such a contract);

''(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(iii) a non-security-based swap.

Provided, however, that nothing in this subparagraph shall preclude a person that has

provided information concerning, or generated by, the person, its operations or activities, to any employee or agent of any department or agency of the Federal Government, voluntarily or as required by law, from using such information to enter into, or offer to enter into, a contract of sale, option, or non-security-based swap described in clauses (i), (ii), or (iii).''.

**SEC. 743. CONFORMING AMENDMENTS.**

(a) Section 2(c)(1) of the Commodity Exchange Act (7 U.S.C. 2(c)(1)) is amended, in the matter preceding subparagraph (A), by striking ''5a (to the extent provided in section 5a(g)),''.

(b) Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) (as amended by section 724) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''engage as'' and inserting ''be a''; and

(ii) by striking ''or introducing broker'' and all that follows through ''or derivatives transaction execution facility'';

(B) in paragraph (1), by striking ''or introducing broker''; and

(C) in paragraph (2), by striking ''if a futures commission merchant,''; and

(2) by adding at the end the following:

''(g) It shall be unlawful for any person to be an introducing broker unless such person shall have registered under this Act with the Commission as an introducing broker and such registration shall not have expired nor been suspended nor revoked.''.

(c) Section 5c of the Commodity Exchange Act (7 U.S.C. 7a–2) is amended—

(1) in subsection (a)(1)—

(A) by striking '', 5a(d),''; and

(B) by striking ''and section (2)(h)(7) with respect to significant price discovery contracts,''; and

(2) in subsection (f)(1), by striking ''section 4d(c) of this Act'' and inserting ''section 4d(e)''.

(d) Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) is amended by striking ''or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,''.

(e) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended in the first sentence by striking '', or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,''.

(f) Section 12(e)(2)(B) of the Commodity Exchange Act (7 U.S.C. 16(e)(2)(B)) is amended—

(1) by striking ''section 2(c), 2(d), 2(f), or 2(g) of this Act'' and inserting ''section 2(c), 2(f), or 2(i) of this Act''; and

(2) by striking ''2(h) or''.

(g) Section 17(r)(1) of the Commodity Exchange Act (7 U.S.C. 21(r)(1)) is amended by striking ''section 4d(c) of this Act'' and inserting ''section 4d(e)''.

(h) Section 22(b)(1)(A) of the Commodity Exchange Act (7 U.S.C. 25(b)(1)(A)) is amended by striking ''section 2(h)(7) or''.

(i) Section 408(2)(C) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421(2)(C)) is amended—

(1) by striking ''section 2(c), 2(d), 2(f), or (2)(g) of such Act'' and inserting ''section 2(c), 2(f), or 2(i) of that Act''; and

(2) by striking ''2(h) or''.

## Subtitle C—Regulation of Security-Based Swap Markets

**SEC. 761. DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.**

(a) DEFINITIONS.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (13), by adding at the end the following: ''For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.'';

(2) in paragraph (14), by adding at the end the following: ''For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.'';

(3) in paragraph (39)—

(A) in subparagraph (B)(i)(I), by striking ''or government securities dealer'' and inserting ''government securities dealer, or swap participant'';

(B) in subparagraph (B)(i)(II), by inserting ''swap participant,'' after ''government securities dealer,'';

(C) in subparagraph (C), by striking ''or government securities dealer'' and inserting ''government securities dealer, or swap participant''; and

(D) in subparagraph (D), by inserting ''swap participant,'' after ''government securities dealer,''; and

(4) by adding at the end the following:

''(65) ELIGIBLE CONTRACT PARTICIPANT.—The term 'eligible contract participant' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(66) SWAP PARTICIPANT.—The term 'swap participant' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(67) SECURITY-BASED SWAP.—The term 'security-based swap' means—

''(A) an instrument that is not a security; and

''(B) a swap, of which 1 or more material terms—

''(i) is based on the price, yield, value, or volatility of—

''(I) any single security, any narrow-based group or narrow-based index of securities, or any interest therein; or

''(II) any single loan, any narrow-based group or narrow-based index of loans, or any interest therein;

''(ii) is dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence that is related to or based on—

''(I) a single security, an interest in a security, an issuer of a security, or narrow-based group or narrow-based index of securities, or interests in securities or issuers of securities; or

''(II) a single loan, an interest in a loan, a recipient of a loan, or narrow-based group or narrow-based index of loans, or interests in loans or recipients of loans;

''(iii) provides for the purchase or sale of no more than 9 securities or loans on a contingent basis, whether physically or cash settled, if such agreement, contract, or transaction predicates such purchase or sale (or a net cash payment in lieu thereof) on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of 1 or more reference entities; or

''(iv) allows for payment, settlement, termination, fulfillment, or extinguishment of the swap or delivery on the swap, by means of the transfer or receipt of no more than 9 securities or loans, including any narrow-based group or narrow-based index of securities or loans.

''(68) CLEARED SWAP.—The term 'cleared swap' means any swap that is, directly or indirectly, submitted to and cleared by a derivatives clearing organization registered with the Commodity Futures Trading Commission or a clearing agency registered with the Commission.

''(69) SWAP.—The term 'swap' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(70) ASSOCIATED PERSON OF A SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'associated person of a swap participant' means—

''(i) any partner, officer, director, or branch manager of a swap participant (including any individual who holds a similar status or performs a similar function with respect to any partner, officer, director, or branch manager of a swap participant);

''(ii) any person that directly or indirectly controls, is controlled by, or is under common control with, a swap participant; and

''(iii) any employee of a swap participant.

''(B) EXCLUSION.—The term 'associated person of a swap participant' does not include any person associated with a swap participant the functions of which are solely clerical or ministerial.

''(71) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(72) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(73) PRUDENTIAL REGULATOR.—The term 'prudential regulator' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(74) SECURITY-BASED SWAP DATA REPOSITORY.—The term 'security-based swap data repository' means any person that collects, calculates, prepares, or maintains information or records with respect to transactions or positions in, or the terms and conditions of, security-based swaps entered into by third parties.

''(75) SWAP END USER.—The term 'swap end user' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(76) BROAD-BASED SECURITY INDEX.—The term 'broad-based security index' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).''.

(b) DEFINITIONS UNDER THE SECURITIES ACT OF 1933.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(1) in paragraph (3), by adding at the end the following: ''Any offer or sale of a security-based swap by or on behalf of the issuer of the securities upon which such security-based swap is based or which it references, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell such securities.''; and

(2) by adding at the end the following:

''(17) The terms 'security-based swap', and 'swap', have the same meanings as in paragraphs (67) and (69), respectively, of section 3(a) of the Securities Exchange Act of 1934.

''(18) The terms 'purchase' or 'sale' of a security-based swap, shall be deemed to mean the execution, termination (prior to its

scheduled maturity date), assignment, exchange, novation, or similar transfer or conveyance of, or extinguishment (prior to its scheduled extinguishment date) of material rights or obligations under, a security-based swap, as the context may require.''.

**SEC. 762. REPEAL OF PROHIBITION ON REGULATION OF SWAPS.**

(a) REPEAL OF LAW.—The following provisions of law are repealed:

(1) Sections 206A, 206B, and 206C of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note).

(2) Section 2A of the Securities Act of 1933 (15 U.S.C. 77b–1).

(3) Section 17(d) of the Securities Act of 1933 (15 U.S.C. 77q(d)).

(4) Section 3A of the Securities Exchange Act of 1934 (15 U.S.C. 78c–1).

(5) Section 9(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(i)).

(6) Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–455).

(7) Section 16(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(g)).

(8) Section 20(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(f)).

(9) Section 21A(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(g)).

(b) CONFORMING AMENDMENT TO THE SECURITIES ACT OF 1933.—Section 17(a) of the Securities Act of 1933 (15 U.S.C. 77q(a)) is amended by striking ''agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)'' and inserting ''(as defined in section 3(a)(67) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(67))''.

(c) CONFORMING AND OTHER AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 9(a) (15 U.S.C. 78i(a)), by striking paragraphs (2) through (5) and inserting the following:

''(2) To effect, alone or with 1 or more other persons, a series of transactions in any security registered on a national securities exchange, any security not so registered, or in connection with any swap with respect to such security creating actual or apparent active trading in such security, or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

''(3) If a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security to induce the purchase or sale of any security registered on a national securities exchange, any security not so registered, or any swap with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security.

''(4) If a dealer or broker, or the person selling or offering for sale or purchasing or offering to purchase the security, to make, regarding any security registered on a national securities exchange, any security not so registered, or any swap with respect to such security, for the purpose of inducing the purchase or sale of such security or such swap, any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which he knew or had reasonable ground to believe was so false or misleading.

''(5) For a consideration, received directly or indirectly from a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security, to induce the purchase of any security registered on a national securities exchange, any security not so registered, or any swap with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security.'';

(2) in section 10 (15 U.S.C. 78j)—

(A) by striking ''agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(B) by striking ''agreements (as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that term appears;

(3) in section 15(c) (15 U.S.C. 78o(c)), by striking ''agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that term appears;

(4) in section 16 (15 U.S.C. 78p)—

(A) in subsection (a)(2)(C), by striking ''agreement (as defined in section 206(b) of the Gramm-Leach-Bliley Act)'';

(B) in subsection (a)(3)(B), by striking ''agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(C) in subsection (b), by striking ''agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that the term appears;

(5) in section 20(d) (15 U.S.C. 78t(d)), by striking ''agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(6) in section 21A(a)(1) (15 U.S.C. 78u–1), by striking ''agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)''.

**SEC. 763. CLEARING.**

(a) REGISTERED CLEARING AGENCIES.—Section 17A(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended by adding at the end the following:

''(J) The Commission shall require clearing agencies to provide information collected related to the clearing of security-based swaps by such agencies to any of the following regulatory authorities that requests such information:

''(i) The Board.

''(ii) The Commodity Futures Trading Commission.

''(iii) Each appropriate prudential regulator.

''(iv) The Financial Stability Oversight Council.

''(v) The Department of Justice.

''(vi) Any other person that the Commission determines to be appropriate, including—

''(I) foreign financial supervisors (including foreign futures authorities);

''(II) foreign central banks; and

''(III) foreign ministries.

''(K) A person that is required to be registered as a clearing agency under this section shall register with the Commission regardless of whether the person is also licensed as a bank or a derivatives clearing organization registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 7a–1).''.

(b) REQUIRED CLEARING.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 17C, as added by this subtitle, the following:

**''SEC. 17D. CLEARING OF SECURITY-BASED SWAP TRANSACTIONS.**

''(a) CLEARING REQUIREMENT.—

''(1) SWAPS SUBJECT TO MANDATORY CLEARING REQUIREMENT.—In accordance with paragraph (2), the Commission shall, jointly with the Commodity Futures Trading Commission and the Board, adopt rules to establish criteria for determining that a swap, or any group, category, type, or class of swap is required to be cleared.

''(2) FACTORS.—In carrying out paragraph (1), the following factors shall be considered—

''(A) whether 1 or more derivatives clearing organizations or clearing agencies accepts the swap or the group, category, type, or class of swap for clearing;

''(B) whether the swap or the group, category, type, or class of swap is traded pursuant to standard documentation and terms;

''(C) the liquidity of the swap or the group, category, type, or class of swap and its underlying commodity, security, security of a reference entity, or group or index thereof;

''(D) the ability to value the swap or the group, category, type, or class of swap and its underlying commodity, security, security of a reference entity, or group or index thereof consistent with an accepted pricing methodology, including the availability of intraday prices;

''(E) the size of the market for the swap or the group, category, type, or class of swap and the available capacity, operational expertise, and resources of the derivatives clearing organization or clearing agency that accepts it for clearing;

''(F) whether a clearing mandate would mitigate risk to the financial system or whether such a mandate would unduly concentrate risk in a clearing participant, derivatives clearing organization, or clearing agency in a manner that could threaten the solvency of that clearing participant, the derivatives clearing organization, or the clearing agency; and

''(G) such other factors as the Commission, the Commodity Futures Trading Commission, and the Board may jointly determine are relevant.

''(3) SECURITY-BASED SWAPS SUBJECT TO CLEARING REQUIREMENT.—The Commission—

''(A) shall review each security-based swap, or any group, category, type, or class of security-based swap that is currently listed for clearing and those which a clearing agency notifies the Commission that the clearing agency plans to list for clearing after the date of enactment of this subsection;

''(B) may require, pursuant to the rules adopted under paragraph (1) and through notice-and-comment rulemaking, that a particular security-based swap or any group, category, type, or class of security-based swap must be cleared if—

''(i) both counterparties are swap participants;

''(ii) the transaction was entered into on or before the later of—

''(I) the date of publication of the requirement in the Federal Register; or

''(II) the effective date of the requirement; and

''(iii) one of the counterparties directly or indirectly controls, is controlled by, or is under common control with the other counterparty to the transaction, provided, however, that the Commission, jointly with the Financial Stability Oversight Council, may determine, by rule or order, that transactions between certain parties under common control are subject to any requirement to clear under this clause; and

''(C) shall rely on economic analysis provided by economists of the Commission in making any determination under subparagraph (B), which economic analysis may refer to any peer-reviewed or other relevant

literature conducted by independent researchers.

''(4) EFFECT.—

''(A) Nothing in this subsection affects the ability of a clearing agency to list for permissive clearing any security-based swap, or group, category, type, or class of security-based swap.

''(B) The Commission shall not compel a clearing agency to list a security-based swap or any group, category, type, or class of security-based swap for clearing if the clearing agency determines that the security-based swap or the group, category, type, or class of security-based swap would—

''(i) adversely impact the business operations of the clearing agency;

''(ii) impair the financial integrity of the clearing agency; or

''(iii) pose a threat to the financial stability of the United States.

''(5) PREVENTION OF EVASION.—

''(A) IN GENERAL.—The Commission may prescribe rules, or issue interpretations of such rules, as necessary to prevent evasions of any requirement to clear under paragraph (3).

''(B) CONSIDERATIONS.—In issuing rules or interpretations under subparagraph (A), the Commission shall consider—

''(i) the extent to which the terms of the security-based swap or any group, category, type, or class of security-based swap are similar to the terms of other security-based swaps or other groups, categories, types, or classes of security-based swaps that are required to be cleared by swap participants under paragraph (3); and

''(ii) whether there is an economic purpose for any differences in the terms of the security-based swap or group, category, type, or class of security-based swap that are required to be cleared by swap participants under paragraph (3).

''(6) ELIMINATION OF REQUIREMENT TO CLEAR.—The Commission may, pursuant to the rules adopted under paragraph (1) and through notice-and-comment rulemaking, rescind a requirement imposed under paragraph (3) with respect to a security-based swap or any group, category, type, or class of security-based swap.

''(7) PETITION FOR RULEMAKING.—Any person may file a petition, pursuant to the rules of practice of the Commission, requesting that the Commission—

''(A) use the authority granted to the Commission under paragraph (3) to require swap participants to clear a particular security-based swap or any group, category, type, or class of security-based swap; or

''(B) use the authority granted to the Commission under paragraph (6) to rescind a requirement for swap participants to clear a particular security-based swap or any group, category, type, or class of security-based swap.

''(8) OPTION TO CLEAR FOR COUNTERPARTIES THAT ARE NOT SWAP PARTICIPANTS.—Before entering into a security-based swap transaction, any counterparty that is not a swap participant may elect to clear a security-based swap that is subject to a clearing requirement under paragraph (3). If such counterparty elects to clear, it shall have the sole right to select the derivatives clearing organization or clearing agency at which the security-based swap will be cleared.

''(b) SEGREGATION REQUIREMENTS FOR CLEARED SECURITY-BASED SWAPS.—

''(1) IN GENERAL.—

''(A) SEGREGATION REQUIRED.—A swap participant shall treat and deal with all money, securities, and property of any swap customer received to margin, guarantee, or secure a security-based swap cleared by or through a clearing agency (including money, securities, or property accruing to the swap customer as the result of such a swap) as belonging to the swap customer.

''(B) COMMINGLING PROHIBITED.—Money, securities, and property of a swap customer described in subparagraph (A)—

''(i) shall be separately accounted for; and

''(ii) shall not be—

''(I) commingled with the funds of the swap participant; or

''(II) used to margin, secure, or guarantee any trades or contracts of any swap customer or person other than the person for whom the same are held.

''(2) EXCEPTIONS.—

''(A) USE OF FUNDS.—

''(i) IN GENERAL.—Notwithstanding paragraph (1), money, securities, and property of a swap customer of a swap participant described in paragraph (1) may, for convenience, be commingled and deposited in the same 1 or more accounts with any bank or trust company or with a clearing agency.

''(ii) WITHDRAWAL.—Notwithstanding paragraph (1), such share of the money, securities, and property described in clause (i) as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle a cleared swap with a clearing agency, or with any member of the clearing agency, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other charges, lawfully accruing in connection with the cleared swap.

''(B) COMMISSION ACTION.—Notwithstanding paragraph (1), in accordance with such terms and conditions as the Commission may prescribe by rule, regulation, or order, any money, securities, or property of the swap customer of a swap participant described in paragraph (1) may be commingled and deposited as provided in this subsection with any other money, securities, or property received by the swap participant and required by the Commission to be separately accounted for and treated and dealt with as belonging to the swap customer.

''(3) PERMITTED INVESTMENTS.—Money described in paragraph (1) may be invested in obligations of the United States or in any other investment that has minimal credit, market, and liquidity risks that the Commission may by rule or regulation prescribe, and such investments shall be made in accordance with such rules and regulations and subject to such conditions as the Commission may prescribe.

''(4) PROHIBITION.—It shall be unlawful for any person, including any clearing agency and any depository institution, that has received any money, securities, or property for deposit in a separate account or accounts as provided in paragraph (1) to hold, dispose of, or use any such money, securities, or property as belonging to the depositing swap participant or any person other than the swap customer of the swap participant.''.

**SEC. 764. TRANSPARENCY OF SECURITY-BASED SWAP TRANSACTION DATA.**

(a) PURPOSES.—The Securities and Exchange Commission is directed, consistent with the purposes of this subtitle, to use the authorities granted to it under this title, and the amendments made by this subtitle, to facilitate the prompt and accurate collection, calculation, processing or preparation, and public dissemination of information on transactions and positions in security-based swaps.

(b) NATIONAL TRADE REPORTING OF SECURITY-BASED SWAP TRANSACTIONS.—The Securities Exchange Act of 1934 is amended by inserting after section 17B (15 U.S.C. 78q–2) the following:

**''SEC. 17C. NATIONAL TRADE REPORTING OF SECURITY-BASED SWAP TRANSACTIONS.**

''(a) MANDATORY REPORTING OF SECURITY-BASED SWAP TRANSACTIONS.—

''(1) IN GENERAL.—

''(A) TRANSACTIONS IN SECURITY-BASED SWAPS.—Any person that enters into or effects a transaction in a security-based swap shall report such transaction through a clearing agency or a security-based swap data repository registered with the Commission within the period specified by any rule or regulation adopted by the Commission under this paragraph.

''(B) UNCLEARED SECURITY-BASED SWAPS.—If no registered security-based swap data repository accepts an uncleared security-based swap, the person shall report the transaction to the Commission pursuant to the requirements that the Commission may by rule or regulation prescribe.

''(C) MANDATORY DISCLOSURES.—Each transaction report required under subparagraph (A) shall disclose whether the transaction is a bona fide hedging swap transaction, as that term is defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a), and any other information that the Commission has, by rule or regulation, prescribed as necessary or appropriate in furtherance of the purposes of this section.

''(2) PERMISSIBLE REPORTING FOR A COUNTERPARTY THAT IS NOT A SECURITY-BASED SWAP PARTICIPANT.—A swap participant may report a transaction in accordance with this section on behalf of its counterparty to that transaction provided that counterparty is not a swap participant.

''(3) RULEMAKING REQUIRED.—Not later than 180 days after the date of enactment of this section, the Commission shall by rule or regulation establish a schedule for the reporting through a clearing agency or registered security-based swap data repository or to the Commission of each security-based swap transaction or group, category, type, or class of security-based swap transactions entered into—

''(A) before the effective date of the Commission's rule or regulation and still outstanding as of such effective date; and

''(B) on or after the effective date of the Commission's rule or regulation.

''(b) CONFIDENTIALITY OF INFORMATION PROVIDED.—No non-public information provided to or obtained by the Commission under this section may be disclosed to any other person. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or foreign government with which the Commission has an information sharing arrangement that requests the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission.

''(c) PUBLIC DISSEMINATION OF CERTAIN INFORMATION PROVIDED.—

''(1) IN GENERAL.—

''(A) PRICES AND VOLUMES.—Notwithstanding subsection (b), the Commission is directed to use the authority granted to the Commission under this title to facilitate the public dissemination of prices and volumes

of completed security-based swap transactions to provide investors and other market participants with information about recently executed transactions for the purposes of helping such investors and participants to—

''(i) mark existing security-based swap positions to market;

''(ii) make informed decisions before executing future transactions; and

''(iii) assess the quality of transactions that such investors and participants have executed.

''(B) RULEMAKING.—For each security-based swap or group, category, type, or class of security-based swap, the Commission shall determine by rule the extent to which individual or aggregated transaction data shall be disseminated and the timeliness of such disseminations.

''(2) RELIANCE ON ECONOMIC ANALYSIS.—

''(A) IN GENERAL.—In making determinations under this subsection, the Commission shall rely on economic analyses provided by the Chief Economist of the Commission and independent researchers that empirically evaluate the effects of increasing price transparency on measures of efficiency, competition, and market quality, including transaction costs and liquidity.

''(B) PILOT PROGRAMS.—To facilitate the empirical analyses under subparagraph (A), the Commission may design pilot programs that increase price transparency on selected security-based swaps.

''(3) CHIEF ECONOMIST REPORT.—

''(A) IN GENERAL.—Whenever the Commission publishes a release giving notice of a proposed rulemaking under this subsection, and affords interested persons an opportunity to comment on such proposed rulemaking or publishes a release adopting a final rule, such release shall include as a part thereof a report by the Chief Economist of the Commission.

''(B) REQUIRED INCLUSIONS.—Each report required under subparagraph (A) shall—

''(i) describe the economic analysis of the expected consequences of the proposed or final Commission action;

''(ii) refer to any peer-reviewed or other literature, including any empirical study undertaken by the staff of the Commission, that is relevant to the analysis contained in the report; and

''(iii) describe the extent to which the conclusions of the report remain subject to uncertainty.

''(4) PROTECTION OF PROPRIETARY INFORMATION.—

''(A) CONSIDERATIONS.—In making determinations under this subsection, the Commission shall consider whether public dissemination of individual or aggregate transaction data could result in the dissemination of proprietary information about the swap transactions, positions, trading strategies, or the ability of particular market participants to conduct effective hedging or risk management.

''(B) REQUIRED RULES.—Any rules adopted by the Commission under this subsection shall include protections to ensure that the public dissemination of security-based swap transaction data does not result in the disclosure of the proprietary information described in subparagraph (A).

''(5) REGISTERED ENTITIES AND PUBLIC REPORTING.—The Commission may require clearing agencies and registered security-based swap data repositories to publicly disseminate the security-based swap transaction and pricing data required to be reported under this subsection.

''(6) QUARTERLY PUBLIC REPORTING OF AGGREGATE SECURITY-BASED SWAP DATA.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall issue a written report on a quarterly basis to make available to the public information relating to—

''(i) the trading and clearing in the major security-based swap categories; and

''(ii) the market participants and developments in new products.

''(B) USE; CONSULTATION.—In preparing a report under subparagraph (A), the Commission shall—

''(i) use any information reported directly to the Commission and information from registered security-based swap data repositories and clearing agencies; and

''(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.

''(d) REGISTRATION.—

''(1) IN GENERAL.—A security-based swap data repository may register by filing with the Commission an application in such form as the Commission, by rule or regulation, shall prescribe containing such information as the Commission, by rule or regulation, may prescribe as necessary or appropriate in furtherance of the purposes of this section.

''(2) INSPECTION AND EXAMINATION.—Each registered security-based swap data repository shall be subject to inspection and examination by any representative of the Commission.

''(3) SHARING OF INFORMATION.—The Commission shall require each registered security-based swap data repository to provide information collected related to its functions as a security-based swap data repository to any of the following regulatory authorities that requests such information:

''(A) The Board.

''(B) The Commodity Futures Trading Commission.

''(C) Each appropriate prudential regulator.

''(D) The Financial Stability Oversight Council.

''(E) The Department of Justice.

''(F) Any other person that the Commission determines to be appropriate, including—

''(i) foreign financial supervisors (including foreign futures authorities);

''(ii) foreign central banks; and

''(iii) foreign ministries.

''(e) STANDARD SETTING.—

''(1) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each security-based swap, including whether the transaction is a bona fide hedging swap transaction as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a), that shall be collected and maintained by each registered security-based swap data repository.

''(2) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for security-based swap data repositories.

''(3) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on clearing agencies in connection with such agencies' clearing of security-based swaps.

''(f) DUTIES.—A registered security-based swap data repository shall—

''(1) accept data prescribed by the Commission for 1 or more security-based swap under subsection (b);

''(2) confirm with both counterparties to the security-based swap the accuracy of the data that was submitted;

''(3) maintain the data described in paragraph (1) in such form, in such manner, and for such period as may be required by the Commission;

''(4)(A) provide direct electronic access to the Commission (or any designee of the Commission, including another registered entity); and

''(B) provide the information described in paragraph (1) in such form and at such frequency as the Commission may require to comply with the public reporting requirements under subsection (c)(6);

''(5) at the direction of the Commission, establish automated systems for monitoring, screening, and analyzing security-based swap data; and

''(6) maintain the confidentiality of security-based swap transaction information that the registered security-based swap data repository receives from a counterparty, swap participant, or any other registered entity in accordance with the requirements that the Commission shall jointly with the Commodity Futures Trading Commission prescribe through notice-and-comment rulemaking.

''(g) REGULATORY REQUIREMENTS APPLICABLE TO REGISTERED SECURITY-BASED SWAP DATA REPOSITORIES.—The Commission shall adopt rules, by notice-and-comment rulemaking, for security-based swap data repositories that address the following:

''(1) ANTITRUST CONSIDERATIONS.—Unless specifically reviewed and approved by the Commission for antitrust purposes, a registered security-based swap data repository may not—

''(A) adopt any rule or take any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on the trading, clearing, or reporting of transactions.

''(2) GOVERNANCE ARRANGEMENTS.—Each registered security-based swap data repository shall establish governance arrangements—

''(A) that are transparent; and

''(B) that assure fair representation of the participants of the repository in reasonable proportion to the use of the repository by such participants in the selection of the directors of the repository and the administration of the affairs of the repository.

''(3) CONFLICTS OF INTEREST.—Each registered security-based swap data repository shall—

''(A) establish and enforce rules to minimize conflicts of interest in the decision-making process of the security-based swap data repository; and

''(B) establish a process for resolving conflicts of interest described in subparagraph (A).

''(4) NON-DISCRIMINATORY ACCESS.—A registered security-based swap data repository—

''(A) may not mandate directly or indirectly the substantive terms and conditions of transactions reported to the repository;

''(B) shall provide for the equitable allocation of reasonable dues, fees, and other charges among the participants of the repository and shall not impose any schedule of prices, or fix rates or other fees, for services rendered by such participants;

''(C) shall provide for participation in the repository by any swap participant and any other person or class of persons as the Commission, by rule or regulation, may determine to be necessary or appropriate in furtherance of the purposes of this section; and

''(D) shall not unfairly discriminate in the admission of participants or among participants in the use of the repository.''.

**SEC. 765. REGISTRATION AND REGULATION OF SWAP PARTICIPANTS.**

Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following:

''(l) REGISTRATION AND REGULATION OF SWAP PARTICIPANTS.—

''(1) REGISTRATION.—Swap participants shall register with the Commission.

''(2) NOTICE REGISTRATION.—A swap participant shall be exempt from registration with the Commission if such participant files a notice registration with the Commission in the form and manner that the Commission shall prescribe, jointly with the Commodity Futures Trading Commission, by notice-and-comment rulemaking and—

''(A) such participant is exempt pursuant to a rule or order issued by the Commission, jointly with the Commodity Futures Trading Commission, to exempt swap participants that engage primarily in non-security-based swap transactions and are registered as swap participants with the Commodity Futures Trading Commission; or

''(B) all of its outstanding swap transactions are cleared swaps.

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—A person shall register as a swap participant by filing a registration application with the Commission.

''(B) CONTENTS.—

''(i) IN GENERAL.—An application for registration under this subsection shall be made in such form and manner and contain such information as the Commission, jointly with the Commodity Futures Trading Commission through notice-and-comment rulemaking, shall prescribe concerning the swap activities of the swap participant.

''(ii) CONTINUAL REPORTING.—A registered swap participant shall continue to submit to the Commission reports that contain such information pertaining to the swap activities of the swap participant as the Commission may require.

''(C) TRANSITION.—Rules under this section shall provide for the registration of swap participants not later than the date that is 1 year after the date of enactment of the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010.

''(D) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order, it shall be unlawful for a swap participant to permit any person associated with a swap participant who is subject to a statutory disqualification to effect or be involved in effecting swaps on behalf of the swap participant, if the swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

''(m) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) CAPITAL REQUIREMENTS FOR PRUDENTIALLY REGULATED SWAP PARTICIPANTS.—Each swap participant for which there is a prudential regulator shall meet such minimum capital requirements as such prudential regulator shall prescribe pursuant to the authority of the prudential regulator.

''(2) MARGIN REQUIREMENTS FOR SWAP PARTICIPANTS FOR UNCLEARED SECURITY-BASED SWAPS.—

''(A) IN GENERAL.—Except as provided in paragraph (C), the Commission shall prescribe by rule or regulation the minimum margin requirements that apply to transactions between swap participants in any particular uncleared security-based swap or any group, category, type, or class of security-based swap, as the Commission deems appropriate for the risk of that particular uncleared security-based swap or class, group, category, type of security-based swap, for the purposes of—

''(i) reducing the risk of losses to counterparties; and

''(ii) preserving the financial integrity of markets trading security-based swaps.

''(B) CONSIDERATIONS.—The Commission shall not issue rules under this subsection unless the Commission determines that such rules—

''(i) would not inappropriately encourage or discourage the clearing of certain security-based swaps, resulting in an undue increase in risk to the financial system;

''(ii) are supported by economic analysis provided by the Chief Economist of the Commission; and

''(iii) would not impose any unnecessary burden on competition.

''(C) OUTSTANDING SECURITY-BASED SWAP POSITIONS.—The Commission and the Commodity Futures Trading Commission may by joint notice-and-comment rulemaking or order exempt any security-based swap, group, category, type, or class of security-based swap entered into on or before the date of enactment of this Act. In determining whether an exemption is appropriate, the Commission and the Commodity Futures Trading Commission shall take into account the notional value, the tenor, and the risk to the financial stability of the United States posed by the underlying security-based swap, group, category, type, or class of security-based swap.

''(D) AFFILIATE TRANSACTIONS.—The Commission shall not impose minimum margin requirements on security-based swap transactions in which one counterparty directly or indirectly controls, is controlled by, or is under common control with the other counterparty, provided, however, that the Commission, jointly with the Financial Stability Oversight Council, may determine, by notice-and-comment rulemaking, that transactions between certain parties under common control are subject to the minimum margin requirements imposed by the Commission under this clause.

''(3) SPECIAL MARGIN REQUIREMENTS FOR UNCLEARED SECURITY-BASED SWAP TRANSACTIONS INVOLVING A SWAP PARTICIPANT WITH A SUBSTANTIAL NET UNCOLLATERALIZED SECURITY-BASED SWAP POSITION.—If a swap participant has a substantial net uncollateralized swap position, any subsequent swap transaction, regardless of whether the swap participant's counterparty is a swap participant, shall be subject to—

''(A) any applicable clearing requirement under section 17D(a); and

''(B) any applicable margin requirements that the Commission has prescribed under paragraph (2).

''(4) SUBSTANTIAL NET UNCOLLATERALIZED POSITION.—

''(A) IN GENERAL.—From time to time, the Financial Stability Oversight Council shall define, by rule or regulation, the term 'substantial net uncollateralized position' by identifying the level of uncollateralized positions in swaps that a swap participant can hold without posing a threat to the financial system stability of the United States.

''(B) RELIANCE ON ECONOMIC ANALYSIS.—In making determinations under this subsection, the Commission and the Board shall rely on economic analysis provided by economists of the Commission and economists of the Board.

''(n) REPORTING AND RECORDKEEPING.—With respect to its swap business, each swap participant registered with the Commission—

''(1) shall make such reports as are required by the Commission, jointly with the Commodity Futures Trading Commission through notice-and-comment rulemaking;

''(2)(A) for which there is a prudential regulator, shall keep books and records in such form and manner and for such period as may be prescribed by the prudential regulator; and

''(B) for which there is no prudential regulator, shall keep books and records in such form and manner and for such period as is be prescribed by the Commission, jointly with the Commodity Futures Trading Commission through notice-and-comment rulemaking; and

''(3) shall keep books and records described in paragraph (2)(B) open to inspection and examination by any representative of the Commission.

''(o) BUSINESS CONDUCT STANDARDS AND REQUIREMENTS.—With respect to its swap business, each swap participant—

''(1) for which there is a prudential regulator, shall comply with such business conduct standards and requirements as the prudential regulator may impose; and

''(2) for which there is no prudential regulator, shall comply with such business conduct standards and requirements as the Commission, jointly with the Commodity Futures Trading Commission through notice-and-comment rulemaking, shall prescribe. The business conduct requirements prescribed under this paragraph shall—

''(A) establish the standard of care required for a swap participant to verify that any counterparty meets the eligibility standards for an eligible contract participant; and

''(B) require disclosure by the swap participant to any counterparty to the swap (other than a counterparty that is a swap participant) of—

''(i) information about the material risks and characteristics of the security-based swap; and

''(ii) any material conflicts of interest that the swap participant may have in connection with the security-based swap.

''(p) DOCUMENTATION AND BACK OFFICE STANDARDS.—Each swap participant registered with the Commission—

''(1) for which there is a prudential regulator, shall comply with such documentation and back office standards as the prudential regulator may impose; and

''(2) for which there is no prudential regulator, shall conform with such standards as the Commission, jointly with the Commodity Futures Trading Commission through notice-and-comment rulemaking, may prescribe that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all security-based swaps.

''(q) CONFIDENTIALITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Commission may not be compelled to disclose any information required by Commission rule or regulation to be reported to the Commission under this subsection, except that nothing in this paragraph authorizes the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action

brought by the United States or the Commission.

''(2) RULE OF CONSTRUCTION.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(r) SEGREGATION REQUIREMENTS FOR INITIAL MARGIN.—

''(1) SEGREGATION OF INITIAL MARGIN.—

''(A) NOTIFICATION OF RIGHT TO SEGREGATE INITIAL MARGIN.—A swap participant shall notify its counterparty before entering into a security-based swap transaction of the right of the counterparty to require segregation of the funds or other property supplied as initial margin for the purpose of margining, guaranteeing, or securing the obligations of the counterparty.

''(B) SEGREGATION AND MAINTENANCE OF INITIAL MARGIN.—At the request, made before entering into a security-based swap transaction, of a counterparty that provides funds or other property as initial margin to a swap participant for the purpose of margining, guaranteeing, or securing the obligations of the counterparty, the swap participant shall—

''(i) segregate the funds or other property for the benefit of the counterparty; and

''(ii) in accordance with such rules and regulations as the Commission may promulgate jointly with the Commodity Futures Trading Commission, maintain the funds or other property in a segregated account separate from the assets and other interests of the swap participant.

''(C) NOTIFICATION OF EXCESS VARIATION MARGIN.—Pursuant to rules and regulations adopted by the Commission, a swap participant who received funds or other property shall notify any counterparty who provided such funds or other property if the swap participant is holding excess net variation margin from that counterparty.

''(2) APPLICABILITY.—The requirements described in paragraph (1) shall—

''(A) apply only to a security-based swap between a counterparty and a swap participant that is not submitted for clearing to a clearing agency;

''(B) not apply to variation margin payments; and

''(C) not preclude any commercial arrangement regarding—

''(i) the investment of segregated funds or other property that may only be invested in such investments as the Commission may permit by rule or regulation; and

''(ii) the related allocation of gains and losses resulting from any investment of the segregated funds or other property.

''(3) USE OF INDEPENDENT THIRD-PARTY CUSTODIANS.—Each segregated account described in paragraph (1), if requested by the counterparty, may be—

''(A) carried by an independent third-party custodian; and

''(B) designated as a segregated account for and on behalf of the counterparty.

''(4) REPORTING REQUIREMENT.—If a counterparty does not choose to require segregation of the funds or other property supplied as initial margin for the purpose of margining, guaranteeing, or securing the obligations of the counterparty, the swap participant shall report to the counterparty of the swap participant on a quarterly basis that the back office procedures of the swap participant relating to initial margin and collateral requirements are in compliance with the agreement of the counterparties.''.

**SEC. 766. LARGE SECURITY-BASED SWAP TRADER REPORTING.**

The Securities Exchange Act of 1934 is amended by inserting after section 10A (15 U.S.C. 78j–1) the following:

**''SEC. 10B. LARGE SECURITY-BASED SWAP TRADER REPORTING.**

''(a) IN GENERAL.—A person that buys or sells a security-based swap shall file or cause to be filed with the Commission a report, if—

''(1) such person directly or indirectly buys or sells a particular security-based swap or class of security-based swap during any day equal to or in excess of any daily reporting threshold that has been fixed, by rule or regulation, with respect to a particular security-based swap or class of security-based swap by the Commission; or

''(2) such person directly or indirectly has or obtains a net position in such security-based swap or class of security-based swap equal to or in excess of any net position reporting threshold that has been fixed, by rule or regulation, with respect to that particular security-based swap or class of security-based swap by the Commission.

''(b) REPORT.—Each report required under subsection (a) shall—

''(1) be in such form and be filed at such time as the Commission shall prescribe, by rule or regulation; and

''(2) contain such information regarding any position or positions in such security-based swap and any group or index of securities on which such security-based swap is based or is referenced, or to which such security-based swap is related, or as to which the issuer of such security is referenced and any other instrument relating to such security or group or index of securities.

''(c) DETERMINATION OF REPORTING THRESHOLDS.—

''(1) CHIEF ECONOMIST.—In determining the reporting thresholds set forth in subsection (a), the Commission shall rely on economic analysis provided by the Chief Economist of the Commission.

''(2) CONSIDERATIONS.—The economic analysis provided under paragraph (1) shall take into account—

''(A) the market oversight benefits and the costs to market participants from preparing reports; and

''(B) the costs to the Commission from processing reports.''.

**SEC. 767. CERTAIN REPORTING REQUIREMENTS.**

(a) BENEFICIAL OWNERSHIP REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(1) in subsection (d), by adding at the end the following:

''(7) For purposes of this subsection, the Commission may determine by rule or regulation that a person is deemed to have acquired beneficial ownership of an equity security upon the purchase or sale of a swap that results in the person acquiring voting or control rights equivalent to those arising from beneficial ownership of the equity security.''; and

(2) in subsection (g), by adding at the end the following:

''(7) For purposes of this subsection, the Commission may determine by rule or regulation that a person is deemed to have acquired beneficial ownership of an equity security upon the purchase or sale of a swap that results in the person acquiring voting or control rights equivalent to those arising from beneficial ownership of the equity security.''.

(b) INSTITUTIONAL INVESTMENT MANAGER REPORTING.—Section 13(f)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f)(5)) is amended by adding at the end the following:

''(C) For purposes of this subsection, an account shall be deemed to be holding equity securities of a class described in subsection (d)(1), if the account holds swaps that the Commission has determined, by rule or regulation, result in the person acquiring voting or control rights equivalent to those arising from beneficial ownership of the equity security.''.

**SEC. 768. PROHIBITION OF MARKET MANIPULATION, FRAUD, AND OTHER MARKET ABUSES.**

(a) RULEMAKING AUTHORITY TO PREVENT FRAUD, MANIPULATION, AND DECEPTIVE CONDUCT IN SECURITY-BASED SWAPS.—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended—

(1) in the section heading, by inserting ''**AND SECURITY-BASED SWAP**'' after ''**SECURITY**''; and

(2) by adding at the end the following:

''(j) ABUSES RELATED TO SECURITY-BASED SWAPS.—It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security-based swap, in connection with which such person engages in any fraudulent, deceptive, or manipulative act or practice, makes any fictitious quotation, or engages in any transaction, practice, or course of business which operates as a fraud or deceit upon any person. The Commission shall, for purposes of this subsection, by rule or regulation, define and prescribe means reasonably designed to prevent, such transactions, acts, practices, and courses of business as are fraudulent, deceptive, or manipulative, and such quotations as are fictitious.''.

(b) ADDITIONS OF SWAPS TO CERTAIN ANTI-MANIPULATION PROVISIONS.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) any transaction in connection with any security, whereby any party to such transaction acquires—

''(A) any put, call, straddle, or other option or privilege of buying the security from or selling the security to another without being bound to do so;

''(B) any security futures product on the security; or

''(C) any swap involving the security or the issuer of the security;

''(2) any transaction in connection with any security with relation to which he has, directly or indirectly, any interest in any—

''(A) such put, call, straddle, option, or privilege;

''(B) such security futures product; or

''(C) such swap; or

''(3) any transaction in any security for any account that the person has reason to believe has, and that actually has, directly or indirectly, any interest in any—

''(A) such put, call, straddle, option, or privilege;

''(B) such security futures product with relation to such security; or

''(C) any swap involving such security or the issuer of such security.''.

**SEC. 769. STATE GAMING AND BUCKET SHOP LAWS.**

Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended to read as follows:

''(a) DAMAGES AMOUNTS.—

''(1) ACTUAL DAMAGES.—Except as provided in subsection (f), the rights and remedies

provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity, but no person permitted to maintain a suit for damages under the provisions of this title shall recover, through satisfaction of judgment in 1 or more actions, a total amount in excess of the actual damages to such person on account of the act complained of. Except as otherwise specifically provided in this title, nothing in this title shall affect the jurisdiction of the securities commission (or any agency or officer performing like functions) of any State over any security or any person, insofar as it does not conflict with the provisions of this title or the rules and regulations thereunder.

''(2) APPLICABILITY OF CERTAIN STATE LAWS.—No State law which prohibits or regulates the making or promoting of wagering or gaming contracts, or the operation of 'bucket shops' or other similar or related activities, shall invalidate—

''(A) any put, call, straddle, option, privilege, or other security subject to this title (except any security that has a pari-mutual payout or otherwise is determined by the Commission, acting by rule, regulation, or order, to be appropriately subject to such laws), or apply to any activity which is incidental or related to the offer, purchase, sale, exercise, settlement, or closeout of any such security;

''(B) any security-based swap between eligible contract participants; or

''(C) any security-based swap effected on a national securities exchange registered pursuant to section 6(b).

''(3) LIMITATION.—Notwithstanding paragraph (2), no provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security futures product, except that this paragraph may not be construed as limiting any State antifraud law of general applicability.''.

**SEC. 770. PROTECTIONS FOR MARKETING SECURITY-BASED SWAPS AND LISTING STANDARDS.**

Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

''(l) TRADING IN SECURITY-BASED SWAPS.—

''(1) IN GENERAL.—It shall be unlawful for any person to effect a transaction in a security-based swap with or for a person that is not an eligible contract participant, unless such transaction is effected on a national securities exchange registered pursuant to subsection (b).

''(2) LISTING STANDARDS REQUIRED.—A national securities exchange or a national securities association registered pursuant to section 15A(a) may trade security-based swaps that conform with listing standards that such exchange or association files with the Commission under section 19(b).''.

**SEC. 771. ENFORCEABILITY OF SECURITY-BASED SWAPS.**

Section 29(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(b)) is amended by striking ''and (B) that no contract'' and inserting the following: ''(B) that no agreement, contract, or transaction that is a security-based swap shall be void, voidable, or unenforceable by either party to such security-based swap, and no party thereto shall be entitled to rescind, or recover any payment made with respect to, such security-based swap under this section or any other provision of securities laws based solely on the failure of either party to the agreement, contract, or transaction to satisfy its respective obligations under sections 6(l), 13, 15(b), 17, and 17C of this title with respect to such security-based swap, and (C) that no contract''.

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**SA 3817.** Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1171, between lines 5 and 6, insert the following:

**SEC. 989C. PREVENTING BLANK CHECK BAILOUTS.**

(a) SHORT TITLE.—This section may be cited as the ''Preventing Blank Check Bailouts Act of 2010''.

(b) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term ''covered entity''—

(A) means a corporation, partnership, association, trust, firm, joint stock company, or other business entity that—

(i) has outstanding not less than $10,000,000,000 in Government assistance; or

(ii) receives Government assistance for the protection of the public; and

(B) does not include a State, a political subdivision of a State, or an entity owned or controlled by a State or a political subdivision of a State.

(2) EXECUTIVE COMPENSATION.—The term ''executive compensation'' includes wages, salary, deferred compensation, benefits, retirement arrangements, options, bonuses, office fixtures, goods and other property, travel, entertainment or vacation expenses, and forms of compensation, obligation, or expense that are not routinely provided to all other employees of a covered entity.

(3) GOVERNMENT ASSISTANCE.—The term ''Government assistance'' means any grants, gifts, loans, equity or debt purchases, or other investments by the United States made or provided to prevent the insolvency of the recipient for the protection of the public.

(4) TAXPAYER PROTECTION ACTION.—The term ''taxpayer protection action'' means a civil action brought under subsection (c)(1).

(c) TAXPAYER PROTECTION ACTIONS.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction of a civil action brought by the Attorney General of the United States against a covered entity seeking the abrogation of contracts of the covered entity.

(2) CONSULTATION.—The Attorney General shall consult with the President and the Secretary of the Treasury before bringing a taxpayer protection action.

(3) REMEDIES.—

(A) IN GENERAL.—In a taxpayer protection action, the court may abrogate contracts of the covered entity, including contracts relating to executive compensation, in accordance with subparagraph (B), if the court determines that a covered entity—

(i) would have become insolvent if the covered entity had not received the Government assistance outstanding to or in the covered entity; or

(ii) would become insolvent if the covered entity does not receive Government assistance.

(B) CONTRACTS TO BE ABROGATED.—In evaluating the contracts of a covered entity under this paragraph, a court shall apply a standard to the contracts that seeks to approximate the outcome that would have resulted for the parties to the contract if the covered entity—

(i) had not received the Government assistance; and

(ii) had filed a petition under chapter 7 of title 11, United States Code.

(4) INDIVIDUALS AND ENTITIES AFFECTED.—If the property rights of an individual or entity will be affected by a taxpayer protection action, the individual or entity may—

(A) intervene as a matter of right in the taxpayer protection action; and

(B) upon intervening, assert any claim relating to the property rights of the individual or entity, including a claim—

(i) relating to rights protected under the due process clause of the fifth amendment to the Constitution of the United States or the due process clause of section 1 of the 14th amendment to the Constitution of the United States; or

(ii) that the covered entity is not insolvent or would not have become insolvent if the covered entity had not received the Government assistance.

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**SA 3818.** Mr. MENENDEZ (for himself and Mr. MERKLEY), submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1068, strike line 10 and all that follows through page 1069, line 6, and insert the following:

**SEC. 955. EMPLOYEE HEDGING PROHIBITED.**

Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) is amended by adding at the end the following:

''(m) HEDGING BY OFFICERS AND DIRECTORS PROHIBITED.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered employee' means—

''(i) an officer or director of an issuer of a class of securities registered under this section; and

''(ii) an employee of an issuer of a class of securities registered under this section who receives from the issuer annual wages of $1,000,000 or more;

''(B) the term 'related person' means a related person of an officer, director, or employee described in subparagraph (A), as defined by the Commission, by rule; and

''(C) the term 'wages' has the same meaning as in section 3121(a) of the Internal Revenue Code of 1986, without regard to paragraph (1) thereof.

''(2) PROHIBITION.—A covered employee or related person may not—

''(A) purchase or sell a security (other than a security beneficially owned by the covered employee that is issued by the issuer that employs the covered employee or any affiliate of the issuer), derivative, or other financial product that in any way hedges or limits the financial exposure of the covered employee to declines in the market value of any

security beneficially owned by the covered employee that is issued by the issuer that employs the covered employee or any affiliate of the issuer; or

''(B) enter into an agreement with any third party in which a security issued by the issuer that employs the covered employee is a material term of the agreement, if the agreement in any way hedges or limits the financial exposure of the covered employee to declines in the market value of any security beneficially owned by the covered employee that is issued by the issuer that employs the covered employee or any affiliate of the issuer.''.

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**SA 3819.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, after line 24, insert the following new subparagraphs after subparagraph (B) and redesignate the subsequent subparagraphs:

(C) Wages, salaries, or commissions, including vacation, severance, and sick leave pay earned by an individual (other than management responsible for the failed condition of the covered financial company who have been removed), but only to the extent of $11,725 for each individual (as indexed for inflation by regulation of the Corporation) earned within 180 days before the appointment of the Corporation as receiver.

(D) Contributions owed to employee benefit plans arising from services rendered within 180 days before the appointment of the Corporation as receiver to the extent of the number of employees covered by each such plan multiplied by $11,725 (as indexed for inflation by regulation of the Corporation), less the aggregate amount paid to such employees under subparagraph (C) plus the aggregate amount paid by the receivership on behalf of such employees to any other employee benefit plan.

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**SA 3820.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 13 and 14, insert the following new subparagraph after subparagraph (C) and redesignate the subsequent subparagraph:

(D) SERVICES PERFORMED UNDER A COLLECTIVE BARGAIN AGREEMENT AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any collective bargaining agreement between a labor organization and a covered financial company, the Corporation as receiver accepts performance of services subject to such agreement before making any determination to exercise the right of repudiation of such collective bargaining agreement under this section—

(i) the persons covered by such collective bargaining agreement shall be paid under the terms of such agreement for the services performed; and

(ii) the amount of such payment shall be treated as an administrative expense of the receivership.

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**SA 3821.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1044, between lines 2 and 3, insert the following:

**SEC. 939D. EFFECT OF RULE 436(G).**

Section 220.436(g) of title 17, Code of Federal Regulations, commonly referred to as ''Rule 436(g) under the Securities Act of 1933'', shall have no force or effect.

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**SA 3822.** Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 7, insert ''(a) IN GENERAL.—'' before ''In''.

On page 114, line 14, after ''(iii)'' insert ''that is predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k))''.

On page 114, line 21, after ''(12 U.S.C. 2001 et seq.)'' insert '', a governmental entity, or a regulated entity, as defined under section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502(20))''.

On page 115, strike lines 18 through 20, and insert the following:

(15) COURT.—The term ''Court'' means the United States District Court for the District of Columbia.

On page 115, between lines 22 and 23, insert the following:

(b) DEFINITIONAL CRITERIA.—For purpose of the definition of the term ''financial company'' under subsection (a)(10), no company shall be deemed to be predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)), if the consolidated revenues of such company from such activities constitute less than 85 percent of the total consolidated revenues of such company, as the Corporation, in consultation with the Secretary, shall establish by regulation. In determining whether a company is a financial company under this title, the consolidated revenues derived from the ownership or control of a depository institution shall be included.

On page 115, line 23, strike ''**ORDERLY LIQUIDATION AUTHORITY PANEL**'' and insert ''**JUDICIAL REVIEW**''.

On page 115, strike line 24 and all that follows through page 116, line 16.

On page 116, line 17, strike ''(b)'' and insert ''(a)''.

On page 116, strike lines 18 through 20, and insert the following:

(1) PETITION TO DISTRICT COURT.—

(A) DISTRICT COURT REVIEW.—

On page 116, strike line 21 and all that follows through page 117, line 4, and insert the following:

(i) PETITION TO DISTRICT COURT.—Subsequent to a determination by the Secretary under section 203 that a financial company satisfies the criteria in section 203(b), the Secretary shall notify the Corporation and the covered financial company. If the board of directors (or body performing similar functions) of the covered financial company acquiesces or consents to the appointment of the Corporation as a receiver, the Secretary shall appoint the Corporation as a receiver. If the board of directors (or body performing similar functions) of the covered financial company does not acquiesce or consent to the appointment of the Corporation as receiver, the Secretary shall petition the United States District Court for the District of Columbia for an order authorizing the Secretary to appoint the Corporation as a receiver.

On page 117, line 9, strike ''Panel'' and insert ''Court''.

On page 117, line 13, strike ''Panel'' and insert ''Court''.

On page 117, beginning on line 16, strike '', within 24 hours of receipt of the petition filed by the Secretary,''.

On page 117, line 21, strike ''is supported'' and all that follows through line 22, and insert ''and satisfies the definition of a financial company under section 201(10) is arbitrary and capricious.''.

On page 117, line 24, strike ''Panel'' and insert ''Court''.

On page 118, line 2, insert ''and satisfies the definition of a financial company under section 201(10)'' after ''danger of default''.

On page 118, lines 3 and 4, strike ''is supported by substantial evidence'' and insert ''is not arbitrary and capricious''.

On page 118, line 4, strike ''Panel'' and insert ''Court''.

On page 118, lines 9 and 10, strike ''is not supported by substantial evidence'' and insert ''is arbitrary and capricious''.

On page 118, line 10, strike ''Panel'' and insert ''Court''.

On page 118, between lines 16 and 17, insert the following:

(v) PETITION GRANTED BY OPERATION OF LAW.—If the Court does not make a determination within 24 hours of receipt of the petition—

(I) the petition shall be granted by operation of law;

(II) the Secretary shall appoint the Corporation as receiver; and

(III) liquidation under this title shall automatically and without further notice or action be commenced and the Corporation may immediately take all actions authorized under this title.

On page 118, line 18, strike ''Panel'' and insert ''Court''.

On page 118, line 23, strike ''Panel'' and insert ''Court''.

On page 119, line 1, strike ''Panel'' and insert ''Court''.

On page 119, line 12, strike ''PANEL'' and insert ''DISTRICT COURT''.

On page 119, line 16, strike ''Third Circuit'' and insert ''District of Columbia Circuit''.

On page 119, line 17, strike ''Panel'' and insert ''Court''.

On page 119, line 23, strike ''Panel'' and insert ''Court''.

On page 120, strike lines 16 through 17 and insert ''default and satisfies the definition of a financial company under section 201(10) is arbitrary and capricious.''.

On page 121, lines 19 and 20, strike ''is supported by substantial evidence'' and insert ''and satisfies the definition of a financial company under section 201(10) is arbitrary and capricious''.

On page 121, line 21, strike ''(c)'' and insert ''(b)''.

On page 121, line 24, strike ''Panel'' and insert ''Court''.

On page 122, line 5, strike ''subsection (b)(1)'' and all that follows through line 9, and insert ''subsection (a)(1).''.

On page 122, strike lines 14 through 16.

On page 122, line 17, strike ''(C)'' and insert ''(A)''.

On page 122, line 19, strike ''(D)'' and insert ''(B)''.

On page 122, line 21, strike ''(E)'' and insert ''(C)''.

On page 122, line 23, strike ''(F)'' and insert ''(D)''.

On page 123, line 1, strike ''(d)'' and insert ''(c)''.

On page 123, between lines 14 and 15, insert the following:

(d) TIME LIMIT ON RECEIVERSHIP AUTHORITY.—

(1) BASELINE PERIOD.—Any appointment of the Corporation as receiver under this section shall terminate at the end of the 3-year period beginning on the date on which such appointment is made.

(2) EXTENSION OF TIME LIMIT.—The time limit established in paragraph (1) may be extended by the Corporation for up to 1 additional year, if the Chairperson of the Corporation determines and certifies in writing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that continuation of the receivership is necessary—

(A) to—

(i) maximize the net present value return from the sale or other disposition of the assets of the covered financial company; or

(ii) minimize the amount of loss realized upon the sale or other disposition of the assets of the covered financial company; and

(B) to protect the stability of the financial system of the United States.

(3) SECOND EXTENSION OF TIME LIMIT.—

(A) IN GENERAL.—The time limit under this subsection, as extended under paragraph (2), may be extended for up to 1 additional year, if the Chairperson of the Corporation, with the concurrence of the Secretary, submits the certifications described in paragraph (2).

(B) ADDITIONAL REPORT REQUIRED.—Not later than 30 days after the date of commencement of the extension under subparagraph (A), the Corporation shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the need for the extension and the specific plan of the Corporation to conclude the receivership before the end of the second extension.

(4) ONGOING LITIGATION.—The time limit under this subsection, as extended under paragraph (3), may be further extended solely for the purpose of completing ongoing litigation in which the Corporation as receiver is a party, provided that the appointment of the Corporation as receiver shall terminate not later than 90 days after the date of completion of such litigation, if—

(A) the Council determines that the Corporation used its best efforts to conclude the receivership in accordance with its plan before the end of the time limit described in paragraph (3);

(B) the Council determines that the completion of longer-term responsibilities in the form of ongoing litigation justifies the need for an extension; and

(C) the Corporation submits a report approved by the Council not later than 30 days after the date of the determinations by the Council under subparagraphs (A) and (B) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, describing—

(i) the ongoing litigation justifying the need for an extension; and

(ii) the specific plan of the Corporation to complete the litigation and conclude the receivership.

(5) REGULATIONS.—The Corporation may issue regulations governing the termination of receiverships under this title.

(6) NO LIABILITY.—The Corporation and the Deposit Insurance Fund shall not be liable for unresolved claims arising from the receivership after the termination of the receivership.

On page 123, line 21, strike ''Panel'' and insert ''Court''.

On page 124, line 11, strike ''Panel'' and insert ''Court''.

On page 126, between lines 9 and 10, insert the following:

(g) STUDY OF PROMPT CORRECTIVE ACTION IMPLEMENTATION BY THE APPROPRIATE FEDERAL AGENCIES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study regarding the implementation of prompt corrective action by the appropriate Federal banking agencies.

(2) ISSUES TO BE STUDIED.—In conducting the study under paragraph (1), the Comptroller General shall evaluate—

(A) the effectiveness of implementation of prompt corrective action by the appropriate Federal banking agencies and the resolution of insured depository institutions by the Corporation; and

(B) ways to make prompt corrective action a more effective tool to resolve the insured depository institutions at the least possible long-term cost to the Deposit Insurance Fund.

(3) REPORT TO COUNCIL.—Not later than 1 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Council on the results of the study conducted under this subsection.

(4) COUNCIL REPORT OF ACTION.—Not later than 6 months after the date of receipt of the report from the Comptroller General under paragraph (3), the Council shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on actions taken in response to the report, including any recommendations made to the Federal primary financial regulatory agencies under section 120.

On page 128, line 9, strike ''and''.

On page 128, line 12, strike the period at the end and insert ''; and''.

On page 128, between lines 12 and 13, insert the following:

(G) an evaluation of whether the company satisfies the definition of a financial company under section 201.

On page 128, line 16, strike ''202(b)(1)(A)'' and insert ''202(a)(1)(A)''.

On page 129, line 17, strike ''and''.

On page 129, line 21, strike the period at the end and insert ''; and''.

On page 129, between lines 21 and 22, insert the following:

(7) the company satisfies the definition of a financial company under section 201.

On page 132, strike lines 3 through 17, and insert the following:

(A) IN GENERAL.—Not later than 60 days after the date of appointment of the Corporation as receiver for a covered financial company, the Corporation shall file a report with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

(i) setting forth information on the financial condition of the covered financial company as of the date of the appointment, including a description of its assets and liabilities;

(ii) describing the plan of, and actions taken by, the Corporation to wind down the covered financial company;

(iii) explaining each instance in which the Corporation waived any applicable requirements of part 366 of title 12, Code of Federal Regulations (or any successor thereto) with respect to conflicts of interest by any person in the private sector who was retained to provide services to the Corporation in connection with such receivership;

(iv) describing the reasons for the provision of any funding to the receivership out of the Fund;

(v) setting forth the expected costs of the orderly liquidation of the covered financial company;

(vi) setting forth the identity of any claimant that is treated in a manner different from other similarly situated claimants under subsection (b)(4), (d)(4), or (h)(5)(E), the amount of any additional payment to such claimant under subsection (d)(4), and the reason for any such action; and

(vii) which report the Corporation shall publish on an online website maintained by the Corporation, subject to maintaining appropriate confidentiality.

On page 132, between lines 22 and 23, insert the following:

(C) CONGRESSIONAL TESTIMONY.—The Corporation and the primary financial regulatory agency, if any, of the financial company for which the Corporation was appointed receiver under this title shall appear before Congress, if requested, not later than 30 days after the date on which the Corporation first files the reports required under subparagraph (A).

On page 135, line 15, strike ''section 202(b)'' and insert ''section 202(a)''.

On page 136, line 9, strike ''with the strong presumption'' and insert ''so''.

On page 138, line 16, insert after the period the following: ''All funds provided by the

Corporation under this subsection shall have a priority of claims under subparagraph (A) or (B) of section 210(b)(1), as applicable, including funds used for—

''(1) making loans to, or purchasing any debt obligation of, the covered financial company or any covered subsidiary;

''(2) purchasing or guaranteeing against loss the assets of the covered financial company or any covered subsidiary, directly or through an entity established by the Corporation for such purpose;

''(3) assuming or guaranteeing the obligations of the covered financial company or any covered subsidiary to 1 or more third parties;

''(4) taking a lien on any or all assets of the covered financial company or any covered subsidiary, including a first priority lien on all unencumbered assets of the covered financial company or any covered subsidiary to secure repayment of any transactions conducted under this subsection;

''(5) selling or transferring all, or any part, of such acquired assets, liabilities, or obligations of the covered financial company or any covered subsidiary; and

''(6) making payments pursuant to subsections (b)(4), (d)(4), and (h)(5)(E) of section 210.''.

On page 138, line 15, strike ''section 210(n)(13)'' and insert ''section 210(n)(11)''.

On page 147, line 3, insert before the period the following: '', and address the potential for conflicts of interest between or among individual receiverships established under this title or under the Federal Deposit Insurance Act''.

On page 187, line 18, strike ''(B), and (C)'' and insert ''(B), (C), and (D)''.

On page 187, line 20, strike ''(D)'' and insert ''(E)''.

On page 192, insert before line 1 the following:

(C) Wages, salaries, or commissions, including vacation, severance, and sick leave pay earned by an individual (other than an individual described in subparagraph (G)), but only to the extent of $11,725 for each individual (as indexed for inflation, by regulation of the Corporation) earned not later than 180 days before the date of appointment of the Corporation as receiver.

(D) Contributions owed to employee benefit plans arising from services rendered not later than 180 days before the date of appointment of the Corporation as receiver, to the extent of the number of employees covered by each such plan, multiplied by $11,725 (as indexed for inflation, by regulation of the Corporation), less the aggregate amount paid to such employees under subparagraph (C), plus the aggregate amount paid by the receivership on behalf of such employees to any other employee benefit plan.

On page 192, line 1, strike ''(C)'' and insert ''(E)''.

On page 192, beginning on line 3, strike ''(D) or (E)'' and insert ''(F), (G), or (H)''.

On page 192, line 5, strike ''(D)'' and insert ''(F)''.

On page 192, between lines 7 and 8, insert the following:

(G) Any wages, salaries, or commissions including vacation, severance, and sick leave pay earned, owed to senior executives and directors of the covered financial company.

On page 192, line 7, strike ''subparagraph (E)).'' and insert ''subparagraph (G) or (H)).''.

On page 192, line 8, strike ''(E)'' and insert ''(H)''.

On page 193, line 18, strike ''(ii)'' and insert the following:

''(ii) to initiate and continue operations essential to implementation of the receivership or any bridge financial company; ''(iii)''.

On page 228, line 17, strike ''5th'' and insert ''3rd''.

On page 236, line 20, strike ''5th'' and insert ''3rd''.

On page 237, line 14, strike ''5th'' and insert ''3rd''.

On page 240, line 8, strike ''section 202(c)(1)'' and insert ''section 202(a)(1)''.

On page 246, strike line 21 and all the follows through page 247, line 5, and insert the following:

(B) LIMITATIONS.—

(i) PROHIBITION.—The Corporation shall not make any payments or credit amounts to any claimant or category of claimants that would result in any claimant receiving more than the face value amount of any claim that is proven to the satisfaction of the Corporation.

(ii) NO OBLIGATION.—Notwithstanding any other provision of Federal or State law, or the Constitution of any State, the Corporation shall not be obligated, as a result of having made any payment under subparagraph (A) or credited any amount described in subparagraph (A) to or with respect to, or for the account, of any claimant or category of claimants, to make payments to any other claimant or category of claimants.

On page 254, line 24, strike ''(13)'' and insert ''(11)''.

On page 260, line 4, strike ''subsection (o)(1)(E)(ii))'' and insert ''subsection (o)(1)(D)(ii))''.

On page 263, line 16, strike ''(13)'' and insert ''(11)''.

On page 278, line 5, strike ''(9)'' and insert ''(6)''.

On page 278, line 10, strike ''(9)'' and insert ''(6)''.

On page 278, strike line 18 and all that follows through page 279, line 20.

On page 279, line 21, strike ''(8)'' and insert ''(4)''.

On page 280, line 5, strike ''(9)'' and insert ''(5)''.

On page 281, line 6, strike the period and insert the following: '', plus an interest rate surcharge to be determined by the Secretary, which shall be greater than the difference between—

''(i) the current average rate on an index of corporate obligations of comparable maturity; and

''(ii) the current average rate on outstanding marketable obligations of the United States of comparable maturity.''.

On page 281, strike line 20 and all that follows through page 282, line 8, and insert the following:

(6) MAXIMUM OBLIGATION LIMITATION.—The Corporation may not, in connection with the orderly liquidation of a covered financial company, issue or incur any obligation, if, after issuing or incurring the obligation, the aggregate amount of such obligations outstanding under this subsection for each covered financial company would exceed—

(A) an amount that is equal to 10 percent of the total consolidated assets of the covered financial company, based on the most recent financial statement available, during the 30-day period immediately following the date of appointment of the Corporation as receiver (or a shorter time period if the Corporation has calculated the amount described under subparagraph (B)); and

(B) the amount that is equal to 90 percent of the fair value of the total consolidated assets of each covered financial company that are available for repayment, after the time period described in subparagraph (A).

On page 282, line 9, strike ''(11)'' and insert ''(7)''.

On page 282, strike lines 14 through 19.

On page 282, line 20, strike ''(13)'' and insert ''(8)''.

On page 283, strike lines 5 through 14 and insert the following:

(i) the authorities of the Corporation contained in this title shall not be used to assist the Deposit Insurance Fund or to assist any financial company under applicable law other than this Act;

(ii) the authorities of the Corporation relating to the Deposit Insurance Fund, or any other responsibilities of the Corporation under applicable law other than this title, shall not be used to assist a covered financial company pursuant to this title; and

(iii) the Deposit Insurance Fund may not be used in any manner to otherwise circumvent the purposes of this title.

On page 283, line 24, strike ''(14)'' and insert ''(9)''.

On page 284, line 6, insert '', including taking any actions specified'' before ''under 204(d)''.

On page 284, line 7, insert before the period '', and payments to third parties''.

On page 284, between lines 10 and 11, insert the following:

(10) IMPLEMENTATION EXPENSES.—

(A) IN GENERAL.—Reasonable implementation expenses of the Corporation incurred after the date of enactment of this Act shall be treated as expenses of the Council.

(B) REQUESTS FOR REIMBURSEMENT.—The Corporation shall periodically submit a request for reimbursement for implementation expenses to the Chairperson of the Council, who shall arrange for prompt reimbursement to the Corporation of reasonable implementation expenses.

(C) DEFINITION.—As used in this paragraph, the term ''implementation expenses''—

(i) means costs incurred by the Corporation beginning on the date of enactment of this Act, as part of its efforts to implement this title that do not relate to a particular covered financial company; and

(ii) includes the costs incurred in connection with the development of policies, procedures, rules, and regulations and other planning activities of the Corporation consistent with carrying out this title.

On page 284, strike line 13 and all that follows through page 285, line 2.

On page 285, line 3, strike ''(B)'' and insert ''(A)''.

On page 285, line 10, strike ''(C)'' and insert ''(B)''.

On page 285, line 10, strike ''ADDITIONAL''.

On page 285, line 13, strike ''(E)'' and insert ''(D)''.

On page 285, strike lines 14 through 23.

On page 285, line 24, strike ''(iii)''.

On page 285, line 21, strike ''during the initial capitalization period''.

On page 286, strike line 11 and all that follows through page 287, line 2, and insert the following:

(D) APPLICATION OF ASSESSMENTS.—To meet the requirements of subparagraph (C), the Corporation shall—

(i) impose assessments, as soon as practicable, on any claimant that received additional payments or amounts from the Corporation pursuant to subsection (b)(4), (d)(4), or (h)(5)(E), except for payments or amounts necessary to initiate and continue operations essential to implementation of the receivership or any bridge financial company, to recover on a cumulative basis, the entire difference between—

(I) the aggregate value the claimant received from the Corporation on a claim pursuant to this title (including pursuant to

subsection (b)(4), (d)(4), and (h)(5)(E)), as of the date on which such value was received; and

(II) the value the claimant was entitled to receive from the Corporation on such claim solely from the proceeds of the liquidation of the covered financial company under this title; and

(ii) if the amounts to be recovered on a cumulative basis under clause (i) are insufficient to meet the requirements of subparagraph (C), after taking into account the considerations set forth in paragraph (4), impose assessments on—

(I) eligible financial companies; and

(II) financial companies with total consolidated assets equal to or greater than $50,000,000,000 that are not eligible financial companies.

(E) PROVISION OF FINANCING.—Payments or amounts necessary to initiate and continue operations essential to implementation of the receivership or any bridge financial company described in subparagraph (E)(i) shall not include the provision of financing, as defined by rule of the Corporation, to third parties.

On page 287, strike lines 3 through 10.

On page 289, strike line 25, and insert ''the Corporation, in consultation with the Secretary, deems appropriate.''.

On page 290, beginning on line 9, strike '', in consultation with the Secretary and the Council,''.

On page 290, line 11, insert after the period the following: ''The Corporation shall consult with the Secretary in the development and finalization of such regulations.''.

On page 295, between lines 19 and 20, insert the following:

(s) RECOUPMENT OF COMPENSATION FROM SENIOR EXECUTIVES AND DIRECTORS.—

(1) IN GENERAL.—The Corporation, as receiver of a covered financial company, may recover from any current or former senior executive or director substantially responsible for the failed condition of the covered financial company any compensation received during the 2-year period preceding the date on which the Corporation was appointed as the receiver of the covered financial company, except that, in the case of fraud, no time limit shall apply.

(2) COST CONSIDERATIONS.—In seeking to recover any such compensation, the Corporation shall weigh the financial and deterrent benefits of such recovery against the cost of executing the recovery.

(3) RULEMAKING.—The Corporation shall promulgate regulations to implement the requirements of this subsection, including defining the term ''compensation'' to mean any financial remuneration, including salary, bonuses, incentives, benefits, severance, deferred compensation, or golden parachute benefits, and any profits realized from the sale of the securities of the covered financial company.

On page 296, between lines 15 and 16, insert the following:

(d) FDIC INSPECTOR GENERAL REVIEWS.—

(1) SCOPE.—The Inspector General of the Corporation shall conduct, supervise, and coordinate audits and investigations of the liquidation of any covered financial company by the Corporation as receiver under this title, including collecting and summarizing—

(A) a description of actions taken by the Corporation as receiver;

(B) a description of any material sales, transfers, mergers, obligations, purchases, and other material transactions entered into by the Corporation;

(C) an evaluation of the adequacy of the policies and procedures of the Corporation under section 203(d) and orderly liquidation plan under section 210(n)(14);

(D) an evaluation of the utilization by the Corporation of the private sector in carrying out its functions, including the adequacy of any conflict-of-interest reviews; and

(E) an evaluation of the overall performance of the Corporation in liquidating the covered financial company, including administrative costs, timeliness of liquidation process, and impact on the financial system.

(2) FREQUENCY.—Not later than 6 months after the date of appointment of the Corporation as receiver under this title and every 6 months thereafter, the Inspector General of the Corporation shall conduct the audit and investigation described in paragraph (1).

(3) REPORTS AND TESTIMONY.—The Inspector General of the Corporation shall include in the semiannual reports required by section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), a summary of the findings and evaluations under paragraph (1), and shall appear before the appropriate committees of Congress, if requested, to present each such report.

(4) FUNDING.—

(A) INITIAL FUNDING.—The expenses of the Inspector General of the Corporation in carrying out this subsection shall be considered administrative expenses of the receivership.

(B) ADDITIONAL FUNDING.—If the maximum amount available to the Corporation as receiver under this title is insufficient to enable the Inspector General of the Corporation to carry out the duties under this subsection, the Corporation shall pay such additional amounts from assessments imposed under section 210.

(5) TERMINATION OF RESPONSIBILITIES.—The duties and responsibilities of the Inspector General of the Corporation under this subsection shall terminate 1 year after the date of termination of the receivership under this title.

(e) TREASURY INSPECTOR GENERAL REVIEWS.—

(1) SCOPE.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of actions taken by the Secretary related to the liquidation of any covered financial company under this title, including collecting and summarizing—

(A) a description of actions taken by the Secretary under this title;

(B) an analysis of the approval by the Secretary of the policies and procedures of the Corporation under section 203 and acceptance of the orderly liquidation plan of the Corporation under section 210; and

(C) an assessment of the terms and conditions underlying the purchase by the Secretary of obligations of the Corporation under section 210.

(2) FREQUENCY.—Not later than 6 months after the date of appointment of the Corporation as receiver under this title and every 6 months thereafter, the Inspector General of the Department of the Treasury shall conduct the audit and investigation described in paragraph (1).

(3) REPORTS AND TESTIMONY.—The Inspector General of the Department of the Treasury shall include in the semiannual reports required by section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), a summary of the findings and assessments under paragraph (1), and shall appear before the appropriate committees of Congress, if requested, to present each such report.

(4) TERMINATION OF RESPONSIBILITIES.—The duties and responsibilities of the Inspector General of the Department of the Treasury under this subsection shall terminate 1 year after the date on which the obligations purchased by the Secretary from the Corporation under section 210 are fully redeemed.

(f) PRIMARY FINANCIAL REGULATORY AGENCY INSPECTOR GENERAL REVIEWS.—

(1) SCOPE.—Upon the appointment of the Corporation as receiver for a covered financial company supervised by a Federal primary financial regulatory agency or the Board of Governors under section 165, the Inspector General of the agency or the Board of Governors shall make a written report reviewing the supervision by the agency or the Board of Governors of the covered financial company, which shall—

(A) evaluate the effectiveness of the agency or the Board of Governors in carrying out its supervisory responsibilities with respect to the covered financial company;

(B) identify any acts or omissions on the part of agency or Board of Governors officials that contributed to the covered financial company being in default or in danger of default;

(C) identify any actions that could have been taken by the agency or the Board of Governors that would have prevented the company from being in default or in danger of default; and

(D) recommend appropriate administrative or legislative action.

(2) REPORTS AND TESTIMONY.—Not later than 1 year after the date of appointment of the Corporation as receiver under this title, the Inspector General of the Federal primary financial regulatory agency or the Board of Governors shall provide the report required by paragraph (1) to such agency or the Board of Governors, and along with such agency or the Board of Governors, as applicable, shall appear before the appropriate committees of Congress, if requested, to present the report required by paragraph (1). Not later than 90 days after the date of receipt of the report required by paragraph (1), such agency or the Board of Governors, as applicable, shall provide a written report to Congress describing any actions taken in response to the recommendations in the report, and if no such actions were taken, describing the reasons why no actions were taken.

**SEC. 212. PROHIBITION OF CIRCUMVENTION AND PREVENTION OF CONFLICTS OF INTEREST.**

(a) NO OTHER FUNDING.—Funds for the orderly liquidation of any covered financial company under this title shall only be provided as specified under this title.

(b) LIMIT ON GOVERNMENTAL ACTIONS.—No governmental entity may take any action to circumvent the purposes of this title.

(c) CONFLICT OF INTEREST.—In the event that the Corporation is appointed receiver for more than 1 covered financial company or is appointed receiver for a covered financial company and receiver for any insured depository institution that is an affiliate of such covered financial company, the Corporation shall take appropriate action, as necessary to avoid any conflicts of interest that may arise in connection with multiple receiverships.

**SEC. 213. BAN ON SENIOR EXECUTIVES AND DIRECTORS.**

(a) PROHIBITION AUTHORITY.—The Board of Governors or, if the covered financial company was not supervised by the Board of Governors, the Corporation, may exercise the authority provided by this section.

(b) AUTHORITY TO ISSUE ORDER.—The appropriate agency described in subsection (a) may take any action authorized by subsection (c), if the agency determines that—

(1) a senior executive or a director of the covered financial company, prior to the appointment of the Corporation as receiver, has, directly or indirectly—

(A) violated—

(i) any law or regulation;

(ii) any cease-and-desist order which has become final;

(iii) any condition imposed in writing by a Federal agency in connection with any action on any application, notice, or request by such company or senior executive; or

(iv) any written agreement between such company and such agency;

(B) engaged or participated in any unsafe or unsound practice in connection with any financial company; or

(C) committed or engaged in any act, omission, or practice which constitutes a breach of the fiduciary duty of such senior executive or director;

(2) by reason of the violation, practice, or breach described in any clause of paragraph (1), such senior executive or director has received financial gain or other benefit by reason of such violation, practice, or breach and such violation, practice, or breach contributed to the failure of the company; and

(3) such violation, practice, or breach—

(A) involves personal dishonesty on the part of such senior executive or director; or

(B) demonstrates willful or continuing disregard by such senior executive or director for the safety or soundness of such company.

(c) AUTHORIZED ACTIONS.—

(1) IN GENERAL.—The appropriate agency for a financial company, as described in subsection (a), may serve upon a senior executive or director described in subsection (b) a written notice of the intention of the agency to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any financial company for a period of time determined by the appropriate agency to be commensurate with such violation, practice, or breach, provided such period shall be not less than 2 years.

(2) PROCEDURES.—The due process requirements and other procedures under section 8(e) of the Federal Deposit Insurance Act shall apply to actions under this section as if the covered financial company were an insured depository institution and the senior executive or director were an institution-affiliated party, as those terms are defined in that Act.

(d) REGULATIONS.—The Corporation and the Board of Governors, in consultation with the Council, shall jointly prescribe rules or regulations to administer and carry out this section, including rules, regulations, or guidelines to further define the term senior executive for the purposes of this section.

On page 1522, line 11, strike ''The third'' and insert the following:

''(a) FEDERAL RESERVE ACT.—The third''.

On page 1528, line 3, strike the end quotation marks and the final period and insert the following:

''(E) If an entity to which a Federal reserve bank has provided a loan under this paragraph becomes a covered financial company, as defined in section 203 of the Restoring American Financial Stability Act of 2010, at any time while such loan is outstanding, and the Federal reserve bank incurs a realized net loss on the loan, then the Federal reserve bank shall have a claim equal to the amount of the net realized loss against the covered entity, with the same priority as an obligation to the Secretary of the Treasury under sections 210(n) and 210(o) of the Restoring American Financial Stability Act of 2010.''.

(b) CONFORMING AMENDMENT.—Section 507(a)(2) of title 11, United States Code, is amended by inserting ''claims of any Federal reserve bank related to loans made through programs or facilities authorized under the third undesignated paragraph of the Federal Reserve Act ( 12 U.S.C. 343),'' after ''this title,''.

On page 1523, line 17, strike ''of sufficient quality'' and insert ''sufficient''.

On page 1523, line 18, insert after the period the following: ''The policies and procedures established by the Board shall require that a Federal reserve bank assign, consistent with sound risk management practices and to ensure protection for the taxpayer, a lendable value to all collateral for a loan executed by a Federal reserve bank under this paragraph in determining whether the loan is secured satisfactorily for purposes of this paragraph.''.

On page 1523, line 19, strike ''(ii)'' and insert the following:

''(ii) The Board shall establish procedures to prohibit borrowing from programs and facilities by borrowers that are insolvent. Such procedures may include a certification from the chief executive officer (or other authorized officer) of the borrower, at the time the borrower initially borrows under the program or facility (with a duty by the borrower to update the certification if the information in the certification materially changes), that the borrower is not insolvent. A borrower shall be considered insolvent for purposes of this subparagraph, if the borrower is in bankruptcy, resolution under title II of the Restoring American Financial Stability Act of 2010, or any other Federal or State insolvency proceeding.

''(iii) A program or facility that is structured to remove assets from the balance sheet of a single and specific company, or that is established for the purpose of assisting a single and specific company avoid bankruptcy, resolution under title II of the Restoring American Financial Stability Act of 2010, or any other Federal or State insolvency proceeding, shall not be considered a program or facility with broad-based eligibility.

''(iv)''.

On page 1523, line 18: insert ''and that any such program is terminated in a timely and orderly fashion'' before ''losses''.

On page 1524, line 11, strike ''assistance,'' and all that follows through line 12 and insert ''assistance.''.

On page 1525, strike line 21 and all that follows through page 1528, line 3, and insert the following:

''(D) The information submitted to Congress under subparagraph (C) related to—

''(i) the identity of the participants in an emergency lending program or facility commenced under this paragraph;

''(ii) the amounts borrowed by each participant in any such program or facility;

''(iii) identifying details concerning the assets or collateral held by, under, or in connection with such a program or facility,

shall be kept confidential, upon the written request of the Chairman of the Board, in which case such information shall be made available only to the Chairpersons and Ranking Members of the Committees described in subparagraph (C).''.

On page 1537, line 23, insert before the period the following: ''and a request for approval of such plan''.

On page 1537, line 23, strike ''Upon'' and all that follows through page 1538, line 6, and insert the following: ''The Corporation shall exercise the authority under this section to issue guarantees up to that specified maximum amount upon passage of the joint resolution of approval, as provided in subsection (d). Absent such approval, the Corporation shall issue no such guarantees.''.

On page 1538, line 16, strike ''Upon'' and all that follows through page 1547, line 6 and insert the following: ''The Corporation shall exercise the authority under this section to issue guarantees up to that specified maximum amount upon passage of the joint resolution of approval, as provided in subsection (d). Absent such approval, the Corporation shall issue no such guarantees.

''(d) RESOLUTION OF APPROVAL.—

''(1) ADDITIONAL DEBT GUARANTEE AUTHORITY.—A request by the President under this section shall be considered granted by Congress upon adoption of a joint resolution approving such request. Such joint resolution shall be considered in the Senate under expedited procedures.

''(2) FAST TRACK CONSIDERATION IN SENATE.—

''(A) RECONVENING.—Upon receipt of a request under subsection (c), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than the second calendar day after receipt of such message.

''(B) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

''(C) FLOOR CONSIDERATION.—

''(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a request under subsection (c), and ending on the 7th day after that date (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

''(ii) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(iii) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

''(iv) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

''(3) RULES.—

''(A) COORDINATION WITH ACTION BY HOUSE OF REPRESENTATIVES.—If, before the passage

by the Senate of a joint resolution of the Senate, the Senate receives a joint resolution, from the House of Representatives, then the following procedures shall apply:

''(i) The joint resolution of the House of Representatives shall not be referred to a committee.

''(ii) With respect to a joint resolution of the Senate—

''(I) the procedure in the Senate shall be the same as if no joint resolution had been received from the other House; but

''(II) the vote on passage shall be on the joint resolution of the House of Representatives.

''(B) TREATMENT OF JOINT RESOLUTION OF HOUSE OF REPRESENTATIVES.—If the Senate fails to introduce or consider a joint resolution under this section, the joint resolution of the House of Representatives shall be entitled to expedited floor procedures under this subsection.

''(C) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

''(D) RULES OF THE SENATE.—This subsection is enacted by Congress—

''(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint resolution, and it supersedes other rules, only to the extent that it is inconsistent with such rules; and

''(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

''(4) DEFINITION.—As used in this subsection, the term 'joint resolution' means only a joint resolution—

''(A) that is introduced not later than 3 calendar days after the date on which the request referred to in subsection (c) is received by Congress;

''(B) that does not have a preamble;

''(C) the title of which is as follows: 'Joint resolution relating to the approval of a plan to guarantee obligations under section 1155 of the Restoring American Financial Stability Act of 2010'; and

''(D) the matter after the resolving clause of which is as follows: 'That Congress approves the obligation of any amount described in section 1155(c) of the Restoring American Financial Stability Act of 2010.'.''.

On page 1550, strike lines 1 through 12, and insert the following:

(3) LIQUIDITY EVENT.—The term ''liquidity event'' means—

(A) an exceptional and broad reduction in the general ability of financial market participants—

(i) to sell financial assets without an unusual and significant discount; or

(ii) to borrow using financial assets as collateral without an unusual and significant increase in margin; or

(B) an unusual and significant reduction in the ability of financial market participants to obtain unsecured credit.

On page 1550, strike line 24 and all that follows through page 1551, line 3, and insert the following:

(b) FEDERAL DEPOSIT INSURANCE ACT.—Section 13(c)(4)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting ''for which the Corporation has been appointed receiver'' before ''would have serious''; and

(B) in the undesignated matter following subclause (II), by inserting ''for the purpose of winding up the insured depository institution for which the Corporation has been appointed receiver'' after ''provide assistance under this section''; and

(2) in clause (v)(I), by striking ''The'' and inserting ''Not later than 3 days after making a determination under clause (i), the''.

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**SA 3823.** Mr. LEAHY (for himself, Mr. DURBIN, Mr. ROCKEFELLER, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. SPECTER, Mr. WHITEHOUSE, Ms. CANTWELL, Mr. KAUFMAN, Mrs. GILLIBRAND, Mr. WYDEN, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. BURRIS, Mrs. MCCASKILL, Mr. FRANKEN, Mr. BENNET, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. WEBB, Mrs. BOXER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**SEC. _____. HEALTH INSURANCE INDUSTRY ANTITRUST ENFORCEMENT ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Health Insurance Industry Antitrust Enforcement Act''.

(b) RESTORING THE APPLICATION OF ANTITRUST LAWS TO HEALTH SECTOR INSURERS.—

(1) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

''(c) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.''.

(2) RELATED PROVISION.—For purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition, section 3(c) of the McCarran-Ferguson Act shall apply with respect to the business of health insurance without regard to whether such business is carried on for profit, notwithstanding the definition of ''Corporation'' contained in section 4 of the Federal Trade Commission Act.

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**SA 3824.** Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike title I and insert the following:

## TITLE I—FINANCIAL STABILITY

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Financial Stability Act of 2010''.

**SEC. 102. DEFINITIONS.**

(a) IN GENERAL.—For purposes of this title, unless the context otherwise requires, the following definitions shall apply:

(1) BANK HOLDING COMPANY.—The term ''bank holding company'' has the same meaning as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841). A foreign bank or company that is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956, pursuant to section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3106(a)), shall be treated as a bank holding company for purposes of this title.

(2) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Council.

(3) MEMBER AGENCY.—The term ''member agency'' means an agency represented by a voting member of the Council.

(4) NONBANK FINANCIAL COMPANY DEFINITIONS.—

(A) FOREIGN NONBANK FINANCIAL COMPANY.—The term ''foreign nonbank financial company'' means a company (other than a company that is, or is treated in the United States as, a bank holding company or a subsidiary thereof) that is—

(i) incorporated or organized in a country other than the United States; and

(ii) substantially engaged in, including through a branch in the United States, activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956).

(B) U.S. NONBANK FINANCIAL COMPANY.—The term ''U.S. nonbank financial company'' means a company (other than a bank holding company or a subsidiary thereof, or a Farm Credit System institution chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et. seq.)) that is—

(i) incorporated or organized under the laws of the United States or any State; and

(ii) substantially engaged in activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956).

(C) NONBANK FINANCIAL COMPANY.—The term ''nonbank financial company'' means a U.S. nonbank financial company and a foreign nonbank financial company.

(D) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD OF GOVERNORS.—The term ''nonbank financial company supervised by the Board of Governors'' means a nonbank financial company that the Council has determined under section 113 shall be supervised by the Board of Governors.

(5) SIGNIFICANT INSTITUTIONS.—The terms ''significant nonbank financial company'' and ''significant bank holding company'' have the meanings given those terms by rule of the Board of Governors.

(b) DEFINITIONAL CRITERIA.—The Board of Governors shall establish, by regulation, the criteria to determine whether a company is substantially engaged in activities in the

United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) for purposes of the definitions of the terms ''U.S. nonbank financial company'' and ''foreign nonbank financial company'' under subsection (a)(4).

(c) FOREIGN NONBANK FINANCIAL COMPANIES.—For purposes of the authority of the Board of Governors under this title with respect to foreign nonbank financial companies, references in this title to ''company'' or ''subsidiary'' include only the United States activities and subsidiaries of such foreign company.

### Subtitle A—Financial Stability Oversight Council

**SEC. 111. FINANCIAL STABILITY OVERSIGHT COUNCIL ESTABLISHED.**

(a) ESTABLISHMENT.—Effective on the date of enactment of this Act, there is established the Financial Stability Oversight Council.

(b) MEMBERSHIP.—The Council shall consist of the following members, who shall each have 1 vote on the Council shall be:

(1) The Secretary of the Treasury, who shall serve as Chairperson of the Council.

(2) The Chairman of the Board of Governors.

(3) The Comptroller of the Currency.

(4) The Director of the Bureau.

(5) The Chairman of the Commission.

(6) The Chairperson of the Corporation.

(7) The Chairperson of the Commodity Futures Trading Commission.

(8) The Director of the Federal Housing Finance Agency.

(9) An independent member appointed by the President, by and with the advice and consent of the Senate, having insurance expertise.

(c) TERMS; VACANCY.—

(1) TERMS.—The independent member of the Council shall serve for a term of 6 years.

(2) VACANCY.—Any vacancy on the Council shall be filled in the manner in which the original appointment was made.

(3) ACTING OFFICIALS MAY SERVE.—In the event of a vacancy in the office of the head of a member agency or department, and pending the appointment of a successor, or during the absence or disability of the head of a member agency or department, the acting head of the member agency or department shall serve as a member of the Council in the place of that agency or department head.

(d) TECHNICAL AND PROFESSIONAL ADVISORY COMMITTEES.—The Council may appoint such special advisory, technical, or professional committees as may be useful in carrying out the functions of the Council, including an advisory committee consisting of State regulators, and the members of such committees may be members of the Council, or other persons, or both.

(e) MEETINGS.—

(1) TIMING.—The Council shall meet at the call of the Chairperson or a majority of the members then serving, but not less frequently than quarterly.

(2) RULES FOR CONDUCTING BUSINESS.—The Council shall adopt such rules as may be necessary for the conduct of the business of the Council. Such rules shall be rules of agency organization, procedure, or practice for purposes of section 553 of title 5, United States Code.

(f) VOTING.—Unless otherwise specified, the Council shall make all decisions that it is authorized or required to make by a majority vote of the members then serving.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council, or to any special advisory, technical, or professional committee appointed by the Council, except that, if an advisory, technical, or professional committee has one or more members who are not employees of or affiliated with the United States Government, the Council shall publish a list of the names of the members of such committee.

(h) ASSISTANCE FROM FEDERAL AGENCIES.—Any department or agency of the United States may provide to the Council and any special advisory, technical, or professional committee appointed by the Council, such services, funds, facilities, staff, and other support services as the Council may determine advisable.

(i) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEE MEMBERS.—All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) COMPENSATION FOR NON-FEDERAL MEMBER.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Independent Member of the Financial Stability Oversight Council (1).''.

(j) DETAIL OF GOVERNMENT EMPLOYEES.—Any employee of the Federal Government may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. An employee of the Federal Government detailed to the Council shall report to and be subject to oversight by the Council during the assignment to the Council, and shall be compensated by the department or agency from which the employee was detailed.

**SEC. 112. COUNCIL AUTHORITY.**

(a) PURPOSES AND DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The purposes of the Council are—

(A) to identify risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected bank holding companies or nonbank financial companies;

(B) to promote market discipline, by eliminating expectations on the part of shareholders, creditors, and counterparties of such companies that the Government will shield them from losses in the event of failure; and

(C) to respond to emerging threats to the stability of the United States financial markets.

(2) DUTIES.—The Council shall, in accordance with this title—

(A) collect information from member agencies and other Federal and State financial regulatory agencies to assess risks to the United States financial system;

(B) monitor the financial services marketplace in order to identify potential threats to the financial stability of the United States;

(C) facilitate information sharing and coordination among the member agencies and other Federal and State agencies regarding domestic financial services policy development, rulemaking, examinations, reporting requirements, and enforcement actions;

(D) recommend to the member agencies general supervisory priorities and principles reflecting the outcome of discussions among the member agencies;

(E) identify gaps in regulation that could pose risks to the financial stability of the United States;

(F) require supervision by the Board of Governors for nonbank financial companies that may pose risks to the financial stability of the United States in the event of their material financial distress or failure, pursuant to section 113;

(G) make recommendations to the Board of Governors concerning the establishment of heightened prudential standards for risk-based capital, leverage, liquidity, contingent capital, resolution plans and credit exposure reports, concentration limits, enhanced public disclosures, and overall risk management for nonbank financial companies and large, interconnected bank holding companies supervised by the Board of Governors;

(H) identify systemically important financial market utilities and payment, clearing, and settlement activities (as that term is defined in title VIII), and require such utilities and activities to be subject to standards established by the Board of Governors;

(I) make recommendations to primary financial regulatory agencies to apply new or heightened standards and safeguards for financial activities or practices that could create or increase risks of significant liquidity, credit, or other problems spreading among bank holding companies, nonbank financial companies, and United States financial markets;

(J) make determinations regarding exemptions in title VII, where necessary;

(K) provide a forum for—

(i) discussion and analysis of emerging market developments and financial regulatory issues; and

(ii) resolution of jurisdictional disputes among the members of the Council; and

(L) annually report to and testify before Congress on—

(i) the activities of the Council;

(ii) significant financial market developments and potential emerging threats to the financial stability of the United States;

(iii) all determinations made under section 113 or title VIII, and the basis for such determinations; and

(iv) recommendations—

(I) to enhance the integrity, efficiency, competitiveness, and stability of United States financial markets;

(II) to promote market discipline; and

(III) to maintain investor confidence.

(b) AUTHORITY TO OBTAIN INFORMATION.—

(1) IN GENERAL.—The Council may receive, and may request the submission of, any data or information from member agencies, as necessary to monitor the financial services marketplace to identify potential risks to the financial stability of the United States.

(2) SUBMISSIONS BY THE OFFICE AND MEMBER AGENCIES.—Notwithstanding any other provision of law any member agencies are authorized to submit information to the Council.

(3) BACK-UP EXAMINATION BY THE BOARD OF GOVERNORS.—If the Council is unable to determine whether the financial activities of a nonbank financial company pose a threat to the financial stability of the United States, based on discussions with management and publicly available information, the Council may request the Board of Governors, and the Board of Governors is authorized, to conduct an examination of the nonbank financial company for the sole purpose of determining whether the nonbank financial company should be supervised by the Board of Governors for purposes of this title.

(4) CONFIDENTIALITY.—

(A) IN GENERAL.—The Council and the member agencies shall maintain the confidentiality of any data, information, and reports submitted under this subsection and subtitle B.

(B) RETENTION OF PRIVILEGE.—The submission of any nonpublicly available data or information under this subsection shall not

constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

(C) FREEDOM OF INFORMATION ACT.—Section 552 of title 5, United States Code, including the exceptions thereunder, shall apply to any data or information submitted under this subsection and subtitle B.

**SEC. 113. AUTHORITY TO REQUIRE SUPERVISION AND REGULATION OF CERTAIN NONBANK FINANCIAL COMPANIES.**

(a) U.S. NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, may determine that a U.S. nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards, in accordance with this title, if the Council determines that material financial distress at the U.S. nonbank financial company would pose a threat to the financial stability of the United States.

(2) CONSIDERATIONS.—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the financial assets of the company;

(C) the amount and types of the liabilities of the company, including the degree of reliance on short-term funding;

(D) the extent and types of the off-balance-sheet exposures of the company;

(E) the extent and types of the transactions and relationships of the company with other significant nonbank financial companies and significant bank holding companies;

(F) the importance of the company as a source of credit for households, businesses, and State and local governments and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the operation of, or ownership interest in, any clearing, settlement, or payment business of the company;

(I) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(J) any other factors that the Council deems appropriate.

(b) FOREIGN NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, may determine that a foreign nonbank financial company that has substantial assets or operations in the United States shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title, if the Council determines that material financial distress at the foreign nonbank financial company would pose a threat to the financial stability of the United States.

(2) CONSIDERATIONS.—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the United States financial assets of the company;

(C) the amount and types of the liabilities of the company used to fund activities and operations in the United States, including the degree of reliance on short-term funding;

(D) the extent of the United States-related off-balance-sheet exposure of the company;

(E) the extent and type of the transactions and relationships of the company with other significant nonbank financial companies and bank holding companies;

(F) the importance of the company as a source of credit for United States households, businesses, and State and local governments, and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(I) any other factors that the Council deems appropriate.

(c) REEVALUATION AND RESCISSION.—The Council shall—

(1) not less frequently than annually, reevaluate each determination made under subsections (a) and (b) with respect to each nonbank financial company supervised by the Board of Governors; and

(2) rescind any such determination, if the Council, by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, determines that the nonbank financial company no longer meets the standards under subsection (a) or (b), as applicable.

(d) NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION.—

(1) IN GENERAL.—The Council shall provide to a nonbank financial company written notice of a proposed determination of the Council, including an explanation of the basis of the proposed determination of the Council, that such nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title.

(2) HEARING.—Not later than 30 days after the date of receipt of any notice of a proposed determination under paragraph (1), the nonbank financial company may request, in writing, an opportunity for a written or oral hearing before the Council to contest the proposed determination. Upon receipt of a timely request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(3) FINAL DETERMINATION.—Not later than 60 days after the date of a hearing under paragraph (2), the Council shall notify the nonbank financial company of the final determination of the Council, which shall contain a statement of the basis for the decision of the Council.

(4) NO HEARING REQUESTED.—If a nonbank financial company does not make a timely request for a hearing, the Council shall notify the nonbank financial company, in writing, of the final determination of the Council under subsection (a) or (b), as applicable, not later than 10 days after the date by which the company may request a hearing under paragraph (2).

(e) EMERGENCY EXCEPTION.—

(1) IN GENERAL.—The Council may waive or modify the requirements of subsection (d) with respect to a nonbank financial company, if the Council determines, by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, that such waiver or modification is necessary or appropriate to prevent or mitigate threats posed by the nonbank financial company to the financial stability of the United States.

(2) NOTICE.—The Council shall provide notice of a waiver or modification under this paragraph to the nonbank financial company concerned as soon as practicable, but not later than 24 hours after the waiver or modification is granted.

(3) OPPORTUNITY FOR HEARING.—The Council shall allow a nonbank financial company to request, in writing, an opportunity for a written or oral hearing before the Council to contest a waiver or modification under this paragraph, not later than 10 days after the date of receipt of notice of the waiver or modification by the company. Upon receipt of a timely request, the Council shall fix a time (not later than 15 days after the date of receipt of the request) and place at which the nonbank financial company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(4) NOTICE OF FINAL DETERMINATION.—Not later than 30 days after the date of any hearing under paragraph (3), the Council shall notify the subject nonbank financial company of the final determination of the Council under this paragraph, which shall contain a statement of the basis for the decision of the Council.

(f) CONSULTATION.—The Council shall consult with the primary financial regulatory agency, if any, for each nonbank financial company or subsidiary of a nonbank financial company that is being considered for supervision by the Board of Governors under this section before the Council makes any final determination with respect to such nonbank financial company under subsection (a), (b), or (c).

(g) JUDICIAL REVIEW.—If the Council makes a final determination under this section with respect to a nonbank financial company, such nonbank financial company may, not later than 30 days after the date of receipt of the notice of final determination under subsection (d)(3) or (e)(4), bring an action in the United States district court for the judicial district in which the home office of such nonbank financial company is located, or in the United States District Court for the District of Columbia, for an order requiring that the final determination be rescinded, and the court shall, upon review, dismiss such action or direct the final determination to be rescinded. Review of such an action shall be limited to whether the final determination made under this section was arbitrary and capricious.

**SEC. 114. REGISTRATION OF NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.**

Not later than 180 days after the date of a final Council determination under section 113 that a nonbank financial company is to be supervised by the Board of Governors, such company shall register with the Board of Governors, on forms prescribed by the Board of Governors, which shall include such information as the Board of Governors, in consultation with the Council, may deem necessary or appropriate to carry out this title.

**SEC. 115. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.**

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions, the Council may make recommendations to the Board of Governors concerning the establishment and refinement of prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies, that—

(A) are more stringent than those applicable to other nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) LIMITATION ON BANK HOLDING COMPANIES.—Any standards recommended under subsections (b) through (f) shall not apply to any bank holding company with total consolidated assets of less than $50,000,000,000. The Council may recommend an asset threshold greater than $50,000,000,000 for the applicability of any particular standard under those subsections.

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—The recommendations of the Council under subsection (a) may include—

(A) risk-based capital requirements;

(B) leverage limits;

(C) liquidity requirements;

(D) resolution plan and credit exposure report requirements;

(E) concentration limits;

(F) a contingent capital requirement;

(G) enhanced public disclosures; and

(H) overall risk management requirements.

(2) PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In making recommendations concerning the standards set forth in paragraph (1) that would apply to foreign nonbank financial companies supervised by the Board of Governors or foreign-based bank holding companies, the Council shall give due regard to the principle of national treatment and competitive equity.

(3) CONSIDERATIONS.—In making recommendations concerning prudential standards under paragraph (1), the Council shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

(i) the factors described in subsections (a) and (b) of section 113;

(ii) whether the company owns an insured depository institution;

(iii) nonfinancial activities and affiliations of the company; and

(iv) any other factors that the Council determines appropriate; and

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1).

(c) CONTINGENT CAPITAL.—

(1) STUDY REQUIRED.—The Council shall conduct a study of the feasibility, benefits, costs, and structure of a contingent capital requirement for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), which study shall include—

(A) an evaluation of the degree to which such requirement would enhance the safety and soundness of companies subject to the requirement, promote the financial stability of the United States, and reduce risks to United States taxpayers;

(B) an evaluation of the characteristics and amounts of convertible debt that should be required;

(C) an analysis of potential prudential standards that should be used to determine whether the contingent capital of a company would be converted to equity in times of financial stress;

(D) an evaluation of the costs to companies, the effects on the structure and operation of credit and other financial markets, and other economic effects of requiring contingent capital;

(E) an evaluation of the effects of such requirement on the international competitiveness of companies subject to the requirement and the prospects for international coordination in establishing such requirement; and

(F) recommendations for implementing regulations.

(2) REPORT.—The Council shall submit a report to Congress regarding the study required by paragraph (1) not later than 2 years after the date of enactment of this Act.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—Subsequent to submitting a report to Congress under paragraph (2), the Council may make recommendations to the Board of Governors to require any nonbank financial company supervised by the Board of Governors and any bank holding company described in subsection (a) to maintain a minimum amount of long-term hybrid debt that is convertible to equity in times of financial stress.

(B) FACTORS TO CONSIDER.—In making recommendations under this subsection, the Council shall consider—

(i) an appropriate transition period for implementation of a conversion under this subsection;

(ii) the factors described in subsection (b)(3);

(iii) capital requirements applicable to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof;

(iv) results of the study required by paragraph (1); and

(v) any other factor that the Council deems appropriate.

(d) RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.—

(1) RESOLUTION PLAN.—The Council may make recommendations to the Board of Governors concerning the requirement that each nonbank financial company supervised by the Board of Governors and each bank holding company described in subsection (a) report periodically to the Council, the Board of Governors, and the Corporation, the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) CREDIT EXPOSURE REPORT.—The Council may make recommendations to the Board of Governors concerning the advisability of requiring each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) to report periodically to the Council, the Board of Governors, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other such significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(e) CONCENTRATION LIMITS.—In order to limit the risks that the failure of any individual company could pose to nonbank financial companies supervised by the Board of Governors or bank holding companies described in subsection (a), the Council may make recommendations to the Board of Governors to prescribe standards to limit such risks, as set forth in section 165.

(f) ENHANCED PUBLIC DISCLOSURES.—The Council may make recommendations to the Board of Governors to require periodic public disclosures by bank holding companies described in subsection (a) and by nonbank financial companies supervised by the Board of Governors, in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

**SEC. 116. REPORTS.**

(a) IN GENERAL.—Subject to subsection (b), the Council may require a bank holding company with total consolidated assets of $50,000,000,000 or greater or a nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit certified reports to keep the Council informed as to—

(1) the financial condition of the company;

(2) systems for monitoring and controlling financial, operating, and other risks;

(3) transactions with any subsidiary that is a depository institution; and

(4) the extent to which the activities and operations of the company and any subsidiary thereof, could, under adverse circumstances, have the potential to disrupt financial markets or affect the overall financial stability of the United States.

(b) USE OF EXISTING REPORTS.—

(1) IN GENERAL.—For purposes of compliance with subsection (a), the Council shall, to the fullest extent possible, use—

(A) reports that a bank holding company, nonbank financial company supervised by the Board of Governors, or any functionally regulated subsidiary of such company has been required to provide to other Federal or State regulatory agencies;

(B) information that is otherwise required to be reported publicly; and

(C) externally audited financial statements.

(2) AVAILABILITY.—Each bank holding company described in subsection (a) and nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, shall provide to the Council, at the request of the Council, copies of all reports referred to in paragraph (1).

(3) CONFIDENTIALITY.—The Council shall maintain the confidentiality of the reports obtained under subsection (a) and paragraph (1)(A) of this subsection.

**SEC. 117. TREATMENT OF CERTAIN COMPANIES THAT CEASE TO BE BANK HOLDING COMPANIES.**

(a) APPLICABILITY.—This section shall apply to any entity or a successor entity that—

(1) was a bank holding company having total consolidated assets equal to or greater than $50,000,000,000 as of January 1, 2010; and

(2) received financial assistance under or participated in the Capital Purchase Program established under the Troubled Asset Relief Program authorized by the Emergency Economic Stabilization Act of 2008.

(b) TREATMENT.—If an entity described in subsection (a) ceases to be a bank holding company at any time after January 1, 2010, then such entity shall be treated as a

nonbank financial company supervised by the Board of Governors, as if the Council had made a determination under section 113 with respect to that entity.

(c) APPEAL.—

(1) REQUEST FOR HEARING.—An entity may request, in writing, an opportunity for a written or oral hearing before the Council to appeal its treatment as a nonbank financial company supervised by the Board of Governors in accordance with this section. Upon receipt of the request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such entity may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(2) DECISION.—

(A) PROPOSED DECISION.—Not later than 60 days after the date of a hearing under paragraph (1), the Council shall submit a report to, and may testify before, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the proposed decision of the Council regarding an appeal under paragraph (1), which report shall include a statement of the basis for the proposed decision of the Council.

(B) NOTICE OF FINAL DECISION.—The Council shall notify the subject entity of the final decision of the Council regarding an appeal under paragraph (1), which notice shall contain a statement of the basis for the final decision of the Council, not later than 60 days after the later of—

(i) the date of the submission of the report under subparagraph (A); or

(ii) if the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives holds one or more hearings regarding such report, the date of the last such hearing.

(C) CONSIDERATIONS.—In making a decision regarding an appeal under paragraph (1), the Council shall consider whether the company meets the standards under section 113(a) or 113(b), as applicable, and the definition of the term ''nonbank financial company'' under section 102. The decision of the Council shall be final, subject to the review under paragraph (3).

(3) REVIEW.—If the Council denies an appeal under this subsection, the Council shall, not less frequently than annually, review and reevaluate the decision.

**SEC. 118. COUNCIL FUNDING.**

Any expenses of the Council shall be treated as expenses of, and paid by, the Department of the Treasury.

**SEC. 119. RESOLUTION OF SUPERVISORY JURISDICTIONAL DISPUTES AMONG MEMBER AGENCIES.**

(a) REQUEST FOR DISPUTE RESOLUTION.—The Council shall resolve a dispute among 2 or more member agencies, if—

(1) a member agency has a dispute with another member agency about the respective jurisdiction over a particular bank holding company, nonbank financial company, or financial activity or product (excluding matters for which another dispute mechanism specifically has been provided under Federal law);

(2) the Council determines that the disputing agencies cannot, after a demonstrated good faith effort, resolve the dispute without the intervention of the Council; and

(3) any of the member agencies involved in the dispute—

(A) provides all other disputants prior notice of the intent to request dispute resolution by the Council; and

(B) requests in writing, not earlier than 14 days after providing the notice described in subparagraph (A), that the Council resolve the dispute.

(b) COUNCIL DECISION.—The Council shall resolve each dispute described in subsection (a)—

(1) within a reasonable time after receiving the dispute resolution request;

(2) after consideration of relevant information provided by each agency party to the dispute; and

(3) by agreeing with 1 of the disputants regarding the entirety of the matter, or by determining a compromise position.

(c) FORM AND BINDING EFFECT.—A Council decision under this section shall—

(1) be in writing;

(2) include an explanation of the reasons therefor; and

(3) be binding on all Federal agencies that are parties to the dispute.

**SEC. 120. ADDITIONAL STANDARDS APPLICABLE TO ACTIVITIES OR PRACTICES FOR FINANCIAL STABILITY PURPOSES.**

(a) IN GENERAL.—The Council may issue recommendations to the primary financial regulatory agencies to apply new or heightened standards and safeguards, including standards enumerated in section 115, for a financial activity or practice conducted by bank holding companies or nonbank financial companies under their respective jurisdictions, if the Council determines that the conduct of such activity or practice could create or increase the risk of significant liquidity, credit, or other problems spreading among bank holding companies and nonbank financial companies or the financial markets of the United States.

(b) PROCEDURE FOR RECOMMENDATIONS TO REGULATORS.—

(1) NOTICE AND OPPORTUNITY FOR COMMENT.—The Council shall consult with the primary financial regulatory agencies and provide notice to the public and opportunity for comment for any proposed recommendation that the primary financial regulatory agencies apply new or heightened standards and safeguards for a financial activity or practice.

(2) CRITERIA.—The new or heightened standards and safeguards for a financial activity or practice recommended under paragraph (1)—

(A) shall take costs to long-term economic growth into account; and

(B) may include prescribing the conduct of the activity or practice in specific ways (such as by limiting its scope, or applying particular capital or risk management requirements to the conduct of the activity) or prohibiting the activity or practice.

(c) IMPLEMENTATION OF RECOMMENDED STANDARDS.—

(1) ROLE OF PRIMARY FINANCIAL REGULATORY AGENCY.—

(A) IN GENERAL.—Each primary financial regulatory agency may impose, require reports regarding, examine for compliance with, and enforce standards in accordance with this section with respect to those entities for which it is the primary financial regulatory agency.

(B) RULE OF CONSTRUCTION.—The authority under this paragraph is in addition to, and does not limit, any other authority of a primary financial regulatory agency. Compliance by an entity with actions taken by a primary financial regulatory agency under this section shall be enforceable in accordance with the statutes governing the respective jurisdiction of the primary financial regulatory agency over the entity, as if the agency action were taken under those statutes.

(2) IMPOSITION OF STANDARDS.—The primary financial regulatory agency shall impose the standards recommended by the Council in accordance with subsection (a), or similar standards that the Council deems acceptable, or shall explain in writing to the Council, not later than 90 days after the date on which the Council issues the recommendation, why the agency has determined not to follow the recommendation of the Council.

(d) REPORT TO CONGRESS.—The Council shall report to Congress on—

(1) any recommendations issued by the Council under this section;

(2) the implementation of, or failure to implement such recommendation on the part of a primary financial regulatory agency; and

(3) in any case in which no primary financial regulatory agency exists for the nonbank financial company conducting financial activities or practices referred to in subsection (a), recommendations for legislation that would prevent such activities or practices from threatening the stability of the financial system of the United States.

(e) EFFECT OF RESCISSION OF IDENTIFICATION.—

(1) NOTICE.—The Council may recommend to the relevant primary financial regulatory agency that a financial activity or practice no longer requires any standards or safeguards implemented under this section.

(2) DETERMINATION OF PRIMARY FINANCIAL REGULATORY AGENCY TO CONTINUE.—

(A) IN GENERAL.—Upon receipt of a recommendation under paragraph (1), a primary financial regulatory agency that has imposed standards under this section shall determine whether standards that it has imposed under this section should remain in effect.

(B) APPEAL PROCESS.—Each primary financial regulatory agency that has imposed standards under this section shall promulgate regulations to establish a procedure under which entities under its jurisdiction may appeal a determination by such agency under this paragraph that standards imposed under this section should remain in effect.

**SEC. 121. MITIGATION OF RISKS TO FINANCIAL STABILITY.**

(a) MITIGATORY ACTIONS.—If the Board of Governors determines that a bank holding company with total consolidated assets of $50,000,000,000 or more, or a nonbank financial company supervised by the Board of Governors, poses a grave threat to the financial stability of the United States, the Board of Governors, upon an affirmative vote of not fewer than ⅔ of the Council members then serving, shall require the subject company—

(1) to terminate one or more activities;

(2) to impose conditions on the manner in which the company conducts one or more activities; or

(3) if the Board of Governors determines that such action is inadequate to mitigate a threat to the financial stability of the United States in its recommendation, to sell or otherwise transfer assets or off-balance-sheet items to unaffiliated entities.

(b) NOTICE AND HEARING.—

(1) IN GENERAL.—The Board of Governors, in consultation with the Council, shall provide to a company described in subsection (a) written notice that such company is being considered for mitigatory action pursuant to this section, including an explanation of the basis for, and description of, the proposed mitigatory action.

(2) HEARING.—Not later than 30 days after the date of receipt of notice under paragraph

(1), the company may request, in writing, an opportunity for a written or oral hearing before the Board of Governors to contest the proposed mitigatory action. Upon receipt of a timely request, the Board of Governors shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the discretion of the Board of Governors, in consultation with the Council, oral testimony and oral argument).

(3) DECISION.—Not later than 60 days after the date of a hearing under paragraph (2), or not later than 60 days after the provision of a notice under paragraph (1) if no hearing was held, the Board of Governors shall notify the company of the final decision of the Board of Governors, including the results of the vote of the Council, as described in subsection (a).

(c) FACTORS FOR CONSIDERATION.—The Board of Governors and the Council shall take into consideration the factors set forth in subsection (a) or (b) of section 113, as applicable, in a determination described in subsection (a) and in a decision described in subsection (b).

(d) APPLICATION TO FOREIGN FINANCIAL COMPANIES.—The Board of Governors may prescribe regulations regarding the application of this section to foreign nonbank financial companies supervised by the Board of Governors and foreign-based bank holding companies, giving due regard to the principle of national treatment and competitive equity.

## Subtitle B—Financial Information and Data

### SEC. 151. FINANCIAL INFORMATION AND DATA.

(a) AUTHORITY TO OBTAIN INFORMATION BY REGULATION.—

(1) IN GENERAL.—The Council is authorized to receive, and may request the production of, any information and data from Council member agencies, as necessary to identify potential risks to United States financial system stability.

(2) SUBMISSION BY COUNCIL MEMBERS.—Notwithstanding any other provision of law, any Council member agency, upon request by the Council, shall provide information and data to the Council, and the Council shall maintain the confidentiality of such information and data.

(3) FINANCIAL INFORMATION AND DATA COLLECTION.—

(A) IN GENERAL.—The Council may require, by rule, the submission of periodic and other reports from any regulated entity, solely for the purpose of assessing the extent to which a financial activity or financial market in which the financial company participates, or the financial company itself, poses a risk to United States financial system stability.

(B) MITIGATION OF REPORT BURDEN.—Before requiring the submission of reports from an regulated entity, the Council shall coordinate and shall, whenever possible, rely on information and data already being collected by or provided to such agency.

(C) MITIGATION OF REQUIREMENTS IN CASE OF FOREIGN FINANCIAL PARENTS.—Before requiring the submission of reports from anY regulated entity that is affiliated with a holding company or parent company that is a foreign company, the Council shall, to the extent appropriate—

(i) coordinate with any appropriate foreign regulator of such company and any appropriate multilateral organization;

(ii) request information regarding such company from such foreign regulator; and

(iii) whenever possible, rely on information already being collected by such foreign regulator or multilateral organizational.

(D) VOLUNTARY INFORMATION AND DATA COLLECTION FROM NON-REGULATED ENTITIES.—The Council is authorized to request information and data from non regulated entities. To the extent possible, the Council shall minimize information and data requests from non regulated entities, and in all cases, such information and data requests shall be limited to information and data requests relevant to maintaining United States financial system stability. Nothing in this subparagraph shall be construed to require the provision of information or data by any non regulated entity that is not otherwise required to provide such information or data under this section or any other provision of law.

(4) DEFINITION.—As used in this subsection, the term ''regulated entity'' means any entity, other than an individual, that is regulated and supervised by a Council member agency.

(b) ADDITIONAL PROVISIONS.—

(1) INFORMATION AND DATA SHARING.—The Chairperson of the Council, in consultation with the other members of the Council, may—

(A) establish procedures, databases, and information warehouses to share information and data collected by the Council under this section with the members of the Council;

(B) develop an electronic process for sharing all information and data collected by the Council with the Council member agencies;

(C) designate the format in which requested information and data shall be submitted to the Council, including any electronic, digital, or other format that facilitates the use of such information and data by the Council in its analyses.

(2) APPLICABLE PRIVILEGES NOT WAIVED.—A Federal financial regulator, State financial regulator, United States financial company, foreign financial company operating in the United States, financial market utility, or other person shall not be compelled to waive, and shall not be deemed to have waived, any privilege otherwise applicable to any information or data by transferring the information or data to, or permitting that information or data to be used by—

(A) the Council;

(B) any Federal financial regulator or State financial regulator, in any capacity; or

(C) any other agency of the Federal Government (as defined in section 6 of title 18, United States Code).

(3) CONFIDENTIALITY OF INFORMATION.—

(A) DISCLOSURE EXEMPTION.—The Council shall maintain the confidentiality of information received under this subtitle, and any information obtained by the Council under this subtitle shall be exempt from the disclosure requirements under section 552 of title 5, United States Code.

(B) COUNCIL CONFIDENTIALITY.—Notwithstanding any other provision of law, the Council may not be compelled to disclose any report or information contained therein filed with the Council under this subtitle, except that nothing in this subtitle authorizes the Council—

(i) to withhold information from Congress, upon an agreement of confidentiality; or

(ii) prevent the Council from complying with—

(I) a request for information from any other Federal department or agency or any self-regulatory organization requesting the report or information for purposes within the scope of its jurisdiction; or

(II) an order of a court of the United States in an action brought by the United States or the Council.

(C) PROTECTION OF INFORMATION AND DATA.—The Council shall maintain appropriate data security measures and ensure the protection of any proprietary information or data of any regulated entity or nonregulated entity.

(4) CONSULTATION WITH FOREIGN GOVERNMENTS.—Under the supervision of the President, and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Chairperson of the Council, in consultation with the other members of the Council, shall regularly consult with the financial regulatory entities and other appropriate organizations of foreign governments or international organizations on matters relating to risks to United States financial system stability.

## Subtitle C—Additional Board of Governors Authority for Certain Nonbank Financial Companies and Bank Holding Companies

### SEC. 161. REPORTS BY AND EXAMINATIONS OF NONBANK FINANCIAL COMPANIES BY THE BOARD OF GOVERNORS.

(a) REPORTS.—

(1) IN GENERAL.—The Board of Governors may require each nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit reports under oath, to keep the Board of Governors informed as to—

(A) the financial condition of the company or subsidiary, systems of the company or subsidiary for monitoring and controlling financial, operating, and other risks, and the extent to which the activities and operations of the company or subsidiary pose a threat to the financial stability of the United States; and

(B) compliance by the company or subsidiary with the requirements of this subtitle.

(2) USE OF EXISTING REPORTS AND INFORMATION.—In carrying out subsection (a), the Board of Governors shall, to the fullest extent possible, use—

(A) reports and supervisory information that a nonbank financial company or subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

(B) information otherwise obtainable from Federal or State regulatory agencies;

(C) information that is otherwise required to be reported publicly; and

(D) externally audited financial statements of such company or subsidiary.

(3) AVAILABILITY.—Upon the request of the Board of Governors, a nonbank financial company supervised by the Board of Governors, or a subsidiary thereof, shall promptly provide to the Board of Governors any information described in paragraph (2).

(b) EXAMINATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board of Governors may examine any nonbank financial company supervised by the Board of Governors and any subsidiary of such company, to determine—

(A) the nature of the operations and financial condition of the company and such subsidiary;

(B) the financial, operational, and other risks within the company that may pose a threat to the safety and soundness of such company or to the financial stability of the United States;

(C) the systems for monitoring and controlling such risks; and

(D) compliance by the company with the requirements of this subtitle.

(2) USE OF EXAMINATION REPORTS AND INFORMATION.—For purposes of this subsection, the Board of Governors shall, to the fullest extent possible, rely on reports of examination of any depository institution subsidiary

or functionally regulated subsidiary made by the primary financial regulatory agency for that subsidiary, and on information described in subsection (a)(2).

(c) COORDINATION WITH PRIMARY FINANCIAL REGULATORY AGENCY.—The Board of Governors shall—

(1) provide to the primary financial regulatory agency for any company or subsidiary, reasonable notice before requiring a report, requesting information, or commencing an examination of such subsidiary under this section; and

(2) avoid duplication of examination activities, reporting requirements, and requests for information, to the extent possible.

**SEC. 162. ENFORCEMENT.**

(a) IN GENERAL.—Except as provided in subsection (b), a nonbank financial company supervised by the Board of Governors and any subsidiaries of such company (other than any depository institution subsidiary) shall be subject to the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the same manner and to the same extent as if the company were a bank holding company, as provided in section 8(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(3)).

(b) ENFORCEMENT AUTHORITY FOR FUNCTIONALLY REGULATED SUBSIDIARIES.—

(1) REFERRAL.—If the Board of Governors determines that a condition, practice, or activity of a depository institution subsidiary or functionally regulated subsidiary of a nonbank financial company supervised by the Board of Governors does not comply with the regulations or orders prescribed by the Board of Governors under this Act, or otherwise poses a threat to the financial stability of the United States, the Board of Governors may recommend, in writing, to the primary financial regulatory agency for the subsidiary that such agency initiate a supervisory action or enforcement proceeding. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

(2) BACK-UP AUTHORITY OF THE BOARD OF GOVERNORS.—If, during the 60-day period beginning on the date on which the primary financial regulatory agency receives a recommendation under paragraph (1), the primary financial regulatory agency does not take supervisory or enforcement action against a subsidiary that is acceptable to the Board of Governors, the Board of Governors (upon a vote of its members) may take the recommended supervisory or enforcement action, as if the subsidiary were a bank holding company subject to supervision by the Board of Governors.

**SEC. 163. ACQUISITIONS.**

(a) ACQUISITIONS OF BANKS; TREATMENT AS A BANK HOLDING COMPANY.—For purposes of section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), a nonbank financial company supervised by the Board of Governors shall be deemed to be, and shall be treated as, a bank holding company.

(b) ACQUISITION OF NONBANK COMPANIES.—

(1) PRIOR NOTICE FOR LARGE ACQUISITIONS.—Notwithstanding section 4(k)(6)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)(6)(B)), a bank holding company with total consolidated assets equal to or greater than $50,000,000,000 or a nonbank financial company supervised by the Board of Governors shall not acquire direct or indirect ownership or control of any voting shares of any company (other than an insured depository institution) that is engaged in activities described in section 4(k) of the Bank Holding Company Act of 1956 having total consolidated assets of $10,000,000,000 or more, without providing written notice to the Board of Governors in advance of the transaction.

(2) EXEMPTIONS.—The prior notice requirement in paragraph (1) shall not apply with regard to the acquisition of shares that would qualify for the exemptions in section 4(c) or section 4(k)(4)(E) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c) and (k)(4)(E)).

(3) NOTICE PROCEDURES.—The notice procedures set forth in section 4(j)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(1)), without regard to section 4(j)(3) of that Act, shall apply to an acquisition of any company (other than an insured depository institution) by a bank holding company with total consolidated assets equal to or greater than $50,000,000,000 or a nonbank financial company supervised by the Board of Governors, as described in paragraph (1), including any such company engaged in activities described in section 4(k) of that Act.

(4) STANDARDS FOR REVIEW.—In addition to the standards provided in section 4(j)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(2)), the Board of Governors shall consider the extent to which the proposed acquisition would result in greater or more concentrated risks to global or United States financial stability or the United States economy.

**SEC. 164. PROHIBITION AGAINST MANAGEMENT INTERLOCKS BETWEEN CERTAIN FINANCIAL COMPANIES.**

A nonbank financial company supervised by the Board of Governors shall be treated as a bank holding company for purposes of the Depository Institutions Management Interlocks Act (12 U.S.C. 3201 et seq.), except that the Board of Governors shall not exercise the authority provided in section 7 of that Act (12 U.S.C. 3207) to permit service by a management official of a nonbank financial company supervised by the Board of Governors as a management official of any bank holding company with total consolidated assets equal to or greater than $50,000,000,000, or other nonaffiliated nonbank financial company supervised by the Board of Governors (other than to provide a temporary exemption for interlocks resulting from a merger, acquisition, or consolidation).

**SEC. 165. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.**

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions, the Board of Governors shall, on its own or pursuant to recommendations by the Council under section 115, establish prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies that—

(A) are more stringent than the standards and requirements applicable to nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) LIMITATION ON BANK HOLDING COMPANIES.—Any standards established under subsections (b) through (f) shall not apply to any bank holding company with total consolidated assets of less than $50,000,000,000, but the Board of Governors may establish an asset threshold greater than $50,000,000,000 for the applicability of any particular standard under subsections (b) through (f).

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—

(A) REQUIRED STANDARDS.—The Board of Governors shall, by regulation or order, establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that shall include—

(i) risk-based capital requirements;

(ii) leverage limits;

(iii) liquidity requirements;

(iv) resolution plan and credit exposure report requirements; and

(v) concentration limits.

(B) ADDITIONAL STANDARDS AUTHORIZED.—The Board of Governors may, by regulation or order, establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that include—

(i) a contingent capital requirement;

(ii) enhanced public disclosures; and

(iii) overall risk management requirements.

(2) PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In applying the standards set forth in paragraph (1) to foreign nonbank financial companies supervised by the Board of Governors and to foreign-based bank holding companies, the Board of Governors shall give due regard to the principle of national treatment and competitive equity.

(3) CONSIDERATIONS.—In prescribing prudential standards under paragraph (1), the Board of Governors shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

(i) the factors described in subsections (a) and (b) of section 113;

(ii) whether the company owns an insured depository institution;

(iii) nonfinancial activities and affiliations of the company; and

(iv) any other factors that the Board of Governors determines appropriate;

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1) of this subsection; and

(C) take into account any recommendations of the Council under section 115.

(4) REPORT.—The Board of Governors shall submit an annual report to Congress regarding the implementation of the prudential standards required pursuant to paragraph (1), including the use of such standards to mitigate risks to the financial stability of the United States.

(c) CONTINGENT CAPITAL.—

(1) IN GENERAL.—Subsequent to submission by the Council of a report to Congress under section 115(c), the Board of Governors may promulgate regulations that require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to maintain a minimum amount of long-term hybrid debt that is convertible to equity in times of financial stress.

(2) FACTORS TO CONSIDER.—In establishing regulations under this subsection, the Board of Governors shall consider—

(A) the results of the study undertaken by the Council, and any recommendations of the Council, under section 115(c);

(B) an appropriate transition period for implementation of a conversion under this subsection;

(C) the factors described in subsection (b)(3)(A);

(D) capital requirements applicable to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof; and

(E) any other factor that the Board of Governors deems appropriate.

(d) RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.—

(1) RESOLUTION PLAN.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) CREDIT EXPOSURE REPORT.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(3) REVIEW.—The Board of Governors and the Corporation shall review the information provided in accordance with this section by each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a).

(4) NOTICE OF DEFICIENCIES.—If the Board of Governors and the Corporation jointly determine, based on their review under paragraph (3), that the resolution plan of a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) is not credible or would not facilitate an orderly resolution of the company under title 11, United States Code—

(A) the Board of Governors and the Corporation shall notify the company, as applicable, of the deficiencies in the resolution plan; and

(B) the company shall resubmit the resolution plan within a time frame determined by the Board of Governors and the Corporation, with revisions demonstrating that the plan is credible and would result in an orderly resolution under title 11, United States Code, including any proposed changes in business operations and corporate structure to facilitate implementation of the plan.

(5) FAILURE TO RESUBMIT CREDIBLE PLAN.—

(A) IN GENERAL.—If a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) fails to timely resubmit the resolution plan as required under paragraph (4), with such revisions as are required under subparagraph (B), the Board of Governors and the Corporation may jointly impose more stringent capital, leverage, or liquidity requirements, or restrictions on the growth, activities, or operations of the company, or any subsidiary thereof, until such time as the company resubmits a plan that remedies the deficiencies.

(B) DIVESTITURE.—The Board of Governors and the Corporation, in consultation with the Council, may direct a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), by order, to divest certain assets or operations identified by the Board of Governors and the Corporation, to facilitate an orderly resolution of such company under title 11, United States Code, in the event of the failure of such company, in any case in which—

(i) the Board of Governors and the Corporation have jointly imposed more stringent requirements on the company pursuant to subparagraph (A); and

(ii) the company has failed, within the 2-year period beginning on the date of the imposition of such requirements under subparagraph (A), to resubmit the resolution plan with such revisions as were required under paragraph (4)(B).

(6) RULES.—Not later than 18 months after the date of enactment of this Act, the Board of Governors and the Corporation shall jointly issue final rules implementing this subsection.

(e) CONCENTRATION LIMITS.—

(1) STANDARDS.—In order to limit the risks that the failure of any individual company could pose to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), the Board of Governors, by regulation, shall prescribe standards that limit such risks.

(2) LIMITATION ON CREDIT EXPOSURE.—The regulations prescribed by the Board of Governors under paragraph (1) shall prohibit each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) from having credit exposure to any unaffiliated company that exceeds 25 percent of the capital stock and surplus (or such lower amount as the Board of Governors may determine by regulation to be necessary to mitigate risks to the financial stability of the United States) of the company.

(3) CREDIT EXPOSURE.—For purposes of paragraph (2), ''credit exposure'' to a company means—

(A) all extensions of credit to the company, including loans, deposits, and lines of credit;

(B) all repurchase agreements and reverse repurchase agreements with the company;

(C) all securities borrowing and lending transactions with the company, to the extent that such transactions create credit exposure for the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a);

(D) all guarantees, acceptances, or letters of credit (including endorsement or standby letters of credit) issued on behalf of the company;

(E) all purchases of or investment in securities issued by the company;

(F) counterparty credit exposure to the company in connection with a derivative transaction between the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) and the company; and

(G) any other similar transactions that the Board of Governors, by regulation, determines to be a credit exposure for purposes of this section.

(4) ATTRIBUTION RULE.—For purposes of this subsection, any transaction by a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) with any person is a transaction with a company, to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that company.

(5) RULEMAKING.—The Board of Governors may issue such regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out this subsection.

(6) EXEMPTIONS.—The Board of Governors may, by regulation or order, exempt transactions, in whole or in part, from the definition of ''credit exposure'' for purposes of this subsection, if the Board of Governors finds that the exemption is in the public interest and is consistent with the purpose of this subsection.

(7) TRANSITION PERIOD.—

(A) IN GENERAL.—This subsection and any regulations and orders of the Board of Governors under this subsection shall not be effective until 3 years after the date of enactment of this Act.

(B) EXTENSION AUTHORIZED.—The Board of Governors may extend the period specified in subparagraph (A) for not longer than an additional 2 years.

(f) ENHANCED PUBLIC DISCLOSURES.—The Board of Governors may prescribe, by regulation, periodic public disclosures by nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

(g) RISK COMMITTEE.—

(1) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors that is a publicly traded company to establish a risk committee, as set forth in paragraph (3), not later than 1 year after the date of receipt of a notice of final determination under section 113(d)(3) with respect to such nonbank financial company supervised by the Board of Governors.

(2) CERTAIN BANK HOLDING COMPANIES.—

(A) MANDATORY REGULATIONS.—The Board of Governors shall issue regulations requiring each bank holding company that is a publicly traded company and that has total consolidated assets of not less than $10,000,000,000 to establish a risk committee, as set forth in paragraph (3).

(B) PERMISSIVE REGULATIONS.—The Board of Governors may require each bank holding company that is a publicly traded company and that has total consolidated assets of less than $10,000,000,000 to establish a risk committee, as set forth in paragraph (3), as determined necessary or appropriate by the Board of Governors to promote sound risk management practices.

(3) RISK COMMITTEE.—A risk committee required by this subsection shall—

(A) be responsible for the oversight of the enterprise-wide risk management practices of the nonbank financial company supervised by the Board of Governors or bank holding company described in subsection (a), as applicable;

(B) include such number of independent directors as the Board of Governors may determine appropriate, based on the nature of operations, size of assets, and other appropriate criteria related to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), as applicable; and

(C) include at least 1 risk management expert having experience in identifying, assessing, and managing risk exposures of large, complex firms.

(4) RULEMAKING.—The Board of Governors shall issue final rules to carry out this subsection, not later than 1 year after the transfer date, to take effect not later than 15 months after the transfer date.

(h) STRESS TESTS.—The Board of Governors shall conduct analyses in which nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) are subject to evaluation of whether the companies have the capital, on a total consolidated basis, necessary to absorb losses as a result of adverse economic conditions. The Board of Governors may develop and apply such other analytic techniques as are necessary to identify, measure, and monitor risks to the financial stability of the United States.

**SEC. 166. EARLY REMEDIATION REQUIREMENTS.**

(a) IN GENERAL.—The Board of Governors, in consultation with the Council and the Corporation, shall prescribe regulations establishing requirements to provide for the early remediation of financial distress of a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a), except that nothing in this subsection authorizes the provision of financial assistance from the Federal Government.

(b) PURPOSE OF THE EARLY REMEDIATION REQUIREMENTS.—The purpose of the early remediation requirements under subsection (a) shall be to establish a series of specific remedial actions to be taken by a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a) that is experiencing increasing financial distress, in order to minimize the probability that the company will become insolvent and the potential harm of such insolvency to the financial stability of the United States.

(c) REMEDIATION REQUIREMENTS.—The regulations prescribed by the Board of Governors under subsection (a) shall—

(1) define measures of the financial condition of the company, including regulatory capital, liquidity measures, and other forward-looking indicators; and

(2) establish requirements that increase in stringency as the financial condition of the company declines, including—

(A) requirements in the initial stages of financial decline, including limits on capital distributions, acquisitions, and asset growth; and

(B) requirements at later stages of financial decline, including a capital restoration plan and capital-raising requirements, limits on transactions with affiliates, management changes, and asset sales.

**SEC. 167. AFFILIATIONS.**

(a) AFFILIATIONS.—Nothing in this subtitle shall be construed to require a nonbank financial company supervised by the Board of Governors, or a company that controls a nonbank financial company supervised by the Board of Governors, to conform the activities thereof to the requirements of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843).

(b) REQUIREMENT.—

(1) IN GENERAL.—If a nonbank financial company supervised by the Board of Governors conducts activities other than those that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, the Board of Governors may require such company to establish and conduct such activities that are determined to be financial in nature or incidental thereto in an intermediate holding company established pursuant to regulation of the Board of Governors, not later than 90 days after the date on which the nonbank financial company supervised by the Board of Governors was notified of the determination under section 113(a).

(2) INTERNAL FINANCIAL ACTIVITIES.—For purposes of this subsection, activities that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, as described in paragraph (1), shall not include internal financial activities conducted for a nonbank financial company supervised by the Board of Governors or any affiliate, including internal treasury, investment, and employee benefit functions. With respect to any internal financial activity of such company during the year prior to the date of enactment of this Act, such company may continue to engage in such activity as long as at least ⅔ of the assets or ⅔ of the revenues generated from the activity are from or attributable to such company, subject to review by the Board of Governors, to determine whether engaging in such activity presents undue risk to such company or to the financial stability of the United States.

(c) REGULATIONS.—The Board of Governors—

(1) shall promulgate regulations to establish the criteria for determining whether to require a nonbank financial company supervised by the Board of Governors to establish an intermediate holding company under subsection (a); and

(2) may promulgate regulations to establish any restrictions or limitations on transactions between an intermediate holding company or a nonbank financial company supervised by the Board of Governors and its affiliates, as necessary to prevent unsafe and unsound practices in connection with transactions between such company, or any subsidiary thereof, and its parent company or affiliates that are not subsidiaries of such company, except that such regulations shall not restrict or limit any transaction in connection with the bona fide acquisition or lease by an unaffiliated person of assets, goods, or services.

**SEC. 168. REGULATIONS.**

Except as otherwise specified in this subtitle, not later than 18 months after the transfer date, the Board of Governors shall issue final regulations to implement this subtitle and the amendments made by this subtitle.

**SEC. 169. AVOIDING DUPLICATION.**

The Board of Governors shall take any action that the Board of Governors deems appropriate to avoid imposing requirements under this subtitle that are duplicative of requirements applicable to bank holding companies and nonbank financial companies under other provisions of law.

**SEC. 170. SAFE HARBOR.**

(a) REGULATIONS.—The Board of Governors shall promulgate regulations on behalf of, and in consultation with, the Council setting forth the criteria for exempting certain types or classes of U.S. nonbank financial companies or foreign nonbank financial companies from supervision by the Board of Governors.

(b) CONSIDERATIONS.—In developing the criteria under subsection (a), the Board of Governors shall take into account the factors for consideration described in subsections (a) and (b) of section 113 in determining whether a U.S. nonbank financial company or foreign nonbank financial company shall be supervised by the Board of Governors.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require supervision by the Board of Governors of a U.S. nonbank financial company or foreign nonbank financial company, if such company does not meet the criteria for exemption established under subsection (a).

(d) UPDATE.—The Board of Governors shall, in consultation with the Council, review the regulations promulgated under subsection (a), not less frequently than every 5 years, and based upon the review, the Board of Governors may revise such regulations on behalf of, and in consultation with, the Council to update as necessary the criteria set forth in such regulations.

(e) TRANSITION PERIOD.—No revisions under subsection (d) shall take effect before the end of the 2-year period after the date of publication of such revisions in final form.

(f) REPORT.—The Chairperson of the Board of Governors and the Chairperson of the Council shall submit a joint report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 30 days after the date of the issuance in final form of the regulations under subsection (a), or any subsequent revision to such regulations under subsection (d), as applicable. Such report shall include, at a minimum, the rationale for exemption and empirical evidence to support the criteria for exemption.

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**SA 3825.** Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike title I and insert the following:

**TITLE I—FINANCIAL STABILITY**

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Financial Stability Act of 2010''.

**SEC. 102. DEFINITIONS.**

(a) IN GENERAL.—For purposes of this title, unless the context otherwise requires, the following definitions shall apply:

(1) BANK HOLDING COMPANY.—The term ''bank holding company'' has the same meaning as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841). A foreign bank or company that is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956, pursuant to section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3106(a)), shall be treated as a bank holding company for purposes of this title.

(2) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Council.

(3) MEMBER AGENCY.—The term ''member agency'' means an agency represented by a voting member of the Council.

(4) NONBANK FINANCIAL COMPANY DEFINITIONS.—

(A) FOREIGN NONBANK FINANCIAL COMPANY.—The term ''foreign nonbank financial company'' means a company (other than a

company that is, or is treated in the United States as, a bank holding company or a subsidiary thereof) that is—

(i) incorporated or organized in a country other than the United States; and

(ii) substantially engaged in, including through a branch in the United States, activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956).

(B) U.S. NONBANK FINANCIAL COMPANY.—The term ''U.S. nonbank financial company'' means a company (other than a bank holding company or a subsidiary thereof, or a Farm Credit System institution chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et. seq.)) that is—

(i) incorporated or organized under the laws of the United States or any State; and

(ii) substantially engaged in activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956).

(C) NONBANK FINANCIAL COMPANY.—The term ''nonbank financial company'' means a U.S. nonbank financial company and a foreign nonbank financial company.

(D) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD OF GOVERNORS.—The term ''nonbank financial company supervised by the Board of Governors'' means a nonbank financial company that the Council has determined under section 113 shall be supervised by the Board of Governors.

(5) OFFICE OF FINANCIAL RESEARCH.—The term ''Office of Financial Research'' means the office established under section 152.

(6) SIGNIFICANT INSTITUTIONS.—The terms ''significant nonbank financial company'' and ''significant bank holding company'' have the meanings given those terms by rule of the Board of Governors.

(b) DEFINITIONAL CRITERIA.—The Board of Governors shall establish, by regulation, the criteria to determine whether a company is substantially engaged in activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) for purposes of the definitions of the terms ''U.S. nonbank financial company'' and ''foreign nonbank financial company'' under subsection (a)(4).

(c) FOREIGN NONBANK FINANCIAL COMPANIES.—For purposes of the authority of the Board of Governors under this title with respect to foreign nonbank financial companies, references in this title to ''company'' or ''subsidiary'' include only the United States activities and subsidiaries of such foreign company.

## Subtitle A—Financial Stability Oversight Council

### SEC. 111. FINANCIAL STABILITY OVERSIGHT COUNCIL ESTABLISHED.

(a) ESTABLISHMENT.—Effective on the date of enactment of this Act, there is established the Financial Stability Oversight Council.

(b) MEMBERSHIP.—The Council shall consist of the following members:

(1) VOTING MEMBERS.—The voting members, who shall each have 1 vote on the Council shall be—

(A) the Secretary of the Treasury, who shall serve as Chairperson of the Council;

(B) the Chairman of the Board of Governors;

(C) the Comptroller of the Currency;

(D) the Director of the Bureau;

(E) the Chairman of the Commission;

(F) the Chairperson of the Corporation;

(G) the Chairperson of the Commodity Futures Trading Commission;

(H) the Director of the Federal Housing Finance Agency; and

(I) an independent member appointed by the President, by and with the advice and consent of the Senate, having insurance expertise.

(2) NONVOTING MEMBERS.—The Director of the Office of Financial Research—

(A) shall serve in an advisory capacity as a nonvoting member of the Council; and

(B) may not be excluded from any of the proceedings, meetings, discussions, or deliberations of the Council.

(c) TERMS; VACANCY.—

(1) TERMS.—The independent member of the Council shall serve for a term of 6 years.

(2) VACANCY.—Any vacancy on the Council shall be filled in the manner in which the original appointment was made.

(3) ACTING OFFICIALS MAY SERVE.—In the event of a vacancy in the office of the head of a member agency or department, and pending the appointment of a successor, or during the absence or disability of the head of a member agency or department, the acting head of the member agency or department shall serve as a member of the Council in the place of that agency or department head.

(d) TECHNICAL AND PROFESSIONAL ADVISORY COMMITTEES.—The Council may appoint such special advisory, technical, or professional committees as may be useful in carrying out the functions of the Council, including an advisory committee consisting of State regulators, and the members of such committees may be members of the Council, or other persons, or both.

(e) MEETINGS.—

(1) TIMING.—The Council shall meet at the call of the Chairperson or a majority of the members then serving, but not less frequently than quarterly.

(2) RULES FOR CONDUCTING BUSINESS.—The Council shall adopt such rules as may be necessary for the conduct of the business of the Council. Such rules shall be rules of agency organization, procedure, or practice for purposes of section 553 of title 5, United States Code.

(f) VOTING.—Unless otherwise specified, the Council shall make all decisions that it is authorized or required to make by a majority vote of the members then serving.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council, or to any special advisory, technical, or professional committee appointed by the Council, except that, if an advisory, technical, or professional committee has one or more members who are not employees of or affiliated with the United States Government, the Council shall publish a list of the names of the members of such committee.

(h) ASSISTANCE FROM FEDERAL AGENCIES.—Any department or agency of the United States may provide to the Council and any special advisory, technical, or professional committee appointed by the Council, such services, funds, facilities, staff, and other support services as the Council may determine advisable.

(i) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEE MEMBERS.—All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) COMPENSATION FOR NON-FEDERAL MEMBER.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Independent Member of the Financial Stability Oversight Council (1).''.

(j) DETAIL OF GOVERNMENT EMPLOYEES.—Any employee of the Federal Government may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. An employee of the Federal Government detailed to the Council shall report to and be subject to oversight by the Council during the assignment to the Council, and shall be compensated by the department or agency from which the employee was detailed.

### SEC. 112. COUNCIL AUTHORITY.

(a) PURPOSES AND DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The purposes of the Council are—

(A) to identify risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected bank holding companies or nonbank financial companies;

(B) to promote market discipline, by eliminating expectations on the part of shareholders, creditors, and counterparties of such companies that the Government will shield them from losses in the event of failure; and

(C) to respond to emerging threats to the stability of the United States financial markets.

(2) DUTIES.—The Council shall, in accordance with this title—

(A) collect information from member agencies and other Federal and State financial regulatory agencies and, if necessary to assess risks to the United States financial system, direct the Office of Financial Research to collect information from bank holding companies and nonbank financial companies;

(B) provide direction to, and request data and analyses from, the Office of Financial Research to support the work of the Council;

(C) monitor the financial services marketplace in order to identify potential threats to the financial stability of the United States;

(D) facilitate information sharing and coordination among the member agencies and other Federal and State agencies regarding domestic financial services policy development, rulemaking, examinations, reporting requirements, and enforcement actions;

(E) recommend to the member agencies general supervisory priorities and principles reflecting the outcome of discussions among the member agencies;

(F) identify gaps in regulation that could pose risks to the financial stability of the United States;

(G) require supervision by the Board of Governors for nonbank financial companies that may pose risks to the financial stability of the United States in the event of their material financial distress or failure, pursuant to section 113;

(H) make recommendations to the Board of Governors concerning the establishment of heightened prudential standards for risk-based capital, leverage, liquidity, contingent capital, resolution plans and credit exposure reports, concentration limits, enhanced public disclosures, and overall risk management for nonbank financial companies and large, interconnected bank holding companies supervised by the Board of Governors;

(I) identify systemically important financial market utilities and payment, clearing, and settlement activities (as that term is defined in title VIII), and require such utilities and activities to be subject to standards established by the Board of Governors;

(J) make recommendations to primary financial regulatory agencies to apply new or heightened standards and safeguards for financial activities or practices that could

create or increase risks of significant liquidity, credit, or other problems spreading among bank holding companies, nonbank financial companies, and United States financial markets;

(K) make determinations regarding exemptions in title VII, where necessary;

(L) provide a forum for—

(i) discussion and analysis of emerging market developments and financial regulatory issues; and

(ii) resolution of jurisdictional disputes among the members of the Council; and

(M) annually report to and testify before Congress on—

(i) the activities of the Council;

(ii) significant financial market developments and potential emerging threats to the financial stability of the United States;

(iii) all determinations made under section 113 or title VIII, and the basis for such determinations; and

(iv) recommendations—

(I) to enhance the integrity, efficiency, competitiveness, and stability of United States financial markets;

(II) to promote market discipline; and

(III) to maintain investor confidence.

(b) AUTHORITY TO OBTAIN INFORMATION.—

(1) IN GENERAL.—The Council may receive, and may request the submission of, any data or information from the Office of Financial Research and member agencies, as necessary—

(A) to monitor the financial services marketplace to identify potential risks to the financial stability of the United States; or

(B) to otherwise carry out any of the provisions of this title.

(2) SUBMISSIONS BY THE OFFICE AND MEMBER AGENCIES.—Notwithstanding any other provision of law, the Office of Financial Research and any member agency are authorized to submit information to the Council.

(3) FINANCIAL DATA COLLECTION.—

(A) IN GENERAL.—The Council, acting through the Office of Financial Research, may require the submission of periodic and other reports from any nonbank financial company regulated by the Board of Governors or bank holding company for the purpose of assessing the extent to which a financial activity or financial market in which the nonbank financial company or bank holding company participates, or such nonbank financial company or bank holding company itself, poses a threat to the financial stability of the United States.

(B) MITIGATION OF REPORT BURDEN.—Before requiring the submission of reports from any nonbank financial company or bank holding company that is regulated by a member agency or any primary financial regulatory agency, the Council, acting through the Office of Financial Research, shall coordinate with such agencies and shall, whenever possible, rely on information available from the Office of Financial Research or such agencies.

(4) BACK-UP EXAMINATION BY THE BOARD OF GOVERNORS.—If the Council is unable to determine whether the financial activities of a nonbank financial company pose a threat to the financial stability of the United States, based on information or reports obtained under paragraph (3), discussions with management, and publicly available information, the Council may request the Board of Governors, and the Board of Governors is authorized, to conduct an examination of the nonbank financial company for the sole purpose of determining whether the nonbank financial company should be supervised by the Board of Governors for purposes of this title.

(5) CONFIDENTIALITY.—

(A) IN GENERAL.—The Council, the Office of Financial Research, and the other member agencies shall maintain the confidentiality of any data, information, and reports submitted under this subsection and subtitle B.

(B) RETENTION OF PRIVILEGE.—The submission of any nonpublicly available data or information under this subsection and subtitle B shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

(C) FREEDOM OF INFORMATION ACT.—Section 552 of title 5, United States Code, including the exceptions thereunder, shall apply to any data or information submitted under this subsection and subtitle B.

**SEC. 113. AUTHORITY TO REQUIRE SUPERVISION AND REGULATION OF CERTAIN NONBANK FINANCIAL COMPANIES.**

(a) U.S. NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, may determine that a U.S. nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards, in accordance with this title, if the Council determines that material financial distress at the U.S. nonbank financial company would pose a threat to the financial stability of the United States.

(2) CONSIDERATIONS.—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the financial assets of the company;

(C) the amount and types of the liabilities of the company, including the degree of reliance on short-term funding;

(D) the extent and types of the off-balance-sheet exposures of the company;

(E) the extent and types of the transactions and relationships of the company with other significant nonbank financial companies and significant bank holding companies;

(F) the importance of the company as a source of credit for households, businesses, and State and local governments and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the operation of, or ownership interest in, any clearing, settlement, or payment business of the company;

(I) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(J) any other factors that the Council deems appropriate.

(b) FOREIGN NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, may determine that a foreign nonbank financial company that has substantial assets or operations in the United States shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title, if the Council determines that material financial distress at the foreign nonbank financial company would pose a threat to the financial stability of the United States.

(2) CONSIDERATIONS.—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the United States financial assets of the company;

(C) the amount and types of the liabilities of the company used to fund activities and operations in the United States, including the degree of reliance on short-term funding;

(D) the extent of the United States-related off-balance-sheet exposure of the company;

(E) the extent and type of the transactions and relationships of the company with other significant nonbank financial companies and bank holding companies;

(F) the importance of the company as a source of credit for United States households, businesses, and State and local governments, and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(I) any other factors that the Council deems appropriate.

(c) REEVALUATION AND RESCISSION.—The Council shall—

(1) not less frequently than annually, reevaluate each determination made under subsections (a) and (b) with respect to each nonbank financial company supervised by the Board of Governors; and

(2) rescind any such determination, if the Council, by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, determines that the nonbank financial company no longer meets the standards under subsection (a) or (b), as applicable.

(d) NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION.—

(1) IN GENERAL.—The Council shall provide to a nonbank financial company written notice of a proposed determination of the Council, including an explanation of the basis of the proposed determination of the Council, that such nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title.

(2) HEARING.—Not later than 30 days after the date of receipt of any notice of a proposed determination under paragraph (1), the nonbank financial company may request, in writing, an opportunity for a written or oral hearing before the Council to contest the proposed determination. Upon receipt of a timely request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(3) FINAL DETERMINATION.—Not later than 60 days after the date of a hearing under paragraph (2), the Council shall notify the nonbank financial company of the final determination of the Council, which shall contain a statement of the basis for the decision of the Council.

(4) NO HEARING REQUESTED.—If a nonbank financial company does not make a timely request for a hearing, the Council shall notify the nonbank financial company, in writing, of the final determination of the Council under subsection (a) or (b), as applicable, not later than 10 days after the date by which the company may request a hearing under paragraph (2).

(e) EMERGENCY EXCEPTION.—

(1) IN GENERAL.—The Council may waive or modify the requirements of subsection (d) with respect to a nonbank financial company, if the Council determines, by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, that such waiver or modification is necessary or appropriate to prevent or mitigate threats posed by the nonbank financial company to the financial stability of the United States.

(2) NOTICE.—The Council shall provide notice of a waiver or modification under this paragraph to the nonbank financial company concerned as soon as practicable, but not later than 24 hours after the waiver or modification is granted.

(3) OPPORTUNITY FOR HEARING.—The Council shall allow a nonbank financial company to request, in writing, an opportunity for a written or oral hearing before the Council to contest a waiver or modification under this paragraph, not later than 10 days after the date of receipt of notice of the waiver or modification by the company. Upon receipt of a timely request, the Council shall fix a time (not later than 15 days after the date of receipt of the request) and place at which the nonbank financial company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(4) NOTICE OF FINAL DETERMINATION.—Not later than 30 days after the date of any hearing under paragraph (3), the Council shall notify the subject nonbank financial company of the final determination of the Council under this paragraph, which shall contain a statement of the basis for the decision of the Council.

(f) CONSULTATION.—The Council shall consult with the primary financial regulatory agency, if any, for each nonbank financial company or subsidiary of a nonbank financial company that is being considered for supervision by the Board of Governors under this section before the Council makes any final determination with respect to such nonbank financial company under subsection (a), (b), or (c).

(g) JUDICIAL REVIEW.—If the Council makes a final determination under this section with respect to a nonbank financial company, such nonbank financial company may, not later than 30 days after the date of receipt of the notice of final determination under subsection (d)(3) or (e)(4), bring an action in the United States district court for the judicial district in which the home office of such nonbank financial company is located, or in the United States District Court for the District of Columbia, for an order requiring that the final determination be rescinded, and the court shall, upon review, dismiss such action or direct the final determination to be rescinded. Review of such an action shall be limited to whether the final determination made under this section was arbitrary and capricious.

**SEC. 114. REGISTRATION OF NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.**

Not later than 180 days after the date of a final Council determination under section 113 that a nonbank financial company is to be supervised by the Board of Governors, such company shall register with the Board of Governors, on forms prescribed by the Board of Governors, which shall include such information as the Board of Governors, in consultation with the Council, may deem necessary or appropriate to carry out this title.

**SEC. 115. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.**

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions, the Council may make recommendations to the Board of Governors concerning the establishment and refinement of prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies, that—

(A) are more stringent than those applicable to other nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) LIMITATION ON BANK HOLDING COMPANIES.—Any standards recommended under subsections (b) through (f) shall not apply to any bank holding company with total consolidated assets of less than $50,000,000,000. The Council may recommend an asset threshold greater than $50,000,000,000 for the applicability of any particular standard under those subsections.

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—The recommendations of the Council under subsection (a) may include—

(A) risk-based capital requirements;

(B) leverage limits;

(C) liquidity requirements;

(D) resolution plan and credit exposure report requirements;

(E) concentration limits;

(F) a contingent capital requirement;

(G) enhanced public disclosures; and

(H) overall risk management requirements.

(2) PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In making recommendations concerning the standards set forth in paragraph (1) that would apply to foreign nonbank financial companies supervised by the Board of Governors or foreign-based bank holding companies, the Council shall give due regard to the principle of national treatment and competitive equity.

(3) CONSIDERATIONS.—In making recommendations concerning prudential standards under paragraph (1), the Council shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

(i) the factors described in subsections (a) and (b) of section 113;

(ii) whether the company owns an insured depository institution;

(iii) nonfinancial activities and affiliations of the company; and

(iv) any other factors that the Council determines appropriate; and

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1).

(c) CONTINGENT CAPITAL.—

(1) STUDY REQUIRED.—The Council shall conduct a study of the feasibility, benefits, costs, and structure of a contingent capital requirement for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), which study shall include—

(A) an evaluation of the degree to which such requirement would enhance the safety and soundness of companies subject to the requirement, promote the financial stability of the United States, and reduce risks to United States taxpayers;

(B) an evaluation of the characteristics and amounts of convertible debt that should be required;

(C) an analysis of potential prudential standards that should be used to determine whether the contingent capital of a company would be converted to equity in times of financial stress;

(D) an evaluation of the costs to companies, the effects on the structure and operation of credit and other financial markets, and other economic effects of requiring contingent capital;

(E) an evaluation of the effects of such requirement on the international competitiveness of companies subject to the requirement and the prospects for international coordination in establishing such requirement; and

(F) recommendations for implementing regulations.

(2) REPORT.—The Council shall submit a report to Congress regarding the study required by paragraph (1) not later than 2 years after the date of enactment of this Act.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—Subsequent to submitting a report to Congress under paragraph (2), the Council may make recommendations to the Board of Governors to require any nonbank financial company supervised by the Board of Governors and any bank holding company described in subsection (a) to maintain a minimum amount of long-term hybrid debt that is convertible to equity in times of financial stress.

(B) FACTORS TO CONSIDER.—In making recommendations under this subsection, the Council shall consider—

(i) an appropriate transition period for implementation of a conversion under this subsection;

(ii) the factors described in subsection (b)(3);

(iii) capital requirements applicable to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof;

(iv) results of the study required by paragraph (1); and

(v) any other factor that the Council deems appropriate.

(d) RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.—

(1) RESOLUTION PLAN.—The Council may make recommendations to the Board of Governors concerning the requirement that each nonbank financial company supervised by the Board of Governors and each bank holding company described in subsection (a) report periodically to the Council, the Board of Governors, and the Corporation, the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) CREDIT EXPOSURE REPORT.—The Council may make recommendations to the Board of Governors concerning the advisability of requiring each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) to report periodically to the Council, the Board of Governors, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other such significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(e) CONCENTRATION LIMITS.—In order to limit the risks that the failure of any individual company could pose to nonbank financial companies supervised by the Board of Governors or bank holding companies described in subsection (a), the Council may make recommendations to the Board of Governors to prescribe standards to limit such risks, as set forth in section 165.

(f) ENHANCED PUBLIC DISCLOSURES.—The Council may make recommendations to the Board of Governors to require periodic public disclosures by bank holding companies described in subsection (a) and by nonbank financial companies supervised by the Board of Governors, in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

**SEC. 116. REPORTS.**

(a) IN GENERAL.—Subject to subsection (b), the Council, acting through the Office of Financial Research, may require a bank holding company with total consolidated assets of $50,000,000,000 or greater or a nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit certified reports to keep the Council informed as to—

(1) the financial condition of the company;

(2) systems for monitoring and controlling financial, operating, and other risks;

(3) transactions with any subsidiary that is a depository institution; and

(4) the extent to which the activities and operations of the company and any subsidiary thereof, could, under adverse circumstances, have the potential to disrupt financial markets or affect the overall financial stability of the United States.

(b) USE OF EXISTING REPORTS.—

(1) IN GENERAL.—For purposes of compliance with subsection (a), the Council, acting through the Office of Financial Research, shall, to the fullest extent possible, use—

(A) reports that a bank holding company, nonbank financial company supervised by the Board of Governors, or any functionally regulated subsidiary of such company has been required to provide to other Federal or State regulatory agencies;

(B) information that is otherwise required to be reported publicly; and

(C) externally audited financial statements.

(2) AVAILABILITY.—Each bank holding company described in subsection (a) and nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, shall provide to the Council, at the request of the Council, copies of all reports referred to in paragraph (1).

(3) CONFIDENTIALITY.—The Council shall maintain the confidentiality of the reports obtained under subsection (a) and paragraph (1)(A) of this subsection.

**SEC. 117. TREATMENT OF CERTAIN COMPANIES THAT CEASE TO BE BANK HOLDING COMPANIES.**

(a) APPLICABILITY.—This section shall apply to any entity or a successor entity that—

(1) was a bank holding company having total consolidated assets equal to or greater than $50,000,000,000 as of January 1, 2010; and

(2) received financial assistance under or participated in the Capital Purchase Program established under the Troubled Asset Relief Program authorized by the Emergency Economic Stabilization Act of 2008.

(b) TREATMENT.—If an entity described in subsection (a) ceases to be a bank holding company at any time after January 1, 2010, then such entity shall be treated as a nonbank financial company supervised by the Board of Governors, as if the Council had made a determination under section 113 with respect to that entity.

(c) APPEAL.—

(1) REQUEST FOR HEARING.—An entity may request, in writing, an opportunity for a written or oral hearing before the Council to appeal its treatment as a nonbank financial company supervised by the Board of Governors in accordance with this section. Upon receipt of the request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such entity may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(2) DECISION.—

(A) PROPOSED DECISION.—Not later than 60 days after the date of a hearing under paragraph (1), the Council shall submit a report to, and may testify before, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the proposed decision of the Council regarding an appeal under paragraph (1), which report shall include a statement of the basis for the proposed decision of the Council.

(B) NOTICE OF FINAL DECISION.—The Council shall notify the subject entity of the final decision of the Council regarding an appeal under paragraph (1), which notice shall contain a statement of the basis for the final decision of the Council, not later than 60 days after the later of—

(i) the date of the submission of the report under subparagraph (A); or

(ii) if the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives holds one or more hearings regarding such report, the date of the last such hearing.

(C) CONSIDERATIONS.—In making a decision regarding an appeal under paragraph (1), the Council shall consider whether the company meets the standards under section 113(a) or 113(b), as applicable, and the definition of the term ''nonbank financial company'' under section 102. The decision of the Council shall be final, subject to the review under paragraph (3).

(3) REVIEW.—If the Council denies an appeal under this subsection, the Council shall, not less frequently than annually, review and reevaluate the decision.

**SEC. 118. COUNCIL FUNDING.**

Any expenses of the Council and the Office of Financial Research shall be treated as expenses of, and paid by, the Department of the Treasury.

**SEC. 119. RESOLUTION OF SUPERVISORY JURISDICTIONAL DISPUTES AMONG MEMBER AGENCIES.**

(a) REQUEST FOR DISPUTE RESOLUTION.—The Council shall resolve a dispute among 2 or more member agencies, if—

(1) a member agency has a dispute with another member agency about the respective jurisdiction over a particular bank holding company, nonbank financial company, or financial activity or product (excluding matters for which another dispute mechanism specifically has been provided under Federal law);

(2) the Council determines that the disputing agencies cannot, after a demonstrated good faith effort, resolve the dispute without the intervention of the Council; and

(3) any of the member agencies involved in the dispute—

(A) provides all other disputants prior notice of the intent to request dispute resolution by the Council; and

(B) requests in writing, not earlier than 14 days after providing the notice described in subparagraph (A), that the Council resolve the dispute.

(b) COUNCIL DECISION.—The Council shall resolve each dispute described in subsection (a)—

(1) within a reasonable time after receiving the dispute resolution request;

(2) after consideration of relevant information provided by each agency party to the dispute; and

(3) by agreeing with 1 of the disputants regarding the entirety of the matter, or by determining a compromise position.

(c) FORM AND BINDING EFFECT.—A Council decision under this section shall—

(1) be in writing;

(2) include an explanation of the reasons therefor; and

(3) be binding on all Federal agencies that are parties to the dispute.

**SEC. 120. ADDITIONAL STANDARDS APPLICABLE TO ACTIVITIES OR PRACTICES FOR FINANCIAL STABILITY PURPOSES.**

(a) IN GENERAL.—The Council may issue recommendations to the primary financial regulatory agencies to apply new or heightened standards and safeguards, including standards enumerated in section 115, for a financial activity or practice conducted by bank holding companies or nonbank financial companies under their respective jurisdictions, if the Council determines that the conduct of such activity or practice could create or increase the risk of significant liquidity, credit, or other problems spreading among bank holding companies and nonbank financial companies or the financial markets of the United States.

(b) PROCEDURE FOR RECOMMENDATIONS TO REGULATORS.—

(1) NOTICE AND OPPORTUNITY FOR COMMENT.—The Council shall consult with the primary financial regulatory agencies and provide notice to the public and opportunity for comment for any proposed recommendation that the primary financial regulatory agencies apply new or heightened standards and safeguards for a financial activity or practice.

(2) CRITERIA.—The new or heightened standards and safeguards for a financial activity or practice recommended under paragraph (1)—

(A) shall take costs to long-term economic growth into account; and

(B) may include prescribing the conduct of the activity or practice in specific ways (such as by limiting its scope, or applying particular capital or risk management requirements to the conduct of the activity) or prohibiting the activity or practice.

(c) IMPLEMENTATION OF RECOMMENDED STANDARDS.—

(1) ROLE OF PRIMARY FINANCIAL REGULATORY AGENCY.—

(A) IN GENERAL.—Each primary financial regulatory agency may impose, require reports regarding, examine for compliance with, and enforce standards in accordance with this section with respect to those entities for which it is the primary financial regulatory agency.

(B) RULE OF CONSTRUCTION.—The authority under this paragraph is in addition to, and

does not limit, any other authority of a primary financial regulatory agency. Compliance by an entity with actions taken by a primary financial regulatory agency under this section shall be enforceable in accordance with the statutes governing the respective jurisdiction of the primary financial regulatory agency over the entity, as if the agency action were taken under those statutes.

(2) IMPOSITION OF STANDARDS.—The primary financial regulatory agency shall impose the standards recommended by the Council in accordance with subsection (a), or similar standards that the Council deems acceptable, or shall explain in writing to the Council, not later than 90 days after the date on which the Council issues the recommendation, why the agency has determined not to follow the recommendation of the Council.

(d) REPORT TO CONGRESS.—The Council shall report to Congress on—

(1) any recommendations issued by the Council under this section;

(2) the implementation of, or failure to implement such recommendation on the part of a primary financial regulatory agency; and

(3) in any case in which no primary financial regulatory agency exists for the nonbank financial company conducting financial activities or practices referred to in subsection (a), recommendations for legislation that would prevent such activities or practices from threatening the stability of the financial system of the United States.

(e) EFFECT OF RESCISSION OF IDENTIFICATION.—

(1) NOTICE.—The Council may recommend to the relevant primary financial regulatory agency that a financial activity or practice no longer requires any standards or safeguards implemented under this section.

(2) DETERMINATION OF PRIMARY FINANCIAL REGULATORY AGENCY TO CONTINUE.—

(A) IN GENERAL.—Upon receipt of a recommendation under paragraph (1), a primary financial regulatory agency that has imposed standards under this section shall determine whether standards that it has imposed under this section should remain in effect.

(B) APPEAL PROCESS.—Each primary financial regulatory agency that has imposed standards under this section shall promulgate regulations to establish a procedure under which entities under its jurisdiction may appeal a determination by such agency under this paragraph that standards imposed under this section should remain in effect.

**SEC. 121. MITIGATION OF RISKS TO FINANCIAL STABILITY.**

(a) MITIGATORY ACTIONS.—If the Board of Governors determines that a bank holding company with total consolidated assets of $50,000,000,000 or more, or a nonbank financial company supervised by the Board of Governors, poses a grave threat to the financial stability of the United States, the Board of Governors, upon an affirmative vote of not fewer than ⅔ of the Council members then serving, shall require the subject company—

(1) to terminate one or more activities;

(2) to impose conditions on the manner in which the company conducts one or more activities; or

(3) if the Board of Governors determines that such action is inadequate to mitigate a threat to the financial stability of the United States in its recommendation, to sell or otherwise transfer assets or off-balance-sheet items to unaffiliated entities.

(b) NOTICE AND HEARING.—

(1) IN GENERAL.—The Board of Governors, in consultation with the Council, shall provide to a company described in subsection (a) written notice that such company is being considered for mitigatory action pursuant to this section, including an explanation of the basis for, and description of, the proposed mitigatory action.

(2) HEARING.—Not later than 30 days after the date of receipt of notice under paragraph (1), the company may request, in writing, an opportunity for a written or oral hearing before the Board of Governors to contest the proposed mitigatory action. Upon receipt of a timely request, the Board of Governors shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the discretion of the Board of Governors, in consultation with the Council, oral testimony and oral argument).

(3) DECISION.—Not later than 60 days after the date of a hearing under paragraph (2), or not later than 60 days after the provision of a notice under paragraph (1) if no hearing was held, the Board of Governors shall notify the company of the final decision of the Board of Governors, including the results of the vote of the Council, as described in subsection (a).

(c) FACTORS FOR CONSIDERATION.—The Board of Governors and the Council shall take into consideration the factors set forth in subsection (a) or (b) of section 113, as applicable, in a determination described in subsection (a) and in a decision described in subsection (b).

(d) APPLICATION TO FOREIGN FINANCIAL COMPANIES.—The Board of Governors may prescribe regulations regarding the application of this section to foreign nonbank financial companies supervised by the Board of Governors and foreign-based bank holding companies, giving due regard to the principle of national treatment and competitive equity.

## Subtitle B—Office of Financial Research

**SEC. 151. DEFINITIONS.**

For purposes of this subtitle—

(1) the terms ''Office'' and ''Director'' mean the Office of Financial Research established under this subtitle and the Director thereof, respectively;

(2) the term ''financial company'' has the same meaning as in title II, and includes an insured depository institution and an insurance company;

(3) the term ''Research and Analysis Center'' means the research and analysis center established under section 154;

(4) the term ''financial transaction data'' means the structure and legal description of a financial contract, with sufficient detail to describe the rights and obligations between counterparties and make possible an independent valuation;

(5) the term ''position data''—

(A) means data on financial assets or liabilities held on the balance sheet of a financial company, where positions are created or changed by the execution of a financial transaction; and

(B) includes information that identifies counterparties, the valuation by the financial company of the position, and information that makes possible an independent valuation of the position;

(6) the term ''financial contract'' means a legally binding agreement between 2 or more counterparties, describing rights and obligations relating to the future delivery of items of intrinsic or extrinsic value among the counterparties; and

(7) the term ''financial instrument'' means a financial contract in which the terms and conditions are publicly available, and the roles of one or more of the counterparties are assignable without the consent of any of the other counterparties (including common stock of a publicly traded company, government bonds, or exchange traded futures and options contracts).

**SEC. 152. OFFICE OF FINANCIAL RESEARCH ESTABLISHED.**

(a) ESTABLISHMENT.—There is established within the Department of the Treasury the Office of Financial Research.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM OF SERVICE.—The Director shall serve for a term of 6 years, except that, in the event that a successor is not nominated and confirmed by the end of the term of service of a Director, the Director may continue to serve until such time as the next Director is appointed and confirmed.

(3) EXECUTIVE LEVEL.—The Director shall be compensated at level III of the Executive Schedule.

(4) PROHIBITION ON DUAL SERVICE.—The individual serving in the position of Director may not, during such service, also serve as the head of any financial regulatory agency.

(5) RESPONSIBILITIES, DUTIES, AND AUTHORITY.—The Director shall have sole discretion in the manner in which the Director fulfills the responsibilities and duties and exercises the authorities described in this subtitle.

(c) BUDGET.—The Director, with the approval of the Chairperson, shall establish the annual budget of the Office.

(d) OFFICE PERSONNEL.—

(1) IN GENERAL.—The Director, with approval of the Chairperson, may fix the number of, and appoint and direct, all employees of the Office.

(2) COMPENSATION.—The Director, in consultation with the Chairperson, shall fix, adjust, and administer the pay for all employees of the Office.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—Any department or agency of the United States may provide to the Office and any special advisory, technical, or professional committees appointed by the Office, such services, funds, facilities, staff, and other support services as the Office may determine advisable. Any Federal Government employee may be detailed to the Office without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) NON-COMPETE.—The Director and any staff of the Office who has had access to the transaction or position data or other business confidential information about financial entities required to report to the Office, may not, for a period of 1 year after last having access to such transaction or position data or business confidential information, be employed by or provide advice or consulting services to a financial company, regardless of whether that entity is required to report to the Office. For staff whose access to business confidential information was limited, the Director may provide, on a case-by-case basis, for a shorter period of post-employment prohibition, provided that the shorter period does not compromise business confidential information.

(g) EXECUTIVE SCHEDULE COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Director of the Office of Financial Research.''.

**SEC. 153. PURPOSE AND DUTIES OF THE OFFICE.**

(a) PURPOSE AND DUTIES.—The purpose of the Office is to support the Council in fulfilling the purposes and duties of the Council, as set forth in subtitle A, and to support member agencies, by—

(1) collecting data on behalf of the Council, and providing such data to the Council and member agencies;

(2) standardizing the types and formats of data reported and collected;

(3) performing applied research and essential long-term research;

(4) developing tools for risk measurement and monitoring;

(5) performing other related services;

(6) making the results of the activities of the Office available to financial regulatory agencies; and

(7) assisting such member agencies in determining the types and formats of data authorized by this Act to be collected by such member agencies.

(b) ADMINISTRATIVE AUTHORITY.—The Office may share data and information, including software developed by the Office, with the Council and member agencies, which shared data, information, and software—

(1) shall be maintained with at least the same level of security as is used by the Office; and

(2) may not be shared with any individual or entity.

(c) GUIDANCE.—

(1) SCOPE.—The Office, in consultation with the Chairperson, shall issue guidance to carry out the purposes and duties described in paragraphs (1), (2), and (7) of subsection (a).

(2) STANDARDIZATION.—Member agencies, in consultation with the Office, shall work to standardize the types and formats of data reported and collected on behalf of the Council, as described in subsection (a)(2).

(d) TESTIMONY.—The Director of the Office shall report to and testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives annually on the activities of the Office, including the work of the Data Center and the Research and Analysis Center, and the assessment of the Office of significant financial market developments and potential emerging threats to the financial stability of the United States.

(e) ADDITIONAL REPORTS.—The Director may, with the approval of the Chairperson, provide additional reports to Congress concerning the financial stability of the United States.

**SEC. 154. ORGANIZATIONAL STRUCTURE; RESPONSIBILITIES OF RESEARCH AND ANALYSIS CENTER.**

(a) IN GENERAL.—There is established within the Office, to carry out the programmatic responsibilities of the Office, the Research and Analysis Center.

(b) RESEARCH AND ANALYSIS CENTER.—The Research and Analysis Center, on behalf of the Council, shall develop and maintain independent analytical capabilities and computing resources to develop and maintain metrics and reporting systems for risks to the financial stability of the United States.

(c) REPORTING RESPONSIBILITIES.—

(1) REQUIRED REPORTS.—Not later than 2 years after the date of enactment of this Act, and not later than 120 days after the end of each fiscal year thereafter, the Office shall prepare and submit a report to Congress.

(2) CONTENT.—Each report required by this subsection shall assess the state of the United States financial system, including—

(A) an analysis of any threats to the financial stability of the United States;

(B) the status of the efforts of the Office in meeting the mission of the Office; and

(C) key findings from the research and analysis of the financial system by the Office.

**SEC. 155. TRANSITION OVERSIGHT.**

(a) PURPOSE.—The purpose of this section is to ensure that the Office—

(1) has an orderly and organized startup;

(2) attracts and retains a qualified workforce; and

(3) establishes comprehensive employee training and benefits programs.

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Office shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that includes the plans described in paragraph (2).

(2) PLANS.—The plans described in this paragraph are as follows:

(A) TRAINING AND WORKFORCE DEVELOPMENT PLAN.—The Office shall submit a training and workforce development plan that includes, to the extent practicable—

(i) identification of skill and technical expertise needs and actions taken to meet those requirements;

(ii) steps taken to foster innovation and creativity;

(iii) leadership development and succession planning; and

(iv) effective use of technology by employees.

(B) RECRUITMENT AND RETENTION PLAN.—The Office shall submit a recruitment and retention plan that includes, to the extent practicable, provisions relating to—

(i) the steps necessary to target highly qualified applicant pools with diverse backgrounds;

(ii) streamlined employment application processes;

(iii) the provision of timely notification of the status of employment applications to applicants; and

(iv) the collection of information to measure indicators of hiring effectiveness.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) a collective bargaining agreement, as that term is defined in section 7103(a)(8) of title 5, United States Code, that is in effect on the date of enactment of this Act; or

(2) the rights of employees under chapter 71 of title 5, United States Code.

## Subtitle C—Additional Board of Governors Authority for Certain Nonbank Financial Companies and Bank Holding Companies

**SEC. 161. REPORTS BY AND EXAMINATIONS OF NONBANK FINANCIAL COMPANIES BY THE BOARD OF GOVERNORS.**

(a) REPORTS.—

(1) IN GENERAL.—The Board of Governors may require each nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit reports under oath, to keep the Board of Governors informed as to—

(A) the financial condition of the company or subsidiary, systems of the company or subsidiary for monitoring and controlling financial, operating, and other risks, and the extent to which the activities and operations of the company or subsidiary pose a threat to the financial stability of the United States; and

(B) compliance by the company or subsidiary with the requirements of this subtitle.

(2) USE OF EXISTING REPORTS AND INFORMATION.—In carrying out subsection (a), the Board of Governors shall, to the fullest extent possible, use—

(A) reports and supervisory information that a nonbank financial company or subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

(B) information otherwise obtainable from Federal or State regulatory agencies;

(C) information that is otherwise required to be reported publicly; and

(D) externally audited financial statements of such company or subsidiary.

(3) AVAILABILITY.—Upon the request of the Board of Governors, a nonbank financial company supervised by the Board of Governors, or a subsidiary thereof, shall promptly provide to the Board of Governors any information described in paragraph (2).

(b) EXAMINATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board of Governors may examine any nonbank financial company supervised by the Board of Governors and any subsidiary of such company, to determine—

(A) the nature of the operations and financial condition of the company and such subsidiary;

(B) the financial, operational, and other risks within the company that may pose a threat to the safety and soundness of such company or to the financial stability of the United States;

(C) the systems for monitoring and controlling such risks; and

(D) compliance by the company with the requirements of this subtitle.

(2) USE OF EXAMINATION REPORTS AND INFORMATION.—For purposes of this subsection, the Board of Governors shall, to the fullest extent possible, rely on reports of examination of any depository institution subsidiary or functionally regulated subsidiary made by the primary financial regulatory agency for that subsidiary, and on information described in subsection (a)(2).

(c) COORDINATION WITH PRIMARY FINANCIAL REGULATORY AGENCY.—The Board of Governors shall—

(1) provide to the primary financial regulatory agency for any company or subsidiary, reasonable notice before requiring a report, requesting information, or commencing an examination of such subsidiary under this section; and

(2) avoid duplication of examination activities, reporting requirements, and requests for information, to the extent possible.

**SEC. 162. ENFORCEMENT.**

(a) IN GENERAL.—Except as provided in subsection (b), a nonbank financial company supervised by the Board of Governors and any subsidiaries of such company (other than any depository institution subsidiary) shall be subject to the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the same manner and to the same extent as if the company were a bank holding company, as provided in section 8(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(3)).

(b) ENFORCEMENT AUTHORITY FOR FUNCTIONALLY REGULATED SUBSIDIARIES.—

(1) REFERRAL.—If the Board of Governors determines that a condition, practice, or activity of a depository institution subsidiary or functionally regulated subsidiary of a nonbank financial company supervised by the Board of Governors does not comply with the regulations or orders prescribed by the Board of Governors under this Act, or otherwise poses a threat to the financial stability of the United States, the Board of Governors

may recommend, in writing, to the primary financial regulatory agency for the subsidiary that such agency initiate a supervisory action or enforcement proceeding. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

(2) BACK-UP AUTHORITY OF THE BOARD OF GOVERNORS.—If, during the 60-day period beginning on the date on which the primary financial regulatory agency receives a recommendation under paragraph (1), the primary financial regulatory agency does not take supervisory or enforcement action against a subsidiary that is acceptable to the Board of Governors, the Board of Governors (upon a vote of its members) may take the recommended supervisory or enforcement action, as if the subsidiary were a bank holding company subject to supervision by the Board of Governors.

**SEC. 163. ACQUISITIONS.**

(a) ACQUISITIONS OF BANKS; TREATMENT AS A BANK HOLDING COMPANY.—For purposes of section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), a nonbank financial company supervised by the Board of Governors shall be deemed to be, and shall be treated as, a bank holding company.

(b) ACQUISITION OF NONBANK COMPANIES.—

(1) PRIOR NOTICE FOR LARGE ACQUISITIONS.—Notwithstanding section 4(k)(6)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)(6)(B)), a bank holding company with total consolidated assets equal to or greater than $50,000,000,000 or a nonbank financial company supervised by the Board of Governors shall not acquire direct or indirect ownership or control of any voting shares of any company (other than an insured depository institution) that is engaged in activities described in section 4(k) of the Bank Holding Company Act of 1956 having total consolidated assets of $10,000,000,000 or more, without providing written notice to the Board of Governors in advance of the transaction.

(2) EXEMPTIONS.—The prior notice requirement in paragraph (1) shall not apply with regard to the acquisition of shares that would qualify for the exemptions in section 4(c) or section 4(k)(4)(E) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c) and (k)(4)(E)).

(3) NOTICE PROCEDURES.—The notice procedures set forth in section 4(j)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(1)), without regard to section 4(j)(3) of that Act, shall apply to an acquisition of any company (other than an insured depository institution) by a bank holding company with total consolidated assets equal to or greater than $50,000,000,000 or a nonbank financial company supervised by the Board of Governors, as described in paragraph (1), including any such company engaged in activities described in section 4(k) of that Act.

(4) STANDARDS FOR REVIEW.—In addition to the standards provided in section 4(j)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(2)), the Board of Governors shall consider the extent to which the proposed acquisition would result in greater or more concentrated risks to global or United States financial stability or the United States economy.

**SEC. 164. PROHIBITION AGAINST MANAGEMENT INTERLOCKS BETWEEN CERTAIN FINANCIAL COMPANIES.**

A nonbank financial company supervised by the Board of Governors shall be treated as a bank holding company for purposes of the Depository Institutions Management Interlocks Act (12 U.S.C. 3201 et seq.), except that the Board of Governors shall not exercise the authority provided in section 7 of that Act (12 U.S.C. 3207) to permit service by a management official of a nonbank financial company supervised by the Board of Governors as a management official of any bank holding company with total consolidated assets equal to or greater than $50,000,000,000, or other nonaffiliated nonbank financial company supervised by the Board of Governors (other than to provide a temporary exemption for interlocks resulting from a merger, acquisition, or consolidation).

**SEC. 165. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.**

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions, the Board of Governors shall, on its own or pursuant to recommendations by the Council under section 115, establish prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies that—

(A) are more stringent than the standards and requirements applicable to nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) LIMITATION ON BANK HOLDING COMPANIES.—Any standards established under subsections (b) through (f) shall not apply to any bank holding company with total consolidated assets of less than $50,000,000,000, but the Board of Governors may establish an asset threshold greater than $50,000,000,000 for the applicability of any particular standard under subsections (b) through (f).

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—

(A) REQUIRED STANDARDS.—The Board of Governors shall, by regulation or order, establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that shall include—

(i) risk-based capital requirements;

(ii) leverage limits;

(iii) liquidity requirements;

(iv) resolution plan and credit exposure report requirements; and

(v) concentration limits.

(B) ADDITIONAL STANDARDS AUTHORIZED.—The Board of Governors may, by regulation or order, establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that include—

(i) a contingent capital requirement;

(ii) enhanced public disclosures; and

(iii) overall risk management requirements.

(2) PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In applying the standards set forth in paragraph (1) to foreign nonbank financial companies supervised by the Board of Governors and to foreign-based bank holding companies, the Board of Governors shall give due regard to the principle of national treatment and competitive equity.

(3) CONSIDERATIONS.—In prescribing prudential standards under paragraph (1), the Board of Governors shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

(i) the factors described in subsections (a) and (b) of section 113;

(ii) whether the company owns an insured depository institution;

(iii) nonfinancial activities and affiliations of the company; and

(iv) any other factors that the Board of Governors determines appropriate;

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1) of this subsection; and

(C) take into account any recommendations of the Council under section 115.

(4) REPORT.—The Board of Governors shall submit an annual report to Congress regarding the implementation of the prudential standards required pursuant to paragraph (1), including the use of such standards to mitigate risks to the financial stability of the United States.

(c) CONTINGENT CAPITAL.—

(1) IN GENERAL.—Subsequent to submission by the Council of a report to Congress under section 115(c), the Board of Governors may promulgate regulations that require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to maintain a minimum amount of long-term hybrid debt that is convertible to equity in times of financial stress.

(2) FACTORS TO CONSIDER.—In establishing regulations under this subsection, the Board of Governors shall consider—

(A) the results of the study undertaken by the Council, and any recommendations of the Council, under section 115(c);

(B) an appropriate transition period for implementation of a conversion under this subsection;

(C) the factors described in subsection (b)(3)(A);

(D) capital requirements applicable to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof; and

(E) any other factor that the Board of Governors deems appropriate.

(d) RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.—

(1) RESOLUTION PLAN.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) CREDIT EXPOSURE REPORT.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other significant nonbank financial companies and

significant bank holding companies have credit exposure to that company.

(3) REVIEW.—The Board of Governors and the Corporation shall review the information provided in accordance with this section by each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a).

(4) NOTICE OF DEFICIENCIES.—If the Board of Governors and the Corporation jointly determine, based on their review under paragraph (3), that the resolution plan of a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) is not credible or would not facilitate an orderly resolution of the company under title 11, United States Code—

(A) the Board of Governors and the Corporation shall notify the company, as applicable, of the deficiencies in the resolution plan; and

(B) the company shall resubmit the resolution plan within a time frame determined by the Board of Governors and the Corporation, with revisions demonstrating that the plan is credible and would result in an orderly resolution under title 11, United States Code, including any proposed changes in business operations and corporate structure to facilitate implementation of the plan.

(5) FAILURE TO RESUBMIT CREDIBLE PLAN.—

(A) IN GENERAL.—If a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) fails to timely resubmit the resolution plan as required under paragraph (4), with such revisions as are required under subparagraph (B), the Board of Governors and the Corporation may jointly impose more stringent capital, leverage, or liquidity requirements, or restrictions on the growth, activities, or operations of the company, or any subsidiary thereof, until such time as the company resubmits a plan that remedies the deficiencies.

(B) DIVESTITURE.—The Board of Governors and the Corporation, in consultation with the Council, may direct a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), by order, to divest certain assets or operations identified by the Board of Governors and the Corporation, to facilitate an orderly resolution of such company under title 11, United States Code, in the event of the failure of such company, in any case in which—

(i) the Board of Governors and the Corporation have jointly imposed more stringent requirements on the company pursuant to subparagraph (A); and

(ii) the company has failed, within the 2-year period beginning on the date of the imposition of such requirements under subparagraph (A), to resubmit the resolution plan with such revisions as were required under paragraph (4)(B).

(6) RULES.—Not later than 18 months after the date of enactment of this Act, the Board of Governors and the Corporation shall jointly issue final rules implementing this subsection.

(e) CONCENTRATION LIMITS.—

(1) STANDARDS.—In order to limit the risks that the failure of any individual company could pose to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), the Board of Governors, by regulation, shall prescribe standards that limit such risks.

(2) LIMITATION ON CREDIT EXPOSURE.—The regulations prescribed by the Board of Governors under paragraph (1) shall prohibit each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) from having credit exposure to any unaffiliated company that exceeds 25 percent of the capital stock and surplus (or such lower amount as the Board of Governors may determine by regulation to be necessary to mitigate risks to the financial stability of the United States) of the company.

(3) CREDIT EXPOSURE.—For purposes of paragraph (2), ''credit exposure'' to a company means—

(A) all extensions of credit to the company, including loans, deposits, and lines of credit;

(B) all repurchase agreements and reverse repurchase agreements with the company;

(C) all securities borrowing and lending transactions with the company, to the extent that such transactions create credit exposure for the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a);

(D) all guarantees, acceptances, or letters of credit (including endorsement or standby letters of credit) issued on behalf of the company;

(E) all purchases of or investment in securities issued by the company;

(F) counterparty credit exposure to the company in connection with a derivative transaction between the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) and the company; and

(G) any other similar transactions that the Board of Governors, by regulation, determines to be a credit exposure for purposes of this section.

(4) ATTRIBUTION RULE.—For purposes of this subsection, any transaction by a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) with any person is a transaction with a company, to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that company.

(5) RULEMAKING.—The Board of Governors may issue such regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out this subsection.

(6) EXEMPTIONS.—The Board of Governors may, by regulation or order, exempt transactions, in whole or in part, from the definition of ''credit exposure'' for purposes of this subsection, if the Board of Governors finds that the exemption is in the public interest and is consistent with the purpose of this subsection.

(7) TRANSITION PERIOD.—

(A) IN GENERAL.—This subsection and any regulations and orders of the Board of Governors under this subsection shall not be effective until 3 years after the date of enactment of this Act.

(B) EXTENSION AUTHORIZED.—The Board of Governors may extend the period specified in subparagraph (A) for not longer than an additional 2 years.

(f) ENHANCED PUBLIC DISCLOSURES.—The Board of Governors may prescribe, by regulation, periodic public disclosures by nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

(g) RISK COMMITTEE.—

(1) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors that is a publicly traded company to establish a risk committee, as set forth in paragraph (3), not later than 1 year after the date of receipt of a notice of final determination under section 113(d)(3) with respect to such nonbank financial company supervised by the Board of Governors.

(2) CERTAIN BANK HOLDING COMPANIES.—

(A) MANDATORY REGULATIONS.—The Board of Governors shall issue regulations requiring each bank holding company that is a publicly traded company and that has total consolidated assets of not less than $10,000,000,000 to establish a risk committee, as set forth in paragraph (3).

(B) PERMISSIVE REGULATIONS.—The Board of Governors may require each bank holding company that is a publicly traded company and that has total consolidated assets of less than $10,000,000,000 to establish a risk committee, as set forth in paragraph (3), as determined necessary or appropriate by the Board of Governors to promote sound risk management practices.

(3) RISK COMMITTEE.—A risk committee required by this subsection shall—

(A) be responsible for the oversight of the enterprise-wide risk management practices of the nonbank financial company supervised by the Board of Governors or bank holding company described in subsection (a), as applicable;

(B) include such number of independent directors as the Board of Governors may determine appropriate, based on the nature of operations, size of assets, and other appropriate criteria related to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), as applicable; and

(C) include at least 1 risk management expert having experience in identifying, assessing, and managing risk exposures of large, complex firms.

(4) RULEMAKING.—The Board of Governors shall issue final rules to carry out this subsection, not later than 1 year after the transfer date, to take effect not later than 15 months after the transfer date.

(h) STRESS TESTS.—The Board of Governors shall conduct analyses in which nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) are subject to evaluation of whether the companies have the capital, on a total consolidated basis, necessary to absorb losses as a result of adverse economic conditions. The Board of Governors may develop and apply such other analytic techniques as are necessary to identify, measure, and monitor risks to the financial stability of the United States.

**SEC. 166. EARLY REMEDIATION REQUIREMENTS.**

(a) IN GENERAL.—The Board of Governors, in consultation with the Council and the Corporation, shall prescribe regulations establishing requirements to provide for the early remediation of financial distress of a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a), except that nothing in this subsection authorizes the provision of financial assistance from the Federal Government.

(b) PURPOSE OF THE EARLY REMEDIATION REQUIREMENTS.—The purpose of the early remediation requirements under subsection (a) shall be to establish a series of specific remedial actions to be taken by a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a) that is experiencing

increasing financial distress, in order to minimize the probability that the company will become insolvent and the potential harm of such insolvency to the financial stability of the United States.

(c) REMEDIATION REQUIREMENTS.—The regulations prescribed by the Board of Governors under subsection (a) shall—

(1) define measures of the financial condition of the company, including regulatory capital, liquidity measures, and other forward-looking indicators; and

(2) establish requirements that increase in stringency as the financial condition of the company declines, including—

(A) requirements in the initial stages of financial decline, including limits on capital distributions, acquisitions, and asset growth; and

(B) requirements at later stages of financial decline, including a capital restoration plan and capital-raising requirements, limits on transactions with affiliates, management changes, and asset sales.

**SEC. 167. AFFILIATIONS.**

(a) AFFILIATIONS.—Nothing in this subtitle shall be construed to require a nonbank financial company supervised by the Board of Governors, or a company that controls a nonbank financial company supervised by the Board of Governors, to conform the activities thereof to the requirements of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843).

(b) REQUIREMENT.—

(1) IN GENERAL.—If a nonbank financial company supervised by the Board of Governors conducts activities other than those that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, the Board of Governors may require such company to establish and conduct such activities that are determined to be financial in nature or incidental thereto in an intermediate holding company established pursuant to regulation of the Board of Governors, not later than 90 days after the date on which the nonbank financial company supervised by the Board of Governors was notified of the determination under section 113(a).

(2) INTERNAL FINANCIAL ACTIVITIES.—For purposes of this subsection, activities that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, as described in paragraph (1), shall not include internal financial activities conducted for a nonbank financial company supervised by the Board of Governors or any affiliate, including internal treasury, investment, and employee benefit functions. With respect to any internal financial activity of such company during the year prior to the date of enactment of this Act, such company may continue to engage in such activity as long as at least ⅔ of the assets or ⅔ of the revenues generated from the activity are from or attributable to such company, subject to review by the Board of Governors, to determine whether engaging in such activity presents undue risk to such company or to the financial stability of the United States.

(c) REGULATIONS.—The Board of Governors—

(1) shall promulgate regulations to establish the criteria for determining whether to require a nonbank financial company supervised by the Board of Governors to establish an intermediate holding company under subsection (a); and

(2) may promulgate regulations to establish any restrictions or limitations on transactions between an intermediate holding company or a nonbank financial company supervised by the Board of Governors and its affiliates, as necessary to prevent unsafe and unsound practices in connection with transactions between such company, or any subsidiary thereof, and its parent company or affiliates that are not subsidiaries of such company, except that such regulations shall not restrict or limit any transaction in connection with the bona fide acquisition or lease by an unaffiliated person of assets, goods, or services.

**SEC. 168. REGULATIONS.**

Except as otherwise specified in this subtitle, not later than 18 months after the transfer date, the Board of Governors shall issue final regulations to implement this subtitle and the amendments made by this subtitle.

**SEC. 169. AVOIDING DUPLICATION.**

The Board of Governors shall take any action that the Board of Governors deems appropriate to avoid imposing requirements under this subtitle that are duplicative of requirements applicable to bank holding companies and nonbank financial companies under other provisions of law.

**SEC. 170. SAFE HARBOR.**

(a) REGULATIONS.—The Board of Governors shall promulgate regulations on behalf of, and in consultation with, the Council setting forth the criteria for exempting certain types or classes of U.S. nonbank financial companies or foreign nonbank financial companies from supervision by the Board of Governors.

(b) CONSIDERATIONS.—In developing the criteria under subsection (a), the Board of Governors shall take into account the factors for consideration described in subsections (a) and (b) of section 113 in determining whether a U.S. nonbank financial company or foreign nonbank financial company shall be supervised by the Board of Governors.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require supervision by the Board of Governors of a U.S. nonbank financial company or foreign nonbank financial company, if such company does not meet the criteria for exemption established under subsection (a).

(d) UPDATE.—The Board of Governors shall, in consultation with the Council, review the regulations promulgated under subsection (a), not less frequently than every 5 years, and based upon the review, the Board of Governors may revise such regulations on behalf of, and in consultation with, the Council to update as necessary the criteria set forth in such regulations.

(e) TRANSITION PERIOD.—No revisions under subsection (d) shall take effect before the end of the 2-year period after the date of publication of such revisions in final form.

(f) REPORT.—The Chairperson of the Board of Governors and the Chairperson of the Council shall submit a joint report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 30 days after the date of the issuance in final form of the regulations under subsection (a), or any subsequent revision to such regulations under subsection (d), as applicable. Such report shall include, at a minimum, the rationale for exemption and empirical evidence to support the criteria for exemption.

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**SA 3826.** Mr. SHELBY (for himself, Mr. MCCONNELL, Mr. BENNETT, Mr. CRAPO, Mr. CORKER, Mr. JOHANNS, Mrs. HUTCHISON, Mr. VITTER, Mr. BUNNING, Mr. CHAMBLISS, Mr. CORNYN, Mr. BOND, Mr. ENZI, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike title X and insert the following:

**TITLE X—DIVISION FOR CONSUMER FINANCIAL PROTECTION**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the ''Consumer Financial Protection Act of 2010''.

**SEC. 1002. DEFINITIONS.**

Except as otherwise provided in this title, for purposes of this title, the following definitions shall apply:

(1) COVERED PERSON.—The term covered person means—

(A) a depository institution; or

(B) a person other than a depository institution that is subject to one or more of the enumerated consumer protection statutes.

(2) DESIGNATED TRANSFER DATE.—The term ''designated transfer date'' means the date established under section 1042.

(3) DIVISION.—The term ''Division'' means the Division for Consumer Financial Protection.

(4) ENUMERATED CONSUMER PROTECTION STATUTES.—The term ''enumerated consumer protection statute'' means—

(A) subsections (c) through (f) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t);

(B) the Consumer Leasing Act of 1976 (15 U.S.C. 1667 et seq.);

(C) the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.);

(D) the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.);

(E) the Fair Credit Billing Act (15 U.S.C. 1666 et seq.);

(F) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), other than sections 615(e) and 628 of that Act (15 U.S.C. 1681m(e), 1681w);

(G) the Homeowners Protection Act of 1998 (12 U.S.C. 4901, et seq.);

(H) the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.);

(I) sections 502 through 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802–6809);

(J) the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.);

(K) the Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note);

(L) the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);

(M) the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.);

(N) the Truth in Lending Act (15 U.S.C. 1601 et seq.);

(O) the Truth in Savings Act (12 U.S.C. 4301 et seq.); and

(P) the authority of the Federal Trade Commission, the Board of Governors, the Office of Thrift Supervision, and the National Credit Union Administration to prohibit unfair or deceptive acts or practices under section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f))—

(i) only to the same extent that the Board of Governors, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Trade Commission could exercise such authority over covered persons on the day before the designated transfer date; and

(ii) except that such authority shall not extend to persons or activities covered under the Fair Credit Reporting Act that do not meet the definition in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

(5) MORTGAGE LOAN ORIGINATOR.—The term ''mortgage loan originator'' means any person (other than an individual) that takes applications for residential mortgage transactions and offers or negotiates terms of residential mortgage transactions.

(6) NONDEPOSITORY COVERED PERSON.—The term ''nondepository covered person'' means any entity that—

(A) is not a depository institution;

(B) is not an affiliate or subsidiary of a depository institution;

(C) is not subject to supervision or enforcement by a Federal banking regulator; and

(D) is a financial services provider subject to the enumerated consumer protection statutes.

(7) PERSON.—The term ''person'' has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

(8) PRUDENTIAL REGULATOR.—The term ''prudential regulator'' means the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the National Credit Union Administration, as appropriate, with respect to depository institutions and affiliates of depository institutions supervised by such agencies.

(9) RESIDENTIAL MORTGAGE TRANSACTION.—The term ''residential mortgage transaction'' has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

## Subtitle A—Division of Consumer Protection

### SEC. 1011. ESTABLISHMENT OF THE DIVISION.

(a) DIVISION ESTABLISHED.—There is established within the Federal Deposit Insurance Corporation the Division for Consumer Protection, which shall regulate, by rule or order, consumer financial products and services under the enumerated consumer protection statutes, and where applicable, as provided for in section 1024, enforce the enumerated consumer protection statutes.

(b) DIRECTOR AND DEPUTY DIRECTOR.—

(1) DIRECTOR.—The Division shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve for a term of 4 years.

(2) DEPUTY DIRECTOR.—The Director shall designate a Deputy Director.

(3) ACTING DIRECTOR.—In the event of a vacancy in the position of the Director or during the absence or disability of the Director, the Deputy Director shall act as Director.

(4) COMPENSATION.—The Director shall be compensated at a rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

### SEC. 1012. ADMINISTRATION.

(a) SPECIFIC FUNCTIONAL UNITS.—

(1) RESEARCH.—The Director shall establish a unit, the functions of which shall include researching, analyzing, and reporting on—

(A) developments in markets for consumer financial products or services, including market areas of alternative consumer financial products or services with high growth rates and areas of risk to consumers;

(B) consumer awareness, understanding, and use of disclosures and communications regarding consumer financial products or services; and

(C) consumer awareness and understanding of costs, risks, and benefits of consumer financial products or services.

(2) COLLECTING AND TRACKING COMPLAINTS.—

(A) IN GENERAL.—The Director shall establish a unit, the functions of which shall include establishing a single, toll-free telephone number, a website, and database to facilitate the centralized collection, monitoring, and response to consumer complaints regarding consumer financial products or services. The Director shall coordinate with other Federal agencies to route complaints to other Federal regulators, where appropriate.

(B) ROUTING CALLS TO STATES.—To the extent practicable, State agencies may receive appropriate complaints from the systems established under subparagraph (A), if—

(i) the State agency system has the functional capacity to receive calls or electronic reports routed by the Division systems; and

(ii) the State agency has satisfied any conditions of participation in the system that the Division may establish, including treatment of personally identifiable information and sharing of information on complaint resolution or related compliance procedures and resources.

(C) REPORTS TO CONGRESS.—The Director shall present an annual report to Congress, not later than March 31 of each year on the complaints received by the Division in the prior year regarding consumer financial products and services. Such report shall include information and analysis about complaint numbers, types, and, where applicable, information about resolution of complaints.

(D) DATA SHARING REQUIRED.—To facilitate preparation of the reports required under subparagraph (C), supervision and enforcement activities, and monitoring of the market for consumer financial products and services, the Division shall share consumer complaint information with prudential regulators, other Federal agencies, and State agencies, consistent with Federal law applicable to personally identifiable information. The prudential regulators and other Federal agencies shall share data relating to consumer complaints regarding consumer financial products and services with the Division, consistent with Federal law applicable to personally identifiable information.

(b) OFFICE OF FINANCIAL LITERACY.—

(1) ESTABLISHMENT.—The Division shall establish an Office of Financial Literacy, which shall be responsible for developing and implementing initiatives intended to educate and empower consumers to make better informed financial decisions. The Director shall serve as the Vice Chairperson on the Financial Literacy and Education Commission established under section 513 of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702).

(2) OTHER DUTIES.—The Office of Financial Literacy shall develop and implement a strategy to improve financial literacy, consistent with the National Strategy for Financial Education.

(3) COORDINATION.—The Office of Financial Literacy shall coordinate with other units within the Division in carrying out its functions, including working with the research unit established by the Director to conduct research related to consumer financial education and counseling.

(4) REPORT.—Not later than 24 months after the designated transfer date, and annually thereafter, the Director shall submit a report on its financial literacy activities and strategy to improve financial literacy of consumers to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

### SEC. 1013. CONSUMER ADVISORY BOARD.

(a) ESTABLISHMENT REQUIRED.—The Director shall establish a Consumer Advisory Board to advise and consult with the Division in the exercise of its functions under this title, the enumerated consumer protection statutes, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.

(b) MEMBERSHIP.—In appointing the members of the Consumer Advisory Board, the Director shall seek to assemble experts in consumer protection, financial services, and consumer financial products or services and seek representation of the interests of nondepository covered persons and consumers, without regard to party affiliation. Not fewer than 6 members shall be appointed upon the recommendation of the regional Federal Reserve Bank Presidents, on a rotating basis.

(c) MEETINGS.—The Consumer Advisory Board shall meet from time to time at the call of the Director, but not less frequently than twice in each year.

(d) COMPENSATION AND TRAVEL EXPENSES.—Members of the Consumer Advisory Board who are not full-time employees of the United States shall be allowed travel expenses, including transportation and subsistence, while away from their homes or regular places of business.

### SEC. 1014. COORDINATION.

The Director shall coordinate with other Federal agencies and State regulators, as appropriate, to promote consistent regulatory treatment of consumer financial and investment products and services.

### SEC. 1015. FUNDING.

(a) FEES AND ASSESSMENTS.—

(1) IN GENERAL.—The Chairperson shall establish, by rule, an assessment schedule, including the assessment base and rates, applicable to covered persons subject to section 1023 to recover the costs of the Corporation in carrying out its responsibilities described under this title. The Chairperson may, by rule or other action, impose additional assessments on insured depository institutions to regulate consumer financial products and services under the enumerated consumer protection statutes specified in this title.

(2) LIMITATION.—The assessments imposed by the Chairperson by rules established pursuant to paragraph (1) shall not exceed the costs reasonably necessary to cover the expenses associated with carrying outs its supervisory and rulemaking responsibilities under this title.

(b) FUND ESTABLISHED.—

(1) IN GENERAL.—There is established in the Treasury of the United States, a separate account, to be known as the Consumer Financial Protection Fund (referred to in this title as the ''CFP Fund''). Fees and assessments collected under subsection (a) shall be deposited into the CFP Fund.

(2) RULE OF CONSTRUCTION.—Any amounts deposited into the CFP Fund may not be construed to be Government funds or appropriated monies.

(3) NO APPORTIONMENT.—Any amounts deposited into the CFP Fund shall not be subject to apportionment for the purpose of

chapter 15 of title 31, United States Code, or under any other authority.

(4) USE OF FUNDS.—Funds in the CFP Fund shall be immediately available to the Corporation and under the control of the Corporation, and shall remain available until expended, to pay the expenses of the Corporation in carrying out its duties and responsibilities pursuant to this title.

(c) CONFORMING AMENDMENTS.—Section 11(a)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)(A)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

''(iii) to carry out additional duties pursuant to the Consumer Financial Protection Act of 2010; and''.

(d) FUNDING.—The Chairperson shall dedicate not less than 10 percent of the annual estimated budget of the Corporation, excluding any funding provided pursuant to section 11(c) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)), to carry out the requirements specified in this title.

**SEC. 1016. APPEARANCES BEFORE AND REPORTS TO CONGRESS.**

(a) APPEARANCES BEFORE CONGRESS.—The Director shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives at semi-annual hearings regarding the reports required under subsection (b).

(b) REPORTS REQUIRED.—The Director shall, concurrent with each semi-annual hearing referred to in subsection (a), prepare and submit to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, a report, beginning with the session following the designated transfer date.

(c) CONTENTS.—The reports required by subsection (b) shall include—

(1) a discussion of the significant problems faced by consumers in shopping for or obtaining consumer financial products or services;

(2) a justification of the budget request of the previous year;

(3) a list of the significant rules and orders adopted by the Corporation, as well as other significant initiatives conducted by the Division, during the preceding year and the plan of the Division for rules, orders, or other initiatives to be undertaken during the upcoming period;

(4) an analysis of complaints about consumer financial products or services that the Division, in consultation with the Federal Trade Commission has received and collected in its central database on complaints during the preceding year;

(5) a list, with a brief statement of the issues, of the public supervisory and enforcement actions to which the Division was a party during the preceding year; and

(6) the actions taken regarding rules, orders, and supervisory actions with respect to nondepository covered persons which are not credit unions or depository institutions.

**SEC. 1017. EFFECTIVE DATE.**

This subtitle shall become effective on the date of enactment of this Act.

## Subtitle B—General Powers of the Division

**SEC. 1021. PURPOSE, OBJECTIVES, AND FUNCTIONS.**

(a) PURPOSE.—The Division shall seek to implement and, where applicable, enforce the enumerated consumer protection statutes consistently for the purpose of ensuring that markets for consumer financial products and services are fair, transparent, and competitive.

(b) OBJECTIVES.—The Division is authorized to exercise its authorities under the enumerated consumer protection statutes for the purposes of ensuring that, with respect to consumer financial products and services—

(1) consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

(2) consumers are protected from unfair or deceptive acts and practices;

(3) outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens; and

(4) enumerated consumer protection statutes are enforced consistently, without regard to the status of a person as a depository institution, in order to ensure uniform consumer protection in the marketplace.

(c) FUNCTIONS.—The primary functions of the Division are—

(1) issuing rules, orders and guidance implementing the enumerated consumer protection statutes;

(2) collecting, investigating, and responding to consumer complaints;

(3) collecting, researching, and publishing information relevant to the functioning of markets for consumer financial products and services to identify risks to consumers, and the proper functioning of such markets;

(4) subject to section 1023, supervising nondepository covered persons for compliance with the enumerated consumer protection statutes, and taking appropriate enforcement action to address violations of the enumerated consumer protection statutes;

(5) conducting financial education programs; and

(6) performing such support activities as may be necessary or useful to facilitate the other functions of the Division.

**SEC. 1022. RULEMAKING AUTHORITY.**

(a) IN GENERAL.—The Division is authorized to exercise its authorities under the enumerated consumer protection statutes to implement the provisions of the enumerated consumer protection statutes.

(b) RULEMAKING, ORDERS, AND GUIDANCE.—

(1) IN GENERAL.—The Division may prescribe rules and issue orders and guidance, as may be necessary or appropriate to enable the Division to administer and carry out the enumerated consumer protection statutes, and to prevent evasions thereof.

(2) EXCLUSIVE RULEMAKING AUTHORITY.—Notwithstanding any other provisions of Federal law, to the extent that a provision of the enumerated consumer protection statutes authorizes the Division and another Federal agency to issue regulations under that provision of law for purposes of assuring compliance with the enumerated consumer protection statutes, the Division shall have the exclusive authority to prescribe rules pursuant to those provisions of law, with respect to compliance with those provisions of law by covered persons.

(3) CORPORATION APPROVAL REQUIRED.—No rule or regulation of the Division may become effective with respect to any person, unless approved by majority vote of the members of the Board of Directors of the Corporation.

(c) PRESERVATION OF STATE REGULATION OF INSURANCE.—Nothing in this title shall abrogate or limit in any way section 2 of the Act of March 9, 1945 (15 U.S.C. 1012) or otherwise grant the Division authority over the business of insurance.

(d) LIMITATION ON AUTHORITY OF DIVISION.—The Division shall have no authority to issue rules, regulations, orders, or guidance that affect any underwriting standards of depository institutions or affiliates thereof.

**SEC. 1023. SUPERVISION OF NONDEPOSITORY COVERED PERSONS.**

(a) APPLICABILITY.—

(1) COVERED PERSONS.—

(A) APPLICABILITY.—

(i) IN GENERAL.—Except as provided in paragraph (2), this section shall apply to any person that is—

(I) a type or category of mortgage loan originator that the Division, in consultation with the Federal Trade Commission, determines by rule is subject to the requirements of this section; or

(II) a nondepository covered person that demonstrates a pattern or practice of violations of the enumerated consumer protection statutes, that the Division, in consultation with the Federal Trade Commission, determines by order, after notice and opportunity for response, is subject to the requirements of this section.

(ii) RULE OF CONSTRUCTION.—On and after the effective date of this section, the Division may consider violations which occurred during the previous 3 years in making a determination that a nondepository covered person shall be subject to this section.

(B) FACTORS FOR CONSIDERATION.—In determining whether a mortgage loan originator is subject to the requirements of this section, the Division shall consider the risks to consumers created by the provision of such consumer financial products or services and the probability that supervision can serve to diminish such risks. In making these determinations, the Division shall consider—

(i) the total financial assets of the mortgage loan originator;

(ii) the volume of transactions involving consumer financial products or service in which the mortgage loan originator engages;

(iii) the complexity and nature of the financial products or services offered by the mortgage loan originator; and

(iv) the number and nature of any violations of the enumerated consumer protections statutes by the mortgage loan originator.

(C) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit the Division from exempting any class of mortgage loan originator or any specific mortgage loan originator from the requirements of this section.

(2) CERTAIN PERSONS EXCLUDED.—This section shall not apply to persons described in section 1024.

(b) SUPERVISION.—

(1) IN GENERAL.—The Division shall require reports and conduct examinations on a periodic basis of persons described in subsection (a) for purposes of—

(A) assessing compliance with the requirements of the enumerated consumer protection statutes;

(B) obtaining information about the activities and compliance systems or procedures of such person; and

(C) detecting and assessing risks to consumers and to markets for consumer financial products and services.

(2) RISK-BASED SUPERVISION PROGRAM.—The Division shall exercise its authority under paragraph (1) in a manner designed to ensure that such exercise, with respect to persons described in subsection (a), is based on the assessment by the Division of the risks posed to consumers, and taking into consideration, as applicable—

(A) the volume of transactions involving consumer financial products or services in which the persons described in subsection (a) engage;

(B) the number and nature of any violations of the enumerated consumer protection statutes on the part of the persons described in subsection (a); and

(C) the extent to which such institutions are subject to oversight by State authorities for consumer protection.

(3) COORDINATION.—To minimize regulatory burden, the Division shall coordinate its supervisory activities with the supervisory activities conducted by Federal regulators and the State regulatory authorities, including establishing their respective schedules for examining persons described in subsection (a) and requirements regarding reports to be submitted by such persons.

(4) USE OF EXISTING REPORTS.—The Division shall, to the fullest extent possible, use—

(A) reports pertaining to persons described in subsection (a) that have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(5) PRESERVATION OF AUTHORITY.—The authority of the Chairperson to require reports from persons described in subsection (a), as permitted under paragraph (1), regarding information under the control of such person, including the authority to require reports when such information is maintained, stored, or processed by another person.

(6) REPORTS OF TAX LAW NONCOMPLIANCE.—The Division shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(7) REGISTRATION, RECORDKEEPING AND OTHER REQUIREMENTS FOR CERTAIN PERSONS.—

(A) IN GENERAL.—The Division shall prescribe rules to facilitate supervision of persons described in subsection (a) and assessment and detection of risks to consumers.

(B) REGISTRATION.—

(i) IN GENERAL.—The Division shall prescribe rules regarding registration requirements for persons described in subsection (a).

(ii) EXCEPTION FOR RELATED PERSONS.—The Division may not impose requirements under this section regarding the registration of a related person.

(iii) REGISTRATION INFORMATION.—Subject to rules prescribed by the Division, the Division shall publicly disclose the registration information about persons described in subsection (a) to facilitate the ability of consumers to identify persons described in subsection (a) registered with the Division.

(C) RECORDKEEPING.—The Division may require a person described in subsection (a), to generate, provide, or retain records for the purposes of facilitating supervision of such persons and assessing and detecting risks to consumers.

(D) REQUIREMENTS CONCERNING OBLIGATIONS.—The Division may prescribe rules regarding a person described in subsection (a), to ensure that such persons are legitimate entities and are able to perform their obligations to consumers.

(E) CONSULTATION WITH STATE AGENCIES.—In developing and implementing requirements under this paragraph, the Division shall consult with State regulatory authorities regarding requirements or systems (including coordinated or combined systems for registration), where appropriate.

(c) PRIMARY ENFORCEMENT AUTHORITY.—

(1) THE DIVISION TO HAVE PRIMARY ENFORCEMENT AUTHORITY.—To the extent that a Federal law authorizes the Division and another Federal agency, other than the Federal Trade Commission, to enforce an enumerated consumer protection statute, the Division shall have exclusive authority to enforce that enumerated consumer protection statute with respect to any person described in subsection (a)(1)(A).

(2) REFERRAL.—Any Federal agency authorized to enforce an enumerated consumer protection statute may recommend in writing to the Division that the Division initiate an enforcement proceeding, as the Division is authorized by that statute or by this title.

(3) COORDINATION WITH THE FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—The Division and the Federal Trade Commission shall coordinate enforcement actions for violations of Federal law regarding the offering or provision of consumer financial products or services by any person described in subsection (a)(1)(A), or service providers thereto. In carrying out this subparagraph, the agencies shall negotiate an agreement to establish procedures for such coordination, including procedures for notice to the other agency, where feasible, prior to initiating a civil action to enforce a Federal law regarding the offering or provision of consumer financial products or services.

(B) CIVIL ACTIONS.—Whenever a civil action has been filed by, or on behalf of, the Division or the Federal Trade Commission for any violation of any provision of Federal law described in subparagraph (A), or any regulation prescribed under such provision of law—

(i) the other agency may not, during the pendency of that action, institute a civil action under such provision of law against any defendant named in the complaint in such pending action for any violation alleged in the complaint; and

(ii) the Division or the Federal Trade Commission may intervene as a party in any such action brought by the other agency, and, upon intervening—

(I) be heard on all matters arising in such enforcement action; and

(II) file petitions for appeal in such actions.

(C) AGREEMENT TERMS.—The terms of any agreement negotiated under subparagraph (A) may modify or supersede the provisions of subparagraph (B).

(D) DEADLINE.—The agencies shall reach the agreement required under subparagraph (A) not later than 6 months after the designated transfer date.

(4) SAVINGS PROVISION.—Except as specifically stated in this title regarding the enumerated consumer protection statutes, nothing in this title shall be construed as modifying, limiting, or otherwise affecting the authority of the Federal Trade Commission under the Federal Trade Commission Act, or any other provision of law.

(d) EXCLUSIVE RULEMAKING AND EXAMINATION AUTHORITY.—To the extent that Federal law authorizes the Division and another Federal agency to issue regulations or guidance, conduct examinations, or require reports from a person described in subsection (a) under that provision of law for purposes of assuring compliance with the enumerated consumer protection statutes and any regulations thereunder, the Division shall have the exclusive authority to prescribe rules, issue guidance, conduct examinations, require reports, or issue exemptions with regard to a person described in subsection (a), subject to those provisions of law.

(e) SERVICE PROVIDERS.—A service provider to a person described in subsection (a) shall be subject to the authority of the Division under this section, to the same extent as if such service provider were engaged in a service relationship with a bank, and the Division were an appropriate Federal banking agency under section 7(c) of the Bank Service Company Act (12 U.S.C. 1867(c)). For purposes of this subsection, a service provider shall not include persons described in section 1024.

(f) ENFORCEMENT AUTHORITY.—The Division may enforce the requirements of this title with respect to persons described in subsection (a) pursuant to section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), as if such person were an insured depository institution.

**SEC. 1024. SUPERVISION AND ENFORCEMENT ON CONSUMER PROTECTION.**

The Division shall have no authority to require reports from, conduct examinations of, or take enforcement action against an insured depository institution or any affiliate thereof. The authorities of the Division and the Director under this title do not alter or affect the authority of the prudential regulators to require reports from, conduct examinations of, or take enforcement action against an insured depository institution or any affiliate thereof for purposes of assessing and enforcing compliance by such person with the requirements of the enumerated consumer protection statutes and obtaining information about the activities subject to such law and the associated compliance systems or procedures of such institution or affiliate.

**SEC. 1025. DISCLOSURES.**

(a) IN GENERAL.—To the extent that the enumerated consumer protection statutes require disclosures to consumers, the Division shall prescribe rules to ensure that such disclosures make timely, appropriate, and effective disclosures to consumers of the costs, benefits, and risks associated with the product or service.

(b) MODEL DISCLOSURES.—

(1) IN GENERAL.—Any final rule prescribed by the Division under this section requiring disclosures may include a model form that may be used.

(2) FORMAT.—A model form issued pursuant to paragraph (1) shall contain a clear and conspicuous disclosure that, at a minimum—

(A) uses plain language comprehensible to consumers;

(B) contains a clear format and design, such as an easily readable type font; and

(C) succinctly explains the information that must be communicated to the consumer.

(3) CONSUMER TESTING.—Any model form issued by the Division shall be validated through consumer testing.

(c) BASIS FOR RULEMAKING.—In prescribing disclosure rules, the Division shall consider available evidence about consumer awareness, understanding of, and responses to disclosures or communications about the risks, costs, and benefits of consumer financial products or services.

(d) SAFE HARBOR.—Any person that uses a model form issued by the Division shall be deemed to be in compliance with the disclosure requirements of this section with respect to such model form.

(e) TRIAL DISCLOSURE PROGRAMS.—

(1) IN GENERAL.—The Division may permit a person to conduct a trial program that is limited in time and scope, subject to specified standards and procedures, for the purpose of providing trial disclosures to consumers that are designed to improve upon any model form issued by the Division.

(2) SAFE HARBOR.—The standards and procedures issued by the Division shall be designed to encourage persons to conduct trial

disclosure programs. For the purposes of administering this subsection, the Division may establish a limited period during which a person conducting a trial disclosure program shall be deemed to be in compliance with, or may be exempted from, a requirement of a rule or an enumerated consumer protection statute.

(3) PUBLIC DISCLOSURE.—The rules of the Division shall provide for public disclosure of trial disclosure programs, which public disclosure may be limited, to the extent necessary to encourage nondepository covered persons to conduct effective trials.

**Subtitle C—Transfer of Functions and Personnel; Transitional Provisions**

**SEC. 1041. TRANSFER OF CONSUMER FINANCIAL PROTECTION FUNCTIONS.**

(a) DEFINED TERMS.—For purposes of this subtitle—

(1) the term ''consumer financial protection functions'' means—

(A) the functions and authorities of the Board of Governors under the enumerated consumer protection statutes, except those functions retained by the prudential regulators under section 1024; and

(B) the functions and authorities of the Federal Trade Commission under the enumerated consumer laws with respect to persons subject to the jurisdiction of the Division under section 1023, except that the Federal Trade Commission shall retain concurrent enforcement jurisdiction under the enumerated consumer protection statutes over such persons, consistent with subsection 1023(c); and

(2) the terms ''transferor agency'' and ''transferor agencies'' mean, respectively the Board of Governors and the Federal Trade Commission.

(b) IN GENERAL.—Except as provided in subsection (c), consumer financial protection functions are transferred as follows:

(1) BOARD OF GOVERNORS.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Board of Governors are transferred to the Division.

(B) BOARD OF GOVERNORS AUTHORITY.—The Division shall have all powers and duties that were vested in the Board of Governors, relating to consumer financial protection functions, on the day before the designated transfer date.

(2) FEDERAL TRADE COMMISSION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Federal Trade Commission are transferred to the Division. Nothing in this title shall be construed to require a mandatory transfer of any employee of the Federal Trade Commission to the Division.

(B) COMMISSION AUTHORITY.—The Division shall have all powers and duties that were vested in the Federal Trade Commission relating to consumer financial protection functions on the day before the designated transfer date.

(c) TRANSFERS OF FUNCTIONS SUBJECT TO EXAMINATION AND ENFORCEMENT AUTHORITY REMAINING WITH TRANSFEROR AGENCIES.—The transfers of functions in subsection (b) do not affect the authority of the prudential regulators from conducting examinations or initiating and maintaining enforcement proceedings in accordance with section 1023.

(d) EFFECTIVE DATE.—Subsections (b) and (c) shall become effective on the designated transfer date.

**SEC. 1042. DESIGNATED TRANSFER DATE.**

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall—

(1) in consultation with the Chairman of the Board of Governors, the Chairperson of the Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, designate a single calendar date for the transfer of functions to the Division under section 1041; and

(2) publish notice of that designated date in the Federal Register.

(b) CHANGING DESIGNATION.—The Secretary—

(1) may, in consultation with the Chairman of the Board of Governors, the Chairperson of the Federal Deposit Insurance Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, change the date designated under subsection (a); and

(2) shall publish notice of any changed designated date in the Federal Register.

(c) PERMISSIBLE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any date designated under this section shall be not earlier than 180 days, nor later than 18 months, after the date of enactment of this Act.

(2) EXTENSION OF TIME.—The Secretary may designate a date that is later than 18 months after the date of enactment of this Act if the Secretary transmits to appropriate committees of Congress—

(A) a written determination that orderly implementation of this title is not feasible before the date that is 18 months after the date of enactment of this Act;

(B) an explanation of why an extension is necessary for the orderly implementation of this title; and

(C) a description of the steps that will be taken to effect an orderly and timely implementation of this title within the extended time period.

(3) EXTENSION LIMITED.—In no case may any date designated under this section be later than 24 months after the date of enactment of this Act.

**SEC. 1043. SAVINGS PROVISIONS.**

(a) BOARD OF GOVERNORS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1041(b)(1) does not affect the validity of any right, duty, or obligation of the United States, the Board of Governors (or any Federal reserve bank), or any other person that—

(A) arises under any provision of law relating to any consumer financial protection function of the Board of Governors transferred to the Division by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this title shall abate any proceeding commenced by or against the Board of Governors (or any Federal reserve bank) before the designated transfer date with respect to any consumer financial protection function of the Board of Governors (or any Federal reserve bank) transferred to the Division by this title, except that the Division, subject to section 1023, shall be substituted for the Board of Governors (or Federal reserve bank) as a party to any such proceeding as of the designated transfer date.

(b) FEDERAL TRADE COMMISSION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1041(b)(5) does not affect the validity of any right, duty, or obligation of the United States, the Federal Trade Commission, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Federal Trade Commission transferred to the Division by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this title shall abate any proceeding commenced by or against the Federal Trade Commission before the designated transfer date with respect to any consumer financial protection function of the Federal Trade Commission transferred to the Division by this title, except that the Division, subject to section 1023, shall be substituted for the Federal Trade Commission as a party to any such proceeding as of the designated transfer date.

(c) CONTINUATION OF EXISTING ORDERS, RULES, DETERMINATIONS, AGREEMENTS, AND RESOLUTIONS.—All orders, resolutions, determinations, agreements, and rules that have been issued, made, prescribed, or allowed to become effective by any transferor agency or by a court of competent jurisdiction, in the performance of consumer financial protection functions that are transferred by this title and that are in effect on the day before the designated transfer date, shall continue in effect according to the terms of those orders, resolutions, determinations, agreements, and rules, and shall not be enforceable by or against the Division.

(d) IDENTIFICATION OF RULES CONTINUED.—Not later than the designated transfer date, the Division—

(1) shall, after consultation with the head of each transferor agency, identify the rules continued under subsection (g) that will be enforced by the Division; and

(2) shall publish a list of such rules in the Federal Register.

(e) STATUS OF RULES PROPOSED OR NOT YET EFFECTIVE.—

(1) PROPOSED RULES.—Any proposed rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has proposed before the designated transfer date, but has not been published as a final rule before that date, shall be deemed to be a proposed rule of the Division.

(2) RULES NOT YET EFFECTIVE.—Any interim or final rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has published before the designated transfer date, but which has not become effective before that date, shall become effective as a rule of the Division according to its terms.

**SEC. 1044. TRANSFER OF CERTAIN PERSONNEL.**

(a) IN GENERAL.—

(1) CERTAIN FEDERAL RESERVE SYSTEM EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Division and the Board of Governors shall—

(i) jointly determine the number of employees of the Board of Governors necessary to perform or support the consumer financial protection functions of the Board of Governors that are transferred to the Division by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Board of Governors for transfer to the Division, in a manner that the Division and the Board of Governors, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Board of Governors identified under subparagraph (A)(ii) shall be transferred to the Division for employment.

(C) FEDERAL RESERVE BANK EMPLOYEES.—Employees of any Federal reserve bank who, on the day before the designated transfer date, are performing consumer financial protection functions on behalf of the Board of Governors shall be treated as employees of the Board of Governors for purposes of subparagraphs (A) and (B).

(2) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE AND SENIOR EXECUTIVE SERVICE TRANSFERRED.—

(A) IN GENERAL.—In the case of employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to subparagraph (B).

(B) DECLINING TRANSFERS ALLOWED.—An agency or entity may decline to make a transfer of authority under subparagraph (A) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and non-career positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(b) TIMING OF TRANSFERS AND POSITION ASSIGNMENTS.—Each employee to be transferred under this section shall—

(1) be transferred not later than 90 days after the designated transfer date; and

(2) receive notice of a position assignment not later than 120 days after the effective date of his or her transfer.

(c) TRANSFER OF FUNCTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the transfer of employees shall be deemed a transfer of functions for the purpose of section 3503 of title 5, United States Code.

(2) PRIORITY OF THIS TITLE.—If any provisions of this title conflict with any protection provided to transferred employees under section 3503 of title 5, United States Code, the provisions of this title shall control.

(d) EQUAL STATUS AND TENURE POSITIONS.—

(1) EMPLOYEES TRANSFERRED FROM BOARD, FTC.—Each employee transferred under this title from the Board of Governors or the Federal Trade Commission shall be placed in a position at the Division with the same status and tenure as that employee held on the day before the designated transfer date.

(2) EMPLOYEES TRANSFERRED FROM THE FEDERAL RESERVE BANKS.—

(A) COMPARABILITY.—Each employee transferred under this title from a Federal reserve bank shall be placed in a position with the same status and tenure as that of an employee transferring to the Division from the Board of Governors who perform similar functions and have similar periods of service.

(B) SERVICE PERIODS CREDITED.—For purposes of this paragraph, periods of service with the Board of Governors or a Federal reserve bank shall be credited as periods of service with a Federal agency.

(e) ADDITIONAL CERTIFICATION REQUIREMENTS LIMITED.—Examiners transferred to the Division are not subject to any additional certification requirements before being placed in a comparable examiner position at the Division examining the same types of institutions as they examined before they were transferred.

(f) PERSONNEL ACTIONS LIMITED.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), each transferred employee holding a permanent position on the day before the designated transfer date may not, during the 2-year period beginning on the designated transfer date, be involuntarily separated, or involuntarily reassigned outside his or her locality pay area, as defined by the Office of Personnel Management.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Division—

(A) to separate an employee for cause or for unacceptable performance;

(B) to terminate an appointment to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character; or

(C) to reassign a supervisory employee outside his or her locality pay area, as defined by the Office of Personnel Management, when the Division determines that the reassignment is necessary for the efficient operation of the Division.

(g) PAY.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), each transferred employee shall, during the 2-year period beginning on the designated transfer date, receive pay at a rate equal to not less than the basic rate of pay (including any geographic differential) that the employee received during the pay period immediately preceding the date of transfer.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Division to reduce the rate of basic pay of a transferred employee—

(A) for cause;

(B) for unacceptable performance; or

(C) with the consent of the employee.

(3) PROTECTION ONLY WHILE EMPLOYED.—Paragraph (1) applies to a transferred employee only while that employee remains employed by the Division.

(4) PAY INCREASES PERMITTED.—Paragraph (1) does not limit the authority of the Division to increase the pay of a transferred employee.

(h) REORGANIZATION.—

(1) BETWEEN 1ST AND 3RD YEAR.—

(A) IN GENERAL.—If the Division determines, during the 2-year period beginning 1 year after the designated transfer date, that a reorganization of the staff of the Division is required—

(i) that reorganization shall be deemed a ''major reorganization'' for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code;

(ii) before the reorganization occurs, all employees in the same locality pay area as defined by the Office of Personnel Management shall be placed in a uniform position classification system; and

(iii) any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Division shall—

(I) establish competitive areas (as that term is defined in regulations issued by the Office of Personnel Management) to include at a minimum all employees in the same locality pay area as defined by the Office of Personnel Management;

(II) establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to whether the particular employees have been appointed to positions in the competitive service or the excepted service; and

(III) afford employees appointed to positions in the excepted service (other than to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character) the same assignment rights to positions within the Division as employees appointed to positions in the competitive service.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(2) AFTER 3RD YEAR.—

(A) IN GENERAL.—If the Division determines, at any time after the 3-year period beginning on the designated transfer date, that a reorganization of the staff of the Division is required, any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Division shall establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to types of appointment held by particular employees transferred under this section.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(i) BENEFITS.—

(1) RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) IN GENERAL.—

(i) CONTINUATION OF EXISTING RETIREMENT PLAN.—Except as provided in subparagraph (B), each transferred employee shall remain enrolled in his or her existing retirement plan, through any period of continuous employment with the Division.

(ii) EMPLOYER CONTRIBUTION.—The Division shall pay any employer contributions to the existing retirement plan of each transferred employee, as required under that plan.

(B) OPTION FOR EMPLOYEES TRANSFERRED FROM FEDERAL RESERVE SYSTEM TO BE SUBJECT TO FEDERAL EMPLOYEE RETIREMENT PROGRAM.—

(i) ELECTION.—Any transferred employee who was enrolled in a Federal Reserve System retirement plan on the day before his or her transfer to the Division may, during the 1-year period beginning 6 months after the designated transfer date, elect to be subject to the Federal employee retirement program.

(ii) EFFECTIVE DATE OF COVERAGE.—For any employee making an election under clause (i), coverage by the Federal employee retirement program shall begin 1 year after the designated transfer date.

(C) DIVISION PARTICIPATION IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN.—

(i) SEPARATE ACCOUNT IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN ESTABLISHED.—Notwithstanding any other provision of law, and subject to the terms and conditions of this section, a separate account in the Federal Reserve System retirement plan shall be established for Division employees who do not make the election under subparagraph (B).

(ii) FUNDS ATTRIBUTABLE TO TRANSFERRED EMPLOYEES REMAINING IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN TRANSFERRED.—

The proportionate share of funds in the Federal Reserve System retirement plan, including the proportionate share of any funding surplus in that plan, attributable to a transferred employee who does not make the election under subparagraph (B), shall be transferred to the account established under clause (i).

(iii) EMPLOYER CONTRIBUTIONS DEPOSITED.—The Division shall deposit into the account established under clause (i) the employer contributions that the Division makes on behalf of employees who do not make the election under subparagraph (B).

(iv) ACCOUNT ADMINISTRATION.—The Division shall administer the account established under clause (i) as a participating employer in the Federal Reserve System retirement plan.

(D) DEFINITIONS.—For purposes of this paragraph—

(i) the term ''existing retirement plan'' means, with respect to any employee transferred under this section, the particular retirement plan (including the Financial Institutions Retirement Fund) and any associated thrift savings plan of the agency or Federal reserve bank from which the employee was transferred, which the employee was enrolled in on the day before the designated transfer date; and

(ii) the term ''Federal employee retirement program'' means the retirement program for Federal employees established by chapter 84 of title 5, United States Code.

(2) BENEFITS OTHER THAN RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) DURING 1ST YEAR.—

(i) EXISTING PLANS CONTINUE.—Each transferred employee may, for 1 year after the designated transfer date, retain membership in any other employee benefit program of the agency or bank from which the employee transferred, including a dental, vision, long term care, or life insurance program, to which the employee belonged on the day before the designated transfer date.

(ii) EMPLOYER CONTRIBUTION.—The Division shall reimburse the agency or bank from which an employee was transferred for any cost incurred by that agency or bank in continuing to extend coverage in the benefit program to the employee, as required under that program or negotiated agreements.

(B) DENTAL, VISION, OR LIFE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the designated transfer date, the Division decides not to continue participation in any dental, vision, or life insurance program of an agency or bank from which an employee transferred, a transferred employee who is a member of such a program may, before the decision of the Division takes effect, elect to enroll, without regard to any regularly scheduled open season, in—

(i) the enhanced dental benefits established by chapter 89A of title 5, United States Code;

(ii) the enhanced vision benefits established by chapter 89B of title 5, United States Code; or

(iii) the Federal Employees Group Life Insurance Program established by chapter 87 of title 5, United States Code, without regard to any requirement of insurability.

(C) LONG TERM CARE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the designated transfer date, the Division decides not to continue participation in any long term care insurance program of an agency or bank from which an employee transferred, a transferred employee who is a member of such a program may, before the decision of the Division takes effect, elect to apply for coverage under the Federal Long Term Care Insurance Program established by chapter 90 of title 5, United States Code, under the underwriting requirements applicable to a new active workforce member (as defined in part 875, title 5, Code of Federal Regulations).

(D) EMPLOYEE CONTRIBUTION.—An individual enrolled in the Federal Employees Health Benefits program shall pay any employee contribution required by the plan.

(E) ADDITIONAL FUNDING.—The Division shall transfer to the Federal Employees Health Benefits Fund established under section 8909 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Division and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this paragraph.

(F) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For employees transferred under this title, enrollment in a health benefits plan administered by a transferor agency or a Federal reserve bank, as the case may be, immediately before enrollment in a health benefits plan under chapter 89 of title 5, United States Code, shall be considered as enrollment in a health benefits plan under that chapter for purposes of section 8905(b)(1)(A) of title 5, United States Code.

(G) SPECIAL PROVISIONS TO ENSURE CONTINUATION OF LIFE INSURANCE BENEFITS.—

(i) IN GENERAL.—An annuitant (as defined in section 8901(3) of title 5, United States Code) who is enrolled in a life insurance plan administered by a transferor agency on the day before the designated transfer date shall be eligible for coverage by a life insurance plan under sections 8706(b), 8714a, 8714b, and 8714c of title 5, United States Code, or in a life insurance plan established by the Division, without regard to any regularly scheduled open season and requirement of insurability.

(ii) EMPLOYEE CONTRIBUTION.—An individual enrolled in a life insurance plan under this subparagraph shall pay any employee contribution required by the plan.

(iii) ADDITIONAL FUNDING.—The Division shall transfer to the Employees' Life Insurance Fund established under section 8714 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Division and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this subparagraph not otherwise paid for by the employee under clause (ii).

(iv) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For employees transferred under this title, enrollment in a life insurance plan administered by a transferor agency immediately before enrollment in a life insurance plan under chapter 87 of title 5, United States Code, shall be considered as enrollment in a life insurance plan under that chapter for purposes of section 8706(b)(1)(A) of title 5, United States Code.

(3) OPM RULES.—The Office of Personnel Management shall issue such rules as are necessary to carry out this subsection.

(j) IMPLEMENTATION OF UNIFORM PAY AND CLASSIFICATION SYSTEM.—Not later than 2 years after the designated transfer date, the Division shall implement a uniform pay and classification system for all employees transferred under this title.

(k) EQUITABLE TREATMENT.—In administering the provisions of this section, the Division—

(1) shall take no action that would unfairly disadvantage transferred employees relative to each other based on their prior employment by the Board of Governors, the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks; and

(2) may take such action as is appropriate in individual cases so that employees transferred under this section receive equitable treatment, with respect to the status, tenure, pay, benefits (other than benefits under programs administered by the Office of Personnel Management), and accrued leave or vacation time of those employees, for prior periods of service with any Federal agency, including the Board of Governors, the Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks.

(l) IMPLEMENTATION.—In implementing the provisions of this section, the Division shall coordinate with the Office of Personnel Management and other entities having expertise in matters related to employment to ensure a fair and orderly transition for affected employees.

### Subtitle D—Amendment to the Federal Deposit Insurance Act

**SEC. 1051. CORPORATION BOARD MEMBERSHIP.**

Section 2(a)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1812(a)(1)(B)) is amended to read as follows:

''(B) the Head of Supervision for the Board of Governors of the Federal Reserve System; and''.

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**SA 3827.** Mr. SHELBY (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; as follows:

On page 111, line 7, insert ''(a) IN GENERAL.—'' before ''In''.

On page 114, line 14, after ''(iii)'' insert ''that is predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k))''.

On page 114, line 21, after ''(12 U.S.C. 2001 et seq.)'' insert '', a governmental entity, or a regulated entity, as defined under section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502(20))''.

On page 115, strike lines 18 through 20, and insert the following:

(15) COURT.—The term ''Court'' means the United States District Court for the District of Columbia.

On page 115, between lines 22 and 23, insert the following:

(b) DEFINITIONAL CRITERIA.—For purpose of the definition of the term ''financial company'' under subsection (a)(10), no company

shall be deemed to be predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)), if the consolidated revenues of such company from such activities constitute less than 85 percent of the total consolidated revenues of such company, as the Corporation, in consultation with the Secretary, shall establish by regulation. In determining whether a company is a financial company under this title, the consolidated revenues derived from the ownership or control of a depository institution shall be included.

On page 115, line 23, strike "**ORDERLY LIQUIDATION AUTHORITY PANEL**" and insert "**JUDICIAL REVIEW**".

On page 115, strike line 24 and all that follows through page 116, line 16.

On page 116, line 17, strike "(b)" and insert "(a)".

On page 116, strike lines 18 through 20, and insert the following:

(1) PETITION TO DISTRICT COURT.—

(A) DISTRICT COURT REVIEW.—

On page 116, strike line 21 and all that follows through page 117, line 4, and insert the following:

(i) PETITION TO DISTRICT COURT.—Subsequent to a determination by the Secretary under section 203 that a financial company satisfies the criteria in section 203(b), the Secretary shall notify the Corporation and the covered financial company. If the board of directors (or body performing similar functions) of the covered financial company acquiesces or consents to the appointment of the Corporation as a receiver, the Secretary shall appoint the Corporation as a receiver. If the board of directors (or body performing similar functions) of the covered financial company does not acquiesce or consent to the appointment of the Corporation as receiver, the Secretary shall petition the United States District Court for the District of Columbia for an order authorizing the Secretary to appoint the Corporation as a receiver.

On page 117, line 9, strike "Panel" and insert "Court".

On page 117, line 13, strike "Panel" and insert "Court".

On page 117, beginning on line 16, strike ", within 24 hours of receipt of the petition filed by the Secretary,".

On page 117, line 21, strike "is supported" and all that follows through line 22, and insert "and satisfies the definition of a financial company under section 201(10) is arbitrary and capricious.".

On page 117, line 24, strike "Panel" and insert "Court".

On page 118, line 2, insert "and satisfies the definition of a financial company under section 201(10)" after "danger of default".

On page 118, lines 3 and 4, strike "is supported by substantial evidence" and insert "is not arbitrary and capricious".

On page 118, line 4, strike "Panel" and insert "Court".

On page 118, lines 9 and 10, strike "is not supported by substantial evidence" and insert "is arbitrary and capricious".

On page 118, line 10, strike "Panel" and insert "Court".

On page 118, between lines 16 and 17, insert the following:

(v) PETITION GRANTED BY OPERATION OF LAW.—If the Court does not make a determination within 24 hours of receipt of the petition—

(I) the petition shall be granted by operation of law;

(II) the Secretary shall appoint the Corporation as receiver; and

(III) liquidation under this title shall automatically and without further notice or action be commenced and the Corporation may immediately take all actions authorized under this title.

On page 118, line 18, strike "Panel" and insert "Court".

On page 118, line 23, strike "Panel" and insert "Court".

On page 119, line 1, strike "Panel" and insert "Court".

On page 119, line 12, strike "PANEL" and insert "DISTRICT COURT".

On page 119, line 16, strike "Third Circuit" and insert "District of Columbia Circuit".

On page 119, line 17, strike "Panel" and insert "Court".

On page 119, line 23, strike "Panel" and insert "Court".

On page 120, strike lines 16 through 17 and insert "default and satisfies the definition of a financial company under section 201(10) is arbitrary and capricious.".

On page 121, lines 19 and 20, strike "is supported by substantial evidence" and insert "and satisfies the definition of a financial company under section 201(10) is arbitrary and capricious".

On page 121, line 21, strike "(c)" and insert "(b)".

On page 121, line 24, strike "Panel" and insert "Court".

On page 122, line 5, strike "subsection (b)(1)" and all that follows through line 9, and insert "subsection (a)(1).".

On page 122, strike lines 14 through 16.

On page 122, line 17, strike "(C)" and insert "(A)".

On page 122, line 19, strike "(D)" and insert "(B)".

On page 122, line 21, strike "(E)" and insert "(C)".

On page 122, line 23, strike "(F)" and insert "(D)".

On page 123, line 1, strike "(d)" and insert "(c)".

On page 123, between lines 14 and 15, insert the following:

(d) TIME LIMIT ON RECEIVERSHIP AUTHORITY.—

(1) BASELINE PERIOD.—Any appointment of the Corporation as receiver under this section shall terminate at the end of the 3-year period beginning on the date on which such appointment is made.

(2) EXTENSION OF TIME LIMIT.—The time limit established in paragraph (1) may be extended by the Corporation for up to 1 additional year, if the Chairperson of the Corporation determines and certifies in writing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that continuation of the receivership is necessary—

(A) to—

(i) maximize the net present value return from the sale or other disposition of the assets of the covered financial company; or

(ii) minimize the amount of loss realized upon the sale or other disposition of the assets of the covered financial company; and

(B) to protect the stability of the financial system of the United States.

(3) SECOND EXTENSION OF TIME LIMIT.—

(A) IN GENERAL.—The time limit under this subsection, as extended under paragraph (2), may be extended for up to 1 additional year, if the Chairperson of the Corporation, with the concurrence of the Secretary, submits the certifications described in paragraph (2).

(B) ADDITIONAL REPORT REQUIRED.—Not later than 30 days after the date of commencement of the extension under subparagraph (A), the Corporation shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the need for the extension and the specific plan of the Corporation to conclude the receivership before the end of the second extension.

(4) ONGOING LITIGATION.—The time limit under this subsection, as extended under paragraph (3), may be further extended solely for the purpose of completing ongoing litigation in which the Corporation as receiver is a party, provided that the appointment of the Corporation as receiver shall terminate not later than 90 days after the date of completion of such litigation, if—

(A) the Council determines that the Corporation used its best efforts to conclude the receivership in accordance with its plan before the end of the time limit described in paragraph (3);

(B) the Council determines that the completion of longer-term responsibilities in the form of ongoing litigation justifies the need for an extension; and

(C) the Corporation submits a report approved by the Council not later than 30 days after the date of the determinations by the Council under subparagraphs (A) and (B) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, describing—

(i) the ongoing litigation justifying the need for an extension; and

(ii) the specific plan of the Corporation to complete the litigation and conclude the receivership.

(5) REGULATIONS.—The Corporation may issue regulations governing the termination of receiverships under this title.

(6) NO LIABILITY.—The Corporation and the Deposit Insurance Fund shall not be liable for unresolved claims arising from the receivership after the termination of the receivership.

On page 123, line 21, strike "Panel" and insert "Court".

On page 124, line 11, strike "Panel" and insert "Court".

On page 126, between lines 9 and 10, insert the following:

(g) STUDY OF PROMPT CORRECTIVE ACTION IMPLEMENTATION BY THE APPROPRIATE FEDERAL AGENCIES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study regarding the implementation of prompt corrective action by the appropriate Federal banking agencies.

(2) ISSUES TO BE STUDIED.—In conducting the study under paragraph (1), the Comptroller General shall evaluate—

(A) the effectiveness of implementation of prompt corrective action by the appropriate Federal banking agencies and the resolution of insured depository institutions by the Corporation; and

(B) ways to make prompt corrective action a more effective tool to resolve the insured depository institutions at the least possible long-term cost to the Deposit Insurance Fund.

(3) REPORT TO COUNCIL.—Not later than 1 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Council on the results of the study conducted under this subsection.

(4) COUNCIL REPORT OF ACTION.—Not later than 6 months after the date of receipt of the report from the Comptroller General under paragraph (3), the Council shall submit a report to the Committee on Banking, Housing,

and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on actions taken in response to the report, including any recommendations made to the Federal primary financial regulatory agencies under section 120.

On page 128, line 9, strike ''and''.

On page 128, line 12, strike the period at the end and insert ''; and''.

On page 128, between lines 12 and 13, insert the following:

(G) an evaluation of whether the company satisfies the definition of a financial company under section 201.

On page 128, line 16, strike ''202(b)(1)(A)'' and insert ''202(a)(1)(A)''.

On page 129, line 17, strike ''and''.

On page 129, line 21, strike the period at the end and insert ''; and''.

On page 129, between lines 21 and 22, insert the following:

(7) the company satisfies the definition of a financial company under section 201.

On page 132, strike lines 3 through 17, and insert the following:

(A) IN GENERAL.—Not later than 60 days after the date of appointment of the Corporation as receiver for a covered financial company, the Corporation shall file a report with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

(i) setting forth information on the financial condition of the covered financial company as of the date of the appointment, including a description of its assets and liabilities;

(ii) describing the plan of, and actions taken by, the Corporation to wind down the covered financial company;

(iii) explaining each instance in which the Corporation waived any applicable requirements of part 366 of title 12, Code of Federal Regulations (or any successor thereto) with respect to conflicts of interest by any person in the private sector who was retained to provide services to the Corporation in connection with such receivership;

(iv) describing the reasons for the provision of any funding to the receivership out of the Fund;

(v) setting forth the expected costs of the orderly liquidation of the covered financial company;

(vi) setting forth the identity of any claimant that is treated in a manner different from other similarly situated claimants under subsection (b)(4), (d)(4), or (h)(5)(E), the amount of any additional payment to such claimant under subsection (d)(4), and the reason for any such action; and

(vii) which report the Corporation shall publish on an online website maintained by the Corporation, subject to maintaining appropriate confidentiality.

On page 132, between lines 22 and 23, insert the following:

(C) CONGRESSIONAL TESTIMONY.—The Corporation and the primary financial regulatory agency, if any, of the financial company for which the Corporation was appointed receiver under this title shall appear before Congress, if requested, not later than 30 days after the date on which the Corporation first files the reports required under subparagraph (A).

On page 135, line 15, strike ''section 202(b)'' and insert ''section 202(a)''.

On page 136, line 9, strike ''with the strong presumption'' and insert ''so''.

On page 138, line 16, insert after the period the following: ''All funds provided by the Corporation under this subsection shall have a priority of claims under subparagraph (A) or (B) of section 210(b)(1), as applicable, including funds used for—

''(1) making loans to, or purchasing any debt obligation of, the covered financial company or any covered subsidiary;

''(2) purchasing or guaranteeing against loss the assets of the covered financial company or any covered subsidiary, directly or through an entity established by the Corporation for such purpose;

''(3) assuming or guaranteeing the obligations of the covered financial company or any covered subsidiary to 1 or more third parties;

''(4) taking a lien on any or all assets of the covered financial company or any covered subsidiary, including a first priority lien on all unencumbered assets of the covered financial company or any covered subsidiary to secure repayment of any transactions conducted under this subsection;

''(5) selling or transferring all, or any part, of such acquired assets, liabilities, or obligations of the covered financial company or any covered subsidiary; and

''(6) making payments pursuant to subsections (b)(4), (d)(4), and (h)(5)(E) of section 210.''.

On page 138, line 15, strike ''section 210(n)(13)'' and insert ''section 210(n)(11)''.

On page 147, line 3, insert before the period the following: '', and address the potential for conflicts of interest between or among individual receiverships established under this title or under the Federal Deposit Insurance Act''.

On page 187, line 18, strike ''(B), and (C)'' and insert ''(B), (C), and (D)''.

On page 187, line 20, strike ''(D)'' and insert ''(E)''.

On page 192, insert before line 1 the following:

(C) Wages, salaries, or commissions, including vacation, severance, and sick leave pay earned by an individual (other than an individual described in subparagraph (G)), but only to the extent of $11,725 for each individual (as indexed for inflation, by regulation of the Corporation) earned not later than 180 days before the date of appointment of the Corporation as receiver.

(D) Contributions owed to employee benefit plans arising from services rendered not later than 180 days before the date of appointment of the Corporation as receiver, to the extent of the number of employees covered by each such plan, multiplied by $11,725 (as indexed for inflation, by regulation of the Corporation), less the aggregate amount paid to such employees under subparagraph (C), plus the aggregate amount paid by the receivership on behalf of such employees to any other employee benefit plan.

On page 192, line 1, strike ''(C)'' and insert ''(E)''.

On page 192, beginning on line 3, strike ''(D) or (E)'' and insert ''(F), (G), or (H)''.

On page 192, line 5, strike ''(D)'' and insert ''(F)''.

On page 192, between lines 7 and 8, insert the following:

(G) Any wages, salaries, or commissions including vacation, severance, and sick leave pay earned, owed to senior executives and directors of the covered financial company.

On page 192, line 7, strike ''subparagraph (E)).'' and insert ''subparagraph (G) or (H)).''.

On page 192, line 8, strike ''(E)'' and insert ''(H)''.

On page 193, line 18, strike ''(ii)'' and insert the following:

''(ii) to initiate and continue operations essential to implementation of the receivership or any bridge financial company;

''(iii)''.

On page 228, line 17, strike ''5th'' and insert ''3rd''.

On page 236, line 20, strike ''5th'' and insert ''3rd''.

On page 237, line 14, strike ''5th'' and insert ''3rd''.

On page 240, line 8, strike ''section 202(c)(1)'' and insert ''section 202(a)(1)''.

On page 246, strike line 21 and all the follows through page 247, line 5, and insert the following:

(B) LIMITATIONS.—

(i) PROHIBITION.—The Corporation shall not make any payments or credit amounts to any claimant or category of claimants that would result in any claimant receiving more than the face value amount of any claim that is proven to the satisfaction of the Corporation.

(ii) NO OBLIGATION.—Notwithstanding any other provision of Federal or State law, or the Constitution of any State, the Corporation shall not be obligated, as a result of having made any payment under subparagraph (A) or credited any amount described in subparagraph (A) to or with respect to, or for the account, of any claimant or category of claimants, to make payments to any other claimant or category of claimants.

On page 254, line 24, strike ''(13)'' and insert ''(11)''.

On page 260, line 4, strike ''subsection (o)(1)(E)(ii))'' and insert ''subsection (o)(1)(D)(ii))''.

On page 263, line 16, strike ''(13)'' and insert ''(11)''.

On page 278, line 5, strike ''(9)'' and insert ''(6)''.

On page 278, line 10, strike ''(9)'' and insert ''(6)''.

On page 278, strike line 18 and all that follows through page 279, line 20.

On page 279, line 21, strike ''(8)'' and insert ''(4)''.

On page 280, line 5, strike ''(9)'' and insert ''(5)''.

On page 281, line 6, strike the period and insert the following: '', plus an interest rate surcharge to be determined by the Secretary, which shall be greater than the difference between—

''(i) the current average rate on an index of corporate obligations of comparable maturity; and

''(ii) the current average rate on outstanding marketable obligations of the United States of comparable maturity.''.

On page 281, strike line 20 and all that follows through page 282, line 8, and insert the following:

(6) MAXIMUM OBLIGATION LIMITATION.—The Corporation may not, in connection with the orderly liquidation of a covered financial company, issue or incur any obligation, if, after issuing or incurring the obligation, the aggregate amount of such obligations outstanding under this subsection for each covered financial company would exceed—

(A) an amount that is equal to 10 percent of the total consolidated assets of the covered financial company, based on the most recent financial statement available, during the 30-day period immediately following the date of appointment of the Corporation as receiver (or a shorter time period if the Corporation has calculated the amount described under subparagraph (B)); and

(B) the amount that is equal to 90 percent of the fair value of the total consolidated assets of each covered financial company that are available for repayment, after the time period described in subparagraph (A).

On page 282, line 9, strike ''(11)'' and insert ''(7)''.

On page 282, strike lines 14 through 19.

On page 282, line 20, strike ''(13)'' and insert ''(8)''.

On page 283, strike lines 5 through 14 and insert the following:

(i) the authorities of the Corporation contained in this title shall not be used to assist the Deposit Insurance Fund or to assist any financial company under applicable law other than this Act;

(ii) the authorities of the Corporation relating to the Deposit Insurance Fund, or any other responsibilities of the Corporation under applicable law other than this title, shall not be used to assist a covered financial company pursuant to this title; and

(iii) the Deposit Insurance Fund may not be used in any manner to otherwise circumvent the purposes of this title.

On page 283, line 24, strike ''(14)'' and insert ''(9)''.

On page 284, line 6, insert '', including taking any actions specified'' before ''under 204(d)''.

On page 284, line 7, insert before the period '', and payments to third parties''.

On page 284, between lines 10 and 11, insert the following:

(10) IMPLEMENTATION EXPENSES.—

(A) IN GENERAL.—Reasonable implementation expenses of the Corporation incurred after the date of enactment of this Act shall be treated as expenses of the Council.

(B) REQUESTS FOR REIMBURSEMENT.—The Corporation shall periodically submit a request for reimbursement for implementation expenses to the Chairperson of the Council, who shall arrange for prompt reimbursement to the Corporation of reasonable implementation expenses.

(C) DEFINITION.—As used in this paragraph, the term ''implementation expenses''—

(i) means costs incurred by the Corporation beginning on the date of enactment of this Act, as part of its efforts to implement this title that do not relate to a particular covered financial company; and

(ii) includes the costs incurred in connection with the development of policies, procedures, rules, and regulations and other planning activities of the Corporation consistent with carrying out this title.

On page 284, strike line 13 and all that follows through page 285, line 2.

On page 285, line 3, strike ''(B)'' and insert ''(A)''.

On page 285, line 10, strike ''(C)'' and insert ''(B)''.

On page 285, line 10, strike ''ADDITIONAL''.

On page 285, line 13, strike ''(E)'' and insert ''(D)''.

On page 285, strike lines 14 through 23.

On page 285, line 24, strike ''(iii)''.

On page 285, line 21, strike ''during the initial capitalization period''.

On page 286, strike line 11 and all that follows through page 287, line 2, and insert the following:

(D) APPLICATION OF ASSESSMENTS.—To meet the requirements of subparagraph (C), the Corporation shall—

(i) impose assessments, as soon as practicable, on any claimant that received additional payments or amounts from the Corporation pursuant to subsection (b)(4), (d)(4), or (h)(5)(E), except for payments or amounts necessary to initiate and continue operations essential to implementation of the receivership or any bridge financial company, to recover on a cumulative basis, the entire difference between—

(I) the aggregate value the claimant received from the Corporation on a claim pursuant to this title (including pursuant to subsection (b)(4), (d)(4), and (h)(5)(E)), as of the date on which such value was received; and

(II) the value the claimant was entitled to receive from the Corporation on such claim solely from the proceeds of the liquidation of the covered financial company under this title; and

(ii) if the amounts to be recovered on a cumulative basis under clause (i) are insufficient to meet the requirements of subparagraph (C), after taking into account the considerations set forth in paragraph (4), impose assessments on—

(I) eligible financial companies; and

(II) financial companies with total consolidated assets equal to or greater than $50,000,000,000 that are not eligible financial companies.

(E) PROVISION OF FINANCING.—Payments or amounts necessary to initiate and continue operations essential to implementation of the receivership or any bridge financial company described in subparagraph (E)(i) shall not include the provision of financing, as defined by rule of the Corporation, to third parties.

On page 287, strike lines 3 through 10.

On page 289, strike line 25, and insert ''the Corporation, in consultation with the Secretary, deems appropriate.''.

On page 290, beginning on line 9, strike '', in consultation with the Secretary and the Council,''.

On page 290, line 11, insert after the period the following: ''The Corporation shall consult with the Secretary in the development and finalization of such regulations.''.

On page 295, between lines 19 and 20, insert the following:

(s) RECOUPMENT OF COMPENSATION FROM SENIOR EXECUTIVES AND DIRECTORS.—

(1) IN GENERAL.—The Corporation, as receiver of a covered financial company, may recover from any current or former senior executive or director substantially responsible for the failed condition of the covered financial company any compensation received during the 2-year period preceding the date on which the Corporation was appointed as the receiver of the covered financial company, except that, in the case of fraud, no time limit shall apply.

(2) COST CONSIDERATIONS.—In seeking to recover any such compensation, the Corporation shall weigh the financial and deterrent benefits of such recovery against the cost of executing the recovery.

(3) RULEMAKING.—The Corporation shall promulgate regulations to implement the requirements of this subsection, including defining the term ''compensation'' to mean any financial remuneration, including salary, bonuses, incentives, benefits, severance, deferred compensation, or golden parachute benefits, and any profits realized from the sale of the securities of the covered financial company.

On page 296, between lines 15 and 16, insert the following:

(d) FDIC INSPECTOR GENERAL REVIEWS.—

(1) SCOPE.—The Inspector General of the Corporation shall conduct, supervise, and coordinate audits and investigations of the liquidation of any covered financial company by the Corporation as receiver under this title, including collecting and summarizing—

(A) a description of actions taken by the Corporation as receiver;

(B) a description of any material sales, transfers, mergers, obligations, purchases, and other material transactions entered into by the Corporation;

(C) an evaluation of the adequacy of the policies and procedures of the Corporation under section 203(d) and orderly liquidation plan under section 210(n)(14);

(D) an evaluation of the utilization by the Corporation of the private sector in carrying out its functions, including the adequacy of any conflict-of-interest reviews; and

(E) an evaluation of the overall performance of the Corporation in liquidating the covered financial company, including administrative costs, timeliness of liquidation process, and impact on the financial system.

(2) FREQUENCY.—Not later than 6 months after the date of appointment of the Corporation as receiver under this title and every 6 months thereafter, the Inspector General of the Corporation shall conduct the audit and investigation described in paragraph (1).

(3) REPORTS AND TESTIMONY.—The Inspector General of the Corporation shall include in the semiannual reports required by section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), a summary of the findings and evaluations under paragraph (1), and shall appear before the appropriate committees of Congress, if requested, to present each such report.

(4) FUNDING.—

(A) INITIAL FUNDING.—The expenses of the Inspector General of the Corporation in carrying out this subsection shall be considered administrative expenses of the receivership.

(B) ADDITIONAL FUNDING.—If the maximum amount available to the Corporation as receiver under this title is insufficient to enable the Inspector General of the Corporation to carry out the duties under this subsection, the Corporation shall pay such additional amounts from assessments imposed under section 210.

(5) TERMINATION OF RESPONSIBILITIES.—The duties and responsibilities of the Inspector General of the Corporation under this subsection shall terminate 1 year after the date of termination of the receivership under this title.

(e) TREASURY INSPECTOR GENERAL REVIEWS.—

(1) SCOPE.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of actions taken by the Secretary related to the liquidation of any covered financial company under this title, including collecting and summarizing—

(A) a description of actions taken by the Secretary under this title;

(B) an analysis of the approval by the Secretary of the policies and procedures of the Corporation under section 203 and acceptance of the orderly liquidation plan of the Corporation under section 210; and

(C) an assessment of the terms and conditions underlying the purchase by the Secretary of obligations of the Corporation under section 210.

(2) FREQUENCY.—Not later than 6 months after the date of appointment of the Corporation as receiver under this title and every 6 months thereafter, the Inspector General of the Department of the Treasury shall conduct the audit and investigation described in paragraph (1).

(3) REPORTS AND TESTIMONY.—The Inspector General of the Department of the Treasury shall include in the semiannual reports required by section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), a summary of the findings and assessments under paragraph (1), and shall appear before the appropriate committees of Congress, if requested, to present each such report.

(4) TERMINATION OF RESPONSIBILITIES.—The duties and responsibilities of the Inspector

General of the Department of the Treasury under this subsection shall terminate 1 year after the date on which the obligations purchased by the Secretary from the Corporation under section 210 are fully redeemed.

(f) PRIMARY FINANCIAL REGULATORY AGENCY INSPECTOR GENERAL REVIEWS.—

(1) SCOPE.—Upon the appointment of the Corporation as receiver for a covered financial company supervised by a Federal primary financial regulatory agency or the Board of Governors under section 165, the Inspector General of the agency or the Board of Governors shall make a written report reviewing the supervision by the agency or the Board of Governors of the covered financial company, which shall—

(A) evaluate the effectiveness of the agency or the Board of Governors in carrying out its supervisory responsibilities with respect to the covered financial company;

(B) identify any acts or omissions on the part of agency or Board of Governors officials that contributed to the covered financial company being in default or in danger of default;

(C) identify any actions that could have been taken by the agency or the Board of Governors that would have prevented the company from being in default or in danger of default; and

(D) recommend appropriate administrative or legislative action.

(2) REPORTS AND TESTIMONY.—Not later than 1 year after the date of appointment of the Corporation as receiver under this title, the Inspector General of the Federal primary financial regulatory agency or the Board of Governors shall provide the report required by paragraph (1) to such agency or the Board of Governors, and along with such agency or the Board of Governors, as applicable, shall appear before the appropriate committees of Congress, if requested, to present the report required by paragraph (1). Not later than 90 days after the date of receipt of the report required by paragraph (1), such agency or the Board of Governors, as applicable, shall provide a written report to Congress describing any actions taken in response to the recommendations in the report, and if no such actions were taken, describing the reasons why no actions were taken.

**SEC. 212. PROHIBITION OF CIRCUMVENTION AND PREVENTION OF CONFLICTS OF INTEREST.**

(a) NO OTHER FUNDING.—Funds for the orderly liquidation of any covered financial company under this title shall only be provided as specified under this title.

(b) LIMIT ON GOVERNMENTAL ACTIONS.—No governmental entity may take any action to circumvent the purposes of this title.

(c) CONFLICT OF INTEREST.—In the event that the Corporation is appointed receiver for more than 1 covered financial company or is appointed receiver for a covered financial company and receiver for any insured depository institution that is an affiliate of such covered financial company, the Corporation shall take appropriate action, as necessary to avoid any conflicts of interest that may arise in connection with multiple receiverships.

**SEC. 213. BAN ON SENIOR EXECUTIVES AND DIRECTORS.**

(a) PROHIBITION AUTHORITY.—The Board of Governors or, if the covered financial company was not supervised by the Board of Governors, the Corporation, may exercise the authority provided by this section.

(b) AUTHORITY TO ISSUE ORDER.—The appropriate agency described in subsection (a) may take any action authorized by subsection (c), if the agency determines that—

(1) a senior executive or a director of the covered financial company, prior to the appointment of the Corporation as receiver, has, directly or indirectly—

(A) violated—

(i) any law or regulation;

(ii) any cease-and-desist order which has become final;

(iii) any condition imposed in writing by a Federal agency in connection with any action on any application, notice, or request by such company or senior executive; or

(iv) any written agreement between such company and such agency;

(B) engaged or participated in any unsafe or unsound practice in connection with any financial company; or

(C) committed or engaged in any act, omission, or practice which constitutes a breach of the fiduciary duty of such senior executive or director;

(2) by reason of the violation, practice, or breach described in any clause of paragraph (1), such senior executive or director has received financial gain or other benefit by reason of such violation, practice, or breach and such violation, practice, or breach contributed to the failure of the company; and

(3) such violation, practice, or breach—

(A) involves personal dishonesty on the part of such senior executive or director; or

(B) demonstrates willful or continuing disregard by such senior executive or director for the safety or soundness of such company.

(c) AUTHORIZED ACTIONS.—

(1) IN GENERAL.—The appropriate agency for a financial company, as described in subsection (a), may serve upon a senior executive or director described in subsection (b) a written notice of the intention of the agency to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any financial company for a period of time determined by the appropriate agency to be commensurate with such violation, practice, or breach, provided such period shall be not less than 2 years.

(2) PROCEDURES.—The due process requirements and other procedures under section 8(e) of the Federal Deposit Insurance Act shall apply to actions under this section as if the covered financial company were an insured depository institution and the senior executive or director were an institution-affiliated party, as those terms are defined in that Act.

(d) REGULATIONS.—The Corporation and the Board of Governors, in consultation with the Council, shall jointly prescribe rules or regulations to administer and carry out this section, including rules, regulations, or guidelines to further define the term senior executive for the purposes of this section.

On page 1522, line 11, strike ‘‘The third’’ and insert the following:

‘‘(a) FEDERAL RESERVE ACT.—The third’’.

On page 1528, line 3, strike the end quotation marks and the final period and insert the following:

‘‘(E) If an entity to which a Federal reserve bank has provided a loan under this paragraph becomes a covered financial company, as defined in section 203 of the Restoring American Financial Stability Act of 2010, at any time while such loan is outstanding, and the Federal reserve bank incurs a realized net loss on the loan, then the Federal reserve bank shall have a claim equal to the amount of the net realized loss against the covered entity, with the same priority as an obligation to the Secretary of the Treasury under sections 210(n) and 210(o) of the Restoring American Financial Stability Act of 2010.’’.

(b) CONFORMING AMENDMENT.—Section 507(a)(2) of title 11, United States Code, is amended by inserting ‘‘claims of any Federal reserve bank related to loans made through programs or facilities authorized under the third undesignated paragraph of the Federal Reserve Act ( 12 U.S.C. 343),’’ after ‘‘this title,’’.

On page 1523, line 17, strike ‘‘of sufficient quality’’ and insert ‘‘sufficient’’.

On page 1523, line 18, insert after the period the following: ‘‘The policies and procedures established by the Board shall require that a Federal reserve bank assign, consistent with sound risk management practices and to ensure protection for the taxpayer, a lendable value to all collateral for a loan executed by a Federal reserve bank under this paragraph in determining whether the loan is secured satisfactorily for purposes of this paragraph.’’.

On page 1523, line 19, strike ‘‘(ii)’’ and insert the following:

‘‘(ii) The Board shall establish procedures to prohibit borrowing from programs and facilities by borrowers that are insolvent. Such procedures may include a certification from the chief executive officer (or other authorized officer) of the borrower, at the time the borrower initially borrows under the program or facility (with a duty by the borrower to update the certification if the information in the certification materially changes), that the borrower is not insolvent. A borrower shall be considered insolvent for purposes of this subparagraph, if the borrower is in bankruptcy, resolution under title II of the Restoring American Financial Stability Act of 2010, or any other Federal or State insolvency proceeding.

‘‘(iii) A program or facility that is structured to remove assets from the balance sheet of a single and specific company, or that is established for the purpose of assisting a single and specific company avoid bankruptcy, resolution under title II of the Restoring American Financial Stability Act of 2010, or any other Federal or State insolvency proceeding, shall not be considered a program or facility with broad-based eligibility.

‘‘(iv)’’.

On page 1523, line 18: insert ‘‘and that any such program is terminated in a timely and orderly fashion’’ before ‘‘losses’’.

On page 1524, line 11, strike ‘‘assistance,’’ and all that follows through line 12 and insert ‘‘assistance.’’.

On page 1525, strike line 21 and all that follows through page 1528, line 3, and insert the following:

‘‘(D) The information submitted to Congress under subparagraph (C) related to—

‘‘(i) the identity of the participants in an emergency lending program or facility commenced under this paragraph;

‘‘(ii) the amounts borrowed by each participant in any such program or facility;

‘‘(iii) identifying details concerning the assets or collateral held by, under, or in connection with such a program or facility,

shall be kept confidential, upon the written request of the Chairman of the Board, in which case such information shall be made available only to the Chairpersons and Ranking Members of the Committees described in subparagraph (C).’’.

On page 1537, line 23, insert before the period the following: ‘‘and a request for approval of such plan’’.

On page 1537, line 23, strike ‘‘Upon’’ and all that follows through page 1538, line 6, and insert the following: ‘‘The Corporation shall exercise the authority under this section to issue guarantees up to that specified maximum amount upon passage of the joint resolution of approval, as provided in subsection

(d). Absent such approval, the Corporation shall issue no such guarantees.''.

On page 1538, line 16, strike ''Upon'' and all that follows through page 1547, line 6 and insert the following: ''The Corporation shall exercise the authority under this section to issue guarantees up to that specified maximum amount upon passage of the joint resolution of approval, as provided in subsection (d). Absent such approval, the Corporation shall issue no such guarantees.

''(d) RESOLUTION OF APPROVAL.—

''(1) ADDITIONAL DEBT GUARANTEE AUTHORITY.—A request by the President under this section shall be considered granted by Congress upon adoption of a joint resolution approving such request. Such joint resolution shall be considered in the Senate under expedited procedures.

''(2) FAST TRACK CONSIDERATION IN SENATE.—

''(A) RECONVENING.—Upon receipt of a request under subsection (c), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than the second calendar day after receipt of such message.

''(B) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

''(C) FLOOR CONSIDERATION.—

''(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a request under subsection (c), and ending on the 7th day after that date (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

''(ii) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(iii) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

''(iv) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

''(3) RULES.—

''(A) COORDINATION WITH ACTION BY HOUSE OF REPRESENTATIVES.—If, before the passage by the Senate of a joint resolution of the Senate, the Senate receives a joint resolution, from the House of Representatives, then the following procedures shall apply:

''(i) The joint resolution of the House of Representatives shall not be referred to a committee.

''(ii) With respect to a joint resolution of the Senate—

''(I) the procedure in the Senate shall be the same as if no joint resolution had been received from the other House; but

''(II) the vote on passage shall be on the joint resolution of the House of Representatives.

''(B) TREATMENT OF JOINT RESOLUTION OF HOUSE OF REPRESENTATIVES.—If the Senate fails to introduce or consider a joint resolution under this section, the joint resolution of the House of Representatives shall be entitled to expedited floor procedures under this subsection.

''(C) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

''(D) RULES OF THE SENATE.—This subsection is enacted by Congress—

''(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint resolution, and it supersedes other rules, only to the extent that it is inconsistent with such rules; and

''(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

''(4) DEFINITION.—As used in this subsection, the term 'joint resolution' means only a joint resolution—

''(A) that is introduced not later than 3 calendar days after the date on which the request referred to in subsection (c) is received by Congress;

''(B) that does not have a preamble;

''(C) the title of which is as follows: 'Joint resolution relating to the approval of a plan to guarantee obligations under section 1155 of the Restoring American Financial Stability Act of 2010'; and

''(D) the matter after the resolving clause of which is as follows: 'That Congress approves the obligation of any amount described in section 1155(c) of the Restoring American Financial Stability Act of 2010.'.''.

On page 1550, strike lines 1 through 12, and insert the following:

(3) LIQUIDITY EVENT.—The term ''liquidity event'' means—

(A) an exceptional and broad reduction in the general ability of financial market participants—

(i) to sell financial assets without an unusual and significant discount; or

(ii) to borrow using financial assets as collateral without an unusual and significant increase in margin; or

(B) an unusual and significant reduction in the ability of financial market participants to obtain unsecured credit.

On page 1550, strike line 24 and all that follows through page 1551, line 3, and insert the following:

(b) FEDERAL DEPOSIT INSURANCE ACT.—Section 13(c)(4)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting ''for which the Corporation has been appointed receiver'' before ''would have serious''; and

(B) in the undesignated matter following subclause (II), by inserting ''for the purpose of winding up the insured depository institution for which the Corporation has been appointed receiver'' after ''provide assistance under this section''; and

(2) in clause (v)(I), by striking ''The'' and inserting ''Not later than 3 days after making a determination under clause (i), the''.

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**SA 3828.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1270, after line 21, insert the following:

(f) SCOPE OF AUTHORITY.—No regulation promulgated under the rulemaking authority of the Bureau under this title shall be enforceable with respect to an entity that has not violated a consumer protection statute and is—

(1) an insured depository institution with assets of not more than $5,000,000,000;

(2) an insured credit union with assets of not more than $5,000,000,000; or

(3) a nonfinancial institution,

until such time as the Bureau certifies that the regulation will not result in an unfunded mandate, increase costs for consumers, or reduce the availability of credit and credit products.

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**SA 3829.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1270, after line 21, insert the following:

(f) EXEMPTIONS.—Each insured depository institution or insured credit union with assets of not more than $5,000,000,000, and that has not violated the consumer protection statutes is exempt from the regulations of the Bureau. Supervision and enforcement for such institutions shall remain with the primary prudential regulator for such institutions.

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**SA 3830.** Mr. VITTER submitted an amendment intended to be proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the

United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 212. PROHIBITION ON ALL BAILOUTS.**

(a) PROHIBITION.— The United States Government shall not use any funds to bail out creditors or shareholders of any company by paying to any creditor or shareholder, under this or any title, any funds for the purpose of covering the losses of such creditor or shareholder on its investments in such company or ensuring that the amount that such claimant receives on a claim is more than such claimant is entitled to receive on such claim under the Bankruptcy Code. The United States Government shall not coordinate with or participate in any effort involving any foreign or multi-national entity to use foreign or multi-national resources to circumvent the purposes of this title.

(b) REESTABLISHING THE FEDERAL RESERVE LENDER OF LAST RESORT FUNCTION.—

(1) RULEMAKING REQUIRED.—Notwithstanding any provision of this Act or any other provision of law, the Board of Governors, in consultation with the Secretary, shall, not later than 12 months after the date of enactment of this Act, issue rules that shall govern the creation of any emergency stabilization actions by the Board of Governors.

(2) REQUIREMENTS.—At a minimum, rules required under this subsection shall—

(A) prescribe under what circumstances the program may and may not be used in the future;

(B) prescribe how the program shall ensure that it will only be used by solvent companies and will not be used to prevent failure of otherwise failing firms;

(C) determine what type of collateral the Board of Governors will accept against emergency lending to ensure that all lending is done against good collateral;

(D) prescribe how much that collateral will be discounted in order to ensure against taxpayer losses;

(E) address how the Board of Governors and the Secretary shall ensure that the program does not allocate credit or artificially prop up certain segments of the economy;

(F) address how the Board of Governors will transfer any assets associated with losses to the lending program to the Secretary to ensure that losses from emergency lending do not lead to inflationary pressures;

(G) establish procedures by which the Board of Governors would modify and change such rules to ensure a proper notice and comment period, including publicly documenting the need for the rule change; and

(H) include any other factors that the Board of Governors and the Secretary deem appropriate.

(c) LIQUIDATION REQUIRED.—All financial companies put into receivership under this title shall be liquidated within 2 years of being put into receivership. No taxpayer funds may be used

(1) to provide assistance to—

(A) a company that is in bankruptcy, in receivership under title II, or in any other insolvency proceeding; or

(B) any company that would otherwise need to be placed into receivership under Federal or State laws; or

(2) to prevent the liquidation of any financial company under this title.

(d) RECOVERY OF FUNDS.—All funds expended in the liquidation of a financial company under this title shall be recovered from the disposition of assets of such financial company.

(e) NO LOSSES TO TAXPAYERS.—Taxpayers shall bear no losses from the exercise of any authority under this title.

(f) NO FDIC BAILOUTS—Section 13(c)(4)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1823 (c)(4)G)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting ''for which the Corporation has been appointed receiver'' before ''would have serious''; and

(B) in the undesignated matter following subclause (II), by inserting ''for the winding up of the insured depository institution for which the Corporation has been appointed receiver'' after ''provide assistance under this section''

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**SA 3831.** Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike title X and insert the following:

**TITLE X—BUREAU OF CONSUMER FINANCIAL PROTECTION**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the ''Consumer Financial Protection Act of 2010''.

**SEC. 1002. DEFINITIONS.**

Except as otherwise provided in this title, for purposes of this title, the following definitions shall apply:

(1) AFFILIATE.—The term ''affiliate'' means any person that controls, is controlled by, or is under common control with another person.

(2) BUREAU.—The term ''Bureau'' means the Bureau of Consumer Financial Protection.

(3) BUSINESS OF INSURANCE.—The term ''business of insurance'' means the writing of insurance or the reinsuring of risks by an insurer, including all acts necessary to such writing or reinsuring and the activities relating to the writing of insurance or the reinsuring of risks conducted by persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons.

(4) CONSUMER.—The term ''consumer'' means an individual or an agent, trustee, or representative acting on behalf of an individual.

(5) CONSUMER FINANCIAL PRODUCT OR SERVICE.—The term ''consumer financial product or service'' means any financial product or service that is described in one or more categories under—

(A) paragraph (13) and is offered or provided for use by consumers primarily for personal, family, or household purposes; or

(B) clause (i), (iii), (ix), or (x) of paragraph (13)(A), and is delivered, offered, or provided in connection with a consumer financial product or service referred to in subparagraph (A).

(6) COVERED PERSON.—The term ''covered person'' means—

(A) any person that engages in offering or providing a consumer financial product or service; and

(B) any affiliate of a person described in subparagraph (A) if such affiliate acts as a service provider to such person.

(7) CREDIT.—The term ''credit'' means the right granted by a person to a consumer to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment for such purchase.

(8) DEPOSIT-TAKING ACTIVITY.—The term ''deposit-taking activity'' means—

(A) the acceptance of deposits, maintenance of deposit accounts, or the provision of services related to the acceptance of deposits or the maintenance of deposit accounts;

(B) the acceptance of funds, the provision of other services related to the acceptance of funds, or the maintenance of member share accounts by a credit union; or

(C) the receipt of funds or the equivalent thereof, as the Bureau may determine by rule or order, received or held by a covered person (or an agent for a covered person) for the purpose of facilitating a payment or transferring funds or value of funds between a consumer and a third party.

(9) DESIGNATED TRANSFER DATE.—The term ''designated transfer date'' means the date established under section 1062.

(10) DIRECTOR.—The term ''Director'' means the Director of the Bureau.

(11) ENUMERATED CONSUMER LAWS.—The term ''enumerated consumer laws'' means—

(A) the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.);

(B) the Consumer Leasing Act of 1976 (15 U.S.C. 1667 et seq.);

(C) the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.);

(D) the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.);

(E) the Fair Credit Billing Act (15 U.S.C. 1666 et seq.);

(F) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), except with respect to sections 615(e) and 628 of that Act (15 U.S.C. 1681m(e), 1681w);

(G) the Home Owners Protection Act of 1998 (12 U.S.C. 4901 et seq.);

(H) the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.);

(I) subsections (c) through (f) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t(c)–(f));

(J) sections 502 through 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802–6809);

(K) the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.);

(L) the Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note);

(M) the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);

(N) the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.);

(O) the Truth in Lending Act (15 U.S.C. 1601 et seq.); and

(P) the Truth in Savings Act (12 U.S.C. 4301 et seq.).

(12) FEDERAL CONSUMER FINANCIAL LAW.—The term ''Federal consumer financial law'' means the provisions of this title, the enumerated consumer laws, the laws for which authorities are transferred under subtitles F and H, and any rule or order prescribed by the Bureau under this title, an enumerated consumer law, or pursuant to the authorities transferred under subtitles F and H.

(13) FINANCIAL PRODUCT OR SERVICE.—The term ''financial product or service''—

(A) means—

(i) extending credit and servicing loans, including acquiring, purchasing, selling, brokering, or other extensions of credit (other than solely extending commercial credit to a person who originates consumer credit transactions);

(ii) extending or brokering leases of personal or real property that are the functional equivalent of purchase finance arrangements, if—

(I) the lease is on a non-operating basis;

(II) the initial term of the lease is at least 90 days; and

(III) in the case of a lease involving real property, at the inception of the initial lease, the transaction is intended to result in ownership of the leased property to be transferred to the lessee, subject to standards prescribed by the Bureau;

(iii) providing real estate settlement services or performing appraisals of real estate or personal property;

(iv) engaging in deposit-taking activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds or any financial instrument for use by or on behalf of a consumer;

(v) selling, providing, or issuing stored value or payment instruments, except that, in the case of a sale of, or transaction to reload, stored value, only if the seller exercises substantial control over the terms or conditions of the stored value provided to the consumer where, for purposes of this clause—

(I) a seller shall not be found to exercise substantial control over the terms or conditions of the stored value if the seller is not a party to the contract with the consumer for the stored value product, and another person is principally responsible for establishing the terms or conditions of the stored value; and

(II) advertising the nonfinancial goods or services of the seller on the stored value card or device is not in itself an exercise of substantial control over the terms or conditions;

(vi) providing check cashing, check collection, or check guaranty services;

(vii) providing payments or other financial data processing products or services to a consumer by any technological means, including processing or storing financial or banking data for any payment instrument, or through any payments systems or network used for processing payments data, including payments made through an online banking system or mobile telecommunications network, except that a person shall not be deemed to be a covered person with respect to financial data processing solely because the person—

(I) unknowingly or incidentally processes, stores, or transmits over the Internet, telephone line, mobile network, or any other mode of transmission, as part of a stream of other types of data, financial data in a manner that such data is undifferentiated from other types of data of the same form that the person processes, stores, or transmits;

(II) is a merchant, retailer, or seller of any nonfinancial good or service who engages in financial data processing by transmitting or storing payments data about a consumer exclusively for purpose of initiating payments instructions by the consumer to pay such person for the purchase of, or to complete a commercial transaction for, such nonfinancial good or service sold directly by such person to the consumer; or

(III) provides access to a host server to a person for purposes of enabling that person to establish and maintain a website;

(viii) providing financial advisory services to consumers on individual financial matters or relating to proprietary financial products or services (other than by publishing any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, including publishing market data, news, or data analytics or investment information or recommendations that are not tailored to the individual needs of a particular consumer), including—

(I) providing credit counseling to any consumer; and

(II) providing services to assist a consumer with debt management or debt settlement, modifying the terms of any extension of credit, or avoiding foreclosure;

(ix) collecting, analyzing, maintaining, or providing consumer report information or other account information, including information relating to the credit history of consumers, used or expected to be used in connection with any decision regarding the offering or provision of a consumer financial product or service, except to the extent that—

(I) a person—

(aa) collects, analyzes, or maintains information that relates solely to the transactions between a consumer and such person; or

(bb) provides the information described in item (aa) to an affiliate of such person; and

(II) the information described in subclause (I)(aa) is not used by such person or affiliate in connection with any decision regarding the offering or provision of a consumer financial product or service to the consumer, other than credit described in section 1027(a)(2)(A);

(x) collecting debt related to any consumer financial product or service; and

(xi) such other financial product or service as may be defined by the Bureau, by regulation, for purposes of this title, if the Bureau finds that such financial product or service is—

(I) entered into or conducted as a subterfuge or with a purpose to evade any Federal consumer financial law; or

(II) permissible for a bank or for a financial holding company to offer or to provide under any provision of a Federal law or regulation applicable to a bank or a financial holding company, and has, or likely will have, a material impact on consumers; and

(B) does not include the business of insurance.

(14) FOREIGN EXCHANGE.—The term ''foreign exchange'' means the exchange, for compensation, of currency of the United States or of a foreign government for currency of another government.

(15) INSURED CREDIT UNION.—The term ''insured credit union'' has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(16) PAYMENT INSTRUMENT.—The term ''payment instrument'' means a check, draft, warrant, money order, traveler's check, electronic instrument, or other instrument, payment of funds, or monetary value (other than currency).

(17) PERSON.—The term ''person'' means an individual, partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity.

(18) PERSON REGULATED BY THE COMMODITY FUTURES TRADING COMMISSION.—The term ''person regulated by the Commodity Futures Trading Commission'' means any person that is registered, or required by statute or regulation to be registered, with the Commodity Futures Trading Commission, but only to the extent that the activities of such person are subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act.

(19) PERSON REGULATED BY THE COMMISSION.—The term ''person regulated by the Commission'' means a person who is—

(A) a broker or dealer that is required to be registered under the Securities Exchange Act of 1934;

(B) an investment adviser that is registered under the Investment Advisers Act of 1940;

(C) an investment company that is required to be registered under the Investment Company Act of 1940, and any company that has elected to be regulated as a business development company under that Act;

(D) a national securities exchange that is required to be registered under the Securities Exchange Act of 1934;

(E) a transfer agent that is required to be registered under the Securities Exchange Act of 1934;

(F) a clearing corporation that is required to be registered under the Securities Exchange Act of 1934;

(G) any self-regulatory organization that is required to be registered with the Commission;

(H) any nationally recognized statistical rating organization that is required to be registered with the Commission;

(I) any securities information processor that is required to be registered with the Commission;

(J) any municipal securities dealer that is required to be registered with the Commission;

(K) any other person that is required to be registered with the Commission under the Securities Exchange Act of 1934; and

(L) any employee, agent, or contractor acting on behalf of, registered with, or providing services to, any person described in any of subparagraphs (A) through (K), but only to the extent that any person described in any of subparagraphs (A) through (K), or the employee, agent, or contractor of such person, acts in a regulated capacity.

(20) PERSON REGULATED BY A STATE INSURANCE REGULATOR.—The term ''person regulated by a State insurance regulator'' means any person that is engaged in the business of insurance and subject to regulation by any State insurance regulator, but only to the extent that such person acts in such capacity.

(21) PERSON THAT PERFORMS INCOME TAX PREPARATION ACTIVITIES FOR CONSUMERS.—The term ''person that performs income tax preparation activities for consumers'' means—

(A) any tax return preparer (as defined in section 7701(a)(36) of the Internal Revenue Code of 1986), regardless of whether compensated, but only to the extent that the person acts in such capacity;

(B) any person regulated by the Secretary under section 330 of title 31, United States Code, but only to the extent that the person acts in such capacity; and

(C) any authorized IRS e-file Providers (as defined for purposes of section 7216 of the Internal Revenue Code of 1986), but only to the extent that the person acts in such capacity.

(22) PRUDENTIAL REGULATOR.—The term ''prudential regulator'' means—

(A) in the case of an insured depository institution, the appropriate Federal banking agency, as that term is defined in section 3 of the Federal Deposit Insurance Act; and

(B) in the case of an insured credit union, the National Credit Union Administration.

(23) RELATED PERSON.—The term ''related person''—

(A) shall apply only with respect to a covered person that is not a bank holding company (as that term is defined in section 2 of the Bank Holding Company Act of 1956), credit union, or depository institution;

(B) shall be deemed to mean a covered person for all purposes of any provision of Federal consumer financial law; and

(C) means—

(i) any director, officer, or employee charged with managerial responsibility for, or controlling shareholder of, or agent for, such covered person;

(ii) any shareholder, consultant, joint venture partner, or other person, as determined by the Bureau (by rule or on a case-by-case basis) who materially participates in the conduct of the affairs of such covered person; and

(iii) any independent contractor (including any attorney, appraiser, or accountant) who knowingly or recklessly participates in any—

(I) violation of any provision of law or regulation; or

(II) breach of a fiduciary duty.

(24) SERVICE PROVIDER.—

(A) IN GENERAL.—The term ''service provider'' means any person that provides a material service to a covered person in connection with the offering or provision by such covered person of a consumer financial product or service, including a person that—

(i) participates in designing, operating, or maintaining the consumer financial product or service; or

(ii) processes transactions relating to the consumer financial product or service (other than unknowingly or incidentally transmitting or processing financial data in a manner that such data is undifferentiated from other types of data of the same form as the person transmits or processes).

(B) EXCEPTIONS.—The term ''service provider'' does not include a person solely by virtue of such person offering or providing to a covered person—

(i) a support service of a type provided to businesses generally or a similar ministerial service; or

(ii) time or space for an advertisement for a consumer financial product or service through print, newspaper, or electronic media.

(C) RULE OF CONSTRUCTION.—A person that is a service provider shall be deemed to be a covered person to the extent that such person engages in the offering or provision of its own consumer financial product or service.

(25) STATE.—The term ''State'' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands or any federally recognized Indian tribe, as defined by the Secretary of the Interior under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1(a)).

(26) STORED VALUE.—The term ''stored value'' means funds or monetary value represented in any electronic format, whether or not specially encrypted, and stored or capable of storage on electronic media in such a way as to be retrievable and transferred electronically, and includes a prepaid debit card or product, or any other similar product, regardless of whether the amount of the funds or monetary value may be increased or reloaded.

(27) TRANSMITTING OR EXCHANGING FUNDS.—The term ''transmitting or exchanging funds'' means receiving currency, monetary value, or payment instruments from a consumer for the purpose of exchanging or transmitting the same by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or through other businesses that facilitate third-party transfers within the United States or to or from the United States.

## Subtitle A—Bureau of Consumer Financial Protection

### SEC. 1011. ESTABLISHMENT OF THE BUREAU.

(a) BUREAU ESTABLISHED.—There is established in the Federal Reserve System the Bureau of Consumer Financial Protection, which shall regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws.

(b) DIRECTOR AND DEPUTY DIRECTOR.—

(1) IN GENERAL.—There is established the position of the Director, who shall serve as the head of the Bureau.

(2) APPOINTMENT.—Subject to paragraph (3), the Director shall be appointed by the President, by and with the advice and consent of the Senate.

(3) QUALIFICATION.—The President shall nominate the Director from among individuals who are citizens of the United States.

(4) COMPENSATION.—The Director shall be compensated at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(5) DEPUTY DIRECTOR.—There is established the position of Deputy Director, who shall—

(A) be appointed by the Director; and

(B) serve as acting Director in the absence or unavailability of the Director.

(c) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 5 years.

(2) EXPIRATION OF TERM.—An individual may serve as Director after the expiration of the term for which appointed, until a successor has been appointed and qualified.

(3) REMOVAL FOR CAUSE.—The President may remove the Director for inefficiency, neglect of duty, or malfeasance in office.

(d) SERVICE RESTRICTION.—No Director or Deputy Director may hold any office, position, or employment in any Federal reserve bank, Federal home loan bank, covered person, or service provider during the period of service of such person as Director or Deputy Director.

(e) OFFICES.—The principal office of the Bureau shall be in the District of Columbia. The Director may establish regional offices of the Bureau, including in cities in which the Federal reserve banks, or branches of such banks, are located, in order to carry out the responsibilities assigned to the Bureau under the Federal consumer financial laws.

### SEC. 1012. EXECUTIVE AND ADMINISTRATIVE POWERS.

(a) POWERS OF THE BUREAU.—The Bureau is authorized to establish the general policies of the Bureau with respect to all executive and administrative functions, including—

(1) the establishment of rules for conducting the general business of the Bureau, in a manner not inconsistent with this title;

(2) to bind the Bureau and enter into contracts;

(3) directing the establishment and maintenance of divisions or other offices within the Bureau, in order to carry out the responsibilities under the Federal consumer financial laws, and to satisfy the requirements of other applicable law;

(4) to coordinate and oversee the operation of all administrative, enforcement, and research activities of the Bureau;

(5) to adopt and use a seal;

(6) to determine the character of and the necessity for the obligations and expenditures of the Bureau;

(7) the appointment and supervision of personnel employed by the Bureau;

(8) the distribution of business among personnel appointed and supervised by the Director and among administrative units of the Bureau;

(9) the use and expenditure of funds;

(10) implementing the Federal consumer financial laws through rules, orders, guidance, interpretations, statements of policy, examinations, and enforcement actions; and

(11) performing such other functions as may be authorized or required by law.

(b) DELEGATION OF AUTHORITY.—The Director of the Bureau may delegate to any duly authorized employee, representative, or agent any power vested in the Bureau by law.

(c) AUTONOMY OF THE BUREAU.—

(1) COORDINATION WITH THE BOARD OF GOVERNORS.—Notwithstanding section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) and any other provision of law applicable to the supervision or examination of persons with respect to Federal consumer financial laws, the Board of Governors may delegate to the Bureau the authorities to examine persons subject to the jurisdiction of the Board of Governors for compliance with the Federal consumer financial laws.

(2) AUTONOMY.—Notwithstanding the authorities granted to the Board of Governors under the Federal Reserve Act, the Board of Governors may not—

(A) intervene in any matter or proceeding before the Director, including examinations or enforcement actions, unless otherwise specifically provided by law;

(B) appoint, direct, or remove any officer or employee of the Bureau; or

(C) merge or consolidate the Bureau, or any of the functions or responsibilities of the Bureau, with any division or office of the Board of Governors or the Federal reserve banks.

(3) RULES AND ORDERS.—No rule or order of the Bureau shall be subject to approval or review by the Board of Governors. The Board of Governors may not delay or prevent the issuance of any rule or order of the Bureau.

(4) RECOMMENDATIONS AND TESTIMONY.—No officer or agency of the United States shall have any authority to require the Director or any other officer of the Bureau to submit legislative recommendations, or testimony or comments on legislation, to any officer or agency of the United States for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Congress, if such recommendations, testimony, or comments to the Congress include a statement indicating that the views expressed therein are those of the Director or such officer, and do not necessarily reflect the views of the Board of Governors or the President.

### SEC. 1013. ADMINISTRATION.

(a) PERSONNEL.—

(1) APPOINTMENT.—

(A) IN GENERAL.—The Director may fix the number of, and appoint and direct, all employees of the Bureau.

(B) EMPLOYEES OF THE BUREAU.—The Director is authorized to employ attorneys, compliance examiners, compliance supervision analysts, economists, statisticians, and other employees as may be deemed necessary to conduct the business of the Bureau. Notwithstanding any other provision of law, all such employees shall be appointed and compensated on terms and conditions that are

consistent with the terms and conditions set forth in section 11(l) of the Federal Reserve Act (12 U.S.C. 248(l)).

(2) COMPENSATION.—The Director shall at all times provide compensation and benefits to each class of employees that, at a minimum, are equivalent to the compensation and benefits then being provided by the Board of Governors for the corresponding class of employees.

(b) SPECIFIC FUNCTIONAL UNITS.—

(1) RESEARCH.—The Director shall establish a unit whose functions shall include researching, analyzing, and reporting on—

(A) developments in markets for consumer financial products or services, including market areas of alternative consumer financial products or services with high growth rates and areas of risk to consumers;

(B) access to fair and affordable credit for traditionally underserved communities;

(C) consumer awareness, understanding, and use of disclosures and communications regarding consumer financial products or services;

(D) consumer awareness and understanding of costs, risks, and benefits of consumer financial products or services; and

(E) consumer behavior with respect to consumer financial products or services.

(2) COMMUNITY AFFAIRS.—The Director shall establish a unit whose functions shall include providing information, guidance, and technical assistance regarding the offering and provision of consumer financial products or services to traditionally underserved consumers and communities.

(3) COLLECTING AND TRACKING COMPLAINTS.—

(A) IN GENERAL.—The Director shall establish a unit whose functions shall include establishing a single, toll-free telephone number, a website, and a database to facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding consumer financial products or services. The Director shall coordinate with other Federal agencies to route complaints to other Federal regulators, where appropriate.

(B) ROUTING CALLS TO STATES.—To the extent practicable, State agencies may receive appropriate complaints from the systems established under subparagraph (A), if—

(i) the State agency system has the functional capacity to receive calls or electronic reports routed by the Bureau systems; and

(ii) the State agency has satisfied any conditions of participation in the system that the Bureau may establish, including treatment of personally identifiable information and sharing of information on complaint resolution or related compliance procedures and resources.

(C) REPORTS TO THE CONGRESS.—The Director shall present an annual report to Congress not later than March 31 of each year on the complaints received by the Bureau in the prior year regarding consumer financial products and services. Such report shall include information and analysis about complaint numbers, complaint types, and, where applicable, information about resolution of complaints.

(D) DATA SHARING REQUIRED.—To facilitate preparation of the reports required under subparagraph (C), supervision and enforcement activities, and monitoring of the market for consumer financial products and services, the Bureau shall share consumer complaint information with prudential regulators, other Federal agencies, and State agencies, consistent with Federal law applicable to personally identifiable information. The prudential regulators and other Federal agencies shall share data relating to consumer complaints regarding consumer financial products and services with the Bureau, consistent with Federal law applicable to personally identifiable information.

(c) OFFICE OF FAIR LENDING AND EQUAL OPPORTUNITY.—

(1) ESTABLISHMENT.—The Director shall establish within the Bureau the Office of Fair Lending and Equal Opportunity.

(2) FUNCTIONS.—The Office of Fair Lending and Equal Opportunity shall have such powers and duties as the Director may delegate to the Office, including—

(A) providing oversight and enforcement of Federal laws intended to ensure the fair, equitable, and nondiscriminatory access to credit for both individuals and communities that are enforced by the Bureau, including the Equal Credit Opportunity Act and the Home Mortgage Disclosure Act;

(B) coordinating fair lending and fair housing efforts of the Bureau with other Federal agencies and State regulators, as appropriate, to promote consistent, efficient, and effective enforcement of Federal fair lending laws;

(C) working with private industry, fair lending, civil rights, consumer and community advocates on the promotion of fair lending compliance and education; and

(D) providing annual reports to Congress on the efforts of the Bureau to fulfill its fair lending mandate.

(3) ADMINISTRATION OF OFFICE.—There is established the position of Assistant Director of the Bureau for Fair Lending and Equal Opportunity, who—

(A) shall be appointed by the Director; and

(B) shall carry out such duties as the Director may delegate to such Assistant Director.

(d) OFFICE OF FINANCIAL LITERACY.—

(1) ESTABLISHMENT.—The Director shall establish an Office of Financial Literacy, which shall be responsible for developing and implementing initiatives intended to educate and empower consumers to make better informed financial decisions.

(2) OTHER DUTIES.—The Office of Financial Literacy shall develop and implement a strategy to improve the financial literacy of consumers that includes measurable goals and objectives, in consultation with the Financial Literacy and Education Commission, consistent with the National Strategy for Financial Education, through activities including providing opportunities for consumers to access—

(A) financial counseling;

(B) information to assist with the evaluation of credit products and the understanding of credit histories and scores;

(C) savings, borrowing, and other services found at mainstream financial institutions;

(D) activities intended to—

(i) prepare the consumer for educational expenses and the submission of financial aid applications, and other major purchases;

(ii) reduce debt; and

(iii) improve the financial situation of the consumer;

(E) assistance in developing long-term savings strategies; and

(F) wealth building and financial services during the preparation process to claim earned income tax credits and Federal benefits.

(3) COORDINATION.—The Office of Financial Literacy shall coordinate with other units within the Bureau in carrying out its functions, including—

(A) working with the Community Affairs Office to implement the strategy to improve financial literacy of consumers; and

(B) working with the research unit established by the Director to conduct research related to consumer financial education and counseling.

(4) REPORT.—Not later than 24 months after the designated transfer date, and annually thereafter, the Director shall submit a report on its financial literacy activities and strategy to improve financial literacy of consumers to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(5) MEMBERSHIP IN FINANCIAL LITERACY AND EDUCATION COMMISSION.—Section 513(c)(1) of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702(c)(1)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) the Director of the Bureau of Consumer Financial Protection; and''.

(6) CONFORMING AMENDMENT.—Section 513(d) of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702(d)) is amended by adding at the end the following: ''The Director of the Bureau of Consumer Financial Protection shall serve as the Vice Chairman.''.

**SEC. 1014. CONSUMER ADVISORY BOARD.**

(a) ESTABLISHMENT REQUIRED.—The Director shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.

(b) MEMBERSHIP.—In appointing the members of the Consumer Advisory Board, the Director shall seek to assemble experts in consumer protection, financial services, community development, fair lending, and consumer financial products or services and seek representation of the interests of covered persons and consumers, without regard to party affiliation. Not fewer than 6 members shall be appointed upon the recommendation of the regional Federal Reserve Bank Presidents, on a rotating basis.

(c) MEETINGS.—The Consumer Advisory Board shall meet from time to time at the call of the Director, but, at a minimum, shall meet at least twice in each year.

(d) COMPENSATION AND TRAVEL EXPENSES.—Members of the Consumer Advisory Board who are not full-time employees of the United States shall—

(1) be entitled to receive compensation at a rate fixed by the Director while attending meetings of the Consumer Advisory Board, including travel time; and

(2) be allowed travel expenses, including transportation and subsistence, while away from their homes or regular places of business.

**SEC. 1015. COORDINATION.**

The Bureau shall coordinate with the Commission, the Commodity Futures Trading Commission, and other Federal agencies and State regulators, as appropriate, to promote consistent regulatory treatment of consumer financial and investment products and services.

**SEC. 1016. APPEARANCES BEFORE AND REPORTS TO CONGRESS.**

(a) APPEARANCES BEFORE CONGRESS.—The Director of the Bureau shall appear before

the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives at semi-annual hearings regarding the reports required under subsection (b).

(b) REPORTS REQUIRED.—The Bureau shall, concurrent with each semi-annual hearing referred to in subsection (a), prepare and submit to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, a report, beginning with the session following the designated transfer date.

(c) CONTENTS.—The reports required by subsection (b) shall include—

(1) a discussion of the significant problems faced by consumers in shopping for or obtaining consumer financial products or services;

(2) a justification of the budget request of the previous year;

(3) a list of the significant rules and orders adopted by the Bureau, as well as other significant initiatives conducted by the Bureau, during the preceding year and the plan of the Bureau for rules, orders, or other initiatives to be undertaken during the upcoming period;

(4) an analysis of complaints about consumer financial products or services that the Bureau has received and collected in its central database on complaints during the preceding year;

(5) a list, with a brief statement of the issues, of the public supervisory and enforcement actions to which the Bureau was a party during the preceding year;

(6) the actions taken regarding rules, orders, and supervisory actions with respect to covered persons which are not credit unions or depository institutions;

(7) an assessment of significant actions by State attorneys general or State regulators relating to Federal consumer financial law; and

(8) an analysis of the efforts of the Bureau to fulfill the fair lending mission of the Bureau.

**SEC. 1017. FUNDING; PENALTIES AND FINES.**

(a) TRANSFER OF FUNDS FROM BOARD OF GOVERNORS.—

(1) IN GENERAL.—Each year (or quarter of such year), beginning on the designated transfer date, and each quarter thereafter, the Board of Governors shall transfer to the Bureau from the combined earnings of the Federal Reserve System, the amount determined by the Director to be reasonably necessary to carry out the authorities of the Bureau under Federal consumer financial law, taking into account such other sums made available to the Bureau from the preceding year (or quarter of such year).

(2) FUNDING CAP.—

(A) IN GENERAL.—Notwithstanding paragraph (1), and in accordance with this paragraph, the amount that shall be transferred to the Bureau in each fiscal year shall not exceed a fixed percentage of the total operating expenses of the Federal Reserve System, as reported in the Annual Report, 2009, of the Board of Governors, equal to—

(i) 10 percent of such expenses in fiscal year 2011;

(ii) 11 percent of such expenses in fiscal year 2012; and

(iii) 12 percent of such expenses in fiscal year 2013, and in each year thereafter.

(B) AMOUNT ADJUSTED FOR INFLATION.—The dollar amount referred to in subparagraph (A)(iii) shall be adjusted annually, using the percent by which the average urban consumer price index for the quarter preceding the date of the payment differs from the average of that index for the same quarter in the prior year.

(3) TRANSITION PERIOD.—Beginning on the date of enactment of this Act and until the designated transfer date, the Board of Governors shall transfer to the Bureau the amount estimated by the Secretary needed to carry out the authorities granted to the Bureau under Federal consumer financial law, from the date of enactment of this Act until the designated transfer date.

(4) BUDGET AND FINANCIAL MANAGEMENT.—

(A) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the financial operating plans and forecasts of the Director, as prepared by the Director in the ordinary course of the operations of the Bureau, and copies of the quarterly reports of the financial condition and results of operations of the Bureau, as prepared by the Director in the ordinary course of the operations of the Bureau.

(B) FINANCIAL STATEMENTS.—The Bureau shall prepare annually a statement of—

(i) assets and liabilities and surplus or deficit;

(ii) income and expenses; and

(iii) sources and application of funds.

(C) FINANCIAL MANAGEMENT SYSTEMS.—The Bureau shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements and applicable Federal accounting standards.

(D) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General of the United States an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Bureau, using the standards established in section 3512(c) of title 31, United States Code.

(E) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any report, plan, forecast, or other information referred to in subparagraph (A) or any jurisdiction or oversight over the affairs or operations of the Bureau.

(5) AUDIT OF THE BUREAU.—

(A) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Bureau in accordance with the United States generally accepted government auditing standards, as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Bureau are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Bureau pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Bureau shall remain in possession and custody of the Bureau. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General, and the right of access of the Comptroller General to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

(B) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Bureau, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Bureau at the time submitted to the Congress.

(C) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Bureau shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.

(b) CONSUMER FINANCIAL PROTECTION FUND.—

(1) SEPARATE FUND IN FEDERAL RESERVE BOARD ESTABLISHED.—There is established in the Federal Reserve Board a separate fund, to be known as the ''Consumer Financial Protection Fund'' (referred to in this section as the ''Bureau Fund'').

(2) FUND RECEIPTS.—All amounts transferred to the Bureau under subsection (a) shall be deposited into the Bureau Fund.

(3) INVESTMENT AUTHORITY.—

(A) AMOUNTS IN BUREAU FUND MAY BE INVESTED.—The Bureau may request the Board of Governors to invest the portion of the Bureau Fund that is not, in the judgment of the Bureau, required to meet the current needs of the Bureau.

(B) ELIGIBLE INVESTMENTS.—Investments authorized by this paragraph shall be made by the Board of Governors in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Bureau Fund, as determined by the Bureau.

(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Bureau Fund shall be credited to the Bureau Fund.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds obtained by, transferred to, or credited to the Bureau Fund shall be immediately available to the Bureau and under the control of the Director, and shall remain available until expended, to pay the expenses of the Bureau in carrying out

its duties and responsibilities. The compensation of the Director and other employees of the Bureau and all other expenses thereof may be paid from, obtained by, transferred to, or credited to the Bureau Fund under this section.

(2) FUNDS THAT ARE NOT GOVERNMENT FUNDS.—Funds obtained by or transferred to the Bureau Fund shall not be construed to be Government funds or appropriated monies.

(3) AMOUNTS NOT SUBJECT TO APPORTIONMENT.—Notwithstanding any other provision of law, amounts in the Bureau Fund and in the Civil Penalty Fund established under subsection (d) shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or under any other authority.

(d) PENALTIES AND FINES.—

(1) ESTABLISHMENT OF VICTIMS RELIEF FUND.—There is established in the Federal Reserve Board a fund to be known as the ''Consumer Financial Protection Civil Penalty Fund'' (referred to in this subsection as the ''Civil Penalty Fund''). If the Bureau obtains a civil penalty against any person in any judicial or administrative action under Federal consumer financial laws, the Bureau shall deposit into the Civil Penalty Fund, the amount of the penalty collected.

(2) PAYMENT TO VICTIMS.—Amounts in the Civil Penalty Fund shall be available to the Bureau, without fiscal year limitation, for payments to the victims of activities for which civil penalties have been imposed under the Federal consumer financial laws. To the extent such victims cannot be located or such payments are otherwise not practicable, the Bureau may use such funds for the purpose of consumer education and financial literacy programs.

**SEC. 1018. EFFECTIVE DATE.**

This subtitle shall become effective on the date of enactment of this Act.

### Subtitle B—General Powers of the Bureau

**SEC. 1021. PURPOSE, OBJECTIVES, AND FUNCTIONS.**

(a) PURPOSE.—The Bureau shall seek to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that markets for consumer financial products and services are fair, transparent, and competitive.

(b) OBJECTIVES.—The Bureau is authorized to exercise its authorities under Federal consumer financial law for the purposes of ensuring that, with respect to consumer financial products and services—

(1) consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

(2) consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

(3) outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

(4) Federal consumer financial law is enforced consistently, without regard to the status of a person as a depository institution, in order to promote fair competition; and

(5) markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

(c) FUNCTIONS.—The primary functions of the Bureau are—

(1) conducting financial education programs;

(2) collecting, investigating, and responding to consumer complaints;

(3) collecting, researching, monitoring, and publishing information relevant to the functioning of markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets;

(4) subject to sections 1024 through 1026, supervising covered persons for compliance with Federal consumer financial law, and taking appropriate enforcement action to address violations of Federal consumer financial law;

(5) issuing rules, orders, and guidance implementing Federal consumer financial law; and

(6) performing such support activities as may be necessary or useful to facilitate the other functions of the Bureau.

**SEC. 1022. RULEMAKING AUTHORITY.**

(a) IN GENERAL.—The Bureau is authorized to exercise its authorities under Federal consumer financial law to administer, enforce, and otherwise implement the provisions of Federal consumer financial law.

(b) RULEMAKING, ORDERS, AND GUIDANCE.—

(1) GENERAL AUTHORITY.—The Director may prescribe rules and issue orders and guidance, as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.

(2) STANDARDS FOR RULEMAKING.—In prescribing a rule under the Federal consumer financial laws—

(A) the Bureau shall consider the potential benefits and costs to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services resulting from such rule;

(B) the Bureau shall consult with the appropriate prudential regulators or other Federal agencies prior to proposing a rule and during the comment process regarding consistency with prudential, market, or systemic objectives administered by such agencies; and

(C) if, during the consultation process described in subparagraph (B), a prudential regulator provides the Bureau with a written objection to the proposed rule of the Bureau or a portion thereof, the Bureau shall include in the adopting release a description of the objection and the basis for the Bureau decision, if any, regarding such objection, except that nothing in this clause shall be construed as altering or limiting the procedures under section 1023 that may apply to any rule prescribed by the Bureau.

(3) EXEMPTIONS.—

(A) IN GENERAL.—The Bureau, by rule, may conditionally or unconditionally exempt any class of covered persons, service providers, or consumer financial products or services, from any provision of this title, or from any rule issued under this title, as the Bureau determines necessary or appropriate to carry out the purposes and objectives of this title, taking into consideration the factors in subparagraph (B).

(B) FACTORS.—In issuing an exemption, as permitted under subparagraph (A), the Bureau shall, as appropriate, take into consideration—

(i) the total assets of the class of covered persons;

(ii) the volume of transactions involving consumer financial products or services in which the class of covered persons engages; and

(iii) existing provisions of law which are applicable to the consumer financial product or service and the extent to which such provisions provide consumers with adequate protections.

(4) EXCLUSIVE RULEMAKING AUTHORITY.—Notwithstanding any other provisions of Federal law, to the extent that a provision of Federal consumer financial law authorizes the Bureau and another Federal agency to issue regulations under that provision of law for purposes of assuring compliance with Federal consumer financial law and any regulations thereunder, the Bureau shall have the exclusive authority to prescribe rules subject to those provisions of law.

(c) MONITORING.—

(1) IN GENERAL.—In order to support its rulemaking and other functions, the Bureau shall monitor for risks to consumers in the offering or provision of consumer financial products or services, including developments in markets for such products or services.

(2) CONSIDERATIONS.—In allocating its resources to perform the monitoring required by this section, the Bureau may consider, among other factors—

(A) likely risks and costs to consumers associated with buying or using a type of consumer financial product or service;

(B) understanding by consumers of the risks of a type of consumer financial product or service;

(C) the legal protections applicable to the offering or provision of a consumer financial product or service, including the extent to which the law is likely to adequately protect consumers;

(D) rates of growth in the offering or provision of a consumer financial product or service;

(E) the extent, if any, to which the risks of a consumer financial product or service may disproportionately affect traditionally underserved consumers; or

(F) the types, number, and other pertinent characteristics of covered persons that offer or provide the consumer financial product or service.

(3) REPORTS.—The Bureau shall publish not fewer than 1 report of significant findings of its monitoring required by this subsection in each calendar year, beginning with the first calendar year that begins at least 1 year after the designated transfer date.

(4) CONFIDENTIALITY RULES.—The Bureau shall prescribe rules regarding the confidential treatment of information obtained from persons in connection with the exercise of its authorities under Federal consumer financial law.

(A) ACCESS BY THE BUREAU TO REPORTS OF OTHER REGULATORS.—

(i) EXAMINATION AND FINANCIAL CONDITION REPORTS.—Upon providing reasonable assurances of confidentiality, the Bureau shall have access to any report of examination or financial condition made by a prudential regulator or other Federal agency having jurisdiction over a covered person or service provider, and to all revisions made to any such report.

(ii) PROVISION OF OTHER REPORTS TO THE BUREAU.—In addition to the reports described in clause (i), a prudential regulator or other Federal agency having jurisdiction over a covered person or service provider may, in its discretion, furnish to the Bureau any other report or other confidential supervisory information concerning any insured depository institution, credit union, or other entity examined by such agency under authority of any provision of Federal law.

(B) ACCESS BY OTHER REGULATORS TO REPORTS OF THE BUREAU.—

(i) EXAMINATION REPORTS.—Upon providing reasonable assurances of confidentiality, a prudential regulator, a State regulator, or any other Federal agency having jurisdiction

over a covered person or service provider shall have access to any report of examination made by the Bureau with respect to such person, and to all revisions made to any such report.

(ii) PROVISION OF OTHER REPORTS TO OTHER REGULATORS.—In addition to the reports described in clause (i), the Bureau may, in its discretion, furnish to a prudential regulator or other agency having jurisdiction over a covered person or service provider any other report or other confidential supervisory information concerning such person examined by the Bureau under the authority of any other provision of Federal law.

(5) PRIVACY CONSIDERATIONS.—In collecting information from any person, publicly releasing information held by the Bureau, or requiring covered persons to publicly report information, the Bureau shall take steps to ensure that proprietary, personal, or confidential consumer information that is protected from public disclosure under section 552(b) or 552a of title 5, United States Code, or any other provision of law, is not made public under this title.

(d) ASSESSMENT OF SIGNIFICANT RULES.—

(1) IN GENERAL.—The Bureau shall conduct an assessment of each significant rule or order adopted by the Bureau under Federal consumer financial law. The assessment shall address, among other relevant factors, the effectiveness of the rule or order in meeting the purposes and objectives of this title and the specific goals stated by the Bureau. The assessment shall reflect available evidence and any data that the Bureau reasonably may collect.

(2) REPORTS.—The Bureau shall publish a report of its assessment under this subsection not later than 5 years after the effective date of the subject rule or order.

(3) PUBLIC COMMENT REQUIRED.—Before publishing a report of its assessment, the Bureau shall invite public comment on recommendations for modifying, expanding, or eliminating the newly adopted significant rule or order.

**SEC. 1023. REVIEW OF BUREAU REGULATIONS.**

(a) REVIEW OF BUREAU REGULATIONS.—On the petition of a member agency of the Council, the Council may set aside a final regulation prescribed by the Bureau, or any provision thereof, if the Council decides, in accordance with subsection (c), that the regulation or provision would put the safety and soundness of the United States banking system or the stability of the financial system of the United States at risk.

(b) PETITION.—

(1) PROCEDURE.—An agency represented by a member of the Council may petition the Council, in writing, and in accordance with rules prescribed pursuant to subsection (f), to stay the effectiveness of, or set aside, a regulation if the member agency filing the petition—

(A) has in good faith attempted to work with the Bureau to resolve concerns regarding the effect of the rule on the safety and soundness of the United States banking system or the stability of the financial system of the United States; and

(B) files the petition with the Council not later than 10 days after the date on which the regulation has been

(C) published in the Federal Register.

(2) PUBLICATION.—Any petition filed with the Council under this section shall be published in the Federal Register and transmitted contemporaneously with filing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(c) STAYS AND SET ASIDES.—

(1) STAY.—

(A) IN GENERAL.—Upon the request of any member agency, the Chairperson of the Council may stay the effectiveness of a regulation for the purpose of allowing appropriate consideration of the petition by the Council.

(B) EXPIRATION.—A stay issued under this paragraph shall expire on the earlier of—

(i) 90 days after the date of filing of the petition under subsection (b); or

(ii) the date on which the Council makes a decision under paragraph (3).

(2) NO ADVERSE INFERENCE.—After the expiration of any stay imposed under this section, no inference shall be drawn regarding the validity or enforceability of a regulation which was the subject of the petition.

(3) VOTE.—

(A) IN GENERAL.—The decision to issue a stay of, or set aside, any regulation under this section shall be made only with the affirmative vote in accordance with subparagraph (B) of ⅔ of the members of the Council then serving.

(B) AUTHORIZATION TO VOTE.—A member of the Council may vote to stay the effectiveness of, or set aside, a final regulation prescribed by the Bureau only if the agency or department represented by that member has—

(i) considered any relevant information provided by the agency submitting the petition and by the Bureau; and

(ii) made an official determination, at a public meeting where applicable, that the regulation which is the subject of the petition would put the safety and soundness of the United States banking system or the stability of the financial system of the United States at risk.

(4) DECISIONS TO SET ASIDE.—

(A) EFFECT OF DECISION.—A decision by the Council to set aside a regulation prescribed by the Bureau, or provision thereof, shall render such regulation, or provision thereof, unenforceable.

(B) TIMELY ACTION REQUIRED.—The Council may not issue a decision to set aside a regulation, or provision thereof, which is the subject of a petition under this section after the expiration of the later of—

(i) 45 days following the date of filing of the petition, unless a stay is issued under paragraph (1); or

(ii) the expiration of a stay issued by the Council under this section.

(C) SEPARATE AUTHORITY.—The issuance of a stay under this section does not affect the authority of the Council to set aside a regulation.

(5) DISMISSAL DUE TO INACTION.—A petition under this section shall be deemed dismissed if the Council has not issued a decision to set aside a regulation, or provision thereof, within the period for timely action under paragraph (4)(B).

(6) PUBLICATION OF DECISION.—Any decision under this subsection to issue a stay of, or set aside, a regulation or provision thereof shall be published by the Council in the Federal Register as soon as practicable after the decision is made, with an explanation of the reasons for the decision.

(7) RULEMAKING PROCEDURES INAPPLICABLE.—The notice and comment procedures under section 553 of title 5, United States Code, shall not apply to any decision under this section of the Council to issue a stay of, or set aside, a regulation.

(8) JUDICIAL REVIEW OF DECISIONS BY THE COUNCIL.—A decision by the Council to set aside a regulation prescribed by the Bureau, or provision thereof, shall be subject to review under chapter 7 of title 5, United States Code.

(d) APPLICATION OF OTHER LAW.—Nothing in this section shall be construed as altering, limiting, or restricting the application of any other provision of law, except as otherwise specifically provided in this section, including chapter 5 and chapter 7 of title 5, United States Code, to a regulation which is the subject of a petition filed under this section.

(e) SAVINGS CLAUSE.—Nothing in this section shall be construed as limiting or restricting the Bureau from engaging in a rulemaking in accordance with applicable law.

(f) IMPLEMENTING RULES.—The Council shall prescribe procedural rules to implement this section.

**SEC. 1024. SUPERVISION OF NONDEPOSITORY COVERED PERSONS.**

(a) SCOPE OF COVERAGE.—

(1) APPLICABILITY.—Notwithstanding any other provision of this title, and except as provided in paragraph (3), this section shall apply to any covered person who—

(A) offers or provides origination, brokerage, or servicing of loans secured by real estate for use by consumers primarily for personal, family, or household purposes, or loan modification or foreclosure relief services in connection with such loans; or

(B) is a larger participant of a market for other consumer financial products or services, as defined by rule in accordance with paragraph (2).

(2) RULEMAKING TO DEFINE COVERED PERSONS SUBJECT TO THIS SECTION.—The Bureau shall consult with the Federal Trade Commission prior to issuing a rule to define covered persons subject to this section, in accordance with paragraph (1)(B). The Bureau shall issue its initial rule within 1 year of the designated transfer date.

(3) RULES OF CONSTRUCTION.—

(A) CERTAIN PERSONS EXCLUDED.—This section shall not apply to persons described in section 1025(a) or 1026(a).

(B) ACTIVITY LEVELS.—For purposes of computing activity levels under paragraph (1) or rules issued thereunder, activities of affiliated companies (other than insured depository institutions or insured credit unions) shall be aggregated.

(b) SUPERVISION.—

(1) IN GENERAL.—The Bureau shall require reports and conduct examinations on a periodic basis of persons described in subsection (a) for purposes of—

(A) assessing compliance with the requirements of Federal consumer financial law;

(B) obtaining information about the activities and compliance systems or procedures of such person; and

(C) detecting and assessing risks to consumers and to markets for consumer financial products and services.

(2) RISK-BASED SUPERVISION PROGRAM.—The Bureau shall exercise its authority under paragraph (1) in a manner designed to ensure that such exercise, with respect to persons described in subsection (a), is based on the assessment by the Bureau of the risks posed to consumers in the relevant product markets and geographic markets, and taking into consideration, as applicable—

(A) the asset size of the covered person;

(B) the volume of transactions involving consumer financial products or services in which the covered person engages;

(C) the risks to consumers created by the provision of such consumer financial products or services;

(D) the extent to which such institutions are subject to oversight by State authorities for consumer protection; and

(E) any other factors that the Bureau determines to be relevant to a class of covered persons.

(3) COORDINATION.—To minimize regulatory burden, the Bureau shall coordinate its supervisory activities with the supervisory activities conducted by prudential regulators and the State bank regulatory authorities, including establishing their respective schedules for examining persons described in subsection (a) and requirements regarding reports to be submitted by such persons.

(4) USE OF EXISTING REPORTS.—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to persons described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(5) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as limiting the authority of the Director to require reports from persons described in subsection (a), as permitted under paragraph (1), regarding information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(6) REPORTS OF TAX LAW NONCOMPLIANCE.—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(7) REGISTRATION, RECORDKEEPING, AND OTHER REQUIREMENTS FOR CERTAIN PERSONS.—

(A) IN GENERAL.—The Bureau shall prescribe rules to facilitate supervision of persons described in subsection (a) and assessment and detection of risks to consumers.

(B) REGISTRATION.—

(i) IN GENERAL.—The Bureau shall prescribe rules regarding registration requirements for persons described in subsection (a).

(ii) EXCEPTION FOR RELATED PERSONS.—The Bureau may not impose requirements under this section regarding the registration of a related person.

(iii) REGISTRATION INFORMATION.—Subject to rules prescribed by the Bureau, the Bureau shall publicly disclose the registration information about persons described in subsection (a) to facilitate the ability of consumers to identify persons described in subsection (a) registered with the Bureau.

(C) RECORDKEEPING.—The Bureau may require a person described in subsection (a), to generate, provide, or retain records for the purposes of facilitating supervision of such persons and assessing and detecting risks to consumers.

(D) REQUIREMENTS CONCERNING OBLIGATIONS.—The Bureau may prescribe rules regarding a person described in subsection (a), to ensure that such persons are legitimate entities and are able to perform their obligations to consumers. Such requirements may include background checks for principals, officers, directors, or key personnel and bonding or other appropriate financial requirements.

(E) CONSULTATION WITH STATE AGENCIES.—In developing and implementing requirements under this paragraph, the Bureau shall consult with State agencies regarding requirements or systems (including coordinated or combined systems for registration), where appropriate.

(c) EXCLUSIVE ENFORCEMENT AUTHORITY.—

(1) THE BUREAU TO HAVE EXCLUSIVE ENFORCEMENT AUTHORITY.—To the extent that Federal law authorizes the Bureau and another Federal agency to enforce Federal consumer financial law, the Bureau shall have exclusive authority to enforce that Federal consumer financial law with respect to any person described in subsection (a)(1)(B).

(2) REFERRAL.—Any Federal agency authorized to enforce a Federal consumer financial law described in paragraph (1) may recommend in writing to the Bureau that the Bureau initiate an enforcement proceeding, as the Bureau is authorized by that Federal law or by this title.

(3) COORDINATION WITH THE FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—The Bureau and the Federal Trade Commission shall coordinate enforcement actions for violations of Federal law regarding the offering or provision of consumer financial products or services by any covered person that is described in subsection (a)(1)(A), or service providers thereto. In carrying out this subparagraph, the agencies shall negotiate an agreement to establish procedures for such coordination, including procedures for notice to the other agency, where feasible, prior to initiating a civil action to enforce a Federal law regarding the offering or provision of consumer financial products or services.

(B) CIVIL ACTIONS.—Whenever a civil action has been filed by, or on behalf of, the Bureau or the Federal Trade Commission for any violation of any provision of Federal law described in subparagraph (A), or any regulation prescribed under such provision of law—

(i) the other agency may not, during the pendency of that action, institute a civil action under such provision of law against any defendant named in the complaint in such pending action for any violation alleged in the complaint; and

(ii) the Bureau or the Federal Trade Commission may intervene as a party in any such action brought by the other agency, and, upon intervening—

(I) be heard on all matters arising in such enforcement action; and

(II) file petitions for appeal in such actions.

(C) AGREEMENT TERMS.—The terms of any agreement negotiated under subparagraph (A) may modify or supersede the provisions of subparagraph (B).

(D) DEADLINE.—The agencies shall reach the agreement required under subparagraph (A) not later than 6 months after the designated transfer date.

(d) EXCLUSIVE RULEMAKING AND EXAMINATION AUTHORITY.—Notwithstanding any other provision of Federal law, to the extent that Federal law authorizes the Bureau and another Federal agency to issue regulations or guidance, conduct examinations, or require reports from a person described in subsection (a) under such law for purposes of assuring compliance with Federal consumer financial law and any regulations thereunder, the Bureau shall have the exclusive authority to prescribe rules, issue guidance, conduct examinations, require reports, or issue exemptions with regard to a person described in subsection (a), subject to those provisions of law.

(e) SERVICE PROVIDERS.—A service provider to a person described in subsection (a) shall be subject to the authority of the Bureau under this section, to the same extent as if such service provider were engaged in a service relationship with a bank, and the Bureau were an appropriate Federal banking agency under section 7(c) of the Bank Service Company Act (12 U.S.C. 1867(c)). In conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator, as applicable.

(f) PRESERVATION OF FARM CREDIT ADMINISTRATION AUTHORITY.—No provision of this title may be construed as modifying, limiting, or otherwise affecting the authority of the Farm Credit Administration.

**SEC. 1025. SUPERVISION OF VERY LARGE BANKS, SAVINGS ASSOCIATIONS, AND CREDIT UNIONS.**

(a) SCOPE OF COVERAGE.—

(1) APPLICABILITY.—This section shall apply to any covered person that is—

(A) an insured depository institution with total assets of more than $10,000,000,000 and any affiliate thereof; or

(B) an insured credit union with total assets of more than $10,000,000,000 and any affiliate thereof.

(2) RULE OF CONSTRUCTION.—For purposes of determining total assets under this section and section 1026, the Bureau shall rely on the same regulations and interim methodologies specified in section 312(e).

(b) SUPERVISION.—

(1) IN GENERAL.—The Bureau shall require reports and conduct examinations on a periodic basis of persons described in subsection (a) for purposes of—

(A) assessing compliance with the requirements of Federal consumer financial laws;

(B) obtaining information about the activities and compliance systems or procedures of such persons; and

(C) detecting and assessing risks to consumers and to markets for consumer financial products and services.

(2) COORDINATION.—To minimize regulatory burden, the Bureau shall coordinate its supervisory activities with the supervisory activities conducted by prudential regulators and the State bank regulatory authorities, including establishing their respective schedules for examining such persons described in subsection (a) and requirements regarding reports to be submitted by such persons.

(3) USE OF EXISTING REPORTS.—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to a person described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(4) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as limiting the authority of the Director to require reports from a person described in subsection (a), as permitted under paragraph (1), regarding information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(5) REPORTS OF TAX LAW NONCOMPLIANCE.—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(c) PRIMARY ENFORCEMENT AUTHORITY.—

(1) THE BUREAU TO HAVE PRIMARY ENFORCEMENT AUTHORITY.—To the extent that the Bureau and another Federal agency are authorized to enforce a Federal consumer financial law, the Bureau shall have primary authority to enforce that Federal consumer financial law with respect to any person described in subsection (a).

(2) REFERRAL.—Any Federal agency, other than the Federal Trade Commission, that is authorized to enforce a Federal consumer financial law may recommend, in writing, to

the Bureau that the Bureau initiate an enforcement proceeding with respect to a person described in subsection (a), as the Bureau is authorized to do by that Federal consumer financial law.

(3) BACKUP ENFORCEMENT AUTHORITY OF OTHER FEDERAL AGENCY.—If the Bureau does not, before the end of the 120-day period beginning on the date on which the Bureau receives a recommendation under paragraph (2), initiate an enforcement proceeding, the other agency referred to in paragraph (2) may initiate an enforcement proceeding, as permitted by the subject provision of Federal law.

(d) SERVICE PROVIDERS.—A service provider to a person described in subsection (a) shall be subject to the authority of the Bureau under this section, to the same extent as if the Bureau were an appropriate Federal banking agency under section 7(c) of the Bank Service Company Act 12 U.S.C. 1867(c). In conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator.

(e) SIMULTANEOUS AND COORDINATED SUPERVISORY ACTION.—

(1) EXAMINATIONS.—A prudential regulator and the Bureau shall, with respect to each insured depository institution, insured credit union, or other covered person described in subsection (a) that is supervised by the prudential regulator and the Bureau, respectively—

(A) coordinate the scheduling of examinations of the insured depository institution, insured credit union, or other covered person described in subsection (a);

(B) conduct simultaneous examinations of each insured depository institution, insured credit union, or other covered person described in subsection (a), unless such institution requests examinations to be conducted separately;

(C) share each draft report of examination with the other agency and permit the receiving agency a reasonable opportunity (which shall not be less than a period of 30 days after the date of receipt) to comment on the draft report before such report is made final; and

(D) prior to issuing a final report of examination or taking supervisory action, take into consideration concerns, if any, raised in the comments made by the other agency.

(2) COORDINATION WITH STATE BANK SUPERVISORS.—The Bureau shall pursue arrangements and agreements with State bank supervisors to coordinate examinations, consistent with paragraph (1).

(3) AVOIDANCE OF CONFLICT IN SUPERVISION.—

(A) REQUEST.—If the proposed supervisory determinations of the Bureau and a prudential regulator (in this section referred to collectively as the ''agencies'') are conflicting, an insured depository institution, insured credit union, or other covered person described in subsection (a) may request the agencies to coordinate and present a joint statement of coordinated supervisory action.

(B) JOINT STATEMENT.—The agencies shall provide a joint statement under subparagraph (A), not later than 30 days after the date of receipt of the request of the insured depository institution, credit union, or covered person described in subsection (a).

(4) APPEALS TO GOVERNING PANEL.—

(A) IN GENERAL.—If the agencies do not resolve the conflict or issue a joint statement required by subparagraph (B), or if either of the agencies takes or attempts to take any supervisory action relating to the request for the joint statement without the consent of the other agency, an insured depository institution, insured credit union, or other covered person described in subsection (a) may institute an appeal to a governing panel, as provided in this subsection, not later than 30 days after the expiration of the period during which a joint statement is required to be filed under paragraph (3)(B).

(B) COMPOSITION OF GOVERNING PANEL.—The governing panel for an appeal under this paragraph shall be composed of—

(i) a representative from the Bureau and a representative of the prudential regulator, both of whom—

(I) have not participated in the material supervisory determinations under appeal; and

(II) do not directly or indirectly report to the person who participated materially in the supervisory determinations under appeal; and

(ii) one individual representative, to be determined on a rotating basis, from among the Board of Governors, the Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency, other than any agency involved in the subject dispute.

(C) CONDUCT OF APPEAL.—In an appeal under this paragraph—

(i) the insured depository institution, insured credit union, or other covered person described in subsection (a)—

(I) shall include in its appeal all the facts and legal arguments pertaining to the matter; and

(II) may, through counsel, employees, or representatives, appear before the governing panel in person or by telephone; and

(ii) the governing panel—

(I) may request the insured depository institution, insured credit union, or other covered person described in subsection (a), the Bureau, or the prudential regulator to produce additional information relevant to the appeal; and

(II) by a majority vote of its members, shall provide a final determination, in writing, not later than 30 days after the date of filing of an informationally complete appeal, or such longer period as the panel and the insured depository institution, insured credit union, or other covered person described in subsection (a) may jointly agree.

(D) PUBLIC AVAILABILITY OF DETERMINATIONS.—A governing panel shall publish all information contained in a determination by the governing panel, with appropriate redactions of information that would be subject to an exemption from disclosure under section 552 of title 5, United States Code.

(E) PROHIBITION AGAINST RETALIATION.—The Bureau and the prudential regulators shall prescribe rules to provide safeguards from retaliation against the insured depository institution, insured credit union, or other covered person described in subsection (a) instituting an appeal under this paragraph, as well as their officers and employees.

(F) LIMITATION.—The process provided in this paragraph shall not apply to a determination by a prudential regulator to appoint a conservator or receiver for an insured depository institution or a liquidating agent for an insured credit union, as the case may be, or a decision to take action pursuant to section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o) or section 212 of the Federal Credit Union Act (112 U.S.C. 1790a), as applicable.

(G) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall modify or limit the authority of the Bureau to interpret, or take enforcement action under, any Federal consumer financial law.

**SEC. 1026. OTHER BANKS, SAVINGS ASSOCIATIONS, AND CREDIT UNIONS.**

(a) SCOPE OF COVERAGE.—This section shall apply to any covered person that is—

(1) an insured depository institution with total assets of $10,000,000,000 or less; or

(2) an insured credit union with total assets of $10,000,000,000 or less.

(b) REPORTS.—The Director may require reports from a person described in subsection (a), as necessary to support the role of the Bureau in implementing Federal consumer financial law, to support its examination activities under subsection (c), and to assess and detect risks to consumers and consumer financial markets.

(1) USE OF EXISTING REPORTS.—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to a person described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(2) PRESERVATION OF AUTHORITY.—Nothing in this subsection may be construed as limiting the authority of the Director from requiring from a person described in subsection (a), as permitted under paragraph (1), information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(3) REPORTS OF TAX LAW NONCOMPLIANCE.—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(c) EXAMINATIONS.—

(1) IN GENERAL.—The Bureau may, at its discretion, include examiners on a sampling basis of the examinations performed by the prudential regulator of persons described in subsection (a).

(2) AGENCY COORDINATION.—The prudential regulator shall—

(A) provide all reports, records, and documentation related to the examination process for any institution included in the sample referred to in paragraph (1) to the Bureau on a timely and continual basis;

(B) involve such Bureau examiner in the entire examination process for such person; and

(C) consider input of the Bureau concerning the scope of an examination, conduct of the examination, the contents of the examination report, the designation of matters requiring attention, and examination ratings.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Except for requiring reports under subsection (b), the prudential regulator shall have exclusive authority to enforce compliance with respect to a person described in subsection (a).

(2) COORDINATION WITH PRUDENTIAL REGULATOR.—

(A) REFERRAL.—When the Bureau has reason to believe that a person described in subsection (a) has engaged in a material violation of a Federal consumer financial law, the Bureau shall notify the prudential regulator in writing and recommend appropriate action to respond.

(B) RESPONSE.—Upon receiving a recommendation under subparagraph (A), the prudential regulator shall provide a written response to the Bureau not later than 60 days thereafter.

(e) SERVICE PROVIDERS.—A service provider to a substantial number of persons described

in subsection (a) shall be subject to the authority of the Bureau under section 1025 to the same extent as if the Bureau were an appropriate Federal bank agency under section 7(c) of the Bank Service Company Act (12 U.S.C. 1867(c)). When conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator.

**SEC. 1027. LIMITATIONS ON AUTHORITIES OF THE BUREAU; PRESERVATION OF AUTHORITIES.**

(a) EXCLUSION FOR MERCHANTS, RETAILERS, AND OTHER SELLERS OF NONFINANCIAL GOODS OR SERVICES.—

(1) SALE OR BROKERAGE OF NONFINANCIAL GOOD OR SERVICE.—The Bureau may not exercise any rulemaking, supervisory, enforcement or other authority under this title with respect to a person who is a merchant, retailer, or seller of any nonfinancial good or service and is engaged in the sale or brokerage of such nonfinancial good or service, except to the extent that such person is engaged in offering or providing any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(2) OFFERING OR PROVISION OF CERTAIN CONSUMER FINANCIAL PRODUCTS OR SERVICES IN CONNECTION WITH THE SALE OR BROKERAGE OF NONFINANCIAL GOOD OR SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and subject to subparagraph (C), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services who—

(i) extends credit directly to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service (other than credit described in this subparagraph), exclusively for the purpose of enabling that consumer to purchase such nonfinancial good or service directly from the merchant, retailer, or seller;

(ii) directly, or through an agreement with another person, collects debt arising from credit extended as described in clause (i); or

(iii) sells or conveys debt described in clause (i) that is delinquent or otherwise in default.

(B) APPLICABILITY.—Subparagraph (A) does not apply to any credit transaction or collection of debt, other than as described in subparagraph (C), arising from a transaction described in subparagraph (A)—

(i) in which the merchant, retailer, or seller of nonfinancial goods or services assigns, sells or otherwise conveys to another person such debt owed by the consumer (except for a sale of debt that is delinquent or otherwise in default, as described in subparagraph (A)(iii));

(ii) in which the credit extended exceeds the market value of the nonfinancial good or service provided, or the Bureau otherwise finds that the sale of the nonfinancial good or service is done as a subterfuge, so as to evade or circumvent the provisions of this title; or

(iii) in which the merchant, retailer, or seller of nonfinancial goods or services regularly extends credit and the credit is—

(I) subject to a finance charge; or

(II) payable by written agreement in more than 4 installments.

(C) LIMITATION.—Notwithstanding subparagraph (B), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services that is not engaged significantly in offering or providing consumer financial products or services.

(D) RULE OF CONSTRUCTION.—No provision of this title may be construed as modifying, limiting, or superseding the supervisory or enforcement authority of the Federal Trade Commission or any other agency (other than the Bureau) with respect to credit extended, or the collection of debt arising from such extension, directly by a merchant or retailer to a consumer exclusively for the purpose of enabling that consumer to purchase nonfinancial goods or services directly from the merchant or retailer.

(b) EXCLUSION FOR REAL ESTATE BROKERAGE ACTIVITIES.—

(1) REAL ESTATE BROKERAGE ACTIVITIES EXCLUDED.—Without limiting subsection (a), and except as permitted in paragraph (2), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a person that is licensed or registered as a real estate broker or real estate agent, in accordance with State law, to the extent that such person—

(A) acts as a real estate agent or broker for a buyer, seller, lessor, or lessee of real property;

(B) brings together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(C) negotiates, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with the provision of financing with respect to any such transaction); or

(D) offers to engage in any activity, or act in any capacity, described in subparagraph (A), (B), or (C).

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) shall not apply to any person to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(c) EXCLUSION FOR MANUFACTURED HOME RETAILERS AND MODULAR HOME RETAILERS.—

(1) IN GENERAL.—The Director may not exercise any rulemaking, supervisory, enforcement, or other authority over a person to the extent that—

(A) such person is not described in paragraph (2); and

(B) such person—

(i) acts as an agent or broker for a buyer or seller of a manufactured home or a modular home;

(ii) facilitates the purchase by a consumer of a manufactured home or modular home, by negotiating the purchase price or terms of the sales contract (other than providing financing with respect to such transaction); or

(iii) offers to engage in any activity described in clause (i) or (ii).

(2) DESCRIPTION OF ACTIVITIES.—A person is described in this paragraph to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) MANUFACTURED HOME.—The term ''manufactured home'' has the same meaning as in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402).

(B) MODULAR HOME.—The term ''modular home'' means a house built in a factory in 2 or more modules that meet the State or local building codes where the house will be located, and where such modules are transported to the building site, installed on foundations, and completed.

(d) EXCLUSION FOR ACCOUNTANTS AND TAX PREPARERS.—

(1) IN GENERAL.—Except as permitted in paragraph (2), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority over—

(A) any person that is a certified public accountant, permitted to practice as a certified public accounting firm, or certified or licensed for such purpose by a State, or any individual who is employed by or holds an ownership interest with respect to a person described in this subparagraph, when such person is performing or offering to perform—

(i) customary and usual accounting activities, including the provision of accounting, tax, advisory, or other services that are subject to the regulatory authority of a State board of accountancy or a Federal authority; or

(ii) other services that are incidental to such customary and usual accounting activities, to the extent that such incidental services are not offered or provided—

(I) by the person separate and apart from such customary and usual accounting activities; or

(II) to consumers who are not receiving such customary and usual accounting activities; or

(B) any person, other than a person described in subparagraph (A) that performs income tax preparation activities for consumers.

(2) DESCRIPTION OF ACTIVITIES.—

(A) IN GENERAL.—Paragraph (1) shall not apply to any person described in paragraph (1)(A) or (1)(B) to the extent that such person is engaged in any activity which is not a customary and usual accounting activity described in paragraph (1)(A) or incidental thereto but which is the offering or provision of any consumer financial product or service, except to the extent that a person described in paragraph (1)(A) is engaged in an activity which is a customary and usual accounting activity described in paragraph (1)(A), or incidental thereto.

(B) NOT A CUSTOMARY AND USUAL ACCOUNTING ACTIVITY.—For purposes of this subsection, extending or brokering credit is not a customary and usual accounting activity, or incidental thereto.

(C) RULE OF CONSTRUCTION.—For purposes of subparagraphs (A) and (B), a person described in paragraph (1)(A) shall not be deemed to be extending credit, if such person is only extending credit directly to a consumer, exclusively for the purpose of enabling such consumer to purchase services described in clause (i) or (ii) of paragraph (1)(A) directly from such person, and such credit is—

(i) not subject to a finance charge; and

(ii) not payable by written agreement in more than 4 installments.

(D) OTHER LIMITATIONS.—Paragraph (1) does not apply to any person described in paragraph (1)(A) or (1)(B) that is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(e) EXCLUSION FOR ATTORNEYS.—

(1) IN GENERAL.—The Bureau may not exercise any authority to conduct examinations

of an attorney licensed by a State, to the extent that the attorney is engaged in the practice of law under the laws of such State.

(2) EXCEPTION FOR ENUMERATED CONSUMER LAWS AND TRANSFERRED AUTHORITIES.—Paragraph (1) shall not apply to an attorney who is engaged in the offering or provision of any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(f) EXCLUSION FOR PERSONS REGULATED BY A STATE INSURANCE REGULATOR.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of any State insurance regulator to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by a State insurance regulator. Except as provided in paragraph (2), the Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by a State insurance regulator.

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) does not apply to any person described in such paragraph to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(g) EXCLUSION FOR EMPLOYEE BENEFIT AND COMPENSATION PLANS AND CERTAIN OTHER ARRANGEMENTS UNDER THE INTERNAL REVENUE CODE OF 1986.—

(1) PRESERVATION OF AUTHORITY OF OTHER AGENCIES.—No provision of this title shall be construed as altering, amending, or affecting the authority of the Secretary of the Treasury, the Secretary of Labor, or the Commissioner of Internal Revenue to adopt regulations, initiate enforcement proceedings, or take any actions with respect to any specified plan or arrangement.

(2) ACTIVITIES NOT CONSTITUTING THE OFFERING OR PROVISION OF ANY CONSUMER FINANCIAL PRODUCT OR SERVICE.—For purposes of this title, a person shall not be treated as having engaged in the offering or provision of any consumer financial product or service solely because such person is a specified plan or arrangement, or is engaged in the activity of establishing or maintaining, for the benefit of employees of such person (or for members of an employee organization), any specified plan or arrangement.

(3) LIMITATION ON BUREAU AUTHORITY.—

(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the Bureau may not exercise any rulemaking or enforcement authority with respect to products or services that relate to any specified plan or arrangement.

(B) BUREAU ACTION ONLY PURSUANT TO AGENCY REQUEST.—The Secretary and the Secretary of Labor may jointly issue a written request to the Bureau regarding implementation of appropriate consumer protection standards under this title with respect to the provision of services relating to any specified plan or arrangement. Subject to a request made under this subparagraph, the Bureau may exercise rulemaking authority, and may act to enforce a rule prescribed pursuant to such request, in accordance with the provisions of this title. A request made by the Secretary and the Secretary of Labor under this subparagraph shall describe the basis for, and scope of, appropriate consumer protection standards to be implemented under this title with respect to the provision of services relating to any specified plan or arrangement.

(C) DESCRIPTION OF PRODUCTS OR SERVICES.—To the extent that a person engaged in providing products or services relating to any specified plan or arrangement is subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H, subparagraph (A) shall not apply with respect to that law.

(4) SPECIFIED PLAN OR ARRANGEMENT.—For purposes of this subsection, the term ''specified plan or arrangement'' means any plan, account, or arrangement described in section 220, 223, 401(a), 403(a), 403(b), 408, 408A, 529, or 530 of the Internal Revenue Code of 1986, or any employee benefit or compensation plan or arrangement, including a plan that is subject to title I of the Employee Retirement Income Security Act of 1974.

(h) PERSONS REGULATED BY A STATE SECURITIES COMMISSION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of any securities commission (or any agency or office performing like functions) of any State to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State. Except as permitted in paragraph (2) and subsection (f), the Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State, but only to the extent that the person acts in such regulated capacity.

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) shall not apply to any person to the extent such person is engaged in the offering or provision of any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(i) EXCLUSION FOR PERSONS REGULATED BY THE COMMISSION.—

(1) IN GENERAL.—No provision of this title may be construed as altering, amending, or affecting the authority of the Commission to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Commission. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Commission.

(2) CONSULTATION AND COORDINATION.—Notwithstanding paragraph (1), the Commission shall consult and coordinate, where feasible, with the Bureau with respect to any rule (including any advance notice of proposed rulemaking) regarding an investment product or service that is the same type of product as, or that competes directly with, a consumer financial product or service that is subject to the jurisdiction of the Bureau under this title or under any other law. In carrying out this paragraph, the agencies shall negotiate an agreement to establish procedures for such coordination, including procedures for providing advance notice to the Bureau when the Commission is initiating a rulemaking.

(j) EXCLUSION FOR PERSONS REGULATED BY THE COMMODITY FUTURES TRADING COMMISSION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of the Commodity Futures Trading Commission to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Commodity Futures Trading Commission. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Commodity Futures Trading Commission.

(2) CONSULTATION AND COORDINATION.—Notwithstanding paragraph (1), the Commodity Futures Trading Commission shall consult and coordinate with the Bureau with respect to any rule (including any advance notice of proposed rulemaking) regarding a product or service that is the same type of product as, or that competes directly with, a consumer financial product or service that is subject to the jurisdiction of the Bureau under this title or under any other law.

(k) EXCLUSION FOR PERSONS REGULATED BY THE FARM CREDIT ADMINISTRATION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of the Farm Credit Administration to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Farm Credit Administration. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Farm Credit Administration.

(2) DEFINITION.—For purposes of this subsection, the term ''person regulated by the Farm Credit Administration'' means any Farm Credit System institution that is chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(l) EXCLUSION FOR ACTIVITIES RELATING TO CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—The Director and the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority, including authority to order penalties, over any activities related to the solicitation or making of voluntary contributions to a tax-exempt organization as recognized by the Internal Revenue Service, by any agent, volunteer, or representative of such organizations to the extent the organization, agent, volunteer, or representative thereof is soliciting or providing advice, information, education, or instruction to any donor or potential donor relating to a contribution to the organization.

(2) LIMITATION.—The exclusion in paragraph (1) does not apply to other activities not described in paragraph (1) that are the offering or provision of any consumer financial product or service, or are otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(m) INSURANCE.—The Bureau may not define as a financial product or service, by regulation or otherwise, engaging in the business of insurance.

(n) LIMITED AUTHORITY OF THE BUREAU.—Notwithstanding subsections (a) through (h) and (l), a person subject to or described in one or more of such subsections—

(1) may be a service provider; and

(2) may be subject to requests from, or requirements imposed by, the Bureau regarding information in order to carry out the responsibilities and functions of the Bureau and in accordance with section 1022, 1052, or 1053.

(o) NO AUTHORITY TO IMPOSE USURY LIMIT.—No provision of this title shall be construed as conferring authority on the Bureau to establish a usury limit applicable to an extension of credit offered or made by a covered person to a consumer, unless explicitly authorized by law.

(p) ATTORNEY GENERAL.—No provision of this title, including section 1024(c)(1), shall

affect the authorities of the Attorney General under otherwise applicable provisions of law.

(q) SECRETARY OF THE TREASURY.—No provision of this title shall affect the authorities of the Secretary, including with respect to prescribing rules, initiating enforcement proceedings, or taking other actions with respect to a person that performs income tax preparation activities for consumers.

(r) DEPOSIT INSURANCE AND SHARE INSURANCE.—Nothing in this title shall affect the authority of the Corporation under the Federal Deposit Insurance Act or the National Credit Union Administration Board under the Federal Credit Union Act as to matters related to deposit insurance and share insurance, respectively.

**SEC. 1028. AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.**

(a) STUDY AND REPORT.—The Bureau shall conduct a study of, and shall provide a report to Congress concerning, the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of consumer financial products or services.

(b) FURTHER AUTHORITY.—The Bureau, by regulation, may prohibit or impose conditions or limitations on the use of an agreement between a covered person and a consumer for a consumer financial product or service providing for arbitration of any future dispute between the parties, if the Bureau finds that such a prohibition or imposition of conditions or limitations is in the public interest and for the protection of consumers. The findings in such rule shall be consistent with the study conducted under subsection (a).

(c) LIMITATION.—The authority described in subsection (b) may not be construed to prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.

(d) EFFECTIVE DATE.—Notwithstanding any other provision of law, any regulation prescribed by the Bureau under subsection (a) shall apply, consistent with the terms of the regulation, to any agreement between a consumer and a covered person entered into after the end of the 180-day period beginning on the effective date of the regulation, as established by the Bureau.

**SEC. 1029. EFFECTIVE DATE.**

This subtitle shall become effective on the designated transfer date.

**Subtitle C—Specific Bureau Authorities**

**SEC. 1031. PROHIBITING UNFAIR, DECEPTIVE, OR ABUSIVE ACTS OR PRACTICES.**

(a) IN GENERAL.—The Bureau may take any action authorized under subtitle E to prevent a covered person or service provider from committing or engaging in an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service.

(b) RULEMAKING.—The Bureau may prescribe rules applicable to a covered person or service provider identifying as unlawful unfair, deceptive, or abusive acts or practices in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service. Rules under this section may include requirements for the purpose of preventing such acts or practices.

(c) UNFAIRNESS.—

(1) IN GENERAL.—The Bureau shall have no authority under this section to declare an act or practice in connection with a transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service, to be unlawful on the grounds that such act or practice is unfair, unless the Bureau has a reasonable basis to conclude that—

(A) the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers; and

(B) such substantial injury is not outweighed by countervailing benefits to consumers or to competition.

(2) CONSIDERATION OF PUBLIC POLICIES.—In determining whether an act or practice is unfair, the Bureau may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.

(d) ABUSIVE.—The Bureau shall have no authority under this section to declare an act or practice abusive in connection with the provision of a consumer financial product or service, unless the act or practice—

(1) materially interferes with the ability of a consumer to understand a term or condition of a consumer financial product or service; or

(2) takes unreasonable advantage of—

(A) a lack of understanding on the part of the consumer of the material risks, costs, or conditions of the product or service;

(B) the inability of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service; or

(C) the reasonable reliance by the consumer on a covered person to act in the interests of the consumer.

(e) CONSULTATION.—In prescribing rules under this section, the Bureau shall consult with the Federal banking agencies, or other Federal agencies, as appropriate, concerning the consistency of the proposed rule with prudential, market, or systemic objectives administered by such agencies.

**SEC. 1032. DISCLOSURES.**

(a) IN GENERAL.—The Bureau may prescribe rules to ensure that the features of any consumer financial product or service, both initially and over the term of the product or service, are fully, accurately, and effectively disclosed to consumers in a manner that permits consumers to understand the costs, benefits, and risks associated with the product or service, in light of the facts and circumstances.

(b) MODEL DISCLOSURES.—

(1) IN GENERAL.—Any final rule prescribed by the Bureau under this section requiring disclosures may include a model form that may be used at the option of the covered person for provision of the required disclosures.

(2) FORMAT.—A model form issued pursuant to paragraph (1) shall contain a clear and conspicuous disclosure that, at a minimum—

(A) uses plain language comprehensible to consumers;

(B) contains a clear format and design, such as an easily readable type font; and

(C) succinctly explains the information that must be communicated to the consumer.

(3) CONSUMER TESTING.—Any model form issued pursuant to this subsection shall be validated through consumer testing.

(c) BASIS FOR RULEMAKING.—In prescribing rules under this section, the Bureau shall consider available evidence about consumer awareness, understanding of, and responses to disclosures or communications about the risks, costs, and benefits of consumer financial products or services.

(d) SAFE HARBOR.—Any covered person that uses a model form included with a rule issued under this section shall be deemed to be in compliance with the disclosure requirements of this section with respect to such model form.

(e) TRIAL DISCLOSURE PROGRAMS.—

(1) IN GENERAL.—The Bureau may permit a covered person to conduct a trial program that is limited in time and scope, subject to specified standards and procedures, for the purpose of providing trial disclosures to consumers that are designed to improve upon any model form issued pursuant to subsection (b)(1), or any other model form issued to implement an enumerated statute, as applicable.

(2) SAFE HARBOR.—The standards and procedures issued by the Bureau shall be designed to encourage covered persons to conduct trial disclosure programs. For the purposes of administering this subsection, the Bureau may establish a limited period during which a covered person conducting a trial disclosure program shall be deemed to be in compliance with, or may be exempted from, a requirement of a rule or an enumerated consumer law.

(3) PUBLIC DISCLOSURE.—The rules of the Bureau shall provide for public disclosure of trial disclosure programs, which public disclosure may be limited, to the extent necessary to encourage covered persons to conduct effective trials.

(f) COMBINED MORTGAGE LOAN DISCLOSURE.—Not later than 1 year after the designated transfer date, the Bureau shall propose for public comment rules and model disclosures that combine the disclosures required under the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974, into a single, integrated disclosure for mortgage loan transactions covered by those laws, unless the Bureau determines that any proposal issued by the Board of Governors and the Secretary of Housing and Urban Development carries out the same purpose.

**SEC. 1033. CONSUMER RIGHTS TO ACCESS INFORMATION.**

(a) IN GENERAL.—Subject to rules prescribed by the Bureau, a covered person shall make available to a consumer, upon request, information in the control or possession of the covered person concerning the consumer financial product or service that the consumer obtained from such covered person, including information relating to any transaction, series of transactions, or to the account including costs, charges and usage data. The information shall be made available in an electronic form usable by consumers.

(b) EXCEPTIONS.—A covered person may not be required by this section to make available to the consumer—

(1) any confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors;

(2) any information collected by the covered person for the purpose of preventing fraud or money laundering, or detecting, or making any report regarding other unlawful or potentially unlawful conduct;

(3) any information required to be kept confidential by any other provision of law; or

(4) any information that the covered person cannot retrieve in the ordinary course of its business with respect to that information.

(c) NO DUTY TO MAINTAIN RECORDS.—Nothing in this section shall be construed to impose any duty on a covered person to maintain or keep any information about a consumer.

(d) STANDARDIZED FORMATS FOR DATA.—The Bureau, by rule, shall prescribe standards applicable to covered persons to promote the development and use of standardized formats for information, including through the use of machine readable files, to be made available to consumers under this section.

(e) CONSULTATION.—The Bureau shall, when prescribing any rule under this section, consult with the Federal banking agencies and the Federal Trade Commission to ensure that the rules—

(1) impose substantively similar requirements on covered persons;

(2) take into account conditions under which covered persons do business both in the United States and in other countries; and

(3) do not require or promote the use of any particular technology in order to develop systems for compliance.

**SEC. 1034. RESPONSE TO CONSUMER COMPLAINTS AND INQUIRIES.**

(a) TIMELY REGULATOR RESPONSE TO CONSUMERS.—The Bureau shall establish, in consultation with the appropriate Federal regulatory agencies, reasonable procedures to provide a timely response to consumers, in writing where appropriate, to complaints against, or inquiries concerning, a covered person, including—

(1) all steps that have been taken by the regulator in response to the complaint or inquiry of the consumer;

(2) any responses received by the regulator from the covered person; and

(3) any follow-up actions or planned follow-up actions by the regulator in response to the complaint or inquiry of the consumer.

(b) TIMELY RESPONSE TO REGULATOR BY COVERED PERSON.—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 shall provide a timely response, in writing where appropriate, to the Bureau, the prudential regulators, and any other agency having jurisdiction over such covered person concerning a consumer complaint or inquiry, including—

(1) steps that have been taken by the covered person to respond to the complaint or inquiry of the consumer;

(2) responses received by the covered person from the consumer; and

(3) follow-up actions or planned follow-up actions by the covered person to respond to the complaint or inquiry of the consumer.

(c) PROVISION OF INFORMATION TO CONSUMERS.—

(1) IN GENERAL.—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 shall, in a timely manner, comply with a consumer request for information in the control or possession of such covered person concerning the consumer financial product or service that the consumer obtained from such covered person, including supporting written documentation, concerning the account of the consumer.

(2) EXCEPTIONS.—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025, a prudential regulator, and any other agency having jurisdiction over a covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 may not be required by this section to make available to the consumer—

(A) any confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors;

(B) any information collected by the covered person for the purpose of preventing fraud or money laundering, or detecting or making any report regarding other unlawful or potentially unlawful conduct;

(C) any information required to be kept confidential by any other provision of law; or

(D) any nonpublic or confidential information, including confidential supervisory information.

(d) AGREEMENTS WITH OTHER AGENCIES.—The Bureau shall enter into a memorandum of understanding with any affected Federal regulatory agency to establish procedures by which any covered person, and the prudential regulators, and any other agency having jurisdiction over a covered person, including the Secretary of the Department of Housing and Urban Development and the Secretary of Education, shall comply with this section.

**SEC. 1035. PRIVATE EDUCATION LOAN OMBUDSMAN.**

(a) ESTABLISHMENT.—The Secretary, in consultation with the Director, shall designate a Private Education Loan Ombudsman (in this section referred to as the ''Ombudsman'') within the Bureau, to provide timely assistance to borrowers of private education loans.

(b) PUBLIC INFORMATION.—The Secretary and the Director shall disseminate information about the availability and functions of the Ombudsman to borrowers and potential borrowers, as well as institutions of higher education, lenders, guaranty agencies, loan servicers, and other participants in private education student loan programs.

(c) FUNCTIONS OF OMBUDSMAN.—The Ombudsman designated under this subsection shall—

(1) in accordance with regulations of the Director, receive, review, and attempt to resolve informally complaints from borrowers of loans described in subsection (a), including, as appropriate, attempts to resolve such complaints in collaboration with the Department of Education and with institutions of higher education, lenders, guaranty agencies, loan servicers, and other participants in private education loan programs;

(2) not later than 90 days after the designated transfer date, establish a memorandum of understanding with the student loan ombudsman established under section 141(f) of the Higher Education Act of 1965 (20 U.S.C. 1018(f)), to ensure coordination in providing assistance to and serving borrowers seeking to resolve complaints related to their private education or Federal student loans;

(3) compile and analyze data on borrower complaints regarding private education loans; and

(4) make appropriate recommendations to the Director, the Secretary, the Secretary of Education, the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—The Ombudsman shall prepare an annual report that describes the activities, and evaluates the effectiveness of the Ombudsman during the preceding year.

(2) SUBMISSION.—The report required by paragraph (1) shall be submitted on the same date annually to the Secretary, the Secretary of Education, the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives.

(e) DEFINITIONS.—For purposes of this section, the terms ''private education loan'' and ''institution of higher education'' have the same meanings as in section 140 of the Truth in Lending Act (15 U.S.C. 1650).

**SEC. 1036. EFFECTIVE DATE.**

This subtitle shall take effect on the designated transfer date.

## Subtitle D—Preservation of State Law

**SEC. 1041. RELATION TO STATE LAW.**

(a) IN GENERAL.—

(1) RULE OF CONSTRUCTION.—This title, other than sections 1044 through 1048, may not be construed as annulling, altering, or affecting, or exempting any person subject to the provisions of this title from complying with, the statutes, regulations, orders, or interpretations in effect in any State, except to the extent that any such provision of law is inconsistent with the provisions of this title, and then only to the extent of the inconsistency.

(2) GREATER PROTECTION UNDER STATE LAW.—For purposes of this subsection, a statute, regulation, order, or interpretation in effect in any State is not inconsistent with the provisions of this title if the protection that such statute, regulation, order, or interpretation affords to consumers is greater than the protection provided under this title. A determination regarding whether a statute, regulation, order, or interpretation in effect in any State is inconsistent with the provisions of this title may be made by the Bureau on its own motion or in response to a nonfrivolous petition initiated by any interested person.

(b) RELATION TO OTHER PROVISIONS OF ENUMERATED CONSUMER LAWS THAT RELATE TO STATE LAW.—No provision of this title, except as provided in section 1083, shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the application of a law in effect in any State with respect to such Federal law.

(c) ADDITIONAL CONSUMER PROTECTION REGULATIONS IN RESPONSE TO STATE ACTION.—

(1) NOTICE OF PROPOSED RULE REQUIRED.—The Bureau shall issue a notice of proposed rulemaking whenever a majority of the States has enacted a resolution in support of the establishment or modification of a consumer protection regulation by the Bureau.

(2) BUREAU CONSIDERATIONS REQUIRED FOR ISSUANCE OF FINAL REGULATION.—Before prescribing a final regulation based upon a notice issued pursuant to paragraph (1), the Bureau shall take into account whether—

(A) the proposed regulation would afford greater protection to consumers than any existing regulation;

(B) the intended benefits of the proposed regulation for consumers would outweigh any increased costs or inconveniences for consumers, and would not discriminate unfairly against any category or class of consumers; and

(C) a Federal banking agency has advised that the proposed regulation is likely to present an unacceptable safety and soundness risk to insured depository institutions.

(3) EXPLANATION OF CONSIDERATIONS.—The Bureau—

(A) shall include a discussion of the considerations required in paragraph (2) in the Federal Register notice of a final regulation prescribed pursuant to this subsection; and

(B) whenever the Bureau determines not to prescribe a final regulation, shall publish an explanation of such determination in the Federal Register, and provide a copy of such explanation to each State that enacted a resolution in support of the proposed regulation, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) RESERVATION OF AUTHORITY.—No provision of this subsection shall be construed as limiting or restricting the authority of the Bureau to enhance consumer protection standards established pursuant to this title in response to its own motion or in response to a request by any other interested person.

(5) RULE OF CONSTRUCTION.—No provision of this subsection shall be construed as exempting the Bureau from complying with subchapter II of chapter 5 of title 5, United States Code.

(6) DEFINITION.—For purposes of this subsection, the term ''consumer protection regulation'' means a regulation that the Bureau is authorized to prescribe under the Federal consumer financial laws.

**SEC. 1042. PRESERVATION OF ENFORCEMENT POWERS OF STATES.**

(a) IN GENERAL.—

(1) ACTION BY STATE.—The attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any district court of the United States in that State or in State court having jurisdiction over the defendant, to enforce provisions of this title or regulations issued thereunder and to secure remedies under provisions of this title or remedies otherwise provided under other law. A State regulator may bring a civil action or other appropriate proceeding to enforce the provisions of this title or regulations issued thereunder with respect to any entity that is State-chartered, incorporated, licensed, or otherwise authorized to do business under State law, and to secure remedies under provisions of this title or remedies otherwise provided under other provisions of law with respect to a State-chartered entity.

(2) RULE OF CONSTRUCTION.—No provision of this title shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the authority of a State attorney general or State regulator to enforce such Federal law.

(b) CONSULTATION REQUIRED.—

(1) NOTICE.—

(A) IN GENERAL.—Before initiating any action in a court or other administrative or regulatory proceeding against any covered person to enforce any provision of this title, including any regulation prescribed by the Director under this title, a State attorney general or State regulator shall timely provide a copy of the complete complaint to be filed and written notice describing such action or proceeding to the Bureau and the prudential regulator, if any, or the designee thereof.

(B) EMERGENCY ACTION.—If prior notice is not practicable, the State attorney general or State regulator shall provide a copy of the complete complaint and the notice to the Bureau and the prudential regulator, if any, immediately upon instituting the action or proceeding.

(C) CONTENTS OF NOTICE.—The notification required under this paragraph shall, at a minimum, describe—

(i) the identity of the parties;

(ii) the alleged facts underlying the proceeding; and

(iii) whether there may be a need to coordinate the prosecution of the proceeding so as not to interfere with any action, including any rulemaking, undertaken by the Director, a prudential regulator, or another Federal agency.

(2) BUREAU RESPONSE.—In any action described in paragraph (1), the Bureau may—

(A) intervene in the action as a party;

(B) upon intervening—

(i) remove the action to the appropriate United States district court, if the action was not originally brought there; and

(ii) be heard on all matters arising in the action; and

(C) appeal any order or judgment, to the same extent as any other party in the proceeding may.

(c) REGULATIONS.—The Director shall prescribe regulations to implement the requirements of this section and, from time to time, provide guidance in order to further coordinate actions with the State attorneys general and other regulators.

(d) PRESERVATION OF STATE AUTHORITY.—

(1) STATE CLAIMS.—No provision of this section shall be construed as altering, limiting, or affecting the authority of a State attorney general or any other regulatory or enforcement agency or authority to bring an action or other regulatory proceeding arising solely under the law in effect in that State.

(2) STATE SECURITIES REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State securities commission (or any agency or office performing like functions) under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or authority.

(3) STATE INSURANCE REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State insurance commission or State insurance regulator under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or regulator.

**SEC. 1043. PRESERVATION OF EXISTING CONTRACTS.**

This title, and regulations, orders, guidance, and interpretations prescribed, issued, or established by the Bureau, shall not be construed to alter or affect the applicability of any regulation, order, guidance, or interpretation prescribed, issued, and established by the Comptroller of the Currency or the Director of the Office of Thrift Supervision regarding the applicability of State law under Federal banking law to any contract entered into on or before the date of the enactment of this title, by national banks, Federal savings associations, or subsidiaries thereof that are regulated and supervised by the Comptroller of the Currency or the Director of the Office of Thrift Supervision, respectively.

**SEC. 1044. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.**

(a) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

**''SEC. 5136C. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.**

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) NATIONAL BANK.—The term 'national bank' includes—

''(A) any bank organized under the laws of the United States; and

''(B) any Federal branch established in accordance with the International Banking Act of 1978.

''(2) STATE CONSUMER FINANCIAL LAWS.—The term 'State consumer financial law' means a State law that does not directly or indirectly discriminate against national banks and that directly and specifically regulates the manner, content, or terms and conditions of any financial transaction (as may be authorized for national banks to engage in), or any account related thereto, with respect to a consumer.

''(3) OTHER DEFINITIONS.—The terms 'affiliate', 'subsidiary', 'includes', and 'including' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(b) PREEMPTION STANDARD.—

''(1) IN GENERAL.—State consumer financial laws are preempted, only if—

''(A) application of a State consumer financial law would have a discriminatory effect on national banks, in comparison with the effect of the law on a bank chartered by that State;

''(B) the preemption of the State consumer financial law is in accordance with the legal standard of the decision of the Supreme Court of the United States in Barnett Bank of Marion County, N.A. v. Nelson, Florida Insurance Commissioner, et al, 517 U.S. 25 (1996), and a preemption determination under this subparagraph may be made by a court or by regulation or order of the Comptroller of the Currency, in accordance with applicable law, on a case-by-case basis, and any such determination by a court shall comply with the standards set forth in subsection (d), with the court making the finding under subsection (d), de novo; or

''(C) the State consumer financial law is preempted by a provision of Federal law other than this title.

''(2) SAVINGS CLAUSE.—This title does not preempt, annul, or affect the applicability of any State law to any subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank).

''(3) CASE-BY-CASE BASIS.—

''(A) DEFINITION.—As used in this section the term 'case-by-case basis' refers to a determination pursuant to this section made by the Comptroller concerning the impact of a particular State consumer financial law on any national bank that is subject to that law, or the law of any other State with substantively equivalent terms.

''(B) CONSULTATION.—When making a determination on a case-by-case basis that a State consumer financial law of another State has substantively equivalent terms as one that the Comptroller is preempting, the Comptroller shall first consult with the Bureau of Consumer Financial Protection and shall take the views of the Bureau into account when making the determination.

''(4) RULE OF CONSTRUCTION.—This title does not occupy the field in any area of State law.

''(5) STANDARDS OF REVIEW.—

''(A) PREEMPTION.—A court reviewing any determinations made by the Comptroller regarding preemption of a State law by this title shall assess the validity of such determinations, depending upon the thoroughness evident in the consideration of the agency, the validity of the reasoning of the agency, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

''(B) SAVINGS CLAUSE.—Except as provided in subparagraph (A), nothing in this section

shall affect the deference that a court may afford to the Comptroller in making determinations regarding the meaning or interpretation of title LXII of the Revised Statutes of the United States or other Federal laws.

''(6) COMPTROLLER DETERMINATION NOT DELEGABLE.—Any regulation, order, or determination made by the Comptroller of the Currency under paragraph (1)(B) shall be made by the Comptroller, and shall not be delegable to another officer or employee of the Comptroller of the Currency.

''(c) SUBSTANTIAL EVIDENCE.—No regulation or order of the Comptroller of the Currency prescribed under subsection (b)(1)(B), shall be interpreted or applied so as to invalidate, or otherwise declare inapplicable to a national bank, the provision of the State consumer financial law, unless substantial evidence, made on the record of the proceeding, supports the specific finding regarding the preemption of such provision in accordance with the legal standard of the decision of the Supreme Court of the United States in Barnett Bank of Marion County, N.A. v. Nelson, Florida Insurance Commissioner, et al., 517 U.S. 25 (1996).

''(d) OTHER FEDERAL LAWS.—Notwithstanding any other provision of law, the Comptroller of the Currency may not prescribe a regulation or order pursuant to subsection (b)(1)(B) until the Comptroller of the Currency, after consultation with the Director of the Bureau of Consumer Financial Protection, makes a finding, in writing, that a Federal law provides a substantive standard, applicable to a national bank, which regulates the particular conduct, activity, or authority that is subject to such provision of the State consumer financial law.

''(e) PERIODIC REVIEW OF PREEMPTION DETERMINATIONS.—

''(1) IN GENERAL.—The Comptroller of the Currency shall periodically conduct a review, through notice and public comment, of each determination that a provision of Federal law preempts a State consumer financial law. The agency shall conduct such review within the 5-year period after prescribing or otherwise issuing such determination, and at least once during each 5-year period thereafter. After conducting the review of, and inspecting the comments made on, the determination, the agency shall publish a notice in the Federal Register announcing the decision to continue or rescind the determination or a proposal to amend the determination. Any such notice of a proposal to amend a determination and the subsequent resolution of such proposal shall comply with the procedures set forth in subsections (a) and (b) of section 5244 of the Revised Statutes of the United States (12 U.S.C. 43 (a), (b)).

''(2) REPORTS TO CONGRESS.—At the time of issuing a review conducted under paragraph (1), the Comptroller of the Currency shall submit a report regarding such review to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report submitted to the respective committees shall address whether the agency intends to continue, rescind, or propose to amend any determination that a provision of Federal law preempts a State consumer financial law, and the reasons therefor.

''(f) APPLICATION OF STATE CONSUMER FINANCIAL LAW TO SUBSIDIARIES AND AFFILIATES.—Notwithstanding any provision of this title, a State consumer financial law shall apply to a subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank) to the same extent that the State consumer financial law applies to any person, corporation, or other entity subject to such State law.

''(g) PRESERVATION OF POWERS RELATED TO CHARGING INTEREST.—No provision of this title shall be construed as altering or otherwise affecting the authority conferred by section 5197 of the Revised Statutes of the United States (12 U.S.C. 85) for the charging of interest by a national bank at the rate allowed by the laws of the State, territory, or district where the bank is located, including with respect to the meaning of 'interest' under such provision.

''(h) TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.—The Comptroller of the Currency shall publish and update no less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

''Sec. 5136C. State law preemption standards for national banks and subsidiaries clarified.''.

**SEC. 1045. CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES.**

Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(i) CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES AND AFFILIATES OF NATIONAL BANKS.—

''(1) DEFINITIONS.—For purposes of this subsection, the terms 'depository institution', 'subsidiary', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(2) RULE OF CONSTRUCTION.—No provision of this title shall be construed as preempting, annulling, or affecting the applicability of State law to any subsidiary, affiliate, or agent of a national bank (other than a subsidiary, affiliate, or agent that is chartered as a national bank).''.

**SEC. 1046. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS AND SUBSIDIARIES CLARIFIED.**

(a) IN GENERAL.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by inserting after section 5 the following new section:

**''SEC. 6. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS CLARIFIED.**

''(a) IN GENERAL.—Any determination by a court or by the Director or any successor officer or agency regarding the relation of State law to a provision of this Act or any regulation or order prescribed under this Act shall be made in accordance with the laws and legal standards applicable to national banks regarding the preemption of State law.

''(b) PRINCIPLES OF CONFLICT PREEMPTION APPLICABLE.—Notwithstanding the authorities granted under sections 4 and 5, this Act does not occupy the field in any area of State law.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by striking the item relating to section 6 and inserting the following new item:

''Sec. 6.. State law preemption standards for Federal savings associations and subsidiaries clarified.''.

**SEC. 1047. VISITORIAL STANDARDS FOR NATIONAL BANKS AND SAVINGS ASSOCIATIONS.**

(a) NATIONAL BANKS.—Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(j) VISITORIAL POWERS.—

''(1) IN GENERAL.—No provision of this title which relates to visitorial powers to which any national bank is subject shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring any action in any court of appropriate jurisdiction, as authorized under section 5240(a)—

''(A) to enforce any applicable provision of Federal or State law, as authorized by such law; or

''(B) on behalf of residents of such State, to enforce any applicable provision of any Federal or nonpreempted State law against a national bank, as authorized by such law, or to seek relief for such residents from any violation of any such law by any national bank.

''(2) PRIOR CONSULTATION WITH OCC REQUIRED.—The attorney general (or other chief law enforcement officer) of any State shall consult with the Comptroller of the Currency before acting under paragraph (1).

''(k) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this title or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.''.

(b) SAVINGS ASSOCIATIONS.—Section 6 of the Home Owners' Loan Act (as added by this title) is amended by adding at the end the following:

''(c) VISITORIAL POWERS.—

''(1) IN GENERAL.—No provision of this Act shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring any action in any court of appropriate jurisdiction—

''(A) to enforce any applicable provision of Federal or State law, as authorized by such law; or

''(B) on behalf of residents of such State, to enforce any applicable provision of any Federal or nonpreempted State law against a Federal savings association, as authorized by such law, or to seek relief for such residents from any violation of any such law by any Federal savings association.

''(2) PRIOR CONSULTATION WITH OCC REQUIRED.—The attorney general (or other chief law enforcement officer) of any State shall consult with the Comptroller of the Currency before acting under paragraph (1).

''(d) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this Act or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.''.

**SEC. 1048. EFFECTIVE DATE.**

This subtitle shall become effective on the designated transfer date.

**Subtitle E—Enforcement Powers**

**SEC. 1051. DEFINITIONS.**

For purposes of this subtitle, the following definitions shall apply:

(1) BUREAU INVESTIGATION.—The term ''Bureau investigation'' means any inquiry conducted by a Bureau investigator for the purpose of ascertaining whether any person is or has been engaged in any conduct that is a violation, as defined in this section.

(2) BUREAU INVESTIGATOR.—The term ''Bureau investigator'' means any attorney or investigator employed by the Bureau who is charged with the duty of enforcing or carrying into effect any Federal consumer financial law.

(3) CIVIL INVESTIGATIVE DEMAND AND DEMAND.—The terms ''civil investigative demand'' and ''demand'' mean any demand issued by the Bureau.

(4) CUSTODIAN.—The term ''custodian'' means the custodian or any deputy custodian designated by the Bureau.

(5) DOCUMENTARY MATERIAL.—The term ''documentary material'' includes the original or any copy of any book, document, record, report, memorandum, paper, communication, tabulation, chart, logs, electronic files, or other data or data compilations stored in any medium.

(6) VIOLATION.—The term ''violation'' means any act or omission that, if proved, would constitute a violation of any provision of Federal consumer financial law.

**SEC. 1052. INVESTIGATIONS AND ADMINISTRATIVE DISCOVERY.**

(a) JOINT INVESTIGATIONS.—

(1) IN GENERAL.—The Bureau or, where appropriate, a Bureau investigator, may engage in joint investigations and requests for information, as authorized under this title.

(2) FAIR LENDING.—The authority under paragraph (1) includes matters relating to fair lending, and where appropriate, joint investigations with, and requests for information from, the Secretary of Housing and Urban Development, the Attorney General of the United States, or both.

(b) SUBPOENAS.—

(1) IN GENERAL.—The Bureau or a Bureau investigator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, or other material in connection with hearings under this title.

(2) FAILURE TO OBEY.—In the case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Bureau or a Bureau investigator and after notice to such person, may issue an order requiring such person to appear and give testimony or to appear and produce documents or other material.

(3) CONTEMPT.—Any failure to obey an order of the court under this subsection may be punished by the court as a contempt thereof.

(c) DEMANDS.—

(1) IN GENERAL.—Whenever the Bureau has reason to believe that any person may be in possession, custody, or control of any documentary material or tangible things, or may have any information, relevant to a violation, the Bureau may, before the institution of any proceedings under the Federal consumer financial law, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to—

(A) produce such documentary material for inspection and copying or reproduction in the form or medium requested by the Bureau;

(B) submit such tangible things;

(C) file written reports or answers to questions;

(D) give oral testimony concerning documentary material, tangible things, or other information; or

(E) furnish any combination of such material, answers, or testimony.

(2) REQUIREMENTS.—Each civil investigative demand shall state the nature of the conduct constituting the alleged violation which is under investigation and the provision of law applicable to such violation.

(3) PRODUCTION OF DOCUMENTS.—Each civil investigative demand for the production of documentary material shall—

(A) describe each class of documentary material to be produced under the demand with such definiteness and certainty as to permit such material to be fairly identified;

(B) prescribe a return date or dates which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(C) identify the custodian to whom such material shall be made available.

(4) PRODUCTION OF THINGS.—Each civil investigative demand for the submission of tangible things shall—

(A) describe each class of tangible things to be submitted under the demand with such definiteness and certainty as to permit such things to be fairly identified;

(B) prescribe a return date or dates which will provide a reasonable period of time within which the things so demanded may be assembled and submitted; and

(C) identify the custodian to whom such things shall be submitted.

(5) DEMAND FOR WRITTEN REPORTS OR ANSWERS.—Each civil investigative demand for written reports or answers to questions shall—

(A) propound with definiteness and certainty the reports to be produced or the questions to be answered;

(B) prescribe a date or dates at which time written reports or answers to questions shall be submitted; and

(C) identify the custodian to whom such reports or answers shall be submitted.

(6) ORAL TESTIMONY.—Each civil investigative demand for the giving of oral testimony shall—

(A) prescribe a date, time, and place at which oral testimony shall be commenced; and

(B) identify a Bureau investigator who shall conduct the investigation and the custodian to whom the transcript of such investigation shall be submitted.

(7) SERVICE.—Any civil investigative demand and any enforcement petition filed under this section may be served—

(A) by any Bureau investigator at any place within the territorial jurisdiction of any court of the United States; and

(B) upon any person who is not found within the territorial jurisdiction of any court of the United States—

(i) in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation; and

(ii) to the extent that the courts of the United States have authority to assert jurisdiction over such person, consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such district court would have if such person were personally within the jurisdiction of such district court.

(8) METHOD OF SERVICE.—Service of any civil investigative demand or any enforcement petition filed under this section may be made upon a person, including any legal entity, by—

(A) delivering a duly executed copy of such demand or petition to the individual or to any partner, executive officer, managing agent, or general agent of such person, or to any agent of such person authorized by appointment or by law to receive service of process on behalf of such person;

(B) delivering a duly executed copy of such demand or petition to the principal office or place of business of the person to be served; or

(C) depositing a duly executed copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at the principal office or place of business of such person.

(9) PROOF OF SERVICE.—

(A) IN GENERAL.—A verified return by the individual serving any civil investigative demand or any enforcement petition filed under this section setting forth the manner of such service shall be proof of such service.

(B) RETURN RECEIPTS.—In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand or enforcement petition.

(10) PRODUCTION OF DOCUMENTARY MATERIAL.—The production of documentary material in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

(11) SUBMISSION OF TANGIBLE THINGS.—The submission of tangible things in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the tangible things required by the demand and in the possession, custody, or control of the person to whom the demand is directed have been submitted to the custodian.

(12) SEPARATE ANSWERS.—Each reporting requirement or question in a civil investigative demand shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection shall be stated in lieu of an answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person responsible for answering each reporting requirement or question, to the effect that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted.

(13) TESTIMONY.—

(A) IN GENERAL.—

(i) OATH OR AFFIRMATION.—Any Bureau investigator before whom oral testimony is to be taken shall put the witness under oath or affirmation, and shall personally, or by any individual acting under the direction of and in the presence of the Bureau investigator, record the testimony of the witness.

(ii) TRANSCRIPTION.—The testimony shall be taken stenographically and transcribed.

(iii) TRANSMISSION TO CUSTODIAN.—After the testimony is fully transcribed, the Bureau investigator before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian.

(B) PARTIES PRESENT.—Any Bureau investigator before whom oral testimony is to be taken shall exclude from the place where the testimony is to be taken all other persons, except the person giving the testimony, the attorney of that person, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

(C) LOCATION.—The oral testimony of any person taken pursuant to a civil investigative demand shall be taken in the judicial district of the United States in which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the Bureau investigator before whom the oral testimony of such person is to be taken and such person.

(D) ATTORNEY REPRESENTATION.—

(i) IN GENERAL.—Any person compelled to appear under a civil investigative demand for oral testimony pursuant to this section may be accompanied, represented, and advised by an attorney.

(ii) AUTHORITY.—The attorney may advise a person described in clause (i), in confidence, either upon the request of such person or upon the initiative of the attorney, with respect to any question asked of such person.

(iii) OBJECTIONS.—A person described in clause (i), or the attorney for that person, may object on the record to any question, in whole or in part, and such person shall briefly state for the record the reason for the objection. An objection may properly be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination, but such person shall not otherwise object to or refuse to answer any question, and such person or attorney shall not otherwise interrupt the oral examination.

(iv) REFUSAL TO ANSWER.—If a person described in clause (i) refuses to answer any question—

(I) the Bureau may petition the district court of the United States pursuant to this section for an order compelling such person to answer such question; and

(II) on grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of section 6004 of title 18, United States Code.

(E) TRANSCRIPTS.—For purposes of this subsection—

(i) after the testimony of any witness is fully transcribed, the Bureau investigator shall afford the witness (who may be accompanied by an attorney) a reasonable opportunity to examine the transcript;

(ii) the transcript shall be read to or by the witness, unless such examination and reading are waived by the witness;

(iii) any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the Bureau investigator, with a statement of the reasons given by the witness for making such changes;

(iv) the transcript shall be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign; and

(v) if the transcript is not signed by the witness during the 30-day period following the date on which the witness is first afforded a reasonable opportunity to examine the transcript, the Bureau investigator shall sign the transcript and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with any reasons given for the failure to sign.

(F) CERTIFICATION BY INVESTIGATOR.—The Bureau investigator shall certify on the transcript that the witness was duly sworn by him or her and that the transcript is a true record of the testimony given by the witness, and the Bureau investigator shall promptly deliver the transcript or send it by registered or certified mail to the custodian.

(G) COPY OF TRANSCRIPT.—The Bureau investigator shall furnish a copy of the transcript (upon payment of reasonable charges for the transcript) to the witness only, except that the Bureau may for good cause limit such witness to inspection of the official transcript of his testimony.

(H) WITNESS FEES.—Any witness appearing for the taking of oral testimony pursuant to a civil investigative demand shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

(d) CONFIDENTIAL TREATMENT OF DEMAND MATERIAL.—

(1) IN GENERAL.—Documentary materials and tangible things received as a result of a civil investigative demand shall be subject to requirements and procedures regarding confidentiality, in accordance with rules established by the Bureau.

(2) DISCLOSURE TO CONGRESS.—No rule established by the Bureau regarding the confidentiality of materials submitted to, or otherwise obtained by, the Bureau shall be intended to prevent disclosure to either House of Congress or to an appropriate committee of the Congress, except that the Bureau is permitted to adopt rules allowing prior notice to any party that owns or otherwise provided the material to the Bureau and had designated such material as confidential.

(e) PETITION FOR ENFORCEMENT.—

(1) IN GENERAL.—Whenever any person fails to comply with any civil investigative demand duly served upon him under this section, or whenever satisfactory copying or reproduction of material requested pursuant to the demand cannot be accomplished and such person refuses to surrender such material, the Bureau, through such officers or attorneys as it may designate, may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person, a petition for an order of such court for the enforcement of this section.

(2) SERVICE OF PROCESS.—All process of any court to which application may be made as provided in this subsection may be served in any judicial district.

(f) PETITION FOR ORDER MODIFYING OR SETTING ASIDE DEMAND.—

(1) IN GENERAL.—Not later than 20 days after the service of any civil investigative demand upon any person under subsection (b), or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding 20 days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any Bureau investigator named in the demand, such person may file with the Bureau a petition for an order by the Bureau modifying or setting aside the demand.

(2) COMPLIANCE DURING PENDENCY.—The time permitted for compliance with the demand in whole or in part, as determined proper and ordered by the Bureau, shall not run during the pendency of a petition under paragraph (1) at the Bureau, except that such person shall comply with any portions of the demand not sought to be modified or set aside.

(3) SPECIFIC GROUNDS.—A petition under paragraph (1) shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of such person.

(g) CUSTODIAL CONTROL.—At any time during which any custodian is in custody or control of any documentary material, tangible things, reports, answers to questions, or transcripts of oral testimony given by any person in compliance with any civil investigative demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section or rule promulgated by the Bureau.

(h) JURISDICTION OF COURT.—

(1) IN GENERAL.—Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry out the provisions of this section.

(2) APPEAL.—Any final order entered as described in paragraph (1) shall be subject to appeal pursuant to section 1291 of title 28, United States Code.

**SEC. 1053. HEARINGS AND ADJUDICATION PROCEEDINGS.**

(a) IN GENERAL.—The Bureau is authorized to conduct hearings and adjudication proceedings with respect to any person in the manner prescribed by chapter 5 of title 5, United States Code in order to ensure or enforce compliance with—

(1) the provisions of this title, including any rules prescribed by the Bureau under this title; and

(2) any other Federal law that the Bureau is authorized to enforce, including an enumerated consumer law, and any regulations or order prescribed thereunder, unless such Federal law specifically limits the Bureau from conducting a hearing or adjudication proceeding and only to the extent of such limitation.

(b) SPECIAL RULES FOR CEASE-AND-DESIST PROCEEDINGS.—

(1) ORDERS AUTHORIZED.—

(A) IN GENERAL.—If, in the opinion of the Bureau, any covered person or service provider is engaging or has engaged in an activity that violates a law, rule, or any condition imposed in writing on the person by the Bureau, the Bureau may, subject to sections 1024, 1025, and 1026, issue and serve upon the covered person or service provider a notice of charges in respect thereof.

(B) CONTENT OF NOTICE.—The notice under subparagraph (A) shall contain a statement of the facts constituting the alleged violation or violations, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the covered person or service provider, such hearing to be held not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Bureau, at the request of any party so served.

(C) CONSENT.—Unless the party or parties served under subparagraph (B) appear at the hearing personally or by a duly authorized representative, such person shall be deemed to have consented to the issuance of the cease-and-desist order.

(D) PROCEDURE.—In the event of consent under subparagraph (C), or if, upon the record, made at any such hearing, the Bureau finds that any violation specified in the notice of charges has been established, the Bureau may issue and serve upon the covered person or service provider an order to cease and desist from the violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the covered person or service provider to cease and desist from the subject activity, and to take affirmative action to correct the conditions resulting from any such violation.

(2) EFFECTIVENESS OF ORDER.—A cease-and-desist order shall become effective at the expiration of 30 days after the date of service of an order under paragraph (1) upon the covered person or service provider concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as the order is stayed, modified, terminated, or set aside by action of the Bureau or a reviewing court.

(3) DECISION AND APPEAL.—Any hearing provided for in this subsection shall be held in the Federal judicial district or in the territory in which the residence or principal office or place of business of the person is located unless the person consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. After such hearing, and within 90 days after the Bureau has notified the parties that the case has been submitted to the Bureau for final decision, the Bureau shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4), and thereafter until the record in the proceeding has been filed as provided in paragraph (4), the Bureau may at any time, upon such notice and in such manner as the Bureau shall determine proper, modify, terminate, or set aside any such order. Upon filing of the record as provided, the Bureau may modify, terminate, or set aside any such order with permission of the court.

(4) APPEAL TO COURT OF APPEALS.—Any party to any proceeding under this subsection may obtain a review of any order served pursuant to this subsection (other than an order issued with the consent of the person concerned) by the filing in the court of appeals of the United States for the circuit in which the principal office of the covered person is located, or in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Bureau be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Bureau, and thereupon the Bureau shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall except as provided in the last sentence of paragraph (3) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Bureau. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court of the United States, upon certiorari, as provided in section 1254 of title 28 of the United States Code.

(5) NO STAY.—The commencement of proceedings for judicial review under paragraph (4) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Bureau.

(c) SPECIAL RULES FOR TEMPORARY CEASE-AND-DESIST PROCEEDINGS.—

(1) IN GENERAL.—Whenever the Bureau determines that the violation specified in the notice of charges served upon a person, including a service provider, pursuant to subsection (b), or the continuation thereof, is likely to cause the person to be insolvent or otherwise prejudice the interests of consumers before the completion of the proceedings conducted pursuant to subsection (b), the Bureau may issue a temporary order requiring the person to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency or other condition pending completion of such proceedings. Such order may include any requirement authorized under this subtitle. Such order shall become effective upon service upon the person and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (2), shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Bureau shall dismiss the charges specified in such notice, or if a cease-and-desist order is issued against the person, until the effective date of such order.

(2) APPEAL.—Not later than 10 days after the covered person or service provider concerned has been served with a temporary cease-and-desist order, the person may apply to the United States district court for the judicial district in which the residence or principal office or place of business of the person is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the person under subsection (b), and such court shall have jurisdiction to issue such injunction.

(3) INCOMPLETE OR INACCURATE RECORDS.—

(A) TEMPORARY ORDER.—If a notice of charges served under subsection (b) specifies, on the basis of particular facts and circumstances, that the books and records of a covered person or service provider are so incomplete or inaccurate that the Bureau is unable to determine the financial condition of that person or the details or purpose of any transaction or transactions that may have a material effect on the financial condition of that person, the Bureau may issue a temporary order requiring—

(i) the cessation of any activity or practice which gave rise, whether in whole or in part, to the incomplete or inaccurate state of the books or records; or

(ii) affirmative action to restore such books or records to a complete and accurate state, until the completion of the proceedings under subsection (b)(1).

(B) EFFECTIVE PERIOD.—Any temporary order issued under subparagraph (A)—

(i) shall become effective upon service; and

(ii) unless set aside, limited, or suspended by a court in proceedings under paragraph (2), shall remain in effect and enforceable until the earlier of—

(I) the completion of the proceeding initiated under subsection (b) in connection with the notice of charges; or

(II) the date the Bureau determines, by examination or otherwise, that the books and records of the covered person or service provider are accurate and reflect the financial condition thereof.

(d) SPECIAL RULES FOR ENFORCEMENT OF ORDERS.—

(1) IN GENERAL.—The Bureau may in its discretion apply to the United States district court within the jurisdiction of which the principal office or place of business of the person is located, for the enforcement of any effective and outstanding notice or order issued under this section, and such court shall have jurisdiction and power to order and require compliance herewith.

(2) EXCEPTION.—Except as otherwise provided in this subsection, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order or to review, modify, suspend, terminate, or set aside any such notice or order.

(e) RULES.—The Bureau shall prescribe rules establishing such procedures as may be necessary to carry out this section.

**SEC. 1054. LITIGATION AUTHORITY.**

(a) IN GENERAL.—If any person violates a Federal consumer financial law, the Bureau may, subject to sections 1024, 1025, and 1026, commence a civil action against such person to impose a civil penalty or to seek all appropriate legal and equitable relief including a permanent or temporary injunction as permitted by law.

(b) REPRESENTATION.—The Bureau may act in its own name and through its own attorneys in enforcing any provision of this title, rules thereunder, or any other law or regulation, or in any action, suit, or proceeding to which the Bureau is a party.

(c) COMPROMISE OF ACTIONS.—The Bureau may compromise or settle any action if such compromise is approved by the court.

(d) NOTICE TO THE ATTORNEY GENERAL.—When commencing a civil action under Federal consumer financial law, or any rule thereunder, the Bureau shall notify the Attorney General and, with respect to a civil action against an insured depository institution or insured credit union, the appropriate prudential regulator.

(e) APPEARANCE BEFORE THE SUPREME COURT.—The Bureau may represent itself in its own name before the Supreme Court of the United States, provided that the Bureau makes a written request to the Attorney General within the 10-day period which begins on the date of entry of the judgment which would permit any party to file a petition for writ of certiorari, and the Attorney General concurs with such request or fails to take action within 60 days of the request of the Bureau.

(f) FORUM.—Any civil action brought under this title may be brought in a United States district court or in any court of competent jurisdiction of a state in a district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to enjoin such person and to require compliance with any Federal consumer financial law.

(g) TIME FOR BRINGING ACTION.—

(1) IN GENERAL.—Except as otherwise permitted by law or equity, no action may be brought under this title more than 3 years after the date of discovery of the violation to which an action relates.

(2) LIMITATIONS UNDER OTHER FEDERAL LAWS.—

(A) IN GENERAL.—For purposes of this subsection, an action arising under this title does not include claims arising solely under enumerated consumer laws.

(B) BUREAU AUTHORITY.—In any action arising solely under an enumerated consumer law, the Bureau may commence, defend, or intervene in the action in accordance with the requirements of that provision of law, as applicable.

(C) TRANSFERRED AUTHORITY.—In any action arising solely under laws for which authorities were transferred under subtitles F and H, the Bureau may commence, defend, or intervene in the action in accordance with the requirements of that provision of law, as applicable.

**SEC. 1055. RELIEF AVAILABLE.**

(a) ADMINISTRATIVE PROCEEDINGS OR COURT ACTIONS.—

(1) JURISDICTION.—The court (or the Bureau, as the case may be) in an action or adjudication proceeding brought under Federal consumer financial law, shall have jurisdiction to grant any appropriate legal or equitable relief with respect to a violation of Federal consumer financial law, including a violation of a rule or order prescribed under a Federal consumer financial law.

(2) RELIEF.—Relief under this section may include, without limitation—

(A) rescission or reformation of contracts;

(B) refund of moneys or return of real property;

(C) restitution;

(D) disgorgement or compensation for unjust enrichment;

(E) payment of damages or other monetary relief;

(F) public notification regarding the violation, including the costs of notification;

(G) limits on the activities or functions of the person; and

(H) civil money penalties, as set forth more fully in subsection (c).

(3) NO EXEMPLARY OR PUNITIVE DAMAGES.—Nothing in this subsection shall be construed as authorizing the imposition of exemplary or punitive damages.

(b) RECOVERY OF COSTS.—In any action brought by the Bureau, a State attorney general, or any State regulator to enforce any Federal consumer financial law, the Bureau, the State attorney general, or the State regulator may recover its costs in connection with prosecuting such action if the Bureau, the State attorney general, or the State regulator is the prevailing party in the action.

(c) CIVIL MONEY PENALTY IN COURT AND ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—Any person that violates, through any act or omission, any provision of Federal consumer financial law shall forfeit and pay a civil penalty pursuant to this subsection.

(2) PENALTY AMOUNTS.—

(A) FIRST TIER.—For any violation of a law, rule, or final order or condition imposed in writing by the Bureau, a civil penalty may not exceed $5,000 for each day during which such violation or failure to pay continues.

(B) SECOND TIER.—Notwithstanding paragraph (A), for any person that recklessly engages in a violation of a Federal consumer financial law, a civil penalty may not exceed $25,000 for each day during which such violation continues.

(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), for any person that knowingly violates a Federal consumer financial law, a civil penalty may not exceed $1,000,000 for each day during which such violation continues.

(3) MITIGATING FACTORS.—In determining the amount of any penalty assessed under paragraph (2), the Bureau or the court shall take into account the appropriateness of the penalty with respect to—

(A) the size of financial resources and good faith of the person charged;

(B) the gravity of the violation or failure to pay;

(C) the severity of the risks to or losses of the consumer, which may take into account the number of products or services sold or provided;

(D) the history of previous violations; and

(E) such other matters as justice may require.

(4) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Bureau may compromise, modify, or remit any penalty which may be assessed or had already been assessed under paragraph (2). The amount of such penalty, when finally determined, shall be exclusive of any sums owed by the person to the United States in connection with the costs of the proceeding, and may be deducted from any sums owing by the United States to the person charged.

(5) NOTICE AND HEARING.—No civil penalty may be assessed under this subsection with respect to a violation of any Federal consumer financial law, unless—

(A) the Bureau gives notice and an opportunity for a hearing to the person accused of the violation; or

(B) the appropriate court has ordered such assessment and entered judgment in favor of the Bureau.

**SEC. 1056. REFERRALS FOR CRIMINAL PROCEEDINGS.**

If the Bureau obtains evidence that any person, domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, the Bureau shall have the power to transmit such evidence to the Attorney General of the United States, who may institute criminal proceedings under appropriate law. Nothing in this section affects any other authority of the Bureau to disclose information.

**SEC. 1057. EMPLOYEE PROTECTION.**

(a) IN GENERAL.—No covered person or service provider shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any covered employee or any authorized representative of covered employees by reason of the fact that such employee or representative, whether at the initiative of the employee or in the ordinary course of the duties of the employee (or any person acting pursuant to a request of the employee), has—

(1) provided, caused to be provided, or is about to provide or cause to be provided, information to the employer, the Bureau, or any other State, local, or Federal, government authority or law enforcement agency relating to any violation of, or any act or omission that the employee reasonably believes to be a violation of, any provision of this title or any other provision of law that is subject to the jurisdiction of the Bureau, or any rule, order, standard, or prohibition prescribed by the Bureau;

(2) testified or will testify in any proceeding resulting from the administration or enforcement of any provision of this title or any other provision of law that is subject to the jurisdiction of the Bureau, or any rule, order, standard, or prohibition prescribed by the Bureau;

(3) filed, instituted, or caused to be filed or instituted any proceeding under any Federal consumer financial law; or

(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any law, rule, order, standard, or prohibition, subject to the jurisdiction of, or enforceable by, the Bureau.

(b) DEFINITION OF COVERED EMPLOYEE.—For the purposes of this section, the term ''covered employee'' means any individual performing tasks related to the offering or provision of a consumer financial product or service.

(c) PROCEDURES AND TIMETABLES.—

(1) COMPLAINT.—

(A) IN GENERAL.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such alleged violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act.

(B) ACTIONS OF SECRETARY OF LABOR.—Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint who is alleged to have committed the violation, of —

(i) the filing of the complaint;

(ii) the allegations contained in the complaint;

(iii) the substance of evidence supporting the complaint; and

(iv) opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION BY SECRETARY OF LABOR.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1), and after affording the complainant and the person named in the complaint who is alleged to have committed the violation that is the basis for the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall—

(i) initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit; and

(ii) notify the complainant and the person alleged to have committed the violation of subsection (a), in writing, of such determination.

(B) NOTICE OF RELIEF AVAILABLE.—If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary of Labor shall, together with the notice under subparagraph (A)(ii), issue a preliminary order providing the relief prescribed by paragraph (4)(B).

(C) REQUEST FOR HEARING.—Not later than 30 days after the date of receipt of notification of a determination of the Secretary of Labor under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously, and if a hearing is not requested in such 30-day period, the preliminary order shall be deemed a

final order that is not subject to judicial review.

(3) GROUNDS FOR DETERMINATION OF COMPLAINTS.—

(A) IN GENERAL.—The Secretary of Labor shall dismiss a complaint filed under this subsection, and shall not conduct an investigation otherwise required under paragraph (2), unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(B) REBUTTAL EVIDENCE.—Notwithstanding a finding by the Secretary of Labor that the complainant has made the showing required under subparagraph (A), no investigation otherwise required under paragraph (2) shall be conducted, if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(C) EVIDENTIARY STANDARDS.—The Secretary of Labor may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint. Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(4) ISSUANCE OF FINAL ORDERS; REVIEW PROCEDURES.—

(A) TIMING.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) PENALTIES.—

(i) ORDER OF SECRETARY OF LABOR.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation—

(I) to take affirmative action to abate the violation;

(II) to reinstate the complainant to his or her former position, together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

(III) to provide compensatory damages to the complainant.

(ii) PENALTY.—If an order is issued under clause (i), the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued, a sum equal to the aggregate amount of all costs and expenses (including attorney fees and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(C) PENALTY FOR FRIVOLOUS CLAIMS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney fee, not exceeding $1,000, to be paid by the complainant.

(D) DE NOVO REVIEW.—

(i) FAILURE OF THE SECRETARY TO ACT.—If the Secretary of Labor has not issued a final order within 210 days after the date of filing of a complaint under this subsection, or within 90 days after the date of receipt of a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States having jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(ii) PROCEDURES.—A proceeding under clause (i) shall be governed by the same legal burdens of proof specified in paragraph (3). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

(I) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

(II) the amount of back pay, with interest; and

(III) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(E) OTHER APPEALS.—Unless the complainant brings an action under subparagraph (D), any person adversely affected or aggrieved by a final order issued under subparagraph (A) may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation, not later than 60 days after the date of the issuance of the final order of the Secretary of Labor under subparagraph (A). Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order. An order of the Secretary of Labor with respect to which review could have been obtained under this subparagraph shall not be subject to judicial review in any criminal or other civil proceeding.

(5) FAILURE TO COMPLY WITH ORDER.—

(A) ACTIONS BY THE SECRETARY.—If any person has failed to comply with a final order issued under paragraph (4), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to have occurred, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including injunctive relief and compensatory damages.

(B) CIVIL ACTIONS TO COMPEL COMPLIANCE.—A person on whose behalf an order was issued under paragraph (4) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(C) AWARD OF COSTS AUTHORIZED.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(D) MANDAMUS PROCEEDINGS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—

(1) NO WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), and notwithstanding any other provision of law, the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) NO PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), and notwithstanding any other provision of law, no predispute arbitration agreement shall be valid or enforceable to the extent that it requires arbitration of a dispute arising under this section.

(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under subsection (a)(4), unless the Bureau determines, by rule, that such provision is inconsistent with the purposes of this title.

**SEC. 1058. EFFECTIVE DATE.**

This subtitle shall become effective on the designated transfer date.

## Subtitle F—Transfer of Functions and Personnel; Transitional Provisions

**SEC. 1061. TRANSFER OF CONSUMER FINANCIAL PROTECTION FUNCTIONS.**

(a) DEFINED TERMS.—For purposes of this subtitle—

(1) the term ''consumer financial protection functions'' means research, rulemaking, issuance of orders or guidance, supervision, examination, and enforcement activities, powers, and duties relating to the offering or provision of consumer financial products or services; and

(2) the terms ''transferor agency'' and ''transferor agencies'' mean, respectively—

(A) the Board of Governors (and any Federal reserve bank, as the context requires), the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Department of Housing and Urban Development, and the heads of those agencies; and

(B) the agencies listed in subparagraph (A), collectively.

(b) IN GENERAL.—Except as provided in subsection (c), consumer financial protection functions are transferred as follows:

(1) BOARD OF GOVERNORS.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Board of Governors are transferred to the Bureau.

(B) BOARD OF GOVERNORS AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Board of Governors, relating to consumer financial protection functions, on the day before the designated transfer date.

(2) COMPTROLLER OF THE CURRENCY.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Comptroller of the Currency are transferred to the Bureau.

(B) COMPTROLLER AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Comptroller of the Currency, relating to consumer financial protection functions, on the day before the designated transfer date.

(3) DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Director of the Office of Thrift Supervision are transferred to the Bureau.

(B) DIRECTOR AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Director of the Office of Thrift Supervision, relating to consumer financial protection functions, on the day before the designated transfer date.

(4) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Federal Deposit Insurance Corporation are transferred to the Bureau.

(B) CORPORATION AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Federal Deposit Insurance Corporation, relating to consumer financial protection functions, on the day before the designated transfer date.

(5) FEDERAL TRADE COMMISSION.—

(A) TRANSFER OF FUNCTIONS.—Except as provided in subparagraph (C), all consumer financial protection functions of the Federal Trade Commission are transferred to the Bureau.

(B) COMMISSION AUTHORITY.—Except as provided in subparagraph (C), the Bureau shall have all powers and duties that were vested in the Federal Trade Commission relating to consumer financial protection functions on the day before the designated transfer date.

(C) CONTINUATION OF CERTAIN COMMISSION AUTHORITIES.—Notwithstanding subparagraphs (A) and (B), the Federal Trade Commission shall continue to have authority to enforce, and issue rules with respect to—

(i) the Credit Repair Organizations Act (15 U.S.C. 1679 et seq.);

(ii) section 5 of the Federal Trade Commission Act (15 U.S.C. 45); and

(iii) the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.).

(6) NATIONAL CREDIT UNION ADMINISTRATION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the National Credit Union Administration are transferred to the Bureau.

(B) NATIONAL CREDIT UNION ADMINISTRATION AUTHORITY.—The Bureau shall have all powers and duties that were vested in the National Credit Union Administration, relating to consumer financial protection functions, on the day before the designated transfer date.

(7) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

(A) TRANSFER OF FUNCTIONS.—All consumer protection functions of the Secretary of the Department of Housing and Urban Development relating to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5102 et seq.) are transferred to the Bureau.

(B) AUTHORITY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Bureau shall have all powers and duties that were vested in the Secretary of the Department of Housing and Urban Development relating to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.), and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.), on the day before the designated transfer date.

(c) TRANSFERS OF FUNCTIONS SUBJECT TO EXAMINATION AND ENFORCEMENT AUTHORITY REMAINING WITH TRANSFEROR AGENCIES.—The transfers of functions in subsection (b) do not affect the authority of the agencies identified in subsection (b) from conducting examinations or initiating and maintaining enforcement proceedings, including performing appropriate supervisory and support functions relating thereto, in accordance with sections 1024, 1025, and 1026.

(d) EFFECTIVE DATE.—Subsections (b) and (c) shall become effective on the designated transfer date.

**SEC. 1062. DESIGNATED TRANSFER DATE.**

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall—

(1) in consultation with the Chairman of the Board of Governors, the Chairperson of the Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, designate a single calendar date for the transfer of functions to the Bureau under section 1061; and

(2) publish notice of that designated date in the Federal Register.

(b) CHANGING DESIGNATION.—The Secretary—

(1) may, in consultation with the Chairman of the Board of Governors, the Chairperson of the Federal Deposit Insurance Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, change the date designated under subsection (a); and

(2) shall publish notice of any changed designated date in the Federal Register.

(c) PERMISSIBLE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any date designated under this section shall be not earlier than 180 days, nor later than 18 months, after the date of enactment of this Act.

(2) EXTENSION OF TIME.—The Secretary may designate a date that is later than 18 months after the date of enactment of this Act if the Secretary transmits to appropriate committees of Congress—

(A) a written determination that orderly implementation of this title is not feasible before the date that is 18 months after the date of enactment of this Act;

(B) an explanation of why an extension is necessary for the orderly implementation of this title; and

(C) a description of the steps that will be taken to effect an orderly and timely implementation of this title within the extended time period.

(3) EXTENSION LIMITED.—In no case may any date designated under this section be later than 24 months after the date of enactment of this Act.

**SEC. 1063. SAVINGS PROVISIONS.**

(a) BOARD OF GOVERNORS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(1) does not affect the validity of any right, duty, or obligation of the United States, the Board of Governors (or any Federal reserve bank), or any other person that—

(A) arises under any provision of law relating to any consumer financial protection function of the Board of Governors transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Board of Governors (or any Federal reserve bank) before the designated transfer date with respect to any consumer financial protection function of the Board of Governors (or any Federal reserve bank) transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Board of Governors (or Federal reserve bank) as a party to any such proceeding as of the designated transfer date.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(4) does not affect the validity of any right, duty, or obligation of the United States, the Federal Deposit Insurance Corporation, the Board of Directors of that Corporation, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Federal Deposit Insurance Corporation transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Federal Deposit Insurance Corporation (or the Board of Directors of that Corporation) before the designated transfer date with respect to any consumer financial protection function of the Federal Deposit Insurance Corporation transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Federal Deposit Insurance Corporation (or Board of Directors) as a party to any such proceeding as of the designated transfer date.

(c) FEDERAL TRADE COMMISSION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(5) does not affect the validity of any right, duty, or obligation of the United States, the Federal Trade Commission, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Federal Trade Commission transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Federal Trade Commission before the designated transfer date with respect to any consumer financial protection function of the Federal Trade Commission transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Federal Trade Commission as a party to any such proceeding as of the designated transfer date.

(d) NATIONAL CREDIT UNION ADMINISTRATION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(6) does not affect the validity of any right, duty, or obligation of the United States, the National Credit Union Administration, the National Credit Union Administration Board, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the National Credit Union Administration transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the National Credit Union Administration (or the National Credit Union Administration Board) before the designated transfer date with respect to any consumer financial protection function of the National Credit Union Administration transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the National Credit Union Administration (or National Credit Union Administration Board) as a party to any such proceeding as of the designated transfer date.

(e) OFFICE OF THE COMPTROLLER OF THE CURRENCY.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(2) does not affect the validity of any right, duty, or obligation of the United States, the Comptroller of the Currency, the Office of the Comptroller of the Currency, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Comptroller of the Currency transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Comptroller of the Currency (or the Office of the Comptroller of the Currency) with respect to any consumer financial protection function of the Comptroller of the Currency transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Comptroller of the Currency (or the Office of the Comptroller of the Currency) as a party to any such proceeding as of the designated transfer date.

(f) OFFICE OF THRIFT SUPERVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(3) does not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Thrift Supervision, the Office of Thrift Supervision, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Director of the Office of Thrift Supervision transferred to the Bureau by this title; and

(B) that existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Director of the Office of Thrift Supervision (or the Office of Thrift Supervision) with respect to any consumer financial protection function of the Director of the Office of Thrift Supervision transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Director (or the Office of Thrift Supervision) as a party to any such proceeding as of the designated transfer date.

(g) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(7) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development), or any other person, that—

(A) arises under any provision of law relating to any function of the Secretary of the Department of Housing and Urban Development with respect to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) or the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5102 et seq.) transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—This title shall not abate any proceeding commenced by or against the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development) with respect to any consumer financial protection function of the Secretary of the Department of Housing and Urban Development transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development) as a party to any such proceeding as of the designated transfer date.

(h) CONTINUATION OF EXISTING ORDERS, RULES, DETERMINATIONS, AGREEMENTS, AND RESOLUTIONS.—All orders, resolutions, determinations, agreements, and rules that have been issued, made, prescribed, or allowed to become effective by any transferor agency or by a court of competent jurisdiction, in the performance of consumer financial protection functions that are transferred by this title and that are in effect on the day before the designated transfer date, shall continue in effect according to the terms of those orders, resolutions, determinations, agreements, and rules, and shall not be enforceable by or against the Bureau.

(i) IDENTIFICATION OF RULES CONTINUED.—Not later than the designated transfer date, the Bureau—

(1) shall, after consultation with the head of each transferor agency, identify the rules continued under subsection (h) that will be enforced by the Bureau; and

(2) shall publish a list of such rules in the Federal Register.

(j) STATUS OF RULES PROPOSED OR NOT YET EFFECTIVE.—

(1) PROPOSED RULES.—Any proposed rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has proposed before the designated transfer date, but has not been published as a final rule before that date, shall be deemed to be a proposed rule of the Bureau.

(2) RULES NOT YET EFFECTIVE.—Any interim or final rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has published before the designated transfer date, but which has not become effective before that date, shall become effective as a rule of the Bureau according to its terms.

**SEC. 1064. TRANSFER OF CERTAIN PERSONNEL.**

(a) IN GENERAL.—

(1) CERTAIN FEDERAL RESERVE SYSTEM EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Board of Governors shall—

(i) jointly determine the number of employees of the Board of Governors necessary to perform or support the consumer financial protection functions of the Board of Governors that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Board of Governors for transfer to the Bureau, in a manner that the Bureau and the Board of Governors, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Board of Governors identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(C) FEDERAL RESERVE BANK EMPLOYEES.—Employees of any Federal reserve bank who, on the day before the designated transfer date, are performing consumer financial protection functions on behalf of the Board of Governors shall be treated as employees of the Board of Governors for purposes of subparagraphs (A) and (B).

(2) CERTAIN FDIC EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Board of Directors of the Federal Deposit Insurance Corporation shall—

(i) jointly determine the number of employees of that Corporation necessary to perform or support the consumer financial protection functions of the Corporation that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Corporation for transfer to the Bureau, in a manner that the Bureau and the Board of Directors of the Corporation, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Corporation identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(3) CERTAIN NCUA EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the National Credit Union Administration Board shall—

(i) jointly determine the number of employees of the National Credit Union Administration necessary to perform or support the consumer financial protection functions of the National Credit Union Administration that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the National Credit Union Administration for transfer to the Bureau, in a manner that the Bureau and the National Credit Union Administration Board, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the National Credit Union Administration identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(4) CERTAIN OFFICE OF THE COMPTROLLER OF THE CURRENCY EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Comptroller of the Currency shall—

(i) jointly determine the number of employees of the Office of the Comptroller of the Currency necessary to perform or support the consumer financial protection functions of the Office of the Comptroller of the Currency that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Office of the Comptroller of the Currency for transfer to the Bureau, in a manner that the Bureau and the Office of the Comptroller of the Currency, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Office of the Comptroller of the Currency identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(5) CERTAIN OFFICE OF THRIFT SUPERVISION EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Director of the Office of Thrift Supervision shall—

(i) jointly determine the number of employees of the Office of Thrift Supervision necessary to perform or support the consumer financial protection functions of the Office of Thrift Supervision that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Office of Thrift Supervision for transfer to the Bureau, in a manner that the Bureau and the Office of Thrift Supervision, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Office of Thrift Supervision identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(6) CERTAIN EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Secretary of the Department of Housing and Urban Development shall—

(i) jointly determine the number of employees of the Department of Housing and Urban Development necessary to perform or support the consumer protection functions of the Department that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Department of Housing and Urban Development for transfer to the Bureau in a manner that the Bureau and the Secretary of the Department of Housing and Urban Development, in their sole discretion, deem equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Department of Housing and Urban Development identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(7) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE AND SENIOR EXECUTIVE SERVICE TRANSFERRED.—

(A) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to subparagraph (B).

(B) DECLINING TRANSFERS ALLOWED.—An agency or entity may decline to make a transfer of authority under subparagraph (A) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and non-career positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(b) TIMING OF TRANSFERS AND POSITION ASSIGNMENTS.—Each employee to be transferred under this section shall—

(1) be transferred not later than 90 days after the designated transfer date; and

(2) receive notice of a position assignment not later than 120 days after the effective date of his or her transfer.

(c) TRANSFER OF FUNCTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the transfer of employees shall be deemed a transfer of functions for the purpose of section 3503 of title 5, United States Code.

(2) PRIORITY OF THIS TITLE.—If any provisions of this title conflict with any protection provided to transferred employees under section 3503 of title 5, United States Code, the provisions of this title shall control.

(d) EQUAL STATUS AND TENURE POSITIONS.—

(1) EMPLOYEES TRANSFERRED FROM FDIC, FTC, HUD, NCUA, OCC, AND OTS.—Each employee transferred from the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the Department of Housing and Urban Development shall be placed in a position at the Bureau with the same status and tenure as that employee held on the day before the designated transfer date.

(2) EMPLOYEES TRANSFERRED FROM THE FEDERAL RESERVE SYSTEM.—

(A) COMPARABILITY.—Each employee transferred from the Board of Governors or from a Federal reserve bank shall be placed in a position with the same status and tenure as that of an employee transferring to the Bureau from the Office of the Comptroller of the Currency who perform similar functions and have similar periods of service.

(B) SERVICE PERIODS CREDITED.—For purposes of this paragraph, periods of service with the Board of Governors or a Federal reserve bank shall be credited as periods of service with a Federal agency.

(e) ADDITIONAL CERTIFICATION REQUIREMENTS LIMITED.—Examiners transferred to the Bureau are not subject to any additional certification requirements before being placed in a comparable examiner position at the Bureau examining the same types of institutions as they examined before they were transferred.

(f) PERSONNEL ACTIONS LIMITED.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), each transferred employee holding a permanent position on the day before the designated transfer date may not, during the 2-year period beginning on the designated transfer date, be involuntarily separated, or involuntarily reassigned outside his or her locality pay area, as defined by the Office of Personnel Management.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Bureau—

(A) to separate an employee for cause or for unacceptable performance;

(B) to terminate an appointment to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character; or

(C) to reassign a supervisory employee outside his or her locality pay area, as defined by the Office of Personnel Management, when the Bureau determines that the reassignment is necessary for the efficient operation of the Bureau.

(g) PAY.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), each transferred employee shall, during the 2-year period beginning on the designated transfer date, receive pay at a rate equal to not less than the basic rate of pay (including any geographic differential) that the employee received during the pay period immediately preceding the date of transfer.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Bureau to reduce the rate of basic pay of a transferred employee—

(A) for cause;

(B) for unacceptable performance; or

(C) with the consent of the employee.

(3) PROTECTION ONLY WHILE EMPLOYED.—Paragraph (1) applies to a transferred employee only while that employee remains employed by the Bureau.

(4) PAY INCREASES PERMITTED.—Paragraph (1) does not limit the authority of the Bureau to increase the pay of a transferred employee.

(h) REORGANIZATION.—

(1) BETWEEN 1ST AND 3RD YEAR.—

(A) IN GENERAL.—If the Bureau determines, during the 2-year period beginning 1 year after the designated transfer date, that a reorganization of the staff of the Bureau is required—

(i) that reorganization shall be deemed a ''major reorganization'' for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code;

(ii) before the reorganization occurs, all employees in the same locality pay area as defined by the Office of Personnel Management shall be placed in a uniform position classification system; and

(iii) any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Bureau shall—

(I) establish competitive areas (as that term is defined in regulations issued by the Office of Personnel Management) to include at a minimum all employees in the same locality pay area as defined by the Office of Personnel Management;

(II) establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to whether the particular employees have been appointed to positions in the competitive service or the excepted service; and

(III) afford employees appointed to positions in the excepted service (other than to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character) the same assignment rights to positions within the Bureau as employees appointed to positions in the competitive service.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(2) AFTER 3RD YEAR.—

(A) IN GENERAL.—If the Bureau determines, at any time after the 3-year period beginning on the designated transfer date, that a reorganization of the staff of the Bureau is required, any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Bureau shall establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to types of appointment held by particular employees transferred under this section.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(i) BENEFITS.—

(1) RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) IN GENERAL.—

(i) CONTINUATION OF EXISTING RETIREMENT PLAN.—Except as provided in subparagraph (B), each transferred employee shall remain enrolled in his or her existing retirement plan, through any period of continuous employment with the Bureau.

(ii) EMPLOYER CONTRIBUTION.—The Bureau shall pay any employer contributions to the existing retirement plan of each transferred employee, as required under that plan.

(B) OPTION FOR EMPLOYEES TRANSFERRED FROM FEDERAL RESERVE SYSTEM TO BE SUBJECT TO FEDERAL EMPLOYEE RETIREMENT PROGRAM.—

(i) ELECTION.—Any transferred employee who was enrolled in a Federal Reserve System retirement plan on the day before his or her transfer to the Bureau may, during the 1-year period beginning 6 months after the designated transfer date, elect to be subject to the Federal employee retirement program.

(ii) EFFECTIVE DATE OF COVERAGE.—For any employee making an election under clause (i), coverage by the Federal employee retirement program shall begin 1 year after the designated transfer date.

(C) BUREAU PARTICIPATION IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN.—

(i) SEPARATE ACCOUNT IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN ESTABLISHED.—Notwithstanding any other provision of law, and subject to the terms and conditions of this section, a separate account in the Federal Reserve System retirement plan shall be established for Bureau employees who do not make the election under subparagraph (B).

(ii) FUNDS ATTRIBUTABLE TO TRANSFERRED EMPLOYEES REMAINING IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN TRANSFERRED.—The proportionate share of funds in the Federal Reserve System retirement plan, including the proportionate share of any funding surplus in that plan, attributable to a transferred employee who does not make the election under subparagraph (B), shall be transferred to the account established under clause (i).

(iii) EMPLOYER CONTRIBUTIONS DEPOSITED.—The Bureau shall deposit into the account established under clause (i) the employer contributions that the Bureau makes on behalf of employees who do not make the election under subparagraph (B).

(iv) ACCOUNT ADMINISTRATION.—The Bureau shall administer the account established under clause (i) as a participating employer in the Federal Reserve System retirement plan.

(D) DEFINITIONS.—For purposes of this paragraph—

(i) the term ''existing retirement plan'' means, with respect to any employee transferred under this section, the particular retirement plan (including the Financial Institutions Retirement Fund) and any associated thrift savings plan of the agency or Federal reserve bank from which the employee was transferred, in which the employee was enrolled on the day before the designated transfer date; and

(ii) the term ''Federal employee retirement program'' means the retirement program for Federal employees established by chapter 84 of title 5, United States Code.

(2) BENEFITS OTHER THAN RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) DURING 1ST YEAR.—

(i) EXISTING PLANS CONTINUE.—Each transferred employee may, for 1 year after the designated transfer date, retain membership in any other employee benefit program of the agency or bank from which the employee transferred, including a dental, vision, long term care, or life insurance program, to which the employee belonged on the day before the designated transfer date.

(ii) EMPLOYER CONTRIBUTION.—The Bureau shall reimburse the agency or bank from which an employee was transferred for any cost incurred by that agency or bank in continuing to extend coverage in the benefit program to the employee, as required under that program or negotiated agreements.

(B) DENTAL, VISION, OR LIFE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the designated transfer date, the Bureau decides not to continue participation in any dental, vision, or life insurance program of an agency or bank from which an employee transferred, a transferred employee who is a member of such a program may, before the decision of the Bureau takes effect, elect to enroll, without regard to any regularly scheduled open season, in—

(i) the enhanced dental benefits established by chapter 89A of title 5, United States Code;

(ii) the enhanced vision benefits established by chapter 89B of title 5, United States Code; or

(iii) the Federal Employees Group Life Insurance Program established by chapter 87 of title 5, United States Code, without regard to any requirement of insurability.

(C) LONG TERM CARE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the designated transfer date, the Bureau decides not to continue participation in any long term care insurance program of an agency or bank from which an employee transferred, a transferred employee who is a member of such a program may, before the decision of the Bureau takes effect, elect to apply for coverage under the Federal Long Term Care Insurance Program established by chapter 90 of title 5, United States Code, under the underwriting requirements applicable to a new active workforce member (as defined in part 875, title 5, Code of Federal Regulations).

(D) EMPLOYEE CONTRIBUTION.—An individual enrolled in the Federal Employees Health Benefits program shall pay any employee contribution required by the plan.

(E) ADDITIONAL FUNDING.—The Bureau shall transfer to the Federal Employees Health Benefits Fund established under section 8909 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Bureau and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this paragraph.

(F) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For employees transferred under this title, enrollment in a health benefits plan administered by a transferor agency or a Federal reserve bank, as the case may be, immediately before enrollment in a health benefits plan under chapter 89 of title 5, United States Code, shall be considered as enrollment in a health benefits plan under that chapter for purposes of section 8905(b)(1)(A) of title 5, United States Code.

(G) SPECIAL PROVISIONS TO ENSURE CONTINUATION OF LIFE INSURANCE BENEFITS.—

(i) IN GENERAL.—An annuitant (as defined in section 8901(3) of title 5, United States Code) who is enrolled in a life insurance plan administered by a transferor agency on the day before the designated transfer date shall be eligible for coverage by a life insurance plan under sections 8706(b), 8714a, 8714b, and 8714c of title 5, United States Code, or in a life insurance plan established by the Bureau, without regard to any regularly scheduled open season and requirement of insurability.

(ii) EMPLOYEE CONTRIBUTION.—An individual enrolled in a life insurance plan under this subparagraph shall pay any employee contribution required by the plan.

(iii) ADDITIONAL FUNDING.—The Bureau shall transfer to the Employees' Life Insurance Fund established under section 8714 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Bureau and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this subparagraph not otherwise paid for by the employee under clause (ii).

(iv) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For employees transferred under this title, enrollment in a life insurance plan administered by a transferor agency immediately before enrollment in a life insurance plan under chapter 87 of title 5, United States Code, shall be considered as enrollment in a life insurance plan under that chapter for purposes of section 8706(b)(1)(A) of title 5, United States Code.

(3) OPM RULES.—The Office of Personnel Management shall issue such rules as are necessary to carry out this subsection.

(j) IMPLEMENTATION OF UNIFORM PAY AND CLASSIFICATION SYSTEM.—Not later than 2 years after the designated transfer date, the Bureau shall implement a uniform pay and classification system for all employees transferred under this title.

(k) EQUITABLE TREATMENT.—In administering the provisions of this section, the Bureau—

(1) shall take no action that would unfairly disadvantage transferred employees relative to each other based on their prior employment by the Board of Governors, the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks; and

(2) may take such action as is appropriate in individual cases so that employees transferred under this section receive equitable treatment, with respect to the status, tenure, pay, benefits (other than benefits under programs administered by the Office of Personnel Management), and accrued leave or vacation time of those employees, for prior periods of service with any Federal agency, including the Board of Governors, the Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks.

(l) IMPLEMENTATION.—In implementing the provisions of this section, the Bureau shall coordinate with the Office of Personnel Management and other entities having expertise in matters related to employment to ensure a fair and orderly transition for affected employees.

**SEC. 1065. INCIDENTAL TRANSFERS.**

(a) INCIDENTAL TRANSFERS AUTHORIZED.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall make such additional incidental transfers and dispositions of assets and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this title, as the Director may determine necessary to accomplish the purposes of this title.

(b) SUNSET.—The authority provided in this section shall terminate 5 years after the date of enactment of this Act.

**SEC. 1066. INTERIM AUTHORITY OF THE SECRETARY.**

(a) IN GENERAL.—The Secretary is authorized to perform the functions of the Bureau under this subtitle until the Director of the Bureau is confirmed by the Senate in accordance with section 1011.

(b) INTERIM ADMINISTRATIVE SERVICES BY THE DEPARTMENT OF THE TREASURY.—The Department of the Treasury may provide administrative services necessary to support the Bureau before the designated transfer date.

**SEC. 1067. TRANSITION OVERSIGHT.**

(a) PURPOSE.—The purpose of this section is to ensure that the Bureau—

(1) has an orderly and organized startup;

(2) attracts and retains a qualified workforce; and

(3) establishes comprehensive employee training and benefits programs.

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Bureau shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that includes the plans described in paragraph (2).

(2) PLANS.—The plans described in this paragraph are as follows:

(A) TRAINING AND WORKFORCE DEVELOPMENT PLAN.—The Bureau shall submit a training and workforce development plan that includes, to the extent practicable—

(i) identification of skill and technical expertise needs and actions taken to meet those requirements;

(ii) steps taken to foster innovation and creativity;

(iii) leadership development and succession planning; and

(iv) effective use of technology by employees.

(B) WORKPLACE FLEXIBILITIES PLAN.—The Bureau shall submit a workforce flexibility plan that includes, to the extent practicable—

(i) telework;

(ii) flexible work schedules;

(iii) phased retirement;

(iv) reemployed annuitants;

(v) part-time work;

(vi) job sharing;

(vii) parental leave benefits and childcare assistance;

(viii) domestic partner benefits;

(ix) other workplace flexibilities; or

(x) any combination of the items described in clauses (i) through (ix).

(C) RECRUITMENT AND RETENTION PLAN.—The Bureau shall submit a recruitment and retention plan that includes, to the extent practicable, provisions relating to—

(i) the steps necessary to target highly qualified applicant pools with diverse backgrounds;

(ii) streamlined employment application processes;

(iii) the provision of timely notification of the status of employment applications to applicants; and

(iv) the collection of information to measure indicators of hiring effectiveness.

(c) EXPIRATION.—The reporting requirement under subsection (b) shall terminate 5 years after the date of enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) a collective bargaining agreement, as that term is defined in section 7103(a)(8) of title 5, United States Code, that is in effect on the date of enactment of this Act; or

(2) the rights of employees under chapter 71 of title 5, United States Code.

## Subtitle G—Regulatory Improvements

**SEC. 1071. GAO STUDY ON THE EFFECTIVENESS AND IMPACT OF VARIOUS APPRAISAL METHODS.**

(a) IN GENERAL.—The Government Accountability Office shall conduct a study on the effectiveness and impact of various appraisal methods, including the cost approach, the comparative sales approach, the income approach, and others that may be available.

(b) STUDY.—Not later than—

(1) 1 year after the date of enactment of this Act, the Government Accountability Office shall submit a study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives;

(2) 90 days after the date of enactment of this Act, the Government Accountability Office shall provide a report on the status of the study and any preliminary findings to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(c) CONTENT OF STUDY.—The study required by this section shall include an examination of—

(1) the prevalence, alone or in combination, of these approaches in purchase-money and refinance mortgage transactions;

(2) the accuracy of the various approaches in assessing the property as collateral;

(3) whether and how the approaches contributed to price speculation in the previous cycle;

(4) the costs to consumers of these approaches;

(5) the disclosure of fees to consumers in the appraisal process;

(6) to what extent such approaches may be influenced by a conflict of interest between the mortgage lender and the appraiser and the mechanism by which the lender selects and compensates the appraiser; and

(7) the suitability of appraisal approaches in rural versus urban areas.

**SEC. 1072. PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.**

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129A (15 U.S.C. 1639a) the following new section:

**"SEC. 129B. PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.**

''(a) PROHIBITED ON CERTAIN LOANS.—A residential mortgage loan that is not a qualified mortgage may not contain terms under which a consumer is required to pay a prepayment penalty for paying all or part of the principal after the loan is consummated.

''(b) PHASED-OUT PENALTIES ON QUALIFIED MORTGAGES.—

''(1) IN GENERAL.—A qualified mortgage may not contain terms under which a consumer is required to pay a prepayment penalty for paying all or part of the principal after the loan is consummated in excess of—

''(A) during the 1-year period beginning on the date on which the loan is consummated, an amount equal to 3 percent of the outstanding balance on the loan;

''(B) during the 1-year period beginning immediately after the end of the period described in subparagraph (A), an amount equal to 2 percent of the outstanding balance on the loan; and

''(C) during the 1-year period beginning immediately after the end of the 1-year period described in subparagraph (B), an amount equal to 1 percent of the outstanding balance on the loan.

''(2) PROHIBITION.—After the end of the 3-year period beginning on the date on which the loan is consummated, no prepayment penalty may be imposed on a qualified mortgage.

''(c) OPTION FOR NO PREPAYMENT PENALTY REQUIRED.—A creditor may not offer a consumer a residential mortgage loan product that has a prepayment penalty for paying all or part of the principal after the loan is consummated as a term of the loan, without offering to the consumer a residential mortgage loan product that does not have a prepayment penalty as a term of the loan.

''(d) PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—A creditor may not take any action in connection with a residential mortgage loan—

''(1) to structure a loan transaction as an open end consumer credit plan or another form of loan for the purpose and with the intent of evading the provisions of this section; or

''(2) to divide any loan transaction into separate parts for the purpose and with the intent of evading provisions of this section.

''(e) PUBLICATION OF AVERAGE PRIME OFFER RATE AND APR THRESHOLDS.—The Board—

''(1) shall publish, and update at least weekly, average prime offer rates;

''(2) may publish multiple rates based on varying types of mortgage transactions; and

''(3) shall adjust the thresholds of 1.50 percentage points in subsection (g)(3)(A)(v)(I), 2.50 percentage points in subsection (g)(3)(A)(v)(II), and 3.50 percentage points in subsection (g)(3)(A)(v)(III), as necessary to reflect significant changes in market conditions and to effectuate the purposes of this section.

''(f) REGULATIONS.—

''(1) IN GENERAL.—The Bureau shall prescribe regulations to carry out this section.

''(2) REVISION OF SAFE HARBOR CRITERIA.—The Bureau may prescribe regulations that revise, add to, or subtract from the criteria that define a qualified mortgage, upon a finding that such regulations are necessary or appropriate—

''(A) to ensure that responsible, affordable mortgage credit remains available to consumers in a manner consistent with the purposes of this section;

''(B) to effectuate the purposes of this section;

''(C) to prevent circumvention or evasion thereof; or

''(D) to facilitate compliance with this section.

''(3) INTERAGENCY HARMONIZATION.—

''(A) DETERMINATION OF QUALIFYING MORTGAGE TREATMENT.—The agencies and officials described in subparagraph (B) shall, in consultation with the Bureau, prescribe rules defining the types of loans they insure, guarantee, or administer, as the case may be, that are qualified mortgages for purposes of this section, upon a finding that such rules are consistent with the purposes of this section or are appropriate to prevent circumvention or evasion thereof or to facilitate compliance with this section.

''(B) AGENCIES AND OFFICIALS.—The agencies and officials described in this subparagraph are—

''(i) the Secretary of the Department of Housing and Urban Development, with regard to mortgages insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

''(ii) the Secretary of Veterans Affairs, with regard to a loan made or guaranteed by the Secretary of Veterans Affairs;

''(iii) the Secretary of Agriculture, with regard to loans guaranteed by the Secretary of Agriculture pursuant to section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h));

''(iv) the Federal Housing Finance Agency, with regard to loans meeting the conforming loan standards of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; and

''(v) the Rural Housing Service, with regard to loans insured by the Rural Housing Service.

''(4) IMPLEMENTATION.—Regulations required or authorized to be prescribed under this subsection—

''(A) shall be prescribed in final form before the end of the 12-month period beginning on the date of enactment of this section; and

''(B) shall take effect not later than 18 months after the date of enactment of this section.

''(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) AVERAGE PRIME OFFER RATE.—The term 'average prime offer rate' means an annual percentage rate that is derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage transactions that have low-risk pricing characteristics.

''(2) PREPAYMENT PENALTY.—The term 'prepayment penalty' means any penalty for paying all or part of the principal on an extension of credit before the date on which the principal is due, including a computation of a refund of unearned interest by a method that is less favorable to the consumer than the actuarial method, as defined in section 933(d) of the Housing and Community Development Act of 1992 (15 U.S.C. 1615(d)).

''(3) QUALIFIED MORTGAGE.—The term 'qualified mortgage' means—

''(A) any residential mortgage loan—

''(i) that does not have an adjustable rate;

''(ii) that does not allow a consumer to defer repayment of principal or interest, or is not otherwise deemed a 'non-traditional mortgage' under guidance, advisories, or regulations prescribed by the Bureau;

''(iii) that does not provide for a repayment schedule that results in negative amortization at any time;

''(iv) for which the terms are fully amortizing and which does not result in a balloon payment, where a 'balloon payment' is a scheduled payment that is more than twice as large as the average of earlier scheduled payments;

''(v) which has an annual percentage rate that does not exceed the average prime offer rate for a comparable transaction, as of the date on which the interest rate is set—

''(I) by 1.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that is equal to or less than the amount of the maximum limitation on the original principal obligation of a mortgage in effect for a residence of the applicable size, as of the date on which such interest rate is set, pursuant to the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2));

''(II) by 2.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that is more than the amount of the maximum limitation on the original principal obligation of a mortgage in effect for a residence of the applicable size, as of the date on which such interest rate is set, pursuant to the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)); or

''(III) by 3.5 or more percentage points, in the case of a subordinate lien residential mortgage loan;

''(vi) for which the income and financial resources relied upon to qualify the obligors on the loan are verified and documented;

''(vii) for which the underwriting process is based on a payment schedule that fully amortizes the loan over the loan term and takes into account all applicable taxes, insurance, and assessments;

''(viii) that does not cause the total monthly debts of the consumer, including amounts under the loan, to exceed a percentage established by regulation of the monthly gross income of the consumer, or such other maximum percentage of such income, as may be prescribed by regulation under subsection (g), which rules shall take into consideration the income of the consumer available to pay regular expenses after payment of all installment and revolving debt;

''(ix) for which the total points and fees payable in connection with the loan do not exceed 2 percent of the total loan amount, where the term 'points and fees' means points and fees as defined by Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)); and

''(x) for which the term of the loan does not exceed 30 years, except as such term may be extended under subsection (g); and

''(B) any reverse mortgage that is insured by the Federal Housing Administration or complies with the condition established in subparagraph (A)(v).

''(4) RESIDENTIAL MORTGAGE LOAN.—The term 'residential mortgage loan' means any consumer credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real property that includes a dwelling, other than a consumer credit transaction under an open end credit plan or an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.''.

(b) CONFORMING AMENDMENTS.—Section 129(c) of the Truth in Lending Act (15 U.S.C. 1639(c)) is amended—

(1) by striking paragraph (2);

(2) by striking ''(1) IN GENERAL.—''; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

**SEC. 1073. ASSISTANCE FOR ECONOMICALLY VULNERABLE INDIVIDUALS AND FAMILIES.**

(a) HERA AMENDMENTS.—Section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701x note) is amended—

(1) in subsection (a), by inserting in each of paragraphs (1), (2), (3), and (4) ''or economically vulnerable individuals and families'' after ''homebuyers'' each place that term appears;

(2) in subsection (b)(1), by inserting ''or economically vulnerable individuals and families'' after ''homebuyers'';

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) a nonprofit corporation that—

''(i) is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; and

''(ii) specializes or has expertise in working with economically vulnerable individuals and families, but whose primary purpose is not provision of credit counseling services.''; and

(4) in subsection (d)(1), by striking ''not more than 5''.

(b) APPLICABILITY.—Amendments made by subsection (a) shall not apply to programs authorized by section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701x note) that are funded with appropriations prior to fiscal year 2011.

**SEC. 1074. REMITTANCE TRANSFERS.**

(a) TREATMENT OF REMITTANCE TRANSFERS.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) in section 902(b) (15 U.S.C. 1693(b)), by inserting ''and remittance'' after ''electronic fund'';

(2) by redesignating sections 919, 920, 921, and 922 as sections 920, 921, 922, and 923, respectively; and

(3) by inserting after section 918 the following:

**''SEC. 919. REMITTANCE TRANSFERS.**

''(a) DISCLOSURES REQUIRED FOR REMITTANCE TRANSFERS.—

''(1) IN GENERAL.—Each remittance transfer provider shall make disclosures as required under this section and in accordance with rules prescribed by the Board.

''(2) STOREFRONT DISCLOSURES.—

''(A) IN GENERAL.—At every physical storefront location owned or controlled by a remittance transfer provider (with respect to remittance transfer activities), the remittance transfer provider shall prominently post, and update daily, a notice describing a model transfer for the amounts of $100 and $200 (in United States dollars) showing the amount of currency that will be received by the designated recipient, using the values of the currency into which the funds will be exchanged for the 3 currencies to which that particular storefront sends the greatest number of remittance transfer payments, measured irrespective of the value of such payments. The values shall include all fees charged by the remittance transfer provider, taken out of the $100 and $200 amounts.

''(B) ELECTRONIC DISCLOSURE.—Subject to the rules prescribed by the Board, a remittance transfer provider shall prominently post, and update daily, a notice describing a model transfer, as described in subparagraph (A), on the Internet site owned or controlled by the remittance transfer provider which senders use to electronically conduct remittance transfer transactions.

''(3) SPECIFIC DISCLOSURES.—In addition to any other disclosures applicable under this title, and subject to paragraph (4), a remittance transfer provider shall provide, in writing and in a form that the sender may keep, to each sender requesting a remittance transfer, as applicable to the transaction—

''(A) at the time at which the sender requests a remittance transfer to be initiated, and prior to the sender making any payment in connection with the remittance transfer, a disclosure describing the amount of currency that will be sent to the designated recipient, using the values of the currency into which the funds will be exchanged; and

''(B) at the time at which the sender makes payment in connection with the remittance transfer—

''(i) a receipt showing—

''(I) the information described in subparagraph (A);

''(II) the promised date of delivery to the designated recipient; and

''(III) the name and either the telephone number or the address of the designated recipient; and

''(ii) a statement containing—

''(I) information about the rights of the sender under this section regarding the resolution of errors; and

''(II) appropriate contact information for—

''(aa) the remittance transfer provider; and

''(bb) each State or Federal agency supervising the remittance transfer provider, including its State licensing authority or Federal regulator, as applicable.

''(4) REQUIREMENTS RELATING TO DISCLOSURES.—With respect to each disclosure required to be provided under paragraph (3), and subject to paragraph (5), a remittance transfer provider shall—

''(A) provide an initial notice and receipt, as required by subparagraphs (A) and (B) of paragraph (3), and an error resolution statement, as required by subsection (c), that clearly and conspicuously describe the information required to be disclosed therein; and

''(B) with respect to any transaction that a sender conducts electronically, comply with the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.).

''(5) EXEMPTION AUTHORITY.—The Board may, by rule, permit a remittance transfer provider to satisfy the requirements of—

''(A) paragraph (3)(A) orally, if the transaction is conducted entirely by telephone;

''(B) paragraph (3)(B), by mailing the documents required under such subparagraph to the sender, not later than 1 business day after the date on which the transaction is conducted, if the transaction is conducted entirely by telephone;

''(C) subparagraphs (A) and (B) of paragraph (3) together in one written disclosure, but only to the extent that the information provided in accordance with paragraph (3)(A) is accurate at the time at which payment is made in connection with the subject remittance transfer;

''(D) paragraph (3)(A), if a sender initiates a transaction to one of those countries displayed, in the exact amount of the transfers displayed pursuant to paragraph (2), if the Board finds it to be appropriate; and

''(E) paragraph (3)(A), without compliance with section 101(c) of the Electronic Signatures in Global Commerce Act, if a sender initiates the transaction electronically and the information is displayed electronically in a manner that the sender can keep.

''(b) FOREIGN LANGUAGE DISCLOSURES.—

''(1) IN GENERAL.—The disclosures required under this section shall be made in English and in each of the same foreign languages principally used by the remittance transfer provider, or any of its agents, to advertise, solicit, or market, either orally or in writing, at that office.

''(2) ACCOUNTS.—In the case of a sender who holds a demand deposit, savings deposit, or other asset account with the remittance transfer provider (other than an occasional or incidental credit balance under an open end credit plan, as defined in section 103(i) of the Truth in Lending Act), the disclosures required under this section shall be made in the language or languages principally used by the remittance transfer provider to communicate to the sender with respect to the account.

''(c) REMITTANCE TRANSFER ERRORS.—

''(1) ERROR RESOLUTION.—

''(A) IN GENERAL.—If a remittance transfer provider receives oral or written notice from the sender within 180 days of the promised date of delivery that an error occurred with respect to a remittance transfer, including the amount of currency designated in subsection (a)(3)(A) that was to be sent to the designated recipient of the remittance transfer, using the values of the currency into which the funds should have been exchanged, but was not made available to the designated recipient in the foreign country, the remittance transfer provider shall resolve the error pursuant to this subsection and investigate the reason for the error.

''(B) REMEDIES.—Not later than 90 days after the date of receipt of a notice from the sender pursuant to subparagraph (A), the remittance transfer provider shall, as applicable to the error and as designated by the sender—

''(i) refund to the sender the total amount of funds tendered by the sender in connection with the remittance transfer which was not properly transmitted;

''(ii) make available to the designated recipient, without additional cost to the designated recipient or to the sender, the amount appropriate to resolve the error;

''(iii) provide such other remedy, as determined appropriate by rule of the Board for the protection of senders; or

''(iv) provide written notice to the sender that there was no error with an explanation responding to the specific complaint of the sender.

''(2) RULES.—The Board shall establish, by rule issued not later than 1 calendar year after the date of enactment of the Restoring American Financial Stability Act of 2010, clear and appropriate standards for remittance transfer providers with respect to error resolution relating to remittance transfers, to protect senders from such errors. Standards prescribed under this paragraph shall include appropriate standards regarding record keeping, as required, including documentation—

''(A) of the complaint of the sender;

''(B) that the sender provides the remittance transfer provider with respect to the alleged error; and

''(C) of the findings of the remittance transfer provider regarding the investigation of the alleged error that the sender brought to their attention.

''(d) APPLICABILITY OF THIS TITLE.—

''(1) IN GENERAL.—A remittance transfer that is not an electronic fund transfer, as defined in section 903, shall not be subject to any of the provisions of sections 905 through 913. A remittance transfer that is an electronic fund transfer, as defined in section 903, shall be subject to all provisions of this title, except for section 908, that are otherwise applicable to electronic fund transfers under this title.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(A) to affect the application to any transaction, to any remittance provider, or to any other person of any of the provisions of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), or chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), or any regulations promulgated thereunder; or

''(B) to cause any fund transfer that would not otherwise be treated as such under paragraph (1) to be treated as an electronic fund transfer, or as otherwise subject to this title, for the purposes of any of the provisions referred to in subparagraph (A) or any regulations promulgated thereunder.

''(e) ACTS OF AGENTS.—A remittance transfer provider shall be liable for any violation of this section by any agent, authorized delegate, or person affiliated with such provider, when such agent, authorized delegate, or affiliate acts for that remittance transfer provider.

''(f) DEFINITIONS.—As used in this section—

''(1) the term 'designated recipient' means any person located in a foreign country and identified by the sender as the authorized recipient of a remittance transfer to be made by a remittance transfer provider, except that a designated recipient shall not be deemed to be a consumer for purposes of this Act;

''(2) the term 'remittance transfer' means the electronic (as defined in section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))) transfer of funds requested by a sender located in any State to a designated recipient that is initiated by a remittance transfer provider, whether or not the sender holds an account with the remittance transfer provider or whether or not the remittance transfer is also an electronic fund transfer, as defined in section 903;

''(3) the term 'remittance transfer provider' means any person or financial institution that provides remittance transfers for a consumer in the normal course of its business, whether or not the consumer holds an account with such person or financial institution; and

''(4) the term 'sender' means a consumer who requests a remittance provider to send a remittance transfer for the consumer to a designated recipient.''.

(b) AUTOMATED CLEARINGHOUSE SYSTEM.—

(1) EXPANSION OF SYSTEM.—The Board of Governors shall work with the Federal reserve banks to expand the use of the automated clearinghouse system for remittance transfers to foreign countries, with a focus on countries that receive significant remittance transfers from the United States, based on—

(A) the number, volume, and size of such transfers;

(B) the significance of the volume of such transfers relative to the external financial flows of the receiving country, including—

(i) the total amount transferred; and

(ii) the total volume of payments made by United States Government agencies to beneficiaries and retirees living abroad;

(C) the feasibility of such an expansion; and

(D) the ability of the Federal Reserve System to establish payment gateways in different geographic regions and currency zones to receive remittance transfers and route them through the payments systems in the destination countries.

(2) REPORT TO CONGRESS.—Not later than one calendar year after the date of enactment of this Act, and on April 30 biennially thereafter during the 10-year period beginning on that date of enactment, the Board of Governors shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the automated clearinghouse system and its progress in complying with the requirements of this subsection. The report shall include an analysis of adoption rates of International ACH Transactions rules and formats, the efficacy of increasing adoption rates, and potential recommendations to increase adoption.

(c) EXPANSION OF FINANCIAL INSTITUTION PROVISION OF REMITTANCE TRANSFERS.—

(1) PROVISION OF GUIDELINES TO INSTITUTIONS.—Each of the Federal banking agencies and the National Credit Union Administration shall provide guidelines to financial

institutions under the jurisdiction of the agency regarding the offering of low-cost remittance transfers and no-cost or low-cost basic consumer accounts, as well as agency services to remittance transfer providers.

(2) ASSISTANCE TO FINANCIAL LITERACY COMMISSION.—As part of its duties as members of the Financial Literacy and Education Commission, the Bureau, the Federal banking agencies, and the National Credit Union Administration shall assist the Financial Literacy and Education Commission in executing the Strategy for Assuring Financial Empowerment (or the ''SAFE Strategy''), as it relates to remittances.

(d) FEDERAL CREDIT UNION ACT CONFORMING AMENDMENT.—Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended to read as follows:

''(12) in accordance with regulations prescribed by the Board—

''(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers);

''(B) to provide remittance transfers, as defined in section 919 of the Electronic Fund Transfer Act, to persons in the field of membership; and

''(C) to cash checks and money orders for persons in the field of membership for a fee;''.

## Subtitle H—Conforming Amendments

### SEC. 1081. AMENDMENTS TO THE INSPECTOR GENERAL ACT.

Effective on the date of enactment of this Act, the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(1) in section 8G(a)(2), by inserting ''and the Bureau of Consumer Financial Protection'' after ''Board of Governors of the Federal Reserve System'';

(2) in section 8G(c), by adding at the end the following: ''For purposes of implementing this section, the Chairman of the Board of Governors of the Federal Reserve System shall appoint the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection. The Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection shall have all of the authorities and responsibilities provided by this Act with respect to the Bureau of Consumer Financial Protection, as if the Bureau were part of the Board of Governors of the Federal Reserve System.''; and

(3) in section 8G(g)(3), by inserting ''and the Bureau of Consumer Financial Protection'' after ''Board of Governors of the Federal Reserve System'' the first place that term appears.

### SEC. 1082. AMENDMENTS TO THE PRIVACY ACT OF 1974.

Effective on the date of enactment of this Act, section 552a of title 5, United States Code, is amended by adding at the end the following:

''(w) APPLICABILITY TO BUREAU OF CONSUMER FINANCIAL PROTECTION.—Except as provided in the Consumer Financial Protection Act of 2010, this section shall apply with respect to the Bureau of Consumer Financial Protection.''.

### SEC. 1083. AMENDMENTS TO THE ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT OF 1982.

(a) IN GENERAL.—The Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.) is amended—

(1) in section 803 (12 U.S.C. 3802(1)), by striking ''1974'' and all that follows through ''described and defined'' and inserting the following: ''1974), in which the interest rate or finance charge may be adjusted or renegotiated, described and defined''; and

(2) in section 804 (12 U.S.C. 3803)—

(A) in subsection (a)—

(i) in each of paragraphs (1), (2), and (3), by inserting after ''transactions made'' each place that term appears ''on or before the designated transfer date, as determined under section 1062 of the Consumer Financial Protection Act of 2010,'';

(ii) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new paragraph:

''(4) with respect to transactions made after the designated transfer date, only in accordance with regulations governing alternative mortgage transactions, as issued by the Bureau of Consumer Financial Protection for federally chartered housing creditors, in accordance with the rulemaking authority granted to the Bureau of Consumer Financial Protection with regard to federally chartered housing creditors under provisions of law other than this section.'';

(B) by striking subsection (c) and inserting the following:

''(c) PREEMPTION OF STATE LAW.—An alternative mortgage transaction may be made by a housing creditor in accordance with this section, notwithstanding any State constitution, law, or regulation that prohibits an alternative mortgage transaction. For purposes of this subsection, a State constitution, law, or regulation that prohibits an alternative mortgage transaction does not include any State constitution, law, or regulation that regulates mortgage transactions generally, including any restriction on prepayment penalties or late charges.''; and

(C) by adding at the end the following:

''(d) BUREAU ACTIONS.—The Bureau of Consumer Financial Protection shall—

''(1) review the regulations identified by the Comptroller of the Currency and the National Credit Union Administration, (as those rules exist on the designated transfer date), as applicable under paragraphs (1) through (3) of subsection (a);

''(2) determine whether such regulations are fair and not deceptive and otherwise meet the objectives of the Consumer Financial Protection Act of 2010; and

''(3) promulgate regulations under subsection (a)(4) after the designated transfer date.

''(e) DESIGNATED TRANSFER DATE.—As used in this section, the term 'designated transfer date' means the date determined under section 1062 of the Consumer Financial Protection Act of 2010.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on the designated transfer date.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not affect any transaction covered by the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.) and entered into on or before the designated transfer date.

### SEC. 1084. AMENDMENTS TO THE ELECTRONIC FUND TRANSFER ACT.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by striking ''Board'' each place that term appears and inserting ''Bureau'', except in section 918 (as so designated by the Credit Card Act of 2009) (15 U.S.C. 1693o);

(2) in section 903 (15 U.S.C. 1693a), by striking paragraph (3) and inserting the following:

''(3) the term 'Bureau' means the Bureau of Consumer Financial Protection;'';

(3) in section 916(d) (as so designated by section 401 of the Credit CARD Act of 2009) (15 U.S.C. 1693m)—

(A) by striking ''FEDERAL RESERVE SYSTEM'' and inserting ''BUREAU OF CONSUMER FINANCIAL PROTECTION''; and

(B) by striking ''Federal Reserve System'' and inserting ''Bureau of Consumer Financial Protection''; and

(4) in section 918 (as so designated by the Credit CARD Act of 2009) (15 U.S.C. 1693o)—

(A) in subsection (a)—

(i) by striking ''Compliance'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;''; and

(B) by striking subsection (c) and inserting the following:

''(c) OVERALL ENFORCEMENT AUTHORITY OF THE FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person subject to the jurisdiction of the Federal Trade Commission with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.''.

### SEC. 1085. AMENDMENTS TO THE EQUAL CREDIT OPPORTUNITY ACT.

The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended—

(1) by striking ''Board'' each place that term appears and inserting ''Bureau'';

(2) in section 702 (15 U.S.C. 1691a), by striking subsection (c) and inserting the following:

''(c) The term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(3) in section 703 (15 U.S.C. 1691b)—

(A) by striking the section heading and inserting the following:

**''SEC. 703. PROMULGATION OF REGULATIONS BY THE BUREAU.'';**

(B) by striking ''(a) REGULATIONS.—'';

(C) by striking subsection (b);

(D) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively; and

(E) in subsection (c), as so redesignated, by striking ''paragraph (2)'' and inserting ''subsection (b)'';

(4) in section 704 (15 U.S.C. 1691c)—

(A) in subsection (a)—

(i) by striking ''Compliance'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Protection Financial Protection Act of 2010''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) Subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau.'';

(B) by striking subsection (c) and inserting the following:

''(c) OVERALL ENFORCEMENT AUTHORITY OF FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), a violation of any requirement imposed under this subchapter shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act, including the power to enforce any rule prescribed by the Bureau under this title in the same manner as if the violation had been a violation of a Federal Trade Commission trade regulation rule.''; and

(C) in subsection (d), by striking ''Board'' and inserting ''Bureau''; and

(5) in section 706(e) (15 U.S.C. 1691e(e))—

(A) in the subsection heading—

(i) by striking ''BOARD'' each place that term appears and inserting ''BUREAU''; and

(ii) by striking ''FEDERAL RESERVE SYSTEM'' and inserting ''BUREAU OF CONSUMER FINANCIAL PROTECTION''; and

(B) by striking ''Federal Reserve System'' and inserting ''Bureau of Consumer Financial Protection''.

**SEC. 1086. AMENDMENTS TO THE EXPEDITED FUNDS AVAILABILITY ACT.**

(a) AMENDMENT TO SECTION 603.—Section 603(d)(1) of the Expedited Funds Availability Act (12 U.S.C. 4002) is amended by inserting after ''Board'' the following '', jointly with the Director of the Bureau of Consumer Financial Protection,''.

(b) AMENDMENTS TO SECTION 604.—Section 604 of the Expedited Funds Availability Act (12 U.S.C. 4003) is amended—

(1) by inserting after ''Board'' each place that term appears, other than in subsection (f), the following: '', jointly with the Director of the Bureau of Consumer Financial Protection,''; and

(2) in subsection (f), by striking ''Board.'' each place that term appears and inserting the following: ''Board, jointly with the Director of the Bureau of Consumer Financial Protection.''.

(c) AMENDMENTS TO SECTION 605.—Section 605 of the Expedited Funds Availability Act (12 U.S.C. 4004) is amended—

(1) by inserting after ''Board'' each place that term appears, other than in the heading for section 605(f)(1), the following: '', jointly with the Director of the Bureau of Consumer Financial Protection,''; and

(2) in subsection (f)(1), in the paragraph heading, by inserting ''AND BUREAU'' after ''BOARD''.

(d) AMENDMENTS TO SECTION 609.—Section 609 of the Expedited Funds Availability Act (12 U.S.C. 4008) is amended:

(1) in subsection (a), by inserting after ''Board'' the following '', jointly with the Director of the Bureau of Consumer Financial Protection,''; and

(2) by striking subsection (e) and inserting the following:

''(e) CONSULTATIONS.—In prescribing regulations under subsections (a) and (b), the Board and the Director of the Bureau of Consumer Financial Protection, in the case of subsection (a), and the Board, in the case of subsection (b), shall consult with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.''.

(e) EXPEDITED FUNDS AVAILABILITY IMPROVEMENTS.—Section 603 of the Expedited Funds Availability Act (12 U.S.C. 4002) is amended—

(1) in subsection (a)(2)(D), by striking ''$100'' and inserting ''$200''; and

(2) in subsection (b)(3)(C), in the subparagraph heading, by striking ''$100'' and inserting ''$200''; and

(3) in subsection (c)(1)(B)(iii), in the clause heading, by striking ''$100'' and inserting ''$200''.

(f) REGULAR ADJUSTMENTS FOR INFLATION.—Section 607 of the Expedited Funds Availability Act (12 U.S.C. 4006) is amended by adding at the end the following:

''(f) ADJUSTMENTS TO DOLLAR AMOUNTS FOR INFLATION.—The dollar amounts under this title shall be adjusted every 5 years after December 31, 2011, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as published by the Bureau of Labor Statistics, rounded to the nearest multiple of $25.''.

**SEC. 1087. AMENDMENTS TO THE FAIR CREDIT BILLING ACT.**

The Fair Credit Billing Act (15 U.S.C. 1666–1666j) is amended by striking ''Board'' each place that term appears and inserting ''Bureau''.

**SEC. 1088. AMENDMENTS TO THE FAIR CREDIT REPORTING ACT AND THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT.**

(a) FAIR CREDIT REPORTING ACT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 603 (15 U.S.C. 1681a)—

(A) by redesignating subsections (w) and (x) as subsections (x) and (y), respectively; and

(B) by inserting after subsection (v) the following:

''(w) The term 'Bureau' means the Bureau of Consumer Financial Protection.''; and

(2) except as otherwise specifically provided in this subsection—

(A) by striking ''Federal Trade Commission'' each place that term appears and inserting ''Bureau'';

(B) by striking ''FTC'' each place that term appears and inserting ''Bureau'';

(C) by striking ''the Commission'' each place that term appears and inserting ''the Bureau''; and

(D) by striking ''The Federal banking agencies, the National Credit Union Administration, and the Commission shall jointly'' each place that term appears and inserting ''The Bureau shall'';

(3) in section 603(k)(2) (15 U.S.C. 1681a(k)(2)), by striking ''Board of Governors of the Federal Reserve System'' and inserting ''Bureau'';

(4) in section 604(g) (15 U.S.C. 1681b(g))—

(A) in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) as otherwise determined to be necessary and appropriate, by regulation or order, by the Bureau (consistent with the enforcement authorities prescribed under section 621(b)), or the applicable State insurance authority (with respect to any person engaged in providing insurance or annuities).'';

(B) by striking paragraph (5) and inserting the following:

''(5) REGULATIONS AND EFFECTIVE DATE FOR PARAGRAPH (2).—

''(A) REGULATIONS REQUIRED.—The Bureau may, after notice and opportunity for comment, prescribe regulations that permit transactions under paragraph (2) that are determined to be necessary and appropriate to protect legitimate operational, transactional, risk, consumer, and other needs (and which shall include permitting actions necessary for administrative verification purposes), consistent with the intent of paragraph (2) to restrict the use of medical information for inappropriate purposes.''; and

(C) by striking paragraph (6);

(5) in section 611(e)(2) (15 U.S.C. 1681i(e)), by striking paragraph (2) and inserting the following:

''(2) EXCLUSION.—Complaints received or obtained by the Bureau pursuant to its investigative authority under the Consumer Financial Protection Act of 2010 shall not be subject to paragraph (1).'';

(6) in section 615(h)(6) (15 U.S.C. 1681m(h)(6)), by striking subparagraph (A) and inserting the following:

''(A) RULES REQUIRED.—The Bureau shall prescribe rules to carry out this subsection.'';

(7) in section 621 (15 U.S.C. 1681s)—

(A) by striking subsection (a) and inserting the following:

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

''(1) IN GENERAL.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Federal Trade Commission, with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (b). For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce, in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)), and shall be subject to enforcement by the Federal Trade Commission under section 5(b) of that Act with respect to any consumer reporting agency or person that is subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers (except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010), including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions of such Act are part of this title.

''(2) PENALTIES.—

''(A) KNOWING VIOLATIONS.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, in the event of a knowing violation, which constitutes a pattern or practice of violations of this title, the Federal Trade Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person that violates this title. In such action, such person shall be liable for a civil penalty of not more than $2,500 per violation.

''(B) DETERMINING PENALTY AMOUNT.—In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of such prior conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

''(C) LIMITATION.—Notwithstanding paragraph (2), a court may not impose any civil penalty on a person for a violation of section 623(a)(1), unless the person has been enjoined from committing the violation, or ordered not to commit the violation, in an action or proceeding brought by or on behalf of the Federal Trade Commission, and has violated the injunction or order, and the court may not impose any civil penalty for any violation occurring before the date of the violation of the injunction or order.'';

(8) by striking subsection (b) and inserting the following:

''(b) ENFORCEMENT BY OTHER AGENCIES.—

''(1) IN GENERAL.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information that are subject to section 615(d) shall be enforced under—

''(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

''(i) any national bank, and any Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

''(ii) any member bank of the Federal Reserve System (other than a national bank), a branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), a commercial lending company owned or controlled by a foreign bank, and any organization operating under section 25 or 25A of the Federal Reserve Act, by the Board of Governors of the Federal Reserve System; and

''(iii) any bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) and any insured State branch of a foreign bank, by the Board of Directors of the Federal Deposit Insurance Corporation;

''(B) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;

''(C) the Federal Credit Union Act (12 U.S.C. 1751 et seq.), by the Administrator of the National Credit Union Administration with respect to any Federal credit union;

''(D) subtitle IV of title 49, United States Code, by the Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board;

''(E) the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.), by the Secretary of Transportation, with respect to any air carrier or foreign air carrier subject to that Act;

''(F) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act), by the Secretary of Agriculture, with respect to any activities subject to that Act;

''(G) the Commodity Exchange Act, with respect to a person subject to the jurisdiction of the Commodity Futures Trading Commission; and

''(H) the Federal securities laws, and any other laws that are subject to the jurisdiction of the Securities and Exchange Commission, with respect to a person that is subject to the jurisdiction of the Securities and Exchange Commission.

''(2) INCORPORATED DEFINITIONS.—The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).'';

(9) by striking subsection (e) and inserting the following:

''(e) REGULATORY AUTHORITY.—The Bureau shall prescribe such regulations as are necessary to carry out the purposes of this Act. The regulations prescribed by the Bureau under this subsection shall apply to any person that is subject to this Act, notwithstanding the enforcement authorities granted to other agencies under this section.''; and

(10) in section 623 (15 U.S.C. 1681s–2)—

(A) in subsection (a)(7), by striking subparagraph (D) and inserting the following:

''(D) MODEL DISCLOSURE.—

''(i) DUTY OF BUREAU.—The Bureau shall prescribe a brief model disclosure that a financial institution may use to comply with subparagraph (A), which shall not exceed 30 words.

''(ii) USE OF MODEL NOT REQUIRED.—No provision of this paragraph may be construed to require a financial institution to use any such model form prescribed by the Bureau.

''(iii) COMPLIANCE USING MODEL.—A financial institution shall be deemed to be in compliance with subparagraph (A) if the financial institution uses any model form prescribed by the Bureau under this subparagraph, or the financial institution uses any such model form and rearranges its format.''; and

(B) by striking subsection (e) and inserting the following:

''(e) ACCURACY GUIDELINES AND REGULATIONS REQUIRED.—

''(1) GUIDELINES.—The Bureau shall, with respect to persons or entities that are subject to the enforcement authority of the Bureau under section 621—

''(A) establish and maintain guidelines for use by each person that furnishes information to a consumer reporting agency regarding the accuracy and integrity of the information relating to consumers that such entities furnish to consumer reporting agencies, and update such guidelines as often as necessary; and

''(B) prescribe regulations requiring each person that furnishes information to a consumer reporting agency to establish reasonable policies and procedures for implementing the guidelines established pursuant to subparagraph (A).

''(2) CRITERIA.—In developing the guidelines required by paragraph (1)(A), the Bureau shall—

''(A) identify patterns, practices, and specific forms of activity that can compromise the accuracy and integrity of information furnished to consumer reporting agencies;

''(B) review the methods (including technological means) used to furnish information relating to consumers to consumer reporting agencies;

''(C) determine whether persons that furnish information to consumer reporting agencies maintain and enforce policies to ensure the accuracy and integrity of information furnished to consumer reporting agencies; and

''(D) examine the policies and processes that persons that furnish information to consumer reporting agencies employ to conduct reinvestigations and correct inaccurate information relating to consumers that has been furnished to consumer reporting agencies.''.

(b) FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003.—Section 214(b)(1) of the Fair and Accurate Credit Transactions Act of 2003 (15 U.S.C. 1681s–3 note) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Regulations to carry out section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681s–3), shall be prescribed, as described in paragraph (2), by—

''(A) the Commodity Futures Trading Commission, with respect to entities subject to its enforcement authorities;

''(B) the Securities and Exchange Commission, with respect to entities subject to its enforcement authorities; and

''(C) the Bureau, with respect to other entities subject to this Act.''.

**SEC. 1089. AMENDMENTS TO THE FAIR DEBT COLLECTION PRACTICES ACT.**

The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by striking ''Commission'' each place that term appears and inserting ''Bureau'';

(2) in section 803 (15 U.S.C. 1692a)—

(A) by striking paragraph (1) and inserting the following:

''(1) The term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(3) in section 814 (15 U.S.C. 1692l)—

(A) by striking subsection (a) and inserting the following:

''(a) FEDERAL TRADE COMMISSION.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with this title shall be enforced by the Federal Trade Commission, except to the extent that enforcement of the requirements imposed under this title is specifically committed to another Government agency under subsection (b). For purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), a violation of this title shall be deemed an unfair or deceptive act or practice in violation of that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act, including the power to enforce the provisions of this title, in the same manner as if the violation had been a violation of a Federal Trade Commission trade regulation rule.''; and

(B) in subsection (b)—

(i) by striking ''Compliance'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;''; and

(4) in subsection (d), by striking ''Neither the Commission'' and all that follows

through the end of the subsection and inserting the following: ''The Bureau may prescribe rules with respect to the collection of debts by debt collectors, as defined in this Act.''.

**SEC. 1090. AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.**

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 8(t) (12 U.S.C. 1818(t)), by adding at the end the following:

''(6) REFERRAL TO BUREAU OF CONSUMER FINANCIAL PROTECTION.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, each appropriate Federal banking agency shall make a referral to the Bureau of Consumer Financial Protection when the Federal banking agency has a reasonable belief that a violation of an enumerated consumer law, as defined in the Consumer Financial Protection Act of 2010, has been committed by any insured depository institution or institution-affiliated party within the jurisdiction of that appropriate Federal banking agency.''; and

(2) in section 43 (12 U.S.C. 1831t)—

(A) in subsection (c), by striking ''Federal Trade Commission'' and inserting ''Bureau'';

(B) in subsection (d), by striking ''Federal Trade Commission'' and inserting ''Bureau'';

(C) in subsection (e)—

(i) in paragraph (2), by striking ''Federal Trade Commission'' and inserting ''Bureau''; and

(ii) by adding at the end the following new paragraph:

''(5) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.''; and

(D) in subsection (f)—

(i) by striking paragraph (1) and inserting the following:

''(1) LIMITED ENFORCEMENT AUTHORITY.—Compliance with the requirements of subsections (b), (c), and (e), and any regulation prescribed or order issued under such subsection, shall be enforced under the Consumer Financial Protection Act of 2010, by the Bureau, subject to subtitle B of the Consumer Financial Protection Act of 2010, and under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Federal Trade Commission.''; and

(ii) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Bureau or Federal Trade Commission has instituted an enforcement action for a violation of this section, no appropriate State supervisory agency may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Bureau or Federal Trade Commission for any violation of this section that is alleged in that complaint.''.

**SEC. 1091. AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.**

Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended—

(1) in section 504(a)(1) (15 U.S.C. 6804(a)(1))—

(A) by striking ''The Federal banking agencies, the National Credit Union Administration, the Secretary of the Treasury,'' and inserting ''The Bureau of Consumer Financial Protection and''; and

(B) by striking '', and the Federal Trade Commission'';

(2) in section 505(a) (15 U.S.C. 6805(a))—

(A) by striking ''This subtitle'' and all that follows through ''as follows:'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, this subtitle and the regulations prescribed thereunder shall be enforced by the Bureau of Consumer Financial Protection, the Federal functional regulators, the State insurance authorities, and the Federal Trade Commission with respect to financial institutions and other persons subject to their jurisdiction under applicable law, as follows:'';

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon;

(ii) in subparagraph (C), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (D); and

(C) by adding at the end the following:

''(8) Under the Consumer Financial Protection Act of 2010, by the Bureau of Consumer Financial Protection, in the case of any financial institution and other covered person or service provider that is subject to the jurisdiction of the Bureau under that Act, but not with respect to the standards under section 501.''; and

(3) in section 505(b)(1) (15 U.S.C. 6805(b)(1)), by inserting '', other than the Bureau of Consumer Financial Protection,'' after ''subsection (a)''.

**SEC. 1092. AMENDMENTS TO THE HOME MORTGAGE DISCLOSURE ACT.**

The Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.) is amended—

(1) except as otherwise specifically provided in this section, by striking ''Board'' each place that term appears and inserting ''Bureau'';

(2) in section 303 (12 U.S.C. 2802)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2) the following:

''(1) the term 'Bureau' means the Bureau of Consumer Financial Protection;'';

(3) in section 304 (12 U.S.C. 2803)—

(A) in subsection (b)—

(i) in paragraph (4), by inserting ''age,'' before ''and gender'';

(ii) in paragraph (3), by striking ''and'' at the end;

(iii) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(5) the number and dollar amount of mortgage loans grouped according to measurements of—

''(A) the total points and fees payable at origination in connection with the mortgage as determined by the Bureau, taking into account 15 U.S.C. 1602(aa)(4);

''(B) the difference between the annual percentage rate associated with the loan and a benchmark rate or rates for all loans;

''(C) the term in months of any prepayment penalty or other fee or charge payable on repayment of some portion of principal or the entire principal in advance of scheduled payments; and

''(D) such other information as the Bureau may require; and

''(6) the number and dollar amount of mortgage loans and completed applications grouped according to measurements of—

''(A) the value of the real property pledged or proposed to be pledged as collateral;

''(B) the actual or proposed term in months of any introductory period after which the rate of interest may change;

''(C) the presence of contractual terms or proposed contractual terms that would allow the mortgagor or applicant to make payments other than fully amortizing payments during any portion of the loan term;

''(D) the actual or proposed term in months of the mortgage loan;

''(E) the channel through which application was made, including retail, broker, and other relevant categories;

''(F) as the Bureau may determine to be appropriate, a unique identifier that identifies the loan originator as set forth in section 1503 of the S.A.F.E. Mortgage Licensing Act of 2008;

''(G) as the Bureau may determine to be appropriate, a universal loan identifier;

''(H) as the Bureau may determine to be appropriate, the parcel number that corresponds to the real property pledged or proposed to be pledged as collateral;

''(I) the credit score of mortgage applicants and mortgagors, in such form as the Bureau may prescribe, except that the Bureau shall modify or require modification of credit score data that is or will be available to the public to protect the compelling privacy interest of the mortgage applicant or mortgagors; and

''(J) such other information as the Bureau may require.'';

(B) in subsection (i), by striking ''subsection (b)(4)'' and inserting ''subsections (b)(4), (b)(5), and (b)(6)'';

(C) in subsection (j)—

(i) in paragraph (1), by striking ''(as'' and inserting ''(containing loan-level and application-level information relating to disclosures required under subsections (a) and (b) and as otherwise'';

(ii) by striking paragraph (3) and inserting the following:

''(3) CHANGE OF FORM NOT REQUIRED.—A depository institution meets the disclosure requirement of paragraph (1) if the institution provides the information required under such paragraph in such formats as the Bureau may require''; and

(iii) in paragraph (2)(A), by striking ''in the format in which such information is maintained by the institution'' and inserting ''in such formats as the Bureau may require'';

(D) in subsection (m), by striking paragraph (2) and inserting the following:

''(2) FORM OF INFORMATION.—In complying with paragraph (1), a depository institution shall provide the person requesting the information with a copy of the information requested in such formats as the Bureau may require'';

(E) by striking subsection (h) and inserting the following:

''(h) SUBMISSION TO AGENCIES.—

''(1) IN GENERAL.—The data required to be disclosed under subsection (b) shall be submitted to the Bureau or to the appropriate agency for the institution reporting under this title, in accordance with rules prescribed by the Bureau. Notwithstanding the requirement of subsection (a)(2)(A) for disclosure by census tract, the Bureau, in cooperation with other appropriate regulators described in paragraph (2), shall develop regulations that—

''(A) prescribe the format for such disclosures, the method for submission of the data to the appropriate regulatory agency, and the procedures for disclosing the information to the public;

''(B) require the collection of data required to be disclosed under subsection (b) with respect to loans sold by each institution reporting under this title;

''(C) require disclosure of the class of the purchaser of such loans; and

''(D) permit any reporting institution to submit in writing to the Bureau or to the appropriate agency such additional data or explanations as it deems relevant to the decision to originate or purchase mortgage loans.

''(2) OTHER APPROPRIATE AGENCIES.—The appropriate regulators described in this paragraph are—

''(A) the Office of the Comptroller of the Currency (hereafter referred to in this Act as 'Comptroller') for national banks and Federal branches, Federal agencies of foreign banks, and savings associations;

''(B) the Federal Deposit Insurance Corporation for banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), mutual savings banks, insured State branches of foreign banks, and any other depository institution described in section 303(2)(A) which is not otherwise referred to in this paragraph;

''(C) the National Credit Union Administration Board for credit unions; and

''(D) the Secretary of Housing and Urban Development for other lending institutions not regulated by the agencies referred to in subparagraphs (A) through (C).''; and

(F) by adding at the end the following:

''(n) TIMING OF CERTAIN DISCLOSURES.—The data required to be disclosed under subsection (b) shall be submitted to the Bureau or to the appropriate agency for any institution reporting under this title, in accordance with regulations prescribed by the Bureau. Institutions shall not be required to report new data under paragraph (5) or (6) of subsection (b) before the first January 1 that occurs after the end of the 9-month period beginning on the date on which regulations are issued by the Bureau in final form with respect to such disclosures.'';

(4) in section 305 (12 U.S.C. 2804)—

(A) by striking subsection (b) and inserting the following:

''(b) POWERS OF CERTAIN OTHER AGENCIES.—

''(1) IN GENERAL.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements of this title shall be enforced—

''(A) under section 8 of the Federal Deposit Insurance Act, in the case of—

''(i) any national bank, and any Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

''(ii) any member bank of the Federal Reserve System (other than a national bank), branch or agency of a foreign bank (other than a Federal branch, Federal agency, and insured State branch of a foreign bank), commercial lending company owned or controlled by a foreign bank, and any organization operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

''(iii) any bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), any mutual savings bank as, defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)), any insured State branch of a foreign bank, and any other depository institution not referred to in this paragraph or subparagraph (B) or (C), by the Federal Deposit Insurance Corporation;

''(B) under subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;

''(C) under the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any insured credit union; and

''(D) with respect to other lending institutions, by the Secretary of Housing and Urban Development.

''(2) INCORPORATED DEFINITIONS.—The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).''; and

(B) by adding at the end the following:

''(d) OVERALL ENFORCEMENT AUTHORITY OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, enforcement of the requirements imposed under this title is committed to each of the agencies under subsection (b). The Bureau may exercise its authorities under the Consumer Financial Protection Act of 2010 to exercise principal authority to examine and enforce compliance by any person with the requirements of this title.'';

(5) in section 306 (12 U.S.C. 2805(b)), by striking subsection (b) and inserting the following:

''(b) EXEMPTION AUTHORITY.—The Bureau may, by regulation, exempt from the requirements of this title any State-chartered depository institution within any State or subdivision thereof, if the agency determines that, under the law of such State or subdivision, that institution is subject to requirements that are substantially similar to those imposed under this title, and that such law contains adequate provisions for enforcement. Notwithstanding any other provision of this subsection, compliance with the requirements imposed under this subsection shall be enforced by the Office of the Comptroller of the Currency under section 8 of the Federal Deposit Insurance Act, in the case of national banks and savings associations, the deposits of which are insured by the Federal Deposit Insurance Corporation.''; and

(6) by striking section 307 (12 U.S.C. 2806) and inserting the following:

**''SEC. 307. COMPLIANCE IMPROVEMENT METHODS.**

''(a) IN GENERAL.—

''(1) CONSULTATION REQUIRED.—The Director of the Bureau of Consumer Financial Protection, with the assistance of the Secretary, the Director of the Bureau of the Census, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and such other persons as the Bureau deems appropriate, shall develop or assist in the improvement of, methods of matching addresses and census tracts to facilitate compliance by depository institutions in as economical a manner as possible with the requirements of this title.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this subsection.

''(3) CONTRACTING AUTHORITY.—The Director of the Bureau of Consumer Financial Protection is authorized to utilize, contract with, act through, or compensate any person or agency in order to carry out this subsection.

''(b) RECOMMENDATIONS TO CONGRESS.—The Director of the Bureau of Consumer Financial Protection shall recommend to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, such additional legislation as the Director of the Bureau of Consumer Financial Protection deems appropriate to carry out the purpose of this title.''.

**SEC. 1093. AMENDMENTS TO THE HOMEOWNERS PROTECTION ACT OF 1998.**

Section 10 of the Homeowners Protection Act of 1998 (12 U.S.C. 4909) is amended—

(1) in subsection (a)—

(A) by striking ''Compliance'' and inserting ''Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau of Consumer Financial Protection.''; and

(2) in subsection (b)(2), by inserting before the period at the end the following: '', subject to subtitle B of the Consumer Financial Protection Act of 2010''.

**SEC. 1094. AMENDMENTS TO THE HOME OWNERSHIP AND EQUITY PROTECTION ACT OF 1994.**

The Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note) is amended—

(1) in section 158(a), by striking ''Consumer Advisory Council of the Board'' and inserting ''Advisory Board to the Bureau''; and

(2) by striking ''Board'' each place that term appears and inserting ''Bureau''.

**SEC. 1095. AMENDMENTS TO THE OMNIBUS APPROPRIATIONS ACT, 2009.**

Section 626 of the Omnibus Appropriations Act, 2009 (15 U.S.C. 1638 note) is amended—

(1) by striking subsection (a) and inserting the following:

''(a)(1) The Bureau of Consumer Financial Protection shall have authority to prescribe rules with respect to mortgage loans in accordance with section 553 of title 5, United States Code. Such rulemaking shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services. Any violation of a rule prescribed under this paragraph shall be treated as a violation of a rule prohibiting unfair, deceptive, or abusive acts or practices under the Consumer Financial Protection Act of 2010 and a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

''(2) The Bureau of Consumer Financial Protection shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties, as though all applicable terms and provisions of the Consumer Financial Protection Act of 2010 were incorporated into and made part of this subsection.''; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in practices that violate such rule, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States or other court of competent jurisdiction—

''(A) to enjoin that practice;

''(B) to enforce compliance with the rule;

''(C) to obtain damages, restitution, or other compensation on behalf of the residents of the State; or

''(D) to obtain penalties and relief provided under the Consumer Financial Protection Act of 2010, the Federal Trade Commission Act, and such other relief as the court deems appropriate.'';

(B) in paragraphs (2) and (3), by striking ''the primary Federal regulator'' each time

the term appears and inserting ''the Bureau of Consumer Financial Protection or the Commission, as appropriate'';

(C) in paragraph (3), by inserting ''and subject to subtitle B of the Consumer Financial Protection Act of 2010,'' after ''paragraph (2),''; and

(D) in paragraph (6), by striking ''the primary Federal regulator'' each place that term appears and inserting ''the Bureau of Consumer Financial Protection or the Commission''.

**SEC. 1096. AMENDMENTS TO THE REAL ESTATE SETTLEMENT PROCEDURES ACT.**

The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) is amended—

(1) in section 3 (12 U.S.C. 2602)—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(9) the term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(2) in section 4 (12 U.S.C. 2603)—

(A) in subsection (a), by striking the first sentence and inserting the following: ''The Bureau shall publish a single, integrated disclosure for mortgage loan transactions (including real estate settlement cost statements) which includes the disclosure requirements of this title, in conjunction with the disclosure requirements of the Truth in Lending Act that, taken together, may apply to a transaction that is subject to both or either provisions of law. The purpose of such model disclosure shall be to facilitate compliance with the disclosure requirements of this title and the Truth in Lending Act, and to aid the borrower or lessee in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.'';

(B) by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(C) by striking ''form'' each place that term appears and inserting ''forms'';

(3) in section 5 (12 U.S.C. 2604)—

(A) by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(B) in subsection (a), by striking the first sentence and inserting the following: ''The Bureau shall prepare and distribute booklets jointly addressing compliance with the requirements of the Truth in Lending Act and the provisions of this title, in order to help persons borrowing money to finance the purchase of residential real estate better to understand the nature and costs of real estate settlement services.'';

(4) in section 6(j)(3) (12 U.S.C. 2605(j)(3))—

(A) by striking ''Secretary'' and inserting ''Bureau''; and

(B) by striking '', by regulations that shall take effect not later than April 20, 1991,'';

(5) in section 7(b) (12 U.S.C. 2606(b)) by striking ''Secretary'' and inserting ''Bureau'';

(6) in section 8(d) (12 U.S.C. 2607(d))—

(A) in the subsection heading, by inserting ''BUREAU AND'' before ''SECRETARY''; and

(B) by striking paragraph (4), and inserting the following:

''(4) The Bureau, the Secretary, or the attorney general or the insurance commissioner of any State may bring an action to enjoin violations of this section. Except, to the extent that a person is subject to the jurisdiction of the Bureau, the Secretary, or the attorney general or the insurance commissioner of any State, the Bureau shall have primary authority to enforce or administer this section, subject to subtitle B of the Consumer Financial Protection Act of 2010.''.

(7) in section 10(c) (12 U.S.C. 2609(c) and (d)), by striking ''Secretary'' and inserting ''Bureau'';

(8) in section 16 (12 U.S.C. 2614), by inserting ''the Bureau,'' before ''the Secretary'';

(9) in section 18 (12 U.S.C. 2616), by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(10) in section 19 (12 U.S.C. 2617)—

(A) in the section heading by striking ''**SECRETARY**'' and inserting ''**BUREAU**'';

(B) by striking ''Secretary'' each place that term appears and inserting ''Bureau'';

(C) in subsection (b), by inserting ''the Bureau'' before ''the Secretary''; and

(D) in subsection (c), by inserting ''or the Bureau'' after ''the Secretary'' each time that term appears.

**SEC. 1097. AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.**

The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended—

(1) in section 1101—

(A) in paragraph (6)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon;

(ii) in subparagraph (B), by striking ''and'' at the end; and

(iii) by striking subparagraph (C); and

(B) in paragraph (7), by striking subparagraph (E), and inserting the following:

''(E) the Bureau of Consumer Financial Protection;'';

(2) in section 1112(e) (12 U.S.C. 3412(e)), by striking ''and the Commodity Futures Trading Commission is permitted'' and inserting ''the Commodity Futures Trading Commission, and the Bureau of Consumer Financial Protection is permitted''; and

(3) in section 1113 (12 U.S.C. 3413), by adding at the end the following new subsection:

''(r) DISCLOSURE TO THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Nothing in this title shall apply to the examination by or disclosure to the Bureau of Consumer Financial Protection of financial records or information in the exercise of its authority with respect to a financial institution.''.

**SEC. 1098. AMENDMENTS TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008.**

The S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) is amended—

(1) by striking ''a Federal banking agency'' each place that term appears, other than in paragraphs (7) and (11) of section 1503 and section 1507(a)(1), and inserting ''the Bureau'';

(2) by striking ''Federal banking agencies'' each place that term appears and inserting ''Bureau''; and

(3) by striking ''Secretary'' each place that term appears and inserting ''Director'';

(4) in section 1503 (12 U.S.C. 5102)—

(A) by redesignating paragraphs (2) through (12) as (3) through (13), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.

''(2) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.''; and

(C) by striking paragraph (10), as so designated by this section, and inserting the following:

''(10) DIRECTOR.—The term 'Director' means the Director of the Bureau of Consumer Financial Protection.''; and

(5) in section 1507 (12 U.S.C. 5106)—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Bureau shall develop and maintain a system for registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of enactment of the Consumer Financial Protection Act of 2010.''; and

(ii) in paragraph (2)—

(I) by striking ''appropriate Federal banking agency and the Farm Credit Administration'' and inserting ''Bureau''; and

(II) by striking ''employees's identity'' and inserting ''identity of the employee''; and

(B) in subsection (b), by striking ''through the Financial Institutions Examination Council, and the Farm Credit Administration'', and inserting ''and the Bureau of Consumer Financial Protection'';

(6) in section 1508 (12 U.S.C. 5107)—

(A) by striking the section heading and inserting the following: ''**SEC. 1508. BUREAU OF CONSUMER FINANCIAL PROTECTION BACKUP AUTHORITY TO ESTABLISH LOAN ORIGINATOR LICENSING SYSTEM.**''; and

(B) by adding at the end the following:

''(f) REGULATION AUTHORITY.—

''(1) IN GENERAL.—The Bureau is authorized to promulgate regulations setting minimum net worth or surety bond requirements for residential mortgage loan originators and minimum requirements for recovery funds paid into by loan originators.

''(2) CONSIDERATIONS.—In issuing regulations under paragraph (1), the Bureau shall take into account the need to provide originators adequate incentives to originate affordable and sustainable mortgage loans, as well as the need to ensure a competitive origination market that maximizes consumer access to affordable and sustainable mortgage loans.'';

(7) by striking section 1510 (12 U.S.C. 5109) and inserting the following:

**''SEC. 1510. FEES.**

''The Bureau, the Farm Credit Administration, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.'';

(8) by striking section 1513 (12 U.S.C. 5112) and inserting the following:

**''SEC. 1513. LIABILITY PROVISIONS.**

''The Bureau, any State official or agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Director under section 1509, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning

persons who are loan originators or are applying for licensing or registration as loan originators.''; and

(9) in section 1514 (12 U.S.C. 5113) in the section heading, by striking ''**UNDER HUD BACKUP LICENSING SYSTEM**'' and inserting ''**BY THE BUREAU**''.

**SEC. 1099. AMENDMENTS TO THE TRUTH IN LENDING ACT.**

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended—

(1) in section 103 (5 U.S.C. 1602)—

(A) by redesignating subsections (b) through (bb) as subsections (c) through (cc), respectively; and

(B) by inserting after subsection (a) the following:

''(b) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(2) by striking ''Board'' each place that term appears, other than in section 140(d) and section 108(a), as amended by this section, and inserting ''Bureau'';

(3) by striking ''Federal Trade Commission'' each place that term appears, other than in section 108(c) and section 129(m), as amended by this Act, and other than in the context of a reference to the Federal Trade Commission Act, and inserting ''Bureau'';

(4) in section 105(a) (15 U.S.C. 1604(a)), in the second sentence—

(A) by striking ''Except in the case of a mortgage referred to in section 103(aa), these regulations may contain such'' and inserting ''Except with respect to the provisions of section 129 that apply to a mortgage referred to in section 103(aa), such regulations may contain such additional requirements,''; and

(B) by inserting ''all or'' after ''exceptions for'';

(5) in section 105(b) (15 U.S.C. 1604(b)), by striking the first sentence and inserting the following: ''The Bureau shall publish a single, integrated disclosure for mortgage loan transactions (including real estate settlement cost statements) which includes the disclosure requirements of this title in conjunction with the disclosure requirements of the Real Estate Settlement Procedures Act of 1974 that, taken together, may apply to a transaction that is subject to both or either provisions of law. The purpose of such model disclosure shall be to facilitate compliance with the disclosure requirements of this title and the Real Estate Settlement Procedures Act of 1974, and to aid the borrower or lessee in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.'';

(6) in section 105(f)(1) (15 U.S.C. 1604(f)(1)), by inserting ''all or'' after ''from all or part of this title'';

(7) in section 108 (15 U.S.C. 1607)—

(A) by striking subsection (a) and inserting the following:

''(a) ENFORCING AGENCIES.—Except as otherwise provided in subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, in the case of—

''(A) any national bank, and Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

''(B) any member bank of the Federal Reserve System (other than a national bank), any branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), any commercial lending company owned or controlled by a foreign bank, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

''(C) any bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) and an insured State branch of a foreign bank, by the Board of Directors of the Federal Deposit Insurance Corporation;

''(2) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;

''(3) the Federal Credit Union Act, by the Director of the National Credit Union Administration, with respect to any Federal credit union;

''(4) the Federal Aviation Act of 1958, by the Secretary of Transportation, with respect to any air carrier or foreign air carrier subject to that Act;

''(5) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture, with respect to any activities subject to that Act; and

''(6) the Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.''; and

(B) by striking subsection (c) and inserting the following:

''(c) OVERALL ENFORCEMENT AUTHORITY OF THE FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.'';

(8) in section 129 (15 U.S.C. 1639), by striking subsection (m) and inserting the following:

''(m) CIVIL PENALTIES IN FEDERAL TRADE COMMISSION ENFORCEMENT ACTIONS.—For purposes of enforcement by the Federal Trade Commission, any violation of a regulation issued by the Bureau pursuant to subsection (l)(2) shall be treated as a violation of a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.''; and

(9) in chapter 5 (15 U.S.C. 1667 et seq.)—

(A) by striking ''the Board'' each place that term appears and inserting ''the Bureau''; and

(B) by striking ''The Board'' each place that term appears and inserting ''The Bureau''.

**SEC. 1100. AMENDMENTS TO THE TRUTH IN SAVINGS ACT.**

The Truth in Savings Act (12 U.S.C. 4301 et seq.) is amended—

(1) by striking ''Board'' each place that term appears and inserting ''Bureau'';

(2) in section 270(a) (12 U.S.C. 4309)—

(A) by striking ''Compliance'' and inserting ''Except as otherwise provided in subtitle B of the Consumer Financial Protection Act of 2010, compliance'';

(B) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end; and

(ii) by striking subparagraph (C);

(C) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(3) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau.'';

(3) in section 272(b) (12 U.S.C. 4311(b)), by striking ''regulation prescribed by the Board'' each place that term appears and inserting ''regulation prescribed by the Bureau''; and

(4) in section 274 (12 U.S.C. 4313), by striking paragraph (4) and inserting the following:

''(4) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.''.

**SEC. 1101. AMENDMENTS TO THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.**

(a) AMENDMENTS TO SECTION 3.—Section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102) is amended by striking subsections (b) and (c) and inserting the following:

''(b) RULEMAKING AUTHORITY.—The Commission shall have authority to prescribe rules under subsection (a), in accordance with section 553 of title 5, United States Code. In prescribing a rule under this section that relates to the provision of a consumer financial product or service that is subject to the Consumer Financial Protection Act of 2010, including any enumerated consumer law thereunder, the Commission shall consult with the Bureau of Consumer Financial Protection regarding the consistency of a proposed rule with standards, purposes, or objectives administered by the Bureau of Consumer Financial Protection.

''(c) VIOLATIONS.—Any violation of any rule prescribed under subsection (a)—

''(1) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act regarding unfair or deceptive acts or practices; and

''(2) that is committed by a person subject to the Consumer Financial Protection Act of 2010 shall be treated as a violation of a rule under section 1031 of that Act regarding unfair, deceptive, or abusive acts or practices.''.

(b) AMENDMENTS TO SECTION 4.—Section 4(d) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6103(d)) is amended by inserting after ''Commission'' each place that term appears the following: ''or the Bureau of Consumer Financial Protection''.

(c) AMENDMENTS TO SECTION 5.—Section 5(c) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6104(c)) is amended by inserting after ''Commission'' each place that term appears the following: ''or the Bureau of Consumer Financial Protection''.

(d) AMENDMENT TO SECTION 6.—Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6105) is amended by adding at the end the following:

''(d) ENFORCEMENT BY BUREAU OF CONSUMER FINANCIAL PROTECTION.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, and subject to subtitle B of the Consumer Financial Protection Act of 2010, this Act shall be enforced by the Bureau of Consumer Financial Protection under subtitle E of the Consumer Financial Protection Act of 2010.''.

**SEC. 1102. AMENDMENTS TO THE PAPERWORK REDUCTION ACT.**

(a) DESIGNATION AS AN INDEPENDENT AGENCY.—Section 2(5) of the Paperwork Reduction

Act (44 U.S.C. 3502(5)) is amended by inserting ''the Bureau of Consumer Financial Protection, the Office of Financial Research,'' after ''the Securities and Exchange Commission,''.

(b) COMPARABLE TREATMENT.—Section 3513 of title 44, United States Code, is amended by adding at the end the following:

''(c) COMPARABLE TREATMENT.—Notwithstanding any other provision of law, the Director shall treat or review a rule or order prescribed or proposed by the Director of the Bureau of Consumer Financial Protection on the same terms and conditions as apply to any rule or order prescribed or proposed by the Board of Governors of the Federal Reserve System.''.

**SEC. 1103. ADJUSTMENTS FOR INFLATION IN THE TRUTH IN LENDING ACT.**

(a) CAPS.—

(1) CREDIT TRANSACTIONS.—Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by striking ''$25,000'' and inserting ''$50,000''.

(2) CONSUMER LEASES.—Section 181(1) of the Truth in Lending Act (15 U.S.C. 1667(1)) is amended by striking ''$25,000'' and inserting ''$50,000''.

(b) ADJUSTMENTS FOR INFLATION.—On and after December 31, 2011, the Bureau may adjust annually the dollar amounts described in sections 104(3) and 181(1) of the Truth in Lending Act (as amended by this section), by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as published by the Bureau of Labor Statistics, rounded to the nearest multiple of $100, or $1,000, as applicable.

**SEC. 1104. EFFECTIVE DATE.**

Except as otherwise provided in this subtitle and the amendments made by this subtitle, this subtitle and the amendments made by this subtitle, other than sections 1081 and 1082, shall become effective on the designated transfer date.

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**SA 3832.** Mr. SESSIONS (for himself, Mr. BUNNING, Mr. DEMINT, Mr. ENSIGN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike title II and insert the following:

**TITLE II—BANKRUPTCY INTEGRITY AND ACCOUNTABILITY ACT**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Bankruptcy Integrity and Accountability Act of 2010''.

**SEC. 202. AMENDMENTS TO TITLE 28 OF THE UNITED STATES CODE.**

Title 28, United States Code, is amended—

(1) in section 1408, by striking ''section 1410'' and inserting ''sections 1409A and 1410'';

(2) by inserting after section 1409 the following:

**''§ 1409A. Venue of cases involving non-bank financial institutions**

''A case under chapter 14 may be commenced in the district court of the United States for the district—

''(1) in which the debtor has its domicile, principal place of business in the United States, principal assets in the United States, or in which there is pending a case under title 11 concerning the debtor's affiliate or subsidiary, if a Federal Reserve Bank is located in that district;

''(2) if venue does not exist under paragraph (1), in which there is a Federal Reserve Bank and in a Federal Reserve district in which the debtor has its domicile, principal place of business in the United States, principal assets in the United States, or in which there is pending a case under title 11 concerning the debtor's affiliate or subsidiary; or

''(3) if venue does not exist under paragraph (1) or (2), in which there is a Federal Reserve Bank and in a Federal circuit adjacent to the Federal circuit in which the debtor has its domicile, principal place of business or principal assets in the United States.'', and

(3) by amending the table of sections for chapter 87, by inserting after the item relating to section 1408 the following:

''1409A. Venue of cases involving non-bank financial institutions.''.

**SEC. 203. AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE.**

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (26) the following:

''(26A) The term 'functional regulator' means the Federal regulatory agency with the primary Federal regulatory authority over the debtor, such as an agency listed in section 509 of the Gramm-Leach-Bliley Act.'';

(2) by redesignating paragraphs (38A) and (38B) as paragraphs (38B) and (38C), respectively;

(3) by inserting after paragraph (38) the following:

''(38A) the term 'Financial Stability Oversight Council' means the entity established in section 111 of the Restoring American Financial Stability Act of 2010''; and

(4) by inserting after paragraph (40) the following:

''(40A) The term 'non-bank financial institution' means an institution the business of which is primarily engaged in financial activities that is not an insured depository institution.''.

(b) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a) by striking ''13'' and inserting ''13, and 14'';

(2) by redesignating subsection (k) as subsection (l); and

(3) by inserting after subsection (j) the following:

''(k) Chapter 14 applies only in a case under such chapter.''.

(c) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''or'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(4) a non-bank financial institution that has not been a debtor under chapter 14 of this title.''; and

(2) in subsection (d), by striking ''or commodity broker'' and inserting '', commodity broker, or a non-bank financial institution''.

(d) INVOLUNTARY CASES.—Section 303 of title 11, the United States Code, is amended—

(1) in subsection (a) by striking ''or 11'' and inserting '', 11, or 14''; and

(2) in subsection (b) by striking ''or 11'' and inserting '', 11, or 14''.

(e) OBTAINING CREDIT.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding any other provision of this section, the trustee may not, and the court may not authorize the trustee to, obtain credit, if the source of that credit either directly or indirectly is the United States. Nor shall any Federal funds be made available through the Federal Reserve System, including through the authority of the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343).''.

(f) CHAPTER 14.—Title 11, United States Code, is amended—

(1) by inserting the following after chapter 13:

**''CHAPTER 14—ADJUSTMENT TO THE DEBTS OF A NON-BANK FINANCIAL INSTITUTION**

''1401. Inapplicability of other sections.
''1402. Applicability of chapter 11 to cases under this chapter.
''1403. Prepetition consultation.
''1404. Appointment of trustee.
''1405. Right to be heard.
''1406. Right to communicate.
''1407. Exemption with respect to certain contracts or agreements.
''1408. Conversion or dismissal.

**''§ 1401. Inapplicability of other sections**

''Except as provided in section 1407, sections 362(b)(6), 362(b)(7), 362(b)(17), 546(e), 546(f), 546(g), 555, 556, 559, 560, and 561 do not apply in a case under this chapter.

**''§ 1402. Applicability of chapter 11 to cases under this chapter**

''With the exception of sections 1104(d), 1109, 1112(a), 1115, and 1116, subchapters I, II, and III of chapter 11 apply in a case under this chapter.

**''§ 1403. Prepetition consultation**

''(a) Subject to subsection (b)—

''(1) a non-bank financial institution may not be a debtor under this chapter unless that institution has, at least 10 days prior to the date of the filing of the petition by such institution, taken part in the consultation described in subsection (c); and

''(2) a creditor may not commence an involuntary case under this chapter unless, at least 10 days prior to the date of the filing of the petition by such creditor, the creditor notifies the non-bank financial institution, the functional regulator, and the Financial Stability Oversight Council of its intent to file a petition and requests a consultation as described in subsection (c).

''(b) If the non-bank financial institution, the functional regulator, and the Financial Stability Oversight Council, in consultation with any agency charged with administering a nonbankruptcy insolvency regime for any component of the debtor, certify that the immediate filing of a petition under section 301 or 303 is necessary, or that an immediate filing would be in the interests of justice, a petition may be filed notwithstanding subsection (a).

''(c) The non-bank financial institution, the functional regulator, the Financial Stability Oversight Council, and any agency charged with administering a nonbankruptcy insolvency regime for any component of the debtor shall engage in prepetition consultation in order to attempt to avoid the need for the non-bank financial institution's liquidation or reorganization in bankruptcy, to

make any liquidation or reorganization of the non-bank financial institution under this title more orderly, or to aid in the nonbankruptcy resolution of any of the non-bank financial institution's components under its nonbankruptcy insolvency regime. Such consultation shall specifically include the attempt to negotiate forbearance of claims between the non-bank financial institution and its creditors if such forbearance would likely help to avoid the commencement of a case under this title, would make any liquidation or reorganization under this title more orderly, or would aid in the nonbankruptcy resolution of any of the non-bank financial institution's components under its nonbankruptcy insolvency regime. Additionally, the consultation shall consider whether, if a petition is filed under section 301 or 303, the debtor should file a motion for an exemption authorized by section 1407.

''(d) The court may allow the consultation process to continue for 30 days after the petition, upon motion by the debtor or a creditor. Any post-petition consultation proceedings authorized should be facilitated by the court's mediation services, under seal, and exclude ex parte communications.

''(e) The Financial Stability Oversight Council and the functional regulator shall publish and transmit to Congress a report documenting the course of any consultation. Such report shall be published and transmitted to Congress within 30 days of the conclusion of the consultation.

''(f) Nothing in this section shall be interpreted to set aside any of the limitations on the use of Federal funds set forth in the Bankruptcy Integrity and Accountability Act of 2010 or the amendments made by such Act. Nor shall any Federal funds be made available through the Federal Reserve System, including through the authority of the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343).

**''§ 1404. Appointment of trustee**

''In applying section 1104 to a case under this chapter, if the court orders the appointment of a trustee or an examiner, if the trustee or an examiner dies or resigns during the case or is removed under section 324, or if a trustee fails to qualify under section 322, the functional regulator, in consultation with the Financial Stability Oversight Council, shall submit a list of five disinterested persons that are qualified and willing to serve as trustees in the case and the United States trustee shall appoint, subject to the court's approval, one of such persons to serve as trustee in the case.

**''§ 1405. Right to be heard**

''(a) The functional regulator, the Financial Stability Oversight Council, the Federal Reserve, the Department of the Treasury, the Securities and Exchange Commission, and any domestic or foreign agency charged with administering a nonbankruptcy insolvency regime for any component of the debtor may raise and may appear and be heard on any issue in a case under this chapter, but may not appeal from any judgment, order, or decree entered in the case.

''(b) A party in interest, including the debtor, the trustee, a creditors' committee, an equity security holders' committee, a creditor, an equity security holder, or any indenture trustee may raise, and may appear and be heard on, any issue in a case under this chapter.

**''§ 1406. Right to communicate**

''The court is entitled to communicate directly with, or to request information or assistance directly from, the functional regulator, the Financial Stability Oversight Council, the Board of Governors of the Federal Reserve System, the Department of the Treasury, or any agency charged with administering a nonbankruptcy insolvency regime for any component of the debtor, subject to the rights of a party in interest to notice and participation.

**''§ 1407. Exemption with respect to certain contracts or agreements**

''(a) Subject to subsection (b)—

''(1) upon motion of the debtor, consented to by the Financial Stability Oversight Council—

''(A) the debtor and the estate shall be exempt from the operation of sections 362(b)(6), 362(b)(7), 362(b)(17), 546(e), 546(f), 546(g), 555, 556, 559, 560, and 561;

''(B) if the Financial Stability Oversight Council consents to the filing of such motion by the debtor, the Board shall inform the court of its reasons for consenting; and

''(C) the debtor may limit its motion, or the board may limit its consent, to exempt the debtor and the estate from the operation of section 362(b)(6), 362(b)(7), 362(b)(17), 546(e), 546(f), 546(g), 555, 556, 559, 560, or 561, or any combination thereof; and

''(2) if the Financial Stability Oversight Council does not consent to the filing of a motion by the debtor under paragraph (1), the debtor may file a motion to exempt the debtor and the estate from the operation of sections 362(b)(6), 362(b)(7), 362(b)(17), 546(e), 546(f), 546(g), 555, 556, 559, 560, and 561, or any combination thereof.

''(b) The court shall commence a hearing on a motion under subsection (a) not later than 5 days after the filing of the motion to determine whether to maintain, terminate, annul, modify, or condition the exemption under subsection (a)(1) or, in the case of a motion under subsection (a)(2), grant the exemption. The court shall request the filing or briefs by the functional regulator and the Financial Stability Oversight Council. The court shall decide the motion not later than 5 days after commencing such hearing unless—

''(1) the parties in interest consent to a extension for a specific period of time; or

''(2) except with respect to an exemption from the operation of section 559, the court sua sponte extends for 5 additional days the period for decision if such extension would be in the interests of justice or is required by compelling circumstances.

''(c) The court shall maintain, terminate, annul, modify, or condition the exemption under subsection (a)(1), or, in the case of a motion under subsection (a)(2), grant the exemption only upon showing of good cause. In determining whether good cause has been shown, the court shall balance the interests of both debtor and creditors while attempting to preserve the debtor's assets for repayment and reorganization of the debtors obligations, or to provide for a more orderly liquidation.

''(d) For purposes of timing under section 562 of this title, if a motion is filed under subsection (a)(1) or if a motion is granted under subsection (a)(2), the date or dates of liquidation, termination, or acceleration shall be measured from the earlier of—

''(1) the actual date or dates of liquidation, termination, or acceleration; or

''(2) the date on which a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant files a notice with the court that it would have liquidated, terminated, or accelerated a contract or agreement covered by section 562 of this title had a stay under this section not been in place.

''(e) The provisions of this section shall apply only with respect to contracts and agreements covered by this section entered into on or after the date of enactment of this chapter.

**''§ 1408. Conversion or dismissal**

''In applying section 1112 to a case under this chapter, the debtor may convert a case under this chapter to a case under chapter 7 of this title if the debtor may be a debtor under such chapter unless the debtor is not a debtor in possession.'', and

(2) by amending the table of chapters of such title by adding at the end the following:

''14. Adjustment to the Debts of a Non-Bank Financial Institution .. 1401''.

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**SA 3833.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. __. SHAREHOLDER REGISTRATION THRESHOLD.**

(a) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) SECTION 12.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of an issuer that is a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 2000 persons or more; and

''(B) in the case of an issuer that is not a bank or bank holding company, 500 persons or more,''; and

(ii) by striking ''commerce shall'' and inserting ''commerce shall, not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by''; and

(B) in paragraph (4), by striking ''three hundred'' and inserting ''300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(2) SECTION 15.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking ''three hundred'' and inserting ''300 persons, or, in the case of bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(b) STUDY OF REGISTRATION THRESHOLDS.—

(1) STUDY.—

(A) ANALYSIS REQUIRED.—The Chief Economist and Director of the Division of Corporation Finance of the Commission shall jointly conduct a study, including a cost-benefit analysis, of shareholder registration thresholds.

(B) COSTS AND BENEFITS.—The cost-benefit analysis under subparagraph (A) shall take into account—

(i) the incremental benefits to investors of the increased disclosure that results from registration;

(ii) the incremental costs to issuers associated with registration and reporting requirements; and

(iii) the incremental administrative costs to the Commission associated with different thresholds.

(C) THRESHOLDS.—The cost-benefit analysis under subparagraph (A) shall evaluate whether it is advisable to—

(i) increase the asset threshold;

(ii) index the asset threshold to a measure of inflation;

(iii) increase the shareholder threshold;

(iv) change the shareholder threshold to be based on the number of beneficial owners; and

(v) create new thresholds based on other criteria.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Chief Economist and the Director of the Division of Corporation Finance of the Commission shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes—

(A) the findings of the study required under paragraph (1); and

(B) recommendations for statutory changes to improve the shareholder registration thresholds.

(c) RULEMAKING.—Not later than one year after the date of enactment of this Act, the Commission shall issue final regulations to implement this section and the amendments made by this section.

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**SA 3834.** Mr. CORKER (for himself, Mr. GREGG, Mr. ISAKSON, and Mr. LEMIEUX) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1045, strike line 12 and all that follows through ''**SEC. 942.**'' on page 1052, line 3, and insert the following:

(b) STUDY ON RISK RETENTION.—

(1) STUDY.—

(A) IN GENERAL.—The Board of Governors, in coordination and consultation with the Comptroller of the Currency, the Corporation, the Federal Housing Finance Agency, and the Commission, shall conduct a study of the asset-backed securitization process.

(B) ISSUES TO BE STUDIED.—In conducting the study under subparagraph (A), the Board of Governors shall evaluate—

(i) the separate and combined impact of—

(I) requiring loan originators or securitizers to retain an economic interest in a portion of the credit risk for any asset that the securitizer, through the issuance of an asset-backed security, transfers, sells, or conveys to a third party; including—

(aa) whether existing risk retention requirements such as contractual representations and warranties, and statutory and regulatory underwriting and consumer protection requirements are sufficient to ensure the long-term accountability of originators for loans they originate; and

(bb) methodologies for establishing additional statutory credit risk retention requirements;

(II) the Financial Accounting Statements 166 and 167 issued by the Financial Accounting Standards Board, as well as any other statements issued before or after the date of enactment of this section the Federal banking agencies determine to be relevant;

(ii) the impact of the factors described under subsection (i) of this section on—

(I) different classes of assets, such as residential mortgages, commercial mortgages, commercial loans, auto loans, and other classes of assets;

(II) loan originators;

(III) securitizers;

(IV) access of consumers and businesses to credit on reasonable terms.

(2) REPORT.—Not later than 18 months after the date of enactment of this section, the Board of Governors shall submit to Congress a report on the study conducted under paragraph (1). Such report shall include statutory and regulatory recommendations for eliminating any negative impacts on the continued viability of the asset-backed securitization markets and on the availability of credit for new lending identified by the study conducted under paragraph (1).

**SEC. 942. RESIDENTIAL MORTGAGE UNDERWRITING STANDARDS.**

(a) STANDARDS ESTABLISHED.—Notwithstanding any other provision of this Act or any other provision of Federal, State, or local law, the Federal banking agencies, in consultation with the Federal Housing Finance Agency and the Department of Housing and Urban Development, shall jointly establish specific minimum standards for mortgage underwriting, including—

(1) a requirement that the mortgagee verify and document the income and assets relied upon to qualify the mortgagor on the residential mortgage, including the previous employment and credit history of the mortgagor;

(2) a down payment requirement that—

(A) is equal to not less than 5 percent of the purchase price of the property securing the residential mortgage; and

(B) in the case of a first lien residential mortgage loan with an initial loan to value ratio that is more than 80 percent and not more than 95 percent, includes a requirement for credit enhancements, as defined by the Federal banking agencies, until the loan to value ratio of the residential mortgage loan amortizes to a value that is less than 80 percent of the purchase price;

(3) a method for determining the ability of the mortgagor to repay the residential mortgage that is based on factors including—

(A) all terms of the residential mortgage, including principal payments that fully amortize the balance of the residential mortgage over the term of the residential mortgage; and

(B) the debt to income ratio of the mortgagor; and

(4) any other specific standards the Federal banking agencies jointly determine are appropriate to ensure prudent underwriting of residential mortgages.

(b) UPDATES TO STANDARDS.—The Federal banking agencies, in consultation with the Federal Housing Finance Agency and the Department of Housing and Urban Development—

(1) shall review the standards established under this section not less frequently than every 5 years; and

(2) based on the review under paragraph (1), may revise the standards established under this section, as the Federal banking agencies, in consultation with the Federal Housing Finance Agency and the Department of Housing and Urban Development, determine to be necessary.

(c) COMPLIANCE.—It shall be a violation of Federal law—

(1) for any mortgage loan originator to fail to comply with the minimum standards for mortgage underwriting established under subsection (a) in originating a residential mortgage loan;

(2) for any company to maintain an extension of credit on a revolving basis to any person to fund a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan funded by such credit was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a); or

(3) for any company to purchase, fund by assignment, or guarantee a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a).

(d) IMPLEMENTATION.—

(1) REGULATIONS REQUIRED.—The Federal banking agencies, in consultation with the Federal Housing Finance Agency, shall issue regulations to implement subsections (a) and (c), which shall take effect not later than 270 days after the date of enactment of this Act.

(2) REPORT REQUIRED.—If the Federal banking agencies have not issued final regulations under subsections (a) and (c) before the date that is 270 days after the date of enactment of this Act, the Federal banking agencies shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(A) explains why final regulations have not been issued under subsections (a) and (c); and

(B) provides a timeline for the issuance of final regulations under subsections (a) and (c).

(e) ENFORCEMENT.—Compliance with the rules issued under this section shall be enforced by—

(1) the primary financial regulatory agency of an entity, with respect to an entity subject to the jurisdiction of a primary financial regulatory agency, in accordance with the statutes governing the jurisdiction of the primary financial regulatory agency over the entity and as if the action of the primary financial regulatory agency were taken under such statutes; and

(2) the Bureau, with respect to a company that is not subject to the jurisdiction of a primary financial regulatory agency.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to permit the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation to make or guarantee a residential mortgage loan that does not meet the minimum underwriting standards established under this section.

(g) DEFINITIONS.—In this section, the following definitions shall apply:

(1) COMPANY.—The term ''company''—

(A) has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)); and

(B) includes a sole proprietorship.

(2) MORTGAGE LOAN ORIGINATOR.—The term ''mortgage loan originator'' means any company that takes residential mortgage loan applications and offers or negotiates terms of residential mortgage loans.

(3) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan''—

(A) means any extension of credit primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent security interest in a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling; and

(B) does not include a mortgage loan for which mortgage insurance is provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration.

(4) EXTENSION OF CREDIT; DWELLING.—The terms ''extension of credit'' and ''dwelling'' shall have the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

**SEC. 943.**

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**SA 3835.** Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1290, between lines 4 and 5, insert the following:

(s) NO AUTHORITY OVER UNDERWRITING STANDARDS FOR RESIDENTIAL MORTGAGE LOANS.—

(1) RULE OF CONSTRUCTION.—Nothing in this title may be construed as conferring authority on the Bureau to exercise any rulemaking or other authority for matters pertaining to underwriting standards with respect to residential mortgage loans, except as otherwise authorized under section 1024.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term ''residential mortgage loan'' means any extension of credit primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent security interest in a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling; and

(B) the terms ''credit'' and ''dwelling'' have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

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**SA 3836.** Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, after line 24, add the following:

**SEC. 122. COUNCIL REVIEW OF MEMBER AGENCY RULES.**

(a) IN GENERAL.—The Council shall conduct a review of each rule or regulation that a member agency intends to propose relating to capital, liquidity, or leverage requirements for, or restrictions on the activities of, an entity regulated by the member agency. The Council shall consider international regulatory rules in conducting a review under this subsection.

(b) PROCESS.—

(1) IN GENERAL.—Each member agency shall submit to the Council for a binding decision an advanced notice of proposed rulemaking and any other proposed or final rule or regulation that proposes changes to capital, liquidity, or leverage requirements or activity restrictions for a financial company that is subject to regulation by the member agency.

(2) STANDARD FOR REVIEW.—In making a determination under this subsection, the members of the Council shall consider the safety and soundness of financial institutions and the stability of the financial system of the United States.

(c) TIMING.—Not later than 60 days after the date on which the Council receives a notice under subsection (b), the Council shall make a determination of whether to approve the issuance of the proposed rule or regulation that is the subject of the notice.

(d) APPROVAL REQUIRED.—No rule or regulation described in subsection (b) may become effective or enforceable, unless approved by the Council under this section.

(e) PUBLIC NOTICE.—The Council shall make public any notice of proposed rulemaking or other notice of a rule or regulation submitted by a member agency under this section.

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**SA 3837.** Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1236, line 4 strike ''(3)'' and insert the following:

''(3) FFIEC REVIEW OF BUREAU REGULATIONS.—The Federal Financial Institutions Examination Council shall review each regulation prescribed by the Bureau prior to its effective date, and unless approved by the Federal Financial Institutions Examination Council, by majority vote, such regulation shall not become effective.

''(4)''.

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**SA 3838.** Mr. BROWN of Massachusetts (for himself, Mrs. SHAHEEN, and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 295, between lines 19 and 20, insert the following:

(s) TREATMENT OF CERTAIN NONBANK FINANCIAL COMPANIES NOT SUBJECT TO ORDERLY LIQUIDATION.—

(1) IN GENERAL.—Subsections (n) and (o) shall not apply to any nonbank financial company that is subject to liquidation or rehabilitation under State law, unless such company—

(A) is determined to be a nonbank financial company supervised by the Board of Governors pursuant to section 113; or

(B) is determined by the Corporation to have benefitted financially from the orderly liquidation of a covered financial company and the use of the Fund under this title by receiving payments or credit pursuant to subsection (b)(4), (d)(4), or (h)(5)(E).

(2) EXCLUSION OF ASSETS.—Any assets of a nonbank financial company described in paragraph (1) shall be excluded for purposes of calculating a financial company's total consolidated assets under subsection (o).

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**SA 3839.** Mr. MCCAIN (for himself, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAPO, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE XIII—ENHANCED REGULATION OF GOVERNMENT-SPONSORED ENTERPRISES**

**Subtitle A—GSE Bailout Elimination and Taxpayer Protection**

**SECTION 1311. SHORT TITLE.**

This subtitle may be cited as the ''GSE Bailout Elimination and Taxpayer Protection Act''.

**SEC. 1312. DEFINITIONS.**

For purposes of this subtitle, the following definitions shall apply:

(1) CHARTER.—The term ''charter'' means—

(A) with respect to the Federal National Mortgage Association, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); and

(B) with respect to the Federal Home Loan Mortgage Corporation, the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

(2) DIRECTOR.—The term ''Director'' means the Director of the Federal Housing Finance Agency.

(3) ENTERPRISE.—The term ''enterprise'' means—

(A) the Federal National Mortgage Association; and

(B) the Federal Home Loan Mortgage Corporation.

(4) GUARANTEE.—The term ''guarantee'' means, with respect to an enterprise, the credit support of the enterprise that is provided by the Federal Government through its charter as a government-sponsored enterprise.

**SEC. 1313. TERMINATION OF CURRENT CONSERVATORSHIP.**

(a) IN GENERAL.—Upon the expiration of the period referred to in subsection (b), the Director of the Federal Housing Finance Agency shall determine, with respect to each enterprise, if the enterprise is financially viable at that time and—

(1) if the Director determines that the enterprise is financially viable, immediately take all actions necessary to terminate the conservatorship for the enterprise that is in effect pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617); or

(2) if the Director determines that the enterprise is not financially viable, immediately appoint the Federal Housing Finance Agency as receiver under section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 and carry out such receivership under the authority of such section.

(b) TIMING.—The period referred to in this subsection is, with respect to an enterprise—

(1) except as provided in paragraph (2), the 24-month beginning upon the date of the enactment of this Act; or

(2) if the Director determines before the expiration of the period referred to in paragraph (1) that the financial markets would be adversely affected without the extension of such period under this paragraph with respect to that enterprise, and upon making such determination notifies the Congress in writing of such determination, the 30-month period beginning upon the date of the enactment of this Act.

(c) FINANCIAL VIABILITY.—The Director may not determine that an enterprise is financially viable for purposes of subsection (a) if the Director determines that any of the conditions for receivership set forth in paragraph (3) or (4) of section 1367(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(a)) exists at the time with respect to the enterprise.

**SEC. 1314. LIMITATION OF ENTERPRISE AUTHORITY UPON EMERGENCE FROM CONSERVATORSHIP.**

(a) REVISED AUTHORITY.—Upon the expiration of the period referred to in section 1113(b), if the Director makes the determination under section 1113(a)(1), the following provisions shall take effect:

(1) REPEAL OF HOUSING GOALS.—

(A) REPEAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by striking sections 1331 through 1336 (12 U.S.C. 4561–6).

(B) CONFORMING AMENDMENTS.—Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended—

(i) in section 1303(28) (12 U.S.C. 4502(28)), by striking ''and, for the purposes'' and all that follows through ''designated disaster areas'';

(ii) in section 1324(b)(1)(A) (12 U.S.C. 4544(b)(1)(A))—

(I) by striking clauses (i), (ii), and (iv);

(II) in clause (iii), by inserting ''and'' after the semicolon at the end; and

(III) by redesignating clauses (iii) and (v) as clauses (i) and (ii), respectively;

(iii) in section 1338(c)(10) (12 U.S.C. 4568(c)(10)), by striking subparagraph (E);

(iv) in section 1339(h) (12 U.S.C. 4569), by striking paragraph (7);

(v) in section 1341 (12 U.S.C. 4581)—

(I) in subsection (a)—

(aa) in paragraph (1), by inserting ''or'' after the semicolon at the end;

(bb) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(cc) by striking paragraphs (3) and (4); and

(II) in subsection (b)(2)—

(aa) in subparagraph (A), by inserting ''or'' after the semicolon at the end;

(bb) by striking subparagraphs (B) and (C); and

(cc) by redesignating subparagraph (D) as subparagraph (B);

(vi) in section 1345(a) (12 U.S.C. 4585(a))—

(I) in paragraph (1), by inserting ''or'' after the semicolon at the end;

(II) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(III) by striking paragraphs (3) and (4); and

(vii) in section 1371(a)(2) (12 U.S.C. 4631(a)(2))—

(I) by striking ''with any housing goal established under subpart B of part 2 of subtitle A of this title,''; and

(II) by striking ''section 1336 or''.

(2) PORTFOLIO LIMITATIONS.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended by adding at the end the following new section:

**''SEC. 1369E. RESTRICTION ON MORTGAGE ASSETS OF ENTERPRISES.**

''(a) RESTRICTION.—No enterprise shall own, as of any applicable date in this subsection or thereafter, mortgage assets in excess of—

''(1) upon the expiration of the period referred to in section 1113(b) of the GSE Bailout Elimination and Taxpayer Protection Act or thereafter, 95 percent of the aggregate amount of mortgage assets that the regulated entity owned on December 31 of the previous year, provided, that in no event shall the regulated entity be required under this paragraph to own less than $250,000,000,000 in mortgage assets;

''(2) upon the expiration of the 1-year period that begins on the date described in paragraph (1) or thereafter, 75 percent of the aggregate amount of mortgage assets that the regulated entity owned in section 1113(b) of the GSE Bailout Elimination and Taxpayer Protection Act, provided, that in no event shall the regulated entity be required under this paragraph to own less than $250,000,000,000 in mortgage assets;

''(3) upon the expiration of the 2-year period that begins on the date described in paragraph (1) or thereafter, 75 percent of the aggregate amount of mortgage assets that the regulated entity owned upon the expiration of the 1-year period that begins on the date described in paragraph (1), provided, that in no event shall the regulated entity be required under this paragraph to own less than $250,000,000,000 in mortgage assets; and

''(4) upon the expiration of the 3-year period that begins on the date described in paragraph (1), $250,000,000,000.

''(b) DEFINITION OF MORTGAGE ASSETS.—For purposes of this section, the term 'mortgage assets' means, with respect to an enterprise, assets of such enterprise consisting of mortgages, mortgage loans, mortgage-related securities, participation certificates, mortgage-backed commercial paper, obligations of real estate mortgage investment conduits and similar assets, in each case to the extent such assets would appear on the balance sheet of such enterprise in accordance with generally accepted accounting principles in effect in the United States as of September 7, 2008 (as set forth in the opinions and pronouncements of the Accounting Principles Board and the American Institute of Certified Public Accountants and statements and pronouncements of the Financial Accounting Standards Board from time to time; and without giving any effect to any change that may be made after September 7, 2008, in respect of Statement of Financial Accounting Standards No. 140 or any similar accounting standard).''.

(3) INCREASE IN MINIMUM CAPITAL REQUIREMENT.—Section 1362 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4612), as amended by section 1111 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), is amended—

(A) in subsection (a), by striking ''For purposes of this subtitle, the minimum capital level for each enterprise shall be'' and inserting ''The minimum capital level established under subsection (g) for each enterprise may not be lower than'';

(B) in subsection (c)—

(i) by striking ''subsections (a) and'' and inserting ''subsection'';

(ii) by striking ''regulated entities'' the first place such term appears and inserting ''Federal Home Loan Banks'';

(iii) by striking ''for the enterprises,'';

(iv) by striking '', or for both the enterprises and the banks,'';

(v) by striking ''the level specified in subsection (a) for the enterprises or''; and

(vi) by striking ''the regulated entities operate'' and inserting ''such banks operate'';

(C) in subsection (d)(1)—

(i) by striking ''subsections (a) and'' and inserting ''subsection''; and

(ii) by striking ''regulated entity'' each place such term appears and inserting ''Federal home loan bank'';

(D) in subsection (e), by striking ''regulated entity'' each place such term appears and inserting ''Federal home loan bank'';

(E) in subsection (f)—

(i) by striking ''the amount of core capital maintained by the enterprises,''; and

(ii) by striking ''regulated entities'' and inserting ''banks''; and

(F) by adding at the end the following new subsection:

''(g) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—

''(1) IN GENERAL.—The Director shall cause the enterprises to achieve and maintain adequate capital by establishing minimum levels of capital for such the enterprises and by using such other methods as the Director deems appropriate.

''(2) AUTHORITY.—The Director shall have the authority to establish such minimum level of capital for an enterprise in excess of the level specified under subsection (a) as the Director, in the Director's discretion, deems to be necessary or appropriate in light of the particular circumstances of the enterprise.

''(h) FAILURE TO MAINTAIN REVISED MINIMUM CAPITAL LEVELS.—

''(1) UNSAFE AND UNSOUND PRACTICE OR CONDITION.—Failure of a enterprise to maintain capital at or above its minimum level as established pursuant to subsection (g) of this section may be deemed by the Director, in his discretion, to constitute an unsafe and unsound practice or condition within the meaning of this title.

''(2) DIRECTIVE TO ACHIEVE CAPITAL LEVEL.—

''(A) AUTHORITY.—In addition to, or in lieu of, any other action authorized by law, including paragraph (1), the Director may issue a directive to an enterprise that fails to maintain capital at or above its required level as established pursuant to subsection (g) of this section.

''(B) PLAN.—Such directive may require the enterprise to submit and adhere to a plan acceptable to the Director describing the means and timing by which the enterprise shall achieve its required capital level.

''(C) ENFORCEMENT.—Any such directive issued pursuant to this paragraph, including plans submitted pursuant thereto, shall be enforceable under the provisions of subtitle C of this title to the same extent as an effective and outstanding order issued pursuant to subtitle C of this title which has become final.

''(3) ADHERENCE TO PLAN.—

''(A) CONSIDERATION.—The Director may consider such enterprise's progress in adhering to any plan required under this subsection whenever such enterprise seeks the requisite approval of the Director for any proposal which would divert earnings, diminish capital, or otherwise impede such enterprise's progress in achieving its minimum capital level.

''(B) DENIAL.—The Director may deny such approval where it determines that such proposal would adversely affect the ability of the enterprise to comply with such plan.''.

(4) REPEAL OF INCREASES TO CONFORMING LOAN LIMITS.—

(A) REPEAL OF TEMPORARY INCREASES.—

(i) CONTINUING APPROPRIATIONS RESOLUTION, 2010.—Section 167 of the Continuing Appropriations Resolution, 2010 (as added by section 104 of division B of Public Law 111–88; 123 Stat. 2973) is hereby repealed.

(ii) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Section 1203 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 225) is hereby repealed.

(iii) ECONOMIC STIMULUS ACT OF 2008.—Section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619) is hereby repealed.

(B) REPEAL OF GENERAL LIMIT AND PERMANENT HIGH-COST AREA INCREASE.—Paragraph (2) of section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and paragraph (2) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) are each amended to read as such sections were in effect immediately before the enactment of the Housing and Economic Recovery Act of 2008 (Public Law 110–289).

(C) REPEAL OF NEW HOUSING PRICE INDEX.—Section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as added by section 1124(d) of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), is hereby repealed.

(D) REPEAL.—Section 1124 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is hereby repealed.

(E) ESTABLISHMENT OF CONFORMING LOAN LIMIT.—For the year in which the expiration of the period referred to in section 1113(b) occurs, the limitations governing the maximum original principal obligation of conventional mortgages that may be purchased by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, referred to in section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively, shall be considered to be—

(i) $417,000 for a mortgage secured by a single-family residence,

(ii) $533,850 for a mortgage secured by a 2-family residence,

(iii) $645,300 for a mortgage secured by a 3-family residence, and

(iv) $801,950 for a mortgage secured by a 4-family residence,

and such limits shall be adjusted effective each January 1 thereafter in accordance with such sections 302(b)(2) and 305(a)(2).

(F) PROHIBITION OF PURCHASE OF MORTGAGES EXCEEDING MEDIAN AREA HOME PRICE.—

(i) FANNIE MAE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this title, the corporation may not purchase any mortgage asset for a property having a principal obligation that exceeds the median home price, for properties of the same size, for the area in which such property subject to the mortgage is located.''.

(ii) FREDDIE MAC.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this title, the Corporation may not purchase any mortgage for a property having a principal obligation that exceeds the median home price, for properties of the same size, for the area in which such property subject to the mortgage is located.''.

(5) REQUIREMENT OF MINIMUM DOWN PAYMENT FOR MORTGAGES PURCHASED.—

(A) FANNIE MAE.—Subsection (b) of section 302 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following new paragraph:

''(7) Notwithstanding any other provision of this Act, the corporation may not newly purchase any mortgage asset, unless the mortgagor has paid, in cash or its equivalent on account of the property securing repayment such mortgage, in accordance with regulations issued by the Director of the Federal Housing Finance Agency, not less than—

''(A) for any mortgage purchased during the 12-month period beginning upon the expiration of the period referred to in section 1113(b) of the GSE Bailout Elimination and Taxpayer Protection Act, 5 percent of the appraised value of the property;

''(B) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (A) of this paragraph, 7.5 percent of the appraised value of the property; and

''(C) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (B) of this paragraph, 10 percent of the appraised value of the property.''.

(B) FREDDIE MAC.—Subsection (a) of section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) is amended by adding at the end the following new paragraph:

''(6) Notwithstanding any other provision of this Act, the Corporation may not newly purchase any mortgage asset, unless the mortgagor has paid, in cash or its equivalent on account of the property securing repayment such mortgage, in accordance with regulations issued by the Director of the Federal Housing Finance Agency, not less than—

''(A) for any mortgage purchased during the 12-month period beginning upon the expiration of the period referred to in section 1113(b) of the GSE Bailout Elimination and Taxpayer Protection Act, 5 percent of the appraised value of the property;

''(B) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (A) of this paragraph, 7.5 percent of the appraised value of the property; and

''(C) for any mortgage purchased during the 12-month period beginning upon the expiration of the 12-month period referred to in subparagraph (B) of this paragraph, 10 percent of the appraised value of the property.''.

(6) MINIMUM PRUDENT UNDERWRITING STANDARDS.—The Federal Housing Finance Agency shall, not later than 6 months after the date of enactment of this Act, issue regulations specifying minimum prudent underwriting standards for residential mortgage loans eligible for purchase by an enterprise, which regulations shall include minimum requirements for—

(A) verification and documentation of income and assets relied upon to qualify the obligor on the loan;

(B) determination of the ability of the obligor to repay, based on all terms of the loan, including principal payments that fully amortize the balance over the term of the loan; and

(C) any other standards that the Federal Housing Finance Agency determines appropriate to ensure prudent underwriting and which effect the safety and soundness of the regulated entities.

(7) REQUIREMENT TO PAY STATE AND LOCAL TAXES.—

(A) FANNIE MAE.—Paragraph (2) of section 309(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(c)(2)) is amended—

(i) by striking ''shall be exempt from'' and inserting ''shall be subject to''; and

(ii) by striking ''except that any'' and inserting ''and any''.

(B) FREDDIE MAC.—Section 303(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(e)) is amended—

(i) by striking ''shall be exempt from'' and inserting ''shall be subject to''; and

(ii) by striking ''except that any'' and inserting ''and any''.

(8) REPEALS RELATING TO REGISTRATION OF SECURITIES.—

(A) FANNIE MAE.—

(i) MORTGAGE-BACKED SECURITIES.—Section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence.

(ii) SUBORDINATE OBLIGATIONS.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence.

(B) FREDDIE MAC.—Section 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455) is amended by striking subsection (g).

(9) RECOUPMENT OF COSTS FOR FEDERAL GUARANTEE.—

(A) ASSESSMENTS.—The Director of the Federal Housing Finance Agency shall establish and collect from each enterprise assessments in the amount determined under subparagraph (B). In determining the method and timing for making such assessments, the Director shall take into consideration the determinations and conclusions of the study under subsection (b) of this section.

(B) DETERMINATION OF COSTS OF GUARANTEE.—Assessments under subparagraph (A) with respect to an enterprise shall be in such amount as the Director determines necessary to recoup to the Federal Government the full value of the benefit the enterprise receives from the guarantee provided by the Federal Government for the obligations and financial viability of the enterprise, based upon the dollar value of such benefit in the market to such enterprise when not operating under conservatorship or receivership. To determine such amount, the Director shall establish a risk-based pricing mechanism as the Director considers appropriate, taking into consideration the determinations and conclusions of the study under subsection (b).

(C) TREATMENT OF RECOUPED AMOUNTS.—The Director shall cover into the general fund of the Treasury any amounts received from assessments made under this paragraph.

(b) GAO STUDY REGARDING RECOUPMENT OF COSTS FOR FEDERAL GOVERNMENT GUARANTEE.—The Comptroller General of the United States shall conduct a study to determine a risk-based pricing mechanism to accurately determine the value of the benefit the enterprises receive from the guarantee provided by the Federal Government for the obligations and financial viability of the enterprises. Such study shall establish a dollar value of such benefit in the market to each enterprise when not operating under conservatorship or receivership, shall analyze various methods of the Federal Government assessing a charge for such value received (including methods involving an annual fee or a fee for each mortgage purchased or securitized), and shall make a recommendation of the best such method for assessing such charge. Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth the determinations and conclusions of such study.

**SEC. 1315. REQUIRED WIND DOWN OF OPERATIONS AND DISSOLUTION OF ENTERPRISE.**

(a) APPLICABILITY.—This section shall apply to an enterprise upon the expiration of the 3-year period referred to in section 1113(b).

(b) REPEAL OF CHARTER.—Upon the applicability of this section to an enterprise, the charter for the enterprise is repealed and the enterprise shall have no authority to conduct new business under such charter, except that the provisions of such charter in effect immediately before such repeal shall continue to apply with respect to the rights and obligations of any holders of outstanding debt obligations and mortgage-backed securities of the enterprise.

(c) WIND DOWN.—Upon the applicability of this section to an enterprise, the Director and the Secretary of the Treasury shall jointly take such action, and may prescribe such regulations and procedures, as may be necessary to wind down the operations of an enterprise as an entity chartered by the United States Government over the duration of the 10-year period beginning upon the applicability of this section to the enterprise (pursuant to subsection (a)) in an orderly manner consistent with this subtitle and the ongoing obligations of the enterprise.

(d) DIVISION OF ASSETS AND LIABILITIES; AUTHORITY TO ESTABLISH HOLDING CORPORATION AND DISSOLUTION TRUST FUND.—The action and procedures required under subsection (c)—

(1) shall include the establishment and execution of plans to provide for an equitable division and distribution of assets and liabilities of the enterprise, including any liability of the enterprise to the United States Government or a Federal reserve bank that may continue after the end of the period described in subsection (a); and

(2) may provide for establishment of—

(A) a holding corporation organized under the laws of any State of the United States or the District of Columbia for the purposes of the reorganization and restructuring of the enterprise; and

(B) one or more trusts to which to transfer—

(i) remaining debt obligations of the enterprise, for the benefit of holders of such remaining obligations; or

(ii) remaining mortgages held for the purpose of backing mortgage-backed securities, for the benefit of holders of such remaining securities.

**Subtitle B—Inspector General for Regulated Entities in Conservatorship**

**SEC. 1321. SPECIAL INSPECTOR GENERAL FOR THE CONSERVATORSHIP OF REGULATED ENTITIES.**

(a) OFFICE OF INSPECTOR GENERAL.—There is established in the General Accountability Office the Office of the Special Inspector General for the Conservatorship of Regulated Entities.

(b) APPOINTMENT OF INSPECTOR GENERAL.—

(1) LEADERSHIP.—The head of the Office established under subsection (a) shall be the Special Inspector General for the Conservatorship of Regulated Entities (in this section referred to as the ''Special Inspector General''), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) APPOINTMENT.—The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) TIMING.—The nomination of an individual as Special Inspector General shall be made as soon as is practicable following the date of enactment of this Act, but not later than 30 days after that date of enactment.

(4) REMOVABLE FOR CAUSE.—The Special Inspector General shall be removable from office, in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) STATUS.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) COMPENSATION.—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(c) DUTIES.—

(1) IN GENERAL.—It shall be the duty of the Special Inspector General to conduct, supervise, and coordinate audits and investigations of the purchase, management, and sale of assets by regulated entities, so long as the entities remain in conservatorship under section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617) (in this section referred to as ''regulated entities''), including by collecting and summarizing—

(A) a description of the categories of mortgage assets purchased or otherwise procured by regulated entities;

(B) an explanation of the reasons why the Director of the Federal Housing Finance Agency (in this section referred to as the ''Director'') deemed it necessary to purchase each such mortgage asset;

(C) a listing of each institution from which such mortgage assets were purchased;

(D) a current estimate of the total amount of mortgage assets purchased since the date of appointment of the Federal Housing Finance Agency (in this section referred to as the ''Agency'') as conservator and the profit and loss, projected or realized, of each such mortgage asset;

(E) a description of the categories of mortgage loans modified by regulated entities;

(F) an explanation of the reasons why the Director deemed it necessary to modify each such mortgage loan;

(G) an explanation of the risk analysis procedures in place within regulated entities and the Council in respect to the modification process, as well as the loans accepted into the modification process;

(H) an explanation of the effect of continuing the affordable housing goals of the regulated entities on the financial standing of the regulated entities;

(I) the impact on any funding requested and accepted as a part of the Amended and Restated Senior Preferred Stock Purchase Agreement, dated September 26, 2008, amended May 6, 2009, amended December 24, 2009, and amended further at any point following the date of enactment of this Act;

(J) an assessment of whether the budgetary treatment of the assets and liabilities of the entities is correct, as it relates to the budget proposed by the President, as required under section 1105(a) of title 31, United States Code;

(K) an explanation of troubled assets owned by the regulated entities and acquired prior to the conservatorship; and

(L) a description of any changes to the structure of the regulated entities made by the Director and an explanation of how the changes will better enable the regulated entities to be successful during and post conservatorship.

(2) ADMINISTRATIVE AUTHORITY.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) OTHER DUTIES.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall have the duties and responsibilities of inspectors general under the Inspector General Act of 1978, including sections 4(b)(1) and 6 of that Act.

(d) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) AUTHORITY FOR OFFICERS AND EMPLOYEES.—The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) SERVICES.—The Special Inspector General may obtain services, as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTS.—The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and

with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) AGENCY COOPERATION.—

(A) REQUESTS.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, in so far as is practicable and not in contravention of any other provision of law, furnish such information or assistance to the Special Inspector General, or an authorized designee thereof.

(B) REPORTS OF UNREASONABLE DENIALS.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the appropriate committees of Congress, without delay.

(e) REPORTS.—

(1) QUARTERLY REPORTS TO CONGRESS.—Not later than 60 days after the confirmation of the Special Inspector General, and every calendar quarter thereafter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of all information collected under subsection (c)(1).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive Order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(f) FUNDING.—Of the amounts made available to the Secretary, under section 118 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5228), $5,000,000 shall be available to the Special Inspector General to carry out this section, which amount shall remain available until expended.

(g) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General shall terminate 90 days after the date of the emergence of all regulated entities from conservatorship and receivership under section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617).

(2) FINAL REPORT.—The Office of the Special Inspector General shall prepare and submit a final report to Congress not later than the end of the 90-day period referred to in paragraph (1).

## Subtitle C—Limiting Further Bailouts of Fannie Mae and Freddie Mac

### SEC. 1331. SHORT TITLE.

This subtitle may be cited as the ''Ending Bailouts of Fannie Mae and Freddie Mac Act''.

### SEC. 1332. REESTABLISHING THE MAXIMUM AGGREGATE AMOUNT PERMITTED TO BE PROVIDED BY THE TAXPAYERS TO FANNIE MAE AND FREDDIE MAC.

Section 1367(b)(2) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(b)(2)) is amended by adding at the end the following new subparagraph:

''(L) REESTABLISHMENT OF TAXPAYER FUNDING CAPS.—The Agency, as conservator, shall prevent a regulated entity from requesting or receiving any funds from the United States Department of the Treasury, as part of the Amended and Restated Senior Preferred Stock Purchase Agreement, dated as of September 26, 2008, amended May 6, 2009, and further amended December 24, 2009, between the United State Department of the Treasury and the Federal Home Loan Mortgage Corporation, or the Federal National Mortgage Association, that exceeds a maximum aggregate amount of $200,000,000,000.''.

### SEC. 1333. REESTABLISHING SCHEDULED REDUCTION OF MORTGAGE ASSETS OWNED BY FANNIE MAE AND FREDDIE MAC.

Section 1367(b)(2) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(b)(2)) is amended by adding at the end the following new subparagraph:

''(M) REDUCTION OF OWNED MORTGAGE ASSETS.—

''(i) IN GENERAL.—The Agency, as conservator, shall ensure that a regulated entity does not own, as of any applicable date, mortgage assets in excess of 90.0 percent of the aggregate amount of mortgage assets that the regulated entity owned on December 31 of each of the previous year, provided, that in no event shall the regulated entity be required under this subparagraph to own less than $250,000,000,000 in mortgage assets.

''(ii) DEFINITION OF MORTGAGE ASSETS.—For purposes of this subparagraph, the term 'mortgage assets' means with respect to a regulated entity, assets of such entity consisting of mortgages, mortgage loans, mortgage-related securities, participation certificates, mortgage-backed commercial paper, obligations of real estate mortgage investment conduits and similar assets, in each case to the extent such assets would appear on the balance sheet of such entity in accordance with generally accepted accounting principles.''.

### SEC. 1334. ENSURING CONGRESSIONAL REVIEW FOR AGREEMENTS INCREASING TAXPAYER RISK.

Section 1367(b)(2) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(b)(2)), as amended by sections 1203 and 1204, is further amended by adding at the end the following new subparagraph:

''(N) AGREEMENTS.—

''(i) IN GENERAL.—The Agency, as conservator or receiver, may enter into agreements that are consistent with its appointment as conservator or receiver with the regulated entity and that expire prior to, or upon, the regulated entity's emergence from conservatorship or receivership provided—

''(I) the agreement does not expose the United States taxpayers to additional risk; and

''(II) the agreement was approved by Congress pursuant to clause (ii).

''(ii) PROCEDURE FOR CONGRESSIONAL APPROVAL.—

''(I) IN GENERAL.—Notwithstanding clause (i), the Agency may enter into, on an interim basis, an agreement, even if the agreement exposes the taxpayer to additional risk, including if such agreement exceeds the limitations established under subparagraphs (L) and (M), if such an agreement—

''(aa) is deemed necessary by the Agency, based upon the Agency's duties as conservator or receiver; and

''(bb) is approved by Congress through adoption of a concurrent resolution of approval, not more than 120 days after the later of—

''(AA) the signing of the agreement; or

''(BB) the date of enactment of the Ending Bailouts of Fannie Mae and Freddie Mac Act.

''(II) REQUIRED SUBMISSIONS FOR CONGRESSIONAL REVIEW.—During the 120-day period described under subclause (I), the Director shall submit to Congress—

''(aa) the text of the agreement;

''(bb) a certification and justification of how the agreement is consistent with the Agency's duties as conservator or receiver;

''(cc) budgetary projections demonstrating the cost to the taxpayer in a 1, 5, and 10-year window;

''(dd) independent risk analysis from the Government Accountability Office of the agreement, considering the risk to the short and long-term viability of the regulated entity and the United States taxpayer; and

''(ee) a time table for the expiration of the agreement.''.

## Subtitle D—Fannie Mae and Freddie Mac in the Federal Budget

### SEC. 1341. ON-BUDGET STATUS OF FANNIE MAE AND FREDDIE MAC.

(a) IN GENERAL.—Notwithstanding any other provision of law, the receipts and disbursements, including the administrative expenses, of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the Budget of the United States Government as submitted by the President;

(2) the congressional budget;

(3) the Statutory Pay-As-You-Go Act of 2010; and

(4) the Balanced Budget and Emergency Deficit Control Act of 1985 (or any successor statute).

(b) EXPIRATION.—The budgetary treatment of the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation or any functional replacements under subsection (a) shall continue with respect to such entities until such entities are no longer under Federal conservatorship or receivership as authorized by the Housing and Economic Recovery Act of 2008 (Public Law 110–289) or any successor statute.

### SEC. 1342. BUDGETARY TREATMENT OF FANNIE MAE AND FREDDIE MAC.

All costs to the Government of the activities of or under the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation and any functional replacements or any modification of such entities shall be determined on a fair value basis.

### SEC. 1343. FANNIE MAE AND FREDDIE MAC DEBT SUBJECT TO PUBLIC DEBT LIMIT.

(a) IN GENERAL.—For purposes of section 3101(b) of chapter 31 of title 31, United States Code, the face amount of obligations issued by the Federal National Mortgage Association and by the Federal Home Loan Mortgage Corporation or any functional replacements and outstanding shall be treated as issued by the United States Government under that section.

(b) TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT.—The limit on the obligation in section 3101(b) of title 31, United States Code, shall be increased by the face amount of obligations issued by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation and outstanding on April 15, 2010.

(c) EXPIRATION.—

(1) OBLIGATIONS.—The obligations of Federal National Mortgage Association or Federal Home Loan Mortgage Corporation or any functional replacements shall continue to be treated as issued by the United States Government with respect to such entities until such entities no longer have in place an

agreement with the Secretary of the Treasury for the purchase of obligations and securities authorized by the Housing and Economic Recovery Act of 2008 (Public Law 110–289) or any successor statute.

(2) DEBT LIMIT.—Any temporary increase in the public debt limit authorized in subsection (b) with respect to the obligations of Federal National Mortgage Association or Federal Home Loan Mortgage Corporation shall be reversed with respect to such entities when Federal National Mortgage Association or Federal Home Loan Mortgage Corporation or any functional replacements no longer have in place an agreement with the Secretary of the Treasury for the purchase of obligations and securities authorized by the Housing and Economic Recovery Act of 2008 (Public Law 110–289) or any successor statute.

**SEC. 1344. DEFINITIONS.**

In this subtitle, the following definitions shall apply:

(1) FAIR VALUE.—The term ''fair value'' shall have the same meaning as the definition of fair value outlined in Financial Accounting Standards No. 157, or any successor thereto, issued by the Financial Accounting Standards Board.

(2) FUNCTIONAL REPLACEMENTS.—The term ''functional replacements'' means any organization, agreement, or other arrangement that would perform the public functions of Federal National Mortgage Association or Federal Home Loan Mortgage Corporation.

(3) MODIFICATION.—

(A) IN GENERAL.—The term ''modification'' means any government action that alters the estimated fair value of the activities of the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation or any functional replacements.

(B) COST.—The cost of a modification is the difference between the current estimate of the fair value of the activities of the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation or any functional replacements and the estimate of the fair value of such activities as modified.

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**SA 3840.** Mr. CARDIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 977, line 19, strike ''The Securities'' and insert the following:

(a) IN GENERAL.—The Securities

On page 994, between lines 2 and 3, insert the following:

(b) PROTECTION FOR EMPLOYEES OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—Section 1514A(a) of title 18, United States Code, is amended—

(1) by inserting ''or nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c),'' after ''78*o*(d)),''; and

(2) by inserting ''or nationally recognized statistical rating organization'' after ''such company''.

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**SA 3841.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 977, line 19, strike ''The'' and insert ''(a) **SECURITIES EXCHANGE ACT OF 1934**.—The''.

On page 994, between lines 2 and 3, insert the following:

(b) SECTION 1514A OF TITLE 18, UNITED STATES CODE.—

(1) STATUTE OF LIMITATIONS; JURY TRIAL.—Section 1514A(b)(2) of title 18, United States Code, is amended—

(A) in subparagraph (D)—

(i) by striking ''90'' and inserting ''180''; and

(ii) by striking the period at the end and inserting '', or after the date on which the employee became aware of the violation.''; and

(B) by adding at the end the following:

''(E) JURY TRIAL.—A party to an action brought under paragraph (1)(B) shall be entitled to trial by jury.''.

(2) COMPENSATORY DAMAGES.—Section 1514A(c)(2)(C) of title 18, United States Code, is amended by inserting ''compensatory damages, including'' before ''compensation''.

(3) PRIVATE SECURITIES LITIGATION WITNESSES; NONENFORCEABILITY; INFORMATION.—Section 1514A of title 18, United States Code, is amended by adding at the end the following:

''(e) PRIVATE SECURITIES LITIGATION.—No employer may discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner discriminate against, an individual in the terms and conditions of employment because of any lawful act done by the individual in providing information, or assisting in any investigation or judicial or administrative action, relating to a private securities litigation action under section 21F of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4).

''(f) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

''(1) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy form, or condition of employment, including by a predispute arbitration agreement.

''(2) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable, if the agreement requires arbitration of a dispute arising under this section.

''(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—An arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.''.

(4) UNDISCLOSED LIABILITIES.—Section 1514A(a)(1) of title 18, United States Code, is amended to read as follows:

''(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, any provision of Federal law relating to fraud against shareholders, or any information which has not been disclosed to shareholders that relates to a potential liability of the company that, if incurred, could affect the value of shareholder investments, when the information or assistance is provided to or the investigation is conducted by—

''(A) a Federal regulatory or law enforcement agency;

''(B) any Member of Congress or any committee of Congress; or

''(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct); or''.

(5) TECHNICAL AND CONFORMING AMENDMENT.—Section 1514A(b)(1) of title 18, United States Code, is amended by inserting ''or (e)'' after ''subsection (a)''.

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**SA 3842.** Mr. NELSON of Florida (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 780, strike lines 1 through 3 and insert the following:

(B) in the matter following subsection (b)—

(i) by striking ''(but not'' and all that follows through ''insider trading)''; and

(ii) by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

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**SA 3843.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

**SEC. 122. INCREASE IN DEPOSIT AND SHARE INSURANCE AMOUNTS.**

(a) PERMANENT INCREASE IN DEPOSIT INSURANCE.—

(1) INSURANCE AMOUNT.—Section 11(a)(1)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(E)) is amended by striking ''$100,000'' and inserting ''$250,000''.

(2) BORROWING AUTHORITY.—The Board of Directors of the Corporation may request from the Secretary, and the Secretary shall approve, a loan or loans in an amount or amounts necessary to carry out this subsection, without regard to the limitations on such borrowing under section 14(a) and 15(c) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a), 1825(c)).

(b) PERMANENT INCREASE IN SHARE INSURANCE.—

(1) INSURANCE AMOUNT.—Section 207(k)(5) of the Federal Credit Union Act (12 U.S.C. 1787(k)(5)) is amended by striking ''$100,000'' and inserting ''$250,000''.

(2) BORROWING AUTHORITY.—The National Credit Union Administration Board may request from the Secretary, and the Secretary shall approve, a loan or loans in an amount or amounts necessary to carry out this subsection, without regard to the limitations on such borrowing under section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)).

(c) REPEAL.—Section 136 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5241) is repealed, effective on the date of enactment of this Act.

**SA 3844.** Mr. BROWNBACK (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. SPECTER, Mr. BROWN of Ohio, Mr. JOHNSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1565, after line 23, add the following:

**TITLE XIII—CONGO CONFLICT MINERALS**

**SEC. 1301. SENSE OF CONGRESS ON EXPLOITATION AND TRADE OF COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.**

It is the sense of Congress that the exploitation and trade of columbite-tantalite, cassiterite, gold, and wolframite in the eastern Democratic Republic of Congo is helping to finance extreme levels of violence in the eastern Democratic Republic of Congo, particularly sexual and gender-based violence, and contributing to an emergency humanitarian situation therein, warranting the provisions of section 13(o) of the Securities Exchange Act of 1934, as added by section 1302.

**SEC. 1302. DISCLOSURE TO SECURITIES AND EXCHANGE COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.**

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by section 763 of this Act, is further amended by adding at the end the following new subsection:

''(o) DISCLOSURES TO COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall promulgate rules requiring any person described in paragraph (2)—

''(A) to disclose annually to the Commission in a report—

''(i) whether the columbite-tantalite, cassiterite, gold, or wolframite that was necessary as described in paragraph (2)(A)(ii) in the year for which such report is submitted originated or may have originated in the Democratic Republic of Congo or an adjoining country; and

''(ii) a description of the measures taken by the person, which may include an independent audit, to exercise due diligence on the source and chain of custody of such columbite-tantalite, cassiterite, gold, or wolframite, or derivatives of such minerals, in order to ensure that the activities of such person that involve such minerals or derivatives did not directly or indirectly finance or benefit armed groups in the Democratic Republic of Congo or an adjoining country; and

''(B) make the information disclosed under subparagraph (A) available to the public on the Internet website of the person.

''(2) PERSON DESCRIBED.—

''(A) IN GENERAL.—A person is described in this paragraph if—

''(i) the person is required to file reports to the Commission under subsection (a)(2); and

''(ii) columbite-tantalite, cassiterite, gold, or wolframite is necessary to the functionality or production of a product of such person.

''(B) DERIVATIVES.—For purposes of this paragraph, if a derivative of a mineral is necessary to the functionality or production of a product of a person, such mineral shall also be considered necessary to the functionality or production of a product of the person.

''(3) REVISIONS AND WAIVERS.—The Commission shall revise or temporarily waive the requirements described in paragraph (1) if the President determines that such revision or waiver is in the public interest.

''(4) TERMINATION OF DISCLOSURE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall terminate on the date that is 5 years after the date of the enactment of this subsection.

''(B) EXTENSION BY SECRETARY OF STATE.—The date described in subparagraph (A) shall be extended by 1 year for each year in which the Secretary of State certifies that armed parties to the ongoing armed conflict in the Democratic Republic of Congo or adjoining countries continue to be directly involved and benefitting from commercial activity involving columbite-tantalite, cassiterite, gold, or wolframite.

''(5) ADJOINING COUNTRY DEFINED.—In this subsection, the term 'adjoining country', with respect to the Democratic Republic of Congo, means a country that shares an internationally recognized border with the Democratic Republic of Congo.''.

**SEC. 1303. REPORT.**

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the effectiveness of section 13(o) of the Securities Exchange Act of 1934, as added by section 1302, in promoting peace and security in the eastern Democratic Republic of Congo.

(2) A description of the problems, if any, encountered by the Securities and Exchange Commission in carrying out the provisions of such section 13(o).

(3) A description of the adverse impacts of carrying out the provisions of such section 13(o), if any, on communities in the eastern Democratic Republic of Congo.

(4) Recommendations for legislative or regulatory actions that can be taken—

(A) to improve the effectiveness of the provisions of such section 13(o) to promote peace and security in the eastern Democratic Republic of Congo;

(B) to resolve the problems described pursuant to paragraph (2), if any; and

(C) to mitigate the adverse impacts described pursuant paragraph (3), if any.

**SA 3845.** Mr. KAUFMAN (for himself and Mr. GRASSLEY), submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 728, between lines 3 and 4, insert the following:

**SEC. 760. IMPROVED TRANSPARENCY.**

(a) SECURITIES.—Section 11A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1(a)(1)) is amended by adding at the end the following:

''(E) Promoting transparency of all markets for securities through dissemination of quotations and orders to all brokers, dealers, and investors, and minimizing conditions under which quotations and orders are hidden or selectively disseminated, will—

''(i) foster efficiency;

''(ii) enhance competition;

''(iii) increase the information available to brokers, dealers, and investors;

''(iv) facilitate the offsetting of investors' orders; and

''(v) contribute to best execution of such orders.''.

(b) COMMODITIES.—Section 3(b) of the Commodity Exchange Act (7 U.S.C. 5(b)) is amended—

(1) by striking ''and'' following ''customer assets;'';

(2) by striking the period at the end of the second sentence; and

(3) by adding at the end the following: ''; to promote transparency of all markets through dissemination of quotations and orders to all market participants and market professionals; and to minimize conditions under which quotations and orders are hidden or selectively disseminated. Furthering the purposes of this Act will foster efficiency, enhance competition, increase the information available to market participants, facilitate the offsetting of market participants' orders, and contribute to best execution of such orders.''.

**SA 3846.** Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

**SEC. 333. DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAMS.**

(a) IN GENERAL.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

''(y) DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAMS.—

''(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAM.—The term 'deposit restricted qualified tuition program' means a qualified tuition program in which—

''(i) the cash provided by a contributor to such a qualified tuition program may be invested only in deposits insured by the Corporation;

''(ii) the contributor may become a participant in the program by depositing funds through the program into an account at a depository institution participating in the program; and

''(iii) the program may include multiple depository institutions, subject to the requirements of section 529 of the Internal Revenue Code of 1986, as amended.

''(B) QUALIFIED TUITION PROGRAM.—The term 'qualified tuition program' has the same meaning as in section 529 of the Internal Revenue Code of 1986, as amended.

''(2) TREATMENT.—Notwithstanding any other provision of the law, the following provisions shall apply with respect to any deposit restricted qualified tuition program:

''(A) A deposit restricted qualified tuition program shall be deemed to be an 'identified banking product' (as defined in Section 206 of the Gramm-Leach-Bliley Act of 1999) for purposes of the Securities Exchange Act of 1934.

''(B) None of the following shall be treated as a security, as defined in section 2(a)(1) the Securities Act of 1933, section 3(a)(10) of the Securities Exchange Act of 1934, or section 2(a)(36) of the Investment Company Act of 1940:

''(i) The deposits of cash at an insured depository institution relating to a deposit restricted tuition program.

''(ii) Any certificate of deposit or other instrument of an insured depository institution evidencing any such deposit.

''(iii) The rights and obligations of participants in a deposit restricted qualified tuition program arising from section 529 of the Internal Revenue Code, as amended.

''(C) In no event shall a deposit restricted qualified tuition program, the State entity designated by statute to oversee such program, the administrator appointed to operate the program on behalf of the State or a participating depository institution, be deemed to be an issuer of a security or to be an investment company (as defined in section 3(a) of the Investment Company Act of 1940).''.

(b) BUDGET COMPLIANCE.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

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**SA 3847.** Mr. DODD (for Mr. LEAHY (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 3111, to establish the Commission on Freedom of Information Act Processing Delays; as follows:

On page 6, line 5, strike ''The Comptroller General of the United States'' and insert ''The Archivist of the United States''.

On page 7, strike lines 1 through 3, and insert the following:

(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

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**SA 3848.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

**SEC. 122. CERTIFICATIONS BY THE SECRETARY.**

(a) IN GENERAL.—The Secretary shall, not later than February 28, 2011, and annually thereafter, certify in writing to Congress that the risks to the financial stability of the United States that could arise from the material financial distress or failure of a financial company are sufficiently mitigated by actions authorized to be taken by the Council or the individual members of the Council, in order to ensure than no such financial company will be considered ''too big to fail''.

(b) INABILITY TO CERTIFY.—If the Secretary is unable to make a certification to Congress as required under subsection (a), the Secretary shall—

(1) inform Congress of the reasons for such inability; and

(2) make recommendations to Congress, to the members of the Council, and to the President that would, if implemented, enable the Secretary to provide such certification.

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**SA 3849.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1077. CREDIT CARD RATINGS.**

(a) RESEARCH AND ANALYSIS.—Not later than 60 days after the date of enactment of this Act, the research unit established by the Director under section 1013(b) shall conduct a study of the credit card industry and the efficacy of establishing a rating system for credit cards, so that consumers are able to compare the terms of credit card accounts for purposes of comparing the level of safety and financial risk with respect to such accounts.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall issue a report based on the study required in subsection (a), and shall determine, based on the report, whether establishing a ratings system for credit cards would meaningfully improve the ability of consumers to compare the terms of credit card accounts.

(c) RULEMAKING.—If the Director determines, pursuant to subsection (b), that establishing a ratings system for credit cards would meaningfully improve the ability of consumers to compare the terms of credit card accounts, then not later than 12 months after the date of enactment of this Act, the Director shall issue final rules to establish and disclose to the public the ratings for credit card accounts. Such rules shall include consideration in such ratings of credit practices, including—

(1) terms of arbitration between the consumer and the credit card account holder;

(2) the imposition and amounts of fees;

(3) the ability of the consumer to opt out of a proposed change in the terms of the credit card agreement;

(4) the manner and methods in which materials and information are presented to consumers, and the degree of conspicuousness with which key terms of the agreement are presented;

(5) methods for the accrual of interest;

(6) reading level required to understand the terms of the agreement; and

(7) such other factors as the Director determines are appropriate with respect to such ratings.

(d) CONSIDERATION OF NHTSA PROGRAM.—In carrying out subsection (c), the Director shall consider establishing a 5-star ratings system similar to the New Car Assessment Program administered by the National Highway Traffic Safety Administration of the Department of Transportation.

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**SA 3850.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, insert between lines 6 and 7, insert the following:

(3) APPLICABILITY TO FANNIE MAE AND FREDDIE MAC.—Notwithstanding any other provision of law, the provisions of subsections (b) and (f) shall apply with respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation in the same manner and to the same extent as those provisions apply to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies.

At the end of title II, add the following new section and designate accordingly:

SEC. ____.: APPLICABILITY TO FANNIE MAE AND FREDDIE MAC.—Notwithstanding any other provision of law, this title shall apply with respect to the Federal National Mortgage Association and the Federal Home Loan

Mortgage Corporation in the same manner and to the same extent as those provisions apply to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies.

At the end of subtitle A of title I, add the following:

**SEC. 122. ENHANCED TAXPAYER PROTECTION FROM FANNIE MAE AND FREDDIE MAC.**

(a) REESTABLISHING THE MAXIMUM TAXPAYER EXPOSURE TO FANNIE MAE AND FREDDIE MAC.— Section 1367(b)(2) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(b)(2)) is amended by adding the following new subparagraph:

''(L) LIMITATION ON CERTAIN FUNDING.—The Agency, as conservator, shall prohibit the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association from receiving more than $200,000,000,000 through the Amended and Restated Senior Preferred Stock Purchase Agreement, dated as of September 26, 2008, amended May 6, 2009, and further amended December 24, 2009, between the United States Department of the Treasury and the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.''.

(b) REESTABLISHING SCHEDULED REDUCTION OF MORTGAGE ASSETS OWNED BY FANNIE MAE AND FREDDIE MAC.—Section 1367(b)(2) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(b)(2)) is amended by adding at the end the following new subparagraph:

''(M) REDUCTION OF OWNED MORTGAGE ASSETS.—

''(i) IN GENERAL.—The Agency, as conservator, shall ensure that a regulated entity does not own, as of any applicable date, mortgage assets in excess of 90.0 percent of the aggregate amount of mortgage assets that the regulated entity owned on December 31 of each of the previous year, provided, that in no event shall the regulated entity be required under this subparagraph to own less than $250,000,000,000 in mortgage assets.

''(ii) DEFINITION OF MORTGAGE ASSETS.—For purposes of this subparagraph, the term 'mortgage assets' means with respect to a regulated entity, assets of such entity consisting of mortgages, mortgage loans, mortgage-related securities, participation certificates, mortgage-backed commercial paper, obligations of real estate mortgage investment conduits and similar assets, in each case to the extent such assets would appear on the balance sheet of such entity in accordance with generally accepted accounting principles.''.

(c) AFFORDABLE HOUSING GOALS.—

REPEAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by striking sections 1331 through 1336 (12 U.S.C. 4561–6).

(2) CONFORMING AMENDMENTS.—Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended—

(A) in section 1303(28) (12 U.S.C. 4502(28)), by striking ''and, for the purposes'' and all that follows through ''designated disaster areas'';

(B) in section 1324(b)(1)(A) (12 U.S.C. 4544(b)(1)(A))—

(i) by striking clauses (i), (ii), and (iv);

(ii) in clause (iii), by inserting ''and'' after the semicolon at the end; and

(iii) by redesignating clauses (iii) and (v) as clauses (i) and (ii), respectively;

(C) in section 1338(c)(10) (12 U.S.C. 4568(c)(10)), by striking subparagraph (E);

(D) in section 1339(h) (12 U.S.C. 4569), by striking paragraph (7);

(E) in section 1341 (12 U.S.C. 4581)—

(i) in subsection (a)—

(I) in paragraph (1), by inserting ''or'' after the semicolon at the end;

(II) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(III) by striking paragraphs (3) and (4); and

(ii) in subsection (b)(2)—

(I) in subparagraph (A), by inserting ''or'' after the semicolon at the end;

(II) by striking subparagraphs (B) and (C); and

(III) by redesignating subparagraph (D) as subparagraph (B);

(F) in section 1345(a) (12 U.S.C. 4585(a))—

(i) in paragraph (1), by inserting ''or'' after the semicolon at the end;

(ii) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(iii) by striking paragraphs (3) and (4); and

(G) in section 1371(a)(2) (12 U.S.C. 4631(a)(2))—

(i) by striking ''with any housing goal established under subpart B of part 2 of subtitle A of this title,''; and

(ii) by striking ''section 1336 or''.

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**SA 3851.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by REID for Mr. DODD (for himself and Mrs. LINCOLN) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, insert between lines 6 and 7, insert the following:

(3) APPLICABILITY TO FANNIE MAE AND FREDDIE MAC.—Notwithstanding any other provision of law, the provisions of subsections (b) through (f) shall apply with respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation in the same manner and to the same extent as those provisions apply to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies.

At the end of title II, add the following new section and designate accordingly:

SEC. ____.:APPLICABILITY TO FANNIE MAE AND FREDDIE MAC.—Notwithstanding any other provision of law, this title shall apply will respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation in the same manner and to the same extent as those provisions apply to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies.

At the end of subtitle A of title I, add the following:

**SEC. 122. ENHANCED TAXPAYER PROTECTION FROM FANNIE MAE AND FREDDIE MAC.**

(a) REESTABLISHING THE MAXIMUM TAXPAYER EXPOSURE TO FANNIE MAE AND FREDDIE MAC.—Section 1367(b)(2) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(b)(2)) is amended by adding the following new subparagraph:

''(L) LIMITATION ON CERTAIN FUNDING.—The Agency, as conservator, shall prohibit the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association from receiving more than $200,000,000,000 through the Amended and Restated Senior Preferred Stock Purchase Agreement, dated as of September 26, 2008, amended May 6, 2009, and further amended December 24, 2009, between the United States Department of the Treasury and the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.''.

(b) REESTABLISHING SCHEDULED REDUCTION OF MORTGAGE ASSETS OWNED BY FANNIE MAE AND FREDDIE MAC.—Section 1367(b)(2) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(b)(2)) is amended by adding at the end the following new subparagraph:

''(M) REDUCTION OF OWNED MORTGAGE ASSETS.—

''(i) IN GENERAL.—The Agency, as conservator, shall ensure that a regulated entity does not own, as of any applicable date, mortgage assets in excess of 90.0 percent of the aggregate amount of mortgage assets that the regulated entity owned on December 31 of each of the previous year, provided, that in no event shall the regulated entity be required under this subparagraph to own less than $250,000,000,000 in mortgage assets.

''(ii) DEFINITION OF MORTGAGE ASSETS.—For purposes of this subparagraph, the term 'mortgage assets' means with respect to a regulated entity, assets of such entity consisting of mortgages, mortgage loans, mortgage-related securities, participation certificates, mortgage-backed commercial paper, obligations of real estate mortgage investment conduits and similar assets, in each case to the extent such assets would appear on the balance sheet of such entity in accordance with generally accepted accounting principles.''

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**SA 3852.** Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. BORDER FENCE COMPLETION.**

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) not later than 1 year after the date of the enactment of the Restoring American Financial Stability Act of 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry

out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than 180 days after the date of the enactment of the Restoring American Financial Stability Act of 2010, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this section; and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

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**SA 3853.** Mr. BROWN of Ohio (for himself and Mr. KAUFMAN), submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 8 through 12 and insert the following:

(ii) liquidity requirements;

(iii) resolution plan and credit exposure report requirements; and

(iv) concentration limits.

On page 105, between lines 2 and 3, insert the following:

(i) LEVERAGE RATIO FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.—

(1) AMENDMENT.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

**''SEC. 13. LIMITS ON LEVERAGE.**

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) FINANCIAL COMPANY.—The term 'financial company' means any nonbank financial company, as that term is defined in section 102 of the Restoring American Financial Stability Act of 2010, that is supervised by the Board.

''(2) INCORPORATED TERMS.—The terms 'average total consolidated assets' and 'tier 1 capital' have the meanings given those terms in part 225 of title 12, Code of Federal Regulations, or any successor thereto.

''(b) LEVERAGE RATIO REQUIREMENTS FOR BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.—

''(1) LEVERAGE RATIO.—A bank holding company or financial company may not maintain tier 1 capital in an amount that is less than 6 percent of the average total consolidated assets of the bank holding company or financial holding company.

''(2) BALANCE SHEET LEVERAGE RATIO.—A bank holding company or financial company may not maintain less than 6 percent of tier 1 capital for all outstanding balance sheet liabilities, as required to be recorded under section 13(o) of the Securities Exchange Act of 1934.

''(c) EXEMPTIONS.—

''(1) IN GENERAL.—The Board may adjust the leverage ratio requirements under subsection (b) for any class of institutions, based upon the size or activity of such class of institutions. No adjustment made under this paragraph may allow an institution to carry less capital than is required under subsection (b).

''(2) INTERNATIONAL AGREEMENTS.—Consistent with this subsection, the Board may adjust the leverage ratio requirements under subsection (b), as necessary to harmonize such ratios with official international agreements regarding capital standards, if the Board determines that the capital standards under such international agreements are commensurate with the credit, market, operational, or other risks posed by the bank holding companies or financial companies to which such international agreements apply.

''(3) TEMPORARY EMERGENCY EXEMPTION.—

''(A) IN GENERAL.—The appropriate Federal banking agency may, in a manner consistent with this subsection, grant any bank holding company a temporary emergency exemption from the leverage ratio requirements under subsection (b), if the appropriate Federal banking agency determines such an exemption is necessary to prevent an imminent threat to the financial stability of the United States.

''(B) PUBLICATION.—

''(i) PUBLICATION REQUIRED.—The appropriate Federal banking agency shall publish a notice of any exemption granted under this paragraph in the Federal Register within a reasonable period after granting the exemption, and in no case later than 90 days after the date on which the exemption is granted.

''(ii) CONTENTS.—The notice under clause (i) shall include—

''(I) the name of the bank holding company or financial company that is granted an exemption;

''(II) the reason for the exemption; and

''(III) a plan detailing the manner by which the bank holding company will be brought into compliance with subsection (b).

''(d) LEVERAGE RATIO REQUIREMENTS FOR OPERATING SUBSIDIARIES OF BANK HOLDING COMPANIES AND FINANCIAL COMPANIES.—Notwithstanding any other provision of law applicable to insured depository institutions, not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010, the Board shall promulgate regulations establishing leverage ratio requirements under subsection (b) for the operating subsidiaries of bank holding companies and financial companies.

''(e) PROMPT CORRECTIVE ACTION.—

''(1) AUTHORITIES.—The Board shall require a bank holding company or financial company that violates subsection (b) to comply with the leverage ratio requirements under subsection (b) by—

''(A) selling or otherwise transferring assets or off-balance sheet items to unaffiliated firms;

''(B) terminating 1 or more activities of the bank holding company or financial company; or

''(C) imposing conditions on the manner in which the bank holding company or financial company conducts an activity of the bank holding company or financial company.

''(2) CORRECTIVE ACTION PLAN.—Not later than 60 days after the Board determines that a bank holding company or financial holding company has violated subsection (b), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a plan detailing the manner by which the bank holding company or financial company will be brought into compliance with subsection (b).

''(3) REPORTS TO CONGRESS.—

''(A) WRITTEN REPORTS.—At the end of each 60-day period following the date on which the Board submits a plan under paragraph (2) during which a bank holding company or financial company remains in violation of subsection (b), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the compliance of the bank holding company or financial holding company with the plan.

''(B) TESTIMONY.—At the end of each 120-day period following the date on which the Board submits a plan under paragraph (2) during which a bank holding company or financial company remains in violation of subsection (b), the Board shall testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives with respect to the compliance of the bank holding company or financial holding company with the plan.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

On page 497, line 14, strike ''**SEC. 13**'' and insert ''**SEC. 14**''.

On page 976, between lines 4 and 5, insert the following:

**SEC. 919C. FINANCIAL REPORTING.**

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by this Act, is amended by adding at the end the following:

''(o) STANDARD BALANCE SHEET CALCULATION FOR REPORTS.—

''(1) STANDARD ESTABLISHED.—Not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission, or a standard setter designated by and under the oversight of the Commission, shall establish a standard requiring each that each issuer that is required to submit reports to the Commission under this section record all assets and liabilities of the issuer on the balance sheet of the issuer.

''(2) CONTENTS.—The standard established under paragraph (1) shall require that—

''(A) the recorded amount of assets and liabilities reflect a reasonable assessment by the issuer of the most likely outcomes with respect to the amount of assets and liabilities, given information available at the time of the report;

''(B) each issuer record any financing of assets for which the issuer has more than minimal economic risks or rewards; and

''(C) if an issuer cannot determine the amount of a particular liability, the issuer may exclude that liability from the balance sheet of the issuer only if the issuer discloses an explanation of—

''(i) the nature of the liability and purpose for incurring the liability;

''(ii) the most likely loss and the maximum loss the issuer may incur from the liability;

''(iii) whether any other person has recourse against the issuer with respect to the liability and, if so, the conditions under which such recourse may occur; and

''(iv) whether the issuer has any continuing involvement with an asset financed by the liability or any beneficial interest in the liability.

''(3) COMPLIANCE.—The Commission shall issue rules to ensure compliance with this subsection that allow for enforcement by the Commission and civil liability under this title and the Securities Act of 1933.''.

**SA 3854.** Mr. REED (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1187, line 9, strike ''effective.'' and insert the following: ''effective.

**Subtitle K—Additional Amendments to the Securities Laws**

**SEC. 992. STRENGTHENING ENFORCEMENT BY THE COMMISSION.**

(a) NATIONWIDE SERVICE OF SUBPOENAS.—

(1) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(3) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a–43) is amended by inserting after the fourth sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(4) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended by inserting after the third sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(b) AUTHORITY TO IMPOSE CIVIL PENALTIES IN CEASE AND DESIST PROCEEDINGS.—

(1) UNDER THE SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

''(g) AUTHORITY TO IMPOSE MONEY PENALTIES.—

''(1) GROUNDS.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil penalty on a person if the Commission finds, on the record, after notice and opportunity for hearing, that—

''(A) such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder; and

''(B) such penalty is in the public interest.

''(2) MAXIMUM AMOUNT OF PENALTY.—

''(A) FIRST TIER.—The maximum amount of a penalty for each act or omission described in paragraph (1) shall be $7,500 for a natural person or $75,000 for any other person.

''(B) SECOND TIER.—Notwithstanding subparagraph (A), the maximum amount of penalty for each such act or omission shall be $75,000 for a natural person or $375,000 for any other person, if the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the maximum amount of penalty for each such act or omission shall be $150,000 for a natural person or $725,000 for any other person, if—

''(i) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in—

''(I) substantial losses or created a significant risk of substantial losses to other persons; or

''(II) substantial pecuniary gain to the person who committed the act or omission.

''(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission may impose a penalty under this section, a respondent may present evidence of the ability of the respondent to pay such penalty. The Commission may, in its discretion, consider such evidence in determining whether such penalty is in the public interest. Such evidence may relate to the extent of the ability of the respondent to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon the assets of the respondent and the amount of the assets of the respondent.''.

(2) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 21B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(A) by striking the matter following paragraph (4);

(B) in the matter preceding paragraph (1), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest and'';

(C) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and adjusting the margins accordingly;

(D) by striking ''In any proceeding'' and inserting the following:

''(1) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(2) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted under section 21C against any person, the Commission may impose a civil penalty, if the Commission finds, on the record after notice and opportunity for hearing, that such person—

''(A) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(B) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(3) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Section 9(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(A) by striking the matter following subparagraph (C);

(B) in the matter preceding subparagraph (A), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest, and'';

(C) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and adjusting the margins accordingly;

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (f) against any person, the Commission may impose a civil penalty if the Commission finds, on the record, after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(4) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(i)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(A) by striking the matter following subparagraph (D);

(B) in the matter preceding subparagraph (A), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest and'';

(C) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following new subparagraph:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (k) against any person, the Commission may impose a civil penalty if the Commission finds, on the record, after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(c) FORMERLY ASSOCIATED PERSONS.—

(1) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(8)) is amended by striking ''any member or employee'' and inserting ''any person who is, or at the time of the alleged violation or abuse was, a member or employee''.

(2) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(c)) is amended—

(A) in paragraph (1)(C), by striking ''any person associated, or seeking to become associated,'' and inserting ''any person who is, or at the time of the alleged misconduct was, associated or seeking to become associated''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''; and

(ii) in subparagraph (B), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''.

(3) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended, in the first sentence, by inserting '', or, as to any act or practice, or omission to act, while associated with a member, formerly associated'' after ''member or a person associated''.

(4) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended, in the first sentence, by inserting ''or, as to any act or practice, or omission to act, while a participant, was a participant,'' after ''in which such person is a participant,''.

(5) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(A) by striking ''any officer or director'' and inserting ''any person who is, or at the time of the alleged misconduct was, an officer or director''; and

(B) by striking ''such officer or director'' and inserting ''such person''.

(6) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(A) by striking ''a person serving or acting'' and inserting ''a person who is, or at the time of the alleged misconduct was, serving or acting''; and

(B) by striking ''such person so serves or acts'' and inserting ''such person so serves or acts, or at the time of the alleged misconduct, so served or acted''.

(7) PERSON ASSOCIATED WITH A PUBLIC ACCOUNTING FIRM.—

(A) SARBANES-OXLEY ACT OF 2002 AMENDMENT.—Section 2(a)(9) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(9)) is amended by adding at the end the following:

''(C) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.—For purposes of sections 3(c), 101(c), 105, and 107(c) and the rules of the Board and Commission issued thereunder, except to the extent specifically excepted by such rules, the terms defined in subparagraph (A) shall include any person associated, seeking to become associated, or formerly associated with a public accounting firm, except that—

''(i) the authority to conduct an investigation of such person under section 105(b) shall apply only with respect to any act or practice, or omission to act, by the person while such person was associated or seeking to become associated with a registered public accounting firm; and

''(ii) the authority to commence a disciplinary proceeding under section 105(c)(1), or impose sanctions under section 105(c)(4), against such person shall apply only with respect to—

''(I) conduct occurring while such person was associated or seeking to become associated with a registered public accounting firm; or

''(II) non-cooperation, as described in section 105(b)(3), with respect to a demand in a Board investigation for testimony, documents, or other information relating to a period when such person was associated or seeking to become associated with a registered public accounting firm.''.

(B) SECURITIES EXCHANGE ACT OF 1934 AMENDMENT.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by striking ''or a person associated with such a firm'' and inserting '', a person associated with such a firm, or, as to any act, practice, or omission to act, while associated with such firm, a person formerly associated with such a firm''.

(8) SUPERVISORY PERSONNEL OF AN AUDIT FIRM.—Section 105(c)(6) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(c)(6)) is amended—

(A) in subparagraph (A), by striking ''the supervisory personnel'' and inserting ''any person who is, or at the time of the alleged failure reasonably to supervise was, a supervisory person''; and

(B) in subparagraph (B)—

(i) by striking ''No associated person'' and inserting ''No current or former supervisory person''; and

(ii) by striking ''any other person'' and inserting ''any associated person''.

(9) MEMBER OF THE PUBLIC COMPANY ACCOUNTING OVERSIGHT BOARD.—Section 107(d)(3) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7217(d)(3)) is amended by striking ''any member'' and inserting ''any person who is, or at the time of the alleged misconduct was, a member''.

(d) EXTRATERRITORIAL JURISDICTION OF THE ANTIFRAUD PROVISIONS OF THE FEDERAL SECURITIES LAWS.—

(1) UNDER THE SECURITIES ACT OF 1933.—Section 22 of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by adding at the end the following new subsection:

''(c) EXTRATERRITORIAL JURISDICTION.—The district courts of the United States and the United States courts of any Territory shall have jurisdiction of an action or proceeding brought or instituted by the Commission or the United States alleging a violation of section 17(a) involving—

''(1) conduct within the United States that constitutes significant steps in furtherance of the violation, even if the securities transaction occurs outside the United States and involves only foreign investors; or

''(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.''.

(2) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended—

(A) by striking ''The district'' and inserting the following:

''(a) IN GENERAL.—The district''; and

(B) by adding at the end the following new subsection:

''(b) EXTRATERRITORIAL JURISDICTION.—The district courts of the United States and the United States courts of any Territory shall have jurisdiction of an action or proceeding brought or instituted by the Commission or the United States alleging a violation of the antifraud provisions of this title involving—

''(1) conduct within the United States that constitutes significant steps in furtherance of the violation, even if the securities transaction occurs outside the United States and involves only foreign investors; or

''(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.''.

(3) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended—

(A) by striking ''The district'' and inserting the following:

''(a) IN GENERAL.—The district''; and

(B) by adding at the end the following new subsection:

''(b) EXTRATERRITORIAL JURISDICTION.—The district courts of the United States and the United States courts of any Territory shall have jurisdiction of an action or proceeding brought or instituted by the Commission or the United States alleging a violation of section 206 involving—

''(1) conduct within the United States that constitutes significant steps in furtherance of the violation, even if the violation is committed by a foreign adviser and involves only foreign investors; or

''(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.''.

(e) CONTROL PERSON LIABILITY UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 20(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(a)) is amended by inserting after ''controlled person is liable'' the following: ''(including to the Commission in any action brought under paragraph (1) or (3) of section 21(d))''.

(f) AIDING AND ABETTING UNDER THE SECURITIES LAWS.—

(1) UNDER THE SECURITIES ACT OF 1933.—Section 15 of the Securities Act of 1933 (15 U.S.C. 77o) is amended—

(A) by striking ''Every person who'' and inserting ''(a) CONTROLLING PERSONS.—Every person who''; and

(B) by adding at the end the following:

''(b) PROSECUTION OF PERSONS WHO AID AND ABET VIOLATIONS.—For purposes of any action brought by the Commission under subparagraph (b) or (d) of section 20, any person that knowingly or recklessly provides substantial assistance to another person in violation of a provision of this Act, or of any rule or regulation issued under this Act, shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.''.

(2) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Section 48 of the Investment Company Act of 1940 (15 U.S.C. 80a–48) is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

''(b) For purposes of any action brought by the Commission under subsection (d) or (e) of section 42, any person that knowingly or recklessly provides substantial assistance to another person in violation of a provision of this Act, or of any rule or regulation issued under this Act, shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.''.

(3) UNDER THE INVESTMENT ADVISERS ACT.—Section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9) is amended by inserting at the end the following new subsection:

''(f) AIDING AND ABETTING.—For purposes of any action brought by the Commission under subsection (e), any person that knowingly or recklessly has aided, abetted, counseled, commanded, induced, or procured a violation of any provision of this Act, or of any rule, regulation, or order hereunder, shall be deemed to be in violation of such provision, rule, regulation, or order to the same extent as the person that committed such violation.''.

(4) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 20(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(e)) is amended by inserting ''or recklessly'' after ''knowingly''.

**SEC. 993. ADDRESSING ISSUES REVEALED BY THE MADOFF FRAUD.**

(a) REVISION TO RECORDKEEPING RULE.—

(1) INVESTMENT COMPANY ACT OF 1940 AMENDMENTS.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a–30) is amended—

(A) in subsection (a)(1), by adding at the end the following: ''Each person having custody or use of the securities, deposits, or credits of a registered investment company shall maintain and preserve all records that relate to the custody or use by such person of the securities, deposits, or credits of the registered investment company for such period or periods as the Commission, by rule or regulation, may prescribe, as necessary or appropriate in the public interest or for the protection of investors.''; and

(B) in subsection (b), by adding at the end the following:

''(4) RECORDS OF PERSONS WITH CUSTODY OR USE.—

''(A) IN GENERAL.—Records of persons having custody or use of the securities, deposits, or credits of a registered investment company that relate to such custody or use, are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations and other information and document requests by representatives of the Commission, as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

''(B) CERTAIN PERSONS SUBJECT TO OTHER REGULATION.—Any person that is subject to regulation and examination by a Federal financial institution regulatory agency (as such term is defined under section 212(c)(2) of title 18, United States Code) may satisfy any examination request, information request, or document request described under subparagraph (A), by providing to the Commission a detailed listing, in writing, of the securities, deposits, or credits of the registered investment company within the custody or use of such person.''.

(2) INVESTMENT ADVISERS ACT OF 1940 AMENDMENT.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended by adding at the end the following new subsection:

''(d) RECORDS OF PERSONS WITH CUSTODY OR USE.—

''(1) IN GENERAL.—Records of persons having custody or use of the securities, deposits, or credits of a client, that relate to such custody or use, are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations and other information and document requests by representatives of the Commission, as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

''(2) CERTAIN PERSONS SUBJECT TO OTHER REGULATION.—Any person that is subject to regulation and examination by a Federal financial institution regulatory agency (as such term is defined under section 212(c)(2) of title 18, United States Code) may satisfy any examination request, information request, or document request described under paragraph (1), by providing the Commission with a detailed listing, in writing, of the securities, deposits, or credits of the client within the custody or use of such person.''.

(b) STREAMLINED HIRING AUTHORITY FOR MARKET SPECIALISTS.—

(1) APPOINTMENT AUTHORITY.—Section 3114 of title 5, United States Code, is amended by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

**''§ 3114. Appointment of candidates to certain positions in the competitive service by the Securities and Exchange Commission**

''(a) APPLICABILITY.—This section applies with respect to any position of accountant, economist, and securities compliance examiner at the Commission that is in the competitive service, and any position at the Commission in the competitive service that requires specialized knowledge of financial and capital market formation or regulation, financial market structures or surveillance, or information technology.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by striking the item relating to section 3114 and inserting the following:

''3114. Appointment of candidates to positions in the competitive service by the Securities and Exchange Commission.''.

(3) PAY AUTHORITY.—The Commission may set the rate of pay for experts and consultants appointed under the authority of section 3109 of title 5, United States Code, in the same manner in which it sets the rate of pay for employees of the Commission.

(c) SIPC REFORMS.—

(1) REMOVING THE DISTINCTION BETWEEN CLAIMS FOR CASH AND CLAIMS FOR SECURITIES.—The Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) is amended—

(A) in section 8(e)(4)(B) (15 U.S.C. 78fff-2(e)(4)(B)), by striking ''for cash or securities'';

(B) in section 9(a) (15 U.S.C. 78fff–3(a))—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) in section 16(2)(B) (15 U.S.C. 78lll(2)(B)), by striking ''for cash or securities''.

(2) LIQUIDATION OF A CARRYING BROKER-DEALER.—Section 5(a)(3) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(a)(3)) is amended—

(A) by striking the undesignated matter following subparagraph (B);

(B) in subparagraph (A), by striking ''any member of SIPC'' and inserting ''the member'';

(C) in subparagraph (B), by striking the comma at the end and inserting a period;

(D) in the matter preceding subparagraph (A), by striking ''If SIPC'' and inserting the following:

''(A) IN GENERAL.—SIPC may, upon notice to a member of SIPC, file an application for a protective decree with any court of competent jurisdiction specified in section 21(e) or 27 of the Securities Exchange Act of 1934, except that no such application shall be filed with respect to a member, the only customers of which are persons whose claims could not be satisfied by SIPC advances pursuant to section 9, if SIPC''; and

(E) by adding at the end the following:

''(B) CONSENT REQUIRED.—No member of SIPC that has a customer may enter into an insolvency, receivership, or bankruptcy proceeding, under Federal or State law, without the specific consent of SIPC.''.

**SEC. 994. ENHANCED ABILITY OF COMMISSION TO OBTAIN NEEDED INFORMATION.**

(a) INVESTMENT COMPANY EXAMINATION.—Section 31(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–30(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—The following records shall be subject, at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest or for the protection of investors:

''(A) All records of a registered investment company.

''(B) All records of a underwriter, broker, dealer, or investment adviser that is a majority-owned subsidiary of a registered investment company.

''(C) All records required to be maintained and preserved by a investment adviser that is not a majority-owned subsidiary of a registered investment company.

''(D) All records required to be maintained and preserved by a depositor of a registered investment company.

''(E) All records required to be maintained and preserved by a principal underwriter for a registered investment company (other than a closed-end company).''.

(b) EXPANDED ACCESS TO GRAND JURY INFORMATION.—Chapter 215 of title 18, United States Code, is amended by adding at the end the following:

**''§ 3323. Access to grand jury information**

''(a) DISCLOSURE.—

''(1) IN GENERAL.—Upon motion of an attorney for the government, a court may direct disclosure of matters occurring before a grand jury during an investigation of conduct that may constitute a violation of any provision of the securities laws to the Securities and Exchange Commission for use in relation to any matter within the jurisdiction of the Commission.

''(2) SUBSTANTIAL NEED REQUIRED.—A court may issue an order under paragraph (1) only upon a finding of a substantial need in the public interest.

''(b) USE OF MATTER.—A person to whom a matter has been disclosed under this section shall not use such matter, other than for the purpose for which such disclosure was authorized.

''(c) DEFINITIONS.—As used in this section—

''(1) the terms 'attorney for the government' and 'grand jury information' have the meanings given to those terms in section 3322 of title 18, United States Code; and

''(2) the term 'securities laws' has the same meaning as in section 3(a)(47) of the Securities Exchange Act of 1934.''.

(c) ENHANCED AUTHORITY OF THE SECURITIES AND EXCHANGE COMMISSION TO CONDUCT SURVEILLANCE AND RISK ASSESSMENT.—

(1) SECURITIES EXCHANGE ACT OF 1934.—Section 17(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(b)) is amended by adding at the end the following:

''(5) SURVEILLANCE AND RISK ASSESSMENT.—All persons described in subsection (a) are subject, at any time, or from time to time, to such reasonable periodic, special, or other information and document requests by representatives of the Commission as the Commission, by rule or order, deems necessary or appropriate to conduct surveillance or risk assessments of the securities markets, persons registered with the Commission under this title, or otherwise in furtherance of the purposes of this title.''.

(2) INVESTMENT COMPANY ACT OF 1940.—Section 31(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–30(b)) is amended by adding at the end the following:

''(5) SURVEILLANCE AND RISK ASSESSMENT.—All persons described in subsection (a) are subject at any time, or from time to time, to

such reasonable periodic, special, or other information and document requests by representatives of the Commission as the Commission, by rule or order, deems necessary or appropriate to conduct surveillance or risk assessments of the securities markets, persons registered with the Commission under this title, or otherwise in furtherance of the purposes of this title.''.

(3) DOCUMENT REQUESTS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended by adding at the end the following:

''(e) SURVEILLANCE AND RISK ASSESSMENT.—All persons described in subsection (a) are subject at any time, or from time to time, to such reasonable periodic, special, or other information and document requests by representatives of the Commission as the Commission, by rule or order, deems necessary or appropriate to conduct surveillance or risk assessments of the securities markets, persons registered with the Commission under this title, or otherwise in furtherance of the purposes of this title.''.

(d) PROTECTING CONFIDENTIALITY OF MATERIALS SUBMITTED TO THE COMMISSION.—

(1) SECURITIES EXCHANGE ACT OF 1934.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

(A) in subsection (d), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(B) by redesignating subsection (e) as subsection (f); and

(C) by inserting after subsection (d) the following:

''(e) RECORDS OBTAINED FROM REGISTERED PERSONS.—

''(1) IN GENERAL.—Except as provided in subsection (f), the Commission shall not be compelled to disclose records or information obtained pursuant to section 17(b), or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities.

''(2) TREATMENT OF INFORMATION.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. Collection of information pursuant to section 17 shall be an administrative action involving an agency against specific individuals or agencies pursuant to section 3518(c)(1) of title 44, United States Code.''.

(2) INVESTMENT COMPANY ACT OF 1940.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a-30) is amended—

(A) by striking subsection (c) and inserting the following:

''(c) LIMITATIONS ON DISCLOSURE BY COMMISSION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any records or information provided to the Commission under this section, or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities. Nothing in this subsection authorizes the Commission to withhold information from the Congress or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of jurisdiction of that department or agency, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this section shall be considered a statute described in subsection (b)(3)(B) of such section 552. Collection of information pursuant to section 31 shall be an administrative action involving an agency against specific individuals or agencies pursuant to section 3518(c)(1) of title 44, United States Code.'';

(B) by striking subsection (d); and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(3) INVESTMENT ADVISERS ACT OF 1940.—Section 210 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-10) is amended by adding at the end the following:

''(d) LIMITATIONS ON DISCLOSURE BY THE COMMISSION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any records or information provided to the Commission under this section, or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities. Nothing in this subsection authorizes the Commission to withhold information from the Congress or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of jurisdiction of that department or agency, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this section shall be considered a statute described in subsection (b)(3)(B) of such section 552. Collection of information pursuant to section 31 shall be an administrative action involving an agency against specific individuals or agencies pursuant to section 3518(c)(1) of title 44, United States Code.''.

(e) EXPANSION OF AUDIT INFORMATION TO BE PRODUCED AND EXCHANGED.—Section 106 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7216) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PRODUCTION OF DOCUMENTS.—

''(1) PRODUCTION BY FOREIGN FIRMS.—If a foreign public accounting firm performs material services upon which a registered public accounting firm relies in the conduct of an audit or interim review, or issues an audit report, performs audit work, or conducts interim reviews, the foreign public accounting firm shall—

''(A) produce the audit work papers of the foreign public accounting firm and all other documents of the firm related to any such audit work or interim review to the Commission or the Board, upon the request of the Commission or the Board; and

''(B) be subject to the jurisdiction of the courts of the United States for purposes of enforcement of any request for such documents.

''(2) OTHER PRODUCTION.—Any registered public accounting firm that relies, in whole or in part, on the work of a foreign public accounting firm in issuing an audit report, performing audit work, or conducting an interim review, shall—

''(A) produce the audit work papers of the foreign public accounting firm and all other documents related to any such work in response to a request for production by the Commission or the Board; and

''(B) secure the agreement of any foreign public accounting firm to such production, as a condition of the reliance by the registered public accounting firm on the work of that foreign public accounting firm.'';

(2) by redesignating subsection (d) as subsection (g); and

(3) by inserting after subsection (c) the following:

''(d) SERVICE OF REQUESTS OR PROCESS.—

''(1) IN GENERAL.—Any foreign public accounting firm that performs work for a domestic registered public accounting firm shall furnish to the domestic registered public accounting firm a written irrevocable consent and power of attorney that designates the domestic registered public accounting firm as an agent upon whom may be served any request by the Commission or the Board under this section and any process, pleadings, or other papers in any action brought to enforce this section.

''(2) SPECIFIC AUDIT WORK.—Any foreign public accounting firm that performs material services upon which a registered public accounting firm relies in the conduct of an audit or interim review, or issues an audit report, performs audit work, or performs interim reviews, shall designate to the Commission or the Board an agent in the United States upon whom may be served any request by the Commission or the Board under this section and any process, pleading, or other papers in any action brought to enforce this section.

''(e) SANCTIONS.—A willful refusal to comply, in whole in or in part, with any request by the Commission or the Board under this section, shall be deemed a violation of this Act.

''(f) OTHER MEANS OF SATISFYING PRODUCTION OBLIGATIONS.—Notwithstanding any other provisions of this section, the staff of the Commission or the Board may allow a foreign public accounting firm that is subject to this section to meet production obligations under this section through alternate means, such as through foreign counterparts of the Commission or the Board.''.

(f) SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

(1) in subsection (d), as amended by subsection (d)(1)(A), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(2) in subsection (e), as added by subsection (d)(1)(C), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

''(f) SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.—

''(1) PRIVILEGED INFORMATION PROVIDED BY THE COMMISSION.—The Commission shall not be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by—

''(A) any agency (as defined in section 6 of title 18, United States Code);

''(B) the Public Company Accounting Oversight Board;

''(C) any self-regulatory organization;

''(D) any foreign securities authority;

''(E) any foreign law enforcement authority; or

''(F) any State securities or law enforcement authority.

''(2) NONDISCLOSURE OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—The Commission shall not be compelled to disclose privileged information obtained from

any foreign securities authority, or foreign law enforcement authority, if the authority has in good faith determined and represented to the Commission that the information is privileged.

''(3) NONWAIVER OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—

''(A) IN GENERAL.—Federal agencies, State securities and law enforcement authorities, self-regulatory organizations, and the Public Company Accounting Oversight Board shall not be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by the Commission.

''(B) EXCEPTION.—The provisions of subparagraph (A) shall not apply to a self-regulatory organization or the Public Company Accounting Oversight Board with respect to information used by the Commission in an action against such organization.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'privilege' includes any work-product privilege, attorney-client privilege, governmental privilege, or other privilege recognized under Federal, State, or foreign law;

''(B) the term 'foreign law enforcement authority' means any foreign authority that is empowered under foreign law to detect, investigate or prosecute potential violations of law; and

''(C) the term 'State securities or law enforcement authority' means the authority of any State or territory that is empowered under State or territory law to detect, investigate, or prosecute potential violations of law.''.

(g) CONFORMING AMENDMENT WITH RESPECT TO REGISTRATION.—Section 102(b)(3)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7212(b)(3)(A)) is amended by striking ''by the Board'' and inserting ''by the Commission or the Board''.

**SEC. 995. MODERNIZATION OF INVESTOR PROTECTIONS.**

(a) BENEFICIAL OWNERSHIP AND SHORT-SWING PROFIT REPORTING.—

(1) BENEFICIAL OWNERSHIP REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(A) in subsection (d)—

(i) in paragraph (1)—

(I) by inserting after ''within ten days after such acquisition,'' the following: ''or within such shorter period as the Commission may establish, by rule,''; and

(II) by striking ''send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange on which the security is traded, and''; and

(ii) in paragraph (2)—

(I) by striking ''in the statements to the issuer and the exchange, and''; and

(II) by striking ''shall be transmitted to the issuer and the exchange and''; and

(B) in subsection (g)—

(i) in paragraph (1), by striking ''shall send to the issuer of the security and''; and

(ii) in paragraph (2)—

(I) by striking ''sent to the issuer and''; and

(II) by striking ''shall be transmitted to the issuer and''.

(2) SHORT-SWING PROFIT REPORTING.—Section 16(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(a)) is amended—

(A) in paragraph (1), by striking ''(and, if such security is registered on a national securities exchange, also with the exchange)''; and

(B) in paragraph (2)(B), by inserting after ''officer'' the following: '', or within such shorter period as the Commission may establish, by rule''.

(b) ENHANCED APPLICATION OF ANTIFRAUD PROVISIONS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 9—

(A) by striking ''registered on a national securities exchange'' each place that term appears and inserting ''other than a government security'';

(B) in subsection (b), by striking ''by use of any facility of a national securities exchange,''; and

(C) in subsection (c), by inserting after ''unlawful for any'' the following: ''broker, dealer, or'';

(2) in section 10(a)(1), by striking ''registered on a national securities exchange'' and inserting ''other than a government security''; and

(3) in section 15(c)(1)(A), by striking ''otherwise than on a national securities exchange of which it is a member''.

(c) DEFINITION OF ''INTERESTED PERSON''.—Section 2(a)(19)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(19)(A)) is amended—

(1) in clause (vii), by striking the colon at the end and inserting a comma;

(2) by inserting before ''*Provided,*'' the following:

''(viii) any natural person who is a member of a class of persons who the Commission, by rule or regulation, determines are unlikely to exercise an appropriate degree of independence as a result of—

''(I) a material business or professional relationship with such company or any affiliated person of such company; or

''(II) a close familial relationship with any natural person who is an affiliated person of such company:''; and

(3) in clause (vii), by striking ''two'' and inserting ''5''.

(d) LOST AND STOLEN SECURITIES.—Section 17(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(1)) is amended—

(1) in subparagraph (A), by striking ''missing, lost, counterfeit, or stolen securities'' and inserting ''securities that are missing, lost, counterfeit, stolen, cancelled, or any other category of securities as the Commission, by rule, may prescribe''; and

(2) in subparagraph (B), by striking ''or stolen'' and inserting ''stolen, cancelled, or reported in such other manner as the Commission, by rule, may prescribe''.

(e) FINGERPRINTING.—Section 17(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(2)) is amended—

(1) in the first sentence, by striking ''and registered clearing agency,'' and inserting ''registered clearing agency, registered securities information processor, national securities exchange, and national securities association''; and

(2) in the second sentence, by striking ''or clearing agency,'' and inserting ''clearing agency, securities information processor, national securities exchange, or national securities association,''.

**SEC. 996. COMMISSION ORGANIZATIONAL STUDY AND REFORM.**

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission (in this section referred to as the ''Commission'') shall hire an independent consultant of high caliber who has expertise in organizational restructuring and the operations of capital markets to examine the internal operations, structure, funding, and the need for comprehensive reform of the Commission, as well as the relationship of the Commission with and the reliance by the Commission on self-regulatory organizations and other entities relevant to the regulation of securities and the protection of securities investors that are under the oversight of the Commission.

(2) SPECIFIC AREAS FOR STUDY.—The study required under paragraph (1) shall, at a minimum, include the study of—

(A) the possible elimination of unnecessary or redundant units at the Commission;

(B) improving communications between offices and divisions of the Commission;

(C) the need to put in place a clear chain-of-command structure, particularly for enforcement examinations and compliance inspections;

(D) the effect of high-frequency trading and other technological advances on the market and what the Commission requires to monitor the effect of such trading and advances on the market;

(E) the hiring authorities, workplace policies, and personal practices of the Commission, including—

(i) whether there is a need to further streamline hiring authorities for those who are not lawyers, accountants, compliance examiners, or economists;

(ii) whether there is a need for further pay reforms;

(iii) the diversity of skill sets of Commission employees and whether the present skill set diversity efficiently and effectively fosters the mission of the Commission of investor protection; and

(iv) the application of civil service laws by the Commission;

(F) whether the oversight by the Commission of, and reliance by the Commission on, self-regulatory organizations promotes efficient and effective governance for the securities markets; and

(G) whether adjusting the reliance by the Commission on self-regulatory organizations is necessary to promote more efficient and effective governance for the securities markets.

(b) CONSULTANT REPORT.—Not later than 150 days after the independent consultant is retained under subsection (a), the independent consultant shall submit a report to the Commission and to Congress containing—

(1) a detailed description of any findings and conclusions made while carrying out the study required under subsection (a)(1); and

(2) recommendations for legislative, regulatory, or administrative action that the independent consultant determines appropriate to enable the Commission and other entities on which the independent consultant reports to perform the missions of the Commission, whether mandated by statute or otherwise.

(c) COMMISSION REPORT.—Not later than 6 months after the date on which the consultant submits the report under subsection (b), and every 6 months thereafter during the 2-year period following the date on which the consultant submits the report under subsection (b), the Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the implementation by the Commission of the regulatory and administrative recommendations contained in the report of the independent consultant under subsection (b).

**SEC. 997. MUNICIPAL SECURITIES RULEMAKING BOARD.**

Section 975(b)(1) of this Act is amended by striking subparagraph (B) and inserting the following:

''(B) by striking the second sentence and inserting the following 'The members of the Board shall serve as members for a term of 3 years or for such other terms as specified by rules of the Board pursuant to paragraph (2)(B), and shall consist of (A) 8 independent individuals, at least 1 of whom shall be representative of institutional or retail investors in municipal securities, at least 1 of whom shall be representative of municipal entities, and at least 1 of whom shall be a member of the public with knowledge of or experience in the municipal industry (which members are hereinafter referred to as ''public representatives''); and (B) 7 individuals who are associated with a broker, dealer, municipal securities dealer, or municipal advisor, including at least 1 individual who is associated with and representative of brokers, dealers, or municipal securities dealers that are not banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as ''broker-dealer representatives''), at least 1 individual who is associated with and representative of municipal securities dealers which are banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as ''bank representatives''), and at least 1 individual who is associated with a municipal advisor (which member is hereinafter referred to as the ''advisor representative'').' ''.

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**SA 3855.** Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1055, after line 22, add the following:

(c) LIABILITY FOR SALE OF SECURITIES.—Section 12 of the Securities Act of 1933 (15 U.S.C. 77l) is amended—

(1) in subsection (a)(2)—

(A) by inserting after ''subsection (a) thereof'' the following: '', and whether or not exempted by the provisions of section 4''; and

(B) by inserting after ''prospectus'' the following: '', other offering document,''; and

(2) in subsection (b), by inserting after ''prospectus'' the following: '', other offering document,''.

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**SA 3856.** Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1055, after line 22, add the following:

(c) AUTHORITY TO IMPOSE CONDITIONS ON THE AVAILABILITY OF CERTAIN EXEMPTIONS.—

(1) AUTHORITY ESTABLISHED.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(A) by striking ''The provisions of section 5'' and inserting the following:

''(a) IN GENERAL.—The provisions of section 5''; and

(B) by adding at the end the following:

''(b) AUTHORITY TO IMPOSE CONDITIONS.—The Commission may, by rules and regulations, condition the availability of any of the exemptions under subsection (a) on such disclosure, filing, or other requirements as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.''.

(2) CONFORMING AMENDMENTS.—

(A) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(i) in section 16(a)(3) (15 U.S.C. 77p(a)(3)) is amended by striking ''section 4(2)'' and inserting ''section 4(a)(2)''; and

(ii) in section 18(b)(4) (15 U.S.C. 77r(b)(4))—

(I) in subparagraph (A), by striking ''section 4'' and inserting ''section 4(a)'';

(II) in subparagraph (B), by striking ''section 4(4)'' and inserting ''section 4(a)(4)''; and

(III) in subparagraph (D), by striking ''section 4(2)'' each place that term appears and inserting ''section 4(a)(2)''.

(B) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(i) in section 15A(j) (15 U.S.C. 78o-3(j)), by striking ''4(2), or 4(6)'' and inserting ''4(a)(2), or 4(a)(6)''; and

(ii) in section 28(f)(5)(E) (15 U.S.C. 778bb(f)) by striking ''section 4(2)'' and inserting ''section 4(a)(2)''.

(C) REVISED STATUTES.—Section 5136 of the Revised Statutes (12 U.S.C. 24) is amended, in the seventh paragraph, by striking ''section 4(5) of the Securities Act of 1933 (15 U.S.C. 77d(5))'' and inserting ''section 4(a)(5) of the Securities Act of 1933''.

(D) HOME OWNERS' LOAN ACT.—Section 5(c)(1)(R)(i) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)(R)(i)) by striking ''section 4(5)'' and inserting ''section 4(a)(5)''.

(E) FEDERAL CREDIT UNION ACT.—Section 107(15)(A) of the Federal Credit Union Act (12 U.S.C. 1757(15)(A)) is amended by striking ''section 4(5) of the Securities Act of 1933 (15 U.S.C. 77d(5))'' and inserting ''section 4(a)(5) of the Securities Act of 1933''.

(F) SECONDARY MORTGAGE MARKET ENHANCEMENT ACT OF 1984.—Section 106(a)(1) of the Secondary Mortgage Market Enhancement Act of 1984 (15 U.S.C. 77r-1(a)(1)) is amended by striking ''section 4(5)'' each place that term appears and inserting ''section 4(a)(5)''.

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**SA 3857.** Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Page 1268, strike line 24 and all that follows through page 1270, line 10, and insert the following:

(c) EXAMINATIONS.—

(1) IN GENERAL.—The prudential regulator shall, on a periodic basis, examine, or require reports from, each institution referred to in subsection (a) for purposes of ensuring and enforcing compliance with the requirements of Federal consumer financial law.

(2) BUREAU ROLE IN SUPERVISION.—

(A) AGENCY RESPONSIBILITIES.—The prudential regulator shall provide all reports, records, and documentation related to the examination process to the Bureau on a timely and ongoing basis.

(B) BUREAU INVOLVEMENT.—The Bureau may, at its discretion, include an examiner on any examination conducted under paragraph (1). The prudential regulator shall involve such Bureau examiner in the entire examination process, including setting the scope of an examination, participating in the examination, and providing input on the examination report, matters requiring attention and examination ratings.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, the prudential regulator shall have primary authority to enforce compliance with any Federal consumer financial law by institutions referred to in subsection (a) of any of the consumer financial laws.

(2) COORDINATION WITH PRUDENTIAL REGULATOR.—

(A) REFERRAL.—

(i) IN GENERAL.—When the Bureau has reason to believe that an institution described in subsection (a) has engaged in a material violation of a Federal consumer financial law, the Bureau may recommend in writing to the appropriate agency that the appropriate agency initiate an enforcement proceeding to the extent the appropriate agency is authorized by that Federal law or by this title.

(ii) EXPLANATION.—Any recommendation under clause (i) shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

(B) BACKSTOP ENFORCEMENT AUTHORITY OF THE BUREAU.—If the appropriate agency does not, before the end of the 120-day period beginning on the date on which the appropriate agency receives a recommendation under subparagraph (A), initiate an enforcement proceeding, the Bureau may initiate an enforcement proceeding as permitted by Federal law.

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**SA 3858.** Mr. REED (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1243, strike line 15, and all that follows through page 1248, line 18.

**SA 3859.** Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1044 and insert the following:

**SEC. 1044. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.**

(a) IN GENERAL.—Chapter One of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

**''SEC. 5136C. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.**

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'national bank' includes—

''(A) any bank organized under the laws of the United States;

''(B) any affiliate of a national bank;

''(C) any subsidiary of a national bank; and

''(D) any Federal branch established in accordance with the International Banking Act of 1978;

''(2) the terms 'affiliate', 'subsidiary', 'includes', and 'including' have the same meanings as in section 3 of the Federal Deposit Insurance Act; and

''(3) the term 'State consumer law' means any law of a State that regulates the manner, content, or terms and conditions of any financial transaction (as may be authorized for national banks to engage in), or any account related thereto, with respect to a consumer.

''(b) STATE CONSUMER LAWS OF GENERAL APPLICATION.—Except as provided in subsection (c), and notwithstanding any other provision of Federal law, any consumer protection provision of a State consumer law of general application, shall apply to a national bank operating within the jurisdiction of that State, including any law relating to—

''(1) unfair or deceptive acts or practices;

''(2) consumer fraud; and

''(3) repossession, foreclosure, and debt collections.

''(c) EXCEPTIONS.—

''(1) IN GENERAL.—Subsection (b) shall not apply with respect to any State consumer law, if—

''(A) the State consumer law discriminates against national banks; or

''(B) the State consumer law is inconsistent with provisions of Federal law, other than this title, but only to the extent of the inconsistency (as determined in accordance with the provision of the other Federal law).

''(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1), a State consumer law is not inconsistent with Federal law, if the protection that the State consumer law affords consumers is greater than the protection provided under Federal law, as determined by the Bureau of Consumer Financial Protection.

''(d) STATE BANKING LAWS ENACTED PURSUANT TO FEDERAL LAW.—

''(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding any other provision of Federal law, any State consumer law shall apply to a national bank operating within the jurisdiction of that State, if such State consumer law—

''(A) is applicable to State banks; and

''(B) was enacted pursuant to or in accordance with, and is not inconsistent with, an Act of Congress, including the Gramm-Leach-Bliley Act, the Consumer Credit Protection Act, and the Real Estate Settlement Procedures Act of 1974, that explicitly or by implication, permits States to exceed or supplement the requirements of any comparable Federal law.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply with respect to any State law, if—

''(i) the State consumer law discriminates against national banks; or

''(ii) the State consumer law is inconsistent with provisions of Federal law, other than this title, but only to the extent of the inconsistency (as determined in accordance with the provision of the other Federal law).

''(B) RULE OF CONSTRUCTION.—For purposes of subparagraph (A), a State consumer law is not inconsistent with Federal law, if the protection that the State consumer law affords consumers is greater than the protection provided under Federal law, as determined Bureau of Consumer Financial Protection.

''(e) NO NEGATIVE IMPLICATIONS FOR APPLICABILITY OF OTHER STATE LAWS.—No provision of this section shall be construed as altering or affecting the applicability to national banks of any State law which is not described in this section.

''(f) EFFECT OF TRANSFER OF TRANSACTION.—State consumer law applicable to a transaction at the inception of the transaction may not be preempted under Federal law solely because a national bank subsequently acquires the asset or instrument that is the subject of the transaction.

''(g) DENIAL OF PREEMPTION NOT A DEPRIVATION OF A CIVIL RIGHT.—The preemption of any provision of the law of any State with respect to any national bank shall not be treated as a right, privilege, or immunity for purposes of section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

''5136C. State law preemption standards for national banks and subsidiaries clarified.''.

## NOTICE OF INTENT TO OBJECT TO PROCEEDING ON MAY 5, 2010

Mr. COBURN. Mr. President, pursuant to the provisions of section 512 of Public Law 110–81, I intend to object to proceeding to the nomination of Walter Isaacson, of Louisiana, to be Chairman of the Broadcasting Board of Governors, dated May 5, 2010, for the following reasons:

I have had longstanding concerns regarding transparency and effectiveness of our taxpayer-funded international broadcasting agencies under the purview of the Broadcasting Board of Governors. In particular, I am troubled by the operations and management of Voice of America (VOA) given issues raised by the media, Inspector General, and former employees of VOA. Therefore, I have requested to meet with all the prospective nominees to discuss these issues. The Broadcasting Board of Governors performs a vital role regarding oversight and management of our international broadcasting. As the nation faces threats from the Middle East and in fact throughout the world, transparent and effective international broadcasting agencies are critical to ensuring our international broadcasts are in fact fulfilling America's interests in securing peace for ourselves and our allies.

Mr. COBURN. Mr. President, pursuant to the provisions of section 512 of Public Law 110–81, I intend to object to proceeding to the nomination of Victor Ashe of Tennessee, to be member of the Broadcasting Board of Governors, dated May 5, 2010, for the reasons denoted above.

Mr. COBURN. Mr. President, pursuant to the provisions of section 512 of Public Law 110–81, I intend to object to proceeding to the nomination of Michael Lynton of California, to be member of the Broadcasting Board of Governors, dated May 5, 2010, for the reasons denoted above.

Mr. COBURN. Mr. President, pursuant to the provisions of section 512 of Public Law 110–81, I object to proceeding to the nomination of Susan McCue of Virginia, to be member of casting Board of Governors, dated May 5, 2010, for the reasons denoted above.

Mr. COBURN. Mr. President, pursuant to the provisions of section 512 of Public Law 110–81, I intend to object to proceeding to the nomination of Dennis Mulhaupt of California, to be member of the Broadcasting Board of Governors, dated May 5, 2010, for the reasons denoted above.

Mr. COBURN. Mr. President, pursuant to the provisions of section 512 of Public Law 110–81, I intend to object to proceeding to the nomination of S. Enders Wimbush of Virginia, to be member of the Broadcasting Board of Governors, dated May 5, 2010, for the reasons denoted above.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 18, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose is to receive testimony from the Administration on issues related to offshore oil and gas exploration including the accident involving the Deepwater Horizon in the Gulf of Mexico.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to

the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Abigail_Campbell@energy.senate.gov.

For further information, please contact Linda Lance at (202) 224–7556 or Abigail Campbell at (202) 224–1219.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 5, 2010, at 10 a.m., to conduct a hearing entitled ''Terrorists and Guns: The Nature of the Threat and Proposed Reforms.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 5, 2010, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Increased Importance of the Violence Against Women Act in a Time of Economic Crisis.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on May 5, 2010, at 10 a.m., to conduct a hearing entitled ''Voting By Mail: An Examination of State and Local Experiences.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 5, 2010, to conduct a hearing entitled ''TBI: Progress in Treating the Signature Wounds of the Current Conflicts.'' The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 5, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON NATIONAL PARKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on May 5, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Theodore Dirkx and Christina Blackcloud-Garcia of my staff be granted the privilege of the floor for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Paul Grove: | | | | | | | | | |
| United States | Dollar | | | | 6,261.60 | | | | 6,261.60 |
| Libya | Dinar | | 272.79 | | | | | | 272.79 |
| Germany | Euro | | 197.00 | | | | | | 197.00 |
| Carol Cribbs: | | | | | | | | | |
| United States | Dollar | | | | 919.70 | | 72.00 | | 991.70 |
| Colombia | Peso | | 795.50 | | | | | | 795.50 |
| Howard Walgren: | | | | | | | | | |
| United States | Dollar | | | | 919.70 | | | | 919.70 |
| Colombia | Peso | | 795.50 | | | | 151.00 | | 946.50 |
| Charles Kieffer: | | | | | | | | | |
| United States | Dollar | | | | 919.70 | | | | 919.70 |
| Colombia | Peso | | 795.50 | | | | 211.00 | | 1,006.50 |
| Howard Sutton: | | | | | | | | | |
| United States | Dollar | | | | 9,382.00 | | | | 9,382.00 |
| New Zealand | Dollar | | 587.00 | | | | | | 587.00 |
| Arthur Cameron: | | | | | | | | | |
| United States | Dollar | | | | 9,382.00 | | | | 9,382.00 |
| New Zealand | Dollar | | 587.00 | | | | | | 587.00 |
| Allen Cutler: | | | | | | | | | |
| United States | Dollar | | | | 10,273.30 | | | | 10,273.30 |
| New Zealand | Dollar | | 587.00 | | | | | | 587.00 |
| Senator Daniel Inouye: | | | | | | | | | |
| Japan | Yen | | 2,490.00 | | | | | | 2,490.00 |
| Senator Thad Cochran: | | | | | | | | | |
| Japan | Yen | | 2,490.00 | | | | | | 2,490.00 |
| Erik Raven: | | | | | | | | | |
| Japan | Yen | | 1,439.00 | | | | | | 1,439.00 |
| Stewart Holmes: | | | | | | | | | |
| Japan | Yen | | 1,671.00 | | | | | | 1,671.00 |
| Kay Webber: | | | | | | | | | |
| Japan | Yen | | 1,671.00 | | | | | | 1,671.00 |
| Margaret Cummisky: | | | | | | | | | |
| Japan | Yen | | 1,065.00 | | | | | | 1,065.00 |
| Drenan Dudley: | | | | | | | | | |
| Japan | Yen | | 3,240.00 | | | | | | 3,240.00 |
| United States | Dollar | | | | 5,418.30 | | | | 5,418.30 |
| Ellen Maldonado: | | | | | | | | | |
| United States | Dollar | | | | 9,873.00 | | | | 9,873.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Bahrain | Dinar | | 381.00 | | | | | | 381.00 |
| Kuwait | Dinar | | 268.00 | | | | | | 268.00 |
| United Arab Emirates | Dirham | | 383.00 | | | | | | 383.00 |
| Mary Catherine Fitzpatrick: | | | | | | | | | |
| United States | Dollar | | | | 9,873.00 | | | | 9,873.00 |
| Qatar | Riyal | | 24.00 | | | | | | 24.00 |
| Bahrain | Dinar | | 495.00 | | | | | | 495.00 |
| Kuwait | Dinar | | 268.00 | | | | | | 268.00 |
| United Arab Emirates | Dirham | | 385.30 | | | | | | 385.30 |
| Sara Kathleen Hagan: | | | | | | | | | |
| United States | Dollar | | | | 9,873.00 | | 70.00 | | 9,943.00 |
| Bahrain | Dinar | | 373.00 | | | | | | 373.00 |
| Kuwait | Dinar | | 268.00 | | | | | | 268.00 |
| United Arab Emirates | Dirham | | 371.00 | | | | | | 371.00 |
| Erik Raven: | | | | | | | | | |
| United States | Dollar | | | | 9,873.00 | | | | 9,873.00 |
| Qatar | Riyal | | 645.00 | | | | | | 645.00 |
| Bahrain | Dinar | | 439.00 | | | | | | 439.00 |
| Kuwait | Dinar | | 268.00 | | | | | | 268.00 |
| United Arab Emirates | Dirham | | 695.00 | | 329.00 | | | | 1,024.00 |
| Senator Sam Brownback: | | | | | | | | | |
| United States | Dollar | | | | 4,040.69 | | | | 4,040.69 |
| Israel | Shekel | | 562.10 | | | | | | 562.10 |
| Ariel Wolf: | | | | | | | | | |
| United States | Dollar | | | | 4,040.69 | | | | 4,040.69 |
| Israel | Shekel | | 796.33 | | | | | | 796.33 |
| Chuck Alderson: | | | | | | | | | |
| United States | Dollar | | | | 4,040.69 | | | | 4,040.69 |
| Israel | Shekel | | 796.33 | | | | | | 796.33 |
| Senator George Voinovich: | | | | | | | | | |
| United States | Dollar | | | | 8,399.00 | | | | 8,399.00 |
| Slovenia | Euro | | 190.00 | | | | | | 190.00 |
| Croatia | Kuna | | 61.00 | | | | | | 61.00 |
| Bosnia-Herzegovina | Convertible Mark | | 96.00 | | | | | | 96.00 |
| Serbia | Dinar | | 216.00 | | | | | | 216.00 |
| Joseph Lai: | | | | | | | | | |
| United States | Dollar | | | | 8,399.00 | | | | 8,399.00 |
| Slovenia | Euro | | 190.00 | | | | | | 190.00 |
| Croatia | Kuna | | 61.00 | | | | | | 61.00 |
| Bosnia-Herzegovina | Convertible Mark | | 96.00 | | | | | | 96.00 |
| Serbia | Dinar | | 216.00 | | | | | | 216.00 |
| Senator Judd Gregg: | | | | | | | | | |
| Syria | Pound | | 154.00 | | | | | | 154.00 |
| India | Rupee | | 624.00 | | | | | | 624.00 |
| Morocco | Dirham | | 584.00 | | | | | | 584.00 |
| Cyprus | Euro | | 195.00 | | | | | | 195.00 |
| Paul Grove: | | | | | | | | | |
| Syria | Pound | | 154.00 | | | | | | 154.00 |
| India | Rupee | | 624.00 | | | | | | 624.00 |
| Morocco | Dirham | | 584.00 | | | | | | 584.00 |
| Cyprus | Euro | | 195.00 | | | | | | 195.00 |
| Christopher Gahan: | | | | | | | | | |
| Syria | Pound | | 154.00 | | | | | | 154.00 |
| India | Rupee | | 624.00 | | | | | | 624.00 |
| Morocco | Dirham | | 584.00 | | | | | | 584.00 |
| Cyprus | Euro | | 195.00 | | | | | | 195.00 |
| Senator Richard Durbin: | | | | | | | | | |
| Tanzania | Shilling | | 664.20 | | | | | | 664.20 |
| Democratic Rep. of Congo | Franc | | 127.14 | | | | | | 127.14 |
| Ethiopia | Birr | | 680.38 | | | | | | 680.38 |
| Sudan | Pound | | 270.26 | | | | | | 270.26 |
| United States | Dollar | | | | 9,752.50 | | | | 9,752.50 |
| Christopher B. Homan: | | | | | | | | | |
| Tanzania | Shilling | | 357.07 | | | | | | 357.07 |
| Democratic Rep. of Congo | Franc | | 189.85 | | | | | | 189.85 |
| Ethiopia | Birr | | 735.56 | | | | | | 735.56 |
| Sudan | Pound | | 321.09 | | | | | | 321.09 |
| United States | Dollar | | | | 9,752.50 | | | | 9,752.50 |
| Max Gleischman: | | | | | | | | | |
| Tanzania | Shilling | | 320.79 | | | | | | 320.79 |
| Democratic Rep. of Congo | Franc | | 127.14 | | | | | | 127.14 |
| Ethiopia | Birr | | 613.37 | | | | | | 613.37 |
| Sudan | Pound | | 295.97 | | | | | | 295.97 |
| United States | Dollar | | | | 9,752.50 | | | | 9,752.50 |
| Charles Houy: | | | | | | | | | |
| United States | Dollar | | | | 13,406.20 | | | | 13,406.20 |
| United Arab Emirates | Dirham | | 330.00 | | | | | | 330.00 |
| Yemen | Rial | | 179.26 | | | | | | 179.26 |
| Djibouti | Franc | | 638.00 | | | | | | 638.00 |
| Ethiopia | Birr | | 386.75 | | | | | | 386.75 |
| Greece | Euro | | 716.00 | | | | | | 716.00 |
| Elizabeth Schmid: | | | | | | | | | |
| United States | Dollar | | | | 13,406.20 | | | | 13,406.20 |
| United Arab Emirates | Dirham | | 330.00 | | | | | | 330.00 |
| Yemen | Rial | | 179.26 | | | | | | 179.26 |
| Djibouti | Franc | | 638.00 | | | | | | 638.00 |
| Ethiopia | Birr | | 386.75 | | | | | | 386.75 |
| Greece | Euro | | 716.00 | | | | | | 716.00 |
| Gary Reese: | | | | | | | | | |
| United States | Dollar | | | | 13,406.20 | | | | 13,406.20 |
| United Arab Emirates | Dirham | | 473.00 | | | | | | 473.00 |
| Yemen | Rial | | 179.26 | | | | | | 179.26 |
| Djibouti | Franc | | 638.00 | | | | | | 638.00 |
| Ethiopia | Birr | | 386.75 | | | | | | 386.75 |
| Greece | Euro | | 716.00 | | | | | | 716.00 |
| Paul Grove: | | | | | | | | | |
| United States | Dollar | | | | 9,703.00 | | | | 9,703.00 |
| Yemen | Rial | | 158.00 | | | | | | 158.00 |
| Saudi Arabia | Riyal | | 52.27 | | | | | | 52.27 |
| Jordan | Dinar | | 620.00 | | | | | | 620.00 |
| Germany | Euro | | 143.00 | | | | | | 143.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Tim Reiser: | | | | | | | | | |
| Guatemala | Quetzal | | 360.00 | | | | | | 360.00 |
| United States | Dollar | | | | 1,052.00 | | | | 1,052.00 |
| Senator George Voinovich: | | | | | | | | | |
| United States | Dollar | | | | 4,033.10 | | | | 4,033.10 |
| Belgium | Euro | | 495.00 | | | | | | 495.00 |
| Joseph Lai: | | | | | | | | | |
| United States | Dollar | | | | 4,033.10 | | | | 4,033.10 |
| Belgium | Euro | | 495.00 | | | | | | 495.00 |
| Total | | | 45,817.47 | | 200,514.67 | | 504.00 | | 246,836.14 |

SENATOR DANIEL INOUYE,
*Chairman, Committee on Appropriations, Apr. 22, 2010.*

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Brooke F. Buchanan: | | | | | | | | | |
| Kuwait | Dollar | | 159.00 | | | | | | 159.00 |
| Afghanistan | Dollar | | 78.00 | | | | | | 78.00 |
| Lebanon | Dollar | | 62.00 | | | | | | 62.00 |
| Israel | Dollar | | 182.00 | | | | | | 183.00 |
| Georgia | Dollar | | 132.00 | | | | | | 132.00 |
| Senator John McCain: | | | | | | | | | |
| Afghanistan | Dollar | | 14.00 | | | | | | 14.00 |
| Pakistan | Dollar | | 9.00 | | | | | | 9.00 |
| Lebanon | Dollar | | 47.00 | | | | | | 47.00 |
| Israel | Dollar | | 23.00 | | | | | | 23.00 |
| Lucian L. Niemeyer: | | | | | | | | | |
| Germany | Euro | | 657.72 | | 7,231.10 | | | | 7,888.82 |
| Adam J. Barker: | | | | | | | | | |
| United States | Dollar | | | | 10,514.43 | | | | 10,514.43 |
| Philippines | Dollar | | 437.93 | | | | | | 437.93 |
| Indonesia | Dollar | | 454.88 | | | | | | 454.88 |
| Bangladesh | Dollar | | 339.60 | | | | | | 339.60 |
| Michael J. Noblet: | | | | | | | | | |
| United States | Dollar | | | | 10,570.00 | | | | 10,570.00 |
| Philippines | Peso | | 258.00 | | | | | | 258.00 |
| Indonesia | Rupiah | | 345.00 | | | | | | 345.00 |
| Bangladesh | Taka | | 310.00 | | | | | | 310.00 |
| Michael V. Kostiw: | | | | | | | | | |
| United States | Dollar | | | | 10,514.43 | | | | 10,514.43 |
| Philippines | Dollar | | 467.93 | | | | | | 467.93 |
| Indonesia | Dollar | | 494.88 | | | | | | 494.88 |
| Bangladesh | Dollar | | 439.60 | | | | | | 439.60 |
| Senator Lindsey Graham: | | | | | | | | | |
| Switzerland | Dollar | | 48.00 | | | | | | 48.00 |
| Germany | Dollar | | 139.28 | | | | | | 139.28 |
| Brooke F. Buchanan: | | | | | | | | | |
| Germany | Dollar | | 425.00 | | | | | | 425.00 |
| William G.P. Monahan: | | | | | | | | | |
| United States | Dollar | | | | 10,853.10 | | | | 10,853.10 |
| United Arab Emirates | Dirham | | | | | | 315.51 | | 315.51 |
| Pakistan | Rupee | | 90.00 | | | | 10.00 | | 100.00 |
| Afghanistan | Afghani | | 78.00 | | | | 10.00 | | 88.00 |
| Senator Joseph I. Lieberman: | | | | | | | | | |
| Israel | Shekel | | 744.00 | | | | | | 744.00 |
| Vance Serchuk: | | | | | | | | | |
| Israel | Shekel | | 664.00 | | | | | | 664.00 |
| Christopher Griffin: | | | | | | | | | |
| Israel | Shekel | | 752.00 | | | | | | 752.00 |
| Senator John Thune: | | | | | | | | | |
| Afghanistan | Dollar | | 14.00 | | | | | | 14.00 |
| Pakistan | Dollar | | 9.00 | | | | | | 9.00 |
| Lebanon | Dollar | | 47.00 | | | | | | 47.00 |
| Israel | Dollar | | 23.00 | | | | | | 23.00 |
| Gordon Peterson: | | | | | | | | | |
| Japan | Dollar | | 346.00 | | | | | | 346.00 |
| United States | Dollar | | | | 13,371.00 | | | | 13,371.00 |
| Marta McLellan Ross: | | | | | | | | | |
| Japan | Dollar | | 294.00 | | | | | | 294.00 |
| United States | Dollar | | | | 13,371.00 | | | | 13,371.00 |
| Jason W. Maroney: | | | | | | | | | |
| Kuwait | Dollar | | 135.03 | | | | | | 135.03 |
| Pakistan | Dollar | | 238.08 | | | | | | 238.08 |
| Belgium | Dollar | | 45.26 | | | | | | 45.26 |
| Afghanistan | Dollar | | 13.00 | | | | | | 13.00 |
| Senator John McCain: | | | | | | | | | |
| Bosnia | Dollar | | 9.28 | | | | | | 9.28 |
| Germany | Dollar | | 208.92 | | | | | | 208.92 |
| Senator Saxby Chambliss: | | | | | | | | | |
| Germany | Dollar | | 230.93 | | | | | | 230.93 |
| Senator Jim Webb: | | | | | | | | | |
| United States | Dollar | | | | 13,371.90 | | | | 13,371.90 |
| Japan | Yen | | 704.00 | | | | | | 704.00 |
| Senator George S. LeMieux: | | | | | | | | | |
| Panama | Balboa | | 82.25 | | | | | | 82.25 |
| Colombia | Peso | | 146.24 | | | | | | 146.24 |
| Brian W. Walsh: | | | | | | | | | |
| Honduras | Lempira | | 6.35 | | | | | | 6.35 |
| Panama | Balboa | | 82.25 | | | | | | 82.25 |

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Colombia | Peso | | 213.01 | | | | | | 213.01 |
| Vivian Myrtetus: | | | | | | | | | |
| Panama | Balboa | | 82.25 | | | | | | 82.25 |
| Colombia | Peso | | 131.58 | | | | | | 131.58 |
| Senator Mark Udall: | | | | | | | | | |
| Germany | Euro | | 93.32 | | | | | | 93.32 |
| Bosnia | Dollar | | 9.28 | | | | | | 9.28 |
| Christian D. Brose: | | | | | | | | | |
| Kuwait | Dollar | | 103.00 | | | | | | 103.00 |
| Afghanistan | Dollar | | 78.00 | | | | | | 78.00 |
| Lebanon | Dollar | | 62.00 | | | | | | 62.00 |
| Israel | Dollar | | 154.00 | | | | | | 154.00 |
| Georgia | Dollar | | 88.00 | | | | | | 88.00 |
| Senator Claire McCaskill: | | | | | | | | | |
| Kuwait | Dollar | | 135.03 | | | | | | 135.03 |
| Pakistan | Dollar | | 222.14 | | | | | | 222.14 |
| India | Dollar | | 45.48 | | | | | | 45.48 |
| Tressa Guenov: | | | | | | | | | |
| Kuwait | Dollar | | 22.78 | | | | | | 22.78 |
| Pakistan | Dollar | | 12.08 | | | | | | 12.08 |
| India | Dollar | | 143.80 | | | | | | 143.80 |
| Belgium | Dollar | | 45.26 | | | | | | 45.26 |
| Senator Joseph I. Lieberman: | | | | | | | | | |
| Germany | Euro | | 205.40 | | | | | | 205.40 |
| Christopher Griffin: | | | | | | | | | |
| Germany | Euro | | 150.00 | | | | | | 150.00 |
| Vance Serchuk: | | | | | | | | | |
| Germany | Euro | | 360.00 | | | | | | 360.00 |
| Senator Carl Levin: | | | | | | | | | |
| United States | Dollar | | | | 10,845.10 | | | | 10,845.10 |
| United Arab Emirates | Dirham | | | | | | 340.51 | | 340.51 |
| Pakistan | Rupee | | 90.00 | | | | 10.00 | | 100.00 |
| Afghanistan | Afghani | | 78.00 | | | | 10.00 | | 88.00 |
| Richard D. DeBobes: | | | | | | | | | |
| United States | Dollar | | | | 10,853.10 | | | | 10,853.10 |
| United Arab Emirates | Dirham | | | | | | 315.51 | | 315.51 |
| Pakistan | Rupee | | 90.00 | | | | 10.00 | | 100.00 |
| Afghanistan | Afghani | | 78.00 | | | | 10.00 | | 88.00 |
| Total | | | 13,178.82 | | 111,495.16 | | 1,031.53 | | 125,705.51 |

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, Mar. 31, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Colin McGinnis: | | | | | | | | | |
| Panama | Dollar | | 544.40 | | | | | | 544.40 |
| United States | Dollar | | | | 1,070.60 | | | | 1,070.60 |
| Total | | | 544.40 | | 1,070.60 | | | | 1,615.00 |

SENATOR CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs, Apr. 1, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Jeff Merkley: | | | | | | | | | |
| Kuwait | Dollar | | 439.44 | | | | | | 439.44 |
| Pakistan | Dollar | | 459.64 | | | | | | 459.64 |
| India | Dollar | | 387.81 | | | | | | 387.81 |
| Belgium | Euro | | 406.50 | | | | | | 406.50 |
| William White: | | | | | | | | | |
| Kuwait | Dollar | | 439.44 | | | | | | 439.44 |
| Pakistan | Dollar | | 472.62 | | | | | | 472.62 |
| India | Dollar | | 387.81 | | | | | | 387.81 |
| Belgium | Euro | | 420.26 | | | | | | 420.26 |
| Total | | | 3,413.52 | | | | | | 3,413.52 |

SENATOR KENT CONRAD,
Chairman, Committee on the Budget, Apr. 29, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Chan D. Lieu: | | | | | | | | | |
| United States | Dollar | | | | 9,711.10 | | | | 9,711.10 |
| New Zealand | Dollar | | 1,056.89 | | | | | | 1,056.89 |
| Total | | | 1,056.89 | | 9,711.10 | | | | 10,767.99 |

SENATOR JOHN D. ROCKEFELLER,
Chairman, Committee on Commerce, Science, and Transportation,
April 28, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator John Cornyn: | | | | | | | | | |
| Cyprus | Euro | | 56.10 | | | | | | 56.10 |
| Syria | Pound | | 44.81 | | | | | | 44.81 |
| India | Rupee | | 372.61 | | | | | | 372.61 |
| Morocco | Dirham | | 88.09 | | | | | | 88.09 |
| Russell Thomasson: | | | | | | | | | |
| Cyprus | Euro | | 89.58 | | | | | | 89.58 |
| Syria | Pound | | 37.97 | | | | | | 37.97 |
| India | Rupee | | 516.67 | | | | | | 516.67 |
| Morocco | Dirham | | 172.63 | | | | | | 172.63 |
| Total | | | 1,378.46 | | | | | | 1,378.46 |

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, Apr. 29, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator John Barrasso: | | | | | | | | | |
| Afghanistan | Dollar | | 14.00 | | | | | | 14.00 |
| Pakistan | Rupee | | 9.00 | | | | | | 9.00 |
| Lebanon | Dollar | | 47.00 | | | | | | 47.00 |
| Israel | Shekel | | 46.00 | | | | | | 46.00 |
| Senator Robert Casey, Jr.: | | | | | | | | | |
| Belgium | Euro | | 286.99 | | | | | | 286.99 |
| Austria | Euro | | 45.93 | | | | | | 45.93 |
| Senator Bob Corker: | | | | | | | | | |
| Panama | Dollar | | 292.00 | | | | | | 292.00 |
| Costa Rica | Colon | | 375.00 | | | | | | 375.00 |
| El Savador | Colon | | 168.00 | | | | | | 168.00 |
| Honduras | Lempira | | 158.00 | | | | | | 158.00 |
| Senator Christopher Dodd: | | | | | | | | | |
| Panama | Dollar | | 292.00 | | | | | | 292.00 |
| Costa Rica | Colon | | 168.00 | | | | | | 168.00 |
| El Salvador | Dollar | | 168.00 | | | | | | 168.00 |
| Honduras | Dollar | | 158.00 | | | | | | 158.00 |
| Senator Ted Kaufman: | | | | | | | | | |
| Pakistan | Rupee | | 8.00 | | | | | | 8.00 |
| Afghanistan | Dollar | | 5.00 | | | | | | 5.00 |
| United States | Dollar | | | | 11,943.60 | | | | 11,943.60 |
| Senator John Kerry: | | | | | | | | | |
| Germany | Euro | | 189.00 | | | | | | 189.00 |
| United States | Dollar | | | | 3,608.00 | | | | 3,608.00 |
| Qatar | Riyal | | 64.09 | | | | | | 64.09 |
| India | Rupee | | 153.28 | | | | | | 153.28 |
| United Arab Emirates | Dirham | | 31.62 | | | | | | 31.62 |
| United States | Dollar | | | | 8,108.10 | | | | 8,108.10 |
| Jordan | Dinar | | 22.44 | | | | | | 22.44 |
| Israel | Shekel | | 164.64 | | | | | | 164.64 |
| United States | Dollar | | | | 7,180.69 | | | | 7,180.69 |
| Lebanon | Pound | | 107.72 | | | | | | 107.72 |
| Syria | Pound | | 49.73 | | | | | | 49.73 |
| Italy | Euro | | 139.70 | | | | | | 139.70 |
| United States | Dollar | | | | 7,066.30 | | | | 7,066.30 |
| Senator Jeanne Shaheen: | | | | | | | | | |
| Slovenia | Euro | | 200.00 | | | | | | 200.00 |
| Croatia | Kuna | | 120.00 | | | | | | 120.00 |
| Bosnia | Marka | | 89.00 | | | | | | 89.00 |
| Serbia | Dinar | | 600.00 | | | | | | 600.00 |
| United States | Dollar | | | | 8,646.80 | | | | 8,646.80 |
| Senator Roger Wicker: | | | | | | | | | |
| Qatar | Riyal | | 114.17 | | | | | | 114.17 |
| Austria | Euro | | 39.30 | | | | | | 39.30 |
| France | Euro | | 108.80 | | | | | | 108.80 |
| United Kingdom | Pound | | 82.86 | | | | | | 82.86 |
| Netherlands | Euro | | 93.05 | | | | | | 93.05 |
| United States | Dollar | | | | 3,288.50 | | | | 3,288.50 |
| Jonah Blank: | | | | | | | | | |
| Qatar | Riyal | | 189.00 | | | | | | 189.00 |
| India | Rupee | | 181.00 | | | | | | 181.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Pakistan | Rupee | | 115.00 | | | | | | 115.00 |
| Thailand | Baht | | 1,116.00 | | | | | | 1,116.00 |
| United States | Dollar | | | | 12,350.20 | | | | 12,350.20 |
| Joshua Blumenfeld: | | | | | | | | | |
| Panama | Dollar | | 192.00 | | | | | | 192.00 |
| Costa Rica | Colon | | 118.00 | | | | | | 118.00 |
| El Salvador | Dollar | | 128.00 | | | | | | 128.00 |
| Honduras | Dollar | | 108.00 | | | | | | 108.00 |
| Perry Cammack: | | | | | | | | | |
| Jordan | Dinar | | 202.00 | | | | | | 202.00 |
| Israel | Shekel | | 207.00 | | | | | | 207.00 |
| United States | Dollar | | | | 6,137.00 | | | | 6,137.00 |
| Syria | Pound | | 179.00 | | | | | | 179.00 |
| Turkey | Lira | | 1,967.00 | | | | | | 1,967.00 |
| Israel | Shekel | | 362.00 | | | | | | 362.00 |
| United States | Dollar | | | | 8,415.49 | | | | 8,415.49 |
| Sarah Drake: | | | | | | | | | |
| Qatar | Riyal | | 213.50 | | | | | | 213.50 |
| Austria | Euro | | 39.30 | | | | | | 39.30 |
| France | Euro | | 105.50 | | | | | | 105.50 |
| Netherlands | Euro | | 93.05 | | | | | | 93.05 |
| Steve Feldstein: | | | | | | | | | |
| Brazil | Real | | 615.00 | | | | | | 615.00 |
| United States | Dollar | | | | 6,205.70 | | | | 6,205.70 |
| Frank Jannuzi: | | | | | | | | | |
| Russia | Ruble | | 1,395.00 | | | | | | 1,395.00 |
| China | RMB | | 1,464.00 | | | | | | 1,464.00 |
| United States | Dollar | | | | 14,184.60 | | | | 14,184.60 |
| Garrett Johnson: | | | | | | | | | |
| United Arab Emirates | Dirham | | 65.00 | | | | | | 65.00 |
| Afghanistan | Afghani | | 180.00 | | | | | | 180.00 |
| Pakistan | Rupee | | 910.00 | | | | | | 910.00 |
| United States | Dollar | | | | 8,540.70 | | | | 8,540.70 |
| Frank Lowenstein: | | | | | | | | | |
| Germany | Euro | | 360.00 | | | | | | 360.00 |
| United States | Dollar | | | | 3,608.00 | | | | 3,608.00 |
| Qatar | Riyal | | 303.00 | | | | | | 303.00 |
| United States | Dollar | | | | 8,108.10 | | | | 8,108.10 |
| Jordan | Dinar | | 140.00 | | | | | | 140.00 |
| Israel | Shekel | | 179.00 | | | | | | 179.00 |
| United States | Dollar | | | | 3,437.69 | | | | 3,437.69 |
| Lebanon | Pound | | 113.72 | | | | | | 113.72 |
| Syria | Pound | | 49.73 | | | | | | 49.73 |
| Italy | Euro | | 238.55 | | | | | | 238.55 |
| United States | Dollar | | | | 7,066.30 | | | | 7,066.30 |
| Damian Murphy: | | | | | | | | | |
| Belgium | Euro | | 82.10 | | | | | | 82.10 |
| Austria | Euro | | 98.07 | | | | | | 98.07 |
| Stacie Oliver: | | | | | | | | | |
| Panama | Dollar | | 292.00 | | | | | | 292.00 |
| Costa Rica | Colon | | 375.00 | | | | | | 375.00 |
| El Salvador | Colon | | 168.00 | | | | | | 168.00 |
| Honduras | Lempira | | 158.00 | | | | | | 158.00 |
| Michael Phelan: | | | | | | | | | |
| United Arab Emirates | Dirham | | 50.00 | | | | | | 50.00 |
| Afghanistan | Afghani | | 122.00 | | | | | | 122.00 |
| Pakistan | Rupee | | 950.00 | | | | | | 950.00 |
| United States | Dollar | | | | 8,540.70 | | | | 8,540.70 |
| Christopher Socha: | | | | | | | | | |
| Sweden | Krona | | 579.00 | | | | | | 579.00 |
| Estonia | Kroon | | 879.00 | | | | | | 879.00 |
| Latvia | Lat | | 376.00 | | | | | | 376.00 |
| Lithuania | Litas | | 334.00 | | | | | | 334.00 |
| United States | Dollar | | | | 7,557.40 | | | | 7,557.40 |
| Halie Soifer: | | | | | | | | | |
| Afghanistan | Afghani | | 20.00 | | | | | | 20.00 |
| Pakistan | Rupee | | 8.00 | | | | | | 8.00 |
| United States | Dollar | | | | 3,592.10 | | | | 3,592.10 |
| Fatema Sumar: | | | | | | | | | |
| Qatar | Riyal | | 192.00 | | | | | | 192.00 |
| India | Rupee | | 168.00 | | | | | | 168.00 |
| Pakistan | Rupee | | 68.00 | | | | | | 68.00 |
| United States | Dollar | | | | 4,140.00 | | | | 4,140.00 |
| Qatar | Riyal | | 128.00 | | | | | | 128.00 |
| United States | Dollar | | | | 7,934.70 | | | | 7,934.70 |
| Atman Trivedi: | | | | | | | | | |
| India | Rupee | | 840.00 | | | | | | 840.00 |
| United States | Dollar | | | | 6,285.10 | | | | 6,285.10 |
| Anthony Wier: | | | | | | | | | |
| Germany | Euro | | 230.00 | | | | | | 230.00 |
| United States | Dollar | | | | 3,608.00 | | | | 3,608.00 |
| Laura Winthrop: | | | | | | | | | |
| United Arab Emirates | Dirham | | 216.00 | | | | | | 216.00 |
| Yemen | Riyal | | 137.00 | | | | | | 137.00 |
| Saudi Arabia | Riyal | | 207.00 | | | | | | 207.00 |
| Israel | Shekel | | 981.00 | | | | | | 981.00 |
| United States | Dollar | | | | 9,738.39 | | | | 9,738.39 |
| Debbie Yamada: | | | | | | | | | |
| Morocco | Dirham | | 306.00 | | | | | | 306.00 |
| Spain | Euro | | 420.00 | | | | | | 420.00 |
| Austria | Euro | | 654.00 | | | | | | 654.00 |
| Total | | | 25,176.84 | | 179,292.16 | | | | 204,469.00 |

SENATOR JOHN KERRY,
Chairman, Committee on Foreign Relations, Apr. 22, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Michael Enzi: | | | | | | | | | |
| Cyprus | Pound | | 141.24 | | | | | | 141.24 |
| Syria | Pound | | 52.39 | | | | | | 52.39 |
| India | Rupee | | 834.47 | | 93.32 | | | | 927.79 |
| Morocco | Dirham | | 90.74 | | | | | | 90.74 |
| Senator Sherrod Brown: | | | | | | | | | |
| Tanzania | Shilling | | 422.26 | | | | | | 422.26 |
| Democratic Rep of Congo | Franc | | 197.14 | | | | | | 197.14 |
| Ethiopia | Birr | | 341.13 | | | | | | 341.13 |
| Sudan | Dinar | | 244.38 | | | | | | 244.38 |
| United States | Dollar | | | | 9,793.60 | | | | 9,793.60 |
| Douglas Babcock: | | | | | | | | | |
| Tanzania | Shilling | | 273.77 | | | | | | 273.77 |
| Democratic Rep of Congo | Franc | | 102.14 | | | | | | 102.14 |
| Ethiopia | Birr | | 452.34 | | | | | | 452.34 |
| Sudan | Dinar | | 317.12 | | | | | | 317.12 |
| United States | Dollar | | | | 9,786.60 | | | | 9,786.60 |
| Total | | | 3,469.12 | | 19,673.52 | | | | 23,142.64 |

SENATOR TOM HARKIN,
Chairman, Committee on Health, Education, Labor, and Pensions,
Apr. 22, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Wendy R. Anderson: | | | | | | | | | |
| United States | Dollar | | | | 4,047.40 | | | | 4,047.40 |
| Netherlands | Euro | | 629.34 | | 2,228.85 | | | | 2,858.19 |
| Germany | Euro | | 826.10 | | 5,210.00 | | | | 6,036.10 |
| Saudi Arabia | Riyal | | 105.00 | | | | | | 105.00 |
| Yemen | Riyal | | 650.00 | | | | | | 650.00 |
| Bradford D. Belzak: | | | | | | | | | |
| United States | Dollar | | | | 4,047.40 | | | | 4,047.40 |
| Netherlands | Euro | | 620.14 | | | | | | 620.14 |
| Germany | Euro | | 821.50 | | 5,210.00 | | | | 6,031.50 |
| Saudi Arabia | Riyal | | 129.00 | | | | | | 129.00 |
| Yemen | Riyal | | 648.00 | | | | | | 648.00 |
| Thomas A. Bishop: | | | | | | | | | |
| United States | Dollar | | | | 3,992.80 | | | | 3,992.80 |
| Netherlands | Euro | | 570.41 | | | | | | 570.41 |
| Germany | Euro | | 708.50 | | 5,210.00 | | | | 5,918.50 |
| Saudi Arabia | Riyal | | 130.50 | | | | | | 130.50 |
| Yemen | Riyal | | 213.00 | | | | | | 213.00 |
| Seamus A. Hughes: | | | | | | | | | |
| United States | Dollar | | | | 4,047.40 | | | | 4,047.40 |
| Netherlands | Euro | | 698.00 | | 2,228.85 | | | | 2,926.85 |
| Germany | Euro | | 938.00 | | 5,210.00 | | | | 6,148.00 |
| Saudi Arabia | Riyal | | 459.00 | | | | | | 459.00 |
| Yemen | Riyal | | 726.00 | | | | | | 726.00 |
| Tara L. Shaw: | | | | | | | | | |
| United States | Dollar | | | | 3,992.80 | | | | 3,992.80 |
| Netherlands | Euro | | 575.53 | | | | | | 575.53 |
| Germany | Euro | | 770.21 | | 5,210.00 | | | | 5,980.21 |
| Saudi Arabia | Riyal | | 129.79 | | | | | | 129.79 |
| Yemen | Riyal | | 216.06 | | | | | | 216.06 |
| Margaret E. Daum: | | | | | | | | | |
| Afghanistan | Afghani | | 28.00 | | | | | | 28.00 |
| Pakistan | Rupee | | 222.10 | | | | | | 222.10 |
| India | Rupee | | 144.40 | | 3,043.90 | | | | 3,188.30 |
| Belgium | Euro | | 103.97 | | | | | | 103.97 |
| Kuwait | Dinar | | 413.41 | | | | | | 413.41 |
| Senator Claire McCaskill: | | | | | | | | | |
| Afghanistan | Afghani | | 28.00 | | | | | | 28.00 |
| Pakistan | Rupee | | 633.45 | | | | | | 633.45 |
| India | Rupee | | 600.89 | | 3,043.90 | | | | 3,644.79 |
| Belgium | Euro | | 629.50 | | | | | | 629.50 |
| Kuwait | Dinar | | 413.41 | | | | | | 413.41 |
| Angela L. Youngen: | | | | | | | | | |
| United States | Dollar | | | | 8,398.80 | | | | 8,398.80 |
| Slovenia | Euro | | 190.00 | | | | | | 190.00 |
| Croatia | Kuna | | 61.00 | | | | | | 61.00 |
| Bosnia-Herzegovina | Convertible Mark | | 96.00 | | | | | | 96.00 |
| Serbia | Dinar | | 216.00 | | | | | | 216.00 |
| Senator Susan M. Collins: | | | | | | | | | |
| United States | Dollar | | | | 10,691.00 | | | | 10,691.00 |
| Switzerland | Swiss Franc | | 1,054.58 | | | | | | 1,054.58 |
| Robert Epplin: | | | | | | | | | |
| United States | Dollar | | | | 10,691.00 | | | | 10,691.00 |
| Switzerland | Swiss Franc | | 423.30 | | | | | | 423.30 |
| Benjamin Billings: | | | | | | | | | |
| United States | Dollar | | | | 4,928.30 | | | | 4,928.30 |
| Japan | Yen | | 1,628.00 | | 140.73 | | | | 1,768.73 |
| Delegation Expenses: | | | | | | | | | |
| Kuwait | Dinar | | | | | | 2,113.02 | | 2,113.02 |
| Pakistan | Rupee | | | | | | 2,015.84 | | 2,015.84 |
| Total | | | 17,450.09 | | 83,478.33 | | 4,128.86 | | 105,057.28 |

SENATOR JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Apr. 30, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Arlen Specter: | | | | | | | | | |
| Cyprus | Pound | | 83.84 | | | | | | 83.84 |
| Syria | Pound | | 17.78 | | | | | | 17.78 |
| India | Rupee | | 355.70 | | | | | | 355.70 |
| Morocco | Dirham | | 137.26 | | | | | | 137.26 |
| Christopher Bradish: | | | | | | | | | |
| Cyprus | Pound | | 63.09 | | | | | | 63.09 |
| Syria | Pound | | 47.96 | | | | | | 47.96 |
| India | Rupee | | 536.15 | | | | | | 536.15 |
| Morocco | Dirham | | 93.37 | | | | | | 93.37 |
| Senator Amy Klobuchar: | | | | | | | | | |
| Cyprus | Euro | | 85.14 | | | | | | 85.14 |
| Syria | Pound | | 17.77 | | | | | | 17.77 |
| India | Rupee | | 711.54 | | | | | | 711.54 |
| Morocco | Dirham | | 111.52 | | | | | | 111.52 |
| Thomas Sullivan: | | | | | | | | | |
| Cyprus | Euro | | 106.49 | | | | | | 106.49 |
| Syria | Pound | | 107.77 | | | | | | 107.77 |
| India | Rupee | | 616.22 | | | | | | 616.22 |
| Morocco | Dirham | | 267.02 | | | | | | 267.02 |
| Senator Al Franken: | | | | | | | | | |
| United States | Dollar | | | | 11,307.00 | | | | 11,307.00 |
| Pakistan | Rupee | | 10.00 | | | | | | 10.00 |
| Afghanistan | Afghani | | 15.00 | | | | | | 15.00 |
| Jeffrey Lomonaco: | | | | | | | | | |
| United States | Dollar | | | | 11,031.00 | | | | 11,031.00 |
| Pakistan | Rupee | | 10.00 | | | | | | 10.00 |
| Afghanistan | Afghani | | 10.00 | | | | | | 10.00 |
| Total | | | 3,403.62 | | 22,338.00 | | | | 25,741.62 |

SENATOR PATRICK LEAHY,
Chairman, Committee on the Judiciary, Apr. 29, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS & ENTREPRENEURSHIP FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Wesley Kungel: | | | | | | | | | |
| United States | Dollar | | | | 1,600.30 | | | | 1,600.30 |
| Japan | Yen | | 2,025.00 | | | | | | 2,025.00 |
| Thomas Keith: | | | | | | | | | |
| United States | Dollar | | | | 1,600.30 | | | | 1,600.30 |
| Japan | Yen | | 2,025.00 | | | | | | 2,025.00 |
| Total | | | 4,050.00 | | 3,200.60 | | | | 7,250.60 |

SENATOR MARY LANDRIEU,
Chairman, Committee on Small Business & Entrepreneurship, Apr. 19, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| David Koger | Dollar | | 3,305.50 | | | | | | 3,305.50 |
| | | | | | 10,206.00 | | | | 10,206.00 |
| Richard Girven | Dollar | | 2,857.00 | | | | | | 2,857.00 |
| | Dollar | | | | 10,206.00 | | 130.00 | | 10,336.00 |
| Andrew Kerr | | | 2,960.00 | | | | | | 2,960.00 |
| | Dollar | | | | 10,206.00 | | | | 10,206.00 |
| Senator Bill Nelson | | | 1,520.00 | | | | | | 1,520.00 |
| | Dollar | | | | 14,416.70 | | | | 14,416.70 |
| Caroline Tess | | | 1,500.00 | | | | | | 1,500.00 |
| | Dollar | | | | 12,894.70 | | | | 12,894.70 |
| Greta Lundeberg | | | 1,416.00 | | | | | | 1,416.00 |
| | Dollar | | | | 12,894.70 | | | | 12,894.70 |
| Senator Saxby Chambliss | | | 1,173.00 | | | | | | 1,173.00 |
| Jennifer Wagner | | | 1,173.00 | | | | | | 1,173.00 |
| Senator Evan Bayh | | | 1,569.00 | | | | | | 1,569.00 |
| Michael Pevzner | | | 1,569.00 | | | | | | 1,569.00 |
| Bryan Smith | | | 2,991.58 | | | | | | 2,991.58 |
| | Dollar | | | | 9,353.10 | | | | 9,353.10 |
| Clete Johnson | | | 2,991.58 | | | | | | 2,991.58 |
| | Dollar | | | | 7,951.00 | | | | 7,951.00 |
| Senator Christopher Bond | | | 1,427.00 | | | | | | 1,427.00 |
| | Dollar | | | | 6,270.10 | | | | 6,270.10 |
| Louis Tucker | | | 4,514.00 | | | | | | 4,514.00 |
| | | | | | 8,926.60 | | | | 8,926.60 |
| Gordon Matlock | | | 4,514.00 | | | | | | 4,514.00 |
| | Dollar | | | | 8,926.60 | | | | 8,926.60 |
| Michael DuBois | | | 1,427.00 | | | | | | 1,427.00 |
| | Dollar | | | | 5,653.10 | | | | 5,653.10 |
| Total | | | 36,907.66 | | 117,904.60 | | 130.00 | | 154,942.26 |

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Apr. 29, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Chair Carolyn B. Maloney: | | | | | | | | | |
| United States | Dollar | | | | 3,619.69 | | | | 3,619.69 |
| Switzerland | Dollar | | 1,148.00 | | | | | | 1,148.00 |
| Total | | | 1,148.08 | | 3,619.69 | | | | 4,767.77 |

REPRESENTATIVE CAROLYN MALONEY,
*Chairman, Joint Economic Committee, Apr. 28, 2010.*

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Orest Deychakiwsky: | | | | | | | | | |
| Ukraine | Hryvnia | | 2,015.00 | | | | | | 2,015.00 |
| United States | Dollar | | | | 6,667.50 | | | | 6,667.50 |
| Winsome Packer: | | | | | | | | | |
| Ukraine | Hryvnia | | 1,782.00 | | | | | | 1,782.00 |
| United States | Dollar | | | | 1,927.00 | | | | 1,927.00 |
| Daniel Redfield: | | | | | | | | | |
| Ukraine | Hryvnia | | 1,660.00 | | | | | | 1,660.00 |
| United States | Dollar | | | | 6,527.00 | | | | 6,527.00 |
| Winsome Packer: | | | | | | | | | |
| Austria | Euro | | 29,637.99 | | | | | | 29,637.99 |
| United States | Dollar | | | | 10,715.30 | | | | 10,715.30 |
| Douglas Davidson: | | | | | | | | | |
| Poland | Zloty | | 1,040.00 | | | | | | 1,040.00 |
| Belgium | Euro | | 1,070.00 | | | | | | 1,070.00 |
| United Stated | Dollar | | | | 8,712.10 | | | | 8,712.10 |
| Senator Benjamin Cardin: | | | | | | | | | |
| Morocco | Dirham | | 481.10 | | | | | | 481.10 |
| Spain | Euro | | 736.61 | | | | | | 736.61 |
| Austria | Euro | | 971.29 | | | | | | 971.29 |
| Senator Roger Wicker: | | | | | | | | | |
| Morocco | Dirham | | 646.10 | | | | | | 646.10 |
| Spain | Euro | | 901.61 | | | | | | 901.61 |
| Austria | Euro | | 1,471.29 | | | | | | 1,471.29 |
| Representative Robert Aderhot: | | | | | | | | | |
| Morocco | Dirham | | 646.10 | | | | | | 646.10 |
| Spain | Euro | | 901.61 | | | | | | 901.61 |
| Austria | Euro | | 1,471.29 | | | | | | 1,471.29 |
| Fred Turner: | | | | | | | | | |
| Morocco | Dirham | | 646.10 | | | | | | 646.10 |
| Spain | Euro | | 901.61 | | | | | | 901.61 |
| Austria | Euro | | 1,471.29 | | | | | | 1,471.29 |
| Marlene Kaufmann: | | | | | | | | | |
| Morocco | Dirham | | 646.10 | | | | | | 646.10 |
| Spain | Euro | | 901.61 | | | | | | 901.61 |
| Austria | Euro | | 1,471.29 | | | | | | 1,471.29 |
| Neil Simon: | | | | | | | | | |
| Morocco | Dirham | | 646.10 | | | | | | 646.10 |
| Spain | Euro | | 901.61 | | | | | | 901.61 |
| Austria | Euro | | 1,471.29 | | | | | | 1,471.29 |
| Bob Hand: | | | | | | | | | |
| Morocco | Dirham | | 416.10 | | | | | | 416.10 |
| Spain | Euro | | 670.61 | | | | | | 670.61 |
| Austria | Euro | | 907.29 | | | | | | 907.29 |
| Josh Shapiro: | | | | | | | | | |
| Morocco | Dirham | | 646.10 | | | | | | 646.10 |
| Spain | Euro | | 901.61 | | | | | | 901.61 |
| Austria | Euro | | 1,471.29 | | | | | | 1,471.29 |
| Shelly Han: | | | | | | | | | |
| Austria | Euro | | 1,031.48 | | | | | | 1,031.48 |
| United States | Dollar | | | | 5,443.90 | | | | 5,443.90 |
| Orest Deychakiwsky: | | | | | | | | | |
| Ukraine | Hryvnia | | 2,052.00 | | | | | | 2,052.00 |
| Germany | Euro | | 1,029.48 | | | | | | 1,029.48 |
| United States | Dollar | | | | 6,705.30 | | | | 6,705.30 |
| Kyle Parker: | | | | | | | | | |
| Ukraine | Hryvnia | | 2,072.00 | | | | | | 2,072.00 |
| Germany | Euro | | 1,029.48 | | | | | | 1,029.48 |
| United States | Dollar | | | | 6,705.30 | | | | 6,705.30 |
| Alex Johnson: | | | | | | | | | |
| Spain | Euro | | 2,145.00 | | | | | | 2,145.00 |
| United States | Dollar | | | | 6,604.11 | | | | 6,604.11 |
| Shelly Han: | | | | | | | | | |
| Tajikistan | Somoni | | 2,027.00 | | | | | | 2,027.00 |
| United States | Dollar | | | | 8,599.20 | | | | 8,599.20 |
| Kazakhstan | Tenge | | 2,620.89 | | | | | | 2,620.89 |
| United States | Dollar | | | | 887.98 | | | | 887.98 |
| Uzbekistan | Som | | 662.00 | | | | | | 662.00 |
| United States | Dollar | | | | 1,314.53 | | | | 1,314.53 |
| Janice Helwig: | | | | | | | | | |
| Tajikistan | Somoni | | 2,145.00 | | | | | | 2,145.00 |
| United States | Dollar | | | | 8,599.20 | | | | 8,599.20 |
| Kazakhstan | Tenge | | 2,620.89 | | | | | | 2,620.89 |
| United States | Dollar | | | | 887.98 | | | | 887.98 |
| Uzbekistan | Som | | 662.00 | | | | | | 662.00 |
| United States | Dollar | | | | 1,314.53 | | | | 1,314.53 |
| Total | | | 79,599.21 | | 81,620.93 | | | | 161,220.14 |

SENATOR BENJAMIN CARDIN,
*Chairman, Commission on Security and Cooperation in Europe, Apr. 23, 2010.*

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Jessica Lewis: | | | | | | | | | |
| Haiti | Dollar | | | | 23.30 | | | | 23.30 |
| Thomas Ross: | | | | | | | | | |
| Haiti | Dollar | | | | 13.45 | | | | 13.45 |
| Total | | | | | 36.75 | | | | 36.75 |

SENATOR HARRY REID,
Majority Leader, Apr. 15, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL McCONNELL FOR TRAVEL FROM JAN. 6 TO JAN. 11, 2010

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Mitch McConnell: | | | | | | | | | |
| Kuwait | Dollar | | 220.46 | | | | | | 220.46 |
| Pakistan | Dollar | | 90.00 | | | | | | 90.00 |
| Afghanistan | Dollar | | 156.00 | | | | | | 156.00 |
| Senator Mike Crapo: | | | | | | | | | |
| Kuwait | Dollar | | 463.74 | | | | | | 463.74 |
| Pakistan | Dollar | | 160.00 | | | | | | 160.00 |
| Afghanistan | Dollar | | 156.00 | | | | | | 156.00 |
| Senator Lisa Murkowski: | | | | | | | | | |
| Kuwait | Dollar | | 263.74 | | | | | | 263.74 |
| Pakistan | Dollar | | 90.00 | | | | | | 90.00 |
| Afghanistan | Dollar | | 156.00 | | | | | | 156.00 |
| Senator Roger F. Wicker: | | | | | | | | | |
| Kuwait | Dollar | | 463.74 | | | | | | 463.74 |
| Pakistan | Dollar | | 160.00 | | | | | | 160.00 |
| Afghanistan | Dollar | | 156.00 | | | | | | 156.00 |
| Brian Monahan: | | | | | | | | | |
| Kuwait | Dollar | | 436.74 | | | | | | 436.74 |
| Pakistan | Dollar | | 160.00 | | | | | | 160.00 |
| Afghanistan | Dollar | | 156.00 | | | | | | 156.00 |
| Kyle Simmons: | | | | | | | | | |
| Kuwait | Dollar | | 220.74 | | | | | | 220.74 |
| Pakistan | Dollar | | 160.00 | | | | | | 160.00 |
| Afghanistan | Dollar | | 156.00 | | | | | | 156.00 |
| Tom Hawkins: | | | | | | | | | |
| Kuwait | Dollar | | 278.74 | | | | | | 278.74 |
| Pakistan | Dollar | | 90.00 | | | | | | 90.00 |
| Afghanistan | Dollar | | 156.00 | | | | | | 156.00 |
| Roy Brownell: | | | | | | | | | |
| Kuwait | Dollar | | 233.36 | | | | | | 233.36 |
| Pakistan | Dollar | | 160.00 | | | | | | 160.00 |
| Afghanistan | Dollar | | 156.00 | | | | | | 156.00 |
| *Delegation Expenses: | | | | | | | | | |
| Kuwait | | | | | | | 1,543.22 | | 1,543.22 |
| Pakistan | | | | | | | 615.07 | | 615.07 |
| Total | | | 4,899.26 | | | | 2,158.29 | | 7,057.55 |

SENATOR MITCH McCONNELL,
Republican Leader, Mar. 8, 2010.

## FASTER FOIA ACT OF 2010

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No 350, S. 3111.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3111) to establish the Commission on Freedom of Information Act Processing Delays.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 3111

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.**

(a) SHORT TITLE.—This Act may be cited as the ''Faster FOIA Act of 2010''.

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the ''Commission'' for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 16 members of whom—

(A) 3 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 3 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 3 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 3 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

**[**(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1)—

**[**(A) at least 1 shall have experience in submitting requests under section 552 of title 5, United States Code, to Federal agencies, such as on behalf of nonprofit research or educational organizations or news media organizations; and

**[**(B) at least 1 shall have experience in academic research in the fields of library science, information management, or public access to Government information.**]**

*(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least 2 shall have experience in academic research in the fields of library science, information management, or public access to Government information.*

*(3) TIMELINESS OF APPOINTMENTS.—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.*

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government; 【and】

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests【.】; *and*

*(3) examine and determine—*

*(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;*

*(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;*

*(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful; and*

*(D) make recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited.*

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—The Comptroller General of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(j) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

Mr. LEAHY. Mr. President, I commend the Senate in promptly passing the Leahy-Cornyn Faster FOIA Act of 2010—an important measure to improve the administration of the Freedom of Information Act, FOIA. This bill will establish a bipartisan commission to examine the root causes of agency FOIA delays and to recommend to the Congress and the President steps to help eliminate FOIA backlogs.

Senator CORNYN and I first introduced this bill in 2005 to address the growing problem of excessive FOIA delays within our Federal agencies. In the 5 years since, we have successfully worked together to reinvigorate FOIA through several other legislative initiatives. I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also thank Senators FEINGOLD, WHITEHOUSE and KLOBUCHAR, who have cosponsored this bill. We have also worked with Senator GRASSLEY and Senator SESSIONS to make further improvements.

The Obama administration has also made significant progress in improving the FOIA process. In March, the administration announced that the number of overdue FOIA cases fell by 50 percent governmentwide during the past year. This is good news. But large FOIA backlogs remain a major roadblock to public access to information.

According to the Department of Justice's Freedom of Information Act Annual Report for Fiscal Year 2009, the Department had a backlog of almost 5,000 FOIA requests at the end of 2009. The Department of Homeland Security's report for the same period shows a backlog of 18,918 FOIA requests.

The Associated Press recently reported that more than 67,000 overdue FOIA requests remain outstanding across the Federal Government. Their report also indicates that that the government's use of FOIA exemptions to withhold information from the public which often contributes to FOIA delays increased during fiscal year 2009.

Senator CORNYN and I believe that these delays are simply unacceptable. And that is why we introduced this bill.

The Commission created by the Faster FOIA Act will make key recommendations to Congress and the President for reducing impediments to the efficient processing of FOIA requests. The Commission will also study why Federal agencies are relying more and more on FOIA exemptions to withhold information from the public. In addition, the Commission will examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. The Commission will be made up of government and nongovernmental representatives with a broad range of experience related to handling FOIA requests.

I have said many times that open government is neither a Democratic issue nor a Republican issue—it is truly an American value and virtue that we all must uphold. The Senate will unanimously pass this bipartisan legislation. I hope that the House of Representatives will promptly consider this bill so that Congress can send it to the President before the end of the year.

Mr. DODD. Mr. President, I ask unanimous consent that the committee-reported amendments be considered; that a Leahy-Cornyn amendment, which is at the desk, be agreed to; that the committee-reported amendments be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee amendments were agreed to.

The amendment (No. 3847) was agreed to, as follows:

(Purpose: To provide for the Archivist of the United States to provide staff and administrative support services to the Commission)

On page 6, line 5, strike "The Comptroller General of the United States" and insert "The Archivist of the United States".

On page 7, strike lines 1 through 3, and insert the following:

(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

The bill (S. 3111), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3111

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.**

(a) SHORT TITLE.—This Act may be cited as the "Faster FOIA Act of 2010".

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the "Commission" for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act").

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 16 members of whom—

(A) 3 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 3 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 3 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 3 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least 2 shall have experience in academic research in the fields of library science, information management, or public access to Government information.

(3) TIMELINESS OF APPOINTMENTS.—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful; and

(D) make recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

## CLARIFYING THE TERM ''CENSUS''

Mr. DODD. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 5148, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5148) to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5148) was ordered to a third reading, was read the third time, and passed.

## NATIONAL CHARTER SCHOOLS WEEK

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 514, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 514) congratulating the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education and supporting the ideals and goals of the 11th annual National Charter Schools Week, to be held May 2 through May 8, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 514) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 514

Whereas charter schools deliver high-quality public education and challenge all students to reach their potential;

Whereas charter schools promote innovation and excellence in public education;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that respond to the needs of communities, families, and students in the United States, and promote the principles of quality, accountability, choice, and innovation;

Whereas, in exchange for flexibility and autonomy, charter schools are held accountable by their sponsors for improving student achievement and for the financial and other operations of the charter schools;

Whereas 40 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas 4,956 charter schools are operating nationwide, serving more than 1,600,000 students;

Whereas, in fiscal year 2010 and the 16 previous fiscal years, Congress has provided a total of more than $2,734,370,000 in financial assistance to the charter school movement through grants for planning, startup, implementation, dissemination, and facilities;

Whereas numerous charter schools improve the achievements of students and stimulate improvement in traditional public schools;

Whereas charter schools are required to meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools;

Whereas charter schools often set higher and additional individual goals than the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools give parents the freedom to choose public schools, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and the communities served by the charter schools;

Whereas more than 50 percent of charter schools report having a waiting list, and the

total number of students on all such waiting lists is enough to fill more than 1,100 average-sized charter schools;

Whereas the President has called for doubling the Federal support for charter schools, including replicating and expanding the highest performing charter models to meet the dramatic demand created by the more than 365,000 children on charter school waiting lists; and

Whereas the 11th annual National Charter Schools Week is to be held May 2, through May 8, 2010: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, the impressive strides made in closing the persistent academic achievement gap in the United States, and improving and strengthening the public school system in the United States;

(2) supports the ideals and goals of the 11th annual National Charter Schools Week, a week-long celebration to be held May 2 through May 8, 2010, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

## ORDERS FOR THURSDAY, MAY 6, 2010

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, May 6; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3217, Wall Street reform, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DODD. Mr. President, under the previous order, at 10 a.m., the Senate will proceed to vote in relation to the Tester-Hutchison amendment regarding insurance premiums.

## ORDER FOR ADJOURNMENT

Mr. DODD. If there is no further business to come before the Senate, I ask it adjourn under the previous order, following the remarks of Senator MARK UDALL of Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

AMENDMENT NO. 3778 TO S. 3217

Mr. UDALL of Colorado. Mr. President, I rise today to speak about a bipartisan amendment which Senator LUGAR and I have filed based on our bill, the Fair Access to Credit Scores Act of 2010. This amendment is cosponsored by 17 of our colleagues from both sides of the aisle, which I have to say is a rare bipartisan piece of legislation. Our amendment corrects one of the fundamental inequities in our financial system by giving Americans free annual access to their credit score.

The problem is that most people have been misled to believe that people have access to a free credit score, but that simply is not true. They only have access to their report. A credit report tells consumers what outstanding credit accounts they have open, such as student loans or credit cards, perhaps a car or home loan. Unfortunately, it tells Americans little else. On the other hand, your credit score, which our legislation makes available, has the critical information consumers need to know.

This score is the very first point of entry into our entire financial system which rates each and every one of us. It is a number that banks, lenders, and large financial firms have easy access to, while hard-working Americans—the engine of our economy—do not have access to it. A credit score affects consumers' interest rates, monthly payments on home loans, and can even affect a consumer's ability to buy a car, rent an apartment or get phone or Internet service. They can be paying interest rates on their home loan, car loan, or student loan which are two to three times higher because of their credit score. This inequity absolutely needs to be fixed if Americans are to take control of their finances. How do we expect them to do that if they do not know if their credit score is bad or good?

Mr. President, I will be insisting on a vote because we must put consumers back in control of their finances by offering Americans annual access to their credit score when they access their free annual credit report.

I know lobbyists have been calling everyone in the Capitol. These credit reporting agencies have misled Americans for years, and now their lobbyists are trying to mislead my colleagues in the Senate. They are making calls and asking Members to fight this transparency and coming up with all sorts of phony arguments. The truth is, this amendment accomplishes what the television commercials and their fine print have claimed for years—the offer of a free credit score.

Our bipartisan amendment would simply require that a credit score be included when a consumer accesses their free annual credit report once per year from each agency. This would provide some context for consumers who access their free annual credit report and allow them to take responsibility for their financial situation.

Since we filed this amendment—and I want to thank the Presiding Officer who has joined me on this amendment—credit reporting agencies and their lobbyists have been hard at work perpetuating fine-print arguments. They claim our amendment would confuse consumers; that the information belongs to the agency and not the people; and they have even been threatening Members it will cost them jobs in their particular State.

I don't have to tell those watching and my colleagues that those arguments are overstated and are really no grounds for keeping Americans from having access to their individual credit score. According to credit reporting agencies and their lobbyists, providing a free score for transparency and therefore a sense of financial standing simply would distract and confuse the American consumer.

How can they say these scores would confuse Americans, even though they are happy to sell them that same information? These same lobbyists we are discussing also claim that credit scores belong to them. In other words, a credit score to gauge the creditworthiness of a consumer, based upon their personal information, is the property of the credit reporting agency, not the consumer. So, in other words, they are making the argument it belongs to the agency, not to the individual who creates the credit score.

I can't help but wonder: Would a doctor say someone's blood pressure reading is their information, not their patient's?

I have to say I am disappointed to hear these credit reporting agencies are even making the suggestion that this amendment might result in job losses in their particular States. These are tough times, and who wouldn't be moved by the argument about jobs. But what they do not tell you when they make that argument is that they opposed the 2003 law that required disclosure of consumers' credit reports and the industry has tripled its business since that time. It has tripled because consumers have gotten engaged. They care about those credit reports. And I would predict that if we have free credit scores, it will only enhance the interest of consumers to have additional financial literacy.

Talking about jobs, I have some of these jobs in my State, but I don't consider deceptive practices and keeping Americans from their personal information to be a kind of jobs program. In fact, if anything, not knowing your credit score could be the greatest threat to employment for any given individual. Employers are increasingly using this information to decide whether to hire one person over another.

I came to the Senate floor yesterday to speak about the frequent television commercials and Internet advertisements we have all seen which falsely claim to offer consumers free access to their credit score. Their ads clearly indicate to Americans that their credit

score is critical information. What they do not tell you—and I know the Presiding Officer shares some personal experiences with me on this account—is that they want to lure you into a costly monthly monitoring service that can cost hundreds of dollars a year.

What is comical about all this is that credit reporting agency representatives are walking the Halls of Congress as I speak telling Members that our bill is somehow unfair and unfounded. They want to protect a Federal law that has given them a monopoly on these scores and continues to direct unwitting consumers their way. They are using the same tactics of confusion and misdirection to fight our amendment.

We agree with the credit reporting agencies that a credit score is important information, and perhaps their misleading ads, if anything, have convinced consumers they need to know this information. However, luring Americans into a costly credit monitoring service is simply not fair.

As I begin to close, I want to say that we have all come to the floor this week from both sides of the aisle explaining that what we want to do is to protect consumers and to do what is right for Main Street in this important and historic bill we are considering. We have a chance to right this wrong here and now. That is why the Consumer Federation of America, Third Way, the Consumers Union, and a wide range of consumer advocates support this legislation.

While free access to a consumer's credit score is only a small part of the larger reforms that are needed, it addresses one of the fundamental inequities that pervade the financial system.

I wish to thank a group of bipartisan Senators who have held strong amidst the lobbying blitz by these large multibillion-dollar entities to stand with consumers and cosponsors of my bipartisan amendment. That list includes Senators LUGAR, BOND, COCHRAN, BROWN of Massachusetts, SCHUMER, LIEBERMAN, LEVIN, HAGAN, BROWN of Ohio, SHAHEEN, MCCASKILL, LAUTENBERG, MENENDEZ, TOM UDALL, GILLIBRAND, BURRIS, and BEGICH.

I hope and expect more Members will join us in cosponsoring this amendment and vote for it when it comes up for a vote.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar: Nos. 832, 833, 834, and 835; that the nominations be confirmed en bloc, that the motions to reconsider be considered made and laid on the table en bloc, that any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

David B. Fein, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Zane David Memeger, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

Clifton Timothy Massanelli, of Arkansas, to be United States Marshal for the Eastern District of Arkansas for the term of four years.

Paul Ward, of North Dakota, to be United States Marshal for the District of North Dakota for the term of four years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate resumes legislative session.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate will stand adjourned until Thursday, 9:30 a.m., May 6.

Thereupon, the Senate, at 6:46 p.m., adjourned until Thursday, May 6, 2010, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. BURTON M. FIELD

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. JAMES H. RODMAN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. VICTOR M. BECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. GERALD W. CLUSEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. BRYAN P. CUTCHEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPTAIN KELVIN N. DIXON
CAPTAIN MARTHA E.G. HERB
CAPTAIN BRIAN L. LAROCHE
CAPTAIN LUKE M. MCCOLLUM
CAPTAIN JOHN C. SADLER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

KSHAMATA SKEETE

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

ALAN C. CRANFORD
DIANA A. CRAUN
JEFFERY R. EDGE
JON M. HARRISON
SEVERO V. MARTINEZ
JOHN O. PAYNE
FRANKLIN D. POWELL
MARIA C. POWERS
LISSA-BETH SINGER
WILLIAM A. WARD

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

ADAM S. COLOMBO

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be colonel*

CHRISTOPHER W. SOIKA

*To be lieutenant colonel*

DIANE INDYK

*To be major*

MONESH J. KAPADIA
ANN V. MCKANE
ANITA F. QURESHI
ELIZABETH REMEDIOS

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

JOHN J. KEMERER

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*

ROBIN E. ALFONSO
ADRIAN C. BAREFIELD
CHRISTOPHER L. BARNES
BRIAN A. BETHEA
PAUL M. BLODGETT
MARK E. BOAZ
CHRISTOPHER J. CLAY
ERIK D. COPLIN
MICHAEL S. CORBETT
WILLIAM A. DENNIS
RONALD D. DUNCAN
CEDRIC B. EDWARDS
PETER R. FANNO
STANLEY E. FLEMING
LEONARD E. HAYNES
STEPHEN J. HENZ
CHARLES E. JENKINS
JONAS B. KELSALL
ZACHARY S. KING
JOHN J. KINGSBURY
RICHARD I. LAWLOR
JASON N. LESTER
THOMAS L. LOOP
DANNY R. MADISON
CHARLES B. MYERS IV
GEORGE S. PETERSEN
JOSEPH J. PISONI
NATHAN L. ROWAN
JEREMY P. SCHAUB
ANDREW J. SERVAES
WILLIAM A. SHAFER
TODD R. SMITH
KIRK A. SOWERS
NATHANIEL THOMPSON
KENNETH A. WALLER, JR.
CHADRICK O. WITHROW

## CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, May 5, 2010:

### THE JUDICIARY

NANCY D. FREUDENTHAL, OF WYOMING, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING.

DENZIL PRICE MARSHALL JR., OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS.

GLORIA M. NAVARRO, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

### DEPARTMENT OF JUSTICE

DAVID B. FEIN, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS.

ZANE DAVID MEMEGER, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

CLIFTON TIMOTHY MASSANELLI, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

PAUL WARD, OF NORTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS.

# EXTENSIONS OF REMARKS

## HONORING MS. MARSHA PAINTER

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Marsha Painter. Ms. Painter served her constituency faithfully and justly during her tenure as the Ellicott Town Assessor.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Painter served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Painter is one of those people and that is why, Madam Speaker, I rise in tribute to her today.

## SUMMERVILLE INSURANCE AGENCY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. GRAVES. Madam Speaker, please join me in recognizing Jim Summerville and the Summerville Insurance Agency on their 100th anniversary. Three generations of the Summerville family have worked hard to provide financial security to the people and businesses of Chillicothe and the surrounding area. J.F. (Floyd) & Alta Summerville started the agency traveling through the county providing insurance services to their clients on horse and buggy. Jim's father, Clifford, joined the practice in 1947 and Jim later joined in 1972.

The dedication of family members and staff who have stayed with the company throughout their lives is a great testament to the service that Summerville Insurance Agency provides. Joan Ganske, a licensed agent and office manager, has been with SIA for 20 years. Joan's great uncle, Hugh Tudor, served as secretary and was instrumental in getting Farmers Mutual started in 1891. Joan's grandfather, Jas. A. Lewis, served as president for many years. Summerville Insurance Agency also has an office in Polo, Missouri, run by Mitzi Brassea, a licensed agent and office manager for 32 years. Jim has now been a licensed agent for 38 years, and he and his wife Karen Kay have four children and seven grandchildren.

Jim is very active in the community, having served as a member of many organizations. Some of Jim's various memberships include the Missouri Association of Insurance Agents, the Chillicothe Chamber of Commerce, American Legion, and the First Presbyterian Church. Jim was also a member of the VFW, EAA, and a Sergeant in the U.S. Army and University of Missouri alum. Jim's awards and honors include serving as President of the Missouri Association of Professional Insurance Agents from 1985–1986, the Paul Harris Fellow Award 1998, Chillicothe Area Chamber of Commerce Person of the Year Award in 2002, and the Missouri State Vietnam Veteran Medal 2007.

Madam Speaker, I ask that you join me in applauding Summerville Insurance Agency's dedication and service to the people of Livingston County, Missouri. I know Jim's colleagues, family and friends join with me in thanking him for his commitment to others, and wishing Summerville Insurance Agency 100 more years of greatness to come.

## CELEBRATING THE 50TH ANNIVERSARY OF BEAUMONT ELEMENTARY SCHOOL

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. ISSA. Madam Speaker, I rise today to recognize Beaumont Elementary School in Vista, California and congratulate them on their 50th year of educational service.

Beaumont Elementary School has continually responded to the needs of our communities, families, and students by promoting the principles of a quality and challenging curriculum. Through Beaumont's devoted teaching staff, students receive instruction utilizing the best, up-to-date materials and curriculum available along with hands-on learning opportunities.

The school recently celebrated by turning their annual fair into a community celebration. The event was bustling with hundreds of visitors and alumni reunited to mark the 50-year anniversary of the school.

I would like to commend Beaumont Elementary School's leadership and its teachers for their consistent dedication and for inspiring their students to pursue a well-rounded, lifelong education. Madam Speaker, I applaud Beaumont Elementary School and its students, parents, alumni, teachers, and administrators for their ongoing contributions to the education of future generations.

## HONORING JOE W. HATFIELD'S INDUCTION INTO THE WEST VIRGINIA AFFORDABLE HOUSING HALL OF FAME

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mrs. CAPITO. Madam Speaker, I rise today to honor Joe W. Hatfield, Executive Director of the West Virginia Housing Development Fund, who is very deservedly being inducted into the 2010 West Virginia Affordable Housing Hall of Fame.

Joe has worked for the West Virginia Housing Development Fund since 1968, serving as its Executive Director since 1980. Joe has expanded the agency during that time to reach all 55 counties of the State with affordable housing programs, economic development initiatives and supportive housing services for West Virginians affected by flooding.

Realizing that one size does not fit all in the world of mortgage finance, Joe has created numerous mortgage programs that serve residents of all incomes. Joe has made it a goal to work with banks and housing partners all over the State so that borrowers in rural, harder to serve areas also have access to affordable housing programs.

Since its inception in 1970, the Housing Development Fund has sold more than $3 billion in tax-exempt bonds to finance more than 104,000 housing units. Under Joe's leadership, the Housing Development Fund has consistently been rated as one of the strongest in the Nation. As a testament to responsible lending, the West Virginia Housing Development Fund did not experience the great tide of foreclosures over the past two years as other loan servicers in this critical economic time.

Joe is a member of the West Virginia Infrastructure and Jobs Development Council, West Virginia Jobs Investment Trust, past Chairman of the West Virginia Disaster Recovery Board, West Virginia Homeless Task Force, the West Virginia Affordable Housing Trust, The West Virginia Housing Policy Advisory Committee and is a past Board Member of the National Council of State Housing Finance Agencies, who honored him in 1996 with its Housing Leadership Award at its Annual convention. Based on his experience and success, Joe is considered an icon among his peers in the housing industry.

Joe is a West Virginian through and through. He is a native of Newtown in Mingo County, West Virginia, and a graduate of Concord College in Athens, WV. Joe is married to Barbara and is the father of three children and eight grandchildren.

It is easy to understand why Joe is being honored by the West Virginia Affordable Housing Hall of Fame. Congratulations, Joe on this honor which is long overdue. Thank you for all

of your hard work and dedication to providing safe, decent, affordable housing to West Virginians.

## PAYING TRIBUTE TO MOUNT SAINT MARY COLLEGE

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. HINCHEY. Madam Speaker, I rise today to honor Mount Saint Mary College, located in Newburgh, New York as it celebrates the 50th anniversary of its founding. Rooted in the Dominican tradition of education, the Dominican Sisters of Newburgh demonstrated uncommon vision and tremendous leadership in establishing this institution of higher learning overlooking the Hudson River and its historic Highlands. Consistent with its Judeo-Christian heritage, Mount Saint Mary College has provided rigorous and high quality educational instruction for the past five decades to generations of students in the Hudson Valley region. I am delighted to add my voice to those commemorating and marking this significant milestone, and I am proud to recognize Mount Saint Mary College on this very historic occasion.

Founded in 1959, Mount Saint Mary College has remained faithful and committed to its motto, Doce Me Veritatem (Teach Me the Truth) by fostering in its students a lifelong passion for learning and imparting the knowledge and values that enable these women and men to succeed and contribute significantly to our society. The Mount offers 50 undergraduate degree programs and three graduate degree programs, and has successfully prepared and graduated many thousands of men and women in a wide range of fields, including education, nursing, and business.

Mount Saint Mary College continues to play a significant and tremendously positive role in its local community and the surrounding region. The faculty, staff, and students of the Mount generously offer and share their expertise and skills to benefit the local community. In addition, the Mount also contributes to and strengthens the region's economy as it also prepares the well-educated men and women needed to fill the ranks of our region's businesses, schools, non-profit organizations and local governments.

Madam Speaker, it is my great pleasure to congratulate and salute Mount Saint Mary College for its 50 years of committed and distinguished service to our region. I am grateful to Father Kevin E. Mackin, the board of directors, the staff, students, and supporters of this critical institution of higher learning for their ongoing leadership and dedicated efforts to sustain and strive to continuously improve the Mount, which I am confident will remain a cornerstone of our region for many generations to come.

## IN RECOGNITION OF THE SIX SCOUTS OF PACK 98 WHO ARE RECIPIENTS OF THE ARROW OF LIGHT SCOUTING AWARD

### HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. BOSWELL. Madam Speaker, on the hundredth anniversary of the founding of the Boy Scouts of America, I rise to recognize six exceptional young men in my district who are involved in the Cub Scouting program from Johnston, Iowa. Carter Lundgren, Hunter Norris, Liam Sullivan, Jordan Kirkman, Jarred Dannels, and Jonah Blondino are Webelos Scouts in Pack 98, chartered to the Urban Heights Evangelical Church in Urbandale, IA. Later this month, they will cross over into Boy Scouting as newly minted scouts and recipients of Cub Scouting's highest honor, the Arrow of Light award. The Boy Scouting program, incorporated in America in 1910, and Chartered by Act of Congress in 1916, aims to encourage boys' growth of moral strength and character, participatory citizenship, and mental and physical fitness. I had the honor of working with these boys this fall to help install several flower beds that they donated to their home school, Horizon Elementary School, located in Johnston, Iowa.

These young men are active in their community; Carter Lundgren has performed with the Des Moines Metro Opera, is a Qualifier for the Iowa Games in bowling, and a Member of the Kingdom Hoops Basketball Team. Hunter Norris has been very active in the Des Moines area youth bowling league as well as a participant in the Johnston Little League. Jordan Kirkman is an accomplished coronet player in the Horizon Elementary school band. Liam Sullivan has been an ELP (Extended Learning Program) student in math and reading, as well as a participant in Horizon Elementary's Math Olympiads team. He is an avid ice hockey player in the Des Moines Youth Hockey Association, and was a member of a bronze medalist team in youth hockey for the Iowa Games in 2007. Mr. Sullivan is also a relative of Bertrand Hollis Snell, a Representative from New York who honorably served in this body from the 64th through 75th Congress, and who supported the original charter of the Boy Scouts of America. Jared Dannels is a member of the Horizon Elementary band as trombonist and was invited into the ELP (Extended Learning Program) for math and the Math Olympiads team. He also has participated in Johnston Little League. Jonah Blondino plays the saxophone in the Timber Ridge Elementary school band, and is an avid Little League player in the Des Moines area.

I extend my hearty congratulations to these young men as fine examples of their community and wish them the best in their future endeavors.

## HONORING THE EXPERIENCE CORPS PROGRAM

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. POE of Texas. Madam Speaker, I rise today to congratulate the Experience Corps Program of South East Texas on 15 years of improving the academic and life outcomes of our area's neediest young students. The remarkable Experience Corps engages older Americans to serve as literacy tutors in elementary schools; and they have had a tremendous impact.

Experience Corps® South East Texas, initially known as Seniors for Schools, was one of the original five Experience Corps pilot projects across the country. It began as a demonstration grant in 1995–96 in two Port Arthur elementary schools with 17 members; and has grown locally to 67 members serving all seven PA elementary schools, 6 schools in Beaumont, and another in Vidor. They have served in excess of 2,875 students in these schools, and have always and continue to be the only tutoring program of their kind in the State of Texas.

We are lucky to have such a program in our schools—not only because of the vitality and sense of family and community that these volunteers bring, but also the significant academic gains they have enabled. In 2006 Experience Corps® South East Texas, Port Arthur was part of a national, gold standard evaluation conducted by Washington University in St. Louis which revealed that students in the Experience Corps program made 60% greater gains in reading comprehension and word attack skills than similar students who were not in the program. Very, very few literacy interventions have shown these kinds of results.

The Principal of DeQueen Elementary School calls these volunteers, "a dynamic, vibrant, knowledgeable, vivacious, caring group of people." I could not agree more. In fact, they are an inspiration to their peers and neighbors, and proof that the aging population has tremendous time, talent, skill, and a desire to share it all with younger generations. Experience Corps is a perfect match for these individuals.

On May 13, Experience Corps South East Texas will celebrate 15 consecutive and successful years of service, and I am honored to call these motivated and caring adults my constituents. They have provided a meaningful and engaging opportunity for senior citizens to serve one on one with students in need, and a consistent tutoring program with measurable results for elementary students. I commend them for their terrific work over these past 15 years and hope they can continue to serve our students and community for many years to come.

HONORING ROBIN ROGERS-DALE

## HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Robin Rogers-Dale upon being named as a 2010 Common Threads honoree. Mrs. Rogers-Dale will be honored by California State University, Fresno at the 2010 Common Threads Award luncheon to be held on Friday, April 16, 2010.

Growing up as the fifth generation on the family farm, Mrs. Rogers-Dale learned about agriculture, work ethic, family values, family traditions and how to drive a tractor. Her love of the land and outdoors was instilled by her father and her passion for volunteer service came from her mother. Mrs. Rogers-Dale graduated from Cal Poly, San Luis Obispo. Upon completing her degree, she moved to Sanger, California, to volunteer with the local chapter of the California Women for Agriculture. She assisted the group by hanging Medfly traps during a Medfly outbreak in the region. Her volunteer work led to a full-time job with the Fresno County Department of Agriculture. Mrs. Rogers-Dale has been working for the county for twenty-seven years. Today, she is an Ag Standards Specialist, and works with producers and packing houses to ensure compliance with agriculture chemical application regulations and certifications.

Mrs. Rogers-Dale has been an active member of the Fresno-Kings Counties CattleWomen for the past twenty years, where she has served in various leadership positions over the years, including scholarship chair, President, 1998–2000, Board of Directors and Secretary, 1985–present. She was instrumental in developing a scholarship fundraiser program with that organization. Mrs. Rogers-Dale has been involved with California CattleWomen since 1994 and has served as the central director and state nominating chair. She is a volunteer judge at the Big Fresno Fair and is a regular participant in the Fresno County Farm and Nutrition Day and Kings County Farm Day. Mrs. Rogers-Dale also assists with the Westside Ag Tourney, Ducks Unlimited and the Clovis Rodeo Blood Drive.

Mrs. Rogers-Dale is a generous member of the First Baptist Church of Reedley, the California Rangeland Trust, Sanger 4–H, Hanford Future Farmers of America, Sanger Community Church and Cal Poly, San Luis Obispo. For her volunteerism and generosity Mrs. Rogers-Dale was named "Cowbelle of the Year" in 1998. She and her husband, Ken, live in Reedley, California with their eight-year-old son.

Madam Speaker, I rise today to commend and congratulate Robin Rogers-Dale upon her achievements. I invite my colleagues to join me in wishing Mrs. Rogers-Dale many years of continued success.

PERSONAL EXPLANATION

## HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. CONAWAY. Madam Speaker, on rollcall No. 243, H. Res. 1307—Honoring the National Science Foundation for 60 years of service to the Nation, had I been present, I would have voted "yea."

RECOGNIZING "TEAM KRISTA" IN THE RACE FOR HOPE AND HONORING THE MEMORY OF KRISTA THOMPSON OF MASON NECK, VA.

## HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor the memory of Krista Thompson of Mason Neck, Virginia.

Krista Thompson was an honor roll student at South County Secondary School in Fairfax County, Virginia. She was a member of the symphonic orchestra, lettered in swimming, and participated in tennis and field hockey. During the summer, Krista was a lifeguard at Pohick Bay Regional Park and enjoyed family trips to Maine with her parents, Steve and Kathie, and her brothers, Jason and Jeffrey. Krista was a teenager with a strong support system and a drive to succeed.

While all who knew Krista were aware of her many talents and qualities, most did not know that Krista was suffering from a very serious disease. Although Krista had been diagnosed with brain cancer at age thirteen, she did not make the disease a part of her identity. During the four years that she lived with cancer, Krista never failed to be a full participant in all that life offered. Even during the last week of her too short life, she went hiking, volunteered at the elementary school where her mother taught, and spent time with her family. Krista lost her battle with brain cancer on October 28, 2008, but her memory lives on in the hearts of her friends and family.

In 2005, in a show of solidarity, Susan Hamon formed a team to participate in the Race for Hope. The team, then known as "Krista's Red Sox," raised money for the National Brain Tumor Society and Accelerate Brain Cancer Cure. For the sixth year, "Team Krista" will be participating in the Race for Hope. This year, "Team Krista" has raised nearly forty thousand dollars. Perhaps more impressive and a true tribute to the affection that so many feel for Krista and her family, the team has more supporters than all but one other team; 286 people have joined the 2010 "Team Krista."

Madam Speaker, I ask that my colleagues join the members of "Team Krista" in their support for a cure for brain cancer. I would like to extend my best wishes to Krista's friends and family. Her memory inspires others diagnosed with brain cancer to preserve their priorities and cherish personal relationships in the face of adversity.

HONORING DAVID CLARK

## HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. JOHNSON of Illinois. Madam Speaker, I rise today to honor a constituent of mine, David Clark, who has announced his retirement after serving at the Illinois Fire Service Institute (IFSI) at the University of Illinois at Urbana-Champaign for over 34 years.

Mr. Clark joined the faculty of IFSI in 1976, rising to deputy director in 1998 where he has served ever since. Throughout his time at IFSI he has trained tens of thousands of firefighters throughout Illinois and the nation and has conducted groundbreaking research in firefighter life safety issues. His dedication, expertise, and passion have impacted so many firefighters throughout his time at IFSI, and his impact on the field of firefighting will be sorely missed.

A member of the Illinois Terrorism Task Force since 2000, a volunteer firefighter for 20 years, and a member of the United States Army, David Clark has served his community, state, and nation selflessly, and I rise to thank him for that service and wish him the best in his retirement.

HERMAN MILHOLLAND

## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. POE of Texas. Madam Speaker, I rise to commemorate the great work of one of my fellow Texans, Herman Milholland.

Herman Milholland is a truly special victim advocate who has served at the local, state and national levels. Since 1984 he has devoted his career to improving rights and services for victims of crime. In California, he directed a staff of over 125 people located in 43 offices—including law enforcement, prosecutors, courts and hospitals—in providing direct victim advocacy, support and services to victims and survivors throughout the Los Angeles District Attorney's office. Since 2000, he has served as Director of the Texas Crime Victim Compensation Program, Director of the Statewide Automated Victim Notification Program, and since 2002, as Director/Chief of the Crime Victim Services Division of the Office of the Texas Attorney General.

Mr. Milholland is recognized as a strong leader in our nation's crime assistance field. Whether his efforts are focused on an individual victim in need of help or on a national initiative, he is a dedicated and committed advocate for crime victims.

In the crime victim assistance field, there is a great need for basic skills development in organizational development and management. Because Herman Milholland has "walked the walk" as a program developer, manager and administrator, he has been able to provide greatly needed guidance to programs and individuals across the nation who seek to improve the overall management of victim assistance agencies.

Mr. Milholland has also created a crucial "niche" in the victim assistance field by focusing on the future of the field. He has devoted the past few years to developing important and greatly needed resources that address succession planning, mentoring, and guidelines for managing the new workforce-issues that, cumulatively, will strengthen individuals, organizations and the field as a whole.

His colleagues can attest to his ongoing willingness to volunteer for many activities at the local, state and national levels that seek to improve overall crime victim assistance. He is often called upon to serve on countless committees and boards, and to serve as a volunteer facilitator for many projects that require a leader with outstanding organization and communications skills. He always rises to the occasion.

Mr. Milholland is "retiring" in the fall of 2010. I highlight "retiring," because I know that his life-long devotion to crime victim assistance will not cease when his official career ends.

On April 14, 2010, I was proud to honor Herman Milholland at the Congressional Victims' Caucus Awards ceremony, where he was presented with the Ed Stout Memorial Award for Outstanding Victim Advocacy. The award honors a professional whose efforts directly benefit crime victims and survivors. Herman Milholland is more than deserving of this award. I commend him for his outstanding contributions to the field of victim advocacy.

## PERSONAL EXPLANATION

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Ms. LEE of California. Madam Speaker, today I missed rollcall vote number 243 on H. Res. 1307, rollcall vote number 244 on H. Res. 1213, and rollcall vote number 245 on H. Res. 1132. Had I been present, I would have voted "aye" on each of these rollcall votes.

## CELEBRATING JEWISH AMERICAN HERITAGE MONTH

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. HONDA. Madam Speaker, this May, I am honored to join my friends in the Jewish community in celebration of Jewish American Heritage Month, and to recognize the contributions made to our country by Jewish Americans.

With a culture that places a strong value on education and community, Jewish Americans have enriched our society and contributed to the economic and cultural vitality of our Nation, especially in California's 15th District. My community in Silicon Valley, particularly the high tech industry, has benefited greatly from the contributions and innovation of Jewish Americans.

Jewish Americans are leading entrepreneurs in renewable energy development and high-tech research in my district, and they are also leaders in engaging our youth. For the past 2 years, I have worked with Chabad of San Jose to provide funding for their Prevention, Resource, Information and Drug Education (PRIDE) Project, which provides at-risk youth with the tools necessary to prevent them from getting involved with drugs and alcohol. Organizations like Chabad of San Jose, and many other non-profits led by Jewish Americans, are working to make our district a better, safer, and healthier place.

Jewish immigrants came to our country, hoping to fulfill their dreams by participating in the American promise of socioeconomic mobility, democracy, and cultural acceptance. The stories of their successes in our country are greatly inspiring.

I am privileged to represent a civically engaged community of Jewish Americans, a community I have always been close to. My district's Jewish American community stands as a shining example of what makes Silicon Valley a global leader, and it is an honor to have the opportunity to celebrate the contributions they have made to our country.

## SUPPORT OF THE R&D TAX CREDIT IN H.R. 4213

### HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. HOLDEN. Madam Speaker, I rise today to support the inclusion of the Research & Development tax credit in H.R. 4213, the American Workers, State, and Business Relief Act of 2010. The R&D tax credit is extremely important in providing funding to manufacturers and businesses for my district, the Commonwealth of Pennsylvania, and the entire country. The tax credit allows businesses, large and small, to develop new products and technology and in the process it creates millions of jobs. It has been renewed every year since its inception in 1986 and the current administration has proposed that the tax credit be made permanent.

In the current economic climate, it is more important than ever for businesses to explore every avenue of tax savings, especially ones that reward innovativeness and creativity in our manufacturers. H.R. 4213 has already passed the House and the Senate. Before it is reconciled and enacted into law, I again offer my support for the inclusion of the R&D tax credit.

## ON THE INTRODUCTION OF THE RESOLUTION CALLING ON THE GOVERNMENT OF JAPAN TO IMMEDIATELY ADDRESS THE GROWING PROBLEM OF ABDUCTION TO AND RETENTION OF UNITED STATES CITIZEN MINOR CHILDREN IN JAPAN, TO WORK CLOSELY WITH THE GOVERNMENT OF THE UNITED STATES TO RETURN THESE CHILDREN TO THEIR CUSTODIAL PARENT OR TO THE ORIGINAL JURISDICTION FOR A CUSTODY DETERMINATION IN THE UNITED STATES, TO PROVIDE LEFT-BEHIND PARENTS IMMEDIATE ACCESS TO THEIR CHILDREN, AND TO ADOPT WITHOUT DELAY THE 1980 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. MORAN of Virginia. Madam Speaker, the United States and Japan have a strong and critical alliance that is vitally important to both of our countries, to the Asia-Pacific region, and to the world. It is based on shared interests and values and our common support for political and economic freedoms, human rights, and international law. Japan now participates in our Pacific Partnership Initiative bringing humanitarian civic assistance to countries in Southeast Asia. Japan is second to none in supporting President Barack Obama's vision of a "world without nuclear weapons" and advocating for nuclear disarmament and non-proliferation. Japan also supports our mission in Afghanistan and has recently doubled its civilian aid to the country providing much needed funds for job training, agriculture support, infrastructure and security training.

But as a friend of Japan and the Japanese people, I am compelled to bring to their attention by resolution a concern involving 269 American children who have been abducted to and/or wrongfully retained in Japan since 1994. These American children are in Japan as a result of kidnapping by a parent with Japanese citizenship following the dissolution of their relationship to the American citizen parent. Research shows that abducted children are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt and fearfulness, and as adults may struggle with identity issues, their own personal relationships and parenting.

Despite a shared concern within the international community, the Japanese government has yet to accede to the 1980 Hague Convention on the Civil Aspects of International Child Abduction or create any other mechanism to resolve international child abductions. Japan's existing family law system neither recognizes joint custody nor actively enforces parental access agreements for either its own citizens or foreigners. Most troubling, the existing legal

system relies exclusively on the voluntary cooperation of the parent or guardian who has abducted the child. American parents must beg to see their abducted children and have no legal recourse if the taking parent denies them access.

Consequently, American parents are calling on the U.S. Government to urgently intervene and quickly find a diplomatic solution.

I ask for my colleague's support on a bipartisan resolution supported by Rep. CHRISTOPHER SMITH, Rep. MAURICE HINCHEY, Rep. GARY MILLER, and Rep. MARSHA BLACKBURN, calling on the Japanese government to address the growing problem of abduction and retention of American children in Japan. The resolution calls for Japanese officials to work closely with the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, and to provide left-behind parents immediate access to their children. Finally, the resolution calls for Japan to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The well-being of these children should be an issue where agreement can be reached and distraught parents are reunited with their children. I call on the Government of Japan to work closely with the U.S. Government to resolve current cases and establish an efficient mechanism to resolve future potential cases of abduction.

Cosponsors of this legislation introduced by the Rep. JAMES P. MORAN:

The Honorable CHRISTOPHER H. SMITH.

The Honorable MAURICE D. HINCHEY.

The Honorable GARY G. MILLER.

The Honorable MARSHA BLACKBURN.

## INTRODUCTION OF THE STUDENT VISA SECURITY IMPROVEMENT ACT

### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. BILIRAKIS. Madam Speaker, I rise today to introduce the Student Visa Security Improvement Act, legislation that will strengthen the screening of those seeking student visas and enhance the monitoring of foreign students in the United States.

I fully support allowing foreign students and exchange visitors to enter our country for legitimate academic and cultural purposes. However, recent media reports have disclosed schools that have helped individuals fraudulently obtain student visas or failed to report students that did not attend class. Several 9/11 terrorists overstayed their student visas and details are emerging that the suspected Times Square bomber, Faisal Shahzad, first entered the United States on a student visa.

I am concerned that there are insufficient controls to ensure that those receiving student and exchange visas are properly vetted before being granted admission to the United States. Once they are here, we must ensure they are appropriately monitored. That is why I have introduced the Student Visa Security Improvement Act.

This bill will require Immigration and Customs Enforcement (ICE) personnel stationed at high-risk visa issuing posts overseas to review student and exchange visa applications and conduct interviews with applicants before they are granted a visa. These ICE agents bring enhanced security and law enforcement experience that will better ensure that prospective foreign students are not security risks.

This bill also will require that foreign students are active participants in the programs in which they are enrolled and are observed at least once every 30 days during an academic term or every 60 days outside an academic term. In addition, the bill requires that changes impacting a student's nonimmigrant status, such as switching to a more sensitive academic major or transferring to another institution, will be reported to the Department of Homeland Security in a more timely manner. These improvements will reduce the opportunity for potential terrorists to use student visas as a back door into the country for the purpose of carrying out terrorist attacks, as happened on 9/11.

Madam Speaker, I greatly value the contributions that foreign students and exchange visitors make to our nation and its cultural diversity. I believe that these bright young people are critically-important public diplomacy tools for our country. But we must ensure they are coming here for the right reasons. The Student Visa Security Improvement Act will enhance homeland security and ensure the integrity of the Student and Exchange Visitor Program. I urge our colleagues to support it.

## RECOGNIZING MOUNT CARMEL HIGH SCHOOL STUDENTS

### HON. GREGORIO KILILI CAMACHO SABLAN

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. SABLAN. Madam Speaker, the National High School Mock Trial Competition is the premier national law related academic tournament for high school students. Mock trial programs are designed to give students an inside perspective on the legal system, providing them with an understanding of the mechanism through which society chooses to resolve many of its disputes.

Participation in a performance-based, hands-on program of this nature provides students with a practical knowledge about how our legal system operates and who the major players are in that system. Mock trial programs help develop young citizens who can sustain and build our nation by making a reasoned and informed commitment to democracy.

Students of Mount Carmel High School have earned the right to represent the Northern Mariana Islands in this year's national competition in Philadelphia. They will compete with teams from around the country.

Mount Carmel students have a tradition of excellence in oratory. The school represented the Northern Mariana Islands in the National We the People program two years in a row. Mr. Ryan Ortizo, one of the members of this year's competition in Philadelphia just won first place in the CNMI Attorney General's Cup competition.

One has to admire and be proud of the dedication of the students and the commitment of the teaching staff at Mount Carmel School for instilling the passion for debate and public speaking year after year.

Proudly representing the Northern Mariana Islands in this year's National Mock Trial Competitions, are: Geza Baka III, Maria Balajadia, Kevin Bautista, Hazel Doctor, Ryan Ortizo, Keno San Pablo, Janela Revilla, Anastasia Schweiger, and the team's advisor Lourdes T. Mendiola, their attorney coaches Edward Buckingham and Joseph Taijeron, and their teacher coaches, Galvin S. Deleon Guerrero and Rosiky F. Camacho.

## BRIGADIER GENERAL FRANCISCO PATIÑO FONSECA

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. POE of Texas. Madam Speaker, before I was elected to the U.S. Congress, I served as a criminal court judge for over two decades in Houston, Texas. I've seen up close and personally how drugs destroy lives, drive up crime rates and tear families apart. So when I heard about the good progress in the fight against drugs in Colombia, I decided to come down and see it for myself.

When I hiked in the jungles and flew over the coca fields about a month ago, I was accompanied by Brigadier General Francisco Patiño Fonseca. I discovered one of the main reasons for Colombia's recent success battling the scourge of drugs is his strong, relentless zeal to capture the bad guys.

A native of Bogota and a 1981 police school graduate, Gen. Patiño has dedicated his life to law enforcement. He has done everything from working for the Tisquesusa Police Department to serving as the Police Attaché at the Embassy of Colombia in Spain.

Gen. Patiño has been decorated some 58 times in his extensive service. With that kind of dedication and experience, he serves the Colombian people well in his role as the Director of Counternarcotics for the Colombian National Police (DIRAN).

And as Director, Gen. Patiño has placed a new focus on human intelligence—bringing in more intelligence officers and tripling the intelligence budget. He is also committed to making sure his courageous team of officers have the best training in the world. The DIRAN training regimen is so well-respected around the world that in recent years over 80 students from twelve countries have attended its International Jungla course. The DIRAN mobile training teams have responded to training requests from Afghanistan, Mexico, and Ecuador.

Their training is paying off. Working hand in hand with American support, the Colombian Public Forces seized more cocaine, heroin, and chemicals used to make cocaine in 2009 than ever before. DIRAN accounts for less

than five percent of the Colombian National Police force but has been responsible for the seizures of 66 percent of the cocaine, 90 percent of the heroin, 86 percent of the cocaine precursor chemicals and 63 percent of the drug labs by the entire police force.

The war on drugs in the United States is inextricably linked to the war on drugs in Colombia. It is no secret that it is mostly American dollars that buy Colombian-grown drugs. As a Member of the U.S. Congress, I want to thank Gen. Patiño, his officers and the good people of Colombia for their tremendous dedication to fighting the drug cartels and working with the people of the United States. After observing the distinguished leadership of Gen. Patiño and his officers, I am more confident than ever that this is a war we can win together.

## ORANGE GROVE ELEMENTARY SCHOOL CELEBRATES 50 YEARS OF SERVING CHILDREN IN SEMINOLE, FLORIDA

**HON. C.W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. YOUNG of Florida. Madam Speaker, Orange Grove Elementary School, in Seminole, Florida, which I have the privilege to represent, tomorrow will celebrate 50 years of serving Pinellas County students.

The school opened in 1960 in nearby Madeira Beach where classes were held until the school building was erected at its present site in 1961. That six-room school house expanded to 12 rooms 10 years later and became one of Pinellas County's first air conditioned schools.

The school was named Orange Grove because at the time, Seminole was surrounded by orange groves. Although the groves are gone now, the staff motto remains, ''Orange Grove Elementary—Where We Have the Pick of the Crop!''

From the school's first principal, Margaret Abbott, to its current principal, Nanette Grasso, Orange Grove has remained a student-focused school whose mission statement is ''to establish a safe learning environment which supports a love of learning, respect, responsibility, honesty and motivation in our students, so that we can reach their personal and academic potential.''

In this day and age when the focus of a school goes well beyond academics, Orange Grove Elementary also stands as a model for encouraging students to develop early habits for a healthy lifestyle.

Madam Speaker, in recognition of this milestone 50th anniversary celebration, I took the liberty of having a flag flown over the Capitol today for presentation to Ms. Grasso, the students, the teachers and the staff at Orange Grove Elementary in honor of the school's enduring commitment to providing the best possible education for its students and the most nurturing environment for learning.

For half a century, Orange Grove has turned out generation after generation of our community's, our state's, and our Nation's leaders and I know that its proud and rich tradition will continue to turn out our Nation's future leaders for generations to come.

## IN RECOGNITION OF PETE McCLOSKEY

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Pete McCloskey, a distinguished and charismatic former member of this house for 16 years, and a true American maverick who has been guided by a shining moral compass throughout his life. Former Congressman McCloskey pursues the truth no matter where it leads him.

In his over eight decades, Pete has accomplished more than will fit on this page. In one of his most recent endeavors, he ran against a fellow Republican, Richard Pombo, in the primary election—at age 78. While most members of his age group are retired, McCloskey continues to practice as a trial lawyer, works on his farm raising citrus and olive trees and creates mischief with his group, ''Revolt of the Elders.'' He was a war hero in Korea and received a Navy Cross, a Silver Star and two Purple Heart for his service to this country.

In Congress he served the people of the San Francisco Peninsula and Silicon Valley from 1967–1983. He was vehemently opposed to the Vietnam War and ran for President against Richard Nixon in 1972. The following year, he was the first member of Congress to ask for President Nixon's impeachment. Mr. McCloskey is a principal at Cotchett, Pitre and McCarthy and has an extensive civil rights and environmental record. He received his B.A. from Stanford University and his J.D. from Stanford Law School.

Pete's environmental activism was ignited when Cuyahoga River in Ohio caught fire twice in 1969. Together with Gaylord Nelson, he co-chaired the first Earth Day in 1970. Three years later he coauthored the Endangered Species Act.

Madam Speaker, Pete McCloskey fights for justice with the same passion today as he did forty years ago. He is a personal hero of mine and an icon to all of us who thirst for courageous leaders in our country. It is fitting that the Peninsula Coalition is presenting him with its Lifetime Achievement award on May 6 in Burlingame.

## INTRODUCTION OF RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE SITUATION IN THAILAND BE SOLVED PEACEFULLY AND THROUGH DEMOCRATIC MEANS

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to introduce a resolution recognizing the United States' longstanding ties with Thailand and our strong wish for a peaceful, democratic resolution to the country's ongoing political problems.

In an important development on Monday, Prime Minister Abhisit Vejjajiva announced that he plans to hold new elections on November 14, 2010, based on a plan which calls on all parties to join together in upholding the monarchy, on the government to carry out economic and political reforms, and on the nation to create an independent committee to investigate casualties resulting from the clash of April 10, 2010.

Fortunately, the response from most quarters to the Prime Minister's suggestions has been positive. The plan and the elections offer a process that I believe can serve as the basis for an amicable end to the dispute. The resolution I am offering today is meant to encourage that process, to demonstrate America's commitment to Thailand and its people and to convey our sincere hope that Thailand returns to democracy, stability and the rule of law.

Thailand is one of United States' closest friends and most dependable allies. Ours is a partnership steeped in history. Indeed, the first treaty we concluded with an Asian nation was with Thailand in 1833, with the signing of the Treaty of Amity and Commerce between Siam and the United States. In 1954, we forged a military alliance, and in 2003 the United States designated Thailand a major non-NATO ally. Thailand contributed troops and support for U.S. military operations in Korea, Vietnam, the Persian Gulf, Afghanistan and Iraq.

Thailand is also a major trading partner of the United States, a regional leader, a force for stability in Southeast Asia and a country with which we share common values and interests. We have always appreciated Thailand's many international contributions, and we respect and admire its unique culture.

Of course, only the Thai people can chart their way toward settlement of the conflict. As a close friend of Thailand, however, the United States should, I believe, offer its support and demonstrate its concern. This resolution does just that, encouraging all sides to address the country's political problems peacefully and democratically, based on the national reconciliation plan offered by the Prime Minister.

I might add that I introduced this resolution on ''Chattra Mongkhon.'' It is on this day that the country commemorates the ascension to the throne of His Majesty, King Bhumibol Adulyadej. It is a day when all Thai people pay their respects to His Majesty and wish him a long, healthy and happy life. I can think of no better way for this body to honor His Majesty and the people of Thailand than to voice support for peaceful reconciliation on this important day. I urge all my colleagues to join me in supporting this resolution and moving it toward speedy adoption.

## TRIBUTE TO OLATHE SUPERINTENDENT OF SCHOOLS DR. PAT ALL

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. MOORE of Kansas. Madam Speaker, I rise today to honor Dr. Pat All, who will retire as Olathe Superintendent of Schools at the end of this school year and who will be honored at a reception on May 18th at Olathe Northwest High School. My colleagues may have tired of hearing me brag about the excellent public schools in my congressional district. Olathe is one of the districts that set a very high standard for other schools in our area. Olathe does so even though the district has the special challenges of a very rapidly growing district, a diverse population, and a large number of special needs students. During my years in Congress, I have learned to rely on this smart, conscientious educator and her very wise perspective and advice.

Dr. All was chosen to lead the district in 2005, after working as an Olathe educator in various positions since 1979. Dr. All joined the Olathe School District in 1979 as assistant principal of Olathe High School, after 11 years of teaching English and social studies in another district. From 1981 to 1986, she served as principal of Oregon Trail Junior High School, and from 1986 to 1991 was principal of Olathe South High School. Both schools earned U.S. Department of Education Blue Ribbon School recognition during her administration.

In 1991, she was named Director of Secondary Education, and in 1993, she became the Executive Director of Education and Technology. From 1995 to 2002, she was Assistant Superintendent for General Administration, and in 2002 she was named Deputy Superintendent.

Dr. All has been recognized by a number of community organizations for her leadership and service. She was elected to the Olathe Area Chamber of Commerce Board of Directors in 1991 and served as Chairman of the Board in 1994. She served as Chairman of the Convention and Visitors Bureau from 2001–03 and currently serves on the Olathe Medical Center Board of Trustees. She received the Educator Award from the City of Character Council in 2002, the Leadership Olathe Community Leadership Award in 1996, and the Olathe Chamber of Commerce Spirit Award in 1995.

All has a bachelor's degree in education, and master's and doctoral degrees in secondary school administration, all from the University of Kansas.

In announcing Dr. All's retirement, Rita Ashley, Olathe School District Board of Education president, said the board would move forward expeditiously to name a successor after an appropriate search, to ensure a smooth transition. "Dr. All has been a visionary leader in our district and our community for many years," Ashley said. "She has the rare ability to not only envision the future, but to assemble and inspire the team needed to implement the vision. She truly cares about our community's children, and has devoted her life to improving theirs. "I believe this school district and the community are fortunate to have someone of Dr. All's stature and integrity as our superintendent."

Madam Speaker, I want to add my congratulations and best wishes to Dr. Pat All, along with the hope that she enjoys a healthy and happy retirement for years to come, but stays active in the community affairs of our area and state.

## CRYSTAL BELL AWARDS

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to commend seven exceptional teachers from Northwest Indiana who have been recognized as outstanding educators by their peers for the 2009–2010 school year. These individuals are: Jan Lowery, John Gorball, Brenda Richardson, Kerry Zajicek, Jeff Graves, Glennda Sanders, Shannon Anderson, and Betty O'Neill. For their outstanding efforts, these honorees will be presented with the Crystal Bell Award at a reception sponsored by the Indiana State Teachers Association. This prestigious event will take place at the Andorra Restaurant and Banquets in Schererville, Indiana, on Thursday, May 6, 2010.

Jan Lowery, this year's recipient of the Crystal Bell Award from the Crown Point School Corporation, is fondly known as the "geometry queen" of Crown Point High School. Jan is an outstanding educator and has a positive impact on her students and colleagues. Jan understands the importance of teaching each student according to their abilities and has developed a variety of teaching methods in order to reach out to each individual student. Because of her careful attention to each student's individual needs, she is an exceptional educator.

John Gorball has had an outstanding teaching career spanning forty-one years and is this year's recipient of the Crystal Bell Award from the Hanover Community School Corporation. John has taught at Hanover Central for forty years and has served in many capacities during his tenure. He is the well-known band director at the school, and his passion for music has been a remarkable asset to the music education program. For many years, John also served as a basketball coach, which was another way for him to relate to his students. John understands that leading by example is imperative for a teacher, and he continues to be a positive role model for his students.

This year's recipient of the Crystal Bell Award from the School Town of Highland is Brenda Richardson. Brenda has taught family and consumer science at Highland High School since 1989. Throughout her tenure, Brenda has brought many new and innovative programs to Highland High School. Brenda spearheaded the Exploratory Teacher Program, which allows high school students to assist elementary teachers in working with reading and math groups. She also started the Random Acts of Kindness Club, which teaches students the importance and value of compassion by surprising others with a kind gesture. Through her positive outlook and strong belief in the development of character, Brenda is an outstanding role model for the students at Highland High School.

Kerry Zajicek is this year's recipient of the Crystal Bell Award from the Lake Central School Corporation. Kerry has been a teacher for thirty years and is currently teaching geometry and pre-calculus at Lake Central High School. Kerry continues to be a tremendous asset to Lake Central High School and is involved in numerous endeavors outside the classroom. He has volunteered much of his time to the Lake Central Theater Guild, providing support to the students and performing in many plays himself. He has also selflessly given much of his time to the Lake Central Teachers Association. Kerry is always ready to lend a helping hand, and for his constant, selfless, volunteerism within the Lake Central School Corporation, he is worthy of the highest praise.

Jeff Graves, this year's recipient of the Crystal Bell Award from the School Town of Munster, "lives and breathes chemistry." He has taught chemistry and AP chemistry at Munster High School for forty years. Jeff's success in teaching chemistry stems from his brilliant effort to develop methods that help students comprehend difficult concepts. His ability to maintain the interest of the students is to be commended. Additionally, Jeff put much time and effort into the initiation of the Chess Club and Bowling Club. Throughout his tenure, Jeff has been able to positively influence many students at Munster High School.

This year's recipient of the Crystal Bell Award from the North Newton School Corporation is Glennda Sanders, who has been a teacher with the corporation for fourteen years. Glennda is widely known for her energetic nature and her ability to create activities that fit the specific needs of each individual student in her classroom. In addition, she has played an instrumental role in the planning and presenting of the Morocco Elementary School talent show and science fair. Glennda's positive outlook and enthusiasm allows her to continue to touch the lives of countless students within the North Newton School Corporation.

Shannon Anderson, a second grade teacher at Monnett Elementary School, is this year's recipient of the Crystal Bell Award from the Rensselear School Corporation. Shannon has been an extraordinary educator for the past fifteen years. She continues to go above and beyond to meet the needs of her students. For example, Shannon learned Spanish and Sign Language in order to meet the needs of certain students. She has also initiated many innovative programs including: Spanish Camp, Club Invention, Read-a-Thon, Math-a-Thon, the Eddie Eagle, and the Gun Safety Program, to name a few. For her unwavering dedication to her students she is truly an inspiration.

This year's recipient of the Crystal Bell Award from the Tri-Creek School Corporation is Betty O'Neill. Betty has been nurturing young minds for twenty years and is currently a fourth grade teacher at Oak Hill Elementary School. Betty continues to incorporate and

educate her students about the community of Lowell. For example, Betty initiated a walking tour of the town for the students, and directed the writing and performance of a play about the town's history. Additionally, Betty has been a leading force behind the Response to Intervention Initiative in the Tri-Creek School Corporation and has worked diligently with students who are most in need. Because of her innovative teaching skills and her willingness to provide support to the Tri-Creek School Corporation, she is an extraordinary educator.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding educators on being named 2010 Crystal Bell Award winners. Their years of hard work have played a major role in shaping the minds and futures of Northwest Indiana's young people, and each recipient is truly an inspiration to us all.

## PERSONAL EXPLANATION

### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Monday, April 26, 2010.

For Monday, April 26, 2010, had I been present I would have voted "aye" on Rollcall vote No. 221 (on motion to suspend the rules and agree to H.R. 4543), "aye" on Rollcall vote No. 222 (on motion to suspend the rules and agree to H. Res. 1103), "aye" on Rollcall vote No. 223 (on motion to suspend the rules and agree to H.R. 4861).

For Tuesday, April 27, 2010, had I been present I would have voted "aye" on Rollcall vote No. 224 (on motion to suspend the rules and agree to H. Res. 1131), "no" on Rollcall vote No. 225 (on motion to suspend the rules and agree to H.R. 5017), "aye" on Rollcall vote No. 226 (on motion to suspend the rules and agree to H.R. 5146).

For Wednesday, April 28, 2010, had I been present I would have voted "aye" on Rollcall vote No. 227 (on agreeing to the Hall (NY) amendment to H.R. 5013), "aye" on Rollcall vote No. 228 (on agreeing to the Connolly amendment to H.R. 5013), "aye" on Rollcall vote No. 229 (on motion to recommit H.R. 5013 with instructions), "aye" on Rollcall vote No. 230 (on passage of H.R. 5013).

For Thursday, April 29, 2010, had I been present I would have voted "no" on Rollcall vote No. 231 (on ordering the previous question to H. Res. 1305), "no" on Rollcall vote No. 232 (on agreeing to H. Res. 1305, providing for consideration of H.R. 2499), "no" on Rollcall vote No. 233 (on motion to table the motion to reconsider the vote on H. Res. 1305), "aye" on Rollcall vote No. 234 (on agreeing to the Foxx amendment to H.R. 2499), "aye" on Rollcall vote No. 235 (on agreeing to the Gutierrez amendment to H.R. 2499), "no" on Rollcall vote No. 236 (on agreeing to the Gutierrez amendment to H.R. 2499), "no" on Rollcall vote No. 237 (on agreeing to the Burton (IN) amendment to H.R. 2499), "no" on Rollcall vote No. 238 (on agreeing to the Velázquez amendment to H.R. 2499), "aye" on Rollcall vote No. 239 (on agreeing to the Velázquez amendment to H.R. 2499), "aye" on Rollcall vote No. 240 (on agreeing to the Velázquez amendment to H.R. 2499), "aye" on Rollcall vote No. 241 (on motion to recommit H.R. 2499 with instructions), "no" on Rollcall vote No. 242 (on passage of H.R. 2499).

## IN RECOGNITION OF ADRIENNE TISSIER

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor an outstanding leader and treasured friend, Adrienne Tissier, a life-long resident of San Mateo County and a current member of the San Mateo County Board of Supervisors.

Adrienne will be receiving a much deserved public service award from the Peninsula Coalition at its 6th Annual Honors dinner on May 6. She first assumed office in January 2005 after serving eight distinguished years as a councilmember in Daly City, including two terms as mayor. In four short years she has displayed keen leadership and consensus building skills that have benefited residents of the county. She created a nationally acclaimed, first of its kind program for the proper disposal of pharmaceuticals to prevent medication errors, drug abuses and environmental harm. She's developed outreach programs in which the California Highway Patrol works with older drivers. She created the annual countywide Disaster Preparedness Day and cochairs the Blue Ribbon Task Force on Adult Health Care Expansion.

She has been especially active in providing transportation and mobility options for senior citizens. She is the current vice-chair of the Metropolitan Transportation Commission and she serves on the SamTrans Board of Directors. She is also the board liaison to the state Commission on aging and the state Commission on the Status of Women. Supervisor Tissier was instrumental in planning the Women's Criminal Justice Summit and the Livable Communities for Successful Aging conference. She also set up a resources day in May of 2009 for residents concerned about the foreclosure crisis.

Madam Speaker, I have been fortunate to work with Adrienne on countless issues during my career of public service. Without question, her dedication to her work has been remarkable and this award she is to receive is fitting thanks for all those late nights and trips to Sacramento that she incurred in the name of improving daily life in San Mateo County.

## IN RECOGNITION OF JANICE S. BRAMWELL

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. SKELTON. Madam Speaker, it has come to my attention that Mrs. Janice S. Bramwell will be retiring as Regional Director for Experience Works, Inc., after more than 30 years of service. Mrs. Bramwell has helped countless individuals in our communities, and her commitment to service will be sorely missed.

As Regional Director, Mrs. Bramwell used her lifetime of experience as a social worker to bring exceptional service to low-income seniors in Missouri and Illinois. Experience Works, Inc., formerly Green Thumb, is a non-profit organization that helps this struggling population gain the skills and training they need to find gainful employment, a service that is especially needed in this difficult economic time. During her time with this organization she has been recognized for her excellence in budget management and the job retention rate of her clients.

Together with her husband Dewey and her daughter Melissa, Mrs. Bramwell is an active member of the community. She serves as a member of the Ozark Region Workforce Investment Board, the Springfield Area Chamber of Commerce, and the Missouri Senior Employment Coordinating Committee.

Madam Speaker, I trust my fellow members of the House will join me recognizing Mrs. Janice S. Bramwell for her dedicated service to the State of Missouri.

## IN RECOGNITION OF CAPTAIN JOHN NEWLAND MAFFITT

### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. MCINTYRE. Madam Speaker, it is with great honor and pleasure that I rise and ask you to join me in recognizing one of North Carolina's great historical figures, Captain John Newland Maffitt. Captain Maffitt, a longtime resident of Wilmington, North Carolina, stands out as a distinguished member of the United States Navy. First as a naval surveyor, charting much of the Atlantic coastline, and then as a blockade runner for the Confederate Navy, gallantly carrying out his duty to his homeland, Captain Maffitt deserves to be recognized among the ranks of this nation's outstanding military officers.

Foreshadowing his great career, Captain Maffitt was born at sea on February 22, 1819. Adopted by his uncle, he grew up in and around Fayetteville, North Carolina, where he became known as a sharp-witted, cultivated young man. Under an appointment by President Jackson, Maffitt took the position of midshipman with the Navy in 1832, just three days after his thirteenth birthday, and immediately began his apprenticeship. After demonstrating courage and a devotion to his country and her Navy, Maffitt became an officer at the young age of nineteen.

Sailing around many parts of the world, Captain Maffitt continued to gain valuable experience. In 1848, he took command of his first ship, the U.S.S. *Gallatin*, as a survey officer with the Coast Survey. For roughly a decade, Captain Maffitt, while commanding various ships, surveyed and charted many sections of the Atlantic coast, ranging from New

England to the Southeast, resulting in honorable recognition from the Charleston Chamber of Commerce. The knowledge that he developed of these areas would later serve him well in his naval duties with the Confederacy.

Captain Maffitt would eventually take command first of the U.S.S. *Dolphin* and then of the U.S.S. *Crusader*, leading his crew to intercept ships illegally participating in the Atlantic slave trade. Indeed, Maffitt was later recognized in the Wilmington Daily Journal on September 25th, 1863, which read, "it is a curious fact, for those who maintain that the civil war in America is founded upon the slave question, that [Maffitt] should be the very man who has distinguished himself actively against the slave trade."

When Southern states began to secede, Captain Maffitt continued his duties and protected Federal property along the Southern coast. However, as the Civil War continued, Captain Maffitt's superiors grew concerned about his Southern background, which lead Maffitt to resign his command in 1861. Wishing to put his services to use, he eventually took command of the C.S.S. *Savannah* of the Confederate Navy as a runner transporting rifles, cotton, and other goods around the Federal blockade. His knowledge of the local rivers and waterways from his surveying days helped him to elude the Federal Navy and survive a number Federal encounters.

Taking command of the C.S.S. *Florida* in 1862 with a new assignment, Captain Maffitt and his crew succeeded in capturing a larger number of Federal commercial ships over the next year. During this period, Maffitt's ship covered the seas ranging from Mobile to New York and from Brazil to France.

After recovering from brief health issues, Captain Maffitt found more success blockade running as commander of first the C.S.S. *Albemarle* and then of the private ship *Owl*. He successfully completed his final assignment for the Confederacy even after the war had ended, thus maintaining his integrity and his sense of duty.

Captain John Maffitt returned to North Carolina in 1868 and passed his remaining days peacefully at Bradley Creek, near Wrightsville Beach. He passed away on May 15, 1886, and was buried in Wilmington's Oakdale Cemetery. In his honor, on August 4th, 1943, The Liberty Ship *John Newland Maffitt* was christened at the North Carolina Shipbuilding Company to run blockades successfully, as had her namesake. Today, Captain Maffitt is also honored by a historical marker on Market Street in Wilmington.

A sure leader of his time, Captain John Newland Maffitt serves as an example across generations by acting as a man of courage, a man of duty, and a man who was devoted to serving his homeland. So, today, Madam Speaker, I wish to thank you for allowing me to honor one of North Carolina's most distinguished naval officers, and I ask my colleagues to stand with me in recognizing a man North Carolina and the United States should be proud to call their own.

## CELEBRATING THE ASCENSION OF REVEREND DR. GREGORY ROBESON SMITH AS THE 55TH GRAND MASTER OF THE MOST WORSHIPFUL PRINCE HALL GRAND LODGE OF FREE AND ACCEPTED MASONS OF THE STATE OF NEW YORK

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. RANGEL. Madam Speaker, I rise with great pride to pay tribute to my dear friend, Lodge brother, and pastor of Harlem's historic Mother African Episcopal Methodist Church, the Reverend Dr. Gregory Robeson Smith, Sr. as the 55th Grand Master of the Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of the State of New York.

Rev. Dr. Gregory Robeson Smith, Sr., a Thirty-third Degree Mason, is the grand nephew of Paul Robeson, the late great American hero, athlete, singer, actor, and advocate for international civil rights and social justice. A graduate with honors from Livingstone College in Salisbury, North Carolina, Dr. Smith also earned two masters and two doctoral degrees. He has an MBA in Marketing and Finance, a Master of Divinity degree, a Doctorate in Higher Education Administration and Finance; and a Doctorate in Ministries.

Grand Master Smith is the Senior Pastor of the Mother African Methodist Episcopal Zion Church, a major stop on the Underground Railroad, located in Harlem New York, which is the oldest African American institution in the State of New York, founded in 1796 and chartered in 1799. Dr. Smith is very proud of the history of Mother AME Zion, which was one of the earliest and most vocal opponents of slavery and a constant champion of abolition. Slaves who escaped north in search of freedom, knew they could find refuge and assistance at Zion Church, which became affectionately known as "Freedom's Church." In fact, Mother AME Zion became an important stop on the "Underground Railroad," hiding runaway slaves behind the pulpit in a secret passageway. Abolitionist and women's rights activist Isabella Baumfree transferred her membership from the John Street Methodist Episcopal Church to Zion Church in 1827. It was at the altar of Mother AME Zion in 1843 that she changed her name to "Sojourner Truth" and there she was also reunited with her sisters, who had been separated during slavery.

Sojourner Truth became one of the foremost voices for women's and equal rights and the abolition of slavery in America. Throughout its long history, Mother AME Zion has had many illustrious members who were leaders in the historic fight for freedom, including Harriet Tubman, Frederick Douglass, Paul Robeson, Madame C.J. Walker and many others who fought so valiantly to free African Americans socially, politically and spiritually. The legacy of this historic church is difficult to surpass, as it has always been a promoter of education and racial self-help for African Americans in this great city, playing a role in many of the social organizations that were founded to assist and improve the condition of the Negro. Reverend Dr. Smith holds and has held several major positions in the AME Zion Church, including Presiding President of the Elder's Council, and he serves on the Connectional Budget Board Executive Committee.

In 1976 at the age of 26, he was elected Director of Public Affairs and Convention Manager of the denomination, the youngest person to ever be elected to a worldwide office. In the past, he has served as Executive Secretary of the AME Zion Church Ministers & Lay Association, and, as pastor of the Mt. Hope AME Zion Church located in White Plains, New York, where in 5 years he transformed that congregation from 85 to 635 members, built and furnished a new multi-million dollar worship center and a pre-school program. Dr. Smith was also responsible for directing worldwide international relief assistance and other aid for the National Council of Churches' (NCC) 30 Protestant denominations. While at the NCC he raised more than $200 million in program support.

Dr. Smith is a true "renaissance man," successfully integrating a successful career in business, public service and ministry. He has a proven track record of success leading non-governmental, private, voluntary and religious agencies, with a strong expertise in the development of strategic alliances between public and private sectors. He has 20 years of marketing, finance and managerial experience in Fortune 100 and Fortune 500 companies, with responsibility for over $2 billion in revenue.

In December 1990, he was appointed by President George H.W. Bush as President and Chief Executive Officer of the African Development Foundation, an independent Federal agency located in Washington, D.C., with offices in 25 African nations and a staff of more than 300. He continued to serve in this capacity under President William J. Clinton's administration until May of 1995. He also serves as an officer and member of numerous boards of directors. Dr. Smith was interviewed by "The History Makers" on January 24, 2007, who designated him as one of the "Outstanding Men of America," and he was also the first African American in New York State to be selected by a major political party as their mayoral candidate. He continues to be active in local, State and national politics, as well as serving as President of Prince Hall Temple Associates, Inc. He is a member of Sigma Pi Phi—Beta Zeta Boulé, and is very well traveled, having visited all but five countries throughout the continent of Africa and over 30 other nations across the globe.

Madam Speaker, since our founding in 1812, The Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons has followed in the Christian principles that were established in God's Holy Book, the Bible, of "Making Good Men Better"—which the foundation is character, the purpose is service and the measure is giving. As the grand nephew of our beloved spirited hero Paul Robeson, Reverend Dr. Gregory Robeson Smith was destined in his development to embody the principles, truths and heritage set forth by our founding fathers of the Fraternity of Free and Accepted Masons. Dr. Smith takes over the leadership of the Most Worshipful Prince Hall Grand Lodge at a crucial time in the history of the organization, and faces the daunting task

of translating the historical usefulness of this ancient and honorable institution to meet the several challenges of its more than 10,000 members in today's ''Information Age.'' His philosophy of life and service is stated in the words of the late Rev. Dr. Martin Luther King, Jr., who said in 1948 on his application to Crozer Seminary, ''I have an inescapable urge to serve society, and a sense of responsibility, which I could not escape.''

## RECOGNIZING SERGEANT JENNIFER EVITTS

### HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. BOEHNER. Madam Speaker, I rise today to recognize and thank Sergeant Jennifer Evitts for her exemplary service to the United States House of Representatives through her work with the United States Marine Corps Office of Legislative Affairs.

Sergeant Evitts has been a steadfast asset for Members and staff, especially for my office, in responding to the myriad administrative and logistical questions and needs the House of Representatives often requires of our military liaison services. Her attention to detail, her ability to work quickly and independently, and her cheerful engagement with whomever she encounters is always appreciated.

It is unfortunately usually the case that we fail to tell the individuals who mean the most to us, who do the most for us, how much they are valued until it comes time to send them on to their next adventure with our best wishes. I'm pleased, however, that Sergeant Evitts' contributions were formally recognized while she was still with us. It is my particular pleasure to note that due to her diligence and the merit of her efforts, Sergeant Evitts was awarded the Navy and Marine Corps Commendation Medal for meritorious service to the Marine Corps Office of Legislative Affairs. I am proud of Sergeant Evitts for earning such a prestigious award.

I personally congratulate Jennifer on her accomplishments, and I wish Jennifer and her family success and happiness in her future endeavors. She will be missed.

## ALL THE MOORE—A TRIBUTE TO AN AMERICAN HERO: SGT JOHN MOORE, THE 1–25 STRYKER BRIGADE COMBAT TEAM, THE UNITED STATES ARMY

### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. DAVIS of Tennessee. Madam Speaker, I rise today with a poetic tribute penned by Albert Carey Caswell in honor of one of Tennessee's finest, SGT John Moore of Dickson Tennessee. On January 6th 2009 in Diyaoa Province in Iraq, SGT Moore was almost killed in an IED explosion. Like many of our nation's heroes who cheat death, they must then come back home and continue to fight another war. While John fought valiantly to try to save his leg, he lost that battle . . . but his courage and faith has helped sustain him through his darkest days. As he is a shining example to us all, as he inspires us all with his courage and positive attitude.

ALL THE MOORE

In this our Country Tis of Thee . . .
There have been such fine patriots, so indeed!
Whom, have so given up so much for Country!
All to insure this our land of the free, for us . . . so much would endure you see . . .
As generation after generation, have so served this our fine nation . . .
Who have so given up life and limb, all in those darkest of days war . . . so then . . .
Who have so given, All The Moore!
How can one so ask for more?
Putting one's country first, while their own fine precious lives so last . . .
Yet, knowing of the worst!
From places, like Tennessee . . . have come such fine men, so indeed . . .
Who are but The Toast of Tennessee!
Men like John Moore, heroes who so boldly marched off to war . . .
Leaving behind, all that they so love and adored!
A man, of The 1–25 Stryker Brigade Combat Team . . .
For this is how Angels are made it seems!
So boldly marching off to war, as was John so seen . . .
When, in the midst of hell . . . a bomb would almost take all of his future dreams . . .
Coming back from the dead, he fought for five months until it was said . . .
John, your leg is dead . . .
As in that moment, as in that fight . . . as he reached down into his soul, so bright!
And asked, for All The Moore . . . faith and courage, to endure!
As he began to shine, and begin a new battle once more!
All The Moore!
As on that morning he awoke, as to him his fine heart spoke . . .
I've got a life to live, I've got so much to this our world to give . . .
I will not feel sorry or sad, just to be alive I'm glad . . .
For I have fine brave Brothers, who now lie in the ground . . .
And it's for them also the courage, I've found . . .
Until, the day they lay me down . . .
For ever in life, Striking Hard! I will be found!
Arms and legs we all need, but without a heart one can not surely breathe . . .
And I will walk, and I will run . . . and I will face the morning's sun!
All with what's inside of me, All The Moore . . .
While, all of this pain and heartache I will defeat!
All for my Country Tis of Thee . . .
As I will be Walking Tall In Tennessee
All The Moore, this you must believe!

## RECOGNIZING MIKE TOWN

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. REICHERT. Madam Speaker, many in this House do our part in promoting sustainable living, sustainable building and environmental responsibility. In my District—the 8th of Washington—an environmental science teacher is doing a masterful job at teaching the same values, and more—and he has received much deserved recognition for his efforts.

Redmond High School teacher Mike Town was awarded the inaugural $25,000 Green Prize in Environmental Education from the NEA Foundation on April 19. Mr. Town's curriculum, ''Cool School Challenge,'' teaches students how to perform energy audits of their school buildings and reduce their carbon footprint by doing simple things like powering down computers at night, composting, and recycling. Mr. Town's award comes after leading the entire school toward being one of the ''greenest'' schools in America. He has inspired his students and the rest of the studentbody to ''think globally and act locally'' to beautify our schools, our neighborhoods, and our environment. Mr. Town—or simply 'Town' to his students—is an innovative and dynamic high school teacher who is making a positive impact on every student who walks through the doors of Redmond High.

One of his former students and my former staffer, Marshall Reffett, described Mr. Town as an educator this way: ''Through his genuine enthusiasm for the subject, depth of knowledge, and hands on teaching methods, I developed a real sense for how the policies we adopt can have a profound effect on the sustainability of the Earth.''

Aside from his teaching work, Mr. Town is a policy advocate for sustainability and the preservation of public lands. He is a vocal wilderness advocate—and worked closely with my office helping to create my Alpine Lakes Wilderness Proposal—a citizen lobbyist, and eloquent speaker on behalf of environmental protection. The man practices what he preaches and is a great example for his students and his community.

What a delight it is for me to highlight the work of one of America's great professional educators. I'm pleased Mr. Town's efforts are not going unnoticed. His enthusiasm in the classroom and his tireless advocacy combine to make him a one-of-a-kind educator.

## PERSONAL EXPLANATION

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. LARSON of Connecticut. Madam Speaker, on rollcall Nos. 243, 244, and 245, had I been present, I would have voted ''yes.''

IN RECOGNITION OF JULIE SWITKY

## HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Julie Switky upon her retirement as executive director of the Hillsborough Schools Foundation.

When Julie joined the Foundation in 1982, parent participation was about 64 percent with $242,000 raised that particular year. The 2009–2010 Annual Giving Campaign will surpass $3.1 million with parent participation close to 80 percent. These statistics speak volumes about the dedication and hard work of Julie Switky over the past 28 years. Amazingly she worked alone for the first decade until she was joined by Judy Kagan in the early 1990s. Today the Foundation has three additional staff members and a camaraderie that is off the charts—another testament to Julie's inspirational leadership.

She was raised in the Bronx, earned a degree in elementary education at City College of New York and later taught first grade in New York City and Baltimore. She and her husband, Dan, have lived in my district (San Mateo) for the past 30 years where they raised three children.

In this electronic age I want to note that Julie started her remarkable career at the Foundation without any technological tools. She went on to develop a computer tracking program and most currently was working to provide the Foundation with the most up-to-date online technology possible.

I'll be candid. Other school communities in California look to Julie Switky as the shining star of raising money to support education. No wonder that she is often asked to speak at other school foundation conferences.

Funds raised by Julie and her team go directly to school budgets and that helps maintain the level of excellence at Hillsborough's four schools. Madam Speaker, I am pleased to honor the dedication and leadership of Julie Switky and I wish her the best in her newest endeavor, retirement.

BOLEY CENTERS OF ST. PETERSBURG, FLORIDA CELEBRATES 40 YEARS OF SERVICE TO THE TAMPA BAY AREA

## HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. YOUNG of Florida. Madam Speaker, Boley Centers of St. Petersburg, Florida, which I have the privilege to represent, is a private, not-for-profit organization that was established 40 years ago to serve individuals with mental disabilities, the homeless and youth in Pinellas County and the five county Tampa Bay area.

Tomorrow night our community comes together to pay tribute to Boley's 40th anniversary of service and to give thanks to the thousands of individuals they have helped gain the highest level of independent living. Boley provides 42 housing and service center locations; a wide variety of treatment, recovery and vocational services; a network of living opportunities in community residences and apartments; and a large staff of hard-working professionals who are dedicated to improving the lives of individuals with disabilities. Boley provides housing options that range from highly structured group homes to permanent supported apartments that are affordable and safe units for more than 1,200 individuals. This makes Boley one of the largest providers of these services in the entire southeastern United States.

Boley has a dedicated board of volunteer directors Chaired by Cynthia McCormick and includes First Vice Chair Loretta Ross, Second Vice Chair Sally Poynter, Immediate Past President Paul Misiewicz, and Virginia Battaglia, Rutland Bussey, Major Sharon Carron, Hal Gregory, Jack Hebert, Sandy Incorvia, Martin Lott, Robert Pitts, and Linda Scott-Leggette. Together they oversee an outstanding organization of professional staff members led by President and Chief Executive Officer Gary MacMath who treat their clients with compassion and dedication.

Boley also has a devoted network of volunteers who support the work of the Board and staff. This network includes the Boley Angels, who were founded in 1984 by board member Mary Koenig. They provide invaluable help to Boley's clients by raising funds to fulfill their unmet medical and dental needs and to provide furniture for the residential programs.

Madam Speaker, Boley Centers brings together the resources of our local community, our state and our nation to provide help to the less fortunate of our community who have nowhere else to turn for housing and treatment options. It has been a real pleasure for me to be able to work with the members of the board and the staff on a number of projects over the years.

Please join me in thanking all involved with Boley Centers for a job well done as they gather together to celebrate 40 years of service to Pinellas County, Florida and the Tampa Bay area.

TRIBUTE IN HONOR OF NATIONAL TEACHER APPRECIATION WEEK

## HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. SIMPSON. Madam Speaker, in recognition of National Teacher Appreciation Week, I rise today to pay tribute to teachers across the country.

This year, National Teacher Appreciation Week has extra significance. With unemployment holding near double-digits, the economy in a prolonged recession, and education budgets slashed in many states, many teachers face the possibility of being laid-off. As Congress considers education reform legislation, we must keep in mind the needs of educators, who have the most important job of all—preparing our young people for the future.

As a member of the House Appropriations Committee, I have spent a great deal of time working on education issues, meeting with teachers, and trying to better understand the many issues confronting our nation's schools. While there are many pressing needs at hand, I will take every opportunity to recognize the commitment of our teachers, many of whom are underpaid and often underappreciated for their crucial work. That is why I am proud to be a cosponsor of H. Res. 1312, which recognizes the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being.

Teachers play a critical role in shaping our future. They touch the lives of children every day. They inspire, encourage, motivate, and educate the next generation. I applaud their efforts and thank them for their dedication

SUPPORTING THE 100TH ANNIVERSARY OF THE PRICE, UT J.C. PENNY STORE

## HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. MATHESON. Madam Speaker, when James Cash Penny opened his first dry goods store in 1902 in Kemmerer, Wyoming he called it "The Golden Rule" because he believed that if he provided quality goods at a fair price and treated people the way he wanted to be treated his business would be successful.

In 1909 Mr. Penny opened the headquarters for J.C. Penny Company Inc. in Salt Lake City, Utah and a year later opened the Price, Utah J.C. Penny's store, located in the 2nd district of Utah which I represent. The Price J.C. Penny store is the oldest in Utah, and the second oldest in the national chain. And while the store window displays may have changed over the years the core values of Mr. Penny are steadfast. Evidence of Mr. Penny's beliefs and commitment to service went beyond retail sales. His compassion for people can often be found wherever his stores are located. From Les Eldridge who was the first Price store manager in 1910 to the present store manger Leslie Childs and her staff, the J.C. Penny team has made customer service and community a balanced priority.

Through more than 100 years of history, the Company has stayed true to its Golden Rule beginnings, with a continued commitment to care for the communities where it does business. This is reflected in the many decades of support this store and its Associates have given to a variety of charitable causes in the community, including strong support for quality afterschool programs. The Price store has partnered with groups such as Kiwanis, United Way, Chamber of Commerce and Downtown Business Alliance as well as The Family and Children's Support Center, Angel Tree, The Cancer Society and many others to ensure that those in need are cared for in Southeastern Utah.

In honor of the continued service and commitment to the foundation built by Mr. Penny with the opening of his first store, I want to

offer congratulations to the Price, UT J.C. Penny on your 100th anniversary. Thank you for making a difference in the community.

## HONORING THE 6TH ANNUAL HEARTCARING MEETING OF THE SPIRIT OF WOMEN HOSPITAL NETWORK

### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. DEUTCH. Madam Speaker, I rise today in honor of the 6th annual HeartCaring Meeting of the Spirit of Women Hospital Network, advocating on behalf of early diagnosis and prevention of cardiovascular disease in women.

There are far too many misperceptions about cardiovascular disease in women. Cardiovascular disease is the single most common cause of death among American woman. In fact, more woman die of heart disease every year than every cancer combined. Nearly 37 percent of all female deaths, or roughly 400,000 deaths a year, are the result of cardiovascular disease, many of which can be prevented with early detection and preventative care.

Spirit of Women's dedication to having an impact on the lives of women by advocating for improved health and lifestyles of America's women is unmatched in the health community. Spirit of Women's HeartCaring program uses an innovative approach that engages hospitals, clinicians, and consumers in early diagnosis and prevention of cardiovascular disease. The HeartCare program not only lowers health care costs by focusing on preventative care, but their focus on providing healthy lifestyles to American women adds quality years to women's lives.

I wish to congratulate the Spirit of Women for their 6th Annual HeartCaring Meeting. Through their commitment to improving the health of American women, the Spirit of Women Hospital Network has proven that action is health.

## HONORING BARBARA BIGELOW

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Barbara Bigelow upon being named as a 2010 Common Threads honoree. Mrs. Bigelow will be honored by California State University, Fresno at the 2010 Common Threads Award luncheon to be held on Friday, April 16, 2010.

Mrs. Barbara Bigelow was born and raised in southern California and attended the University of Southern California. She had little interest in agriculture until she met and married Frank, who is a life long resident of Madera County and part of a longtime agriculture family. Mrs. Bigelow assisted in the family business by helping raise, exhibit and sell champion Shorthorn Cattle for beef and breeding. Mr. and Mrs. Bigelow also raise and exhibit champion Columbia Sheep.

Off of the farm, Mrs. Bigelow is very active in the community. In 1985 she was elected to the then-Spring Valley School District Board of Trustees, and continues to serve on the now-Chawanakee Unified School District as a trustee. Her service on the board was instrumental in the building of Minarets High School in O'Neals. Mrs. Bigelow also served as the board President.

Outside of the school district, Mrs. Bigelow is active in the local 4–H program and numerous agriculture related groups. Mrs. Bigelow became involved with Spring Valley school while her children attended there. She was a member of the parent club, school site council and was involved with the community-centered centennial event. Mrs. Bigelow helped establish the Spring Valley Ag Boosters in 1994, after becoming involved with the Spring Valley 4–H club as a community leader and a sheep leader. Since 1994, Mrs. Bigelow and a committee of local supporters have sponsored a fundraiser at the "Silkwood-Mattes-Bigelow Big Blue Barn" to raise money for the Spring Valley Ag Boosters.

Mrs. Bigelow is also very active and supportive of the Sierra High School Future Farmers of America program. She has served on the Ag Advisory Committee and served as the Site Selection Committee Chair for Minarets High School. Between 1992 and 1994, Mrs. Bigelow was the director of the Madera County 4–H Summer Camp Program at Jack Ass Rock Campground. She is also a twenty year member, and past Chairwoman, of the Madera County Republican Central Committee.

Mrs. Bigelow is a supporter of Children's Hospital of Central California, California State University, Fresno's Red Wave, Cal Poly's Western Bonanza, the California State Fair, Sierra Winter Classic and California Junior Livestock Association. For her community involvement, Mrs. Bigelow was named the State of California "Woman of the Year" in 2005 by Assemblyman Dave Cogdill and received the "Golden Apple Award" for 1999–2000 by the Association of California School Administrators.

Madam Speaker, I rise today to commend and congratulate Barbara Bigelow upon her achievements. I invite my colleagues to join me in wishing Mrs. Bigelow many years of continued success.

## TRIBUTE FOR NATIONAL NURSES WEEK

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, in honor of National Nurses Week, I would like to recognize the unsung heroes of our nation's healthcare system. The endless efforts of nurses can never be praised enough. This group of men and women work on the frontlines of healthcare. That is why I am proud to participate in National Nurses week and to lend my voice in recognizing these distinguished individuals for their true professionalism.

Anyone who has spent time in a hospital or doctor's office knows that nurses play an integral role in our healthcare team. They work tirelessly to ensure every patient receives the special love, care and attention they deserve.

A nurse's role goes far beyond the hospital; nurses reach into charity clinics, in-home care, churches, and school volunteer health programs. Nurses conduct research, publish, review and continue to educate their peers and the public about their ever-evolving role and positive impact on the healthcare community.

Nurses across this country deserve the same support and consideration as they have given to us. Let us stand together today to honor their tireless work and selfless acts. God bless them and God bless America. I salute you.

## PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. CONAWAY. Madam Speaker, on rollcall No. 245 H. Res. 1132—Honoring the USS *New Mexico* as the sixth *Virginia*-class submarine commissioned by the U.S. Navy to protect and defend the United States, had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. COHEN. Madam Speaker, I was detained from voting on Tuesday, May 4, 2010. If present, I would have voted "yea" on the following rollcall votes: rollcall 243, rollcall 244, and rollcall 245.

## TEXAS TEACHER OF THE YEAR FOR 2010

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. REYES. Madam Speaker, El Paso, Texas has a history of producing strong, passionate, and caring educators who motivate and engage our children to become life-long learners. As a parent and grandparent, I am grateful for the contributions of our teachers in the El Paso area, and, in honor of Teacher Appreciation Week, I want to take this opportunity to congratulate all the outstanding teachers in our community.

In particular, I would like to commend Mrs. Yushica Walker, a teacher at Morehead Middle School in the El Paso Independent School District, for being selected as the 2010 Texas Secondary Teacher of the Year. The Texas Teacher of the Year is the highest honor that

the State of Texas can award to a teacher. Facilitated by the Texas Education Agency, the Texas Teacher of the Year Program annually recognizes and rewards teachers who have demonstrated outstanding leadership and excellence in teaching. Mrs. Walker represents the best of the best in the teaching profession, and we salute her energy, efforts, and dedication.

Mrs. Walker is a proud Army spouse. She is the wife of Major Johnnie R. Walker of the TRAC WF (Training and Doctrine Command Analysis Center White Sands Missile Range Forward) office at Fort Bliss, Texas. He is currently stationed in Afghanistan.

Mrs. Walker has been teaching for more than 12 years. She earned a Bachelor of Science degree in Interdisciplinary Studies with Reading Specialization from Prairie View A&M University, and a Master's degree from the University of Phoenix. She serves as a member of the Campus Improvement Team and as a Master Mentor for new teachers.

Her aunt, Willie Mae, who taught for 29 years for the Houston Independent School District, inspired her to become a teacher. Mrs. Walker attributes her teaching success, in part, to a positive attitude and "demonstrating that teaching is enjoyable."

Mrs. Walker is part of a larger history of educational excellence in El Paso. I am proud to note that El Paso area educators have been chosen as Texas Teachers of the Year 10 times, with four El Pasoans honored in the last five years. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority for Congress.

## 2010 ST. CLOUD CHAMBER OF COMMERCE AWARD WINNERS

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mrs. BACHMANN. Madam Speaker, I rise today to acknowledge the St. Cloud Chamber of Commerce Small Business Person of the Year, and the Mark of Excellence and Entrepreneurial Success Award Recipients. These people and businesses have stood out to the Chamber as "those who have the courage to aspire to a higher level."

As the Small Business Person of the Year, Kip Cameron, President and CEO of Granite-Tops, LLC has shown dedication and innovation in his industry. Cameron is one of the founders of the Midwest Stone Fabricators Association and when the economy changed last year, he found ways to expand his market, despite consolidating his operations.

The Mark of Excellence Award, which honors a family owned business, is given to Dick Bitzan, owner of D.J. Bitzan Jewelers. In 1966, Dick's father's "mission was to provide his customers with beautiful diamonds and unparalleled customer service." In a new location, with a new generation behind the counter, Bitzan's Jewelers is fulfilling its mission every day.

Paul M. Heath, M.D., and James M. Smith, M.D., of Midsota Plastic and Reconstructive Surgeons are the recipients of the Entrepreneurial Success Award. Midsota was founded when the doctors saw a need to "deliver high quality surgical and aesthetics services in a private, intimate setting in Central Minnesota." Dr. Heath and Dr. Smith share a passion for service and results and continue to shape their industry in Central Minnesota.

Madam Speaker, it is my honor to congratulate these businesses and citizens. I ask this body to join me in recognizing Kip Cameron, D.J. Bitzan Jewelers and Midsota Plastic Surgeons for their contributions to Central Minnesota.

## IT'S TIME FOR A CHANGE IN DEALING WITH SUDAN

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. WOLF. Madam Speaker, "If President Obama is ever going to find his voice on Sudan, it had better be soon." These were the closing words two weeks ago of columnist Nicholas Kristof.

Having first travelled to Sudan in 1989, my interest in this country has spanned the better part of 20 years. I've been most recently in July 2004 when Senator SAM BROWNBACK and I were the first congressional delegation to go to Darfur.

We saw the same scorched earth tactics from Khartoum in the brutal 20-year civil war with the South where 2.1 million perished.

I remain grateful for President Bush's leadership in bringing about an end to the bloodshed with the historic signing of the CPA. But that peace is now in jeopardy.

Fast forward to 2009. I was part of a bipartisan group in Congress who called for the appointment of a special envoy shortly after President Obama was elected. What was once a successful model for Sudan policy is not having the desired effect today. I am not alone in this belief.

Last week, six respected NGOs ran ads in the Washington Post calling for Secretary Clinton and Ambassador Rice to exercise "personal and sustained leadership on Sudan" in the face of a "stalemated policy."

Today I join the chorus of voices in calling on the President to empower Secretary Clinton and Ambassador Rice to take control of the languishing Sudan policy.

They should oversee quarterly deputies' meetings to ensure options for consequences are on the table. In fact, I call on the President himself to exercise leadership in this regard, consistent with the explicit campaign promises he made about Sudan, promises which to date ring hollow.

There is a pressing need for renewed, principled leadership at the highest levels—leadership which is clear-eyed about the history and the record of the internationally indicted war criminal at the helm in Khartoum.

In addition to the massive human rights abuses perpetrated by the country's leader, Bashir, Sudan remains on the State Department's list of state sponsors of terrorism. The same people currently in control in Khartoum gave safe haven to bin Laden in the early 1990's.

I believe that this administration's engagement with Sudan, under the leadership of General Gration, and with the apparent blessing of the President, has failed to recognize the true nature of Bashir and the NCP.

While the hour is late, the administration can still chart a new course.

Today, I sent a letter to the President which I submit for the record, outlining seven policy recommendations and calling for urgent action on behalf of the marginalized people of Sudan.

When the administration released its Sudan policy, Secretary Clinton indicated that benchmarks would be applied to Sudan, that progress would be assessed and that "backsliding by any party will be met with credible pressure in the form of disincentives leveraged by our government . . . ."

But in the face of national elections that were neither free nor fair, in the face of continued violations of the U.N. arms embargo, in the face of Bashir's failure to cooperate in any way with the International Criminal Court, we've seen no "disincentives" applied.

This is a worst case scenario and guaranteed, if history is to be our guide, to fail.

More than 6 months have passed since the release of the administration's Sudan strategy and implementation has been insufficient at best and altogether absent at worst.

During the campaign, then candidate Obama said regarding Sudan, "Washington must respond to the ongoing genocide and the ongoing failure to implement the CPA with consistency and strong consequences."

These words ring true today.

But the burden for action, the weight of leadership, now rests with this President and this administration alone.

The stakes could not be higher.

I close with a slight variation on the words of Nicholas Kristof: If President Obama is ever going to find his voice on Sudan, it had better be now.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*May 5, 2010.*

Hon. BARACK H. OBAMA,
*The President, The White House, Washington DC.*

DEAR MR. PRESIDENT: "If President Obama is ever going to find his voice on Sudan, it had better be soon." These were the closing words of New York Times columnist Nicholas Kristof two weeks ago. I could not agree more with his assessment of Sudan today. Time is running short. Lives hang in the balance. Real leadership is needed.

Having first travelled to Sudan in 1989, my interest and involvement in this country has spanned the better part of 20 years. I've been there five times, most recently in July 2004 when Senator Sam Brownback and I were the first congressional delegation to go to Darfur.

Tragically, Darfur is hardly an anomaly. We saw the same scorched earth tactics from Khartoum in the brutal 20-year civil war with the South where more than 2 million perished, most of whom were civilians. In September 2001, President Bush appointed former Senator John Danforth as special

envoy and his leadership was in fact instrumental in securing, after two and a half years of negotiations, the Comprehensive Peace Agreement (CPA), thereby bringing about an end to the war. I was at the 2005 signing of this historic accord in Kenya, as was then Secretary of State Colin Powell and Congressman Donald Payne, among others. Hopes were high for a new Sudan. Sadly, what remains of that peace is in jeopardy today. What remains of that hope is quickly fading.

I was part of a bipartisan group in Congress who urged you to appoint a special envoy shortly after you came into office, in the hope of elevating the issue of Sudan. But what was once a successful model for Sudan policy is not having the desired effect today. I am not alone in this belief.

Just last week, six respected NGOs ran compelling ads in The Washington Post and Politico calling for Secretary Clinton and Ambassador Rice to exercise ''personal and sustained leadership on Sudan'' in the face of a ''stalemated policy'' and waning U.S. credibility as a mediator.

In that same vein, today I join that growing chorus of voices in urging you to empower Secretary Clinton and Ambassador Rice to take control of the languishing Sudan policy. They should oversee quarterly deputies' meetings to ensure options for consequences are on the table.

There is a pressing and immediate need for renewed, principled leadership at the highest levels—leadership which, while recognizing the reality of the challenges facing Sudan, is clear-eyed about the history and the record of the internationally indicted war criminal at the helm in Khartoum. We must not forget who we are dealing with in Bashir and his National Congress Party (NCP). In addition to the massive human rights abuses perpetrated by the Sudanese government against its own people, Sudan remains on the State Department's list of state sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990.

I believe that this administration's engagement with Sudan to date, under the leadership of General Gration, and with your apparent blessing, has failed to recognize the true nature of Bashir and the NCP. Any long-time Sudan follower will tell you that Bashir never keeps his promises.

The Washington Post editorial page echoed this sentiment this past weekend saying of Bashir: ''He has frequently told Western governments what they wanted to hear, only to reverse himself when their attention drifted or it was time to deliver. . . . the United States should refrain from prematurely recognizing Mr. Bashir's new claim to legitimacy. And it should be ready to respond when he breaks his word.'' Note that the word was ''when'' not ''if' he breaks his word. While the hour is late, the administration can still chart a new course.

In addition to recommending that Secretary Clinton and Ambassador Rice take the helm in implementing your administration's Sudan policy, I propose the following policy recommendations:

Move forward with the administration's stated aim of strengthening the capacity of the security sector in the South. A good starting point would be to provide the air defense system that the Government of Southern Sudan (GOSS) requested and President Bush approved in 2008. This defensive capability would help neutralize Khartoum's major tactical advantage and make peace and stability more likely following the referendum vote.

Do not recognize the outcome of the recent presidential elections. While the elections were a necessary part of the implementation of the CPA and an important step before the referendum, they were inherently flawed and Bashir is attempting to use them to lend an air of legitimacy to his genocidal rule.

Clearly and unequivocally state at the highest levels that the United States will honor the outcome of the referendum and will ensure its implementation.

Begin assisting the South in building support for the outcome of the referendum.

Appoint an ambassador or senior political appointee with the necessary experience in conflict and post-conflict settings to the U.S. consulate in Juba.

Prioritize the need for a cessation of attacks in Darfur, complete restoration of humanitarian aid including ''non-essential services,'' unfettered access for aid organizations to all vulnerable populations and increased diplomatic attention to a comprehensive peace process including a viable plan for the safe return of millions of internally displaced persons (IDPs).

When the administration released its Sudan policy last fall, Secretary Clinton indicated that benchmarks would be applied to Sudan and that progress would be assessed ''based on verifiable changes in conditions on the ground. Backsliding by any party will be met with credible pressure in the form of disincentives leveraged by our government and our international partners.'' But in the face of national elections that were neither free nor fair, in the face of continued violations of the U.N. arms embargo, in the face of Bashir's failure to cooperate in any way with the International Criminal Court, we've seen no ''disincentives'' or ''sticks'' applied. This is a worst case scenario and guaranteed, if history is to be our guide, to fail.

Many in the NGO community and in Congress cautiously expressed support for the new policy when it was released, at the same time stressing that a policy on paper is only as effective as its implementation on the ground. More than six months have passed since the release of the strategy and implementation has been insufficient at best and altogether absent at worst.

During the campaign for the presidency, you said, regarding Sudan, ''Washington must respond to the ongoing genocide and the ongoing failure to implement the CPA with consistency and strong consequences.'' These words ring true still today. Accountability is imperative. But the burden for action, the weight of leadership, now rests with you and with this administration alone. With the referendum in the South quickly approaching, the stakes could not be higher.

The marginalized people of Sudan yearn for your administration to find its voice on Sudan—and to find it now.

This is very important.

Sincerely,

FRANK R. WOLF,
*Member of Congress.*

## RECOGNIZING THE 65TH ANNIVERSARY OF VICTORY IN EUROPE (V–E) DAY DURING WORLD WAR II

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. NADLER of New York. Madam Speaker, 65 years ago the guns and bombs in Europe fell silent, and President Truman announced victory over Europe to a proud and free world.

I rise today to commemorate the 65th anniversary of this great and very important day, and to recognize the sacrifices and accomplishments of the men and women who so bravely served to defeat hate and aggression.

I join millions of people participating in thousands of events, in New York City, all across the United States, and around the world, in observing and honoring the courage of American service-members, allied soldiers, and homefront workers.

During April 1945, allied forces led by the United States overran Nazi Germany from the west while Russian forces advanced from the east. On April 25, American and Russian troops met at the Elbe River.

I want to recognize, in particular, the contribution of the Russian soldiers, who worked tirelessly alongside the American and British troops to bring down the Nazi regime. Their tremendous heroism and sacrifices will not be forgotten.

After 6 years of war, suffering, and devastation, Nazi Germany was formally defeated on May 8, 1945.

It was a bittersweet victory. Over 400,000 American soldiers died in World War II; 350,000 British soldiers gave their lives; and a staggering 20 million Russian soldiers and civilians perished in the war fighting German aggression on their home soil.

The war also brought about the most horrendous systematic murder which humanity has ever known, the Holocaust.

In memory of all the victims of World War II, it is our duty to raise our voices as one and say to the present and future generations that no one has the right to remain indifferent to anti-Semitism, xenophobia and racial or religious intolerance.

This is an occasion to remember and commemorate. We must remember why the war was fought, remember the victims and heroes, and thank those who fought so hard and sacrificed so much.

V–E Day marked the promise of a peaceful future for a Europe ravaged by unspeakable horror and war. Although freedom did not come to every European nation following the defeat of Nazi Germany, today we stand at the threshold of a very hopeful future based on sovereignty, democracy, freedom and cooperation.

Madam Speaker, I take this opportunity to honor those individuals who gave their lives during the liberation of Europe, to thank the veterans of World War II, and to commemorate the defeat of Nazism and Fascism by freedom-loving people.

IN RECOGNITION OF MT. VERNON HIGH SCHOOL AND CIVILITY MONTH, 2010

## HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to commend the staff and students of Mt. Vernon High School for their participation in Civility Month, 2010.

Civil discourse is one of the bedrocks of American society. It is also one of the most difficult to truly achieve. We are a country of diversity; of different religions, ethnicities, and opinions. The rich tapestry created by this diversity is one of the things that make America great and unique in the world.

Perhaps one of the biggest challenges that each of us face as individuals is how we deal with this diversity. Dealing with someone who does not look like us, or speak like us, or has a different opinion can be difficult. But if we stop long enough to listen, we might learn something. And that is the purpose of conversation and discussion. None of us can understand another until we hear what he or she has to say. The underlying principles of Respect, Restraint and Responsibility are Golden Rules and if we do our best to live by them, we will all benefit.

The old phrase "Walk a Mile in His Shoes" is pertinent here. We must continue to strive to understand and accept one another. We must continue to encourage conversation and acceptance while discouraging bullying and tyranny.

I commend The Association of Image Consultants International for elevating this critical issue, as well as The Rotary Club and the Girls Scouts for joining in this effort. But most of all, I must commend and congratulate the staff and student body of Mt. Vernon High School, led by Principal Mrs. Nardos King, for embracing this issue.

Madam Speaker, I ask my colleagues to join me in commending and congratulating the staff and student body of Mt. Vernon High School. Their commitment to civility, respect and responsibility are bright lights in this time of tense debate. We can learn much from these students. And perhaps again, the children shall lead the way.

HONORING MRS. MARY WILLIAMS WOODARD

## HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the late Mrs. Mary Williams Woodard, a constituent in my Congressional District and a beloved and dedicated public servant who tirelessly devoted her efforts to the well-being of our nation's most important asset, our children, as a valued educator of the Miami-Dade County community and beyond.

Mrs. Woodard was born to the late Lewis Williams and Lettie Delegol Williams on August 11, 1926 in Jacksonville, Florida. She was the fourth of eight children. Her family settled in DeFuniak Springs in the Florida Panhandle near the Florida-Alabama border. After graduating from Tivoli High School, she furthered her education at Florida Agricultural & Mechanical University and obtained a Bachelor's Degree in Physical Education. In college, she was a cheerleader and a member of the Orchesis Dance Club. She also met her life partner, Dr. Arthur E. Woodward, to whom she would be married for more than 58 years.

She began her professional career once she returned to her hometown and taught at her alma mater, Tivoli High School, which was the only K–12 school in Walton County for African-Americans. Mrs. Woodard taught physical education and English, and was noted for exposing students to various cultural activities. Many of her students became physicians, lawyers, educators, and entrepreneurs. Several students maintained communication with her until her transition. Integration of Florida's public schools and the Florida Teacher Walkout of 1968 forced Mary and her husband to relocate their family to Miami-Dade County.

Once in Miami, she began to work for the Miami-Dade County Public School System at Allapattah Elementary School as a physical education teacher. She later served as a guidance counselor at several schools and retired while at Thomas Jefferson Middle School in 1994.

In an effort to compliment her professional achievements, Mrs. Woodard was involved with various organizations such as the Twin Lakes-North Shore Gardens Homeowners Association; the Gamma Zeta Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated; the Florida A&M University National Alumni Association, as well as the Miami-Dade Chapter; the Rattler "F" Club; and New Birth Baptist Church. She also frequently marched and protested for civil rights for African-Americans and equal treatment of Haitian immigrants.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Mrs. Mary Williams Woodard. I am honored to pay tribute to Mrs. Woodard for her invaluable services and tireless dedication to the South Florida educational community. Her life was a triumph and she was blessed with a loving family who took pleasure in every aspect of her life and her interests. She will be missed by all who knew her, and I appreciate this opportunity to pay tribute to her before the United States House of Representatives.

HONORING WHITNEY GRAVES FOR HER SERVICE TO TENNESSEE'S SIXTH CONGRESSIONAL DISTRICT

## HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to recognize the contributions Whitney Graves has made while working in my Washington, DC, office. Whitney has been a helpful addition to the office and a great servant to the residents of Tennessee's Sixth Congressional District.

On Friday, Whitney will depart my office to pursue her graduate studies full-time in business and international relations. My staff and I are sad to see her leave, but we are proud of her for continuing her education.

I've known Whitney and her family for many years and was glad she joined my staff last year. She brought valuable knowledge about the district to my Washington office as a resident of Gallatin, Tennessee, and through her experience working for the Tennessee state government. During her time in Washington, she has played an integral role in assisting me with constituent service.

As my staff assistant, she managed the front office responsibilities, scheduled Capitol tours and welcomed visitors to my Washington office. After a promotion to legislative correspondent, she managed thousands of constituent inquiries on legislative matters while supervising my office's congressional intern program.

Madam Speaker, my staff and I have enjoyed having Whitney in the office. I have no doubt Whitney can be successful at whatever she chooses to do, and I wish her all the best in the future.

PERSONAL EXPLANATION

## HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. CONAWAY. Madam Speaker, on rollcall No. 244, H. Res. 1213—Recognizing the need to improve the participation and performance of America's students in Science, Technology, Engineering, and Mathematics (STEM) fields, supporting the ideals of National Lab Day, had I been present, I would have voted "Yea."

IN RECOGNITION OF THE NORTHERN VIRGINIA URBAN LEAGUE 20TH ANNUAL COMMUNITY SERVICE AND SCHOLARSHIP AWARDS

## HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to commend the efforts of the Northern Virginia Urban League, NOVAUL, and to congratulate the recipients of the 2010 Community Service and Scholarship Awards.

Founded in 1990, the NOVAUL is one of 100 affiliates of the National Urban League. Its mission is to enable African Americans and others to secure economic self-reliance, parity, power, and civil rights. Recognizing the relationship between education and economic empowerment, the NOVAUL established a scholarship fund to help ensure that financial barriers do not hinder our students from achieving success in college.

Over the course of the last two decades, the NOVAUL has awarded hundreds of thousands

of dollars in scholarships to Northern Virginia students. This year, $70,000 in funding will be awarded to 13 deserving high school seniors. I congratulate the following students on their academic achievements and being named recipients of the 2010 Community Service and Scholarship Awards: Afriyie Boakye, Eric Brent, Jr., Lauren Coleman, Alexander Edwards, Sara Hamid, Wavenly Hudlin, Tracy King, Thomas Nubong, Grace Omijie, Niles Parham, Brittany Sholes, Sherine Taylor, and Brian Via.

Madam Speaker, I ask my colleagues to join me in commending the outstanding efforts of the Northern Virginia Urban League and in congratulating the 2010 scholarship recipients.

## HONORING JEAN OKUYE

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Jean Okuye upon being named as a 2010 Common Threads honoree. Mrs. Okuye will be honored by California State University, Fresno at the 2010 Common Threads Award luncheon to be held on Friday, April 16, 2010.

Mrs. Jean Okuye grew up in Kelseyville, a small town in northern California, where she learned to love the outdoors and the natural world. She attended the University of California Santa Barbara and upon graduating, she traveled in Europe and Iran. As a young woman she married her husband Paul.

In 1980, Mr. and Mrs. Okuye and their two children moved to Livingston, California to take over the family farm. After fifteen years of struggling to pay off the estate tax and other finances, they were able to make vast improvements to the farm and created a successful farming business. When Mr. Okuye passed away Mrs. Okuye took over the farming operation. Today, their daughter and her family have moved from France to live and work on the family farm. Mrs. Okuye's grandchildren are the fifth generation to be on their family farm.

Mrs. Okuye has held several leadership roles in Merced County, she has been involved with the Board of the Livingston Farmers Association, Valley Land Alliance, Merced County Farm Bureau, Merced County Farmlands and Open Space Trust Council, California Women for Agriculture and an Ag Tourism organization for Merced County. She was also appointed to serve on the Merced County General Plan Update Committee. Mrs. Okuye plays the piano for United Methodist Church and chairs the Trustee Committee for the church. She participates on the boards of Stanislaus Memorial Society, Livingston Medical Group, Merced County Academic Decathlon and the Citizens Advisory Committee for Livingston City. For her efforts, Mrs. Okuye was named the 2007 ''Outstanding Individual'' in the Trees and Vines category from the Merced County Agri-Business Committee.

Mrs. Okuye has a Bachelors Degree in organizational behavior and holds two teaching credentials, which she received at the age of fifty.

Madam Speaker, I rise today to commend and congratulate Jean Okuye upon her achievements. I invite my colleagues to join me in wishing Mrs. Okuye many years of continued success.

## HONORING FRANK PUMILIA

### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. DEUTCH. Madam Speaker, I am both honored and privileged to congratulate Frank Pumilia on his installation to another term as President of the Margate Association of Condominiums.

As a young boy growing up in Brooklyn, Frank attended local political events with his father and it was these early memories that inspired Frank to become an active member of numerous community organizations. A retired pretrial negotiator, investigator and paralegal expert, Frank served as Chairman and Chief Examiner of the Margate Civil Service Board from 1994 to 2002, and was a member of the Senior's Foundation of Broward and the Florida Business and Professional Board.

Frank currently serves as the President of the Margate Democratic Club and as a board member of the Broward County Democratic Executive Committee. In addition to his current political involvement, Frank has long dedicated his time to the Margate condominium community. As the current President of the Margate Association of Condominiums, Frank has been tirelessly working to bring relief to the many condominium owners who are facing the threat of foreclosure. Most recently, Frank's community activism was recognized by his induction into Senior Hall of Fame by the Aging and Disability Resource Center.

I am honored to have Frank's many years of friendship, and I wish him congratulations and continued success as he embarks on another term as President of the Margate Association of Condominiums. Frank's dedication to the Margate community has truly earned him the title, ''Mr. Margate.''

## RECOGNIZING DAVE WAGGONER

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. REICHERT. Madam Speaker, today I rise in recognition of a constituent, Dave Waggoner, who embodies the ''heart of a servant'' ideal that we all should strive to follow. Just recently honored as ''Man of the Year'' in Issaquah, Washington—a city in the 8th District of Washington—for his years of public service and volunteerism, Dave is also a veteran, community leader and member of the Freedom Fighter's Honor Flight project of which I am the honorary chair.

Dave, a veteran of the Vietnam War, works hard to help raise the money necessary to send World War II veterans to Washington, DC, to see the memorial constructed in honor of their great service. Dave considers it his personal mission. The amount of respect and reverence Dave has for the veterans who served before him is truly awesome. His leadership on the board is wonderful to see and I thank him for his selfless service.

Apart from his time with the board of Honor Flight, Dave has been a longtime fixture in the 8th District. An article in the local newspaper recently highlighted his years of community work: Docent for the Issaquah Historical Society, Docent for Friends of Issaquah Salmon Hatchery, Chairman of the Issaquah Cemetery Board, and post commander and assistant quartermaster of the Issaquah Veterans of Foreign Wars Post 3436. Recently, Dave led the local fundraising effort for the families affected by the tragic murders of four police officers in Lakewood, Washington—an event people across our State will never forget. No one had to ask Dave to give his time for the cause; he volunteered. Men like Dave help make our local communities special and welcoming. Men like Dave deserve our heartfelt thanks.

So, Madam Speaker, please join me in recognizing a man who has spent a lifetime serving his country and his community.

## CELEBRATING THE LIFE OF HARLEM'S BELOVED TRAILBLAZING PIONEER, J. BRUCE LLEWELLYN, ESQ.

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to take some time out to remember one of Harlem's and this nation's greatest citizens, James Bruce Llewellyn, Esq., who passed away Friday, April 9, 2010 at the age of 82.

Just like Percy Ellis Sutton, Lt. Colonel Lee A. Archer and Jimmy E. Booker, Sr., Bruce was a giant among men, a trailblazer not just in the fields of business and broadcasting, but in combating the stereotypical image of African Americans as not prepared for or capable of success. And while he found wealth by knocking down the previously closed doors of corporate America, he never forgot that the biggest impact that any person can have is in the social and philanthropic contributions they make to society.

Bruce never stood alone because he never worked alone, building coalitions across industries from sports to finance to government well into his last days on this great earth. As one of the cofounders of our 100 Black Men organization, of which I am also a founding member, Bruce proved that success for our community was to be measured not just by how high one of us got, but by how many of us were occupying seats and positions of power and prestige.

Like myself, Bruce was a man of humble beginnings, born of Jamaican parents in East Harlem just before the onset of the Great Depression. He worked from an early age doing whatever he could to make a contribution, from selling books and magazines to helping his father in his restaurant business.

His contributions extended to that of serving his country bravely with distinction, discipline and courage. Bruce enlisted in the Army at the young age of 16 years old after his graduating from high school and eventually becoming the youngest officer in his battalion. And while he eventually left the military, he never truly left public service. He went on to serve on the boards of various non-profits and government agencies; advising Presidents from Jimmy Carter to William Jefferson Clinton to Barack Obama.

Bruce was also a fellow life member comrade of our prestigious Harlem Hellfighters' 369th Veterans' Association. For many years, Bruce marched the troops up New York's Fifth Avenue during our Annual 369th Veterans' Association Parade in Memory of Dr. Martin Luther King, Jr. He loved the 369th and he cared deeply about the contributions made by black veterans of all wars.

Like myself, he took the opportunities afforded to him by the GI Bill to get an education, first attending City College and then eventually earning a law degree from New York Law School in 1960. Yet while he displayed a talent for the law, no one field could ever rein him in, mixing in business and media before the word mogul was ever popularized.

As the legal barriers of the Civil Rights Era gave way to the economic challenges of the 1970s, Bruce led the way in helping prove that investing in the black community could be a key cog in any profitable financial strategy. When no one thought he could, he successfully brought together a group of partners to buy majority share of the Philadelphia Coca-Cola Bottling Company, paving the way to larger financial transaction deals by African Americans and other people of color.

Our beloved entrepreneur and gladiator, Bruce Llewellyn, leaves this earth too soon, and at a time when our economy has been pushed to the brink of collapse, we could certainly use not only his skill and vision, but his unstoppable energy and drive. For his family and loved ones, I do hope that you and your family can find comfort in the great legacy he left not just for his community, but all Americans throughout this great nation. We loved him because he never stopped believing in the great potential that is instilled within all of us. Bruce showed us that we didn't have to accept a second-class status, but we all sure aspire to soar as kings and queens in whatever arena and whatever position we choose to occupy.

Madam Speaker, I consider myself fortunate to have had the opportunity to observe and experience his example as a personal inspiration. Though Bruce is no longer with us, we will continue to keep his memory alive in our hearts and minds, and continue to honor his legacy with our advocacy for the issues he cared about the most. We are all blessed to have known James Bruce Llewellyn, Esq., a titan of a man whose corporate strength gave us all life.

## HONORING EVERETT H. SHAPIRO

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor Everett H. Shapiro, who passed away April 24, 2010, at the age of 82. A beloved leader in Santa Rosa, CA, Mr. Shapiro was as well known for his sense of humor as for his community support and his active law practice. He was the embodiment of one of his favorite expressions, a "quality human being."

I.had the honor of entering remarks in the CONGRESSIONAL RECORD for Everett Shapiro eight years ago on the occasion of a tribute to his role as Trustee Emeritus of Social Advocates for Youth, SAY, an agency that serves children and their families. But the list of local, and some national, organizations which enjoyed his support is lengthy, including The Boy Scouts of America, Sonoma County Junior Achievement, B'nai Brith, Special Olympics, Red Cross, Kid's Street Theatre, Santa Rosa Human Rights Commission, Santa Rosa Parks and Recreation Commission, Canine Companions, Rotary Club, the Gray Foundation, the Schulz Museum, Congregation Beth Ami, the Brady Gun Control Commission, and the U.S. Holocaust Museum in Washington, DC.

He received many awards over the years, but as a fan of Don Quixote, Snoopy, and the Marx brothers, Mr. Shapiro's focus was on doing good deeds with a sense of humor that was as strong as his sense of caring. To many of us who received his phone calls, he will always be known as "God" or "Robert Redford," but generations of kids know he is really "The Tootsie Roll Man." Over the past 60 years, he gave out more than 300,000 to children all over the community.

Everett Shapiro founded Shapiro, Galvin, Shapiro & Moran, one of Santa Rosa's leading law firms, where he worked on a broad range of legal issues. He served in numerous professional organizations such as California Trial Lawyers Association, Sonoma County Bar Association, and American Arbitration Association. He also earned honors for his legal work, such as a "Careers of Distinction" award from the Sonoma County Bar Association. He retired from the firm in the 1990s and was pleased that his son Tad remained a partner.

The son of Russian Jewish emigrants, Everett was proud to have lived his entire life in Santa Rosa. He dismissed as a technicality the fact that he was born in Stockton, CA, where his mother happened to be visiting when she gave birth. Everett and his wife Phyllis, whom he met at UC Berkeley, raised their two sons, Tad and David, in the Santa Rosa community. After graduating from UC Berkeley and serving two years in the army, he joined the family wool buying business.

He learned to value the diverse agriculture of Sonoma County and appreciate the ranching lifestyle, but when Tad began kindergarten, Mr. Shapiro, with Phyllis' encouragement, began law school. He graduated just before his fortieth birthday. Years later he was able to sponsor both of his sons for membership in the Supreme Court Bar Association, a high point of his legal career.

Everett Shapiro always valued spending time with his family and broad circle of friends. He is survived by Phyllis, his wife of 57 years; his sons Tad and David and their wives Debbie and Barbara; his brother Marvin and his wife Darryl; and five grandchildren.

Madam Speaker, the community of Santa Rosa will miss Everett Shapiro's leadership, compassion, and warmth. We will take inspiration from the example he set and comfort from knowing that he felt God had been very good to him, and, in his words, "I like to think I've been fair with Him or Her."

## TRIBUTE TO MR. HAROLD J. JOHNSTON

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. SKELTON. Madam Speaker, it has come to my attention that Mr. Harold J. Johnston is retiring as Conductor of the Sedalia Symphony Orchestra after 30 years. Only the second Conductor in the history of the Symphony, Mr. Johnston continued and expanded the great tradition of this Sedalia staple.

Mr. Johnston began his service to the community in 1955 as an educator in the Smithton School District. Four years later, Mr. Johnston began teaching in the Sedalia School District and remained there for the next 27 years. Having received his Bachelor's and Master's degrees in music education from Central Missouri State University, Mr. Johnston trained countless middle and high school students in vocal and instrumental music.

In 1952, Mr. Johnston began his involvement with the Sedalia Symphony Orchestra, the second oldest continuous symphony in the State of Missouri. Now in its 75th concert season, the Symphony continues to bring great value to Sedalia and the surrounding communities due in no small part to Mr. Johnston's leadership for the past three decades. Building on the Symphony's great tradition, he introduced two new performances that have become community favorites: the annual Christmas POPS Concert and the performance of Handel's Messiah.

Mr. Johnston's commitment to the community of Sedalia and the Symphony has not gone unnoticed. In 1998, Mr. Johnston received the first ever Lifetime Achievement Award from the Sedalia Area Council for the Arts, now the Liberty Center Arts Association.

Madam Speaker, Mr. Johnston has brought the joy of music to countless individuals throughout his career in public education and with the Sedalia Symphony Orchestra. I trust my fellow members of the House will join me in thanking him for his many years of dedicated service.

## TWENTYNINE PALMS MARINE CORPS BASE WINS COMMANDER IN CHIEF AWARD FOR INSTALLATION EXCELLENCE

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. LEWIS of California. Madam Speaker, I am delighted today to share with my colleagues the announcement that the Commander in Chief's annual Award for Installation Excellence has been bestowed on the Marine Corps Air Ground Combat Center in Twentynine Palms, California, which I am honored to represent.

The Marine Corps established a facility in the Mojave Desert at Twentynine Palms nearly 50 years ago when it was determined that they needed open space to conduct live-fire exercises. Over the past five decades, the 932-square-mile base has become one of the largest in the world and one of the most sophisticated training centers for the U.S. military.

I have represented the base and the Twentynine Palms community since I served in the California Legislature, and I have been proud to witness and provide support as the base grew into one of the premiere training sites in the world.

Thousands of Marines from units around the Nation are sent to Twentynine Palms each year to take part in large intensive live-fire exercises, complete with full armament and air support. This training is without question the most realistic possible, and has been credited as saving many lives by Marines returning from the battlefields in the War on Terror.

It was my great honor to support the Marine Corps over the past decade in the development of a new facility called Viper Village, which is considered to be one of the best in the world at providing training for urban warfare and military control of urban areas. This 247-acre facility with more than 400 buildings allows Marines to get a real-life experience of moving into foreign urban areas. The exercise is enhanced by specially-trained actors and ''foreign forces'' who help provide an understanding of how to deal with both armed urban warfare and non-combatant civilians.

The value of this training has been shown almost daily to troops in Iraq and Afghanistan, who are put through a 30-day intensive course before their deployment on the front lines in the War on Terror.

I am pleased but not surprised that the Twentynine Palms Marine Base has received the annual excellence award from the President. The designation would be strongly supported by the thousands of Marines who have trained there, and the 1,900 full-time base personnel who have created a supportive and efficient installation in the remote desert. The base's recent awards have included the Secretary of the Navy's Marine Corps Pollution Prevention Award, the Commandant of the Marine Corps Continuous Process Improvement Special Recognition Award, and the Marine Corps Community Services Youth Sports Excellence and Semper Fit Bronze Anchor Awards.

Madam Speaker, the Marine Corps Air Ground Combat Center continues to show a commitment to excellence and improvement in providing the best possible training for our U.S. Marines. The base has begun an extensive upgrade in laying sensors and instruments that will allow commanders and analysts to ''see'' the movements of every unit during exercises, large and small. Please join me in congratulating the commander, Brig. Gen. H.S. Clardy, and all of the base personnel in receiving their much-deserved honor.

## RECOGNIZING THE MEDICAL CONTRIBUTIONS OF DR. ROBERT SMITH, SR. TO THE CIVIL RIGHTS MOVEMENT

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to recognize the outstanding medical contributions of Dr. Robert Smith, Sr. and congratulate him on being honored as a ''Living Legend'' by Central Mississippi Health Services, Incorporated.

A native of Terry, Mississippi, Dr. Smith is no stranger to hard work and has dedicated much of his life to serving others. He earned his Bachelor's of Arts in Chemistry from Tougaloo College in 1957 and his M.D. from Howard University in 1961. Dr. Smith has done extensive postgraduate training at some of the Nation's most prestigious medical institutions such as the University of Mississippi, the University of Tennessee, the Cook County Postgraduate School and the Harvard University. He has an array of professional certifications and has been appointed to a number of administrative, instructional, clinical and hospital positions.

Dr. Smith stood fearlessly on the front lines during Mississippi's Freedom Summer, when civil rights demonstrations were held from Mississippi to Selma, Alabama to Chicago, Illinois, to combat racial inequality.

Equally significant, was as Dr. Smith fought to end inequality for blacks socially, politically and economically, he fought a separate fight in the medical profession. Dr. Smith was instrumental in exposing the racial practices taking place within the American Medical Association. His unwavering commitment to battling acts of racism and discrimination within the medical profession has earned him critical acclaim in national publications such as the New York Times, Time Magazine, Ebony, Brown Magazine, Tufts Medicine and a number of notable scientific publications.

A compassionate man who provides medical care to poor, uninsured and underserved patients, Dr. Smith was the primary founder of the model for the National Neighborhood Health Center Movement which today serves over 17 million Americans.

Dr. Smith was the first African American physician to serve as Chief of Staff at a majority tertiary level hospital in Jackson, Mississippi and has served as a Charter Diplomat and a fellow with the American Board of the American Academy of Family Physicians.

He was one of the lead investigators with the National Research Program for the National Atherosclerosis Risk in Communities Study at the University of Mississippi Medical Center which is currently known as the Jackson Heart Study.

Dr. Smith over the years has proven to be very instrumental in diabetic studies. He has served as primary care physician for the Central Mississippi Health Service.

He chaired the Committee that oversaw the naming of the first federal building to be named after an African American in the United States of America, the Dr. A.H. McCoy Federal Building, located in Jackson, MS.

Dr. Robert Smith is indeed a champion of the people and a trailblazer within the medical profession.

His contributions to his community, profession, state, and nation should serve as example for generations to come.

Madam Speaker, thank you for allowing me the opportunity to recognize and congratulate a son of Mississippi, Dr. Robert Smith, Sr., for his role in advocating for equality in the medical profession.

## PERSONAL EXPLANATION

### HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. FORTENBERRY. Madam Speaker, on Tuesday, May 4, 2010, I was unavoidably detained and thus I missed rollcall votes Nos. 243–245. Had I been present, I would have voted ''aye'' on all three votes.

## 2010 WE THE PEOPLE NATIONAL FINALS

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. HINOJOSA. Madam Speaker, from April 24–26, 2010 more than 1,200 students from across the country visited Washington, DC to take part in the We the People: The Citizen and the Constitution National Finals. We the People is the most extensive educational program in the country that educates young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education under the Education for Democracy Act approved by the United States Congress.

I am proud to announce that a class from Lamar Academy in my congressional district represented the state of Texas at this prestigious national event. These exceptional students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our nation's capital and compete at the national level.

While in Washington, the students participated in a three-day academic competition that simulates a congressional hearing in

which students demonstrate their knowledge and skills as they evaluate, take, and defend positions on historical and contemporary constitutional issues. Annual surveys consistently show that high school students who take part in the We the People academic competition outperform national samples of high school students participating in the National Assessment of Educational Progress political test by at least 22 percent.

Madam Speaker, the outstanding students from Lamar Academy who participated include:

Aaron Barreiro, Rebecca Basaldua, Victoria Brown, Cameron Crane, Vincent Honrubia, Ali Lopez, Vanessa Lopez, George Mendoza, Luciana Milano, Daniela Montemayor, Patrick Muniz, Jorge Salazar, Paola Salazar, Katy Schaffer, Clark Scroggin, Rodrigo Velasquez, and Tori Velasquez.

I also wish to commend the teacher of the class, LeAnna Morse, who is responsible for preparing these young constitutional experts for the National Finals. Also worthy of special recognition are Jan Miller, the state coordinator, and Mick West, the district coordinator who are responsible for implementing the We the People program in my district.

I congratulate these young "constitutional experts" on their tremendous achievement at the We the People national finals.

## BUILDING SAFETY MONTH

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. REICHERT. Madam Speaker, May 2010 is "Building Safety Month," as declared by the International Code Council, ICC, and its affiliate Foundation. The ICC has a 30-year legacy of safe building and promoting longevity, responsibility, and sustainability in building practices.

I believe it's important to recognize the ICC and "Building Safety Month" because all of us take the painstaking work of code enforcement for granted. Every single day, codes and code enforcers provide safeguards for families, businesses, and governments. We take for granted the codes surrounding fire safety and structural efficiency. We walk through hallways, sleep in bedrooms, work in offices, and exercise in gyms and take our safety and security for granted. May is a month to think about the benefits of building codes and code enforcement and the safety we enjoy because of careful planning.

This year's ICC theme is "Building Safety: Commemorating a 30-year Legacy of Leadership" and a spotlight will shine on four specific areas of the built environment: energy and green building, disaster safety and mitigation, fire awareness and safety, and backyard safety. I applaud the ICC for promoting their safety and awareness values this year, especially considering the devastating effects of natural disasters in the recent past. Furthermore, the President of the ICC Board of Directors, Ronald L. Lynn, reiterated the Code Council's steadfast willingness to support and help lead, along with the State Department, the rebuilding of Haiti in a way that will create "disaster resilience." The ICC is providing leadership and instilling value in an arena that, again, we too often take for granted.

The Code Council's emphasis on sustainable building is another aspect of Building Safety Month I want to acknowledge. This Congress, I introduced a comprehensive, bipartisan energy efficiency tax incentives package—The Expanding Building Efficiency Incentives Act of 2009—that has been recognized by the U.S. Green Building Council as one of their top legislative initiatives of the 111th Congress. It is reassuring to know that the ICC is also working to promote and further the goals of sustainable building.

Madam Speaker, I offer my thanks to the International Code Council for their leadership on building safety, disaster awareness, and sustainable building. I believe the Code Council and this House can work together to help lead our Nation and this world into a more secure future.

## HONORING JUDY WALT JAMESON

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Judy Walt Jameson upon being named as a 2010 Common Threads honoree. Dr. Jameson will be honored by California State University, Fresno at the 2010 Common Threads Award luncheon to be held on Friday, April 16, 2010.

Dr. Jameson is a small animal veterinarian in Tulare County. She and her husband, Connor, who is a dairy industry veterinarian, work very closely with fellow veterinarians in advancing educational experiences. For many years, Dr. Jameson has opened their family home for veterinarian students from the University of California, Davis to train and learn the most advanced techniques and dairy management tools. She also opens her home every year to veterinarians from around the world to attend, or work at, the annual World Age Expo in Tulare, California.

For twenty years Dr. Jameson has served on the Sundale Elementary School Board of Trustees. She is a strong supporter of Sundale's outstanding Ag-Science program that continues to grow every year. She has been a member of the Tulare-Kings Veterinarian Medical Association since 1974, and has been involved with the development of a veterinarian technician program at the College of the Sequoias.

Dr. Jameson is a member of First Christian Church in Visalia, where she has served as Youth Development Chair, Women's Bible Study leader, Mission Ministry Chair and member of the Building Committee. She is a member of the Tulare Kings Veterinarian Medical Association and the Visalia Christian Club. She has served on the Board of Directors and as Board President of Visalia Senior Housing. For her dedicated service, Dr. Jameson received the Sundale School Foundation Award. She and her husband have two adult sons.

Madam Speaker, I rise today to commend and congratulate Judy Walt Jameson upon her achievements. I invite my colleagues to join me in wishing Dr. Jameson many years of continued success.

## IN RECOGNITION OF TASTE OF HEAVEN AND THE PRINCE WILLIAM MINISTERIAL ALLIANCE

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the Taste of Heaven hosted by the Prince William Ministerial Association. This year, the Taste of Heaven celebrates its eighth service.

The genesis of the bi-annual worship service occurred when members of the Prince William Ministerial Association came together for a prayer group. During their discussion and worship, they came to the realization that the "11 o'clock hour" on Sunday morning in America is our nation's most segregated.

Established in 1996, the Taste of Heaven seeks to break down the denominational and racial barriers that are so starkly borne out during the "11 o'clock hour." The service demonstrates that the churches of Prince William County can come together across ethnic, social and sectarian boundaries and worship as one congregation.

I am honored to recognize the churches and organizations participating in this noble exercise in fellowship and community: All Saints Church, Bethel AME Church Dale City, Bethel UMC, Larry G. Brown, Care Net Pregnancy Resource Centers, Centerpoint Church of God, Christ Chapel Assemblies of God, The Connection, Crossroads Presbyterian Church, Cutting Edge Ministries, Dale City Christian Church, First Mount Zion Baptist Church, Heritage Presbyterian Church, Harvest Life Changers Church International, Hylton Memorial Chapel, Iglesia de Dios Canaan, Little Union Baptist Church, Mount Olive Baptist Church, Mount Zion Baptist Church, New Covenant Fellowship, New Life Anointed Ministries, Open Heart Open Bible Community Church, Preston Wines, Sentara Potomac Hospital Chaplaincy, Reconciliation Community Church, The Salvation Army, Star of Bethlehem Missionary Baptist Church, Tribe of Judah Miracle Center, Trinity Temple Church of God, Victory Family Outreach Ministries, Vineyard Christian Fellowship, Young Life, Word Alive Full Gospel Church.

Madam Speaker, I ask that my colleagues join me in commending the Prince William Ministerial Association for bringing together local faith communities to celebrate their common purpose. We sow the seeds of tolerance and understanding when we respect our differences and celebrate our common humanity.

## CONGRATULATING ESTHER SILVER-PARKER

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. MEEK of Florida. Madam Speaker, I am very pleased to recognize and extend my congratulations to Esther Silver-Parker as she retires from a trailblazing career as one of America's top African-American female corporate executives. Her reputation as a consensus builder and advocate for diversity has won her many accolades and honors for her commitment to practical solutions in today's global economy.

A vocal champion of equal opportunity access to healthcare, education, and employment, Esther Silver-Parker was most recently Wal-Mart's Senior Vice-President of Corporate Affairs. Responsible for strategic-planning and management, Silver-Parker focused on the company's relationships with stakeholders in emerging markets, small businesses, and entrepreneurial initiatives. Prior to joining Wal-Mart, Silver-Parker served as Vice President of Corporate Affairs at AT&T, and President of the AT&T Foundation. She also directed AT&T's National Constituency Relations, Issues Management and Corporate Social Responsibility Programs.

Silver-Parker's excellence in corporate leadership, however, is unmatched by her dedication to compassionate and impactful service at both the national and international levels. She has served as President of the International Women's Forum and has traveled to the Congo, Burundi, and Kenya with the Board of Global Ministries of the United Methodist Church to study health conditions and quality of life of women and children. She is a frequent speaker on issues pertaining to women, diversity, corporate social responsibility and strategic philanthropy.

Throughout her journey, Esther Silver-Parker has mentored countless young people and has made it a personal priority to extend her individual and professional success into many communities. Her work on behalf of the Congressional Black Caucus Foundation has made a lasting impact in the lives of African-American students, teachers, parents, and schools.

Esther has received numerous awards, including the Ebony Magazine Award for Outstanding Women in Corporate Marketing, the Congressional Black Caucus Unsung Hero Award, the DECA Award for outstanding businesswoman, New York City Gus D'Amato Community Service Award, the Atlanta Business League's Outstanding Corporate Person Award, the National AIDS Fund's Leadership Award, the Asian Pacific Islanders Women's Leadership Starfish Award, Alpha Kappa Alpha Sorority, Inc. President's Award, Northwest Arkansas' Just Communities Humanitarian of the Year Award, The Links Spirit Award, the 100 Black Men of America Excellence Award, The Diversity Advocate Award and The Corporate Excellence Award from the National Action Network.

I am immensely grateful for Esther Silver-Parker's selflessness and dedication, and deeply honored to call her my friend.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,940,953,934,792.90.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,302,528,188,499.10 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 6, 2010 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### MAY 7

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for April 2010.
SD–106

#### MAY 11

10 a.m.
Energy and Natural Resources
To hold hearings to examine current issues related to offshore oil and gas development including the Department of the Interior's recent five year planning announcements and the accident in the Gulf of Mexico involving the offshore oil rig Deepwater Horizon.
SR–325

Finance
To resume hearings to examine the President's proposed fee on financial institutions regarding the Troubled Asset Relief Program (TARP), part 3.
SD–215

Judiciary
To hold an oversight hearing to examine United States Citizenship and Immigration Services.
SD–226

Environment and Public Works
Water and Wildlife Subcommittee
Oversight Subcommittee
To hold joint hearings to examine the Environmental Protection Agency's (EPA) role in protecting ocean health.
SD–406

2 p.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine safe patient handling and lifting standards for a safer American workforce.
SD–430

2:30 p.m.
Environment and Public Works
To hold hearings to examine economic and environmental impacts of the recent oil spill in the Gulf of Mexico.
SD–406

#### MAY 12

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine Iran sanctions, focusing on why the United States Government does business with companies who do business with Iran.
SD–342

Armed Services
Personnel Subcommittee
To hold hearings to examine Reserve component programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.
SR–222

Judiciary
Terrorism and Homeland Security Subcommittee
To hold hearings to examine espionage statutes.
SD–226

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Air Force.
SD–192

2:30 p.m.
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold hearings to examine Stafford Act reform, focusing on sharper tools for a smarter recovery.
SD–342

Commerce, Science, and Transportation
To hold hearings to examine the future of United States human space flight.
SR–253

2:45 p.m.
Armed Services
To receive a closed briefing on operations in Afghanistan.
SVC–217

#### MAY 13

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian school safety.
SD–628

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine building a secure future for multiemployer pension plans.
SD–430

2:30 p.m.
Judiciary
To hold hearings to examine certain nominations.
SD–226

MAY 18

10 a.m.
Energy and Natural Resources
To resume hearings to examine issues related to offshore oil and gas exploration including the accident involving the Deepwater Horizon in the Gulf of Mexico.
SD–366

MAY 19

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the proposed Constitution of the U.S. Virgin Islands, S. 2941, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States, and H.R. 2499, to provide for a federally sanctioned self-determination process for the people of Puerto Rico.
SD–366
Veterans' Affairs
To hold hearings to examine pending legislation.
SR–418

MAY 25

9 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

10:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

3:30 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

5 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 26

9:30 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 27

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 28

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222